

GENERAL SESSION MINUTES
Idaho State Bar Board of Commissioners
July 11, 2012
Boise, Idaho

President Reed Larsen called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:35 a.m. at The Riverside Hotel in Boise. In attendance at the meeting were Commissioners, Molly O’Leary, Paul Daugharty, Robert Wetherell, William Wellman, Commissioner Elect Paul Rippel, 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 Commissioner, moved into Executive Session at 3:18 p.m. The Executive Session adjourned at 4:05 p.m.

GENERAL BUSINESS

Minutes – It was moved, seconded and passed to approve the minutes of the May 21, 2012 Board of Commissioners meeting as amended.

Idaho Volunteer Lawyers Program Request – The Commissioners were joined by IVLP Director Mary Hobson and IVLP Policy Council member Pam Howland. Ms. Hobson and Ms. Howland presented a proposal for a resolution that would recommend increasing the pro hac vice fees by \$100, with the increased revenue earmarked for the Idaho Law Foundation’s pro bono services. It was moved, seconded and passed to support the proposal for a \$125 increase in the pro hac vice fees and to improve the enforcement of the pro hac vice rule.

Idaho Judicial Council – The Commissioners were joined by the Judicial Council Executive Director and the following Council members: Hon. Ron Wilper, Joel Hazel and Philip Reberger. The Judicial Council representatives presented a report on the activities of the Council for the past year, including new judges, complaint statistics and judicial performance evaluations and each remarked on the work of the Council. Judge Wilper reminded the Commissioners that his term on the Council expires in 2013.

Request to Transfer to Active Status – The Commissioners considered 20 requests to transfer to active status. It was moved, seconded and passed to approve the following requests to transfer to active status with the following conditions:

Name	Condition
Oakey, Brian	10 required CLEs + 20 additional in 6 months, including 2 ethics

Name	Condition
Dean, Jeanne	10 required CLEs + 20 additional in 6 months, including 2 ethics

Name	Condition
Deveau, Dane	10 required CLEs + 20 additional in 6 months, including 2 ethics
Ryden, Dana	10 required CLEs + 20 additional in 6 months, including 2 ethics
McGregor, Marc	10 required CLEs + 20 additional in 6 months, including 2 ethics
Parkey, Teresa	10 required CLEs + 20 additional in 6 months, including 2 ethics, waive req. for ½ to be live.
Kershisnik, Frances	10 required CLEs + 20 additional in 6 months, including 2 ethics + MPT
Mrstik, Joseph	10 required CLEs + 20 additional in 6 months, including 2 ethics
Langfield, Kathryn	10 required CLEs + 20 additional in 6 months, including 2 ethics
Holden, Thomas	10 required CLEs + 20 additional in 6 months, including 2 ethics
Godfrey, Andrea	10 required CLEs + 20 additional in 6 months, including 2 ethics + MPT

Name	Condition
Bayley, John	10 required CLEs + 20 additional in 6 months, including 2 ethics + MPT
Henderson, Margaret	10 required CLEs + 20 additional in 6 months, including 2 ethics + MPT
Nichols, Frank	10 required CLEs + 20 additional in 6 months, including 2 ethics + MPT
Hosking, Jeffrey	10 required CLEs + 20 additional in 6 months, including 2 ethics
Talboy, Thomas	10 required CLEs + 20 additional in 6 months, including 2 ethics + essay portion of bar exam
Scott, Brett	10 required CLEs + 20 additional in 6 months, including 2 ethics + MPT
McCarthy, Robert	Required 10 credits
Giles, John	Take the bar exam
Hoopers, John	10 required CLEs + 20 additional in 6 months, including 2 ethics + MPT

Al Lance – Commissioners Wetherell and Larsen reported that Al Lance had contacted them about his licensing status with the Idaho State Bar. Mr. Lance is a judge in the Veterans Court in DC, which does not qualify him for judicial status in Idaho. He is requesting the he be exempted from the CLE requirements. After discussion, the Commissioners determined that Judge Lance can submit a letter of request if he is interested in pursuing an exemption from the MCLE requirements.

