

UTAH STATE BAR
BOARD OF BAR COMMISSIONERS
MINUTES

MARCH 13, 2014

UTAH LAW AND JUSTICE CENTER

- In Attendance:** President Curtis M Jensen; President-elect James D. Gilson; Commissioners: Steven Burt, H. Dickson Burton, Kenyon Dove, Hon. Evelyn Furse, Susanne Gustin, Michael Leavitt, Janise Macanas, John Lund, Herm Olsen, Rob Rice, Tom Seiler, and Angelina Tsu.
- Ex-Officio Members:** Dean Robert Alder, Nate Alder, Margaret Plane, Heather Farnsworth, Jesse Nix, Gabe White; Executive Director John C. Baldwin; Supreme Court Liaison Tim Shea.
- Not in Attendance:** Commissioners: Mary Kay Griffin; Ex-Officio Members: Lori Nelson, Lawrence Stevens, and Dean James Rasband; Assistant Executive Director Richard Dibblee; General Counsel Katherine A. Fox
- Also in Attendance:** Sean Toomey, Utah State Bar Communications Director

Minutes:

1. President's Report: Curtis Jensen

1.1 Review Spring Convention Schedule and Calendar

Curtis asked John Baldwin to review the start times and events for the Spring Convention. Curtis then reviewed the calendar of events including the next Commission meetings, Admissions Ceremony, and Summer Convention. John Baldwin indicated that the Commission will be meeting with the Past Bar Presidents at a special luncheon following the April 25th Commission Meeting.

1.2 Report on National Conference of Bar Presidents

Jim Gilson reported on seminar sessions he attended including discussions regarding the future of the practice of law and law student expectations. He mentioned the variety of topics reviewed in the several sessions and the many discussion of legal education reform, matching unmet legal needs with available legal talent, and on professionalism. Curtis then showed a video which was produced by the American Bar Association regarding the future of the practice and the job market and what bars, law firms, and law schools could do to recognize changes in the market and the need for better preparation in dealing with client expectations and technology.

Curtis then reviewed his recent survey of Utah Bar members who graduated from law school within the last five years which asked about whether or not their expectations regarding the practice were being met, including their billable hours and work-life balance issues. He mentioned that the survey would form

the basis of further discussion on how the Bar can better prepare its members and incoming law students to adapt to changes in the marketplace and client expectations, as well as the delivery of services.

1.3 Report on Meeting with Governor Herbert

Curtis, Jim Gilson, and John Baldwin discussed the very positive meeting between them with Scott Sabey and Governor Herbert and his General Counsel, Jacey Skinner. Curtis indicated that the Bar appreciated the opportunity to meet with the Governor and was grateful for his sensitivity to appointing judges who represented a wide spectrum of Bar membership, including women and minorities.

1.4 Report on Utah State Bar Day at Legislature

Curtis referred to the outstanding agenda for Utah State Bar Day at the Legislature and thanked everyone for their participation in a very positive event bringing lawyers to Capitol Hill, educating them about Utah government, and encouraging them to be more involved.

1.5 Report on Legislative Session

Curtis led a brief discussion regarding several of the bills that have been discussed during the recent session and thanked everyone who participated in the telephone conferences to discuss the bills.

1.6 Report on Summer Convention Planning

Curtis reminded Commissioners about the Snowmass meeting and the publicity which would be sent to Bar members. He encouraged them to encourage those in their firms and others to come and take part in what we hope will be another wonderful convention.

1.7 Discussion of Commission Topics

Curtis reviewed with the Commission several recent press releases and statements made by the Bar in reaction to press coverage which was questioning the Bar's prosecution of disciplinary matters. Curtis thanked Sean Toomey for his work in dealing with the media and helping educate them and the public on the process and the confidentiality required of OPC regarding the investigations until they conclude in any public filings.

2. Action Items

2.1 Appointment to Utah Sentencing Commission

The Commission discussed the Utah Sentencing Commission's request for two new members. The Commission reviewed a handout of over two-dozen applicants and concluded that there was not sufficient time to review their resumes and asked that the vote could be taken via email the following week. John Baldwin indicated he would send out an email reminding Commissioners to vote and will collect the results.

3. Information Items

3.1 Commission Liaison Reports: Margaret Plane, Rob Rice, John Lund, Dickson Burton, Janise Macanas, Kenyon Dove

Margaret Plane reported on the activities of the Government Law Section, the Women Lawyers of Utah Association, and the Park City Bar Association. Rob Rice reported on the activities of the Labor and Employment Law Section, and the Hellenic Bar Association. John Lund reported on the activities of the Unauthorized Practice of Law Committee, and the Litigation Section. Dickson Burton reported on the activities of the Intellectual Property Section, Business Law Section, International Law Section, and the Admissions Committee. Janise Macanas reported on her liaison assignments, including the activities of the Education Law Section, the Senior Lawyers Section, and the Communications Section, as well as the Modest Means Program. Kenyon Dove reported on the activities of the Bankruptcy Section, Collection Section, Davis County Bar Association, Weber County Bar Association, and the Real Property Section.

3.2 Judicial Council Report on Remote Access to Hearings and Lawyers' Obligation to Complete Judicial Evaluations: John Lund

John Lund indicated that the Judicial Council was developing technology to facilitate remote audio/visual access to hearings in remote areas of the state and is encouraging the Commission to encourage Bar members to recognize that changes in technology were making these activities available in a different fashion. He also led a discussion on how the Bar and Courts could encourage lawyers to complete judicial evaluation forms and whether or not participation should be done as a matter of professionalism. There was some discussion as to whether or not the Commission and Courts could simply educate the members of the Bar or, if it would be possible to create a rule that professionalism obligations should include completing the evaluation.

3.3 ABA Delegates' Report: Nate Alder, Margaret Plane, Larry Stevens

Nate Alder and Margaret Plane discussed the recent American Bar Association meetings, including discussions in the House of Delegates.

3.4 WLU Report: Heather Farnsworth

Heather Farnsworth listed the activities of the Women Lawyers including the reception they were having during the Spring Convention in St. George.

3.5 YLD Report: Gabe White

Gabe White reported on various service activities of the Young Lawyers Division.

NEW: Danielle Davis reported on the projects of the Paralegal Division.

NEW: Jesse Nix reported on the activities and projects of the Utah Minority Bar Association.

3.6 Report on Public Communications Billboard Project

Sean Toomey showed the Commission various examples of possible billboards which could be designed to encourage the public to understand the role of lawyers and the need for appropriate legal assistance as well as to help encourage their participation in the Modest Means Program.

3. 4:45 p.m. Adjourn

HANDOUTS DISTRIBUTED AT MEETING:

1. Candidate resumes for the Utah Sentencing Commission positions.

CONSENT AGENDA:

1. Approved Minutes of January 24, 2014 Commission Meeting.
2. Approved Applicants for the February 2014 Motion for Admission.