

**MINUTES OF THE SUPREME COURT'S ADVISORY COMMITTEE ON THE
RULES OF PROFESSIONAL CONDUCT**

Law and Justice Center
645 South 200 East
Salt Lake City, UT
September 16, 2013
5:00 pm

ATTENDEES

Steve Johnson, Chair
John Bogart
Tom Brunker
Simon Cantarero
Gary Chrystler
Nayer Honarver
Judge Darold McDade
Vanessa Ramos
Kent Roche
Gary Sackett
Stuart Schultz
Paula Smith
Judge Vernice Trease
Leslie Van Frank
Paul Veasy
Billy Walker
Diane Abegglen, Staff

EXCUSED

Trent Nelson

1. WELCOME, INTRODUCTION OF NEW MEMBERS, AND APPROVAL OF MINUTES

Steve Johnson welcomed Judge Darold McDade, Judge Vernice Trease, and Ms. Vanessa Ramos to the committee. Pursuant to the requirement of Rule 11-101(4) of the Supreme Court Rules of Professional Practice, Mr. Johnson asked each committee member to briefly disclose the general nature of his or her legal practice. Each member present at the meeting made such a disclosure.

Mr. Johnson asked if there were any corrections to the minutes of the July 1, 2013 meeting. Paula Smith moved to approve the minutes. John Bogart seconded the motion and it passed unanimously.

2. DISCUSSION: RULE 11-101(4) OF THE SUPREME COURT RULES OF PROFESSIONAL PRACTICE

Mr. Johnson led a discussion about the Supreme Court's recent implementation of term limits on its advisory rules committees. He informed committee members when their current terms will expire and emphasized that the Court is encouraging committee chairs to stagger term rotations so that committee work is not negatively impacted. The committee will discuss this topic further before new committee member recruitment begins in 2014.

3. CONTINUED DISCUSSION: PROPOSED AMENDMENTS TO RULE 1.10(f)

Mr. Johnson invited committee members to discuss the public comments received regarding proposed amendments to Rule 1.10(f). Following consideration of the comments, Gary Sackett made a motion that the proposed amendments be recommended to the Supreme Court without further modification. Tom Bruner seconded the motion, which passed with 2 dissenting votes. Mr. Johnson will present the committee's recommendations to the Supreme Court at the September 25, 2013 court conference.

4. DISCUSSION: PROPOSED LAWYER ADVERTISING RULES AND PUBLIC COMMENTS

Mr. Johnson initiated the discussion by drawing the committee's attention to the ABA's recent changes to Rules 7.1, 7.2, and 7.3. The committee then began its review of the Bar Commission's proposed amendments to Rule 7.1.

Following a group discussion about the Bar's petition and specific language contained in Rule 7.1, committee members expressed concern about the underlying purpose(s) of the proposed rules and the basis upon which the Bar reached its conclusions. Committee members suggested that there might be a simpler way to "monitor" lawyer advertising in order to protect the public and/or deter unfair competition between lawyers. The committee asked Mr. Johnson to invite Rob Jeffs to attend the next meeting to discuss the proposed rules in more detail. Mr. Johnson will issue an invitation to Mr. Jeffs this week, and asked committee members to email him examples of their specific concerns about the proposed rules by Friday, October 18, 2013.

5. SUBCOMMITTEE UPDATE: RULES 1.0, 1.4, 4.4, AND 8.5

Leslie Van Frank updated the committee regarding Rules 1.0, 1.4, 4.4, and 8.5. She reminded the committee that Rules 1.0 and 4.4 were approved by the committee at the July 1, 2013 meeting. With respect to Rule 4.4, Ms. Van Frank's subcommittee is awaiting Robert Hilder's written suggestions. The subcommittee is also continuing its review of Rule 8.5.

6. SUBCOMMITTEE UPDATE: RULES 1.1, 1.6, AND 1.17

This agenda item was deferred until a future committee meeting.

7. SUBCOMMITTEE UPDATE: RULES 1.18, 5.3, 5.5, AND MODEL RULE FOR REGISTRATION OF IN-HOUSE COUNSEL

This agenda item was deferred until a future committee meeting.

8. SUBCOMMITTEE UPDATE: MODEL RULE ON PRO HAC VICE ADMISSION

This agenda item was deferred until a future committee meeting.

9. STYLISTIC AND TECHNICAL CHANGES TO THE RULES

This agenda item was deferred until a future committee meeting.

10. OTHER BUSINESS

The next meeting of the committee was set for November 18, 2013 at 5 p.m. at the Law & Justice Center.