



2025 Resolution Process

Voter Pamphlet



2025 Resolution Process Voter Pamphlet

Dear Idaho Attorney:

Unlike many state bars, the Idaho State Bar cannot take positions on legislative matters, rules of court, substantive rules governing the bar itself at its Annual Meeting or by act of its Bar Commissioners without first submitting matters to the membership through the resolution process. Enclosed are the resolutions proposed for your consideration during the 2025 Idaho State Bar resolution process, aka “The Road Show.”

In addition to the resolutions, the meetings include presentations honoring your colleagues with the pro bono, retiring judges, professionalism, and milestone awards. There will be a CLE program offered free to all bar members at each location.

District	Date	Time	Venue	City	District Bar Contact
2 nd District	Wednesday, November 5 th	5:30 pm	Best Western University Inn 1516 Pullman Rd.	Moscow	Jennifer Tengono
1 st District	Thursday, November 6 th	11:00 am	Coeur d’Alene Resort 115 S. Second St.	CDA	Julia Schoffstall
7 th District	Wednesday, November 12 th	11:30 am	Hilton Garden Inn 700 Lindsey Blvd.	Idaho Falls	Payton Hampton
6 th District	Thursday, November 13 th	11:30 am	Purpose Center 224 N. Main	Pocatello	John Bulger
5 th District	Thursday, November 13 th	5:30 pm	Blue Lakes Country Club 1940 Blue Lakes Grade	Jerome	Tyler Rands
3 rd District	Tuesday, November 18 th	5:30 pm	Indian Creek Steakhouse 711 Main St.	Caldwell	Tyler Rounds
4 th District	Wednesday, November 19 th	11:30 am	The Arid Club 1137 W. River St.	Boise	Jill Holinka

Each judge and active member of the Idaho State Bar in attendance at a resolution meeting will receive a resolution ballot. Members not in attendance will receive an electronic ballot via email after the meeting. Ballots may be completed and submitted at the resolution meetings or completed electronically. Issues shall be determined by the total ayes and nays cast statewide. **All ballots are due in the Idaho State Bar office by the close of business on Tuesday, December 2, 2025. The electronic voting site will close at 5:00 p.m. MT on Tuesday, December 2.**

We hope to see you at the district bar meetings.

2025 RESOLUTION PROCESS

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Presented by: Board of Commissioners of the Idaho State Bar

CLE Program

Idaho Legal History – District Bar Edition

2025 marks the 100th anniversary of the Idaho State Bar. To celebrate this milestone, each District Bar resolution meeting will feature a 30-minute CLE focused on legal history specific to that District.

RESOLUTION MEETING AGENDA

- Welcome, Announcements, and Introductions
 - *ISB Commissioners and District Bar President*
- Idaho Supreme Court Update – Justice Colleen Zahn
- Pro Bono, Retiring Judges, Professionalism, and Milestone Awards
- Presentation of 2025 Resolutions
- Local Bar Business

2025 PROFESSIONALISM, PRO BONO, RETIRING JUDGE, AND MILESTONE AWARD RECIPIENTS

Each year, the Idaho State Bar honors members of the profession for their contributions to their communities and the profession. At least one attorney from each judicial district receives the professionalism award and attorneys from around the state are recognized for their pro bono efforts.

PROFESSIONALISM AWARDS

First District	Megan S. O'Dowd	Coeur d'Alene
Second District	Scott M. Chapman	Lewiston
Third District	Judge Thomas W. Whitney	Caldwell
Fourth District	Richard C. Mellon Jr.	Boise
Fourth District	Josh D. Hurwit	Boise
Fifth District	Laird B. Stone	Twin Falls
Sixth District	Judge Rudolph E. "Rick" Carnaroli	Pocatello
Seventh District	Julie Stomper	Victor

DENISE O'DONNELL DAY PRO BONO AWARDS

First District	Heath B. Wells	Post Falls
Second District	University of Idaho College of Law Clinics	Moscow
Third District	Angela C. Sasser	Nampa
Fourth District	Charles C. "Clay" Gill	Boise
Fourth District	Bruce J. Castleton	Boise
Fifth District	David M. Taylor	Twin Falls
Sixth District	Matthew J. Bardsley	Pocatello
Sixth District	Scott A. Pearson	Pocatello
Seventh District	Daniel E. Biddulph	Idaho Falls

IDAHO STATE BAR RETIRING JUDGES AWARDS

First District	Hon. John T. Mitchell	Coeur d'Alene
First District	Hon. Anna M. Eckhart	Coeur d'Alene
Second District	Hon. John C. Judge	Moscow
Fourth District	Hon. Kira Dale	Boise
Fourth District	Hon. Jill S. Jurries	Boise
Sixth District	Hon. Paul S. Laggis	American Falls
Seventh District	Hon. Bruce L. Pickett	Salt Lake City, UT

