

# UTAH STATE BAR COMMISSION MEETING

## MINUTES

Friday, October 14, 2022

Cliffrose Hilton

Springdale, UT

**In Attendance:** President Kristin “Katie” Woods, President-Elect Erik Christiansen, and Commissioners Tom Bayles, Traci Gunderson Matt Hansen, Rick Hoffman, Greg Hoole, Beth Kennedy, Chrystal Mancuso-Smith, Marty Moore, Mark Morris, Andrew Morse, Cara Tangaro, and Tyler Young.

**Ex-Officio Members:** Gabriela Mena, Brittany J. Merrill, and Allison Phillips Belnap.

**Not in Attendance:** Commissioners Shawn Newell and Rick Hoffman; Ex-Officio members Past-President Heather Thuet, Nate Alder, Kim Cordova, Cedar Cosner Dean Elizabeth Kronk-Warner, Shalise McKinlay, Camila Moreno, Margaret Plane, Dean Gordon Smith.

**Also in Attendance:** Executive Director Elizabeth A. Wright, General Counsel Nancy J. Sylvester, Utah Court Representative Nick Stiles, Well-Being Committee Director Martha Knudsen, and Marco Capozzoli (Mental Health Technology Strategist) and Matt Jackson (Head of North America) of Unmind.

### 1. President's Report: Katie Woods

Ms. Woods welcomed the Commission to the meeting, introduced guests, and turned the time to Ms. Wright to review the retreat schedule.

#### 1.1 Welcome and Retreat Schedule

Ms. Wright reviewed the retreat schedule with the Commission and discussed Beth Fagen’s role to create a messaging map on Saturday.

#### 1.2 Fall Forum November 4th

Ms. Woods noted that Fall Forum will be back in person on November 4<sup>th</sup> for the first time in 2 years. She reviewed the agenda.

#### 1.3 Reminder: November 16 Legislative Breakfast

Ms. Woods reminded the Commission that the Legislative Breakfast will be at 7:30 a.m. on November 16 at the Utah State Capitol.

## **2. Action Items**

### **2.1 Select Fall Forum Award Recipients (TAB 2, Page 9)**

The Commission discussed the nominees for the 2022 James Lee, Charlotte Miller, and Paul Moxley Mentoring Awards. The Awards Committee recommended Judge Su Chon, Phillip Ferguson, and Jennifer Huntsman, respectively. Mr. Moore moved to approve the recommendations and Ms. Tangaro seconded. The motion carried.

The Commission discussed the nominees for the Professionalism Award. The Awards Committee recommended Robert Clark. Mr. Young moved to approve the recommendations and Ms. Tangaro seconded. The motion carried.

The Commission discussed the nominees for the Community Member Award. The Awards Committee recommended Gil A. Miller. The Commission discussed the merits of the nominees and selected Shawn Newell. Mr. Moore moved to approve the selection and Mr. Morse seconded. The motion carried.

### **2.2 Mental Healthcare Provider Review Committee Recommendation: Andrew Morse, Martha Knudsen, and Cara Tangaro**

Ms. Knudsen discussed the process the Well-Being Committee went through to select a new mental health provider as part of its lawyer assistance program. The Committee recommends cancelling the Bar's contract with Blomquist Hale and replacing it with Tava Health for reactive care access to therapy. Tava is a Utah company, provides access to a therapy session very quickly (within about 48 hours), and is incentivized to serve as many people as possible since a component of the compensation is based on usage. The Bar pays an upfront fee of \$5,000, an access fee of \$30,594, and 615 pre-paid sessions at \$105/each. Total due upfront is \$100,169. Licenses and their dependents get up to 6 sessions. If the sessions aren't used, the sessions roll forward to the next year.. Tava is also in-network with 80% of insurance carriers in Utah.

The Commission discussed the importance of providing mental health counseling for Utah's lawyers and LPPs (high substance abuse, depression in the profession). Lawyers can discuss personal and professional issues with their therapist, including financial and parenting issues. With 6 sessions, that's over \$600 in value to licensees and their dependents, which is more than the cost of licensing fees. This will be helpful for crisis/immediate intervention and ongoing care.

The cancellation notice to Blomquist Hale is due November 15. Ms. Tangaro moved to approve Tava Health as the Bar's new provider as of January 1. Mr. Morse seconded. The motion carried.

The next recommendation is for a proactive provider on well-being. Ms. Knudsen explained that the absence of illness is not what well-being is. She said that being able to thrive and be resilient is well-being. The law profession is a helping profession. She noted that every other helping profession helps its workers be proactive and resource-building, which in turn helps with technical skills. The Committee recommends Unmind as a proactive provider on well-being. Ms. Knudsen observed that Unmind is a gold-standard, evidence-based well-being resource. Ms. Woods explained that some licensees will not use Tava because they have their own therapists. Unmind is meant to help bring together all of the facets of well-being that will make lawyers stronger. Ms. Knudsen noted that Unmind will work with Tava. The assessments will help make therapy more productive and pick up on where well-being improvements are needed (like anxiety, suicidal ideations, etc.). Ms. Knudsen said the pricing is based on the licensee and a buddy having an account.

