



2017

Idaho State Bar

ANNUAL MEETING

July 12-14

Moscow, Idaho

AGENDA

2017 Idaho State Bar Annual Meeting Schedule of Events

Moscow, Idaho • Best Western Plus University Inn & University of Idaho • July 12-14, 2017

Wednesday, July 12

8:30 a.m. - 3:00 p.m. **Idaho State Bar Board of Commissioners Meeting** - Latah, *Best Western*
4:00 p.m. - 5:30 p.m. **Registration/Exhibition Hall** - Silver/Gold, *Best Western*
6:00 p.m. - 7:00 p.m. **President's Reception** - Bruce M. Pitman Center, *Univ. of Idaho*
7:00 p.m. - 9:00 p.m. **Distinguished Lawyer & Jurist Awards Dinner** - Bruce M. Pitman Center, *Univ. of Idaho*
9:00 p.m. - 11:00 p.m. **Idaho Law Foundation Hospitality HQ** - Courtyard, *Best Western*

Thursday, July 13

7:00 a.m. - 8:30 a.m. **Diversity Section "Justice for All" Breakfast** - Courtyard, *Best Western*
7:30 a.m. - 5:00 p.m. **Registration/Exhibition Hall** - Silver/Gold, *Best Western*
7:30 a.m. - 8:30 a.m. **Continental Breakfast** - Silver/Gold, *Best Western*
7:30 a.m. - 8:30 a.m. **Litigation Section Annual Meeting** - Latah, *Best Western*
7:30 a.m. - 8:30 a.m. **Taxation, Probate & Trust Law Section Meeting** - Idaho, *Best Western*
8:30 a.m. - 10:00 a.m. **Plenary Session** - University/Empire, *Best Western*

- City of Moscow Welcome, Mayor Bill Lambert
- University of Idaho College of Law Welcome, Dean Mark Adams
- University of Idaho Welcome, President Chuck Staben
- Idaho State Bar Update, President Michelle R. Points
- State of the Courts, Idaho Supreme Court Chief Justice Roger S. Burdick
- Keynote Speaker: David Vobora, Adaptive Training Foundation

10:15 a.m. **Idaho Law Foundation Board of Directors Meeting** - Latah, *Best Western*
10:15 a.m. - 11:45 a.m. **CLE Session #1** - *Best Western*

- Judicial Independence and Integrity in These Hyper-Partisan Times - Palouse/Washington
Sponsored by the Diversity Section, 1.5 CLE credits of which 0.5 is Ethics
- The Basics of Indian Law for General Practitioners in Idaho - Idaho
Sponsored by the Indian Law Section, 1.5 CLE credits (NAC)
- Understanding the Tax Boilerplate in Partnership and LLC Agreements - Centennial
Sponsored by the Taxation, Probate & Trust Law Section, 1.5 CLE credits

12:00 p.m. - 1:15 p.m. **Service Awards Luncheon/Idaho Law Foundation Annual Meeting** - University/Empire, *Best Western*
The 2017 Service Awards, the 2017 Outstanding Young Lawyer Award and the Family Law Section Award of Distinction will be presented.
1:30 p.m. - 3:00 p.m. **CLE Session #2** - *Best Western*

- Bar Admission Trends in Idaho and Beyond - Idaho
Sponsored by the Idaho Law Foundation, Inc., 1.5 CLE credits (NAC)
- Idaho Civil Justice Reform Task Force - Centennial
Sponsored by the Idaho Supreme Court, 1.5 CLE credits (NAC)
- The Future is Now: Top 10 Strategic Trends and Competence in Practice - Palouse/Washington
Sponsored by the Idaho Law Foundation, Inc., 1.5 CLE credits of which 0.5 is Ethics

3:00 p.m. - 3:30 p.m. **Ice Cream Sundae Break/Community Service Project** - Silver/Gold, *Best Western*
3:30 p.m. - 5:00 p.m. **CLE Session #3** - *Best Western*

- Ethics and Practical Issues in Dealing with Persons with a Developmental Disability - Palouse/Washington
Sponsored by the Professionalism & Ethics Section, 1.5 CLE credits of which 0.75 is Ethics (NAC)
- Idaho and a Constitutional Convention - Idaho
Sponsored by Concordia University School of Law, 1.5 CLE credits (NAC)
- The Trend Toward Proportionality in Discovery - Centennial
Co-Sponsored by the Employment & Labor Law Section and the Litigation Section, 1.5 CLE credits

5:00 p.m. - 6:30 p.m. **Milestone Celebration Reception: Celebrating 25, 40, 50, 60 & 65 Years of Admission** - University/Empire, *Best Western*
8:00 p.m. - 11:00 p.m. **Idaho Women Lawyers Hospitality HQ** - The Corner Club, *Downtown Moscow*

Friday, July 14

7:30 a.m. - 11:30 a.m. **Registration/Exhibition Hall** - Silver/Gold, *Best Western*
7:30 a.m. - 8:30 a.m. **Continental Breakfast** - Silver/Gold, *Best Western*
7:45 a.m. - 8:45 a.m. **District Bar Association Officers Breakfast** - Centennial, *Best Western*
8:00 a.m. - 10:00 a.m. **CLE Session #4** - *Best Western*

