



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

Meeting Minutes

April 1, 2025

Via Webex

4:00 pm Mountain Time

Cory Talbot, Chair

Attendees:

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

Excused: Cory Talbot; Ashley Gregson,
Hon. Craig Hall

Staff:

Stacy Haacke

Guests:

1. Welcome, Approval of the January 7, 2025 meeting minutes (Vice Chair Rice)

Vice Chair Rice recognized the existence of a quorum and called the meeting to order at 4:01 p.m.

Vice Chair Rice asked for a Motion to approve the January 7, 2025 meeting minutes. Mark Hales moved for approval. Alyson McAllister seconded. The Motion passed unanimously.

2. Rule 1.8(e) (Vice Chair Rice)

The ABA Rules have a humanitarian exception under Rule 1.8(e), and Cory Talbot thought it was worth considering and discussing. Arizona recently rejected this humanitarian exception under 1.8(e). ABA rule does include this exception. As the Utah rule is currently written the Committee does not think it would include a similar exception to the ABA rule. Ian Quiel asks if there is a need and that is where the request is coming from, but no committee member has heard of a need for this exception.

Alyson McAllister notes it could be problematic if some attorneys are able to provide and others are not. Adam Bondy thinks it would make sense to limit it to pro bono, but is unclear how often this situation comes up. Alyson wonders if there are any organizations that would have more information about funding they have and would like to use but are unable to do so under the rules.

Judge Oliver said that the Supreme Court in Arizona circulated the request to amend the rule, noting it may be confusing for attorneys who come to Arizona from other states and are used to the model rule. There were comments about nonprofits being restricted in assisting their clients.

Lakshmi Vanderwerf practices in this area a lot and thinks adding this to the rule could add a lot of grey area and does not think it would be beneficial. Rather it may be more confusing with how to handle it ethically.

Committee decides not to propose amendments to this rule at this time. Does not appear to be a problem or an issue

3. Historical Amendments to the ABA Rules (Vice Chair Rice)

While discussing the ABA Rules Chair Talbot asked whether the recent amendments to the ABA rules could be reviewed or addressed. The Committee notes in the past they have just addressed differences in the rules as they arose and did not review each rule for differences. Vice Chair Rice will circle back with Chair Talbot on this one.

4. Rule 11-567 and *Bernacchi* ruling (Stacy Haacke)

Stacy Haacke provides a brief background on the *Matter of Discipline of Bernacchi* and Rule 11-567 as there is a footnote in the opinion for an advisory committee to review for clarity. Christine Greenwood indicates the OPC Oversight Committee and the OPC have been discussing these rules. The amended jurisdictional rules are pretty broad right now. Christine thinks this will be covered because it is on the radar for OPC, but they are open to thoughts. Committee agrees they do not need to address if it is being handled by OPC.

5. Upcoming Items

Nothing for this month.

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

The meeting adjourned at 4:30 p.m.