

# In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO SECTIONS OF )  
THE IDAHO BAR COMMISSION RULES )  
(I.B.C.R.) )  
\_\_\_\_\_ )

ORDER

The Board of Commissioners of the Idaho State Bar having presented proposed changes to the Idaho Bar Commission Rules (I.B.C.R.), and the Idaho Supreme Court having reviewed and approved the recommendations;

NOW, THEREFORE, IT IS ORDERED that the Idaho Bar Commission Rules (I.B.C.R.), as they appear in the Idaho State Bar Desk Book and on the Idaho State Bar website be, and they are hereby, amended as follows:

**RULE 200. Definitions.** Unless otherwise expressly provided, the following terms have the following meanings as used in the rules relative to admissions:

- (a) **Active Practice of Law.** The practice of law following admission to practice before the highest court of any state or territory of the United States or the District of Columbia as a licensed active member of a jurisdiction in which the Applicant is admitted, the equivalent of an active member as defined in I.B.C.R. 301, meaning the attorney is permitted to practice law in the state while so licensed.
- (b) **Admissions Rules.** Idaho Bar Commission Rules 200 through 229.
- (c) **Applicant.** A person requesting admission to practice law in Idaho.
- (d) **Application.** Application for bar examination and admission to practice law in Idaho.
- (e) **Approved Law School.** A law school which is fully or provisionally approved by the American Bar Association pursuant to ABA Standards and Rules of Procedure for Approval of Law Schools, as amended.
- (f) **Attorney Applicant.** An Applicant for admission under Rule 205.
- (g) **Bar.** The Idaho State Bar.
- (h) **Bar Counsel.** Legal counsel for the Board of Commissioners of the Bar.
- (i) **Board.** The Board of Commissioners or the duly elected governing body of the Bar.
- (j) **CF Committee.** The Character and Fitness Committee as provided in Rule 209.
- (k) **Executive Director.** The chief administrative officer of the Bar.
- (l) **Experienced Attorney Applicant.** An Applicant for admission to practice law under Rule 206.
- (~~m~~) **Foreign Legal Consultant.** An Applicant who is licensed to practice law in a foreign jurisdiction as an attorney or counselor at law or the equivalent under Rule 207.
- (~~nm~~) **House Counsel Applicant.** An Applicant for admission to practice law under Rule 225.
- (~~on~~) **RA Committee.** The Reasonable Accommodations Committee as provided in Rule 213.
- (~~o~~) **Reciprocal Applicant.** An Applicant for admission to practice law under Rule 206.
- (p) **Request.** A request for reasonable accommodations for testing.
- (q) **Student Applicant.** An Applicant for admission that has not been admitted to practice law in any jurisdiction.

- (r) **Supreme Court.** The Supreme Court of the State of Idaho.
- (s) **Uniform Bar Examination.** All Idaho Bar Examination components taken in the same administration of the exam. A UBE score may be portable to other jurisdictions that have adopted UBE rules.

\*\*\*

**Rule 203. Application for Admission.**

- (a) **Form and Content of Application.** Applications shall be on forms prescribed by the Board and shall include authorizations and releases to enable the Board to obtain information concerning the Applicant. All forms of authorization and release executed by the Applicant shall terminate:
  - (1) Upon the Bar's receipt of notice of withdrawal of the Application;
  - (2) Upon the Applicant's receipt of notice that the Bar has denied the Application; or
  - (3) Upon admission to the Bar.
- (b) **Time for Filing Application.**
  - (1) Except as provided in subsections (2) and (3) below, Applications must be received by the Bar no later than March 1 for the July bar examination and October 1 for the February bar examination.
  - (2) Late Applications will be accepted on or before April 15 for the July bar examination and on or before November 15 for the February bar examination. No Applications shall be accepted after the late Application deadline.
  - (3) A UBE Score Transfer Applicant, Experienced Attorney Applicant, or House Counsel Applicant may file an reciprocal or house counsel Application may be filed at any time.
- (c) **Fees.** Applications for bar examination and admission must include all the required fees.
  - (1) **Application Fees.**
    - (A) Student Applicant: \$600
    - (B) Attorney Applicant: \$800
    - (C) ~~Reciprocal Experienced Attorney Applicant: \$12000~~
    - (D) House Counsel Applicant: \$800
  - (2) **Additional Fees.**
    - (A) Late Application Fee. The late Application fee is \$200.
    - (B) Investigation Fee. In the event the Board or CF Committee determines that an investigation of any Applicant beyond the usual investigation provided for in Rule 208 is required, the Board or CF Committee may require the payment of an additional investigation fee, including but not limited to, the cost of any record or document required by the Board or CF Committee related to its investigation of the Applicant. The Board and CF Committee shall not proceed with further investigation and the Applicant may not be admitted until the additional investigation fee is paid and the investigation of the Applicant's character and fitness is completed.
    - (C) Administrative Fees. The Board may assess additional administrative fees to be paid by Applicants for test-taking options.
  - (3) **No Refunds.** No refund, in whole or in part, shall be made of any fee.
- (d) **Withdrawal.** An Application may be withdrawn at any time prior to the first day of the bar examination. ~~Reciprocal Experienced Attorney Applicants, House Counsel Applicants and UBE Score Transfer Applicants may withdraw their Application at any time before admission.~~ Once an Application is withdrawn, a new Application and required fees must be submitted.

