

LITIGATION SECTION GOVERNING COUNCIL MEETING Minutes of June 4, 2009

1. Attendance:

Wyatt Johnson (Councilperson; Chairperson), Mark S. Geston (Councilperson; Secretary), William VanHole (Councilperson; Treasurer), Kim Toryanski (Councilperson), Michelle Points, Mike Mehal, Kendal McDevitt, and Teri Muse.

2. Approval of April 2009 Minutes

The Minutes of the April 2009 meeting had been previously circulated and or unanimously approved. There was no May 2009 meeting because of a lack of a quorum.

3. Finances and Budget

Bill VanHole reviewed the latest monthly financial statement and commented that income from CLEs was a little behind expectations but that income and expenses were otherwise in line with budget.

4. Practice Section Council

Wyatt Johnson reported concern by the Council with several Sections retaining cash in their various accounts what is, in the aggregate, substantial amount of money. Is concerned that this might be inconsistent with the nonprofit character of the Bar and the various Sections. Johnson related discussion in the Practice Section Council to ameliorate this situation by adopting rules requiring that account balances be capped at no more than the equivalent of two years' of membership dues and requiring the payment of unused surplus to the general fund.

Teri Muse described a study of other state Bars and use of I unused surplus of the two-year dues equivalent level.

Kim Toryanski asked for clarification and a general discussion ensued, Teri muse for the describing the flexibility built into some plans allowing a window to apply surplus funds exceeding the two-year dues.

5. Trial Practice Academy

Michelle Points reported that the University of Idaho Law School will help with the next Academy in 2011.

Kim Toryanski suggested a public acknowledgment of the time, effort and expertise devoted by Michelle Points and Don Harris to the 2009 Academy and recognition of the critical importance of those efforts to its success. All present heartily agreed.

6. Fall 2010 CLE, October 21-23, 2010, in Sun Valley

A discussion was had as to possible topics, essentially building on suggestions from the prior meeting and event the session be centered around electronics and technology in the law, both to facilitate litigation practice and as a subject of litigation. Wyatt Johnson said that he would talk to John Zarian about refining these topics.

Kim Toryanski said that Dave Metcalf had indicated that Judge Winmill would be quite interested in technology topics and may be willing to help.

Wyatt Johnson moved to select the topic for the upcoming CLE as "Technology and Litigation," with John Zarian to lead, and the motion was seconded and unanimously adopted.

7. Section sponsorship of the Advocate

Teri Muse reported that the October and November 8, 2010 issues of the Advocate were available for the Litigation Section to sponsor. The general discussion favored spot in the November issue, which would have a September deadline for submissions. Kim Toryanski while writing an article in elder law. Michelle Points volunteered to write an article on changes in the Rules of civil procedure and evidence.

8. Section Flyer

Wyatt Johnson circulated a draft flyer to be distributed to the membership. Comments were made and revisions made to the draft, which will advise the membership of their entitlement to make nominations for the two open Council

seats that will become open and which will be up for election at the Annual Meeting of the Section. New officers will also be elected at that annual meeting.

9. Website Development

Kendal McDevitt volunteered to update the Section page on the Bar website.

10. Judicial Recruitment Committee

Wyatt Johnson reported a request by the Supreme Court to the Section Chairs for suggestions to elicit more applications for the Bench. Wyatt reported that it does not appear to be an issue of pay or inadequate benefits, so the Court is soliciting insights from the Bar for improving the situation. The discussion was had and it was suggested that some attorneys perceive the judicial selection process as being "hostile." The invitation for suggestions will be added to the next Section flyer.

There being no other business, the meeting was adjourned at 1 PM.