

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

**DECEMBER 14, 2018**

**LAW AND JUSTICE CENTER**

**In Attendance:** President H. Dickson Burton and President-elect Herm Olsen.  
Commissioners: John Bradley, Steven Burt, Heather Farnsworth, Chrystal Mancuso-Smith, Mark Pugsley, Tom Seiler, Cara Tangaro, Heather Thuet, and Katie Woods.

**Ex-Officio Members:** Dean Robert Adler, Nate Alder, Erik Christiansen, Abby Dizon-Maughan, Amy Fowler, John Lund, Margaret Plane, Rob Rice, Bebe Vanek, and Lorraine Wardle.

**Not in Attendance:** Grace Acosta, Mark Morris, and Ex-Officio Members Dean Gordon Smith and Sarah Starkey.

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

**Minutes: 9:05 a.m. start**

**1. President's Report: H. Dickson Burton**

**1.1 Welcome.** Dickson noted that the agenda order was changed and that a revised agenda was handed out.

**Herm Olsen** reminded Commissioners to register and reserve rooms for the Spring Convention in St. George March 7-9, 2019. Herm reported that F. Lee Bailey would be the keynote speaker.

John Baldwin reported the Bar hired a new Finance Administrator who will begin in early January. He also asked Commissioners to note the legislative call schedule on the back of the agenda.

**2. Information Items**

**2.1 Adding Public Members to Commission.** Erik Christiansen reported his committee is researching the issue and hopes to make a recommendation in January.

- 2.2 UNMBA Report.** Abby Dizon-Maughan reported on the success of UMBA's November banquet. The event was very well attended and UMBA awarded \$48,000 in scholarships. Abby also reported on outreach efforts to encourage diverse students to apply to law school. Socials at law schools, a summer fundraiser and an amicus brief supporting bar admission for DACA recipients are also planned for the year.
- 2.3 Judicial Council Report.** Rob Rice reported on the work of the Judicial Council. Rob sits on the Council as a representative of the Bar. The Council is a constitutionally created body that governs the administration of the judicial branch. Issues discussed range from day-to-day budget and HR issues to larger policy issues such as bail and some of the unintended consequences of requiring bail.
- 2.4 Report on Leadership Academy Selection Process.** Jen Tomchak reported on the highly competitive selection process for the 2019 Leadership Academy. An applicant from each Judicial District that applied was selected. **Katie Woods moved to approve the 2018 Leadership Academy Participants. Cara Tangaro seconded the motion which passed unopposed.**

## OUT OF ORDER

**3.2 Rebate for ABA Delegate Expenses.** After discussing the types of issues ABA Delegates discuss in the ABA House of Delegates and reviewing a spreadsheet of the cost, **Heather Thuet moved to include the amount the Bar spends on ABA Delegates in the legislative activity rebate. Tom Seiler seconded the motion which passed unopposed.**

- 2.5 Legislative Session Preparation.** Doug and Stephen Foxley reported on the goals for the 2019 Utah Legislative General Session. The Commission heard a report on the Supreme Court's June 2018 Janus decision and subsequent litigation against the North Dakota and Oregon bars. The Commission discussed the possibility of a tax on professional services.

## 3. Action Items

- 3.1 Military Spouse Lawyer Admissions.** Admissions Committee Co-Chairs Steve Waterman and Dan Jensen presented on the military spouse admission rule that is currently out for comment. The Admissions Committee is in favor of admission for spouses of military members stationed in Utah, but objects to the proposed rule's allowance of a lower bar exam cut score for military spouses. Dean Adler also objected to an admission rule that allows a lower score than the score required for graduates of Utah law schools. **Herm Olsen moved to have the Commission send a letter to the Court supporting the Admissions Committee recommendation that military spouses have the same bar exam cut score as other admittees. John Bradley seconded the motion which passed with Steve Burt, Mark Pugsley and Mary Kay Griffin opposed.**

- 3.3 Innovation in Law Rules.** Mark Pugsley presented on two rule changes proposed by the Innovation in Law Practice Committee. Proposed changes to the MCLE rules allow more live credit for webcasts. Proposed changes to Rule of Professional Conduct 6.5 relax the conflict standards for pro bono attorneys. **Mark Pugsley proposed that the Commission recommend the proposed changes to the Court for referral to the appropriate rules committees. John Bradley seconded the motion which passed unopposed.**
- 3.4 Client Security Fund Recommendations.** After reviewing and discussing the report, **John Bradley moved to approve the payments recommended by the Client Security Fund. Herm Olsen seconded the motion which passed unopposed.**
- 3.5 Reimbursement Policies from Audit.** After discussing and reviewing the staff recommendations, **Tom Seiler moved to approve adopting the credit card reimbursement policies recommended by staff pursuant to the 2018 Tanner Audit. Cara Tangaro seconded the motion which passed unopposed.**

**The meeting adjourned at 11:55 a.m.**

#### **Consent Agenda**

1. Approved Minutes from the November 16, 2018 Commission Meeting.

#### **Handouts:**

1. Revised Agenda
2. Governmental Relations Update
3. List of 2019 Leadership Academy Participants
4. Talking Points for Tax on Professional Services