

**TERRY S. RATLIFF**  
(Public Reprimand)

On February 6, 2020, a Hearing Committee of the Professional Conduct Board of the Idaho State Bar issued a Public Reprimand to Mountain Home lawyer Terry S. Ratliff.

The Hearing Committee's Order followed a stipulated resolution of an Idaho State Bar disciplinary proceeding in which Mr. Ratliff admitted that he violated Idaho Rules of Professional Conduct 1.7 [Conflict of Interest] and 1.4 [Communication].

This disciplinary action related to Mr. Ratliff's concurrent representation of co-defendants. Mr. Ratliff was the public defender appointed to both cases. One defendant, CB, entered her guilty plea pursuant to a plea agreement in June 2015 and her sentencing was scheduled in August 2015. The other defendant, BM, pled not guilty in August 2015 and his trial was scheduled in November 2015.

After BM's not guilty plea, CB was sentenced. At CB's sentencing hearing, the prosecutor explained that many victims believed BM was responsible for the crimes, that BM pressured CB, CB was co-dependent on BM, and BM was threatening toward CB. The judge agreed, that based upon CB's score on a psychopathy scale, she was largely co-dependent on BM and sentenced her to prison time and retained jurisdiction for the first year of her sentence and ordered restitution.

In October 2015, BM plead guilty pursuant to a plea agreement. The same judge conducted BM's sentencing in December 2015 and the judge sentenced BM to terms less favorable than the plea agreement.

In 2016, BM filed for post-conviction relief. Mr. Ratliff was deposed in that case. Mr. Ratliff testified he did not recall discussing a conflict with BM or CB and thought they knew he was representing both. BM denied that he knew that. Mr. Ratliff also testified he did not believe it was a conflict because CB was simply “blame shifting.”

The post-conviction relief judge disagreed, noting Mr. Ratliff did not refute the prosecutor’s statements during CB’s sentencing that BM was responsible, or more culpable than CB for the crimes, and that there was an actual conflict of interest because Mr. Ratliff could not advance the interests of CB without adversely impacting his representation of BM.

The judge vacated BM’s sentence. BM was then resentenced and ordered to serve a shorter time of imprisonment, but a longer period of parole.

In the disciplinary case, the Hearing Committee found that Mr. Ratliff’s concurrent representation of those co-defendants was an impermissible conflict of interest under I.R.P.C. 1.7 and that the circumstances related to his representation of them were not adequately communicated to his clients in violation of I.R.P.C. 1.4.

In the disciplinary case, the parties and the Hearing Committee also acknowledged several mitigating factors, including Mr. Ratliff’s cooperation in the disciplinary proceeding, the absence of a dishonest or selfish motive, and his reputation. The public reprimand does not limit Mr. Ratliff’s eligibility to practice law.

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