



2014 Resolution Process

Voter Pamphlet



2014 RESOLUTION PROCESS VOTER PAMPHLET

Dear Idaho Attorney:

Unlike many state bars, the Idaho State Bar cannot take positions on legislative matters, rules of court, substantive rules governing the bar itself at its Annual Meeting or by act of its Bar Commissioners, without first submitting such matters to the membership through the Resolution Process. Enclosed are three (3) resolutions proposed for your consideration during the 2014 Idaho State Bar Resolution Process, aka "The Road Show."

The resolution meeting agenda is on page 3. In addition to the resolutions, the agenda includes honoring your colleagues receiving the pro bono, retiring judges' and professionalism awards.

The 2014 resolution meeting dates and locations are:

<i>First District</i>	Coeur d'Alene	Thursday Nov. 6	North Idaho College, Student Union Bldg. 1000 W. Garden Avenue <i>(Tyler S. Wirick, President)</i>	12 noon
<i>Second District</i>	Moscow	Thursday Nov. 6	Best Western Plus University Inn 1516 Pullman Road <i>(Ashley Rokyta, President)</i>	6:00 p.m.
<i>Third District</i>	Nampa	Thursday Nov. 20	Hampton Inn & Suites 5750 E. Franklin Road <i>(Yecora L. Daniels, President)</i>	6:00 p.m.
<i>Fourth District</i>	Boise	Thursday Nov. 20	The Owyhee 1109 Main Street <i>(Terri L. Muse, President)</i>	12 noon
<i>Fifth District</i>	Twin Falls	Wednesday Nov. 19	Stonehouse & Co. 330 4 th Ave. S. <i>(Brian J. Hilverda, President)</i>	6:00 p.m.
<i>Sixth District</i>	Pocatello	Wednesday Nov. 19	Juniper Hills Country Club 6600 S. Bannock Hwy. <i>(Kent A. Higgins, President)</i>	12 noon
<i>Seventh District</i>	Idaho Falls	Tuesday Nov. 18	Hilton Garden Inn 700 Lindsay Blvd. <i>(Steven J. Wright, President)</i>	12 noon

Each judge and active member of the Idaho State Bar has the opportunity to vote at a resolution meeting or by mail. Members in attendance at a resolution meeting will be provided a ballot. Members not in attendance at the meeting will be mailed a ballot after the meeting in their district. Ballots may be completed and submitted at the resolution meetings, mailed, faxed or delivered to the Idaho State Bar office. Issues shall be determined by the total ayes and nays cast statewide. **All ballots must be signed and are due in the Idaho State Bar office by the close of business on Monday, December 8, 2014.**

See you at the District Bar meetings.

Paul B. Rippel
President

Diane K. Minnich
Executive Director

IDAHO STATE BAR
2014 RESOLUTION PROCESS
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2014 RESOLUTION MEETING AGENDA

- **Welcome, Announcements and Introductions**
– *ISB President Paul B. Rippel and District Bar President*
- **Pro Bono, Retiring Judges, and Professionalism Awards**
- **Presentation of 2014 Resolutions**
– *Bar Commissioners*
- **Local Bar Business**

2014 PROFESSIONALISM, PRO BONO and RETIRING JUDGES AWARD RECIPIENTS

Each year, the Idaho State Bar honors members of the profession for their contributions to their communities and the profession. At least one attorney from each judicial district receives the professionalism award and attorneys from around the state are recognized for their pro bono efforts.

PROFESSIONALISM AWARDS

First District	Stephen B. McCrea	Coeur d'Alene
Second District	Manderson L. Miles, Jr.	Lewiston
Third District	Charles R. Kroll	Weiser
Fourth District	Bradley G. Andrews J. Charles Blanton	Boise
Fifth District	Robyn M. Brody	Rupert
Sixth District	Thomas F. Dial	Pocatello
Seventh District	Stephen E. Martin	Idaho Falls

