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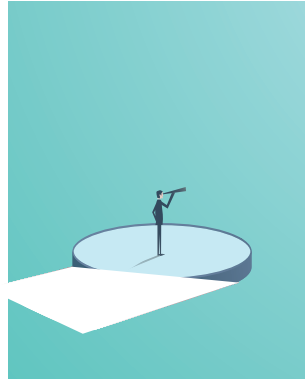
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On the Cover



This issue's featured article discusses the ethical obligations you remain beholden to even after you retire from the practice of law. Author Larry Hunter provides several resources to help navigate this important, and inevitable, transition. Photo credit: Jozef Micic via Adobe Stock.

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Larry Hunter

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The Advocate (ISSN 05154987) is published 9 times in the following months: January, February, March, May, June, August, September, October, and November by the Idaho State Bar, *The Advocate* P.O. Box 895 Boise, ID 83701. Periodicals postage paid at Boise, ID 83701 and additional mailing offices.

POSTMASTER: Send all address changes to the Idaho State Bar, *The Advocate* P.O. Box 895 Boise, ID 83701.

Subscriptions: Idaho State Bar members receive *The Advocate* as part of their annual dues payment. Nonmember subscriptions are \$45 per year.

Eager to Welcome Spring

Lindsey M. Welfley

Thank you for picking up the March/April issue of *The Advocate*! In the words of my four-year-old daughter, “It’s time for new leaves and pretty flowers.” We can only hope springtime finds us soon! In the meantime, we hope you enjoy this edition sponsored by the Professionalism & Ethics Section.

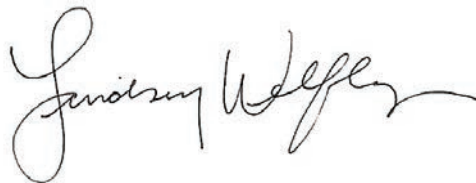
This issue begins with an article by Abbey Schulz who gives some ethical considerations when representing people with disabilities. Next, our featured article by Larry Hunter provides some practical guidance and helpful resources on ethical obligations in retirement—this will be particularly useful to those of you who are in the process of preparing for retirement, or who are already there (congrats!).

Following this helpful guidance, author Texie Montoya explores the ever-interesting world of artificial intelligence in everyday practice. And finally, this issue includes an article by an anonymous author about the challenges and ethical responsibilities of practicing law with a mental illness.

This issue also includes Idaho Supreme Court Chief Justice G. Richard Bevan’s State of the Judiciary Address, given to the Idaho Legislature on January 15, 2025. And as for our continued celebration of the Bar’s history, we are now in the 1950s! This issue’s anniversary article was written by Molly O’Leary and begins on page 36.

Please also save the date for our Anniversary Gala on Wednesday, July 16th in Boise, celebrating 100 years of the Bar and 50 years of the Law Foundation. We will be sending out more information in the coming months and look forward to commemorating such a pivotal milestone with our members.

I hope this issue is your welcome companion as you eagerly await warmer weather. Best,



Lindsey M. Welfley

Communications Director

Idaho State Bar & Idaho Law Foundation, Inc.



the ADVOCATE

MARCH/APRIL 2025

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Bar Actions

W. DUSTIN CHARTERS (Public Censure)

On February 6, 2025, the Idaho Supreme Court entered a Disciplinary Order publicly censuring Boise attorney W. Dustin Charters.

The Idaho Supreme Court found that Mr. Charters violated I.R.P.C. 8.4(c) [Engaging in conduct involving deceit] and I.R.P.C. 8.4(d) [Engaging in conduct prejudicial to the administration of justice]. The Idaho Supreme Court's Disciplinary Order followed a stipulated resolution of an Idaho State Bar disciplinary proceeding

in which Mr. Charters admitted that he violated those Rules.

The formal charge case related to the following circumstances. Mr. Charters was formerly a partner at a Boise law firm ("Firm"). In August 2023, a new associate attorney, "A.N.," joined the Firm. Mr. Charters served as A.N.'s mentor and supervised her work. In September 2023, Mr. Charters engaged in sexual relations with A.N. and a Firm legal assistant, "J.L.," in the Firm's office. After that incident, Mr. Charters offered compensation to both A.N. and J.L. if they did not report his conduct. A.N. and J.L. declined Mr. Charters's

compensation offers. Mr. Charters also offered to complete work that A.N. could then input as her own time and suggested to A.N. that she falsely bill work that he had completed for a client's case as "client development." Despite Mr. Charters's offer and suggestion, A.N. did not falsely enter her time. On September 26, 2023, A.N. and J.L. reported Mr. Charters's conduct to the Firm and his position was subsequently terminated.

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

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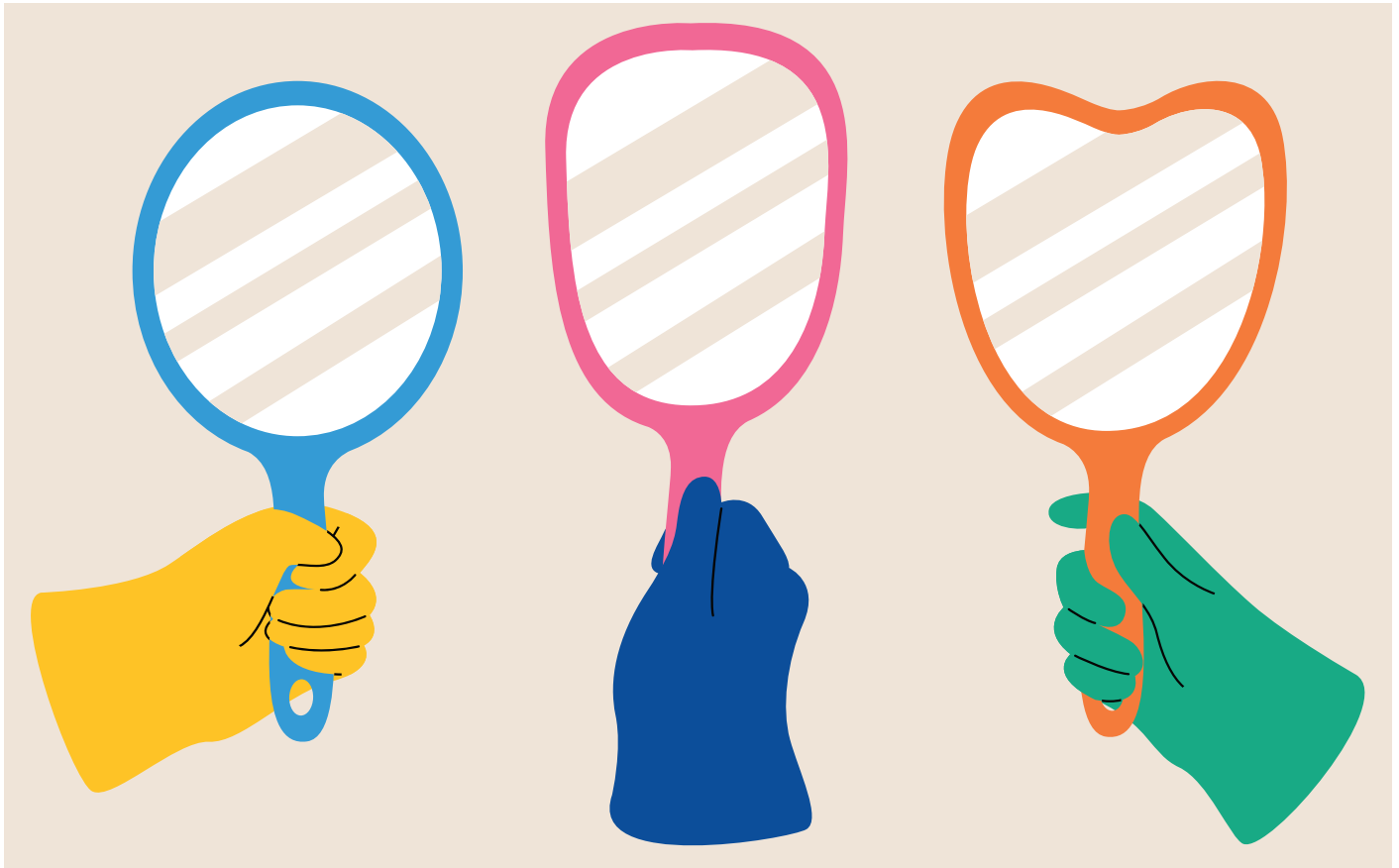


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Attune: Thoughts on Personal Growth

Kristin Bjorkman

Lawyers are fixers, problem-solvers, refiners. We use our skills to create order, as best we can, from the elements of the file in front of us. It could be a challenging negotiation for our client's biggest business opportunity or a complicated child custody situation. Perhaps we are assisting with an immigration question or a social security or workers' compensation claim, the resolution of which will have a deep impact on our client's life and well-being. It might be outside the law. It could be the board we serve on or the mock trial team we coach that is looking to us to provide direction.

As lawyers we are all too often focused on creating a balance for others. We dedicate ourselves and concentrate our effort and thought on others and their circumstances. Yet we need that level of attention too. How often do we allow that gaze to turn inward? Do we look curiously at our

own lives? Do we allow ourselves to fine tune our practice or familiar ways of doing things that may no longer serve us? If you were to examine your own situation, what would it reveal?

I suspect that most lawyers are intellectually curious. We want to learn and be

busy. But focusing that intellectual curiosity inward can be more of a challenge. Could you force yourself to take a purposeful pause and allow yourself time to tune in and reset? Be honest with yourself. Evaluate your own situation, instead of your client's. It might be uncomfortable at first.

QUESTIONS TO ASK YOURSELF REGULARLY:

- Are you doing the work you dreamed of?
- Do your minutes and hours feel meaningful?
- Are you dedicating your energy to the things you value most?
- Is your current position consistent with the things that drew you to law school and the legal profession in the first place?
- Can you remember the last time you participated in something simply because it was interesting regardless of its application to your current practice or caseload?
- How are you currently aligning with the oath you took when you were admitted to the Idaho State Bar?

But if you allow yourself the space, then there is more room for insight and enlightenment. You might see something that needs to change. Conversely, you might realize you are on the path you dreamed of—this can be a pleasant surprise after taking the time for honest reflection.

Sometimes circumstances require us to deviate from the polestar that brought us into the law, or the practice area we hoped to pursue. One way to honor that part of yourself is through pro bono work or other volunteer engagement. If your consultation with yourself reveals that you want to explore beyond the walls that define your current practice, you could check with the Lawyer Referral Service or Idaho Volunteer Lawyers Program and provide help to someone in earnest need of your abilities.

As lawyers, our reality is that we often find ourselves deeply immersed in solving the problems and challenges of others. Yet, it is essential to periodically pause and turn that focus inward, reassessing our own practices, values, and motivations. Are we still aligned with the ideals that initially inspired our careers? Are we creating the type of impact we envisioned when we first entered the profession? By regularly reflecting on these questions, we can recalibrate our approaches, find renewed purpose, and rediscover the passion that led us to law in the first place. Whether through taking on meaningful cases, engaging in volunteer work, or simply carving out time for personal reflection, investing in

ourselves as professionals ensures that we continue to serve others with the same dedication and energy that drew us to this profession in the first place.

It is your turn to catch up and give yourself the attention you deserve.



Kristin Bjorkman is one of two commissioners for Idaho's Fourth District. She is a second-generation Idaho lawyer with decades of experience negotiating and documenting real estate, commercial finance, and business transactions. Her interest in the law was influenced by her father who paused his career in education to get a law degree when Kristin was a teen.

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Bar Counsel's Office

Joseph N. Pirtle

2024 was another busy year for Bar Counsel's Office. Our efforts were primarily divided into four categories: (1) investigating and prosecuting alleged violations of the Idaho Rules of Professional Conduct; (2) assisting with claims to the Client Assistance Fund; (3) assisting the Board of Commissioners, the Character and Fitness Committee, and the Reasonable Accommodations Committee in admissions and licensing matters; and (4) answering ethics questions.

Grievance Investigations and Discipline

There were 378 attorney grievances filed in 2024, which is slightly less than the 399 grievances filed in 2023. Bar Counsel's Office closed 382 grievance investigations in 2024.

Bar Counsel's Office filed 11 cases with the Professional Conduct Board seeking formal discipline in 2024. Most cases resulted in stipulated resolutions with the attorneys. Six of those cases resulted in the

lawyers stipulating to resign their licenses in lieu of disciplinary proceedings, which has the same effect as disbarment.

An alleged violation of the Idaho Rules of Professional Conduct is submitted as a "grievance" for investigation to Bar Counsel's Office. If our investigation establishes that there were no violations of the Rules or if there is insufficient clear and convincing evidence to prove that a violation has occurred, the grievance is dismissed. If we find clear and convincing evidence of a violation of the Rules, the attorney may receive private discipline in the form of an informal admonition or a private reprimand or, in some cases, formal charges may be filed. If the attorney receives private discipline, the grievant will be informed of the sanction in writing but information concerning an attorney's private discipline is not released to the public by Bar Counsel's Office. Grievances resulting in formal charges can involve sanctions ranging from public reprimand to disbarment.

Client Assistance Fund

In 2024, the Client Assistance Fund received 22 claims, up from 14 claims filed in 2023.

The Client Assistance Fund is available to compensate clients who have suffered damages due to the "dishonest conduct" of an attorney. The claims usually involve theft, embezzlement, or the attorney's failure to return unearned fees to the client. Bar Counsel's Office assists the Client Assistance Committee in administering claims, attending meetings, and preparing Findings of Fact, Conclusions of Law, and Recommendations regarding Client Assistance Fund claims.

Admissions and Licensing

Bar Counsel is the lawyer for the Board of Commissioners, the Character and Fitness Committee, and the Reasonable Accommodations Committee. In this role, Bar Counsel's Office assists with admissions and licensing investigations and prepares Findings of Fact, Conclusions of Law, and Recommendations following those investigations. Bar Counsel's Office also represents the Board of Commissioners in admissions and licensing petitions filed with the Idaho Supreme Court, including requests to waive a particular Idaho Bar Commission Rule and review of denied admissions or licensing requests.

Admissions and licensing matters are confidential under the Idaho Bar Commission Rules.

Ethics Questions

In 2024, Bar Counsel's Office answered 1,462 ethics questions, up from 1,294 ethics questions answered in 2023. The most common questions in 2024 again related to conflicts of interest and attorney's responsibilities upon termination of the representation.

All three attorneys in Bar Counsel's Office (Joe Pirtle, Julia Crossland, and Caralee Lambert) respond to ethics questions. We prefer assisting attorneys with ethics questions before there is a possible violation or harm to the public. We appreciate callers who review the Idaho Rules of Professional Conduct before seeking our assistance. Bar Counsel's Office treats ethics inquiries confidentially. We do not, however, provide advice on substantive legal issues.



Joseph N. Pirtle joined Bar Counsel's office in April 2022. Prior to that, Joe was a shareholder and civil litigation attorney with Elam & Burke in Boise. Joe received his B.S. in business finance from the University of Idaho in 2001 and his J.D. from the University of Idaho College of Law in 2004.

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The Ethics of Representing People with Disabilities

Abbey Schulz

Disability impacts all of us and knows no bounds. It transcends race, age, gender, and social economic status. According to the U.S. Centers for Disease Control and Prevention (“CDC”) more than one in four adults in the United States have some type of disability.¹ In 2024, 14.1 percent of Idaho adults have some type of disability.²

These numbers are similar for youth. The National Survey of Children’s Health in 2019 identified one in four children ages 12 to 17 as having unique health care needs.³ In Idaho during the 2021-2022 school year, students with disabilities represented 11.6 percent of the student population.⁴ Given these figures, it is likely that members of the Idaho State Bar will represent a person with a disability sometime in their career.

In providing representation to individuals with disabilities as well as ensuring their equal access to the court system, attorneys and law firms are governed by the Idaho Rules of Professional Conduct (“IRPC”) as well as federal and state laws which prohibit discrimination based on disability. This article provides a general overview of such rules and regulations as well as best practices to meet these requirements.

Applicable Ethics Rules

While Rule 1.14 of the IRPC specifically governs clients with diminished capacity, there are other important rules to consider in representing people with disabilities. Rule 1.14(a) states, “When a client’s capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.” Commentary [1] for the Rule further provides, “The normal client-lawyer relationship is based on the assumption that the client, when properly advised and assisted, is capable of making decisions about important matters.”

Forming the normal client-lawyer relationship also includes following the other applicable rules, including providing competent representation. According to Rule 1.1, “Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.” Specifically, Commentary [5] provides, “Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners.”

Lastly, pursuant to Rule 1.4 regarding Communication, reasonable communication between the lawyer and the client is necessary for the client to effectively participate in the representation. Under this rule, the client “should have sufficient information to participate intelligently in decisions concerning the objectives of the representation and the means by which they are to be pursued, to the extent the client is willing and able to do so.”

