



Utah Supreme Court's Task Force on Regulatory Reform

Approved Meeting Minutes

July 8, 2020

Zoom Conference

3:00 p.m.–4:30 p.m.

Attendees:

Justice Deno Himonas, Co-Chair

John Lund, Co-Chair

Justice Christine Durham (Ret.)

Brody Arishita

Rob Jensen

Dean Gordon Smith

Heather Farnsworth

Heidi Anderson

Larissa Lee

Lucy Ricca

Nathanael Player

Steven Johnson

Thomas Clarke

Staff:

Tyler Hubbard, Law Clerk, Supreme Court

Helen Lindamood, Intern, Reg Reform TF

Absent:

Rep. Brady Brammer

Gillian Hadfield

Margaret Hagan

Rebecca Sandefur

Guests:

None

1. Welcome and approval of June 22, 2020 minutes: (John Lund)

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

Mr. Johnson moved to approve the June 22, 2020 minutes. J. Himonas seconded the motion, and it passed unanimously.

2. Discussion – Website (Justice Himonas, Heidi Anderson)

The Task Force discussed the proposal for a website build from Utah Interactive. While the proposal is generous, the proposal is just for the build of a new site using the entire website budget and not in a format which Court IT supports. By using all the budget just for the site build, there would be no room for change requests and IT would be left with a platform that they are not equipped to update. The platform Utah Interactive proposed, WordPress, is easy to

update for novices, but harder to secure – requires particular expertise which current court IT is not equipped to do. Utah Interactive did not include a quote on how much it would cost for them to host the site for us.

The proposal from Utah Interactive came from a gap in the current website managed by the Court's tech team. The needs include additional tab for status on applications, a portal for applicants and participants, and a more user-friendly design. Court IT believes that they can do some of these tasks currently but they are also currently overwhelmed with Court website update needs. Ms. Anderson suggested that if we did not spend the entire budget on a new site build, we could potentially put some money towards a paid student intern to manage the site.

Mr. Jepson circulated the quick site build he completed last month. Mr. Jepson is confident Ms. Lindamood can manage for the time being. Ms. Anderson will review the website's viability outside of the meeting with Mr. Arishata, and then meet with J. Himonas, Ms. Lindamood, Ms. Ricca, Ms. Lee, and Mr. Arishata. Members will also do some research on case management software that could be managed by an intern.

J. Himonas, Mr. Clarke, Ms. Ricca, and Ms. Lee will also discuss potentially hiring the intern before the establishment of the Office of the Innovation.

3. Discussion – Status of Outreach Efforts (All)

WLU program moderated by J. Durham on July 30, 2020. Ms. Sandefur will also be panelist.

The Elder law Bar section reached out to Mr. Lund about an outreach event which Mr. Lund will move forward in planning.

Mr. Lund and Ms. Ricca sat in on the Rules Committee meeting on July 6. Task Force members will hopefully be able to participate in a future meeting to discuss tweaking the proposed rule language with their expertise.

J. Durham and Dean Smith will have 15 minutes to present to the Bar Commission at their meeting on July 16 at 9:50 on the Task Force's efforts.

Mr. Lund and J. Himonas coordinating a press release on the current applications being considered.

4. Discussion—Old Business/ Application Recommendations (John Lund, Lucy Ricca)

Ms. Ricca presented the now four application recommendations to the Court which the small group has completed. One has previously been presented to the full Task Force and the Court but was updated for concision based on the feedback from the Court.

The four applications vary in their scope, but the small group believes that all four are appropriate to enter the Sandbox. The range in risk to the consumer from low to moderate. In the presentation, Ms. Ricca provided clarification on the data requirements of applicants should they be admitted and the risk evaluation as applied to the service provisions for which each applicant is seeking authorization.

The Court discussed the data gathering requirements and whether there were any additional data points which would identify, for example, a hidden asset missed in a divorce proceeding. The small group came to the current data requirements by trying to balance what data would indicate risk not currently faced by a consumer seeking an equivalent legal service authorized under the current regulatory rules without placing an undue burden on the applicants.

Mr. Player suggested adding a note to each Sandbox participant's service offerings that complaints about participants can be taken to the Sandbox to investigate whether discipline is appropriate, and no objections were raised.

J. Durham raised the concern of regulating applicants in the Sandbox who do not necessarily need to be in the Sandbox for their current offerings. Ms. Ricca clarified that the one applicant, which the small group found to be unclear whether it should be admitted based on offerings ready to launch upon approval, has plans to expand his offerings to those which should definitely be in the Sandbox in the near future.

The conversation on the three new applications will continue at the interim Task Force meeting scheduled Wednesday, July 15, from 3:00 – 4:30pm, at which point the Task Force will be prepared to vote whether to send the recommendations to the Court.

8. Adjournment and next meeting:

The meeting adjourned at 4:19 p.m. The next meeting will be held on July 15, 2020 from 3:00 – 4:30 p.m. via Zoom.