

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

**October 15, 2021**

**ZOOM MEETING**

**In Attendance:** President Heather Thuet and President-elect Kristin “Katie” Woods.  
Commissioners: John Bradley, Traci Gunderson, Greg Hoole, Marty Moore, Andrew Morse, Shawn Newell, Michelle Quist.

**Ex-Officio Members:** Past-President Heather Farnsworth, Nate Alder, Erik Christiansen, Kim Cordova, Beth Kennedy (for Kim Neville), Brandon J. Mark, Grant Miller, Camila Moreno (via Zoom), and Tonya Wright.

**Not in Attendance:** Commissioners Rick Hoffman, Chrystal Mancuso-Smith, Mark Morris, and Tyler Young. Ex-Officio Members Ramzi Hamady, Margaret Plane, Dean Elizabeth Kronk-Warner, and Dean Gordon Smith.

**Also in Attendance:** Executive Director Elizabeth A. Wright, General Counsel Nancy J. Sylvester, and Supreme Court Liaison Nick Stiles.

**Minutes:**

**1. President’s Welcome and Report: Heather Thuet.** The meeting commenced at 9:00 a.m. Ms. Thuet welcomed Commission members and guests to the meeting. She then provided an update on the following with assistance from Katie Woods.

**1.1 Admissions Ceremony.** Ms. Thuet reported that the Admissions Ceremony will be held October 19<sup>th</sup> at 12 p.m.

**1.2 Lawyer-Legislator Breakfast.** Ms. Thuet reported that the Lawyer-Legislator Breakfast will be held November 17<sup>th</sup> at 7:30 a.m. at the Capitol Building.

**1.3 Jackrabbit Bar Meeting Report: Katie Woods.** Ms. Woods reported on the event, which was held in Idaho Falls. She said Bar presidents and executive directors from the Montana, Idaho, Utah, North and South Dakota, Nevada, and Wyoming Bars

attended. They shared strategies about Bar operations, *Keller* litigation, and member services.

**1.4 Northwestern Bars Meeting Report: Katie Woods.** Ms. Woods reported on the event. She said Bar presidents and executive directors from the Oregon, Washington, Montana, Idaho, Utah, Nevada, and Wyoming Bars attended. She noted that all experiencing challenges like Utah. These states all have large metropolitan areas that are surrounded by large swaths of rural areas. Ms. Woods noted that she was able to swap ideas on services, reaching rural lawyers, and *Keller* litigation. Ms. Woods related that Montana is experiencing some constitutional issues. Montana has elected judges and the legislature got rid of the ability of the governor to appoint a judge when a vacancy arises mid-term. Ms. Woods said that there were some issues with the release of documents from the courts and the state's attorney general refusing to comply with a subpoena.

**1.5 Report on Meeting with the Supreme Court: Heather Thuet.** Ms. Thuet reported on a recent meeting with the Supreme Court. She said that the courts are happy to have the support of the Bar, particularly on a push for judicial salary increases.

## **2. Information Items**

**2.1 Reimagining the Bar Committee: Katie Woods.** Ms. Woods reported that the Reimagining the Bar Committee has been tasked with coming up with better services for Bar licensees. The committee has met four times since the August retreat. The committee requested funding for a survey to ask licensees about what kind of services they would like to see from the Bar. Ms. Woods said she'd like to see the survey tailored in part to rural lawyers. She noted that the lowest estimate was from a company called Redirect, with which the Bar has worked previously on another survey. The committee requested \$20,000 from PPP money. Ms. Woods noted that the amount is the ceiling and it is expected to cost less. She said the amount includes incentives for completing the survey.

Ms. Quist discussed including a question about opting out of services in exchange for lower fees. Mr. Alder, Mr. Christiansen, Ms. Sylvester, and Ms. Wright expressed concerns about including the question because that question does not take into account that the Bar is integrated rather than a voluntary association and that there are many benefits from having an integrated Bar. Mr. Alder and Mr. Christiansen opined that the lawsuits against Bars around the country are intended to weaken the power of lawyers and the judiciary. The noted that the Bar is about who will lead the legal profession.

The discussion then turned to how to increase participation and from whom the Commission would most like to hear. Ms. Kennedy observed that Women Lawyers of Utah had just done a survey and incentives are helpful. Ms. Woods noted that she plans to send a personal email to the licensees in her division and asked that the other commissioners do the same. Ms. Moreno said she was very interested in targeting young lawyers since young lawyers are not as involved in the Bar as those in the older generations.

