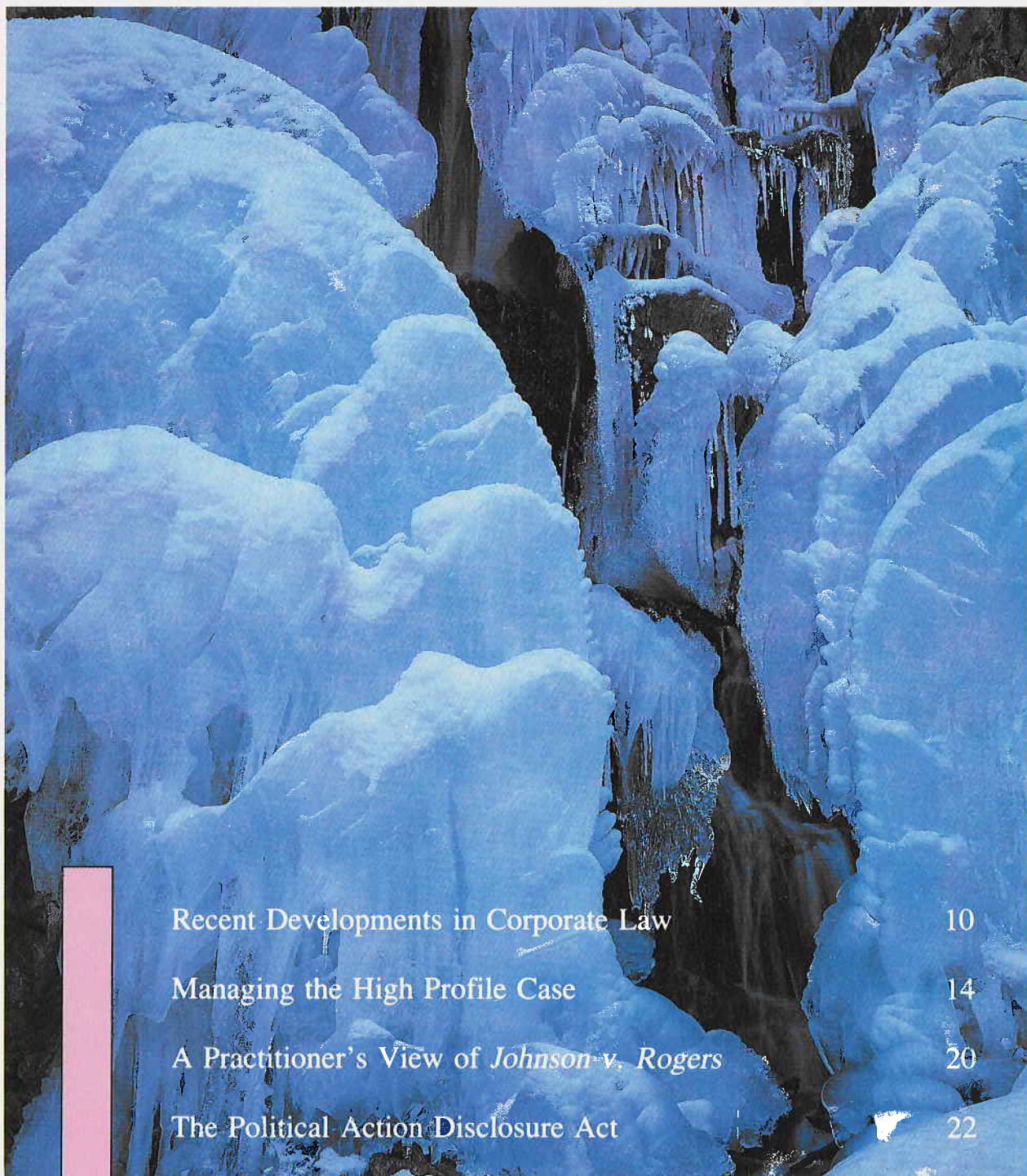


UTAH BAR JOURNAL

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January 1989



Recent Developments in Corporate Law	10
Managing the High Profile Case	14
A Practitioner's View of <i>Johnson v. Rogers</i>	20
The Political Action Disclosure Act	22

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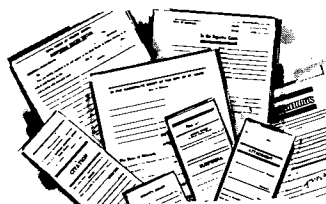


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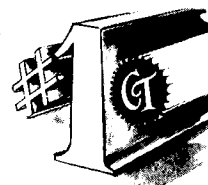


