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DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

ROBERT JERRY VAN IDOUR,

Lawyer.

Proceeding No. 19#00008

ODC File No. 17-01923

STIPULATION TO SUSPENSION

Under Rule 9.1 of the Washington Supreme Court’s Rules for Enforcement of Lawyer Conduct (ELC), the following Stipulation to Suspension is entered into by the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (WSBA) through Disciplinary Counsel Benjamin J. Attanasio, Respondent’s Counsel Kevin M. Bank, and Respondent lawyer Robert Jerry Van Idour.

Respondent understands that he is entitled under the ELC to a hearing, to present exhibits and witnesses on his behalf, and to have a hearing officer determine the facts, misconduct and sanction in this case. Respondent further understands that he is entitled under the ELC to appeal the outcome of a hearing to the Disciplinary Board, and, in certain cases, the Supreme Court. Respondent further understands that a hearing and appeal could result in an outcome more favorable or less favorable to him. Respondent chooses to resolve this

1 proceeding now by entering into the following stipulation to facts, misconduct, and sanction to
2 avoid the risk, time, and expense attendant to further proceedings.

3 I. ADMISSION TO PRACTICE

4 1. Respondent Robert Jerry Van Idour was admitted to the practice of law in the State
5 of Idaho on September 25, 1980.

6 2. Respondent has never been admitted to the practice of law in the State of
7 Washington.

8 II. STIPULATED FACTS

9 3. On December 13, 2016, Respondent submitted a letter of interest to the Asotin
10 County, Washington Board of Commissioners seeking a contract to provide indigent defense
11 services in the county.

12 4. Respondent's letter stated that he was in the process of applying for admission to
13 practice law in Washington.

14 5. On January 16, 2017, Respondent submitted an application for admission by
15 motion to the WSBA under Washington Admission and Practice Rule (APR) 3(c).

16 6. Respondent was awarded the indigent defense contract with Asotin County (the
17 "contract").

18 7. On January 29, 2017, Respondent signed the contract.

19 8. The contract required Respondent to be a member of the WSBA throughout its
20 term, which ran from February 1, 2017 through January 31, 2018.

21 9. Respondent was not admitted to practice law in Washington at the time he
22 executed the contract and did not gain admission at any time during the term of the contract.

23 10. During the term of the contract, Respondent was appointed to represent over 100
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1 clients in Asotin County Superior Court.

2 11. On February 20, 2017, Respondent submitted an application for limited admission
3 to the WSBA under APR 8(c).

4 12. That application was never approved.

5 13. On October 6, 2017, Asotin County Superior Court Judge Scott Gallina signed an
6 Order for Limited Admission to Practice (the "Order") that purported to provisionally admit
7 Respondent in Asotin County "for the purpose of providing indigent defense services in
8 accordance with APR 8."

9 14. The Order was dated "Nunc Pro Tunc to February 1, 2017."

10 15. The Order did not constitute admission to practice law in Washington.

11 16. Respondent knew that the Order did not constitute admission to practice law in
12 Washington.

13 17. On or about October 26, 2017, Respondent received notice that his application for
14 admission by motion under APR 3(c) was approved and that Respondent was required to
15 complete additional steps prior to gaining admission.

16 18. The approval of the application did not constitute admission to practice law in
17 Washington.

18 19. Respondent knew that the approval of the application did not constitute admission
19 to practice law in Washington.

20 20. Respondent was never admitted to practice law in Washington on the basis of his
21 application for admission by motion under APR 3(c).

22 21. On or about November 27, 2017, Respondent received notice that his application
23 for limited admission under APR 8(c) was denied because he did not meet the criteria for
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1 limited admission under that rule.

2 22. Respondent was never admitted or authorized to practice law in Washington on
3 any other basis.

4 23. Respondent states he believed he was authorized to practice in Asotin County
5 Superior Court because he had applied for admission under APR 3(c) and 8(c) and because the
6 court appointed him as counsel beginning in February 2017.

7 24. Respondent agrees that neither the pending applications nor the court appointments
8 authorized him to practice and that he should have confirmed his authority to practice during the
9 term of the contract.

10 III. STIPULATION TO MISCONDUCT

11 25. By practicing law in Washington without authorization, Respondent violated RPC
12 5.5(a) and RPC 5.5(b).

13 IV. PRIOR DISCIPLINE

14 26. Respondent has no record of prior discipline.

15 V. APPLICATION OF ABA STANDARDS

16 27. The following American Bar Association Standards for Imposing Lawyer
17 Sanctions (1991 ed. & Feb. 1992 Supp.) apply to this case:

18 ***7.0 Violations of Duties Owed as a Professional***

19 Absent aggravating or mitigating circumstances, upon application of the
20 factors set out in Standard 3.0, the following sanctions are generally appropriate
21 in cases involving false or misleading communication about the lawyer or the
22 lawyer's services, improper communication of fields of practice, improper
23 solicitation of professional employment from a prospective client, unreasonable
24 or improper fees, unauthorized practice of law, improper withdrawal from
representation, or failure to report professional misconduct.

7.1 Disbarment is generally appropriate when a lawyer knowingly engages in
conduct that is a violation of a duty owed as a professional with the intent
to obtain a benefit for the lawyer or another, and causes serious or
potentially serious injury to a client, the public, or the legal system.

