

**Utah State Bar Commission  
Friday, December 18, 2020**

**Zoom Video Conference**  
<https://us02web.zoom.us/j/86379040650>

**Agenda**

**1. 9:00 a.m. President's Report: Heather Farnsworth**

- |                 |     |  |
|-----------------|-----|--|
| <i>10 Mins.</i> | 1.1 | January Legislative Conference Call Schedule ( <b>See Calendar</b> ) |
| <i>10 Mins.</i> | 1.2 | "Wellness Wednesday" Report  |

**2. 9:30 a.m. Action Items**

- |                 |     |  |
|-----------------|-----|--|
| <i>15 Mins.</i> | 2.1 | Client Security Fund Report: ( <b>Tab 1, Page 3</b> )          |
| <i>10 Mins.</i> | 2.2 | Awards Committee Report: <b>Michelle Quist (Tab 2, Page 8)</b> |

**3. 9:55 a.m. Discussion Items**

- |                 |     |  |
|-----------------|-----|--|
| <i>15 Mins.</i> | 3.1 | Regulatory Reform Report: ( <b>Tab 3, Page 11</b> ) Erik Christiansen  |
| <i>10 Mins.</i> | 3.2 | Excessive Force Committee: <b>Shawn Newell &amp; Andrew Morse</b>  |
| <i>30 Mins.</i> | 3.3 | Discuss Bar Mission, Vision, Short & Long Range Goals,<br>Organizational Needs and List Qualifications Desired for the next<br>Executive Director to Meet those Needs: ( <b>Tab 4, Page 14</b> ) |

**5. 11:00 a.m. Executive Session**

**12:00 n. Adjourn**

**Consent Agenda (Tab 5, Page 28)**

(Approved without discussion by policy if no objection is raised)

1. Approve minutes of November 13<sup>th</sup>, 2020 Commission Meeting

**Attachments (Tab 6, Page 32)**

1. President-Elect Selection Process and Notice of Interest Deadline

## Calendar

### 2021

<b>January 2</b>	Election Notices Due		
<b>January 15</b>	Executive Committee	12:00 Noon	Zoom
<b>January 19</b>	General Session of the 64 <sup>th</sup> Utah Legislature Begins		
<b>January 19</b>	Conference Call: Re: Legislature	4:00 p.m.	Telephone Conference
<b>January 22</b>	Commission Meeting	9:00 a.m.	Law & Justice Center
<b>January 26</b>	Conference Call Re: Legislature	4:00 p.m.	Telephone Conference
<b>February 1</b>	Commission Election - Petitions, Statements, Photos Due President-elect Election – Statements, Photos Due		
<b>February 1-4</b>	ABA Mid-Year Meeting/NABE/NCBP		Virtual
<b>February 2</b>	Conference Call Re: Legislature	4:00 p.m.	Telephone Conference
<b>February 9</b>	Conference Call Re: Legislature	4:00 p.m.	Telephone Conference
<b>February 16</b>	Conference Call Re: Legislature	4:00 p.m.	Telephone Conference
<b>February 23</b>	Conference Call Re: Legislature	4:00 p.m.	Telephone Conference
<b>February 23-24</b>	Bar Examination	8:00 a.m.	Virtual / Utah State Bar
<b>March 2</b>	Conference Call Re: Legislature	4:00 p.m.	Telephone Conference
<b>March 9</b>	Conference Call Re: Legislature	4:00 p.m.	Telephone Conference
<b>March 16</b>	Conference Call Re: Legislature	4:00 p.m.	Telephone Conference
<b>March 19</b>	Executive Committee	12:00 Noon	Zoom
<b>March 20</b>	All Bar Elections - (Optional) Email Message Due		
<b>March 23</b>	Conference Call Re: Legislature	4:00 p.m.	Telephone Conference
<b>March 25</b>	Commission Meeting	1:00 p.m.	Zoom
<b>March 25-27</b>	Spring Convention		Virtual
<b>March 30</b>	Conference Call Re: Legislature	4:00 p.m.	Telephone Conference
<b>April 1</b>	Election-Online Balloting Begins		
<b>April 1-4</b>	Western States Bar Conference		Scottsdale, Arizona
<b>April -6-8(?)</b>	ABA Day in Washington		Virtual(?)
<b>April 9</b>	Executive Committee	12:00 Noon	Zoom
<b>April 16</b>	Commission Meeting	9:00 a.m.	Zoom
<b>April 15</b>	Election-Online Balloting Ends		
<b>May 27</b>	Executive Committee	12:00 Noon	Zoom
<b>May ?</b>	Admission Ceremony	12:00 Noon	State Capitol(?)
<b>June 4</b>	Commission Meeting	9:00 a.m.	Utah State Bar(?)
<b>July 16</b>	Executive Committee	12:00 Noon	Utah State Bar(?)
<b>July 28</b>	Commission Meeting	1:00 p.m.	Sun Valley, ID
<b>July 28-31</b>	Summer Convention		Sun Valley, ID



Board of Bar Commissioners  
 Attention: Heather Farnsworth, Bar President  
~~Utah State Bar~~  
 645 South 200 East, Suite 310  
 Salt Lake City, Utah 84111-3834

Re: ***Utah State Bar Fund for Client Protection  
 Meeting of September 11, 2020***

Dear President Farnsworth:

The following is a report of the meeting of the Fund for Client Protection a/k/a Client Security Fund which was held September 11, 2020 remotely via Zoom. The members of the Committee that were present are Committee Chair Stephen Farr, Brad Mumford, Linda Barclay, Mickell Jiminez and Kathleen Jeffery. Also present were Diane Akiyama from the Office of Professional Conduct and Staff Liaison Christine Critchley. The Committee considered various claims and makes the following factual analysis and recommendations:

<b>A.</b>	<b>Claimant:</b>	<b>DeVitta Briscoe</b>
	<b>Involved Attorney:</b>	<b>Wesley Hutchins</b>
	<b>Disciplinary Status:</b>	<b>3-year suspension</b>

In an order signed by Andrew H. Stone, District Court Judge, on February 14, 2019, it was ordered that Mr. Hutchins was immediately suspended for a period of 3 years from the date of said order. It was further ordered by the court that during the period of suspension Mr. Hutchins was enjoined and prohibited from practicing law in the State of Utah, and that Mr. Hutchins would reimburse the Utah State Bar Fund for Client Protection for any money that the fund pays based upon its rules. The order further stated that to be reinstated to the practice of law, Mr. Hutchins must fully comply with the Provisions of Rule 14-525 of the Rules of Lawyer Discipline and Disability.

**FACTS:** Attorney Wesley Hutchins received a retained fee from client DeVitta Briscoe. Ms. Briscoe received no meaningful legal services in exchange for the fees paid.

