



THE IDAHO STATE BAR & IDAHO LAW FOUNDATION

A Brief History

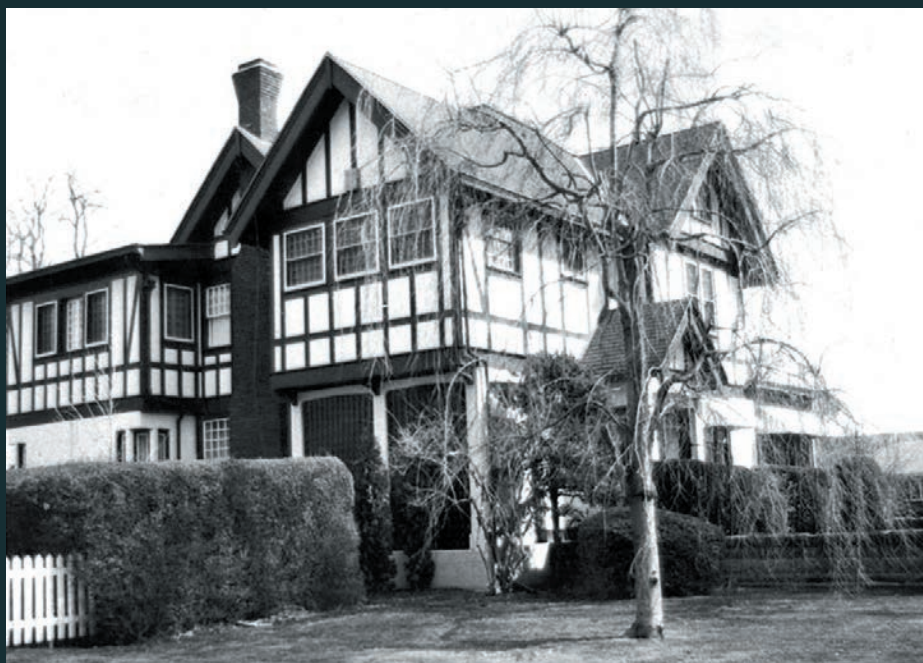
Diane K. Minnich

In hopes of consolidating the histories of both organizations into a more quickly digestible format, former Executive Director and Anniversary Committee Chair Diane K. Minnich prepared the following "brief history," covering the highlights of both the Bar and Foundation since their respective beginnings.

IDAHO STATE BAR – 100 YEARS

The past few issues of *the Advocate* have included legal profession and bar highlights for each decade since the early 1900's. This article features highlights of the Bar's work and accomplishments over the past 100 years, placing emphasis on the growth and change that we still experience today.

Portions of the Idaho Code pertaining to the practice of law in Idaho date back to 1881, before Idaho was a state. The present "integrated" Bar was established by the Legislature in 1923 and 1925. Idaho was the third mandatory bar established in the country. As an integrated bar, attorneys practicing law in Idaho must be licensed by the Idaho State Bar ("ISB"). The ISB was set up to operate under the power and authority delegated by



The original Law Center building.

the Idaho Supreme Court through its rule making power and under the statutory authority of the Legislature. The Idaho Bar Commission Rules govern the responsibilities of the Idaho State Bar. The first Bar Commission Rules were nine pages, with four sections: Admissions, Rules of Conduct, Rules of Discipline and General Rules. The ISB is

and has been financed by license fees paid by each Idaho attorney together with miscellaneous fees and revenues. It is and has been totally self sufficient and requires no tax dollars.

As noted by previous authors, the proceedings from the Annual Meetings were transcribed in 1921, 1923 and each year from 1925 to 1974, (except

1943 and 1945). Much of the information regarding the first 50 years is gathered from these transcripts.¹

In 1925, there were 629 licensed lawyers, and Idaho's population was 431,866. License fees were \$5.00. In 1926, the bar's total expenses were almost \$2,000. The first ISB president was John Rice from Caldwell. There were three elected commissioners. The local bar associations were active in the bar from the beginning. The first Bar secretary and the only employee (part time) was Sam Griffin, who served from 1919 to 1951. The first Annual Meeting was in 1925, held in Lewiston. The meeting rotated around the state until 1941, when it was held in Sun Valley. Sun Valley was then the Annual Meeting's location almost every year until the early 1970's.

During the first 20 years, the Bar's objectives were: admissions, discipline and legal education. In 1945, the general welfare and assistance to lawyers was added. The admissions and disciplinary responsibilities were administered directly by the Commissioners, with assistance from the part time Bar secretary. The Canons of Professional Ethics were added in 1937. There was a Judicial Council from 1929 until it lapsed in 1932, reciprocity was abolished in 1937 (it was included in the first Rules), Resolutions were presented at every Annual Meeting, ranging from one to 15 or 20 on a variety of subjects, with support for the judiciary and legislation topping the list. The selection of judges and court procedures and rules were discussed at every bar meeting for decades. A few issues were discussed with no action, such as diploma privilege, and starting a Bar Journal.

