

RECENT DISCIPLINE CASES

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Recent Discipline Orders

- ISB v. Gary Bullock
- ISB v. Justin B. Oleson
- ISB v. Tessa J. Bennett
- ISB v. Kevin J. Waite
- ISB v. Jack N. Wagner

ISB v. Gary M. Bullock – Case No. FC 25-03

- Bullock was admitted to practice law in Oregon in 1966.
- Bullock was admitted to practice law in Idaho in 2003 and had no prior discipline in Idaho.
- In 2024, the Oregon State Bar Professional Responsibility Board authorized formal disciplinary proceedings against Bullock for violations of Rules 1.6(a) and 3.4(c).

ISB v. Bullock (cont.)

- In 2020, Bullock's firm sued its former client to collect unpaid legal fees. During the litigation, a judge ordered Bullock to produce the file to the former client.
- Bullock inadvertently failed to remove documents from 25 unrelated client matters that had been misfiled in his former client's file.

ISB v. Bullock (cont.)

- In 2022, Bullock's firm filed another lawsuit against a former client regarding a fee dispute. The judge issued a protective order regarding use of the former client's identifying information.
- Bullock responded to a bar complaint filed by the former client in Oregon and provided unredacted documents showing the client's former name and identifying information.

ISB v. Bullock (cont.)

- Bullock acknowledged his understanding that bar complaint materials are subject to Oregon's Public Records Law.
- Bullock responded to an inquiry about violating the protective order by apologizing and sending an unredacted retainer agreement containing former client's personal identifying information.

ISB v. Bullock (cont.)

- On February 18, 2025, Bullock and the Oregon State Bar Disciplinary Counsel's Office (OSB) stipulated to Bullock's violation of Rules 1.6(a) and 3.4(c). A public reprimand was imposed.
- Oregon Rules 1.6(a) and 3.4(c) are identical to Idaho Rules of Professional Conduct 1.6(a) and 3.4(c).

ISB v. Bullock (cont.)

- Idaho Bar Commission Rule 513 allows Bar Counsel to seek an ex parte order directing an attorney to show cause why an identical sanction should not be imposed in Idaho.
- On May 9, 2025, Bullock stipulated to entry of a public reprimand in Idaho.
- A public reprimand was ordered on May 12, 2025.

ISB v. Bullock (cont.)

- Admitted violations:
 - 1.6(a) [a lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b)]
 - 3.4(c) [a lawyer shall not knowingly disobey an obligation under the rules of a tribunal, except for an open refusal based on an assertion that no valid obligation exists]

ISB v. Justin B. Oleson – Case No. FC 23-03

- Oleson was admitted to practice law in Idaho in 2001 and had no prior public discipline.
- This discipline case related to Oleson's representation of Jeff Katseanes in a post-divorce proceeding against Jeff's ex-wife, Judy.

ISB v. Oleson (cont.)

- The district court orally granted Judy's motion for a QDRO that entitled her to all funds in Jeff's retirement account.
- Before an order was entered by the district court, Jeff contacted the retirement plan administrator to withdraw those funds.
- Jeff claimed Oleson instructed Jeff to withdraw the funds before an order was entered.

ISB v. Oleson (cont.)

- Oleson wrote to Jeff about withdrawing the funds:

“If you did, hopefully you can get those funds to me ASAP and get me paid off and we can do something else with it. Otherwise, you will be getting the QDRO and having the retirement taken.”

ISB v. Oleson (cont.)

- A representative from the plan administrator claimed that during a phone call with Oleson about the status of the QDRO, Oleson informed her that there were “no holds” on Jeff’s retirement funds.
- The plan administrator authorized release of the retirement funds to Jeff following her call with Oleson.

ISB v. Oleson (cont.)

- Jeff used a portion of the withdrawn funds to pay for Oleson's legal work.
- The QDRO order was later entered, and Judy discovered the funds in the retirement account were withdrawn.
- The district court later ordered Jeff to provide an accounting of the funds.

ISB v. Oleson (cont.)

- Jeff timely provided an accounting of the funds to Oleson.
- Instead of filing Jeff's accounting, Oleson filed an appeal on Jeff's behalf.
- Oleson then filed a letter to the district court, stating that he did not feel it was proper to provide the accounting until the appeal was resolved.

