

JOSEPH R. HAYES
(Resignation in Lieu of Disciplinary Proceedings)

On April 4, 2022, the Idaho Supreme Court entered an Order accepting the resignation in lieu of disciplinary proceedings of Montpelier attorney Joseph R. Hayes. The Idaho Supreme Court's Order followed a stipulated resolution of a disciplinary proceeding that related to the following conduct.

In January 2021, Mr. Hayes was sworn in as the Bear Lake County Prosecuting Attorney. In March 2021, C.F. contacted Mr. Hayes with allegations about domestic violence by her then-husband. In July 2021, Mr. Hayes filed a Criminal Complaint charging C.F.'s husband with four felony counts related to the domestic violence. Between August and October 2021, while he was prosecuting the domestic violence case against C.F.'s husband, Mr. Hayes engaged in sexual conduct with C.F. on several occasions in his law office and sent her sexually explicit messages. With respect to that conduct, Mr. Hayes admitted that he violated I.R.P.C. 1.7(a)(2) [Conflict of interest] and I.R.P.C. 8.4(d) [Conduct prejudicial to the administration of justice].

In December 2020, S.C. retained Mr. Hayes for representation regarding a protection order, divorce, and QDRO. During that representation, Mr. Hayes sent sexually explicit messages to S.C. and engaged in sexual conduct with her on one occasion. With respect to that conduct, Mr. Hayes admitted that he violated I.R.P.C. 1.7(a)(2) [Conflict of interest] and I.R.P.C. 1.8(j) [Sexual relations with a client].

In February 2019, T.C. retained Mr. Hayes for representation in a guardianship case. In May 2019, she retained him to represent her in a divorce case. During that representation, Mr. Hayes sent sexually explicit messages to T.C. and made inappropriate sexual comments to her. With respect to that conduct, Mr. Hayes admitted that he violated I.R.P.C. 1.7(a)(2) [Conflict of interest].

The Idaho Supreme Court accepted Mr. Hayes's resignation in lieu of disciplinary proceedings. By the terms of the Order, Mr. Hayes may not make application for admission to the Idaho State Bar sooner than five (5) years from the date of his resignation. If he does make such application for admission, he 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, Mr. Hayes's name was stricken from the records of the Idaho Supreme Court and his right to practice law before the courts in the State of Idaho was terminated on April 4, 2022.

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