\*\*\*

**Rule 206. ~~Reciprocal Applicants~~ Admission Based on Practice Experience.**

(a) **Qualifications.** In order to be admitted to practice law without taking the Idaho bar examination, an Experienced Attorney Reciprocal Applicant must show to the satisfaction of the Board that he or she:

- (1) Has met the qualifications for admission under Rule 202;
- (2) Has passed a written bar examination and was admitted as an attorney by the highest court in any state or territory of the United States or the District of Columbia ~~that grants reciprocal admission under provisions substantially similar to this rule to attorneys licensed in Idaho;~~
- (3) Has been substantially engaged in the Active Practice of Law in Idaho ~~or under the authority of another jurisdiction that grants admission to attorneys licensed in Idaho under provisions substantially similar to this rule~~ one or more states or territories of the United States or the District of Columbia for no less than three of the five years immediately preceding the Application; ~~however, if the jurisdiction from which the Reciprocal Applicant is seeking admission to the Bar requires at least three years of active practice within the five years immediately preceding the Application, then the Reciprocal Applicant must satisfy the period of time required in that jurisdiction.~~ For purposes of this rule, substantial engagement in the Active Practice of Law includes:
  - (A) Attorneys who are licensed in Idaho as house counsel under Rule 225. Practice of law in Idaho as house counsel without an Idaho house counsel license does not satisfy the requirements of this subsection;
  - (B) Judges, administrative judges or the equivalent thereof in another jurisdiction, of a court of general or appellate jurisdiction of any state or territory of the United States, the District of Columbia or federal court in the United States;
  - (C) Service as a judicial law clerk in a local, state, territorial, or federal court of record in the United States, which service was performed after admission to practice and as a licensed, active member of the jurisdiction in which the service was performed; or
  - (~~D~~E) Attorneys who are employed by and teaching full-time in an Approved Law School;
- (4) Possesses the moral character and fitness required of all other Applicants for admission;
- (5) Has paid all required Application fees and costs; and
- (6) Has not failed ~~the Idaho~~ a bar examination in the five years immediately preceding the Application.

(b) **Legal Intern or Pro Hac Vice.** The time an attorney practices or practiced in Idaho under Rule 226 or 227 does not independently qualify as time substantially engaged in the Active Practice of Law.

(c) **Time and Manner for Admission.** ~~Reciprocal Experienced Attorney~~ Applicants shall be admitted as provided in Rule 220.

\*\*\*

**Rule 217. Bar Examination.**

(a) **Examination Required.** Except as otherwise provided in this Rule, all Applicants, except Experienced Attorney Applicants~~Reciprocal~~ and House Counsel Applicants, must take the Idaho bar examination.

(b) **Idaho Bar Examination.** The Idaho bar examination consists of the National Conference of

Bar Examiners (NCBE) prepared exams including six Multistate Essay Examination (MEE) questions, two Multistate Performance Test (MPT) questions and the Multistate Bar Examination (MBE). If all components of the Idaho bar examination are taken in the same examination administration and given according to the standards established by the NCBE, the examination qualifies as the Uniform Bar Examination (UBE).

- ~~(e) **Attorney Applicants.** An Attorney Applicant, not eligible for reciprocal admission, who has been engaged in the Active Practice of Law for at least three of the last five years on the date of Application shall not be required to take the MBE. The Applicant shall be required to take all essay portions of the Idaho bar examination. Such an applicant is not eligible to receive a UBE score that is transferable to another jurisdiction, unless applicant chooses to take the UBE described above.~~
- (cd) Transfer of UBE or MBE Score.** Applicants for admission by examination may transfer a UBE scaled score of 270 or above earned during the July 2023 bar exam or any exam thereafter from another UBE jurisdiction if taken within the last 37 months. An Applicant may transfer an MBE score from any jurisdiction if taken within the last 37 months prior to the date of the Idaho bar examination for which they are applying. Applicants who failed a prior Idaho bar examination may transfer an MBE score from a prior Idaho bar examination if taken within the last 37 months prior to the date of the bar examination for which they are applying. An Applicant who elects not to transfer a prior score and chooses to sit for that MBE may not subsequently substitute a prior score on that bar examination. Applicants who transfer an MBE score are not eligible to receive a transferable UBE score.
- (de) Certificate Permitting the Bar Examination.** The Executive Director shall provide the Applicant with a certificate permitting the Applicant to take the bar examination if:
- (1) No Rule 211 written objection has been filed; and
  - (2) The Applicant meets the bar examination and admission requirements.
- (ef) Entry to Bar Examination.** No Applicant shall be permitted to take the bar examination unless a valid certificate duly issued by the Bar is presented.
- (fg) Validity.** A certificate permitting bar examination shall be valid only for the bar examination for which it is issued.
- (gh) Supervision of Examinations.** Bar examinations shall be supervised by the Board through the Executive Director. The Executive Director may appoint proctors and monitors to conduct each bar examination. No extra time shall be given for an Applicant who is late for any session of the bar examination.
- (hi) Bar Examination Code of Conduct.** Applicants shall abide by the rules and instructions governing the administration of the bar examination.
- (1) An Applicant shall not:
    - (A) Falsify any documentation required for admission to the bar examination;
    - (B) Read questions on the bar examination prior to the announcement to begin the bar examination;
    - (C) Utilize unauthorized notes, books, recordings, electronically retrievable data or other unauthorized materials while taking the bar examination;
    - (D) Use answers or information from other Applicants while taking the bar examination;
    - (E) Provide answers or information to other Applicants while taking the bar examination;
    - (F) Remove from the bar examination room, during or after the bar examination, questions, answer sheets or other materials relating to any part of the bar examination;
    - (G) Continue to answer questions after the announcement to stop is given;



