

MINUTES OF THE SUPREME COURT'S
ADVISORY COMMITTEE ON THE
RULES OF PROFESSIONAL CONDUCT

Law and Justice Center
645 South 200 East
Salt Lake City, UT
January 8, 2007
5:00pm

ATTENDEES

Robert Burton, chair
Diane Akiyama for Billy Walker
Matty Branch
Gary Chrystler
Steve Johnson
Judge Paul Maughan
Kent Roche

EXCUSED

Judge Stephen Roth
Gary Sackett
Stuart Schultz
Paula Smith
John Soltis
Earl Wunderli
Judge Royal Hansen
Nayer Honarvar
Judge Fred Howard
Billy Walker

1. WELCOME AND APPROVAL OF MINUTES

Mr. Burton welcomed the members of the committee. Mr. Wunderli moved for adoption of the minutes of the meeting held on August 21, 2006. Mr. Johnson seconded the motion, and it passed unanimously.

2. POSSIBLE AREA OF REVIEW

Mr. Burton advised that the Bar in Florida has recently imposed a restriction on lawyer advertising by requiring advertisements to be approved by the Florida Bar in advance of circulation or distribution. Mr. Burton inquired as to whether the committee had an interest in pursuing a similar provision. Members of the committee expressed no interest in pursuing the issue at the present time.

3. DISCUSSION AS TO RECOMMENDATION OF JUDICIAL COUNCIL'S
STANDING COMMITTEE ON RESOURCES FOR SELF-REPRESENTED
PARTIES

Mr. Sackett said that the subcommittee consisting of himself, Mr.

Wunderli, Ms. Honarvar, and Mr. Johnson met to consider the standing committee's recommendation that Rule 1.0, Chapter 13A of the Supreme Court Rule of Professional Practice (now renumbered as Rule 14-802) be amended to permit non-lawyers to assist individuals to complete any court-provided form provided no fee is charged for such assistance. Mr. Sackett advised that the subcommittee recommends approval of the amendment with section (c)(3) to provide as follows:

(c)(3) Providing clerical assistance to another to complete a form provided by a court when no fee is charged to do so.

Mr. Chrystler questioned whether there might be forms issued by some courts in the state that might be problematic. Judge Roth wondered whether the provision should be limited to forms provided by courts for use by pro se parties. Mr. Chrystler wondered whether the type of forms should be limited to those forms prepared by the court where the underlying action is filed. Following discussion of the foregoing issues, the consensus of the committee was that any form provided by a court should not be of concern to the committee.

Mr. Johnson moved that the full committee approve the recommendation as to (c)(3) recommended by the subcommittee. Mr. Wunderli seconded the motion, and it passed unanimously.

Mr. Burton requested Ms. Branch to advise the Supreme Court as to the committee's position.

4. DISCUSSION AS TO ADDITIONAL RECOMMENDATIONS OF SUBCOMMITTEE

Mr. Sackett described the other subcommittee recommendations as to the location of "special practice areas" and further amendment to the Authorization to Practice Law rule. Mr. Sackett stated that he was not expecting the committee to vote on these recommendations at this meeting, but that he was looking for authorization from the committee to discuss these recommendations with Katherine Fox and possibly with Victoria Kidman who chairs the Unauthorized Practice of Law Committee.

Mr. Burton expressed some concern that the recommendations went beyond the scope of what the Supreme Court asked the committee to consider; however, he felt the recommendations seemed to make sense. Mr. Johnson moved that the subcommittee continue to explore the recommendations and to seek input from "interested" parties such as, but not limited to, the Bar's general

counsel, the Bar's Admissions Department, and the Unauthorized Practice of Law Committee. Mr. Wunderli seconded the motion, and it passed unanimously. Mr. Sackett said he would set up a meeting with the subcommittee and interested parties or entities and report back to the committee at its next meeting.

5. NEXT MEETING

The next meeting will be held on **Monday, March 12, 2007, at 5:00pm** at the Law and Justice Center.

7/8/07

Rules of Professional Conduct

Present

Kent Roche
 Gary Christler
 Earl Wunderli
 Bob Burton
 Stuart Schultz
 Paula Smith
 Gary Sackett
 Steve Johnson
 Judge Paul Maughan
 Judge Stephen Roth
 for Billy Walker

Absent/Excused

~~John Soltis~~
 Judge Honark
 Billy Walker
 Nayer Honark
 Judge Royal Hans

Minutes of August 21

Earl was off
 Steve Johnson second
 approved unanimously

wondered if this committee had interest in pursuing similar approach
 Bob Burton ~~Met~~ - what Florida done to restrict advertising - have to clear advertisement in advance with Florida Bar

Committee expressed no interest at this point

Subcommittee met - Earl, Gary, Steve & Nayer
Gary Sackett

CT's report, entire recommendations to
(CJ3) expansion of assistance in
completing court forms

Subcommittee recommends approval of changes

Chrysler are issue - whether there are
court forms issued by some courts
that might pose some concerns

if court thinks it's OK - should be OK
with committee

OCAP forms

Stuart -

Judge Roth - wonder whether should be limited to
forms provided by courts for ^{use of} private parties

where do we draw the lines?

Chrysler forms provided by a Utah court
prepared by the court in which it is
filed

Steve Johnson must to approve subcommittee's
recommendation

Earl 2nd

passed unanimously

rest of recommendations
(c)

not year or by
vote today

Gay Sackett said idea wasn't to
rush through → take suggestions to
Katherine Tox

integrate ^{authorized} practice of law with unauthorized

House counsel rule

~~2 sets of~~ ^{what you can do, it}
subsections (c) ^{not a US lawyer}
at in special practice sects

Ethics Ad Hoc committee add an infraction
to House counsel rule

Gay wants
this committee to authorize subcommittee
to present its "reorganize"
recommendations to Bar counsel
as a first step

may also want to include unauthorised
practice of law committee

Steve Johnson - said it made sense to
them - but should seek
subcommittee explore with
input from "interested" parties

admission
Bar counsel
unauthorized
practice

Steve
make motion; second by Earl
passed unanimously

email with respect

March 12
5pm

next meeting