



# 2016 Resolution Process

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Voter Pamphlet



## 2016 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 two resolutions proposed for your consideration during the 2016 Idaho State Bar resolution process, aka "The Road Show."

In addition to the resolutions, the meetings include presentations honoring your colleagues receiving the pro bono, retiring judges' and professionalism awards. Some districts also plan to offer a free CLE on succession planning.

The 2016 resolution meetings are scheduled as follows:

<i>First District</i>	Coeur d'Alene	Thursday Nov. 10	Coeur d'Alene Inn 506 W. Appleway Avenue	10:30 a.m. CLE 12 noon Meeting
<i>Second District</i>	Clarkston, WA	Thursday Nov. 10	Quality Inn 700 Port Drive	4:30 p.m. CLE 6:00 p.m. Meeting
<i>Third District</i>	Nampa	Thursday Nov. 3	Holiday Inn Express & Suites 4104 E. Flamingo Avenue	6:00 p.m. Meeting
<i>Fourth District</i>	Boise	Thursday Nov. 3	Boise Centre 850 W. Front Street	10:30 a.m. CLE 12 noon Meeting
<i>Fifth District</i>	Twin Falls	Wednesday Nov. 2	Magic Valley Arts Council Auditorium 195 River Vista Place	5:30 p.m. CLE 6:45 p.m. Meeting
<i>Sixth District</i>	Pocatello	Wednesday Nov. 2	Juniper Hills Country Club 6600 S. Bannock Highway	10:30 a.m. CLE 12 noon Meeting
<i>Seventh District</i>	Idaho Falls	Tuesday Nov. 1	Marriott Residence Inn 635 W. Broadway Street	10:30 a.m. CLE 12 noon Meeting

Each judge and active member of the Idaho State Bar in attendance at a resolution meeting will be provided a ballot. Members not in attendance 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 5, 2016.**

See you at the district bar meetings.

Dennis S. Voorhees  
President

Diane K. Minnich  
Executive Director



## 2016 RESOLUTION PROCESS

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### 2016 PROPOSED RESOLUTIONS

- **16-01** Idaho Bar Commission Rule 402 (e)(1)(A). Exemptions – Proposes to exempt active military duty not engaged in the practice of law in Idaho from the CLE requirements.
- **16-02** Idaho Bar Commission Rule 302. Licensing Requirements – Proposes to add a requirement that active lawyers have a minimum amount of legal malpractice coverage.

### RESOLUTION MEETING AGENDA

- Welcome, Announcements and Introductions
  - *ISB President Dennis Voorhees and District Bar President*
- Pro Bono, Retiring Judges and Professionalism Awards
- Presentation of 2016 Resolutions
  - *Bar Commissioners*
- Local Bar Business

### CLE INFORMATION

- Planning Ahead – Protecting Your Client's' Interests in the Event of Your Disability or Death
  - *1.0 CLE Credit (Ethics)*

## 2016 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	Peter C. Erbland	Coeur d'Alene
Second District	Paul L. Clark	Moscow
Third District	Julie A. DeFord	Nampa
Fourth District	Timothy C. Walton Neil D. McFeeley	Boise Boise
Fifth District	William T. Goodman	Rupert
Sixth District	Howard D. Burnett	Pocatello
Seventh District	Gregory P. Meacham	Idaho Falls

### DENISE O'DONNELL DAY PRO BONO AWARDS

First District	Pamela B. Massey	Coeur d'Alene
Second District	James E. Johnson Karin R. Seubert	Moscow Lewiston
Third District	John A. Anderson Jr. Debra L. Eismann	Caldwell Nampa
Fourth District	Penelope Shaner Gaffney Christ T. Troupis Brooke A. O'Neil Nathaniel Peterson	Boise Eagle Boise Boise
Fifth District	Kurt H. Schwab	Twin Falls
Sixth District	Douglas K. Merkley	Pocatello
Seventh District	Michael J. Whyte Paul T. Curtis	Idaho Falls Idaho Falls

### IDAHO STATE BAR RETIRING JUDGES AWARDS

Idaho Supreme Court	Hon. Jim Jones	Boise
First District	Hon. Fred M. Gibler Hon. Daniel J. McGee	Pinehurst Wallace
Second District	Hon. Stephen L. Calhoun	Nez Perce
Fourth District	Hon. Russell A. Comstock Hon. George G. Hicks	Boise Mountain Home

## 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, by the Board of Commissioners, the Idaho Supreme Court, by a bar section or committee, or by an individual member of the bar.

