

**UTAH STATE BAR
BOARD OF BAR COMMISSIONERS
MEETING AND RETREAT
MINUTES**

August 26 & 27, 2011

Stein Eriksen Lodge
Deer Valley, Utah

In Attendance: President Rodney G. Snow and Commissioners: Steven R. Burt (not present at retreat), H. Dickson Burton, Su J. Chon, Christian W. Clinger, Eve Furse, James D. Gilson, Mary Kay Griffin, Curtis M Jensen, Felshaw King, John R. Lund, Lori W. Nelson, Herm Olsen, Rob Rice and Tom Seiler
Ex-Officio Members: S. Grace Acosta, Danielle Davis, Charlotte Miller, Robert L. Jeffs, Margaret Plane, Jenifer Tomchak and Melanie Vartabedian.
Executive Director John C. Baldwin; Assistant Executive Director Richard Dibblee; and General Counsel Katherine A. Fox. Supreme Court Liaison Diane Abegglen (not present at retreat).

Not in Attendance: Ex-Officio Members: Hiram E. Chodosh, James R. Rasband and Lawrence E. Stevens.

Minutes:

1. PRESIDENT'S REPORT: Rod Snow

1.1 Recognize Joni Seko and Christy Abad for Ten Years of Service

Both Rod Snow and John Baldwin expressed their sincere appreciation for the valuable service that Joni and Christy have provided to the Bar over the years. Each employee was presented with a gift basket and plaque acknowledging their devotion.

1.2 Report on National Conference of Bar Presidents Meetings

Rod reported that the recent ABA NCBP meeting was held in Toronto. Among the many topics discussed was the economic impact of courts' shrinking budgets. Behind TAB 1 in the materials was a report on the results of an ABA public opinion poll ("Perspectives on Finding Personal Legal Services") which Rod briefly reviewed. He noted that even younger people join the 84% of the population who seek referrals from a trusted source rather than by electronic means. One of the important panel discussions at the meeting focused on diversity and as a jumping point, Rod thought the Bar needed a statement on our website regarding non-discrimination and diversity. Charlotte Miller raised that diversity includes not only gender, minorities and disabilities but gay/lesbian/bi-sexual and transgendered individuals as well.

John Lund asked about a law-firm originated hiring diversity policy adopted by the Bar some years ago and discussion ensued. Christian Clinger interjected that we could put a statement in the Bar's mission statement. He raised the issue of CLE credit for diversity training as well. Eve Furse observed the connection between civility and diversity in this CLE context and Charlotte said that we should focus on "inclusion" rather than "non-discrimination." Rod closed the discussion by noting that he would like to include this topic on a later agenda for additional review and discussion.

1.3 Discuss Governor's Request for Input on Business Regulations

Postponed until next Commission meeting.

1.4 Executive Committee Report

Lori Nelson reported on moving the 2013 Summer Convention to Snowmass, Colorado. Because she recently had conducted a site visit, she distributed several brochures and enthusiastically described the accommodations and amenities. Christian said that we need to diligently market the new site if we make the change from Sun Valley and also praised Richard Dibblee's efforts in arranging the visit. After discussion, **Herm Olsen moved to approve Snowmass for the 2013 Summer Convention site. Tom Seiler seconded the motion which passed without dissent.**

NEW: Rod introduced Jenifer Tomchak as the new Young Lawyers Division representative in attendance at her first meeting.

2. EXECUTIVE DIRECTOR'S REPORT: JOHN BALDWIN

2.1 Report on Status of NLTP Coordinator Position

John announced that on September 1, Elizabeth Wright would be assuming the position of the new NLTP Coordinator. Over 57 applicants applied and we are very pleased to have Elizabeth, a former New York lawyer, come onboard. Her husband is Tony Kaye who works at Ballard Spahr.

2.2 Report on Status of OPC Deputy Senior Counsel Position

John also announced that over 105 lawyers applied for the new Deputy Counsel position in OPC. A committee consisting of Frank Carney, Pam Greenwood, Larry Stevens and Katherine Fox narrowed the applications down in order to interview 10 people. The committee plans to recommend three or four applicants to John Baldwin and Billy Walker within a week or two for additional interviewing after which a final candidate will be selected.

