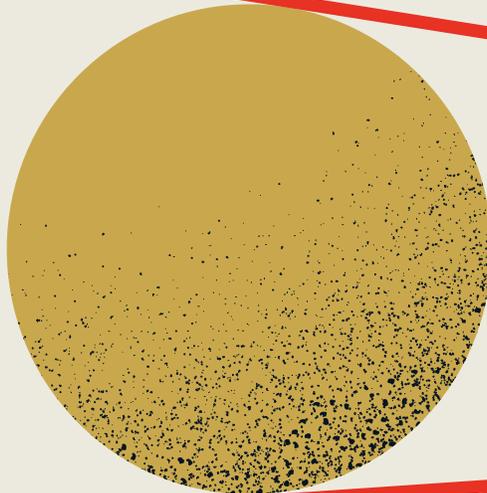
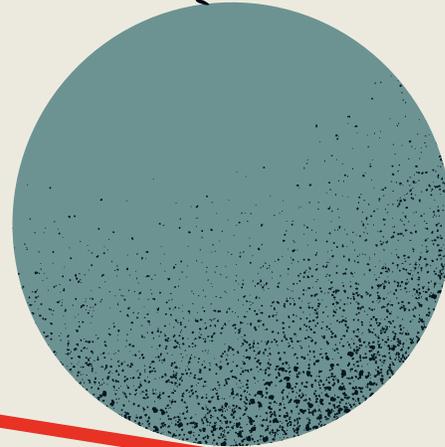


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On the Cover



This issue's featured article by Matt Christensen discusses the use of receivers in divorce proceedings. The cover image represents the balancing act that the judge often performs in such cases and how a receiver can be of great use to maintain equilibrium. Read more on page 16.

Featured Article

- 16** **The Magistrate Court's Balance Pole: Using Receivers to Help Maintain Equilibrium in Divorce Proceedings**
Matthew T. Christensen

Sponsored Articles

Sponsored by the Family Law Section

- 20** **Coercive Control & Financial Abuse: Idaho's Domestic Violence Blind Spot**
Dalton S. Curtis and Anya H. Perret
- 26** **Getting the Most Out of IRFLP Rule 604 Judicial Settlement Conferences**
Colby L. Jones and Carol Barks
- 32** **Considerations With Co-Occurring Child Protection and Child Custody Cases**
Tyrie J. Strong
- 36** **Friendly, Licensed, Human: The Ethics of Unbundled Legal Services in Family Law**
Jen Neyenhouse

Additional Articles

- 40** **Q & A with Our New Deputy Director, Jared Hoskins**
Carissa A. Carns and Calle E. Belodoff
- 44** **State of the Judiciary Address**
Chief Justice G. Richard Bevan

From the Bar

- 6** **Bar Actions**
- 8** **Commissioner's Column: What Lawyers Can Learn from Hamilton**
Leslie Hayes
- 12** **Department Report: Bar Counsel's Office**
Joseph N. Pirtle

In Every Issue

- | | | | |
|-----------|-------------------|-----------|----------------|
| 50 | Court Information | 60 | Around the Bar |
| 52 | Cases Pending | 62 | Upcoming CLEs |
| 56 | In Memoriam | | |

RYAN D. JENKS **(Resignation in Lieu of Disciplinary Proceedings)**

On February 2, 2026, the Idaho Supreme Court entered an Order accepting the resignation in lieu of disciplinary proceedings of Boise attorney Ryan D. Jenks. The Idaho Supreme Court's Order followed a stipulated resolution of a disciplinary proceeding that related to the following conduct.

On February 11, 2025, Mr. Jenks was charged in Ada County with two felony counts involving allegations of sexual abuse of a child under the age of sixteen years, and one felony count of lewd conduct with a minor child under sixteen. On September 18, 2025, Mr. Jenks pled guilty to one felony count of lewd conduct with a minor child under sixteen. Mr. Jenks admitted that such conduct violated I.R.P.C. 8.4(b) [Committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects]. Mr. Jenks agreed to resign his license in lieu of disciplinary proceedings.

The Idaho Supreme Court accepted Mr. Jenks' resignation in lieu of disciplinary proceedings. By the terms of the Order, Mr. Jenks may not apply for admission to the Idaho State Bar sooner than five (5) years from the date of his resignation. If he does apply for admission after five (5) years, he will be required to comply with all the bar admission requirements in Section II of the Idaho Bar Commission Rules and shall have the burden of overcoming the rebuttable presumption of the "unfitness to practice law."

By the terms of the Idaho Supreme Court's Order, Mr. Jenks' name was stricken from the records of the Idaho Supreme Court and his right to practice law before the courts in the State of Idaho was terminated on February 2, 2026.

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

STEPHEN M. JOHNSON **(Suspension)**

On January 12, 2026, the Idaho Supreme Court entered a Disciplinary Order suspending attorney Stephen M. Johnson from the practice of law for a period of sixty (60) days, effective retroactively to October 3, 2025, the date Mr. Johnson's reciprocal sanction of suspension was imposed in Arizona.

The Idaho Supreme Court Disciplinary Order followed a stipulated resolution of an Idaho State Bar (ISB) reciprocal disciplinary proceeding. On September 4, 2025, the Presiding Disciplinary Judge of the State Bar of Arizona (PDJ) entered a Final Judgment and Order accepting an Agreement for Discipline by Consent by which Mr. Johnson received a sixty (60) day suspension and, upon reinstatement, two (2) years' probation. Mr. Johnson was also ordered to pay the State Bar of Arizona's costs and expenses. Mr. Johnson was found to have violated Arizona Rules of Professional Conduct 1.3 [Diligence], 1.4 [Communication], and 3.2 [Expediting Litigation]. Those Arizona Rules of Professional Conduct correspond to the same Idaho Rules of Professional Conduct. The suspension relates to the following facts and circumstances.

Mr. Johnson was appointed to represent two criminal defendants, Mr. Norfleet and Mr. Spink, in separate post-conviction matters. Mr. Johnson negligently failed to diligently perform services for his clients through a pattern of neglect that included repeatedly filing extension requests after court deadlines and negligently failing to notice that the language for his extension requests was inaccurate for the Norfleet case. Mr. Johnson's conduct resulted in significant delays in Mr. Norfleet's post-conviction relief matter. Mr. Johnson also failed to promptly communicate crucial case developments to Mr. Spink due to inadvertent administrative oversights. The parties agreed that there was actual prejudice to Mr. Norfleet due to Mr. Johnson's delay in filing a Post-Conviction Relief (PCR) petition. However, Mr. Norfleet had not

suffered from the prejudice as his PCR case was ongoing, and he was not eligible for release from the Arizona Department of Corrections due to other unrelated convictions. As to Mr. Spink, the delay caused Mr. Spink undue anxiety about missing a filing deadline, indicating potential injury.

Aggravating factors considered by the State Bar of Arizona were prior disciplinary offenses and Mr. Johnson's substantial experience in the practice of law. Mitigating factors considered were Mr. Johnson's timely good faith effort to make restitution or rectify consequences of the misconduct, remorse, full and free disclosure to the disciplinary board or cooperative attitude toward proceedings, absence of a dishonest or selfish motive, character or reputation, and the imposition of other sanctions, including Mr. Johnson's payment of costs and expenses.

The Disciplinary Order provided that upon reinstatement after the sixty (60) day suspension, Mr. Johnson will serve a two-year period of probation with terms and conditions that include participation in the Law Office Management Program (LOMAP).

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

AARON J. TOLSON **(Interim Suspension)**

On January 29, 2026, the Idaho Supreme Court entered an Order Granting Petition for Interim Suspension of License to Practice Law, placing Aaron J. Tolson's license to practice law in Idaho on interim suspended status. The Court ordered interim suspension pursuant to Idaho Bar Commission Rule 510(a)(2), determining that Tolson's alleged professional misconduct poses a substantial threat of serious harm to the public, and the alleged conduct, if true, would subject Tolson to the imposition of sanctions under I.B.C.R. 505.

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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A replica of the Declaration of Independence hanging in the rotunda of the Idaho Capitol building for the America 250. Hanging underneath the large copy are signatures of students who were part of the project. Photo taken by Carissa A. Carns.

What Lawyers Can Learn from Hamilton¹

Leslie Hayes

As the United States celebrates 250 years since the signing of the Declaration of Independence, the State of Idaho² is celebrating the lead up to the July 4, 1776, anniversary.³ For example, if you have been to the Capitol recently, you may have noted that there is a large-scale replica of the Declaration of Independence hanging from the rotunda, that the Liberty Bell has been removed for restoration and a statewide tour, and that there is a display of “Revolutionary Spuds,”⁴ with potato-themed nicknames, like Alexander Hamiltater, honoring the founders of our nation.

In the same spirit, I joined the lead-up to America 250 by using (silly/ridiculous) hypotheticals crafted from the Broadway

Musical *Hamilton* during respectful workplace training recently. It got mixed reviews. Despite those mixed reviews, I’m continuing on my Hamilton-inspired path and will “tell you what I wish I’d known/When I was young and dreamed of glory.”⁵ See also Cabinet Battle #1 (“Such a blunder sometimes it makes me wonder/Why I even bring the thunder.”) With that, let’s see what inspiration we can draw from Hamilton and apply to the practice of law. See generally, *The World was Wide Enough* (“America, you great unfinished symphony, you sent for me.”)

The Importance of Mentorship

“Tell your sister that she’s gotta rise up.”⁶ Hamilton has taught us that the practice of law requires mentorship because

“[n]o one really knows how the game is played/The art of the trade/How the sausage gets made.”⁷ Law school provides us a base knowledge of the practice of law, but it takes actual practice to learn how “the sausage gets made,” and one of the fundamental tools available to learn that is through mentorship. To quote my fellow commissioner FJ Hahn, “knowing the law is not the same as knowing how to practice it.”⁸

The Importance of Inclusion

“We hold these truths to be self-evident/ That all men are created equal/ And when I meet Thomas Jefferson/ I’m a compel him to include women in the sequel.”⁹ Hamilton teaches us that the views of individuals different from ourselves are also important. And, in fact, you see, that

some of his most trusted advisors are not his contemporaries but instead the women in his life. Inclusion serves an important aspect in our society and the practice of law.

Learning to Actively Listen

“Talk Less... Smile more.”¹⁰ Hamilton, excited to meet Aaron Burr, and in a string of questions/statements, Burr responds with “[w]hile we’re talking/Let me off you some free advice/ Talk less.”¹¹ This advice is useful for lawyers as we are used to talking instead of engaging in active listening. Lawyers love to talk but it is also important that they learn to listen. And we see later that Hamilton’s failure to heed this advice is at times to his detriment. See Non-Stop (“Talks for six hours, the convention is listless.”)

Believe in Yourself

“How does a ragtag volunteer army in need of a shower/Somehow defeat a global superpower?”¹² Working hard and believing in yourself are the sharpest tools in your arsenal when you are a young attorney but they are also important as you grow and challenge yourself in new ways—including believing that you can commit the time to undertake pro bono efforts or otherwise volunteer your time and services with the Bar.¹³

When Zealous Advocacy doesn’t come Naturally

“I’d rather be divisive than indecisive.”¹⁴ When decisions get hard to make, or client advice, advocacy, counseling, becomes difficult, you might not be cast as the right character – and that’s fine. We all have different strengths and interests, and there are many opportunities in the law. As the preamble to the Idaho Rules of Professional Responsibility teaches us, lawyers can play many different roles, not all of which include zealous advocacy:

As a representative of clients, a lawyer performs various functions. As advisor, a lawyer provides a client with an informed understanding of the client’s legal rights and obligations and

explains their practice implications. As advocate, a lawyer zealously asserts the client’s position under the rules of the adversary system. As negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest deadlines with others. As an evaluator, a lawyer acts by examining a client’s legal affairs and reporting about them to the client or to others.¹⁵

As Bar Commission President, Kristin Bjorkman, discussed in *the Advocate* at this time last year, “[s]ometimes circumstances require us to deviate from the polestar that brought us into the law, or the practice area we hoped to pursue[,]” and there is nothing wrong with deviation.¹⁶ So if you find that divisiveness is making you indecisive, reevaluate where your passion might be.

The Importance of Mediation

“Most disputes die and no one shoots.”¹⁷ As stated by the Chief Justice in the State of the Judiciary on January 21, 2026:

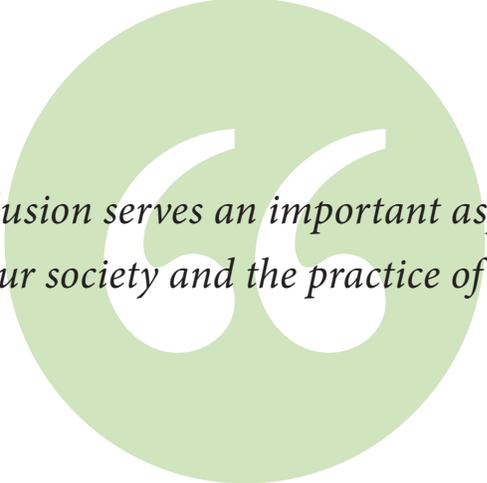
When people think of courts, the first image that often comes to mind is a trial. But often, justice is achieved through negotiation and resolution by the parties themselves, within a legal framework designed

to ensure fairness and predictability. When that framework is clear, many disputes are resolved without requiring a judge or jury to decide them.¹⁸

In my experience, the tool of mediation remains one of the clearest paths towards “fairness and predictability.” Both sides have far more control over what might be the fairest resolution in mediation than they would with a judge or a jury, because it is the parties themselves that are negotiating the resolution (rather than a third party/entity dictating the outcome to them). Mediation is an effective tool in our adversarial system, and it should be used whenever appropriate.

Practicing Humility

“Why do you assume you’re the smartest in the room?/Soon that attitude may be your doom.”¹⁹ You will get to a point in your career where it feels like you know what you are doing. Remain humble when you do. While I love *Hamilton* (the musical), when he said “I practiced the law, I practically perfected it/I’ve seen injustice in the world, and I’ve corrected it . . . Throwing verbal rocks at these mediocrities[,]”²⁰ he became an unlikeable character. And Hamilton learns this lesson the hard way when he does not have the political backing for his financial plan. See Cabinet Battle



Inclusion serves an important aspect in our society and the practice of law.

#1 (“they don’t have a plan they just hate mine.”) Hamilton does not recover from this lack of humility. *See* Washington on Your Side (“Thanks to Hamilton, our cabinet’s fractured into factions/ . . . We smack each other in the press, and we don’t print retractions.”) Continuing to practice your art, while remaining humble about your skills, is an important trait. You may be the smartest person in the room, but operating on that assumption may be your doom.²¹

Preserve the Quality of Justice

“You really do write like you’re running out of time.”²²

I will leave you with the Chief Justice’s homage to the 250th anniversary during his State of the Judiciary address:

it is worth recalling why the judiciary was designed as a separate and co-equal branch of government. As Alexander Hamilton explained in Federalist No. 78, the judiciary “*may truly be said to have neither force nor will, but merely judgment.*” Courts were meant to function steadily and independently—guided by law and faithful to their constitutional role, regardless of circumstances.²³

As lawyers, this quote guides us, as does the Preamble to the Idaho Rules of Professional Conduct, which informs us that while we are members of the legal profession we are also “an officer of the legal

system and a public citizen having special responsibility for the quality of justice.”²⁴



Leslie Hayes is currently a commissioner serving Idaho’s Fourth Judicial District of the Idaho State Bar. Leslie spent ten years with the Office of the Attorney General prior to transitioning in 2022 to serve as the Deputy Chief Administrative Law Judge for the Office of Administrative Hearings. The opinions expressed in this article are hers alone and not those of OAH.

Endnotes

1. Mostly in the context of the musical by Lin-Manuel Miranda.
2. <https://america250.idaho.gov/>.
3. My own agency, the Office of Administrative Hearings, has featured an article on who is thought to be the first administrative law judge in the United States, Henry Knox. <https://oah.idaho.gov/america250/>. Sadly, “Hashbrown Knox” is not one of the featured “Revolutionary Spuds.”
4. The “Revolutionary Spuds” are large ‘Spuddy Buddies’ dressed up like our nation’s founders which are both on display in the Capitol or otherwise touring Idaho. This last summer, for example, Bannock and Power Counties hosted “Spudjamin Franklin” at Chubbuck Days. <https://sto.idaho.gov/About/Current-News/ArticleID/116/Revolutionary-Spuddy-Buddies-Bring-America250-to-Bannock-County-and-Power-County-Idaho> (last accessed February 3, 2026).
5. Lin-Manuel Miranda, “Who Lives, Who Dies, Who Tells your Story.” *Hamilton*, directed by Thomas Kail.
6. Lin-Manuel Miranda, “My Shot.” *Hamilton*, directed by Thomas Kail.
7. Lin-Manuel Miranda, “The Room Where It Happened.” *Hamilton*, directed by Thomas Kail.
8. While this entire article could be on mentorship, my fellow Commissioner, F.J. Hahn, just wrote an article

entitled “Ethics, Fiduciary Duties, and a Call for Mentors,” so I will instead steer you towards his article for tips, tricks, and resources if you would like to learn more. Hahn, *Ethics, Fiduciary Duties, and a Call for Mentors*, 68 (10) THE ADVOCATE, 6-7 (2025).

9. Lin-Manuel Miranda, “The Schuyler Sisters.” *Hamilton*, directed by Thomas Kail.
10. Lin-Manuel Miranda, “Aaron Burr, Sir.” *Hamilton*, directed by Thomas Kail.
11. *Id.* My Hamilton super-fans will rightfully point out that Hamilton’s point during this exchange is better taken that one must stand up against a tyrannical government, but I digress. (“If you stand for nothing, Burr, what’ll you fall for?”)
12. Lin-Manuel Miranda, “Guns and Ships.” *Hamilton*, directed by Thomas Kail.
13. See references for programs and opportunities to volunteer. Fulfer, *Public Service and Volunteering: Values to Live By*, 63 (2) THE ADVOCATE, 6-7 (2020).
14. Caries, *Resolve to Get Involved in 2025*, 68 (1) THE ADVOCATE, 6-7 (2025).
15. Lin-Manuel Miranda, “Farmer Refuted.” *Hamilton*, directed by Thomas Kail.
16. I.R.C.P. Preamble, Note 2 (emphases added).
17. Bjorkman, *Attune: Thoughts on Personal Growth*, 68 (3/4) THE ADVOCATE, 8-9 (2025).
18. Lin-Manuel Miranda, “The Ten Duel Commandments.” *Hamilton*, directed by Thomas Kail. For my Hamilton super-fans, this was commandment three.
19. <https://isc.idaho.gov/sites/default/files/press-release-documents/2026%20State%20of%20the%20Judiciary.pdf> (last accessed February 4, 2026).
20. Lin-Manuel Miranda, “Non-Stop.” *Hamilton*, directed by Thomas Kail.
21. *Id.*
22. If you are at this point in your career and not already mentoring another attorney, this is a great opportunity to do so!
23. Lin-Manuel Miranda, “Who Lives, Who Dies, Who Tells Your Story.” *Hamilton*, directed by Thomas Kail.
24. <https://isc.idaho.gov/sites/default/files/press-release-documents/2026%20State%20of%20the%20Judiciary.pdf> (last accessed February 4, 2026) (emphasis added).
25. I.R.C.P., Preamble Note 1.



