

IDAHO APPELLATE PRACTICE SECTION

Minutes of Council Meeting, February 12, 2015

Chairman Christopher Pooser presided. Vice-Chair Christine Salmi, Council Members Cathy Derden, Brian Dickson, Alison Graham, Jessica Lorello, Stephen Adams, Syrena Hargrove present.

1. Secretary/Treasurer's Report.

- a. January meeting minutes approved
- b. ISB Membership count – 60 tentative.
 - Will be finalized next week.
 - Will have ISB double check members.
- c. Welcome letter to members.
 - Christopher to draft letter.
 - Topics: IAPS activities/Annual Meeting/Handbook/Fall CLE.

2. IAPS Webpage.

- Alison agreed to monitor website to ensure it is current and be “website manager.”
- Need to add some meeting agendas, Judge Melanson’s lunch CLE, and Kevin Iwersen’s name is misspelled (from June 12 CLE).

3. Issues Raised at 1/27/15 Practice Section Council Meeting

- a. Ideas for budget for 2016 – scholarships for members to go to annual meeting / donations.
- b. ISB webpage - ISB is redoing using a template from the state. If we have ideas we should speak up. 6 months to 1 year away.
 - Stephen’s suggestion – dedicated page for bar section publications available for purchase.
 - Council to review for additional ideas.
- c. Sections can’t lobby the legislature. Can say what effect a law would have.
- d. Discussion on use of Go to Meeting for member meetings. Consensus was that it would not be useful for our meeting since they don’t involve document review.

4. April 2015 Annual Meeting

a. Update IAPS Activities.

(Bylaws require: “The chairperson shall formulate and present to each annual meeting of the Idaho State Bar a written report of the work of the Section from the preceding year.”)

- b. Elections Staggered council positions – need to vote on 5: Stephen, Deb, Brian, Syrena, and Jessica. Stephen, Brian, Syrena, and Jessica expressed interest in continuing.

(Bylaws: “Officers and three Governing Council members, including the appellate court representative, shall be elected in even numbered years. The remaining five Governing Council members shall be elected in odd numbered years. In 2014, the first year of the Section, the remaining five Governing Council members shall be elected to terms of one year.”)

- c. Elections – discussion re election by ballot and email.
(Bylaws: “Elections shall be by ballot and may be conducted by email.”)
 - d. Christopher will draft email to members re election.
5. U of I’s College of Law Learning Center’s grand opening ceremonies (this fall).
- Christine to monitor how IAPS can support. Sponsorship could be possible.
6. Public Comments on FRAP Amendments.
- a. Discussion on comments due February 17, 2015. Council decided not to comment given nature of changes.
 - b. Main changes:
 - decreases the word limit for briefs from 14,000 to 12,500 words and provides word limits rather than page limits for other filings.
 - clarifies that a motion filed outside a non-extendable deadline under Civil Rules 50, 52, or 59 is not “timely” under Rule 4(a)(4).
 - establishes default rules concerning timing and length of amicus briefs in connection with petitions for rehearing under Rule 29.
 - provides that the three-day rule does not apply when the paper in question is served electronically (i.e., it’s deemed delivered on the date of service stated in the proof of service).
 - c. <http://www.uscourts.gov/uscourts/rules/preliminary-draft-proposed-amendments.pdf#page=15>
7. Idaho Appellate Law Handbook.
- a. Update on status. Most chapters complete.
 - b. Most have submitted review of assigned chapters. Please forward your review of your assigned chapters to Cathy once complete. Red-lining the word version is fine. Also if you feel we should be following certain citation conventions, grammatical preferences, etc., please identify those.
8. CLE Subcommittee.
- a. Members are Cathy, Jessica, Cheryl, Allison, Katie Ball, and Christopher.
 - b. 2015 Lunch CLEs – April 9, 2015 (annual meeting); June 11, 2015 (member meeting); September 10, 2015 (member meeting); and December 10, 2015 (member meeting)
 - Need to have more than just judges. Need mix it up with presentations by practitioners.
 - Ideas for April/June
 - Ideas for September/December
 - c. ISB Annual Meeting at Sun Valley – July 22 (Wed.) - 24 (Fri.).
 - Sessions are either 1.5 or 2 hours. Need to inform ISB by Feb. 27.
 - Discussion on pros and cons given other section activities. Consensus was to pass on presenting a CLE at annual meeting with all we have going.
 - Christopher to check whether there is some other option for the section to market itself and the Handbook – e.g., booth, reception?

- d. IAPS Appellate Practice CLE – Idaho Appellate Handbook Rollout
- Timing: on a Thursday or Friday (preferably Friday) in the fall
 - Location: UofI Law School Learning Center (Katie Ball to check)
 - Marketing: UofI Law email distribution/ISB/Idaho Law Foundation
 - Agenda Ideas (throwing darts):
 - Nuts and Bolts – Appeals to the Idaho Supreme Court and Court of Appeals
 - Standards of Review
 - Keynote/Lunch Address (U.S. Supreme Court update?)
 - Possible breakout topics
 - Preservation of Issues in Criminal Appeals (?)
 - Brief Writing
 - Justice/Judge Panel – open questions at end of the day
 - Concern about breakout sessions – if 2 topics are attractive generally, attendees could be upset with having to choose. If we do have breakout sessions, would need to have them specific, limited areas – e.g., civil / criminal.

9. Advocate Subcommittee.

- a. Members are Christine, Rachel, Stephen, Syrena, and Christopher.
- b. Planning for August 2015 edition.
- c. Deadline for submissions- June 10, 2015. Deadlines will be suggested to decide on article topics and for review and submission.
- d. Article mix – federal/state; criminal/civil; topics that cover appellate process from beginning to end.
- e. Proposed articles:
 - (1) intro to IAPS
 - (2) article re preservation in criminal cases (fundamental error) and civil cases;
 - (4) article re how to use an appellate lawyer;
 - (5) article re appellate bonds/evaluating whether to appeal/why you appeal and why you don't;
 - (6) article re what to bring to oral argument / standards of review; and
 - (7) Idaho Appellate Handbook - TOC and chapter excerpt.

10. Other Section Activities/Misc. Issues.

- a. Status of weekly summary of opinions - good.
- b. Status of IAPS calendar - good.