



**Office of Bar Counsel**

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[www.idaho.gov/isb](http://www.idaho.gov/isb)

May 29, 2025

PERSONAL & CONFIDENTIAL

Corey Switzer

[coreyswitzer@gmail.com](mailto:coreyswitzer@gmail.com)

Re: Grievance against April A. Smith  
ISB File No. 25-168C

Dear Mr. Switzer:

This responds to the grievance you filed with the Idaho State Bar against attorney April A. Smith. Bar Counsel's Office reviews each grievance in light of the Idaho Bar Commission Rules ("IBCR") and Idaho Rules of Professional Conduct ("IRPC" or "Rules"). The standard of proof in attorney discipline matters is clear and convincing evidence, which is a high standard of proof requiring substantial corroboration to establish disputed facts.

On April 17, 2025, Bar Counsel's Office received your grievance. You contended that Ms. Smith halted the criminal investigation into your battery complaint (Lewiston Police Department Case Number 21-L4897) and that her directive obstructed justice and suppressed evidence of police misconduct. You attached to your grievance a copy of Ms. Smith's June 2, 2021, email which was sent to Officer Joseph Lines and copied to you, in which she stated that she had spoken with you and advised that no charges would be filed in relation to the battery allegation and informing Officer Lines that he did not need to conduct additional investigation on the case. You also contended that under Ms. Smith's direction, the Nez Perce County Prosecutor's Office (NPCPO) dismissed your government ethics complaint against Detective Nick Woods and that the April 12, 2022, letter you received from the NPCPO falsely claimed that your complaint "doesn't fall within the Government Ethics Form." The April 12, 2022 letter, a copy of which you attached to your grievance, stated that all cases were investigated by the Lewiston Police Department and that if you were unsatisfied with how the case was addressed, you should direct your inquiries to them. You further contended that Ms. Smith ignored evidence of bribery and tax evasion linked to Tim Krueger and Travelland RV, which you alleged violated the Rules because her actions allegedly suppressed evidence despite the requirement that prosecutors disclose exculpatory evidence.

Based upon our review of your grievance, Bar Counsel's Office determined that the following IRPC apply to your contentions:

- IRPC 3.8(a): The prosecutor in a criminal case shall refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause;
- IRPC 3.8(d): The prosecutor in a criminal case shall make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal;

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- IRPC 8.4(c): It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation; and
- IRPC 8.4(d): It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

Bar Counsel's Office recognizes that you believe Ms. Smith violated the IRPC. However, based on the record discussed above and our investigation, we do not find clear and convincing evidence that Ms. Smith's conduct violated IRPC 3.8(a), 3.8(d), 8.4(c) and 8.4(d).

Prosecutors have broad discretion to institute criminal charges when they determine probable cause exists and have a corollary duty not to proceed without such probable cause. The American Bar Association has issued standards with respect to the prosecution function. While not determinative, those standards provide guidance for the review of allegations of prosecutorial misconduct. They state in pertinent part: "the prosecutor is not obligated to present all charges which the evidence might support." *ABA Standards Relating To The Administration of Criminal Justice, The Prosecution Function, Standard 3-3.9, Discretion in the Charging Decision (1992)*. A prosecutor therefore has broad discretion in determining which cases, and within those cases, which charges, to prosecute. It was therefore within Ms. Smith's independent professional judgment and discretion to halt the investigation into your battery complaint. It was also within Ms. Smith's independent professional judgment to decide how and whether to proceed with the allegations of bribery and tax evasion against Tim Krueger and Travelland RV. Those decisions are totally within a prosecutor's discretion.

Furthermore, there is no clear and convincing evidence that Ms. Smith engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, or that she engaged in conduct prejudicial to the administration of justice. We understand that you believe Ms. Smith engaged in misconduct, but she is entitled to her legal opinion regarding your allegations. Bar Counsel's Office does not have jurisdiction to challenge an attorney's interpretation of statutes and the application thereof to specific circumstances. The conduct you described in your grievance is not a violation of the Rules and we find that the resolution of your dispute is beyond the jurisdiction of Bar Counsel's Office and the attorney discipline process. Therefore, we do not find sufficient clear and convincing evidence of an IRPC violation and this matter is dismissed pursuant to IBCR 509(b)(1). For matters relating to review of this decision, please see the enclosed FAQ and a copy of IBCR 509.

Thank you for your time and consideration.

Sincerely,



Caralee A. Lambert  
Assistant Bar Counsel

CAL:dkt

Enclosures

cc: April A. Smith

**Bar Counsel has recently issued a decision in response to a grievance you filed against an Idaho lawyer. Listed below are frequently asked questions about the process for appealing Bar Counsel's decision.**

**What can I do if I disagree with Bar Counsel's decision?**

You may ask the Professional Conduct Board to review Bar Counsel's decision. To do this, you must file a written request stating the reason you are asking for a review. You must send your request to the Clerk of the Professional Conduct Board, Idaho State Bar, P.O. Box 895, Boise, Idaho 83701, **within 14 days** after you received Bar Counsel's decision.