MILESTONE ATTORNEYS

50-Year Attorneys

Hon. Deborah A. Bail
 Josephine P. Beeman
 H. Ronald Bjorkman
 Henry R. Boomer
 Lowell D. Castleton
 Mark L. Clark
 Gary L. Cooper
 Richard A. Cummings
 Maurice O. Ellsworth
 Dave R. Gallafent
 Dennis Gibala
 Hon. Dennis E. Goff
 Bruce H. Greene
 Lowell N. Hawkes
 William L. Herrington
 Leonard G. Hill
 Terry G. Hogue
 Roger J. Hoopes
 Michael B. Howell
 Guy G. Hurlbutt
 Loren C. Ipsen
 Billy B. Isley

Ron Kerl
 Jay A. Kohler
 Russell G. Kvanvig
 William L. Mauk
 Marc M. McGregor
 Robert C. Mitchell
 Robert C. Montgomery
 Joseph L. Parkinson
 Larry E. Prince
 Phillip J. Rassier
 Hon. Richard M. Redman
 Hon. George R. Reinhardt III
 Stephen C. Rice
 David R. Risley
 John E. Robertson
 David K. Robinson
 William F. Sims
 Jordan P. Smith
 Richard F. Smith
 Murray J. Sorensen
 Larry J. Strom
 Marvin R. Stucki
 Kevin F. Trainor
 Jesse C. Trentadue
 Steven A. Tuft

Jean R. Uranga
Louis L. Uranga
Hon. Karen J. O. Vehlow
Hon. John C. Vehlow
Michael P. Wasko
Garry V. Wenske
Keith A. Zollinger

60-Year Attorneys

William F. Boyd

John H. Bradbury
William D. Collins
Donald J. Eaton
Michael H. Felton
Thomas C. Frost
John L. Runft
Hon. Gerald F. Schroeder

65-Year Attorneys:

Robert C. Youngstrom

IDAHO STATE BAR RESOLUTION PROCESS

Unlike most state bars, the Idaho State Bar cannot take positions on legislative matters, rules of court, or substantive rules governing the bar itself at its Annual Meeting, or by act of its Bar Commissioners, without first submitting such matters to the membership through the Resolution Process.

Process

The Resolution Process is set forth in Idaho Bar Commission Rule 906. Briefly summarized, the Resolution Process is as follows:

Submission & Circulation of Resolutions

Resolutions may be submitted by a district bar association, by the Board of Commissioners, the Idaho Supreme Court, by a bar section or committee, or by an individual member of the bar.

Resolutions submitted by a district bar association, Idaho Supreme Court, or the Board of Commissioners are automatically included in the resolution process.

Resolutions submitted from other sources are presented to the first meeting of district bar representatives and the Board of Commissioners for consideration. This body votes on whether to circulate the resolution to the membership. Resolutions that are approved at this meeting are then mailed to each member of the Idaho State Bar. Included in the pamphlet is discussion of the purpose of the resolution and the text of each resolution.

Resolution Meetings

District bar meetings are held in each of the seven districts.

Voting

Each judge and active member of the Idaho State Bar shall be entitled to one vote on each question presented. Questions shall be determined by the total ayes and nays cast statewide.

Members in attendance at a resolution meeting will be provided a ballot to vote on the resolutions. Members not in attendance at the meeting will be mailed a ballot after the resolution meeting in their district. Ballots may be completed and submitted at the resolution meetings, or mailed, faxed or delivered to the Idaho State Bar office. **All ballots must be signed and are due in the Idaho State Bar office by the close of business on Tuesday, December 2, 2025.**

Amendments

After voting on a resolution as presented at the resolution meeting, district bar members may vote to offer an amendment to a proposed resolution. Only members attending a resolution meeting will be able to vote on proposed amendments. Thus, a district may instruct its representative to offer an amendment at the second meeting of district bar representatives.

Conclusion of Process

After all resolution meetings are concluded, the district bar representatives meet again on December 5, 2025. At that meeting, the representatives are to cast their votes in accordance with the votes cast by the members of their district bar association. The district representatives may cast votes on amendments as they see fit.

The final versions of successful resolutions are then forwarded to the appropriate recipients.

As of September 2025, the Idaho State Bar
voting membership breakdown is as follows:

District	Eligible voters	% of total eligible voters
1	462	7.89%
2	223	3.81%
3	310	5.29%
4	2389	40.83%
5	296	5.05%
6	203	3.46%
7	426	7.28%
out of state active	1542	26.35%
Total	5851	100.00%

RESOLUTION 25 - 01

Amendments to Idaho Bar Commission Rule 202 – Additional qualification for admission addressing denial of an application on character and fitness grounds

Presented by: Board of Commissioners of the Idaho State Bar

Rationale:

- Idaho Bar Commission Rule (“I.B.C.R.”) 202, Qualifications for Admission, sets forth certain qualifications an applicant must meet to be approved for admission to practice law in Idaho. Subpart (a)(5) provides that an applicant for admission must be a person of good moral character.
- Under Section II of the I.B.C.R., if an applicant is denied admission on character and fitness grounds, the applicant may immediately reapply for admission.
- The Idaho State Bar (“ISB”) expends considerable resources processing applications for admission and conducting character and fitness background investigations.
- If an applicant immediately reapplies for admission following denial on character and fitness grounds, it is unlikely that the applicant would be able to demonstrate a significant change in circumstances to support approval of their application.
- Many state supreme courts have adopted rules prohibiting applicants from immediately reapplying when the denial of an application is based on character and fitness grounds, including Arizona, Colorado, Washington, and Wyoming.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners recommends that the members of the Idaho State Bar recommend to the Idaho Supreme Court that Section II of the Idaho Bar Commission Rules be amended to prohibit an applicant who has been denied admission on character and fitness grounds from reapplying for admission for two (2) years.

