

IDAHO STATE BAR APPELLATE PRACTICE SECTION
COUNSEL MEETING—March 10, 2022, 12:00 p.m. MST (Amended)

Location: Zoom Video Conference

Meeting Link:

<https://zoom.us/j/98344254488?pwd=S0JNY0hKTTFLYXlvczl6eUhGUU5hUT09>

Meeting ID: 983 4425 4488

Passcode: 056814

For Audio Only Dial: 1 253 215 8782

1. Welcome
2. ACTION ITEM - Approve amended agenda (to add donation and approval of minutes)
3. Upcoming Meetings and Other Events
 - a. Annual Meeting - April 14, 2021 - Judge Amanda Brailsford - topic ideas?
4. ACTION ITEM - McNichols Competition/UofI donation
5. ACTION ITEM - Approve minutes (See attached)
6. Amendments to the Appellate Rules
 - a. Thoughts or concerns about the proposed changes
 - b. Additions to the proposed changes - see attached
7. The Advocate
 - a. Sponsoring the February, 2023 Issue
 - b. Deadlines:
 - i. Proposed articles to the Appellate Practice Board: June 30, 2022
 - ii. Article Submissions: Dec. 24, 2022
 - iii. EAB Meetings: Dec. 21, 2021
 - iv. Final Revisions: Jan. 2, 2023
 - c. Volunteers - Stephen Adams/Christopher Pooser (“The potential for interlocutory appeals in Idaho/Appellate Courts as courts of first impression”), Ben McGreevy, Jennifer Jensen (Holland Hart, JMJensen@hollandhart.com), Leslie Hayes and Bryan Nickels
8. Board Member Elections - Any known people running?
 - a. New President - John Cutler (2021 - 22)
 - b. New Past President - Stephen Adams (2021 - 22)
 - c. Secretary/Treasurer - Brian Church (2021 - 22)
 - d. Board members:
 - i. Sara Berry (2021-23)
 - ii. Leslie Hayes (2021-23)
 - iii. Emily Joyce (2021-23)
 - iv. Megan Larrondo (2021-23)
 - v. Bryan Nickels (2020-22)
 - vi. Christopher Pooser (2021-22)
 - vii. Adam Triplett (2020-22) (Appellate Court Representative)
 - viii. Dennis Voorhees (2021-23)
9. Any other business
10. Upcoming Meetings
 - a. April 14, 2022 - Annual Meeting/Member Meeting - Judge Brailsford CLE

MINUTES FROM IDAHO STATE BAR APPELLATE PRACTICE SECTION

GOVERNING COUNCIL MEETING—January 13, 2022 12:00 p.m. MST

Location: Zoom Videoconference

Meeting Link:

<https://us02web.zoom.us/j/89425090193?pwd=SE5pUG5YWkN5eTNPZFNESVQra3oxUT09>

Meeting ID: 894 2509 0193

Passcode: 754669

For Audio Only Dial: 1 253 215 8782

Attendees: Stephen Adams (Chair); John Cutler (Vice-Chair); Brian Church (Secretary / Treasurer); Ben McGreevy (Past-Chair); Sarah Berry, Emily Joyce, Megan Larrondo, Bryan Nickels (At-large Council Members).

Meeting started at 12:02 p.m.

- 1. Welcome**
- 2. Upcoming Meetings and Other Events**
 - a. Annual Meeting - April 14, 2021 - Need a CLE presenter.**
 - b. Lunch meetings can be in person again, with limited attendance (15 to 18 people, RSVP in advance).**

Regarding the lunch meetings, the council decided to hold off on this discussion pending further information.

- 3. ACTION ITEM - Annual Budget (e-mail from Carissa Carns, December 9, 2021, would like to have by January 15, 2021)**
 - a. Discuss potential donation to U of I law school for appellate moot court.**

Mr. Church discussed a proposed budget he had compiled, identifying dollar amounts already supplied by the Bar. Discussion focused on whether the donation amount specified in the budget should be increased to \$1250. There was then a motion to approve the budget with a \$1250 donation. (M: Adams / S: Cutler). Motion carried by voice vote.

- 4. ACTION ITEM - Approve Minutes**
 - a. Governing Council Meeting Oct. 14, 2021**
 - b. Governing Council Meeting Nov. 11, 2021**
 - c. Member Meeting Dec. 9, 2021**

Motion to approve the minutes as presented. (M: Cutler / S: Adams). Motion carried by voice vote.

- 5. Annual Bar Meeting –**
 - a. Looking for CLEs, potential receptions (e-mail from Dayna Ferrero December 1, 2021) - see attached proposal form**
- 6. Tradewing– Ideas on how to use the capabilities of the new platform?**

The council discussed ways that the Tradewing platform could be used. One suggestion was whether a personalized training session could be offered. Other suggestions regarding the use of Tradewing were also discussed.

