

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 49
IDAHO STATE BAR LAWYER ASSISTANCE PROGRAM

54-4901. DEFINITIONS -- RECORDS AND PROCEEDINGS OF THE LAWYER ASSISTANCE PROGRAM. (1) As used in this chapter "Idaho State Bar Lawyer Assistance Program" means the lawyer's assistance program created by the commissioners of the Idaho state bar pursuant to section XII of the Idaho bar commission rules.

(2) The records and proceedings of the lawyer's assistance program are not subject to subpoena or discovery and are not admissible as evidence in an administrative proceeding or a criminal or civil action.

(3) Members of the board of commissioners of the Idaho state bar association, members of the lawyer's assistance program committee, employees, contractors and past or present participants in a lawyer's assistance program may not be compelled to testify before any agency, board, commission or court with respect to the lawyer's assistance program records and proceedings, regarding a past or current lawyer's assistance program participant if that information was obtained as a result of performing duties within his or her regular scope of functions for the lawyer's assistance program or as a program participant.

(4) Records regarding a participant shall be released if a properly completed release form signed by the participant is submitted.

[54-4901, added 2002, ch. 363, sec. 1, p. 1024.]

54-4902. PROTECTED ACTION AND COMMUNICATION. There shall be no liability on the part of and no action for damages against:

(1) Any Idaho state bar commissioner, member of the lawyer's assistance program committee, member, employee or contractor of a lawyer's assistance program for any action taken or performed by such person within the scope of the functions of such lawyer's assistance program when acting without malice and in the reasonable belief that the action taken by him is warranted; or

(2) Any person providing information to the lawyer's assistance program without malice in the reasonable belief that such information is accurate.

[54-4902, added 2002, ch. 363, sec. 1, p. 1024.]