

Utah State Bar Commission
Friday, December 16, 2022
Utah State Bar – Law & Justice Center
Salt Lake City, Utah

AGENDA

1. 9:00 a.m. President’s Report: Kristin Woods

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| <i>05 Mins.</i> | 1.1 | Recognize Diana Gough for 20 years of employment with the Bar |
| <i>08 Mins.</i> | 1.2 | Present Robert Clark with the 2022 Professionalism Award |
| <i>05 Mins.</i> | 1.3 | January Legislative Conference Call Schedule |
| <i>05 Mins.</i> | 1.4 | Spring Convention Reminder - March 16 -18 |
| <i>05 Mins.</i> | 1.5 | Election Reminders <ul style="list-style-type: none">- President Elect written notice due January 2nd- Commissioner petitions due February 1st |

(See Calendar)
(TAB 1, Page 3)

2. 9:45 a.m. Action Item

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| <i>20 Mins.</i> | 2.1 | 2023 Leadership Academy: Jen Tomchak |
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(TAB 2, Page 5)

3. 10:00 a.m. Information Item

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| <i>05 Mins.</i> | 3.1 | Well Being Update - TAVA and Unmind Kickoff Schedule: Martha Knudson |
| <i>02 Mins.</i> | 3.2 | 2022 Lawyer Survey |

5. 10:15 Executive Session

11:00 a.m. Adjourn

CONSENT AGENDA

(TAB 3, Page 7)

(Approved without discussion if no objection is raised)

1. Approve Minutes of November 18, 2022 Commission Meeting
2. Approve Fund for Client Protection Committee Recommendations

ATTACHMENTS

(TAB 4, Page 20)

1. November 2022 Financial Statements
2. 2021-22 Utah State Bar Annual Report

2023 CALENDAR

January 3	President-elect Election Declarations Due		
January 21	Executive Committee Meeting	Noon	Telephone/Video Conference
January 24	Conference Call re: GRC Vote Review	4:00 p.m.	Telephone/Video Conference
January 27	Commission Meeting	9:00 a.m.	Law & Justice Center
January 31	Conference Call re: GRC Vote Review	4:00 p.m.	Telephone/Video Conference
February 1	Commission Election Petitions Due, each to serve a three-year term. Terms will begin in July 2023.		
	<ul style="list-style-type: none"> • One member from the First Division (Box Elder, Cache, and Rich Counties), • Three members from the Third Division (Salt Lake, Summit, and Tooele Counties) 		
February 1-5	ABA Midyear Meeting		New Orleans, Louisiana
February 7	Conference Call re: GRC Vote Review	4:00 p.m.	Telephone/Video Conference
February 14	Conference Call re: GRC Vote Review	4:00 p.m.	Telephone/Video Conference
February 21	Conference Call re: GRC Vote Review	4:00 p.m.	Telephone/Video Conference
February 28	Conference Call re: GRC Vote Review	4:00 p.m.	Telephone/Video Conference
March 16	Commission Meeting	1:00 p.m.	St. George, Utah
March 16-18	Utah State Bar Spring Convention		St. George, Utah
March 27-29	ABA Day in Washington DC		
March 29 – April 1	Western States Bar Conference		San Diego, California
April 1	Bar Election - Balloting Begins		
April 14	Executive Committee Meeting	Noon	Telephone/Video Conference
April 15	Bar Election - Balloting Ends		
April 21	Commission Meeting	9:00 a.m.	Law & Justice Center
May TBD	Admission Ceremony	Noon	TBD
June TBD	Jackrabbit Bar		TBD, Wyoming
June 2	Executive Committee Meeting	Noon	Telephone/Video Conference
June 9	Commission Meeting	9:00 a.m.	Law & Justice Center
July 19	Executive Committee Meeting	Noon	Telephone/Video Conference
July 26	Commission Meeting	9:00 a.m.	TBD
August 3-8	ABA Annual Meeting		Denver, Colorado

TAB 1

Utah State Bar.

Spring Convention in St. George

March 16–18

Dixie Center at St. George

1835 Convention Center Drive | St. George, Utah



2023 “Spring Convention in St. George” Accommodations

Room blocks at the following hotels have been reserved. You must indicate that you are with the Utah State Bar to receive the Bar rate. After “release date” room blocks will revert back to the hotel general inventory.

Hotel	Rate (Does NOT include tax)	Block Size	Release Date	Miles from Dixie Center to Hotel
Clarion Suites (435) 673-7000	\$139	10–2Q 10–K	2/16/23	1
Comfort Inn at Convention Center (435) 628-8544	\$189		2/16/23	0.5
Courtyard by Marriott (435) 986-0555	\$259	15–Q&K	1/30/23	3.5
Fairfield Inn (435) 673-6066	\$199 \$179	5–2Q 10–K	2/14/23	0.3
Hampton Inn (435) 652-1200	\$229	15–2Q 10–K	2/16/23	4
Hilton Garden Inn (435) 634-4100	\$199 \$179	5–2Q 10–2K	2/14/23	0.3
Holiday Inn Express & Suites, St. George North (435) 986-1313 x10	\$85	10–2Q 10–K	1/16/23	12
Holiday Inn St. George Conv. Center (435) 628-8007	\$199–2Q \$179–K	10–2Q 20–K	2/14/23	0.5
Hyatt Place (435) 656-8686	\$199 \$189	10–2Q 10–K	2/14/23	0.5
Red Lion Conference Center (435) 628-4235	\$159		2/16/23	1.5
St. George Inn & Suites (435) 673-6661	\$179	8–2Q 7–K	2/16/23	1
TownePlace Suites (435) 986-0555	\$259	10–K	1/30/23	3.5
Staybridge Suites 435-688-8900 ext 2	20% off room rate email: mindyh@inntrusted.com to reserve		2/16/23	.75
Tru by Hilton 435-634-7768	\$185 \$169	5–2Q 10–K	2/16/23	.75
My Place Hotel 435-674-4997	\$180 \$170	10–2Q 10–Q	2/01/23	6

Visit utahbar.org/springconvention
to book your reservation today!

TAB 2

Utah State Bar Leadership Academy**Class of 2023**

CANDIDATE	DIVISION
Mary Anne Davies	3
Kent Davis	3
Samantha Frazier	2
Laura Kyte	4
Shain Manuele	6
Andres Morelli	2
Jessica Ramirez	3
Olivia Rossi	3
Jonathan Wayas	4

The Leadership Academy Board will present three additional candidates at the December 16, 2022 Bar Commission Meeting.

TAB 3

UTAH STATE BAR COMMISSION MEETING

MINUTES

Friday, November 18, 2022

Utah Law and Justice Center

In Attendance: President Kristin “Katie” Woods, President-Elect Erik Christiansen, and Commissioners Tom Bayles, Traci Gunderson, Matt Hansen, Rick Hoffman, Greg Hoole, Beth Kennedy, Marty Moore, Mark Morris, Andrew Morse, and Cara Tangaro.

Ex-Officio Members: Kim Cordova, Anaya Gayle, Scotti Hill, Gabriela Mena, Brittany J. Merrill, Camila Moreno.

Not in Attendance: Commissioners Shawn Newell, Tyler Young, and Chrystal Mancuso-Smith. Ex-Officio members Past-President Heather Thuet, Nate Alder, Dean Elizabeth Kronk-Warner, Shalise McKinlay, Margaret Plane, and Dean Gordon Smith.

Also in Attendance: Executive Director Elizabeth A. Wright, General Counsel Nancy J. Sylvester, Utah Court Representative Nick Stiles, Bar Communications Director Matt Page, Access to Justice Director Pamela Beatse, and Access to Justice Staff Attorney Keenan Carroll.

1. President's Report: Katie Woods.

1.1 Welcome.

Ms. Woods welcomed the Commission to the meeting. Scotti Hill introduced herself as the new YLD President, replacing Cedar Cosner. Marty Moore introduced J. Brett Chambers as his proposed replacement on the Commission.

1.2 Retreat and Fall Forum Reports.

Ms. Woods deferred discussion of the Retreat to Matt Page’s discussion item. Ms. Woods reported that the Fall Forum was excellent and was sold out. Several Commission members reported that multiple attendees had said it was one of the best events they’d ever been to. Ms. Sylvester reported on the Well-being panel and remarked that some attendees were emotionally moved by the stories of the diverse panel, which included Andrew Morse, Anaya Gayle, Kent Scott, and Nancy Sylvester. She observed that the Fall Forum had addressed the whole lawyer.

1.3 Legislative Breakfast Report.

Erik Christiansen reported on the Legislative Breakfast. He said the lawyer legislators each reported on their law practices and initiatives they are working on in the Legislature. He and Ms. Gunderson reported that the legislators would like more engagement from members of the Bar.

1.4 Commission Election Reminder.

Ms. Woods reported that the President-elect written notice is due January 2, 2023, and Commissioner petitions are due February 1, 2023 (three spots in Third Division and one spot in First Division). She encouraged those who are interested to get their materials turned in as soon as possible.

2. Action Items

2.1 Approve Financial Audit: Rick Hoffman and Lauren Stout.

Lauren Stout and Rick Hoffman reported that the Bar had received a clean audit. Ms. Stout noted that this is the 9th year Tanner has conducted the Bar's audit and Mr. Hoffman reported that Tanner has an excellent reputation. He also reported that Tanner said there were even minor improvements over last year. Mr. Hoffman noted that the Bar has positive cash flow, the Bar is operating wisely, is in a healthy position, and it could weather a downturn. Mr. Moore moved to approve the audit and Mr. Morse seconded. The motion passed unanimously.

2.2 Donation to JIOP: Erik Christiansen.

Mr. Christiansen reported that the ABA operates a program called the Judicial Intern Opportunity Program, which exposes diverse 1st year law students to internships. Mr. Christiansen reported that 11 interns worked with judges this past summer. Last year the Bar Commission gave \$10,000 and he raised \$45,000 for the program. He asked the Bar to fund \$10,000 again. In response to a question, Mr. Christiansen reported that the screening process is nationwide. 800 applied and 400 were placed. Ms. Tangaro moved and Ms. Gunderson seconded. The motion passed unanimously.

2.3 Fill First Division Commissioner Vacancy.

Ms. Woods reported that with Marty Moore's retirement, the Commission will need to either vote for a temporary replacement or hold a special election. Ms. Woods proposed that J. Brett Chambers, who is the current Cache County Bar president, be voted in. Ms. Tangaro moved to approve Brett Chambers as the First Division Bar Commissioner to complete Marty Moore's term, which ends July 1, 2023. Mr. Morse seconded. The motion passed unanimously.

2.4 Unmind Mental Health App.

Ms. Wright reported that Unmind presented at the retreat in Zion during the October Commission meeting and this item was now up for action. She said Unmind would offer its proactive well-being app to all Bar members and Utah law students. The current offering price is \$135,000 per year and the contract would be for two years.

Ms. Woods observed that this is basically a two-year experiment to see if Bar members will use it, noting that well-being is a top priority for the Commission. Mr. Morse noted that firms have a hard time implementing robust well-being programs and this would do it for them. Ms. Tangaro added that the fact that the law students would get access to the app was huge because it was a great research opportunity for Unmind to see if this helps as these students transition to the practice of law. Mr. Moore said the practice of law and law school is harder than it's ever been, so he sees benefits to the app. Mr. Moore also observed that Unmind is a startup, so in light of the warnings about the economy, he said the Commission should assure itself that the company is in good financial position. Mr. Hoffman said he would like to review Unmind's financials and that he would be able to tell quickly if this was a good idea on that basis. The Commission discussed a due diligence requirement as part of the contracting process.

Ms. Woods noted that the Bar has protected its reserves so well that it is in a good financial position to do this. Ms. Kennedy observed that this would present a major benefit to Bar members. Mr. Hoffman stated the Bar is in a financial position to pay for two years of Unmind.

As part of the company financials discussion, Mr. Morse noted that Unmind already serves 2.5 million people in the UK. Ms. Gunderson observed that Utah is one of the first Bars to look at adopting this, which means it is positioned to negotiate since it will help open the market up for Unmind to other state bars. Ms. Moreno noted that the cost per user was very small (\$2.00 or under), especially compared to the apps she and her peers regularly purchase. Ms. Gayle projected that LALU would likely have high usage since the incidence of mental health issues is much higher in the LGBTQ+ community.

Mr. Morse moved to authorize up to \$125,000 per year for the 2-year contract, subject to Nancy Sylvester, Martha Knudsen, and Rick Hoffman satisfying themselves that the company's finances were in shape. Ms. Tangaro seconded. Ms. Kennedy amended the motion to approve up to \$135,000, which was the current offer, and for Martha Knudsen to do her best to get it down to \$125,000 or lower, with the caveat regarding the financials. Mr. Morse seconded. The motion passed unanimously.

Later in the meeting, Ms. Tangaro reported that she'd received specific information from Martha Knudsen that Unmind's finances were very healthy.

2.5 Appointment to Commission on Criminal and Juvenile Justice.

Ms. Woods reported that Governor Cox requested two additional juvenile defense attorney recommendations for the Commission on Criminal and Juvenile Justice (CCJJ). Ms. Cordova observed that the other people on the list did not fit in this attorney category as well as Monica Maio, whom the Commission already recommended. Ms. Cordova observed that Monica Maio's office is one of the best in the country. Ms. Tangaro said the

Commission should send a letter in support of Ms. Maio.

Ms. Cordova and Mr. Stiles noted the statutory mandate for the Bar to provide two additional names to the governor. Utah Code section 63M-7-202(2)(c) states, “The governor shall appoint the remaining five members to four-year staggered terms as follows: one attorney who primarily represents juveniles in delinquency matters appointed from a list of three nominees submitted by the Utah Bar Association.”

Ms. Kennedy moved to recommend Trent Seegmiller and Erin Strahm as the other two candidates with a note of strong support for Monica Maio. Mr. Bayles seconded the motion. The motion passed unanimously. Ms. Wright will draft the letter on behalf of the Commission.

3. Discussion Items.

3.1 Message Maps: Matthew Page.

Mr. Page reintroduced the concept of message maps to the Commission. A message map is a visual tool used to create compelling, relevant messages for various audiences. He said the message always goes back to home base, which is the main message. So, for example, a message map home base for mandatory bars is that mandatory bars benefit both the profession and the public. It does so, for example, by benefiting the community through events and education like Law Day and Constitution Day events, sponsorship of law related education and mock trials, and classroom presentations for schools. Mandatory bars also benefit both the profession and the public by providing financial benefits to Bar members that exceed licensing fees. And mandatory bars benefit both the profession and the public by housing all operations under one roof: the ethics hotline, free legal research, administrative support for sections, and free mental health counseling (6 sessions per year), to name a few.

Mr. Page noted that the messaging around the main message can remain the same while the main, home base message is changed for a different audience or perspective.

Mr. Page noted that the Bar’s practice portal is an incredible, but under-utilized tool. He said the same is true of licensedlawyer.org, which gets more traffic than Avvo. He said he had been assigned a specific task this year of promoting and improving licensedlawyer.org. Mr. Hoole remarked that a major benefit of a mandatory bar is self-governance. He related his experiences with DOPL, observing that lawyers would not be benefitted by a bureaucracy like DOPL’s. He said self-governance is a benefit that the Commission should talk about more.

4. Information Items.

4.1 Utah State Bar Access to Justice Office report and preview of Paladin program: Pamela Beatse and Keenan Carroll.

Pamela Beatse and Keenan Carroll reported on various projects the Access to Justice office is working on, including tracking how much money volunteer lawyers save the public by being involved in housing and debt collection cases. Mr. Morris observed that in

those courts where this service is not offered, he suspected that this is costing much more money to the consumer. Mr. Carroll agreed that this was true and referred the Commission to the Utah Bar Foundation's recent report.

