

KATHRYN L. MARSH
(Resignation in Lieu of Disciplinary Proceedings)

On January 18, 2023, the Idaho Supreme Court entered an Order accepting the resignation in lieu of disciplinary proceedings of Moscow attorney Kathryn L. Marsh. The Idaho Supreme Court's Order followed a stipulated resolution of a disciplinary proceeding that related to the following conduct.

In 2020, a client retained Ms. Marsh to file an adoption petition seeking to terminate the parental rights of the biological father of the client's minor child and seeking the adoption of the child by the client's husband. In July 2021, Ms. Marsh informed the client that the biological father had signed a consent form terminating his parental rights and provided copies of an Order for Adoption and Judgment for Adoption. Both documents reflected that they were signed by the judge and file-stamped by the deputy clerk on July 26, 2021. The documents stated in pertinent part that the adoption was approved and that the child was declared adopted by the client and her husband. Contrary to Ms. Marsh's representations, she never filed the adoption petition and the biological father never signed a consent form terminating his parental rights. Instead, Ms. Marsh prepared the Order for Adoption and Judgment for Adoption falsely representing that the adoption had been completed. In November 2021, the client contacted the court seeking information about the child's new birth certificate. The court clerks searched for but were unable to find the adoption case because Ms. Marsh never filed the adoption petition. The court clerks then reviewed the Order for Adoption and Judgment for Adoption provided to the client by Ms. Marsh and determined the judge's signature and the file stamp on the documents were fraudulent. With respect to that conduct, Ms. Marsh admitted that she violated I.R.P.C. 1.2(a) [Failure to abide by client objectives]; I.R.P.C. 1.4 [Failure to reasonably communicate with client about the status of the matter]; I.R.P.C. 8.4(c) [Conduct involving dishonesty, fraud, deceit, or misrepresentation]; and I.R.P.C. 8.4(d) [Conduct prejudicial to the administration of justice].

The Idaho Supreme Court accepted Ms. Marsh's resignation in lieu of disciplinary proceedings. By the terms of the Order, Ms. Marsh may not make application for admission to the Idaho State Bar sooner than five (5) years from the date of her resignation. If she does make such application for admission, she will be required to comply with all the bar admission requirements in Section II of the Idaho Bar Commission Rules and shall have the burden of overcoming the rebuttable presumption of the "unfitness to practice law."

By the terms of the Idaho Supreme Court's Order, Ms. Marsh's name was stricken from the records of the Idaho Supreme Court and her right to practice law before the courts in the State of Idaho was terminated on January 18, 2023.

Inquiries about this matter may be directed to: Bar Counsel, Idaho State Bar, P.O. Box 895, Boise, Idaho 83701, (208) 334-4500.