

**MINUTES**  
**BOARD OF COMMISSIONERS MEETING**  
**General Session**  
**May 8, 2009**  
**Boise, 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 8:35 a.m. at the Law Center in Boise, Idaho. In addition to President Baker, in attendance at the meeting were Commissioners Newal Squyres, Doug Mushlitz, James Meservy, and Deborah Ferguson; Bar Counsel Brad Andrews, Deputy Bar Counsel Julia Crossland, Deputy Executive Director Terri Muse, 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 April 3, 2009 meeting as submitted.

**GOVERNANCE AND REGULATORY SERVICES**

**TRANSFER FROM AFFILIATE TO ACTIVE STATUS**

**Timothy Spencer** – The Commission considered a request from Timothy Spencer to transfer from affiliate status. After discussion, it was determined that more information was required to make a final determination. It was moved, seconded and passed to approve his request subject to obtaining more specific information regarding Mr. Spencer's activities for the past five years and having the information reviewed by Bar Counsel and Commissioner Meservy.

**Ida Leggett** - The Commission considered a request from Ida Leggett to transfer from inactive to active status. It was moved, seconded and passed to approve her request with the condition that she complete the required 10 hours of CLE in noncriminal related topics.

**ABA DELEGATES**

The Commission discussed the ABA delegate position held by Allyn Dingel, who recently passed away. It was moved, seconded and passed to appoint Craig Meadows as the interim ABA State Bar delegate.

**CERTIFIED SHORTHAND REPORTERS BOARD**

It was moved, seconded and passed to reappoint Mike Peacock to the Certified Shorthand Reporters Board for a six year term.

**MCLE/LICENSING UPDATE**

The Executive Director reported that several attorneys' licenses were cancelled by the Idaho Supreme Court due to noncompliance with the licensing MCLE requirements.

**BOC ELECTION**

The Commission was provided with the Official Canvass for the 2009 BOC election. Reed Larsen, Pocatello, was elected to represent the 6<sup>th</sup> and 7<sup>th</sup> districts.

**Amendment to IRPC 3.8** – The Commission discussed a potential amendment to IRPC for submission to the 2009 resolution process. The ABA has approved an amendment to the Model Rule of Professional Conduct 3.8. Special Responsibilities of a Prosecutor. The Commission proposed asking IPAA to be cosponsor of the resolution. It was moved, seconded and passed to propose amendments to IRPC 3.8 as recommended by the ABA as a 2009 resolution.

#### **IDAHO SUPREME COURT**

The Commission was provided with the April Supreme Court Oral Conference minutes, and a list of potential topics for the July meeting with the Idaho Supreme Court.

#### **MEMBERSHIP STATISTICS**

The Commission was provided with membership statistics as of April 2, 2009, 5,153 members.

#### **ADMINISTRATION AND SUPPORT**

##### **2009 MARCH AND APRIL FINANCIAL REPORTS**

The Commission was provided with the March 31 and April 30 financial reports. At the end of April, 85.75% of the budgeted revenue was collected, 30% of the budgeted expenses were incurred.

The Commission discussed section funds and section funding policies.

#### **ISB/ILF LEASE AGREEMENT**

The Executive Director reported that she requested lease rate information from a local real estate broker in preparation for the lease negotiations with the Idaho Law Foundation. Once the information has been received, President Baker and ILF President Chuck Homer agreed to meet to discuss the lease term and rates.

#### **CONSTRUCTION UPDATE**

The Executive Director reported that the project is almost complete.

#### **MEMBER SERVICES**

**Awards** – The Commission discussed nominees for 2009 professionalism, service and pro bono lawyers. It was moved, seconded and passed to select the following attorneys to receive 2009 professionalism awards:

- 1<sup>st</sup> District – Sue Flammia
- 2<sup>nd</sup> District – Eric Peterson
- 3<sup>rd</sup> District – David Kerrick
- 4<sup>th</sup> District – Larry Hunter, Trudy Fouser
- 5<sup>th</sup> District – Susan Roy
- 6<sup>th</sup> District – Dave Gallafant
- 7<sup>th</sup> District – Mike Hinman

**Service Awards** – It was moved, seconded and passed to select the following lawyers and non lawyers to receive 2009 service awards: Dave Lloyd, Craig Beaver, Tammie Whyte, Justice Charles McDevitt, John Adams, Lane Erickson, Howard Belodoff, Mike McCarthy, and Jim Dickinson.

**Pro Bono Awards** – It was moved, seconded and passed to select the following pro bono award recipients for 2009: Peter Smith, Amy Bistline, Mark Jackson, Anne Dwelle, Wayne Fuller, Vaughn Fisher, Mark Geston, Terri Pickens, Kent Jensen, Clayne Zollinger, Jr., Monte Gray, Stephen Hall, Chad Campos.

**Section Funding Policies** – The Commission discussed section funding issues, particularly the aggregate fund balance of nearly \$385,000. The Commission agreed to submit a draft of the proposed new section funding policy to Section leadership at the next Practice Section Council, along with a list of options and opportunities to spend the funds. The Commission and staff will request comments from Section leadership for consideration at the next BOC meeting.

**Member Benefit Policies** – The Commission considered proposed revisions to the Member Benefit Policy. Deputy Director Terri Muse explained that criteria for how to determine which programs, companies and services qualify was added to the policy. It was moved, seconded and passed to approve the revised Member Benefit Policy as submitted.

**Annual Meeting** – The Commission reviewed the schedule for the 2009 Annual Conference and received an update on the 2010 Annual Conference in Idaho Falls.

**Practice Section Update** – Deputy Director provided a written report on current Section activities.

**LRS statistics** – The Commission was provided with the April 2009 LRS statistics.

**Casemaker** – President Baker requested an update on the progress of District Court opinions online. The Executive Director agreed to again contact John Peay at the Supreme Court.

**Commercial Law and Bankruptcy Section Bylaw Amendment**- It was moved, seconded and passed to approve the request of the Commercial Law and Bankruptcy Section to amend its bylaws to allow Bankruptcy trustees to join as members of the Section.

### **EXECUTIVE SESSION**

After an aye vote was recorded from each Commissioner, the Commission moved into executive session at 11:30 a.m. The executive session recessed at 11:50 a.m. and reconvened at 1:30 p.m., the executive session concluded at 2:30 p.m.

There being no further business, the General Session adjourned at 11:30 a.m.

Respectfully submitted,

Diane K. Minnich  
Executive Director

