Utah State Bar Commission

Friday, April 6, 2018
Utah Law & Justice Center

Agenda

1. 9:00 a.m. President's Report: John Lund

    10 Mins.  1.1 Report on Breakfast with Representatives from Large Firms

2. 9:10 a.m. Information Item

    30 Mins.  2.1 Malpractice Insurance Endorsement Proposals (Tab 1, Page 3)
    10 Mins.  2.2 Western States Bar Conference: Dickson Burton & Katie Woods
    30 Mins.  2.3 Draft 2018-19 Budget: Dickson Burton & Kellie Bartz (Tab 2, Page 118)

10:20 a.m. Break

3. 10:30 a.m. Discussion Items

    30 Mins.  3.1 Introductions of Bar Commissioners & 2018 Leadership Academy
    30 Mins.  3.2 How to Use the Lighthouse Surveys & Focus Groups to Benefit the Bar Membership (Tab 3, Page 134)

4. 11:30 a.m. Action Items

    05 Mins.  4.1 Nominate 3rd District Judicial Nominating Commissioners (Tab 4, Page 276)
    05 Mins.  4.2 Appoint Representative to Utah Sentencing Commission (Tab 5, Page 308)
    10 Mins.  4.3 Adopt Awards Committee Recommendations:
              Heather Farnsworth & Herm Olsen

5. 11:50 a.m. Other Business

12:00 N. Adjourn to Luncheon with 50-Year Active Members, Past Bar Presidents & 2018 Leadership Academy

Consent Agenda (Tab 6, Page 325):

1. Approve Minutes of March 8, 2017 Commission Meeting;
2. Approve 2018-19 Client Security Fund Assessment ($5.00)
### Calendar

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<td>April 10-12</td>
<td>ABA Day in Washington</td>
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<td>April 15</td>
<td>Election-Online Balloting Ends</td>
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<td>May 4</td>
<td>Executive Committee</td>
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<td>May 11</td>
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<td>May 17</td>
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<td>July 17</td>
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<td>July 25</td>
<td>Commission Meeting</td>
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<td>July 25-28</td>
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JCB/Commission Agenda 4.6.18
TO: Utah State Bar Board of Bar Commissioners

FROM: John Baldwin, Executive Director

RE: Review of Malpractice Insurance Endorsement Proposals

DATE: March 8, 2018

For over 30 years, the Utah State Bar has promoted a malpractice brokerage firm as part of its member benefit services. The relationship has been termed over the years as either “endorsed,” “sponsored,” or “preferred.” Brokerage firms in this relationship have included Continental Agency, Rollins Burdick and Hunter, Marsh, and most recently, Mercer. During the course of contract relations, brokerage firms will find different underwriters who will provide a variety of coverage plans and rates which they convey to us as being fair or reasonable for the marketplace and practice areas. Our contract with Mercer ends July 1, 2018. We have given them notice to terminate our existing relationship and we have let them know we sent requests for proposals.

The goal of the relationship is to ensure that Utah lawyers have access to affordable malpractice insurance and to provide some encouragement to lawyers to seek coverage. Companies have been willing to report regularly to the Bar Commission on their financial strength and stability and the areas and amounts of claims made and paid.

Historically, our broker-partner has received and exclusive promotion as the Bar’s sponsored company and has also received discounted advertising rates in the Utah Bar Journal and at Bar conventions.

Traditionally, the Bar has received some compensation back from premiums paid. Most recently, that amount has been as much as $20,000 annually and has been paid directly to Lawyers Helping Lawyers to assist in its mission. That relationship is established by policy and the amount given has been diminishing.

Selection criteria has generally included:

1. the stability of the company;
2. willingness to stay in Utah in “bad times”;
3. the compensation for Lawyers Helping Lawyers-type Bar projects;
4. willingness to advertise affordable malpractice insurance;
5. willingness to promote the value of having malpractice coverage; and
6. willingness to offer some ethics CLEs.
TO: Utah State Bar Board of Bar Commissioners
FROM: Elizabeth A. Wright
RE: Comparison of Malpractice Insurance Endorsement Proposals
DATE: March 8, 2018

The Bar’s endorsement of Mercer as a provider of lawyers professional liability insurance ("LPL") ends July 1, 2018. The Commission must decide if the Bar should enter into another endorsement agreement with an LPL provider and, if yes, which LPL provider to endorse.

The attached request for proposal ("RFP") was sent to 14 insurance companies that provide LPL in Utah. The RFP was sent to insurance companies that write LPL policies in Utah for a broad range of practice sizes and types. For instance, many insurance companies will not write policies for solo practitioners. The RFP was only sent to LPL providers that write policies for solo and small firm practitioners. The requirements in the RFP are based on my conversations with other Bars regarding what they seek and receive in endorsement relationships with LPL providers.

Four LPL providers responded to the RFP. Three of the proposals are responsive to the Bar’s RFP. The response from First Indemnity, which begins on Bates stamp page 088, is an explanation of the firm’s financial condition and services but does not describe how it will meet the Bar’s requirements for an endorsement.

The conditions for an endorsement are:

1. A two year term of endorsement with extensions to be negotiated and the ability for either party to terminate for cause.
2. The endorsement between the insurance provider and the USB will not create a partnership or joint venture, however, one objective of the USB will be that both the insurer and the USB will work together in creating and maintaining an effective risk management plan that will include seminars and other educational models.
3. Exhibitor booth purchase and attendance at three USB conventions per year.
4. Annual reports to the USB on the provider’s performance generally and in Utah with the Utah book of business maintained separately to show current and cumulative performance.
5. An explanation of the provider’s risk management services and how those services would be provided. Risk management services should include:
b. An annual risk management CLE program provided at no cost to USB members.

6. The provider should propose a Utah-based marketing program that includes advertising with the USB, social media advertising, and sponsorship events at USB conventions and meetings.

ALPS, Mercer and Attorney Protective can meet all these 6 requirements. Below is a list of distinctions or additional benefits offered.

ALPS: Alps provided the most comprehensive RFP by detailing the different types of policies it offers and giving more detail about deductible and policy options they offer. We can ask the other companies to provide this information if necessary.

ALPS is very familiar with the workings of bars and addressed specific Utah Bar programs in its response. For instance, ALPS expressed its interest in helping with LicensedLawyer (page 009) and in developing a policy for LPPs (last bullet point on page 009).

The Bar asked for a Best financial rating of A or higher. ALPS has an A- Best rating, but explained by email that it cannot get a higher score because it only writes LPL policies. Other distinctions include:

1. A focus on solo and small firm practitioners
2. Company formed 30 years ago to fill void in availability of LPL insurance. Committed to making sure LPL insurance will always be available for lawyers.
3. A commitment to bar priorities that enhance the practice of law (i.e. mentoring).
4. Quality and depth of loss prevention programs.
5. Attorney match service for lawyers seeking to transition their practice to new lawyers.
6. Utah lawyers will have direct access to ALPS employees and resources to meet their needs.
7. See pages 007 – 008 of attachment for key provisions of the ALPS policy. Defense costs paid outside the limits of liability, insured must consent to settle, input in selection of counsel, and tail coverage.

MERCER: The Bar has had an endorsement relationship with Mercer since 2003. The primary benefit of our current Mercer endorsement is that a Mercer pays a percentage of the adjusted gross premiums from Utah lawyers directly to Lawyers Helping Lawyers. In 2016, Mercer paid Lawyers helping Lawyers $10,545.97. The payment to Lawyers Helping Lawyers is a type of risk management service because lawyers who are seeking the organization’s assistance may be at a higher risk for a malpractice claim. We also give Mercer free booth space at conventions and Mercer pays for ads in each Bar Journal.

In addition to the requirements in the Bar’s RFP, Mercer distinguishes itself by offering:

1. In-house, award-winning marketing department.
2. Bar and Bar members access to senior Mercer staff to answer questions and provide claims assistance.
3. Create a new USB member benefit LPL website
4. Design a new convention booth.
5. Make risk management articles available.
6. Provide a free CLE program in person or by webinar.

ATTORNEY PROTECTIVE: Attorney Protective is the “preferred provider” for the Chicago and Arkansas Bar Associations. See page 059 for Utah policy highlights.
1. Attorney Protective proposes seeking Utah licensure for a special policy for new solo attorneys. (page 087). This would be a policy for new lawyers in a solo practice. The policy has certain conditions and requires 10 hours of practice management CLE.
3. Newsletter, best practices database, webinars, alerts and a hotline.
4. Young lawyer recruiting efforts.
5. Initiatives to target law schools.
Request for Member Malpractice Insurance Proposal

The Utah State Bar wishes to create a mutually beneficial relationship with a legal malpractice insurance provider that will enable our members to obtain quality, comprehensive professional liability insurance and enable the Bar to market and educate our members about professional liability insurance and professional liability issues.

Background and General Information

The Utah State Bar is a 501(c)(6) private non-profit Utah corporation to which the Utah Supreme Court has delegated the responsibility of regulating the practice of law in Utah through the testing, admission, licensing, education and discipline of lawyers. To practice law in the state a lawyer must be licensed by the Bar and in good standing. Lawyers licensed to practice law in Utah are referred to as "members" of the Bar. There are currently over 12,000 lawyers licensed in Utah. Lawyers in Utah are not required to have professional liability insurance.

Purpose of Request for Proposals and Background

Through this RFP, the USB seeks to enter into a contract with an insurance provider that would receive the endorsement of the USB for providing lawyer's professional liability ("LPL") insurance to requesting members. The selected insurance provider must have experience in providing LPL for bar association members and be able to differentiate itself through a detailed action plan. Guidelines for the selection of an endorsed provider will be determined by criteria based on, among others, credentialing, experience in LPL policy design, underwriting, claims management, risk control procedures, marketing capabilities, and LPL application processing and support.

Provider Requirements

Because of the importance of the services to be provided by any insurer endorsed by the USB, the provider must demonstrate, at a minimum, the following:

1. Compliance with all requirements for organization and licensure by the Utah Insurance Department.
2. An A.M. Best rating of "A" or better.
3. Policies that provide the broadest coverage available, preferably with no restrictions on practice area or firm size.
4. Enough employees to perform administrative duties associated with the RFP and the administration of the endorsement agreement.
5. Ability to assist members with claims issues, managing loss prevention and to provide risk management services.
6. A strong record of success in providing liability insurance in Utah.
7. Competitive premiums for Utah insured.
8. Verification that the provider meets these requirements.

Expectations

1. A two year term of endorsement with extensions to be negotiated and the ability for either party to terminate for cause.
2. The endorsement between the insurance provider and the USB will not create a partnership or joint venture, however, one objective of the USB will be that both the insurer and the USB will work together in creating and maintaining an effective risk management plan that will include seminars and other educational models.
3. Exhibitor booth purchase and attendance at three USB conventions per year.
4. Annual reports to the USB on the provider’s performance generally and in Utah with the Utah book of business maintained separately to show current and cumulative performance.
5. An explanation of the provider’s risk management services and how those services would be provided. Risk management services should include:
   b. An annual risk management CLE program provided at no cost to USB members.
6. The provider should propose a Utah-based marketing program that includes advertising with the USB, social media advertising, and sponsorship events at USB conventions and meetings.

Proposal Preparation and Submission Requirements

1. The proposal must be in writing and submitted by 5:00 p.m. on March 1, 2018.
2. Proposal must be submitted by mail or by email to john.baldwin@utahbar.org.
ALPS
March 1, 2018

To: John Baldwin, Executive Director, Utah State Bar

Fr: Chris Newbold, Executive Vice President, ALPS

ALPS is pleased to present this member benefit partnership opportunity to the Utah State Bar ("USB") in hopes of advancing a dialogue to meet the lawyers' professional liability needs of Utah lawyers in private practice. As you may know, ALPS is proud to be endorsed or affiliated by more state bar associations than any other lawyers' professional liability insurance carrier in the country, regardless of size. Given our history in the Utah market, we would welcome the opportunity to solidify a member benefit relationship with the Utah State Bar to ensure Utah attorneys have access to a first-class lawyers' professional liability product, as well as enhance the value the USB can deliver to its members.

This proposal is designed to provide some context about ALPS, the value in endorsing an LPL carrier, the potential benefits to members and our expectations in bar association partnerships. To that end, the proposal is broken down into the following sections:

I. The ALPS Profile: A Unique, Distinctive, Direct LPL Carrier
II. The Value of an Endorsement Relationship
III. Inside the Product: Key Terms and Provisions of the ALPS Policy
IV. Relationship Expectations
V. The Role of Risk Management in an Attorney-Oriented Company
VI. Endorsements
VII. References
VIII. Utah State Bar “Provider Requirements” and “Expectations”
VIII. Conclusion

Please feel free to request any additional information necessary for conducting due diligence. Among supplemental information which may be valuable are:

- 2017 ALPS Annual Report
- 2017 ALPS Annual Financial Statement
- Current policy forms
- Current rate filings
- A 2014 independent assessment of ALPS’ effectiveness as the endorsed carrier commissioned by the Virginia State Bar
- An overview of our reinsurance program.

For purposes of this proposal and on an ongoing basis, please contact ALPS Executive Vice President Chris Newbold as your primary point of contact. Mr. Newbold is ALPS’ lead liaison for State Bar association relationships, and is available to work with John, Elizabeth, Richard and Bar staff as necessary.

Thank you for your bar leadership, and your interest in adding to the value proposition provided USB members.
I. The ALPS Profile: A Unique, Distinctive LPL Carrier

For 30 years, ALPS has partnered with lawyers, law firms, bar associations and bar foundations nationwide to provide services and resources crafted to advance the legal profession. Originally formed in the late 1980's in response to an insurance crisis, a group of forward-thinking bar association leaders, frustrated by the lack of affordable and reliable lawyers' professional liability insurance, decided to do something about it. ALPS began by protecting small and mid-sized firms in rural states and worked with the state bar associations of an original core group of four states (West Virginia, Montana, Kansas and South Dakota) to join forces to form the first multi-state, bar-related insurance company, known as the Attorneys Liability Protection Society, A Mutual Risk Retention Group (ALPS).

Within a year, state bars in Wyoming, Delaware, North Dakota, Alaska, Nevada and Idaho endorsed the company and continued to foster its growth. Since then, state bars in Maine, Vermont, South Carolina, the U.S. Virgin Islands, Virginia and most recently Colorado and Washington have affiliated with or endorsed ALPS as their preferred professional liability insurer.

ALPS today operates exclusively as a fully licensed and admitted insurance company in 45 states, the District of Columbia and The U.S. Virgin Islands.

ALPS is rated A- (Excellent) by A.M. Best Company, with a Stable outlook.

Today, ALPS provides malpractice insurance to over 17,000 lawyers nationally as a mono-line carrier exclusively focused on lawyer products, maintains a surplus of $40 million and wrote $48.3 million in gross written premium in 2017.

Unlike traditional broker distribution models, ALPS is unique in its position as a direct writer, meaning it services the marketing side of all accounts, underwrites and selects risk appropriate for the portfolio, handles claims and ultimate writes policyholder risk on its own paper. Our position as a direct writer affords ALPS unique flexibility in the marketplace, which manifests itself in savings passed on directly to the consumer, coverage flexibility based on input from key partners (like bar associations) and the capability to design special programs for bar associations based on emerging trends of the legal profession or member needs (like the Limited License Legal Technician program in Washington).