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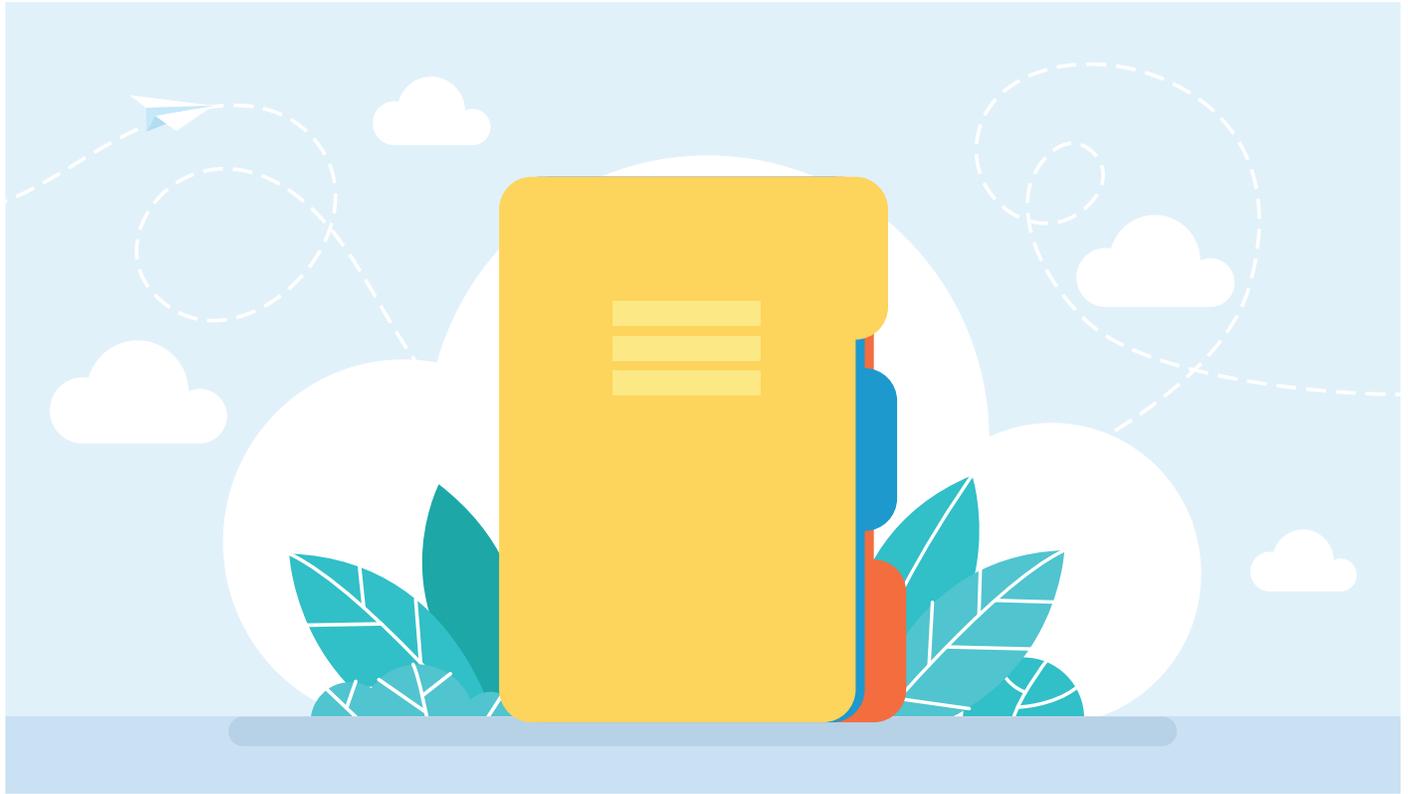
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Bar Counsel's Office Department Report

Joseph N. Pirtle

Bar Counsel's Office saw many changes in 2025. Deputy Bar Counsel, Julia Crossland, retired after nearly 26 years of service. Julia helped many individuals harmed by dishonest lawyer conduct. She also provided thoughtful ethics advice and protected the public through her discipline investigation and formal charge cases.

While we were sad to see Julia go, we were excited to welcome two great individuals to our office: Jessica Kline and Samantha Lundberg. Both have been wonderful additions, providing excellent service to the Idaho State Bar and its members.

In 2025, we primarily divided our work into four categories: (1) investigating and prosecuting alleged violations of the Idaho Rules of Professional Conduct; (2) answering ethics questions; (3) assisting the Board of Commissioners, the Character and Fitness Committee, and the Reasonable Accommodations Committee in admissions and licensing matters; and (4) assisting with claims to the Client Assistance Fund.

Grievance Investigations and Discipline

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. However, 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.

There were 522 attorney grievances filed in 2025. That was a significant

increase from the 378 grievances filed in 2024. Increased grievance filings is unfortunately a national trend. Nevertheless, Bar Counsel's Office closed 469 grievance investigations in 2025, up from the 382 grievance investigations closed in 2024.

Bar Counsel's Office also filed nine cases with the Professional Conduct Board seeking public sanctions in 2025. Most of those cases resulted in stipulated resolutions with the attorneys.

Ethics Questions

All three attorneys in Bar Counsel's Office (Joe Pirtle, Caralee Lambert, and Samantha Lundberg) answer to ethics questions. We treat ethics inquiries confidentially and very much appreciate callers who review the Idaho Rules of Professional Conduct before seeking our assistance. We do not, however, provide advice on substantive legal issues.

Bar Counsel's Office answered 1,669 ethics questions in 2025, up from 1,462 ethics questions answered in 2024. Common themes in 2025 were again

conflicts of interest, disagreements with clients regarding case strategy, and the attorney's responsibilities upon termination of the representation.

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.

Client Assistance Fund

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.

In 2025, the Client Assistance Fund received 13 claims, down from the 22 claims filed in 2024. Since January 2021, the Client Assistance Fund has paid \$161,836 on 46 claims.



Joseph N. Pirtle joined Bar Counsel's office in April 2022. Before joining Bar Counsel's Office, 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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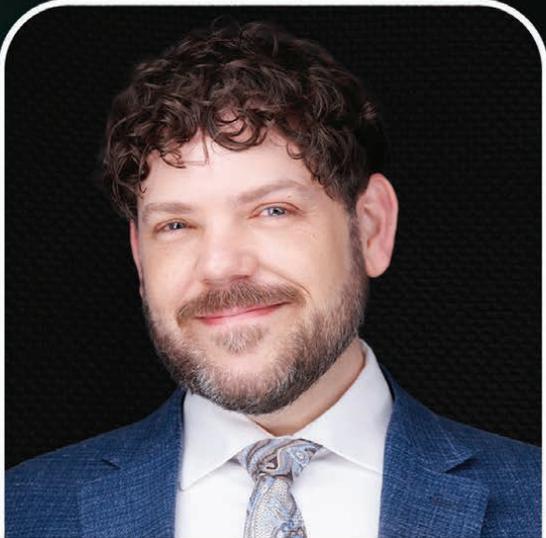
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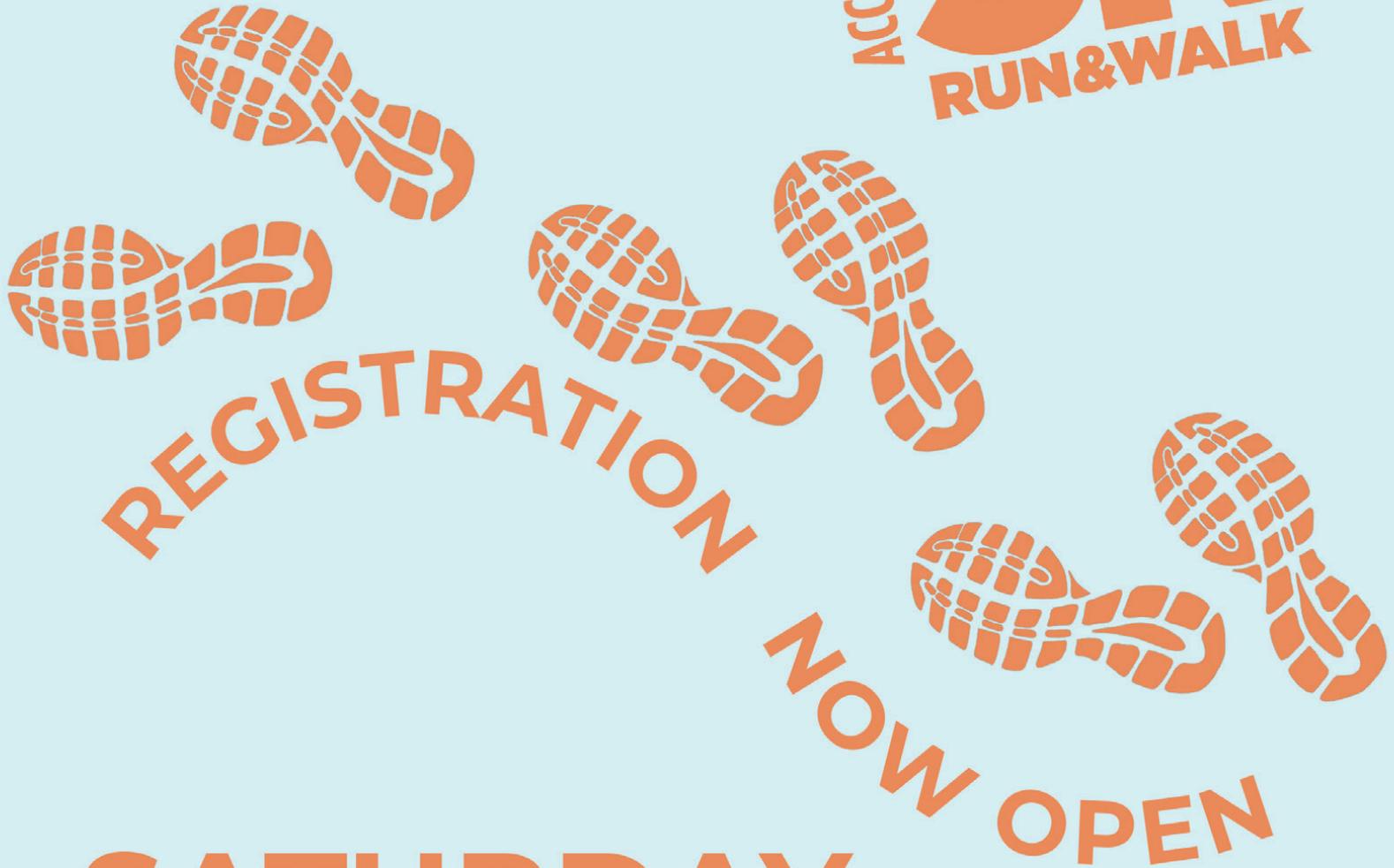
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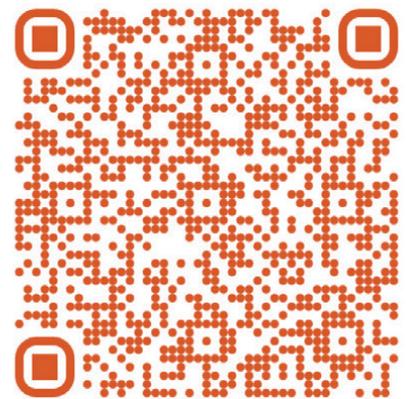
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The Magistrate Court's Balance Pole: Using Receivers to Help Maintain Equilibrium in Divorce Proceedings

Matthew T. Christensen



Picture this: a husband and wife have begun divorce proceedings. They co-own a business with a significant amount of equipment, inventory, and real property assets. Both the husband and wife are actively involved in the business—but the method of running the business is the largest source of acrimony that led to the desire for a divorce. Neither party can agree on many day-to-day business decisions, and the divorce proceedings are only exacerbating the problem. As any family law attorney can attest, divorce proceedings frequently show the extremes of litigation behavior. Either party is susceptible to emotion driving the litigation decisions, which frequently leads to aggressive and demanding behavior from both sides, with not a lot of room for negotiation and compromise between the parties.

The magistrate judge, on the other hand, must maintain the balance of equities between the parties—even when emotions and stakes in the proceeding are high. The magistrate judge frequently is performing the same act a high-wire artist (a “funambulist”) performs, maintaining balance between the two sides while proceeding through the case. Just as a funambulist frequently will use a long pole with weighted ends to help maintain balance on the wire, the magistrate judge can use an outside receiver to maintain balance between the two parties in the divorce proceeding. A receiver is a common method used in business disputes in creditor/debtor relationships that have soured. However, Idaho courts may also appoint receivers in other cases, including marriage and divorce proceedings. The appointment of a receiver can help to preserve the value of the assets the parties are intent on splitting in the divorce proceeding.

What Is a Receiver and How Do They Get Appointed?

Trial judges, including magistrate judges, in the exercise of their discretion,

may appoint receivers in any case where appointment is allowed by law.¹ Normally, receivers are appointed after a litigation party (including third-parties to the litigation) request the court appoint a receiver. The requesting party first identifies the potential qualified receiver, then proposes the receiver be appointed through a motion made in the proceeding citing the relevant legal authority for appointment of the receiver. The motion may be on an emergency basis, through normal notice, or stipulated by all parties. As an equitable remedy, a receiver is appointed when the trial court determines the statutory requirements are met, and the appointment of the receiver is fair and warranted under the circumstances.

A receiver is often referred to as a representative of the court.² Frequently, receivers are appointed in order to conserve, preserve, protect, and administer property.³ A properly-appointed receiver in an Idaho divorce proceeding can use their legal and business knowledge to continue to operate, liquidate, or sell a business. Idaho statutes prohibit a party, attorney, or other person interested in a proceeding from acting as a receiver.⁴ Generally, the parties should nominate and the court should appoint someone with sufficient competence, qualifications, and experience to administer the receivership estate. Idaho's receivership statute is minimal in nature, so drafting and preparing the order appointing the receiver is something the involved parties and the Court should spend time crafting well. The authority and power given to the receiver will largely stem from the terms of the receivership order.

A receiver is generally appointed at the request of an involved party. In some cases, courts have used their own inherent authority to appoint a receiver, even without a specific request from a party.⁵ Once the request for a receiver is made, the court will generally hold a hearing and allow the other party to be heard. In divorce proceedings, both parties should recognize the need for an independent third-party to be involved in preserving the business operation, and the parties are frequently better served negotiating the terms of the receiver order, rather than opposing the receivership itself.

However, if one party objects to the receiver being appointed, it remains up to the magistrate judge's discretion. Because it's a discretionary decision, any appeal of the appointment is governed by the deferential abuse of discretion standard.⁶ Knowing that the appointment of a receiver is up to the discretion of the trial judge, what are some scenarios when a receiver could or should be appointed in a divorce proceeding?

Scenario 1: Both Spouses Participate in Company Management

Our first scenario was addressed above—both spouses are active in the management of an existing company. The company has multiple assets and many employees. The spouses are now giving conflicting instructions to workers and employee morale is now low as employees are effectively forced to “pick sides,” hoping that their side prevails in the divorce proceeding. The company vendors are now going unpaid since the spouses won't agree on which should be paid, and the spouses' acrimony has made the banking relationships unstable.

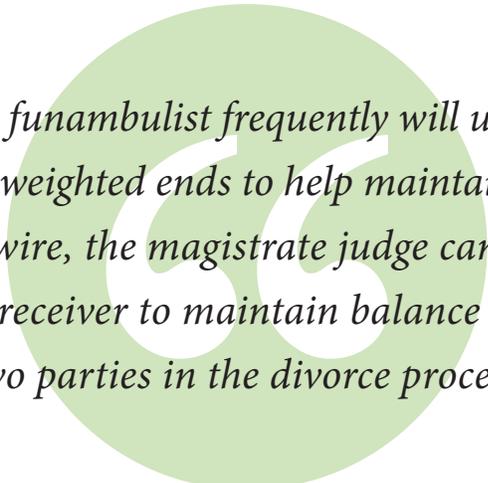
These company management decisions are difficult, if not impossible, to resolve in the divorce proceeding. This is especially true where the company is a wholly owned entity, because the entity itself is not a party to the divorce

proceeding. Without some quick action to stabilize the company, which may have significant value at the time the divorce proceeding begins, the company may rapidly lose value. A competent receiver could be appointed to manage the company while the spouses work out their property division in the divorce proceeding.

The receiver could report to the divorce proceeding, on at least a monthly basis, the company financials so the court (and spouses) are aware of the continuing viability and value of the company. Further, if the divorce proceeding ultimately results in an agreed or ordered sale of the company, the receiver could be empowered to conduct the marketing and close the sale. In this instance, a third-party handles the sale, rather than one or the other spouse (who inevitably will not be trusted by the other spouse to handle the sale). Appointment of the receiver in this scenario preserves the value of the company while the spouses work out their property split.

Scenario 2: Single-Spouse Business Operator

In this scenario, the couple co-owns a magazine publishing business. The business owns substantial printing equipment assets and has multiple customer and advertising accounts. Only one spouse is actively involved in the business. The spouse that does not actively participate is unaware of the



Just as a funambulist frequently will use a long pole with weighted ends to help maintain balance on the wire, the magistrate judge can use an outside receiver to maintain balance between the two parties in the divorce proceeding.

company finances and suspects the working spouse may be hiding income or other assets on the company financials. (For instance, by “employing” a friend who performs no duties for the company and is paid in cash, which ultimately gets returned to the working spouse off the books.) The working spouse fights a property division and child support order, arguing that she has insufficient value and income to support the order.

Here, the receiver could be appointed with limited power to examine all company books and interview any company employees or other representatives. The receiver can be authorized to speak with other professionals employed by the company (such as accountants, payroll companies, or attorneys) and receive information directly from them. In the event the receiver discovers malfeasance or reason to believe the working spouse is not being truthful to the court or other spouse, the receiver can report back to the court and recommend further action be taken (including expanding the scope of the receivership to include management and/or sale of the company).

Scenario 3: Refinancing Existing Business Loans

Idaho is an agricultural state. In this scenario, spouses co-own a ranching operation. The ranch consists of hundreds of acres of land used for raising crops, as well as a large cattle operation. There are several existing bank loans, including some long-term loans secured by the land, as well as short-term operating lines used for seasonal growing of crops and payments for cattle feed. While the divorce is pending, the annual renewal of the operating line becomes necessary. However, one spouse disputes the amount of the required loan and refuses to agree to any additional borrowing or pledging of assets. Without the operating line, the business could easily fail.

In this scenario, the court likely does not understand the intricacies or need for the funds in question, without several

long days of competing testimony. In any case, the court will likely make a decision that adversely affects either one or both parties. Here, a receiver could be appointed for the limited purpose of reviewing the business finances and need for the recommended financing. The receiver could then report and recommend to the court what funds are necessary and what the parties should be ordered to do. Alternatively, the receiver can be empowered to sign loan documents and pledge property as they see necessary. The presence of the independent receiver gives the court and parties assurance that the borrowing and pledge of property are actually necessary to preserve the value of the business operation.

Scenario Four: A Real-Estate Business
Husband and wife co-own an S-Corp which owns multiple parcels of real property in several different states. The real property each has significant value, with some properties securing loans, and some properties owned free and clear of encumbrances. All of the properties are income-producing. In the divorce proceeding, the spouses are each awarded 50 percent of the value of the properties, with the husband ordered to liquidate the properties and/or provide the value to the wife within 18 months of the divorce decree. Years later, many of the properties remain unsold and un-refinanced, and no accounting of the property income has ever been provided to the wife.

This exact scenario occurred in an Idaho case involving Utah property. In that case, over 10 years after the decree was entered, the property had still not been sold. The magistrate judge appointed a receiver to liquidate the property and make distributions to the parties. The receiver was also authorized to investigate and provide an accounting of the rent income from the various properties.

The Idaho Supreme Court confirmed the abuse of discretion standard for appointment of receivers and also discussed the “extra-territorial” application of the receiver statute to property outside the state of Idaho. Recognizing that the Idaho courts do not have jurisdiction over the

actual property outside the state of Idaho, the Idaho state courts do have jurisdiction over the actual parties to the proceeding and can therefore order those parties to liquidate the property and appoint a receiver to liquidate the property.⁸

Conclusion

As these examples show, creative counsel and the court can use the appointment of a receiver to fairly preserve value for parties navigating a divorce proceeding. The examples don’t end here and are likely limited only by the imagination of counsel and the court. Idaho’s current receiver statute provides the flexibility to address myriad situations in a carefully drafted receivership order.⁹ Divorce parties and courts can take advantage of this flexibility to preserve the value of the assets they are dividing.



Matt Christensen is the Managing Partner of Ampleo Turnaround & Restructuring LLC. Matt practiced law for 20 years prior to joining Ampleo, and frequently serves as a receiver, trustee, and financial advisor for a myriad of companies.

Endnotes

1. Idaho Rule of Civil Procedure 73; Idaho Rule of Family Law Procedure 1007.
2. *Shannon v. Superior Court*, 217 Cal. App. 3d 986, 992 (1990); *Umpqua Bank v. Shasta Apartments, LLC*, 194 Wash. App. 685 (Div. 2, 2016).
3. 65 Am. Jur. 2d, RECEIVERS § 27 at 676; see Idaho Code § 8-601.
4. See Idaho Code § 8-603.
5. See, e.g., *Jones v. State of Idaho*, 85 Idaho 135 (1962).
6. See, e.g., *Smith v. Smith*, 167 Idaho 568, 584 (2020).
7. See *Smith v. Smith*, 167 Idaho 568, 577 (2020).
8. See *Id.* At 577. In a different case, the Idaho Supreme Court dealt with the opposite scenario – an out-of-state divorce proceeding where a receiver had already been appointed, and an Idaho magistrate judge’s appointment of an ancillary Idaho receiver to market and liquidate real property located in the state of Idaho. See *Wechsler v. Wechsler*, 162 Idaho 900 (2017).
9. Of interest, the Uniform Law Commission has recently promulgated a Uniform Commercial Real Estate Receivership Act (UCRERA). Adopted in 16 states so far, this act deals with any real property used for a commercial purpose. Provisions of this act could be beneficial to scenario four, mentioned in this article.