**RECOMMENDATION:** The Committee recommends an award of \$5,000.00.

<b>B.</b>	<b>Claimant:</b>	<b>William Bateman</b>
	<b>Involved Attorney:</b>	<b>Amy Davies Fortune</b>
	<b>Disciplinary Status:</b>	<b>Resigned with discipline pending</b>

**FACTS:** Mr. Bateman paid to Amy Davies Fortune \$950.00 through Choice Legal Services, the employer of Ms. Fortune. Mr. Bateman testified that he received no value for the money paid to Ms. Fortune. It appears that Ms. Fortune rendered no meaningful services in exchange for the money paid to Ms. Fortune and her firm. The firm refunded to the claimant a total of \$494.00 leaving a balance of \$456.00 in unreimbursed money.

**RECOMMENDATION:** The Committee recommends an award of \$456.00

**C. Claimant:** Bryant Ethredge  
**Involved Attorney:** Amy Davies Fortune  
**Disciplinary Status:** Resigned with discipline pending

**FACTS:** The claimant testified that he paid to Ms. Fortune a sum of \$175.00 and the attorney failed to provide any meaningful legal services.

**RECOMMENDATION:** The Committee recommends an award of \$175.00.

**D. Claimants:** April Fausett  
**Involved Attorney:** Amy Davies Fortune  
**Disciplinary Status:** Resigned with discipline pending

**FACTS:** In exchange for legal services that were to be provided by Ms. Fortune. The legal services required were representation of Ms. Fausett in a divorce modification case. Ms. Fausett paid Ms. Fortune a sum of \$1,500 in August of 2018 and had no further contact whatsoever with Ms. Fortune despite the fact that Ms. Fausett tried repeatedly to contact Ms. Fortune. Thereafter, Ms. Fausett was served with papers from her ex-husband and she was forced to retain the services of another attorney. Despite requests, Ms. Fausett was not refunded any money whatsoever from Ms. Fortune or any Law firm that she may have been with at the time the contract was entered into. However, it appeared to the committee that Ms. Fortune had separated herself from any other law firm and she was operating under a sole practitioner at the time she entered into the contract with Ms. Fausett. Ms. Fortune did not appear at the hearing nor did she provide any written materials defending her conduct in this case. The committee concluded that Ms. Fortune failed to perform any meaningful legal services in exchange for the \$1,500 she had been paid.

**RECOMMENDATION:** The Committee recommends an award of \$1,500.

The Committee has made recommendations that \$7,131.00 be paid out as compensation for the above-referenced claims. With these payments, the Fund's balance would be approximately \$269,571. Please contact me with any comments or questions.

Sincerely,

UTAH STATE BAR FUND FOR CLIENT PROTECTION

*/s/ Stephen W. Farr*

Stephen W. Farr  
 Committee Chair

SWF/nh

cc: Committee Members in Attendance

Board of Bar Commissioners  
 Attention: Heather Farnsworth, Bar President  
 Utah State Bar  
 645 South 200 East, Suite 310  
 Salt Lake City, Utah 84111-3834

Re: ***Fund for Client Protection  
 Meeting of September 25, 2020***

Dear President Farnsworth:

The following is a report of the meeting of the Fund for Client Protection a/k/a Client Security Fund which was held September 25, 2020 remotely via Zoom. The members of the Committee that were present are Committee Chair Stephen Farr, Brad Mumford, David Leta, Kathleen Jeffery, Kim Colton and Kaitlyn Gibbs. Also present were Barbara Townsend from the Office of Professional Conduct and Staff Liaison Christine Critchley. The Committee considered various claims and makes the following factual analysis and recommendations:

A.     **Claimant:**                     **Tina Lindsay**  
           **Involved Attorney:**       **Paul R. Christensen**  
           **Disciplinary Status:**       **6 months suspension beginning March of 2020**

**FACTS:** Ms. Lindsay retained the services of Mr. Christensen. Ms. Lindsay later received a full refund of all attorney's fees received therefore Ms. Lindsay has no claim compensable by the Fund.

**RECOMMENDATION:** The Committee recommends an award of \$0.00 based on the fact that the client was already refunded her entire retainer.

B.     **Claimant:**                     **Nancy and Nathan Nelson**  
           **Involved Attorney:**       **Thomas Burton**  
           **Disciplinary Status:**       **Disbarred on December 4, 2019**

**FACTS:** The clients paid to the attorney the total of \$4,000.00 to file a lawsuit and take the case to trial. No meaningful legal services were made by the attorney and therefore the fund recommended an award of \$4,000.00.

**RECOMMENDATION:** The Committee recommends an award of \$4,000.00

C.     **Claimant:**                     **Carl Brown**  
           **Involved Attorney:**       **Thomas Burton**  
           **Disciplinary Status:**       **Disbarred on December 4, 2019**

**FACTS:** The committee agreed to table this claim so that the Claimant could amend his claim and add a co-claimant due to the fact that a family member paid his retainer fee.

**RECOMMENDATION:** The committee will re-hear the claim if amended claim gets to committee within the 90 days.

<b>D.</b>	<b>Claimants:</b>	<b>Janet Murphy</b>
	<b>Involved Attorney:</b>	<b>Thomas Burton</b>
	<b>Disciplinary Status:</b>	<b>Disbarred on December 4, 2019</b>

**FACTS:** The claimant paid to the attorney the sum of \$6,976.22 to file a lawsuit against the White River Academy. No meaningful legal services were made. Mr. Burton had taken the money after he was disbarred.

**RECOMMENDATION:** The Committee recommends an award of \$6,976.22.

The Committee has made recommendations that \$10,976.22 be paid out as compensation for the above-referenced claims. With these payments, the Fund's balance would be approximately \$258,594. Please contact me with nay comments or questions.

Sincerely,

UTAH STATE BAR FUND FOR CLIENT PROTECTION

*/s/ Stephen W. Farr*

Stephen W. Farr  
Committee Chair

SWF/nh

cc: Committee Members in Attendance

# TAB 2



December 2, 2020 Awards Committee Meeting

X	Kristin Woods	katie@woodsllawyer.com
X	Michelle Quist	michelle@utahappellatelaw.com
	Alison Belnap	PhillipsBelnapA@ballardspahr.com
X	Braden Johnson	bjohnson@parrbrown.com
X	Dawn Atkin	datkin@att.net
	Melina Shiraldi	melinashiraldi@gmail.com
X	Adam Bondy	adambondy@gmail.com
	Chad McKay	Chadmckaylaw@gmail.com
X	James W. McConkie, III	jmcconkie@wnlaw.com
	Catherine LeDuc	cleduc@burbidgemitchell.com
X	Alan Hurst	Alan.hurst@akerman.com
	Kimberly Crandall	kcrandall@slco.org
	Aida Neimarlija	aida@lhmauto.com
X	Martin Stolz	martin.stolz@stolzlaw.net
X	Christy Abad	cabad@utahbar.org

The award schedule got off track when conventions were cancelled due to the ongoing pandemic. After the cancellation of the 2020 Spring Convention, the Bar Awards Committee met in May 2020 and agreed to an amended award schedule, below. Then, the 2020 Fall Forum was moved to a virtual format and awards were not presented.

