

GENERAL SESSION MINUTES
Idaho State Bar Board of Commissioners
September 9, 2016
Boise, Idaho

President Dennis Voorhees called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:40 a.m. at the Hampton Inn in Boise, Idaho. In attendance at the meeting were Commissioners Michelle Points, Kent Higgins, David Cooper, and Mike Howard, Deputy Executive Director Mahmood Sheikh, Deputy Bar Counsel Julia Crossland, Assistant Bar Counsel Caralee Lambert 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 July 13, 2016 Board of Commissioners meeting as submitted.

ABA State Bar Delegate – At 10 a.m., the Commissioners were joined by ABA State Bar Delegate Deborah Ferguson. Ms. Ferguson discussed the highlights of the ABA House of Delegates Annual Meeting. She reported that one of the resolutions urges federal, state, territorial and tribal courts and legislative bodies to adopt rules or enact legislation to establish an evidentiary privilege for lawyer referral services and their clients. The Commissioners suggested that the staff contact the Supreme Court Evidence Committee regarding a possible rule. She noted there was a discussion on veteran's benefits and a working group formed on member benefits for small firms. She also reported that Linda Klein, ABA President, is the keynote speaker at the IWL bi-annual event on March 8, 2017.

The Commissioners and Ms. Ferguson discussed Resolution 109, revisions to the Model Rule of Professional Conduct 8.4. The revisions more thoroughly address harassment and discrimination than the current Rule 8.4.

Professional Conduct Board Appointments – The Executive Director requested that the Commissioners appoint two additional members to the PCB to assist with handling grievances. It

was moved, seconded and passed to appoint attorney Kenneth Lyon and non-attorney Sara Hope to the PCB.

2016 Resolution Process – The Commissioners discussed possible resolutions for this year’s roadshow.

Active Military MCLE Exemption – After discussion, it was moved, seconded and passed to propose a resolution for consideration by the DBA representatives and Commissioners recommending that out-of-state active military members be exempt from the MCLE requirements.

Comprehensive Malpractice Insurance – President-Elect Points suggested a resolution recommending that lawyers be required to carry professional liability insurance. The staff agreed to collect the current statistics on insured attorneys and review the previous resolution on this subject.

Revisions to IRPC 8.4 – It was moved, seconded and passed to submit revisions to IRPC 8.4 to the resolution process for consideration during the 2016 resolution process.

Ninth Circuit Lawyer Representative – The Commissioners were provided with the three candidates selected by the Idaho Federal Judges for consideration as the Ninth Circuit Lawyer Representative from North Idaho: April Linscott, Rusty Robnett, and Sonyalee Nutsch. The Commissioners discussed the candidates and their qualifications. After discussion, it was moved, seconded and passed to appoint April Linscott as the Ninth Circuit Lawyer Representative from North Idaho.

2016-17 Committee Liaison Recommendations - The Commissioners were provided with the proposed 2016-17 liaison assignments to Sections and Committees. Commissioners Howard and Cooper agreed to switch the Health Law Section for the Diversity Section. It was moved, seconded and passed to approve the Committee and Section Liaison assignments as amended.

Rocky Mountain Mineral Law Foundation – The Commissioners were provided with a report from Bill Myers as the Idaho State Bar appointed trustee to the Rocky Mountain Mineral Law Foundation.

Rita Hutchens Request – The Commissioners considered a request from Rita Hutchens to cause an investigation into the Courts of Bonner County. It was moved, seconded and passed to deny Ms. Hutchens’ request to cause further investigation into the Courts of Bonner County.

Access to Justice – The Commissioners discussed the concept of creating an Access to Justice Commission. After the discussion, it was agreed that, at this time, the Bar was not in position to be the primary place to house the staff and resources for an access to justice commission.

Strategic Planning Retreat – ALPS Executive Vice President Chris Newbold reviewed last year’s strategic planning efforts. The Commissioners agreed to continue to gather information on the good works of attorneys. They also suggested that the staff try to quantify what we do, perhaps a monthly report on the activities and programs of the bar.

2016- 17 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 the July financial reports. At the end of July, 93.4% of revenue was collected and 58.6% of expenses incurred.

MEMBER SERVICES

Annual Meeting Report – The Commissioners were provided with the 2016 Annual Meeting statistics and evaluations. Deputy Director Sheikh provided a verbal report on the conference.

Idaho Academy of Leadership for Lawyers – The Commissioners were provided with the list of IALL class participants for the coming year.

Lawyer Referral Service Report – The Commissioners were provided with an update on the LRS program and its new features. The Executive Director reported that Dan Black will now work ½ time and will focus on the Advocate. The other communications duties will be divided between the Executive Director and Deputy Executive Director. She also reported that a part-time office assistant was hired to assist with communications and member services.

ALPS Report – Chris Newbold reported on ALPS services, programs and activities for the past year. He provided statistics for Idaho, including lawyers insured and claims.

REPORTS/CORRESPONDENCE/NEWS CLIPPINGS

Disciplinary/Admissions Information – The Commissioners were provided with an Idaho Supreme Court Order of Disbarment for Michael Robinson.

Informational Reports – The Commissioners were provided with letters and news clippings for the past month.

The meeting adjourned at 2:40 p.m.

Respectfully submitted,

Diane K. Minnich
Executive Director