Ms. Beatse reported to the Commission on the new Paladin program, which is a one-stop shop for pro bono opportunities in Utah. She and Ms. Wright reported that the Utah Bar Foundation had approved funds for a part-time person to be hired temporarily to tour the state and meet with organizations to help populate the opportunities and train on the program.

The Commission commended Ms. Beatse and Mr. Carroll for their great work.

5. Adjournment.

The Commission adjourned at 11:40 a.m.

6. Consent Agenda.

The Commission approved by consent the minutes of the October 14, 2022 Commission meeting.

Board of Bar Commissioners
 Attention: Kristin Woods, Bar President
 Utah State Bar
 645 South 200 East, Suite 310
 Salt Lake City, Utah 84111-3834

Re: ***Fund for Client Protection
 Meeting of October 21, 2022***

Dear President Woods:

The following is a report of the meeting of the Fund for Client Protection a/k/a Client Security Fund which was held October 21, 2022 at the Law and Justice Center. The members of the Committee who were present are Linda Mount, Kathy Jeffrey, Joanna Bell, Kaitlyn Gibbs, Robert Harrison and Trevor Sanders. Also present were Sheradee Fleming, Office of Professional Conduct Assistant Disciplinary Counsel, and Staff Liaison Christine Critchley. The Committee considered various claims and provides the following summary and recommendations:

A.	Claimant:	Kimberly Martin
	Involved Attorney:	Calvin Curtis
	Disciplinary Status:	Delicensure/Disbarment

FACTS: Ms. Martin, an incapacitated person within the meaning of the Utah Probate Code, appeared by Zoom with her mother Dovetta Anderson speaking as her Limited Guardian as Ms. Martin has communication impairments. This is one of several matters involving the embezzlement of client funds by Calvin Curtis. Respondent Mr. Curtis did not appear.

This is one of several matters involving the embezzlement of client funds by Calvin Curtis. In this claim, Mr. Curtis was engaged to serve as Conservator and Trust Fund Manager for the claimant. He filed a petition in 2010 to approve the creation of the Kimberly E. Martin Under Age 65 Disability Trust and approving him as Conservator. The findings of the committee were that Curtis, subsequent to approval, accepted the trust monies, and provided some services for which he invoiced the trust, but embezzled or otherwise misappropriated a portion of her trust funds.

There were questions about the documentation of amounts expended from the trust, and Committee members were unable to establish to any certainty what had been properly paid and what had been improperly removed from the trust account.

RECOMMENDATION: The committee decided to table the matter to allow claimant to provide documentation of actual losses.

B. **Claimant:** **Chinonzo Nanh**
 Involved Attorney: **Josh Eldridge**
 Disciplinary Status: **License suspended**

FACTS: Mr. Nanh appeared at the hearing by Zoom. He offered testimony before the hearing panel. Mr. Nanh complained of a lack of communication and a failure to appear. He made a number of cash payments to Mr. Eldridge, he believes totaling \$15,000, but did not provide receipts. However, the law firm invoices document payments made and services invoiced. The invoices support payments received of \$10,794, a total invoiced amount of \$9,790.50, and a trust account balance of \$1,003.50. There is no allegation of fraud or theft. Mr. Nanh stated that he received no communication or statements after 2017.

RECOMMENDATION: The unanimous recommendation of the committee is that Mr. Nahn be awarded the sum of \$1,003.50, the documented amount remaining in the Utah Family Law Group trust account as of December 20, 2017.

C. **Claimant:** **Derik Ward**
 Involved Attorney: **Matthew Nebeker**
 Disciplinary Status: **Deceased**

FACTS: On January 3, 2022, Mr. Ward signed an engagement letter with Mr. Nebeker to represent him in a DUI case. A receipt from Mr. Nebeker's office confirms payment of a retainer in the amount of \$1,000. Mr. Nebeker died on January 25, 2022.

RECOMMENDATION: The Committee unanimously recommends that Mr. Ward be awarded the sum of \$1,000 in refund of his retainer.

D. **Claimant:** **Sophia Taylor**
 Involved Attorney: **Matthew Nebeker**
 Disciplinary Status: **Deceased**

FACTS: Sophie Taylor appeared by Zoom and provided evidence. Mr. Nebeker is deceased. Documentation establishes that on December 2, 2021, Ms. Taylor paid \$2,700 to Matthew Nebeker to represent her in a DUI matter. Mr. Nebeker died on January 25, 2022.

RECOMMENDATION: The Committee recommends that Ms. Taylor be repaid \$2,700 in refund of the retainer paid to Mr. Nebeker.

E. **Claimant:** **Terri Brown**
 Involved Attorney: **Kyle Jones**
 Disciplinary Status: **Active**

FACTS: Ms. Brown appeared by zoom before the committee and offered testimony in support of her claim. Mr. Jones appeared by Zoom and shared his perspective.

This was a difficult case for the committee. Foremost, although Mr. Jones conceded his conduct in his job as counsel for the mortgage company, there were fundamental questions about the existence of an attorney-client relationship between Mr. Jones and Ms. Brown. Mr. Jones was counsel to the mortgage company, not to Ms. Brown. She paid money to resolve a mortgage lien, but not to Mr. Jones as her lawyer. He did not perform work as her attorney and therefore she had no loss from his failure to perform services as her lawyer. The lien was satisfied, so she received the benefit of her bargain and is not entitled to return of those monies. The Committee also discussed and considered its discretion under 910(e), but declined to exercise that discretion. Ms. Bell abstained; the remaining members voted unanimously to dismiss the claim on the grounds of jurisdiction.

RECOMMENDATION: One member abstained; the remaining members voted unanimously to dismiss the claim on the grounds of lack of jurisdiction.

F.	Claimant:	Angel Hernandez
	Involved Attorney:	Matthew Nebeker
	Disciplinary Status:	Deceased

FACTS: Ms. Hernandez appeared by zoom before the committee and offered testimony in support of her claim. Ms. Hernandez offered documentary evidence of payments to Mr. Nebeker the sum of \$2,900 to represent her in a DUI matter. Pursuant to an engagement letter dated April 8, 2020, Ms. Hernandez made agreed to make monthly payments of \$200 toward a retainer amount of \$3,000. Mr. Nebeker passed away before legal services were completed. Ms. Hernandez requests the return of her retainer payments.

RECOMMENDATION: Although one committee member felt that because some work had been done a full refund was not appropriate, the remaining committee members recommend Ms. Hernandez be repaid the sum of \$2,900.

Sincerely,

UTAH STATE BAR FUND FOR CLIENT PROTECTION

/s/ Robert R. Harrison

Acting Committee Chair

RRH/

cc: Committee Members in Attendance

Board of Bar Commissioners
 Attention: Kristin Woods, Bar President
 Utah State Bar
 645 South 200 East, Suite 310
 Salt Lake City, Utah 84111-3834

Re: ***Fund for Client Protection
 Meeting of December 9, 2022***

Dear President Woods:

The following is a report of the meeting of the Fund for Client Protection a/k/a Client Security Fund which was held December 9, 2022 at the Law and Justice Center. The members of the Committee that were present are Committee Chair Stephen Farr, Linda Mount, Kathy Jeffrey, David Leta, Kaitlyn Gibbs, and Stephanie Chipley. Also present were Billy Walker from the Office of Professional Conduct, Assistant Disciplinary Counsel and Staff Liaison Christine Critchley. The Committee considered various claims and makes the following factual analysis and recommendations:

A.	Claimant:	Dwaine Shaw
	Involved Attorney:	John Cole- Cooper
	Disciplinary Status:	3 year suspension beginning July 9, 2021

FACTS: Mr. Shaw is incarcerated at the Utah State Penitentiary and appeared by zoom. He testified as to the issues of the case. The committee had found that he had paid the sum of \$1,000 for representation. Mr. Cooper was to obtain an early hearing for him with the Utah State Board of Pardons. He hired Mr. Cooper on June 2, 2021 and Mr. Cooper was suspended from the practice of law on July 9, 2021 for a time of 3 years. Mr. Cooper provided no meaningful legal services on behalf of Mr. Shaw. Mr. Shaw had one or two telephone calls with Mr. Cooper and thereafter no work was done.

RECOMMENDATION: The committee recommends that the Fund for Client Protection awards to Mr. Shaw the sum of \$1,000 which fully satisfies his claim.

B.	Claimant:	Elizabeth Teters
	Involved Attorney:	Aaron Banks
	Disciplinary Status:	Disbarred

FACTS: Ms. Teters appeared by zoom. Mr. Banks did not make an appearance nor did he file a written response to any of the material sent to him by the committee. Ms. Teters hired Mr. Banks on June 2, 2017. She paid him a total of \$750. Mr. Banks performed no legal services on behalf of Ms. Teters. Moreover, Mr. Banks totally failed to be candid with his client. Specifically, he made repeated misrepresentations to his client regarding the status of the case and the fact that he had obtained a court order. As it turned out, a case had never been filed and of course, no court order was ever obtained. This is a clear case of dishonesty on behalf of the attorney. The committee voted unanimously to award Ms. Teters \$750.00 which is what she paid Mr. Banks to handle an uncontested adoption.

Due to the seriousness of the lack of candor and the outright misrepresentation and dishonesty demonstrated by Mr. Banks to his client, this matter led to disbarment proceedings being brought against Mr. Banks. By Order of the court, Mr. Banks is in fact currently disbarred and is not licensed to practice law in the state of Utah.

RECOMMENDATION: The committee recommends that the Fund for Client Protection awards to Ms. Teters the sum of \$750 which fully satisfies his claim.

C.	Claimant: Involved Attorney: Disciplinary Status:	Jason Cower Matthew Nebeker Deceased
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FACTS: Mr. Cower originally contacted the Fund for Client protection and followed all directions with regard to the establishment of his claim. Mr. Cower claimed that he paid to Mr. Nebeker the sum of \$1,000 on 12/16/2021. Very little legal services had been performed on his behalf. Mr. Cower had hired Mr. Nebeker to represent him in a criminal action involving driving under the influence. Mr. Nebeker passed away in January 2022, prior to the time that he could perform any substantial legal services on behalf of Mr. Cower. However, at the time of hearing, Mr. Cower failed to appear nor did he contact the committee. Because Mr. Cower had always been cooperative with the fund, it was agreed that his case would not be dismissed but would be reset to the next meeting with the fund to give him an opportunity to present his case before the committee. Accordingly, no award is being made at this time and this matter is tabled.

RECOMMENDATION: This matter will be reset for the next hearing.

D.	Claimants: Involved Attorney: Disciplinary Status:	Juan Jose Salcedo Matthew Nebeker Deceased
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FACTS: Mr. Salcedo filed the necessary paperwork with staff for the fund for client protection and this matter was set for hearing at 11:15. Mr. Salcedo made contact with the committee and testified on his own behalf. He testified that he paid a total of \$600 to Mr. Nebeker, \$300 on 12/13/21 and \$300 on 1/27/22. Mr. Nebeker made one continuance on his behalf before he passed away. It was unanimously agreed by members of the committee that Mr. Salcedo be awarded a total of \$600 which is the full payment, to compensate him for his loss.

RECOMMENDATION: The committee recommends that the Fund for Client Protection awards to Mr. Salcedo the sum of \$600.

E.	Claimants: Involved Attorney: Disciplinary Status:	Travis McQueen Matthew Nebeker Deceased
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FACTS: Mr. McQueen appeared by zoom. Mr. McQueen testified that he had paid to Mr. Nebeker the sum of \$5,200 all on March 22, 2021. It turns that substantial legal services were performed by Mr. Nebeker prior to the time of his demise. Mr. McQueen testified that he paid Mr. Nebeker the sum of \$3,200 for the DUI case and \$2,000 for the divorce case. Prior to

his death, Mr. Nebeker had arranged a plea negotiation on the DUI case which was acceptable to Mr. McQueen. However, Mr. McQueen hired a second attorney and paid him a total of \$500 just to make sure that the deal with the court went through as it had been set up with Mr. Nebeker.

On the divorce case, it appears that Mr. Nebeker had created and filed a divorce complaint, had done other work on the case to the point where it could be mediated, had attended a mediation proceeding which took approximately four hours. Thereafter, the mediation began to unravel and there were negotiations between the attorneys to try to put the deal back together. However, Mr. Nebeker passed away prior to the time that the divorce could be finalized. Accordingly, it was voted and recommended by the committee that Mr. McQueen should receive an award in the amount of \$1,200.

RECOMMENDATION: The committee recommends that the Fund for Client Protection awards to Mr. McQueen the sum of \$1,200.

F.	Claimants:	Steffani Peck
	Involved Attorney:	Matthew Nebeker
	Disciplinary Status:	Deceased

FACTS: Ms. Peck appeared by Zoom conference call to offer testimony supporting her claim. She hired Mr. Nebeker on June 1, 2020 approximately 18 months before Mr. Nebeker's death. Ms. Peck paid Mr. Nebeker \$2,300 to represent her on a DUI case. Mr. Nebeker represented her on that case for 18 months prior to him passing. The committee found that Ms. Peck had received substantial legal services from Mr. Nebeker prior to his demise. It was agreed by the Committee that she should be awarded the sum of \$1,000 for the full resolution of her case.

RECOMMENDATION: The committee recommends Ms. Peck be awarded the sum of \$1,000 which fully satisfies her claim.

G.	Claimants:	Kari Scheller
	Involved Attorney:	Matthew Nebeker
	Disciplinary Status:	Deceased

FACTS: Ms. Scheller appeared via zoom to offer testimony to support her claim. She claimed that she paid Mr. Nebeker a totally of \$1,650 to represent her on a DUI case. She claims she did this on approximately November 1, 2021. However, she admits that she only received one receipt for \$750 from Mr. Nebeker which she had filed with her claim. She indicated that she made 3 more payments to Mr. Nebeker totaling \$300 a piece but agreed that she could offer no proof of those payments. The fund believes that it is jurisdictional for the claimant to provide proof of payment and other than the \$750 payment, Ms. Scheller was unable to offer proof of any additional payments. Accordingly, the committee for the fund awarded Ms. Scheller the sum of \$750.

RECOMMENDATION: The committee recommends Ms. Scheller be awarded the sum of \$750 which fully satisfies her claim.

There was one additional matter that was called to the attention of the Commissioner a

couple of months back and a letter from the chair of the committee to the Commissioners. That case involved a claim where the claimant testified and she assured that she had never hired the attorney to represent her in any matter whatsoever and accordingly he was not her attorney. She claims that she had just loaned the attorney \$5,000 because of a personal plea that he had made. The dishonest attorney failed to repay the loan. However, at this point he claimed that he was entitled to keep the \$5,000 because the client had in fact hired him to do work which he had performed.

The Committee felt that this case presented a larger question as to whether or not a dishonest attorney who does not represent a person, whether the represented person would have access to the fund to get paid back by the dishonest attorney who did not represent him or her. Specifically, the example of an attorney involved in an investment scheme who sold investments to persons which turned out to be fraudulent. In a case where there is no client attorney relationship, and simply a dishonest attorney who cheats another person, does that person have access to the fund for repayment or is it an absolute jurisdictional problem that the client relationship needs to be established.

The committee made that inquiry to the board of bar commissioners a couple of months ago and we are still waiting for your enlightenment. We would appreciate that at the earliest possible time. However, we do not have any pending cases at this time that would fall under this set of facts, but we expect that sometime down the road we will.

Thanks for all you do. The Committee wishes you a very Merry Christmas and a Happy New Year!!

