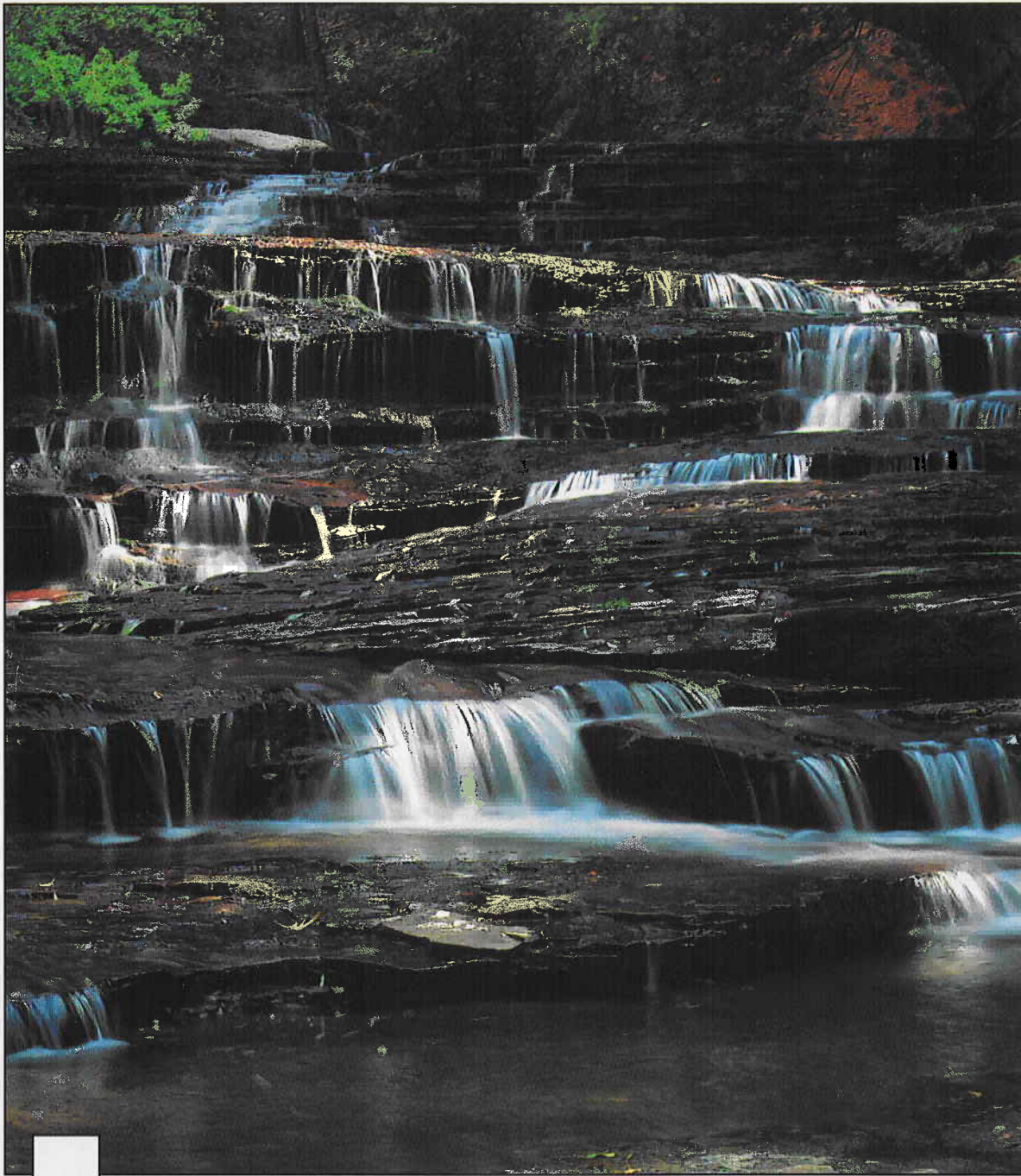


# UTAH BAR JOURNAL

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August/September 1994



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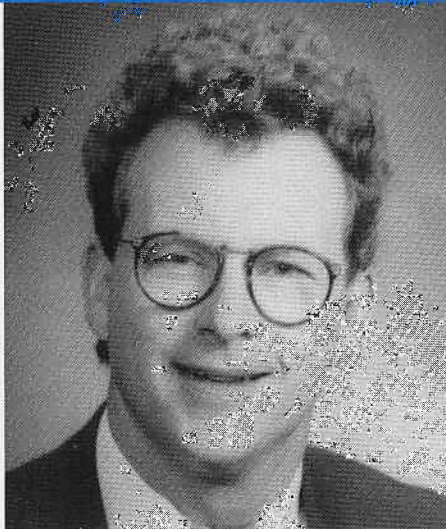
COVER: Great West Canyon, below "the Subway," Zions National Park, Utah, by  
Kent M. Barry, Esq., Assistant Attorney General.

