

GENERAL SESSION MINUTES
Idaho State Bar Board of Commissioners
February 22, 2019
Boise, Idaho

President David Cooper called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:35 a.m. at the Law Center in Boise, Idaho. In attendance at the meeting were Commissioners, Mike Howard, David Kerrick, Judge Michael Oths, Don Carey, Bar Counsel Brad Andrews, Deputy Bar Counsel Julia Crossland, Assistant Bar Counsel Caralee Lambert, Deputy Director Mahmood Sheikh 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)(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 January 18, 2019 meeting as submitted.

Judicial Council – The Executive Director reported that she is working with the Senate Judiciary and Rules Committee to have Judge Brudie confirmed by the senate during the 2019 legislative session.

Licensing Executive Orders – Bar Counsel reported on the recent orders issued by the governor to address rules for licensing various professions.

ABA Model Rules 7.1-7.5 – Bar Counsel reviewed the process for determining whether or not to submit the rules to the resolution process. The Commissioners can submit the resolution or a committee can be appointed to review the proposed rules and make a recommendation. It was moved, seconded and passed to appoint a task force to review and make a recommendation as to whether ABA Model Rules 7.1-7.5 should be submitted to the resolution process for inclusion in the Idaho Rules of Professional Conduct.

Second District Magistrate Commission – The Executive Director reported that Tony Anegon, recently appointed to the Second District Magistrate Commission, has a conflict for the upcoming magistrate selection process. The District Bar Association recommends that Summer Emmert be appointed temporarily for this selection process. It was moved, seconded and passed

to appoint Summer Emmert as a temporary member of the Second District Magistrate Commission.

Professional Conduct Board Members – The Executive Director noted that the Professional Conduct Board is in need of non-lawyer members from areas outside of Ada County.

Awards – The Commissioners discussed the award selection process and potential award recipients. Several names were generated to be added to the potential award recipients list.

Mandatory Bar Update – The Commissioners were provided with a Joint Defense and Common Interest Agreement prepared by the State Bar of Michigan, which is planning to submit an amicus brief in the North Dakota case. After discussion, it was moved, seconded and passed to not join the amicus brief and continue to monitor the situation and issues. The Commissioners were provided with the Brief of Appellant in the North Dakota lawsuit.

Staff Update – First, the Executive Director noted that we are sad to lose Mahmood Sheikh, he has been a key management staff member and he will be missed. The Executive Director then reported that Teresa Baker was hired as the Program and Legal Education Director, Lindsey Welfley will be the Communications Director and Maureen Braley will be the Associate Director. Maureen will continue to handle admissions; she will also oversee the MCLE process and assist with office operations.

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 January financial reports. At the end of January, 68% of income received and 6.7% of expenses incurred.

Code of Ethical Conduct – The Commissioners each signed the Code of Conduct and Ethical Statement as required by the auditors.

MEMBER SERVICES

Uniform Section bylaws – The Commissioners reviewed the proposed changes to the Uniform Section Bylaws. After discussion, it was moved, seconded and passed to amend the proposal to add language to Article II that out of state lawyers must reside in Idaho in order to be a member of a section.

Workers Compensation Section – Deputy Director Sheikh provided a memo along with the request from the Workers Compensation Section for a waiver of the carryover requirement due to upcoming projects and expenses. It was moved, seconded, and passed to approve a waiver of the fund balance carryover for the Workers Compensation Section for 2019.

2019 Annual Meeting – Deputy Director Sheikh confirmed that Tim O'Brien is the keynote speaker for the 2019 Annual Meeting.

District Bar Association Bylaws – The Commissioners were provided with the proposed 6th District Bar Association bylaws. It was moved, seconded and passed to approve the 6th District Bar Association bylaws as submitted.

REPORTS/CORRESPONDENCE/NEWS CLIPPINGS

Informational Reports – The Commissioners were provided with the February membership count, Idaho Supreme Court Oral Conference Minutes, and letters and news clippings for the past month.

The meeting adjourned at 11:25 a.m.

Respectfully submitted,

Diane K. Minnich
Executive Director