

GENERAL SESSION MINUTES
Idaho State Bar Board of Commissioner
January 11, 2024
Boise, Idaho

President elect Jillian Caires called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 12:12 p.m. at the Law Center in Boise, Idaho. In attendance at the meeting were Commissioners Judge Jackson, Kristin Bjorkman and Mary York, Bar Counsel Joe Pirtle, Associate Director Maureen Braley, Program and Legal Education Director Teresa Baker, 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 December 7, 2023 Board of Commissioners meeting as amended.

Idaho Supreme Court orders adopting rule changes approved through the resolution process

– The Commissioners were provided with the Idaho Supreme Court orders adopting the following amendments to rules that were proposed and approved by the membership during the 2023 resolution process:

- Amendments to Sections III, V, VI, and XI of the Idaho Bar Commission Rules – amends Sections of I.B.C.R. to allow for electronic service and notice.
- Amendments to Section II of the Idaho Bar Commission Rules –amends 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 –amends 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 –increases 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 –amends 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 –adds a retired judicial member licensing status.

Law School Visit Update – The Commissioners discussed the law school visit, scheduled for Friday, January 12, 2024. Due to concerns about the weather and the possibility the law school would close for a snow day, the Commissioners decided to cancel the visit for January 12, and request it be rescheduled for February 23, 2024, the next BOC meeting date.

Transfer to Active Status – The Commissioners considered a request from Roger Bourne to transfer from senior to active status. Mr. Bourne has been a senior/inactive member for almost seven years. Pursuant to I.B.C.R. 306, he must submit his request to the Board of Commissioners. Mr. Bourne submitted proof of completing 21 hours of CLE credits. It was moved, seconded, and passed to approve Roger Bourne’s request to transfer to active status.

The Commissioners considered a request from Frank Schreiber to transfer from inactive to active status. Mr. Schreiber has been an inactive member for 6 years. Pursuant to I.B.C.R. 306, he must submit his request to the Board of Commissioners. Mr. Schreiber submitted proof of completing over 30 CLE credits. It was moved, seconded, and passed to approve Mr. Schreiber’s request to transfer to active status.

ABA Young Lawyer Delegate –The Commissioners were provided with Rebecca Strauss’s resignation from her position as the Idaho ABA Young Lawyer Delegate due to a change in her employment. Kendall Prohaska applied for the position. It was moved, seconded, and passed to appoint Kendall Prohaska to serve as the ABA Young Lawyer Delegate replacing Rebecca Strauss.

Unified Bar Challenges update – The Commission was provided with information about pending unified bar challenges, current bar functions, programs, and activities. The Commissioners agreed that the strategic goals need to be revised to be more consistent with our current functions and issues identified in the unified bar legal challenges. The Commission agreed to schedule time to discuss information and education for sections and District Bar Associations on the cases at the April meeting.

Legislative update – The Executive Director noted she is tracking 2024 legislation and has contacted other entities who monitor legislation more closely in the event legislation is introduced that would affect the Idaho State Bar.

2024 BOC Meeting Schedule – The Commissioners were provided with the BOC meeting and event schedule through July 2024.

FINANCIAL REPORTS

2024 Budget– For their review and approval, the Commissioners were provided with the proposed budget, including an explanation of the process, and comparisons to 2023. The Executive Director and Controller reviewed the proposed 2024 budget, which projects a loss of \$228,000. They noted

license fees have not increased since 2011. Revenue has exceeded expenses for the last several years. For 2023, 2024 and upcoming years, expenses will exceed revenue. This will necessitate a request to increase license fees in the next few years. It was moved, seconded, and passed to approve the budget as presented.

Auditors Engagement Letters – The Commissioners were provided with Eide Bailly’s proposed auditors’ engagement letters for the audit of the 2023 Idaho State Bar financials. The Executive Director noted two paragraphs that were removed from last year’s engagement letter were reinserted. Bar Counsel is negotiating with Eide Bailly’s legal counsel to have the paragraphs removed from the letters. It was moved, seconded, and passed to approve the proposed Eide Bailly audit engagement letters with the two paragraphs, Limitation of Liability and Time Limitation removed from the letters.

MEMBER SERVICES

Social Media Policy – The Commissioners were provided with the current social media policy, and proposed changes to the policy. The staff is recommending the policy be further revised and shortened. The Communications Director was unable to attend the meeting, so the Executive Director recommended the revised policy be considered at a later meeting. In response to the unified bar challenges, a more in-depth review of the social media used and what is posted was recommended.

Advocate Submission and Selection Policy – The Commissioners were provided with revisions to the Advocate Submission and Selection Policy. It was moved, seconded, and passed to approve the policy as proposed.

Communications Survey – The Commissioners were provided with a proposed communications survey to be submitted to the bar membership. After discussion, the Commissioners decided to wait on presenting a survey to the membership until the member portal is available and questions about the portal can be included.

2023 Social Media Analytics – The Commissioners were provided with the 2023 analytics for Facebook, LinkedIn, and Instagram.

Anniversary Celebration – The Commissioners were provided with a proposed plan for the ISB 100 year and ILF 50-year celebration. The first step in the proposed plan is to create a list of potential committee members. The Commissioners provided suggestions for committee members in addition to the list generated by staff. The staff agreed to recommend a list of committee members and submit the list to the ISB Commissioner and ILF Directors for review and approval.

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

The meeting adjourned to Executive Session at 3:05 p.m. After the conclusion of Executive Session, the meeting was adjourned at 4:15 p.m.

Respectfully submitted,
Diane K. Minnich
Executive Director