

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

October 22, 2018

The meeting commenced at 5:05 p.m.

**Committee Members Attending:**

Steven G. Johnson, Chair  
Daniel Brough  
Hon. James Gardner  
Joni Jones  
Simon Cantarero (by telephone)  
Christy Roach (by telephone)  
Hon. Darold McDade (by telephone)  
Amy Oliver  
Gary Sackett (emeritus)  
Tom Brunker  
Phillip Lowry (by telephone)  
Hon. Trent Nelson (by telephone)  
Austin Riter

**Guests:**

None

**Members Excused:**

Vanessa Ramos  
Padma Veeru-Collings  
Katherine Venti  
Billy Walker

**Staff:**

Nancy Sylvester

**Recording Secretary:**

Adam Bondy

## **I. Welcome and Approval of Minutes**

Mr. Johnson welcomed the committee.

### **Motion on the Minutes:**

*Judge James Gardner moved to approve the minutes from the June 18, 2018 meeting. Ms. Amy Oliver seconded the motion. The motion passed unanimously.*

## **II. Supreme Court Standing Order 7 Update**

Mr. Johnson reported that members of the judiciary had concerns about the proposed Rule 14-302, 14-303. Gary Sackett reported that the language of the proposed rules has been changed to match other rules.

Rule 14-303(b)(1)(B): terms changed to four years from “no less than three years.” Two term limit added, modeled on Rule 11-101.

Proposed Rule 14-303(c)(3): notification of receipt of complaint made mandatory. Made optional the former requirement of reporting progress to complainant.

Proposed Rule 14-303(c)(5): removed, as redundant to (c)(7).

Proposed Rule 14-303(c)(7): added “any other witness”, moved to become (c)(5) and (8) will be (7).

### **Motion on Amendments:**

*Mr. Bruner moved to amend proposed rules 14-302 and 14-303. Mr. Riter seconded the motion. The motion passed unanimously.*

This agenda item relates to the possible conversion of Standing Order 7 to a new Rule 14-302. Due to subcommittee member absences, the update will be postponed.

It was noted that the committee will need to examine the other rules to ensure that references to Standing Order 7 are updated.

It was further noted that a comment should be included to the effect that a judge need not necessarily recuse from a lawyer’s cases when the judge has referred that lawyer to the Board authorized by now-Standing Order 7.

## **III. Licensed Paralegal Practitioner Rule updates: 1.0, 4.2, 5.1, 8.3**

Adding both “Licensed Paralegal Practitioner” and “Legal Professional” to definitions. RPC 1.0, 4.2, 5.1, 8.3 changed to “Legal Professional” instead of lawyer because “Legal Professional” will mean both lawyers and LPPs.

Mr. Johnson noted that the committee will have to make many more revisions once the LPP rules go into effect.

**Motion on Amendments:**

*Ms. Oliver moved to amend rules 1.0, 4.2, 5.1, and 8.3. Mr. Brough seconded the motion. The motion passed unanimously.*

**IV. In re Discipline of Steffensen and Rule 8.4, Comment [1a]**

Discussion of *In re Discipline of Steffensen*, 2018 UT 53, ¶ 51, deferred to next meeting at recommendation of Mr. Johnson and Judge Gardner. Members should consider Rule 8.4 and Rule 14-605 interplay for next meeting.

**V. Next Meeting**

The next meeting is scheduled for December 3, 2018, at 5:00 p.m. The agenda will include *In re Discipline of Steffensen*/Rule 8.4/Rule 14-605.

**VI. Adjournment**

The meeting adjourned at 6:10 p.m.