

Idaho Bar Commission Rules

SECTION IX General Rules

***RULE 906. Resolution Process**

- (a) **Purpose and Matters to be Considered.** All matters relating to or affecting the statutes or law of the State of Idaho, rules of court, the policy of the Idaho State Bar or the governance of the Idaho State Bar or of the district bar associations shall be determined by the members of the Idaho State Bar by direct secret ballot or through a vote of the district bar associations, as hereinafter provided in this rule, provided, however, that matters relating to technical corrections, clarification, or implementation of the Idaho Bar Commission Rules may be adopted by the Board of Commissioners and proposed to the Idaho Supreme Court.
- (b) **Submission of Resolutions.** Resolutions may be submitted by the Board of Commissioners, district bar associations, sections or committees of the bar, or by any bar member. Resolutions shall be submitted in writing, with copies of any proposed legislation or rules change attached, to the office of the Executive Director of the Idaho State Bar on or before September 25. Each resolution submitted shall be reviewed by the delegates to the first mid-winter meeting so that they may become familiar with the purpose of the resolution and report to the members of their district bar.
- (c) **Voting - Eligibility.** Each judge and each Idaho State Bar member on active status or house counsel shall be entitled to one vote on each question presented.
- (d) **Voting - Method.** Following the First Mid-Winter Meeting, the Executive Director shall mail a ballot to all eligible voters, listing all resolutions in "aye or nay" form, and including instructions for return of ballots. Voters may return the ballots to the offices of the Idaho State Bar, or may cast them at their respective District Bar meeting. Questions shall be determined by the combined ayes and nays cast statewide by both methods.
- (e) **First Mid-Winter Meeting.** The first mid-winter meeting is scheduled in accordance with Rule 905(b).
 - (1) **Delegates.** Each district bar association shall elect or appoint one (1) member from the district bar to serve as delegate to the meeting. Each Bar Commissioner shall also serve as a delegate.
 - (2) **Vote.** The vote of each district bar on any question shall be cast at the October meeting as instructed by the district bar. Each question shall be determined by a majority vote of all delegates present at the meeting.
 - (3) **Determination whether to Circulate.** All resolutions submitted by the district bar associations, Idaho Supreme Court and the Board of Commissioners shall be automatically considered submitted for resolution process consideration, unless two-thirds of the delegates present at the October meeting conclude that a proposed resolution is clearly outside the scope of the Bar's authority as an integrated bar.
- (f) **Circulation of Resolutions to Membership.**
 - (1) All resolutions submitted by the district bar associations, Idaho Supreme Court and the Board of Commissioners, and all other resolutions approved by a majority vote cast by the delegates, as provided in this rule, shall be circulated directly to the members of the Idaho State Bar as soon as practical by the Commissioners.
- (g) **Consideration by District Bar Associations.** Each resolution following its dissemination shall be considered by the members of each district bar association at a meeting held prior to December 1 of each year.
- (h) **Amendments to Circulated Resolutions.** Proposed amendments to circulated resolutions may be offered at any district bar association resolution meeting. Once an amendment is proposed at a district bar association resolution meeting, an advisory vote shall be taken at the meeting where the amendment was offered and shall be taken at any subsequent district bar association resolution meetings if the amendment is approved by the advisory vote at the resolution meeting where the amendment was offered. Proposed amendments shall be germane to the original resolution and shall not be contrary to or defeat the intent of the original resolution.
- (i) **Circulation of Proposed Amendments.** Proposed amendments approved by an advisory vote of the members at least one district bar association meeting shall be disseminated to the officers of the district bar associations prior to the second midwinter meeting.
- (j) **Second Mid-Winter Meeting.** The Second Mid-winter meeting is scheduled in accordance with Rule 905(c).
 - (1) **Delegates.** Each district bar association shall elect or appoint one (1) member of the district bar as the delegate to the meeting who shall cast the vote of the district bar on each resolution circulated and voted on by the members of that district bar association.
 - (2) **Vote.** The vote of each district bar shall be cast according to the ayes and nays cast by the voting members of that district.
 - (A) **On Amendments to Circulated Resolutions.** Notwithstanding any other provisions of this Rule, each delegate shall have discretionary authority to also vote on any proposed amendments offered at one of the district bar association resolution meetings and approved by an advisory vote to said resolutions.
- (k) **Referendum.** A resolution may provide whether a referendum of the membership shall be taken on any question and the form and substance of the question to be presented, which question shall be so framed as to be capable of answer by "yes" or "no".

- (1) **Ballots - Canvassing.** The Executive Director shall prepare ballots within ten (10) days following the December meeting of the district bar delegates containing such questions and mail one thereof to each member of the Idaho State Bar, such ballots to be returned personally or by mail to the Executive Director within fifteen (15) days after the date the ballot was mailed to each attorney. Envelopes containing voted ballots shall be endorsed and envelopes and ballots opened, deposited and canvassed as provided by Rule 900(c) except that the Board of Commissioners shall constitute the canvassing committee. Canvassing shall be performed at the Board meeting following the closing of balloting and the Board shall declare the majority vote to be the opinion of the Idaho State Bar on said question and publish the same.
- (1) **Emergency.** If the Commissioners of the Idaho State Bar determine that an emergency exists and that the decision of the Idaho State Bar members is needed on any question, they may call a meeting of or otherwise canvass the delegates of the district bar associations last appointed to attend the December meeting of the district bar delegates or any alternate designated by the district bar president, and upon a majority vote as provided in Rule 906(c) may either adopt a resolution or submit a question for vote to the members of the Bar as provided in Rule 905(a).

**(Rule 906 amended 9-13-04)*