



For Immediate Release

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IDAHO STATE BAR URGED TO OPEN ATTORNEY DISCIPLINARY PROCESS

The Washington Legal Foundation (WLF) petitioned the Idaho State Bar this week to amend its disciplinary procedure rules to allow the public greater access to and participation in all aspects of the attorney disciplinary process. This is the thirty-seventh petition filed to date by WLF in Phase Four of its SCALES ("Stop the Collapse of America's Legal Ethics") Project. Earlier phases addressed attorney advertising, contingency fee agreements, and limitations on campaign contributions to judges by attorneys.

WLF believes that secrecy in the attorney disciplinary process is arguably the greatest threat to the public's confidence in the legal profession. As the authors of a recent American Bar Association (ABA) report on the subject stated, "secrecy in discipline proceedings continues to be the greatest single source of public distrust of lawyer disciplinary systems." The report concluded that, because of this distrust, secrecy does "great harm to the reputation of the profession." WLF believes that the public's suspicion that discipline meted out under the cloak of confidentiality can be neither fair nor vigorous is wholly understandable, especially where complaints are dismissed without explanation.

To ensure the public greater access to the disciplinary process, both as a practical and theoretical matter, WLF's petition urged the Idaho State Bar to open up the disciplinary process from the time the complaint is lodged with the court or bar authorities. WLF's proposal is modeled after the procedures followed in Oregon which grant the public access to all complaints filed against attorneys, namely, those that are dismissed or result in an admonition to the attorney, as well as those complaints that proceed to a formal hearing on the charges. Officials in Oregon where the open process has been in place for as long as twenty years, emphatically support the program and do not know of any attorney whose reputation has been unfairly damaged. WLF plans to file similar petitions over the next several months in other states where a significant portion of the attorney discipline process is conducted in secret.

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