

In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO THE IDAHO
BAR COMMISSION RULES AND THE
IDAHO RULES OF PROFESSIONAL
CONDUCT

ORDER

The Board of Commissioners of the Idaho State Bar having presented proposed changes to the Idaho Bar Commission Rules (I.B.C.R.) and the Idaho Rules of Professional Conduct (I.R.P.C.), and the Idaho Supreme Court having reviewed and approved the recommendations;

NOW, THEREFORE, IT IS ORDERED that the I.B.C.R. as they appear in the Idaho State Bar Rule Book and on the Idaho State Bar website be, and they are hereby, amended as follows:

RULE 202. Qualifications for Admission.

- (a) **Qualifications.** Before receiving permission to take the bar examination and for admission to practice law in Idaho, the Applicant must:
- (1) Be at least eighteen years of age;
 - (2) Be lawfully admitted to this country;
 - (3) Have, or will have received, a juris doctorate or bachelor of laws degree or an equivalent basic law degree from an Approved Law School. Submission of a law school transcript in a form satisfactory to the Board shall be considered compliance with this Rule;
 - (4) Have demonstrated the essential eligibility requirements to practice law pursuant to Rule 201 and have met all requirements in the Admission Rules; ~~and~~
 - (5) Be a person of good moral character; ~~and-~~
 - (6) Not have been denied admission within two years of the date of a Board Order that has become final under I.B.C.R. 215 denying the Application on character and fitness grounds or within two years of the date of a Supreme Court Order denying the Application on character and fitness grounds.
- (b) **Multistate Professional Responsibility Examination (MPRE).** Prior to taking the Idaho bar examination, or within the next two scheduled MPRE administrations after successfully completing the Idaho bar examination, the Applicant must take the MPRE and receive a minimum scaled score of 85 or such other minimum scaled score as the Board may establish.
- (c) **Duty to Supplement.** All Applicants must supplement their Application with relevant character and fitness information until admitted to practice law in Idaho.

RULE 215. Action by Board.

- (a) **Following Committee Recommendations.** After receiving the recommendations of the CF Committee, the RA Committee or Bar Counsel, or on its own motion, the Board may:
- (1) Approve the Application or Request;
 - (2) Issue an order denying or modifying the Application or Request;
 - (3) Issue a recommendation of conditional admission; or
 - (4) Request further investigation.
- (b) **Finality of Order.** The Board's decision to approve, deny or modify an Application or Request shall be final unless the Applicant requests a show cause hearing. The Board's recommendation of a conditional admission is reviewable under Rule 216(i).
- (c) **Notice of Board Action.** The Executive Director shall notify the Applicant of the Board's action, and cause the same to be served upon the Applicant personally or by certified mail, return receipt requested. Notice shall be deemed complete on the date of receipt as noted on the return of service or return receipt.
- (d) **Show Cause Hearing.** An Applicant may request a show cause hearing of any order denying or modifying an Application or Request or a recommendation for conditional admission, by filing with the Executive Director a written petition within twenty-one days after the Applicant has received notice of the Board's action. Show cause hearings shall be reported by a court reporter. The Applicant shall be responsible for the court reporter's fee and transcription costs, unless the Applicant prevails at the show cause hearing or the Board determines to waive such fees and costs on good cause shown. The Applicant shall not be admitted to practice law unless the Bar is reimbursed for such fees and costs.
- (e) **Record.** The record as developed by the CF Committee or RA Committee shall be provided to the Applicant and Bar Counsel prior to the show cause hearing.
- (f) **Hearing.**
- (1) The show cause hearing shall be scheduled at a time convenient to the Applicant and the Board. The Executive Director shall give the Applicant written notice of any show cause hearing at least fourteen days in advance of the hearing, stating the date, time and place of the hearing. The notice shall advise the Applicant that he or she may personally appear at the hearing and is entitled to be represented by counsel and to cross-examine witnesses and present evidence.
 - (2) The hearing shall be conducted in an informal manner reasonably calculated to protect the rights of the Applicant and the Board.
 - (3) Additional evidence may be offered at the hearing.
 - (4) The Board may appoint a hearing officer to conduct a show cause hearing and make a recommendation to the Board.
- (g) **Decision.** The Board shall enter its decision within ~~fourteen~~forty-five days of receipt of the transcript of the show cause hearing. Board decisions following a show cause hearing are final unless the Applicant files a petition for review with the Supreme Court as provided in Rule 216. Conditional admission recommendations shall be forwarded to the Supreme Court as provided in Rule 216.

