

MINUTES
IDAHO STATE BAR BOARD OF COMMISSIONERS
July 19, 2006
Sun Valley, Idaho

President Rick Carnaroli called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:35 a.m., at the Sun Valley Inn in Sun Valley, Idaho. In addition to President Carnaroli, in attendance were Commissioners Tom Banducci, Jay Sturgell, Terry White and Andy Hawes, Commissioner-elect Dwight Baker, Bar Counsel Brad Andrews, Deputy Bar Counsel Julia Crossland and Executive Director Diane K. 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 8:45 a.m. The Commission moved out of executive session by a voice vote at 10:00 a.m., reconvened the executive session at 2:45 pm., and adjourned the executive session by a voice vote at 4:00 p.m.

CONSENT AGENDA

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

Minutes

The minutes of the May 19, 2006 meeting were approved.

Request to Close Money Market Account –It was moved, seconded and passed to approve the request to close the money market account at Keybank because the funds in the account were transferred to an account at McDonald investments and the account is no longer needed.

GENERAL BUSINESS

ALPS Report – At 10:00 am, the Commission was joined by ALPS President and CEO Robert Minto. Mr. Minto reported on ALPS activities for the past year and malpractice statistics for Idaho.

2005 Audit Report – The Commission was provided with the 2005 audited financial statements. The auditors also provided a management report that made the following recommendations: the Idaho State Bar implement a formal disaster recovery plan, that the ISB adopt a formal code of conduct or policies regarding conflict of interest for employees, and that all investment purchases and sales have the approval of an appointed Board member by initialing the documentation supporting the transactions. The Commission discussed the management report. It was moved, seconded and passed to appoint Commissioner Banducci to approve investment purchases and sales. The executive director reported she is working on a disaster recovery plan, a draft of which should be available in the next few months. She also agreed to draft a conflict of interest policy for the staff for Commission approval at the next meeting. It was moved, seconded and passed to accept the 2005 audited financial statements and the management report.

Financial Report – The Commission was provided with the May 31 and June 30, 2006 financial reports. As of June 30, 2006, revenue was 84.82% and expenses were 45.17%.

ABA Report – at 11:00 am, ABA State Bar Delegate Larry Hunter joined the Commission. Mr. Hunter reported on relevant issues to be discussed at the ABA Annual Meeting in August.

Reactivating Licenses, Jayne Fallon Butler – The Commission discussed a request from attorney Jayne Fallon Butler to reactivate her license. Ms. Butler was admitted to the Idaho State Bar in 2001 as an active member, she transferred to an affiliate member in January of 2002. It was moved, seconded and passed to have Ms. Fallon sit for the essay portion of the exam because she did not demonstrate to the Board of Commissioners that she remains competent to practice law in Idaho as required by IBCR 304(c)(5).

Everett Smith – Bar Counsel reported that Allyn Dingel has agreed to represent Mr. Smith in his request for reconsideration of the Commission determination that he take a portion of the bar exam to change his status to active.

Committee Appointments – The Commission reviewed and considered the recommended committee appointments for the coming year. It was moved, seconded and passed to approve the recommendations as submitted, including deferring any action on the Public Information Committee.

Law School for Legislators – The Executive Director reported that she had met with the retiring and new directors of legislative services to discuss the implementation of a Law School for Legislators in the coming year. She reported that they agreed to have 9th Circuit Judge Stephen Trott present the inaugural session for the new legislators in 2007. Judge Trott agreed to do a one and one-half hour presentation focusing on separation of powers and foundations of American law; key cases decided by the U.S. Supreme Court.

Idaho Judicial Council Report - At 1:00 p.m., Judge Randy Smith, Chief Justice Schroeder, Bill Parsons, and Justice Burdick joined the meeting to report on Judicial Council activities of the Council for the past year.

Annual Meeting – 06 Schedule, future annual meetings – The Commission was provided with a proposal from the Executive Director and Legal Education Director regarding future annual meetings. The Commission briefly discussed the proposal and then deferred further discussion to next meeting.

Lobbying Information – It was moved, seconded to defer this issue to the next meeting.

Resolution Process – The Commissioners were provided with the timeline for the resolution process. The Commissioners discussed potential resolutions, including changes in the Section V of the Bar Commission Rules and the state funding initiative proposed by Idaho Legal Aid Services.

Washington State Bar Resolution – The Commission received a request from the Washington State Bar Association to support a resolution to the ABA supporting public education about the law. The Executive Director reported that the ABA is already considering a similar resolution at the Annual Meeting. The Commission decided to take no action until the results of the pending resolution.

Administrative Conference Meeting Report – Bar Counsel, Deputy Bar Counsel, Commissioner Hawes and the Executive Director reported on their presentations to the Idaho Courts Administrative Conference. The topics discussed were Mock Trial, judicial surveys, conditional admission, and dissemination of disciplinary sanctions.

Western States Bar Conference – The Executive Director reported that she agreed to take over some of the Secretary-Treasurer duties for this conference due to the resignation of the Executive Director of the Nevada State Bar, Allen Kimbrough. Mr. Kimbrough also served as the Secretary-Treasurer of the WSBC.

Expansion of MEE Test Specifications – The Commission was provided with information from the National Conference of Bar Examiners regarding changes in the MEE test specifications.

2006-07 BOC Schedule – The Commission was provided with the meeting and event schedule for the coming year.

Supreme Court Report – The Commission was provided with the May and June minutes of the Supremes Court’s Oral Conference.

REPORTS/CORRESPONDENCE/NEWS CLIPPINGS

The Commission was provided with the following, July 10, 2006 membership statistics – 4,736; LRS Statistics and Committee meeting notes, Public Information Committee meeting information, YLS Section meeting notes, *Miscellaneous Letters/Info*; Thanks letters, and news clippings for the past month.

There being no further business, the business meeting was adjourned at out at 4:00 p.m.

Respectfully submitted,

Diane K. Minnich
Executive Director