- (H) Communicate the substance of any question to other Applicants still taking the bar examination;
  - (I) Communicate the substance of any question to persons who are employed by or associated with bar review courses;
  - (J) Disregard instructions given by the proctors or monitors during the course of the bar examination or cause generalized disruption of the bar examination;
  - (K) Identify themselves by submitting their identification numbers or names on a response to any question or attempt to influence the grading of their bar examinations in any manner; or
  - (L) Otherwise compromise the security or integrity of the bar examination.
- (2) Applicants who violate this Code of Conduct, or who knowingly assist another Applicant in a violation, shall be given an automatic failing score on the entire bar examination. The circumstances of such violation may be considered by the Board as grounds for barring the Applicant from retaking the bar examination.
- (ij) **Handling of Bar Examination Papers.** At the beginning of each bar examination session, the Applicants shall be given a copy of the questions to be answered at that session. Applicants typing answers to the essay questions shall utilize the secure software approved by the Board. Written answers to the essay questions shall be written in ink on paper supplied by the Board. All questions must be labeled and numbered as instructed.
- (jk) **Grading of the Bar Examination.** Bar examinations, including any incomplete bar examination, shall be graded and reviewed under the direction of the Board in accordance with the Bar Examination Grading Standards and Procedures adopted by the Supreme Court.
- (1) **Identification.** An identification procedure which ensures anonymity of all Applicants shall be used throughout the grading process.
  - (2) **Passing Score.** A passing scaled score on the bar examination shall be a scaled score of not less than 67.5% of the highest possible scaled score as provided by the Bar Examination Grading Standards and Procedures.
- (kl) **Bar Examination Certification.** The Board shall certify all eligible Applicants to the Supreme Court for admission.
- (lm) **Request for Copies.** Applicants who failed the bar examination may review:
- (1) Their bar examination grades and answers; and
  - (2) The essay questions and suggested analyses.
- (mn) **Bar Examination Records.** Bar examination papers shall be maintained by the Bar for at least 120 days after the bar examination, after which time the papers may be destroyed without further notice to the examinee.

\*\*\*

**Rule 307. Partial Refund of License Fees/Political Activity.**

- (a) To the extent Bar license funds are expended to advocate political or ideological positions that are not reasonably related to the Bar's enumerated purposes, dues-paying members may, upon application, be refunded an appropriate amount of their license fee, equal to the proportionate amount expended for such advocacy.
- (b) The amounts of license fees expended for advocacy activities described in subsection (a) shall be announced by publication in The Advocate or by electronic communication from the Bar to Bar Members.
- (c) Refund applications shall be made within thirty (30) days of the date of publication of The

~~Advocate notice~~ the Bar notifies Bar Members under subsection (b) and shall be directed to the Executive Director.

- (d) Nothing in this section shall be construed to create an affirmative obligation on the Bar to advocate or refrain from advocating any political or ideological positions.

