

The
Advocate

Official Publication of the Idaho State Bar

Volume 49, No. 5

May 2006

This issue of *The Advocate* is sponsored by the
Law Practice Management Section

copyright 2003 Don Gadda



TRA

Tenant Realty Advisors

Who is **really**
representing you
in buying or leasing commercial property?



Market Surveys

Objective Counseling

No Conflict of Interest

Market Knowledge

Experienced - Over 500 Transactions



Tenant Realty Advisors is an independent commercial leasing firm. Principal, William R. Beck, represents the interests of **tenants**. He offers a wealth of market knowledge and objective counseling to help **tenants** find the best locations at the most favorable terms.

With 30 years of multi-market experience and over 500 transactions, Bill is one of the most experienced commercial real estate brokers in the Treasure Valley. Choose TRA for professional representation in your next office lease or purchase.

The Advocate

Official Publication of the Idaho State Bar

Volume 49, No. 5

May 2006

MANAGING EDITOR

Jeanne Barker

EXECUTIVE DIRECTOR

Diane K. Minnich

EDITORIAL ADVISORY BOARD

Kate B. Kelly, *Chair*

Stephanie T. Ebright

Brad A. Goergen

Matthew E. Hedberg

Lorna K. Jorgensen

Emily D. Kane

Jason G. Murray

Scott E. Randolph

Mitchell E. Toryanski

The Hon Mikel H. Williams

Samuel B. Laugheed

Kenneth L. Pedersen

Thomas A. Banducci, *Commissioner Liaison*

BOARD OF COMMISSIONERS

Hon Rick Carnaroli, *President*

Thomas A. Banducci, *Commissioner*

Jay Q. Sturgell, *Commissioner*

Terrence R. White, *Commissioner*

Andrew E. Hawes, *Commissioner*

ADVOCATE STAFF

Jeanne S. Barker

Managing Editor

Email: jbarker@isb.idaho.gov

Robert W. Strauser

Advertising & Communications

Coordinator

Email: rstrauser@isb.idaho.gov

www.idaho.gov/isb



Copyright © 2006 The Idaho State Bar. The editorial contents of this publication are the opinions of the authors and do not necessarily represent or reflect the policies or opinions of the Idaho State Bar. *The Advocate* has the authority to edit material submitted for publication. Appearance of an advertisement in *The Advocate* does not constitute a recommendation or endorsement by *The Advocate* or the Idaho State Bar of the goods or services offered therein. The Idaho State Bar Editorial Advisory Board reserves the right to reject advertising determined not to be in keeping with the publication's standards.

The Advocate (ISSN 05154987) is published monthly by the Idaho State Bar, 525 W. Jefferson Street, Boise, Idaho 83702. Subscriptions: Idaho State Bar members receive *The Advocate* as part of their annual dues payment. Nonmember subscriptions are \$45 per year. Mail at Periodicals Rate is paid at Boise, Idaho.

POSTMASTER: Send address changes to:

The Advocate

P.O. Box 895

Boise, Idaho 83701

FEATURE ARTICLES

- 9 **Welcome...From the Bar's Newest Section Chair**
Stephen Nipper
- 10 **Disaster Planning for Lawyers**
Ernest Svenson
- 12 **PowerPoint Presentations: Ten tips to make them more powerful**
Dennis Kennedy
- 14 **Creating a Professional Computer Image**
Adriana Linares
- 16 **To Tech or Not to Tech: Important questions (and answers) for your practice**
Dennis Kennedy
- 19 **Violence in the Legal Profession: Methods of protection and prevention**
Stephen D. Kelson
- 24 **What is the LAP?**
Justice Daniel T. Eismann

COLUMNS

- 4 **President's Message**, *The Hon. Rick Carnaroli*
- 6 **Executive Director's Report**, *Diane K. Minnich*
- 25 **Federal Court Corner**, *Tom Murawski*
- 33 **Continuing Legal Education**, *Terri Muse*
- 34 **Idaho Law Foundation**, *John Bush*

NEWS AND NOTICES

- 5 Newsbriefs
- 7 Discipline
- 9 Reciprocity
- 26 Idaho Supreme Court Spring Terms
- 26 Idaho Court of Appeals Spring Terms
- 26 Idaho Supreme Court Oral Arguments
- 26 Idaho Court of Appeals Oral Arguments
- 27 Licensing Cancellations and Reinstatements
- 30 Cases Pending
- 31 Coming Events
- 35 IOLTA Honor Roll
- 35 IVLP Special Thanks
- 36 Volunteer Opportunities Form
- 38 Directory Updates
- 44 Of Interest
- 50 Staff Changes - Bar and Foundation
- 54 Classifieds

COVER

On the Cover: "Cascade Aspens" is a photograph taken in the spring near West Mountain Road south of Cascade, Idaho by Boise Attorney Don Gadda. It can be viewed at www.gad-daphotography.com along with other images by Mr. Gadda.

This issue of *The Advocate* is sponsored by The Law Practice Management Section.

It's the Way You Play Your Cards that Counts

Hon. Rick Carnaroli



As many of you know, my mom passed away on April 2, 2006 in Pocatello. Her health was poor and we knew her time was drawing near. My brother Craig came out from New Jersey to be with her while I was out of town. We were prepared, but we weren't ready. Mom, would have told us, "That's the hand life deals you." It is Mom's affinity with cards that led me to remember her and share some of her card lessons about life.

When we think of learning, most of us probably think of school. However, our first teachers, our favorite teachers, and our best teachers have been our parents. And, when we ponder the twists and turns of life we sometimes make reference to cards. We often say things like: "It wasn't in the cards," or "That's the hand you were dealt," or "Deal with it." Throughout my life I learned many lessons from my parents. Some of their best lessons taught me that some of life's best moments can be found in the cards.

We will celebrate Mothers' Day this month and Fathers' Day next month. We have cards to find, gifts to buy and sometimes... family dinners to plan when our folks are living nearby. Mothers' and Fathers' Days were big days to Mom. And, because they were big days to Mom, they were big days to my Dad. She always received Mother's day cards from my brother and I, and later from my children. Still, Mom would remind us every year, "Don't forget my Mothers' Day card!" And, "Don't forget your father's Fathers' Day card!" It wasn't the flowers. It wasn't the gifts. It wasn't the meals. To me it was the simplest way to honor Mothers' Day; but, to Mom it brought the greatest pleasure. It was all about the card.

The same was true of birthday cards. Mom went out of her way to locate the funniest cards she could find to send to us. She found some doozies too! Birthdays were always marked with laughter and the cards were part of the deal. Mom would take great delight in the birthday cards that my brother, my children and I would send to her and dad. She loved to share those cards; "Your

brother sent the funniest card again this year. Let me read it to you!"

Mom taught our family the joy and value in taking the time to send a card with a short note inside. We learned that though a card carries less information than a phone call there is just something extra special about receiving a card. As Dad got older he took similar delight in receiving his Fathers' Day and birthday cards. My brother and I continued to compete for the most humorous card award and now my teenage children Kyle and Krista are taking more interest in finding a funny card to celebrate a special day.

Mom's other card interest was card games. She enjoyed all types of card games. Although, Dad didn't share Mom's affinity for playing cards, he did enjoy watching her play cards at the kitchen table with my brother and me, and later with my two children. We'd invite him to play, knowing the answer... "I have too much to do." But, I remember him smiling, watching a few minutes and quietly moving along to the next chore he had around the house or yard.

I also remember Mom playing cards with some of the other moms in our neighborhood. They played Tripoly once a week, taking turns at each of their homes to host one another with coffee and coffee cake. Great friendships were born in a simple card game. Mom made lifetime friendships that overcame distance and outlasted the years. The cards changed to a new format as most of "the moms" continued sending Christmas and birthday cards to one another even though they had moved far away from the old neighborhood. Mom also found that a game of cards was a great way to meet new people. When Dad died she moved to Pocatello in 2002. She forged brand new friendships over games of bridge at the Greater Pocatello Senior Citizens Center.

It wasn't so much the competition, though she was quite competitive, as the socialization that drew Mom to play cards. She enjoyed playing UNO with our family members, even though she gave her grandchildren no breaks when we'd sit down to a game of UNO. Two weeks before her death, Mom quietly delighted herself when she took

five straight games of UNO from me, my son Kyle and my daughter Krista. She shut us out that night, even though she was feeling poorly and we probably stayed a little too long. It was very difficult for her to follow the play. As a son, and as a parent, I watched the game unfold. I watched the patience that my children showed as they helped Grandma play in turn. I also observed Krista keeping an eye on her Grandma's hand, playing her own hand in ways that assured Grandma certain victory. Seeing Mom's delight, my children's patience, and my daughter's compassion made for a memorable evening for me. I honestly can't remember a more enjoyable game of cards.

Mom also taught us the importance of taking a few moments to write and send a "thank you" card when the occasion calls for it. Any gift, favor or thoughtful effort might cause Mom to send a "thank you" card to a friend or family member. I am taking a moment to use this column as my "thank you" card to all of you. Our family wants to thank so many of you for all of your expressions of kindness and condolence and for your prayers, thoughtfulness and kind words. Best wishes to all of you in advance, that you may enjoy Happy Mothers' and Fathers' Days during the next two months and in the coming years. And, regardless of whatever you do to celebrate your parents, don't forget to send them each a card.

Rick Carnaroli is serving a twelve-month term as president and has been a Bar commissioner representing the 6th and 7th Districts since 2003. He received his B.A. from Pacific University in 1980 and his J.D. from Willamette University College of Law in 1985. Rick was admitted to the Idaho State Bar in 1985. He was later admitted to practice in the United States Court of Appeals for the Ninth Circuit in 1993 and in the Supreme Court of the United States in 1999. Rick engaged in litigation practice in both the private and public sectors before taking the bench in October 2004 as a magistrate judge in Bannock County. He is the third member of the judiciary to serve on the Board of Commissioners. To contact President Carnaroli: 208-236-7322 or rickc@co.bannock.id.us

NEWS BRIEFS

Idaho Certified Shorthand Reporters Board—The Idaho State Bar is responsible for nominating to the Governor one member to the state certified shorthand reporters board. The Idaho Certified Shorthand Reporters Board is a self-governing regulatory Board authorized under Chapter 31, Title 54, Idaho Code. The Board regulates the professional conduct of shorthand reporters through the adoption of rules and the enforcement of statutes regarding qualifications, professional ethics and conduct for all certified shorthand reporters in the state of Idaho. If you are interested in serving on the Board, contact Diane Minnich; dminnich@isb.idaho.gov or 208-334-4500.

2006 Rules Changes—For new orders or rule changes go to www.isc.idaho.gov/rulesamd.htm. The Idaho Supreme Court 2006 Rules Changes supplement is included as a supplement with this issue of the *Advocate*.

Supreme Court approved Legal Forms—On May 1, 2006, coinciding with Law Day activities, the first sets of Idaho Supreme Court approved legal forms will be accessible by the public through a new interactive system. The question-and-answer format is designed to make use of the forms by self-represented persons easier than ever and to minimize incorrect or improper use of the forms. This project is the result of collaboration between the Court and Idaho Legal Aid Services. When

the forms go "live" on May 1, you can see the new system at www.idaholegalaid.org or www.courtselfhelp.idaho.gov. For more information, contact Judge Michael Dennard at courtassistance-project@idcourt.net.



In Memorium
The Idaho Law Foundation has
received a
generous donations in memory of
Peter G. Snow

From
John A. and Karen Rosholt

WHITE PETERSON, P.A. ATTORNEYS AT LAW

The firm is pleased to announce that

DENNIS P. WILKINSON
has become an associate of the firm

Mr. Wilkinson, is a 1999 graduate of the University of Idaho College of Law. He became a member of the Idaho Bar and the U.S. District Court, District of Idaho in 1999. Mr. Wilkinson will focus his practice in the areas of civil litigation, personal injury and matters related to business and commercial law. Prior to joining the firm, Mr. Wilkinson was the Chief Deputy Prosecutor for the Bannock County Prosecutor's Office.

White Peterson, P.A., is a full service law firm serving clients throughout the region. For over three decades the attorneys of White Peterson, P.A. have offered practical advice and effective litigation to help our clients manage the present and plan for the future.

5700 E. FRANKLIN ROAD, SUITE 200
NAMPA, IDAHO 83687
TEL: (208) 466-9272
www.whitepeterson.com

SARAH H. ARNETT
KEVIN E. DINIUS
JULIE KLEIN FISCHER
CHRISTOPHER D. GABBERT
WM. F. GIGRAY, III

T. GUY HALLAM **
JILL S. HOLINKA
JOHN R. KORMANIK *
WILLIAM A. MORROW
WILLIAM F. NICHOLS **

CHRISTOPHER S. NYE
PHILIP A. PETERSON
TODD A. ROSSMAN
JAMES M. VAVREK
TERRENCE R. WHITE ***
DENNIS P. WILKINSON

*Also admitted in CA ** Also admitted in OR ***Also admitted in WA



Volunteer Opportunities

Diane K. Minnich



The success of Bar and Foundation activities depends on the volunteer efforts of Bar members. The Bar Commissioners and the Foundation Directors are recruiting attorneys interested in volunteering their time and expertise.

The general responsibilities of each committee are outlined in this column. If you are interested in one of the volunteer opportunities listed, please complete the form on page 43 and return it to the ISB/ILF offices (committees listed here, but not listed on the committee request form have no available positions for 2006-07.) If you have any questions about the committees, please contact me at dminnich@isb.idaho.gov or call 208-334-4500.

Committee appointments are made at the July ILF and ISB Board meetings. In selecting committee replacements, the board members consider geographic diversity, areas of practice, and other previous or current committee assignments.

IDAHO STATE BAR COMMITTEES

Note: Committee appointments are for three-year terms. Chairpersons are appointed for one-year terms.

Bar Exam Preparation Committee

Gathers and reviews questions and analyses for each bar exam. Recruits question writers to prepare questions and analyses. *Meets 4-6 times per year; 5 members.*

Bar Exam Question Writers: Drafts questions and analyses for bar exam. No meetings.

Character and Fitness Committee

Reviews bar exam applicants for character and/or fitness issues. Makes recommendations to the Board of Commissioners on whether applicants should be allowed admission to the practice of law in Idaho. *Meets 4 to 6 times a year; 9 members (2 non-lawyers).*

Reasonable Accommodations Committee

Reviews requests and makes recommendations to the Board of Commissioners regarding reasonable accommodations for the bar exam. *Meets as needed; 3 members.*

Client Assistance Fund Committee

Reviews claims against Client Assistance Fund for attorney misappropriation of funds

due to dishonesty. *Meets as needed; 5 members (2 non-lawyers).*

Fee Arbitration Panels

Reviews matters submitted by clients disputing attorney fees. Panels formed as needed. If the disputed amount is \$2,500 or less, it is assigned to a one-lawyer panel; if disputed amount is more than \$2,500, it is assigned to a three-member panel, which includes one non-lawyer.

Professional Conduct Board

Exercises general control over attorney discipline. Acts as an "intermediate appellate court" in attorney discipline matters. Receives and considers formal charge complaints, and makes recommendations for disposition to the Idaho Supreme Court. Meets in three-member panels as needed; 30 members (10 non-lawyers).

Unauthorized Practice of Law Committee

Reviews unauthorized practice of law complaints. Oversees investigations and makes recommendations for disposition to the Board of Commissioners. Meets twice a year; 4 members.

The Advocate-Editorial Advisory Board

Determines the theme, selects/recruits authors for lead articles, and reviews the contents of each issue of The Advocate. Meets the third Wednesday of each month; 10-12 members.

Public Information Committee

Works to foster awareness of the positive role of lawyers and the judicial system in Idaho. Meets six times a year; 12 members (3 non-lawyers).

Lawyer Assistance Program

Oversees the LAP program, which helps and support lawyers who are experiencing problems associated with alcohol and/or drug use or mental health issues. Meets quarterly. 15-17 members

IDAHO LAW FOUNDATION COMMITTEES

Idaho Volunteer Lawyers Program Policy Council

Plans and reviews programs, policies and procedures for IVLP. Makes recommendations to ILF Board of Directors. Meets four times a year; 13-14 members (3-4 non-lawyers).

Law Related Education Committee

Promotes and oversees law related education programs. Meets 3-4 times a year; 14-15 members (5-6 non lawyers).

Continuing Legal Education Committee

Plans and oversees Idaho Law Foundation CLE programming of subjects, speakers, course

materials and policies. Meets four times a year; 15-16 members.

Fund Development Committee

Designs and implements a fund development plan to provide a long-term source of funds for grant making and/or operational support of Law Foundation programs. Meets as needed; 6 members.

Guardian Ad Litem Committee

Reviews and considers Guardian Ad Litem grant applications. Recommends grant recipients to the Board of Directors. Meets 1-2 times a year; 5 members (3 non-lawyers).

IOLTA Fund Committee

Reviews and considers IOLTA grant applications. Recommends grant recipients to the Board of Directors. Meets once a year; 10 members.

Delivery of Legal Services Advisory Council

This joint ISB/ILF committee is responsible for the development and oversight of a comprehensive, long-term plan for the coordination, delivery and funding of legal services to low-income individuals and groups in Idaho. Meets three times a year; 15 members.

OTHER VOLUNTEER OPPORTUNITIES

Law Related Education

Attorneys are needed to assist with the high school mock trial competition, the Lawyers in the Classroom program, Law Day activities, and help with Youth Court.

Sections of the Bar

Sections welcome assistance with program planning, newsletters, publications and public service projects. There are currently 18 Idaho State Bar sections.

Idaho Volunteer Lawyers Program

Attorneys are needed to provide pro bono assistance to low-income individuals through direct case representation, brief legal services, workshops or mentoring.

District Bar Associations

As a member of your local district bar association, you can assist with educational programs, social events, and public service activities.

Special thanks to those of you who have committed your time, expertise and energy to the work of the Bar and Foundation. The organizations are strong, committed and able to provide needed service to the profession and the public because of your volunteer efforts.

**WILLIAM MCCURDY
(PUBLIC REPRIMAND)**

The Professional Conduct Board of the Idaho State Bar has issued a Public Reprimand to Boise lawyer, William A. McCurdy, based on professional misconduct.

The Professional Conduct Board Order followed a stipulated resolution of an Idaho State Bar disciplinary proceeding, in which Mr. McCurdy admitted that he violated Idaho Rules of Professional Conduct 1.3 ["Diligence"], 3.2 ["Expediting Litigation"], 3.4 ["Fairness to Opposing Party and Counsel"], and 8.4(d) ["Conduct Prejudicial to the Administration of Justice"].

The Complaint related to Mr. McCurdy's representation of defendants in the pre-trial phase of civil litigation in Ada County. During the course of that litigation, plaintiffs' counsel made a series of discovery requests for documents, but certain of the documents were not produced, notwithstanding that seven orders compelling production of those documents were issued by the district court judge between August 2001 and February 2002. In addition, in conjunction with that process, the trial court entered orders for attorneys' fees and costs totaling \$6,513.89 and monetary sanctions in the amount of \$17,200.00. Those awards were paid to plaintiffs by Mr. McCurdy or his law firm. Mr. McCurdy's involvement in the lawsuit eventually ended, and other members of his firm continued the representation of the clients and the case was ultimately settled and was dismissed. The plaintiffs received consideration as part of that settlement.

Prior to that settlement, the plaintiffs filed an independent case for abuse of process and intentional infliction of emotional distress against Mr. McCurdy and others. The district court granted Mr. McCurdy's, his clients' and law firm's motion to dismiss and plaintiffs timely filed a notice of appeal. The case was assigned to the Court of Appeals, which affirmed the district judge. The plaintiffs then sought relief for review by the Idaho Supreme Court, which was granted. In 2005 Opinion No. 100, filed September 14, 2005, the Idaho Supreme Court vacated the district court's order dismissing plaintiffs' claims and remanded the case to allow plaintiffs an opportunity to amend their complaint in accordance with the legal principles set forth in the opinion. Following remand of that case to the district court, the parties conducted mediation and the case settled. The plaintiffs obtained an additional payment in exchange for dismissal of their claims. Bar Counsel considered all of plaintiffs' recoveries as a significant mitigating factor.

The Public Reprimand does not limit Mr. McCurdy's eligibility to practice law. In addition, he will serve a two-year Bar Counsel probation upon agreed to terms and conditions.

Inquiries about this matter may be directed to: Bar Counsel, Idaho State Bar, P.O. Box 895, Boise, Idaho 83701, (208) 334-4500.

**RAYMUNDO G. PEÑA
(INTERIM SUSPENSION)**

On February 27, 2006, the Idaho Supreme Court issued an Order granting the Idaho State Bar's Petition for Interim Suspension of Rupert attorney Raymundo G. Peña's license to practice law in the State of Idaho.

The Idaho State Bar filed a Petition for Interim Suspension and supporting Affidavit on February 17, 2006. A formal charge disci-

pline proceeding is pending before the Professional Conduct Board seeking Mr. Peña's disbarment. The Idaho Supreme Court determined that it clearly appeared from the specific facts shown by the Petition and Affidavit that Mr. Peña poses a substantial threat of irreparable harm to the public which would subject him to sanctions, including disbarment. The Court therefore concluded that Mr. Peña should be suspended from the practice of law until further notice.

Inquiries about this matter may be directed to: Bar Counsel, Idaho State Bar, P.O. Box 895, Boise, ID 83701, (208) 334-4500.

**ERIC S. ROSSMAN
(PUBLIC REPRIMAND)**

The Professional Conduct Board of the Idaho State Bar (ISB) has issued a Public Reprimand to Boise lawyer Eric S. Rossman, based on professional misconduct.

The Professional Conduct Board Order followed a stipulated resolution of an ISB disciplinary proceeding in which Mr. Rossman was found to have violated Idaho Rule of Professional Conduct 8.4(c) ["Conduct involving dishonesty, fraud, deceit or misrepresentation"].

The formal charge complaint involved Mr. Rossman's acceptance of a \$10,000 check from a client made payable personally to Mr. Rossman for a legal fee belonging to his law firm, his depositing the check into his personal bank account, and then falsely denying he had done so when confronted by his firm.

The Public Reprimand does not limit Mr. Rossman's eligibility to practice law.

Inquiries about this matter may be directed to: Bar Counsel, Idaho State Bar, P.O. Box 895, Boise, ID 83701, (208) 334-4500.

**JOHN C. SOUZA
(SUSPENSION)**

On February 24, 2006, the Idaho Supreme Court issued its Remittitur that ordered the Opinion of the Court announced February 2, 2006, final. That Opinion concluded that John C. Souza should be suspended from the practice of law in Idaho for thirty-six months with thirty months withheld. Pursuant to Idaho Bar Commission Rule 517(d), Mr. Souza's six-month actual suspension commences on March 16, 2006.

The Idaho Supreme Court Opinion concluded this formal disciplinary case. On June 7, 2004, the Idaho State Bar (ISB) filed a formal complaint against Mr. Souza alleging four counts of professional misconduct involving his representation of Allen Black in personal injury and bankruptcy matters. Count One of the complaint alleged that Mr. Souza violated I.R.P.C. 1.1 and 1.3 for failing to timely file the personal injury lawsuit on behalf of Mr. Black. Count Two alleged that Mr. Souza violated I.R.P.C. 1.4 and 8.4(c) for failing to communicate with Mr. Black and misleading him about the status of the lawsuit. Count Three of the complaint alleged that Mr. Souza violated I.R.P.C. 1.3 and 8.4(c) for failing to diligently pursue the filing of Mr. Black's bankruptcy petition and misleading him about the filing date. Count Four of the complaint alleged that Mr. Souza violated I.R.P.C. 4.1(a), 5.3 and 8.4(c) as a result of his secretary falsely informing one of Mr. Black's creditors that the personal injury lawsuit had been filed.

On February 17, 2005, the ISB and Mr. Souza filed a Stipulation with the Professional Conduct Board, whereby Mr. Souza admitted the allegations in Counts One, Two and Three of the complaint and that his conduct constituted violations of I.R.P.C. 1.1, 1.3, 1.4 and 8.4(c). The parties agreed that Count Four should be dismissed due to a lack of clear and convincing evidence of misconduct. The parties also agreed that the appropriate sanction was 365-day suspension with 273 days withheld, restitution in the amount of \$17,500, which Mr. Souza paid to the ISB, and a one year period of probation on conditions of reinstatement that included that Mr. Souza carry errors and omission insurance during the period of probation, and make arrangements for a supervising attorney.

On April 13, 2005, the Professional Conduct Board issued an Order and Recommendation, adopting the parties' Stipulation and recommending to the Idaho Supreme Court that it be the final resolution of the matter. On July 20, 2005, the Idaho Supreme Court issued an order that declined to accept the parties' Stipulation and requested briefing and oral argument. The matter was argued on December 9, 2005.

