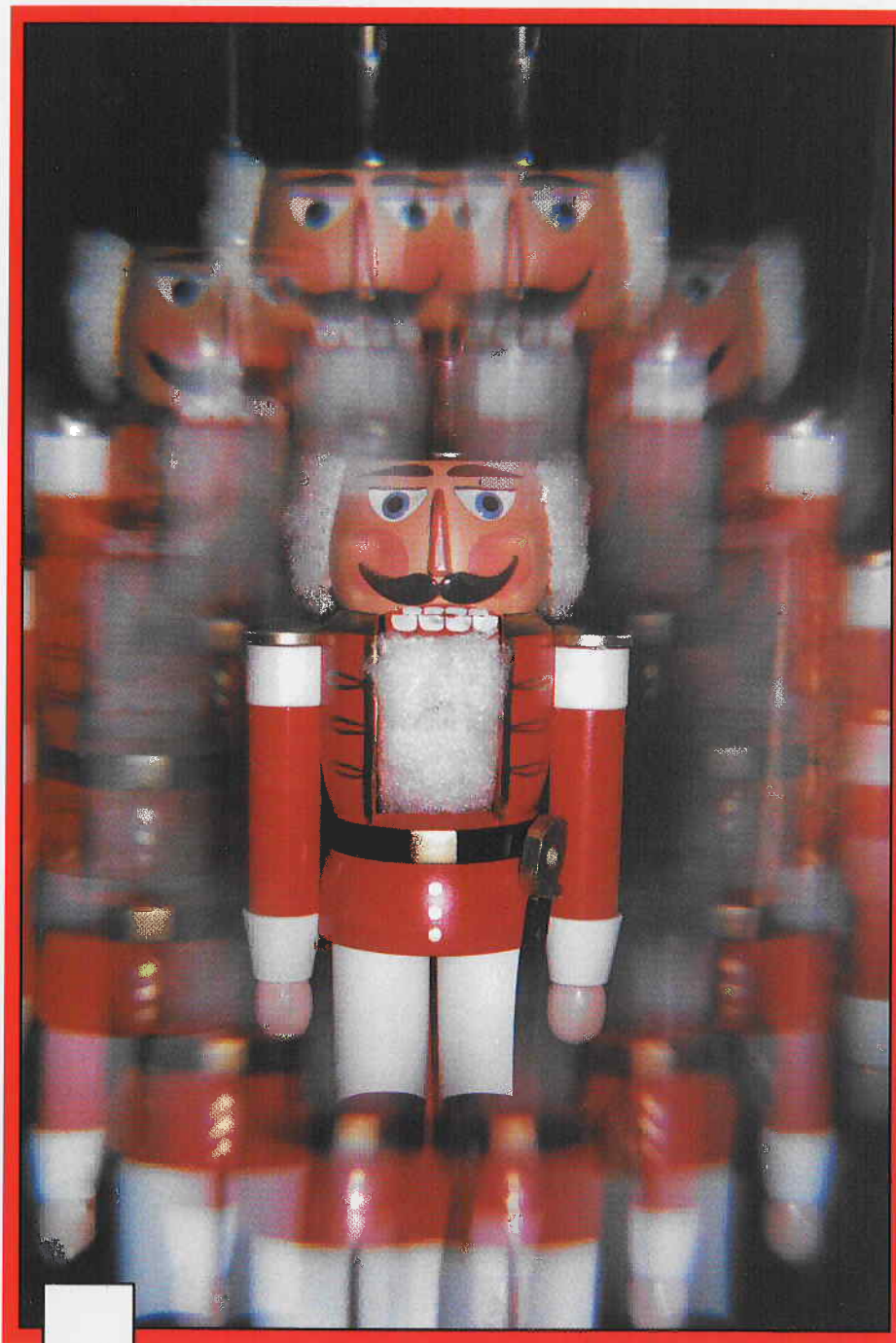


UTAH BAR JOURNAL

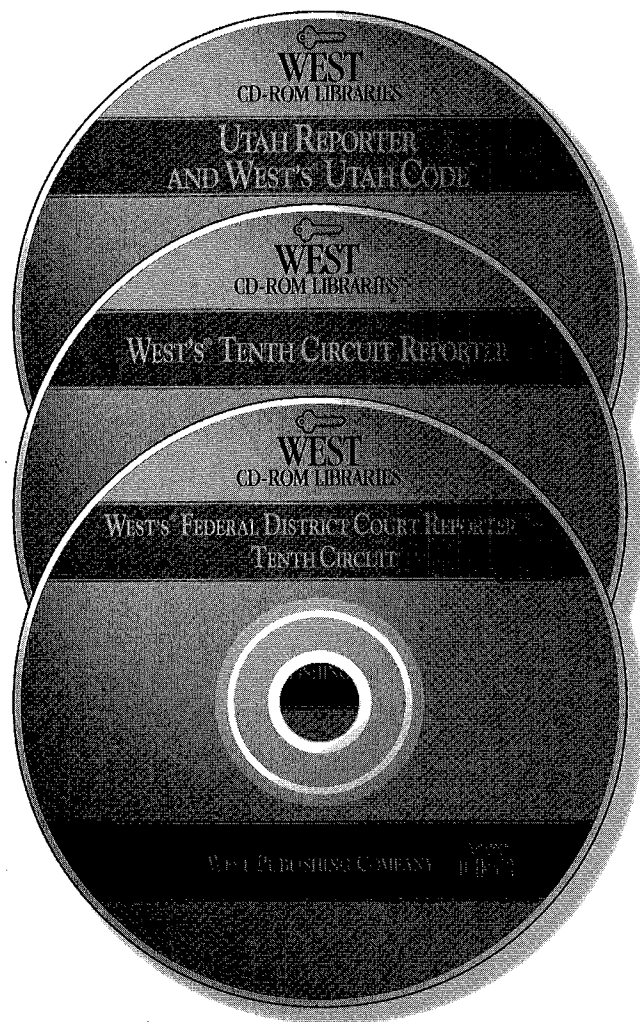
Vol. 9 No. 10

December 1996



The Recovery of Attorney Fees in Utah: A Procedural Primer for Practitioners – Part I	10
ISO 14000 and Environmental Management Systems in a Nutshell	15
The Mystique of “Going Offshore”	19
Workflow and Group Ware	35

West. The most complete CD-ROM library in Utah.



"My experience has shown that West CD-ROM is by far the superior product available for Utah....With the Key Number searching capacity I have with West CD-ROM, I have many more research options and abilities."

E. Hunt, Salt Lake City, UT

UTAH REPORTER™ AND WEST'S® UTAH CODE™ ON CD-ROM GIVES YOU:

- ▶ Utah case law as reported in *Pacific Reporter*®, 2d from 1945 to date
- ▶ Utah Attorney General Opinions from 1977 to date
- ▶ Utah Administrative Code
- ▶ Slip Opinions
- ▶ Utah Code
- ▶ State Constitution
- ▶ Utah Court Rules
- ▶ Utah Orders
- ▶ Session laws, as necessary due to legislative action

West CD-ROM Libraries™ give you West's exclusive editorial enhancements, including West Topics and Key Numbers, for focused results and faster research.

NEW—NATURAL LANGUAGE SEARCHING!

Now searching with PREMISE® Research Software makes West CD-ROM research as easy as typing your issue in plain English.

ALSO AVAILABLE ON CD-ROM:

West's Tenth Circuit Reporter™ and West's Federal District Court Reporter™—Tenth Circuit.

**FIND OUT MORE
ABOUT WEST CD-ROM LIBRARIES
FOR UTAH.
CALL 1-800-255-2549 EXT. 746**

For information about other West Publishing products and services, visit us on the Internet at the URL:
<http://www.westpub.com>

**WEST
CD-ROM
LIBRARIES™**



Published by The Utah State Bar

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

President

Steven M. Kaufman

President-Elect

Charlotte L. Miller

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

Christopher Burke
Lee S. McCullough

Letters Editor

Victoria Kidman

Views from the Bench Editors

Judge Michael L. Hutchings
Judge Stephen VanDyke

Legislative Report Editor

Lisa Watts Baskin

Case Summaries Editors

Scott A. Hagen
Clark R. Nielsen

Book Review Editor

Betsy L. Ross

"How to . . ." Editors

Brad Betebner
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

Young Lawyer Representatives

Mark E. Burns
Erik A. Christiansen

Glen Cook
David Brown
David Erickson
Thomas Jepperson
J. Craig Smith
Denver Snuffer
Judge Homer Wilkinson

Committee Liaison

Maud C. Thurman

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.

