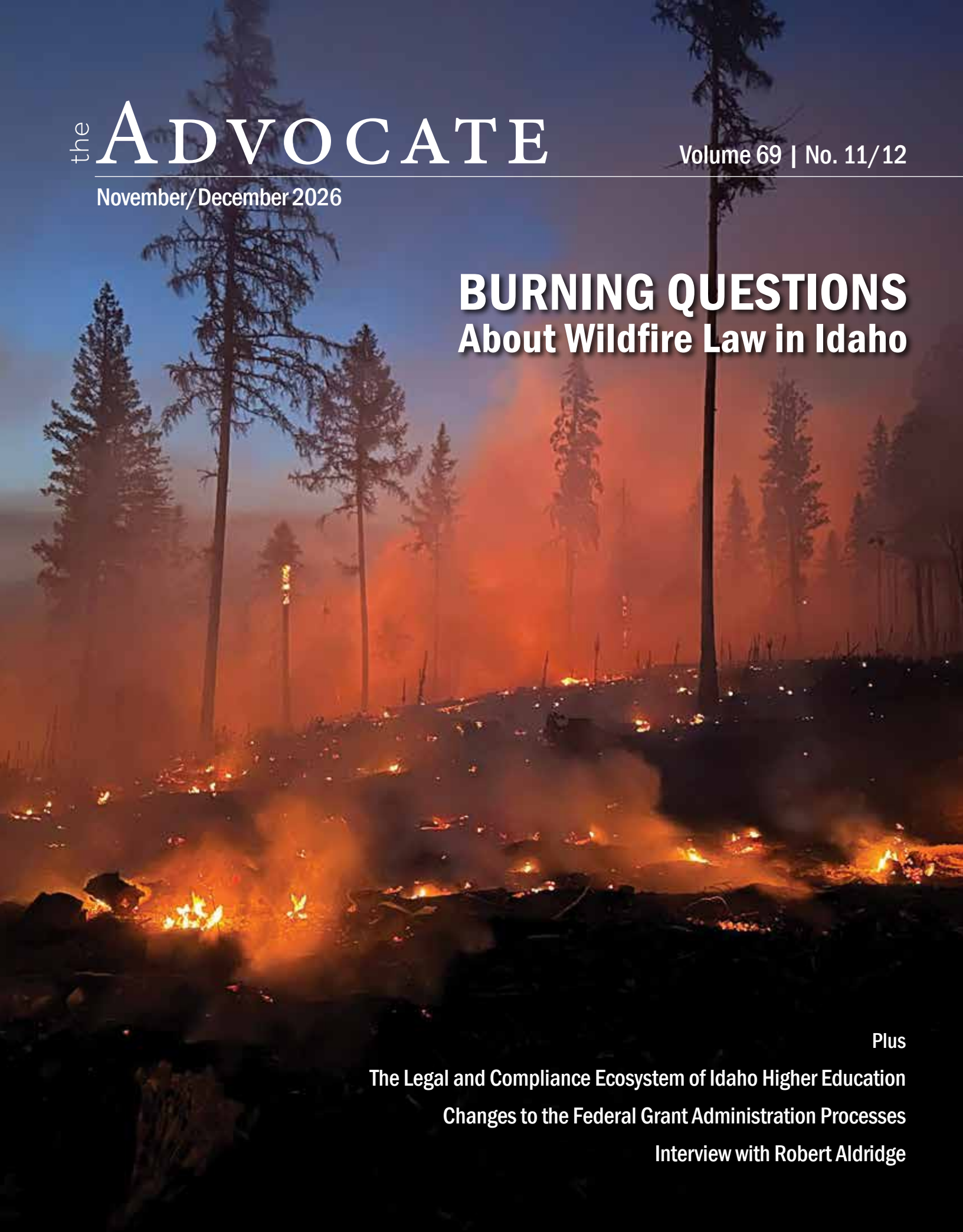
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Volume 69 | No. 11/12

November/December 2026



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About Wildfire Law in Idaho

Plus

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On the Cover



This issue's special feature article examines Idaho's wildfire suppression policy and the factors that shaped Idaho's wildfire laws over time.

Cover photo: Fire near Lake Pend Oreille in Bonner County. Photo by: Jen Barker, Forest Legacy Program Manager at Idaho Department of Lands.

Special thanks to this issue's feature contributors
the Government & Public Lawyers Section

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BAR ACTIONS

DOUGLAS KOUFFIE
(Public Censure)

On September 21, 2026, the Idaho Supreme Court entered a Disciplinary Order publicly censuring Douglas Kouffie. The Order followed a stipulated resolution of an Idaho State Bar disciplinary proceeding in which Mr. Kouffie admitted that he violated Idaho Rule of Professional Conduct 8.4(c) [it is professional misconduct for a lawyer to engage in conduct involving deceit or misrepresentation] by creating an email address serve@deliveryman.com with the name "Process Server" to send his ex-girlfriend a copy of an order of protection he had obtained against her in Arizona. Respondent knew that his email did not constitute service and the order of protection was not effective until served by the Maricopa County Sheriff's Office.

JEFFREY J. HEPWORTH
(Suspension)

On October 2, 2026, the Idaho Supreme Court issued an Opinion suspending attorney Jeffrey J. Hepworth for a period of eighteen (18) months, with the first six (6) months enforced and the next twelve (12) months conditionally withheld, provided that he: (1) not engage in the practice of law during the term of his suspension; and (2) attend an additional ten (10) hours of continuing legal education focusing on ethics.

This Idaho State Bar discipline case related to Mr. Hepworth's conduct in *Hilliard v. Twin Falls County Sheriff's Office*, No. 1:18-cv-00550-CWD (D. Idaho 2022). During trial, Mr. Hepworth's non-retained expert witness offered inaccurate testimony regarding her compensation by stating that she had been paid $40. Rather than correcting the record, Mr. Hepworth referenced and emphasized the witness's testimony that she had been paid $40 in his closing argument. Mr. Hepworth did so despite his knowledge that his firm had subpoenaed the witness to testify over two days of trial and paid her the statutory $40/day fee plus mileage, and that he had promised the witness that he would pay her more. The day after receiving a significant favorable jury verdict, Mr. Hepworth paid the witness an additional $500. Mr. Hepworth then submitted a memorandum of costs disclosing these payments. The opposing party filed a motion for a new trial, which the federal court granted, setting aside the jury verdict in favor of Mr. Hepworth's client.

During post-trial proceedings, Mr. Hepworth submitted an affidavit that stated he had "promised to pay a reasonable fee for [the witness's] time as we had the other expert fact witnesses." Mr. Hepworth also argued in a federal court hearing that he told the witness "multiple times" before trial that he would pay her for her time. One month later, Mr. Hepworth sent an email to Bar Counsel describing what occurred in federal court and stating he had "no specific memory of a discussion about paying [the witness] for the time she spent with [him] preparing for trial and testifying" and that it was possible he "forgot to tell her we would pay for her time."

The Idaho Supreme Court affirmed the Hearing Committee of the Professional Conduct Board's determination that Mr. Hepworth violated Idaho Rules of Professional Conduct 3.3(a)(1) and 3.3(a)(3) by failing to correct and the false impression created by the witness' testimony, Rule 4.1(a) and Rule 8.4(c) by knowingly making a misleading statement to the court and opposing counsel, Rule 8.4(d) by engaging in conduct prejudicial to the administration of justice, and Rule 8.1(a) by making false statements to the Bar when he self-reported the matter. However, the Court determined that the Hearing Committee's sanction recommendation of a one-year suspension fully withheld was inadequate, finding that Mr. Hepworth's actions after the discovery of his misrepresentations in federal court to be "deeply concerning." After considering Mr. Hepworth's failure to comply with a protective order issued during disciplinary proceedings, his forty (40) years of practice, that he violated six Rules in multiple ways over an extended period, his consistent decisions to prolong the legal process and deny responsibility for his actions at the expense of the legal system and opposing counsel, and that Mr. Hepworth engaged in other deceptive practices in answering the federal court's questions about the witness's compensation, the Court concluded the appropriate sanction is an eighteen (18) month suspension, with the first six (6) months enforced and the next twelve (12) months conditionally withheld.

W. TIMOTHY SEIBLY
(Resignation in Lieu of Disciplinary Proceedings)

On October 20, 2026, the Idaho Supreme Court entered an Order accepting the resignation in lieu of disciplinary proceedings of Lewiston attorney W. Timothy Seibly. The Idaho Supreme Court's Order followed a stipulated resolution of a disciplinary proceeding that related to the following conduct.

Mr. Seibly's malpractice coverage through ALPS expired on January 1, 2020. Despite being on notice that his ALPS malpractice coverage had lapsed, Mr. Seibly falsely certified to the Idaho State Bar (ISB) in February 2020, January 2021, February 2022, January 2023, January 2024, and March 2025, that his ALPS coverage was effective. Mr. Seibly obtained malpractice insurance in May 2025. In September 2025, Mr. Seibly informed the ISB of his prior lapse in malpractice coverage.

Mr. Seibly admitted this conduct violated Idaho Rule of Professional Conduct (IRPC) 8.4(c) [it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation], IRPC 5.5(a) [a lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction], and Idaho Bar Commission Rule (IBCR) 302(a)(5) [a lawyer representing private clients shall submit proof of current professional liability insurance coverage and shall notify the Bar in writing within thirty (30) days if the coverages lapses, is no longer in effect, or terminates for any reason].

The Idaho Supreme Court accepted Mr. Seibly's resignation in lieu of disciplinary proceedings. By the terms of the Order, Mr. Seibly may not make application for admission to the Idaho State Bar sooner than five (5) years from the date of his resignation. If he does make such application for admission, 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. Seibly's name was struck 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 October 20, 2026.

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

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Parsons Behle & Latimer proudly recognizes estate planning attorney and litigator Justin Eckman for his pro bono service with Wills for Heroes, a program providing free estate planning documentation to first responders and their families.

Eckman's organizational efforts and pro bono hours donated in collaboration with the State Bar of Idaho, and independently, have helped provide comprehensive estate planning protection for dozens of first responders' families across Idaho.

Thank you, Justin, for your outstanding leadership and service.

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COMMISSIONER'S COLUMN

THIS VETERANS DAY, IT'S TIME TO GET SERIOUS ABOUT DISCHARGE UPGRADES

Matthew Wolfe

I have a friend named Danny.

That is not his real name. At his request, I have changed his name and certain identifying details, but the important parts of his story are true.

Danny is an American hero.

He enlisted in the Delaware Army National Guard in 2007, serving with the 198th Signal Battalion before transitioning to active duty in 2009.

And then came Afghanistan.

From 2009 to 2010, Danny served in Bagram and Gardez, Afghanistan, supporting the 82nd Airborne Division. After returning to Fort Hood and the 57th Signal Battalion, he deployed again—this time to Kandahar from 2011 to 2012.

He later served with the 25th Infantry Division at Schofield Barracks, Hawaii.

Calling Danny a hero should not be controversial.

We Americans love calling our veterans heroes.

Leaders from both political parties do it. President Barack Obama spoke of veterans as "our nation's heroes." Vice President Mike Pence once declared that "every veteran" of our Armed Forces is a hero. President Joe Biden praised the "absolute heroism" of those who fought at Normandy.[1]

Our music does it too. Toby Keith sang about the *American Soldier*. Lee Greenwood made an entire generation proud to be American. Country singers have built careers around soldiers, sacrifice, flags, and coming home.[2]

Every November, we say the words again.

We thank veterans for their service. Restaurants give away meals. Businesses offer discounts. Politicians give speeches.[3]

But there was something else on Danny's military record.

Danny received an **Other Than Honorable (OTH) discharge**.

And suddenly, the word *hero* becomes more complicated.

We Have Been Here Before

Danny's story is not unique to the wars in Iraq and Afghanistan.

We just used different words after earlier wars.

During World War I, it was "shell shock." By World War II, the military spoke of "battle fatigue" or "combat stress reaction." Today, we recognize many of those symptoms as manifestations of post-traumatic stress disorder (PTSD).[4]

Whatever terminology we use, the underlying problem is ancient:

War does things to people.

Vietnam made that painfully clear.

Drug use among American Service members in Vietnam became so widespread that, in 1971, the military began testing Service members for drugs before allowing them to return home. One landmark study found that nearly half of the Army enlisted men in its general sample had tried narcotics while in Vietnam, and **20 percent reported opiate addiction**.[5]

> "More than fifty years ago, the military was already grappling with a question we still struggle with today: When is misconduct simply misconduct, and when is misconduct evidence that someone needs help?"

The military's response was not simply punishment. By 1971, military exemption programs offered treatment and limited protection from prosecution to certain Service members who voluntarily sought help. That August, the Secretary of Defense directed review of certain earlier administrative OTH discharges based solely on personal drug use or possession for personal use.[6]

More than fifty years ago, the military was already grappling with a question we still struggle with today:

When is misconduct simply misconduct, and when is misconduct evidence that someone needs help?

The Invisible Wounds of Our Wars

Decades later, Danny went to Afghanistan.

Twice.

Like many veterans who served during the worst years of the wars in Afghanistan and Iraq, Danny came home carrying things that did not appear on his DD-214.

Eventually, he began using drugs.

That sentence is easy to write from the comfort of a law office. It is considerably harder to understand everything that came before it.

For generations of Service members, seeking mental health treatment has carried a stigma. Service members worried about their careers, their units, their commanders, their security clearances, or simply being viewed as weak.[7]

So some Service members do what human beings have always done when they are hurting and do not know how—or do not believe they are permitted—to ask for help.

They self-medicate.[8]

Eventually, the military sees the misconduct.

But sometimes it misses the injury underneath it.

Danny received an Other Than Honorable discharge.

He is far from alone.

A Government Accountability Office study examined 91,764 Service members separated for misconduct between fiscal years 2011 and 2015. Sixty-two percent had been diagnosed during the preceding two years with PTSD, traumatic brain injury, or certain other mental health conditions potentially associated with misconduct.

More than 13,000 Service members in the study who had one of those diagnoses nevertheless received an Other Than Honorable discharge.[9]

Sometimes the thing for which we punish a Service member may be a symptom of the thing we should have been treating.

More Than a Line on a Form

An OTH discharge is not just an unfortunate phrase on a piece of paper.

For some veterans, it can stand between them and VA health care or disability compensation.

That does not mean every veteran with an OTH is ineligible. The VA can make its own favorable character-of-discharge determination without a military upgrade, and certain care may be available even without enrollment in VA health care. Veterans should not assume the door is closed.[10]

Education benefits have their own rules. The Post-9/11 GI Bill generally requires an Honorable discharge from the qualifying period of service. An upgrade can help an otherwise eligible veteran access money for tuition, housing, and books.[11]

Employment can be affected, too. Federal veterans' preference generally requires an Honorable or General Under Honorable Conditions discharge, along with other eligibility requirements. An OTH can mean losing that advantage. Outside government, the stigma can also complicate a veteran's job search.[12]

An upgrade does not guarantee benefits or a job. But it can remove barriers that have followed a veteran for years.

Not Every Benefit Comes With a Dollar Sign

But some veterans are not looking for a benefits check or a new job.

They may already have health insurance. They may be retired. The practical effect of an upgrade may be limited.

That does not make it meaningless.

For some, an OTH can feel less like a description of how their service ended and more like a judgment on who they are.[13]

They served. They sacrificed. But the document they carried home seems to tell them that none of it counted.

An upgrade cannot undo everything that happened. But it can acknowledge that the worst chapter of someone's life is not the whole book.

And we should take the mental health stakes seriously.

A 2025 study of more than 3.6 million people leaving the military's active component found that, after accounting for age, those with OTH discharges had about 2.5 times the suicide rate of those with Honorable discharges in the first five years after separation.

That does not prove the discharge caused those deaths, or that an upgrade would have prevented them.[14]

But it is a reminder that we are talking about people, not just paperwork.

Discharge Upgrades

The good news is that the characterization written on a DD-214 is not necessarily the end of the story.

Federal law provides veterans a mechanism to ask that their military records—and, in appropriate cases, their discharge characterization—be changed.[15]

Generally, veterans discharged within the previous 15 years may apply to their service's Discharge Review Board using **DD Form 293**. Older cases, and cases involving broader corrections to military records, generally proceed before the appropriate Board for Correction of Military or Naval Records using **DD Form 149**.[16]

On paper, the process looks deceptively simple. A veteran fills out a form.

But the veteran does not have to submit only the form.

An application can include medical and mental health records, service records, VA records, statements from fellow Service members and family members, evidence of rehabilitation, and, critically, the veteran's own narrative.[17]

That is where lawyers can help.

Lawyers Tell Stories

Think about what we do for a living.

Clients bring us years of documents, experiences, mistakes, and circumstances. We ask questions. We identify the legally significant facts. We gather evidence. Then we organize those facts into a story another person can understand.

A discharge-upgrade case may begin with:

Danny used drugs. Danny got in trouble. Danny received an OTH.

But that is not the whole story.

Danny enlisted.

Danny served.

Danny deployed to Afghanistan.

Danny came home.

Danny deployed again.

Danny struggled.

Danny used drugs.

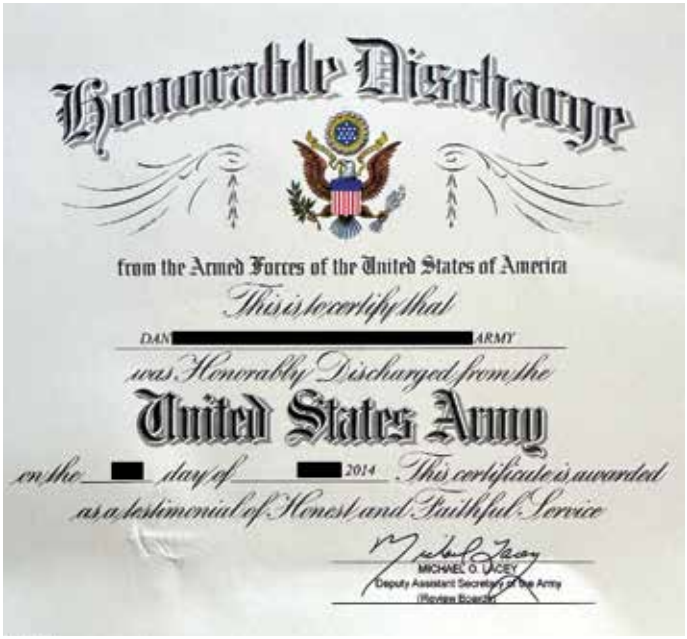
Danny got in trouble.

Danny received an OTH.

The misconduct has not disappeared.

It has context.

