

GENERAL SESSION MINUTES
Idaho State Bar Board of Commissioner
April 8, 2022
Lewiston, Idaho

President Kurt Holzer called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:45 a.m. at the Hells Canyon Grand Hotel in Lewiston, Idaho. In attendance at the meeting were Commissioners Anne-Marie Fulfer, Gary Cooper, Laird Stone, Kristin Bjorkman Dunn, Bar Counsel Brad Andrews, and Executive Director Diane Minnich, who acted as secretary. Deputy Bar Counsel Julia Crossland and Associate Director Maureen Braley attended portions of the meeting.

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 February 25, 2022, Board of Commissioners meeting as submitted.

Judicial Council Update – Judge Jeff Brudie, Idaho Judicial Council Executive Director, joined the meeting. The Commissioners and Judge Brudie discussed the legislation introduced in the legislature to amend the Judicial Council statute, which was ultimately vetoed by Governor Little. The group discussed the issues the amended statutory language might create for selecting council members, judicial appointments, and judicial recruitment.

The Commission discussed how to proceed with the open position on the Idaho Judicial Council. The position is open because Michelle Points was not confirmed by the Senate due to the anticipated changes in the Judicial Council statute. The Commissioners were provided with a proposed Judicial Council Appointment Selection Process. It was moved, seconded, and passed to adopt the Judicial Council Appointment Selection Process. The Commissioners agreed to follow the process adopted to appoint a Judicial Council member to replace Michelle Points, with the goal of completing the process by the end of June.

2021 Resolution Update – The Executive Director reported that the Professionalism and Ethics Section asked for an extension to submit a brief to the Idaho Supreme Court. The Section's understanding is that the Court will consider the proposed changes to IRPC 8.4(g) at its April meeting.

2022 Professional Awards – The Commissioners discussed and selected the 2022 award recipients.

Distinguished Lawyers: Ford Elsaesser, Bill Mauk and Trudy Fouser.

Distinguished Jurists: Hon. Chris Bieter and Hon. Candy Dale.

Distinguished Young Lawyers: Jessalyn Hopkin and Kolby Reddish.

Professionalism Awards: 7th District – DeAnn Casperson; 6th District – Fred Zundel; 5th District – Lisa Rodriguez; 4th District – Brian Kane, Melanie Rubocki and Sandra Clapp; 3rd District – Robert Tilley; 2nd District – Joseph Wright; and 1st District – Fonda Jovick.

Service Awards: Kimmer W. Callahan, Catie A. Freeman, Tracy W. Gorman, Jennifer A. Hearne, Jolene C. Maloney, Sherry Montosa (NL), Jamie C. Shropshire, Matt Stopello and Tracy Jo Whelan.

Pro Bono Awards: 1st – Mariah R. Dunham; 2nd – Jennifer S. Franz; 3rd – George Bevan; 4th – Tricia J. Daigle, Sarah J. Clemens, Kris J. Ormseth and Alex S. Grande; 5th – Paul Ross; 6th – Craig W. Parrish; 7th – Leland K. Faux.

1:30 p.m.- Meeting with Native American Law Students – The Commissioners were joined by two UI College of Law student members of the Native American Law Students Association. The students requested a meeting with the Commissioners to discuss incidents involving concerning behavior by bar members and other students. The Commissioners discussed how to assist the students and involve the NALSA in bar related activities.

Meeting with Idaho Supreme Court – The Commissioners discussed agenda items for the May 13, 2022 meeting with the Idaho Supreme Court. The issues they agreed to include on the agenda are bar structure, swearing in process, response to criticism of judges, judicial council resolution, next gen bar exam, rural initiatives, regulatory reform, and disciplinary reports.

The Commissioners were provided with a memorandum from the associate director regarding the process set out by the Court to be sworn in remotely. The Commissioners agreed to include this issue as a discussion item on the agenda for the meeting with the Court.

BOC Election Update – The Commissioners were provided with the candidates for Bar Commissioner and the election timeline. Three candidates filed in the First District: Jillian Caires, Jeffrey Owens, and Christopher Schwartz. Two candidates filed in the Fourth District: Stephen Stokes and Mary York.

Bar Governance Structure Review – President Holzer suggested that it may be time to discuss and review the structure of Idaho State Bar governance. The Commissioners agreed to start the process by gathering information on the governance structure of other mandatory state bars for review by the Commissioners.

Contested Judicial Election Survey – The Executive Director reported that the bar is doing a survey of attorneys regarding candidates in the three contested judicial elections. She explained the survey was instituted after a resolution was passed by the membership in 2003. The survey has been done for every contested judicial election since 2006. She explained surveys are sent to active lawyers and judges, the results tabulated then sent to the candidates and the media prior to the election.

Bar Leadership Institute/Western States Bar Conference Reports – In March, Commissioner Cooper and Associate Director Braley attended the Bar Leadership Institute. Commissioner Cooper had several suggestions based on information from the institute. First, create an elevator speech, which briefly articulates the core message and key points about the organization. He suggested the bar focus on member benefits and services, i.e., what does the bar do for me? He also suggested the bar organize focus groups of core bar members, i.e., young lawyers, women lawyers, older lawyers. He noted that several bar associations have a community service project. President Holzer, Commissioners Bjorkman Dunn and Stone, and the Executive Director attended the Western States Bar Conference. They reported Western States included a useful and informative program on diversity, equity and inclusion, and valuable information about mandatory bars.

Website Disciplinary Notices Posting Policy – The Commissioners were provided with the policy regarding posting of disciplinary notices and the length of time a notice is posted. After review of the policy and discussion, the Commissioners agreed the policy was acceptable as written.

Response to Criticism of Judges – Due to recent attacks on judges and the judicial process, the Commissioners were provided with a 2000 resolution which communicates a program for the appropriate response to criticism of judges and courts. Due to time constraints, the Commissioners agreed to discuss this issue at the next meeting.

Licensing Update – The Commissioners were provided with the statistics for 2022 licensing, including licensing renewal information and the membership statistics.

2022 Meeting Schedule – The Commissioners were provided with the 2022 meetings and events schedule.

ADMINISTRATION AND SUPPORT

Financial Reports – The Commissioners were provided with the February and March financial reports. At the end of March, 77.1% was collected and 22.5% of expenses incurred.

MEMBER SERVICES

2022 Annual Meeting – The Commissioners were provided with the preliminary agenda for the Annual Meeting. It was noted that a service project is included at each annual meeting. Commissioner Stone agreed to assist with finding a service project in the Twin Falls area.

Bylaw Amendments – The Commissioners considered bylaw amendment proposals for two sections: Dispute Resolution Section, and Commercial Law and Bankruptcy Section. It was moved, seconded, and passed to approve the Dispute Resolution Section's bylaw changes as presented. It was moved, seconded, and passed to deny the proposed amendment to the Commercial Law and Bankruptcy Section. The Commissioners requested the proposed bylaw amendment be clarified prior to its adoption.

Diversity Section Letter – The Commissioners discussed a proposed letter to the Diversity Section in response to its letter to the Commissioners in January. After discussion, President Holzer agreed to revise the letter and provide it to the Commissioners for review. After the Commissioners approve the final letter, it will be sent to the Section Chair.

REPORTS/CORRESPONDENCE/NEWS CLIPPINGS

Letters, disciplinary notices, and news clippings for the past month were provided in PDF format to the Commissioners.

The meeting adjourned at 5:02 p.m.

Respectfully submitted,

Diane K. Minnich
Executive Director