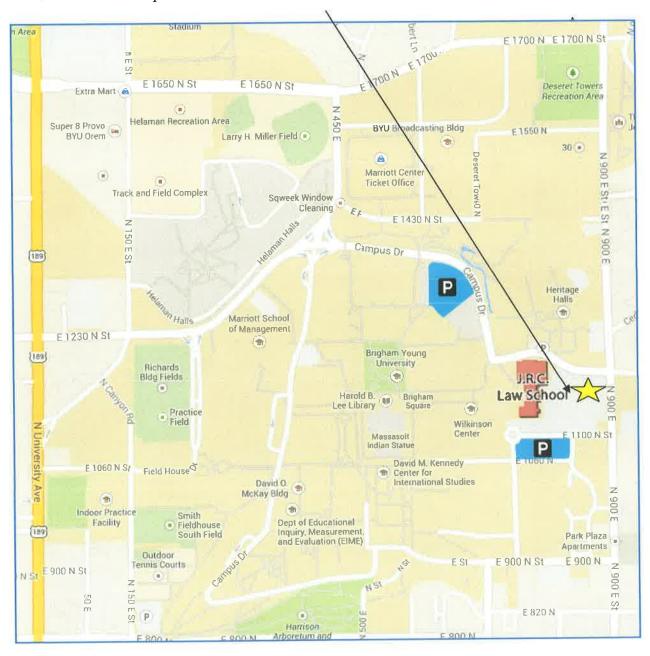
Utah State Bar Commission

Friday, April 15, 2016 J. Reuben Clark Law School, Provo, Utah

Parking

There will be cones blocking off the stalls for you. Please place the cone at the front of the stall (in front of your car).



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 AND 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, and races and religions. Inclusion is critical to the success of the Bar, the legal profession and the judicial system.

The Bar shall strive to:

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

Utah State Bar Commission Policies and Procedures

Page 40

(g) Diversity Requirements.

Providers of continuing education programs sponsored or co-sponsored by the Bar are asked to ensure that program presenters reasonably reflect the diversity of firms, geography and gender within the Bar membership. CLE program proposals may not inappropriately promote individual law firms. If the CLE Administrator is of the opinion that a program violates this prohibition, the matter shall be referred to the Executive Director for decision and any appropriate recommendation to the program provider.

UTAH STATE BAR AWARDS

	<u>AWARD</u>	<u>CHOSEN</u>	<u>PRESENTED</u>
1.	Dorathy Merrill Brothers Award Advancement of Women in the Law	January/February	Spring Convention
2.	Raymond S. Uno Award Advancement of Minorities in the Law	January/February	Spring Convention
3.	Pro Bono Lawyer of the Year	April	Law Day
4.	Distinguished Judge of the Year	June	Summer Convention
5.	Distinguished Lawyer of the Year	June	Summer Convention
6.	Distinguished Section of the Year	June	Summer Convention
7.	Distinguished Committee of the Year	June	Summer Convention
8.	Outstanding Pro Bono Service	September	Fall Forum
9.	Distinguished Community Member	September	Fall Forum
10. Professionalism Award		September	Fall Forum
11. Outstanding Mentor		September	Fall Forum
12	. Heart & Hands Award	October	Utah Philanthropy Day
13	. Distinguished Service Award		As Needed
14	. Special Service Award		As Needed
15	. Lifetime Service Award		On Occasion

Points From Charlotte Miller's Bar Commission Leadership Workshop (August 23, 2014)

- 1. Remember why you joined the Commission what are your goals?
- 2. Remember your goals are probably the same and/or similar to your colleagues on the Commission, even if you think you come from a different perspective than everybody else.
- 3. Being on the Commission is a privilege not a chore. Develop a mindset of "I get to do X" instead of "I have to do X."
- 4. Attend all Commissions meetings; study the materials beforehand. Focus 100% of your attention while there. Do not text, or do other work during Commission meetings. Be engaged. Listen carefully. Offer thoughtful comments that are in the best interest of the Bar. Follow through. Make a difference.
- 5. Your time on the Commission is short, especially ex-officio members. Make the most of it.
- 6. Remember your role: Bar staff can handle the day —to-day operations of the Bar. Your job is big picture and oversight.
- 7. Charlotte encouraged the Commissioners to think about what consensus means to each of them and how they should not try to undermine a decision after it is made.
- 8. If you do not like someone you have to work with, use strategies to get to know the person that will enable you to better work with the person or even begin to like her or him. Charlotte gave an example of making a point to speak every day with a co-worker she thought was difficult.
- 9. Encourage and mentor others along in Bar leadership. Remember your Bar story, which probably included an invitation from a Bar leader to help.
- 10. Talk often about the Bar's Vision and Mission statement, to focus your work in a way that is consistent with those statements.
- 11. Charlotte conducted exercises that encouraged Commissioners to think about the decision making process. Groups were given scenarios with different difficult decisions to make and asked to reach decisions while considering the following factors:
 - a. What facts do they need? Data is very important to good decision making
 - b. What should the process be?
 - c. What unwritten Bar traditions impact the final decision?
 - d. How does the culture of the Bar impact the decision?
 - e. What items in Bar governance materials are relevant to the process?

Two most important responsibilities of a Bar Commissioner

Represent the interests of the attorneys we represent; voice for division

Bar activities and initiatives be consistent with the Bar's purpose and mission.

Help fulfill vision by devoting time and intellect

Contribute ideas and work

Serve lawyers of Utah

Help accomplish goals of the commission

Represent my division and my liaison groups

Make the Bar meaningful to lawyers

Speak honestly

Contribute with ideas and feedback

Fiduciary

Forward thinking visionary

Communicate with Bar members

Have programs that assist all attorneys and advance the profession

Protect core functions

Promote access to justice and diversity

Know concerns of membership

Speak for membership

Take action on members' needs

Be conservative with bar dues

Attend the meetings

Use sound judgment

Serve community

Represent the unrepresented

Access to Justice

Work together to assist sections of the Bar

Support Rule of Law and integrity of legal system

Listen and participate

Utah State Bar Commission Friday, April 15, 2016 J. Reuben Clark Law School Room 472

Agenda

<Light Continental Breakfast>

1.	9:00 a.m.	President's Report: Angelina Tsu		
	05 Mins. 05 Mins. 05 Mins.	 Spring Convention Chili Cook-off Awards Presentation Bar Review Request for Contribution Letter; Wally Bugden (See Tab 9, Page 111) 		
2.	9:15 a.m.	Discussion Items		
	45 Mins. 15 Mins. 10 Mins.	 Introduction to Legal Services Link: Katie Woods & Kenyon Dove Status of Blomquist Hale Consulting (Tab 1, Page 9) Consideration of Bar Appointment Policies 		
3.	10:25 a.m.	Action Items		
	20 Mins. 20 mins. 20 Mins. 20 Mins. 10 Mins.	 Select 2016 Lifetime Service Awards (Tab 2, Page 12) Approve Contract with WIPFLi Consulting Services (Tab 3, Page 18) Select Commission YLD Delegate to ABA House (Tab 4, Page 37) Finalize On-Line Lawyer Directory Issues: Rob Rice (Tab 5, Page 45) Approve Comps for 85th Gala: Heather Farnsworth (Tab 6, Page 47) 		
4.	11:55 a.m.	Information Items		
	05 Mins.	4.1 Status of Bar Petition to Change Admissions Rules (Tab 7, Page 49)		
	12:00 a.m.	Adjourn		

Consent Agenda (Tab 8, Page 64)

(Approved without discussion by policy if no objections are raised)

- 1. Minutes of March 10, 2016 Commission Meeting
- 2. Utah Legal Services Board Reappointments
- 3. 2016-17 Client Security Fund Assessment (\$5.00)
- 4. Creation of Community Associations Section
- 5. Creation of Limited Scope ("Unbundled") Legal Services Section

Attachments (Tab 9, Page)

- 1. March Financials
- 2. Newspaper Advertisements for Law Day Special Issue
- 3. Request for Charitable Contribution Letter

(Over)

Calendar

April 15	Election-Online Balloting Ends		
April 16 April 19-21	Election-Ballots Counted ABA Day in Washington		Washington, D.C.
April 28	Bar Review		Holland & Hart
May 2-3 May 6 May 13 May 19	Northwestern States Bar Conference Executive Committee Meeting Commission Meeting Bar Admission Ceremony	9:00 a.m. 12:00 Noon	Idaho Ray Quinney & Nebeker Law & Justice Center State Capitol Building
June 2-4 June 28	Jackrabbit Bar Conference Executive Committee	12:00 Noon	Lake Tahoe Ray Quinney & Nebeker
July 6 July 6-9	Commission Meeting Summer Convention	1:00 p.m.	Lowe's Coronado, San Diego, CA Łowe's Coronado, San Diego, CA

JCB/Commission Agenda 4.15.16

TAB 1

Individual Support

DIRECT CARE & NO SET SESSION LIMITS

Unique in the industry, our EAP does not place any pre-determined session limits on the course of treatment. This creates greater trust and comfort for your employees as they visit with our staff, and ensures that we are able to truly help them navigate the life challenges that come their way.

NO FORMS OR PRE-QUALIFICATION

The entire cost of our services is covered by you, the employer. The services provided by Blomquist Hale are FREE to your employees.

SERVICES WITH NO CHARGE OR CO-PAY

All services are included in our basic monthly fee, with no co-pay, insurance approval, or deductible required. There are no additional charges for employees or their dependents, or for your organization to use any or all of the services that we offer.

PERSONAL, FACE-TO-FACE ASSISTANCE

Help with virtually any distressing life issue, many of which are not covered by medical insurance:

- · Marital, relationship, and family counseling
- · Stress, anxiety or depression
- · Personal and emotional challenges
- Grief or loss
- · Financial or legal difficulties
- Substance abuse and other addictions
- Senior care planning

BHEA CLIENT SUPPORT CONTACT:

Sean Morris
801-971-4401
sean@blomquisthale.com

Organizational Support

In addition to our outstanding employee assistance service, we also partner with your organization to save on health insurance expenses, boost workplace culture, increase productivity, strengthen leadership, and save time & money needed to find specialty business consultants. We also specialize in helping organizations implement wellness programs and mental health cost-containment solutions.

We are so much more than the standard "bundled" crisis line. We are Blomquist Hale.

YOUR Complete

Employee Assistance Program



Face-to-Face Therapy



Supervisory & Management Training



Onsite Crisis Intervention



Dedicated Support



Drug-Free Workplace & SAP Services



Change Courses



Behavioral Wellness



Risk Reduction & Assistance with Troubled Employees



Customizable Training

Blomquist Hale Consulting Utilization 2011-2016

	2011	2012	2013	2014	2015
<u>Lawyers</u>	7672	7672	7672	7672	7672
<u>Consultations</u> Lawyers Dependents Total	185 121 306	279 119 398	230 145 375	210 145 355	215 143 358
% Utilization Of Lawyers Of Total	2.41% 3.99%	3.63% 5.19%	2.99% 4.89%	2.74% 4.62%	2.80% 4.66%
<u>Clinical Hours</u>	1049.75	965	949	849.75	924.25
<u>Fees</u>	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000
Rate/Clinic Hrs.	\$71.45/Hr.	\$77.72/Hr.	\$79.03/Hr.	\$88.26/Hr.	\$81.15/Hr.
Service Hours	38.5	75	72	71.75	71.50

TAB 2

UTAH BAR COMMISSION MEETING AGENDA ITEM

Title: Lifetime Service Award

Item # 3.1

Submitted by: John Baldwin

Meeting Date: April 12, 2016

ITEM/ISSUE:

To select the Lifetime Service Award Recipient(s)

CRITERIA:

The Lifetime Service to the Bar Award recognizes lawyers or judges whose esteemed careers have been dedicated to significant involvement in the activities, programs, and leadership of the Utah State Bar and devoted to enriching the legal profession and serving the public. The award was first given in 2006. Recipients have included prominent senior members of the Bar, including twelve past Bar Presidents, three former Bar Commissioners; two with significant involvement in the American Bar Association and one with exceptional involvement in important Bar programs. Past winners were also members of the Utah State Legislature, Federal Court judges, the first Woman Utah Supreme Court Justice, and a founding member of the Utah Court of Appeals who was the first woman Utah State Bar President.

NOMINEES:

1. Annette Jarvis

2. Bruce Maak

3. Hon. Dee Benson

4. Paul Moxley

5. Leonard Burningham

6. John Snow

7. Hon. William Holyoak

8. Ann Milne

9. Hon. Brooke Wells

PAST RECIPIENTS AND NOMINEES:

Past Recip	pients	Other Nominations That Year	
2014 James Z. Dav	is		
Felshaw King	5		
Lyle W. Hilly	rard		
Rod G. Snow			
Hon. Raymor	nd Uno		
2012 Hon. Christin	e M. Durham		
2012 Brian R. Flor	ence		
2011 Francis J. Ca	rney		
2011 Bert L. Dart			
2011 Hon. Pamela	T. Greenwood		
2011 W. Eugene H	lansen		
2011 V. Lowry Sn			
2011 Francis M. V			
2008 Judge J. Tho	mas Greene		
2008 M. Dayle Jet			
2008 Reed L. Mar	tineau		
2008 Joseph Nova	ık		
2006 Harold G. C			
2006 Ray R. Chris	stensen		
2006 James E. Far			
2006 Hon. Bruce	S. Jenkins		
2006 James B. Le			
2006 Stephen B.		Y = -	

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X

Lifetime Service to the Bar Award 2006-2014

In recognition of an esteemed career dedicated to significant involvement in the activities, programs and leadership of the Utah State Bar and devoted to enriching the legal profession and serving the public.

23 Total

75 Average Age at Receipt

Notably:

- 14 Past Bar Presidents
- 4 Former Bar Commissioners (Nebeker, Jeffs, Wikstrom, King)
- 3 Significant ABA Involvement (Lee, Greene, Durham)
- 1 Significant Bar Involvement (Carney)

Including:

- 6 Utah State Legislators (Jenkins, Faust, King, Jeffs, Hillyard, Snow)
- 2 Federal Court Judges (Jenkins, Greene)
- 1st Woman Utah Supreme Court Chief Justice (Durham)
- 1st Woman Utah State Bar President (Greenwood)
- 1 Founding Member of the Utah Court of Appeals (Greenwood)
- 2 Utah Court of Appeals Judges (Greenwood, Davis)
- 2 District Court Judge (Durham, Uno)
- 2 Bar Awards Named (Lee "Mentoring", Uno "Service to Minorities")

2006 HAROLD G. CHRISTENSEN

RAY R. CHRISTENSEN

JAMES E. FAUST

HON. BRUCE S. JENKINS

JAMES B. LEE

STEPHEN B. NEBEKER

2008 HON. J. THOMAS GREENE

JOSEPH NOVAK

REED L. MARTINEAU

M. DAYLE JEFFS

2011 FRANCIS J. CARNEY

BERT L. DART

HON. PAMELA T. GREENWOOD

W. EUGENE HANSEN

V. LOWRY SNOW

FRANCIS M. WIKSTROM

2012 HON. CHRISTINE M. DURHAM

BRIAN R. FLORENCE

2014 JAMES Z. DAVIS

FELSHAW KING

LYLE W. HILLYARD

ROD G. SNOW

HON. RAYMOND UNO

John Baldwin

From:

Angelina Tsu

Sent:

Wednesday, April 06, 2016 4:15 PM

To:

Jenifer L. Tomchak; Heather Farnsworth; Michelle Mumford; Christy Abad

Cc:

Subject:

RE: Lifetime Service to Bar Award Nominees

Great ideas, Jen! So for a short list, we have:

- Annette Jarvis.
- 2. Bruce Maak
- 3. Dee Benson
- 4. Paul Moxley
- 5. Leonard Burningham
- 6. John Snow
- 7. William Holyoak
- 8. Ann Milne
- Judge Wells

From: Jenifer L. Tomchak [mailto:jtomchak@parrbrown.com]

Sent: Wednesday, April 06, 2016 1:58 PM

To: Angelina Tsu; heather@matchfarnsworth.com; michlmumford@gmail.com; Christy Abad

Cc: John Baldwin

Subject: RE: Lifetime Service to Bar Award Nominees

Annette Jarvis and Judge Wells would be good additions to the list. I know Bruce Maak, Judge Benson, and Paul Moxley, and would support the nomination for any of them. I am not familiar with the other nominees.

From: Angelina Tsu [mailto:Angelina.Tsu@zionsbancorp.com]

Sent: Tuesday, April 05, 2016 9:45 AM

To: heather@matchfarnsworth.com; Jenifer L. Tomchak < itomchak@parrbrown.com >; michlmumford@gmail.com;

Christy Abad < christy.abad@utahbar.org > Cc: John Baldwin < john.baldwin@utahbar.org> Subject: Lifetime Service to Bar Award Nominees

Ladies:

At the last meeting, I was asked to put together a list of some names for the lifetime service awards to be presented at the 85 Anniversary Gala. A list of past winners and nomination criteria appear below my list of proposed nominees. Please add to the list as you see fit and we can narrow it down to 4-5 and then do brief write-ups of the people (I'm thinking a paragraph just listing accomplishments).

- 1. Bruce Maak
- 2. Steve Waterman (has chaired the Admissions Committee since the 90s)
- 3. Anne Milne
- Bill Holyoak (has chaired Bar Journal Committee forever)
- John Adams (past Utah State Bar president)
- John Snow (has chaired Ethics Advisory committee forever)

- Leonard Burningham (has run the Bar's clothing drive for 20+ years) 7.
- 8. Lowry Snow
- 9. Dee Benson (chaired the summer convention last year and has done numerous CLEs, attends every summer and spring convention)
- 10. Paul Moxley (past Utah State Bar president, ABA Rep, ABA Board of Governors, etc fits the criteria, interested in thoughts on this as we named an award after him this year)

Lifetime Service to the Bar Award 2006-2014

In recognition of an esteemed career dedicated to significant involvement in the activities, programs and leadership of the Utah State Bar and devoted to enriching the legal profession and serving the public.

23 Total

2006 - Harold G. Christensen, Ray R. Christensen, James E. Faust, Hon. Bruce S. Jenkins, James B. Lee, Stephen B. Nebeker

2008 - Hon. J. Thomas Greene, Joseph Novak, Reed L. Martineau, M. Dayle Jeffs

2011 - Francis J. Carney, Bert L. Dart, Hon. Pamela T. Greenwood, W. Eugene Hansen, V. Lowry Snow, Francis M. Wikstrom

2012 - Brian R. Florence, Hon. Christine M. Durham

2014 - Hon. James Z. Davis, Lyle W. Hillyard, Felshaw King, Rodney G. Snow, Hon. Raymond Uno

75 Average Age at Receipt

Notably:

- 14 Past Bar Presidents
- 4 Former Bar Commissioners (Nebeker, Jeffs, Wikstrom, King)
- 2 Significant ABA Involvement (Lee, Greene, Durham)
- 1 Significant Bar Involvement (Carney)

Including:

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- 2 Federal Court Judges (Jenkins, Greene)
- 1st Woman Utah Supreme Court Chief Justice (Durham)
- 1st Woman Utah State Bar President (Greenwood)
- 1 Founding Member of the Utah Court of Appeals (Greenwood)
- 2 Utah Court of Appeals Judges (Greenwood, Davis)
- 2 District Court Judge (Durham, Uno)
- 2 Bar Awards Named (Lee "Mentoring", Uno "Service to Minorities")

http://www.utahbar.org/bar-operations/lifetime-service-award/

TAB 3



Revised Proposal for Consulting Services

February 25, 2016

Utah State Bar

Salt Lake City, Utah

WIPFLI...
CPAs and Consultants



Wipfli LLP 2501 West Beltline Highway, Suite 401 Madison, WI 53713 PO Box 8700 Madison, WI 53708-8700 608.274.1980 fax 608.274.8085 www.wipfli.com

February 25, 2016

Ms. Kellie Bartz, CPA Financial Administrator Utah State Bar 645 South 200 East Salt Lake City, UT 84111

E-mail: Kellie.Bartz@utahbar.org

Dear Ms. Bartz:

Wipfli LLP ("Wipfli") is pleased to present this proposal to assist Utah State Bar (the "State Bar") in conducting an organizational assessment focused on the major expense categories in your annual budget. The ultimate purpose of the project is to understand and/or confirm if the State Bar is efficiently providing services to its members.

Our experienced consultants bring you a solid understanding of business systems, financial operations, and organizational management and governance backgrounds. Our entire team, including the consultants selected to work with you, is dedicated to helping to improve and sustain unique organizations like yours. This translates into passionate advisors who put your needs first.

In the following proposal, Wipfli will confirm expertise and identify the specific areas of requested technical and professional support we can provide the State Bar. We want to assure you that Wipfli can customize our services to meet the needs of the State Bar. When you work with Wipfli we are happy to negotiate pricing based on numerous criteria – number of services requested, type of service, timing of need, etc.