3. ACTION ITEMS

3.1 Approve Committee Chair Appointments

John Lund moved to approve Tiffany Brown to the Bar Examiner Committee and Tracy Gruber on the Mentor Training Committee with Lori seconding the motion which passed unanimously. New members on the Bar's Budget and Finance Committee were also announced: Brad Merrill, Kara Pettit and David York.

3.2 Select Lifetime Service to the Bar Award Recipients

Rod began the discussion by announcing that the Lifetime Service to the Bar Award (which has been given intermittently over the years) would be presented at the Fall Forum during the 60 minutes allotted to a lunch hour. The Executive Committee had discussed this topic in depth and decided that a maximum of six awards were possible within this time frame. The Executive Committee had designated Pam Greenwood, Bert Dart, Fran Wikstrom, Eugene Hansen, Frank Carney, and Lowry Snow as intended recipients while acknowledging the difficulty of narrowing the field. Vigorous discussion took place as the Commission tried to define the award's criteria and determine whether the award should be vetted by the Executive Committee as a recommendation or the Commission should be more "hands-on" by reviewing nominee's information and then voting.

Many more possible names were offered and considered as the discussion continued. Motions were made and withdrawn, substituted or died for a lack of a second. Rob Jeffs reminded those in attendance that we had already voted on Lowry Snow as a recipient in a previous meeting. **Lori moved that additional information be gathered and provided to Commissioners and that consideration begin anew at the next meeting. John Lund seconded the motion which passed unanimously.**

3.3 Assign Commission Liaisons

A revised list of designated Commission Liaisons was distributed at the meeting. Rod said that the Bar will provide letters to Committee and Section chairs within the next few weeks.

4. LEADERSHIP DEVELOPMENT: Ronald C. Vandermyde, Premier Management Associates, Inc.

MEETING ADJOURNED AT 5 P.M. FOLLOWED BY SOCIAL AND DINNER.

CONSENT AGENDA

1. Approved July 2011 Commission Meeting Minutes.

NEW HANDOUT DISTRIBUTED AT COMMISSION MEETING

1. Revised 2011-2012 Proposed Chairs, Committee Memberships & Liaisons to Committees, Sections and Local Bars.
2. Brochures for Snowmass Village, Colorado.
3. Hard Copies of Ronald Vandermyde's Leadership Development Power Point Presentation.

RETREAT SATURDAY, AUGUST 27, 2011

1. **COMMISSION PHOTOGRAPH TAKEN.**
2. **PRESENTATION AND APPROVAL OF HIGH SCHOOL EDUCATION PROJECT**

Rich McKeown, Christian Clinger and Angelina Tsu attended the meeting to describe a proposed high school education program of which they are co-chairs. The purpose of this ABA-generated project is to teach high school students the significance of Constitutional concepts of the separation of powers and the importance of an independent judiciary. The group provided a handout with key details about the program which they then each explained. The Bar's assistance is needed to help recruit the first set of lawyers to make the classroom presentations. Work is already underway for rolling out a pilot project in Salt Lake City high schools this fall according to the timeline with plans to continue long-term next year throughout the state. As observed, this program fits within the mission of the Bar.

3. **PRESENTATION AND APPROVAL OF BOOKS FROM BARRISTERS**

Elaina Maragakis presented a proposed program which she has called "Books From Barristers." Rod noted that the program was consistent with the Bar's educational mission. During a power point presentation, Elaina said that the program, largely funded by lawyers, would provide new books related to law, government, history and civics to underserved elementary school children (ages 4-8 and 9-12) in Title I schools. The program has three core concepts: (1) value of new books; (2) ownership because the books belong to the children; and (3) investment because the children choose from an array of appropriate books.

Elaina said the program could be launched to coincide with Law Day on May 1 and would be overseen by a committee consisting at this point of Ryan Harris, Michael Petrogeorge and Sammi Anderson. The committee would be responsible for production, marketing, procurement and distribution. Other features of the program will include special bookplates featuring "Books from Barristers," utilizing PayPal for ease of lawyers buying books, as well as soliciting law firms for monetary donations. She concluded her presentation by stating that she is seeking Bar support

in the form of accounting support, website assistance and seed money to launch the program and buy books.

