

**GENERAL SESSION MINUTES**  
**Idaho State Bar Board of Commissioners**  
**November 7, 2018**  
**Boise, Idaho**

President Michael Howard called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 9:30 a.m. at the Law Center in Boise, Idaho. In attendance at the meeting were Commissioners, David Cooper, David Kerrick, Judge Michael Oths, Donald Carey, Bar Counsel Brad Andrews, Deputy Bar Counsel Julia Crossland, Assistant Bar Counsel Caralee Lambert, 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, 2018 meeting as submitted.

**ABA Revisions to Model Rules 7.1-7.5** – The Commissioners were provided with the ABA revisions to the Model Rules of Professional Conduct 7.1-7.5. The Commission discussed the process for reviewing and proposing changes to the IRPC. The Commission discussed whether a small task force should be appointed to consider whether to propose similar changes to the Idaho Rules. The Commissioners agreed to discuss this further at the January meeting.

**Northwest States Bar Meeting** – President Howard reported that he and Diane Minnich attended the Northwest States Bar Leaders meeting in Portland. He provided a brief review of the meeting and the issues discussed.

**Prelitigation Hearing Panel** – The Commissioners considered the appointment of Penelope Gaffney as a panelist for the Nursing Homes Prelitigation Hearing Panel. It was moved, seconded and passed to appoint Penelope Gaffney to serve as a panelist for the Licensed Nursing Facilities Screening Panels.

**UI College of Law visit** – The Commissioners discussed the visit, meetings, and observations. They requested that we contact Anne Marie Fulfer to find out the student's reactions and comments. Diane Minnich agreed to write a short letter thanking the law school for their hospitality.

**Contested Judicial Election** – The Commissioners were provided with the results of the Fifth District contested judicial election survey.

**2018-19 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 October financial reports. At the end of October, 96.9% of the revenue was collected and 84.5% of the expenses incurred.

**Selection of Auditor for 2018 Financials** – The Commissioners were provided with Controller Debbie Dudley’s recommendation for the selection of the auditor. Debbie solicited proposals from five area firms and received proposals from three firms. The Idaho Law Foundation’s Audit Committee reviewed the proposals and Debbie’s analysis of the proposals. The ILF Audit Committee and Controller Dudley recommended EideBailly. It was moved, seconded and passed to approve the selection of EideBailly as the auditor for the 2018 bar financials.

#### **MEMBER SERVICES**

**Young Lawyers Retention in the Profession and Well Being Survey Report** – Deputy Director Sheikh noted the survey was sent in late September; the response rate was 17.8%. He reviewed the survey results with the Commissioners.

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

**Informational Reports** – The Commissioners were provided with the October membership count, October LRS Committee Meeting minutes, and letters, reports and news clippings for the past month.

The meeting adjourned at 11:00 a.m.

Respectfully submitted,

Diane K. Minnich  
Executive Director