

**MINUTES**  
**BOARD OF COMMISSIONERS MEETING**  
**General Session**  
**September 10, 2010**  
**Boise, Idaho**

President James Meservy called the General Session of the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:30 a.m. at the Doubletree Club in Boise, Idaho. In addition to President Meservy, in attendance for the meeting were Commissioners Deborah Ferguson, Reed Larsen, and Molly O'Leary, Bar Counsel Brad Andrews, Deputy Bar Counsel Julia Crossland, Deputy Executive Director Mahmood Sheikh, and Executive Director Diane Minnich, who acted as the secretary.

**CONSENT AGENDA**

**MINUTES**

It was moved, seconded and passed to approve the minutes of the July 14, 2010 meeting as submitted.

**GOVERNANCE AND REGULATORY SERVICES**

**RESOLUTION PROCESS** -- The Commission reviewed the resolution meeting schedule. President Meservy agreed to call Dean Burnett regarding the law school visit, again encouraging that the agenda include more interaction with the students. The Commission agreed that the BOC meeting will be on Thursday, November 18, 2010, in Pocatello.

The Commission discussed the two proposed 2010 resolutions. (1) Legal Intern rules- At 9:00 a.m. UI Asst. Dean Lee Dillion and Concordia University School of Law Dean Cathy Silak joined the meeting to discuss the proposed change to the legal intern rules. The group discussed the proposed change that would allow clinical faculty to supervise legal interns for a year before they have to become licensed in Idaho. The proposed changes would provide for a 12-month exception for faculty members at an Approved Law School to the requirement that a legal intern supervising attorney be actively licensed in Idaho. It was moved, seconded and passed to approve the language of the proposed resolution as amended. It was moved, seconded, and passed to agree to co-sponsor the resolution if the law schools agree to have a representative at each meeting to answer questions. Commissioner Larsen agreed to present the resolution.

(2) Uniform Bar Examination -- The Commission discussed the proposed UBE resolution and the related issues of reevaluation and reasonable accommodations, as well as to continue to release scores. It was moved, seconded, and passed to approve the submission of the UBE resolution as amended to the 2010 resolution process. The Commission assigned Commissioner Daugharty to present the resolution.

**PRELITIGATION HEARING PANELISTS** – The Commission discussed nursing home and medical malpractice prelitigation hearing panelists. It was moved, seconded and passed to appoint Guy Price for eastern Idaho, and Pamela Massey from Coeur d'Alene to serve as prelitigation hearing panelists for the licensed nursing facilities.

The Commission decided to advertise specifically for applicants to serve as medical malpractice hearing panelists from eastern Idaho.

**2010-11 BOC COMMITTEE/SECTION LIAISONS AND ADDITIONAL COMMITTEE APPOINTMENT RECOMMENDATIONS** – The Commission reviewed the proposed liaison assignments to sections and committees. Commissioner Ferguson switched with President Meservy and Commissioner Larson to serve as liaison to the environment and natural resource law and the government and public sector sections.

Celebration of the 220<sup>th</sup> Anniversary of the Bill of Rights – The Commission reviewed an update from Linda Pall on the celebration. The Commission requested that staff ask whether Justice Sotomayor has committed to the program. The Executive Director and Deputy Executive Director reported on their meeting with Linda Pall to discuss the Commission's concerns about the financial viability of the program and the importance of not committing funds that are not yet available. The Commission directed staff to email Linda Pall confirming the financial discussion and Ms. Pall's commitment not to commit funds until funds are available.

**FTC RED FLAGS RULE, ABA AMICUS BRIEF** – The Executive Director agreed to regularly forward the various ABA communications she receives to the Commission. After discussion, it was moved, seconded and passed (Commissioner Ferguson abstained) to support the ABA Amicus brief in the FTE red flags rule case, without committing time or funds.

**REQUEST TO TRANSFER TO ACTIVE STATUS, JANE NEWBY** – The Commission considered a request from Jane Newby to transfer from affiliate to active status. It was moved, seconded and passed to require Ms. Newby to attend Practical Skills, 15 credits in a non family law related program, in addition to requirements of IBCR 305.

**NINTH CIRCUIT LAWYER REPRESENTATIVE** – The Commission considered the applicants for the Ninth Circuit Lawyer representative: Albert Barker, Erika Birch, Keely Duke, Trudy Fouser, Kim Gourley, Brian Julian, Kirt Naylor, Jon Steele, Dan Williams, and John Zarian. The Federal Court requests that 6 names be submitted for consideration. The Commission determined that all 10 applicants were qualified. It was moved, seconded and passed to submit all 10 candidates to the Idaho Federal Judges for consideration as the lawyer representative to the Ninth Circuit Conference.

**MEMBERSHIP STATISTICS** - The Commission was provided with the membership statistics as of August 2, 2010 – 5,383 members.

**IDAHO STATE BAR AND IDAHO SUPREME COURT MEETING MINUTES** – The Commission was provided with the proposed minutes of the July 14 meeting with the Idaho Supreme Court. The minutes were already reviewed by Patti Tobias. The Commission approved the minutes as presented.

**IDAHO SUPREME COURT ORAL CONFERENCE MINUTES** – The Commission was provided with the July 22, 2010 Supreme Court Oral Conference minutes.

**ADMINISTRATION AND SUPPORT**

**JULY AND AUGUST FINANCIAL REPORTS** – The Commission was provided with the July 30 and August 31 financial reports. At the end of August, 94.9% of revenue was collected and 68.9% of expenses incurred.

**BANK RESOLUTION** – It was moved, seconded and passed to approve the bank resolution as submitted, including one Commissioner, Molly O’Leary, Bar Counsel Bradley Andrews and Executive Director Diane Minnich as signers on ISB accounts.

**MEMBER SERVICES**

**ANNUAL CONFERENCE UPDATE** – Deputy Executive Director reported on the 2010 Annual Conference. The general consensus was that it was a successful, solid program, with excellent attendance. Commissioner Ferguson stated that the success warrants adding eastern Idaho to the rotation. Commissioner Larsen recommended that the next eastern Idaho Annual Conference be held in Pocatello, with meetings held at the ISU Performing Arts Center. The Commission asked the staff to prepare a proposed Annual Conference schedule for the next 10-15 years, including a rotation of locations around the state. It was moved, seconded and passed to establish a policy to rotate the annual meeting on a 5 year basis, two years in Boise, one year in Sun Valley, one year in eastern Idaho, one year in northern Idaho.

**ABA TASK FORCE REPORT** – The Commission was provided with a report of the Joint Task Force of the ABA Standing Committee on Judicial Independence and the National Center for State Courts. The Commission was provided with a draft report Principal for Judicial Administration: Governance, Case Administration, Essential Functions and Funding. The ABA is requesting comment on the report before October 15, 2010.

**LRS STATISTICS** – The Commission was provided with July and August LRS statistics

**EXECUTIVE SESSION**

After an aye vote was recorded from each Commissioner, the Commission moved into executive session at 1:30 p.m. The executive session concluded at 3:00 p.m.

There being no further business, the General Session adjourned at 3:05 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Diane K. Minnich". The signature is fluid and cursive, with a large loop at the end.

Diane K. Minnich  
Executive Director

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