Given its origins, ALPS was not formed for purposes of becoming the market’s low-cost carrier. Indeed, its objective then, and still is, to provide a sustainable market for lawyers’ professional liability insurance with broad coverages at an affordable price. Our value proposition is driven by our history, and includes the following:

- A company formed by leaders of bar associations working diligently to meet a member-driven need at a time of crisis for the insurance industry;

- A core business exclusively focused on lawyers’ professional liability insurance, which enables us to uniquely approach the risk exposures of law firms and craft insurance
products in a manner which best protects lawyers in private practice and their respective firms;

- A “by lawyers, for lawyers” approach, with a board of directors primarily comprised of lawyers who understand the needs of lawyers;

- A client-centered customer experience which provides direct access to all aspects of our insurance operations given our direct writer position (think GEICO or Progressive in the auto insurance space);

- An industry-leading commitment to claims prevention and law practice management via comprehensive risk management programs which continually evolve and enhance the value bar associations can pass along to dues-paying members.

As it relates to ALPS history of doing business in Utah, this endorsement opportunity would come at an ideal time given our interest in market expansion. At present, we write approximately $860,000 in gross written premium, with 327 insured attorneys. That’s up from $329,000 four years ago. Thus, we have room to grow, particularly in our niche space of small firms and solo practitioners.

II. The Value of an Endorsement Relationship

Given the manner in which ALPS was formed, we appreciate the value a State Bar endorsement brings relative to aiding lawyers who look to the State Bar for guidance in selecting a qualified carrier, the business development opportunities inherent in referrals from the State Bar, the loss prevention role a committed carrier can deliver to State Bar members and the ability to work together to craft solutions which advance the interests of the legal profession.

Bar association endorsements continue to be a key element of ALPS’ business model, and the partnerships we’ve built over time each are marked by mutual benefits. We pride ourselves in being something definitively different than commercial carriers or traditional brokers.

As you evaluate ALPS as a potential member benefit partner, I’d urge you to consider five important factors. Each contributes to understanding why ALPS would be an excellent member benefit partner for the USB.

1. **The interests of ALPS and the Utah State Bar naturally align.** ALPS specializes in providing lawyers’ professional liability (LPL) coverage to small firms and solo practitioners, with an average number of lawyers per policy of 2.0. The small firm and solo practitioner demographic constitutes the majority of lawyers practicing in Utah, who often times, given the demands of law practice, look to their trusted State Bar for counsel in selecting a qualified malpractice carrier. Larger commercial carriers often ignore this niche that ALPS not only appreciates, but has successfully built a business model around for over 25 years.
With 8,200 active, in-state members\(^1\), we estimate approximately 5,330 are currently engaged in private practice. Of those, we estimate (based on ABA demographic numbers) that approximately 49% of those (or 2,611) are in solo practice and another 14% (or 746) are in firms of 2-4 lawyers. Thus, those 3,357 lawyers in law firms of 4 or less are the exact firms who may look to the USB for guidance in selecting a qualified and respected carrier.

2. **ALPS presence adds stability and competition in the lawyers’ professional liability market.** Operating on a “by lawyers for lawyers” foundation, ALPS was created with an eye towards making sure lawyers would always have access to a committed, long-term and stable malpractice insurance carrier. By affiliating with ALPS, the Utah State Bar in part strengthens market stability. Other carriers enter and exit markets given adverse claims development. ALPS commits to work with its State Bar partners to identify challenges, deploy appropriate risk management resources and do what is necessary to work toward a structurally sound portfolio evidenced by low claim frequency and low severity.

3. **ALPS will support Utah State Bar priorities.** ALPS’ success in State Bar partnerships is enhanced by our appreciation of the mutual benefits inherent in the relationship. ALPS is an active supporter of bar association activities and priorities, particularly those which enhance the practice of law, advance mentorship, transition young lawyers into practice or otherwise mitigate risk. State Bars also benefit from non-dues revenue through advertising and event sponsorships. While ALPS is in the business of providing quality lawyers’ malpractice insurance, we take pride is seeing State Bar like the Utah State Bar achieve their mission in serving both their members and the general public. Specific expectations are laid out in greater detail in Section IV.

4. **The quality and depth of ALPS’ loss prevention programs can be a key ingredient to the USB enhancing member value.** Given our mission and core values, ALPS is more than solely a risk transfer vehicle for law firms. ALPS maintain a philosophy that the practice of law can be enhanced (and claims ultimately mitigated) via quality risk management services and attention to lawyer well-being. ALPS invests significantly in its risk management commitment, and we’d look for opportunities to work with other subject matter specialists to improve the practice of law in Utah. This may include ALPS Attorney Match (an online matching resource intended to connect lawyers interested in transitioning their practice to new lawyers), ALPS First Flight (a new lawyers LPL program), articles for publication in the Utah Bar Journal, providing quality speakers for State Bar events, an on-demand CLE library, a law practice forms library, access to the ALPS blog for content and the popular ALPS in Brief podcast series.

5. **Our direct carrier model benefits Utah lawyers.** As a direct writer, ALPS is uniquely positioned to provide first-class customer service, underwriting and claims handling services to policyholders. With no intermediary, Utah lawyers enjoy direct access to the people and resources necessary to meet their business needs.

\(^1\) We appreciate the fact there are currently over 12,000 lawyers licensed in Utah. We opted to focus on active, in-state lawyer populations for illustration estimates.
III. Inside the Product: Key Terms and Provisions of the ALPS Policy

In our experience, any endorsement discussion should start first (and often times end) with the quality of the product, and ALPS LPL products are among the strongest in the industry. The quality of a carrier's coverage matters, particularly when a law firm needs it most – when a claim is asserted against it. Utah lawyers will appreciate our claims-made insurance policy, which is specifically tailored to meet the demands and risks associated with their evolving practice. ALPS insureds are well-protected and can be confident in the protection we provide for mistakes made while rendering professional services to or on behalf of clients.

ALPS policy language and coverage features are among the best in the industry. We also invite insureds and State Bars to be active partners and counsel in how our policy is designed, and can be strengthened to meet emerging risks. Key coverage features typical in an ALPS policy include the following:

Defence Costs Paid Outside the Limits of Liability: With an ALPS Premier or Preferred policy, the cost of defending a claim does not reduce the limit of liability available for a potential loss payment. Based on the limit of liability purchased and policy chosen, ALPS sets aside a Claims Expense Allowance to pay defense costs up to 50% of the purchased limit - thus protecting an insured's limit of liability available for any potential indemnity payments. When comparing products amongst other carriers, this benefit is a differentiator. Given that defense costs generally can equal indemnity payments, a firm may need to buy 2x as much coverage from another carrier as they would with ALPS in order to do a fair price comparison. Policies with defense costs inside the limit of liability are often called 'cannibalizing' for good reason. Policyholders are susceptible to more out-of-pocket settlement expenses. ALPS protects the limit of liability.

Pure Consent to Settle / No "Hammer Clause": Industry-norm LPL policies include what is referred to as a "Hammer Clause." Claims settlement is handled as follows: if a policyholder doesn't want to settle but their insurance company does, the policyholder has the right to say no but their policy limit is then reduced to the amount that the insurance company could have settled for originally. This effectively removes the policyholder from the settlement process entirely. ALPS Premier and Preferred policies contain a pure consent to settle provision, thus permitting the policyholder to have the final say.

Input into Selection of Defense Counsel. ALPS Premier and Preferred policies are also unique in that the policyholder is consulted on the choice of the attorney defending a claim as opposed to most companies that make the choice for the policyholder. We also encourage State Bars to provide us names of well-respected local counsel for addition to our defense panel.
Industry-Leading Options: Expended Reporting Endorsements (often called "ERE" or "Tail Coverage"). Increasingly important given the number of baby boomer attorneys moving in traditional retirement ages over the next twenty years, ALPS has developed industry-leading options when it comes to tail coverage, including first-in-the-nation access for lawyers in multi-members firms to attain a stand-alone, free EREs when retiring so long as they have been continuously insured during the five-year period preceding policy expiration and have attained the age of 55. ALPS also has free ERE options for solo practitioners under the same conditions, as well as free EREs upon death, total and permanent disability and upon military service. Premium-bearing EREs are also readily available for other lateral moves or protection needs.

Additional unique policy features that benefit ALPS policyholders include:

First Dollar Defense: When choosing this option, the deductible only applies to any loss payment— not to defense costs. We pay for the defense from dollar one, and then work to reimburse any applicable deductible.

Aggregate Deductible: With an ALPS policy, the deductible is capped at two times the limit, so there is a known out-of-pocket expense. With other policies, policyholders pay a deductible for each claim reported.

Reduced Deductible: From claims resolved through formal mediation or arbitration, the deductible is reduced.

Flexibility in Deductible Levels: Various levels of deductible options are available to policyholders. Most common deductible levels include $1,000, $2,500, $5,000, $10,000, $25,000 and $50,000, and can go up to $200,000 in certain circumstances.

Also of note is a new Basic policy option we introduced in early 2018. Based on feedback from State Bars who gather information on uninsured lawyers, ALPS was hearing that as many as 3 or 4 of every 10 solo practitioners were making the decision to go without malpractice insurance. Thus, Bars were keen on ALPS developing a product for price sensitive shoppers, albeit with more limited coverage features, under the logic that some coverage is better than no coverage. This product, the ALPS Basic policy, generally prices approximately 20% less than a typical LPL policy for lawyers who do not desire the full suite of lawyer-friendly coverages generally provided under traditional ALPS policies.

For a complete product comparison of the ALPS Premier, Preferred and Basic policies, please review the Appendix. If you would like to review policy language in ALPS policy forms, all policies are available upon request.

IV. Relationship Expectations

Collaborative, engaged and mutually beneficial.
ALPS commitments are always formed in consultation and with guidance from State Bar leadership. After reviewing expectations set forth in the RFP, I'd envision a set of deliverables that looks something like the following:

- The development of a comprehensive risk management program for Utah lawyers. ALPS would consider itself a key feature of the Utah State Bar's law practice management function, and can assist in a number of regards given resources in hand and in development.
- A consistent advertising commitment in the *Utah Bar Journal*. Also, marketing commitments in other Utah State Bar marketing channels as deemed effective as a means of brand visibility among lawyer groups.
- Sponsorship and attendance at USB conventions and meetings.
- Quarterly articles on risk management, loss prevention, malpractice trends or attorney well-being for the *Utah Bar Journal*.
- An annual risk management CLE program for Utah bar members provided at no cost to USB members.
- Exhibitor booth purchase and attendance at the three Utah State Bar conventions annually.
- Access to ALPS National Risk Manager and claims attorney staff as presenters on topics such as technology, ethics, professionalism, law practice management, etc.
- Access to the ALPS on-line CLE library, including live webinars and on-demand CLE accredited in Utah.
- An active partner in the development of a product developed for Utah Licensed Paralegal Practitioner (like we did for the LLLT’s in Washington).

In addition, as bar priorities dictate, ALPS can also provide on-demand financial resources for mutually beneficial initiatives. We appreciate the Utah State Bar has always been at the forefront of innovation, be it through technology or programs like *Licensed Lawyer*. Our commitment is to work closely with bar leaders, understand bar priorities, be a resource and add knowledge and expertise to the issues you face based on our experience. Each State Bar relationship is different in that respect.

Programs associated with young lawyers, easing their transition into practice or mentorship are also particularly appealing investments.

ALPS also provides *pro bono* strategic planning facilitation for State Bars as a courtesy to its endorsed states. States currently using ALPS’ strategic planning facilitation services include Nevada, Maine, Kansas, North Dakota, Montana, Wyoming and the U.S. Virgin Islands. ALPS is also actively involved in national discussions around the issue of lawyer well-being and is capable of serving in some capacity on state discussion on that subject as well.

As a mutually beneficial relationship, the Bar’s duties within the partnership would generally include the following:

1. Exclusive referral of Bar member lawyer professional liability inquiries to ALPS as the endorsed carrier of the Utah State Bar.
2. Release of bar member contact information, including phone and email addresses, in order for ALPS to educate members about products and services to aid their law practice; ALPS would agree to use this information solely for its own purposes and not provide such information other outside vendors or entities.
3. Preferred marketing placement in appropriate bar publications, member gatherings (with regards to booth placement) and other appropriate visibility opportunities;
4. Preferred placement of the ALPS endorsement on the USB website;
5. Permission to use the Bar's logo on marketing, advertising, promotional materials and reports for activities arising out of the endorsement.
6. Share data and findings of Bar surveys relating to lawyers' professional liability insurance.

All expectations are subject to additional discussion. Ultimately, the parties would enter into an Endorsement Agreement mutually agreeable to the parties. We have no objection to two-year term of endorsement contemplated in the RFP, nor the ability for either party to terminate for cause.

V. The Role of Risk Management in an Attorney-Oriented Company

As earlier discussed, one of the key attributes the Utah State Bar could leverage in a relationship with ALPS is the accessibility to loss prevention resources that in turn become a value-add member benefit of the Bar. ALPS is proud to be consistently cited for both its commitment to risk management and the overall quality of its risk management activities, a resource Utah State Bar members would have access to. We maintain a philosophy that the practice of law can be enhanced (and claims ultimately mitigated) via quality risk management services. ALPS would plan to expand its deployment of those resources in Utah. We have managed thousands of malpractice claims, responded to countless inquiries from lawyers seeking practice advice, written hundreds of malpractice articles or blogs and presented innovative ethics and professionalism CLE seminars nationwide — both live and online. Here's a sampling of what ALPS has to offer:

**Loss Prevention Education:** ALPS boasts a diverse selection of original CLE seminars on the salient issues affecting the legal community today. Our Risk Management team seeks state accreditation for our online and on-demand CLE programs as well as live webinars in all ALPS-endorsed and affiliated states. We'd expand our current catalog to Utah with inclusion of those offerings in your member benefit program. Sample offerings include the following:

“In our over 30 years in business, ALPS has held strong to the belief that education and risk management play a vital role in developing and sustaining an ethical and successful law practice.”
Continual Access to Fresh, Trending Content
Via its blog (https://blog.alpsnet.com), ALPS endorsed State Bars are continually free to access fresh content, be it written blog post articles, ALPS in Brief podcasts, new video resource and young lawyer resources. Endorsed State Bars are free to private label such resources and then disseminate the resources via State Bar marketing and social media channels.

Sample Forms, Letters and Checklists
Increasingly popular, ALPS continues to expand its commitment to building sample forms, letters and checklists for private practitioners. Outlining “best practices” is one way we demonstrate our commitment to elevate the quality of law practice amongst our insureds and the states we do business. (https://www.alpsnet.com/risk-management)

Articles and Resource Library: Most endorsed bar associations also look to ALPS to provide ongoing articles for their journals and other publications. We extend the offer of quality risk management articles to the Utah Bar Journal. ALPS also maintains a robust and growing library of practice tips and articles on relevant topics to niche audiences within the legal community, such as solo practitioners, as well as to the broader profession. (https://www.alpsnet.com/risk-management)

Additional Coverages. In 2012, ALPS launched two additional stand-alone policies specifically designed to protect potential law firm exposures. Both of these additional policies were designed for attorneys and are available to our LPL policyholders for a low, per attorney rate with no additional application

- **ALPS Cyber Response**: With client data and case files on the line, the repercussions of a cyber-security breach to any sized firm could be financially devastating and reputationally harmful. ALPS Cyber Response is designed specifically for attorneys, offering a single-stop, real time breach response solution. This policy is currently being sold at $50 per attorney, one of the most affordable price points in the market.
60% of Utah policyholders elect cyber coverage. An overview of Cyber Response is provided in the Appendix.

**ALPS Law Firm Protect (EPLI):** As with any business, law firms are also subject to employment practices complaints. An EPLI policy offers law firm protection against claims and lawsuits brought against a business, its officers or directors, or its employees and managers. Most standard business insurance policies don't specifically cover employment practices liability, and claims against employers are on the rise. This policy is currently available at $70 per attorney.

**New Lawyers Solo Coverage.** Given the changing demographics of the legal profession, and the likely loss of membership on the horizon for State Bars with baby boomer generation attorneys soon transitioning to retirement, it is more important than ever for State Bars to contemplate the value they drive new lawyers entering the profession, and appreciate the generational difference in how that demographic gathers information, communicates, approaches professional development and looks for quantifiable value from their investment (via membership) into professional organizations like bar associations.