AWARD	RECOMMENDED PRESENTATION	RECIPIENT
2020 Dorathy Merrill Brothers Award	<i>Either the 2020 Fall Forum or the 2021 Spring Convention Award recipient's choice</i>	Jenifer Tomchak
2020 Raymond S. Uno Award	<i>Either the 2020 Fall Forum or the 2021 Spring Convention Award recipient's choice</i>	Melinda Bowen
2020 Judge of the Year Award	<i>2020 Fall Forum</i>	
2020 Lawyer of the Year Award	<i>2020 Fall Forum</i>	
2020 Professionalism Award	<i>2020 Fall Forum</i>	
2020 Section of the Year Award	<i>2021 Spring Convention</i>	
2020 Committee of the Year Award	<i>2021 Spring Convention</i>	
2020 James Lee Mentoring Award	<i>2021 Spring Convention</i>	
2020 Charlotte Miller Mentoring Award	<i>2021 Spring Convention</i>	
2020 Paul Moxley Mentoring Award	<i>2021 Spring Convention</i>	
2021 Dorathy Merrill Brothers Award	<i>2021 Spring Convention</i>	
2021 Raymond S. Uno Award	<i>2021 Spring Convention</i>	

*The Award Committee further recommended that the awards to be presented at the 2021 Spring Convention be divided in half, with the first half to be given at the Friday General Session and second half at the Saturday General Session.*

At the November Bar Commission Meeting, the Bar Commission voted to make the 2021 Spring Convention a "virtual conference" similar to the 2020 Fall Forum.

Now, significantly behind the usual Award presentation schedule, the Award Committee needs to formulate a "band-aid" award selection and presentation plan

**MEETING MINUTES:**

1. Committee agrees that 2020 awards should be given and not dropped.
2. Committee suggested:
  - Video Presentation
  - Email
  - Deliver Award in Person and Take Photos
  - Special Insert in Bar Journal

**3. Committee voted:**

- a. Annual Awards - Send out request for nominations NOW ("2020 Lawyering during the pandemic") due January 2, 2021 – Present 2020 Judge of the Year, 2020 Lawyer of the Year, 2020 Section, 2020 Committee, and the 2020

- Professionalism Award in February along with 2020 Dorathy Merrill Brothers and Raymond S. Uno Awards (Jen Tomchak, Melinda Bowen). Take photos of the recipients with their award for inclusion in the March eBulletin.
- b. Request for nominations for the following awards will go out early January 2021 (Due February 1): 2020 James Lee, 2020 Charlotte Miller, 2020 Paul Moxley, 2021 Dorathy Merrill Brothers, 2021 Raymond S. Uno Awards. Commission will decide recipients of these awards either by email or during a virtual meeting. Awards will be presented “virtually” during 2021 Online Spring Convention.

# TAB 3



December 10, 2020

Allowing lawyers to enter into new and varied business arrangements to increase innovation and efficiency in Utah's legal market and thereby increase access to justice is a central goal of the Court's regulatory reform efforts. Permitting lawyers to share fees with nonlawyers is an aspect of these efforts. Thus, the Court, on September 1, 2020, authorized the sharing of reasonable fees with nonlawyers within the oversight of the regulatory reform Sandbox. It has become apparent, however, that the payment of referral fees—compensation paid to nonlawyers for the sole purpose of ensuring the referral of legal work—presents potential ethical challenges for lawyers and needs further informed consideration by the Court.

In light of this need for further study, as of today the Court is halting the consideration and authorization of bare referral fee arrangements paid by lawyers to nonlawyers. Bare referral fee arrangements are those in which payment is made by the lawyer to the nonlawyer solely to compensate the nonlawyer for referring a potential client to the lawyer; there is no other business relationship between the lawyer and nonlawyer.

The Court will ask its advisory committee on the rules of professional responsibility to undertake further study of the issue of referral fees paid to nonlawyers. The committee's mandate in this regard will be to consider and recommend any further ethical guidance to be given to lawyers entering into referral fee arrangements with nonlawyers and to consider whether and how to oversee those arrangements, including whether the collection of data from lawyers in referral fee arrangements will be necessary. One of the committee's first items of business will be evaluating whether to amend Rule 1.5(a) to

clarify that the percentage of a fee paid as a referral to a nonlawyer is a factor to be considered in the reasonableness of the fee.

Applications to the Office solely proposing referral fee arrangements without any other non-traditional services or models will be tabled until further notice from the Court. The Court will, however, continue to consider and, as appropriate, authorize, other innovative business arrangements and service models involving lawyers and nonlawyers that incorporate innovations beyond bare referral fee arrangements. Such arrangements and services will be processed through the Sandbox via the Innovation Office's regulatory framework.

# TAB 4

UTAH STATE BAR  
MISSION AND VISION REVIEW  
DECEMBER 2020

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VISION OF THE UTAH STATE BAR

A just legal system that is understood, valued, and accessible to all.

MISSION OF THE UTAH STATE BAR

Lawyers serving the public and legal profession with excellence, civility, and integrity.

UTAH STATE BAR STATEMENT ON DIVERSITY AND INCLUSION

The Bar values engaging all persons fully, including persons of different ages, disabilities, economic status, ethnicities, genders, geographic regions, national origins, sexual orientations, practice settings and areas, and races and religions. Inclusion is critical to the success of the Bar, the legal profession, and the judicial system.

The Bar shall strive to:

- Increase members' awareness of implicit and explicit biases and their impact on people, the workplace, and the profession;
  - Make Bar services and activities open, available, and accessible to all members;
  - Support the efforts of all members in reaching their highest professional potential;
  - Reach out to all members to welcome them to Bar activities, committees, and sections;
  - and
  - Promote a culture that values all members of the legal profession and the judicial system.
- 

1. Core Values, Core Purpose

- Do the Bar's programs, services, and products reflect the Bar's core values and core purpose?
- Which of the Bar's core values (member satisfaction, professionalism, foresight, quality products and services) will be *most* important for consideration by the next Executive Director?

2. Vision

- What are the three most important objectives to be accomplished by the Bar over the next three years?