\*\*\*

**RULE 401. Definitions.** As used in these Rules, the following terms have the meanings set forth below:

- (a) **Accredited Activity.** A course, video, recording or other activity approved for CLE credit by the Board or its designee.
- (b) **Active or Active Member.** A member of the Bar as defined in I.B.C.R. 301.
- (c) **Affinity Group.** An Idaho-based legal group organized to promote the common interests of certain members of the Bar.
- (de) **Attendance.** Being present in an audience, either in person or through an electronic medium, at a live Accredited Activity at the time the course is actually presented, or engaging in self-study using an accredited recorded program under Rule 404(a).
- (ed) **Bar.** Idaho State Bar.
- (fe) **Bar Counsel.** Legal counsel for the Board.
- (gf) **Board.** Board of Commissioners, the duly elected governing body of the Bar.
- (hg) **Canceled.** Status of an attorney as defined in I.B.C.R. 301.
- (ih) **Certificate of Compliance.** Form certifying an attorney's compliance with applicable CLE requirements.
- (ji) **CLE.** Continuing legal education.
- (kj) **Course Provider.** The entity or individual responsible for the planning and presentation of a CLE activity, applying for accreditation of the CLE activity and paying the respective accreditation application fee.
- (lk) **Court or Supreme Court.** Supreme Court of the State of Idaho.
- (ml) **Credit Hour.** Sixty (60) minutes of actual attendance at an Accredited Activity, rounded to the nearest quarter of an hour.
- (nm) **Executive Director.** The chief administrative officer of the Bar.
- (on) **House Counsel or House Counsel Member.** A member of the Bar as defined in I.B.C.R. 301.
- (po) **I.B.C.R.** Idaho Bar Commission Rules.
- (qp) **New Admittee Credit-Approved (NAC-Approved).** An Accredited Activity addressing Idaho practice, procedure, and/or ethics that has been designated by the Bar as NAC-Approved in accordance with standards adopted by the Board.
- (rq) **New Attorney Program.** The NAC-Approved Accredited Activity described in Rule 402(f).
- (sf) **Resigned.** Status of an attorney as defined in I.B.C.R. 301.
- (ts) **Rules.** Section IV of the I.B.C.R.
- (ut) **State.** State of Idaho.

\*\*\*

**RULE 403. Accreditation.**

- (a) **Standards.** Accreditation of CLE activities shall be consistent with the following standards:
- (1) The activity shall have significant intellectual or practical content, and the primary objective shall be to increase the attorney's professional competence and ability to deliver quality legal services in an efficient, competent and ethical manner;
  - (2) The activity shall constitute an organized program of learning that addresses matters directly related to the practice of law, professional responsibility or ethical obligations of attorneys, provided:
    - (A) Courses included in the curriculum of a college or university undergraduate degree program do not qualify for accreditation as a CLE activity; and
    - (B) An attorney may receive credit for attendance at a non-legal educational program if the subject of that program relates specifically to the attorney's area of practice. For example, credit may be given for attendance at a medical-related program if the attorney's practice includes medical malpractice;
  - (3) The activity shall be conducted by an individual or group qualified by practical or academic experience in the covered subjects;
  - (4) The activity may include video, digital content or other presentation formats;
  - (5) Materials used in the activity shall be thorough and of high quality, and should be distributed to participants prior to or during the activity; and
  - (6) The activity may address law practice management to promote the efficient and competent delivery of legal services; however, no CLE credit shall be approved for marketing, client cultivation, general time management or stress reduction, computer training that is not specific to attorneys, general business topics, or vendor-sponsored activities designed solely to promote products or services.
- (b) **Accreditation.** A person or Course Provider may apply for accreditation of a CLE activity by filing with the Executive Director a written application on a form prescribed by the Board.
- (1) **Contents of Application.** The application shall contain:
    - (A) The name of the Course Provider;
    - (B) A description of the CLE activity;
    - (C) Detailed descriptions of the subjects covered in the CLE activity;
    - (D) The name and qualifications of each presenter;
    - (E) The time schedule of a live CLE activity or the length, in minutes, of a recorded CLE activity;
    - (F) The name of the person or Course Provider requesting accreditation;
    - (G) The date and location of a live CLE activity or, if the CLE activity is recorded, the date and location that the attorney completes the CLE activity for self-study credit; and
    - (H) For a recorded CLE activity used for self-study credit, the date the activity was produced or initially recorded.
  - (2) **Time of Filing.**
    - (A) The application may be filed prior to the CLE activity.
    - (B) An application filed more than ninety (90) days after the CLE activity is completed shall be accompanied by a ~~fifteen~~ twenty-five dollar (\$~~15~~ 25) late fee.
  - (3) **Attendance Roster.** Upon completion of an Accredited Activity, the Course Provider shall forward to the Bar an attendance roster providing the printed name and Bar number for each attorney participant and the total number of general credits and, if applicable, ethics credits, earned by each attorney participant.

- (4) **In-House and Self-Study Programs.** In-house or self-study programs that satisfy the requirements of subsection (a) may qualify for CLE credit upon written application.

\*\*\*

**RULE 405. Processing Applications for Accreditation.** Applications for accreditation under Rule 403(b) shall be submitted to the Executive Director.

