

PHILIP M. KLEINSMITH
(Suspension)

On February 6, 2017, the Idaho Supreme Court issued a Disciplinary Order suspending attorney Philip M. Kleinsmith until he is either readmitted or reinstated to practice law in Colorado. The Idaho Supreme Court's Order followed a reciprocal disciplinary hearing conducted by the Professional Conduct Board.

Mr. Kleinsmith was admitted to practice law in Colorado and Idaho. On June 10, 2016, the Colorado Supreme Court entered an Order of Suspension suspending Mr. Kleinsmith from practicing law in Colorado, pending conclusion of the Colorado disciplinary case.

The disciplinary cases relate to Mr. Kleinsmith's representation of a client in 74 foreclosure actions in Idaho and Montana between 2012 and 2014. Mr. Kleinsmith billed his client a fixed amount of attorney's fees and an amount for title costs for title services relating to those foreclosures. Despite collecting the title costs for title services from his client, Mr. Kleinsmith did not reimburse the title company which provided the title services. The title company obtained judgment in Montana against Mr. Kleinsmith in the amount of \$55,782, reflecting those unpaid and collected title service costs. In the underlying Colorado disciplinary case, Colorado was granted summary judgment on two claims of its Complaint on Colorado Rules of Professional Conduct 1.15A(b) and 8.4(c). Mr. Kleinsmith's motion seeking relief from that is pending in Colorado. Colorado Rule of Professional Conduct 1.15A(b) is equivalent to I.R.P.C. 1.15(d) [Safekeeping Property] and Colorado Rule of Professional Conduct 8.4(c) is equivalent of I.R.P.C. 8.4(c) [Misconduct].

The Idaho Supreme Court ordered that Mr. Kleinsmith be suspended from practicing law in Idaho until he is either readmitted or reinstated to practice law in Colorado, at which time he may request reinstatement in Idaho.

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