Federal and State Law Considerations

The Americans with Disabilities Act (“ADA”)

The ADA is a federal law that prohibits discrimination on the basis of disability in any place of public accommodation, including law firms.⁵ Discrimination includes the failure to make reasonable modifications unless the modification will result in a fundamental alteration. Although there are many requirements under federal and state law, the two requirements most encountered in legal practice include ensuring communications with clients and their companions are effective and ensuring equal access for individuals with disabilities to be accompanied by their service animal. Title III of the ADA requires the public

accommodation provide appropriate auxiliary aids and services where necessary to ensure effective communication.⁶ Title II of the ADA covers state and local governments (such as public education or town meetings) and also requires that communication with people with disabilities be as effective as communication with others.⁷

For example, it may be necessary to provide and pay for a qualified American Sign Language (“ASL”) interpreter to ensure the lawyer can effectively communicate with a deaf or hard of hearing client. If the aid or service would result in a fundamental alteration or undue burden, then an alternative aid or service needs to be considered and implemented. Fundamental alteration is defined as “a modification that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered.”⁸ Undue burden is defined as significant difficulty or expense.⁹ Deciding if an aid or service would result in a fundamental alteration or undue burden is made on a case-by-case basis. If the client wants a companion (someone other than the person receiving the good or service) to be present during the interview or communication with the lawyer but the companion needs an aid or service, the firm must provide such aid or service as well to ensure effective communication.

There are also Idaho state law licensure requirements when it comes to ASL interpreters.¹⁰ Pursuant to this law, parents and family members are not permitted to serve as interpreters because interpreters must be licensed pursuant to Idaho law. Historically entities have expected a person who uses ASL to bring a family member or friend to interpret for him or her. However, “these people often lacked the impartiality and specialized vocabulary needed to interpret effectively and accurately.”¹¹ Therefore, the ADA places responsibility for providing effective communication, including the use of the interpreters, directly on the covered entities.¹²

For attorneys, the requirement to ensure effective communication, including the requirement to provide an ASL

interpreter, if necessary, exists at all stages of representation from initial consultation to court appearances. Idaho Court Administrative Rule 50(e) further explains that attorneys can work with trial court administrators to ensure the effective communication needs of their clients are met in the court setting.

A person with a disability may be assisted by a service animal.¹³ Under the ADA, a service animal is defined as dogs that are individually trained to do work or perform tasks for people with disabilities.¹⁴ For example, a task could be alerting a person with a peanut allergy to traces of peanuts cooked in a dish. According to the ADA, service animals are allowed to be with their person in places of public accommodation, including in state and local governments, businesses, and nonprofit organizations that serve the public generally and even in places that do not allow pets.¹⁵ A firm can only exclude a service animal from it if it would fundamentally alter the function of the firm. This means that the service animal cannot be excluded based on allergies or a fear of the animal.

A person with a disability cannot be asked to remove their service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. If there is a legitimate reason to ask the service animal to be removed, staff must still offer the person with the disability the opportunity to obtain the services without the animal’s presence.

In 2010, the Department of Justice (“DOJ”) entered into a consent decree with a Colorado attorney who denied a person with a disability access to the firm based on their service animal. The attorney was forced to pay \$50,000 in fees and penalties and undergo training.¹⁶ Members of the Idaho State Bar should also be aware of the state law provisions applicable to service dogs, which provide an additional right to individuals with disabilities to be accompanied by their service dog in places of public accommodation, including certain rights for handlers of service dogs in training.¹⁷ Under Idaho law, any person who intentionally

denies a person using a service dog access to any place of public accommodation may be held criminally and civilly liable.¹⁸

Idaho Human Rights Act

Similarly to the ADA, the Idaho Human Rights Act provides that places of public accommodation, *i.e.*, businesses whose services are available to the public, may not deny an individual full and equal enjoyment of the goods, services, facilities, privilege, advantages, and accommodations they provide.¹⁹ According to this law, any person who owns, leases, or operates a place of public accommodation must make reasonable modifications in policies, practices, or procedures when such modifications are necessary to afford access, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of the service.

Best Practices

In representing people with disabilities, you must refrain from making assumptions or judgments about the person’s ability to comprehend their legal case. Instead, as indicated by Comment 1 to Rule 1.14, the lawyer shall maintain a normal client-lawyer relationship which assumes that the client, when properly advised and assisted, can make decisions about important matters. No two clients are the same, which is true even if the client has a disability or the same diagnosis as another. For example, one client with post traumatic stress disorder (“PTSD”) will experience the condition differently than another client with PTSD.

To properly advise or provide sufficient information for the client to participate in the decisions of their case, it will take creativity to understand how to accomplish this for each client. It is always best practice to ask the client how they want their disability to be acknowledged or not in any legal documents. For example, some people prefer to identify as a person with autism while others will say they are an autistic person.

While it is appropriate to ask the client how they would like to be communicated

with, often, even if I have a phone conversation with a client, I will follow up with an email detailing our conversation for the client to have a written record they can consult thereafter. Legal cases frequently contain complex concepts and language which can be challenging for any client to understand. The best practice when representing clients with disabilities is to communicate in plain language.

The best practice is to consult with the client to determine how they want to be communicated with. There are many communication services in use today. Some examples include Video Remote Interpreting, headphones compatible with hearing aids, screen readers, or providing documents in large print. Effective communication requires paying attention to the details of how a client wants to be communicated with. The client is the best person to know what type of communication works for them. If an interpreter is utilized, always speak directly to the client—who the lawyer has legal and ethical obligations to. When working with a client who has a service animal, always speak to the client and only acknowledge the service animal if the client allows. The service animal is working, and the lawyer's ethical and legal obligations are to the client.

Pursuant to the Rules of Professional Conduct outlined previously, a lawyer must be competent to understand the factual and legal elements of the problem. Therefore, it is imperative to be able to communicate effectively with the client, who likely holds the factual information of the case. To assess the facts, it can be helpful to ask the client questions in a few different ways. One way can be asking yes or no questions. A lawyer may need to ask the client to repeat or explain statements made. To communicate clearly, lawyers should avoid compound questions.

When interviewing a client, it is best to limit distractions to assure everyone's full focus during the interview. Some clients may prefer to have a trusted person with them when speaking with a lawyer. According to Rule 1.14, a client "may wish to have a family member or other persons participate in discussions with

the lawyer. When necessary to assist in the representation, the presence of such persons generally does not affect the applicability of the attorney-client evidentiary privilege."

However, lawyers need to communicate with clients the possible legal implications of having another person present. Even if the client chooses to have another person present, the lawyer must look to the client, not the other person, to make decisions on the client's behalf, according to the rule. While lawyers need to be competent regarding the legal analysis of the case as well, it may be best to seek assistance on the disability aspects of the case, if the lawyer is unfamiliar with handling them.²⁰

Youth-Specific Best Practices

Comment 1 to Rule 1.14 states, "children as young as five or six years of age, and certainly those of ten or twelve, are regarded as having opinions that are entitled to weight in legal proceedings concerning their custody." Youth clients with disabilities deserve to have their voices heard in legal proceedings, particularly when the case directly impacts them. It is best practice to determine the goals the youth wants to accomplish in their legal case and the best way to communicate the possible steps forward is through plain language. It can be helpful when interviewing the youth to have an activity for them to complete such as a fidget spinner or coloring book. This keeps the youth engaged but allows them to feel comfortable in the environment talking to a lawyer, likely about uncomfortable topics.

In many cases, parents and youth generally have similar goals. However, youth may not agree with their parent or guardian on how best to achieve those goals. For example, not all youth want to be labeled as having a disability and therefore do not want to be on an individualized education plan ("IEP") in school. This can be a difficult situation to navigate as the lawyer since it is likely the guardian who is consenting to the lawyer's help, but ultimately the youth is the client who will be directly impacted by the outcome.

If a 17-year-old youth for example did not want to be on an IEP and receive services, but the parent did, it would be difficult to advocate for this outcome since the youth who would actually get the services would have no buy-in or will to complete them. In fact, this outcome could be detrimental to the student who may instead form a school avoidance or truancy issue. If the youth were younger and experiencing this issue, it is always best practice to speak with both the guardian and the youth to hear all sides and try to come to a mutual agreement on the desired outcome. Maximizing the youth's capacity to determine the direction of the representation and guiding them through the various steps to do so empowers the youth immensely to drive their own success.

Conclusion

As lawyers, we have a legal and ethical obligation to advocate for the outcomes our clients are seeking. To achieve this, we must listen and communicate effectively to understand their goals. For our clients with disabilities, this may mean taking extra time to edit the font size and type on documents to make them more accessible, hiring an interpreter to assist in ensuring your communications are effective, or sending follow-up emails. All of which is worth it to ensure we not only fulfill our ethical obligations but also treat our clients and their companions with the respect and dignity they deserve.



Abbey Schulz is a staff attorney in the Youth Unit at DisAbility Rights Idaho. Abbey has been an advocate for the disabled community since her younger brother, Sam, was diagnosed with Autism. She worked at both the Indiana and Illinois Protection & Advocacy agencies before moving to Idaho. Beyond work, Abbey loves traveling with her husband.

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Parsons Behle & Latimer welcomes associate attorney Kate Wheeler Peterson to the firm's Idaho Falls office

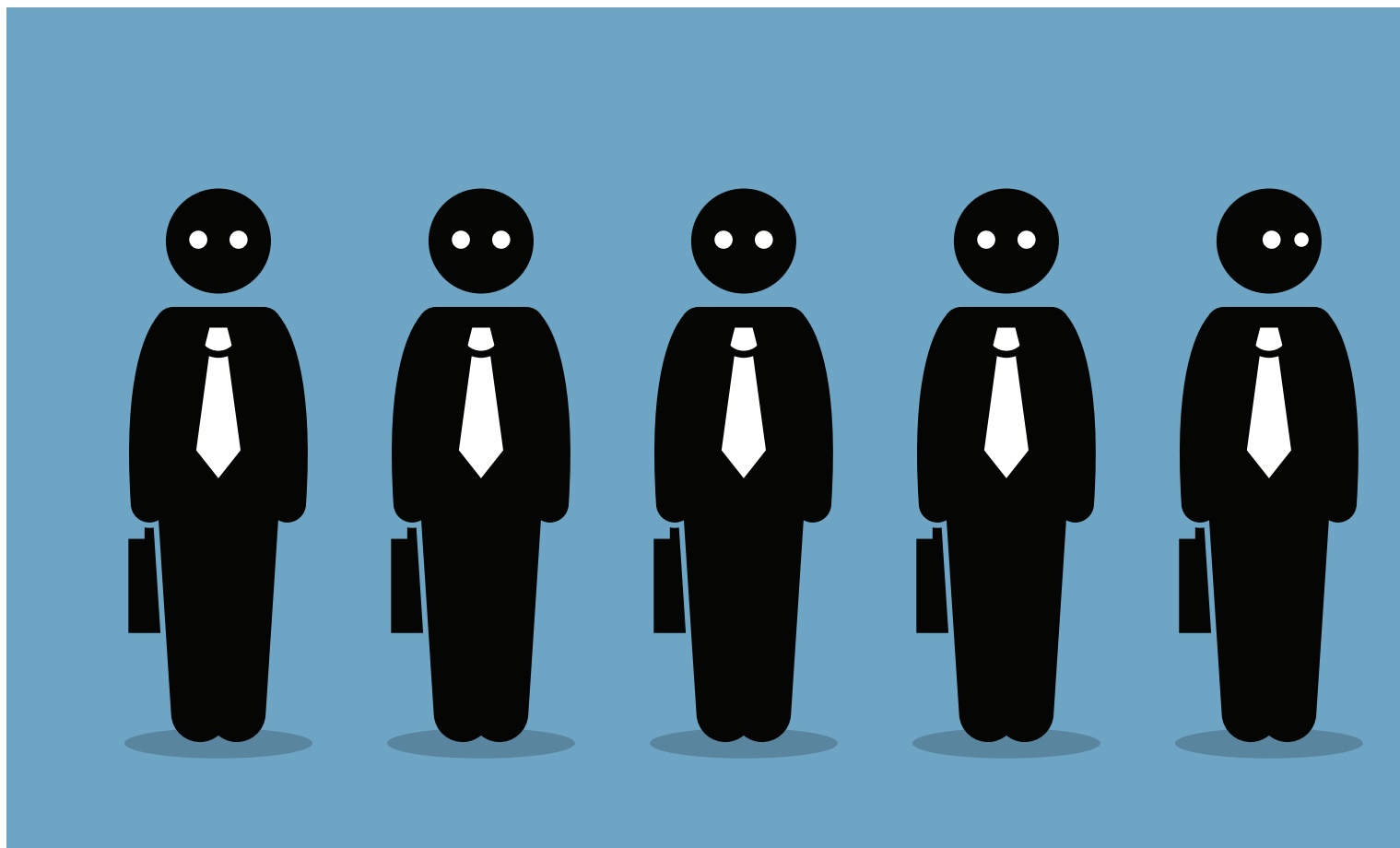
Kate focuses her practice on business, real estate, and bankruptcy primarily in the agriculture and construction industries. She represents various business entities in business formations and dissolutions, litigation, water rights, and energy leases. Her real estate experience includes transactions, boundary disputes, quiet title actions and easement disputes. Kate also represents creditors and trustee clients navigating bankruptcy and business restructuring. Prior to joining Parsons, Kate practiced law at the Idaho-based firm of Racine Olson, PLLP. Visit parsonsbehle.com to learn more.

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Ethics for Retired Attorneys

Larry Hunter

Periodically I see someone with whom I have not spoken in a while, and they ask me if I am still practicing law. When I tell them no, often they will say: “I did not know that attorneys retired.” In some sense we will always be attorneys; however, attorneys do retire from active practice, and this article will explore some of the ethical ramifications of retirement.

When we became attorneys, we were administered on Attorney’s Oath that requires us to abide by the rules of professional conduct and act always within the high standards of our profession.

In addition, several years ago the courts and the Idaho State Bar adopted the “Standards for Civility in Professional Conduct.” While these standards are voluntary, they exemplify the “high standards of (the) profession” referred to previously.

ATTORNEY’S OATH

I do solemnly swear (or affirm) that:

I will abide by the rules of professional conduct adopted by the Idaho Supreme Court...

I will conduct myself personally and professionally in conformity with the high standards of my profession...



communicate with the client to determine if the client wishes to remain with the firm or transfer to another representation. That determination will depend on various factors, but the client should be allowed to make that decision. If it is a client of the firm, the client would probably appreciate a referral within the firm, but the attorney cannot make that decision unilaterally.

Extended Absences. Although not in *retirement* per se, an attorney may take an extended leave of absence while performing public or religious service, for illness, heavy and lengthy involvement in another case, etc. Once again, notice needs to be provided to the client of the attorney's absence. However, in these situations, it is more likely that another attorney that has been working with the soon-to-be absent attorney will be able to step in. Nonetheless the client should be advised and consulted in advance.

Trust Account Obligation. Closing a law practice involves resolving all financial matters, including finalizing trust account distributions. Retiring attorneys should consult the Idaho State Bar's guidance on trust account management to ensure compliance with the safekeeping provisions of Rule 1.15.

Succession Planning. The IRPC Rule 1.3 Commentary emphasizes the importance of preparing for unexpected circumstances. Retiring attorneys, especially sole practitioners, should implement a succession plan designating another attorney to oversee the orderly transfer of client matters in the event of death or incapacity. Succession planning should be started early to ensure that the professional obligations are fulfilled.

Post-Retirement Status Options

The Idaho State Bar provides several pathways for retired attorneys:

Emeritus Status. Under Idaho Bar Commission Rule 228, attorneys may elect emeritus status, allowing them to provide pro bono legal services under the auspices of a qualified legal services organization such as the Idaho Volunteer Lawyers Program and Idaho Legal Aid Services

The decision to retire from the practice of law marks a significant transition in a person's professional life, to say nothing of their personal life, requiring retiring attorneys to navigate a new phase of professional and ethical responsibilities. Even after stepping away from active practice, retired attorneys in Idaho must remember their obligations under the Idaho Rules of Professional Conduct ("IRPC") as well as other considerations that arise uniquely for those who have left the profession. This article examines these obligations and provides guidance on maintaining professionalism and ethical integrity after retirement.

Transitioning Out of Practice

Attorneys are subject to the Attorney's Oath regardless of the area of law in which they practice—private, public, corporate, non-profit, and so forth. There are too many fields and specialties in which attorneys work to enumerate them all, but retired attorneys

who retain their licenses in whatever capacity are bound to conduct themselves personally and professionally in conformity with the "high standards of the legal profession."

