

Proceedings of the
Idaho State Bar

VOLUME XLIV, 1970

Forty-Fourth Annual Meeting

**SUN VALLEY, IDAHO
JULY 4, 1970**

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PAST COMMISSIONERS

Western Division

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

Eastern Division

N. D. JACKSON, St. Anthony, 1923-25	RALPH LITTON, St. Anthony, 1949-52
A. L. MERRILL, Pocatello, 1925-28	L. F. RACINE, Jr., Pocatello, 1952-55
WALTER H. ANDERSON, Pocatello, 1928-34	GILBERT ST. CLAIR, Idaho Falls, 1955-58
E. A. OWENS, Idaho Falls, Pocatello, 1934-40	J. BLAINE ANDERSON, Blackfoot, 1958-61
L. E. GLENNON, Pocatello, 1940-43	WESLEY F. MERRILL, Pocatello, 1961-64
PAUL T. PETERSON, Idaho Falls, 1943-46	R. V. KIDWELL, Idaho Falls, 1964-67
R. D. MERRILL, Pocatello, 1946-49	LAMONT JONES, Pocatello, 1969-70

Northern Division

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

Present Commissioners and Officers

EUGENE L. MILLER, Coeur d'Alene, President
EUGENE C. THOMAS, Boise, President-Elect
JOHN M. SHARP, Idaho Falls, Commissioner
MAXINE J. MCGEE, Boise, Executive Director
First District--Everett C. Hofmeister, Sandpoint
Clearwater (Second District)--Merlyn W. Clark, Lewiston
Third District--Lawrence J. Higgins, Weiser
Fourth District--Thomas A. Miller, Boise
Fifth District--Peter K. Church, Burley
Sixth District--Wallace M. Transtrum, Soda Springs
Seventh District--Gordon S. Thatcher, Rexburg

1970 IDAHO STATE BAR CONVENTION**4 July 1970**

MR. LAMONT JONES: Ladies and gentlemen, I apologize for the delay in calling this meeting to order. I especially apologize to Mr. Ed Benoit, who has been here since 6:00 o'clock. The first order of business is the reporting committees, and I will at this time ask Mrs. McGee if she would please advise us of the committees that have not tendered reports for this particular year.

MAXINE MCGEE: I do not have a report from the Attorneys-Physician Relations Committee.

MAXINE MCGEE: Bar Rule Revisions, Bar Examinations and Client Indemnity Fund and Discipline Matters will be covered in the Secretary's report. I don't have a report from the Rocky Mineral Law Foundation.

MR. JONES: As the next order of business we will take the reports that have been filed with the Secretary. Maxine, would you either read these reports that have been prepared for the gentlemen or request them to present themselves at that time to read them. I will give the report of the Bar-Press Committee.

REPORT OF BAR-PRESS COMMITTEE

This past year the major effort of this committee was to assist in formalizing Fair Trial - Free Press principles and guidelines. In September of last year a preliminary draft of the Fair Trial - Free Press Compact was submitted to the various groups who were to be signatories thereof. After a hearing of the Fair Trial - Free Press Committee, appointed by the Supreme Court, the final statement of principles and guidelines was adopted on the 15th of November, 1969, by the Supreme Court of the State of Idaho, The Idaho State Trial Judges Association, The Idaho Magistrates Association, The Idaho Probate Judges Association, The Idaho State Bar Association, The Idaho State Broadcasters Association, The Idaho-Utah-Spokane Associated Press Members Association and the Idaho Press Association.

The only signatories who have not yet adopted our principles are the Idaho Peace Officers Association, The Idaho Sheriffs Association, The Idaho Chiefs of Police Association and the Prosecuting Attorneys Association. The last named associations have not approved the guidelines because of certain statements contained in paragraphs 3 and 5 of the Compact. In effect, these two provisions provide that law enforcement agencies will, upon request of news media, furnish records of prior criminal charges, arrests and convictions of any persons accused of a crime.

As a result of meetings with representatives of the law enforcement agencies, Justice Clay Spear, Mr. Gene Thomas, representing the Bar, a modification of the above-referenced paragraphs has been drafted to the effect that peace officers are under no obligations to release hearsay data provided them by other agencies, officers or individuals, nor are they required to release witnesses statements, investigatory files on

evidence of previous charges or arrests which would not, on the face of the official record being revealed, lead to convictions which became final judgments.

It is our hope that the law enforcement agencies will now be able to adopt our Fair Trial - Free Press Compact, subject to the reservation above recited so that our law enforcement agencies would abide by all provisions of our compact excepting those paragraphs they choose to modify.

It is the committee's opinion that the law enforcement agencies had valid objections to the provisions, as written in our compact, and we believe the modification suggested will be accepted and honored by the other signatories to the compact.

This committee earnestly hopes that the compact will be promulgated by the respective associations and that all members thereof shall follow the principles and guidelines set forth therein; and if this is done, our efforts to provide greater safeguards for fair trials and likewise, to allow better dissemination of news will be accomplished.

Respectfully submitted,
Lamont Jones, Chairman
Bar - Press Committee
Eugene L. Miller
Eugene C. Thomas

MAXINE MCGEE: This is the report of the Continuing Legal Education Committee.

CONTINUING LEGAL EDUCATION COMMITTEE REPORT

Since the last report of the CLE Committee made at the last annual meeting of the Idaho State Bar, the Continuing Legal Education Program of the Bar has been increased during the last fiscal year. The CLE committee sponsored four institutes last year. The first, in August 1969 was a very successful program on the new Truth in Lending Law which was held in Boise. In November of 1969 the program "Lawyers Use of Financial Statements" was presented in Moscow and Boise. In January 1970 a program on the Regulation A under the Federal Security Act of 1933 was presented at Boise. In May 1970 the program on Professional Corporations was presented in Boise.

The Committee hopes to expand the CLE Program in the coming years to meet the growing needs of the Idaho Bar. The next program scheduled for the coming year is at McCall, Idaho. Future programs will be announced.

The committee appreciates the continued support by the Bar Association of the CLE Program.

DATED This 29th day of June, 1970.

Lon F. Davis
Robert E. Bakes
Director

MAXINE McGEE: I have a letter here from Mr. Archie Service, Chairman of the Economics of Law Practice Committee.

June 17, 1970

Commissioner of Idaho State Bar
Box 835
First Security Bank Building
Boise, Idaho 83701

Re: Economics of Law Practice Committee

Gentlemen:

Since the minimum fee schedule underwent a major revision at our last annual meeting, there has been no activity on our part.

We solicit comment and criticism on the new schedule in order that we may effect a workable instrument.

Very truly yours,

TERRELL, GREEN, SERVICE
& GASSER
Archie W. Service

MAXINE McGEE: I have a report from the Group Insurance Committee, and I don't know if Mr. Green is here this morning or not.

MR. JONES: Why don't you give us the report, Maxine.

MAXINE McGEE: To the Board of Commissioners, Idaho State Bar Association:

ANNUAL REPORT OF GROUP INSURANCE COMMITTEE

The Chairman respectfully submits to this Committee and to the Board of Commissioners of the Idaho Bar Association the following report of its activities for the year from June 30, 1969 to June 30, 1970.

