

Utah Supreme Court
Advisory Committee on the Rules of Professional Conduct
Meeting Agenda

Jurhee Rice, Chair
Adam Bondy, Vice-Chair

Location: Virtually via [Webex Link](#)

Date: Sept. 1, 2026

Time: 4:00 – 6:00 p.m.

Welcome and approval of minutes	Tab 1	Jurhee Rice
Introductions and Committee Check-In: ▪ First Tuesday of each month at 4:00 ▪ Virtual vs. In-Person meetings ▪ Yearly schedule ▪ Subcommittee work		Jurhee Rice
Update on Rules – Referral Fee Rules finalized		Jurhee Rice
New / Old Business		

Reminder: Check style guide for conformity before rules are sent to the Supreme Court.

Upcoming Items:

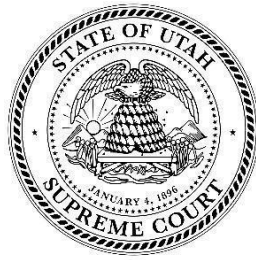
Amended Model Rule 1.14 - Subcommittee

Rules of Professional Conduct Committee Website: [Link](#)

2026 Meeting Schedule:

Jan 6 • Feb 3 • Mar 3 • April 7 • May 5 • June 2 • Aug 4 • Sept 1 • Oct 6 • Nov 3 • Dec 1

Tab 1



UTAH SUPREME COURT ADVISORY COMMITTEE ON THE RULES OF PROFESSIONAL CONDUCT

Committee Meeting Virtually via Webex

MEETING DETAILS & ATTENDANCE

Date & Time: Tuesday, June 2, 2026 | 4:00 p.m. – 6:00 p.m. Mountain Time

Location: Virtually via Webex Link

Chair: Cory Talbot

Committee Attendees: Cory Talbot (Chair), Kent Davis, Robert Harrison, Robert Gibbons, Alyson McAllister, Ashley Gregson, Judge Trent Nelson (Emeritus), Jurhee Rice (Vice Chair), Adam Bondy, Judge Matthew Bates, Mark Nickel

Committee Staff: Stacy Haacke

Guests Present: Beth Kennedy, Christine Greenwood

Excused: Mark Hales, Judge Craig Hall, Judge Richard Pehrson, Ian Quiel, Lynda Viti, Lakshmi Vanderwerf

1: Welcome and Approval of Previous Meeting Minutes

[Meeting Start Timestamp: 4:00 p.m. Mountain Time]

Chair Cory Talbot welcomed the committee members. The first order of business was the review and approval of the minutes from the February 3, 2026, meeting. Chair Talbot requested a motion to approve the minutes.

Motion: Robert Harrison moved to approve the February 3, 2026 meeting minutes as drafted. Robert Gibbons seconded the motion. The motion passed unanimously with all present members in favor and none opposed.

2: Referral Fee Rules – Review and discussion of public comments

Alyson McAllister presented the report of the subcommittee assigned to evaluate public comments received on the proposed revisions to the Referral Fee Rules, specifically encompassing Rules 1.0, 1.5, 5.4, and 5.8, for which the public comment period formally closed on June 4, 2026. The committee undertook a comprehensive, paragraph-by-paragraph review of the three principal public comments submitted. First, they evaluated a comment submitted by C. Rogers, which raised a concern that proposed Rule 5.8 might inadvertently prohibit or make attorneys uncomfortable with sharing court-awarded attorney's fees with their own nonlawyer clients, either as part of a contingency fee agreement or to build client goodwill. Judge Trent Nelson and Robert Harrison observed that such circumstances are exceedingly rare and typically occur as post-judgment reimbursements or billing adjustments rather than affecting an attorney's ethical posture during a referral. Robert Gibbons noted that while the commenter's concern was understandable, attorneys regularly manage billing adjustments without rule infringement. To address this, Alyson McAllister pointed out that 'fee sharing' applies to the division of a 'legal fee,' which Rule 1.0(j) strictly defines as charges assessed by a lawyer or law firm for legal services. Since court-awarded fees are independent judicial orders rather than fees assessed directly to the client, the committee determined that passing a portion of court-awarded fees to a client does not constitute a prohibited fee split under these rules, and thus no additional text modifications were needed.