ALPS has discussed these challenges with bar leaders, and is now at the forefront of developing LPL insurance programs and law practice resources targeted specifically to the young lawyer communities. The centerpiece of our new lawyers’ initiative is ALPS First Flight.

**ALPS First Flight** was developed to reduce the cost barriers for new lawyers contemplating going into law practice as a solo attorney. More law students are contemplating this career track option, and ALPS can provide an affordable and guaranteed price point if such emerging attorneys remain claims-free and agree to implement important law practice management systems (designed to reduce risk exposure).

The price structure includes a three-year rate guarantee of $500 in year one, $1,000 in year two and $1,500 in year three.

First Flight members then enter ALPS’ standard risk portfolio, which is more tethered to area of practice exposure.
VI. State Bar Endorsements

“We’re proud to be endorsed or affiliated with more state bar associations than any other lawyers’ professional liability carrier, regardless of size . . . it speaks to our mutual values, proven commitment and understanding of the organized bar.”

- David Bell, ALPS President & CEO
VII. References

**STRONG & HANNI**

Strong & Hanni Law Firm, A Professional Corporation  
Attn: Mr. Ronald G. Mangone  
Firm Administrator  
rmangone@strongandhanni.com  
102 South 200 East, Suite 800  
Salt Lake City, UT 84111  
Phone: (801) 532-7080  
Fax: (801) 596-1508

**ClydeSnow**

Rod Snow, Managing Partner/Founder  
rs@clydesnow.com  
Walt Romney, Managing Partner  
Jean Layton, Firm Administrator  
ATTORNEYS AT LAW  
201 South Main Street, Suite 1300  
Salt Lake City, UT 84111  
P: 801.322.2516  
D: 801.433.2441  
www.clydesnow.com

**Goebel Anderson PC**

Goebel Anderson, PC  
Attn: Mr. Mark L. Anderson  
405 South Main Street, Suite 200  
Salt Lake City, UT 84111  
Phone: (801) 441-9393  
Fax: (801) 951-0545

**BEARNSON CALDWELL ATTORNEYS**

Attn: Mr. Wayne C. Caldwell  
399 North Main Street, Suite 270  
Logan, UT 84321  
info@bearnsonlaw.com  
Phone: (435) 752-6300  
Fax: (435) 752-6301
VIII. Utah State Bar: “Provider Requirements” and “Expectations”

Thank you for outlining in the RFP “Provider Requirements” and “Expectations.” Appreciating expectations from the onset helps to ensure everyone begins the relationship with the right mindset. I’d like to address each point in the interests of courtesy and transparency.

Provider Requirements

☑️ Compliance with all requirements for organization and licensure by the Utah Insurance Department.

ALPS is a licensed and admitted carrier with the Utah Insurance Department. Our Certificate of Authority was issued on December 3, 2012. Before that, ALPS operated in Utah as a Risk Retention Group under the federal Risk Retention Act of 1986. ALPS has operated in Utah generally since the issuance of its first policy in 2001. Additionally, ALPS enjoys a full slate of licensed producers and adjusters with the Utah Insurance Department. A copy of our Certificate of Authority is included in the Appendix.
An A.M. Best rating of “A” or better.

ALPS is rated A- (Excellent) by A.M. Best Company, with a Stable outlook. Our initial rating date was June 16, 1997 and our most recent review was affirmed on August 23, 2017. Our A.M. Best rating has never been lower than “A.” Information about our A.M. Best rating is also included in the Appendix.

Policies that provide the broadest coverage available.

As previously explained, ALPS is proud to offer some of the most lawyer-friendly coverages in the industry as they relate to defense costs outside the limits of liability, a pure consent to settle benefit to the policyholder, insured input in the selection of defense counsel, supplemental benefits of value (such as a healthy disciplinary benefit outside the limit of liability) as well as extensive extended reporting endorsement options. All ALPS policies are available upon request for review. A one-page comparison chart of our Premier, Preferred and Basic policy is included in the Appendix.

Enough employees to perform administrative duties associated with the RFP and the administration of the endorsement agreement.

ALPS currently has approximately 60 employers, and is based in Missoula, Montana, just a short one hour flights on Delta to Salt Lake City. To many of us, Salt Lake City is almost a second home given time spent in Salt Lake City as a Delta hub. Given our direct carrier status, we handle all elements of the insurance process, from procurement, renewal, underwriting, claims handling and all administrative functions in between. Our staff at present handles a $48m book of business. We are well-situated to perform the administrative duties with the RFP and administer the endorsement agreement, as we do currently with 17 other State Bars. Chris Newbold, an EVP and a company officer, would serve as the organization’s bar liaison. Thus, there would be access to the highest levels of ALPS.

Ability to assist members with claims issues, managing loss prevention and to provide risk management services.

One of the strongest attributes of ALPS not yet mentioned is the quality and care of our claims handling. ALPS employs seven licensed claims attorneys to handle claims, each with extensive private practice experience which allows them a unique perspective in appreciating the stress of a claim and experience specifically handling LPL claims. Each also plays important roles in loss prevention activities based on what they see in files, in conjunction with ALPS’ National Risk Manager, Mark Bassingthwaite, who travels the country as an expert in malpractice avoidance. We consider Risk Management a separate and distinct function of our insurance operations, in addition to Sales and Marketing, Underwriting and Claims. Not all carriers make that similar commitment.
A strong record of success in providing liability insurance in Utah.

As previously mentioned, ALPS has written LPL insurance in the Utah market since 2001, although our emphasis in market share growth expanded in 2012. Since 2012, our gross written premium has increased from $170k to $800k, and we believe that with a USB endorsement, we can double gross written premium by 2020. Our expectation would be to invest strong resources in Utah, thus maximizing the value of the endorsement. New endorsements recently in Colorado and Washington have resulted in similar state-specific book expansions.

Competitive premiums for Utah insureds.

ALPS also appreciate it has to be competitive priced to effectively build market share. LPL premiums will vary based on the specific risk factors inherent in firm characteristics, with areas of practice, prior claims activity and law firm size being amongst the most important factors. To provide you a sense of how ALPS premium is calculated, I’ve included our most recent rate filing, effective for policies with an effective date on or after January 1, 2018, in the Appendix.

Verification that the provider meets these requirements.

We hereby affirm ALPS meets all requirements proscribed in the RFP.

Expectations

A two year term of endorsement with extensions to be negotiated and the ability for either party to terminate for cause.

Such terms are agreeable to us. The most important element we find is a strong collaborative spirit within the partnership, and for either party to feel welcome to share concerns in a timely manner. That’s a primary reason I spend considerable time at regional and national bar gatherings to ensure our ability to stay connected with bar leadership via excellent communication.

The endorsement between the insurance provider and the USB will not create a partnership or joint venture, however, one objective of the USB will be that both the insurer and the USB will work together in creating and maintaining an effective risk management plan that will include seminars and other educational models.

We agree. ALPS endorsement agreements generally contain the following language to ensure such distinctions:

ENDORSEMENT

The Parties agree that the Bar will identify and represent to members of the Bar that ALPS is the Bar's endorsed insurance company for the purpose of offering and underwriting lawyers' professional liability
insurance in the State of x. The endorsement creates a unique and exclusive relationship between ALPS and the Bar. While the Parties are now and will remain separate entities and maintain separate governing boards and identities, and neither Party is the agent of the other, ALPS commits to serve the members of the Bar professionally, promptly, courteously, and with compassion, and further commits to take no conscious independent actions which are known to be detrimental to the objectives of the Bar.

We’d welcome and expect to work in partnership with Utah State Bar staff and leaders on the creation and execution of a Utah-based risk management plan.

- Exhibiter booth purchase and attendance at three USB conventions per year.

For the most part, we generally do this already. With an endorsement, we’d pledge booth purchase and attendance at the spring convention, summer convention and fall forum, and incorporate that pledge into the endorsement agreement.

- Annual reports to the USB on the provider’s performance generally and in Utah with the Utah book of business maintained separately to show current and cumulative performance.

Transparency of book performance is important for both parties. For the USB, it allows you to evaluate the impact of the endorsement, the manner in which we serve the market, premium pricing trends and claims trends. From ALPS, we may need bar input in developing programs to mitigate problematic claims trends, perhaps with a practice section. Thus, the sharing of information is helpful for both parties. To illustrate one example of how we share current and cumulative performance information, I’ve included in the Appendix a comparison data report we share with the Virginia State Bar, the largest individual state in the ALPS book.

- An explanation of the provider’s risk management services and how those services would be provided. Risk management services should include: a. Quarterly articles on risk management in the Utah Bar Journal. b. An annual risk management CLE program provided at no cost to the USB members.

Section 5 of this RFP response addresses Risk Management. Submitting quarterly risk management articles for bar journals and conduct annual risk management CLE programs for states (in this case at no cost to USB members) are standard operating expectations for ALPS endorsed states and we’d welcomed that commitment in this relationship.

- The provider should propose a Utah-based marketing program that includes advertising with the USB, social media advertising and sponsorship events at USB conventions and meetings.

Our marketing plan would be multi-faceted, and incorporate elements of the advantages in a relationship with the Utah State Bar with direct efforts of ALPS’ business development staff. We’d expect to pledge a minimum Utah Bar Journal ad commitment, and we’d be hopeful the Bar would be amenable to an advertising discount given the extensive nature of our overall commitment. We’d also enjoy hearing more about the effectiveness of current USB social media advertising. As previously mentioned, we’d look for opportunities to
send ALPS business development personnel to large-scale lawyer gatherings, be they USB conventions, CLEs or other valuable brand visibility opportunities.

On a direct basis, we’d expect to conduct in-person law firm visit trips, outbound phone strategies, e-mail outreach campaigns, direct mail as well as search-engine optimization and digital advertising. We appreciate the value of a State Bar endorsement and generally follow such endorsements with significant marketing investments to ensure we achieve a significant return on investment on our overall commitments.

IX. Conclusion

Thank you for considering ALPS as the Utah State Bar’s next endorsed lawyers’ professional liability carrier. Based on our experience working with State Bars, we know we can do great things for Utah lawyers, enhancing your value and commitment to members along the way.

In most respects, the Utah legal landscape closely mirrors states in which ALPS currently conducts business. A general profile of such states includes:

- Bar associations with less than 20,000 members;
- A high concentration of solo and small firm practitioners; and
- Legal communities with a high degree of collegiality and decorum.

Given the similarities between the Utah legal profile and ALPS’ niche in the lawyers’ professional liability field, we’re confident this would be a strong partnership fit for both organizations.

It’d be an honor to add the Utah State Bar to the respected list of State Bars with which we work in partnership. We look forward to the opportunity to continue this dialogue.

Respectfully submitted,

Chris Newbold
Executive Vice President
ALPS
Appendix
December 18, 2012

Insurance Department

Brian L. Delaney
Associate Counsel
ALPS Property & Casualty Insurance Company
111 N Higgins Ave, Suite 200
Missoula, Montana 59802-4401

RE: APLS PROPERTY & CASUALTY INSURANCE COMPANY (NAIC #32450)

Dear Mr. Delaney,

The application is complete and has been reviewed. Based on the review, the applicant is in compliance with all requirements of the law. Accordingly, the Certificate of Authority is granted as required by Utah Code Annotated § 31A-14-202 subject to the following conditions:

All forms and rates to be used in Utah must be submitted to the Utah Insurance Department property, life or health Insurance Division for final approval. Instructions for submitting these forms are found on our web page at http://www.insurance.utah.gov/R&F_Fligs.html.

With this Certificate, your company now has all rights, privileges, and obligations of an insurer in the State of Utah. We are confident that your company accepts the responsibility of providing high quality insurance coverage to policyholders. We know that you will work diligently toward our common goal of serving the policy-buying public through qualified, well-trained employees and agents.

Welcome to the State of Utah!

Sincerely,

NEAL T. GOOCH
Insurance Commissioner

By: [Signature]
Dava Berlinger-Butler
Company Licensing Specialist
Examination Division

Enclosure
State of Utah Insurance Department

Certificate of Authority

This Is to Certify that, pursuant to the Insurance Code of the State of Utah,

ALPS PROPERTY & CASUALTY INSURANCE COMPANY

organized under the laws of Montana is hereby authorized to transact within this State, subject to all provisions of this Certificate, the classes of Insurance indicated below:

Accident & Health Liability Marine & Professional Liability
Professional Liability (including Medical Malpractice) Property Surety
Vehicle Liability Workers Compensation

This Certificate is expressly conditioned upon the holder thereof now and hereafter being in full compliance with all, and not in violation of any, of the applicable laws and lawful requirements made under authority of the laws of the State of Utah as long as such laws or requirements are in effect and applicable, and as such laws and requirements now are, or may hereafter be changed or amended.

This Certificate is effective as of the 3rd day of December, 2012 and remains at all times the property of the State of Utah and if revoked, or otherwise terminated, shall forthwith be returned to the Insurance Department of the State of Utah.

In Witness Whereof, I have hereunto Set my hand and caused My official seal to be affixed This December 17, 2012.

NEAL T. GOOCH
Insurance Commissioner

By [Signature]
Jacob W. Garn, CFE, CPA
Chief Financial Examiner
Based on A.M. Best's analysis, 05566 - ALPS Corporation is the AMB Ultimate Parent and identifies the topmost entity of the corporate structure. View a list of operating insurance entities in this structure.

### Best's Credit Ratings

**Financial Strength Rating** View Definition

- **Rating:** A- (Excellent)
- **Financial Size Category:** VI ($25 Million to $50 Million)
- **Outlook:** Stable
- **Action:** Affirmed
- **Effective Date:** August 23, 2017
- **Initial Rating Date:** June 16, 1997

### Long-Term Issuer Credit Rating View Definition

- **Long-Term:** a-
- **Outlook:** Stable
- **Action:** Affirmed
- **Effective Date:** August 23, 2017
- **Initial Rating Date:** May 24, 2007

*Denotes Under Review Best's Rating*

**Best's Credit Rating Analyst**

- **Rating Issued by:** A.M. Best Rating Services, Inc.
- **Financial Analyst:** Robert Posey
- **Director:** Charles M. Huber

**Disclosure Information**

- View A.M. Best's Rating Disclosure Form
<table>
<thead>
<tr>
<th>ALPS COVERAGE FEATURES</th>
<th>ALPS BASIC</th>
<th>ALPS PREFERRED</th>
<th>ALPS PREMIER</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Claims Handled by Licensed Attorneys</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Supplementary Payments for Disciplinary Proceedings</td>
<td>$5000</td>
<td>$25,000 per attorney</td>
<td>$50,000 per attorney</td>
</tr>
<tr>
<td>Broad Definition of Covered Professional Services</td>
<td>Expanded to include mediators, court-appointed family investigators &amp; notary public</td>
<td>Expanded (from Basic) to also include Title Insurance Agents, Author/Presenters of legal materials, &amp; lobbyist</td>
<td>Expanded (from Preferred) to also include Expert Witness</td>
</tr>
<tr>
<td>Waiver of Professional Services Exclusion for Ownership of an Organization</td>
<td>Must own 5% or less</td>
<td>Must own 10% or less</td>
<td>Must own 10% or less</td>
</tr>
<tr>
<td>Claims Expense Allowance Outside the Limit of Liability</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Must receive Insured’s Consent to Settle a claim</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Reduced Deductible for Voluntary Formal Mediation</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Aggregate Deductible cap of twice the Per Claim Amount</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Supplementary Payments for Loss of Earnings</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Supplementary Payments for Subpoena Assistance</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Supplementary Payments for Public Relations Event</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Reduced Deductible if Engagement Letter used</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>
EXPANDED CYBER COVERAGE FOR YOUR FIRM.