Ms. Thuet inquired into whether the survey could be run by one of the law schools. Ms. Woods observed that the survey is for market research and would not belong to the Bar if a university took it on. Ms. Wright agreed, noting that universities, to justify a survey, must then use the data for academic research and the purpose of the Bar's survey was just to determine its own market needs.

Ms. Woods noted that the Commission members would be involved in formulating questions for the survey, which will include inquiries such as the types of services licensees use, the ones they never use, and the services they would like to see offered.

Ms. Quist moved to approve the request; Mr. Moore seconded. The motion carried with dissents by Ms. Thuet and Mr. Hoole.

### **3. Discussion Items**

**3.1 West High Mock Trial Funding Request.** The Mock Trial team made a funding request for their team to go to competitions. Ms. Wright noted that Law Related Education, which is a tenant at the Bar, is also financially supported by the Bar. She said it already provides financial support to mock trial teams. Commission members expressed discomfort with funding only one team. Ms. Woods moved to approve continuing to provide funding to Law Related Education, rather than to specific teams. Mr. Moore seconded. The motion carried.

**3.2 Pro Bono CLE Credit and License Fees: Heather Thuet.** Ms. Thuet noted that a licensee had requested CLE credit for regularly providing pro bono service. Ms. Sylvester reported that a rule request has already gone to the MCLE Board from the Judicial Council's Standing Committee on Resources for Self-represented Parties. The MCLE Board had tentatively approved the proposal for recommendation to the Supreme Court. The proposal would allow up to two hours of CLE credit per year for pro bono work. Five billable hours of pro bono work would equate to one CLE credit hour.

#### 4. Action Items

4.1 **Approve Fall Forum Co-Chairs.** The Commission proposed that Michael Stahler and Judge Su Chon be appointed the Fall Forum Co-Chairs. Ms. Thuet moved; Mr. Morse seconded. The motion carried.

4.2 **Approve Summer Convention Co-Chairs.** The Commission proposed that Beth Kennedy and Judge Laura Scott be appointed the Fall Forum Co-Chairs. Ms. Thuet moved; Mr. Morse seconded. The motion carried.

4.3 **Select Award Recipients.** Ms. Quist proposed that the following attorneys receive the following awards based on nominations the Commission received.

A. **Mentoring Awards:** Ann Marie (“Annie”) Taliaferro, Ed Wall, Kent B. Scott.

B. **Professionalism Award:** Juliette White.

C. **Community Member Award:** Bertie Kee-Lopez.

Mr. Moore Moved; Mr. Morse seconded. The motion carried.

4.4 **6th District Judicial Nominating Commission.** The Commission approved sending the following names to the Governor for the two vacancies on the Sixth District Judicial Nominating Commission: Chad Funk (Republican), Casey Jewkes (Republican), Douglas L. Neeley (Independent), and JoHanna Williams (Republican). Ms. Woods moved; Mr. Bradley seconded. The motion carried.

4.5 **Section Policies & Procedures Amendments: Nancy Sylvester.** The Commission discussed proposed amendments to its policy on legislative positions. The amendments provide that Bar sections may not take official positions on substantive legislation except to the extent that the legislation affects the practice of law or the administration of justice as provided in *Keller v. State Bar of California*, 496 U.S. 1 (1990), and the Commission has taken a position. See *McDonald et al v. Longley*, No. 20-50448 (5th Cir. 2021) (discussing both germane and non-germane legislative activities of the Texas State Bar). Section members may still present organized feedback on legislation but may not state or imply that the feedback is the section’s official position.

Mr. Moore moved to approve the proposal. Ms. Woods seconded. The motion carried.

**CONSENT AGENDA (Tab 5, Page 61).** The Commission approved the following items by consent:

1. **Minutes of August 26, 2021 Commission Meeting;**

2. **Legal Services Corporation Appointments;**

3. **Amendments to YLD Bylaws;**

4. **Recommend Paralegal Division Rule Amendments to the Utah Supreme Court.**  
Ms. Sylvester noted during the meeting that the proposal should be amended to add that LPP's pay a fee to join the division, just as attorneys pay a fee to join a section.

9. **Executive Session.** No executive session was held.

11. **Adjourn.** The Bar Commission meeting adjourned at 10:45 a.m.