The Committee has made recommendations that \$12,653.50 be paid out as compensation for the above-referenced claims. After these payments, the Fund's balance would be approximately \$269,661 as of December 12, 2022. Please contact me with any comments or questions.

Sincerely,

UTAH STATE BAR FUND FOR CLIENT PROTECTION

/s/ Stephen W. Farr

Stephen W. Farr
Committee Chair

SWF/nh

cc: Committee Members in Attendance

TAB 4

UTAH STATE BAR
Budget and Finance Committee
Financial Results as of November 30, 2022
and for the first five months then ended

FINANCIAL STATEMENT HIGHLIGHTS

Year-to-Date (YTD) Net Profit – Accrual Basis:

	Actual	Budget	Fav(unfav) \$ Variance	Fav(unfav) % Variance
YTD revenue	5,431,783	5,600,087	(168,304)	-3%
YTD expenses	3,089,743	3,014,991	(74,752)	-2%
YTD net profit/(loss)	2,342,040	2,585,096	(243,056)	-9%

YTD net income is \$2,342,040 and is \$240,374 less than budgeted.

YTD Net Profit –Cash Basis: Adding back year-to-date depreciation expense of \$64,181 and deducting capital expenditures of \$58,589, the cash basis year-to-date net profit is approximately \$5,600 higher.

Explanations for Departments with Net Profit Variances more than \$10k and 5% Over/Under Budget:

CLE: For the first five months of fiscal year 22/23, the CLE department's revenue and expenses both overreported compared to the budget. The higher than budget revenue and expenses are both due to a number of large Fall events generating early registration revenue while also incurring a number of expenses in preparation for those events. As the year progresses and events are closed, we anticipate the CLE revenues and expenses to even out and be more in-line with the budget.

Summer Convention: The Summer Convention held in July 2022 in San Diego, California was projected to break-even, thereby having attendance revenues and sponsorships revenues cover all expenses. The current financials for the first five months of fiscal year 22/23 show that the Summer Convention is reporting a \$120,000 loss due mostly to the fact that registration revenue underreported by \$86,000 and expenses for the venue including food and rental accommodations overreported by more than \$49,000.

Fall Forum: The Fall Forum was hosted in-person in November 2022 and was budgeted to report a profit of \$7,163. However, currently the event is reporting a \$32,000 loss due to registrations underreporting by the same amount.

Bar Operations: Bar Operations net spending for the first five months of the year is almost \$68,000 less than budgeted, which is due to the investment income reporting significantly more than budgeted.

Facilities: Bar meeting room facilities for the first five months of the fiscal year are reporting less net spending than budgeted. After more than two years of slow rental income due to the pandemic, the Bar is starting to see more demand for rental meeting space, thus the improved actual net spending compared to the budget.

UTAH STATE BAR
Budget and Finance Committee
Financial Results as of November 30, 2022
and for the first five months then ended

ADDITIONAL COMMENTS

Board Designated Reserves: In consultation with Bar management and the Budget & Finance Committee, the Commission informally targeted the following reserve amounts:

Operations Reserve (3 months' operations)	\$1,747,525
Capital Replacement Reserve (equipment)	200,000
Capital Replacement Reserve (building)	<u>600,000</u>
Total	\$2,547,525
Estimated cash reserve at November 30, 2022	<u>\$4,672,732</u>
Excess of current cash reserve over board-designated reserve	<u>\$2,125,207</u>

**Utah State Bar
Income Statement
November 30, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
Licensing	4,568,408	4,571,098	4,709,268	(138,170)	97%	4,922,403	93%
Admissions	152,020	181,000	159,168	21,832	114%	547,370	33%
NLTP	25,800	25,200	31,398	(6,198)	80%	64,642	39%
OPC	12,005	13,146	16,720	(3,574)	79%	61,613	21%
CLE	122,064	150,881	134,145	16,736	112%	480,715	31%
Summer Convention	197,225	128,325	220,464	(92,139)	58%	220,464	58%
Fall Forum	69,115	47,050	84,215	(37,165)	56%	84,660	56%
Spring Convention	-	1,300	-	1,300	#DIV/0!	124,252	1%
Member Services	179,391	189,310	179,946	9,364	105%	310,750	61%
Public Services	31,313	11,460	3,618	7,842	317%	17,291	66%
Bar Operations	3,735	63,168	14,432	48,736	438%	27,960	226%
Facilities	30,293	51,246	46,713	4,533	110%	133,994	38%
Total Revenue	5,391,370	5,433,183	5,600,087	(166,904)	97%	6,996,114	78%
Expenses							
Licensing	88,909	89,909	81,683	(8,226)	110%	187,839	48%
Admissions	189,238	244,249	217,912	(26,337)	112%	494,361	49%
NLTP	31,556	25,604	31,620	6,017	81%	69,146	37%
OPC	601,008	632,742	617,724	(15,018)	102%	1,534,494	41%
CLE	189,759	233,459	182,560	(50,899)	128%	519,476	45%
Summer Convention	186,410	237,329	209,060	(28,269)	114%	220,464	108%
Fall Forum	3,178	72,083	77,052	4,969	94%	84,660	85%
Spring Convention	125	46	-	(46)	#DIV/0!	124,252	0%
Member Services	249,825	272,760	269,379	(3,380)	101%	699,770	39%
Public Services	255,993	290,424	275,157	(15,266)	106%	626,761	46%
Bar Operations	769,941	845,584	864,250	18,665	98%	1,998,080	42%
Facilities	147,549	146,956	188,594	41,637	78%	430,800	34%
Total Expenses	2,713,491	\$ 3,091,143	3,014,991	(76,152)	103%	6,990,103	44%
Other							
Net Profit (Loss)	\$ 2,677,879	\$ 2,342,040	\$ 2,585,096	\$ (243,056)	91%	\$ 6,011	38961%
Depreciation	57,166	64,181	57,854	(6,327)	111%	145,522	
Cash increase (decrease) from operations	2,735,045	2,406,221	2,642,951	(236,730)	91%	151,533	
Changes in operating assets/liabilities	(2,283,442)	(3,028,580)	(3,028,580)	-	100%	20,000	
Capital expenditures	53,732	(58,589)	(41,667)	(16,922)	141%	(157,000)	
Net change in cash	\$ 505,335	\$ (680,948)	\$ (427,297)	\$ (253,652)	159%	\$ 14,533	-4685%

**Utah State Bar
Licensing
November 30, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4010 · Section/Local Bar Support fees	17,800	17,048	18,100	(1,052)	94%	18,352	93%
4004 · Admissions - Laptop Fees	288	230	293	(63)	78%	464	50%
4006 · Transfer App Fees	-	-	-	-	#DIV/0!	-	#DIV/0!
4011 · Admissions LPP	950	1,200	605	595	198%	1,433	84%
4021 · Lic Fees > 3 Years	3,790,740	3,811,480	3,888,770	(77,290)	98%	3,932,691	97%
4020 · NLTP Fees	-	2,400	-	2,400	#DIV/0!	-	#DIV/0!
4022 · Lic Fees < 3 Years	194,250	190,430	217,268	(26,838)	88%	231,657	82%
4023 · Lic Fees - House Counsel	49,075	52,480	53,531	(1,051)	98%	56,901	92%
4025 · Pro Hac Vice Fees	89,975	73,150	95,659	(22,509)	76%	227,384	32%
4024 · Lic Fees LPP	3,600	3,850	2,874	976	134%	3,672	105%
4026 · Lic Fees - Inactive/FS	120,150	121,215	123,072	(1,857)	98%	120,987	100%
4027 · Lic Fees - Inactive/NS	221,445	222,705	225,682	(2,977)	99%	227,348	98%
4029 · Prior Year Lic Fees	-	-	-	-	#DIV/0!	-	#DIV/0!
4030 · Certs of Good Standing	8,240	8,620	10,144	(1,524)	85%	23,440	37%
4061 · Advertising Revenue	-	140	51	89	275%	122	115%
4095 · Miscellaneous Income	45	15	52	(37)	29%	102	15%
4096 · Late Fees	71,850	65,100	73,167	(8,067)	89%	77,850	84%
Total Revenue	4,568,408	4,570,063	4,709,268	(139,205)	97%	4,922,403	93%
Expenses							
Program Services	9,057	14,843	11,654	(3,189)	127%	28,055	-
Salaries & Benefits	59,640	52,909	52,567	(342)	101%	111,445	47%
General & Administrative	16,308	17,190	13,414	(3,776)	128%	38,141	45%
Building Overhead	3,905	4,967	4,048	(919)	123%	10,198	49%
Total Expenses	88,909	89,909	81,683	(8,226)	110%	187,839	48%
Net Profit (Loss)	\$ 4,479,499	\$ 4,480,154	\$ 4,627,585	\$ (147,430)	97%	\$ 4,734,564	95%

Note: Includes LPP staff time and exam expense

**Utah State Bar
Admissions
November 30, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4001 · Admissions - Student Exam Fees	14,025	17,600	14,444	3,156	122%	146,421	12%
4002 · Admissions - Attorney Exam Fees	26,650	29,750	27,315	2,435	109%	68,697	43%
4003 · Admissions - Retake Fees	17,200	19,600	20,404	(804)	96%	38,199	51%
4004 · Admissions - Laptop Fees	17,400	8,500	18,150	(9,650)	47%	82,824	10%
4005 · Admissions - Application Forms	-	4,450	-	4,450	-	(867)	-
4006 · Transfer App Fees	21,900	23,750	22,356	1,394	106%	65,994	36%
4008 · Attorney - Motion	36,550	55,250	37,238	18,012	148%	87,465	63%
4009 · House Counsel	7,650	12,750	9,180	3,570	139%	28,560	45%
4011 · Admissions LPP	-	-	-	-	#DIV/0!	306	0%
4095 · Miscellaneous Income	2,545	2,450	2,236	214	110%	5,171	47%
4096 · Late Fees	8,100	6,900	7,845	(945)	88%	24,600	28%
4200 · Seminar Profit/Loss	-	-	-	-	#DIV/0!	-	#DIV/0!
Total Revenue	152,020	181,000	159,168	21,832	114%	547,370	28%
Expenses							
Program Services	62,735	100,026	72,245	(27,781)	138%	107,572	93%
Salaries & Benefits	91,940	104,650	112,504	7,854	93%	298,236	35%
General & Administrative	27,639	30,766	26,386	(4,380)	117%	70,462	44%
Building Overhead	6,923	8,806	6,777	(2,029)	130%	18,091	49%
Total Expenses	189,238	244,249	217,912	(26,337)	112%	494,361	49%
Net Profit (Loss)	\$ (37,218)	\$ (63,249)	\$ (58,744)	\$ (4,505)	8%	\$ 53,009	-119%

Utah State Bar
NLTP
November 30, 2022

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4020 · NLTP Fees	25,800	25,200	31,398	(6,198)	80%	65,535	38%
4081 · CLE - Registrations	-	-	-	-	#DIV/0!	-	#DIV/0!
4200 · Seminar Profit/Loss	-	-	-	-	#DIV/0!	(893)	-
Total Revenue	25,800	25,200	31,398	(6,198)	80%	64,642	39%
Expenses							
Program Services	-	-	2,813	2,813	0%	6,750	0%
Salaries & Benefits	20,586	15,774	18,659	2,885	85%	36,980	43%
General & Administrative	9,493	7,952	8,709	757	91%	21,560	37%
Building Overhead	1,476	1,877	1,440	(437)	130%	3,856	49%
Total Expenses	31,556	25,604	31,620	6,017	81%	69,146	37%
Net Profit (Loss)	\$ (5,756)	\$ (404)	\$ (222)	\$ (181)	182%	\$ (4,504)	9%

**Utah State Bar
OPC
November 30, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4095 · Miscellaneous Income	1,000	700	800	(100)	88%	4,000	18%
4200 · Seminar Profit/Loss	11,005	12,446	15,920	(3,474)	78%	57,613	22%
Total Revenue	12,005	13,146	16,720	(3,574)	79%	61,613	21%
Expenses							
Program Services	1,357	3,201	2,003	(1,198)	160%	12,271	26%
Salaries & Benefits	523,702	539,123	549,949	10,826	98%	1,337,742	40%
General & Administrative	50,285	57,773	40,624	(17,149)	142%	117,414	49%
Building Overhead	25,663	32,644	25,148	(7,496)	130%	67,067	49%
Total Expenses	601,008	632,742	617,724	(15,018)	102%	1,534,494	41%
Net Profit (Loss)	\$ (589,003)	\$ (619,596)	\$ (601,004)	\$ (18,592)	103%	\$ (1,472,881)	42%

**Utah State Bar
CLE
November 30, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4052 · Meeting - Sponsor Revenue	9,925	1,500	12,752	(11,252)	12%	15,000	10%
4053 · Meeting - Vendor Revenue	-	-	-	-	#DIV/0!	-	-
4054 · Meeting - Material Sales	-	-	-	-	#DIV/0!	-	-
4081 · CLE - Registrations	80,646	111,892	92,711	19,181	121%	315,000	36%
4082 · CLE - Video Library Sales	40,478	49,806	28,876	20,930	172%	146,835	34%
4084 · Business Law Book Sales	-	-	-	-	#DIV/0!	-	-
4093 · Law Day Revenue	-	-	-	-	#DIV/0!	2,500	-
4095 · Miscellaneous Income	-	100	-	100	#DIV/0!	-	-
4200 · Seminar Profit/Loss	(8,985)	(12,417)	(194)	(12,223)	6401%	1,380	-900%
Total Revenue	122,064	150,881	134,145	16,736	112%	480,715	31%
Expenses							
Program Services	96,152	136,467	64,674	(71,793)	211%	219,317	62%
Salaries & Benefits	68,293	64,027	94,323	30,296	68%	242,485	26%
General & Administrative	19,223	26,660	17,207	(9,453)	155%	42,364	63%
Building Overhead	6,091	6,305	6,356	51	99%	15,310	41%
Total Expenses	189,759	233,459	182,560	(50,899)	128%	519,476	45%
Net Profit (Loss)	\$ (67,695)	\$ (82,579)	\$ (48,415)	\$ (34,164)	171%	\$ (38,761)	213%

**Utah State Bar
Summer Convention
November 30, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	142,248	82,125	168,064	(85,939)	49%	168,064	49%
4052 · Meeting - Sponsor Revenue	14,750	33,700	30,000	3,700	112%	30,000	112%
4053 · Meeting - Vendor Revenue	13,800	11,300	20,600	(9,300)	55%	20,600	55%
4055 · Meeting - Sp Ev Registration	13,235	1,200	1,800	(600)	67%	1,800	67%
4095 · Miscellaneous Income	13,192	-	-	-	-	-	-
Total Revenue	197,225	128,325	220,464	(92,139)	58%	220,464	58%
Expenses							
Program Services	165,545	228,042	179,276	(48,766)	127%	179,276	127%
Salaries & Benefits	15,956	2,022	23,052	21,030	9%	25,030	8%
General & Administrative	4,909	7,265	6,732	(533)	108%	16,158	45%
Building Overhead	-	-	-	-	#DIV/0!	-	-
Total Expenses	186,410	237,329	209,060	(28,269)	114%	220,464	108%
Net Profit (Loss)	\$ 10,815	\$ (109,004)	\$ 11,404	\$ (120,408)	-956%	\$ 0	-65402298%

**Utah State Bar
Fall Forum
November 30, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	68,115	42,650	75,994	(33,344)	56%	76,260	56%
4052 · Meeting - Sponsor Revenue	-	1,000	-	1,000	#DIV/0!	-	-
4053 · Meeting - Vendor Revenue	1,000	3,400	8,221	(4,821)	41%	8,400	40%
4055 · Meeting - Sp Ev Registration	-	-	-	-	#DIV/0!	-	-
Total Revenue	69,115	47,050	84,215	(37,165)	56%	84,660	56%
Expenses							
Program Services	205	67,960	69,301	1,341	98%	69,543	98%
Salaries & Benefits	1,078	2,060	3,467	1,407	59%	3,583	57%
General & Administrative	1,895	2,063	4,284	2,221	48%	11,534	18%
Building Overhead	-	-	-	-	#DIV/0!	-	-
Total Expenses	3,178	72,083	77,052	4,969	94%	84,660	85%
Net Profit (Loss)	\$ 65,937	\$ (25,033)	\$ 7,163	\$ (32,196)	-349%	\$ -	#DIV/0!

