

NOEL J. PITNER
(Suspension, Withheld Suspension and Probation)

On August 10, 2017, the Idaho Supreme Court issued a Disciplinary Order suspending Spokane attorney Noel J. Pitner from the practice of law for a period of two (2) years, with all but nine (9) months of that suspension withheld. The Disciplinary Order included a two (2) year disciplinary probation upon Mr. Pitner's reinstatement.

The Idaho Supreme Court's Order followed a stipulated resolution of a disciplinary proceeding that related to Mr. Pitner's representation of two clients in separate bankruptcy matters. In the first matter, Mr. Pitner represented a client in her personal injury case and bankruptcy case. He obtained a settlement in the personal injury case and, before the Bankruptcy Court approved that settlement or his contingent fee in the personal injury case, he withdrew the settlement funds from his client trust account and used those funds to pay personal expenses. Mr. Pitner did not timely disburse the settlement funds to his client or third parties, respond to requests by the Bankruptcy Trustee for information relating to those disbursements, or comply with the Bankruptcy Court's orders requiring him to submit documentation confirming the disbursements. Mr. Pitner ultimately issued all required disbursements after depositing funds into his trust account from unspecified sources. In that matter, the Idaho Supreme Court found that Mr. Pitner violated I.R.P.C. 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; I.R.P.C. 1.15(a) [A lawyer shall hold property of clients or third persons that is in the lawyer's possession in connection with a representation separate from the lawyer's own property]; I.R.P.C. 1.15(b) [A lawyer may deposit the lawyer's own funds in a client trust account for the sole purpose of paying bank service charges]; I.R.P.C. 1.15(c) [A lawyer shall deposit into a client trust account legal fees

and expenses paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred]; I.R.P.C. 1.15(d) [Upon receiving funds in which a client or third person has an interest, a lawyer shall promptly notify the client or third person, promptly deliver any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, promptly render a full accounting regarding such property]; I.R.P.C. 1.15(e) [A lawyer shall distribute all portions of property in his possession as to which the interests are not in dispute]; and I.R.P.C. 3.4(c) [A lawyer shall not knowingly disobey an obligation under the rules of a tribunal].

In the second matter, Mr. Pitner represented a client seeking to reopen her bankruptcy case to obtain a discharge. The client sent Mr. Pitner a check for the filing fee in May 2016. Mr. Pitner negotiated that check immediately, but did not deposit the funds into his trust account or file the client's motion to reopen her bankruptcy case until July 2016. Thereafter, Mr. Pitner failed to comply with the Bankruptcy Court's orders requiring him to submit records regarding his client's payment and his purported refund to the client of that payment. In that matter, the Idaho Supreme Court found that Mr. Pitner violated I.R.P.C. 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; I.R.P.C. 1.4 [A lawyer shall keep the client reasonably informed about the status of a matter and promptly comply with the client's reasonable requests for information]; I.R.P.C. 1.15(a) [A lawyer shall hold property of clients or third persons that is in the lawyer's possession in connection with a representation separate from the lawyer's own property]; I.R.P.C. 1.15(c) [A lawyer shall deposit into a client trust account legal fees and expenses paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred]; and I.R.P.C. 3.4(c) [A lawyer shall not knowingly disobey an obligation under the rules of a tribunal].

Mr. Pitner will serve a two-year probation following any reinstatement, subject to the conditions of probation specified in the Disciplinary Order. Those conditions include that Mr. Pitner will serve the period of withheld suspension if he admits or is found to have violated any of the Idaho Rules of Professional Conduct for which a public sanction is imposed for any conduct during his probation period. During his probation, Mr. Pitner must submit detailed monthly reports to Bar Counsel regarding his trust account, continue treatment with his health care provider, and ensure that treatment reports are provided by his health care provider to Bar Counsel on a quarterly basis.

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