

UTAH STATE BAR  
BOARD OF BAR COMMISSIONERS  
MINUTES

JULY 16, 2008  
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SUN VALLEY, IDAHO

**Present:** President V. Lowry Snow and Commissioners: Nathan Alder, Steven R. Burt, Christian Clinger, Yvette [f/k/a Diaz] Donosso, James D. Gilson, May Kay Griffin, Rob L. Jeffs, Curtis M. Jensen, Felshaw King, Lori W. Nelson, Herm Olsen, Stephen W. Owens, Scott R. Sabey, Rodney G. Snow, and Rusty Vetter. Ex-Officio Members: Gus Chin, Julie Eriksson, Eve Furse, Paul T. Moxley and Stephanie W. Pugsley. Executive Director John C. Baldwin and General Counsel Katherine A. Fox. Supreme Court Liaison Marilyn (Matty) Branch.

**Also in Attendance:** Jim Backman (BYU)

**Excused:** Ex-Officio Members: Simón Cantarero, Hiram E. Chodosh, Charlotte L. Miller and Kevin Worthen.

**Minutes:**

**NEW ITEM:**

Scott Sabey reported on the recent Judicial Council meeting. Effective next year, a new bill has incorporated justice courts into the courts of record system. Scheduling for the conversion of these court records has yet to occur and the completion date is targeted for 2011. He reported that issues have arisen since the state has adopted a 4 day, 10 hour workweek, e.g., it interferes with the holiday schedule, and the appropriate entities are working to address these issues. He concluded his report by stating that three names are currently being discussed for appointment to the new Judicial Performance Committee.

**NEW ITEM:**

Lowry distributed a new handout entitled "Board Responsibilities" and asked everyone to please review it.

# **1. PRESIDENT'S REPORT**

## **1.1 Welcome and Review Schedule**

Lowry Snow welcomed the new members of the Commission and John Baldwin reviewed the convention's scheduled events and activities.

## **1.2 Report on Arizona & Jackrabbit Bar Conventions**

Lowry praised Connie Howard and Paul Moxley for their efforts in planning and executing an excellent Jackrabbit Convention. Steve Owens added that the CLE was excellent.

Lowry also reported on the Arizona Bar Convention and said that there were approximately 1,000 attendees. He said that Arizona's CLE presentations are intensive because they devote a three hour block to one topic in contrast to our convention format. Arizona also allows attendees to pay for individual days rather than paying for the entire convention and, he continued, scholarship funds are available by application for Leadership Enrollment which helps attract young lawyers to leadership roles. While attending the convention, Lowry received a Arizona mentoring recruitment pamphlet with a packet with instructions for setting up a law practice as well as how to close one down. These materials are available through John Baldwin for those interested.

## **1.3 Report on Meeting with Blomquist Hale**

Lowry reported that John and he recently met with Dr. Hale to renegotiate our contracted base rate. Historically, our utilization rate has been between 2-4% and great efforts have been made to increase current utilization to 4-5% by publicizing the program through individual mailings and other means. We still, however, have not reached a 6% usage rate. Blomquist did not respond favorably to our request to reduce the rates. They believe their pricing is based on a 4% utilization rate, not a 6% rate. Lowry further reported that we currently spend \$9,000 a month for this service. John added that \$78-\$160 is the average cost per usage hour depending on the number of individuals accessing this service. Lowry believes that we have arrived at an impasse with Blomquist because they are unwilling to reduce their rates unless utilization falls below 4%. Lowry believes that making this resource available is important, regardless of usage.

In response to Herm's questions, Lowry responded that we have three options: (1) put the service out for a RFP; (2) wind down the program and move funding to LHL; or (3) not offer these types of services. Rusty Vetter opined that a fixed term has its advantages. He further said that now that we have more experience in this area, we can tighten up our expectations of the type of service we receive. He continued that there may be other providers out there who are willing to offer a competitive service or better. Steve Burt asked if the Commission's larger concern was cost or service. Lowry replied that is was the value of the service we receive for the dollars we pay. Julie Eriksson asked how many lawyers really understand this benefit because she has never received any information

about this service. Lowry said that unless a motion is made, we will proceed status quo on our month to month contract. However, he did emphasize the importance of an ongoing effort being made to advertise this benefit. **Rob Jeffs moved to “tighten up” the current contract along lines of discussion (including increased advertising and service parameters) and to continue our relationship with Blomquist if they agree to reduce the costs if utilization drops below 4% and further, to continue funding LHL as long as they do not duplicate Blomquist services. Christian Clinger seconded the motion which passed unopposed.**

#### **1.4 Review Survey on Bar Governance**

Lowry noted that very few Commissioners responded to the Bar governance survey and but pointed out areas of concern despite the low response. John explained that the survey was conducted upon the suggestion of Grant Thornton. A number of Commissioners expressed confusion over the question format. Lori Nelson suggested modifying the questions then conduct the survey again. John asked that revisions to the survey be submitted via e-mail to him and the process will be repeated.