Members of the Utah Bar who are interested in having photographs they have taken of Utah scenes published 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, Utah, 84111, 532-5200. Send both the slide, transparency or print of each photograph you want to be considered.

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## The First Shot!

By Paul T. Moxley

When Clegg handed me the gavel in Sun Valley he looked relieved and has now reached the pinnacle, (according to him), the immediate past-president of the bar. Jim served tirelessly as a bar leader. We found him to be thoughtful, energetic, seasoned and full of warm humor.

Things look much better now than when I started with the Bar Commission some five years ago. Many good people have come and gone in the interim. Fran Wilkstrom, last year's President of the Salt Lake County Bar, is new on the Board and David Nuffer is now representing the Fifth Division (all are areas of the state contiguous with Utah, Arizona, Colorado, Wyoming and Nevada) and he is well prepared inasmuch as he served on the Task Force with Jim Clegg, Jim Davis, Gayle McKeachnie, Pam Greenwood and others. Craig Snyder was also reelected for another term from Utah County and continues to represent all lawyers vigorously. The Commission is also getting along well with the two non-lawyers Ray Westergard and John Florez.

As things now stand, this year looks like clear sailing. Dennis Haslam, our new president-elect, and Steve Kaufman are on the executive committee and Charlotte

Miller is chairing a committee which will study the workings of our discipline system. We recognize that discipline is not popular with many and over the years it has been the philosophy to err in that office on the side of "process" because a belief that persons who file complaints should have a full hearing on their grievances. As many of you know, the number of complaints against lawyers have gone up geometrically. There are now four lawyers, two paralegals in the office and business is booming. We are going to study the entire process and we invite your input on this. The cost of operating this part of the bar is going up rapidly. From the standpoint of staff salaries alone, the increase has been over 300% since 1987 and over 100% since 1990. If we continue at this rate, little money will remain.

The mortgage on the Law and Justice Center has been paid off. Pam Greenwood burned the mortgage papers in the presence of Past-Presidents in Sun Valley and this is a significant event in bar history. We appreciate the support of bar members and the Supreme Court which resulted in this occurrence. The "double bill" exacted its toll from us all and mostly on those dedicated lawyers who pledged generously toward the project and then paid the "double bill". The Stephen H. Anderson dream for a Law &

Justice Building is now a paid for reality because of the efforts of Bar Commissioners, staff, lawyers and non-lawyers who donated to the effort of the Justice Center. We have a unique building and have every right to be proud of it.

A committee was formed last year which is engaged in long range planning and it will be making recommendations to the Board shortly on its views about future bar commitments to programs and operations. According to projections from the budget & finance committee, no dues increasing should be necessary until 2002. A variety of matters are being considered including funding a program for Pro Bono which would promote the ability of the Bar in assisting lay persons in meeting their unmet legal needs. A debate is occurring in some states about mandatory pro bono, but we have rejected that approach because of a belief that most Utah lawyers who are already donating significant pro bono time would oppose a requirement of providing such services.

The Long-Range Planning Committee defined the Bar's mission as:

Representing lawyers in Utah and to serve the public and the profession by promoting justice, professional excellence and respect for the law.

Its goals are:

To promote the administration of justice.

To uphold and elevate the standards of courtesy, ethics, competence, professionalism, public service and collegiality in the legal progression.

To provide improved access to legal services for the public.

To educate the public about the rule of law and their responsibilities under the law and to increase public understanding of the role of the legal profession within the system of justice.

To provide service to the public and to the judicial systems.

To provide services and benefits to lawyers.

To diversify participation of all lawyers in Bar activities.

We all recognize that there are many challenges for lawyers these days. We are studying a wide array of issues that effect all lawyers including the unauthorized practice of law, regulation of legal assistants, ethical issues, legislative changes, continuing legal education, discipline matters, admissions, running a facility and maintain-

ing Bar programs that are consistent with our mission, meeting the needs of the public, quality control for lawyers, etc., etc. At the same time because of the increase in the number of lawyers and the more diverse nature of our members, we find it more of a challenge to find consensus on matters and to complete our process in some sort of reasonable time frame. Regardless, we are happy to be making our contribution and are desirous of hearing from you concerning any and all Bar matters.

I look forward to my year as President and am happy to become better acquainted with you.

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## UTAH LEGAL SERVICES, INC. PRESENTS MONDAY BROWNBAG SEMINARS

Utah Legal Services, Inc. announces that each Monday it will conduct free brownbag seminars on various legal topics. These topics will be published each month in the *Utah Bar Journal*. The seminars will begin promptly at noon and end at 1:00 p.m. The Utah State Bar has donated the space in the Utah Law and Justice Center (645 South 200 East) so seating is limited. All those who desire to attend must contact Len Koprowski at 328-8891 or 1-800-662-4245 one week in advance. One hour CLE credit. (Topics are subject to change without notice.)