DENISE O'DONNELL-DAY PRO BONO AWARDS

First District	Sean Walsh & Dennis Reuter	Coeur d'Alene
Second District	Jonathan D. Hally	Lewiston
Third District	Deborah A. Gates	Nampa
Fourth District	Douglas G. Leavitt Anthony M. Pantera Krista D. Thiry Nicholas A. Warden	Boise
Fifth District	Tracy Dunlap Jennifer Haemmerle	Hailey
Sixth District	Tyler K. Olson	Preston
Seventh District	Chad A. Campos Marcia J. Murdoch	Idaho Falls Rexburg

IDAHO STATE BAR RETIRING JUDGES AWARDS

First District	Hon. Penny E. Friedlander Hon. Barry E. Watson	Coeur d'Alene
Second District	Hon. Carl B. Kerrick	Lewiston
Fourth District	Hon. Terry R. McDaniel Hon. Michael E. Wetherell Hon. Ronald J. Wilper	Boise
Fifth District	Hon. R. Ted Israel	Hailey
Seventh District	Hon. Jon J. Shindurling	Idaho Falls

IDAHO STATE BAR RESOLUTION PROCESS

Unlike most state bars, the Idaho State Bar cannot take positions on legislative matters, rules of court, or substantive rules governing the bar itself at its Annual Meeting, or by act of its Bar Commissioners, without first submitting such matters to the membership through the Resolution Process.

Process

The Resolution Process is set forth in Idaho Bar Commission Rule 906. Briefly summarized, the Resolution Process is as follows:

Submission & Circulation of Resolutions

Resolutions may be submitted by a District Bar Association, Idaho Supreme Court, Board of Commissioners, a bar committee or an individual member of the bar.

Resolutions submitted by a District Bar Association, the Idaho Supreme Court, or the Board of Commissioners are automatically included in the resolution process.

Resolutions submitted from other sources are presented to the first meeting of District Bar representatives and the Board of Commissioners for consideration. This body votes on whether to circulate the resolution to the membership. Resolutions that are approved at this meeting are then mailed to each member of the Idaho State Bar. Included in this packet is discussion of the purpose of the resolution and the text of each resolution.

Resolution Meetings

District Bar meetings are held in each of the seven districts.

Voting

Each judge and active member of the Idaho State Bar shall be entitled to one vote on each question presented. Questions shall be determined by the total ayes and nays cast statewide.

Members in attendance at a resolution meeting will be provided a ballot to vote on resolutions.

Members not in attendance at the meeting will be mailed a ballot after the resolution meeting in their district. Ballots may be completed and submitted at the resolution meetings, or mailed, faxed or delivered to the Idaho State Bar office. **All ballots must be signed and are due in the Idaho State Bar office by the close of business on Monday, December 8, 2014.**

Amendments

After voting on a resolution as presented at the resolution meeting, District Bar members may vote to offer an amendment to a proposed resolution. Only members attending a resolution meeting will be able to vote on proposed amendments. Thus a District may instruct its representative to offer an amendment at the December meeting of District Bar Presidents.

Conclusion of Process

After all resolution meetings are concluded, the District Bar representatives meet again on December 12, 2014. At that meeting, the representatives cast their votes in accordance with the votes cast by the members of their district bar association. The district representatives may cast votes on amendments as they see fit.

The final versions of successful resolutions are then forwarded to the appropriate recipients.

As of October 8, 2014, the Idaho State Bar voting membership breakdown is as follows:

District	Eligible voters	% of total
1	458	9%
2	238	5%
3	261	5%
4	2093	40%
5	313	6%
6	216	4%
7	399	8%
out of state active	1185	23%
Total	5163	100%

RESOLUTION 14-01
Amendments to Idaho Bar Commission Rule 225
House Counsel License – Pro Bono Service

Presented by: Board of Commissioners of the Idaho State Bar
Pro Bono Commission

Rationale: Rule 6.1 of the Idaho Rules of Professional Conduct states that “[e]very lawyer has a professional responsibility to provide legal services to those unable to pay.” The need for pro bono services in Idaho continues to far exceed the supply of available volunteer lawyers. Currently, Idaho Bar Commission Rule 225 prohibits licensed House Counsel from participating in the provision of pro bono legal services. Allowing lawyers who are licensed as House Counsel to perform pro bono work under the auspices of an Approved Legal Organization, such as IVLP, would help fill this need.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners recommends that the members of the Idaho State Bar recommend to the Idaho Supreme Court that Idaho Bar Commission Rule 225 be amended as follows:

RULE 225. House Counsel License.