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Coercive Control & Financial Abuse: Idaho's Domestic Violence Blind Spot

Dalton S. Curtis
Anya H. Perret

Introduction

The term “domestic violence” often evokes immediate and visible harm: bruises and broken bones; police reports; perhaps a whispered, frantic call or text to a friend or family member. Yet for many survivors, physical violence is just one aspect of a destructive cycle. Domestic violence frequently begins and ends with control over money, friendship, travel, and the smallest daily choices.

Unlike many nearby states, Idaho does not yet include coercive control or economic abuse when defining domestic violence, even in the civil and family law contexts. However, creative advocates can incorporate coercive control into a civil litigation strategy, strengthening a

client's case and more accurately telling their story.

What Is Coercive Control?

Coercive control shaped survivor Kiesha Preston's 14-year abusive relationship.¹ Initially, she did not recognize her partner's behavior as abuse because it did not match her understanding of domestic violence. Over time, his controlling behavior escalated into psychological, verbal, and physical abuse, leaving Preston unemployed, without access to funds, and solely responsible for her three children.

Preston's experience is not unique. She was subjected to both coercive control and a related subset: economic abuse. Coercive control is a systematic pattern of behavior that establishes dominance over another person.² Abusers restrict their

partner's autonomy; isolate victims from friends, family, and other support systems; and create barriers that make leaving the relationship extremely difficult.³ Research shows that abusers who exert coercive control commit more severe, frequent and dangerous physical abuse, compared to abusers who commit other forms of abuse but do not engage in coercive control.⁴

A quantifiable form of coercive control is financial abuse. Financial or economic abuse is “behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources... including restricting access to money, assets, credit, or financial information; unfairly using personal economic resources; or exerting undue influence over financial decisions.”⁵ A perpetrator may take out shared credit lines without consent, discourage or prevent a

partner from seeking employment, control spending and access to funds, force a victim to turn over their income for the abuser to control, or forbid reasonable spending on necessities such as food and diapers.⁶ These strategic tactics go well beyond normal disagreement over finances to create an unequal power dynamic and a cycle of dependency in which the victim is effectively trapped in the relationship.

Idaho in a National Context

Idaho's statutory scheme does not address financial abuse and coercive control. In contrast, a growing number of other states enable judges and advocates to address coercive controlling behaviors, especially in civil proceedings such as protection orders and family law matters.

Idaho's legal framework focuses primarily on physical harms of domestic violence. For example, in the civil context, Idaho Code Section 39-6303 defines domestic violence as "the physical injury, sexual abuse, or forced imprisonment, or the threat thereof, of a family or household member."⁷ This notably omits behaviors rooted in power and control, including emotional, psychological, and financial tactics. Currently, Idaho courts may issue civil protection orders in four limited circumstances: domestic violence, stalking, telephone threats, and threats based on race.⁸ Each of these circumstances require

some element of physical harm or fear thereof, preventing victims from seeking a Civil Protection Order (CPO) where an abuser has not escalated past exercising coercive control.

The Idaho Supreme Court's Administrative Office has recognized coercive control as an issue. In 2019, it issued a Civil Protection Order Bench Card that lists "coercive control or controlling behavior" as a risk indicator for judges to weigh when evaluating safety and lethality.⁹ This direction, though helpful and in line with recommendations from public health research and the federal Violence Against Women Act, carries no statutory authority and does not create enforceable legal rights for survivors.

In recent years, a growing number of other states, across political and party lines, have taken legislative action to recognize coercive control as a component of domestic violence. This reflects a broadening understanding that coercive control is often foundational in an abusive relationship.¹⁰ Many states, including Nevada, Oklahoma, Arkansas, and Washington, explicitly recognize coercion¹¹ or coercive control¹² as a form of abuse.¹³ Several other states including Montana, Louisiana, Mississippi, and Oregon have expanded their civil definition of domestic violence to include behaviors that frequently occur in coercive control.¹⁴ Amid a growing consensus that abuse goes beyond

physical harm, other legal systems are adapting to protect victims. Idaho now faces an important choice: to join the growing number of states that acknowledge coercive control and financial abuse, or to allow victims to continue to fall through the cracks.¹⁵

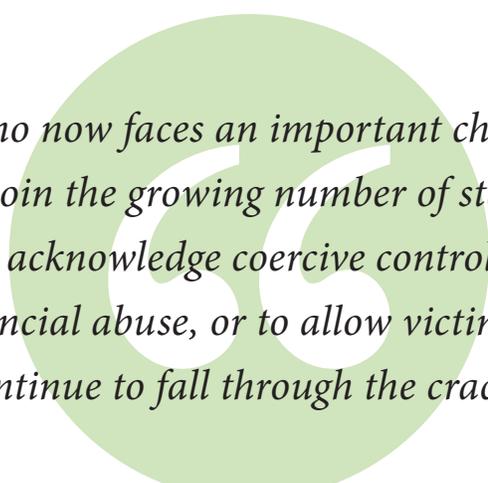
Coercive Control in Idaho Family Law Practice

Even within Idaho's current statutory scheme, legal advocates, alert for signs of coercive control and financial abuse can better support survivors. Evidence regarding coercive control or economic abuse, while not in and of itself grounds for a finding that domestic violence has occurred, can clearly inform and influence other relevant decisions. Coercive control is relevant to whether there is immediate and present danger for purposes of a civil protection order, whether to rebut the presumption of joint custody in a family law matter, or fault finding and the equitable division of assets in a divorce.

Civil Protection Orders & Immediate and Present Danger

To obtain a civil protection order, a petitioner must prove that domestic violence as defined in Idaho has occurred and make a "showing that there is an immediate and present danger of domestic violence."¹⁶ "Immediate and present danger under this section includes, but is not limited to, situations in which the respondent has recently threatened the petitioner with bodily harm or engaged in domestic violence against the petitioner or where there is *reasonable cause* to believe bodily harm may result."¹⁷

When and where in the cycle of domestic violence a victim feels able to leave is not always predictable or aligned with external expectations. Imagine a situation in which physical violence occurred early in a relationship, but the victim did not leave, and later, escalating substance abuse or controlling behavior prompted them to fear physical abuse would recur. From the fact-finder's perspective, the relationship continued, but the physical and sexual violence didn't; and so, the judge may question whether



Idaho now faces an important choice: to join the growing number of states that acknowledge coercive control and financial abuse, or to allow victims to continue to fall through the cracks.

there is actually imminent harm. Or, a petitioner seeks a protection order some length of time after the relationship has ended, reporting that the respondent has been using contact over their shared children to engage in coercive control behaviors—but the physical abuse has not recurred, so the court may ask how to find immediate and present danger. Here, advocates can argue that, even if physical violence occurred in the less recent past or has only been threatened, the cycle of abuse and coercive control generates reasonable cause to believe bodily harm will occur in the future.¹⁸

Child Custody

In Idaho, as in most other states, there is a rebuttable presumption that joint custody is in a child’s best interest. Trial courts can consider a broad range of factors when determining best interest.¹⁹ One factor is whether domestic violence occurred in the parental relationship.²⁰ There is also is

a presumption that joint custody is *not* in the best interest of a child when one parent is found to be “a habitual perpetrator of domestic violence.”²¹ At least two incidents of domestic violence as defined by Idaho Code are required to find that the “habitual perpetrator” definition applies.²²

In situations in which the “habitual perpetrator” designation is contested, advocates should consider strategically raising evidence of coercive controlling behaviors. A fact finder might be swayed by evidence that, while “only” two incidents of “less than severe” violence are alleged, there was a pattern of coercive control alongside the physical violence. In such a situation, two instances of violence are not outliers, but as part of a habitual cycle that will continue to escalate.

Character Assessments, Divorce & Custody, and Coercive Control

A party’s general character is relevant to both divorce and child custody cases.²³

If a client describes domestic violence and is comfortable raising the issue in litigation, but the incidents of physical or sexual abuse were limited, an advocate should point to coercive controlling behaviors as a form of intimate partner violence. Attorneys should pay close attention when clients describe feeling constantly monitored or “on edge” in a relationship, changing their behavior to avoid conflict, becoming afraid of asserting independence or making decisions, or becoming isolated from supportive friends or family. In such situations, advocates should gather more information regarding the various signs of coercive control, as described in **Table 1: Types and Signs of Coercive Control**, and argue that a pattern of such behavior implicates the “character and circumstances of all individuals involved” custody factor or general fault in a divorce.²⁴

TABLE 1: TYPES AND SIGNS OF COERCIVE CONTROL²⁵

Category	Examples
Isolation	<ul style="list-style-type: none"> Restricting or monitoring contact with friends, family, or colleagues Moving frequently or relocating away from support systems Restricting participation in cultural or religious activities
Monitoring and Surveillance	<ul style="list-style-type: none"> Tracking location via phone, GPS, or apps Demanding passwords or access to devices and accounts Requiring frequent “check-ins” or proof of whereabouts
Control of Daily Life and Autonomy	<ul style="list-style-type: none"> Dictating clothing, appearance, or grooming Regulating sleep, food, or exercise Setting rigid rules about household behavior Misusing beliefs to justify dominance or extreme rigidity
Intimidation and Implicit Threats	<ul style="list-style-type: none"> Breaking objects (especially phones) or punching walls Threatening self-harm, suicide, or harm to others Threatening social or community shaming
External Consequences	<ul style="list-style-type: none"> Threatening immigration consequences or legal trouble Threatening to take children or restrict access Threatening to expose personal information Using professional status or authority to intimidate

Economic Abuse & Divorce

Economic abuse involves one partner controlling, exploiting, or sabotaging the other's access to money and economic independence. Preliminary signs of financial abuse might be a client who does not know the household income, debts, or account passwords; describes extreme fear or anxiety when asking for or about money; describes being blamed for financial problems despite having little or no control; or who was trapped in an abusive relationship because of money.

Upon recognizing such signs, an advocate should probe further: was the client prevented from accessing financial information? What happened when the client requested funds for reasonable necessities? Was spending monitored and controlled? Who held assets and debts, and why? These and similar details will demonstrate the harms of financially abusive behavior and why the client therefore deserves a division of assets that reflects or compensates for the financial harm caused by their abuser.



Dalton S. Curtis, a 2025 graduate of the University of Idaho College of Law, practices family law in Coeur d'Alene, Idaho, advocating for survivors while helping families navigate the changes of family law.



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Endnotes

1. 'He Wanted to Destroy Me Financially': *The Economic Abuse of Domestic Violence Survivors*, On Point with Meghna Chakrabarti, (WBUR (Jan. 27, 2025), <https://www.wbur.org/onpoint/2025/01/27/economic-abuse-domestic-violence-survivors>).
2. *Id.*
3. *Id.*
4. Melissa E. Dichter, Kristie A. Thomas, Paul Crits-Christoph, Shannon N. Ogden & Karin V. Rhodes, *Coercive Control in Intimate Partner Violence: Relationship with Women's Experience of Violence, Use of Violence, and Danger*, 15 BMC Public Health 1 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6291212/> (last accessed Feb. 13, 2026). In a study of 553 women, those who experienced coercive control reported higher levels of violence and greater danger than survivors of other forms of abuse who were not subjected to coercive control behavior.
5. 34 U.S.C. § 12291 (Violence Against Women Act), see also Amanda M. Stylianou, *Economic Abuse Within Intimate Partner Violence: A Review of the Literature*, *Violence & Victims*, 33.3-22 (2018).
6. *Economic Abuse in the Life of Survivors*, NCJ No. 301482 (Nat'l Inst. of Justice 2021), <https://www.ojp.gov/library/publications/economic-abuse-life-survivors>.
7. Idaho Code § 39-6303 (2025). This represents the civil definition of domestic violence: criminal code, which is not the focus of this article, contains different definitions of domestic violence but also does not incorporate coercive control or related behaviors.
8. *Protection Orders*, Idaho Court Assistance Office, State of Idaho Judicial Branch (2025), <https://courtsselfhelp.idaho.gov/Forms/Protection>.
9. *Id.*; *Civil Protection Bench Card* (Idaho Supreme Court 2019), https://isc.idaho.gov/dv_courts/CPO_Full_14day-2021.pdf.
10. Cathy Bullock, *Family Law Newsletter: Coercive Control* (Nat'l Org. for Women 2020), <https://now.org/wp-content/uploads/2021/01/2020-NOW-Fam-Law-Newsletter-Coercive-Control-2-2.pdf>.
11. Nev. Rev. Stat. § 33.018 (2024). This statute defines "coercion" as unlawfully compelling another person to act or refrain from action through intimidation, deprivation, or threats, which can include using or threatening violence, destroying property, withholding essential items, or attempting to control another person through fear.
12. Wash. Rev. Code § 7.105.010(9)(b) (2024). This statute defines "coercive control" as a pattern of behavior that is used to cause another to suffer physical, emotional, or psychological harm, and in purpose or effect unreasonably interferes with a person's free will and personal liberty.
13. Brionna Crawford, *Coercive Control Codification Matrix*, National Center on Legal Approaches to Prevent Family Violence, 2024 <https://bwjp.org/wp-content/uploads/2024/03/2024-CC-Statutory-Matrix-UP-DATED-FINAL.pdf>. See also, Nev. Rev. Stat. § 33.018 (2024). This statute defines "coercion" as unlawfully compelling another person to act or refrain from action through intimidation, deprivation, or threats, which can include using or threatening violence, destroying

property, withholding essential items, or attempting to control another person through fear, and see Wash. Rev. Code § 7.105.010(9)(b) (2024). This statute defines "coercive control" as a pattern of behavior that is used to cause another to suffer physical, emotional, or psychological harm, and in purpose or effect unreasonably interferes with a person's free will and personal liberty.

14. *Id.*, see also, Mont. Code § 45-5-203 (2024). This statute codifies "intimidation," as an offense committed when an individual acts with the purpose of causing another to act, or refrain from action, or they communicate a threat likely to produce fear. In this instance, a threat may include inflicting physical harm, subjecting a person to physical confinement or restraint, or engaging in conduct that would endanger a person's safety or property.

15. The Idaho legislature appears open to expanding protections to victims of domestic violence, as evidenced by the passage House Bill 387 in 2024. This bill increases the potential incarceration period for first-time domestic violence offenders, but it did not expand the civil or criminal definitions of abuse.

16. Idaho Code § 39-6306(2).

17. *Id.*

18. *Id.*, defining the "reasonable cause to believe" requirement.

19. Idaho Code § 32-717.

20. *Id.*

21. Idaho Code § 32-717B(5). Other states have much stronger presumptions against awarding shared custody to a parent who was a domestic violence perpetrator during the parent's relationship, such as Nevada and Delaware. See e.g., Nevada Rev. Statute 125C.0035 (only requiring a finding that one instance of domestic violence occurred to trigger the rebuttal presumption).

22. *Michalk v. Michalk*, 148 Idaho 224, 220 P.3d 580 (2009) (husband who had two prior convictions for lewd and lascivious conduct with a minor was not a habitual sexual and domestic offender, so as to require the trial court to presume that awarding joint custody of the parties, child was not in the child's best interests, since there was only allegation on the record of physical or sexual abuse by husband against a family member or the child of someone with whom he had a dating relationship; the Court noted that the, "only possible way that [husband] could be a "habitual perpetrator of domestic violence," as contemplated by I.C. § 32-717B(5), is if there were more than one allegation on the record [of domestic violence as defined by Idaho Code]").

23. Idaho Code § 32-717(e) ("In an action for divorce the court may, before and after judgment, give such direction for the custody, care and education of the children of the marriage as may seem necessary or proper in the best interests of the children. The court shall consider all relevant factors which may include ... [t]he character and circumstances of all individuals involved").

24. *Id.*

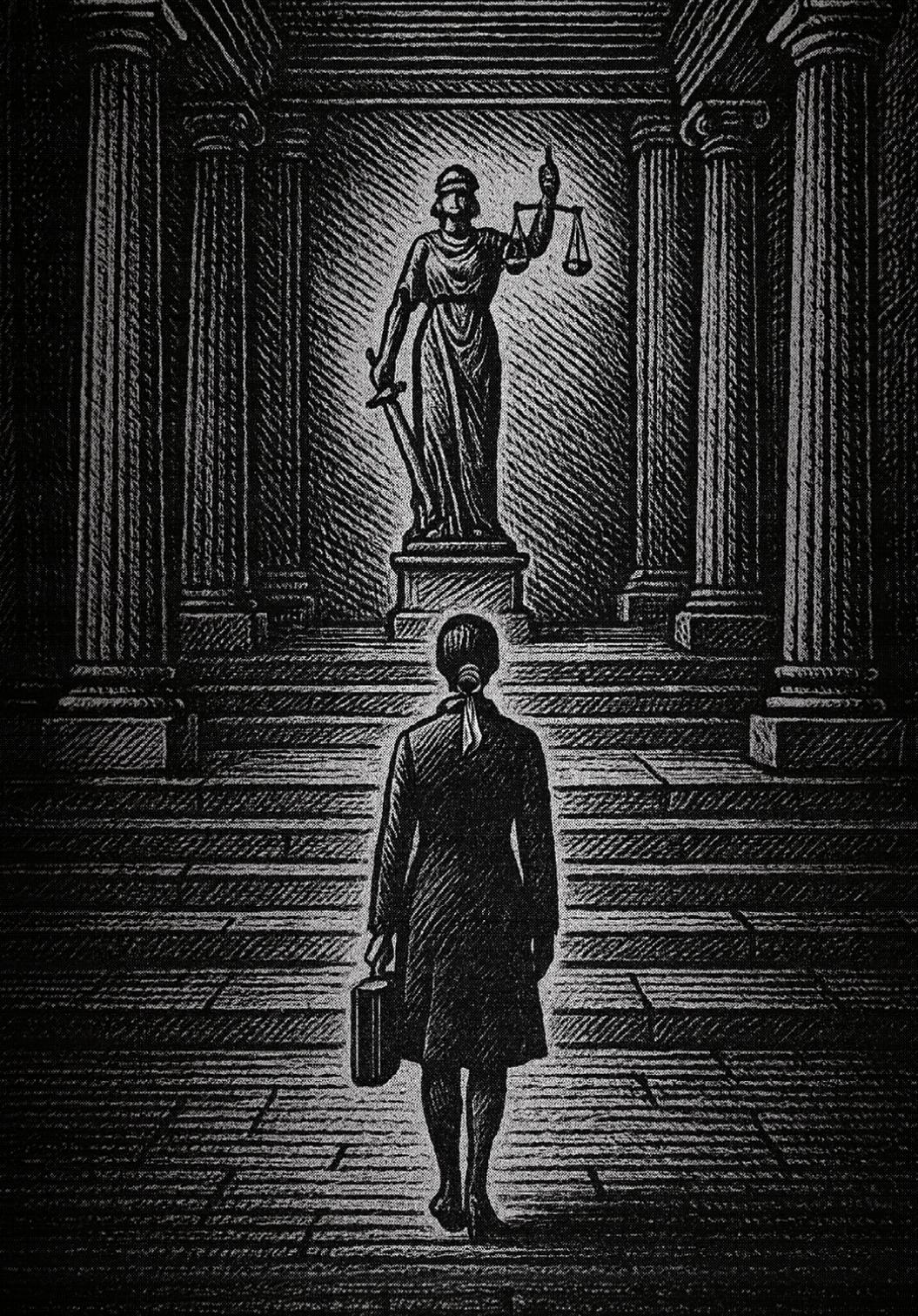
25. From practice. See also Wesenberg, Madison, et al., *Coercive Control in the Context of Partner Abuse: Behavioral Markers, Assessment Challenges, and Interview Approaches*, *Journal of Community Safety and Well-Being*, 10(2) (2025) <https://www.journalcswb.ca/index.php/cswb/article/view/424/1250>.

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Colby L. Jones
Carol Barkes

Resolution of a family case headed for trial is rarely stalled by unsettled law. More often, distrust, fear, and a conflict narrative each side experiences as truth are the culprits. Rule 604 of the Idaho Rules of Family Law Procedure provides Idaho courts with an important late-stage tool for pre-trial resolution: the Judicial Settlement Conference (JSC).¹ Rule 604(a) defines a JSC as a voluntary process in which the magistrate judge facilitates communication and assists negotiations, while “the nature, extent, and results” remain within the parties’ sole control.