You may remember that at the annual convention in 1969, Mutual of Omaha reported that because of the increased medical and hospital costs over the last several years it was going to be necessary to make an adjustment in the premium rate in order to preserve the fiscal integrity of the program.

As of December 31, 1969, over 500 policies have been issued and there are presently insured under the program more than 1300 members and dependants. During the period from August of 1961 when the first policies were issued through December 31, 1969, \$124,183.00 has been paid on 214 short term and continuing liability claims. Notwithstanding an increase of almost 60% in medical and hospital costs, the premium rate has remained unchanged since the inception of the program. Mutual of Omaha reports that incurred claim ratio to earned premiums for the years 1966 through 1969 are as follows:

1966 --- 112%
1967 --- 114%
1968 --- 122%
1969 --- 130%

The South Dakota Bar, a comparable professional group in size, degree of member participation, and area hospital and medical care costs, has a comparable experience with that of the Idaho State Bar.

We have reviewed comparative costs of other similar groups, the National Association of Retail Druggists, the Idaho Restaurant Owners Association and comparable individual coverage programs and it is apparent that our premium structure is considerably below that of the other groups.

As a result of this experience and the information presented by Mutual of Omaha and from general observation that the experience of other carriers over the past decade appears to be comparable we feel that the proposal of Mutual of Omaha will continue to be competitive.

We would therefore recommend that unless the Association desires to put the program out on a bid basis on specifications to other carriers, we should continue our endorsement of the present program.

We would further observe should the Association consider bidding the program on specifications that careful consideration be given to the number of members presently uninsurable who are provided with coverage under the present program which was obtained by them during the initial open enrollment period when the program was instituted.

Respectfully submitted,
James B. Green, Chairman

MAXINE McGEE: I have been asked by Mr. William Stellmon of the Legal Aid Committee to read that report.

1970 ANNUAL REPORT OF THE LEGAL AID COMMITTEE
OF THE IDAHO STATE BAR ASSOCIATION
TO: The Commissioners of the Idaho State Bar Association
FROM: Chairman and Members of Idaho State Bar Association Legal
Aid Committee

As requested by the Commissioners of the Idaho State Bar Association, we are submitting herewith the annual report for 1970 of the Legal Aid and Services Committee of the Idaho State Bar Association.

A good deal of the work of the Committee since the last annual meeting has centered around cooperation in studying, with the special commission created by resolution of the Association last year, the problem of providing legal aid to indigent persons in Idaho. The work is not finished yet but we assume that an interim report will be made to the Association by the chairman of this special commission.

So far in the State of Idaho there are two legal aid programs funded under the Office of Economic Opportunity. The first such funded program was begun in Canyon County at Emmett. The main office has now been moved to Caldwell. This program has been funded as "Western Idaho Legal Aid, Inc.," a nonprofit corporation with Walter Curnutt as director attorney and Jerry Korn as staff attorney. Mr. Robert Remaklus is president and chairman of the board. This board and the one at Lewiston

is composed of seven attorneys and six lay people from the low income group.

Although Western Idaho Legal Aid, Inc., has not used any law students, it being too far from the University, they have used a number of Vista volunteers in their program work. These Vista volunteers are used on a part-time basis to aid in legal research, client interview and contact, and to a limited extent in preparation of pleadings and other legal documents. They have not, of course, represented clients in court.

The second OEO funded program has been established at Lewiston, Idaho, and covers the area of the Clearwater Bar Association, which is in the Second District, and to a limited extent, some indigent persons in Asotin County, Washington. This program has been funded as "Lewis-Clark Legal Services, Inc." Michael Moore is presently the director attorney and Judith Grimes is staff attorney. This program has used an average of fifteen to sixteen law students per semester from the University of Idaho College of Law. This program has, of course, been conducted cooperatively between the Lewis-Clark Legal Services, Inc., and the Dean, Al Menard. This actually amounts to a kind of legal internship which is more akin to the familiar law clerk system. These law students do not represent indigent people in any court. The law students receive one credit hour per semester for taking part in this program and it is our understanding that each student spends approximately twenty hours in the program per semester.

In the fourth district a voluntary program working on a rotation basis is successfully operating in Ada and Elmore Counties. The offices of El-Ada are being used to run the program. An application has been made by the local bar association to sponsor a legal aid program using OEO funds. The application is pending in Washington, D.C. for final approval for funding for two full time attorneys. Tony Park has been chairman of the committee of the District Bar Association involved in the volunteer project and in making the application.

In the fifth district, an application has also been submitted by the District Bar Association for a legal services program using OEO funds. The main office of the program would probably be in Twin Falls. Fred Plankey has been chairman of the committee that investigated the program and submitted the application. An informal, voluntary program for referral of indigents in civil cases is being used at the present time in the district.

At the present time, in the northern panhandle counties, the southwestern and southeastern counties, local legal aid committees are actively engaged in providing services for indigent persons in their areas.

There is a rule change pending which would be aimed at allowing law students or graduates of out-of-state law schools to represent indigent persons in lower courts in situations where the work load of the supervisors of OEO funded programs was so great that indigent persons would otherwise go without representation of any kind. This rule is presently under study by the State Bar Commission and is of interest to this Committee, though not directly our responsibility. The scope of the rule

would, we suppose, extend to Vista volunteers who are out-of-state law school graduates.

The members of this Committee have met on occasions and have spent considerable time corresponding on the question of the handling of legal representation for indigent persons in Idaho. We have met with the Bar Commissioners and the members of the Supreme Court relative to this problem in an effort to correlate our work on the problem. The question boils down to whether or not the Idaho State Bar Association should go on record as favoring one type of program over another. It is the recommendation of this Committee that the Idaho State Bar Association take the position that the question of how legal representation for indigents is to be taken care of be left up to the respective local bar associations. Obviously, a number of the bar associations have decided to tackle this program through the use of an OEO funded legal services program while others have preferred to handle the problem through local bar association legal aid committees. It is the feeling of this Committee that a determination of how the problem should be handled should be left to the local bar associations. It is, therefore, our recommendation that the Idaho State Bar Association do not, at this time, go on record as favoring, or do anything toward implementing, a statewide legal services program that would be funded through federal funds.

The State Bar Association, of course, should accept responsibility on the matter of any suggested revisions in licensing requirements and in matters concerning unauthorized practice of law that might arise either from problems encountered in an OEO funded program or in problems encountered in the operation of a legal services committee of any local bar association.

We are hopeful that we can be of service to the individual members of the Association as well as any local bar association president or chairman of a legal aid committee on a local level who may have questions or comments regarding this problem of legal representation of indigent persons in Idaho.

Respectfully submitted,
William A. Stellmon, Chairman
Wayne P. Fuller
Kenneth E. Lyon, Jr.

MAXINE MCGEE: I have a letter here from Robert Alexanderson,
Probate Code Study Committee.

June 15, 1970

Mrs. Maxine J. McGee
Executive Director, Idaho State Bar
P. O. Box 835
Boise, Idaho 83701
Dear Maxine:

Re: Probate Code Study Committee

Reference is made to your letter of May 27, 1970, regarding a report from the above Committee.

