

**RYAN A. BALLARD**

(Resignation in Lieu of Disciplinary Proceedings)

On August 28, 2019, the Idaho Supreme Court entered an Order accepting the Resignation in Lieu of Disciplinary Proceedings of Rexburg attorney Ryan A. Ballard. The Idaho Supreme Court's Order followed a stipulated resolution of a disciplinary proceeding that related to the following conduct.

The Idaho Supreme Court found that Mr. Ballard violated the Idaho Rules of Professional Conduct ("I.R.P.C.") related to seventeen different client matters. With respect to fourteen of those matters, Mr. Ballard did not inform his clients about the status of cases he had filed on their behalf against a collection agency, including several cases he filed without the client's knowledge or authorization. Additionally, he did not explain to the clients the scope of his representation or the fees and costs for which the clients would be responsible. The Idaho Supreme Court found that with respect to those fourteen matters, Mr. Ballard violated I.R.P.C. 1.2(a) [Scope of representation], I.R.P.C. 1.4 [Communication with client], I.R.P.C. 1.5(b) [Communication of scope of representation and basis or rate of fee and expenses], I.R.P.C. 1.5(c) [Contingent fee agreement shall be in a writing signed by client], I.R.P.C. 8.4(c) [Conduct involving dishonesty, fraud, deceit or misrepresentation], and I.R.P.C. 8.4(d) [Conduct prejudicial to the administration of justice].

With respect to fourteen client matters, Mr. Ballard represented in court filings and during a subsequent deposition that he had discussed the status of the cases with his clients and that those clients were aware of and authorized his actions in their cases. The Idaho Supreme

Court found that with respect to those fourteen matters, Mr. Ballard violated I.R.P.C. 3.3(a) [Candor toward the tribunal].

With respect to thirteen client matters, Mr. Ballard made aggregate settlement offers on behalf of multiple clients without their knowledge, authorization, or signed informed consent. The Idaho Supreme Court found that with respect to those thirteen matters, Mr. Ballard violated I.R.P.C. 1.8(g) [Aggregate settlement requires client's signed informed consent].

With respect to twelve client matters, Mr. Ballard sent a solicitation letter to debtors offering to defend them in collection cases that had already concluded with judgments against the debtors. Instead of providing a defense in the collection cases, Mr. Ballard filed new civil actions on the debtors' behalf against the collection agency alleging violations of federal and state law. The Idaho Supreme Court found that with respect to those twelve matters, Mr. Ballard violated I.R.P.C. 7.1(a) [Communications concerning lawyer's services].

With respect to three client matters, Mr. Ballard paid the statutory bond required to stay the clients' cases pending appeal of those cases to the Idaho Supreme Court. The Idaho Supreme Court found that with respect to those three matters, Mr. Ballard violated I.R.P.C. 1.8(e) [Financial assistance to client in connection with litigation].

With respect to one client matter, Mr. Ballard filed a federal civil action on a client's behalf regarding the client's debt with a collection agency. Ten days later, he filed a non-opposition in the pending state collection case filed by the collection agency against the client for the same debt, stating his client could not produce any evidence or argument to dispute the debt. Mr. Ballard subsequently stipulated to dismiss the client's federal case with prejudice. The Idaho

Supreme Court found that with respect to that client matter, Mr. Ballard violated I.R.P.C. 8.4(d) [Conduct prejudicial to the administration of justice].

With respect to one client matter, Mr. Ballard filed an answer in a collection case on behalf of a debtor without her knowledge or authorization. He then failed to inform her about the opposing party's settlement offer, his initial rejection of that settlement offer, and the dismissal of her case based on his subsequent acceptance of the settlement offer. The Idaho Supreme Court found that with respect to that matter, Mr. Ballard violated I.R.P.C. 1.2(a) [Scope of representation], I.R.P.C. 1.4 [Communication with client], I.R.P.C. 3.3(a) [Candor toward the tribunal], I.R.P.C. 8.4(c) [Conduct involving dishonesty, fraud, deceit or misrepresentation], and I.R.P.C. 8.4(d) [Conduct prejudicial to the administration of justice].

With respect to one client matter, Mr. Ballard failed to inform his client about the opposing party's settlement offers in a state collection case, declined those settlement offers without the client's knowledge or authorization, and filed a federal civil case on the client's behalf regarding the same debt that was the basis for the state collection case without first consulting with the client about the settlement offers in the state case. The Idaho Supreme Court found that with respect to that client matter, Mr. Ballard violated I.R.P.C. 1.2(a) [Scope of representation], I.R.P.C. 1.4 [Communication with client], I.R.P.C. 8.4(c) [Conduct involving dishonesty, fraud, deceit or misrepresentation], and I.R.P.C. 8.4(d) [Conduct prejudicial to the administration of justice].

The Idaho Supreme Court accepted Mr. Ballard's Resignation in Lieu of Disciplinary Proceedings. By the terms of the Order, Mr. Ballard 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 bar admission requirements in Section II of the Idaho Bar Commission Rules and will 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. Ballard’s name was stricken from the records of the Idaho Supreme Court and his right to practice law before the courts in Idaho was terminated.

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