- What are your expectations for the next Bar Executive Director with respect to these objectives? Should the next Executive Director be expected to take the lead in conceiving and implementing strategies for accomplishment of these objectives? Should the new Executive Director be expected to direct the Bar's preferred future? Or, should the Executive Director respond to the vision (Bar's future as articulated by the Board of Bar Commissioners)? Or, is he/she expected to act as a facilitator whereby strategies are developed by the direct stakeholders (i.e., the members, the Board of Bar Commissioners)?

### 3. Financing

- Does the Bar have sufficient reserves? What is the role of the Executive Director in building sufficient reserves?
- Does the Bar need to implement better financial controls? If so, what is the role of the next Executive Director in this regard?

### 4. Governance

- Which areas of the Bar governance or Bar Commission operation need improvement? What changes, if any, should be implemented before the Bar Commission hires the next Executive Director? What expectations should be placed on the next Executive Director to effect change in this area?
- What should the new Executive Director do to create a solid working relationship with the Bar Commission?
- What changes, if any, would you make in the authority of the office of the Executive Director? What types of accountability mechanisms (i.e., annual performance review) should be incorporated into the employment relationship between the Bar and the next Executive Director?

### 5. Management

- What are the Bar's greatest human resources challenges?
- What kind of management style should the next Executive Director possess in order to recruit, motivate, and retain the best and brightest staff members and to build among the staff a high level of trust, performance, and accountability?

### 6. Communications

- How would you describe the effectiveness of the Bar's communications (internal and external)?
- To what extent should the Bar's next Executive Director be responsible for the design and implementation of more effective communication strategies?



- What role (or roles) does the Commission expect the next Executive Director to play in communications with our various constituents (members, staff, non-lawyer members, legislators, judiciary, public, etc.), and especially in light of numerous and ever-changing forms of media and technology available?

## 7. Organizational Culture

- What institutional memories, core values, beliefs, and traditions should the next Executive Director learn and understand?
- Which values reflect “non-negotiable behaviors” that the next Executive Director should uphold and nurture?
- What factors create frustration, confusion, or dysfunctional behavior in the Bar? What is the role of the Executive Director in encouraging “good behavior” and discouraging “bad behavior?”
- Must a new Executive Director be compatible with the current organizational culture of the Bar? Are changes in organizational culture desirable? If so, how?

## 8. Executive Director Leadership

- What mega issues facing the Bar should consume the greatest amount of the new Executive Director’s time?
- What are the key drivers of change in the external and internal environment that the Commissioners will expect the next Executive Director to help tackle?
- What character or personality traits would you look for in the new Executive Director?
- Are you looking primarily for continuity or for change from the next Executive Director?
- What top three skills should the next Executive Director possess?
- What personal qualities and relationship skills does the next Executive Director need to succeed?
- What specific performance indicators will demonstrate that the next Executive Director is successful after his/her first year? After three years?