In the February 2, 2006 Opinion, the Court determined that the appropriate sanction was a thirty-six month suspension with thirty months withheld. The Court also held that following the six-month suspension, Mr. Souza may apply for reinstatement, but must show that he has obtained errors and omissions legal malpractice insurance in an amount acceptable to the Professional

Conduct Board and that the ISB must be notified in writing by the carrier of any changes to that policy.

The Idaho Supreme Court also held that following reinstatement, Mr. Souza is subject to certain terms and conditions of probation for the remainder of his withheld suspension. These terms and conditions of probation are that Mr. Souza must maintain the same errors and omissions legal malpractice coverage, that he must arrange for a supervising attorney to meet with him monthly and report to the ISB quarterly, that he must notify the ISB monthly, in writing and under oath, that he is representing his clients consistent with the Idaho Rules of Professional Conduct, and that he tender to the ISB, for Mr. Black's benefit, \$22,000 plus interest, minus the \$17,500 he already tendered to the ISB.

Inquiries about this matter may be directed to: Bar Counsel, Idaho State Bar, P.O. Box 895, Boise, ID 83701, (208) 334-4500.

**NOTICE TO THOMAS WIDMAN OF
CLIENT ASSISTANCE FUND CLAIM**

Pursuant to Idaho Bar Commission Rule 614(a), the Idaho State Bar hereby gives notice to Thomas Widman that a Client Assistance Fund claim has been filed against him by former client Nathan Byerly in the amount of \$10,250.00. Please be advised that service of this claim is deemed complete fourteen (14) days after the publication of this issue of *The Advocate*.

KEEPING UP WITH CASE LAW?

- Case summaries, complete opinions and more
- Affordable - Timely - Reliable
- Idaho's authorized advance reporter

Idaho Supreme Court Report
Idaho Court of Appeals Report
Idaho Bankruptcy Court Report

208-336-4715
www.gollerpublishing.com


GOLLER PUBLISHING
CORPORATION

Do you have clients with

TAX PROBLEMS?

MARTELLE LAW OFFICE, P.A. represents clients with
Federal and State tax problems

- OFFERS IN COMPROMISE
- BANKRUPTCY DISCHARGE
- INSTALLMENT PLANS
- TAX COURT REPRESENTATION
- APPEALS
- INNOCENT SPOUSE
- PENALTY ABATEMENT
- TAX PREPARATION

208-938-8500
82 E. State Street, Suite F ~ Eagle, ID 83616
E-mail: attorney@martellelaw.com
www.martellelaw.com

**We Help
Innovative
Companies
Rise Higher**

*In the
Hoff Building
Downtown Boise*

208-336-1234
www.IPLegalTeam.com

 **Holland & Midgley LLP**
INTELLECTUAL PROPERTY LAW
PATENTS | TRADEMARKS | COPYRIGHTS

Welcome... From the Bar's Newest Section Chair

Stephen Nipper

Dykas, Shaver, Nipper, LLP

Welcome to the May issue of the *Advocate*, sponsored by the Law Practice Management Section. If the name of the Section seems unfamiliar to you... you are probably not alone. The Law Practice Management Section is the newest Idaho State Bar Section.

Law Practice Management is an unbelievably broad topic, covering issues including marketing, client relations, law office management, law office administration, legal technology, and billing/financial issues, to name a few. Our ultimate goal as a Section is to provide the resources, knowledge and tools Idaho attorneys need to enable themselves to have better, more satisfying, and hopefully more profitable practices.

After being approved by the ISB's Board of Commissioners last fall, we hit the ground running, committing to bi-monthly CLEs, speaking at the Annual Meeting and sponsoring this issue of the *Advocate*. The initial support from the Bar has been nothing short of amazing, a fact that leads me to believe that this Section is going to do some great work in the coming years.

We have already put on two CLEs. The first one on teaching your staff about client confidences was taught by Boise attorneys Martha Wharry and Sandra Clapp. The second one on disaster planning for law firms was taught by Ernie "the Attorney" Svenson, a New Orleans attorney and law blogger, (Ernie's follow-up to that seminar appears as a stand alone article in this issue of the *Advocate*). Both of these seminars were video recorded and can be checked out from the Bar's office in Boise.

Our section has more seminars planned including a 3-hour CLE on "billing" at the July Annual Meeting in Sun Valley. The speaker list and topics on "billing" haven't been formally set yet. But, I'm betting we'll see topics like alternative (non-hourly) billing, what one can and can't bill for, how to collect fees, fee arbitration, trust accounts, etc. Hopefully, we'll see you there.

We are planning more CLEs in Boise, as well as in other locations in the state. We have at least three different national law practice management/legal technology speakers who have expressed an interest in putting on CLEs, as have a number of Idaho attorneys.

If you are not already a member of the Section, I encourage you to join. The greater the participation, input, and advice we get from our fellow members of the Bar, the better we will be able to serve the Bar. Members have access to the Section's email discussion list and other collaborative/discussion resources. They also get a discount on Section CLEs (attend 2-3 CLEs a year and you've more than paid for your \$25.00 membership dues). To join the Law Practice Management Section call Kim Woods at the ISB (208) 334-4500; or print the section registration form from the Bar's website www.idaho.gov/isb

As for our Section sponsorship of this issue of the *Advocate*, our original intent was to have Idaho attorneys provide all of the content. However, the Section took a little longer than we expected to come together and as such it was difficult finding Idaho

attorneys ready to write articles for this issue on such short notice. Luckily, for the past couple of years I have covertly been a "law blogger," authoring a number of different law blogs. It has been a great experience (ask me sometime and I'll tell you the story) and through that process I have come to meet some amazing lawyers both locally and across the nation. A number of those "law blogger's" writings are spotlighted in this issue, including: a pair of articles (one on using Power Point® effectively, one on legal technology purchases in general) by legal technology guru Dennis Kennedy, a follow up to Ernie Svenson's "disaster planning" CLE, and an article by lawyer/computer guru Adriana Linares on computer tricks and tips for attorneys looking to create a polished computer image. Also spotlighted is an article by Utah attorney Stephen D. Kelson on violence in the (legal) workplace. I hope you enjoy them. That being said, the next time the *Advocate's* readership hears from the Law Practice Management Section, its voice will carry a more homegrown accent.

Again, I encourage you to join the Section. Our Section is one that reaches across all areas of law. I would love to hear your input on the types of law practice management content and information you desperately wish we'd provide to help your practice be the best it can be.

ABOUT THE AUTHOR

Stephen M. Nipper is an intellectual property attorney with *Dykas, Shaver & Nipper, LLP* in Boise, specializing in patent and trademark protection for small businesses and individuals. He is a nationally recognized law blogger, his blogs including *The Invent Blog* (www.inventblog.com), *The Rethink(IP) Blog* (www.rethinkip.com) and *Blawgr* (www.blawgr.com). He is the former Chairperson of the Idaho State Bar's Intellectual Property Law Section. Stephen can be reached at 208-345-1122 or nipper@dykaslaw.com.

RECIPROCAL ADMISSION

The Idaho Supreme Court approved rules submitted by the Bar that allow reciprocal admission with Oregon, Washington, Utah and Wyoming (Idaho Bar Commission Rule 204A). Under these rules, certain Idaho, Washington, Oregon, Utah and Wyoming lawyers can apply to be admitted to practice in the other states without having to take additional bar exams. The following lawyers were admitted to the practice of law in Idaho.

Reciprocal Admission Applicants Admitted

(from March 1, 2006 to March 31, 2006)

Dwain Mark Clifford

Portland, OR

University of Texas at Austin

Admitted: 3/27/06

Disaster Planning for Lawyers: Lessons from Katrina

Ernest Svenson

Katrina has been called the worst natural disaster in United States history, and that may well be true. But Katrina's arrival was not unpredicted. For years, people in New Orleans had been warned that a 'killer storm' might cause the levees to breach. Indeed, this is one reason so many people evacuated the city in the days and hours before Katrina came ashore.

Yet despite the predictions and preparations Katrina still caught many people off guard. It turned out while people could conceive of citywide flooding in general terms, they had trouble imagining the intricate scope of the disaster. Many people were able to plan an evacuation from New Orleans, but no one had developed a plan that could deal with a complete shut down of the city for more than a month.

A week after Katrina came ashore, New Orleans was under siege. Many people were still trapped in the city and the mandatory evacuation order was now being carried out with a show of force. The U.S. 82nd Airborne was deployed along with the National Guard. Troops patrolled the streets as helicopters swarmed the skies above. Getting out of the city was hard, but getting in was even harder. Besides, who would want to return to the city?

In the days following Katrina, business leaders gathered and plotted on how they could return to retrieve key assets. State and federal courts located in New Orleans sent teams of data recovery experts into the city. Many large law firms did the same. Primarily, their objective was to retrieve computer equipment, particularly network servers that contained the lifeblood of information essential to business operations and the legal workings of the city.

We've all known that we live in a world of digital information for some time. The people in New Orleans knew this, in much the same way that they knew one day a 'killer storm' would cause people to flee the city. What we in New Orleans learned was not that digital information is important, but rather that it is so vital that we would hire quasi-military folks to retrieve what we needed to keep our businesses and communities functioning.

Of course, there would have been no need to hire anyone if we had done things differently. If we had actually contemplated a complete shutdown of New Orleans for a month we might have known what shape our plans needed to take. Now that we have experienced the epic disaster of the century, we have learned what is necessary to properly prepare for a more positive outcome. Turns out it much of it wasn't that hard. It required some very focused attention, and consultation with experts in Information Technology. But it's time that we're willing to spend. It also required some capital investment, but not that much when you measure the alternatives.

The lesson of Katrina for businesses, especially the legal profession is simple: digital information is critical, but it's not as vulnerable as you might imagine. With a comprehensive plan, it's entirely possible to have a business up and running three days after a major catastrophe like Katrina. Some businesses actually were able to do this. But not businesses with key assets that had to be in a fixed location. Not businesses whose critical information was stored in paper as opposed to being in digital form.

If you want to prepare for a disaster the approach is simple. First, digitize as much of your information as possible. Develop a system that allows you to access that data from anywhere, and strive to have redundancies in that system. Do this as soon as possible. You won't have time to create this scheme when trouble strikes; you'll be busy doing with a multitude of crisis. Having a plan in place gives you the freedom to concentrate on family and other pressing concerns.

Yes, it's true that the greatest natural disaster in United States history was predicted. But by the time it became clear that it was going to strike, it was too late for most businesses to do more than prepare to evacuate. Most businesses disasters are not epic disasters. A fire in your building can be as disruptive to your business as a Category 5 storm that cripples your entire city. But the plan you should have in place will protect your business in either case. **TAKE THE TIME TO DEVELOP YOUR PLAN—NOW!**

PLANNING FOR DISASTER—SOME CONSIDERATIONS

The larger your firm the more likely you will need to hire experts who can help you develop a strategy for protecting your digital data. There are some considerations that any lawyer can focus on to create the optimal orientation.

1. Backup your key data
2. Develop a mobile lawyer mentality
3. Allow your key data to be accessible from the Internet

BACKUP YOUR KEY DATA

This is obvious, almost to the point of tedium. We all know that we are supposed to backup our key data... what we don't know is how we should be doing this. The bigger your firm the more intricate this process can become, so I would advise you to hire a top-notch consultant. Note the phrase 'top-notch.' There are many consultants in the I.T. world, and virtually all of them are computer geeks who easily display tech wizardry. It's easy to for the average non-techie to become convinced that these geeks know how to develop a backup system.

Backing up digital data is not hard. What's hard is developing a disaster recovery plan that allows you to function immediately from a new location if disaster strikes. Developing this plan is as much about analyzing your business process as it is about performing computer backups. Don't hire a relative or close friend to help you create a backup plan. Hire a specialist, preferably a national specialist, one who understand what it takes to keep a business running smoothly. There are companies that specialize in helping law firms manage their technology, and I strongly recommend you hire one of those firms.

DEVELOP A MOBILE LAWYER MENTALITY

Laptop computers are commonplace and inexpensive. A decent laptop can be had for \$1,000. Lawyers who fled New Orleans with their laptops were up and running fairly quickly, especially if they had stored information on their computers. Lawyers who worked from desktop computers waited for days, or weeks, just to get a replacement machine. When the replacement arrived it might have a copy of Microsoft Word, but it wasn't filled with key client information. A laptop with a Wi-Fi card or chip (virtually all laptops

now come with this feature) is a powerful tool. Remember your goal is to be able to leave your city and function from anywhere.

What can a lawyer with a well-equipped laptop do? Pretty much anything. If the lawyer has scanned her paper files to PDF she can easily carry the equivalent of 100 bankers boxes of paper. Every banker's box of paper weighs 20 pounds, while most laptops only weigh about 3 to 5 pounds. With WiFi you have access to 2000 pounds of client information!

If you have a Westlaw or Lexis account, you can do research from any place that has Wi-Fi (most coffee shops have Wi-Fi now). You can check and respond to emails. You can receive faxes and send faxes. You can book flights and reserve hotel rooms, or obtain driving directions.

YOUR KEY DATA SHOULD BE ACCESSIBLE FROM THE INTERNET

If possible, you don't want all of your key data on your laptop, at least not primarily. After all, you can lose your laptop or it might be stolen. As much as possible **you will want your key data accessible to you from any computer** that has Internet access.

Again, the larger your firm the more you will need to hire experts to assist you in achieving this objective. With thoughtfulness and planning, small firms and solos can achieve this objective fairly easily. For example, companies like eFax and Send2fax allow you to manage your faxes completely online; you don't need a fax machine. Thompson Elite offers a service called Timesolv Legal that allows billing functions to be managed completely online, and includes electronic billing functions (LEDES format) and conflicts checking. Even secretarial functions are possible with online solutions such as Cybersecretaries, which allow you to phone a toll free

number and dictate over the phone (the resulting document is then emailed to you).

RESOURCES AND RECOMMENDATIONS

There are a number of possible resources for a lawyer aspiring to learn how to make better use of technology. Here are just a few:

1. Technolawyer, a great site with 12,000 active members who participate in email discussions about various legal technology topics.
2. Solosez, an email discussion list for solo attorneys. Although Solosez is sponsored by the ABA General Practice, Solo and Small Firm Division, anyone can join, you don't even need to be a member of the ABA.
3. DennisKennedy.com - Dennis is one of the few technology lawyers who is also an expert on the underlying technologies. His advice is always sensible and engagingly explained.
4. PDFforLawyers.com - my site that offers tips on how to use PDFs in the practice of law.
5. <http://del.icio.us/esvenson/BoiseLawCLE> - a collection of useful weblinks related to disaster recovery and mobile lawyering.

ABOUT THE AUTHOR

Ernest Svenson handles business disputes in New Orleans and is well-known for his websites: www.ernietheattorney.net and www.pdfforallawyers.com. He has handled copyright, trademark, franchise, products liability, unfair trade practice, and securities law matters. He is a member of the Eastern District of Louisiana's Technology Committee, and Chair of the LSBA Technology Committee. He is a graduate of Loyola University Law School in New Orleans.

LEGAL PROFESSIONAL LIABILITY COVERAGE FOR AMERICA'S GREATEST LAW FIRMS

WHAT IF THE DEFENDANT IS YOU?

WE BRING ORDER TO THE COURT

Protecting America's law firms is the special expertise of Great American's Professional Liability Division. Insurance for attorneys by attorneys: we bring a thorough understanding of the law to all our business relationships. Our service is prompt, accurate, proficient.*

*Are you invincible?
Are you insured?*

Contact:
Carlin Edelman
800.299.4331

Professional Liability Division

APPLY ON-LINE!
appSnap
GreatAmericanLawyer.com

GREAT AMERICAN
INSURANCE GROUP

*Rated "A" Excellent by A.M. Best, as of January 23, 2006

© 2006 Great American Insurance Company. All rights reserved.

PowerPoint Presentations: Ten tips to make them more powerful

Dennis Kennedy

PowerPoint has dramatically changed the way people make presentations. Some accountants, engineers and other professionals consider PowerPoint a more essential tool than a word processing program. We are beginning to see lawyers use it in courtroom, seminars, and other legal settings. Lawyers are using PowerPoint for opening and closing arguments, to summarize witness testimony, outline the basic points of a case, and to explain complex concepts.

Most of us learn best visually. We are members of the TV generation and like variety, visuals and variation in the ways we learn new things. The term “edutainment” accurately describes how most of us like to get our information.

PowerPoint takes advantage of this fact by adding visual interest to our presentations, organizing our points, de-emphasizing the need for high levels of personal charisma and “speaking skills,” and allowing us to present to people in ways that enhance our ability to connect with and persuade audiences.

Best of all, PowerPoint is easy to learn and use. However, because it is so easy to use it can also be easy to misuse or not use effectively. Here are ten tips for making good use of PowerPoint in your presentations.

ONE—MAKE USE OF OTHER PRESENTATION ELEMENTS

If you find slides that you like (with the necessary permission), import those slides into your presentations or use them as models. If, during a PowerPoint presentation, you like the colors or textures you see, find out what they are and use them in your next presentation. Many speakers will give you copies of their slides or tell you how they prepared them. It never hurts to ask. Better yet, make use of the pre-fabricated templates and presentations that come with PowerPoint or that can be downloaded from the Microsoft web site <http://www.microsoft.com/powerpoint/>, other sites on the Internet. PowerPoint also has “wizards” that walk you through a set of choices and automatically generate the format of your slides. Most of us are not graphics artists but the people who put the templates and wizards together are. The goal is effective communication – if someone has a good way of doing things, learn from it and use it.

TWO—DON’T OVERUSE EFFECTS OR OVERCROWD SLIDES

Don’t let people focus on the “gee whiz” aspects of your program. You want them to focus on the content of your presentation and on you as the presenter of that content. Crowded slides turn off audiences and obscure your main points. Your slides should be designed to illustrate your speech, not to replace your handouts. Don’t cram them with information that belongs in a handout. Limit your slide to 3 to 6 points. Avoid sub-headings. Instead, break major points into separate slides. Stick with the same backgrounds, styles and transition effects throughout your presentation. Think carefully before using animations, sound, and video. It’s best to use those effects sparingly – they’ll have more impact.

THREE—HEADLINES RATHER THAN OUTLINE HEADINGS

The typical slide should have 3 to 6 bullet points. Compare the headings I have used for the first three points in this article with

ones I could have used: “1. Resources; 2. Effects; 3. Bullet Points.” Each bullet point on a slide gives you a chance to introduce, set expectations for and sell your argument on that point. Writing the points as headlines gives your presentation energy and power.

FOUR—FIND YOUR OWN STYLE

On each slide, I like to use 3 to 6 bullet points and a single, simple graphic that illustrates the slide title. Sometimes I don’t even use bullet points and use the graphic and a few words to make a point. When I use bullet points, I prefer to bring my points onto the slide one at a time with no special effects and I like to “gray out” points after I finish with them. This approach gives better control and pace, although it can make it difficult for you to advance quickly if you are running out of time. I typically don’t use sounds or movie clips. I’m just not comfortable with them and think that they tend to make clichéd points (e.g., you say: “we hit our target” and then play an animation of, what else, an arrow hitting a target). Other people may find that sound and video work perfectly for what they are trying to do. I’ve seen people, comfortable using music, incorporate music clips, for example, very effectively. PowerPoint gives you plenty of tools to fit your style.

FIVE—PREPARE FOR THE UNEXPECTED

Any experienced speaker can tell you hair-raising tales about air conditioning, microphones, seating and a variety of other elements of speaking that can go wrong. My favorite of these is leaving the wireless microphone on after you leave the room. Using presentation programs, notebook computers and projectors brings in a whole new dimension of things that can go wrong. Projectors are especially tricky and sometimes will not work with your notebook computer. Some speakers carry whole tool kits: extra bulbs, extra hard drives, copies of the presentation on USB drives or CDs, cords, cables and adapters. Most of the time, things work quite well, but failures are quite visible. The best advice: get to the room early and get everything set up and tested. Find out if the meeting place has a technical person assigned to your presentation. If so, befriend that person. If you make a lot of presentations, give serious thought to buying your own projector.

SIX—THINK LIKE SOMEONE IN YOUR AUDIENCE

Picture what your audience will be seeing and hearing. Spend more time on content than on design issues. You can be creative but don’t be silly. A very important point: readability. Use large fonts. If you can’t fit all your points on a slide without moving to a smaller font, break the points up onto separate slides. Colors matter because they have connotations. For example, you want to avoid reds because they can agitate people negatively. Font styles and graphics choices set your professional image, so be smart in your choices.

SEVEN—PRACTICE, PRACTICE, PRACTICE

Your success with PowerPoint presentations will depend on how comfortable you are using the program. It is vital to practice your speech and running the notebook computer at the same time because you have to do both at the same time during your presentation. If you can’t do both at once, it makes excellent sense to have

someone else run the notebook computer. You don't have to do everything, especially if it inhibits your performance. You should practice your talk with the person who is running the computer. I have noticed that it is easier to do full rehearsals of talks with slides than it is when using only notes. The slides make the rehearsal more fun.

EIGHT—STORYBOARD YOUR PRESENTATION

PowerPoint helps you think structurally about your presentation. You know you need an introduction, a conclusion and main points, all supported with arguments, stories and examples. Some people work best with outlines. PowerPoint will automatically turn an outline into a set of slides. I like to sketch out my presentations as a series of slides. This process is called "storyboarding" and is done in moviemaking. I can then conceive my presentation as a set of slides and sketch what kind of graphic I want, how many bullet points, and where anecdotes and examples will fit into the talk. It makes it easier for me to imagine the presentation in its entirety and to visualize my performance.

NINE—NEVER FORGET YOUR CONCLUSION SLIDE

One way PowerPoint will make you a better speaker is by reminding you that every presentation needs a conclusion. Too many speakers simply end a presentation by saying: "That's all I have." If you have a concluding slide with 3 to 5 summary points or action steps, you'll leave the audience with a much stronger impression. You can never emphasize and restate your main points too often.

TEN—OWN YOUR PRESENTATION

It's very easy to tell when someone is delivering a speech that they haven't written themselves. It's just as easy to tell when someone is using a PowerPoint presentation that someone else has put together. You may see expressions of surprise or puzzlement or even comments that a graphic is especially good. You can have someone else prepare the slides and even have someone else running the computer, but you have to **own** the presentation as if you created it yourself. When you know the presentation and are comfortable working with the slides, you become free to connect with your audience and shine as a presenter.

While PowerPoint will not take the place of basic communication skills, it can be a great tool for enhancing and improving your skills. You can learn to be a great presenter through practice, repetition, hard work, study, and the right tools. Keep in mind, though, that the best speakers are the ones who are able to speak in a way that is most congruent with their own personality. The more authentic you are the more effective a communicator you are. The power of PowerPoint is that it gives you the flexibility to use your own style and get your message across to your audience. These ten tips for using PowerPoint will help make you a top-notch communicator.

About the Author

Dennis Kennedy is a well-known legal technology expert, technology lawyer and blogger. An award-winning author with hundreds of publications on legal, technology and Internet topics, Dennis speaks frequently on legal technology topics and was named the 2001 *TechnoLawyer of the Year* by *TechnoLawyer.com*. His blog <http://www.denniskennedy.com/blog/>, and his website are highly-regarded resources on legal technology topics.

GETTING READY FOR TRIAL?

"Studies show that jurors remember only 30% of what they hear. But they remember 80% of what they see and hear."

William Mauer
Missouri State Court Judge

ELECTRONIC PRESENTATIONS:
Whatever your needs, we can assist with documents, images and animation.

A FULL RANGE OF SERVICES

- Document imaging/coding/OCR-ing in a wide variety of formats
- Deposition video/text synchronization
- Preparation of electronic presentations
- Database design
- Courtroom assistance, training and support for:

Trial Director	Summation	Binder
Sanction	Livenote	Video Synch



Laptop Computers, Software,
Training and Personnel Available

M & M COURT REPORTING SERVICE, dba AccuScan
208-345-9611 cary@accuscan.org www.mm-service.com

Creating a Professional Computer Image

Adriana Linares
Law Tech Partners

In today's world, whether you are a solo practitioner or a partner at a large firm, you are at a disadvantage if you don't have access to the latest technology. The technology allows you to keep pace with your peers. However, the advantage is dependent on having the ability to create, edit and define your legal image by using the technology yourself. The ability to create is what gives you control over the outcome of your work. Every attorney should know how to document a new idea using word processing, how to show-case the new idea using PowerPoint, and how to share the new idea using Adobe software. Plus, every attorney should be able to use email and the Internet to streamline his or her work life.