Meeting with the Idaho Supreme Court – The Commissioners reviewed the agenda for the meeting with the Idaho Supreme Court later in the day.

MCLE Rules Committee Report – The Executive Director provided a report on the two meetings of the Committee and reviewed the initial recommendations with the Commissioners. The substantive recommendations included: clarifying various formats that can be used to deliver programs; clarifying the circumstances under which teaching credit for attorneys will be approved; amending the rules allowing attorneys practicing in other states to comply with MCLE credits in their practicing state rather than reporting in more than one state. The Commissioners differed with the Committee on the following issues: they determined that the rules that allow for an exemption if over 72 years of age should remain as is; to qualify for interactive credit there must be more than 3 attendees rather than 4; and eliminate the concept of allowing credit for published legal writing under specific circumstances.

Specialization Application – The Commissioners considered an application from the National Board of Legal Specialty Certification to obtain approval for two new specialty areas: Social Security Disability Law and Civil Pretrial Practice Advocacy. It was moved, seconded and passed to approve the specialties of SSD and CPP as submitted by the NBLSC.

2012-13 Committee Appointments – The Commissioners considered the recommendations for 2012-2013 Committee appointments. It was moved, seconded and passed to approve the recommendations for committee membership for 2012-13. The Committee Appointment list is attached.

BOC Retreat Topics – The Commissioners discussed potential topics for the September retreat. The suggestions included how to make better use of past ISB presidents, generational issues, other meeting attendance options for Commissioners from out of the Treasure Valley area, networking and mentoring.

Idaho Shorthand Reporters Board – The Executive Director reported that the term of the current ISB appointed member of the Shorthand Reporters Board, Michael Peacock, expired on July 1, 2012. The Commissioners asked the Executive Director to contact Mr. Peacock to find out if he is interested in continuing to serve on the Board. If so, he can continue to serve as the ISB appointee.

Medical Malpractice Prelitigation Hearing Panelist – The Commissioners were provided with a letter to the Board of Medicine from an attorney expressing his concerns that another attorney represented a client who was the plaintiff in a recent case while he was on the hearing panel. The Commissioners reviewed the statute and determined that the appointment was in compliance with the statute. The Commissioners directed the Executive Director to write a letter to the lawyer highlighting the appointment statutory language.

ABA President Elect Visit – The Commissioners discussed the October 25, 2012 visit of the ABA President Elect, James Silkenat. The Executive Director recommended that the Bar host an afternoon reception in honor of President Elect Silkenat. The Commissioners agreed.

2012-13 Meetings and Event Calendar – The Commissioners were provided with an updated schedule of meetings and events for the coming year.

Jackrabbit Bar Meeting Report – President Larsen and President Elect O’Leary reported on the 2012 Jackrabbit Bar Meeting that was held on June 7-9 in Red Lodge, Montana. The good news reported was that no one was eaten by a bear.

ADMINISTRATION AND SUPPORT

Financial Reports – The Commission was provided with the May and June financial reports. At the end of June 95.5% of revenue was collected and 48.4% of expenses incurred.

Disaster Recovery Plan – The Commissioners were provided with the final draft of the ISB/ILF Disaster Recovery Plan. The final step in the process is to determine what paper records in the office are critical and should be digitized.

MEMBER SERVICES

Section Update – Deputy Director Mahmood Sheikh provided a written update of Section activities for the past few months.

Leadership Academy Survey Responses – The Commissioners were provided with the survey evaluation responses for the 2011-12 academy and the brochure for the 2012-13 academy. Deputy Director Sheikh reported that the Committee plans to have a retreat in August to plan for the coming year.

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 4:05 p.m.

Respectfully submitted,



Diane K. Minnich
Executive Director