RULE 227. Pro Hac Vice Admission.

- *(a) Requirements.** Except as otherwise provided in the Admission Rules, only an actively licensed Idaho attorney may practice law. Upon order by the affected court and subject to the limitations below, an attorney who is not a member of the Bar or a resident of Idaho may be permitted to appear in an Idaho case if the attorney:
- (1) Is an active member in good standing of the bar of another state or territory of the United States or the District of Columbia;
 - (2) Currently maintains an ongoing law practice in another jurisdiction;
 - (3) Files a motion for pro hac vice admission with the affected court as provided below; and
 - (4) Pays a \$6325 fee to the Bar, \$125 of which shall be remitted by the Bar to the Idaho Law Foundation to support its pro bono legal services program.

(Section (a) amended 3-4-13—effective 4-1-13.)

(b) Local Counsel.

- (1) As used in this rule, Local Counsel means an active member of the Bar with whom the court and opposing counsel may readily communicate regarding the conduct of the case.
- (2) Unless specifically excused from attendance by the trial judge, Local Counsel shall personally appear with the pro hac vice attorney on all matters before the court.

***(c) Procedure.** To apply for pro hac vice admission, an attorney shall:

- (1) File a motion with the affected court that:
 - (A) Designates Local Counsel and the address and telephone number of Local Counsel;
 - (B) Provides the written consent of Local Counsel; and
 - (C) Identifies the bar of which the Applicant is an active member in good standing and whether that bar limits the number of pro hac vice admissions;
- (2) Submit to the Bar:
 - (A) Payment of a \$6325 fee;
 - (B) A certificate of good standing from the jurisdiction where the attorney currently maintains a law practice; and
 - (C) A copy of the motion;
- (3) Provide proof that all counsel of record in the case have been served with the motion; and
- (4) Submit a copy of the proposed order to the affected court.

(Section (c) amended 3-4-13—effective 4-1-13.)

(d) Consent. An attorney who applies for pro hac vice admission:

- (1) Consents to the exercise of disciplinary jurisdiction by the affected court and the Bar over any alleged misconduct which occurs during the case in which that attorney participates; and
- (2) Commits to adhere to the Idaho Standards for Civility in Professional Conduct.

(e) Order. The affected court may enter an order granting or denying the motion for pro hac vice admission in a form as provided in subsection (k) below.

(f) Pleading. On all court filings in which the name of an attorney seeking or granted pro hac vice admission appears, the attorney shall state his or her current office address in the jurisdiction where the attorney is an active member.

(g) Record. The Bar shall maintain a record of all pro hac vice admission motions as a public record, and shall promptly provide such record to any judge upon request.

(h) **Limitation.**

(1) Except as provided in subsection (2) below, there is no limitation on the number of pro hac vice admissions that may be granted to an attorney.

(2) There shall be a reciprocal limitation on the number of pro hac vice admissions for attorneys applying for pro hac vice admission by virtue of an active license in a jurisdiction that limits the number of pro hac vice admissions of Idaho lawyers.

(i) **Agency Admission.** In agency proceedings in Idaho, the agency may, using the same standards and procedures as a court, admit an eligible out-of-state attorney who has been retained to appear as counsel in that proceeding pro hac vice.

(j) **Form of Motion.** The pro hac vice motion should be in substantially the following form:

Local Counsel
Office Address
Business Phone
Bar Number
Applying Counsel
Out of State Office Address
Business Phone
Number of Limited Admissions Granted By Jurisdiction

IN THE _____ COURT OF THE STATE OF IDAHO

Case Caption)
) Case # _____
)
) Motion for Pro Hac Vice Admission
)

* * *

Pursuant to I.B.C.R. 227, the undersigned counsel petition the court for admission of [Applying Counsel], pro hac vice, in this case.

[Applying Counsel] certifies that he/she is an active member, in good standing, of the bar of _____, that he/she maintains the regular practice of law at the above-noted address, and that he/she is not a resident of the State of Idaho or licensed to practice in Idaho.

[Applying Counsel] certifies that he/she has previously been admitted under I.B.C.R. 227 in the following matters:

[If the pro hac vice applicant has been denied admission under this rule in this or any jurisdiction, a separate affidavit explaining the circumstances of such denial shall accompany this motion].

