

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

**NOVEMBER 8, 2019**

**LAW AND JUSTICE CENTER**

**In Attendance:** President Herm Olsen and President-elect Heather Farnsworth.  
Commissioners: John Bradley, Steven Burt, Mary Kay Griffin, Chrystal Mancusco-Smith, Marty Moore, Mark Pugsley, Michelle Quist, Tom Seiler, and Cara Tangaro.

**Ex-Officio Members:** Nate Alder, H. Dickson Burton, Erik Christiansen, Kate Conyers, Torie Finlinson, Amy Fowler, Margaret Plane and Camila Moreno.

**Not in Attendance:** Heather Thuet and Katie Woods. Ex-Officio Members: Candace Glead, Jiro Johnson, 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 Liaison Larissa Lee.

**Minutes: 9:05 a.m. start**

**1. President's Report: Herm Olsen**

**1.1 Welcome and Introductions.** The Commission welcomed Camila Moreno as the Bar's YLD Delegate to the ABA. Ms. Moreno is currently clerking for Magistrate Judge Cecelia Romero.

**1.2 Legislative Breakfast/Tax Reform Follow-Up & Planning.** Herm Olsen reported that the annual breakfast with lawyer legislators took place on October 16, 2019. The event was well attended. The status of the tax on professional services was discussed during the breakfast. Mr. Olsen handed the Commissioners the Executive Summary of the Tax Restructuring Policy Proposal from Utah Legislature Tax Restructuring and Equalization Task Force. The Executive Summary does not include a tax on legal services. The Commission thanked Past Bar President Dickson Burton on his efforts to stop a tax on legal services which would have had an adverse effect on individuals seeking the services of a lawyer.

**1.3 Report on Fall Forum.** Herm Olsen reminded the Commissioners of the Fall Forum that will take place on November 14-15 in Salt Lake City. Commissioners were given a copy of the program.

**1.4 April Commission Meeting Date & Location.** Herm Olsen announced the April Commission meeting will be in Logan on Friday, April 17, 2020.

**1.5 Ratify Executive Committee Approval of NLTP Awards.** John Bradley moved to ratify the Executive Committee's approval of the NLTP's Committee's selection of **Kyle Leishmann** and **Brady Brammer** to receive the 2018 outstanding mentor award to be given at the Fall Forum. **Marty Moore** seconded the motion which passed unopposed.

## **2. Action Items.**

**2.1 Approve LPP Administrator & Ethics Hotline Counsel Staff Position.** John Baldwin reported on the need for an additional staff attorney to administer the Licensed Paralegal Practitioner Program and to answer the Ethics Hotline. **After a discussion of responsibilities and pay scale, Michelle Quest moved to approve between \$80,000 - \$100,000 (includes benefits package) for one staff person or two part-time staffers. Tom Seiler seconded the motion which passed unopposed.**

**NEW ITEM:** Herm Olsen reported that the Office of Professional Conduct had made a request to the Commission to withdraw Ethics Advisory Opinion 19-03 which discusses Rule of Professional Conduct 5.5. OPC believes the opinion is incorrect. The issue will be on the agenda next month as an action item.

**2.2 Approve Commission Policies and Procedures.** Marty Moore moved to approve updates to the Bar's Policies and Procedures. John Bradley seconded the motion which passed unopposed.

## **3. Discussion Items.**

**3.1 2021 Summer Convention Site.** After a discussion of the need to rotate the location of the Summer Convention among Park City, Sun Valley and perhaps California, **Michelle Quist moved to hold the 2021 Summer Convention in Sun Valley, Idaho. Marty Moore seconded the motion which passed unopposed.**

**3.2 Report on Access to Justice Summit.** Heather Farnsworth reported the Summit was attended by over 90 organizations. The event enables legal service and social service organizations to come together to learn what each is doing. Awareness of efforts and resources helps the organizations to better serve the public and to avoid overlap of services.

**3.3 Access to Justice Commission Charge.** The charge has been updated.

## **OUT OF ORDER**

**5.2 Create Commission Committee on Regulatory Reform.** Bar President Herm Olsen will create a Bar Commission Committee on Regulatory Reform. The purpose of the Committee will

provide input and information to Bar members. Heather Farnsworth will serve on both Committees and make sure the lines of communication are open between the Bar and the Regulatory Reform Implementation Task Force. Judge Willmore and Erik Christiansen will be Co-Chairs. Other members will be Rachel Sykes, Mark Morris, Marty Moore, Mark Pugsley, Heather Thuet, John Bradley and Katie Woods.

- 3.4 Update on creation of shared calendar.** John Baldwin reported that the Bar's IT Department was working with an outside contractor to create an interactive, shared calendar for non-CLE events. The plan is to have it operational sometime in December.

#### **4. Information Items.**

- 4.1 Report on Bar Survey.** Mark Morris reported that his Survey Committee is working on survey questions. They hope to modernize some of the questions to reflect changes in practice since last survey. The Committee plans to ask questions about proposed regulatory reform. The Committee hopes to have questions done by the end of the year.
- 4.2 Request to form Cannabis Law Section.** There was not time for this topic. It will be on the December meeting agenda.

#### **5. Regulatory Reform Task Force Report and Discussion.**

- 5.1 Presentation: Hon. Deno Himonas, Hon. Christine Durham & John Lund** joined the Commission to answer questions about the proposed regulatory reform. Justice Himonas reported that the Supreme Court has unanimously approved the recommendations of the Regulatory Reform task force and that the recommended changes to legal regulation will be coming in the next 2-3 years. The Commission discussed the number of unrepresented parties in Utah's legal system and the likelihood that the proposed reforms will help access to justice. The Commission discussed the possible effects the proposed changes will have on different types of practitioners. Justices Himonas, Durham and John Lund agree that a Bar Committee to interface with the Task Force Implementation Committee will promote dialogue and the dissemination of information.

- 5.2 Create Commission Committee on Regulatory Reform.** See above.

#### **6. Lunch & Executive Session**

**The meeting adjourned for the day at 12:25 p.m.**

#### **Consent Agenda**

- 1. Approved Minutes from the October 4, 2019 Commission Meeting.

#### **Handouts:**

- 1. Executive Summary of the Tax Restructuring Policy Proposal from Utah Legislature Tax Restructuring and Equalization Task Force.
- 2. Fall Forum Agenda.
- 3. Fall Forum Award Recipients.