# UTAH STATE BAR® OPERATIONS, MANAGEMENT & ADMINISTRATION

	SUPREME COURT		GOVERNANCE	REGULATORY OPERATIONS				PUBLIC SERVICES				PUBLIC/LAWYER SERVICES BLEND			LAWYER SERVICES		
OPERATION, PROGRAM OR SERVICE	MANDATORY CONTINUING LEGAL EDUCATION (SELF FUNDED)	OFFICE OF PROFESSIONAL CONDUCT (BAR FUNDER)	BAR MANAGEMENT	LAWYER ADMISSIONS (LICENSING)	LICENSED LEGAL PRACTITIONER ADMISSIONS (LICENSING)	NEW LAWYER TRAINING PROGRAM	PROFESSIONAL RECORDS	PUBLIC PROTECTION	ACCESS TO JUSTICE PROGRAMS	PUBLIC EDUCATION	GOVERNMENTAL RELATIONS	LAWYER REFERRAL DIRECTORY (LICENSED LAWYER)	WEBSITE INFORMATION & ACCESS	CONSUMER INFORMATION & RESOLUTION OF SIMPLE COMPLAINTS	CONTINUING LEGAL EDUCATION & BAR SOCIAL NETWORKING	LAW PRACTICE MANAGEMENT	LAWYER GROUP BENEFIT PROGRAMS
AUTHORITY	Utah Supreme Court Rules 14-401 et seq., 15-401 et seq. (LLPs)	Utah Supreme Court Rules 14-102(b)(5)(b)(8), 14-501 et seq., 15-501 et seq. (LLPs)	Utah Supreme Court Rules 14-401 et seq. "Rule for integration" 14-201 et seq. "Bar Bylaws" Bar Commission Policies & Procedures	Utah Supreme Court Rules 14-402(b)(3), 14-701 et seq.	Utah Supreme Court Rules 14-402(b)(4), 15-701 et seq.	Utah Supreme Court Rule 14-808	Utah Supreme Court Rules 14-107, 14-507, 14-508	Utah Supreme Court Rules 14-102(b)(5), (8), (10), (11) 14-501 et seq.	Utah Supreme Court Rules 14-102(b)(1), (2), (8), (10)	Utah Supreme Court Rules 14-102(b)(6)	Utah Supreme Court Rules 14-102(b)(7), 14-106 Sept. 1, 1989 Court order	Utah Supreme Court Rules 14-102(b)(12)	Utah Supreme Court Rule 14-102(b)(10), (12)	Utah Supreme Court Rule 14-102(b)(10)	Utah Supreme Court Rules 14-102(b)(9), 14-204	Utah Supreme Court Rule 14-102(b)(12)	Utah Supreme Court Request for Well-Being Program
PRINCIPAL FUNCTIONS	Monitor Lawyer CLE Compliance; Administratively Suspend & Reinstate	Investigate Complaints of Unethical Conduct	Bar Operations & Administration	Protect Public by Requiring Minimum Levels of Competence and Character	Protect Public by Requiring Minimum Levels of Competence and Character	Introduce New Lawyers into the Profession and Reinforce Ethics & Professionalism	Maintain Database & Contact Information for Public	Fund for Client Protection	Provide Pro Bono & Modest Means Help to Public	Law Day Celebration Events	Statutory Appointments to State Boards & Committees	On-line Listing of Legal Help, Searchable by Topic, Area, and Need	Current Listing of Services, Programs, and Information	Consumer Assistance Program	CLE Seminars, Lunches, and Events	Practice Portal	Court/Bar Joint Well-Being Program
	Review & Accredited Individual Lawyer Applications for Continuing Legal Education Credit	Resolve Complaints by Dismissal, Settlement, or Diversion	Finance & Relicensing	Review & Approve Applications	Review & Approve Applications	Train New Lawyers on the Variety and Management of Law Practice	Issue Certificates of Good Standing	Unauthorized Practice of Law Enforcement	Coordinate Disaster Preparedness Pro Bono Help	Constitution Day Celebration	Assistance to Legislature & Governor as Requested			Disciplinary Process Information Office	Support for Bar Sections and Divisions	On-line Legal Research	Lawyers Helping Lawyers Peer Assistance
	Review & Accredited CLE Provider Applications for Continuing Legal Education Credit	Present Results of Investigations in Hearings with Ethics & Discipline Panels and Respondents	Management & Personnel	Conduct Character & Fitness Hearings and Collect License Fees	Conduct Character & Fitness Hearings and Collect License Fees	Recruit & Approve Mentors			Coordinate 27 Regular Clinics, Service Programs, Events & Seminars	Law Related Education Support	Looking on Issues of Public Interest within Bar Mission and Supreme Court Order			Fee Dispute Resolution	Summer Convention, Spring Convention, Fall Forum	Utah Bar Journal	Blomquist Hale Professional Counseling
	Work with the Supreme Court to Make any Rule Changes	Prosecute Complaints of Unethical Conduct in District Courts	General Legal	Prepare Tests, Conduct Bar Exam, Provide Exam Accommodations, & Grade Bar Exam	Prepare Tests, Conduct Bar Exam, Provide Exam Accommodations, & Grade Bar Exam	Match New Lawyers with Approved Mentors			Assist Young Lawyers Division with 12 Regular Clinics, Services, Programs, Events, & Seminars						Bar Awards and Recognition	E-Bulletin	Ethics Hotline & Ethics Advisory Opinions
	Maintain Database Records for Sponsor-Approved CLE Programs and Lawyer-Approved CLE Hours	Provide Guidance and Training on Ethical Conduct	Operate Law & Justice Center, Provide Lower Cost Rent to Tenants and Meetings	Misc. Approvals: House Counsel, Pro Hac Vice, Reciprocity, Military, & Exam Transfers		Assure New Lawyers Meet Program Requirements											
VOLUNTEERS	MCLE Board 15 Volunteers	OPC Oversight Committee 5 Volunteers	Bar Commission 26 Volunteers	Admissions Committee 14 Volunteers	LPP Admissions Committee 7 Volunteers	NLTP Committee 14 Volunteers		Client Security Fund Committee 12 Volunteers	Access to Justice Committee 28 Volunteers		Government Relations Committee 40 Volunteers			Fee Dispute Resolution Committee 33 Volunteers	CLE Advisory Committee 48 Volunteers	Bar Journal Committee 16 Volunteers	Court/Bar Joint Well-Being Committee 15 Volunteers
		Ethics & Discipline Committee (Four hearing panels) 37 Volunteers	Budget & Finance Committee 8 Volunteers	Character & Fitness 30 Volunteers				Unauthorized Practice of Law Committee 6 Volunteers	Pro Bono Committee 24 Volunteers						Summer Convention 40 Volunteers	Innovation in Law Committee 12 Volunteers	Lawyers Helping Lawyers Committee 12 Volunteers
				Bar Examination 130 Volunteers					Pro Bono District Committee 100 Volunteers						Spring Convention 40 Volunteers		Ethics Advisory Committee 18 Volunteers
				Test Accommodations 7 Volunteers					Disaster Legal Committee 10 Volunteers						Fall Forum 40 Volunteers		Leadership Academy 16 Volunteers
									Modest Means Committee 13 Volunteers						Section Leadership 100 Volunteers		
REVENUE	\$372,458	\$26,686	\$4,784,805	\$424,535	\$32,625	\$32,625	\$34,858	\$2,888	\$19,322	0	\$4,678	0	0	0	\$1,240,835	\$169,248	\$10,173
DIRECT COST	\$432,545	\$1,473,062	\$1,422,627	\$541,215	\$65,437	\$24,785	\$39,590	\$229,468	\$352,448	\$18,761	\$96,583	\$57,943	\$80,583	\$131,914	\$1,318,523	\$221,385	\$167,871
INDIRECT COST	\$4,019	\$88,702	\$207,171	\$27,261	\$2,655	\$2,655	\$2,208	\$5,167	\$14,827	\$1,862	\$884	\$1,973	\$3,966	\$3,070	\$135,199	\$4,913	\$804
TOTAL COST	\$436,563	\$1,559,763	\$1,629,798	\$568,475	\$88,091	\$27,449	\$41,798	\$234,645	\$367,275	\$37,663	\$98,367	\$59,915	\$84,549	\$134,984	\$1,453,722	\$226,298	\$168,675
FTE'S	4.3	12.4	7.5	3.4	0.5	0.5	0.3	0.8	3.3	0.2	0.1	0.4	0.7	0.8	4.5	0.9	0.1
L.I.C. SQ. FEET	678	4,237	8,673	1,332	138	130	108	253	588	62	39	96	194	150	4,941	240	39

## POSITION DESCRIPTION

**JOB TITLE:** Executive Director of the Utah State Bar

**REPORTS TO:** Bar President and the Board of Bar Commissioners

**STATUS:** Exempt/Management

**EFFECTIVE:** July 1, 2021

### Basic Function and Scope of Authority

The Executive Director ("ED") is the principal administrative and operations officer of the Bar and, under the direction of the Bar Commission, is responsible to carry out the mission of the Bar and for the supervision of the day-to-day regulatory, public service and lawyer service operations of the Bar, as well as and the operations and maintenance of the Law and Justice Center. The ED supervises all employees and other administrative affairs, implements Commission-approved policies; administers and facilitates the implementation of Bar programs and activities; and reviews, clarifies, and administers annual budgets. The ED serves as a resource person to the Bar President, the Executive Committee, and the Commission. The ED shall encourage the Bar President to include the Bar President-elect in any significant decisions and policy discussions so as to facilitate a smooth transition from one Bar President to another. The ED also serves as a resource person and advisor to the Bar President-elect and be responsive to his/her requests and needs regarding his/her responsibilities.

The ED will delegate to and train the Assistant Executive Director in such duties as the ED deems appropriate or as suggested by the Bar President, Bar President-elect, and/or the Executive Committee.

The Executive Director is authorized to employ, appropriately compensate and terminate all Bar employees in accordance with Commission-approved annual budgets, compensation ranges, and directives of the Bar President or the Executive Committee. The Bar President and Executive Committee may, in their discretion, be actively involved in the hiring and terminating of Bar staff and employees in conjunction with the ED. In the unlikely event of a disagreement between the ED and the Bar President or Executive Committee over a hiring or termination decision of an employee, the matter shall be taken to the voting members of the Bar Commission and their decision shall govern. The decision shall be made by a majority vote with the Bar President breaking a tie. The ED shall keep the Bar President and Executive Committee apprised of all hiring and termination of employees well in advance. The ED shall implement and enforce administrative and personnel policies and procedures and has such further authority as defined in the Bylaws or policies of the Bar or which may from time to time

be delegated by the Bar Commission. The ED is authorized to undertake the responsibilities set forth below, including other responsibilities reasonably related thereto.

