

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

**APRIL 9, 2020**

**TELEPHONIC MEETING**

**In Attendance:** President Herm Olsen and President-elect Heather Farnsworth.  
Commissioners: John Bradley, Mary Kay Griffin, Chrystal Mancuso-Smith, Marty Moore, Mark Morris, Mark Pugsley, Michelle Quist, Tom Seiler, Cara Tangaro, Heather Thuet and Katie Woods.

**Ex-Officio Members:** Erik Christiansen, Kate Conyers, Torie Finlinson, Candace Glead, Dean Elizabeth Kronk-Warner, Margaret Plane, Camila Moreno, and Dean Gordon Smith.

**Not in Attendance:** Steven Burt. Ex-Officio Members: Nate Alder, H. Dickson Burton, Amy Fowler, Jiro Johnson, and Robert Rice.

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

**Minutes: 10:01 a.m. start**

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

**1.1 Report on Action to Permit Law Practice Under Diploma Privilege.** Admissions Director Joni Seko and Admissions Committee Chairs Steve Waterman and Dan Jensen joined the meeting. Dean Gordon Smith emphasized that the law schools proposed the diploma privilege as part of a long running discussion on access to justice that was initiated by the Court.

The Commission discussed the proposed order the Court is expected to issue that will allow some law student applicants for the July 2020 bar exam to practice law without taking a bar exam. Before licensure these applicants will be required to have 360 hours of supervised practice. The Commission then discussed the divergent positions on how to measure law graduate competency to practice law. The law schools argue that graduation from law school is a sufficient measure of competency. The Admissions Committee discussed the reasons the bar exam is the best, objective measure of competency to practice law. The Commission and guests discussed the details of the 360 hours of supervised practice and some difficulties that will present for rural lawyers and law employers in general. The Commission also discussed the long-term implications for lawyers who have never passed a bar exam.

- 1.2 Report of July Bar Exam Schedule Changes Under Consideration.** The July 2020 bar exam is cancelled because of the COVID-19 pandemic. The National Conference of Bar Examiners may offer the exam in September or October depending upon the status of the COVID-19 pandemic restrictions.
- 1.3 Report on May Admissions Ceremony Schedule Change.** The May admissions ceremony will not take place because of the COVID-19 pandemic restrictions on large gatherings. Court and Bar staff are arranging to conduct the ceremony remotely.
- 1.4 Extension of Licensing Late Fees Deadline.** In the interest of accommodating licensees who may be suffering personal and financial difficulties as a result of the COVID-19 pandemic, Bar staff propose extending the late fee deadline and suspension deadline by 90 days for the 2020-2021 licensing cycle only. John Baldwin reported that the Bar could financially weather the change in cash flow. **Tom Seiler moved to extend the licensing late fee deadline to November 1 and the suspension for failure to pay deadline to December 1 for the upcoming licensing cycle. Marty Moore seconded the motion which passed unopposed.**
- 1.5 Park City Summer Convention Dates.** Richard Dibblee reported that the Co-Chair of the 2020 Summer Convention Committee, Justice Paige Petersen and Margaret Plane, recommend cancelling the July 2020 Summer Convention because of the COVID-19 pandemic. Even if travel and gathering restrictions are lifted by July, it is unlikely the Bar will be able to market, plan and find enough interested registrants for the convention. Richard Dibblee further reported that Vail resorts agreed to allow the Bar to terminate its contract without demanding the liquidated damages required under the Bar's contract with the resort. The resort agreed to keep the \$5000 deposit paid by the Bar. **Heather Farnsworth moved to cancel the July 2020 Summer Convention and accept Vail's offer to accept termination with no damages and retention of the \$5000 deposit. Chrystal Mancuso-Smith seconded the motion which passed unopposed.**
- 1.6 Report on Postponement of April LPP Exam & Treatment of LPP's.** John Baldwin reported that the March 31, 2020 LPP exam was cancelled because of the COVID-19 pandemic and the Salt Lake County shelter in place order. The March applicants will hopefully be able to take the exam in August. John Baldwin also reported that currently licensed LPPs reported some incivility and mistreatment from a few lawyers. The Court's LPP Committee met to discuss the issue and will propose some solutions.

## **2. Discussion Items.**

- 2.1 Bar Survey Results: Mark Morris.** Mark Morris gave an overview of the results from the survey of Bar licensees. He also recommended waiting to release the results until a summary analysis of the data and recommendations could be released along with the results. The company that conducted the survey will assemble the data and present at the next Commission meeting.

**2.2 Long Range Planning for Assistance to Lawyers “In the Aftermath”**

**a. Pro Bono Program for Assistance with SBA & Other Financial Aid.** The Commission discussed the need to provide services for Bar licensees in the wake of the COVID-19 pandemic. The Commission also discussed the need for lawyers to help the public faced with COVID-19 pandemic challenges. The Access to Justice staff are organizing to provide legal services online and to provide pro bono assistance to small businesses navigating some of the federal relief options available to them. There will be free CLEs to train volunteer lawyers how to be of assistance. Torie Finlinson reported that the YLD is working to expand its Will for Heroes program to health care workers.

**The meeting adjourned for the day at 12:03 p.m.**

**Consent Agenda**

1. Approved Minutes from the March 12, 2020 Commission Meeting.