

MINUTES FROM
IDAHO STATE BAR APPELLATE PRACTICE SECTION
GOVERNING COUNCIL MEETING—October 13, 2022, 12:00 p.m. MST

Location: Stoel Rives Conference Room, Boise, ID and Zoom Video Conference

Meeting Link:

<https://us02web.zoom.us/j/89425090193?pwd=SE5pUG5YWkN5eTNPZFNESVQra3oxUT09>

Meeting ID: 894 2509 0193

Passcode: 754669

For Audio Only Dial: +1 253 215 8782

Join Zoom Meeting

Attending: John Cutler, Stephen Adams, Sara Berry, Christopher Pooser, Leslie Hayes, Bryan Nickels (proxy through Leslie Hayes), quorum of 6 people for voting purposes.

1. **Welcome**
2. **Update on Financials**
 - presented by John Cutler, discussed prior meeting as to rates for being involved in the section.
3. **Upcoming Meetings and Other Events**
 - a. **Member Meetings:**
 - i. **December 8, 2022 (Joe Pirtle, Bar Counsel, Presenting)**
4. **ACTION ITEM - Approve Minutes from Past Meetings**
 - Tabled to next meeting, as neither Sara nor Leslie were present and refrained from voting
5. **ACTION ITEM - ACE Sponsorship Request (See Attachment)**
 - General discussion as to that it is not particularly in line
 - Leslie – move to send communication that we would be more interested if there is an appellate specific project or activity in the future
 - John – Second
 - In favor – all
6. **Survey sponsored by IAPS distributed to federal practitioners through the Federal District of Idaho clerk’s office: to ask about (1) views on remote argument in the 9th Circuit, (2) interest in 9th Circuit Committees, and (3) interest in Appellate Lawyer Representative position.**
 - Christopher presented information as to 9th Circuit questions about remote oral arguments. Also discussed 9th Circuit committees. Discussed with Steve Kenyon if a survey could be done about oral arguments and serving on committees.
 - Christopher Pooser will put together survey.
 - Leslie would like questions hybrid arguments, due to disadvantages

where one person is present and one is not.

- Leslie moved to give Christopher Pooser authority to create the survey on behalf of the section. Sara Berry seconded.
- All in favor.

7. The Advocate

a. Sponsoring the February, 2023 Issue

b. Check-in with authors

c. Deadlines:

i. Proposed articles to the Appellate Practice Board: June 30, 2022

ii. Article Submissions: Dec. 14, 2022

iii. EAB Meetings: Dec. 21, 2021

iv. Final Revisions: Jan. 2, 2023

d. Volunteers - Stephen Adams/Christopher Pooser (“The potential for interlocutory appeals in Idaho”), Ben McGreevy (Issue preservation for appellate review), Jennifer Jensen (Holland Hart, JMJensen@hollandhart.com), Leslie Hayes and Bryan Nickels (Appellate Mediation)

- Moving draft dates to the Board by November 15, 2022.
- Sara Berry is to follow up with Jennifer Jensen, Stephen Adams to follow up with Ben McGreevey
- Possible new article about the CLE presented by Stephen and John

8. Topic Suggestions for Joe Pirtle’s December Ethics CLE

- Discussed possible ideas for Joe Pirtle’s presentation – Litster v. ILG, Katseanes v. Katseanes
- Sara will reach out to Joe Pirtle to give him the topics.

9. Follow up on efforts to evaluate interest in setting up an in-person option for attending member meetings in Northern Idaho and Eastern Idaho

- John did not get much feedback from people as to hosting a lunch for the member meetings.
- John will send around a member list, so we can reach out to specific people to host the meetings.

10. 2023 Half Day CLE? - Start Discussion and Identify Volunteers for Subcommittee.

- Emily volunteered to be on the CLE committee.
- John volunteered to be on the CLE committee.
- Christopher suggested reaching out to the Supreme Court to discuss a joint CLE between the section and the Supreme Court.
- Leslie mentioned the possibility of an afternoon presentation, rolling into a social hour with the judges and justices.

- John will reach out to the Sara Clemens to ask her to gauge interest with the appellate courts

11. Other Business

12. Adjourn Council Meeting

- Christopher – Motion to Adjourn
- Second – Leslie and Sara
- All in favor

Meeting adjourned 12:41