- 1 7.2 Suspension is generally appropriate when a lawyer knowingly engages in
2 conduct that is a violation of a duty owed as a professional and causes
3 injury or potential injury to a client, the public, or the legal system.
4 7.3 Reprimand is generally appropriate when a lawyer negligently engages in
5 conduct that is a violation of a duty owed as a professional and causes
6 injury or potential injury to a client, the public, or the legal system.
7 7.4 Admonition is generally appropriate when a lawyer engages in an
8 isolated instance of negligence that is a violation of a duty owed as a
9 professional, and causes little or no actual or potential injury to a client,
10 the public, or the legal system.

11 28. Respondent acted knowingly.

12 29. Respondent's conduct caused potential injury to his clients and the legal system.

13 30. The presumptive sanction is suspension under ABA Standard 7.2.

14 31. The following aggravating factor applies under ABA Standard 9.22:

15 (i) substantial experience in the practice of law (admitted in 1980).

16 32. The following mitigating factors apply under ABA Standard 9.32:

17 (a) absence of a prior disciplinary record;

18 (g) character or reputation; and

19 (l) remorse.

20 33. On balance, the aggravating and mitigating factors do not require a departure from
21 the presumptive sanction.

22 **VI. STIPULATED DISCIPLINE**

23 34. The parties stipulate that Respondent shall receive a six-month suspension for his
24 conduct.

35. Because Respondent is not currently licensed in Washington, the parties further
stipulate that Respondent shall be enjoined from practicing law in Washington or from seeking
admission to practice law in Washington in any form during the period of suspension.

1 **VII. RESTITUTION**

2 36. No restitution is required by this stipulation.

3 **VIII. COSTS AND EXPENSES**

4 37. Respondent shall pay attorney fees and administrative costs of \$500 in accordance
5 with ELC 13.9(i). The WSBA will seek a money judgment under ELC 13.9(l) if these costs are
6 not paid within 30 days of approval of this stipulation. Reinstatement from suspension and
7 eligibility for admission to practice law in Washington in any form is conditioned on payment
8 of costs.

9 **IX. VOLUNTARY AGREEMENT**

10 38. Respondent states that prior to entering into this Stipulation he has consulted
11 independent legal counsel regarding this Stipulation, that Respondent is entering into this
12 Stipulation voluntarily, and that no promises or threats have been made by ODC, the WSBA,
13 nor by any representative thereof, to induce Respondent to enter into this Stipulation except as
14 provided herein.

15 39. Once fully executed, this Stipulation is a contract governed by the legal principles
16 applicable to contracts, and may not be unilaterally revoked or modified by either party.

17 **X. LIMITATIONS**

18 40. This Stipulation is a compromise agreement intended to resolve this matter in
19 accordance with the purposes of lawyer discipline while avoiding further proceedings and the
20 expenditure of additional resources by the Respondent and ODC. Both Respondent and ODC
21 acknowledge that the result after further proceedings in this matter might differ from the result
22 agreed to herein.

23 41. This Stipulation is not binding upon ODC or Respondent as a statement of all
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1 existing facts relating to the professional conduct of the respondent lawyer, and any additional
2 existing facts may be proven in any subsequent disciplinary proceedings.

3 42. This Stipulation results from the consideration of various factors by both parties,
4 including the benefits to both by promptly resolving this matter without the time and expense of
5 hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As
6 such, approval of this Stipulation will not constitute precedent in determining the appropriate
7 sanction to be imposed in other cases; but, if approved, this Stipulation will be admissible in
8 subsequent proceedings against Respondent to the same extent as any other approved
9 Stipulation.

10 43. Under ELC 9.1(d)(4), the Disciplinary Board reviews a stipulation based solely on
11 the record agreed to by the parties. Under ELC 3.1(b), all documents that form the record
12 before the Board for its review become public information on approval of the Stipulation by the
13 Board, unless disclosure is restricted by order or rule of law.

14 44. If this Stipulation is approved by the Disciplinary Board and Supreme Court, it will
15 be followed by the disciplinary action agreed to in this Stipulation. All notices required in the
16 Rules for Enforcement of Lawyer Conduct will be made. Respondent represents that he is
17 admitted to practice law in the following jurisdictions, whether current status is active, inactive,
18 or suspended: Idaho.

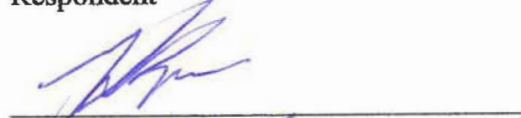
19 45. If this Stipulation is not approved by the Disciplinary Board and Supreme Court,
20 this Stipulation will have no force or effect, and neither it nor the fact of its execution will be
21 admissible as evidence in the pending disciplinary proceeding, in any subsequent disciplinary
22 proceeding, or in any civil or criminal action.

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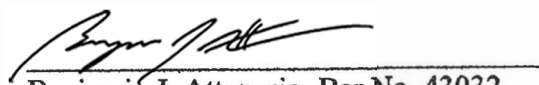
WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation to Suspension as set forth above.


Robert Jerry Van Idour
Respondent

Dated: 3-31-2021


Kevin M. Bank, Bar No. 28935
Counsel for Respondent

Dated: 4/2/2021


Benjamin J. Attanasio, Bar No. 43032
Disciplinary Counsel

Dated: 4/2/21