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

Meeting Minutes
April 27, 2026
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
Beth Kennedy, Ethics and Discipline Committee
Nathan Severin, Utah State Bar Finance Director

Staff:
Nick Stiles, Appellate Court Administrator
Amber Griffith, Recording Secretary

1. **Welcome and Approval of March 25, 2026 Minutes:** (Arthur Berger)

   Arthur Berger welcomed everyone to the meeting and provided an update that SCRP Rule 1-530 was submitted to the Supreme Court. There were a few additional edits made by Justice Pohlman but nothing substantial. The Court approved the rule for public comments which will end on June 7, 2026.

   Following that update Mr. Berger asked for approval of the minutes from the March 25, 2026 meeting.

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

2. **Action—OPC Proposed Budget** (Christine Greenwood, Nathan Severin)

   Nathan Severin provided the Committee with a brief overview of where the Bar is financially as the OPC operates under that budget. The Bar has been working in a deficit since fiscal year (FY) 2023. This is due to raising program costs, court directive initiatives and external cost pressures. To cover these deficits the Bar has been using their reserves but are financially stable.

   Mr. Severin then provided a brief overview of the OPC's budget.

   As the Committee noted at the budget meeting last year, the OPC needs an additional attorney. This was not included in the budget last year, but it is being funded in the FY 2027 budget. This need is driven by the increase in the volume of complaints that the OPC has seen for numerous years.

   The projected revenue for FY 2027 is budgeted at $47,164. This is mainly received from the OPC's Ethic School.

   The total projected expenses for FY 2027 are $2,028,704 with a net operating loss of $1,981,540. Mr. Severin explained that the OPC's net loss has been increasing by around 10% for the past few years. This is driven mainly by the increase in full-time employees. However, these positions are needed due to the increase in caseload.

   Roger Smith noted that the witness and hearing expenses increased by approximately $15,000. Mr. Severin explained that the increase is for disposition fees. Ms. Greenwood advised that there will be a few trials in the coming year that may require witnesses and potentially an expert witness. Ms. Swensen asked if the projected increase would be an ongoing expense for future budgets. Ms. Greenwood replied that she would like to see that budgeted expense increase in the future, so the OPC has more freedom to complete dispositions or hire an expert witness if needed.

   Mr. Smith questioned the projected change in the column of the budget for the salaries line which shows a projected change of $115, 583, and asked if that is the salary being offered to the new attorney. Mr. Severin stated that the number is a little misleading as to what the actual offered amount will be. Ms. Greenwood added that the amount they are preparing to offer is not extremely high but are unable to increase that amount without increasing the salaries for all staff attorneys. Elizabeth Wright added that they need to ensure they are competitive with other government salaries moving forward and that currently they are a little behind. Mr. Berger asked if there was a plan in place to gradually increase the salaries. Ms. Wright responded that they do cost of living adjustments each year and include a small budget for merit raises. However, the bar has been asking the Court for a fee increase and if that is put in place they might be able to increase the salaries further.

   Following this discussion Mr. Smith moved to approve the FY 2027 budget. Margaret Plane seconded that motion, and it was unanimously passed.

3. **Action—Global Rule Amendments:** (Christine Greenwood and Beth Kennedy)

   Beth Kennedy presented the global rule amendments to the oversight committee. These amendments were discussed at the December meeting when the Committee was reviewing the rule amendments to Rule 1-530.

The proposed amendments include: 1) adding a definition for "send" and changing variations of that word throughout the rules to be consistent; 2) removing occurrences of LPP from the rules as LPP is now included within the definition of lawyer; 3) removing OPC from the definition of complainant; 4) removing the hyphen from vice chairs for consistency; and 5) adding a paragraph to Rule 1-530 that clarifies when an appeal decision is final.

Ms. Swensen noted that Rule 1-535 mentions appealing to the Supreme Court and questioned if that would need to be cleaned up. Ms. Kennedy explained that Rule 1-535 deals with exceptions and those are different from appeals. Exceptions only come out of panel rulings and those are always appealable to the Supreme Court. Ms. Swensen suggested adding language to Rule 1-530 to clarify that the appeal is different than what can be filed under Rule 1-535. Ms. Kennedy will add the language "an appeal under this rule" to the new paragraph in Rule 1-530 for clarification.

Mark Hindley questioned if "is sent" in Rule 1-532(a) should be changed to "is issued"? Ms. Kennedy and Ms. Greenwood agreed to that change.

Judge Scott noted that a definition of "sent" was added but "send" is more often used. The Committee agreed and changed the definition to – To "send" a document means to mail, email, or hand-deliver it.

Ms. Swensen questioned using "bring" to explain who can file a complaint in Rule 1-530(a) and suggested changing it to "initiate" or "file". Ms. Kennedy explained that is a section of the rule that is already out for public comment, and that perhaps the Committee could reconsider the language once that period has ended.

Following these suggested changes Ms. Plane moved to approve the proposed amendments to the rules. Mr. Hindley seconded the motion, and it unanimously passed. The rules will be submitted to the Supreme Court on recommendation that they be published for public comment.

4. **New/old business:** (all)

Judge Scott suggested that the Committee review the confidentiality rules just to ensure no changes are needed.

The meeting was then adjourned.