CREATE AND EDIT A DOCUMENT

Today, the appearance of a word processing document often reveals as much about an attorney's skills as the contents of the document itself. Document creation and editing skills are critical in today's professional world. Long gone are the days of faxes and copies delivered by courier. A strangely formatted document suggests poor understanding and use of basic technology.

Understand Cut/Copy and Paste Option in Word

If you only learn one thing about document creation and editing make it this: understand how to cut, or copy, text from your original document and paste it into the current document you have open in Word (or WordPerfect).

When you paste text from another document, an email, or even a web page, the original formatting is retained. That is, if you copy a paragraph from an old WordPerfect document that was automatically numbered, is in Courier New, and size-12 font and paste it into Word, the paragraph will keep the numbering, font and font size from the previous document. Such retention of numbering and font styles is what drives us crazy with Word documents. In order to avoid, or at least minimize, copy and paste-related stress, consider the following: The Paste Options feature allows you to decide how Word should manipulate the formatting for the copied text. To use the Paste Options feature follow these steps:

1. Highlight the text you intend to cut or copy;
2. Go to the **Edit** feature on your Tool Bar (top of the page) and left click so the drop down menu appears;
3. Click on **Paste Special** and another menu box will open;
4. Preview the different formatting choices, by pointing your cursor to a style and right clicking once. Text will appear under the box explaining the formatting options;
5. Double click on your preferred formatting option;
6. Go to the new document and paste the text. The pasted text should be in the format you specified using the **Paste Options** feature.

The following web resources provide additional guidance on document creation and editing:

- www.microsoft.com/word
- <http://wordprocessing.about.com>
- www.lawtechpartners.com/wordforlawyers.htm

CREATE, EDIT, AND TROUBLESHOOT A POWERPOINT PRESENTATION

"I want to practice law not create pretty presentations in PowerPoint," many attorneys say. Okay, but remember you are in a profession that values communication. PowerPoint is now a mainstream business communication tool. In order to use PowerPoint effectively, it is necessary to understand a little bit about how it works. At a minimum, learn how to use the AutoContent Wizard. It will get you started quickly. Here's how.

1. Go to **File** on your Tool Bar and left click **New**. The **New Presentation** Task Pane will open on the right side of your screen.
2. Under **New**, click **From AutoContent Wizard** and follow the instructions in the wizard.
3. In the presentation, replace the text suggestions with the text you want, and then make any other changes you want, such as adding or deleting slides, images, clip art, etc.
4. When you finish, on the **File** menu, left click **Save**, type a name in the **File name** box, and click **Save** again.

Regardless of *who* creates your presentations, you should be an absolute expert on delivering them. You should be able to set up and troubleshoot the laptop, projector, mouse, and pointer. There is no reason that you or your office shouldn't own a projector. Don't always count on getting a loaner from the client or the group you are presenting to. Many old laptops don't display well with new projectors or vice-versa. Bottom line, you should get a projector to call your own and become familiar with it.

The following web resources provide additional guidance on PowerPoint presentations:

- <http://www.beyondbullets.com/>
- <http://www.thinkoutsidetheslide.com/powerpointseminars.htm>
- http://www.craigball.com/PowerPersuasion_February%202006.pdf

CREATE, EDIT, AND COMMENT ON DOCUMENTS USING ADOBE

Consider this tip mandatory: Adobe Acrobat should be on every computer in your office. Acrobat can be very pricey and there may be some economical alternatives available but this tool is so important that you should get stingy somewhere else in your budget. Adobe Acrobat adds a virtual printer to your computer that allows you to "print" anything you can send to your regular printer as a PDF file. As more courts adopt e-filing, PDF files will be used even more than they are now. Wise lawyers will try to stay ahead of this trend by learning as much about PDF files as they can.

The following web resources provide additional information on Adobe Acrobat:

- www.pdfforallawyers.com
- <http://www.adobe.com/products/acrobat/legal.html>

CREATE AN EFFICIENT PRACTICE USING THE WEB

The Internet can be one of your most valuable resources when you start using it for everyday tasks. To run a more efficient practice (and life!) you should be taking advantage of many web-based applications such as the following:

1. Web-based email. You should have a web-based email address or email alternate that you can use and where your clients can reach you during a crisis or emergency. After Katrina, many attorneys were left email-helpless because their firm email servers were down.
2. Internet Faxing. There is little use for a traditional fax machine these days. An Internet-based fax number will deliver faxes to your inbox as a PDF file and a scanner will allow you to scan paper documents to a file that you can "fax" over the Internet.
3. Online banking. This item is extremely important especially if you are a solo or small firm that doesn't have a sophisticated accounting package. You would be hard pressed to find a bank that doesn't offer statement download and bill payment services that integrate into programs such as QuickBooks or Quicken.
4. Road Warrior. Learn how to book air and hotel reservations over the Internet. More importantly, learn how to check-in online (or at a kiosk at the airport). The time you won't be

spending in lines at the airport can be spent enjoying a pre-flight cocktail at the bar.

5. Searching. Learn to efficiently search for court records, public records, on tax appraiser websites and many other online databases.

Technology can be overwhelming and client expectations of how attorneys are using technology don't seem to be waning. Taking the time to learn one tip or tool at a time will not only make you more efficient and less frustrated but will also impress your clients.

ABOUT THE AUTHOR

Adriana Linares is a legal technology therapist and trainer based in Orlando, Florida. She speaks and writes regularly on legal tech issues, tools and training. Visit her website to learn more about her methods www.ihearttech.com or email her at Adriana@lawtechpartners.com

Mediation and Arbitration Services

D. Duff McKee

Practice limited to alternative dispute resolution services

Post Office Box 941	Telephone: (208) 381-0060
Boise, Idaho 83701	Facsimile: (208) 381-0083

Email: ddmckee@idacomm.net

Michael G. Brady

Brady Law, Chartered



Attorney – 35 years Trial Experience
ADR Mediator/Arbitrator
SLRA Evaluator

Accepting Civil Case Referral
Fee Sharing Arrangements
And
Alternative Dispute Resolution Services
(208) 327-8900

Licensed in Idaho, Oregon, Utah & Washington
www.bradylawoffice.com

To Tech or Not to Tech: Important Questions (and Answers) for Your Practice

Dennis Kennedy

Hamlet, in Act III, Scene 1, delivers these immortal lines:

*To tech, or not to tech: that is the question:
Whether 'tis nobler in the mind to suffer
The crashes and reboots of outrageous operating systems,
Or to take arms against a sea of software glitches,
And by opposing delete them?*

Or he might have, if the play was written now and set in a law practice.

Trying to make good technology decisions has left many otherwise skilled and confident lawyers feeling like modern-day Hamlets - seeing and speaking with ghosts and making friends and colleagues wonder about their sanity.

However, it doesn't have to be that way. This article will show you how to think about systems and technology and give you a solid foundation upon which to build a framework for making good decisions about legal technology.

Technology is both a tool and an investment. As does any good craftsperson, we must try to find tools that are both the right tool for the job and of sufficient quality to give us a good return on our investment.

TECHNOLOGY AS BOTH TOOL AND INVESTMENT

My wife's brother went back to law school at the age of 40 after working in the real estate and art gallery businesses in the San Francisco area. He wanted to open his own law firm from day one. We had a number of telephone conversations about what computer and software he needed when he started, primarily focusing on a notebook computer and speech recognition software. He would ask me about specs, memory, screen size, percentage accuracy of the programs, and the like. After a while, we seemed to be returning to the same questions without getting a decision made.

Finally, I asked him what he really wanted to do with a notebook and speech recognition software. It turned out that, as a practical matter, he could expect to pay about \$4,000 (about the price of the computer and software at the time) a month to hire a good legal secretary. He didn't know whether he could make enough in the first months to pay the secretary, let alone leave anything for him.

Now, we were on track. If the only thing the notebook and speech recognition software did for him was to delay the need to hire a secretary for a few months, buying them would be a good investment. In fact, he bought himself nine months. That's \$36,000 of value for a \$4,000 investment in just nine months, not a bad return. He has told me several times that my "advice" made all the difference in getting his business off the ground.

I don't think that I gave him "advice." I simply asked the right question. When you ask the right questions, the answers get a lot easier. What I want to teach you is how to ask the right questions about technology.

THE RIGHT QUESTIONS

The question whether "to tech or not to tech" is *one* of the right questions, but properly understood, it is a question that comes later in the process.

There's a great scene in my favorite science fiction TV series, Babylon 5, where one of the main characters is suspended in a state between life and death, bathed in waves of light, with disembodied voices asking repeatedly, "Who are you?" and "What do you want?" Because the character can answer those questions with clarity and authenticity, he goes on to fulfill his great destiny.

"Who are you?" "What do you want?" It really doesn't get much more basic than that. However, these are pretty deep questions to answer when you really thought that your question was "should I get an inkjet printer or a laser printer?" My argument is simply that the better the answers you have to these two questions, the better decisions you can make about technology.

HERE'S THE KEY

You must choose technology on the basis of whether it helps you be who you are and do what you want better than the other alternatives that you are considering.

There are several consequences of this approach. First, my best technology choices will not be your best technology choices. Second, although you should listen to advice and recommendations, the final decision must be your decision. Third, this approach forces you to think of technology as both a tool and an investment.

DO NOT SEPARATE TECHNOLOGY FROM SYSTEMS

Lawyers create and are creatures of systems. A law practice incorporates a large number of systems. There are systems for:

Running your office (Workflow management, operations and procedures, hiring and training, accounting and financial, planning and continuity)

Getting clients (Contact management, marketing materials, follow-up, client intake, engagement letters)

Serving clients (Project and workflow management, procedures, filing, forms, calendaring and docketing)

Getting paid (Fee setting, timekeeping, billing and collections, banking and trust account, procedures)

Complying with rules (Conflict checking, confidentiality, calendaring and docketing, recordkeeping, training and CLE, taxes)

It's no wonder you are so tired at the end of the day. There's plenty of work involved in creating and maintaining systems before you even get to the practice of law stuff.

TWO CORE PRINCIPLES ABOUT SYSTEMS

1. *You always have a system, but it may not be the one you want.*
2. *Your systems should work for you, not against you.*

We all know lawyers who use the following "system" for locating notes, correspondence and documents. Every piece of paper is stacked in tall piles on desktop, credenza, office chairs and floor. When something is needed, the lawyer digs through the papers until frustrated and then calls in a secretary who assists in going

through the piles until the document is found or another emergency arises.

This is, in fact, a system for retrieving needed documents. Is it a good one? Is it an efficient one? Is it one that the lawyer would have designed or ever have intended?

TECHNOLOGY IN PROPER CONTEXT

Technology must always be viewed within the context of your existing systems. Thinking about technology outside this context will lead you in the wrong direction. Unless you consider how a technology fits into this context, you cannot read reviews in a meaningful way and lists of “editor’s picks” may lead you to unsuccessful purchases.

Consider the previous example of a “system.” The question of whether the lawyer should buy one brand or another is not useful. The “best” scanner is the one that will hold the highest pile of papers stacked on it when it is treated as another storage space. The better question is: does any scanner make any sense in this type of system or are there better options?

If you want to implement any technology, the introduction of the new technology must do one of two things:

- **It must implement a better system; or**
- **It must improve an existing system.**

If it will, it makes sense to proceed. It’s as simple as that. Even a technophile like me will admit that in certain cases a technology solution may not be the best approach.

Technology is only a tool; it is not a panacea. As a practical matter, technology simply enhances the habits and skills you already have. Technology does not magically give you new skills. Speech recognition only makes it easier to get your words into a document; it does not magically make you a better writer.

It all comes back to the basic question: does the technology help you be who you are and do what you want? If the answer is that you want to be a better writer, speech recognition will not be as good an option as some non-technological efforts. If, on the other hand, you want to be able to launch a practice with minimal expenditures and only bring in a secretary when you feel that you need one, then speech recognition makes a great deal of sense.

TWO BIG ROADBLOCKS

Most lawyers are aware of only a tiny fraction of the choices available today. For example, did you know that there are more than one hundred “case management” programs? Often, a lawyer or firm will be trying to decide between the lesser of two evils when there are better choices available that they haven’t heard about. The list of resources at the end of this article will help you with this roadblock.

You will also get a lot of well-intentioned misinformation about legal technology. People recommend using Linux instead of Windows to a lawyer who barely knows what a mouse is. People will warn lawyers away from newer versions of software or installing updates and patches (a security problem just waiting to happen), lead them to obscure programs, and draw conclusions from setups that are outdated or clearly inadequate. In simplest terms, they are giving you generic information that does not take into account your specific needs or the context of your systems. The result is that you learn that what works best for them doesn’t work out so well for you.

Think about the practice of law. A client comes to you and asks whether they should form a C corporation or an LLC. The best response is to ask, “What do you want to do?” To answer, “I heard that some people had some kind of tax problem with C corporations a few years ago so I tell people never to use them,” probably is not a good approach to the practice of law or helping your client.

KEY VARIABLES TO CONSIDER

Some factors are especially important in making technology decisions and your needs in these areas can have a dramatic impact on the choices you should consider.

Solo / Solo with Staff / Small firm. The type and number of users will have a huge impact on your choices. If your practice consists of just you, you can look at much simpler choices over a longer period of time. As soon as you move to two users, you must consider networking, training and standardization of software.

Litigation or Not. I do not see how you can be a litigator and not use a notebook computer. Because litigation software, such as CaseMap and Summation, can be so valuable, you will need to devote time to learning more software options. Projectors, wireless access, PowerPoint and other “options” may well become necessities.

At Desk All Day or Not. If you are an at-the-desk lawyer, PDAs and cell phones are much lower priorities.

Volume of Work. This factor may be the most important one of all. The cost of replacement cartridges for an inkjet printer will eat you alive if you print thousands and thousands of copies a month. If you have a small number of clients, you may well be able to run your accounting with a spreadsheet. If you have a lot of clients, a range of rates and lots of matters, you probably have to go with a legal accounting package. Asking, “how often will I use this?” is an essential part of hardware decisions in particular.

Your Priorities. It could well be that who you are and what you want will be the lawyer who has the coolest gadgets. It might be that you want to reach jurors with a simple, plainspoken style rather than thrill them with the latest thing in multimedia. Don’t ignore who you are.

Area of Practice and Client Needs. In some areas of practice, there may be standard technologies that everyone uses. Some lawyers have told me that to make a decent living in family law these days, you need to automate to the greatest extent that you can. Similarly, you may have clients who require that you provide documents in certain formats, have ready access to e-mail, or implement security measures.

TEN TIPS, OBSERVATIONS AND RECOMMENDATIONS

Because this article argues that a one-size-fits-all approach is *never* appropriate in making legal technology decisions, I hesitated before setting out a list of general comments. However, I do want leave you with some practical pointers.

1. Even the least expensive of today’s computers is a rocket ship compared to the computers of even a year or two ago. Don’t limp along with old, slow computers. Four corners not to cut in configuring a new computer are: memory (RAM), hard disk capacity, number of USB ports and CD or DVD burners.

2. The new generation of high-capacity external hard drives offers the best inexpensive backup solution we have seen so far.

3. A notebook computer or Tablet PC now makes sense as the

primary computer for most attorneys. It is essential for today's litigator.

4. Windows XP Professional is the operating system of choice for lawyers in the Microsoft world.

5. Volume discounts for many software programs, including Microsoft programs, can be obtained for as few as 5 users and some consultants can offer you programs to roll hardware, software and consulting costs into a monthly payment option.

6. If you are prepared to do a little more research and go off the well-worn path, Macintoshes and Open Source software represent very acceptable non-Microsoft alternatives and no lawyer should dismiss them out of hand.

7. With the advent of electronic filing, a PDF creation program should now be considered essential software. The gold standard is Adobe Acrobat 7 Professional (not just the Reader), but cheaper alternatives are available.

8. If you have a notebook computer, you should have a wireless card (802.11b or 802.11g) or built-in technology to take advantage of wireless Internet hotspots at airports, hotels and restaurants.

9. If you are not installing Windows security updates and updates for other programs, running an updated antivirus program, and using a hardware or software firewall (ZoneAlarm is free), you might as well turn on a big neon "welcome" sign to the bad guy hackers.

10. Take a class in any program you use on a regular basis.

ACTION STEPS

So . . . what should you do when you finish this article? Take a few minutes to think about your technology and your systems. Then take the following actions over the next week or so:

- Do enough research to find three or four software programs you did not know about that can be used in your specific areas of practice.
- Visit at least half of the Internet resources listed below and take a look around.
- Inventory and make a quick assessment of your current technology and systems.
- Look back at one significant technology decision you made in the past and reevaluate it using the principles outlined in this article and write down the lessons you learn.
- Identify one or two technology options that have been on your mind and apply the principles outlined in this article as you make your decisions about them.

CONCLUSION

"To tech or not to tech" is only part of the question. Technology should not be seen as an area of bewildering complexity. Instead, treat it as both a tool and an investment. Fit your technology into the context of your existing systems and only make decisions that result in either the implementation of a better system or the improvement of an existing system. If you do so, you will come closer to the goal of having your technology enable you to work the way you want rather than force you to work the way it wants.

INTERNET RESOURCES

- ABA Law Practice Management Section - <http://www.abanet.org/lpm> (including the webzine

Law Practice Today

(<http://www.lawpracticetoday.org>) and Law Practice magazine (<http://www.abanet.org/lpm/magazine/>)

- ABA General Practice, Solo and Small Firm Section - <http://www.abanet.org/genpractice/home.html>
- TechnoLawyer - <http://www.technolawyer.com>
- Law Office Computing - <http://www.lawofficecomputing.com>
- Law Technology News - <http://www.lawtechnews.com>
- LawTech Guru - <http://www.lawtechguru.com>
- The Electronic Lawyer - <http://www.theelectronicalawyer.com>
- Dennis Kennedy.com - <http://www.denniskennedy.com>
- EsqGear - <http://www.esqgear.com>
- ABA TechShow - <http://www.techshow.com>
- MicroLaw - <http://www.microlaw.com>

ABOUT THE AUTHOR

Dennis Kennedy is a well-known legal technology expert, technology lawyer and blogger. An award-winning author with hundreds of publications on legal, technology and Internet topics, Dennis speaks frequently on legal technology topics and was named the 2001 TechnoLawyer of the Year by TechnoLawyer.com. His blog (<http://www.denniskennedy.com/blog/>) and his website are highly-regarded resources on legal technology topics.

Hecker Stands Up in Court

Because the court expects
credentialed experts.



Recognized as an Accredited
Business Valuator by the
AICPA, Jerry Hecker brings
court-approved expertise
to your argument.

Call 208|344|5442
The court expects it.

Jerry Hecker, CPA
Chartered

Experience | Insight | Knowledge | Accredited

1400 West Hays Street
Boise, Idaho 83702
Tel 208|344|5442
Fax 208|344|5478

Jerry Hecker, CPA-ABV CVA BVAL

Violence in the Legal Profession: Methods of protection and prevention

Stephen D. Kelson
Kipp & Christian, PC

In 2005, media coverage sensationalized two horrific acts of violence against the legal profession. On February 28, 2005, 57-year old Bart Ross broke into the Chicago home of U.S. Judge Joan Lefkowitz and shot and killed her husband and mother.¹ Less than two weeks later, on March 11, 2005, a 33-year-old standing trial in Atlanta for rape grabbed a deputy's gun and used it to kill Judge Rowland Barnes, a court reporter, and a deputy as he fled the courthouse. Soon afterward, national media attention moved on to other stories of interest, creating a general impression that similar acts of violence against the legal profession are uncommon and unlikely to occur in the near future, and that the proximity of these two occurrences was simply an unfortunate coincidence.

Where the legal profession in Idaho hasn't received the same level of media coverage for violence as that experienced in many other states, it too has experienced its own stories of workplace violence. For example, in December 1993, Paul de Renne and his brother, who were involved in a feud over a mining claim, met at M&M Court Reporting Service in downtown Boise in what was to be an attempt to resolve their dispute. Shortly after sitting down, Mr. de Renne pulled a semiautomatic .45-handgun from his briefcase and began shooting. In less than two minutes, Mr. de Renne killed his brother, his brother's business partner, shot his brother's attorney Patrick Miller in the arm, then took his own life. Police investigation identified that Mr. de Renne had carefully planned out the slayings and even left an undated thousand dollar check made out to his attorney "For cleanup."

Although more than a decade has passed since the 1993 slayings, members of the Idaho State Bar should not be lulled into a false sense of security. Violent acts occur almost daily throughout the legal profession; and, attorneys and judges need to recognize the reality and danger associated with the legal profession in a changing world. This article is presented for the purpose of identifying the nature of violence in the legal profession, examine why such violence is occurring, and to present methods that members of the Idaho Bar can employ to avoid becoming a victim of work-related violence.

ACTS OF VIOLENCE AGAINST THE LEGAL PROFESSION

Violence is often thought of in terms of fatal or near fatal incidents. However, violence and aggression can take many forms, including physical attacks, vandalism, threats, sabotage, assaults, homicides, and even suicide. Although acts of violence against attorneys and judges rarely make national headlines, the sheer number and frequency of violent acts against the profession reported in local media agencies nationwide, as well as statistical information from various sources, provide ample evidence that the practice of law has become an increasingly violent profession.

Some Examples of Reported Incidents of Violence in 2005

Aside from the extensively reported acts of violence in Chicago and Atlanta, numerous acts of violence have occurred against the

legal profession throughout 2005. For example, in Montezuma County, Colorado, a man with a history of domestic violence burst into his ex-wife's lawyer's office and shot and killed the 62-year-old attorney. In San Fernando, California, a defendant accused of killing two fellow gang members lunged at his defense attorney during his trial, and slashed her right arm with a jail issues razor, requiring five stitches. In Middletown, Connecticut, a former state trooper shot and killed his ex-wife, her attorney, then himself. In Detroit, Michigan, a former client entered his attorney's office building, loitered for fifty minutes on the stairs, and when asked to leave, punched his attorney three times, hit him with a plant stand, and threatened to kill him. Recently, in Provo, Utah, a sex offender was charged for paying an undercover officer to kill the deputy county attorney, prior to his sentencing.

These examples reflect only a sampling of reported incidents of violence against the legal profession in 2005, and represent only a small fraction of those against the legal profession throughout the 2000's. Additionally, numerous incidents of violence regularly occur against the legal profession, but go unnoticed or unreported by the media, or are never disclosed by legal professionals because they do not take them seriously or consider reporting such events as "bad publicity."

Studies of Violence Against the Legal Profession

While there is no national method for reporting attacks against the legal profession, limited statistical information shows that a substantial amount of violence occurs regularly against the legal profession. For example, statistics gathered by the U.S. Marshals Service currently provide a thorough study of violence against federal judicial officials in the United States. From October 1, 1980 to September 30, 1993, there were a total of 3,096 inappropriate communications or threats and assaults reportedly made against federal judges - an average of 238 per year. In comparison, 1,207 inappropriate communications or threats were reported in 1998 and 1999. To date, threats against federal judges have drastically increased to an average of 700 annually.

One source indicates that problems at the state and local courts are far more serious and occur more frequently than those at the federal level. A 1999 survey by the Administrative Office of Pennsylvania Courts found that of 1,029 judges that responded to a survey regarding violence, twenty-three percent reported that they had received explicit threats; seventeen percent reported physical assaults; and forty-four percent reported inappropriate approaches. In addition, in 2001, the federal Bureau of Justice Statistics (BJS) conducted the first and only published study examining workplace aggression as it relates to prosecutors and office personnel. It reported that eighty-one percent of large state prosecutors' offices reported work-related threats or assaults in that year alone.

A Survey of the Utah Bar Association

Closer to home, in January and February, 2006, the Utah Bar Association, conducted a survey of its 8,737 members. Although the results of this survey have not yet been published, they present surprising details of violence experienced by the legal profession. In total, 984 members, representing 11.3% of the bar, responded to the survey. 452 or 45.9% of the respondents reported that they had been threatened or physically assaulted at least once. Only 15.7% of those threatened or physically assaulted considered it serious enough to report the incidents to police authorities.

Four hundred and fifty-two incidents of violence reported in the Utah Bar Association survey, 68 incidents were perpetrated against lawyers by their own clients, and 201 incidents of violence were perpetrated against lawyers by the opposing party in a case. Many of these threats and acts of violence include death threats, assaults, and vandalism to the attorney's property. For example, an opposing party in a divorce action pulled papers from the attorney's hands, threw them on the floor then pushed him backwards. Another member of the Utah Bar reported that an opposing party was arrested and subsequently charged for attempting to hire a hit-man to kill him. In yet another incident, a client's husband tried to hit her attorney with golf balls while playing golf at a country club. Two hundred and eighty-four respondents identified that they had been threatened more than one. Interestingly enough, the results of the survey also reveal that at least 27 threats and physical assaults were perpetrated by opposing counsel. These statistics show that violence against the Utah legal profession is not as uncommon as previously believed, and there is good reason to believe that there would be similar results from a similar survey of the Idaho Bar Association.

