

MICHAEL R. ROBINSON
(Disbarment)

On August 11, 2016, the Idaho Supreme Court issued an Order of Disbarment, disbarring Michael R. Robinson from the practice of law in Idaho. Following a contested hearing, the Hearing Committee of the Professional Conduct Board issued Findings of Fact, Conclusions of Law and Recommendation which recommended that Mr. Robinson be disbarred and directed Bar Counsel to petition the Idaho Supreme Court for an order of interim suspension. Bar Counsel filed a petition and on June 3, 2014, the Court entered an Order placing Mr. Robinson on interim suspension. Mr. Robinson appealed the Hearing Committee's disbarment recommendation. After briefing, the Idaho Supreme Court's Order upheld the Hearing Committee's Recommendation.

The Complaint alleged violations of the Idaho Rules of Professional Conduct in six different client matters. Two of those client matters were civil and four were criminal. Prior to the hearing, Mr. Robinson admitted the alleged violations in Counts Three through Six of the Complaint. With respect to those four cases, Mr. Robinson admitted and the Hearing Committee found that he did not abide by his clients' objectives (I.R.P.C. 1.2), did not act diligently (I.R.P.C. 1.3), failed to adequately communicate with his clients (I.R.P.C. 1.4), was incompetent in his representation of one client (I.R.P.C. 1.1) and in two of those cases, his conduct was prejudicial to the administration of justice (I.R.P.C. 8.4(d)).

Consequently, the hearing was conducted on the allegations contained in Counts One and Two of the Complaint. During the two-day hearing, over 70 exhibits were admitted and the Idaho State Bar (ISB) presented eight witnesses, including three of Mr. Robinson's former clients. Mr.

Robinson testified on his own behalf. During cross-examination, Mr. Robinson admitted that his conduct violated seven Idaho Rules of Professional Conduct, but continued to deny the other ten alleged violations of those rules in Counts One and Two.

Count One related to Mr. Robinson's representation of an 18-year-old charged with felony lewd conduct with a child under 16 years of age. Mr. Robinson admitted that he violated I.R.P.C. 1.2(a) [Scope of Representation] and I.R.P.C. 1.4 [Communication], and the Hearing Committee concluded that the ISB proved by clear and convincing evidence that Mr. Robinson violated I.R.P.C. 1.1 [Competence], I.R.P.C. 1.6(a) [Confidentiality], I.R.P.C. 1.16(a)(3) [Representation Following Discharge], I.R.P.C. 1.16(d) [Failing to Return Papers and Property to Client Following Termination], I.R.P.C. 3.1 [Meritorious Claims and Contentions], I.R.P.C. 3.3 [Candor Toward the Tribunal], I.R.P.C. 4.4 [Respect for Rights of Third Persons] and I.R.P.C. 8.4 [Conduct Prejudicial to the Administration of Justice].

Those rules violations were based primarily on pleadings Mr. Robinson filed in his client's criminal case. In that case, Mr. Robinson filed pleadings, after his representation was terminated by his client, containing untrue statements that were prejudicial to his client and the client's family. Substitute counsel filed motions to strike those pleadings and requested the court seal those pleadings to prevent public disclosure of private, untrue facts which could unduly prejudice the case and the rights of a victim in another criminal case. The court agreed and struck those pleadings from the record and sealed them from public disclosure. The court's order provided that it appeared at the time the pleadings were filed, Mr. Robinson had already been discharged by his client, the pleadings were filed without client authority and based upon facts which were untrue, or,

unverified, irrelevant and beyond the scope of any relevant issue before the court. The Hearing Committee concluded that the timing of those pleadings indicated that Mr. Robinson's primary purpose was to harass his client and the client's family for terminating his representation and that he provided no justification or reasonable explanation for filing those documents.

Count Two of the Complaint related to two clients who retained Mr. Robinson to represent them in a tort action against the City of McCall based on the police department's disclosure of a confidential informant's identity. Mr. Robinson filed a Notice of Tort Claim, but was eventually terminated by the clients, because in part, the clients did not believe he was diligently pursuing the case. During cross-examination at the hearing, Mr. Robinson admitted that he violated I.R.P.C. 1.2(a) [Scope of Representation], I.R.P.C. 1.4 [Communication], I.R.P.C. 1.6(a) [Confidentiality], I.R.P.C. 1.9(c) [Duties to Former Clients] and 1.16(d) [Failing to Return Papers and Property to Client Following Termination], and the Hearing Committee determined that the ISB proved by clear and convincing evidence that Respondent violated I.R.P.C. 8.4(d) [Conduct Prejudicial to the Administration of Justice].

The Hearing Committee concluded that Respondent continued to act on behalf of his clients after they had terminated his representation and repeatedly requested that he cease communications with opposing counsel on their behalf, and that he disclosed confidential information to opposing counsel that was detrimental to the clients' case. The Hearing Committee concluded that Mr. Robinson communicated threats to one client that he had information that could affect the client's real estate license and continued to seek money from his former clients after they settled the case with the City. The Hearing Committee concluded that Mr. Robinson actively campaigned against

his clients' interests in communicating with opposing counsel, which had the potential to severely damage their case.

The Hearing Committee determined that Mr. Robinson violated 12 different Idaho Rules of Professional Conduct and committed 30 violations of those rules in connection with his representation in the six client matters. Based upon that determination, the Hearing Committee recommended that Mr. Robinson be disbarred and the Idaho Supreme Court upheld that Recommendation.

The Idaho Supreme Court disbarred Mr. Robinson, effective August 11, 2016. As a consequence, Mr. Robinson shall not apply for admission to the Idaho State Bar sooner than five years from that date. 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 shall 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. Robinson'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 on August 11, 2016.

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