Letters to the Editor.....	5
President's Message	6
by <i>Steven M. Kaufman</i>	
Commissioner's Report	8
by <i>Craig M. Snyder</i>	
The Recovery of Attorney Fees in Utah: A Procedural Primer for Practitioners – Part I.....	10
by <i>James E. Magleby</i>	
ISO 14000 and Environmental Management Systems in a Nutshell.....	15
by <i>Craig D. Galli</i>	
The Mystique of "Going Offshore"	19
by <i>David D. Beazer</i>	
State Bar News	23
The Barrister.....	33
Law and Technology	35
by <i>David Nuffer</i>	
Views from the Bench.....	39
by <i>Judge Ronald Nehring</i>	
Utah Bar Foundation	41
CLE Calendar	42
Classified Ads.....	43

COVER: Nutcraker Images, submitted by Calvin E. Thorpe, Salt Lake City, Utah.

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, Romrell & Lee, P.C., 139 East South Temple, Suite 330, Salt Lake City, UT, 84111-1169, 531-0441. Send a slide, transparency or print of each scene 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.

DIRECTORY OF BAR COMMISSIONERS AND STAFF

BAR COMMISSIONERS

Steven M. Kaufman
President
205 26th Street, #34
Ogden, UT 84401
Tel: 394-5526 • Fax: 392-4125

*Daniel D. Andersen
560 East 200 South, #230
Salt Lake City, UT 84102
Tel: 366-7471 • Fax: 366-7706

Charles R. Brown
One Utah Center
201 South Main Street #1300
Salt Lake City, UT 84111-2215
Tel: 532-3000 • Fax: 532-8736

Scott Daniels
10 Exchange Place #1100
Salt Lake City, UT 84111
Tel: 521-9000 • Fax: 363-0400

Denise A. Dragoo
50 South Main Street, Suite 1600
P.O. Box 45340
Salt Lake City, UT 84145
Tel: 532-3333
Fax: 534-0058 or 237-0406

John Florez
614 Aloha Road
Salt Lake City, UT 84103
Tel: 532-5514 • Fax: 364-2818

*H. Reese Hansen
348 A JRCB
Brigham Young University
Provo, UT 84602
Tel: 378-4276
Fax: 378-3595 or 378-2188

*Dennis V. Haslam
175 West 200 South, Suite 4000
P.O. Box 2668
Salt Lake City, UT 84110-2668
Tel: 322-2222 • Fax: 532-3706

James C. Jenkins
88 West Center Street
P.O. Box 525
Logan, UT 84323-0525
Tel: 752-1551 • Fax: 753-2699

*Sanda Kirkham
4516 South 700 East #100
Salt Lake City, UT 84107
Tel: 263-2900 • Fax: 263-2092

*James B. Lee
201 S. Main Street #1800
Salt Lake City, UT 84111
Tel: 532-1234 • Fax: 536-6111

Charlotte L. Miller
Summit Family Restaurants Inc.
440 Lawndale Drive
Salt Lake City, UT 84115
Tel: 463-5553 • Fax: 463-5585

Debra J. Moore
Attorney General's Office
160 East 300 South, Fl. 6
P.O. Box 140856
Salt Lake City, UT 84114-0856

Tel: 366-0132 • Fax: 366-0101

*Paul T. Moxley
111 E. Broadway #880
Salt Lake City, UT 84111
Tel: 363-7500 • Fax: 363-7557

David O. Nuffer
90 East 200 North
P.O. Box 400
St. George, UT 84770-0400
Tel: 674-0400 • Fax: 628-1610

*Steven Lee Payton
431 South 300 East #40
Salt Lake City, UT 84111-3298
Tel: 363-7070 • Fax: 363-7071

*Beatrice M. Peck
134 South 700 West
Salt Lake City, UT 84104
Tel: 533-9208 • Fax: 537-1312

Craig M. Snyder
120 East 300 North
P.O. Box 778
Provo, UT 84603
Tel: 373-6345 • Fax: 377-4991

