

Utah Supreme Court's Task Force on Regulatory Reform

Meeting Minutes

March 4, 2020

Scott M. Matheson Courthouse
Judicial Council Room, Suite N31
450 S. State Street
Salt Lake City, UT 84111
3:00 p.m. – 4:00 p.m.

Attendees:

Justice Deno Himonas, Co-Chair
John Lund, Co-Chair
Justice Christine Durham (Ret.)
Larissa Lee
Heidi Anderson
Brody Arishita
Lucy Ricca
Gillian Hadfield
Thomas Clark
Margaret Hagan
Heather Farnsworth

Excused:

Nathanael Player
Steven Johnson
Dean Gordon Smith

Staff:

Tyler Hubbard, Law Clerk, Supreme Court
Rob Jepson, Utah State Bar
Marina Kelaidis, Recording Secretary

1. Welcome and approval of February 19, 2020 minutes: (Justice Himonas)

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

Justice Christine Durham moved to approve the February 19, 2020 minutes. Heidi Anderson seconded the motion, and it passed unanimously.

2. Discussion – Website updates: (all)

Larissa Lee reported that the website has been updated with the biographies and pictures of the new Task Force members. The “Report” tab has been updated and now is titled “Knowledge Center.” This tab includes the “Narrowing the Access-to-Justice Gap by Reimaging Regulation” report as well as a few related publications. The Events tab has also been updated to include the information on the next Data Workshop hosted at Stanford Law School, as well as a link to register. Ms. Lee reminded the committee to continue sending her any upcoming events that may be included in this tab.

Gillian Hadfield asked if it would be possible to have a link on the website that will allow visitors to link to the court's comment section for the new rules and Standing Order once they go out for public comment. Justice Himonas agreed that access from the website would be a helpful addition for those outside of the Bar. Heidi Anderson proposed including a comments section on the Task Force website that can then be manually added to the comments received from Bar members. Justice Himonas and Ms. Lee will follow up on this to see if it is possible to gather comments this way in accordance with the rules.

Brody Arishita reported that he has experienced some trouble accessing the website menu from his iPhone 8 edition. He will work with the IT department to solve this issue.

3. **Discussion – New applicants / interest and potential email updates:** (Larissa Lee, Tyler Hubbard)

Larissa Lee reported there are currently 30 individuals and/or groups who have expressed interest in participating in the sandbox and 80 individuals and/or groups who have signed up for updates via the website. In addition, Ms. Lee sent an email update that Tyler Hubbard drafted that includes the topics discussed at the last Task Force meeting.

Justice Himonas proposed for Tyler Hubbard and Heidi Anderson to organize a seminar with the Bar to assist with the education piece of the sandbox. Justice Himonas suggested for the seminar to include some of the sandbox applicants as attendees to help open communication channels and understanding with Bar members.

Ms. Anderson reported that she recently attended a tech conference with CIOs across Utah. Mark Sunday, the former Chief Information Officer of Oracle, was a speaker at the event. Ms. Anderson met with Mr. Sunday at the conference and presented the work of the Task Force and the efforts of regulatory reform. From this conversation, Ms. Anderson learned that one of the investors of Facebook has been networking ideas in this area of regulatory reform for some time. Ms. Anderson has connected with this investor on LinkedIn and invited the individual to submit their proposal on the sandbox website.

4. **Discussion & Action – Standing Order:** (Justice Deno Himonas)

Justice Himonas reported the Supreme Court reviewed the Standing Order earlier today at the Court Conference. The overall response from the Court was very positive. Justice Himonas asked the Task Force to review the proposed Standing Order and submit any comment or feedback amongst the Task Force via email by next Wednesday, March 11, 2020. Tyler Hubbard will assist Justice Himonas in gathering and organizing the Task Force's comments on the Standing Order.

Lucy Ricca asked the committee to review section 4.10, Consumer Complaints, as it seems to make a substantive resource-based change. Ms. Ricca expressed that the two responses from the oversight board identified in this section are too vague and need to be more defined for the oversight board to put them in practice. Justice Himonas responded that his section is intentionally vague to give the Task Force flexibility within the Standing Order versus the Rules to allow the Task Force to adopt processes and amend as needed.

John Lund suggested the blank spaces in section 2.1, Board Composition, may create some concern among those participating in the comment period. Mr. Lund recommended including a description of the professional make-up of the members of the Board to better define who may be selected to sit on the Board. Justice Durham agreed with this recommendation and suggested this addition will help address any representation concerns.

5. Discussion – Update on outreach efforts: (all)

John Lund reported that he recently presented at the Utah State Bar and the main message he received was that the members are interested in what is happening with regulatory reform and they appreciate the increased access to information on the sandbox. Mr. Lund encouraged Bar members to participate in the upcoming comment period for the rules and Standing Order.

Mr. Lund also reported that he, Lucy Ricca, and Justice Himonas have created a spreadsheet of groups and individuals within the Utah community, outside of the Bar, that can be reached as part of the communications plan for feedback, participation in the sandbox, and participation in the upcoming comment period.

Ms. Ricca reported that she recently spoke with some of Anna Carpenter's students at the University of Utah, and they are organizing an event among groups (legal and non-legal) focused on the upcoming regulatory reform sandbox. Ms. Ricca has emailed Justice Durham and Nathanael Player some information summarizing this call and she encouraged the students to contact them both for additional resources and information on connecting with individuals and groups within the community. Justice Himonas asked Ms. Ricca to stay in contact with these students and help them put together this event, as it would be a great opportunity for the Task Force to continue participating in outreach efforts. Rob Jepson will provide administrative support.

Gillian Hadfield suggested for the committee to prepare for a large volume of negative comments from the members of the Bar once the rules and the Standing Order go out for public comment, similar to what occurred in California. Ms. Hadfield recommended for the Task Force to pursue additional avenues, in addition to the comment period, for gathering input on the rules and Standing Order. Ms. Hadfield reiterated the importance of

gathering feedback from the consumer, small businesses, etc. Justice Himonas agreed that this piece is very important to the success of the sandbox and it will be important to make efforts to broaden the scope of the comments received.

Justice Himonas reported that the Supreme Court has voted and appointed Representative Brady Brammer as a new member of this Task Force. Representative Brammer is currently participating in the legislative session and will not be able to participate in the Task Force meetings until after the legislative session is over. The Justices have invited Representative Brammer to attend the upcoming Conference of Chief Justices and Court Administrators in Alaska. At this conference there will be 2-3 days of focused discussion on regulatory reform.

Justice Himonas reported that he and Justice Durham will be presenting at the Spring Bar Convention next week in St. George, Utah. At this conference they will have the opportunity to meet with some of the Bar's Commissioners to discuss regulatory reform.

6. Discussion – Old business / new business: (all)

None to report.

7. Adjournment and next meeting:

The meeting adjourned at 3:50 p.m. The next meeting will be held on March 18, 2020 from 3:00 – 4:30 p.m. in the Judicial Council Room at Matheson Courthouse.