**What happens after the Clerk receives my request for review?**

The Chair of the Professional Conduct Board will appoint a hearing committee to review the decision. The hearing committee will be composed of two Idaho lawyers (one of whom will be named the chair of the review committee) and an Idaho resident who is not a lawyer. The Clerk will notify you when a hearing committee has been assigned and will forward your file to the hearing committee members. The assignment process typically occurs within two weeks after the Clerk receives your request.

**How does the committee review my case?**

The hearing committee reviews your case based upon the case file used by Bar Counsel to render his/her decision, unless you specifically request a telephonic hearing (see below).

**May I request a hearing?**

Yes. If you would like a telephonic hearing with a hearing committee, you must make this request when you submit your request for review. The other party involved in your case may also request a telephonic hearing. All hearings are conducted by telephone and will include both parties to the case, the three hearing committee members, the Clerk of the Professional Conduct Board, and any other persons deemed necessary to a proper review of the matter. Bar Counsel does not participate in the review process unless the Idaho State Bar was the grievant. All hearings are audio recorded.

**What materials may I submit during the review process?**

The chair of your hearing committee will determine what materials you may submit, but you are strongly encouraged to limit your submissions only to new, relevant evidence not previously submitted during Bar Counsel's review. Information not previously submitted during Bar Counsel's review may best be presented in a new grievance to Bar Counsel. However, if you believe you must submit new materials, you may do so by sending them to the Clerk, who will distribute copies to the other parties and committee members. Do not send materials directly to any other party or to the hearing committee.

**May I file a brief or make an oral argument during the review process?**

Yes. The chair of the hearing committee will determine the scope of the hearing presentation, but will generally allow briefs to be filed and oral argument during the hearing. The chair has complete discretion to limit the length of briefs and oral argument. The chair also has complete

discretion to conduct the hearing in the manner he or she believes will best serve the committee's ability to review the matter.

**Is my own lawyer permitted to attend the hearing?**

Yes. Your own lawyer may attend and participate in the hearing.

**Do the Idaho Rules of Civil Procedure apply to the review process?**

The Idaho Rules of Civil Procedure do not generally apply to disciplinary review hearings. Again, the chair of the hearing committee has complete discretion to conduct the hearing in the manner he or she believes will best serve the committee's ability to review the matter.

**What happens after the review?**

The hearing committee will issue a written decision after the review. This committee will usually submit its decision within 21 days after it receives the case file and/or conducts a telephonic hearing, whichever is later. The Clerk will send a copy of the decision to all parties.

**What decisions can the hearing committee make?**

In its decision, the hearing committee can decide to remand the matter, or any new matter arising from the hearing, to Bar Counsel for further investigation; agree with or approve Bar Counsel's decision; return the matter to Bar Counsel with a recommendation to modify the decision, which could include a recommendation to file formal charges; or reject Bar Counsel's decision and dismiss the matter.

**May I appeal the decision of the hearing committee?**

If the hearing committee finds there was no violation of the Idaho Rules of Professional Conduct, the decision is final and you may not appeal it further to any hearing committee or court. If the hearing committee's decision results in a sanction being imposed because the lawyer violated any of the Idaho Rules of Professional Conduct, then either party may seek review of the decision by the Idaho Supreme Court.

**Whom do I call if I have questions?**

Please direct all questions to the Clerk of the Professional Conduct Board. You should not contact any other party, Bar Counsel, or any member of the Professional Conduct Board.

**How does the committee's decision affect my underlying legal matter?**

**Important:** The hearing committee's review is limited only to determining whether an Idaho lawyer violated any of the Idaho Rules of Professional Conduct. The hearing committee cannot and will not determine whether a lawyer committed malpractice, the adequacy of your legal representation, eligibility for post-conviction relief or whether an underlying civil or criminal matter was properly decided. If you have private legal claims (malpractice litigation, criminal or civil appeals, legal fee disputes, etc.) you should not wait on the outcome of this review because waiting on this review could imperil your legal rights.

- (4) Issue an order from among the options listed in Rule 509(c)(1-6); and/or
- (5) Take such other steps as are necessary to facilitate the prompt resolution of the grievance.

