Idaho Bar Commission Rules

Governing Admission to Practice and Membership in the Idaho State Bar

As promulgated by the Board of Commissioners of the Idaho State Bar and adopted by Order of the Supreme Court of the State of Idaho.

SECTION IX
General Rules

RULE 900. Election of Commissioners - Assuming Office. There shall be an annual election of successors to any commissioner of the Board of Commissioners (hereinafter "Board") whose term shall expire on the last day of the annual meeting of the Idaho State Bar. Within the Northern, Western, and Eastern Divisions where each commissioner represents two district bar associations, the district bar associations shall alternate in electing a commissioner within their division, i.e., although all members within a division are eligible to vote, the commissioner elected shall reside or maintain an office in the opposite district of the commissioner whose term is expiring. The following procedures shall be followed for such elections:

(a) **Timing of Election.** The annual election shall be held on the first Tuesday in May of each year.

(b) **Notice of Election.** On the first Tuesday in March, the Executive Director shall give notice of the election and of the time for closing nominations to all members of the Idaho State Bar residing in, or maintaining an office from which they primarily practice law in, the division in which the term of office of commissioner shall expire.

(c) **Nomination**. A nomination for commissioner shall be in writing and shall require the concurrence of at least five (5) members of the Idaho State Bar in good standing and eligible to vote in that division. The nomination must be filed with the Executive Director by the close of the business day on the first Tuesday of April.

(d) **Ballots**. The Executive Director shall prepare an official ballot containing the names of all persons who have been nominated and send the ballot fifteen (15) days before the date of the election to each member in good standing of the Idaho State Bar who is eligible to vote in the division from which the commissioner is to be elected.

(e) **Election Procedure**. At the Board's discretion, the election may be conducted by paper ballots and/or a secure electronic voting system ("electronic voting"). 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.

(1) **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 first Tuesday in May. Any ballots not enclosed in a signed envelope shall not be counted. All ballots shall be collected for canvassing by a board consisting of at least three (3) members in good standing of the Idaho State Bar, appointed by the President of the Board. The canvassing board shall remove the ballots from the envelopes, determine whether the person who signed the envelope is a member in good standing of the Idaho State Bar and eligible to vote in the district for which the election of a successor has been conducted, examine and count the ballots, and certify the election results.

(2) **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 first Tuesday in May. Votes cast via electronic voting shall be verified and securely stored by the vendor.

(f) **Election Results.** The candidate receiving the greatest number of votes shall be declared the elected commissioner. The Executive Director shall immediately announce the results of the election.

(g) **Assuming Office**. The nominee declared elected shall assume office as commissioner of the Idaho State Bar on the last day of the annual meeting of the Idaho State Bar in the year of election.

(h) **Vacancy.** If a vacancy occurs on the Board prior to the next scheduled election, the officers of the district bar association of the district(s) the commissioner represented shall nominate up to two (2) candidates to the Board. The Board shall appoint the commissioner from the nominations submitted by the district bar association officers. The appointed commissioner shall serve out the term in accordance with Rule 901.

RULE 901. Officers - Term of Office - Powers and Duties.

(a) **Officers.**

(1) The officers of the Board shall consist of a President and President-elect, who shall be elected commissioners.

(2) Each commissioner shall serve as President during his or her term of office.

(b) **Term of Office.**

(1) At the first meeting of the Board after the election of any commissioner, officers shall be selected for the ensuing year.

(2) The term of such officers shall be for six (6) months or one (1) year and until their successors are duly selected.

(c) **Powers and Duties.**

(1) The President shall preside at meetings of the Board and at the annual meeting of the Idaho State Bar, and shall perform such other duties as may be prescribed by these rules.
(2) The President-elect shall perform the duties of the President in case of the latter's absence or disability, and may appoint committees for the annual meeting as provided in Rule 903(e).

RULE 902. Employees – Compensation.

(a) **Employees.** The Board may employ such additional assistants, including an Executive Director and Bar Counsel, as it deems advisable. Such employees shall perform the duties specifically set out in any of the rules of the Board, by statute, or as may be required by the Board.
(b) **Compensation.** The compensation of the Executive Director and Bar Counsel shall be determined by the Board.

RULE 903. Committees.

