



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

Meeting Minutes

August 6, 2024

Virtually via Webex

4:00 pm Mountain Time

Cory Talbot, Chair

Attendees:

Cory Talbot (Co-Chair)
Jurhee Rice (Vice-Chair)
Adam Bondy
Lynda Viti
Alyson McAllister
Robert Gibbons
Mark Nickel
Judge Oliver
Judge Nelson
Ian Quiel
Beth Kennedy (ex officio)
Christine Greenwood (ex officio)
Gary Sackett (emeritus)
Christine Greenwood (ex officio)
Hon. M. Alex Natt, Recording
Secretary

Staff:

Keisa Williams

Guests:

Kim Paulding
Christine Critchley
Barbara Townsend
Maribeth LeHoux

Excused: Ashley Gregson, Hon. Craig
Hall

1. Welcome, Approval of the June 4, 2024 meeting minutes (Mr. Talbot)

Chair Talbot recognized the existence of a quorum and called the meeting to order.

Chair Talbot asked for a Motion to approve the June 4, 2024 meeting minutes. It was noted that Judge Nelson was present for the June meeting, the minutes currently state he was excused. With those corrections, Robert Gibbons moved for approval. Alyson McAllister seconded. The Motion passed unanimously.

2. Rule 1.15 (Ms. Kim Paulding)

Ms. Kim Paulding, executive director for the Utah Bar Foundation (UBF), presented. The Utah Bar Foundation administers the IOLTA program for the Utah Supreme Court. When an attorney sets up an IOLTA account they are the sole owner and it is their federal tax ID that shows as the owner and the only one that has access to that account. The UBF is listed as the owner of the interest on that account and that is how the bank.

Recently UBF received a phone call from the unclaimed property division regarding about 70 accounts with unclaimed amounts. These turned out to be client trust accounts that were abandoned by the attorney, or the attorney is deceased and those amounts were turned over by the financial institution to the unclaimed property division. Ms. Paulding has been working with the state agency for the unclaimed property division, the Supreme Court, and the office of professional conduct regarding reuniting accounts with clients or should those funds come to a separate entity. Not sure this will lead to a change to Rule 1.15. Interested in figuring out a way forward that lays out a process for notification and who holds the funds using administrative rules.

The Committee noted the issues she wants to address may not belong in the Rules of Professional Conduct as it may not relate to the ethical duties of an attorney, and if an attorney is deceased the attorney would not be able to violate the rule. If it is in the rule it would need to be worded as something that could be addressed immediately and not upon death. Kim will work with Maribeth LeHoux on a Bar rule draft. Kim and Maribeth may also add a requirement to the Bar licensing form requiring attorneys to designate someone who will be responsible for their IOLTA account upon their death. Kim will send a proposed draft of changes to Rule 1.15 for the Committee to review, but the Committee recommended that this may be best in a Bar rule.

3. Other Business (Mr. Talbot)

Subcommittee going over Rule 8.4 is working to be ready for a future meeting, as well as the subcommittee working on the referral fee rules.

The Committee has a few vacant positions, and just waiting for appointment by the Supreme Court to fill those seats. The LPP position did not receive any applicants so if any members know of an LPP what would be willing to serve it would be great to get someone in that spot.

The meeting was adjourned.