**Utah State Bar
Spring Convention
November 30, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	-	-	-	-	#DIV/0!	97,895	0%
4052 · Meeting - Sponsor Revenue	-	1,000	-	1,000	#DIV/0!	13,500	7%
4053 · Meeting - Vendor Revenue	-	300	-	300	#DIV/0!	10,950	3%
4055 · Meeting - Sp Ev Registration	-	-	-	-	#DIV/0!	1,907	0%
Total Revenue	-	1,300	-	1,300	#DIV/0!	124,252	1%
Expenses							
Program Services	-	-	-	-	#DIV/0!	93,276	0%
Salaries & Benefits	-	31	-	(31)	#DIV/0!	17,070	0%
General & Administrative	125	15	-	(15)	#DIV/0!	13,906	0%
Building Overhead	-	-	-	-	#DIV/0!	-	-
Total Expenses	125	46	-	(46)	#DIV/0!	124,252	0%
Net Profit (Loss)	\$ (125)	\$ 1,254	\$ -	\$ 1,254	#DIV/0!	\$ -	#DIV/0!

**Utah State Bar
Member Services
November 30, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4010 · Section/Local Bar Support fees	83,594	85,106	85,266	(160)	100%	86,087	99%
4052 · Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!	-	#DIV/0!
4061 · Advertising Revenue	89,912	98,407	88,758	9,649	111%	211,916	46%
4062 · Subscriptions	30	30	15	15	200%	30	100%
4071 · Mem Benefits - Lexis	656	728	643	85	113%	1,279	-
4072 · Royalty Inc - Bar J, MBNA, LM,M	5,200	5,067	5,264	(197)	96%	11,438	44%
Total Revenue	179,391	189,310	179,946	9,364	105%	310,750	61%
Expenses							
Program Services	108,250	112,468	116,028	3,560	97%	306,471	37%
Salaries & Benefits	61,082	66,699	68,932	2,233	97%	173,775	38%
General & Administrative	72,927	86,337	76,502	(9,836)	113%	201,043	43%
Building Overhead	7,565	7,255	7,918	662	92%	18,481	39%
Total Expenses	249,825	272,760	269,379	(3,380)	101%	699,770	39%
Net Profit (Loss)	\$ (70,433)	\$ (83,449)	\$ (89,433)	\$ 5,984	93%	\$ (389,020)	21%

**Utah State Bar
Public Services
November 30, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4063 · Modest Means revenue	4,125	3,950	3,610	340	109%	10,000	40%
4093 · Law Day Revenue	-	-	-	-	#DIV/0!	-	#DIV/0!
4095 · Miscellaneous Income	10	10	8	2	120%	20	50%
4120 · Grant Income	27,178	7,500	-	7,500	#DIV/0!	-	#DIV/0!
4200 · Seminar Profit/Loss	-	-	-	-	#DIV/0!	7,271	-
Total Revenue	31,313	11,460	3,618	7,842	317%	17,291	66%
Expenses							
Program Services	93,275	98,456	96,740	(1,716)	102%	155,087	63%
Salaries & Benefits	135,869	154,852	151,390	(3,462)	102%	401,716	39%
General & Administrative	22,149	31,042	22,421	(8,622)	138%	57,675	54%
Building Overhead	4,700	5,978	4,607	(1,371)	130%	12,283	49%
Total Expenses	255,993	290,329	275,157	(15,171)	106%	626,761	46%
Net Profit (Loss)	\$ (224,680)	\$ (278,869)	\$ (271,539)	\$ (7,330)	103%	\$ (609,470)	46%

**Utah State Bar
Bar Operations
November 30, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4031 · Enhanced Web Revenue	-	-	-	-	-	-	-
4052 · Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!	-	#DIV/0!
4053 · Meeting - Vendor Revenue	-	-	-	-	#DIV/0!	-	#DIV/0!
4060 · E-Filing Revenue	-	-	-	-	#DIV/0!	16,741	0%
4103 · In - Kind Revenue - UDR	-	-	-	-	#DIV/0!	-	#DIV/0!
4095 · Miscellaneous Income	337	1,750	246	1,504	711%	918	191%
4200 · Seminar Profit/Loss	-	-	-	-	#DIV/0!	-	-
Investment Income	3,398	61,418	14,186	47,232	433%	10,301	33%
Total Revenue	3,735	63,168	14,432	48,736	438%	27,960	13%
Expenses							
Program Services	90,101	137,043	95,601	(41,442)	143%	201,456	68%
Salaries & Benefits	513,085	547,313	621,492	74,179	88%	1,462,204	37%
General & Administrative	147,288	135,001	128,413	(6,589)	105%	282,481	48%
In Kind	824	634	890	256	71%	1,836	35%
Building Overhead	18,644	25,593	17,854	(7,739)	143%	50,103	51%
Total Expenses	769,941	845,584	864,250	18,665	98%	1,998,080	42%
Net Profit (Loss)	\$ (766,206)	\$ (782,416)	\$ (849,818)	\$ 67,401	92%	\$ (1,970,120)	40%

**Utah State Bar
Facilities
November 30, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4039 · Room Rental-All parties	13,828	22,061	18,309	3,752	120%	51,387	43%
4042 · Food & Beverage Rev-All Parties	9,121	21,255	20,740	515	102%	62,654	34%
4043 · Setup & A/V charges-All parties	-	-	-	-	#DIV/0!	701	0%
4090 · Tenant Rent	7,344	7,930	7,664	266	103%	19,252	41%
4095 · Miscellaneous Income	-	-	-	-	#DIV/0!	-	#DIV/0!
4103 · In - Kind Revenue - UDR	-	-	-	-	#DIV/0!	-	#DIV/0!
Total Revenue	30,293	51,246	46,713	4,533	110%	133,994	38%
Expenses							
Program Services	10,616	21,672	21,567	(105)	100%	60,507	36%
Salaries & Benefits	61,875	61,419	74,629	13,209	82%	179,278	34%
General & Administrative	(5,298)	(5,963)	4,876	10,839	-122%	833	-716%
In Kind	4,691	6,420	3,656	(2,764)	176%	12,927	50%
Building Overhead	75,665	63,408	83,866	20,458	76%	177,255	36%
Total Expenses	147,549	146,956	188,594	41,637	78%	430,800	34%
Net Profit (Loss)	\$ (117,256)	\$ (95,711)	\$ (141,881)	\$ 46,170	67%	\$ (296,806)	32%

Utah State Bar
Income Statement - Consolidated By Account
November 30, 2022

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4001 - Admissions - Student Exam Fees	14,025	17,600	14,444	3,156	122%	146,421	12%
4002 - Admissions - Attorney Exam Fees	26,650	29,750	27,315	2,435	109%	68,697	43%
4003 - Admissions - Retake Fees	17,200	19,600	20,404	(804)	96%	38,199	51%
4004 - Admissions - Laptop Fees	17,688	8,730	18,443	(9,713)	47%	83,288	10%
4005 - Admissions - Application Forms	-	4,450	-	4,450	#DIV/0!	(867)	-
4006 - Transfer App Fees	21,900	23,750	22,356	1,394	106%	65,994	36%
4008 - Attorney - Motion	36,550	55,250	37,238	18,012	148%	87,465	63%
4009 - House Counsel	7,650	12,750	9,180	3,570	139%	28,560	45%
4010 - Section/Local Bar Support fees	101,394	102,154	103,366	(1,212)	99%	104,439	98%
4011 - Admissions LPP	950	1,200	605	595	198%	1,739	69%
4012 - Admissions Military Spouse	-	-	-	-	#DIV/0!	-	#DIV/0!
4020 - NLTP Fees	25,800	27,600	31,398	(3,798)	88%	65,535	42%
4021 - Lic Fees > 3 Years	3,790,740	3,811,480	3,888,770	(77,290)	98%	3,932,691	97%
4022 - Lic Fees < 3 Years	194,250	190,430	217,268	(26,838)	88%	231,657	82%
4023 - Lic Fees - House Counsel	49,075	52,480	53,531	(1,051)	98%	56,901	92%
4024 - Lic Fees LPP	3,600	3,850	2,874	976	134%	3,672	105%
4025 - Pro Hac Vice Fees	89,975	73,150	95,659	(22,509)	76%	227,384	32%
4026 - Lic Fees - Inactive/FS	120,150	121,215	123,072	(1,857)	98%	120,987	100%
4027 - Lic Fees - Inactive/NS	221,445	222,705	225,682	(2,977)	99%	227,348	98%
4029 - Prior Year Lic Fees	-	-	-	-	#DIV/0!	-	#DIV/0!
4030 - Certs of Good Standing	8,240	8,620	10,144	(1,524)	85%	23,440	37%
4039 - Room Rental-All parties	13,828	22,061	18,309	3,752	120%	51,387	43%
4042 - Food & Beverage Rev-All Parties	9,121	21,255	20,740	515	102%	62,654	34%
4043 - Setup & A/V charges-All parties	-	-	-	-	#DIV/0!	701	0%
4051 - Meeting - Registration	210,363	124,775	244,058	(119,283)	51%	342,219	36%
4052 - Meeting - Sponsor Revenue	24,675	37,200	42,752	(5,552)	87%	58,500	64%
4053 - Meeting - Vendor Revenue	14,800	15,000	28,821	(13,821)	52%	39,950	38%
4054 - Meeting - Material Sales	-	-	-	-	#DIV/0!	-	-
4055 - Meeting - Sp Ev Registration	13,235	1,200	1,800	(600)	67%	3,707	32%
4060 - E-Filing Revenue	-	-	-	-	#DIV/0!	16,741	0%
4061 - Advertising Revenue	89,912	98,547	88,809	9,738	111%	212,038	46%
4062 - Subscriptions	30	30	15	15	200%	30	100%
4063 - Modest Means revenue	4,125	3,950	3,610	340	109%	10,000	40%
4071 - Mem Benefits - Lexis	656	728	643	85	113%	1,279	-
4072 - Royalty Inc - Bar J, MBNA, LM,M	5,200	5,067	5,264	(197)	96%	11,438	44%
4081 - CLÉ - Registrations	80,646	114,147	92,711	21,436	123%	315,000	36%
4082 - CLÉ - Video Library Sales	40,478	49,806	28,876	20,930	172%	146,835	34%
4090 - Tenant Rent	7,344	7,930	7,664	266	103%	19,252	41%
4093 - Law Day Revenue	-	-	-	-	#DIV/0!	2,500	0%
4095 - Miscellaneous Income	17,129	5,025	3,342	1,683	150%	10,211	49%
4096 - Late Fees	79,950	72,000	81,012	(9,012)	89%	102,450	70%
4103 - In - Kind Revenue - UDR	-	-	-	-	#DIV/0!	-	#DIV/0!
4200 - Seminar Profit/Loss	2,020	-	15,726	(15,726)	0%	65,371	0%
Investment income	3,398	61,418	14,186	47,232	433%	10,301	596%
Total Revenue	5,364,192	5,426,903	5,600,087	(173,184)	97%	6,996,114	78%
Program Service Expenses							
5001 - Meeting Facility-external only	27,146	98,152	18,002	(80,150)	545%	45,840	214%
5002 - Meeting facility-internal only	7,208	9,648	10,115	467	95%	26,020	37%
5013 - ExamSoft	27,297	17,623	27,691	10,068	64%	33,764	52%
5014 - Questions	36,486	49,463	46,398	(3,065)	107%	73,183	68%
5015 - Investigations	620	404	605	201	67%	1,600	25%
5016 - Credit Checks	820	628	747	119	84%	2,364	27%
5017 - Medical Exam	-	-	-	-	#DIV/0!	800	-
5020 - Exam Scoring	-	-	-	-	#DIV/0!	-	-
5025 - Temp Labor/Proctors	-	3,522	-	(3,522)	#DIV/0!	90	3913%
5030 - Speaker Fees & Expenses	12,209	23,256	5,831	(17,425)	399%	12,887	180%
5031 - Speaker Reimb. - Receipt Req'd	-	-	5,628	5,628	0%	13,170	0%
5035 - Awards	5,877	9,867	1,583	(8,284)	623%	3,770	262%
5037 - Grants/ contributions - general	-	12,500	1,667	(10,833)	750%	18,500	68%
5040 - Witness & Hearing Expense	55	7	34	27	21%	389	2%
5041 - Process Serving	258	73	222	149	33%	607	12%
5046 - Court Reporting	-	30	-	(30)	#DIV/0!	15	200%
5047 - Casemaker	22,642	21,198	20,325	(873)	104%	49,999	42%
5055 - Legislative Expense	25,000	26,927	25,000	(1,927)	108%	60,000	45%
5060 - Program Special Activities	4,581	-	-	-	#DIV/0!	-	-
5061 - LRE - Bar Support	64,182	60,000	60,000	-	100%	64,182	93%
5062 - Law Day	-	-	-	-	#DIV/0!	9,400	0%
5063 - Special Event Expense	24,088	28,526	11,282	(17,244)	253%	21,223	134%
5064 - MCLE Fees Paid	14,541	15,289	16,679	1,390	92%	52,681	29%
5070 - Equipment Rental	5,579	7,469	32,016	24,547	23%	40,119	19%
5075 - Food & Bev-external costs only	133,471	234,494	174,042	(60,453)	135%	307,857	76%
5076 - Food & beverage - Internal only	7,627	13,764	12,277	(1,487)	112%	32,964	42%
5079 - Soft Drinks	2,011	3,041	2,775	(266)	110%	5,680	54%
5085 - Misc. Program Expense	401	2,946	2,288	(658)	129%	2,890	102%
5090 - Commission Expense	14,323	16,325	14,881	(1,444)	110%	37,456	44%
5095 - Wills for Heroes	279	917	521	(396)	176%	1,250	73%
5096 - UDR Support	-	-	-	-	#DIV/0!	-	-
5099 - Blomquist Hale	37,351	37,387	37,497	110	100%	90,000	42%
5702 - Travel - Lodging	27,749	33,595	31,476	(2,119)	107%	51,020	66%
5703 - Travel - Transportation/Parking	5,113	15,280	5,532	(9,748)	276%	14,162	108%
5704 - Travel - Mileage Reimbursement	4,802	4,458	2,444	(2,015)	182%	8,886	50%
5705 - Travel - Per Diems	3,106	3,349	1,306	(2,042)	256%	4,327	77%
5706 - Travel - Meals	-	-	521	521	0%	1,250	0%
5707 - Travel - Commission Mtgs	37,847	46,599	21,875	(24,724)	213%	52,500	89%
5805 - ABA Annual Meeting	300	2,085	1,739	(346)	120%	4,173	50%
5810 - ABA Mid Year Meeting	-	-	3,335	3,335	0%	8,005	0%
5815 - Commission/Education	11,000	1,400	8,125	6,725	17%	19,500	7%
5820 - ABA Annual Delegate	1,234	3,046	2,750	(296)	111%	6,600	46%
5830 - Western States Bar Conference	-	-	3,733	3,733	0%	8,959	0%
5840 - President's Expense	7,500	7,500	8,335	835	90%	20,000	38%
5841 - President's Reimbursement	-	-	-	-	#DIV/0!	-	#DIV/0!
5845 - Reg Reform Task Force	-	-	-	-	#DIV/0!	-	-
5850 - Leadership Academy	2,325	-	4,252	4,252	0%	10,200	0%
5855 - Bar Review	964	53	-	(53)	#DIV/0!	-	#DIV/0!
5865 - Retreat	21,944	26,554	13,875	(12,679)	191%	33,300	80%
5866 - Wellbeing Committee	23,625	30,563	28,482	(2,081)	107%	76,311	40%
5867 - Bar Membership Survey	-	-	-	-	#DIV/0!	-	#DIV/0!
5868 - UCLL Support	-	1,000	-	(1,000)	#DIV/0!	-	#DIV/0!