- Understanding the Needs of the Military Population in the Criminal Justice System - Palouse/Washington
Sponsored by the Idaho Military Legal Alliance, 2.0 CLE credits of which 0.25 is Ethics (NAC)

10:15 a.m. - 11:45 a.m. **CLE Session #5** - *Best Western*

- Lessons from the Masters - Palouse/Washington
Sponsored by the Idaho Law Foundation, Inc., 1.5 CLE credits of which 0.5 is Ethics (NAC)

12:00 p.m. - 1:15 p.m. **University of Idaho College of Law Admission Class Reunion BBQ** - Sprint Turf, *Univ. of Idaho*
The 2017 Section of the Year Award and The Advocate Awards will be presented.
1:30 p.m. - 3:30 p.m. **CLE Session #6** - Menard Law Building, *Univ. of Idaho*

- How Immigration Law Affects Your Law Practice
Sponsored by the University of Idaho College of Law, 2.0 CLE credits

3:30 p.m. **University of Idaho College of Law Tours and Conclusion of the 2017 Idaho State Bar Annual Meeting** - Menard Law Building, *Univ. of Idaho*

2017 Idaho State Bar Annual Meeting CLE Session Information

Thursday, July 13 - CLE Session #1, 10:15 a.m. - 11:45 a.m. (Best Western)

Judicial Independence and Integrity in These Hyper-Partisan Times - Personal attacks on judges undermine the fundamental principles of justice. This distinguished panel will discuss the importance of the independence of judges in resisting political pressure and reinforcing the fair and impartial administration of justice. Join this critical conversation that goes to the heart of a constitutional democracy and the role of every lawyer in defending the integrity and independence of the rule of law. *Moderated by Linda Louise Blackwelder Pall, Law Office of Linda Pall; Hon. Mary M. Schroeder, United States Ninth Circuit Court of Appeals; Hon. Roger S. Burdick, Idaho Supreme Court; Donald L. Burnett, Jr., University of Idaho College of Law*

The Basics of Indian Law for General Practitioners in Idaho - Topics will include the interrelationship between state, federal, and tribal civil and criminal jurisdiction, an overview of Indian Country, the tribal trust doctrine, forms of tribal land ownership, issues related to checkerboarded reservations and land fractionation, the sale and purchase of tribal lands, and tribal sovereign immunity related to conducting business in Indian Country with Indian tribes and tribal enterprises. *Jason M. Brown, May, Rammell & Thompson, Chtd.; Cherese D. McLain, MSBT Law; Rob R. Smith, Kilpatrick Townsend & Stockton, LLP*

Understanding the Tax Boilerplate in Partnership and LLC Agreements - This session will provide explanations of typical tax provisions found in partnership and LLC agreements through examples and illustrations. It will address such items as capital accounts, outside and inside basis, IRC § 704(c), deficit restoration obligations, and Qualified Income Offsets. This session will provide good information for practitioners with basic tax knowledge and a refresher for those experienced in the field. *John "Jack" Miller, University of Idaho College of Law*

Thursday, July 13 - CLE Session #2, 1:30 p.m. - 3:00 p.m. (Best Western)

Bar Admission Trends in Idaho and Beyond - This CLE will analyze bar admission trends nationwide, such as law school enrollment and bar exam pass rate data, adoption of the Uniform Bar Examination, and reciprocal admission. This CLE will then examine how those same trends are impacting bar admissions in Idaho. *Maureen Ryan Braley, Idaho State Bar*

Idaho Civil Justice Reform Task Force - The Idaho Supreme Court recently appointed a Civil Justice Reform Task Force to investigate whether Idaho's civil justice system is providing the just, speedy and inexpensive determination of every action and proceeding. The Task Force is soliciting information about practitioners' experience in Idaho's civil justice system. The Task Force will use the data gathered to determine what, if any, changes should be recommended to the Idaho Supreme Court. This presentation will describe the national data, the process the Task Force is utilizing, and the goal of the project. *Hon. Molly J. Huskey, Idaho Court of Appeals; John J. Janis, Hepworth, Janis & Klusdal, Chtd.; Michael E. Ramsden, Ramsden, Marfice, Ealy & Harris, LLP; Brian C. Wonderlich, Holland & Hart, LLP*

The Future is Now: Top 10 Strategic Trends and Competence in Practice - Strategic technology trends are rapidly bringing the future to us - impacting clients' requirements, legal practice and governments pervading real estate, corporate governance, banking, securities, privacy, intellectual property, medical malpractice, consumer protection, criminal law, estate planning and other practice areas. Idaho Rule of Professional Conduct 1.1 unwaveringly requires lawyers become and remain competent as this tidal wave of new technology surges forward. This session will review the top ten strategic technology trends according to MIT and other experts; competency requirements for lawyers; and strategies to ensure competency and compliance. *Emile Loza deSiles, Technology & Cybersecurity Law Group, PLLC*

