

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

**APRIL 16, 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, Shawn Newell, Mark Pugsley, Michelle Quist, Tom Seiler, and Katie Woods.

**Ex-Officio Members:** Sarah Baldwin, Erik Christiansen, Cedar Cosner (for YLD), Kim Cordova, Camila Moreno, Herm Olsen, Margaret Plane, Robert Rice and Dean Elizabeth Kronk-Warner.

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

**Also in Attendance:** Executive Director John C. Baldwin, Assistant Executive Director Richard Dibblee, General Counsel Elizabeth A. Wright, and Supreme Court Liaison Nick Stiles.

**Minutes: 9:03 a.m. start**

**1. President's Report: Heather Farnsworth**

**1.1 Bar President-Elect & Commission Election Results.** Heather Farnsworth reported that **Katie Woods** was retained as President-elect. **Chrystal Mancuso-Smith** and **Greg Hoole** were elected to serve as Third Division Commissioners. **Tyler Young** ran unopposed and was declared elected to serve as the Fourth Division Commissioner and **Megan Mustoe** ran unopposed and was declared elected to serve as the Fifth Division Commissioner.

**1.2 Spring Convention Report.** Heather Thuet reported that the virtual convention was a success with 630 attendees on for day 1 and 650 attendees on day 2. The Bar received lots of positive feedback about the program.

**1.3 Use of Force Seminar/Follow Up: Shawn Newell & Andrew Morse.** Event organizers Shawn Newell and Andrew Morse reported that each of the three days had close to 1000 attendees. Mr. Newell reported that the event was well received and served as a good launching point for more discussion about the issues surrounding police use of deadly force. Mr. Morse reported that they will survey presenters and attendees to get recorded feedback on the event. He also hopes that the Bar can arrange

a presentation on the issue at the Summer Convention and that hopefully Dr. Smith would be willing to present again. Mr. Newell will speak to Dr. Smith about his availability.

## 2. Action Item

- 2.1 2022 Summer Convention.** Richard Dibblee reported that the Lowes Coronado in California offered the best room rates for the month of July. The Grand Summit in Park City has too high of a food and beverage requirement. The Commission then discussed the pro and cons of having an out of state convention. Marty Moore objected to holding a convention outside of Utah. Tom Seiler objected to the cost of the convention. Rob Rice reminded the Commission that the Supreme Court has asked the Commission to ensure the conventions pay for themselves. After discussion on the issues and objections raised, **Mark Morris moved to hold the 2022 Summer Convention at the Lowes Coronado. Michelle Quist seconded the motion which passed with Marty Moore and Tom Seiler opposed.**

## 3. Discussion Items

- 3.1 Rural Lawyers' Commission Representation:** Marty Moore proposed two ideas to encourage more Bar representation for and inclusion of rural lawyers. First idea is to have a Commission meeting in Moab in conjunction with the Litigation Section meeting and invite rural lawyers to attend. Second idea is to have an ex officio member of the Commission who would represent the 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> judicial districts. The Commission discussed the issues with and barriers to participation by rural lawyers. After discussion, the Commission decided it would have the meeting in Moab to better gauge interest in an ex officio member. Rob Rice asked John Baldwin to provide the Commission with the figures for the cost of an additional ex officio member for consideration at the next Commission meeting. **Michelle Quist moved to hold the October 15, 2021 Commission meeting in Moab in conjunction with the Litigation Section Judicial Excellence meeting. Chrystal Mancuso-Smith seconded the motion which passed unopposed.**
- 3.2 Investment Policies and Procedures.** Marty Moore, who sits on the Bar's Budget and Finance Committee, reviewed the Bar's investment portfolio with the Commission. The Commission discussed the investments and the fees associated with managing the investments. The Commission discussed concerns that the Bar is invested in bond funds which pose too much risk. **Tom Seiler moved to charge Marty Moore and Rick Hoffman to work with the Budget and Finance Committee to develop a new investment policy and review changing the current investment advisors.**

## 4. Information Items

- 4.1 State Courts' Plans for Jury Pilots and Restarting:** Nick Stiles reported on current Court policies for resuming jury trials. Mr. Stiles noted that vaccine rates and case numbers have been encouraging so the policy may evolve. Mr. Stiles reminded the Commissions to check the Court website for phase levels and associated precautions.

Currently, all people must wear masks in all courthouses regardless of state and local policy. Jury trials are taking place with “red phase” precautions which include COVID testing for participants and enclosed witness booths with air filters. There is no date for civil in-person arguments. Finally, Mr. Stiles reported that for some types of cases remote hearings will continue beyond the pandemic. Judges, lawyers, and clients have found that some proceedings are more efficient and cost effective if held remotely.

- 4.2 2021 Sun Valley Summer Convention Status Report:** Richard Dibble reported that 80% of the Bar’s room block is full. The Commission then discussed some of the issues with holding a hybrid in-person and remote convention. Attendees who select a “Zoom only” option will be able to see all sessions at a lower rate.

## **5. Executive Session**

**Adjourn: 12:15 p.m.**

### **Consent Agenda**

1. Approved Minutes from the March 25, 2021 Commission Meeting.