RULE 202. Qualifications for Admission.

- (a) **Qualifications.** Before receiving permission to take the bar examination and for admission to practice law in Idaho, the Applicant must:
- (1) Be at least eighteen years of age;
 - (2) Be lawfully admitted to this country;
 - (3) Have, or will have received, a juris doctorate or bachelor of laws degree or an equivalent basic law degree from an Approved Law School. Submission of a law school transcript in a form satisfactory to the Board shall be considered compliance with this Rule;
 - (4) Have demonstrated the essential eligibility requirements to practice law pursuant to Rule 201 and have met all requirements in the Admission Rules; ~~and~~
 - (5) Be a person of good moral character; ~~and~~
 - (6) Not have been denied admission within two years of the date of a Board Order that has become final under I.B.C.R. 215 denying the Applicant’s Application on character and fitness grounds or within two years of the date of a Supreme Court Order denying the Applicant’s Application on character and fitness grounds.-
- (b) **Multistate Professional Responsibility Examination (MPRE).** Prior to taking the Idaho bar examination, or within the next two scheduled MPRE administrations after successfully

completing the Idaho bar examination, the Applicant must take the MPRE and receive a minimum scaled score of 85 or such other minimum scaled score as the Board may establish.

- (c) **Duty to Supplement.** All Applicants must supplement their Application with relevant character and fitness information until admitted to practice law in Idaho.

RESOLUTION 25 - 02

Amendments to Idaho Bar Commission Rule 215 – Addressing show cause hearing costs and timeframe for issuance of decision following show cause hearing

Presented by: Board of Commissioners of the Idaho State Bar

Rationale:

- Idaho Bar Commission Rule (“I.B.C.R.”) 215, Action by Board, provides that an applicant for admission to practice law in Idaho may request a show cause hearing before the Board of Commissioners of the Idaho State Bar (“Board”) of any order denying or modifying an application for admission or request for reasonable accommodations on the bar examination. The rule provides that show cause hearings shall be reported by a court reporter.
- I.B.C.R. 215 does not state whether the Idaho State Bar (“ISB”) or the applicant is responsible for the court reporter’s costs, but the ISB has historically paid these costs. These costs are significant, especially for multi-day hearings.
- I.B.C.R. 215 provides that the Board shall enter its decision following a show cause hearing within fourteen days of receipt of the transcript of the show cause hearing.
- It is challenging to schedule a Board meeting and issue a written decision within fourteen days of receipt of a show cause hearing transcript.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners recommends that the members of the Idaho State Bar recommend to the Idaho Supreme Court that Section II of the Idaho Bar Commission Rules be amended to require an applicant for admission to pay the court reporter’s fees and costs related to a show cause hearing and to provide that the Board must enter its decision after a show cause hearing within forty-five (45) days following receipt of the transcript of the show cause hearing.

RULE 215. Action by Board.

- (a) **Following Committee Recommendations.** After receiving the recommendations of the CF Committee, the RA Committee or Bar Counsel, or on its own motion, the Board may:
- (1) Approve the Application or Request;
 - (2) Issue an order denying or modifying the Application or Request;
 - (3) Issue a recommendation of conditional admission; or
 - (4) Request further investigation.
- (b) **Finality of Order.** The Board’s decision to approve, deny or modify an Application or Request shall be final unless the Applicant requests a show cause hearing. The Board’s recommendation of a conditional admission is reviewable under Rule 216(i).
- (c) **Notice of Board Action.** The Executive Director shall notify the Applicant of the Board’s action, and cause the same to be served upon the Applicant personally or by certified mail, return receipt requested. Notice shall be deemed complete on the date of receipt as noted on the return of service or return receipt.
- (d) **Show Cause Hearing.** An Applicant may request a show cause hearing of any order denying or modifying an Application or Request or a recommendation for conditional admission, by filing with the Executive Director a written petition within twenty-one days after the Applicant has received notice of the Board’s action. Show cause hearings shall be reported by a court reporter. The Applicant shall be responsible for the court reporter’s fee and transcription costs.

The Applicant shall not be admitted to practice law unless the Bar is reimbursed for such fees and costs.

