

PROCEEDINGS

BUSINESS SESSION

OF THE

1972 ANNUAL MEETING

THE

IDAHO STATE BAR

SUN VALLEY, IDAHO

July 1, 1972

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TABLE OF CONTENTS

<u>Saturday Morning, July 1, 1972</u>	<u>Page</u>
Call to Order by President Eugene C. Thomas	2
Appointment of Court Reporter	2
Appointment of Secretary	2
Quorum Announced	2
Announcement of Number of Members by Districts	3
Introduction of Bar District Presidents or Spokesmen for Same	4
Appointment of Parliamentarian	6
Motion Adopted to Dispense with Reading Minutes of Previous Meeting	7
President's Report	9
Brief Remarks re ABA, Edward L. Benoit	23
Brief Remarks re Law School, Dean Menard	26
President's Remarks re Standing Committees	
Lawyer Referral	27
Lawyer Referral Committee Report Accepted	29
Bar-Press	30
Continuing Legal Education	31
Group Insurance	32
Remarks of Raymond L. Kuhn, Mutual of Omaha and Presentation of Past President's Plaque and Gavel to Eugene C. Thomas	33

	<u>Page</u>
Resolution Page 174 (Additional Exam Fees)	50
Adopted	52
Resolution No. 5 (Directory Listing)	52
Disapproved	54
Resolution Page 178 (Looseleaf Code)	56
Adopted	59
Resolution Page 182 (Principles Probate Code)	60
Motion to Refer to Commissioners, etc.	61
Adopted	67
Resolution Page 183 (Economic Survey)	67
Adopted	76
Resolution Page 184 (Deskbooks)	76
Motion to Refer to CLE	78
Adopted	83
Resolution Page 185 (Letter-size Paper)	83
Adopted	88
Resolution No. 12 (Inactive Affiliates)	88
Adopted	92
Resolution No. 13 (Public-Private Practice)	93
Adopted	96

	<u>Page</u>
Resolution No. 14 (Prosecutor Salaries)	96
Adopted . .	98
Resolution No. 15 (District Prosecutors)	98
Adopted . .	104
Resolutions for Appreciation	105
of Speakers, and others	
Adopted . .	107
Resolution for Appreciation	107
of Outstanding Service of Past President	
Adopted . .	108
Call for Old Business	108
Call for New Business	109
Report of Canvassing Committee	110
Thomas G. Nelson Declared Elected to the Board	110
John M. Sharp installed as New President	110
Remarks by President Sharp	111
Business Session Adjourned	111

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1 1972 ANNUAL BUSINESS SESSION

2 of the

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4 IDAHO STATE BAR

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6 SUN VALLEY, IDAHO

7 Saturday Morning July 1, 1972

8 SUN VALLEY INN
9 Limelight Room

10
11 9:10 A.M.

CALL TO ORDER

EUGENE C. THOMAS

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13 PRESIDENT THOMAS: I will call this business
14 session to order, convening the 1972 business session of
15 the Idaho State Bar.

16 As your President, I designate Grace M. Tucker,
17 Court Reporter, to serve as the official reporter of these
18 proceedings.

19 Ron Kull, the Executive Secretary of the Bar,
20 will act as secretary of the meeting.

21 The Chair takes note that notice was duly
22 given, setting this as the time and place for the business
23 meeting of the Idaho State Bar in connection with its
24 Annual Meeting for the year 1972, and I do declare that
25 a quorum is present.

1 The rules, for those of you who had a
2 quizzical look, provide that a quorum shall constitute,
3 for the purposes of this meeting, those who are in
4 attendance. (Laughter.)

5 The Chair will inform the meeting that at
6 this date the Idaho State Bar official record discloses
7 the following as to the number of licensed attorneys,
8 members of the Idaho State Bar, from each of the following
9 districts, and the Chair will recognize the votes by
10 districts in keeping with the number of attorneys now
11 announced.

12 The First Judicial District has 63
13 licensed practicing attorneys, three judges, and two
14 lawyer-magistrates, for a total of 68 members of the Bar.

15 The Second Judicial District has 76
16 licensed practicing attorneys, three district judges,
17 and three lawyer-magistrates, for a total of 82 members
18 of the Bar.

19 The Third Judicial District has 62
20 licensed practicing attorneys, three district judges,
21 and three lawyer-magistrates, for a total of 68
22 members of the Idaho State Bar.

23 The Fourth Judicial District, the Boise Bar,
24 has 272 licensed practicing attorneys, nine district
25 judges, and six lawyer-magistrates and, therefore, 287

1 members of the Idaho State Bar.

2 The Fifth Judicial District has 100
3 licensed practicing attorneys, four district judges,
4 five lawyer-magistrates, for a total of 109 members of
5 the Idaho State Bar.

6 The Sixth Judicial District has 68
7 licensed practicing attorneys, three district judges,
8 and two lawyer-magistrates, for a total of 73 members
9 of the Idaho State Bar.

10 The Seventh Judicial District has 81
11 licensed attorneys, four district judges, and two lawyer-
12 magistrates, for a total of 87 members of the Idaho
13 State Bar.

14 The Chair recognizes, therefore, a total
15 of 774 licensed members of the Idaho State Bar, and those
16 are the numbers that will be recognized for the purposes
17 of votes cast at this meeting.

18 I will ask, in connection with each of
19 the District Bars, if the Bar President is here, as I
20 call off the districts, will you please identify yourself
21 for the Reporter. If the District Bar President is not
22 here but those of you from that district have designated
23 a member of your district as spokesman and the person
24 through whom the Chair may address your delegation, please
25 give that person's name. And if you need time to figure

1 it out, let me know.

2 The First Judicial District. Is there
3 anyone in attendance from the First Judicial District?

4 MR. WILLIAM L. TUSON (Kellogg): Bill Tuson.

5 PRESIDENT THOMAS: The Chair will recognize
6 you, Bill, as far as addressing your delegation and the
7 votes of your district are concerned, then.

8 The Second Judicial District?

9 MR. ROBERT P. BROWN (Lewiston): Robert Brown.

10 PRESIDENT THOMAS: Robert Brown, President;
11 is that right?

12 MR. BROWN: Yes.

13 PRESIDENT THOMAS: You are President of your
14 District Bar at this time; is that right?

15 MR. BROWN: Yes.

16 PRESIDENT THOMAS: Third Judicial District?

17 MR. MICHAEL B. SWEET (Weiser): Mike Sweet,
18 President.

19 PRESIDENT THOMAS: Fourth Judicial District?

20 MR. FRANK E. CHALFANT JR. (Boise): Frank E.
21 Chalfant Jr., acting in place of Ted Eberle, unless
22 there is an objection.

23 PRESIDENT THOMAS: The Chair will recognize
24 Frank Chalfant Jr., who is the vice-president --
25 president-elect, I believe -- of the Boise Bar.

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The Fifth Judicial District?

MR. JOHN A. DOERR (Twin Falls): John Doerr,
President.

PRESIDENT THOMAS: The Sixth Judicial District?

MR. STANLEY E. GARDNER (Pocatello): Stanley
Gardner, President.

PRESIDENT THOMAS: And the Seventh Judicial
District?

MR. JOHN D. HANSEN (Idaho Falls): John Hansen,
President.

PRESIDENT THOMAS: You gentlemen who are in the
far end of the meeting room would accomodate the Court
Reporter, I think, a great deal if I could persuade you
to come forward and join us at the front of the rather
spacious quarters in which we seem to be proceeding. I
would appreciate your doing that; it would also help me.

Is Ed Benoit here this morning?

The Chair will recognize that esteemed,
distinguished, long-standing member of our association,
Mr. Ed Benoit, to serve as the Parliamentarian, the only
confessed --

MR. EDWARD L. BENOIT (Twin Falls): You're out
of order already. (Laughter.)

PRESIDENT THOMAS: -- the only man I know who
admits he has not read the rules; what little he has



1 heard about them, he doesn't understand. (Laughter.)

2 At this time I would ask that the Minutes
3 of the last annual meeting be presented to you. But
4 first let me advise that I have particularly requested
5 that the resolutions adopted be annexed to the Minutes,
6 and that has been done. I would ask unanimous consent
7 that the Secretary initially simply read through his
8 brief outline of the Minutes with the understanding at
9 the close, all or any of the resolutions that anyone
10 wishes read, may be read.

11 And preliminarily, I would advise you that
12 the Board of Commissioners has caused the proceedings of
13 the last year's business meeting to be reported and
14 transcribed. That transcript is here and available for
15 reference at the request of any member in attendance
16 here today.

17 Mr. Kull, I will ask you to step to the
18 podium and present the Minutes of the meeting of last
19 year, if you would.

20 MR. JOHN A. ROSHOLT (Twin Falls): Mr. Chairman,
21 I move that we dispense with the reading of the Minutes.

22 PRESIDENT THOMAS: Is there a second?

23 A VOICE: Second.

24 PRESIDENT THOMAS: Is there any discussion?

25 All in favor signify by saying "Aye."

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(A chorus of "Ayes.")

PRESIDENT THOMAS: Opposed?

The "Ayes" have it.

Thank you, Mr. Kull. You have performed perhaps better than all day yesterday; that was good.

(Laughter.)

The Minutes, then, will be filed and approved as presented to the Chair here today.

I would draw attention of the convention to the fact that you have, as part of your materials handed to you on registration, a yellow-bound booklet, a couple of inches thick, which includes committee reports, financial reports, the report of the executive director of the Bar.

In the interest of avoiding duplication and imposing upon people who have read those reports, the Chair will ask that the contents of this book not be re-read in these proceedings today and that we will rule and take judicial notice, I suppose, of the idea that everybody can look at his own book.

Ron Kull has presented the Executive Director's Report as a part of this booklet, and it contains a good deal of interesting information. I draw your attention to it and suggest that if there are questions that you wish to put to Ron, you collect your



1 thoughts on it and before the end of this session we will
2 give you an opportunity to question him.

3 Turning to the reports of the officers of
4 the Bar, I wish to take a few minutes to sum up for you
5 what I, as the President of the Bar, feel that you
6 gentlemen should know about the past twelve months of
7 your organization.

8 As you know from the earlier report, the
9 Idaho State Bar now has 774 members. As you will also
10 note from the materials handed to you, your State Bar,
11 independent of the Client Security Fund, and matters of
12 that character, has a cash flow at this time of \$140,000
13 per year. You have an accounting that shows you the
14 sources of these monies.

15 But in round terms and in general terms,
16 this money comes from license fees to the extent of
17 about \$59,000;

18 Bar Examination fees approximating \$5,000;

19 And Continuing Legal Education registration
20 fees of approximately \$57,000.

21 That's the total of approximately \$140,000.

22 Major areas of expenditure and disbursement
23 include \$7,000 to the District Bars;

24 About \$9,000 spent on Bar Examinations;

25 About \$27,000 spent on Continuing Legal

1 Education;

2 Plus such as was expended to bring the
3 speakers here to this meeting.

4 About \$30,000 is expended to maintain the
5 staff, being salaries, fringe benefits, and withholdings;

6 About \$22,000 is expended in rent, supplies,
7 postage, equipment, telephone, audit expense, and the like;

8 About \$2,000 is expended in miscellaneous
9 committee expense;

10 About \$3,000 in travel and related expense
11 for meetings of the Board of Commissioners;

12 About \$2,500 is American Bar expense;

13 About \$2,000 goes to the discipline program;

14 And about \$2,500 goes to the expense of
15 participating in the Western Bar Conference and the
16 Bar Conference of the Bars of the Plains and States,
17 which is called the Jackrabbit States Bar Conference.

18 So that generally is an outline of where
19 the money goes and that's an outline of about where the
20 money comes from.

21 That is a great deal more money than came
22 and went only a few years ago. And I think the principal
23 credit for the expanded activity and the improvement of
24 the financial condition of the Bar must be given to the
25 Continuing Legal Education program, its chairman,

1 Bob Alexander, and Ron Kull, who has served as the
2 Executive Secretary of that committee.

3 Perhaps even more important, it is fair to
4 report today that your Bar is in the black. We show
5 a few thousand dollars surplus during the current year.

6 The Client Indemnity Fund is in good condition.
7 We have had one claim made against it; it was rejected
8 upon legal grounds as not concerning a matter that
9 occurred during the life of the Fund.

10 In discipline matters, I wish to draw your
11 attention to the fact that the Board of Commissioners
12 has received 51 complaints against attorneys this year.
13 Forty-five of those have been heard, or otherwise
14 processed, resulting in dismissals of the charges. Three
15 of them -- or three matters, I should say, because there
16 are others pending from other years yet -- three matters
17 are pending before the Supreme Court now upon the
18 recommendation of the Board of Commissioners sitting in
19 its role with respect to discipline, and there are
20 recommendations for discipline pending before the Court
21 in those three cases.

22 During the year, one attorney was suspended
23 and fined on discipline grounds. Any number of
24 informal reprimands under our rules were issued.

25 During the year the discipline committee

1 program has gone forward, as promised a year ago, with
2 more frequent meetings of the Board of Commissioners
3 as a discipline committee meeting directly with the
4 complainants and the attorney involved.

5 I think it is fair to report that it is an
6 effective and satisfactory system. In the more complex
7 cases involving numerous issues, it has been appropriate
8 to have special committees. A number of you here have
9 served on those discipline committees.

10 But I think the development this year that
11 has been most dramatic and unusual has been the
12 effective use of the Board of Commissioners under the
13 rules for bringing the complainants and the attorneys
14 immediately forward for summary hearing in these matters.

15 During this year 73 people have applied and
16 sat for the Bar Examination, seeking to be admitted to
17 this Bar. Of that 73, 50 have passed.

18 There are now pending before the Board of
19 Commissioners applications from 83 men and women who
20 wish to sit for the Bar Examination later this summer.
21 It is a remarkable fact of this year that there is a
22 tremendous increase in the number of people who are
23 applying for admission to the Idaho State Bar. And
24 as Dean Menard will tell you shortly, the number of
25 people who wish to attend the University of Idaho Law School

1 is likewise growing tremendously.

2 In the Continuing Legal Education field,
3 lawyers in Idaho participated in what I believe is
4 probably the best participation in ratio of
5 lawyer-postgraduate education in any state and in
6 any Bar.

