

SUMMARY STATEMENT

ISB v. Doe, Dkt. No. 50747

The Idaho Supreme Court granted in part and denied in part a petition the Idaho State Bar (“ISB”) filed directly with the Court requesting permission to reject John Doe’s third successive bar application. Doe had already been denied admission twice on character and fitness grounds, and had filed his third petition only 36 days after his last denial without showing evidence that his conduct had improved. The ISB’s petition sought an order prohibiting Doe from filing future applications for either (1) a period of five years, or (2) until the applicant received written permission from this Court. Doe filed a response and cross-petition seeking immediate admission to practice law in Idaho. He also raised defenses under the First Amendment, arguing that the ISB’s petition was an attempt to chill his right to free speech.

After recognizing its inherent authority and jurisdiction over bar matters, the Supreme Court addressed Doe’s eligibility for legal practice as raised in the ISB’s petition and Doe’s cross-petition seeking immediate admission to the ISB. It determined Doe failed to meet his burden of proving several essential eligibility requirements to practice law, including: (1) the ability to be honest and candid with clients, lawyers, courts, the Board and others; (2) the ability to use good judgment on behalf of clients and in conducting one’s professional business; (3) the ability to avoid acts which exhibit disregard for the rights or welfare of others; (4) and the ability to comply with the requirements of the Idaho Rules of Professional Conduct, applicable state, local and federal laws, regulations, statutes and any applicable order of court or tribunal. More specifically, the Court explained that Doe’s conduct exhibited consistent patterns of “demonizing” opponents, recklessly disregarding the rights of others, and an inability to be honest and candid—particularly where he sought to conceal or excuse past conduct. The Court also rejected Doe’s First Amendment arguments, explaining that ISB’s consideration of Doe’s speech and conduct was both appropriate and relevant in determining his character and fitness to practice law.

However, the Supreme Court denied ISB’s request to impose a five-year ban on Doe filing future applications to sit for the Idaho Bar Exam. Instead, the Supreme Court imposed a two-year prohibition for refileing an application, explaining that a two-year period of rehabilitation was necessary for Doe to demonstrate a meaningful change in character and fitness, and to document his rehabilitation.

******This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.******