The new cyber threat. It's not if, but when.

It's easy to overlook the importance of protecting your digital information. In 2012 ALPS launched the first of its kind ALPS Cyber Response policy specifically for law firms. The volume and sophistication of cyber crime continues to increase so we've updated our policy to stay ahead of these new threats.

ALPS Cyber Response is included on every ALPS Lawyers' Professional Liability Insurance quote for a low, per attorney rate with no additional application.
ALPS PROPERTY & CASUALTY INSURANCE COMPANY
RATE MANUAL

FORMULA FOR CALCULATING GROSS WRITTEN PREMIUM
For policies with an effective date on or after January 1, 2018

PREMIUM FOR LAWYERS PROFESSIONAL LIABILITY
To Calculate Premium For Each Attorney in Firm:

(1) Base Premium Per Attorney
(2) Prior Acts Coverage Factor
(3) Premium for Coverage Period
   (1) x (1.00 + (2))
(4) Continuing Legal Education/Voluntary Bar Affiliation Factor
(5) Area of Practice Factor
(6) Limited Practice Factor
(7) Attorney's Individual Premium
   (3) x (1.00 + (4) + (5) + (6))

To Calculate Premium for Firm:

(8) Sum of all Attorneys' Individual Premiuns
(9) Firm Claim Profile
   (1) x Applicable Claims Surcharge
(10) Initial Firm Premium
    (8) + (9)
(11) State Relativity
(12) Adjusted Firm Premium
    (10) x (11)
(13) Firm Size Factor
(14) Ratio of Non-Administrative to Attorneys Factor
(15) RISC Visit Factor
(16) Base Firm Premium @ $100,000/$300,000 limits with a $1,000 deductible
    (12) x (1.00 + (13) + (14) + (15))
(17) Increased Limit Factor for Coverage Limit up to $5,000,000/$10,000,000
(18) Deductible Factor
(19) Firm Premium @ Insured Limits
    (16) x (17) x (18)
(20) Scheduled Risk Rating
(21) Final Firm Base Premium
    (19) x 1+ (20)

Part-time Rating (if applicable):
(21) x {1 + Part-time rating credit}

“Basic” Policy Option (if applicable)
(21) x (1.00 + “Basic” Policy Option Credit)

“Premier” Policy Option (if applicable)
(21) x (“Premier” Policy Option premium x total number of chargeable attorneys)
BASE PREMIUM PER ATTORNEY AND MINIMUM POLICY PREMIUMS

Base Premium For Each Attorney: $1,957
Minimum Annual Policy Premium: $500

Note: Minimum premium applies only to minimum coverage limits of $100,000/$300,000 with a $1,000 deductible. Increased coverage limits will result in higher premium after application of increased limits factors.

SURCHARGES AND CREDITS

Prior Acts Coverage

<table>
<thead>
<tr>
<th>Years of Prior Acts Coverage</th>
<th>Prior Acts Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>6+</td>
<td>0.00</td>
</tr>
<tr>
<td>5</td>
<td>-0.01 to 0.05</td>
</tr>
<tr>
<td>4</td>
<td>-0.06 to 0.10</td>
</tr>
<tr>
<td>3</td>
<td>-0.11 to 0.15</td>
</tr>
<tr>
<td>2</td>
<td>-0.16 to 0.25</td>
</tr>
<tr>
<td>1</td>
<td>-0.26 to 0.40</td>
</tr>
<tr>
<td>0</td>
<td>-0.41 to 0.50</td>
</tr>
</tbody>
</table>

Note: Linear interpolation based on days between retroactive date and policy inception date.

Continuing Legal Education/Voluntary Bar Affiliation Factor

For Ethics, Risk Management, Loss Prevention &/or Office Management Seminars Attended (Minimum 3 hours in the last 12 months) and/or membership in a voluntary bar association: -0.10
### Area of Practice Surcharge/Credit

<table>
<thead>
<tr>
<th>Area of Practice</th>
<th>Percentage of Practice</th>
<th>Credit/Surcharge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anti-Trust/Trade</td>
<td>All</td>
<td>+0.60</td>
</tr>
<tr>
<td>Arbitration/Mediation</td>
<td>All</td>
<td>-0.28</td>
</tr>
<tr>
<td>Bankruptcy</td>
<td>All</td>
<td>+0.05</td>
</tr>
<tr>
<td>Civil Litigation – Defense</td>
<td>All</td>
<td>-0.33</td>
</tr>
<tr>
<td>Civil Litigation – Plaintiff</td>
<td>Less than or equal to 50%</td>
<td>+1.16</td>
</tr>
<tr>
<td>Civil Litigation – Plaintiff</td>
<td>Greater than 50%</td>
<td>+0.57</td>
</tr>
<tr>
<td>Collection Repossession</td>
<td>All</td>
<td>+0.35</td>
</tr>
<tr>
<td>Copyright/Trademark</td>
<td>All</td>
<td>+0.75</td>
</tr>
<tr>
<td>Corporate/Transactional</td>
<td>All</td>
<td>+0.05</td>
</tr>
<tr>
<td>Criminal</td>
<td>All</td>
<td>-0.45</td>
</tr>
<tr>
<td>Domestic Relations</td>
<td>All</td>
<td>-0.20</td>
</tr>
<tr>
<td>Entertainment/Sports</td>
<td>All</td>
<td>+0.15</td>
</tr>
<tr>
<td>ERISA/Employee Relations</td>
<td>All</td>
<td>+0.18</td>
</tr>
<tr>
<td>Gaming/Casino Representation</td>
<td>All</td>
<td>+0.50</td>
</tr>
<tr>
<td>Government</td>
<td>All</td>
<td>-0.10</td>
</tr>
<tr>
<td>Labor</td>
<td>All</td>
<td>-0.28</td>
</tr>
<tr>
<td>Mergers/Acquisitions</td>
<td>All</td>
<td>+0.50</td>
</tr>
<tr>
<td>Natural Resources</td>
<td>All</td>
<td>-0.05</td>
</tr>
<tr>
<td>Oil/Gas</td>
<td>All</td>
<td>+0.35</td>
</tr>
<tr>
<td>Patents</td>
<td>Less than or equal to 50%</td>
<td>+1.30</td>
</tr>
<tr>
<td>Patents</td>
<td>Greater than 50%</td>
<td>+1.00</td>
</tr>
<tr>
<td>Real Estate</td>
<td>Less than or equal to 50%</td>
<td>+1.19</td>
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<td>Real Estate</td>
<td>Greater than 50%</td>
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<tr>
<td>Securities Exempt/Bonds</td>
<td>All</td>
<td>+0.05</td>
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<tr>
<td>Securities/Registered Offerings</td>
<td>All</td>
<td>+0.55</td>
</tr>
<tr>
<td>Tax</td>
<td>All</td>
<td>+0.20</td>
</tr>
</tbody>
</table>

Note: AOP Factors are weighted based on each attorney's percentage of area of practice.

---

**Limited Practice Credit**

Individual attorneys within a law firm who practice less than full-time: 0.00 to -0.50.
**Prior Claims Surcharge**

A claims surcharge is applicable only to a claim for which:

1. The total loss and loss adjustment expense paid on the claim exceeds $30,000; and
2. The claim file does not contain a written designation of minor claim at the time of settlement or resolution of the claim.

Identify the number of surchargeable claims. Use the applicable table below that corresponds to the number of surchargeable claims. For each surchargeable claim, determine the applicable surcharge year and identify the applicable surcharge factor. Prior claims surcharge factors are cumulative.

### Single Claim

<table>
<thead>
<tr>
<th>Surcharge Year</th>
<th>Surcharge Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>+ 0.50</td>
</tr>
<tr>
<td>2</td>
<td>+ 0.40</td>
</tr>
<tr>
<td>3</td>
<td>+ 0.30</td>
</tr>
<tr>
<td>4</td>
<td>+ 0.20</td>
</tr>
<tr>
<td>5</td>
<td>+ 0.10</td>
</tr>
<tr>
<td>6+</td>
<td>0.00</td>
</tr>
</tbody>
</table>

### Two Claims

<table>
<thead>
<tr>
<th>Surcharge Year</th>
<th>Surcharge Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>+ 1.25</td>
</tr>
<tr>
<td>2</td>
<td>+ 1.10</td>
</tr>
<tr>
<td>3</td>
<td>+ 0.95</td>
</tr>
<tr>
<td>4</td>
<td>+ 0.80</td>
</tr>
<tr>
<td>5</td>
<td>+ 0.65</td>
</tr>
<tr>
<td>6+</td>
<td>0.00</td>
</tr>
</tbody>
</table>

### Three or More Claims

<table>
<thead>
<tr>
<th>Surcharge Year</th>
<th>Surcharge Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>+ 2.94</td>
</tr>
<tr>
<td>2</td>
<td>+ 2.68</td>
</tr>
<tr>
<td>3</td>
<td>+ 2.41</td>
</tr>
<tr>
<td>4</td>
<td>+ 2.15</td>
</tr>
<tr>
<td>5</td>
<td>+ 1.89</td>
</tr>
<tr>
<td>6+</td>
<td>0.00</td>
</tr>
</tbody>
</table>
State Relativity Factors

Utah | 0.75

Firm Size Factor
Number of Attorneys

<table>
<thead>
<tr>
<th>Number of Attorneys</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>+0.30</td>
</tr>
<tr>
<td>2</td>
<td>+0.15</td>
</tr>
<tr>
<td>3</td>
<td>+0.05</td>
</tr>
<tr>
<td>4</td>
<td>0.00</td>
</tr>
<tr>
<td>5</td>
<td>-0.02</td>
</tr>
<tr>
<td>6</td>
<td>-0.10</td>
</tr>
<tr>
<td>7</td>
<td>-0.15</td>
</tr>
<tr>
<td>8 - 10</td>
<td>-0.10</td>
</tr>
<tr>
<td>11 - 25</td>
<td>-0.27</td>
</tr>
<tr>
<td>26 - 75</td>
<td>-0.34</td>
</tr>
<tr>
<td>76+</td>
<td>-0.15</td>
</tr>
</tbody>
</table>

Ratio of Non-Administrative Staff to Attorneys Factor

<table>
<thead>
<tr>
<th>Ratio</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.00 - 1.00</td>
<td>+0.00</td>
</tr>
<tr>
<td>1.01 - 2.00</td>
<td>+0.15</td>
</tr>
<tr>
<td>2.01 - 3.00</td>
<td>+0.35</td>
</tr>
<tr>
<td>3.01 - 4.00</td>
<td>+0.50</td>
</tr>
<tr>
<td>4.01+</td>
<td>+0.65</td>
</tr>
</tbody>
</table>

RISC Visit Credit

For a voluntary RISC visit conducted by ALPS, response to report and payment in full for services: 
-0.01 to -0.05 for three years if a firm remains claims free during those three years.
### RATE VARIABLES

#### Increased Limit Factors

<table>
<thead>
<tr>
<th>Policy Limits Per Claim/Aggregate Up to $5,000,000/$10,000,000</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>100,000/300,000</td>
<td>1.00</td>
</tr>
<tr>
<td>250,000/250,000</td>
<td>1.39</td>
</tr>
<tr>
<td>250,000/500,000</td>
<td>1.51</td>
</tr>
<tr>
<td>500,000/500,000</td>
<td>1.55</td>
</tr>
<tr>
<td>500,000/1,000,000</td>
<td>1.68</td>
</tr>
<tr>
<td>1,000,000/1,000,000</td>
<td>1.71</td>
</tr>
<tr>
<td>1,000,000/2,000,000</td>
<td>1.82</td>
</tr>
<tr>
<td>2,000,000/2,000,000</td>
<td>1.95</td>
</tr>
<tr>
<td>2,000,000/4,000,000</td>
<td>2.08</td>
</tr>
<tr>
<td>3,000,000/3,000,000</td>
<td>2.23</td>
</tr>
<tr>
<td>3,000,000/6,000,000</td>
<td>2.35</td>
</tr>
<tr>
<td>4,000,000/4,000,000</td>
<td>2.48</td>
</tr>
<tr>
<td>4,000,000/8,000,000</td>
<td>2.61</td>
</tr>
<tr>
<td>5,000,000/5,000,000</td>
<td>2.74</td>
</tr>
<tr>
<td>5,000,000/10,000,000</td>
<td>2.86</td>
</tr>
</tbody>
</table>

For Per Claim limits greater than $5,000,000, refer to company.

#### Deductible Factors

<table>
<thead>
<tr>
<th>Deductible</th>
<th>Indemnity &amp; Defense Costs Factor</th>
<th>Indemnity Only Factor (First Dollar Defense Option)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000</td>
<td>1.00</td>
<td>1.01</td>
</tr>
<tr>
<td>2,500</td>
<td>.95</td>
<td>.97</td>
</tr>
<tr>
<td>5,000</td>
<td>.92</td>
<td>.94</td>
</tr>
<tr>
<td>7,500</td>
<td>.90</td>
<td>.93</td>
</tr>
<tr>
<td>10,000</td>
<td>.88</td>
<td>.92</td>
</tr>
<tr>
<td>15,000</td>
<td>.84</td>
<td>.88</td>
</tr>
<tr>
<td>25,000</td>
<td>.78</td>
<td>.82</td>
</tr>
<tr>
<td>50,000</td>
<td>.66</td>
<td>.70</td>
</tr>
<tr>
<td>75,000</td>
<td>.58</td>
<td>.62</td>
</tr>
<tr>
<td>100,000*</td>
<td>.52</td>
<td>N/A</td>
</tr>
<tr>
<td>250,000*</td>
<td>.32</td>
<td>N/A</td>
</tr>
</tbody>
</table>

For Deductibles $100,000 or greater, on policies having Per Claim limits greater than $5,000,000, refer to company.

* Denotes a flat charge of $250.00 per attorney will be added to cover anticipated expenses on policies issued with these deductibles. In addition, these deductibles are not available on an indemnity only basis.
SCHEDULED RISK RATING

The firm premium may be modified to reflect individual characteristics of the exposure that are not otherwise reflected in its experience up to \( \pm 0.25 \) for the following areas. Application of schedule credit or debit will be documented in the underwriting file.

