



## Utah Supreme Court's Task Force on Regulatory Reform

December 18, 2019

3:00-4:30 p.m.

Scott M. Matheson Courthouse

Judicial Council Room, Suite

N31

450 South State Street

Salt Lake City, UT

84111

### ATTENDANCE

Name	Position	Present	By Phone	Excused
John Lund	Co-Chair	√		
Justice Deno Himonas	Co-Chair	√		
Justice Christine Durham (Ret.)	Member	√		
Thomas Clarke	Member		√	
Rebecca Sandefur	Member		√	
Heather Farnsworth	Member			√
Dean Gordon Smith	Member		√	
Lucy Ricca	Member			√
Gillian Hadfield	Member		√	
Margaret Hagan	Member		√	
Steven G. Johnson	Member	√		
Larissa Lee	Member	√		
Rob Jepson	Staff, Utah State Bar			√
Tyler Hubbard	Staff, Law Clerk	√		

# Utah Supreme Court's Task Force on Regulatory Reform

## Meeting Minutes DRAFT

December 18, 2019

Scott M. Matheson Courthouse  
Judicial Council Room, Suite N31  
450 S. State Street  
Salt Lake City, Utah 84111  
3:00 p.m.-4:30 p.m.

### Attendees:

Justice Deno Himonas, Co-Chair  
John Lund, Co-Chair  
Justice Christine Durham (Ret.)  
Steven Johnson  
Gillian Hadfield  
Rebecca Sandefur  
Thomas Clarke  
Margaret Hagan  
Dean Gordon Smith  
Larissa Lee

### Excused:

Heather Farnsworth  
Lucy Ricca  
Rob Jepson, Staff

### Staff:

Marina Kelaidis, Recording Secretary  
Tyler Hubbard, Staff

## 1. **Welcome and approval of December 4, 2019 minutes:** (John Lund)

John Lund welcomed everyone to the meeting and asked for approval of the minutes.

*Justice Himonas moved to approve the December 4, 2019 minutes. All committee members seconded the motion, and it passed unanimously.*

## 2. **Discussion – Review website:** (Justice Deno Himonas)

Justice Deno Himonas reported that the Utah Implementation Task Force on Regulatory Reform website has been completed and is live:

<https://sandbox.utcourts.gov/>.

Larissa Lee presented the website to the committee and gave a brief overview of the information included in each tab: Home, Report, Media, Events, and About. Ms. Lee reported that the Events tab currently does not have any information; however this section will include information on all future events related to the

Legal Regulatory Sandbox. Justice Himonas asked the committee to send their upcoming relevant speaking engagements to Rob and Larissa to be added to the Events tab.

Ms. Lee also presented the Connect tab, which is available for individuals to input their contact information to receive information on participating in the sandbox, getting updates on the Task Force's work, or submitting general feedback or questions. All inquiries and comments received from this tab will be directed to [sandbox@utcourts.gov](mailto:sandbox@utcourts.gov) email address, to which Ms. Lee has access. The contact information received from these connections will be logged into a Google Sheet, to which all committee members will have access on Google Drive. Ms. Lee will be fielding all inquiries and comments received, but can give other committee members access to the sandbox email as needed. Justice Himonas asked for these inquiries and comments to be included as a regular agenda item for the committee to review at all future committee meetings.

John Lund asked the committee for marketing ideas on how to get the word out about the newly completed website. Mr. Lund offered to contact the Utah State Bar for marketing opportunities. Margaret Hagen will email the individuals who expressed interest in the Legal Services Sandbox at the Berkeley seminar. Margaret Hagen, Gillian Hadfield, Dean Gordon Smith and Rebecca Sandefur will share the website on their Twitter pages. Larissa Lee will have the court's Public Relations department push the website on the court's social media pages and send an email to all of the court's employees and judges. Ms. Lee will also send an email with the website information to those that have previously contacted the committee and expressed an interest in the sandbox. Dean Gordon Smith will have the website pushed on the social media pages for Brigham Young University.