- (e) **Record.** The record as developed by the CF Committee or RA Committee shall be provided to the Applicant and Bar Counsel prior to the show cause hearing.
- (f) **Hearing.**
 - (1) The show cause hearing shall be scheduled at a time convenient to the Applicant and the Board. The Executive Director shall give the Applicant written notice of any show cause hearing at least fourteen days in advance of the hearing, stating the date, time and place of the hearing. The notice shall advise the Applicant that he or she may personally appear at the hearing and is entitled to be represented by counsel and to cross-examine witnesses and present evidence.
 - (2) The hearing shall be conducted in an informal manner reasonably calculated to protect the rights of the Applicant and the Board.
 - (3) Additional evidence may be offered at the hearing.
 - (4) The Board may appoint a hearing officer to conduct a show cause hearing and make a recommendation to the Board.
- (g) **Decision.** The Board shall enter its decision within ~~fourteen~~forty-five days of receipt of the transcript of the show cause hearing. Board decisions following a show cause hearing are final unless the Applicant files a petition for review with the Supreme Court as provided in Rule 216. Conditional admission recommendations shall be forwarded to the Supreme Court as provided in Rule 216.

RESOLUTION 25 - 03

Amendments to Idaho Bar Commission Rule 227 – Pro Hac Vice admission application fee and reference to Idaho Standards for Civility in Professional Conduct

Presented by: Board of Commissioners of the Idaho State Bar

Rationale:

- Idaho Bar Commission Rule (“I.B.C.R.”) 227, Pro Hac Vice Admission, provides that an attorney may apply for pro hac vice admission in Idaho by paying a \$325 fee to the Idaho State Bar (“ISB”), \$125 of which is remitted to the Idaho Law Foundation to support the Idaho Volunteer Lawyers Program.
- Many states charge higher fees for pro hac vice admission, including Montana (\$515); Nevada (\$550 plus a \$500 annual fee); Oregon (\$500); Utah (\$425 plus a \$425 annual fee); and Washington (\$478).
- In 2001, the United States District Court, District of Idaho, the Courts of the State of Idaho, and the ISB adopted the Idaho Standards for Civility in Professional Conduct (“Civility Standards”). The Civility Standards provide that all Idaho lawyers and judicial officers “will make a commitment to adhere to these standards in all aspects of their dealings with one another and with other participants in the legal process.”
- I.B.C.R. 227(d) provides that an attorney applying for pro hac vice admission consents to the ISB’s disciplinary jurisdiction over any misconduct occurring during the case in which the attorney has been admitted pro hac vice but does not refer to the Civility Standards.
- The Board of Commissioners recommends the proposed amendments to I.B.C.R. 227 to increase the pro hac vice application fee to \$625 and to require attorneys applying for pro hac vice admission to commit to adhere to the Civility Standards.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners recommends that the members of the Idaho State Bar recommend to the Idaho Supreme Court that Section II of the Idaho Bar Commission Rules be amended to increase the pro hac vice admission application fee and require attorneys applying for pro hac vice admission to commit to adhere to the Idaho Standards for Civility in Professional Conduct.

RULE 227. Pro Hac Vice Admission.

- *(a) Requirements.** Except as otherwise provided in the Admission Rules, only an actively licensed Idaho attorney may practice law. Upon order by the affected court and subject to the limitations below, an attorney who is not a member of the Bar or a resident of Idaho may be permitted to appear in an Idaho case if the attorney:
- (1) Is an active member in good standing of the bar of another state or territory of the United States or the District of Columbia;
 - (2) Currently maintains an ongoing law practice in another jurisdiction;
 - (3) Files a motion for pro hac vice admission with the affected court as provided below; and
 - (4) Pays a \$~~63~~25 fee to the Bar, \$125 of which shall be remitted by the Bar to the Idaho Law Foundation to support its pro bono legal services program.

**(Section (a) amended 3-4-13—effective 4-1-13.)*

- (b) Local Counsel.**

- (1) As used in this rule, Local Counsel means an active member of the Bar with whom the court and opposing counsel may readily communicate regarding the conduct of the case.
- (2) Unless specifically excused from attendance by the trial judge, Local Counsel shall personally appear with the pro hac vice attorney on all matters before the court.
- * (c) Procedure.** To apply for pro hac vice admission, an attorney shall:
 - (1) File a motion with the affected court that:
 - (A) Designates Local Counsel and the address and telephone number of Local Counsel;
 - (B) Provides the written consent of Local Counsel; and
 - (C) Identifies the bar of which the Applicant is an active member in good standing and whether that bar limits the number of pro hac vice admissions;
 - (2) Submit to the Bar:
 - (A) Payment of a \$6325 fee;
 - (B) A certificate of good standing from the jurisdiction where the attorney currently maintains a law practice; and
 - (C) A copy of the motion;
 - (3) Provide proof that all counsel of record in the case have been served with the motion; and
 - (4) Submit a copy of the proposed order to the affected court.
- ~~*(Section (c) amended 3-4-13 effective 4-1-13.)~~
- (d) Consent.** An attorney who applies for pro hac vice admission:
 - ~~(1) -~~Consents to the exercise of disciplinary jurisdiction by the affected court and the Bar over any alleged misconduct which occurs during the case in which that attorney participates; and
 - ~~(2) Commits to adhere to the Idaho Standards for Civility in Professional Conduct.-~~
- (e) Order.** The affected court may enter an order granting or denying the motion for pro hac vice admission in a form as provided in subsection (k) below.
- (f) Pleading.** On all court filings in which the name of an attorney seeking or granted pro hac vice admission appears, the attorney shall state his or her current office address in the jurisdiction where the attorney is an active member.
- (g) Record.** The Bar shall maintain a record of all pro hac vice admission motions as a public record, and shall promptly provide such record to any judge upon request.
- (h) Limitation.**
 - (1) Except as provided in subsection (2) below, there is no limitation on the number of pro hac vice admissions that may be granted to an attorney.
 - (2) There shall be a reciprocal limitation on the number of pro hac vice admissions for attorneys applying for pro hac vice admission by virtue of an active license in a jurisdiction that limits the number of pro hac vice admissions of Idaho lawyers.
- (i) Agency Admission.** In agency proceedings in Idaho, the agency may, using the same standards and procedures as a court, admit an eligible out-of-state attorney who has been retained to appear as counsel in that proceeding pro hac vice.
- (j) Form of Motion.** The pro hac vice motion should be in substantially the following form:

Local Counsel
 Office Address
 Business Phone
 Bar Number
 Applying Counsel
 Out of State Office Address
 Business Phone
 Number of Limited Admissions Granted By Jurisdiction

IN THE _____ COURT OF THE STATE OF IDAHO

Case Caption)
Case # _____)
Motion for Pro Hac Vice Admission)

* * *

Pursuant to I.B.C.R. 227, the undersigned counsel petition the court for admission of [Applying Counsel], pro hac vice, in this case.

[Applying Counsel] certifies that he/she is an active member, in good standing, of the bar of _____, that he/she maintains the regular practice of law at the above-noted address, and that he/she is not a resident of the State of Idaho or licensed to practice in Idaho. [Applying Counsel] certifies that he/she has previously been admitted under I.B.C.R. 227 in the following matters:

[If the pro hac vice applicant has been denied admission under this rule in this or any jurisdiction, a separate affidavit explaining the circumstances of such denial shall accompany this motion].

Undersigned counsel certify that a copy of this motion has been served on all other parties in this case and that a copy of the motion, accompanied by a \$~~63~~25 fee and a certificate of good standing, have been submitted to the Idaho State Bar.

Counsel certify that he/she consents to the exercise of disciplinary jurisdiction by this court and the Bar over any alleged misconduct which occurs during this case and commits to adhere to the Idaho Standards for Civility in Professional Conduct.

Counsel certify that the above information is true to the best of their knowledge. [Local Counsel] acknowledges that his/her attendance shall be required at all court proceedings in which [Applying Counsel] appears, unless specifically excused by the trial judge.

DATED this _____ day of _____, _____

/s/ _____ /s/ _____
Pro Hac Vice Counsel Local Counsel

(k) **Form of Order.** The order may be in substantially the following form:

IN THE _____ COURT OF THE STATE OF IDAHO
Case Caption)
Case # _____)
Order Granting Motion for Pro Hac)
Vice Admission)

* * *

The court has considered the Motion for Pro Hac Vice filed on ____ (date)____ and being fully advised in the premises, it is hereby ordered that _____ be admitted pro hac vice in this case and that _____ serve as Local Counsel, whose attendance shall be required in all court proceedings in which _____ appears, unless specifically excused by the court.

DATED this _____ day of _____, _____

RESOLUTION 25 – 04

Amendments to Section II of the Idaho Bar Commission Rules – Related to Bar Examination Passing Score

Presented by: Idaho Supreme Court and Board of Commissioners of the Idaho State Bar

Rationale:

- In 2024, members of the Idaho State Bar (“ISB”) voted to approve Resolution 24-01 to adopt the NextGen Bar Exam developed by the National Conference of Bar Examiners (“NCBE”) commencing with the July 2026 bar examination. On February 21, 2025, the Idaho Supreme Court (“Court”) approved the resolution and ordered amendments to Section II of the Idaho Bar Commission Rules (“I.B.C.R.”) effective May 1, 2026.
- I.B.C.R. 217 currently provides that a passing score on the Uniform Bar Examination (“UBE”) is 67.5% of the highest possible score, 400, which is a score of 270. The rule provides that an applicant for admission may transfer a UBE score of 270 or above earned in another UBE jurisdiction if taken within the last 37 months.
- 41 jurisdictions currently administer the UBE. Some jurisdictions will continue to administer the UBE through the July 2028 bar examination. Therefore, some attorneys will continue to earn UBE scores until July 2028.
- The amended I.B.C.R. 217 provides that the NextGen Bar Exam passing score shall be approved by the Board of Commissioners of the ISB (“Board”) and the Court and set forth in the Bar Examination Grading Standards and Procedures adopted by the Court. The specific passing score was intentionally removed from I.B.C.R. 217 to give the Board and the Court the flexibility to set a passing score in the future, following the NCBE’s development of a recommended passing score range for the NextGen Bar Exam. The amended I.B.C.R. 217 continues to require a UBE score of 270 for applicants transferring a UBE score to Idaho.
- In July 2023, the Utah Supreme Court entered an Order lowering the Utah UBE passing score from 270 to 260. In March 2024, the Washington Supreme Court entered an Order lowering the Washington UBE passing score from 270 to 266. Montana’s UBE passing score has been 266 since 2013. The UBE passing score in Oregon and Wyoming is 270.
- The Court and the Board recommend that both the UBE and the NextGen Bar Exam passing score requirements be consistent with Idaho’s geographic neighbors.
- The Court and the Board recommend that I.B.C.R. 217 be amended to provide greater flexibility for the Board and the Court to set both the UBE and the NextGen Bar Exam passing scores in the Bar Examination Grading Standards and Procedures adopted by the Court.