Although the Committee was continued this year, I was not advised that the other members had confirmed their appointments. As a result, no Committee meetings or contacts as a Committee were had.

In view of the developments, however, I do not think that any Committee action was necessary.

As you know, the Legislature followed our recommendations and by Senate Concurrent Resolution No. 127 directed the Legislative Council to form a committee to prepare the Uniform Probate Code for possible enactment. This committee has been formed, and Professor Peterson and Attorney Blanton have been designated to submit an analysis of the Uniform Code and the present Idaho Code.

I anticipate that the Legislative Council will continue to be active the remainder of the year. Attorneys Lloyd Martinson of Moscow, Edward L. Scott of Malad and the undersigned will continue as advisors to the Committee.

Very truly yours,
Robert L. Alexanderson

MAXINE McGEE: I have been asked by Bill Stellmon to give the report of the Public Relations and Law Day Committee.

1969-1970 ANNUAL REPORT OF PUBLIC RELATIONS AND LAW DAY COMMITTEE

The Committee has, during this year since the 1969 annual meeting, spent considerable time, most of it being spent by A. L. Lyons of Boise, in an attempt to come up with an effective public relations program that can be pursued by the Bar Association from a state level. Several suggestions have been made to the Board of Commissioners of the State Bar but so far the Commissioners have not approved the program. There are, as usual, many problems in initiating such a program, not the least of which is a lack of finances.

We will continue to try, as a Committee, to formulate something effective from the State level that we can afford. The Committee is sorry to have lost the services of Al Lyons, he having to submit his resignation from our Committee effective April 2, 1970. Al did a tremendous job for us and for the Bar Association as a member of this Committee and we owe and give, him a vote of thanks for the hours he donated to the work of our Committee.

Once again the Committee has spent a considerable amount of time on the Law Day programs and from reports received from around the State we are pleased to report that the Law Day programs sponsored by the local Associations were well done and well accepted in the communities where presented.

Due to a lack of finances we must rely on the local committees and Bar Associations to see that effective Law Day programs are put on throughout the State. We want the Association to know that during the past year this responsibility was borne well by the local Associations. We have had several reports come to us of outstanding programs throughout

the State. This Committee has had to content itself with furnishing sources for materials to the local committeemen and was able to furnish only a very broad outline of suggested programs to each of the local Law Day Committees. We regret that we cannot help on a larger scale but thus far finances have prohibited us from doing so.

It has, in the past, been our feeling that we should work toward a more vigorous program from the State level but from the reports that we have received, the Committee is now willing to admit that the local Bar Association Law Day Committees do a tremendous job in presenting effective Law Day programs throughout the State. We will content ourselves for the present with being as much as possible in aid of this good work by our local committees.

If there are any members of the Idaho State Bar Association who feel that effective Law Day programs are not being sponsored in their area by their local Association, we would very much appreciate hearing from them with any suggestions on how the programs can be improved. The committee feels that at the very least we should, on a local level, see to it that any interested high school or junior high school be provided with a Law Day program to be presented by attorneys. If this is not being done in any area, the committee would like to hear from attorneys in such areas concerning the type of program that should be put on and the availability of committee members to help local associations initiate such programs.

Respectfully submitted,
William A. Stellmon, Chairman
For The Committee

MAXINE McGEE: The next report is the Taxation Committee Report.

MR. JONES: Maxine, why don't you go ahead with it?

MAXINE McGEE:

TAXATION COMMITTEE REPORT, 1970

The committee functions and membership were changed during the past year. Joining the lawyer members of the Tax Institute Executive Committee, Joe Anderson, Gilbert St. Clair, Cal McIntire, Archie Service and myself as members of the new Taxation Committee are: Phillip Peterson, J. Charles Blanton, Byron Johnson and William A. Parsons. The committee is still in the process of reorganization in its expanded new function and in the future it is hoped that we might determine those areas in which the committee can be productive.

The Tax Institute Executive Committee in conjunction with the Idaho Society of Public Accountants and Bureau of Business Research at Idaho State University prepared the 1970 program for the 12th Annual Idaho State Tax Institute at Idaho State University. The 11th Annual Tax Institute was acknowledged by those in attendance to be a success and a continuing contribution to the edification of Idaho accountants, businessmen and lawyers.

The Executive Committee of the Institute, with the cooperation of Dean James Kelly, at Idaho State University, has arranged a most in-

teresting program, which will be presented this year on October 2 and October 3. This Institute should have an extremely large attendance because it is thrice blessed. First, the football game on Saturday, October 3, will put Idaho State University against the University of Idaho. Second, this event will take place in what has been commonly called the 'Mini-Dome'; which is the only such sports arena on a college campus anywhere in the world. Third, the presence of the Honorable Wilbur Mills as the featured luncheon speaker appears an optimistic accomplishment, and, in any event, the program appears exceptionally strong. Mr. Kline Strong will conduct a session on Professional Corporations. Mr. John Wheeler will discuss Farm Taxes and Problems. Mr. Richard Katcher will discuss Tax Shelters, Mr. Jerry Kesselman will discuss 1969 Tax Reforms, and we optimistically plan that Mr. Wilbur Mills will present what thoughts he might have regarding the current tax situation and the political background.

Your chairman has heard many favorable comments attributing the Tax Institute to a continually rising standard in the tax work product of general practitioners throughout the area. One of the highest aspirations of man is the pursuit of excellence; and, with the opportunity made available through this program the members of the Idaho Bar have an unusual opportunity aspiring toward tax competence in general practice. While the members of the Executive Committee have done well, the new Taxation Committee should bring a broader perspective in allowing a better contribution from the Idaho Bar to tax problems in Idaho. Hopefully, through a free and frank interchange of ideas we can achieve improvements and advance the public interest of which the private lawyer in Idaho as elsewhere is no less than the public official and government lawyer a major guardian.

Respectfully submitted,
L. Charles Johnson
Chairman

MAXINE MCGEE: I have a letter from Mr. James Givens,
June 11, 1970

Mrs. Maxine J. McGee
Executive Director
Post Office Box 835
Boise, Idaho 83701
Dear Mrs. McGee:

I have polled the members of our committee and have been instructed to advise you that the Unauthorized Practice of Law Committee has diligently applied itself to carrying out the instructions of the Bar. That the routine work performed by the committee does not warrant any report other than that all matters committed to the committee for the past year have been processed by the committee in the normal course of its function. If you deem it advisable at the annual meeting to use this letter as the report of our committee, please feel free to do so.

Should you have any questions, please advise.

Very truly yours,
James W. Givens

MAXINE McGEE: I also have a report here from the Legislative Committee.

June 29, 1970

Mrs. Maxine J. McGee
Executive Director
Idaho State Bar Association
P. O. Box 835
Boise, Idaho
Dear Maxine:

I apologize for not replying earlier to your letter of May 27 concerning committee reports. It got lost in a pile on my desk.

During the Second Annual Session of the Idaho Legislature your legislative committee, as an organized group, did nothing although individual members thereof, together with other individual attorneys throughout the state, worked very effectively for a raise in judge's salaries which will take effect next year.