(a) **General Executive Committee**. The Board shall constitute the general executive committee of the Idaho State Bar.
(b) **Examination Committee**. Examinations of applicants for admission shall be conducted and papers graded under the direction of the Board. The grading of the bar examination shall be conducted in accordance with the *Bar Examination Grading Standards and Procedures* as approved by the Idaho Supreme Court, provided, it is the power and duty of the Board to consider and determine what recommendation shall be made regarding the admission or rejection of applicants.
(c) **Professional Conduct Committee**. The Board shall appoint, with the approval of the Idaho Supreme Court, a Professional Conduct Board as provided by Idaho Bar Commission Rule 502.
(d) **Unauthorized Practice of Law Committee**. The Board shall appoint a Standing Committee on Unauthorized Practice of Law as provided by Idaho Bar Commission Rule 802.
(e) **Annual Meeting Committee**. The President-elect of the Idaho State Bar shall have the power to appoint such committees on arrangements, programs and other matters connected with the annual meeting of the Idaho State Bar as he or she deems advisable.
(f) **Character and Fitness Committee**. The Board shall appoint a Character and Fitness Committee as provided by Idaho Bar Commission Rule 209.
(g) **Client Assistance Fund Committee**. The Board shall appoint a Client Assistance Fund Committee as provided by Idaho Bar Commission Rule 603.
(h) **Other Committees**. The Board may appoint such other committees as it deems advisable and define the duties of such committees.

RULE 904. Board Meetings.

(a) **Regular Meetings.** The Board shall hold meetings, the time and place of such meetings to be fixed by the Board or President, and provide appropriate notice to each commissioner, the members of the Idaho State Bar, and the public.
(b) **Special Meetings**. The Board may call such special meetings as it deems necessary and provide appropriate notice to each commissioner, the members of the Idaho State Bar, and the public.

RULE 905. Meetings of the Idaho State Bar.

(a) **Annual Meeting**. There shall be an annual meeting of the Idaho State Bar at such time and place as determined by the Board. At the annual meeting, the members present shall constitute a quorum, each member shall have one (1) vote, and questions shall be determined by a majority of the votes cast at the annual meeting.
(1) **Notice**. Notice of the time and place of the annual meeting shall be given by the Executive Director to each member of the Idaho State Bar at least fifteen (15) days prior thereto.
(b) **October Meeting**. In October of each year, at a time and place selected by the Board, there shall be a meeting of the Board and the delegates of each district bar association organized and existing as provided in Rule 907, for the purpose of presenting resolutions concerning the matters designated in Rule 906(a). The meeting shall be open to any member of the Idaho State Bar.
(c) **December Meeting**. In December of each year, at a time and place determined by the Board, there shall be a meeting of the Board and the delegates of each district bar association organized and existing as provided in Rule 907 for the purpose of adopting or rejecting resolutions on matters described by Rule 906(a). The meeting shall be open to all members of the Idaho State Bar.

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 - 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) **Time-Sensitive Decisions.** If the Idaho Supreme Court or Board determines 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 submit a question for vote to eligible voting members of the Idaho State Bar as defined in Rule 906(c), using the voting procedure set forth in Rule 906(d)(2).

RULE 907. District Bar Associations.

(a) As previously established by the Board, the State is divided into seven (7) district bar associations corresponding to the Idaho Judicial Districts as defined by Idaho Code Section 1-801 et seq.

(1) All active, inactive, emeritus, house counsel and judicial members of the Idaho State Bar, residing within or maintaining an office from which they primarily practice law within the state of Idaho within the territorial limits of each district association so organized, shall be members of such association. All active, house counsel and judicial members are entitled to vote at any meeting of their respective district bar association.

(b) Each district bar association shall adopt Uniform By-Law Provisions promulgated by the Idaho State Bar and file a copy of such duly adopted provisions with the Executive

Director. Amendments to the Uniform By-Law Provisions may be adopted by the Board only with the concurrence of a majority of all officers of the district bar associations. Each district bar association may adopt additional rules, not inconsistent with the rules governing the Idaho State Bar, and file such additional rules with the Executive Director as herein provided.

(c) A district bar association may, by vote as provided by its by-laws, delegate to committees the power to act upon any matter of concern to that district bar association.

RULE 908. Records. The Executive Director shall have general charge of the records, files and property of the Board, keep minutes of the proceedings of the Board, and keep a complete, permanent file of all applications for admission to the Idaho State Bar and of all members of the Idaho State Bar.

RULE 909. Claims. The Board shall conduct the fiscal affairs of the Idaho State Bar in accordance with generally accepted accounting principles and shall have an annual audit of the financial reports as provided in *Idaho Code* Section 3-409. The Executive Director shall administer the day-to-day financial affairs of the Idaho State Bar subject to the general supervision of the Board and shall report on the financial status of the Idaho State Bar to the Board at each regular meeting of the Board.