- (a) **Application Fee.** All applications for accreditation of CLE activities shall be accompanied by a ~~seventy-five~~forty dollar (\$~~75~~40) application fee, provided:
- (1) Applications submitted by ~~non-profit Course Providers for live CLE activities that are two (2) hours or less in length and held in Idaho~~Affinity Groups shall be accompanied by a ~~twenty-five~~ dollar (\$~~20~~20) application fee; and
  - (2) No application fee is required for accreditation applications submitted by the Supreme Court, the Bar and its sections or district bar associations, the Idaho Law Foundation, Inc., or individual members of the Bar.
- (b) **Credit Approval or Denial.** The Executive Director shall:
- (1) Examine and evaluate all applications for accreditation following the standards established by Rule 403(a);
  - (2) Approve or deny all or any portion of a CLE activity for which accreditation is sought; and
  - (3) Determine the number of credit hours allowed for each CLE activity.
- (c) **Decision.** The Executive Director shall provide written notice of the determination to approve or deny an accreditation application to the respective person or Course Provider.
- (1) **Contents of Notice.**
    - (A) If the application is denied, the notice shall state the reason for the denial and advise the applicant of the right to seek review of the decision.
    - (B) If the application is approved, the notice shall state the number of credit hours allowed for the CLE activity.
  - (2) **Timing of Notice.** The notice shall be provided within twenty-one (21) days following receipt of the application.
- (d) **Review.** Any person or Course Provider whose application for accreditation of a CLE activity has been denied may seek review of the Executive Director's decision by filing a written request with the Board, stating the reasons for the review request.
- (1) **Time for Filing.** Any request for review of the Executive Director's decision shall be filed within fourteen (14) days of the notice.
  - (2) **Additional Information.** The applicant may present additional information to the Board for its consideration.
  - (3) **Decision of Board.** Following its review of the record, the Board shall issue a decision and advise the applicant of that decision. The decision of the Board is final.

\*\*\*

**Rule 518. Reinstatement after Suspension.**

- (a) **Reinstatement after Suspension of 90 Days or Less.** A lawyer who has been suspended for 90 days or less pursuant to disciplinary proceedings shall be reinstated at the end of the period of suspension by filing with the Supreme Court and serving upon Bar Counsel an affidavit stating he or she has complied fully with the requirements of the suspension order, ~~and~~ has

paid any required fees and costs, and has reimbursed the Bar for any amounts owed related to the disciplinary proceedings and, if applicable, for any amounts paid from the Client Assistance Fund based on the lawyer's dishonest conduct.

- (b) **Reinstatement after Suspension for More Than 90 Days.** A lawyer suspended for more than 90 days may be readmitted upon showing that he or she has the moral qualifications, competency and learning in the law for admission to practice law in this State, that his or her resumption of the practice of law within this State will not be detrimental to the integrity of the Bar, to the administration of justice or against the public interest, ~~and~~ that he or she has complied with all the terms of his or her suspension, and that he or she has reimbursed the Bar for any amounts owed related to the disciplinary proceedings and, if applicable, for any amounts paid from the Client Assistance Fund based on the lawyer's dishonest conduct.
- (1) **Petition.** A petition for reinstatement by a suspended lawyer may be filed no sooner than 90 days prior to the end of his or her term of suspension. No petition for reinstatement under this Rule shall be filed within one year following an adverse judgment upon a petition for reinstatement filed on behalf of the same lawyer.
  - (2) **Place of Filing.** Petitions for reinstatement by a suspended lawyer shall be filed with the Clerk and served upon Bar Counsel.
  - (3) **Advance Cost Deposit.** Such petitions shall be accompanied by an advance cost deposit in an amount of not less than \$1500 to cover anticipated costs of the reinstatement proceeding. If the costs of the proceeding are less than the deposit, any unused amounts shall be returned to the suspended lawyer at the conclusion of the proceedings. If the costs of the proceeding exceed the advance cost deposit, the suspended lawyer must reimburse such costs prior to reinstatement.
  - (4) **Processing Petition.** Within 14 days following receipt of the petition, the Chair of the Professional Conduct Board shall assign the petition to a Hearing Committee.
    - (A) **Hearing.** The Hearing Committee shall schedule a hearing to be held within a reasonable time after the matter is assigned. The Clerk shall serve a copy of the notice of hearing upon suspended lawyer and Bar Counsel at least 14 days in advance of the hearing, stating the date, time and place of hearing. The notice shall advise the suspended lawyer that he or she is entitled to be represented by counsel, to cross-examine witnesses and to present evidence in his or her own behalf.
    - (B) **Burden of Proof.** The suspended lawyer shall have the burden of demonstrating by clear and convincing evidence that he or she has met the requirements, as herein above set forth or as set forth in the Supreme Court order of suspension, for reinstatement to the practice of law in this State.
    - (C) **Report of Hearing Committee.** The Hearing Committee shall file a report containing its findings of fact, conclusions of law and recommendations, together with the record, with the Clerk. A copy of the Hearing Committee's report shall be served on the suspended lawyer and Bar Counsel.
    - (D) **Time of Decision.** The Hearing Committee's decision shall be rendered within 21 days after the matter is fully submitted.
    - (E) **Submission to Court.** The Professional Conduct Board shall cause the Clerk to submit the entire record of the proceedings before the Hearing Committee to the Supreme Court and serve a copy thereof on the suspended lawyer and Bar Counsel.
    - (F) **Procedure After Submission.** In all reinstatement proceedings, the suspended lawyer and/or Bar Counsel may appeal to the Supreme Court all Hearing Committee findings of fact, conclusions of law and recommendations.