### **Term and Compensation**

The ED serves at the pleasure of the Bar Commission with a term typically beginning when the Bar year begins following the Summer Convention on or around August 1. The ED's compensation arrangements shall be outlined from time to time by the Bar President and/or Executive Committee and approved by the Bar Commission. The term of office of the ED shall be from year-to-year, unless otherwise defined by a memorandum of agreement or written employment contract.

### **Responsibilities**

It is understood the ED cannot perform all the tasks listed herein and that the ED has full authority to delegate to the staff many of the tasks for which he/she has oversight responsibility, specifically to the Assistant Executive Director as directed by the Bar Commission.

#### **A. General Bar Management and Technology.**

Serves as Chief Operations Officer for day-to-day operations of the Bar. Maintains corporate governance, management files and all data bases. Handles or oversees the hiring and termination of all Bar employees under the authority of and in conjunction with the Bar President and Executive Committee, and implements personnel policies as approved by the Bar Commission. Provides or oversees appropriate staff training and performance review procedures. Maintains employee personnel files.

Authorizes and executes such contracts and commitments as may be authorized by the Executive Committee and/or the Bar Commission, either by expressed approval or as approved in the approved annual budget of the Bar.

Responsible for management of general matters of litigation involving the Bar, under the direction of the Bar Commission.

#### **B. Bar Programs and Services.**

The ED shall focus on "outward-facing" and regulatory operations of the Bar, as well as the promotion of effective programs, services and projects of the Bar, including



the maintenance of all databases, the activities of and relationships with Bar committees, sections, regional and affinity bars, regulatory reform efforts and education, and other Bar activities, including but not limited to, Professional Education/Continuing Legal Education (“CLE”), New Lawyer Training Program (“NLTP”), Licensed Paralegal Practitioner (“LPP”) Program, Access to Justice programs, member benefit programs, the Consumer Assistance Program (“CAP”), the Discipline Office Information (“DOI”) Department, the Fund for Client Protection, Fee Dispute Resolution, web site management, communications (including the e-bulletin and the *Utah Bar Journal*), law office management and professionalism initiatives, and any other projects, programs, services or events as the Bar President or Bar Commission may direct or would be required for the appropriate furtherance of the Bar’s mission and goals.

The ED shall directly supervise the Assistant Executive Director; General Counsel; Deputy General Counsel over Admissions; and Finance Director.

The ED is responsible for the admissions rules, policies and procedures, including processing of applications for admission and admissions *pro hac vice*, character and fitness investigations evaluations and reports, development of appropriate Bar examinations, the administration of the examination, certification for admission of successful applicants, and coordination of the admissions ceremonies with the Supreme Court and the U.S. District Court for Utah. The Ed oversees the Bar examination and character & fitness review and appeals process.

The ED assists the Bar President and Executive Committee in the coordination of the annual appointment process for volunteer participation in committees, sections, and programs by, among other things, maintaining current list of chairs, co-chairs, and members of each committee and dates of appointments for each chair, co-chair, and committee member. Assists the Bar President and Bar President-elect in developing goals and responsibilities for each standing committee of the Bar. Assists the Bar President and Bar President-elect in developing annual charges for each standing committee of the Bar.

Maintains action item list for the Bar President to facilitate the Bar President and the Executive Committee in fulfilling their responsibilities and goals.

### **C. Financial Management.**

Prepares annual budgets with the Finance Director, Bar staff, the Budget and Finance Committee, and the Bar President-elect. Serves as chief fiscal officer of the Bar and oversees the implementation of the budget and periodically reviews the day-to-day

financial management of the Bar with the Finance Director. The ED is also authorized to administer the various Bar programs, services and functions within and according to the adopted annual operations and capital budgets and as directed by the Bar President and Executive Committee. Assists in the financial evaluation of proposed Bar and member benefit programs, including the estimation of fiscal notes.

Coordinates long-range financial planning and carries out long-range goals. Oversees or directly negotiates auditing and banking services as approved by the Bar Commission. Oversees the financial relationship between the Bar and local or specialty bar associations and financial administration and support of committees and sections of the Bar.

Recommends to the Board a lump-sum figure for annual executive staff salaries during the regular budget process, provided that no staff member receive over a 5 percent (5%) salary increase without Bar Commission approval.

#### **D. Bar President and Board of Bar Commissioners.**

As a priority, the ED shall be responsive to requests of the Bar President and/or the Executive Committee and shall ensure that staff is also responsive in a timely fashion to the Bar President and/or the Executive Committee requests. Advises the Bar President and/or the Executive Committee on new committees and policies and facilitates their implementation.

Serves as general secretary to the Bar Commissioners, attends all meetings of the Bar Commission and of the Executive Committee, prepares agendas in consultation with the Bar President and keeps minutes of meetings of the Bar Commission and of the Executive Committee. Advises the Bar Commissioners of the administrative and financial affairs of the Bar and provides information and/or reports on appropriate agenda items. Coordinates scheduling and arrangements of Bar Commission and Executive Committee meetings. Maintains Bar Commission Policies and Procedures, Bar By-laws and all other Supreme Court orders directed to the Bar and the profession.

Serves as primary staff person in assisting the Bar President, Bar President-elect and Bar Commission members in fulfilling their duties and with special projects and programs of the Bar Commission. Coordinates communications, activities and events involving the Bar Commission and the judiciary. Formulates and recommends rule and policy changes for approval of the Bar Commission.

Coordinates long-range planning and carries out long range goals.

Negotiates and ensures continuation of appropriate levels of insurance policies for officers and directors' liability, building insurance, and other insurance as may be appropriate.

Oversees, in conjunction with the Executive Committee, the administration of the Bar Commissioner elections and orientation.

Implements policies and procedures related to committees and sections as approved by the Bar Commission, coordinates appointments to all committees, promotes active participation by members in committee and section activities, and assists committees and sections in the development of appropriate programs, projects and activities.

Coordinates Bar Commission appointments to statutory committees and commissions, as well as other appointments for which the Bar Commission is responsible.

#### **E. Internal Communications, Public Relations and Governmental Relations.**

Coordinates relationships and communications with various Bar-related groups, including large and small firms and solo practitioners, government lawyers and corporate counsel.

Serves as chief spokesperson for the Bar in the absence of the Bar President. Receives inquiries from news media and members of the public concerning Bar operations or events which concern the Bar, issues statements when appropriate and consistent with Bar Commission policies and undertakes public speaking activities for the Bar when appropriate. Responds to public inquiries and complaints. Serves as official spokesperson for the Bar in the absence of the Bar President or by delegation from the President, including public speaking on behalf of the Bar.

