

TROY E. RASMUSSEN
(Suspension, Withheld Suspension, Probation)

On May 9, 2019, the Idaho Supreme Court issued a Disciplinary Order suspending Rexburg attorney Troy E. Rasmussen for one (1) year, with six (6) months withheld, and a one-year probation upon reinstatement. The Idaho Supreme Court's Order followed a Professional Conduct Board recommendation and stipulated resolution of an Idaho State Bar disciplinary proceeding.

In early 2018, Mr. Rasmussen did not have a malpractice policy and therefore did not pay his license fees. His license was canceled by a March 7, 2018, Idaho Supreme Court Order, which Mr. Rasmussen received the second week of March 2018. However, on March 28, 2018, Mr. Rasmussen deposed the opposing party in a case without promptly disclosing that he did not have an active license to his client, the court, or opposing counsel. Once opposing counsel became aware of these circumstances, he filed a Motion in Limine. One of the bases of that motion was to preclude any evidence relating to his client's deposition testimony since Mr. Rasmussen was not licensed when he took that deposition. The district court granted the motion and instructed Mr. Rasmussen to report his conduct to Bar Counsel, which he did. Mr. Rasmussen's later response to specific inquiries from Bar Counsel contained statements he knew were not accurate.

The Idaho Supreme Court found that Mr. Rasmussen violated I.R.P.C. 1.4 [Communication with Client], I.R.P.C. 5.5(a) [Unauthorized Practice of Law], I.R.P.C. 8.4(d)

[Conduct Prejudicial to the Administration of Justice], and I.R.P.C. 8.1(a) [Knowingly Making a False Statement of Material Fact to Bar Counsel].

Mr. Rasmussen's suspension commences on June 15, 2019. The Disciplinary Order provided that six (6) months of the one-year suspension will be withheld. Upon reinstatement, Mr. Rasmussen will serve a one-year probation, subject to the conditions of probation specified in the Order. Those conditions include that Mr. Rasmussen will serve six (6) months of 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 Mr. Rasmussen's period of probation.

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