#### **1.5 Request for Creation of New Section**

Lowry reported that he had received a proposal to form a new Communications Section. We currently have two sections (Cyberlaw and Technology) which are related to the proposed section. However, the proposed section’s purpose is much more narrow in these areas. A general short discussion ensued. John said that a vote cannot be held on this proposal because he has not received the required signed petition for creation of this section. He further observed that he is concerned that we are carrying over \$250,00 for sections that either not spending it and/or are not active. **This item was postponed.**

## **2. ACTION ITEMS**

### **2.1 Mentoring Program and Petition**

Rod conducted a short powerpoint presentation outlining the proposed program and distributed a revised New Lawyer Training Program Manual. Discussion ensued. John said that the program will pay for itself and a new program director will administer the program. However, he continued, he and Connie will stay heavily involved, particularly at the beginning stages. Steve reminded everyone that the financing for this program was voted upon and approved at the last meeting. **Lori moved to adopt the New Lawyer Training Program and authorized a petition to be filed. Nate Alder seconded the motion which passed unopposed.**

### **2.2 Adopt 2008-2009 Commission Priorities**

Nate and John explained the rankings and other details of Commission priorities as found behind Tab 4. Nate said that we need to focus on the top tier priorities because we cannot

do it all and that the second tier of priorities can be developed over time. Discussion ensued. Rob opined that there is an inherent problem with the survey. He explained, by example, that because we do an excellent job with Government Relations it should not be construed as a true “concern”. Nate responded that the survey is more like a “pulse reading” on what is important. John noted that the malpractice insurance issue is not truly “ripe” yet for near future action because we still need the results from this year’s licensing survey.

### **2.3 Process for Annual Executive Director Evaluation**

Rob Jeffs reported that a recommendation from his committee was to formalize the process for the annual evaluation of the Executive Director. The proposed evaluation process was heavily adopted from Idaho’s procedures but the timeline was restructured to fit our fiscal year. He explained selected details such as the President and President-elect will meet with the Executive Director periodically throughout the year to review goals and objectives. He further stated that Bar staff will now be involved in the evaluation. He pointed out a typo in the timeline, paragraph 2 which reads “..with the May Bar Convention Meeting”, “Bar Convention” should be changed to “Commission Meeting”. Lowry believes this to be a good policy. In response to Gus’ question, the Executive Director’s contract is reviewed on an annual basis rather than a multiyear basis. **Rod Snow moved to approve the new policy. Nate Alder seconded the motion which passed unopposed.**

### **2.4 Staffing Review and Budget Amendment**

John expressed some concerns about staff relating to their increased responsibilities. To alleviate this burden, we need additional help in: (1) technology; and (2) member benefits. Brooke Sidle currently splits her time between CLE, group benefits and technology. By hiring a Public Services and Member Benefits Coordinator, this will allow Brooke to work solely with Lincoln Mead on technology. John further said that the new staff member will work under Connie Howard and will receive a salary of approximately \$36,000 including benefits. **Lori moved to approve the hiring of a Public Services & Member Benefits Coordinator. Mary Kay Griffin seconded the motion which passed unopposed.**

## **3. COMMISSION REORGANIZATION**

### **3.1 Appoint New Commissioner to One Year Term**

Jim Gilson excused himself for this part of the discussion. Nate said that he felt as though he should honor the vote of the members so that is why he approached Jim and Sue Chon to fill his Commissioner vacancy since they received the next highest number of votes in the election. He contemplated that Jim could oversee the upcoming OPC review since he

has had experience with OPC and that he has particular talents as a former federal prosecutor. John explained Rule 14-205 which outlines the three ways to fill a commission vacancy as follows: (1) filled during the next annual election; (2) hold a special election; or (3) the Commission can appoint a new commissioner from among Bar members. However, he continued, Nate needed to resign his position to create a vacancy which they could be filled. **Nate tendered resignation of his Commission seat and moved to nominate Jim Gilson to fill the last year of his term. Steve Owens seconded the motion which passed.** Nate suggested amending the Bylaws to address the issue of a newly elected President who also holds a division seat and to have the division seat automatically vacated once the new President takes office. **Steve Owens moved to authorize a petition to be filed to amend the Bylaws. Christian Clinger seconded the motion which passed unopposed.**

### **3.2 Welcome New Commissioners**

### **3.3 Appoint *Ex Officio* Members**

Our *ex officio* members currently include the Deans from the two law schools, the past Commission president, an ABA representative, an ABA delegate, and representatives from the Young Lawyer Division, Minority Bar, Women Lawyers and the Paralegal Division. John reminded everyone that this list can be added to or deleted from. **Lowry moved to approve the *ex officio* members as slated. Lori seconded the motion which passed unopposed.**

### **3.4 Approve Executive Committee**

**Nate moved to appoint Steve Owens, John Baldwin, Rob Jeffs, Lori Nelson and Christian Clinger to the Executive Committee. Yvette Donosso seconded the motion which passed.**

### **3.5 Adopt Resolution on Bank Signatures**

**Nate moved to approve those authorized to sign Bar checks. Lori seconded the motion which passed unopposed.**

### **3.6 Discuss Commission Liaisons**

Deferred until vote via e-mail; Nate will send out e-mail when list is finalized.

### **3.7 Sign Conflict of Interest Disclosure**

Lowry asked all Commissioners to sign, date and return the Conflict of Interest Disclosure found behind Tab 7.

**3.8 Review Calendar of 2008-09 Commission Meetings**

Nate said that the August 22, 2008 meeting will be moved to September 12, 2008. He also suggested holding the April meeting in Ogden. The details of this will be discussed during a future Executive meeting.

**4. RECOGNIZE RETIRING COMMISSIONERS**

**5. EXECUTIVE SESSION**

**6. CONSENT AGENDA**

By policy, the May 30, 2008 minutes are approved without amendment (Tab 9).  
By policy, the amendments to the Senior Bar Section By-laws to permit membership at 55 are approved without amendment (Tab 9).

**MEETING ADJOURNED AT 4:35 P.M.**

**NEW HANDOUTS DISTRIBUTED DURING MEETING:**

- (1) Handout entitled "Board Responsibilities"
- (2) Appreciation letter from the Young Lawyers Division
- (3) Revised New Lawyer Training Program Manual