

JUSTIN B. OLESON
(Disbarment)

On April 2, 2025, the Idaho Supreme Court issued an Opinion disbaring attorney Justin B. Oleson, effective immediately. The Court's Opinion followed a contested hearing before a Hearing Committee of the Professional Conduct Board ("Committee"), which found clear and convincing evidence that Mr. Oleson violated Idaho Rules of Professional Conduct ("I.R.P.C.") 1.7(a)(2), 3.4(c), and 8.4(d) and recommended a public reprimand. Both the ISB and Mr. Oleson appealed the Committee's decision to the Court.

After briefing and oral argument, the Court reversed the Committee's decision in part, affirmed it in part, and imposed the sanction of disbarment. The Court affirmed the Committee's conclusions that Mr. Oleson violated I.R.P.C. 1.7(a)(2), 3.4(c), and 8.4(d), and also found clear and convincing evidence that Mr. Oleson violated I.R.P.C. 1.2(a), 1.4, 4.1, and 8.4(c).

The discipline case related to Mr. Oleson's representation of Jeff Katseanes ("Jeff") in a post-divorce matter involving Jeff's ex-wife, Judy, which was previously reviewed by the Court. *See Katseanes v. Katseanes*, 171 Idaho 478, 522 P.3d 1236 (2023). After the district court orally granted Judy's motion for a Qualified Domestic Relations Order ("QDRO") that entitled Judy to all the funds held in Jeff's retirement account, Jeff contacted his retirement plan administrator to withdraw those funds. Mr. Oleson wrote to Jeff regarding his understanding that Jeff had attempted to withdraw the retirement funds and requested that those funds be sent to Mr. Oleson, stating:

If you did, hopefully you can get those funds to me ASAP and get me paid off and we can do something else with it. Otherwise, you will be getting the QDRO and having the retirement taken.

Erin Dupree ("Erin"), a representative of the retirement plan administrator, stated in an affidavit that Mr. Oleson told her there were "no holds" on Jeff's retirement funds, that no QDRO had been entered, and that she "should feel free to distribute the retirement funds" to Jeff. The plan administrator authorized Jeff's withdrawal following Erin's discussion with Mr. Oleson, and Jeff used those funds, in part, to pay for Mr. Oleson's legal work.

Judy discovered the withdrawal and moved for an accounting of the withdrawn retirement funds. The district court ordered Jeff to file that accounting. Jeff timely provided an accounting to Mr. Oleson, but Mr. Oleson instead filed an appeal on Jeff's behalf and submitted a letter to the district court. The letter stated that Mr. Oleson received Jeff's accounting but that Mr. Oleson did not feel it was proper to provide the accounting until the appeal was resolved. Mr. Oleson offered to provide the accounting if the district court still required it. Mr. Oleson later testified that it was his "legal decision" not to file the accounting with the district court. Mr. Oleson also testified that he did not discuss with Jeff the possibility that Jeff could serve jail time for failing to timely file the accounting. Mr. Oleson did not send Jeff a copy of the letter until after it was filed with the district court in lieu of the accounting.

Judy filed a motion for contempt regarding Jeff's failure to timely file the accounting. Mr. Oleson represented Jeff at the contempt hearing, but neither discussed with Jeff his conflict of

interest nor received Jeff's informed consent to represent Jeff at the contempt hearing despite that conflict. During the contempt hearing, Mr. Oleson did not call any witnesses on Jeff's behalf or disclose his role in the decision to file a letter instead of Jeff's accounting with the district court. After the district court found Jeff in contempt, Mr. Oleson represented Jeff on appeal before the Court, again without discussing with Jeff the conflict of interest or receiving Jeff's informed consent to represent Jeff on appeal despite that conflict. The Court affirmed the district court's decision and Jeff served three days in jail for contempt.

In the disciplinary case, the Court found that Mr. Oleson violated I.R.P.C. 1.2(a) and 1.4 regarding his failure to consult with Jeff about the potential consequences of failing to timely file the accounting. The Court also found that Mr. Oleson violated I.R.P.C. 4.1 and 8.4(c) regarding his false and misleading statements to Erin regarding the status of the QDRO. The Court held that Mr. Oleson had a conflict of interest when representing Jeff at the contempt hearing and on appeal, in violation of I.R.P.C. 1.7(a)(2). In addition, the Court held that Mr. Oleson knowingly disobeyed the district court's order and engaged in conduct prejudicial to the administration of justice regarding the court-ordered accounting, in violation of I.R.P.C. 3.4(c) and 8.4(d), respectively. The Court further held that there was not clear and convincing evidence that Mr. Oleson violated I.R.P.C. 1.3 by failing to act with reasonable diligence and promptness regarding filing the accounting.

In determining the appropriate sanction, the Court noted several aggravating factors, including Mr. Oleson's prior discipline history, his substantial experience in the practice of law, his multiple I.R.P.C. violations in the same matter, his refusal to acknowledge the wrongful nature of his conduct, and his selfish and dishonest motive for his misconduct. The Court also highlighted the serious harm to Jeff by having to serve three days in jail as a result of Mr. Oleson's misconduct. The Court concluded that the appropriate sanction was disbarment, stating:

We recognize the seriousness of this sanction and are mindful of the consequences for Oleson. This is not a result that was reached lightly. Only after much discussion and reflection have we determined that disbarment is appropriate in this instance because Oleson's violations of the Professional Rules of Conduct were not only egregious of themselves, but also resulted in significant harm to his client and others. Oleson's actions were a deliberate attempt by an officer of the court to frustrate justice by undermining a judge's rulings, rendering his actions an affront to the rule of law, the legal profession, and to the reputation of those who ethically engage in the practice of law.

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