Utah State Bar
Income Statement - Consolidated By Account
November 30, 2022

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
5960 Overhead Allocation - Seminars	-	-	22,313	22,313	0%	17,115	0%
5970 Event Revenue Sharing - 3rd Pty	15,730	26,111	12,745	(13,366)	205%	62,273	42%
Total Program Service Expenses	637,292	921,202	730,943	(190,259)	126%	1,437,281	64%
Salaries & Benefit Expenses							
5510 Salaries/Wages	1,213,929	1,278,401	1,378,595	100,194	93%	3,326,637	38%
5605 Payroll Taxes	93,320	96,319	107,821	11,501	89%	272,485	35%
5610 Health Insurance	114,138	108,504	127,209	18,705	85%	305,955	35%
5620 Health Ins/Medical Reimb	2,850	1,561	3,307	1,746	47%	6,728	23%
5630 Dental Insurance	6,297	6,528	7,125	597	92%	18,527	35%
5640 Life & LTD Insurance	7,646	7,934	9,597	1,663	83%	23,819	33%
5645 Workman's Comp Insurance	1,695	1,471	2,388	917	62%	2,961	50%
5650 Retirement Plan Contributions	105,029	108,412	125,218	16,806	87%	311,428	35%
5655 Retirement Plan Fees & Costs	4,730	-	6,991	6,991	0%	14,000	0%
5660 Training/Development	3,474	1,750	2,713	963	64%	7,004	25%
Total Salaries & Benefit Expenses	1,553,107	1,610,880	1,770,963	160,083	91%	4,289,544	36%
General & Administrative Expenses							
7025 Office Supplies	6,930	6,988	5,799	(1,189)	121%	18,127	39%
7015 Office Equip Repairs	-	-	-	-	#DIV/0!	-	#DIV/0!
7033 Operating Meeting Supplies	1,593	782	6,013	5,231	13%	8,700	9%
7035 Postage/Mailing, net	21,669	23,180	28,659	5,479	81%	49,646	47%
7040 Copy/Printing Expense	56,262	58,354	64,106	5,752	91%	152,187	38%
7041 Copy/Print revenue	(6,793)	(6,321)	(8,017)	(1,696)	79%	(18,595)	34%
7045 Internet Service	10,059	11,505	9,923	(1,581)	116%	17,961	64%
7050 Computer Maintenance	22,524	74,457	28,834	(45,623)	258%	143,658	52%
7055 Computer Supplies & Small Equip	15,686	11,946	13,524	1,578	88%	20,989	57%
7089 Membership Database Fees	21,376	23,095	29,957	6,871	77%	84,285	27%
7095 Fax Equip & Supplies	(70)	-	(70)	-	0%	(140)	-
7100 Telephone	25,216	25,891	28,466	2,575	91%	63,519	41%
7105 Advertising	2,852	10,392	3,617	(6,775)	287%	45,444	23%
7106 Public Notification	-	-	-	-	#DIV/0!	-	#DIV/0!
7107 Production Costs	-	4,607	5,000	393	92%	7,500	61%
7110 Publications/Subscriptions	13,003	12,207	12,621	414	97%	26,874	45%
7115 Public Relations	-	-	-	-	#DIV/0!	-	#DIV/0!
7120 Membership/Dues	10,150	18,672	9,942	(8,730)	185%	17,117	109%
7135 Bank Service Charges	417	434	501	67	87%	800	54%
7136 ILM Service Charges	9,104	8,622	8,928	306	97%	20,541	42%
7138 Bad debt expense	-	-	-	-	#DIV/0!	-	-
7140 Credit Card Merchant Fees	41,057	41,724	38,860	(2,864)	107%	122,848	34%
7141 Credit Card surcharge	(21,525)	(19,300)	(22,991)	(3,691)	84%	(66,551)	29%
7145 Commission Election Expense	-	-	-	-	#DIV/0!	3,013	0%
7150 E&O/Off & Dir Insurance	24,637	29,328	23,705	(5,623)	124%	56,894	52%
7160 Audit Expense	38,143	41,031	38,143	(2,888)	108%	38,143	108%
7170 Lobbying Rebates	7	-	89	89	0%	214	0%
7175 O/S Consultants	45,493	1,688.50	5,071	3,393	33%	9,461	18%
7176 Bar Litigation	15,890	3,489	7,032	3,543	50%	10,000	35%
7177 UPL	-	4,183	-	(4,183)	#DIV/0!	20,000	21%
7178 Offsite Storage/Backup	-	-	-	-	#DIV/0!	-	#DIV/0!
7179 Payroll Adm Fees	1,232	1,846	1,240	(606)	149%	2,973	62%
7180 Administrative Fee Expense	722	629	651	22	97%	1,580	40%
7190 Lease Interest Expense	-	1,646	91	(1,555)	1809%	364	452%
7191 Lease Sales Tax Expense	-	-	-	-	#DIV/0!	-	#DIV/0!
7195 Other Gen & Adm Expense	11,312	5,064	9,863	4,799	51%	16,019	32%
Total General & Administrative Expenses	366,944	396,140	349,567	(46,573)	113%	873,571	42%
In Kind Expenses							
7103 In-Kind Contrib-UDR & all other	5,515	7,149	4,546	(2,603)	157%	14,763	48%
Total In Kind Expenses	5,515	7,149	4,546	(2,603)	157%	14,763	37%
Building Overhead Expenses							
6015 Janitorial Expense	11,188	14,399	10,617	(3,782)	136%	26,681	54%
6020 Heat	5,325	6,920	5,413	(1,507)	128%	22,269	31%
6025 Electricity	21,260	22,433	21,858	(575)	103%	43,987	51%
6030 Water/Sewer	3,432	4,550	3,667	(883)	124%	6,142	74%
6035 Outside Maintenance	5,373	8,443	4,583	(3,860)	184%	17,290	49%
6040 Building Repairs	14,295	5,124	19,842	14,718	26%	25,872	20%
6045 Bldg Mtncn Contracts	9,499	7,731	9,928	2,197	78%	28,065	28%
6050 Bldg Mtncn Supplies	-	-	-	-	#DIV/0!	-	#DIV/0!
6055 Real Property Taxes	14,189	13,254	15,200	1,946	87%	35,074	38%
6060 Personal Property Taxes	155	182	155	(27)	118%	387	47%
6065 Bldg Insurance/Fees	8,750	9,618	8,897	(721)	108%	21,355	45%
6070 Building & Improvements Depre	34,550	35,494	33,364	(2,130)	106%	80,543	44%
6075 Furniture & Fixtures Depre	1,108	2,137	1,541	(597)	139%	4,198	51%
7065 Computers, Equip & Sftwre Depr	21,508	26,550	22,950	(3,600)	116%	60,781	44%
Total Building Overhead Expenses	150,632	156,833	158,014	1,181	99%	372,644	40%
Total Expenses	2,713,491	3,092,203	3,014,033	(78,171)	103%	6,987,803	39%
Other							
4300 Gain (Loss) - Disposal Of Assets	-	-	-	-	#DIV/0!	-	#DIV/0!
4120 Grant Income	27,178	7,500	-	(7,500)	#DIV/0!	-	#DIV/0!
	27,178	7,500	-	(7,500)	#DIV/0!	-	#DIV/0!
Net Profit (Loss)	\$ 2,677,879	\$ 2,342,199.71	\$ 2,586,055	\$ (243,855)	91%	\$ 8,311	28181%

Utah State Bar Balance Sheets

	<u>11/30/2022</u>	<u>6/30/2022</u>
ASSETS		
Current Assets		
Petty Cash	\$ 625	\$ 625
Cash in Bank	214,005	1,278,654
Invested Funds	7,616,249	7,371,903
Total Cash/Investments	<u>7,830,879</u>	<u>8,651,182</u>
Accounts Receivable	49,021	97,588
Prepaid Expenses	269,441	241,574
A/R - Sections	55,596	48,211
Total Other Current Assets	<u>374,058</u>	<u>387,373</u>
Total Current Assets	<u>8,204,937</u>	<u>9,038,555</u>
Fixed Assets		
Property & Equipment	5,067,685	5,073,034
Accumulated Depreciation	(4,323,883)	(4,328,468)
Land	633,142	633,142
Total Fixed Assets	<u>1,376,944</u>	<u>1,377,707</u>
TOTAL ASSETS	<u><u>\$ 9,581,880</u></u>	<u><u>\$ 10,416,263</u></u>
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
AP Trade	\$ 101,226	\$ 203,619
Other Accounts Payable	37,961	141,552
Accrued Payables	486,345	454,417
Cap Lease Oblig - ST	1,271	4,112
A/P - Sections	980	210,495
Deferred Revenue	300	2,684,077
Total Current Liabilities	<u>628,083</u>	<u>3,698,272</u>
Long Term Liabilities		
Capital Lease Oblig	9,936	(4,255)
Total Long Term Liabilities	<u>9,936</u>	<u>(4,255)</u>
Total Liabilities	<u>638,019</u>	<u>3,694,016</u>
Equity		
Unrestricted Net Assets (R/E)	6,601,662	6,528,232
Fund Balance - Current Year	2,342,200	194,014
Total Equity	<u>8,943,861</u>	<u>6,722,247</u>
TOTAL LIABILITIES & EQUITY	<u><u>\$ 9,581,880</u></u>	<u><u>\$ 10,416,263</u></u>

Balance Sheet Classification

Base Currency: USD As of 11/30/2022

ILM-UT ST BAR (3176)

Dated: 12/02/2022

CE

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
38141W273	GOLDMAN'S GOVT INST	839,242.48	AAA	3.720	11/30/2022	3.730	3.730	839,242.48	0.00	1.0000	0.00	839,242.48
CCYUSD	Cash	2,398.44	AAA	0.000	11/30/2022	0.000	0.000	2,398.44	0.00	1.0000	0.00	2,398.44
---	---	841,640.92	AAA	---	11/30/2022	3.719	3.719	841,640.92	0.00	1.0000	0.00	841,640.92

ST

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
19416QE44	COLGATE-PALMOLIVE CO	300,000.00	AA-	1.950	02/01/2023	4.014	4.356	298,966.67	-194.87	99.5906	1,950.00	300,721.80
59217GAX7	METROPOLITAN LIFE GLOBAL FUNDING I	200,000.00	AA-	3.000	01/10/2023	3.246	4.657	199,944.83	-323.23	99.8108	2,350.00	201,971.60
06051GEX9	BANK OF AMERICA CORP	200,000.00	A	3.300	01/11/2023	0.321	4.693	200,662.71	-991.91	99.8354	2,566.67	202,237.47
9128284A5	UNITED STATES TREASURY	400,000.00	AAA	2.625	02/28/2023	3.065	4.375	399,573.87	-1,323.87	99.5625	2,668.51	400,918.51
912828ZD5	UNITED STATES TREASURY	400,000.00	AAA	0.500	03/15/2023	3.061	4.534	397,101.83	-1,726.83	98.9438	425.41	395,800.41
064159VK9	BANK OF NOVA SCOTIA	164,000.00	A	1.625	05/01/2023	0.356	5.375	164,866.48	-3,394.05	98.4588	222.08	161,694.52
064159VK9	BANK OF NOVA SCOTIA	75,000.00	A	1.625	05/01/2023	0.351	5.375	75,397.99	-1,553.89	98.4588	101.56	73,945.66
64952WDP5	NEW YORK LIFE GLOBAL FUNDING	300,000.00	AAA	1.100	05/05/2023	3.248	4.790	297,284.36	-1,958.96	98.4418	238.33	295,563.73
91282CBD2	UNITED STATES TREASURY	400,000.00	AAA	0.125	12/31/2022	2.930	4.218	399,097.01	-472.01	99.6563	209.24	398,834.24
74368CBB9	PROTECTIVE LIFE GLOBAL FUNDING	167,000.00	AA-	0.502	04/12/2023	0.451	4.980	167,031.06	-2,725.78	98.3864	114.11	164,419.40
795451AU7	Sallie Mae Bank	250,000.00	BBB+	0.350	09/22/2023	0.400	0.400	249,898.97	0.00	99.9596	167.81	250,066.78
87165EUF2	Synchrony Bank	250,000.00	BBB	0.400	09/18/2023	0.450	0.449	249,900.07	0.00	99.9600	208.33	250,108.40
90348JT34	UBS Bank USA	250,000.00	AAA	0.350	09/22/2023	0.400	0.400	249,898.97	0.00	99.9596	21.58	249,920.55
38149MZK4	Goldman Sachs Bank USA	250,000.00	A+	0.350	09/22/2023	0.400	0.400	249,898.97	0.00	99.9596	167.81	250,066.78
05580AD92	BMW Bank of North America	250,000.00	AA-	0.350	09/25/2023	0.400	0.400	249,897.66	0.00	99.9591	163.01	250,060.68
538036SD7	Live Oak Banking Company	250,000.00	NA	0.250	10/02/2023	0.300	0.300	249,895.26	0.00	99.9581	51.37	249,946.63
48133DE71	JPMORGAN CHASE FINANCIAL COMPANY LLC	200,000.00	A+	2.500	05/01/2023	2.500	6.375	200,000.00	-3,177.00	98.4115	444.44	197,267.44
38150AMC6	GOLDMAN SACHS GROUP INC	250,000.00	A	3.000	06/13/2023	3.049	7.006	249,939.54	-5,117.54	97.9288	375.00	245,197.00
3130ASGR6	FEDERAL HOME LOAN BANKS	1,000,000.00	AAA	2.250	07/14/2023	4.176	5.012	991,798.98	-5,116.98	98.6682	4,812.50	991,494.50
69448XNA6	Pacific Life Short Term Funding LLC	250,000.00	A-1+	0.000	01/10/2023	3.146	3.024	249,138.89	0.00	99.6556	0.00	249,138.89
78014RGL8	ROYAL BANK OF CANADA	250,000.00	A+	4.000	11/30/2023	4.004	5.080	250,000.00	-2,547.75	98.9809	27.78	247,480.03
3133ENY87	FEDERAL FARM CREDIT BANKS FUNDING CORP	500,000.00	AAA	5.050	11/09/2023	5.050	5.115	500,000.00	-313.00	99.9374	1,543.06	501,230.06
---	---	6,556,000.00	AA	---	06/10/2023	2.593	3.895	6,540,194.12	-30,937.65	---	18,828.60	6,528,085.07

LT

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
525ESC1Y5	LEHMAN ESCROW	300,000.00	NA	0.000	01/01/2049	---	1,091,440	0.00	1,050.00	0.3500	0.00	1,050.00
89114XE22	TORONTO-DOMINION BANK	250,000.00	A+	3.300	05/24/2024	4.232	5.858	251,088.32	-5,775.48	98.1251	160.42	245,473.26
---	---	550,000.00	A+	---	07/01/2024	4.232	10.482	251,088.32	-4,725.48	---	160.42	246,523.26

Summary

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
---	---	7,947,640.92	AA	---	06/10/2023	2.771	4.038	7,632,923.37	-35,663.13	---	18,989.02	7,616,249.26

* Grouped by: BS Class 2. * Groups Sorted by: BS Class 2. * Weighted by: Base Market Value + Accrued, except Book Yield by Base Book Value + Accrued. * Holdings Displayed by: Lot.

