



Utah Supreme Court Oversight Committee for the Office of Professional Conduct

Meeting Minutes

March 30, 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
Margaret Plane
John Baldwin, Ex-officio member

Staff:

Marina Kelaidis, Recording Secretary

Guests:

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

Excused:

Nick Stiles, Staff Appellate Court Administrator

1. Welcome and approval of the January 25, 2021 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 January 25, 2021 minutes. Art Berger seconded the motion, and it passed unanimously.

2. Discussion & Action—Review of Sanction Rules 11-582 through 11-586: (Judge Diana Hagen)

Rule 11-582:

Factors to be considered in imposing sanctions:

Margaret Plane recommended amending paragraph (a)(1) by adding “as contained in these rules or, if there is no presumptive sanction, the appropriate sanction based on:”.

Judge Hagen moved to approve the proposed changes to Rule 11-582(a)(1). Art Berger seconded the motion, and it passed unanimously.

Rule 11-583:

Sanctions for violating duties owed to clients:

Judge Hagen recommended amending the title of this rule by adding “Presumptive.”
Judge Wells recommended amending paragraph (d)(1) by adding “of law and thereby.”
Judge Wells also recommended amending paragraph (e)(1) by removing “the most.”

Judge Hagen moved to approve the proposed changes to Rule 11-583 title, (d)(1) and (e)(1). Margaret Plane seconded the motion, and it passed unanimously.

Rule 11-584:

Sanctions for violating duties owed to the public:

Judge Hagen recommended amending the title of this rule by adding “Presumptive.”
Judge Hagen also recommended amending paragraph (a) by removing “; or in cases involving conduct involving dishonesty, fraud, deceit, or misrepresentation.” Judge Wells recommended amending paragraph (a)(1)(B) by replacing “public safety” with “the safety of others.” Judge Wells also recommended amending paragraph (a)(3) by removing “generally.” Art Berger recommended amending paragraph (b) by adding “constitutes the practice of law and.”

The remaining paragraphs of this rule will be discussed at the next meeting, and a vote on the proposed changes will be held.

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

The next meeting will be held on Monday, April 19, 2021 from 4:00-5:30 p.m.

The following meeting will be held on Monday, May 24, 2021 from 4:00-5:30 p.m.

The meeting adjourned at 5:30 p.m.