- 7. Idaho Pro Bono Appellate Program**
 - a. Subcommittee update**

The council was informed that Pro Bono Appellate Program was still under development.

- 8. The Advocate**
 - a. Sponsoring the February, 2023 Issue**

b. Deadlines:

i. Proposed articles to the Appellate Practice Board: June 30, 2022

ii. Article Submissions: Dec. 24, 2022

iii. EAB Meetings: Dec. 21, 2021

iv. Final Revisions: Jan. 2, 2023

c. Volunteers - Stephen Adams (“Appellate Courts as Courts of First Impression”), Ben McGreevy, Jennifer Jensen (Holland Hart, JMJensen@hollandhart.com)

Motion to adjourn. (M: Cutler / S: Adams). Motion carried by voice vote.

Meeting adjourned at 12:40 p.m.

MINUTES FROM IDAHO STATE BAR APPELLATE PRACTICE SECTION

GOVERNING COUNCIL MEETING—February 10, 2022, 12:00 p.m. MST

Location: Zoom Videoconference

Meeting Link:

<https://us02web.zoom.us/j/89425090193?pwd=SE5pUG5YWkN5eTNPZFNESVQra3oxUT09>

Meeting ID: 894 2509 0193

Passcode: 754669

For Audio Only Dial: 1 253 215 8782

Attendees: John Cutler (Vice-Chair); Brian Church (Secretary / Treasurer); Ben McGreevy (Past-Chair); Leslie Hayes, Emily Joyce, Megan Larrondo, Bryan Nickels, Dennis Voorhees (At-large Council Members).

Meeting started at 12:01 p.m.

- 1. Welcome**
- 2. Upcoming Meetings and Other Events**
 - a. Annual Meeting - April 14, 2021 - Need a CLE presenter.**
 - b. Confirm with ISB whether meetings can be in person again.**

The council confirmed that limited in-person meetings would be permitted at the Bar. Christopher Pooser has offered to the council use of a room in Stoel Rives' office. Upon further discussion, the council will follow up to determine if a hybrid approach may be

3. Update from Ben McGreevy re: Governing Counsel Meeting

Mr. McGreevy discussed the Bar sections leadership meeting he recently attended. Mr. McGreevy reported that the appellate practice section had 132 members, including 122 attorney members. Mr. McGreevy noted that the Fourth District Bar and Young Lawyers Division would be hosting a CLE with Justice Brody on May 17th. With respect to Tradewing,

six sections are participating in it. Mr. McGreevy also provided a reminder regarding the 2022 Bar award nomination dates in March.

4. Annual Bar Meeting –

- a. Looking for CLEs, potential receptions (e-mail from Dayna Ferrero December 1, 2021) - see attached proposal form**

The Deadline for proposals is February 28th, and there will be no need for sections to pay cost up front if they sponsor a presentation. The annual bar meeting will be in Twin Falls this year and will occur July 20 through July 22.

5. The Advocate

- a. Sponsoring the February, 2023 Issue**

- b. Deadlines:**

- i. Proposed articles to the Appellate Practice Board: June 30, 2022**

- ii. Article Submissions: Dec. 24, 2022**

- iii. EAB Meetings: Dec. 21, 2021**

- iv. Final Revisions: Jan. 2, 2023**

- c. Volunteers - Stephen Adams (“Appellate Courts as Courts of First Impression”), Ben McGreevy, Jennifer Jensen (Holland Hart, JMJensen@hollandhart.com)**

The deadlines for issue that we are sponsoring is listed in the agenda.

6. Board Member Elections

- a. New President**
- b. New Past President - Stephen Adams**
- c. Secretary/Treasurer?**
- d. New Board Members?**

The positions up for vote this year will be the officer positions and the member positions currently held by Mr. Nickels, Mr. Pooser, and Mr. Triplett.

The council discussed in what format elections would occur and agreed that an online vote would be used. Mr. Cutler will reach out to the Bar to inform them of this

7. Any other business

The council discussed how Tradewing could be utilized by the section to provide information. One example that was discussed was how the Employment Law Section utilized Tradewing to profile new members.

8. Upcoming Meetings

- a. March 10, 2022 - Board Meeting**
- b. April 14, 2022 - Annual Meeting/Member Meeting - Judge Brailsford CLE**

Motion to adjourn. (M: Voorhees/ S: Joyce). Motion carried by voice vote.

Meeting adjourned at 12:34 p.m.

Fri, Mar 4, 12:51

PM (3 days ago)

Jonah Horwitz
<Jonah_Horwitz
@fd.org>

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Hello:

I'd like to propose a change to the Idaho Appellate Rules. My suggestion is that a provision be added to the rules indicating that remittitur will not issue on appeal until the U.S. Supreme Court denies certiorari, if such review is sought. For what it's worth, the Nevada Rules of Appellate Procedure take that approach (NRAP 41) and could provide a model for Idaho. If you need anything further from me on my proposal, please let me know. Thanks,

Jonah