Coordinates relationships with other professional associations, including Utah Medical Association, Utah Bankers Association, Utah Association of CPA's, various state and national governmental entities, including the legislature and governor's office through personal contacts and through contract lobbyists.

Coordinates with Director of Communications and public relations consultants on matters of publicity for the Bar and press relations.

Develops friendly and professional relationships with members of the press in order to facilitate cost-effective and positive publicity about Bar service projects and service-oriented programs.

#### **F. Legal Profession.**

Represents the Bar in various capacities with the American Bar Association, the Western States Bar Conference, the National Association of Bar Executives, and other national and regional organizations within the legal profession.

Promotes and maintains positive relationships with Utah Supreme Court, the Utah judiciary, the Governor's office, the legislature, local and specialty bar associations, in-state law schools, and legal service providers. Coordinates dissemination of information from national and regional legal organizations to committees and sections of the Bar.

#### **G. Utah Law & Justice Center and Bar Operations.**

Responsible for day-to-day management of the Utah Law & Justice Center, including serving as agent in the negotiation and management of leasehold arrangements, and accommodation of appropriate tenant needs, as approved by the Bar Commission.

Assists in the effective development of lawyer referral services, charitable and educational public service programs and activities which will produce revenue and/or promote the philosophical objectives of the Utah Law & Justice Center, including appropriate ADR programs, and facilitate raising capital for the operation of the Bar. Responsible for the management of the building facilities and services of the Utah Law & Justice Center, oversight of interior and exterior improvements, maintenance and repairs as needed. Develops or oversees marketing activities to promote the public recognition and use of the Law & Justice Center, its facilities and programs.

#### **H. Strategic Leadership.**

Responsible for providing leadership, vision, growth, and the development of the Bar. Recommends and participates in long-term strategic planning processes for the Bar. Ensures that all levels of the organization consistently produce high quality work products and regularly looks for opportunities to improve the processes, programs, and efforts of the Bar. Ensures that resources are well managed to effectively support current operations and strategic plans.



**Executive Director Succession Plan and Timetable**  
**9 Month Process**  
**October 1, 2020 Start**

**October/November 2020 (9/8 months out)**

- \_\_\_\_\_ 1. President and President-elect review position description and announcement
- \_\_\_\_\_ 2. Executive Committee reviews plan, process, timetable, position description and announcement, including education and past experience desired
- \_\_\_\_\_ 3. Commission reviews process, timetable, position description and announcement, including education and past experience desired
- \_\_\_\_\_ 4. President and President-elect appoints Search Committee, confirmed by Commission
  - A. President
  - B. President-elect
  - C. a Past Bar President
  - D. Exec. Committee Bar Commissioner
  - E. Exec. Committee Bar Commissioner
  - F. Exec. Committee Bar Commissioner
  - G. Exec. Committee Bar Commissioner
  - H. Litigation Section Chair or Designee
  - I. LGBT & Allied Lawyers Chair or Designee
  - J. Women Lawyers Chair or Designee
  - K. YLD Chair or Designee
  - L. UMBA Chair or Designee
  - M. Judicial Counsel Rep.
  - N. Access to Justice Director
- \_\_\_\_\_ 5. Search Committee meets to review process, confirm timetable & set meeting dates
- \_\_\_\_\_ 6. President and President-elect review process with Supreme Court

**December 2020 (7 months out)**

- \_\_\_\_\_ 1. Publicize and announce in January/February *Bar Journal*, December and January E-Bulletins, ABA, E-mail to Bar members, etc.
- \_\_\_\_\_ 2. Resumes due February 28, 2021.
- \_\_\_\_\_ 3. Commission reviews mission of the Bar and vision of short and long range organizational needs and list of qualifications ("skills, abilities, qualities, strengths and characteristics") desired to meet those needs.
- \_\_\_\_\_ 4. Search Committee reviews mission of the Bar and prepares vision of short and long-range organizational needs and list of qualifications ("skills, abilities, qualities, strengths and characteristics") desired to meet those needs.

**February 2021 (5 months out)**

- \_\_\_\_\_ 1. Commission finalizes mission of the Bar and vision of short and long range organizational needs and list of qualifications (“skills, abilities, qualities, strengths and characteristics”) desired to meet those needs
- \_\_\_\_\_ 2. Search Committee confirms understanding of mission of the Bar and vision of short and long-range organizational needs and goals for the new Executive Director and list of qualifications (“skills, abilities, qualities, strengths and characteristics”) desired to meet those needs.
- \_\_\_\_\_ 3. February 28, 2021 - APPLICATION DEADLINE

**March 2021 (4 months out)**

- \_\_\_\_\_ 1. Week of March 1- Staff receives resumes, makes copies, prepares binders.
- \_\_\_\_\_ 2. Week of March 8 - Resumes distributed to Search Committee members for review
- \_\_\_\_\_ 3. Week of March 15 - Search Committee meets to reviews resumes and selects (8-12-16) for 1st round of interviews (for week of March 29 - April 2)
- \_\_\_\_\_ 4. Week of March 29 - April 2 - Interviews scheduled 1st round candidates
- \_\_\_\_\_ 5. Week of April 5 - Background checks made on 1st round candidates

**April 2021 (3 months out)**

- \_\_\_\_\_ 1. Week of March 29 - April 2 - Search Committee interviews 12-16 candidates, narrows list to (6-8) for 2nd round of interviews
- \_\_\_\_\_ 2. Week of April 5 - References checked on 6-8 2nd round candidates
- \_\_\_\_\_ 3. Week of April 12 - Search Committee and Executive Committee interview (6-8) candidates, narrows list to (3-4) for 3rd round of interviews with Commission
- \_\_\_\_\_ 4. April 16 - Commission interviews final 3-4 candidates, selects successful candidate, confirms salary & benefits for offer
- \_\_\_\_\_ 5. President extends offer

**May 2021 (2 months out)****June 2021 (1 month out)**

- \_\_\_\_\_ 1. Hire announced in E-bulletin, local media, web page, Facebook, Twitter and submitted for July/August *Bar Journal*
- \_\_\_\_\_ 2. Staff finalizes materials for transition
- \_\_\_\_\_ 3. Departing Executive Director orients new Executive Director and assists transition as needed

**July 2021**

- \_\_\_\_\_ 1. New Executive Director begins
- \_\_\_\_\_ 2. New Executive Director introduced to Staff, Court, Volunteers, etc.