<table>
<thead>
<tr>
<th>Categories</th>
<th>Debits</th>
<th>Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Types of clients</td>
<td>0.00 - 0.25</td>
<td>-0.15 - 0.00</td>
</tr>
<tr>
<td>Office management</td>
<td>0.00 - 0.25</td>
<td>-0.25 - 0.00</td>
</tr>
<tr>
<td>Years of experience</td>
<td>0.00 - 0.15</td>
<td>-0.25 - 0.00</td>
</tr>
<tr>
<td>Ethics</td>
<td>0.00 - 0.15</td>
<td>-0.25 - 0.00</td>
</tr>
<tr>
<td>Employee selection</td>
<td>0.00 - 0.15</td>
<td>-0.25 - 0.00</td>
</tr>
<tr>
<td>Continuous insurance</td>
<td>0.00 - 0.15</td>
<td>-0.25 - 0.00</td>
</tr>
<tr>
<td>Area(s) of Practice exposure</td>
<td>0.00 - 0.25</td>
<td>-0.25 - 0.00</td>
</tr>
<tr>
<td>Partial Practice in a jurisdiction different than Primary Location</td>
<td>0.00 - 0.25</td>
<td>-0.25 - 0.00</td>
</tr>
<tr>
<td>Conflict(s) of Interest</td>
<td>0.00 - 0.25</td>
<td>-0.15 - 0.00</td>
</tr>
<tr>
<td>Claim experience</td>
<td>0.00 - 0.15</td>
<td>-0.15 - 0.00</td>
</tr>
<tr>
<td>Unique Firm Exposures</td>
<td>0.00 - 0.25</td>
<td>-0.25 - 0.00</td>
</tr>
<tr>
<td>Financial Condition/Strength</td>
<td>0.00 - 0.25</td>
<td>-0.25 - 0.00</td>
</tr>
</tbody>
</table>

Part-Time Premium Credit

Firm averaging twenty-five (25) hours or less in monthly billing: \(-0.50\)

Policy Options

"Basic" Policy Option Credit
"Premier" Policy Option charge

-0.20

Premium * number of Chargeable attorneys

<table>
<thead>
<tr>
<th>Firm Size</th>
<th>Premium per attorney</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$300</td>
</tr>
<tr>
<td>2-4</td>
<td>$275</td>
</tr>
<tr>
<td>5-10</td>
<td>$250</td>
</tr>
<tr>
<td>11-20</td>
<td>$200</td>
</tr>
<tr>
<td>21-49</td>
<td>$150</td>
</tr>
<tr>
<td>50+</td>
<td>$130</td>
</tr>
</tbody>
</table>

Facultative Reinsurance Exception

Limits in excess of $10,000,000 per claim/$10,000,000 aggregate are rated on a Facultative Reinsurance basis. The premium charge for the Facultative reinsurance will be increased by applicable commissions and taxes.
## ALPS Property & Casualty Insurance Company
### Comparison Data
Presented to the VSB Malpractice Insurance Committee

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Assets</strong></td>
<td>97,355,328</td>
<td>103,150,985</td>
<td>111,649,227</td>
<td>114,353,656</td>
<td>131,132,608</td>
</tr>
<tr>
<td><strong>Policyholder Surplus</strong></td>
<td>35,626,486</td>
<td>36,147,182</td>
<td>37,145,888</td>
<td>38,308,266</td>
<td>40,643,536</td>
</tr>
<tr>
<td><strong>Gross Written Premium</strong></td>
<td>42,190,661</td>
<td>9,457,831</td>
<td>43,214,073</td>
<td>9,744,206</td>
<td>44,581,500</td>
</tr>
<tr>
<td><strong>Net Written Premium</strong></td>
<td>28,078,379</td>
<td>6,294,297</td>
<td>25,067,484</td>
<td>6,554,336</td>
<td>30,471,576</td>
</tr>
<tr>
<td><strong>Gross Earned Premium</strong></td>
<td>41,579,849</td>
<td>9,247,349</td>
<td>42,733,030</td>
<td>9,624,083</td>
<td>44,006,441</td>
</tr>
<tr>
<td><strong>Net Earned Premium</strong></td>
<td>27,869,053</td>
<td>6,198,071</td>
<td>28,507,244</td>
<td>6,420,235</td>
<td>29,990,288</td>
</tr>
<tr>
<td><strong>Gross Case Reserves</strong></td>
<td>52,064,061</td>
<td>9,747,250</td>
<td>55,177,991</td>
<td>11,835,119</td>
<td>53,869,723</td>
</tr>
<tr>
<td><strong>Net Case Reserves</strong></td>
<td>29,031,467</td>
<td>5,136,545</td>
<td>34,081,885</td>
<td>7,232,246</td>
<td>30,846,853</td>
</tr>
<tr>
<td><strong>Net Loss &amp; LAE Reserves (Including IBNR/Bulk)</strong></td>
<td>40,365,787</td>
<td>7,146,499</td>
<td>45,324,148</td>
<td>9,617,878</td>
<td>49,623,606</td>
</tr>
<tr>
<td><strong>Net Loss &amp; LAE Incurred</strong></td>
<td>17,668,554</td>
<td>1,735,643</td>
<td>19,997,038</td>
<td>3,437,437</td>
<td>20,727,648</td>
</tr>
<tr>
<td><strong>Net Loss &amp; LAE Ratio</strong></td>
<td>63.66%</td>
<td>26.71%</td>
<td>70.15%</td>
<td>67.87%</td>
<td>69.11%</td>
</tr>
<tr>
<td><strong>Underwriting Expense Ratio</strong></td>
<td>35.51%</td>
<td>36.75%</td>
<td>31.69%</td>
<td>32.63%</td>
<td>30.01%</td>
</tr>
<tr>
<td><strong>Net Combined Ratio</strong></td>
<td>99.17%</td>
<td>63.27%</td>
<td>101.83%</td>
<td>100.50%</td>
<td>99.13%</td>
</tr>
<tr>
<td><strong>Number of Insured Firms</strong></td>
<td>5,867</td>
<td>1,839</td>
<td>6,022</td>
<td>1,845</td>
<td>6,645</td>
</tr>
<tr>
<td><strong>Number of Insured Attorneys</strong></td>
<td>13,616</td>
<td>3,756</td>
<td>14,182</td>
<td>3,791</td>
<td>15,208</td>
</tr>
<tr>
<td><strong>Claims Reported</strong></td>
<td>520</td>
<td>123</td>
<td>531</td>
<td>120</td>
<td>502</td>
</tr>
<tr>
<td><strong>Claims Opened</strong></td>
<td>575</td>
<td>137</td>
<td>579</td>
<td>133</td>
<td>549</td>
</tr>
<tr>
<td><strong>Claims Closed</strong></td>
<td>581</td>
<td>175</td>
<td>544</td>
<td>137</td>
<td>572</td>
</tr>
<tr>
<td><strong>Claims Outstanding</strong></td>
<td>568</td>
<td>133</td>
<td>597</td>
<td>128</td>
<td>572</td>
</tr>
<tr>
<td><strong>Claims Frequency</strong></td>
<td>3.82%</td>
<td>3.27%</td>
<td>3.74%</td>
<td>3.17%</td>
<td>3.30%</td>
</tr>
</tbody>
</table>

Revised 2/1/2018
MERCER
REQUEST FOR MEMBER MALPRACTICE INSURANCE PROPOSAL

UTAH STATE BAR (USB)

FEBRUARY 28, 2018
CONTENTS

1) Executive Summary

2) Mercer (Who We Are)

3) Berkley Insurance Company

4) Utah State Bar Requirements

5) Utah State Bar Expectations

6) Mercer Proposed Options
   A) Endorsed/Sponsored Exclusive Provider
   B) Endorsed/Sponsored Preferred Provider

7) Summary

8) Exhibit
Executive Summary

Mercer, a service of Mercer Health & Benefits LLC is pleased to present this response as a broker/program administrator to the Utah State Bar Association’s (USB) Request for Proposal (RFP). The economic and technological challenges affecting lawyers today are unprecedented. Preventing legal malpractice and managing the fallout if a mistake occurs have become some of the most difficult aspects of running a law firm. Keeping Lawyer’s Professional Liability Insurance (LPL) rates affordable and offering broad coverage is essential to assisting lawyers with protecting themselves against claims. The good news is that USB members have a choice. One of the things that differentiate the Mercer USB LPL program from the rest is our partner, Berkley Insurance Company, who offers more than a policy. Berkley’s policyholders not only have access to a vast array of education and risk management training, but also superior claims service unmatched in the industry. Ultimately, how policyholders are treated during the claims process matters the most.

It has been our great pleasure to work with USB for the past two decades. Consider some of the benefits that have made this program successful.

- Our benchmarking capabilities allow us to do the following:
  - Evaluate changes in the Utah LPL market to ensure USB members continue to have access to comprehensive benefits at competitive rates
  - Provide assistance to USB members that will enable them to identify and manage the inherent risks in the legal profession.
- Our 20+ years of experience offering a competitive LPL Insurance program to USB members
- Our partnership with Berkley Insurance Company has reduced the need to non-renew LPL policies
  - Non-renewed members can still find coverage through our open brokerage department

All of these benefits combined allow Mercer to provide a 360 degree solution for USB members. We would appreciate the opportunity to meet with USB in person to explain the solutions Mercer and Berkley Insurance Company can provide, as well as answer any questions.
Mercer (Who We Are)

Mercer’s role as broker and program administrator is to provide the best possible solution for USB, which has offered a competitive, stable program and quality service to Utah lawyers for the past two decades.

Mercer is part of the Marsh & McLennan Companies whom is the premier global professional services firm providing advice and solutions in risk, strategy, and human capital. Our market-leading brands and colleagues in more than 100 countries help clients identify, plan for, and respond to critical business issues and risks. With 57,000 employees worldwide in 130 countries and annual revenue exceeding $12 billion, Marsh & McLennan Companies is the parent company of Marsh, the world leader in delivering risk and insurance services and solutions to clients; Guy Carpenter, a global leader in providing risk and reinsurance intermediary services; Mercer, a global leader in human resource consulting and related services; and Oliver Wyman, a global leader in management consulting.

The structure of Marsh & McLennan Companies is illustrated below.

![Diagram of Marsh & McLennan Companies]

We are passionate about working with association/affinity groups, and we have been doing it longer and with more professional groups than any other company in the industry. Mercer goes beyond the basics to provide you with a true, value-added program with complete administrative capabilities and personalized service. Consider our advantages as a broker/program administrator:
FOUNDATION FOR SUCCESS

Marketplace Longevity

Dating back to 1949, Mercer pioneered the concept of association-sponsored/endorsed insurance programs. We have a rich history of creating/managing successful Risk Management Programs with our Insurance Carrier Providers and our Association/Affinity Clients. This educational modeling includes components of Seminars, Articles on Risk Management in client’s monthly publications, On-line help tools, CLE classes and programming. Our Risk Management Program is a member added benefit, aligning with our Association/Affinity group goals.

We offer USB this expertise and existing capabilities to successfully assist you in achieving your risk management educational goals for members of USB.

Mercer recognizes your need to offer the best Lawyers' Professional Liability Insurance Product to your members from best-in-class, reputable carriers. We complete an extensive insurer process and make recommendations based on our due diligence processes. This dedication to staying on the leading edge of offering the best Lawyers' Professional Liability Insurance Product is what sets Mercer apart from the competition.

World-Class Service

Our service model is focused on creating a positive customer experience throughout the entire process for our clients and their members. Our model incorporates a strategy focused on ease of use with how we communicate to your members and how your members communicate and transact business with us.

We are committed to providing USB unequalled value resulting from our unique combination of excellent customer service, sophisticated systems, client management support, technological expertise, and agent support. Maintaining and growing a successful member group insurance program is a complex task. It requires a partner that is a strong, marketplace leader with the infrastructure to support your program now and in the future.
Innovative Technology

Mercer’s innovative approach and commitment to remain on the leading edge of technology not only enables us to remain a market leader, but more importantly enables our clients to realize their goals more efficiently and effectively. Mercer has invested millions of dollars to be a leader in the area of administrative/technology. Our web platform, PersonalPlans Advisor, as well as robust e-commerce capabilities, secure Mercer’s position as an industry leader when it comes to technological capabilities within the marketplace.

Results-Driven Marketing

Additionally, no other insurance broker/administrator in the marketplace can provide USB with what Mercer can — an in-house, award-winning marketing department dedicated to delivering marketing strategies and materials that are proven to attract and retain members in sponsored/endorsed insurance programs. This combination of direct marketing expertise and agent support is unique to Mercer.

As part of our approach to marketing plan development, the Mercer marketing team draws from experience in all forms of marketing techniques and media to consistently make an impact on our clients’ growth goals. We will work in coordination with USB to design a customized marketing strategy that incorporates a variety of channels including electronic, direct mail, telephone, content marketing, private affinity branding, and advertising.

Achieving success in the affinity insurance marketing environment requires an understanding of members, their needs, and the forces impacting their buying behavior. The USB membership is diverse, and targeting the right message at the right time to the right individual is critical to the success of campaign response and program participation rates.

Comprehensive Client Support

USB can expect access to senior-level executives, seasoned client management, support, and service. Mercer’s approach to account management is one of teamwork and accessibility. Our multi-disciplined team provides expertise in all aspects of program management for affinity groups. The team will be led by our relationship manager, John Collentine, who acts as an advisor, an advocate and a manager of your program, working with each functional area and every facet of your program as depicted to the right. As your single point-of-contact, your client
management team will be there for you every step of the way, through implementation and beyond.
Berkley Insurance Company Information

The current USB's Professional Liability Insurance Program is underwritten by Berkley Insurance Company. They have been the USB's preferred provider since late 2014.

For more than two decades member companies of the W.R. Berkley Group have provided LPL insurance to law firms throughout the United States. They are one of the top 5 Legal Malpractice insurers in the United States with over 115,000 attorneys currently insured. Their comprehensive LPL insurance program helps Utah insured attorneys/firms manage the risks inherent in the legal profession and deal quickly and effectively with the financial and administrative burdens that can accompany professional liability claims.

W.R. Berkley is a publicly traded property and casualty insurer on the NYSE (stock symbol WRB). W.R. Berkley’s financial highlights include:

- Total assets of $21.6 billion*
- Total revenues of $7.7 billion*
- Stockholder’s equity of $5.0 billion*

*2016 data

Within their LPL insurance program they can offer much more than comprehensive/competitive insurance. They take a "holistic" approach to the solutions they can offer attorneys/firms in managing their exposure to legal malpractice claims.

Berkley Insurance Company and Mercer operate a LPL insurance program solution in addition to Utah in the following states:

- Nebraska
- Nevada
- Idaho
- Minnesota
- Wisconsin
- Georgia
- Florida
Utah State Bar (USB) Requirements

1. Compliance with all requirements for organization and licensure by the Utah Department of Insurance.

Mercer, a wholly owned subsidiary of Marsh & McLennan Companies Inc., is qualified to conduct insurance business in Utah and complies with all Utah Department of Insurance rules and regulations. Please see Exhibit A for our Utah insurance license.
Berkley Insurance Company, has filed and approved policy rates and forms with The State of Utah Insurance Department.

2. An A.M. Best Rating of “A” or better

The current program offered by Mercer in Utah is underwritten by Berkley Insurance Company. Berkley Insurance Company is rated A+ (Superior) by A.M. Best Company, Financial Size Category XV and carries a Standard & Poor’s Financial Rating of A+ (Strong).

Mercer, as a broker/administrator does not fall under the A.M. Best Rating classification. However, we are a member of the Marsh & McLennan Companies the premier global professional services firm providing advice and solutions in risk, strategy, and human capital. Mercer’s affinity arm and service team has 1,500+ employees nationwide and an office location in Salt Lake City, with its operational headquarters in Urbandale, Iowa.

3. Policies that provide the broadest coverage available

Mercer conducts a formal, national policy review on a periodic basis. To maintain a competitive program, Mercer monitors new LPL filings for the state of Utah. We evaluate the new filings and if needed, make recommendations to Berkley for changes to the Utah program. The Berkley Insurance Company policy form and applicable endorsements are available upon request.

4. Enough employees to perform administrative duties associated with the RFP and administration of the endorsement agreement.

Mercer commits three teams to administer the program. Each team specializes in one of the following areas: client relations, operations, and marketing. Mercer’s John Collentine is the USB Relationship Manager dedicated to serving Utah attorneys. His role is to coordinate the efforts of these 12-15 team members devoted to the USB LPL program.
5. **Ability to assist members with claims issues, manage loss prevention and to provide risk management services.**

Per Mercer’s exclusive agreement, claims, loss prevention and risk management services are the duties of Berkley Insurance Company. Berkley’s claims team is staffed with experienced attorneys empowered to manage claims without interference from a bureaucratic central office. Settlement authority rests solely with staff adjusters, giving Berkley the ability to pay claims more quickly and efficiently than most other providers. Through our relationship with Berkley Insurance Company, the risk management and claims resources available to Utah Attorneys/Firms insureds are extensive with features including:

- The Loss Prevention Hotline
- Risk Management Website
- CLE Program
- Newsletters
- Optional E-mail Alerts

6. **Competitive premiums for Utah insured.**

While Utah attorneys have a lot of options when seeking LPL insurance to cover their practice which is evident by the increased number of filings made recently in the state, Mercer continues to prove we understand the economic pressures facing the legal profession today. Offering a competitive premium has always been a key driver of our Utah LPL program. Over the years Mercer has offered a comprehensive LPL policy at a competitive, stable rate. Our program has included access to resources that educate and support Utah lawyers in their daily practice. Although we have endured several volatile markets, our partner Berkley Insurance Company and Mercer continue to be committed to long-term success in Utah through stable rates, CLE at little-to-no cost, and a strong focus on risk management.

