



Agenda

Utah Supreme Court's Oversight Committee For the Office of Professional Conduct

Arthur B. Berger, Chair

Location:	Meeting held through Webex and in person at: Matheson Courthouse, Judicial Council Room – Room N. 301 450 S. State St. Salt Lake City, Utah 84111 https://utcourts.webex.com/utcourts/j.php?MTID=mce0f111cbe6b8c47c4a0375d8db7e002
Date:	April 9, 2025
Time:	4:00 to 5:00 p.m.

Action: Welcome and approval of March 25, 2025 Minutes	Tab 1	Art Berger, Chair
Discussion: OPC Proposed Budget	Tab 2	Christine Greenwood, Nathan Severin
Discussion: Old/new business		Art Berger

Committee Webpage: <https://www.utcourts.gov/utc/opc/>

Tab 1



Utah Supreme Court's Oversight Committee for the Office of Professional Conduct

Draft Meeting Minutes

March 25, 2025

Meeting held through Webex and in person

Matheson Courthouse

Judicial Council Room

450 S. State St.

Salt Lake City, UT 84111

4:30–5:30 p.m.

Arthur B. Berger, presiding

Attendees:

Arthur Berger, Chair

Mark Hindley

Eric Jenkins

Aeryn Murphy

Margaret Plane

Judge Laura Scott

Roger Smith

Lara Swensen

Elizabeth Wright, Ex-officio member

Guests:

Christine Greenwood, Office of Professional Conduct

Staff:

Nick Stiles, Appellate Court Administrator

Amber Griffith, Recording Secretary

1. Welcome, Annual Disclosure, and Approval of June 3, 2024 minutes: (Arthur Berger)

Arthur Berger welcomed everyone to the meeting and in accordance with UCJA 11-503(a)(2) had all committee members introduce themselves and disclose their general practice area.

Following those introductions Mr. Berger asked for approval of the minutes from the June 3, 2024 meeting.

Margaret Plane moved to approve the minutes. Judge Scott seconded that motion, and the minutes were unanimously approved.

2. Discussion—Review of Committee Purpose and Responsibilities per UCJA 11-503(b): (Arthur Berger)

Mr. Berger informed the Committee that UCJA Rule 11-503 was recently amended to increase the number of meetings the Committee held per year from at least one to three. The first meeting, being held today, will discuss the OPC's annual report. The second meeting will be to review and approve the OPC's budget. The third meeting will be for rule amendments that Christine Greenwood is currently working on. If needed the Committee will meet a fourth time.

Mr. Berger then provided a brief explanation of the Committee's responsibilities as outlined in UCJA Rule 11-503(b).

3. Discussion—OPC Annual Report: (Christine Greenwood)

Ms. Greenwood provided an overview of the OPC's annual report for 2024, noting that there was an increase of 100 outstanding cases from the beginning of the year to the end. They also had an increase of 166 cases that were filed, for a total of 797 cases. Ms. Greenwood added that the OPC had an almost 50% turnover rate from the end of 2023 to the beginning of 2024 and suggests that adding another attorney may help.

Aeryn Murphy questioned whether there are other factors that may be contributing to the increase in cases. Ms. Greenwood replied that in general as the number of members increases at the bar, the number of complaints also increases. Mr. Berger asked if there has been advertising on how individuals go about filing a complaint. Ms. Greenwood isn't aware of any advertising but noted that the OPC has its own website.

Lara Swensen questioned what phase of the process takes the most time. Ms. Greenwood stated that most of the delay comes when the case is filed in court. Additionally, the phase between either dismissing an appeal or going forward to a screening panel is also slow. This delay is sometimes caused by complainants not responding, as the OPC wants to give complainants adequate chance of responding they typically send out two to three letters. Roger Smith asked if these letters were sent by mail or by email. Ms. Greenwood replied that they are through email unless the individual does not have access to email.

Ms. Greenwood reported that one place where there is not a lot of backlogged cases is the phase after the screening panel decides that the OPC should file an action on a case. That phase is typically completed within three months.

Mr. Berger questioned if there was something that the Committee needs to work on to help with the retention of people. Ms. Greenwood replied that compensation needs improvement and explained that recently while trying to hire another attorney some individuals stated they weren't interested in the position because of what the salary was. Ms. Murphy asked if compensation is why so many people left the OPC in 2023/2024. Ms. Greenwood stated that was before being hired as the Chief Disciplinary Counsel, but

believes another aspect to individuals leaving is due to not receiving the training and support they need.