A DETERIORATING PUBLIC PERCEPTION MADE MANIFEST

Although it is commonly recognized that attorneys perform a necessary and vital role by advocating their clients' positions, in many circumstances, attorneys are considered arrogant, high-handed, and indifferent; and based upon these perceptions, the profession as a whole suffers.

A recent study by Marc Galanter, a Professor Emeritus of Law at the University of Wisconsin-Madison and Centennial Professor in the Department of Law at the London School of Economics and Political Science, examines legal jokes as a potential method of examining the public's perception of the legal profession. Part of his research has identified a chilling change in legal jokes since 1980. Galanter identifies that for several centuries, legal jokes generally tended to focus on five themes which were substantive gripes about lawyer behavior, which included jokes that they are "corrupters of discourse," "economic predators," "fomenters of strife," "betrayers of trust," and "enemies of justice." However, since 1980, a new cluster of four themes have emerged in legal jokes, which focus on lawyers' character and standing, and characterize lawyers as "allies of the devil," "morally deficient," "objects of scorn," and "candidates for elimination."

An individual's personal perception of the legal profession is important when examining why so many turn to violence. Violence generally involves an individual who is "caught up in a judicial proceeding that somehow, rationally or not, violated his sense of fairness or his selfish desire for freedom or relief from

punishment." This "violation of fairness" can occur in multiple manners. The person becomes severely frustrated with the system during the process; or a litigated ruling does not come out in his favor and he is unprepared to face the loss; or a litigated ruling comes out in his favor but it does not represent a solution to his needs. The individual's feeling of a loss of control or an unsatisfactory legal outcome may leave the individual frustrated, afraid, and believing that the legal system has failed him. Blame is then often placed upon another: The court system, the attorney who opposed or prosecuted the individual, their own attorney, or even the judge assigned to the case. Such was the case with Bart Ross, who wished to kill Judge Lefkowitz because she had earlier dismissed his medical malpractice case.

RECOGNIZING POTENTIAL VIOLENCE

When violence against attorneys and the legal system arise in the media, it often centers on a need for improvements in courthouse security, because many attacks occur in the courtrooms where the perpetrators face what they consider to be unsatisfactory outcomes. However, the courthouse is not the only place where violence against legal professionals occurs. When attorneys become the focus of violence, they can potentially become victims of work-related violence at any place, at any time. For example, in North Carolina, a divorce lawyer was hospitalized after being attacked and beaten in his office building. In Washington, an attorney was gunned down on his way to court. In Kentucky, a prosecutor was killed inside his home in a shootout with a defendant on the very day of the defendant's trial. As previously discussed, during an attack in a court reporter's office in Boise, two were killed and an attorney shot before the attacker turned his gun on himself. Again in Boise, between December 2002 and January 2003, David Hinkson, a defendant released following his initial appearance on charges of multiple misdemeanor and felony counts for tax violations, Food and Drug and Cosmetics Act violations, as well as money structuring transaction violations, solicited an individual to murder U.S. District Judge Lodge, an Assistant U.S. Attorney and the IRS agent assigned to the case.

Where it is unrealistic to assume that all violence against the legal profession can be prevented, there are a number of useful methods attorneys can employ to prevent violence. Tailoring such methods to the needs, resources, and circumstances of attorney, and properly applying them, can help reduce the potential of violence and help prevent acts of violence like that perpetrated by Mr. de Renne in 1993 from occurring. Two methods used to recognize warning signs of violence are the *Profile Model* and the *Signs of Danger Model*.

The Profile Model

The identification of risk factors associated with violent behavior is rooted in a large body of research and these factors should alert an attorney of potential threats. Although the term "profiling" carries a negative connotation (as in the case of racial profiling), it can arguably create a biographical sketch or generic profile as a means of detecting potentially violent individuals from their patterns and behavior, and should not be discounted. Characteristics or behavioral warning signs of workplace violence from a potentially lethal individual include:

- (1) an 80-97 percent likelihood that the perpetrator will be male;
- (2) most likely over the age of 30 and less than 60 years of age;
- (3) be socially isolated or a “loner,” living alone for many years, or recently having changed job locations;
- (4) suffering severe financial problems or domestic turmoil (especially of long-standing duration);
- (5) having experienced one or more directly linked triggering events prior to acting violently (in almost all legal situations, these experiences will be directly related to the case the attorney is involved in);
- (6) continually blames others for problems and is unwilling to take responsibility for one’s own actions;
- (7) has a history of violent behavior;
- (8) exhibits one or more key behavioral warning signs that are considered to be general predictors of violence, such as a history of violent behavior, or alcohol and chemical dependency;
- (9) has a preoccupation with weapons;
- (10) seeks to intimidate others; and
- (11) makes threats.

Admittedly, drawing up a conclusive profile depends on the amount of contact an attorney **has** with a particular individual: the less time spent with a person, the more difficult it may be to notice warning signs. However, during any interaction, an attorney should be alert and watchful for such characteristics, and seek to recognize the signs of potential violence.

Signs of Danger Model

Studies throughout the 1990’s have shown that warning signs foreshadowed eighty-five percent of all workplace violence. The purpose of the *Signs of Danger Model* is to train oneself to recognize signs of dangerous stress in individuals, particularly those who have already made threats. In “The Violence-Prone Workplace: A New Approach to Dealing with Hostile, Threatening, and Uncivil Behavior,” Richard V. Denenberg and Mark Braverman present a list of practical questions to consider after an individual has made a threat. Although this list was originally created to address workplace violence, it can be applied directly to the legal profession and any member of the Idaho Bar’s interaction with a potentially violent individual. Relevant questions an attorney should consider include:

- Has an intent or plan to harm been expressed?
- Does the individual have the means to carry out the threat?
- Has the individual displayed or practiced with a weapon?
- What is the individual’s record of discipline for misconduct?
- Is there turmoil in the individual’s personal life? And
- Has the individual considered harming himself or attempted to do so?

Based on this simple analysis, an attorney may be able to recognize the possibility of violence from an individual and determine what steps should reasonably be taken to prevent additional threats or to prevent the individual from fulfilling the threat.

PROTECTING YOURSELF

Planning to protect oneself in the event of potential violence is just as important as recognizing potential violence. Whether

one works in a large firm, government office, or in a private office, all attorneys should implement measures to anticipate and prevent potentially violent situations. These should include:

- (1) preparing and actively reviewing action plans to summon assistance when necessary;
- (2) controlling access to the work environment;
- (3) developing notification procedures in case of a violent situation;
- (4) knowing how to defuse a potentially violent situation, and
- (5) recognizing the exceptional times when physical action may be a necessary solution.

Preparation and Training

Every attorney’s office should have a written workplace violence policy statement setting forth preventive practices, or a personal action plan to deal with violence. The personal action plan should set strategies to deal with potential violence and define what kinds of acts will not be tolerated. Adopt a “zero tolerance” policy to violence. Preventive plans should be developed to recognize early warning signs of potential violence and the proper methods to address or defuse them. A copy of the plan should be provided to, and reviewed with, all staff. Together, each office should examine the physical environment of the workplace to identify problem areas, and to discuss security procedures and an evacuation plan in case of a violent situation. Moreover, a personal action plan should do more than simply focus on what takes place in the office, but should also address what to do in potentially violent situations beyond the workplace.

Control Access

Attorneys should work to ensure that access to their offices and buildings is secure. Many large firms across the country have adopted security measures to prevent individuals from accessing their offices except through a main entrance, which allows for screening of individuals in case of danger. Similar measures can be accomplished in any small office. Keep staff informed about individuals who are not to be admitted to the office. Once an individual enters the office, he or she should not be allowed to wander about unescorted, and if an individual begins to do so, staff should be notified at once.

News articles show that courthouses are often the scene of violence against governmental attorneys. Although many courthouses have building security, x-ray machines, and metal detectors to screen individuals that enter, attorneys and judges should not rely blindly on these protections. In the comings and goings of many small town courts and county courts, attorneys and their clients are often allowed easy access into the building and, occasionally, into restricted parts of the building. If this is occurring, one should take active steps to alert the court administrator and court security about the problem.

Notification

If someone becomes threatening, whether in the attorney’s office or in the courthouse, do not hesitate to summon assistance before the threats can escalate into violence. Offices can use “code words” or phrases to summon help, and attorneys and staff should be able to quickly react to potentially violent situations by having emergency numbers programmed into their phones.

While many courthouses have “panic buttons” or security staff who can call for immediate assistance, attorneys and their staff can also have a notification system of their own in case of imminent or potential violence.

Be proactive in preventing violence against others, including others in the profession. When an attorney does not inform others about potential violence, whether it is from direct verbal or physical threats, or from other signs of potential threats, that attorney places himself and others at risk.

Avoid Potential Violence

It might appear obvious that one should avoid potential violence. However, attorneys and judges, especially those involved in criminal proceedings on a daily basis, regularly interact with individuals whose profile or lifestyle indicate a likelihood of potential violence. Attorneys can become accustomed to the presence of hostile individuals and fail to recognize, or ignore, potentially dangerous situations while in more vulnerable locations or circumstances. If an attorney leaves a secure location and finds an adversarial party or known troubled individual waiting for them, the attorney should attempt to avoid a confrontation with the individual, and return to the secure location where there is greater safety. Once in a safe location, the attorney can assess the situation and take steps to warn others, and inform the proper authorities.

Defuse the Situation

If trapped in a potentially violent situation, it is essential to remember that it is better to attempt to defuse a situation than to allow it to escalate. To do so, stay calm; speak gently, slowly and clearly; do not be enticed into an argument; do not hide behind your authority as an attorney; try to talk things through as reasonable adults; avoid an aggressive stance; keep your distance and avoid looking or speaking down to the aggressor; and do not touch the person. Attempt to escape the dangerous environment by encouraging the potentially dangerous individual to move aside; keep your eye on potential escape routes; and never turn your back—move backwards gradually to leave.

Physical Response—The Last Resort

Escape should always be the primary goal in a violent situation, and physically responding to violence should be the very last resort. Confronting violence with a physical response puts the attorney in direct danger and is not recommended. While self-defense training is always a good idea, it is unrealistic to assume that all attorneys with their professional lifestyles will seek such training or have enough of it to use it effectively. However, if there is no other choice but to respond to an attack, an attorney should not do more than is necessary to protect oneself. Physically restraining the individual is the recommended solution where possible.

CONCLUSION

Members of the Idaho Bar should not discount the rising numbers of violent acts against the legal profession which are taking place across the country. The reality is that violence in the legal profession can come from any side of a given case and reach nearly all aspects of a lawyer’s life. Applying these relatively simple and feasible methods can aid to actively avoid and prevent violent situations before they can occur. Take steps and prepare methods to avoid, prevent, and safely survive violent situations without harm.

ABOUT THE AUTHOR

Stephen Kelson is an attorney in the office of Kipp and Christian P.C. in Salt Lake City, Utah, where his practice focuses on civil and commercial litigation and insurance defense. Mr. Kelson is also a mediator and mediation coordinator for Utah Dispute Resolution, which provides alternative dispute resolution services for the community.

ENDNOTES

¹ Sean D. Hamill and Tracy Conner, Chicago Killer Planned Suicide, *New York Daily News*, March 13, 2005, available at http://www.nydailynews.com/03-13-05/news/crime_file/story/289420p-257763c.html

² Maggie Haberman, Ga. Slay-spree Suspect Nabbed, *New York Daily News*, March 13, 2005, available at http://nydailynews.com/03-13-05/news/crime_file/story/289447p-247786c.html

³ 33 Slayings Were Planned Carefully by Prospector, *The Spokesman-Review* (Spokane, Washington), December 19, 1993, at B16.

⁴ Elizabeth K. Carll, *Violence in Our Lives: Impact on Workplace, Home and Community*, 7-8 (1999).

⁵ Ellen Miller, Cortez Attorney Gunned Down Montezuma County Man Arrested in Slaying at Law Office, *Denver Rocky Mountain News*, March 8, 2005, available at 2005 WLNR 3541477.

⁶ Defendant Slashes His Attorney’s Arm, March 15, 2005, available at http://abclocal.go.com/kabc/news/031504_nw_attorney_slashed.html.

⁷ Police: Man Kills Ex-Wife Outside Courthouse: Alleged Gunman, Lawyer Wounded, June 15, 2005, available at <http://www.cnn.com/2005/US/06/15/courthouse.chooting.ap/index.html>.

Civil Right Attorney Attacked, Mother Arrested; Detroit Police Charged with Misconduct, *AFRICAN AMERICAN NEWS*, July 15, 2005, available at http://www.dogonvillage.com/african_american_news/Articles/00000138.htm.

⁸ Justin Hill, *Murder Plot is Alleged: Sex Offender Allegedly Targeted Prosecutor in Utah County*, *SALT LAKE TRIBUNE*, December 2, 2005, available at http://www.sltrib.com/utah/ci_3271353.

¹⁰ FREDERICK S. CALHOUN, *HUNTERS AND HOWLERS: THREATS AND VIOLENCE AGAINST FEDERAL JUDICIAL OFFICIALS IN THE UNITED STATES*, 1789-1993, 51 (U.S. Marshals Service, 1998).

¹¹ See Kim Smith, *Threat Investigator Works to Keep Judges from Harm*, *LAS VEGAS SUN*, August 10, 1999, available at <http://www.lasvegassun.com/sunbin/...0/509159941.html>; see also Andrew Woldson, *Judges, Prosecutors feel vulnerable: Capps Killing Illustrates Perils they Face at Work, Home*, *THE COURIER-JOURNAL LOCAL NEWS*, June 13, 2000, available at <http://www.courier-journal.com/local-news/2000/0006/13/000613fear.html>.

¹² *In Courts, Threats Become Alarming Face of Life*, *NEW YORK TIMES*, March 20, 2005, at 11, available at 2005 WLNR 4309270.

¹³ Calhoun, note 10, at 29.

¹⁴ Don Hardenbergh & Neil Allen Weiner, Preface, in *THE ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE* 2001: 576, 13-15 (Alan W. Heston, et al. eds., July 2001).

¹⁵ DeFrances, C.J., “State Court Prosecutors in Large Districts, 2001,” *Bureau of Justice Statistics Bulletin*. Washington, DC.: U.S. Department of Justice (2001); De Frances, C. J., “Prosecutors in State Courts, 2002,” *Bureau of Justice Statistics Bulletin*. Washington, DC.: U.S. Department of Justice. (2002).

¹⁶ *Id.*

¹⁷ MARC GALANTER, LOWERING THE BAR: LAWYER JOKES & LEGAL CULTURE 15-17, 2005.

¹⁸ *Id.* at 16.

¹⁹ *Id.* at 16-17.

²⁰ Calhoun, note 10, at 42.

²¹ Vanessa Bauza & Charles Strouse, *Man Shoots Lawyer, Kills Self: Former Client had a 10-Year Grudge Against Miami Attorney*, Ft. Lauderdale SUN-SENTINEL, July 30, 1997, at 5B.

²² See, e.g., Debra Rosenberg, *The War on Judges*, NEWSWEEK, Vol. 145, No. 17, April 5, 2005, at 23-27.

²³ Hamill, note 1.

²⁴ See, e.g., Jesse Hyde, *Courtroom Security is Beefed Up*, DESERET MORNING NEWS, April 10, 2005, at B12.

²⁵ *Divorce News: Oak Brook Divorce Lawyer Attacked at Office*, Jan. 13, 2004, available at <http://www.trangledivorce.com/blog/2004/01/13.html>.

²⁶ Jennifer Sullivan and Ashley Bach, *Attorney Critically Wounded by Gunfire Attack in Bellevue*, SEATTLE TIMES, November 4, 2004, available at 2004 WLNR 6242255.

²⁷ Glenn E. Meyer, *Prosecutor Shootout*, N.Y. TIMES, June 6, 2000, available at <http://www.nytimes.com/aponline/a/AP-Prosecutor-killed.html>.

²⁸ *Slayings Were Planned Carefully by Prosecutor*, note 3.

²⁹ *United States v. Hinkson*, CR 04-0127-S-RCT (unreported) (D.Idaho 2005).

³⁰ CHRISTINA E. NEWHILL, CLIENT VIOLENCE IN SOCIAL WORK PRACTICE: PREVENTION, INTERVENTION, AND RESEARCH 116 (2003).

³¹ Carll, note 4, at 10.

³² MICHAEL D. KELLEHER, PROFILING THE LETHAL EMPLOYEE: CASE STUDIES OF VIOLENCE IN THE WORKPLACE 31 (1997); see also DAYA SANDHU, FACES OF VIOLENCE: PSYCHOLOGICAL CORRELATES, CONCEPTS AND INTERVENTION STRATEGIES 10-11 (2001)..

³³ Kevin Grauberger, *Workplace Violence—How Employers Can Avoid Taking a Beating*, KANSAS EMPLOYMENT L. LETTER, Vol. 4, No. 6 (Sept. 1997), at 4.

³⁴ RICHARD V. DENENBERG & MARK BRAVERMAN, THE VIOLENCE-PRONE WORKPLACE: A NEW APPROACH TO DEALING WITH HOSTILE, THREATENING AND UNCIVIL BEHAVIOR 156 (ILR Press 1999).

³⁵ *Id.*

³⁶ Carll, note 4, at 18.

³⁷ *Id.* at 18-19; see also Albert L. Watson, Jennifer E. Willams and Al Ball, *Workplace Violence: Another Face of the Crisis*, in Sandhu, **note 32, at 11-13**.

³⁸ DUNCAN CHAPPELL AND VITTORIO DI MARINI, VIOLENCE AT WORK 118-119 (2000).

³⁹ *Id.* at 119.

CONTRACT LITIGATION ATTORNEY

MARTHA G. WHARRY, ESQ.

Services Provided at a Reasonable Rate:

Hearing and Deposition Coverage
Large Document Case Management
Trial Preparation Assistance
Litigation Support
Preparation of Briefs and Memoranda
Legal and Factual Research
Discovery Preparation and Analysis
Licensed: Idaho, 1995; Oregon, 1994



NORTHWEST ATTORNEY SERVICES, LLC

222 N. 13th St., Ste. 250
Boise, Idaho 83702

(208) 869-0137
mgw@nwasllc.com

What could you do with an extra 228 hours each year?



The *only* computer training
designed specifically for
legal professionals.

Attorneys ☞ Paralegals ☞ Support Staff
Multi-day ☞ Full-day ☞ Half-day

www.pckkeys.com
classes@pckkeys.com
208.331.3121

What is the LAP?

Justice Daniel T. Eismann
Idaho Supreme Court

What is the LAP? It is not the Los Angeles Police. It is the Lawyer Assistance Program, established by the Commissioners of the Idaho State Bar in 2000. Its primary purpose is “[t]o help Idaho lawyers, judges, members of the legal community and their families whose personal and professional lives are impacted by the problems caused by addictive diseases and mental health issues related to, for example, alcoholism and chemical dependency.” There are currently seventeen members on the LAP committee.

The person who approached the Bar Commissioners about forming the LAP is John Southworth, a Certified Drug and Alcohol Counselor. John provides intervention, consulting, and monitoring services, including monitoring medical professionals in Idaho who have issues regarding substance abuse. John was aware of various studies indicating that a significant number of attorneys suffer from substance abuse, depression, burnout, and stress. If not properly addressed, those issues can adversely affect the attorney’s performance. For example, in one Idaho study, 60% of the lawyers who accessed a program for alcoholism and chemical dependency problems had malpractice claims prior to accessing the program. After two years of sobriety, the rate of malpractice was 2-3%.

What services can the LAP provide? The LAP does not have funding to pay for treatment or counseling. The program itself is run by John Southworth, the Program Coordinator. He has significant experience in interventions, consulting, and monitoring services. He can conduct an intervention, if appropriate, and he can assist in finding a suitable treatment program in Idaho or outside the state, or in making referrals to other resources in the community. Financial assistance may also be available from treatment facilities.

Can the LAP help for problems other than alcoholism or chemical dependency? Yes. LAP also provides support and assistance for compulsive or problem gambling; for depression, anxiety, or other mental health concerns; and for stress management.

To date, forty-seven attorneys have contacted the LAP, or been referred by a colleague, friend, or family member. For about 20%, the primary issue was depression or mental health. The remaining 80% were for drug or alcohol dependency.

What about confidentiality? All identifying information regarding anyone who contacts the LAP for assistance is confidential. That includes persons who ask for assistance and those who seek assistance for others. To protect that confidentiality, the Bar does not maintain any records at all regarding requests for services through the LAP. The Bar staff refer all calls or inquiries regarding LAP services to Diane Minnich, and she immediately refers

them to John Southworth. Diane does not keep even temporary records regarding those calls or inquiries.

The LAP does not receive information identifying anyone who requests or is referred for services through the LAP. John Southworth provides the LAP with information regarding the number of referrals, the status of the person referred (e.g., attorney, judge), the referral source (e.g., self, colleague, family, friend), the reason for the referral (e.g., alcohol, depression, drugs), and whether the person accepted and completed treatment. The members of the LAP committee do not receive any information from which you could identify the persons referred for services. I have been a member of the LAP committee for five years, and I do not know the name of even one person who has sought assistance through the LAP.

Will a call to the LAP result in a disciplinary investigation? No. The LAP is completely separate from Bar discipline. Bar Counsel is not provided with any information regarding inquiries or referrals. As mentioned above, no records are kept of who contacts the LAP, nor is the person’s name passed on to anyone else at the Bar. Seeking help from the LAP will not result in any disciplinary proceedings.

What if the attorney does not want treatment? That is the attorney’s choice. The LAP does not and cannot coerce anyone into treatment, even if it is clearly needed. Refusing treatment, or failing to complete treatment, will not result in a disciplinary referral from the LAP.

Does the LAP provide services only to attorneys? No. It helps anyone in the legal community and members of their families. What should I do if I may need help or know someone who may need help? Call John Southworth at 1-800-386-1695 or Diane Minnich, Executive Director of the Idaho State Bar, at (208) 334-4500.

ABOUT THE AUTHOR

Justice Daniel T. Eismann was raised in Owyhee County. He enrolled at the University of Idaho in 1965, leaving in 1967 to enlist in the U.S. Army. He then served two tours of duty in Vietnam where, as a crew chief/door gunner on a Huey gunship, he was awarded two purple hearts and three medals for heroism. Upon his honorable discharge from the Army he returned to the University of Idaho to complete his undergraduate degree and to attend the UI College of Law. He received his J.D. in 1976, and was admitted to the Idaho State Bar. He clerked for Justice Donaldson of the Idaho Supreme Court and then practiced law in Owyhee and Canyon counties for nine years. In 1986, he was appointed a magistrate judge in Owyhee County. In 1995 Governor Batt appointed him as a district judge in Ada County. Three years later his fellow district judges elected him the Administrative District Judge for the Fourth Judicial District. He was elected to the Idaho Supreme Court in 2000.



Federal Court Corner

Tom Murawski

U.S. District and Bankruptcy Courts

FILING FEE INCREASES

The Deficit Reduction Act of 2005 has resulted in a number of filing fee increases which became effective on April 9, 2006. These include: Court of Appeals - \$455; District Court - Civil - \$350; Bankruptcy Court, Chapter 7 - \$299; and Bankruptcy Court, Chapter 13 - \$274. Also, the cost of a Conversion of a Chapter 7 to Chapter 11 is now \$755 and the Conversion of a Chapter 13 to a Chapter 11 is now \$765. Both of these are actually reductions because 28 U.S.C. §1930(a) defines the cost of a conversion as the difference between the statutory filing fee for a Chapter 11 and a Chapter 7 or 13 respectively. At least for the time being, all other fees will remain the same. The Judicial Conference agreed to temporarily stay any increases in the various "linked" Bankruptcy miscellaneous fees, such as bankruptcy appeals, adversary proceedings, case re-openings, and case splittings.

GENERAL ORDER RE-ADMISSION OF ATTORNEY PRO HAC VICE

The Court has recently adopted a new General Order regarding admission of an attorney pro hac vice, which supercedes the language contained in prior District & Bankruptcy Local Rules. The change was precipitated by the implementation of the Electronic Case Filing System (ECF) and the requirement to pay "online" using the Pay.gov system, as well as the Court's need to systematically track these transactions. Under the new General Order, the designated local counsel will be responsible both for filing the pro hac vice application through ECF and for the payment of the proscribed fee. Upon the granting of the application by the Court through an electronic text order entry, out-of-state counsel shall immediately register for ECF. The fee for pro hac vice admission (\$200) remains the same.