The primary contact for this project is:

Seth Finestack, Senior Manager 7601 France Avenue South, Suite 400 Minneapolis, Minnesota 55435 Telephone: 952.548.6706

E-mail: sfinestack@wipfli.com

Thank you for the opportunity to present our proposal. We believe the Wipfli culture and qualifications are well suited to your needs and will lead to a long-term, mutually beneficial relationship. If you should have any questions or concerns regarding this proposal or if you wish to proceed, please do not hesitate to contact Seth.

Sincerely, Wippei LLP

Wipfli LLP

Enc.

Table of Contents

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Project Approach, Deliverables, and Timing	2
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On-Site Assessment	3
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Analysis and Results	6
Engagement Team	6
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Investment	. 9
Wipfli History and Experience	10
Conclusion	11
Appendix	
Professional Profiles	A.

Overview and Purpose

The Utah State Bar (the "State Bar") is seeking consultation in the form of an assessment of the organization's annual budgeting and expenditures. Specifically, the budget should reflect appropriate overhead allocation in the various departments of the State Bar.

Two key goals of this engagement are to (1) review and provide an assessment of the State Bar's annual budget across all expenditure categories; and (2) conduct a wage comparability and benefits assessment for all of the job roles at the State Bar to help ensure compensation expenditures are in line with similar organizations.

Wipfli LLP ("Wipfli") (your prospective consulting partner) proposes a focused assessment which uses our experience, objectivity, and consulting tools to help empower you and your team to prioritize the improvements necessary to meet your stated goals.

This document articulates the details of our proposed process and consulting support services.

Project Approach, Deliverables, and Timing

In response to the State Bar's request for a proposal, we have developed the project approach below. This summary outlines our proposed approach, and is followed by a detailed description of how Wipfli proposes to conduct the work, including a description of deliverables and timeframes required.

Collaborative Project Preparation

Based on the breadth of the budget and its use across the State Bar and with key stakeholders such as the Board, Wipfli recommends holding a collaborative kick-off meeting in a conference call format with you and key members of the Board/management team. The goal of the call will be to develop a project plan with clear expectations for roles, timeline, and success factors. All members of the Wipfli team will attend; and we request as many key members of the State Bar's governance/leadership ("Sponsoring Team") also attend, as available.

APPROACH

Wipfli will develop a detailed agenda around the following components of successful business operations assessment projects:

- Business goals of the project; as well as secondary/desired outcomes
- In scope and out of scope expense categories
- The current budgeting process and budget document summary
- Known business enablers and barriers (e.g., force field analysis)
- Key stakeholder identification and assessment (for interviews and consultations)
- Scheduling and communication for the on-site visit

We expect the preparation meeting to last 2-2.5 hours. Wipfli's team will facilitate the agenda, and we would ask for input in advance such as current business plans, budget process documentation, payroll and benefits information, committee/stakeholder background, etc.

Anticipated Deliverables

- A shared understanding of scope, approach and roles
- Targeted "hot spots" for deeper budget inquiry and assessment
- Input for the wage study and benefits comparison
- A finalized, shared project plan (including timelines and roles)
- A project communications and on-site visit plan
- A document request to review relevant materials before the on-site visit

On-Site Assessment

GOAL

Gather first-person input and insight into the annual budget and its component parts, as well as, knowledge about the State Bar's culture and climate for potential recommended improvements and change.

APPROACH

We will analyze the budget with the State Bar leaders' and managers' input on key categories of expense. The project will focus on how the budget gets built, including key inputs regarding decision-making, edits and updates, and reporting.

The number of interviews and group meetings or focus groups will depend upon the number of people and departments involved in building, reviewing, and receiving/using the budget. However, we will focus on a pre-selected group of individuals from the Board, State Bar association members, management team, and staff. Our approach will consist of:

- Up to 10 interviews
- Up to 4 group meetings or focus groups
- A debrief meeting or follow-up on interviews with you (the Financial Administrator) before wrapping up the on-site visit

The goal of each of these meetings is to learn more about current work processes and systems used to accomplish the budget; as well as individual perspectives on what works and does not work in the current state.

Anticipated Deliverables

- A preliminary fit/gap perspective of the current budget expense categories to similar organizations and best practices in member-associations and nonprofits with which Wipfli has worked.
- Preliminary recommendations for efficiencies in the budgeting process and resulting categories of expense.
- A deeper understanding of the roles and responsibilities of State Bar personnel.
 This will also assist in the development of the compensation study and benefits review.

Compensation and Benefits Comparison

We understand that a key goal of the State Bar is to better understand the appropriateness and market comparison of its payroll and benefits expenses. Wipfli will conduct a Wage Comparability Study for approximately 28 positions, and a review of its benefits offerings relative to available information from similar organizations in the market.

We will take the following steps for this project:

- Study Information Meeting. Conduct a study information meeting to review the scope and methods used to determine payroll and benefits expenses. As part of this meeting, we will discuss the current base compensation and benefits plans, and identify any areas of concern or unique employee situations. We will also discuss the State Bar's desired compensation philosophy and its history and policies in regards to administering benefits.
 - We suggest these meetings be held with a Compensation and Benefits Sub-committee you designate to ensure understanding of the project, answer any questions, and establish timelines. We typically see committees of between three and seven people.
- Provide Current Job Descriptions and Compensation Documents (State Bar). Use your existing position descriptions and benefit summaries as the basis for the reviews. Position descriptions should be updated to ensure current and accurate reflection of today's actual, or planned, roles and responsibilities. Benefits summaries should include the employee handbook (if available), cost of each benefit to employer and employee, as well as any other specific values and coverages available.
- Comparative Market Analysis. Conduct a comparative market analysis of salary data for the State Bar's 28 positions. Determine external pay equity utilizing the position descriptions provided. Published nonprofit, association, and available local market wage survey data will be used as the basis for our analysis. We have a number of surveys in our library of resources, but we will also rely on you to provide us with other survey data to which you may have access as necessary and appropriate.

• Benefits Review. Utilize published, reputable benefits survey data as a primary means to review and compare the State Bar's benefits to those of similar industries. Note: Quality, published benefits survey data has become increasingly difficult to find and compare to as a result of the changes and options in benefits offerings the past several years. As a secondary method of comparison, the State Bar may request benefit summaries and employee handbooks of peer organizations. Wipfli will accommodate the comparison of up to three (3) peer organizations.

We will review the following benefits:

- o Insured benefits (health, dental, life, etc.)
- Paid time off practices (vacation, holiday, sick/disability, etc.)
- Benefit-related policies within the employee handbook
- Compensation Results. Provide proposed pay ranges for each position or
 position level based on external equity considerations. Pay ranges will be
 comprised of an established minimum, midpoint, and maximum amount. Review
 these results with you and modify as appropriate to finalize.
- Employee Impact Analysis. Perform an employee impact analysis to evaluate how current pay practices align with the newly established ranges. This will show clearly how each employee's current pay relates to the newly established ranges, and help to identify any budgetary implications.
- Final Report. Provide a final report of compensation and benefit review results
 that summarizes the information gathering process, findings, and the estimated
 cost of any payroll and benefits recommendations.

Analysis and Results

Wipfli believes in providing solutions and consulting that is both actionable and reasonable for our clients. We propose finalizing the scope of work for this project by summarizing our findings and giving a presentation to you, a group of representatives or committee from the Board, and any other key stakeholders of the State Bar's annual budget. The presentation would be accompanied by adequate Q&A time, as well as a joint-planning discussion in which our team can help lay out the best next steps for actualization of recommendations you choose to implement. All members of the Wipfli team will attend, and we request all key members of the Sponsoring Team also attend, as available.

APPROACH

Wipfli will analyze our overall Project findings, compare them to effective practices of other like organizations/associations, and propose changes or improvements to the State Bar's budget. Our presentation agenda will focus around the following areas of your request for consulting:

- Stated goals and scope for the project
- Current state summary for annual budget development and category decisions
- A best practices summary and discussion
- Prioritized recommendations
- Assessment of the gap to achieve the recommendations
- High level estimate of timeline and costs for recommendations
- Culture and change management observations and input

We expect the presentation meeting to span 3-4 hours on one day, and take place at your office. Wipfli's team will facilitate the agenda.

Anticipated Deliverables

- Final report presentation (in PowerPoint or similar format)
- Joint planning discussion notes

Engagement Team

Dedicated Management Consulting Staff

To provide the State Bar with outstanding service, Wipfli has over 75 dedicated nonprofit and government professionals on staff. This provides you with access to business experts in your industry who can offer extensive training, consulting, products, and services.

All of our associates work collaboratively to ensure effective and efficient communication with the State Bar's staff. The associates who will work with you apply professional knowledge and administrative ability to government, nonprofit and service industry-related projects on a daily basis. We take pride in understanding our clients, and we care about each of our clients and your people. We value interpersonal, leadership, and communication skills, and we have systems and training in place internally to ensure all of our associates are skilled in these areas.

You will find our associates think logically, independently, and creatively on client engagements. Below is a list of associates who we have identified to work with the State Bar on this Project. Full professional profiles can be found in the Appendix.

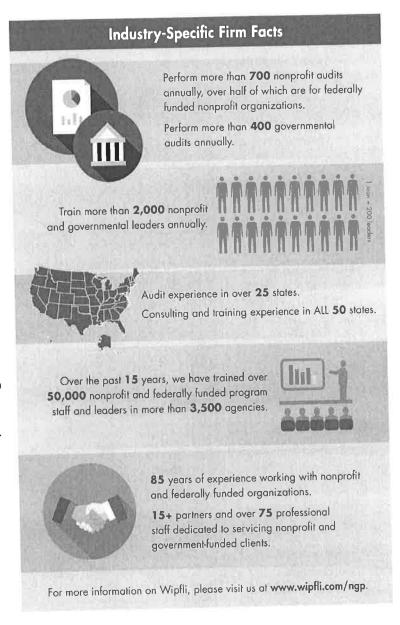
- Seth Finestack, Senior Manager Primary Point of Contact
- Shelly Schwane, Senior Consultant Primary HR & Organizational Development Consultant
- Steve Lipton, Partner in Charge Quality Assurance and Industry Expertise

We may also utilize other professional resources as we determine are necessary and appropriate to complete this engagement in an appropriate and timely manner.

Prior Experience

Wipfli has a full-spectrum consulting practice offering a wealth of knowledge in a broad range of consulting disciplines. From strategic alignment, process improvement, and organizational development to technology integration and software development, our approximately 300 consulting associates can address your critical business issues to generate the powerful, sustainable solutions you need to be competitive. Our multidisciplinary approach integrates and addresses financial, process, people, technology, and customer considerations in all of our solutions. This unique approach helps you get closer to your customers and drive more revenue, increase the efficiency of your operations, improve your organizational effectiveness, mitigate your risks, and strengthen your position in the marketplace.

A list of references for similar work can be provided to State Bar upon request.



investment

We expect this engagement will be carried out with a combination of off-site document review, one or more facilitated conference calls, and two (2) on-site visits for up to five (5) days by two to three consultants at a time. This project will be led by Seth Finestack, Senior Manager, who will oversee the engagement to ensure Wipfli's quality standards are met. Seth Finestack, Shelly Schwane, and Steve Lipton will conduct the majority of on-site and external interviews and meetings.

Our consulting fees for this engagement are estimated to be \$25,000, plus out-of-pocket expenses. Out-of-pocket expenses (i.e., airfare, hotel, meals, parking, etc.) will be billed at cost, we estimate these costs to be \$3,500.

We will work with you to develop a comprehensive time and events schedule.

Our fee estimate is effective for 90 days from the date of this proposal.

Should additional scope need to be added to this project, an estimate of the cost will be brought the State Bar's attention prior to performing the work.

Wipfli History and Experience

For more than 80 years, nonprofit and government organizations have relied on the experienced professionals at Wipfli for advice. Wipfli is a multidiscipline, regional professional services firm. We are one of the largest accounting firms in the United States. At Wipfli, your agency will have access to resources of a large firm and receive the personal attention of a local firm.

Our mission is to serve as our clients' most trusted advisor, with a relentless commitment to creating value and securing the future of the business and communities we live in. As a trusted business advisor to more than 24,000 clients, we enjoy a solid reputation as experts in multiple industries. The majority of our clients are middle-market companies, government entities, and nonprofits who benefit from the professional services we provide to improve their financial situation and overall operating effectiveness. Our services focus on improving the key components of every successful organization:

Firm Facts

- One of the largest accounting firms in the United States
- Recognized leader in serving the nonprofit industry
- Over 1,500 staff members serving offices in Wisconsin, Minnesota, Illinois, Idaho, Pennsylvania, Montana, and Washington
- Nonprofit group consists of 15 partners and 75 professional staff
- Member of Allinial Global
- Awards and Accolades
 - Accounting Today's Top Firms by AUM (2010, 2011)
 - Accounting Today's VAR 100 list (2010, 2011, 2012)
 - Technology Pacesetter List (2010, 2011)
 - Best Accounting Firms to Work For (2008)
 - Microsoft Dynamics Inner Circle and Presidents Club (2012)

For more information on Wipfli, please visit us at www.wipfli.com.

- Strategic planning
- Risk management
- Process and performance management
- Human resources and talent management
- Operations and organization structure
- Systems and information technology
- Marketing, sales, and customer service
- Audit, tax, investment, and financial advice and assurance

Wipfli is a member of Allinial Global. Allinial Global is an association of independent accounting and consulting firms. Sharing of knowledge and skills among member firms permits us to provide additional expertise in the handling of any business problem.

Firm Structure

Wipfli LLP is a limited liability partnership, formed in 1930, with capital provided by the firm's 181 partners. The firm has over 1,500 employees and operates 32 offices in Wisconsin, Minnesota, Illinois, Idaho, Pennsylvania, Montana, and the state of Washington, and two in India. Our headquarters is located in Milwaukee, Wisconsin.

Minority/Small Business

Wipfli does not qualify as a small business firm as defined by the Small Business Administration (13 CFR 121.201) because of having annual receipts for the last three fiscal years of more than \$6,000,000. Although 42 of Wipfli's 182 partners are women, we do not meet the definition of a minority or women business enterprise (51% ownership). We are above the AICPA's average for female/male partner ratios compared with other firms.

Conclusion

The information contained in this proposal document is for discussion purposes only and does not constitute a binding contract between you or your organization and Wipfli LLP. If the above services and information are acceptable and you wish to proceed, we will prepare a formal engagement letter for you to sign, which will address the specific scope, responsibilities, and criteria relative to our engagement. The engagement letter will constitute the entirety of the terms and conditions of our arrangement with you.

Commitment to sustainability

Wipfli LLP supports sustainability efforts, which consider present needs without compromising the ability of future generations to meet their needs. We use the four directions of the Compass as our lens for sustainability: N-Nature, E-Economy, S-Society, W-Well-being. This ensures a balanced and holistic approach to sustainability planning and decision making for Wipfli's clients and associates.

Appendix







Certifications:

Certified Professional Facilitator

Six Sigma Green Belt

Seth M. Finestack Senior Manager

Current Position and Responsibilities

Seth Finestack is a senior manager in Wipfli LLP's nonprofit and government practice and helps to lead our strategy, organizational development, and HR solutions across the firm. Drawing from a decade of consulting for Fortune 1000 organizations, he now helps mission-driven clients transform their businesses into community and industry leaders. Seth trains, consults, and facilitates transformation planning, change leadership, and organizational alignment priorities.

Specializations

- Strategic planning
- Organizational development
- Process improvement, alignment, and redesign
- Leadership development
- Change management
- Large and small group facilitation
- Technology integration and adoption

Past Experience

- Change management consultant for an international Big Four CPA and consulting firm
- Major account consultant for a national management consulting firm
- Communications consultant for a Big Three automotive corporation
- Strategic planning facilitator for over 25 organizations of all sizes

Professional Memberships and Activities

- International Association of Facilitators(IAF) Member
- Minnesota Council of Nonprofits (MCN) Member
- Society for Human Resource Management (SHRM) Member
- Leadership Saint Paul Class of 2010
- Eco Education St. Paul Board member

Education

Northwestern University

Master of science degree in integrated marketing communication

University of Kansas

Bachelor of arts degree in English - Graduated magna cum laude

Contact Information:

Please contact Seth in our Minneapolis office. Office: 952.548.6706

E-mail: sfinestack@wipfli.com





Certifications:

Spanish

Shelly R. Schwane Senior Consultant

Current Position and Responsibilities

Shelly Schwane is a senior consultant in Wipfli LLP's nonprofit and government practice. She shares her diverse background in data analytics, program development, and operational planning to help clients infuse viability into their missions and thrive as community leaders. Driven by a passion for social change, Shelly's goal is to strengthen her clients through fair and equitable wage structures, change management, and understanding of generational differences. She also provides client trainings and presents at conferences on a variety of human resources, leadership, and organizational development topics.

Specializations

- Organizational development
- Strategic planning
- Performance management
- Community engagement
- Wage comparability analysis
- Process improvement and alignment
- Change management
- Research and data analysis
- Program evaluation and outcomes metrics development

Past Experience

- Associate director for an international, fee-based, not-for-profit organization
- Clinic operations specialist for a community counseling center

Professional Memberships and Activities

- United Way Campaign manager
- Community Shares Campaign manager
- Big Brothers/Big Sisters of Dane County Gala Committee member
- Downtown Madison, Inc. Member
- CONNECT Madison Member
- United Way Community Solutions Team, Growing Up Getting Ready Member
- Wipfli Inclusion Network Committee Member
- National Alliance on Mental Illness Member
- National Society of Collegiate Scholars Member

Education

University of Wisconsin-Madison

Bachelor of science degree in psychology - Graduated magna cum laude

Contact Information:

Please contact Shelly in our Minneapolis office.

Office: 952.548.3351 E-mail: sschwane@wipfli.com







Steven P. Lipton Partner

Current Position and Responsibilities

Steve Lipton leads Wipfli LLP's nonprofit and government practice, a diverse group of accounting and consulting professionals deeply focused on the needs of nonprofit organizations and units of government. He and his team help organizations achieve their mission by improving their performance while helping them stay in compliance.

Specializations

- Work with organizations' senior leadership to determine and execute strategy
- Coach organization leaders on addressing root cause issues that impair success
- Help organizations understand the impact of technology on improving their operations and how to implement effective technology governance
- Develop innovative methods and products to improve organizations' productivity
- Develop and deliver training programs

Past Experience

- Manager in former Big Four accounting and consulting firm
- Led technology deployment at top international law firm
- Partner in charge of Wipfli's information technology group

Awards

- In Business Magazine's Executive Register
- Published in Journal of Accountancy
- Sage Reseller of the Year

Professional Memberships and Activities

- American Institute of Certified Public Accountants (AICPA) Member
- Information Technology Association Member
- Boys and Girls Club of Dane County Board president-elect
- Business Education Partnership Member
- Leadership Greater Madison Member
- Madison Museum of Contemporary Art, Technology Advisory Committee Member

Education

Northern Illinois University

Master of business administration degree

University of Illinois at Urbana-Champaign

· Bachelor of arts degree

Contact Information:

Please contact Steve in our

Madison office. Office: 608.270.2925

E-mail: slipton@wipfli.com

TAB 4



WAYNE Z. BENNETT wzb@clydesnow.com

April 8, 2016

John Baldwin, Executive Director Utah State Bar jbaldwin@utahbar.org

Re: ABA House of Delegates Position

Dear Mr. Baldwin:

I am writing this letter to express my strong interest in serving as the Utah Young Lawyers Division member for the ABA House of Delegates. In addition to my background in policy-making type roles and well-rounded career as an attorney, my enthusiasm for this area of work makes me the perfect candidate for this position.

For as long as I can remember, I have been fascinated by the inner workings of the legislature. So much so, that during my undergraduate career at the University of Texas, I spent much of my time working for a Senator at the Austin capital. It was there that I had the opportunity to become an expert on any and all policy topics relevant to the upcoming session in order to adequately prepare the Senator on all aspects of the subject and attended those sessions to offer my ideas, opinions and thoughts to the Senator as issues arose. Along with my other responsibilities in this role, we had a personal goal in our office to achieve more diversity in graduate schools in our district in Dallas-Fort Worth, and I was on the front lines in developing and executing plans to accomplish this goal. This was invaluable experience that sharpened my analytic skills and my interest in the law and the collaborative process it entails.