In 1950, there were 550 licensed lawyers (79 less than in 1925), and the Idaho population was 590,000. License fees were \$10, increasing to \$15 in 1951. The Idaho Bar Commission Rules were about 36 pages. The admission requirements were reviewed and revised in 1950 to require additional education. The first award of Merit was presented in 1956 to Oscar Worthwine. The first issue of the Advocate was distributed in 1957. 1962 was the first

year the bar retained outside legal counsel to assist with discipline. In 1967, the Judicial Council was added to the Idaho Statutes. In 1968, the Bar agreed to study legal aid and moving the law school. In 1970, the client assistance fund was established. The lawyer referral service was started in 1972. The 1972 resolutions included a legal intern program, updating the resolution process (the proposal resembles the current process), changing to letter size paper, and increasing the bar commission to either seven or nine members. Eventually, it was increased to five Commissioners.

In 1975, there were 1,050 lawyers and the Idaho population was 832,000. License fees were \$150. The audit of the bar financials was 5 pages. There were only minor amendments to the Idaho Bar Commission Rules between 1950 to 1975. This started to change in the 80's. CLE requirements were added in the early 1980's. The Rules were rewritten and recodified in 1986. The Idaho Rules for Professional Conduct were added in 1986. Section Rules were added in 1994. The first full time Executive Director and Bar Counsel were hired in the mid 1970's. In the early 1980's the first two Practice Sections were established, Family Law and Bankruptcy. In the late 80's, computers arrived, which allowed the bar to generate and track information efficiently and more quickly. Special thanks to Annette Strauser, the longest serving bar employee (over 40 years), for creating the computer system

and continuing its improvements and upgrades over the years. Bar support for legal aid and pro bono was formally expressed starting in the early 1980's.

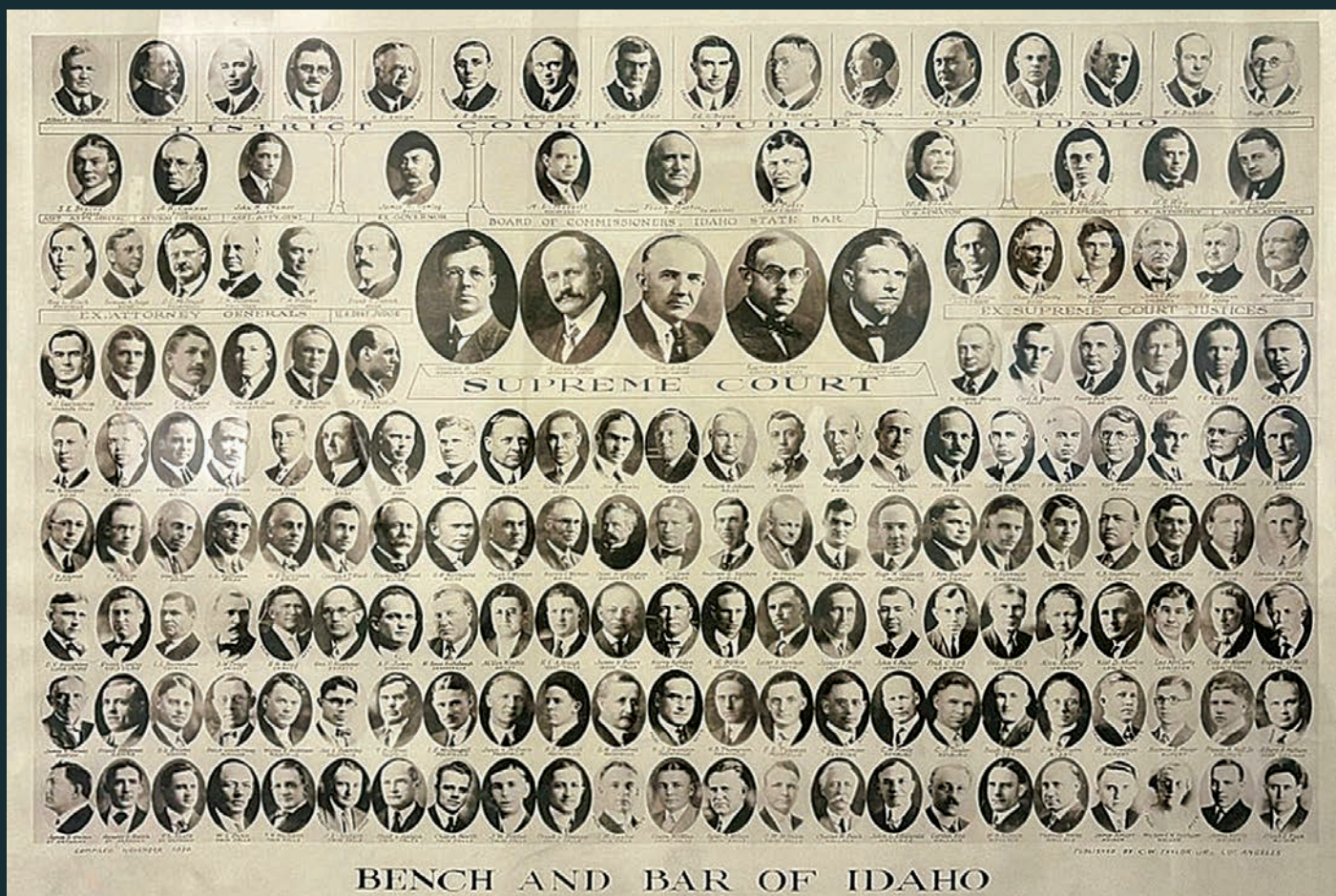
In 2000, there were 4,075 lawyers, and the Idaho population was 1.299 million. The license fees were \$275. 2000 through 2015 were the years of rule changes; six sections were reviewed, revised, rescinded and replaced. Two new sections were added: Lawyer Assistance Program and Trust Accounts. Out of state lawyers could not be active members of the bar until 2001, when reciprocity was established. In 2023, reciprocity was eliminated, allowing attorneys from another state to be admitted to the bar if they meet the requirements for admission. Idaho is one of the few states to require malpractice insurance, beginning in 2018.

