

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

MARCH 12, 2020

TELEPHONIC MEETING

- In Attendance:** President Herm Olsen and President-elect Heather Farnsworth.
Commissioners: John Bradley, Steven Burt, Chrystal Mancusco-Smith, Marty Moore, Mark Morris, Mark Pugsley, Michelle Quist, Tom Seiler, Heather Thuet and Katie Woods.
- Ex-Officio Members:** Nate Alder, Erik Christiansen, Kate Conyers, and Dean Elizabeth Kronk Warner.
- Not in Attendance:** Mary Kay Griffin, Cara Tangaro, Ex-Officio Members: H. Dickson Burton, Amy Fowler, Torie Finlinson, Candace Glead, Jiro Johnson, Margaret Plane, Robert Rice, Camila Moreno, and Dean Gordon Smith.
- Also in Attendance:** Executive Director John C. Baldwin and General Counsel Elizabeth A. Wright.

Minutes: 1:00 P.M. start

1. President's Report: Herm Olsen

The Bar Commission meeting was held telephonically because the Spring Convention in St. George, Utah was cancelled. The meeting was scheduled to be held in St. George in conjunction with convention. In light of the fast-moving events surrounding the covid 19 virus and the desire to keep attendees and the community safe, the Commission met telephonically at 10:00 p.m. on March 11, 2020 and voted to cancel the Spring Convention. Convention registrants will be refunded the registration fee.

1.1 Report on Regulatory Reform. Mark Pugsley reported that the Litigation Section heard a presentation on the proposed regulatory reforms. Proposed rules were circulated to section members. Erik Christiansen and John Bradley reported that they just attended the Southern Utah Bar Association lunch where the attendees were very educated about proposed regulatory reforms and asked questions about the fee sharing proposals.

1.2 Review Spring Convention Schedule: Heather Farnsworth. The Commission discussed cancellation of the Spring Convention and the financial implications for the Bar. The Commission discussed some preliminary issues like when to give awards to Spring Convention award recipients and how to recoup goodwill with attendees. The Commission did not make any final determinations because of the uncertainly surrounding covid 19. **Tom Seiler moved that because of Governor Herbert's covid**

19 recommendations made on March 12, 2020, no meetings of more than 100 people will be held at the Law and Justice Center through April. Heather Farnsworth seconded the motion which passed unopposed.

- 1.3 Report on Legislative Session.** Commissioners discussed legislation concerning the judiciary and preparation for legislation that was not considered this session but is likely to be on the legislative agenda again in 2021.
- 1.4 Logan Commission Meeting/Lunch with Cache County Bar April 17th.** Herm Olsen reminded Commissioners that the April 17th Commission meeting will take place in Logan followed by a luncheon with the Cache County Bar. Senator Lyle Hillyard will discuss the 2020 legislative session at the luncheon.
- 1.5 Aug./Sept. Meetings on Labor Day Weekend: Heather Farnsworth.** The Commission discussed a possible meeting in August or September in Moab. The meeting will not take place Labor Day weekend because of expense and crowds. A meeting in Moab in November will give the Commission an opportunity to reach out to the legal community in Moab area and to possibly coordinate with a Litigation Section CLE scheduled for the same time.

2. Action Items

- 2.1 Revise President-elect Election Notice.** Postponed until next meeting.
- 2.2 Provide Staff Services to Law Related Education Program.** John Baldwin reported that Kathy Dryer, the current Executive Director of Law Related Education (LRE), is scaling back her role and will completely retire in 2 years. LRE would like Bar employee Michelle Oldroyd, who is currently on the LRE Board, to assume supervisory duties for LRE for 5 hours per week. **Tom Seiler moved to approve having Bar employee Michelle Oldroyd supervise LRE for 5 hours per week. Heather Farnsworth seconded the motion which passed unopposed.**
- 2.3 Amend Pro Hac Vice Rule for Indian Child Welfare Act.** Elizabeth Wright reported that the Utah Supreme Court Advisory Committee on the Rules of Juvenile Procedure was approached by the Chairman of the Confederated Tribes of the Goshute Reservation who asked that pro hac vice admission fees be waived for tribal lawyers appearing in child custody proceedings under the Indian Tribal Welfare Act. The fee is a barrier to tribal participation in those proceedings. Many other states provide similar waivers. **John Bradley moved to ask the Court to approve the waiver and other clean-up changes to pro hac vice Rule 14-806. Michele Quist seconded the motion which passed unopposed.**

3. Discussion Items

- 3.1 Bar Survey Report.** Mark Morris gave an overview of survey results. The survey had a 30% response rate which is high for these types of surveys. Mark Morris will provide a more in-depth report with slide show at the next meeting.

4. Information Items

- 4.1 Report.** Nate Alder and Erik Christiansen reported on the highlights from the ABA Delegates meeting in Austin, Texas in February. The House of Delegates passed a resolution in favor of legal regulatory reform.

5. Executive Session

The meeting adjourned for the day at 2:35 p.m.

Consent Agenda

1. Approved Minutes from the January 24, 2020 Commission Meeting.