

Utah State Bar Commission

Friday, January 18, 2019
Utah Law & Justice Center

Agenda

1. **9:00 a.m. President's Report: Dickson Burton**
 - 10 Mins. 1.1 Review Breakfast Meeting with Large Firms
 - 10 Mins. 1.2 Review Supreme Court Wellbeing Committee Report
 - 05 Mins. 1.3 Review Legislative Phone Conference Calendar
 - 05 Mins. 1.4 Spring Convention Report: **Herm Olsen**
 - 05 Mins. 1.5 St. George and Park City Room Reservations Reminder
 - 05 Mins. 1.6 Bar Elections Information
 - 05 Mins. 1.7 Report on 3rd District Nominating Commission Vacancies (**Tab 1, Page 3**)

2. **9:50 a.m. Action Items**
 - 10 Mins. 2.1 Nominate Bar President-Elect Candidates
 - 15 Mins. 2.2 Select Dorothy Merrill Brothers Award Recipient
(To be distributed via email prior to the meeting.)
 - 15 Mins. 2.3 Select Raymond Uno Award Recipient
(To be distributed via email prior to the meeting.)
 - 15 Mins. 2.4 Public Representation on Bar Commission Report: **Erik Christiansen**

10:45 a.m. Break

 - 10 Mins. 2.5 Request to Fund Supreme Court Wellbeing Survey
 - 10 Mins. 2.6 Bar Member Survey Committee Report: **Mark Morris**

3. **11:20 a.m. Information Items**
 - 15 Mins. 3.1 Licensed Lawyer Marketing Report: **Matt Page**
 - 15 Mins. 3.2 Innovation in Law Practice Committee: **Heather White (Tab 2, Page 5)**

4. **11:50 a.m. "Open Mic Time"**

12:00 noon Adjourn

Consent Agenda (Tab 3, Page 7)

1. Approve Minutes of December 14, 2018 Commission Meeting

Calendar

January 23-28	ABA Mid-Year Meeting/NABE/NCBP		Las Vegas, Nevada
January 29	Conference Call Re: Legislature	4:00 p.m.	
February 1	Commission Election - Petitions, Statements, Photos Due		
February 5	Conference Call Re: Legislature	4:00 p.m.	
February 12	Conference Call Re: Legislature	4:00 p.m.	
February 19	Conference Call Re: Legislature	4:00 p.m.	
February 26	Conference Call Re: Legislature	4:00 p.m.	
February 26	Executive Committee	12:00 Noon	
February 26-27	Bar Examination	8:00 a.m.	Utah State Bar
March 5	Conference Call Re: Legislature	4:00 p.m.	
March 7	SUBA Luncheon	12:00 Noon	St. George, Utah
March 7	Commission Meeting	1:00 p.m.	St. George, Utah
March 7-9	Spring Convention		St. George, Utah
March 20	Election Email Message Due		
March 27-30	Western States Bar Conference		Lihue, Hawaii
April 1	Election-Online Balloting Begins		
April 5	Executive Committee	12:00 Noon	
April 9-11	ABA Day in Washington		Washington, D.C.
April 12	Commission Meeting	9:00 a.m.	?
April 15	Election-Online Balloting Ends		
May 10	Executive Committee	12:00 Noon	
May 17	Commission Meeting	9:00 a.m.	Utah State Bar
May ?	Admission Ceremony	12:00 Noon	State Capitol
July 12	Executive Committee	12:00 Noon	Utah State Bar
July 18	Commission Meeting	1:00 p.m.	Park City, Utah
July 18-20	Summer Convention		Park City, Utah

TAB
1

Board Title	Judicial Nominating Commission District 3	Requirements
Department	Commission on Criminal & Juvenile Justice	This commission nominates judges of district and juvenile courts in the Third Judicial District, which includes Salt Lake, Tooele & Summit counties.
Code	Utah Const. Article VIII-8 & UCA 78A-10-301	
Code URL	N/A	The commission consists of seven commissioners appointed by the governor to serve a single four-year term. Must be a U.S. Citizen, a resident of Utah, and a resident of the geographic division represented.
Board URL	N/A	
Yearly Meetings	0 times per year	
Term Length	4 years	Commissioners may not be a member of the Legislature. No more than four commissioners may be from the same political party.
Compensation	Per Diem And Expenses	The governor must appoint two commissioners from a list of nominees provided by the Utah State Bar. However, the governor may not appoint more than four persons who are members of the Utah State Bar.
Political Diversity	Yes	
Senate Confirmation	No	The Chief Justice of the Supreme Court, or his designee, is an ex-officio, nonvoting member.
Legislative Appointment	No	
Agency Appointment	No	The governor shall appoint the chair from among the membership.
Governor Appointment	Yes	Description
Repealed Date		N/A
Board Status	Active	
Contacts	Taylor, Monica	801-538-1856
	Cordova, Kim	801-538-1031

Positions

Board member	Type	Qualification	Original Appointment	Current Appointment	Expiration
Acosta, Grace	Member	(D) recommended by the Utah State Bar	2/1/2015	02/01/2015	1/31/2019
Durrant, Matthew B.	Member	Chief Justice of the Supreme Court	4/1/2012	04/01/2012	N/A
Ensign, Eric	Member	(R) Appointed by the Governor	8/8/2017	08/08/2017	1/31/2019
Harman, Sue	Member	Appointed by the Governor	2/1/2015	02/01/2015	1/31/2019
Hathaway, Ben	Member	(R) Recommended by the Utah State Bar	2/1/2015	02/01/2015	1/31/2019
Johnson, Colleen	Member	(R) Appointed by the Governor	2/1/2015	02/01/2015	1/31/2019
Mori, Cheryl	Member	(U) Recommended by the Utah State Bar	2/1/2015	02/01/2015	1/31/2019
Starkey, Sarah	Member	(D) Appointed by the Governor	5/1/2018	05/01/2018	1/31/2019

TAB
2

Innovation in Law Practice Committee Report

Recommendation #1: Include in the 24-hour MCLE requirement two hours of technology-based CLE hours.

Reasons for recommendation: The practice of law today simply cannot be undertaken competently without an adequate familiarity with technology-based products and services. This requirement would send a clear message to bar members that technology cannot be ignored. The CLEs, while not likely to teach everything attorneys need to know, would at least apprise them of issues with which they should be familiar. So far, two states require such training: Florida requires three hours every three years and North Carolina requires one hour every year. Thus, Utah's proposed requirement would be right in line with what other states have done so far. Given the practice of law's increasing reliance on technology, we believe a technology-based CLE requirement will soon become the standard among the remaining states. The Committee also notes that malpractice carriers may also begin to require this, or, alternatively, offer discounts to attorneys who comply.

**TAB
3**

**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 Baily 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 admitees. 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