**3. Action – Final approval of regulatory scope document:** (All members)

All suggested changes to the Regulatory Scope for Task Force on Regulatory Reform and Sandbox received thus far have been implemented.

John Lund recommended changing the section title "Required to notify the Utah State Bar Task Force" on page two to be "Required to notify the Utah Supreme Court Task Force." Further Mr. Lund asked the committee to review the examples listed in the subparagraphs of this section to determine if this section articulates the information correctly. The committee agreed that this section adequately articulates the notification requirement of services not previously authorized, however Mr. Lund suggested that a more uniform style in the formatting of each section will help to clarify the information presented. Ms. Lee

will change the title and update the formatting.

*Justice Himonas moved to approve and adopt the regulatory scope document, subject to the correction of the Utah Supreme Court Task Force title and more concise formatting throughout. Steven Johnson seconded the motion and it passed unanimously.*

**4. Action – Final approval of data collection document:** (All members)

Gillian Hadfield asked the committee if the task force anticipates requiring sandbox participants to collect their own benchmark data for reporting to the data group. Ms. Hadfield posited that benchmark data will potentially be crucial for participants to measure their own success and should be reported to the task force.

Rebecca Sandefur agreed that benchmark data is essential for some the work of the task force and for evaluating the impact of the work on the system and markets. Ms. Sandefur reported the data group's hesitation of requiring participants to measure benchmark data as a potential barrier for organizations if the requirements are too costly. Ms. Sandefur reported that the data group will be meeting on Friday to discuss organizing focus groups with potential sandbox participants to measure what data collection efforts are achievable and reasonable for the participants.

Justice Himonas agreed that the data collection efforts are vital to the research, but is concerned that a mandatory requirement of data collection will place an entry barrier on potential lower socioeconomic participants. Ms. Hadfield clarified that she is not recommending a mandatory data collection requirement, but rather, is suggesting adding a bullet point to the suggestive list of data collection strategies and data sets in the document to include benchmark data whenever possible. Tom Clarke agreed that adding this proposed language would be beneficial. Justice Durham suggested that including more examples and sources of data that already exist to the data document may also be informative for lower socioeconomic participants.

Justice Durham suggested that a disclaimer should be added to both the regulatory scope and data collection documents informing participants that revisions will continually be made by the task force as more data and information are collected. Larissa Lee will add this notice to both documents and format this document and the regulatory scope document with the same formatting.

*Justice Himonas moved to approve and adopt the data collection document, subject to further review and revision of the document in future committee meetings. Steven Johnson seconded the motion, and it passed unanimously.*

**5. Discussion – Funding updates: (All members)**

Justice Himonas reiterated that SJI has authorized the task force to submit a formal grant proposal, which is due to SJI on February 1, 2020. Larissa Lee, Tom Clarke and Mike Harmond (Chief Justice Durrant’s law clerk) will be drafting the grant proposal. Justice Himonas reported that the Judicial Council must approve the grant and the task force must notify the Utah State Legislature.

**6. Other Business:**

Tom Clarke reported that he and Lucy Ricca are organizing workshops to meet with potential sandbox providers. They anticipate these workshops will focus on the data requirements and the feedback from the providers on this requirement. However, they are open to other subject matter suggestions for the workshops.

John Lund suggests that this committee still needs to adopt a rules revision initiative to coordinate with the Rules of Professional Conduct Committee. Steve Johnson reported that the Supreme Court has asked the committee to draft a proposal combining the advertising rules with Rule 5.4. Mr. Johnson also reported that the rules committee will not be meeting again until February. Justice Himonas suggested that the committee needs to draft an addition to Rule 14-802 that authorizes entry into the sandbox and approval through the sandbox for participation activities. The committee agreed with Justice’s proposal and Justice Himonas will review the rule and work with Ms. Lee to draft a proposed amendment to Rule 14-802.

**7. Adjournment and next meeting:**

The meeting adjourned at 4:00 p.m. The next meeting will be held on January 8, 2020 from 3:00 p.m. – 4:30 p.m. in the Judicial Council Room at Matheson Courthouse.