

Proceedings of the
Idaho State Bar

VOLUME XLIII, 1969

Forty-Third Annual Meeting

Sun Valley, Idaho

July 9, 1969

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PAST COMMISSIONERS

Western Division

JOHN C. RICE, Caldwell, 1923-25
FRANK MARTIN, Boise, 1923-25
JESS HAWLEY, Boise, 1927-30
WM. HEALY, Boise, 1930-33
JOHN W. GRAHAM, Twin Falls,
1933-36
J. L. EBERLE, Boise, 1936-39
C. W. THOMAS, Burley, 1939-42
E. B. SMITH, Boise, 1942-48
CLAUDE V. MARCUS, Boise, 1949-51
T. M. ROBERTSON, Twin Falls,
1951-54
WILLIS E. SULLIVAN, Boise, 1954-57
SHERMAN J. BELLWOOD, Rupert,
1957-60
GLEN A. COUGHLAN, Boise, 1960-63
EDWARD L. BENOIT, Twin Falls,
1963-66
NICHOLAS G. SPEROPULOS, Weiser,
1966-67
HAROLD L. RYAN, Weiser, 1967-69

Eastern Division

N. D. JACKSON, St. Anthony, 1923-25
A. L. MERRILL, Pocatello, 1925-28
WALTER H. ANDERSON, Pocatello,
1928-34
E. A. OWENS, Idaho Falls, Pocatello,
1934-40
L. E. GLENNON, Pocatello, 1940-43
PAUL T. PETERSON, Idaho Falls,
1943-46
R. D. MERRILL, Pocatello, 1946-49
RALPH LITTON, St. Anthony, 1949-52
L. F. RACINE, Jr., Pocatello, 1952-55
GILBERT ST. CLAIR, Idaho Falls,
1955-58
J. BLAINE ANDERSON, Blackfoot,
1958-61
WESLEY F. MERRILL, Pocatello,
1961-64
R. V. KIDWELL, Idaho Falls, 1964-67

Northern Division

ROBERT D. LEEPER, Lewiston,
1923-26
C. H. POTTS, Coeur d'Alene, 1926-29
WARREN TRUITT, Moscow, 1929-32
JAMES F. AILSHIE, Coeur d'Alene
1932-35
A. L. MORGAN, Moscow, 1935-38
ABE GOFF, Moscow, 1938-41
PAUL W. HYATT, Lewiston, 1941-44
E. H. KNUDSON, Coeur d'Alene,
1944-47
E. E. HUNT, Sandpoint, 1947-49
ROBERT E. BROWN, Kellogg, 1949-53
RUSSELL S. RANDALL, Lewiston,
1953-56
CLAY V. SPEAR, Coeur d'Alene,
1956-59
MARCUS J. WARE, Lewiston, 1959-62
ALDEN HULL, Wallace, 1962-65
JERRY V. SMITH, Lewiston, 1965-68
SIDNEY E. SMITH, Coeur d'Alene,
1968-69

Present Commissioners and Officers

LAMONT JONES, Pocatello, President
EUGENE L. MILLER, Coeur d'Alene, Vice President
EUGENE C. THOMAS, Boise, Commissioner
MAXINE J. McGEE, Boise, Executive Director
First District—J. Ray Cox, Coeur d'Alene
Clearwater (Second District)—Michael E. McNichols, Orofino
Third District—Jim Doolittle, Caldwell
Fourth District—Blaine F. Evans, Boise
Fifth District—John A. Rosholt, Twin Falls
Sixth District—William D. Olson, Pocatello
Seventh District—Fred J. Hahn, Idaho Falls

1969 IDAHO STATE BAR CONVENTION**9 July 1969**

MR. RYAN: Good morning. I am glad to see so many of you full of breakfast at this point and up here, and those of you not full of breakfast can understand why you can't stand the thoughts of it. This is the time to hold forth with our general annual meeting of our general business, and as we start, first I would like to introduce our Court Reporter who will be making our record, Mr. Francis Wander, of Weiser. I believe you know everyone else on the Commission.

To start this out, we first have a report from former Justice E. B. Smith concerning matters of the Constitutional Revision Committee. Judge Smith.

JUSTICE E. B. SMITH: Mr. President, and ladies and gentlemen: I became a member of the Constitutional Revision Committee very recently. Immediately upon my becoming a member I made known my views to the remainder of the Committee, and to the legislative committee which works in cooperation with the Constitutional Revision Committee, that considerable fault was to be found in the judicial article, the proposed judicial article. I have canvassed ever so many lawyers, and a few judges, and unfortunately I find that very few of them have read that article.

I am here not to make recommendations. I am here simply to make a report, and I hope to urge you to read the proposed judicial article, remembering that I am throwing out a danger signal.

First I want to state that we all recognize that the work that has been done by the Constitutional Revision Committee has been phenomenal. It is a very, very fine work; but in a few areas we disagree.

I wish to apologize that I didn't know I was going to make this report; otherwise, I would have had my references and my literature here—but I don't have it now. However, I know it pretty well by heart.

The proposed revision is only a proposal. It is not final by any means. Hearings are now being conducted over the state for the purpose of finding out how the people think and where the people indicate there may be bugs in the proposed revision. Incidentally, I made my position known immediately at the first hearing, which was held at Pocatello. The judicial article provides that appointments of the chief justice and of the associate justices shall be by the governor for the term of office of ten years. Then it stops. I asked some of the members of the Commission why it stopped there. They said it was because the Judicial Council has some powers in this area under the proposed constitution. I examined it extremely closely, and I found that the Judicial Council hasn't any power whatsoever. It is purely advisory, as proposed by the constitution, being advisory to the governor in matters having to do with the Judiciary. Now, I don't have to tell very many members of the Bar that in the last few years appointments have been made to the Judiciary that were purely political, and the Bar had nothing whatsoever to say about it. When the Bar did make some suggestions they

were brushed off as if they were a poisonous insect. I know, because I was there.

My viewpoint is that this proposal that I am talking about could be modified so that these appointments could be made by the governor, but with the proviso "as provided by law." I have a tremendous amount of faith in our people speaking through our legislature. The legislature itself could then provide for selection by the Missouri system or some other satisfactory system.

The next proposition of the proposed constitution is that it provides for a Judicial Council. Then it enumerates its various powers, which are copied from the present law providing for the Judicial Council. I just served as chairman of that Council for a year. It does not provide, in accordance with the last amendment of the Judicial Council law, for removal or discipline because of violation of the Canons of Judicial Ethics, nor for conduct unbecoming a judicial officer. Incidentally, as you know, when you enumerate a lot of things in the law you exclude all others which are not mentioned; and hence, in the wording of that article of the constitution, it would under no circumstance include conduct unbecoming judicial office. All that would be necessary in that sort of an article would be to provide for a Judicial Council "with powers as may be prescribed by law." In other words, the least amount of verbiage you have in a constitution the better constitution you have. As I stated, this article that I am talking about absolutely doesn't belong there in its present wording.

Those are three things that I am merely voicing a warning about to the Bar, and I want you to take it very seriously. Write in your objections. Read that article and send your objections to the Committee, or appear at these hearings that are being conducted over the state and register your objections so that we may get some kind of a proper judicial article. That is my report, Mr. President.

MR. RYAN: Thank you, E. B., for that report and for that warning.

We are short one necessary person at the table. I have appointed and asked to serve as our parliamentarian the fellow who forgot his glasses. Ed Benoit. Would you come up here, Ed? We might need you.

MR. BENOIT: You don't need one yet. Why don't I sit here until you do.

MR. RYAN: We will start down the list of committees for committee reports. First committee is the Adoption Committee. Is there a report from W. E. Smith, Chairman, on that? We have none filed. No report.

The next committee report is the Bar-Press Committee, whose chairman is Lamont Jones, and Mr. Jones has a report. Lamont.

MR. JONES: Thank you, Mr. President. Ladies and gentlemen: we have had the Bar-Press Committee established on the State level for some number of years, approximately 10 now, and we have had real good rapport. We have established good rapport with the press. Hal reported to you last year the real concern that we had arise by reason of the Reardon report that has caused the press a great amount of concern, and as a consequence this committee has been most active in the last two years.

For those of you who may not be too familiar with the Reardon report, this was simply one of about five or six committees that were acting in the area of revamping our present Code of Professional Ethics. The Reardon report first appeared in 1966, and I think it was in 1967—or I believe it was last year the House of Delegates of the ABA adopted the report in full. Both Blaine and Ed have advised us on previous conventions of the concern that the whole Bar had for this, and they spent a good amount of their time in the last two years in the House attempting to work out the problems that it looks like are posed for the press.

It isn't a question of not accepting the wording. It isn't really a question of the Bar as such attempting to overreach the Constitutional right of free press. It is just simply the fact that we have our report, the Reardon report as adopted, which would appear to place the press under the long arm of justice of the courts by reason of contempt proceedings. The contempt proceedings have been so watered down within the report that I don't feel, and the press people I have talked to don't feel, that it is really any concern.

To get around this problem many states, the first being the State of Washington, entered into a voluntary compact with the press. What in effect they have done is simply get together, work out guidelines by which Bar and press can both regulate their own separate groups. It is much more all-encompassing. They have included all the police officials, clerks of the court, anyone who would have anything to do with the dissemination of information with respect to lawsuits, both criminal or civil. They have all been covered in the Washington principles. As a consequence of the tremendous work the State of Washington did in this particular area many states have followed their lead, and initially the ABA, while they didn't come out from a policy standpoint of saying "Don't enter into these things," they were a little cool to the results of such compacts. However, in the last year I think it has swung the other way. The other day in the mail I received a little booklet, which is simply a pamphlet, of how to establish compacts, giving some guidelines to follow. So, I think overall the compact idea is the only way, and certainly the best way, to handle any problems that might arise by reason of the Reardon report.

Last year Hal made the recommendation on behalf of the committee that a state committee be appointed similar to that in Washington, recommending that it be appointed by the Supreme Court. We requested this of the Court this past year, and that committee has been established. We held our initial meeting in January of this past year. At that time the report was gone into in some depth. The general consensus of those present—I think each of the various associations were represented save and except the sheriffs—but of those present everybody felt that our plan, the plan that we were attempting to approve, was the right way to go. We each were instructed or requested by Justice Clay Spear, who heads that committee, to go back to our local associations and see if we could get the approval of the association to adopt something similar, substantially like that of the State of Washington, the compact that they have now.

At this point the only associations that I am aware of that have accepted this are all the press media. They have different convention times,

but each of those groups have accepted the suggested resolution that we work toward a compact similar to that of the State of Washington. There must be some revisions made in it, but it is form, not substance. We have a different structure of courts. I think the overall message that is put out in the Washington compact can be easily adopted within our state.

We have a resolution that is going to come before you at this convention. It is our committee's desire that our Bar association would vote affirmatively on this particular resolution. It is my honest opinion that the guidelines of the standards that would be attempted to be imposed on attorneys under the Reardon report really don't put any greater duty on us than we have always had, from an ethical standpoint.

The Reardon report deals exclusively with criminal matters, as opposed to civil actions. The Washington compact attempts to deal with both of them; in other words, for reporting at all levels of any lawsuit in an effort to prevent mistrials, and to promote the cause of justice.

Another reason I would like to see us go into this is for no other reason than the press of the State of Idaho, the news media, has come to us suggesting that we agree with them that we enter into a compact of this nature. They are asking for assistance. Frankly, I can see nothing but benefit that could arise out of such a compact. I think what they want is no more than guidelines that we would suggest ourselves. They want a set of guidelines that are satisfactory with both Bar and press; and then in the area of violations they want to take care of their own. If there is a problem they want to take care of it within their own organizations, just as we expect to take care of disciplinary problems of a member of our association; and frankly, I don't think this is too much to ask.

When the resolution comes up we certainly do appreciate, or would appreciate favorable consideration of this group.

Next year Gene Miller will be chairman of the Bar-Press Committee for the Idaho State Bar. I assure you that we will submit any suggested compact back to the respective districts for review and any suggested corrections before we ultimately get it passed. I don't envision getting it done this year, but it will take some time to get it done. The news media have given their blanket endorsement to anything we would suggest that comes along the lines of the Washington compact. We have their confidence, and I certainly hope we can have yours. Thank you.

MR. RYAN: Thank you, Lamont, for that excellent report. Lamont has made a real, charging chairman of that committee. It has been very active this past year, along with Justice Spear from the Supreme Court. They have done a great job.

Next committee to report would be the Clients' Indemnity Fund. Do we have a report filed?

We will move right on then to the Communist Tactics and Strategy Committee report. Z. Reed Millar isn't here, but he has asked that his report be read. Our secretary has it with her.

MRS. MCGEE: Responding to your invitation of June 9, 1969, to submit a report to the attorneys at the annual State Bar meeting, I beg to report for a committee on Communist Tactics and Strategy that I have engaged in some correspondence with Mr. Charles S. Maddock, Esq. on the standing committee on education about communism and its contrast with liberty under law and this year received from him and from Mrs. Mary H. Manoni materials used in several school systems in connection with the pilot program contrasting and comparing due process in the United States with similar legal practices in the Soviet Union.

I also received a copy of the adaptation of the analytical method developed for these courses and have in my hands a copy of the committee sponsored text, i.e., A Contrast Between the Legal Systems in the United States and in the Soviet Union.