Rule 1:16(4) of the IRPC governs the termination of representation of a client, including by retirement. Attorneys planning to retire must take reasonable steps to protect their clients' interest, including:

Providing Notice. Clients should be informed well in advance of the attorney's intent to retire, allowing sufficient time for the client to seek alternative representation.

Returning Client Property. Rule 1.15 requires attorneys to return client property and unearned fees promptly.

Facilitating File Transfers. Attorneys must ensure that client files are transferred to new counsel or returned to the client, maintaining confidentiality as required under Rule 1.6.

Reassignment Within a Firm. If the retiring attorney is associated with a firm of two or more attorneys, they need to

or other non-profit organizations. This option enables retired attorneys to stay engaged with the profession while serving their communities.

Inactive Status. Attorneys who no longer wish to practice but want to retain membership in the Idaho State Bar may transfer to inactive status. While exempt from continuing legal education (“CLE”) requirements, inactive members must still adhere to certain ethical standards, including prohibitions on unauthorized practice of law under Rule 5.5.

Resignation. Some attorneys may choose to resign from the Idaho State Bar entirely. Resignation entails relinquishing the right to practice law and requires compliance with procedures outlined in Idaho Bar Commission Rule 306. Notably, resignation does not absolve attorneys of past ethical violations.

Senior Member. Rule 302 (d) (1) describes the status of a senior member as any active, inactive, or judicial member aged 65 or older who is not engaged in the practice of law and has submitted a request to the Bar asking for transfer to senior status. The annual fee is established by Rule 304 (d). The licensing requirements for senior status are the same as for inactive members.

Active or House Counsel Member. Some attorneys, while denominating themselves as retired, may continue to maintain

an active license, but choose not to utilize it. This may be particularly true of those attorneys who are aged 72 or older. They can maintain an active license for an annual fee of \$70, the same fee as an emeritus member or a senior member who is over 65 years old. There may be several reasons for this option, but it requires care on the part of the attorney not to inadvertently offer legal advice outside the narrower scope allowed to the emeritus member, if they do not maintain malpractice insurance.

Ethical Considerations Post Retirement

Retired attorneys remain bound by several ethical obligations, even after ceasing active practice:

Confidentiality. Rule 1.6 imposes a continuing duty to protect client confidences. Retired attorneys must safeguard all information acquired during the representation of clients, ensuring compliance with this foundational rule.

Avoiding Conflicts of Interest. Retirement does not absolve attorneys of other duties to former clients. Rule 1.9 restricts the representation of new clients in matters substantially related to those handled during active practice if the interests of the former client are materially adverse and the attorney has retained an active license. Even an emeritus licensee may confront

this rule if their limited representation poses a possible conflict with a prior client.

Prohibition on Unauthorized Practice. Retired attorneys who hold inactive status or have resigned must avoid the unauthorized practice of law, as outlined in Rule 5.5. Activities such as providing legal advice, drafting legal documents, or holding oneself out as a practicing attorney may constitute violations.

Civility and Professionalism. The Idaho Standards for Civility in Professional Conduct, adopted by the Idaho State Bar, encourage attorneys to uphold civility and professionalism. Retired attorneys who serve as mentors, arbitrators, or in other professional capacities should model these standards. Unless an attorney completely distances themselves from the law, almost any retired attorney is still held to the Oath they took on admission to conduct themselves in conformity with the high standards of their profession.

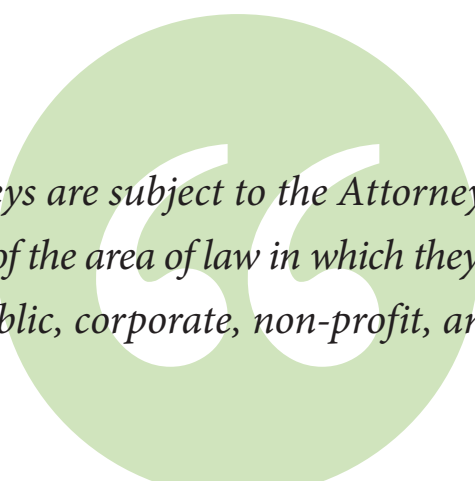
Continuing Legal Involvement

Retirement offers opportunities for attorneys to remain engaged in the legal and non-legal community without maintaining a full-time practice. These roles allow retired attorneys to leverage their experience while adhering to ethical standards:

Mentorship. Retired attorneys can serve as mentors to newer members of the bar, sharing wisdom and fostering professionalism within the legal community. Mentorship programs often provide structured opportunities to guide less experienced attorneys.

Mediation and Arbitration. Retired attorneys with expertise in specific areas of law may serve as mediators or arbitrators. These roles demand adherence to impartiality and confidentiality standards under the IRPC and other governing bodies. The retired attorney acting as mediator must be careful not to hold themselves out to be practicing attorneys if they are working under a limited license. They can indicate that they have legal experience.

Legal Education and Writing. Retired attorneys may contribute to the profession



Attorneys are subject to the Attorney’s Oath regardless of the area of law in which they practice—private, public, corporate, non-profit, and so forth.

through CLE presentations, writing articles, or authoring legal treatises. These activities promote the advancement of the law and support the professional development of active practitioners. The attorney's obligation not to intentionally mislead or misrepresent in presenting information applies to retired attorneys.

Pro Bono Work. Emeritus attorneys can provide pro-bono legal services, addressing unmet legal needs in Idaho communities. Organizations such as the Idaho Volunteer Lawyers Program facilitate opportunities for retired attorneys to give back to the community. There are also other programs within which retired attorneys can provide pro bono services. Of course, service in other non-legal community organizations is also available, if no misrepresentation is made regarding the status of their license.

Managing Challenges Unique to Retirement

Health and Wellness. The Idaho legal community's emphasis on wellness extends to retired attorneys. Maintaining mental and physical health is critical, particularly for those transitioning out of high-stress legal careers.

Navigating Technology. Retired attorneys must consider the ethical implications of technology, particularly concerning the

storage and destruction of electronic client files. Rule 1.6(c) emphasizes the importance of safeguarding client information against unauthorized access or inadvertent disclosure, even by retired attorneys.

Addressing Complaints and Liability. Retired attorneys may still face grievances or malpractice claims related to their active practice. Maintaining liability insurance for a period after retirement may provide protection against such risks. Some pro bono organizations such as the Idaho Volunteer Lawyers Program may provide malpractice insurance.

Concluding Thoughts

Retirement from the practice of law does not signify an end to the ethical and professional responsibilities that define an attorney's career, nor does it cancel the Oath of Office taken by attorneys or spell an end to an attorney's ability to benefit society. By adhering to the Idaho Rules of Professional Conduct and embracing opportunities for meaningful engagement, retired attorneys can continue to contribute to the legal profession while navigating this new chapter with integrity and purpose. In any case, an attorney never ceases to be "an attorney" except by active choice or neglect.

Attorneys contemplating retirement are encouraged to consult resources

provided by the Idaho State Bar. The Idaho State Bar's Succession Planning website, handbook, and other resources are invaluable tools for planning a smooth transition, ensuring compliance with ethical standards, and protecting clients' interests.¹ For those seeking to balance a legacy of service with personal well-being, retirement presents both challenges and opportunities that, when approached thoughtfully, reflect the highest ideals of the legal profession.



Larry Hunter is retired after a 44-year practice in Boise. He was primarily a litigator but also practiced administrative law and alternative dispute resolution. He was on the Idaho State Bar Board of Commissioners from 2000-2003 (President, 2003) and represented Idaho in the ABA House of Delegates from 2003-2020. He has been married to his wife, Iris, for 53 years and they have six children and 23 grandchildren. He received the Distinguished Lawyer Award from the Idaho State Bar in 2023.

Endnote

1. These resources are available at <https://isb.idaho.gov/member-services/programs-resources/succession-planning/> and <https://isb.idaho.gov/member-services/programs-resources/succession-planning/additional-resources/>.

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Generative AI in Legal Practice: A Survey of Professional and Ethical Challenges

Texie Montoya

Across industries and around the globe, generative Artificial Intelligence (“AI”) is revolutionizing the way we work, create, and solve problems. While many use AI for tasks like answering basic questions or generating creative content, its impact extends far beyond these everyday applications. From manufacturing to healthcare to entertainment, this technology is driving unprecedented evolution, opening doors to possibilities once thought impossible. Naturally, these sweeping changes have also reached the legal profession, where tools like CoCounsel,¹ Spellbook,² and Clearbrief³ are reshaping how attorneys practice law and engage with their clients. These tools bring immense potential for drafting documents, conducting research, and generating creative content. However, their integration raises critical ethical and professional questions.

Notably, generative AI has become embedded in the tools and platforms

professionals already use daily. Word processors suggest text completions, email solutions use predictive text to draft replies, and legal research platforms, including Fastcase, identify relevant case law with AI-powered algorithms. Whether or not you realize it, you are now likely interacting daily with generative AI during routine tasks, underscoring the importance of understanding its capabilities and limitations.

This article explores the professional and ethical considerations of using generative AI in legal practice, highlighting applicable rules of the Idaho Rules of Professional Conduct and concludes with some high-level practical tips to avoid professional or ethical missteps.

Competence: Understanding the Technology

Competence, as outlined in Rule 1.1 of the Idaho Rules of Professional Conduct (“IRPC”), requires attorneys to provide skilled and informed representation.⁴

Comment [8] to IRPC 1.1 explicitly states, “To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.”⁵ This reflects the profession’s acknowledgment that technology, including AI, is not optional but integral to modern practice.

In the context of generative AI, competence means more than knowing these tools exist. Attorneys must understand their capabilities and limitations. AI can generate drafts, suggest arguments, and analyze data patterns, but it is not infallible. I thought we’d all heard of the 2023 case of *Mata v. Avianca, Inc.*, where a lawyer’s blind reliance on AI resulted in a brief containing totally fabricated case law. The court noted the unprecedented nature of submitting fictitious legal authorities.⁶ But apparently some

attorneys did not get the memo and attorneys in multiple jurisdictions have continued to submit filings which rely upon and cite cases that are entirely made up.⁷ Ensuring accuracy and staying updated on AI's rapid evolution through continuing education or industry publications are essential aspects of competence.

Generative AI tools also bring risks of “hallucinations,” where outputs appear plausible but lack factual basis. Lawyers must verify all AI-generated content, especially when it affects legal advice or is submitted to a court. Because these tools are often embedded in widely-used tools like email platforms and document editors, attorneys might unknowingly rely on these systems for tasks like grammar suggestions or summarizing client correspondence. This makes it even more critical to verify outputs, test tools, and recognize when AI is influencing the work product.

Attorneys new to AI can begin by using it for low-stakes tasks like drafting internal memos or brainstorming arguments. Comparing the results produced by an AI tool to known cases or scenarios can help attorneys assess the tool's accuracy which can in turn build confidence while ensuring reliability. Investigating how the AI tool was trained and how it handles biases is another step toward responsible use. Oftentimes, the provider of the tool is transparent about its data sources, training methods, and bias mitigation on its website and in its documentation but an attorney may also consider questioning the vendor, independently testing the AI's outputs for bias, or consulting legal tech reviews and academic studies. While AI can enhance efficiency, it remains a helpful assistant, not a substitute for human expertise.

Confidentiality: Safeguarding Client Information

IRPC 1.6 provides that “a lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted” or an exception applies.

Generative AI often requires data inputs, posing risks if sensitive client information is mishandled. Some platforms retain input data for training purposes, potentially exposing confidential details. Attorneys using platforms that retain data have faced ethical complaints—using platforms that train on client data could surely subject them to even more serious complaints.

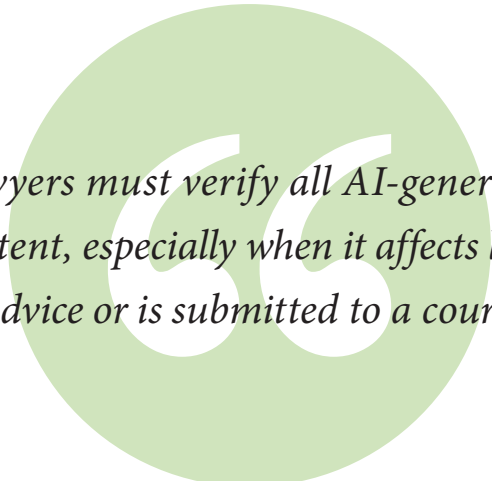
As mentioned, many of the tools lawyers have been using for years or even decades, including email, document review platforms, and case management solutions now incorporate generative AI features like automatic summarization or predictive text. While these features can be convenient, they also introduce potential risks if sensitive client information is inadvertently shared or processed inappropriately. For example, an attorney might use their email platform's AI-powered summarization feature to condense a long email thread about a case into brief highlights. To do so, the AI tool likely uploads the email content to cloud-based servers for processing; that content, which could include confidential client information, is now accessible to the AI provider's system. Using that same example, if the AI-powered email tool includes auto-reply suggestions, it could generate a premature or inappropriate response which, if sent, could also violate IRPC 1.6 or have other unintended consequences.

Lawyers must consider whether they can anonymize client data before using AI. Replacing specific details, such as names, addresses, and dates of birth, with placeholders or generalized descriptions is one strategy to mitigate risk. Reading and understanding the terms of service of AI providers is equally critical to ensure compliance with confidentiality obligations. Moreover, choosing tools designed specifically for legal professionals such as those described previously—which prioritize data security—adds an extra layer of protection.

Failing to safeguard client information can result in severe consequences, including ethical violations, loss of trust, and legal liability. Thoughtful integration of AI, supported by clear confidentiality protocols, helps attorneys navigate these challenges responsibly.

Communication: Informed Use of Technology

Effective client communication, as mandated by IRPC 1.4, includes informing clients when AI is being used in their representation. IRPC 1.4(a)(2) specifies that a lawyer must “reasonably consult with the client about the means by which the client's objectives are to be accomplished.”⁸ If the use of AI significantly impacts the



Lawyers must verify all AI-generated content, especially when it affects legal advice or is submitted to a court.

outcome of legal work—such as drafting key documents—disclosure is advisable. Similarly, when AI contributes to cost savings, clients may appreciate knowing how it is improving efficiency.

Transparency fosters trust. Clients should understand how AI is being used, including its potential risks and benefits. For example, a transactional lawyer using AI to draft a merger agreement might explain, “We utilize advanced technology to streamline drafting, but rest assured, I review every detail to ensure it aligns with your goals and complies with the law.” Such communication reassures clients that technology enhances the practice without compromising quality.

Fees: Ethical Billing Practices

Under the IRPC 1.5, “A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses.”⁹ Lawyers using AI tools must ensure that fees for AI-assisted tasks align with this requirement by reflecting the actual time spent and any associated costs. For example, billing for tasks automated by AI must not result in inflated rates but should correspond to the efficiencies gained.

Candor Toward the Tribunal: Ensure Accuracy in Submissions

IRPC 3.3 imposes a duty of candor, stating, “A lawyer shall not knowingly make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal.”¹⁰ Lawyers relying on AI-generated outputs must meticulously verify the accuracy of such content to prevent submitting fabricated case law or misleading analysis.

Nonlawyer Assistants:

Attorneys remain fully accountable for all work products, including those involving generative AI tools. Under IRPC 5.3, lawyers have a duty to supervise nonlawyer assistants, including their use of technological tools, ensuring they

are used in a manner consistent with professional obligations.¹¹ This rule highlights the importance of oversight when delegating tasks to subordinates or third-party vendors.

Supervisory responsibilities require attorneys to establish clear standards for AI use and provide thorough review of its outputs. For example, cross-checking AI-generated citations and arguments against authoritative sources is essential to prevent errors or misrepresentations. Failure to verify such outputs could harm a client’s case and undermine the attorney’s credibility. Attorneys must also implement policies and training programs within their firms to ensure subordinates understand the ethical implications of using AI tools. Generative AI should enhance, not replace, human expertise, with attorneys exercising judgment and diligence at every step.

Personally, I wonder if Rule 5.3 will someday include generative AI tools in its definition of “nonlawyer assistants.”

Marketing and Advertising:

AI-generated marketing content must comply with ethical rules, such as IRPC 7.1 and 7.2, which prohibit false or misleading statements.¹² Attorneys should review all AI-generated promotional materials to ensure they accurately reflect their qualifications and experience.

Maintaining a professional tone is essential, as overly generic or exaggerated content may undermine the firm’s reputation.

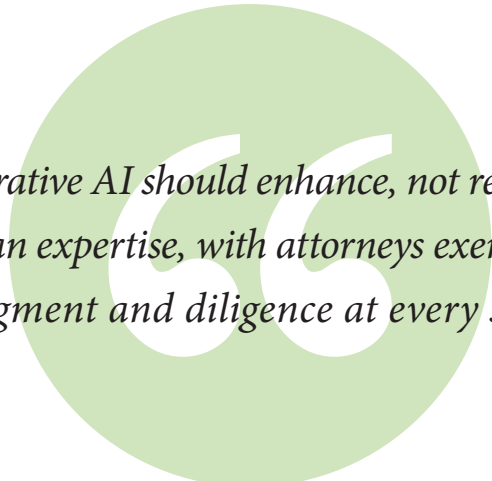
For instance, while AI can draft LinkedIn posts or client newsletters, human oversight ensures alignment with the firm’s branding and ethical standards. This balance between automation and authenticity is key to effective and responsible marketing.

