

GENERAL SESSION MINUTES
Idaho State Bar Board of Commissioners
April 5, 2019
Coeur d'Alene, Idaho

President David Cooper called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:30 a.m. at the Coeur d'Alene Inn in Coeur d'Alene, Idaho. In attendance at the meeting were Commissioners Mike Howard, David Kerrick, Judge Michael Oths, Don Carey, and Executive Director Diane Minnich, who acted as secretary. Bar Counsel Brad Andrews joined the meeting by phone. Associate Director Maureen Braley attended portions of the meeting.

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)(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; and (3) discuss with legal counsel pending and/or potential litigation.

GENERAL BUSINESS

Minutes – It was moved, seconded and passed to approve the minutes of the February 22, 2019 meeting as submitted.

BOC Election Update – The Executive Director reported that there is one Commissioner candidate in the Second District, Anne-Marie Fulfer; and two candidates in the Fourth District, Peg Dougherty and Kurt Holzer. She noted that the ballots will be available April 22 and the results on May 7.

ABA Meeting Report – The Commissioners were joined by ABA State Bar Delegate Larry Hunter. Mr. Hunter reported on the 2019 ABA Midyear meeting. He reported that the recommendation to change the pass percentage standard for law schools was defeated. He noted that the ABA has simplified its dues structure to provide more flexibility and benefits for membership.

2019 Professional Awards – The Commissioners considered the nominations for the various awards presented by the Idaho State Bar. After discussion, the Commissioners made the following selections for 2019 award recipients. It was moved, seconded and passed to select the following attorneys to receive Distinguished Lawyer Awards: Robert R. Chastain, Boise; William F. Gigray III, Caldwell; Jeffrey C. Fereday, Boise. It was moved, seconded and passed to select the Hon. Jesse R. Walters to receive the Distinguished Jurist Award. It was moved, seconded and passed to select Brit Kreimeyer to receive the Outstanding Young Lawyer Award.

It was moved, seconded and passed to select the following attorneys to receive Professionalism Awards: 1st –Janet D. Robnett, Coeur d’Alene;2nd –Tim Gresback, Moscow; 3rd – Mark R. Hilty, Nampa; 4th – J. Nicholas Crawford, Boise; 4th – J. Charles Hepworth, Boise; 4th – Mary V. York, Boise; 5th – Amanda A. Breen, Ketchum; 6th – James A. Spinner, Pocatello; 7th – Marvin M. Smith, Idaho Falls. It was moved, seconded and passed to select the Government and Public Sector Lawyers Section to receive the Section of the Year Award. It was moved, seconded and passed to select the following lawyers and non-lawyers to receive service awards: Anthony C. Anegon, Lewiston; Jim Everett (NL), Boise/Caldwell; Shirley Fields (NL), Boise; Charles Clayton Gill, Boise; Denise McClure (NL), Boise; Michael F. Peacock, Kellogg; Amanda J. Rekow, Meridian; Sharon E. Anne Solomon, Coeur d’Alene; Mary E. Shea, Pocatello; Mahmood Sheikh (NL), Boise.

Professional Conduct Board Appointment – The Executive Director noted that President Cooper recruited a non-lawyer from Caldwell, Deanna Brock, to serve on the Professional Conduct Board. It was moved, seconded and passed to appoint Deanna Brock, Caldwell, to the Professional Conduct Board.

Report on Bar Leadership Institute, and Western States Bar Conference – Commissioners Oths and Kerrick reported on the recent conferences they attended: Bar Leadership Institute and Western States Bar Conference. Commissioner Oths suggested the Bar consider making a presentation at the legislature regarding the work of the bar or inviting lawyer legislators to lunch to discuss the Bar’s purpose and functions. Bar Counsel suggested the meeting could include a short CLE program. The Commissioners agreed to put this issue on the September meeting agenda.

Mandatory Bar Update – The Commissioners were provided with an update on lawsuits filed in states, specifically Texas and Washington.

Washington State Bar Malpractice Taskforce Report – The Commissioners were provided with the report of the Washington State Bar Malpractice Task Force. The task force’s recommendation is to propose a rule similar to the Idaho rule.

2019 Licensing Update – The Commissioners were provided with the Idaho Supreme Court Order cancelling the licenses of those attorneys that did not pay their license fees. The Executive Director reported that the staff is still working with attorneys that are out of compliance with other licensing requirements: MCLE, malpractice coverage, and trust accounts.

MCLE Credit for Pro Bono – The Commissioners discussed whether to consider proposing a rule to allow credit for pro bono legal work. The Commissioners were provided with information about which states allow credit for pro bono, how much, and under what circumstances. The Commissioners discussed the pros and cons of adding non program related options to the activities allowed for credit. In addition to pro bono, bar exam grading, legislative work, mock trial judging and coaching were discussed. The Commissioners decided not to pursue this idea at this time.

2018-19 Meetings and Events - The Commissioners were provided with an updated meetings and events schedule for the coming year.

ADMINISTRATION AND SUPPORT

Financial Reports – The Commissioners were provided with the February 28 financial reports. At the end of February, 80.3% of income received and 15.1% of expenses were incurred.

MEMBER SERVICES

2019 Annual Meeting – The Commissioners were provided with an updated schedule for the 2019 Annual Meeting in Boise.

District Bar Association Bylaws – The Commissioners were provided with the proposed 2nd District Bar Association bylaws. It was moved, seconded and passed to approve the 2nd District Bar Association bylaws as submitted.

REPORTS/CORRESPONDENCE/NEWS CLIPPINGS

Informational Reports – The Commissioners were provided with the Idaho Supreme Court Disciplinary Order suspending Bryninn Erickson, Idaho Supreme Court order reinstating Leann Ming Yee Holt, March membership count, 2019 age and gender statistics, Idaho Supreme Court Oral Conference Minutes, the ABA memo confirming that Concordia University School of Law is fully accredited by the ABA, and letters and news clippings for the past month.

The meeting adjourned at 2:00 p.m.

Respectfully submitted,

Diane K. Minnich
Executive Director