I have examined these matters quite carefully, including the materials providing a description of the legal systems, information as to case studies of specific cases in U.S.S.R. and U.S.A. as to the comparison in the rights involved of the various individuals under actual case process.

There was also included test outlines provided to be followed by teachers in the schools after the courses have been completed, and a Suggested Teachers Outline.

In view of the current strife in our schools, much of which has been documented to have been inspired by trained communist agitators, I recommend that the Bar Commission make a study of these matters and submit the same to the State Board of Education with a recommendation that a pilot project be established in some school where these teaching processes can be carried on to inform our younger children and students of the real threat of communism as against the guarantee of freedom and liberty under the United States Constitution and our system of government.

I attach hereto a copy of Mrs. Manoni's letter and some photo excerpts of the case study matters. I should like to assist any matter in furthering this study in our schools which I think is really long past due.

MRS. MCGEE: The materials referred to in the report will be on file in the Bar office for any of you who would like to look them over.

MR. RYAN: Thank you, Maxine. Incidentally, I think I made a grievous error this morning by reason of the fact that we have had recent changes in our Bar Commission, and our Bar office. I would like to formally introduce, since this is her first annual meeting as the executive director, our lovely Maxine McGee, who actually keeps this affair going for us. We appreciate Maxine very much.

(Applause)

MR. RYAN: I think I should formally introduce to you our new commissioner. All of you are aware that Sid Smith, our commissioner from the north, was required to resign to go back to Washington, D.C., and we have seen fit, rightly or wrongly, Lamont Jones and I, to appoint a

charming fellow from Coeur d'Alene to take his place, Eugene L. Miller, who is the commissioner from the north.

(Applause)

MR. RYAN: Although it was announced yesterday, I think it should be reannounced today that the fellow who will put this Bar Commission back on its feet and take my place is Gene Thomas, as the new commissioner from Boise.

(Applause)

MR. RYAN: There is a real problem facing the Commission at this time, and it seems to be going through the entire Bar as to how in the world Lamont Jones will get along with just two Genes!

Next committee to report would be the Continuing Legal Education Committee, with Lon Davis.

MR. BAKES: Mr. Davis asked me to make the report for him.

MR. RYAN: Bob Bakes, would you come forward please. Our C.L.E. director, Robert Bakes.

MR. BAKES: Lon asked me to come over and make the report for him because he couldn't come. Most of you will probably remember that during the last fiscal year we had two programs, continuing legal education programs. The one in the fall was a program on securities law, Federal securities act, and the state securities act, in which we had an attendance of approximately 250 attorneys, roughly a third of our Bar, which was rather successful.

Then in May we had what I think was one of our most successful programs from point of view of content, when Professor Halbach was up from Berkeley Law School on the program on estate planning. Our attendance at both these programs was excellent.

Finally the program is in pretty good shape, even though we do have some problem in the area of Desk Book, the updating of the Desk Book and the Advocate, and some of these things which are costing some money.

As for the future, we have an expanded program prepared for the next year. Our fall program will be given twice, once at the University of Idaho on October 25, and in Boise on November 15, both tied to football games. This program will be a program entitled "The Lawyers Use of Financial Statements." It is a national-type program that has been given throughout the United States both by state organizations and some of the national organizations. I attended one in St. Louis, and it is an excellent program, and it is in an area that I am certain most lawyers are deficient, and that is how to read and interpret and advise clients based on things that accountants put out. So we will be doing this program jointly with the accounting association, and I think it would be a very productive program.

We have a special program this summer. The tentative date is August 15 on the new federal Truth In Lending Statute. We have decided to do this,

although it is somewhat late, because most people didn't realize what was involved in this until the bill went into effect and clients started asking. As a result we found that it affects about everything we do, real estate contracts—you name it—everything the law does is somehow affected by this, and it is not just for those who represent banks and other lending institutions, but people who represent debtors, primarily with rights of rescission, as it really cuts across the entire law practice, and most of you are completely uninformed about it. We have made arrangements for Professor Warren of the UCLA Law School to come here in the middle of August. We are still not certain of the date or whether we will be in Boise or McCall. We are trying to get McCall, but we are having problems there. However, our tentative date is the 15th of August for this program, and I believe it will be one of the most important that you have.

We are planning another program in the spring of 1970, but the topic has not been picked as yet, so it will be announced later in the fall.

I think, Hal, that generally is the activity of the committee on our last year and our proposed program for next year.

MR. RYAN: Thank you, Bob, for that excellent report. I think we are all aware that that is one of the most important and most functioning committees we have at this moment in the Idaho Bar. The lawyers that make up the committee are very active, and very good at it, and of course under the directorship of Bob Bakes it is functioning very well. I might add, Bob, that in addition to that there is some long-range planning through this committee of yours to come up with a uniform advisory jury instructions in Idaho.

MR. BAKES: That's right. Maybe I should make a comment on that. It is still in the formative stages, but we are hoping that within the next two years we can have a set of uniform jury instructions in a form similar to the Desk Book. We are working on the project in the formative stages jointly with the Law School, and it is hoped that within the next year we will be able to get out a volume similar to the Desk Book of uniform jury instructions, which hopefully will be uniform in Idaho.

MR. RYAN: One of the things that will help move that along is if we, through the University—and Dean Menard is hopeful of obtaining a scholarship grant which will help us staff such a project as that, and I think we are making progress toward it.

Next committee is the Committee on Criminal Law, with Don McClenahan. Does he have a report, or anyone have a report for him?

MRS. McGEE: Mr. McClenahan reported there will be no report.

MR. RYAN: The next committee hasn't done much this last year, but I suppose it has some sort of a report. It is the Court Modernization Committee, with Jim Lynch as chairman.

MR. LYNCH: Thank you, Hal. Actually I think I can make our report fairly brief because I am happy to report that a good deal of it is printed elsewhere—in the Session Laws of the 1967 and 1969 sessions of the legisla-

ture. Also, it is recorded in some of the constitutional amendments that the Bar has sponsored in the last five or six or eight or ten years.

I think you are aware that the legislative program in the area of court modernization has on numerous occasions been approved by this Bar back as far as 1960, and it has pretty much been adopted by the legislature and signed into law by the governor. I think you are pretty much aware of what is involved in the court reform bills. I think you are pretty much aware that in 1971, on January 11, we will go to a fairly new lower court system with one magistrate's division of the district court replacing the justice, probate and city magistrates courts. What I would like to dwell on here is to point out that between the time we passed these and they were vetoed in the '67 session and the time they were passed in the '69 session two fundamental changes were incorporated into the system in order to get the approval of the governor; and as you know, he did sign these the second time around.

One of these involves finances. Although it is still far from perfect how the finances are handled at least that change actually pumped some additional money into the system and makes it potentially easier for us to get the money necessary to pay the salaries of magistrates and should make it easier in future years.

The other change has been drawing most of the controversy, actually more than the whole program put together if the number of people speaking out against it are any indication. That change involves the system of the selection of the magistrates that will serve on this new court system. When the bills were originally drafted by the Legislative Council, of which Hal was chairman—or co-chairman of the Senate and House committee, the proposal was that the district judges would do all the selecting, hiring, firing, et cetera of the magistrates. That proposal was passed but was vetoed by the governor.

Now we have a system where a district magistrate selection committee has been provided for by law in order to select the magistrates under certain control for their two-year term and to set their salaries and to determine where they will sit inside the judicial district. This commission is composed of the chairman of the county commissioners of each of the counties in the judicial district plus one mayor appointed by the governor plus the senior district judge. As you can see, vote-wise this is weighted very heavily against the legal profession, which I think is directly what the governor was after. Unfortunately, the cities (and particularly some of the larger ones) think that it is weighted very heavily against them; and some of the bigger counties think it is weighted against them. Frankly, some people have expressed a great deal of reservation as to whether mayors or chairmen of county commissioners can forget they are basically political animals and when they sit on this commission whether they can administer this law, which calls for a nonpartisan judicial system based upon merit. It has been our position in arguing to the legislature and to everybody else—and recently I appeared before the City Association in Boise—that once the Republican or Democrat or what-have-you chairman gets on this committee we feel that he will forget that and will remember what he is charged with doing and will probably go ahead and do it.

What I would like to emphasize here is that while it could be easy for us to sit back and lean on our oars now, unfortunately in this court modernization area we only have a brief chance to reap any glory; then we must get on to the next task. There is much more work before us to make the system work than has been done in the past to get it in the first place. I say that principally because each district bar is going to have to have an active group of lawyers interested in what is going on in that district, well aware of the problems of the district, and who, even though they haven't been invited, will nevertheless invite themselves and participate in and make representation to this Magistrates Selection Committee; and if there is any doubt as to whether or not this Magistrates Selection Committee might function in an entirely nonpartisan manner I think that this can be overcome by a very, very active Bar committee in each of the districts shadowing and studying everything that is done.

I think certainly that this should be done, and again this is something that can't be done so much at a State Bar level as it can be on a local Bar level. That is why I am making the recommendation to the Commissioners upcoming that this particular committee that I have been chairman of—and Tom Miller was chairman of before I was—be somewhat reorganized so that not just a group of people scattered around the State be the membership of it. I think this should be subdivided into seven different districts with one or two people at the State level. I think each district should have a subcommittee, and that subcommittee should be primarily active in that district because after all it is those people and those lawyers who know what the problems of the district are.

Some of the problems remaining before us are that we have provided money for magistrates' salaries, but we have not, up to this point, made any specific provision for the staff that is going to be needed to support this system. We haven't entirely straightened out the question of what we are going to do on appeals, whether we are going to use court reporters or stenographic recording in order to make this a court of record. We have a lot of different things to think of, and one of the things that we are going to have to keep an eye on is that every district has different problems due to the size of the cities in the district and the distribution of the population.

In the district I come from there are 100,000 people within driving range of the courthouse, with only about seven cities in the whole district with more than 100 people in them; so we have one problem on the distribution of judges. However, another district has 25 towns of between 500 and 1000 people in them, and this presents an entirely different problem on how to organize this magistrate's division. That is why I think it is very important that this committee be reorganized.

It is very important that the Commissioners have some idea in each district as to who would be interested in these problems and who would be good at working on them before they appoint the committee. I am going to recommend that the word be put out that anybody interested in working at this should contact the commissioners and volunteer his name to be a member of that local committee. Then whoever the State Chairman is can coordinate the efforts of the various committees. I think this will best work in order to make this system function.

As I say, we have a lot of problems that need investigation, and a lot of problems to solve, but I think we are well on the way to solving them.

I might comment on one other thing. I am glad that Justice Smith is participating in the Constitutional Revision thing; and I, too, urge that you study it.

One problem involved in the Constitutional Revision can be pointed out by the fact that although I have been chairman of the State Bar's Court Modernization Committee for more years than the Commission has been in existence I have never received a copy of the record. I had to borrow Bud Hagan's copy to study what was in it. I don't think there has been any effort at any stage for the Commission to contact the Bar Association to find out what they think should be in the judicial article.

It is true, you can go to the public hearings. This Bar Association has since about 1956—and I am not prepared to exactly enumerate all of them—but it has sponsored and it has passed through the legislature and with the public at least four or five constitutional amendments that involve that judicial article. I would have to presume, as chairman of this committee, that where we sponsored a resolution and the legislature passed it and the people adopted it overwhelmingly that that should at least to some extent settle that part of the constitution.

There are a few things left. One of them is if we are going to have a Merit plan or a Missouri plan or some other plan of selection of district and supreme court justices. Frankly, I don't think the judges have made up their own minds as to what they would prefer. That could and should be debated one of these times and another amendment sponsored.

There is one very dangerous proposition in that there is a 10-year appointment by the governor with no guaranty that he is going to succeed himself, which I think puts him at the absolute mercy of the governor if he wants to be reappointed during the last two or three years of his term. I think it breaks down the independence of the Judiciary.

There are other problems that you will probably see in there, so I would urge you to try to find a copy of that, and whenever they have a public hearing in your area you should show up and express your ideas and opinions.

Last night I received an award, and I am very happy and I very much appreciate receiving it. I assume it was primarily for my work in the court reform area, and Tom Miller received one, also, for the same reason.

One other idea I want to express is that there has been at least a hundred lawyers out of the seven hundred we have that have participated in this and expended a great deal of their time in this effort over the last ten years. Nobody knows who or at what point actually gave a nudge which eventually resulted in the adoption of the whole program.

Beyond that, I would like to say that just being a chairman of a committee of this Bar of some 700 members is important because all 700 members of the Bar, because of their strong participation in it, have been able to develop a strong, independent Bar. Knowing you are in a leadership

position as chairman of a committee, with that kind of Bar association behind you, is the thing that carries you through and makes you go to work again when the governor vetoes something you have labored so hard at.

I would like to thank each and every one of you not just for the work in court reform but for your constant work to make this a very strong, independent Bar Association. Thank you.

MR. RYAN: Thank you, Jim, for that excellent report. When we were considering these awards for Tom and Jim, and knowing something should be done for their firms, we were faced with the dilemma of how should we give an award to their firms who have allowed these fellows to spend all this time to do this work; so we sent letters of thanks to those firms, the Hawley firm, and the Coughlin & Imhoff firm, because they have been most generous in allowing Tom and Jim to spend the thousands of hours that they have spent in this line.