A lawyer can help connect medical evidence to the timeline, obtain statements from people who knew the veteran before and after deployment, explain how PTSD, traumatic brain injury, addiction, or another condition may have contributed to the misconduct, and document the veteran's life since leaving the service.[18]


Honorable Discharge

from the Armed Forces of the United States of America

This is to certify that

DAN [redacted] ARMY

was Honorably Discharged from the

United States Army

on the [redacted] day of [redacted] 2014 This certificate is awarded as a testimonial of Honest and Faithful Service

MICHAEL D. LACEY

Deputy Assistant Secretary of the Army

(Review Boards)

That is advocacy.

And we already know how to do it.

Ask the Question

Most Idaho attorneys will never practice military law.

That does not matter.

Veterans are our estate-planning clients. Our criminal-defense clients. Our family-law clients. Our employees. Our neighbors. Our friends.

And some have carried an unfavorable characterization of their military service for decades, believing there is nothing they can do about it.

So this Veterans Day, I am asking Idaho attorneys to add one question to the conversations they are already having:

"Were you—or someone you know—discharged from the military with anything other than an Honorable discharge?"

If the answer is yes, ask another:

"Have you ever looked into having it upgraded?"

The Idaho State Bar has an excellent place to start. In 2022, the Young Lawyers Section and Fourth District Bar presented *Military Discharge Upgrades: One Way to Help Our Veterans*, a free one-hour CLE taught by Margaret R. Kuzma of Harvard Law School's WilmerHale Legal Services Center. The program remains available—for free—through the Idaho State Bar's online CLE library.[19]

You do not need to become a military-law expert. You need to know how to listen to a client, gather evidence, understand the applicable standard, and tell a story.

You are already trained to do that.

Back to Danny

I want to go back to Danny, because something changed between the time I started writing this article and the time I finished it.

Long before I started writing, I helped Danny put together a discharge-upgrade packet. Updated medical records. Treatment records. Personal statements. Character references.

The documents that helped tell the rest of his story.

He sent it in.

And we waited.

And we waited.

And we waited.

Two and a half years after he submitted that packet, a certificate arrived in the mail:

"Honorable Discharge from the Armed Forces of the United States of America."

His service had not changed. Neither had the things he struggled with when he came home.

What changed was the government's recognition of that service.

Danny was always an American hero.

But we already knew that.

Now Uncle Sam knows it, too. ■



Matthew Wolfe enlisted in the New Jersey Army National Guard in September 2003. He completed basic training at Fort Leonard Wood, Missouri, and Advanced Individual Training at Fort Huachuca, Arizona, before deploying to Guantanamo Bay, Cuba. Since becoming an attorney, Matt has continued his commitment to serving those who served, including as President of the Idaho Military Legal Alliance, where he has advocated for veterans and expanded access to legal assistance. He currently practices estate planning and probate law at Twin Falls Estate Planning.

Endnotes

1 Barack Obama, Remarks by the President on Veterans Day (Nov. 11, 2011); Mike Pence, Remarks at the Department of Veterans Affairs' National Veterans Day Observance (Nov. 11, 2019); Joe Biden, Remarks at the National Veterans Day Observance (Nov. 11, 2024). Official White House archives.

2 Toby Keith, Toby Keith's "American Soldier" Gets High Gloss Shine (July 3, 2020); Lee Greenwood, Lee Greenwood Celebrates 40th Anniversary of Timeless Anthem "God Bless the U.S.A." (May 20, 2024). Official artist websites.

3 See, e.g., Applebee's, Applebee's Honors Veterans & Active Duty Military with Free Meals on Veterans Day (Oct. 27, 2025); U.S. Department of Veterans Affairs, Veteran & Military Year-Round Discounts. These are examples of the tradition, not a list of announced 2026 offers.

4 Matthew J. Friedman, History of PTSD in Veterans: Civil War to DSM-5, U.S. Department of Veterans Affairs, National Center for PTSD.

5 Lee N. Robins, John E. Helzer & Darlene H. Davis, Narcotic Use in Southeast Asia and Afterward: An Interview Study of 898 Vietnam Returnees, 32 Archives of General Psychiatry 955, 955–61 (1975), doi:10.1001/archpsyc.1975.01760260019001. For the 1971 return-home testing program, see U.S. General Accounting Office, Drug Abuse Control Program Activities in Vietnam, B-164031(2), at 19–24 (July 1972).

6 U.S. General Accounting Office, Drug Abuse Control Program Activities in Vietnam, B-164031(2), at 27–29 (July 1972); Secretary of Defense, Review of Discharges Under Other Than Honorable Conditions Issued to Drug Users (Aug. 13, 1971), reproduced in 32 C.F.R. pt. 724, app. A. The August directive covered qualifying administrative discharges finalized or in process on or before July 7, 1971.

7 Charles W. Hoge et al., Combat Duty in Iraq and Afghanistan, Mental Health Problems, and Barriers to Care, 351 New England Journal of Medicine 13, 13–22 (2004), doi:10.1056/NEJMoa040603; Defense Counterintelligence and Security Agency, Mental Health and Security Clearances (Apr. 2024). Seeking mental health treatment itself does not bar security clearance eligibility.

8 U.S. Department of Veterans Affairs, National Center for PTSD, Substance Use and PTSD (AboutFace).

9 U.S. Government Accountability Office, DOD Health: Actions Needed to Ensure Post-Traumatic Stress Disorder and Traumatic Brain Injury Are Considered in Misconduct Separations, GAO-17-260, at 12–15 (May 2017). The 62 percent includes specified mental health conditions beyond PTSD and TBI; 13,283 members with a qualifying diagnosis received OTH discharges. The figures establish diagnoses, not causation in each individual case.

10 U.S. Department of Veterans Affairs, Applying for Benefits and Your Character of Discharge; What Benefits Can I Get If I Have an Other Than Honorable Discharge? (both last updated Apr. 16, 2025). VA eligibility determinations are separate from military discharge upgrades; certain care may be available without VA health-care enrollment.

11 U.S. Department of Veterans Affairs, Compare VA Education Benefits, sections on character of discharge, service requirements, and payments. Other eligibility requirements apply; an upgrade alone does not establish entitlement.

12 U.S. Office of Personnel Management, How Do I Determine If I Am Eligible for Veterans' Preference?; Yale Law School, Veterans Legal Services Clinic, Kennedy v. McCarthy (describing employment barriers). Loss of preference is not a blanket prohibition on federal employment.

13 See Yale Law School, Veterans Legal Services Clinic, Kennedy v. McCarthy (discussing the lasting stigma of less-than-Honorable discharges).

14 Mark A. Reger et al., Character of Discharge From the US Military and Suicide Mortality, 8(5) JAMA Network Open e2512081 (2025), tbl. 2, doi:10.1001/jamanetworkopen.2025.12081.

15 10 U.S.C. § 1552 (correction of military records); 10 U.S.C. § 1553 (review of discharge or dismissal).

16 See DD Form 293, Application for the Review of Discharge from the Armed Forces of the United States, instructions; DD Form 149, Application for Correction of Military Record, instructions (both Feb. 2025 editions, updated Aug. 12, 2026). Under 10 U.S.C. § 1553(a), DRB applications must be made within 15 years, and general-court-martial discharges are excluded. Under 10 U.S.C. § 1552(b), correction-board applications ordinarily must be filed within three years after discovery of the error or injustice; the board may excuse untimeliness in the interest of justice. DD Form 149 also directs applicants to exhaust available administrative remedies.

17 DD Form 293, instructions; DD Form 149, instructions; A. M. Kurta, Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of Their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment (Aug. 25, 2017), attachment, paras. 5–7.

18 A. M. Kurta, Clarifying Guidance (Aug. 25, 2017), attachment, paras. 2, 18–19. The guidance addresses the connection between a condition and misconduct, including possible self-medication, while recognizing that serious misconduct can outweigh mitigation.

19 Idaho State Bar, Military Discharge Upgrades: One Way to Help Our Veterans (Jan. 18, 2022), presented by Margaret R. Kuzma and sponsored by the Young Lawyers Section and Fourth District Bar Association; see also Free CLEs Offered for Live and On-Demand Credit. The on-demand course is listed at $0.00 for 1.0 CLE credit (accessed Sept. 24, 2026).

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Artwork by Charlie Hambalek, Boise High School Courtroom Art State Champion

THE LEGACY WE BUILD WHEN YOU INVEST IN MOCK TRIAL

Carey Shoufler

In May, I received the Justice Gene Franchini Golden Gavel Award at the National High School Mock Trial Championship. The Golden Gavel is the highest honor the national program gives to someone who has contributed significantly to mock trial. I'm genuinely humbled to have received this honor. But I'm also aware that an award can provide a platform that is larger than any person being honored, so I want to use that platform to make a case about the importance of mock trial.

When Diane Minnich, former Executive Director of the Idaho State Bar, asked me to become Idaho Law Foundation's Law Related Education Director, I said no. Three times. I was doing communications work for the Foundation, and while I respected the program, it wasn't what I had signed up for. I was a high school English teacher by training, not a civic education specialist. I didn't know anything about running a mock trial program and I wasn't confident I was the right person for the job.

But, Diane was persistent. She had this way of asking again that made it clear she wasn't really asking. So I finally said yes. That was 21 years ago. Diane, if you're reading this: you may have known something I didn't. It turns out you talked me into the best job I've ever had.

Ultimately, I decided to say yes to the Law Related Education Director position because I believe education in general, and civic education specifically is one of the most powerful investments anyone can make. What I've long known is how young people can grow when you trust them with complex material. And what I've come to understand is that mock trial is not just about teaching students to be lawyers. It's about giving them permission to be bold. How to own their critical thinking skills. How to communicate with conviction. It's about the legal profession and at the same time much bigger than the legal profession.

For the past two decades I have watched young men as freshmen, wearing suits that were borrowed or bought too big because someone said, "Don't worry. You'll grow into it." And they do. By senior year, the suit fits. The posture changes. The voice steadies. The suit didn't change. They did. Mock trial works a lot like that. At first, everything feels oversized—the courtroom, the language, the moment. And then, over time, the students grow into it.

I have watched young women walk into courtrooms already knowing that however they argue, it may come with a cost their male counterparts don't pay. Too forceful and they're difficult. Too soft and they're overlooked. Mock trial gives them a place to stop editing themselves and learn what conviction sounds like when it's not being managed for someone else's comfort. What emerges, over and over, is something they didn't know was in them. They plant their feet. They own their arguments. They find steady ground and don't give it back.

And it isn't only future lawyers who find their way into this program. Idaho's program also offers courtroom artist and journalist contests. These participants would likely never see themselves stepping behind a podium but they can draw what they observe, or write what they witness, with precision and insight. Different skills. The same civic foundation. The same lesson: the legal system is not a mystery that belongs to someone else. It belongs to them.

Nationally, an estimated 43,500 students participate in mock trial programs across all 50 states every year. Research consistently shows that participation increases both students' understanding of civic processes and their demonstrated critical thinking and argumentation skills. In Idaho alone, 325 students from 40 schools participated last year. They were coached and judged by 180 volunteers who collectively gave more than 1,500 hours of their time. At even a conservative billing rate, that's roughly half a million dollars in donated professional expertise. In one season. In one state.

Multiply that investment by 21 years. Multiply it by every courtroom where a student walks in unsure what they've gotten themselves into and walks out indelibly changed. That is what this program does. It invests in students, in communities, in the legal profession's own future.

Idaho makes this argument especially urgent. Our state has pockets of legal deserts with no attorneys or too few attorneys, serving populations that can't readily access legal help. The young people growing up in those communities often don't see the law as something that feels accessible or relevant to them.

> "Nationally, an estimated 43,500 students participate in mock trial programs across all 50 states every year. In Idaho alone, 325 students from 40 schools participated last year."

And this isn't only a rural challenge. We should invest in mock trial in every corner of this state—for urban students, homeschool groups, and students who haven't found their place in traditional extracurriculars. It is a program for every kind of community and every kind of student. Education is upstream justice.

A student who participates doesn't just learn about the legal system. She learns that she can navigate it. That it is not something that happens to her but something she can participate in, advocate through, and even build a career around, possibly right back in the community she grew up in.

I know what you're thinking. You went to law school to provide legal services. The pull toward pro bono legal work makes complete sense. It is a direct expression of everything the profession stands for. Direct service is urgent, concrete, and immediate. Someone's housing, custody, or livelihood is on the line. How do you weigh that against a high school competition? You don't have to. That's not the choice.

The legal profession rightly devotes enormous energy to direct services; to standing beside people in their most vulnerable moments. That work is essential and it should be celebrated. Pro bono legal services catch people when they fall. Law related education is what we build so fewer people fall in the first place.

You cannot cultivate a healthy respect for the rule of law on intervention alone. That foundation gets established through programs like mock trial, that, like pro bono legal services, is grounded in the professional belief that the law should be accessible, understood, and trusted by the people it's meant to serve.

Programs like mock trial tend to do their work without drawing a lot of attention to themselves. Program staff show up year after year, quietly constructing something that takes a long time to see. That's admirable. But programs that don't draw attention to themselves are also easy to overlook and easy to undervalue. The work doesn't need less visibility. It needs more champions. Think about it this way: many of us worry about diminishing trust in institutions when we can invest in teaching students how those institutions work in the first place.

So here is my ask. Three things. Pick one. Or more if you are so inclined.

Give time. Judge a round, coach a team, show up at a competition and watch what these students can do. If you can help a teacher in a rural or underserved community launch a program, do that. Ten additional schools with ten attorneys or firms willing to adopt a team or help a teacher get started would put mock trial in front of roughly 100 more Idaho students. That's 100 more young people experiencing the legal system in a positive way. The math isn't complicated.

Give money. Encourage your firm or organization to treat mock trial and other law related education as a genuine budget priority rather than a courtesy line item. The attorneys who already volunteer have collectively demonstrated what this work is worth. Resourcing it properly means it can reach further, last longer, and serve students who currently don't have access to it.

Advocate. Talk about mock trial the way you talk about the work that matters to you. Because it does matter, and the more voices in the legal community that say so, the harder it becomes to treat as optional. Mention it at bar association meetings. Bring it up when civic education comes up. Tell a colleague. Tell a client with a student who needs a place to belong. Advocacy costs nothing and reaches everywhere.

The rule of law is not self-sustaining. We teach it or we risk losing it. And right now, in this particular moment in history, I would argue we have never needed to teach it more urgently or more intentionally than we do today.

The award I received is named for a man who loved the law, loved young people learning it, and never stopped saying so. His legacy is the award that bears his name. I'd like to think mine will be something maybe a little quieter but hopefully equally important. I have worked to be part of helping young people experience what it's like to speak up and be heard. These are generations of students who learned something about themselves and their capabilities, and who left with a deeper respect for the rule of law.



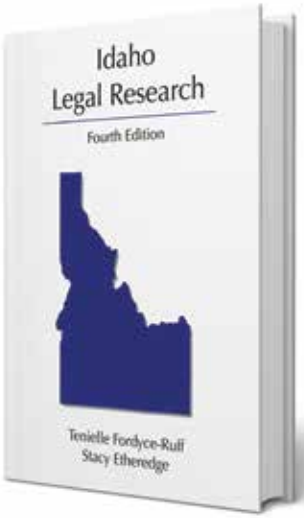
Carey receiving the Justice Gene Franchini Golden Gavel Award. This award is given out by the National High School Mock Trial Championship in recognition of a mock trial leader who has demonstrated exemplary dedication and commitment to the goals and ideals of the national high school mock trial program.

Programs outlast the people who work to build them. That's the whole point. I have spent 21 years being grateful that someone didn't take no for an answer. Don't let mock trial keep working quietly in the background, uncertain whether there's space for this important program. Be part of a legal legacy that makes room. ■

Carey Shoufler has worked in education in an array of settings for nearly 40 years. In her current role, Carey has spent the last 21+ years working as the Law Related Education Director for the Idaho Law Foundation.

Carey utilizes her experience as an educator to provide leadership and management for a statewide civic education program with a goal of fostering successful partnerships between the legal community and the public to help Idaho citizens better understand of the Rule of Law.

Carey obtained her bachelor's degrees in English literature from Mills College in Oakland, California and her master's degree in instructional design from Boise State University. A native Idahoan, Carey returned to Boise in after working for 13 years as a teacher and educational administrator in Boston.



IDAHO LEGAL RESEARCH
FOURTH EDITION

Reviewed by Hon. Jessica Lorello

As an adjunct professor, including for introduction to legal research for first year law students, I am always on the lookout for good resources to use in class and to recommend to practitioners. *Idaho Legal Research* checks all the boxes! *Idaho Legal Research,* Fourth Edition, is a terrific tool for legal research generally and is *the* guide for conducting Idaho-specific legal research.

The preface to the prior (third) edition of *Idaho Legal Research*, authored by Professor Tenielle Fordyce-Ruff, noted the updated book's increased emphasis on online research with guidance on how to use online resources effectively. The fourth edition, revised and updated by Professor Stacy Etheredge, builds on the foundation from prior editions, with a focus on restructuring the book into three distinct parts: (1) the groundwork for legal research and basic research methods; (2) an in-depth discussion of the top five sources used by practitioners (and professors); and (3) examination of advanced legal research topics, including citators, legislative history, and advanced online research tools. The separation between basic and advanced tools and techniques presents a user-focused approach that can meet the reader where they are.

The newly published fourth edition of *Idaho Legal Research* begins with a chapter on the structure of law and legal information, identifying the difference and importance of primary and secondary sources. The first chapter also explains the hierarchy of legal authority, a key concept to understand when advancing legal arguments. The second chapter explains the sources, methods, and tools available for conducting legal research, including identification of no cost providers, and tips for conducting searches. The process of legal research is the focus of the third chapter. The research process is a central focus in teaching legal research to new law students, but the importance of an effective and efficient research process is a skill that endures throughout the practice of law. This chapter is not only a good starting point for teaching, it provides a framework that can be consulted at any point in one's legal career when taking on the task of finding the answer to a legal problem. As the concluding pages of this chapter note, legal analysis and legal research go hand-in-hand.

Part Two of the fourth edition of *Idaho Legal Research,* takes a deep dive into Idaho-specific sources (Chapters 4 through 6), the Idaho court system and case law (Chapter 7), and secondary sources (Chapter 8). While practitioners often spend a great deal of time reading and researching case law, the review of the value of secondary sources is a great reminder of tools that provide a greater understanding and explanation of legal principles that can enhance the depth of your legal analysis. Part Three of the text includes discussion of citators, a critical step in making sure your research is current. This section of *Idaho Legal Research* also explores legislative research and outlines advanced research processes and analyses and advanced online research.

