

## SUMMARY STATEMENT

*Idaho State Bar v. Smith*, Docket No. 49155

Vernon K. Smith, Jr., (“Smith”) appealed the Findings of Fact, Conclusions of Law, and Recommendation of the Hearing Committee of the Professional Conduct Board of the Idaho State Bar (“the Bar”). The Committee recommended suspending Smith from the practice of law for two years and recommended that Smith pass the Multistate Professional Responsibility Exam (“MPRE”) before being reinstated. The recommendation stemmed from three counts of professional misconduct allegations brought by the Bar against Smith, alleging Smith violated Rules 1.7(a)(2), 2.1, 5.4(a), 5.4(d), 8.4(c), and 8.4(d) of the Idaho Rules of Professional Conduct. Smith argued the Committee’s decisions were not supported by clear and convincing evidence and maintained his family history and other mitigating factors showed the recommendation and sanctions were inappropriate. Smith timely appealed to this Court.

The Idaho Supreme Court affirmed the Committee’s decision. However, the Court imposed a sanction beyond that recommended by the Committee. The Idaho Supreme Court ordered that Smith be suspended from the practice of law in Idaho for five years. The Court ordered that two years of Smith’s suspension be withheld upon Smith being granted permission to transfer his license from affiliate to active status under the applicable Idaho State Bar Commission Rules after three years. Before he is eligible for reinstatement, Smith must comply with I.B.C.R. 516 and 517 and pass the MPRE with a scaled score of at least 85. On issuance of the Court’s opinion, Smith must disengage from the practice of law and representation of any clients, and that disengagement must be complete by the date the remittitur issues. If reinstated to active status, Smith will be placed on probation for two years. During that time, the Court ordered Smith to arrange to have an attorney approved by the Bar supervise him. If Smith is found to have violated any Idaho Rule of Professional Conduct for which a sanction is imposed from the date of his suspension through the period of probation, the Court held Smith’s withheld suspension will immediately be imposed. The Court also awarded attorney fees and costs to the Bar.

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