The next two committees listed and the order are the Discipline Committee and the Examining Committee. Both of their activities will be covered by the Executive Director's report.

The next committee on the list is the Fee Schedule and Economics of Law Practice Committee, with Gene Thomas as chairman.

MR. THOMAS: Members of the Bar: Before turning to the formal written report of the committee I would appreciate taking a moment of your time as chairman to comment on the background of the committee and its duty and its charge as those of us serving on the committee understand our position. I would like you to know in the first place that this committee has traditionally had representation from the three major geographic sections of the State. This year Jim Ingalls served from North Idaho. I served from Southwestern Idaho. Archie Service and Bill Olson both served from the eastern part of the State. I have served on this committee for 14 consecutive years, and I think that has been the make-up of the committee, traditionally. We have been charged, as the Advisory Fee Schedule Committee, to maintain and keep current a meaningful and helpful fee schedule. It has been our pattern in years past to correspond among the members of the committee early in the year to determine whether there is any pressure for change, any indicated need for revision, and then as the year approaches the spring meeting and the final sessions before this convention we look at the advisability of a meeting of the committee. Approximately every two years we have had such meetings, and I think almost every year in the 14 years we have had at least some minor revisions, and in a number of years larger ones. It has been the judgment and the policy of the committee that a realistic fee structure for the practicing attorney leads to ethical practices by that attorney and leads to good standards of practice all in the interest of the client. It has been the judgment of the committee over the years, and it has been consistent in that the worst thing that can happen to the client in the State of Idaho is the development or the tolerance of unrealistic and uneconomic fees, subject to criticism because they are low, and are really at a level which the practitioner cannot live with. We have therefore developed these guidelines which we judge will be tempered by common sense as they are applied to

the individual case. We think they should be particularly beneficial to the beginning practitioners, to the men in their early years of practice. We think they should be likewise beneficial to the individuals moving into an area which may not be one in which he has had a great deal of experience.

Above all, we feel that this schedule foresees the year ahead, and it holds a program that is realistic and helpful to the client and the practitioner. It is not merely a reflection of existing practices. It is a reflection of this committee's judgment on what should be a realistic, economic program today.

The committee has also taken the position over the years that you have made it responsible to study and act on your behalf. However, it being such an important matter, we have never merely produced a fee schedule. We have always reported to this convention and also asked the approval of the convention before any changes in your Desk Book takes place. I believe this committee as a matter of fact was one of the original forces that urged the creation of the Desk Book, and many years ago joined with another committee and members of the Bar pushing this program which is so beneficial today. I say this because I want to say further that it has not been the practice of the committee to develop a set of resolutions which were circulated to individual Bar Associations at the local level and advanced to the state convention. We felt that it was always our responsibility to act on behalf of the Bar on this, and then as a standing committee to report directly to the Resolutions Committee and to the floor of the convention, which we do today, and I will now present the written report.

ANNUAL REPORT OF COMMITTEE ON ECONOMICS OF LAW
PRACTICE AND ADVISORY FEE SCHEDULE

TO THE COMMISSIONERS AND MEMBERS
OF THE IDAHO STATE BAR

Gentlemen:

During the current year your Committee has made a complete review of the Advisory Fee Schedule and has determined that inflationary spirals and pressures now dictate that a substantial revision be approved and distributed. In view of this finding your Committee did convene at Boise on May 9, 1969, and in a series of letters exchanged following the meeting did unanimously recommend the revisions noted in the attached Exhibit which is made a part of this report to you. We do ask your approval of the revision and your authorization and direction that the Attorney Desk Book be brought to date by the provisions of corrected pages so that the present Schedule there appearing is replaced by this current version.

The Committee does respectfully recommend that the Idaho State Bar Advisory Fee Schedule and the matter of Economics of Law Practice in Idaho be carried on as a continuing program. We particularly urge continuing study of the Schedule so that one referring to this document may be assured that it is truly current and truly representative. Close coordination with counterpart committees or groups of local Bar Associations is an essential adjunct to this process.

Mr. Chairman, on behalf of the Committee I do herewith respectfully submit this report and move its adoption and approval, it being the intent of this motion that the proposed revisions be approved, and the official Advisory Fee Schedule of the Idaho State Bar be amended accordingly.

(Mr. Thomas read the changes in the recommended fee schedule.)

MR. THOMAS: Mr. President, that is a complete presentation, and I would now move the approval and acceptance of the report and the changes in the schedule as presented.

VOICE: I second that.

MR. RYAN: It has been moved and seconded that the ruling in the past—but I would bring to your attention Rule 185(d) and (e), with Rule (d) providing that each member shall have a vote on any question except those provided in subsection (e), and shall be determined by a majority vote cast at the time of taking thereof; and then (e) goes on—the excepting portion—which then would be by judicial districts in the case of matters affecting statutes or rules—and then the next one is the one that throws us over here—is policy of the Idaho State Bar. I feel that this is perhaps in the realm of policy, and although checking back through previous minutes when we had advisory changes, mostly of a minor nature, I think this is rather major and deserves your full consideration and discussion, and so at the time of voting, unless there is unanimous consent otherwise, I think we should do this by districts. Is there discussion? Tim Daley. I would ask each of you, as you come up, to identify yourself for the court reporter, give your name first, so that he may have that for the record of any discussion on this matter.

MR. THOMAS: In order to expedite these proceedings, which have lengthened too much, I would ask unanimous consent that we proceed as a convention of this matter rather than going by the individual districts.

MR. RYAN: Is there objection? If not, then we will proceed in a convention manner on one vote per person here assembled.

MR. DALEY: I am Tim Daley from the Boise Bar Association. I would feel happier myself if the particular descriptive area relating to extraordinary services in decedents' estates would include preparation of the decedent's estate income tax returns and federal-state tax returns, just to those, so there would be no question but what they would be extraordinary services.

MR. RYAN: Any further discussion? I would suggest, Tim, that perhaps not being a part of the report that you will make that suggestion to next year's committee to put it in at that time.

MR. DALEY: The reason I mentioned it at this time is to see from Gene's reaction if they had discussed it and then felt it was unnecessary.

MR. THOMAS: I think it is a good suggestion, Tim. It was our intention to cover this sort of thing as you treat it, and I am sure your suggestion will be well received next year.

MR. DALEY: Fine

MR. RYAN: Any further discussion? If not, are you ready for the question? All those in favor of the motion signify by saying aye. Opposed? The motion is carried unanimously. We will now have a short coffee break. I would like to hold this, since we are running a little late, to ten minutes.

(Recess from 10:30 to 10:48)

MR. RYAN: We will call the meeting back to order. The next committee on the list is the Idaho Rules of Appellate Procedure Study Committee, which would come under Resolutions from the presidents of the local Bars.

Next is Insurance Liaison Committee, Jim Green, chairman. Jim, do you have a report?

MR. GREEN: Hal, Mr. Kuhn is here from Mutual of Omaha, and I believe would make a presentation later. He has some figures to give to the convention at that time.

MR. RYAN: Thank you. The next committee to have a report has it on file, and it is quite lengthy. Is Myron Anderson here? It is on the committee of the Idaho State Bar Representative to the Western Regional Liaison Committee, Internal Revenue Service, and this will be filed at the office and made a part of the minutes here. Due to its length and due to the fact that we are running short of time I will not have it read at this time.

Investigation of Lay Foreclosure Committee. Do we have a report on that?

VOICE: No report.

MR. RYAN: Legal Aid and Services Committee? Bill Stellmon, chairman.

MRS. MCGEE: Bill said that either Clark or Wayne would read the report.

MR. RYAN: Wayne Fuller from Caldwell will read the report.

MR. FULLER:

1969 ANNUAL REPORT OF THE LEGAL AID AND
SERVICES COMMITTEE

TO: THE COMMISSIONERS OF THE IDAHO STATE BAR ASSOCIATION
FROM: CHAIRMAN AND MEMBERS OF IDAHO STATE BAR
ASSOCIATION LEGAL AID AND SERVICES COMMITTEE:

As requested by the Commissioners of the Idaho State Bar Association, we are submitting herewith the annual report for 1969 of the Legal Aid and Services Committee of the Idaho State Bar Association.

As all members of the bar know, there has been a considerable emphasis placed on legal services to indigent people in the last year or so. Your committee has tried to evaluate the different methods of providing adequate legal services to persons unable to afford to pay for such services and in

the State of Idaho we have an opportunity to observe in operation several different methods. There are programs available in all seven districts of the state either through local bar association committees or through bar association cooperation with the office of Economic Opportunity Legal Services Program. The criminal defendant who is also an indigent is well taken care of in the State of Idaho either through a public defender system as carried on in Ada County or through appointment of counsel, now in most areas done from the preliminary hearing right on through the criminal trial and appeal. Therefore, most of the work of your committee has been in the area of representation in civil matters.

In the First District Bar Association the attorneys are now just in the planning stages of a program, having investigated the available programs and preparing for the adoption of a formal resolution to adopt one of the methods, which resolution will probably be brought before the Association sometime after the annual meeting. The consensus of opinion seems to be that the First District will probably follow along the lines of the Sixth District rather than trying to set up an OEO funded program.

In the Second District, the Clearwater Bar Association is actively engaged in cooperating with the Lewis Clark Legal Services, Inc., an OEO Funded program operated through a Board of Directors made up of attorneys and representatives of the poor and through a director attorney and one staff attorney. This program also serves Asotin County, Washington, as well as the five counties in the Clearwater Bar Association area. Joe Adams of Lewiston is the Chairman of the Board of Directors of the Lewis Clark Legal Services, Inc., and the executive director is Robert Glasby. Judy Grimes serves the program as staff attorney. The headquarters of the program is in Lewiston and offices have been opened in Moscow, Orofino and Grangeville.

In the Third District the Bar Association is working with an OEO program, Western Idaho Legal Services, Inc. The Board of Directors is made up of attorneys and representatives of the poor and the chairman of the board there is Robert Remaklus of Cascade. The executive director is Walter Curnutt. The significant developments in this program during the last year are the opening of a full time office in Caldwell and the change of headquarters for the legal services from Emmett to Caldwell; the assistance of a VISTA volunteer law student; the start of a law reform program; and the initiation of a suit in Federal District Court with respect to the rights of the poor to welfare payments without meeting residence requirements.

In Ada County, with the assistance of OEO Office and Western Idaho Legal Services, Inc., there is a volunteer program that is being started by the Fourth Judicial District Bar Association. This program has just started within the last two months. It is confined to civil cases that are not fee producing matters. The criminal cases in Ada County, of course, handled through the public defender's office, Howard Manweiler and Jay Webb being the attorneys who handle the public defender cases there. The Western Idaho Legal Services, Inc., has been requiring in domestic relation cases that the persons seeking legal aid obtain a letter from two attorneys indicating that they would not handle the applicant's case due to a lack of

funds. A good deal of the case load in both OEO funded programs seems to be cases involving domestic relations.

In the Sixth District the attorneys have established a program that operates in the following fashion: The American Red Cross and the Pocatello Chamber of Commerce are designated as the agencies for the indigent or needy person to apply for aid in civil matters. A short interview is made by the Red Cross or Chamber secretary. The person is then given a form which contains his name and address and generally, the nature of their problem. At that point, the agencies selects a lawyer and calls him and advise him of the fact that they have a person in the office who requires some type of legal service. An appointment is made with the lawyer, the needy person arrives, the interview is held, and if the facts warrant it from the analysis of the attorney, a defense is made or relief rendered. The Bar Association there has given quite a bit of publicity to the services, and generally, they find that the problems there consist also of domestic relations. The need for legal services there is determined on the same basis that the courts and public defenders determine the need, that is that although the person may be employed, if it would result in a true hardship on the individual from an economic standpoint, the case will still be taken by the bar association as an indigent case.

In the Seventh District, the association has been operating under a system almost identical with that of the Sixth District. The system has been operating in this fashion since Law Day 1969 with regard to civil matters. The criminal matters are handled through appointment of attorneys at a District Court level as they are throughout the state.

A resolution was passed by the Third District Bar Association which it is our understanding has been approved also by the Sixth District Bar and Clearwater Bar Association recommending that the Idaho State Bar Association create a commission to study the needs of legal aid to the poor, obtain pertinent data relative thereto, study various programs instituted in Idaho and other states, formulate alternative programs and make recommendations to the Idaho State Bar Association at its annual meeting in 1970. The committee views this resolution as aiming toward a state-wide program if feasible and fundable and some ground work has been done by the committee members to aid in the study recommended by the resolution should the resolution be adopted by the Idaho State Bar.

This committee has done all in its power to answer questions addressed to it by the State Bar Commissioners and by local association presidents and committee members as well as answering inquiries in the area of the committees responsibility from individuals or associations outside the State of Idaho. The committee stands ready to fulfill any assignment given to it by the commissioners of the Bar and are hopeful that if we can be of service to the commissioners or any individuals in the Idaho State Bar Association either as individual lawyers or as members of local legal aid committees, that we will be called upon for assistance.

Respectfully submitted,

William A. Stellmon, Chairman
Clark Gasser
Wayne Fuller

MR. RYAN: Next committee is the Legislative Committee which has done such a great job during this past year, headed by Sam Kaufman. Does he have a report? Would you read it, please, Mrs. McGee.