Resolutions submitted by a district bar association, 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 the pamphlet 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 the

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 5, 2016.**

### 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 second meeting of district bar representatives.

### Conclusion of Process

After all resolution meetings are concluded, the district bar representatives meet again on December 9, 2016. At that meeting, the representatives are to 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 2016, the Idaho State Bar voting membership breakdown is as follows:

District	Eligible voters	% of total eligible voters
1	452	8.6%
2	225	4.3%
3	265	5.0%
4	2126	40.4%
5	316	6.0%
6	220	4.2%
7	402	7.6%
out of state	1261	23.9%
Total	5267	100.00%

## RESOLUTION 16-01

### Amendments to Idaho Bar Commission Rule 402-CLE Exemptions

**Presented by: J. R. Jolley, Lieutenant U.S. Coast Guard, N.D. Peterson, Captain, U.S. Air Force**

**Rationale:** Bar members serving on full time active duty are serving our country, some by practicing law for a respective branch of the armed forces or through deployment or other military service. The practice of law by active duty military members is limited to federal and military law where the client is the respective branch of the armed forces. The respective branch of the armed forces bears responsibility to ensure that its military members are properly trained to carry out their respective military duties as assigned, which in some cases may not include the practice of law. To support the members of the bar that are currently on active duty, this resolution proposed to exempt active duty military who are serving outside of Idaho from the MCLE requirements while they are on active duty.

**NOW, THEREFORE, BE IT RESOLVED THAT the members of the Idaho State Bar recommend to the Idaho Supreme Court that Idaho Bar Commission Rule 402 be amended as follows:**

#### **RULE 402. Education Requirement – Report.**

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- (e) **Exemptions.** Exemptions from all or part of the CLE requirements of subsection (a) may be granted as follows:
- (1) **Eligibility.** An exemption may be granted:
    - (A) Upon a finding by the Executive Director of special circumstances constituting an undue hardship for the attorney; or
    - (B) Upon verification of the attorney’s disability or severe or prolonged illness, in which case all or a specified portion of CLE credits may be earned through self-study; or
    - (C) An attorney on full-time active military duty who does not engage in the practice of law in Idaho;

## RESOLUTION 16-02

### [Comprehensive Professional Liability Insurance]

**Presented By: Michelle Points**

**Rationale:** One of the main purposes of the organized bar is to ensure that the public is properly protected against unprofessional conduct of members of the bar. Lawyers licensed to practice law in Idaho are not currently required to carry errors and omissions liability coverage. If a lawyer does not have legal malpractice insurance it is possible that victims of legal malpractice will not have any financial recourse against a negligent legal professional. Although acts of malpractice are by far the exception rather than the rule, a lack of malpractice coverage can and sometimes does leave clients without a remedy in cases where malpractice has occurred. Requiring attorneys to have minimum limits of professional liability insurance coverage would help to ensure the public as consumers of legal services are financially protected from attorney error.

**NOW, THEREFORE, BE IT RESOLVED THAT the Idaho State Bar recommend to the Idaho Supreme Court that Idaho Bar Commission Rule 302 be amended as follows:**

**RULE 302. Licensing Requirements.** Following admission as a member of the Bar, an attorney may maintain membership as follows:

(a) **Active or House Counsel Member.** An Active or House Counsel Member shall:

(6) Certify to the Bar on or before February 1 of each year (1) whether the attorney represents private clients; (2) if the attorney represents private clients, submit proof of current professional liability insurance coverage at the minimum limit of \$100,000 per occurrence/\$300,000 annual aggregate. Each attorney admitted to the active practice of law in this jurisdiction who is required to have professional liability insurance coverage shall identify the primary carrier and shall notify the Bar in writing within thirty (30) days if the professional liability insurance policy providing coverage lapses, is no longer in effect, or terminates for any reason, unless the policy is renewed or replaced without substantial interruption.



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