

UTAH STATE BAR  
BOARD OF BAR COMMISSIONERS  
MINUTES

March 13, 2008  
DIXIE CONVENTION CENTER  
ST. GEORGE, UTAH

**Present:** President V. Lowry Snow and Commissioners: Nathan Alder, Steven R. Burt, Christian Clinger, Rob L. Jeffs, Curtis M. Jensen, Felshaw King, Lori W. Nelson, Herm Olsen, Stephen W. Owens, Scott R. Sabey, and Rodney G. Snow. Ex-Officio Members: Sharon M. Andersen, Gus Chin, Margaret Plane (for Laurie D. Gilliland), Paul T. Moxley, Karthik Nadesan and Stephanie W. Pugsley. Supreme Court Liaison Marilyn (Matty) Branch. Executive Director John C. Baldwin.

**Excused:** Commissioners: Yvette D. Diaz and Mary Kay Griffin. Ex-Officio Members: Hiram E. Chodosh, Charlotte L. Miller and Kevin Worthen. General Counsel Katherine A. Fox.

**Minutes:**

**NEW ITEM:**

Members of the Bar Commission had lunch with the Southern Utah Bar Association at which a presentation was made by Rod Snow and Margaret Plane on the status of the creation of a new mentoring program.

**1. PRESIDENT'S REPORT**

**1.1 Report on National Conference of Bar Presidents Meeting**

Lowry Snow, Nate Alder and John Baldwin reviewed the content of sessions they attended at the Los Angeles meeting of the National Conference of Bar Presidents. They referred to the printed program found behind Tab 1 in the agenda packet. Included in report was a discussion of leadership qualities, diversity, balancing work and life, dealing with unfair attacks on the judiciary, the unauthorized practice of law, lawyer advertising, and technology trends. John also reported on the awards ceremony at which Sean Reyes received the inaugural ABA Young Lawyer of the Year Award. The Commission congratulated Paul Moxley on his dignified and conscientious efforts to run for ABA President-elect.

## **1.2 Commissioner Election Reports**

John Baldwin reported that petitions have been received for seven people to run for Commissioner candidates in the Third Division and that campaign information from those candidates as well as the two President-elect candidates were in the current *Bar Journal*. Campaign information will also be available on the Bar's website as well as in the ballot mailers.

## **1.3 Report on Meeting with Board of District Court Judges**

Lowry reported on his meeting with the Board of District Court Judges to review how the Bar and the judiciary might continue to improve communications and assure that the judiciary is involved in the Bar convention planning. The two groups also want to assure that they are working together to effectively deal with matters where there might be inappropriate criticism of judicial decisions by members of the public

## **1.4 Review Policy on Responding to Criticism of Judges**

The Commission reviewed the Bar program for addressing criticism of courts and judges and discussed how it could be improved to become more thorough and more timely. John Baldwin indicated that the policy had been utilized on only a handful of occasions but explained that sometimes the Bar was willing to become involved but that the Administrative Office of the Courts or an individual judge had requested that nothing further be done on a particular matter. Lori Nelson was requested to review the policy and propose amendments which would incorporate more direct commissioner involvement and to make it broader to include other issues which might involve public criticism. Lowry also led a discussion regarding the process leading to the publication of the op-ed piece in the *Salt Lake Tribune* on recent criticism of Judge Derek P. Pullan. The Commission discussed ideas for appropriate follow-up to assure that the judicial nomination process remains fair and that good applicants are willing to submit themselves to the process so that good judges will result.

# **2. EXECUTIVE DIRECTOR'S REPORT**

## **2.1 Report on Casemaker Sale to Collexis**

John Baldwin reported that the Casemaker online legal research which the Bar was purchasing from the Ohio State Bar consortium and providing to lawyers free of charge had been sold to a much more technologically adept and experienced legal research group. He indicated that because the Bar was a part of the Casemaker consortium, that when the final sale was approved it might be possible for the Bar to receive some type of repayment based on a kind of equity position in the original company. John also indicated that the Bar still has two years remaining on this contract with Casemaker and wanted to assure that if the new group was offering additional resources that those

resources would be cost effective. He indicated that some bars were beginning to renegotiate contracts with Casemaker and that he would be looking closely at their increased costs and pricing structure.