The authors have observed JSCs settle cases that had been at impasse after early-stage mediation. Conversely, we have also witnessed conferences lose

momentum when parties or counsel were unprepared, or the judge was not provided with the information or resources to assist in settlement. What follows are judge-friendly best practices grounded in Rule 604 and informed by professional dispute resolution techniques.

Benefits of a Judicial Settlement Conference

Timing Is Important. Early mediation can be undermined by “information poverty.” Incomplete disclosure and discovery leave parties guessing about facts, motives, and risk. When information is missing, parties tend to fill gaps pessimistically, hardening distrust and reinforcing adversarial narratives. A JSC under Rule 604 is typically set later in litigation after

completion of meaningful financial disclosures, discovery, and requested evaluations. Although many parties may resolve at early stages in litigation for good reasons, late-stage negotiation has a built-in advantage that the parties can negotiate with a clearer picture of their case.

Counsel’s Presence Can Change Outcomes. Rule 604(d)(1) requires parties and counsel to participate fully and in good faith, with lead counsel and parties present. This requirement cures a feature of Idaho’s family law mediation rules that can hamper settlement—attorneys are prohibited from mediation conferences unless the mediator requests their presence or the court orders it.² In late stages of a family law matter, real-time advice from parties’ attorneys can keep settlement discussion productive. Attorneys also help clients

analyze the risks and benefits of settlement offers without feeling abandoned, as can happen in mediation without counsel present. Thus, a late-stage JSC requiring attorney presence may be more successful than a standard late-stage mediation session if conducted without attorneys.

A Judge Can Reality-Test Without Taking Ownership. The judge's role can include evaluative discussions that would carry more weight than with other neutrals. It is generally assumed that a facilitative approach has been attempted during earlier mediations, thus, at a JSC, the parties can benefit from the judge's perspective and general approach to family law matters. This will be discussed further below.

Choosing the Right Model: Presiding Judge or Settlement Judge

Use the Right Neutral at the Right Moment. Rule 604 permits a JSC conducted by a non-presiding settlement judge or by the presiding judge (with a written waiver). The choice should be intentional.

The non-presiding judge model can facilitate more candor and confidentiality. When a different judge conducts the JSC, Rule 604(e)(2) provides that matters discussed will not be communicated to the presiding judge unless all parties stipulate. That confidentiality often encourages parties to be more candid about the

real barriers to settlement and their risks in trying the matter.

On the other hand, the presiding judge model provides greater authority and can reduce a subtle form of gamesmanship in family law cases where a party may prefer to take their chances with the assigned judge where they do not appreciate the evaluation of their case by the settlement judge. Rule 604(f)(3)(B) authorizes the presiding judge to have substantive discussions about the case—reviewing probable evidence, discussing strengths and weaknesses, law, arguments, possible outcomes, and appropriate settlement. This rule intentionally offers judges powerful tools to facilitate resolution, although to what extent they are used will vary greatly among judges as each case may require.

If the presiding judge model is selected, the waiver required by Rule 604 includes a provision many litigants may not fully appreciate. Rule 604(f)(3)(D) warns that information discussed in a presiding judge JSC (other than a settlement offer) may be used “for any purpose,” including as evidence at trial. This provision, unless properly explained with clearly set boundaries, can cause parties either to shut down (and the conference fails) or speak freely and later feel ambushed. A short explanation at the outset as to what is confidential, what is not, and why, protects the process.

Optional Participants: Use the Right Help at the Right Time

Rule 604(d)(2) allows judges to authorize a mental health professional, an attorney-mediator, or the family court services manager to participate. When used in the right cases, these professionals reset conflict narratives and engender productive decision-making. An attorney-mediator can be especially useful when the main barriers to resolution are unrealistic expectations, matters of law, and evidence. Sometimes, clients may not properly hear their attorney's concerns about the risks of trial, but hearing those concerns echoed by an attorney-mediator can help a party appreciate the possible outcomes and negotiate accordingly. Rule 604 contemplates such evaluative conversations, and many parties benefit from hearing the same message from other legal professionals, where a judge would perhaps not want to wade so heavily into those types of discussions with the parties.

In custody cases, Family Court Services personnel can also add practical structure and guidance on best practices for shared custody, insight on child development, and refocus parents' attention to toward the best interests of the children.

When using professional assistance at a JSC, a particularly effective approach is employing staged involvement. For example, the optional professional can meet briefly with each side (or with counsel) first to identify the sticking points and the emotional landmines. The judge can then enter the negotiations with an informed and simplified agenda based on information these professionals gather. By meeting with the parties first, these neutral professionals can also assist attorneys to prepare their clients for the settlement discussions ahead, encouraging parties to maintain a forward looking, rather than retributive, perspective. The point is not to outsource the judge's role; it is to reduce all-to-common obstacles so the judge's time with the parties is focused and productive.



By meeting with the parties first, these neutral professionals can also assist attorneys to prepare their clients for the settlement discussions ahead, encouraging parties to maintain a forward looking, rather than retributive, perspective.

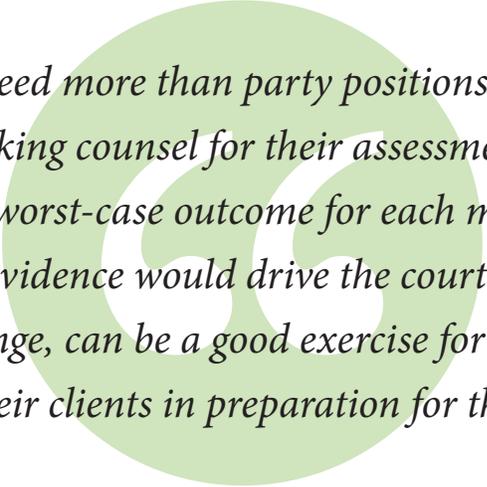
Best Practices Judges Can Implement Right Away

Judicial Settlement Conferences are most effective when they are part of an intentionally sequenced process, rather than a single, stand-alone intervention.

1. Require a Candid Pre-Conference Submission from Counsel. Rule 604(c) provides that the JSC order “may include provisions governing the process used by the judge.” Judges have wide latitude in finalizing that “process.” Judges may require the parties, through counsel, to reveal the issues truly at impasse, what offers have already been exchanged, the best evidence on each issue, and any concerns (protective orders, intimidation, substance use, mental health) that may be present in the case. In family law cases, the best pre-settlement statements are not legal briefs, but roadmaps to resolution. Many Idaho courts already have pre-JSC forms they send to attorneys.

Judges need more than party positions to settle cases. Asking counsel for their assessment of the best- and worst-case outcome for each major issue and what evidence would drive the court to one end of that range, can be a good exercise for attorneys and their clients in preparation for the JSC. For represented parties, it can also be helpful to require counsel to state (in general terms) how much the client has already spent on litigation and what it will likely cost to try the case. Those numbers often bring the conversation back to reality. Pre-conference statements ensure that judges have the information necessary to make the best use of their time.

Other jurisdictions have addressed the issue directly by formalizing JSC preparation. Family court rules in Cowlitz County, Washington, contain a blunt reminder that settlement conference time is “a valuable resource” and parties should be prepared not to “squander it.”³ That same set of rules require a settlement conference affidavit with financial information, supporting documents, and proposed parenting plans and balance sheets (for property disputes). In Thurston County, Washington, courts use



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mandatory forms that require parties to identify prior mediation attempts and partial agreements, protective orders, and related issues before the court sets settlement conference dates.^{4,5}

Courts of Maricopa County, Arizona, use a readiness concept that may be worth borrowing. They require the parties to certify that the discovery and disclosures needed to “meaningfully engage in the conference” are complete and that other settlement efforts have been exhausted.⁶ That is a direct antidote to the type of information poverty that may derail a JSC.

2. Confirm Full Settlement Authority and Realistic Expectations. Rule 604(d)(1) already requires persons with full authority to settle to attend. Judges can reduce last-minute derailments by confirming early that each party understands what decisions may need to be made at the conference and require lead counsel’s presence, rather than another attorney from the firm. Often in family law, persons not a party to the case may have substantial influence or stake in its resolution (e.g., new spouse, grandparents, and other family). There may be very good reasons for this, such as coordination of schedules in a blended family.

However, it is important that each party understands that they must have full settlement authority and be prepared to make final decisions at the JSC. Therefore,

unless the judge is permitting other stakeholders to be present at the conference, each party should be encouraged to discuss possible outcomes with their significant others prior to the JSC and be prepared to accept agreements made.

3. Reality-Test with Questions. Evaluative discussions need not rise to the level of an advisory opinion but may instead take the form of questions that point to possible strengths or weaknesses in the case. For example, a judge may ask an attorney if they feel the proposed evidence would be enough to convince the court to adopt their client’s proposal or if they have considered logical counterarguments and practical concerns related to their client’s case. Such pointed questions not only alert the attorney to possible concerns of the court but may also cause the party to consider issues from a different perspective.

Informing the parties of the stance the court generally takes on certain issues may also provide additional insight to help resolution, particularly in matters where the law is not definitive and magistrates vary greatly in their individual approaches. Other states’ courts encourage this approach. For example, courts in Maricopa County, Arizona, direct “settlement officers” to “evaluate the strengths and weaknesses” of a case to assist the parties in reaching agreement.⁶

4. *Solidify Partial Agreements Early.*

Rule 604(g) requires that full or partial resolutions be placed on the record as soon as reasonably possible, with both parties sworn under oath. Courts may find it worth considering putting partial resolutions on the record as negotiations progress if discrete issues can be safely severed. The rule itself contemplates putting as much on the record as possible *after* the Judicial Settlement Conference, but it does not specifically bar placing partial agreements on the record and continuing the conference on other issues.

Placing partial agreements on the record can prevent complete derailment of the settlement process. Many attorneys and mediators have no doubt experienced parties' reluctance to be the last one to compromise on an issue in settlement negotiations. Those seemingly small end-of-day details can lead a party to throw out the entire agreement. This is devastating where parties, attorneys, and the judge may have put in hours of work plotting a settlement. For example, in one recent JSC that lasted roughly six hours, the parties reached agreement on every issue but one. The remaining issue was addressed with a clear evaluative opinion from the judge, but one party perceived that final concession as a "loss" and responded by retracting all agreements on other issues. Although not always possible, had the parties stipulated terms for partial agreements along the way, at the very least they would have narrowed issues for trial. It may also have avoided the final grandstanding all together, where the power to withhold all prior agreements would not have been available.

The approach of securing partial agreements throughout negotiation is not new nor without precedent. For example, the Maricopa County, Arizona, settlement conference manual succinctly urges judges to "[a]ddress topics one at a time[.]" . . . and "[w]hen possible, nail down agreements before going on to the next topic."⁷

Back to the Beginning

Consistent with IRFLP 101(d)'s directive that family cases be administered to secure the just, speedy, and inexpensive determination of every action, Idaho judges have authority to oversee the litigation process, including conducting Rule 604 judicial settlement conferences. The rules do not necessarily limit family law courts to only a couple of alternative resolution options, although the rules do provide extensive construct for mediation and judicial settlement conferences. For instance, Arizona family law courts have wide discretion and authority to "create, administer, approve, or authorize other ADR processes" to provide families with opportunities to resolve their dispute without litigation.⁸

Similarly, nothing in the rules prevent Idaho judges from crafting creative settlement opportunities for families. For example, some judges require that prior to a JSC, parties have at least one attorney-assisted mediation session.

The idea of courts taking the lead in facilitating resolution is implemented in San Diego, California, where courts are tasked with creating a "case resolution plan."⁹ By creating a dispute resolution plan from the outset of a case, parties and attorneys are given an excellent framework for pre-trial resolution. The cases that most need a JSC are rarely solved by one technique. They settle when the process is structured, information is complete, counsel is prepared and present to advise clients in real time, and the court uses its authority under these rules to dislodge parties from

A SHORT CHECKLIST FOR A RULE 604 JSC

Before:

- Help parties select the JSC model (presiding judge or settlement judge) if they are pro se.
- Obtain any required written waiver.
- Confirm attendance of lead counsel.
- Determine whether optional participants will assist (mediator, mental health professional, or family court services).
- Require exchange of settlement proposals and a short statement identifying the true points of impasse.
- Confirm completion of discovery and that each party has sufficient information to competently negotiate.

During:

- Set clear ground rules at the outset regarding confidentiality and the court's approach toward settlement negotiations (facilitative vs. evaluative, or hybrid)
- Build in short breaks to manage fatigue and decision-making.
- Reality-test positions through strategic questioning.
- Secure and record partial agreements as they are reached, severing issues when appropriate.

After:

- Place all full or partial agreements on the record under oath—do not let parties leave without placing the agreements on the record.
- Set a firm, short deadline for final settlement document submission to the court.
- If remaining issues exist, assess whether a follow-up conference is likely to be productive.

impasse. When used thoughtfully, a JSC is an excellent method to resolve cases that would otherwise have only ended with trial.



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Carol Barkes, CPM, MBA is a professional mediator, author, and conflict resolution specialist who has mediated and negotiated more than 14,000 civil and family law cases, including complex and international matters. A two-time TEDx speaker, she has also presented on conflict resolution and high-stakes communication at the United Nations. Carol is a lecturer at Boise State University and works with courts, attorneys, and dispute resolution professionals, drawing on negotiation theory, neuroscience, and more than a decade of full-time mediation experience.

Endnotes

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3. Cowlitz Cnty. Super. Ct. Loc. Civ. R. 91 (Wash.), https://www.courts.wa.gov/court_rules/?fa=court_rules.display&ruleid=superiorsupcwl291 (last visited Dec. 29, 2025).
4. Request/Response to Schedule Settlement Conference & Trial (Mandatory Form) (Thurston Cnty. Super. Ct. Fam. & Juv. Ct. rev. Oct. 11, 2021), <https://www.thurstoncountywa.gov/media/1629> (last visited Dec. 29, 2025).
5. Settlement Conference Statement (Thurston Cnty. Super. Ct. Fam. & Juv. Ct. rev. Oct. 24, 2023), <https://www.thurstoncountywa.gov/media/1586> (last visited Dec. 29, 2025).
6. Settlement Conferences, Super. Ct. Ariz. Maricopa Cnty., Alternative Dispute Resolution (ADR), <https://superiorcourt.maricopa.gov/court-resources/services/adr/settlements/> (last visited Dec. 29, 2025).
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9. Mandatory Settlement Conference General Information, SDSC Form D-047, at 1 (Super. Ct. Cal., Cnty. San Diego rev. July 2019), <https://www.sdcourt.ca.gov/pls/portal/docs/page/sdcourt/generalinformation/forms/familyandchildrenforms/d047.pdf> (last visited Dec. 30, 2025).



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Considerations With Co-Occurring Child Protection and Child Custody Cases

Tyrie J. Strong

Have you encountered any co-occurring child custody and Child Protection Act (CPA)¹ cases? Or have you considered taking a CPA case through the conflict division of the State Public Defender's office? Although both types of cases look out for children, they are different in nature and process. Even so, when they are co-occurring, it is often helpful for the same attorney to handle both.

I will start by exploring the primary issue, keeping the information from each case separate as the activity in the cases may not be freely used even though the parties are the same. Next, I will discuss how child protection cases are not concerned with custody decisions, although their actions may either assist or interfere with custody cases. I will conclude with the benefits of handling both, followed by pointers for handling your first CPA case.

Child Protective Act Cases Are Exempt from Public Disclosure

An important cautionary note: all CPA cases are closed hearings and the records are exempt from public disclosure according to Idaho Juvenile Rule 53.²

Idaho Code § 16-1626 limits who the CPA records may be released to: parties, any other individuals with custodial rights to the subject child, and agencies providing protective supervision or legal custody, generally the Department of Health and Welfare—except by specific court authorization.³

Rule 32 of the Idaho Court Administrative Rules (governs all proceedings open to the public). In general, “[t]he public has a right to access the judicial department’s declaration of law and public policy, and to access the records of all proceedings open to the public.”⁴ Rule 32(g) lists 29 types of records that are excluded from public disclosure, generally due to their sensitive nature. If a public

records custodian willfully or intentionally discloses these records, it may be treated as a contempt of court.⁵ Consistent with I.C. § 16-1626, CPA cases are on this list.⁶

Nevertheless, Rule 32 (c) states the rule “shall not prevent examination, inspection and copying of records otherwise exempt from disclosure” in certain situations, specifically authorizing parties to release their own court filings.⁷

The explicit language of Rule 32 not only permits parties to access their own records, but also expressly recognizes the parties right to release those records to third parties. Rule 32 places no restrictions as to whom the parties may authorize release of these records to, unless the Court issues a special order otherwise. Thus, it seems that a party to the case—your client in a CPA case—has the right to authorize the release of their child protection documents to be presented and utilized during their child custody case.

I have observed a final child protection report in a case⁸ written with the expectation that the judge in the child custody action would utilize it to effectuate a modification to the custody order.

Because the issue is not explicitly spelled out, not all judges interpret it this way. I have also experienced a judge interpreting Rule 32 to forbid such cross-over use of a child protection report. As I could find no Idaho Supreme Court decisions on point, it seems this rule could be clarified as to whether parties may or may not use records from their own CPA cases. Clarification would allow for consistency, clear expectations, and no unpleasant surprises.

Keep Child Protection Information Separate

Because CPA cases are exempt from disclosure, some judges will not allow the information in CPA cases to be freely shared with the custody case. Rule 32 appears to allow the parties to choose to share reports from their CPA case with the custody case, but some judges treat records that are exempt from disclosure the same as a sealed case. I have experienced having evidence in a CPA case sealed where the client could only view it in my office. This allowed access to the evidence but required care not to apply it in the custody case.

This applies similarly to information gained through mediation. Information learned in mediation cannot be directly used in court, but it can prompt and direct discovery and investigation to learn and verify this information another way. Likewise, evidence in CPA cases may not be directly used in the custody case but must be separately obtained for use in the custody case.

For instance, forensic interviews from a Children's Advocacy Center might be evidence in a CPA case. Those are very sensitive and often may not be used in the custody case, despite being very relevant. However, witnesses in the custody case who know the information may testify to what they had learned, observed, or witnessed.

Another way to bring restricted information from a CPA case into a custody case is to ask for an Idaho Code § 32-717C investigation. These must be ordered whenever there are allegations of child physical

or sexual abuse. Child Protective Services (CPS) within the Idaho Department of Health and Welfare will conduct a thorough investigation, write a report, and file it with the court directly into the custody case, making that information available.

Child Protective Services Is Not About Custody

CPS does not resolve custody. Their aim is to ensure that the children are safe. As soon as CPS determines that a parent with joint legal and physical custody rights to the child is an appropriate and protective parent that the children are safe with, they will move the court to close the case. This will happen even if child custody is not finally determined by a court order in a child custody case.

Further, unless there is a clearly identified non-offending parent when a CPA case is open, most activity in a custody case is paused while the court waits to see what transpires in the CPA case. A temporary custody order is sufficient to prompt CPS to move to close a CPA case, which then leaves the custody trial to solidify the children's safety and best interests unheard until after the completion of the CPA case. If the custody trial then arrives at different conclusions, the children could still be in danger.

The final report in a CPA case,⁹ if the judge in the custody case allows it to be admitted, can greatly assist in obtaining an order of sole custody. That report is a thorough assessment of each parent and the children's

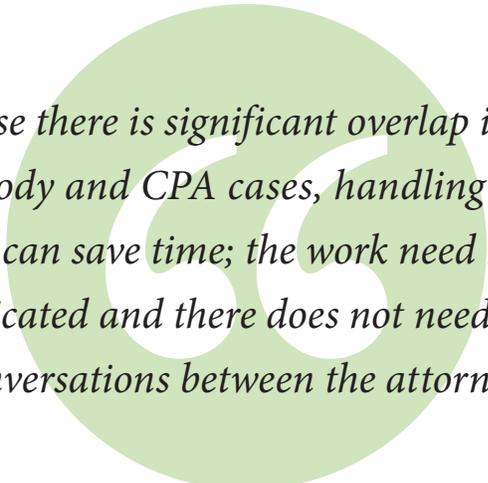
safety with each parent, providing valuable information from a neutral third party.

Benefits of Handling Both Cases

Because there is significant overlap in child custody and CPA cases, handling both cases can save time; the work need not be duplicated and there does not need to be conversations between the attorneys. Handling both cases provides the attorney with full knowledge of everything occurring on both sides, allowing for optimal representation of a client—similar to handling a criminal case (either defending an accused or providing crime victim representation) along with a custody case. This deeper understanding of the cases and the issues presented in each lead to better representation and fewer surprises.