NOW, THEREFORE, BE IT RESOLVED THAT the Idaho Supreme Court and the Board of Commissioners recommend that the members of the Idaho State Bar recommend to the Idaho Supreme Court that Section II of the Idaho Bar Commission Rules be amended to provide that the UBE passing score, like the NextGen Bar Exam passing score, be approved by the Board and the Court and set forth in the Bar Examination Grading Standards and Procedures adopted by the Idaho Supreme Court.

RULE 217. Bar Examination.

- (a) **Examination Required.** Except as otherwise provided in Section II of the Idaho Bar Commission Rules, all Applicants must take the Bar Examination.
- (b) **Transfer of Bar Examination Score.** An Applicant may transfer:
- ~~—(1) a UBE or a bar examination sealed score of 270 or above earned in another UBE jurisdiction administering the UBE or an NCBE bar examination if taken within the last 37 months; or~~
 - ~~—(2) a bar examination score earned in another jurisdiction administering an NCBE bar examination~~ that is equal to or greater than the UBE or Bar Examination passing scores set forth in the Bar Examination Grading Standards and Procedures adopted by the Supreme Court, if the UBE or NCBE bar examination was taken within the last 37 months.
- (c) **Certificate Permitting the Bar Examination.** The Executive Director shall provide the Applicant with a certificate permitting the Applicant to take the Bar Examination if:
- (1) No Rule 211 written objection has been filed; and
 - (2) The Applicant meets the Bar Examination and admission requirements.
- (d) **Entry to Bar Examination.** No Applicant shall be permitted to take the Bar Examination unless a valid certificate duly issued by the Bar is presented.
- (e) **Validity.** A certificate permitting Bar Examination shall be valid only for the Bar Examination for which it is issued.
- (f) **Supervision of Examinations.** Bar Examinations shall be supervised by the Board through the Executive Director. The Executive Director may appoint proctors and monitors to conduct each Bar Examination. No extra time shall be given for an Applicant who is late for any session of the Bar Examination.
- (g) **Bar Examination Code of Conduct.** Applicants shall abide by the rules and instructions governing the administration of the Bar Examination.
- (1) An Applicant shall not:
 - (A) Falsify any documentation required for admission to the Bar Examination;
 - (B) Read questions on the Bar Examination prior to the announcement to begin the Bar Examination;
 - (C) Utilize unauthorized notes, books, recordings, electronically retrievable data or other unauthorized materials while taking the Bar Examination;
 - (D) Use answers or information from other Applicants while taking the Bar Examination;
 - (E) Provide answers or information to other Applicants while taking the Bar Examination;
 - (F) Remove from the Bar Examination room, during or after the Bar Examination, any materials relating to any part of the Bar Examination;
 - (G) Continue to answer questions after the announcement to stop is given;
 - (H) Communicate the substance of any question to other Applicants still taking the Bar Examination;
 - (I) Communicate the substance of any question to persons who are employed by or associated with bar review courses;
 - (J) Disregard instructions given by the Bar and proctors or monitors prior to and during the course of the Bar Examination or cause generalized disruption of the Bar Examination;
 - (K) Identify themselves by submitting their identification numbers or names on a response to any question or attempt to influence the grading of their Bar Examinations in any manner; or
 - (L) Otherwise compromise the security or integrity of the Bar Examination.

- (2) Applicants who violate this Code of Conduct, or who knowingly assist another Applicant in a violation, shall be given an automatic failing score on the entire Bar Examination. The circumstances of such violation may be considered by the Board as grounds for barring the Applicant from retaking the Bar Examination.
- (h) **Grading of the Bar Examination.** Bar Examinations, including any incomplete Bar Examination, shall be graded and reviewed under the direction of the Board in accordance with the Bar Examination Grading Standards and Procedures adopted by the Supreme Court.
 - (1) **Identification.** An identification procedure which ensures anonymity of all Applicants shall be used throughout the grading process.
 - (2) **Passing Score.** A passing score on the Bar Examination shall be approved by the Board and the Supreme Court and set forth in the Bar Examination Grading Standards and Procedures adopted by the Supreme Court.
- (i) **Bar Examination Certification.** The Board shall certify all eligible Applicants to the Supreme Court for admission.
- (j) **Request for Copies.** Applicants who failed the Bar Examination may review:
 - (1) Their Bar Examination scores and answers; and
 - (2) Any model grading materials the NCBE authorizes for distribution to examinees.
- (k) **Bar Examination Records.** Bar Examination documents shall be maintained by the Bar for at least 120 days after the Bar Examination, after which time the documents may be destroyed without further notice to the examinee.