Thursday, July 13 - CLE Session #3, 3:30 p.m. - 5:00 p.m. (Best Western)

Ethics and Practical Issues in Dealing with Persons with a Developmental Disability - This CLE will provide answers to an array of questions. Does an individual proposed to be under a guardianship have a right to his/her own attorney? Does an individual under a guardianship have the right to contract with an attorney to contest or change the terms of the guardianship after *Rogers*, considering IC 15-5-307(a) and IC 66-408? What are the implications of IRPC 1.14, Clients with Diminished Capacity, for the attorney or GAL who represents an individual in a guardianship? Under what circumstances should a guardianship be plenary in light of the *Rogers* case, IC 66-406 and IC 15-5 part 3? When does supported decision making need to be considered? What are the changes to ICAR 54.4 and 54.5? What are the implications of SB 1090 that clarifies that an individual with a developmental disability who does not have a guardianship and has capacity to make decisions is allowed to make decisions? *Robert L. Aldridge, Robert L. Aldridge, Chtd.; Amy Cunningham, Disability Rights Idaho*

Idaho and a Constitutional Convention - The United States Constitution has been amended 27 times. In each instance, Congress proposed amendments for ratification by the states. In the past two decades, the Idaho Legislature has been pressured to amend the Constitution using an alternative method. Article V expressly provides for a state-called constitutional convention in which delegates from at least two-thirds of the states meet to propose amendments to the Constitution for later ratification by three-fourths of the states. While efforts to call an Article V convention are not new, such efforts are intensifying and an Article V convention is increasingly more likely. This presentation will outline the legal basis for an Article V convention, identify legal uncertainties inherent therein, and provide commentary on the potential benefits and detriments of an Article V convention. *McKay Cunningham, Concordia University School of Law; Latonia Haney Keith, Concordia University School of Law*

The Trend Toward Proportionality in Discovery - The proportionality requirements for discovery under the federal rules went into effect in December 2015. Some state courts, including Idaho's, have also moved toward adopting proportionality limitations for discovery. This program will look at the policy reasons behind the proportionality requirements and whether those requirements are impacting how litigators manage their cases and conduct discovery. The discussion will include experiences with raising proportionality arguments and ideas for best practices. *Tyler J. Anderson, Moffatt Thomas; Sarah H. Arnett, Stoel Rives, LLP; Sonyalee R. Nutsch, Clements, Brown & McNichols, PA*

Friday, July 14 - CLE Session #4, 8:00 a.m. - 10:00 a.m. (Best Western)

Understanding the Needs of the Military Population in the Criminal Justice System - This program focuses on the needs of veterans and current servicemembers who are in the criminal justice system. Attendees will receive a presentation discussing the establishment and history of veteran treatment courts both nationally and within the state of Idaho. A panel of presiding Idaho veteran treatment court judges will discuss the local development of veteran treatment courts, implementation of Idaho Supreme Court standards and guidelines, and common issues seen by the courts. Finally, the Idaho Military Legal Alliance will discuss its Veterans Housing Clinic Pilot Program and how the program will help resolve the legal barriers of homelessness for Idaho's homeless veteran population. *Moderated by Major Stephen "Steve" A. Stokes, Idaho National Guard; Hon. G. Richard Bevan, Fifth Judicial District Court; Hon. Michael J. Reardon, Fourth Judicial District Court; Hon. George A. Southworth, Third Judicial District Court; Joshua Bode, U.S. Department of Veterans Affairs; Melissa Hartman, Bannock County Veteran Services; Sarah Kearney, U.S. Department of Veterans Affairs; Jodi A. Nafzger, Concordia University School of Law; Justin R. Volle, Volle Law, PLLC*

Friday, July 14 - CLE Session #5, 10:15 a.m. - 11:45 a.m. (Best Western)

Lessons from the Masters - Representing 93 years of commitment to legal excellence, this distinguished group of Idaho lawyers will showcase their interesting careers and provide aspects of best practices, tips for practitioners and stories that will be shared for years to come. *Attorney General Lawrence G. Wasden, Office of the Attorney General; Tim Gresback, Tim Gresback Law Office; Michael E. Ramsden, Ramsden, Marfice, Ealy & Harris, LLP*

Friday, July 14 - CLE Session #6, 1:30 p.m. - 3:30 p.m. (Univ. of Idaho)

How Immigration Law Affects Your Law Practice - A panel of scholars, clinical professors and private attorneys will summarize the different paths an individual may take to immigrate to the United States, and why and how immigration-related issues intersect with criminal, family, employment and business law practices. The panel will identify how the Trump administration's policy changes affect employers, employees, schools and the criminal justice system in Idaho and nationwide. *Maria E. Andrade, Andrade Legal; Kate Evans, University of Idaho College of Law; Jessica M. Long, University of Idaho College of Law; Sunil Ramalingam, University of Idaho College of Law*

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- NAEGELI Deposition and Trial
- Palouse-Clearwater Environmental Institute (PCEI)
- Sage Forensic Accounting, Inc.



We hope to see you at the
2018 Annual Meeting
July 18-20, 2018
Sun Valley, ID