7 We had 1,587 registrants this year to
8 Continuing Legal Education meetings. Details of that
9 appear in Bob's report.

10 We also had 50 law students.

11 So in a state with 774 lawyers, we have
12 over 1,600 institutes signed up for, paid for, and
13 attended. I think we can be very proud of our Bar for
14 that reason.

15 In the area of rules, the Supreme Court has
16 worked harmoniously with the Bar in doing something very
17 new, and I think very exciting. The Supreme Court has
18 discontinued the practice of appointing Supreme Court
19 rules committees. Instead, the Bar will appoint all
20 rules committees. And by arrangement with the Supreme
21 Court completed in recent weeks, there will be a standing
22 committee of the Bar, satisfactory to the Supreme Court,
23 the membership having been selected by the Commissioners
24 from a panel which the Supreme Court has approved. And
25 this committee will have on-going responsibility and

1 authority with respect to rules, revision, and
2 recommendations at the Supreme Court level, at the
3 District Court level, at the Magistrate Court level, and
4 in connection with the United States District Court for
5 the State of Idaho.

6 It is the concept as settled upon with the
7 Court that there will be a nucleus principal committee
8 of about five or six lawyers. Each of them in turn will
9 head up a task force, or subcommittee, in the special
10 area of concern and study. I think this is a fine,
11 progressive step.

12 These committees will be charged to report
13 annually to the Bar and to the Court upon their audit
14 and comments with regard to the working of the rules in
15 these various areas. So every year there will be a
16 critique of the rules, local rules included. It will
17 thus be an effort for uniformity and improvement of the
18 various rules under which the law is practiced in this
19 State. I consider that a landmark accomplishment.

20 Pursuant to your direction last year, a
21 lawyer referral program for Idaho has been studied. And
22 in your book today, you have Bill Stellmon's report in
23 which he recommends to you the specific program patterned
24 after the Oregon program.

25 You will have occasion to vote on that by

1 districts because I believe it is a policy matter. But
2 it is certainly one of the highlights of the last year
3 of this Bar and I think promises to be one of the exciting
4 developments of the year ahead.

5 On perhaps a more mundane level, but I assure
6 you an important one, during this year the Idaho State Bar
7 has rennovated its offices in the First Security Building
8 in Boise; they are much improved and has added to its
9 suite a hearing room suitable for committee action, for
10 Discipline Committee proceedings and like activities of
11 the Bar. That place will also be available for committee
12 members and chairmen and Commissioners who require a place
13 to work when in Boise and away from their offices on Bar
14 matters and, for that matter, on other work, and I think
15 that's a fine addition to the resources made available.

16 I would tell you that one of the reasons for
17 the high expenditure, cash flow, reported earlier is that
18 we did furnish and set up the Bar office so that it might
19 serve these purposes, and that cost several thousand
20 dollars, all of which was paid out in cash monies this year.

21 I am sure your newspaper has made you aware,
22 as has the Advocate, and as has your personal involvement,
23 that the Bar this year has had a substantial involvement
24 in legislative affairs. The Criminal Code involved us
25 more directly with the Legislature than we have been in

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many years.

I am very proud of the effort that the lawyers made. I think they rose to their responsibility. I think they left the scene of that event having brought credit to this profession. Had others functioned so well, we could today be proud of our Criminal Code.

In the area of Probate Code activity, there was substantial work, and your committees and your membership helped again to polish and improve and pick up the flaws that remained in the Code as we left it a year ago.

Special rules are being promulgated, again on a hasty catch-up basis, in order to fill yet additional gaps that are found to remain in the Probate Code. This will be a subject of on-going work.

In the field of automobile restitution, the no-fault subject matter, Hal Ryan again distinguished himself as a great servant of this Bar and, in my view, of the State. He led a committee which served, in my judgment, in a positive way, well received by the public and the Legislature, offering constructive proposals to the Legislature, many of which continue to pend there in that magic wonderland of theirs called the MTST Card File.

And I think you will find more discussion next year. I commend Hal's report to you and I commend



1 to you also the reading of the bills that are included
2 in your book which are the bills this committee caused
3 to be introduced so that they might be referred to by
4 official number.

5 In the field of Peer Review, Bob Copple
6 and his committee have served with distinction and I
7 think we can be well pleased that people now have an
8 official place to go to air their grievances against
9 lawyers and involving the profession when fees are the
10 dispute.

11 As you know, Idaho declined to make the
12 matter of an objectionable fee an ethical dispute. We
13 deleted that from the Model Code of Professional
14 Responsibility, but we established Peer Review.

15 And I can tell you that the American Bar
16 meeting in New Orleans this winter had a list of things
17 that were wrong with the Code of Professional
18 Responsibility and which should be of concern now to
19 the state Bars.

20 Most of them look very much like the list
21 of amendments that the Idaho State Bar made. One of the
22 areas of difficulty they are having with this Code is the
23 fact that anybody who complains that an unreasonable fee
24 has been charged has thus instituted an ethics case
25 against the lawyer in those states that did not make the

1 change we did.

2 Several cases have been presented to the
3 Peer Review Committee, as their report reflects, and I
4 think it is a fine service to the public, and I think
5 it saves the attorney complained against the embarrassment
6 of more severe approaches.

7 The Economic Committee has been very
8 aggressive, very active under the leadership of
9 Bert Larson, and their fine report is before you and I
10 hope Bert will address you before the end of this meeting
11 on it.

12 The Board of Commissioners have frequently
13 sat in conference with the Supreme Court during this
14 year, has developed continuing rapport in connection with
15 matters of common concern. I can report to you that we
16 have enjoyed the cooperation and we feel that we enjoy
17 the support of the Court.

18 I think that in the years ahead that can
19 and should be expanded so that this annual meeting becomes
20 a true combined session of the Judiciary and the Bar of
21 the State of Idaho. We have more to accomplish in that
22 area.

23 But I would say to you that your Commissioners
24 are welcome at any time to go to the Court with any
25 matter that the Bar wishes discussed. And by and large,

1 we feel that when we are successful in explaining the
2 needs of the Bar, the concerns of the Bar, we do secure
3 the support of the Supreme Court.

4 The annual meeting has been chaired this
5 year by John Sharp, and I think he has done a remarkably
6 fine job. But I do think it appropriate to suggest that
7 one of our goals for the future, because one of our
8 disappointments of the past, has to do with the
9 inadequate attendance at annual meetings. I believe it
10 will become the responsibility of the staff and Board
11 of Commissioners in the years ahead to be more aggressive
12 and more successful than I have been in my years on the
13 Commission by going to the districts during the months
14 leading up to this meeting and bringing to the districts
15 advice of this convention, advice of the accommodations
16 and facilities that are available wherever the
17 convention may be held, but, in particular, bringing to
18 the districts an awareness of the remarkable speakers
19 and programs that are available to all members of the
20 Bar by their participation in the annual meeting.

21 It is tragic that so many people express
22 so many opinions which are so offensive about the fine
23 programs that are conducted here when, indeed, close
24 examination suggests that those people have not troubled
25 themselves with the firsthand experience of participating.

1 I think in the future we have an obligation
2 to make this a better annual event, and I have great
3 confidence that that will happen.

4 I would like to tell you that during this
5 year, I think the inclusion of Ron Kull as a member of
6 the staff and as our Executive Secretary and Director
7 has been of great aid to the Board of Commissioners and
8 the Bar generally.

9 I personally recognize that Ron brings
10 unique talent and capability and experience to this work,
11 and I appreciate the job he has done this year.

12 I think that the Idaho State Bar has come
13 into its own by recognizing the need for professional
14 guidance and assistance at the executive-director level.

15 Gloria Lees is the chief secretary in the
16 State Bar Office and she has served us with good faith
17 and distinction this year.

18 Linda Caulk is also a member of our staff.
19 And I mention her name to you particularly because she
20 keeps the books of account and she is the person that
21 you, as Bar presidents, may wish to visit with from time
22 to time if you are concerned with regard to the
23 disbursement of funds to your district or with regard to
24 the activities of the Bar generally.

25 Sally Swanholm is the senior member of

1 our staff, a part-time worker. She is not here today,
2 but she serves us with such loyalty that she must be
3 thanked and recognized. She is the lady that comes in
4 when these massive mailings go out to you and she is the
5 one that makes it happen by participating in putting
6 together the Advocates, the Legislative Reports, helping
7 Ron with the many, many things that have to be done if
8 these programs are to be good and timely. And Sally is
9 a great contributor in that area.

10 Finally, and certainly not least, as the
11 member of this Commission who is retiring this year, I
12 wish to take this opportunity to give recognition to the
13 other two Commissioners. Perhaps it seems self-serving,
14 but I will not let my term as Bar President expire
15 without thanking John Bengtson and John Sharp on behalf
16 of the Bar for the great contributions they have made.
17 I could not possibly count the dollars that they have
18 directly and indirectly gifted to the Bar by the time
19 and the effort that they have made.

20 Each has, without fail, responded to every
21 call of this Commission and of this Bar this past year.
22 Never during this entire year did we have a meeting of
23 the Board of Commissioners at which any Commissioner
24 was absent, and yet we averaged several meetings a month.
25 And these meetings were, by and large, held in Boise, and

1 these gentlemen traveled to Boise repeatedly to
2 participate in those sessions. They traveled with me
3 to each of the District Bars outside of Boise and they
4 made great sacrifices to do these things.

5 But more to the point, they have brought
6 to the Commission this year dedication and intelligence,
7 sincere service, and I can tell you that any President
8 of the Bar that has two Johns like I've had is a lucky
9 fellow. But I ask you to recognize them with applause.

10 (Applause.)

11 For reasons that will be more obvious to you
12 later, I am proud that I had a hand in getting two
13 members of our Bar in good physical condition for this
14 week. It happened that we were dining in rather
15 resplendent surroundings in McCall, Idaho during the
16 Bar grading session. And while there, some discussion
17 came up of the weight of the people in attendance -- I
18 believe our wives brought it up.

19 And Tom Nelson -- I will impose upon you
20 for a moment; I want you to know -- Tom Nelson challenged
21 us to the tune of a hundred dollar bet that he could
22 lose more weight than either John Bengtson or I.

23 Well, he had two parts to the bet and
24 Tom Nelson did win the first \$50, which has been paid.

25 I want you to know that I was never serious

1 in this contest. (Laughter.) But I knew that it was
2 important to the profession that these men come here
3 today ready to work. And so, before your very eyes, I
4 make another \$50 contribution to the Bar, and I hand
5 John Bengtson his \$50.

6 COMMISSIONER JOHN H. BENGTON (Lewiston): I have
7 already referred it to my attorney for collection.
8 (Laughter.)

9 PRESIDENT THOMAS: And the record will show that
10 tender was duly made. (Laughter.)

11 (A joke was then told by the President.)

12 Gentlemen of the Bar, with that serious
13 note and my best wishes to my friends on the Commission,
14 so ends the report of your Bar President for the past year.

15 I would now ask if Ed Benoit, our senior
16 chief spokesman and hero at the American Bar would wish
17 to make any report to this meeting with respect to the
18 American Bar's activities.

19 Ed, do you have anything you wish to address
20 the convention about?

21 MR. BENOIT: I don't think so, particularly, Gene.

22 Of course, the fellows know that we are
23 really honored in Idaho that Judge Blaine Anderson is a
24 member of the Board of Governors of the American Bar
25 Association, only the second man in the history of Idaho

1 who has had such a position. Blaine is very well
2 respected and has done an outstanding job for the State Bar.

3 And I might say that recently the President
4 of the ABA has appointed Jerry Smith to the select
5 committee studying the matter of certification of
6 specialists. And I think that probably that's the first
7 time in a number of years we have had men of our State Bar
8 on such an important committee.

9 I do feel that the ABA recognizes Idaho as
10 one of the outstanding Bars; we are small, but we have
11 been very complimented.

12 And I think Gene Thomas has done an excellent
13 job before the National Conference of Bar Presidents. And
14 I'm just kinda proud to be a member of the Idaho State Bar
15 and represent you guys back there.

16 PRESIDENT THOMAS: Thank you, Ed. Thank you
17 very much.

18 The Bar has been served by Ed extremely well
19 in connection with the ABA activities. He does this at
20 expense to himself.

21 And I personally extend our thanks to you, Ed.
22 You are an outstanding representative.

23 It's fun to be there with Ed because he is
24 also the best known member of the American Bar. They
25 don't kid around when Ed Benoit is coming up. He has

1 senority and he has respect.

2 And, Ed, if I might just supplement your
3 remarks with one brief comment, Idaho has the American Bar
4 diligently at work on the matter of Martindale-Hubbell
5 very much in keeping with the request of this convention
6 a year ago. Because of ABA interests, they are resurveying
7 the State. But more to the point, they are also
8 continuing with their consideration of our request for
9 supervision of the rating system by lawyers in lieu of
10 supervision by book salesmen and publishers.

11 And I believe Ed and I have some optimism
12 that we are going to accomplish something in that area,
13 and we have accomplished something already.

14 Our book contains a very excellent and I
15 think fascinating report from Dean Menard with regard
16 to the University of Idaho School of Law.

17 Dean, I think the contents of that are such
18 that there is no substitute for each member taking the
19 time to look at this and read it and to consider
20 carefully what you have told us here, particularly
21 because of the explosion of people into our profession.

22 But, Dean Menard, it wouldn't be a meeting
23 of the Idaho State Bar if we didn't have at least a few
24 words from you and words from the law school. Would you
25 be good enough to say a few words to us here?

1 DEAN ALBERT R. MENARD JR. (University of
2 Idaho Law School): I think that I have said everything
3 that needs to be said in the report in your large booklet.

4 I do appreciate the fact, as I have stated
5 there, that the Commissioners gave me an opportunity to
6 write that report. And I simply again would thank the
7 Commissioners and the representatives to the American Bar
8 Association for their cooperation, because Ed Benoit and
9 Blaine Anderson have been very helpful to us, as have
10 the three gentlemen on the podium. It makes our work
11 in legal education a great deal easier.

12 I don't think we have forgotten that our
13 primary mission is to train members for you. And your
14 advice, counsel, aid, and assistance makes that job a
15 great deal easier.

16 Thank you.

17 PRESIDENT THOMAS: Thank you, Dean Menard. I
18 think we are all very proud of the fine standards of the
19 law school under your direction. I credit it to the
20 fine legal education you had yourself, sir. (Laughter.)

