

# UTAH STATE BAR COMMISSION MEETING

## MINUTES

Friday, November 18, 2022

Utah Law and Justice Center

**In Attendance:** President Kristin “Katie” Woods, President-Elect Erik Christiansen, and Commissioners Tom Bayles, Traci Gunderson, Matt Hansen, Rick Hoffman, Greg Hoole, Beth Kennedy, Marty Moore, Mark Morris, Andrew Morse, and Cara Tangaro.

**Ex-Officio Members:** Kim Cordova, Anaya Gayle, Scotti Hill, Gabriela Mena, Brittany J. Merrill, Camila Moreno.

**Not in Attendance:** Commissioners Shawn Newell, Tyler Young, and Chrystal Mancuso-Smith. Ex-Officio members Past-President Heather Thuet, Nate Alder, Dean Elizabeth Kronk-Warner, Shalise McKinlay, Margaret Plane, and Dean Gordon Smith.

**Also in Attendance:** Executive Director Elizabeth A. Wright, General Counsel Nancy J. Sylvester, Utah Court Representative Nick Stiles, Bar Communications Director Matt Page, Access to Justice Director Pamela Beatse, and Access to Justice Staff Attorney Keenan Carroll.

### 1. President's Report: Katie Woods.

#### 1.1 Welcome.

Ms. Woods welcomed the Commission to the meeting. Scotti Hill introduced herself as the new YLD President, replacing Cedar Cosner. Marty Moore introduced J. Brett Chambers as his proposed replacement on the Commission.

#### 1.2 Retreat and Fall Forum Reports.

Ms. Woods deferred discussion of the Retreat to Matt Page’s discussion item. Ms. Woods reported that the Fall Forum was excellent and was sold out. Several Commission members reported that multiple attendees had said it was one of the best events they’d ever been to. Ms. Sylvester reported on the Well-being panel and remarked that some attendees were emotionally moved by the stories of the diverse panel, which included Andrew Morse, Anaya Gayle, Kent Scott, and Nancy Sylvester. She observed that the Fall Forum had addressed the whole lawyer.

### **1.3 Legislative Breakfast Report.**

Erik Christiansen reported on the Legislative Breakfast. He said the lawyer legislators each reported on their law practices and initiatives they are working on in the Legislature. He and Ms. Gunderson reported that the legislators would like more engagement from members of the Bar.

### **1.4 Commission Election Reminder.**

Ms. Woods reported that the President-elect written notice is due January 2, 2023, and Commissioner petitions are due February 1, 2023 (three spots in Third Division and one spot in First Division). She encouraged those who are interested to get their materials turned in as soon as possible.

## **2. Action Items**

### **2.1 Approve Financial Audit: Rick Hoffman and Lauren Stout.**

Lauren Stout and Rick Hoffman reported that the Bar had received a clean audit. Ms. Stout noted that this is the 9<sup>th</sup> year Tanner has conducted the Bar's audit and Mr. Hoffman reported that Tanner has an excellent reputation. He also reported that Tanner said there were even minor improvements over last year. Mr. Hoffman noted that the Bar has positive cash flow, the Bar is operating wisely, is in a healthy position, and it could weather a downturn. Mr. Moore moved to approve the audit and Mr. Morse seconded. The motion passed unanimously.

### **2.2 Donation to JIOP: Erik Christiansen.**

Mr. Christiansen reported that the ABA operates a program called the Judicial Intern Opportunity Program, which exposes diverse 1<sup>st</sup> year law students to internships. Mr. Christiansen reported that 11 interns worked with judges this past summer. Last year the Bar Commission gave \$10,000 and he raised \$45,000 for the program. He asked the Bar to fund \$10,000 again. In response to a question, Mr. Christiansen reported that the screening process is nationwide. 800 applied and 400 were placed. Ms. Tangaro moved and Ms. Gunderson seconded. The motion passed unanimously.

### **2.3 Fill First Division Commissioner Vacancy.**

Ms. Woods reported that with Marty Moore's retirement, the Commission will need to either vote for a temporary replacement or hold a special election. Ms. Woods proposed that J. Brett Chambers, who is the current Cache County Bar president, be voted in. Ms. Tangaro moved to approve Brett Chambers as the First Division Bar Commissioner to complete Marty Moore's term, which ends July 1, 2023. Mr. Morse seconded. The motion passed unanimously.

## **2.4 Unmind Mental Health App.**

Ms. Wright reported that Unmind presented at the retreat in Zion during the October Commission meeting and this item was now up for action. She said Unmind would offer its proactive well-being app to all Bar members and Utah law students. The current offering price is \$135,000 per year and the contract would be for two years.

Ms. Woods observed that this is basically a two-year experiment to see if Bar members will use it, noting that well-being is a top priority for the Commission. Mr. Morse noted that firms have a hard time implementing robust well-being programs and this would do it for them. Ms. Tangaro added that the fact that the law students would get access to the app was huge because it was a great research opportunity for Unmind to see if this helps as these students transition to the practice of law. Mr. Moore said the practice of law and law school is harder than it's ever been, so he sees benefits to the app. Mr. Moore also observed that Unmind is a startup, so in light of the warnings about the economy, he said the Commission should assure itself that the company is in good financial position. Mr. Hoffman said he would like to review Unmind's financials and that he would be able to tell quickly if this was a good idea on that basis. The Commission discussed a due diligence requirement as part of the contracting process.

