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 XI
Practice Sections

RULE 1100. Purpose. The continuing education and professional development of Idaho lawyers are greatly enhanced by the formation and advancement of practice sections in specific areas or aspects of the practice of law. The following Rules are established in order to define the role of practice sections within the Idaho State Bar and to provide for their orderly administration. Mindful of the limitations placed on integrated bars, sections are not intended to advance political or ideological points of view.

RULE 1101. Definitions. As used in these Rules, the following terms have the following meanings, unless expressly otherwise provided, or as may result from necessary implication.

(a) **Bar Member**. "Bar Member" means any judge, or any person currently admitted to practice before the Idaho Supreme Court.

(b) **Commission; Commissioners**. "Commission" or "Commissioners" means the Idaho Bar Commission, as established by section 3-402, *Idaho Code*, and as otherwise provided for by these Rules.

(c) **Executive Director**. "Executive Director" means the executive officer of the Idaho State Bar, employed by the Commissioners for that purpose.

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 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.

RULE 1103. Membership

(a) **Universal Eligibility**. Membership in any practice section shall be open to any bar member, without limitation, except that the Young Lawyers' Section may permissibly restrict its membership according to age and/or years-in-practice.

(b) **Other Members**. Practice sections may authorize memberships by persons other than bar members, on terms and conditions to be set forth in its by-laws.

RULE 1104. Meetings

(a) **Annual Meeting**. Each practice section shall hold an annual membership meeting. At the annual membership meeting, each practice section shall deliver an annual report of its activities for the preceding year. Each practice section shall also deliver an annual report at the Idaho State Bar Annual Meeting. The annual report of the practice section shall also be submitted to the Executive Director.

(b) **Election of Officers**. Unless its by-laws specifically provide otherwise, each practice section shall conduct its annual election of officers and directors in conjunction with the annual membership meeting.

(c) **Other Meetings.** A practice section may conduct such other meetings as may be appropriate, consistent with its by-laws and the giving of proper notice.

RULE 1105. Finance

(a) **Annual Dues**. Practice sections shall primarily be funded by annual section dues, to be collected by the Executive Director in the course of annual State Bar licensing. The amount of such dues shall be established in accordance with the practice section's by-laws.

(b) **Section Funds**. All funds of practice sections shall be funds of the Idaho State Bar, to be administered for practice section purposes.

(c) **Additional Revenues**. Practice sections shall be permitted to generate additional revenues in any manner consistent with these Rules

(d) **Fiscal Year; Budget**. The fiscal year of practice sections shall be January 1 - December 31. Each practice section shall submit a proposed budget on the form prescribed for that purpose to Executive Director not later than December 1.

(e) **Expenditures.** Practice section funds shall be maintained in an account established for that purpose by the Executive Director. All expenses claimed against such funds shall be submitted to the Executive Director, who shall promptly pay all appropriate expenses. Practice sections shall abide by the expense policy approved by the Commissioners concerning travel, meals, mileage and other expenses. Any dispute between the governing board of a practice section and the Executive Director concerning the payment of claimed practice section expenses shall be submitted to the Commissioners, whose decision shall be final.

(f) **Accounting**. An accounting and audit of practice section funds shall be conducted on at least an annual basis, as part of the State Bar annual audit. Any bar member shall be entitled to review the finances of a practice section, upon reasonable request made to the Executive Director.

(g) **Administrative Fee**. The Idaho State Bar shall annually assess an administrative fee to each practice section, in a formula to be approved by the Commissioners.

RULE 1106. Legislative/Political Activity

(a) **Generally**. The Idaho State Bar is an integrated bar, and as such is limited in its ability to engage in legislative and political activity. The appropriate avenue for engaging in that limited legislative/political activity is set forth in Rule 906(a). Any practice section seeking to engage in the promotion of legislation or any other political position must first comply with Rule 906(a).

(b) **Administration of Justice**. Section 3-418, *Idaho Code*, provides that the Idaho State Bar may from time-to-time provide expertise to the Governor, Legislature and/or Supreme Court on matters affecting the administration of justice. A practice section may properly engage in this type of technical assistance to the Legislature or other agencies of government, but must first advise the Commissioners of its intention to do so.

(c) **Notice to Commissioners**. A practice section shall first notify the Commissioners, through the Executive Director, of any intended legislative/political activity to be conducted.

RULE 1107. Practice Section Council

(a) **Purpose**. The Practice Section Council ("Council") shall exist to address the continued development of practice sections within the Idaho State Bar, and to recommend policy considerations to the Commissioners.

(b) **Membership**. Each practice section shall be permitted to designate a representative to attend and vote at any meeting of the Council. The Commissioners shall designate one or more of its members to attend Council meetings as a nonvoting member.

(c) **Officers; Committees**. The Council may elect such officers and form such committees as it deems necessary.

(d) **Meetings**. The Council shall meet annually at the State Bar Annual Meeting, and at such other times as deemed appropriate, for the purpose of considering issues common to practice sections. The Council shall consider whether to propose resolutions for inclusion on the annual State Bar resolution process. The Council may designate representatives from time-to-time to attend Bar Commission meetings.

RULE 1108. Continuing Legal Education

(a) **Continuing Legal Education**. Practice sections are encouraged to engage in the planning and presentation of continuing legal education programs, subject to the considerations set forth in subsection (b) below.

(b) Practice sections shall abide by and be subject to agreements entered into between the Commissioners (on behalf of the Idaho State Bar) and other organizations, including but not limited to the Idaho Law Foundation, Inc., concerning the planning, implementation and financial considerations of continuing legal education programs.

RULE 1109. Abolition of Practice Section

(a) **Annual Review; Abolition**. The activity of each practice section shall be reviewed by the Commissioners annually within sixty (60) days of the Annual Meeting, and, in the event the Commissioners determine that a practice section is no longer active or for any other reason is no longer deemed necessary or useful to the Bar, then such practice section may be abolished by the Commissioners.

(b) **Minimum Membership**. Two years after the formation of a practice section, it is expected that minimum membership should be maintained of at least fifty (50). Membership of less than fifty (50) members will create a presumption that the practice section is inactive, although the presumption may be overcome upon a showing by the practice section's officers. A possible solution to a low practice section membership level may be merger into another existing practice section.

(c) **Practice Section Funds**. In the event that a practice section is abolished, any remaining funds of that practice section shall revert to the general fund of the Idaho State Bar.

RULE 1110. Miscellaneous

(a) **Surveys**. No survey or similar research of bar members shall be conducted by a practice section without prior coordination with the Executive Director. This coordination is intended to prevent multiplicity and overlap of such surveys.

(b) **Copyrights**. The Idaho State Bar shall own the copyright to all materials produced by its practice sections.

(c) **Removal of Officers**. The Commissioners may, for good cause shown, remove and replace any or all officers of a practice section. Such action shall be taken only if, in the Commission's judgment, the continued participation of the officer(s) in question threaten to place the Idaho State Bar or the practice section in violation of these Rules, or of state or federal law, or if continued participation of the officer(s) poses a threat of irreparable harm to the Idaho State Bar or the practice section.

(d) **Open Meetings**. Meetings of practice sections shall be governed by Idaho's open public meetings law, section 67-2341, *Idaho Code*, et. seq.