

# UTAH STATE BAR COMMISSION MEETING

## MINUTES

Thursday, March 16, 2023

Dixie Convention Center, St. George

**In Attendance:** President Kristin “Katie” Woods, President-Elect Erik Christiansen, and Commissioners Tom Bayles, Matt Hansen, Greg Hoole, Beth Kennedy, Chrystal Mancuso-Smith, Mark Morris, Andrew Morse, Shawn Newell, Cara Tangaro, and Tyler Young.

**Ex-Officio Members:** Past-President Heather Thuet, Kim Cordova, Scotti Hill, Gabriela Mena, Brittany, J. Merrill, and Margaret Plane.

**Not in Attendance:** Commissioners J. Brett Chambers, Traci Gunderson, Rick Hoffman and Ex-Officio members Nate Alder, Anaya Gayle, Dean Elizabeth Kronk-Warner, Shalise McKinlay, Camila Moreno, and Dean Gordon Smith.

**Also in Attendance:** Executive Director Elizabeth A. Wright, General Counsel Nancy J. Sylvester, Utah Court Representative Nick Stiles.

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

Ms. Woods welcomed the Commission to the meeting.

#### 1.1 Review Spring Convention Schedule: Erik Christiansen

Mr. Christiansen reviewed the Spring Convention schedule, including the opening reception and commission dinner.

#### 1.2 Report on Legislative Session

Ms. Woods reported on the legislative session, noting that it was a challenging session. The Commission discussed the need for more relationship building with the legislature. The Commission also discussed the work that happened on HJR2 and SB129 and the need for education on judicial independence. Ms. Woods then discussed having a committee work on education. Mr. Newell said the key is to educate people in a way that builds bridges. Mr. Hoole, Mr. Newell, and Ms. Woods spoke of their experiences with the nominating commissions.

#### 1.3 Report on National Conference of Bar Presidents Meeting

Ms. Woods reported on the National Conference of Bar Presidents. She said Utah is

getting national recognition for its well-being efforts. Ms. Wright and Ms. Woods shared that it is very helpful to meet with their national colleagues at these meetings.

#### **1.4 UDR Progress Report (TAB 1, Page 7)**

Ms. Wright reported that UDR is very grateful for the Bar's support following the death of their executive director. The UDR reported on the way the money was being spent, which is to hire Kai Wilson to help UDR get its organizational structure in order.

#### **1.5 Recognize Scotti Hill for S.J. Quinney Young Alumni Award**

Ms. Wright and Ms. Woods recognized Ms. Hill for her award and for her good work at the Bar.

#### **1.6 TAVA and Unmind Update: Martha Knudson**

Ms. Knudson reported on the Bar's well-being benefits. She said there have been 250 therapy appointments already completed and over 1000 appointments booked. She said she is keeping an eye on the prepaid sessions. She reported on Unmind, which has around 350 active users at around 45 days out. One of the highest good health indicators is connection among users. But overall health is generally lacking among users. The Commission discussed the need for grass roots communication about Unmind and also shared their experiences using these well-being resources.

## **2. Action Items**

### **2.1 Credit Card Merchant Fees on Licensing Fees (TAB 2, Page 10)**

Ms. Wright reported that the Bar is moving away from paper checks in keeping with modern banking practices. She said the Bar is moving toward ACH payments instead. This will be helpful for minimizing check fraud and lost checks. The change will also eliminate the administrative burden of having to manually process over 2500 checks during licensing. The Bar will now be taking Amex for credit cards, along with Mastercard, Discover Card and Visa. In preparation for the payment changes, Bar staff have been contacting different entities to explain the changes and to give them enough notice to implement licensing and payment procedures for the new system. Ms. Wright reported that some of the government entities with large numbers of lawyers cannot do ACH and they cannot reimburse for credit card fees. Ms. Wright reported that after speaking to different organizations, removal of the credit card surcharge will enable these entities to have their lawyers pay by credit card and seek reimbursement. The \$68,000 loss in surcharge revenue will be made up in administrative time spent processing checks and can be worked into the budget. Mr. Stiles reported that the courts would be more comfortable with this transition if the credit card fees were gone. Mr. Hansen reported on some of the concerns from the counties from an auditing standpoint with respect to getting

rid of checks. Ms. Wright said moving away from checks will be very helpful from an administrative standpoint and that the Bar is not the only entity or business moving away from check payments. Ms. Wright stressed that Bar staff will speak with any entities who have questions or concerns about the new process to assist them in making the transition to payment of licensing fees without checks.