ISB v. Oleson (cont.)

- Oleson offered to provide the accounting if the district court required it.
- Oleson testified that it was his “legal decision” not to file the accounting with the district court.
- Oleson did not discuss with Jeff the possibility of jail time for failing to timely file the accounting.

ISB v. Oleson (cont.)

- Oleson did not send Jeff a copy of the letter filed with the district court until after it was filed.
- Judy filed a motion for contempt against Jeff. Oleson represented Jeff at the contempt hearing.
- Oleson did not discuss with Jeff a conflict of interest and did not receive informed consent from Jeff to continue the representation.

ISB v. Oleson (cont.)

- Oleson called no witnesses at the contempt hearing. Oleson also did not disclose his role in the decision to file the letter instead of Jeff's accounting with the district court.
- Jeff was found in contempt and Oleson appealed that decision to the Idaho Supreme Court.
- Oleson did not discuss the conflict with Jeff or get his informed consent to represent Jeff on the appeal.

ISB v. Oleson (cont.)

- The Idaho Supreme Court affirmed the district court's decision. *Katseanes v. Katseanes*, 171 Idaho 478, 522 P.3d 1236 (2023).
- Jeff served three days in jail for contempt.

ISB v. Oleson (cont.)

- The ISB filed a discipline complaint against Oleson in September 2023, alleging nine IRPC violations:
 - Rules 1.2(a), 1.3, 1.4, 1.7(a)(2), 3.3(a)(1), 3.4(c), 4.1, 8.4(c) and 8.4(d).
- The ISB sought a sanction of disbarment against Oleson.

ISB v. Oleson (cont.)

- Following a two-day evidentiary hearing, the Hearing Committee of the Professional Conduct Board issued its decision finding that Oleson violated Rules 1.7(a)(2), 3.4(c) and 8.4(d).
- The Committee determined that an appropriate sanction was a public reprimand.

ISB v. Oleson (cont.)

- The Committee denied competing motions to alter or amend the decision.
- Both the ISB and Oleson appealed the Committee's decision to the Idaho Supreme Court.
- *ISB v. Oleson*, 568 P.3d 83 (2025), *reh'g denied*.

ISB v. Oleson (cont.)

- The Court found that the Committee's decision that Oleson did not violate Rules 1.2(a), 1.4, 4.1 and 8.4(c) was arbitrary and capricious, and clearly erroneous.
- The Court found that the Committee did not err in concluding that Oleson did not violate Rule 1.3 by failing to act with diligence and promptness.

ISB v. Oleson (cont.)

- The Court found that the Committee did not err because clear and convincing evidence supported its conclusions that Oleson violated Rules 1.7(a)(2), 3.4(c) and 8.4(d).
- The Court found that the Committee properly took judicial notice of adjudicative facts contained in certified transcripts of hearings from the district court case and the Court's decision in the *Katseanes* appeal.

ISB v. Oleson (cont.)

- The Court held that the sanction imposed by the Committee was inadequate based on the severity of Oleson's conduct, his prior discipline history, and the absence of evidence in mitigation.
- The Court reiterated that it ultimately has the responsibility to determine the appropriate sanction for attorney misconduct.

ISB v. Oleson (cont.)

- The Court “must consider the nature of the violations, mitigating and aggravating circumstances, the need to protect the public, the courts and the legal profession, and the moral fitness of the attorney.”
- The Court began by analyzing Oleson’s history of professional misconduct, which it noted may be considered as an aggravating factor.

ISB v. Oleson (cont.)

- Oleson had been privately disciplined in 2020 (for violations of Rules 3.1 and 8.4) and 2023 (for violations of Rules 1.2(a), 1.3 and 1.4).
- The Court noted that in each of those cases, Oleson violated at least one of the same Rules at issue in this case.

ISB v. Oleson (cont.)

“This troubling history demonstrates a pattern of misconduct and shows that Oleson’s malfeasance in this case is not an isolated incident. For these reasons, Oleson’s history of discipline and pattern of misconduct serve as weighty aggravating factors.”

ISB v. Oleson (cont.)

- The Court found Oleson's substantial experience in the law (23 years) as an aggravating factor.
- The Court found Oleson's denial of any wrongdoing an aggravating factor.

