

MINUTES
Idaho State Bar Board of Commissioners
October 5, 2007
Boise, Idaho

President-elect Terry White called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:30 a.m. In attendance at the meeting were Commissioners Dwight Baker, Doug Mushlitz, President Andy Hawes, Bar Counsel Brad Andrews, Deputy Bar Counsel Julia Crossland, and Executive Director Diane 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 8:50 a.m. The executive session adjourned at 9:50 a.m.

GENERAL BUSINESS

Minutes – It was moved, seconded and passed to approve the minutes of the September 7, 2007 Commission meeting as amended.

Financial Reports – The Commission was provided with the September 30 financial reports. As of September 30, 94.1% of the revenue was collected and 75.26% of the expenses incurred. The Commission discussed the expenses for the reception for Justice Trout and the conclave expenses. The Commission also discussed whether the purposes of the Professional and Ethics Section would be better served if it were a committee.

Resolution Process

The Commission was joined by the following district bar representatives: First District – Peter Smith, Third District – Chad Gulstrom, Fifth District – Mike McCarthy, Sixth District – Jack Haycock, Seventh District – Tammie Whyte. Julia Crossland reviewed the one resolution proposing changes to Section V of the Idaho Bar Commission Rules, Review of the Idaho Rules for Professional Conduct. The group then discussed the agenda for the resolution meetings, which will include a report from the Dean of the College of Law and an update on the group health insurance program. The Commissioners suggested that they meet with the District Bar officers immediately following the resolution meeting in each of the districts.

Committee Appointments – The Executive Director reported three appointments to the Professional Conduct Board are needed: Non-lawyer member Carl Christensen of Caldwell, lawyer James Carlson of Boise and a soon-to-be-named non-lawyer from Lewiston, Brad Swan if he agrees. The Commission approved the appointment of Carl Christensen, James Carlson and Brad Swan to the Professional Conduct Board.

Client Assistance Fund – The Commission discussed whether to increase the claim limit for the Client Assistance Fund. The Commission agreed to gather information, study the idea, and then determine whether to submit the issue to the resolution process in 2008.

Health Insurance Update – Commissioner White reported on the October 1 meeting to discuss the health insurance plan and MEWA. He reported that ALPS plans to submit the plan to the Idaho Department of Insurance in early November. The timeline anticipates having the insurance available in early spring.

Violence in the Profession Survey – The Commission again discussed Utah attorney Steve Kelson's request to conduct a survey of Idaho lawyers regarding violence in the profession. It was moved, seconded and passed to ask Mr. Kelson for a copy of the survey before approval.

Security in the Building – The Executive Director and Bar Counsel discussed an incident in the office and how to improve the security of the building. The Commission discussed ideas and suggestions for improving the building security including hiring a consultant to review the building security.

Board of Commissioner Representation – The Commission discussed whether representation should be changed to allow for representation from each district. The Commission suggested that this issue be added to the retreat document. The Commission discussed how to foster better relationships with District Bar Associations. The Commission agreed to discuss these issues with DBA presidents.

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

REPORTS/CORRESPONDENCE/NEWS CLIPPINGS

The Commission was provided the following: August 2, 2007 membership statistics – 4,916; July LRS statistics; letters and news clippings for the past month.

RETREAT ISSUES – FOLLOW-UP

The Commission discussed the issues from last month's retreat and what the follow-up should be for each of the topics.

District Bar Associations – The Commission discussed the bar's need to rely on the District Bar Associations to carry out programs and activities of the bar. And, how are DBA's doing, what should they do and how does the bar help.

- Identify what is important in their district and how to implement
- How do they involve and serve their members
- Contribute to law related charitable organizations
- How much money do they have and what have they done, how have they spent the money
- Should the Commission be expanded?

Sections – The Commission decided that Sections are generally functioning well.

The Commission agreed that Commissioners, as available, should attend the Practice Section Council meetings. The Commissioners should also follow-up with sections. The Executive

Director agreed to ensure that the staff invites BOC liaisons to section meetings and events and to write a letter to Section chairs informing them of their liaisons and the purpose of the liaisons.

The Commission also agreed to amend the Section policies to require rather than suggest public service.

College of Law – President Hawes agreed to contact the dean to suggest that a Commissioner participate in the Law School Advisory Council.

The Commission also agreed to follow-up with the College of Law regarding amending the licensing rules to allow law professors to become members of the bar.

The Commission also discussed adding to the law school visit agenda the idea that the orientation for new law students be expanded.

Judicial Independence and Selection – The Commission discussed the importance of monitoring the progress of the jail4judges initiative in Idaho.

The Commission also agreed to a meeting with the Idaho Supreme Court and with the Judicial Independence Committee chair Craig Meadows to discuss judicial independence and selection issues.

Resolution Meetings/Awards – The Commission discussed the importance of the resolution process as an opportunity to inform bar members of important issues as well as explain and vote on resolutions. The meetings could include information from the law school, an update from President and/or Commissioners, and thanks to volunteers.

MCLE/CLE – The Executive Director agreed to establish a plan to review the MCLE rules.

The Commission recommended that the staff work more closely with district bar associations to present CLE programs.

Annual Meeting – The Commission agreed to continue to discuss how to improve the Annual Meeting and to continue holding an annual meeting.

Future Planning – The Commission decided to schedule a retreat every fall. The Commission decided to develop a document from the retreat to distribute to the commissioners each year. The document would include a brief historical perspective about the issues; a list of the issues discussed each year, and a list of action items and progress towards those action items.

There being no further business, the business meeting recessed at 1:30 p.m.

Respectfully submitted,

Diane K. Minnich
Executive Director