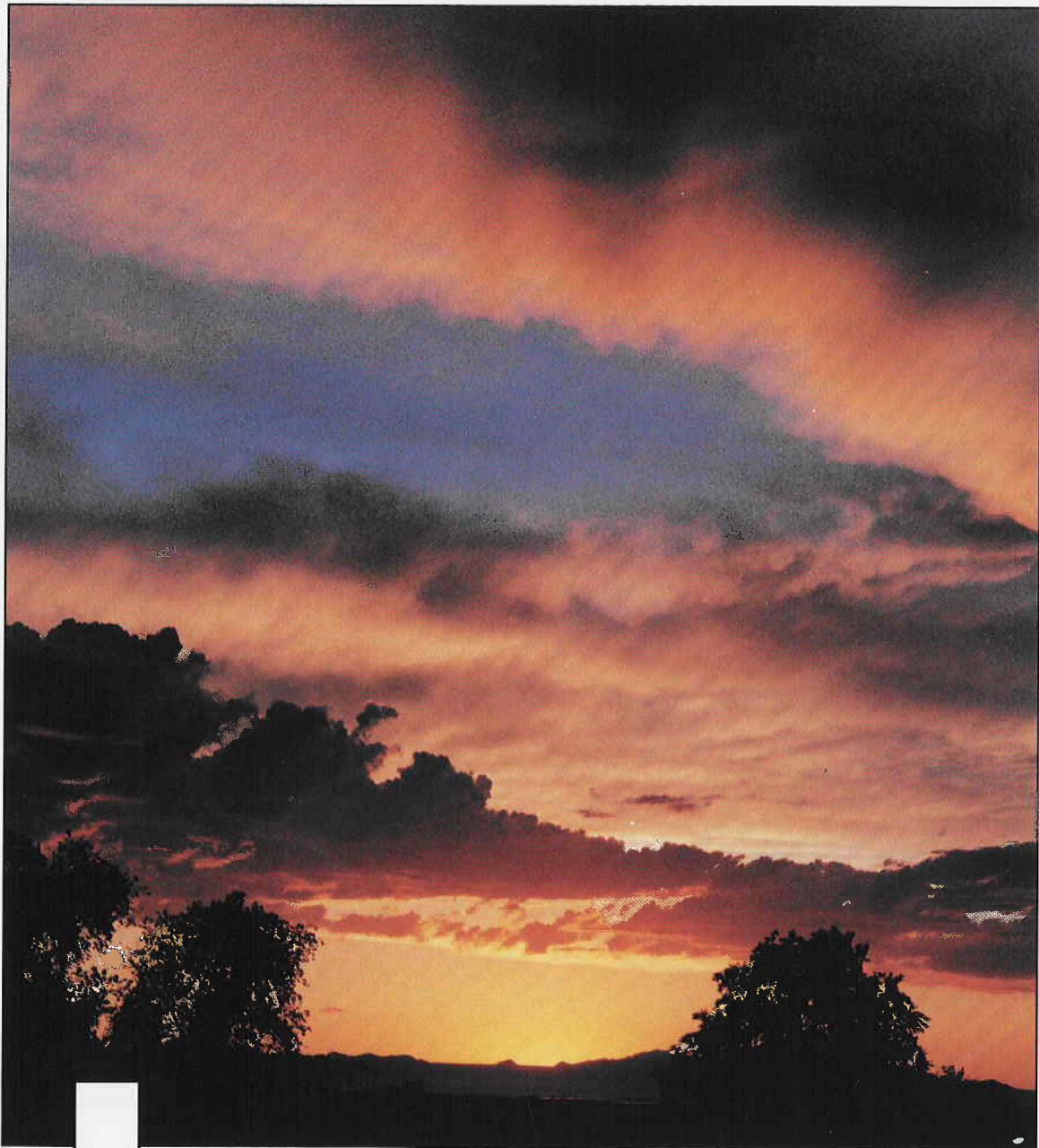


UTAH BAR JOURNAL

Vol. 4, No. 7

August/September 1991



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COVER: Sunset over Great Salt Lake, by Professor David A. Thomas, J. Reuben Clark Law School.

Members of the Utah Bar who are interested in having their photographs on the cover of the *Utah Bar Journal* should contact Randall L. Romrell, Associate General Counsel, Huntsman Chemical Corporation, 2000 Eagle Gate Tower, Salt Lake City, UT 84111, 532-5200. Send both the transparency and a print of each photograph you want to be considered. Artists who are interested in doing illustrations are also invited to make themselves known.

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LETTERS

Dear Editor:

I was distressed to read reported in the April issue of the *Utah Bar Journal* that I had left my position as Associate Bar Counsel to take a higher paying position with Northwest Pipeline Corporation, implying that I left the Office of Bar Counsel purely for financial reasons.

It is true that my position at Northwest Pipeline is better compensated. This should be no surprise to anyone who has some understanding of non-profit organizations and salaries. Increased pay for the Bar's professional staff is warranted, but money alone is not what maintains the dedicated staff who work for the Bar. The membership of the Bar should be proud of the extremely competent job the Bar staff does under very trying circumstances. Bar positions are not, however, career positions. Even though there have been some long-term employees, the majority have moved on to other positions. In my case, an opportunity arose that matched my career goals, was located in Salt Lake City, and, yes, did offer a better compensation package.

