

**GENERAL SESSION MINUTES**  
**Idaho State Bar Board of Commissioners**  
**May 21, 2012**  
**Boise, Idaho**

President Reed Larsen called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:40 a.m. at the Law Center in Boise. In attendance at the meeting were Commissioners, Molly O'Leary, Paul Daugharty (joined the meeting in progress), Robert Wetherell, William Wellman, Bar Counsel Brad Andrews, Deputy Executive Director Mahmood Sheikh, Deputy Bar Counsel Julia Crossland and Executive Director Diane Minnich, who acted as secretary.

**EXECUTIVE SESSION**

Per Idaho Code Section 67-2345, the Commission, after an aye vote was recorded from each Commission, moved into Executive Session at 10:25 a.m. The Executive Session adjourned at 11:15 a.m.

**GENERAL BUSINESS**

**Minutes** – It was moved, seconded and passed to approve the minutes of the April 13, Commission meeting as amended.

**Request to Transfer to Active Status** – The Commissioners considered a request from John Stellmon to transfer from affiliate to active status. It was moved, seconded and passed to approve John Sellmon's request to transfer to active status with the following conditions in addition to the requirements of the Bar Commission Rules, within 6 months he must obtain an additional 15 MCLE credits, including 3 ethics credits, on topics not related to business law.

**Pro Bono Awards** – It was moved, seconded and passed to select the following attorneys to receive 2012 pro bono awards: 1<sup>st</sup> – Mischelle Rae Fulgham (Spokane) & Lindsey Renee Simon (Coeur d'Alene); Muriel M. Burke-Love (Coeur d'Alene), Martha Teresa Roletto (Coeur d'Alene); 2<sup>nd</sup> – Gregory Richard Rauch (Moscow); 3<sup>rd</sup> – Kerry Ellen Michaelson (Nampa); 4<sup>th</sup> – Robert Morrison Meek (Boise), Gary Guerdrum Allen (Boise), Keely Elizabeth Duke (Boise), Susan Morrison Moss (Boise); 5<sup>th</sup> – Seth C. Platts (Twin Falls), Kevin Patrick Cassidy (Twin Falls); 6<sup>th</sup> – Aaron Neal Thompson (Pocatello), Stephen F. Herzog (Pocatello); 7<sup>th</sup> – James Douglas Holman (Idaho Falls).

**ABA State Bar Delegate** – The Commissioners considered the applicants to serve as the Idaho ABA State Bar Delegate; Deborah Ferguson and the current delegate, Michelle Points. After discussion, it was moved, seconded and passed (Commissioner O'Leary abstained) to reappoint Michelle Points as the ABA State Bar Delegate for another term.

**Medical Malpractice Prelitigation Hearing Panelist** – The Commissioners considered applicants to serve as hearing panelists for medical malpractices screening panels; Brett Fox, John Grover, Edwin Litteneker, Judge Eugene Marano, Marcia Murdoch and Aaron Tolson. It

was moved, seconded and passed to appoint Judge Eugene Marano, Edwin Litteneker, John Grover and Aaron Tolson.

**BOC Election** – The Commissioners were provided with the Official Canvass for the 2012 Board of Commissioners Election. Paul Rippel was elected to represent the 6<sup>th</sup> and 7<sup>th</sup> Districts. Given how close the election was, the Commissioners discussed what would be done in the event of a tie. The staff agreed to prepare a proposed rule to define the process for dealing with a tied election.

**NW States Bar Leaders Meeting** – President Larsen, President Elect O’Leary and the Executive Director reported on the meeting of the bar leaders from the Northwest states: Washington, Oregon, Nevada, Idaho, Utah and Montana.

**Bar Leadership Institute** – Commissioners Wetherell and Daugharty reported on their attendance at the BLI in Chicago.

#### **ADMINISTRATION AND SUPPORT**

**Financial Reports** – The Commission was provided with the April financial reports. At the end of April 90.5% of revenue was collected and 30.4% of expenses incurred.

**2011 Audited Financials** – Kevin Smith, Eide Baille and Debbie Dudley, Controller joined the meeting to present the 2011 audit of the Idaho State Bar financials. Mr. Smith reported that there were no issues with the audit nor the financials. The audit firm did not find it necessary to prepare a management letter.

#### **MEMBER SERVICES**

**Member Benefits** – Deputy Director Mahmood Sheikh provided the annual review of current benefits available and discussion of potential new opportunities. At this time, he noted that he did not have any new recommendations for additional member benefits.

**ALPS Report** – The Executive Director reported that the health benefit trust is being terminated due to lack of growth. The trust is expected to terminate with a financial loss. Pursuant to the trust agreement, ALPS plans to assess the policyholders with an amount to be determined once the final financial information is available.

**Policy on Funding of Sections** – The Commissioners were provided with the section funding policy and the current fund balance for each of the sections. The Deputy Director noted that sections have until December 31, 2012 to comply with the fund balance limitation in the policy. There are still a few sections that are over the fund balance limit.

**Lawyer Referral Service** – The Commissioners were provided with a written update on the Lawyer Referral Service, including improvements made to the program.

**Illinois State Bar request** – President Larsen presented a request from the Illinois State Bar for the Idaho State Bar to join in the presentation of a resolution to the ABA House of Delegates.

The resolution proposes to reaffirm the ABA model rule of professional conduct for ownership of law firms. After discussion, no action was taken.

**REPORTS/CORRESPONDENCE/NEWS CLIPPINGS**

**Informational Reports** – Letters, news clippings and statistical reports for the past month were provided in PDF format to the Commissioners.

There being no further business, the meeting adjourned at 11:25 a.m.

Respectfully submitted,



Diane K. Minnich  
Executive Director