## **RULE 509. General Procedure for Disciplinary Proceedings**

- (a) **Evaluation.** Bar Counsel shall evaluate all information and grievances coming to his or her attention to determine the nature of the issue. Bar Counsel may refer the information or grievance to another entity if its subject matter falls outside the jurisdiction of these Rules or the Rules of Professional Conduct. If the information or grievance alleges facts that, if true, would constitute a violation of these Rules or the Rules of Professional Conduct, Bar Counsel shall conduct an investigation.
- (b) **Investigation.** All investigations shall be conducted by or under the authority and direction of Bar Counsel. Upon the conclusion of an investigation, Bar Counsel may:
  - (1) Disregard or dismiss the matter as unfounded, frivolous or beyond the purview of these Rules or the Rules of Professional Conduct and discontinue the investigation and proceedings concerning the matter; or
  - (2) Take any of the disciplinary actions provided by Rule 509(c).
- (c) **Disposition by Bar Counsel.** If, after due investigation, Bar Counsel determines that a violation of these Rules or the Rules of Professional Conduct has occurred, Bar Counsel may:
  - (1) Issue an informal admonition or private reprimand to the Respondent;
  - (2) Impose probation as provided by Rule 506(f) either as an independent Sanction or in conjunction with actions taken under subsection (c)(1) above;
  - (3) Impose restitution and/or costs as provided by Rules 506(i) and (j), either as an independent Sanction or in conjunction with actions taken under subsections (c)(1) or (c)(2) above;
  - (4) Seek, in appropriate circumstances, transfer to disability inactive status under Rule 515;
  - (5) File Formal Charges, with concurrence of the Board of Commissioners; and/or
  - (6) Petition for interim suspension, as provided in Rule 510. Bar Counsel shall not recommend a disposition other than dismissal without first providing the Respondent with written notice of the substance of the matter and affording him or her the opportunity to respond to the allegations. Bar Counsel shall also provide written notice to the Grievant regarding the disposition of the matter stating the reasons for the action taken.
- (d) **Request for Review.** Either the Grievant or Respondent may request review by a Hearing Committee of Bar Counsel's disposition under subsections (b)(1), (c)(1), (2), or (3) in the following manner:
  - (1) **Mode and Content of Request.** A written request for such review, stating the reasons for the request, shall be sent to the Clerk of the Professional Conduct Board within 14 days following the receipt of notice by the Respondent or Grievant under subsection (c) of this Rule.
  - (2) **Service of Request.** The Clerk shall send a copy of the request for review to the Respondent or Grievant.
  - (3) **Assignment to Hearing Committee.** The Chair of the Professional Conduct Board shall appoint from among its approved membership a Hearing Committee to review the matter. Within 14 days of the assignment to a Hearing Committee, the Clerk shall notify the Grievant, Respondent and Bar Counsel of the assignment. The Clerk shall forward a copy of the request for review, together with the file

concerning the matter, to the Hearing Committee, the Grievant and the Respondent.

- (4) **Review by Hearing Committee.** The Hearing Committee shall review the matter upon the record before it, unless either party requests a hearing. If the party seeking review of the decision desires such a hearing, he or she shall so state in the request for review. If the other party desires a hearing, he or she shall make a request, in writing, to the Clerk of the Professional Conduct Board within seven days of being served with the request for review. All hearings shall be by telephone, unless the Hearing Committee prescribes another method. The Hearing Committee shall review the existing record prior to holding a hearing, if one is requested. If a hearing is held, the parties shall be permitted to file briefs and make oral argument related to the grievance under review, and the Hearing Committee may ask questions regarding the record before it. The Hearing Committee chair may limit the presentation at the hearing, in his or her sole discretion. All written materials related to the hearing shall be sent to the Clerk, who shall disseminate them to all parties and to the Hearing Committee.
- (5) **Decision.** The Hearing Committee, following its review, may:
  - (A) remand the matter, or any new matter arising from the hearing, to Bar Counsel for further investigation;
  - (B) approve Bar Counsel's disposition;
  - (C) reject Bar Counsel's disposition and dismiss the matter;
  - (D) recommend a modification and remand the matter to Bar Counsel for disposition; or
  - (E) recommend the filing of Formal Charges.
- (6) **Time for Rendering Decision.** The Hearing Committee shall render its decision within 21 days following the date upon which the record is submitted to the Hearing Committee or the date of the telephonic hearing (if any), whichever is later.
- (7) **Service of Decision.** The Hearing Committee chair shall enter an appropriate order reflecting the decision of the Hearing Committee and file the same with the Clerk, who shall then serve the order upon Grievant, Respondent and Bar Counsel.
- (8) **Effect of Hearing Committee Decision.** If the Hearing Committee's decision results in no Sanction being imposed on the Respondent, its review of Bar Counsel's disposition shall be final. If the filing of Formal Charges is recommended by the Hearing Committee, subsequent proceedings shall be processed as provided in Rule 511.
- (9) **Supreme Court Review.** If the Hearing Committee's decision results in a Sanction being imposed on the Respondent, either the Grievant or Respondent may seek Supreme Court review of the Hearing Committee's decision. A written petition for such review, stating the reasons for the request, shall be filed with the Supreme Court, within 21 days of service of the Hearing Committee's decision. The petition shall contain a simple statement of the reasons the Grievant or Respondent believes that the Hearing Committee decision is clearly erroneous or arbitrary and capricious. Upon receipt of a petition under this subsection, the Supreme Court may, in its sole discretion, order briefing, allow oral argument or decide the matter upon the petition before it.

## **RULE 510. Interim Suspension**

- (a) **Grounds.** The Supreme Court may enter an order of interim suspension if:
  - (1) a Lawyer is convicted of a Serious Crime;