Ms. Woods noted that the Bar has protected its reserves so well that it is in a good financial position to do this. Ms. Kennedy observed that this would present a major benefit to Bar members. Mr. Hoffman stated the Bar is in a financial position to pay for two years of Unmind.

As part of the company financials discussion, Mr. Morse noted that Unmind already serves 2.5 million people in the UK. Ms. Gunderson observed that Utah is one of the first Bars to look at adopting this, which means it is positioned to negotiate since it will help open the market up for Unmind to other state bars. Ms. Moreno noted that the cost per user was very small (\$2.00 or under), especially compared to the apps she and her peers regularly purchase. Ms. Gayle projected that LALU would likely have high usage since the incidence of mental health issues is much higher in the LGBTQ+ community.

Mr. Morse moved to authorize up to \$125,000 per year for the 2-year contract, subject to Nancy Sylvester, Martha Knudsen, and Rick Hoffman satisfying themselves that the company's finances were in shape. Ms. Tangaro seconded. Ms. Kennedy amended the motion to approve up to \$135,000, which was the current offer, and for Martha Knudsen to do her best to get it down to \$125,000 or lower, with the caveat regarding the financials. Mr. Morse seconded. The motion passed unanimously.

Later in the meeting, Ms. Tangaro reported that she'd received specific information from Martha Knudsen that Unmind's finances were very healthy.

## **2.5 Appointment to Commission on Criminal and Juvenile Justice.**

Ms. Woods reported that Governor Cox requested two additional juvenile defense attorney recommendations for the Commission on Criminal and Juvenile Justice (CCJJ). Ms. Cordova observed that the other people on the list did not fit in this attorney category as well as Monica Maio, whom the Commission already recommended. Ms. Cordova observed that Monica Maio's office is one of the best in the country. Ms. Tangaro said the

Commission should send a letter in support of Ms. Maio.

Ms. Cordova and Mr. Stiles noted the statutory mandate for the Bar to provide two additional names to the governor. Utah Code section 63M-7-202(2)(c) states, “The governor shall appoint the remaining five members to four-year staggered terms as follows: one attorney who primarily represents juveniles in delinquency matters appointed from a list of three nominees submitted by the Utah Bar Association.”

Ms. Kennedy moved to recommend Trent Seegmiller and Erin Strahm as the other two candidates with a note of strong support for Monica Maio. Mr. Bayles seconded the motion. The motion passed unanimously. Ms. Wright will draft the letter on behalf of the Commission.

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

#### **3.1 Message Maps: Matthew Page.**

Mr. Page reintroduced the concept of message maps to the Commission. A message map is a visual tool used to create compelling, relevant messages for various audiences. He said the message always goes back to home base, which is the main message. So, for example, a message map home base for mandatory bars is that mandatory bars benefit both the profession and the public. It does so, for example, by benefiting the community through events and education like Law Day and Constitution Day events, sponsorship of law related education and mock trials, and classroom presentations for schools. Mandatory bars also benefit both the profession and the public by providing financial benefits to Bar members that exceed licensing fees. And mandatory bars benefit both the profession and the public by housing all operations under one roof: the ethics hotline, free legal research, administrative support for sections, and free mental health counseling (6 sessions per year), to name a few.

Mr. Page noted that the messaging around the main message can remain the same while the main, home base message is changed for a different audience or perspective.

Mr. Page noted that the Bar’s practice portal is an incredible, but under-utilized tool. He said the same is true of [licensedlawyer.org](http://licensedlawyer.org), which gets more traffic than Avvo. He said he had been assigned a specific task this year of promoting and improving [licensedlawyer.org](http://licensedlawyer.org). Mr. Hoole remarked that a major benefit of a mandatory bar is self-governance. He related his experiences with DOPL, observing that lawyers would not be benefitted by a bureaucracy like DOPL’s. He said self-governance is a benefit that the Commission should talk about more.

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

#### **4.1 Utah State Bar Access to Justice Office report and preview of Paladin program: Pamela Beatse and Keenan Carroll.**

Pamela Beatse and Keenan Carroll reported on various projects the Access to Justice office is working on, including tracking how much money volunteer lawyers save the public by being involved in housing and debt collection cases. Mr. Morris observed that in

those courts where this service is not offered, he suspected that this is costing much more money to the consumer. Mr. Carroll agreed that this was true and referred the Commission to the Utah Bar Foundation's recent report.

Ms. Beatse reported to the Commission on the new Paladin program, which is a one-stop shop for pro bono opportunities in Utah. She and Ms. Wright reported that the Utah Bar Foundation had approved funds for a part-time person to be hired temporarily to tour the state and meet with organizations to help populate the opportunities and train on the program.

The Commission commended Ms. Beatse and Mr. Carroll for their great work.

**5. Adjournment.**

The Commission adjourned at 11:40 a.m.

**6. Consent Agenda.**

The Commission approved by consent the minutes of the October 14, 2022 Commission meeting.