ISB v. Oleson (cont.)

“In reference to Jeff serving jail time for contempt, Oleson testified that ‘[j]ail is not that bad’ and noted that some of clients make the ‘choice’ to serve jail time instead of paying money. Beyond the sheer callousness of Oleson’s flippant response to Jeff unnecessarily serving jail time, we find his lack of remorse and personal accountability to be highly aggravating circumstances.”

ISB v. Oleson (cont.)

- The Court found that Oleson had a selfish and dishonest motive for his misconduct, which was a significant aggravating factor.
- The Court also considered the harm to Jeff: “We view a client’s loss of liberty due to an attorney’s unethical actions in the gravest possible light.”

ISB v. Oleson (cont.)

- The Court noted Oleson's seven rule violations in the same course of action.

“In sum, this was not a case where counsel made a single, isolated, unethical decision for which he is being repeatedly punished. To the contrary, Oleson made multiple unethical choices at separate times throughout the course of this matter, each of which made things worse for his client.”

ISB v. Oleson (cont.)

- The only mitigating factor found by the Court was “Oleson’s willing participation in the disciplinary proceedings.”
- The Court concluded that the appropriate sanction was disbarment.

ISB v. Oleson (cont.)

“We recognize the seriousness of this sanction and are mindful of the consequences for Oleson. This is not a result that was reached lightly. Only after much discussion and reflection have we determined that disbarment is appropriate in this instance because Oleson’s violations of the Professional Rules of Conduct were not only egregious of themselves, but also resulted in significant harm to his client and others. Oleson’s actions were a deliberate attempt by an officer of the court to frustrate justice by undermining a judge’s rulings, rendering his actions an affront to the rule of law, the legal profession, and to the reputation of those who ethically engage in the practice of law.”

ISB v. Oleson (cont.)

- Oleson was prosecuting a criminal trial in Custer County when the Court published its decision.
- The Court denied an emergency motion for stay the effect of its decision pending Oleson's petition for rehearing.
- The Court later denied Oleson's petition for rehearing.

ISB v. Tessa J. Bennett – Case No. FC 24-06

- Bennett was admitted to practice law in Idaho in 2007 and had no prior discipline.
- This discipline case relates to Bennett's representation of clients in three custody matters.

ISB v. Bennett (cont.)

- In one case, Bennett identified the defendant's counsel in a criminal matter as a potential witness and alleged that the defendant engaged in witness tampering in the criminal case.
- The prosecutor told the trial judge Bennett had joked about identifying defense counsel as a witness in the civil case.
- The trial judge declared a mistrial in the criminal case based on a conflict of interest.

ISB v. Bennett (cont.)

- Bennett emailed the media and individuals alleging corruption in law enforcement, the city, county, State and the court, triggering the prosecutor to conflict the criminal case.
- Bennett filed a declaration in the custody case alleging that defense counsel and the trial judge lied about her conduct contributing the mistrial.

ISB v. Bennett (cont.)

- Bennett moved to disqualify a trial judge, alleging with no basis in law or fact that the judge violated sections of the Idaho Code, the Idaho Constitution, the Idaho Rules of Professional Conduct, and the Judicial Code of Conduct.
- Bennett made false statements about the qualifications of an expert witness, which she later recanted.
- Bennett claimed attorney's fees for a contempt matter, seeking to recover unrelated fees and costs.

ISB v. Bennett (cont.)

- Bennett posted a Facebook Live video from the courthouse parking lot during the criminal trial and threatened to kill the defendant.
- The trial judge directed law enforcement to accompany the defendant and his counsel as they entered and exited the courthouse based on Bennett's statements in the video.

ISB v. Bennett (cont.)

- Bennett sought to disqualify a judge and again alleged that the judge violated the Idaho Code and judicial cannons.
- Bennett later admitted that statements within her supporting declaration incorrectly cited certain statutes and that she should not have cited other statutes and rules because they did not apply.

ISB v. Bennett (cont.)

- Admitted violations:
 - 3.1 [a lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous]
 - 8.2(a) [a lawyer shall not make a statement with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge]
 - 8.4(d) [engaging in conduct that is prejudicial to the administration of justice]

ISB v. Bennett (cont.)