With a heightened passion for community involvement, upon receiving my J.D. from the University of Utah S.J. Quinney College of Law with honors in 2014, I joined the American Bar Association and was selected as a Young Lawyers Division board member. I have enthusiastically served on the Young Lawyers Division Activities Committee ever since. It is in that position that I have had the responsibility of planning and executing networking and social activities that appeal to the wide array of personalities and backgrounds present in the Utah Young Lawyers Division. An example of one of those activities includes the Utah State Bar New Lawyer Mentoring Program Opening Social where new lawyers and their mentors participating

in the New Lawyer Mentoring Program come together in an informal setting to get to know one another better in the hopes that the year-long mentoring relationship will run smoothly and perhaps even extend far beyond the Utah State Bar's one year requirement as a means of providing additional safety nets to new lawyers and the clients they represent. Another example is the Professionals Networking Lunch in which young professionals amongst different professions such as finance and business have lunch with young attorneys in an effort to facilitate an exchange of ideas and experiences between young lawyers and non-lawyers alike. Incidental to my time on the Young Lawyers Division Board my peers have become my friends only further inciting my desire to make the legal profession better for my clients and colleagues rather than for my personal benefit alone. I plan on continuing to serve on the Board for my next nine years as a member of the Young Lawyers Division.

Simultaneously, I have worked as an associate attorney at the law firm of Clyde Snow & Sessions in Salt Lake City. My practice is concentrated in civil and commercial litigation with an emphasis in employment and business disputes however I have worked in far more aspects of the law including condemnation, tax, bankruptcy, family law, criminal defense, and water law. This has offered me the chance to work with a diverse group of clients and opposing counsel that has immensely benefitted my practice and ultimately broadened my perspective which I believe makes me uniquely qualified for the delegate position. With the help of many experienced mentors at the firm, I have honed my legal analysis, writing, research, and issue-spotting skills and continue improving to this day. I am truly learning from the best and credit more than most of my success in my career to the countless tips, best practices, and examples of integrity provided to me by my colleagues at Clyde Snow.

Thank you in advance for considering me for this position. I am confident that if selected, I would make a valued contribution to the betterment of the legal profession and can guarantee that I would do my very best to positively represent the Utah State Bar and the voice of the young lawyers within it.

I look forward to hearing from you.

Very truly yours,

Victoria B. Finlinson

Victoria B. Finlinson

(209) 324-8734 • 2121 E. Bryan Ave, Salt Lake City, UT 84108 • <u>vbf@clydesnow.com</u>

Education

University of Utah S.J. Quinney College of Law, Salt Lake City, UT

J.D. with honors, May 2014

- Top 5 Oralist, Moot Court, 2013
- Received an A in Trial Advocacy, 2013
- Negotiation Competition Team, 2013
- Sports Law Club Treasurer, 2012-2013; Sports Law Club President, 2013-2014
- Member of Women's Law Caucus, 2011-2014
- Volunteer at Family Law Clinic, Pro Bono Initiative, 2012
- Volunteer at Health Law Clinic, Pro Bono Initiative, 2014
- Student Litigation Society, 2012-2014

University of Texas, Austin, TX

B.A. magna cum laude, Government, May 2011 National Honor Society, Delta Delta Sorority

Work Experience

Clyde Snow & Sessions, Salt Lake City, UT Attorney, October 2014-Present

Clyde Snow & Sessions, Salt Lake City, UT Law Clerk, November 2013-October 2014

Legal Aid Society, Salt Lake City, UT Intern, May 2012-August 2012

University of Texas, Austin, TX/Washington D.C.

Government Research Assistant for Professor Jones, August 2010-June 2011

Received research scholarship to travel to Washington D.C. to meet with Senators
and House Representatives to share analysis and results of my report on the effect of
party affiliation on the influence Senators have on one another

Texas State Senator Chris Harris (District 9), Austin, TX Intern, May-August 2010

Community Service

YLD Wills for Heroes, Salt Lake City, UT, Attorney Participant, January 2016
Utah Law Related Education, Salt Lake City, UT, Panel Judge, March 2013, 2014
St. Jude Children's Hospital, Austin, TX, Fundraiser/Volunteer, August 2010-May 2011
Step Out: Walk to Fight Diabetes, Austin, TX, Head of Children Activities, November 2010
Memorial Hospital, Modesto, CA, Hospital Volunteer, September 2005-May2007
MS Walk, Modesto, CA, Annual Volunteer/Head of Children Activities, April 2003-April 2007

Interests/Language

Sports, Crossfit, Bikram yoga, and traveling

Conversational in Danish



201 South Main Street, Suite 1800 Salt Lake City, Utah 84111 Main 801.532.1234 Fax 801.536.6111

A Professional Law Corporation Grace S, Pusavat Attorney Direct 801,536.6985 GPusavat@parsonsbehle.com

April 8, 2016

Bar Commissioners:

I write to express my interest in serving as the Young Lawyers Division Delegate to the American Bar Association House of Delegates. In this letter I hope to demonstrate that my qualifications coupled with my enthusiasm provide the skills and dedication necessary to serve as the YLD Delegate.

My experience and qualification make me uniquely suited to serve as the YLD Delegate to the ABA House of Delegates. I received my Bachelor of Science with Distinction in Honors Research from Cornell University and I graduated with honors from the J. Reuben Clark Law School at Brigham Young University. During law school, I served on Law Review, won the Trial Advocacy Regional Championship, placed as a National Trial Competition Semi-Finalist, competed with the Moot Court Traveling Team, and worked as a Teaching Assistant. I am currently an associate attorney at Parsons Behle & Latimer.

As a member of the inaugural class of the Utah Leadership Academy, I have had the opportunity to hone my leadership skills. The Academy has provided the trainings and resources to develop skills in areas such as how to effectively utilize different leadership styles, how to build connections among diverse groups, and public speaking skills. The Academy has provided me with the training and preparation to be an effective YLD delegate.

In my current position as the Membership Chair and Board Member of Women Lawyers of Utah, I have demonstrated my reliability and diligence by communicating to our membership through a weekly email to 708 subscribers informing members of events. Additionally, I provide updates for WLU's website and social media to reflect current information for the organization.

I also have experience successfully representing organizations on a national level. During my undergraduate studies at Cornell University, I served as the National Communications Coordinator for the National Association of College and University Residence Halls. I traveled across the country attending conferences as the Cornell delegate to discuss programming to improve residential life on college campuses. I often addressed over three hundred delegates from colleges and universities across the nation. Through the relationships I developed as the National Communications Coordinator, I implemented new programming for college students on topics ranging from community development to academic resource awareness.

I am an active member of the Young Lawyers Division and the Utah State Bar looking to find a way to participate more fully in our community. This year I have actively participated the Utah Bar Spring Convention, New Lawyer Training Program events, and events sponsored by the Young Lawyers Division. I have a passion for connecting fellow attorneys and participating in Utah State Bar activities and I would carry this dedication as the YLD Delegate.

I would be honored to represent Utah as the YLD Delegate. I approach this responsibility with enthusiasm and dedication. I have a strong desire to serve and will proactively work with the Utah State Bar Commission, Young Lawyers Division, and attorneys throughout Utah to understand the needs of Utah lawyers to ensure the best representation as the YLD Delegate at the national level.

I am eager to serve as the YLD Delegate. I welcome you to talk to me about it by emailing me at gpusavat@parsonsbehle.com or calling me at (801) 536-6985. Thank you for your consideration.

CHRIS WHARTON LAW, LLC

165 South Main Street, Suite 200 • Salt Lake City, UT 84111 • 801-649-3529

April 8, 2016

John Baldwin Executive Director, Utah State Bar 645 South 200 East Salt Lake City, Utah 84111

Dear Mr. Baldwin and Utah Bar Commissioners,

I am writing to express my strong interest in serving as Utah's young lawyer delegate to American Bar Association's House of Delegates. I am a 32-year-old attorney based in Salt Lake City. My practice focuses on family law, criminal defense, and LGBT legal advocacy. After graduating from the S.J. Quinney College of Law in 2009, I practiced at a small firm for two years before opening my own solo practice in 2012.

As an active member of the Utah State Bar, I have been heavily involved with the Young Lawyer's Division and the Family Law Section. I am also a member of the Salt Lake County Bar Association, the LGBT & Allied Lawyers of Utah, the Utah Association of Criminal Defense Attorneys, and the American Inns of Court Watkiss-Sutherland II Inn. In 2015, I served as a member of the Utah State Bar Futures Commission and help compile the Report on the Future of Legal Services in Utah.

Currently, I am finishing my term as president of the Young Lawyers Division (YLD). During my tenure, I have helped head dozens of activities, service projects, and CLEs. I also oversaw the implementation of three new public service programs and hosted a regional leadership summit for young lawyers in Park City. In addition to managing YLD programs, I have served as an ex officio member of the Utah Bar Commission and a member of the ABA Young Lawyer Assembly.

Through these experiences, I have become intimately familiar the professional issues facing young lawyers as well as the legal needs of the public we serve. Additionally, these experiences have given me significant insight into the issues facing our profession on both a local and national level. If selected to represent our state in the ABA House of Delegates, I will use the information, experience, and connections I have gained to be a passionate voice for young lawyers and an effective advocate for the future of our profession.

Included with this letter is a copy of my résumé. If you have any questions about me and my candidacy for this position, please feel free to contact me.

Sincerely,

T. Christopher Wharton

ch White

Attorney at Law

T. CHRISTOPHER WHARTON

165 South Main Street, Suite 200 Salt Lake City, UT 84111 chris@chriswhartonlaw.com 801-649-3529

WORK EXPERIENCE

Chris Wharton Law, LLC, Founding Attorney - Salt Lake City, Utah

Aug. 2012 - Present

- Focus on family law, criminal defense, estate planning, and LGBT legal advocacy
- Effectively maintain a high caseload of civil, criminal, and administrative cases
- Led a team of attorneys in filing an amicus brief to United States Supreme Court

Sharifi & Baron, PLLC, Associate Attorney - Salt Lake City, Utah

Oct. 2010 - Aug. 2012

- Served as lead counsel for felony and misdemeanor cases across the state
- Established family law practice and served as lead counsel on domestic cases

Salt Lake City Prosecutor's Office, Practicing Intern - Salt Lake City, Utah

Sept. 2008 - April 2009

- Successfully tried several misdemeanor cases in the Salt Lake City Justice Court
- Prepared arraignments, plea agreements, motions, and other pretrial documents

Utah Attorney General's Office, Civil Appeals Clerk - Salt Lake City, Utah

Ian. 2008 - Feb. 2009

- Drafted office memoranda, administrative documents, trial and appellate briefs
- Worked directly under the Utah Solicitor General and other Division

EDUCATION

University of Utah, S.J. Quinney College of Law - Salt Lake City, Utah

Aug. 2006 - May 2009

- Juris Doctor; emphasis in criminal law, family law, and public interest law
- Quinney Leadership and Watson Public Policy Scholarships; Pro Bono Certificate
- President, Student Bar Assoc.; Managing Editor, Journal of Law & Family Studies

University of Oxford, Magdalen College - Oxford, United Kingdom

June 2007 - Aug. 2007

- Completed a traditional Oxford tutorial on Anglo-American jurisprudence
- Attended seminars on comparative United Kingdom and European Union law

Westminster College – Salt Lake City, Utah

Aug. 2002 - June 2006

- Bachelor of Arts (magna cum laude) majoring in history; political science minor
- President's Leadership Award; various academic and leadership scholarships
- President, Associated Students of Westminster College; Presidential Ambassador

LEADERSHIP & COMMUNITY INVOLVEMENT

President, Young Lawyers Division, Utah State Bar Associate Member, Watkiss-Sutherland II American Inn of Court Community Service Chair, LGBT & Allied Lawyers of Utah Member (and former Chair), Salt Lake City Human Rights Commission Member, Equality Utah Legal Panel	July 2015 - Present Aug. 2014 - Present Sept. 2014 - Present Dec. 2008 - Present Jan. 2012 - Present Oct. 2010 - Dec. 2015
Member (and former Vice Chair) Utah Pride Center Board of Directors	Oct. 2010 - Dec. 2013

PUBLICATIONS

 Co-Author, "More Than Marriage: Utah's System of De Jure Denigration Goes May 2013 Before the U.S. Supreme Court" in Utah Bar Journal, Vol. 26 No. 3 Author, "Fighting Like Cats & Dogs: The Rising Number of Pet Custody Spring 2008 Battles," University of Utah Journal of Law and Family Studies, Vol. 10 No. 2 Fall 2007

Author, "Deserted in Deseret: Emancipating Polygamist & Queer Homeless Youths," University of Utah Journal of Law and Family Studies, Vol. 10 No. 1

INTERESTS

Independent films and music, local politics, world history, art, pop culture, and food trucks

TAB 5

RAY QUINNEY & NEBEKER

MEMORANDUM

Date:

April 11, 2016

To:

Utah Bar Commission

From:

Robert Rice

Re:

Attorney Directory

There are two aspects of the attorney directory currently under development by the AAA Task Force. First, the directory contains an "attorney look-up" feature that will house contact information for all active, licensed attorneys. Second, the directory will contain a client services portal with the search feature that John Lund demonstrated to Commissioners at the March 10, 2106 Bar Commission meeting. The following action items are submitted for the Bar's consideration in connection with the attorney directory:

- 1. Should lawyer participants in the client services section of the directory be required to provide proof of malpractice insurance and if so, in what amounts? Alternatively, should consumers be able to determine which lawyers have malpractice insurance, and in what amounts.
- 2. Should lawyers participating in the client services section of the attorney directory be required to pay a fee to account for the approximately \$500 monthly maintenance cost incurred by the Bar, or should the director by free for lawyer participants, at least initially?
- 3. Should the lawyers opt in or opt out of the client services section of the Directory?
- 4. Budget considerations: Of the \$125,000 approved for capital expenditures for computer services, the Bar has spent \$49,545 on the Attorney Directory and \$46,135 on other software. \$29,320 remains in the budget line item.



TAB 6

Overview Utah State Bar 85th Anniversary Celebration & Scholarship Launch

Date: Thursday, June 30, 2016 Time: 6pm Social 7pm Dinner

Location: Natural History Museum of Utah, Canyon Room and Terrace No. Of Guests: 220 (8 Seats per table) open to all members of the Bar

CLE with Judge Nuffer 1.0 hour of professionalism/civility pending

Projected costs: \$15,000

Ticket cost: \$75 x 100 expected paying guests = \$7500

Request for approval of \$8500 funds (advertising budget) to cover the costs of comped guests: 132 approx based on Magna Carta event

Comped guests will include:
Commissioners and a guest
Past presidents and a guest
Judges and a guest
Lifetime Service Award Recipients and a guest

If needed we may "cap" the amount of Judges/Past-Presidents comped

We will also have sponsors of the event for a prize for the CLE/ice-breaker activity, scholarships, etc. (Orange Legal, others)

TAB 7 Elizabeth A. Wright #8612 General Counsel UTAH STATE BAR 645 South 200 East Salt Lake City, Utah 84111 801-531-9077 elizabeth.wright@utahbar.org

IN THE UTAH SUPREME COURT

IN RE:

UTAH STATE BAR
Petitioner.

Petition To Allow Bar Admission for Undocumented Immigrants

Pursuant to Supreme Court Rule of Professional Practice 11-105(2), the Utah State Bar (the "Bar"), by and through its General Counsel, petitions the Court to amend the Rules Governing Admission to the Utah State Bar to allow Bar admission for undocumented immigrants who otherwise meet the Utah standards for admission.

INTRODUCTION

Federal law prohibits states from issuing professional licenses to undocumented immigrants unless the state enacts a law opting out of the federal restriction. The Personal Responsibility and Work Opportunity Reconciliation Act, 8 U.S.C. § 1621 (1996). As the branch of government with the constitutional authority to regulate the practice of law in Utah, this Court is the state entity empowered to opt out of the federal restriction to the extent the restriction applies to the admission of attorneys to the practice of law.

While the Bar does not currently have an undocumented applicant, one or both of the State's law schools have undocumented students who are likely to apply for Utah Bar admission. Accordingly, the Bar is seeking a rule change in anticipation of undocumented applicants.

This Court should allow Bar admission for undocumented immigrants who were brought to this country as children and know only this country as home. These individuals lacked the intent to violate the immigration laws, have become productive members of our society and attended United States schools, colleges and law schools. Undocumented immigrants brought to the United States as children should be allowed admission to the Utah Bar if they pass the Bar exam and meet the other admission requirements.

The Bar's Board of Bar Commissioners ("Commission") met on December 24, 2015 at a regularly scheduled Bar Commission meeting to discuss the issue of admission of undocumented immigrants and the fact that one or both of Utah's law schools have undocumented students who would like to apply for bar admission in Utah. After discussion, the Commission voted unanimously to petition this Court to allow the admission of undocumented immigrants who otherwise meet the standards for admission to the Utah Bar.

BACKGROUND

A. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996

(PRWORA) prohibits the states from conferring certain state or local public benefits, including professional licenses, upon defined "aliens" with the exception of aliens who

are exempt. 8 U.S.C. § 1621(a), (c)(1)(A). Exempt aliens include aliens who are admitted for permanent residence, granted asylum, refugees, paroled into the United States for a medical emergency or family reunion, or whose deportation is being withheld because of fear of persecution or bodily harm if returned to country of origin. 8 U.S.C. § 1621(a).

The prohibition against conferring state or local public benefits, including professional licenses, has an important exception. Under § 1621(d), a state can give benefits to non-exempt aliens who are not lawfully present if it does so by "the enactment of a State law" after August 22, 1996 which affirmatively provides for such eligibility. 8 U.S.C. § 1621(d). This petition will refer to this exception as "the opt out" provision.

B. DACA Recipients

Under the federal executive policy known as Deferred Action for Childhood Arrivals, or DACA, the United States Department of Homeland Security (DHS) has elected to exercise discretion not to take action to deport or remove from the country certain young people who were brought this country as children and know only this country as home. See DHS, Memorandum from Janet Napolitano (June 15, 2012), available at http://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf and attached as Exhibit A. DACA is one of several forms of "deferred action" that federal executive authorities have offered to individual aliens, or groups of aliens, for humanitarian or other reasons.¹

¹ For a review of federal use of deferred action before the DACA policy was announced, see Shoba Sivaprasad Wadhia, The Role of Prosecutorial Discretion in Immigration Law, 9 Conn. Pub. Intl. L. J. 243 (2010)

To be eligible for DACA relief, an applicant must be an alien without lawful status who arrived in the United States before the age of sixteen and who is now less than thirty-one years old. Applicants must also have no significant criminal record, as well as a high-school education or service in the U.S. armed forces. DHS, Memorandum from Janet Napolitano (June 15, 2012) attached as Exhibit A.

Like recipients of other forms of deferred action, DACA recipients enjoy no formal immigration status. Nevertheless, DACA recipients are permitted by DHS to remain in the United States for a renewable two-year period. DHS considers DACA recipients to be lawfully present in the United States because their deferred action is a period of stay authorized by the Attorney General. *Ariz. Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1059 (9th Cir. 2014) citing 8 U.S.C. § 1182(a)(9)(B)(ii); 8 C.F.R. 214.14(d)(3); U.S. Immigration and Naturalization Services Adjudicator's Filed Manual Ch. 40.9.2(b)(3)(J). For example, if present-day DACA recipients eventually leave the country and seek re-admission to the United States, their time as DACA recipients will not count as time in "unlawful presence"—something that otherwise might have counted against their future admissibility. See 8 C.F.R. § 214.14(d)(3) (providing that deferred action does not count as "unlawful presence"); 8 U.S.C. § 1182(a)(9)(B)(ii) (an alien is deemed "unlawfully present" for purposes of ineligibility for future admission if the alien is present beyond a "period of stay authorized by the Attorney General" or without being admitted or paroled).

Similarly, a federal statute known as the Real ID Act, under which states are permitted to issue drivers' licenses only to aliens whose status is an "authorized stay in the United States," expressly identifies deferred action as a "period of authorized

stay." Real ID Act § 202(c)(2)(B)(viii), (C)(i)-(ii) (2005). See discussion in *Arizona* Dream Act Coalition v. Brewer, 757 F.3d at 1074 n.9 (Christen, J., concurring).

DHS has stated that DACA does not confer "lawful status" on an individual, because only Congress can create or define an immigration status. See DHS, Memorandum from Janet Napolitano, page 3. DACA recipients, like other aliens who receive deferred action, are eligible to receive Employment Authorization Documents which allow them to work in the United States. 8 C.F.R. §274a.12(c)(14).

C. Other States That Allow Admission of Undocumented Immigrants

1. California and Florida

California and Florida are the first two bars to consider the issue of bar admission for undocumented immigrants. The California and Florida courts construed 1621(d)'s requirement of "the enactment of a State law" in order to opt out of PRWORA's restriction to mean a passage of an act by a state legislature and signed into law by the state's governor. *In re Garcia*, 315 P.3d 117 (Cal. 2014); *Florida Bd. of Bar Examiners re Questions as to Whether Undocumented Immigrants are Eligible for Admission to the Fla. Bar*, 134 So. 3d 432 (Fla. 2014). The courts in both states held that federal law prohibited those courts from admitting lawfully present undocumented immigrants without state legislation allowing for issuance of a bar license to those individuals. 315 P.3d at 120, 134 So. 3d at 435.