UTAH STATE BAR
Membership Statistics
November 30, 2022

<u>STATUS</u>	<u>11/30/21</u>	<u>11/30/22</u>	<u>Change</u>
Active	8,937	8,992	55
Active under 3 years	813	849	36
Active Emeritus	287	326	39
In House Counsel	112	125	13
Foreign Legal Counsel	4	4	-
LPP	18	25	7
Military Spouse	-	-	-
Subtotal - Active	10,171	10,321	150
Inactive - Full Service	808	839	31
Inactive - No Service	2,066	2,083	17
Inactive Emeritus	413	458	45
Inactive House Counsel	10	12	2
Inactive LPP	-	-	-
Subtotal - Inactive	3,297	3,392	95
Total Active and Inactive	13,468	13,713	245
<u>Supplemental Information</u>			
Paralegals	150	139	(11)
<u>Active Attorneys by Region</u>			
1st Division (Logan - Brigham)	203	215	12
2nd Division (Davis - Weber)	1,002	1,008	6
3rd Division (Salt Lake)	5,579	5,602	23
4th Division (Utah)	1,368	1,411	43
5th Division (Southern Utah)	558	578	20
Out of State	1,461	1,507	46
Total Active Attorneys	10,171	10,321	150

Utah State Bar®



2021–22

Summary of Operations

Vision of the Utah State Bar

A just legal system that is understood,
valued, and accessible to all.

Mission of the Utah State Bar

Lawyers serving the public and legal profession
with excellence, civility, and integrity.



Utah State Bar Statement on Diversity & Inclusion

The Bar values engaging all persons fully, including persons of different ages, disabilities, economic status, ethnicities, genders, geographic regions, national origins, sexual orientations, practice settings and areas, races and religions. Inclusion is critical to the success of the Bar, the legal profession and the judicial system.

The Bar shall strive to:

- Increase members' awareness of implicit and explicit biases and their impact on people, the workplace, and the profession;
- Make Bar services and activities open, available, and accessible to all members;
- Support the efforts of all members in reaching their highest professional potential;
- Reach out to all members to welcome them to Bar activities, committees, and sections; and
- Promote a culture that values all members of the legal profession and the judicial system.

Introduction & Grants of Authority

The Utah State Bar operates under authority granted by the Utah Supreme Court through orders which restate the Court's inherent authority under the Utah Constitution to regulate the practice of law. Those orders confirm the specific purposes, duties and responsibilities of the Utah State Bar as:

- Advancing the administration of justice according to law;
- Aiding the courts in carrying on the administration of justice;
- Regulating the admission of persons seeking to practice law;
- Regulating and disciplining persons practicing law;
- Fostering and maintaining integrity, competence and public service among those practicing law;
- Representing the Bar before legislative, administrative and judicial bodies;
- Preventing the unauthorized practice of law;
- Promoting professionalism, competence and excellence in those practicing law through continuing legal education and by other means;
- Providing service to the public, to the judicial system and to members of the Bar;
- Educating the public about the rule of law and their responsibilities under the law; and
- Assisting members of the Bar in improving the quality and efficiency of their practice.

The Board of Bar Commissioners has been granted all powers necessary and proper to carry out the duties and responsibilities of the Bar and the purposes of the Rules and has all authority not specifically reserved to the Court.

The Bar's internal operations are governed by By-laws and a variety of administrative policies and procedures. Other rules necessary to regulate and manage the practice of law have been promulgated by the Bar and approved by the Court. These other rules include the Rules Governing Admission, Rules of Lawyer Discipline, Disability and Sanctions, Rules of Professional Conduct, Special Practice Rules, Resolution of Fee Disputes and the The Fund for Client Protection. The Court has also established rules governing mandatory continuing legal education and IOLTA. These rules may be found at www.utcourts.gov.

Bar Leadership

The Bar is a 501(c)(6) non-profit Utah corporation governed by a fifteen-member Board of Bar Commissioners, which includes two court-appointed public members, twelve elected lawyers representing the judicial districts, and two elected officers. (Note: The President-elect may also serve as a Commissioner during his/her President-elect year.) The Commission also includes twelve non-voting ex officio members. The Commission hires an Executive Director to carry out the operations of the Bar and the policies of the Commission. The Executive Director employs and supervises the activities of operations staff, which numbers twenty-four full-time and one part-time employee.

During the 2021–2022 year, the Bar Commission included the following:

ELECTED OFFICERS:



Heather L. Thuet
President

Key Legal Group, LLC – Salt Lake City



Kristin "Katie" Woods
President-elect

5th Division Representative (Beaver, Iron, and Washington Counties)
Attorney at Law – St. George

ELECTED LAWYERS AND GEOGRAPHIC AREA:



Marty Moore
1st Division

Box Elder, Cache, and Rich Counties
Peck Baxter Watkins & Bailey – Logan



Mark O. Morris
3rd Division

Tooele, Salt Lake, and Summit Counties
Snell & Wilmer – Salt Lake City



John W. Bradley
2nd Division

Weber, Morgan, and Davis Counties
Attorney General's Office – Ogden



Andrew Morse
3rd Division

Tooele, Salt Lake, and Summit Counties
Snow Christensen & Martineau – Salt Lake City



Traci Gundersen
3rd Division

Tooele, Salt Lake, and Summit Counties
Attorney at Law – Salt Lake City



Michelle Quist
3rd Division

Tooele, Salt Lake, and Summit Counties
Holland & Hart – Salt Lake City



Gregory N. Hoole
3rd Division

Tooele, Salt Lake, and Summit Counties
Hoole & King – Salt Lake City



Tyler S. Young
4th Division

Millard, Juab, Utah, and Wasatch Counties
Young Kester Black & Jube – Provo



Chrystal Mancuso-Smith
3rd Division

Tooele, Salt Lake, and Summit Counties
Kimball Anderson – Salt Lake City

PUBLIC MEMBERS APPOINTED BY THE SUPREME COURT:



Shawn Newell
Public Member
Utah Multicultural Civic Council –
Salt Lake City



Rick Hoffman, CPA
Public Member
Lone Peak Valuation Group –
Salt Lake City

EX OFFICIO MEMBERS:



Heather M. Farnsworth
Immediate Past President
Utah Labor Commission,
Adjudication Division – Logan



Erik A. Christiansen
Utah State Bar Delegate to the ABA
Parsons Behle & Latimer – Salt Lake City



Elizabeth Kronk Warner
Dean
S. J. Quinney College of Law –
Salt Lake City



Camila V. Moreno
Young Lawyers Delegate to the ABA
United States District Court –
Salt Lake City



D. Gordon Smith
Dean
J. Reuben Clark School of Law – Provo



Beth Kennedy
Women Lawyers of Utah Representative
Zimmerman Booher – Salt Lake City



Margaret Plane
Judicial Council Representative
Park City Corporation – Park City



J. Ramzi Hamady
Minority Bar Association Representative
Ray Quinney & Nebeker – Salt Lake City



Nick Stiles
Utah Supreme Court Representative
Administrative Office of the Courts –
Salt Lake City



Brandon Mark
LGBT & Allied Lawyers of Utah
Representative
Parsons Behle & Latimer – Salt Lake City



Nathan D. Alder
Utah ABA Members' Delegate
Christensen & Jensen



Grant A. Miller
Young Lawyers Division Representative
Salt Lake Legal Defender Association –
Salt Lake City



Kim Cordova
Utah State Bar Delegate to the ABA
Ed Brass Law – Salt Lake City



Tonya Wright
Paralegal Division Representative
Peck Baxter Watkins & Bailey – Logan

2021–2022 Commission Priorities

● Lawyer Well-being;

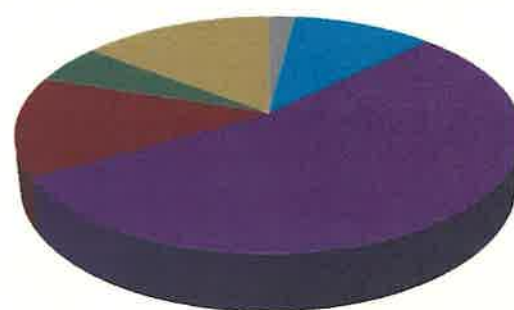
● Access to Justice

Licensing Statistics

Status	2020–2021	2021–2022	Change
Active	8,866	8,998	132
Active under 3 years	906	863	(43)
Active Emeritus	267	270	3
In House Counsel	112	116	4
Foreign Legal Counsel	4	4	–
Licensed Paralegal Practitioner	13	23	10
Military Spouse	–	–	–
Subtotal – Active	10,168	10,274	106
Inactive – Full Service	803	827	24
Inactive – No Service	2,029	2,055	26
Inactive Emeritus	363	414	51
Inactive House Counsel	9	10	1
Subtotal – Inactive	3,204	3,306	102
Total Active & Inactive	13,372	13,580	208

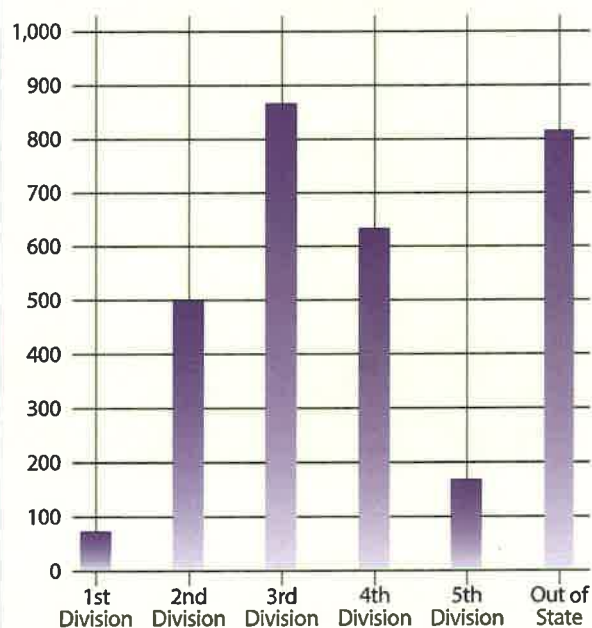
Active Attorneys by Region	2020–2021	2021–2022	Change
1st Division (Logan–Brigham)	199	208	9
2nd Division (Davis–Weber)	972	1,107	35
3rd Division (Salt Lake)	5,624	5,586	(38)
4th Division (Utah)	1,361	1,411	50
5th Division (So. Utah)	548	562	14
Out of State	1,464	1,500	36
Total Active	10,168	10,274	106
Paralegal Members	160	156	(4)

ACTIVE ATTORNEYS BY DIVISION



1st Division 4th Division
 2nd Division 5th Division
 3rd Division Out of State

GROWTH BY DIVISION FROM 2012–2022*



*During the 2011–12 fiscal year, 1,161 attorneys did not designate a division.

Bar Programs & Services

REGULATORY SERVICES

Non-exam Attorney Applications for Admission

Special admissions include reviewing and processing Military Lawyers, House Counsel, Admission on Motion and Pro Hac Vice applications. During the Fiscal 2021–22 year, we received the following special admissions applications:

	Applications	Admitted	Pending	Denied	Withdrawn
Military	0				
House Counsel	21	8	1	0	0
Motion	113	59	12	3	1
UBE Transfers	76	38	12	0	1
Pro Hac Vice	312				

Applications for Admission by Bar Examination

Admissions includes the application process, character and fitness file reviews and hearings, preparation for and administration of the exam, grading essay exams, and all reciprocal admissions. Committees include the **Admissions Committee** (Hon. Daphne Oberg and Evan Strassberg, Co-chairs), **Character and Fitness Committee** (Evan Strassberg and Melinda Bowen, Co-chairs), **Bar Examiner Committee** (Tanya N. Lewis and Mark Astling, Co-chairs), and the **Test Accommodation Committee** (Joan M. Andrews, Chair).

July 2021 Bar Examination Statistics

226 July Bar Examinees | 195 Successful July Bar Examinees | Pass Rate for the July 2021 Bar Exam: 86%

Essay Scores
50 Points Possible
Average Score: 30.33

Multistate Scores
200 Points Possible
Utah Average: 146.3
National Average: 140.4
(64,833 tested)

Combined Scores
400 Points Possible
Utah Mean Score: 292.5
Passing Score 270

February 2022 Bar Examination Statistics

72 February Bar Examinees | 52 Successful February Bar Examinees | Pass Rate for the February 2022 Bar Exam: 72.2%

Essay Scores
50 Points Possible
Average Score: 31.54

Multistate Scores
200 Points Possible
Utah Average: 143.59
National Average: 132.6
(16,504 tested)

Combined Scores
400 Points Possible
Utah Mean Score: 280.8
Passing Score: 270

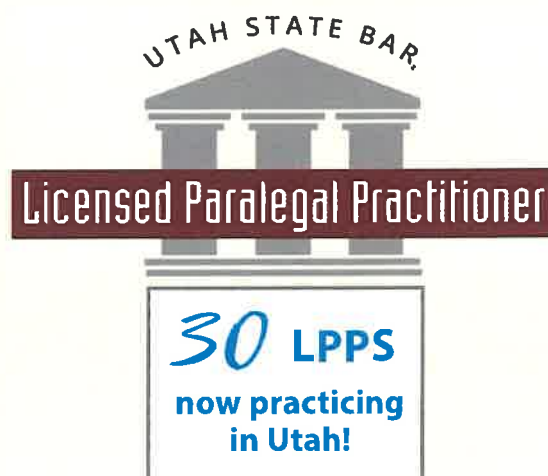
Licensed Paralegal Practitioner Program

In March 2022, the Bar hired AJ Torres to oversee the administration of the New Lawyer Training Program (NLTP) and the LPP program. This NLTP/LPP administrator position is now under the purview of the Bar's admissions department. This merging enables LPP to benefit from the extensive resources within admissions and to more closely align the image of LPPs as licensees of the Bar alongside lawyers.

Over the 2021–2022 fiscal year, the LPP administrator worked to implement an online application system. This system will be instituted for the August 2023 examination cycle.

By the end of 2022, the Utah State Bar anticipates granting 7 additional licenses to qualified applicants, which would bring the overall total to 30. These LPPs practice across the state – including Salt Lake City, St. George, Delta, and Logan. The public can find LPPs by clicking on the “Licensed Paralegal Practitioner” icon on the homepage of the Bar’s referral service: licensedlawyer.org.

The **LPP Steering Committee**, chaired by **Judge Amber Mettler**, has maintained an active agenda. The committee amended Rule 14-802 to clarify that LPPs can assist clients with name and gender change (consistent with Utah Supreme Court precedent) as well as common law marriage. The full list of permitted activities for LPPs within their limited legal license is enumerated in Rule 14-802(c)(1)(A)-(L). The committee has also been working on amendments to the rules which will allow LPPs to more easily and efficiently provide legal services to their clients.



New Lawyer Training

Utah’s New Lawyer Training Program (NLTP) is the Bar’s award-winning mentoring program, which is required for all newly admitted attorneys who have less than two years of practice experience. In 2021–2022, the Bar’s **Committee on New Lawyer Training** (NLTP Committee) was co-chaired by **Rebecca Long Okura** and **Laura Rasmussen**, who have both been dedicated members of the committee since its inception in 2009.

