



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

### Meeting Minutes

April 2, 2024

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

*Cory Talbot, Chair*

**Attendees:**

Corey Talbot (Chair)  
Jurhee Rice (Vice Chair Chair)  
Ashley Gregson  
Adam Bondy  
Ian Quiel  
Alyson McAllister  
Robert Gibbons  
Hon. James Gardner  
Hon. Craig Hall  
Mark Nickel  
Mark Hales  
Lynda Viti  
Gary Sackett (emeritus)  
Christine Greenwood (ex officio)  
Sheradee Fleming (ex officio)  
Hon. M. Alex Natt, Recording  
Secretary

**Staff:**

Stacy Haacke

**Guests:**

Excused: Hon. Amy Oliver, Hon. Trent  
Nelson, Dane Thorley

## **1. Welcome, Approval of the March 5, 2024 meeting minutes (Chair Talbot)**

Chair Talbot recognized the existence of a quorum and called the meeting to order at 4:02 p.m. He welcomed Stacy Haacke who will be helping the Committee going forward.

Chair Talbot asked for a Motion to approve the March 5, 2024 meeting minutes. Robert Gibbons moved for approval. Jurhee Rice seconded. The Motion passed unanimously.

## **2. Rule 5.5 and 14-806 (Ms. McAllister)**

Mr. Talbot asked Ms. McAllister to remind the Committee of the history of the Committee's attempts to deal with questions regarding multi-jurisdictional practices. The Committee discussed whether changes needed to be made to the current rule to permit Utah lawyers who don't live in Utah or have a physical Utah office should be permitted to practice. The Committee questioned whether for pro hac vice admissions does it matter if a licensed Utah bar member must have a residency or have a physical business presence in the State. The Committee agreed that the only qualification should be that the sponsoring attorney is an attorney in good standing in Utah regardless of where they live or work.

Chair Talbot wondered aloud whether this Committee can change the Rule at this time as the Rule is contained in the Code of Judicial Administration. It was decided that this Committee could make a recommendation to the Supreme Court.

Ms. McAllister made a Motion to recommend changes to Rule 14-806(e)(5) to the Supreme Court. The proposed language is "The lawyer associates with an active Bar member in good standing. ("local counsel)."

Judge Gardner seconded the Motion. The Motion carried unanimously.

The Committee then considered whether language should be added to Rule 5.5. A discussion ensued about the desirability of adding a comment to the Rule rather than a rule change. The Chair asked Adam Bondy to lead a subcommittee with Sheradee Fleming and bring their opinion back to the Committee in May.

Chair Talbot noted that Gary Sackett's 30 year service to the Committee will conclude in June 2024. Gary will present the Committee with some final thoughts on the Rules at the May meeting.

Chair Talbot reported on Rule 8.4 and revised language for section G. The Supreme Court asked the Committee to review the standards of professionalism and civility. Chair Talbot asked Judge Gardner, Robert Gibbons, Mark Nickel, Mark Hales to form a subcommittee to review the standards and report back to the Committee whether some

items in the standards should be removed and placed in other rules such as the Rules of Civil Procedure. Mr. Gibbons agreed to lead the Committee.

The referral fees issue was revisited. The Committee was unclear as to the status of this project and the Subcommittee lead by Ms. McAllister was asked to clarify the current direction of the project.

The next meeting of the Committee is May 7, 2024.

The meeting adjourned at 4:48 p.m.