Judge Scott remarked on being surprised by the amount of administrative tasks that the OPC does and asked if there was a fee for requesting a disciplinary history. Ms. Greenwood stated that there is not a fee, but that may be something they should consider, Ms. Wright agreed. Judge Scott wondered if charging a fee for those histories could help fund additional resources.

The Committee then discussed the goals for the OPC. Mark Hindley questioned if they were reasonable goals. Mr. Berger thought they were and pointed out that for cases filed in 2024 the OPC was meeting those goals. Ms. Swensen noted that when you consider all notices filed in 2024 the average is closer to 12 months and the goal is set at 8 months.

Ms. Swensen noted that 32% of the cases that went to a screening panel were dismissed and questioned if there was a way to make OPC more efficient in which cases it decides to proceed with. Ms. Greenwood noted that it may be due to different approaches by the attorneys as to which cases should proceed.

Ms. Swensen added that there was only one mention of diversion in the report, and it appears that only eight cases completed diversion last year. Ms. Greenwood explained that there are a few more individuals currently in the program but believes the program needs to be redone. As it is currently set up, it is only appropriate for cases where the OPC thinks the sanction should be higher than an admission. Ms. Swensen added that it cannot be a formal action, and it must be invoked by OPC or the respondent before it goes to a screening panel. Mr. Berger asked if that was one of the areas that the ABA suggested improvement. Ms. Plane confirmed it was and asked if that was something the Committee should take up. Ms. Greenwood noted that she is working on amendments to discipline by consent which is similar to diversion, in that OPC can reach a negotiated solution with the respondent, but discipline by consent can be completed before or after a screening panel.

Mr. Hindley asked if there were other structural improvements that need to be made. Ms. Greenwood reported a plan to overhaul the procedures within OPC, including creating a new process for how cases are assessed when filed.

Following this discussion Mr. Berger noted that the next meeting will be in about a month to go over the OPC's proposed budget. The meeting was then adjourned.