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UTAH BAR JOURNAL

Vol. 2, No. 1

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Letters	4
President's Message	6
Commissioner's Report	8
Recent Developments in Corporate Law <i>By P. Christian Anderson</i>	10
Managing the High Profile Case <i>By Chief Judge Bruce S. Jenkins</i>	14
A Practitioner's View of <i>Johnson v. Rogers</i> <i>By Kevin P. McBride</i>	20
The Political Action Disclosure Act <i>By Gordon D. Strachan and Gary R. Thorup</i>	22
State Bar News	25
Case Summaries	33
Views From the Bench <i>By Judge Timothy R. Hanson</i>	34
Legislative Report <i>By Douglas A. Taggart</i>	37
CLE Calendar	39
Final Say	40
Classified Ads	42

COVER: "Ice Formation in Big Cottonwood Canyon" by Chris P. Wangsgard, a partner in the firm of VanCott, Bagley, Cornwall & McCarthy.

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LETTERS

Editor:

"Autumn Cottonwoods" by Chris Wangsgard, which appeared on your November issue, was the most beautiful photograph I have ever seen on the cover of the *Utah Bar Journal*. Congratulations to you and to your photographer. I would very much like to own a print large enough for framing. . .

. . . I hope to see photos by Mr. Wangsgard on future issues of the *Utah Bar Journal*.

Marie Iverson, Secretary
ROGER NUTTALL AND ASSOCIATES
Salt Lake City, Utah

So does the staff of the Utah Bar Journal. The staff also welcomes the submission of photographs from others who would like to have their work considered for publication.

Editor

Editor:

I recently enjoyed reading an excellent booklet pertaining to the late Judge [Utah Supreme Court Justice] R. LeRoy Tuckett written by retired Utah Supreme Court Justice J. Allan Crockett.

I was very pleased and interested having been born and reared in Payson, Utah, a community adjoining the Santaquin area.

I knew Judge Tuckett well, and our Honorable Judge Allan Crockett was indeed very masterful in his discourse pertaining to Justice Tuckett and his private life. . .

. . . such a tribute is wonderful for our public to be more informed about these talented, willing individuals who have served us faithfully for so many years. Well done!

Thelma Smurthwaite
Salt Lake City, Utah

Editor:

The recent Utah Supreme Court case of *Johnson v. Rogers*, 90 Utah Adv. Rep. (1988), was reviewed in two separate articles in Volume I, No. 3, of the *Utah Bar Journal* (November 1988). The two articles contradicted each other as to what the Supreme Court said. In David Black's article "Punitive Damages in Utah," Mr. Black stated that "the Supreme Court reversed the trial court's summary judgment to the defendants and stated that in view of the facts, plaintiffs were entitled to a jury verdict on the question of whether NAC authorized the act or whether the employee was recklessly employed" (page 13). On page 23 of the same issue in "Case Summaries" by William D. Holyoak and Clark R. Nielsen, we find the following contradictory assessment:

In a partially concurring opinion, written by Justice Zimmerman and joined by Chief Justice Hall and Justice Stewart (thereby making it the view of a majority of the court on the issues it addressed), the three justices agreed that the restatement standard should apply, but concluded that the trial court should determine upon remand whether sufficient evidence existed to send the case to the jury on this issue.

I rather agree with Messrs. Holyoak and Nielsen.

Edward J. McDonough
Berman & O'Rorke
Salt Lake City, Utah

Mr. Black responds: The sentences referred to, suggesting that plaintiffs were entitled to a jury verdict, were phrased incorrectly and as the latter writer indicates, should have stated that plaintiffs may be entitled to a jury verdict if so determined by the trial court on remand.

INVITATION TO SUBMIT ARTICLES

Utah Bar Journal readers are invited to submit articles to be considered for publication in the *Journal*.

Articles should be topics and issues of current interest. Narrowly focused or highly specialized subjects should be treated in a way that is of general interest and understandability. Articles of a humorous or lighter nature will also be considered.

The *Utah Bar Journal* staff will seriously and conscientiously review all articles, but reserves the right to reject articles it considers, for example, inappropriate, poorly written, poorly researched, of too limited interest or to have been recently covered in earlier *Journal* issues.

Manuscripts must be typed, double spaced, and accompanied by brief biographical information about the author. Although there is no minimum or maximum length, the length of any article submitted must be reasonable and appropriate for the subject covered and must obviously fit within the physical limitations of the *Journal*. Submissions should be made to the *Utah Bar Journal*, State Bar Offices.

The *Journal* staff will edit punctuation, spelling and style as required. Articles may be cut as appropriate and needed, but cuts that are substantial or which could affect the overall impact of the article will not be made without consultation with the author.

If an article has been previously published elsewhere, the submission should include a statement that includes the name and type of publication, when it was published and any other information that would affect the editor's decision concerning publication in the *Journal*.

The editor also welcomes oral inquiries about possible articles.

