

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

**AUGUST 28, 2020**

**VIDEO CONFERENCE MEETING**

- In Attendance:** President Heather Farnsworth and President-elect Heather Thuet.  
Commissioners: Rick Hoffman, Marty Moore, Mark Morris, Shawn Newell, Mark Pugsley, Michelle Quist, Tom Seiler, and Katie Woods.
- Ex-Officio Members:** Nate Alder, Herm Olsen, Grace Pusavat, Sarah Baldwin, Camila Moreno, Robert Rice and Dean Elizabeth Kronk Warner.
- Not in Attendance:** John Bradley, Traci Gunderson, Chrystal Mancuso-Smith, and Andrew Morse. Ex-Officio Members: Erik Christiansen, Ashley Peck, Amy Fowler, Raj Dhaliwal, Margaret Plane, 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 Larissa Lee.

**Minutes: 9:10 a.m. start**

**1. President's Report: Heather Farnsworth**

**1.1 Welcome and Introductions.**

**1.2 Recognize Retiring Commissioner Steve Burt.** Heather Farnsworth presented Steve Burt with a plaque and thanked him for 15 years of service as a public member Commissioner.

**1.3 Swearing-in New Commissioner Shawn Newell.** Chief Justice Durrant joined the meeting to swear in Mr. Newell as the newest public member Commissioner.

**1.4 Follow-up on 2021 Summer Convention in Sun Valley.** John Baldwin reported that, as requested by the Commission at the July meeting, Sun Valley agreed to increase the room block to 2018 numbers. The contract also allows the Bar to cancel without penalty within 45 days of the convention if COVID circumstances prevent or hinder registration and if the Bar agrees to hold the convention in Sun Valley in 2022. The contract will be finalized this week.

**1.5 Follow-up on Fall Forum.** Heather Farnsworth reported that the Fall Forum will be a virtual event and that she is extremely optimistic about the value and logistics after attending the National Conference of Bar Presidents virtual meeting.

**1.6 Retreat Planning and Discussion of Commission Priorities.** Heather Farnsworth asked the Commissioners to review the Bar survey and to propose ideas for Commission focus. She also noted that she is planning a virtual ice-breaker event.

## **2. Action Items.**

**2.1 Review Bar Survey, Appoint Committee and Approve Charge.** Commissioners discussed that the Bar survey highlighted the lack of diversity among the Bar. The Bar will work with UCLI and Law Related Education to foster diversity by encouraging diverse junior high and high school students to consider a legal career.

**2.2 Appoint Committee Chairs.** After a discussion of the length of service for some chairs and the need for more frequent turnover and succession planning, **Marty Moore moved to appoint Bar Committee Chairs and Co-chairs for 2020-2021. Heather Thuet seconded the motion which passed unopposed.**

**2.3 Approve Committee Charges.** Marty moved to approve the Bar Committee Charges for 2020-2021. Mark Morris seconded the motion which passed unopposed.

**2.4 Appoint Commission Liaisons.** Marty Moore moved and to appoint Commission Liaisons to Bar Committees for 2020-2021. Mark Pugsley seconded the motion which passed unopposed.

**2.5 Approve Fee Dispute Resolution Committee Rule Changes.** The Fee Dispute Resolution Committee proposed rule changes to allow family law commissioners, retired and senior judges to serve on dispute panels. Currently, only state and federal judges are allowed to serve. The Committee also proposed increasing the jurisdictional amount from \$3,000 to \$10,000 for one lawyer to arbitrate a dispute. Both changes will speed up the time in which disputes can be heard and resolved. Other proposed changes incorporate licensed paralegal practitioners in the rules. **Marty Moore moved to approve the proposed Fee Dispute Committee rule changes. Mark Morris seconded the motion which passed unopposed.**

**2.6 Appoint Awards Committee Chairs.** Heather Farnsworth moved to appoint Michelle Quist and Katie Woods to co-chair the Awards Committee. Marty Moore seconded the motion which passed unopposed.

**2.7 Approve \$500 for Bar Review Activity.** Bar Review asked the Commission for \$500 for advertising and prizes for a trivia night to be hosted in conjunction with the Federal Bar Association. Purpose of Bar Review is to host socials that foster collegiality and

networking among bar members. **Marty Moore moved to approve the \$500 for the Bar Review event. Michelle Quist seconded the motion which passed unopposed.**

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

- 3.1 Regulatory Reform Report.** The Commission discussed the role of the Bar's Regulatory Reform Committee now that the regulatory reform rules have been approved and the sandbox is operating. Heather Farnsworth will contact Erik Christiansen to discuss the future role of the Committee.
- 3.2 Judicial Nomination Process.** Marty Moore discussed the need for more transparency in the judicial nominating process. Bar members should know the names of the nominees selected by the nominating commissions so they can provide input on the final selection. The Bar will reach out to the Governor's Office and CCJJ to ensure the Bar is on the press release list and can provide the list of nominees to Bar members.
- 3.3 Formalize Term Limits for Committee Chairs.** The Commission discussed the need to foster turnover in Bar Committee leadership and the tension between institutional knowledge and providing leadership opportunities for new people who may have new ideas.

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

- 4.1 ABA Delegates Report on House of Delegates Meeting.** Camila Moreno reported that the ABA YLD passed resolutions in support of paid family leave, protections for employees who are discriminated against for wearing ethnic hairstyles, qualified immunity and other criminal justice issues. Nate Alder reported that the House of Delegates discussed diploma privilege and the future of the ABA. Many state bars have concerns over the perceived political nature of the ABA.
- 4.2 Report on Access to Justice Grant for COVID-19 Legal Assistance.** John Baldwin reported that the Utah Bar Foundation received a \$50,000 grant to provide legal services to low income individuals with COVID related legal problems. The money must be spent before December 31, 2020. The Bar Foundation is funding positions in the Access to Justice Office to provide those legal services.
- 4.3 Solicit Participation on Budget and Finance Committee.** Heather Farnsworth asked Commissioners to suggest names of lawyers with finance backgrounds to serve on the Bar's Budget and Finance Committee. Marty Moore agreed to serve on the Committee in addition to any other lawyers suggested to Heather Farnsworth.
- 4.4 Process to Select 2020-2022 ABA Delegate.** Commissioners reviewed the ABA Delegate selection process in advance of a selection that will be made in October.

**Executive Session**

**Adjourn: 11:40 p.m.**

**Consent Agenda**

1. Approved Minutes from the July 16, 2020 Commission Meeting.