In California, following oral argument, but prior to the issuance of the Court's determination of an undocumented immigrant's application, the California Legislature enacted an opt out provision that allowed undocumented immigrants admission to the practice of law as long as they otherwise fulfilled admission requirements. See Cal. Bus.

& Prof. Code, §6064(b). In granting Mr. Garcia admission based on the newly enacted legislation, the Court held that that newly enacted legislation removed any potential statutory obstacle to admission imposed by 8 USC § 1621. 315 P. 3d at 128.

In Florida, in the absence of such a statute, the Florida Supreme Court held that PRWORA § 1621 precludes bar admission for DACA recipients. *Fla. Bd. of Bar Exam'rs*, 134 So. 3d at 435. The Supreme Court of Florida held the phrase "enactment of a State law" requires a state legislature to address the issue and pass legislation, which the governor must either approve or permit to become the law of the State. *Id.* After the decision issued, the Florida legislature enacted a statute that authorizes bar admission for aliens with work authorization who were brought to the United States illegally as children. *See* Fla. Stat. § 454.021(3) (as amended May 21, 2014).

1. New York

In contrast, in June of 2015, New York held that held that a narrow reading of 8 USC § 1621(d) so as to require a state legislative enactment to be the sole mechanism by which the State of New York exercises its authority granted in 8 USC § 1621(d) to opt out of the restrictions on the issuance of licenses unconstitutionally infringes on the sovereign authority of the state to divide power among its three coequal branches of government. In the Matter of the Application of Cesar Adrian Vargas for Admission to the Bar of the State of New York, 131 A.D. 3d 4, 6 (N.Y. 2015). The Court went on to hold that the judiciary may exercise its authority as the state sovereign to opt out of the restrictions imposed by 8 USC § 1621 to the extent those restrictions apply to the practice of law in the State of New York. 131 A.D. 3d at 6.

The New York applicant Mr. Vargas was brought to the United States by his mother when he was five years old without lawful documentation to enter or remain in the United States. Mr. Vargas enrolled in and graduated from public school in New York City. Mr. Vargas went on to graduate from college in Brooklyn and attend and graduate from the City University of New York Law School. He sought and obtained DACA relief, passed the New York bar exam (in New York applicants must take and pass the bar exam before submitting an application) and submitted an application in which he disclosed his immigration status.

New York's Character Committee conducted a hearing on Mr. Vargas' bar application and found Mr. Vargas to be of "stellar character," but recommended against admission solely on the ground that it should be left to the Court to determine whether his application was barred by his immigration status. 131 A.D. 3d at 8-9.

At the Court's request, amicus curiae briefs were submitted by the United States of America and the State of New York. The State of New York asked the Court to consider whether 8 USC § 1621 violates the Tenth Amendment. The Court first determined that the undocumented status of an individual alone does not adversely reflect on the character and fitness of a person for admission to the practice of law. 131 A.D. 3d at 18. The Court next determined that applicable New York judiciary laws allow for admission of an undocumented individual. 131 A.D. 3d at 20.

The Court then found that the New York judiciary is vested with the sole authority to govern the admission of attorneys in the state and is therefore the appropriate sovereign to make a rule "opting out" of the federal restriction. The Court stated:

The Tenth Amendment is implicated here because although Congress has left the ultimate determination whether to expend

public benefits, including professional licensure, to the states, it has, at the same time, prescribed the mechanism by which states may exercise that authority. Where, as here, New York, by its own legislative enactment, has determined that the state judiciary is the sovereign authority vested with the responsibility for formulating the eligibility qualifications and processes governing the admission of attorneys and counselors to the practice of law, that limitation cannot withstand scrutiny under the Tenth Amendment.

131 A.D. 3d at 25.

The Court admitted Mr. Vargas on the grounds that the opt out restrictions in 8 USC § 1621, to the limited extent that it governs the admission of attorneys as professional licensees, may be lawfully exercised by the judiciary in order to be consistent with the Judiciary Law of the State of New York and the sovereignty guaranteed by the Tenth Amendment.

I. This Court Is the Constitutional Sovereign With Authority to Enact a State Law Opting Out of The Federal Restriction Against Bar Admission for Undocumented Immigrants

The Utah Supreme Court is the constitutionally mandated sovereign with sole responsibility for determining who can practice law in Utah and is therefore the entity to adopt a rule opting out of the federal restriction against bar admission for undocumented immigrants. The Utah Constitution states that "[T]he Supreme Court by rule shall govern the practice of law, including admission to practice law and the conduct and discipline of persons admitted to practice law." Utah Const. art. VIII, § 4. This distribution of responsibility ensures that decisions about candidates' competence and moral character will be made with the benefit of this Court's unique expertise on matters related to the practice of law. The United States Supreme Court has also

acknowledged that "the courts have historically regulated admission to the practice of law before them." *Gentile v. State Bar of Nev.*, 501 U.S. 1030, 1066, 111 S. Ct. 2720 (1991).

Pursuant to the authority granted in Article VIII of the Utah Constitution, this Court has promulgated rules governing the practice of law in Utah including rules governing the qualifications of applicants, rules governing uniform educational requirements and rules requiring the type of bar examination Sup. Ct. Rules of Prof'l Practice, Article 7. Admissions.

To construe "enactment of a State law" to empower only state legislatures, rather than other branches of state government, runs afoul of the Tenth Amendment prohibition against the federal government requiring states to govern according to Congress' instructions or by directly compelling a state to enact or enforce a federal program. 131 A.D. 3d at 31-38 (citations omitted). "[T]he Constitution has never been understood to confer upon Congress the ability to require the States to govern according to Congress' instructions." New York v. United States, 505 U.S. 144, 162 (1992).

The Tenth Amendment "expressly declares the constitutional policy that Congress may not exercise power in a fashion that impairs the states' integrity or their ability to function effectively in a federal system." *Fry v. United States*, 421 U.S. 542, 547 n.7 (1975). In doing so, the Amendment recognizes the well-settled principle that "the States entered the federal system with their sovereignty intact." *Blatchford v. Native Vill. Of Noatak*, 501 U.S. 775, 779 (1991).

The sovereignty recognized by the Tenth Amendment bars both direct and indirect forms of interference by the federal government. Congress may not direct a state to enact a specific law or implement a specific policy. *New York v. United States*, 505 U.S. 144 (1992), affirmed that "Congress may not simply commandeer the legislative process of the States by directly compelling them to enact and enforce a federal regulatory program." *Id.* At 161 (quoting *Hodel v. Va. Surface Mining & Reclamation Assn.*, 452 U.S. 264, 288 (1981)); see also, *Printz v. United States*, 521 U.S. 898 (1997) (holding that Congress cannot "commandeer" executive-branch officials).

Nor may Congress offer the states incentives to adopt federal policy that are so powerful that they amount to coercion, because such incentives would compromise the integrity and independence of state decision-making processes. See Nat'l Fed'n of Indep. Bus. v. Sebelius, 132 S. Ct. 2566, 2602-2603 (2012) (Roberts, C.J.) (Court "scrutinize[s] Spending Clause legislation to ensure that Congress is not using financial inducements to exert a power akin to undue influence." (quotation marks omitted)). And while Congress can offer states the choice of regulating according to federal standards or having state law pre-empted by federal regulation, it cannot unduly coerce the states into making that choice in a way that effectively undermines the independence of state decision-making processes. See New York, 505 U.S. at 174-178 (Congress violated state sovereignty by coercing the states into adopting Congress's preferred regulatory scheme or taking title to nuclear waste).

Similarly, the federal government cannot interfere with the processes of state government by specifying which state officials or which branch of state government may exercise the power of the state sovereign. Since "a State can only perform its functions through its officers, a restraint upon them is a restraint upon its sovereignty." Alden v. Maine, 527 U.S. 706, 747 (1999). Thus, in Gregory v. Ashcroft, 501 U.S. 452 (1991), the Court interpreted a federal statute in a way that was contrary to its "plain language" to avoid interfering with state governmental decisionmakers. Id. at 465-66. The Court declined to apply the federal Age Discrimination in Employment Act to a state's requirement that its supreme-court judges retire at the age of seventy, even though the "plain language" of the statute made it applicable to all persons appointed "at the policymaking level." Id. at 465-66. The Court found it "essential to the independence of the States . . . that their power to prescribe the qualifications of their own officers" should be "exclusive, and free from external interference, except so far as plainly provided by the Constitution of the United States." Id. at 460. While Gregory dealt with the state's interest in determining who holds office, the state has a similarly essential interest in determining which of its officials or subdivisions is empowered to make a given decision.

The state sovereignty recognized by the Tenth Amendment protects the integrity and independence of state governmental decision-making—and the officials who are responsible for it—against federal incursion. But § 1621(d), if construed to impose a legislative-enactment requirement, would violate that state sovereignty by dictating to a state that it may act only through its legislature, and not through its

courts, to decide whether the relevant noncitizens may be licensed as attorneys. 131 A.D.3d at 27.

Consistent with the Utah Constitution and the sovereignty guaranteed by the Tenth Amendment, this Court may exercise the authority to opt out of the restriction imposed by 8 U.S.C. § 1621(d) and allow for the Bar admission of undocumented applicants who otherwise meet the qualification or admission.

II. Undocumented Status Does Not, Per Se, Adversely Reflect On An Individual's Character and Fitness to Practice Law.

Undocumented status alone does not suggest that an applicant does not possess the character and fitness qualities necessary to be a licensed lawyer. It is not a crime for a removable alien to remain in the United States. *Arizona v. United States*, 132 S. Ct. 2492, 2505 (2012). Moreover, California, Florida and New York have all determined that undocumented immigration status, in and of itself, does not reflect adversely upon an individual's fitness to practice law. 131 A.D. 3d at 15, 315 P.3d at 130, Fla. Stat. § 454.021(3). In considering the weight to be accorded to unlawful entry, the New York Court of Appeals cited the United States Supreme Court's long-standing recognition that "[v]isiting . . . condemnation on the head of an infant is illogical and unjust." 131 A.D. 3d at 18-19 *citing Plyer v. Doe*, 457 U.S. 202, 220, 102 S.Ct. 2382 (1982) (holding the undocumented status of the children does not establish sufficient rational basis for denying the education benefits the state affords other residents).

DACA recipients do not enter the United States illegally under their own volition.

They are brought as children at the hands of their parents. It is unrealistic to expect children brought to the United States by their parents to leave the only country they have known. Indeed, the heart of the DACA policy is the notion that United States

immigration laws are not designed "to remove productive young people to countries they may not have lived or even speak the language," particularly when "many of these young people have already contributed to our country in significant ways." DHS, Memorandum from Janet Napolitano (June 15, 2012) attached as Exhibit A.

An applicant to the Utah State Bar must be "one whose record of conduct justifies the trust of clients, adversaries, courts and others with respect to the professional duties owed to them. Sup. CT. R. Prof'l Practice 14-708. A candidate for admission to the bar should generally posses those qualities of truth-speaking, honor, and strict observance of the fiduciary responsibility "that have, throughout the centuries, been compendiously described as moral character." *Schware v. Board of Bar Examiners of N.M.*, 353 U.S. 232, 247, 77 S. Ct. 752 (1957) (Frankfurter, J. concurring). Utah attorneys take the following oath:

I do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution of Utah; that I will discharge the duties of attorney and counselor at law as an officer of the courts of this State with honesty, fidelity, professionalism, and civility; and that I will faithfully observe the Rules of Professional Conduct and the Standards of Professionalism and Civility promulgated by the Supreme Court of the State of Utah.

Preamble to the Rules of Professional Conduct.

Undocumented status does not conflict with an individual's ability to take and uphold Utah's oath of honesty, fidelity, professionalism and civility or promise to uphold the Utah and United States Constitutions. Furthermore, as California, Florida and New York have all held, undocumented immigrants can meet the character and fitness requirements for admission to the practice of law.

CONCLUSION

For the forgoing reasons, This Court should exercise its constitutionally allowed authority to opt out of the federal restriction against allowing bar admission for undocumented immigrants who otherwise meet the requirements for admission. It is unfair to penalize these law school graduates for circumstances beyond their control. These individuals have become productive members of our society and attended United States law schools and should be allowed to become members of the Utah State Bar.

Dated this by day of April, 2016

Elizabeth A. Wright

Utah State Bar General Counsel

TAB 8

UTAH STATE BAR BOARD OF BAR COMMISSIONERS MINUTES

MARCH 10, 2016

ST. GEORGE, UTAH

In Attendance: President Angelina Tsu, President-elect Rob Rice; Commissioners: H.

Dickson Burton, Steven Burt, Kate Conyers, Kenyon Dove, Heather

Farnsworth, Susanne Gustin, Liisa Hancock, John Lund, Michelle Mumford,

Herm Olsen and Katie Woods.

Ex-Officio Members: Dean Robert Adler, Nate Alder, Heather Allen, James D. Gilson, Margaret

Plane, Grace Pusavat, and Supreme Court Liaison Tim Shea.

Not in Attendance: Mary Kay Griffin, Ex-Officio Members: Michelle Kennedy, Dean James

Rasband and Chris Wharton.

Also in Attendance: Executive Director John C. Baldwin and General Counsel Elizabeth A.

Wright. Chris Wharton appeared by phone for agenda item 3.5.

Minutes: 12:20 p.m. start

1. President's Report:

- **1.1 Meeting with Governor Herbert.** Angelina Tsu reported that she, Rob Rice, John Baldwin and Doug Foxley had a successful meeting with Governor Herbert.
- **1.2 Utah State Bar Day at Legislature.** Angelina Tsu reported that the event was well attended.

2. Action Items

2.1 Changes to Bar Policies.

Michelle Mumford moved to allow lawyers to opt out of providing a public address. Kenyon Dove seconded the motion which passed unopposed.

Michelle Mumford moved to officially adopt current Bar policy of charging a single \$200 late fee to a lawyer who is suspended for both failure to pay licensing fees and for failure to comply with MCLE requirements. Kenyon Dove seconded the motion which passed unopposed.

Rob Rice moved to have Bar staff draft an administrative reinstatement policy for lawyers who fail to pay any fees for 3 years or more. Dickson Burton seconded the motion which passed unopposed.

Rob Rice moved to officially adopt current Bar policy of not allowing lawyers to opt out of receiving emails from the Bar. Michelle Mumford seconded the motion which passed unopposed.

Dickson Burton moved to adopt a policy requiring attendees at all CLE events to pre-pay or pay at the door and to add all current past due fees on license renewal. Kenyon Dove seconded the motion which passed unopposed.

- **2.2 Lawyer Referral Directory.** John Lund gave a preview of the new lawyer directory/referral website and reported that the project was on budget. For the next Commission Meeting John Lund will prepare a list of directory issues for vote by the Commission. Issues for vote include adding search features and language options.
- 2.3 Petition to Create Indian Law Section. Katie Woods voted to approve the petition for creation of an Indian Law Section. Kenyon Dove seconded the motion which passed unopposed.

3. Discussion Items

Operations Review. The Commission is interested in hiring WIPFLI to conduct an assessment of the Bar's annual budgeting expenditures. WIPFLI Revised Proposal for Consulting Services dated February 25, 2016 was distributed to Commissioners. The decision to hire WIPFLI will be an action item for the April 2016 Commission meeting.

- 3.2 Bar Journal. Skip
- 3.3 Blomquist Hale. The Commission discussed whether or not another provider could offer better services at a lower cost. Bar staff will provide a comparison of cost and usage over the past five years and compose a list of alternative providers.
- ABA Young Lawyers Program.

 Angelina Tsu reported that the ABA YLD has an electronic job board that may be of interest to our young lawyers. Nate Alder and Kenyon Dove will research and report on whether the Bar should utilize the ABA YLD's electronic job board.
- 3.5 Young Lawyer Delegate to the ABA. The ABA has changed its rules to allow each state to have an additional ABA Delegate from the Young Lawyer's Division. The purpose of the rule change is to encourage more young lawyers to become involved in the ABA. YLD President Chris Wharton appeared by phone to support the approval of a new ABA YLD Delegate.

Kate Conyers moved to approve a YLD ABA Delegate who will be an ex-officio member of the Commission and must be a member of the YLD for his or her entire two year term. Heather Farnsworth seconded the motion which passed unopposed. Statements of interest are due by April 8, 2016.

4. Information Items.
4.1 Paralegal Division 20th

Anniversary Celebration. Paralegal Division President Heather Allen reported on the celebrations planned for the 20th Anniversary of the Paralegal Division that will take place on April 22, 2016. Dickson Burton moved to approve a \$1000 sponsorship of the event. Kate Conyers seconded the motion which passed unopposed.

- Lifetime Service Awards. The CLE Scholarship fundraising event will be in conjunction with the gala celebrating the 85th anniversary of the Bar. The Lifetime Service Awards will be given at the gala which will be held on June 30, 2016.
- 4.3 Paralegal Practitioner Steering
 Committee. John Baldwin reported that sub-committees have been established to
 implement the paralegal practitioner license
- 4.4 Breakfast of Champions.

 Michelle Mumford reported that the event was a well attended success and that it stayed within its budget.
- Hancock reported the Leadership Academy events have been successful and that the Academy's Board and participants are pleased with the success of the program.
- **OPC Consultation**. Tim Shea reported that Chief Justice Durrant has written a letter to the ABA requesting the review.
- 4.7 Summer Convention Planning.
 Kate Convers reported that planning for the 2016 Summer Convention is on track and that two of the three keynote speakers have been selected.
- 4.8 Spring Convention Schedule.
 Rob Rice reviewed the CLE schedule and activities.

HANDOUTS DISTRIBUTED AT MEETING:

1. WIPFLI Revised Proposal for Consulting Services dated February 25, 2016.

ADJOURNED: 4:15 p.m.

CONSENT AGENDA:

- 1. Approve Minutes of January 22, 2016 Commission Meeting.
- Re-appointment of Chrystal Mancuso-Smith to Detection Deception Examiners Board.
 Appoint Brooke Robinson to Pro Bono Commission.



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March 21, 2016

John Baldwin Executive Director Utah State Bar 645 South 200 East Salt Lake City, Utah 84111

Dear John,

The Legal Services Corporation requires at least 60% of Utah Legal Services' board are attorneys appointed by a bar association, the membership of which represents a majority of attorneys practicing law in the localities in which the recipient provides legal assistance.

We would like to ask the Utah State Bar to appoint Carlos Navarro and reappoint, John L. Black, Jody Burnett, Bart J. Johnsen, Catherine F. Labatte, Thom D. Roberts, Lauren I. Scholnick, Erik Strindberg, Roland Uresk, and Tracey M. Watson to three-year terms.

Each of these individuals has a demonstrated interest in delivering legal services to low-income Utahns and is actively involved in the oversight and governance of ULS. Please let me know if you have any questions or would like additional information. We appreciate all the support the Utah State Bar gives to us and our clients.

Sincerely,

Anne Milne

Executive Director

801-924-3381

amilne@utahlegalservices.org

0420

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REPORT OF THE

Lawyers'
Fund for
Client
Protection

Fiscal Year July 2015 - June 2016

History of the Fund for Client Protection

The Fund for Client Protection was approved and established by the Utah Supreme Court effective April 9, 1977. The fund was established to provide meaningful cost reimbursements to clients injured by a lawyer's dishonest acts. In 1990, the Committee adopted the Rules for Lawyers' Fund for Client Protection. The Supreme Court approved the rules August 3, 1990.

Mission of the Fund

The purpose of the Fund for Client Protection is to promote public confidence in the administration of justice and the integrity of the legal profession by reimbursing losses caused by the dishonest conduct of lawyers admitted and licensed to practice law in this state.

The Committee reviews claims to the Fund for Client Protection to make sure they are valid and meet the eligibility criteria stated in the rules of the program. When ten valid cases are available, hearings are scheduled to determine the amount of award, if any, that will be granted to any claimant.

Every lawyer has an obligation to the public to participate in the collective effort of the Bar to reimburse persons who have lost money or property as a result of the dishonest conduct of another lawyer. Contribution to the Lawyers' Fund for Client Protection is an acceptable method of meeting this obligation.

Each year during the licensing of Utah State Bar Members, each attorney is assessed a small fee of up to \$20.00, dependent on the amount needed to keep the fund solvent.

COMMITTEE MEMBERS

Hon. David R. Hamilton, Chair Second District Court

Stephen W. FarrFarr Rasmussen and Farr

James M. Hunnicutt
Dolowitz Hunnicutt, PLLC

Kathleen S. Jeffery Sandy City

Miles P. Jensen Olson & Hoggan, PC

Mickell Jimenez Clyde Snow & Sessions, PC

> Michael R. Labrum 1Law

Smith D. Monson Kipp and Christian

Lexis Nexis

John W. Palmer J.D. Milner & Associates

Pamela C. Urry Law Office of Pamela C. Urry

Brent D. Ward
U.S. Department of Justice

Benjamin T. Wilson Digicert, Inc.