In 2025, there are about 7,300 lawyers and the Idaho population is slightly over 2 million. License fees are \$485. In the last 50 years, license fees have increased six times. In 2024, expenses were \$3.6 million, and the bar audit was 70 pages. There are currently 23 bar staff members and 23 Sections of the bar. The Bar Commission Rules are now 61 pages, with 13 sections. The Bar continues to be governed by five commissioners, elected from Idaho's seven judicial districts.

The admission rules win the most amended category, followed by the many variations of the professional conduct rules. The bar's support for judges, courts and the judicial system has been constant; many of the resolutions



Breaking ground on the new building on Jefferson St. in Boise for The Law Center in 1993.



The first members of the Idaho State Bar.

addressed by the bar supported judges and the courts. The support and participation of the local (now district) bars has also been constant. Special thanks to the Bar Commissioners, especially those in the first 50 years who handled both governance and the administration of the bar's responsibilities.

Trying to capture highlights and accomplishments from the bar's 100 years is a challenge. The bar's commitment to regulating and improving the profession and supporting lawyers and judges has not wavered – hopefully it has only improved!

IDAHO LAW FOUNDATION, INC. – 50 YEARS

The Idaho Law Foundation, Inc. ("ILF") was organized in 1975 for the purpose of providing a public service arm of the Idaho legal profession. It is a nonprofit corporation charged with charitable, scientific, educational goals, and seeks improvements in the administration of justice on behalf of both the Bar and the public. All attorneys licensed by the Idaho

State Bar are members of the Idaho Law Foundation. Since the ILF was founded, the executive director of the Idaho State Bar has also served as the executive director of the Idaho Law Foundation.

The Foundation's articles of incorporation were filed with the Idaho Secretary of State in March 1975. The signers were Mack Redford, Robert Erickson, and Allyn Dingel. The original bylaws were adopted later that year, signed by Jess Hawley, Mack Redford and Allyn Dingel. Robert Erickson was a tax attorney who provided wise and valuable advice over the years regarding legal issues related to the relationship between the bar and the Foundation.

Originally there was a 12 member Board of Directors. However, pursuant to the original bylaws adopted, it became an 11 member Board of Directors. In 1977, it changed to a 9 member Board, in 1980, the bylaws were again amended to a 12 member Board including the past president. In 1982, yet another amendment increased the Board to 13

members, including two non lawyers and the Dean of the University of Idaho College of Law. This is still the Board composition. The first ILF president was Judge Thomas Nelson from Twin Falls. Of the 29 ILF presidents, seven have also served as ISB Commissioners. One non lawyer served as the ILF President, George Alvarez, who was a Boise Cascade Corp. executive.

In 1975, the primary focus for ILF was to serve as the vehicle to receive tax deductible donations and allow a building to be purchased as a permanent home for the Idaho State Bar. In 1975, the Foundation purchased the building at 204 W. State Street as the Bar and Foundation office for \$80,000. Attorneys donated \$53,500 to a capital campaign to purchase the building. A few attorneys personally signed as guarantors on the building loan. The State Street office, built in 1895, was the original home of Charles Marshall Hays, who was admitted to the bar in 1873. He served as a district attorney, U.S. Senator

and Municipal Court Judge. Several of his relatives were also attorneys, including Ada County Magistrate Richard Grant. In 1993, the Foundation purchased land at 525 West Jefferson and built The Law Center, the current home of the Bar and Foundation. The Jefferson Street location was formerly the Ada County Clerk's Office, which was demolished due to its unsafe conditions.

