

GENERAL SESSION MINUTES
Idaho State Bar Board of Commissioner
October 12, 2012
Boise, Idaho

President Molly O’Leary called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:30 a.m. at the Law Center in Boise. In attendance at the meeting were Commissioners Paul Daugharty (by videoconference), Paul Rippel, 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 11:00 a.m. The Executive Session adjourned at 11:25 a.m.

GENERAL BUSINESS

Minutes – It was moved, seconded and passed to approve the minutes of the September 7, 2012 Board of Commissioners meeting as amended.

2012 Resolution Process – At 8:30 a.m., the Commissioners were joined by the following District Bar Association representatives: First District - Melanie Baillie, Second District - Deborah McCormack, Third District - Kerry Michaelson, Fourth District - Terri Muse, Fifth District - Matt Darrington, Sixth District - David Gardner and Seventh District - Scott Andrew. President Molly O’Leary explained the resolution meeting process and reviewed the two resolutions proposed for the 2012 resolutions.

Resolution 12-1 proposes to increase the pro hac vice fees with the additional revenue generated allocated to support the pro bono program of the Idaho Law Foundation.

Resolution 12-2 proposes to amend Section IV MCLE of the Idaho Bar Commission Rules. The group asked about a redline version of the proposed rules. The Executive Director explained that due to the extent of the changes a redline version was not possible. In legislative terms it is the equivalent of “repeal and reenact”. The group asked that a chart outlining the major changes be included with the resolution.

The Commissioners previously reviewed and agreed to the proposed MCLE rules and resolution. It was moved, seconded and passed to approve the MCLE rules as revised by the Committee and Commissioners.

President O’Leary noted that at the retreat, the Commissioners discussed providing information about member services at the resolution meetings. Deputy Director Mahmood Sheikh agreed to prepare a short presentation about member services and the annual meeting.

The Commissioners agreed that the resolutions will be presented by the Commissioners in their respective districts.

2012 University of Idaho Law School Visit – The Commissioners reviewed the draft schedule for the law school visit. At the request of the Bar, the schedule has been revised to conclude before 6 p.m. so the group can return home on Thursday evening.

Request to Transfer to Active Status – The Commissioners reviewed the additional information provided by David Gluck. It was moved, seconded and passed to approve David Gluck' request to transfer to active status with the additional condition of completing 20 credits, including 2 ethics credits, within 6 months of reinstatement to active status.

Non-Lawyer Committee Members – The Commissioners considered four recommendations of non-lawyers to serve on the Professional Conduct Board: Sue Eschen, Larry Kirk, Denise McClure and James Denison. Staff reported that Sue Eschen has not yet confirmed her interest in the position. It was moved, seconded and passed to appoint the following non-lawyers from Boise to the Professional Conduct Board: Larry Kirk, Denise McClure and James Denison.

Ninth Circuit Lawyer Representative – The Commissioners reviewed the applicants to serve as the lawyer representative to the Ninth Circuit Court of Appeals: The Executive Director provided the Commissioners with the history of this appointment process. The Commissioners decided that all of the applicants had the relevant experience and were qualified for the position. It was moved, seconded and passed to submit all of the lawyers that applied for the Ninth Circuit lawyer representative position to the Federal Court.

Concordia Request – The Commissioners reviewed a letter from Concordia Law School Dean Silak requesting that the Commissioners visit the law school during its roadshow visit to the Treasure Valley. The Commissioners agreed to schedule a visit to Concordia Law School on Friday, November 3, from 9:30 am to 11 am.

Code Commission Appt. – The Commissioners considered the applicants for the position on the Idaho Code Commission: Andrew Doman, Theodore Larson, Anita Moore and Ken Nagy. It was moved, seconded and passed to appoint Andrew Doman of St. Maries to the Idaho Code Commission.

Retreat Notes – The Commissioners reviewed the notes from the September retreat. President O'Leary noted several items that are in progress.

Bar Exam Statistics – The Commissioners reviewed the July 2012 Bar exam statistics. The Commission discussed graders tutoring applicants for the bar exam. The Commissioners requested that the Admissions Administrator check on this practice.

ADMINISTRATION AND SUPPORT

Financial Reports – The Commission was provided with the September financial reports. At the end of September 100.6% of revenue was collected and 76% of expenses incurred. The Executive Director requested approval for the cost of increasing the internet bandwidth, which is

estimated to be an additional \$1,000 per month. It was moved, seconded and passed to approve the expense to increase the internet speed.

Color of Conscience – The Commissioners discussed the expenses incurred for the Color of Conscience CLE program, sponsored by the Diversity Section. The Deputy Director requested approval for the Bar to assist with the expenses for the program. After discussion, it was moved, seconded and passed to approve the expenditure of ISB funds for the Color of Conscience program.

Audit – The Commissioners were provided with the proposal to engage Eide Baille as the auditors for the 2012 ISB financials. After discussion, it was moved, seconded and passed to approve the engagement of Eide Baille to perform the audit of the 2012 ISB Bar financials.

MEMBER SERVICES

Section Report – Deputy Director Sheikh reported on the inactivity of the Indian Law Section, Diversity Section programs and financial condition, and YLS Attorneys Against Hunger.

Animal Law Section – The Commissioners considered a petition to form an ISB Animal Law Section. After considerable discussion, it was, moved, seconded and passed to approve the petition. The petitioners met the threshold requirements in the rules. The next step for the organizers is to set up an organizational meeting to establish bylaws for the Commissioners' consideration.

Uniform Bylaws – It was moved, seconded and passed to approve the amendment to the uniform section bylaws to amend the bylaws to delete the reference to “University of Idaho College of Law” in the definition of law students.

REPORTS/CORRESPONDENCE/NEWS CLIPPINGS

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

There being no further business, the meeting was adjourned at 11:30 a.m.

Respectfully submitted,



Diane K. Minnich
Executive Director