



Utah Supreme Court Oversight Committee for the Office of Professional Conduct

Meeting Minutes

January 25, 2021

Via Webex

4:00–5:30 p.m.

Judge Diana Hagen, presiding

Attendees:

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

Staff:

Marina Kelaidis, Recording Secretary

Guests:

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

Excused:

Margaret Plane

1. Welcome and approval of the November 9, 2020 minutes: (Judge Diana Hagen)

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

Judge Wells moved to approve the November 9, 2020 minutes. Art Berger seconded the motion, and it passed unanimously.

2. Action—Rule 11-501 introductions of each committee member and general practice area: (Judge Diana Hagen)

In accordance with Code of Judicial Administration Rule 11-501, each committee member briefly described their general practice area.

3. Discussion – Ethics and Disciplinary Committee Staff Counsel position: (J Hagen)

John Baldwin reported this matter has been added to the agenda for the next Bar Commission meeting on February 5, 2021. At this meeting, the Commission will review the position proposal and determine if there is adequate funding. Mr. Baldwin is optimistic that the position will be approved. Judge Hagen reported she will be presenting before the Bar Commission at this meeting. In her presentation, Judge Hagen will explain the purpose and goals of the OPC Oversight Committee and how this position will contribute to achieving those goals.

Judge Hagen reported the Supreme Court has asked this Committee to make a recommendation as to whether the position should be the Chair of the Ethics and Discipline Committee, or staff counsel to the Chair. The Committee discussed and identified some pros and cons of each option and ultimately agreed to recommend that the position serve as staff counsel to the Chair. However, Judge Hagen will present the pros and cons of each option to the Supreme Court for further discussion. Additionally, Judge Hagen may also draft separate job descriptions for further review by the Court if needed.

4. Discussion & Action – Review of Sanction Rules 11-582 through 11-586: (J Hagen)

Judge Hagen gave a brief overview of the Supreme Court's feedback on the recent sanction rules proposals. Ultimately, the Court prefers to adopt more specific language in these rules compared to the ABA standard for imposing sanctions. As we review these rules, the Court has asked this Committee to consider what we are trying to achieve, if the language makes sense, and if the sanctions are proportional. Judge Hagen directed the Committee to review the Court's feedback and return to our next meeting with an idea as to how we should approach the sanction rules. The Committee will then begin drafting proposed changes.

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

The next meeting will be held on Monday, February 22, 2021 from 4:00-5:30 p.m.

The meeting adjourned at 5:30 p.m.