

MINUTES
BOARD OF COMMISSIONERS MEETING
General Session
October 2, 2013
Boise, Idaho

President William Wellman called the Business Meeting of the Idaho State Bar Board of Commissioners to order at 8:30 a.m. at the Law Center in Boise, Idaho. In attendance at the meeting were Commissioners Robert Wetherell, Paul Rippel, Trudy Fouser and Tim Gresback, Bar Counsel Brad Andrews, Deputy Bar Counsel Julia Crossland, Deputy Executive 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 § 67-2341(4)(a), at 11:05 a.m. 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 § 67-2345(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.

MINUTES

It was moved, seconded and passed to approve the September 7, 2013 General Session minutes as submitted.

General Session

2013 Resolutions – The Commissioners were joined by representatives of 6 of the 7 District Bar Associations, including: Mariah Dunham (1st District), Greg Swanson (3rd District), Joe Borton (4th District), Patricia Migluri (5th District), Steve Stokes (6th District), and Kari Campos (7th District).

The Commissioners and District Bar Association representatives reviewed the resolution process, schedule and discussed each resolution, with the Commissioners and staff addressing questions regarding the resolutions. The DBA representatives provided suggestions on how to present and clarify the resolutions.

- **Amendments to the Idaho Rules of Professional Conduct** (*Board of Commissioners and ISB Professionalism and Ethics Section*)
- **Amendments to IBCR Section II Admissions - Fees for Admission to the Idaho State Bar** (*Board of Commissioners*)
- **Amendments to IBCR Section II Admissions – Legal Intern Rules** (*Board of Commissioners*)

- **Amendments to IBCR Section IV Mandatory Continuing Legal Education Requirements** (*Board of Commissioners, MCLE Rules Review Committee and Practical Skills Task Force*)
- **Amendments to IBCR Section VI Client Assistance Fund** (*Board of Commissioners*)
- **IBCR Section IX General Rules – Electronic Voting** (*Board of Commissioners*)
- **National Mock Trial Competition, Boise 2016** (*National Mock Trial Host Committee – a subcommittee of the Idaho Law Foundation’s Law Related Education Committee*)
- **Judicial Recruitment and Compensation** (*Board of Commissioners*)
- **Court Technology** (*Board of Commissioners and Idaho Supreme Court*)
- **Administrative Law Judges** (*David Arkoosh*)

It was recommended that the redline version of the MCLE rules be included, in addition to the CAF redline version.

Mock Trial – The Executive Director reported that the Mock Trial committee requested that the National High School Mock Trial Competition resolution be withdrawn for this year. They anticipate submitting it to the 2014 resolution process.

Administrative Law Judge Resolution – The Commissioners and District Bar representatives considered a resolution submitted by an individual lawyer that proposed to amend the definition of judge to include Federal Administrative Law Judges. After discussion, the group determined that there was not enough information provided regarding the proposed rule changes. It was moved, second and passed to not circulate this resolution this year.

The Commissioners discussed which Commissioners would present each of the resolutions.

University of Idaho College of Law Visit – The Executive Director reported that this year’s visit will be shorter than previous years – closer to a half day, rather than a full day. The Commissioners reviewed the 2012 law school visit schedule to determine which events were most critical to the visit.

Ninth Circuit Lawyer Representative – The Commissioners reviewed the two applicants to serve as the lawyer representative to the Ninth Circuit Court of Appeals. The Executive Director provided the Commissioners with the history of this appointment process. The Commissioners determined that both applicants had the relevant experience and were qualified for the position. It was moved, seconded and passed to submit Howard Burnett and Michael Gaffney to the Federal Court for consideration for the Ninth Circuit lawyer representative position.

July 2013 Bar Exam Statistics – The Commissioners were provided with the statistics for the July 2013 Idaho bar examination.

Informational Reports – The Commissioners discussed information provided in the informational reports, including the report of the Task force on Legal Education.

Administration and Support

September Financial Report – The September financial reports were not available in time for the meeting.

Member Services

Practice Section Update – Deputy Director Sheikh reviewed recent section activities and programs. The Commissioners agreed to send a letter to section chairs encouraging the sections to budget to send either the section chair or a section officer to the annual meeting.

There being no further business, the meeting was adjourned at 10:45 a.m.

Respectfully submitted,

Diane K. Minnich
Executive Director