

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

SEPTEMBER 18, 2015

S.J. QUINNEY COLLEGE OF LAW

In Attendance: President Angelina Tsu, President-elect Rob Rice; Commissioners: H. Dickson Burton, Kate Conyers, Kenyon Dove, Mary Kay Griffin, Susanne Gustin, Liisa Hancock, John Lund, Michelle Mumford, Herm Olsen and Katie Woods.

Ex-Officio Members: Nate Alder, Dean Robert Adler, James D. Gilson, Melinda Bowen, Susan Motschieder, Margaret Plane, and Chris Wharton and Supreme Court Liaison Tim Shea.

Not in Attendance: Steven Burt, Heather Farnsworth and Ex-Officio Members: Heather Allen, Dean James Rasband, and Lawrence Stevens.

Also in Attendance: Executive Director John C. Baldwin, Assistant Executive Director Richard Dibblee, General Counsel Elizabeth A. Wright, and Sean Toomey, Utah State Bar Communications Director.

Minutes: 9:15 a.m. start

1. President's Report:

1.2 Fall Forum November 19-20. There will be anti-bias training in conjunction with the Fall Forum. People should email Angelina with the names of people who would be interested in attending the training.

1.3 LLLT Task Force Report: Tim Shea. Tim reported that the task force members were appointed by the Supreme Court. Justice Himonas chairs the Task Force. The Task Force has a public webpage and all meetings are open to the public in compliance with the Public Meetings Act. There are two sub-committees. One is looking into LLLT and other strategies and one is looking into Document Preparers. Tim briefly explained what other jurisdictions are doing and the issues raised by each type of legal service. One issue is the prohibition against using lawyer licensing fees to regulate non-lawyers. National Court Management Expert Tom Clarke has written a white paper for the task force that Tim will share with the Commission as soon as it is available.

1.4 AAA Task Force Report, Rob Rice: Rob reminded the Commission of the Task Force's goal of increasing access to lawyers and reported on four of the Task Force's Committees. **(1) Legislative Sub-Committee** (Michelle Mumford and Susanne Gustin) is working on increasing the small claims cap from \$10,000 to \$20,000. Representative

Brain King in the House and Senator Todd Weiler in the Senate are onboard and have legislation. The hurdle will be to make sure it is not lost in the volume of bills. **(2) Community Layering Committee** Charles Stormont is developing a Domestic Document Clinic at which paid lawyers will meet individuals at the Bar to review documents the individuals prepared themselves or through OCAP. It will be staffed by lawyers from Open Legal Services. **(3) Communications Committee** is working on a lawyer referral service and the PR necessary to spread the word about the referral or directory. This is a large project that will take time. **(4) Non-Profit Legal Services Committee** aka Open Legal Services Effort Committee is considering ways the Bar can support this method for delivery of legal services.

1.6 Appointment of Commissioner to Modest Means Committee. Jim Gilson is stepping down as Commission Liaison to the Modest Means Committee. Commissioners interested in serving as the liaison to the Committee should email Angelina.

1.7 National Association of Women Judges Conference Participation. Because the Utah State Bar donated to the NAWJ Conference that will be held here in Salt Lake City on October 8-11, 2015, Commissioners will be able to attend some of the events. Kate Conyers will send an email with the schedule and a list of events that are open to Commissioners.

2. Discussion Items:

2.1 Futures Commission Follow Up: John Lund and Nate Alder. John and Nate provided two handouts and a PowerPoint presentation listing the recommendations of the Futures Commission, names of Bar staff who can provide support, outside partnerships, what needs to be done and a timeline for completion. Commissioners volunteered to investigate and begin implementing the different recommendations.

2.2 OPC Review and Recommendation to Court on ABA Consultation. Tim Shea reported that the Committee's report is still forthcoming but would likely recommend rule changes for OPC to clarify its relationship vis a vis the Commission and regarding the release of records. The Commission then discussed the logistics of having the ABA Standing Committee on Professional Discipline provide a consultation regarding the OPC. Only the Court can recommend and pay for the consultation. The Commission discussed whether the rule changes regarding OPC's release of records needs to be made before the consultation could take place. The Commission decided to wait for Review Committee report before taking action.

