

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

MARCH 25, 2021

VIDEO CONFERENCE MEETING

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

Ex-Officio Members: Erik Christiansen, Kim Cordova, Grant Miller (for YLD), Camila Moreno, Herm Olsen, and Robert Rice.

Not in Attendance: Shawn Newell, Ex-Officio Members: Raj Dhaliwal, Amy Fowler, Ashley Peck, Margaret Plane, Dean Gordon Smith, and Dean Elizabeth Kronk-Warner.

Also in Attendance: Executive Director John C. Baldwin, Assistant Executive Director Richard Dibblee, General Counsel Elizabeth A. Wright, Supreme Court Liaison Nick Stiles, and Tyler Young, candidate for 4th Division Bar Commissioner.

Minutes: 9:04 a.m. start

1. President's Report: Heather Farnsworth

- 1.1 Recognize Joni Seko's 20 Years as Deputy General Counsel for Admissions.** Joni Seko joined the meeting and the Commission thanked her for 20 years as Deputy General Counsel of Admissions.
- 1.2 Spring Convention Report.** Heather Thuet reported on the highlights of the convention and reminded Commissioners to log on and join the virtual convention at noon. Ms. Thuet was very pleased to report 720 convention registrants.
- 1.3 "Wellness Wednesday" Report.** Heather Farnsworth reported there will be a wellbeing presentation at the Spring Convention called "Do We Ever Want to Go Back to Normal?" The presentation will focus on the aspects of remote work that foster wellbeing and job satisfaction.
- 1.4 Michelle Oldroyd appointed as Director of Diversity, Inclusion & Equity.** Heather Farnsworth reported that CLE Director Michelle Oldroyd will be the Bar's Director of Diversity, Inclusion & Equity. Ms. Oldroyd's task will be to ensure that the Bar's CLE presenters are consistent with the Bar's commitment to diversity and inclusion.

2. Discussion Items

- 2.1 2021 Sun Valley Summer Convention Planning.** The 2021 Summer Convention will take place in Sun Valley from July 28-30. Because of continuing COVID 19 pandemic restrictions and concerns, the event will be a hybrid in person and virtual event. Richard Dibblee informed the Commission that the Bar needs 500 attendees at a \$650 registration price to break even.
- 2.2 2022 Summer Convention Planning.** Heather Thuet is exploring different locations for the summer 2022 annual meeting. Current possibilities are in Park City and Southern California. Richard Dibblee presented prices and food minimums at various venues for different dates. The Commission ruled out some of the venues and asked Richard Dibblee to locate the Summer Convention Sub Committee Report prepared in 2017. The Commission would like to read the report and review its recommendations before deciding on a final venue for 2022.
- 2.3 2023 Summer Convention (Sun Valley Commitment).** The Bar is tentatively booked for July 26-30 in 2023. Sun Valley will hold the spot for the Bar and will contact the Bar if another organization asks to book at that time.
- 2.4 Proportional Representation of Divisions.** Marty Moore raised the issue of the difficulty members in rural areas face in engaging with the Bar. Mr. Moore proposed having a non-voting Commissioner from the 6th, 7th, or 8th judicial district. The Commission discussed the need to and strategies for outreach and Bar relevancy in rural areas of the State. After discussing various ideas for outreach, the Commission asked Marty Moore to head up outreach efforts. In discussing inclusion and representation, Michelle Quist proposed an LPP member of the Commission. The LPP issue will be on the next meeting agenda.
- 2.5 Plans to Recommence Jury Trials.** Marty Moore reported that jury trial will begin in the 1st District in June 2021. The 3rd District is beginning to have some criminal jury trials. It is not likely civil jury trials will happen for a quite a while because of the backlog of criminal trials. On April 29, 2021, the Federal court will begin holding consecutive in-person criminal jury trials. Because of space limitations and physical distancing requirements, the federal court will hold only one jury trial at a time for the foreseeable future. The federal court has continued all in-person civil jury trials through June 30, 2021.

3. Action Items

- 3.1 Nomination to Eighth District Nomination Commission.** After discussing the candidates, **Heather Thuet moved to nominate John Hancock, Tegan Troutner, and April Hollingsworth to serve on the 8th District Judicial Nominating Commission. Mark Morris seconded the motion which passed unopposed.**