- On April 10, 2025, Bennett stipulated to resign her license in lieu of disciplinary proceedings.
- The ISC issued its Order Approving Stipulation to Resign in Lieu of Disciplinary Proceedings on May 20, 2025.

ISB v. Kevin J. Waite – Case No. FC 25-05

- Waite was admitted to practice law in Idaho in 1995.
- Waite had no prior discipline history.

ISB v. Waite (cont.)

- Waite represented a client in her divorce case against her estranged husband.
- After a favorable outcome, the trial court directed Waite to prepare a proposed judgment and decree of divorce.
- Waite promptly prepared the proposed judgment and provided to his client for signature.

ISB v. Waite (cont.)

- The client provided the signed proposed judgment to Waite in January 2018.
- Waite viewed the signature as inadequate.
- Waite did not submit the proposed judgment to the court until October 2018, after receiving a notice of proposed dismissal for inactivity from the court clerk.

ISB v. Waite (cont.)

- The proposed judgment was rejected by the clerk.
- Waite did not see the clerk's email regarding the rejected filing.
- In March 2019, the divorce case was dismissed due to inactivity.

ISB v. Waite (cont.)

- Waite did not see the dismissal order and did not inform his client that the divorce case was dismissed.
- In July 2024, after the client had remarried and started a new family, she learned the divorce was never finalized.

ISB v. Waite (cont.)

- The client contacted Waite for advice and requested a copy of her file.
- Waite spoke with the client twice, but did not answer all her questions and did not provide a copy of her file.
- Waite later provided a full \$5,000 refund.

ISB v. Bennett (cont.)

- Admitted violations:
 - 1.2(a) [failing to abide by a client's decisions concerning the objectives of the representation]
 - 1.3 [failing to act with reasonable diligence and promptness in representing a client]
 - 1.4 [failing to keep a client reasonably informed about the status of a matter]
 - 8.4(d) [engaging in conduct that is prejudicial to the administration of justice]

ISB v. Waite (cont.)

- On July 24, 2025, Waite stipulated to resolve the disciplinary case with a public reprimand.
- On August 1, 2025, the Professional Conduct Board issued a Public Reprimand.

ISB v. Jack N. Wagner – Case No. FC 25-06

- Wagner was admitted to practice law in Idaho in 2020.
- Wagner had no prior discipline in Idaho.
- The discipline case relates to Wagner's interactions with "M.K.," the mother of his minor child.

ISB v. Wagner (cont.)

- In May 2021, Wagner left a voicemail threatening to physically harm M.K., her family, and her boyfriend.
- In February 2024, Wagner left two voicemails for M.K., again threatening physical harm to M.K. and her family.

ISB v. Wagner (cont.)

- Wagner was charged with misdemeanor telephone harassment.
- Wagner entered an Alford plea and received a suspended jail sentence, community service, unsupervised probation and anger management.

ISB v. Wagner (cont.)

- In June 2024, Wagner sent multiple texts to M.K. again threatening physical harm to M.K. and her family.
- Wagner falsely stated that he discuss the topic of polyamory with their minor child.
- Wagner also falsely stated that he improperly removed materials the Nampa Family Justice Center.

ISB v. Wagner (cont.)

- M.K. sought and obtained a civil protection order against Wagner.
- Wagner filed multiple motions in the pending custody case, alleging that M.K.'s allegations against him for the civil protection order were frivolous and unfounded fabrications.

ISB v. Wagner (cont.)

- Wagner later offered to pay money to M.K. and her counsel in cash if M.K. stipulated to amend the civil protection order to allow him custody time.
- In June 2025, Wagner sent threatening emails and texts to M.K. and her mother, who informed law enforcement of the threats.

ISB v. Wagner (cont.)

- Admitted violations:
 - 8.4(b) [committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects]
 - 8.4(c) [engaging in conduct involving dishonesty, fraud, deceit or misrepresentation]
 - 8.4(d) [engaging in conduct prejudicial to the administration of justice]

ISB v. Wagner (cont.)

- On August 4, 2025, Wagner stipulated to resign his license in lieu of disciplinary proceedings.
- The ISC issued its Order Approving Stipulation to Resign in Lieu of Disciplinary Proceedings on August 8, 2025.