3. Action Items

3.2 Bar Review. Angelina Tsu proposed that the Bar provide \$2000 for four social events in Salt Lake City at which lawyers could network and learn about what the Bar does and how they can become involved with the Bar. Angelina would also seek sponsors to cover some of the costs for food and drink. The Commission discussed the need to also provide these opportunities for lawyers outside of Salt Lake City. Angelina pointed out the very

low attendance at prior social outreach events outside of Salt Lake City. The Commission discussed the different strategies required for successful networking events outside of Salt Lake City such as hosting daytime events. **John Lund moved to approve \$4000 for “Bar Review” events. Four events will take place in Salt Lake City and four will take place outside of Salt Lake City. Herm Olsen seconded the motion which passed unopposed.**

3.3 Technology CLE Series: John Lund and Dickson Burton. John and Dickson were tasked with coming up with a series of CLEs that would help solo and small firm practitioners learn about and use technology in their practices in order to be more entrepreneurial and profitable. John and Dickson recommend the creation of a Committee called “Technology and Innovation in the Law” or TAIL. John and Dickson will begin working on a charter for the new TAIL Committee.

3.4 Veteran’s Mobile Clinic. Kate Conyers. Kate was tasked with investigating whether the Bar could operate a mobile veteran’s legal clinic. Kate reported that the YLD currently operates a veteran’s legal clinic at the VA Hospital in Salt Lake City. There are numerous challenges to operating clinic in other parts of the state including available locations and reliable volunteers. Meanwhile, the legal clinic in Salt Lake could use improvements in volunteers, screenings, structure and procedures. Kate recommended that the Bar improve the current legal clinic before starting a mobile clinic. Also, other options for mobile outreach require more investigation and outreach. Options include a referral system, SKYPE meetings or phone conferences. Kate will continue her investigation and report in 4 months.

3.5 Expungement Seminar: Susanne Gustin, Kate Conyers and Jim Gilson. Susanne reported that a one-day, one-stop expungement clinic is not feasible in Utah because of the applicable legal requirements that victims be notified and have an opportunity to object and the time needed to obtain required documents and finger prints. Susanne reported on the successes and failures of other efforts to help individuals expunge criminal records. Commissioners discussed the need for changes to some of the laws that make expungement so burdensome. The final recommendation was to put Bar resources towards bolstering the U of U Law School’s expungement programs. Rob Rice suggested that assistance with the U’s clinic would be an appropriate Signature Project for the Pro Bono Commission.

3.7 Leadership Academy: Liisa Hancock. Liisa proposed that the Bar create a Leadership Academy similar to the one the ABA conducts. Four other states also conduct similar programs. The purpose of the Leadership Academy would be to foster future Bar leaders. The program would be limited to 10-15 lawyers who would have to apply. Three positions would be reserved for lawyers who practice outside of Salt Lake City. There would be a retreat and eight leadership sessions. The cost would be \$20,000 which includes \$8,000 for the initial retreat. A Board of Trustees composed of seven people would run the program.

Various Commissioners raised several concerns about the proposed program including the disparity between the cost and the number of people who would benefit. It was noted that we foster leaders through the YLD including sending individuals to conferences and other programs. It was decided that Commissioners should email Liisa with their questions and/or concerns and she will address them at the next meeting.

4. Information Items

4.1 Constitution Day Report: Sean Toomey. Sean reported that Bar volunteers visited 170 classrooms this year. Next year Sean hopes to have the Commission revamp the curriculum.

HANDOUTS DISTRIBUTED AT MEETING:

1. 2015 Fall Forum brochure.
2. Two Spreadsheets with Futures Commission program recommendations

ADJOURNED: 12:10 p.m.

CONSENT AGENDA:

1. Approve Minutes of August 28-29, 2015 Commission Meeting.