

MINUTES
BOARD OF COMMISSIONERS MEETING
General Session
July 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 Boise Centre in Boise, 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, 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 May 8 and June 12, 2009 meetings as submitted.

GOVERNANCE AND REGULATORY SERVICES

TRANSFER FROM AFFILIATE TO ACTIVE STATUS

Nancy Werdel – The Commission considered a request from Nancy Werdel to transfer from affiliate status. It was moved, seconded and passed to approve Nancy Werdel's request to transfer to active status with the additional requirements of 15 additional CLE credits outside of her area of expertise, including practical skills to be completed within 6 months.

COMMITTEE APPOINTMENT RECOMMENDATIONS - The Commission considered the recommendations for 2009-10 committee appointments. It was moved, seconded and passed to approve the committees as submitted. (See attached list).

MAGISTRATE COMMISSION APPOINTMENTS

The Commission considered recommendations from the DBA for magistrate commission appointments. It was moved, seconded and passed to approve the following appointments to the District Magistrate Commission: 1st District – Heidi Fisher and Hollis Anderson; 2nd District – Charles Kovic and Anthony Anegon; 3rd District – Bryan Knox and Nick Bokides; 4th District – Stan Welsh and Rob Chastain; 5th District – Lance Loveland and David Coleman; 6th District - Jonathan Volyn and Fred Belzer; and 7th District - Royce Lee and Scott Axline.

UNIFORM BAR EXAMINATION

The Commission reviewed the information regarding the creation of a uniform bar examination. It was moved, seconded and passed to authorize the staff to inform NCBE that the Idaho State Bar is interested in pursuing participation in a uniform bar examination.

FALL RETREAT

The Commission discussed holding a fall retreat. The Commission agreed to schedule the retreat on Friday afternoon September 11, 2009, following the Commission meeting and Saturday morning September 12, 2009. The following agenda topics were offered: Annual Meeting – whether it should be included in license fees, marketing, mentoring, PR, judicial accessibility, pro bono reporting, judicial recruitment. It was moved, seconded and passed to schedule the 2009 Annual Retreat on September 11-12, 2009, in Boise.

MEETING WITH IDAHO SUPREME COURT

The Commission discussed the agenda for the afternoon meeting with the Idaho Supreme Court.

INFORMATIONAL REPORTS

Liberty Counsel v. Florida Bar Board of Governors – Bar Counsel provided information on a case decided by the Florida Supreme Court which held that the Florida Bar's decision to allow a voluntary section to file an amicus brief did not violate free speech.

Resolution Process Schedule and Timeline – The Commission was provided with the 2009 resolution process timeline, which included deadlines and the resolution meeting schedule.

Northwest States Meeting – Commissioner Squyres and the Executive Director reported on a meeting of bar leaders from the following states; Washington, Oregon, Nevada, Idaho and Montana.

Idaho Supreme Court - The Commission was provided with the May and June Supreme Court Oral Conference minutes.

Membership Statistics - The Commission was provided with membership statistics as of June 2, 2009.

ABA State Bar Delegate Report - ABA Delegate Larry Hunter joined the meeting at 1:30 p.m. to report on the upcoming ABA Annual Meeting issues. He discussed several issues of interest to the bar, including: changes in the model rule on conditional admission, proposed changes to MRPC 1.10, attorney misconduct or attorney error.

ADMINISTRATION AND SUPPORT

AUDITED FINANCIAL REPORTS

The Commission was joined by the auditors from EideBailly, who presented and explained the 2008 Audited Financial Statements, their opinion and the management letter.

MAY AND JUNE 2009 FINANCIAL REPORTS

The Commission was provided with the May 31 and June 30, 2009 financial reports. At the end of June 2009, 91.5% of the budgeted revenue was collected and 48.8% of the budgeted expenses were incurred.

ISB/ILF LEASE AGREEMENT

Commissioner Mushlitz reported that he and Diane plan to meet with ILF President Chuck Homer on Friday, July 10, 2009, to discuss revisions to the lease agreement between the bar and foundation.

CONSTRUCTION UPDATE

The Executive Director reported that the project was completed in June 2009.

MEMBER SERVICES

ALPS REPORT

The Commission was joined by ALPS Vice President Chris Newbold, who presented ALPS yearly report. Chris discussed malpractice coverage, market issues, and the health solutions program, as well as ALPS new ventures, trust administration and title insurance company.

Section Funding Policies – The Commission was joined by section representatives to discuss the section funding policy and the current fund balances. The Commission agreed to revise the policy taking into account the discussion and section leaders' comments. The proposed policy will again be submitted to section leaders for their consideration and review. The Commission agreed to reconsider the policy at its September meeting.

The Commission discussed where the interest that is earned on the sections' accounts should be allocated.

Social Media Policies – The Commission considered a proposed social media policy. The Commission had questions regarding privacy, distribution, and whether the policy should be reviewed by consultants or experts. It was moved, seconded and passed to approve the Social Media Policy as submitted, with the understanding that staff will work with the NABE group and consultants to review policy and propose revisions as necessary or appropriate.

BOC Blog – The Commission discussed whether to establish a blog for Commissioners' use. It was decided to defer further discussion to the retreat.

Annual Meeting – The Commission reviewed the schedule and events for the Annual Meeting.

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

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

EXECUTIVE SESSION

After an aye vote was recorded from each Commissioner, the Commission moved into Executive Session at 2:00 p.m. and concluded at 3:00 p.m.

There being no further business, the General Session adjourned at 1:55 p.m., reconvened at 3:00 p.m. and concluded at 4:00 p.m.

Respectfully submitted,

Diane K. Minnich
Executive Director