Close to 3,000 new attorneys have completed the NLTP throughout the past 11 years. During their 12-month mentoring term, new lawyers meet with their mentors 10 times, for at least two hours each time, to discuss the new lawyer’s legal work, professional development, and adjustment to the practice of law. The mentoring plan also requires that mentors and new lawyers examine the Rules of Professional Conduct as a means of more effectively teaching and fostering professionalism, ethics, and civility.

In 2021, the NLTP continued in its mission to help new lawyers take the first steps to success in their legal career through mentorship. The NLTP Committee recognizes that the program’s success is due, in no small part, to the caliber of our mentors and extends its sincere thanks to all of Utah’s NLTP mentors for helping us to maintain the NLTP’s position as one of the top legal mentoring programs in the country.

By volunteering to help new lawyers start their practice with all the tools they will need to succeed, mentors are making a much-needed investment in the future of the legal profession. The Bar and the NLTP Committee are dedicated to making sure their investments pay off.



Professional Conduct Enforcement

The Office of Professional Conduct investigates complaints of unethical conduct; provides ethics education seminars; and either resolves or prosecutes cases before hearing panels, the district courts and the Utah Supreme Court. The administrative oversight of the Office of Professional Conduct is no longer under the Utah State Bar. That administrative oversight is now with an **Oversight Committee (Judge Diana Hagen, Chair)** that reports directly to the Utah Supreme Court. Committees that the Office of Professional Conduct interacts with include the **Ethics and Discipline Committee of the Utah Supreme Court (Christine Greenwood, Chair)**; the **Utah Bar's Ethics Advisory Opinion Committee (John A. Snow, Chair)**; the **Supreme Court Rules of Professional Conduct Committee (Simón Cantarero, Chair)** that reports directly to the Utah Supreme Court. The OPC prepares a separate report on its operations which is available at www.opcutah.org.

The **Ethics and Discipline Committee of the Utah Supreme Court (Christine Greenwood, Chair)** hears cases against lawyers and licensed paralegal practitioners accused of violations of the Rules of Professional Conduct. Following a hearing before a screening panel, the panel may dismiss, recommend the imposition of a private admonition or public reprimand, or instruct OPC to file an action against the respondent in district court.

The **Utah State Bar Ethics Advisory Committee (John Snow, Chair)** issues written opinions and letter responses to requests for advisory opinions regarding the ethical propriety of professional conduct of lawyers and LPPs. Bar staff supports the **Supreme Court Rules of Professional Conduct Committee (Simón Cantarero, Chair)** which makes recommendations to the Court regarding the ethical rules governing the practice of law.

Continuing Legal Education

Over the past year, the CLE Department created, administered, and hosted 194 events, which included the attendance of 26,588 attorneys across Utah and the U.S., noting additionally that more than 48 different subject matter areas of practice have been represented in this annual catalog of CLE events. Since April 2020, the Bar has conducted many CLE events virtually, with attendance ranging from 50 people up to 1,500 members at one event. As well, for the first time since the pandemic, many of our events throughout the year were hybrid, being hosted both in person and online for a broader audience to access. In addition to traditional CLE events, a total of 5,664 hours of video replays, of Utah State Bar CLE Department content, were completed independently by licensees online. All sections of the Bar, as well as our community partnerships with the S.J. Quinney College of Law, the J. Reuben Clark Law School, the Utah Center for Legal Inclusion, and the Administrative Office of the Utah State Courts, have had opportunities to host events with us and contribute to the faculty of our professional development training. Importantly, the CLE Department collaborates regularly with the **CLE Advisory Board (Jonathan O. Hafen, Chair)** for topics and themes to enhance the content and inclusion represented in our training events for the Bar.



General Bar Management and Operations

General Bar management includes annual licensing, maintenance of databases, personnel, financial controls, inventory, equipment, governance organization and support, and long-range planning. Bar staff manages policy implementation and operations through various voluntary leadership committees, including: **Bar Commission**, **Bar Commission Executive Committee**, and the **Bar Commission Budget & Finance Committee**. A copy of the 2021–2022 audit by Tanner, LLC is available at www.utahbar.org/bar-operations/.

"GROUP" SERVICES

Fall Forum, Summer & Spring Conventions

Relationships and learning are enhanced when a premium is placed on respect for multiple points of view and on innovative methods of gathering to discuss issues facing the Bar, the legal profession and the judiciary. In the face of a pandemic, most of our daily/weekly CLE events were held virtually.

During this fiscal year, the **2021 Summer Convention** was held in Sun Valley, Idaho where we hosted 395 of our colleagues for the CLE sessions and annual traditions of the Summer Convention.



3,340 online attendees over 3 months

In November 2021, the **Fall Forum** tradition was undertaken and converted to an online series of eight CLE sessions from November through January. The eight sessions discussed social media use for legal practitioners, legal writing from a judge's perspective, the upcoming Utah legislative session, cybersecurity, the future of the IMF, well-being in legal organizations, the Utah oral history project and an interview celebrating the life of Loren Weiss, and judicial safety and courthouse security. For the eight sessions of the Fall Forum, 3,340 Utah practitioners joined online over the three month series.

The CLE Department teamed with the Litigation Section to host their annual **Trial Skills Academy** online – featuring 4 sessions on expert witnesses, mediation, and deceptive testimony. We were pleased to see 963 attorneys joining the Litigation Trial Academy in 2021.

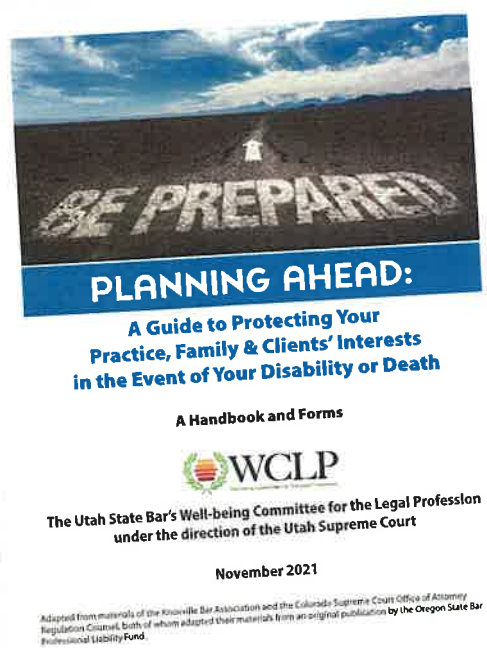
With a continuing abundance of caution, the **Spring 2022 Convention** was held as an online CLE series, with ten sessions from March until May 2022, including the attendance of 4,683 attorneys, judges, faculty, and guests. The Spring Convention featured CLE dialogue and panel presentations about civility and LPP practice, the rule of law, privacy law updates, employment law, the economic effects of Covid and bankruptcy, asset protection, family law and Rule 26, developments in First Amendment and media law, diversity and criminal justice, and the Utah appellate bench discussing the Utah Constitution.



Utah Lawyer Well-being

The **Well-being Committee for the Legal Profession (WCLP)** was established in 2019 with the charge of creating a well-being movement in the Utah legal community. The WCLP provides our legal community with strategies and resources to help them not only to overcome mental health issues but also to thrive in the profession. The WCLP is chaired by **Justice Paige Petersen** and **Cara Tangaro**. The Committee Executive Director is **Martha Knudson** who is a lawyer with a masters degree in applied positive psychology. The WCLP works with all legal community stakeholders to develop programs and strategies that foster wellbeing. The WCLP reaches the legal community via podcasts, CLEs, and well-being programming that is integrated into existing Bar programs such as the NLTP and lawyer Admissions. WCLP also partners with both of Utah's law schools to foster wellbeing during law school.





The Utah State Bar contracts with Blomquist Hale to provide free in-person and remote counseling to all Bar licensees and their dependents. Licensees can receive help with family problems, stress, depression, anxiety, personal cash management difficulties, elder care challenges, assessment of drug or alcohol dependence, and any other issues impairing work or personal lives.

In the past year, WCLP sponsored or co-sponsored 12 highly attended well-being CLEs, including “Life-Altering Events: Prepare Now to Protect Your Practice, Clients, and Family.” The life-altering events initiative includes a web page with free resources, guidance, and succession planning information. WCLP also worked with the Salt Lake Chamber of Commerce’s foundation to create the “Living Well in Law Guide: A Guide to Building Engagement, Resilience, and Well-Being for the Legal Profession.”

Utah Lawyers Helping Lawyers (LHL) assists any Bar licensee whose professional performance may be impaired because of mental illness, emotional distress, substance abuse or any other disabling condition or circumstance by connecting them with a confidential mentor who has overcome similar difficulties. LHL also provides CLE programming designed to help lawyers acknowledge and overcome mental health and substance abuse issues.

Committee Support – Unrelated to Other Programs

Stand-alone committees have been charged to provide professional leadership and study of designated issues. A current listing of all Bar committees can be found at www.utahbar.org/bar-operations/.

Section & Division Support

Our staff provides support services to 39 Sections and 2 Divisions which are independent and financially self-sustaining. Activities include section meetings and elections, CLE luncheons and annual seminars, social events and charitable endeavors, dues collection, general administrative and financial services, email and newsletter communications, and the maintenance of websites and blogs. A listing of all Bar sections and divisions can be found at <http://www.utahbar.org/about/meet-section-division-chairs/>.



The Utah Bar Journal

The *Utah Bar Journal* publishes articles of practical interest to Utah attorneys. The *Utah Bar Journal* was published six times this past year by the **Bar Journal Committee** (Alisha Giles, Chair) and provided to Bar licensees and subscribers. The Bar Journal Committee has 20 members and a bar staff-liaison. Access to issues of the *Utah Bar Journal* can be found at barjournal.utahbar.org.

Public Outreach

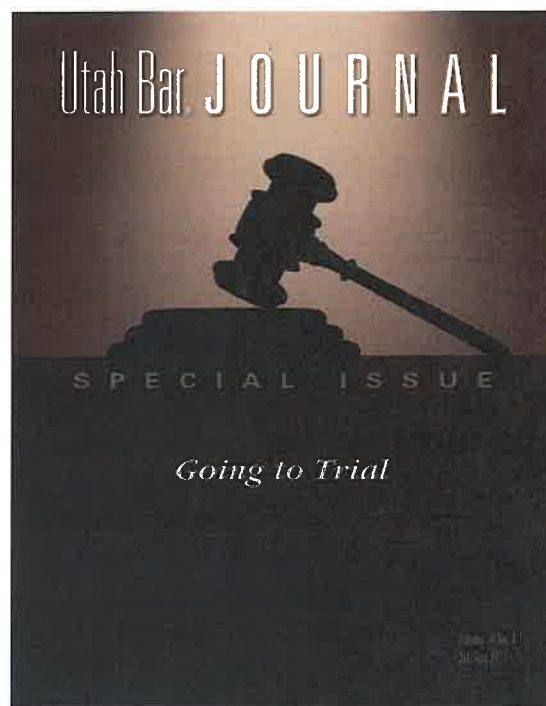
The highlight of the year, from a public outreach standpoint, was the return to in-person events. For the first time in nearly three years, the Bar was able to participate in live events including Law Day, Mock Trials, Constitution Day, live CLEs and many others.

The Bar's outreach to attorneys included a focus on attorney well-being, with participation in the ABA's Well-Being Week. During the week daily social media posts, podcasts and other materials provided



attorneys with tips to improve well-being. A highlight was a CLE

event featuring Craig and Nancy Johnson, who advised attorneys on transitioning a practice during life-altering events. Craig felt strongly about sharing what he learned as he battled a rare form of brain cancer. Craig completed the CLE just a few months before his passing in July. You can watch the video here: https://youtu.be/Ochk_fUKD0I.



The easing of the pandemic reduced traffic to the Bar's Licensed Lawyer attorney referral site, which conducted 1,435,550 searches for potential clients. That's down approximately seven percent from the previous year. However, those searches generated 11,595 referrals to Utah attorneys, and increase of 11 percent. This increase reflects and improvement in the manner in which attorneys prepare their Licensed Lawyer profiles and respond to inquiries.



Utah's Licensed Paralegal Practitioner Program continued to expand, with 23 LPPs currently licensed in the state. The Bar continues to promote this program to the public and to potential LPPs in an effort to increase the number of practicing LPPs and close the Access to Justice Gap.

Over the course of the year the Bar received 113 requests for media interviews on a variety of topics. Additionally, the Bar's public outreach programs also supported many other Bar projects, including conventions, pro bono efforts, access to justice events, court news, and many others.

Diversity, Equity & Inclusion Office

The Diversity, Equity & Inclusion Officer for the Bar continues to plan and implement diversity initiatives and activities that engage our licensees, students, community groups, and underrepresented populations.

The Bar works with the Office of Fairness and Accountability of the Utah State Court, the S.J. Quinney College of Law, the J. Reuben Clark Law School at BYU, and Utah Bar licensees to reach law students, encourage them to have longevity in their legal careers in Utah, and to continue to diversify the Utah Bench and Bar.

Certificates of Good Standing

Certificates of good standing offer proof of licensure and MCLE compliance. This year, the Utah State Bar moved all certificates of good standing to a fully automated online process. This has allowed attorneys to request and receive their certificates within 24 hours. The Utah State Bar continues to work toward procedural efficiencies throughout the organization in order to better serve the public and the profession. The General Counsel's office provided 1,005 certificates during fiscal 2021–22.

Ethics Hotline and Professional Development Office

Since September 2020, the Ethics Hotline has answered hundreds of ethics inquiries from Utah lawyers.

Utah lawyers and LPPs with questions regarding their professional responsibilities can contact the Utah State Bar's General Counsel office for informal guidance during any business day by sending inquiries to ethicshotline@utahbar.org.

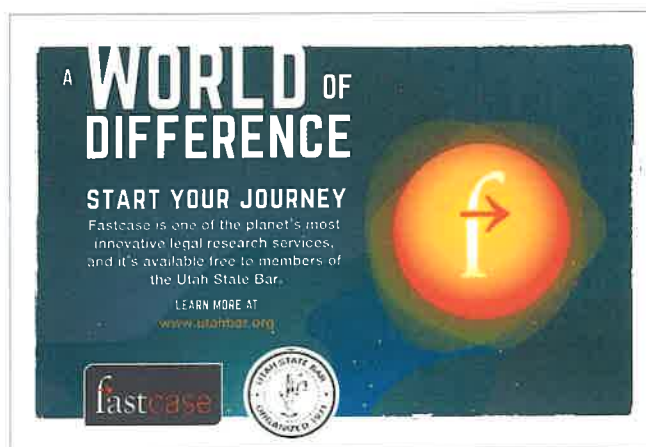


Member Benefits

The Utah State Bar has contracted with benefits administrator Beneplace to expand offerings and services to Bar members at no cost to Bar members. Beneplace, in partnership with the Bar, researches and recruits benefits providers and places them in the Utah State Bar benefits catalog <http://www.beneplace.com/utahbar>. Programs range from office supplies, to discounted membership programs, to vacation planning, to legal specific vendors, to ticket offers for sports and recreational opportunities. New vendors and discounts arrive each month with a summary of recent additions being provided online at <http://www.utahbar.org/member-services/>.

BENEPLACE

The Bar also provides licensees with access to Fastcase; winner of the prestigious American Association of Law Libraries (New Product) Award. Fastcase is available for iOS, Android, and Windows Phone and is used by more attorneys than any other legal app, according to the ABA. Bar licensees may use the app for free to access Fastcase's comprehensive legal research database on the go.