Christine Critchley, Bar Staff Liaison

Recent Changes to the Rules for Client Protection

The Utah Bar Commission was concerned about the solvency of the fund after the Fund for Client Protection Committee received numerous claims from clients of Matthew T. Graff. Because of the amount claimed, the Bar Commission requested the Supreme Court approve rule changes that included a life-time limit payout per attorney, and also a narrowed amount of time to make a claim against an attorney. It also approved other changes found in the attached copy of the Utah State Bar Fund for Client Protection Rules that were approved by the Supreme Court and went in to effect November 1, 2011. Hearings were suspended until the Committee understood what the new limits would be. This "Graff" circumstance will most likely be unique, but other cases will be affected by new rules; mainly, the one year statute of limitations in making a claim to the Fund. Because of the narrowed time limit three new claims could not be heard during the 2012–2013 fiscal year, one new claim could not be heard during the 2013–2014 fiscal year, two new claims could not be heard during the 2014–2015 fiscal year, and there were no claims affected by the narrowed statute of limitations in the 2015–2016 fiscal year.

Fiscal Year July 2015 - June 2016

As contemplated by the Utah Supreme Court Rules of Professional Practice 14-904(c) from the Fund for Client Protection a/k/a Client Security Fund, the Committee submits the following report of its activity this past year and the claims which are pending but have not yet been reviewed.

During the past fiscal year, the Committee held one meeting to hear and make recommendations regarding ten claims concerning a total of six attorneys. The range in number of claims filed against any one attorney was from one to five. The Committee has filed reports after each of its meetings. The reports detailed the claims which the Committee has reviewed and the recommendations as to those claims. Following is a brief summary of the past year's activity.

Utah State Bar Fund for Client Protection PROFIT & LOSS July 2014 through June 2015

INCOME

Total Income	196,001
Investment Income	1,089
Restitution Revenue	17,272
Fund for Client Protection Fees	\$177,640

EXPENSE

Claims Expenses	40,270
Bank Service Charges	629
	023
Total Expense	40,899
Net Income	\$155,102

Total Claims Paid for Fiscal Year 2015-2016

Attorney	# of claims made to the fund	# of claims recommended for approval	total \$ claimed	total \$ paid from the fund
Jonathan Grimes	1	0	\$2,900.00	\$0
Phillip Danielson	5	5	\$23,892.50	\$22,339.50
Ronald Fielding	1	1	\$3,500.50	\$3,500.50
Curtis Wenger	1	1	\$11,632.50	\$2,500.00
J.D. Poorman	1	1	\$5,000.00	\$2,500.00
Huy Ngoc Vu	1	1	\$800.00	\$300.00
TOTAL	10	9	\$47,725.50	\$31,140.00

Matthew T. Graff Claims

The large number of cases against Matthew T. Graff had to be heard over a three-year period. It was known that the claims would likely total more than the rules permitted to be paid against any individual attorney. Accordingly, it was decided that none of the awards would be submitted to the Bar Commission for payout until all of the cases had been heard, so that disbursement of funds amongst the claimants would be as fair as possible. Ultimately, the \$425,000 lifetime cap on Fund payouts per attorney, required that the claims against Matthew T. Graff be reduced by 11.8%. The result was as follows:

Original Graff Clients' Claims on the Fund	\$550,089
Claims Approved by the Fund for Client Protection Committee	\$481,780
After 11.8% reduction	\$425,000
Claims Paid to Date	\$375,000

Due to the \$75,000 per year limit per attorney, the Graff cases cannot all be paid in one year. The Committee, therefore, recommended that any claim award that was \$5,000 or less should be paid out in full during the 2011–2012 fiscal year. It further recommended that the 24 claimants who were awarded amounts over \$5,000 should receive payments from the Fund each year for six years until their claims are satisfied.

Prospective Claims

In order to establish the appropriate amount to be assessed to its membership, the Board also needs to be made aware of the number and amounts of prospective claims. As of the date of this report, there are six claims pending.

Prospective Claims		Amount Claimed
Cases vetted	2	\$24,000
Cases to be vetted	4	43,030
Total Prospective Claims	6	\$67,030

Utah State Bar Fund for Client Protection Fiscal Year 2016–2017 Request

Bank Balance (as of 03/31/2016) Approved Claims Graff payable (July 2016) Prospective Claims	\$283,319 7,000 50,000 67,030
Projected Fund Balance	159,289
Targeted Fund Balance	200,000
Projected Fund Deficiency	\$(40,711)
Current Active Attorneys	9,229
Amount Required for 2016–2017 Licensing Period	\$4.42
Actual Request for 2016–2017 Licensing Period	\$5.00

Conclusion

Because the Fund for Client Protection Committee recognizes its responsibility to the Court, the Bar, and its members, it carefully reviews each claim for both eligibility for payment as well as to determine the appropriate amount to be recommended for payment for each claimant. This can be seen in the information presented above.

The Fund for Client Protection provides meaningful relief to those victimized by dishonest lawyers and elevates the overall integrity of the profession. These results demonstrate that the Fund remains "simply, the right thing to do."

Supreme Court Rules of Professional Practice

Article 9. Lawyers' Fund for Client Protection

Rule 14-901. Definitions.

As used in this article:

- (a) "Bar" means the Utah State Bar;
- (b) "Board" means the Board of Commissioners of the Utah State Bar;
- (c) "Committee" means the Committee on Lawyers' Fund for Client Protection;
- (d) "Dishonest conduct" means either wrongful acts committed by a lawyer in the nature of theft or embezzlement of money or the wrongful taking of or conversion of money, property or other things of value, or refusal to refund unearned fees received in advance where the lawyer performed no service or such an insignificant service that the refusal to return the unearned fees constitutes a wrongful taking or conversion of money; and
- (e) "Fund" means the Lawyers' Fund for Client Protection; and
- (f) "Supreme Court" means the Utah Supreme Court.

Rule 14-902. Purpose and scope; establishment of Fund.

- (a) The Fund is established to reimburse clients for losses caused by the dishonest conduct committed by lawyers admitted to practice in Utah.
- (b) The purpose of the Fund is to promote public confidence in the administration of justice and the integrity of the legal profession by reimbursing losses caused by the dishonest conduct of lawyers admitted and licensed to practice law in Utah, occurring in the course of the lawyer/client or fiduciary relationship between the lawyer and the claimant.
- (c) Every lawyer has an obligation to the public to participate in the collective effort of the Bar to reimburse persons who have lost money or property as a result of the dishonest conduct of another lawyer. Contribution to the Fund is an acceptable method of meeting this obligation.
- (d) These rules shall be effective for claims filed after August 1990, and the Committee, which was previously authorized under the former resolution, may act under the terms of the former resolution on claims filed prior to the effective date of these rules.

Advisory Committee Notes

By resolution of the Board of Commissioners of the Utah State Bar, a Client Security Fund was approved and established by the Supreme Court, effective April 9, 1977. The Fund was established to provide meaningful, prompt cost reimbursements to clients who had been injured by a lawyer's dishonest act. The original resolution did not provide sufficient rules and/or guidelines for the Committee that was embodied by the resolution to utilize in making its recommendations to the Board of Bar Commissioners. The American Bar Association has adopted, as of August 9, 1989, Model Rules for Lawyers' Fund for Client Protection. The following Rules adopt many of the principles from the American Bar Association Model Rules, as well as features from other states and from the prior resolution of the Board of Commissioners of the Utah State Bar, as approved by the Supreme Court.

Rule 14-903. Committee membership and terms; Board approval of Committee recommendations.

- (a) The Committee shall consist of five lawyers, each to function for a period of five years. The initial membership of the Committee shall be comprised of those individuals who are members of the Committee existing under the former resolution at the time of the adoption of these rules. Subsequent appointments shall be for a term of three years or the term uniformly determined for all Committee members by the Board. Vacancies shall be filled by appointment by the president of the Bar, with the approval of the Board, for the unexpired term.
- (b) The Board shall retain the capacity to make any final determination after considering the recommendations of the Committee. The Board, functioning with regard to the Fund, is under the supervision of the Supreme Court.

Rule 14-904. Funding.

- (a) The Supreme Court shall provide for funding by the lawyers licensed in this state in amounts adequate for the proper payment of claims and costs of administering the Fund subject to paragraph (c).
- (b) All determinations with regards to funding shall be within the discretion of the Board, subject to approval of the Supreme Court.
- (c) The Bar shall have the authority to assess its members for purposes of maintaining the Fund at sufficient levels to pay eligible claims in accordance with these rules. The Committee shall report annually to the Commission on a timely basis as to known prospective claims as well as total claims paid to date so that an appropriate assessment can be made for the upcoming fiscal year. After the assessment at the beginning of the fiscal year is determined, the Fund balance shall be set in an amount of not less than \$200,000. The Bar shall then report to the Supreme Court as to known prospective claims as well as total claims paid to date after which the final assessment and fund balance shall be set with the Court's approval.
- (d) A lawyer's failure to pay any fee assessed under paragraph (c) shall be cause for administrative suspension from practice until payment has been made.
- (e) Any lawyer whose actions have caused payment of funds to a claimant from the Fund shall reimburse the Fund for all monies paid out as a result of his or her conduct with interest at legal rate, in addition to payment of the assessment for the procedural costs of processing the claim and reasonable attorney fees incurred by the Bar's Office of Professional Conduct or any other attorney or investigator engaged by the Committee to investigate and process the claim as a condition of continued practice.
- (e)(1) In discipline cases where a lawyer receives a public reprimand and the Fund pays an eligible claim, the lawyer's license to practice shall be administratively suspended for non-payment until reimbursement to the Fund has been made by the lawyer.

Rule 14-905. Segregated bank account.

All monies or other assets of the Fund including accrued interest thereon shall be held in the name of the Fund in a bank account segregated from all other accounts of the Bar or any committees or sections, subject to the direction of the Board.

Rule 14-906. Committee meetings.

- (a) The Committee shall meet as frequently as necessary to conduct the business of the Fund and to timely process claims.
- (b) The chairperson shall call a meeting at any reasonable time, or upon the request of at least two Committee members.
- (c) A quorum of any meeting of the Committee shall be three members.
- (d) Minutes of the meeting shall be taken and permanently maintained.

Rule 14-907. Duties and responsibilities of the committee.

The Committee shall have the following duties and responsibilities:

- (a) to receive, evaluate, determine and make recommendations to the Board relative to the individual claims;
- (b) to promulgate rules of procedure not inconsistent with these rules;
- (c) to provide a full report, at least annually, to the Board and to make other reports as necessary;
- (d) to publicize its activities to the public and the Bar, subject to approval of the Board;
- (e) to appropriately utilize Bar staff to assist in the Committee's performance of its functions effectively and without delay;
- (f) to engage in studies and evaluations of programs for client protection and the prevention of dishonest conduct by lawyers; and
- (g) to perform all other acts necessary or proper for the fulfillment of the purposes of the Fund and its effective administration.

Rule 14-908. Conflict of interest.

- (a) A Committee member who has or has had a lawyer-client relationship or a financial relationship with a claimant or lawyer who is the subject of a claim shall not participate in the investigation or adjudication of a claim involving that claimant or lawyer.
- (b) A Committee member with a past or present relationship, other than as provided in paragraph (a), with a claimant or the lawyer whose alleged conduct is the subject of a claim, shall disclose such relationship to the Committee and, if the Committee deems appropriate, that Committee member shall not participate in any proceeding relating to such claim.

Rule 14-909. Immunity.

The Committee members, employees and agents of the Bar and claimant and lawyers who assist claimants are absolutely immune from civil liability for all acts in the course of their duties.

Rule 14-910. Eligible claim.

- (a) The loss must be caused by the dishonest conduct of the lawyer and shall have arisen out of the course of a lawyer/client or fiduciary relationship between the lawyer and the claimant and by reason of that relationship.
- (b) The claim for reimbursement shall be filed within one year after the date of the final order of discipline.
- (b)(1) In cases of the lawyer's death, the claim for reimbursement shall be filed within one year of the lawyer's date of death.
- (b)(2) In cases of the lawyer's formal disability, the claim for reimbursement shall be filed within one year of the date of the order of disability.
- (c) If the subject of the application for reimbursement from the Fund is or arises out of loss occasioned by a loan or an investment transaction with a lawyer, each loss will not be considered reimbursable from the Fund unless it arose out of and in the course of the attorney/client relationship; and but for the fact that the dishonest lawyer enjoyed an attorney/client relationship with the claimant, such loss could not have occurred. In considering whether that standard has been met the following factors will be considered:
- (c)(1) the disparity in bargaining power between the lawyer and the client in their respective educational backgrounds in business sophistication;
- (c)(2) the extent to which the lawyer's status overcame the normal prudence of the claimant;
- (c)(3) the extent to which the lawyer, by virtue of the attorney/client relationship with the claimant, became privy to information as to the client's financial affairs. It is significant if the lawyer knew of the fact that the client had available assets or was expecting to receive assets which were ultimately wrongfully converted by the lawyer;

- (c)(4) whether a clear majority of the service arose out of a relationship requiring a license to practice law in Utah, as opposed to one that did not. In making this evaluation, consideration will be given to:
- (c)(4)(A) whether the transaction originated with the lawyer;
- (c)(4)(B) the reputation of the lawyer as to scope and nature of his/her practice and/or business involvement;
- (c)(4)(C) the amount of the charge made for legal services, if any, compared to that for a finder's fee, if any; and
- (c)(4)(D) the number of prior transactions of either a similar or different nature in which the client participated, either with the lawyer involved or any other lawyer, person or business organization;
- (c)(5) the extent to which the lawyer failed to make full disclosure to the client in compliance with the Utah Rules of Professional Conduct, including disclosure of the lawyer's financial condition and his/her intended use of the funds.
- (d) Exceptions. Except as provided by paragraph (e), the following losses shall not be reimbursed:
- (d)(1) loss incurred by spouses, children, parents, grandparents, siblings, partners and associates of the lawyer;
- (d)(2) losses covered by any bond, surety, agreement or insurance contract to the extent covered thereby, including any loss to which any bonding agent, surety or insurer is subrogated to the extent of that subrogated interest;
- (d)(3) losses of any financial institution which are recoverable under a "Banker's Blanket Bond" or similar commonly available insurance or surety contract;
- (d)(4) any business entity controlled by the lawyer or any person or entity described in paragraph (d)(1);
- (d)(5) any governmental entity or agency;
- (d)(6) any assigned claims, third party claims, claims of heirs or estates of deceased claimants;
- (d)(7) any claims where claimant has failed to exhaust all other reasonably available services or recovery methods;
- (d)(8) any investment losses, as distinguished from lawyer fees, which might reasonably be characterized as:
- (d)(8)(A) any pyramid or ponzie scheme;
- (d)(8)(B) any investment in or loan to any offshore entity;
- (d)(8)(C) any investment in or loan to an entity that claims that a benefit to the investor would be the evasion, avoidance, reduction or other sheltering of taxes that would be otherwise assessed on the investment; or
- (d)(8)(D) any investment that promises such a high rate of return that a reasonable and prudent person would suspect that the venture is of unusually high risk.
- (e) In cases of extreme hardship or special and unusual circumstances, the Committee may, in its discretion, recognize a claim which would otherwise be excluded under these rules.

Rule 14-911. Procedures and form; responsibilities of claimants to complete form.

- (a) The Committee shall prepare and approve a form of claim for reimbursement.
- (b) The form shall include at least the following information provided by the claimant under penalty of perjury:
- (b)(1) the claimant's name and address, home and business telephone, occupation and employer, and social security

number for purposes of subrogation and tax reporting;

- (b)(2) the name, address and telephone number of the lawyer who has dishonestly taken the claimant's money or property;
- (b)(3) the legal or other fiduciary services the lawyer was to perform for the client;
- (b)(4) how much was paid to the lawyer;
- (b)(5) the copy of any written agreement pertaining to the claim;
- (b)(6) the form of the claimant's loss involved (e.g. money, securities or other property) and the attachment of any documents that evidence the claimed loss such as cancelled checks, title instruments, deeds or stock certificates;
- (b)(7) the amount of loss and the date when the loss occurred;
- (b)(8) the date when the claimant discovered the loss and how the claimant discovered the loss;
- (b)(9) the lawyer's dishonest conduct and the names and addresses of any persons who have knowledge of the loss;
- (b)(10) identification of whom the loss has been reported to (e.g. county attorney, police, disciplinary agency, or other person or entity), and a copy of any complaint and description of any action that was taken;
- (b)(11) the source, if any, from which the loss could be reimbursed, including any insurance, fidelity or surety agreement;
- (b)(12) the description of any steps taken to recover the loss directly from the lawyer or any other source;
- (b)(13) the circumstances under which the claimant has been, or will be, reimbursed for any part of the claim (including the amount received or to be received, and the source), along with a statement that the claimant agrees to notify the Committee of any reimbursements the claimant receives during the pendency of the claim;
- (b)(14) the existence of facts believed to be important to the Committee's consideration of the claim;
- (b)(15) the manner in which the claimant learned about the Fund;
- (b)(16) the name, address and telephone number of the claimant's present lawyer, if any;
- (b)(17) the claimant's agreement to cooperate with the Committee in reference to the claim, as required by the Utah or Federal Rules of Civil Procedure, in reference to civil actions which may be brought in the name of the Bar, pursuant to a subrogation and assignment clause, which shall also be contained within the claim;
- (b)(18) the name and address of any other state fund to which the claimant has applied or intends to apply for reimbursement, together with a copy of the application; and
- (b)(19) the statement that the claimant agrees to the publication of appropriate information about the nature of the claim and the amount of reimbursement, if reimbursement is made.
- (c) The claimant shall have the responsibility to complete the claim form and provide satisfactory evidence of a reimbursable loss.
- (d) The claim shall be filed with the Committee by providing the same to the Utah State Bar, Lawyers' Fund for Client Protection at the Law and Justice Center, 645 South 200 East, Salt Lake City, Utah 84111.

Rule 14-912. Processing claims.

(a) Whenever it appears that a claim is not eligible for reimbursement pursuant to these rules, the claimant shall be

advised of the reasons why the claim may not be eligible for reimbursement, and that unless additional facts to support eligibility are submitted to the Committee, the claim file shall be closed. The chairperson of the Fund may appoint any member of the Committee and/or his/herself to determine the eligibility of claims.

- (b) A certified copy of an order disciplining a lawyer for the same dishonest act or conduct alleged in the claim, or a final judgment imposing civil or criminal liability therefor, shall be evidence that a lawyer committed such dishonest act or conduct.
- (c) The Bar's Office of Professional Conduct Senior Counsel shall be promptly notified of each and every claim.
- (d) The lawyer alleged to have engaged in dishonest conduct shall be provided a copy of the claim and given an opportunity to respond in writing within 20 days of the receipt thereof to the Committee.
- (e) The Committee may request that testimony be presented. The lawyer or lawyer's representative shall be given an opportunity to be heard if they so request within 20 days of receiving a notice from the Committee that the Committee will process the claim.
- (f) The Committee may make a finding of dishonest conduct for purposes of adjudicating a claim. Such a determination is not a finding of dishonest conduct for the purposes of professional discipline and further, represents only a recommendation to the Board. A claim may only be considered if the individual lawyer involved has been disciplined to a threshold level of a public reprimand or is no longer in practice.
- (g) The claim shall be determined on the basis of all available evidence, and notice shall be given to the claimant and the lawyer of the final decision by the Board after a recommendation has been made by the Committee. The recommendation for approval or denial of a claim shall require the affirmative votes of at least a majority of the Committee members and a quorum of the voting members of the Board.
- (h) Any proceeding upon a claim shall not be conducted according to technical rules relating to evidence, procedure and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in court proceedings. The claimant shall have the duty to supply relevant evidence to support the claim.
- (i) The Board shall determine the order and manner of payment and pay those claims it deems meritorious, but unless the Board directs otherwise, no claim should be approved during the pendency of a disciplinary proceeding involving the same act or conduct as alleged in the claim; specifically, no determination and/or hearing shall take place until such time that all disciplinary proceedings have, in fact, been completed.
- (j) Both the claimant and the lawyer shall be advised of the status of the Board's consideration of the claim and after having received the recommendation of the Committee, also shall be informed of the final determination.
- (k) The claimant may request reconsideration within 30 days of the denial or determination of the amount of the claim.

Rule 14-913. Payment of reimbursement.

- (a) The Board may, from time to time, fix a maximum amount of reimbursement that is payable by the Fund. Initially, the maximum amount shall be \$10,000 per claim and \$25,000 total dollars within any given calendar year with regards to an individual lawyer.
- (a)(1) There shall be a lifetime claim limit of \$425,000 per lawyer.
- (b) Claimant shall be reimbursed for losses in amounts to be determined by the Board after recommendations by the Committee. Reimbursement shall not include interest and other incidental and out-of-pocket expenses.