- (1) **Appeal Filed.** Within 21 days following the filing in the Supreme Court of findings of fact, conclusions of law and recommendations, either party may file a Notice of Appeal with the Supreme Court. Such Notice of Appeal shall be a brief statement indicating the party intends to contest any or all of the findings of fact, conclusions of law and recommendations of the Hearing Committee. The Notice of Appeal shall be served on the other party. After the filing of the record and the Notice of Appeal with the Supreme Court, the parties shall file briefs on the schedule to be provided by the Supreme Court. Oral argument, if desired by the Supreme Court, shall be at a time and place scheduled by the Supreme Court.
  - (2) **No Appeal Filed.** If no appeal is filed with the Supreme Court within 21 days following the filings in the Supreme Court of the findings of fact, conclusions of law and recommendations, the Supreme Court may enter its decision or order further proceedings. The Supreme Court may modify the Hearing Committee's recommendations upon notice and opportunity to be heard. The Supreme Court may also remand a case to the Hearing Committee for further consideration.
- (G) **Order of Court.**
- (1) **Adverse Determination.** If the suspended lawyer is determined by the Supreme Court to be not fit to resume the practice of law, the petition shall be denied.
  - (2) **Reinstatement.** If, however, the suspended lawyer is found to be fit to resume the practice of law, the order of the Supreme Court may provide for reinstatement upon such conditions as the Supreme Court deems appropriate in the interest of justice, the public, the suspended lawyer, the Bar and/or former or prospective clients of the suspended lawyer. Conditions on reinstatement may include, but need not be limited to, payment of the costs and expenses of the proceedings had in the case; restitution to parties harmed by the suspended lawyer's misconduct that constituted grounds for the suspension in his or her case; and/or the suspended lawyer's furnishing to the Supreme Court such proof of competency as it may require, which proof may include certification by the Board of Commissioners that the suspended lawyer, subsequent to the date of such conditional order of reinstatement, has completed successfully the Idaho bar examination.
- (c) **Reinstatement after Vacation or Reversal of Criminal Conviction.** If an appeals court vacates or reverses a lawyer's Conviction of a Serious Crime or if a trial court enters an order granting a motion for a new trial, a motion for judgment of acquittal or a motion to withdraw a plea of guilty that removes a lawyer's Conviction of a Serious Crime, which Conviction was a basis for suspension under these Rules, the lawyer may file a petition for reinstatement following the procedures set forth in Rule 512(d).
  - (d) **Reinstatement or Readmission after Reciprocal Reinstatement or Readmission.** Where the Supreme Court has imposed a suspension or disbarment solely on the basis of imposition of discipline in another jurisdiction, and where the suspended lawyer gives notice to the Supreme Court that he or she has been reinstated or readmitted in the other jurisdiction, the Supreme Court shall determine whether the suspended lawyer should be reinstated or readmitted. Unless Bar Counsel presents evidence demonstrating procedural irregularities in the other jurisdiction's proceeding or presents other compelling reasons, the Supreme Court shall reinstate or readmit a suspended lawyer who has been reinstated or readmitted in the jurisdiction where the misconduct occurred.

\*\*\*

**RULE 523. Service and Filing of Pleadings.**

- (a) **Form of Pleadings.** The form, style and content of all pleadings shall conform to the provisions of Rule 10 of the Idaho Rules of Civil Procedure.
- (b) **Signing of Pleadings.** The provisions of Rule 11 of the Idaho Rules of Civil Procedure are incorporated into these Rules.
- (c) **Complaints and Petitions.** Service of complaints and petitions under these Rules shall be made by personal service under Idaho Rules of Civil Procedure 4(d)(1) and 4(d)(2) or by certified mail, return receipt requested, to the Lawyer's address, as filed with the Bar. If service cannot be made as above, service shall be made ~~in the official Bar publication and shall be deemed complete 14 days after the date the official Bar publication is mailed to Lawyer~~ by email to the Lawyer's eService address and email address on record with the Bar or, if no eService address or email address is on record with the Bar, service shall be made by publication on the Bar's website and shall be deemed complete 14 days after such publication.
- (d) **Answers, Responses and Other Pleadings.** Original answers, responses and other pleadings under these Rules shall be filed with the Clerk by personal delivery or mail. The Clerk's address is 525 W. Jefferson, Boise, Idaho 83702. Copies of original pleadings shall be served upon all parties by personal delivery, mail or electronic means.
- (e) **Service.** Whenever notice is required in these Rules, the Clerk shall promptly serve such notice by regular first-class mail. Service shall be complete upon mailing.

\*\*\*

**RULE 614. Service.**

- (a) **Claims.** Service of Claims under these Rules shall be made by certified mail, return receipt requested, to the Lawyer's address as filed with the Bar. If service upon the Lawyer cannot be made as provided above, service shall be made ~~in the official Bar publication and shall be deemed complete fourteen (14) days after the date the official Bar publication is mailed to Lawyers~~ by email to the Lawyer's eService address and email address on record with the Bar or, if no eService address or email address is on record with the Bar, service shall be made by publication on the Bar's website and shall be deemed complete 14 days after such publication.
- (b) **Responses and Other Documents.** Responses and other documents filed under these Rules shall be served upon the Bar and parties by personal delivery, certified mail or electronic means.

