

GENERAL SESSION MINUTES
Idaho State Bar Board of Commissioner
September 8, 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 Hyatt Place, in Boise, Idaho. In attendance at the meeting were Commissioners Kristin Bjorkman, Jillian Caires, and Judge Bob 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 about pending and/or potential litigation.

GENERAL BUSINESS

Minutes – It was moved, seconded, and passed to approve the minutes of the July 19 and August 15, 2023, Board of Commissioners meeting as amended.

Committee/Section Liaisons – The Commissioners were provided with the proposed section and committee liaison assignments for the coming year. It was moved, seconded, and passed to approve the liaisons as presented.

Professional Conduct Board Appointment – The Commissioners were provided with the names of four nonlawyer volunteers to serve on the Professional Conduct Board. It was moved, seconded, and passed to appoint the following members to the Professional Conduct Board: Tiffanie Thompson, Tammie Shappee, Reed Disney, and Richard Williams.

Magistrate Commission Appointments – The Commissioners were provided with the nominations from the District Bar Associations for Position B on the District Magistrate Commissions. It was moved, seconded, and passed to appoint the members as nominated by the District Bar Associations: First District – Tara Malek; Second District – Cody Moore; Third District – Andrew Jenkins; Fourth District – James Ball; Fifth District – Laird Stone; Sixth District – Angela Jensen; and Seventh District – Trent Belnap.

7th District Temporary Appointment – One of the current lawyer members of the Seventh District Commission, Challis McNally, has a conflict for the upcoming magistrate selection process. The Seventh District nominated Zack Lords to temporarily fill the position. It was moved,

seconded and passed to appoint Zach Lords to temporarily replace Challis McNally on the 7th District Magistrate Commission.

Resolution Process – The Commissioners were provided with the proposed resolution meeting schedule and the resolution process. The Commissioners discussed having a meeting in a smaller community as they have done the last two years. The Commissioners decided to contact Mountain Home lawyers to schedule a meeting.

The Commissioners reviewed and discussed the proposed resolutions. After discussion it was moved, seconded and passed to approve submitting the following resolutions to the 2023 resolution process, presented by the Board of Commissioners, for consideration by the membership:

IBCR Section II - Amendments to allow for admission on motion and allow service as a law clerk be considered the practice of law.

IBCR Section III – Amendments to add a retired judge status.

IBCR Section IV - MCLE – Amendments to increase late fees and fees for approval of CLE programs.

IBCR Section V – Amendments to require reimbursement of costs, fees and Client Assistance Fund claims paid as a condition of reinstatement.

IBCR Sections III, V, VI, XI – Amendments to allow for electronic service and notice.

IBCR Section IX – Amendments to allow for electronic voting and clarify the process for considering resolutions outside the fall resolution process.

The Commissioners also discussed the following potential rule changes:

IRPC 1.16(d) – update to the entire file rule based on the Idaho Supreme Court decision to require attorneys to provide clients with “the entire file.” Bar Counsel is researching this issue further to determine the appropriate exceptions to include in the proposed rule. Bar Counsel plans to meet with the Chief Justice of the Idaho Supreme Court to discuss the issues involved in proposing a rule change. The proposed rule will not be ready for this year’s resolution process.

IBCR 302 – malpractice coverage limits – The Commissioners received a request from former Bar President Kurt Holzer to reconsider the coverage limits in the malpractice rule. The Commissioners requested more information on the limits, coverage and policies available.

Idaho Legal Aid Services Board of Director Appointment – The term of the current ISB appointed member of the Idaho Legal Aid Services Board of Directors, Lora Breen, ended in June 2023. Lora Breen provided a letter expressing her willingness to continue for one more term if appointed. It was moved, seconded, and passed to reappoint Lora Breen to the Idaho Legal Aid Services Board of Directors for a three-year term.

ABA Young Lawyer Delegate Appointment – The term of the current ISB appointed ABA Young Lawyer Delegate, Anne Henderson, ended in August 2023. The position was advertised; one lawyer applied for the position, Rebecca Strauss. It was moved, seconded, and passed to appoint Rebecca Strauss as the Idaho ABA Young Lawyer Delegate to the ABA House of Delegates.

Bhutan Bar Council request – Bar Counsel Joe Pirtle provided a request he received from a Bar Council in Bhutan for the ISB to provide an invitation letter to come to Idaho and visit legal groups and entities. After discussion, the Commissioners recommended that the lawyer forwarding the request, Ben Sinamon, send the invitation letter.

Judicial Council Update – The Commissioners were provided with the appointments made by Governor Little for the lawyer members of the Idaho Judicial Council: Keely Duke and John Bush.

Northwest States Bar Leaders Meeting – The Executive Director reported it is Idaho's turn to host the Meeting of the Northwest States Bar Leaders meeting. The group consists of Executive Directors and Board members from Washington, Oregon, Utah, Nevada, Montana and Idaho. The meeting is scheduled in Ketchum on October 10-11, 2023.

Bar Exam/Admissions Update– Associate Director Maureen Braley provided an update on the July bar exam. 137 applicants sat for the exam.

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

FINANCIAL REPORTS

2022 Audited Financial Reports – The Commissioners were joined by Eide Bailly auditors Kailey Holt and Lealan Miller, who presented the report on the audited financials for 2022. The auditors reviewed the financials and reported that the bar received an unmodified/clean audit opinion.

June 2023 Financial Reports – The Commissioners were provided with the June 2023 financial reports. As of June 30, 2023, 87.5% of revenue was collected and 49.5% of expenses incurred.

Eide Bailly Contract Update – The Commissioners were provided with an updated contract with Eide Bailly to migrate the database to a more modern platform and create a member portal. The Commissioner approved the contract at their May meeting. Maureen Braley reported that since the contract was approved by the Board, Eide Bailly had increased the cost of the project by \$10,000. It was moved, seconded and passed to approve the updated contract with Eide Bailly.

MEMBER SERVICES

Well-Being Task Force – The Commissioners were provided with a proposal to establish a Well-being taskforce. The Commissioners requested additions to the proposal, *i.e.*, adding the Task Force will integrate and coordinate with other entities and groups that have interest, activities and resources, and the Task Force will provide regular reports to the Board of Commissioners. It was moved, seconded, and passed to appoint the following attorneys to the Well Being Task Force: Jeff Owens, Jamal Lyksett, Mo Haws, Kacey Jones, Tyler Rands, Carole Wesenberg Julie Stomper, Judge Juneal Kerrick and Nicole Gabriel, and to approve the scope of work with the addition of integration with other entities, and regular reports to the Board.

Child Protection Section Bylaw Amendments – The Commissioners were provided with a request from the Child Protection Section to amend its bylaws to change the composition of the

Governing Council, clarify voting rights of the Governing Council, and update the terms of Council members. It was moved, seconded, and passed to approve the amendments as presented.

2023 Annual Meeting Report – The Commission was provided with the evaluations of the 2023 Annual Meeting. The Commissioners had a brief discussion about future annual meetings: time frames, CLE programs, what events, different time of year, additional roadshow events. The staff agreed to provide statistics, previous schedules, and data regarding annual meetings for a discussion about the future of the Annual Meeting.

Communications Update –Communications Director Lindsey Welfley joined the meeting to report on communications activities. She reviewed the Social Media Policy and potential revisions to the policy. She will provide proposed updates of the policy for the Commissioners' consideration in December. She also provided social media statistics and a report on an article that was converted to a letter to editor because the content could be considered controversial.

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

The meeting adjourned to Executive Session at 1:33 p.m.

Respectfully submitted,

Diane K. Minnich
Executive Director