

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

**AUGUST 16, 2019**

**SILVER BARON LODGE, DEER VALLEY**

**In Attendance:** President Herm Olsen and President-elect Heather Farnsworth.  
Commissioners: John Bradley, Steven Burt, Mary Kay Griffin, Marty Moore,  
Mark Pugsley, Michelle Quist, Tom Seiler, Cara Tangaro, and Heather Thuet.

**Ex-Officio Members:** Nate Alder, Kate Conyers, Amy Fowler, Candace Gleed, Raj Dhaliwal,  
Margaret Plane, Dean Elizabeth Kronk Warner.

**Not in Attendance:** Chrystal Mancuso-Smith, Mark Morris and Katie Woods. Ex-Officio  
Members: H. Dickson Burton, Erik Christiansen, Torie Finlinson, Rob Rice,  
Bebe Vanek, and Dean Gordon Smith.

**Also in Attendance:** Executive Director John C. Baldwin, Assistant Executive Director Richard  
Dibblee, General Counsel Elizabeth A. Wright, and Supreme Court Liaison  
Cathy Dupont.

**Minutes: 1:20 p.m. start**

**1. President's Report: Herm Olsen**

**1.1 Report from the MCLE Board.** David Hirschi, Chair of the MCLE Board and Sydnie Kuhre, Director of MCLE, presented to the Commission regarding changes to the continuing education requirements that the MCLE Board will be proposing to the Court. Changes are prompted by recent recommendations from the ABA and to better meet the needs of modern legal practice.

The MCLE Board is considering switching from a two-year to a one-year compliance cycle to mirror annual licensing because some lawyers confuse the annual and semiannual requirements. Allowing live credit for more types of remote presentations, simulation programming and credit for new topics such as well-being, technology, diversity, workplace harassment, and substance abuse are all being considered.

**1.2 Report on National Conference of Bar Presidents Meeting.** Heather Farnsworth and Herm Olsen reported on the conference that took place in San Francisco on August 8<sup>th</sup> and 9<sup>th</sup>. Both reported the meeting was productive and provided them with inspiring Bar leadership ideas.

**1.3 Report on Park City Convention.** Tabled to tomorrow's meeting. See below.

**1.4 Announcement of ABA Delegates Selection Process.** Commissioners reviewed the ABA Delegate selection process in advance of two selections that will be made in October.

**1.5 Propose Continuation of Small Firm Tour.** Heather Farnsworth proposed reviving the small firm tour in which Bar Commissioners visited small law firms to get to know the members and to educate them about Bar programs and services. Heather Thuet agreed to head up the project.

## **2. Action Items.**

**2.1 Appoint Committee Chairs.** After a discussion of the length of service for some chairs and the need for more frequent turnover and succession planning, **Michelle Quist moved to appoint the proposed Chairs and Co-chairs. Marty Moore seconded the motion which passed unopposed.**

**2.2 Approve Committee Charges. John Bradley moved to approve the Committee Charges and to appoint Commission Liaisons to the Bar Committees. Cara Tangaro seconded the motion which passed unopposed.**

**2.3 Appoint Commission Liaisons.** See 2.2 above.

**2.4 Bar Foundation Request to Lease Employee.** Elizabeth Wright reported that the Bar Foundation would like to lease its Executive Director from the Bar. Under the lease agreement, the Executive Director will be a Bar employee and entitled to all Bar employee benefits. The Foundation will reimburse the Bar for all wages, benefits and costs associated with employing the Executive Director. This arrangement will enable the Foundation to offer benefits to its employee. This is the arrangement the Bar has with the MCLE Board and it is appropriate because both the MCLE employees and the Bar Foundation employee work under Court rules as part of attorney regulation. **Cara Tangaro moved to approve the employee lease arrangement. Michelle Quist seconded the motion which passed unopposed.**

**2.5 Request to Fund Licensed Lawyer Advertising.** Bar Communications Director Matt Page presented a proposed budget of \$54,000 for the 2019-2020 fiscal year to promote Licensed Lawyer. After discussing concerns that lawyers do not know about Licensed Lawyer and questions about search results, **Tom Seiler moved to approve the \$54,000 budget and the creation of a sub-committee to study Licensed Lawyer and how to address some of the Commission's concerns with the service. Marty Moore seconded the motion which passed unopposed.**

**2.6 Move October Commission Meeting to the 18<sup>th</sup> in Moab.** The Commission discussed moving its October meeting to Moab to coincide with a Litigation Section CLE taking place there. Commissioners felt there was not enough time to move the meeting this year, but that it should consider having the meeting next year in conjunction with the

Litigation Section CLE. **Tom Seiler moved to have the October meeting in Moab in 2020. Cara Tangaro seconded the motion which passed unopposed.**

### **3. Discussion Items.**

**3.1 Community Education and Outreach Committee.** Tabled until next meeting.

**3.2 Paralegal Division Request to Waive Revenue Sharing.** Tom Seiler moved to table this proposal and discussion to the next meeting so the Commission can consider the revenue sharing policy. Marty Moore seconded the motion which passed unopposed.

