



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

### Meeting Minutes

May 24, 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

#### **Excused:**

Nick Stiles, Staff Appellate Court Administrator

#### **1. Welcome and approval of the April 19, 2021 minutes:** (Judge Diana Hagen)

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

*Roger Smith moved to approve the April 19, 2021 minutes. Judge Hagen seconded the motion, and it passed unanimously.*

#### **2. Discussion & Action—Review and approve OPC proposed budget:** (Judge Diana Hagen, Billy Walker)

John Baldwin and Billy Walker provided a brief overview of the proposed budget. Mr. Smith asked for a clarification of item number 7176 Bar litigation. Mr. Walker explained this item is generally unpredictable and outside of the OPC's control. Any litigation costs

incurred will be funded from the OPC's allocation of the Bar's operational reserve funds. Art Berger asked for Mr. Walker's insight on the salary increases in item 5510. Mr. Walker reported the proposed salary increases are between 1-3%, which has been the average increase percentage in years past. Mr. Walker reported no salary increases were given in fiscal year 2020 due to budget cuts related to the pandemic. However, Mr. Walker reported there are a few well-deserving staff members who have provided exemplary service to the OPC in the past year and he would like to award merit increases to those individuals. These increases are factored into the proposed budget for item 5510. Mr. Baldwin reported the 1-3% increase is generally in line with the Bar's proposed salary increases. The Bar Commission will be meeting later this week to vote on the Bar's proposed budget. Judge Hagen proposed for this Committee to provisionally approve the proposed salary increases and continue the discussion once the Bar has approved their budget, to which the Committee agreed.

Judge Hagen asked Mr. Walker if the IT costs for updating the coding in their software is factored into item 7050 Computer Maintenance or 7089 Membership Database Fees. Mr. Walker reported this cost has not been wholly factored into the proposed budget, as the final cost is unknown at this time. Mr. Walker explained the OPC's computer maintenance support contract is ending June 30, 2021 and they are currently looking to hire a company to provide maintenance support as well as programming. Mr. Baldwin suggested for the Committee to determine an approximate estimate for this item cost and include it in the proposed budget. Judge Hagen gave a brief overview of the data points the Committee would like to measure in the update and asked the Committee to determine a ballpark programming cost to achieve these updates. These areas of measurement include various demographics and tracking the time a case spends at each stage of the OPC process. Mr. Walker reported the program currently has some ability to track the time metrics of case processing, but the program will need to be updated to reflect the new rule amendments and case processing procedures. Mr. Smith recommended adding \$10,000 to the proposed budget to account for the programming costs, provisionally approving the budget and continuing discussion on this item once a final cost is determined.

*Judge Hagen moved to approve the OPC's proposed budget with the proposed addition of \$10,000 to item 7089 Membership Database Fees. Judge Hagen further moved to provisionally approve the proposed budget for item 5510 Salaries/Wages. Margaret Plane seconded the motion, and it passed unanimously.*

**3. Discussion—Review OPC Annual Report and discuss Proposed OPC Performance Metrics:** (Judge Diana Hagen, Billy Walker)

Judge Hagen asked the Committee to discuss any questions they may have regarding the report, as well as any additional information they would like to see included in next year's report. Judge Hagen asked Mr. Walker how the OPC determines to either refer Requests for Assistance to CAP or to retain a case. Mr. Walker reported there are three OPC attorneys, including Mr. Walker, who review Requests for Assistance and determine

which cases to retain and which cases to dismiss with a suggestion for a CAP referral. Ms. Plane suggested including multiple year data comparisons. Judge Hagen suggested including the data points for case time spent in each procedural stage once this data is available.

Mr. Walker provided an updated Proposed OPC Performance Metrics document to reflect the recent rule changes and gave a brief overview of each stage. Mr. Walker reported the time frames listed in the proposed metrics are estimates. Once the OPC is able to measure these time frames more accurately with the updated programming, he will be able to produce more accurate performance metrics. Judge Hagen recommended gathering year over year comparisons once these data points can be measured.

4. **Other business—Schedule next meeting:**

Judge Hagen informed the Committee of an opportunity for members of the OPC Committee to speak at an upcoming Ethics CLE on June 25, 2021. Judge Hagen provided the contact information for Mr. Sean Hullinger of the CLE Committee for the members to contact if there is any interest in participating.

Judge Hagen will follow up with the Committee by email to schedule the next meeting.

5. **Adjournment:**

The meeting adjourned at 5:30 p.m.