

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

FEBRUARY 5, 2021

VIDEO CONFERENCE MEETING

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

Minutes: 9:00 a.m. start

1. President's Report: Heather Farnsworth

- 1.1 Spring Convention Report.** Heather Thuet reported that the Spring Convention agenda is complete, and that nearly all of the speakers are confirmed.
- 1.2 "Wellness Wednesday" Report.** Heather Farnsworth reported there will be a wellbeing presentation at the Spring Convention called "Do We Ever Want to Go Back to Normal?" The presentation will focus on some of the positive aspects of remote work and pandemic lockdown. Grant Miller reported that the YLD has its own Wellness Committee that will try to coordinate with the Bar's wellbeing Committee.
- 1.3 Report on Executive Director Position Search.** Heather Farnsworth reported that some resumes have been submitted ahead of the February 28th application deadline. Ms. Farnsworth will establish a committee to review resumes.
- 1.4 Report on Bar Request for Funding under the Cares Act.** Lauren Stout, the Bar's Financial Director, joined the meeting. The Commission discussed the loss of revenue as a result of the pandemic and the eligibility and conditions of a Paycheck Protection Program (PPP) loan. After the discussion, **Marty Moore moved to have the Bar**

submit a PPP loan application. Andrew Morse seconded the motion which passed unopposed.

2. Action Items.

2.1 Nominate President-elect Candidate. After the Commission discussed Katie Woods's qualifications and 6 years of service on the Commission, **Marty Moore moved to nominate Katie Woods to run for office of President-elect of the Board of Bar Commissioners. Chrystal Mancuso-Smith seconded the motion which passed unopposed.**

2.2 Amendment to President-elect Nomination Process: John Baldwin presented the proposed rule changes and explained the need for the clarification. **Marty Moore moved to adopt the proposed changes to Rule 14-206 to clarify president-elect nomination process. Harm Olsen seconded the motion which passed unopposed.**

2.3 Awards Committee Report. After discussing the nominations and the recommendations of the Awards Committee, the following award winners were selected.:

Andrew Morse moved to award **Judge Kate Appleby** 2020 Judge of the Year. Chrystal Mancuso-Smith seconded the motion which passed unopposed.

Marty Moore moved to award **James McConkie II**, 2020 Lawyer of the Year. Katie Woods seconded the motion which passed unopposed.

Marty Moore moved to award the **Indian Law Section** 2020 Section of the Year. Andrew Morse seconded the motion which passed unopposed.

Marty Moore moved to award **The CLE Advisory Committee** 2020 Committee of the Year. Andrew Morse seconded the motion which passed unopposed.

Marty Moore moved to award **Richard Mauro and the Salt Lake Legal Defender Association** a Special Service Award. Michelle Quist seconded the motion which passed unopposed.

Marty Moore moved to award **Margaret Plane** the 2020 Professionalism Award. Michelle Quist seconded the motion which passed unopposed.

Marty Moore moved to award the late **Judge Dee Benson** a Lifetime Service Award. Tom Seiler seconded the award which passed unopposed.

2.4 Nominate to Eighth District Judicial Nominating Commission and Commission on Criminal and Juvenile Justice. After discussing the applicants, Andrew Morse voted to nominate **John Hancock, Tegan Troutner, Gayle McKeachie, and April**

Hollingsworth to serve on the 8th District Judicial Nominating Commission. Tom Seiler seconded the motion which passed unopposed.

Marty Moore moved to nominate **Kevin Daniels, David L. Johnson, and Monica Maio** to serve on the Utah Commission on Criminal and Juvenile Justice. Michelle Quist seconded the motion which passed unopposed.

