

GENERAL SESSION MINUTES
Idaho State Bar Board of Commissioner
October 5, 2023
Boise, Idaho

President Gary Cooper called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:30 a.m. at the Law Center in Boise, Idaho. In attendance at the meeting were Commissioners Mary York, Kristin Bjorkman and Jillian Caires; Bar Counsel Joe Pirtle; Associate Director Maureen Braley; Deputy Bar Counsel Julia Crossland; and Executive Director Diane Minnich, who acted as secretary. Assistant Bar Counsel Caralee Lambert joined the meeting for the discussion with Kara Heikkila and Jeffrey Hepworth.

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 about pending and/or potential litigation.

GENERAL BUSINESS

Minutes – It was moved, seconded, and passed to approve the minutes of the September 8, 2023 Board of Commissioners meeting.

Meeting with District Bar Associations – The Commissioners were joined by the following District Bar representatives: First District Bar – Casey Simmons; Fourth District Bar– Jill Holinka; Fifth District Bar– Anja Rodriguez; Sixth District Bar – J.D. Oborn; and Seventh District Bar – Alayne Bean and Kelsie Kirkham. The Commissioners reviewed the six resolutions proposed by the Board of Commissioners.

Amendments to Section III, V, VI, and XI of the Idaho Bar Commission Rules – Proposes to amend Sections of I.B.C.R. to allow for electronic service and notice.

Amendments to Section II of the Idaho Bar Commission Rules – Proposes to amend the admission rules to make admission based on practice experience available to attorneys from any jurisdiction and to include judicial law clerk work in the definition of the “Active Practice of Law.”

Amendments to Section IX of the Idaho Bar Commission Rules – Proposes to amend I.B.C.R. 906 to allow for electronic voting on resolutions and change the language for emergency resolutions to time-sensitive resolutions.

Amendments to Section IV of the Idaho Bar Commission Rules – Proposes to increase MCLE application fees for CLE course providers, with a reduced fee for Idaho Affinity Groups.

Amendments to Section V of the Idaho Bar Commission Rules – Proposes to amend I.B.C.R. 518 to require reimbursement of funds owed to the Bar or Client Assistance Fund as a condition of reinstatement.

Amendments to Section III of the Idaho Bar Commission Rules – Proposes to add a retired judicial member licensing status.

The group was provided with one resolution submitted by an individual lawyer, Daniel Blocksom. Mr. Blocksom’s resolution proposed eliminating the live credit requirement in Section IV MCLE of the Idaho Bar Commission Rules. Pursuant to IBCR 906, the Commissioners and District Bar representatives considered and voted on whether to circulate the resolution. It was moved, seconded, and passed, unanimously, not to circulate the resolution proposed to eliminate the live CLE credit requirement. The group reviewed the resolution meeting schedule.

Resolution Assignments – The Commissioners discussed assignments for presentation of the resolutions at the resolution meetings in each district. The Commissioners agreed on the following assignments:

Section II - Admissions: President Cooper

Electronic Service – Commissioner Cairnes

IBCR 906 and MCLE fees – Commissioner Bjorkman

Reimbursement as a condition of reinstatement - Commissioner York

Retired Judicial licensing status – Commissioner Jackson

Update on IRPC 1.16(d) – Bar Counsel reported on the status of preparing a proposed rule change to I.R.P.C. 1.16(d). Bar Counsel is still gathering information from lawyers regarding what the exceptions to the “entire file” rule should be. Bar Counsel and Assistant Bar Counsel met with Chief Justice Bevan to discuss issues and concerns related to the proposed rule change.

Meeting with the Idaho Supreme Court – The Commissioners discussed the issues for discussion at the October 25, 2023 meeting with the Idaho Supreme Court: the resolution process, NextGen bar exam, 2024 legislative session, and Pro Bono Commission update. The Commissioners requested that the ABA resolution encouraging judicial leaders to study the impact of trauma on judges, their families and staff and recommended steps to improve their safety and mental wellness be added to the agenda.

5th District Temporary Appointment – One of the current lawyer members of the Fifth District Magistrate Commission, Laird Stone, has a conflict for the upcoming magistrate selection process. The Fifth District nominated Eric Nielson to temporarily fill the position. It was moved, seconded, and passed to appoint Eric Nielson to temporarily replace Laird Stone on the Fifth District Magistrate Commission.

Northwest States Bar Meeting, October 10-11, 2023, in Ketchum – The Commissioners were provided with the agenda for the meeting of the Northwest States (Washington, Oregon, Nevada, Utah, Montana and Idaho) Bar Leaders in Ketchum on October 10-11, 2023. President Cooper and Commissioners York and Jackson plan to attend the meeting.

ABA Delegate Reports – The Commissioners were joined by the following ABA delegates: Judge Mike Oths, Board of Governors, Jonathan Shirts, ABA Idaho State Bar delegate, and Anne Henderson, the previous Idaho State Bar Young Lawyer delegate. Rebecca Strauss, the newly appointed Young Lawyer Delegate, was unable to join the meeting. Judge Oths provided an

overview of the Idaho delegation and the action at the August 2023 ABA House of Delegates meeting. He noted proposed amendments to the Black Letter and comments to IRPC 1.16 Declining or Terminating representation. Anne Henderson reported she will continue to serve as the Idaho ABA membership chair. Jonathan Shirts reviewed ABA resolution 200 regarding support to address the impact trauma has on court staff.

July Bar Exam Results- The Commissioners were provided with the July bar exam results. The Commissioners are scheduled to meet with the law school during the north Idaho roadshow. The Commissioners discussed what issues should be addressed at the meeting. Staff agreed to prepare a list of talking points regarding the current exam and the NextGen bar exam for the meeting.

11:00 a.m.- Meeting with Kara Heikkila and Pam Howland – Kara Heikkila, who serves as the attorney for grievant Pam Howland, expressed her concerns regarding the disciplinary process.

1:00 p.m. – Meeting with Jeffrey Hepworth – The Commissioners met with Jeff Hepworth, who discussed the formal charge disciplinary case.

President Cooper agreed to prepare a response to Kara Heikkila and Jeff Hepworth, on behalf of the Commissioners, explaining the disciplinary process and the Commissioners’ role in the process. He agreed to provide the proposed response to the Commissioners for review. Commissioner York abstained from the meetings and the discussion.

2023-24 BOC Meeting Schedule – The Commissioners were provided with a schedule of upcoming meetings and events.

FINANCIAL REPORTS

July 2023 Financial Reports – The Commissioners were provided with the July 2023 financial reports. As of July 31, 2023, 90.7% of revenue was collected and 59.8% of expenses incurred.

MEMBER SERVICES

Well-Being Task Force – The Commissioners were provided with the updated scope of work for the Well Being Task Force based on the discussion at the last meeting to add integration with other entities and groups, and to provide regular reports to the Commissioners.

Annual Meeting Discussion– This discussion was deferred to a future meeting.

Letters, reports, and news clippings for the past month were provided to the Commissioners.

The meeting adjourned to Executive Session at 2:45 p.m.

Respectfully submitted,

Diane K. Minnich
Executive Director