Avoid Misconduct:

Under IRPC 8.4(c), “It is professional misconduct for a lawyer to [...] engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.”¹³ This rule applies to the use of generative AI tools, as relying upon or citing inaccurate or misleading outputs—even those generated unintentionally—could constitute misconduct. Attorneys must carefully evaluate AI-generated work to ensure it is accurate and transparently presented, safeguarding the integrity of their practice and maintaining ethical standards.

Access to the Legal System:

The preamble of the Idaho Rules of Professional Conduct emphasizes that “a lawyer should seek improvement of the law, access to the legal system, the administration of justice, and the quality of service rendered by the legal profession.”¹⁴ Generative AI offers significant



Generative AI should enhance, not replace, human expertise, with attorneys exercising judgment and diligence at every step.

PRACTICAL TIPS FOR ETHICAL AI USE

Understand the Tool: Train yourself and your team on AI capabilities and limitations.

Craft Quality Prompts: Remember the principle of “garbage in, garbage out.” The quality of AI outputs depends heavily on the precision and clarity of the prompts provided. Invest time in learning how to write effective, unbiased, and detailed prompts to achieve better results.

Review Outputs: Treat AI generated work as preliminary drafts, not final products.

Protect Data: Use secure, vetted platforms that prioritize confidentiality. Properly de-identify data before submitting client information to an AI application.

Stay Informed: Keep up with Bar opinions and evolving ethical standards. Also stay abreast of new databases, information, and functions added to the AI applications that you use. Many of the most common AI solutions have already released several iterations.

Develop Policies: Establish organization-wide guidelines for AI usage, covering approved tools, review protocols, and training requirements.



Texie Montoya is an Associate General Counsel at Boise State University where she has worked since 2012. Prior to joining Boise State, Texie clerked

for the Honorable Stephen M. Brown at the Washington State Court of Appeals Division III in Spokane, Washington. Texie received her bachelor’s degree from Boise State, where she served as Student Body Vice President and delivered the commencement address with her twin sister in 2006. She earned her juris doctor from Gonzaga University School of Law in Spokane, where she served as President of the Student Bar Association.

Texie currently serves on the executive boards of the Professionalism and Ethics Section, the Government and Public Sector Lawyers Section, and Attorneys for Civic Education. Texie is also the board president of Go Lead Idaho, a local non-profit organization dedicated to women’s leadership. Texie lives in Boise with her husband, stepson, and two daughters.

Endnotes

1. CoCounsel is an AI-powered legal research tool.
2. Spellbook is an AI-powered contract drafting and review tool.
3. Clearbrief is an AI-powered legal writing and analysis tool.
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8. Idaho Rules of Prof’l Conduct r. 1.4.
9. *Id.* r. 1.5.
10. *Id.* r. 3.3.
11. *Id.* r. 5.3.
12. *Id.* r. 7.1, r. 7.2.
13. *Id.* r. 8.4.
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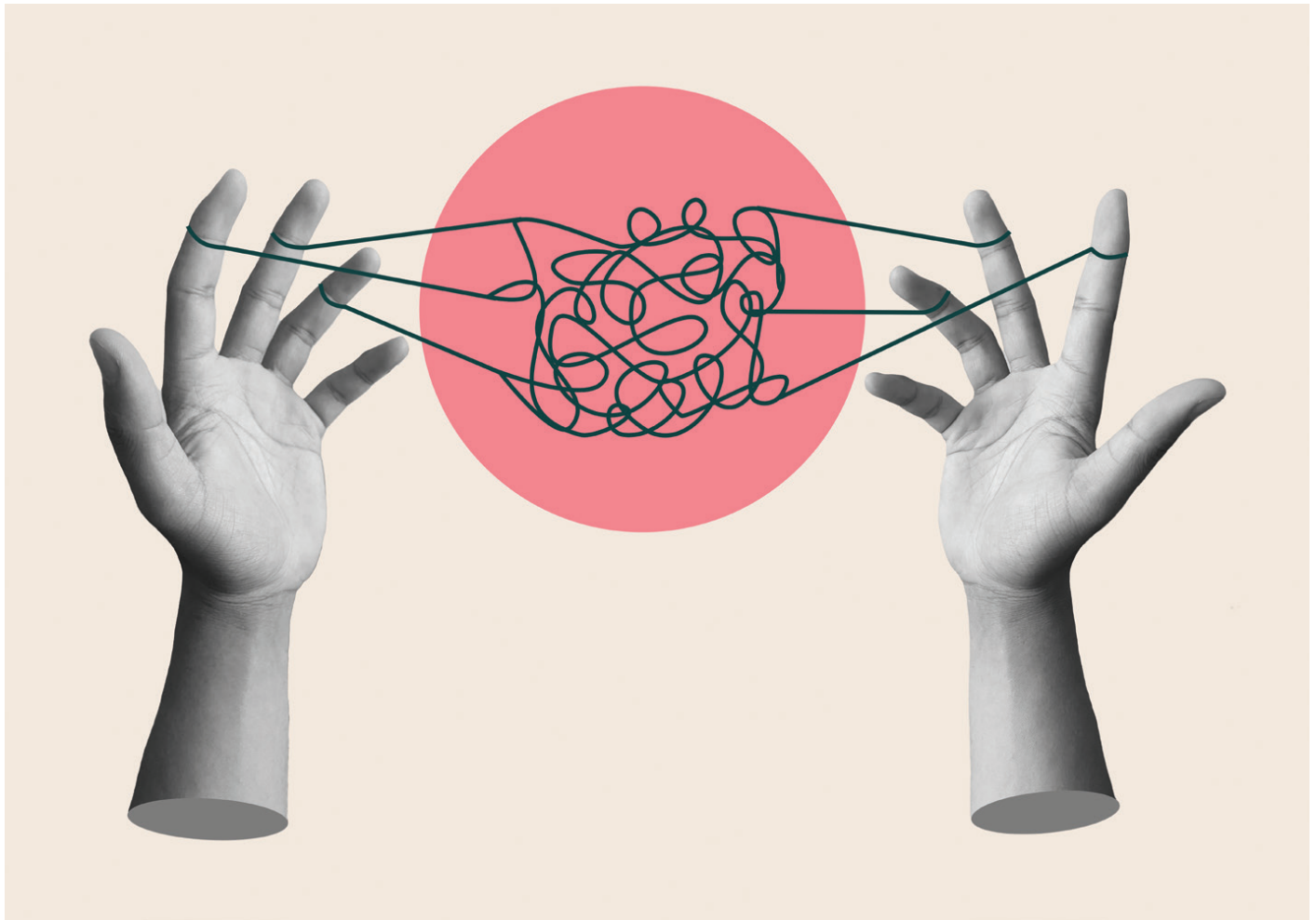
opportunities to lower costs and improve efficiency, but not all sectors can equally benefit. Sole practitioners, small firms, and legal aid organizations often lack the resources to adopt advanced AI tools, exacerbating existing disparities in access to justice. Furthermore, AI models trained on biased data risk perpetuating systemic inequities, potentially affecting vulnerable clients who rely on these organizations.

For individuals, AI-driven platforms provide new avenues for self-help, guiding users in creating legal documents, understanding their rights, and navigating legal processes. Advocating for open-source AI tools and ensuring inclusivity in their design can empower individuals while reducing disparities. By addressing both resource gaps for legal professionals and promoting fair tools for individuals, generative AI has the potential to bridge divides in the legal system and advance the mission of improving access to justice.

Conclusion

Generative AI is not just a technological advancement—it is a transformative force that can revolutionize legal practice for the better. Its ability to enhance efficiency, improve accessibility, and streamline complex legal tasks makes it an invaluable asset for attorneys who embrace innovation. While ethical considerations must be carefully navigated, in my opinion, the benefits of AI outweigh the risks when used responsibly. By integrating AI thoughtfully and strategically, lawyers can elevate their practice, serve clients more effectively, and focus on the sophisticated reasoning and advocacy that remain uniquely human strengths. After all, no matter how advanced AI becomes, the nuanced art of lawyering—and the occasional bad pun in a legal brief—will always require a lawyer’s touch (or will it?).





Balancing the Scales: Practicing Law While Managing Mental Illness

Anonymous Member of
the Idaho State Bar

Practicing law requires a wide range of cognitive, emotional, and interpersonal skills, many of which can be affected by mental illness. Yet many attorneys manage to balance the demanding responsibilities of legal practice while navigating their own mental health challenges. This article explores the ethical and professional considerations for attorneys in Idaho who are dealing with mental health issues, the implications of the Idaho Rules of Professional Conduct (“IRPC”), and the resources available to foster well-being while maintaining professional competence.

The Intersection of Lawyering and Mental Health

The legal profession is widely recognized as one of the most demanding careers, characterized by long hours, high stakes, and relentless pressure to excel. This intense environment often rewards perfectionism and resilience but can come at a significant personal cost. Lawyers are particularly vulnerable to mental health challenges, including stress, anxiety, depression, burnout, and substance use disorders at rates far exceeding those of the general population. This profession also rewards activities that can contribute to the latter: networking events often involve and encourage substance use.

A 2016 study by the American Bar Association (“ABA”) found that 28 percent of practicing attorneys experience depression, 19 percent report symptoms of anxiety, and 21 percent struggle with problematic drinking.¹ Despite these figures, many legal professionals are hesitant to seek help, fearing stigma or professional consequences. The field’s cultural emphasis on self-sufficiency and an image of invulnerability further exacerbates these barriers, creating an environment where admitting mental health struggles is often viewed as a weakness.

The existence of the Idaho Lawyer Assistance Program (“LAP”) reinforces the seriousness of these issues. According to the LAP Reference Manual, lawyers are

disproportionately affected by addiction and mental illness, with rates of depression and substance abuse nearly double those of the general population.² The LAP Manual also underscores the importance of early intervention, highlighting that denial often prevents legal professionals from seeking help until their issues have escalated significantly.³

Recent research, such as the 2020 study published in *Measuring Lawyer Well-Being Systematically*, challenges the narrative of universal lawyer misery but highlights concerning trends.⁴ For instance, lawyers under the age of 40 exhibit high rates of problematic alcohol use, and those in high-stakes environments, such as working to make partner at large law firms, face unique stressors that exacerbate mental health issues.⁵

A work-life balance can be a challenge to achieve in any profession but defining aspects of the legal profession such as problems, disputes, high-stakes, and competition, make that balance even more difficult to achieve. This imbalance can lead to chronic stress, decreased motivation, and a greater likelihood of professional disengagement, further exacerbating mental health struggles.

Though practicing law may aggravate mental illness, it is rarely the root cause, and leaving the profession is not the solution, at

least not necessarily. However, the professional and ethical obligations of being a lawyer require individuals to address and manage their mental health to maintain competence and uphold their duties.

Mental health challenges often affect every aspect of a person's life, including essential professional skills. Cognitive abilities such as critical thinking, problem-solving, and decision-making may be compromised by depression or anxiety, making it harder to assess legal issues objectively and provide sound counsel. Attention to detail—crucial in contract review, case preparation, and legal drafting—can also decline, increasing the risk of errors that could jeopardize client outcomes. Additionally, emotional regulation and resilience are necessary for managing high-pressure situations, yet mood disorders can impair an attorney's ability to navigate adversarial settings or maintain professional composure in court.

This intersection of mental health and professional obligations underscores the need for attention within the legal community. While reducing stigma, fostering support systems, and promoting mental health awareness are essential at an institutional level, individual attorneys must also recognize how their own struggles may impact their professional responsibilities. Awareness of these challenges is the first step toward addressing them,

whether through self-assessment, seeking peer support, or utilizing available mental health resources.

Equally important is the ability to recognize signs of mental health struggles in colleagues, employees, and peers, and to understand how to offer meaningful support or connect them with appropriate resources. The legal profession must encourage both systemic solutions and personal accountability to ensure attorneys can manage their well-being while upholding their ethical duties. The following sections explore the rules that may be implicated as well as concrete steps attorneys and the profession as a whole can take to navigate these challenges effectively.


Ethical Considerations Under the Idaho Rules of Professional Conduct

The IRPC provide a framework to ensure that lawyers uphold their professional responsibilities, even when facing personal challenges. Managing mental health within this framework requires balancing self-care with the duty to clients, the courts, and the public.

Rule 1.1: Competence. Rule 1.1 requires lawyers to provide competent representation to their clients.⁶ Competence includes not only legal knowledge and skill but also the mental and emotional capacity to manage a case effectively. When mental health issues interfere with an attorney's ability to perform their duties, they risk falling short of this standard.

Having a mental health condition obviously does not mean an attorney is incompetent. What matters is how those conditions are managed. Lawyers experiencing mental health difficulties should regularly assess their ability to meet the Rule 1.1 standard. Ways to ensure compliance with Rule 1.1 while addressing personal well-being include seeking treatment, delegating responsibilities, or even temporarily stepping away from practice when necessary.

The LAP Manual offers specific guidance, emphasizing the value of peer support and professional counseling to address impairments that could undermine



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competence.⁷ The program also provides access to temporary replacements for attorneys seeking treatment, ensuring continuous representation for clients.⁸

Rule 1.3: Diligence. Rule 1.3 requires attorneys to act with diligence and promptness in representing a client.⁹ Mental health challenges can lead to procrastination, missed deadlines, or incomplete tasks, which can potentially harm clients and expose the attorney to disciplinary action. Lawyers can proactively mitigate these risks by organizing their workflow, leveraging technology to manage tasks, and building a strong support network. It is crucial to recognize the early signs of these issues and seek appropriate interventions—whether through therapy, adjustments to workload, or collaboration with colleagues—to uphold this ethical obligation.

Rule 1.4: Communication. Clear, effective, and timely communication is fundamental to the attorney-client relationship. Rule 1.4 obligates attorneys to keep clients informed and respond promptly to their inquiries.¹⁰ However, mental health challenges such as depression or anxiety and the symptoms of substance abuse disorders can impair an attorney’s ability to respond to client inquiries or explain complex legal matters effectively. Attorneys should implement strategies to maintain communication, such as designating a point of contact and using technology tools, to ensure compliance with this rule. Setting, communicating, and maintaining boundaries, such as office hours and expected turnaround, can also be helpful to meet this obligation.

Rule 1.6: Confidentiality. Rule 1.6, which governs the confidentiality of

client information, could be implicated when an attorney seeks support for mental health.¹¹ Attorneys must be cautious not to disclose confidential client information. Sharing details of a case in therapy sessions or peer support groups can inadvertently breach this duty, consider using general terms and hypotheticals and avoid using identifying information like names. Practitioners should seek professional help from providers familiar with legal ethics or consult resources like LAP that understand attorney-client privilege and professional ethics; they will recognize and respect those boundaries and assist in avoiding disclosure of confidential information.

Rule 8.4: Misconduct. Rule 8.4 prohibits behavior prejudicial to the administration of justice.¹² Rule 8.4 can

Resources and Support

Mental Health Professionals

Seeking professional help from a therapist, counselor, and/or psychiatric nurse practitioner can be a crucial step in addressing mental health challenges. Just as we would advise someone to consult a lawyer for legal matters, mental health professionals provide the specialized support and tools needed to manage stress, anxiety, depression, or other concerns. Most health insurance policies include coverage for mental health services.

The Idaho State Bar Lawyer Assistance Program

If you’re an Idaho attorney feeling the weight of mental health challenges and you don’t want to see a health professional or you don’t know where to start, the LAP is a lifeline worth exploring.¹³ Confidential and accessible, the LAP offers support for a range of issues, including stress, depression, anxiety, and substance abuse. Services include peer support, treatment referrals, and guidance on re-entering practice after treatment. The LAP’s confidentiality is reinforced by Rule 8.3(c), ensuring a safe space to seek help without fear of stigma or professional repercussions.

Workplace Employee Assistance Programs

For attorneys employed by firms or organizations, Employee Assistance Programs (“EAPs”) can be another valuable resource. Almost all large employers offer EAPs; law firms sometimes have EAPs that are specific to the legal field. EAPs usually provide free, confidential counseling services and resources for managing stress, family issues, or workplace conflicts. Information about your employer’s EAP can likely be obtained through your human resources office or contact.