21 Dean and I actually have a tradition each
22 year at the annual meeting -- we not only have this annual
23 meeting, but we have a 100 per cent attendance of the
24 alumni association of our mutual law school. We are
25 both here; we have a quorum.

1 DEAN MENARD: When we have an alumni meeting,
2 we find one of these large conference telephone booths.
3 (Laughter.)

4 PRESIDENT THOMAS: Gentlemen, if I may direct
5 your attention now to the first business of the
6 convention, Page 135 of your book -- I trust you have
7 had a chance to look at this material before -- this is
8 the only committee report which, to my knowledge, will
9 require action of the convention and a vote by district.

10 This is your Lawyer Referral Committee report.
11 I therefore would ask that we take it up as the first
12 order of business. Bill Stellmon came here Thursday but
13 was unable to stay; he had to fly back to Lewiston. But
14 Ron Rock is here to represent the committee and I believe
15 would be pleased to answer such questions as may be put.

16 Fundamentally, to sum it up, I believe it
17 contemplates a WAT line system and a lawyer referral
18 program whereby this thing will work on a statewide basis
19 and it should be a self-supporting experience.

20 It is also the experience of Oregon, and
21 other states, that lawyer referral, when operated this
22 way, brings very fine public relations results.

23 I think it is also the experience that it
24 brings much needed legal service to people who otherwise
25 don't really know how to get in touch with a lawyer.

1 And happily, it has proved to be a very
2 satisfactory economic experience for the practitioners
3 who participate in it.

4 Now, what we wish today is to have an
5 understanding that if indeed you do accept Bill Stellmon's
6 report, it may be interpreted as the urging of this
7 convention that Idaho go forward this year with this
8 committee to develop a lawyer referral program.

9 I believe this will make us the 49th state
10 if we do it, won't it, Ron? Forty-eight other states
11 have lawyer referral.

12 The Chair, therefore, will consider the
13 report before the convention. Are there any questions
14 or comments with regard to it?

15 The Chair will entertain a motion that the
16 report of the committee on lawyer referral be accepted
17 and approved.

18 MR. BENOIT: I so move.

19 MR. BERT LARSON (Twin Falls): Second.

20 PRESIDENT THOMAS: Is there any discussion on
21 the motion? Are we ready for the question?

22 (Question called.)

23 PRESIDENT THOMAS: I will call for a vote
24 by districts.

25 First District?

1 MR. TUSON: First District votes adoption of
2 the resolution.

3 PRESIDENT THOMAS: First District votes "Aye."
4 Thank you, Bill.

5 Second District?

6 MR. BROWN: Second District votes "Yes."

7 PRESIDENT THOMAS: Third District?

8 MR. SWEET: Yes.

9 PRESIDENT THOMAS: Fourth District?

10 MR. CHALFRANT JR.: I guess we'd better pass.

11 PRESIDENT THOMAS: Fifth District?

12 MR. DOERR: Yes.

13 PRESIDENT THOMAS: Sixth District?

14 MR. GARDNER: Yes.

15 PRESIDENT THOMAS: Seventh District?

16 MR. HANSEN: Yes.

17 PRESIDENT THOMAS: Boise Bar, Fourth District?

18 MR. CHALFANT JR.: I don't know; do we have
19 a quorum?

20 PRESIDENT THOMAS: We have a quorum. Does the
21 Fourth District wish to vote on the proposal? Does the
22 Fourth District wish time to caucus on it?

23 MR. CHALFANT JR.: No, the Boise Bar votes "Aye."

24 PRESIDENT THOMAS: The resolution is unanimously
25 adopted. And I thank the convention for this vote of

1 confidence to Bill Stellmon's committee. I happen to
2 belong to a school of thought that says if Bill Stellmon
3 says it's good, then it's good. (Laughter.) I've got
4 a lot of experience to back that up. And I thank the
5 committee for that fine service.

6 The Bar Press Committee report is in your
7 book. It does not require action of the convention.

8 Is there, however, any discussion of the
9 matter or is there any request for any review of the
10 matter? Judge Spear is here and knows more about this
11 than all the rest of us put together and I'm sure he would
12 be happy to answer any inquiries that might be made.

13 Suffice it to say, then, there was a meeting
14 of all the signators, as promised last year -- Gary Haman,
15 a prosecutor, as suggested last year, served as chairman --
16 the signators met, and I'm happy and proud to say for
17 the Peace Officers, that we all admitted that they were
18 right and we've been wrong in that they protected the
19 innocent against hearsay reporting, and vastly improved
20 the Compact.

21 And I think that Clay and I would agree that
22 the Peace Officers are entitled to an accolade for that
23 one, as are the prosecutors. So the program goes forward.

24 Starting next year there will be an annual
25 conference of the signators to the Bar-Press Compact in

1 conjunction with the annual meeting of the Idaho State
2 Bar. It is hoped that in the years to follow, a
3 beginning may be made toward annual meetings in the
4 various regions in the interest of improving the rapport
5 between the television, newspaper, law enforcement, court,
6 and legal profession entities and components of this
7 important public relations.

8 JUDGE CLAY V. SPEAR (Boise): And the prosecutors.

9 PRESIDENT THOMAS: I always have included them
10 as members of the Bar, Clay, but I guess you're right --

11 JUDGE SPEAR: But it turned out, they weren't.

12 (Laughter.)

13 PRESIDENT THOMAS: If they hadn't been so right,
14 we could have been upset about it, couldn't we? They made
15 a real contribution on this thing.

16 JUDGE SPEAR: Yeah, they did.

17 PRESIDENT THOMAS: Bob Alexander, would you like
18 to make a few supplemental remarks regarding Continuing
19 Legal Education?

20 J. ROBERT ALEXANDER (Twin Falls): Only this,
21 Mr. President: The report contains the facts and figures
22 on the program this year. I think we had a landmark
23 here in CLE of the Idaho State Bar this year as is
24 supported by the attendance of you gentlemen at those
25 various seminars.

1 The report would not be complete without the
2 recognition of the great contribution that Ron Kull has
3 made to that program. His expertise is what made it work.

4 I enjoyed serving you as chairman of that
5 committee this year. And the report, I think, reflects
6 the kind of response the Idaho State Bar had with regard
7 to the program.

8 Thank you.

9 PRESIDENT THOMAS: Thank you, Bob. You are
10 correct about Ron, but you are too modest about yourself.
11 You provided just exactly what was needed on this program.
12 We are really in your debt.

13 Gene Anderson has been responsible for the
14 Group Insurance Committee of the Bar.

15 I see my friend Ray Kuhn here. Welcome, Ray;
16 happy to have you.

17 Gene Anderson has written a brief report;
18 indicated that they watched the matter. It seems to be
19 progressing very satisfactory. Are there any questions
20 or comments about that?

21 It would be appropriate at this time, I
22 believe, Ray, to let you make any observations about the
23 insurance program that you feel might be pertinent. Do
24 you have any comments for the convention?

25 MR. RAYMOND L. KUHN (Mutual of Omaha): May I

1 approach the podium?

2 PRESIDENT THOMAS: Please do.

3 While Ray is coming up, let me tell you that
4 we are expanding the studies of the Insurance Committee
5 now beyond the life-accident-disability areas that Ray
6 has put together for us over the years and we are now
7 expanding out into property insurance and casualty
8 insurance studies hoping that we can bring to the Bar
9 some attractive coverages at advantageous rates, and I
10 think that would be an on-going program for the up-coming
11 year.

12 Ray, would you step to the podium.

13 MR. KUHN: Thank you, Mr. President.

14 Commissioners, Mr. President, members of
15 the Idaho Bar, this is a real pleasure to give you
16 somewhat of an unorganized report on the activities of
17 the insurance program. I did not prepare anything
18 statistically for you because in the years gone by
19 your Insurance Committee has already presented this to
20 you.

21 However, I did learn just three days ago
22 that we have passed a milestone in benefits paid to
23 members of the Idaho State Bar: \$680,000 has been paid
24 on the three programs since its inception. This is only
25 indicative of the fact that we have received excellent

1 support from the members of the Bar.

2 All three programs are progressing every year;
3 we expand new members in the program.

4 And on behalf of the two companies, Mutual
5 of Omaha and United of Omaha, I want to convey to you
6 our real thanks for real support. And, by the way, your
7 President, President Gene, has been right on top of this
8 program -- not only this year, but in years gone by.

9 And we appreciate that, Gene. Thank you
10 very much.

11 Now it becomes my real pleasure to present
12 to your outgoing President a little token, which I know
13 will adorn his beautiful office, that indicates that he
14 has served your profession well in the capacity of
15 President during the year 1971 to 1972.

16 Congratulations, Gene.

17 PRESIDENT THOMAS: Thank you.

18 (Applause.)

19 Thank you very much, Ray. I appreciate
20 this gift and I will put it in a place of honor in my
21 office, if there is such a place in my office. (Laughter.)

22 We have had fine cooperation from your
23 companies and we thank you for it and look forward to
24 more progressive and successful programming in this area.

25 Bert, the next committee report is the

1 Economics of Law Practice Committee. Let me say that
2 your resolutions will come from Reed Clements in the
3 Resolutions Committee report. But would you wish to
4 supplement verbally the report you have filed that is
5 in the book?

6 MR. LARSON: I think not, other than to say
7 it was actually prepared by Tim Daley. And you will
8 notice the members of the committee -- Eli Rapaich,
9 Lewiston; Tim Daley, Boise; and Wallace Transtrum,
10 Soda Springs; and Isaac McDougall, Pocatello -- and I
11 think we have set some sort of record, actually having
12 three meetings, which is a record for some committees,
13 I think.

14 And my only comment is that you will notice
15 that we served without any Johns, which is probably more
16 difficult, not having two Johns. (Laughter.)

17 PRESIDENT THOMAS: Thank you, Bert. You have
18 been a hard-working chairman, you've had a good committee,
19 and we appreciate it.

20 MR. LARSON: Thank you.

21 PRESIDENT THOMAS: The Legal Aid Committee Report,
22 Sam Kaufman, is in the book. Is Sam here this morning?

23 Are there any questions or comments on
24 that matter? I think it is a very succinct and complete
25 statement of a position of the committee.

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We will move on.

Jim Schiller has written a very thorough report on the Legislative Information Committee. That's the one that sent out the bulletins and information to you all during the session. Jim could not be here, but there are many of us who were close to Jim through that.

Are there any questions or comments about the Legislative Committee?

Well, the longest report, I suppose, second only to Stellmon's, is Ryan's. What it is, is a tacking together of all the letters he wrote me on no-fault.

But, boy, I'll tell you, if there was ever a warrior that walked off the field a victor, it is Hal Ryan who spoke for and represented the Bar.

And, Hal, publicly, I really thank you; you are a great American.

(Applause.)

Would you wish to make any comments supplemental to the report you have placed on file, Hal?

MR. HAROLD L. RYAN (Weiser): I think my main comment that I would like to make is on perhaps the most ill-informed editorial I ever read on the subject which came from The Statesman yesterday.

Obviously, it points out that most of the public does not understand the subject. I know many



1 lawyers do not understand it. Certainly, The Statesman's
2 editorial department doesn't understand it.

3 And this no-fault business is going to be
4 with us for the next Legislature. And as I have in my
5 reports, I surely recommend to this Bar that we
6 continue another committee on this through the next
7 session.

8 I think it is more important to the public
9 what happens in this area than it certainly is to the
10 lawyers. And I think what the Bar has tried to do in
11 this area is to urge the Legislature to come up with a
12 plan that would better serve the people of Idaho rather
13 than lawyers or the insurance industry or whatever.

14 I think we made such a proposal to the
15 Legislature; however, I think the Legislature was very
16 wise in doing exactly what they did: tabling every bill
17 they had before them to take a look at what was
18 happening in this area. At the time they did this,
19 Illinois was declaring a part of theirs unconstitutional.

20 I am sure for the same reasons part of the
21 Federal legislation now before Congress is just as
22 unconstitutional in certain areas.

23 And so there is a lot to this, and there is
24 a lot of meat; and the more you look at it, the more
25 confused you can get, the myriad of plans that are before

1 the American public.

2 And so I would urge the Commissioners to
3 certainly stay on top of this through another committee
4 this next year.

5 PRESIDENT THOMAS: Thank you, Hal.

6 The Ethics Committee is chaired by
7 Jess Hawley. Is Jess here this morning? I'm sure he
8 will be along; he has never missed a meeting yet that
9 I know of.

10 Jess has a report in the book, and I think
11 the remarkable development this year is that that
12 committee has accepted specific inquiries and has helped
13 concerned attorneys with advisory, informal, unpublished
14 opinions.

15 I think it has been a fine committee. I
16 think this service is avoiding confrontations requiring
17 people to do something and then be prosecuted for
18 breaches of the Canons.

19 I think that Jess is handling this very
20 well. And he has in fact had several inquiries; the
21 committee has responded; and it has become a constructive
22 participant in high ethical standards and practices.

23 The Code Commission Report is in your book.
24 Carey Nixon has prepared that. I think you should read
25 it, because the Code Commission is talking about why we

1 don't have our Code when we need it, when the laws are
2 in effect, as indeed so many new ones are today.

3 He tells a story in that of a very
4 frustrating situation, and I believe that the story he
5 tells is one which will lead this Bar in the next year
6 to develop a strong position and, frankly, to go to
7 the Legislature for a solution to this absurd Code
8 situation that we have in Idaho where we practice law
9 without the laws in our offices.

10 I wish every Bar President and delegate
11 here would read that carefully and perhaps that is
12 something that the mid-winter meetings may have occasion
13 to discuss and in the year ahead.

14 Bob Copple, are you here?

15 I would refer you to the book on the
16 Peer Review Report. It is an excellent report. It tells
17 the story very well.

18 Are there any questions about that?

19 Willis Sullivan's committee on the
20 Reapportionment question is also reported. Their report
21 is in the book.

22 Are there any questions or comments with
23 respect to that report?

24 Let me tell you that your Resolutions
25 Committee will have something for you on the matter

1 and that general committee will be continued and expanded
2 for the purpose of serving the Bar in several important
3 matters concerned with our organization.