3. Discussion Items.

3.1 December Financial Statements. The Bar's Financial Director, Lauren Stout, joined the meeting to review the Bar's December 2020 financials. Ms. Stout reviewed the financial statements with the Commission and reported that the Bar is \$214,000 ahead of budget because expenses were cut as a result of the COVID pandemic. Revenue is down because sections have not been offering in-person CLEs. The Commission discussed low income on the Bar's investments because of a highly conservative Investment Policy that limits the types of investments in which the Bar can invest. The Commission asked for distribution of the Investment Policy so the Commission and the Budget and Finance Committee can explore changing the policy to permit some investment with higher yields.

3.2 Blomquist Hale Request to Increase Fees. John Baldwin reported that Blomquist Hale has not requested a fee increase since 2009. The mental health provider would like a fee increase of about 20% from \$75,000 to \$91,000 to cover increased costs and to pay for services that will be provided under attorney discipline Diversion Plans. The Commission had questions about Blomquist Hale's service that staff will review and report on at next meeting.

New Item: Mark Morris reported that with schools opening he has reached out to UCLI's Director Melinda Bowen and other lawyers to promote legal careers to students.

3.3 OPC Oversight Committee Report: Judge Diana Hagen, Chair of the OPC Oversight Committee, provided background on the findings of the ABA during its review of Utah's disciplinary process. One ABA concern was the speed and efficiency of the process. Judge Hagen reported that the duties and work of the Chair of the Ethics and Discipline Committee is too much for a volunteer. The OPC Oversight Committee would like the Bar to fund a full-time position to chair the Ethics and Discipline Committee at the Bar's level 11 pay grade. **Marty Moore moved to fund a full-time position as Ethics and Discipline Committee Chair at the level requested by Judge Hagen. Andrew Morse seconded the motion which passed unopposed.**

4. Information Items

4.1 Women Lawyers of Utah Report on Retention: Ashley Peck and Kim Neville presented a slide show to the Commission with the findings of Women Lawyers 2020 survey on the Retention of Women in the Profession. The survey was conducted ten years after the 2010 survey in order to measure and compare changes for women in

Utah's legal profession. While some progress has been made, the numbers of women in firm leadership is still low compared to the 2010 survey and to women nationally. Utah still has a high number of women who leave the profession. The survey showed that many Utah law firms still do not have parental leave policies. Ms. Neville reported that WLU has sample parental leave policies available to lawyers and law firms. Another barrier to the hiring and advancement of women are subjective interview and evaluation questions. Ms. Neville also reported that WLU has sample evaluation questions for legal employers to use that will avoid bias in the evaluation process.

- 4.2 Regulatory Reform Committee Report.** Erik Christiansen reported that after the last Commission meeting he sent a letter to the Court's Innovation Committee asking for more transparency and better descriptions of the legal services sandbox participants will provide. There hasn't been enough time for a response, but Mr. Christiansen will report on the response at the next meeting.
- 4.3 ABA Judges Project.** Erik Christiansen reported that he is heading up the effort to create a Utah Chapter of the ABA's Judicial Intern Opportunity. The program places diverse law students in judicial internships across the country. Utah's chapter would like to raise \$30,000 to pay for 10 internships. He will ask 10 law firms to contribute \$2500 each and will ask the Bar for the final \$5000.
- 4.4 Excessive Force Committee:** Shawn Newall and Andrew Morse reported on the three-day summit that will take place in early April. Each day will have a 2 hour program over the lunch hour. Topics will include the history of force, mitigating the use of deadly force and the role of lawyers and law enforcement in mitigating the use of force and public distrust of law enforcement. Speakers include well-known community leaders.
- 4.5 Report on First Remote Bar Exam.** John Baldwin reported that the February 2021 Bar exam would be administered remotely. Mr. Baldwin explained the process of monitoring by AI proctor to detect cheating, and that each applicant will be required to have a computer with a video camera so proctors can monitor exam takers. While the Court has not made a final decision, it is likely that the July exam will also be administered remotely.

5. Executive Session

Adjourn: 12:33 p.m.

Consent Agenda

1. Approved Minutes from the December 18, 2020 Commission Meeting.