### **4. Information Items.**

**4.1 Bar Survey Report.** John Baldwin reported that the Survey Committee was close to selecting a company to conduct the survey.

**4.2 Report and Review of Commission Policies and Procedures.** Elizabeth Wright reported that she and John Baldwin have updated the Bar's Policies and Procedures and that they will be presented to the Commission for approval at the next meeting.

**The meeting adjourned for the day at 4:05 p.m.**

**Meeting resumed at 9:05 a.m. on Saturday, August 17, 2019**

**In Attendance:** President-elect Heather Farnsworth. Commissioners: John Bradley, Steven Burt, Mary Kay Griffin, Marty Moore, Mark Pugsley, Michelle Quist, Tom Seiler, Cara Tangaro, and Heather Thuet.

**Ex-Officio Members:** Nate Alder, H. Dickson Burton, Kate Conyers, Amy Fowler, Candace Glead, and Margaret Plane.

**Not in Attendance:** President Herm Olsen. Commissioners Chrystal Mancuso-Smith, Mark Morris and Katie Woods. Ex-Officio Members: Erik Christiansen, Torie Finlinson, Rob Rice, Bebe Vanek, and Dean Gordon Smith.

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

**4.3 ABA Delegates' Report.** Margaret Plane and Nate Alder reported on the August 2019 meeting of the ABA House of Delegates. Highlights included suggestions for achieving pay equity and new methods of lawyer regulation such as those being considered by the Utah's Task Force on Regulatory Reform. Nate also noted ABA Delegate Erik Christiansen's work with the ABA Boarder project. Commissioners noted that Erik's

work should be publicized by the Bar as part of a greater effort to inform the public about the good lawyers do in the community.

- 4.4 Licensing Fee Reduction Request for Senior Lawyers.** The Commission discussed and rejected a proposal from a member to lower the age from 75 to 65 for eligibility for reduced annual licensing fees. The Commission noted that many 65-year-old lawyers still have very active law practices.
- 4.5 Report on Ethics Hotline.** Elizabeth Wright reported that OPC has stopped offering the Ethics Hotline. This is a service the Bar would like to continue offering to members. Until the Commission determines how it will staff the Hotline, Elizabeth Wright and Jeannine Timothy will answer Hotline questions.
- 4.6 Report on Interest on Lawyer Trust Accounts.** John Baldwin described the Utah Bar Foundation, the court rule regarding IOLTA accounts and organizations funded by the Foundation.

## **OUT OF ORDER**

**1.3 Report on Park City Convention.** Richard Dibblee distributed the survey of those who attended the 2019 Summer Convention in Park City. The survey results are very positive. A record 556 lawyers attended the convention. The Commission discussed the pros and cons of a local vs. out-of-state annual meeting and the importance of having a rotating schedule for the meeting to achieve all the goals of the meeting.

Dickson Burton reported on the status of the sales tax on professional services. A tax on legal services is still very much on the table. The Legislative Tax Restructuring and Equalization Task Force will have its first meeting on August 19<sup>th</sup>. Over the summer the Task Force held town hall meetings that many Utah lawyers attended. The Bar will continue to monitor the Task Force and any legislation it may propose.

John Lund reported on the work of the Task Force on Legal Reform. The Task Force will be presenting its report and recommendations to the Court at the end of August. The proposed changes are sweeping and include allowing non-lawyer ownership of law firms, relaxation of advertising rules and a regulatory sandbox in which legal innovators can propose legal products within an environment of relaxed restrictions.

## **Consent Agenda**

1. Approved Minutes from the July 18, 2019 Commission Meeting.
2. Approve Client Security Fund Report.

## **Handouts:**

1. Commissioner Conflict of Interest Policy and waivers.
2. Bar Committee Chair Appointments.
3. Commission Liaison assignments.
4. Request from the Paralegal Division.

5. IOLTA rule and Bar Foundation Brochure.
6. 2019 Summer Convention Survey results.