Since the committee, as such, did not function, there is really no need for a report.

Sincerely yours,
Sam Kaufman

MAXINE McGEE: That concludes the reports.

MR. BENOIT: I move that all reports of the committees be approved and adopted.

(That motion was seconded.)

MR. JONES: All in favor of accepting and approving the reports made. All opposed. That motion will carry.

MAXINE McGEE: Next report I have is the Director's report.

IDAHO STATE BAR 1970 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, 1969 to June 1, 1970.

Section 3-409 as amended by the 1969 legislature increased the lawyer's 1970 annual license fees and provided for the establishment of a client's security fund and established a "bar commission fund" separate and apart from all public moneys or funds of the state to be administered under the board of commissioners of the Idaho State Bar and further provided that all moneys received by the State Treasurer from payment of license fees be forwarded monthly to the Board of Commissioners of the Idaho State Bar or to a bank designated by the Commissioners. As of September 11, 1970 an account known as the "Idaho State Bar Commission Fund" was established in the Bank of Idaho, Main Office, Boise, Idaho. The accounting firm of Touche Ross in Boise, Idaho was retained to establish an accounting system and audit said Fund.

The Idaho State Bar Trust Fund which had previously been maintained at the Idaho First National Bank, Boise, was merged into the Bar Commission Fund on September 30, 1970. The Idaho State Bar Commission Fund now consists of income received from lawyer's annual license fees, annual meeting registrations, bar examination fees, and some items of miscellaneous income.

Rule 178 of the Board of Commissioners of the Idaho State Bar and the Supreme Court, promulgated December 12, 1969, created the Client's Security Fund. A savings account was established at the Idaho First National Bank in the name of the Idaho State Bar Client's Security Fund. The balance in that account as of June 1, 1970 was \$8,370.75.

The account books maintained in the Executive Director's office reflect the following receipts, expenditures and the balance in the Bar Commission Fund:

RECEIPTS:

Balance on Hand June 1, 1969 (appropriated fund)	\$13,873.65
Receipts June 1, 1969 to June 1, 1970 (including transfer from Trust Fund)	62,724.61

Total Receipts	\$76,598.26
Less Expenditures	54,418.92
Balance on Hand Bar Commission Fund June 1, 1970	\$22,179.34

EXPENDITURES—June 1, 1969 to June 1, 1970:

Personal Services	\$14,962.10
Travel Expense	10,684.71
Other Miscellaneous Expense & License Refunds	9,520.36
Capital Outlay	None
Payment to Local Bar Associations	10,881.00
Payment to Client's Security Fund	8,370.75

Total Expenditures	\$54,418.92
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Personal Services include salaries, payroll taxes and employer contributions on insurance and retirement for a full time Executive Director and stenographer, and a part-time mail and file clerk. 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, stenographer, and other persons engaged in Bar activities, including travel in connection with discipline investigation and prosecutions. It also covers a portion of the Idaho State Bar Delegate attending meetings of the House of Delegates of the American Bar Association.

Other Miscellaneous Expense includes the cost and expenses of the annual meeting, including printing of the Proceedings, cost and expense of bar examinations, cost of preparing and mailing notices and other materials to Idaho lawyers, office expense such as rent, telephone, postage, stationery and printing, office supplies, equipment rental, and other miscellaneous Bar expense.

BAR EXAMINATIONS

Two Bar Examinations were given since the last Annual Meeting, one in September 1969 and one in April 1970. Forty-nine applicants wrote the September 1969 examination, and of these forty-two passed and seven failed.

Five applicants wrote the April 1970 Bar examination, and of these three passed and two failed.

DEATHS OF ATTORNEYS

Since the last Executive Director's Report in July, 1969, we have learned of the death of the following:

Name	Place of Birth	Date of Death	Admitted to Bar
Arney, J. Ward	Idaho Falls	June 24, 1969	Dec. 8, 1914
Merrill, A. A.	Richmond, Utah	July 6, 1969	Nov. 17, 1927
Smith, Eugene C.	Boise	July 30, 1969	May 26, 1958
Smith, Jay Coleman	Provo, Utah	Aug. 2, 1969	Sept. 27, 1967
Adams, W. Lloyd	Nephi, Utah	Aug. 14, 1969	Feb. 19, 1933
Cameron, Alan D.	Chicago, Ill.	Oct. 3, 1969	June 13, 1949
Reed, Henry F.	Grand Forks, N.D.	Oct. 6, 1969	May 17, 1950
McQuade, Jack F.	Pocatello, Idaho	Oct. 22, 1969	Feb. 12, 1934
Povey, Harry	Liverpool, England	Dec. 24, 1969	Sept. 13, 1921
Coffin, Vestal P.	Caldwell, Idaho	Mar. 1, 1970	June 26, 1913
Duvall, Oliver P.	Duvall's Valley, Tenn.	Mar. 13, 1970	May 21, 1923
Cromwell, J. Fred	Nebo, Illinois	April 5, 1970	July 10, 1926
Yeamans, Harold L.	Dubois, Idaho	June 5, 1970	June 6, 1925
Babcock, Edward E.	Lewiston, Ill.	June 17, 1970	Dec. 17, 1929

DISCIPLINE MATTERS

There were 38 informal complaints filed with the Bar Commission during the past past. As of June 20, 1970 the date of the last Commissioners' meeting, there were 11 disciplinary matters on the agenda, five were dismissed, and six were continued to the next agenda, pending further investigation. There was one formal disciplinary complaint on the agenda last year which was disposed of by a voluntary suspension of the practice of law.

MEMBERSHIP

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

Division	1969	1970
Northern Division	139	138
Western Division	396	405
Eastern Division	158	158
Out of State	24	21
Military	3	2
	720	724

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:

	1969	1970
First District	64	63
Clearwater Bar (Second District)	75	75
Third District	63	64
Boise Bar (Fourth District)	237	239
Fifth District	96	102
Sixth District	75	76
Seventh District	83	82
Out of State	24	21
Military	3	3
TOTALS	720	724

MR. JONES: Thank you, Maxine. With respect to the final portion of Maxine's report, we had a little deviation this past year when Miss Moon decided she no longer wanted to handle the money at all. The committee felt it was imperative that we set up actually as good if not a better system of accounting. As Maxine indicated, we have retained a firm of CPA's, and one of these gentlemen will work with us when we need him. So far it has not been necessary for us to use his services. He has given us a simple format to utilize. We find that we feel we have better control of what is going on, and for the information of any of the District President that are here or for any of the members, at any time you wish to see a run-down of where the finance is spent, Maxine keeps it on a monthly basis for the use of the committee, and she can furnish this information at any time to any of you. We have heard all of the reports filed. Are there any comments from the membership on any of the reports made?

MR. LYNCH: I have a report.

MR. BENOIT: I move that we accept the Executive Director's report and adopt it.

BERT LARSON: I will second it.

MR. JONES: All in favor of accepting the report of the Executive Director. All opposed. That motion will carry. Did you have something to say, Mr. Lynch?

