

**GENERAL SESSION MINUTES**  
**Idaho State Bar Board of Commissioner**  
**October 8, 2021**  
**Boise, Idaho**

President Anne-Marie Fulfer called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:40 a.m. The meeting was held in the classroom of the Law Center. In addition to President Fulfer, the following were in attendance: Commissioners Kurt Holzer, Kristin Bjorkman Dunn, Laird Stone, and Gary Cooper, Bar Counsel Brad Andrews, Deputy Bar Counsel Julia Crossland, and Executive Director Diane Minnich, who acted as secretary. Program and Legal Education Director Teresa Baker attended part of the meeting. In addition, the following guests joined the meeting for the discussion of the proposed resolution: Emily McMaster, Terri Pickens, Catie Freeman, Erika Birch, Heidi Pantera, Edith Pacillo, and Laurie Litster Frost.

**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 10, 2021, Board of Commissioners' meeting as submitted.

**District Bar Officers Meeting** – The following district bar representatives joined the meeting: Second District Bar President Adam Green, Third District Bar President Ingrid Batey, Fourth District Bar President Jim Cook, Fifth District Bar President Katie Franklin, Sixth District Bar President Mary Shea, and Seventh District Bar President Paul Rogers. The group reviewed and discussed the resolution submitted by the Professionalism and Ethics Section and the Professionalism and Ethics Section Anti-Discrimination Anti-Harassment Committee proposing amendments to Idaho Rule of Professional Conduct 8.4. After discussion, it was moved, seconded, and passed to approve the proposed resolution for submission to the membership for its consideration.

The group then discussed the format for the resolution meetings: the following districts indicated they were planning virtual meetings only: the Second, Third, Fourth and Seventh District Bar Associations. The Fifth and Sixth districts have venues and are planning for hybrid meetings.

The group then discussed the process for nominating magistrate commission members for appointment by the Board of Commissioners. It was recommended that a recommended process be developed for use by the districts.

**Magistrate Commission Appointments** – The Commissioners were provided with the nominations from the District Bar Associations for lawyers to serve on the District Magistrate Commissions. It was moved, seconded, and passed to approve the Magistrate Commission members as nominated by the District Bar Associations.

**ABA State Bar Delegate** – The Commissioners interviewed the five candidates for the ABA State Bar Delegate position: Jonathan Shirts, Bryan Nickels, Serena Buchert, Dennis Voorhees, and Peter Smith. The Commissioners then discussed the candidate interviews and the responsibilities of the delegate. After discussion, it was moved, seconded, and passed to appoint Jonathan Shirts as the Idaho ABA State Bar Delegate to the ABA House of Delegates.

**Resolution Process** – The Commissioners discussed the meetings, schedule, travel needs, and the CLE program. Bar Counsel agreed to present one webcast CLE program for the entire bar. The Commissioners discussed the possibility of scheduling a roadshow in the spring to have in person meetings in each district.

**Mandatory Bar Update** – The Commissioners were provided with an updated list of the Pending Unified Bar Challenges prepared by North Dakota Executive Director Tony Weiler for the Jackrabbit Bar Meeting. It was also reported that the U.S. Supreme Court denied cert for the two Oregon cases.

**NW States Bar Meeting Update** – Commissioner Cooper and the ED discussed the meeting they attended with representatives of Montana, Utah, Washington, and Oregon.

**2021 Meeting Schedule** – The Commissioners were provided with the 2021-22 meeting schedule.

#### **ADMINISTRATION AND SUPPORT**

**Financial Reports** – The Commissioners were provided with the September financial reports. At the end of September, 96.7% was collected and 73.5% of expenses incurred.

**MCCI Payment Integration** – The Commissioners were provided with a memo from Associate Director Maureen Braley requesting authorization for the expenditure of approximately \$18,000 for an online forms integration program to prevent submission of forms in the event of a failed payment. It was moved, seconded and passed to authorize the expenditure for the payment integration.

#### **MEMBER SERVICES**

**Advocate Column Rotation** – The Commissioners were provided with the schedule of which Advocate issues each commissioner is scheduled to write a column.

**LAP Committee Appointment** – The Commissioners were provided with a recommendation from the LAP Committee to appoint Max Mayo to the Committee. It was moved, seconded, and passed to appoint Max Mayo to the Lawyer Assistance Program Committee.

**Annual Meeting** – The Commissioners were provided with the evaluations from the Annual Meeting.

**REPORTS/CORRESPONDENCE/NEWS CLIPPINGS**

The Commissioners were provided with Supreme Court orders, letters, and news clippings for the past month.

The Commissioners asked the staff to schedule a meeting to discuss Brad’s retirement plan.

The meeting adjourned at 1:05 p.m.

Respectfully submitted,

Diane K. Minnich  
Executive Director