

UTAH STATE BAR COMMISSION MEETING

MINUTES

Friday, June 9, 2023

VIA ZOOM

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

Ex-Officio Members: Past-President Heather Thuet, Nate Alder, Kim Cordova, Shalise McKinlay, Gabriela Mena, Brittany, J. Merrill, and Camila Moreno.

Not in Attendance: Commissioners J. Brett Chambers, Rick Hoffman, and Greg Hoole, and Ex-Officio members Anaya Gayle, Scotti Hill, Dean Elizabeth Kronk-Warner, Margaret Plane, and Dean Gordon Smith.

Also in Attendance: Executive Director Elizabeth A. Wright, General Counsel Nancy J. Sylvester, Utah Court Representative Nick Stiles, Well-Being Executive Director Martha Knudsen, Marty Moore, and members of the 2023 Leadership Academy.

1. Action Item

1.1 Approve 2023-24 Budget: Erik Christiansen

Lauren Stout, Bar Finance Director, presented on the FY2024 budget. She explained that while the budget shows a \$300,000 net loss, that is directly attributed to the well-being program. That means the budget will involve spending down some of the reserve. Ms. Stout then reviewed some key changes that were built into the budget, including licensing and admissions revenue increases. She also noted three positions that are being added: an assistant executive director, which was previously funded but has been unfunded for two years, a grant-funded position in access to justice, and the Innovation Office Director.

Ms. Stout then discussed cash reserves. She said the budget committee has made recommendations regarding the reserves. Operating reserves have been bumped from 3 months to 4 months (\$2 million to \$2.7 million). She said the accounting industry has begun to view 3 months of operating reserves as insufficient and some companies are now going as high as 6 months. She noted that this change will assist with cash management. Mr. Christiansen reported that the Supreme Court also encouraged the Bar to look at having a healthier operating reserve. Ms. Stout said the next two items recommended to be earmarked are an update to the member database and OPC’s database. And finally, the recommendations also include reserving cash for the Bar’s well-being program pursuant to its contracts.

Ms. Woods observed that there have been questions about the Bar’s reserves, and it is helpful to have things earmarked. Ms. Stout reported that non-profit organizations look each year at their cash reserves and what should be earmarked.

Mr. Christiansen noted that a future commission will need to look at the cost of the well-

being program and look to potentially reduce the benefit. He said it is an extremely popular program.

Motion: Mr. Morse moved to approve the budget and the cash reserve recommendations. Ms. Tangaro seconded the motion. The Commission unanimously approved the motion.

2. President's Report: Katie Woods.

2.1 Report on Finance Meeting with Full Court & Jackrabbit Bar Conference

Ms. Woods reported on a meeting with the Supreme Court regarding the Bar's finances. She said the Supreme Court requested a breakdown of how regulatory vs. non-regulatory functions are funded by license fees. She said the budget includes that breakdown and Ms. Stout explained in that meeting what happens with each dollar that comes into the Bar. Mr. Christiansen said the Court appreciated the Bar's explanation and is interested in having an annual report from the Bar on this.

Ms. Woods reported on the Jackrabbit Bar Conference, which was last weekend. She said the Jackrabbit Bar includes the western "cowboy" states. She said it is very helpful to talk through issues with other Bar presidents. Ms. Woods said Montana had a particularly active year in its legislature. For example, Montana's legislature made a declaration that *Marbury v. Madison* was no longer the law in that state. Ms. Wright echoed Ms. Woods' appreciation of the event. She observed that the idea of reciprocal admission came out of the Jackrabbit Bar.

2.2 Annual Meeting and Food Truck Social

Ms. Woods reported that there will be no July meetings for the Commission and asked all to attend the annual meeting on June 29th.

2.3 50 Year Pin and Past President's Luncheon

Ms. Woods invited the Commission to attend the 50 year and past president's luncheon following the meeting

2.4 Retreat Reminder: Erik Christiansen

Mr. Christiansen reminded the Commission about the fall retreat at Alta September 22nd and 23rd. Chris Newbold from ALPS will be conducting a strategic planning session. Mr. Christensen said he also hoped to have a panel with lawyer legislators and would be working on having regular meetings with them.

3. Other Action Items

3.1 Appoint Traci Gunderson to replace Beth Kennedy

Ms. Woods proposed that Ms. Gunderson replace Ms. Kennedy on the Commission since Ms. Kennedy took a job with the Bar as the Ethics Counsel. Ms. Gunderson will fill the rest of Ms. Kennedy's term, which will end in 2025.

Ms. Tangaro moved to approve the proposal and Mr. Morse seconded. The motion passed unanimously.

3.2 Approve Annual Meeting Awards

3.2.1 Judge of the Year

Ms. Woods reported that Judge David Nuffer was the Awards Committee's pick for Judge of the Year. The Commission discussed the recommendation.

