



Utah Supreme Court Oversight Committee for the Office of Professional Conduct

Meeting Minutes

April 19, 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

Guests:

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

Excused:

Nick Stiles, Staff Appellate Court Administrator
John Baldwin, Ex-officio member

Staff:

Marina Kelaidis, Recording Secretary

1. Welcome and approval of the March 30, 2021 minutes: (Judge Diana Hagen)

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

Margaret Plane moved to approve the March 30, 2021 minutes. Roger Smith seconded the motion, and it passed unanimously.

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

Rule 11-584:

Sanctions for violating duties owed to the public:

No further recommendations.

Judge Hagen moved to approve the proposed changes to Rule 11-584 title, (a), (a)(1)(B), (a)(3) and (b). Judge Wells seconded the motion, and it passed unanimously.

Rule 11-585:

Sanctions for violating duties owed to the legal system:

Judge Hagen recommended amending the title of this rule by adding “Presumptive.” Judge Hagen also recommended amending paragraph (b) by replacing “fails to expedite” with “unreasonably delays” as well as replacing “brings a meritorious claim” with “brings a frivolous action.”

Judge Hagen recommended amending paragraph (b)(1) by replacing “violates a court order or rule” with “abuses the legal process.” Judge Hagen also recommended amending paragraph (b)(2) by replacing “knows that the Lawyer is violating a court order or rule,” with “knowingly abuses the legal process.” Judge Hagen also recommended amending paragraph (b)(3) by replacing “fails to comply with a court order or rule” with “abuses the legal process.” Judge Hagen further recommended amending paragraph (b)(4) by replacing “engages in an isolated instance of negligence in complying with a court order or rule,” with “negligently abuses the legal process in an isolated instance.”

Judge Hagen moved to approve the proposed changes to Rule 11-585 title, (b) and (b)(1)–(b)(4). Judge Wells seconded the motion, and it passed unanimously.

Rule 11-586:

Sanctions for violating duties owed as a professional:

Judge Hagen recommended amending the title of this rule by replacing “as a professional” with “to the legal profession.”

The remaining paragraphs of this rule will be further discussed by the Committee via email.

3. Adjournment:

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

The meeting adjourned at 5:40 p.m.