

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

President Mike Howard called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:55 a.m. at the Hampton Inn in Boise, Idaho. In attendance at the meeting were Commissioners, David Cooper, David Kerrick, Judge Michael Oths, and Don Carey, 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 July 18, 2018 meeting as submitted.

President Messages in the Advocate – The Commissioners discussed Commissioner Oths' idea to rotate the Commissioners' articles throughout their three-year terms. It was moved, second and passed to alternate the Commissioners' articles starting in July 2019. The staff agreed to send the schedule and deadlines in the spring.

2018 Resolution Meeting Schedule, Potential Resolutions – The Commissioners reviewed the resolution meeting schedule. To date, no resolutions have been submitted; the deadline is September 25th. The Commissioners discussed presentations for the meeting. They agreed to include an ISB update and a promo for the Child Protection Section.

The Executive Director provided the letter from the Idaho Supreme Court informing the bar that the Court voted 3-2 not to adopt the proposed changes to 8.4(g). The Commissioners discussed how to disseminate the information to the bar; send the letter to the Committee and include in the ebulletin. After discussion, it was moved, seconded and passed to table consideration of the proposed rule changes for this year, and to discuss any further consideration at a later date.

Commissioner Oths suggested inviting law school mentees to the resolution meeting both in Moscow and Boise. The Executive Director agreed to contact the law schools to discuss participation.

University of Idaho College of Law visit – The Commissioners reviewed the proposed schedule for the visit to the UI College of Law. President Howard asked that the Bellwood lecture be added as a permanent item to the agenda to ensure the Bar is involved in the process to select the Bellwood lecturer.

Certified Shorthand Reporters Board – The Commissioners considered an appointment to the Certified Shorthand Reporters Board. The current appointee, Michael Peacock’s term expired on July 1. Mr. Peacock has served for 21 years. The Executive Director reported that the Governor’s office contacted her stating that they are working to replace these appointments more often. She reported that Ryan Lewis was recommended by Judge Darren Simpson, who is the judicial appointee. It was moved, seconded and passed to nominate Ryan Lewis to the Governor to serve on the Certified Shorthand Reporters Board.

Ninth Circuit Lawyer Representative – The Commissioners were provided with the names of three potential candidates for the Ninth Circuit lawyer representative submitted by the Federal Court. It was moved, seconded and passed to appoint DeAnne Casperson, Idaho Falls, as the Ninth Circuit lawyer representative.

ALPS Report – Chris Newbold, ALPS Executive Vice President, joined the meeting to discuss ALPS. He presented the financial and policies statistics for ALPS. He updated the Commissioners on the statistics for Idaho attorneys insured by ALPS. He noted that he is working with other state bars on attorney well-being programs.

ABA Report – ABA State Bar Delegate Larry Hunter joined the meeting to report on the ABA Annual Meeting. He noted that due to declining membership, the ABA is changing its dues structure and organizational structure.

2018 Idaho State Bar Committee and Section Commissioner Liaison Recommendations – The Commissioners reviewed the proposed liaison assignments to Sections and Committees. The one change was to assign Judge Oths as the liaison to the new child protection section.

Licensing/MCLE Compliance Update – The Executive Director reported that all licensing and MCLE compliance issues have been resolved. Recently, one lawyer’s license was cancelled for noncompliance with the MCLE requirements.

2018 Meetings and Events - The Commissioners were provided with an updated meetings and events schedule for the coming year. The Commissioners discussed scheduling a meeting with the Idaho Supreme Court in the fall since the group didn’t meet at the Annual Meeting. The Executive Director agreed to contact the Court regarding a meeting on October 5, the next scheduled Commission meeting.

ADMINISTRATION AND SUPPORT

Financial Reports – The Commissioners were provided with the May and June financial reports. At the end of June 90.5% of revenue was collected and 50.3% of expenses incurred.

MEMBER SERVICES

Lawyer Referral Service – The Executive Director presented a recommendation for and a demonstration of Community Lawyer, the LRS program being considered by the staff to replace the current program. The Commissioners had questions about the potential of conflicts and how to ensure the public understands that providing information and obtaining a referral to a lawyer does not create a lawyer-client relationship. The Executive Director agreed to discuss these two items with the Community Lawyer team. The Commissioners determined the staff could continue to explore the program.

Annual Meeting Update – The Commissioners were provided with Annual Meeting report that will appear in *The Advocate* and the evaluations of the 2018 Annual Meeting.

Young Lawyers Section Survey – The Commissioners were provided with a proposed survey the YLS section plans to send to all young lawyers. The survey is designed to gather information about retention and well-being of young lawyers. The Commissioners did not express any concerns about the survey.

REPORTS/CORRESPONDENCE/NEWS CLIPPINGS

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

The meeting adjourned at 2:35 p.m.

Respectfully submitted,

Diane K. Minnich
Executive Director