



Utah Supreme Court Oversight Committee for the Office of Professional Conduct

Meeting Minutes

May 19, 2020

Webex

4:00–7:00 p.m.

Judge Diana Hagen, presiding

Attendees:

Judge Diana Hagen, Chair
Magistrate Judge Brooke Wells
Margaret Plane
Roger Smith
Art Berger
John Baldwin, Ex-officio member

Staff:

Larissa Lee
Marina Kelaidis, Recording Secretary

Guests:

Billy Walker, Office of Professional Conduct
Christine Greenwood, Ethics and Discipline Committee

1. Welcome and approval of the May 4, 2020 minutes: (Judge Diana Hagen)

Judge Diana Hagen welcomed everyone to the meeting and asked for approval of the minutes.

Judge Hagen moved to approve the May 4, 2020 minutes. Margaret Plane seconded the motion, and it passed unanimously.

2. Discussion—Review proposed job description for Ethics and Discipline Committee Chair/Staff Counsel: (Judge Diana Hagen, Christine Greenwood, John Baldwin)

Christine Greenwood gave a brief overview of the position description. Billy Walker agreed with Ms. Greenwood that it would be best for this position to take the place of the volunteer Chair of the Ethics and Discipline Committee as well as the clerk.

Mr. Baldwin informed the group that the OPC Oversight Committee will assume all supervisory responsibilities of the employee while the Bar will provide the location and the resources for the position. The Committee questioned if there were any potential conflicts of interest with having the Chair of a Supreme Court Committee as a paid employee of the Bar. To address this potential conflict of interest, Judge Hagen suggested for the position to serve as staff counsel to the Chair, rather than replace the Chair of the Committee. Larissa Lee suggested that it may also be easier to replace Ms. Greenwood when the time comes if there is a staff attorney to support the Chair. Previously the Chair position has been difficult to fill with a volunteer due to the heavy workload.

Mr. Baldwin suggested titling the position something other than “Chair,” such as “Executive Director.” Margaret Plane agreed that this may be an appropriate solution to have the position act as staff counsel to the “Executive Director” or “Chief Administrative Officer” of the Committee. If the OPC Oversight Committee does supervise the staff attorney position, Ms. Lee suggested renaming the Committee to address the public perception of what exactly the OPC Oversight Committee is overseeing. The Committee agreed that a paid position is necessary for carrying out the duties of the Ethics and Discipline Committee. The present issue is how to fit the position within the Supreme Court’s structure, and the Committee will seek guidance from the Court.

Mr. Baldwin reported that the Bar Commission will be reviewing this position proposal at its next meeting in June, without a proposed budget. The Committee will present the position description to the Supreme Court at its next Court Conference on May 27, 2020. After the Court’s review, the Committee will then submit the position proposal to the Bar Commission in January as a proposed budget amendment.

Judge Hagen moved to approve the proposed job description for the Ethics and Discipline Committee Chair / Staff Counsel. Roger Smith seconded the motion, and it passed unanimously.

3. **Action—Approve OPC Budget:** (Billy Walker, John Baldwin)

Judge Hagen gave a brief overview of the proposed OPC budget. The Bar has asked the Court to consider implementing budget cuts to the current fiscal year, and the Court has deferred this decision to the OPC Oversight Committee. Billy Walker reported the OPC has already allocated all of the funds for the current fiscal year. Additionally, the Bar has requested for the Committee to review the proposed budget for the next fiscal year to determine any potential areas for budget cuts. Roger Smith recommended the budget for fiscal year 2021 as proposed already reflects aggressive budget cuts and is concerned that any additional cuts would make it difficult for the OPC to adequately carry out its functions. Mr. Walker agreed that the proposed budget reductions for 2021 are aggressive, but attainable. Mr. Walker reported that he worked on the budget proposal with the Bar’s Financial Administrator and made the appropriate cuts to the areas in which they felt it was obtainable. If the funds from the Bar are available in January, and

the cuts were too aggressive, they will be able to propose any necessary budget amendments then.

Mr. Smith suggested that there may be a formula error in the proposed budget as some of the numbers do not reflect accurate totals, specifically in the General and Administrative Expenses column. Mr. Baldwin will report the Committee's concerns to the Bar's Financial Administrator and circulate a correct budget proposal via email. The Committee will vote on the budget via email once the corrected budget is received.

Margaret Plane recommended amending Rule 14-207(a)(1) to better describe the process for approving the OPC's budget proposal.

Judge Hagen moved to approve the recommended changes to Rule 14-207(a)(1). Margaret Plane seconded the motion, and it passed unanimously.

Judge Hagen moved to recommend no changes to the OPC's fiscal year 2020 budget. Art Berger seconded the motion, and it passed unanimously.

4. Action—Final questions/approval of OPC and Bar rules: (Judge Diana Hagen)

Judge Hagen asked the Committee for any additional discussion on the proposed rule changes to the OPC and Bar rules.

Ms. Plane recommended amending OPC Rule 11-511(d), to better describe the voting process in the event of a tie.

The Committee agreed to repeal the definition of "screening panel" in OPC Rule 11-502.

Margaret Plane moved to repeal the definition of "screening panel" from Rule 11-502. Judge Hagen seconded the motion, and it passed unanimously.

Ms. Plane recommended for the Committee to review all of the rules for capitalization consistency of "Licensed Paralegal Practitioner." The Committee agreed it is proper for this term not to be capitalized.

5. Other business—Schedule next meeting: (all)

The meeting adjourned at 5:35 p.m. The next meeting will be scheduled after the Supreme Court reviews and votes on the OPC's proposed rule changes.