

IDAHO APPELLATE PRACTICE SECTION

GOVERNING COUNCIL MEETING NOVEMBER 8 2018

MINUTES

(Approved 1/10/2019)

Location: Stoel Rives, 101 S Capitol Blvd, #1900, Boise, ID 83702

Attending: Brian Dickson (Chair), Syrena Hargrove (Vice Chair), Kim Coster (Secretary/Treasurer), Stephen Adams, Brian Church, Christopher Graham, Emily Joyce (Court Representative), Ben McGreevy, Ted Tollefson

By Phone: None

Other: Christopher Pooser

1. Budget Decisions

The section will have about \$900 above the allowed carryover. Mahmood Sheikh had suggested making a total donation of \$1000 to avoid the carryover. Brian Dickson took suggestions for donations. Suggestions included the University of Idaho College of Law appellate clinic, the Concordia University School of Law clinics, the moot court programs at both law schools, and Attorneys for Civic Education. After discussion, a motion to donate \$500 each to the U of I and Concordia moot court programs passed.

2. Event Planning Reports

A. Meet and Greet

Michele Bartlett at U of I has confirmed the date for this will be April 25, 2019. Ms. Bartlett stated that retired judges appreciated invites. The section will need to get the Meet and Greet posted on the Bar website and scheduled with judges. For the paper invitations for judges, the section will need to contact the Bar about sending them through Bar envelopes. Emily Joyce would check on how to calendar the event with judges. As for the keynote speaker, two suggestions were the incoming justice (Justice Horton's replacement), or Justice Stegner. Invitations would go out to Third and Fourth District judges, as well as federal judges.

3. Approved Minutes

The September 13, 2018, and October 11, 2018, minutes were approved as presented.

4. Event Planning Reports (Continued)

A. Moscow/Lewiston Meet and Greet

The Idaho Supreme Court will be holding oral arguments in Moscow on April 4, 2019, and in Lewiston on April 5, 2019. We could expand a lunch meeting at U of I, or have an evening function. Other options might be to have the Court come up early and schedule an event on the

3rd, or have them stay later for an event on the 6th. Anne-Marie Fulfer at U of I would be happy to reach out to the Court and see which date would work. Attendance would be better for an event in Moscow. More students would attend a lunch event (as opposed to an evening one), but there would be fewer lawyers/judges. As for the venue, it could be at Menard, another building at U of I, or an off-campus location.

B. Law Student Recruiting/Outreach

The Section only has two student members, both from U of I. Judge Lorello teaches a judicial writing class at Concordia, and has been trying to drum up student interest in the section, but to no avail. The Section may want to further coordinate with Concordia. Livestreaming our lunch CLEs was another suggestion. As for U of I, Professor Running said she was interested, but she saw little interest among 1Ls because they did not fully understand what an appeal entails. We could have someone give a presentation to her classes next semester. We do have livestreaming capability for our CLEs through GoToMeeting, but would need to give the Bar advance notice. Another suggestion was to give a presentation to students while the Court is traveling.

5. Budget Decisions (Continued)

While discussing outreach to students, the topic shifted from recruiting externs and getting more judges to speak at CLEs, to changing the section's donations to moot court awards to individual students. Perhaps money could be awarded to students for the best oral argument. The Idaho Trial Lawyers Association already gives an award for the best 1L brief at U of I. The section was not sure if Concordia had a 2L/3L appellate advocacy program similar to McNichols at U of I. One idea was to announce the award recipients in *The Advocate*. Considering McNichols is a fall class, it would be too late to make an award for that program this year. It was not clear if the section could attach the award to a future event. Motion made to change the donations to moot court awards to individual students - passed. **Kim** to communicate with law schools to identify specific award, logistics.

6. Event Planning Reports (Continued)

A. All-Day CLE

Steven Wilbers was one writing expert **Syrena Hargrove** had looked into, but he covers general writing as opposed to legal writing, and his fee would be \$7000 for an all-day presentation. Ross Guberman was another potential option, but no reviews for his presentations had been found. So, the Section was still looking for a keynote speaker. The date for the CLE would be sometime in the fall. The Lincoln Auditorium at the Capitol would be a possible venue. It would be difficult to get a room at U of I, but they would be happy to co-host a cocktail hour after the CLE. The Section discussed having breakout sessions, and perhaps holding each session multiple times so people would not miss out. U of I stated that only October 4, 2019, or November 1, 2019, would work, due to conflicting events such as the Bellwood Lecture. To allow comparisons, **Christopher Pooser** agreed to send the Governing Council the agendas from the last two all-day CLEs. It was unclear if the Section had any feedback survey information from those CLEs. Bryan Garner was discussed as another possible keynote speaker, but his fee would likely eat up the budget. The Section could perhaps coordinate with law firms and other outside entities to get Bryan Garner. **Speakers for the all-day CLE should be an agenda item**

for the January Governing Council meeting; **Brian**/Chair to announce at December member meeting that Section is considering input re speakers and themes for this CLE.

B. Collaboration CLE with Litigation Section

Kim Coster had contacted Randy Schmitz, Chair of the Litigation Section. They agreed on holding a joint CLE, perhaps on how to file an appeal, and preserving error. However, the Litigation Section's board needs to meet first to decide on the topic. The CLE would be a 45-minute lunch CLE, to take place sometime after March. **Kim** to communicate with Randy

C. Handbook Update

Per Cathy Derden, the Court would issue a rule on electronic filing that would act as an overlay over the existing rules. There was discussion on making some chapters of the handbook more user-friendly. The section would ask for volunteers to work on chapters of the handbook at the December meeting. Subjects to rework would possibly include administrative appeals and standards of review. The edits could be more about format as opposed to content. The new rule would come out in July. The section could potentially add a small chapter on electronic filing to the handbook. **Christopher Pooser** agreed to be the point person on this; Brian/Chair at December member meeting to announce that members interested in helping with this project should contact Christopher.

D. December Lunch CLE

Syrena Hargrove will give a presentation on standards of review.

7. Other Business

The section discussed inviting Judge Lorello to speak at a lunch meeting, perhaps the April 2019 meeting.

Upcoming Meetings

December 13, 2018 (Member Meeting)
January 10, 2019 (Governing Council)
February 14, 2019 (Governing Council)