



Utah Supreme Court's Advisory Committee on the Rules of Professional Conduct

Meeting Minutes November 7, 2023, 2023

Utah Law and Justice Center & Zoom
4:00 pm Mountain Time

Cory Talbot, Chair

Attendees:

Ashley Gregson
Jurhee Rice
Adam Bondy
Ian Quiel
Alyson McAllister
Robert Gibbons
Hon. Amy Oliver
Hon. Craig Hall
Hon. James Gardner
Julie J. Nelson
Gary Sackett (emeritus)
Hon. Trent Nelson (emeritus)
Christine Greenwood (ex officio)
Billy Walker (ex officio)
Hon. M. Alex Natt, Recording
Secretary

Staff:

Beth Kennedy

Guests:

Excused: Chair Corey Talbot, Mark
Nickel, Jacqueline Carlton, Austin
Riter, Prof. Dane Thorley, Mark Hales.

1. Welcome, Approval of the September 5, 2023 meeting minutes (Beth Kennedy)

Chair Talbot was excused and Ms. Kennedy conducted the meeting. She recognized the existence of a quorum and called the meeting to order at 4:05. Ms. Kennedy asked for a Motion to approve the September 5, 2023 meeting

minutes. Mr. Gibbons moved for approval. Ms. McAllister seconded. The Motion passed unanimously.

2. Requested Input on Virtual Hearings

The Committee discussed whether it had any jurisdiction to provide the Supreme Court with input on whether and how hearings should be held virtually. The perspective of the Committee was that the Rules of Professional Conduct govern all attorney conduct regardless of the setting but that the Committee was not prepared to give additional input at this time. Mr. Bondy made a motion to that effect. Judge Oliver seconded the motion. The Committee voted unanimously.

3. Judicial Council's Committee on Fairness and Equity and Rule 8.4

The Committee discussed the request of the Fairness and Equity Committee that the RPC Committee review 8.4 again. The Committee recounted the history of its review of 8.4 and recalled that the Supreme Court had wanted input from OFA on this Committee's proposed revisions to 8.4 and that is where the matter stands at present. The Committee noted that it believed that the Court's charge to OFA was to review the proposed rule and give feedback to the Court at which point the Court could take additional steps. The Committee suggested that OFA might consult the Supreme Court regarding next steps.

The next meeting of the Committee is December 5, 2023.

The meeting adjourned at 4:19 pm.