MR. LYNCH: Yes, I do. Most of you are well aware of this court reform field and what has transpired in the last ten years as far as it is concerned. Over ten years ago a group of lawyers got together, and one of the first court reform committees was started. They started action to sponsor a court reform. After a lot of work, they finally got this court reform amendment to the Legislature and finally before the people for a vote in 1962 and passed by the people. Since that time there have been other amendments, and finally after a study of the lower courts we finally accomplished the consolidation of all the lower courts into this court reform. And then there also was a bill which established the

Administration of Courts office and the Judicial Council, which has worked ever since to get the judicial salary raised, which they have done very effectively. Now, the lower court reform will go into effect in January, 1971, I don't know the exact date. Now, in January, 1971, there is going to be a tremendous change, and it's no longer a matter of theory. It is going to happen. What I think the Bar is mostly interested in now, from this point on, is how it is actually going to affect you in your practice. I myself feel a little bit like the father of the bride must feel on the day of the wedding, that is, that he has brought the bride into this world, he has raised her, and he is paying for the whole show, and he does not have a damn thing to say about what's going on that day. Now, one of the promises we had to make to get this through the Legislature and through the Governor was that we would take the selection of the magistrates out of the hands of the Bar and out of the hands of the District Judges and have put it with a Magistrates Committee made up of one Senior Judge, the Chairman of the County Commissioners and one Mayor of that district appointed by the Governor. So at this time, in spite of all the Legislature sponsored and ramrodded to get it passed, on the surface of things we don't have a say in what transpires. So at this point, other than through your Senior District Judges, is really the only control we have. In spite of that, however, I think one other factor we fragmented is having it set up so each of the seven districts can meet their own particular problem. What it boils down to is that you still have a great deal of effect on this as lawyers, if you want to exert it as a member of the local committee which meets and talks with your local District Judges and the Magistrates Selection Committee. But here after ten years of work the problems are just really beginning because these committees are reporting back on many problems, such as appeals. And I personally know there are going to be a great many problems with this reorganization. The clerical work, who is going to be in charge of that? The space problem. In checking on housing, the lower court judges have a tremendous problem. Who is going to finance and supervise the personnel the local magistrates are going to need? For instance, we have a courthouse with four District Judges, full-time lawyer judges, who have a certain amount of court reporters and personnel. We have now, by this lower court reform, seven full-time attorneys that will be judges, and right now we don't have space for them. We don't know who is going to supervise the personnel. We have in our district a very active Bar committee which up to this point has been some help and assistance in approaching this problem. You're the people that are going to have to practice before the Court, and I think you should have a good committee to meet with the magistrate selection group and discuss the supervision of the personnel and the space problem and what should be done on the problems of appeals, because it is going to be you there practicing before that Court. Now, we had to make some compromises to get past the Governor; one was the Magistrate Selection Board, the other one was that we had to agree to funding the lower court through the funds in dollar intake or in fees, stating that we wouldn't ask for a larger program than we could reasonably expect to produce by income. I think maybe we could also help the

Supreme Court with these new rules for the lower court reform, that is if they want our advice. Another thing that we did accomplish, we got an increase in wages for the judges. Now this was done when many people felt it could not be done. And this was done by the aid of the Judicial Council, which was one of the things we brought into existence. As far as that is concerned, the credit should go primarily to Tom Miller and Watt Prather. They did most of the legislative work, but back of them was the Judicial Council. I think the Judicial Council has proved its worth in securing the substantial increase for the judges at a time when everyone said it couldn't be done. Also during the year we met with the Legislative Council Revision Committee. There were some changes of the Constitution that might not be on the ballot this Fall. At this point we don't know. In this court reform, though, we have seven different districts, and you can come up each with a different plan, a plan to suit your needs in your district, and no one in Boise is going to be out telling you what to do. You have to ramrod it within your own district. Now, the Judicial Council and the Legislative Committee will be called upon again to function if a substantial increase in appropriation is needed, and that we are certain of. This is going to take a lot of work in the future. Thank you.

MR. JONES: If I might make a few comments with respect to what Jim has said. Since the Judicial Legislative Committee and the Magistrates Committee have been meeting, I have checked with most of the local districts, and we find what Jim is saying is true. Most of us have not been asked to participate, but by the same token, there has been sufficient interest in each area to get ahold of various members of the committee and at least discuss informally who we felt should be considered or what qualifications they should attempt to obtain. I really feel while we don't have actual representation on the committee, that districts are assuming their responsibility in attempting to get the best possible men available for the job. Now Jim's path and my path did not cross during the time the judiciary salary increase was before the Legislature, but I can assure you that he is correct, that the Judicial Council was a moving force, and I can assure you that this is a fact because I did have a chance to participate. I drove to Boise a couple times and appeared at legislative hearings on behalf of the Bar to get the increase. Now, what we found was this, that due to the fact we do have laymen in the Judicial Council, that you can use this fact very effectively. We did bring them before the Legislature, and they stood up and very effectively urged greater salary increases. One gentleman, a little farmer from American Falls, was most beneficial. He stood up and said, I don't know too much about the judges, and I don't really care too much about the judges. In don't make much money in a year, but I can assure you they don't either, and they need more money, and I want you to know I think we ought to pay them more than they're asking for. And in about five minutes Ray carried the floor, so you can see this was a very effective tool. Now, to meet the problem of funding the new court system, I think we are going to be right back at the Judicial Council's door having them carry the ball in the Legislature. We are going to have to go back for more money, that's certain. I think it's ridiculous

to be tied to the amount of money we take in by fines, but Jim is right, that was the compromise we had to make. Now, with respect to salary increases and election of judges, I was present at the Judges' conference at which the District Judges did vote for the election. Frankly I was pleased that the twenty-three gentlemen that were there asking for an increase in salary felt that they were willing to take their chances in an election. They felt they were doing their job and felt that they would go to the Bar and public on the basis of the job they had been doing. They felt that the public at this time desired an election, and I feel they should be commended for their action. There are a lot of pros and cons in this area, and I am certain the Bar doesn't know which way we ought to go, but to me it was a very satisfying thing to see the action that the District Judges took on this particular problem. Ladies and gentlemen, before we go on with the meeting, let's take a break and get a cup of coffee.

(Reconvened.)

MR. JONES: At this time we will call the meeting back to order. Gentlemen, before we get down to the matter of resolutions, I think there are a couple of things that should be said. One item that did come up this past year that I am sure none of you, at least from Boise area on, is aware of, there was a litigation instituted in Coeur d'Alene in which one of your District Judges was named as a defendant. The charges were rather serious, and just the allegation was most cutting. Upon his request, the Bar Association furnished Judge Towles with counsel in his defense, and we had our new President, Gene Miller, handle it for the Bar. And as a result of pre-trial activity, Gene was successful in getting Judge Towles dismissed from the litigation. I felt that the Bar should be aware of this. We do owe an obligation to the protection of the integrity of the Court, and certainly when a man of Judge Towles' stature is placed under attack, it should be taken care of, and we did just that. Are there any other comments with respect to any committee reports we heard this morning?

(No response.)

There being nothing further in respect to the committee reports, I would like to turn the meeting over to Clark Gasser, who is Chairman of our Resolution Committee.

