

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

NOVEMBER 13, 2020

VIDEO CONFERENCE MEETING

In Attendance: President Heather Farnsworth and President-elect Heather Thuet.
Commissioners: John Bradley, Traci Gunderson, Rick Hoffman, Michelle Quist, Tom Seiler, Chrystal Mancuso-Smith, Marty Moore, Mark Morris, Shawn Newell, Mark Pugsley, and Katie Woods.

Ex-Officio Members: Kim Cordova, Herm Olsen, Erik Christiansen, Grace Pusavat, Sarah Baldwin, Camila Moreno, Margaret Plane, Robert Rice, Dean Gordon Smith, and Dean Elizabeth Kronk Warner.

Not in Attendance: Ex-Officio Members: Raj Dhaliwal, Amy Fowler and Ashley Peck.

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: 9:03 a.m. start

1. President's Report: Heather Farnsworth

1.1 Welcome.

1.2 Executive Director Search Committee Report. The Commission discussed the position description and distribution of the Executive Director job opening announcement. The Commission approved the Executive Director Notice of Position with edits that will go out to all Bar licensees and made some edits to the Executive Director Position Description.

1.3 Report on Use of Deadly Force Committee Summit. Heather Farnsworth suggested that there may be a summit on police use of deadly force. The Commission discussed who should present at the summit and offered suggestions from the judiciary, police organizations and the mental health arena. Shawn Newell and Andrew Morse agreed to Chair a Committee to review the issue and make a proposal to recommend whether the Bar should conduct a summit or take any further action on the issue. Kim Cordova reported on possible bills concerning police use of deadly force that may be considered during the 2021 legislative session.

- 1.4 Awards Selection and Presentation Schedule.** The Commission discussed the backlog of annual awards as a result of the COVID-19 pandemic-necessitated cancellation of conventions. The Commission decided that even though the awards cannot be presented in front of an audience, the Commission should continue to recognize professionalism and will present the awards virtually.
- 1.5 “Wellness Wednesdays” Program.** Heather Farnsworth reported that she, Martha Knudson and Carrie Boren have been working on a “Wellness Wednesdays” program. On one Wednesday each month there will be a wellness-focused CLE and activity to promote wellbeing among Bar licensees. The meetings will be virtual, and each Commissioner will be asked to head up one presentation.
- 1.6 Invite to Utah Business Luncheon December 16th.** Heather Thuet asked Commissioners to sign up for a virtual luncheon to be hosted by *Utah Business* magazine. The magazine will send lunch to participants. The magazine would like a broader spectrum of lawyers to vote on its selection of “Utah’s Legal Elite” which occurs during the luncheon.
- 1.7 On-Line or In-person Spring Convention.** Because of the continuing restrictions to stem the spread of the COVID-19 virus, the Spring 2021 Convention will be remote. Richard Dibblee notified the Dixie Center in St. George and, because of our long relationship with the Center, it will refund our non-refundable deposit. **Mark Morris moved to allow the Dixie Center to keep the \$4090 deposit for the 2021 convention and apply it to the Spring 2022 convention. Chrystal Mancuso-Smith seconded the motion which passed unopposed.**

2. Action Items.

- 2.1 Ethics Advisory Opinion Committee.** Elizabeth Wright reported that the Ethics Advisory Opinion Committee requested a change to its rules to allow the lay member and the OPC representative to be voting members of the Committee. After discussion, **Tom Seiler moved to adopt the proposed rule changes that permit the OPC representative and lay member vote. Marty Moore seconded the motion which passed unopposed.**
- 2.2 Herm Olsen and Kim Cordova as Commission Liaisons.** **Michelle Quist moved to appoint Kim Cordova as Commission liaison to the Dispute Resolution Section, Appellate Practice Section, and Constitution Law Section and to appoint Herm Olsen as Commission liaison to the Lawyers Helping Lawyers Committee. Chrystal Mancuso-Smith seconded the motion which passed unopposed.**
- 2.3 Fund for Client Protection Recommendations.** Tabled until next meeting.

3. Discussion Items.

3.1 Regulatory Reform Committee Report. The Commission discussed the nine latest participants approved for the sandbox. Their applications were attached to the Commission materials. Bar licensees will also be given notice of approved participants via the e-bulletin. Erik Christiansen reported on each application and noted that the descriptions did not provide adequate explanations of the legal services that will be provided. Camila Moreno suggested that it would be helpful if participants provided a hypothetical of how their service would be used. Larissa Lee reported that the Office of Innovation is operating in new, untested waters and is very open to suggestions. Ms. Lee suggested that a request for more detailed descriptions should be sent to the Innovation Office with as much detail as possible regarding the additional information people would like to see.

3.2 Future of Legal Challenges to Mandatory Bars. Elizabeth Wright reported that there is still a challenge to mandatory bars pending in the 9th Circuit.

4. Information Items.

4.1 Governor's Letter to Judicial Nominating Commissions. The Commission discussed the letter the Governor's office sent the Judicial Nominating Commission members reminding them to select nominees in accordance with the rules and not to consider additional criteria. The Commission then discussed providing information about the judiciary during retention elections and the work of Jennifer Yim at the Judicial Performance Evaluation Commission to make sure that the public can cast an informed vote in retention elections.

Marty Moore expressed the need for more transparency throughout the entire selection and nomination process. **Mark Morris moved for the Bar to use the Bar's email list to publicize all judicial vacancies, finalists, and appointments. Andrew Morse seconded the motion which passed unopposed.** Marty Moore and John Baldwin agreed to meet with Kim Cordova to discuss how the Bar can publicize openings, finalists, and nominees.

5. Executive Session

Adjourn: 10:45 a.m.

Consent Agenda

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