*Lee E. Teitelbaum
College of Law
University of Utah
Salt Lake City, UT 84112
Tel: 581-6571 • Fax: 581-6897

Ray O. Westergard
170 South Main Street #1000
Salt Lake City, UT 84101
Tel: 531-6888 • Fax: 322-0061

Francis M. Wikstrom
201 S. Main Street #1800
P.O. Box 45898
Salt Lake City, UT 84145-0898
Tel: 532-1234 • Fax: 536-6111

D. Frank Wilkins
50 South Main Street #1250
Salt Lake City, UT 84144
Tel: 328-2200 • Fax: 531-9926

* Ex Officio

UTAH STATE BAR STAFF
Tel: 531-9077 • Fax: 531-0660

Executive Offices
John C. Baldwin
Executive Director
Tel: 297-7028
E-mail: jbaldwin@utahbar.org

Richard M. Dibblee
Assistant Executive Director
Tel: 297-7029
E-mail: rdibblee@utahbar.org

Mary A. Munzert
Executive Secretary
Tel: 297-7031
E-mail: mmunzertn@utahbar.org

Katherine A. Fox
Associate General Counsel
Tel: 297-7047
E-mail: jbaldwin@utahbar.org

Access to Justice Program
Tobin J. Brown

*Access to Justice Coordinator
& Programs Administrator*
Tel: 297-7027
E-mail: tbrown@utahbar.org

Attorney Recruitment
Special Projects
Legal Assistants Division
Youth Education Project

Rex W. Olsen
Pro Bono Project
Tel: 297-7049
E-mail: rolsen@utahbar.org

Admissions Department
Darla C. Murphy
Admissions Administrator
Tel: 297-7026
E-mail: dmurphy@utahbar.org

Admission Issues
Bar Examination
Certificates of Good Standing
Membership/Status Changes

Lynette C. Limb
Admissions Assistant
Tel: 297-7025
E-mail: llimb@utahbar.org

Admissions Questions
Member Benefits Liaison

Bar Programs & Services
Maud C. Thurman
Bar Programs Coordinator
Tel: 297-7022
E-mail: mthurman@utahbar.org

Client Security Fund
Domestic Violence Clinic Information
Delivery of Legal Services Committee
Staff Liaison
Fee Arbitration
Speakers Bureau
Utah Bar Journal Staff Liaison
Unauthorized Practice of Law Committee
Staff Liaison

**Continuing Legal
Education Department**
Monica N. Jergensen
CLE Administrator
Tel: 297-7024
E-mail: mjergens@utahbar.org

CLE Seminar Planning
Annual & Mid-Year Meetings

Holly K. Hinckley
CLE Assistant
Tel: 297-7033
E-mail: hhinckle@utahbar.org

CLE Video Tapes Library
Section Support
Seminar Registration

Natalie Wood
Program Assistant
Tel: 297-7032

Finance Department
J. Arnold Birrell
Financial Administrator
Tel: 297-7020
E-mail: abirrell@utahbar.org

Accounting
Change of Address
Licensing
Mailing Label Orders
Member Data Base Management

Joyce N. Seeley
Financial Assistant
Tel: 297-7021
E-mail: jseeley@utahbar.org

Accounts Payable
Accounts Receivable

Lawyer Referral Services
Diane J. Clark
LRs Administrator
Tel: 531-9075
1-800-698-9077
Lawyer Referral Service Calls
Sign Up Information

Law & Justice Center
Marie Gochnour
Law & Justice Center Coordinator
Tel: 297-7030
E-mail: @utahbar.org
Law & Justice Center Operations
Meeting Space Reservations & Catering

Receptionist
Summer Pollard (a.m.)
Kim L. Williams (p.m.)
Tel: 531-9077
Attorney Address/Telephone Information
Publication Purchases:
Probate Forms & Bar Journal
Model Questions & Answers
Bar Examination Applications
Tuesday Night Bar

