

NOEL J. PITNER
(Disbarment)

On March 27, 2020, the Idaho Supreme Court issued an Order of Disbarment, disbarring attorney Noel J. Pitner. The Idaho Supreme Court Order followed a reciprocal disciplinary hearing conducted by a Hearing Committee of the Professional Conduct Board.

Mr. Pitner was admitted to practice in Washington and Idaho. Mr. Pitner was suspended in Idaho in 2017, and since he had not sought reinstatement, he remained suspended in Idaho. Washington reciprocally suspended Mr. Pitner in 2018, and he had not reinstated in Washington.

In the current proceedings, on August 8, 2019, the Supreme Court of Washington entered a Disbarment Order, effective August 15, 2019. On September 11, 2019, the Idaho State Bar initiated these disciplinary proceedings. Mr. Pitner did not appear or participate in the Idaho proceedings, and on November 18, 2019, a Hearing Committee of the Professional Conduct Board conducted the show cause hearing. On December 11, 2019, the Hearing Committee entered its Findings of Fact, Conclusions of Law & Recommendation recommending disbarment.

The disciplinary cases relate to Mr. Pitner's representation of seven (7) clients. Mr. Pitner was found to have committed thirty-two (32) violations of the Washington and the corresponding Idaho Rules of Professional Conduct as follows:

1. Seven violations of Rules 1.4(a)(3), (a)(4) and (b) [Communication].
2. Five violations of Rules 1.3 [Diligence] and 3.2 [Expediting Litigation].
3. Six violations of Rule 1.5(a) [Unreasonable Fees].
4. Five violations of Rule 1.16(d) [Failure to Return Unearned Fees].
5. One violation of Rule 1.16(a)(3) [Failure to Withdraw Following Discharge].
6. One violation of Rule 1.2(a) [Scope of Representation].

7. Seven violations of Rule 8.4(1) [Failure to Cooperate in Disciplinary Investigation].

In six (6) client matters, Mr. Pitner effectively did no work for his clients, did not respond to their multiple efforts to contact him about their cases, collected fees, and did not return unearned fees to the clients.

In the seventh client matter, Mr. Pitner did file a complaint, but agreed to dismiss the case against one defendant without speaking to his client. In that case, another defendant filed a Motion to Dismiss, and although Mr. Pitner did not file a response to the Motion, he did agree to dismiss that defendant. That defendant then filed a Motion for Attorney's Fees and Costs based upon the dismissal order. Mr. Pitner did not tell his client about that Motion and did not respond to that Motion. The court then entered an Order of Attorney's Fees against his client, which Mr. Pitner did not tell his client about. Finally, in that same case, after being fired, Mr. Pitner did not sign a substitution of counsel as requested by successor counsel. When another defendant filed a Motion to Compel responses to discovery, Mr. Pitner did not tell his client or successor counsel about that Motion and appeared at the hearing on the Motion to Compel, which the Court granted. Mr. Pitner eventually signed the requested substitution of counsel.

In the Washington disciplinary case, Mr. Pitner stipulated that he acted knowingly in charging unreasonable fees to six (6) clients and failed to refund unearned fees to those six (6) clients. He also stipulated that those six (6) clients were injured because they paid for legal services they did not receive or that was of no value to them.

Mr. Pitner also stipulated that he knowingly failed to handle six (6) of his clients' cases diligently and failed to keep seven (7) clients reasonably informed about their cases.

In the Washington disciplinary case, Mr. Pitner agreed to pay restitution, plus interest, totaling \$14,500 for five (5) clients, and attorney's fees and costs of \$1,949.10. In the Idaho case, Mr. Pitner was assessed costs of \$401.50.

The Idaho Supreme Court disbarred Mr. Pitner, effective March 27, 2020. As a consequence, his admission to practice law in the State of Idaho was revoked. By the terms of the Idaho Supreme Court's Order, Mr. Pitner's name was stricken from the records of the Idaho Supreme Court and his right to practice law before the courts in Idaho was terminated on March 27, 2020.

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