Creation of CPA Cases

Sometimes in contentious custody cases, one party will call CPS on the other party; or both parties will call in reports of abuse. This may be done to harass the other parent or in an attempt to help their custody case. Such behavior is not helpful but rather is frowned upon. It is better practice for the attorney to alert the custody judge to the allegations of abuse and request an I.C. § 32-717C investigation. Then, if the concerns are substantiated, a CPA case will be opened. This avoids harassment, increased suspicion between the parties, and results in the investigation findings being freely usable in the custody case.



Because there is significant overlap in child custody and CPA cases, handling both cases can save time; the work need not be duplicated and there does not need to be conversations between the attorneys.

Given the significant overlap of material between CPA and custody cases, it would be optimal if the same judge handled both cases and if judges would consistently take judicial notice of CPS reports.

Taking Your First CPA Case

In the early stages of a CPA case, the Idaho Department of Health and Welfare (IDHW) is represented by the county prosecutor. Within thirty days, an Adjudicatory Hearing is held to determine whether the court has jurisdiction over the child in question and whether there is clear and convincing evidence that a child is neglected, abused, abandoned, homeless, or lacks a stable home environment.¹⁰ At the completion of the Adjudicatory Hearing, if continuation of the case is warranted, then in some parts of the state, a Deputy Attorney General will substitute in to represent IDHW.¹¹ Thus, the CPA workers are represented by an attorney and you cannot speak to them directly about the case, even though your client may.

If your client is the protective parent, they may welcome the involvement of CPS. Nevertheless, it is still necessary to ensure the proposed case plan is achievable and provides adequate support from IDHW. It is also important to monitor your client's relationship with IDHW to ensure they do not switch to pursuing your client. Be sure that a good relationship at the beginning is maintained.

If your client is accused of harming the children, representing them in both cases can give you notice of what allegations are likely to be brought in the custody case. Successfully working a case plan can help mitigate the situation on the custody side.

An excellent resource for learning what to expect are the bench cards for Child Protection cases.¹² Another resource is the *Child Protection Manual: A Practical Guide for Judges and Attorneys*.¹³ Both resources are freely accessible online.

Ideas for Improvement

Given the significant overlap of material between CPA and custody cases, it would be optimal if the same judge handled both cases and if judges would consistently take judicial notice of CPS reports. The cases can progress efficiently if the parties are free to use their own CPS reports in their other case. CPS workers are neutral parties working intimately with a troubled family, and when there is also a custody dispute in that family, it would be helpful if CPS could make explicit recommendations regarding custody based on their experience with the parents.

Conclusion

Representing a client in a CPA case concurrently with their custody case can be highly rewarding and offers a more comprehensive understanding of the family dynamics, thereby enhancing the quality of representation in both matters. However, care must be taken when applying information obtained in one case directly to the other. Such information should instead be used to guide investigation, witness preparation, or to support a request for an I.C. § 32-717C investigative report.



Tyrie Strong earned her J.D. magna cum laude from Gonzaga University in 2021. She practiced at Idaho Legal Aid before founding her own firm, Strong Family Law, in Coeur d'Alene at the start of 2025. In 2024, she received the Idaho State Bar Public Service Award and currently serves on the board of the Family Law Section.

Endnotes

1. Child Custody cases address parenting time and child support between the child's parents, based on the Best Interests of the Child, whereas Child Protection Act (CPA cases) are opened by the state against the parents when a call to Child Protection Services is substantiated. CPA cases focus on the safety of the child, offering services to both parents to grow into safe parents, or, if they do not complete their case plan, will proceed to a trial for the termination of parental rights.

2. "A court shall not disclose any of the contents of a case file of any action brought under ... the Child Protective Act, nor other records of such proceedings, except as authorized under Rule 32 of the Idaho Court Administrative Rules..." (IJR 53).

3. "...The records shall be available only to parties to the proceeding, persons having full or partial custody of the subject child and authorized agencies providing protective supervision or having legal custody of the child. Any other person may have access to the records only upon permission by the court and then only if it is shown that such access is in the best interests of the child; or for the purpose of legitimate research..." (ISC § 16-1626.)

4. Idaho Ct. Admin. R. 32 (a).

5. Idaho Ct. Admin. R. 32 (g).

6. Idaho Ct. Admin. R. 32 (g) (9) (A).

7. Idaho Ct. Admin. R. 32 (c) assures us that the rule "shall not prevent examination, inspection and copying of records otherwise exempt from disclosure by the following persons in the following situations" and situation (2) is:

Parties to an action and their attorneys accessing the court file of the action, unless restricted by order of the court. However, parties to an action and their attorneys may not access records identified in paragraphs (g)(3), (4), (5), (15), and (17)(F) that were filed by another party, unless permitted by court order. Parties may authorize release of their own court filings directly to a third party.

8. The Department of Health & Welfare files review reports on the parents' progress and children's well-being before each review hearing, typically about two months apart. The final report that recommends case dismissal (unless the case is going to termination) summarizes the entire proceedings, and why the children are now safe.

9. See footnote 8, *supra*.

10. I.C. § 16-1619.

11. In some areas, the Deputy Attorney General ("DAG") substitutes in after Adjudication; in others, only if there is a trial for a Petition to Terminate Parental Rights; and in others, the prosecutor's office handles the entirety of CPA cases.

12. <https://isc.idaho.gov/BenchCards>.

13. https://isc.idaho.gov/cp/benchcards/2018/Child_Protection_Manual_2018.pdf

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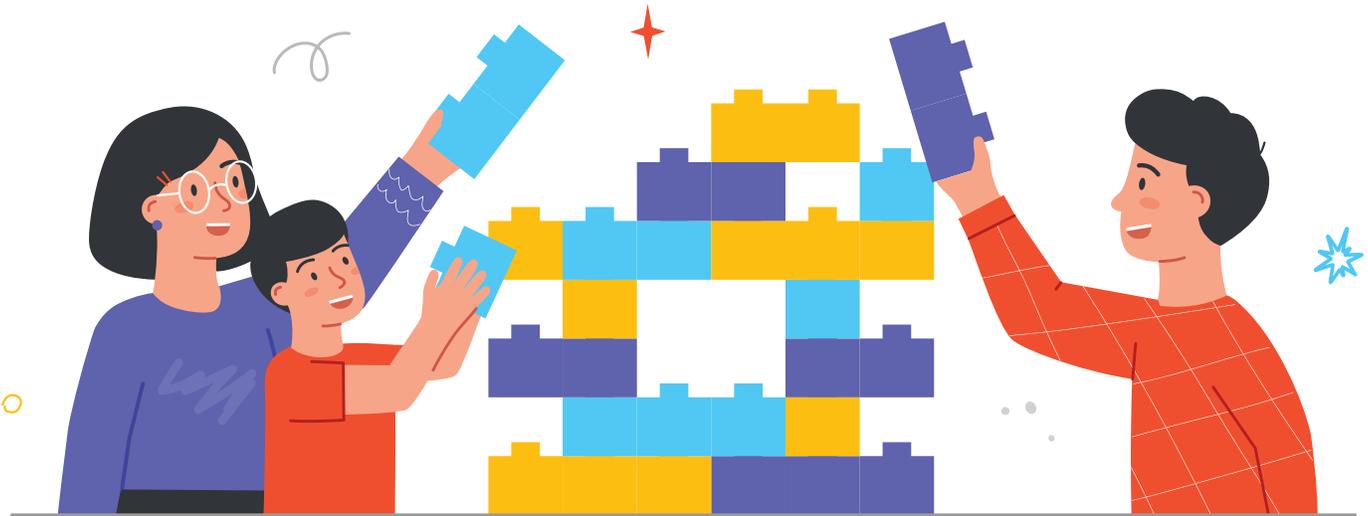
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Friendly, Licensed, Human: The Ethics of Unbundled Legal Services in Family Law

Jen Neyenhouse

Why Listen to Me & Roadmap

Family law problems are like car trouble and unwelcome houseguests: surprising, expensive, and impossible to ignore. Having hired family law attorneys before, during, and after law school, I bring both client and practitioner perspectives to the question of how Idaho can improve family law practice for consumers and attorneys alike.

Tailoring Idaho's ethical, civil, and family procedural rules to support unbundled legal services would ease the pressure of full-service representation on attorneys, give litigants greater control over their cases, and assist judges by reducing ambiguity in filings prepared by self-represented parties, especially in the age of OpenAI. States across the country have quietly updated their civil and family law rules to accommodate limited-scope representation. Idaho should do the same.

This article explores relevant ethical and procedural rules and offers practical guidance for attorneys navigating Unbundled Legal Services (also known as limited representation) while expanding access to direct, licensed, expert, accountable, and professionally trained legal assistance.

Attorney–client relationships are governed first by the Idaho Rules of

Professional Conduct (IRPC). The Preamble identifies four roles lawyers may perform: advisor, evaluator, advocate, and negotiator.¹ While the IRPC vests clients with authority over the scope of representation, family law practice often presumes attorneys will fill all four roles throughout a case. If clients understood these roles and could choose among them, many could preserve more financial resources when exiting a relationship.

Trends Across States vs Current Ethics Rules

Many states now expressly offer unbundled legal services. The ABA described Unbundled Legal Services as where “(1) clients receive only the advice and services they need and therefore pay a more affordable overall fee; (2) lawyers expand their client base by reaching those who cannot afford full-service representation but have the means for some services; and (3) courts benefit from greater efficiency when otherwise self-represented litigants receive [limited legal assistance].”²²

States currently offering unbundled legal services have addressed both restricted court appearances and attorney assistance with drafting pleadings while preserving pro se status.

Alaska Rule of Civil Procedure 81(d) requires attorneys to file notices specifying

the scope of representation and mandates a closing protocol that includes providing clients with pending deadlines, including hearing dates and times.³ Maine allows a single notice for discrete issues without repeated withdrawal motions.⁴

Colorado permits attorneys to assist pro se litigants with drafting, so long as filings disclose the lawyer's identity and contact information; signing requirements are triggered only by courtroom appearances.⁵ Florida provides similar drafting authorization and also requires service on both the attorney and the party.⁶ Hawaii and Kansas require simple disclosures that filings were prepared with licensed assistance, and Hawaii offers sample limited appearance contracts.⁷

These models demonstrate workable frameworks Idaho could adapt.

Under IRPC, clients control both the objective and means of representation. IRPC 1.2(a) specifically vests clients with control over the scope of representation.⁸ IRPC 1.4 requires consultation with the client on how that representation is pursued, yet family law often presumes that the attorney will fill all four roles.⁹

There are further rules that support unbundled legal services. IRPC 1.2(c) authorizes limited representation where reasonable and supported by informed consent. Comment 6 notes that clients may take

on representations that “exclude actions that the client thinks are too costly...” even where those methods “might otherwise be used to accomplish a client’s objectives.”¹⁰ Comment 7 acknowledges that some clients may seek brief advice, but notes an attorney must ensure that they take enough time with the client to “yield reliable advice.”¹¹

IRPC 8.4 governs attorney misconduct. Although the rule does not expressly address ghostwriting, ethics authorities generally define it as drafting pleadings for pro se litigants without disclosure.¹² The Annotated Model Rules describe ghostwriting as an attorney preparing documents for a self-represented party “without disclosing the lawyer’s role to the court, adverse party, or opposing counsel.”¹³

Most ethics opinions conclude that ghostwriting, standing alone, does not violate Rule 8.4(c). The concern is whether nondisclosure misleads the court or opposing parties.¹⁴ Ghostwriting becomes unethical when it is used to exploit the leniency afforded to pro se litigants, when the representation is not truly limited, when the lawyer effectively controls the pleadings or litigation strategy, or when the lawyer creates the false impression that the litigant lacks substantial legal assistance.¹⁵ Other jurisdictions, including Alaska and Hawaii, offer workable models that preserve attorney accountability while permitting drafting assistance.¹⁶

Despite these ethical rules already in place to protect clients in an unbundled legal services scenario, Idaho currently lacks procedural rules governing paid limited-scope representation or attorney-assisted pro se filings.

Idaho Rules of Family Law Procedure (IRFLP) 111(a) requires paid attorneys to file a motion and obtain a hearing to withdraw from a case.¹⁷ However, Rule 207(c) allows a pro bono attorney to limit their appearance proactively and to enter a case by filing a “notice of limited appearance specifying all matters that are to be undertaken on behalf of the party.”¹⁸ It also allows pro bono attorneys to withdraw by filing a notice of completion without the need for a court’s leave.¹⁹ IRFLP 220 allows paid attorneys to withdraw without leave of the court in Civil Protection Order cases.²⁰

The rules do not expressly prohibit paid attorneys from limiting representation; they simply provide streamlined procedures only for pro bono counsel. IRFLP 207 does not use the word “only” to clarify in any way that paid attorneys may not engage in limited appearances.²¹ To interpret it that way would create a conflict between the Professional Conduct Rules and the Procedural Rules and would interfere with the business relationship and the parties’ power as consumers.

Also, IRFLP 213, the rule governing signatures on pleadings, does not prohibit a client from seeking legal support in drafting or organizing pleadings.²² It, however, does not provide a mechanism for attorneys to disclose their involvement without entering a full appearance.²³

Why Idaho Resists Unbundled Services & Why It’s Wrong

A rule fix is needed to allow attorneys to assist without appearing, while also avoiding anonymity. Drafting pleadings for a client without filing or arguing them in court can be problematic, and the risks increase with the complexity and contentiousness of an issue.

Attorneys can assist pro se litigants in filling out court forms and even in drafting motions for relief. However, Idaho does not permit an attorney to sign or file a pleading they helped prepare without formally entering their full appearance in the case.²⁴ Some judges have even suggested that filing any documents in a case bearing an attorney’s name should be treated as entering an appearance.

When that interpretation is combined with IRFLP 111’s withdrawal requirements, an attorney could be required to move the court to withdraw several weeks or even months before trial to allow sufficient time for the court to schedule and hear the motion.²⁵ As a result, under the current framework, when attorneys assist pro se litigants with drafting forms or motions, the clients must file the documents themselves. This leaves attorneys unable to ensure that no substantive edits are made that could result in misrepresentation.

Some judges are concerned that attorneys will use this loophole to get around

the ethics rules and that they’ll have no one to hold accountable if an attorney fails to conduct sufficient or accurate research or makes misleading or unsupported claims. Judges were also concerned that attorneys could remain in the background as a strategy to take advantage of the additional leniency afforded to pro se parties. Yet today’s budget-conscious litigants increasingly rely on unaccountable AI systems to help them file their court requests. To preserve public trust in civil courts, lawyers must adapt to providing people with access to licensed direct advice within whatever scope clients can afford.

Opposing counsel could have grounds to fear violating IRPC 4.2’s prohibition against communicating with parties the attorney “knows” to be represented when a pro se litigant submits professional-looking but unsigned filings.²⁶ However, currently, under Idaho Rule of Civil Procedure 11.4 and IRFLP 207, until an attorney files an appearance with the court, the person remains unrepresented, which will not violate IRPC rules.²⁷ Those two rules concern pro bono appearances, but can also be applied similarly in the concept of paid attorney limited appearances.

Besides, given that the alternative nowadays is for pro se applicants to use unreliable AI bots for their filings, Idaho needs a rule change. The rule change should allow paid attorneys to unbundle their services and to identify themselves as drafting for and advising a party, without threatening the party’s authority to limit the attorney’s scope to exclude presenting in court. Judges would permit attorneys to file into cases without risking entering their appearance for the entire case. This will help ensure better outcomes for families and judges who will be less bogged down by AI slop or by confident but confused pro se litigants.

How to Work Around the Problems

Attorneys remain the gold standard for legal advice. Unbundled services become problematic only when providers attempt to evade professional obligations. The following practices help attorneys remain compliant.

1. Attorneys must obtain informed consent. Attorneys must use detailed written agreements that list each service and include the client's initials. They must also provide a document to clients that weighs the costs and benefits, and that explains that limited representation is reasonable under the circumstances.

2. Attorneys should consider advising only. Legal coaching, without drafting, can significantly improve outcomes. Judges cannot grant relief unless parties request it, and pro se litigants often do not know what to ask for. Attorneys can guide clients through statutes and court forms, including requests for temporary support or fee sharing under Idaho's divorce statutes.

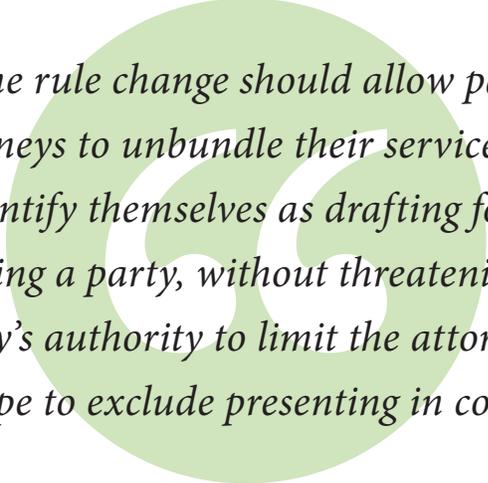
3. Attorneys should consider drafting roles. If an attorney uses drafting without appearing, agreements should require the inclusion of the attorney's name, bar number, and contact information on pleadings, prohibit client edits, and include indemnification provisions. In this instance, attorneys should also transmit documents in non-editable formats.

Disclosure will then reduce ghost-writing risk, even if it increases the chance of being drawn into the case. Attorneys may also authorize opposing counsel to communicate directly with clients.

Drafting should be used only for uncontested or straightforward matters. If issues require legal argument or raise concerns about client candor or competence, attorneys must file a notice of limited appearance and expand the engagement.

4. Attorneys should consider assisting with initial filings and immediately withdraw. Attorneys may help file initial documents and immediately withdraw, providing quality control while distinguishing licensed assistance from unauthorized practice.

Attorneys should file the withdrawal motions well before trial. Courts will retain discretion, particularly near trial, but the client's authority over the scope must remain paramount. Judges generally should not compel continued representation absent good cause. Judges should avoid requiring lawyers representing a client on a limited capacity to remain in the case against the party's will, as it



The rule change should allow paid attorneys to unbundle their services and to identify themselves as drafting for and advising a party, without threatening the party's authority to limit the attorney's scope to exclude presenting in court.

would discourage attorneys from offering any unbundled services at all. Unless an attorney is negligent in filing a quick withdrawal, judges should abide by the attorney's limited agreement with the client.

6. Attorneys must preserve work products, document communications, and drafts. Limited representation is still evolving in Idaho, and attorneys should be prepared to demonstrate ethical compliance if disputes arise.

7. Judges should defer to the parties' authority to define the scope of representation. Courts should respect a party's right to decide which legal services to purchase and for how long. When an attorney expressly states that a pleading is filed pursuant to a limited-scope agreement, explains the scope of representation, and authorizes opposing counsel to communicate directly with the party, the court should recognize the candor and accountability that such disclosure provides. Courts should avoid effectively penalizing attorneys or parties by compelling continued representation and imposing costs beyond the agreed scope.

8. IRFLP should expressly permit paid limited appearances and provide clear withdrawal procedures. Objections to completion of the agreed-upon representation should be allowed only for good cause shown, to prevent strategic delays or unnecessary depletion of fees.

Courts should also permit attorneys to seek costs and fees when withdrawal objections are misused. The rule should further provide that, when a notice of limited appearance clearly defines the triggering event, withdrawal occurs automatically upon completion.

Finally, service should continue on both the party and the limited-scope attorney to reduce confusion and ensure transparency.

Current Development and Hope for Unbundled Legal Services

Several members of the bar have been working on a proposed amendment to IRFLP 207(c). However, this process is in its infancy and is not yet ready for formal consideration or even adaptation.

As this process moves forward, Idaho should look to neighboring Colorado, which has maintained a comprehensive limited-scope representation rule since 1999.²⁸ Colorado's rule addresses both limited-time representations and drafting-only representations. Given its longevity, comprehensiveness, and practical application, a version of that framework could provide Idaho with a tested and workable model.

Conclusion

Educating clients on how to mindfully and economically consume legal services

is an essential duty that attorneys have to their clients. This is especially important in a divorce matter, where one of the goals of representation is to ensure our clients' access to the couple's financial resources. Increasing the flexibility of the scope of legal services we may take on, if done well, should give our clients a sense of control that will translate to more positive attorney-client interactions and provide more sensible filings in court for judges.



Jen Neyenhouse, Esq. is an Idaho Supreme Court Approved Civil and Child Custody Mediator and Idaho solo-practitioner. She graduated from Vermont Law School in 2018, practiced in Vermont until 2021 when she moved to Idaho with her daughter.