MR. GASSER: Gentlemen, the Resolution Committee met July 1 in the afternoon. We considered some ten proposed resolutions. Nine of them passed with committee consent and approval of all members of the Resolution Committee. We turned down one resolution that had to do with the code of professional responsibility. It was the feeling of the Bar President and the committee that further study by local districts and lawyers of the state was needed before the code of professional responsibility was adopted. The other nine resolutions were passed and approved by the committee. It is my privilege at this time to present to you for your consideration the following resolutions. First, as a little background, the University of Idaho Law School has received a grant in the nature of approximately \$9,000.00 to study and make the rules for pattern jury instructions. Pursuant to the consideration of that, this resolution was reported out of committee, and I present it to you.

RESOLUTION NO. 1

"Resolved: That the following resolution be sent to the Executive Secretary of the Idaho Bar Association for inclusion in the agenda for the 1970 annual meeting of the Idaho State Bar Association:

'Resolved: That the Board of Commissioners of the Idaho State Bar Association appoint a committee which shall, with assistance from the College of Law of the University of Idaho, study and draft proposed pattern jury instructions.'

I hereby certify that the foregoing resolution was duly adopted by the Clearwater Bar Association at its regular meeting held April 16, 1970.

Merlyn W. Clark, President
Clearwater Bar Association
(Second District)"

I now move for its adoption.

MR. JONES: Is there a second to that motion?

MR. DICK KADING: I will second that motion.

MR. JONES: Any discussion?

(No response.)

MR. JONES: The Chair rules that the resolution calling for study and adoption does not require a unit vote. All in favor signify by raising your right hand. Opposed. The resolution will carry.

MR. GASSER: The second resolution is as follows:

RESOLUTION NO. 2

"WHEREAS, the Second Regular Session of the Fortieth Idaho Legislature created the Legislative Council Committee on the Uniform Probate Code; and

WHEREAS, the bench and bar of this state have been given the opportunity to contribute to that study and to the eventual recommendations that will be submitted to the Legislative Council and to the First Regular Session of the Forty-first Idaho Legislature; and

WHEREAS, the Commissioners of the Idaho State Bar have appointed a committee to assist the Legislative Council Committee and the Idaho State Bar,

NOW, THEREFORE, BE IT RESOLVED, by the Idaho State Bar in convention assembled at Sun Valley, Idaho, on July 4, 1970, that the Idaho State Bar endorse and approve the study of the Uniform Probate Code, together with the existing laws of the State of Idaho, to the end that the laws of property and succession to property be made more workable, efficient, modern and economic; and

BE IT FURTHER RESOLVED, that the members of the Idaho State Bar, individually and collectively in their respective local bar associations, are urged to contribute their best efforts toward the perfection, finalization and enactment into law of the recommendations of the Legislative Council Committee on Uniform Probate Code."

I will move that this resolution be approved.

MR. CHARLES BLANTON: I will second that motion.

MR. JONES: It has been moved and seconded that this resolution be adopted. Is there any discussion?

(No response.)

MR. JONES: The Chair finds that the resolution does not call for a unit vote. All in favor signify by saying aye. Opposed. Resolution carries.

MR. GASSER: We have another resolution of the same nature. It reads as follows:

RESOLUTION NO. 3

"WHEREAS, the criminal laws of the state of Idaho were originally adopted in 1864 and have not been extensively revised since that time, and

WHEREAS, such criminal statutes of the state of Idaho are greatly in need of study, and

WHEREAS, the Legislature of the state of Idaho has directed the Legislative Council to conduct a study of Idaho's criminal laws and procedures, and a committee of the Legislative Council has been appointed and is making such a study with the assistance of William C. Roden, a member of the Idaho Bar Association.

NOW, THEREFORE, BE IT RESOLVED, by the Idaho State Bar Association, at the 1970 annual meeting thereof, that the Board of Commissioners of said association appoint a committee of not more than nine nor less than five members of the Idaho State Bar to engage in a study of the criminal statutes of the state and the proposals of the Legislative Council Committee on the Criminal Code, and assist the committee in its deliberations and make recommendations for the adoption of a new criminal code.

BE IT FURTHER RESOLVED that the Idaho State Bar Association be on record as in favor, as a matter of policy, of revision of the Idaho criminal laws to an end that they be more modern, just and workable." I move, Mr. President, that the resolution be passed.

MR. JONES: Do I hear a second?

MR. JACK HAWLEY: I will second it.

MR. JONES: Any discussion?

MR. BENOIT: I think it is controversial, but—

MR. JONES: This calling for a study, the unit rule is waived, and again simply all in favor please signify by saying aye. Opposed. (No response.) Resolution carries.

MR. GASSER: We have another resolution here submitted by the Idaho Prosecuting Attorneys Association. We considered it, and under our rule, two-thirds of all members agreed to consider the resolution, and we did and passed it. It reads as follows:

RESOLUTION NO. 4

"(Presented by the Idaho Prosecuting Attorneys Association)

WHEREAS the Attorney General of the State of Idaho is undertaking a study for possible enactment and adoption of a District Attorney system in Idaho to replace the present County Prosecuting Attorney system, and,

WHEREAS the Idaho Prosecuting Attorney Association has requested the Attorney General submit any proposals for a change in the present to that association, and,

WHEREAS the Idaho Bar Association will be affected by such changes, and has a vital interest in the administration of the law, now, therefore:

BE IT RESOLVED that any study made by the Attorney General, or his representatives, that would change the presently existing system and the use of Prosecuting Attorneys in each county, or that would possibly lead to the adoption of a District Attorney system, be submitted for review, consideration and amendment to the Idaho Bar Association prior to introduction of any legislation changing or altering the present system using Prosecuting Attorneys in each county.

Respectfully submitted,
IDAHO PROSECUTING
ATTORNEY ASSOC."

Mr. President, I move that that resolution be approved.

MR. JONES: Do I hear a second?

MR. ROBERT GILLESPIE: I will second it.

MR. JONES: It has been moved and seconded the resolution be adopted. Any discussion?

MR. EBERLE: You don't think it is a little presumptive of us to tell the Attorney General that he has to submit any proposal for a change in the present system? I suggest the resolution is out of order.

MR. ROBSON: Number one, the study is being conducted, and when we get through with the study we have to submit it to the federal government. I promised the Prosecuting Attorneys Association that we would submit it to them before final submission to the federal government and state. This is part of the uniform criminal program, and I am not sure just exactly what form it is going to take. We have firmed it up. It should be done by the first of September. Now, I don't mind submitting it to you, but I will tell you whether you approve or disapprove, it will be submitted to the federal government. I don't mind the resolution to submit the plan to the Prosecuting Attorneys and Bar for suggestion before it is finally submitted to the federal government. I was willing to do this voluntarily. So I don't care whether you pass the resolution or not.

MR. JONES: I might add to this, there is nothing in the resolution with respect that appears to be a demand to your office. We simply felt when we passed it, there have been a few things that have come up, and the Bar has plainly been forgotten about. And we felt, as a con-

sequence, we should go on record as requesting this. It was obviously handed to us by the Prosecuting Attorneys Association that met that morning, and they visited us and presented it to us.

MR. ROBSON: There is a Public Defender system in this also that I think you might be interested in.

