

GENERAL SESSION MINUTES
Idaho State Bar Board of Commissioners
November 13, 2017
Idaho Falls, Idaho

President Kent Higgins called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 2:00 p.m. at the Marriott Residence Inn in Idaho Falls, 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, Deputy Director Mahmood Sheikh, 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 October 5, 2017 Board of Commissioners meeting as submitted.

2017 Resolution Process – The Commissioners briefly discussed the resolution process and meetings to date.

Request to Transfer Status – The Commissioners considered a request to transfer to active status from attorney Sholeh Patrick. Ms. Patrick has been inactive for almost 6 years. IBCR 306 requires attorneys that have been inactive more than 5 years to provide proof of competence. After discussion, it was moved, seconded and passed to require Sholeh Patrick to pass the MPT and complete the new attorney requirements to transfer to active status.

University of Idaho College of Law – The Commissioners discussed the visit to the UI College of Law. They noted that the law school indicated there was a smooth transition to the three-year program in Boise. Also of note, the meeting with the faculty was valuable and the students complimented the lunch social.

District Bar Association Uniform Bylaws Revisions Task Force, Financial Reporting – Deputy Director Sheikh reported on the DBA Uniform Bylaws Revisions Task Force. The Task

Force is discussing what should be included in the bylaws in terms of financial reporting. The Commissioners discussed whether or not the bar should be the custodian of the funds, similar to sections of the bar, or other safeguards could be in place to assess the financial status of DBA funds. After discussion, the Commissioners asked the staff to contact the auditors regarding appropriate financial rules and best practices for similar funds.

ABA Model Regulatory Objectives – The Commissioners were provided with a letter to Chief Justice Burdick regarding the ABA Model Regulatory Objectives. The Commissioners agreed to confirm with the Chief Justice that the Court has received the correspondence and no action is required.

Professional Conduct Board Vice Chair – The Commissioners were provided with a recommendation from the Chair of the Professional Conduct Board Karen Gowland to appoint Jim Martin as the vice-chair. It was moved, seconded and passed to appoint James L. Martin as Vice Chair of the Professional Conduct Board.

2017-18 Meetings and Events - The Commissioners were provided with an updated meetings and events schedule for the coming year. The Commissioners agreed to start the December meeting at 9:30 a.m.

ADMINISTRATION AND SUPPORT

Financial Reports – The Commissioners were provided with the October financial reports. At the end of October, 99% of revenue was collected and 84% of expenses incurred. The Commissioners discussed the section financials and fund balances.

2018 Budget Process – The executive director noted that the staff is in the process of developing a draft of the proposed 2018 budget.

MEMBER SERVICES

Section Update – Deputy Director Sheikh updated the Commission on Section membership and financials. He noted the Animal Law Section has the required 50 members; the International Law Section has 48 members but it's activity is limited. The Tax, Probate and Trust Law Section provided a plan to spend its funds to bring its fund balance within the limit set by the Section Funding Policy. He is also working with the Family Law Section and Business and Corporate Law section to ensure the sections meet the fund balance limit by the end of the year.

REPORTS/CORRESPONDENCE/NEWS CLIPPINGS

Disciplinary/Admissions Information – The Commissioners were provided the Idaho Supreme Court reinstatement order for Jolene Malone, the disciplinary order for Jamal Lyksett, and the order to transfer from disability inactive status to active status with interim suspension for Bryninn T. Erickson.

Informational Reports – The Commissioners were provided with the November membership count, correspondence and news clippings for the past month.

The meeting adjourned at 4:10 p.m.

Respectfully submitted,

Diane K. Minnich
Executive Director