7. **Verification that the provider meets these requirements.**

Mercer is committed to sharing information on a timely basis with the USB Lawyers Professional Liability Committee or whomever is designated, updating them on:

- Key statistics of USB’s sponsored/endorsed LPL program
- Mercer’s overall LPL business

Mercer will provide the USB with a cumulative program management report at USB’s request, which details the USB LPL program’s performance.
5

Utah State Bar (USB) Expectations

1. A Two Year Term of endorsement with extensions to be negotiated and the ability for either party to terminate for cause.

   Mercer proposes a five-year term of sponsorship/endorsement. However, we will comply with stipulations in the program administration agreement with USB.

2. The endorsement between the insurance provider and the USB will not create a partnership or Joint venture, however, one objective of the USB will be that both the insurer and the USB will work together in creating and maintaining an effective risk management plan that will include seminars and other educational models.

   This endorsed sponsored LPL program will not create a joint venture or partnership between USB and Mercer and its preferred insurance provider Berkley Insurance Company. Working jointly with USB we will create CLE Programing to augment an overall USB educational risk management model.

3. Exhibit and Attend at three USB conventions per year

   Mercer and/or Berkley Insurance Company will attend at a minimum the spring, summer and fall conventions.

4. Annual reports to the USB on the provider's performance generally and in Utah, with the Utah book of business maintained separately to show current and cumulative performance.

   Mercer is committed to sharing information on a timely basis with the USB. We will provide to the designated USB contact a cumulative management report, which details the USB LPL Program's performance. This report will include:

   • Policy Count
   • Written Premium
   • Claim Count
   • Total Incurred Claims
   • Incurred Loss Ratio
   • Ultimate Incurred
   • Ultimate Incurred Loss Ratio

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Mercer will also share similar data on overall performance of Berkley Insurance Company’s LPL insurance program nationally.

5. An explanation of the provider’s risk management services and how those services would be provided. Risk management services will include at a minimum:
   - Articles on risk management available for posting in Utah Bar Journal
   - A CLE program provided at no cost to USB

The following summarizes the risk management services we will provide to insureds of the USB LPL Program. These services are provided by Hinshaw & Culbertson on behalf of Berkley Insurance Company. Hinshaw is a national law firm with offices through the U.S. experienced in providing comprehensive risk management solutions to law firms.

Risk Management Website
Each insured lawyer will have access to the Hinshaw & Culbertson risk management web site, www.lawyeringlaw.com. This dynamic site provides easy access to data bases that include the following downloadable information and related documents and forms:
   - Over 250 articles related to legal malpractice, ethics, law office management and professional liability insurance.
   - Exemplar letters to clients, non-clients and adversaries, including litigation hold letters, engagement agreements, non-engagement and disengagement letters, critical to documenting a lawyer’s relationship with his or her client or declined client.
   - Checklists to assist in screening new clients, opening new files, screening new employees from cases involving possible conflicts, and determining whether to sue a client for fees.
   - Summaries of recent decisions concerning LPL, legal malpractice and ethics.
   - Consideration for adopting law firm policies on such issues as investments in client corporations, records retention and disaster planning.
   - Links to the Rules of Professional Conduct and ethics opinions for most jurisdictions.
   - Malpractice prevention self-audit forms to help evaluate the strengths and weaknesses of a firm’s basic law practice management systems.

Hotline
Hinshaw also provides a confidential risk management hotline. Participating lawyers may access the hotline through both a toll-free number and electronically through the lawyeringlaw.com website. They can consult with one of Hinshaw’s senior risk management lawyers on issues concerning loss prevention, ethics or professional responsibility, and pre-claim and claim concerns.

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Electronic CLE Programs
Each insured lawyer will have access up to three hours per year of on-line programs. Thus, lawyers will be able to log on and select from risk management subjects of interest.

Newsletters and E-Mail Alerts
Hinshaw's Lawyers for the Profession℠ Practice Group publishes electronic risk management materials for insured lawyers as part of the risk management package of services. The Lawyers' Lawyer Newsletter is published approximately four or five times per year. It contains reports of recent developments in a format which identifies the risk management issue presented; describes the new case or opinion; and explains the risk management implications and lessons of the case or opinion.

6. The provider should propose a Utah-based marketing program that includes advertising with USB, social media advertising, and sponsorship events at USB conventions and meetings.

Mercer uses a collaborative marketing approach with USB, integrating multiple channels that target lawyers in Utah. USB is able to review and grant final authorization of all plans, methods, and materials we propose, including the use of the USB brand. While we have many marketing channels and methods at our disposal, we will develop a plan unique to USB based on our long-term relationship and deep understanding of Utah lawyers.

The primary channels currently used for the program are:

- Direct mail
- eCommerce — used to augment other channels
- Print publications
- Event marketing

It is important to reinforce the image of USB and its valuable LPL membership benefit. Mercer constantly researches and evaluates demographics to understand changes in the market, often using complex data models in our analysis.
Mercer Proposed Options

Mercer looks forward to the opportunity to continue our relationship as the broker, administrator, and marketer of the USB LPL Insurance Program. In our response to this request for Member Malpractice Insurance Proposal, we have demonstrated our future commitment to the USB and the attorneys of Utah. We would like to offer the following two options for the USB leadership to review and consider.

Option 1: Endorsed/Sponsored Exclusive Provider

Similar to current relationship, Mercer would be the exclusive provider of LPL insurance to USB and its members. In the role of Endorsed/Sponsored Preferred Provider, Mercer would offer the following to USB and its members.

- Continuation of non-dues royalty on new and renewal business, with payments being made to "Utah Lawyers Helping Lawyers."
- Attend 3 USB conventions (2 events would be offered by USB at no charge, with the third being the normal sponsorship cost applied)
  - Additional attendance at convention, conference and seminar activity will be mutually agreed to by USB and Mercer
- Placement of at minimum six ads in the Utah Bar Journal
  - Deploy additional ads when agreed upon with USB
  - Launch mail and email campaigns focused on LPL offering & Risk Management
  - Create Social Media Content
- Create a new USB Member Benefit LPL website
- Design a new information booth with signage, table skirt & tags lines agreed to by USB
- Implement and Maintain a robust Risk Management Program that aligns with USB Goals
  - Articles on risk management available for posting in Utah Bar Journal
  - A CLE program provided at no cost to USB by webinar or in person
Option 2: Endorsed/Sponsored Preferred Provider

Mercer in the role of Endorsed/Sponsored Preferred Provider would offer the following to USB and its members:

- General Sponsorship Commitment of $5,000 to be aligned with LPL insurance offering and agreed upon Risk Management Models deployed.
- Attend 3 USB conventions and pay the normal sponsorship cost for each
  - Additional attendance at convention, conference and seminar activity will be mutually agreed to by USB and Mercer
- Placement of ads in the Utah Bar Journal
  - Launch mail and email campaigns focused on LPL offering & Risk Management
  - Create Social Media Content
- Create a new USB Member Benefit LPL website
- Design a new information booth with signage, table skirt & tags lines agreed to by USB
- Implement and Maintain a robust Risk Management Program that aligns with USB Goals
  - Articles on risk management available for posting in Utah Bar Journal
  - A CLE program provided at no cost to USB by webinar or in person
Summary

Our proposal highlights the ways in which Mercer can continue to work with USB to help add value to your LPL insurance program. We provide comprehensive coverage at competitive premium pricing for Utah attorneys/firms. The Risk Management solutions detailed in this proposal, will allow us to provide a more holistic approach and solution for malpractice insurance to USB members.

We look forward to discussing this document with you in more detail and welcome the opportunity to meet with you. We are excited and look forward to continuing our relation as the broker, administrator, and marketer to the USB on your Lawyers’ Professional Liability Insurance Program.
Exhibit – Utah Licensing

Non-Resident Producer Organization
Accident & Health, Casualty, Life, Personal Lines, Property

MERCER HEALTH & BENEFITS ADMINISTRATION LLC
2610 NORTHGATE DRIVE
IOWA CITY, IA 52242

Is authorized to transact business as described above
License No: 377420   Issue Date: 05-05-2011   Expiration Date: 05-31-2019

State of Utah
Insurance Department

This is to certify that
MERCER HEALTH & BENEFITS ADMINISTRATION LLC
2610 NORTHGATE DRIVE, IOWA CITY, IA 52242
LICENSE NUMBER: 377420

IS HEREBY AUTHORIZED TO TRANSACT BUSINESS
IN ACCORDANCE TO THE LICENSE DESCRIPTION SHOWN BELOW:
Non-Resident Producer Organization
Accident & Health, Casualty, Life, Personal Lines, Property
Issue Date: 05-05-2011   Expiration Date: 05-31-2019

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A.M. Best

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Mercer is one of the Marsh & McLennan Companies, together with Marsh, Guy Carpenter, and Oliver Wyman.
Proprietary & Confidential

President – Attorney Protective
Sally Field

Malpractice Insurance Proposal
Utah Bar Association Member

Attorney Protective
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Appendix
- Why Attorney Protective?
- AGA
- Bar Association Support
- Risk Management
- Team Structure - Leadership & Underwriting
- Coverage Highlights in Utah
- Attorney Protective Presence in LPL
- Career Details
The ethical conduct of business is central to our company and culture.

- Long-term investment horizon improves operating performance and offers stability.
- Track record of outperforming the S&P 500 for 50+ years.
- Hathaway's Group of Insurance Companies.
- Attorneys Protective's program is underwritten by a member of the Berkshire Hathaway Group of Insurance Companies in annual premium and more than 200,000 clients.

The Attorneys Protective program is administered by MedPro Group, the nation's first provider of healthcare liability insurance (since 1899), with over $1 billion in annual premium and more than 200,000 clients.

- Active status with the Department of Insurance since June 02, 1997.
- AM Best: A+ (Superior) for financial size X (>$2 billion or greater).

Surplus Lines/Non-Admitted Carrier - National Fire & Marine Insurance

- Active status with the Department of Insurance since July 20, 1979.
- AM Best: A+ (Superior) for financial size X (>$2 billion or greater).

Admitted Carrier - National Liability & Fire Insurance Company

Career Details
Attorney Protective Presence in LPL
One of the broadest policy forms available.

Subpoena assistance.

Maximum of $25,000 reduction in deductible.

Four ways to reduce the amount you pay on your deductible by 50% up to a

Appplies

$25,000 of claims expenses paid in every covered claim before the deductible.

Crisis event expenses reimbursement of up to $25,000 in aggregate.

Privacy incident expenses reimbursement of up to $25,000 in aggregate.

Disciplinary proceedings coverage of up to $25,000 per proceeding and $100,000 in aggregate.

Loss of earning payments of up to $500 a day, $10,000 per claim and $50,000 in aggregate (in addition to the

Supplemental payments of up to $150,000 in aggregate (in addition to the

Coverage highlights in Utah.

69
Willfulness and ability to add to staff as needed

Dedicated underwriter would be assigned to the program

Underwriting team of 15 handling 1200+ accounts per month
the risks faced by lawyers in today's environment.
and risk management consultant, she brings a valuable and realistic perspective to
Given Erin’s unique experience as an attorney, legal malpractice claim specialist
law firms.
the development and implementation of risk management initiatives for insureds,
currently the Risk Management Lead for Attorneys' Protective, which entails leading
the risk and claims service consultant for the company's top accounts. Erin is
the insurance company where she handled professional liability claims and acted as
insurance defense attorney in Philadelphia. She later joined Friemans Fund
and her bachelor's degree from Georgetown University. Erin began her career as an
Erin earned her doctor of jurisprudence from Villanova University School of Law,
Dedicated Risk Manager - Erin Mccarthy, J.D.
Risk Management
Risk Management Continued

- Experienced claims attorneys
  - With our staff about best practices or talk through specific situations with our attorneys
- Law Firms Insured With Attorneys' Protective can speak
  - Risk Management Hotline
  - Our website
  - Attorney Alerts
- Highlighting important issues in the legal industry
  - Conveniently on our website
- Webinars - Featuring timely legal and risk management topics in a convenient format, our webinars also frequently qualify for CLE credit in various states
- Best Practices Database - Your online resource for risk assessment and prevention tips, articles, updates and more
- Today
  - Attorney Ally
  - A quarterly newsletter focused on the issues that lawyers are facing
- World Issues in mind. We offer:
  - The tools that we offer are modern, dynamic and always have your real
- Being a real ally to our firms
- Risk Management for Law Firms: Attorney Protective is committed to
Attorney Projected Recognizes that the needs and desires of each bar association vary, and in support of this, we are flexible to support in the manner that makes the most sense. Transparency and communication is the key to our joint success.

Bar Association Support

Examples of how we support our bar association partners and members:

- Customized reporting for bar leadership
- Support at annual meeting, participation as an exhibitor
- Authored articles for bar journals
- Free CLE webinars for bar members
- Four-hours of CLE courses for the annual meetings, two-hours at mid-year meetings
- Marketing support
- Customized targeted marketing campaigns across multiple platforms: social media, printed, email, web-based
- Sponsorship of conventions, meetings, and events
- Convention-based marketing ideas to educational sessions
- Alerts offered as educational and informational pieces to attorneys
- Content-based drip campaigns to highlight an event
- Presentations to targeted law schools initiatives to target law schools
- Young lawyer recruiting efforts
- Social media marketing
- Professional to students
When working with multiple carriers, one carrier would have the policy holder volume to partner with the bar at a high level of involvement and

- Greater visibility on what causes legal malpractice claims for its members
- Ability to customize a broad marketing campaign
- A robust risk management program that is customizable to the group
- Greater stability, including greater pricing stability from the pooling of limits
- Broker policy language that can be customized for the bar's endorsement
- Endorsements offer partnerships with one carrier and offers benefits on multiple levels

Why would the bar endorse a carrier?

With the agency/carer structure, allows for members access to the broader range of possible insurance solutions, including custom-tailored solutions for larger firms.

- In the event a risk was on the rise that they wanted multiple options, they would be best served with an agency/carrier structure.
- The bar benefits from the broader marketing power of an agency focused on affinity focused on affinity business and the ability to quickly respond to insured needs.

This arrangement allows for local marketing of accounts and a clear way approach to the business to ensure that the actions in UT benefit from the DP that

- The structure would consist of the carrier, distribution partner and the bar

What structure do we propose and why?
The distribution partner would supply a key contact point as well. Thereby offering the bar two avenues for input and concerns.

Altorney Practice - 2 Year Retainer in the Insurance Industry with Broad Experience Handling Lawyers Professional Liability and Def Program. He

Who would my contact be?

Quickly network for referrals - 50% sold quarterly (see appendix)

- Online application process through - www.ntlawyer.com (see appendix)

- Quarterly newsletter for referrals - Free to all with articles authored by leading national attorneys (see appendix)

- One of the best referral networks in the industry with over 100 of firms participating on a referral process.

- Best in class policy form to meet the ever changing needs of the Risk landscape

- Financial strength of a Berkshire Hathaway Company

- 150+ the highest rating a carrier can achieve

- Access to a Risk Managemen Library that contains a best practices database

- Free online CE webinar

The members get:

- A certificate that offers simplified renewal processes thereby allowing the members to focus on the practice of law

- A certificate that has over 50% retention of members which equates to satisfaction from the membership

- Any additional financial support - TBD

- Financial support for startups through bar publications and websites

- Regular updates on the bar member's performance metrics in the program on a-bimonthly basis

- Online member's CME credit

- CLE presentation at the event in concert with the bar

- Support at bar events by way of attendance at bar conventions, growth and retention, member support, sponsorships

- A customized risk management program administered by Attorneys Risk Management Leaders who are attorney.

