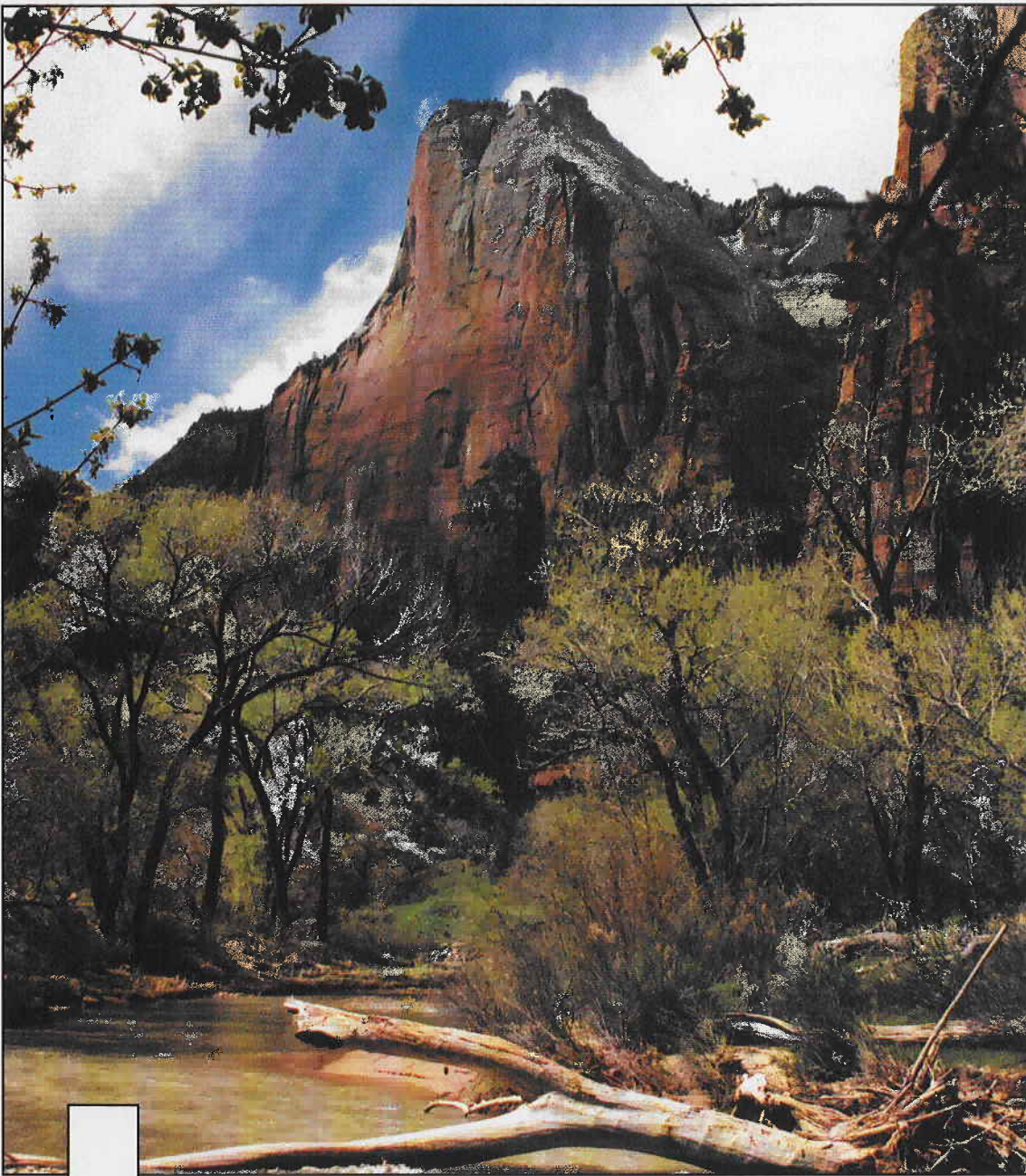


UTAH BAR JOURNAL

Vol. 8 No. 5

May 1995



Franchising Your Client's Business	10
Utilizing Your Support Staff: Law Librarians and the Legal Community	15
"Loser Pays" — Justice for the Poorest and the Richest, Others Need Not Apply	18
How To . . . Effectively Collect a Debt – Part I Checklist for Developing Definitive Strategies	21
Book Review "To Kill A Mockingbird"	42

NOW
WITH
WEST'S UTAH
CODE AND UTAH
ADMINISTRATIVE CODE!

CHOOSE THE COMPLETE CD-ROM SOURCE FOR UTAH ATTORNEYS

West CD-ROM Libraries™ offer you not only *Utah Reporter™*, *West's® Utah Code™* and *Utah Administrative Code* on versatile CD-ROM, but *USCA®* and *federal case law*, including *West's® Tenth Circuit Reporter™* and *West's Federal District Court Reporter™ – Tenth Circuit* (coming soon).