(Rule 217 amended 2-21-25, – effective 5-1-26)

RESOLUTION 25 – 05

Amendments to Idaho Bar Commission Rule 516(a)(9) and Idaho Rule of Professional Conduct 5.4(d)(2) – Changes to business entity statutes

Presented by: Board of Commissioners of the Idaho State Bar

Rationale:

- Idaho Bar Commission Rule (“I.B.C.R.”) 516(a)(9) provides that after entry of a Supreme Court order imposing interim suspension, suspension, disbarment, resignation in lieu of disciplinary proceedings or transfer to disability inactive status, the lawyer shall “comply with the provisions of Idaho Code section 30-1309, concerning membership and participation in professional service corporations.”
- Idaho Code section 30-1309 addressed severance of a relationship with a corporation upon disqualification to render professional services. However, Idaho Code section 30-1309 was repealed by the Idaho Legislature effective July 1, 2015.
- Idaho Rule of Professional Conduct (“I.R.P.C.”) 5.4(d)(2) states that a lawyer shall not practice with or in the form of a professional corporation or association authorized to practice law for profit, if a nonlawyer is a corporate director or officer thereof or occupies the position of similar responsibility in any form of association other than a corporate, except as provided by Idaho Code section 30-1513(d) [*sic*].
- The reference to Idaho Code section 30-1513(d) in I.R.P.C. 5.4(d)(2) appears to be a typographical error because prior versions of I.R.P.C. 5.4(d)(2) identified Idaho Code section 30-1315(c).
- Idaho Code section 30-1315 addressed officers, directors and shareholders. However, Idaho Code Section 30-1315 was repealed by the Idaho Legislature effective July 1, 2015.
- The proposed revisions to I.B.C.R. 516(a)(9) and I.R.P.C. 5.4(d)(2) remove references to repealed and/or erroneously identified statutes and provide that lawyers must comply with the Idaho Code regarding interests in professional business entities.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners recommends that the members of the Idaho State Bar recommend to the Idaho Supreme Court that the Idaho Bar Commission Rules and the Idaho Rules of Professional Conduct be amended to state that lawyers must comply with state substantive law regarding interests in professional business entities.

RULE 516. Duties after Limitations on the Right to Practice Law

- (a) **Duties.** Unless otherwise specified, a Supreme Court order imposing interim suspension, suspension, disbarment, resignation in lieu of disciplinary proceedings or transfer to disability inactive status, shall be effective upon date of entry. After the date of entry, the Respondent shall:

- (1) not accept any new retainer or engage as a Lawyer for another in any new case or legal matter of any nature;
 - (2) have 14 days after the effective date of the order limiting the right to practice law to wind up and complete on behalf of any client, all matters pending on the entry date;
 - (3) refund any part of any fees paid in advance that have not been earned;
 - (4) move for leave to withdraw, or to substitute counsel in any pending litigation, and notify opposing counsel and adverse parties of such withdrawal or substitution of counsel;
 - (5) not use any sign or advertise that he or she, either alone or with any other person, has, owns, conducts or maintains a law office or office of any kind for the practice of law, or that he or she is entitled to practice law, and he or she shall promptly remove any sign indicating same;
 - (6) not use any stationery, bank accounts or checks whereon his or her name appears as a Lawyer or attorney at law;
 - (7) promptly remove his or her listing from any telephone directory indicating he or she is a Lawyer or attorney or holds a similar title;
 - (8) promptly contact the publishers of Martindale-Hubbell law directory and any other listing in which his or her name appears and cause the removal of any listing that states he or she is a member of the Bar in good standing;
 - (9) comply with the provisions of the Idaho Code ~~section 30-1309~~, concerning membership and participation in ~~a professional corporation or association authorized to practice law for a profit-service corporations~~;
 - (10) not practice law, not appear as an attorney before any court, justice, judge, board, commission, division or other public authority or agency and not share in any fee for legal service performed by himself or herself;
 - (11) not maintain a presence or occupy an office where the practice of law is conducted; and
 - (12) comply with any other requirement of the Supreme Court.
- (b) **Failure to Comply.** Failure to comply with the provisions of this section may be grounds for a further Sanction, the imposition of a previously withheld Sanction, the denial of a petition to dissolve an interim suspension or the denial of a motion to reinstate.

