

**KEVIN M. ROGERS**  
**(Resignation in Lieu of Disciplinary Proceedings)**

On July 17, 2023, the Idaho Supreme Court entered an Order accepting the resignation in lieu of disciplinary proceedings of Boise attorney Kevin M. Rogers, effective July 14, 2023. The Idaho Supreme Court's Order followed a stipulated resolution of a disciplinary proceeding that related to the following conduct.

Mr. Rogers represented a client, R.J., in a civil case involving allegations that R.J. had wrongfully taken his employer's gold coins valued at nearly \$5 million. In August 2019, the district court entered a stipulated injunction prohibiting R.J., and any attorney acting on his behalf, from selling title to any real property owned by R.J. and from withdrawing or transferring more than \$1,000 from any bank account without prior court approval.

R.J. was a titled owner of real property also owned by his nephew. In an effort to obtain funds while the civil case was pending, R.J. demanded that his nephew repay R.J.'s personal loan that the nephew had used to purchase the property. R.J. also requested Mr. Rogers' assistance in recovering those funds. In March 2020, Mr. Rogers sent an email to the nephew's wife stating that he had advised R.J. that as co-owner of the property, R.J. had the right to one-half of the equity in the property and could enforce that interest upon any sale of the property. The nephew agreed to pay R.J. \$23,000 in exchange for R.J.'s agreement to quitclaim his interest in the property. Mr. Rogers then corresponded with the nephew's title company, which confirmed that it was preparing a quitclaim deed at the nephew's request to remove R.J.'s interest in the property in exchange for a \$23,000 payment. Mr. Rogers notarized R.J.'s signature on that quitclaim deed and corresponded with the title company about receiving the \$23,000 check.

In April 2020, the title company issued a \$23,000 check payable to R.J. and delivered to Mr. Rogers at his request. Before he deposited that check into his trust account, Mr. Rogers issued a \$23,000 check drawn on his trust account, payable to R.J.'s father. The next day, Mr. Rogers deposited the check from the title company into his trust account. Mr. Rogers did not receive any pecuniary benefit from the deposit of those funds into, or the withdrawal of those funds from, his trust account. He did not inform the district court about the transfer of R.J.'s property interest or the \$23,000 payment resulting from that transfer.

In January 2021, opposing counsel discovered the quitclaim deed and \$23,000 payment and filed contempt motions against Mr. Rogers and R.J. During his contempt hearing, Mr. Rogers admitted that his conduct violated the injunction, but denied that his conduct in notarizing the quitclaim deed, accepting and depositing the \$23,000 check, and issuing the \$23,000 check drawn on his trust account to R.J.'s father, was intentional or knowing. He informed the court that based on R.J.'s representations to him, he had misunderstood R.J.'s interest in the property. The court found both Mr. Rogers and R.J. in criminal contempt and imposed fines and sanctions.

With respect to that conduct, Mr. Rogers admitted that he violated I.R.P.C. 1.2(d) [A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal, including criminal contempt]; I.R.P.C. 1.4(a)(5) [A lawyer shall consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law]; I.R.P.C. 3.4(c) [A lawyer shall not knowingly disobey an obligation under the rules of a tribunal]; I.R.P.C. 8.4(b) [It is professional misconduct for a lawyer to commit a criminal act, such as criminal contempt, that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects]; I.R.P.C. 8.4(c) [It is professional misconduct for a lawyer to engage in conduct involving misrepresentation]; I.R.P.C. 8.4(d) [It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice]; I.R.P.C. 1.15(a) [A lawyer shall hold property of clients or third persons that is in the lawyer's possession in connection with a representation in a separate account]; and I.R.P.C. 1.15(d) [Upon receiving funds in which a client or third person has an interest, a lawyer shall promptly notify the client or third person]. Mr. Rogers expressed remorse for that conduct and cooperated in the disciplinary investigation.

The Idaho Supreme Court accepted Mr. Rogers' resignation in lieu of disciplinary proceedings. By the terms of the Order, Mr. Rogers 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. Rogers' 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 July 14, 2023.

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