What does the bar get from an endorsement?
Attorneys - Digital application that makes obtaining a quote a snap
Bridge applications in book transitions
Target 90 days out
Premium Retention >95%
Auto-Renewals, Set it and forget it, Approximately 90% of our accounts quality
Ease of doing business is another key focus

Policy issuance: usually emailed within 24-48 hours
If the expiration dates >60 days - usually 24-48 hr. quote TAT
NB submissions typically quoted early 45-60 days ahead of expiration
Best in class customer service is our forte

Capacity of $5m available to qualifying risks
Built to last - Will continue to build a product with 100-year outlook
Superior Product - Evolving as the risks facing lawyers evolve
Stability - We are net and do not have the encumbrances of reinsurers
Strong Financials - Written on A++ paper whether admitted or surplus lines

Why the Attorney Protective Programs?
## Check Pre-Filled Claims History Section

**New Era**

For growth in a whole

**Approach – A Tool**

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*Disclaimer: The table above is a template for illustrative purposes only.*
Use client letters to document the establishment and conclusion of attorney-client relationships

Maintain Utah Bar Association membership

Addition to meeting state CLE requirements

Complete 10 hours annually of practice management/ethics education provided or approved by Atipro in

No more than 2 office support staff

Practice maintains and utilizes docketing, calendaring, and conflicts of interest systems

No known claims, incidents of malpractice, or disciplinary actions

The insured entity is a newly formed solo practice (3 months or less)

Licensed to practice law for three years or less

Utah Bar Association members may be eligible for the Atipro Solo Starter Program, for up to

Three years, if they meet and maintain the following criteria:

- Industry-eciting policy
- Risk management assistance
- Educational resources to help you manage your practice
- Simplified application process
- A competitive premium

Benefits of the Atipro Solo Starter Program include:

Approval in Utah

Atipro Solo Starter Highlights (would require filling and
FIRST

INDEMNITY
Thursday, March 01, 2018

Mr. John Baldwin
Utah State Bar
645 South 200 East
Suite 310
Salt Lake City, Utah 84111-3834

Dear Mr. Baldwin,

We are pleased to submit the attached proposal in response to the Utah State Bar request for legal malpractice insurance provider.

As this proposal will illustrate, First Indemnity Insurance is uniquely positioned to assist the members of the Utah State Bar in obtaining lawyers professional liability insurance. With over 25 years’ experience as an agent in industry, First Indemnity will not only be able to provide members with a comprehensive policy at a competitive cost but will also be able to help Bar members mitigate risk and run their firms more efficiently.

First Indemnity Insurance has been providing lawyers professional liability services since 1983. We are approved to do business in all 50 states and have experience dealing with law firms of all different sizes and types. With 20 dedicated professionals on staff, each client we have receives a level of customer service and assistance that is not usually seen at agencies that operate nationwide as we do.

Enclosed are a detailed description and examples of how First Indemnity Insurance will provide value to the Utah State Bar and its members. By offering a comprehensive policy at a competitive cost, complete with risk management and CLE resources for all of our clients, First Indemnity Insurance would be a great partner for the Utah State Bar and it’s over 12,000 lawyers.

Thank you for the opportunity to provide a plan for your organization. We look forward to hearing back and are excited about the possibility of working together in the future.

Sincerely,

Andrew A. Biggio
President
First Indemnity Insurance
87 Oxford Street
Lynn, MA 01901
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INTRODUCTION

First Indemnity has been providing lawyers professional liability insurance for law firms since 1989. We currently insure many firms in Utah and over 6,000 law firms in the United States with our three insurance carriers that we are exclusive Direct Program Administrator for. We are uniquely suited to provide coverage for our client’s law firms as well as their business as a whole.

Our competitive advantage over other lawyer’s professional liability agencies is threefold:

- Superior customer service
- Lawyer’s professional liability underwriting managers for three carriers in all 50 States.
- The most competitive pricing in the marketplace

The highlights above make First Indemnity an excellent choice for the Utah State Bar’s program. Our team of experienced underwriters will be able to provide personalized service to all of our potential clients. In addition, at First Indemnity underwriting authority for many of the largest and most well known and trusted carriers across the country. (List Attached) This gives us the ability to provide the most competitive pricing currently in the market. With First Indemnity, we strive to ensure that not only will our clients save money, but also have piece of mind that their insurance policies are in the hands of a group of trusted professionals.

The following pages will outline the following:
- Our organization & List insurance carriers in which we are underwriting mangers.
- Examples of the loss prevention literature we provide to all of our insureds
- An implementation plan
- References
Exclusive Direct Markets

First Indemnity is the exclusive professional liability Direct Program Administrator for several A Rated Carriers supported by Munich Reinsurance America, Houston International Insurance Group and Arch Reinsurance Limited.

American Alternative Insurance Company (A+ Superior by AM Best)

- Parent Company: Munich Reinsurance America
- Key Carrier Facts: Fully licensed and admitted, HQ – Princeton, NJ, A.M. Best Rating A+ (Superior) Class Size XV
- Website: www.americanalternativeinsurancecorporation.com

Princeton Excess and Surplus Lines Insurance Company (A+ Superior by AM Best)

- Parent Company: Munich Reinsurance America
- Key Carrier Facts: HQ – Princeton, NJ, A.M. Best Rating A+ (Superior)
- Class Size XV Website: www.peslic.com

Imperium Insurance Company (A- Excellent by AM Best)

- Parent Company: Houston International Insurance Group
- Key Carrier Facts: Fully licensed and admitted, HQ – Houston, TX, A.M. Best Rating A- (Excellent) Class Size VIII
- Website: www.hiig.com

Houston Specialty Insurance Company (A- Excellent by AM Best)

- Parent Company: Houston International Insurance Group
- Key Carrier Facts: HQ – Houston, TX, A.M. Best Rating A- (Excellent)
- Class Size VIII Website: www.hiig.com

Watford Specialty Insurance Company (A- Excellent by AM Best)

- Parent Company: Arch Reinsurance Ltd.
- Key Carrier Facts: HQ - Morristown, NJ, AM Best Rating A- (Excellent)
- Class Size XII Website: www.watfordre.com
LAW FIRM LOSS PREVENTION SYSTEMS AND PROCEDURES

A. Docket & Calendar Control
B. Mail Handling
C. Conflict of Interest Avoidance
D. Serving as Corporate Director/Officer
E. File Opening Procedure
F. Fees & Billing Practices
G. Work Product Control/Peer Review
H. Client Selection
1. LAW FIRM LOSS PREVENTION SYSTEMS & PROCEDURES

A. Docket and Calendar Control

Docket and calendar control was one of the first risk management issues identified by the insurance industry. Today, some form of calendaring system is standard fare for law firms of all sizes. The insurance industry’s emphasis on adequate docket and calendar controls is the result of claims experience directly related to missed deadlines by practising lawyers. Recent American Bar Association statistics indicate that more than 26% of all claims made against lawyers are administrative in nature. Of the administrative errors, 19% are directly related to calendaring mistakes; 11% are the result of the failure to make a docket control or calendaring entry; 4% are due to a subsequent failure to file and 4% are the result of a failure to react to a deadline once entered. Our experience tracks with the national figures; 22% of our lawyers claims are the result of calendaring errors with 5% specifically attributable to a failure to make a calendar entry. Missed dates and other administrative errors associated with docket and calendar control remain a significant cause of loss. Although a comprehensive docket and calendar system will not completely eliminate these losses, it will significantly reduce a law firm’s exposure.

There are a variety of docket and calendar systems available and the following descriptions are generic. However, practically all systems fall somewhere within these general descriptions.

1. Computerised Systems

Software companies are marketing literally dozens of automated docket and calendaring systems. The systems are typically centralised with data entry performed by a designated staff member. Commonly, docket or calendar sheets are filled out by the lawyers or their staff and submitted to the docket entry clerk. The central system is then able to issue a series of reminders to lawyers and staff as the important dates approach.
2. **Perpetual Calendar Systems**
   A perpetual calendar system is basically a series of index cards filed by day, month and year with a cross-reference capability (e.g. colour codes) for items with the greatest priority. In this system, the lawyer or designated staff member records pertinent dates and time frames on individual cards which are then filed according to date with the additional reminder cards filed prior to the ultimate due date.

3. **Dual Calendar Systems**
   This system is simply two calendars or diary books to record future actions. Typically, one calendar is kept by the lawyer and another by an assistant. Problems inherent in this format include capacity and lack of reliability.

4. **Single Calendar Systems**
   This system is extremely vulnerable to error and is an unacceptable format from an insurance perspective. Even sole practitioners should use a system where they are required to make more than one entry in recognition of an upcoming event.

**RECOMMENDATIONS**

1. Your firm’s docket and calendar system should be at least a dual entry system.

2. Your system should include both litigation and non-litigation items.

3. Firm policy and guidelines on docket and calendar control should be in writing and made available to all of the firm’s employees.

4. Centralised docket systems should be controlled by more than one person and have adequate backup in the event of computer failure. Your firm’s system should record more than final due dates.
5. Docket and calendar reminders should be sent to at least two persons, e.g., a lawyer and his/her assistant.

B. Mail Handling

As mundane as the subject of mail handling is, a surprising number of law firms have no policy or procedure whatever for the routine distribution, opening, date stamping and delivery of mail. Since the majority of time deadlines faced by a lawyer are contained within documents sent through the mail, a few brief recommendations are in order.

RECOMMENDATIONS

1. Your law firm should adopt a policy requiring mail to be sorted and delivered within a specified time period after its arrival.

2. The mail should be opened and date stamped prior to delivery to the individual lawyers.

3. When necessary, docket and calendar entries should be performed prior to delivery of the mail to the individual lawyers.

4. Your law firm should adopt written policies and guidelines on mail handling.

C. Conflict of Interest Avoidance

A law firm must be sensitive to potential conflict situations. The Model Rules and the Model Code spell out tests determining whether an impermissible multiple representation exists. In addition, an increasingly large number of legal periodicals address current lawyer conflict scenarios. Law firms should, therefore, be familiar with not only the provisions of the Model Rules and Model Code, they should also stay abreast of recent case law which interprets the precepts set forth in the Model Rules and Model Code.

The conflict of interest issue is one of increasing complexity and concern. The information that follows is intended merely to highlight practical steps a law firm can take to help address this potential malpractice area.

Assuming some degree of sensitivity and education, law firms must have a system in place to assist lawyers in determining whether a conflict exists. Essentially, conflict avoidance systems fit into three broad categories:
1. **Oral/Memory.** This is typically the least reliable conflict avoidance control. It refers to a process wherein firm members rely on individual recall or memory of other firm members to assess conflict potential.

2. **Single Index System.** A single index system refers to file cards describing either client, subject matter or both with no built-in capability to cross-reference within the system or between multiple law firm locations.

3. **Multiple Index System.** As the name suggests, this system provides users with the capability of cross-referencing clients based on various menu items. Multiple index systems may or may not be computerised.

Obviously, even the most sophisticated conflict avoidance system is only as good as the information that has been entered into it. Without strong law firm commitment to the development and maintenance of such a system, its benefits will be only marginal.

**RECOMMENDATIONS**

1. Your law firm should have an established programme for continuing education related to conflict of interest matters.

2. Your firm should have a conflict avoidance system in place and should have written policies and guidelines concerning its use.

3. Firm members should not be permitted to enter into business transactions with clients without approval from firm management.

**D. Serving as Corporate Director or Officer**


Lawyers have historically accepted the role of director or officer for a variety of reasons:

- Their presence adds a unique dimension to the composition of the board.

- They believe that their presence on the board will enhance their ability to serve the client.

- Board members will more readily accept legal advice if a member of the firm is also a
They believe that serving as an officer or director is necessary to obtain or retain the corporation as a client.

Underlying all of these reasons is a simple belief that if a board position is not accepted, it will be filled by a member of another firm with the corresponding risk that a corporate client will be lost. However, with the increasing tendency of corporations and shareholders to file claims against board members, law firms must understand the malpractice exposure associated with assuming these corporate roles.

Consider that:

- A lawyer/director has an increased chance of being sued under the Racketeer Influenced and Corrupt Organisations Act (RICO). To violate RICO, a defendant must conduct or participate in the affairs of an enterprise through a pattern of racketeering. Although directors may delegate the task of overseeing the day to day operations of the corporation to others, they are still required to supervise and oversee the actions of their subordinates and, accordingly, conduct the affairs of a corporation. If the lawyer is not a director, it is far more difficult to prove that he or she participated in the conduct of the corporation.

- In tender offers, directors are increasingly exposed to shareholder suits because of possible accusations that their opposition to a change in control was motivated by self-interest. In addition, a lawyer/director may have an increased exposure because of the perceived conflict of advising the corporation regarding its options while serving on the board. That conflict, whether perceived or real, compromises potential defences.

- Directors are also frequently called as witnesses in corporate litigation, even when they are not actually participants. This may lead to the disqualification of the lawyer as well as the firm with a general prohibition of a lawyer also acting as a witness. Disqualification, whether for this reason or another, results in a loss of revenue for the firm and the terrible inconvenience of retaining outside counsel. It also means that the outside firm will have to become more familiar itself with the case and the corporate client, a result which the lawyer hoped to avoid to begin with. It also serves as an incentive for naming the lawyer/director in the suit so plaintiff’s counsel can oppose a less qualified law firm.

- Increasingly, directors and officers liability insurance policies provide coverage only if an insured is acting solely in his/her capacity as a director or officer.

**RECOMMENDATIONS**
1. Do not accept officer or director positions, particularly if the corporation is a client of the law firm.

2. Serve as outside counsel to the corporation.

3. If the dual role of lawyer/director cannot be avoided, consider the following recommendations:
   
a. If significant corporate activity clearly involves conduct by a lawyer both as director and lawyer, participation should be limited to one role. This decision should be reduced to writing and, where possible, approved by a board or committee.
   
b. Where the lawyer/director performs both roles on an ongoing basis, there should be, to the extent possible, a clear delineation of roles. Steps that might be taken include:
      
i. Separate files for each role should be maintained.
      
ii. Separate stationary should be used. Law firm bills should be sent directly to the corporation and payment made to the law firm accounting department.
      
iii. Firms should never share in directors’ fees.
      
iv. The lawyer should abstain from board votes which will directly or indirectly affect the firm.
      
v. The lawyer/director should be aware that conversations involving both capacities may threaten the lawyer/client privilege.
   
c. Your law firm should have written policies and guidelines concerning the ability of firm members to serve as directors or officers of corporations.

E. File Opening Procedure

The file opening procedures not only signal the beginning of the lawyer/client relationship, it is also the point at which most of the firm’s loss prevention techniques are co-ordinated. Without dictating a specific form or process, we believe that your firm’s file opening procedure should include the following:

RECOMMENDATION

1. A client or case acceptance designation.
2. A conflict of interest check.
3. An initial docket or calendar entry as needed.
4. A fee approval (retainer agreement, engagement letter) designation.
5. Your firm’s policy and guidelines on file opening should be in writing and made available to all firm employees.

F. Fees and Billing Practices

RECOMMENDATIONS

1. Use engagement letters or retainer agreements for all new clients and for new matters for existing clients.
   b. Confirm and outline the agreed upon course of action.
   c. Confirm and outline fee arrangement.
   d. Identify those issues or obligations for which the lawyer will not be responsible.

2. Use non-engagement letters for all representation which has been declined by the law firm.

3. Bill on a frequent, consistent basis.

4. Use disengagement letters upon termination of representation.
   a. Confirm completion of work.
   b. Indicate termination of representation.
   c. Direct client to follow-up on matters not completed.