4 Supreme Court Rules Committee. Is
5 Bob Rowett not here?

6 That committee had to serve immediately
7 because the Criminal Code needed help with criminal
8 rules revision under the timetable that we were faced
9 with when they acted as they did in this last session.

10 The report, I think, you will find very
11 interesting.

12 I told you about the Client Indemnity Fund.
13 Is E. B. Smith here, Judge Smith, in
14 connection with the Citizenship and Governmental Affairs?

15 The State Court Liaison Committee has
16 reported in depth. Jim Lynch has written an excellent
17 report. Are there any comments on that? We will
18 accept the report.

19 The Discipline Committee headed by
20 Glenn Coughlan. I think you have had the report on that.
21 Is there anything further?

22 The Examining Committee headed by
23 Clark Gasser. I guess we gave you the statistics. And
24 I believe those of you who are on the committee, is it
25 true to say that you have the questions put together now

1 for your summer exam, for the 83 of them that have taken
2 it?

3 MR. RICHARD C. FIELDS (Boise): In a couple of
4 hours we will have.

5 PRESIDENT THOMAS: In a couple of hours? You
6 know, that's quite a good thing. We have seen many times
7 that those Bar Exams were put together much, much later
8 than this. I think the committee has done a very good
9 job and I wish you would relay that to Clark; we
10 appreciate it.

11 Lloyd Haight, is he here this morning,
12 Corporate Law Committee?

13 Carl Burke, Policy and Public Position?

14 Byron Johnson, Probate?

15 I would like to compliment Byron on the
16 work that his committee did, working in the interim with
17 the Legislative Committee, trying to help straighten out
18 some of these impossible problems that were left in
19 the Code a year ago but which I think were dealt with
20 rather effectively by the committee in the legislative
21 group responsible.

22 Public Relations Committee. That has the
23 Advocate. Al Dingel told me that he couldn't be here,
24 but we wouldn't be having a fair year windup if we didn't
25 compliment Al on the fine job he has done as chairman of

1 the Advocate committee. Ron has helped him a great deal
2 and Ron, too, is entitled to credit for that.

3 I am just delighted with the quality and
4 the promptness of the Advocate at this time and I feel
5 that the Bar is generally. And I certainly want the
6 proceedings to show our thanks to Al Dingel on that
7 committee.

8 The Unauthorized Practice Committee did not
9 have any cases this year.

10 Ray Givens, the Federal Court Liaison
11 Committee; do you have anything further beyond your report?
12 I thought I saw Ray here a minute ago. Okay. That
13 committee really was concerned this past year with
14 revolving a program whereby we could combine all these
15 Rules matters into this one central committee that I
16 described earlier, and they served well in helping the
17 Federal and State court systems together to meetings
18 where the Bar had a chance to coordinate. Ray has been
19 very helpful.

20 The Pattern Jury Instructions Committee
21 is chaired by Lou Racine. I don't see Lou here, but, Bob,
22 do you have anything you would like to comment upon
23 for us?

24 Bob Jones is the reporter and the executive
25 member of that committee, and I think it is a very

1 important effort; we would like to hear from you.

2 MR. BOB JONES: We are working, I am pleased
3 to report. Next year we will have something concrete
4 to look at.

5 PRESIDENT THOMAS: Do you think by next year we
6 will begin to see --

7 MR. JONES: It is my personal guess.

8 PRESIDENT THOMAS: That's all we can ask.
9 Thank you very much.

10 That concludes all of the standing
11 committees, except two. We have not heard from the
12 Resolutions Committee and we have not yet heard from our
13 Canvassing Committee, which we will take last.

14 Reed Clements, will you please now give
15 us the report of the Resolutions Committee.

16 Gentlemen, for your information, I would like
17 to work with the resolutions for a bit and then perhaps
18 if time indicates that we may take a break and come back --
19 we will just see how long it takes and what the wish of
20 the meeting may be.

21 Reed Clements is another one of my great
22 pals. He accepted this job, a tough one, the second year
23 running, and I am very deeply indebted to him.

24 Reed, the podium is yours.
25

1 commencing at Pages 176 and 179 of the Annual
2 Meeting Official Booklet of this Convention,
3 being Resolutions 2 and 3, and

4 WHEREAS, it is the desire of this committee
5 that a detailed proposal be drafted and considered
6 by a duly constituted Idaho State Bar Committee
7 specially created for such purpose, its findings
8 and proposals to be prepared for presentation at
9 mid-winter meetings of the Idaho State Bar;

10 NOW, THEREFORE, BE IT RESOLVED that the
11 Board of Commissioners create and so charge and
12 authorize such a committee that its proposals be
13 so presented, providing for a standing Resolutions
14 and Policy Committee, possibly consisting of
15 presidents and one or more past president of each
16 District Bar, voting on a weighted basis, and with
17 the Bar Commission acting as the Executive
18 Committee thereof between meetings, said standing
19 Committee to act on major policy and legislative
20 matters; PROVIDED:

21 (1) That not less than 20 days notice
22 of the time and agenda of the Committee meetings
23 shall be given in the Advocate, and

24 (2) That the meetings of the Committee
25 shall be open to any member of the Bar and any

1 such member or District Bar may present proposals
2 for consideration by the Committee; and

3 BE IT FURTHER RESOLVED that said
4 Resolutions commencing at Pages 176 and 179,
5 respectively, offered by the Third and Fourth
6 District Bars, be referred to the special Committee
7 to be created by the Board of Commissioners
8 pursuant to this Resolution, which Committee shall
9 report regularly to the members of the Idaho State
10 Bar the course of its work by articles published
11 in the Advocate.

12
13 PRESIDENT THOMAS: Do we have a motion for the
14 adoption of Resolution 1?

15 MR. ALEXANDER: So move.

16 MR. BROWN: Second.

17 PRESIDENT THOMAS: Reed, do you wish to explain
18 a little bit of the background? I think it needs to be
19 explained how you got to that resolution.

20 CHAIRMAN CLEMENTS: Yes.

21 We have a committee report in this booklet
22 from the Reapportionment Committee. Now, that committee
23 has been expanded and this resolution would enable that
24 Committee on Reapportionment to go forward in this area
25 with recommendations to be made. And as this resolution

1 provides, you have a policy committee being considered
2 to be formulated under the framework of this particular
3 resolution so that you are really giving the various
4 District Bars the opportunity to have delegates to this
5 committee.

6 They are going to operate under a
7 pre-published agenda. Any member of the Bar or any
8 District may at that meeting attend, present whatever
9 resolutions they desire for the consideration of this
10 committee.

11 Then you have the Bar Commissioners acting
12 as an executive committee of that committee in the
13 interim between meetings.

14 We want this detailed report; we want to
15 see how this works. And with that, the Presidents of
16 the Third and Fourth District Bars supported unanimously
17 this resolution which I now read to you and in lieu
18 thereof have referred their resolutions, which are
19 printed in the booklet, to the committee as set forth
20 in this resolution.

21 Now, Mr. President, that is a brief format
22 of what we have done. I would say, however, that this
23 resolution, as submitted to you, came out of this
24 committee with a unanimous vote in favor of its passage,
25 which I think speaks pretty well of the effort of the

1 various districts and their presidents who were in
2 attendance at that meeting on Wednesday. I think all
3 but the First District was in fact represented and the
4 Commissioners were there at the same time.

5 PRESIDENT THOMAS: I think we might say that the
6 last meeting created the two mid-winter meetings and
7 this would really expand upon those two meetings, make
8 them more significant and perhaps somewhat more formal.

9 Joe, did you have a comment?

10 MR. W. JOE ANDERSON (Idaho Falls): A point of
11 information. The members of the committee would have
12 votes on a regular basis, as I think the resolution
13 stated, and I wondered if you could explain what basis
14 that would be.

15 PRESIDENT THOMAS: Yes, Joe.

16 If I may, Reed --

17 CHAIRMAN CLEMENTS: Yes.

18 PRESIDENT THOMAS: As you know, the rules of the
19 Board of Commissioners require that on legislative and
20 policy matters, the Bar votes by districts, casting
21 ballots according to the number of members that we have
22 in each district.

23 This standing Resolutions and Policy
24 Committee would concern itself with major policy in
25 legislative matters and, therefore, in keeping with the

1 rules of the Bar at this time, it would be expected that
2 they would cast their votes in the same fashion. Indeed,
3 I think that it would be mandatory to do so, Joe, under
4 the rules as they now stand.

5 Do you have any comment on that, Joe?

6 MR. ANDERSON: No.

7 PRESIDENT THOMAS: Does that answer your question?

8 MR. ANDERSON: Yes.

9 PRESIDENT THOMAS: Are there further comments
10 or questions?

11 Frank?

12 MR. CHALFANT JR.: Mr. President, do you have a
13 written copy of this resolution?

14 PRESIDENT THOMAS: Well, Ted Eberle wrote it
15 and he, I think, took his -- maybe he got most of the
16 copies and the fact he got sick -- maybe he didn't leave
17 his copies. Did you not get a copy?

18 MR. CHALFANT JR.: He did not contact me before
19 we got here.

20 PRESIDENT THOMAS: Well, I am sure his illness
21 made that impossible. Every member of the Resolutions
22 Committee has had a copy made available to him.

23 Reed, do you have an extra copy, or Ron, do
24 you have an extra copy?

25 CHAIRMAN CLEMENTS: All I have is this.

1 PRESIDENT THOMAS: Is there any other discussion?
2 Is the convention ready for the question on this
3 resolution?

4 (Question called.)

5 MR. CHALFANT JR.: I move we recess for a few
6 minutes and caucus on this question.

7 PRESIDENT THOMAS: Frank, why don't you take
8 your delegation and caucus now and we will pass you and
9 let you -- did you wish to review it for the purpose of
10 debate?

11 MR. CHALFANT JR.: Yes.

12 PRESIDENT THOMAS: Is the coffee ready, young lady?

13 A VOICE: It will be ready in about five minutes.

14 PRESIDENT THOMAS: About five minutes?

15 Well, why don't we go on to the next
16 resolution to give Frank and his delegation a chance to
17 read this one, then, and make this five minutes count.

18 All right? If there is no objection, we
19 will hold this in abeyance until the Boise Bar has had
20 an opportunity to proceed with this review of the
21 resolution.

22 We will move, then, to the next resolution.

23 CHAIRMAN CLEMENTS: Now, gentlemen, if you will
24 turn to Page 174 of your booklet, you will find a
25 resolution set forth there with regard to the additional

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Bar Examination fees to be paid for the re-examination of candidates who failed.

Is everybody acquainted with the resolution?

PRESIDENT THOMAS: Do we hear a motion to adopt the resolution?

MR. RYAN: So move.

PRESIDENT THOMAS: Do we hear a second?

MR. BROWN: Second.

PRESIDENT THOMAS: Are you ready for the question?

(Question called.)

PRESIDENT THOMAS: We will vote by districts.

First District?

MR. TUSON: Aye.

PRESIDENT THOMAS: Second District?

MR. BROWN: Aye.

PRESIDENT THOMAS: Third District?

MR. SWEET: Aye.

PRESIDENT THOMAS: Fourth District?

Fifth District?

MR. DOERR: Aye.

PRESIDENT THOMAS: Sixth District?

MR. GARDNER: Yes.

PRESIDENT THOMAS: Seventh District?

MR. HANSEN: Yes.

PRESIDENT THOMAS: Fourth District?

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MR. CHALFANT JR.: Aye.

PRESIDENT THOMAS: The resolution is adopted
unanimously.

Proceed with the next resolution, please.

CHAIRMAN CLEMENTS: The next resolution printed
in your booklet is Resolution No. 176, which is the
subject matter of the first resolution which we read, so
that matter will be deferred until we act upon
Resolution No. 1.

Resolution No. 5 has, as its reference,
the listing in the telephone directory. It is the
consensus and sense of the Resolutions Committee that
such resolution be reported out with the recommendation
of the Resolutions Committee that this not pass.

The Third District Bar resolution, as you
know, has asked that it be not considered improper and
unethical to have your name in the boldface type in the
telephone directory. And it is the sense of the
Resolutions Committee that this be reported out with a
recommendation that it not pass.

PRESIDENT THOMAS: The resolution is before you --

MR. BENOIT: I recommend that the resolution
be adopted and I think it's stupid when somebody tries to
look for a lawyer's name and can't see it because it's
not in bold print. I think it's a very stupid attitude



1 on the part of the whole Ethics Committee of the ABA.

2 I move the adoption of this resolution.

3 MR. THOMAS G. NELSON (Twin Falls): I second
4 the motion.

5 PRESIDENT THOMAS: Is there a discussion of the
6 resolution?

7 (Question called.)

8 PRESIDENT THOMAS: We will go by district.

9 First District?

10 MR. TUSON: No.

11 PRESIDENT THOMAS: Second District?

12 MR. BROWN: No.

13 PRESIDENT THOMAS: Third District?

14 MR. SWEET: Yes.

15 PRESIDENT THOMAS: Fourth District?

16 MR. CHALFANT JR.: It is my understanding that
17 the Fourth District votes "No." We have voted on it.

18 PRESIDENT THOMAS: We will record the vote
19 as "No."

20 Fifth District?

21 MR. DOERR: Yes.

22 PRESIDENT THOMAS: Sixth District?

23 MR. GARDNER: Yes.

24 PRESIDENT THOMAS: Seventh District?

25 MR. HANSEN: No.

1 PRESIDENT THOMAS: Mr. Secretary, can you
2 tabulate the delegates?

3 EXECUTIVE SECRETARY KULL: 247 for.

4 PRESIDENT THOMAS: The balance opposed?

5 EXECUTIVE SECRETARY KULL: Balance opposed.

6 PRESIDENT THOMAS: The resolution fails.

7 I will at this time ask that the Professional
8 Ethics Committee of the Idaho State Bar for the upcoming
9 year concern itself with this matter to see whether it
10 has advice for us in the upcoming year.

11 Is the Boise Bar now prepared to vote
12 on Resolution No. 1?

13 MR. CHALFANT JR.: No, Mr. President. We request
14 a caucus meeting.

15 PRESIDENT THOMAS: Very well. We will recess
16 now for ten minutes for a coffee break. And I wish you
17 would use this time to review that matter.

18 (Recess.)

