



## Utah Supreme Court's Advisory Committee on the Rules of Professional Conduct

### Meeting Minutes August 23, 2022

Utah Law and Justice Center & Zoom  
16:00 Mountain Time

*J. Simon Cantarero, Chair*

**Attendees:**

J. Simon Cantarero, Chair

Joni J. Jones  
Alyson McAllister  
Cory Talbot  
Adam Bondy  
Steve Johnson (Emeritus)  
Jurhee Rice  
Billy Walker  
Austin Riter  
Robert Gibbons  
Hon. Amy Oliver  
Hon. Mike Edwards  
Phillip Lowry  
Ian Quiel  
Mark Hales

M. Alex Natt, Recording Secretary

Excused – Hon. Trent Nelson, Julie J.  
Nelson, Dane Thorley, Gary Sackett

**Staff:**

Nancy Sylvester

**Guests:**

Hannah Follender  
Christine Greenwood  
Jacqueline Carlton  
Hon. Matthew B. Durrant  
J.D. Lauritzen  
Scotti Hill

1. Welcome and approval of the June 7, 2022 meeting minutes (Chair Cantarero)

Chair Cantarero recognized the existence of a quorum and called the meeting to order at 16:06.

The Chair welcomed new committee members Ian Quiel and Mark Hales. The Chairman welcomed Chief Justice Durrant who thanked the committee for their service and thanked emeritus member Steve Johnson for his many years of service and excellent counsel to the Utah Supreme Court and to the Utah Bar. Chair Cantarero then asked the members of the committee to introduce themselves and gave a brief overview of the workings of the Committee.

Mr. Riter moved to accept the June 7, 2022 minutes. Mr. Walker seconded the Motion. The Motion passed by acclamation.

## **2. Rule 1.2(d) (Mr. Riter)**

Subcommittee Chair Riter presented the subcommittee's work on Rule 1.2(d) and the cannabis industry. The subcommittee asked for clarification on what precisely it was being asked to do as it seems to be a policy-laden issue that may be outside the scope of the Committee's work. The subcommittee recommended that this question be sent to the Utah Supreme Court for its consideration and comment. Mr. Walker provided background from discussions held at the ABA level and concurred.

Mr. Lauritzen asked that this matter be dealt with as an access to justice issue insofar as the conflict between state and federal law means many attorneys are reticent to counsel companies in this industry.

Mr. Johnson wondered if this issue should be broadened beyond the cannabis industry providing a safe harbor for attorneys in issues where the state and federal laws conflict.

Mr. Walker said he didn't believe that an ethics advisory opinion would be the correct vehicle to try and clarify this as it's largely a policy issue. Mr. Riter concurs. Ms. Jones noted that the legislature has legalized medical cannabis and suggested that the approach of reminding the Court of this decision by the Legislature requires that the conflict between state and federal law be resolved if possible.

The subcommittee is asked to review and revise the revisions to Rule 1.2(d) to provide the Court with options for proposed language and bring it back to the full Committee at a future meeting.

## **3. Projects in the Pipeline (Chair Cantarero)**

Chair Cantarero discussed items in the Committee's "pipeline" and upcoming meetings.

The meeting adjourned at 17:16. The next meeting will be held on October 4, 2022 at the Law and Justice Center.