MRS. MCGEE:

The following is a report of the activities of the Legislative Committee of the State Bar Association for the year 1969.

In terms of quantity, the activities of this committee centered around only three items:

1. A bill to include within the Long Arm statute, Idaho Code 5-514, a subsection giving district courts jurisdiction to award alimony and child support over non-resident defendants where there was a matrimonial domicile within this state at the time of commission of the act giving rise to the cause of action;
2. Increasing Bar license fees, on a graduated scale over five years, to a maximum of \$100.00 per year and establishing a client's indemnity fund; and,
3. Court reform package.

All three of these endeavors were successful.

There was no difficulty whatsoever with amendment of the Long Arm statute, although it was passed in a form somewhat different from that proposed by the resolution adopted at the 1968 convention.

The bill increasing license fees to \$100.00 provides for \$20.00 thereof to be remitted by the State Bar Association back to the local bar associations and for \$15.00 to be paid into the client's security fund. The remaining \$65.00 will be retained by the Association for its ordinary operating expenses. An additional facet of this legislation provided that while license fees are paid to the State Treasurer, the Treasurer shall monthly remit the monies to the Bar Commission which shall have exclusive authority to administer the monies without now going through the State Treasurer for separate warrants.

The third program, court reform, finally met with the approval of both houses of the legislature and the numerous bills in the package were signed by the Governor. Certain changes were made in the court reform package to meet some of the objections the Governor had with regard to the 1967 proposals. Primarily, these were establishment of laymen committees in the several judicial districts which shall be responsible for appointing magistrates and provisions for funding the total program from sources other than the State General Fund.

The bill increasing license fees had some opposition from various lawyer legislators. Some objected to the client's security fund and others objected to increase in the dues, while still others objected to collecting dues for the local associations at the state level. I should state, however, in all fairness that even those lawyer legislators who opposed this legislation did so on a more or less pro forma basis and had they chosen to do so, could have caused considerable trouble with its passage. The efforts of our lawyer legislators who favored the proposal should certainly be recognized since they carried the burden of passage of this bill.

The most important endeavor of the committee was, of course, the court reform package and this was almost entirely handled by Jim Lynch to whom the Bar owes a great debt of gratitude. Without Jim's considerable efforts in the 1967 session of the legislature as well as the work he did on the package and its changes during the following two years, this legislation could not have been passed. He also worked unstintingly with the 1969 legislature. I should mention, also, that he was ably assisted by our lawyer legislators in both houses to whom we should also be grateful.

Sincerely yours,
Samuel Kaufman

MR. RYAN: Thank you, Maxine, for reading that report. I wish Sam were here so we could personally thank him from the audience.

MR. FRANK CHALFANT: I think the report ought to be amended to show that the Uniform Fraudulent Conveyance Act was adopted and passed by the legislature, and that was part of the Bar's package. The program was approved at the convention last year, and that was adopted and approved by the legislature.

MR. RYAN: I don't believe that was a part of our resolutions last year, was it, Frank?

MR. CHALFANT: I believe it was.

MR. RYAN: It isn't, to my knowledge. Maybe it was. It will be so amended and added to the report, and is in the record.

The next committee is the Probate Code Study Committee. I think we have a report filed by Robert Alexanderson, the chairman of that committee. This committee was created as a one-year study committee, and we will have a resolution later in this area to create sort of a standing committee, and Maxine, would you read Mr. Alexanderson's report.

MRS. McGEE:

REPORT OF PROBATE CODE STUDY COMMITTEE TO IDAHO STATE BAR ASSOCIATION

By Resolution adopted by the Idaho State Bar Association at its 1968 annual meeting, a committee was commissioned to conduct a thorough study and review of the Idaho Probate Code and to make recommendations for amendments to the laws of the State of Idaho to provide for more efficient and less costly administration of estates.

Pursuant thereto, the Board of Commissioners of the Idaho State Bar appointed Robert M. Kerr, Jr. of Blackfoot, Ralph H. Jones, Sr. of Pocatello and J. M. O'Donnell of Moscow to the committee and Robert L. Alexanderson of Caldwell as Chairman thereof.

Subsequently, Byron J. Johnson and Wm. M. Smith, both of Boise, volunteered their services to, and have been assisting the committee.

Inasmuch as no money was appropriated for this study, the accomplishments of the committee have necessarily been limited. It is therefore the recommendation that if the effort is to continue through this committee or

otherwise, consideration be given to adequately fund the cost thereof and make provision for staff assistance.

The universal reaction appears to be that revision of our probate procedures and concepts is mandatory. Such revisions, however, should not be hastily conceived nor injudiciously enacted. In making a proper approach to the problem, we must therefore necessarily enlist the aid of the work product and experience of others who are pioneering this effort.

With this thought in mind and upon contacting the Section of Real Property, Probate and Trust Law of the American Bar Association, and the National Conference of Commissioners on Uniform State Laws, it was determined that through their joint cooperation a project was initiated several years ago to effect a Uniform Probate Code.

The committee chairman of the Drafting Committee is Professor Richard V. Wellman of the University of Michigan Law School, and his committee members include 20 other eminently qualified lawyers from as many states. The committee guides a team of ten reporters, all law school professors.

The Committee, immediately referred to above, first considered revision of the Model Probate Code of 1946 which had never achieved official status as a model act. It was determined that a complete new code was needed and that the Conference Commissioners would undertake its drafting with the American Bar Association committee acting as an advisory group.

Working Draft Number 5, comprising 342 pages including prefatory note and comments, has recently been released and distributed; and a final draft is tentatively scheduled for distribution. If approved at the Commissioner's meeting, the proposed code will be presented to the American Bar Association House of Delegates during its August sessions.

The current draft (Working Draft Number 5) consists of seven Articles.

Article 1 Outlines the probate court which would resemble a division of a trial court of general jurisdiction. The court would have exclusive jurisdiction over the probate of wills, appointment of guardians and matters involving administration and distribution of estates.

Article 2 Covers substantive matters of intestacy and wills. Rules governing execution, revocation and interpretation of wills are stated and family relationships are defined.

Article 3 Essentially sketches procedures relating to decedents' estates and powers and duties of personal representatives. It contains a "Flexible System of Administration," a series of options taken from laws now in use in various parts of the country to handle probate settlements.

Article 4 Deals with various problems involving multi-state estates. It seeks to unify probate administration by extending local recognition to the personal representative of a decedent's domicile.

Article 5 Covers a wide range of problems relating to disadvantaged persons. It outlines the determination and activities of guardians and attempts to define their roles in the event of possible future mental health legislation.

Article 6 Is a completely new regulation for probate codes. It deals with funds deposited in financial institutions including non-probate transfers and the Totten Trust. Its overall purpose is to facilitate arrangements involving deposits, which are essentially informal bequests of balances remaining at death. The article provides a basis for interstate uniformity concerning the proper forms of survivorship arrangements.

Article 7 Deals with trust administration. It eliminates existing procedural distinctions between testamentary and inter vivos trusts and facilitates judicial proceedings concerning trusts.

In view of the work and effort already expended by the National Committee and its staff, and the progress made, it is the consensus of our committee that we should await the approval and submission of the proposed uniform code.

It is further our recommendation that when the Uniform Probate Code is adopted and reviewed, we should request that our Continuing Legal Education Committee devote seminars to the proposed Uniform Probate Code throughout the State of Idaho. In this manner the Idaho attorneys could become informed of the Uniform Code proposals and also have an opportunity to discuss their application, feasibility and possible adoption in Idaho. Our committee feels that this is the most direct approach to revisions and possibly the only one that we can take in view of our financial and staff limitations.

Respectfully submitted,

COMMITTEE ON PROBATE
CODE STUDY

By Robert L. Alexanderson
Its Chairman

SUPPLEMENTAL REPORT OF THE PROBATE CODE
STUDY COMMITTEE TO THE IDAHO STATE BAR ASSOCIATION

The Committee also recommends that the next session of the Idaho State Legislature should authorize the Legislative Council to obtain the services of a qualified publishing company or other consultant to prepare the Uniform Probate Code in appropriate legislative form for consideration by a future session of the Idaho State Legislature. An adequate appropriation should also be sought from the Legislature to accomplish this task.

Respectfully submitted,

Committee on Probate Code Study
Robert L. Alexanderson, Chairman
By Byron J. Johnson
Assistant to the Committee

MR. RYAN: Thank you, Maxine. As you can see, this committee has been functioning in a very important area, and we extend our thanks to the committee. I am certain the new Commissioners will carry on with the standing committee in this next year, although that one was created for a one-year study.

The next one is the Professional Ethics Committee. I don't believe there is any report filed. This committee functions from time to time when called upon on ethical questions. They have filed a number of reports, but none here at the annual meeting.

Public Relations and Law Day Committee has been quite active this year. It is under the chairmanship of William Stellmon. I think Al Lyons is prepared with that committee's report. Al.

MR. LYONS:

1969 ANNUAL REPORT

OF PUBLIC RELATIONS AND LAW DAY COMMITTEE

Although the committee does not feel that it necessarily ought to be this way, most of the time and effort of the committee the past year has been directed toward an effective Law Day Program rather than toward public relations generally. We intend to remedy this situation to a certain extent and do more in the future with regard to effective public relations, in addition to the work that we have been asked to do on Law Day.

In this regard, A. L. Lyons of Boise has been working with Bob Miller of the Idaho Statesman and with the television stations in the Boise area with the hope of establishing public relations programs that might be usable throughout the State. What we are doing in this regard is examining for possible use in the State of Idaho some of the material used by the Michigan Bar Association consisting of newspaper advertisements and the possibility of television spots which would include general information on the function of a lawyer. The committee has much to do in this area and we are in the planning stages now and hope to be able to work out a program that might prove effective throughout the state.

With regard to the committee's report on Law Day, May 1, 1969, we put in considerable time and effort in trying to help the local Bar Associations develop effective and meaningful Law Day Programs for this year. We cooperated quite closely with Mr. Tom Savage of Orofino, Idaho, representative for the Idaho State Jaycees in their Law Day activities, to try to coordinate the work between the Association and the State Jaycees. It is the committee's understanding that this cooperation paid dividends in many local areas.

In the early part of the year, the committee chairman worked with the Idaho State Bar Commissioners and with L. E. Johnson and Associates, a Boise public relations firm in the hopes that we could work out a program to be designed by the committee and L. E. Johnson and Associates with the thought in mind of coming up with a kit of some sort that would be paid for by the State Bar Association and made available to each of the local Law Day committee chairmen for use in their area. This kit would contain window posters, billboard material, newspaper mats and various other materials and suggestions on Law Day programs and advertising.

The Commissioners of the State Bar decided that the expenditure could not be made and so the committee then notified the local chairmen that these materials would not be available and made suggestions on materials that could be obtained and how programs might possibly be operated. It

was after this decision of the State Commissioners that we began to cooperate in earnest with Idaho State Jaycees.

The committee made available to local chairmen as many materials as we had available to us but we were left in the position of asking them to do most of the work on a local level. Much to the credit of each of the local committeemen, Richard E. Weston, Frank H. Powell, Merlyn Clark, Dale Higer, Daniel Meehl, Jim Manning and Roger Wright, it is our understanding that effective programs were carried out in each area of the State and that tremendous programs were conducted in some of the areas.

The Governor was requested to, and did, issue a proclamation concerning Law Day for the State of Idaho, and the committee made available to each of the local chairmen a suggested form for such a proclamation by the mayors of the cities throughout the State.

The committee is hopeful that something can be worked out from a State level on the order of what was attempted this year, and hope the Commissioners can see their way clear to budget some funds for this type of state coordinated and financed program in the future.

Respectfully submitted,

William A. Stellmon, Chairman
For the Committee
Gerald Weston
Gary Williams
A. L. Lyons
M. Allyn Dingel, Jr.
Thomas C. Morris
Wayne P. Fuller
Members of the Committee

MR. LYONS: I might say in regard to this Michigan State Bar advertising program, it is a little graphic ad that they have put in the newspaper, and it explains some of the times when to contact a lawyer. I have been on a brief vacation, and I find that the Idaho Statesman now has all the materials from the Michigan Bar. I have not seen them yet. I have only seen a few of them. I think that this program, which is really a low-key advertising program, has been passed upon and reviewed by and approved by the Ethics Committee of the Idaho State Bar, will need help due to the financing of it in the newspapers. This financing will need to come from the local bar associations. This is our present plan. This should be run in various newspapers. It is for the image of all lawyers, not for any particular specialty or any particular lawyer. We hope to go forward with this program, and we will need the help of many of the individual members here.

MR. RYAN: Thank you, Al. Al has a particular interest and spot in his heart for this committee. I think the committee has functioned very well this last year, and I congratulate them on the good job they have done.

The next committee is the Real Estate Brokers and Attorneys Liaison Committee, Jim Schiller, chairman. I don't believe we have a report. Is anyone here to report?

I will skip over the Resolutions Committee, and we will come back and end up with that one.

Rocky Mountain Mineral Law Foundation Trustee, Cal Dworshak.

MRS. MCGEE: Mr. Dworshak reports there is no report.

MR. RYAN: There is no report. No report on the Specialization Committee at this point.

The Tax Institute Executive Committee has a report on file. Maxine will read this report.