The topics for August, September and October are:

### AUGUST

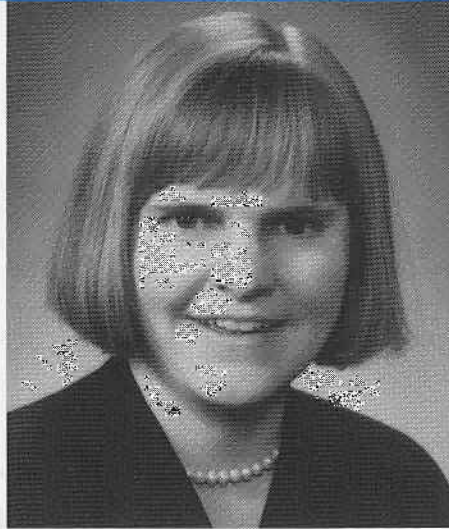
- August 1 – Bankruptcy Overview for the Unknowledgeable
- August 8 – Utah Mobile Home Park Act
- August 15 – Old Age Survivor Benefits & SSA Overpayments
- August 22 – Overview of a Social Security Disability Case
- August 29 – Legal Rights of Students Attending Public Schools

### SEPTEMBER

- September 5 – Holiday – Labor Day
- September 12 – Ethics: Unethical Fees – Rule 1.5
- September 19 – Divorce Overview/Annulment/Separate Maintenance
- September 26 – Paternity

### OCTOBER

- October 3 – Application of Attorney Fees on V.A. Cases/  
New Court of Veteran's Appeals
- October 10 – Holiday – Columbus Day
- October 17 – Juvenile Court Parental Rights Termination Case
- October 24 – Common Law and Other Legal Asepects of  
Non-Marital Cohabitation/Separation
- October 31 – Custody



## The Bar Response to Domestic Violence

By Denise A. Dragoo

The O.J. Simpson affair brought domestic violence to center stage when the "system" failed Nicole Brown Simpson. However, her death, the broadcast of her 911 call and the arrest of O.J. have impacted countless others. The Simpson case has motivated abuse victims to seek legal assistance in unprecedented numbers. During the first week of July, the Second District Court in Weber County, Utah reported filing 16 protective orders in one day.<sup>1</sup> The legal community in Utah is ready to meet this need.

Well before this issue achieved celebrity status, the Utah Judicial Council directed our attention to the urgent needs of victims of domestic violence. The March, 1990 *Report of the Utah Task Force on Gender and Justice* estimated that 34,600 women were abused in Utah yearly and only 1 in 10 cases of abuse was reported. Police, prosecutors and judges were found to routinely minimize domestic violence. Both victims and law enforcement personnel were confused as to legal remedies. The Task Force challenged the Bar, the judiciary, the legislature, police and social services to respond to these needs.

The Utah Legislature responded in 1991 by enacting the Cohabitant Abuse

Act authorizing the issuance of civil protective orders to victims of abuse. Utah's criminal statute was also reenacted in 1991 as the Cohabitant Abuse Procedures Act. This Act now requires the arrest of an abuser if: (1) there is probable cause of continued violence; (2) the abuser has caused the victim recent, serious bodily injury; or (3) the abuser used a dangerous weapon in the offense. The police must arrange for the victim's transportation for medical treatment or to a shelter or place of safety.

The Administrative Office of the Courts has also responded to make the courts more accessible to victims of domestic violence.<sup>2</sup> A uniform set of instructions has been developed to assist victims filing for protective orders. Effective July 15, 1994, these forms are available statewide from each district and juvenile court. Court clerks have been trained to help in the filing of *pro se* protective orders. The Legal Aid Society, local domestic violence coalitions and the district court will train advocates to walk victims through procedures to obtain a protective order.

A number of educational videotapes have been developed to assist the victims of domestic violence. Women Lawyers of Utah and the Diversity Committee of the Utah State Bar have produced two video-

tapes, financed primarily by a grant from the Utah Bar Foundation.

**1. Domestic Violence: Civil Rights**, explains the procedures for filing a civil protective order and walks a victim through the process of filling out forms, having them executed before a judge and going to hearing.

**2. Domestic Violence: Criminal Remedies**, provides a dramatization which shows police officers responding to a victim's call and making an arrest. The video describes situations in which abusers may be arrested or issued a citation and shows a prosecutor preparing a victim to testify and a portion of a criminal hearing.

The videotapes are distributed free of charge to women's shelters, rape crisis centers, public libraries, medical facilities and video outlets. Copies of the videotape may be obtained through the Domestic Violence Information Line at 1-800-897-LINK (1-800-897-5465).

The Utah Attorney General's Office is taking a proactive approach to domestic violence with the "Safe At Home" project. Attorney General Jan Graham has set the goal of introducing this program to every major employer in the State of Utah. The Attorney General uses two videotapes: one