

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

February 25, 2019

The meeting commenced at 5:02 p.m.

**Committee Members Attending:**

Steven G. Johnson, Chair  
Daniel Brough  
Tom Bruner  
Simón Cantarero  
Hon. James Gardner  
Joni Jones  
Hon. Trent Nelson (by telephone) (emeritus)  
Amy Oliver  
Vanessa Ramos  
Austin Riter  
Cristie Roach  
Gary Sackett (emeritus)  
Katherine Venti  
Padma Veeru-Collings  
Billy Walker

**Guests:**

Justice Deno Himonas  
John Lund

**Members Excused:**

Tim Conde  
Hon. Darold McDade  
Phillip Lowry  
Cory Talbot

**Staff:**

Nancy Sylvester

**Recording Secretary:**

Adam Bondy

**I. Welcome and Approval of Minutes**

Mr. Johnson determined quorum and welcomed the committee.

**Motion:**

*Mr. Bruner moved to approve the minutes from the January 14 meeting. Mr. Riter seconded the motion. The motion passed unanimously.*

**II. New Business: Discussion on Regulatory Reform**

John Lund introduced a new task force focused on regulatory reform and innovation to improve access to and affordability of the civil justice system. Justice Himonas and Mr. Lund answered questions from the committee about scope, vision, and implementation. There will be a special meeting on March 16, 2019 (more details below). A recommended reading is G.K. Hadfield's Rules for a Flat World.

**III. Update: Rule 8.4(g) Report and Edits from Supreme Court**

Mr. Johnson reported on the Supreme Court's edits to Rule 8.4(g) and (h) and discussed the proposed timeline for adopting the rules as edited.

**IV. Update: Rule 1.11 and Intern Policy**

This discussion was tabled.

**V. New Business: Consistency Checklist**

Mr. Johnson discussed the need for a consistency checklist and circulated a draft checklist for use when rules are being drafted or amended. For example, we need to set a standard for adding advisory committee notes/comments when our rule will differ from the model rules.

**VI. Update: Comments to RPC Rules affected by LPP Program**

Mr. Johnson reported that the proposed rules package has been sent to the Supreme Court.

**VII. Report: Attorney Advertising Subcommittee Rule Proposals**

Mr. Brough reported for the subcommittee. The subcommittee recognized that advertising does not pose the same level of risk as some of the other client-protection rules. The subcommittee presented proposals for condensing Rule 7.1 and asked for feedback. The full committee discussed several concerns and whether the proposed rules address those concerns, including the dangers posed by in-person advertising. The subcommittee will present amended proposed language by email before the next meeting.

### **VIII. Report: Multidisciplinary Practice Subcommittee**

Mr. Bruner reported for the subcommittee. The subcommittee reviewed an MDP proposal made in 2001 to figure what is useful from it. The committee noted that it is difficult to formulate an MDP implementation plan or set of rule amendments without being given a basic MDP vision/policy. The subcommittee would like to attend the reform task force's special session meeting to better understand the MDP vision/policy before proceeding.

### **IX. Other Business**

None.

### **X. Next Meeting**

Members of the committee are invited to attend a task force special session on Saturday, March 16, 2019, from 9 a.m. to 1 p.m., at Parsons Behle & Latimer (subject to confirmation).

The next regular meeting is scheduled for April 15, 2019, at 5:00 p.m.

### **XI. Adjournment**

The meeting adjourned at 7:04 p.m.