

# **Utah Supreme Court's Task Force on Regulatory Reform**

## **Meeting Minutes**

January 22, 2020

Scott M. Matheson Courthouse  
Café Meeting Room, W18A  
450 S. State Street  
Salt Lake City, UT 84111  
3:00 p.m. – 4:30 p.m.

### **Attendees:**

Justice Deno Himonas, Co-Chair  
Justice Christine Durham (Ret.)  
Larissa Lee  
Steven Johnson  
Thomas Clarke  
Lucy Ricca  
Gillian Hadfield  
Rebecca Sandefur  
Margaret Hagan  
Dean Gordon Smith  
Heather Farnsworth

### **Excused:**

John Lund, Co-Chair

### **Staff:**

Tyler Hubbard, Staff  
Marina Kelaidis, Recording Secretary, Staff

### **Guests:**

Mike Harmond, Law Clerk, Supreme Court

## **1. Welcome and approval of January 8, 2020 minutes:** (Justice Deno Himonas)

Justice Himonas welcomed everyone to the meeting and asked for approval of the minutes.

*Gillian Hadfield moved to approve the January 8, 2020 minutes. Thomas Clarke seconded the motion, and it passed unanimously.*

## **2. Discussion—Update on applicants/interest:** (Larissa Lee)

Larissa Lee reported that there has not been a significant amount of interest since the last committee meeting; however, there were a few more parties that expressed interest in participating in the sandbox. Dean Gordon Smith asked the committee when the Task Force will begin accepting sandbox applications. Justice Himonas gave a brief overview of the timeline of steps that need to be taken before the committee can begin accepting and reviewing sandbox applications. After the Supreme Court reviews all of the relevant rule changes and draft Standing Order No. 15, the rules and standing order will go out for public comment for a period for 90 days. After final approval of the rule changes by the

Supreme Court and receipt of funding, they can begin accepting applications likely by June 2020.

Heather Farnsworth asked the committee if the names of the sandbox participant applicants will be published for public knowledge, or available to the Utah State Bar. Gillian Hadfield suggested for the Task Force to not publish the names of any applicants until after they have been approved to be a sandbox participant, to which Lucy Ricca and Steve Johnson agreed. Justice Himonas offered that the Task Force will need to do further research to determine what information is required to be public knowledge at which point in the process before making a determination.

Ms. Farnsworth also asked the committee what the procedure will be if there is a conflict of interest between a sandbox applicant and a member of the Task Force. Justice Durham suggested for the Task Force to make it very clear that recusal of the Task Force member would be necessary in such an event. Justice Himonas responded that conflicts and recusal should be addressed in the proposed Standing Order No. 15.

3. **Discussion—Grant proposal:** (Justice Himonas, Mike Harmond, Larissa Lee)

Justice Himonas reported that the draft grant proposal for the State Justice Institute is nearly completed. There is a telephone conference scheduled shortly after this meeting to complete the review process of the proposal. Justice Himonas anticipated that the final proposal will be circulated to the Task Force by the end of the week. Justice Himonas informed the committee that the deadline for the grant proposal's submission is February 1, 2020 and then it will go before the SJI board in March 2020. If approved, the grant will then be available to the Task Force by June 2020.

4. **Discussion—Minimum tech standards for sandbox participants and technical requirements:** (Tom Clarke and Lucy Ricca)

Thomas Clarke presented revisions to the technical standards requirement document. Mr. Clarke informed the committee that the standards outlined in this document are subject to change, as the Task Force gains knowledge about the potential barriers to access these requirements may incur for sandbox participants. In addition, Mr. Clarke informed the committee that more research and knowledge is needed before publishing formal technical standards to the website, so this document is suggested to be used for internal reference at this time.

5. **Discussion—Revisions to data scope document:** (Tom Clarke)

Mr. Clark reported that he has added a bullet point addressing Justice Durham's recommendation for benchmark data to be included in the suggestive list of data collection strategies and data sets. In addition, a footnote has been added to the document defining benchmark data with some examples listed.

The committee discussed rewording the first sentence of the first paragraph of the document to accurately reflect the strategy of the sandbox administrator. Justice Durham suggested to replace the phrase “regulatory strategy” with “role”. The committee agreed with Justice Durham’s recommendation and Larissa Lee will make the change to the document on the sandbox website.

*Steve Johnson moved to approve and adopt the proposed addition of the benchmark data point and footnote, and revise the first sentence of the document. Dean Gordon Smith seconded the motion and it passed unanimously.*

**6. Other Business:** (all members)

Justice Himonas asked the committee to review the proposed changes to the sandbox website, which include the addition of links to the IAALS and NCSC websites on the homepage. The committee was pleased with these additions to the website and no other recommendations were made.

Steve Johnson reminded the committee that the scope document will need to be amended once the changes to Rule 5.4 have been approved by the Supreme Court.

Lucy Ricca reported that the first data workshop is scheduled for February 3, 2020 at the State Bar building. Attendance for the workshop will be handled on a first come, first served basis with a maximum of 30 participants. The next workshop will be scheduled for the end of February or early March.

**7. Adjournment and next meeting:**

The meeting adjourned at 3:40 p.m. The next meeting will be held on February 5, 2020 from 3:00-4:30 p.m. in the Judicial Council Room at Matheson Courthouse.