MR. JONES: Is there any further discussion?
(No response.)

Again this resolution simply calls for a study, so no unit vote is necessary. All in favor signify by saying aye. Opposed. (No response.) The resolution carries.

MR. ROBSON: I would request that you set up a committee that I can submit this to. I am not going to send it to all of you. It costs too much money.

MR. GASSER: This is another resolution which reads as follows:

RESOLUTION NO. 5

"WHEREAS, the Idaho State Bar Association, by resolution duly passed at its July meeting in the year 1969, commanded the Board of Commissioners of the Idaho State Bar to study and draft changes in the rules of the Board of Commissioners of such Bar; and

WHEREAS, a special committee of members of such Bar appointed by said Commission has made a report of its study and draft of such changes in the rules of the Board of Commissioners; and

WHEREAS, such report, study, and draft of proposed changes in the rules of the Idaho State Bar Commission are deemed to be in the best interests of the Idaho State Bar as a whole;

NOW, THEREFORE:

BE IT RESOLVED by the Idaho State Bar in convention duly assembled at Sun Valley, Idaho, on July 4, 1970, that the rules of the Idaho State Bar be revised and amended to include therein Rules 101 through 177 of the Special Committee Report and all current rules in conflict therewith be repealed; further, that the statutory amendments to Title 3, Sections 301, 302, and 304 of the Idaho Code, as recommended by said Committee, be approved and the Commissioners of the Idaho State Bar charged with the duty to seek such amendments by legislative action." I move the resolution be adopted and approved by the Bar, Mr. President.

MR. JONES: Do I hear a second?

MR. JACK HAWLEY: I will second it.

MR. JONES: It has been moved and seconded that the resolution be adopted. Is there any discussion?

(No response.)

This again calls for a study, so the unit vote is not necessary. All in favor answer aye. All opposed. Resolution carries.

MR. GASSER: By resolution of the Bar last year, the Commissioners were instructed to revise our Idaho Bar rules. The committee was

appointed, and they have made their report. And we submit the following resolution to you.

RESOLUTION NO. 6

"WHEREAS, the Idaho State Legislature, at virtually every session, passes legislation of vital interest to the attorneys of this state, and

WHEREAS, the legislative committee of the Idaho State Bar Association as presently constituted is active only as to legislation proposed by the Association, and

WHEREAS, the Idaho State Bar Association, as an entity, takes no action as to legislation not specifically proposed by it, and for that reason legislation of vital interest to lawyers is considered by the legislators with no expression thereon by the organized Bar of this state,

NOW, THEREFORE, BE IT RESOLVED, that the Idaho State Bar Commission institute a survey of the Bar Commissions of sister states, to the end that a procedure be determined whereby a watch-dog committee of the Idaho State Bar Association study each bill introduced in each session of the Idaho Legislature, which will or might affect the interests of the attorneys of this State, and that appropriate action be taken to protect and/or promote those interests.

I hereby certify that the foregoing resolution was duly adopted by the Clearwater Bar Association at its regular meeting held June 18, 1970.

Merlyn W. Clark, President
Clearwater Bar Association
(Second District)"

I will move that this resolution be adopted.

MR. JACK HAWLEY: I will second that motion.

MR. JONES: It has been moved and seconded that the resolution be adopted. Is there any discussion?

(No response.)

The Chair rules that this resolution does deal with Bar policy, so the vote by unit rule will be in effect. I will call for a vote by districts. The First District, which has sixty-three votes to cast, do we have a representative of the First District present?

MR. HAMILTON: Yes, the First District casts sixty-three votes in favor of the resolution.

MR. JONES: The Clearwater Bar has seventy-five votes.

MR. WARE: Clearwater Bar votes yea.

MR. JONES: The Third District Bar.

MR. HIGER: The Third District votes yea.

MR. JONES: Boise Bar has two hundred and thirty-nine votes.

MR. BOB COPPLE: The Boise Bar votes yea.

MR. JONES: The Fifth District has one hundred and two votes.

(Voice not identified.) Fifth District votes yea.

MR. JONES: The Sixth District has seventy-six votes.

(Voice not identified.) Sixth District votes yea.

MR. JONES: The Seventh District has eighty-two votes.

(Voice not identified.) Seventh District votes yea.

MR. JONES: The resolution passes unanimously.

MR. GASSER: The three remaining resolutions are as follows:

RESOLUTION NO. 7

"BE IT RESOLVED that the members of the Idaho State Bar express their sincere appreciation to the Idaho First National Bank and Mutual of Omaha for their courtesy in hosting the coffee breaks on Thursday and Saturday and to the Bank of Idaho for its courtesy in hosting the social hour on Friday evening."

I move that resolution be adopted, Mr. President.

MR. BENOIT: I will second it.

MR. JONES: Any discussion?

(No response.)

All in favor signify by saying aye. All opposed. The resolution carries.

MR. GASSER: Resolution No. 8 is as follows:

RESOLUTION NO. 8

"BE IT RESOLVED that the members of the Idaho State Bar at the 1970 Annual Meeting extend to Dr. Edward H. Hamacher, Mr. David M. Harney, Mr. Louis F. Racine, Jr., Dr. G. E. Rosenheim, Mr. Carl F. Burke, Mr. Bernard D. Hirsh, Hon. James G. Towles, Mr. Edward E. Rice, Mr. Frank Ilett, Jr., Dr. Richard B. Gresham, Mr. Eugene H. Anderson, Dr. Quentin W. Mack, Mr. Richard S. Brown, and Mr. L. G. Sirhall our appreciation for their most interesting and highly informative addresses and honoring us with their presence at our annual meeting." We move this resolution be adopted.

(Resolution seconded, voice unidentified.)

MR. JONES: Any discussion?

(No response.)

All in favor signify by saying aye. All opposed. The resolution carries.

MR. GASSER: The last resolution is as follows:

RESOLUTION NO. 9

"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." And I will move for the adoption of this resolution, Mr. President.

MR. JACK HAWLEY: I will second it.

MR. JONES: It has been moved and seconded that the resolution

be passed. No unit rule being necessary on this, all in favor signify by saying aye. All opposed. The motion will carry.

MR. GASSER: The report of the Resolution Committee is now complete.

MR. BENOIT: May I be recognized?

MR. JONES: Yes, Mr. Benoit.

MR. BENOIT: Since the local Bar Associations did not see fit to approve the new code, I presume that the State of Idaho is going to be, as it was the forty-ninth to adopt the Uniform Commercial Code, will be the fiftieth to adopt the Professional Responsibility Code. I think it is a mistake. I found out from Ed Wright, the President-elect of the committee who formulated the code, a great deal about it, and I secured this information from him and forwarded it to Karl Jeppesen, who is Chairman, to study the Responsibility Code. I would like to move that Blaine Anderson and I be allowed to forward certain material to the Bar Secretary with instructions to forward it to each district president in the hopes that they may fully understand the new code. And perhaps next year at our meeting we can become the fiftieth state to accept it.

MR. JESS HAWLEY: I don't think it calls for a vote. That sounds to me like a statement.

MR. BENOIT: I will withdraw my motion, but I do seriously think that every local district ought to study it. I don't see why the State of Idaho is the only one not to adopt it.