19 PRESIDENT THOMAS: I will call the meeting to
20 order.

21 Those of us who love music remember the
22 good old days when the quartets were prominent. I suppose
23 one of the finest ones was the "Three Sharps and the Flat,"
24 which John brings to my mind that there are three Sharps
25 here today and I would like to introduce them: Margaret,

1 John's wife is here; and his daughter Callie; and his
2 daughter-in-law, Mrs. Richard Sharp.

3 Craig Meadows is here; he went to a party
4 last --

5 A VOICE: He went to the barbershop.

6 PRESIDENT THOMAS: Did he leave? He told me he
7 was disgusted with this convention; he had never seen
8 such a bunch of drunks. He says he saw a lot of you last
9 night and you had had so much to drink, your faces were
10 all blurred. (Laughter.)

11 Craig is like Johnny Carson tells: he
12 remembers, "What's up?" And somebody says, "What'll you
13 have to drink?" And the next thing he remembers is
14 somebody saying, "Did this fellow have a hat?" (Laughter.)

15 Craig, we are glad to have you here and
16 we will try to speak softly. All right?

17 MR. CRAIG L. MEADOWS (Boise): Thank you very much.

18 PRESIDENT THOMAS: All right. We will return to
19 our order of business.

20 Is there any discussion now on Resolution No. 1?
21 Are we ready for the question?

22 (Question called.)

23 PRESIDENT THOMAS: We will call by districts.

24 District No. 1?

25 MR. TUSON: Aye.

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PRESIDENT THOMAS: Two?

MR. BROWN: Aye.

PRESIDENT THOMAS: Three?

MR. SWEET: Aye.

PRESIDENT THOMAS: Four?

MR. CHALFANT JR.: Aye.

PRESIDENT THOMAS: Five?

MR. DOERR: Aye.

PRESIDENT THOMAS: Six?

MR. GARDNER: Yes.

PRESIDENT THOMAS: Seven?

MR. HANSEN: Yes.

PRESIDENT THOMAS: The resolution is adopted
unanimously.

CHAIRMAN CLEMENTS: Thank you again, Mr. President.

I think now, in the order they are as set
forth in the booklet, on Page 178 there is a resolution
from the Sixth District Bar Association with regard to
the Idaho Code.

And the gist of the resolution is:

*BE IT RESOLVED, by the Sixth District
Bar Association, that the Idaho State Bar
Commissioners and the Idaho Code Commission
investigate the implementation and acceptance of*

1 a LOOSELEAF CODE for the State of Idaho, and seek
2 the adoption of such a looseleaf service as the
3 official code of this state.

4
5 To which the Resolutions Committee has
6 added: *If economically and otherwise feasible.*

7
8 PRESIDENT THOMAS: Do we have a motion for the
9 adoption of the resolution?

10 MR. SWEET: So move.

11 MR. ROBERT C. HUNTLEY JR. (Pocatello): Second.

12 PRESIDENT THOMAS: Is there a discussion of
13 this resolution?

14 This as amended?

15 CHAIRMAN CLEMENTS: Yes.

16 PRESIDENT THOMAS: The resolution as amended is
17 before the House. Are you ready for the question?

18 MR. LARSON: Mr. President, is the resolution
19 being adopted as it is printed here?

20 PRESIDENT THOMAS: No. The Resolutions Committee,
21 Bert, has added: *If economically and otherwise feasible,*
22 *because it authorized a study.*

23 But it also had a recommendation in this
24 and we felt that we needed -- that it would have to be
25 investigated as far as the economics involved before

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we could do this.

MR. LARSON: It says here: *Be it resolved by the Sixth District Bar Association --*

PRESIDENT THOMAS: No. *Be it resolved by the Idaho State Bar.* Thank you, Bert.

MR. LARSON: *Idaho State Bar,* so it is our official adoption.

PRESIDENT THOMAS: Yes.

MR. LARSON: So it is our action, because I don't think we could act for them.

PRESIDENT THOMAS: Right. The resolution goes to the action of the Idaho State Bar.

All right. Is there further discussion?

(Question called.)

PRESIDENT THOMAS: I will ask unanimous consent and that we dispense with the roll call.

All in favor signify by saying "Aye."

(A chorus of "Ayes.")

PRESIDENT THOMAS: All opposed?

MR. BENOIT: No. (Laughter.)

PRESIDENT THOMAS: It not being unanimous, it will require a vote by district.

First District?

MR. TUSON: Yes.

PRESIDENT THOMAS: Do you want to withdraw your

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vote, Benoit?

MR. BENOIT: I just don't believe in a looseleaf code, but I will withdraw my vote.

PRESIDENT THOMAS: All right.

First District votes --

MR. TUSON: Yes.

PRESIDENT THOMAS: Second District votes --

MR. BROWN: Yes.

PRESIDENT THOMAS: Third District?

MR. SWEET: Yes.

PRESIDENT THOMAS: Fourth District?

MR. CHALFANT JR.: Aye.

PRESIDENT THOMAS: Fifth?

MR. DOERR: Yes.

PRESIDENT THOMAS: Sixth?

MR. GARDNER: Yes.

PRESIDENT THOMAS: Seventh?

MR. HANSEN: Yes.

PRESIDENT THOMAS: The "Ayes" have it; unanimously adopted.

Mr. Chairman.

CHAIRMAN CLEMENTS: The Resolutions --

JUDGE SPEAR: Is there any way to get rid of Benoit? (Laughter.)

PRESIDENT THOMAS: The Chair will entertain

1 a motion. (Laughter.)

2 A VOICE: Who is Sergeant at Arms?

3 PRESIDENT THOMAS: We will appoint Judge Spear
4 as the Sergeant at Arms.

5 JUDGE SPEAR: By God, that'll do it.

6 Out, out. (Laughter.)

7 CHAIRMAN CLEMENTS: Gentlemen, the resolution
8 beginning on Page 179 and continuing through 181 has
9 been taken care of by the first resolution adopted.

10 Now, the next resolution is that on Page 182.
11 The subject matter being: Resolution concerning the
12 American Bar Association Draft of the Statement of
13 Principles regarding Probate practices and expense.

14 Unless there be a request that the whole
15 resolution be read, I would just advise you that the
16 sense of the Resolutions Committee Wednesday was that
17 this matter should be referred to the Board of Commissioners
18 and the mid-winter meetings for further study and action
19 without any further action upon this resolution at this
20 time.

21 PRESIDENT THOMAS: Gentlemen of the convention,
22 a reason for that was that the Resolutions Committee did
23 not have before it all the materials that were
24 incorporated by reference.

25 If it is the sense of this convention that

1 this may be referred, pursuant to the recommendation of
2 the Resolutions Committee, then your mid-winter meetings
3 and the Board of Commissioners would have the power to
4 act.

5 MR. LARSON: Mr. Chairman, I move that the
6 recommendation of the Resolutions Committee be adopted,
7 to be referred to the Board of Commissioners at the
8 mid-winter meetings for further study and action.

9 PRESIDENT THOMAS: Do we have a second?

10 MR. ALEXANDER: Second.

11 PRESIDENT THOMAS: Is there further discussion?

12 Hearing none, we will call for the question.

13 MR. CHALFANT JR.: Mr. President, I would like
14 to ask a question regarding the amendment. Does that
15 mean that the Commissioners, then, can act on this; is
16 that the idea?

17 PRESIDENT THOMAS: The Chair would rule that
18 the sense of the resolution is to empower the Board of
19 Commissioners and the mid-winter meetings of the Bar
20 Presidents, as provided for by our present rules, to act
21 upon this matter. That would be the sense of the
22 resolution as interpreted by the Chair.

23 And it is so interpreted by you, Bert, as
24 the party making the motion?

25 MR. LARSON: I don't know. (Laughter.)

1 I thought that we adopted resolutions at
2 annual meetings. And my assumption was that this matter
3 would be further studied and all the material gathered
4 together. And at the next annual meeting there would
5 probably be a proposed resolution from the Bar Commissioners
6 or the Resolutions Committee to be considered by all
7 the --

8 PRESIDENT THOMAS: Mr. Chairman, is that the
9 sense of the Resolutions Committee?

10 CHAIRMAN CLEMENTS: Yes. The Resolutions
11 Committee has urged that this matter be referred to the
12 Board of Commissioners and the mid-winter meetings for
13 further study and action.

14 PRESIDENT THOMAS: Very well. I think the Chair
15 will stand corrected and that will be the interpretation
16 given the resolution as the sense of this meeting.

17 Any further discussion?

18 MR. TUSON: Yes. What is the gist of the
19 proposal or resolution?

20 PRESIDENT THOMAS: Reed?

21 CHAIRMAN CLEMENTS: Would you like this read?

22 MR. TUSON: Yes; I would like to know what
23 we are voting on.

24 CHAIRMAN CLEMENTS: Well, the Economics
25 Committee came in with a resolution which was published

1 in the Advocate with regard to an advisory fee schedule
2 under the heading of general considerations, and so forth.

3 Now, this made reference to some matters of
4 the American Bar Association which were not incorporated
5 in this. We felt that perhaps this had merit; however, we
6 would be voting on something that really wasn't before
7 us at the time we considered this.

8 This is one of the reasons why we felt that
9 perhaps this should be referred to this mid-winter
10 meeting. Then we could determine what reference had been
11 made to this and what our response would be when we were
12 more informed on it.

13 PRESIDENT THOMAS: Bert Larson, as Chairman of
14 the Economics Committee, do you have anything to add?

15 MR. LARSON: Just to add that Tim Daley has a
16 copy of what we had before us, and this is a "Draft
17 Statement of Principles Regarding Probate Practices and
18 Expenses," which was adopted by the Real Property, Probate
19 and Trust Division of the American Bar Association.

20 And just as a matter of interest, their last
21 recommendation, (13), is that we adopt a Uniform Probate
22 Code, for example. And, of course, I guess that's
23 effective today, is it not? (Laughter.)

24 And then also it has to do with the public
25 feeling that they are getting stabbed, as far as fees

1 are concerned with the probating of estates. And we
2 considered that problem in the light of our present
3 advisory fee schedule and felt that it was adequately
4 covered by our own language set out in the fee schedule.

5 PRESIDENT THOMAS: Could we have a copy of that?

6 MR. LARSON: I would be happy to hand it to you.
7 Do you want me to hand it to the Reporter?

8 PRESIDENT THOMAS: Yes.

9 (Copy of aforementioned booklet attached
10 to Reporter's Transcript and the original
11 returned to Mr. Larson.)

12 PRESIDENT THOMAS: Are you ready for the question?

13 MR. TUSON: Let me ask one more question. Do we
14 understand, then, that the committee takes the position
15 that our present advisory fee schedule covers our new
16 probate practice?

17 PRESIDENT THOMAS: Bert, the question is: Does
18 this imply or take the position that the present advisory
19 fee schedule is applicable to the new Probate Code? Is
20 that implicit, what we are doing here?

21 MR. LARSON: We understood that it was adequately
22 covered in the present advisory fee schedule. And the
23 language as set out in the resolution, if you have read
24 it in one of these yellow books, the language quoted
25 from the fee schedule is: "In cases of financial

1 hardship where justice requires representation by counsel,
2 the lawyer is at liberty to deviate from or ignore the
3 following recommendations."

4 But then in connection with the probate
5 matter itself, it says: "In an appropriate case, a
6 fee may be prepared on the basis of the actual time
7 devoted to such case rather than figured on the above
8 percentage and the lesser of the two figures may be
9 charged."

10 I don't know what other offices do, but we
11 have to live with our consciences. And in some cases,
12 an application of a flat rate generates an unconscionable
13 fee, in our opinion. And when we devote very little time
14 to a matter, even though it may involve large numbers
15 of dollars, I think the rationale of being trustees of a
16 large sum doesn't warrant the charging of a fee of that
17 magnitude. So we have adopted a practice of charging
18 for the actual time that we spend in respect to the
19 estate matters in our office.

20 So I think lawyers, being reasonable and
21 fair-minded people, accept the spirit of the advisory
22 fee schedule; they are going to not charge people more
23 than they earn, that it is a workable plan, and that
24 was the feeling of the committee.

25 PRESIDENT THOMAS: Are there further questions

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or comments?

MR. TIM DALEY (Boise): Well, just as a matter of comment, it might be advisable -- the Draft Statement is somewhat lengthy in terms of publishing the whole thing in the Advocate -- but perhaps pertinent parts of it might be published to give lawyers an opportunity to review it and comment before the mid-winter meeting.

PRESIDENT THOMAS: That suggestion will be noted. Thank you.

Is the convention ready for the question on this resolution?

(Question called.)

PRESIDENT THOMAS: All right. We will vote by district.

First District?

MR. TUSON: Aye.

PRESIDENT THOMAS: Second District?

MR. BROWN: Aye.

PRESIDENT THOMAS: Third District?

MR. SWEET: Aye.

PRESIDENT THOMAS: Fourth District?

MR. CHALFANT JR.: Aye.

PRESIDENT THOMAS: Fifth District?

MR. DOERR: Aye.

PRESIDENT THOMAS: Sixth District?



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MR. GARDNER: Yes.

PRESIDENT THOMAS: Seventh?

MR. HANSEN: Yes.

PRESIDENT THOMAS: The "Ayes" have it. The resolution is unanimously adopted.

CHAIRMAN CLEMENTS: The next resolution, gentlemen, is that set forth on Page 183, again from the Economics of Law Practice Committee.

The Resolutions Committee unanimously resolved that the same be reported out and is recommended that it not pass.

The gist of the resolution is:

RESOLVED that the Idaho State Bar approve and sponsor an economic survey of Idaho Lawyers within the next year. The survey should develop information in the following areas: gross income, expenses (by category), net income, equipment used, time records kept, economic efficiency and internal operating practices followed.

The survey should also result in information to be compared to the results of similar surveys conducted in other states.

The results of the survey shall be distributed to all members of the Idaho State Bar.



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The survey shall be conducted with the utmost confidentiality.

PRESIDENT THOMAS: To bring the resolution before the convention, the Chair will entertain a motion that it be adopted.

MR. SWEET: Move the adoption of the committee report.

MR. NELSON: Second.

PRESIDENT THOMAS: Now, your motion, then, that it not pass --

MR. SWEET: That's correct.

PRESIDENT THOMAS: A vote in favor of Mike Sweet's motion would defeat this resolution.

The Chair would appreciate it if we might have the motion framed otherwise to move to adopt the resolution. And you would accomodate the Chair by permitting a positive vote to pass the resolution without committing yourself to support it.

