

GENERAL SESSION MINUTES
Idaho State Bar Board of Commissioner
July 20, 2022
Boise, Idaho

President Kurt Holzer called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 9:35 a.m. at the Hilton Garden Inn in Twin Falls, Idaho. In attendance at the meeting were Commissioners Anne-Marie Fulfer, Gary Cooper, Laird Stone, Kristin Dunn and incoming Commissioner Mary York, Bar Counsel Joe Pirtle, Deputy Bar Counsel Julia Crossland, Associate Director Maureen Braley, Program and Legal Education Director Teresa Baker, 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 May 13, June 10 and July 11 Board of Commissioners meetings as submitted.

Meeting with the Idaho Judicial Council – The Commissioners discussed the afternoon meeting with members of the Idaho Judicial Council.

District Bar Presidents Meeting – The Commissioners discussed the agenda for the afternoon meeting with the District Bar representatives.

2022-23 Committee Appointments – The Commissioners were provided with recommendations for appointments and reappointments of ISB committee members and committee chairpersons. It was moved, seconded, and passed to approve the committee appointments, reappointments, and chair appointments as recommended.

Medical Malpractice Prelitigation Screening panelists – The Executive Director noted that, pursuant to Idaho Code Section 6-1002, the Board of Commissioners is responsible for appointing attorney members to the medical malpractice screening panels. It was moved, seconded, and passed to appoint the following attorneys as medical malpractice screening panelists: Steven Atkinson, Serena Buchert, John Burke, Charles Gruber, Julie McCoy, Marcia Murdoch, and Mike Verbillis.

Retired Judge Status – The Executive Director provided information about the licensing status of retired judges. Once a judge is no longer a senior judge, it has been difficult to explain to them that they must resign or select another licensing status. The Commissioners determined this is a topic to include on the agenda for the next meeting with the Idaho Supreme Court.

Vacation Time Donated as Sick Time- The Executive Director reported that retired Bar Counsel Brad Andrews offered to donate his vacation as sick leave to several Idaho State Bar employees. The current policy allows vacation time to be donated to other staff members to be used as sick leave, with a yearly limit of how many hours can be donated. After discussion, it was moved, seconded, and passed to approve the donation of Brad Andrews vacation time as sick leave, limited to 80 per employee for up to 17 employees, as a one-time exception of the current policy regarding donating vacation leave to be used as sick leave, with the understanding this fulfills the contract with Brad Andrews.

Bar Governance Structure Review – The Commissioners were provided with information about the governance structure for state bars around the country. The Commissioners agreed it was time to start the discussion about ISB’s governance and its relevance given the increase in bar membership. The Commissioners agreed to schedule a strategic planning session, including governance structure as a central discussion issue. The Commissioners also agreed to add this issue to the agenda for the next meeting with Court.

Pro Bono Tour – Commissioner Stone discussed the pro bono tour organized by Judge Hodges to promote pro bono work and encouraging older lawyers to become licensed as emeritus members.

2022 Resolution Process – The Commissioners were provided with the resolution meeting schedule. If the law school agrees, a visit to the law school will be added. The Commissioners also discussed visiting other areas of the state that are farther away from main communities to meet with the local lawyers.

July Bar Exam Update– The Associate Director reported the July bar exam is scheduled for July 26 and 27 in Boise and Moscow. As of the meeting date, a record number of applicants were scheduled to sit for the exam.

FINANCIAL REPORTS

Financial Reports – The Commissioners were provided with the June 30, 2022 financial reports. At the end of June, 82.9% was collected and 50.2% of expenses incurred.

MEMBER SERVICES

2022 Annual Meeting – Teresa Baker reviewed the annual meeting schedule and events.

Advocate Submission and Selection Policy – The Commissioners were provided with the proposed Advocate Submission and Selection Policies developed by the Advocate Editorial Advisory Board. Communications Director Lindsey Welfley reviewed the proposed policies and reported that Editorial Board Chair Brian Kane plans to attend the September BOC meeting to discuss the proposed policies.

Advocate Commissioner Article Rotation – The Communications Director provided the rotation schedule for Commissioners articles in the Advocate. She reviewed the process and asked if any changes were recommended. No changes were suggested for now.

MEETING WITH IDAHO JUDICIAL JUDICIAL COUNCIL

At 1:30 p.m., the Commissioners were joined by Chief Justice Richard Bevan, Idaho Judicial Council Executive Director Judge Jeff Brudie and Judicial Council members Judge Nancy Baskin and Bruce Owens. The group discussed judicial recruitment, especially for district judges, and the issues surrounding the legislative efforts to change the Judicial Council statute that were introduced during the 2022 Idaho legislative session. The Chief Justice reported the Court is establishing a taskforce to address judicial recruitment, and the Governor has created a taskforce to address changes to the Idaho Judicial Council. Incoming Commissioner Mary York is a member of the Governor’s taskforce. The Chief Justice encouraged participation in the two taskforces.

MEETING WITH DBA REPRESENTATIVES

At 3:00 p.m., the Commissioners were joined by the following District Bar Association representatives: Jeffrey Phillips, 3rd District Bar President; Jim Cook, 4th District Bar President; Jason Brown, 6th District Bar Vice President, and the following 5th district bar officers; Linda Wells, President, Anja Rodriguez, Vice President, Tyler Rands, Secretary and Kyle Bastian, Treasurer. The group discussed the following issues: the 2022 resolution meeting schedule and resolution submission deadline, open meeting statute compliance, 2022 magistrate commission appointments, the October pro bono tour, reports from the Bar President Kurt Holzer on bar activities, and reports from district representatives on their activities.

REPORTS/CORRESPONDENCE/NEWS CLIPPINGS

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

The meeting moved out of session at 11:55 a.m. - returned at 1:35 p.m. out at 4:30 p.m.

Respectfully submitted,

Diane K. Minnich
Executive Director