# TAB 5

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

**NOVEMBER 13, 2020**

**VIDEO CONFERENCE MEETING**

- In Attendance:** President Heather Farnsworth and President-elect Heather Thuet.  
Commissioners: John Bradley, Traci Gunderson, Rick Hoffman, Michelle Quist, Tom Seiler, Chrystal Mancuso-Smith, Marty Moore, Mark Morris, Shawn Newell, Mark Pugsley, and Katie Woods.
- Ex-Officio Members:** Kim Cordova, Herm Olsen, Erik Christiansen, Grace Pusavat, Sarah Baldwin, Camila Moreno, Margaret Plane, Robert Rice, Dean Gordon Smith, and Dean Elizabeth Kronk Warner.
- Not in Attendance:** Ex-Officio Members: Raj Dhaliwal, Amy Fowler and Ashley Peck.
- Also in Attendance:** Executive Director John C. Baldwin, Assistant Executive Director Richard Dibblee, General Counsel Elizabeth A. Wright, and Supreme Court Liaison Larissa Lee.

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

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

**1.1 Welcome.**

**1.2 Executive Director Search Committee Report.** The Commission discussed the position description and distribution of the Executive Director job opening announcement. The Commission approved the Executive Director Notice of Position with edits that will go out to all Bar licensees and made some edits to the Executive Director Position Description.

**1.3 Report on Use of Deadly Force Committee Summit.** Heather Farnsworth suggested that there may be a summit on police use of deadly force. The Commission discussed who should present at the summit and offered suggestions from the judiciary, police organizations and the mental health arena. Shawn Newell and Andrew Morse agreed to Chair a Committee to review the issue and make a proposal to recommend whether the Bar should conduct a summit or take any further action on the issue. Kim Cordova reported on possible bills concerning police use of deadly force that may be considered during the 2021 legislative session.

- 1.4 Awards Selection and Presentation Schedule.** The Commission discussed the backlog of annual awards as a result of the COVID-19 pandemic-necessitated cancellation of conventions. The Commission decided that even though the awards cannot be presented in front of an audience, the Commission should continue to recognize professionalism and will present the awards virtually.
- 1.5 “Wellness Wednesdays” Program.** Heather Farnsworth reported that she, Martha Knudson and Carrie Boren have been working on a “Wellness Wednesdays” program. On one Wednesday each month there will be a wellness-focused CLE and activity to promote wellbeing among Bar licensees. The meetings will be virtual, and each Commissioner will be asked to head up one presentation.
- 1.6 Invite to Utah Business Luncheon December 16<sup>th</sup>.** Heather Thuet asked Commissioners to sign up for a virtual luncheon to be hosted by *Utah Business* magazine. The magazine will send lunch to participants. The magazine would like a broader spectrum of lawyers to vote on its selection of “Utah’s Legal Elite” which occurs during the luncheon.
- 1.7 On-Line or In-person Spring Convention.** Because of the continuing restrictions to stem the spread of the COVID-19 virus, the Spring 2021 Convention will be remote. Richard Dibblee notified the Dixie Center in St. George and, because of our long relationship with the Center, it will refund our non-refundable deposit. **Mark Morris moved to allow the Dixie Center to keep the \$4090 deposit for the 2021 convention and apply it to the Spring 2022 convention. Chrystal Mancuso-Smith seconded the motion which passed unopposed.**

## 2. Action Items.

- 2.1 Ethics Advisory Opinion Committee.** Elizabeth Wright reported that the Ethics Advisory Opinion Committee requested a change to its rules to allow the lay member and the OPC representative to be voting members of the Committee. After discussion, **Tom Seiler moved to adopt the proposed rule changes that permit the OPC representative and lay member vote. Marty Moore seconded the motion which passed unopposed.**
- 2.2 Herm Olsen and Kim Cordova as Commission Liaisons.** **Michelle Quist moved to appoint Kim Cordova as Commission liaison to the Dispute Resolution Section, Appellate Practice Section, and Constitution Law Section and to appoint Herm Olsen as Commission liaison to the Lawyers Helping Lawyers Committee. Chrystal Mancuso-Smith seconded the motion which passed unopposed.**
- 2.3 Fund for Client Protection Recommendations.** Tabled until next meeting.

### 3. Discussion Items.

**3.1 Regulatory Reform Committee Report.** The Commission discussed the nine latest participants approved for the sandbox. Their applications were attached to the Commission materials. Bar licensees will also be given notice of approved participants via the e-bulletin. Erik Christiansen reported on each application and noted that the descriptions did not provide adequate explanations of the legal services that will be provided. Camila Moreno suggested that it would be helpful if participants provided a hypothetical of how their service would be used. Larissa Lee reported that the Office of Innovation is operating in new, untested waters and is very open to suggestions. Ms. Lee suggested that a request for more detailed descriptions should be sent to the Innovation Office with as much detail as possible regarding the additional information people would like to see.

**3.2 Future of Legal Challenges to Mandatory Bars.** Elizabeth Wright reported that there is still a challenge to mandatory bars pending in the 9<sup>th</sup> Circuit.

### 4. Information Items.

**4.1 Governor's Letter to Judicial Nominating Commissions.** The Commission discussed the letter the Governor's office sent the Judicial Nominating Commission members reminding them to select nominees in accordance with the rules and not to consider additional criteria. The Commission then discussed providing information about the judiciary during retention elections and the work of Jennifer Yim at the Judicial Performance Evaluation Commission to make sure that the public can cast an informed vote in retention elections.

Marty Moore expressed the need for more transparency throughout the entire selection and nomination process. **Mark Morris moved for the Bar to use the Bar's email list to publicize all judicial vacancies, finalists, and appointments. Andrew Morse seconded the motion which passed unopposed.** Marty Moore and John Baldwin agreed to meet with Kim Cordova to discuss how the Bar can publicize openings, finalists, and nominees.

### 5. Executive Session

**Adjourn: 10:45 p.m.**

#### Consent Agenda

1. Approved Minutes from the October 16, 2020 Commission Meeting.

# TAB 6



### **Notice of Commission Selection of President-elect Candidates**

A lawyer Bar Commissioner who wishes to be considered as a candidate or a Bar Commissioner who wishes to recommend another lawyer in good standing on active status to be considered as a candidate shall notify the Board in writing. All letters of interest and notifications must be received no later than 5:00 p.m. on January 2, 2021. The Board may also consider other candidates at its discretion.

*\*Candidates for the office of Bar President-elect may not list the names of any current voting or ex-officio members of the Commission as supporting their candidacy in any written or electronic campaign materials, including, but not limited to, any campaign materials inserted with the actual ballot; on the website; in any e-mail sent for the purposes of campaigning by the candidate or by the Bar; or in any mailings sent out by the candidate or by the Bar. Commissioners are otherwise not restricted in their rights to express opinions about President-elect candidates.*