MRS. MCGEE:

TAX INSTITUTE EXECUTIVE COMMITTEE REPORT, 1969

In conjunction with the Idaho Society of Public Accountants and Bureau of Business Research at Idaho State University, your Bar Association presents an Idaho State Tax Institute each fall at Idaho State University. The Tenth Annual Tax Institute was held October 4 and October 5, 1968. The accountants, businessmen, lawyers and others in attendance acknowledged the success of the program which included both outstanding out-of-state speakers as well as the Dean of the Idaho Law School and other Idaho professionals.

The Executive Committee of the Institute has just concluded a most interesting program which will be presented this year on October 3 and October 4. Idaho State University will be playing the University of Omaha in Pocatello at that time. Included on the program will be a well-known Idaho lawyer and a well-known Idaho accountant. C. N. Thompson, CPA, of Idaho Falls, will present a paper on stock redemption. T. M. Robertson, Esquire, of Twin Falls, Idaho, will present a paper on Fiduciary's Liability for Federal Taxes. In addition William Vogel, Esquire, of the Utah Bar, will present a paper on Loans vs. Income—a survey and review, as well as presenting the highlights of 1969 legislation and court decisions. Dr. Robert Fenton Craig of the University of California will discuss Gifts in Contemplation of Death, under Section 2035 and Robert W. Tripp, Esquire, of Detroit will present "Ideas in Executive Compensation and Incentives." The program should be unusually interesting as each of the members of the program are so well qualified for the task assigned.

Respectfully submitted,

L. Charles Johnson

MR. RYAN: Thank you, Maxine. I would like to congratulate that committee. They function year in and year out and put on a whale of a tax institute down there, and best of all they seem to be self-supporting financially, which is a good word for the Commissioners to hear.

I would like to report that last year we enacted or it was adopted Resolution No. 7, which was the one asking for a revision of Volume 12 of the Idaho Code. The Commissioners did meet with the Code Commission in Boise, and it was determined that this was needed. As I understand it, they wanted to wait through the '69 session of the legislature, and now a new Volume 12 for your Code is in the works and will be coming out.

The next committee to report is the Unauthorized Practice of Law Committee, Howard Manweiler, chairman. Our Executive Director has the report to read.

MRS. McGEE:

ANNUAL REPORT OF THE UNAUTHORIZED PRACTICE OF
LAW COMMITTEE, 1968-1969

Your Committee, in addition to processing routine matters, considered the case of an attorney admitted in a foreign jurisdiction, employed by a government agency engaged in representing clients in Justice and Probate Court without fee.

It was the opinion of your Committee that such practice violates Idaho Code Section 3-104, and the attorney was asked to refrain from future activity. Your Committee feels that this is a problem that could reoccur with increased emphasis on the representation of indigent persons in civil matters through government sponsored agencies.

Your Committee further feels that legislation is necessary to authorize such attorneys to appear before our Courts, however, no guidance has been furnished to us from the Association.

Respectfully submitted,

UNAUTHORIZED PRACTICE OF
LAW COMMITTEE

By Howard I. Manweiler, Chairman

MEMBERS:

James W. Givens

J. Robert Alexander

L. Charles Johnson

MR. RYAN: Thank you, Maxine. We will accept that report. The Secretary's report is next. Our Executive Director will now give that report.

MRS. McGEE

IDAHO STATE BAR

1969 EXECUTIVE DIRECTOR'S REPORT

The following report is made to the members of the Idaho State Bar for the purpose of reporting statistics pertaining to the financial condition of the Idaho State Bar, its membership, bar examination results, disciplinary matters, and other aspects of the work of the Board of Commissioners, its employees and committees. The following report covers the period from June 1, 1968 to June 1, 1969.

FINANCIAL REPORT

BAR COMMISSION FUND: The account books maintained in the Executive Director's office, which are audited by the State Auditor, reflect

the following receipts, expenditures and the balance in the Bar Commission Fund, a dedicated fund subject to State appropriation and control:

EXPENDITURES — June 1, 1968, to June 1, 1969:

| | |
|-----------------------------------|--------------------|
| Personal services | \$17,781.50 |
| Travel expense | 5,635.60 |
| Other miscellaneous expense | 7,192.28 |
| Capital outlay | None |
| Transfers to Social Security..... | 720.15 |
| Transfers to General Fund | 663.39 |
| Refund on licenses | 90.00 |
| TOTAL | \$32,082.92 |

RECEIPTS — BALANCE:

| | |
|--|--------------------|
| Balance on hand June 1, 1968 | \$12,579.74 |
| Receipts, June 1, 1968 to June 1, 1969 | 33,376.83 |
| TOTAL | \$45,956.57 |
| Less expenses | 32,082.92 |
| BALANCE, June 1, 1969 | \$13,873.65 |

Personal Services cover salaries of a part-time Executive-Director, a full-time Administrative Secretary and a part-time stenographer. This item also includes fees paid to individual attorneys acting as General Counsel by appointment of the Commissioners.

Travel Expense includes all costs of transportation, meals and lodging for out-of-town travel of the Commissioners, Executive Director, Administrative Secretary and other persons engaged in Bar activities, including Bar Committees and the General Counsel and other attorneys required to travel in connection with discipline investigation and prosecutions. It also covers a portion of the travel expense of the Idaho State Bar Delegate attending meetings of the House of Delegates of the American Bar Association.

Other Miscellaneous Expense includes the cost of printing the Proceedings of the Annual Meeting, the cost of preparing and mailing notices and other materials to Idaho lawyers, office expense such as rent, telephone, postage, stationery and other supplies, and other miscellaneous Bar expense.

The **Social Security Transfers** represent the State Bar's payment as the employer of the above mentioned personnel.

The **General Fund Transfers** refer to charges against the Bar Commission Fund by the State Auditor's office for bookkeeping and auditing services rendered to the Bar.

TRUST FUND: This is a special fund not controlled by the State for the reason that the receipts are collected from sources unrelated to official funds. This fund now includes the examination fees paid by the applicants

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and from which the expenses of the examinations are prepared and graded. The status of that fund is as follows:

| | |
|---|------------|
| CASH ON DEPOSIT, as of June 1, 1969 | \$1,986.73 |
| at the First National Bank | |
| Cash on deposit as of June 1, 1968 | 2,244.96 |

MEMBERSHIP

BY DIVISIONS: The membership of the Idaho State Bar at this time as compared with a year ago is:

| | 1968 | 1969 |
|-------------------------|------|------|
| Northern Division | 136 | 139 |
| Western Division | 387 | 396 |
| Eastern Division | 157 | 158 |
| Out of State | 18 | 24 |
| Military | 0 | 3 |
| TOTALS | 698 | 720 |

Attorneys admitted and currently licensed in Idaho and who are not under disbarment or suspension, and all Idaho Supreme Court Justices and District Court Judges and U. S. District Judges for the District of Idaho, are members of the Idaho State Bar, I.C., 3-405. The judges are included in these figures.

BY LOCAL BAR ASSOCIATION:

| | 1968 | 1969 |
|--|------|------|
| First District | 65 | 64 |
| Clearwater Bar (Second District) | 71 | 75 |
| Third District | 58 | 63 |
| Boise Bar (Fourth District) | 234 | 237 |
| Fifth District | 95 | 96 |
| Sixth District | 76 | 75 |
| Seventh District | 81 | 83 |
| Out of State | 18 | 24 |
| Military | 0 | 3 |
| TOTALS | 698 | 720 |

Rule 185(e) provides that at the Annual Meeting each local bar association shall be entitled to the number of votes represented by its total membership, and the members of any local bar association present at such annual meeting shall cast the entire vote of the members of such local bar association.

BAR EXAMINATIONS

Two bar examinations were given since the last Annual Meeting, one in September, 1968, and one in April, 1969. Fifty-one applicants wrote the September, 1968, examination, and of these 46 passed and five failed.

Twelve applicants wrote the April, 1969, examination, and twelve failed. Six Petitions for Review were filed, and were denied.

DEATHS OF ATTORNEYS

Since the 1968 Secretary's Report, we have learned of the following attorneys' deaths:

| Name | Place of Birth | Date of Death | Admitted to Bar |
|---------------------|-----------------------|----------------------|------------------------|
| Noel B. Martin | Custer City, N.D. | Aug. 27, 1968 | June 2, 1921 |
| Grant L. Ambrose | Mackay, Idaho | Sept. 26, 1968 | Feb. 12, 1940 |
| Milton E. Zener | Pocatello, Idaho | Oct. 12, 1968 | June 14, 1928 |
| Otto David Palmer | Coeur d'Alene, Ida. | Oct. 19, 1968 | May 9, 1960 |
| Dan V. Eastman | Gilby, N. D. | Nov. 10, 1968 | Aug. 21, 1933 |
| John H. Daly | Hettinger, N. D. | Nov. 13, 1968 | Jan. 30, 1939 |
| Hartley P. Kester | Lewiston, Idaho | Nov. 27, 1968 | Dec. 20, 1930 |
| Eugene F. McCann | Mullan, Idaho | Dec. 16, 1968 | Jan. 30, 1939 |
| Francis M. Bistline | Ransom, Kansas | Jan. 20, 1969 | Sept. 13, 1920 |
| Shelby H. Atchley | Sevierville, Tenn. | Feb. 12, 1969 | June 25, 1929 |
| Gideon Oppenheimer | Berlin, Germany | Feb. 28, 1969 | Oct. 14, 1960 |
| R. J. Dygert | Fremont, Indiana | April 17, 1969 | Sept. 18, 1911 |
| John L. Long | Chicago, Illinois | June 11, 1969 | Jan. 22, 1940 |

DISCIPLINE MATTERS

There were 29 informal discipline complaints filed with the Bar Commission during the past year. As of June 27, 1969, the date of the last Commissioners' meeting, there were eight disciplinary matters on the agenda, one of which was a formal disciplinary complaint. Seven informal matters were dismissed and the formal disciplinary complaint is currently on the Agenda.

MR. RYAN: Thank you, Maxine. As you can see, that covers a lot of water. Maxine gives it to you very thoroughly.

Before I proceed with the next one I would like to recognize one man in the audience who has been very good in attending all our meetings, our guest over here, president of the Oregon State Bar, John U. Yerkovich.

(Applause)

One committee was overlooked in the revision of the Desk Book. We have a report by the chairman of that committee. Upon an inquiry I found out that the committee hadn't actually met, and so we have not, as Commissioners, fully acted on this for the reason that I talked to some of the members of the committee and they had some ideas of their own and expressed a desire to meet before this was submitted to the Supreme Court as rule changes. Therefore we haven't gone ahead and proceeded with this. However, I shall read the report from Gene Anderson, the chairman of that committee, which was dated June 13, 1969 addressed to the Bar Commissioners re Amendment of Rules of Idaho Bar Professional Service Corporation.

I should preface this with a brief explanation:

The annual meeting of the Idaho State Bar in 1961 directed appointment of a committee to investigate the desirability of legislation authorizing professional service corporations. I was chairman of the committee.

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After a report of the committee, the annual meeting of the Idaho State Bar appointed committee to draft and present legislation authorizing professional service corporations. I was chairman of the committee.

The legislation was adopted.

To make the Professional Service Act available to the legal profession, amendment of the Canons of Professional Ethics and the Rules of the Board of Commissioners was necessary.

In 1963 I drafted form of petition for the Board of Commissioners, to file in the Supreme Court.

The petition was filed.

At that time the Internal Revenue Service was declining to recognize professional service corporations. On that account, the Court preferred to hold the petition until there was greater certainty on the status of professional service corporations. To this time, there are three Federal circuit court decisions and several Federal district court decisions holding the IRS rulings curbing professional corporations, invalid.

Recently, you appointed new committee to further pursue the amendment procedure in the Supreme Court. I am chairman of that committee.

At least one member of the Supreme Court indicated that the Court thought perhaps the whole matter should be approved by the Idaho State Bar. I believe the Court overlooked the fact that the entire process in Idaho was initiated and carried on by the Idaho State Bar, not merely by its Board of Commissioners.

I have, therefore, prepared amended petition to be filed in the Supreme Court.

The amended petition in its paragraphs one and two sets forth the prior proceedings of the Idaho State Bar.

The amended petition is herewith, by seven copies, to be filed in the Supreme Court.

There is also an extra copy for the convenience of Mr. Elam, and I am enclosing copy of the amended petition to each of the members of the Board of Commissioners, herewith.

Yours very truly,

ANDERSON, KAUFMAN,
ANDERSON & RINGERT
By Eugene H. Anderson

As I said, we held up the actual filing of this because there were members on the committee that desired to give it a little further look, and I determined from at least two of them that they had not actually met, and several of them had given this considerable thought. This is an area of a great deal of economic importance to some of our larger firms in Idaho, so we felt that rather than plunging ahead and perhaps not having

complete accord with the way they wanted it we would hold up and hope the new Commission would recreate it and that they will meet and go ahead with this, because I think this is very important. I have had indications from some of the lawyers that this is very important to them. They do need these rule changes, as I understand it, before they can go on. Any comment on that from some of the members on that committee? Ted Eberle.

MR. EBERLE: I am surprised that the Commission held those because we mailed them around and got everybody's comments on them. I think the Commission is out of order with not filing them with the Court.

