

UTAH STATE BAR COMMISSION MEETING

MINUTES

Friday, January 12, 2024

In Attendance: President Erik Christiansen, President-elect Cara Tangaro, and Commissioners Tom Bayles, Kim Cordova, Matt Hansen, Mark Morris, Chrystal Mancuso-Smith, Traci Gunderson, Tyler Young, and John Rees.

Ex-Officio Members: Nate Alder, Katie Lawyer, Kristin Woods, Lauren Shurman, Ezzy Khaosanga, Ashley Biehl, Tony Graf, Dean Elizabeth Kronk Warner, and Dean David Moore.

Not in Attendance: Commissioners J. Brett Chambers, Rick Hoffman, Greg Hoole and Shawn Newell. Ex-Officio members Anaya Gayle and Margaret Plane.

Also in Attendance: Executive Director Elizabeth A. Wright, General Counsel Maribeth LeHoux, Emily Lee, Director of Admissions, Utah Court Representative Nick Stiles, Hon. Augustus Chin, Mary-Margaret Pingree, Michael Barnhill.

1. President's Welcome and Reports

1.1 Review Legislative Phone Conference Calendar

Mr. Christiansen talked about the upcoming Legislative Session, and the Commission meetings that occur on Tuesdays after the Government Relations Committee meets.

1.2 Spring Convention Report

Ms. Tangaro provided an update. She informed the Commission that many judges will be attending, including all women from the Utah Supreme Court. Ms. Tangaro discussed main speakers and various CLEs as well as events planned at the Convention.

1.3 St. George Room Reservation Reminds

Mr. Christiansen noted that the Hilton has already filled up, and reminded Commissioner to book their accommodations soon. There will be a Commission dinner on March 14.

1.4 Third and Fourth Division Bar Elections Reminder

Mr. Christiansen discussed open seats and deadlines, with commissioner petitions due February 1, 2024.

1.5 Governor Cox Presentation at the Bar

Ms. Wright gave a summary of Governor Cox's CLE at the Bar, which was very well attended, both in person and online. The Governor spoke about his Disagree Better campaign.

1.6 2024 Annual Meeting

Mr. Christensen discussed the 2024 Annual Meeting, which will be held July 12 at the Utah Law & Justice Center. Ms. Woods suggested moving the July 17th Commission meeting to that date.

2. Action Items

2.1 Nominate Kim Cordova to Run for President-Elect

Ms. Cordova spoke about the role of the Bar and the Commission and why she was interested in being president.

Motion: Mr. Young moved to approve Ms. Cordova's nomination as president-elect. Mr. Morris seconded the motion. The Commission unanimously approved the motion.

2.2 Introduction of Ezzy Khaosanga, New YLD ABA Delegate

Mr. Christiansen introduced Ezzy Khaosanga to the Commission. She is the new YLD ABA Delegate.

2.3 Approve Asking the Court to Adopt the NextGen Bar Examination

Ms. Emily Lee, Director of Admissions, with Michael Barnhill from the Admissions Committee, presented on the NextGen Bar Examination. The Commission discussed the previously provided memo, as well as the role of the Commission regarding the Bar exam. Beginning July 2026, the current version of the Bar exam is being phased out. By 2028, the NextGen Bar will be the only version of the Bar provided by the NCBE. Ms. Lee recommended adopting the NextGen exam beginning in July 2027, so that the fall class of 2024 will know right from the beginning that they'll be tested on the new exam. Ms. Lee also discussed the alternative route to licensure that is being discussed, but clarified the new Bar exam will not be impacted by the alternate path discussions. If the NextGen exam is not adopted, we would have to develop our own exam. Ms. Lee noted that while we would be able to develop our own questions, the results would not be portable. Ms. Warner supported the recommendation of waiting till 2027 so that Utah was not an early adopter as the kinks get worked out. Mr. Moore asked if 2027 was too early and we should do 2028, since that's when Family Law will be added to the exam. Discussion ensued, with Commissioner's asking questions to the law school Dean's as to what the effects would be of the new bar exam. "Interviewing and Counseling" will be a subject on the new exam, and the Dean's noted that not everyone takes that course. Ms. Lee said we could always change our recommendation if before then we get information out of early adopting states that there are issues. Modified recommendation is to start July 2028.

Motion: Mr. Young made a motion for adopting the Next Gen Bar for July 2028. Ms. Tangaro seconded, and the Commission unanimously approved.

2.4 Approve Updates to Bar's Policies and Procedures

Ms. LeHoux discussed the changes to the Bar's policies and procedures, which were included in the meeting materials. This included changes to the Bar's social media policy, as well as other updates to reflect changes (e.g., payment methods, the dissolution of the Tuesday Night Bar).

Ms. Tangaro made a motion to approve the changes, which Mr. Hansen seconded. The

Commission approved unanimously.

3. Information Items

3.1 Law Related Education: Judge Augustus Chin

Judge Chin presented on Law Related Education, noting this was the 50th year of the program. Director Kathy Dryer is retiring after 30 years. Judge Chin discussed the role of civil education and what the law related education does, including Mock Trial, We the People (increase involvement in civil engagement). Princess Gutierrez is the new executive director. Judge Chin also discussed Peer Court, an alternative to the juvenile court process, which the group manages. The program is seeking additional funding of \$10,000 for the next fiscal year.

Ms. Gunderson made a motion to add an additional \$10,000 in the budget for Law Related Education if there are sufficient funds in the budget. Ms. Mancuso-Smith seconded, and the motion was unanimously approved.

3.2 JPEC Updates: Mary-Margaret Pingree

Ms. Pingree presented about JPEC. She discussed how important it is for judges to get feedback. She reported that Judges tell her the surveys are the only way they can get feedback and that they read all the comments.

Ms. Pingree walked through her presentation, which discussed the information the surveys provide to voters, and how they create public accountability to judiciary. She stated that evaluations sent to third parties to review to help maintain anonymity. Scores are posted on the website if judges decide to run for retention election. Often, judges retire rather than face retention if they got low scores.

3.3 Update on Legislative Audit

Ms. Wright gave an update on the legislative audit. She reported to the Commission that the Bar had separated functions into self-sustaining and non-self-sustaining. She stated that the Bar will use the information from the audit when we have to present on fees to the Court.

3.4 Other Items

The Commission noted that Mr. Christiansen has been selected to go on the Board of Governors of the ABA.

Adjournment.

The Commission adjourned at 11:05 am.

Consent Agenda.

The Commission approved by consent the following items:

- Minutes of the November 10, 2023 Commission Meeting.