

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

JUNE 5, 2020

VIDEO CONFERENCE MEETING

In Attendance: President Herm Olsen and President-elect Heather Farnsworth.
Commissioners: John Bradley, Steve Burt, Mary Kay Griffin, Chrystal Mancuso-Smith, Marty Moore, Mark Morris, Mark Pugsley, Tom Seiler, Cara Tangaro, Heather Thuet and Katie Woods.

Ex-Officio Members: Nate Alder, Erik Christiansen, Torie Finlinson, Margaret Plane, Robert Rice, and Dean Gordon Smith.

Not in Attendance: Michelle Quist. Ex-Officio Members: Kate Conyers, Amy Fowler, Candace Glead, Jiro Johnson, Dean Elizabeth Kronk-Warner, and Camila Moreno.

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: 9:01 a.m. start

1. **President's Report: Herm Olsen.** Mr. Olsen reported that Commissioner Mary Kay Griffin will step down at the end of her term.

- 1.1 **Report on Meeting with Chief Justice Durrant.** Mr. Olsen reported that he, Heather Farnsworth, Heather Thuet and John Baldwin met with the Chief Justice, Associate Justice Thomas Lee and Appellate Court Administrator Larissa Lee. They discussed the virtual swearing in of Bar President and President-elect that will take place sometime this summer because COVID-19 pandemic restrictions prohibit a live ceremony. The Bar asked to have a Commissioner on the Court's Diploma Privilege Committee. They discussed efforts to inform and educate lawyers about the Court's Regulatory Reform efforts and the Bar's budget for 2020-2021.

John Baldwin reported that Access to Justice employee Rob Jepson was spending 10 to 20% of his time supporting the Regulatory Reform Committee. Rob Rice asked that the Bar monitor Rob's workload to ensure the Access to Justice work was not being negatively impacted by Rob's time commitments with the Regulatory Reform Committee.

1.2 July Commission Meeting Logistics. The Commission discussed the need to monitor state and city COVID-19 warning levels before deciding whether to have an in person or video conference meeting for the July 2020 meeting.

1.3 Regulatory Reform Report. Erik Christiansen reported that the Bar's Regulatory Reform Committee surveyed all sections and committees to gauge lawyer opinions about the Court's regulatory reform proposals. The Committee is still waiting to hear from many sections and committees. Erik reported that his committee expects to have a report on the survey and recommendations for the July 2020 Commission meeting. The Commission discussed the role it should have in the face of the Court's proposed changes.

2. Discussion Items.

2.1 Review Bar Survey: James Roberts, Director of Redirect Company, joined the meeting. Redirect is the company that conducted the lawyer survey for the Bar. James Roberts presented slides of the results from the survey that also included comparisons to the Bar's 2011 survey of lawyers. The current survey had a 30% response rates. The Commission discussed the demographic results from the survey. The Commission discussed the need to compare the results from this survey with the results of the Women Lawyers of Utah survey also done this year.

2.2 2020 Fall Forum Planning. The Commission discussed the fact that the COVID-19 pandemic restrictions on the size of gatherings may require the Bar to cancel the Fall Forum in November or perhaps offer it in a virtual format. A decision will have to be made in July. Heather Farnsworth pointed out that the Fall Forum is the ideal convention for an all online format because it is largely a CLE event that does not have as many networking activities as the other conventions.

2.3 2021 Summer Convention Location and Dates. Richard Dibblee reported that Vail resorts requires a large room block to book the meeting rooms at the Canyons in Park City. It is unlikely the Bar could meet the required room reservations. The Commission discussed having the convention in Sun Valley. This issue will be on the July 2020 meeting agenda because Sun Valley will need a commitment this July or August for summer 2021.

2.4 Creation of Fund for Donations to Help lawyers with Bar Fees. The Commission discussed whether some lawyers may need assistance paying licensing fees this year because of financial difficulties stemming from the COVID-19 pandemic. There is currently not enough information to assess the need so the issue will be discussed at the July meeting.

2.5 Future of Virtual Hearings and Jury Trials. The Utah Indigent Defense Counsel (UIDC) is concerned that defendant rights may not be adequately protected in virtual hearings and jury trials that are being conducted during the COVID-19 pandemic. The

UIDC would like the Bar to take a position on the issue. The Commission decided to seek input from other interested groups and then report back to UIDC.

3. Action Items

3.1 Approve 2020-2021 Budget. Finance Director Lauren Stout joined the meeting to discuss the budget. Mary Kay Griffin reported that the Budget and Finance Committee met to review the budget and recommended that the Commission adopt the proposed 2020-2021 budget. Lauren shared the proposed budget on the screen and gave the Commission a detailed description of each section. **Marty More moved to approve the proposed 2020-2021 budget. Tom Seiler seconded the motion which passed unopposed.**

3.2 Awards Presentation Schedule. Heather Farnsworth reported on the proposed awards schedule in light of the canceled convention meetings. Spring 2020 award recipients can choose to receive awards at the 2020 Fall Forum or at the Spring 2021 Convention.

3.3 Approve Amendments to Election Rules & Procedures. Elizabeth Wright described the proposed changes to Commission Bylaws 14-205 and 14-206 to remove outdated election procedures and update the Bylaws to accurately describe the electronic voting procedures in use. **Marty Moore moved to approve the rule changes. Heather Farnsworth seconded the motion which passed unopposed.**

John Baldwin presented the Commission with updated notices for the election of Bar President-elect. **Marty Moore moved to approve the updated notice. Mark Morris seconded the motion which passed unopposed.**

3.4 Approve Utah Legal Services Request for Appointments. Marty Moore moved to approve the appointment of Heidi Alder, Bryan Pattison and John Zidow to the Utah Legal Services Board. Chrystal Mancusco-Smith seconded the motion which passed unopposed.

3.5 Approve Bar Staff Participation with Ethics Advisory Opinion Committee. The Commission discussed the benefit of having the Bar's Associate General Counsel attend meetings of the Ethics Advisory Opinion Committee. The Associate General Counsel answers questions for the Bar's Ethics Hotline and would benefit from sitting in on the Committee meetings. **Tom Seiler moved to have the Associate General Counsel attend meetings of the Ethics Advisory Opinion Committee. Marty Moore seconded the motion which passed unopposed.**

4. Executive Session

The meeting adjourned for the day at 1:45 p.m.

Consent Agenda

1. Approved Minutes from the April 9, 2020 Commission Meeting.
2. Approve Admission of Military Spouse