Endnotes

1. Idaho Rules of Pro. Conduct pmb1. ¶ 2.
2. Delivery of Legal Services, Am. Bar Ass'n, https://www.americanbar.org/groups/delivery_legal_services/resources/ (last visited Feb. 4, 2026).
3. Alaska R. Civ. P. 81.
4. Me. R. Civ. P. 11(b) & advisory committee's note to 2001 amend. (July 1, 2001) ("The attorney need not file a motion to withdraw unless the attorney seeks to withdraw from the limited appearance itself. The attorney is responsible under Rule 11 (a) only for those filings signed by the attorney.").
5. Colo. R. Civ. P. 11(b) (1999).
6. Fla. Fam. L. R. P. 12.040(d).
7. Haw. R. Dist. Ct. 11.1(c); Kan. Sup. Ct. R. 115A(c) (stating that unless the assistance was rendered in connection with a nonprofit or government program, Kansas Supreme Court Rules Rule 115A(c). Kansas allows attorneys to "help a party prepare" filings, so long as it says, "prepared with the assistance of a Kansas licensed attorney.")
8. Idaho R. Pro. Conduct r. 1.2.
9. Idaho R. Pro. Conduct r. 1.4.
10. Idaho R. Pro. Conduct r. 1.2 cmt. 6.
11. Idaho R. Pro. Conduct r. 1.2 cmt. 7 (stating limiting representation to a brief phone call works, as long as the purpose is simply to secure general information about the law the client needs in order to handle a common and typically uncomplicated legal problem.)
12. Model Rules of Pro. Conduct r. 8.4 (Am. Bar Ass'n 2020) (Annotated).
13. *Id.*
14. See, e.g., *Duran v. Carris*, 238 F.3d 1268, 1272-73 (10th Cir. 2001) (finding that ghostwriting in certain instances constitutes a "misrepresentation to this court").
15. Model Rules of Pro. Conduct r. 8.4 (Am. Bar Ass'n 2020) (Annotated) (citing N.J. Advisory Comm. on Pro. Ethics Op. 713 (2008)).
16. Alaska R. Pro. Conduct r. 1.2(c); Alaska R. Civ. P. 81(d); Alaska Bar Ass'n Ethics Op. 93-1 (1993); Haw. R. Dist. Ct. 11.1(c).
17. Idaho R. Fam. L. P. 111(a).
18. Idaho R. Fam. L. P. 207(c).
19. *Id.*
20. Idaho R. Fam. L. P. 220.
21. Idaho R. Fam. L. P. 207(c).
22. Idaho Rules of Family Law Procedure 213.
23. *Id.*
24. Idaho R. Civ. P. 11; Idaho R. Fam. L. P. 213.
25. Idaho R. Fam. L. P. 111
26. Idaho R. Pro. Conduct r. 4.2.
27. Idaho R. Civ. P. 11.4; Idaho R. Fam. L. P. 207.
28. Colo. R. Civ. P. 11(b) (1999).



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Q&A with Our New Deputy Director, Jared Hoskins

Carissa A. Carns
Calle E. Belodoff

As an employee of the Idaho State Bar (ISB) and Idaho Law Foundation (ILF), and editor of The Advocate, my colleague, Calle and I were excited to sit down with our new Deputy Director and introduce him to our members. So, on February 11th, with our respective coffees in hand, we asked questions related to his background and what he's looking forward to in his new role.

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

A. I was born and raised in Idaho. I grew up in West Boise and did my undergraduate work at Boise State, studying political philosophy. I attended law school at the University of Utah, then came back

to Boise State to do my master's in public policy and administration. Since then, I've worked in all three branches of state government, most recently with the Idaho Supreme Court on the executive leadership team for their administrative office.

Q. What motivated you to work for the Bar and Foundation?

A. As a student of political philosophy, I spent a lot of time reading, writing, and thinking about the idea of justice. And with the Bar's foundational statutory duty to aid in the science of jurisprudence and the improvement of the administration of justice, this—to me—is really of the most noble of causes to serve, and I'm honored to serve in this way.

Q. What issue or issues do you believe are most important to the public right now?

A. Meaningful access to affordable and effective legal representation is always important to the public, especially when people find themselves somehow ensnared in the system. And once they are in that system, I think people really care that their matters are resolved in accordance with the rule of law, without passion or prejudice.

Q. What do you believe the Bar and Foundation are doing well?

A. One thing we do well is staying on the forefront of some of the national developments. For example, being a part of the first cohort of states administering the NextGen Bar Exam this year.

Q. Where could the Bar and Foundation use improvement?

A. I think there's an opportunity for the Bar to continue to modernize,



Jared and his partner, Aundria at the Idaho Shakespeare Festival.



Jared and his dog, Katy, at Redfish Lake.

especially from a technological standpoint. I think improving how members and the public interface with the ISB through online portals and other computer systems really could increase our accessibility and transparency. *Especially on the administrative side, there is an opportunity to harness key data to inform and support our efforts to improve the administration of justice.*

Q. What's something people may be surprised to know about the Bar or about what the Bar does?

A. Something that actually surprised me is the distinction between the Idaho State Bar and the Idaho Law Foundation. I think that, of course, there's significant overlap between the organizations, but they do each have their own missions. So, although appreciation of this separation is largely academic, I think it's important and still interesting just to navigate those distinctions and that separation.

Q. What are you passionate about outside of work?

A. Well, I like to work hard, but I like to play even harder. I snowboard, skateboard, and paddleboard. I love listening to music, mainly heavy metal, punk rock, and old school hip hop. No country though; sorry, not sorry.

I played the drums in some heavy metal bands over the years. I love watching horror and sci-fi movies and reading classic literature. My partner, Aundria, and I have a 10-year-old Siberian husky named Katy. And she's a handful but brings us a lot of joy and keeps us busy. We love taking her up into the beautiful Idaho mountains to stay active. Aundria and Katy are everything to me.

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

A. I'm just looking forward to getting to know our membership better. I did not go to the University of Idaho (U of I), College of Law. I chose an out-of-state school.

I think that having not gone to U of I, I just haven't been as tapped in to the

legal community as much as I could have. And so I'm looking forward to getting to know everybody and working with them.

As the three of us finished our conversation, I could see his excitement for the role and the new challenges ahead. Jared is available for any questions or feedback. His email is jhoskins@isb.idaho.gov.



Carissa A. Carns and Calle E. Belodoff form the two-person Communications Department at the Idaho State Bar and Law Foundation. Carissa graduated from the University of California, Los Angeles and Calle graduated from Boise State University.

Keeping Track

Despite our best efforts, there are times when the Idaho State Bar is not informed of a member's death. Upon learning of a fellow attorney's death, please feel free to contact Calle Belodoff with the information at cbelodoff@isb.idaho.gov. This will allow us to honor the individual with details in "In Memoriam."



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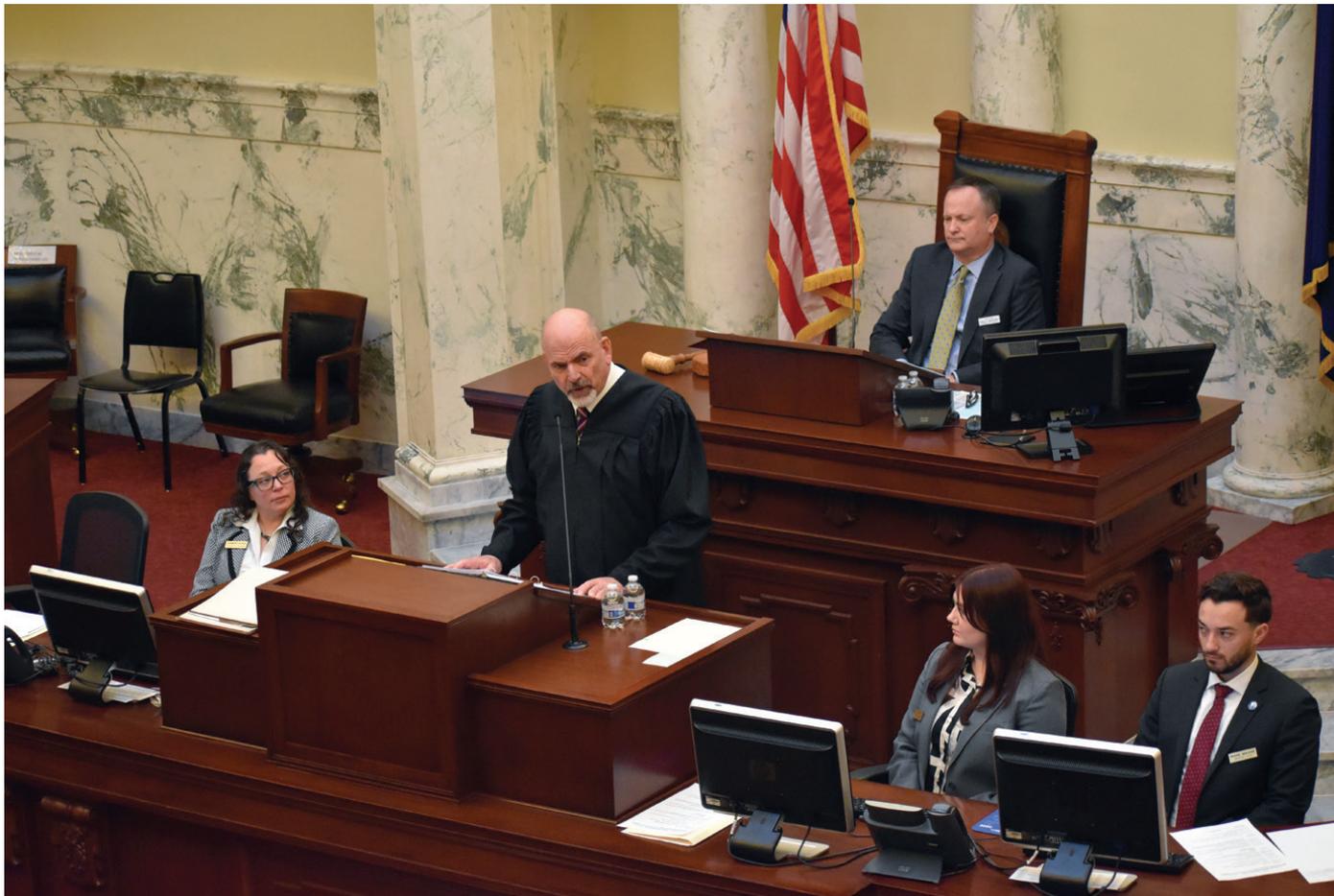
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Chief Justice G. Richard Bevan addressing the 2026 Idaho Legislature.

State of the Judiciary Address

Chief Justice G. Richard Bevan

Delivered to the Idaho Senate and Idaho House of Representatives on January 21, 2026.

Introductory Remarks

Thank you for inviting me to join you today to discuss the work of our third branch of government. I value this annual opportunity to meet with you here, in the chambers where you enact the laws we are charged to apply.

We meet this year at a time of fiscal restraint. Idaho, like many states, is navigating tighter budget conditions, and the Judicial Branch has acted accordingly. I am not here today to ask for more from the general fund or for structural expansion. My purpose instead is to describe the work being done in Idaho's courts and the

leadership required to sustain a strong and independent judiciary through both prosperous and lean times.

Joining me today are my fellow justices of the Supreme Court and the judges of the Idaho Court of Appeals. Before I begin, I would like to recognize Court of Appeals Judge Michael Tribe, who has recently assumed the role of chief judge of that court. I would also like to acknowledge Judges Dave Gratton and Molly Huskey, who will retire later this year after a combined 32 years of service advancing the rule of law in Idaho. I am honored to serve alongside them.

On our country's 250th anniversary, it is worth recalling why the judiciary was designed as a separate and co-equal branch of government. As Alexander Hamilton explained in Federalist No. 78, the judiciary "*may truly be said to have*

neither force nor will, but merely judgment." Courts were meant to function steadily and independently — guided by law and faithful to their constitutional role, regardless of circumstance.

With that understanding, I would like to spend our time today describing how Idaho's judiciary is meeting its obligations, exercising careful stewardship, and continuing to serve the people of this state with integrity and resolve—anchored in our constitutional role and mindful of the responsibilities we carry into the years ahead.

Filings & Trends

Idaho's Constitution charges the Judicial Branch with providing the fair, timely, and impartial resolution of cases. We are the people's resource for resolving disputes under the rule of law. In practice,

that means our courts must be conversant in matters ranging from criminal procedure and land use to juvenile corrections and complex civil litigation. We see people at some of the most difficult moments of their lives, where personal, legal, and societal pressures intersect.

Our trial courts consist of 154 judges spread across the 44 counties. In just one year — fiscal year 2025—prosecutors presented those judges with nearly 58,500 criminal cases alleging everything from disturbing the peace to murder. In another 3,900 cases, they asked our judges to intervene with children 18 and younger under the Juvenile Corrections Act.

Our civil caseload has unexpectedly jumped the past two fiscal years. Our judges received nearly 93,000 new civil cases in FY25. That is a 17% increase from just two years before. We're seeing more complex civil matters that require skilled attorneys and greater involvement by the courts. High-value cases before the district courts involving topics such as business disputes, debt collection, medical malpractice and personal injury were up 60% from two years before. We see consistent numbers of divorce or custody cases involving minor children; many resolve peacefully but some involve deeply emotional situations.

When people think of courts, the first image that often comes to mind is a trial. But often, justice is achieved through negotiation and resolution by the parties themselves, within a legal framework designed to ensure fairness and predictability. When that framework is clear, many disputes are resolved without requiring a judge or jury to decide them. "Resolving disputes" may sound abstract. I share these numbers to give you a sense of the scale at which the public seeks our services. Each one of those cases is a person filing a complaint, a charging document, some sort of paperwork seeking a just resolution to the problem before them. Depending on the path to an outcome — and if that path involves a jury — hundreds more Idahoans may become involved before the case ends.

Trials, however, remain a significant and demanding part of judicial work. Many district judges are in jury trials two to three weeks each month in addition to their in-chambers responsibilities of

research, writing, and decision-making. Magistrate judges are likewise deeply engaged in courtroom work — trying divorce and custody cases, presiding over child protection matters that may result in the termination of parental rights, and handling complex probate litigation.

Changing Lives — Our Treatment Courts

With your support over many years, Idaho's courts have developed treatment court programs that both relieve pressure on crowded prisons and help families address destructive cycles of addiction and mental illness. These efforts are not abstract policy choices. They change lives.

Consider a recent graduate of one of our treatment courts. This young man faced a challenge our judges see far too often: a serious mental health disorder compounded by substance abuse. This combination ultimately led to him landing in felony court. Prior hospitalizations and outpatient treatment had failed to produce lasting change.

Through structured participation in a mental health court in Ada County, that trajectory shifted. He achieved sobriety, began consistently treating his mental illness, learned to live independently, and returned to school. Just before his graduation, he wrote: *"My life has changed in many ways ... and the ways I have changed have all been for the better. I am grateful for this program, and I am finally back on track to living a meaningful life."*

We could not sustain this work without strong partnerships. For nearly 30 years, this legislature, the counties, and local communities have shared a vision for the promise of treatment courts. One critical component of that work now deserves mention. Peer support services — provided by individuals with lived experience — play an important role in mental health courts by helping participants stay engaged, navigate setbacks, and build trust in the process.

Recently, the Idaho Department of Health and Welfare ended funding for these services. To maintain these vital services for participants currently in the system, the Judicial Branch has identified resources within our existing budget to

sustain peer support through the current fiscal year, ending June 30, 2026. What happens beyond that point remains uncertain, and we are approaching that question deliberately.

In the coming months, we will meet with mental health court judges and professionals to better understand the impact of losing peer support services and whether these courts can continue to operate as intended without them. Treatment courts play a proven role in helping individuals become productive members of their communities, and preserving that work matters.

Mediating Families

Divorce and child custody cases are among the most complex matters our courts are asked to resolve. The legal questions may be straightforward; the human relationships are not. Emotions run high, and the consequences of these decisions can shape families for years.

Even so, only a small percentage of family law cases ultimately go to trial. That reflects the availability and effectiveness of services our courts provide to help families resolve disputes without prolonged litigation.

Mediation is one of the most important of those tools. Last year, a case before our courts involved a parent's request to modify a custody order that had been in place for more than ten years. The parties had already attempted mediation, but the court ordered them to try again before moving toward trial. This time, with the right mediator, the parents reached agreement in less than two weeks.

In the midst of a custody dispute, parents may not fully understand their options or may feel locked into conflict. A skilled, neutral mediator can help them step back, reframe the issues, and focus on what matters most — the best interests of their children — allowing families to move forward with greater stability and far less harm.

Accessing Cases

The examples I have just shared focus on services available once a case is underway. An equally important part of our work involves making it easier for people to access the court system in the first

place, and for them to navigate it with confidence and dignity.

One such service is our Guide & File program, which helps individuals who are representing themselves create and file certain types of court documents. For many people, it provides a clear starting point in a process that might otherwise feel overwhelming. Remote hearings offer another important access point, particularly for litigants who work full time, live far from a courthouse, or have caregiving responsibilities that make travel difficult.

Another key resource is our Court Assistance Officers. Located throughout our state, they provide practical guidance that helps self-represented litigants file and move their cases forward efficiently. For many Idahoans, these trained professionals serve as a vital point of contact between the public and the courts. In doing so, they help ensure justice is accessible to those without an attorney.

For years, we have provided an online case search portal for public access to basic case information. When the vendor supporting that system announced it would discontinue the software, we used the opportunity to reassess and modernize our online services.

Early last year, we launched an Attorney of Record Portal, fulfilling a longstanding request from Idaho attorneys for secure online access to documents in their own cases. Later this year, we expect to release a new portal for law enforcement and certain other government users, along with an updated public case information portal that will offer improved functionality and usability.

Together, these efforts are part of a multi-year initiative to modernize access to Idaho's courts. As we mark ten years since beginning our transition to electronic case management, I am encouraged by the continued benefits these tools provide for the people we serve.

Modernizing Facilities

Courts in Idaho operate through a longstanding partnership between the Judicial Branch and our counties. The state provides judges and centralized administrative support; counties provide

court staff and the facilities in which justice is delivered. That arrangement reflects Idaho's commitment to local access to justice.

Over the past year, several counties made significant investments in that partnership by building or upgrading court facilities. These projects are neither simple nor inexpensive, but when done thoughtfully, the results are meaningful. We are grateful to the county clerks, commissioners, and local leaders involved in this work.

In June, Nez Perce County replaced its deteriorating original courthouse with a new facility that blends contemporary design with respect for history, incorporating courtroom features with ties to the Idaho Supreme Court dating back more than a century.

Other counties have taken similar steps. Bonneville County repurposed vacant space to create a courtroom designed for large, multi-party trials with technology that improves the experience for jurors and court participants. In July, Kootenai County completed an expansion of its Justice Building, adding three courtrooms and additional space to meet growing judicial needs.

Custer County is nearing completion of a new courthouse that addresses longstanding challenges, including compliance with the Americans with Disabilities Act, while improving juror access to digital evidence and accommodations for traveling district judges. In Twin Falls County, courts have begun operating in an expanded justice building near the historic courthouse downtown—bringing facilities into the modern era in one of Idaho's busiest judicial districts.

Notably, three of these counties are among those for which this legislature approved new judges last year. These facility investments underscore the growing demand for court services and demonstrate how thoughtful planning and collaboration can meet that need.

Ensuring Security

It has been only a month since a man approached the Shoshone County Sheriff's Office and began firing his weapon. The nearby courthouse was closed for a state holiday. But had it been open, it is unsettlingly

easy to imagine county clerks, court staff, or judges finding themselves in harm's way.

All of us who serve in public office understand that risk is not theoretical. Legislators, judges, and executive officials alike have been reminded — tragically — that public service can make one a target, especially given the importance of conducting public business in a space open to the public. That reality places sustained pressure on courthouse security.

Under Idaho's longstanding state-county partnership, responsibility for courthouse security rests with the counties. For many — particularly those with limited resources — meeting modern security needs presents real challenges.

At the same time, the Judicial Branch remains focused on the safety of both our people and our systems. Threats directed at Idaho's judges and courts have increased significantly in recent years. While most never materialize, those that do require precautions that can disrupt court operations and delay the delivery of justice.

The State of Idaho has a legitimate interest in the security of courthouses where state-employed judges conduct the public's business. While I do not raise that issue today for resolution, it is one that warrants thoughtful discussion in the future as we consider how best to protect those who serve and those who come to court seeking justice.