Ms. Tangaro moved to approve the recommendation. Ms. Gunderson seconded. The motion passed unanimously.

3.2.2 Section of the Year

Ms. Woods reported that the Business Law Section was recommended for a second year as the section of the year.

Ms. Gunderson moved to approve the recommendation and Mr. Newell seconded. The motion passed unanimously.

3.2.3 Lawyer of the Year

Ms. Woods reported that Darcy Goddard was the Awards Committee's pick for Lawyer of the Year. The Commission discussed the recommendation.

Mr. Morse moved and Ms. Gunderson seconded the committee's recommendation. The motion passed unanimously.

3.2.4 Special Service Award

Ms. Woods reported that Nathaniel Sanders has been involved in a lot of international aid since the Ukraine war began. He was nominated by multiple attorneys for the Special Service Award. She said the Awards Committee recommended that he be given the award.

Ms. Tangaro moved to approve the recommendation and Ms. Mancuso-Smith seconded. The motion passed unanimously.

3.2.5 Committee of the Year

Ms. Woods said the Awards Committee nominated the Ethics and Discipline Committee for Committee of the Year. The Commission discussed the recommendation.

Mr. Hansen moved to approve the recommendation and Ms. Kennedy seconded. The motion passed unanimously.

3.3 Bar Appointment to Elected Official and Judicial Compensation Commission

Ms. Wright reported that Sam Alba recently stepped down and a new person would need to fill the role. The Commission requires political balance and so the appointment would need to be an unaffiliated or a democrat.

Ms. Tangaro moved to approve David Connors as the Bar's appointment and Mr. Morse

seconded. The motion passed unanimously.

3.4 Approve 2023-2024 Executive Committee

Mr. Christiansen asked that the Commission approve the executive committee composition as Mr. Christiansen, Ms. Tangaro, Mr. Morris, Ms. Cordova, and Ms. Mancuso-Smith. Mr. Newell so moved and Ms. Gunderson seconded the motion. The motion carried unanimously.

3.5 Adopt a Resolution on Bank Signatures

Mr. Christiansen requested that the Commission approve the executive committee as authorized signers on the Bar's bank account. Mr. Morse so moved and Mr. Young seconded the motion. The motion passed unanimously.

4. Information Items

4.1 School Outreach Report: Beth Kennedy

Ms. Kennedy reported that over 500 lawyers volunteered to do school outreach throughout the state. 126 lawyers did outreach in 71 classrooms this year.

4.2 State of the Bar Report: Katie Woods

Ms. Woods provided a summary to the Commission of the work the Bar did over the year. She said this would be provided as her president's report to the Supreme Court.

4.3 Well-Being Update: Martha Knudson

Ms. Knudson reported that the well-being program had been successful this year. She reported that Blomquist Hale had a 2% utilization rate but the utilization rate with Tava Health is at 6.2% so far (4 months). Unmind has a 6.9% utilization rate.

The top concerns coming in at Tava are anxiety, adjustment disorder, depression, relationship/interpersonal, and stress. 30 and 49 is the largest age group using Tava. Most usage is happening in Utah but it is also being used by Utah lawyers who live in other states.

Ms. Knudson also reported on the many presentations that have been given around the state as well as an ongoing study at the University of Utah on well-being. She also reported that feedback has been almost entirely positive and that Unmind has now added a search feature, which will help with usability.

4.4 Innovation Office Update: Elizabeth Wright

Ms. Wright reported that the process of hiring the Innovation Office director is ongoing, with second round interviews happening next week. The hope is to have the Innovation Office in operation by July. She said the Bar attracted well-qualified candidates for the position.

4.5 Proposed Admission Rules Changes: Marty Moore

Mr. Moore reported that a working group did an intensive study of the Bar exam over the

past 2 years. He reported that the working group is not confident that the uniform bar exam is the only way to test for competence. He said the multistate exam tests on multiple subjects that are not required for graduation at most law schools. The working group proposed an alternate path to licensure. Mr. Moore posited that students who take the courses required in the alternate path would be more competent than if they had just studied for the UBE. Mr. Moore also said the current recommendation is that students take several months off after graduation to study the exam, which is not possible for many low-income students, thus disproportionately affecting people of color. The proposal will include well-being training, experience hours, supervised practice, and an alternative path exam. The Commission discussed the proposal and offered feedback, particularly on diverse candidates and how to help them get supervised hours and experiential requirements.

5. Executive Session

The Commission held an executive session.

6. Adjournment.

The Commission adjourned to the 50-Year “Active” Practice Award & Past Presidents’ Luncheon at 12:20 p.m.

7. Consent Agenda.

The Commission approved by consent the following items:

- Minutes of the April 21, 2023 Commission Meeting;
- Fund for Client Protection Payments; and
- Eric Bunderson’s appointment to the Justice Court Reform Task Force.