MR. RYAN: Well, I was advised by other members of your committee that we should wait. This is an area that I know very little about at the moment. We do wish to serve you, Ted, and get this done as fast as possible, but we thought there was some dissension, which was expressed to me personally, so we thought not to move too fast and make sure that this is a full committee report. It was indicated to me that it was not. I may be wrong, but we were just trying to make sure that it is done and gets properly before the Court.

MR. EBERLE: Nobody expressed an opinion of dissent to the committee chairman, so far as we are able to determine.

MR. RYAN: This may be true. I don't know. I would hope that this committee could reconvene, and if this is in fact their full report—and it may very well be—I heard some dissension to that, and when I see a flag I usually look twice.

MR. CALVIN McINTYRE: I am not on that committee, and I wanted to make it clear that I am not one of those dissenting. I would like to see the rules presented to the Court and have them adopted so that we could now go ahead.

MR. RYAN: Fine. This is the kind of expression the Commissioners will need to hear; and if this be true perhaps we can check with each member of the committee, and if this needs to be expedited and done now there is no reason it can't be done. Ted, the principal reason this was held was that it was received so shortly before the annual meeting that I felt that the three weeks it might be held before filing with the Court would be the right thing to do.

MR. EBERLE: I would move that the Commission file the committee's report with the Supreme Court.

MR. MARC WARE: I second.

MR. RYAN: You have heard the motion and the second. Is there any discussion? I haven't read to you these actual amended rules to bring them before you. You want them read? Apparently not. Are you ready for the question? All those in favor say aye. Opposed? Motion is carried, and they will be filed.

Now that takes care of all the committees except the Resolutions Committee. Blaine Evans was chairman, but he was unavoidably called

away from our convention, so we have a pinch-hitter, Jim Lynch, and he will make the report to you.

MR. LYNCH: Thank you, Hal. I will try to speed this along as fast as I know how. The Resolutions Committee met on Sunday and considered the resolutions that had been submitted pursuant to our rules and published in The Advocate and circulated among all the local bars for their action and also considered other resolutions that any committee chairman or members of the committee or Bar presidents wanted to bring forward. The Resolutions Committee this year was represented by Ray Cox, Mike McNichols, Jim Doolittle, myself on behalf of Tom Miller who couldn't be here—he is president of our Bar—Mr. Rosholt, Mr. Olson, and Tim Hopkins, all of the respective 1st through 7th District Bar Associations.

All of these first resolutions, until I indicate otherwise, are resolutions submitted to the Bar, published in The Advocate, and circulated to the local Bar associations for their action pursuant to the rules.

RESOLUTION NO. 1

BE IT RESOLVED that the Commissioners of the Idaho State Bar instruct the Fee Schedule and Economics Committee of the Idaho State Bar to prepare a proposed modified fee schedule in probate of estate cases which is based entirely upon a basis of time spent and responsibility involved in the case and not upon a percentage of any amount involved in the probate of the estate and further that all references, direct or indirect, to a statutory maximum fee allowed be deleted from the fee schedule pertaining to probate matters.

MR. LYNCH: Mr. President, I move the adoption of the resolution.

MR. RYAN: You have heard the motion. Is there a second?

MR. ED BENOIT: Does it call for a vote by—

MR. RYAN: I would point out that Rule 185(e) on these resolutions, anything that calls for statute changes or changes of Idaho Rules or policy would be voted on by districts.

MR. TED EBERLE: I would second the motion.

MR. RYAN: The motion has been seconded. Any discussion?

MR. RAY COX: They have voted on these in the Resolutions Committee. Are those votes of interest to the body here? If so, I think those votes should be announced, or if they are not, then I wonder what the purpose of the Resolutions Committee is.

MR. RYAN: I suppose the delegates from those districts are instructed, Mr. Cox, on this. Any further discussion?

MR. TED EBERLE: I am from the Bar Association that proposed this resolution, and would like to speak in its favor. I think that the comments that have occurred in the press and throughout the nation on how to probate your own estate makes this a particularly sore subject. There have been numerous bills in the Idaho legislature by inexpert people trying to cure

the problem they think exists in the probate of estates. What it amounts to is a dissatisfaction with a flat fee in probate matters because it does not measure the actual service and responsibility taken, and particularly leads to windfalls in many cases, and in others leads to inadequate payment.

The position of the Ada County Bar was not one to reduce the compensation of lawyers but it was to relate compensation to actual service. I want that to be clear.

I think the key to this is that it is a very sensitive area. It is a point that is causing us very bad public relations, and I comment on some background in relation to that. You must remember that we are all officers of the court, and our position relates back to the court when we were clerks of the King of England and held sinecure by appointment, which might not have been democratic. We are not exactly trusted by the public. As the number of people in the United States who are college educated rises, and the percentage is going up quite rapidly, as you are aware, the number of lawyers who are holders of degrees, masters and undergraduate degrees becomes less and less a part of the population. You have a tremendous number of teachers, businessmen, who hold masters. You have a lot of technicians and engineers. In none of these areas is the association one that creates a semimonopolistic position because they are officers of the court, and sets out how much these people shall work for. In other words, we are in a very delicate position because of a semimonopolistic position which exists, properly so, because of a need to control skills and to control ethics.

Based on those two points we have a very close association, but realizing the reason for our association is to control skills and ethics leads to a point that our fees leads to windfalls that are not related to the work we do places us in considerable jeopardy. We must consider that the majority today and in the future of highly educated people are not in this position. They are competing in the open market, so to speak. They look quite askance at the lawyer's situation. This is a sore point; and I think it should be corrected.

MR. LYNCH: Speaking as a member of my local Bar, I should speak briefly on this since I had a hand in the drafting of this resolution and the one that follows.

First, the votes will indicate that it passed. They were originally the same resolution, but were separated by the local Bar association because they anticipated that quite possibly the two proposals might suffer different fates.

I would like to explain again that we weren't motivated in any way by, as Ted said, any idea that the compensation that we receive would be reduced except in instances of possible windfalls. Here is one of the things that motivated us. Here is a three-column article in the Statesman just tearing the legal profession apart. It comes out of the controversy between Mr. Dacey and his Virginia and New York Bar Associations. Most of what we do in Idaho with or without this fee schedule does not deserve this adverse comment, but because this is carried on the national wire associa-

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tion we catch most of it anyhow, and the public, as far as I can determine, can't distinguish between the probate practices back East that are criticized and will continue to be criticized and those that are out here.

From my experience in the legislature I feel there have been attempts to try to introduce adverse legislation. I think they are ripe and ready to succeed if they can find somebody to help draft the bills. I think as a matter of good public relations and as a matter of protecting the Bar Association we should move in the area, and that is what motivated me to do this.

Now frankly, I feel that when we have a minimum fee schedule that is almost identical in some areas with the state maximum that you are just setting up a monumental target for somebody to engage in criticism. To remove that target in advance of the storm I think is coming is the motivation here.

MISS PATRICIA McDERMOTT: What was the vote in the Resolutions Committee?

MR. LYNCH: The vote in the Resolutions Committee, as reflecting the vote in each of the seven local Bar associations, if I remember correctly every president had a chance to meet with his local Bar and have them consider and the vote is 6 to 1 against this resolution.

MISS McDERMOTT: I have another question. Do we have any rules with respect to resolutions that are defeated within the committee? To augment Mr. Cox' question, what is the point of having a Resolution Committee if those that have gone down under the water in the committee are brought up on the floor as though they had the unanimous endorsement of the Resolutions Committee?

MR. RYAN: Of course these resolutions, Miss McDermott, under our rules must be proposed and circulated in accordance with the time schedule as set in the rules, and this is why they were published in The Advocate and considered at your local Bar association, with delegates instructed—although I presume the delegates who are here can do whatever they wish at this point, but that is the instruction I presume they would come with.

We would vote by districts on this resolution, and the number of votes that each district has would constitute the total vote as provided by Rule 185(e). Does that answer your question?

MISS McDERMOTT: Not exactly.

MR. LYNCH: This rule was designed—not to perfect a procedure, but we have been operating under it for some time. Coming up is a resolution looking to forming a committee to investigate possibly a new procedure. Although this resolution was bombed 6 to 1 in the Resolutions Committee it could have been bombed 4 to 3, too, but with our Bar associations voting yes with 237 votes on the floor it would have passed if it and two other Bar associations voted aye. We have a combination where the Bar associations are represented equally through their chairmen on the Resolutions Committee, but we also have a system where everybody in the local Bar is allowed

to participate, and when that procedure is followed then it becomes a kind of one man-one vote situation.

MISS McDERMOTT: It would appear to me that those that are defeated within the Committee should not be brought to the floor as individual resolutions, as contrasted to being a resolution included within the recommended report of the committee. It should be clarified, without us having to ask, what the vote was. That would be helpful in presenting the report for these resolutions if we could know that it either was or was not the recommendation.

MR. RYAN: Thank you. For a new resolution to find its way here in a policy area such as this, or an amendment to a rule or statute, it would require a $\frac{2}{3}$ vote here just for it to be considered if it has not been brought here by the Resolutions Committee. The question has been called for. We will vote by districts.

(Roll call vote, District 1, 64 votes no; Dist. 2, 75 votes no; Dist. 3, 63 votes no; Dist. 4, 237 votes aye; Dist. 5, 96 votes no; Dist. 6, 75 votes no; Dist. 7, 83 votes no.)

MR. RYAN: Motion defeated, everything to 237. Vote is 456 votes no, 237 votes aye. The motion and the resolution has failed. We will now ask the chairman of the Resolutions Committee to proceed with the next resolution.

MR. LYNCH:

RESOLUTION NO. 2

BE IT RESOLVED that the Commissioners of the Idaho State Bar appoint a standing committee of the Idaho State Bar to study the revision of the probate laws in Idaho, the possible adoption of the Uniform Probate Code and problems connected with revision of probate laws, and in particular to advise and carry on liaison work with interested members of the legislature and other governmental officers concerning revision of the probate laws in Idaho.

MR. LYNCH: I move the adoption.

VOICE: Second.

MR. RYAN: It has been moved and seconded that Resolution No. 2 be adopted. Is there any discussion? The question is called for. We will again vote by districts.

(Roll call vote: Dist. 1, 64 votes aye; Dist. 2, 75 votes aye; Dist. 3, 63 votes aye; Dist. 4, 237 votes aye; Dist. 5, 96 votes aye; Dist. 6, 75 votes aye; Dist. 7, 83 votes aye.)

MR. RYAN: It is carried unanimously. Resolution 2 has been passed.

MR. C. J. HAMILTON: For a point of order, I have been coming to these meetings for a great many years, and it seems to me that every other time the Chairman of the Resolutions Committee has always said the committee recommends the approval or disapproval of the resolution. I am

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certain this is the way it has always been done in the past. This is based upon what the vote has been in the committee.

MR. RYAN: I believe this is not correct, C. J. I have had the opportunity to go through the Proceedings of last year. It was not so then, and the year before. The committee chairman generally moves the adoption. It is seconded, and of course by reason of the fact of these types of resolutions they have been pretty widely circularized before they got here. There are no secrets of what went on in that committee, and if any of you ask, as Miss McDermott asked on the first resolution, the chairman is prepared to give you any answers you desire. Now for Resolution No. 3.

MR. LYNCH:

RESOLUTION NO. 3

WHEREAS, the desirability and feasibility of physically relocating the University of Idaho's College of Law at Boise or some other place has been often discussed and debated by members of the Idaho State Bar, law students and professors from time to time over the past years; and

WHEREAS, no thorough study and examinaion of the questions and problems involved has been made and recorded for the use of those who might ultimately make a decision concerning a possible relocation; and

WHEREAS, the Idaho State Bar has an interest in the development of a law school of as high a quality as the State of Idaho can reasonably afford located in an environment which will best serve the students, the people of the State and their government, and the members of the Bar;

NOW, THEREFORE, it is hereby resolved that the Commissioners of the Idaho State Bar be instructed to appoint a committee of seven members of the Idaho State Bar, one from each of the local bar associations, to study the advisability, if any, of changing the physical location of the University of Idaho law school from Moscow to Boise or some other location.

The seven-man committee is to be appointed by the Commissioners on or before August 1, 1969, and is to prepare a written report recording its findings and recommendations, with minority reports included if members of the committee wish to file them, for distribution to the members of the Bar by January 1, 1970. The executive Director and staff of the Idaho State Bar are directed to render whatever material assistance is requested including the payments for and distribution of the report prepared by the Committee.

The Committee, acting through at least three of its members is directed to hold at least one meeting in each of the three divisions of the Idaho State Bar. The date on which each of the meetings will be held is to be disseminated in the press throughout that division so that members of the public, students and attorneys may appear and make their views known or present written evidence or arguments to the committee for its consideration. All written material presented or obtained by the committee shall be preserved in a file in the office of the Idaho State Bar and will be available to any member of the bar unless the person submitting the same requests

that the information be held as confidential. Such material will not be released and the contributor will not be identified in any summary of the information submitted in the report by the committee.

If possible, the entire committee will meet together, at Bar expense, at least once prior to the preparation of its majority and minority reports. The Executive Director will meet with the committee to assist with the preparation and publication of the report of the committee's investigation and the dissemination of the report prior to January 1.

MR. LYNCH: I move the adoption of the resolution.

MR. RYAN: You have heard the motion. Is there a second?