Utah Reporter on West CD-ROM includes reported decisions from 1945 to date, Attorney General Opinions from 1977 to date and pagination to *Pacific Reporter®*, 2d. *Weekly Pacific Reporter*, 2d, advance sheets and quarterly disc updates keep you current.

WEST EDITORIAL ENHANCEMENTS GIVE YOU BETTER RESULTS.

West CD-ROM Libraries with West's exclusive editorial enhancements give you better results, fast.

- *Case Synopses* help you determine relevancy of the case fast.
- *Headnotes* summarize the main points of law in each case.
- *Key Numbers* help you pinpoint your search to a specific point of law.
- *Synonymous legal terms* give you more terms to match for better search results.

CONVENIENT NEW CONNECTION TO WESTLAW®.

Access WESTLAW as part of your West CD-ROM subscription to update your research, authority-check citations and **expand your research to other jurisdictions**, for complete research without leaving your desk.

"JUMPABILITY" KEEPS YOUR RESEARCH MOVING FAST.

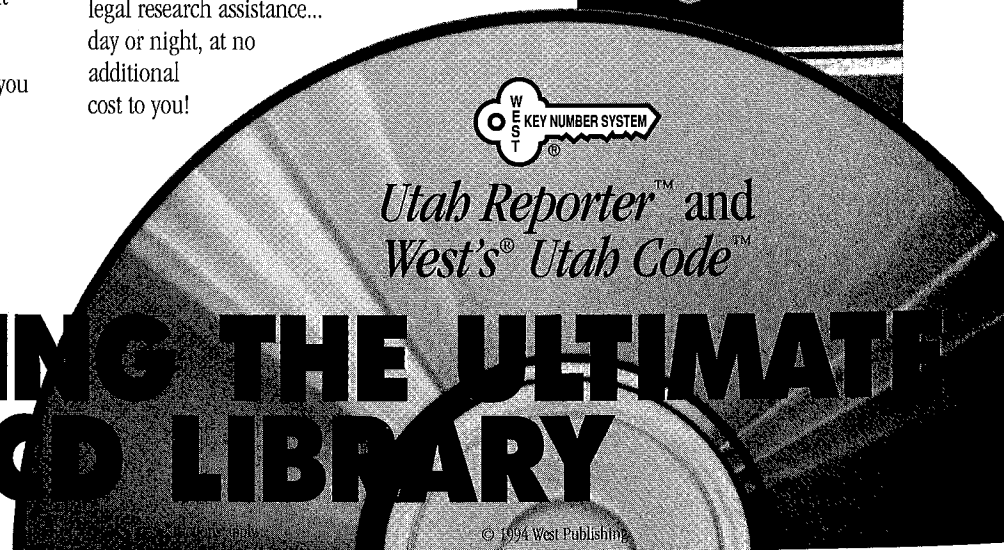
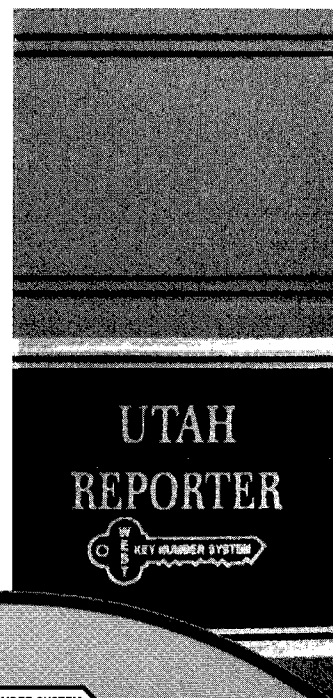
Hypertext links let you jump from a citation within an opinion to the full-text of the opinion and back again instantly, with the push of a button. In addition, PREMISE® Research Software tracks every step you make—automatically, so you can find your place and maintain an accurate record of your research. PREMISE also tracks client research time for billing!

UNPARALLELED CUSTOMER SERVICE.

West Customer Service and Reference Attorneys give you technical help or expert legal research assistance... day or night, at no additional cost to you!

FIND OUT MORE ABOUT
WEST CD-ROM LIBRARIES
FOR UTAH AND THE SPECIAL
OFFERS NOW IN EFFECT.* CALL:

1-800-255-2549
ext. 743



WEST BUILDING THE ULTIMATE UTAH CD LIBRARY

Published by The Utah State Bar

645 South 200 East
Salt Lake City, Utah 84111
Telephone (801) 531-9077

President

Paul T. Moxley

President-Elect

Dennis V. Haslam

Executive Director

John C. Baldwin

**Bar Journal Committee
and Editorial Board****Editor**

Calvin E. Thorpe

Associate Editors

M. Karlynn Hinman
William D. Holyoak
Randall L. Romrell

Articles Editors

David Brown
Christopher Burke
Lee S. McCullough

Letters Editor

Victoria Kidman

Views from the Bench Editors

Judge Michael L. Hutchings
Judge Stephen VanDyke

Legislative Report Editors

Lisa Watts Baskin

Case Summaries Editors

Scott A. Hagen
Clark R. Nielsen

Book Review Editor

Betsy L. Ross

"How to . . ." Editors

Brad Betebenner
David Hartvigsen
Patrick Hendrickson

Judicial Profiles Editors

Marnie Funk
Derek Pullan
Stephen K. Christiansen

ADR Editor

Cherie P. Shanteau

Law and Technology Editor

R. Bruce Findlay

Glen Cook
David Erickson
Thomas Jepperson
J. Craig Smith
Denver Snuffer
Judge Homer Wilkinson
Michael O. Zabriskie

Committee Liaison

Maud C. Thurman

UTAH BAR JOURNAL

Vol. 8 No. 5

May 1995

Letters	4
President's Message	5
<i>by Paul T. Moxley</i>	
Commissioner's Report Some of My Best Friends are Lawyers	7
<i>by John Florez</i>	
Franchising Your Client's Business.....	10
<i>by Jeffery C. Swinton</i>	
Utilizing Your Support Staff: Law Librarians and the Legal Community.....	15
<i>by Marsha C. Thomas</i>	
"Loser Pays" — Justice for the Poorest, and the Richest, Others Need Not Apply	18
<i>by Francis J. Carney</i>	
How To . . . Effectively Collect a Debt — Part I Checklist for Developing Definitive Strategies.....	21
<i>by Jeffery Weston Shields</i>	
State Bar News	25
Judicial Profile Judge Glen R. Dawson	34
<i>by Marnie Funk</i>	
The Barrister.....	35
Views from the Bench A New View From the Utah Court of Appeals	37
<i>by Judge M.J. Wilkins</i>	
Book Review	42
Utah Bar Foundation	43
CLE Calendar	47
Classified Ads.....	48

COVER: Spring Comes to Zions National Park by Mark Dalton Dunn of
Dunn & Dunn.

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.

The *Utah Bar Journal* is published monthly, except July and August, by the Utah State Bar. One copy of each issue is furnished to members as part of their State Bar dues. Subscription price to others, \$30; single copies, \$4.00. For information on advertising rates and space reservation, call or write Utah State Bar offices.

Statements or opinions expressed by contributors are not necessarily those of the Utah State Bar, and publication of advertisements is not to be considered an endorsement of the product or service advertised.

LETTERS

Dear Editor:

I was interested in Judge Wilkins' article in the April issue of the *Utah Bar Journal*.

I agree a hundred percent with his analysis of the abuse, by way of jokes and recriminating statements which, we lawyers must bear. However, I wonder if there is not another side to those kinds of comments which we should consider.

As a case in point, a couple weeks ago I went to the golf course to get nine in late in the afternoon. It was crowded and the pro suggested if I wanted to go on, I might join a threesome just making the turn.

I introduced myself and asked if I might join them, none of whom I knew. They politely agreed, but it was clear they just as soon I hadn't. For about five holes I

played my game and they played theirs.

Then one of the three apparently felt he had to show some sign of congeniality and asked me what I did.

When I told him I was a lawyer, they all perked up, made the obligatory comments such as, "good thing I didn't tell my favorite joke," etc. But, from that point on, it was like I was an old friend, talking with me, asking my opinion on a multitude of issues (some of which I probably should have charged for) and generally treated me in an entirely different manner than they had before they knew my profession.

The point is, it was not me that suddenly inspired respect, it was that I was a lawyer and while people may talk "trash" about us behind our backs, they generally, I have found, speak to and treat us as individuals

with respect.

Perhaps we should do as Judge Wilkins suggests as a profession and at the same time strive harder to be considerate.

I was impressed with Karl Malone's response when he was vigorously criticized by a fellow NBA basketball player. While I can't quote him precisely, it was something to the effect, . . . I just play the game the best I can and pay no attention to such statements.

Maybe we too need to just do our jobs the best we can and pay no attention to the jokes about us.

I'm never embarrassed or ashamed to tell a new acquaintance that I'm a lawyer.

J. MacArthur Wright

We are pleased to announce the merger of
Clyde, Pratt & Snow and Swenson & Vogel

The firm name is now
Clyde, Snow & Swenson

Rodney G. Snow
Steven E. Clyde
Hal N. Swenson
William Vogel
Theodore Boyer, Jr.

Edwin C. Barnes
Gary L. Paxton
Neil A. Kaplan
D. Brent Rose
Stephen B. Doxey

Anneli R. Smith
Susannah E. Kesler
Amanda Dickson Seeger
Of Counsel:
Elliott Lee Pratt

Clyde, Snow & Swenson
A Professional Corporation
One Utah Center, Suite 1000
201 South Main Street
Salt Lake City, Utah 84111-2208
Telephone: (801) 322-2516
Facsimile: (801) 521-6280