- (c) Payment of reimbursement shall be made in such amounts and at such time as the Board approves and may be paid in lump sum or installment amounts. In the event that the Committee determines that there is a substantial likelihood that claims against the lawyer may exceed either the annual or lifetime claim limits, claims may be paid on a pro rata basis or otherwise as the Board and the Committee determine is equitable under the circumstances.
- (d) If a claimant is a minor or an incompetent, the reimbursement may be paid to any proper and legally recognized person or authorized entity for the benefit of the claimant.

Advisory Committee Notes

Rule 14-913 Amendment Note: The Bar changed from a calendar year to a fiscal year (July 1 to June 30) in 1990.

The Board approved increasing the yearly per claim award limit from \$10,000 to \$20,000 and to eliminate the yearly per lawyer claim limit of \$25,000 on December 1, 2000.

The Board voted to reinstate the yearly lawyer cap of \$25,000 on June 8, 2001.

The Board voted to raise the yearly per lawyer cap to \$50,000 from the previously reinstated \$25,000 cap on December 7, 2001.

The Board voted to raise the yearly per lawyer cap to \$75,000 on October 29, 2010.

Rule 14-914. Reimbursement from the fund as a matter of grace.

No person shall have a legal right to reimbursement from the Fund, whether as claimant, beneficiary or otherwise, and any payment is a matter of grace.

Rule 14-915. Restitution and subrogation.

- (a) A lawyer whose dishonest conduct results in reimbursement to a claimant shall be liable to the Fund for restitution, and the Bar may bring such action as it deems advisable to enforce such obligation.
- (b) As a condition of reimbursement, a claimant shall be required to provide the Fund with a pro tanto transfer of the claimant's rights against the lawyer, the lawyer's legal representative, estate or assigns; and of claimant's rights against any third party or entity who may be liable for the claimant's loss.
- (c) Upon commencement of an action by the Bar as subrogee or assignee of a claim, it shall advise the claimant, who may then join in such action to recover the claimant's unreimbursed losses.
- (d) In the event the claimant commences an action to recover unreimbursed losses against the lawyer or any other entity who may be liable for the claimant's loss, the claimant shall be required to notify the Bar of such action.
- (e) The claimant shall be required to agree to cooperate in all efforts that the Bar undertakes to achieve restitution for the Fund.

Rule 14-916. Confidentiality.

Claims, proceedings and reports involving claims for reimbursement are confidential until the Committee recommends and final determination is made by the Board, authorizing reimbursement to the claimant, except as provided below. After payment of the reimbursement, the Board may publicize the nature of the claim, the amount of reimbursement and the name of the lawyer. The name and address of the claimant shall not be publicized by the Bar, unless specific permission has been granted by the claimant.

Updated November 1, 2011

Organization of New Bar Sections

New sections will be considered for formation by written applications submitted to the Board. A new section application shall identify the purposes of the proposed section, justify its creation and indicate why its objectives cannot be met by existing sections.

- 1. The application will include the following:
- 2. Signatures of at least 25 members of the Bar indicating intent to become charter members of the section.
- 3. Initial start-up fund of \$500.
- 4. Copy of proposed By-laws, modeled after the form prescribed by the Board for all sections. Submission of By-laws may be deferred for 3 months from the date Board grants approval.
- 5. Proposed dues schedule for membership and statement of purpose and objectives for all such dues collected and retained.
- 6. Identification of initial officers who will act until official elections can be held, including President, Vice-President and Secretary-Treasurer with statement from each indicating willingness to serve.

The Board will receive and act on the application at a regular convened Commission Meeting.

The Board reserves the right to grant provisional recognition for one year with full recognition thereafter and upon review of the section activities and member participation during the provisional period. Following approval, the section shall thereafter be responsible for its own membership and operations, subject at all times to the overall authority of the Board.

Once organized, the section shall continue in existence until dissolved by action of the Board.





February 19, 2015

VIA U.S. MAIL
James Gilson, President
Utah State Bar
645 South 200 East
Salt Lake City, UT 84111

RE: Utah State Bar Section for Community Associations

Dear Mr. Gilson:

We are partners at the law firm of Morris Sperry in Midvale, Utah. Our law firm is focused on community association law. We are writing to you to propose the formation of a new section of the Utah Bar – the Community Association Law ("CAL") Section.

This proposed CAL Section would focus on the law and issues related to homeowner and condominium associations, planned unit developments, timeshares, and condominium-hotels. Advising and representing community associations, their members and professional managers require a broad range of legal expertise in areas such as litigation, corporate governance, regulatory law, statutory issues, business contracts, employment, construction, finance, bankruptcy, collections and real estate.

The growing need for community association law practitioners is evident in several respects – community association practitioners have their own national organization, the Community Association Institute ("CAI"), which yearly hosts a three day law seminar. CAI recognizes excellence and expertise in community association law through the College of Community Association Lawyers. There are less than 150 members of the College, and three of them live and practice in Utah. Several laws schools now offer courses in community association law and the number of association-focused law firms continues to grow. In Utah, there are several law firms that focus extensively on community association law, and many more lawyers at other firms who practice in this area. As you may recall, the last the homeowner and condominium owner association legislative update for 2013 given by John Morris of our office and sponsored by the Bar's Real Estate was completely sold out.

CAI estimates that over 65 million Americans live in over 328,500 communities. In Utah, CAI estimates there are over 3200 associations. The percentage of new construction in community associations is significantly higher and planned communities are the fastest growing form of housing the United States.

We believe that the CAL section should be its own section rather than be included as a sub-set of the real estate law section because the requirements of community association law are so much broader than real estate law. Real estate is only a small part of what we do in the community association world. Many Associations are involved in litigation, ranging from multi-million dollar disputes, to small claims actions. The vast majority of Associations are non-profit corporations run by volunteer boards and effective corporate governance is critical to their success. Such associations are governed by recorded documents and subject to several statutory schemes. Association's regularly enter into business contracts, hire and fire employees, and may manage large amenities and significant budgets. Well-functioning Associations are critical to the effective functioning of the mortgage market. New development requires specialized counsel to create the association, govern the amenities, arrange for the financing, and deal with the construction.

We believe that the formation of a community association law section will facilitate a better understanding of this complex area of the law and help protect the public.

We have floated our idea for a CAL Section to a number of other Utah firms who represent Associations and/or homeowners and it has been met with great enthusiasm. By our count, more than twenty-five attorneys from these firms and other firms are interested in joining this new section of the Bar. Accordingly, enclosed please find a check from Morris Sperry for \$500 for formation of the CAL Section.

If the proposed new bar section is approved, we would be pleased to volunteer to serve on the board of directors and would be willing to take the lead in preparing bylaws. Please let us know if we can provide any additional information to facilitate your consideration of our proposal.

Sincerely,

Robert Rosing - Wrona Gordon Dubois Melyssa D. Davidson " 435-649-3535

cc: John Morris

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[**(**)

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26 May 2015

James Baldwin Executive Director, Utah State Bar 645 South 200 East Salt Lake City, Utah 84111 director@utahbar.org

James Gilson, Esq.
President, Utah State Bar
Callister Nebeker & Mccullough
10 E South Temple, Suite 900
Salt Lake City, UT 84133
jgilson@cnmlaw.com

Re: Formation of Limited Scope Section

Gentlemen,

We seek to establish a Limited Scope Section of the Utah State Bar. As you know, Limited Scope (or "unbundled") legal services is a method of service delivery in which the lawyer breaks down the tasks associated with a client's legal matter and provides representation only pertaining to a clearly defined aspect of the client's legal needs.

There are many compelling reasons to establish a specific section devoted to this area. First, providing *knowledgeable* limited scope legal services is a great boon to the public. The number of *pro se* litigants in our court system is staggering: approximately 70% of the typical family law docket. Most of those litigants are unable to come up with the several-thousand dollar retainer requested by most attorneys for a traditional, full service representation relationship. However, that same litigant may well be able to afford several hundred dollars for attorney representation at a hearing, or mediation, or preparation of a discrete pleading. Having the specific abilities to provide limited scope services are skills that attorneys would learn through formation of this section.

Second, such a section will assist in growing business. There is an increasing market need for accessible limited scope legal services, and we could thus access those markets (both in-person and online) by providing tailored, specific, limited scope legal services to all. We attorneys need to learn how to effectively integrate unbundling into our existing, traditional full-service practices, and to incorporate those skills.

Third, formation of the limited scope section will directly benefit the judicial system and enable us to assist litigants in moving through that system more efficiently. It will also provide a forum for direct feedback from the judiciary to practitioners and provide the opportunity for more creative ideas for alternative delivery systems of legal services.

Fourth, since there are many areas of legal practice that would lend themselves to adding a limited scope facet, this would bring members of different sections together to brainstorm and share thoughts. Thus, we propose that if an attorney is already a paying member of an existing Bar section, there would be no additional fee for them to join the Limited Scope Section.

We foresee the Limited Scope Section holding quarterly meetings, for which we hope to obtain CLE ethics or substantive credit. We also hope that the Bar would host these Limited Scope Section meetings, and provide free use of Bar facilities, including food for related quarterly meetings, CLEs, socials, and so forth.

The meetings and CLEs would focus on the nuances of providing limited scope services, including but not limited to

Determining whether limited scope representation is appropriate Understanding and following Rule 75 and other relevant rules of procedure

Writing and customizing client agreements

Determining "flat fee" v. "value-based" billing

Ghostwriting

Limited court appearances

Procedural v. legal advice, how far to go in identifying issues

Appearance at mediation

Preparing notebooks/exhibits for trial for litigant

Finally, here is an initial list of members of the Utah Bar who are interested in the formation of this section:

Stewart P. Ralphs, Director, Legal Aid Society of Salt Lake

Linda F. Smith, James T. Jensen Professor of Law, S. J. Quinney College of Law Marcella Keck, Esq.
DeRae Preston, Esq.
Carolyn Pence-Smith, Esq.
Elizabeth Lisonbee, Esq.
Kent Cottam, Esq.
Alison Satterlee, Esq.

Thank you for your consideration of this important issue.

I would appreciate it if you could acknowledge receipt of this letter, and also let me know what additional information you would like us to provide in order to effect this. Please contact me at 801.831.9623 or via email at virginia@lovs.biz.

Sincerely,

Virginia Sudbury

First, thank you to everyone who attended our first Limited Scope (LS) meeting! I am including our current EM list of attendees, and other interested parties, at the end of this summary.

We discussed the Bar's designation of our group. It was decided that we needed clarity regarding the differences between and advantages of the Bar's designations: Section v. Committee v. Division. We plan to invite our President-Elect, Rob Rice, to our next meeting to clarify. From him, we hope to learn the financial, fee implications, requirements and other effects of these designations; as well as whether the Bar will continue to generously provide us with a room and beverages.

We conversed about whether we are to be named "unbundled" or "limited scope." The moniker "unhinged" was also mentioned. The group decided on "Limited Scope Division," pending further information on whether there even is such a designation.

Ms Mary Jane Ciccarello, Director of Utah's Self-Help Center, emphasized the need for a Lawyer Directory of attorneys who provided LS representation, in all areas.

Mr Orson West suggested that we address the following issues at our next meeting, or sooner:

- ~Placing a leadership team in place
- ~Defining Limited Scope representation
- ~Corroborating with the Family Law, Debt Collection, and Landlord Tenant Sections of the Bar

Ms DeRae Preston attempted to keep things (me) on track and suggested that our next meeting also include defining LS representation, and crafting a mission statement, including goals.

A Temporary Executive Committee was formed, and includes:

- ~Russ Minas
- ~Diana Telfer
- ~Virginia Sudbury
- ~Mark Andrus liaison with Debt Collection *pro se* calendar, run by Charles Storemont
- ~Deborah Feder liason with Landlord Tenant section
- ~Mary Jane Ciccarello Comitato Advisor
- ~DeRae Preston and Sheena Norman Secretary
- ~Orson West of counsel

The Temporary Executive Committee will communicate via emails.

¹ Working designation.

Ms Diana Telfer will also liaison with Open Legal Services and the Courthouse Steps program.

Mr Russ Minas reminded us that we might need something called "by-laws." I anticipate that the explanation of the various Bar designations by Mr Rice will determine whether we actually need such a thing. In the event that we do, I nominate Mr Russ Minas to draft them.

Suggestions for CLEs in the upcoming months include:

- ~picking clients suitable for LS representation
- ~Rule 4-904 informal hearings within LS context
- ~client agreements, and their enforcement

Our next meeting is tax day, **Friday**, **15 April 2016**, at noon at the Bar (presuming they give us a room). Brown Bag again. We will endeavor to meet every month, third Friday of the month; but the periods between meetings may expand, once we get our groove on.

Thank you again! Please send corrections/edits, etc. to this summary if you'd like.

Best∼

VL

LSD email contact list:

Alison Satterlee

Elizabeth Hill-Bolling

Mark Andrus

Mary Jane Ciccarello

Commissioner Sagers

Dara Cohen

Drew Gilliland

DeRae Preston

Sheena Norman

Lori Cave

Russell Minas

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TAB 9

UTAH STATE BAR Budget and Finance Committee Highlights of the March 2016 Financial Statements

FINANCIAL STATEMENT HIGHLIGHTS

<u>Year-to-Date (YTD) Net Profit – Accrual Basis</u>: YTD net profit is just under \$1.5 million, \$284k ahead of budget, mainly due to higher than budgeted Admissions, CLE, Summer Convention and Member Services revenue, offset by lower than anticipated Fall Forum revenue. Overall expenses are right on budget, with some departments (CLE and Bar Operations) running over budget and others (Summer Convention, Member Services and Facilities) running under. It is expected that the gap between actual and budgeted net profit will narrow with increased event activity in the last quarter of the year.

<u>YTD Net Profit – Cash Basis</u>: Adding back YTD depreciation of \$165,201, YTD net profit is \$287,000 ahead of budget.

Licensing: Licensing revenue is at 101% of the year-to-date (YTD) budget (and 100% of the full year's budget) with revenue totaling \$4.1 million. The main contributor of higher than budgeted revenue is late fees which exceed budget by \$28k. Licensing expenses are under budget by \$17k mainly due to lower than budgeted salaries and benefits, a factor of personnel changes this year. There are 79 more active attorneys than last year at this time and 52 fewer inactive attorneys (net increase of 27).

<u>Admissions</u>: Admissions revenue is at 119% of the YTD budget (and 106% of the full year's budget) with revenue totaling \$468k. Exam, retake, laptop, motion, house counsel and late fee revenue all exceed budget. Admissions expenses are just slightly over budget due mainly to higher expenses for exam questions and meeting costs.

NLTP: NLTP revenue is at 80% of the YTD budget and 64% of the total budget for the year. There are slightly fewer participants in the program compared to last year, but the program is expected to break even by the end of the fiscal year.

OPC: OPC spending is slightly above the YTD budget mainly due to higher salaries and benefit expenses.

<u>CLE</u>: YTD CLE revenue and expenses are at 142% and 139% of YTD budget, respectively, due to more events taking place than factored in the budget.

<u>Summer Convention</u>: The Summer Convention YTD net loss is \$17k compared to the YTD budgeted net loss of \$102k. Summer Convention revenue exceeded budget by \$40k due to paying attendees up 36% relative to budget. Expenses were under budget by \$45k due to improved cost control for the Sun Valley event.

Fall Forum: The Fall Forum YTD net loss is \$23k compared to the YTD budgeted net profit of

UTAH STATE BAR Budget and Finance Committee Highlights of the March 2016 Financial Statements

\$3k mainly due to lower than expected attendance and higher expenses at Grand America.

Spring Convention: The Spring Convention YTD profit is \$46k compared to YTD budgeted net profit of \$65k, though the difference is likely due to timing of income and expenses booked relative to when they were budgeted. Once all Spring Convention revenue and expenses are recorded, the net profit is expected to meet, or slightly exceed, budget.

Member Services: Though the YTD net loss from Member Services favorably compares to budget by \$157k, much of the difference is due to a timing difference between when the section administrative fees were booked (February) relative to when they were budgeted (June). In other words, the fees paid by sections for administrative support provided by the Bar were booked earlier than budgeted which is inflating YTD revenue compared to budget. This timing difference will resolve itself by the end of the fiscal year. Also, Bar Journal advertising revenue exceeds budget by approximately \$8k, and Member Services expenses are lower than budget due to lower legislative spending this year.

<u>Public Services:</u> Public services YTD net loss of (\$328k) is at 92% of budget due mainly to lower salaries and benefits in Committees. Consumer Assistance, Access to Justice and Tuesday Night Bar are all on track relative to budget.

<u>Bar Operations</u>: Bar Operations YTD net loss of (\$1,015k) is at 106% of budget. Though investment income is higher than budgeted by approximately \$23k, it is offset by higher salaries and benefits which result from one additional headcount and additional CFO expenses. Also, Commission/Special Projects spending is approximately \$14k or 10% over budget due mainly to higher than budgeted retreat and other travel expenses.

<u>Facilities:</u> Facilities net loss for the year is at (\$186k) or 86% of budget. There have been 116 (10%) fewer events this year compared to last resulting in lower facilities revenue of approximately \$11k. Expenses are under budget by \$40k due also to fewer events and to lower general and administrative expenses (meeting supplies, copy/printing expenses).

UTAH STATE BAR Budget and Finance Committee Highlights of the March 2016 Financial Statements

ADDITIONAL COMMENTS

<u>Board Designated Reserves:</u> In consultation with Bar management and the Budget and Finance Committee, the Commission targeted the following reserve amounts:

Operations Reserve (4 months' operations) Capital Replacement Reserve (equipment) Capital Replacement Reserve (building)	\$2,028,000 200,000 <u>650,000</u>
Total	\$2,878,000
Cash and investments at March 31, 2016	\$4,508,000

Utah State Bar Income Statement March 31, 2016

	Actual	Budget	Fav (Unfav)	% of	Actual	Budget	Fav (Unfav)	% of	Total	YTD % of
	Mar-16		variance	Budget	YTD	YTD	variance	Budget	Budget	Tot Budget
Revenue		10.75.0	N 2/43	139%	4 136 181	4 108 861	27,320	101%	4,137,400	100%
Licensing	14,993	96.572	20,578	121%	467,560	393,681	73,879	119%	439,300	106%
MITE	1.800	1,190	610	151%	58,200	72,320	C)	%08	90,300	64%
	93	299	(207)	31%	5,633	4,509	1,124	125%	11,700	48%
	57.992	34,353	23,639	169%	329,329	232,531	86′298		543,100	61%
Summer Convention	4,126	0	4,126	n/a	197,605	157,726	39,879	***	157,400	126%
	874	373	501	234%	119,125	176,003	(26,878)	%89	176,750	%29
	40 572	30.986	9,586	131%	133,572	122,263	11,309	109%	124,300	107%
Mombor Services	20.738	29,066	(8,328)	71%	212,303	122,577	89,726		228,921	93%
Mellibel selvices	2,285	1.803	482	127%	13,620	12,272		111%	16,480	83%
Fubility Sel Vices	6 976	1.365	5,611	511%	49,928	35,109	14,819	142%	48,200	104%
par Operations	24.163	22 608	1.555	107%	199,712	210,404	(10,692)	%56 (312,152	84%
Facilities Total Revenue	291,763	229,367	62,396	127%	5,922,768	5,648,256	274,512	105%	6,286,003	94%
								W		
Expenses	7 970	3 837	(4 103)	207%	64,532	81,069	16,537	80%	120,653	53%
Licensing	59 453	55,269	(4,184)		368,182	361,017		102%	457,985	%08
Admissions	8 940	5.337	(3,603)		61,842	56,682	(5,160)	109%	74,845	83%
	111,959	108.113	(3,846)		957,592	945,094	(12,498)		1,253,170	%92
7. C	100.045	53,748	(46,297)		336,642	242,609		-	506,224	%29
Summer Convention	2,889	951	(1,938)	304%	214,552	259,434			266,758	%08
Salling Conscioning	429	1,358	929	32%	141,908	172,855			176,114	81%
Spring Convention	59,289	40,001	(19,288)	148%	87,181	57,634		1	114,878	%94
Member Services	46,825	63,475	16,650	74%	426,793	494,490			701,791	61%
Duhlic Services	30,730	36,841	6,111	83%	341,588	367,202			470,404	/3%
Rar Operations	120,618	127,569	6,951	85%	1,064,509	050'966	_		1,357,628	78%
Eacilities	43,062	39,365	(3,697)	109%	386,091	426,473	4		582,642	%99
Total Expenses	592,180	535,864	(56,316)	111%	4,451,412	4,460,609	9 9,197	100%	6,083,092	73%
Net Profit (Loss)	\$ (300,417)	\$ (306,497)	\$ 6,080	%86	\$ 1,471,356	\$ 1,187,647	\$ 283,709	124%	\$ 202,911	
Donraciotion	18,865	19,051	186	%66	165,201	161,923			230,671	
Cash increase (decrease) from operations	(281,552)	(287,446)	5,895	%86	1,636,556	1,349,570	3 286,986		433,582	
Changes in operating assets/liabilities	42,005	42,005		100%	(2,305,408)	(2):				
Capital expenditures	(50,384)	(10,417)	(39,967)	484%	(93,023)			1	12	_7
Net change in cash	\$ (289,931)	\$ (255,858)	\$ (34,073)	113%	\$ (761,874)	(1,049,588)	3) \$ 287,714	1 73%	\$ 308,582	Tir.