I think the motion should be to adopt the resolution. Would you so move?

MR. SWEET: Yes, I would so move.

PRESIDENT THOMAS: And would the Second accept the motion with that stipulation?

MR. NELSON: Yes.



1 PRESIDENT THOMAS: Very well. The motion is to
2 pass the resolution. The committee report is against
3 its passage.

4 And, Reed, I think you should explain why
5 the committee report is as it is.

6 CHAIRMAN CLEMENTS: There are two reasons. Of
7 course, a survey, a detailed survey, that would be of
8 material benefit, would be somewhat time-consuming and
9 expensive. Likewise, the efforts made to keep the
10 information obtained in a confidential status is somewhat
11 impressive, and we felt that there are many other things
12 which we could involve ourselves and our financial
13 resources in and that this was not at this time timely or
14 necessary and would be too much work and expense for
15 what we might derive from it.

16 PRESIDENT THOMAS: Reed, would you agree that
17 one of the principal arguments before the committee was
18 confidentiality?

19 CHAIRMAN CLEMENTS: This was the main objection
20 that the committee had, Mr. President, and we just didn't
21 feel that you are going to properly survey and retain
22 the confidentiality that we would like to have.

23 PRESIDENT THOMAS: Bert Larson, as Chairman of
24 the Economics Committee, the Chair would recognize you
25 if you would wish to speak to the motion.

1 MR. LARSON: I think on behalf of the Economics
2 of Law Practice Committee, you can't work in a vacuum. I
3 think that Bar surveys have been made. For example,
4 Mr. Kull's native state of Kansas, and I think you are
5 all acquainted with other Bars that have had such
6 economic surveys.

7 And if the Economics of Law Practice
8 Committee is going to be of assistance to the Idaho
9 State Bar and the lawyers in it, we should know if a
10 firm with 20 lawyers has a certain income per lawyer,
11 how they arrive at their percentage of overhead expense,
12 whether they use automatic typewriters, whether they do
13 not, the number of secretaries they have in the office.

14 It seems to me that if we have this survey
15 made of Idaho lawyers, then future Economics of Law
16 Practice Committees will have some basis upon which to
17 work.

18 And it is not, I don't believe, any breach
19 of confidence if we answer a survey in our particular
20 office, outlining the number of lawyers, the number of
21 typewriters we have, the type of dictating equipment,
22 the number of secretaries, and the whole gamut.

23 We are in this game to make a living. And
24 if we can share our mutual information together, like I
25 understand Dick Eismann, near the Boise Bar, is a single

1 practitioner but has three secretaries and three Mag Cards
2 and he adopts practices of sending out letters to people
3 who have been witnesses for him in a lawsuit to
4 implement public relations -- I think that is information
5 we all should know.

6 So that's the reason for recommending
7 the survey be made. And I think whatever expense is
8 incurred in this area will not be down the drain; that
9 we all reap benefits by knowing how each one of us
10 operates.

11 And I don't think anybody is going to be
12 offended or, certainly, nobody is going to give details
13 of any particular firm's operation; they are just going
14 to come out statistically that this is the way some firms
15 operate, and this is the way other firms operate.

16 And perhaps from it we can all of us gain
17 and do a better job as lawyers, increase our image to
18 the public, and we hope that the resolution does pass
19 despite the unfavorable comments of the Resolutions
20 Committee.

21 PRESIDENT THOMAS: Ron?

22 MR. RON B. ROCK (Boise): Have there been any
23 estimates made as to how much this would cost?

24 MR. LARSON: I don't think so. There has never
25 been any economic determination. I can't imagine, though,

1 that a mimeographed sheet to 774 lawyers and a
2 compilation of the material would involve any great sum
3 of money.

4 Maybe Mr. Kull could answer the question
5 better than I could.

6 PRESIDENT THOMAS: Ron Kull, do you know what
7 it would cost to make a survey at this time?

8 EXECUTIVE SECRETARY KULL: I do not. When we
9 made it in Kansas a few years ago, we were able to use
10 some university computers and expertise, which Boise State
11 is interested in providing for us.

12 There we surveyed something over two thousand
13 lawyers and, as I recall, the cost was under \$2,000.

14 PRESIDENT THOMAS: Is there other discussion?

15 MR. DALEY: I can't think of an industry or
16 general category of human endeavor that is able to get
17 anywhere without having industry, or any general category,
18 that is able to get anywhere where they don't have
19 industry averages.

20 I am familiar, to some extent, with the
21 tremendous amount of industry information the printing
22 industry puts together. They develop their rate book
23 information, their overhead ratio, so that the printer
24 knows whether or not he is falling this side or outside
25 the general pattern, or if he is above the pattern, just

1 how well off he is.

2 I think this is one of the crucial things
3 that the Idaho lawyers should be developing. If you
4 attended yesterday morning's session, you'll see that in
5 1960 the Illinois Bar did an economic survey and then
6 they had an extensive economics education campaign to
7 train lawyers to be more efficient and to make more
8 money. And they resurveyed five or six years later, and
9 in some cases, there was a 44 per cent increase in the
10 average per lawyer in the rural areas of the state.

11 I think we need an economic survey of the
12 Idaho lawyers to make the product for us to make
13 more money.

14 PRESIDENT THOMAS: Win Moorer from Moscow.

15 MR. WINFRED B. MOORER (Moscow): There is one
16 practical observation I can make up in Latah County, and
17 that is this: Judge Felton takes the Court-appointed
18 cases, the minimum fee schedule as suggested, whether it
19 be \$25, and then he pays you 60 per cent of that amount.

20 Well, I don't believe there is a lawyer in
21 the State of Idaho that can make a living by operating
22 under the minimum fee schedule at any rate. I don't think
23 you can set up an office, buy typewriters, and charge
24 \$25 and make a living. And if we had some real
25 statistics to present to the various Courts around the

1 state -- and I understand there are some of the districts
2 who have a worse situation than we have -- we possibly
3 could improve this condition.

4 PRESIDENT THOMAS: Further discussion?

5 MR. CHALFANT JR.: Mr. President?

6 PRESIDENT THOMAS: Frank.

7 MR. CHALFANT JR.: I would like to support the
8 comments of the committee members. I would agree with
9 those, but I would also like to address myself to the
10 question of confidentiality.

11 I don't see any problem with that. We
12 certainly don't have any problem with confidentiality
13 when it comes to voting for Bar Delegates, for various
14 things that do come through the mail from the Idaho
15 State Bar.

16 Those things can be handled on an anonymous
17 confidential basis. People don't have to sign their
18 names to inquiries of this kind, and the returns can be
19 made so they are completely anonymous and not even the
20 postal address or the source of the mailing could be
21 determined.

22 PRESIDENT THOMAS: The Chair will ask a question
23 of Mr. Kull.

24 Reference was made to the Boise College
25 operating Data Processing computers. Would that be

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subject to the stipulation that they would maintain the confidentiality?

EXECUTIVE SECRETARY KULL: Certainly.

PRESIDENT THOMAS: Is there any further discussion?

(Question called.)

PRESIDENT THOMAS: We will take a vote by district.

First District?

MR. TUSON: Yes.

PRESIDENT THOMAS: Second District?

MR. BROWN: Yes.

PRESIDENT THOMAS: Third District?

MR. CHALFANT JR.: How are we voting?

CHAIRMAN CLEMENTS: An affirmative vote, Mr. President, will approve and sponsor an economic survey. So if your vote is "Yes," you are voting for the survey to be made, really.

PRESIDENT THOMAS: Third District?

MR. SWEET: No.

PRESIDENT THOMAS: Fourth District?

MR. CHALFANT JR.: Aye.

PRESIDENT THOMAS: Fifth?

MR. DOERR: Yes.

PRESIDENT THOMAS: Sixth District?

MR. GARDNER: Yes.

PRESIDENT THOMAS: Seventh District?



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MR. HANSEN: Yes.

PRESIDENT THOMAS: The "Ayes" have it. The resolution passes.

Next resolution.

CHAIRMAN CLEMENTS: On Page 184 there is another resolution of the Economics of Law Practice Committee.

This is:

RESOLVED that the Idaho State Bar sponsor a project to develop and publish for the for the members of the Idaho State Bar desk books covering internal law office operations.

This project should incorporate these guidelines:

(1) Uniformity of routine operation among all lawyers should be promoted;

(2) Existing procedures should be streamlined to avoid the needless waste of time for the busy lawyer;

(3) New lawyers should be afforded the opportunity to learn the most efficient method of operation from the desk book rather than from years of frustrating experience;

(4) Legal secretaries and paraprofessional assistants should be able to use the desk book as



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source of operating instructions rather than rely on the time-consuming method of verbal instruction from the lawyer himself.

The sense of the committee is that this resolution, and that following:

RESOLVED that the Idaho State Bar approve and diligently strive to implement the changes necessary to require the use of letter-size paper at all levels of the legal process.

These two resolutions at Page 184 and 185 of your booklet, the sense of the committee was, they are jointly reported with the recommendation that both be referred to the Continuing Legal Education Committee for consideration and inclusion in future CLE programs and institutes.

PRESIDENT THOMAS: It is Page 186.

MR. LARSON: 184 and 186.

CHAIRMAN LARSON: I am sorry; I stand corrected, Bert. I've got about a dozen different things up here and I can't get them all shuffled right. That's right; it was not the letter-size paper involved. It was the resolution at 186.



1 (1) The use and operation of automatic
2 typewriters and other office equipment becoming
3 more and more common to law offices.

4 The current and future uses of
5 videotape in the legal profession.

6 (2) Law office management records and
7 procedures, including various timekeeping methods,
8 accounting systems, office layout, secretarial and
9 staff assistants, and filing systems.

10 (3) Techniques of attorney relationships
11 and operations with the general legal process,
12 clients, other attorneys and the legal profession,
13 including the recognition of acceptable uniform
14 approaches to common problem areas.

15
16 Now, this resolution and the desk book we
17 recommend be referred to the CLE Committee for consideration
18 and implementation in the CLE program.

19 PRESIDENT THOMAS: The Chair would entertain a
20 motion to refer these two resolutions to the CLE Committee
21 for consideration and inclusion in future institutes.

22 MR. DOERR: So move.

23 PRESIDENT THOMAS: Do we have a second?

24 MR. MEADOWS: Second.

25 PRESIDENT THOMAS: Is there any discussion?

1 MR. LARSON: Mr. Chairman, speaking on behalf of
2 the Economics of Law Practice Committee, there is a vast
3 subject that should be explored in these areas, and we
4 have no objection to the Continuing Legal Education taking
5 over, provided that the ideas don't die.

6 For example, there is information available
7 where in some courts depositions are taken by videotape.
8 And I can't imagine anything more advantageous to justice
9 than to be able to see the doctor testify rather than have
10 one lawyer sitting on the stand, reading from cold pages,
11 whether it be for the plaintiff or for the defendant.

12 Now, if this could be accomplished, adopted
13 in our rules, if we ultimately reach that stage of
14 development, we think that would be an enhancement to
15 justice.

16 And just so these resolutions are given
17 real thought and consideration by the Continuing Legal
18 Education Committee, we have no objection to them being
19 referred and would speak in favor of the motion.

20 PRESIDENT THOMAS: A point of clarification. It
21 was the sense of both the committee I happened to sit with
22 when they talked about this, and the Board of Commissioners,
23 that this would be tied in to the Basic Skills and
24 Fundamentals of Practice program to be developed as a
25 recurring institute for young lawyers, paraprofessionals,

1 people seeking refresher courses, with an emphasis on
2 economics of law practice.

3 And I think the expectation of all concerned
4 was that the Economics Committee would have a major hand
5 in the development of that institute. It is not ousting
6 jurisdiction, but it is putting it into the hands of the
7 people developing institutes and programs, and that was
8 the sense of it.

9 MR. LARSON: Mr. Chairman, we have no fear at
10 all of having our jurisdiction usurped. We think the
11 work of all the lawyers is to get the job done as
12 efficiently and as expeditiously as possible so that the
13 client receives better legal services at a lower rate.
14 And if we can become more efficient in doing that, we
15 are going to help the client as well as help ourselves,
16 so that's what we had in mind.

17 It is a vast subject; it is not going to be
18 covered in one year. We should keep these ideas in mind.
19 And whatever segment of our association works on them,
20 they should do so with a compilation of all the
21 information available to make that job more efficient.

22 PRESIDENT THOMAS: Mr. Frank Chalfant Jr. from
23 Boise.

24 MR. CHALFANT JR.: I have an abiding interest in
25 this subject, but as far as the resolutions proposed by

1 the committee, it seems to me like we are putting the
2 cart before the horse. The Economics Committee that is
3 charged with the responsibility of preparing the materials
4 and to develop the program and have it presented in a
5 CLE fashion and the CLE Committee could present the
6 program.

7 But here is the committee that needs to
8 develop the materials. It seems to me, at the very least,
9 they need to be charged with that function, that they
10 are the ones that are interested and willing to work on
11 the project and that this interest in developing the
12 actual program and the plans is something -- for our
13 desk book, or whatever they propose here -- is something
14 that they should primarily work on. Then when it comes
15 time to present it to the Bar, then certainly the CLE
16 ought to be advised.

17 PRESIDENT THOMAS: Frank, just let me comment.
18 That is the problem the CLE Committee is confronted with
19 every institute it puts on, in that certain people
20 within the profession know groups -- sometimes committees --
21 have that expertise. But the Dog and Pony Show experts
22 do remain the CLE Committee and they are our experts
23 in "show biz" and I don't think there is any intent from
24 anybody that disagrees with what you have just said by
25 handling the matter in this fashion.

1 I mean, I appreciate the logic of what you
2 said, and I think that if we had a chance to rewrite the
3 resolution, we would, but we don't have that and I don't
4 think you should interpret it as at odds with your
5 viewpoint.

6 At least that certainly wasn't the spirit
7 of discussion, was it, Mr. Chairman?

8 CHAIRMAN CLEMENTS: No.

9 (Question called.)

