

**GENERAL SESSION MINUTES**  
**Idaho State Bar Board of Commissioners**  
**October 5, 2017**  
**Boise, Idaho**

President Kent Higgins called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:30 a.m. at the Law Center in Boise, Idaho. In attendance at the meeting were Commissioners, David Cooper, Mike Howard, Judge Mike Oths, David Kerrick, Bar Counsel Brad Andrews, Deputy Bar Counsel Julia Crossland, 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 § 74-202(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 §74-206 (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 the September 8, 2017 Board of Commissioners meeting as submitted.

**2017 Resolution Process** – The Commissioners reviewed the resolution meeting schedule. The group then discussed the proposed changes to IRPC 8.4(g). The Commission discussed the resolution submitted by Commissioner Howard. He decided to withdraw the resolution for this year to allow time for further discussion and investigation.

**UI College of Law Visit Agenda** – The Commissioners reviewed the proposed agenda for the visit to the UI College of Law. The Commissioners approved the agenda.

**Ninth Circuit lawyer Representative Appointment** – The Commissioners considered the two recommendations for the Ninth Circuit Lawyer Representative selected by the Idaho Federal Judges: Robert Faucher and Sheila Schwager. It was moved, seconded and passed to appoint Robert Faucher to serve as a Ninth Circuit Lawyer Representative.

**ABA Delegate Report** – The Commissioners were joined by the Idaho ABA State Bar Delegate Deborah Ferguson and ABA Young Lawyer Delegate Jen Jensen. The two delegates reported on the ABA Annual Meeting. She noted that Montana lawyer Robert Carlson was elected ABA

president elect. Ms. Ferguson noted that Canyon County Prosecutor Bryan Taylor received an International Pro Bono Rule of Law award. The issues addressed by the ABA House of Delegates included: opposition to splitting of the 9<sup>th</sup> circuit, encouraging unconscious bias education for judges, criminal resolutions, and immigrants' right to counsel. The House also discussed allowing non US citizens to apply for bar admissions. The delegates recommended that the bar encourage Idaho attorneys to join the ABA.

**Judicial Council Appointment** – The Executive Director reported that Judge Tom Ryan, the current District Judge serving on the Judicial Council, is retiring in January and plans to resign from the Judicial Council. The Commissioners agreed that a letter be sent to all district judges letting them know that the Commission is accepting applicants for the District Judge position on the Judicial Council.

**11:00 am Meeting with District Bar Representatives** – The following District Bar Association representatives joined the meeting at 11:00 a.m.: First District, Mischelle Fulgham; Second District, Nance Cecarelli; Third District, Mike Porter; Fourth District, Phil Bevis and Major Steve Stokes; Fifth District David Gadd; Sixth District, Aaron Thompson; and Seventh District, Jonathan Harris. The representatives discussed the one resolution and the resolution meeting schedule.

**Rocky Mountain Mineral Law Foundation** – The Commissioners were provided with a report from the ISB appointee to the RMMLF Board of Directors, William Myers.

**Bar Exam Results** – The Commissioners were provided with the results of the July 2017 Bar Examination.

**2017-18 Meetings and Events** - The Commissioners were provided with an updated meetings and events schedule for the coming year.

## **ADMINISTRATION AND SUPPORT**

**Financial Reports** – The Commissioners were provided with the August and September financial reports. At the end of September, 97.4% of revenue was collected and 76.7% of expenses incurred.

**DBA Budgets** – The Commissioners were provided with the budgets submitted by the seven district bar associations.

## **MEMBER SERVICES**

**Section Meeting Updates** – The Commissioners were provided with the schedule of Section meetings and the Section chairs.

## **REPORTS/CORRESPONDENCE/NEWS CLIPPINGS**

**Disciplinary/Admissions Information** – The Commissioners were provided Idaho Supreme Court reinstatement order for Jeremy Featherston.

**Informational Reports** – The Commissioners were provided with the September membership count, minutes from the August Idaho Supreme Court oral conference and news clippings for the past month.

The meeting adjourned at 12:00 p.m.

Respectfully submitted,

Diane K. Minnich  
Executive Director