

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

NOVEMBER 16, 2018

LAW AND JUSTICE CENTER

In Attendance: President H. Dickson Burton and President-elect Herm Olsen.
Commissioners: Grace Acosta, John Bradley, Steven Burt, Heather Farnsworth, Chrystal Mancuso-Smith, Mark Morris, Mark Pugsley, Tom Seiler, Cara Tangaro, Heather Thuet, and Katie Woods.

Ex-Officio Members: Dean Robert Adler, Nate Alder, Erik Christiansen, Kate Conyers (for Women Lawyers), John Lund, Margaret Plane, Rob Rice, and Lorraine Wardle.

Not in Attendance: Mary Kay Griffin, and Ex-Officio Members: Abby Dizon-Maughan, Amy Fowler, Dean Gordon Smith, Sarah Starkey, and Bebe Vanek.

Also in Attendance: Executive Director John C. Baldwin, Assistant Executive Director Richard Dibblee, and General Counsel Elizabeth A. Wright.

Minutes: 9:00 a.m. start

1. President's Report: H. Dickson Burton

1.1 Welcome.

1.2 Presentation of NLTP Mentoring Award to Denise Dragoo. The Commission presented the Outstanding NLTP mentoring award to Denise Dragoo. Ms. Dragoo was not able to attend the Fall Forum, so the award was presented at this meeting.

1.3 Legislative Breakfast Follow-Up. Dickson Burton reported on the breakfast the Commission hosted on November 14, 2018 for lawyer legislators. The breakfast took place at the Capitol and was very well attended. The breakfast has historically been hosted in January but was moved to November in order to accommodate busy legislator schedules during the general session.

1.4 Report on Access to Justice Summit: John Lund reported on the Access to Justice Summit that took place on October 23, 2018 at the Law and Justice Center. The Summit was put on by the Access to Justice Commission and brought together groups that provide legal services to or legal references for low income individuals. The Summit is part of an ongoing effort to make sure organizations know what services other organizations offer and to improve coordination of those services. Mr. Lund reported that the event was well attended and received.

1.5 Report on Fall Forum. Dickson Burton reported on the Fall Forum which took place on November 1 and 2, 2018. For the first time, a convention had an entire track devoted to lawyer well-being. The practical technology skills track was very well attended. The Commission discussed the need to have a common calendar so the Fall Forum and other lawyer events that took place that weekend to do not conflict.

1.6 Report on Professional Sales Tax Proposals. Dickson Burton reported that the Governor's Office of Management and Budget (GOMB) is considering imposing a tax on professional services, including legal services. The GOMB projects a need for revenue because of falling sales taxes as our economy shifts to a serviced based economy. The Commission discussed the potential harmful effect of a tax on legal services and what other states have done on the issue of a tax on legal services.

2. Action Items

2.1 Lobbying Rebate Process & Calculation. After discussing the reason for the changes, **Tom Seiler** moved to approve changes to legislative activity rebate rule 14-106 to make it consistent with the method the Bar uses to calculate the rebate. **Mark Pugsley** seconded the motion which passed unopposed.

2.2 Select Bar ABA Delegate. After discussing the applicants, the Commission conducted two rounds of secret balloting and chose **Nate Alder** to serve a fourth 2-year term as one of the Bar's ABA Delegates.

OUT OF ORDER

3. Information Items

3.1 UCLI Report. Retired Justice Christine Durham, Fran Wickstrom and Kristen Olsen gave an update on the Utah Center for Legal Inclusion (UCLI). UCLI was created to promote diversity in the profession with programs that will ultimately begin as early as grammar school. Updates include obtaining 501(c)(3) status so fundraising can begin, hiring Aida Neimarlija to serve as Executive Director and the development of a strategic plan.

3.2 Innovation in Law Practice Committee Report. Greg Hoole and Dave Duncan reported on the work of the Innovation in Law Practice Committee. Goals of the Committee include working to change the lawyer advertising rules to make them conform with new technology, put practice pointers on the Bar website and working to allow more live CLE credit for interactive web CLE programs.

3.3 Disaster Legal Response Committee. Committee Chair Tracy Olson reported on the work of the Disaster Legal Response Committee. Visibility is biggest problem. Lawyers do not know the Committee exists to help lawyers know what their ethical obligations

are to clients in the event of a disaster and to provide services to affected to citizens in the event of a disaster. A *Bar Journal* article and a presentation at the Spring Convention are planned to educate members about the work of the Committee.

OUT OF ORDER

2.3 Client Security Fund Committee Report. After discussing the Report, **John Bradley** moved to accept the Committee's report and payout of \$28,065. **Heather Farnsworth** seconded the motion which passed unopposed.

4. Discussion Items

4.1 Discipline Notice in Bar Journal. Herm Olsen reported that attorney Elizabeth Bowen, who represented two individuals found not to have violated the Rules of Professional Conduct, thinks there should be a public record of lawyers who prevail in disciplinary actions. Margaret Plane pointed out that the ABA review of Utah's disciplinary process recommended a database of all attorney discipline outcomes. Herm Olsen and Grace Acosta will write a letter to the Supreme Court recommending more transparency in the discipline process, including a searchable database of discipline outcomes.

4.2 Adding Public Members to Bar Commission. The Commission discussed the fact some other Bars are adding more public members to their governing bodies to ensure the public is appropriately represented and protected. **Steve Burt, Erik Christiansen** and **Chrystal Mancusco-Smith** agreed to serve on a committee to investigate and report on whether Utah should add more public members to the Commission.

5. Executive Session.

The meeting adjourned at 1:00 p.m.

Consent Agenda

1. Approved Minutes from the October 12, 2018 Commission Meeting.
2. Approved Military Law Section By-laws.
3. Approved a \$100 Practice Pending Admission application fee.

Handouts:

1. GOMB Tax Modernization Chart
2. Proposed changes to Rule 6.5
3. UCLI Strategic Plan