In the Foundation's initial activities were included the sponsorship of continuing legal education programs, which was unique for a bar Foundation, and fund development. Additional programs have been incorporated into the Foundation since 1975.

FUND DEVELOPMENT

One of the original and continuing goals of the Idaho Law Foundation is to generate the necessary funding to fulfill the mission of the organization as well as maintain the effective administration and management of the Foundation's resources. This is accomplished through an annual giving campaign, grant writing, planned donations, and an endowment fund. The Endowment fund was established in 1986. The funds first year income was about \$1,500; the fund is now at almost \$700,000. In 2013, the Foundation helped launch the Access to Justice campaign to fund legal services to the disadvantaged, which has raised nearly \$2 million since its inception.

CONTINUING LEGAL EDUCATION ("CLE")

Initially CLE programming was solely provided by the Foundation. As the number of bar sections increased, CLE programming was done by sections and ILF. The CLE staff assists both the Foundation and ISB sections with CLE program planning. Typically, the CLE Department schedules more than 80 programs each year. The CLE Department also sells publications and provides online and webcast programming on a wide range of topics.

INTEREST ON LAWYERS TRUST ACCOUNTS ("IOLTA") – 1984-85

Idaho was one of the first states to adopt an IOLTA program. The IOLTA

concept was created because banks wouldn't pay interest on trust accounts due to the small amounts earned per client. The IOLTA program allowed attorney trust account funds invested in small or short term deposits to be pooled to generate interest money, which could then be transmitted to state IOLTA programs. ILF President Merrily Munther (1986-88) was instrumental, both nationally and locally, in the establishment of IOLTA programs.

The interest earned from IOLTA is submitted to the Idaho Law Foundation for use in the following public interest programs: legal aid to the poor, law related education for the public, improving the administration of justice, and law school scholarships. It can also be used for other programs if specifically approved by the Idaho Supreme Court. Since its inception, IOLTA has granted nearly \$8 million dollars to provide services and programs throughout Idaho.

LAW RELATED EDUCATION

The Law Related Education ("LRE") program was started in 1985 to help students and the public understand the role of law in a democracy, how and why our legal system operates as it does, the importance of the Constitution and the Bill of Rights, and the role of lawyers and judges. The first LRE committee chair Judge Deborah Bail, was committed to ensuring the success of the program. It continues to meet and exceed the original objectives. Program activities include the high school Mock Trial Competition, statewide teacher training, Attorneys for Civic Education, Law Day resources and providing LRE resources to teachers and lawyers.

IDAHO VOLUNTEER LAWYERS PROGRAM

The Idaho Volunteer Lawyers Program ("IVLP"), formerly the Pro Bono Program, was established by the Idaho State Bar in 1983. In 1987, the Pro Bono Program was transferred to the Foundation (and renamed IVLP), which provided the program with access to additional grant funds and tax-deductible donations. The Idaho Volunteer Lawyers

Program provides a safety net for low income individuals and families in Idaho who require civil legal services and cannot afford to pay for them. Using a statewide network of volunteer attorneys, IVLP provides free civil legal assistance through advice and consultation, brief legal service and representation.

Thank you to the bar leaders who had the foresight, time, energy and resources to establish the Foundation. Due to their efforts, the organization has granted millions of dollars and provided services to thousands in Idaho, both the public and the legal profession. For 50 years, the Foundation has provided programs and services to assist and support lawyers and the public. The Foundation leadership and staff looks forward to many more successful years.



Diane Minnich served as the executive director of the Idaho State Bar and Idaho Law Foundation, Inc. for 34 years. She worked for the organizations since

1985, serving as legal education director and deputy director before being selected as the executive director in 1990. In addition to her involvement in professional organizations such as the National Association of Bar Executives, and serving as Secretary Treasurer of the Western States Bar Conference, she has served the following community organizations; past president of the Zonta Club of Boise, past member of the Board of Directors of the Silver Sage Girl Scout Council, Boise Public Schools Foundation Board member, Board of Directors of Friends of Zoo Boise, and the BSU Legal Assistant Program Advisory Council member. She currently serves on the Board of Directors of ALPS. She is a member of the Boise Rotary Club, serving as the club's president in 2003-04. She is a graduate of San Jose State University.

ENDNOTES

1. https://www.id.uscourts.gov/clerk/ilhs/Idaho_Bar_Transcripts.cfm.