The cherry on top for legal research professors is the addition of Chapter 14, which includes a legal research task (with answers!) that illustrates ways one could approach a research task. In short, I give two thumbs up to the fourth edition of *Idaho Legal Research*. ■



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That purpose led Navy veteran and nuclear engineer Cody Harrison (above, left) to Idaho Law, where he found a mentor in Professor Tim Murphy (right) and built an education around his unique interests in engineering, business and environmental law. Today, he's creating a new path toward nuclear regulatory and safety law, bringing together experience and expertise from across his career to tackle the legal questions of tomorrow.

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SPECIAL FEATURE

BURNING QUESTIONS
ABOUT WILDFIRE LAW IN IDAHO

J.J. Winters

Quinn Fire (2022) near Wolf Creek in the Joseph Plains Area in Idaho County. *Photo courtesy of Idaho Department of Lands.*

Wildfire suppression in Idaho is an exercise in cooperation between a myriad of agencies. The Idaho Department of Lands ("IDL") works alongside two timber protection associations, dozens of volunteer rural fire protection associations, the federal fire management agencies of the U.S. Forest Service ("USFS"), and U.S. Wildland Fire Services ("USWFS") through complex cooperative agreements and cost-share arrangements.

But before we can examine Idaho's wildfire suppression policy, we have to step back to the Western Expansion and the birth of our national forests. During this time, our nation was struggling to reconcile its skyrocketing timber needs with the decimated eastern forests caused by unchecked demand.

The Birth of the National Forests

The early origins of our nation's fire suppression policy actually began in Idaho at the insistence of the timber industry. Before statehood, the U.S. Government sent surveyors across the frontier to map the territories and inventory the rich natural resources for the eventual westward expansion. Survey reports noted that North Idaho was found to hold the "most valuable body of timber in the interior of the Continent."[1]

As the westward expansion gained momentum under the Homestead Act of 1862[2], many feared that the rich western timberlands would quickly be decimated by speculators.[3] By 1865, railroads were using an estimated 6.5 million cords of wood, hundreds of millions of boardfeet of construction lumber, and millions of hemlock, chestnut, and oak trees annually.[4] Lumber companies helped themselves to the public forests in the Midwest. In Michigan, after cutting more than 160 billion board feet of lumber from 1847 to 1897, only 6 billion board feet remained.[5]

Industrial heads and citizens began calling on the government to prevent a deforestation similar to the eastern timberlands, which had disappeared for the sake of settlement, goods, steamboats, and railroads. As the West was slowly claimed piece by piece, the nation's mindset about public lands began to shift from disposal toward retention.

The Forest Reserve Act of 1891

On March 3, 1891, a one-sentence rider attached to a homesteading bill authorized the president to "[s]et apart and reserve . . . public land bearing forests . . . whether of commercial value or not, as public reservations . . . ."[6] This small but mighty amendment authorized the president to establish forest reserves by withdrawing timberland from sale and homesteading. Gifford Pinchot called it "the most important legislation in the history of Forestry in America."

President Benjamin Harrison was the first to test the new law by creating the Yellowstone Park Timberland Reserve.[7] By the end of his term in 1893, Harrison had created fifteen additional forest reserves, encompassing 13 million acres of timber.

The early forest reserves were extremely controversial and very unpopular among industry and speculators who wanted to acquire the West's valuable timber resources for themselves. They believed the nation's rich resources should be controlled by private industry instead of the government.

In 1896, President Grover Cleveland formed the National Forest Commission, whose members included John Muir and Gifford Pinchot, to identify new potential timber stands for reservation.[8] The Commission visited the reserves created by Harrison, as well as other forests in the Pacific Northwest, ultimately recommending several new forest withdrawals.

Anticipating certain backlash, Cleveland refrained from acting until ten days before he left office. On February 22, 1897—George Washington's birthday—Cleveland withdrew over 21 million acres, creating thirteen new forest reserves, which in Idaho included the Priest River and the Bitterroot reserves.[9] Cleveland's other reserves included the Black Hills, Big Horn, Teton, Flathead, Lewis and Clark, Washington, Olympic, Mount Rainier, and the Stanislaus. Congress tried to invalidate Cleveland's withdrawals by passing an amendment to an appropriations bill, forcing him to choose between axing the forest reserves or creating a government shutdown. Cleveland chose the latter and vetoed the bill on his last day in office.

The Organic Act of 1897

As expected, Cleveland's reserves caused a political firestorm, with conservationists applauding the reservations and the timber and mining industries deeply opposed. The withdrawals were suspended for nine months while the legality of the Forest Reserve Act was hotly debated.[10] At the center of the storm was the Act's apparent lack of any clear management policy or direction as to who would assume responsibility for managing the reserves and protect them from fire and pillage. In short, the debate ran, if the federal government was going to withdraw lands from the public domain, Congress should direct how those lands would be administered.

This uproar led to creation of the Organic Administration Act of 1897, stating as its purpose "to improve and protect the forest within the reservation . . . and to furnish a continuous supply of timber for the use and necessities of citizens of the United States."[11]

The Organic Act affirmed Harrison and Cleveland's reservations. It also defined allowable purposes for future reservations and provided a charter for forest management.[12] It placed the U.S. Geological Survey in charge of mapping, and the General Land Office in charge of administration of the reserves.[13] In 1905, the Forest Transfer Act transferred 85 million acres of forest land to the Department of Agriculture, eventually leading to the creation of the USFS.[14]

From 1901 to 1909, President Theodore Roosevelt added 148 million acres of forest reserves, ensuring they were no longer open to settlement. In 1907, Roosevelt reorganized the forest reserves and officially rebranded them as national forests.[15] This created thirty-nine national forests, including (among others) the Boise, Payette, Salmon, Challis, Clearwater, Coeur d'Alene, Idaho, Kaniksu, and Pend Oreille National Forests.

Early Idaho Forestry Statutes: The Fallon Fire Law of 1907

The new national forests spurred organized efforts to control reoccurring forest fires, which largely fell to the newly created USFS. Individual states followed suit by enacting their own fire suppression laws, largely mirroring those of the nation. Before statehood, fire burned freely in the endless timber stands in northern and central Idaho. After statehood, as the population exploded and the economy expanded, sawmill owners and loggers turned to the Legislature to provide fire protection for the timber on which their livelihoods depended.

The Idaho Legislature responded to the timber industry's concerns by enacting the Fallon Fire Law of 1907—the first iteration of the Idaho Forestry Act.[16] This early law mandated that open fires in the forest be controlled, and criminalized the failure to use spark arrestors and unextinguished campfires.[17] It also prohibited anyone from carrying a torch, firebrand, or exposed light in or near forest land.[18] It required the railroads to provide fifty feet of clearance on each side of the tracks and prohibited leaving live coals or ashes in the immediate vicinity of forest land.[19] The State Land Commissioner was charged with enforcement, having full power to "arrest violators and deliver them to the nearest magistrate to be dealt with according to law."[20] The Fallon Fire Law also created the "closed burn" season from May to October each year, which is still in place today.[21]

The Big Burn of 1910

In 1910, conditions across the West were unseasonably dry, creating a tinderbox. Several fires ignited in Idaho and Montana, caused by both lightning and humans. When the winds began blowing over the Palouse in August, the gusts, combined with low humidity and high fuel loads, caused the fires to merge, creating one of the largest wildfire disasters in history. Over 3 million acres containing 8 billion board feet of timber burned and 85 people tragically lost their lives in the firestorm that eventually became known as the "Big Burn." The town of Wallace and several others were reduced to rubble and ashes. This tragedy, as they often do, shaped the fire policy of the USFS for decades. It also strongly influenced public perception of the government's role in fire suppression, as well as the role of fire within the landscape. Fire was now perceived as the enemy.

In the aftermath of the Big Burn, Congress enacted one of the most transformative conservation laws to combat fire and protect the forests. The Weeks Act established 52 new national forests consisting of over 19 million acres.[22] More importantly, it provided the framework for federal and state cooperative agreements to fight wildfire.[23] This framework is still used as guidance today to draft cooperative agreements, combat climate change, protect endangered species, and manage urban forests. The Clarke-McNary Act of 1924 expanded this cooperation to include private forest landowners and allowed the USFS to create its own fire management policy.[24]

The Idaho Forestry Act of 1925

In 1925, the Idaho Legislature strengthened its existing fire laws to facilitate cooperation between agencies and private landowners in lockstep with the Clarke-McNary Act.[25] Because federal, state, and private ownership of forest lands is often adjacent and intermingled, it was becoming apparent that if one forest landowner neglected his timber and let it fall unmaintained, it created real risks to adjacent timber stands that were well-maintained and more able to withstand fire. For the first time, Idaho held private forest landowners responsible for providing "adequate and efficient fire protection that met the approval of the State Forester."[26]

If the landowner failed to provide protection, the State Forester was authorized to provide it for them and bill the landowner for the actual costs of protection, including suppression.[27] It also created Idaho's fire preparedness fund, assessing private forest landowners based on acreage.[28]

Landowners immediately challenged the assessments as "unreasonable, arbitrary, tyrannical, unconstitutional, and void."[29] In 1928, the Idaho Supreme Court upheld the Forestry Act as "a reasonable and proper police regulation designed to protect the forests of the state from destruction by fire."[30]

The Birth of Fire Propaganda and Smokey Bear

The 1920s saw the creation of fire propaganda used to spread the word that wildfire was public enemy number one. However, fire prevention icon Smokey Bear did not emerge until 1944, during World War II in response to national paranoia about enemy-initiated wildfires. Early posters featuring Smokey warned the public that forest fires aided the enemy. In 1952, Congress established controls governing the use of Smokey under federal law known as the Smokey Bear Act.[31]

Smokey's message evolved over the decades from wartime propaganda to encouraging everyone to prevent forest fires under the policy of full suppression and personal responsibility.

The Smokey Bear campaign was successful—some say a little too successful. When the fire prevention campaigns started in the 1920s, wildfire burned an estimated 30 million acres annually. By 1988, that number fell to around 7.4 million acres.

For decades, the campaigns fostered the idea that all wildfire was bad and preventable. In addition, the USFS had been steadily decreasing forest management by way of timber harvests beginning in the 1970s through the National Forest Management Act of 1976[32] and in the 1990s with the 1993 Northwest Forest Plan, both of which dramatically reduced logging in national forests. But in the late 1990s, new science began to emerge, asserting that wildfire can be a natural and restorative part of the ecosystem, clearing out decades of built-up fuels. Forest Service researchers boldly warned that the long-standing policy of aggressive wildfire suppression had contributed to a decline in forest health, a dangerous increase in fuel loads, and wildfires that were more difficult and expensive to control.[33]

Modern Wildfire Response in Idaho

Modern wildfire response is a highly complex exercise in cooperation between state, federal, municipal, and rural fire protection agencies. In the most basic sense, the USFS and USFWS are primarily responsible for fire protection within the national forests and on federal rangeland managed by the BLM. IDL is responsible for protection on all state and privately-owned forest lands. Cities and towns are protected by their own municipal fire departments. Finally, volunteer RFPAs patrol the most rural parts of the state, providing initial attack for structure and property protection within their capabilities.

Ownership of land in Idaho, however, is not so simple, resembling a checkerboard, with federal, state, tribal, and private ownership intermingled across the state. For this reason, staffing and equipping each agency to respond to wildfire based on land ownership is physically and fiscally impossible. Instead, when a wildfire is discovered, resources are assigned on a "closest forces" concept, meaning the closest resource responds, regardless of which agency is responsible for the fire or which agency employs the resource. Costs are sorted out later through cooperative agreements that include cost share provisions. In every instance, the agency receiving the help from the other agencies pays the costs.

Federal vs. State Suppression Policy

Regardless of who owns the land where the fire starts, all forest lands are impacted if the fire spreads beyond the boundary. The decision to crush a fire or let it burn is determined by the agency responsible for managing the fire. Federal agencies manage wildfire according to federal policy, which considers managing wildfire for different reasons or multiple objectives. The fire manager chooses tactics based on an evaluation of risks to firefighter and public safety, resource objectives, burning conditions, values at risk, and cost.

In doing so, it allows federal fire managers to let fire play its natural disturbance role in the landscape when they deem it appropriate.



Aerial retardant drop, 2017 fire near the Brownlee Reservoir. *Photo courtesy of Idaho Department of Lands.*

This "let it burn" policy may be employed in areas where traditional land management tools like logging or grazing are not utilized. Structure protection is generally not prioritized.

Conversely, state policy focuses on aggressive initial attack with a full-suppression strategy to keep fires below ten acres or less. IDL does not use wildfire to manage land, instead using timber management and controlled use of fire to protect forest health and decrease hazardous fuel loads. Idaho law declares uncontrolled wildfires to be public nuisances because of the threat they pose to life and property.[34] The Director of IDL and any fire warden are authorized to take action to summarily abate the "wildfire nuisance," including the power to "commandeer tools, supplies, and equipment" and to employ or "compel assistance of able-bodied persons" without liability for trespass.[35]

While all fire managers have flexibility based on fire conditions, Idaho's policy is to extinguish the fire at the minimum size allowed by firefighter safety and the resources available.

The Problem with the Wildland Urban Interface (WUI)

Regardless of state and federal wildland firefighting philosophy differences, there is a divide in unimproved forest suppression strategy and structure protection within the Wildland Urban Interface ("WUI"). The WUI is the area where structures and human development intermingle with wildland vegetation. In Idaho, about 42% of houses are located in the WUI.[36]

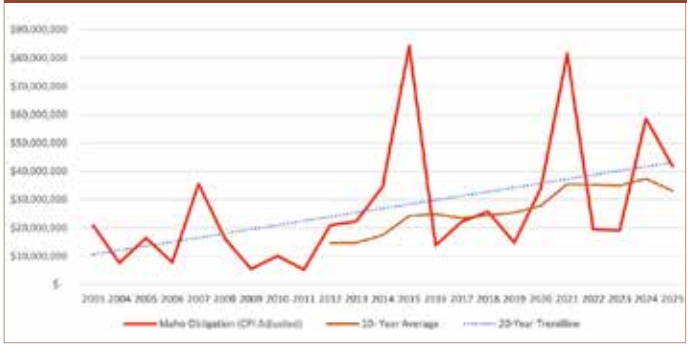
Suppressing wildfire in the WUI is costly, which creates an important focus among agencies when negotiating cooperative agreements. In a 2014 federal audit of California wildfire cost-share agreements, it was reported that wildfire suppression with structure protection in the WUI costs 28 times more per acre ($1,695/acre) compared to suppression on rangeland ($61/acre), and double that of fighting fire in timber ($779/acre).[37]

In a 2003 federal budget, it was reported that in some areas of WUI in the West, "the government pays more in suppressing fires than the fair market value of the structures threatened by those fires. It would literally be cheaper to let them burn and pay 100 percent of the rebuilding cost."[38] As more first, second, and third homes are built in the WUI, wildfire suppression becomes more expensive each year, given the enormous costs to battle fire in forested areas peppered with houses.



IDL's Teaken Hand Crew, an elite, 20-person full-time Type 2 wildland firefighting team based in Deary, Idaho. *Photo courtesy of Idaho Department of Lands.*

Idaho Wildland Fire Annual Obligated Cost (CPI Adjusted)



This graph represents IDL's fire suppression cost obligation through 2025, adjusted for inflation. The red line is the actual cost to Idaho for each season and does not include fires that originated on federal jurisdictions or federal suppression costs. As depicted, the costs are extremely variable.

Fire suppression cost peaked sharply in 2015 and 2021 due to low snowpack and severe drought. The 2015 fires required the use of twenty-seven incident management teams, more than double the amount of teams ever used in a single year. Over 75 homes and 220 other structures burned in 2015—the most ever recorded on IDL protected land. The dotted blue line represents a trend line over 20 years and suggests hotter and longer fire seasons. The orange line shows the average total over the past 10 years.

The cost to suppress a wildfire is influenced by the amount and type of resources assigned to each fire. High intensity fires may burn for weeks and require hundreds of firefighters, heavy equipment, and expensive aircraft. Small fires that are detected early may be easily managed by a couple of personnel with shovels. Conversely, a high-intensity ten-acre fire crowning in heavy timber may require far more resources than a several hundred-acre fire burning in light fuels.

How Do We Pay for Suppression in Idaho?

Idaho pays for wildfire suppression through a combination of sources: forest protection assessments collected from private forest landowners; general fund allocations; federal cost share reimbursements; deficiency warrants; and criminal and civil actions against parties responsible for human-caused fires.

Forest protection assessments are collected through county property tax billings and deposited into an account dedicated to supporting preparedness, which puts firefighters and equipment in place before the fire season begins.[39]

Year	Total Cost to Idaho for Wildfire Suppression	Average Fire Cost under IDL Protection	Acres Burned in IDL Protection
2025	$55,218,800	$145,312	4,870
2024	$66,637,500	$137,729	65,040
2023	$22,060,500	$46,038	2,590
2022	$25,700,000	$31,687	4,676
2021	$74,600,000	$146,814	142,022
2020	$28,500,000	$74,769	6,968
2019	$13,600,000	$30,833	1,436
2018	$28,000,000	$55,250	7,766
2017	$22,081,000	$64,992	52,930
2016	$14,802,000	$31,371	1,511
2015	$78,113,000	$199,783	78,571

The table shows the total obligation for fire suppression each year and the average cost of each fire started within IDL's jurisdiction. Annual totals regularly fluctuate as it can take years to determine the actual numbers when multiple agencies and cost-sharing reimbursements based on prior agreements are involved.

General fund allocations are more nebulous because wildfires cannot be accurately budgeted or pre-appropriated—it is impossible to predict the number of ignitions from unattended campfires, exploding targets, fireworks, bird vs. powerlines, or lightning strikes each year. Regardless, the Legislature allocates tax dollars to pre-fund suppression accounts annually. When personnel and equipment are dispatched to a fire, payment for those resources is made from the suppression fund.[40]

If Idaho exhausts the pre-funded suppression balance during a relatively bad fire year, IDL is authorized to continue the important business of wildland firefighting through the use of deficiency warrants, which is similar to an emergency line of credit. This authority allows IDL to spend money to suppress wildfires without prior legislative appropriation. When the Legislature convenes in January, it reviews the suppression bills incurred during the previous fire season and appropriates funds to resolve the negative balance.

Finally, IDL actively seeks reimbursement for actual suppression costs from parties responsible for human-caused fires through restitution orders obtained through criminal cases and civil actions. Complaints are brought by the State against responsible parties seeking recovery for economic damages, which are limited to reasonable economic costs for controlling or extinguishing the fire. Suppression cost recovery actions have been successfully brought under claims of public nuisance, negligence, *res ipsa loquitur*, trespass, and violations of Idaho Code § 38-107, which was added to the Forestry Act in 1972.