**Other Telephone Numbers &
E-mail Addresses
Not Listed Above**

Bar Information Line:
297-7055

Mandatory CLE Board:
297-7035
E-mail: mcle@utahbar.org

Office of Attorney Discipline:
531-9110
E-mail: oad@utahbar.org

Member Benefits:
297-7025
E-mail: ben@utahbar.org

**Office of
Attorney Discipline**
Tel: 531-9110 • Fax: 531-9912

Stephen R. Cochell
Chief Disciplinary Counsel

Carol A. Stewart
Deputy Chief Disciplinary Counsel

Charles A. Gruber
Assistant Disciplinary Counsel

Mark Y. Hirata
Assistant Disciplinary Counsel

Kate A. Toomey
Assistant Disciplinary Counsel

Dana M. Kapinos
Secretary to Disciplinary Counsel

Stacey A. Kartchner
Secretary to Disciplinary Counsel

Gwen M. Kittel
Secretary to Disciplinary Counsel

Niki A. Mast
*Secretary to Disciplinary Counsel
Administrative Support Clerk*

Robbin D. Schroeder
Administrative Support Clerk

Shelly A. Sisam
Paralegal

LETTERS

Dear Editor:

I deeply appreciate the Bar's response to pro bono needs since I wrote my August 7, 1995 letter to this Editor proposing fee waivers and more technical help for pro bono attorneys. I am gratified that: 1) lawyers on inactive status may now take pro bono cases through LAS & ULS without paying full active fees; and 2) Rex Olsen is now on board full-time to provide technical support for pro bono cases. I cannot emphasize enough how much it means to me personally to believe that my suggestions "did not fall on deaf ears." Thank you. Please keep up the good work to expand the implementation of these necessary interventions.

Sincerely,
Jeri Hill, Attorney at Law

Dear Editor:

Regarding Judge Michael L. Hutchings' reference to "Pioneer Park and the home-

less shelters" as "the most dangerous part of Utah" (*Another Vietnam: Salt Lake's War On Crime*, Nov. 1996, at 37): Aside from the danger of stepping in horse scat, I sense considerably less threat to my well-being as a democratic citizen in and around the park than in several Salt Lake area courtrooms.

Sincerely,
John Pace, Attorney at Law

Dear Editor:

Normally, upon receiving my monthly copy of the *Utah Bar Journal*, I quickly flip through its unnecessarily thick and glossy pages to look at the pictures. I'm simply trying to spot an old comrade in arms for any sign of blood pressure. Failing that, I yawn through a couple of the lead paragraphs dealing with the Uniform Code of Minutia and Redundancy and then, in one wristy motion, flip it in the direction of the round file, nothing but net.

This thirty-second ritual was disrupted,

however, by my November issue. *Excuse me?* Not one, but *two* poets, a bearded and rankly sentimental essayist, and a judge who still thinks the Vietnam war could have been *won?* (Sorry, you honor, I was at that clambake; those dishes were destined to be served cold.)

I know that my personal opinion counts for naught – I've been inactive for well over a decade – but the *Bar Journal* is basically the only thing that I get for my sixty-five bucks. The chance to hear local lawyers talking among themselves. So why not have poetry, a little sentimentality and some dare-devil metaphors? Way to go, whoever is bending the branch out there. For the first time in memory, it was fun, lively and . . . well . . . there *was* that article on derivatives.

Sincerely,
Curtis K. Oberhansly

CRUISE PREVIEW

TWO WONDERFUL
CLE CRUISES,
ONE MAGNIFICENT SHIP
MARK THE DATES:
February 16-23, 1997
for our Sixth Annual
Caribbean CLE Cruise;
and July 11-18, 1997
for our Alaska CLE Cruise.
Both cruises will be
aboard the *Galaxy*,
Celebrity Cruise Lines'
newest luxury cruise
ship, which will make
its maiden voyage in
December 1996.

The *Galaxy*, which
promises to be the
most luxurious ship on
the ocean will provide
a glamorous experience
at a reasonable cost!

LAW EDUCATION INSTITUTE INVITES THE MEMBERS OF

*The Utah State
Bar*

To Join Them
On a GLE Cruise

Feb. 16-23, 1997

For the Caribbean

OR

July 11-18, 1997

For Alaska

GREATLY DISCOUNTED RATES FOR UTAH BAR MEMBERS
FOR FURTHER INFORMATION
CALL TRAVEL SERVICES, 1-800-852-2009