## **2.2 Find-a-Utah Lawyer Directory Update**

John Baldwin referred to Tab 3 in the packet which included copies of screens for the new lawyer referral directory and indicated that notification of the directory and sign-ups would be available in the licensing form going out at the end of May. He indicated that staff had contacted LegalMatch indicating that the Bar would be terminating its agreement with them and that the Bar will be creating its own directory. John indicated that there would be some discussions with LegalMatch to determine whether or not it would be possible for them to continue on in a non-exclusive relationship with the assurance that any continued relationship would not confuse lawyers with the fact that the Bar was providing a new service that would be free of charge.

## **3. ACTION ITEMS**

### **3.1 Client Security Fund Report**

The Commission reviewed the Client Security Fund Report which had been submitted by David Hamilton and was included in the packet behind Tab 4. There was some discussion about one of the attorneys who was subject of the client security fund report and who had committed suicide after a period of depression. After discussion of the report, **Felshaw King moved and Steve Owens seconded to approve the payout as proposed by the committee. The motion passed.**

### **3.2 Women Lawyers of Utah Request for Funding**

Margaret Plane appeared on behalf of the Women Lawyers of Utah and distributed a formal written request for funding from the Commission to help the group create a comprehensive study with report and recommendation on issues related to the advancement and retention of women lawyers in the profession. After the discussion of the need for the study, the specific processes it would follow as well as its goals and timing issues, **Lori Nelson moved and Steve Owens seconded a motion that the Commission contribute \$10,000 to be provided in cash and appropriate in-kind contributions. The motion passed by the vote of 8 to 2 with Rob Jeffs and Felshaw King voting "Nay" and Herm Olsen abstaining.**

## 4. INFORMATION ITEMS

### 4.1 Law Student Outreach Report

Stephanie Pugsley reported on the activities of the Young Lawyers Division including their upcoming Wills for Heroes project as well as the success of the past mentoring marathon and related plans for the future. Karthik Nadesan reported on the activities of the Minority Bar Association including a Martin Luther King, Jr. recognition event in the Fall.

### 4.2 Program Review Committee Status Reports

a. Management Technology Security.

Rob Jeffs indicated that he and his committee had been meeting with members of Bar staff and would have a report in April.

b. Admissions.

Nate Alder reported that his committee had been meeting. He had provided a written draft summary to the Commission and the report will be finalized by April.

c. Communications.

Steve Owens distributed copies of his committee's report. He indicated that some of the recommendations had already been implemented and that additional efforts need to be made for public relations and public education. He observed that John Becker had been hired to provide additional information as a line item in the Bar budget and this should help greatly in those areas. There was some discussion about the need to promote the good things that lawyers do for small businesses and that the public can afford lawyers. Further discussion ensued over providing a way by which the public can learn to "talk to a lawyer."

d. Access to Justice.

Herm Olsen reported that he has a draft of his committee's work regarding *pro bono* and access to justice which is being reviewed currently and will be finalized for the April Commission meeting.

e. Member Benefits.

Curtis Jensen distributed a report from his committee and indicated that he would be ready to discuss it at the April Commission meeting as well.

#### **4.3 Judicial Council Report**

Scott Sabey reported on his meetings with the Judicial Council including the past legislative activities.

#### **4.4 Legislative Session Report**

Lori Nelson distributed a report prepared by John T. Nielsen on the last legislative session and she reported on bills and the Bar's involvement on positions it had taken in the last session.

### **5. CONSENT AGENDA**

By policy, the January 25, 2008 minutes are approved without amendment (Tab 5).

By policy, the Whistle-blower policy (Tab 6) and Ethics and Conflicts of Interest Policy (Tab 7) were approved.

**MEETING ADJOURNED AT 4:55 P.M.**

#### **NEW HANDOUTS DISTRIBUTED DURING MEETING:**

- (1) Formal written request from Women Lawyers of Utah for funding for special project.
- (2) Commission Admission Review Committee's draft summary report.
- (3) Commission Communication review report.
- (4) Commission Member Benefits review report.