Conclusion

Idaho's wildfire laws have been shaped by the realities of the time, from the timber reservations in the late 1800s to adapting interagency cooperative frameworks for suppression after the Big Burn. Today's realities include longer fire seasons, skyrocketing costs, and expanding development in the WUI, all of which present a new era of challenges. As suppression demands increase, the law in Idaho will continue to play a critical role in shaping the policies, agreements, and liability frameworks that determine how we respond to wildfire. Fire policy, like wildfire itself, is dynamic and will continue to evolve with the landscape.

About IDL

The Idaho Department of Lands manages over 2.5 million acres of state endowment land to generate revenue for the public schools and other endowments through grazing, mining, and other commercial leases. As trustees of endowment land, IDL is constitutionally mandated to maximize long-term financial returns to the beneficiaries, mostly public schools. In addition, IDL is tasked with regulatory oversight of Idaho's mining, forestry, natural gas, and logging industries. IDL also regulates permitting encroachments on Idaho's navigable lakes and rivers to protect the public's use of the waters. IDL is responsible for wildfire suppression on about 9.6 million acres of state owned and privately owned forest land. ■



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THE WIND OF CHANGE (TO FEDERAL GRANT ADMINISTRATION PROCESSES) IS COMING

Logan E. Weis-Hurzeler



As fall nears, so do looming, significant proposed rule changes to every attorney's favorite set of federal regulations—Title 2 of the U.S. Code of Federal Regulations. Title 2 establishes the uniform administrative requirements, cost principles, and audit requirements for receipt of all federal grant awards. For ease of reading, I will refer to the proposed changes collectively as the "Proposed Rule.[1]

As the great '80s band Scorpions says (and I am taking some slight liberties here...), "the future [of the CFR]'s in the air, I can feel it everywhere, blowing with the wind of change [to federal grant administration processes]." Yep, fun fact: their lead vocalist, Klaus Meine, was a big federal regulation fan. (Okay, I may have just made that part up).

For background, at the federal administrative level, Congress delegates to executive agencies the authority to issue federal rules, which define how existing laws will be interpreted and enforced. Through the rulemaking process, agencies are required to seek and consider input from the public before implementing final rules.[2]

The process consists of six steps: (1) an agency drafts a proposed rule and submits to the Office of Management and Budget for review; (2) said executive agency issues a notice of proposed rulemaking in the Federal Register; (3) there is a comment period wherein the public is free to comment on the proposed rule; (4) the executive agency reviews comments, and amends if necessary; (5) the executive agency issues the final rule in the Federal Register; and (6) the proposed rule goes into effect.[3]

Here, the Proposed Rule was originally set to take effect October 1, 2026.[4] On September 2, 2026, President Trump signed H.R. 6500, the "Continuing Appropriations and Extensions Act, 2027."[5] Section 157[6] prohibits the Proposed Rule from being issued or finalized until after December 11, 2026. Thus, the Proposed Rule cannot be finalized until at least December 12, 2026. It is not certain, however, that the Proposed Rule will be finalized.

Objectives of the Overhaul

Before diving into what the Proposed Rule changes, it's important to understand why these changes are coming. Per the Proposed Rule, there are three primary purposes: (1) increasing transparency, accountability, and oversight in the federal grant administration process, (2) clarifying that 2 CFR Part 200 is a regulation rather than guidance, and (3) reducing award-recipient burden. Each of the proposed changes within the Proposed Rule is identified as falling within one or more of the identified objectives.

Coming Changes to 2 CFR Part 200

Objective 1: Increasing Transparency, Accountability, and Oversight in the Federal Grant Administration Process

Authority to Suspend or Terminate. The Proposed Rule creates new and robust authority for agencies to both suspend and terminate federal grant awards. This new authority is based on new criteria—including "noncompliance"—which includes failure to report on subawards, a broad "national interest" determination, and a broad determination that the award "no longer effectuates program goals, agency priorities, or the national interest" as they exist at the time of termination.[7] Such termination or suspension would be possible even when the award recipient is fully complying with the terms of award of the grant.

For government agencies accepting federal grant awards, this is potentially problematic. The risk of changing administrative priorities creates significant uncertainty for government entities' budgets. Government budgets are adopted on an annual basis, weeks to months before the fiscal year is set to begin. Revenue projections of federal grant awards can be, and generally are, factored into budgets. Now, under the revised language of the Proposed Rule, those (potentially highly relied on) revenue streams run the potential of being cut off mid-stream if administration priorities change mid award.

Cost-Reimbursement Contracts. The Proposed Rule strongly discourages the use of cost-reimbursement contracts.[8] This is a method commonly used by governments receiving federal awards. A cost-reimbursement contract is a contract under which grant funds are expended by the recipient before they are actually received, then reimbursed after the fact, either directly from a federal agency or indirectly from a pass-through entity.[9] The Proposed Rule grants federal agencies the discretion to require prior approval of such contracts in the award terms and conditions grant recipient must sign in order to

receive the award. The Proposed Rule's justification is that cost-reimbursement contracts are inherently higher risk, as they reduce incentives for contractors to control costs, require more intensive oversight, and run a higher risk of improper payout of federal funds.

Pass-Through Entity Responsibilities. The Proposed Rule significantly broadens the responsibilities of pass-through entities.[10] This would expand pass-through oversight requirements including subaward reporting to SAM.gov, subrecipient monitoring, and compliance with new policy conditions. Further, the Proposed Rule would require that pass-through entities ensure subrecipients do not take actions that "could significantly damage the reputation" of the pass-through entity, the awarding agency, or the federal government as a whole.[11] If such actions do occur, the pass-through entity is required to consult with the granting federal agency to determine whether termination of award is necessary and warranted.

In order to obtain this objective of greater transparency and oversight, pass-through entities would likely be required to shift significant internal resources and potentially increase staffing in order to absorb this additional workload and associated costs.

Remedies for Non-Compliance. The Proposed Rule also includes several significant changes to remedies for noncompliance with grant terms.[12] In the event of non-compliance, the awarding federal agency may take several actions, including withholding payments to recipients, cost disallowance, suspension or termination of the federal award, and withholding future federal funds.

This broad, wide-sweeping authority to withhold funds or disallow costs largely does not come along with clear, defined compliance requirements. Consequently, compliance will likely be based on individual grant requirements and variance from federal agency to federal agency.

Fixed-Amount Grants. Additionally, the Proposed Rule eliminates the "fixed amount" grant structure for both awards and subawards through changes throughout Part 200.[13] A "fixed amount" grant refers to a type of grant or cooperative agreement in which the federal agency or pass- through entity provides a specific amount of funding without regard to actual costs incurred under the federal award.[14] The justification within the Proposed Rule is that under the fixed amount grant structure, there is little to no required routine monitoring of actual costs, nor is there any required financial reporting.

The addition of these monitoring and reporting requirements will fall to the government entities accepting an award or subaward. The Proposed Rule also freezes indirect cost rates as they were negotiated in 2024—indirect cost rates are a mechanism that is regularly used by government entities to recover administrative overhead associated with additional reporting and compliance obligations.[15]

Objective 2: Clarifying Regulatory Characterization

The Proposed Rule clarifies the characterization of the 2 CFR Part 200 regulatory text as an Office of Management and Budget (OMB) regulation. This is a significant shift as, previously, 2 CFR Part 200 was generally considered to be "guidance." Generally, 2 CFR Part 200 has been considered guiding reference principles for federal grant regulation. Now, the Proposed Rule would clarify that 2 CFR Part 200 is "regulation" and replaces all references to 2 CFR Part 200 as "guidance" with "regulation."

"The Proposed Rule's justification is that cost-reimbursement contracts are inherently higher risk, as they reduce incentives for contractors to control costs, require more intensive oversight, and run a higher risk of improper payout of federal funds."

Clarifying the characterization of 2 CFR Part 200 will likely have far-reaching implications. Pursuant to Proposed Rule 2 CFR 200.101(d), federal statutes or regulations will govern in any circumstances where they conflict with the provisions of 2 CFR Part 200. Meaning, in the event of a conflict between OMB's government-wide regulations and an individual agency's regulations, the government-wide regulations would trump the individual agency's regulations. This will likely result in an amalgamation of grant-regulating power with OBM instead of with individual agencies.

Objective 3: Reducing Award Recipient Burden

Objective 3 is a more politically charged. To maintain a factual analysis, this section relies primarily on the Proposed Rule's own language and does not evaluate or otherwise comment on the policy statements it contains. According to the Proposed Rule, the justification for this third objective is "Federal agencies became increasingly focused on using their award programs to serve a 'woke' policy agenda that deliberately favored certain identity groups over others."[16] Thus, "rather than needing to focus extensive efforts and resources on DEI mandates or other unnecessary add-on requirements frequently included in funding opportunities in previous years, under the proposed version of the regulation recipients will be able to restore focus on efficient project delivery and actually achieving the basic public purposes of support authorized in law."

This objective is illustrated in changes to 2 CFR 200.300, which limits the use of federal awards, stating that they may not be used to "fund, promote, encourage, subsidize, or facilitate" (1) "Diversity, equity, and inclusion" or "diversity, equity, inclusion, and accessibility;" (2) "Gender ideology" including "theories or ideologies that deny the biological reality of sex or the sex binary in humans, or endorse or advocate for the notion that sex is a chosen or mutable characteristic;" and (3) "The so-called 'transition' of a child under 19 years of age from one sex to another, including the chemical and surgical mutilation of children[.]"[17]

I won't comment on the specific effects of these changes; however, governmental entities should be aware of the change and the subsequent compliance requirements, meaning government entities will risk claw-back of grant funds for non-compliance. Additionally, 2 CFR 200.403 establishes that any cost that is considered 'out of conformance' with the requirements of 2 CFR 200.300 is an unallowable cost and thus is a violation.

Closing Remarks

In summary, this article highlights a small sampling of the changes coming in this Proposed Rule. These changes represent a significant shift from the current state of federal grant administration, and government agencies and other federal grant recipients should be discussing these changes internally and with their clients, to determine how they will affect their individual processes, compliance, and business risk profiles.

As Scorpions says, (again, taking some [liberties] here):

> Where the [government attorneys] of tomorrow share their dreams
> [of effective administration of federal grants] (share their dreams)
> With you and me (with you and me)
> ...
> In the wind of change [to federal grant administration processes]
> (The wind of change).

**Note: Nothing in this article (bad attempts at humor included), reflect the views or opinions of Ada County; the views and opinions expressed herein are my own.*



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Endnotes

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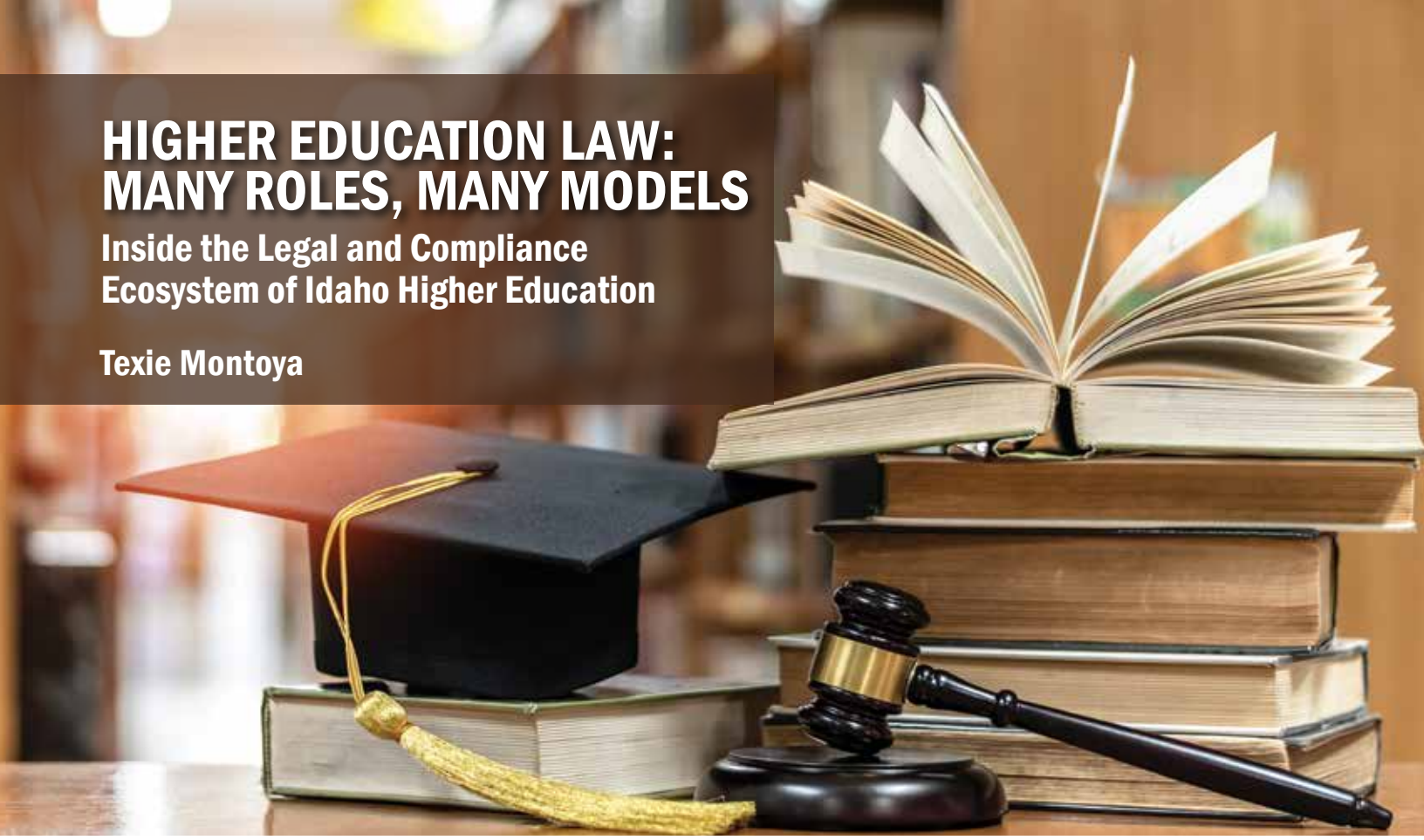
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HIGHER EDUCATION LAW: MANY ROLES, MANY MODELS

Inside the Legal and Compliance Ecosystem of Idaho Higher Education

Texie Montoya

Nearly a decade ago, I wrote my first article for *The Advocate*, titled "What the Heck Does a University Lawyer Do?"[1] At the time, I had been practicing at Boise State University for about five years and regularly found myself explaining to other lawyers what, exactly, a university lawyer does. Nearly ten years later, I still get the question.

In that first article, I borrowed an explanation from my then-boss, who described the work of a public university lawyer as one-part education lawyer, one-part state government lawyer, one-part corporate lawyer, and one-part municipal lawyer. I wrote in 2017 that his description was "spot on."[2] In one sense, it still is.

But after another decade in higher education, I would probably answer the question a little differently—with every lawyer's favorite answer: *it depends*.

It depends on the institution. It depends on whether the college is public or private. It depends on whether it is a research university, community college, religious institution, health-sciences institution, residential campus, or some combination of those things. And it depends on how the institution has chosen—or, in some states, is required—to structure its legal services.

The lawyer may work in an Office of General Counsel, for the state attorney general, or in a central university system office serving multiple campuses. Some university lawyers are embedded in particular units, such as athletics, while other institutions rely substantially on outside counsel. And some of the people whose work requires navigating legal and regulatory requirements may have J.D.s—or even be licensed attorneys—while serving the institution in non-lawyer roles.

So rather than asking only what a university lawyer does, it may be more useful to ask who does the legal work in higher education and how that work is structured.

A Broad and Varied Practice

"Higher education law" is a practice area defined less by a particular body of law than by the client.

A college or university is an employer, landlord, property owner, contracting party, technology user, recipient of federal funds, research enterprise, event venue, financial aid administrator, and, frequently, operator of housing, dining, transportation, public safety, recreation, health, and athletics programs. Public colleges and universities are also governmental entities. Some institutions operate hospitals or substantial healthcare programs. Some manage hundreds of millions—or billions—of dollars in assets and revenues.

Unsurprisingly, the legal issues are equally varied.

There are laws uniquely or especially applicable to education: the Family Educational Rights and Privacy Act (FERPA), Title IX, the Jeanne Clery Campus Safety Act, and the Higher Education Act, including the extensive regulatory requirements attached to participation in federal student financial-aid programs.[3]

There are civil rights laws, including Title VI, Title VII, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act.[4] Universities encounter the same employment, contracts, intellectual property, real estate, immigration, tax, insurance, litigation, and privacy issues as other large organizations.

Public universities add another layer. The First, Fourth, and Fourteenth Amendments regularly find their way into what might otherwise seem like routine campus decisions.[5] In Idaho, public institutions also navigate public records, public contracting, governmental immunity, constitutional limitations applicable to governmental entities, state statutes, and the policies and authority of the Idaho State Board of Education.[6]

Private institutions are not subject to some of that public-law overlay but often have their own governance structures, religious or mission-based considerations, contractual commitments, and regulatory issues. They may also, through institutional policies or contractual commitments, choose to provide students or employees with protections similar to constitutional rights even though the Constitution does not directly require them.[7]

The legal practice supporting a college or university is as varied as the institution itself. That breadth was the central point of my 2017 article, and it remains true. What has changed is the legal landscape, as new laws, regulations, technologies, and business models continue to add new dimensions to an already broad practice.

The Only Constant Is Change

Many of the statutes I wrote about in 2017 remain the backbone of higher education law. Their application, however, is anything but static.

Title IX is an obvious example. In the years since my original article, colleges and universities implemented substantial new federal Title IX regulations in 2020, prepared for another set of regulations issued in 2024, and then adjusted again after a federal court vacated the 2024 regulations nationwide in January 2025. The 2020 regulations are currently back in effect.[8] For university lawyers and Title IX professionals, that kind of regulatory change does not merely require reading a new rule. It can require rewriting policies, revising procedures, retraining employees, changing forms and websites, and advising campus officials about cases already underway.

College athletics provide an even more dramatic example. When I wrote in 2017 about negotiating multi-year coaching agreements, name, image, and likeness—or "NIL" —was not yet part of the everyday vocabulary of college athletics. And universities could not directly compensate student-athletes for participating in college athletics.

That world has fundamentally changed.

The Supreme Court's 2021 decision in NCAA v. Alston, the rise of NIL compensation, state legislation, antitrust litigation, transfer-rule changes, and ultimately the 2025 settlement of the consolidated antitrust litigation commonly referred to as the House case, have transformed the business and legal structure of intercollegiate athletics.[9] The House settlement resolved claims challenging NCAA restrictions on student-athlete compensation and created a new framework under which participating Division I institutions may, for the first time, share substantial athletic revenues directly with student-athletes.[10] Questions involving antitrust law, employment law, Title IX, contracts, tax, intellectual property, governance, and NCAA and conference rules now converge in an area that was already complicated.

