



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

**Meeting Minutes**  
November 9, 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

**1. Welcome and approval of the October 26, 2020 minutes:** (Judge Diana Hagen)

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

*Judge Diana Hagen moved to approve the October 26, 2020 minutes. Margaret Plane seconded the motion, and it passed unanimously.*

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

Rule 11-537:  
Failure to answer charges:

No further recommendations.

Rule 11-542(f)(2), (3):

Additional rules of procedure; Complaints against OPC Counsel, Committee members, the Bar Commission, or Lawyers employed by the Bar:

The Committee agreed to amend the time to appeal to 21 days.

*Judge Hagen moved to approve the proposed changes to Rule 11-542(f)(3). Judge Wells seconded the motion, and it passed unanimously.*

Rule 11-561(a):

Accessing disciplinary information; Confidentiality:

Margaret Plane recommended replacing “issues a public remand” with “publishes notice of a public remand” to paragraph (a).

*Judge Hagen moved to approve the proposed changes to Rule 11-561(a). Margaret Plane seconded the motion, and it passed unanimously.*

Rule 11-561(e) and (f):

Accessing disciplinary information; Request for nonpublic information; Notice to the Respondent:

No further recommendations.

Rule 11-561(i):

Accessing disciplinary information; Participants’ duty:

No further recommendations.

Rule 11-563(b) and (d):

Interim discipline for threat of harm:

No further recommendations.

Rule 11-565(d):

Discipline by consent; Unsworn declaration of consent:

No further recommendations.

Rule 11-569:

Noncompliance with child support order, child visitation order, subpoena or order relating to paternity, or child support proceeding:

Billy Walker provided some historical context for this rule, explaining that this rule was originally created as a part of the Child Welfare Act under the Clinton Administration.

No further recommendations.

Rule 11-581(g)(4):  
Sanctions; Probation:

No further recommendations.

Rule 11-581(g):  
Sanctions; Probation:

Margaret Plane recommended amending paragraph (g)(1)(B) by replacing “the period of rehabilitation” with “probation.” Billy Walker suggested amending paragraph (g)(1)(D) by replacing “and” with “or.”

*Judge Hagen moved to approve the proposed changes to Rule 11-581(g). Art Berger seconded the motion, and it passed unanimously.*

Rule 11-584:  
Sanctions for violating duties owed to the public:

Judge Wells recommended removing the examples of serious criminal conduct listed in paragraph (a)(1)(A). Mr. Berger recommended adding “intentionally” to paragraph (a)(1)(A).

*Judge Hagen moved to approve the proposed changes to Rule 11-584(a)(1)(A). Judge Wells seconded the motion, and it passed unanimously.*

Judge Hagen recommended amending paragraph (a)(2) by removing the reference to the examples in paragraph (a)(1)(A), as they are no longer included.

*Judge Hagen moved to approve the proposed changes to Rule 11-584(a)(2). Art Berger seconded the motion, and it passed unanimously.*

Rule 11-590:  
Reinstatement following a suspension of no more than six months or probation:

No further recommendations.

Rule 11-533:  
General procedures:

The Committee recommended amending paragraph (b) by removing the references to specific paragraphs within Utah Rules of Civil Procedure 5 and 6.

*Judge Hagen moved to approve the proposed changes to Rule 11-533(b). Art Berger seconded the motion, and it passed unanimously.*

Rule 11-530(g)(2)(B):

Unprofessional conduct Complaints; Dismissing the Complaint:

Judge Hagen recommended removing the reference to a “written notice” as well as removing the last sentence of the paragraph.

*Judge Hagen moved to approve the proposed changes to Rule 11-530(g)(2)(B). Art Berger seconded the motion, and it passed unanimously.*

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

The meeting adjourned at 5:30 p.m. The next meeting will be held Monday, January 11, 2021 from 4:00–5:30 p.m.