

GENERAL SESSION MINUTES
Idaho State Bar Board of Commissioner
April 14, 2023
Boise, Idaho

President Laird Stone called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:45 a.m. at the Hilton Garden Inn, in Twin Falls, Idaho. In attendance at the meeting were Commissioners Kristin Bjorkman, Gary Cooper and Mary York, Bar Counsel Joe Pirtle, Associate Director Maureen Braley, 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 February 24, 2023 and March 22, 2023 Board of Commissioners meetings as submitted.

Judicial Council Update – The Executive Director reported that legislation amending the Idaho Judicial Council statute passed and was signed by the Governor, with an effective date of July 1, 2023. The Idaho State Bar will now have two nominations to the Council. The Commissioners will select three individuals, submit the names to the Governor, and the Governor will appoint the member from the three names submitted. The Commissioners discussed how to proceed with upcoming appointments. The Commissioners discussed the two appointments. Keely Duke, the most recent Bar appointment, was not confirmed by the Senate. Bruce Owens' term ends on June 30, 2023. An announcement was circulated regarding Bruce Owens' appointment and four candidates applied: Keely Duke, John Rumel, John Bush, and Norm Semanko. The Commissioners decided to interview the four candidates at the May meeting. It was also decided to post another announcement regarding the opening. The bar will determine a method to solicit information about the candidates from the membership. Three names will be submitted to the Governor on July 1, 2023. If necessary, the Commissioners determined they would interview a second group of applicants in July. The Executive Director agreed to amend the Judicial Council Appointment Selection Process to reflect the changes in the process due to the amended statute.

Justice Jones Proposal –The Commissioners were provided with a memo from former Supreme Court Justice Jim Jones regarding his plans to organize a group to support the judiciary. He requested the opportunity to write an article for the Advocate and speak at the Annual Meeting.

The Commissioners agreed to both. They determined that a CLE at the Annual Meeting would be appropriate. Commissioner York agreed to contact Justice Jones about the CLE.

Bar Exam Pass Rate Proposal, Resolution 23-01 – The Executive Director reported that the Idaho Supreme Court approved the proposed resolution. The Court agreed to have the resolution submitted to the membership for its approval. The Commissioners discussed the rationale for encouraging support for the resolution; specifically furthering the fairness, and consistency of the Uniform Bar Exam. It was moved, seconded, and passed to approve the resolution for submission to the membership for a vote.

First District Bar Bylaw Amendments – The Commissioners were provided with proposed amendments to the First District Bar Association bylaws. The proposed amendments would add a rural representative and the immediate past president would be an officer of the district bar. The proposed amendments were submitted to the district bar membership for a vote and the membership voted in favor of the amendments. It was moved, seconded, and passed to approve the bylaw amendments as proposed by the First District Bar Association.

Licensed Nursing Facilities Prelitigation Panelists – The Commissioners considered applicants to serve as panelists for licensing nursing prelitigation hearing panels: John Bulgar, Erik Byrd, Joel Hazel, Jeremy Ouchley, James Price, and Linda Roberts-Ross. It was moved, seconded, and passed to appoint James Price and Linda Roberts-Ross to serve as licensed nursing home facilities prelitigation panelists.

NextGen Bar Exam Task Force Update – Associate Director Braley provided an update on the task force appointed to discuss and plan for the adoption of the NextGen Bar Exam.

Strategic Planning Update – The two-year strategic plan was included in the Board materials. The Commissioners agreed that a meeting with ILF Board of Directors in July would be beneficial to discuss the plan.

The Commissioners discussed the current governance structure and whether it should be amended. Given the increase in membership, the Commissioners discussed whether the number of commissioners and representation should be changed. The Commissioners agreed to continue the discussion on this issue at future meetings.

2023 Professional Awards – The Commissioners reviewed the nominations for the 2023 award recipients. After discussion, it was moved, seconded, and passed to select the following individuals for 2023 awards.

Distinguished lawyers – Larry Hunter and Marvin Smith
Distinguished Jurist – Justice Roger Burdick
Outstanding Young Lawyer – Ashley Marelius

Service – Mia Bautista, Howard Burnett, Debbie Dudley (NL), Clay Gill, Bill McAdam, Emily McMaster, Casey Simmons and Brent Wilson

Professionalism: First District - Peter Smith; Second District – Jana Gomez; Third District – Tim Fleming (posthumously); Fourth District – Nick Miller and Rick Boardman; Fifth District – Dennis Voorhees; Sixth District – Carole Wesenberg; and Seventh District – William Forsberg

Pro Bono – Jamila Holmes, Jennifer Tengono, Debra Raymer, Shannon Romero, Erin Fuller, Patricia Migliuri, JD Oborn and Camiliana Wood

Section of the Year – Employment and Labor Law

BOC Election Update – The Executive Director reported on the upcoming BOC election. There are four candidates in the Western District (3rd and 5th districts): Mistie Bauscher, George DeFord, Judge Bob Jackson, and Jeff Phillips. In the Central Division (4th District) three candidates: Kristin Bjorkman, Christen Burdin, and Matt Christensen. Electronic ballots will be sent on April 17 (and paper ballots for those few members without an email address). The ballots are due by 5:00 p.m. on May 2, 2023.

2023 BOC Meeting Schedule – The Commissioners were provided with an updated schedule of events and meetings. The Commissioners requested options for scheduling next year’s meeting to coordinate better with Commissioners schedules.

FINANCIAL REPORTS

Financial Reports – The Commissioners were provided with January and February financial reports. As of February 28, 77.8% of the budgeted revenue was collected, 15.3% of the expenses incurred.

Staff Update – The Executive Director reported a new Controller was hired, Craig Kenyon. He starts on May 1, 2023.

MEMBER SERVICES

2023 Annual Meeting – The Commissioners reviewed the draft schedule for the 2023 meeting in Boise, July 19-21 at JUMP.

Future Annual Meetings – Program and Legal Education Director Teresa Baker provided location options for the 2024 and 2025 Annual Meetings. The Commissioners selected Boise for the 2024 and Coeur d’Alene for the 2025 Annual Meeting.

Western States Bar Conference Report – President Stone and Commissioner Bjorkman provided an update and review of the programs and issues from the 2023 WSBC in San Diego.

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

The meeting was adjourned at 2:15 p.m.

Respectfully submitted,
Diane K. Minnich
Executive Director