(d) **Scope of Practice.** Except as provided under subsection (e), the professional activities of house counsel are limited to providing internal counseling and practicing law within the employment setting exclusively for a qualifying employer and its commonly owned organizational affiliates. House counsel shall not:

- (1) Appear before a court or administrative tribunal as an attorney or counselor in the state of Idaho for anyone, including the employing business entity; or
- (2) Claim, represent to be authorized to or offer legal services or advice to the public.

(e) **Pro Bono Service.** A person licensed as house counsel may perform pro bono service in association with an Approved Legal Assistance Organization approved by the Idaho Supreme Court under Rule 228(c)(1).

RESOLUTION 14-02
Amendments to Lawyer Referral Service Rules

Presented by: **Board of Commissioners of the Idaho State Bar (ISB) and the Lawyer Referral Service Committee**

Rationale: The ISB Lawyer Referral Service (LRS) maintains a panel of attorneys willing to offer a 1/2-hour consultation to callers requesting a referral based on geography and area of law. For the past few years, the LRS Committee has studied the program's performance and compared it with similar programs operated by other bar organizations. As part of its review, the LRS Committee consulted the American Bar Association's PAR review assessment through site visits, the ABA's Model Rules on LRS, and criteria for ABA accreditation.

The LRS Committee identified areas for improving Idaho's LRS program for both attorneys and the public as: (a) creating objectively verifiable criteria that show panel attorneys possess the minimum qualifications to handle a high-stakes referral, and (b) shifting the collection of the \$35 fee paid to the panel attorney to the ISB because having the fee collected by the attorney results in an high occurrence of missed appointments by the public and time-consuming fee collection by the attorney that is often waived.

The LRS Committee identified best practices solutions as (a) establish minimum qualifications for accepting referrals in felony criminal, bankruptcy, and high-conflict family law matters, and (b) authorize the ISB to collect an administrative fee for the referral while asking panel attorneys to provide the half-hour consultation without fee. The revenue collected by the ISB could support a better quality program and level of service to the public and attorneys.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners and the LRS Committee ask the ISB members to recommend that the LRS program amend its Rules and Registration materials to (a) require minimum qualifications for LRS attorneys to accept referrals in felony criminal, bankruptcy, and high-conflict family law matters (or be willing to accept a mentor in these cases), and (b) authorize the ISB to collect a fee for the referral and require panel members to provide the half-hour consultation without a fee effective January 1, 2016. Further, the LRS Rules will be published in the Desk Book Directory and on the ISB website so panel attorneys and the public have access to the current policies and procedures of the LRS program.

Idaho State Bar Lawyer Referral Service Rules

Article I. Purpose

The Idaho State Bar (hereafter the ISB) Lawyer Referral Service (hereafter the LRS) shall exist primarily for the benefit of the public. The LRS's purpose shall be to efficiently ~~provide~~ match paying clients with qualified attorneys.

Article II. Organization

The LRS shall operate under the general supervision of a committee appointed by the ISB Board of Commissioners. The LRS day-to-day business shall be conducted at the ISB office in Boise, Idaho under the supervision of the ISB Executive Director.

Article III. Membership in the LRS

The LRS shall maintain a panel of attorneys listed by city and practice area. On the membership application, each attorney shall designate practice areas in which the attorney is qualified and will accept referrals. Those attorneys choosing bankruptcy, high-conflict family law, and felony criminal matters must sign an additional agreement. To be admitted to membership in the LRS, an attorney must:

1. Be a member of good standing in the ISB and regularly practice in Idaho;
2. Certify that he/she is competent to handle all areas of law for which he/she applies;
3. Have in effect, and continue to maintain, professional liability insurance in a minimum amount of \$100,000 for the protection of clients;
4. In recognition that the LRS program charges a fee for a referral, agree to charge no fee for a half-hour consultation for clients referred by the LRS;
5. Abide by all of the rules of the LRS and;
6. Agree to indemnify and hold harmless the ISB, its officers, members, agents, or employees from any all claims, expenses, attorney fees and costs, liability or loss arising from or incurred through any negligence or intentional conduct of the attorney which cause damage, real or alleged, to anyone referred to attorney by the LRS. In addition, the attorney agrees to waive any and all claims against the ISB, its officers, members, agents, or employees for any or all claims, expenses, attorney fees and costs, liability or loss arising from the operation and policies of the LRS including, but not limited to, referral or non-referral of a person or client, denial of or removal from panel membership, and provision of information about the attorney to any person or the clients.

Article IV. Withdrawal/Removal from LRS Membership

An attorney may, at any time, withdraw from participation in the LRS upon written notice to the LRS administrator, addressed to the ISB. The attorney shall not thereby be relieved of the duty to represent any person previously referred by LRS, in accordance with the rules, any pending cases, or any obligation incurred during LRS membership. An attorney's membership in the LRS may be terminated or suspended for any of the following reasons:

1. The filing of formal disciplinary charges by the ISB, as noted in ISB Resolution No. 80-7;
2. Failure of an attorney to maintain professional liability insurance in a minimum amount of \$100,000 for the protection of clients; or
3. If client satisfaction surveys indicate a recurring problem meeting the high standards established by the LRS Committee. ABA Model LRS Rules state in Rule VII, "-- A qualified service shall periodically survey client satisfaction with its operations and shall investigate and take appropriate action with respect to client complaints against panelists, the service, and its employees."

Any attorney's membership may be terminated or suspended, as determined by the LRS Committee, for the following reasons only after the attorney has reasonable notice of complaints against him or her, and an opportunity to respond to the Committee. Any attorney whose membership in the LRS is terminated or suspended for the following reasons shall have the right to appeal to the ISB Board of Commissioners.

1. Material misrepresentation of fact on the application for membership;
2. Failure of an attorney to return any report required by the LRS; or
3. Failure of an attorney to comply with the rules of the LRS.

RESOLUTION 14-03

National High School Mock Trial Championship – Boise 2016: “From the Schoolhouse to the Courthouse”

Presented by: **The Idaho State Bar Board of Commissioners, Idaho Law Foundation Board of Directors, and National Mock Trial Host Committee (Subcommittee of the Idaho Law Foundation’s Law Related Education Committee)**

Rationale: Each year, approximately 20,000 high school students participate in high school mock trial competitions throughout the United States. In Idaho, the Law Related Education Committee of the Idaho Law Foundation has conducted the Idaho High School Mock Trial Program since 1988. Approximately 1,000 high school students participate each year in the Idaho High School Mock Trial Competition and Mock Trial in the Classroom activities.

The National High School Mock Trial Championship event is the nation’s premier law-related academic tournament for high school students. Student mock trial participants learn practical aspects of our legal system, effective dispute resolution, the role of the judiciary in our democracy, respect for the rule of law, effective communication skills, critical thinking and civility.

The Idaho Law Foundation submitted a bid, which was granted, to host the 2016 National High School Mock Trial Championship in Boise, Idaho. As the host for the 2016 National High School Mock Trial Championship, the Foundation will seek funding for the event from educational institutions, court community education grants, legal associations, Bar Sections, District Bar Associations, corporate sponsorships, private foundations, law firms and individuals.

Idaho lawyers and judges have long served as mock trial coaches, judges and volunteers in all regions of the state, and hosting National High School Mock Trial provides an unprecedented opportunity for them to showcase the civic engagement of the Idaho Law Foundation and the Idaho State Bar, while demonstrating a unified commitment to the civic educational values that National High School Mock Trial inculcates.

NOW, THEREFORE, BE IT RESOLVED THAT the Idaho State Bar supports the Idaho Law Foundation’s efforts to host a National High School Mock Trial Championship event in 2016, and encourages its members to promote and participate in this important event.



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