Rod concluded that the Executive Committee would review the proposal.

4. DISCUSSION OF PUBLIC RELATIONS VIA YOUTUBE AND SOCIAL MEDIA

Lincoln Mead presented a power point related to whether we want to explore expanding our public relations beyond radio ads to include social media. Examples of “extremely traditional media” include print format like the “Bar Journal” and radio. “Traditional media” includes digital messages, websites and blogs, email listservs and online CLE. “Social media” includes such things as LinkedIn, Twitter, Facebook, and YouTube. There is the potential for feedback and measuring effect with some of these tools, but not all.

Social media pros include low cost and low barrier, broader and more durable brand support and better feedback from a self-selected audience. The cons include more time, soft costs and long-term dynamic applications. Other concerns range from privacy to staff time to message control. We need to decide if we want “conversations” with members of the public, lawyers or both. Our communication goals will determine which network we use. For instance, Twitter is good for announcements but not so helpful for conversations.

5. PROPOSAL ON POTENTIAL SOCIAL MEDIA PUBLIC RELATIONS

John Youngren, Angie Welling, Jerald Conger and Tom Love were present for this discussion. This proposal expanded on the concepts presented during Lincoln’s discussion. Love Communications talked about possible applications with targeting the legal community (case studies, legal news, networking), focusing on appropriate media tools (Facebook, Twitter, YouTube and blogs) to reach the public with community service options like pro bono and low bono, general information (“How do I resolve a problem with my HOA?”) and civics education involving high schools or even Books from Barristers.

The group then presented a “tiered approach” to tackle enhanced communications as follows: (1) *Base level* with fewer resources/best practices (Facebook, twitter) but the need to develop a strategy first at 4-6 hours per month at \$150 per hour; (2) *mid level* with some resources/more interactive (includes base level plus “How do I” videos, YouTube) with production costs at 8 hours per month at \$150 per hour; and (3) *advanced level* (includes first two plus a \$2-2,500 cost per 2-4 minute video, web development, blog, and interactive features at 8-12 hours per month at \$150 per hour).

Love responded to a number of questions and finally recommended the advanced level. They will pull together a more concrete proposal bid within the next few weeks so that we can revisit this issue.

6. PRESENTATION AND APPROVAL OF PRO BONO COMMISSION PROJECT

BYU professor Jim Backman, Rob Rice (Commissioner), and Sue Crismon (Utah Legal Services) appeared for this part of the meeting. Rod introduced their presentation by commenting that there was a great need for co-ordination in this area to overcome the current patchwork pro bono network. This proposal is for a judicial-based Utah Pro Bono Commission with statewide volunteers using, in part, a check box on the Bar's annual licensing form. It will be an opt-in program utilizing a database. The Bar's pro bono co-ordinator would collect information about potential cases, input that information and screen cases in a centralized intake system. That person would distribute eligible matters to the eight judicial districts which empowers judges for assignment. The group noted that we are lagging behind pro bono efforts, even in the western United States and there is a huge, unmet need. We currently have approximately 92,000 civil cases annually and only 12,000 eligible individuals receive some type of legal service. ULS is currently turning away over 20,000 eligible cases a year.

The framework already exists to implement such a program through the Utah Supreme Court's Access to Justice Council. Free CLE would be provided for lawyers to learn how to handle cases (with CLE credit and recognition) and there would be a vigorous promotional campaign to increase awareness and aid with recruitment. Some applicable rules would need to be amended.

Funding needs would include a modest pay increase for an attorney candidate to fill the Bar's pro bono coordinator position. Some funding also would be required for judicial district commissions for clinic supplies and awards. In addition, overhead would be a factor including database maintenance, promotional activities and travel. Approximately \$20,000 would be required for initial expenses to launch the program in addition to the pro bono coordinator salary.

7. EXECUTIVE SESSION

Adjourned at 2 p.m.