

**GENERAL SESSION MINUTES**  
**Idaho State Bar Board of Commissioner**  
**January 17, 2014**  
**Boise, Idaho**

President William Wellman called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:35 a.m. at the Law Center. In attendance at the meeting were Commissioners Tim Gresback, Paul Rippel, Robert Wetherell, and Trudy Fouser, Bar Counsel Brad Andrews, Deputy Executive Director Mahmood Sheikh and Executive Director Diane Minnich, who acted as secretary.

**EXECUTIVE SESSION**

Consistent with the authority granted in Idaho Code § 3-408, and under the supervisory power of the Idaho Supreme Court and acting as an agency thereof for purposes of Idaho Code § 67-2341(4)(a), it was moved, seconded and passed that the Board move into a confidential session to discuss matters involving admissions and professional discipline as provided under Idaho Bar Commission Rules 223 and 521. It was also moved, seconded and passed, after an aye vote was recorded from each Commissioner, to move into Executive Session pursuant to Idaho Code § 67-2345(1)(d) and (f), to: (1) review personal records of attorneys for licensing purposes; (2) consider information obtained as part of an inquiry into an individual's fitness to practice law; and (3) discuss with legal counsel pending and/or potential litigation.

**GENERAL BUSINESS**

**Minutes** – It was moved, seconded and passed to approve the minutes of December 12, 2013, Board of Commissioners meeting as amended.

**National Mock Trial Program** – The Commissioners were joined by Celeste Miller, a member of the planning committee for the National Mock Trial Competition scheduled in Boise in 2016. Ms. Miller outlined the history of the Idaho mock trial program and explained the national mock trial program. Ms. Miller encouraged the Commissioners to support the National Mock Trial Competition.

**Meeting with Idaho Supreme Court (Follow up)** – The Commissioners discussed how to assistance the Court with its technology and compensation bill at the legislature. Commissioner Wetherell (with Diane's help) agreed to meet with Patti Tobias to discuss the legislative process and how the bar can help.

The Executive Director noted that there may be contested judicial elections this year. If so, the bar would do the previously established survey in a contested judicial election. She agreed to provide the materials in the next BOC meeting materials.

**Request to Transfer to Active Status** – The Commissioners reviewed two (2) requests from attorneys that want to transfer to active status. The first request from Brett Scott requested that he be allowed to use a passing score of the Washington MPT to satisfy the request to pass the Idaho MPT. The Commissioners previously required Mr. Scott to pass the Idaho MPT as a

condition to reinstate his active license. He has failed the Idaho MPT two times and is currently scheduled to sit for the February Washington bar exam.

Ellen Boldman-Hill is requesting to transfer from inactive to active status. She has not had an active Idaho license since 2005 and failed the Montana bar exam in July 2013. After discussion, it was moved, seconded and passed to require Brett Scott to obtain a UBE transferable score of 280 on the Washington State bar exam in order to transfer to active status in Idaho. It was moved seconded and passed to require Ellen Boldman-Smith to obtain a UBE transferable of 280 score on the Montana bar exam to transfer to active status in Idaho.

**Medical Malpractice Panelists** – The Commissioners considered applicants to serve as panelists for medical malpractice prelitigation hearing panels. It was moved, seconded and passed to appoint the following panelists:

- Breck Hall Barton (Breck Barton & Associates PA) – Rexburg
- Ryan E. Farnsworth (Avery Law) – Idaho Falls
- Marcia Jean Murdoch (Breck Barton & Associates PA) – Rexburg
- Bron Michael Rammell (May, Rammell & Thompson, Chtd.) – Pocatello
- Scott G. Olds (Olds Law Offices, PLLC) – Grangeville

**License fees for over 72** – The Commissioners were provided with a letter from a Twin Falls attorney stating that the California State Bar waived the license fees for attorneys over 72. He was suggesting that the Idaho State Bar do the same. The Executive Director agreed to write a letter explaining that the Commissioners do not have the authority to waive the license fees. She will also explain how the fees are set and the process for submitting a resolution to propose changing the fees.

**Disciplinary/Admission information** – The Commissioners were provided with the following Supreme Court orders: Disciplinary Order issuing a 5 year suspension with 19 months withheld to Darren McKenzie; and Order to Cancel License for Non-compliance with the Practical Skills Requirement for Theodore James Fairchild.

## **ADMINISTRATION AND SUPPORT**

**Financial Reports** – The Commissioners were provided with the November and December financial reports. At the end of December 98% of revenue was collected and 100.9% of expenses incurred.

**2014 Budget** – The Commissioners were provided with the proposed 2014 budget along with proposed capital expenditures. After discussion of the budget and various bar funds, it was moved, seconded and passed to approve the budget as submitted.

## **MEMBER SERVICES**

**Annual Meeting** – The Commissioners were provided with the proposed schedule for the Annual Meeting. The Commissioners discussed the schedule and potential keynote speaker. The Commissioners agreed that the Friday lunch should be held at the hotel. The Commissioners also prioritized the potential keynote speakers. Deputy Director Sheikh will contact the potential speakers.

**Appellate Practice Section** – The Commissioners considered a petition to establish an Appellate Practice Section. It was moved, seconded and passed to approve the establishment of an Appellate Practice Section. Commissioners Gresback agreed to serve as the liaison to the new section.

**REPORTS/CORRESPONDENCE/NEWS CLIPPINGS**

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

The meeting adjourned at 11:45 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Diane K Minnich". The signature is written in a cursive, flowing style.

Diane K. Minnich  
Executive Director