

GENERAL SESSION MINUTES
Idaho State Bar Board of Commissioners
April 7, 2017
Twin Falls, Idaho

President Michelle Points called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:35 a.m. at the Fairfield Inn and Suites in Twin Falls, Idaho. In attendance at the meeting were Commissioners Dennis Voorhees, Kent Higgins, David Cooper, and Mike Howard, Bar Counsel Brad Andrews, and Executive Director Diane Minnich, who acted as secretary. Deputy Director Mahmood Sheikh joined portions of the meeting by phone.

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 February 24, 2017 Board of Commissioners meeting as submitted.

BOC Election Update – The Executive Director reported that there is one candidate from the Third District, David Kerrick, and two candidates for the Fourth District, Judge Michael Oths and Peg Daugherty. She noted the online election runs from April 17 to May 2. Attorneys without an email address will be mailed a ballot.

Seventh District Bar Association Magistrate Commission – The Commissioners discussed the appointment of an attorney to replace Kent Gauchay on the Seventh District Magistrate Commission. The Seventh District Bar officers recommended that James “Drew” Pendlebury replace Kent Gauchay. The Commissioners requested additional information on Mr. Pendlebury prior to making a decision on the appointment.

Licensing Update – The Commissioners were provided with the Idaho Supreme Court order canceling the licenses of those attorneys that did not pay their license fees. They were also provided with the list of attorneys that had been reinstated since the order was issued.

Legal Services Corporation Update – The Commissioners were provided information about the potential defunding of LSC. The budget presented to congress by the President includes no funding for LSC. The Commissioners discussed funding for legal services, both at the state and national level. After the discussion, the Commissioners agreed to invite Jim Cook and Justice Jim Jones and Chief Justice Burdick to the next meeting to discuss access to Justice funding.

Letter to Congress – The Commissioners were provided with information about a request from a US Representative regarding proposing changes in the IRPC. Bar responded to the request and provided the ABA’s response also.

2017 Awards – The Commissioners were provided with the list of award categories and potential recipients for the categories, except for pro bono. After discussion, the Commissioners selected the following 2017 award recipients: Distinguished lawyers – Darrel Aherin, Karen Gowland and Jack Gjording; Outstanding Young Lawyer – Texie Montoya; Distinguished Jurist – Hon. John Stegner; Section of the Year – Diversity Section; Service awards – Hethe Clark, Nicole Derden, Mike Felton, Helo Hancock, Molly O’Leary, Kimberly Evans Ross, Jennifer Shindele, and Matt Wilde; and Professionalism; 1st District Rusty Robnett, 2nd District Bill Thompson, 3rd District Nick Bokides, 4th District Joe Meier and Jan Bennetts, 5th District Andy Parnes, 6th District Craig Christensen and 7th District, more information needed.

Don Lojek Request – The Commissioners reviewed a request from attorney Don Lojek that the Bar consider asking lawyers to provide pro bono representation to federal employees that are assaulted while performing his or her duties. The Commission agreed to forward the request to the Pro Bono Commission.

ABA Midyear Meeting Report – ABA State Delegate Larry Hunter joined the meeting to report on the ABA Midyear Meeting. He reported that the resolution regarding bar passage rates for law schools failed. He also reported that changes to the Model Rules for MCLE passed. These changes include setting the hours of credit at 15 per year, and including requirements for mental health or substance abuse and diversity. The staff agreed to review the model rules as compared to the Idaho MCLE Rules and report back to the Commissioners.

Idaho Judicial Council – The Commissioners were provided with the notice regarding the opening on the Idaho Judicial Council. Joel Hazel’s term expires on June 30, 2017. The Commissioners discussed the appointment and the process for selecting a member of the Council.

Idaho Supreme Court Oral Conference Minutes – The Commissioners were provided with the minutes from the February Oral Conference, at which the Court adopted the rules that were approved during the 2016 resolution process. The Executive Director reported she is working on an implementation plan for the malpractice coverage resolution. She plans to provide the initial plan to the Commissioners at the next meeting.

2017 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 February and March financial reports. At the end of March, 68% of revenue was collected and 7.3% of expenses incurred. Deputy Director Sheikh reported that for 2018 the staff will be reviewing the content and cost of the Desk Book Directory.

MEMBER SERVICES

Law and Religion Section Proposal – The Commissioners reviewed the proposed letter to the attorneys that proposed the new section. It was moved, seconded and passed to approve the letter as presented.

Section Fund Balance Waiver Request – The Commissioners were provided with the emails to the sections whose membership numbers are below the required amount. Deputy Director Sheikh stated he would continue to work with the section chairs on how to increase membership.

Annual Meeting Update – The Commissioners were provided notice regarding scholarships for the Annual Meeting. Deputy Director Sheikh encouraged the Commissioners to seek recipients for the scholarships.

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 2:00 p.m.

Respectfully submitted,

Diane K. Minnich
Executive Director