

GENERAL SESSION MINUTES
Idaho State Bar Board of Commissioners
April 6, 2018
Pocatello, Idaho

President Kent Higgins called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:50 a.m. at the Holiday Inn Express in Pocatello, Idaho. In attendance at the meeting were Commissioners, David Cooper, David Kerrick, Judge Michael Oths and Mike Howard, Bar Counsel Brad Andrews, 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

BOC Election Update – The Commissioners were provided with the nominating petitions for the candidates for Commissioner to represent the 6th and 7th districts: John Cutler, Don Carey, Alan Harrison and Tayler Tibbetts. The online election starts on April 16 and closes on May 1.

Minutes – It was moved, seconded and passed to approve the minutes of the February 23, 2018 meeting as submitted.

Resolution Update – The Commissioners discussed the status of the 2017 resolution pending at the Idaho Supreme Court.

2018 Idaho State Bar Awards – The Commissioners were provided with information for the selection of 2018 award recipients. It was moved, seconded and passed to select the following for service awards: Josh Bode (non-lawyer), Janell Burke, Tienielle Fordyce-Ruff, David P. Gardner, Saviraj Grewal, Larry Hunter, Chelsea Kidney, Hon. Jessica Lorello, Michael McBride and Hon. Gene Petty. It was moved, seconded and passed to select the Appellate Practice Section as Section of the Year. It was moved, seconded and passed to select Tyler Rounds and Catie Freeman as the Outstanding Young Lawyers. It was moved, seconded and passed to select Judge Randy Smith as the Distinguished Jurist. It was moved, seconded and passed to select Peter Erbland, Edward Ahrens, and Randall Budge as the Distinguished Lawyers. It was moved, seconded and passed to select Michael Ramsden, Maureen Laflin, Matt Roker, William Dryden, Deborah Ferguson, J. Walter Sinclair, Leon Smith, Albert Matsuura, and James Arnold as the Professionalism Award recipients.

Idaho Judicial Council Appointment – The Commissioners discussed the appointment to the Idaho Judicial Council and how to proceed in the future. The Commissioners determined that the selection process developed and implemented over the past several years should continue. In the future, the bar can confirm disciplinary history of the judges that are interested in serving on the Judicial Council with the Idaho Judicial Council.

MCLE Credit Approval Process – The Commissioners reviewed information provided by Annette Strauser about the MCLE process. The commissioners discussed the importance of improving the processing time and developing ways to streamline the process. The Commissioners requested information on how many courses are not approved.

Licensing Update– The Executive Director reported on the status of 2018 licensing. She noted that on March 7, the Idaho Supreme Court cancelled the licenses of 49 attorneys. Since that time, 2 have been reinstated and 4 have resigned. There are still a few attorneys that are out of compliance with the malpractice coverage and MCLE requirements. Less than 10 lawyers either did not turn in the certification form or did not indicate if they have insurance. Most of the attorneys not in compliance have not submitted proof of insurance.

Sixth District Bar Association Magistrate Commission Appointment – The Commissioners were provided with the Sixth District Bar Association nomination of Javier Gabiola to the Sixth District Magistrate Commission. Mr. Gabiola was temporarily appointed to replace Tippi Jarman. Ms. Jarman does not want continue to serve on the Magistrate Commission because she plans to apply for magistrate openings. It was moved, seconded and passed to appoint Javier Gabiola to the Sixth District Magistrate Commission.

ABA State Bar Delegate - The Executive Director reported Larry Hunter is interested in the State Bar Delegate position for a two-year term. It was, moved, seconded and passed to appoint Larry Hunter to serve as the ABA State Bar delegate for a two-year term, 2018-2020.

Contested Judicial Election Survey – The Commissioners were provided with the timeline and the attorney survey for the two contested judicial elections: First District Judge, John Mitchell and Douglas Pierce; and Fifth District Judge, Samuel Beus, Theodore Booth, David Gadd, and Roger Harris.

Western States Bar Conference/BLI Reports – Commissioner Kerrick reported on the Western States Bar Conference and Commissioners Howard and Cooper reported on the Bar Leadership Institute.

2018 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 February financial reports. At the end of February 78.8% of revenue was collected and 15.2% of expenses incurred.

MEMBER SERVICES

Uniform District Bar Association Bylaws – The Commissioners were joined by Task Force chair Rich Diehl. Mr. Diehl outlined the work of the task force and reviewed the proposed changes to the bylaws. It was moved, seconded and passed to approve the revised Uniform District Bar Association Bylaws as proposed by the Task Force.

International Law Section – The Commissioners were provided with a memo from Deputy Director Sheikh recommending that the International Law Section be disbanded. The officers of the section met and agreed that, due to inactivity and low section membership, it was time to disband the section. It was moved, seconded and passed to approve terminating the International Law Section and distributing the funds as proposed by the section officers.

REPORTS/CORRESPONDENCE/NEWS CLIPPINGS

Disciplinary/Admissions Information – The Commissioners were provided with reinstatement orders for Brett Milburn and Joe John Solseng, and the Timothy Neville ISC Disciplinary Order.

Informational Reports – The Commissioners were provided with the March membership count, February 28 Idaho Supreme Court Oral Conference Minutes, and letters and news clippings for the past month.

The meeting adjourned at 1:40 p.m.

Respectfully submitted,

Diane K. Minnich
Executive Director