Undersigned counsel certify that a copy of this motion has been served on all other parties in this case and that a copy of the motion, accompanied by a \$6325 fee and a certificate of good standing, have been submitted to the Idaho State Bar.

Counsel certify that he/she consents to the exercise of disciplinary jurisdiction by this court and the Bar over any alleged misconduct which occurs during this case and commits to adhere to the Idaho Standards of Civility in Professional Conduct.

Counsel certify that the above information is true to the best of their knowledge. [Local Counsel] acknowledges that his/her attendance shall be required at all court proceedings in which [Applying Counsel] appears, unless specifically excused by the trial judge.

DATED this _____ day of _____, _____

/s/ _____ /s/ _____
Pro Hac Vice Counsel Local Counsel

(k) **Form of Order.** The order may be in substantially the following form:

IN THE _____ COURT OF THE STATE OF IDAHO

)
) Case # _____
Case Caption)
) Order Granting Motion for Pro Hac
) Vice Admission
)

* * *

The court has considered the Motion for Pro Hac Vice filed on ___(date)___ and being fully advised in the premises, it is hereby ordered that _____ be admitted pro hac vice in this case and that _____ serve as Local Counsel, whose attendance shall be required in all court proceedings in which _____ appears, unless specifically excused by the court.

DATED this _____ day of _____, _____

RULE 516. Duties after Limitations on the Right to Practice Law

- (a) **Duties.** Unless otherwise specified, a Supreme Court order imposing interim suspension, suspension, disbarment, resignation in lieu of disciplinary proceedings or transfer to disability inactive status, shall be effective upon date of entry. After the date of entry, the Respondent shall:
- (1) not accept any new retainer or engage as a Lawyer for another in any new case or legal matter of any nature;
 - (2) have 14 days after the effective date of the order limiting the right to practice law to wind up and complete on behalf of any client, all matters pending on the entry date;

- (3) refund any part of any fees paid in advance that have not been earned;
 - (4) move for leave to withdraw, or to substitute counsel in any pending litigation, and notify opposing counsel and adverse parties of such withdrawal or substitution of counsel;
 - (5) not use any sign or advertise that he or she, either alone or with any other person, has, owns, conducts or maintains a law office or office of any kind for the practice of law, or that he or she is entitled to practice law, and he or she shall promptly remove any sign indicating same;
 - (6) not use any stationery, bank accounts or checks whereon his or her name appears as a Lawyer or attorney at law;
 - (7) promptly remove his or her listing from any telephone directory indicating he or she is a Lawyer or attorney or holds a similar title;
 - (8) promptly contact the publishers of Martindale-Hubbell law directory and any other listing in which his or her name appears and cause the removal of any listing that states he or she is a member of the Bar in good standing;
 - (9) comply with the provisions of the Idaho Code section 30-1309, concerning membership and participation in a professional corporation or association authorized to practice law for a profit-service corporations;
 - (10) not practice law, not appear as an attorney before any court, justice, judge, board, commission, division or other public authority or agency and not share in any fee for legal service performed by himself or herself;
 - (11) not maintain a presence or occupy an office where the practice of law is conducted; and
 - (12) comply with any other requirement of the Supreme Court.
- (b) **Failure to Comply.** Failure to comply with the provisions of this section may be grounds for a further Sanction, the imposition of a previously withheld Sanction, the denial of a petition to dissolve an interim suspension or the denial of a motion to reinstate.

IT IS FURTHER ORDERED that the I.R.P.C. as they appear in the Idaho State Bar Rule Book and on the Idaho State Bar website be, and they are hereby, amended as follows:

RULE 5.4: PROFESSIONAL INDEPENDENCE OF A LAWYER

- (a) A lawyer or law firm shall not share legal fees with a nonlawyer, except that:
- (1) an agreement by a lawyer with the lawyer's firm, partner, or associate may provide for the payment of money, over a reasonable period of time after the lawyer's death, to the lawyer's estate or to one or more specified persons;
 - (2) a lawyer who purchases the practice of a deceased, disabled, or disappeared lawyer may, pursuant to the provisions of Rule 1.17, pay to the estate or other representative of that lawyer the agreed-upon purchase price;
 - (3) a lawyer or law firm may include nonlawyer employees in a compensation or retirement plan, even though the plan is based in whole or in part on a profit-sharing arrangement; and

