

**GENERAL SESSION MINUTES**  
**Idaho State Bar Board of Commissioner**  
**September 7, 2012**  
**Boise, Idaho**

President Molly O'Leary called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:40 a.m. at the Hampton Inn in Boise. In attendance at the meeting were Commissioners Paul Rippel, 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 Commissioner, moved into Executive Session at 2:45 p.m. The Executive Session adjourned at 3:45 p.m.

**GENERAL BUSINESS**

**Minutes** – It was moved, seconded and passed to approve the minutes of the July 11, 2012, Commissioners meeting as amended.

**2012 Resolution Process** – The Commissioners reviewed and discussed the resolution meeting schedule.

The Commissioners reviewed the draft of the MCLE resolution and MCLE rules as revised after the changes discussed at the July meeting. After discussion, it was moved, seconded and passed to amend the MCLE rules to increase the CLE credit requirement to 36 credits and 3 ethics credits for the 3-year reporting period. Also, it was moved, seconded and passed to amend the specialization requirement to meet the requirements of the specialty certification. The Commission also agreed that it was acceptable to amend the rules to allow the Practical Skills course to be taken prior to admission, as long as it is within a reasonable time frame.

The Commissioners considered the resolution to increase pro hac vice fees, with the additional funds distributed to the Idaho Law Foundation to support its pro bono program. It was moved, seconded, and passed to approve the increase in pro hac vice fees to support the pro bono program as submitted.

**ALPS Report** – Chris Newbold, ALPS Executive Vice President, joined the meeting to report on the past year's activities of ALPS. He reported on the professional liability statistics for Idaho, health benefit trust termination, the sale of Southern Title and other ALPS programs and activities. The Commissioners and staff requested ALPS consider more marketing of its products as a package rather than separately.

**Transfer to Active Status, Request for Reconsideration** – The Commissioners considered a request from Brett Scott to reconsider their decision to require him to sit for the Multistate Performance Test prior to his transfer to active status. It was moved, seconded and passed to

reconfirm the Commissioners decision to require Brett Scott to be successful on the MPT as a condition of his transfer to active status.

**Requests to Transfer to Active Status** – The Commissioners considered 23 requests from attorneys interested in transfer to active status. The Commissioners approved the recommended conditions of transfer for 18 of the attorneys, recommended modifications of the conditions for three attorneys and requested more information for two of the attorneys.

Name	Condition
Fransen, Curt	10 required CLEs + 20 additional in 6 months, including 2 ethics
Gilgen, Martha	10 required CLEs + 20 additional in 6 months, including 2 ethics
Gluck, David	10 required CLEs + 20 additional in 6 months, including 2 ethics
Hudelson, Karen	10 required CLEs + 20 additional in 6 months, including 2 ethics
Sturm, Teresa	10 required CLEs + 20 additional in 6 months, including 2 ethics
Donahue, Keith	10 required CLEs + 20 additional in 6 months, including 2 ethics
Heffner, Katherine	10 required CLEs + 20 additional in 6 months, including 2 ethics
Fender, Steven	10 required CLEs + 20 additional in 6 months, including 2 ethics
Yewer, Jennifer	10 required CLEs + 20 additional in 6 months, including 2 ethics + MPT
Korfanta, Craig	10 required CLEs
Churchill, Lance	10 required CLEs + 20 additional in 6 months, including 2 ethics + MPT and MPRE
Dvorak, Wendy	10 required CLEs + 20 additional in 6 months, including 2 ethics + MPT and Idaho Essay

Name	Condition
Jackson, Brantley	10 required CLEs + 20 additional in 6 months, including 2 ethics + MPT
Christensen, Kay	10 required CLEs + 20 additional in 6 months, including 2 ethics + MPT
Nelson, Kirby	10 required CLEs + 20 additional in 6 months, including 2 ethics + MPT
Slater, Lindsay	10 required CLEs + 20 additional in 6 months, including 2 ethics + MPT
Kalange, Mary	10 required CLEs + 20 additional in 6 months, including 2 ethics + MPT
Donnelly, Peggy	10 required CLEs + 20 additional in 6 months, including 2 ethics + MPT
Schulthies, Valerie	10 required CLEs + 20 additional in 6 months, including 2 ethics
Hirst, Michael	10 required CLEs + 20 additional in 6 months, including 2 ethics + MPT
Siebach, Jeffrey	10 required CLEs + 20 additional in 6 months, including 2 ethics + MPT
L'Heureux, Andre	10 required CLEs + 20 additional in 6 months, including 2 ethics + MPT and Idaho Essay
Eaton, Curtis	10 required CLEs + 20 additional in 6 months, including 2 ethics + MPT

More information was requested from David Gluck and Jeffrey Siebach.