Technology provides another example of how the practice has changed. Artificial intelligence alone now raises issues involving student privacy, intellectual property, research, accessibility, academic integrity, employment, procurement, cybersecurity, records retention, contracting, and the ethical use of technology. Sometimes the relevant law is new. Just as often, the lawyer's task is figuring out how an old law applies to something nobody contemplated when the law was written.

That evolution is part of the practice: higher education lawyers must be comfortable with unfamiliar questions and able to apply familiar legal principles in rapidly evolving settings.

Identifying a legal development, however, is only part of the job. Changes in law and regulation can have implications for institutional policies, practices, technology, staffing, training, finances, and operations. University counsel must therefore work closely with colleagues across the institution to understand those implications and translate legal developments into practical advice and workable solutions.

There Is No Standard Office of General Counsel

Just as higher education law does not fit neatly within one substantive practice area, there is no standard model for delivering legal services to colleges and universities.

At many institutions, lawyers are employees of the college or university and work in a traditional Office of General Counsel. That is the model most familiar to me. But it is only one model.

How legal services are structured varies considerably across higher education, and the distinction between public and private institutions often matters. Public institutions may receive legal services through a state attorney general's office, a centralized university system, an institution-based legal office, or some combination of those arrangements. Private institutions generally have greater flexibility and may employ their own counsel, share legal services among affiliated institutions, rely on outside counsel, or use a combination of approaches. Even among neighboring states, the structures differ: Washington, Oregon, Utah, and Montana each organize legal services for their public higher education institutions somewhat differently.[11]

Idaho, despite its relatively small higher education system, reflects this variety as well. Several institutions maintain their own in-house legal offices, while others operate with smaller internal legal functions or rely more substantially on outside counsel. Idaho's public colleges and universities also operate within a statewide governance structure in which the State Board of Education, which acts as the board of trustees or regents for the various institutions, receives legal counsel through the Idaho Attorney General's Office.[12] Institutional counsel therefore may work not only with colleagues within their own universities, but also with attorneys representing the Board and other state entities.

BYU-Idaho provides a different example. Its legal services are part of a multi-institution structure that also serves BYU, BYU-Hawaii, and Ensign College—four affiliated institutions located in three different states.[13] That model illustrates another way institutions can share legal resources across affiliated organizations rather than maintaining a separate, fully independent legal office at each institution.

The organizational chart, however, tells only part of the story. Even within an institution-based legal office, attorneys may function as broad generalists, develop specialized portfolios, or be assigned closely to particular areas of the institution. And the people supporting the institution's legal and regulatory work extend well beyond attorneys.



Generalists, Specialists, and Everything in Between

The structure of an institution's legal office also affects the work its lawyers do.

A lawyer in a small office may necessarily be a broad generalist, moving among employment matters, multimillion-dollar contracts, regulatory inquiries, and more. As Idaho State University General Counsel Joan Callahan puts it, "There is no such thing as a typical workday. The unpredictable variety and constant pivoting keep the intellect sharp and make the practice so energizing."

Community colleges offer another perspective. Their legal practice is no less broad, but their missions and operations differ in important respects from those of larger universities, creating a distinct mix of legal issues. As Andrea Fontaine, General Counsel at the College of Western Idaho, explains, "a community college is embedded in the community it serves," connecting student needs to the demands of the workforce and local economic growth. That mission, she notes "requires a broadening of the circle of stakeholders, which translates in a legal sense to serving not just the immediate needs of the client but actively considering the interests of a community...Add to this a local governing board comprised of elected officials, and the general counsel for a community college will engage daily in open meeting law issues, public procurement, and strategic business transactions designed to carry an institution through enormous population growth, particularly in the Treasure Valley, where, for example, CWI serves over 36,000 students."

Larger institutions are more likely to support some degree of specialization within their legal offices. At some of the largest universities nationally, that specialization can extend to full practice groups within the Office of General Counsel. In these more specialized models, attorneys may focus primarily on areas such as employment, research, intellectual property, transactions, student affairs, litigation, or athletics.

Counsel embedded within a particular unit is another variation on the university-lawyer model; still the institution's lawyer, but close enough to a particular operation to become part of its everyday leadership and decision-making.

At Boise State University, Matt Wilde is a good example. When I wrote my first article, Matt was part of the University's central Office of the General Counsel and served as General Counsel before moving, in 2025, into a newly created role devoted exclusively to Athletics. Matt remains a member of the Office of General Counsel, but is physically located within Athletics and also serves in a dual business role as Senior Associate Athletic Director for Legal Affairs and Governance.[14] Given what Matt describes as "the rapid legal overhaul of college sports, NCAA eligibility litigation, and mounting pressure to identify new revenue streams," it makes perfect sense.

Attorneys are also only part of the legal services structure. Paralegals, legal assistants, contract administrators, and other support staff may play substantial roles in areas such as public records, contract administration, litigation support, and legal operations. The mix varies by institution, but attorney headcount alone rarely captures the full legal function.

Not Every J.D. in Higher Education Is a University Lawyer

There is another group worth mentioning, particularly in a publication read by lawyers: people with law degrees who work in higher education but do not work as attorneys. There are more of them than one might expect.

J.D.s can be found throughout higher education, including athletics administration and compliance, Title IX and civil-rights offices, research administration and compliance, government relations, risk management, human resources, policy, procurement, faculty, and executive leadership. Some previously practiced law and intentionally moved into administrative roles. Others pursued law degrees with interests in areas such as compliance, policy, or administration and later found that higher education offered a natural setting for that work.

The distinction matters. A person does not become institutional counsel simply because the person has a J.D., and communications with a J.D. serving in a business or administrative capacity do not magically become privileged.[15] But a legal education can be extraordinarily useful in roles that involve complex regulations, competing institutional interests, risk assessment, policy interpretation, and governance.

In that sense, the legal footprint of an institution is considerably larger than its Office of General Counsel.

Higher education is full of roles in which legal training is valuable even though practicing law is not the job.

Higher Education Lawyers Beyond the Institution

Institutional counsel are only one part of the higher education legal ecosystem.

Outside counsel routinely provide litigation, labor and employment, bond, intellectual property, immigration, tax, healthcare, investigations, and other specialized services.

For Idaho's public institutions, other important participants are the attorneys who advise the State Board of Education and its staff. Idaho's constitutional and statutory structure gives the State Board significant responsibilities for public higher education, so institutional counsel regularly work with those attorneys on matters involving Board policy, approvals, governance, and other statewide issues.[16]

> "Higher education lawyers are generalists and specialists. They work for public universities, private universities, community colleges, religious institutions, state systems, governing boards, attorneys general, and law firms."

These relationships are another example of how higher education legal work extends beyond an institution's Office of General Counsel and often requires coordination among attorneys serving different roles within the broader higher education structure.

So, What the Heck Does a University Lawyer Do?

When lawyers ask me what I do, I can still give them Kevin Satterlee's description from nearly ten years ago: education lawyer, state-government lawyer, corporate lawyer, and municipal lawyer.[17]

But today I would probably tell them that is only the beginning.

Higher education lawyers are generalists and specialists. They work for public universities, private universities, community colleges, religious institutions, state systems, governing boards, attorneys general, and law firms. Their work may be based in an administration building, a system office, the Attorney General's Office, a department of the institution, or remotely.

And surrounding them are paralegals and other legal support staff, compliance professionals, administrators, policy professionals, risk managers, and other J.D.s doing work shaped every day by law and regulation.

The particular issues change. The organization charts change. Entire new areas of practice emerge.

What does not change is the underlying job: understanding an extraordinarily complicated institution, understanding the law that applies to it, and helping the people who run that institution accomplish its mission while navigating the risks and obligations that come with it.

In 2017, I ended my article by telling readers that they now had an idea of what a university lawyer does.[18]

Nearly ten years later, my answer is a little more lawyerly: *It depends.*

And if you ask again ten years from now, the answer will probably have changed again.



Texie Montoya is an Associate General Counsel at Boise State University, where she has worked since 2012. She is also a proud Boise State alumna.

Texie is active in the Idaho State Bar's Professionalism and Ethics Section and Government and Public Sector Lawyers Section and is a member of Attorneys for Civic Education and Idaho Women Lawyers. She also serves on the Board of Directors of the Girl Scouts of Silver Sage Council and leads the PTO at her daughters' school.

A fifth-generation Idahoan, Texie lives in Boise with her husband, stepson, and two daughters.

Endnotes

1 Texie Evans, *What the Heck Does a University Lawyer Do*, 60 The Advocate 29 (2017).

2 *Id.*

3 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act); 20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972); 20 U.S.C. § 1092(f) (Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act); Higher Education Act of 1965, Pub. L. No. 89-329, 79 Stat. 1219 (codified as amended in scattered sections of 20 U.S.C.).

4 42 U.S.C. §§ 2000d–2000d-7 (Title VI of the Civil Rights Act of 1964); 42 U.S.C. §§ 2000e–2000e-17 (Title VII of the Civil Rights Act of 1964); 42 U.S.C. §§ 12101–12213 (Americans with Disabilities Act of 1990); 29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973).

5 U.S. Const. amends. I, XIV; *Healy v. James,* 408 U.S. 169, 180 (1972) (recognizing that constitutional protections apply on a public-college campus).

6 *See, e.g.*, Idaho Code §§ 74-101–126 (public records); I.C. §§ 67-9201–9234 (state procurement); I.C. §§ 6-901 to -929 (Idaho Tort Claims Act); Idaho Const. art. VIII; Idaho Const. art. IX, § 2; I.C. § 33-107.

7 See Neal H. Hutchens & Brandi Hephner LaBanc, *Talking About Free Speech on Campus: Legal Standards and Beyond*, 49 J.C. & U.L. 227, 231–32 (2024); U.S. Dep't of Educ., *2026–2027 Federal Student Aid Handbook*, vol. 2, ch. 6, *Consumer Information and School Reporting*; *Alden v. Georgetown Univ.*, 734 A.2d 1103, 1111–12 (D.C. 1999).

8 Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 85 Fed. Reg. 30, 026 (May 19, 2020) (codified at 34 C.F.R. § 106); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 89 Fed. Reg. 33, 474 (Apr. 29, 2024), vacated, *Tennessee v. Cardona*, No. 2:24-072-DCR, 2025 WL 63795, at *6 (E.D. Ky. Jan. 9, 2025); Letter from Craig Trainor, Acting Assistant Sec'y for Civil Rights, U.S. Dep't of Educ. (Feb. 4, 2025), https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf.

9 *NCAA v. Alston*, 594 U.S. 69 (2021) (addressing NCAA restrictions on education-related benefits while leaving other compensation restrictions undisturbed); *In re Coll. Athlete NIL Litig.*, 803 F. Supp. 3d 959, 963–66 (N.D. Cal. 2025).

10 *In re College Athlete NIL Litigation*, 803 F. Supp. 3d 959, 963–66 (N.D. Cal. June 6, 2025) (opinion granting final approval of settlement antitrust claims challenging NCAA restrictions on student-athlete compensation and describing prospective changes permitting Division I schools to share athletic revenues with student-athletes).

11 *See* University of Washington, Wash. State Off. of the Att'y Gen., https://www.atg.wa.gov/university-washington (last visited Sept. 2, 2026); Legal Services, Or. State Univ. Off. of the Gen. Couns., https://leadership.oregonstate.edu/general-counsel/legal-services (last visited Sept. 2, 2026); Education: Legal Counsel for Utah's Public Higher Education System, Utah Off. of the Att'y Gen., https://attorneygeneral.utah.gov/education/ (last visited Sept. 2, 2026); Legal Division, Mont. Univ. Sys., https://mus.edu/che/legal.html (last visited Sept. 2, 2026).

12 Idaho Const. art. IX, § 2; I.C. §§ 33-101, 33-107; I.C. § 67-1401(1).

13 https://ogc.byu.edu/about-us (last visited Sept. 2, 2026) (stating that BYU's office of general counsel serves BYU, BYU-Hawaii, BYU-Idaho, and Ensign College).

14 Office of General Counsel Leadership Update, Boise State Univ. (May 27, 2025), https://www.boisestate.edu/news/2025/05/27/office-of-the-general-counsel-leadership-update/; Matt Wilde, Boise State Univ. Athletics, https://broncosports.com/staff-directory/matt-wilde/950 (last visited Sept. 2, 2026).

15 See, e.g., *United States v. Ruehle*, 583 F.3d 600, 607–08 (9th Cir. 2009); *United States v. Chen*, 99 F.3d 1495, 1501–02 (9th Cir. 1996).

16 Idaho Const. art. IX, § 2; I.C. §§ 33-101, 33-107.

17 *Supra* note 1.

18 *upra* note 1.



INTERVIEW WITH ROBERT ALDRIDGE

John McGown Jr.

Having practiced law for over 50 years, I have a good knowledge of the stalwarts of Idaho lawyers. Bob Aldridge is a standout among those still living. Bob is the most active participant in the listserv for the ISB Tax Section, providing sage advice to those with less experience. He is a familiar face at the Idaho Legislature, having secured passage of significant legislation impacting our profession. My interview with Bob took place over many months and the final product is a proud moment for both Bob and me.

Q. I asked Bob to tell me about his early years

I was born January 30, 1945, in Bonners Ferry, Idaho. My father was stationed in Turner, Montana with the Border Patrol, but that was a very small, very isolated town and was not appropriate for the birth of a child. Currently, Turner has about 60 people and is not incorporated. My mom stayed with my family in Bonners Ferry. Later, we moved back to Turner, then Porthill, Idaho (the entry point from Canada, north of Bonners Ferry). In Turner I was a moneymaker for my parents. The only real building in town had the hotel, bar, barber, and post office. When I was taken in to get a haircut, I would howl like a banshee and all the drunks from the bar would wander over and give me coins to make me quit. The town was 12 miles south of the border point.

Almost all my family were teachers or administrators in the school system or the political system. I have done considerable research on my family history, going back in some cases to near the first century BC, and we are remarkably free of lawyers.

My family was also very involved in politics. My uncle Bob Doolittle was Speaker of the House in Idaho in 1950, so I had lots of interaction with political figures in Idaho. My dad was Boundary County Treasurer for several years. My aunt was County Assessor for a very long time.

My older sister had Down syndrome at a time when that was not very well understood. She died in 1948 during a tonsil procedure, the relationship between Down syndrome and anesthesia was not known. I suppose that is one reason I got into the protection of disabilities pretty early. I was her protector so she was not picked on, and I learned to take on kids twice my age if they started anything. My mom could not talk about Karen until she was in her 80s, she felt guilty and somehow at fault.

Q. I asked Bob to talk about his law school experiences

I went to law school out of the clear blue really. No one in my extended family practiced law. I took the LSAT very late. I achieved what I understood to be the highest score Idaho had to date. Many law schools opened up to me, but only a few had scholarships left—I was poor as a church mouse. Washington University in St. Louis had reserved a Northwest scholarship and gave me a full ride. My fiancée Kim was able to transfer to University of Missouri-St. Louis. Columbia Law School gave me a scholarship, but the New York area was too expensive for Kim. So off we went to St. Louis.

My extended family is pretty close, so I informed everyone of my new plans to become a lawyer. One of my aunts, who could be blunt, exclaimed in horror, "You can't do that. You're a nice boy!"

Law school was a totally new experience. I had never lived in a big city before, just Bonners Ferry and Moscow. The University of Idaho had given me an excellent background in English, history, and other fields so I felt prepared. I was excited about a totally new path to my life in a completely different area of the U.S. At law school, my favorite professor, David Becker, steered me to a love for estate planning. He was also on a summer fast-pitch softball team, sponsored by a big downtown law firm. They were pretty bad and had not won a game for a long time. I pitched in those days. While I was waiting for Kim to finish up after my graduation, I pitched five or so games for the team. We won them all. I received a big job offer from the senior partner of the law firm, but I was not interested in staying in St. Louis.

Washington University gave me a very high-quality education. They prepared me well for a legal career. I was glad I went to a big city like St. Louis to see why I did not want to be there permanently. I also got a very new experience with different cultures.

Q. I asked Bob to compare law school then versus now

The first major difference is in male-female ratios. There were only a handful of females in my class. Now a majority are female. Second, there were far more international students at Washington University Law School. Third, there is more emphasis now on real-world training. We were mostly very academic. There was no teaching on how to start a practice, how to handle court, or really anything about the outside world. Now, many local law firms hire student interns and use other programs, like mock court trials, to provide practical skills.

Another difference is in how classes were run. In my day it was very strict and formal, sort of like the movie The Paper Chase. You recited in a specific manner on case analysis. If the teacher thought you did not do well, they would attack in response. If you did not respond properly to that, you might be kicked out of the class for that day. If you missed three classes in a subject in a semester without valid excuses, you flunked. The grading system was weird—55 to 90. One criminal law teacher was famed for handing out 55s. We got him cufflinks formed as 55s. The pressure was extreme. You were given far more to prepare for than you could reasonably handle. I did numerous recitations reading through peripheral vision from my open book on my desk and creating the analysis as I went, reading ahead of where I was talking. Grades were totally based on final exams, so there were no guarantees whatsoever during the semester. Finals were often straight through all classes back-to-back, two-a-day. There were no computers, of course, so all notes were handwritten and the textbooks were big. I typed my finals on a portable typewriter because my handwriting was as atrocious then as it is now.

Another difference is summers. There were no summer classes of any kind. We played sports, worked, and did whatever. Now summer activities and classes are offered.

Q. I asked Bob to tell me about his experience as a judicial law clerk

I started by clerking for two years at the Idaho Supreme Court for Justice Alan Shepard. My expectation at that time was that I wanted to be a judge. After seeing what that entailed, I changed my mind. But it was a great experience. I saw legal decisions firsthand, including all the politics and personalities. One of the judges at the time was an alcoholic and was in the process of being removed from the court. The chief justice had two clerks, and the others had one each. We clerks were very close and did a lot together. We played a lot of basketball at the Y.

The first Christmas, I talked to the clerks and judges and court personnel about how in Bonners Ferry we always went caroling from house to house during Christmas week. Everywhere we went, the people would give us some food and drinks and would join us. Everybody loved the idea. Unfortunately, the first judge gave us pretty stout drinks (but some great seafood soup) and so did the next judges. The third or fourth place was supposed to be one of the court staff. We were singing away mightily, but no one came to the door. I stumbled up to the door and beat on it, bellowing out for them to come out. Then I looked through the window and huddled in the far corner was an elderly couple in utter terror. Wrong house. We fled. That was the end of annual caroling.