- 3.2 Nomination to Commission on Criminal & Juvenile Justice.** After discussing the candidates, **Marty Moore moved to nominate Ramzi Hamady, Skye Lazaro and Caleb Proulx to serve on the Utah Commission on Criminal and Juvenile Justice. Tom Seiler seconded the motion which passed unopposed. Monica Maio was nominated at the February 5, 2021 meeting.**
- 3.3 Blomquist Hale Request to Increase Fees.** In response to Blomquist Hale’s request for a fee increase, the Commission reviewed a report regarding the services Blomquist Hale offers free to all Bar licensees. The Commission had asked Blomquist Hale to confirm in writing that they do video sessions, serve children, and do not limit the number of free visits. The Bar has paid Blomquist Hale \$75,000 annually since 2006. After a discussion regarding the basis for the fee increase, **Marty Moore moved to increase the annual payment to Blomquist Hale to \$91,000 per year. Heather Thuet seconded the motion which passed unopposed.**
- 3.4 ABA Judicial Intern Opportunity Program Fund Request.** Erik Christiansen reported that he is heading up the effort to create a Utah Chapter of the ABA’s Judicial Intern Opportunity. The program will place diverse law students from across the country in judicial internships with Utah judges. Mr. Christiansen reported that the U of U and BYU law schools were represented on his committee and that the schools support the program because it will have the long-term effect of bringing diverse applicants to both law schools. Local law firms have donated \$17,250 of the \$30,000 needed to fund 10 internships in Utah. Mr. Christiansen requested \$10,000 from the Bar for summer 2022. After discussion, **Marty Moore moved to pledge \$10,000 to the program. Andrew Morse seconded the motion which passed unopposed.**

4. Information Items

- 4.1 Use of Force Seminar.** Andrew Morse reported that the seminar will take place remotely on April 14, 15, and 16, 2021 and that there are already 400 registrants. The program will have presenters from all stakeholders on the issue of police use of force. The Bar expects the program to foster a meaningful discussion on the issue.
- 4.2 Diversity, Equity & Inclusion Efforts in Utah.** Jonathan Puente, The Director of the Office of Fairness and Accountability of the Administrative Office of the Courts, joined the meeting. The Court created the Office of Fairness and Accountability to organize and lead the Utah Courts in examining and addressing bias within the judicial system. Mr. Puente introduced himself, explained his duties, and expressed his enthusiasm for working with the Bar to coordinate efforts to create a diverse pool of lawyers who will be in the pipeline for the judiciary.

Mark Morris, Chair of the Commission Committee on diversity, equity, and inclusion, reported his committee has met and made assignments to contact educators about classroom visits. The purpose of classroom visits is to foster interest in legal careers early in a child’s education.

Christine Durham, Cochair of the Utah Center for Legal Inclusion (UCLI) and Melinda Bowen, Executive Director of UCLI, also joined the meeting to report on the programs UCLI offers to promote diversity in Utah's legal community. Ms. Bowen reported some of the Bar's diversity efforts were previously unknown to her and she suggested a working group to oversee diversity efforts in the legal community to find gaps and ensure there is no overlap.

4.3 Meeting with Court on Bar Exam Threshold. Tom Seiler reported he met with the Court on March 25, 2021 to report on the bar exam cut score and the process by which it was determined. The Court asked the Bar to provide a report on the cut score and data for pass rates at different cut scores. Mr. Seiler reported that Utah's cut score of 270 for the Uniform Bar Exam (UBE) is in the middle of the average scores among jurisdictions, especially those in the Western United States.

4.4 Regulatory Reform Committee. Erik Christiansen reported that John Lund, Chair of the Court's Office of Legal Services Innovation, sent a letter responding to the concerns of the Bar's Regulatory Reform Committee. Mr. Lund's letter was attached to the meeting materials. Erik also noted that more of the approved entities in the sandbox appear to be serving underrepresented parties within the legal system in keeping with the access to justice mission of the program. Mr. Christiansen also reported that the Court's Office of Legal Services Innovation was working towards making a greater effort to prioritize access to justice issues.

4.5 Review of Indian Law Section Name. Herm Olsen was asked to examine whether the word "Indian" was the appropriate term for the Indian Law Section to use. Elizabeth Wright reported that last year when the section was created, she asked the founders if the appropriate title should be "Native American Section." The Section founders reported to Ms. Wright that they preferred the term "Indian."

Mr. Olsen has ties to many Native American organizations because of his service in and legal work for the communities. Mr. Olsen reached out to the following organizations on the issue: 1st Indian Deputy Director of Bureau of Indian Affairs; Head of the Northwest Band of Shoshone Indians; Tuba City area representative for DNA; Chairman of the Board of Navajo Legal Services; Executive Director of DNA; Utah Dine' Bi'Keyah' Corporation; Indian Law Section Chair; and American Indian Services (providing higher education scholarships to indigenous students).

Mr. Olsen reported that overall, the term "Indian" was the preferred descriptive. Mr. Olsen further reported that many indigenous people prefer 'Indian' or 'Indigenous' to 'Native American' because they feel the word 'native' has negative connotations. Finally, Mr. Olsen reported that many federal programs use the term "Indian" such as: Indian Education Assistance Program; Indian Self-Determination Act; Indian Reorganization Act; Indian Child Welfare Act; and the Indian Gaming Regulatory Act.

4.6 Zions Bank Investment Advisors. Tabled until next meeting.

5. Executive Session

Adjourn: 11:52 a.m.

Consent Agenda

1. Approved Minutes from the February 5, 2021 Commission Meeting.
2. Approved Client Security Fund Committee Request for no Fund Assessment for 2021-2022.
3. Approved March 2021 Bar admittees.