**Darrington Lecture Series** – The Commissioner reviewed information from the Idaho Supreme Court requesting that the Bar support the establishment of a Lecture Series honoring Senator Denton Darrington. It was moved, seconded and passed to approve the Bar’s support for the Denton Darrington Lecture Series.

**Non-Lawyer PCB Member** – The Executive Director reported that non-lawyer volunteers are needed to serve as members of the Professional Conduct Board. The Commissioners and staff generated names of individuals that might be able to serve on the PCB.

**Liaison Assignments** – The Commissioners reviewed the proposed liaison assignments to sections and committees. The Commissioners made a few adjustments and the final assignments are as follows. President O’Leary has been assigned to the following sections: Business & Corporate Law, Diversity, Indian Law, and Young Lawyers as well as the following committees: Advocate, Practice Section Council, and the Idaho Law Foundation. Commissioner Daugharty has been assigned to the following sections: Commercial Law & Bankruptcy, Health Law, International Law, and Tax, Probate & Trust as well as the following committees; Bar Exam Prep and UPOL. Commissioner Wetherell has been assigned to the following sections: ADR, Employment & Labor Law, Litigation, and Real Property as well as the following committees: Professional Conduct Board and the Lawyer Referral Service. Commissioner Wellman has been assigned to the following sections: Family Law, Government & Public Sector, Intellectual Property, and Water Law as well as the following committees: Client Assistance Fund and the Lawyer Assistance Program. Commissioner Rippel has been assigned to the following sections: Environment & Natural Resources, Professionalism & Ethics, and Workers Comp as well as the following committees: Character & Fitness and Reasonable Accommodations.

**ABA President-Elect Reception** – The Executive Director reported that the reception for ABA President-Elect James Silkenat is scheduled for Thursday, October 25 at 5:00 p.m. She also reported that Moffatt Thomas has graciously agreed to host the reception at their offices.

**Idaho Code Commission** – The Commissioners were provided with the information regarding its appointment to the Idaho Code Commission. Richard Goodsen’s term expires on December 1 and he is not seeking another term. A notice is in the Advocate seeking applicants for the position.

**Pro Bono Week** – The Idaho Supreme Court is requesting the Bar’s support of a resolution honoring Pro Bono Week. It was moved, seconded and passed to support the resolution to honor Pro Bono Week, October 21-26, 2012.

**Alcohol Policies** – The Commissioners discussed establishing a policy regarding alcohol and Bar related activities. After discussion, the Commissioners determined that current State Bar policies, State of Idaho policies and relevant Idaho Code Sections may be sufficient. President O’Leary requested that Bar Counsel assess the appropriate and relevant policies and laws as a final review of the issue and bring a recommendation to the Board.

## **ADMINISTRATION AND SUPPORT**

**Financial Reports** – The Commissioners were provided with the July and August financial reports. At the end of August, 99% of revenue was collected and 67.6% of expenses incurred.

**Paperless Office Proposal** – The Commissioners considered the proposal to invest in software and equipment that would move the Bar to a more paperless system. The capital expenditure

budget included a \$5,000 expenditure but the cost of the system is more than the budget anticipated. Admissions Administrator Maureen Braley joined the meeting to discuss the benefits of the system that was proposed. After considerable discussion it was moved, seconded and passed to approve the 2012 costs of the paperless office system, approximately \$18,000.

### **MEMBER SERVICES**

**Leadership Academy** – Deputy Director Mahmood Sheikh provided a report on the Leadership Academy. The first class concluded successfully and the second class has been selected. The Committee is requesting that it be formalized as a Bar committee. After discussion, it was moved, seconded and passed to formalize the IALL committee as a standing committee of the Bar.

**Annual Meeting** – The Deputy Director provided a revised proposal for Annual Meeting locations for the next 6 years. He is recommending a change in the locations due to space availability issues. It was moved, seconded and passed to approve the following locations for future Annual Meetings: 2013-Coeur d’Alene, 2014-Pocatello, 2015-Sun Valley, 2016-Boise, 2017-Moscow and 2018-Boise. The Commissioners also reviewed the comments and evaluations of the 2012 Annual Meeting.

### **REPORTS/CORRESPONDENCE/NEWS CLIPPINGS**

**Informational Reports** - Letters and news clippings for the past month were provided in PDF format to the Commissioners.

There being no further business, the meeting adjourned at 2:45 p.m.

Respectfully submitted,

Diane K. Minnich  
Executive Director