As counties address physical security needs, the Judicial Branch has continued parallel efforts on the technology side. Judges, clerks, and court personnel are transitioning to a unified software platform and court network, allowing cybersecurity protections to be applied more consistently statewide.

In just the first nine months of 2025, those systems blocked more than 1.79 million phishing attempts targeting court employees and over 7.3 million malicious attempts to access court-managed websites. These are not abstract threats — they are daily reminders that safeguarding the justice system requires constant vigilance.

Educating Others

Helping people resolve disputes, ensuring access to court, and maintaining

safe and secure courthouses all matter more when the public understands why these services exist. For that reason, education remains an important part of the Judicial Branch's work.

As John Adams observed, "*Liberty cannot be preserved without a general knowledge among the people.*" That principle continues to guide our efforts to help Idahoans — young and old — understand the rule of law and the role courts play in our system of government, particularly at a time when civic knowledge cannot be assumed, and public confidence depends as much on understanding as on outcomes.

For several years, the judiciary has supported initiatives such as an annual institute for K-12 teachers who want to strengthen how they teach students about the courts. More recently, the Supreme Court has made direct student engagement a priority during our travels. When we hold court in communities outside Boise — as required by statute — those visits increasingly include time with local schools and homeschool groups to explain to our future leaders how courts function and why the rule of law matters.

Our local courts are equally engaged. Courts across the state hosted middle- and high-school mock trial competitions this past year, while other students attended real or simulated court proceedings during Law Day events in May.

These efforts have been consistently well received and reflect a genuine appetite for greater understanding of our constitutional system — an understanding essential to the health and durability of our democratic republic.

Looking to the Future

Looking ahead, the work of Idaho's Judicial Branch remains grounded in the rule of law — the principle that no matter who we are, the law applies equally to all. Our guideposts are clear: the Idaho and United States Constitutions and the statutes you enact. Within that framework, there are many needs and competing priorities, and many ideas about how to strengthen the court system Idahoans rely on every day.

Last year, we took a broad look inward. We surveyed court users, judges, clerks, and justice-system partners about their experiences with our courts. Court leadership across the state examined those responses and distilled them into five governing principles to guide our work over the next three years.

Those principles focus on improving court operations, strengthening public trust, ensuring a safe and secure work environment, fostering a strong workforce, and using technology and data thoughtfully to improve how justice is delivered.

The task before us now is to carry them forward — deliberately, responsibly, and in partnership with others.

These principles are now available on our website for the public to read. They reflect our approach to advancing justice in Idaho: collaborative, efficient, and mindful of the long-term trust placed in our courts.

You and I serve on common ground. Each of us is entrusted with advancing the rule of law through public service. That shared responsibility remains at the heart of our constitutional system.

The rule of law is the guiding star of our civil society. We are its servants. I am grateful to serve alongside you in that enduring work.

Thank you.



Idaho Supreme Court Chief Justice G. Richard Bevan was appointed to the Court in 2017 and is in his second term as chief justice. Previously, he served a long career as an attorney and later district judge, including four years as Twin Falls County prosecutor and eight years as administrative district judge for the Fifth Judicial District. He received his undergraduate and law degrees from Brigham Young University.



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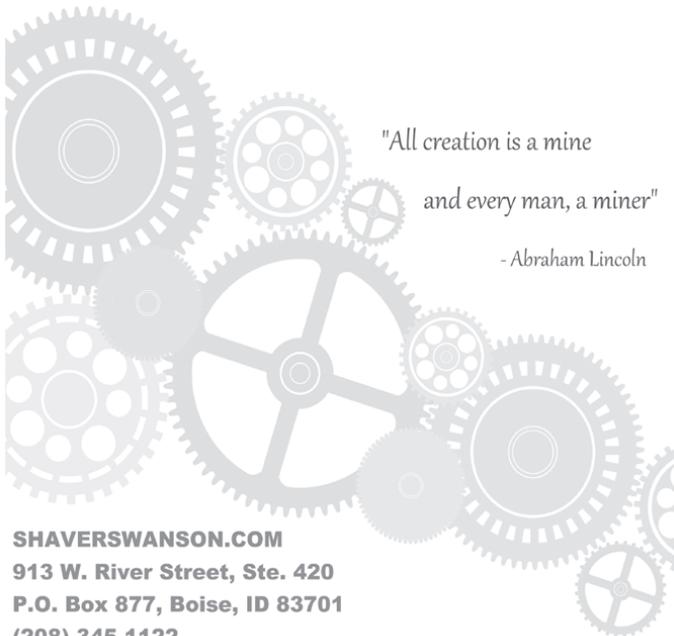
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Colleen D. Zahn
Cynthia K.C. Meyer

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

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

By Order of the Court
Melanie Gagnepain, Clerk

NOTE: The above is the official notice of the 2026 Spring Term for the Supreme Court of the State of Idaho, and should be preserved. A formal notice of the setting of oral argument in each case will be sent to counsel prior to each term.

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Michael P. Tribe

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

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

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

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Chief Justice
G. Richard Bevan

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

Regular Fall Term for 2026 November 10, 2025

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

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

02/13/2026

Monday, April 6, 2026 - Boise

8:45 a.m. *Smith v. Elsaesser* #50924
 10:00 a.m. *Done-Rite v. Butcher* #52070
 11:15 a.m. *State v. Vasquez* #53369

Wednesday, April 8, 2026 - Moscow (University of Idaho)

8:45 a.m. *Sedillo v. State* #53158
 10:00 a.m. *Samuel Lee Services v. Bangeman* #52899
 11:15 a.m. *Shaw v. Shaw* #52216

Thursday, April 9, 2026 - Lewiston

8:45 a.m. *Posey v. Bushnell* #52072
 10:00 a.m. *Needham v. Needham* #53034

Wednesday, April 15, 2026 - Boise

8:45 a.m. *Morrison v. Thompson* #52401
 10:00 a.m. *State v. Al-Mafrachi* #51195/51196
 11:15 a.m. *Bickerstaff v. Bickerstaff* #53588

Friday, April 17, 2026 - Boise

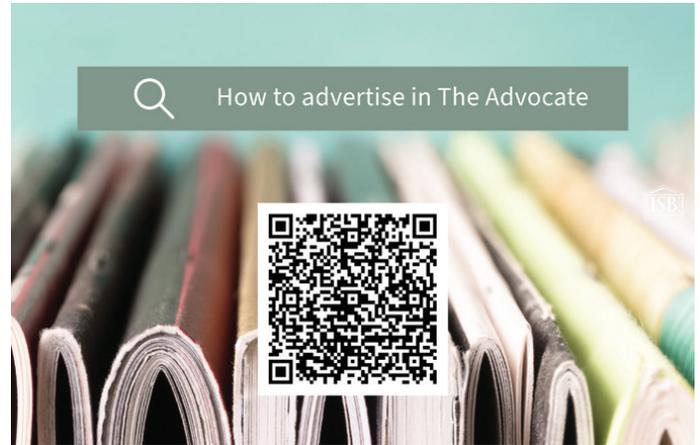
8:45 a.m. *Leriget v. The Roman Catholic Diocese* #52551
 10:00 a.m. *Espinosa v. State Farm* #52790

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

02/13/2026

April 16, 2026

9:00 a.m. *State v. Smith* #52159
 10:30 a.m. *Yang v. State* #51538



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Cases Pending

CASES IN ALPHABETICAL ORDER BY CATEGORY – JANUARY 2026

CIVIL APPEALS

Contracts

Whether a violation of the Idaho Contractor Registration Act renders a contract void and unenforceable as to both parties or only as to the unregistered contractor.

Kumm v. The Work Shop & Sons Ltd.
Docket No. 53040
Supreme Court

Whether the district court's application of the merger doctrine was inconsistent with its factual findings.

Armitage v. DeGroot
Docket No. 53115
Supreme Court

Due Process

Whether the district court violated Plaintiff's right to procedural due process when, after entering default and holding a hearing on the issue of damages, it *sua sponte* dismissed Plaintiff's Complaint with prejudice without giving Plaintiff notice that it was considering such dismissal.

Birch v. Ross
Docket No. 53402
Supreme Court

First Amendment

Whether the retroactivity provision of the Idaho Patient Act, I.C. § 48-315, is unconstitutional because it substantially impairs existing contracts and because it is not reasonable and necessary to support a significant public interest.

Medical Recovery Servs. v. Romero
Docket No. 52927
Supreme Court

Jury Instructions

Whether the district court erred in refusing to give Plaintiff's proposed instruction and concluding that Idaho no longer recognizes matters incompatible with business, trade, or profession as a means of establishing defamation per se.

Taylor v. Davis
Docket No. 52831
Supreme Court

Legal Malpractice

Whether the district court erred in concluding that the cause of action for legal malpractice accrued when the attorney failed to timely report the arbitration claim to the client's insurance provider as opposed to on the date of the final arbitration award or on the date insurer declined coverage.

*Wright Bros., The Bldg. Co.,
Eagle, LLC v. Diddle*
Docket No. 52848
Supreme Court

Post-Conviction

Whether the district court erred in summarily dismissing the post-conviction petition after Petitioner alleged facts that, if true, would entitle him to relief on his ineffective assistance of counsel claims.

Dills v. State
Docket No. 52452
Court of Appeals

Whether the district court erred by summarily dismissing Petitioner's claim that trial counsel was ineffective for failing to have informed Petitioner that he could be sentenced to fixed life if he pled guilty to rape.

Guerrero v. State
Docket No. 52658
Court of Appeals

Whether the district court erred by denying petitioner's post-conviction claim alleging that trial counsel was ineffective for failing to object to a jury instruction on the elements of the crime of conspiracy that relieved the State of its burden of proving every element of the offense.

Yang v. State
Docket No. 51538
Court of Appeals

Whether the district court erred by finding Petitioner failed to prove his claim that appellate counsel was ineffective for failing to raise a speedy trial issue on direct appeal of Petitioner's criminal conviction.

Goff v. State
Docket No. 52457
Court of Appeals

Real Property

Whether the district court erred as a matter of law by determining that the 1967 deed creating Plaintiffs' parcels of real property was ambiguous.

Byrd v. Coffey
Docket No. 52453
Supreme Court

Statute of Limitations

Whether the district court erred in concluding that the five-year timeframe for renewal applicable to the original judgment had expired and that the amended judgment issued in December 2016 was not a new judgment and, therefore, did not fall within the purview of the ten-year renewal period pursuant to the latest iteration of I.C. § 10-1111.

Cheung v. Pena
Docket No. 52986
Supreme Court

Standing

Whether section 55-1516 of the Idaho Condominium Property Act gives individual condominium owners a direct right to enforce their nonprofit corporate association's declaration, without being restricted by the derivative standing requirements of Idaho's Nonprofit Corporation Act.

*K & L Crystal Beach, LLC v.
The Crystal Beach Condo Ass'n, Inc.*
Docket No. 52887
Supreme Court

CRIMINAL APPEALS

EVIDENCE

Whether the district court erred by admitting I.R.E. 404(b) evidence that, more than 15 years before Defendant was alleged to have committed the charged crimes, he twice entered homes where his estranged wife was staying and, on one of those occasions, he threatened to kill her and himself.

State v. Blazek
Docket No. 51842
Court of Appeals

Whether the district court erred by limiting Defendant's opportunity to cross-examine the arresting officer regarding her investigative process and concluding the evidence was not relevant.

State v. Martin
Docket No. 52143
Court of Appeals

Jury Instructions

Whether the district court's reasonable doubt instruction amounted to structural error because it limited the jury's finding of "not guilty" to a finding that Defendant was innocent, as opposed to a finding that the State failed to prove the elements of the crime beyond a reasonable doubt.

State v. Miller
Docket No. 51923
Court of Appeals

Restitution

Whether the district court erred by denying Defendant's motion to offset the restitution award and finding that Defendant failed to present substantial evidence that the child support payment Defendant claimed as the basis for the offset had actually been made.

State v. Diaz
Docket No. 51726
Court of Appeals

Right to Counsel

Whether the district court erred by failing to give Defendant a full and fair opportunity to present the facts and reasons in support of her request for substitute counsel.

State v. Reeder
Docket No. 52288
Court of Appeals

Search and Seizure

Whether hospital staff were state actors such that their collection and testing of Defendant's umbilical cord blood without a warrant or Defendant's consent constituted an unlawful search and seizure.

State v. Kawano
Docket No. 52919
Supreme Court

Whether the district court erred in denying Defendant's motion to suppress where the police detained him based on a tip of "super shady" behavior that was dispatched as a narcotics violation.

State v. Smith
Docket No. 52159
Court of Appeals

Whether the district court erred by holding the extended warrantless seizure of Defendant's person was justified as a reasonable exercise of the officers' community caretaking function and by reasonable suspicion of criminal activity.

State v. Shubin
Docket No. 51713
Court of Appeals

Whether the officer's investigation of a cylindrical object in Defendant's pocket exceeded the scope of Defendant's consent to a frisk for weapons and unlawfully prolonged the traffic stop.

State v. Thornton
Docket No. 52022
Court of Appeals

Sentence Review

Whether a remand to correct the district court's abuse of discretion in ordering

Defendant to serve 100 hours of community service in addition to a sentence of incarceration is unnecessary where the written judgment of conviction does not contain the community service provision.

State v. Kerber
Docket No. 52000
Court of Appeals

Whether the district court abused its discretion in imposing a substantial prison sentence based on its belief that Idaho's statutory presumption favoring probation "becomes zero" for certain offenses.

State v. Vazquez
Docket No. 52527
Court of Appeals

Whether the district court abused its sentencing discretion by relying on charges that were dismissed pursuant Defendant's plea agreement as the basis for imposing a harsher sentence than it otherwise would have on the crimes to which Defendant pleaded guilty.

State v. Abdulhamza
Docket No. 52004
Court of Appeals

Statutory Interpretation

Whether Idaho Code section 18-4116 requires as an element of indecent exposure that another person observe the defendant's exposed genitals.

In the Interest of John Doe: (2024-37)
Docket No. 52047
Court of Appeals

Summarized by:

Lori Fleming
Supreme Court Staff Attorney
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New partnership status? Job Change? An office move?

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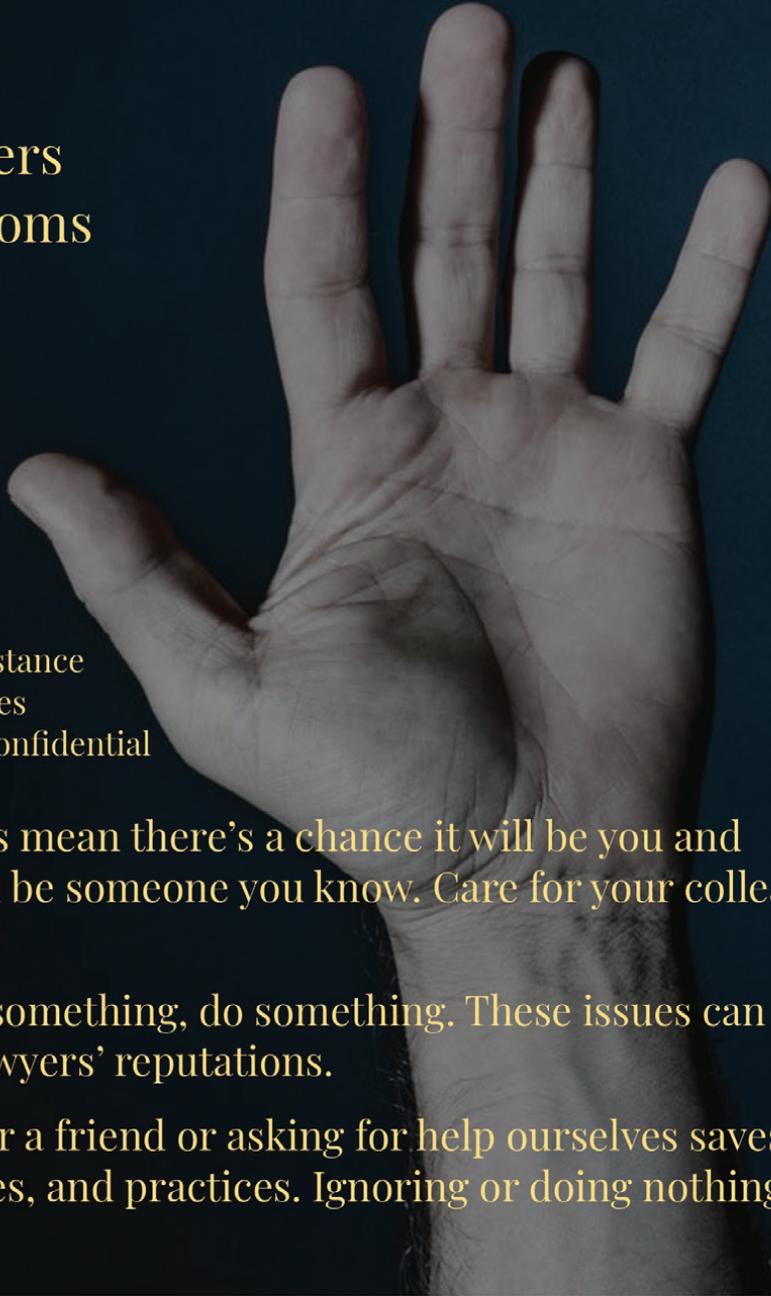
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Daniel P. Featherston 1940 – 2026



Daniel Paul Featherston passed away January 28, 2026. He was born April 9, 1940, in Walla Walla, Washington, to Paul and Olive (Munsey) Featherston.

Dan earned his undergraduate degree from Walla Walla College in 1967 and his J.D. from the University of Idaho College of Law in 1970 and then was admitted to the Idaho State Bar. He began his career as a Deputy Prosecuting Attorney for Canyon County before relocating to Sandpoint, Idaho, in 1971, a community that became his lifelong home and the center of his professional life.

Dan joined Glenn Bandelin's law firm in 1970, but in 1974 established his own practice after being elected Bonner County Prosecuting Attorney. He practiced law for over 50 years, earning the respect of colleagues, judges, and clients, alike. While Dan achieved many professional milestones, his greatest achievement was his many relationships in the legal community. He valued collegiality, civility, and mentorship. He was generous with his advice and guidance to younger attorneys and newly appointed judges. Dan maintained lifelong friendships with law school classmates and colleagues across Idaho. It was a particular source of pride when his sons, Brent and Jeremy, joined him in the practice of law.

Dan was deeply connected to North Idaho life, an avid skier and backcountry horseman. He kept skis in his office so he could ski after court and enjoyed mountain adventures with his daughter, Tiffany.

Dan was preceded in death by his wife of 63 years, Sandra Elaine Featherston and his parents. He is survived by his sons and daughter, grandchildren, great-grandchildren, and siblings. Dan's legacy endures in the local legal community that he shaped and influenced throughout his career.

Jay F. Rosenthal 1936 – 2025



Jay Forshaw Rosenthal passed away peacefully at home in Boise, Idaho on Christmas morning. Jay was born and raised in St. Louis, MO. He attended

Washington University in St. Louis, served briefly in the United States Army, and then earned his J.D. from the University of Missouri in Columbia, MO.

While at Washington University, he met and married his beloved wife of 67 years, Joyce Tolbert, beginning years of family adventures. They moved to Santa Fe, NM, in 1964 with their two young daughters, Elizabeth and Susan, where Jay passed the New Mexico Bar Exam and started his long legal career. Jay and Joyce welcomed their son, Jeff, while in New Mexico. Over the years Jay practiced law in both the private and public sectors in several states.

Jay moved to Idaho in 1981 and was admitted to the Idaho State Bar that same year, lured by the mountains and rivers for fishing and hunting. He loved traveling around the world with family and friends, finding joy in sharing stories of all the adventures he experienced together with Joyce, their children, grandchildren, and great grandchildren. Jay was generous to friends, loved the outdoors, and always had a dog or two by his side. He believed in fairness and the rule of law. He especially enjoyed practicing trial law and worked for many years with the Ada County Prosecutor's office and later for Boise County.

He is survived by his wife Joyce, daughters Elizabeth Rosenthal (Jack Meador) and Susan Moore (Larry), his son Jeff Rosenthal (Melissa Parks), four granddaughters, and two great granddaughters.

Thomas Leak 1961 – 2026



Thomas Kyle Leak, beloved husband, father, grandfather, uncle, brother, and teacher, passed away, leaving behind a legacy of service, learning, patriotism, and love.

