

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

President Dennis Voorhees called the conference call business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:35 a.m. at the Law Center in Boise, Idaho. In attendance at the meeting were Commissioners Michelle Points, Kent Higgins, David Cooper, and Mike Howard, Bar Counsel Brad Andrews, Deputy Bar Counsel Julia Crossland, Deputy Director Mahmood Sheikh 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 October 6, 2016 Board of Commissioners meeting as amended.

**2016 Resolution Process** – The Commissioners discussed the results of the 2016 resolution process. There were two resolutions, both of which passed. Resolution 16-01 allows for an exemption from MCLE requirements for active military bar members and Resolution 16-02 addresses comprehensive malpractice insurance. The Commissioners discussed issues and questions raised regarding the malpractice resolution. They determined that if the Court adopts the malpractice insurance rule, in order to effectively implement the rule change there are questions that may need answers. A few other rule changes may be needed to ensure internal consistency in the Bar Commission Rules.

At 9:00 a.m. representatives from the following districts joined the meeting: 4<sup>th</sup> District, Sara Simmons; 5<sup>th</sup> District, Tyler McGee, and 6<sup>th</sup> District, Steve Muhonen. Commissioner Mike Howard represented the 1<sup>st</sup> District and 2<sup>nd</sup> District President Anne Kelleher joined the meeting in progress. The group discussed the resolution vote tally as provided by the bar. After discussion, it was moved, seconded and passed to confirm the votes on the 2016 resolutions as presented.

**Idaho Code Commission** – The Commission considered the applicants for the position on the Idaho Code Commission: Jill Holinka, Jeremy Pisca, Andrew Rawlings and Jeremy Vaughn. After discussion, it was moved, seconded and passed to recommend to the Governor that Jill Holinka be appointed to the Idaho Code Commission.

**University of Idaho College of Law Visit** – The Commissioners reviewed the draft letter to the Dean reporting on the visit to the UI College of Law. Deputy Director Sheikh requested that a reference to the 2017 Annual Meeting in Moscow be added to the letter.

**ICourts** – The Commissioners discussed the Bar’s role in obtaining email addresses for the Court to use in the ICourt program. The Commissioners also reviewed the proposed rule that would require active attorneys to submit an email address to the Bar for service from the courts.

President-Elect Points expressed her concerns about potential liability if the email address for service is incorrect. The Executive Director agreed to discuss this issue with Justice Burdick.

**2016- 17 Meetings and Events** - The Commissioners were provided with an updated meetings and events schedule for the coming year. The Executive Director noted that the following events were added to the schedule: December 19 retirement party for Chief Justice Jones, January 13 lunch with the Idaho Supreme Court and January 13 meeting at Concordia University School of Law.

#### **ADMINISTRATION AND SUPPORT**

**Financial Reports** – The Commissioners were provided with the October and November financial reports. At the end of November, 98.3% of revenue was collected and 91.1% of expenses incurred. The Commissioners reviewed the sections’ fund balances. Deputy Director Sheikh outlined the process for addressing section fund balances that are over the cap.

#### **MEMBER SERVICES**

**Membership Survey**– The Commissioners were previously provided with the results of the 2016 membership survey. Deputy Director Sheikh reported he plans to compare the results with the 2011 survey.

#### **REPORTS/CORRESPONDENCE/NEWS CLIPPINGS**

**Informational Reports** – The Commissioners were provided with reports, letters and news clippings for the past month in PDF format.

The meeting adjourned at 10:35 a.m.

Respectfully submitted,

Diane K. Minnich  
Executive Director