10 PRESIDENT THOMAS: Very well. I think we can
11 vote on this, unless there is objection --

12 MR. LARSON: Mr. Chairman, just one more comment,
13 and it doesn't have to deal really with supporting the
14 resolution itself, just an abiding hope in the Economics
15 of Law Practice Committee is that whatever committees
16 are appointed by the incoming President, that some
17 consideration be given to retaining at least the bulk
18 of the members on the committee so that these ideas
19 can be supplemented and continued forward so that you
20 won't have a brand new committee each year.

21 I remember I was a member of the Economics
22 of Law Practice Committee last year and remember having
23 one meeting, which was a long-distance telephone call,
24 three days before the meeting.

25 Now, we are not going to accomplish anything

1 in the area of economics in the practice of law if this
2 isn't followed through by the Commission.

3 PRESIDENT THOMAS: Any chairman that produced
4 the way you did this last year, Bert, has no chance of
5 escape, let alone cause for concern. (Laughter.)

6 Is there further discussion?

7 We will not require a vote by districts
8 unless it is requested. All those in favor signify by
9 saying, "Aye."

10 (A chorus of "Ayes.")

11 PRESIDENT THOMAS: Opposed, "Nay"?

12 The "Ayes" have it.

13 MR. RYAN: Mr. Chairman, I think we ought to
14 give Bert and his committee a big hand.

15 (Applause.)

16 CHAIRMAN CLEMENTS: Mr. President, gentlemen, the
17 next resolution has to do with the request by that
18 committee of:

19
20 *RESOLVED that the Idaho State Bar approve*
21 *and diligently strive to implement the changes*
22 *necessary to require the use of letter-size paper*
23 *at all levels of the legal process.*

24
25 The committee unanimously resolved that this

1 resolution be reported to the convention and it is
2 recommended that it not pass.

3 PRESIDENT THOMAS: Actually, at noon we're going
4 to get the Resolutions Committee and the Economics
5 Committee out here and they're going to have a fist fight
6 for us. (Laughter.)

7 The Chair would entertain a motion to adopt
8 the resolution asked for by the Economics Committee. Then
9 we will entertain discussion.

10 MR. LARSON: Bert Larson moves the adoption.

11 MR. BENOIT: Second.

12 MR. NELSON: Mr. Chairman?

13 PRESIDENT THOMAS: Tom Nelson.

14 MR. NELSON: I think that in observation, the
15 legal profession -- the court system, at least -- is the
16 last vestige of an anachroism of the big paper. I think
17 the courts are about the only place you use it. It is
18 unhandy.

19 And I think this resolution should pass. I
20 think it is about time we got rid of legal-size paper
21 that is nothing more than a habit going back to the days
22 when documents were blue-backed and folded four times
23 in order to be put in a pigeonhole of a roll-top desk.

24 I would like to see us take a step forward
25 and eliminate legal-size paper for efficiency.

1 PRESIDENT THOMAS: Is that the Economics Committee
2 position on the matter?

3 MR. LARSON: It is, yes. We think it is archaic.
4 It is ridiculous for lawyers to have large files, to have
5 large folders, to spend the extra money for the wasted
6 space when it appears to us that the Commission and the
7 Executive Secretary did an excellent job with this book;
8 how ridiculous it would be to have it five inches longer
9 just because we are lawyers. (Laughter.)

10 And this talk about with the automatic
11 typewriters you can get six more lines and all you have
12 to do is have girls putting paper in the machine. This
13 is ridiculous. Talk about being stupid, having our name
14 in small print in the telephone directory!

15 It is the committee's feeling that it is
16 absolutely just ridiculous for our profession to stick by
17 buying more paper than we actually need or use.

18 I should think that it would be welcomed by
19 the courts and by everybody, except the paper sellers
20 and the big-file sellers.

21 MR. DALEY: In addition, to supplement what Bert
22 has already said, there is a cost factor, and I think there
23 have been several studies conducted. Cantor has conducted
24 them. I think the State Bar should conduct a survey.
25 I know California is looking at it.

1 And I think they kind of average out as
2 saying that using and storing legal-size costs 20 per cent
3 more than if you use letter-size. Now, large offices can
4 make a lot of dollars and cents out of that. Small offices
5 can put a letter-size cabinet in the hallway but can't
6 put a legal-size cabinet in the hallway could probably
7 recognize that fact, too.

8 But even more significant is this automatic
9 typewriter era we're kinda getting into. We still haven't
10 gone all the way on how we feed paper into those machines,
11 but the computer paper suppliers supply standard letter-size
12 continuous forms so you don't have to stuff carbon and
13 paper into your typewriter all the time, and those are
14 actually cheaper than single sheets of paper and single
15 sheets of carbon paper, and they just move right through
16 the machine and you can type 20 pages without ever having
17 to stick any more than one end of the sheet of paper in
18 there.

19 I tried to price out legal-size continuous
20 form of paper and that is a special-order item and it
21 costs twice as much to get it in the continuous form
22 because it's not standard.

23 PRESIDENT THOMAS: Thank you.

24 MR. CHALFANT JR.: I would like to ask a question.
25 Does the change-over to letter-size paper also include

1 a recommendation that you type single space?

2 MR. DALEY: We didn't want to go that far, but
3 I think that's the next step.

4 MR. CHALFANT JR.: Is that where the saving
5 comes in?

6 MR. DALEY: Really, it does. But when you look
7 at double-space typing, it's more convenient to read; you
8 don't have to so-call strain your eyes. But that goes
9 back to the days when the typewriters didn't really type
10 that well. And it really pre-dates typewriters when
11 people used the quill and the pen and they had the
12 flourishes on the letters and they needed double spaces
13 to get all those flourishes in. All you have to do is
14 look at the draft of the Idaho Constitution that was
15 adopted in 1890 that was handwritten and you'll see that
16 very fact.

17 We don't have that problem anymore. I think
18 we can read even better the single-spacing typing that
19 we have today than they could read double-spaced typing
20 ten years ago.

21 But single or double space is really not
22 an issue in this resolution and it is still up to
23 individual discretion.

24 PRESIDENT THOMAS: Any further discussion?

25 MR. TUSON: What is the resolution now?

1 CHAIRMAN CLEMENTS: Well, the resolution would be,
2 what Gene has asked for and what is now before this
3 meeting, is that this body move to implement and to try to
4 strive for use of letter-size paper in all our legal
5 practice, which would include the instruments drafted in
6 the office and pleadings and so forth.

7 PRESIDENT THOMAS: I will not call for unit vote
8 unless requested. All those in favor signify by
9 saying "Aye."

10 (A chorus of "Ayes.")

11 PRESIDENT THOMAS: Those opposed?

12 The "Ayes" have it. The resolution passes.

13 CHAIRMAN CLEMENTS: Gentlemen, that concludes
14 the resolutions that are printed in your booklet and
15 were published.

16 The Resolutions Committee has resolutions
17 in addition thereto. And I will read this one:

18
19 RESOLUTION NO. 12

20
21 *WHEREAS, there are attorneys who are*
22 *members of the Bar of this State who discontinue*
23 *practice because of becoming inactive or who cease*
24 *to be bona fide residents, and*

25 *WHEREAS, it is in the interest of the*

1 profession and of such attorneys that they be allowed
2 to continue affiliation with the Bar under an inactive
3 status arrangement;

4 NOW, THEREFORE, BE IT RESOLVED that the
5 Board of Commissioners is authorized to develop a
6 proposed rule and to submit the same to the Supreme
7 Court of the State of Idaho establishing such an inactive
8 status for such affiliates, providing regulation of
9 them and respecting their responsibilities, limitations
10 and status, and

11 FURTHER PROVIDING for an annual affiliate
12 license fee of \$25.00.

13
14 PRESIDENT THOMAS: Gentlemen, on behalf of the
15 Board of Commissioners, I would like to explain the reason
16 for this proposal.

17 There are a number of complaints from lawyers
18 who leave the State who wish to remain identified with us
19 and to receive our mailings, our Advocate, and the like,
20 who really are not in a position to send in a one-hundred
21 dollar check every year.

22 And we have compared and find that the fees
23 for such individuals in other states were much more than
24 a hundred dollars.

25 The figure of \$25 was arrived at in the

1 interest of funding the mailings of the Advocate and such
2 other notices as these people would receive.

3 They would be affiliates. And it would also
4 avoid a problem we have where people quit paying their
5 dues for a period of years and then try to reinstate
6 themselves. The statute controlling that matter has been
7 interpreted for many years to require such an attorney
8 to pay up all of the dues that he had not paid in the
9 interim years, which this would permit us, I believe, to
10 discontinue.

11 So the Board of Commissioners has recommended
12 this and the Resolutions Committee has endorsed it and
13 the Chair would entertain a motion to adopt.

14 MR. SWEET: I move to adopt.

15 MR. RYAN: Second.

16 MR. GILBERT C. ST. CLAIR (Idaho Falls): I have
17 a question.

18 PRESIDENT THOMAS: Skinny?

19 MR. ST. CLAIR: The lawyers that are in
20 adjoining states who might be members of the Bar and
21 also the State of Washington Bar who come over here and
22 practice, would that resolution also be worded to
23 restrict or state that they would have to pay the full
24 amount even though they associated?

25 PRESIDENT THOMAS: The resolution as worded

1 follows the Code of Professional Responsibility as
2 adopted in Idaho and recognizes that either the person
3 who is inactive or ceases to be a bona fide resident
4 may maintain this affiliation.

5 It would not bar him if he was licensed in
6 another state from practicing here in association with
7 an Idaho lawyer which the Code of Professional
8 Responsibility requires of him if he is not a resident
9 attorney. Does that answer your question, Skinny?

10 MR. ST. CLAIR: I believe so.

11 MR. BENOIT: I am a member of the Utah Bar and
12 I have the same status. I can't go down to Utah and
13 practice unless I am associated with another lawyer,
14 but I passed their Bar and I would like to send them
15 either \$15, \$20, or \$25 a year just to remain. But I
16 don't think that entitles me to practice.

17 PRESIDENT THOMAS: I think the Code of
18 Professional Responsibility is clear on that point.

19 MR. ST. CLAIR: I just seem to remember they
20 had a lot of trouble at one time.

21 PRESIDENT THOMAS: Well, the Board of Commissioners
22 will assure the delegates here that we still have problems
23 of that variety and this resolution will help the Board
24 of Commissioners to deal with those problems.

25 MR. DOERR: Well, do I gather that if I were to

1 leave the State for whatever reason for three or four
2 years and pay the \$25 fee, that then, resuming my residence
3 in Idaho, that I could pick up the practice without paying
4 that seventy-five difference that we are talking about?

5 PRESIDENT THOMAS: That is correct.

6 Is there other discussion? Ready for
7 the question?

8 (Question called.)

9 PRESIDENT THOMAS: We will vote by district.

10 First District?

11 MR. TUSON: Aye.

12 PRESIDENT THOMAS: Second District?

13 MR. BROWN: Aye.

14 PRESIDENT THOMAS: Third District?

15 MR. SWEET: Aye.

16 PRESIDENT THOMAS: Fourth District?

17 MR. CHALFANT JR.: Aye.

18 PRESIDENT THOMAS: Fifth District?

19 MR. DOERR: Aye.

20 PRESIDENT THOMAS: Sixth District?

21 MR. GARDNER: Yes.

22 PRESIDENT THOMAS: Seventh District?

23 MR. HANSEN: Yes.

24 PRESIDENT THOMAS: The "Ayes" have it and the
25 resolution is adopted.

1 CHAIRMAN CLEMENTS: Thank you.

2 The next resolution is:

3
4 RESOLUTION NO. 13

5
6 BE IT RESOLVED that an attorney in a
7 public position who engages in private practice
8 should not use his public quarters, public
9 stationery, or public telephone in the private
10 practice of law or in any way confuse or permit
11 the confusion of his private practice with his
12 public position.

13
14 PRESIDENT THOMAS: The Chair would entertain
15 a motion to adopt.

16 MR. NELSON: So move.

17 MR. ROCK: Second.

18 MR. JAMES E. RISCH (Boise): Mr. Chairman?

19 PRESIDENT THOMAS: Before you address, Jim, I
20 would like to inform the meeting that the Resolutions
21 Committee received a proposal along these lines from
22 the Prosecuting Attorneys Association. Mr. Risch, as
23 you know, is a member and officer of the association.

24 The resolution here enjoys the endorsement
25 of the committee and also the Board of Commissioners did

1 meet with the prosecuting attorneys on Wednesday.

2 And, Jim Risch, we would appreciate your
3 comments on this resolution.

4 MR. RISCH: Thank you, Mr. President.

5 Gentlemen, it did come to our attention, that
6 is, the Idaho State Prosecuting Attorneys Association,
7 that there have been an increased number of complaints
8 concerning attorneys in the public practice of law also
9 engaging in the private practice of law and confusing
10 the two.

11 It is extremely unfortunate that this occurs.
12 The question was what can be done to resolve it. Well,
13 we assisted in drawing a resolution similar to the one
14 that the Resolutions Committee has come up with.

15 First of all, we noted that it was
16 unfortunate that an attorney engaged in public practice
17 of law also has to engage in private practice of law.
18 Nonetheless, it exists in the State of Idaho. And from
19 everything that is indicated today, it probably will
20 continue to be with us for a considerable period of time.

21 One thing that we did consider along with
22 this was the possibility of drawing a resolution requesting
23 that the Ethics Committee, the committee having to do
24 with discipline, move swiftly and severely in cases where
25 there has been ethical violation. I think this is

1 understood and there was no resolution drawn along
2 this line.

3 As far as this resolution is concerned, I
4 don't think there is anyone really that would object to
5 the way the resolution is drawn and the general outline
6 of the resolution is supported by the Idaho State
7 Prosecuting Attorneys Association.

8 But I would note that it refers to also
9 other attorneys that are engaged in the public practice
10 of law, the city attorneys as well as the attorneys in
11 the Attorney General's Office.

12 If any of the members have any questions
13 about it or on our position, I would be happy to
14 answer them.

15 PRESIDENT THOMAS: As President of the Bar, I
16 personally applaud the prosecuting attorneys for
17 endorsing and really initiating this proposal to this
18 convention. I think it speaks for their ethics and
19 their profession.

20 Is there further discussion of this
21 resolution?

22 (Question called.)

23 PRESIDENT THOMAS: I will not ask for district-
24 by-district vote unless requested. All those in favor of
25 the resolution signify by saying "Aye."

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(A chorus of "Ayes.")

PRESIDENT THOMAS: Those opposed, in like style.

