SUPREME COURT OF OREGON

In re Complaint as to the Conduct of Isaac Ersoff

375 Or. 43 (2026) · No. S071643 · Decided March 12, 2026

SUMMARY

The Oregon Supreme Court reviewed a lawyer disciplinary proceeding arising from an “intestate” probate petition that did not disclose a potentially valid will being challenged in a related case. The court held that the representation that the decedent died intestate was a plausible legal position because the will’s validity remained unresolved, and that the Oregon State Bar failed to prove the respondent knowingly violated RPC 3.3(a)(1), RPC 3.3(a)(4), or RPC 8.4(a)(4) by clear and convincing evidence. The complaint was dismissed.

CASE DETAILS

COURT	Supreme Court of Oregon
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Supreme Court of Oregon
DECIDED	March 12, 2026
DOCKET	S071643
DISPOSITION	dismissed
PROCEDURAL POSTURE	The Oregon State Bar sought review in the Oregon Supreme Court of a trial panel of the Oregon State Bar Disciplinary Board decision dismissing disciplinary charges against respondent.
STANDARD OF REVIEW	De novo review of the record; the Bar was required to prove each alleged violation by clear and convincing evidence.
PRECEDENTIAL VALUE	Published, precedential Oregon Supreme Court opinion; decided en banc.
PARTIES	Oregon State Bar v. Isaac Ersoff

TOPICS

probate procedure · will contests · probate · statutory interpretation · estate litigation

PRACTICE AREAS

legal ethics and professional responsibility · probate and estate law · lawyer disciplinary proceedings

QUESTIONS PRESENTED

1. Whether Ersoff knowingly made a false statement of fact or law in violation of RPC 3.3(a)(1) by stating that the decedent died intestate while contesting the validity of a 2017 will.
2. Whether Ersoff knowingly violated RPC 3.3(a)(1) or RPC 3.3(a)(4) by failing to disclose the 2017 will and its contest in the probate case.
3. Whether Ersoff's filing and omission constituted conduct prejudicial to the administration of justice in violation of RPC 8.4(a)(4).

HOLDINGS

1. The Bar failed to prove that Ersoff knowingly made a false statement by asserting that the decedent died intestate. Because "intestate" refers to the legal status of dying without a valid will, and the validity of the 2017 will remained an open question under active litigation, the statement represented a plausible legal position rather than a knowingly false statement.
2. Although Ersoff was legally obligated to disclose the existence of the 2017 will to the judge considering the probate petition, the Bar failed to prove by clear and convincing evidence that Ersoff knowingly failed to make that disclosure. Filing the will contest in a separate case in the same circuit court did not itself satisfy the disclosure obligation, but the evidence did not establish the required knowing mental state.
3. Ersoff's failure to disclose the challenged 2017 will was improper, but the Bar failed to prove that the omission caused or could have caused substantial harm or substantial potential harm to the administration of justice. Therefore, Ersoff did not violate RPC 8.4(a)(4).

KEY QUOTATIONS

> *"As in Marandas, we conclude that respondent had a plausible legal argument that decedent died without a valid will and, therefore, "died intestate.""* (54)

> *"Thus, we agree with the Bar that respondent was obligated to disclose the existence of the 2017 will when filing the petition to open administration of an "intestate" estate and that he did not satisfy that obligation by filing a challenge to the will in the same circuit court."* (58)

> *"Having concluded that that the Bar failed to prove any violation of the RPCs by clear and convincing evidence, we affirm the trial panel. The complaint is dismissed."* (66)

FACTUAL BACKGROUND

Ersoff represented Montre in litigation challenging a decedent's 2020 trust restatement and the validity of a 2017 will. He filed a petition to open administration of the estate as an intestate estate but did not mention the 2017 will or the related will contest in that probate case, although he had filed the contest in a separate case in the same circuit court. The probate case was later amended to disclose and probate the 2017 will, and the Bar brought disciplinary charges based on the original omission and the use of the term "intestate."

PROCEDURAL HISTORY

The Bar charged Ersoff with violating RPC 3.3(a)(1), RPC 3.3(a)(4), and RPC 8.4(a)(4) based on his filing of a petition to administer an intestate estate without disclosing a 2017 will that he was contesting in a related case. The trial panel found that the Bar failed to prove the alleged violations and dismissed the charges. On de novo review, the Oregon Supreme Court affirmed the trial panel and dismissed the complaint.

DISPOSITION

dismissed

CASES CITED

- In re Nisley, 365 Or. 793, 453 P.3d 529 (2019)
- In re Boardman, 312 Or. 452, 822 P.2d 709 (1991)
- In re Paulson, 346 Or. 676, 216 P.3d 859 (2009), adhered to as modified on reconsideration, 347 Or. 529 (2010)
- In re Marandas, 351 Or. 521, 270 P.3d 231 (2012)
- Reynolds v. Givens, 37 Or. App. 785, 588 P.2d 113 (1978)
- In re Kluge, 335 Or. 326, 66 P.3d 492 (2003)
- In re Greene, 290 Or. 291, 620 P.2d 1379 (1980)
- Doe v. Corp. of Presiding Bishop, 352 Or. 77, 280 P.3d 377 (2012)
- In re Barnes, 281 Or. 375, 574 P.2d 657 (1978)
- In re Conry, 368 Or. 349, 491 P.3d 42 (2021)
- In re Claussen, 322 Or. 466, 909 P.2d 862 (1996)
- In re Ard, 369 Or. 180, 501 P.3d 1036 (2022)
- In re Skagen, 342 Or. 183, 149 P.3d 1171 (2006)
- In re Maurer, 364 Or. 190, 431 P.3d 410 (2018)
- In re Lawrence, 350 Or. 480, 256 P.3d 1070 (2011)
- In re McGraw, 362 Or. 667, 414 P.3d 841 (2018)

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