Professional Peer Networks

Sometimes, the best support comes from those who’ve walked a similar path. Peer support groups can be found through therapists and other providers, and nonprofit organizations such as the National Alliance on Mental Illness (“NAMI”).¹⁴ The American Bar Association Commission on Lawyer Assistance Programs provides a wealth of resources for those seeking peer support.¹⁵ Sharing experiences and strategies for managing mental health challenges can foster a sense of solidarity and reduce feelings of isolation.

be implicated if a lawyer's unmanaged mental health condition leads to conduct that is prejudicial to the administration of justice, involves dishonesty, or reflects adversely on their fitness to practice law. For instance, missed deadlines, failure to communicate with clients, or erratic behavior in court could result in disciplinary action under IRPC 8.4(d) for conduct that undermines the integrity of the legal system. As another example, criminal behavior, such as DUI or drug-related offenses (possibly stemming from untreated mental health conditions) could violate IRPC 8.4(b). Intervention is key to prevent such scenarios and preserve professional integrity. Seek the help you need.

Strategies for Success

Managing mental health begins with recognizing when something is amiss. Symptoms like chronic fatigue, irritability, difficulty concentrating, or increased reliance on substances can all signal deeper issues, making awareness key to addressing problems before they escalate. If you have identified an issue, take steps to address it. A handful of practical tips for your practice are addressed previously and so is seeking professional help. But sometimes the best and perhaps easiest place to start is with self-care.

Self-care isn't just a trendy buzzword; it's a critical component of maintaining mental health and bringing your best self to your role with clients. Think of it as putting your own oxygen mask on first—you can't effectively help others if you're running on empty. This might mean taking regular breaks, intentionally scheduling time for hobbies, exercise, and other activities that recharge you, and setting boundaries, including with clients. Taking care of yourself allows you to better serve those who depend on you.

This article has also addressed utilizing technology to assist your practice but there are also powerful technological tools to reduce stress and facilitate self-care. Apps for meditation, relaxation, journaling, you name it, and telehealth which makes accessing mental health

support easier than ever—no more driving across town for counseling sessions. Chatbot counselors powered by artificial intelligence can even provide convenient, low-pressure options for mental health support (but still be mindful not to disclose confidential client information). By embracing these technologies, you can free up time and energy to focus on both your work and your well-being.

It's essential to cultivate a strong support network that includes friends, family, colleagues, or mental health professionals because isolation can exacerbate mental health challenges. Don't hesitate to lean on others when you need help—after all, even the most skilled litigator benefits from a solid team.

Navigating Disclosure and Stigma

One of the toughest challenges for attorneys with mental health issues is deciding whether to disclose their struggles since it is deeply personal and context-dependent. While transparency can foster understanding and support, it also carries the risk of stigma or misunderstanding.

The Idaho Rules of Professional Conduct do not explicitly require attorneys to disclose mental health conditions unless they affect the lawyer's ability to represent clients competently. However, if mental health challenges lead

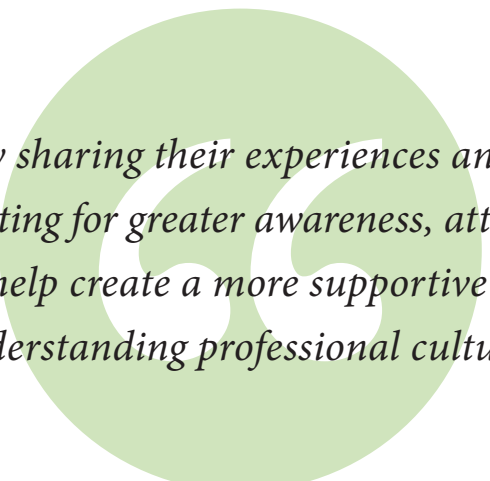
to significant impairments, attorneys may need to inform clients, colleagues, or the Bar to ensure ethical obligations are met.

Navigating disclosure in the workplace—whether in a law firm, government agency, or corporate legal department—requires balancing personal vulnerability with professional considerations. Many lawyers worry that disclosing mental health struggles could jeopardize their reputation or career trajectory. However, a growing number of legal departments and firms are recognizing the importance of mental health and offering resources such as EAPs (discussed previously), wellness initiatives, and accommodations. Disclosing in a supportive environment can open doors to helpful accommodations, such as flexible work schedules or workload adjustments, enabling attorneys to manage their mental health but also enhancing their productivity.

The legal profession has made strides in reducing stigma around mental health, but there's still work to be done. By sharing their experiences and advocating for greater awareness, attorneys can help create a more supportive and understanding professional culture.

The Role of Firms and Organizations

Law firms and legal organizations play a crucial role in supporting attorneys with



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mental health challenges. By fostering a culture of openness and providing access to resources, employers can help their attorneys thrive both personally and professionally. This culture also supports colleagues who aren't struggling with their own mental health, but whose family members suffer.

The *Well-Being Toolkit for Lawyers and Legal Employers* suggests that legal employers should take proactive steps to prioritize mental health and well-being.¹⁶ This includes implementing policies that promote work-life balance, encouraging conversations about mental health, and providing resources (such as EAPs). Leadership should model healthy behaviors, such as setting reasonable expectations around workload and availability, while also normalizing the use of well-being resources and addressing team members who resist a culture of balance, self-care, and support. Firms and organizations are encouraged to offer structured wellness initiatives, such as mindfulness programs, mental health CLEs, and firm-wide wellness weeks, as well as to train supervisors on recognizing

signs of burnout and distress. Legal employers that prioritize attorney well-being often see improved morale, reduced turnover, and better client outcomes.

A Final Note of Hope

Practicing law while managing mental health challenges can feel overwhelming, but with the right tools and support, it's possible to achieve a healthy balance between personal well-being and professional excellence. By leveraging resources like the Idaho State Bar's Lawyer Assistance Program, building strong support networks, and taking practical steps to avoid violating the IRPC, attorneys can navigate the complexities of their mental health while maintaining their commitment to ethical practice.

Remember, you don't have to go it alone. Whether you're struggling to meet deadlines, facing burnout, or simply feeling overwhelmed, help is available. After all, even the best attorneys need a little assistance sometimes—and there's no shame in reaching out.

Endnotes

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State of the Judiciary Address

Chief Justice G. Richard Bevan

Delivered to the Idaho Senate and Idaho House of Representatives on January 15, 2025.

Introductory Remarks

Thank you for having me here today. I look forward to this opportunity each year to share both our successes and the challenges we face in the judiciary.

And to the new lawmakers in the room, welcome! If you are unfamiliar with our court system, I invite you to visit your local courts to see firsthand the vital work being done by the third branch of government in your communities every day.

Our Judges: The Pillars of Justice

Our founders envisioned a judiciary of skilled judges who reflect their communities, and I am proud to say that's exactly what we have. Our judges exhibit integrity, respect for those who come before them, and a commitment to timely and impartial application of the rule of law. Our judges are independent—meaning they follow the law “without sale, denial, delay, or prejudice,” as our Constitution guarantees. Judges follow and apply the law as passed by this legislature and as dictated in Idaho's constitution, regardless of the judge's personal beliefs.

Judges must make decisions that they personally disagree with. As former Justice

Antonin Scalia once explained: “If you're going to be a good and faithful judge, you [must] resign yourself to the fact that you're not always going to like the conclusions you reach. If you like them all the time, you're probably doing something wrong.” This is how Idaho judges operate. They review and apply the law to the facts before them.

A Day in the Life of a Judge

What is it like to serve on the bench? Let's consider a typical magistrate judge in Twin Falls—the county where I served as a district judge before joining the Supreme Court.

Magistrate judges handle a staggering variety of cases. Almost all criminal cases begin before them, as do juvenile cases. They hear disputes over divorce and child custody, approaching sensitive arguments with great care. They are the judges who address issues around a deceased relative's will and who resolve traffic tickets. And, when local police need a search or arrest warrant in the middle of the night, it's the magistrate judge they turn to. One of our Ada County magistrate judges who was on call a few weeks ago received 17 calls in one weekend. Magistrate judges thus have the most direct contact with the public, and sorting this all into an efficient schedule takes work.

Twin Falls County has three magistrate judges who rotate across three weeks of distinct responsibilities:

- One week is filled with arraignments, pretrials, status conferences and child protection shelter care hearings. Each hearing involves a unique set of facts. Each one merits the full and undivided attention of the judge. On their busiest day during this week, one judge can hold hearings in as many as 124 different cases.
- The next week focuses on criminal cases. One day, the judge may handle sentencings, hearing an average of 30 cases. On another day, the magistrate judge may have anywhere from six to 20 criminal jury trials scheduled, though only one can proceed. Some cases may settle before trial. Others may not be ready to begin that day. Scheduling multiple trials ensures jurors who have taken time off work or arranged for childcare can perform their civic duty without wasting their time. The next day, the judge begins the same exercise again.
- The third week focuses on civil cases. The judge will try to fit in as many as two civil court trials a day—these are trials that don't involve a jury. Many of them involve child custody or divorce. Any remaining time is packed with status or name change hearings,

adoptions, child protection hearings, probate and other civil proceedings. On an average week the judge will touch 40 to 50 civil cases on a whole range of topics.

The three magistrate judges are helped by four others who travel in from outlying counties each week to cover additional criminal trials, protection order hearings, small claims cases and juvenile proceedings. That last category alone can involve 40 to 50 hearings a week. These traveling judges take time away from their own counties to make sure justice is moving in Twin Falls—this will be important to note later.

Similar workloads apply to our district judges. These judges may see less variety in their cases, but they deal with increasingly complex topics.

District judges oversee cases involving felony criminal charges, for which the defendant, if convicted, can be sentenced to the penitentiary. These cases include an arraignment, the potential to decide multiple motions, holding trials or taking guilty pleas, and ultimately sentencing. District judges also handle challenges to a criminal conviction once one is entered.

District judges also preside over civil matters with more than \$10,000 in controversy. These include medical malpractice, employment conflicts and complex business and property disputes, but not divorce or probate cases—those stay with our magistrate judges. Just as an example, one district judge in Twin Falls reports that 424 of his criminal cases and 198 of his civil cases were closed out in 2024.

Challenges of Serving in Rural Areas

Some judges do all their work in one courthouse, but others may spend 50, 100, even 200 hours a year on the road as they shuttle from courthouse to courthouse. One district judge who is chambered in Shoshone County presides over cases there and in Benewah County. But this judge also spends at least two weeks a month in Kootenai County helping with its felony

cases. The travel and time on the bench combined leave little time for research and decision writing, which is much of what a district judge is required to do.

In Bonneville County, proceedings have grown enough that district judges from Bingham and Jefferson counties step in to help manage calendars in Bonneville—one criminal, one civil. We have other judges in our Seventh Judicial District—the largest geographically—who spend one-tenth of their year behind the wheel if calculated using a standard 40-hour work week. Of course, none of our judges work only 40 hours.

The Impact of Treatment Courts

One of the most rewarding aspects of judicial work is presiding over treatment courts. I had the privilege of presiding over both a mental health court and a veterans' court during my time as a district judge. I consider *that* some of the most rewarding aspects of my work. Treatment courts change lives.

Most of these courts convene early in the morning or after hours. Thus, judges volunteer to preside in these courts—often allotting 2.5 hours or more on those days—to help people overcome addiction, mental health issues, and more. Half of Idaho's 150 judges preside over at least one treatment court. In the last fiscal year, 613 people graduated from treatment courts. That's 613 Idahoans who are no longer on drugs, who have found effective mental health treatment, who through veterans' court have found the support they need in a setting that is informed by the context of their service. Studies show these graduates are significantly less likely to reoffend, underscoring the value of these programs in keeping our communities safe.

Judges in their Communities and their Safety

All these events are more than statistics for our judges. They are constant and meaningful interactions with the people in their communities. Each hearing, be

it criminal or civil, will include the parties and often their attorneys. Family and friends may be present. A jury trial may involve 40 or more people visiting the courthouse, participating in the proceedings, or witnessing them from the gallery.

Most people at a hearing are invested in the outcome; for the parties, life may change dramatically. Our judges spend their days navigating people who have reason to bring strong emotions with them.

As Chief Justice John Roberts recently noted, "it is not in the nature of judicial work to make everyone happy." In our system of government, the courts serve as a place to hold people accountable, to resolve our differences, and to settle difficult disputes. In making hundreds of decisions a week—decisions that may not please some of the litigants—that makes judicial work a position that is fraught with potential danger. We appreciate all that you have done to assist in the effort to protect judges' personal information, and we are hopeful that these and future steps may make it easier for judges to sleep at night.

Supporting our Judges

I wish everyone could feel what it's like to serve our society as a judge. This work is humbling and demanding. However, the toll it takes on our friends and neighbors who serve as judges should not be underestimated.

I know that Idahoans value their courts, and they rely on them to address life-altering matters. A former member of our judiciary, when speaking to the public, will point out that a judge is the one elected official who must make a decision on everything that comes before them. Keeping up with those decisions and rendering them in the timely manner that our Constitution requires is a continual challenge, especially in counties like Kootenai, Twin Falls, and Bonneville.

I described earlier some of the ways judges in these judicial districts are pitching in to cover the workload. But those solutions have become untenable and are limiting traveling judges' effectiveness. Visiting judges in Kootenai County

now cover nearly a full month's work for a district judge each month, reducing their ability to serve their own counties. Bonneville County is seeing more complex civil litigation and high volumes of hearings seeking temporary orders, which must be dealt with as emergencies, without delay. Twin Falls County has gotten by with three magistrate judges for 35 years or more, notwithstanding the population growth there—and the added complexity of cases we now face since the 1970s. To meet these demands, we are requesting funding for four new judges across these counties.

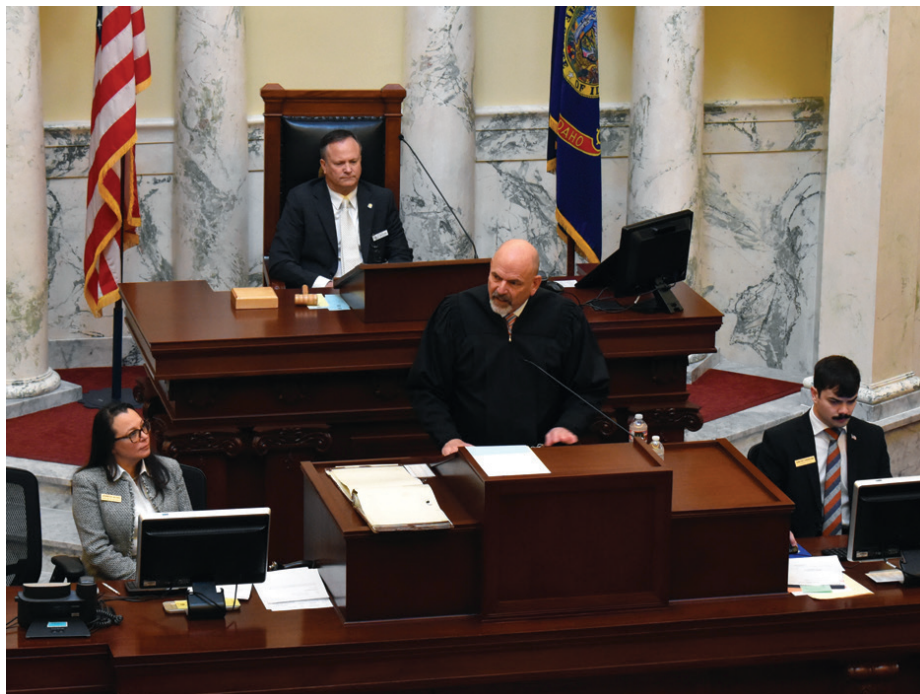
The Challenge of Recruitment and Retention

Judges are elected officials. But taking that office requires the new judge to undergo a dramatic transition. This is in large part due to our code of ethics, which requires judges to be able to decide impartially on matters affecting their communities. It isn't enough to just avoid actual conflicts of interest. In order to maintain the public's trust and confidence, judges must avoid even the appearance of favoritism.

Becoming a judge often means relinquishing existing friendships, adjusting hobbies and revisiting how you spend every moment of your free time—all to ensure impartiality and fulfill constitutional duties. For the good of our society, we ask judges to completely reshape their lives and allow their work to become their identity. That means becoming a judge is a massive life step and is usually the final job many of us hold.

When I put it that way, perhaps some of our recruitment challenges become clearer.

Just five years ago, there were, on average, 11 applicants for a district judge position. Last fiscal year, that average dropped to 4.6. When judges resign, retire or pass away mid-term, the Idaho Judicial Council is required to send at least three names to the governor for appointments—for several of the most recent vacancies, three applicants were all the Council even had.



Justice Bevan addresses the Legislature. Photo credit: Nate Poppino, Idaho Supreme Court Communications Manager.

Interest in magistrate judge positions is generally better, but applications for those positions have also declined. Of large concern is the source of those applicants. Talented attorneys who are already in public service, our prosecutors and defense attorneys, are applying to become judges. But civil attorneys in private practice are far less interested in judicial work than they used to be—for vacancies in our trial courts last fiscal year, just one in five applicants came from the private sector.