COURTROOM CONSTRUCTION PROJECT

Several of our courtrooms on both the fifth and sixth floors of the James A. Mc Clure Federal Building & U.S. Courthouse in Boise will undergo construction over the next few months. Courtrooms # 2 & # 3 will each be out of service for approximately a 3-week period to allow GSA to rectify some ADA compliance issues. Judge Lodge's courtroom (#2) will be out of service the 3 weeks beginning April 10 and Judge Winmill's courtroom (#3) during the three weeks beginning May 1. Also, three of the fifth floor courtrooms will each be down on a rotational basis to allow for the upgrading of certain items and the installation of new evidence presentation and video conferencing equipment. This work, which will affect the courtrooms of Judge Myers, Judge Boyle and Judge Williams, is expected to begin in June and be completed by the end of September. All attempts will be made to minimize the impact upon our trial schedule. A weekly courtroom schedule will be posted on our Internet to keep everyone apprised.

CM/ECF USERS GROUP COMMITTEE

A CM/ECF Users Group Committee, jointly composed of District of Idaho Court staff, selected Idaho State Bar federal court practitioners, and representative from various governmental agencies such as the U.S. Attorney's Office, Federal Defenders, U.S. Trustee and Attorney General's Office has been formed to assist the Court in guiding future CM/ECF efforts. The following initiatives have been planned or completed by the Committee: conducting ECF training at the University of Idaho Law School; conducting advanced ECF training for paralegal groups; hosting computer labs for ECF question-and-answer sessions; and the development of an on-line ECF training

program, which will allow attorneys to be certified on the Internet. If you have any suggestions, recommendations or input which this Committee should consider, please contact Suzi Butler at 334-9208 or at Suzi_Butler@id.uscourts.gov.

ANNUAL DISTRICT CONFERENCE

By popular demand, this year's Annual District Conference/ Federal Practice Program will again revert to the "road show" format successfully employed in the past. The Program will be presented during the Fall, in Boise on Friday, November 17, in Pocatello on Thursday, October 12, and in Coeur d'Alene on Friday October 27, so mark your calendars. Further details will soon be forthcoming.

DISTRICT OF IDAHO 2005 ANNUAL REPORT

The 2005 Annual Report for the District of Idaho is now available on our website at www.id.uscourts.gov under Publications/Reports/Annual Reports. This is a comprehensive, statistical compilation and analysis of the Court's caseload and trial activity presented in a variety of illustrative tables, charts and graphs. There are also hard color copies of the 2005 Annual Report Summary available at the Clerk's Office in Boise and at all divisional offices. This is an executive summary which highlights the various initiatives accomplished by the Court during a very memorable 2005, including the mandatory use of the Electronic Case Filing System and the profound impact of the Bankruptcy Reform Act.



Tom Murawski is an Administrative Analyst with the U.S. District and Bankruptcy Courts. He has J.D. and Masters in Judicial Administration.

Idaho Court of Appeals

Oral Argument Dates

As of March 27, 2006

Boise Term

Tuesday, May 9, 2006		
9:00 a.m.	State v. McMurry	#32045
10:30 a.m.	State v. Payseno	#30774
1:30 p.m.	State v. Dolsby	#31636
Thursday, May 11, 2006		
9:00 a.m.	State v. Medrain	#31998
10:30 a.m.	State v. Alladin Bail Bonds	#31901
1:30 p.m.	State v. Cook	#31642
Tuesday, May 16, 2006		
9:00 a.m.	State v. Nourse	#32232
10:30 a.m.	State v. Hauser	#31695
1:30 p.m.	State v. Prudhomme	#31826
Thursday, May 18, 2006		
9:00 a.m.	State v. Shepard	#31806
10:30 a.m.	State v. Avila	#31355
1:30 p.m.	Jordan v. State	#31925

Idaho Supreme Court

Oral Argument Dates

As of February 3, 2006

Boise Terms

Monday, May 1, 2006		
8:50 a.m.	State v. Robinson	#32691
10:00 a.m.	Bedke v. Pickett Ranch	#31445
11:10 a.m.	Mumford v. Miller	#32061
Wednesday, May 3, 2006		
8:50 a.m.	USA v. Pioneer Irrigation District	#31790
10:00 a.m.	Bray v. Pioneer Irrigation District	#31794
11:10 a.m.	Gunter v. Magic Valley Regional Medical	#31911
Friday, May 5, 2006		
8:50 a.m.	Jane Roe v. John Doe	#32030
10:00 a.m.	Davidson v. Wright	#31792/31793
11:10 a.m.	Armstrong v. Farmers Insurance Co.	#31715
Monday, May 8, 2006		
8:50 a.m.	Turner v. Cold Springs Canyon	#31795
10:00 a.m.	Sanchez v. Dept. of Correction	#32266
11:10 a.m.	Anderson v. Harper's Inc.	#32135
Wednesday, May 10, 2006		
8:50 a.m.	OPEN	
10:00 a.m.	Hayes v. Union Pacific Railroad	#31764
11:10 a.m.	OPEN	

OFFICIAL NOTICE

SUPREME COURT OF IDAHO

Chief Justice
Gerald F. Schroeder

Justices
Linda Cople Trout
Daniel T. Eismann
Roger S. Burdick
Jim Jones

Amended Spring Terms for 2006

Boise.....January 4, 6, 9, 11 and 13
Boise.....February 1, 3, 6, 8 and 10
Boise (TwinFalls appeals).....
March 1, 3, 6, 8 and 10
Coeur d'Alene.....April 3, 4, and 5
Lewiston.....April 6
Boise.....April 10
Boise (Eastern Idaho appeals).....
May 1, 3, 5, 8 and 10

By Order of the Court
Stephen W. Kenyon, Clerk

NOTE: The above is the official notice of setting of the year 2006 Spring Terms of the Supreme Court, and should be preserved. A formal notice of the setting of oral argument in each case will be sent to counsel prior to each term.

OFFICIAL NOTICE

COURT OF APPEALS OF IDAHO

Chief Judge
Darrel R. Perry

Judges
Karen A. Lansing
Sergio A. Gutierrez
Regular Spring Terms for 2006
2nd Amended - 3/8/06

Boise January 10 and 12
Boise February 2, 14, and 27
Boise March 13 and 14
Eastern Idaho.....March 16 and 17
Moscow.....April 12, 13 and 14
BoiseMay 9, 11, 16 and 18
Boise.....June 6, 8, 13 and 15

By Order of the Court
Stephen W. Kenyon, Clerk

NOTE: The above is the official notice of setting of the year 2006 spring terms of the Court of Appeals, and should be preserved. A formal notice of the setting of oral argument in each case will be sent to counsel prior to each term.

LICENSING CANCELLATIONS AND REINSTATEMENTS

ORDER CANCELING LICENSE TO PRACTICE LAW FOR NON-PAYMENT OF 2006 LICENSE FEES

The Commissioners of the Idaho State Bar by and through their Executive Director have filed with the Clerk of this Court evidence that the following named attorneys have not paid the 2006 Idaho State Bar license fees required by Section 3-409, Idaho Code, and have not given notice of withdrawal from the practice of law to the Idaho State Bar and the Court,

NOW, THEREFORE, IT IS HEREBY ORDERED that the license to practice law in the State of Idaho of the following named persons is hereby canceled, and said persons are placed on inactive status for failure to pay the 2006 Idaho State Bar license fees:

CHRISTINE BURDICK; THOMAS FRANCIS BURNS JR.; JONATHAN WEST COTTRELL; GLEN EDWARD COX; WAYNE GILBERT CROOKSTON JR.; JAMES RALPH FIELDS; RALPH JUNIOR GINES; F. WILLIAM HAUSLADEN JR.; JOSEPH PATRICK HOGAN; NANCY CAROL IVARINEN; CLINTON E. JACOB; JEFFERSON RICHARD JEWELL; ROBERT M. JOHNSON; RICHARD EVAN KRIGER; STEVEN F. LERICHE; RICHARD L. MARSHALL; JASON R. MICIAK; DONALD G. MILLER; CHARLES LEE MUMFORD; HARRIET PARKER-BASS; M. JED PRITCHETT JR.; WILLIAM JAMES RUSSELL III; THOMAS GREGORY RUTHENBERG; BARBARA ANN SALERNO; TALBOT SHELTON JR.; JULIAN ELIZABETH ST. MARIE; DALE PARKER TRIGG; CHRISTA LEIGH TURNELL; JAMES R. WEEKS.

IT IS FURTHER ORDERED AND NOTICE IS HEREBY GIVEN, that the above-named persons are no longer licensed to practice law in the State of Idaho unless otherwise provided by an Order of this Court.

IT IS FURTHER ORDERED that Bar Counsel of the Idaho State Bar is directed to distribute, serve or publish this Order as provided in the Idaho State Bar Commission Rules.

DATED this 3rd day of March 2006.

By Order of the Supreme Court
Gerald F. Schroeder, Chief Justice

ORDER GRANTING PETITION FOR REINSTATEMENT AS ACTIVE MEMBER IN THE IDAHO STATE BAR

The Court issued an Order, March 3, 2006, that JONATHAN W. COTTRELL be removed from the list of attorneys entitled to practice law in Idaho and placing him on inactive status for non-compliance with the 2006 Idaho State Bar licensing requirements. A VERIFIED PETITION FOR REINSTATEMENT OF ACTIVE STATUS was filed, March 9, 2006.

The Idaho State Bar advised that Petitioner has met all requirements to be reinstated to Active Status. Therefore, good cause appearing,

IT HEREBY IS ORDERED that the VERIFIED PETITION FOR REINSTATEMENT OF ACTIVE STATUS be, and hereby is, GRANTED and JONATHAN W. COTTRELL is reinstated to Active Status for 2006 and the Idaho State Bar is hereby directed to issue an Active Attorney License on receipt of this Order.

DATED this 10th day of March 2006.

For the Supreme Court
Stephen W. Kenyon, Clerk

ORDER GRANTING PETITION FOR REINSTATEMENT AS ACTIVE MEMBER IN THE IDAHO STATE BAR

The Court issued an Order, March 3, 2006, that M. JED PRITCHETT, JR. be removed from the list of attorneys entitled to practice law in Idaho and placing him on inactive status for non-compliance with the 2006 Idaho State Bar licensing requirements. A PETITION FOR REINSTATEMENT TO THE IDAHO STATE BAR was filed, March 15, 2006.

The Idaho State Bar advised. that Petitioner has met all requirements to be reinstated to Active Status. Therefore, good cause appearing,

IT HEREBY IS ORDERED that the PETITION FOR REINSTATEMENT TO THE IDAHO STATE BAR be, and hereby is, GRANTED and M. JED PRITCHETT, JR. is reinstated to Active Status for 2006 and the Idaho State Bar is hereby directed to issue an Active Attorney License on receipt of this Order.

DATED this 21st day of March 2006.

For the Supreme Court
Stephen W. Kenyon, Clerk

ORDER GRANTING PETITION FOR REINSTATEMENT AS AFFILIATE MEMBER IN THE IDAHO STATE BAR

The Court issued an Order, March 9, 2006, that CHARLES LEE MUMFORD be removed from the list of attorneys entitled to practice law in Idaho and placing him on inactive status for non-compliance with the 2006 Idaho State Bar licensing requirements. A PETITION FOR REINSTATEMENT TO AFFILIATE STATUS was filed, March 22, 2006.

The Idaho State Bar advised that Petitioner has met all requirements to be reinstated to Affiliate Status. Therefore, good cause appearing,

IT HEREBY IS ORDERED that the PETITION FOR REINSTATEMENT TO AFFILIATE STATUS be, and hereby is, GRANTED and CHARLES LEE MUMFORD is reinstated to Affiliate Status for 2006 and the Idaho State Bar is hereby directed to issue an Affiliate Attorney License on receipt of this Order.

DATED this 23rd day of March 2006.

Karel A. Lehrman, Senior Deputy Clerk
for Stephen W; Kenyon, Clerk

LICENSING CANCELLATIONS AND REINSTATEMENTS (CONT.)

ORDER GRANTING PETITION FOR REINSTATEMENT AS ACTIVE MEMBER IN THE IDAHO STATE BAR

The Court issued an Order, March 9, 2006, that JAMES RALPH FIELDS be removed from the list of attorneys entitled to practice law in Idaho and placing him on inactive status for non-compliance with the 2006 Idaho State Bar licensing requirements. A PETITION FOR REINSTATEMENT OF LICENSE was filed, March 24, 2006.

The Idaho State Bar advised that Petitioner has met all requirements to be reinstated to Active Status. Therefore, good cause appearing,

IT HEREBY IS ORDERED that the PETITION FOR REINSTATEMENT OF LICENSE be, and hereby is, GRANTED and JAMES RALPH FIELDS is reinstated to Active Status for 2006 and the Idaho State Bar is hereby directed to issue an Active Attorney License on receipt of this Order.

DATED this 24th day of March 2006.
Karel A. Lehrman, Senior Deputy Clerk
for Stephen W. Kenyon, Clerk.

ORDER GRANTING PETITION FOR REINSTATEMENT AS ACTIVE MEMBER IN THE IDAHO STATE BAR

The Court issued an Order, March 9, 2006, that RALPH JUNIOR GINES be removed from the list of attorneys entitled to practice law in Idaho and placing him on inactive status for non-compliance with the 2006 Idaho State Bar licensing requirements. A MOTION FOR RE-ACTIVATION was filed, March 24, 2006.

The Idaho State Bar advised that Petitioner has met all requirements to be reinstated to Active Status. Therefore, good cause appearing,

IT HEREBY IS ORDERED that the MOTION FOR RE-ACTIVATION be, and hereby is, GRANTED and RALPH JUNIOR GINES is reinstated to Active Status for 2006 and the Idaho State Bar is hereby directed to issue an Active Attorney License on receipt of this Order.

DATED this 27th day of March 2006.
Karel A. Lehrman, Senior Deputy Clerk
for Stephen W. Kenyon, Clerk.



www2.state.id.us/crimevictim
(208) 334-6512

SAVE THE DATE!

13TH Annual

2 DAYS IN JUNE

Training Conference On Crime Victim Assistance

When: June 7 – 8, 2006*

Where: Doubletree Riverside Hotel, Boise, ID

Conference Fees:

\$175 Early Bird

\$225 Late

*Social Work, Post CEU
And ISB CLE Credits Pending*

Who Should Attend:

Criminal Justice Professionals, Law Enforcement, Judicial Officers, Prosecutors, Attorneys, Educators, Corrections Personnel, Batterer Treatment Service Providers, Medical Providers, Social Workers, Victim Advocates, Social Service Agency Personnel, Policy Makers, Crime Victim Assistance Providers and Community members who are interested in crime victim issues.



*** Crime Victims Compensation Program 20th Anniversary Celebration**

A reception will be held the evening of June 7th to celebrate the 20th Anniversary of the Crime Victims Compensation Program.

Look for the



Annual Report
OF THE IDAHO SUPREME COURT

available online at
http://www.isc.idaho.gov/annual_cov.htm

Idaho Supreme Court and Court of Appeals
NEW CASES ON APPEAL PENDING DECISION
(Update 03/01/06)

**CIVIL APPEALS
PROCEDURE**

1. Whether the district court abused its discretion when it determined that a motion pursuant to I.R.C.P. 60(b) was the appropriate procedure to set aside the satisfaction of judgment and order of dismissal.

Robert A. Flood v. Irwin A. Katz
S.Ct. No. 31957
Supreme Court

EASEMENTS

1. Were the Lawrences on actual or constructive notice of the existence of an easement in favor of Capstar Radio Operating Company?

*Capstar Radio Operating Co. v.
Douglas P. Lawrence*
S.Ct. No. 32090
Supreme Court

2. Were the Lawrences on notice of the existence of an easement in favor of Tower Asset Sub, Inc.?

*Tower Asset Sub, Inc. v.
Douglas P. Lawrence*
S.Ct. No. 32092
Supreme Court

JURISDICTION

1. Did the defendants transact business in Idaho within the meaning of I.C. § 5-504?

*Mike Blimka v.
My Web Wholesaler, LLC*
S.Ct. No. 32185
Supreme Court

ATTORNEY FEES AND COSTS

1. Whether the court erred in denying attorney fees to Luchi as the prevailing party.

Walter N. Sauls v. Ray S. Luchi
S.Ct. No. 32145
Court of Appeals

SUBSTANTIVE LAW

1. Whether the district court erred as a matter of law in finding the court did not have discretion to award compound interest on the money judgment obtained by Holladay instead of simple interest.

*J. Michael "Doc" Holladay v.
Mark Lindsay*
S.Ct. No. 31894
Court of Appeals

TERMINATION OF PARENTAL RIGHTS

1. Was there substantial and competent evidence to support the decision to terminate Doe's parental rights?

Dept. of Health & Welfare v. Jane Doe
S.Ct. No. 32362
Supreme Court

2. Whether the trial court's decision to termi-

nate Doe's parental relationship with his natural daughter was clearly erroneous.

State of Idaho v. John Doe
S.Ct. No. 32240
Supreme Court

MEDICAL INDIGENCE CLAIMS

1. Whether the providers have standing to pursue this medical indigency appeal with independent rights not derived from the patient's rights.

*University of Utah v.
Ada County Board of Commissioners*
S.Ct. No. 32217/32247
Supreme Court

SUMMARY JUDGMENT

1. Did the court err in ruling the contractual claim was barred by the statute of frauds?

*Emin Bajrektarevic v.
Lighthouse Home Loans, Inc.*
S.Ct. No. 32324
Supreme Court

2. "Whether District 93 was the statutory employer of Cordova and thus immune from liability for negligence, when at the time of the injury District 93 was not operating a "business" for "pecuniary gain", when Cordova was acting as a mere volunteer and not a paid subcontractor, and when District 93 judicially admitted that Cordova was not engaged in District 93 duties."

*Vanessa Lynn Cordova v.
Bonneville County Joint School District*
S.Ct. No. 31188
Supreme Court

3. Did the district court correctly apply I.C. §15-2-803 to find that the decedent's life insurance proceeds passed to the decedent's estate?

Carolyn L. Diaz v. Larry Severson
S.Ct. No. 31690
Supreme Court

4. Did the court err in concluding that Clair Bosen signed the commercial sales agreement on his own behalf and not as an agent for a disclosed principal, Hogs 'n Kisses?

J.R. Simplot Co. v. Clair D. Bosen
S.Ct. No. 31706
Supreme Court

5. Whether the district court erred in granting summary judgment to defendant/respondent deputy prosecutor on the claim for a violation of civil rights under 42 U.S.C. §1983.

Kevin Nation v. Dept. of Correction
S.Ct. No. 31110
Supreme Court

6. Did the court err in granting summary judgment for the school district pursuant to the Idaho Tort Claims Act?

Alyssa Sherer v. Shaylon Christiansen
S.Ct. No. 31681
Supreme Court

7. Whether the district court erred in interpreting existing Supreme Court case law regarding statutory employers.

*Dustin R. Stuart v.
Dept. of Transportation*
S.Ct. No. 31974/32224/32225
Supreme Court

EVIDENCE

1. Was Gibbar denied due process as to discovery?

*Dept. of Transportation v.
Marvin Gibbar*
S.Ct. No. 31840
Court of Appeals

DIVORCE, CUSTODY, AND SUPPORT

1. Did the trial court err in determining that all of the 16,800 shares of Sara Lee stock were the separate property of Scott?

Scott Blick v. Letha Blick
S.Ct. No. 32131
Court of Appeals

2. Whether the trial court abused its discretion in awarding sole legal and physical custody of the minor child to the respondent.

*Christopher F.F. Hopper v.
Suzanne Hopper*
S.Ct. No. 31423
Supreme Court

3. Is I.C. § 15-5-104 applicable to this case and, if so, does a power of attorney executed under this statute allow designated visitation rights?

Christopher V. Webb v. Cheri L. Webb
S.Ct. No. 32325
Supreme Court

POST-CONVICTION RELIEF

1. Did Harrod prove his ineffective assistance of counsel claim when his attorney admitted he did not relay the terms of the plea agreement correctly to Harrod?

*Lloyd Harrison Harrod, III v.
State of Idaho*
S.Ct. No. 31891
Court of Appeals

2. Did the district court properly dismiss the post-conviction petition because it was filed too late to challenge the validity of his plea and because it raised an issue that could have been raised on direct appeal?

Ralph J. Reyes v. State of Idaho
S.Ct. No. 31343
Court of Appeals

3. Did the district court err in dismissing Ullrich's petition for post-conviction relief as untimely?

Stephen Floyd Ullrich v. State of Idaho
S.Ct. No. 32039
Court of Appeals

4. Did the district court err by dismissing Walker's petition for post-conviction relief because it did not address Walker's claim that that his attorney was ineffective for failing to file a notice of appeal

Jesse Walker v. State of Idaho
S.Ct. No. 31831
Court of Appeals

5. Did the court err in denying Workman's request for the appointment of counsel in this post-conviction proceeding given that his petition raised non-frivolous claims for relief?

Kenneth Workman v. State of Idaho
S.Ct. No. 31968
Court of Appeals

6. Was the court correct in affirming the summary dismissal of Yakovac's petition for post-conviction relief as to claims of ineffective assistance of counsel?

State of Idaho v. Shami Lynn Yakovac
S.Ct. No. 31505/32032
Court of Appeals

7. Did the court err in relying on its own memory of the testimony at trial, rather than ordering a copy of the transcripts of the trial, in ruling on the State's motion for summary dismissal?

Joe William Zamora v. State of Idaho
S.Ct. No. 31950
Court of Appeals

CRIMINAL APPEALS PLEAS

1. Did the magistrate err when it refused to accept the Rule 11 plea agreement for the reason that a criminal defendant cannot enter a plea of *nolo contendere* in an Idaho criminal proceeding?

State of Idaho v. Lynn D. Salisbury
S.Ct. No. 32200
Court of Appeals

SEARCH AND SEIZURE- SUPPRESSION OF EVIDENCE

1. Did the court err by denying Prudhomme's motion to suppress and in concluding that Prudhomme did not unequivocally invoke his right to counsel at the time he gave his confession?

*State of Idaho v.
James Scott Prudhomme*
S.Ct. No. 31826
Court of Appeals

SUBSTANTIVE LAW

1. Did the court err by failing to declare a mistrial after the prosecutor commented on McMurry's silence during closing arguments?

State of Idaho v. Lorelei McMurry
S.Ct. No. 32045
Court of Appeals

SENTENCE REVIEW

1. Did the court err in denying Ramirez's Rule 35 motion for correction of an illegal sentence in which he alleged the statute under which he was charged was unconstitutional?

State of Idaho v. Job Ramirez
S.Ct. No. 31520
Court of Appeals

EVIDENCE

1. Did the court err in finding Bettweiser guilty of following too close?

State of Idaho v. Meghan Bettweiser
S.Ct. No. 32083
Court of Appeals

2. Is there insufficient evidence in the record to support Medrain's conviction for being a persistent violator?

State of Idaho v. McGavin O. Medrain
S.Ct. No. 31998
Court of Appeals

3. Was the evidence insufficient to support the verdict for possession of methamphetamine?

State of Idaho v. Vicky Lynn Shaw
S.Ct. No. 31677
Court of Appeals

**Summarized by:
Cathy Derden
Supreme Court Staff Attorney
(208) 334-3867**

COMING EVENTS

May 1, 2006 - June 30, 2006

These dates include Bar and Foundation meetings, seminars, and other important dates. All meetings will be at the **Law Center in Boise** unless otherwise indicated. **Dates might change or programs may be cancelled.** The ISB website contains current information on CLEs. If you don't have access to the Internet please call (208) 334-4500 for current information.

MAY 2006

(DATES MAY CHANGE OR PROGRAMS MAY BE CANCELLED)

- 1 *The Advocate* Deadline
- 1 July 2006 Bar Exam Final Application Deadline
- 1 **Law Day**
- 4 **CLE: ISB Business & Corporate Law Section present: Current Developments in Commercial Law – Boise**
- 8 CLE Committee Meeting
- 17 *The Advocate* Editorial Advisory Board
- 17 **CLE: ISB Young Lawyers Section present: Evidence**
- 19 **CLE: Idaho law Foundation present: The Home Front—Legal Issues for Soldiers Returning from Iraq, Afghanistan or other Military Service**
- 19 Idaho State Bar Board of Commissioners Meeting
- 29 **Memorial Day – Law Center Closed**

JUNE 2006

(DATES MAY CHANGE OR PROGRAMS MAY BE CANCELLED)

- 1 *The Advocate* Deadline
- 7 Public Information Committee Meeting
- 21 *The Advocate* Editorial Advisory Board
- 21 Delivery of Legal Services Advisory Committee Meeting
- 30 Idaho Volunteer Lawyers Program Council Meeting – Boise Cascade

**For Continuing Legal Education schedules
check the Idaho State Bar website
www.idaho.gov/isb**

Order your 2006 Idaho State Code

4-Volume book set now at last year's price!