Unmind is thus far not in any law schools. It has 2.5 million users and has been used mostly in the corporate world, although it is starting to gather law firms. Unmind is gathering data from Thomson Reuters to understand what the systemic and organizational impact of the legal system is on mental health. This would be a partnership with the Bar to help it understand how to better serve licensees. The cost would be \$135,000 per year on a 2-year contract.

Ms. Knudsen noted that Chief Justice Durrant, Justice Petersen, and Justice Pearce have all been involved in well-being efforts.

### **2.3 Donate to UCLI Pre Law Symposium**

The Commission discussed the Utah Center for Legal Inclusion's (UCLI's) Pre-Law Symposium to be held on October 21<sup>st</sup> at the BYU law school. UCLI requested \$1,000 for its BYU symposium. Ms. Kennedy moved to approve the donation and Ms. Tangaro seconded. The motion carried.

### **2.4 Commission on Criminal & Juvenile Justice Appointment**

The Commission discussed the six applicants (Laura H. Cabanilla, Sylvia Glover, Trent Seegmiller, Clayton Huckaby, Monica Maio, and Erin Strahm) for a position on the Commission on Criminal and Juvenile Justice. After a discussion about the applicants, Mr. Christiansen moved to appoint Monica Maio and Mr. Hansen seconded. The motion carried.

## **3. Information Items**

### **3.1 Well-Being Retreat Report: Cara Tangaro and Martha Knudson**

Ms. Knudsen and Ms. Tangaro reported on the well-being retreat that was held on September 30th. Ms. Knudsen reported that the Well-Being Committee is working to scale up its efforts. It is looking at more strategic partnerships with the sections and divisions of

the Bar, more storytelling, more resources to people, better communications, more data, and more of a robust offering to the Bar. Ms. Belnap observed that the Commission should be using language that is inclusive of all people who are on the well-being spectrum. There is a whole spectrum of well-being and the Commission is looking to address the entire spectrum.

### **3.2 Unmind Mental Health Provider Presentation**

Unmind presenters, Marco Capozzoli (Mental Health Technology Strategist) and Matt Jackson (Head of North America), provided an overview of Unmind's offerings. The presenters discussed the disconnect between reactive well-being (crisis management) and proactive well-being (thriving). They noted that 48% of lawyers in Utah report some level of burnout, 44% of lawyers in Utah report feelings of depression, and the number of employees at risk of burnout across all professions has increased 29% from 2019 to 2022. The presenters noted that having a mental illness doesn't mean a person can't thrive.

The Unmind approach is to measure, understand, and act. Unmind will create two accredited CLEs per year if the Bar chooses to contract with them. The presenters noted that the interface is on mobile and desktop applications and then provided a demonstration. The first thing the platform does is recommend that the user go through a well-being assessment. The assessment is designed to be taken every two weeks or once a month. The assessment makes personal recommendations and provides resources. For those who don't take the assessment, there are a number of resources that are general and evergreen. Unmind has in-house scientists and design teams that create ongoing, relevant content. There is an SOS tab for getting immediate help, and the lawyer assistance program, Tava, will appear in the app as an internal resource. The app contains both short and longer content.

The presenters noted that they have 40% utilization of those who have downloaded the app. Unmind does not use user data to generate personalized ads. The presenters observed that there are 20,000 well-being apps out there, but a very small number are science-based. Unmind has studies that show clients who work with Unmind see greater financial success as employees thrive more.

Unmind will have data the Bar can use to target topics to licensees as a whole. The presenters noted that the law firm of Gibson Dunn has a robust well-being culture and Unmind is integrated into all facets of the firm. For example, Unmind has content on having difficult conversations and Gibson Dunn reminds its employees to review that content around performance evaluation times.

In response to a question about solo practitioners, the presenters noted that there is content to help business owners. Positive psychology, neuroscience, and others are pillars of the app. Unmind does not collect any demographic data, so it cannot say which demographics are using the app the most. In response to a question about marketing, the presenters said

they prefer that the organization have skin in the game, but Unmind will do all of the marketing to get engagement and utilization.

Regarding fitness, there are HIIT exercises, yoga, stretching, partner exercises, etc. Nutrition and financial well-being are also part of this app and the content for those will be increased in the next year. Nutrition includes grocery lists and recipes.

The Commission will have further discussions on whether it will contract with Unmind for its proactive component of well-being.

#### **4. Executive Session**

The Commission held an executive session.

#### **5. Adjournment**

The Commission adjourned at 4 p.m.

#### **6. Consent Agenda**

The following items were approved by consent:

1. Minutes of September 16, 2022 Commission Meeting.
2. Fund for Client Protection payment recommendations.
3. NLTP Mentor of the Year: Terry Rooney