We were very close to the judges. We did social things together. I did taxes for several of them. I also helped on the side when Alan went through his divorce. The clerks also kept track of each other for years. The clerks, some attorneys, and judges formed a slow-pitch softball team. The judges were used to their views being law. All of us attorneys knew every rule in the book and a bunch that weren't. We were terrible to play against. Finally, the judge who was pitching in a game decided he wanted a new ball. The ump said no and the judge threw the ball into the adjacent field. The ump kicked us all out. We filtered out to other teams and were fine. Never put lawyers in a pack.

Q. I asked Bob to tell me about his law practice

After clerking, I went to a large law firm. I did not like it. There were far too many politics and personalities. Looking back, I did not get the help I needed but probably also did not ask enough for help. Then I went to a small firm. It turned out the managing partner was stealing funds, but that was not found until years later. But I was still not satisfied. On the week that Nixon resigned, I was in Bonners Ferry. When I came back, at the front door of the office my brain said, "I don't want to go in," so I quit. It took me several hours before I could get the courage to call Kim to tell her. I found out that she had been trying to figure out how to tell me that I needed to quit.

I went out on my own. The first day, while still inside the office cleaning out my desk, a large distributing firm from Salt Lake City tracked me down. I had done work for them at the large firm, and they wanted me to do their Idaho work. Then IBM called that same week and asked me to do their Idaho work, mostly collections. I was busy immediately and never caught up since. Initially I had my office in my home for three years. I found out that people assumed you were always there and you knew when the commercials came on—there were only three stations in Boise as I remember—because the phone would light up. That allowed me to get established enough that I rented an office on South Sixth Street. I saved up and then bought my current office on North Eighth Street in an 1895 Victorian. The North End then was not a destination and the office was very cheap. It took a lot of work to fix it up properly, which is still ongoing. I have been on my own ever since. Kim has been my office manager since 1974.

In the large firm, I did several Supreme Court presentations. I also did arguments in an interesting case where the State of Idaho was trying to get information from real estate contracts held in banks, for assessment values, but was not allowed by statute or rule. So, they went to a small bank branch in St. Maries and tried to get them to hand over all escrows. We stomped them.

On my own, I did a lot of courtroom work in the early years. Like most beginning solo attorneys, I took everything that walked through the door. I never lost a criminal case but figured out that I was not helping them get out of crime, just making them decide that I could get them out of anything. I got out of divorce practice pretty early since it was too emotionally draining. I talked most of them out of divorce. I had some contested cases go to court.

On my own, I have had several cases go to the Idaho Supreme Court. My most satisfying case was when the Idaho Industrial Commission tried to force churches to get workers' compensation. It was not allowed under the statute at the time. They went to the smallest church they could find (about 11 members, mostly the minister's family) and demanded that they pay workers' compensation. Their state senator referred them to me. I got another attorney to help, and we fought all the way to the Idaho Supreme Court. We had won at all levels before that. The Idaho Industrial Commission was trying to say that church services were services as that word was used in the statute and the donations were "fees for services." The attorney for the Idaho Industrial Commission had brought his entire office to listen, apparently thinking he would show, by his brilliant arguments, how he would turn the

case around. He got his initial "My name is and I represent the Idaho Industrial Commission" out and never said another word other than yes or no. All five judges in a row jumped right into their questions. When it was my turn, I said that the Court had very adequately stated our case. When the judges went by to shake our hands, one said, "You were brilliant." Of course we won unanimously. I then worked with the legislature to add nonprofits to workers' compensation.

Q. I asked Bob to describe some of his most memorable cases

One of my favorite cases was the library books case in the early 1970s. Boise City laws on library books and returns were routinely ignored. So, they decided to go after the next non-return with guns-a-blazing. My client was a little Italian lady, about 4'11", who did not speak English very well. She worked as a waitress and lived in Boise. Her daughter was down from the University of Idaho for summer and borrowed her mom's library card. Her mom didn't know that some books were never returned while her daughter was away at school. The police showed up at her house and arrested her with cameras and press. I looked at the statute which only applied if it was you who checked out the books. I went to the city attorney to tell him that I was fully behind enforcing library book cases, but this was the wrong case. He pounded his desk and shouted that if we didn't prosecute crimes at this level, "the next step is murder." So off we went. At the trial, the deputy attorney suddenly realized that one of the exhibits did not have the proper chain of custody and he would have to testify. I promptly moved to exclude witnesses from the courtroom, and the judge granted it with a big smile. The attorney had to haul in someone from the office who had no clue about the case and then tried to signal through the window in the door. Total circus. We won with the judge saying some pretty harsh words about wasting court time. So, do they quit? Of course not. They re-arrest her under a statute that only applies to credit cards. Another total circus and we win again. Then I sat down with the Library Board and wrote up a good statute.

Another memorable case was a pro bono case defending a boys' ranch in the Owyhee Mountains in the mid-1980s. I was going down to the office at nine at night and working until the early hours and then back home for a few hours of sleep and then back to office for regular work. I was in the ranch's Cessna trying to land at Murphy, sitting in the co-pilot seat, for a court hearing. The plane crashed into the hillside. I should have been dead. An FAA investigator said there was no place for me to be on the plane. I raised my left arm to cover my face, and the entire plane went around under that arm. I opened my eyes. I was hanging upside down with gas running down me right next to a turbocharged very hot engine. My first words were "This is not Heaven." My left arm was open down to the bone from thumb to elbow. I knew that my piano playing using my left hand was over and came to terms with God about that. It took 45 minutes to get me out. But it closed down the case perfectly—too long to explain why and some of it confidential. One of the times I think God stepped into my life and solved problems I couldn't. I still argued some with God about the need for that particular method though.

> "The judiciary has changed dramatically. When I started, we had lay judges, especially for traffic, and justices of the peace as judges. It was a very seat-of-the-pants approach in many cases, especially in small towns."

Q. I asked Bob to share his thoughts on the Idaho Judiciary

The judiciary has changed dramatically. When I started, we had lay judges, especially for traffic, and justices of the peace as judges. It was a very seat-of-the-pants approach in many cases, especially in small towns. There was little training then. Now judges are often more experienced. Court results were often very random and unpredictable in the early days but are much better now. The system now is very professional and ethical. Judges are well-policed and trained. We are short on judges and courtrooms. By and large the electronic methods have worked for the general practice. Being able to check online on status, time periods, etc. is very handy. Being able to attend hearings remotely is also a great time saver and therefore cuts bills. But sometimes remote hearings are difficult because of the inability to fully see how others are reacting.

When electronic filing and elimination of paper files were set up, nobody asked us in the probate and conservatorship and guardianship areas about what we needed. At the first training meeting, I went and started asking questions and was told to submit a memo. Five pages of the problems we had to solve. It is still a bit of a pain to submit an original Will/Codicil to the Court and to get paper Letters certified. Filing original Wills has greatly slowed down the process of getting a probate in place. Sometimes e-filing seems to not work correctly in general or rejects a filing for reasons that are not clear.

That is part of the process that doesn't work. It simply takes too long to get a case filed and through hearings to trial and completion. There have been limits placed on discovery to try to speed things up, but only partial success. Computers have given the ability to wage legal wars with relative ease.

Q. I asked Bob to describe his work on the Idaho State Bar Practice Sections

I am the past chair and current treasurer (apparently for life) of the Professionalism and Ethics Section. I was part of the committee looking at possible changes to rules on discrimination but ended up being shot down by the Supreme Court on technical issues. It took two years to get through the resolution process. It is an excellent section that holds ongoing CLEs on alternate months that are free to members. Everybody in the Bar should be a member.

I was a charter member of the Taxation, Probate & Trust Law Section and past chairman. I am permanent Legislation Committee Chairman. We passed a lot of bills through the Committee in its early days. It is also a great section, the listserv is a huge vehicle for exchanging ideas, solving problems, and getting knowledge from us old guys to the younger members.

As noted above, the Tax Section has a very active and very useful listserv. It is a way for the community of attorneys to exchange information, forms, ask questions, look for lost Wills, and a host of other uses. It makes mentoring other attorneys in that field of law much easier. It is also a way to make sure attorneys are aware of changes in law, court rulings, IRS results, etc. I have talked a lot of young attorneys into joining and it has been a Godsend for them. It also gives me a chance to whine about attorneys not checking the Will Registry or entering their Will information into the Registry. We have a private Medicaid listserv. My understanding is that some other Section listservs are also very good.

Additionally, I am a Charter Member of the Technology Section. Another excellent section with thorough CLEs with a focus on the use of AI in legal analysis and research which can be a land mine if not handled properly. They put out a lot of documents and articles.

Q. I asked Bob to discuss his involvement with other legal organizations

When it was formed, the Taxation, Probate & Trust Law Section created committees. One of them was the Legislation Committee. I was and remain chair of that. In the early days we did quite a number of statutes. For example, we did the repeal, prospective only, on common-law marriage, which took two sessions. We did a lot of cleanups in the probate code and some in the tax code. We created Delegation of Parental Authority, originally for Operation Desert Storm in 1991, but later used extensively by grandparents and others. We did nomination of a guardian in a Will for a minor child, later expanded to include a disabled child. We did the statutes to transfer adult conservatorship and guardianship cases to Idaho.

We did that until 2004 when the rules on lobbying changed. I formed the Trust & Estate Professionals of Idaho (TEPI) in 2004. Initially, it was mostly attorneys from the Tax Section but soon added a lot of other entities and people, including bank trust departments, CPAs, and social workers. I have done hundreds of bills since then, including some major reforms. I have been chairman since its formation. We create subcommittees for separate potential bills. Most recently we did the Conservatorship and Guardianship Act restatement, 111-paged bill, that took six years to complete, with many stakeholders involved. Our membership varies from time to time in the upper 50s to 70s.

I have worked with the Uniform Laws Commission for decades. We have done a lot of statute changes, sometimes a whole replacement, with ULC acts. Transfer of an adult C&G to Idaho became a new chapter in the probate code. We have also had requests from the ULC to use our language, including recently giving Michigan our C&G bill language. Some small acts can often be used with only minor changes. Larger bills often require a lot of scrutiny and changes. For example, in preparing the new C&G act, we had a lot of unique-to-Idaho wording and concepts in the probate code. Those were retained as is except for numbering or cross reference. Some wording in Idaho we liked better than the uniform act.

I have testified/presented on behalf of hundreds of bills before the Idaho Legislature. I have testified twice before the U.S. Senate Special Committee on Aging, both times on protection of the elderly, C&G laws, etc. I have been an expert witness in multiple cases. I have appeared before multiple boards.



Bob playing hockey.

Q. I asked Bob for his advice to practicing attorneys

My advice would be to structure your career around family and friends so that none are cut short. There are too many workaholics in law practices that can lose family. Always leave time for vacations, times with just family, friends, and hobbies.

Learn to listen. Let clients talk. Often the problem is not what they or you thought it would be. But by having a listening ear the true problem will surface. They will also feel involved in the process, a key to them buying into solutions.

Never get complacent. Explore new ways to do things but for efficiency, not novelty. Be ready to listen to staff and encourage open dialogue on issues, problems, and innovations.

Find the field you love and stay there. We are specialized now. You need to be good at something. Only remote small-town attorneys can have a general practice. Too many fields are getting complex, with hidden pitfalls. Be friends with other attorneys who specialize in a field you may be bumping up against to ask about problems and solutions. The Idaho State Bar is very collegial and willing to help others.

One of my passions outside the law is hockey. I played goalie from age 38 to 80, and during that time won the Winter Games one year playing for firefighters. I won an Ice World league one year and was once featured in an issue of USA Hockey magazine. I loved playing hockey, especially mentoring beginners. ■



John McGown Jr. has practiced with Hawley Troxell since 1982 and has been a member of the Legal History Section of the Idaho State Bar since its inception. He has taught tax-related subjects as a professor for the Boise State Graduate Tax Program as well as both a visiting and adjunct professor for the University of Idaho College of Law. He is one of a handful of people who has summited both Mt. Borah and McGown Peak.

2026 RESOLUTION PROCESS

Unlike many state bars, the Idaho State Bar cannot take positions on legislative matters, rules of court, or substantive rules governing the bar itself at its Annual Meeting or by act of its Bar Commissioners without first submitting matters to the membership through the resolution process.

Earlier this year, Bar members approved Special Resolution 26-01, repealing and replacing Idaho Bar Commission Rule 229 to be consistent with recent changes to the Servicemembers Civil Relief Act. This fall, five additional resolutions will be considered by the membership.

PROPOSED RESOLUTIONS

1. Resolution 26-02 - Amendments to Idaho Bar Commission Rule 202
Proposes changes to the qualifications for admission.
Presented by: Board of Commissioners of the Idaho State Bar.

2. Resolution 26-03 - Amendments to Section II of the Idaho Bar Commission Rules
Proposes increases to certain admissions fees.
Presented by: Board of Commissioners of the Idaho State Bar.

3. Resolution 26-04 - Amendments to Section IV of the Idaho Bar Commission Rules
Proposes changes to Mandatory Continuing Legal Education requirements.
Presented by: Board of Commissioners of the Idaho State Bar.

4. Resolution 26-05 - Repeal and Replace Idaho Rule of Professional Conduct 1.14
Proposes repealing and replacing Idaho Rule of Professional Conduct 1.14 addressing clients with decision-making limitations.
Presented by: Board of Commissioners of the Idaho State Bar.

5. Resolution 26-06 – Amendment to Idaho Rule of Professional Conduct 7.2
Proposes changes to requirements related to attorney advertising.
Presented by: Board of Commissioners of the Idaho State Bar.

Each judge and active member of the Idaho State Bar received an email containing the resolution voter pamphlet and specific information about the resolutions. Members in attendance at a resolution meeting are provided a ballot. Members not in attendance will receive an electronic ballot after the resolution meetings. Ballots may be completed and submitted at resolution meetings or completed electronically.

All ballots are due on Wednesday, December 2, 2026.



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Justice Uncorked 2026





On September 17, 2026, the legal community came together at Split Rail Winery for Justice Uncorked 2026. The evening was dedicated to strengthening access to justice in Idaho. Attendees enjoyed music, food, wine, a silent auction, and great conversation. For the second year in a row, supporters, partners, and advocates gathered to raise critical funds for Idaho Legal Aid Services, the Idaho Volunteer Lawyers Program, and Disability Rights Idaho—three principal providers of free civil legal services for low-income and vulnerable Idahoans.

Thanks to generous sponsorships, individual donations, and a silent auction, the event raised substantial support for the Access to Justice Campaign. The enthusiasm in the room made it clear: Idahoans care deeply about ensuring justice for all.

If you couldn't attend the event this year or if you haven't yet made a contribution to Access to Justice, there's still time. Visit: https://ilf.idaho.gov/accesstojustice/.



Jennifer Schindele, Director of IVLP





Maureen Braley, Ashley Lane, and Joe Lane

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Donors at the event


Amy Cunningham, Eileen Johnson, Amanda Olsen all with Disability Rights Idaho, with guest speaker Sylvia Arnold.


Jaycee Nall, Event Chair and volunteer attorney, Jenni Bolen, IVLP, and Jane Hochberg, IVLP


Hannah Williams, Kimberlee Bratcher, and Michelle Smith


Jessica Kline and Erin Poppenga








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Maureen Braley, Executive Director, Idaho State Bar, Chief Justice Robyn Brody, Amy Cunningham, Executive Director of Disability Rights Idaho, and Sunrise Ayers, Executive Director of Idaho Legal Aid Services.

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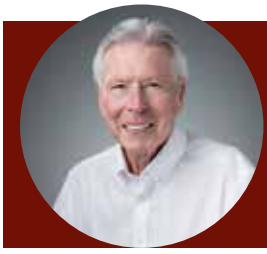


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Photo by Becca Castellano.

2026 BENCH & BAR CLE & RECEPTION:
CELEBRATING THE CONSTITUTION AND HONORING JUDICIAL EXCELLENCE

Sally Boylan

On October 6, 2026, the Idaho State Bar in conjunction with the Idaho State Courts, held the 2026 Bench & Bar CLE and Reception: *Celebrating the Constitution and Honoring Judicial Excellence*. The event was held at Jack's Urban Meeting Place (JUMP) in downtown Boise. The event brought together members of the judiciary and legal communities to recognize exceptional judicial service and celebrate America's 250th commemoration with an exploration into the origins of the U.S. Constitution.

The event featured the presentation of the 2026 Idaho State Bar Distinguished Jurist of the Year Award. This year's award recipient was the Honorable Jessica M. Lorello. Appointed to the court in 2017, Judge Lorello has demonstrated a strong commitment to the law, judicial service, and the education of future generations.

The event's opening remarks were delivered by Frederick J. "F.J." Hahn III, Board of Commissioners of the Idaho State Bar, President, followed by a brief presentation by Anne Haws, Idaho Women Lawyers, Chair, Judicial Committee.

Honoring Judge Jessica M. Lorello

The award presentation was preceded by an engaging interview with Judge Lorello, conducted by Lori Fleming, Supreme Court Staff Attorney. The conversation offered attendees an opportunity to hear her perspective on effective advocacy, the role of appellate courts, and the lasting impact judges can have both inside and outside the courtroom.

When asked what qualities she most admires in attorneys who appear before her, Judge Lorello stressed the importance of preparation and a thorough understanding of the law.

"The number one quality I admire and appreciate the most is pure preparation," she explained. "You don't have to be exciting or funny...but pure preparation and the ability to answer the court's questions and to be frank about the facts and about the law. We are ultimately trying to make the best decision that we can based on those two things."

Fleming also asked Judge Lorello what she hoped attorneys and the public better understood about appellate courts. Judge Lorello emphasized that an appellate court's role is defined by the issues presented, the record established in the trial court, and the applicable standard of review.

"I hope both lawyers' understanding and the general public's understanding [of appellate courts] is that our role is limited," she said. "Our job is to rule on the issues that are brought to us by the parties, based on the record that is brought to us by the parties that was created in the trial court."

She further explained that appellate decisions are governed by established standards of review and must be grounded in the law and the record—not personal feelings about a particular issue.

Beyond her work on the bench, Judge Lorello has made civic education an important part of her professional life. When reflecting on the legacy she hopes to leave, she expressed a desire to be remembered as a good and fair judge, a valued colleague, and an advocate for legal and civic education.

"I hope that people remember me for my efforts as it relates to education of law students and civics education, especially with youth. The court has given me a platform for civic education," she said.






From left to right: Anne Haws, F.J. Hahn, Justice Richard Bevan, and Professor Neil Siegel. *Photos by Becca Castellano.*



F.J. Hahn presenting the Honorable Judge Jessica Lorrello with the 2026 Idaho State Bar Distinguished Jurist of the Year Award. *Photo by Becca Castellano.*

> "I hope that people remember me for my efforts as it relates to education of law students and civics education, especially with youth. The court has given me a platform for civic education."
>
> - Judge Jessica Lorello

Judge Lorello is a dedicated advocate for civic education and is active in several initiatives including Attorneys for Civic Education, Idaho's Mock Trial Program, Youth in Government, We the People, and the 4-H Know Your Government program.