\*\*\*

**RULE 906. Resolution Process.**

- (a) **Purpose and Matters to be Considered.** All matters relating to or affecting the statutes or laws of the State of Idaho, rules of court, the policies of the Idaho State Bar or the governance of the Idaho State Bar or of the district bar associations shall be determined by the members of the Idaho State Bar by direct secret ballot or through a vote of the district bar associations as provided in this rule, provided that matters relating to technical corrections, clarification or implementation of the Idaho Bar Commission Rules may be adopted by the Board and proposed to the Idaho Supreme Court.

- (b) **Submission of Resolutions.** Resolutions may be submitted by the Board, district bar associations, sections or committees of the bar, or by any member of the Idaho State Bar. Resolutions shall be submitted in writing, with copies of any proposed legislation or rule changes attached, to the office of the Executive Director of the Idaho State Bar on or before September 25. Each resolution submitted shall be reviewed by the delegates to the October meeting so they may become familiar with the purpose of the resolution and report to the members of their district bar association.
- (c) **Voting - Eligibility.** Each active, house counsel and judicial member of the Idaho State Bar shall be entitled to one (1) vote on each question presented.
- (d) **Voting - Method-Procedure.**
- (1) **Ballots.** Following the October meeting, the Executive Director shall send a ballot to all eligible voters, listing all resolutions in "aye or nay" form, and including instructions for the return of ballots. Voters may return the ballots to the offices of the Idaho State Bar or cast them at their respective district bar association meeting. Questions shall be determined by the combined ayes and nays cast statewide.
- (2) **Voting Method.** At the Board's discretion, the election may be conducted by paper ballots and/or a secure electronic voting ("electronic voting") system. In the case of an election using both paper ballots and electronic voting, the Executive Director shall mail paper ballots to members of the Idaho State Bar who are eligible to vote but who do not have a valid email address on file with the Idaho State Bar. Such mailing shall include information regarding how to vote by electronic voting. On that same date, the Executive Director shall send ballots electronically to all other members of the Idaho State Bar who are eligible to vote and shall provide information about how to obtain a paper ballot instead of voting by electronic voting.
- (A) **Paper ballots.** Members voting by paper ballot shall mark the ballot and place it in a signed envelope. Paper ballots must be received by the Executive Director no later than 5:00 p.m. on the date designated by the Board as the voting deadline. Any ballots not enclosed in a signed envelope shall not be counted.
- (B) **Electronic voting.** Members voting electronically shall be provided a secure link to an online ballot. Electronic voting must be completed no later than 5:00 p.m. on the date designated by the Board as the voting deadline. Votes cast via electronic voting shall be verified and securely stored by the vendor.
- (e) **October Meeting.** The October meeting shall be scheduled in accordance with Rule 905(b).
- (1) **Delegates.** Each district bar association shall elect or appoint one (1) member from the district bar association to serve as delegate to the meeting. Each Commissioner of the Board shall also serve as a delegate.
- (2) **Vote.** The vote of each district bar association on any question shall be cast at the October meeting as instructed by the district bar association. Each question shall be determined by a majority vote of all delegates present at the meeting.
- (3) **Determination whether to Circulate.** All resolutions submitted by the district bar associations, Idaho Supreme Court and Board shall be automatically considered submitted for resolution process consideration, unless two-thirds of the delegates present at the October meeting conclude that a proposed resolution is clearly outside the scope of the Idaho State Bar's authority.
- (f) **Circulation of Resolutions to Membership.** All resolutions submitted by the district bar associations, Idaho Supreme Court and the Board, and all other resolutions approved by a majority vote cast by the delegates as provided in this rule, shall be circulated directly to the

members of the Idaho State Bar as soon as practical by the Board.

