

PHILLIP B. HEERSINK
(Suspension)

On September 27, 2018, the Idaho Supreme Court issued a Disciplinary Order suspending Payette attorney Phillip B. Heersink from the practice of law for a period of two (2) years. Before the disciplinary case began, Mr. Heersink's license was canceled in March 2018 for nonpayment of his 2018 license fees. The Disciplinary Order provided that if Mr. Heersink does not reinstate his license from canceled status within one year from the date his license was canceled, and if the Idaho State Bar deems his license resigned under I.B.C.R. 305(e), then Mr. Heersink's suspension will end because his license will be resigned at that time. If his license is resigned, to be actively licensed again, he would have to apply to take and pass the Idaho bar exam. If Mr. Heersink does reinstate his license before it is deemed resigned under that rule, his license status will remain suspended until the period of suspension is completed and he will then be required to reinstate under the disciplinary rules.

The disciplinary case related to two public defense clients of Mr. Heersink. In those two cases, Mr. Heersink failed to communicate with his clients and keep them reasonably informed about their cases or promptly comply with his clients' requests for information about their cases. In both cases, the court eventually appointed a new public defender to represent those clients and finish their cases. In addition, Mr. Heersink did not respond to Bar Counsel, the Hearing Committee of the Professional Conduct Board or the Idaho Supreme Court in the disciplinary matter. The Idaho Supreme Court found that Mr. Heersink violated I.R.P.C. 1.2(a) [Scope of Representation], I.R.P.C. 1.4 [Communication], I.R.P.C. 8.1(b) [Bar Admission and Disciplinary Matters], and I.B.C.R. 505(e) [Failure to Cooperate with or Respond to Disciplinary Authorities].

The Idaho Supreme Court's Disciplinary Order concluded a disciplinary proceeding that was initiated with a Complaint filed on March 23, 2018. On June 28, 2018, a Hearing Committee of the Professional Conduct Board conducted a hearing on the Idaho State Bar's Motion to Deem Admissions for Failure to Answer and for Imposition of Sanction. Following that hearing, the Hearing Committee entered its Findings of Fact, Conclusions of Law and Recommendation.

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