

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

JUNE 12, 2015

**LAWAND JUSTICE CENTER
SALT LAKE CITY, UTAH**

In Attendance: President James D. Gilson, President-elect Angelina Tsu; Commissioners: Kenyon Dove, Mary Kay Griffin, Susanne Gustin, Hon. Michael Leavitt, John Lund, Janise Macanas, Herm Olsen, Rob Rice and Tom Seiler.

Ex-Officio Members: Nate Alder, Dean Robert Adler, J. Reuben Clark Law School Professor Carl Hernandez, Jaelynn Jenkins for WLU, Jesse Nix, Margaret Plane and Chris Wharton.

Not in Attendance: Steven Burt, H. Dickson Burton, Heather Farnsworth. Ex-Officio Members: Heather Allen, Curtis Jensen, Katherine Judd, Aida Neimarlija, Dean James Rasband and Lawrence Stevens.

Also in Attendance: Executive Director John C. Baldwin, Assistant Executive Director Richard Dibblee, General Counsel Elizabeth A. Wright, Sean Toomey, Utah State Bar Communications Director, Bar member Peter Strand.

Minutes: 9:15 a.m. start

1. President's Report:

1.1. Welcome and Review Calendars.

1.2. Report on Northwest States and Jack Rabbit Bar Conferences. Jim Gilson and John Baldwin reported on the Northwest States and Jack Rabbit Bar Conferences and the inherent value of meeting with other bar leaders to discuss common issues and to share ideas.

1.3. Report on North Carolina Dental Board Case. Elizabeth Wright reported on the United States Supreme Court's February 2015 decision that impacts antitrust immunity for regulatory boards. The Bar will discuss the case with the Utah Supreme Court.

1.4. Credit Card Surcharges. Jim Gilson reported that the Bar will begin charging a 2% surcharge on licensing and convention credit card transactions. At this point, there will not be surcharges on the NLTP, CLE, luncheons or other Bar credit card charges. The surcharge is necessary to recoup the approximately \$60,000 in credit card merchant fees the Bar pays each year. Members who do not want to pay the surcharge can pay by check.

- 1.5. **OPC Review Committee Update.** Tom Seiler and Susanne Gustin reported that they will have a report by the July 17, 2015 deadline.
- 1.6. **NLTP Review Committee Update.** Kenyon Dove reported that the Review Committee has all the information it needs and is ready to prepare a report. The report will be done by July 17th.
- 1.7. **Convention Committee Update.** Angelina Tsu reported for Dickson Burton. The Committee will have a report by July 17th.
- 1.8. **Budget and Finance Review Committee Update.** Margaret Plane reported the Committee is on track to have a report with recommendations by July 17th.

2. Action Items:

- 2.1 **Approve 2015-2016 Budget.** The Commission discussed the proposed budget for 2015-2016 and the losses for the three previous summer conventions. The Commission again discussed the pro and cons of eliminating or changing the location of the summer convention. The Commission discussed changes they would like to the budget reports in order to better understand how expenses are tracked. **Angelina Tsu moved to put off a vote on the 2015-2016 budget until the July 29, 2015 Commission meeting. Herm Olsen seconded the motion which passed unopposed.**

New Item

Young Lawyers Division Budget Request. Chris Wharton requested a YLD budget of \$56,000 for the 2015-2016 fiscal year; the same amount as last year's budget. Mr. Wharton distributed a handout with the YLD's expenditures and a description of each of its programs. YLD is the largest Bar section with 2000 members. The Commission discussed the value of YLDs programs and the section's importance in fostering leadership development and involvement in the Bar. The Commission discussed whether membership in the YLD should remain free for the full seven years of membership. Mr. Wharton reported bars that charge for YLD membership have low membership numbers. It was suggested that perhaps the first year or two should be free and then members would be charged section membership for the remaining six or seven years. Mr. Wharton was questioned about outside funding or grants the YLD receives. The Commission decided it would like to see a budget that reflects any outside grants or funding the YLD receives and how those monies are spent. **John Lund moved to approve the YLD's budget request subject to the YLD's provision of an accounting of outside funding. Herm Olsen seconded the motion which passed unopposed.**

- 2.1A **Utah Dispute Resolution Funding Request.** The Commission considered UDR's formal request for \$20,000 in funding. The Commission discussed the importance of UDR in meeting the unmet legal mediation needs of low income individuals. **Rob Rive moved to give UDR \$10,000 with the provision that this will be the only access to**

justice donation until the Commission can study and evaluate all access to justice programs. Mike Leavitt seconded the motion which passed with Janise Macanas opposed.

- 2.2 The Commission selected **Ron Yengich** as Lawyer of the Year.
- 2.3 The Commission selected **Judge Claudia Laycock** as Judge of the Year
- 2.4 The Commission selected **Disaster Legal Response** as Committee of the Year
- 2.5 The Commission selected **Young Lawyers Division** as Section of the Year

2.6 Futures Committee Report and AAA Committee. John Lund reported that the Futures Commission was created to investigate the provision of legal services to individuals and small businesses. The Committee is finishing up its investigation and will make a recommendation to the Commission.

Angelina Tsu reported that the AAA Committee is off and running. All sub-committees have co-chairs and the co-chairs will select subcommittee members.

New Item

Bar Member Peter Strand distributed a handout and proposed a standing committee on access to justice. The proposed committee would identify areas where access to justice is a problem and address those issues through development of special projects. Commissioners pointed out that the Bar already has an Access to Justice Program that would overlap with this new proposed committee. It was pointed out that the Court needs to be informed and involved. Some commissioners liked the idea of a clearing house for all access to justice programs in the state. **John Lund moved to endorse a 90 day investigation into the need for an access to justice committee. Kenyon Dove seconded the motion which passed unopposed.**

HANDOUTS DISTRIBUTED AT MEETING:

- 1. Young Lawyers Division letter regarding budget for 2015-2016 fiscal year.
- 2. Additional award nominees.
- 3. Access to Justice Committee Standing Committee Proposal

ADJOURNED: 1:00 p.m.

CONSENT AGENDA:

- 1. Approve Minutes of May 1, 2015 Commission Meeting.