



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

### Meeting Minutes

October 5, 2020

Via Webex

4:00–5:30 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 19, 2020 minutes: (Judge Diana Hagen)**

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

*Art Berger moved to approve the May 4, 2020 minutes. Roger Smith seconded the motion, and it passed unanimously.*

### **2. Discussion & Action—Review public comments and make any necessary amendments to the rule drafts: (Judge Diana Hagen)**

Rule 11-503(a)(1):

Oversight Committee for the Office of Professional Conduct; Composition:

No further recommendations.

Rule 11-503(c):

Oversight Committee for the Office of Professional Conduct; Complaints and appeals:

The Committee recommended adding paragraph 11-503(b)(2)(I) to address these concerns.

*Judge Hagen moved to approve the proposed changes to Rule 11-503(b)(2)(I). Art Berger seconded the motion, and it passed unanimously.*

Rule 11-503(c)(3)-(5):

Oversight Committee for the Office of Professional Conduct; Complaints and appeals:

No further recommendations.

Rule 11-504(a):

Jurisdiction; Persons practicing law:

No further recommendations.

Rule 11-511:

Screening panel composition; responsibilities:

Christine Greenwood suggested amending paragraph (b) by removing the language “unless all parties agree to fewer than five.” Ms. Greenwood expressed there may be difficulty in achieving an agreement among all parties to a reduction in the panel size. Billy Walker suggested for the Committee to consult with the Court on this subject, as the Court previously had a lot of input on the size of the screening panel. Judge Hagen agreed.

No further recommendations.

Rule 11-512:

Respondent subpoena petitions:

Judge Hagen recommended amending paragraph (c) to clarify that an order from the court is not appealable before entry of a final order by adding “by the district court.” John Baldwin asked the Committee if there is already a mechanism in place for this situation in the Administrative procedures act. Judge Hagen will research this question, draft a suggested response and circulate to the Committee via email.

Mr. Berger recommended amending paragraph (b) by removing the reference to attendance. Margaret Plane recommended amending Rule 11-523(e) by removing a similar reference to attendance.

*Judge Hagen moved to approve the proposed changes to Rule 11-512(b) and Rule 11-523(e). Art Berger seconded the motion, and it passed unanimously.*

**3. Other business—Schedule next meeting: (all)**

The meeting adjourned at 5:35 p.m. The next meeting will be held October 26, 2020 from 4:00–5:30 p.m.