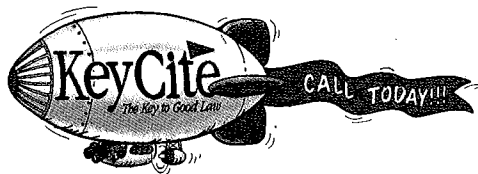


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**VISION OF THE BAR:** *To lead society in the creation of a justice system that is understood, valued, respected and accessible to all.*

**MISSION OF THE BAR:** *To represent lawyers in the State of Utah and to serve the public and the legal profession by promoting justice, professional excellence, civility, ethics, respect for and understanding of, the law.*

**COVER:** View of Mount Timpanogos from North Provo, Utah, by Judge Fred D. Howard.

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, Randle, Deamer, Zarr, McConkie & Lee, P.C., 139 East South Temple, Suite 330, Salt Lake City, UT, 84111-1169, 531-0441. Send a print, transparency or slide of each scene you want to be considered.

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## Letters to the Editor

Dear Editor:

In response to D. Kyle Sampson's article, *Can State Prisoners Sue Under Federal Disabilities Law?*, I commend his interest in persons whose voices often go unheard — those with mental and physical disabilities. The article's analysis of *Pennsylvania Department of Corrections v. Yeskey*, however call for a response. While Justice Scalia's opinion for a unanimous Court dispatches the article's legal arguments, we write to identify the increased social and financial costs from excluding prisons from ADA compliance.

Societal costs increase when inmates leave prison not understanding they are accountable for their actions. Legalizing disability discrimination and thereby punishing disabled inmates for conditions over which they have no control might increase self-centeredness and disrespect for the law; it will not, however, increase an inmate's sense of accountability.

Costs go up, not down, when inmates with disabilities are denied pre-release access to GED classes, technical education, or sex offender therapy. We know from years of dealing with the Utah Department of Corrections that, without the threat of ADA litiga-

tion, inmates with disabilities are often denied such programming. Interestingly, Mr. Sampson's article fails to mention that by denying the inmate in *Yeskey* access to the boot-camp program at issue, the inmate spent thirty-six months in prison at taxpayer expense, instead of the mere six months spent by other boot-camp participants.

The article erroneously dramatizes the cost of ADA compliance. The ADA, Title II, regulations expressly immunize governmental entities, including prisons, from any requirement that would cause a "fundamental alteration" to programs, or that would impose "undue financial and administrative burdens." 28 CFR §35.150(a)(3).

Basic questions of human decency and fairness aside, ADA compliance will save money and lives in the long run. Legalizing disability discrimination in the prisons will not.

Sincerely,

Lauren Barros

John Pace

Jensie Anderson

## The Utah Bar Journal

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1. Letters shall be typewritten, double spaced, signed by the author and shall not exceed 300 words in length.
2. No one person shall have more than one letter to the editor published every six months.
3. All letters submitted for publication shall be addressed to Editor, *Utah Bar Journal* and shall be delivered to the office of the Utah State Bar at least six weeks prior to publication.
4. Letters shall be published in the order in which they are received for each publication period, except that priority shall be given to the publication of letters which reflect contrasting or opposing viewpoints on the same subject.
5. No letter shall be published which (a) contains defamatory or obscene material, (b) violates the Code of Professional Conduct, or (c) otherwise may subject the Utah State Bar, the Board of Commissioners or any employee of the Utah State Bar to civil or criminal liability.
6. No letter shall be published which advocates or opposes a particular candidacy for a political or judicial office or which contains a solicitation or advertisement for a commercial or

business purpose.

7. Except as otherwise expressly set forth herein, the acceptance for publication of letters to the editor shall be made without regard to the identity of the author. Letters accepted for publication shall not be edited or condensed by the Utah State Bar, other than as may be necessary to meet these guidelines.

8. The Editor, or his or her designee, shall promptly notify the author or each letter if and when a letter is rejected.

### Interested in Writing an Article for the *Bar Journal*?

The editor of the *Utah Bar Journal* wants to hear about the topics and issues readers think should be covered in the magazine.

If you have an article idea or would be interested in writing on a particular topic, contact the editor at 566-6633 or write, *Utah Bar Journal*, 645 South 200 East, Salt Lake City, Utah 84111.



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For information, call Pat Gattion at 801.581.7481 or Connie Howard at the Utah State Bar  
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### Technology

by James C. Jenkins

Yesterday I received an e-mail entitled, "You Know You're From the 80's if . . .". I thought I would share a few of the answers with you here.

You Know You're From the 80's If:

- You remember three words: "Atari," "Apple," and "Pong."
- You remember the days that hooking your computer into your television wasn't an expensive option that required gadgets – it was the ONLY option.
- You owned a Trapper Keeper.
- "All-skate, change directions" means something to you.
- You know who shot J.R.
- You remember when your cable TV box had the 3 rows of numbers and you had to move the selector switch accordingly.
- You actually tried to turn on a jukebox by hitting it twice and say "Heey!"
- You remember Bo and Luke Duke.
- You remember when VCR's costs \$1,000.00
- It was a major accomplishment to get to the "Chase" scene in Ms. PacMan.

Not many of the answers fit me because I acknowledge I am from the 70's, however, it did get me thinking about how much things have changed in the last 20 years; especially when it comes to technology. I can remember when microwaves, VCR's, CD players and cell phones didn't exist. That wasn't that long ago. More troubling is the fact that I still don't know how to program any of them. I let the VCR blink 12:00 o'clock for months until I finally swallowed my pride and asked my 10 year old to fix it.

Now think about how much technology in the practice of law has changed. It wasn't that long ago that "word-processor" was a new term. Now look at what we are faced with in our practices: voice-mail, e-mail, networks, faxing, cell phones, on-line research, and the internet. I feel "connected", but I am not sure to what. If you are like me instead of being empowered, you feel intimidated and dependent. These changes have at times been overwhelming. Perhaps you too have felt the crush of technol-

ogy. Something that was suppose to provide us with more freedom, has only driven us to work more and get more done. Being "connected" can mean never leaving the office.

So what can we do? I suppose it is nice to imagine turning our backs on this type of change and continue doing things the same old way. What I am trying to do, instead, is put technology to work for me. E-mail is a great example. Problems that used to take two or three phone messages to address, are now solved in a series of e-mail exchanges and the responses are often more complete. A document can be attached electronically so I can edit it and return it quickly. The client is happier and so am I.

One of the many things that the Bar is doing for our members is to provide up-to-date information on law practice technology. Folks like Brent Israelsen, Commissioner David Nuffer and Toby Brown are constantly providing instruction and advice on how we can use technology to be more productive at reasonable cost. In large measure, Utah has become recognized nationwide as a leader in technology programs due to their efforts. I urge you to check out the Bar's web site at [www.utahbar.org](http://www.utahbar.org), read the "In re Technology" feature by Beckman and Hirsch each month in the *ABA Journal*, and sign up for one of the many CLE technology instruction courses sponsored by the Bar.

I encourage you to face and even embrace technology. The Bar is working to bring you information on technology so that it is easier for you to take advantage of these tools. I know change can be difficult but the alternative is likely worse. Hopefully this technology issue of the Bar Journal will provide you with one more piece to the puzzle and open your eyes to some new possibilities. Special thanks goes to Toby Brown who e-mailed much of the material to me to prepare this message. And, as always, I welcome your thoughts and comments. Write or call me. My e-mail address is [jjenkins@n1.net](mailto:jjenkins@n1.net).