(anticipated release date: 06/03/06)



- ✓ superior indexing
- ✓ order now at last year's prices & don't pay until delivered
- ✓ substantially reduce your annual library costs
- ✓ fit the entire code in your brief case
- ✓ unconditional 30-day money back guarantee on each book
- ✓ serving fellow Idahoans for over fifteen years

Volume Discounts Also Available!

Four-Volume Soft-Bound Sets:

All 73 titles, court rules, constitutions & indexing – updated through the 2006 legislative session.

CD ROM:

Same code as found in the books, with a search engine. Just cut and paste Right into your Word or WordPerfect documents!

To Order or Obtain Information Call: 1-888-977-9339 Fax: 1-888-371-9338 or Mail-in this form:

Premier Publications Inc.
P.O. Box 50544
Provo, Utah 84605

Please automatically update
my code each year until I cancel.
Yes No

InfoFind® 2006, all rights Reserved, and Premier Publication's Idaho State Code© 2006, all rights reserved, are distributed and published by Thomson Publishing Corporation, dba, Premier Publications Inc., an Idaho Corporation. No claim of copyright is made for Official government works.

2006 Idaho State Code

Mark Quantity Desired:

_____ Full-text 4-volume Book set(s)

OR

_____ CD ROM (requires Word or Word Perfect)

Cost: quantity x \$149 per set = _____ + \$10.00 s/h + tax (5%) _____ = Total _____

Premier Publications Inc.
P.O. Box 50544
Provo, UT 84605

Telephone:
1-888-977-9339

Telefax:
1-888-371-9338

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Telephone: _____ Fax: _____

Signature: _____



CONTINUING LEGAL EDUCATION

Quality, Low-Cost CLEs

Terri Muse
Legal Education Director

As an Idaho attorney, I have attended many continuing legal education courses offered by various providers over the years. I have had the experience of attending great seminars that motivated and stimulated my professional interest. And, I have also on occasion attended seminars that, frankly, I struggled to remain upright throughout. Several factors went into my decision about which course to attend. Often I went to courses that focused on my practice area, provided an update on trends in my practice area, or offered ethics credit. However, I also was attracted to courses that would introduce me to a potentially new practice area. I looked for courses that were offered at a convenient location and time. Finally, I looked for courses that would not require I spend a lot of money to earn my CLE credit. Practice areas and interests may vary, but overall I believe all lawyers are looking for the same thing: the best quality CLE course at a reasonable price offered at a convenient time and location.

The Idaho State Bar fulfills these kind-of needs by providing high quality continuing legal education opportunities for members of the Bar and the Idaho Law Foundation. These CLE seminars are designed and implemented by the Continuing Legal Education Committee of the Law Foundation and by the various practice sections of the Idaho State Bar. The seminars are created to offer substantive and timely educational programs to help Idaho lawyers stay current with the law. Seminar topics are varied to attract both the experienced attorney and those attorneys new to the practice of law or to a particular practice area.

The challenge to continue providing quality, informative and interesting continuing legal education opportunities for the Idaho legal community attracted me to the position of Legal Education Director

for the Idaho State Bar and Law Foundation. In 2005, The Idaho Law Foundation and the practice sections of the Bar offered over 50 continuing legal education courses. Over 2,300 Idaho attorneys attended these seminars with a wide range of topics covered. Seminars were offered in many different locations around the state. The average cost per CLE credit was \$35.00.

The practice sections of the Bar focus their continuing legal education courses on specific practice areas related to their section while the Law Foundation tries to cover more general topics of interest. Over the past few years, the Continuing Legal Education Committee has developed a set of course offerings designed to offer continuity of programming and quality of service. One of the Foundations' regularly offered courses is the daylong seminar "Headline News." This seminar provides a "year in review" survey of case law and legislative developments in popular practice areas. The course is offered in three different locations around the state to allow attorneys throughout Idaho an opportunity to participate. The Law Foundation also offers a seminar series developed by our CLE program planner, Betty Richardson, entitled "Your First or Next..." This series offers both the new and experienced attorney an opportunity to explore a particular area of the law. These courses are offered in one to three hour morning blocks, live at the Law Center and videotaped for later rental to those outside the Treasure Valley. Previous topics have covered divorce law, real estate transactions and immigration law. Finally, the Law Foundation regularly offers ethics courses, the biannual practical skills seminar for newly admitted attorneys and various special topic seminars throughout the year.

As the number of private CLE providers grows, the Idaho State Bar and

Law Foundation continuing legal education program remains committed to providing quality, low-cost CLE options for Idaho attorneys. Courses are available live, on-line or via videotape or DVD rental. We are continually looking for new ways to serve our attorney customers and welcome comments or suggestions regarding future CLE courses.

Terri Muse is the Idaho State Bar and Idaho Law Foundation Legal Education Director. She is a graduate of Loyola Law School, Los Angeles, where she received her J.D. in 1992. She also has a Master's Degree in Psychology from California State University, Long Beach. As the Legal Education Director she is responsible for the design, development and implementation of continuing legal education seminars statewide. She and her staff provide administration, staffing and assistance to the 18 practice sections of the Bar. She is also responsible for the design, coordination, and implementation of the Idaho State Bar's annual meeting.

SAVE THE DATE

IDAHO STATE BAR



ANNUAL MEETING

**Sun Valley
July 19-21, 2006**



A Foundation to Improve the Lives of Idaho's Youth

John Bush
President, Idaho Law Foundation

The organization that serves as the charitable arm of the Idaho State Bar. The foundation that helps our profession serve the public. You likely already know these facts about the Idaho Law Foundation. But, do you know that, without you, we cannot continue the important work of ILF?

Since the beginning of this year, 575 of you have already helped us enhance public understanding of the legal system and provide increased access to legal services. On behalf of the Idaho Law Foundation, I want to thank you for your generous contributions and for helping us meet almost 50% of our 2006 fundraising goal.

Your donations provide invaluable services for the citizens of Idaho. This money allows Idaho Volunteer Lawyers Program to organize private attorneys across the state of Idaho to provide critical legal services to Idaho's poor and disadvantaged. It supports Lawyers in the Classroom, implementing civic education for Idaho's students at all levels, teaching them how to become informed, participating citizens in a democratic society.

As grateful as I am to the 575 who have already helped us, I would like to point out that this number is just around 10% of Idaho's Bar. I can't help but think of the increased impact we could have if we could double or even triple the number of attorneys who make a personal donation to the Foundation this year.

I think about our impact on children like Trevor. Abandoned by his mother at two, Trevor lived with a father who abused both drugs and Trevor. When his father left too, Trevor's grandmother Shirley stepped in. She worked to get Trevor proper medical attention, counseling, and support at school. Through the direction of Idaho Volunteer Lawyers Program's Grandparents as Guardians Project, Shirley

received help from a volunteer attorney to obtain legal guardianship of Trevor so she so that she could keep him safe and help him thrive.

I think about the impact we can have in our schools and on students like Katelyn. Katelyn and the other students in her fifth grade class worked with an Idaho volunteer attorney from our Law Related Education's Lawyers in the Classroom Project, to not only learn about important human rights, but also to gain some important critical thinking skills in the process. Employing a lesson plan she learned about in an LRE sponsored workshop, the attorney told the children to pretend that Earth had been invaded by aliens and that the aliens told them they had to reach a unanimous decision to give up five of the ten freedoms guaranteed by the Bill of Rights. The ensuing discussion was surely engaging and taught the students the importance of critical thinking and compromise.

As attorneys, we understand the importance of providing fair access to our legal system and educating the public about the importance of the rule of law and the foundation of our legal system. I believe it is likewise important to provide services for victimized children, such as Trevor, and to complement the education of our youth so that they may develop an understanding as to role of law within a democratic society. With your donation to the Idaho Law Foundation many more children have will have access to legal services; many more will understand how to positively participate in everyday life.

The Idaho Volunteer Lawyers Program is in dire need of additional funding. We would like to significantly expand the reach of our Lawyer in the Classroom project. As a fellow member of the Idaho State Bar, I'd like to ask you join me in support-

ing the Idaho Law Foundation in our 2006 Annual Campaign. Our goal statewide is to raise \$25,000.

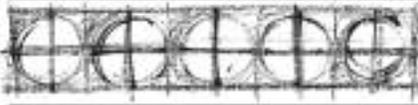
By the middle of May, you will receive a letter and pledge card from the Foundation. Please help us meet our 2006 fundraising goal by returning your pledge card with a donation at a level meaningful to you.

John A. Bush is the President of the Idaho Law Foundation. He received his J.D. from the University of Idaho and was admitted to the Bar in 1988. He clerked for the Hon. Mikel H. Williams, U.S. Magistrate, District of Idaho. He is a partner in the firm Comstock and Bush, Boise where his practice areas are accident and personal injury law and bad faith insurance. He is a member of ISB, ABA, Idaho Trial Lawyers Association, American Inns of Court, #130, American Trial Lawyers Association, and the Idaho Law Foundation Board of Directors.

MEMORIAL DONATIONS

The Idaho Law Foundation welcomes memorial gifts in tribute to the lifetime accomplishments of individuals who have passed away. We recognize the heartfelt purpose of gifts that create a lasting legacy for the person memorialized and make an investment in the lives of those left behind. When you designate a gift in memory of someone, the Law Foundation notifies the next of kin of your kindness and administers the gift as you specify.

IDAHO LAW FOUNDATION



Helping the profession serve the public

Idaho Volunteer Lawyers Program Special Thanks

The Idaho Volunteer Lawyers Program would like to extend our heartfelt and enthusiastic thanks to the following attorneys and volunteers for their generous contributions in providing pro bono legal services to individuals who would not otherwise be able to afford them.

Members of the *Introduction to Paralegal Practice & Legal Ethics* class in the Certification Program at Boise State University recently volunteered their class time to interview IVLP applicants and screen the cases for IVLP services. We wish to thank Heather Crawford, Beverly Tarlow, Rose Bravo, Shannon Berg, Melanie Miller, Shawn R. Daniel, Diane Kromer and Ben Hull for your assistance and interest in IVLP!!

The Idaho Volunteer Lawyers Program and the US Court, District of Idaho Pro Bono Program wish to thank the following attorneys who completed prisoners' rights cases, working through the IVLP:

- Lowell Niels Hawkes, 185.5 hours
Lowell N. Hawkes, Chtd. Pocatello, .
- Reed W. Larsen, 6 hours
Cooper & Larsen, Pocatello,
- Justin B. Oleson, two cases: 50 and 6 hours
Blaser, Sorensen & Oleson, Chtd, Blackfoot,.

The IVLP would also like to extend special thanks to Bryan Walker, Hamilton, Michaelson & Hilty, LLP, Nampa for his representation of a low-income mother in a case involving extensive litigation. The divorce action involved domestic violence/abuse, high-conflict custody issues and significant property issues, including real estate, worker's compensation and substantial debt issues. Walker made six court appearances on the civil protection order and divorce matters. Ultimately, the parties arrived at a stipulated decree, under which the IVLP client was awarded the community real property, child support and the parties established a shared custody arrangements that satisfied the desires, needs and concerns of both parents. "These parties appear to have now settled into their own lives, and I was recently contacted by my client who wanted to share her news of new employment. There does not appear to be any ongoing, extraordinary conflicts at the time. This was an interesting case professionally and involved a satisfying conclusion. I could not have done this case without the capable assistance of my legal assistant, Janet Neff. Thanks to IVLP for referring this client to me." Bryan K. Walker

IDAHO LAW FOUNDATION



Helping the profession serve the public

IOLTA Honor Roll

The Board of Directors and the IOLTA Committee of the Idaho Law Foundation would like to gratefully acknowledge the following banks for not charging service or handling fees and paying preferred interest rates on IOLTA accounts:

- | | |
|--------------------------------|--------------|
| bankcda | Ireland Bank |
| Farmers & Merchants State Bank | Key Bank |
| Farmers National Bank | US Bank |
| Inland Northwest Bank | Wells Fargo |
| | Zions Bank |

**Idaho State Bar
 DeskBook Directory**



2006-2007

Published by Idaho State Bar

Mail Form to: Idaho State Bar, P.O. Box 895, Boise, ID 83701-0895

Name _____
 Address _____
 City/State _____ Zip Code _____
 Contact Person _____ Telephone _____
 Email _____

**UNIT PRICE
 BOOK ORDER**

ISB Member: \$20.00 per book _____
 Idaho State Sales Tax (5%) _____
Non-Member: \$40.00 per book _____
 Idaho State Sales Tax (5%) _____
 * Postage & Handling (see chart) _____
Total Amount Due _____
 _____ X _____ = Total \$ _____
 Number of Books Price
 Add shipping/handling fee (see chart) \$ _____
TOTAL ENCLOSED \$ _____

* Postage & Handling	
1 book.....	\$6.00
2 books.....	\$7.50
3 books.....	\$9.50
4 or more books....	\$11.50 + \$2.00 for each book over 4

* If you live in the area you can pick your book(s) up at the Law Center. Just let us know that is what you would like to do.

Will pick book(s) up _____
Date books will be picked up _____

METHOD OF PAYMENT

Name: _____ Phone: (____) _____
 Address: _____ City: _____ Zip _____
 Firm Name: _____
 Make **checks payable** to Idaho State Bar
 For **credit card payments**, please complete: Visa MasterCard Amount _____
 Cardholder's Name as imprinted on the card: _____
 Credit Card Billing Address: _____
 Acct. No: _____ Expiration Date: _____
 Signature: _____

<p style="text-align: center;"><small>For office use only</small></p> Authorization No: _____ Date: _____ Taken by: _____ Amount: _____ () Cash () Check No _____ () Personal () Firm Name _____	<p>Mail Form & payment/payment information to: Idaho State Bar P.O. Box 895 Boise, ID 83701-0895</p>
--	--

traskbritt.com
traskbritt.com
1.800.900.2001
TRASKBRITT
Intellectual Property Attorneys

Nowadays you have to drill
a little deeper for oil. Same for IP.

» TraskBritt attorneys don't just know your technology, we know the business you're in. Who your competitors are, what they're doing, how they think. Exploring for every IP advantage. Because your business is our business.

TraskBritt. Deeper knowledge, better IP.

Contact: Joseph A. Walkowski • 230 South 500 East, Suite 300 • Salt Lake City, Utah 84102

PROSECUTION LITIGATION COUNSELING

TRASKBRITT. INSIGHT FOR INTELLECTUAL PROPERTY®

www.traskbritt.com



DIRECTORY UPDATES

(3/17/06-4/1/06)

Elizabeth Ann Allred

Idaho State Appellate Public
Defender's Office
3647 Lake Harbor Lane
Boise, ID 83703
Phone: (208) 334-2712
Fax: (208) 334-2985
Email: eallred@sapd.state.id.us
Website: www.sapd.state.id.us

Douglas P. Anderson

Louisiana-Pacific Corporation
414 Union Street, Ste. 2000
Nashville, TN 37219
Phone: (615) 986-5642
Fax: (866) 451-0074
Email:
douglas.anderson@lpcorp.com

Michael Corey Anderson

Ada County Prosecutor's Office
200 W. Front Street, Rm 3191
Boise, ID 83702
Phone: (208) 287-7700
Fax: (208) 287-7709
Email: prandemc@adaweb.net

Donald Kris Anton

Australian National University Law
School
Fellows Road
Canberra, ACT 0200, AUSTRALIA
Phone: 01161261253516
Fax: 01161261254899
Email: antond@law.anu.edu.au

Blake Sime Atkin

Atkin Law Offices
7579 N. Westside Highway
Clifton, ID 83228
Phone: (801) 533-0300
Fax: (801) 533-0380
Email: batkin@atkinlawoffices.net

Ransom Jonah Bailey

Ada County Public Defender's
Office
1220 1/2 N. 11th
Boise, ID 83702
Phone: (208) 287-7400

Mitchell R. Barker

Barker Law Offices, LC
812 12th Avenue South, Ste. E
Nampa, ID 83651-4679
Phone: (208) 466-6644
Fax: (208) 442-6826
Email:
mitchbarker1492@hotmail.com
Website: www.barker-lawoffice.com

Richard L. Baughman

Kootenai County Prosecutor's
Office
Dept. PAO
PO Box 9000
Coeur d'Alene, ID 83816-9000
Phone: (208) 446-1800
Fax: (208) 446-1833
Email: rbaughman@kcgov.us

Barry Martin Black

Kootenai County Prosecutor's
Office
Dept. PAO
PO Box 9000
Coeur d'Alene, ID 83816-9000
Phone: (208) 446-1800
Fax: (208) 446-1840
Email: bblack@kcgov.us

Hilary Michelle Bradbury

Fourth District Court
200 W. Front Street, Room 4171
Boise, ID 83702
Phone: (208) 287-7552
Fax: (208) 287-7529
Email: hbradbury@adaweb.net

Patrick Michael Braden

Kootenai County Administrative
Services
Dept. AS
PO Box 9000
Coeur d'Alene, ID 83816-9000
Phone: (208) 446-1620
Fax: (208) 446-1621
Email: pbraden@kcgov.us
Website: www.kcgov.us

Rebecca A. Broadbent

Broadbent Law Office, PLLC
10400 Overland Road, Ste. 283
Boise, ID 83709-1449
Phone: (208) 867-5614
Fax: (208) 376-6106
Email: broadbentlaw@msn.com

Natalie Call

Ada County Prosecutor's Office
200 W. Front Street, Rm. 3191
Boise, ID 83702
Phone: (208) 287-7700 Ext: 7731
Fax: (208) 287-7729
Email: ncall@adaweb.net
Website: www.adaweb.net

Carol L. Chaffee

10448 W. Merab Court
Star, ID 83669-5452
Phone: (208) 286-7858
Email: cfastcat@cableone.net

Dwain Mark Clifford

Ball Janik, LLP
101 SW Main Street, Ste. 1100
Portland, OR 97204
Phone: (503) 228-2525
Fax: (503) 226-3910
Email: dclifford@bjllp.com
Website: balljanik.com

Daniel E. Davis

O'Brien, Watters & Davis
PO Box 3759
Santa Rosa, CA 95402
Phone: (707) 545-7010
Fax: (707) 544-2861

William James Douglas

Kootenai County Prosecutor's
Office
Dept. PAO
PO Box 9000
Coeur d'Alene, ID 83816-9000
Phone: (208) 446-1801
Fax: (208) 446-1833
Email: bdouglas@kcgov.us
Website: www.prosecutorbilldouglas.com

Margaret Mary Dunbar

The Burnham Institute
10901 N. Torrey Pines Road
La Jolla, CA 92037
Phone: (858) 646-3149
Fax: (858) 713-6285
Email: mdunbar@burnham.org

Marty Durand

Idaho Women's Network
PO Box 1385
Boise, ID 83701
Phone: (208) 344-5738 Ext: 202
Fax: (208) 344-7509
Email: mdurand@velocitus.net

Randall G. Durfee

Internal Revenue Service
13430 Durbridge Trail Drive
Houston, TX 77065
Phone: (832) 237-2352
Email: rdurfee1@houston.rr.com

Scott Raymond Erikson

Ada County Prosecutor's Office
200 W. Front Street, Rm. 3191
Boise, ID 83702
Phone: (208) 287-7590
Email: serekson@adaweb.net

James Ralph Fields

2317 East 4200 North
Filer, ID 83328
Phone: (208) 326-4281

Ralph Junior Gines

1705 North Cole Road
Boise, ID 83704
Phone: (208) 377-0074
Fax: (208) 377-8722
Email: ralph@gineslaw.com

Kenneth K. Graham

Risner & Graham
100 N. Stone, Ste. 901
Tucson, AZ 85701
Phone: (520) 622-7494
Fax: (520) 624-5583
Email: kk@risnerandgraham.com

Erika Ellingsen Grubbs

Kootenai County Administrative
Services
Dept. AS
PO Box 9000
Coeur d'Alene, ID 83816-9000
Phone: (208) 446-1623
Fax: (208) 446-1621
Email: egrubbs@kcgov.us
Website: www.kcgov.us

Ralph H. Haley

736 Stewart Avenue
Lewiston, ID 83501

Celeste Ann Hanlin

19018 N. Duke
Bluford, IL 62814
Email: canorbut@yahoo.com

Michael Brian Harrington

Group Health Cooperative
Admin & Operations Campus S.
Bldg ASB-1
12501 E. Marginal Way S.
Tukwila, WA 98168
Phone: (206) 988-7774
Fax: (206) 988-2201
Email: harrington.mb@ghc.org
Website: www.ghc.org

Dennis P. Harwick

Captive Insurance Companies
Association
6530 Cape Hatteras Way NE, Ste. 1
St. Petersburg, FL 33702
Phone: (727) 374-7146
Email: dharwick@tampabay.rr.com

Lansing L. Haynes

Kootenai County Prosecutor's
Office
Dept. PAO
PO Box 9000
Coeur d'Alene, ID 83816-9000
Phone: (208) 769-4465
Fax: (208) 765-2164

Brent Johnson

Federal Bureau of Investigation
355 Pimlico Court
Portage, MI 49002
Phone: (208) 660-6646

Dennis Ray Jones

J.R. Simplot Company
1209 Pebble Lane
Boise, ID 83705
Phone: (208) 384-8285
Fax: (208) 384-8017
Email: drjones@simplot.com
Website: www.simplot.com

John Charles Keenan

Office of the Attorney General
PO Box 83720
Boise, ID 83720-0043
Phone: (208) 334-4204
Fax: (208) 334-4298
Email: john.keenan@doi.idaho.gov

Dylan Barnes Lawrence

Moffatt, Thomas, Barrett, Rock & Fields, Chtd.
PO Box 829
Boise, ID 83701-0829
Phone: (208) 385-5417
Fax: (208) 385-5384
Email: dbl@moffatt.com
Website: www.moffatt.com

Brian David Lee

1511 N. Whitley Drive
Fruitland, ID 83619
Phone: (208) 452-2800
Fax: (208) 452-2802
Email: blee@payettecounty.org

Joshua Jay Leonard

Boise City Attorney's Office
PO Box 500
Boise, ID 83701-0500
Phone: (208) 384-3870
Fax: (208) 384-4454
Email: jleonard@cityofboise.org
Website: www.cityofboise.org

Jolene C. Maloney

Huntley Park, LLP
PO Box 2188
Boise, ID 83701
Phone: (208) 345-7800
Fax: (208) 472-1447
Email: jmaloney@huntleypark.com
Website: www.huntleypark.com

Charles Lee Mumford

Starbucks Coffee Company
2401 Utah Avenue, Ste. 800
S-LA1
Seattle, WA 98134
Phone: (206) 318-8897
Fax: (206) 318-7793
Email: lmumford@starbucks.com

Daniel Alan Nevala

Arkoosh Law Office, Chtd.
PO Box 2727
Boise, ID 83701
Phone: (208) 424-8872
Fax: (208) 424-8874
Email: danevala@cablone.net

Harold Q. Noack Jr.