Utah State Bar Licensing March 31, 2016

	Actual	Budget	Fav (Unfav)	% of	Actual
	Mar-16	Mar-16	variance	Budget	VTD
Revenue					
4010 · Section/Local Bar Support fees	6	(00)	W	n/a	19,878
4021 · Lic Fees > 3 Years	5,950	2,741	3,209	217%	3,386,115
4022 · Lic Fees < 3 Years	250	428	(178)	28%	260,460
4023 - Lic Fees - House Counsel	9.5	#6	£	n/a	22,270
4025 · Pro Hac Vice Fees	5,250	5,820	(570)	%06	22,000
4026 · Lic Fees - Inactive/FS	(300)	(513)	213	28%	106,250
4027 · Lic Fees - Inactive/NS	(525)	106	(631)	-495%	194,650
4029 · Prior Year Lic Fees	735		735	n/a	1,16
4030 · Certs of Good Standing	2,210	1,743	467	127%	17,570
4095 · Miscellaneous Income	225	3	222	7500%	1,40
4096 · Late Fees	1,200	424	776	283%	71,420
Total Revenue	14,995	10,752	4,243	139%	4,136,18
Expenses				,	
Program Services		3		n/a	Tq
Salaries & Benefits	1,790	2,986	1,196	%09	38,95
General & Administrative	5,650	353	(5,297)	1601%	20,647
Building Overhead	501	498		101%	4,32
Total Expenses	7,940	3,837	(4,103)	207%	64,53

\$ 7,055 \$ 6,915 \$

Net Profit (Loss)

Budget YTD YTD variance Bud n/a 19,878 23,000 (3,122) 8 217% 3,386,115 3,365,943 20,172 10 90% 26,0460 284,345 (23,885) 11 58% 22,270 21,100 1,170 11 106,250 112,919 (6,669) 6,669) 6,669) 127% 1,165 1,165 1,165 1,166 1,166 127% 1,403 27,3 1,165 1,165 1,165 1,166 1,166 1,130 5 283% 71,420 43,288 28,132 1 1,165 1,166 1,166 1,136 1,136 5 1,166	Budget Fav (Unfav)	% OT	Total	YTD % of
n/a 19,878 23,000 (3,122) 8 217% 3,386,115 3,365,943 20,172 10 58% 260,460 284,345 (23,885) 9 90% 55,000 55,413 (413) 58% 106,250 112,919 (6,669) 495% 106,250 181,487 13,163 1 1,165 1,165 1,165 1,165 1,165 1,403 273 1,130 5 283% 4,136,181 4,108,861 27,320 1 1,60% 38,955 57,548 18,593 1601% 4,320 4,470 150 4,320 4,470 150 4,537 4,470 150 1603 16,537		Budget	Budget	Tot Budget
177% 3,386,115 3,365,943 20,172 10 58% 260,460 284,345 (23,885) 20,172 10 90% 55,000 55,413 (413) 25,000 55,413 (413) 25,000 25,413 (413) 25,000 25,413 (413) 26,669 26,669 26,669 26,669 26,669 27,31 1,165 1,165 1,165 1,165 1,165 1,165 1,165 1,165 1,165 1,165 1,136		86%	23.000	%98
217% 3,386,115 3,365,943 20,172 11 58% 260,460 284,345 (23,885) 9 90% 55,000 55,413 (413) 9 495% 106,250 112,919 (6,669) 10,669) 10,175 127% 1,165 1,165 1,165 1,165 1,165 1,165 127% 1,403 273 1,130 5 2,132 1 139% 4,136,181 4,108,861 27,320 1 60% 38,955 57,548 18,593 6 101% 4,320 4,470 150 150 4,320 4,470 150 150 150 64,532 81,069 16,537 150			000	70707
58% 260,460 284,345 (23,885) 90% n/a 22,270 21,100 1,170 11 58% 106,250 112,919 (6,669) 90% 495% 106,250 112,919 (6,669) 90% 100% 1,165 1,165 1,165 1,165 1278% 1,165 1,165 1,165 1,165 139% 71,420 43,288 28,132 1 139% 4,136,181 4,108,861 27,320 1 60% 38,955 57,548 18,593 615 101% 4,320 4,470 150 150 101% 4,320 4,470 150 150 101% 64,532 81,069 16,537		101%	3,369,000	WTOT
n/a 22,270 21,100 1,170 10 90% 55,000 55,413 (413) 413) 58% 106,250 112,919 (6,669) 9 127% 1,165 1,165 1,165 1,165 1278% 1,403 273 1,130 5 283% 71,420 43,288 28,132 1 139% 4,136,181 4,108,861 27,320 1 60% 615 615 615 615 101% 4,320 4,470 15,051 1 4,320 4,470 15,051 1 4,320 4,470 15,051 1 4,320 4,470 15,01 1 4,320 4,470 15,01 1 4,320 4,470 15,01 1		878	284,600	87%
90% 55,000 55,413 (413) 58% 106,250 112,919 (6,669) 495% 194,650 181,487 13,163 10,165 1,27% 1,165 1,165 1,165 1,165 7500% 71,420 27,328 28,132 1 283% 71,420 43,288 28,132 1 4,136,181 4,108,861 27,320 1 60% 38,955 57,548 18,593 90% 20,642 19,051 (1,591) 1 4,320 4,470 150 64,532 81,069 16,537		106%	21,100	106%
58% 106,250 112,919 (6,669) 495% 194,650 181,487 13,163 11 1,165 1,165 1,165 1,165 1,165 127% 1,403 273 1,130 5 283% 71,420 43,288 28,132 1 139% 4,136,181 4,108,861 27,320 1 60% 38,955 57,548 18,593 1601% 20,642 19,051 (1,591) 1 4,320 4,470 150 4,537 64,532 81,069 16,537		%66	71,100	77%
495% 194,650 181,487 13,163 1,165 n/a 1,165 1,105 1,165 1,165 127% 1,403 273 1,130 5 283% 71,420 43,288 28,132 1 139% 4,136,181 4,108,861 27,320 1 60% 615 615 615 615 1601% 20,642 19,051 (1,591) 1 101% 4,320 4,470 150 101% 64,532 81,069 16,537		94%	112,200	85%
n/a 1,165 1,165 127% 17,570 21,093 (3,523) 7500% 1,403 273 1,130 5 283% 71,420 43,288 28,132 1 4,136,181 4,108,861 27,320 1 60% 615 7,320 1 1601% 20,642 19,051 (1,591) 1 101% 4,320 4,470 150 64,532 81,069 16,537		107%	183,500	106%
127% 17,570 21,093 (3,523) 7500% 1,403 273 1,130 5 283% 71,420 43,288 28,132 1 139% 4,136,181 4,108,861 27,320 1 60% 615 - (615) 1601% 20,642 19,051 (1,591) 1 4,320 4,470 150 64,532 81,069 16,537	s	n/a	(f)	n/a
7500% 1,403 273 1,130 5 283% 71,420 43,288 28,132 1 139% 4,136,181 4,108,861 27,320 1 n/a 615 - (615) 60% 38,955 57,548 18,593 1601% 20,642 19,051 (1,591) 1 4,320 4,470 150 64,532 81,069 16,537		83%	27,300	64%
283% 71,420 43,288 28,132 1 139% 4,136,181 4,108,861 27,320 1 n/a 615 - (615) 60% 38,955 57,548 18,593 1601% 20,642 19,051 (1,591) 1 4,320 4,470 150 64,532 81,069 16,537		514%	009	234%
139%	-	165%	45,000	159%
615 (615) 60% 38,955 57,548 18,593 1601% 20,642 19,051 (1,591) 1 4,320 4,470 150 64,532 81,069 16,537		101%	4,137,400	100%
n/a 615 – (615) 60% 38,955 57,548 18,593 1601% 20,642 19,051 (1,591) 1 4,320 4,470 150 207% 64,532 81,069 16,537				
n/a 0.15 60% 38,955 57,548 18,593 1601% 20,642 19,051 (1,591) 1 101% 4,320 4,470 150 207% 64,532 81,069 16,537	(815)	n/a		n/a
1601% 20,642 19,051 (1,591) 1 101% 4,320 4,470 150 207% 64,532 81,069 16,537	18	%89	77,974	20%
101% 4,320 4,470 150 207% 64,532 81,069 16,537		108%	36,537	29%
64,532 81,069 16,537		%26	6,142	%02
		%08	120,653	23%
(43,858)	S	101%	\$ 4,016,747	101%

Ī.	Actual	Budget	Fav (Unfav)	% of	Total	YTD % of
et	ATD	YTD	variance	Budget	Budget	Tot Budget
Г						
-/u	19,878	23,000	(3,122)	%98	23,000	%98
2%	3.386,115	3,365,943	20,172	101%	3,369,000	101%
%8	260,460	284,345	(23,885)	87%	284,600	92%
-/a	22,270	21,100	1,170	106%	21,100	106%
%0	55,000	55,413	(413)	%66	71,100	77%
%8	106,250	112,919	(699'9)	94%	112,200	%56
2%	194,650	181,487	13,163	107%	183,500	106%
1/a	1,165	9	1,165	n/a	9	n/a
7%	17,570	21,093	(3,523)	83%	27,300	64%
%0	1.403	273	1,130	514%	009	234%
3%	71.420	43,288	28,132	165%	45,000	159%
%6	4,136,181	4,108,861	27,320	101%	4,137,400	100%
n/a	615		(615)	n/a		n/a
%0	38,955	57,548	18,593	%89	77,974	20%
1%	20,642	19,051	(1,591)	108%	36,537	%95
%	4,320	4,470		%16	6,142	20%
17%	64,532	81,069	16,537	80%	120,653	23%
		1000	ć (43 oro)		¢ 4 015 747	101%
2%	\$ 4.071.650	S 4.027.732	\$ 4.071.650 \$ 4.027.792 \$ (43,858)	10T%	1+1'0TO'+ 4	VTOT

March 31, 2016 Utah State Bar Admissions

	Actual	Budget	Fav (Unfav)	% of	Actual	Budget	Fav (Unfav)	% of	Total	YTD % of
	Mar-16	Mar-16	variance	Budget	YTD	YTD	variance	Budget	Budget	Tot Budget
o li dovo										
1001 . Admissions - Student Exam Fees	46.600	47,234	(634)	%66	167,550	156,669	10,881	107%	160,100	105%
4001 - Adminssions - Stadent Examinates	18.250	11 381	6.869	160%	71,845	68,645	3,200	105%	65,800	109%
400Z : Admissions - Attorney Examineds	850	1 637	(782)	25%	41,950	21,229	20,721	198%	28,200	149%
4003 - Admirsions - Relake rees	14.850	13.554	1.296	110%	66,150	56,086	10,064	118%	29,600	111%
4004 : Adillissions - Laptop i ees	100	1 274	(1.174)		19,000	17,232	1,768	110%	24,800	%22
4000 Attended Appress	14 450	6.074	8.376	23	47,300	41,479	5,821	114%	58,400	81%
4008 - Attorney - INIOTION	(850)	579	(1,429)	1	13,600	4,628	8,972	294%	8,100	168%
4009 · House Counsel	(856)		1001		1,215	593	622	205%	006	135%
4095 - Miscellaneous income	22 800	11 811	7 956	,	38.950	27,120	11,830	144%	33,400	117%
4096 · Late Fees	22,000	14,044	000,1		757 550	202 681	73 879	119%	439 300	106%
Total Revenue	117,150	96,572	20,578	%T7T	407,700	193,001	010/01	200		
Expenses						1		,00	770	1000%
Drogram Services	28,710	25,951	(2,759)	111%	110,697	98,512	(17,185)	117%	nna'nTT	100V
	24 973	24.358	(292)	102%	219,371	228,904	9,533	%96	302,349	73%
Salaries & benefits	7 967	4 127	(840)	•	30,749	26,153	(4,596)	118%	34,783	%88
General & Administrative	4,00,4	7,12,	(20)		7,366	7,448	82		10,253	72%
Building Overhead	cco	000	0.7		200	1,020	(310)	1000	157 095	%U8
Total Expenses	59,453	55,269	(4,184)	108%	368,182	361,017	((107)	102%	457,765	00/00
	\$ 57 697	< 41.303	\$ 16.394	140%	\$ 99,378	\$ 32,664	\$ 66,714	304%	\$ (18,685)	-532%
Net Profit (Loss)	100/10 4	200/ 4		1						

March 31, 2016 **Utah State Bar** NLTP

	Actual	Buaget	Lav (Olliav)	5 %
	Mar-16	Mar-16	variance	Budget
venue				
4020 · NLTP Fees	1,800	1,190	610	151%
4095 · Miscellaneous Income	ť	į)	1	n/a
4096 · Late Fees	76	٠	1	n/a
Total Revenue	1,800	1,190	610	151%
penses				
Program Services	1,973	205	(1,768)	%296 (
Salaries & Benefits	6,221	4,460	(1,761)	139%
General & Administrative	224	161	(63)	139%
Building Overhead	522	511	(11)) 102%
Total Expenses	8,940	5,337	(3,603)	168%
at Profit (Loss)	\$ (7,140)	\$ (4,147)	\$ (7,140) \$ (4,147) \$ (2,993)) 172%

Expenses

Revenue

Net Profit (Loss)

Budget	Fav	Fav (Unfav)	% of	Total	YTD % of
AF)	Š	variance	Budget	Budget	Tot Budget
72,320		(14,120)	%08	90,300	64%
X.		X	n/a	7	n/a
		19	n/a	1	n/a
72,320		(14,120)	80%	90,300	64%
5,015		(681)	114%	9 (300	%06
43,616		(4,518)	110%	57,544	84%
3,493		(12)	100%	4,726	74%
4,558		51	%66	6,275	72%
56,682		(5,160)	109%	74,845	83%
\$ 15,638	Ş	\$ (3,642) \$ 15,638 \$ (19,280)	-23%	\$ 15,455	-24%

Utah State Bar OPC

March 31, 2016

	Actual	Budget	Fav (Unfav)	% of
	Mar-16	Mar-16	variance	Budget
evenue				
4095 · Miscellaneous Income	93	299	(207)	31%
7200 - Seminar Profit/Loss	31.	.0	ř	n/a
Total Revenue	. 63	299	(202)	31%
xpenses	===			
Program Services	2,956	3,917	961	75%
Calaries & Banefits	92,745	88,389	(4,356)	105%
General & Administrative	8,758	8,586	(172)	102%
Building Overhead	7,501	7,221	(280)	104%
Total Expenses	111,959	108,113	(3,846)	104%
10+ Drofit (1 occ)	\$ (111.867)	\$ (107,814)	\$ (111.867) \$ (107.814) \$ (4,053)	104%

Net Profit (Loss)

Expenses

Revenue

78% 67% 72% 76% 77%	1,032,818 99,325 90,127 1,253,170 \$ (1,241,470)	104% 84% 99% 101%	807,712 773,530 (34,182) 66,516 79,105 12,589 64,741 65,576 835 957,592 945,094 (12,498) \$ (951,959) \$ (940,585) \$ (11,374)	773,530 79,105 65,576 945,094	773 773 79 65 65 945 \$ (940
%09 28%	30,900	69%	8,260 (34,182)		26,883
48%	11,700	125%	1,124		4,509
38%	008'6	138%	1,012		2,689
102%	1,900	106%	112		1,820
Tot Budget	Budget	Budget	variance		YTD
YTD % of		% of	Fav (Unfav)	1	Duuger 1 a

Utah State Bar CLE March 31, 2016

57,99	Total Revenue
(46	4200 · Seminar Profit/Loss
	4095 · Miscellaneous Income
5,17	4084 · Business Law Book Sales
	4083 · CLE - Material Sales
	4082 · CLE - Video Library Sales
45,03	4081 · CLE - Registrations
	4055 - Meeting - Sp Ev Registration
	4054 · Meeting - Material Sales
	4053 · Meeting - Vendor Revenue
8,25	4052 · Meeting - Sponsor Revenue
	4051 · Meeting - Registration
	Revenue
Mar-16	- :1
Actual	

4083 · CLE - Material Sales	4084 · Business Law Book Sales	4095 · Miscellaneous Income	4200 · Seminar Profit/Loss	Total Revenue	S	Program Services	Salaries & Benefits	General & Administrative	Building Overhead	Total Expenses	
4083 · CLE -	4084 · Busin	4095 · Misce	4200 · Semir	Total Reve	Expenses	Program Se	Salaries & B	General & A	Building Ove	Total Expe	

Net Profit (Loss)

	_										_				_	_	_	_	_	
% of	Budget	n/a	n/a	n/a	n/a	n/a	161%	%0	n/a	n/a	n/a	n/a	169%		189%	112%	278%	132%	186%	217%
Fav (Unfav)	variance	T	8,250	**	20.	300	17,078	(6,395)	92	5,172	×	(465)	23,639	-	(35,322)	(802)	(9,707)	(466)	(46,297)	(22,658)
Budget Fav	Mar-16 v	Ĭ	ì	9	(8)	ė	27,958	6,395	8	3	3	3	34,353		39,866	6,965	5,441	1,476	53,748	\$ (19,395) \$
Actual	Mar-16	36	8,250	1	Œ	12	45,036	W.	Я	5,172	ĵ	(465)	57,992		75,188	7,767	15,148	1,942	100,045	\$ (42,053)

	Actual	Budget	Fav (Unfav)	% of	Total	YTD % of
it.	ATD	YTD	variance	Budget	Budget	Tot Budget
T						
- Va	03	0	9	n/a	ï	n/a
- /u	14,000	1,665	12,335	841%	5,100	275%
-\-	*	9)	1002	n/a		n/a
)/a	15	36	15	n/a	d	n/a
, a	æ	, i		n/a)(0)	n/a
1%	264,078	205,632	58,446	128%	395,400	%19
%0	46,706	42,301	4,405	110%	131,700	35%
)/a	A	114	3	n/a	1	n/a
n/a	11,085	34	11,085	n/a	Ĭ	n/a
n/a	ill in the second	(00)	đ	n/a	1	n/a
n/a	(6,555)	(17,067)	10,512	38%	10,900	%09-
%6	329,329	232,531	96,798	142%	543,100	61%
%62	180.805	119.349	(61,456)	151%	312,900	28%
2%	88,819	78,291		113%	112,134	%62
%8/	49,925	31,785	(18,140)	157%	62,837	%62
32%	17,093	13,184	(3,909)	130%	18,353	93%
%98	336,642	242,609	(94,033)	139%	506,224	%29
		(10.070	376	730%	36 876	%UC-
17%	\$ (7,313)	¢ (9/0'0T) ¢ (\$T\$'/)	1			

Utah State Bar Summer Convention March 31, 2016

Revenue	4051 · Meeting - Registration	4052 · Meeting - Sponsor Revenue	4053 · Meeting - Vendor Revenue	4054 · Meeting - Material Sales	4055 · Meeting - Sp Ev Registration	4095 · Miscellaneous Income	C. 4010 C+0
	tration	sor Revenue	or Revenue	rial Sales	' Registration	Income	
Revenue	4051 · Meeting - Regist	4052 · Meeting - Spons	4053 · Meeting - Vendo	4054 · Meeting - Mate	4055 · Meeting - Sp Ev	4095 · Miscellaneous It	C. 100 C. 100 F.

