

**IDAHO STATE BAR APPELLATE PRACTICE SECTION  
GOVERNING COUNCIL MEETING**

**NOVEMBER 7, 2019, 12:00 p.m.**

Location: Stoel Rives, 101 S. Capitol Blvd., Suite 1900, Boise, ID 87302

Attending: Kim Coster (Chairperson, presiding officer), Ben McGreevy (Secretary/Treasurer), Brian Dickson (Past Chairperson), Stephen Adams, Brian Church, Jaycee Nall, Jonathan Shirts (At-Large Council Members), Christopher Pooser

**1. Events**

**a. Handbook Update**

Christopher Pooser's handbook update was moved forward on the agenda, because he had another engagement. Christopher Pooser thought the update went well. He wanted to have some people volunteer to look at the handbook over the next few weeks, to check items such as layout and headings. It would be easy to make changes at this point. Jonathan volunteered to look at some chapters.

Christopher Pooser also brought up giving a gift to Marisue Thomas, who spent over forty hours assisting in the preparation of the handbook. Ben raised the issue that the Bar's \$50 ceiling for gifts might apply here. Perhaps it would be better to frame it as a payment, or as an expense or honorarium. It was unclear whether the Bar's ceiling on gifts could be waived by the Section.

The motion to provisionally approve an expenditure of \$250.00, depending on Bar approval, **passed**.

The Council agreed to have everyone on the Council review at least one chapter of the handbook. Stephen agreed to review the preservation chapter, Jaycee agreed to review the administrative appeals chapter, and Jonathan agreed to review the standards of review chapter.

Kim reported that five copies of the handbook had been sold. The Council discussed advertising the handbook in the op-clips, as well as in the Advocate. Christopher Pooser thought there was some money left for publication expenses. Getting a print advertisement in the Advocate would probably require a three or four month lead time. Kim would put it on the agenda for next month.

**b. October 4<sup>th</sup> CLE**

The October 4 All-Day CLE had 41 attend in person, and 9 on the Web. The timing of the event was a problem for attendance. However, Teresa Baker expected a lot of people would watch it on demand.

**3. Minutes**

The motion to approve the minutes from the September 12, 2019, Governing Council meeting **passed**.

**4. Budget**

**a. Finance Report**

Ben had an incomplete breakdown of the expenses from the CLE. The missing expenses included the payments for the social hour.

Brian Church asked about the total amount of loss from the CLE. That was still unknown. Brian Church was okay with the Section taking a loss, because this is what the membership pays for. The CLE is a valuable service. Further, the estimates were not as off as they could have been.

Kim noted that the caliber of speakers was high, especially keynote speaker Amir Ali. All of the presenters were strong.

Brian Dickson stated that the Section had minimal advertising support from the Bar this time. Previously, the Bar had sent out more blast emails. Brian Dickson also recommended opening registration earlier next time, so there would be more time to send out notices. Another problem was that the Idaho Trial Lawyers Association held their annual CLE the same day. Advertising earlier might have helped with that overlap. The Bar delayed outside advertising.

**b. Sponsorship Request from Concordia**

Concordia Law was planning to send two moot court teams to the National Appellate Advocacy Competition. Registration would be \$700.00 for the first team and \$650.00 for the second team.

Brian Dickson recommended donating \$1300.00, to help account for the carryover of fund. He later suggested increasing the donation to \$1350.00.

The motion to donate \$1350.00 to Concordia for the National Appellate Advocacy Competition, **passed**.

**5. Events (cont.)**

**b. October 4<sup>th</sup> CLE (cont.)**

Turning to feedback from the committees for the CLE, Brian Dickson reported the speech committee went smoothly, and recovered when speakers dropped out. Speakers would be provided thank you notes.

**c. Advocate—Section Sponsorship for September 2020**

Stephen suggested asking for volunteers at the December member meeting. Jonathan recommended letting the members know about the Section sponsorship, and seeing if there was any interest in writing. The deadline for submissions would be next June. Stephen would write an article, but did not yet have a subject. Jonathan could also write an article.

Kim asked about corpus linguistics. Brian Dickson noted that Justice Bevan would be presenting a CLE on corpus linguistics for the Section in December, and an article could build on that.

**d. Member Meeting CLEs—Topics and Speakers**

Stephen stated that the December member meeting was on Justice Bevan's calendar. He and Jaycee would follow up with Justice Bevan.

Stephen suggested approaching Chief Justice Burdick for next April's member meeting. The topic could be whatever the Chief Justice wanted. Perhaps he could speak on issues of concern to the Court right now.

**6. Council Membership**

**a. Resignation of Lori Fleming**

The Council recognized Lori Fleming's service and accepted her resignation as Vice Chairperson.

**b. Amending the By-Laws**

Kim noted that the Council was down two people. Although the Bar did not require it, she wanted a mechanism for filling vacancies. She asked if the Council would want to waive the one-year Council membership requirement for replacement officers (Chairperson and Vice Chairperson).

Stephen suggested that, in the event of a Council member resigning before the general election each April, the Council ask for volunteers and vote to appoint a volunteer for the remainder of the term. That would not require a vote of the Section membership. He suggested using the same process for officers resigning, with a waiver of the one-year requirement if necessary.

Brian Church asked if the one-year requirement was still needed. Stephen stated it had been useful in the past. Kim thought it was helpful to have officers who had served on the Council and had some experience with the Sections' CLEs and handbook updates. That way, someone could not just immediately become Chairperson. She wanted to leave the one-year requirement in place, with a waiver allowed. Stephen suggested a two-thirds vote of the Council for approving a waiver.

Ben would look into how to get amendments to the Section by-laws approved by the Bar Board of Commissioners. Board approval was required to amend the by-laws.

Brian Dickson brought up electronic voting, and thought the Section could do it. He was not completely sure of that.

Brian Church suggested the Council be able to appoint replacements, unless it was within ninety days of the general election each April.

Stephen asked if the seat vacated by Judge Tollefson was a two-year term seat. Brian Church indicated it was.

Kim proposed circulated a draft amendment to the Section members, with a vote on the amendment to take place at the December meeting. Brian Dickson noted that the vacant seats may not be filled even with the amendment and Board approval, because the amendment might not be approved until less than ninety days before the next general election.

## **7. Schedule for 2020 Meetings**

The Council scheduled meetings for January 9, February 13, March 12, April 9, and May 7, 2020.

## **8. Adjournment**

The meeting adjourned at 1:16 p.m.