Mentorship is another important part of Judge Lorello's approach to public service. Asked what she hoped her law clerks would say about their time working with her, she emphasized the importance of supporting their individual and professional growth.

"Mostly I hope that their time with me was meaningful; that they viewed me as an advocate for them, individually and professionally; that I supported them; that I was a good mentor to them; and that I hope that they would also always consider me a friend to them for the rest of their time in the law or outside the law."

Outside the courtroom, Judge Lorello is also an avid baseball fan who particularly enjoyed watching her son, Spencer, grow up playing the sport.

Following the interview, F.J. Hahn, presented Judge Lorello with the Distinguished Jurist of the Year Award. The award was established in 1994 to honor outstanding members of the judiciary. The award recognizes excellence, integrity, and independence by a member of the judiciary. Nominees are selected for their competence, fairness, goodwill, and professionalism.

Celebrating the Constitution

The evening continued with remarks from Idaho Supreme Court Chief Justice Richard Bevan, who introduced the event's special guest speaker, Professor Neil S. Siegel. Professor Siegel is a professor of law and co-director of the Center on the Structural Constitution at Texas A&M School of Law, as well as a nationally recognized constitutional scholar.

As part of the America 250 commemoration, Professor Siegel presented a thought-provoking program exploring the origins of the U.S. Constitution and the enduring significance of one of the most influential governing documents in history. His presentation examined the challenges that emerged under the Articles of Confederation and the reasons the nation's founders sought a stronger framework of government. Professor Siegel explored how the Constitution established a more effective federal system by strengthening Congress and creating a national executive and judiciary, while providing a framework for upholding the rule of law.

The Bench & Bar CLE and Reception provided a valuable opportunity for attendees to connect with colleagues, recognize excellence on the bench, and celebrate the enduring principles of the U.S. Constitution. ■

FALL 2026 ADMISSION CEREMONY

IDAHO WELCOMES NEW ATTORNEYS

Sally Boylan



New attorneys were sworn in during the joint admission ceremony held by the Idaho Supreme Court and the U.S. District Court for the District of Idaho

The Idaho Supreme Court and the United States Courts, District of Idaho, held a joint admission ceremony on October 23, 2026, at the Boise Centre in downtown Boise, welcoming 134 new attorneys to Idaho's legal community.

The venue was filled with pride and promise as the new attorneys took the solemn oath to uphold the Constitution, the rule of law, and the highest ethical standards of the law. The admission ceremony marked a significant milestone for the newest members of the legal profession, bringing together members of the judiciary, bar leaders, family, and friends to celebrate their achievement.

Chief Justice Robyn Brody presided over the ceremony. Remarks were delivered by Frederick J. (F.J.) Hahn, President of the Board of Commissioners of the Idaho State Bar; Kimberlee Bratcher, President, Board of Directors of the Idaho Law Foundation; and Judge David C. Nye, U.S. District Judge, District of Idaho.

Honorable Amanda K. Brailsford, Chief U.S. District Judge, District of Idaho opened the ceremony by welcoming the hundreds of attendees gathered to recognize the accomplishments of Idaho's newest attorneys.

Melanie Gagnepain, Clerk of the Idaho Supreme Court, administered the oath of admission to applicants who were successful on their July Idaho bar examination and who had satisfied all requirements for admission. John Shirts, U.S. Attorney for the District of Idaho, presented the motion for admission to the bar, while Stephen W. Kenyon, Clerk of the U.S. District and Bankruptcy Courts, administered the federal oath of admission. Each candidate received a certificate of admission, formally marking the beginning of their legal careers.

Kimberlee Bratcher welcomed the new attorneys and encouraged them to become involved in public service through the Idaho Law Foundation. She highlighted the meaningful impact attorneys can have by using their education and skills to support communities in need.

"There's really nothing more powerful than using your law degree and all that education and training to help somebody find safety, stability, and peace of mind," Bratcher said.

She also encouraged the new admittees to bring their perspectives and enthusiasm to the profession.

"We need new faces, new ideas, and new energy. This is your Bar and this is your Foundation," she added.

F.J. Hahn congratulated the new attorneys on their achievement and recognized them as the first group of applicants to pass the NextGen Bar Exam. He emphasized that credibility is fundamental to a successful legal career, beginning with the trust attorneys build with themselves and their clients.

"I think you have to practice with credibility, and it starts with credibility to yourself and to your client. And if you reread the oath that you took, it's filled with the idea of credibility," Hahn said.

He reminded the new attorneys that professional reputations take time and dedication to build but can be lost in an instant. "Reputations are a lot like forests—it takes many years to grow, but they can burn down with one match," he said.


Chief Justice Robyn Brody and Dean Brian Kane


Judge Jessica Lorello and new bar admittee


Kristin Henrich and Judge Debora Grasham



Judge David C. Nye


F.J. Hahn


Kimberlee Bratcher


Idaho State Bar staff Ashlynn Valdez, Tasha Sorrells-Landeros, Maureen Braley, and Jared Hoskins


Idaho attorneys Jessica Perez, Kendall Bjornsen, and Audreanna Lowry

> "For each of you, today represents a culmination of many years of hard work, dedication, perseverance, and sacrifice."
>
> - Judge David C. Nye


New bar admittees and families

Judge David C. Nye then addressed the new attorneys, noting that in his 40 years of practice, this was the largest group he had witnessed taking the oath.

"For each of you, today represents a culmination of many years of hard work, dedication, perseverance, and sacrifice," Judge Nye said. "Today has been the anticipated finish line. It is the end you thought would never come. You made it to the finish line but, even with all the hard work, you've only just begun the process of becoming an attorney."

He encouraged the new admittees to view the occasion not as the end of their journey, but as the beginning of a new chapter.

"Today represents a fresh new starting line, the beginning of your career. Your status has changed...You are a member of one of the most noble professions of all time. In America, the institution of law is majestic in its purpose and promise, it is the envy of the world," Nye said.

Nye concluded by reminding the new attorneys of the Idaho State Bar's mission: *to promote high standards of professional conduct and advance the administration of justice.*

"You can't do one without the other," he explained.

As the 134 new attorneys begin their careers, the ceremony served as both a celebration of their accomplishments and a reminder of the responsibilities that come with the privilege of practicing law. Their admission marks the start of a professional journey grounded in integrity, service, and a commitment to the rule of law. The ceremony was followed by a celebratory reception. ■

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SUPREME COURT OF IDAHO

Chief Justice
Robyn M. Brody

Justices
G. Richard Bevan
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Cynthia K.C. Meyer

REGULAR FALL TERM FOR 2026

6th Amended October 1, 2026

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

By Order of the Court
Melanie Gagnepain, Clerk

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

OFFICIAL NOTICE
SUPREME COURT OF IDAHO

Chief Justice
Robyn M. Brody

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

REGULAR SPRING TERM FOR 2027

2nd Amended October 1, 2026

Boise.....January 8, 13, 15, and 22
Boise.....February 5, 8, 12, and 17
Boise (University of Idaho).....February 10
Boise.....April 2, 14, and 16
Moscow (University of Idaho).....April 7
Lewiston.....April 8
Boise.....May 5, 7, 10, 12, and 14
Boise.....June 2, 4, 7, 9, and 11

By Order of the Court
Melanie Gagnepain, Clerk

NOTE: The above is the official notice of the 2027 Spring Term for the Supreme Court of the State of Idaho and should be preserved. A formal notice of the setting of oral argument in each case will be sent to counsel prior to each term.

OFFICIAL NOTICE
COURT OF APPEALS OF IDAHO

Chief Judge
Michael P. Tribe

Judges
Jessica M. Lorello
Theodore Fleming
Gene A. Petty

REGULAR FALL TERM FOR 2026

1st Amended September 11, 2026

Boise.....September 22 and 24
Boise.....October 6, 20, and 22
Boise.....November 5, 10, and 17
Boise..... December 3, 15, and 17

By Order of the Court
Melanie Gagnepain, Clerk

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

OFFICIAL NOTICE
COURT OF APPEALS OF IDAHO

Chief Judge
Michael P. Tribe

Judges
Jessica M. Lorello
Theodore Fleming
Gene A. Petty

REGULAR SPRING TERM FOR 2027

09/04/2026

Boise..... January 12, 14, 26, and 28
Boise..... February 16, 18, 23, and 25
Boise..... March 9, 16, 23, and 25
Boise..... April 13, 15, 27, and 29
Boise ..... May 11, 13, 25, and 27
Boise..... June 8, 10, 22, and 24
Boise.....July 27

By Order of the Court
Melanie Gagnepain, Clerk

NOTE: The above is the official notice of the 2027 Spring Term for the Court of Appeals of the State of Idaho and should be preserved. A formal notice of the setting of oral argument in each case will be sent to counsel prior to each term.

IDAHO SUPREME COURT
ORAL ARGUMENTS FOR NOVEMBER 2026

10/15/2026

MONDAY, NOVEMBER 2, 2026 - BOISE

8:45 a.m. *State v. Rodriguez*.....#52379
10:00 a.m. *Mill Park Village v. City of McCall*.....#52944
11:15 a.m. *State v. Vallow*..... #51091

WEDNESDAY, NOVEMBER 4, 2026 - BOISE

8:45 a.m. *Intermountain Advisory Board v. Valley County*.....#53196
10:00 a.m. *Secured Land v. Folger Dev.* .....#52946/53318
11:15 a.m. *State v. Lopez*.....#53828

MONDAY, NOVEMBER 9, 2026 - BOISE

8:45 a.m. *Edmiston v. Intermountain Gas*.....#53227
10:00 a.m. *State v. Rodiguez* .....#53858

IDAHO COURT OF APPEALS
ORAL ARGUMENTS FOR NOVEMBER 2026

10/15/2026

THURSDAY, NOVEMBER 5, 2026 - BOISE

9:00 a.m. *State v. Robinson*.....#52804
10:30 a.m. *State v. Reed*.....#52578
1:30 p.m. *State v. Morales*..... #52678

TUESDAY, NOVEMBER 10, 2026 - BOISE

10:30 a.m. *State v. Field*.....#52393

TUESDAY, NOVEMBER 17, 2026 - BOISE

10:30 a.m. *Boyer v. State*.....#52659
1:30 p.m. *Gardner v. State*..... #52124





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CASES IN ALPHABETICAL ORDER BY CATEGORY – SEPTEMBER 2026

CIVIL APPEALS

CHILD SUPPORT

Whether the district court erred in affirming an upward deviation from the Idaho Child Support Guidelines based primarily on the parents' income disparity and its effect on the children.

Bear v. Bear
Docket No. 53808
Supreme Court

CONTRACTS

Whether the district court erred by granting summary judgment to Defendant and concluding that Plaintiffs failed to present admissible evidence creating a genuine issue of material fact as to whether Defendant breached the parties' agreement or caused the alleged defects in the concrete.

Currier v. Mr. Mudd-Concrete Corp.
Docket No. 53913
Court of Appeals

Whether the district court abused its discretion by denying Plaintiff leave to amend his complaint to assert a breach of contract claim based on the Accessibility Improvement Agreement after the court had dismissed his original breach of contract claim.

Jacobs v. 119 Boise, LLC
Docket No. 53367
Court of Appeals

DAMAGES

Whether the district court erred in its determination of Plaintiff's recoverable damages under the Contract Manufacturing Agreement, including its award of missed shift and labor fees and its rejection of Defendant's mitigation argument.

Zoroco Packaging, Inc. v. San Franola, Inc.
Docket No. 53620
Supreme Court

FRAUD

Whether the district court erred in granting summary judgment on the fraud by omission claim and finding as a matter of law that Defendant had no duty to disclose additional information about its financial condition when seeking financial assistance from Plaintiff.

City of Eagle v. Eagle Senior Citizens, Inc.
Docket No. 53324
Supreme Court

INSURANCE

Whether the district court erred in dismissing Plaintiffs' claim for underinsured motorist benefits and finding that dismissal with prejudice of the underlying tort action meant the insured was no longer "legally entitled to recover damages" from the tortfeasor.

McKnight v. Metlife Servc., & Sols., LLC
Docket No. 53323
Supreme Court

POST-CONVICTION

Whether the district court erred in summarily dismissing Petitioner's ineffective assistance of counsel claim based on trial counsel's questioning of a witness about Petitioner's prior felony charges.

Nielsen v. State
Docket No. 52470
Court of Appeals

REAL PROPERTY

Whether the district court erred in granting summary judgment in Defendants' favor on Plaintiffs' claims for reformation of a deed based on mutual mistake and, alternatively, for a prescriptive easement.

Gunderson v. Barney
Docket No. 53689
Court of Appeals

SOVEREIGN IMMUNITY

Whether the district court erred by ruling that sovereign immunity barred the school district from suing the State and the Idaho Department of Education to enforce an alleged statutory entitlement to state bond-support funding.

Sch. Dist. No. 351 v. Idaho State Dep't of Ed.
Docket No. 53590
Supreme Court

SUMMARY JUDGMENT

Whether the district court erred in granting summary judgment on the Counterclaimants' intentional infliction of emotional distress claim after concluding that the homeowners association's conduct, viewed as a whole, was not sufficiently extreme and outrageous as a matter of law.

Greyhawk Homeowners Ass'n, Inc. v. Freeman
Docket No. 53287
Supreme Court

Whether the district court erred in granting summary judgment to the City on Plaintiff's "whistleblower" claim and concluding that Plaintiff's complaints about his supervisor's treatment of him did not constitute protected activity under the IPPEA.

Medel v. City of Plummer
Docket No. 53688
Supreme Court

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Whether the district court erred in granting summary judgment in Defendants' favor and concluding that the real estate licensees owed no legal duty to Plaintiff, who was an unrepresented customer-buyer.

Wellness Angel, LLC v. Expert Realty, LLC
Docket No. 53400
Supreme Court

SURVIVABILITY/ABATEMENT OF § 1983 CLAIM

Whether the Court should overrule *Hoagland v. Ada County*, 154 Idaho 900 (2013), and hold that a decedent's estate may pursue a § 1983 claim when the alleged constitutional violation caused the decedent's death, despite Idaho's common law rule of abatement.

Banach v. Steele
Docket No. 53355
Supreme Court

CRIMINAL APPEALS

DEFENSES

Whether the Court should overrule controlling precedent and hold that a defendant charged with lewd conduct with a minor under sixteen may assert a reasonable mistake-of-age defense.

State v. Hackler-Wassom
Docket No. 52719
Supreme Court

EVIDENCE

Whether the district court abused its discretion by admitting Defendant's penitentiary packet to prove the persistent violator enhancement.

State v. Patanjo
Docket No. 53288
Court of Appeals

Whether the district court abused its discretion by admitting an otherwise privileged attorney-client communication after concluding that defense counsel's disclosure of the communication to a defense expert and the State waived the defendant's privilege under Idaho Rule of Evidence 510.

State v. Naeem
Docket No. 51592
Supreme Court

Whether evidence that Defendant subsequently engaged in other stalking-like behavior was admissible under I.R.E. 404(b) to prove that he acted maliciously in committing the charged stalking offenses.

State v. Rowen
Docket No. 52501
Court of Appeals

MISTRIAL

Whether the district court committed reversible error by denying Defendant's motion for mistrial after the jury heard inadmissible evidence of his alleged prior violence toward the victim and the existence of a protection order.

State v. Owen
Docket No. 52951
Court of Appeals

MISTRIAL/PROSECUTORIAL MISCONDUCT

Whether the district court erred in denying Defendant's motion for mistrial and rejecting his claim that the prosecutor's repeated use of objectionable questions and prejudicial evidence amounted to prosecutorial misconduct.

State v. Myers
Docket No. 53107
Court of Appeals

PLEA AGREEMENTS

Whether the State's breach of the plea agreement by recommending a sentence in excess of the one contemplated by the agreement constituted fundamental error.

State v. Zuniga
Docket No. 52830
Court of Appeals

SEARCH AND SEIZURE

Whether the district court erred by concluding that the warrantless search of Defendant's person before she was transported to protective custody for a mental health hold was a reasonable exercise of the officers' community caretaking function.

State v. Luangaphay
Docket No. 52120
Court of Appeals

Summarized by:
ANDREW WAKE
Supreme Court Staff Attorney
(208) 334-2246



MCLE COMPLIANCE
Deadline

December 31, 2026

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This includes at least three (3) CLE credits on legal ethics or professional responsibility, as approved by the Board or its designee.

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No more than fifteen (15) of the required thirty (30) credits may be self-study credits.

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ISB
IDAHO STATE BAR

Marshall Neal Newhouse
1937–2026



Marshall Neal Newhouse of Boise, Idaho, passed away peacefully on September 4, 2026, at St. Luke's Hospital, surrounded by family. Neal attended the University of Idaho, graduating first in his class from the College of Law in 1961.

Following graduation and admission into the Idaho Bar, Neal spent a year as Executive Secretary on the Elect Jack Hawley United States Senator campaign. A few weeks before the election, he left to become a Judge Advocate General ("JAG") in the United States Air Force, serving at Eglin Air Force Base in Florida and at Mountain Home Air Base here in Idaho.

After he left the USAF, Neal joined the law firm of Hawley, Troxell, Ennis and Hawley in Boise, where he practiced for 25 years, becoming a partner and serving as Managing Partner along the way. The four founding partners were great mentors and friends, and when they retired, he decided to retire too and, at fifty, headed off to Yale Law School to obtain a Master of Laws degree, followed by a year at ITAM law school in Mexico City as a visiting professor. That was the beginning of great new experiences, from being elected Prosecuting Attorney of Camas County, Idaho, to owning and building apartments in Boise, to practicing a little law along the way.

For five years, Neal served as a Trustee and President of the Boise School District Board of Trustees. He came out of retirement to serve as General Counsel for the Ada County Highway District. After retiring from the practice of law, Neal set out to see the world.

Neal is survived by his life partner, David Rojas, and his children and their spouses: Mary Armstrong (Monte), Melinda Pals (Joel), and James Newhouse (Jennifur), and his grandchildren: Samuel, Henry, and Gretchen Pals, and Jack and Jessica Newhouse.

Paul Beeks
1939–2026



Paul M. Beeks, of Sun Lakes, Arizona, passed away peacefully on September 10, 2026, at the age of 87. He was born on July 27, 1939, in Bismarck, North Dakota, to Clifford H. Beeks and Irene (Leupp) Beeks. Paul graduated from Washburn High School in Washburn, North Dakota, in 1957, and earned his Juris Doctor degree from the University of North Dakota in 1963. On July 29, 1962, he married Janet Hegreberg in Minot, North Dakota, beginning a marriage of more than 64 years. Paul practiced law for 40 years in Twin Falls, Idaho, primarily alongside his longtime partner and friend, Leon Smith. He was dedicated to his profession, his clients, and his community.

