



Utah Supreme Court Oversight Committee for the Office of Professional Conduct

Approved Meeting Minutes

April 25, 2022

Via Webex

4:00–5:30 p.m.

Judge Diana Hagen, presiding

Attendees:

Judge Diana Hagen, Chair
Magistrate Judge Brooke Wells
Art Berger
Roger Smith
Margaret Plane
Elizabeth Wright, Ex-officio member

Guests:

Billy Walker, Office of Professional Conduct
Christine Greenwood, Ethics and Discipline Committee
Nancy Sylvester, General Counsel, Utah State Bar
Lauren Stout, Director of Finance, Utah State Bar

Staff:

Marina Kelaidis, Recording Secretary
Nick Stiles, Staff, Appellate Court Administrator

1. Welcome and approval of the January 24, 2022 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 January 24, 2022 minutes. Art Berger seconded the motion, and it passed unanimously.

2. Discussion and Action—Proposed Rule 11-506: Relationship to the Utah State Bar: (Nancy Sylvester, Elizabeth Wright, Billy Walker)

Nancy Sylvester gave a brief overview of the proposed rule. Ms. Plane recommended removing “informal” from paragraph (b)(1) and the committee agreed. The Committee discussed the potential limiting nature of paragraph (c) and recommended either removing or amending the paragraph. Ms. Sylvester will work on this section and circulate a proposed rule to the Committee via email for a vote.

Christine Johnson asked the Committee if the Ethics and Discipline Committee would be represented by the Bar’s General Counsel or the Administrative Office of the Court’s General Counsel in an instance of legal action. Ms. Johnson also inquired if it would be helpful to include language identifying this administrative function in the rule. The Committee and the Bar members will research and discuss this further before making a recommendation on the proposed provision.

3. Discussion—Update on Presumptive Sanction Rules 11-581–11-586: (Judge Diana Hagen)

Judge Hagen reported the Presumptive Sanction Rules are now published for public comment and a few comments have already been posted. The comment period closes May 12, 2022. The Committee will discuss all comments at the next meeting.

4. Discussion—Review OPC Annual Report (Judge Diana Hagen, Billy Walker)

Billy Walker provided an in-depth overview of the Annual Report. Judge Hagen expressed the report generally shows an increase in efficiency over the last year and asked if the data reflects increased efficiency, or if the year comparisons are too dissimilar to compare. Mr. Walker reported there has been an overall increase in efficiency and that it is likely due to the recent rule changes, specifically regarding the summary review process.

5. Discussion and Action—Review and approve OPC proposed budget: (Judge Diana Hagen, Billy Walker)

Billy Walker and Lauren Stout provided an in-depth overview of the proposed budget. Judge Hagen asked for clarification of item number 7110 Publications/Subscriptions. Ms. Stout explained this item is used to fund Lexis-Nexis, WebEx, UT Code and court rules resources. Roger Smith asked for clarification of the Total Program Services Expenses draft budget projected for FY 2023 and further if they had enough funds allocated for this section. Ms. Stout explained the OPC does not anticipate increasing travel and/or in-person meetings until around such time as December 2022/January 2023. In addition, OPC will likely continue to utilize virtual meetings when possible because about half of

all participants tend to prefer this option if available. Mr. Walker agreed and expressed the allocated expenses should be sufficient.

Judge Hagen requested an update on the programming costs approved at last year's budget meeting for item number 7089 Membership Database Fees. Mr. Walker reminded the Committee that we approved an additional \$10,000 at last year's meeting to allow for programming updates. Mr. Walker reported the programming company included these updates as part of their maintenance contract, so there were no additional expenses required to perform the updates. Mr. Berger asked for insight on the salary increases in item 5510. Elizabeth Wright reported the Bar last assessed their salary and wages in 2016 via a wage and salary review performed by a third-party accounting firm. The Bar will be executing another review as soon as possible to gather up to date data on appropriate wage and salary increases. In the interim, the OPC hopes the 5% increase will be sufficient to maintain low turnover rates.

Roger Smith moved to approve the OPC's proposed budget. Judge Hagen seconded the motion, and it passed unanimously.

6. Other business—Schedule next meeting:

The meeting adjourned at 5:30 p.m. The next meeting will be scheduled at a later date, to be determined.