

UTAH STATE BAR COMMISSION MEETING

MINUTES

Friday, April 22, 2022

ZOOM AND IN-PERSON MEETING

AGENDA

In Attendance: President Heather Thuet, President-Elect Kristin “Katie” Woods, and Commissioners John Bradley, Traci Gunderson, Rick Hoffman, Greg Hoole, Marty Moore, Andrew Morse, Shawn Newell, Michelle Quist, and Tyler Young.

Ex-Officio Members: Past-President Heather Farnsworth, Erik Christiansen, Kim Cordova, Beth Kennedy (for Kim Neville), Brandon J. Mark, Grant Miller, Margaret Plane, Nick Stiles, Dean Elizabeth Kronk-Warner, and Tonya Wright,

Not in Attendance: Commissioners Chrystal Mancuso-Smith and Mark Morris. Ex Officio members Nate Alder, Dean Gordon Smith, J. Ramzi Hamady, and Camila Moreno.

Also in Attendance: Executive Director Elizabeth A. Wright, General Counsel Nancy J. Sylvester, Stewart Ralphs, Anne Milne, Adina Zahradrikova, Mark Baier, George Sutton, Marcus Degen, John Lund.

1. President’s Report: Heather Thuet

1.1 Bar President-elect & Commission Election Results

Erik Christiansen, President-elect. Matt Hansen, Second Division Commissioner. Beth Kennedy and Cara Tangaro, Third Division Commissioners. Tom Bayles, Fifth Division Commissioner.

1.2 Law Day Luncheon – May 6, 2022

There are still 4 spots available for the table.

2. Action Items:

2.1 Donation to James B. Lee Justice Center: Anne Milne-ULS, and Stewart Ralphs-Legal Aid, Adina Zahradnikova-Disability Law Center

Mr. Ralphs discussed why And Justice for All is requesting a donation for their new building. He gave some history on the Bar's donations to AJFA, the last of which was \$100,000. The capital campaign has worked on raising \$3.6 million. There is \$1.3 million left to go. The Family Law Section donated \$50,000. Katie Woods moved to approve donating \$200,000 to the capital campaign. John Bradley seconded the motion. Traci Gunderson moved to amend the motion to \$250,000. Ms. Woods and Mr. Bradley accepted the amendment. The motion carried with one dissenting vote.

2.2 Supreme Court Office of Legal Services Innovation: Nick Stiles and John Lund

Mr. Stiles and Mr. Lund introduced the idea of funding the Innovation Office at the Bar on behalf of the Supreme Court. If the Council funds the Innovation Office with one-time funding, it will be funded to June 30, 2024. Mr. Lund spoke of economy of scale in housing the Innovation Office at the Bar. This is not an immediate ask, but the conversations about how it could happen need to be had. Mr. Lund noted that Utah has been a leader in access to justice initiatives nationwide for quite some time. Mr. Lund said he believes the Court sees the Bar as the right place for assisting it in regulating the practice of law and would like to place all those efforts there. Mr. Christiansen observed that it would be helpful to appoint a committee to study the Innovation Office joining the Bar. Mr. Lund noted that the long-term goal is that the Innovation Office will be self-funded. Mr. Stiles said that there are three potential funding sources to help the IO get through this fiscal year. Mr. Lund said the budget ask is around \$500,000 but there would be some cost-savings with using some of the Bar's resources. Ms. Woods noted that the Bar would become a large employer once it hits 50 employees, which will lead to more costs (FMLA, etc.), which would happen if the Bar added IO employees. Ms. Woods said the licensees in her area are against the IO, so that will be a consideration and something to study. Ms. Sylvester noted that there will be legal implications that will need to be studied. Ms. Quist noted that she saw positives and negatives with this but wondered whether the Supreme Court could force the Commission to take this on. Ms. Woods observed that education on how the IO could benefit members would be helpful. The court has not taken a position yet on whether Bar dues would need to be raised. Mr. Stiles observed that the Court is very interested in what the Commission thinks. Mr. Christiansen moved to study this issue very carefully (taxes, legal, funding, etc.). Ms. Thuet added that someone from IO should be added. Committee should also be engaged in education. Mr. Hoffman said the committee should be also looking at how all the programs are funded and affect the Bar. Greg Hoole seconded the motion. The motion carried.

2.3 Sentencing Commission Appointments:

Ms. Thuet noted that there are 19 applicants for this. Commission recommends 2 applicants, one who is a private practice criminal lawyer and one who is a juvenile defender. Ms. Cordova recommended Pam Vickery and Edward Brass. Katie Woods moved to approve Pam Vickery. Rick Hoffman seconded. The motion passed unanimously. The Commission narrowed the list to Edward Brass, Rich Gallegos, Skye Lazaro and took a silent vote. The vote was in favor of Skye Lazaro.

2.4 Approve 2022-2023 Client Security Fund Assessment:

Ms. Wright explained the client security fund assessment. The Bar has not assessed since 2017-2018 and then it was \$5. The request this year is \$10. Ms. Woods noted that there is enough money in this year's budget to replenish the fund at \$101,780. Ms. Woods moved and Ms. Thuet seconded. The motion carried.

3. Information Items:

3.1 Ideas for Incentivizing Pro Bono Work: Mark Baer, George Sutton, Marcus Degan

Mr. Baer noted that there were over 750k eviction and debt collection cases in Utah filed from January 2013 to September 30, 2021. He also observed that there are some abuses and overreach in filings and motions that are steamrolling defendants. He said CLE credit is a start. He requested that Bar dues be reduced as an offset for providing pro bono. He then observed that holding a reception a couple times per year to recognize the volunteer efforts would be helpful. Dean Warner observed that the law schools could take on clinics on these issues. Mr. Sutton noted that most of the defendants are unsophisticated, and he can help get through the red tape. He observed that there are abuses in many the cases he handles. Someone who has knowledge of merits, contracts, evidence can help, including first year law students. He noted the Pew study that came out this week which is highlighting a scandal. He asked for the Commission's support in having a notice added to complaints in these cases, just like Miranda warnings. He circulated a proposed notice. He said this is simply a step to be proactive. Ms. Sylvester educated the Commission on the rules process, the efforts the courts have already taken, and the receptivity to access to justice efforts. Dean Warner noted the efforts being undertaken at the U Law School with Stacey Butler. Mr. Degan noted that there is less of an access to justice gap and more of barriers baked into rules and statutes. Dean Warner said Justice Pearce is chairing a committee on alternative licensure. Funding for a pro bono luncheon is an ask that Ms. Thuet said the Commission could support. Mr. Hoole moved to support a luncheon at \$1500 with ongoing support to the Access to Justice Commission for its needs to drum up support for getting pro bono help. Ms. Cordova noted that ULS has a boot camp of sorts to teach. A2J can ask for more. Katie Woods seconded. The motion carried.

3.2 JIOP Funding: Erik Christiansen:

Mr. Christiansen asked for \$3,000 to close the funding gap for 14 internships this summer. He noted that he has an outstanding ask to a firm. The Commission tabled the request pending what happens with the firm.

3.3 Report on Western States Bar Conference: Katie Woods:

This item was tabled.

3.4 Report on ABA Day: Erik Christiansen:

This item was tabled.

4. Executive Session:

An executive session was held.

5. Adjournment.

The meeting adjourned at 1:15 p.m.

CONSENT AGENDA

The following items were approved without discussion.

1. Minutes of March 10, 2022 Commission Meeting
2. Fund for Client Protection Recommendations, dated March 18, 2022.
3. Fund for Client Protection Recommendations, dated April 15, 2022.
4. Establish Mental Health Provider Review Committee.