

**DAVID G. PEÑA**  
(Suspension, Withheld Suspension and Probation)

On February 26, 2016, the Idaho Supreme Court issued a Disciplinary Order suspending attorney David G. Peña from the practice of law for a period of two (2) years, with all but six (6) months of that suspension withheld, effective March 15, 2016. The Disciplinary Order included an 18-month disciplinary probation upon Mr. Peña's reinstatement. The Idaho Supreme Court found that Mr. Peña violated I.R.P.C. 1.2(a) [Failure to abide by client objectives], I.R.P.C. 1.3 [Failure to act with reasonable diligence and promptness], I.R.P.C. 1.4 [Failure to reasonably communicate] and I.R.P.C. 5.3 [Failure to make reasonable efforts to ensure a nonlawyer employee's conduct was compatible with the lawyer's professional obligations].

The Idaho Supreme Court's Order followed a stipulated resolution of a disciplinary proceeding that related to Mr. Peña's representation of three clients in separate matters. In the first matter, Mr. Peña represented a client *pro bono* in a collection case. Mr. Peña failed to forward payments made by the client to the creditor as part of a negotiated settlement, failed to inform the client that the creditor had filed a motion to reconsider dismissal of the case based on the client's alleged failure to make payments, and failed to inform the client of the hearing on the motion to reconsider or to appear at the hearing on the client's behalf. Mr. Peña refunded all payments made by the client to his office and the collection case was settled. In the second matter, Mr. Peña represented an incarcerated client on a rider program seeking to transfer her anticipated probation term from Idaho to Utah. Mr. Peña filed a Notice of Appearance and discovery request, but thereafter failed to communicate with the client or perform any further services. The Court ultimately declined to order probation for the client and Mr. Peña refunded the client's \$750 fee

payment. In the third matter, Mr. Peña represented a client in a felony controlled substances case. Mr. Peña failed to respond to the client's requests for case updates and copies of relevant discovery and other documents. The client ultimately pleaded guilty under a plea agreement negotiated by Mr. Peña.

Mr. Peña will serve an 18-month probation following his reinstatement, subject to the conditions of probation specified in the Disciplinary Order. Those conditions include that Mr. Peña 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. Peña must continue treatment with his health care provider and ensure that treatment reports are provided by the 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.