MR. TED EBERLE: I would like to move that this motion be tabled, on behalf of the moving Bar association. I have spoken to Mr. Lynch, who bandied the thing in the local association, and this is with his agreement.

MR. RYAN: Just a moment. The motion is not before us until there is a second. It is seconded by Tim Daley.

MR. EBERLE: The reason is very simple. I do not believe at this time, in light of the vote of the local association, that it serves any purpose to discuss or place in the record anything with reference to this matter. I do say that I am surprised that the local Bars do not want to look at any facts concerning the problem, but being that as it is, I move the tabling of it.

MR. DALEY: I second the tabling.

MR. RYAN: It has been moved and seconded that Resolution 3 be tabled.

MR. WAYNE FULLER: What will the effect of that tabling be? Will it be brought up again next year?

MR. RYAN: It could be, in the form of another motion. Ordinarily, if we were convening in the same session, it would take a 2/3 vote to bring it back on the floor, but that will be another session, so I see no reason why it couldn't be brought up at another annual meeting.

MR. OLSON: As a member of the Committee, we voted against it 6 to 1, and it was very positive attitude of the Committee, except for one vote, that we defeat the resolution, and I think that ought to be expressed in the record.

MR. RYAN: Any further discussion on the tabling?

MR. MIKE McNICHOLS: I don't believe a motion to table is debatable.

MR. RYAN: It is not, really, but we can have it out here if you want to. The question has been called for. All those in favor say aye. The Chair stands corrected. We will vote by divisions on the tabling motion.

(Roll call vote as follows: Dist. 1, 64 votes no; Dist. 2, 75 votes no; Dist. 3, 63 votes no; Dist. 4, 237 votes aye; Dist. 5, 96 votes no; Dist. 6, 75 votes no; Dist. 7, 83 votes no.)

MR. RYAN: The motion to table has been defeated. The question has

been called for on the original resolution. You have heard the resolution.

(Roll call vote as follows: Dist. 1, 64 votes no; Dist. 2, 75 votes no; Dist. 3, 63 votes no; Dist. 4, 237 votes aye; Dist. 5, 96 votes no; Dist 6, 75 votes no; Dist. 7, 83 votes no.)

MR. RYAN: The resolution is defeated, everything to 237. Resolution 4, please.

MR. LYNCH:

RESOLUTION NO. 4

Whereas, there are individual persons residing in the State of Idaho who, through lack of training, physical handicaps, poor health and old age, are only able to provide themselves and their families with the minimum necessities of food, clothing and shelter, and

Whereas, these individual persons are unable to pay for necessary legal services needed from time to time as a natural course of human relationships, and

Whereas, the U. S. Office of Economic Opportunity provides legal aid to indigent persons in the First, Second and Third Judicial Districts, and

Whereas, there is a volunteer legal program in the Sixth Judicial District and one being planned for the Fourth Judicial District, and

Whereas, there is legislation enacted enabling other agencies of the U. S. Government to fund legal aid programs, and

Whereas, other states now provide legal aid on a statewide basis through a legal-care program, and

Whereas, the Idaho State Bar Association realizes it has a moral obligation to make legal services available to poor and rich alike within the framework of its canon of ethics,

Now therefore, be it resolved that the Idaho State Bar Association create a commission to:

1. Study the needs of legal aid to the poor.
2. Obtain pertinent data relevant thereto.
3. Study various programs instituted in Idaho and other states.
4. Formulate alternative programs.
5. Make recommendations to the Idaho State Bar Association at its annual meeting in 1970.

MR. LYNCH: I move the adoption of this resolution.

MR. FULLER: Second.

MR. RYAN: It has been moved and seconded by Wayne Fuller that Resolution 4 be adopted. Is there discussion? Question has been called for. We will vote by districts.

(Roll call vote as follows: Dist. 1, 64 votes aye; Dist. 2, 75 votes aye;

Dist. 3, 63 votes aye; Dist. 4, 237 votes aye; Dist. 5, 96 votes no; Dist. 6, 75 votes aye; Dist. 7, 83 votes aye.)

MR. RYAN: The motion is carried, 597 to 96. Resolution 4 has been adopted.

MR. LYNCH:

RESOLUTION NO. 5

WHEREAS, It has been brought to the attention of members of the Third Judicial District Bar of the State of Idaho that an increasing number of matters arise during the legislative session of the State Legislature involving and affecting the State Bar, and

WHEREAS, action is many times taken upon these matters by the State Legislature without the benefit of testimony from duly authorized officers of the State Bar Association, and

WHEREAS, it is not feasible to convene the State Bar to take action on each legislative matter which arises during the legislative session, and

WHEREAS, it is impossible to anticipate at the annual meeting of the State Bar what legislative proposals will be introduced at the next succeeding session of the State Legislature, and

WHEREAS, there is apparently no present procedure or authorization for any committee of the State Bar Association or the officers thereof, to appear and represent the State Bar on any proposed legislation without authorization at the annual meeting and convention of the State Bar,

NOW, THEREFORE, BE IT RESOLVED that the Board of commissioners of the Idaho State Bar be, and they are hereby, authorized to specifically represent the Idaho State Bar in the Idaho legislature during each legislative session and make specific recommendations to the legislature and legislative committees on proposed legislation which they feel affects the state and local bars even though no action on the proposed legislation has been taken by the Idaho State Bar at its annual convention and meeting.

BE IT FURTHER RESOLVED that in exercising the authorization granted herein, the Board of Commissioners shall first obtain the advice and recommendation of the legislative committee of the Idaho State Bar whenever time permits and wherever practicable, the presidents of each district bar shall be contacted by the Board of Commissioners before taking a position on proposed legislation.

BE IT FURTHER RESOLVED that the Board of Commissioners in the exercise of the authority granted herein may delegate one or more persons to represent them before the legislature or a legislative committee to convey the recommendations of the Board of Commissioners with regard to proposed legislation.

BE IT FURTHER RESOLVED that this resolution be proposed as a resolution of the Idaho State Bar at its annual convention and meeting in

July of 1969 and that any by-laws, rules or regulations of the Idaho State Bar in conflict herewith be amended to place in effect the intent and purpose of this resolution.

MR. LYNCH: I move the adoption of the resolution.

MR. JOHN ROSHOLT: Second.

MR. RYAN: You have heard the motion and the second by Mr. John Rosholt. I might add that this would be a rule that would require district votes, and if the resolution is adopted it would then be proposed to the Supreme Court to become part of our rules. Is there any discussion?

MR. ED BENOIT: I would like to ask the unanimous consent that the vote be taken from the floor rather than by districts.

MR. RYAN: Mr. Benoit has asked that unanimous consent that the vote be taken from the floor rather than by district. Is there objection?

MR. BILL OLSON: I object because I presented it to our Bar association and they voted on it and asked me to vote on it according to their wishes, and I think that would take their vote away if we voted here on the floor.

MR. RYAN: The unanimous consent motion has failed. There is one objection. The question has been called for. We will call the districts.

(Roll call vote as follows: Dist. 1, 64 votes aye; Dist. 2, 75 votes aye; Dist. 3, 63 votes aye; Dist. 4, 237 votes aye; Dist. 5, 96 votes aye; Dist. 6, 75 votes aye; Dist. 7, 83 votes aye.)

MR. RYAN: The chair will rule that the motion or the resolution is unanimously adopted.

MR. LYNCH:

RESOLUTION NO. 6

Resolution requiring the classification of Counties by population and setting uniform salaries for Prosecuting Attorneys.

Whereas, the Idaho Constitution provides for the election of a Prosecuting Attorney for each County, who is a member of the judicial branch of State government, and

Whereas, each Prosecutor, elected to fill these offices, is required by law to perform substantially the same duties as those in another County, under the laws of the State of Idaho, and

Whereas, there is no uniform law setting the salaries of the various Prosecuting Attorneys, so as to obtain substantial uniformity in salaries, and

Whereas, the present system of setting salaries frequently results in discrimination against certain Prosecuting Attorneys, insofar as salaries are concerned,

Now therefore in order to obtain substantial uniformity of salaries,

and giving consideration to the population served by each Prosecuting Attorney,

It is hereby resolved, and by this resolution the Bar Association of the Third Judicial District of the State of Idaho petitions the Legislature of the State of Idaho, to enact legislation, as follows:

1. Classify all Counties of the State of Idaho according to population.
2. Set a uniform salary for the office of Prosecuting Attorney of each County according to the population classification into which it may fall.
3. That this legislation be passed at the next session of the Legislature so as to give uniform protection of the laws, and equality under the laws of the State of Idaho, to all Prosecuting Attorneys, insofar as the same may be done on a salary basis.

MR. LYNCH: I move the adoption of this resolution.

VOICE: Second.

MR. LAMONT JONES (Presiding temporarily): We have to vote by Bar associations:

(Roll call vote as follows: Dist. 1, 64 votes no; Dist. 2, 75 votes aye; Dist. 3, 63 votes aye; Dist. 4, 237 votes no; Dist. 5, 96 votes aye; Dist. 6, 75 votes no; Dist. 7, 83 votes no.)

MR. JONES: The resolution has failed, 458 no. The resolution has been defeated.

MR. LYNCH:

RESOLUTION NO. 7

WHEREAS, The members of the Idaho State Bar have a continuing responsibility to maintain good working relationships with all the news media of the State of Idaho; and

WHEREAS, over the past several years a joint committee of judges, lawyers and representatives of the news media have met annually to discuss topics of mutual importance; and

WHEREAS, to further the understanding and cooperation between the parties involved and additionally, to include within the group, representatives of the law enforcement departments within the State, the Chief Justice of the Supreme Court has appointed a bench-bar-press committee to study the possibility of adopting a set of principles comparable to those of the State of Washington, a copy of which is attached;

NOW, THEREFORE, BE IT RESOLVED by the members of the Idaho State Bar to endorse and support a set of principles comparable to those contained in the Washington State Guide Lines.

BE IT FURTHER RESOLVED that the members of the Board of Commissioners of the Idaho State Bar Association are authorized and directed to take all steps necessary to redraft a statement of principle of the bench-

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bar-press of the State of Idaho substantially in the form of the guide lines set forth in the enclosure attached hereto, and to adopt said guide lines without further approval of the members of the Bar.

MR. LYNCH: Mr. President, the proposed guidelines consist of a great number of pages here. I believe each local Bar association has had an opportunity to pass on this resolution, and I would ask consent at this point, in view of the hour, that we dispense with the reading of these.

MR. RYAN: Any objection to dispensing with the reading of the guidelines themselves? Do you move?

MR. LYNCH: I move the adoption of this resolution.

VOICE: Second.

MR. RYAN: Motion has been made and seconded for its adoption. Is there discussion? Question has been called for. I believe this is policy also.

(Roll call vote as follows: Dist. 1, 64 votes aye; Dist. 2, 75 votes aye; Dist. 3, 63 votes aye; Dist. 4, 237 votes aye; Dist. 5, 96 votes aye; Dist. 6, 75 votes aye; Dist. 7, 83 votes no.)

MR. RYAN: The Chair would rule that the motion has carried.

MR. LYNCH: Resolution No. 8. I would state that this resolution completes the ones that were submitted and circulated to the local Bars and published in The Advocate. The following resolutions have gone through your Resolutions Committee with the necessary vote to be presented to this floor, with $\frac{2}{3}$ vote of your Resolutions Committee after having been presented somewhat late.

RESOLUTION NO. 8

BE IT RESOLVED, That the Commissioners of the Idaho State Bar Association shall, within 30 days, appoint a committee to draft a complete set of amended rules and by-laws for the conduct of the business of the Idaho State Bar Association, and to present the same, after approval of the Commissioners, for the consideration and vote of the membership of the Idaho State Bar Association at the next annual meeting thereof such member to receive a draft thereof, in lieu of publication, at least 90 days prior to the next annual meeting.

BE IT RESOLVED, that upon the adoption of said rules and by laws, the same be thereafter published in the Desk Book for Idaho Lawyers.

MR. LYNCH: I move the adoption of the resolution.

MR. RYAN: You have heard the motion, and there is a second. Is there any discussion?

MR. ARCHIE W. SERVICE: Is this an attempt to clear up this fiasco on the Resolutions Committee? It is absolutely ridiculous to have them meet and then regardless of what happens to the resolution then have it presented on the floor again. Is this the purpose of this resolution?

MR. RYAN: The purpose of this resolution is that it was felt by the

Commissioners and recommended by myself in my closing article in *The Advocate*, and I recommended this to the Commissioners that I feel that our rules in many areas are quite outdated. I didn't feel that this should be a Commissioners' task to perfunctorily amend and submit to the Supreme Court these rules in any event. The Commission operates as a wing of the Supreme Court, by statute, and under rule; and these rules must all be approved by the Supreme Court, and generally submitted to them upon a recommendation of the Commissioners. We have many areas in our rule, including discipline, mind you, that are very unclear and very vague. I have felt very strongly they need a complete revision, but in order to do so I think they need a lot of good, hard thinking and study, and this is a resolution that I personally asked the Resolutions Committee to come up with, because I feel that your rules do need revamping and brought into this part of the 20th Century.

MR. WAYNE FULLER: Does this resolution call for the Commission to make a draft on this within 30 days? I didn't understand that part of the resolution.