Next, the committee addressed a lengthy public comment submitted by D. Scott Crook, who strongly opposed the blanket prohibition on referral fees, arguing that it disproportionately harms smaller firms and reduces access to justice. In response, Alyson McAllister and Chair Cory Talbot reiterated that the committee had already thoroughly debated that during multiple prior sessions. Chair Talbot emphasized that the Utah Supreme Court's policy directive was absolute and clear: referral fees are to be entirely prohibited in all formats under Rule 5.8(a) and Rule 5.4(c), and re-opening the debate would serve no regulatory purpose. The committee also noted that a third comment from Alex Leeman regarding the clarity of the 'anticipated versus actual work' reasonableness factor in Rule 5.8 had been previously analyzed, and no additional amendments were required.

Motion: Kent Davis moved to approve the Referral Fee Rules package as final without any further text amendments and transmit it to the Supreme Court. Alyson McAllister seconded the motion. The motion passed unanimously with all present members in favor and none opposed.

3: Rule 8.4 – Conditioning Resolution of Dispute on Promise to Withdraw Complaint

The committee reviewed proposed comment [3b] to Rule 8.4, which establishes that it is prejudicial to the administration of justice to condition the settlement of a civil dispute on an agreement to withdraw or refrain from filing a disciplinary complaint. Ashley Gregson raised an inquiry on behalf of a firm colleague asking whether the proposed amendment was intended

to apply to direct negotiations between an attorney and their own client, such as when settling a potential malpractice claim where the client agrees not to file a disciplinary complaint. Chair Cory Talbot clarified that the proposed comment was not designed to regulate direct disputes between a lawyer and their own client, which are already strictly governed under Rule 1.8(h) regarding prospective waivers and settlements with unrepresented clients. Judge Trent Nelson and Beth Kennedy discussed the frequent and problematic practice of attorneys attempting to negotiate away potential bar complaints during fee or billing disputes, concluding that such conduct represents a clear threat to professional discipline. To resolve any potential ambiguity and prevent confusion with civil complaints, the committee discussed the precise terminology used. Beth Kennedy and Ashley Gregson agreed that appending the words 'with the OPC' to the end of the comment would make the rule's regulatory focus on the Office of Professional Conduct explicit and leave no room for interpretation.

Motion: Kent Davis moved to approve the proposed amendment to Rule 8.4 with the text modification adding 'with the OPC' to the end of the comment. Robert Harrison seconded the motion. The motion passed unanimously with all present members in favor and none opposed.

4: Model Rule 1.14 – Client with Decision-Making Limitations

Chair Cory Talbot introduced a proposal to evaluate the amendments to Model Rule 1.14 adopted by the American Bar Association. The ABA's modernized standards replace the stigmatizing term 'client with diminished capacity' with 'client with decision-making limitations' and integrate 'Supported Decision-Making' as a key accommodation designed to protect and promote client autonomy as a less-restrictive alternative to formal guardianship. Chair Talbot suggested establishing a subcommittee to examine the extensive ABA revisions, analyze their integration into Utah's regulatory framework, and draft recommendations. The committee concurred with the significance of the revisions and creation of a subcommittee to do a preliminary review.

Decision: The committee resolved to establish a three-member subcommittee to evaluate the ABA Model Rule 1.14 revisions and draft proposed amendments for the Utah rules, this includes Robert Harrison, Kent Davis, and Ashley Gregson.

5: Other Business and Chair's Farewell

Chair Cory Talbot announced that this meeting marked his final session serving as the Chair of the Advisory Committee, bringing to a close a full decade of dedicated service on the body. He expressed his profound appreciation for the exceptional diligence and legal scholarship of the committee members, staff, and guests over the years, noting how deeply rewarding it has been to witness the commitment of Utah attorneys to upholding high ethical standards. Chair Talbot informed the committee that Jurhee Rice is slated to assume the role of Chair beginning with the next scheduled meeting, subject to formal confirmation by the Utah Supreme Court at the end

of the month. Committee members warmly thanked Chair Talbot for his decade of exemplary leadership.

Meeting Adjourned at 5:40 p.m.