MR. GASSER: This is the problem that we found. The lawyer locally has not had the opportunity to get into what was contained in this code of professional responsibility, and it has left a misunderstanding about that section. They felt they needed more time to find out what it was all about.

MR. JONES: If I might. In all respect to Mr. Anderson and Mr. Benoit, who I can assure you most effectively represented the State of Idaho at the ABA level, there is no question of what the new code is a tremendous improvement over the canon of ethics. But it is primarily a case of disciplinary rules which are contained therein. Frankly I came back from the last meeting, the Dallas meeting, where it was adopted, and felt that we could not accept it as it was written. Like anything else, we all nit pick, and there are some questions that need to be answered. In some real further study and intensive studying at the Commissioners' meeting, the Commissioners in attendance from the Jackrabbit states felt, and it was the consensus of this group, that there was some serious question in about five major areas that should be modified or omitted from the code, because it has no application to the State of Idaho or, as a matter of fact, to the other Jackrabbit states. And each of the Jackrabbit states, interesting enough, were in the same status with respect to the new code as we were. They were all going to submit it for adoption at their annual convention. Now, all but one have been held by this time. Every state went back with the same recommendation

that we do study it, that we get together within the five of us, make the necessary modifications that we do feel are needed. There are a few modifications needed in this. Now, at the time of the June meeting there were twenty-two states that had adopted it. There was something like nine or eleven states where the Bar had approved it, and it is now pending approval of the Supreme Court in that group. Only one state that was close to us, the State of Colorado, had passed the code. So we felt that it has taken five years to promulgate it, but one more year in the State of Idaho was not going to make that much difference if our association would adopt the new, revised rules of our Bar as we have just gone through this morning. We feel that these rules are such as that we can now, much more effectively, administer the discipline within our group, and I am sure that Mr. Thomas and Mr. Miller are aware of this problem, as far as this modification is concerned. And I feel sure, Mr. Benoit, when it comes back next year it will be passed.

There being no further resolutions to come to the floor, I think at this time it would be proper to introduce a couple of young ladies that just walked in. Mrs. Ann Ryan, Mrs. C. J. Hamilton and Mrs. Ilene Jones. Now, before turning this meeting over to Mr. Miller, I want to make a few general comments, if I might. The reports you heard this morning I thought were well done, and it indicates that we do have a tremendous number of attorneys who are always in our background and who do an effective job of backing up the Commissioners. I want to personally thank the members of all the committees who, in my instance, have not had a lot to do in this particular year, but when called upon did do a most effective job for us. Now, the committee on insurance, which was a real problem to all of us because it hurts our pocketbook, we had been contacted by Mutual of Omaha that the rates are going to have to go up. We wanted to be certain in our own mind that we do have at least the best program at the least cost and that it was competitive. We have found out that we do have the best program. Now, whether or not you choose to remain in the program is your individual choice, and I have been advised that there will be submitted to each of you a program, a summary of some of the things said in Jim's letter. And also as far as OEO is concerned, this past year the Bar policy has been from a state level that we do not approve or disapprove of OEO or any of their functions. If a District Bar wishes to utilize OEO, we will leave that within the district's discretion, and if it is given an endorsement, that endorsement is for that district only. And that is the way we are going to continue to handle it. We do have one problem, the OEO wants to utilize in the State of Idaho individuals who are law graduates of various universities to practice in minor courts. Now, it is the opinion of the Commissioners that we are just not sure, well, we're not satisfied that there is that need in Idaho. It has not been established to our satisfaction that this need is present, and until it is, we do not choose to go into this problem. The Supreme Court in effect has asked us to show cause why we are not willing to accept this. It will take time to study it, and we are not going to accept it if it is not of necessity. And we just are not convinced yet in the State of Idaho that it is. And now again, this is at state level. We feel that in our opinion that if the districts want

to go this route, that is within the district's right. I thought Twin Falls, the Fifth District, I think they've just adopted a beautiful plan for the use of OEO. I think it's one of the finest I have ever seen. I think they have as close to a perfect plan as far as the control of the program is concerned that can be obtained. Now, if any of the districts are interested in this, I would suggest they get ahold of Mr. Kent Church, who is President of the Fifth District, and see what they have done, if you're considering it. I think they have a real effective plan and the best possible way of controlling the program. Now, Mr. Sam Kaufman's letter also gives us a chuckle as it points out one of the real serious problems we have with the Legislature meeting every year. We have the problem in attempting to formalize and advise the Legislature of what Bar policy is. Now, the reason that the third portion of our rules have not been changed is we hope to be able to change it into something that will give us assistance in the Legislature. We have found indications from other states that there is only one way which you have effective representation, and it's the word lobby. In the five states in the Jackrabbitt group, all of them except us actually have lobbyists, and three or four have paid lobbyists. Yet these states are no larger than us. And of course we realize that our big problem that we have that they don't have is that the Legislature meets semi-annually, or every other year, as opposed to an annual session which we have in Idaho. I don't know what the answer is. I don't know what the committee will be able to come up with, but I don't know any broader shoulders to put it on than Mr. Thomas and Mr. Miller's. With respect to Probate Committee, I think that everything that we could have done has been done as far as formulating new legislation. Any of you who have seen the new probate code realize that the Bar itself couldn't expect the attorneys of this state to prepare something like this without cost or reimbursement. The Bar was obviously awaiting approval of the ABA Uniform Probate Code. It did not come out until this past year. Now that it's out there is a very serious question in many of the attorneys' minds. In fact, Chuck Blanton has done a tremendous study, along with the others members of the committee, and I am certain that a very good proposal will come out of there to go to the Legislature. But let me say, in respect to the probate code, I think that every district owes it to themselves professionally and to the public to get a committee working on this code and get your recommendations to your committee members. We have a member in each of the districts, and if you can't get to them, give Chuck your thoughts if you will. Mr. Peterson is another gentleman working with Chuck. It was supposed to go to the Legislature this next session, but I don't believe at this time that it's contemplated by the group that any worthwhile product can be submitted at this time. That is not to say that the product may not be submitted, but I will assure you that our committee will do everything we can to protect the attorneys and the public in this particular area. There is just something I would like to say to our committee in respect to the probate code. If you have an opportunity to look at probate courts, not in the western states but in the eastern states, and then look at the Uniform Code, I think you will find that our code, at least in my mind, is a lot better than many things

provided in the Uniform Code. I think there are a lot of things we can adopt from the Uniform Code, but to say our system is bad, I don't believe that's true. The last thing I would like to say is to thank the Rules Committee, Mr. Hal Ryan, Mr. Vern Kidwell, Mr. Jerry Smith, who worked, along with the three Commissioners. We put in an awful lot of time on it, and I think it's a good product, and we certainly appreciate that you thought it was, too. It has been a long year, and I must say I have enjoyed it, and I approach this moment with mixed emotions. I thank you for all of your help and support, and it is my pleasure to introduce your new Commissioner from my district, Mr. John M. Sharp. And I will turn this meeting over to your new President, Eugene Miller.

MR. MILLER: At this time I will call this meeting to an end.

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