

**Utah Supreme Court Oversight Committee for the  
Office of Professional Conduct**

**Meeting Minutes**

January 28, 2020

Scott Matheson Courthouse

Judicial Council Room

Administrative Office of the Courts, Suite N31

450 South State Street

Salt Lake City, UT 84111

4:00-5:30 p.m.

*Judge Diana Hagen, Presiding*

**Attendees:**

Judge Diana Hagen, Chair

Art Berger

Margaret Plane

Roger Smith

Magistrate Judge Brooke Wells

**Staff:**

Larissa Lee

Marina Kelaidis, Recording Secretary

**Guests:**

Billy Walker, Office of Professional Conduct

Elizabeth Wright, General Counsel, Utah State Bar

**Excused:**

John Baldwin, Ex-officio member

**1. Welcome and approval of minutes:** (Judge Diana Hagen)

Judge Diana Hagen welcomed everyone to the meeting and the minutes of the November 17, 2019 meeting were reviewed. Judge Hagen suggested for agenda item number 5 to reflect the following changes to points I and II of the proposed performance metrics:

- I. The time between when the complaint is made and the time the complaint is either dismissed or a notice is sent to the attorney.
- II. The time between when the attorney responds to the notice of complaint and the time the complaint is either dismissed or referred to a screening panel.

*Judge Brooke Wells moved to approve and adopt the November 14, 2019 meeting minutes, subject to the proposed changes of points I and II of agenda item 5. Roger Smith seconded the motion and it passed unanimously.*

## 2. **Discussion and Action—Reviewing ABA/OPC recommendations and progress report for rule changes:** (Judge Diana Hagen)

The committee discussed recommendations 1.1–2.6 and reviewed the proposed redlines from the meeting materials. Please see redlines from next meeting for specific wording changes. The committee reviewed the following recommendations and decided:

- 1.1: No further recommendations.
- 1.2: No further recommendations.
- 1.3: After the rule changes have been adopted by the Supreme Court and a new complaint form has been drafted, a Spanish translation of the complaint form will be made available on the OPC’s website. The rule does not require the complaint form to be available in any languages other than English, however the committee concluded that the form will be available in both English and Spanish and additional translations can be provided as needed.
- 1.4: No further recommendations.
- 1.5: Rule changes:
  - 11-501: changes made to (a)(1) and (b)(2).
- 1.6: No further recommendations.
- 2.1: Rule changes:
  - 14-502: changes made to (k)
  - 14-504:
    - changes made to (b), including: (b)(3) removed as non-applicable, (b)(4) and (b)(5) removed as redundant, (b)(7) divided into multiple subsections.
    - changes made to (c)(1) and (c)(2).
    - (d) Expenses: removed from 14-504 and added to Rule 14-207(a)(1).
    - (b) Powers and duties: committee recommended moving all of these powers into a separate rule entitled “OPC prosecutorial powers and duties.” Changes made to (b)(3).
- 2.2: No further recommendations.
- 2.3: No further recommendations.
- 2.4: No further recommendations.
- 2.5: No further recommendations.
- 2.6: Rule changes:
  - 14-207: changes made to (a). Divided (a) to create subsection (a)(1).

## 3. **Other Business - Schedule next meeting:** (All members)

The meeting adjourned at 5:30 p.m. The next meeting will be held on February 3, 2020 from 4:00 p.m. – 7:00 p.m. in the Judicial Council Room at Matheson Courthouse.