I welcome former criminal attorneys to our bench—I was once a prosecutor myself. But these trends affect the balance and depth of experience of our bench, particularly in areas like business law, regulatory law, medical malpractice, and complex civil litigation. That in turn threatens the quality of service we provide the public.

At the Supreme Court, we are focused on improving the experience of judicial service as a lifelong commitment. We have the power to take some steps. But one we commonly hear about we do not control at all. That is your responsibility: judicial compensation.

Judicial Compensation: A Critical Issue

Idaho ranks near the bottom across the states and territories for how much it pays its judges. This year Idaho ranks 48th of 53 states and territories for salaries of its district judges. Of nearby states, only one touching our borders pays its judges less. Most judges in the states surrounding Idaho are paid 10 percent to 40 percent higher. And civil private practice is the field with the highest pay disparity between judges and experienced attorneys—as you likely know from the recent cases in which this body has hired legal counsel. The disparity between current judicial salaries and the compensation of attorneys in both the public and private sectors is continuing to grow. Even at current salaries, the cost of housing and other life expenses in parts of our state discourages attorneys from seeking the bench.

Pay does not just affect recruitment. This is also a retention issue. Again, becoming a judge is usually the capstone of an attorney's career. But one-third of our judges who announced their retirement in the 2024 fiscal year returned to practice as an attorney. Based on our numbers as

of last week, two-thirds of retiring judges are doing the same thing this fiscal year. Until the last couple of years, this has been exceptionally rare. And when judges leave, the investment the state has made in recruiting and training leaves with them.

Experienced judges are leaving office early. Experienced attorneys are less interested in replacing them. To halt these trends, the Supreme Court proposes increasing judicial salaries to closer to \$200,000 annually for trial court judges. This request is rooted in both the Idaho market for legal services and in nearby states' judicial pay. To be clear, this will not place Idaho at the top of the pay scale, but it will make judicial service more attractive to qualified candidates and encourage current judges to stay on the bench. And I would note that even at that level, the salaries of Idaho's highly trained and skilled judges wouldn't even make the top 100 of Idaho's state government salaries.

In the long term, we propose that judicial salary changes be considered by an independent citizens' committee whose members are appointed by the executive and legislative branches, similar to the committee that determines legislative salaries. As with that existing committee, salary changes would be subject to review

by the House and Senate, preserving your role in the process.

We believe that the pay for every public servant—judge, legislator, the people who manage our water and the people who promote our economy—deserves to be decided based on the position and the work. Please join us now on a better path forward.

A Call to Action

We do not make these requests lightly. The Judicial Branch's budget makes up just 1 percent of the state's general fund. We understand the importance of being good stewards. As you've heard, we make the most of the resources we have available to us, working with our senior judges and sitting judges to share the load. When we bring you matters involving funding, we make sure they are meaningful—things we simply cannot do otherwise. Fair and competitive compensation is one of those matters.

We judges are invested, much like you, in maintaining this great state for its people. Fair and competitive compensation for our judges is crucial to maintaining a high-quality judiciary throughout Idaho. Idahoans deserve the best possible legal experts to resolve matters of life, liberty, and property.

From the earliest days of this state, Idahoans worried about how to ensure their courts stood among the best. And even then, there were worries about judges' salaries. Weldon Heyburn, who would become one of our early U.S. senators, talked in 1889 at our state constitutional convention about fair compensation for the work of the courts—"the salaries are insufficient and always have been," he said. James Reid, vice president of the convention echoed his sentiments: "Cheap justice is generally injustice."

You have many issues before you this session. We have sought to keep ours simple. As we look to the future, we ask for your support in ensuring our judiciary remains strong, independent, and capable of serving the needs of the people of Idaho.

Thank you.



Idaho Supreme Court Chief Justice G. Richard Bevan was appointed to the Court in 2017. He is in his second term as chief justice, serving in that role since

January 2021. Previously, he served a long career as an attorney and later district judge in the Fifth Judicial District. Chief Justice Bevan received his undergraduate and law degrees from Brigham Young University.

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Lynn Brooks
Maria Nielson
Mary Shea
Omar Rojas Flores
Renae Hoff
Robert Lange
Ross Miller
Sarah Lucas
Sarah McDowell-
Lamont

Idaho State Police
Idaho Supreme Court/
GAL Program
Legal Services Corp.
Montana Legal Services
Association
National Legal Aid &
Defender Assoc.
(National Telephone
Abuse Project)
Nez Perce Tribe
Seagraves Foundation
Shoshone-Bannock
Tribes
Southeast Idaho
Council of
Governments
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Falls & Bonneville
County
United Way of
Treasure Valley
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& Urban Develop.
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Women's & Children's
Alliance

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Kenton & Allison Wood
Senior Edge Legal

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Alma Romero
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Barbara Julian
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1950

-1953
Television arrived in Idaho with
KIDO TV (now KTVB)

-1950
Resolution VI passes, encouraging
the Idaho Supreme Court to
eliminate law office study

THE IDAHO STATE BAR

The 1950s

Molly O'Leary

This is the third article in a series of articles by members of the Idaho State Bar and Idaho Law Foundation Anniversary Committee, in celebration of the organizations' 100th and 50th anniversaries, respectively.

The 1950s was an era of economic growth worldwide as nations recovered from World War II. It was known as the Golden Age of Capitalism.¹ That economic growth fueled a sense of prosperity and financed the birth of the Baby Boom ("Boomers") generation.

Although the personal sacrifices that accompanied World War II were slowly fading in the world's rearview mirror, the so-called Cold War between the U.S. and the Soviet Union was gaining momentum,² and land wars were not entirely a thing of the past with the Korean War taking place between 1950 and 1953,³ and the First Indochina War concluding in 1954,⁴ followed quickly by the beginnings of the Vietnam War in 1955.⁵

The Cuban Revolution (1953 – 1959) culminated in the defeat of Fulgencio Batista by Fidel Castro, Che Guevara, and other revolutionary forces and resulted in the creation of the first communist government in the Western hemisphere.⁶

Given the expansion of communism on America's doorstep, there was a growing concern about the potential threat of communism within the United States, which fostered the *Second Red Scare*, better remembered today as *McCarthyism*, eponymously named after its leading zealot, Senator Joseph R. McCarthy of Wisconsin, who conducted Congressional hearings questioning the loyalties of many high profile Americans, including within the U.S.

government and the film, television, and performing arts industries.⁷

The Cold War led to a "Space Race" between the U.S. and the Soviet Union, which in turn fostered major advances in technology, notably the creation of the National Aeronautics and Space Administration ("NASA") in 1958 as the United States' answer to the Soviet Union's 1957 launch of Sputnik 1, the first artificial earth satellite.⁸

In the U.S., the Golden Age of Capitalism was spurred in part by the Golden Age of Television in the 1950s, as more homes acquired televisions and were enticed by sophisticated advertising campaigns to keep up with the Joneses.⁹

On the medical developments front, the 1950s saw the development of the polio vaccine, a life-changing benefit to the Baby Boomers and their progeny.

On March 2, 1955, 15-year-old Claudette Colvin became the first person arrested for refusing to give up her seat to white passengers on a Montgomery, Alabama public bus.¹⁰ Her bravery was followed later that year by Rosa Parks who likewise refused to give up her seat on a Montgomery bus. Parks' arrest sparked the Montgomery Bus Boycott which, in turn, launched the modern U.S. Civil Rights Movement.¹¹

Finally, the decade of the 1950s was closed out with the admission of Alaska¹² and Hawaii¹³ as our 49th and 50th states, respectively. Meanwhile, in Idaho:

- The National Reactor Testing Station (later becoming the Idaho National Laboratory) achieved a world first by using nuclear fission to produce electricity in 1951.¹⁴

–1955
Governor Robert E. Smylie assumed office
Continuing Legal Education Committee created

–1956
Resolution VII commended the proposed Rules of Civil Procedure

1958
Jess Hawley commends the pro bono work of attorney Alice Johnson during Annual Meeting

–1955
State Department of Commerce and Development established

–1957
Boys of Boise scandal investigation concludes

1958
Gov. Smylie presents at the Annual Meeting for the 12th time

1960

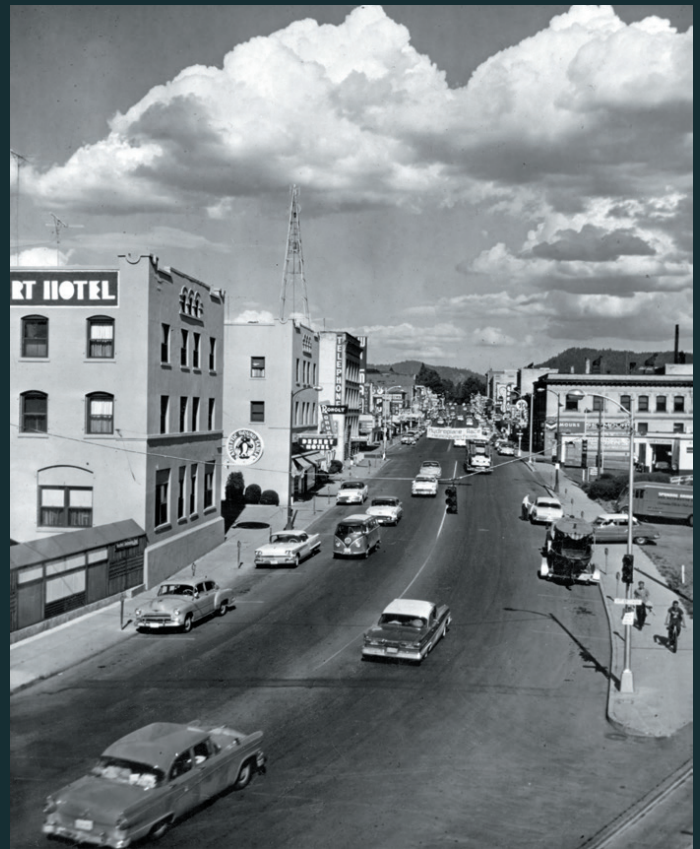
- The Anderson Ranch Dam was completed in 1952, enhancing water management and power generation capabilities.¹⁵
- Television arrived in Idaho with KIDO TV (now KTVB) launching in Boise on July 12, 1953.¹⁶
- A submarine reactor was tested and perfected at the National Reactor Testing Station in 1954, further solidifying Idaho's importance in nuclear technology.¹⁷
- In 1955, Robert E. Smylie assumed office as the 24th Governor of Idaho, marking the beginning of a transformative era in state politics. Smylie, known for his progressive policies, championed education, infrastructure, and natural resource management during his tenure.¹⁸
- The State Department of Commerce and Development was established in 1955 to promote economic growth.¹⁹
- Also in 1955, the *Boys of Boise* scandal began with a sweeping investigation of a supposed "homosexual underground" with the arrest of three men in October 1955. The investigation broadened to encompass allegations that more than 100 young men and teenage boys had been involved in sexual acts with a ring of adult homosexual men. By the time the investigation wound down in January 1957, some 1,500 people had been questioned, 16 men faced charges, and 15 of them were sentenced to terms ranging from probation to life in prison.²⁰
- Construction of the National Interstate Highway System began in Idaho in 1956, significantly improving transportation across the state.²¹

Against this backdrop, the Idaho State Bar continued to gain members and traction within Idaho's political circles. According to the minutes of the 1950 Annual Bar Conference, the Bar saw a 140 percent increase in license applicants between 1947 and 1950, thanks in large part to the post war boom.²²

The Bar's annual meetings were held in Sun Valley each July and consisted of many in depth lectures on various fields of practice, with speakers traveling to Idaho from across the country. Early on the minutes of the meetings were verbatim transcripts of every syllable uttered and more than a few sexist jokes.

An example of the type of remarks that passed as humor "back in the day" was this introduction by longtime and well regarded Commission Secretary Sam S. Griffin: "It is becoming increasingly difficult each year to re-drape and refurbish the Secretary's report so as to make it a creature of beauty and passion. To do it this year, I have decided to follow the methods employed in a Miss America contest, and give first the bust and other intriguing measurements and statistics."²³

Speaking of Mr. Griffin, while the above quote may not reflect upon him in the best light against today's norms, he was, as noted, very well-esteemed by his colleagues. Although he'd served as the Commission Secretary for many years, he passed away rather unexpectedly in 1952. He was eulogized at that year's annual meeting for, among



The city of Coeur d'Alene in 1958. Photo credit: Idaho State Archives, [Unknown, P1960 173 23].



Anderson Dam in 1950. Photo credit: Idaho State Archives, [Unknown, P2647, USBR REG 1-P 4 100 168].



Governor Robert E. Smylie typing in the governor's office in 1957. Photo credit: Idaho State Archives, [Idaho State Historical Society, P1977 163 46].



Governor Smylie at the Western Governor's Conference in 1952, pictured with President Dwight Eisenhower. Photo credit: Idaho State Archives, [Idaho State Historical Society, P1972 190 73d].

many other civic contributions to the community, being "responsible, more than any other attorney in this state, for the enactment and subsequent declaration of constitutionality of the act creating the integrated Idaho State Bar."²⁴

WOMEN ATTORNEYS ARE NOTABLY ABSENT

Of note in reviewing the official minutes of the Bar during the 1950s is the lack of any reference to women attorneys of the Bar during the entire decade of proceedings, with two exceptions. The first exception was a reference by then president Ralph Litton, in 1952, to the issuance of Idaho State Bar identification cards to all attorneys "at the time his or *her* annual license is issued."²⁵ The second instance was a resolution proposed by Jess Hawley at the 1958 meeting

to commend the *pro bono* work of "attorney Alice Johnson" in her capacity as editor of *The Advocate* for the past year.²⁶ The occasional references to women sprinkled throughout the proceedings were typically in the context of "entertainment for the Ladies."

THE BAR—AND IDAHO JUDGES—BENEFITTED FROM GOVERNOR SMYLIE'S POLITICAL SAVVINESS

Governor Robert E. Smylie was a frequent presenter at the meetings, noting in 1958 three years into his first term as governor that it was his 12th appearance.²⁷ Governor Smylie was a member of the Bar and took great pride in his continuing association with the Idaho Bar long



James Blaine, Ada County Prosecuting Attorney in 1951. Photo credit: Idaho State Archives, [Leo J. "Scoop" Leeburn, P2006-20-243].

after he left the practice of law in favor of pursuing his political fortunes.

His political savviness was demonstrated in one particular meeting when he encouraged the Bar to step outside its narrow view and recognize that the recurring issue of improving judicial pay was bigger than the judiciary, noting with impressive specificity the inadequate salaries of a whole range of state office holders and agency directors. He wisely encouraged members of the Bar to reach out to other stakeholders and formulate a "bigger picture" solution to Idaho's paltry pay scale.²⁸

THE BAR COMMISSION FOCUSED ON PROFESSIONAL STANDARDS AND DEVELOPMENT

Throughout the 1950s, the Bar commissions focused on improving the practice of law through education. An example of this focus was evident at the annual meeting in 1950, when Resolution VI was passed encouraging the Idaho Supreme Court to eliminate what was referred to as "law office study" an informal legal education under the tutelage of a licensed lawyer prior to applying to sit for the Bar examination.²⁹ The theme of legal education continued throughout the decade and resulted in the creation of a standing Continuing Legal Education Committee in 1955.³⁰ Initially, the need for the continuing education of licensed lawyers was viewed through the lens of "public relations" under the guidance of the American Bar Association.³¹

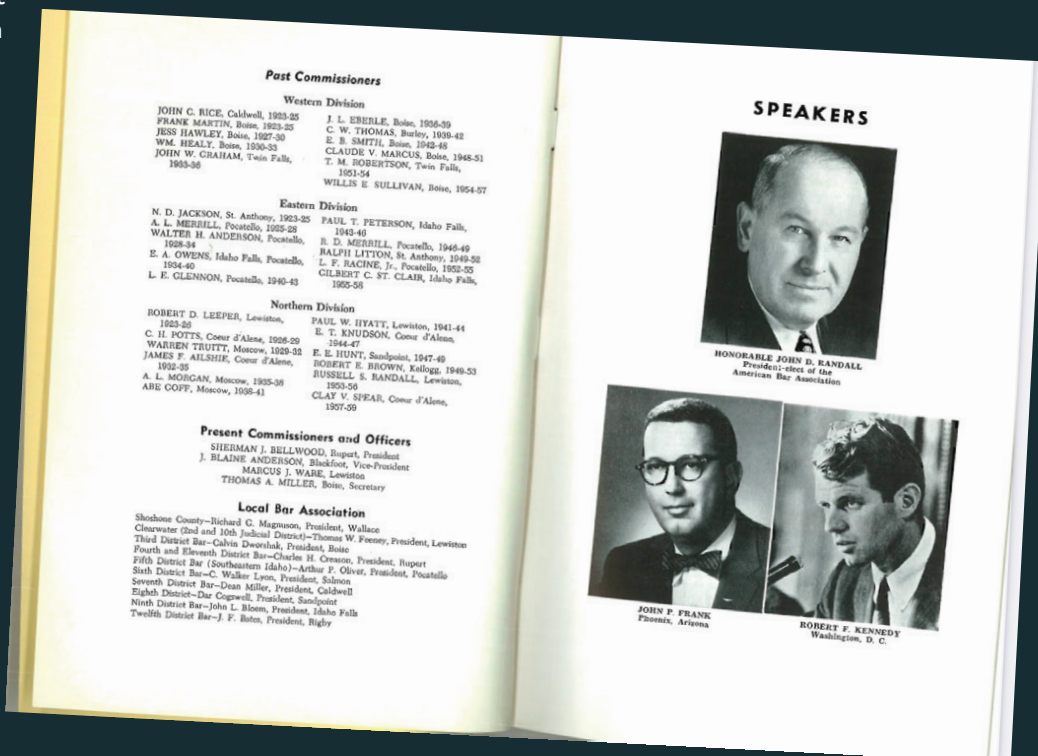
Page from the 1959 proceedings of the Idaho State Bar, including speaker, Robert F. Kennedy.

