

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

DECEMBER 4, 2015

LAW AND JUSTICE CENTER

- In Attendance:** President Angelina Tsu, President-elect Rob Rice; Commissioners: H. Dickson Burton, Steven Burt, Kate Conyers, Kenyon Dove, Heather Farnsworth, Mary Kay Griffin, Susanne Gustin, Liisa Hancock, John Lund, Michelle Mumford, Herm Olsen and Katie Woods.
- Ex-Officio Members:** Dean Robert Adler, Nate Alder, Heather Allen, Melinda Bowen, Professor Carl Hernandez (for Dean Rasband), Susan Motschieder, Chris Wharton and Supreme Court Liaison Tim Shea.
- Not in Attendance:** Ex-Officio Members: James D. Gilson, Margaret Plane, Dean James Rasband, and Lawrence Stevens.
- Also in Attendance:** Executive Director John C. Baldwin, Assistant Executive Director Richard Dibblee, General Counsel Elizabeth A. Wright, Sean Toomey, Utah State Bar Communications Director and Bar members Michelle Kennedy and Gabe White.

Minutes: 9:10 a.m. start

1. President's Report:

- 1.1 Report on Fall Forum and UMBA Dinner.** Richard Dibble reported 311 people attended the 2015 Fall Forum. Usual attendance is approximately 495. The Fall Forum is projected to lose about \$20,000 including indirect allocation of overhead and staff costs. Michelle Kennedy reported the UMBA dinner was well attended.
- 1.2 Update on Financial Administrator Position.** Kellie Bartz began the job on Monday, November 30, 2015.
- 1.3 OPC Review Committee Report Follow-Up.** Tim Shea reported that he made changes to Rule 14-515 that will allow a committee appointed by the Court or the Commission to review OPC operations to access to OPC records without a Court Order. The rule changes were effective November 25, 2015 subject to change after the comment period expires on January 13, 2016. Tim indicated that the Court would entertain a request from the Commission to invite the ABA to review OPC operations. However, the Commission will need to articulate the need for and the objectives of an ABA review. Rob Rice will write a letter to the Court requesting an ABA review.

2. Action Items

- 2.1 2018 Summer Convention Site Selection.** The day of this meeting was the deadline to reserve Sun Valley for the 2018 Summer Convention. The Commission discussed attendance, costs and possible locations of the Summer Convention. **Heather Farnsworth moved that the Commission hold the 2018 Summer Convention in Sun Valley and the 2019 Summer Convention at one of the Park City resorts. The motion passed with Kenyon Dove and Katie Woods opposed.**
- 2.2 Law Student Practice Rule.** Judicial Council’s Committee on Resources for Self-Represented Parties members Carl Hernandez and Nancy Sylvester proposed changes to the law student and law graduate legal assistance Rule 14-807. The proposed changes allow second year law students to provide legal assistance under the rule and expand the types of cases permitted under the rule. The changes will expand the pool of people available to help poor and low income individuals and give students more opportunities for practical experience. **John Lund moved that the Commission approve the proposed changes to the rule. Kenyon Dove seconded the motion which passed unopposed.**
- 2.3 Technology CLE Series: Dickson Burton and John Lund.** **Katie Woods moved to establish the proposed Innovation in Law Practice Committee to be co-chaired by Heather White and John Rees. Susanne Gustin seconded the motion which passed unopposed.**
- 2.4 Leadership Academy.** Liisa Hancock asked the Commission to approve the creation of a Leadership Academy to encourage and train new lawyers for future Bar leadership. Liisa provided a handout with an explanation of the program and proposed budget of \$20,000 for monthly meetings and a retreat. **Katie Woods moved to approve funding for the Leadership Academy with the condition that slots would be reserved for participants from each division. The motion passed with Steve Burt and Rob Rice opposed.**
- 2.5 Scholarship Fund.** Heather Farnsworth reported she is still developing a committee.

3. Discussion Items

- 3.1 LLLT Task Force Report: Tim Shea.** Tim reported that the Supreme Court Task Force to Examine Limited Licensing had issued its report and recommended the establishment of a license for limited legal paraprofessionals to be called “Licensed Paralegal Professionals” for the practice areas of family law, landlord/tenant and debt collection. The Supreme Court has approved the recommendation. Tim reported that there is a lot of work to be done to implement rules for the Licensed Paralegal Professionals and that a steering Committee will need to be created to develop the rules and implement the procedures.

- 3.2 AAA Task Force Report: Rob Rice.** Rob reported on the progress of two of the AAA Task Force recommendations. An attorney directory/referral database is a top priority. There is a prototype in the works. Rob also reported that a low bono program called Court House Steps is off the ground and has had one session. It is a non-profit program that will take place on Thursdays at the Bar and clients will receive discounted, unbundled services.
- 3.3 Futures Commission Follow Up.** Michelle Mumford reported that she is preparing a memo regarding what rule changes would be necessary to expand a lawyer's ability to provide unbundled services.

4. Executive Session

- 4.1 Admissions Issues.** Angelina reported that two undocumented immigrant law students were interested in seeking admission to the Utah Bar. The immigrants are undocumented because their parents brought them to the United States as children. There is a federal law prohibiting states from issuing professional licenses to undocumented immigrants unless the state "opts out" of the restriction. The Commission will defer to the Court in determining whether to opt out of the restriction.
- 4.2 Legislative Issues and Lobbyist Contract.** The Commission did a request for proposals for a lobbyist to represent the Bar at the 2016 legislative session. After reviewing the applications, the Executive Committee asked three lobbyist groups to present at the Executive Session. After hearing the presentations, **Herm Olsen moved to hire a lobbyist subject to follow-up. Kenyon Dove seconded the motion which passed unopposed. Subsequent to the vote, the Commission hired Foxley & Pignanelli.**
- 4.3 Overhead Allocation/Efficiency.** A committee has been established to review the Bar's overhead allocation methods.
- 4.4 Utah Bar Foundation Funding for Access to Justice.** Kim Paulding and Richard Mrazik reported that the Bar Foundation is looking for new funding sources. Because interest rates are so low, the interest income from IOLTA accounts does not provide enough income. They reported to the Commission that they will approach the Court about raising court filing fees with the increase going to support the Bar Foundation. The Commission discussed the pros and cons of raising filing fees. The decision will be up to the Court.

HANDOUTS DISTRIBUTED AT MEETING:

1. Utah Bar Leadership Academy proposal.
2. November 4, 2015 Memorandum regarding Undocumented Immigrants.
3. Holland & Hart Response to Request for Proposal for Lobbying
4. MIB Partners Lobbying Proposal
5. Foxley & Pignanelli Government & Public Affairs Proposal.

ADJOURNED: 1:10 p.m.

CONSENT AGENDA:

1. Approve Minutes of October 30, 2015 Commission Meeting.