



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

### Meeting Minutes

January 7, 2025

Via Webex

4:00 pm Mountain Time

*Cory Talbot, Chair*

#### **Attendees:**

Cory Talbot (Chair)  
Jurhee Rice (Vice Chair)  
Ian Quiel  
Robert Gibbons  
Alyson McAllister  
Hon. Amy Oliver  
Hon. Matthew Bates  
Hon. Craig Hall  
Mark Hales  
Kent Davis  
Lakshmi Vanderwerf  
Robert Harrison  
Ashley Gregson  
Hon. Trent Nelson (emeritus)  
Beth Kennedy (ex officio)  
Christine Greenwood (ex officio)

#### **Staff:**

Stacy Haacke

#### **Guests:**

Eric Weeks

Excused: Adam Bondy, Mark Nickel,  
Robert Harrison, Linda Viti

## **1. Welcome, Approval of the December 3, 2024 meeting minutes (Chair Talbot)**

Vice Chair Rice recognized the existence of a quorum and called the meeting to order at 4:01 p.m. She noted the recording secretary has resigned and will be looking for a new one to appoint.

Vice Chair Rice asked for a Motion to approve the December 3, 2024 meeting minutes. Kent Davis moved for approval. Mark Hales seconded. The Motion passed unanimously.

## **2. Rule 8.4 (Ashley Gregson)**

Ashley Gregson reviews the history of the discussion with rule 8.1, and the work of the subcommittee. The subcommittee is not in a position to propose specific language at this point, but have made progress and wanted to give an update to the Committee members. The materials also show the history of rule 8.4. Ms. Gregson notes she has not been on the Committee for the entirety of this history, but the rule has been considered for many years in many forms.

The latest request from the Supreme Court was to craft language that would identify conduct that is professional misconduct instead of citing the statutes about discrimination. The latest proposal cited rule 7 and the anti-discrimination act.

Judge Nelson mentions this has been going on for many years and surveys have been done with specifics on discrimination, harms, and issues in the employment context. He believes the Committee was directed to flush out the statutes and spell out the categories. Ms. Gregson indicates the subcommittee has discussed whether to keep the language of the rule within the employment context or to expand the rule to other areas. Questions have arisen on how to define the conduct and figuring out if the scope is to be broadened. Judge Nelson mentions putting people on notice. Judge Oliver mentions referring to the statute may have been for simplicity as the statutes are always being amended and questions whether an individual would need to be found liable for violating a specific statute to be held accountable under these rules. Judge Nelson notes some states do require accountability, but the intention here is to have independent action.

Judge Oliver and Christine Greenwood mention the movement in this area of the law, what other states are doing, and the amount of feedback when this rule goes out for public comment. Beth Kennedy mentions this topic comes up frequently at the ethics hotline and that there is a true need for direction in the rule here.

Ms. Gregson is taking a lot away from this discussion and the subcommittee will continue to work on proposed language with a focus on the employment context and amending subparagraph (g).

### **3. Referral Fees – Rules 1.0, 1.5, 5.4 and 5.8 (Alyson McAllister)**

Alyson McAllister reviews these rules for the Committee. There were a few definitions in Rule 1.0 that were adjusted and the rest of the rules were already approved by the Committee to go to the Supreme Court with a request to submit the rules for public comment. The Committee reviews the definitions and comments for lawyer, fee sharing, and legal fees. These rules will all go out together. Robert Gibbons motions for the rule to go to the Supreme Court with a request to go out for public comment. Kent Davis seconds the motion. Motion carries unanimously.

### **4. Upcoming Items**

Nothing for this month.

The next meeting of the Committee is May 6, 2025.

The meeting adjourned at 5:07 p.m.