Another recurring topic at the annual meetings of the Bar during the 1950s was that of establishing an advisory fee schedule. Much time and thought was expended debating the need for such a schedule, with the primary driver being that, according to those advocating for a fee schedule, Idaho lawyers were woefully underpaid compared to their peers in other advanced professions such as physicians.³² After many years of work by the standing committee, whose name evolved from the Committee on Uniform Fee Schedule in 1955 to the Committee on the Economics of the Practice of Law by 1959, an "Advisory Fee Schedule" was approved by resolution.³³

In today's light, the aspired to fees seem incredible: \$10 per hour for an attorney with up to two years of practice, up to \$25 per hour for attorneys with 10 or more years of practice. For a default divorce, the recommended fee was \$175, with an additional \$50 for custody provisions and another \$25 for property provisions. Recommended fees for a relative adoption were \$100, and non relative adoption were \$125.³⁴

A topic that took the better part of the decade to resolve was that of the adoption of the Idaho Rules of Civil Procedure. Various speakers were invited to the annual meetings to share their views and, in Utah's case, their experiences with adopting and implementing the Rules in 1950.

There appeared to be much skepticism regarding the Rules and the need for the same in Idaho. As one presenter from Utah argued, in his second appearance before Idaho's Bar in 1955, the Rules were needed to facilitate the administration of justice and end the trend of cases being decided on irrelevant technicalities.³⁵ In addressing members of the Bar in 1956, Judge Alexander Holtzoff, U.S. District Court



for the District of Columbia, argued that it was incumbent upon Idaho lawyers to rise up to the “clarion call for the improvement of the administration of justice” through the adoption of the Rules.³⁶ That same year, via Resolution VII, the Commission commended the proposed Rules of Civil Procedure as published by the Bobbs Merrill Company, under the auspices of the Idaho Code Commission, for referendum approval by the members of the Bar.³⁷

IDAHO WAS NOT IMMUNE TO THE RED SCARE

The legal profession in the 1950s was not immune to the “Red Scare” of the Cold War between the United States and the Soviet Union. At the 1951 annual meeting, ABA President Cody Fowler appeared before members of the Bar and had this to say:

We have a committee on Communism which is very, very active and which not only has recommended that Communists be dropped from our membership, but we have recommended to the Bar associations in the various states that they take steps to have disbarred any man who is a member of the Communist party, because a man cannot be a member of the Communist party and be true to his oath to uphold and defend the Constitution of the United States of America. (applause) It is time we quit appeasing those people and meet them head on. They cannot be convinced. There is no compromise with them. It is a fight to the finish, and the sooner we know it and the sooner we meet it that way, the better it is for our country.

The topic did not formally resurface again, however, until the 1957 annual meeting, when attorney Ralph R. Breshears proposed a resolution stating that the country’s national security has been impaired by “many recent decisions of the United States Supreme Court.”³⁸ Although Mr. Breshears did not specify which decisions he believed endangered the country’s national security, it appears at least one such case that concerned him may have been *Yates v. United States*, 354 U.S. 298 (1957). In that case the U.S. Supreme Court affirmed the lower court’s decision that held that the First Amendment protected allegedly radical and reactionary speech unless it posed a clear and present danger.³⁹

Although all attorneys who commented on the proposed resolution were quick to note their personal disdain for communism, two responses particularly stood out. The first was that of Willis Moffatt who said, “If the court is to err, and perhaps they have erred, I would prefer that they err on the side of individual liberty whether it is for a communist or anarchist than to err on the side of big government and the right to put people in jail in any questionable case.”⁴⁰

Also of note was the comment of J. Blaine Anderson, “... we should not take any action which in any way limits the free expression of individual thought. I am not a communist, but I will say this: if any man believes in communism, I think that is his right, even in the United States, because if we limit his expression of thought, it is a short step to limitation of expression of any thoughts in this convention.”⁴¹

The resolution was ultimately tabled upon the motion of Robert W. Green:

MR. GREEN: I may agree with Mr. Breshears and his ideas on the courts, but I also agree with Blaine Anderson and Willis Moffatt on group criticism and binding an individual to criticize the court by group action. I do not think it should be done. I feel if we vote either way on this motion—if we vote against the resolution, it may imply we are in favor of the decisions, which I likewise don’t feel that an organization of this type should do. Therefore, I move that we table the resolution.

42

CONCLUSION

As the Minutes of the State Bar’s annual proceedings demonstrate, the 1950s saw much growth in our Bar’s membership and in its professional development. The 1950s were a time of economic prosperity and optimism nationally, and those qualities are reflected throughout the record of the Bar during this decade.



Molly O’Leary is a recently retired Boise business attorney who enjoys spending her time playing in Idaho’s backyard, often accompanied by her husband, Neil McFeeley. Molly served on the Idaho State Bar Board of Commissioners from 2010-2013, and currently serves on the Idaho Women

Lawyers Board, as well as the Idaho State Bar/Idaho Law Foundation Anniversary Committee. When not out hiking, fishing, kayaking, camping, or skiing, Molly enjoys spending time with her Boise grandkids, reading, photographing, and learning French and guitar.

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**IDAHO LAW
FOUNDATION**

How Judicial Surveys Work

Hon. Jeff M. Brudie, District Judge (Ret.)
Executive Director, Idaho Judicial Council

In Idaho, judicial surveys fill a critical role in the appointment process of candidates for the Bench. In my seven years of Judicial Council work, I have found that many lawyers and even the candidates themselves are unaware of how the surveys are compiled and assembled. In this letter I will explain how our judicial candidate surveys work.

Bar surveys help the Governor fill judicial vacancies at the District and Appellate Courts. In 2023, the Idaho Legislature amended Idaho Code §1-2102 regarding Judicial Council operations. Comments from the Bar, previously confidential, are now available to applicants upon request after removal of “information that would identify the commenter.” Since this change, many lawyers have told me that they no longer will submit comments because they are no longer confidential. Other lawyers have asked about the editing process. The revised process, however, if lawyers participate, will ensure meaningful Bar input into the judicial selection process.

Surveys from the Judicial Council are sent to approximately 5,500 Bar members, using the State Bar database. Unfortunately, the average response rate is around one percent, often less. Sitting judges often approach two percent. In my experience, the highest rate of participation I have seen is about four percent, slightly over 200 responses, but only on one occasion.

Bar survey results come to me with only the number of people participating, not identities. I trust somewhere within the bowels of Qualtrics they could tell me which Bar members logged in, but I do not and will not ask. The comments received for a candidate populate into a cumulative list, and do *not* include the name of the submitter.

Editing is therefore necessary only when some identifying characteristics are included within the comment itself. Some lawyers are unknowingly submitting comments that effectively disqualify the gist of their entire message. Common examples include identifying an office where the submitter worked with the applicant and for how long. Another example is using great specificity in discussing a particular case an applicant worked

on, or a specific conversation or unique personal experience. Such comments are edited before the list is provided to the Council members, the applicants themselves, and ultimately the Governor. On occasion, I have had to eliminate an entire comment because it was simply too specific and could not be narrowed to any general statements. I think the Legislature meant to target only negative comments, but that is not what it said. I therefore perform the same editing for positive comments.

Comments from Bar members are highly valued by the Council and the Governor as part of our merit-based selection process. Selection generally focuses on themes that develop from the comments, especially in the areas of honesty, work ethic, and temperament—not on any one comment. The more information received, the better the process works.

It is easy to feel over-surveyed. Nevertheless, please consider participating to the greatest extent possible when judicial surveys are involved. The quality of the future Bench depends upon the thoughtful input from the Bar.

Becky Anderson

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

**Regular Spring Term for 2025
2nd Amended February 3, 2025**

Boise January 8, 10, 13 and 17
Boise February 7, 10 and 14
U of I, Boise February 12
Boise April 2, 4 and 7
Moscow U of I, Lewiston April 9 and 10
Boise May 5, 7, 9, 12 and 14
Boise June 2, 4, 6, 9 and 11

By Order of the Court
Melanie Gagnepain, Clerk

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

**OFFICIAL NOTICE
COURT OF APPEALS OF IDAHO**

Chief Justice
David W. Gratton

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

**Regular Spring Term for 2025
3rd Amended 01/17/2025**

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

By Order of the Court
Melanie Gagnepain, Clerk

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

**OFFICIAL NOTICE
SUPREME COURT OF IDAHO**

Chief Justice
G. Richard Bevan

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

**Regular Fall Term for 2025
1st Amended February 3, 2025**

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

By Order of the Court
Melanie Gagnepain, Clerk

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

**Idaho Supreme Court
Oral Arguments for April 2025**

02/12/2025

Wednesday, April 2, 2025 - Boise

8:50 a.m. *Sanchez v. City of Boise* #51263
10:00 a.m. *State v. Sherwood* #49785
11:10 a.m. *Insure Idaho v. Horn* #49936

Friday, April 4, 2025 - Boise

8:50 a.m. *Mountain Valley v. LG Electronics* #50274/51537
10:00 a.m. *State v. Hall/Hall v. State* #34890/49390

Monday, April 7, 2025 - Boise

8:50 a.m. *Mcomber v. Thompson* #50980
10:00 a.m. *State v. McGuire* #52035
11:10 a.m. *State v. Ewing* #50452

Wednesday, April 9, 2025 - U of I, Moscow

8:50 a.m. *State v. Best* #52221
10:00 a.m. *State v. Rose* #52062
11:10 a.m. *Jutila v. County of Shoshone* #51313

Thursday, April 10, 2025 - Lewistown

8:50 a.m. *Ramlow v. Mitchell* #51721
10:00 a.m. *State v. Ewing* #50700

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

02/12/2025

March 4, 2025

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

March 6, 2025

10:30 a.m. *Randall v. Woodell*..... #51549
1:30 p.m. *State v. Tellez*..... #51456

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

02/12/2025

April 10, 2025

10:30 a.m. *Forsee v. Metropolitan Group*..... #51902
1:30 p.m. *State v. Seward*..... #51377

April 17, 2025

10:30 a.m. *State v. Crombie*..... #51302
1:30 p.m. *North Haven v. Balance Regenerative*..... #51986



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ATTORNEYS AT LAW

Cases Pending

CASES IN ALPHABETICAL ORDER BY CATEGORY – JANUARY 2025

CIVIL APPEALS

Attorney Fees

Whether the district court abused its discretion when it found that Plaintiff's Complaint was frivolous and awarded attorney fees to Defendant as the prevailing party, even though Plaintiff prevailed against Defendant on her counterclaims.

Med. Recovery Svcs., LLC v. Wood
Docket No. 52012
Supreme Court

Contracts

Whether the district court erred when it held Plaintiff had no standing to maintain a cause of action against Defendant under the addendum to the lease assignment.

North Haven Bus. Park, Inc. v. Balance Regenerative Med., PLLC
Docket No. 51986
Court of Appeals

Whether the district court erred by finding that the parties entered into an enforceable contract for the sale of real property and that the agreed upon purchase price was not ambiguous.

Stark v. Palmer
Docket No. 51751
Court of Appeals

Justiciability

Whether the district court erred by dismissing the class action lawsuit challenging the constitutionality of Idaho's public defense system on prudential mootness grounds.

Tucker v. State
Docket No. 51631
Supreme Court

Post-Conviction

Whether Petitioner made a prima facie showing of deficient performance and resulting prejudice entitling him to an evidentiary hearing on his allegation that trial counsel rendered ineffective assistance by not introducing photograph evidence to support Petitioner's self-defense claim.

Daniels v. State
Docket No. 51511
Court of Appeals

Remedies

Whether Appellants are estopped under the "election of remedies" doctrine from collecting on the judgment and then pursuing an appeal that could increase the amount of the judgment.

Camp Magical Moments, Cancer Camp for Kids, Inc. v. Walsh
Docket No. 51061
Supreme Court

Statutory Interpretation

Whether Idaho retains a common law rule against unreasonable restraints on alienation and, if so, whether the restrictions in the parties' deeds violate that rule.

Smallwood v. Little
Docket No. 52011
Supreme Court

CRIMINAL APPEALS

Attorney Fees

Whether the district court abused its discretion by denying Petitioner's motion for costs and attorney fees after determining Petitioner was the prevailing party in the contempt proceedings.

State v. Pennington
Docket No. 51680
Court of Appeals

Due Process

Whether the district court committed fundamental error by creating a fatal variance between the charging document and the jury instructions.

State v. Seward
Docket No. 51377
Court of Appeals

Evidence

Whether the State presented sufficient evidence to sustain Defendant's convictions for two counts of sexual abuse of a minor child.

State v. McCullough
Docket No. 50684
Court of Appeals

Whether the district court erred by denying Defendant's I.R.E 412(b)(3) motion to admit evidence of the victim's prior false allegations of sexual abuse.

State v. Aldridge
Docket No. 51158
Court of Appeals

Guilty Pleas

Whether the district court abused its discretion by denying Defendant's motion to withdraw her guilty plea prior to sentencing and finding that Defendant's desire for additional time to review the evidence against her did not constitute a just reason for withdrawing the plea.

State v. Meyer
Docket No. 51039
Court of Appeals

Jury Instructions

Whether domestic battery with traumatic injury was a lesser included offense of the attempted strangulation charge under either the statutory theory or the pleading theory.

State v. Crombie
Docket No. 51302
Court of Appeals

Motion to Continue

Whether the district court abused its discretion by denying Defendant's motion to continue and finding that Defendant's decision to not participate in the PSI process justified proceeding to sentencing without a PSI.

State v. Martin
Docket No. 50773
Court of Appeals

Motion to Suppress

Whether Defendant was unlawfully detained without reasonable suspicion when an officer questioned him and asked him to remove his shoes following the completion of a traffic stop.

State v. Lopez
Docket No. 50286
Court of Appeals

Whether an officer may lawfully enter a home to conduct a probation search when a resident of the home who is not the subject of the probation search is present and objects to the officer's entry.

State v. Horn
Docket No. 50788
Supreme Court

Whether officers unreasonably extended the investigatory detention to ascertain Defendant's probation status.

State v. Magomadov
Docket No. 50627
Court of Appeals

Whether a K-9 officer's subjective opinion that a drug dog has identified the presence of controlled substances in a vehicle is sufficient to establish probable cause for a search, even when the dog has not made its final alert.

State v. Elliot
Docket No. 51572
Court of Appeals

Whether the district court erred by concluding the drug dog's general alert, which occurred prior to any alleged trespass, did not give officers probable cause to search Defendant's vehicle.

State v. Anderson
Docket No. 51345
Court of Appeals

No Contact Orders

Whether the district court abused its discretion when it entered a no contact order prohibiting Defendant from having any contact with his parents for the next 20 years.

State v. Ayala
Docket No. 51028
Court of Appeals

Prosecutorial Misconduct

Whether the prosecutor committed misconduct during closing argument by indicating that the items recovered from Defendant's clothing contained methamphetamine, in violation of the district court's pretrial ruling excluding such references.

State v. Gomez
Docket No. 50821
Court of Appeals

Sentence Review

Whether the district court's decision to relinquish jurisdiction was unreasonable because it was premised entirely on the IDOC's decision to place Defendant in a thinking errors program instead of the sex offender treatment program the district court thought was necessary.

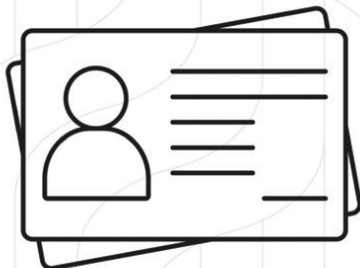
State v. Manos
Docket No. 51550
Court of Appeals

Whether the district court abused its discretion and violated Defendant's Fifth Amendment rights by relinquishing jurisdiction because Defendant failed to participate in a full-disclosure polygraph examination during the period of retained jurisdiction.

