

**ISB Professionalism & Ethics Meeting Minutes**  
**June 11, 2013**

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**I. Call to Order**

**II. Introductions**

**III. Announcements**

- A. Next Meeting: August 6, 2013. We will plan to finish the Ethics 20/20 discussion if we do not complete it today.**

**IV. Officer Reports**

**A. Chair**

- 1. Advocate Co-Sponsor—September 2013 (Article Deadline is July 10<sup>th</sup>) (Larry Hunter and Brad Andrews: Ethics; Gerald Husch: Conflicts; Jodi Nafzger: Professionalism; Mark Fucile: ethical and law firm risk management issues surrounding increased outsourcing of both legal and support functions at law firms). Contact Dan Black with questions.**
- 2. Fundraising for University of Idaho and Concordia Orientation Programs:**

**Designated Funds: Idaho: \$3,100          Concordia: \$1,100**

**Undesignated:          \$2,000**

(Real Property Section--\$1,000 to U of I and \$1,000 to Concordia; Third District Bar Association—Donation Promised; Fourth District Bar Association—\$1,000; Government and Public Lawyer's Section—\$100 to Concordia and \$100 to U of I; Litigation Section—\$1,000; Business and Corporate Law Section—\$2,000 to U of I.)

Question: How do we want to split up the undesignated funds? We will revisit this agenda item in August to determine the hard costs for both schools and designate funds appropriately.

**3. Update on Golfing for Ethics 2013:**

- 4. CLE on November 5, 2013 at 9:00 a.m.—Judge Larry Boyle, “The Traits and Characteristics of Highly Effective Lawyers”**

**B. Vice Chair**

- 1. Membership Update**

**C. Treasurer**

- 1. Financial Update: We have not received the latest financials.**

**D. Secretary**

## **E. Discussion Regarding Sponsorship of Ethics 20/20 Rules of Professional Conduct Amendments**

The Section is reviewing the changes made to the Model Rules. We, as a state, are considering whether these changes should be adopted. We could be a co-sponsor with the Bar Commission at the November Road Show. Resolution must be made by September. The rules changes are concerned in large part with technology and the influx of foreign attorneys.

Rule 1.17 Sale of Law Practice. Minor changes reflected in the comments. See also 1.17(a). The language [in the geographic area] is already in the Idaho rule and we concluded it does not require a change. Brad moves that we adopt the Comment 7 as an amendment to our Comment 3. Gene seconds. Motion carries.

Rule 1.18 Duties to Prospective Client. The changes are appropriate and consistent with our current rule. Brad asks us to look closely at (d) which is more detailed than Idaho's current (d). We concluded that we should adopt the changes made to Rule 1.18. Brad also moves that Idaho adopt (d)(2) Brad moves that we adopt paragraph (d) and modify Comment 7 to be consistent with the model rule which addresses (d)(1) and (2) and is consistent with Idaho's Rule 1.10. ABA Comment 7 and 8 and change existing Comment 8 to Comment 9. Brad will put together a proposal on this Rule in preparation for the Commissioners. Defer to next meeting.

Rule 4.4 Respect for Rights of Third Persons. Motion carries to adopt 4.4(b) and the corresponding Comments 4 and 5. (Bob moved, Julia seconds.)

Rule 5.3 Responsibilities Regarding Nonlawyer Assistance. Motion carries to adopt the changes reflected in the Model Rule.

Rule 5.5 Unauthorized Practice of Law; Multijurisdictional Practice of Law. Revised 107A also revises Rule 5.5. Brad points out that Idaho's 5.5 is very different from the Model Rule. We also have a Foreign Consultant Rule which allows lawyers from foreign jurisdictions to provide advice in Idaho regarding the law in the lawyer's foreign jurisdiction. Defer discussion on Rule 5.5. We probably will not adopt these rules because these rules differ from Idaho's Rules.

**Everything passed last meeting. Now discussing Rule 1.7**

## **V. Other Issues**

## **VI. Adjourn**