Mr. Bayles moved to remove the surcharge for credit cards. Ms. Tangaro seconded. The Commission held further discussion. The motion passed unanimously.

## **2.2 Approve 2023-2024 Fund for Client Protection Assessment (TAB 3, Page 13)**

Ms. Woods reported that the Fund for Client Protection has been spent down by about \$70,000. Rule 14-904 requires the bar to maintain a \$200,000 balance in the Fund. The request is to assess \$7.00 to licensees, which must be approved by the Court.

Ms. Tangaro moved to assess the fee to licensees. Mr. Christiansen seconded. The motion passed unanimously.

## **2.3 Select a Bar Trustee for the Foundation for Natural Resources and Energy Law (TAB 4, Page 16)**

Ms. Wright noted that the Commission has a role in selecting a trustee for the Foundation for National Resources and Energy Law. The Commission expressed concern about making a decision on this since there are so many impressive candidates with whom they are not familiar. The Commission tabled this item pending further information.

## **2.4 Table at the UCLI Fundraiser Luncheon (TAB 5, Page 39)**

Ms. Kennedy moved to purchase a \$1,000 table for 10 for the UCLI fundraiser. Mr. Hansen seconded.

## **2.5 Table at the Law Day Luncheon (TAB 6, Page 42)**

Mr. Hansen moved to purchase a \$500 table for the Law Day Luncheon.

# **3. Discussion Items.**

## **3.1 Innovation Office**

Ms. Wright reported that there is not yet a final recommendation on the Innovation Office but she heard at the Council meeting last month that the recommendation is to come to the Bar as a program administrator employee. There are ARPA funds that will be granted to the Bar (\$130,000) to help fund the office. The court has been in a lot of discussions with the UAJ and has implemented many of its recommendations. The Innovation Office Board will be made up of more lawyers from different areas. License fees will be charged to entities and background checks will be implemented.

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

##### **4.1 ABA Delegates' Report: Kim Cordova and Camilla Moreno**

Erik Christiansen reported on behalf of Kim Cordova. He reported that there was a resolution to get rid of the LSAT as an admissions requirement. He said that Utah played a large role in quashing that resolution. 60 deans wrote letters in opposition. The argument against is that it hurts diversity. GPAs are notoriously bad predictors of success in law school. The LSAT is a much more objective standard and predictor of success. The entering class this year is the most diverse of any other year. The argument to get rid of it is that law schools want more flexibility, but that argument failed. The ABA also passed a resolution that the U.S. Supreme Court should adopt a code of ethics.

##### **4.2 Judicial Council Report: Margaret Plane**

Ms. Plane said the Council spent a lot of time the past few meetings on legislation. She said the courts are looking at education during non-legislative session time, just as the Bar is. Ms. Plane reported that the courts had 10 budget priorities that were all funded. She also reported that the business and chancery courts will be implemented after the next legislative session. This will be hosted at the Matheson Courthouse. There will be a lot of details to work out between now and then. She noted that the court will need to do outreach going forward. She also noted that CCJJ will need to realign its rules and there will be an opportunity to provide comment there. There will also be an opportunity to get more involved in public comment about judges by different organizations. Ms. Plane reported on court fee reporting and on a bill that didn't pass to have credit card fees charged to patrons. She also said 5<sup>th</sup> District judges reported to the Council and said they are feeling the pinch of population growth.

#### **5. Executive Session**

The Commission held an executive session.

#### **6. Adjournment.**

The Commission adjourned at 3:55 p.m.

#### **7. Consent Agenda.**

The Commission approved by consent the minutes of the January 27, 2023 Commission meeting.