- (g) **Consideration by District Bar Associations.** Each resolution following its dissemination shall be considered by the members of each district bar association at a meeting held prior to December 1 of each year.
- (h) **Amendments to Circulated Resolutions.** Proposed amendments to circulated resolutions may be offered at any district bar association resolution meeting. Once an amendment is proposed at a district bar association resolution meeting, an advisory vote shall be taken at the meeting where the amendment was offered and shall be taken at any subsequent district bar association resolution meeting if the amendment is approved by the advisory vote at the resolution meeting where the amendment was offered. Proposed amendments shall be germane to the original resolution and shall not be contrary to or defeat the intent of the original resolution.
- (i) **Circulation of Proposed Amendments.** Proposed amendments approved by an advisory vote of the members of at least one district bar association meeting shall be disseminated to the officers of the district bar associations prior to the December meeting.
- (j) **December Meeting.** The December meeting shall be scheduled in accordance with Rule 905(c).
  - (1) **Delegates.** Each district bar association shall elect or appoint one (1) member of the district bar association as the delegate to the meeting who shall cast the vote of the district bar association on each resolution circulated and voted on by the members of that district bar association.
  - (2) **Vote.** The vote of each district bar association shall be cast according to the ayes and nays cast by the voting members of that district bar association.
    - (A) **Amendments to Circulated Resolutions.** Notwithstanding any other provisions of this Rule, each delegate shall have discretionary authority to also vote on any proposed amendments offered at one of the district bar association resolution meetings and approved by an advisory vote to said resolutions.
- (k) **Referendum.** A resolution may provide whether a referendum of the membership shall be taken on any question and the form and substance of the question to be presented, which question shall be framed so as to be capable of a "yes" or "no" answer.
  - (1) **Ballots - Canvassing.** The Executive Director shall prepare ballots within ten (10) days following the December meeting of the district bar association delegates and send one (1) ballot to each member of the Idaho State Bar. Ballots shall be returned to the Executive Director within fifteen (15) days after the date the ballot was sent to each member. Envelopes containing voted ballots shall be signed by the voting member. The Board shall constitute the canvassing committee for the referendum ballots. Canvassing shall be performed at the Board meeting following the closing of balloting and the Board shall declare the majority vote to be the opinion of the Idaho State Bar on said question and publish the same.
- (l) **Emergency Time-Sensitive Decisions.** If the Idaho Supreme Court or Board determines that ~~an emergency exists and that~~ the decision of the Idaho State Bar members is needed on any time-sensitive question regarding a matter referenced in Rule 906(a), the Board may ~~call a meeting of or otherwise canvass the delegates of the district bar associations last appointed to attend the December meeting of the district bar association delegates or any alternate designated by the district bar association president, and upon a majority vote as provided in Rule 906(e), may either adopt a resolution or submit a question for vote to the eligible voting members of the Idaho State Bar as defined in Rule 906(c), using the voting procedure as~~



~~provided~~ set forth in Rule 906(ed)(2).

\*\*\*

**RULE 1102. Formation.**

- (a) **Petition.** Those seeking to form a new practice section shall secure the signatures of not less than twenty-five (25) bar members, on a form prescribed by the Commissioners.
- (b) **Statement of Purpose; Practice Section Title.** A petition seeking formation of a new practice section shall include a statement of purpose and a proposed title for that practice section. The statement of purpose and title shall reflect the particularized field(s) or aspect(s) of the practice law in which the practice section intends to concentrate. Practice sections will not be authorized if it appears that ~~its~~their purpose is to promote a particular political or ideological point of view.
- (c) **Action by Commissioners.** Upon receipt of a petition for formation of a practice section, the Commissioners shall review the petition for conformance with these Rules. Thereafter, the Commissioners shall:
  - (1) Approve formation of the practice section under such terms and conditions as it may deem necessary for conformance with these Rules; or
  - (2) Return the petition to its originators, noting any changes needed in order to bring the petition in conformance with these Rules; or
  - (3) Reject the petition as being not in conformance with these Rules or as otherwise duplicative of an existing practice section.
- (d) **Organizational Meeting; Officers; By-Laws.** Upon its approval, a practice section shall conduct an organizational meeting, after appropriate notice is published in The Advocate or sent by electronic communication from the Bar to Bar Members. At the organizational meeting, the practice section shall elect officers to serve until the time set for annual election of officers. The practice section shall also adopt by-laws, in the form generally prescribed for that purpose by the Commissioners. The by-laws shall become effective upon approval by the Commissioners. Specific Commissioner approval shall be necessary for material modifications to the uniform by-laws.
- (e) **Amendments to By-Laws.** All amendments to a practice section's by-laws shall require the prior approval of the Commissioners.

\*\*\*

IT IS FURTHER ORDERED, that this order and these amendments shall be effective March 1, 2024.

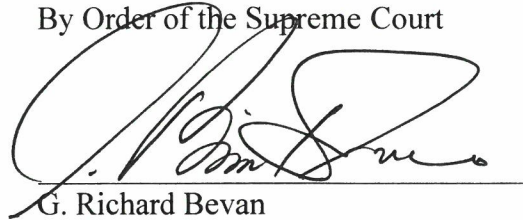
IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Bar Commission Rules.



IT IS FURTHER ORDERED, that notice of this Order shall be published for three consecutive weeks on the Idaho State Bar's website and in its weekly E-Bulletin, and that, as soon as practicable, a summary of the amendment(s) effected by this Order shall be published in one issue of *The Advocate*.

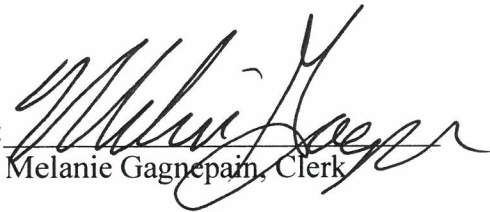
DATED this 28<sup>th</sup> day of December, 2023.

By Order of the Supreme Court



G. Richard Bevan  
Chief Justice, Idaho Supreme Court

ATTEST:



Melanie Gagnepain, Clerk

I, Melanie Gagnepain, Clerk of the Supreme Court/  
Court of Appeals of the State of Idaho, do hereby  
Certify that the above is a true and correct copy of the  
Order entered in the above entitled  
cause and now on record in my office. WITNESS my  
hand and the Seal of this Court 12-28-23  
Melanie Gagnepain, Clerk

By  Deputy