The "Ayes" have it. The resolution is
unanimously adopted.

CHAIRMAN CLEMENTS: Thank you, Mr. President.

The next resolution is:

RESOLUTION NO. 14

WHEREAS, *the salaries and funding of the
Prosecuting Attorneys is inconsistent from county
to county and requires review and improvement;*

NOW, THEREFORE, *the Board of Commissioners
and the mid-winter meetings of the Idaho State Bar
are authorized and directed to develop policies and
support progressive legislation improving the salary
and funding programs of and for the various
Prosecuting Attorneys and their civil offices, and
to work cooperatively with the several Prosecuting
Attorneys in such endeavor.*

PRESIDENT THOMAS: I think that was in there
"several offices," not "civil offices."

CHAIRMAN CLEMENTS: Several.

-- *for the various Prosecuting Attorneys*



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and their several offices. I am sorry.

PRESIDENT THOMAS: Okay. So what we are saying is that -- improving the salary and funding programs of and for the various Prosecuting Attorneys and their several offices. That was a typographical error.

We will entertain a motion to adopt.

MR. SWEET: So move.

JUDGE GLEASON D. ANDERSON (Burley): Second.

PRESIDENT THOMAS: Is there a discussion of this resolution?

We will vote by district on it.

First District?

MR. TUSON: Pass.

PRESIDENT THOMAS: Second District?

MR. BROWN: Aye.

PRESIDENT THOMAS: Third District?

MR. SWEET: Aye.

PRESIDENT THOMAS: Fourth District?

MR. CHALFANT JR.: Aye.

PRESIDENT THOMAS: Fifth District?

MR. DOERR: Aye.

PRESIDENT THOMAS: Sixth District?

MR. GARDNER: Yes.

PRESIDENT THOMAS: Seventh District?

MR. HANSEN: Yes.



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PRESIDENT THOMAS: First District?

MR. TUSON: Pass.

PRESIDENT THOMAS: Do you wish to abstain?

MR. TUSON: Yes.

PRESIDENT THOMAS: Very well.

The "Ayes" have it. The resolution is adopted.

CHAIRMAN CLEMENTS: Gentlemen, the next resolution is:

RESOLUTION NO. 15

BE IT RESOLVED that the Board of Commissioners is requested to develop and present to the mid-winter meetings, appropriate legislation and proposed constitutional amendments which would establish, effective approximately July 1, 1974, the office of Prosecuting Attorney by judicial districts looking to a better solution to the problems of the public, improved criminal justice and better protection of the public; and

BE IT FURTHER RESOLVED that County Commissioners then be allowed to employ private counsel of their choosing as they may wish for civil matters.

1 PRESIDENT THOMAS: The Chair will entertain a
2 motion to adopt.

3 MR. SWEET: So move.

4 MR. NELSON: Second.

5 PRESIDENT THOMAS: Is there any discussion?

6 MR. RISCH: Mr. President?

7 PRESIDENT THOMAS: Jim Risch.

8 MR. RISCH: I missed the first part of that. Was
9 this study or was this actually to go forth?

10 PRESIDENT THOMAS: Well, Mr. Risch, this would be
11 a charge to the Board of Commissioners to develop material
12 for the mid-winter meetings for presentation.

13 I believe it would automatically bring it
14 to your agenda next year at this convention.

15 MR. RISCH: This is not a resolution before the
16 Bar in favor of a district attorney system; is that correct?

17 PRESIDENT THOMAS: I don't think it binds us, but
18 it certainly reflects approval of that concept in criminal
19 matters.

20 Perhaps it would be well to restate that
21 portion of it, Reed, so it is clear.

22 CHAIRMAN CLEMENTS: All right.

23 Now, this is the part that the gentleman
24 is interested in:
25

1 BE IT RESOLVED that the Board of Commissioners
2 is requested to develop and present to the mid-winter
3 meetings, appropriate legislation and proposed
4 constitutional amendments which would establish,
5 effective approximately July 1, 1974, the office of
6 Prosecuting Attorney by judicial districts looking to
7 a better solution to the problems of the public,
8 improved criminal justice and better protection
9 of the public.

10
11 PRESIDENT THOMAS: I think I will direct my
12 answer to you, Jim.

13 I believe this contemplates that we endorse
14 the concept of criminal prosecutors on a district or
15 geographic basis rather than purely county basis and
16 break away the civil practice from the criminal, letting
17 the county commissioners select their civil attorney and
18 make their own arrangements with respect to him.

19 Would you have a comment, as a prosecuting
20 attorney?

21 MR. RISCH: Yes, Mr. President.

22 This proposal is not new to our association.
23 It is something that we have discussed as long as I have
24 been associated with the Prosecuting Attorneys
25 Association.

1 The general consensus is that the prosecutors
2 do not support such a system. The reasons -- I think
3 that first of all, that if the district attorney system
4 is brought in, there will have to be an assistant or a
5 deputy district attorney in each county in order to
6 effectively advise police officers and act as the criminal
7 attorney there.

8 Now, with that system, in short, you are not
9 going to save any money. All you have done is gravitate
10 the control of law enforcement from the local county to
11 the large city in the district and we feel that the people
12 would not want this.

13 Secondly, we feel it would be taking the
14 law enforcement out of the hands of the local people
15 where we feel it belongs.

16 So on behalf of the association, I would have
17 to urge that all the delegates here not vote in favor
18 of this. Again, like I said, we discussed it for a
19 long time. We have discussed the pros and cons of it.

20 Utah I understand went to a district attorney
21 system of sorts and then went back again shortly thereafter.
22 And we felt that it was a very good system for states such
23 as New York and California. But for the rural states,
24 such as Idaho is, the general consensus -- I might add,
25 this is not unanimous in our association -- but the

1 general consensus of the association was that we did not
2 think so.

3 Again, I would urge disapproval of
4 the resolution.

5 PRESIDENT THOMAS: Jim, do the prosecuting
6 attorneys ever take a position on the matter of the
7 county commissioners being able to select their own
8 civil attorney?

9 MR. RISCH: We have never actually taken a
10 position on that, Mr. President. But I don't think there
11 would be any objection to that basic concept at all; I
12 don't think there would be any objection to that.

13 PRESIDENT THOMAS: Is there any further discussion?

14 (Question called.)

15 MR. BROWN: Mr. President?

16 PRESIDENT THOMAS: Bob.

17 MR. BROWN: Mr. Chairman, as I read this motion
18 and I think at least my sense in voting for this on the
19 Resolutions Committee was that we were authorizing
20 something a little more than a study.

21 PRESIDENT THOMAS: Yes.

22 MR. BROWN: We are authorizing the drafting of
23 proposed legislation and proposed constitutional
24 amendment, but we are not at this particular time
25 approving any specific legislative plan.

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I think we still have one more meeting,
at least, before it is a "go" or "no go" situation
on this.

PRESIDENT THOMAS: And for the information of
the meeting, the speaker is a member of the Resolutions
Committee.

Is there any further discussion? Are
you ready for the question?

(Question called.)

PRESIDENT THOMAS: We will vote by district.

First District?

MR. TUSON: Yes.

PRESIDENT THOMAS: Second District?

MR. BROWN: Yes.

PRESIDENT THOMAS: Third District?

MR. SWEET: Yes.

PRESIDENT THOMAS: Fourth District?

MR. CHALFANT JR.: We pass.

PRESIDENT THOMAS: Fifth District?

MR. DOERR: Yes.

PRESIDENT THOMAS: Sixth District?

MR. GARDNER: Yes.

PRESIDENT THOMAS: Seventh District?

MR. HANSEN: Yes.

PRESIDENT THOMAS: Fourth District? Boise Bar.



1 I think in fairness to the Boise Bar, it
2 should be noted Ted Eberle, who is President and head
3 of this delegation, was taken ill and had to leave
4 suddenly. And he was on the Resolutions Committee.
5 They have been handicapped by not having communication
6 that otherwise Ted would have provided.

7 Are you ready to vote now, Boise Bar?

8 MR. CHALFANT JR.: I think we ought to caucus.
9 I haven't got all the members --

10 PRESIDENT THOMAS: Are there members of the
11 Boise Bar who are not within earshot of Mr. Chalfant
12 who wish to get there?

13 I will not recess the convention, but we
14 will pause momentarily.

15 (Short pause.)

16 MR. CHALFANT JR.: I will vote "Aye."

17 PRESIDENT THOMAS: The "Ayes" have it and the
18 resolution is adopted.

19 CHAIRMAN CLEMENTS: Thank you, Mr. President.

20 With your leave, Mr. President, I will now
21 read from resolutions which we have, thanking various
22 speakers, and so forth, as a joint, but without the
23 necessity of reading them all severally.

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WHEREAS, Senator Frank Church who gave of his time and talents in speaking before the 1972 Annual Meeting of the Idaho State Bar at Sun Valley, Idaho; and

WHEREAS, the efforts of Senator Church in speaking before the Idaho State Bar were of great merit;

NOW, THEREFORE, BE IT RESOLVED that the Idaho State Bar does express its sincere appreciation to Senator Church for his contribution toward the success of its 1972 Annual meeting.

The gentlemen in like fashion that we honor by our resolutions are:

- Marvin E. Lewis
- The Honorable Alfred C. Hagan
- Harry Keaton
- J. Harris Morgan
- Richard M. Sangster
- E. C. Heininger
- Carl J. Schuck
- Norman Gaar
- R. B. Rock
- J. Robert Alexander
- Thomas G. Nelson

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John A. Barrett
Sam Kaufman Jr.
Robert C. Paine.

Also:

RESOLVED that the members of the Idaho State Bar express their appreciation to the staff and management of Sun Valley Lodge and Inn for the excellent service, facilities, and entertainment made available and the many courtesies extended to the members of the Bar, their families and guests during the Annual Meeting.

In like fashion, we honor:
Carroll's
The Gingerbread House
Campbell and Company
Callaghan and Company
Mutual of Omaha
Capitol Title Company
First Security Bank of Idaho
The Bank of Idaho
Idaho Title Company

for providing refreshments and facilities in cooperation

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with our program.

PRESIDENT THOMAS: The Chair will entertain a motion to adopt all resolutions just noted.

MR. SWEET: So move.

MR. GARDNER: Second.

PRESIDENT THOMAS: All in favor signify by saying "Aye."

(A chorus of "Ayes.")

PRESIDENT THOMAS: The "Ayes" have it and the resolutions are adopted.

CHAIRMAN CLEMENTS: Thank you.

Mr. President, as a last resolution, it gives me particular pleasure to present this one:

WHEREAS, one year ago at its Annual Meeting Eugene C. Thomas was elected by the Idaho State Bar to serve as its President; and

WHEREAS, said assignment requires an untold amount of hours of time, great amounts of effort, diplomacy and tact in every matter, and dedication to the advancement of the work of our profession and to all those who engage in the practice of it;

NOW, THEREFORE, BE IT RESOLVED by the Idaho State Bar in convention assembled at Sun Valley this 1st day of July, 1972, that this Bar does



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extend its heartfelt and sincere thanks to Eugene C. Thomas for his outstanding service and leadership as President of the Idaho State Bar this past year.

MR. LARSON: Move the adoption of that resolution.

MR. BENOIT: And I would like to add this: I think Gene has been one of the real great Presidents we have had.

(Standing applause with unanimous approval of motion by acclamation.)

PRESIDENT THOMAS: Thank you.

(Joke by Judge Spear.)

PRESIDENT THOMAS: I want personally to thank Reed Clements for serving as Chairman of the Resolutions Committee again this year. It is a difficult task; it takes talent and tact; he brings all these good things to it.

My personal thanks and the thanks of the Bar, Reed.

CHAIRMAN CLEMENTS: Thank you.

PRESIDENT THOMAS: You have done very, very fine work for us.

Is there old business to come before

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this convention?

MR. LARSON: Mr. Chairman?

PRESIDENT THOMAS: Bert?

MR. LARSON: This may be under the heading of old business, but since there are Presidents of almost all the Bars here, I think they should know that Mr. Daley has compiled a videotape, which is owned by the Idaho State Bar, that has a demonstration of three different types of typewriters: an MTST, the Mag Card typewriter, and one that operates from a paper tape.

So if you are thinking about a program for one of your local Bar meetings, you may be interested in seeing these videotapes which will demonstrate those types of typewriters.

PRESIDENT THOMAS: Thank you, Bert. That's a good piece of information to have.

Is there any new business to be brought before this convention?

Stan Gardner is the Chairman of the Board of Canvassers, appointed by your President under the rules.

I will now ask Stan Gardner to rise and report the results of the election to the Board of Commissioners vacancy that comes into existence in about 90 seconds.

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MR. GARDNER: Thank you.

Mr. President, we have counted the votes, and without fanfare, though they do deserve it, all the candidates, I will announce that the winner of the election was Mr. Thomas G. Nelson.

PRESIDENT THOMAS: Tom Nelson, stand up.

(Applause.)

PRESIDENT THOMAS: Thank you, Mr. Gardner.

Congratulations, Tom Nelson. The Chair declares you duly elected.

At this time it is my distinct pleasure to present our new man, our new President. Before I do so, indulge me one second, please. My wife has been good enough to put up with a lot of time-consuming, out-of-town-type of work, while I served as President of the Bar, and I very much want to express my thanks for that and I want you to meet Jody; she is here. And would you stand up, Jody.

(Applause.)

PRESIDENT THOMAS: Well, you have survived me, gentlemen. It's been a delight. Thank you for the honor.

Now, I am doubly honored to present to you and install the new President of the Idaho State Bar, my dear friend, a great worker in our cause, John Sharp.

(A standing applause.)

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(Brief pause.)

PRESIDENT-ELECT SHARP: I have problems, men.

I simply say I am grateful and I recognize that applause and standing is for Gene -- the old story of the kidneys and the heart; they are too close.

But we appreciate Gene and we are grateful for what he has done and for the leadership that he has provided.

And I want him to know that I am well aware that his office is only one floor away from the Bar Office and we will be there frequently.

Gentlemen, I am honored. I will simply do my best. Thank you.

(Applause.)

PAST-PRESIDENT THOMAS: I don't think I have the authority to do this, but I'm going to the bar, and we're adjourned. (Laughter.)

(Whereupon, the business session adjourned at 11:50 o'clock a.m.)

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