Harold Q. Noack Jr., PA
PO Box 9795
Boise, ID 83707
Phone: (208) 336-9292
Fax: (208) 336-6701
Email: pete@noacklaw.com
Website: www.noacklaw.com

M. Jed Pritchett Jr.

900 S. Owyhee
Boise, ID 83705
Phone: (208) 331-2475
Fax: (208) 385-6170

Dennis Dale Reuter

Kootenai County Public Defender's Office
Dept. PD
PO Box 9000
Coeur d'Alene, ID 83816-9000
Phone: (208) 446-1716
Fax: (208) 446-1701
Email: dreuter@kcgov.us

Benjamin Craig Ritchie

Moffatt, Thomas, Barrett, Rock & Fields, Chtd.
PO Box 817
Pocatello, ID 83204-0817
Phone: (208) 233-2001
Fax: (208) 232-0150
Email: bcr@moffatt.com
Website: www.moffatt.com

Joseph R. Rockstahl

121 3rd Avenue East
Jerome, ID 83338
Phone: (208) 324-2374
Fax: (208) 324-7206
Email: joerockstahl@yahoo.com

Heather Christine Rowe

U.S. Bankruptcy Court
500 W. Fort, MSC 042
Boise, ID 83724
Phone: (208) 334-9369
Email: heather_rowe@id.uscourts.gov

Ben Sinnamon

Sinnamon Associates, LLC
929 Eastridge Drive
Hailey, ID 83333-8696
Phone: (208) 720-2085
Email: beb@citizensforsmart-growth.org

Lindsay Jay Slater

Congressman Mike Simpson Chief of Staff
215 A Street NE
Washington, DC 20002-7305
Phone: (202) 234-4170
Email: lindsay.slater@mail.house.gov

Wendy E. D. Smith

Hergenroeder, Rega & Sommer LLC
620 Ravencrest Road
Pittsburgh, PA 15215
Phone: (412) 784-8632
Website: wsmith@hrslaw.com

Steve L. Stephens

PO Box 1813
Boise, ID 83701
Phone: (208) 409-5423
Fax: (208) 393-4282
Email: stephensidaho@gmail.com
Website: www.stephensidaho.com

Thomas R. Tharp

Office of the Attorney General
PO Box 83720
Boise, ID 83720-0010
Phone: (208) 334-4532
Fax: (208) 334-2942
Email: tom.tharp@ag.idaho.gov

Margaret Elisabeth Thomas

U.S. Marine Corps
128 Plantation Blvd.
Jacksonville, NC 28540-4511
Email: ngb558@yahoo.com

Carol Tippi Volyn

Lacy, Kane Poulson & Smith, PS
455 S. 6th Street NE
East Wenatchee, WA 98802
Phone: (509) 884-9541
Fax: (509) 884-4805
Email: tippi@lacykane.com

Margaret (Peg) Petrillo White

Office of the Attorney General
PO Box 83720
Boise, ID 83720-0036
Phone: (208) 334-7961
Fax: (208) 334-6515
Email: whitem@idhw.state.id.us

Dennis Paul Wilkinson

White Peterson, PA
5700 E. Franklin Road, Ste. 200
Nampa, ID 83687
Phone: (208) 466-9272
Fax: (208) 466-4405
Email: dwilkinson@whitepeterson.com
Website: www.whitepeterson.com

Aaron Paxton Wise

Ada County Public Defender's Office
200 W. Front Street
Boise, ID 83702

Mediator/Arbitrator
W. Anthony (Tony) Park

35 years, civil litigator
former Idaho Attorney General

PO Box 2188 (208) 345-7800
Boise ID 83701 Fax (208) 345-7894

E-mail: tpark@huntleypark.com

Tactics & Techniques in Advocacy and Persuasion

– Creative and Innovative Approaches

Kenneth M. Suggs
Columbia, SC
President, Association of
Trial Lawyers of America
Banquet Guest Speaker

June 30 - July 1, 2006
Sun Valley Resort
ITLA Annual Meeting, Seminar and Convention



www.itla.org
208 345 1890
for more information



Featured Speakers
Frederick M. Baron
Dallas, TX

Walter H. Bithell
Boise, ID

Lisa Blue
Dallas, TX

James B. Chaplin
Fort Lauderdale, FL

Christine L. Cobb
Snohomish, WA

Stuart Z. Grossman
Boca Raton, FL

Sharon B. Katz, PhD
Boise, ID

Steven R. Maher
Los Angeles, CA

Harvey A. Moore, PhD
Tampa, FL

John F. Romano
West Palm Beach, FL



**GLEN
WALKER
LAW FIRM**

Offering:

- Business law
- Criminal defense
- Family law
- Child custody mediation
- Landlord/tenant
- Divorce
- Child Support



© 10-4 Kerwin Bennett, Kacey Wall, Glen Walker

More than
55 years
of topnotch
legal experience

New Location
105 N. Fourth St., Ste. 307
Coeur d'Alene, ID 83814
(208) 667-9531

www.glenwalkerlawfirm.com



**IDAHO STATE
UNIVERSITY**

Associate General Counsel

Primary responsibilities include providing legal advice and representation to a public institution of higher education in areas of grants and contracts, sponsored programs, intellectual property, immigration, student affairs, human subjects, and other assigned duties. A complete job description and instructions on how to apply are available at www.isu.edu/departments/humanresources/joblist.htm. Applications must be received by May 19, 2006. Position contingent on Board approval.

ADR SERVICES MEDIATION/ARBITRATION/EVALUATION

JOHN MAGEL
36 years' experience
Litigation & ADR
Member ISB ADR
Governing Council
jm@elamburke.com

MACK A. REDFORD
36 years' experience
Litigation, ADR,
Construction,
Corporation & Business
mar@elamburke.com

Elam & Burke, P.A. • 251 E. Front Street, Suite 300, P.O. Box 1539, Boise, ID 83701 • Tel: 208-343-5454 • Fax: 208-384-5844

- Financial Advisory & Consulting
- Fee Based Investment Management
 - > Best-of-Class Investment Selection
 - > No Proprietary Funds
 - > No Commissions
 - > Salaried Investment Managers
- IRA / Corporate Retirement Services
- Trust & Estate Administration
- Risk Management
- Performance Management
- Liquidity Management

+ Portfolio Management Services

MEET OUR PORTFOLIO MANAGERS: STEVE, TOM, GAYLE and BRIAN.

DO YOU KNOW YOUR PORTFOLIO MANAGER?

There's only one perspective that matters when it comes to managing the assets in your portfolio — one that's uniquely focused on you. Which is exactly what you'll find from the Portfolio Management Group at Washington Trust Bank.

Washington Trust's Portfolio Management Group works with your Relationship Manager to provide comprehensive, integrated, personalized wealth management solutions. Their fee-based portfolio management, without the distraction of proprietary funds, means your assets are managed in a uniquely unbiased fashion.

Find out why clients around the Northwest have been putting their trust and confidence in Washington Trust for more than 100 years.

Washington Trust Bank 

WEALTH MANAGEMENT - COMMERCIAL BANKING - PRIVATE BANKING

Boise : 208.345.3343 / Seattle : 206.667.8964 / Spokane : 509.353.3896



CHASAN



WALTON

ATTORNEYS AT LAW

PROFOUND INJURY CASES

FEE SPLIT ARRANGEMENTS

ANDREW M. CHASAN

*Martindale-Hubbell AV Rated
Past President, Idaho Trial Lawyers Association*

TIMOTHY C. WALTON

*Martindale-Hubbell AV Rated
Past President, Idaho Trial Lawyers Association*

CALL 24 HOURS A DAY

208.345.3760

800.553.3760



1459 Tyrell Lane • PO Box 1069 • Boise, Idaho 83701

www.chasanwalton.com

andrew.chasan@chasanwalton.com • tim.walton@chasanwalton.com



Volunteer Opportunities



Member participation is vital to the success of the Idaho State Bar and Idaho Law Foundation. Lawyers can and do make a difference by participating on one of the many committees listed below. Committee assignments are three-year terms and each year there are generally one to three openings available on each committee. Time commitments vary with each committee depending upon its function and meeting schedule. In the appointment process, consideration is given to geographic distribution, areas of practice and other committee assignments or ISB/ILF involvement.

Please let us know if you are interested in contributing to the activities of the Idaho State Bar and the Idaho Law Foundation by serving on one of the committees listed below.

Please indicate your 1st, 2nd, or 3rd choice.

Idaho State Bar Committees

- _____ The Advocate Editorial Advisory Board – meets-monthly
- _____ Bar Exam Grading – takes place twice a year
- _____ Bar Exam Question Writers – no meetings
- _____ Fee Arbitration Panels – meets as needed
- _____ Professional Conduct Board – meets as needed
- _____ Lawyer Assistance Program – meets quarterly
- _____ UPOL – Unauthorized Practice of Law – meets twice a year
- _____ I would like more information about Sections of the Bar

Idaho Law Foundation Committees

- _____ Continuing Legal Education - meets quarterly
- _____ IOLTA Fund Committee - meets once a year
- _____ Law Related Education - meets 3-4 times a year
- _____ Idaho Volunteer Lawyers Program Policy Council - meets quarterly
- _____ Fund Development Committee – meets every other month
- _____ I would like more information about Law Related Education Programs such as Mock Trial, Lawyer in the Classroom
- _____ I am interested in participating in the Idaho Volunteer Lawyers Program

Name: _____ Firm: _____

Address: _____ City: _____ Zip: _____

Phone _____ email _____

Have you previously participated as a member of an ISB and/or ILF Committee?

- No
- Yes - Most recent committee assignment(s) _____

Please return this form no later than June 2, 2006
 ISB/ILF Committees
 P.O. Box 895
 Boise, ID 83701

Or email your committee interests to dminnich@isb.idaho.gov

—In Memoriam—

**Peter G. Snow
1932–2006**

Peter G. Snow died on March 11, 2006, from complications of lung disease. He is survived by his wife of 48 years, Mary Jean (Jeanie) Boyd Snow. He is also survived by a son, Stephen Gregory

Snow and daughter-in-law, Karen Snow, of Layton, Utah; and a daughter, Patricia Snow Ferris and son-in-law, Randall Ferris, of Boise, Idaho. Pete's grandchildren, his pride and joy, are grandsons Christopher Gregory Snow and Jeffrey Scott Snow, and granddaughters Kelsey Jean Ferris and McKinlie Jeanette Ferris.

Pete was born in Denver, Colo., on Aug. 4, 1932. He was the son of John Dow Snow and Grace Kilpatrick Snow. He was preceded in death by his parents, an older brother, John D. (Jack) Snow and survived by a younger sister, Mary Snow (Robert) Hatch, and sister-in-law Marian Snow. During the first three years of his life, Pete lived in 33 states as his father was transferred numerous times with the U.S. Government Agricultural Reporting Service. In 1936, the family moved to Idaho Falls and then permanently relocated to Burley in 1941 when John Dow Snow became a partner in the J.R. Simplot Potato Company. Pete graduated from Burley High School in 1950, and was the class president in his junior year. At the University of Idaho, Pete was a member of Phi Kappa Tau fraternity and graduated with a B.S. degree in accounting in 1954.

After graduation, he spent two years in active military duty, serving as Executive Officer of Battery A of the 84th Field Artillery Battalion Occupation Forces stationed in Neu Ulm, Germany. Upon return from active duty, Pete attended law school (1956-1959) and graduated with an LLB Law Degree from the University of Idaho. At the U of I, Pete met "the love of his life," Jeanie Boyd. They were married on June 21, 1958 between Pete's junior

and senior years in law school. Jeanie taught school in Genesee to support them while Pete finished law school.

Upon passing the bar exam, Pete worked for the law firm of Kramer and Walker in Twin Falls. In 1961, he went into partnership with Bill Parsons and was later joined by Dick Smith. In 1965, Pete formed a new partnership with Tom Church, Kent Church, and Lloyd Webb. Mr. Webb left the firm in 1966 and was ultimately replaced by Steve Tuft. Mr. Tuft also eventually left the firm. At that point, the law firm of Church, Church and Snow remained intact and highly successful until 1995 when both Tom and Kent Church had retired. Pete loved practicing law and enjoyed every day he went to work. He opened a new office in Burley and continued to practice law until his unofficial retirement in 1998. At that point, he retained his law license and continued to do legal work and mediation from his home office until 2005. Pete was the past president of the 4th and 11th Judicial Bar Districts, which consolidated and became the 5th Judicial Bar District. He was a six-year member of the Idaho Supreme Court Civil Rules Committee. In 1974-1975, he was the president of the Burley Rotary Club and helped initiate the Miss Mini-Cassia Pageant. He has been a member of the Mini-Cassia Community Chest Board of Directors for several years. For over 40 years, Pete was a lay reader at St. James Episcopal parish and was the Senior Warden of its vestry several times.

**Glen Edward Cox
1920-2006**

Glen Edward Cox, 85, Boise passed away March 26, 2006. He was born June 12, 1920 in Havre, Montana to Glen and Nellie Cox. He was raised in Shelby, Montana. He graduated from Shelby High School in 1938. He was Senior Class President and Valedictorian. He attended the University of Montana studying business administration and accounting before joining the army in 1943. He and Virginia Anderson met at the U of M and were married June 6, 1944 while was stateside.

He was a veteran of the European Theater of World War II. He participated in the Allied Breakout from Normandy and the Battle of the Bulge. He was honorably discharged in 1946 and received several medals for distinguished and meritorious service. He returned to the University of Montana where he graduated with honors earning a degree in Business Administration and Accounting. He attended the University of Montana School of Law graduating in 1948 with an emphasis in business law and taxation. He later earned an LLM in Tax Law from New York University. Glen was admitted to practice law in Idaho, Montana, and California.

Glen worked with the Montana State Attorney General's office and Arthur Anderson before moving to Boise with Title Insurance Company. With the help of a ranch manager, Glen also ran the Montana cattle ranch his parents left to him when they died in the early '70s. His wife Bernice died of Ovarian cancer in 1976. Glen and his son Doug stayed in Boise. Upon his retirement Glen continued to follow politics, economics and environmental issues. He is survived by his son Douglas, wife, Renee, and very special grandson, Spencer. He is also survived by a sister Loraine and her husband Claude Lane of Los Angeles, and a brother Dale and his wife Jackie of Billings, Montana.

**Joy Belle McLean
1932–2006**

Joy Belle McLean, 48, of Seattle, Washington, died Saturday, March 4, 2006, in an auto accident near Lolo, Montana. Her longtime friend and companion, Katherine Johnson, also died in the accident.

Joy was born May 29, 1957, to Bryce B and Vestye Mae Clute McLean. Joy grew up on the family ranch on Clear Creek and attended school at Kooskia. She graduated in 1975 from Clearwater Valley High School as valedictorian. She received her bachelor's in English/communication and psychology from Boise State University in 1979. Joy attended the

Gonzaga School of Law as a Thomas More scholar, graduating in 1983.

After passing her bar exam, Joy worked as a public defender and as a law clerk in the Treasure Valley area prior to filling a vacancy as the Idaho County Prosecutor in the spring of 1986. Joy left the prosecutor's position in January of 1989 and relocated to the Seattle area where she worked for Hyatt Legal Services and Cayce and Associates. She joined the Washington State Bar Association as a disciplinary counsel in January of 1995 and has served as Director of Lawyer Discipline for the last four years.

Joy recently completed her master's degree in psychology and was planning to enroll in a doctoral program this coming fall. Joy loved education. She took many classes such as statistics and accounting to help her better understand the situations she came across in her investigative work. When she was not attending classes, Joy often taught night classes in Seattle. She also volunteered at the Crisis Clinic hotline.

Two years ago, Joy acquired the Clear Creek home where she grew up. When Joy and Katherine took a break from remodeling projects at their Seattle home, they would come to Idaho to spend a weekend repairing and remodeling the ranch house near Kooskia.

Growing up on the ranch, Joy developed a great love of the outdoors. She always appreciated those opportunities she had to ski, hike, fish, or go whitewater rafting. She particularly enjoyed rubbing the pictures of her catch from a hiking trip to the Seven Devils under her older brothers' noses. Joy and Katherine often made time for excursions to the Cascades or to one of Washington's many islands to hike or sight see or take in various community celebrations. Last year they made a long anticipated trip to Ireland and Scotland.

Anytime a friend or family member started a new project or career or educational program, Joy was always a cheerleader. Her enthusiasm and support will be deeply missed. Joy always set her goals high and always, upon completing one goal, found a new goal to achieve.

Joy was preceded in death by her parents. She is survived by her three older brothers and their wives, Douglas and Lynn McLean of Peyton, Colorado, Mel and Sharon McLean of Culdesac, and Cliff and Connie McLean of Grangeville; Katherine's

daughter, Lauren, at their home in Seattle, nine beloved nephews, seven great nephews and four great nieces.

—On the Move—

Les Bock has moved his law practice to Bock Law Offices, Chartered. His practice includes nonprofit organizations, business representation and tax controversies. Mr. Bock has written and edited several publications, including the Handbook for Idaho Nonprofit Corporations. He received the Idaho State Bar Pro Bono Award in 1991 and Award for Outstanding Service in 1995. He earned a Bachelor of Arts and his Juris Doctor at the University of California. Mr. Bock can be reached at Bock Law Offices, Chartered, 350 N. 9th Street, Suite 304, Boise, ID 83702, (208) 345-6876, lesbock@bocklaw.com.

Keely E. Duke has become a shareholder of the firm Hall, Farley, Oberrecht & Blanton P.A. Ms. Duke has been with the firm since 1999. Her practice emphasizes insurance defense and commercial litigation with special emphasis in medical malpractice defense, product liability, and construction law. She also represents a number of businesses in a variety of legal matters. Ms. Duke received undergraduate degrees in 1996 from Carroll College in political science and business administration; and her juris doctor from Willamette University in 1999. She is a member of the American Inn of Court No. 130, the Idaho State Bar, the Defense Research Institute, and the American Bar Association. She has taught business law at Boise State University and has also lectured on various legal issues

Bradlee R. Frazer has joined Technology Law Group as Senior Counsel. Mr. Frazer was Deputy General Counsel for many years to Micron Electronics, Inc., Interland, Inc., an Atlanta-based Internet connectivity and Web hosting company; and MPC Computers, LLC, a leading computer hardware manufacturer and seller based in Nampa, Idaho. Prior to his work with these companies, he was a shareholder at Elam & Burke in Boise where he practiced commercial litigation and intellectual property law.

Mr. Frazer's practice at TLG will continue to emphasize Internet law, e-commerce, trademarks and domain names, copyright,

licensing, media law, computer law, and related transactional work and litigation. He brings a variety of professional experience to TLG and its strategic partners, chief among which is his familiarity with Internet law, including the significant intellectual property aspects of transactions in the virtual environment. He is also frequent lecturer on Internet and intellectual property law topics.

Brad graduated cum laude with his B.S. degree in finance from Brigham Young University. He earned his J.D. from the University of California, Hastings College of the Law and his MBA from the University of Utah.

Chad D. Hansen has joined the law firm of Hawley Troxell Ennis & Hawley LLP. He is part of the firm's tax practice group. Hansen joins Hawley Troxell following an active tax and business law practice in Ohio. He was co-author of a monthly tax column for the Dayton Bar Briefs magazine, and has spoken on tax issues for seminars sponsored by the Idaho State Bar and the Ohio Society of CPAs.

Mr. Hansen, a native of Soda Springs, holds a B.A. in accounting from Utah State University, a J.D. from the University of Idaho and an LL.M. in taxation from the University of Florida.

H. Brent Williams and Valerie N. Charles are pleased to announce the opening of their new law firm, Avoture Business & Property Law pllc. Avoture Business & Property Law pllc offers legal counseling in the areas of business, property, securities, international, and franchise law.

Mr. Williams received his Juris Doctoris from Saint Louis University in 1995 with honors in international and comparative law and with an emphasis in business and property law. Mr. Williams was formerly associated with Monsanto Company as part of its international development team and was most recently associated with Brady Law, Chtd. in Boise, Idaho where his practice focused on business organization, mergers and acquisitions, technology licensing, commercial and real estate transactions, and complex litigation.

Mr. Williams is a member of the Idaho and Missouri State Bars. He is a member of the Business and Corporate Law Section of the Idaho State Bar and is also a member of the Corporate/Business Section of

the American Bar Association and the U.S. Department of Commerce's Idaho Export Council.

Ms. Charles earned her J.D. from Seton Hall University School of Law, Newark, New Jersey in 1999 with an emphasis in Corporate and Securities law. Ms. Charles clerked for NASD Regulation, Inc. and engaged in corporate and securities practice in New Jersey.

Ms. Charles was most recently with Moffatt Thomas Barrett Rock & Fields Chtd., Boise, Idaho where she practiced in the areas of securities, business, real estate, and commercial lending. Ms. Charles is a member of the Idaho, New York, and New Jersey State Bars. She serves on the board of directors of Idaho Women Lawyers, Inc., the governing council of the Business and Corporate Law Section of the Idaho State Bar, and an advisory subcommittee on the newly proposed Model Entity Transaction Act.

—Recognition—

FIFTH DISTRICT JUDGE BARRY WOOD of Gooding is this year's recipient of the Kramer Award for Excellence. This award is presented annually to recognize exemplary work in the Administration of Idaho's judicial system. As both a magistrate and district judge, he has presided over complex water rights cases as the presiding judge of the Snake River Basin Adjudication, handled a high-profile murder case, applied his administrative skills to the management of the 5th Judicial District, and served on various Supreme Court committees, including the court's prestigious Administrative Conference. Judge Wood currently serves as the 5th District's Administrative District Judge.

The Kramer Award is named after former Blaine County District Court Judge Douglas C. Kramer, and honors a judge or judicial employee who has, over an extended period of time, contributed to improvements in the administration of justice in Idaho.

Judge Wood is an Idaho native and a graduate of the University of Idaho College of Law. He was in private practice in Homedale and Caldwell for ten years before becoming a magistrate judge in Lincoln County in 1987. He has been a district court judge since 1995.

2006 IDAHO WOMEN OF THE YEAR

The following attorneys and Judges were recognized by the Idaho Business Review as recipients of their annual Women of the Year Awards

Teresa Baker

Ada County Prosecutor's Office

Michele Bartlett

University of Idaho College of Law

Joan Cloonan

J.R. Simplot Company

Deb Kristensen

Givens Pursley, LLP

Hon. Karen Lansing

Idaho Court of Appeals

Hon. Linda Copple Trout

Idaho Supreme Court

2006 Accomplished Under 40 Award. The following attorneys were recognized by the Idaho Business Review as recipients of their annual Accomplished Under 40 Awards

Mike Baldner

Meuleman Mollerup LLP

Andrew Hawes

Western Pacific Timber

Steven Hippler

Givens Pursley LLP

Michelle Points

Hawley Troxell Ennis & Hawley, LLP

Betty Richardson, of counsel with Richardson and O'Leary, PLLC is the recipient of the 2006 recipient of the Kate Feltham award. This annual award is given by The Idaho Women Lawyers, Inc., whose mission is to promote equal rights and opportunities for women and minorities. This award honors individuals who make an extraordinary contribution toward improving the rights and opportunities of women and minorities within the legal profession and the justice system.

Ms. Richardson has contributed significant efforts toward this mission. In 1993, President Clinton nominated her to be United States Attorney for the District of Idaho, the ranking official for the Department of Justice within the state. She served as Idaho's U.S. Attorney for seven years and was the first woman to hold this position. Prior to her appointment as U.S. Attorney, she served as the attorney Commissioner on the Idaho Industrial Commission for three years. She was also

the first woman to hold that position. She was elected Commission Chair in 1993.

Based on her own professional achievements, Ms. Richardson is a role model for other women lawyers. She has been a recipient of the Idaho State Bar's Pro Bono Service award for her work on a child custody matter. For many years she has served on the Board of Directors of Idaho Partners for Justice, now Idaho Partners Against Domestic Violence, a campaign sponsored by the Volunteer Law Program and Idaho Legal Aid to raise money to serve victims of domestic violence.

She has also been recognized as an Outstanding Young Woman of America and as one of the 100 most Influential Idahoans. She is listed in Who's Who in America, Who's Who in the Law, Who's Who in the West, and Who's Who in Politics.

Emile Loza, Technology Law Group, LLC (TLG), Boise has been selected to serve on the Licensing Office Structure and Management (LOSM) Committee for the Licensing Executives Society (LES), United States and Canada Chapter. LES is a professional society of more than 5000 members that engage in the transfer, use, development, manufacture, and marketing of intellectual property.

Holland & Hart LLP was recognized with two "Your Honor Awards" from the Legal Marketing Association. The firm was awarded First Place in the category of Community Relations for the work done with the Holland & Hart Foundation. This distinguished honor recognized the work of the Foundation, which provides assistance to hundreds of individuals and organizations in Holland & Hart's six-state region and beyond. The award also recognized the marketing team's pro bono work on the Web site, annual report, and annual calendar project, which are the key marketing and communication tools used to illustrate the great work of the Foundation each year. More information on the Holland & Hart Foundation can be found at www.hollandhartfoundation.org.

The firm was also awarded Second Place in the category of Identity, which includes trademarks, logos, identity and style guides, and integrated branding programs. This award recognized Holland & Hart's in-house marketing team's branding cam-

paign, logo and tag line design, advertising efforts and internal communications. Creative consultants, The Creative Alliance, of Boulder, Colorado, were recognized along with Holland & Hart.

—Announcements—

BLSA... the association for legal professionals will hold its monthly educational meeting on Tuesday, May 16, 2006 at 5:30 p.m. The education topic will be Working Your Way Through Criminal Law Procedure, and our speaker will be Robert A. Wallace, Esq. The meeting will be held in the U.S. Bank Building, 2nd floor, 101 S. Capitol Blvd., Boise, Idaho. For more information and to RSVP, please contact Bert Barton, PLS at (208) 385-5372.



If you only think about your liability insurance once a year, it's OK.

We think about it the rest of the time.

We've been protecting attorneys against professional liability claims and improving insurance since 1988.

 **ALPS**
Attorneys Liability Protection Society
A Risk Retention Group
1 (800) FOR-ALPS
www.alpsnet.com

*A Member of the ALPS Family of Professional Service Companies
ALPS is the endorsed professional liability insurer of the Idaho State Bar*



Are you *still* using
a court reporting firm stuck
in the 1950s?