Thomas was born in Salt Lake City, Utah, to LaRae and James Leak. He dedicated his life to education, integrity, and family. Thomas proudly served in the United States Navy as a Judge Advocate General (JAG) officer, where his commitment to justice and ethics guided his distinguished military career. His service with the Navy allowed him to travel extensively, and he deeply enjoyed experiencing the many unique places and cultures he encountered.

After retiring from the Navy, Thomas continued to live out his passion for teaching as a Senior Instructor in the Legal Training Division at the Federal Law Enforcement Training Centers (FLETC) in Brunswick, Georgia, serving the Department of Homeland Security. Teaching was truly Thomas's calling—whether guiding countless students in the classroom or mentoring his sons, he found purpose in sharing knowledge and helping others grow.

Thomas was the devoted husband of Juanita Jones Leak, a loving father to Jason Leak and Samuel Leak, and a proud grandfather to six grandchildren. His impact reached far beyond his family. Thomas left an impression wherever he went, known for his wisdom, kindness, humor, and genuine care for others. He was loved by all who had the privilege of knowing him.

Thomas was preceded in death by his parents, LaRae and James Leak. He is survived by his beloved wife, Juanita Jones Leak; his sons, Jason (Lauren) Leak and Samuel (Tohana) Leak; and his six grandchildren, who will continue to carry forward his values and legacy.

Donna Judy Palmer 1970 – 2025



Donna Judy Palmer, 55, of Eagle, Idaho, passed away on December 1, 2025, after a determined seven-year battle with breast cancer.

Donna was born on June 29, 1970, in Bridgeport, Connecticut. She loved growing up in the beautiful hills of Shelton, Connecticut, where she made a point of traversing every road in the city on her bicycle. An avid athlete in her youth, she

excelled at softball and basketball before being limited by her genetic condition, primary periodic paralysis. She turned to a lifelong love of music, including playing the drums. She and her family made many memorable trips to see their favorite bands perform.

Donna attended Harvard College, where she majored in psychology. After serving a mission in Sendai, Japan, for the Church of Jesus Christ of Latter-day Saints, she attended law school at the University of Connecticut while her husband, Bill, was in medical school. She graduated first in her evening program class while caring for her first two children. The family lived in Connecticut during Bill's residency at Yale, then moved to Denver for Bill's two-year fellowship before settling in Eagle, Idaho, where Donna's parents eventually joined them.

Donna's character shone through in her generosity, including when she offered to care for a young teacher's baby while raising her own family. She loved supporting her children in their activities, but most importantly taught them to be kind.

She is survived by her husband, Bill; her five children, Kayleigh (Christopher) Wessel, Julia (Michael) Bronson, William Palmer, Donald Palmer, and Erik Palmer; four grandchildren, Nora Bronson, CJ Wessel, Isabelle Wessel, and Archie Wessel; her mother, Rita Cousins; brothers Steven Cousins and Daniel Loyens; and her aunt and uncle, Maria and Tom Murphy, and cousins Darren and Ryan Murphy.

Donna was preceded in death by her father, Donald Cousins, and her brother, David Loyens.

Friends and family will miss her for her intelligence, sense of fairness, and devotion to her church. She recognized that people are always striving for what is not worth having. She prioritized people over possessions and service over status.

Monica Moen 1952 – 2025



Monica Moen, a generous and caring soul with a wonderful sense of humor and adventure, died Monday, June 23, 2025. Her untimely passing was

peaceful.

Monica was a graduate of Kuemper High School in Carroll and the University of Iowa, where she received her J.D. Monica was admitted to the Idaho State Bar in 1998. She most recently worked for Rockwell Collins, Inc. in Iowa City, IA.

Monica was the big sister to her two sisters, Sylvia Hanks and Jennifer (Darwin) Brincks, both of Carroll, IA; her nieces and nephews; great nieces and nephews; first cousins, and her former spouse, Marc Moen.

Monica was preceded in death by her parents.

Barry L. Bunshoft 1934 – 2025



Barry Lawrence Bunshoft was born on August 2, 1934, and passed away on December 31, 2025, at the age of 91, surrounded by loved ones. He grew up in

Brookline, Massachusetts, and attended Brookline High School, where he made life-long friends. He attended college at the University of Massachusetts, Amherst, and Harvard Law School. Between college and law school, he served for three years as an officer in the U.S. Navy and went to sea on the USS Yorktown aircraft carrier. Barry looked back upon his time in the Navy as one of the best experiences of his life.

The Navy brought Barry to San Francisco for the first time, which "wowed" him so much that he moved there to work as a Deputy Attorney General of California after graduating from law school. In addition to prosecuting "white collar" crime and advocating for the Attorney General's legislative program, he found good friends and mentors, including former Attorney General Mosk and his Chief Deputy, Charles O'Brien.

After leaving the Attorney General's Office, Barry joined a law firm that eventually became Hancock, Rothert and Bunshoft. Most memorable of his many cases were the trial at the Hague against the National Iranian Oil Corporation, the trial defending Alpine Meadows Ski Area in a wrongful death case after a devastating avalanche, and the trial defending Lloyd's of London in an insurance coverage case over who had to pay the billion-dollar cost of cleaning up the hazardous waste at Shell Oil's Rocky Mountain Arsenal in Colorado. Over the years, Barry mentored and nurtured generations of younger lawyers and was proud of their accomplishments.

Barry was deeply involved with his community, with a particular interest in protecting the environment. He was a board member and chairman of the Legal Committee of the Save San Francisco Bay Association. They saved the San Francisco waterfront from being filled in for office building construction; they saved the waterfronts of Berkeley, Richmond, and San Mateo from commercial land reclamation; and they sponsored legislation to create public access all around the Bay. Barry also previously served as a board member of the Coro Foundation and the Webb Schools of California, where his son Adam went to high school.

Barry met Sylvia in San Francisco in 1962, and they were married in 1966. They enjoyed the outdoors a great deal, from skiing at Squaw Valley in the winter to hiking and camping in the High Sierra in the summer. Barry spent a lot of time in London, where his law firm had an office and a flat, and his family shared many memorable experiences there when they joined him in the summers.

In later years, Barry and Sylvia moved to Sun Valley, Idaho, where they found a wonderful community of friends. To continue his law practice, Barry passed the Idaho Bar at age 71 and was admitted to the Idaho State Bar in 2006. He served on the board of the Wood River Land Trust, using his considerable law background to contribute to the Land Trust's protection of the Wood River Valley, including Colorado Gulch Preserve, Rinker Rock Creek Ranch, and Hailey Hot Springs

Ranch, and conservation easement defense. His no-nonsense approach as a board member helped keep the board grounded in its mission, ambitious in its goals, and smart about its strategy.

It was through the Land Trust that Barry met Kathie Levison, who would later become his late-in-life love. Kathie and her family helped provide great care and comfort to Barry during his battle with cancer, and Kathie was with him at the end.

Barry was a loving father who took care of his family. He will be remembered for his quick wit, his intelligence and insight, and his passion for life. He was predeceased by his parents, Abraham and Sadie, and his wife, Sylvia Bunshoft. Barry is survived by his son, Adam Bunshoft (Kathleen Waters), his daughter, Jennifer Bunshoft (Ruggero Pergher), his granddaughters, his niece, and his partner, Kathie Levison.

Jan E. DeRoin 1952 – 2025



Jan Elizabeth DeRoin passed away on November 2, 2025, at the age of 73 in Longmont, Colorado. She earned her Juris Doctor from Creighton University

School of Law in Omaha, Nebraska, after receiving a B.S. in political science from the University of Nebraska–Lincoln. Following a brief period in private practice, she served as a trust officer at First National Bank of Omaha.

Jan met her husband, Dave, at a Labor Day gathering in 1976, and they married in August 1977. Together they spent many years traveling and enjoying outdoor pursuits, including snorkeling, scuba diving, skiing, camping, and hiking. They began their family in 1984 with the birth of their first son, David, followed by their second son, Erik, in 1986.

In 1992, the family relocated to Boise, Idaho. Jan continued her work as a trust officer with First Security Bank, later

joining McAnaney Law Group as an associate before establishing her own private practice focused on estate planning. Jan was admitted to the Idaho State Bar in 1995. She was known for her client-centered approach and careful attention to detail, resulting in thoughtful consideration of each client's goals and needs. She retired from the practice of law in 2006.

After Dave's retirement in 2013, they moved to the mountains near New Meadows, Idaho, where Jan enjoyed skiing and snowshoeing during the day and fire-side books and crossword puzzles at night. In recent years, they were regulars at the Kahili Club in New Meadows, a weekly highlight she greatly enjoyed.

In July 2024, Jan and Dave made their final move to Colorado to be near one of their greatest joys in life, granddaughter Elizabeth.

Jan was preceded in death by her parents, Glenn Plucknett and Mary Jane (Fry) Plucknett, and her brothers, Ben and John. She is survived by her husband, Dave; her sons, David and Erik; her daughter-in-law, Samantha; and her granddaughter, Elizabeth.

Becky Anderson

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the Future Fund

Pledges through this campaign will support the Idaho Law Foundation's Endowment Fund, with a goal of growing the Endowment to \$1,000,000. We will be accepting pledges and donations for the Future Fund until the end of 2025.

Thank you

to everyone who has already pledged donations to support civic education and access to justice in Idaho.

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Please join your colleagues before the end of the year and make your pledge to provide stable & secure funding for Law Foundation programs to serve Idahoans now and into the future.



Scan here to pledge!

Summary of Recent Changes to Idaho Rules of Professional Conduct, Idaho Bar Commission Rules, and Bar Examination Grading Standards and Procedures

By: Jared Hoskins

During the fall 2025 Resolution process, Bar members approved resolutions to amend the Idaho Rules of Professional Conduct (“I.R.P.C.”), the Idaho Bar Commission Rules (“I.B.C.R.”), and the Bar Examination Grading Standards and Procedures.

Consistent with the results of the resolution process, on January 29, 2026, the Idaho Supreme Court entered an Order establishing the passing score for the February 2026 Idaho Bar Examination to be reflected in the Bar Examination Grading Standards and Procedures. The Order and amendments were effective February 2, 2026.

On that same date, the Court entered an Order amending Section II of the I.B.C.R. to add an additional qualification for admission regarding previous admission denials, require applicants to pay certain costs related to show cause hearings, remove certain amendment and effective dates, and add consent requirements and counsel certification language for pro hac vice admission; amending Section V of the I.B.C.R. to remove certain Idaho Code references and superfluous language; and amending the I.R.P.C. to remove certain Idaho Code references in Rule 5.4 and add a new comment to Rule 8.4 regarding conditions of resolving civil disputes. The Order and amendments were effective February 2, 2026.

Further, on that same date, the Court entered an Order amending the Bar Examination Grading Standards and Procedures to establish the contents of the Idaho Bar Examination, its grading and scoring processes and procedures, the minimum scores required for passage or transfer of a bar examination score, and the minimum score required to transfer a Uniform Bar Examination (UBE) score earned in another jurisdiction. The Order and amendments are effective May 1, 2026.

Lastly, on that same date, the Court entered an Order amending Section II of

the I.B.C.R. to change bar examination score transfer requirements. The Order and amendment are effective May 1, 2026.

Miller Nash LLP Announces Attorney Thomas Lloyd III as New Partner



Miller Nash is pleased to announce the election of Thomas Lloyd III to the firm’s partnership. Tom has extensive experience in commercial litigation in

a variety of practice areas, including banking, business, real estate, employment, and contractor disputes. Tom has successfully served as lead trial counsel for the majority of his trials in state and federal courts, but also regularly represents clients in other capacities, such as local counsel, litigation management, and tactical advisor. Tom regularly practices in Idaho state and federal courts, and has appeared in courts in Washington, Oregon, California, Michigan, and Wisconsin.

Nominations for the 2026 ISB Commissioner Elections Due April 7, 2026

THIRD, FOURTH, AND FIFTH DISTRICTS—Attorneys in the Third, Fourth, and Fifth Districts will elect new representatives to the Idaho State Bar Board of Commissioners this spring. The new commissioners will replace Judge Robert Jackson (Third and Fifth Districts), and Kristin Bjorkman of Boise (Fourth District). Pursuant to Idaho Bar Commission Rule 900, the new commissioner representing the Third and Fifth Districts must reside or maintain an office in the Fifth 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 ISB Annual Meeting (held in June) 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 7, 2026. A nominating petition form is available on the ISB website (isb.idaho.gov).

Ballots will be distributed electronically to members eligible to vote in the Third, Fourth, and Fifth Districts on Monday, April 20, 2026. All ballots properly cast will be counted by a Board of Canvassers at the close of business on Tuesday, May 5, 2026.

11th Annual Access to Justice FUND Run/Walk 5K—Save the Date for May 30th!

BOISE—Save the date for Saturday, May 30th, at 10:00 a.m. for the Access to Justice FUND Run/Walk 5K benefiting the Access to Justice Idaho campaign! This 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 2025, 334 people participated in the event and helped us raise \$20,000! This is the 11th year we will be hosting this event, and it will be the year we break \$115,000 in funds raised! Join us to be part of this incredible milestone!

A promotional poster for the Access to Justice FUND 5K Run & Walk event. The poster features a light blue background with orange text and graphics. At the top, it says "ACCESS TO JUSTICE FUND 5K RUN & WALK" with a graphic of a running shoe. Below that, it says "REGISTRATION NOW OPEN" with a graphic of a running shoe. The main text reads "SATURDAY MAY 30TH 10:00 a.m. Fort Boise Park Dog Friendly". At the bottom right, there is a QR code and the text "Register Here".

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! Snacks and water 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 Idaho Supreme Court 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, volunteer, or have questions about the event, contact Calle Belodoff at 208-955-8881 or cbelodoff@isb.idaho.gov. See you on Saturday, May 30th!

Well-Being in the Law Week, May 4th to 8th

STATEWIDE—The members of the Well-Being Committee are working with representatives from the district bars to host a series of CLEs and social events across the state during the first full week of May in recognition of Well-Being in the Law Week.

Events will be advertised on the website, the Weekly Brief email, and via email to the district bars as details become available. If you are interested in helping with events or have ideas for new events or speakers, please contact the Attorney Well-Being Committee Chair, Mo Haws

(mo@haws-law.com) or Teresa Baker (tbaker@isb.idaho.gov).

2026 Annual Meeting Scholarships Available, Deadline May 29th

STATEWIDE—The Idaho State Bar is offering a limited number of scholarships to the 2026 Annual Meeting that will be held on June 17th, at Jack's Urban Meeting Place (JUMP) in Boise. The scholarships will include full registration, tickets to social events and per diem up to \$100 per day for travel and lodging. The scholarships are designed to provide assistance to those attorneys who, due to financial or professional circumstances, would otherwise be unable to attend.

To apply for scholarship, visit isb.idaho.gov/annual-meeting. If you have any questions, please contact our Program and Legal Education Director, Teresa Baker. Deadline for scholarship requests is Friday, May 1, 2026.

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Learn more at idacdl.org or contact Executive Director Debi Presher at dpresher@nbmlaw.com



March

- | | |
|--|---|
| <p>5 <i>Recent Judicial Decisions and Their Impacts on State and Local Governments</i>
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2.0 CLE credit – NAC Approved</p> <p> </p> | <p>25 <i>Navigating Conflicts of Interest, Part 1</i>
1.0 Ethics credit</p> <p></p> |
| <p>11 <i>Communicating in Opposing Counsel & the Courts: Professionalism and Ethics</i>
1.0 Ethics credit</p> <p></p> | <p>26 <i>Navigating Conflicts of Interest, Part 2</i>
1.0 Ethics credit</p> <p></p> |
| <p>19 <i>2026 4th District Bar Spring Case Review</i>
1.5 CLE credit including 0.5 Ethics credit – NAC Approved</p> <p></p> | |
| <p>24 <i>Cybersecurity Breaches: How to Advise Clients When the Inevitable Happens</i>
1.0 CLE credit</p> <p></p> | |

-  = In Person
 = Live Webcast
 = Live Audio Stream

April

- | | |
|--|---|
| <p>1 <i>Handling Your First or Next Motor Vehicle Crash Case</i>
The Law Center / Live Webcast
2.0 CLE credit – NAC Approved</p> <p> </p> | <p>10 <i>Raising the Bar: A Conference for Idaho's Child Protection Community</i>
The Idaho Water Center / Live Webcast
8.0 CLE credit – NAC Approved</p> <p> </p> |
| <p>7 <i>Lawyer Ethics in Real Estate Practice</i>
1.0 Ethics credit</p> <p></p> | <p>27 <i>Privacy & Data Security Update</i>
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For more information and to register, visit www.isb.idaho.gov/CLE.

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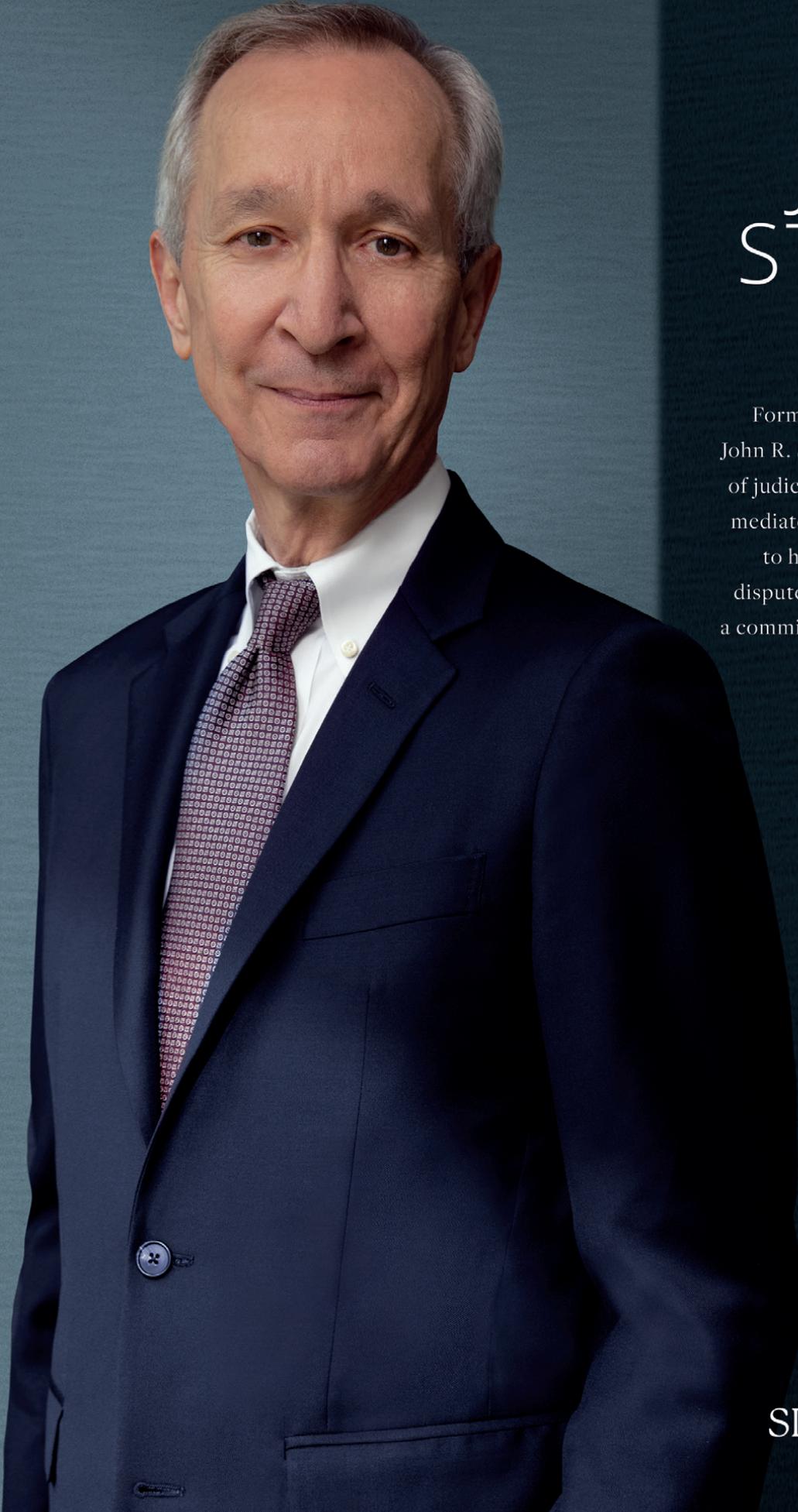
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A professional portrait of Hon. John R. Stegner, a middle-aged man with short, graying hair, wearing a dark blue suit jacket, a white dress shirt, and a patterned tie. He is looking directly at the camera with a slight smile. The background is a solid, muted blue color.

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