

MINUTES
IDAHO STATE BAR BOARD OF COMMISSIONERS
September 8, 2006
Boise, Idaho

President Jay Sturgell called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:40 a.m., at the Doubletree Club Hotel in Boise, Idaho. In addition to President Sturgell, in attendance were Commissioners Tom Banducci, Dwight Baker, Terry White and Andy Hawes, 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 8:40 a.m., moved out of executive session at 9:45 a.m., returned to executive session at 10:30 a.m., moved out of executive session at 10:40 a.m., and returned to executive session at 11:15 a.m. The executive session adjourned at 11:40 a.m.

CONSENT AGENDA

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

Minutes

The minutes of the July 19, 2006 meeting were approved as amended.

GENERAL BUSINESS

ABA Report – At 9:45 am, ABA State Bar Delegate Larry Hunter joined the Commission to report on the relevant decisions made by the ABA House of Delegates at the ABA Annual Meeting in August. Mr. Hunter discussed presenting a resolution that would allow the Commission to support non-controversial resolutions submitted to the ABA House of Delegates.

Financial Report – The Commission was provided with the July 30 and August 31, 2006 financial reports. As of August 31, 2006, revenue was 91.41% and expenses were 65.3%.

2006 Annual Meeting – The Commission discussed the 2006 Annual Meeting; what went well and what could be improved. Commissioner Banducci noted that the bar had done a better job of marketing the meeting to the membership. The Trail Creek event was a great success, good food, entertainment and the opportunity to bring families and socialize. Commissioner White suggested speakers at luncheons that are humorous or fun. Also, including a general session with quality speaker that would appeal to all. The Commission suggested sessions for different size law firms and/or roundtables for managing partners. President Sturgell and Commissioner Banducci plan to focus on practice management for the 2007 Annual Meeting. The Commission agreed that it should continue to discuss whether to continue the Annual Meeting and, if so, in what form, whether to change it or eliminate it.

Committee Appointments – The Commission reviewed the liaison assignments to Section and Committees. The Executive Director reported that there were two committee appointments not finalized at the July meeting. It was moved, seconded and passed to appoint Lance Shuster to the Character and Fitness Committee and to reappoint Tom South to the Client Assistance Fund Committee.

Lobbying information – The Commission discussed the request from the Business and Corporate Law Section to lessen restrictions on lobbying. After review of the relevant materials and case law and considerable discussion, it was moved, seconded and passed to respond to the Business and Corporate Law Section that the existing rules regarding lobbying and technical assistance to the legislature are appropriate. The Commission also suggested that the Section can utilize the resolution process if the members think the rules should be changed.

Resolution Process – The Commission reviewed the schedule and discussed possible 2006 resolutions. The Executive Director reported that one resolution was submitted to date; ILAS's request for support of a filing fee increase to support legal services to low-income individuals.

The Commission discussed the concept of a law school in Boise; either moving the UI College of Law or the probability of another law school opening in Boise. Commission Banducci reported that Dean Burnett suggested that the bar consider holding a conclave on legal education in Idaho, similar to the one held in 1995. The Executive Director agreed to provide the information on the 1995 conclave to the Commission.

Contested Judicial Election Survey of Candidates – The Executive Director reviewed the schedule for doing the survey for the 7th Judicial District contested district judge election.

Reactivating Licenses, *Thomas Talboy* – The Commission discussed a request from attorney Thomas Talboy to reactivate his active license after having been an affiliate member for 7 years. It was moved, seconded and passed to approve Thomas Talboy's request to transfer his license to active status with the condition that he sit for the essay portion of the bar exam.

The Commission requested a list of the previous action taken by the Commission on requests to return to active status.

Everett Smith – It was moved, seconded and passed to defer this agenda item to the next meeting.

Environment and Natural Resource Section – The Commission considered a request from the Environment and Natural Resource Section to amend its bylaws. It was moved, seconded and passed to approve the Environment and Natural Resource Section's request to amend Article III Section 2 and Article VII Section 3 of its bylaws.

National Conference of Bar Examiners v. Multistate Legal Studies – The Commission was provided with the decision in this case in which the NCBE prevailed on its claim for copyright infringement and violations of the California Business and Professions Code.

ABA Model Rules for Lawyers' Fund for Client Protection – The Commission was provided with the proposed amendments to Rules 1 and 10 of the ABA Model Rules for Lawyers' Fund for Client Protection; which was approved by the ABA House of Delegates in August. The rule addresses client protection claims against attorneys with licenses to practice law in multiple states.

Supreme Court Report – The Commission was provided with the minutes of the July 26 Supreme Court Oral Conference.

REPORTS/CORRESPONDENCE/NEWS CLIPPINGS

The Commission was provided with the following: August 2, 2006 membership statistics – 4,742; LRS Statistics and Committee Meeting Minutes, *Miscellaneous Letters/Info*; Thanks letters, ABA information and news clippings for the past month.

There being no further business, the business meeting was adjourned at out at 1:50 p.m.

Respectfully submitted,

Diane K. Minnich
Executive Director