Embrace the digital age with Naegeli Reporting, the firm with the most innovative litigation technology in the country. We offer cutting-edge court reporting, trial presentation, videography and videoconferencing services. Naegeli: Working hard to simplify your life and make your case successful.

The Technology Transcript™

- Hyperlinked Transcripts in Any Format
- Word-Searchable Exhibits
- Audio/Transcript Synchronization
- Video/Transcript Synchronization
- Digitized Video on CD or DVD
- Personal Audio CD
- E-transcript on CD

Naegeli
REPORTING
CORPORATION

Court Reporting Trial Presentation Legal Videography Videoconferencing

Serving all of Oregon, Washington, Idaho and the Nation • 24 hours a day – Every Day • www.NaegeliReporting.com

National
(800) 528-3335

Portland, OR
(503) 227-1544

Seattle, WA
(206) 622-3376

Spokane, WA
(509) 838-6000

Coeur d'Alene, ID
(208) 667-1163

THE LAW FIRM OF BAKER & HARRIS

ANNOUNCES THE
RELOCATION OF THEIR
OFFICE TO 266 W BRIDGE
IN BLACKFOOT.

★ YOU ARE CORDIALLY
INVITED TO AN
★ OPEN HOUSE
★ TO BE HELD ON THURSDAY
MAY 18, 2006
★ BETWEEN THE HOURS OF
3:00 P.M. AND 7:00 P.M.

The Lawyers of
COSHO HUMPHREY, LLP
are pleased to announce that
DAVID M. PENNY
Has joined the firm as a Partner



David M. Penny

Mr. Penny practiced with the firm for 17 years from 1986 to 2004. He has rejoined the firm to continue his practice of law. In 1986 he graduated from Gonzaga School of law and is admitted to practice before the State and Federal courts of Idaho. His practice includes: Litigation, Business and Real Estate Transactions, Family Law and Mediation.

COSHO HUMPHREY, LLP

Tore Beal-Gwartney
Matthew E. Bohn
Mackenzie E. Dennard
Patrick J. Geile
Franki J. Hargrave

Erika K. Klein
Joseph M. Meier
David M. Penny
Thomas G. Walker
Stanley W. Welsh

800 Park Blvd. • Suite 790 • Boise, ID 83712
208.344.7811 • 208.338.3290 fax
www.cosholaw.com

ALTERNATIVE DISPUTE RESOLUTION

Merlyn W. Clark

Mr. Clark serves as a private hearing officer, federal court discovery master, neutral arbitrator and mediator. He has successfully conducted more than 500 mediations. He received the designation of Certified Professional Mediator from the Idaho Mediation Association in 1995. Mr. Clark is a fellow of the American College of Civil Trial Mediators. He is a member of the National Rosters of Commercial Arbitrators and Mediators and the Employment Arbitrators and Mediators of the American Arbitration Association and the National Panel of Arbitrators and Mediators for the National Arbitration Forum. Mr. Clark is also on the roster of mediators for the United States District Court of Idaho and all the Idaho State Courts.

Mr. Clark served as an Adjunct Instructor of Negotiation and Settlement Advocacy at The Straus Institute For Dispute Resolution, Pepperdine University School of Law in 2000. He has served as an Adjunct Instructor at the University of Idaho College of Law on Trial Advocacy Skills, Negotiation Skills, and Mediation Advocacy Skills. He has lectured on evidence law at the Magistrate Judges Institute, and the District Judges Institute annually since 1992.

- Arbitration
- Mediation
- Discovery Master
- Hearing Officer
- Facilitation
- Education Seminars
- Small Lawsuit Resolution Act

HTEH HAWLEY TROXELL
ENNIS & HAWLEY LLP
ATTORNEYS AT LAW

Phone: 208.388.4836 877 Main Street • Suite 1000
Fax: 208.342.3829 Boise, ID 83702
mwc@hth.com www.hawleytroxell.com



INTELLECTUAL PROPERTY LAW

WWW.PEDERSENCO.COM

Innovation

Pedersen & Company,
PLLC

Patents, Trademarks,
Copyrights, Intellectual Property
Litigation.

1410 N. 26th Street
Boise, ID 83703

Phone: 208/343/6355

Fax: 208/343/6341

Email: ip@pedersenco.com

LOST WILL

Any Information Concerning Will of

Robert William James

AKA

Bob James

Call Brenda James (208) 312-3053

ISB/ILF STAFF CHANGES

Next time you take a CLE class, volunteer pro bono hours, or file a complaint you will might see some new faces and hear some new voices. The Idaho State Bar and Idaho Law Foundation, Inc. would like you to join in welcoming Terri Muse, Mary Hobson, Diana Campos-Anaya, and Al Gill to their new positions.

BAR AND FOUNDATION - LEGAL EDUCATION DIRECTOR



Terri Muse was hired as the Idaho State Bar and Idaho Law Foundation, Inc., Legal Education Director in January. She is a graduate of Loyola Law School, Los Angeles, where she received her J.D. in 1992. She also has a Master's Degree in Psychology from California State University, Long Beach.

Before attending law school, Terri was the program director for a federally funded job-training program for low-income adults and youth. She was an associate with the firm of Bauer and French in Boise until joining the staff at the Idaho State Bar in 2000. She worked as Case Manager for the Idaho Volunteer Lawyers Program and Assistant Bar Counsel prior to becoming the Legal Education Director.

As the Legal Education Director for the Idaho State Bar and Law Foundation Terri is responsible for the design, development and implementation of continuing legal education seminars statewide. She and her staff provide administration, staffing and assistance to the 18 practice sections of the Bar. She is also responsible for the design, coordination, and implementation of the Idaho State Bar's annual meeting. Terri is married to Mike Larson and has two sons, ages 15 and 12, and two misbehaved but loveable dogs. She lives in Boise's beautiful North End. She enjoys skiing, golf, reading and spending time with her family.

IDAHO VOLUNTEER LAWYERS PROGRAM - LEGAL DIRECTOR



Mary S. Hobson became the Legal Director for the Idaho Law Foundation, Inc., Idaho Volunteer Lawyers Program in March. Her J.D. is from the University of Idaho College of Law and she holds a B.A. and an MS from Washington State University.

She has had a legal practice concentrated in the areas of regulatory/administrative law and commercial litigation. She has been a partner with Stoel Rives LLP, Elam & Burke and Eberle, Berlin, Kading, Turnbow & McKlveen. She has worked for Qwest Corporation (fka US WEST Communications, Inc.) and served as Assistant U.S. Attorney. She holds several honors of distinction including an AV rating from Martindale-Hubbell, The Best Lawyers in America, Idaho State Bar Pro Bono Award, Distinguished Alumna Award from Washington State University and has served on several community Boards of Directors. She has been a member of the IVLP Policy Council since 1998.

As the Legal Director for IVLP, Mary will supervise the legal work of the program and recruit Idaho State Bar members to volunteer to assist low-income Idahoans with legal problems. She is dedicated to developing new opportunities for lawyers, law firms and legal departments to increase their pro bono involvement. Mary lives in Boise with husband, Don, and son, Hunter, who is a sophomore at Boise High School. In her spare time Mary loves to

travel, garden, and come together with friends and family for wide-ranging conversation, music, book discussions, yoga and, of course, good food

IDAHO LAW FOUNDATION, INC., IDAHO VOLUNTEER LAWYERS PROGRAM - CASE INVESTIGATOR



Diana Campos-Anaya is the new Case Investigator for IVLP. Diana will conduct investigative interviews with people who qualify financially for Idaho Volunteer Lawyer Program. She will obtain information, gather evidence and verify facts before the case is opened. During the screening investigation she will determine an applicant's need for legal services. Write case summaries for each investigation and work with the IVLP Legal Director in determining legal response to individual cases.

Diana graduated from Boise State University with a B.A. in Political Science and Minor in Communication. She has worked as a domestic violence advocate for the Idaho Migrant Council, Salud y Provecho, and has worked with the Federal Defenders of Eastern Washington and Idaho as an interpreter and Administrative Assistant. Diana has four children and two granddaughters who are the light of her life. Her true inspirations are her mother, who can make a dollar stretch till it reaches the sun, and her 75-year old father who still continues to work ten hours a day for different farmers.

IDAHO STATE BAR - BAR COUNSEL INVESTIGATOR/PARALEGAL



Al Gill joined Bar Counsel as an Investigator in February 2006. He investigates allegations against attorneys under the Idaho Rules of Professional Conduct. His responsibilities also include the investigation of unauthorized practice of law. Prior to starting in Bar Counsel's office, Al worked as an investigator in the areas of criminal and family law. He worked as the case investigator for the Idaho Volunteer Lawyers since 2001. Al lives in North Boise with his wife Julie and three children. He grew up overseas and has lived and worked in numerous foreign countries. His immediate leisure activities are Little League umpiring and restoring a '61 Dodge station wagon. Al is a graduate of Albertson College of Idaho and is an instructor of Paralegal Studies and Ethics at Boise State University.

**MOONLIGHTING
SOFTWARE**
Innovative Custom Software

Home of the best Child Support Program

PO Box 44930 (208) 376-7728
Boise, ID 83711 www.idchildsupport.com



Exhibit: #107a

a good case for
**MORE
 TUCKER
 DIRECTORIES**

Prevent the possibility of any intra-office turmoil by ordering plenty of Tucker Directories for everybody. Because, deep down, even adults don't like to share.

TUCKER
 and ASSOCIATES, LLC
 Court Reporters

605 W. Fort • PO Box 1625 • Boise, Idaho 83701
 Phone: 208-345-3704 • Fax: 208-345-3713 • Toll Free: 1-800-424-2354
 Website: www.etucker.net • Email: info@etucker.net

TROUT & NEMEC, PLLC

is pleased to announce that

STEPHEN GLEDHILL
 has become a member of our firm.

Mr. Gledhill has been a practicing attorney for over 25 years, both overseas and in the Boise area. He will continue to practice in the fields of construction litigation, insurance defense, personal injury, business litigation, and property development. Mr. Gledhill is an extremely capable and talented attorney and is available now for referrals and consultations.

Trout & Nemeec, PLLC is a construction litigation firm, employing eight attorneys with many years of experience in several fields of law, including: complex litigation, commercial business, real estate and business transactions, civil litigation, and employment law.

TROUT & NEMEC, PLLC
 3067 E. Copper Point Dr.
 Meridian, ID 83642
 Telephone: (208) 376-4461
 Facsimile: (208) 376-4481

Ron Schilling

Alternative Dispute Resolution Services

- Arbitration
 - Mediation
 - Other ADR Services
- Over 24 years judicial experience
 - Over 200 hours of mediation training including Harvard Law School Program of Instruction for Lawyers & Pepperdine University School of Law Advanced Mediation
 - Over 600 settlement conferences and mediations conducted

Telephone: (208) 898-0338 P.O. Box 1251
 Facsimile: (208) 898-9051 Meridian, Idaho 83680-1251
 email: adrsolutions@cableone.net

The **Advocate**

Official Publication of the Idaho State Bar

Advertise in *The Advocate* and 2006-2007 DeskBook Directory by contacting:

Robert W. Strauser
 Idaho State Bar Advertising Coordinator
 "Get the most from your advertising!"

525 WEST JEFFERSON
 P.O. Box 895

Phone: (208) 334-4500
 Fax: (208) 334-4515

Email: rstrauser@ish.idaho.gov



**Idaho State Bar
2006 Annual
Meeting
Sun Valley, ID
July 19-21**

Experience "A slice of island life" with dinner and dancing to tropical music style of Jim Morris and The Big Bamboo Band

Great CLE Programs

- *Everything you wanted to know about billing but didn't know to ask*
- *Golfing for Ethics*
- *Preserving the Record*
- *Family Law Roundtable*
- *Intellectual Property Issues Encountered Over Typical Business Life*
- *More CLE topics to come!*

**Enjoy
live musical enter-
tainment
Experience
information semi-
nars**



**Bring your dispute to the table.
Leave with the best resolution.**

In addition to being an accomplished attorney, Sandy Averill has been a successful ADR professional for over 13 years. Her integrity and unwavering commitment to providing her clients with reliable information and achieving real results has earned her a reputation as one of the best mediators in Idaho.

Primary Focus:

- Settlement in Personal Injury Litigation
- Workplace Conflict Resolution

AVERILL DISPUTE RESOLUTION

Phone: 208-321-8286 • Fax: 208-376-4093
1810 W. State St., #203, Boise, ID 83702 • averilladr@msn.com

**Who's Guarding
Your Clients'
Intellectual Property?**

Experience Matters

Dykas, Shaver & Nipper
Protecting Intellectual Property Rights Since 1975



208-345-1122 • Located at 1403 W. Franklin St., Boise, ID 83702 • www.dykaslaw.com

LOOKING FOR A CORPORATE TRUSTEE?

David A. Lange
Investment Representative

(208) 888-9666

921 N. Main Street
Meridian, ID 83642

www.edwardjones.com

Member SIPC

Edward Jones®

MAKING SENSE OF INVESTING

Edward Jones Trust Company is a division of Boone National Savings & Loan Association, F.A. Boone National Savings and Loan Association and Edward Jones are subsidiaries of the Jones Financial Companies, L.L.P.

Certified Business Valuation Services

ARTHUR BERRY & COMPANY

Professional Business Brokerage Company Since 1983

Over 1,000 accredited business valuations and sales completed

Expert witness testimony and master services
Nine licensed professionals with access to comparable sales data



208-336-8000

www.arthurberry.com

Call for a confidential, no obligation consultation

DAVID LOUIS SCHEENAR, M.D., C.H.C., F.A.C.C.F.
ORTHOPEDIC FORENSIC SOLUTIONS

✓ YOU NEED

- IME • DO/REVIEW
- RECORD REVIEW
- IMPAIRMENT RATING
- CASE MERIT REVIEW
- DEPOSITION
- COURT TESTIMONY

✓ AREA

- LAI / STATE / FED.
- PRIVATE SECTOR
- PLAINTIFF / DEFENSE
- PI / MED. MAL.

✓ WHEN

- ROUTINE
- NOW
- YESTERDAY

✓ MUST BE

- RELEVANT
- RELIABLE
- UNDERSTANDABLE

"30 YEARS EXPERIENCE • AVAILABLE NATIONWIDE"

✓ 208-788-9337

MEMBER AMERICAN BOARD OF ORTHOPAEDIC SURGERY
 FELLOW AMERICAN ACADEMY OF ORTHOPAEDIC SURGERY
 CERTIFIED AMERICAN BOARD INDEPENDENT MEDICAL EXAMINERS (AIMME)
 FELLOW AMERICAN ACADEMY FORENSIC EVALUATING PHYSICIANS (FAFEP)
 MEMBER AMERICAN BOARD OF OCCUPATIONAL & ENVIRONMENTAL MEDICINE
 FELLOW AMERICAN COLLEGE OF SURGEONS

119 E. GULICH RD., HAILEY, ID 83323
 208-788-9337 • FAX 208-788-8242 • CELL 208-298-2448
 E-Mail: david@schear.com or orthopedicforensicsolutions.com
 www.orthopedicforensicsolutions.com

R Squared Digital Media

Creative and Technical Media Services

Our group of degreed and licensed Professional Engineers have the knowledge and experience to help you present your technical materials easily and accurately.

We support our clients with:

- accurate 3D animation
- courtroom graphics
- timelines and graphs
- interactive CD's and DVD's
- video depositions (CLVS)
- video editing & conversion

N CRA Certified Legal Video Specialists

P.O. Box 727 • Eagle, Idaho 83616 • 208-939-2532 • info@r2dm.com

Idaho Association of Criminal Defense Lawyers

I A C D L

Standing Tall for the Accused

For those who take criminal defense seriously. Benefits include:

- Top-notch CLEs
- *The Trumpet* Newsletter
- Strike Force Assistance
- *Idaho's Best Criminal Cases* (6th ed. 2006)
- Amicus Assistance
- List Serve
- Members-only website with brief bank

To join contact IACDL Executive Director Debi Preshler
 (208) 343-1000 or dpresher@nbmlaw.com

Christensen Law Office

Bringing a fresh look to ethics and professional responsibility representation.

Matthew T. Christensen, Esq.
 Attorney and Counselor at Law

660 E. Franklin Road, Suite 220
 Meridian, Idaho 83642
 Telephone (208) 888-4647 Fax (866) 602-8873
 Email: matt@christensenlegal.com

CLASSIFIEDS

OFFICE SPACE FOR LEASE

Downtown Office Space Available C.W. Moore Plaza

Adjacent to Ada County Courthouse
Parking Available
150 person Conference Room
Basement, Copy Center and
Locker Rooms

**For Details Contact:
Grove Hummert, SIOR
at Thornton Oliver Keller
Call: (208) 947-0804**

OFFICE SPACE FOR LEASE

Spacious office suite located in downtown Boise, just two blocks from Ada County Courthouse, and within walking distance of Greenbelt and City Parks. One office suite available. Includes separate secretarial space, shared receptionist kitchen area, conference rooms, and copy/file area. Plenty of parking, and easy access to I-84 connector, freeway and airport. **For additional information call (208) 344-8400.**

FOR SALE - DOWNTOWN

8600 Sq. Ft. Freestanding Office Building. For additional information please call Debbie Martin, SIOR at DK Commercial: (208) 955-1014 or (208) 850-5009. Email: Debbie Martin at debbie@dkcommercial.com.

Meridian Office Space for the Sole Practitioner

Office share with several other solo attorneys and save on overhead. Large offices in new building, reception area, conference room, break room, and easy freeway access. Includes utilities, Internet and many opportunities for referrals. \$750/month to month. (208) 884-1995 or pauljstark@msn.com

Office suites for lease in professional medical/office campus. Suite sizes range from 850 to 3400 square feet. Client is motivated to fill the vacancies and is offering below market rates. Please contact Susan Wishney @Winston Commercial Real Estate (208) 426-9540 or (208) 861-5206.

Brand New Office Space

Single office off the connector. Available for Solo Practitioner at \$750.00/month. Use of 2 conference rooms negotiable. If interested, contact Brett Fox or Bryan Storer at (208) 323-0024

WASHINGTON MUTUAL BUILDING DOWNTOWN BOISE

Class A office overlooking capitol Blvd. and City Hall to share with two attorneys with low key practices. Includes conference room, reception area, kitchen, copy room with copier and fax, telephone, DSL, and private deck. Secretarial available. For additional information call (208) 336-4144.

OFFICE SPACE AVAILABLE

300 W. Main Street Beautiful 2 room Suite overlooking Main Street or 8 office Suite-the space is set-up where you could combine both areas if needing more space. Fun downtown atmosphere - 1 block from Courthouse. Shower and locker room available to tenants. Full service building. Contact Cindy at (208) 947-7097 or you are welcome to stop by, located in same building in Suite 111.

Office suites available near Canyon Co. Courthouse. Located on the corner of Main and Kimball St., the suite sizes in this attractive office building range from 250 to 716 square feet. For additional information, contact Susan Wishney @ (208) 426-9540 or (208) 861-5206.

PROFESSIONAL OFFICE LEASE

2,027 SF professional office in Boise's north end. Space includes 6 offices, reception area, 2 rest rooms. Five year lease term preferred at \$15 psf, NNN. T.I. Allowance negotiable. Call Bob Sabino. Arthur Berry & Co. 208-336-8000.

Office Space

1 to 6 offices available at 1501 Tyrell Lane, directly behind Southeast end of ParkCenter Mall. Class A office on Loggers Creek. Conference rooms, local phone service, telephone, fax, internet and digital copier available. For more information call: (208) 383-0030 or Email: rfrench@bauerandfrench.com.

SERVICES

NEED SOMEONE FOUND?

A witness, someone to sign off on a deed, missing heirs or who ever. Call **Artyn, Inc.** with 18 years specializing and successfully finding people and that problem is solved.

Call today: 800-522-7276

- License No. 1545878 -

Acker & Garcia de Quevedo Guadalajara, Mexico US Telephone: (360) 434-3262

Mexican Probate, Real Estate, Tax, Investmentts, Corporate, Trusts, Condominiums, Import/Export, Civil Law, Beach Issues.

LUMP SUMS CASH PAID

For Seller-Financed Real Estate Notes & Contracts, Divorce Notes, Business Notes, Structured Settlements, Lottery Winnings. Since 1992.

CASCADE FUNDING, INC.

www.cascadefunding.com

1 (800) 476-9644

EXPERT WITNESSES

~ Forensic Accounting ~

Thomas D. Collins, CPA, CFA

1602 W. Hays Street, Ste 202

Boise, ID 83702

Phone: (208) 344-5840

Fax: (208) 344-5842

Medical/ Legal Consultant Cardiology
William C. Owens, M.D. Licensed,
Board Certified Internal Medicine &
Cardiology. 30+ years experience with
medical expert testimony.

Contact (208) 866-1400

orwillieo@cableone.net

William C. Owens, M.D

BAD FAITH WITNESS INSURANCE CONSULTANT:

Over 25 yrs legal,
risk management &
claims experience.

JD, CPCU & ARM.

Phone: (425) 776-7386

www.expertwitness.com/huss

CLASSIFIEDS

EXPERT WITNESSES

FORENSIC DOCUMENT EXAMINER

Trained by the Secret Service and U.S. Postal Crime Lab Examiners. Fully equipped laboratory. Qualified in state and federal courts. Retired from the Eugene Police Department.

Jim Green: (888) 485-0832

EXPERT WEATHER TESTIMONY

Weather & climate data research and analysis. 15+ years meteorological expertise - AMS certified - extensive weather database - a variety of case experience specializing in ice, snow, wind and atmospheric lighting.

**Meteorologist Scott Dorval
(208) 890-1771**

Medical/Legal Consultant Gastroenterology

Theodore W. Bohlman, M.D.
Licensed, Board Certified Internal Medicine & Gastroenterology Record Review and medical expert testimony.

To contact call (208) 888-6136 or
Email: tbohlman@mindspring.com.

INSURANCE AND CLAIMS HANDLING

Consultations or testimony in cases involving **insurance or bad faith issues**. Adjunct Professor Insurance Law; 25 years experience as attorney in cases for and against insurance companies; developed claims procedures for major insurance carriers. To contact Irving "Buddy" Paul, call: **(208) 667-7990 or email:**

POSITIONS

LAWTOOLBOX

Do you have a litigation-tested forms library of your own pleadings you'd like to publish? Interested in consulting with our company on deadline related practice tips in state and federal Court? LawToolBox has a proven business model providing a web-based litigation practice software, that calculates deadlines, assembles first draft of pleadings, and sends email reminders with practice. We are looking for an attorney to consult with us on rolling out new product in Idaho. Send resume and references to jbg@law-toolbox.com.

POSITIONS



HELP WANTED TOP-TIER ARBITRATORS AND MEDIATORS WANTED

National provider of premium alternative dispute resolution services seeks to increase our current roster of top-tier hearing offices with additional highly qualified and well-respected attorneys, former state and federal judges and law school professors. Please contact our Panel Coordinator at: **800-358-2550 ext. 192 or email us at: panel@namadr.com**

Employer Services

- * Job Postings: Full-Time / Part-Time Students, Laterals & Contract
- * Confidential "Blind" Ads Accepted
- * Resume Collection
- * Interview Facilities Provided
- * Recruitment Planning



**University
of Idaho**
College of Law

For more information contact:
Career Services
Phone: (208) 885-2742
Fax: (208) 885-5709
and/or

www.law.uidaho.edu/careers

Employment announcements may be posted at: careers@law.uidaho.edu
P.O. Box 442321
Moscow, Idaho 83844-2321
Equal Opportunity Employer

LEGAL ETHICS

~ LEGAL ETHICS ~

Ethics-conflicts advice, disciplinary defense, disqualification and sanctions motions, law firm related litigation, attorney-client privilege.

**Idaho, Oregon & Washington
Mark Fucile: (503) 224-4895
Fucile & Reising LLP
Mark@frllp.com**

PROCESS SERVERS

PowerServe of Idaho

Process Serving for
Southwest Idaho
(208) 342-0012
P.O. Box 5368
Boise, ID 83705-0368

www.powerserveofidaho.com

COMING EVENTS

See Page 31
Continuing Legal Education
schedules check the Idaho
State Bar website
www.idaho.gov/isb

SAVE THE DATE

IDAHO STATE BAR



ANNUAL MEETING

**Sun Valley
July 19-21, 2006**

Let
us
help



you

help

them

■ Personal Injury

■ Workers' Compensation

■ Sexual Harassment Cases

■ Arbitration

SEINIGER
LAW OFFICES

BRECK SEINIGER

AV rated by peer review process

Licensed in

Idaho • Oregon • Washington

wbs@SeinigerLaw.com