Tab 2

**Utah State Bar
FY26 DRAFT Budget**

**Based on Actual Results through 03/31/2025
06 - Office of Prof Conduct**

	Actual FY 2022 7/1/2021 6/30/2022	Actual FY 2023 7/1/2022 6/30/2023	Actual FY 2024 7/1/2023 6/30/2024	Projected FY 2025 7/1/2024 6/30/2025	FINAL Budget FY 2026 7/1/2025 6/30/2026	\$ Change 2025 Proj. vs 2026 Budgs	% Change 2025 Proj. 2026 Budg.
Revenue							
4095 · Miscellaneous Income	5,001	1,400	3,269	3,816	3,892	76	2.00%
4200 · Seminar Profit/Loss	39,828	29,999	27,346	40,568	41,379	811	2.00%
Total Revenue	44,829	31,399	30,615	44,384	45,272	888	2.00%
Expenses							
Program Services							
5002 · Meeting facility-internal only	1,095	920	685	327	343	16	5.00%
5015 · Investigations	675	-	78	-	450	450	0.00%
5017 · Medical Exam	-	-	-	19	-	(19)	-100.00%
5025 · Temp Labor/Proctors	90	-	-	-	-	-	0.00%
5040 · Witness & Hearing Expense	710	402	926	1,313	1,379	66	5.00%
5041 · Process Serving	706	645	894	441	463	22	5.00%
5046 · Court Reporting	15	30	-	15	-	(15)	-100.00%
5075 · Food & Bev-external costs only	-	-	146	320	500	180	56.13%
5076 · Food & beverage - internal only	136	543	923	1,047	1,200	153	14.60%
5079 · Soft Drinks	295	332	617	608	638	30	5.00%
5085 · Misc. Program Expense	-	105	190	-	-	-	0.00%
5702 · Travel - Lodging	760	2,963	2,244	4,525	6,500	1,975	43.65%
5703 · Travel - Transportation/Parking	832	2,888	1,769	3,420	5,000	1,580	46.19%
5704 · Travel - Mileage Reimbursement	-	1,706	542	251	1,000	749	298.23%
5705 · Travel - Per Diems	-	1,016	454	2,260	2,500	240	10.62%
5805 · ABA Annual Meeting	-	798	-	-	-	-	0.00%
5810 · ABA Mid Year Meeting	-	-	-	-	3,000	3,000	0.00%
Total Program Services Expenses	5,314	12,347	9,466	14,546	22,973	8,427	57.93%
Salaries & Benefits							
5510 · Salaries/Wages	994,032	1,059,078	1,073,933	1,174,141	1,241,127	66,986	5.71%
5605 · Payroll Taxes	78,576	80,760	86,934	93,268	94,946	1,678	1.80%
5610 · Health Insurance	92,875	93,923	91,738	93,072	102,332	9,260	9.95%
5620 · Health Ins/Medical Reimb	3,344	3,208	4,372	5,214	6,150	935	17.93%
5630 · Dental Insurance	6,200	5,774	5,290	5,271	4,575	(696)	-13.20%
5640 · Life & LTD Insurance	6,268	6,480	6,148	6,643	5,479	(1,164)	-17.52%
5645 · Workman's Comp Insurance	-	-	-	-	-	-	0.00%
5650 · Retirement Plan Contributions	90,334	92,908	98,348	90,507	114,887	24,380	26.94%
5655 · Retirement Plan Fees & Costs	3,770	4,123	5,579	4,420	4,465	44	1.00%
5660 · Training/Development	975	175	1,640	3,708	2,500	(1,208)	-32.58%
66000 · Payroll Expenses	-	-	-	-	-	-	0.00%
Total Salaries/Benefit Expenses	1,276,374	1,346,427	1,373,982	1,476,246	1,576,460	100,214	6.79%
General & Administrative							
7025 · Office Supplies	4,608	5,521	4,719	3,571	3,713	143	4.00%
7035 · Postage/Mailing, net	6,190	6,287	5,629	2,881	2,968	86	3.00%
7040 · Copy/Printing Expense	15,020	12,857	12,536	6,097	6,340	244	4.00%
7045 · Internet Service	833	590	-	-	-	-	0.00%
7050 · Computer Maintenance	21,966	51,695	45,262	47,581	48,533	952	2.00%
7055 · Computer Supplies & Small Equip	1,376	1,406	937	753	3,200	2,447	325.11%
7089 · Membership Database Fees	8,000	8,000	24,051	20,977	21,397	420	2.00%
7100 · Telephone	15,877	18,984	13,813	8,875	6,433	(2,442)	-27.52%
7105 · Advertising	279	196	391	516	550	34	6.50%
7107 · Production Costs	-	568	-	-	-	-	0.00%
7110 · Publications/Subscriptions	11,235	11,712	9,562	9,394	10,853	1,460	15.54%
7120 · Membership/Dues	5,575	5,620	5,274	6,897	7,000	103	1.49%
7140 · Credit Card Merchant Fees	-	21	96	88	91	4	4.00%
7150 · E&O/Off & Dir Insurance	15,882	18,616	19,903	24,667	25,654	987	4.00%
7175 · O/S Consultants	15,076	801	1,789	546	1,000	454	83.15%
7176 · Bar Litigation	-	7,782	1,613	-	-	-	0.00%
7180 · Administrative Fee Expense	-	-	76	313	464	151	48.24%
7195 · Other Gen & Adm Expense	1,201	1,200	918	222	1,200	978	439.35%
Total General & Administrative Expenses	123,120	151,856	146,568	133,379	139,397	6,018	4.51%

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Building Overhead							
6015 · Janitorial Expense	6,021	7,010	6,725	6,550	6,943	393	6.00%
6020 · Heat	4,896	6,830	7,476	4,751	5,038	288	6.05%
6025 · Electricity	8,960	10,145	11,139	10,795	11,443	649	6.01%
6030 · Water/Sewer	1,178	1,808	2,904	2,902	3,075	174	5.99%
6035 · Outside Maintenance	4,510	7,189	7,089	3,514	3,725	211	6.00%
6040 · Building Repairs	3,683	3,353	3,833	2,363	2,505	142	6.00%
6045 · Bldg Mtnce Contracts	5,864	6,519	5,669	7,233	7,667	434	6.00%
6065 · Bldg Insurance/Fees	3,954	5,255	5,217	4,347	4,608	261	6.00%
6070 · Building & Improvements Depre	17,821	19,759	22,178	20,874	22,126	1,252	6.00%
6075 · Furniture & Fixtures Depre	654	2,016	4,267	4,167	4,417	250	6.00%
7065 · Computers, Equip & Sftwre Depr	12,126	9,074	8,958	8,039	8,521	482	6.00%
Total Building Overhead Expenses	69,667	78,956	85,456	75,533	80,069	4,535	6.00%
Total Expenses	1,474,475	1,589,587	1,615,471	1,699,704	1,818,899	119,194	7.01%
Net Profit (Loss)	(1,429,646)	(1,558,188)	(1,584,856)	(1,655,320)	(1,773,627)	\$ (118,306)	7.15%