

**MINUTES**  
**IDAHO STATE BAR BOARD OF COMMISSIONERS**  
**April 7, 2006**  
**Boise, Idaho**

President Rick Carnaroli called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 1:15 p.m., at the Red Lion in Pocatello, Idaho. In addition to President Carnaroli, in attendance were Commissioners Tom Banducci, Jay Sturgell, Terry White and Andy Hawes (by telephone), Bar Counsel Brad Andrews, Deputy Bar Counsel Julia Crossland and Executive Director Diane Minnich, who acted as secretary.

**EXECUTIVE SESSION**

Per Idaho Code Section 67-2345, the Commission, after an aye vote was recorded from each Commissioner, moved into executive session at 1:15 p.m. The executive session concluded at 2:15 p.m.

**CONSENT AGENDA**

It was moved, seconded and passed to approve the following agenda items.

**Minutes**

The minutes of the February 24, 2006 meeting were approved as amended.

**Transferring Funds to Money Market**

Controller Barbara Anderson requested the Commission's approval to transfer Idaho State Bar money market funds from Key Bank to McDonald Financial Group because the funds have the potential to earn more interest in McDonald money market funds. It was moved, seconded and passed to approve the transfer of the money market funds at Key Bank to McDonald Financial Group.

**GENERAL BUSINESS**

**Financial Report** – The Commission was provided with the March 31 financial report. At the end of March, the revenue collected was at 67.91% and expenses incurred at 14.65% of budget.

**Capital Purchases** – The Executive Director requested approval to purchase a new phone system, the cost of which would bring capital expenditures in excess of the budgeted amount. She also explained the current amount set aside in the restricted reserve for capital expenditures has not been enough the past few years to cover the capital expenditure purchases. It was moved, seconded and passed to approve the purchase of a new phone system. It was moved, seconded and passed to approve an increase of the restricted reserve for furniture and equipment from \$15,000 to \$22,000.

**Reactivating Licenses** – The Commission discussed the two requests from attorneys to reactivate their license to active status from affiliate status.

**Barbara J. Miller** – Ms. Miller was on affiliate status from 1989 to 1991 and from 1995 to the present. Her work during most of the time she was on affiliate status was not law related. After discussion, it was moved, seconded and passed to require Barbara Miller to take the essay portion of the bar exam in addition to the other requirements to change her licensing status to active.

**Everett Smith** – Mr. Smith was admitted to the Idaho State Bar in 1990. Since admission he has been on affiliate status. After discussion, the Commission requested more information on Mr. Smith; including checking on admission requirements of the U.S. Court of Tax Appeals and U.S. Supreme Court. It was moved, no second, to require Mr. Smith to sit for the essay portion the bar exam and go through the full application process. It was moved, seconded and passed to have Mr. Smith sit for the essay portion of the bar exam and submit a request for the Character and Fitness to review specific issues, including admission requirements of the US Court of Tax Appeals and US Supreme Court and licensing requirement for employment as an attorney at the SEC.

**Seventh District Bylaws** – The Seventh District Bar Association submitted a request to amend its bylaws to reflect how the DBA elects its officers. It was moved, seconded and passed to approve the bylaw amendments as submitted by the Seventh District Bar Association.

**Workers Compensation Section** – The Workers Compensation Section requested the Commission's approval of a resolution passed at the Workers' Compensation Section Annual Meeting. The resolution authorized the section to participate in the establishment and operation of a Kids Chance program. It was moved, seconded and passed to conditionally approve the Workers' Compensation Resolution, the approval conditioned upon no section funds being used to fund the Kids Chance program.

**Contested Judicial Elections, Survey of Bar Members** – The Commission reviewed the results of the survey and the proposed press release on the survey. The Commission requested that a more complete disclaimer be included, that the statistics be attached to the press release in a simple form (not including the grand average) and information about the percentage return on surveys sent by email.

**Bar Exam Questionnaire** – The Commission again reviewed a draft questionnaire to be provided to bar exam applicants after they take the bar exam. It was moved, seconded and passed to approve the questionnaire, with the review and approval of the Bar Exam Review Committee.

**Awards** – The Commission discussed distinguished lawyer candidates for 2006. After discussion, it was moved, seconded and passed to select Bud Yost. It was moved, seconded and passed to select Judge Lynn Winmill. The Commission decided to select service, professionalism and pro bono award recipients at the May meeting.

**Building Update** – The Commission was provided with a proposal from developer Clay Carley to purchase the Law Center, the developer also proposed that the Foundation purchase the first floor of the building he builds on the lot next door. The Executive Director reported that the ILF/ISB building options committee met and asked her to gather information on other options for land/buildings in Boise and on space planning. She reported that she met with a commercial real estate broker and has a meeting scheduled with potential space planners.

**BOC Election Report** – The Commission was provided with the BOC Notice of Election and the petition filed by Dwight Baker of Blackfoot.

**Annual Meeting** – The Commission was provided with the draft schedule for the Annual Meeting.

**Supreme Court Report** – The Commission was provided with the March 17 Oral Conference Minutes and the March Status Report on Litigation against the Judiciary.

**Licensing Update** – The Commission was provided with the Supreme Court Order canceling the licenses of those lawyers that did not pay their license fees by March 1 and the list of lawyers that have since been reinstated.

**Western States Bar Conference** – Commissioner Sturgell and the Executive Director reported on the March Western States Bar Conference. The Commission was provided with the statistics about license fees in the Western States.

**Proposed Amendments to Rules 1 and 10 of the ABA Model Rules For Lawyers Fund for Client Protection** – Deputy Bar Counsel Julia Crossland reported on proposed amendments to the ABA Model Rules for Client Protection that address claims against attorneys that are licensed in more than one jurisdiction.

**REPORTS/CORRESPONDENCE/NEWS CLIPPINGS**

The Commission was provided with the following, March 2, 2006 membership statistics – 4,688; Young Lawyer Section information, Survey of states regarding testing on Indian Law, Casemaker newsletter, Washington State Bar President’s articles, ABA information, and news clippings for the past month.

There being no further business, the business meeting was adjourned at out at 4:20 p.m.

Respectfully submitted,

Diane K. Minnich  
Executive Director