

GENERAL SESSION MINUTES
Idaho State Bar Board of Commissioner
November 8, 2023
Idaho Falls, Idaho

President Gary Cooper called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 1:35 p.m. at the Hilton Garden Inn, in Idaho Falls, Idaho. In attendance at the meeting were Commissioners Kristin Bjorkman, Jillian Cairnes, Mary York and Judge Jackson, Bar Counsel Joe Pirtle, Associate Director Maureen Braley, Deputy Bar Counsel Julia Crossland 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 October 5, 2023 Board of Commissioners meeting as amended to clarify that Commissioner York did not participate in the conversations with Kara Heikkila and Jeff Hepworth. Commissioner York abstained from the vote.

Resolution Meetings Update – The Commissioners briefly discussed the resolution meetings to date. It was noted that attendance was good and there were less questions and concerns about the resolutions than expected.

Idaho Supreme Court Meeting – The Commissioners briefly discussed the October 25, 2023 meeting with the Idaho Supreme Court.

Law School Visit Update – The Commissioners discussed the visit to the UI law school campus in Boise. The Commissioners were provided with last year's agenda. The Commissioners proposed the elimination of the meeting with the faculty and adding a reception like the one held in Moscow. The Commissioners also requested the staff work with the law school and bar related groups to ensure law students are invited to bar events.

Northwest States Bar Leaders Meeting, October 10-11, 2023, Ketchum – The Commissioners in attendance at the meeting, President Cooper, and Commissioners York and Jackson, discussed the meeting and the topics addressed at the meeting.

Update on IRPC 1.16 ABA Model Rule – The Commissioners were provided with information from the ABA Center for Professional Responsibility regarding amendments to Rule 1.16 of the ABA Model Rules of Professional Conduct. The amendments clarify a lawyer’s responsibility to inquire into and assess the facts and circumstances of a matter before accepting a new client representation, and under some circumstances before continuing representation. The inquiry is required to determine whether the lawyer’s services would be used to commit a crime or fraud. Bar Counsel explained that to amend the Idaho Rules of Professional Conduct the proposed rule change would be submitted to the resolution process for consideration by the bar membership. At a future meeting, the Commissioners can discuss the proposed rule change and whether it is one that Idaho wants to consider.

2023-24 BOC Meeting Schedule –The Commissioners were provided with a list of dates, and locations for upcoming meetings and events.

FINANCIAL REPORTS

September 2023 Financial Reports – The Commissioners were provided with the September 30, 2023, financial reports. As of September 30, 94.7% of revenue was collected and 78.1% of expenses incurred.

MEMBER SERVICES

Advocate article rotation – The Commissioners were provided with the updated rotation for Commissioners’ articles in the Advocate.

Annual Meeting Discussion– The Executive Director requested this discussion be moved to the December meeting so Program and Legal Education Director Teresa Baker and Communications Director Lindsey Welfley can attend.

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

The meeting adjourned was adjourned at 3:50.

Respectfully submitted,

Diane K. Minnich
Executive Director