State v. Rice
Docket No. 50983
Court of Appeals

Summarized by:

Lori Fleming
Supreme Court Staff Attorney
(208) 334-2246



Keep Your Contact Info Up to Date!

Under Idaho Bar Commission Rule 303, all Idaho State Bar members must provide their full names, mailing addresses, phone numbers, and email addresses for use by the Idaho State Bar. Use the QR code on the right to make sure your information is kept current!



In Memoriam

Frank W. Stoppello 1943 – 2025



Frank William Stoppello, 81, passed away peacefully on January 18, 2025, in Boise, Idaho. Born on December 11, 1943, in Rupert, Idaho, to Francisco and Ruth Stoppello, Frank was the eldest of three siblings, growing up alongside his brothers, Tony and Monte.

A proud graduate of Borah High School, Frank earned a business degree from Boise Junior College before joining the Army National Guard. He attended Officer candidate school at Benning, Georgia and Army Ordnance School at the Aberdeen Proving Grounds in Maryland and went on to serve in the Army reserves. He later pursued his passion for law at the

University of Idaho College of Law, earning his degree in 1969 and was admitted to the Idaho State Bar that same year. Frank dedicated 50 years to the practice of law, leaving a lasting legacy in his field before retiring.

In June 1965, Frank married the love of his life, Vickie Marie Stoppello. Together, they built a family and a life full of cherished memories. Frank was immensely proud of his children, Matt and Rachael, and loved watching his family grow over the years. A devoted father, grandfather, and great-grandfather, he will be deeply missed by all who knew him.

Frank had a lifelong love for the outdoors, enjoying hunting, fishing, and exploring the natural beauty of Idaho. Known for his direct nature, sharp mind, and unwavering dedication to his family and profession, Frank touched the lives of many.

He is survived by his daughter, Rachael Stoppello; his son, Matt (Nicole)

Stoppello; his grandchildren, Nicholas, Vincent, and Rocco; and his great-grandchildren, Vivienne, Sophia, William, and Anthony.

Timothy J. Williams 1962 – 2025


Timothy ("Tim") J. Williams, 62 of Twin Falls, passed away on January 9, 2025, at St. Luke's Magic Valley Medical Center. Tim graduated from the University of Idaho College of Law and was admitted to the Idaho State Bar in 1988.

Brad Purdy 1958 – 2025

Bradford M. Purdy died in January 2025. He graduated from the University of Idaho College of Law and was admitted to the Idaho State Bar in 1985.

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At the King County Dept. of Public Defense (DPD), we're implementing new caseload standards that are long overdue.

Starting in July 2024, DPD began implementing groundbreaking new caseload standards from the ABA/RAND Study, weighting cases from 1 to 8 based on seriousness and significantly lowering caseloads. For example, a murder case is worth 7 credits.

WSBA's New Caseload Standards

- In 2025, a maximum of 110 weighted felony credits
- In 2026, the limit reduces to 90 weighted felony credits
- In 2027, weighted felony credits limited to 47



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Idaho Supreme Court Annual Memorial Service

STATEWIDE—The Idaho Supreme Court will hold its annual Memorial Service at 10 a.m. Wednesday, March 12, 2025, in the Supreme Court courtroom.

The Memorial Service honors judges and members of the Idaho State Bar who passed away during the previous year. Remarks will be delivered in memory of those honored and several memorial resolutions will be read.

The Memorial Service will be streamed on Idaho in Session at the following link: <https://www.idahoptv.org/shows/idahoinsession/judiciary>.

New Administrative Judge Picked for First Judicial District

FIRST DISTRICT—Judge Barry McHugh was recently selected as administrative district judge for Idaho's First Judicial District.

Judge McHugh's leadership role became effective on Jan. 1. He succeeds Judge Lamont Berezcz, who is now deputy administrative district judge.

Both jobs involve additional duties for the judge beyond the hearing of cases. An administrative district judge manages court operations, assigns judges to cases, and sets local processes through administrative orders. Aided by a trial court administrator and other staff, they ensure courts are running smoothly across their district. Per Idaho law and court rule, the administrative judge is selected from among the district judges currently serving in a judicial district, picked by a vote of those judges.

Judge McHugh has spent a long career in north Idaho, primarily as a prosecutor at the county, state, and federal levels. He also spent time in private practice focused on civil litigation and criminal defense. In 2022, voters elected him as a district judge with chambers in Kootenai County, and he was sworn in as a judge in January 2023.

The First Judicial District includes Benewah, Bonner, Boundary, Kootenai, and Shoshone counties. Judge McHugh's term as administrative district judge will last through the end of 2028.

Bevis, Thiry, Henson & Katz, PA Welcomes New Partner



BOISE—Bevis, Thiry, Henson & Katz, PA is pleased to welcome Kerry Michaelson as their newest partner. She earned her J.D. from Willamette University

College of Law. In law school, Michaelson was a member of the Willamette Law Review Editorial Board. Prior to joining the firm, Michaelson served for over three years as a magistrate judge in Canyon County, Idaho, where she gained experience in resolving complex family law disputes. Michaelson has more than 20 years of legal experience and looks forward to resuming a practice that focuses on family law, mediation, and estate planning. The firm is thrilled to have her on board and looks forward to her contributions to their clients and the broader legal community.

New Trial Court Administrator Named for Idaho's First Judicial District



FIRST DISTRICT—Lisa Chesebro, a longtime attorney with experience across north Idaho, became the next trial court administrator for the First

Judicial District effective Friday, Jan. 24.

A trial court administrator keeps local courts running smoothly. They help manage court operations and implement court programs across each of Idaho's seven judicial districts. The First Judicial District includes Benewah, Bonner, Boundary, Kootenai, and Shoshone counties.

Chesebro received her law degree in 2007 from the University of Idaho College of Law. In the years since, she has worked across the First District as a public defender, prosecutor, and as a private attorney addressing probate and wills, evictions, property disputes, and other matters. She has practiced law in four of the five counties that make up her district.

A resident of Shoshone County, Chesebro said she now wants to help improve the court experience in the Panhandle.

University of Idaho College of Law Awards

STATEWIDE—The College of Law Award of Legal Merit, the College of Law Sheldon A. Vincenti Award for Exemplary Service and the College of Law Rising Star Award are selected by the faculty and were awarded at events throughout 2024.



Hon. Jim D. Pappas was honored with the Award of Legal Merit, which recognizes the outstanding contribution of a College of Law graduate

whose career exemplifies the best in the legal profession. A graduate of the College of Law in 1977, Judge Pappas was appointed to the bench in 1990 and was reappointed to a second term in 2004. He served as Idaho's Chief Bankruptcy Judge from 1993-2004. Judge Pappas served on the Ninth Circuit's Bankruptcy Appellate Panel, a court that reviews decisions made by other bankruptcy courts throughout the Western United States, from 2005-2015, serving as Chief Judge from 2010-2013.



Hon. Jessica M. Lorello was the 2024 recipient of the Sheldon A. Vincenti Award, which recognizes those whose extraordinary and exemplary service

to the College of Law reflects the spirit of devotion, loyalty, and commitment to the betterment of the College of Law embodied by Dean Vincenti. Judge Lorello has been a member of the Idaho Court of Appeals since 2017. She has also served as an adjunct professor with the College of Law, teaching legal writing, legal research, advanced advocacy, and professional responsibility.

Alex Hodson and Annie Henderson-Haws were the first recipients of the Rising Star Award. The Rising Star Award recognizes the outstanding contribution of a College of Law graduate who graduated within the past seven years. This annual award is based on demonstrated excellence and/or exceptional promise shown in the areas of integrity, competence, service, and leadership through work as a legal

practitioner, service to the legal profession, service to the community, or service to business/state/national interests. This was the first year for the Rising Star Award.



the Idaho Supreme Court.



Holland & Hart Promotes Nicole Snyder to Chief Operating Officer, Enhancing Executive Leadership Team



BOISE—Holland & Hart is pleased to announce Nicole Snyder has been promoted to Chief Operating Officer (“COO”), strengthening the firm’s executive leadership team and advancing its strategic priorities.

As Chief Operating Officer, Nicole is responsible for the leadership and strategic oversight of the firm’s operational and administrative functions, including financial management, enterprise risk, and department operational teams. She also serves as an advisor to the firm’s Management Committee. Working closely with Managing Partner Lucy Stark, she helps drive implementation of the firm’s strategic plan and supports Practice Group Leaders and Administrative Partners with operational matters and practice management strategies. Nicole most recently served as the firm’s Chief Administrative Officer.

Based in the firm’s Boise office, Nicole practiced corporate law for 20 years at Holland & Hart and was admitted to the firm’s partnership in 2010. She held several leadership roles, including Corporate Practice Group Leader (2020-2021), serving as an elected member of the

Management Committee (2015-2017), and Boise Administrative Partner (2013-2014).

10th Annual Access to Justice FUND Run/Walk 5K—Save the Date, 5/31!

BOISE—Save the date for Saturday, May 31st, at 10:00 a.m. for the Access to Justice FUND Run/Walk 5K benefitting the Access to Justice Idaho campaign! The Access to Justice Idaho campaign raises funds for the three main providers of free civil legal services to poor and vulnerable Idahoans: DisAbility Rights Idaho, Idaho Legal Aid Services, and the Idaho Volunteer Lawyers Program. In 2024, 385 people participated in the event and helped us raise \$18,100! Since its inaugural year in 2014, the event has raised over \$95,000 for the Access to Justice Idaho Campaign. This is the 10th year we will be hosting this event and will be the year we break \$100,000 in funds raised! Join us to be part of this incredible milestone!

This family-friendly, dog-friendly run/walk starts at Fort Boise Park in the Military Reserve area and is an out-and-back route along Mountain Cove Road. Prizes will be awarded to the top three finishers in the following categories: Senior, Adult, High School, and 12 and under. And your furry friend won’t get left out—the top dogs get medals too! Food and beverages will be available for participants at the finish line.

Bring your full troupe with you to participate in this event in Idaho’s beautiful outdoors. Register as a team and compete for the Learned Foot travelling trophy, awarded to the biggest team! Last year the Ada County Courts had the largest team with 44 members registered. Think you can do better? Start pulling together your teammates now! Registration is \$25 for Seniors (60 & up) and Adults (13 & up), and \$15 for Youth (12 & under).

Register by following the links on the Idaho Law Foundation website for the Access to Justice FUND Run/Walk, or go to <https://www.raceentry.com/access-to-justice-fund-runwalk-5k/race-information>.

If you are interested in being an event sponsor or have questions about the event,

contact Lindsey Welfley at 208-955-8868 or lwelfley@isb.idaho.gov. If you are interested in volunteering to help on race day, contact Calle Belodoff at cbelodoff@isb.idaho.gov. See you on Saturday, May 31st!

Nominations for the 2025 ISB Commissioner Elections Due April 1, 2025

FIRST, SECOND, AND FOURTH DISTRICTS—Attorneys in the First, Second, and Fourth Districts will elect new representatives to the Idaho State Bar Board of Commissioners this spring. The new commissioners will replace Jillian Caires of Coeur d’Alene (First District), and Mary York of Boise (Fourth District). Pursuant to Idaho Bar Commission Rule 900, the new commissioner representing the First and Second Districts must reside or maintain an office in the Second District. Commissioners of the Idaho State Bar—the elected governing body of the Bar—serve for three-year terms, beginning on the last day of the Idaho State Bar Annual Meeting (held in July) following their elections. The Board of Commissioners is charged with administering the regulation of the legal profession in Idaho, which includes the testing, admission, and licensing of attorneys, overseeing disciplinary functions, and mandatory continuing legal education requirements.

Nominations must be in writing and signed by at least five (5) members of the ISB in good standing and eligible to vote in the districts. The Executive Director must receive nominations no later than the close of business on Tuesday, April 1, 2025. A nominating petition form is available on the ISB website (isb.idaho.gov) or may be obtained by contacting the Executive Director.

Ballots will be distributed electronically to members eligible to vote in the First, Second, and Fourth Districts on Monday, April 21, 2025. All ballots properly cast will be counted by a Board of Canvassers at the close of business on Tuesday, May 6, 2025.

Professional Award Nominations – Deadline, 3/28

STATEWIDE—The Idaho State Bar Board of Commissioners is now soliciting nominations for professional awards. These awards were initiated by the Board of Commissioners to highlight members who demonstrate exemplary leadership, direction, and commitment in their profession.

Distinguished Lawyer Award: This award is given to an attorney (or attorneys) each year who has distinguished the profession through exemplary conduct and many years of dedicated service to the profession and to Idaho citizens.

Distinguished Jurist Award: This award recognizes excellence, integrity, and independence by a member of the judiciary. Nominees are selected for their competence, fairness, goodwill, and professionalism.

Professionalism Awards: These awards are given to at least one attorney in each

of Idaho's seven judicial districts who has engaged in extraordinary activity in his or her community, in the state, or in the profession, which reflects the highest standards of professionalism.

Pro Bono Awards: Pro bono awards are presented to attorneys from each of the judicial districts who have donated extraordinary time and effort to help clients who are unable to pay for services.

Service Awards: Service awards are given each year to lawyers and non-lawyers for exemplary service to the Idaho State Bar and/or Idaho Law Foundation.


Outstanding Young Lawyer: The purpose of this award is to recognize a young lawyer who has provided service to the profession, the Idaho State Bar, Idaho Law Foundation, and the community, and who exhibits professional excellence.

Section of the Year: The Section of the Year Award is presented in


recognition of a Practice Section's outstanding contribution to the Idaho State Bar, to their area of practice, to the legal profession, and to the community.

Award nominations should include the following: Name of the award; Name, address, phone, and email of the person(s) you are nominating; A short description of the nominee's activity in your community or in the state, which you believe brings credit to the legal profession and qualifies him or her for the award you have indicated; Any supporting documents or letters you want included with the nomination; and Your name, along with your address, phone, and email.

You can nominate a person for more than one award. Submit nominations for the 2025 Awards by Friday, March 28, 2025, to: Executive Director, Idaho State Bar, PO Box 895, Boise ID 83701, or by email at mryanbraley@isb.idaho.gov.




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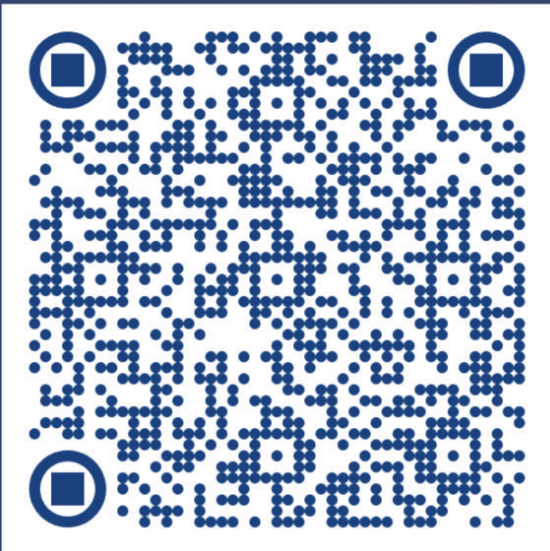
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\$15 Youth (12 & Under)

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CONTINUING LEGAL EDUCATION



March

- 12** *Fourth District Bar Spring Case Review*
Live Webcast
2.5 CLE credits of which 0.5 is Ethics - NAC



- 18** *The Unauthorized Practice of Law: New Frontiers*
Audio Stream
1.0 Ethics credit



- 28** *Ethics and Changing Law Firm Affiliation*
Audio Stream
1.0 Ethics credit



= In Person



= Live Webcast



= Live Audio Stream

April

- 3** *Lawyer Ethics When Clients Won't Pay Your Fees*
Audio Stream
1.0 Ethics credit



- 4** *Workers Compensation Section Annual CLE*
The Limelight Hotel - Ketchum



- 7** *Ethics in Discovery Practice*
Audio Stream
1.0 Ethics credit



- 28** *Evidentiary Issues with Text and "Chat" Messages*
Audio Stream
1.0 Ethics credit



- 29** *Communicating to Opposing Counsel & the Courts*
Audio Stream
1.0 Ethics credit



May

- 2** *2025 Spring New Attorney Program*
9 *Lawyer Ethics and Email*

- 16** *Business and Corporate Law Section CLE*
20 *When Lawyers Make Mistakes: Ethical & Disciplinary Issues*

- 28** *Ethics of Beginning and Ending Client Relationships*

- 30** *Shared Spaces: Ethics of Remote and Virtual Offices*

For more information and to register, visit www.isb.idaho.gov/CLE.

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