

**IDAHO STATE BAR APPELLATE PRACTICE SECTION  
GOVERNING COUNCIL MEETING**

**JANUARY 9, 2020, 12:00 p.m.**

Location: Stoel Rives, 101 S. Capitol Blvd., Suite 1900, Boise, ID 87302

Attending: Kim Coster (Chairperson, presiding officer), Ben McGreevy (Secretary/Treasurer), Brian Dickson (Past Chairperson), Christopher Graham, Leslie Hayes, Jaycee Nall, Jonathan Shirts (At-Large Council Members), Christopher Pooser

**1. Events**

**a. Handbook—Ad Space in *The Advocate***

Christopher Pooser's handbook item was moved forward on the agenda, because he had another engagement. Christopher Pooser thought it would be good to advertise the handbook in *The Advocate* for a couple months, to see if that would pay for itself. He suggested advertising for six months. He had prepared a markup for the ad. It would be a minimal investment.

Kim stated there had been recent sales of the handbook. Very few had been sold at the CLE in October.

Running a quarter-page ad for six months would cost \$1320.00. The next deadline to submit an ad would be on February 3. Ben reported that \$1000.00 had been allocated for publication expenses in the 2019 budget.

Leslie asked about targeting specific months with the ad. Jaycee thought that appeared to be an option in the order form. Months to target could include the Young Lawyer Section-sponsored issue in August 2020, and the criminal defense attorneys-sponsored issue in February 2021. Jonathan stated that running the ad for a solid six-month period could have more effect than picking and choosing particular months.

The motion to purchase six months of ads in the *Advocate* for \$1320.00 **passed**. Kim would check if *The Advocate* had space in their upcoming issue.

**2. Minutes**

The motion to approve the minutes from the November 7, 2019, Governing Council meeting, and from the December 12, 2019, Member meeting, **passed**.

**3. Budget—Finance Report**

Ben did not yet have updated financials for the Section.

#### **4. Events (cont.)**

##### **b. *The Advocate* Sponsorship—September 2020 Issue**

The deadline to submit articles would be July 8, 2020. Kim reported there was no followup so far. Brian recommended that Ben sent a reminder email to the Section's members.

Jonathan, Leslie, and Ben expressed interest in writing articles. Leslie had a title in mind: "Appellate Victory." Brian suggested what happens on remand as a topic. Leslie noted that could also be a subject for a CLE. She had a case involving a second appeal after remand, where discovery had been an issue.

According to Leslie, the Section would be looking to publish four to six articles. Christopher Graham stated the word count would be from 1800 to 2400 words.

Kim recommended reconvening at the February Governing Council meeting. Leslie recommended getting the finished articles three to four weeks before July. Kim planned to set up a review committee and establish internal deadlines, as part of the February meeting.

##### **c. Member Meeting CLEs—Feedback; Topics and Speakers; April Meeting**

Leslie thought that Justice Bevan's CLE at the December Member meeting was weird, but Kim noted the corpus linguistics topic came from an Idaho Supreme Court majority opinion. Leslie then stated that the doctrine could have wider application later.

Leslie also reported that Stephen Adams had had a case on legal malpractice recently. The Council initially decided to have Stephen contact Chief Justice Burdick regarding the April Member meeting CLE. Leslie suggested a look behind the scenes as a topic. Brian suggested hot-button issues the Court might have. Jaycee agreed to ask the Chief Justice instead. As another possible topic, Kim suggested what the Court would like practitioners to know.

Jaycee would approach the Chief Justice about the April meeting, and ask for topics he wanted to address.

#### **5. Council Membership—Proposal to Amend By-Laws**

Kim explained that Stephen had prepared a draft amendment for the Section's by-laws. Christopher Pooser wanted the amendment to be more consistent with Article III, Section 3, on eligibility for officer positions. He thought the draft amended departed from that. Brian agreed. He noted that almost everyone on the current Governing Council would be qualified for the Chairperson and Vice Chairperson positions.

The motion for a revised draft amendment, based on Christopher Pooser's suggestions, **passed**. Ben would circulate a copy of the revised amendment draft.

## **6. Appellate Rules Advisory Committee**

### **a. Court's Invitation/Request for Section Representation on the Committee**

Kim explained that the Appellate Rules Advisory Committee had not met in one-and-one-half years. Lori Fleming had reached out to Kim. Christopher Pooser is on the committee, but the Court would like the Chairperson of the Section to have their own separate position on the committee. There was no opposition to that proposal.

### **b. Committee's Request for Proposals to Add/Amend/Delete Rules**

Jonathan asked if the Council wanted to send that request out to the Section's members. Brian recommended sending that request in an email separate from the email requesting articles for the sponsored issue of The Advocate. Leslie thought about having the Section representative attend a meeting of the committee first. Kim stated there was no date for the committee's next meeting. Brian then suggested alerting the Section that this was happening, and solicit comments about the Section's representation.

Kim spotlighted a few potential issues: remand; court reporter issues; objections to the record and whether hearings on such objections were mandatory; and standards for rehearing. Those were subjects the rules did not address. Leslie brought up the issue of standardizing extensions of time, much like the practice in the Ninth Circuit.

## **7. Council Membership—Proposal to Amend By-Laws (cont.)**

Christopher Pooser proposed amending Article III, Section 3, to make it clear that current and former members were qualified. The motion to table discussion of that proposal until the next Governing Council meeting **passed**.

## **8. Upcoming Meetings**

The next Governing Council meetings would be on February 13, March 12, and May 7, 2020. The next Member meeting would be on April 9, 2020.

## **9. Adjournment**

The meeting adjourned at 1:06 p.m.