

GENERAL SESSION MINUTES
Idaho State Bar Board of Commissioner
September 6, 2024
Boise, Idaho

President Jillian Caires called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 9:42 a.m. at Hyatt Place, in Boise, Idaho. In attendance at the meeting were Commissioners Mary York, Kristin Bjorkman, Bob Jackson and FJ Hahn, Bar Counsel Joe Pirtle, Associate Director Maureen Braley, Deputy Bar Counsel Julia Crossland, Communications Director Lindsey Welfley, Program and Legal Education Director Teresa Baker, 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)(a), (b), (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; (3) discuss with legal counsel; (4) consider a complaint brought against an employee; and (5) consider hiring an employee.

GENERAL BUSINESS

Minutes – It was moved, seconded, and passed to approve the minutes of the July 17, 2024, Board of Commissioners meeting.

Magistrate Commission Appointments– The Commissioners were provided with the nominations for position B on each of the district magistrate commissions, pursuant to Idaho Code Section 1-2203. It was moved, seconded, and passed to appoint the position B magistrate commission members for the first, second, fifth, sixth, and seventh districts; first district – Mary Cusack, second district – Wynn Mosman, fifth district Melissa Kippes, sixth district – Nathan Palmer, and seventh district – Challis McNally. The nominations from the third and fourth districts work for a government entity and may not be eligible to serve on the Magistrate Commission. The executive director agreed to contact the third and fourth districts regarding the nominations.

2024 Resolution process – The Commissioners discussed the resolution process and meeting schedule. The Commissioners reviewed the proposed resolution to adopt the next gen bar exam when it is available in 2026. The Commissioners also discussed a resolution proposing an increase in license fees, and amendments to IRPC 1.16, the entire file rule. It was moved, seconded and passed to approve the resolution proposing to adopt the NextGen bar exam for submission to the 2024 resolution process, subject to a few amendments to the proposed rules. The executive director agreed to review the need for a license fee increase and report back to the Commissioners.

2024-25 Committee and Section Liaison Assignments – The were provided with the proposed liaison assignments for Commissioners to sections and committees. The commissioners agreed to make some adjustments to the assignments. The final assignments are attached to the minutes.

Strategic goals – The Commissioners briefly reviewed the strategic goals. They agreed to include the goals on the January or February meeting agenda for and in-depth review of the strategic goals.

Formal ethics opinion – Bar Counsel requested input on whether to write a formal ethics opinion on the State Public Defense system and decreased pay for some public defenders, which change is set to begin on October 1, 2024. He has received requests from judges to clarify conflicts and when attorneys can or should withdraw from cases. He noted that for several years, bar counsel has not issued formal opinions, however, this may be a unique situation, for which an opinion may be warranted. The Commissioners voted to authorize Bar Counsel to prepare an ethics opinion on the ethical issues presented with the transition to the State Public Defense system.

Bar Exam/admissions – Associate Directory Maureen Braley reported that 122 applicants sat for the July bar exam. She noted that grading of the exams is taking place at the same time as the Commissioners meeting, and the results will be released on September 11. She also reported that nationally the MBE score average increased.

2024-25 BOC Meeting Schedule – The Commissioners were provided with the meeting and event schedule through March 2025.

FINANCIAL REPORTS

May/June financial reports – The Commissioners were provided with the May 31 and June 30 financial reports. As of June 30, 80.4% of revenue was collected and 47.7% of the expenses incurred. The executive director reported that the insurance bill received from the state of Idaho for liability, auto, property, boiler, bond and admin increased \$20,000 from last year. She noted she and the controller spoke to individuals at administration, with limited success in obtaining the reasons for the increase.

Audited financial reports – The Commissioners were joined by the Eide Bailly auditors, Kailey Holt, Lealan Miller, and Santino Zito. The auditors noted that the audit provided was a draft. The audit is at the final review stage, not yet the final report. The auditors reviewed and explained each section of the draft audit. As part of the Independent Auditor’s Report on Internal Controls over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Governance Auditing Standards* the auditors stated “we did not identify any deficiencies in internal control that we consider to be material weaknesses.”

Building lease – The Commissioners were provided with the lease agreement between the bar and foundation, which includes an option to renew prior to 90 days before expiration, which is December 31, 2024. It was moved, seconded and passed to authorize Bar Counsel to notify the Idaho Law Foundation of its intent to renew the building lease subject to negotiating the lease rate, occupancy rate, tenant improvements, and a few additional amendments.

Executive Director Search Update – The Executive Director reported that interviews of the three finalists are tentatively scheduled for October 2 and 3.

MEMBER SERVICES

Desk Book discontinuation – The staff recommended discontinuing the desk book directory in 2025 and provide the Rules Book to those that request a copy. The change would reduce expenses by about \$25,000 per year going forward. It was moved, seconded and passed to approve the recommendation to cease printing of the desk book directory in 2025, and print and distribute the rule book as requested.

Anniversary Celebration Committee – The July meeting notes were provided to the Commissioners. The executive director reported the next committee meeting is scheduled for September 13.

Future Annual Meetings – The Commissioners were provided with the evaluations of the annual 2024 meeting, along with comments collected by the ILF president and future meeting options. The Commissioners discussed a shorter summer event, in conjunction with the Anniversary celebration, which may include a CLE program. The staff reported the Idaho judiciary is willing to schedule a joint bar/judiciary event during the September 2025 judicial conference. In addition, the Commissioners think fall regional events, perhaps in conjunction with the resolution meetings may also be an option.

Podcast Proposal –The Commissioners again discussed the proposal to develop podcasts regarding bar programs and functions presented by Jamie Shropshire. The Commissioners determined that a better approach would be to develop free CLE programs o LAP and Well-being issues. The staff agreed to contact Jamie Shropshire to request her assistance with the CLE programs.

Letters, reports, and news clippings for the past month provided to the Commissioners. Miner and Hammond Court orders to resign in lieu of discipline, article regarding complaint filed against Attorney General Raul Labrador, the grievance information was submitted to the press by the grievant. The bar cannot nor did comment.

The meeting adjourned to executive session at 12:45 pm. Returned to general session at 2:30 p.m.
The meeting adjourned at 2:47 p.m.

Respectfully submitted,

Diane K. Minnich
Executive Director