

MINUTES
BOARD OF COMMISSIONERS MEETING
General Session
April 3, 2009
Idaho Falls, Idaho

President Dwight Baker called the General Session of the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:30 a.m. at the Red Lion Inn in Idaho Falls, Idaho. In addition to President Baker, in attendance for the meeting were Commissioners Newal Squyres, Doug Mushlitz, James Meservy, and Deborah Ferguson, Bar Counsel Brad Andrews, and Executive Director Diane Minnich, who acted as the secretary.

CONSENT AGENDA

MINUTES

It was moved, seconded and passed to approve the minutes of the February 20, 2009 meeting as submitted.

GOVERNANCE AND REGULATORY SERVICES

BAR EXAM SUBJECT AREAS

The Commission reviewed the revised bar exam topic list as proposed by the committee. The Commission recommended a few wording changes so the information is consistent. After discussion, it was moved, seconded and passed to approve the proposed topic list as submitted by the committee, with the clarifications by the Commission, for submission to the Idaho Supreme Court for its approval.

UNIFORM BAR EXAMINATION

The Commission was provided with information about creating a Uniform Bar Examination. The NCBE is planning a meeting to discuss the concept in June. The Executive Director reported that staff intend to attend this conference, with no objection from the Commission. No objection was voiced by the Commissioners.

TRANSFER FROM AFFILIATE TO ACTIVE STATUS

Renee Magee – The Commission considered a request from Renee Magee to transfer from affiliate to active status. After discussion, it was moved, seconded and passed to allow Ms. Magee to transfer to active status under the following conditions: 10 additional live MCLE credits on topics not related to land use planning, plus the Idaho practical skills course.

LICENSE FEE INCREASE

The Commission discussed the proposed license fee increase. The Executive Director provided information on the impact of a 25% increase, implemented over a two year period, would have on the fee and the future financial situation. The Commission recommended that percentage not be used, instead use the actual numbers with one half of the increase implemented the first year and one half the second year. Bar Counsel suggested a review of the licenses fees charged to new lawyers by other states, the Executive Director agreed to gather this information.

JUDICIAL BUDGET DECREASE

The Commission discussed the effects of the state budget decreases on the judiciary. The Executive Director agreed to contact the Administrative Director regarding the impact of the states' budget holdbacks on the Judiciary.

PROFESSIONAL CONDUCT BOARD MEMBERS

The Executive Director reported that the PCB is still in need of non lawyer members, especially from outside of Boise. The following names were suggested: Vern Gentry, Boise. Charlie Corell, Jerome , Ken Wright, Twin Falls, and Jay Terry Dodds.

BELLWOOD LECTURE

President Baker and Commissioners Ferguson reported on the remarkable experience of having attended the Bellwood lecture and related events.

LICENSING UPDATE – The Commission was provided with the Supreme Court order canceling licensing of those attorneys that did not pay their license fees.

ABA STATE BAR DELEGATE REPORT

ABA State Bar Delegate Larry Hunter joined the meeting to report on the ABA House of Delegates Midyear meeting. He provided copies of the changes to Rule 1.10 Imputation of Conflicts of Interest: General Rule, of the Model Rules of Professional Responsibility. The House of Delegates passed revisions to the rule that allow screening under certain circumstances. It was moved, seconded and passed to approve submission of the new Model Rule 1.10 to the 2009 resolution process.

SUMMIT ON FAIR AND IMPARTIAL COURTS

The Commission discussed the ABA sponsored Summit on Fair and Impartial Courts scheduled for May 7-9 in Charlotte, NC. Chief Justice Eismann plans to attend and the Commission agreed to ask Craig Meadows to attend on behalf of the Commission.

IDAHO SUPREME COURT

The Commission was provided with the March 3 and March 12 Supreme Court Oral Conference minutes.

MEMBERSHIP STATISTICS

The Commission was provided with membership statistics as of March 3, 2009.

ADMINISTRATION AND SUPPORT

2009 FEBRUARY FINANCIAL REPORTS

The Commission was provided with the February 28, 2009 financial reports. At the end of February, 66.34% of revenue was collected and 15.82% of expenses incurred. The Commission again discussed section funds and changing the policies regarding section funding and allowable fund balances. The Executive Director reported that Deputy Executive Director Terri Muse is developing proposed changes in the section funding policy and she plans to provide a draft policy for the Commission's consideration at the next meeting.

ISB/ILF LEASE AGREEMENT

President Baker reported on his discussion with ILF President Chuck Homer regarding the lease agreement between ISB and ILF. The two Presidents agreed to review the lease for rent costs and the length of the lease. The Executive Director plans to set up a meeting to review the lease agreement before the July meeting.

Vacation – The Executive Director presented the Commission with a proposal to amend the vacation time accrued for Bar Counsel and the Executive Director. The change would amend the policies so the vacation accrual for these positions, along with the Controller and Deputy Director, are similar to comparable state employee positions. It was moved, seconded and passed to approve recommendation to amend the vacation time policies for those employees classified as Executive staff.

CONSTRUCTION UPDATE

The Executive Director reported that the project should be completed within the next week.

MEMBER SERVICES

Awards – The Commission discussed candidates for 2009 distinguished lawyers. After discussion, it was moved, seconded and passed to select Robert Alexander, Twin Falls, Craig Meadows, Boise, and Dean Don Burnett, Moscow as the recipients of the 2009 Distinguished Lawyers. The Commission discussed potential recipients for the Professionalism awards.

Practice Section Update – Deputy Executive Director Terri Muse provided a written report on current Section activities. The Commission discussed the possibility of meeting with Idaho legislative leaders and the lawyer members of the legislature.

LRS statistics –The Commission was provided with the February 2009 LRS statistics.

Pro Bono Commission – The Commission was provided with a report from the Idaho Pro Bono Commission; specifically the draft pro bono policies for law firms and corporate legal departments.

ALPS Bar Leaders Retreat – The Commission was provided with the information of the ALPS Bar Leader Retreat, scheduled for July 22-25 in Missoula.

Judicial Council Appointment – Commission Meservy reported that William Parsons' term on the Judicial Council expires in June and that Mr. Parsons is interested in reappointment to the Council. The Commission agreed to advertise the availability of the position.

EXECUTIVE SESSION

After an aye vote was recorded from each Commissioner, the Commission moved into executive session at 1:20 p.m. The executive session concluded at 5:30 p.m.

There being no further business, the General Session adjourned at 12:10 p.m.

Respectfully submitted,

Diane K. Minnich
Executive Director