

**GENERAL SESSION MINUTES**  
**Idaho State Bar Board of Commissioner**  
**December 7, 2023**  
**Boise, Idaho**

President Gary Cooper called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 9:00 a.m. at the Law Center, in Boise, Idaho. In attendance at the meeting were Commissioners Judge Jackson, Kristin Bjorkman, Jillian Cairnes, and Mary York, Bar Counsel Joe Pirtle, Associate Director Maureen Braley, Deputy Bar Counsel Julia Crossland, Communications Director Lindsey Welfley, and Executive Director Diane Minnich, who acted as secretary. Program and Legal Education Director Teresa Baker joined the meeting in progress.

**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 November 8, 2023, Board of Commissioners meeting.

**Meetings - Meeting with DBA**– The Commissioners were joined by the following District Bar Association representatives: First District, Zach Jones; Second District, Brennan Wright; Fourth District, Jill Holinka; Fifth District, Anja Rodriguez; Sixth District, JD Oborn; and Seventh District, Alayne Beane. Third District representative Andrew Jenkins joined the meeting in progress after the vote to confirm the resolution votes. The Commissioners and District Bar representatives reviewed the voting results for the six resolutions presented to the membership. The six resolutions were passed by the membership. The results are attached. It was moved, seconded, and passed by the District Bar representatives, Judge Jackson voting for the Third District, to confirm the votes on the 2023 resolutions. The Commissioners requested feedback on the resolution process and meeting agenda. The representatives expressed their support for the current process.

President Cooper requested comments and ideas about how to improve the program and attendance at the ISB Annual Meeting. The following ideas were generated: CLE programs on the nuts and bolts of rural practices, more publicity about scholarships, vary the venue to different areas of the state, change the schedule to Friday and Saturday, mentoring sessions, Annual Meeting buddy, family events, and encourage law student attendance. The Commissioners requested District Bar officers to ask bar members at local events about the Annual Meeting program and what, if anything, would motivate them to attend.

**Law School Visit Update** – The Commissioners reviewed the agenda for the January 12, 2024 visit to the UI College of Law Boise campus.

**Unified Bar 5<sup>th</sup> Circuit Court of Appeals Decision** – The Commissioners were provided with a decision from the Fifth Circuit Court of Appeals, *Randy Boudreaux v. Louisiana State Bar Association*. Based on the decision, the Commissioners discussed the functions and activities of the Idaho State Bar, what are appropriate functions and activities and what should be reviewed. The staff agreed to prepare a list of functions, programs, and activities designating those that were deemed germane by the Courts and those that Courts indicated were unacceptable. The Commissioners will consider updating the strategic goals and social media activities.

It was moved, seconded, and passed, in response to the Fifth Court of Appeals decision, that the Commissioners and staff will review the strategic plan, social media policy and other activities to determine what is appropriate and what, if any, program or function changes may need to be considered. The Commissioners discussed the importance of discussing the mandatory bar issues and Court challenges with the District Bar officers in the spring.

**2023-24 BOC Meeting Schedule** – The Commissioners were provided with the schedule of meetings and events through July 2024. The Commissioners were also provided with information about a Legal Deserts summit sponsored by the National Center for State Courts (NCSC) in March 2024 in Las Vegas. The NCSC invited five attendees from Idaho, which will include the Chief Justice, Administrative Director of the Courts, and representatives from the law school, Idaho Legal Aid and the Idaho State Bar. President Cooper plans to attend on behalf of the bar.

**Power County Prosecutor** – President Cooper provided an email to the Commissioners regarding the challenge to find prosecutors in rural counties, specifically Power County. One of the issues is the conflict created for an attorney serving as a part-time prosecutor and handling criminal defense work. There is a 1990 ethics opinion that prohibits a lawyer from doing criminal defense work and prosecution. The Commissioners discussed whether to issue an updated ethics opinion. It was noted that the bar ceased issuing formal ethics opinions in the 1990's due to time involved in generating the opinions. The Commissioners determined that Bar Counsel can confirm that the previous ethics opinion issued in 1990 is still valid.

**Idaho Association of CPA's Request for the Bar's Opinion** – Bar Counsel reported that the Idaho Association of CPA's requested the Bar's opinion on the new Corporate Transparency Act/Beneficial Ownership Reporting Rule and how it applies to CPA's guidance and advice to their clients. The Commissioner determined, consistent with current practice and the previous discussion, the bar will not issue an opinion on the new rule.

## **FINANCIAL REPORTS**

**2024 Budget**– The Executive Director reported the 2024 proposed budget will be presented at the January meeting. Bar Counsel requested an additional investigator be included in the budget. The Executive Director noted that additional part-time assistance may be needed in accounting. She also noted the staff is exploring a simpler way to charge sections for the staff time spent on section activities.

## **MEMBER SERVICES**

**Future Annual Meetings** – The Commissioners and staff discussed future Annual Meetings. The Commissioners were provided with past years' Annual Meeting statistics and programs. The group discussed whether the format, timing, and/or locations should be changed. The group determined the 2024 Annual Meeting should be consistent with previous years. The staff agreed to develop a proposal for regional events in the future. In 2024, Annual Meeting participants will be surveyed for their views on the Annual Meeting.

**General Information** - The Commissioners were provided with letters, reports, and news clippings for the past month.

The meeting adjourned to Executive Session at 11:15 a.m. The General Session reconvened at 12:30 The meeting was adjourned at 12:50 p.m.

Respectfully submitted,

Diane K. Minnich  
Executive Director