(Resolution reread)

MR. J. RAY COX: I can further answer Service's question. The answer to that question is in the affirmative. There are some gray areas of responsibility and duties, and it becomes increasingly difficult each year to get definitive answers to questions of procedure for the working membership and for the operation of our organization. It was felt by the Resolutions Committee that this procedure should be updated, and more importantly, upon the adoption of the complete set of rules and by-laws governing the organization of our association that it be published in the Desk Book so that each individual who was asked to serve on a committee or was assigned a task in the association would have a clear understanding of what his duties were and what his responsibilities were. Does that answer your question? It is in the affirmative.

MR. RYAN: I don't believe this will be an attempt to make changes in rules simply for the sake of change, but we do have provisions in the rules—there have been amendments practically every year here, and they are recommended to the Supreme Court for adoption. Lamont and myself in particular felt we had so many areas of doubt in the rules that it justified a complete study by a committee to give us the serious thought that it deserves at this time. Also we met with the Supreme Court. We discussed this very point with the Supreme Court, and they were in complete concurrence that this needed a complete study and presentation back to them.

MR. LYNCH: I might also point out as a member of this Committee that in case there is any doubt in the record I wish to state it now that I think it was the consensus of the Committee that after the group had met and drafted a new set of rules to be submitted to the local Bars we must operate under the old rules until we adopt a new set of rules, and it was their understanding that the submission by mailing a copy to each member of the Bar would be in lieu of publication in *The Advocate* as now required because of the cost factor involved. So each member would receive a copy

in the mail rather than have this published in The Advocate, and it would still be legally submitted as we have to go under the old rules.

VOICES: Question.

MR. RYAN: Before the question I would like to add one thing, if I may. There will be some rules, no doubt, go into our present rules before an overall amendment or amended procedure can be adopted. For example, the Commissioners had the duty to submit to the Court the rules under which the client security fund will operate. Also we have right upon us at this point, which needs attention, the Professional Service Corporation rules that need to come before us. Thus I see two amendments before we completely revise the whole thing. The question has been called for. If there is no further discussion, and this is a policy, it must be by districts.

(Roll call vote, unanimously aye.)

MR. LYNCH:

RESOLUTION NO. 9

WHEREAS, our system of judicial process should be compared with other existing systems of other countries to better understand the guarantees of our form of government, and

WHEREAS no courses are being taught in our school systems in Idaho, teaching contrasts, and comparing due process under law in the United States with similar legal practices in other countries, and

WHEREAS, the American Bar Association, thru its Committee on Education about Communism and its Contrast with Liberty under Law, has brought about, a pilot course of study which was introduced into the school systems of several states, covering this subject as a result of which, at the end of the 1969 school year more than ten thousand children will have been involved in testing these materials; that such materials and texts are available for guidance in our own school system; that the Idaho Bar Association should step forward to assist where it can in the establishment of such a pilot course in the schools of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED:

1. That this body recommend to the State Board of Education that it give this matter its attention and set up its committee to work with a committee of the Idaho State Bar Association, to study the feasibility of establishing a pilot course of study in Idaho schools at an age level appropriate to this course; that all materials made available by the American Bar Association be considered and used where helpful and appropriate as will teach our youth the facts about the comparison between the Legal Systems in the United States and in other countries.

BE IT RESOLVED that the Idaho State Bar Commission is authorized to do all things necessary to carry out the object of this resolution.

MR. LYNCH: Mr. President, I move the adoption of the resolution.

MR. RYAN: You have heard the motion. Is there a second? Who made the second? Al Lyons made the second.

MR. LYNCH: Very briefly, this came from Z. Reed Millar of our Bar association, who is a member of the Communist Tactics and Strategy Committee, and has been for a number of years. He forwarded this resolution to the Resolutions Committee because he couldn't be there, and he also forwarded some of the text material available for their study if they wished to do so. After some debate and some changing of the language of the resolution the Resolutions Committee did vote affirmatively by the necessary vote to submit the resolution for your consideration. Z. Reed informs me he can't be here to explain what is involved in it. I would point out, as I think he would want me to, that there is considerable work done in this area by the American Bar Association, and this is an American Bar publication that is being used in these pilot studies.

MR. RYAN: The question has been called for. Again this is an area of policy. Vote by districts.

(Roll call vote as follows: Dist. 1, 64 votes aye; Dist. 2, 75 votes aye; Dist. 3, 63 votes aye; Dist. 4, 237 votes aye; Dist. 5, 96 votes no; Dist. 6, 75 votes aye; Dist. 7, 83 votes aye.)

MR. RYAN: The motion is carried to adopt the resolution, everything to 96. Now for Resolution 10.

MR. LYNCH:

RESOLUTION NO. 10

BE IT RESOLVED that the members of the Idaho State Bar express to the Bank of Idaho and Walker Bank and Trust Company our sincere appreciation for their courtesy in hosting the social hour and to the Idaho First National Bank and Mutual of Omaha for their courtesy in hosting the coffee breaks during the annual meeting.

MR. LYNCH: I move the adoption of Resolution No. 10.

MR. RYAN: It was seconded. All those in favor say aye. Opposed? Resolution 10 has been adopted. Now for Resolution 11.

MR. LYNCH:

RESOLUTION NO. 11

BE IT RESOLVED that the members of the Idaho State Bar at the 1969 Annual Meeting extend to Honorable William T. Gossett, Honorable John C. Pickett, Honorable Stanley M. Barnes, Honorable A. Sherman Christensen, Honorable Richard B. Smith, Mr. Donald J. Stocking, Mr. James E. Newton, Mr. Ralph H. Erickson, Honorable Edward K. Pritchard, and Mr. James R. Castle our appreciation for their most interesting and highly informative addresses and honoring us with their presence at our annual meeting.

MR. LYNCH: I move the adoption of the resolution.

MR. RYAN: It has been moved and seconded that Resolution 11 be adopted. Question has been called for. All those in favor say aye. Opposed? Motion is carried.

MR. LYNCH:

RESOLUTION NO. 12

BE IT RESOLVED that the members of the Idaho State Bar at the 1969 annual meeting do express our sincere appreciation to the Commissioners and officers of the Idaho State Bar for the past year and for the effective leadership they have furnished to make the past year one of genuine accomplishment and measurable progress.

MR. LYNCH: I move the adoption of the resolution.

MR. RYAN: That has been seconded. Are you ready for the question? All those in favor say aye. Opposed? Thank you. I thank you, Jim, and I thank the entire Resolutions Committee. As many of you know, they come up to the delightful Sun Valley atmosphere to spend a good, full day or a part of the day putting this together. We gave them the benefit of a little warming solution inside, and they got to work and did quite well. Did you have something further, Jim?

MR. LYNCH: No, unless it be some further resolution from the floor, which they are entitled to.

MR. RYAN: Any further resolutions from the floor? At this time I wish to thank you for that resolution, and turn this meeting over to your new president, Lamont Jones.

(Applause)

MR. JONES: Thank you very much, Hal. Before I say anything I would like to have Mr. Kuhn come forward, if he would, please. He is a very able representative of Mutual of Omaha, who has a presentation to make to our old Buddy, Hal.

MR. KUHN: Mr. Ryan, and Commissioners and Members of the Bar: It has been a custom in the past, and I hope it will be continued in the future, to present to our outgoing president a little token of our esteem for him personally as a man and also to recognize the fine accomplishments that he has made during the year; and Hal, if I may call you Hal, I think that it is a real credit to you as a person to have served such a great organization during this year. You have done the organization great service and at the same time you have created a great honor for yourself, and I hope this little token will be a constant reminder to you, as I know it has to the past presidents, of these accomplishments; and you will hang it on the wall of your office to remind you of all the trials and tribulations and heartaches that have gone along with the job. Congratulations.

MR. RYAN: Thank you.

(Applause)

MR. KUHN: I have also been requested by Jim Green to give you a short report on your insurance program. This was delegated to his committee, and he asked me to do it personally because he didn't have these figures to relay. I have never seen them until right now.

We have a slight problem, and I think it goes without saying that the increase in the cost of hospital and medical costs have almost doubled in

the last five years. In your major medical program you have no internal limits so that program in itself has suffered beyond even any recollection. As a matter of fact, the major medical program is becoming a matter of great concern to our insurance committee in Omaha due to the fact that the claims ratio—and I am speaking only of the major medical plan now, which has a \$250 deductible, a \$500 deductible, and a \$1000 deductible. These premiums were based on anticipated claims ratio in 1960. By the way, this marks the 9th anniversary date of our program in connection with the Bar Association, and we have most graciously received the finest support of any Bar program in the United States. The company does appreciate the fact that most of the attorneys have the major medical program, notwithstanding the fact that in 1967 the claims ratio rose rapidly to 126%. In other words, we were paying out \$26.00 for every \$100.00 we were collecting in premiums.

That didn't bother us so much until in 1968 that increased to 140%; and so far this year, ladies and gentlemen, it is 193%. I mention this because I do believe that it would be fitting and proper for the new officers, perhaps, to delegate a committee to meet with us in connection with this problem. We don't want any rate increases if we can possibly eliminate it. But it is a problem that no concern is going to go year after year after year and lose \$2.00 for every dollar that they collect.

I would like to give you a little resume of the overall premium on our income protection. We have had 71 claims, and the in-force number of policies on the income protection numbers 228, which I don't think is very good when I found there were over 700 members in the Bar. I believe that with a little effort on the part of our sales staff, and with some consideration on the part of your members, we might increase the enrollment in this program which would help our claims ratio. The larger the number of participants the less the claims ratio, naturally.

We have had 186 claims so far, and in the major medical program that is where we are suffering 193% claims loss ratio.

The life insurance is holding its own very nicely. We only have 129 members insured in the life insurance program, and I forgot to mention we have 290 in the major medical program.

We have had some improvements in the program that we intend to get to you by mail. For instance, the life insurance term group rate has held very nicely, and we have increased the overall limitation from the base \$10,000 policy that we first offered to you to \$30,000 on a nonmedical basis unless there is past medical history involved.

We would like very much to have your consideration on increasing the enrollment on both of the casualty programs. This, of course, would eliminate any necessity in changing or revising the overall cost of the program. I think that is the solution to it—more participation. I say this, and thank you very much for the fine cooperation I have had in the past. And again, Mr. Ryan, I want to congratulate you; and Mr. Jones, may I congratulate you and wish you luck in the coming year. Thank you very much.

(Applause)

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MR. JONES: I notice in the audience we have three of the very hard working members that stand behind each of us who appears before you on occasion. At this time I would like to introduce our obviously better halves, Mrs. Ann Ryan; a young lady you haven't had the opportunity to see as much as us, Mrs. Jody Thomas, Gene's wife; and Mary Ellen obviously has much more confidence in her husband than the rest of these young gals. She isn't with us today. That is Gene's wife. There is my better half, Ilene.

(Applause)

Hal, as a token of our appreciation the Commissioners would like to hand you at this time a certificate to tell all the world that you have served and served well.

MR. RYAN: Thank you, Lamont, very much.

(Applause)

MR. JONES: As a token of appreciation that I have had in serving, and Gene in the short time he has been with us, we would like to give Hal a couple of presents that we hope he will be able to utilize in his spare hours that he is now going to have. Hal, the first present I would like to give you is—and it says "Improve your golf game with a new patented foot wedge."

MR. RYAN: If you had watched me yesterday I am certain you would see that I could use this.

MR. JONES: After watching you yesterday that is why you got it. Last but not least, a present from Gene and myself.

MR. RYAN: May I open it? A shirt and everything. Beautiful shirt and sweater, and a pair of sox to match.

MR. JONES: We take care of our own. I don't think I need to say much of the high regard we hold Hal. It has been a real pleasure to work with him, and all we hope is that we can carry on the tradition that he started.

I was happy to see such an able man that I will be able to work with, and when Bill made his motion with respect to the legislation as to whether or not the Commissioners should be able to speak for the Bar, I thought he had obviously talked to Ilene, recognizing that very little competence is here, but my district did support me, thank God.

The program we are going to have to sponsor the next year is pretty obvious to those present. We have a great task before us. The revision of the rules is going to take a lot of time and hard work. Obviously we are going to have to call on a great many of the fine members of the Bar to assist us. We have other jobs in the mill that take continuing effort on behalf of our people. One thing that should be said is that in the unpleasant area of discipline we have found in this last year, as I am sure the Commissioners before us have found, that when called upon our people do serve, and they do the job very well.

We feel we must make some revisions in this particular area in the way the job is handled, both from our standpoint and that of the people

that assist us. We have compared our system with that of other states, and as yet no state has anything but admiration for the method in which we are able to handle this touchy subject. However, it can be improved, and I hope that in our rules revision we will be able to come up with something a little closer to what should be the procedure in this day and age.

The real problem, as you probably are aware, is that the new Code of Professional Responsibility will probably come before this body next year for acceptance or rejection, and they are gearing the Code to take specific items which are disciplinary so that in the event the Supreme Court of the United States were to consider that the acts complained of are criminal as opposed to civil we must then have our our discipline proceedings geared to that. We have a tremendous amount of work to do in this particular area.

I am not going to attempt to outline our problems in full. I know most of you are aware of them. So at this time, if there is nothing else, I will call this meeting adjourned.

(Adjourned at 12:39 p.m.)

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