

**UTAH STATE BAR
BOARD OF BAR COMMISSIONERS
MINUTES**

January 28, 2022 at 9 a.m.

ZOOM MEETING

In Attendance: President-Elect Kristin “Katie” Woods, and Commissioners John Bradley, Traci Gunderson, Rick Hoffman, Chrystal Mancuso-Smith, Marty Moore, Mark Morris, Andrew Morse, Shawn Newell, Michelle Quist, and Tyler Young.

Ex-Officio Members: Nate Alder, Erik Christiansen, Kim Cordova, Beth Kennedy (for Kim Neville), Grant Miller, Camila Moreno, Tonya Wright, and Nick Stiles.

Not in Attendance: President Heather Thuet, Commissioner Greg Hoole, Past-President Heather Farnsworth, Ex Officio members Margaret Plane, and Brandon J. Mark, Dean Gordon Smith, and Dean Elizabeth Kronk-Warner, J. Ramzi Hamady,

Also in Attendance: Executive Director Elizabeth A. Wright, General Counsel Nancy J. Sylvester, and Maribeth LeHoux.

Minutes:

Ms. Woods called the meeting to order at 9:03 a.m.

1. President's Report: Katie Woods.

1.1 Report on Meeting with Governor Cox. Ms. Woods reported on the meeting with Governor Cox. She reported that it went well and noted that she had made a pitch about ideas on how to better serve rural areas. The Commission then discussed the Appellate Court Nominating [Commission](#) and the two vacancies now on the Supreme Court (Justice Himonas and Justice Lee).

1.2 2022 Spring Convention will be Remote. Ms. Woods reported that the Spring Convention would be remote due to the high amount of COVID cases in Utah. The Dixie Convention Center moved the Bar’s deposit to next year. Ms. Woods noted that remote events tend to be more profitable, but there is a missed opportunity with networking when events are remote.

1.3 2022 Summer Convention - Coronado Room Reservations Reminder. The Commission discussed the summer convention in San Diego, including the question of where the 2023 convention would reside. The Commission had a discussion about keeping the convention in Utah versus going to Sun Valley, for example. Ms. Wright noted that the Court has instructed the Bar that the convention must pay for itself and licensee fees cannot be used to pay for it.

1.4 Bar Elections Information – Petitions Due February 1. Ms. Wright noted that the Second District position is open (John Bradley) and John Bradley has resubmitted a petition. Two Third District positions are open (Heather Thuet and Michelle Quist). Ms. Wright noted that Beth Kennedy and Cara Tangaro have submitted petitions. Fifth District also has an opening and Ms. Woods noted that a practitioner in St. George has expressed interest and would be submitting a petition.

2. Action Items

2.1 Nominate Bar President-Elect Candidate (Tab 1, Page 3). Ms. Woods nominated Erik Christiansen as president-elect. Marty Moore seconded. Mr. Christiansen explained why he was interested in the opportunity, underscoring his interest and work in public service and in making an impact on the community. The nomination carried.

2.2 Approval of UPL Action in District Court: Maribeth LeHoux, Chair, UPL Committee and Nancy Sylvester (Tab 2, Page 7). Ms. LeHoux and Ms. Sylvester presented the Unauthorized Practice of Law Committee’s recommendation to initiate formal action against David Zaplana for his multiple years of UPL, including after signing a cease and desist agreement. Ms. Quist moved to approve the initiation of formal action against Mr. Zaplana. Mr. Morse seconded. The motion carried.

2.3 Select Dorathy Merrill Brothers Award Recipient: Katie Woods (Tab 3, Page 49). Ms. Woods presented the two recommended nominees for this award: Jessica Andrew and Lori Nelson. The commission discussed the two nominees’ qualifications. Following further discussion, a majority of the Commission voted in favor of Jessica Andrew receiving the award.

2.4 Select Raymond Uno Award Recipient: Katie Woods (Tab 4, Page 53). Ms. Woods presented the two recommended nominees: Abby Dizon-Maughan and Ross I. Romero. The commission discussed the two nominees’ qualifications. The Commission voted in favor of Ross Romero receiving the award.

2.5 Appoint Judge Patrick Corum Modest Means Committee Co-chair. Ms. Wright explained that the Modest Means Committee had requested the appointment of Judge

Patrick Corum as chair. She noted Judge Su Chon's longevity as the chair and that she and Judge David Williams were cycling off as co-chairs. Ms. Thuet also nominated Judge Anne Marie McIff Allen as the co-chair after the materials had circulated. Ms. Wright and Mr. Stiles explained that the Modest Means program offers litigants lawyers who will charge a lower rate in civil cases. Mr. Alder noted his experience working with Judge McIff Allen, as did Katie Woods. The Commission discussed the importance of having a 5th District Judge involved in this effort. Mr. Moore moved to approve the two co-chairs. Ms. Woods seconded. The motion carried.

2.6 Approve Leadership Academy Class for 2022 (Tab 5, Page 60). Ms. Woods presented the Leadership Academy to the Commission. Mr. Moore moved to approve the class presented in the materials. Ms. Quist seconded. The motion carried.

3. Information Items

3.1 Disbarred Attorney Calvin Curtis and Fund for Client Protection: Elizabeth Wright. Ms. Wright noted that there is a 1-year statute of limitations from disbarment on claims against Mr. Curtis. This may end up resulting in payments, rather than lump sums, to the Calvin Curtis victims, and the process could take years. The purpose of the program is to reimburse for theft. In response to a question from the Commission, Ms. Wright noted that recovery from the fund is limited by clients' recoveries from other sources. The Commission then discussed requiring malpractice for attorneys, both the pros and the cons. LicensedLaywer.org requires an attorney to declare whether they have malpractice insurance. Mr. Alder noted that Oregon is the standard in the west; it has created its own malpractice insurance program.

3.2 Judicial Intern Opportunity Program (JIOP): Erik Christiansen. Mr. Christiansen updated the Commission on the status of the program. The purpose of the program is to bring in interns from historically marginalized communities to intern with Utah's judges, the ultimate goal of which is to encourage participants to consider working in Utah after law school and thereby promote diversity in Utah's legal community. Fourteen Utah judges have signed up to host interns. Twenty lawyers have volunteered to screen the applicants.

4. Additional Discussion

Mr. Moore raised the idea of making the unauthorized practice of law a criminal offense. Mr. Moore also raised the question of why an evidence course isn't required to graduate law school in Utah.

Ms. Woods said she would follow up the meeting with an email about two issues:

- Input on what commissioners would like to see on the survey to Bar membership; and

- What next year looks like in terms of in-person vs. remote meetings.

4. Executive Session

No executive session was held.

5. Adjournment

The meeting adjourned at 10:40 a.m.

CONSENT AGENDA (Tab 6, Page 62)

(Approved without discussion by policy because no objection was raised.)

1. Approve Minutes of November 18, 2021 Commission Meeting
2. Approve Minutes of December 29, 2021 Commission Meeting