- (4) a lawyer may share court-awarded legal fees with a nonprofit organization that employed, retained or recommended employment of the lawyer in the matter.
- (b) A lawyer shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law.
- (c) A lawyer shall not permit a person who recommends, employs, or pays the lawyer to render legal services for another to direct or regulate the lawyer's professional judgment in rendering such legal services.
- (d) A lawyer shall not practice with or in the form of a professional corporation or association authorized to practice law for a profit, if:
 - (1) a nonlawyer owns any interest therein, except that a fiduciary representative of the estate of a lawyer may hold the stock or interest of the lawyer for a reasonable time during administration;
 - (2) a nonlawyer is a corporate director or officer thereof or occupies the position of similar responsibility in any form of association other than a corporation, except as provided by the Idaho Code ~~§ 30-1513(d)~~; or
 - (3) a nonlawyer has the right to direct or control the professional judgment of a lawyer.

RULE 8.4: MISCONDUCT

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;
- (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or
- (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

Commentary

[1] Lawyers are subject to discipline when they violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so or do so through the acts of another, as when they request or instruct an agent to do so on the lawyer's behalf. Paragraph (a), however, does not prohibit a lawyer from advising a client of action the client is lawfully entitled to take.

[2] Many kinds of illegal conduct reflect adversely on fitness to practice law, such as offenses involving fraud and the offense of willful failure to file an income tax return. However, some kinds of offenses carry no such implication. Traditionally, the distinction was drawn in terms of offenses involving "moral turpitude." That concept can be construed to include offenses concerning some matters of personal morality, such as adultery and comparable offenses, that have no specific connection to fitness for the practice of law. Although a lawyer is personally answerable to the

entire criminal law, a lawyer should be professionally answerable only for offenses that indicate lack of those characteristics relevant to law practice. Offenses involving violence, dishonesty, breach of trust, or serious interference with the administration of justice are in that category. A pattern of repeated offenses, even ones of minor significance when considered separately, can indicate indifference to legal obligation.

[3] A lawyer who, in the course of representing a client, knowingly manifests by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, violates paragraph (d) when such actions are prejudicial to the administration of justice. Legitimate advocacy respecting the foregoing factors does not violate paragraph (d). A trial judge's finding that peremptory challenges were exercised on a discriminatory basis does not alone establish a violation of this rule.

[4] A lawyer may refuse to comply with an obligation imposed by law upon a good faith belief that no valid obligation exists. The provisions of Rule 1.2(d) concerning a good faith challenge to the validity, scope, meaning or application of the law apply to challenges of legal regulation of the practice of law.

[5] Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyers. The same is true of abuse of positions of private trust such as trustee, executor, administrator, guardian, agent and officer, director or manager of a corporation or other organization.

[6] A lawyer engages in conduct prejudicial to the administration of justice when that lawyer, individually or in the course of representing a client, conditions resolving a civil dispute by requiring that an individual refrain from requesting a disciplinary investigation regarding alleged professional misconduct or by requiring that an individual withdraw their request for a disciplinary investigation regarding alleged professional misconduct.

IT IS FURTHER ORDERED that this Order and these amendments shall be effective February 2, 2026.

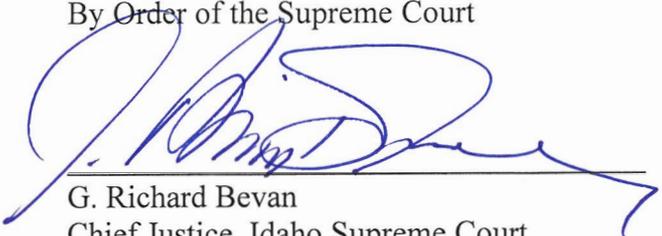
IT IS FURTHER ORDERED that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Bar Commission Rules or the Idaho Rules of Professional Conduct.

IT IS FURTHER ORDERED that notice of this Order shall be published for three

consecutive weeks on the Idaho State Bar's website and in its weekly email to Idaho State Bar members, and that, as soon as practicable, a summary of the amendments affected by this Order shall be published in one issue of *The Advocate*.

DATED this 29th day of January, 2026.

By Order of the Supreme Court



G. Richard Bevan
Chief Justice, Idaho Supreme Court

ATTEST: 
Melanie Gagnepain, Clerk