PUBLIC SERVICES

Access to Justice Programs

During Fiscal Year 2021–22, the Bar provided – and continued to expand – its initiatives to advance equity in Utah’s legal system by increasing access to justice for people with lower incomes and those who are disadvantaged Utahns. This work is done through the Access to Justice Office, the Modest Means Lawyer Referral Program, and by the Pro Bono and Access to Justice Commissions. In addition, the Access to Justice Office made permanent the staff attorney, office coordinator, and law student extern positions.

The Access to Justice Office provides direct legal aid through the Virtual Legal Clinic, the Utah Free Legal Answers website, and the Pro Se Calendar Volunteer Program. The Virtual Legal Clinic, which replaced Tuesday Night Bar, is growing each year. We have added additional volunteer lawyers so that more program participants may receive direct, relevant help. The clinic allows clients to meet with lawyers via phone or email to receive brief legal advice. VLC lawyers continue to sign up and we now have 73 lawyers providing legal advice in 19 different practice areas. In 2021–2022, the Clinic assisted 1,266 program participants.



Utah Free Legal Answers is a virtual legal advice service in which pro bono lawyers respond to civil legal questions submitted by eligible participants. This program is administered by the Access to Justice Office in partnership with ABA Free Legal Answers. There are 52 lawyers providing legal advice to 384 program participants. Most cases involved family law matters, with housing and debt being the next most requested topics.

The Pro Se Calendar Volunteer Program is managed by the Access to Justice Office. The 71 pro bono lawyers who donated their time on the weekly Debt Collection and Immediate Occupancy (IMO) Pro Se Calendars in Third Judicial District provided this support. Through this program, 600 participants with debt collection matters and 393 with housing matters received free limited-scope representation. In spring 2022, the ATJ Office took over full control and management of the IMO calendar, so these numbers only represent cases from the end of March 2022. Given its success, the Pro Bono Commission also expanded this calendar to include housing eviction matters from the West Jordan Court.



In addition to pro bono services, the Bar provides reduced rate lawyer referrals through the Bar’s Modest Means Lawyer Referral Program. It allows eligible participants to receive referrals for reduced rate legal services. The Program received 486 requests, and the ATJ office gave referrals to requestors for lawyers who agreed to hourly rates of \$50–\$75. This work was supported and guided by the **Modest Means Committee**, co-chaired by **Judge Patrick Corum** and **Judge Ann Marie McIliff Allen**, and staffed by the Access to Justice Office.

The Pro Bono Commission (PBC), co-chaired by **Judge Michelle Christiansen Forster** and **Judge Angela Fannesbeck** and staffed by the Access to Justice Office, met regularly to ensure statewide support for pro bono service efforts from licensed lawyers and licensed paralegal practitioners. The PBC continues to support the expansion of Bar Signature Programs and Pro Bono Case Circulation.

The Pro Bono Case Circulation program provided pro bono representation to 274 people while numerous people were helped through specialized Bar Signature Programs. Signature programs are administered in partnership with other entities. The PBC currently supports Wills for Heroes, Senior Solutions, Guardianship, the Bankruptcy Pro Bono Program, and the Veterans Legal Clinic.

Additionally, the Pro Bono Commission is now championing the implementation of the Utah Pro Bono Opportunities Portal by Paladin (Portal). The Portal will more efficiently facilitate the posting, tracking, and advertising of Utah's pro bono legal service opportunities. Once fully implemented, legal professionals, including law students, law graduates, licensed paralegal practitioners, and inactive and retired lawyers, will be able to search for any opportunities that interest them and quickly connect with legal service providers all in one centralized database. The Portal will publicly launch in October 2022.

The **Access to Justice Commission**, co-chaired by **Justice Christine M. Durham** (Ret.) and **Amy F. Sorenson** and staffed by the Access to Justice Office, studies systemic access to justice issues.

During the past year, the Commission focused on studying the effects of virtual state court hearings. Using data collected from a 10-month survey of lawyers, litigants, and other court users, the Commission presented in June 2022 its Utah Survey of Court Users: The Impact of Remote Hearings on Access To Justice to the Utah State Courts' Green Phase Workgroup and the Judicial Council. The courts are now using these findings and recommendations to develop a statewide policy on the use of virtual hearings.

Through all these events and programs, the Utah State Bar's Access to Justice Office remains committed to studying systemic issues, addressing barriers to justice, and helping those who need legal services.

This year the Bar was proud to support access to justice with a donation to And Justice for All's new James B. Lee Justice Center building. The state-of-the-art building will house the operations of the Disability Law Center, Legal Aid Society of Salt Lake, and Utah Legal Services. Last year, And Justice for All provided legal services to 28,255 low-income Utahans.

Fund for Client Protection

The **Fund for Client Protection Committee** (Stephen W. Farr, Chair) has 11 attorney members, and 1 bar-staff liaison. There were 16 claims made to the Utah State Bar Fund for Client Protection against 8 attorneys during the 2021–22 fiscal year totaling \$135,300. Of these claims, 13 were approved for awards totaling \$85,600. The rules to the Fund for Client Protection are housed on the court website at https://www.utcourts.gov/resources/rules/ucja/index.htm#Chapter_14



Unauthorized Practice of Law Committee

Only persons who are active, licensed members of the Bar in good standing may engage in the practice of law in Utah. **The Unauthorized Practice of Law (UPL) Committee** investigates UPL complaints against individuals and organizations under Supreme Court Rules of Practice Rule 14-802. During FY2020-2021, the committee (**Maribeth LeHoux** and **Michael Menssen** Co-Chairs) received twenty-two (22) new complaints. Six (6) complaints were against attorneys licensed in Utah or other jurisdictions and the committee referred those matters to the Utah Office of Professional Conduct. The other sixteen (16) complaints were against non-lawyer individuals or organizations, six (6) of which were closed following admonition or for lack of witness cooperation or evidence. One (1) complaint was assigned to outside counsel for formal legal action in the District Court. The Committee continues to investigate the other twelve (12) complaints.

Young Lawyers Division

The Utah Young Lawyers Division is the Utah State Bar's program for new attorneys. The Young Lawyers Division provides its members with service opportunities, tools to navigate the early years of their careers, opportunities for community involvement and networking, and resources to grow their lawyering skills. Their website is <http://younglawyers.utahbar.org/>.



JOINT "GROUP" & PUBLIC SERVICES

Consumer Assistance Program

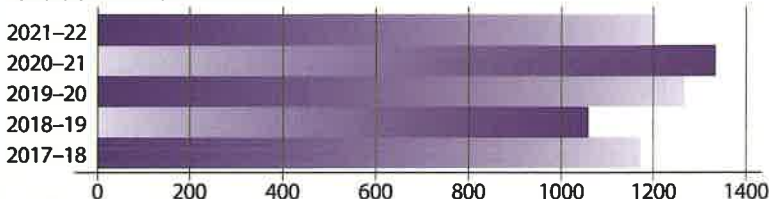
The Consumer Assistance Program (CAP) offers support to both consumers and attorneys who request assistance in their communication with each other. CAP focuses on minor complaints submitted by consumers whose concerns usually include wanting timely return calls from their attorneys, routine updates about their cases, regular billing statements, and copies of their client files. The CAP attorney strives to facilitate communication between consumers and their lawyers so that minor issues can be resolved before they escalate into disciplinary matters.

Most often the CAP attorney offers guidance to consumers to help them understand what they may and may not reasonably expect from their counsel and the legal process. Additionally, many consumers need information about other Utah State Bar services such as Access to Justice, Fee Dispute Resolution, Fund for Client Protection, Licensed Lawyers, Modest Means, Tuesday Night Bar, Virtual Legal Clinic or Unauthorized Practice of Law. The CAP attorney also provides consumers with information about outside sources of help, including Legal Aid Society, Utah Legal Services, self-help information on the Utah Courts' website, Office of Professional Conduct, and Judicial Conduct Commission.

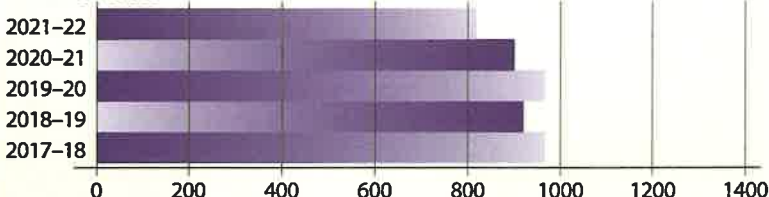
During the 2021–22 fiscal year, the CAP attorney opened 831 files (81% civil matters, 19% criminal matters), attorneys were contacted in 163 matters (20%). The CAP attorney handled 1,202 phone conferences and in-person meetings. In 289 matters (35%) the CAP attorney discussed with the consumers all of their concerns but was not able to provide assistance to them. Explaining the reasons for this was extremely helpful to the consumers.

CONSUMER ASSISTANCE PROGRAM ACTIONS

CONSUMER CONFERENCES



FILES OPENED



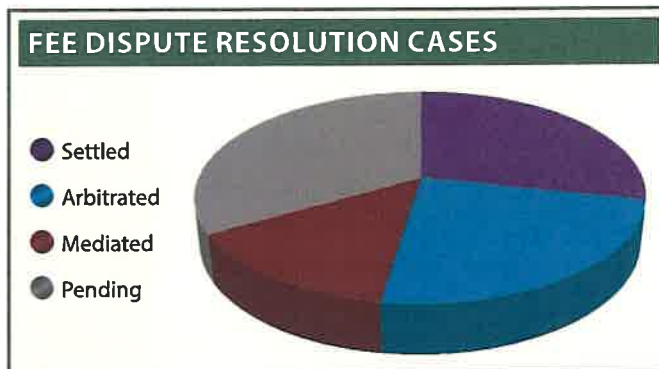
Disciplinary Process Information Office

The Disciplinary Process Information Office (DPIO) is designed to assist attorneys who find themselves the subject of Bar complaints. The DPIO attorney explains and answers questions about the complaint process and refers attorneys to the appropriate procedural rules at various stages of the process, and provides additional information that pertains to individual matters.

During the 2021–22 fiscal year, the DPIO attorney opened 22 files, handled 40 phone conferences, and responded to 14 emails. The DPIO attorney provided information to 3 individuals who were seeking relicensure with the Utah State Bar, and 2 individuals who sought reinstatement.

Fee Dispute Resolution Program

In the last fiscal year, the **Fee Dispute Resolution Committee** (**Sheleigh Harding**, Chair) prepared and conducted hearings with a volunteer lawyer or panels of volunteer lawyers, judges and lay people to resolve disputes about legal fees in a process through which parties voluntarily agree to be bound. The committee presently has 15 lawyers, 8 lay-people and 1 bar-staff liaison. Last year, the committee opened 21 cases, settled 6, arbitrated 5, and 3 cases were mediated. A link to more information may be found at <http://www.utahbar.org/public-services/fee-dispute-resolution-program>.



Law & Justice Center Operations

The Utah State Bar owns and operates the 33,000 square foot building known as the Utah Law & Justice Center. The Center provides low cost meeting room space and, in pro bono cases, no cost meeting room space. Services by the Center staff include organization of events, audio-visual rental, catering, low cost leases, tenant support, interior and exterior grounds maintenance and security. Groups using the meeting space included the Bar Commission, Bar Committees, Bar Section Continuing Legal Education luncheons and seminars, mediations, arbitrations, charitable and non-profit entities, educational organizations, public interest groups, and association trainings.

In-Person Meetings are Back!

The **UTAH LAW & JUSTICE CENTER** offers meeting space for professional, civic, and community organizations

Customized seating arrangements are available, as well as:

- reasonable rates
- central downtown location
- audio-visual equipment and support
- complete catering
- personal attention
- free, adjacent parking
- registration area

For information and reservations, contact:
 Travis Nicholson, Building Facilities & Events Manager
tnicholson@utahbar.org | (801) 297-7029

Public Education, Services and Special Projects

The Bar Commission regularly provides public education projects including participation with the American Bar Association, makes appointments to Utah State Boards and Committees, helps to fund the Law Related Education Project, and sponsors the Law Day Celebration with the **Law Day Committee (Young Lawyers Division)**, among other projects.



Governmental Relations

The Utah State Bar engages in legislative activities and public policy actions related to the practice of law and the administration of justice as authorized by *Keller v. State Bar of California*, 496 U.S. 1 (1990) and as authorized by the Utah Supreme Court. The Bar hires a legislative representative and has a **Governmental Relations Committee** (**Jaqualin Friend Peterson** and **Sarah E. Bouley**, co-chairs). The Governmental Relations Committee is made up of representatives of each Bar section who meet weekly during the annual Utah Legislative session to discuss legislation that affects each practice area.

2021–2022 Section Leadership

Lara Swenson, Chair
Antitrust Section

Christian Clinger, Chair
Dispute Resolution Section

Cherise Bacalski, Chair
Appellate Practice Section

Daniel Harper, Chair
Education Law Section

Jennifer Orson, Chair
Juvenile Law Section

Nicholas Frandsen, Chair
Banking & Finance Section

Greg Lyle, Chair
Elder Law Section

Erik Strindberg, Chair
Labor & Employment Section

Katherine Kang, Chair
Bankruptcy Section

Derek Julio, Chair
Entertainment, Communications
& Media Law

Ben Lear, Chair
Legal Entrepreneur Law Section

Klea Harris, Chair
Business Law Section

Blaine Rawson, Chair
Environmental Law Section

Matthew Bell, Chair
Limited Scope Section

**Hannah Follender &
J.D. Lauritzen, Chairs**
Cannabis Law Section

Jonathan Hoagland, Chair
Estate Planning Law Section

Melanie Vartabedian, Chair
Litigation Section

Jonathan Hanks, Chair
Collection Law Section

Danielle Hawkes, Chair
Family Law Section

J. Ed Christiansen, Chair
Military Law Section

Quinn Sperry, Chair
Community Association Law Section

Christian Thompson, Chair
Franchise Law Section

Blake Voorhees, Chair
Non-Profit Law Section

Jason Groth, Chair
Constitutional Law Section

LaShel Shaw, Chair
Government & Administrative Section

Judson Pitts, Chair
Real Property Law Section

Erik Hamblin, Chair
Construction Law Section

Allison Griffiths, Chair
Health Law Section

Thomas Brady, Chair
Securities Law Section

T. Richard Davis, Chair
Senior Attorneys Section

Richard Mortensen, Chair
Corporate Counsel Section

Angilee Dakic, Chair
Indian Law Section

Clayton Simms, Chair
Small Firm Section

Nic Mills, Chair
Criminal Law Section

Adam Smoot, Chair
Intellectual Property Section

Samuel A. Lambert, Chair
Tax Law Section

Deanna Sabey, Chair
Cyberlaw Section

Joseph Brubaker, Chair
International Law Section

2021–2022 Division Leadership

Grant Miller, President
Young Lawyer Division

Shalise McKinley, President
Paralegal Division

2021–2022 Awards



Judge of the Year
Hon. Brendan P. McCullagh



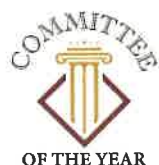
**Dorathy Merrill Brothers Award
for the Advancement of Women
in the Legal Profession**
Jessica Andrew



Lawyer of the Year
Joni J. Jones



**Raymond S. Uno Award
for the Advancement of Minorities
in the Legal Profession**
Ross I. Romero



Committee of the Year
**Governmental Relations
Committee**



**Charlotte L. Miller
Mentoring Award**
Ann Marie Taliaferro



Section of the Year
Intellectual Property Section



James B. Lee Mentoring Award
Edwin S. Wall



Community Member
Bertie Kee Lopez



Paul T. Moxley Mentoring Award
Kent B. Scott



Professionalism Award
Juliette P. White