RULE 5.4: PROFESSIONAL INDEPENDENCE OF A LAWYER

- (a) A lawyer or law firm shall not share legal fees with a nonlawyer, except that:
 - (1) an agreement by a lawyer with the lawyer's firm, partner, or associate may provide for the payment of money, over a reasonable period of time after the lawyer's death, to the lawyer's estate or to one or more specified persons;
 - (2) a lawyer who purchases the practice of a deceased, disabled, or disappeared lawyer may, pursuant to the provisions of Rule 1.17, pay to the estate or other representative of that lawyer the agreed-upon purchase price;
 - (3) a lawyer or law firm may include nonlawyer employees in a compensation or retirement plan, even though the plan is based in whole or in part on a profit-sharing arrangement; and
 - (4) a lawyer may share court-awarded legal fees with a nonprofit organization that employed, retained or recommended employment of the lawyer in the matter.
- (b) A lawyer shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law.

- (c) A lawyer shall not permit a person who recommends, employs, or pays the lawyer to render legal services for another to direct or regulate the lawyer's professional judgment in rendering such legal services.
- (d) A lawyer shall not practice with or in the form of a professional corporation or association authorized to practice law for a profit, if:
 - (1) a nonlawyer owns any interest therein, except that a fiduciary representative of the estate of a lawyer may hold the stock or interest of the lawyer for a reasonable time during administration;
 - (2) a nonlawyer is a corporate director or officer thereof or occupies the position of similar responsibility in any form of association other than a corporation, except as provided by the Idaho Code ~~§ 30-1513(d)~~; or
 - (3) a nonlawyer has the right to direct or control the professional judgment of a lawyer.

RESOLUTION 25 – 06

Amendments to Idaho Rule of Professional Conduct 8.4 – New comment addressing a lawyer seeking to avoid the filing of or compelling the dismissal of a grievance as conduct prejudicial to the administration of justice

Presented by: Board of Commissioners of the Idaho State Bar

Rationale:

- Idaho Rule of Professional Conduct (“I.R.P.C.”) 8.4(d) states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.
- The Board is concerned that a lawyer, individually or in the course of representing a client, may condition resolving a civil dispute by requiring that an individual refrain from requesting a disciplinary investigation regarding alleged professional misconduct or by requiring that an individual withdraw their request for a disciplinary investigation regarding alleged professional misconduct.
- The proposed revision to I.R.P.C. 8.4 would add a comment stating that a lawyer requiring an individual to refrain from filing a grievance, or requiring a grievant to seek to withdraw their grievance, as consideration for settling a civil dispute involving the lawyer or the lawyer’s client constitutes conduct prejudicial to the administration of justice.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners recommends that the members of the Idaho State Bar recommend to the Idaho Supreme Court that the Idaho Rules of Professional Conduct be amended to add a comment stating that a lawyer who requires that an individual refrain from filing a grievance or requires that a grievant seek to withdraw their grievance as consideration for settling a civil dispute involving the lawyer or the lawyer’s client constitutes conduct prejudicial to the administration of justice.

RULE 8.4: MISCONDUCT

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;
- (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or
- (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

Commentary

[1] Lawyers are subject to discipline when they violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so or do so through the acts of another, as when they request or instruct an agent to do so on the lawyer's behalf. Paragraph (a), however, does not prohibit a lawyer from advising a client of action the client is lawfully entitled to take.

[2] Many kinds of illegal conduct reflect adversely on fitness to practice law, such as offenses involving fraud and the offense of willful failure to file an income tax return. However, some kinds of offenses carry no such implication. Traditionally, the distinction was drawn in terms of offenses involving "moral turpitude." That concept can be construed to include offenses concerning some matters of personal morality, such as adultery and comparable offenses, that have no specific connection to fitness for the practice of law. Although a lawyer is personally answerable to the entire criminal law, a lawyer should be professionally answerable only for offenses that indicate lack of those characteristics relevant to law practice. Offenses involving violence, dishonesty, breach of trust, or serious interference with the administration of justice are in that category. A pattern of repeated offenses, even ones of minor significance when considered separately, can indicate indifference to legal obligation.

[3] A lawyer who, in the course of representing a client, knowingly manifests by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, violates paragraph (d) when such actions are prejudicial to the administration of justice. Legitimate advocacy respecting the foregoing factors does not violate paragraph (d). A trial judge's finding that peremptory challenges were exercised on a discriminatory basis does not alone establish a violation of this rule.

[4] A lawyer may refuse to comply with an obligation imposed by law upon a good faith belief that no valid obligation exists. The provisions of Rule 1.2(d) concerning a good faith challenge to the validity, scope, meaning or application of the law apply to challenges of legal regulation of the practice of law.

[5] Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyers. The same is true of abuse of positions of private trust such as trustee, executor, administrator, guardian, agent and officer, director or manager of a corporation or other organization.

[6] A lawyer engages in conduct prejudicial to the administration of justice when that lawyer, individually or in the course of representing a client, conditions resolving a civil dispute by requiring that an individual refrain from requesting a disciplinary investigation regarding alleged professional misconduct or by requiring that an individual withdraw their request for a disciplinary investigation regarding alleged professional misconduct.