Expenses
Total Revenue
4095 · Miscellaneous Incom
4055 · Meeting - Sp Ev Regis
4054 · Meeting - Material Sa
אורכרווים אבוומסי ויכ

Expenses	Program Services	Salaries & Benefits	General & Administrative	Building Overhead	
Expenses	Progran	Salaries	Genera	Buildin	

Buc %		''												
Fav (Unfav) variance		56,603	(4,150)	(200)	ı	(5,374)	(6,700)	39,879	32,914	2,996	3,947	25	44,882	84,760
Budget Fav		107,926	22,800	12,000	£	8,300	6,700	157,726	208,305	33,534	15,767	1,828	259,434	\$ (16,948) \$ (101,708) \$
Actual YTD		164,529	18,650	11,500	<u>ş</u>	2,926	•	197,605	175,391	25,538	11,820	1,803	214,552	\$ (16,948)
% of Budget		n/a	n/a	n/a	n/a	n/a	n/a	n/a	#DIV/0!	292%	235%	103%	304%	-130%
Fav (Unfav)		4,126	E	ř	3	ij	*	4,126	(208)	(1,384)	(39)	(7)	(1,938)	2,188
Budget Fav		N°	w	330	:001	ĸ	ı		į	720	29	202	951	(951) \$
BC Z														\ v>
Actual	24	4.126	1	•	0)	1	3	4,126	508	2,104	68	209	2,889	1,237

Ĺ	Actual	Budget	Fav (Unfav)	% of	Total	YTD % of
	YTD	YTD	variance	Budget	Budget	Tot Budget
	164,529	107,926	56,603	152%	107,600	153%
	18,650	22,800	(4,150)	85%	22,800	82%
	11,500	12,000	(200)	%96	12,000	%96
	ij.	£	ı	n/a	39	n/a
	2,926	8,300	(5,374)	32%	8,300	35%
	9	6,700	(6,700)	%0	6,700	%0
	197,605	157,726	39,879	125%	157,400	126%
	175,391	208,305	32,914	84%	208,500	84%
	25,538	33,534	7,996	%92	968'68	64%
	11,820	15,767	3,947	75%	15,854	75%
	1,803	1,828	25	%66	2,508	72%
	214,552	259,434	44,882	83%	266,758	80%
٧٠	(16,948)	\$ (101,708) \$	\$ 84,760	17%	\$ (109,358)) 15%

Utah State Bar Fall Forum March 31, 2016

0	4053 - Meeting - Vendor Revenue 4054 - Meeting - Material Sales 4055 - Meeting - Sp Ev Registration 4095 - Miscellaneous Income Total Revenue
∞	Revenue 4051 · Meeting - Registration
Actua Mar-1	

4054 - Meeting - Materia 4055 - Meeting - Sp Ev Re 4095 - Miscellaneous Inco Total Revenue
The same of the sa
Expenses
expenses Program Services
Expenses Program Services Salaries & Benefits
Expenses Program Services Salaries & Benefits General & Administrative
Expenses Program Services Salaries & Benefits General & Administrative Building Overhead
Expenses Program Services Salaries & Benefits General & Administrative Building Overhead Total Expenses

Net Profit (Loss)

						-			_	_	_		
234%	n/a	n/a	n/a	n/a	n/a	234%		%0	14%	227%	82%	32%	-45%
501	ķ(Œ	ä	D	Ţ.	501		29	860	(43)	45	929	\$ 1,430
373	ķ	*	9	100	į	373		29	1,003	34	254	1,358	\$ (985) \$
874	æ	O.	((4))	1	3.	874		ÿ	143	77	500	429	445
	373 501	373 501 2 3	373 501 2	373 501 2	373 501 2 3	373 501 2	373 501 2	373 501 2 373 501 2 373 501 2	373 501 2 373 501 2 373 501 2	373 501 2 373 501 2 4 1,003 860	373 501 3 373 501 373 501 67 67 67 67 34 (43)	373 501 2 373 501 2 373 501 2 67 67 1,003 860 34 (43) 2 254 45	373 501 2 373 501 2 1,003 860 34 (43) 2 254 45 254 45 1,358 929

Actual	Budget	Fav (Unfav)	% of Budget	Total	YTD % of Tot Budget
94,375	118,003	(23,628)	%08	118,750	%62
15,000	40,000	(25,000)	38%	40,000	38%
009'6	18,000	(8,400)	23%	18,000	23%
ĸ	Ē	Ď.	n/a	31	n/a
150	x	150	n/a	6	n/a
(d	204	90	n/a	ž.	n/a
119,125	176,003	(56,878)	68%	176,750	%29
114.042	136,172	22,130	84%	136,172	84%
10,591	18,925	8,334	%95	21,301	20%
15,473	15,561	88	%66	15,642	%66
1,803	2,197	394	82%	2,999	%09
141,908	172,855	30,947	82%	176,114	81%
\$ (22.783) \$	\$ 3,148	\$ (25,931)	-724%	989 \$	-3582%

Utah State Bar Spring Convention March 31, 2016

AO t	0.100.00 T-+0.T
	4095 · Miscellaneous Income
1,7	4055 · Meeting - Sp Ev Registration
	4054 · Meeting - Material Sales
3,1	4053 · Meeting - Vendor Revenue
3,2	4052 · Meeting - Sponsor Revenue
32,9	4051 · Meeting - Registration
	Revenue
Mar-1	
Actua	

4095 · Miscellaneous Income Total Revenue
4055 · Meeting - Sp Ev Regist

Net Profit (Loss)

\$ 46,39	208%	(9,702)	\$ (18,717) \$ (9,015) \$	\$ (18,717)
87,18	148%	(19,288)	40,001	59,289
1,80	103%	(2)	202	209
7,94	40%	3,272	5,426	2,154
15,37	78%	3,008	13,571	10,563
62,05	223%	(25,562)	20,802	46,364
133,57,	131%	9,586	30,986	40,572
	n/a	97	(*)	j)
2,917	182%	543	664	1,207
	n/a	ė	ě	*
10,450	72%	(1,247)	4,397	3,150
14,850	134%	830	2,420	3,250
105,355	140%	9,460	23,505	32,965
YED	Budget	variance	Mar-16	Mar-16
Actual	% of	Fav (Unfav)	Budget	Actual

Actual	Budget	Fav (Unfav)	% of	Total	YTD % of
YTD	YTD	variance	Budget	Budget	Tot Budget
105,355	95,412	9,943	110%	96,500	109%
14,850	13,051	1,799	114%	14,000	106%
10,450	11,300	(820)	%76	11,300	95%
3	10	Ĩ	n/a	1	n/a
2,917	2,500	417	117%	2,500	117%
10	1	Ď.	n/a) <u>(</u>	n/a
133,572	122,263	11,309	109%	124,300	107%
62.059	24.530	(37,529)	253%	78,900	79%
15.373	22,859	7,486	%29	23,530	82%
7.946	8,417	471	94%	626'6	80%
1,803	1,828	25	%66	2,509	72%
87,181	57,634	(29,547	151%	114,878	76%
\$ 46.391	\$ 46.391 \$ 64.629	\$ (18,238)	72%	\$ 9,422	492%

Utah State Bar Member Services

(Bar Journal, Member Benefits, Section Support, Legislative, Public Education & YLD) March 31, 2016

										J
	Actual	Burdpet	Fav (Unfav)	% of	Actual	Budget	Fav (Unfav)	% of	Total	
	Mar-16	Mar-16	variance	Budget	YTD	YTD	variance	Budget	Budget	
Sevenile										
4010 Coction/Local Bar Support fees	3	3	()	n/a	81,739	:31	81,739	n/a	76,621	
40TO - Section/ Foral Ball Support 1003	id	ij		e/u	-	5395	H	n/a	100	
4052 · Meeting - sponsor Revenue	10 177	26 635	(8 213)	%69	121.482	113,301	8,181	107%	141,600	
4061 - Advertising Revenue	10,422	75	(75)	n/a	150	300	(150)	20%	300	
4062 - Subscriptions			40	%	2.715	2,305	410	118%	3,100	
4071 · Mem Benetits - Lexis	300 0	(0±)	(110)	82%	6.017	6,671	(654)	%06	7,200	
40/2 · Royalty Inc - Bar J, IVIBINA, LIVI, IVI	2,200	2,330	(077)	0/4	2000	380	200	n/a	19	
4081 · CLE - Registrations	30	<u>()</u>	20	, i	202			2/4	30	
4093 - Law Dav Revenue	80	0	1	n/a	38 	9	1)	D/U	er o	
amoral superaclinative	×	9	1363	n/a	9	٠		n/a	(1)	
4093 - Miscellandous Illouise	20.738	29.066	(8.328)	71%	212,303	122,577	89,726	173%	228,921	
i otali Revenue	201/07	200/07								
Expenses	17 497	25 033	7.541	20%	168,398	233,442	65,044	72%	289,484	
Program services	16.466	16.819	353	%86	137,977	145,580	7,603	%56	191,638	
Salaries & benefits	11 098	20,313	9.215	25%	104,817	103,782	(1,035)	101%	204,388	
General & Administrative	1 769	1,310	(459)	1	15,601	11,686	(3,915)	133%	16,281	- 1
building Overnead Total Expenses	46,825	63,475	16,650	74%	426,793	494,490	269'29	86%	701,791	- 1
					1000 1100	¢ 1271 0131 ¢	\$ 157.473	%85	\$ (472,870)	
Net Profit (Loss)	\$ (26,087)	(26,087) \$ (34,409) \$	\$ 8,322	% 9/	(nc+'+T7) ¢	לרדכידוכו ל		200	(2.1.)	

107% 0% 86% 50% 88% 84% n/a n/a

YTD % of Tot Budget 58% 72% 51% 96%

61%

45%

Utah State Bar Public Services

(Committees, Consumer Assistance, Access to Justice, Tuesday Night Bar) March 31, 2016

	Actual	Budget	Budget Fav (Unfav)	% of	Actual	Budge
	Mar-16	Mar-16	variance	Budget	YTD	YTD
Revenue						
4010 · Section/Local Bar Support fees	Ж	Ĭ.	*0	n/a	ír.	
4063 · Modest Means revenue	1,225	1,803	(578)	%89	12,550	11,7
4093 · Law Day Revenue	1,060	*	1,060	n/a	1,060	
Angs - Miscellaneous Income	M	/4	•	n/a	10	4
Total Revenue	2,285	1,803	482	127%	13,620	12,2
Expenses						
Program Services	7,560	4,860	(2,700)	126%	110,372	109,1
Salaries & Benefits	18,935	28,441	9)206	%29	188,409	223,1
General & Administrative	2,568	1,906	(662)	135%	28,417	20,2
Ruilding Overhead	1,667	1,634	(33)	102%	14,390	14,7
Total Evnences	30.730	36,841	6,111	83%	341,588	367,2
ו סנפו באליבויזכי						

\$ (28,445) \$ (35,038) \$

Net Profit (Loss)

s ot	Actual	Budget	Fav (Untav)	to %	lotal	TID % 01
Budget	TTD	YTD	variance	Budget	Budget	Tot Budget
n/a	în	Ü	1	n/a		n/a
%89	12,550	11,792	758	106%	16,000	78%
n/a	1,060	*	1,060	n/a	1	n/a
n/a	10	480	(470)	7%	480	2%
127%	13,620	12,272	1,348	111%	16,480	83%
156%	110,372	109,168	(1,204)	101%	127,000	81%
%29	188,409	223,102	34,693	84%	295,759	64%
135%	28,417	20,211	(8,206)	141%	27,607	103%
102%	14,390	14,721	331	%86	20,038	72%
83%	341,588	367,202	25,614	93%	470,404	73%
81%	\$ (327 968)	\$ (354.930) \$	\$ 26.962	%26	\$ (453,924)	72%

(Bar Management, General Counsel, IT, Commission/Special Projects) March 31, 2016 **Bar Operations Utah State Bar**

	- B							_						\5	1,		(1) (1) (1) (1) (1) (1) (1) (1) (1) (1)
% of	Budget	%0	107%	28%	%8	324%	142%			104%	116%	83%	28%	%16	107%		T00%
Fav (Unfav)	variance	(400)	1,026	(1,521)	(2,2,2)	23,309	14,819			(5,404)	(98,784)	33,228	1,521	086	(68,459)		(53,640)
Budget Fa	YTD	400	13,966	2,118	8,228	10,397	35,109			143,748	619,011	193,859	2,118	37,314	050'966	1000	\$ (960,941) \$
Actual	YTD	,	14 997	597	633	33,706	49,928			149,152	717,795	160,631	597	36,334	1,064,509		\$ (1,014,581) \$ (960,941) \$
							-										
% of	Budget	700	2 6	61%	47%	n/a	511%			108%	121%	17%	61%	101%	95%		%06
Fav (Unfav)	variance	(100)	(100)	(70)	(84)	1,846	5,611			(2,339)	(14,286)	23.544	70	(37)	6,951	1	12,563
Budget Fav		6	OOT	179	159	927	1,365			28.195	66 580	28,533	179	4173	127.569		\$ (113,641) \$ (126,204) \$
Actual	Mar-16			4,019	75	2,773	6.976			30 534	80.866	7 898	4,838	4 210	120,618	2012/2011	\$ (113,641)
		Revenue	4031 - Enhanced Web Revenue	4060 · E-Filing Revenue	4103 · In - Nina nevellae - Ook	4095 - Miscellalledus ilicollie	Total Revenue		ı	Expenses	FIOBLAIII SELVICES	Salaries & Benefits	General & Administrative	In Kind	Formula Overneau	iotal expenses	Net Profit (Loss)

			Dudgest	Envillentary	₩ v	Total	VTD % of
	% of	YTD	ATD	variance	Budget	Budget	Tot Budget
1	200						
-	%0	,	400	(400)	%0	200	%0
	n/a	14,992	13,966	1,026	107%	17,900	84%
=	61%	597	2,118	(1,521)	78%	2,400	25%
- =	47%	633	8,228	(7,595)	%8	10,300	%9
	n/a	33,706	10,397	23,309	324%	17,100	197%
	511%	49,928	35,109	14,819	142%	48,200	104%
6	108%	149,152	143,748	(5,404)	104%	187,600	%08
· (c	121%	717.795	619,011	(98,784)	116%	855,978	84%
	17%	160,631	193,859	33,228	83%	261,072	62%
	61%	597	2,118	1,521	78%	2,400	25%
2	101%	36,334	37,314	086	%26	50,578	72%
	95%	1,064,509	996,050	(68,459)	107%	1,357,628	78%
					1000/	¢ (1 200 428)	%LL 1
	%06	\$ (1,014,581) \$ (960,941) \$	\$ (960,941)	\$ (53,64U)	1	\$ (T,505,420	

Utah State Bar Facilities March 31, 2016

	1
	₹ ∑
4039 · Room Rental-All parties	
4042 · Food & Beverage Rev-All Parties	
4043 · Setup & A/V charges-All parties	
4090 · Tenant Rent	
4095 - Miscellaneous Income	1
Total Revenue	
Program Services	
Salaries & Benefits	
General & Administrative	
In Kind	
Building Overhead	- 1
Total Expenses	
-	

Net Profit (Loss)

% of	Budget	%68	176%	#DIV/0!	n/a	n/a	107%	%66	108%	61%	45%	105%	3601	113%
Fav (Unfav)	variance	(1,178)	2,661	•	09	12	1,555	216	(821)	(3,498)	1,372	(996)	(3,697)	\$ (2,143)
Budget F		10,547	10,315	i	1,746	Ŷ	22,608	17,052	10,471	(8,967)	2,363	18,446	39,365	\$ (18,900) \$ (16,757) \$
Actual	Mar-16	6)369	12,976	ĩ	1,806	12	24,163	16,836	11,292	(2,469)	991	19,412	43,062	\$ (18,900)

<u>_</u>	Actual	Budget	Fav (Unfav)	% of	Total	YTD % of
tet	YTD	YTD	variance	Budget	Budget	Tot Budget
%6	060'68	98,223	(9,133)	91%	135,700	%99
%9	93,270	93,923	(653)	%66	149,800	978
/01	2,868	4,190	(1,322)	%89	2,600	51%
n/a	14,448	13,968	480	103%	20,952	%69
n/a	36	100	(64)	36%	100	36%
1%	199,712	210,404	(10,692)	%56	312,152	64%
%6	92,680	104,162	11,482	%68	165,000	29%
%	99,177	103,105	3,928	%96	131,922	75%
1%	6,590	23,475	16,885	78%	22,031	30%
2%	19,666	30,683	11,017	64%	37,100	23%
2%	167,979	165,048	(2,931)	102%	226,589	74%
%60	386,091	426,473	40,382	91%	582,642	%99
13%	\$ (186,379) \$ (216,069) \$	\$ (216,069)	\$ 29,690	%98	\$ (270,490)	%69



When the Constitution was Moved into the Police Station.

Fifty years ago, the Supreme Court of the United States established Miranda warnings to protect basic rights that are enshrined in our Constitution. From the Fifth Amendment, "No person...shall be compelled in any criminal case to be a witness against himself," and from the Sixth Amendment, that "the accused shall...have the Assistance of Counsel." In its Miranda opinion, the Court determined that the best way to protect your right to remain silent is to have counsel.

The Court decided that for statements to be admissible as evidence, you must be warned about your rights before you are questioned as a suspect or defendant in custody. (If you are ever not sure whether you are in custody, you can ask if you are free to leave.)

Before the Court required Miranda warnings, there were essentially two legal systems: one for those who were aware of

their rights and invoked them, and one for those who were unaware of their rights and implicated themselves.

During the last fifty years, the rights identified in Miranda have become ingrained into our culture. Predictions of "a serious problem in the enforcement of our criminal law will occur" were unfounded. The Court correctly predicted that if "counsel is present when statements are taken from an individual during interrogation [it] enhances the integrity of the fact-finding processes."

There is still work to be done to create a level playing field in our justice system. Celebrate Law Day 2016 by reacquainting yourself with the Miranda doctrine as well as other constitutional protections, such as the right to be free from unreasonable searches and seizures, the right to confront witnesses, the right to a speedy trial by a jury of one's peers, and the right to due process and equal protection of the law.

Utah Media Group

Deseret News

The Salt Lake Tribune

Utah State Bar.

lawday.utahbar.org

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tence wages, they are fertile

and an educational tevers — but for many reasons, good

TWITTER: pmoricil.

in custody - you must be warned about your Court required that - if you are questioned. It has been 50 years since the U. S. Supreme rights for any of your statements to be admissible as evidence.

have the Assistance of Counsel for his defense." Prior to Miranda, many rights were based on the Sixth Amendment: "the accused shall... have counsel present at the interrogation is indispensable to the protection of the Fifth In 1966, the Court said that "the right to Amendment privilege" to remain silent.

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Before the Court required Miranda warnings one for those who were aware of their rights were unaware of their rights and implicated and invoked them, and one for those who there were essentially two legal systems: themselves.

There is still work to be done to create a level May I, 2016. Call Ken Stowe for advertising opportunities in the May I Special Edition, 801.204.6232. more and celebrate your rights on Law Day, playing field in our justice system. Learn

Utah State Bar

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WALTER F. BUGDEN, JR.

April 12, 2016

VIA EMAIL: angelina.tsu@zionsbancorp.com

Angelina Tsu Utah Bar Association

Re: Patricia Parkinson Glenn

Dear Ms. Tsu:

I am writing in hopes that the Utah State Bar can make a donation to assist the family of Patricia Parkinson Glenn. Trish passed away on February 25, 2016 after a heroic but brutal fight with breast cancer that metastasized throughout her body.

Patricia was only 45 when she passed away. She was married to Kelly Glenn. They have triplets: Parker, Edison, and George. Edison was born with severe cerebral palsy. He faces a multitude of challenges. George is autistic. Parker was born without any medical challenges, but is now a motherless child. The three boys will turn five this month.

Patricia had a varied and accomplished legal career. She worked as a prosecutor with the Salt Lake City Prosecutor's Office, at the Salt Lake Legal Defender Association, at the Salt Lake District Attorney's Office, at the US Attorney's office, and at Parsons Behle and Latimer. She was respected and beloved everyplace she worked.

Our goal is to try to raise \$12,600. This is a very specific goal to provide childcare for the summer. Kelly is employed as a loan officer for a mortgage company. Of course he needs to work 40 hours a week to support his family (which also includes an older daughter from a prior marriage).

There have been two principal caregivers for the children during Patricia's illness and since her passing. With the arrival of the summer, the triplets will need childcare five days a week; eight hours a day. The cost for child care each month to employ and maintain the same caregivers that these children have grown to love is \$4200 each month.

I don't know if the Utah State Bar has a charitable, hardship, or needs based fund for members of the bar. I hope it does. Kelly Glenn faces a very difficult challenge raising these three children, two of which are very special needs, without a wife and mother. We can't help

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Kelly to provide the love and comfort for the kids, but we can help to relieve the staggering financial burden by tackling the childcare costs for this summer.

We are planning to hold a fundraiser in late May. A contribution to the family of Patricia Parkinson Glenn would be greatly appreciated. If a contribution is possible, the check could be send to my law firm.

Trish wrote her story for the Go Fund Me site (www.gofundme.com/PatriciaPGlenn). She was such a go-getter and optimistic person, she did this while fighting her disease. However, we do not want to use the Go Fund Me site for our fundraiser because of the fee (percentage) it charges. So this fundraiser will be done by lawyers for Trish's family's benefit.

Thank you very much for your attention to this matter.

Effervescently yours,

Walter F. Budden, Jr.

WFB:sm