I enjoyed my two and one-half years as Associate Bar Counsel, and I hope that the Bar benefitted from my presence as much as I benefitted from the experience.

Sincerely,

Toni Marie Sutliff

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"What is the Bar?"

By James Z. Davis

In connection with his service on the Utah Supreme Court Task Force on the Management and Regulation of the Practice of Law, David Nuffer, one of our members from St. George, developed the following analysis:

Law is the societal structure which governs the relationship between people and the form of their government. Law is of the highest public interest because it preserves order and reflects consensus public values. Law effects equality because it reduces the collateral effects of economic, racial, gender, educational and other distinctions.

Lawyers are trained in the use of law. Because law is in the public domain, lawyers have a social responsibility that extends beyond the commerce of legal service. Lawyers have a duty to see that law fulfills its mission of preserving and developing social order, on an equal field. Lawyers should see that law results in justice. The legal system must respond to (and at the same time control) our changing and diverse society. The training lawyers have in the public sphere of law imposes upon them a public

responsibility. Their participation is required in the process of delivering law to the public and developing law for the public.

The Bar is traditionally the aggregation of those qualified to practice law. All who are recognized as having the skills to assist the public are licensed. The Bar, as a group, holds public trust, just as lawyers do. The Bar can serve as an organization to further the fulfillment of the public trust. With consideration for the abilities of lawyers to bear collective burden, while engaged in individual efforts to deliver and develop legal services, as well as in the maintenance of their own employment and practice, the Bar must do more than license and discipline lawyers. It is not enough to provide qualified practitioners to the market. The Bar should also promote the delivery of legal services to the public and the development of law consistent with social evolution. Therefore mandatory Bar association membership is required.

The Utah Supreme Court in *Barnard v. Utah State Bar*, 158 Utah Adv. Rep. 3 (1991), characterized the Bar as a private

organization assisting the court in the performance of its regulatory functions. "In addition, the Bar exists to promote the administration of justice in a variety of ways and to enhance professional competence through the dissemination of knowledge of legal principles. It also provides a number of services to the public and practicing lawyers." *Barnard*, 158 Utah Adv. Rep., at 5.

The Rules for Integration and Management of the Utah State Bar provide that, in addition to regulating admissions and discipline, it is the responsibility of the Bar:

... to foster and maintain on the part of those engaged in the practice of law high ideals of integrity, learning, competence and public service, and high standards of conduct, to provide a forum for the discussion of subjects pertaining to the practice of law, the science of jurisprudence, and law reform, to carry on a continuing program of legal research in technical fields of substantive law, practice and procedure, and to make reports and recommendations thereon, to encourage practices that will advance and improve the honor and dignity of the legal profession; and to the

end that the responsibility of the legal profession and the individual members thereof may be more effectively and efficiently discharged in the public interest"

Rules for Integration and Management of the Utah State Bar, as amended September 25, 1985.

During the last decade, the Utah State Bar not only experienced rapid growth and completed construction of the Utah Law and Justice Center, but gained a much deserved reputation as one of if not the finest bar organization of its size in the United States. That reputation was earned while carrying out the mandate of the Supreme Court set out in the Rules of Integration. Even after it became apparent that a dues increase was necessary to amortize the remaining debt on the Law and Justice Center and continue to fund Bar operations, only a small fraction of the Bar's approximately 5,200 members criticized that need.

In spite of the heavy burdens placed upon Bar leadership by the demands of the Task Force appointed by the Supreme Court, much has been accomplished in the past two years including identification and analysis of internal needs, complete reorganization of the finance department, installation of new management, installation of new computer software, and significant augmentation in the Office of Bar Coun-

sel. As a result of much of the foregoing, the Bar Commission now has at its disposal accurate, current financial information upon which to base ongoing management decisions. Indeed, the Bar is financially healthy for the foreseeable future, and the Commission is hopeful of building adequate depreciation reserves and amortizing the remaining debt on the building more quickly than currently scheduled.

During this difficult period, many hundreds of Bar members registered their votes and comments with their actions and labors; and it is a tribute to the dedication of those members that the broad functions performed by the Bar consistent with the aforesaid rules, decisions and philosophies continue intact

Your elected leaders remain dedicated to the principles and goals set out in those rules, decisions and philosophies, to-wit, service to the public, service to lawyers, and service to the judicial branch of government.

It is my view that the vast majority of our members are desirous of the maintenance of a strong Bar capable of responding in meaningful and timely fashion to the needs of the public, its members and the courts. Be assured that your leaders, together with the dedicated and able assistance of Bar staff, will continue to pursue those goals.

Utah B.J.

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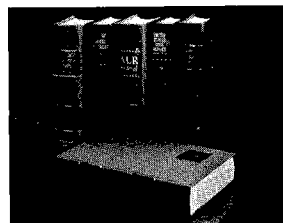
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