After retiring, Paul and Janet moved to Sun Lakes, Arizona, where he enjoyed being closer to family. He especially treasured watching his grandchildren grow and sharing in their lives and accomplishments.

Paul will be remembered for his strong faith, devotion to family, commitment to service, and love of golf, aviation, and sports. Above all, he was a loving husband, father, grandfather, and friend who valued his relationships and believed in giving back to others.

Paul is survived by his beloved wife, Janet; his son Daniel and his wife, Terri; his son David and his wife, Kris; his grandchildren, Matthew and his fiancé, Kathleen; Elizabeth and her significant other, Evan; Andrew; and Ava; his brother Donald and many, many other relatives, friends and loved ones.

Michael Powers
1948–2026

Michael E. Powers passed peacefully at his home on October 12, 2026. Michael loved his family, the outdoors, and a good game of pool. Michael had a long and distinguished career as an attorney and Worker Compensation Referee.

Paul Kime
1960–2026



Paul Kime passed away peacefully at his home on September 18, 2026, from heart issues. Paul was born March 14, 1960, in Mullen, Nebraska. Paul worked his way through undergraduate school at the University of Idaho and always remained a proud Vandal. He graduated, majoring in Political Science and Spanish. Paul then attended law school at the U of I, where during his third year he met his future wife, Ann Shepard.

After law school, he moved to Caldwell and took his first law job clerking for Canyon County District Judge Gerald Weston, who was a lifelong mentor and friend. After his clerkship, he worked for the Canyon County Public Defender's Office and then went into private practice with his partner, Deb Orr. During this time, Paul reconnected with Ann, and they married and had two sons, Sam and Max. Paul had a varied legal career, including public defender, private practice, in-house counsel for a leasing company, assistant attorney general for the Transportation Department and also for the Labor Department, deputy prosecuting attorney for Canyon County, and his last job as an administrative law judge for the Idaho Department of Labor.

Paul always enjoyed traveling with his family. Paul was complicated, complex, brilliant, hard-working, determined, stubborn, kind and funny. He was a caring husband and father, a respected lawyer, a valued colleague, a good and loyal friend and a great conversationalist. He will be missed by his family, co-workers, and friends.

Paul is survived by his wife, Ann; his sons, Sam and Max; his grandsons, Emeric and Valkyr; and his siblings, Anita (Vic) Olsen, Helen Thune, Jim (Cindy), Mark (Kim), Dave (Carol), Lorie Race, Liz (Brad) Haralson, Tom (Susan), and Barb Bailey.

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Despite our best efforts, the Idaho State Bar may not always be notified when a member passes away. If you learn of the death of a fellow attorney, we encourage you to share that information with us at sboylan@isb.idaho.gov. This will help ensure that we have the opportunity to honor their life and legacy in our "In Memoriam" section.



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AROUND THE BAR

J.W. Bond's 2026 Rising Stars Recognition



BOISE—J.W. Bond, founding attorney and partner at Attorneys of Idaho in Boise, was selected to the 2026 Super Lawyers Rising Stars list. His published selection history covers 2024 through 2026. Bond represents clients in personal injury, criminal defense, and DUI matters. He earned his J.D. from the William S. Boyd School of Law at the University of Nevada, Las Vegas, in 2013.

Before becoming a lawyer, J.W. worked as a police officer in Las Vegas. That experience gives him a practical understanding of how investigations begin, how officers document events, and where the evidence needs closer examination. Born in California and raised in small-town Wyoming, J.W. built his career across the American West. His background combines firsthand law-enforcement experience with years of courtroom advocacy and client representation.

Owen Macaulay Joins Stoel Rives as a Litigation Associate



BOISE—Owen Macaulay has joined Stoel Rives LLP as an associate in the firm's Boise office, returning to the firm after previously serving as a summer associate. Macaulay earned his J.D. from Notre Dame Law School, where he served as an executive articles editor for the *Notre Dame Journal of Law, Ethics & Public Policy.*

Petersen, Parkinson & Arnold Welcomes Jack Carpenter



IDAHO FALLS—Petersen, Parkinson & Arnold is delighted to announce that Jack Carpenter has joined the firm as an associate. Jack previously worked at Hawley Troxell in Pocatello and at the Bannock County Public Defender. Jack will handle workers' compensation and personal injury matters in southern Idaho.

Donald J. Chisholm Announces Retirement



BURLEY—After practicing law in Burley, Idaho area for 59 years, Donald J. Chisholm will close his office and enter retirement at the end of the year. "Thank you to clients for allowing me to serve you." Chisholm was a recipient of the Idaho State Bar's 2021 Distinguished Lawyer Award

Jesse Robison Announces Retirement From Law Practice



After 45 years as an attorney, Jesse Robison, Ace One Consulting, announced he will no longer be practicing law or conducting mediations, a decision he made while wandering Patagonia last December. Jesse thanks the many attorneys he worked with to peacefully resolve their clients' disputes. A 1980 graduate of the University of Idaho, Jesse is now building a resort on a remote island off the Pacific coast of Mexico near Guatemala. "We all know law practice can be stressful—that has me creating a place designed to be the mythical Shangri-La." The resort is located near Boca Del Cielo (mouth of heaven), and the name of the combined properties will be Los Dos Cielos (the two heavens). Beyond building the resort, Jesse has turned his attention to shelved creative writing projects. A recently published essay can be read at manusfamily.net. The life story of a man who belongs to the sea.

Three Idaho Judges Honored



Three Idaho judges were honored for their dedication to providing fair and timely justice in Idaho's courts.

Second District Magistrate Judge Victoria Olds received the 2026 George C. Granata Jr. Professionalism Award, which honors a judge who has gone above and beyond to ensure equal access to fair and efficient justice. She was nominated for her exceptional professionalism, knowledge of the law and unfailing respect for all who enter her courtroom.

Second Judicial District Trial Court Administrator Roland Gammill received the 2026 Douglas D. Kramer Award, which recognizes excellence in judicial administration through demonstrated character and action. Gammill was nominated for his 32 years of service to Idaho's courts, where he has been a stabilizing, innovative and deeply trusted leader.

The state Magistrate Judges Association presented Fourth District Magistrate Judge Diane Walker with its Legacy Award, created to recognize a judge's dedicated and noteworthy leadership and service to their community, colleagues and citizens.

Gilson Daub Expands to Idaho



SAN CLEMENTE, CA—Gilson Daub, a national workers' compensation defense, subrogation, and general liability law firm, recently expanded into Idaho, marking its 15th state of practice. Scott McIntyre, an Idaho- and California-admitted workers' compensation attorney with more than 12 years of litigation experience, will lead the firm's Idaho presence.

Scott earned his J.D. from Chapman University School of Law, where he served as a staff editor of the Chapman Law Review. He also now serves as Gilson Daub's Partner of Technology & Innovation and has experience representing employers, administrators, and insurance carriers, particularly in the retail, construction, and automotive industries.

"I'm excited to help establish Gilson Daub's presence in Idaho and bring the same level of service, responsiveness, and partnership that our clients have come to expect from us," said McIntyre. "There is a tremendous opportunity to build something meaningful here, and I look forward to developing strong relationships across the state while giving our existing clients another market where they can turn to a team they already know and trust."

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Kirton McConkie welcomes **three new attorneys to our Boise and Idaho Falls offices**, expanding our capabilities in litigation and real estate.

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Resolved 2,300 housing issues

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IDAHO ACADEMY OF LEADERSHIP FOR LAWYERS

The Idaho Academy of Leadership for Lawyers proudly announces their 2026-2027 class. The participants will be the Academy's fifteenth class. The diverse makeup of the class features attorneys from four judicial districts who encompass an array of practice areas. Participants have pursued legal careers in the fields of criminal law, health care, state and local government, public interest, business, family law and estate planning as in-house counsel, in solo, small and large firms and for local and state government. Participants will meet in Boise over five sessions for this interactive leadership training program designed specifically for lawyers. The first session will take place October 15 and 16 with Graduation set for April 2027. The class would like to thank the District Bar Associations and the Practice Sections for their generous financial support of the Academy.

For more information about upcoming classes, please contact Teresa Baker, Idaho State Bar Program and Legal Education Director at (208) 334-4500.

Idaho Academy of Leadership for Lawyers

Class of 2026-2027



David H. Arkoosh
Parsons Behle & Latimer
Boise



Dixie A. Milliken
Micron Technology, Inc.
Boise



Tricia J. Daigle
Daigle Law Office, PLLC
Boise



Jennifer E. Neyenhouse
Neyenhouse Law & Mediation, PLLC
Boise



Samuel K. Hahn
The Advocates
Idaho Falls



Kali Park
Stoel Rives LLP
Boise



Delia L. Hanes
Canyon County Prosecutor's Office
Caldwell



Christopher G. Sletvold
Idaho Office of the Attorney General
Boise



Casey Kinross
Bolton Law
Coeur d'Alene



Amy K. Stack
Idaho Administrative Office of the Courts
Boise



Ashley M. Lane
Stoel Rives LLP
Boise



Allison K. Whipps
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GROWTH AND STRENGTH



Hawley Troxell is pleased to announce that Douglas M. Kelly, Jr. has accepted an Associate position in the Litigation and Workers' Compensation practice groups.

Douglas holds a J.D. from the University of California, Berkeley, and after leaving private practice in California for the research and editorial side of the legal world, he joined Hawley Troxell as a Paralegal in 2023. Douglas now resumes the active practice of law, having recently earned admission into the Idaho State Bar.

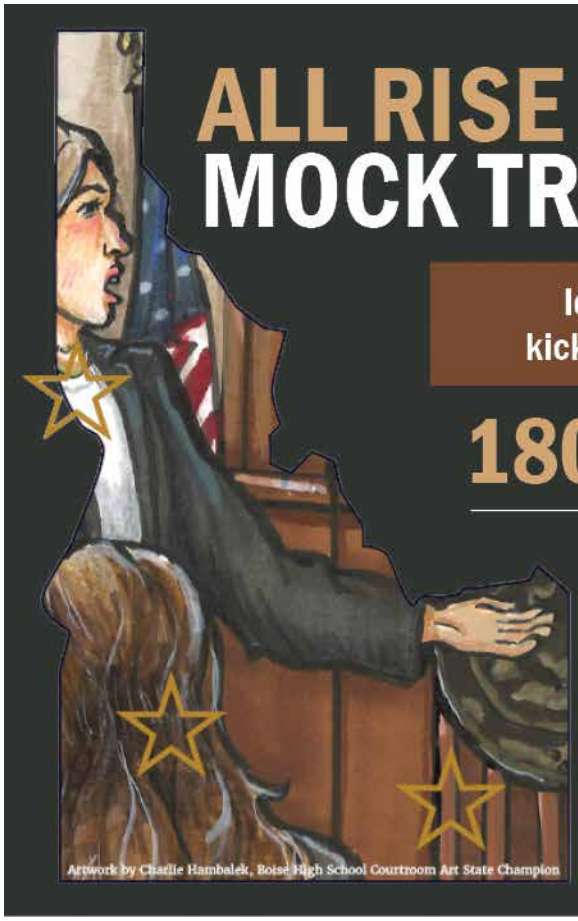
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Artwork by Charlie Hambalek, Boise High School Courtroom Art State Champion

Idaho's High School Mock Trial Competition season kicks off soon and we need volunteers to make it happen

180 attorneys and volunteers judged in 2026
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- Eastern Idaho Regional: Saturday, February 6, Blackfoot
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- Treasure Valley Regional: Saturday, February 20, Boise
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For questions contact
Carey Shoufler, cshoufler@isb.idaho.gov

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CONTINUING LEGAL EDUCATION
UPCOMING CLE'S



NOVEMBER

NOVEMBER 2
Compliant Law Firm Visibility: Balancing Advanced Digital Marketing for ChatGPT with the Idaho Rules of Professional Conduct
Mobile Monday CLE Series
1.0 CLE/0.25 Ethics credits

NOVEMBER 4
First District Bar Roadshow CLE
Coeur d'Alene Resort, Coeur d'Alene
0.5 CLE credit

Ethics in Discovery Practice
1.0 Ethics credit

NOVEMBER 5
Second District Bar Roadshow CLE
BW University Inn, Moscow
0.5 CLE credit

NOVEMBER 9
From Magistrate to Appeal: Family Law Disputes
Mobile Monday CLE Series
1.0 CLE credit

NOVEMBER 10
Third District Bar Roadshow CLE
Indian Creek Steakhouse, Caldwell
0.5 CLE credit

Fourth District Bar Roadshow CLE
JUMP, Boise
0.5 CLE credit

NOVEMBER 13-14
2026 Family Law Conference
Shore Lodge, McCall
9.25 CLE credits including 1.0 Ethics

NOVEMBER 16
Beyond the Case File: Unlocking the Value of Private Investigation - Mobile Monday CLE Series
1.0 CLE/0.25 Ethics credits

NOVEMBER 17
Seventh District Bar Roadshow CLE
Hilton Garden Inn, Idaho Falls
0.5 CLE credit

NOVEMBER 18
Sixth District Bar Roadshow CLE
Purpose Room, Pocatello
0.5 CLE credit

NOVEMBER 18
Fifth District Bar Roadshow CLE
Blue Lakes Country Club, Jerome
0.5 CLE credit

NOVEMBER 19
The Retiring Lawyer: Client Transition Ethics and File Preservation Duties
1.0 Ethics credit

NOVEMBER 20
Negotiation Ethics: Balancing Boasts and Integrity
1.0 Ethics credit

NOVEMBER 23
Language Access in Idaho's Courts: What Attorneys Need to Know - Mobile Monday CLE Series
1.0 CLE credit

In person | Live Webcast | Live Audio Stream

DECEMBER

DECEMBER 1
2026 Ethics Update Part 1
1.0 Ethics credit

DECEMBER 2
2026 Ethics Update Part 2
1.0 Ethics credit

DECEMBER 11
2026 Headline News
5.0 CLE credits – NAC

DECEMBER 17
Lawyer Ethics in a Digital World
1.0 Ethics credit

DECEMBER 18
Lawyer Ethics in Real Estate Practice
1.0 Ethics credit

DECEMBER 22
How Ethics Rules Apply to Lawyers Outside of Law Practice
1.0 Ethics credit

MOBILE MONDAY SERIES

Join the Idaho Law Foundation every Monday in November for the Mobile Monday CLE Series. The series provides an outlet for distinguished Idaho practitioners, jurists, and other industry leaders to present an array of diverse topics. The convenience of joining from your computer, mobile device or toll-free teleconferencing allows attorneys to participate regardless of their hectic schedules or location. Still working from home? No problem. Join us from your couch or your dining room table. All you need is a telephone or device and one hour to experience new ideas and continuing legal education opportunity.

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

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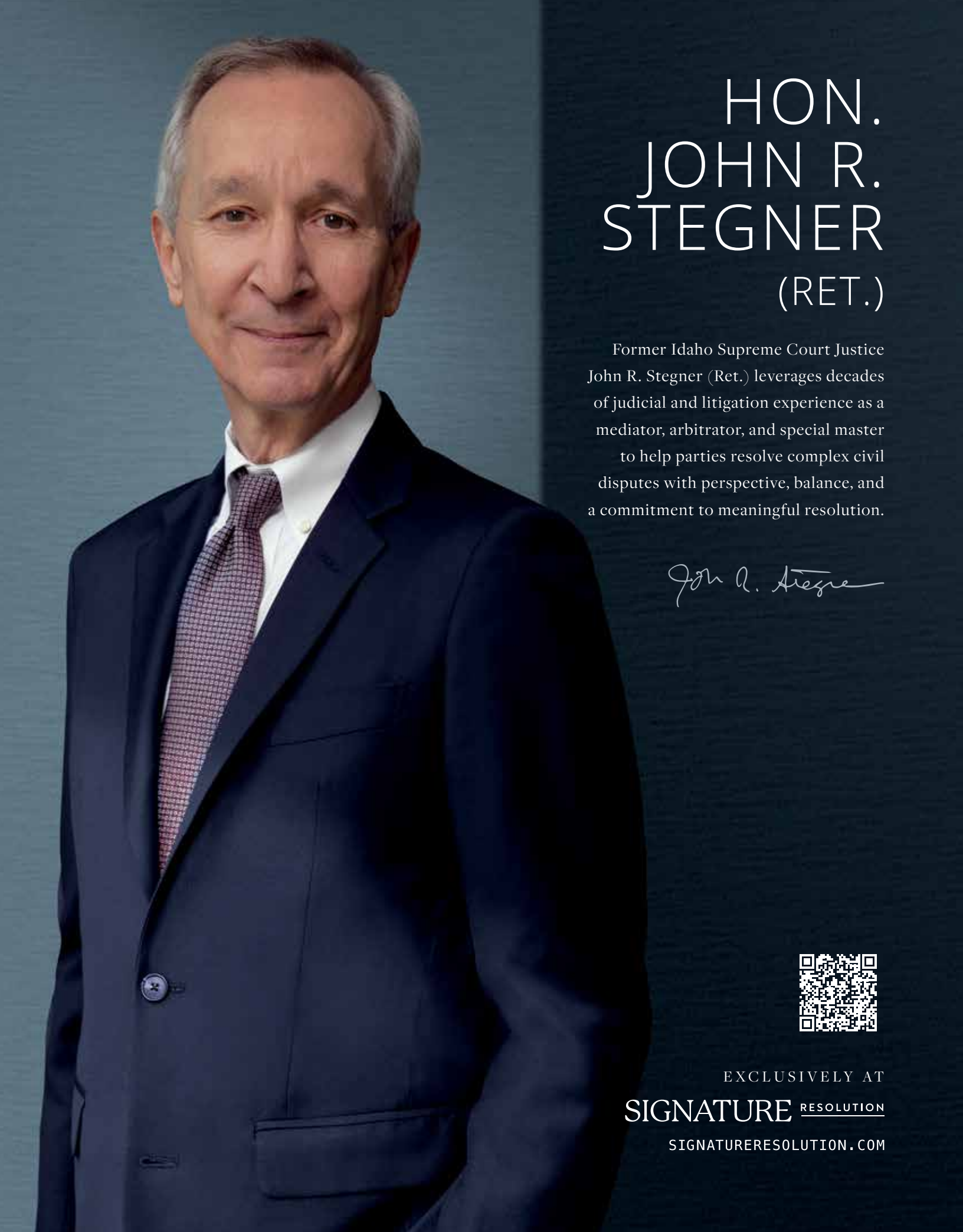


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