5. Consider adopting a law firm policy against suing clients for unpaid legal fees.

6. Your firm’s policy and guidelines on billing should be in writing and made available to all firm employees.

G. Work Product Control/Peer Review
Law firms throughout the country have, traditionally, utilised some method of associate review for monitoring the quantity and quality of work performed by junior members of the firm. Unlike a number of other professions, however, lawyers have not yet fully embraced the idea of peer review.

Doctors and accountants, for example, have developed fairly extensive peer review programmes. In the case of the medical profession, quality peer review is considered significant enough in some states to merit legislative support granting varying degrees of immunity for doctors involved in the process. The legal profession on the other hand, has made a number of “false starts” in its effort to develop some form of a model peer review system. As early as 1980, the American Law Institute – American Bar Association (ALI-ABA) developed a model peer review system intended to serve as a guide for law firms choosing to pursue that form of self-regulation. That initial effort was not, unfortunately, received with a great deal of enthusiasm within the legal community. Some of the scepticism was well founded and highlighted concerns by lawyers regarding whether anybody or any group was capable of regulating the substantive manner in which an individual lawyer practised his or her craft.

The scepticism that greeted the initial ALI-ABA model has diminished. Members of the Bar now recognise the need for some form of self-assessment and this form of risk management is also being promoted within the insurance industry. The information that follows attempts to explain the various methods of conducting peer review programmes within the legal community. These are not intended to serve as “all encompassing” examples of peer review, but will provide some practical working models for developing such systems on a voluntary basis in law firms. Please note that while the emphasis of the article is on partner peer review, that phrase should not be interpreted as meaning that only partners can adequately review other partners. The material that follows highlights the fact that lawyers at any level within a firm can be reviewed in a variety of ways.

At the outset, it is important to note that there are a wide variety of peer review programmes. These programmes range from relatively simple “lawyer to lawyer” assistance to formal referral programmes developed with a particular firm.

The definitions below will briefly describe some of the peer review programmes within the legal profession. Following these brief descriptions, the article will focus on four different approaches to practice peer review that we believe are practical in their approach and provide a real opportunity for firms interested in managing the technical aspects of their practice. Please note that for purposes of this document, “peer review” and “practice peer review” are synonymous. It should be recognised, however, that peer review or practice peer review (here
referring to some form of formal partner evaluation) is just one method of providing assistance to lawyers by other lawyers.

- **Lawyer To Lawyer Individual Help:** Individual help programmes have developed mostly in the areas of substance abuse intervention and counselling. Most of the states currently have programmes that offer advice to a lawyer whose problems are personal and/or may be related to alcohol or drug abuse.

- **"The Mentor" "Dutch Uncle" Approach:** These approaches tend to focus more on the substantive areas of law and are intended to provide lawyers with a referral service to other lawyers with extensive experience or expertise in particular areas of the law. The state of Maine, for example, has utilised a programme of this nature for a number of years. Lawyers with a question having to do with some area of their practice can call a central telephone number and will be given the names of other, volunteer lawyers, who specialise in that particular area of practice. The novice can then speak with the expert and enhance his or her understanding of that particular area of the law.

- **Informal Referral Peer Review:** This refers to the fact that lawyers who have been sued for malpractice may be pressured to obtain help by their insurer if the cause of the claim seems remediable. The Oregon fund provides such feedback in specific cases. Informal help for lawyers has also been provided on a limited basis through Peer Assistance Committees adopted in nine pilot federal districts.

- **Formal Referral Peer Review:** Formal peer review models have, for the most part, failed to gain recognition or acceptance by the bar. Under this system, federal judges are encouraged to refer lawyers suspected of non-performance to a peer review committee. Judges have been, thus far, reluctant to make referrals under this pilot project and have preferred other, more formal types of sanctions which are designed to prevent frivolous lawsuits or abuse of discovery, including Rule 11 sanctions.

- **Lawyer's Standard Boards:** These boards are the ethical arms of the state judicial systems and are the more well known methods of providing lawyer discipline. Individual state boards are created and empowered to discipline lawyers for negligent or unethical behaviour in the course of their practice. Typically, referrals to the boards are brought by disgruntled clients or third party observers.

- **Disciplinary Peer Review:** Conceptually, this is similar to a peer review committee for a particular firm, only the idea is extended to all lawyers within a particular state. A group of lawyers are chosen to serve as a peer review committee and all disciplinary proceedings within that jurisdiction are referred to the committee for action.

**RECOMMENDATIONS**

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1. All law firm members should have access to individual help programmes in the area of substance abuse intervention and counselling.

2. Law firms with five or more members should have a formal peer review programme for all member lawyers that is utilised on a regularly scheduled basis.

H. Client Selection

Over the past few years, insurance companies have begun to view the law firm's process of client selection as a key risk management opportunity. Given the effects of rising and falling economic cycles, many now engage in alternative business opportunities, some of which fall outside established areas of expertise. As these firms struggle to maintain their revenues, new engagements are often accepted without the requisite regard for the increased exposure represented by those engagements.

Today, good law practice management must include a careful review of all prospective clients as well as new matters for existing clients. With clients more willing than ever to bring suit against lawyers, new business should be carefully scrutinised. Consider the following questions:

- Does the prospective client insist upon proceeding on principle alone and without regard to the expected costs?

- Does the prospective client have unrealistic expectations, either about what is to be accomplished or the time it will take?

- Does the prospective client appear to be price shopping, or is he/she changing attorneys in the middle of a proceeding?

- Does the prospective client insist upon doing part of the work, because he or she “knows the law”?

- Are there unreasonable time constraints because the prospective client has waited until the last minute to consult a lawyer?

- Will the prospective client’s problem demand too much of the firm’s time and resources?

- Does the prospective client appear to be using the law firm’s name and reputation to lend credibility to an otherwise questionable venture?

RECOMMENDATIONS
1. Your law firm should establish a committee for the acceptance of both new clients and new engagements for existing clients.

2. Your law firm should have written procedures and guidelines for client acceptance including:

   • The acceptance of contingency fee cases.

   • The acceptance of new clients by associates.

   • The acceptance of engagements outside of the firm's established areas of expertise.
IMPLEMENTATION PLAN

First Indemnity Insurance has an exclusive Managing General Agent (MGA) relationship with Munich Reinsurance America, Houston International Insurance Group and Arch Reinsurance Limited. Through these relationships First Indemnity is able to quote clients direct on behalf of these carriers and pass savings on directly to the customer. We are also currently in serious discussions to become exclusive MGA for another A+ rated carrier in the near future.

We plan on forming a team of 3-5 professionals to directly handle the submissions from the members of the Utah State Bar. This team’s responsibilities will include:

- Preparing and Sending Applications to Bar members
- Processing applications that are received at our office
- Coordinating the quoting of applications that are received.
- Serve as liaisons between the carriers and the Utah State Bar.

The team of 3-5 agents will be supported by the remainder of the office. As per our standard operating procedure, accounts are handled on a letter split basis. Each account representative is responsible for handling all the lawyers’ professional liability accounts that fall under their particular split. In order to reduce workload on each representative, and to make sure that personalized customer service is delivered, we strive to ensure that each representative handles no more than 30 accounts per month.
REFERENCES

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Sixth Floor
Los Angeles, CA 90064
Phone: (310)245-0459
UTAH STATE BAR
DRAFT BUDGET
FY 2018/19
March 30, 2018
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Utah State Bar
FY19 Budget Narrative

Overview
The Utah State Bar’s operations consist of 24 unique departments. Many of the Bar’s departments are regulatory in nature and contain little discretionary income and expenses (e.g., Licensing, Admissions, NLTP, and OPC). Some departments are intended to support themselves (e.g., Admissions, CLE, Summer Convention, Fall Forum, Spring Convention, and Section Support), while others are fully supported by member license fees. Some departments generate income but not enough to support themselves and therefore must also rely on member license fees for support (e.g., Facilities and Bar Journal). MCLE, the Fund for Client Protection, and the 39 Sections are accounted for separately, support themselves, have stand-alone financial statements, and are not factored into the Utah State Bar budget. Below is a summary of each Bar department, its function, how it is funded, and its financial statement category:

<table>
<thead>
<tr>
<th>Financial Statement Category</th>
<th>Department</th>
<th>Function</th>
<th>Funded By</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licensing</td>
<td>Licensing</td>
<td>Regulatory</td>
<td>License fees</td>
</tr>
<tr>
<td>Licensing</td>
<td>Licensed Paralegal Practitioner</td>
<td>Regulatory</td>
<td>License fees</td>
</tr>
<tr>
<td>Admissions</td>
<td>Admissions</td>
<td>Regulatory</td>
<td>Self-supporting</td>
</tr>
<tr>
<td>New Lawyer Training Program (&quot;NLTP&quot;)</td>
<td>NLTP</td>
<td>Regulatory</td>
<td>Self-supporting</td>
</tr>
<tr>
<td>Office of Professional Conduct (&quot;OPC&quot;)</td>
<td>OPC</td>
<td>Regulatory</td>
<td>License fees</td>
</tr>
<tr>
<td>Bar Operations</td>
<td>Bar Management</td>
<td>Management</td>
<td>License fees</td>
</tr>
<tr>
<td>Bar Operations</td>
<td>General Counsel</td>
<td>Management</td>
<td>License fees</td>
</tr>
<tr>
<td>Bar Operations</td>
<td>Information Technology (&quot;IT&quot;)</td>
<td>Management</td>
<td>License fees</td>
</tr>
<tr>
<td>Bar Operations</td>
<td>Commission/Special Projects</td>
<td>Management</td>
<td>License fees</td>
</tr>
<tr>
<td>Member Services</td>
<td>Bar Journal</td>
<td>Member Service</td>
<td>Self + License</td>
</tr>
<tr>
<td>Member Services</td>
<td>Member Benefits</td>
<td>Member Service</td>
<td>License fees</td>
</tr>
<tr>
<td>Member Services</td>
<td>Section Support</td>
<td>Member Service</td>
<td>Self-supporting</td>
</tr>
<tr>
<td>Member Services</td>
<td>Legislative</td>
<td>Member Service</td>
<td>License fees</td>
</tr>
<tr>
<td>Member Services</td>
<td>Public Education</td>
<td>Member Service</td>
<td>License fees</td>
</tr>
<tr>
<td>Member Services</td>
<td>Young Lawyers Division (&quot;YLD&quot;)</td>
<td>Member Service</td>
<td>License fees</td>
</tr>
<tr>
<td>Public Services</td>
<td>Committees</td>
<td>Public Service</td>
<td>License fees</td>
</tr>
<tr>
<td>Public Services</td>
<td>Consumer Assistance Program</td>
<td>Public Service</td>
<td>License fees</td>
</tr>
<tr>
<td>Public Services</td>
<td>Access to Justice</td>
<td>Public Service</td>
<td>Self + License fees</td>
</tr>
<tr>
<td>Public Services</td>
<td>Tuesday Night Bar</td>
<td>Public Service</td>
<td>License fees</td>
</tr>
<tr>
<td>CLE</td>
<td>Continuing Legal Education (&quot;CLE&quot;)</td>
<td>Education</td>
<td>Self-supporting</td>
</tr>
<tr>
<td>Summer Convention</td>
<td>Summer Convention</td>
<td>Education</td>
<td>Self-supporting</td>
</tr>
<tr>
<td>Fall Forum</td>
<td>Fall Forum</td>
<td>Education</td>
<td>Self-supporting</td>
</tr>
<tr>
<td>Spring Convention</td>
<td>Spring Convention</td>
<td>Education</td>
<td>Self-supporting</td>
</tr>
<tr>
<td>Facilities</td>
<td>Facilities</td>
<td>Building Usage</td>
<td>Self + License fees</td>
</tr>
</tbody>
</table>
Every income and expense transaction at the Bar is assigned to one of the 24 departments and one of 150 (or so) functional accounts (known as General Ledger accounts or “GL accounts”). The transaction’s department indicates who earned or spent the funds while the functional account reveals what type of income or expense it was. For example, commissioner travel expenses to Spring Convention would be assigned to department “21 – Commission/Special Projects” and GL account “5707 – Travel Commission Mtgs”. Another example is when Bar staff spend time working on the Spring Convention, those expenses are charged to department “12 – Spring Convention”, and GL account “5510 – Salaries/Wages”. By assigning both a department and a functional account to each transaction, we are able to classify all income and expenses to produce income statements by department and by functional account (which is required for external and IRS reporting).

One drawback to our current accounting that may cause confusion is that it is difficult to track programs that span multiple departments and accounts. For example, spending on the Licensed Lawyer program spans the IT, General Counsel, Access to Justice, Public Education, and Commission/Special Projects departments. Some of the costs related to software development have been capitalized while others are expensed as they are incurred (PR, advertising, and trademark expenses). As a result, it is not always apparent what is spent on which projects at a detailed level. The following budget schedules attempt to give more visibility into program spending while also being consistent with financial statement presentation.

For FY19 budgeting purposes, in an effort to be intentional and strategic about the investments the Bar is making in its various programs, the focus is on those departments that contain the majority of the Bar’s discretionary spending. As such, the main areas of focus will be Public Services, Member Services and Bar Operations. The three conventions, CLE, NLTP, and Section Support have all been budgeted to break even (plus or minus $20,000). Admissions is intended to support itself and break even, however, given the declining number of applicants to the Bar, its revenue is no longer sufficient to cover its expenses, and a roughly $60,000 loss is budgeted. Regulatory departments’ income and expenses are driven primarily by the key changes highlighted below.

As a general note, the Bar has been able to add new programs while maintaining existing programs over the last several years mainly due to a steady 2-3% increase in licensing revenue each year. Each of the last eight fiscal years has generated a net profit adding to the Bar’s reserves. However, it is anticipated based on historical trends that expense growth will outpace revenue growth around 2020 at which time it will be necessary to dip into operating reserves and consider pursuing a license fee increase. As such, it is important that the Bar be strategic and intentional with regard to its spending, especially as it relates to discretionary programs.
Key Changes

Built into the FY19 draft budget are the following key changes compared to FY18:

<table>
<thead>
<tr>
<th>Item</th>
<th>Anticipated Change vs. FY2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licensing revenue (except late fees)</td>
<td>+2.5%</td>
</tr>
<tr>
<td>Admissions revenue (except late fees)</td>
<td>0%</td>
</tr>
<tr>
<td>Salaries (including $125,000 for add’l staff in OPC &amp; IT)</td>
<td>+9.0%</td>
</tr>
<tr>
<td>Health insurance</td>
<td>+10.0%</td>
</tr>
<tr>
<td>Dental insurance</td>
<td>0%</td>
</tr>
<tr>
<td>Building expenses (utilities, etc.)</td>
<td>+3.0%</td>
</tr>
<tr>
<td>Insurance expenses (liability, D&amp;O, etc.)</td>
<td>+3.0%</td>
</tr>
</tbody>
</table>
# Utah State Bar
## FY19 Draft Budget
### Revenue by Department

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Actual FY16</th>
<th>Actual FY17</th>
<th>Projected FY18</th>
<th>Budget FY19</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licensing</td>
<td>4,217,626</td>
<td>4,231,420</td>
<td>4,353,290</td>
<td>4,432,894</td>
<td>66.5%</td>
</tr>
<tr>
<td>CLE</td>
<td>570,370</td>
<td>581,039</td>
<td>558,648</td>
<td>590,000</td>
<td>8.5%</td>
</tr>
<tr>
<td>Admissions</td>
<td>521,860</td>
<td>459,651</td>
<td>422,775</td>
<td>422,325</td>
<td>6.5%</td>
</tr>
<tr>
<td>Facilities</td>
<td>274,410</td>
<td>261,640</td>
<td>261,239</td>
<td>261,239</td>
<td>4.0%</td>
</tr>
<tr>
<td>Member Services</td>
<td>240,595</td>
<td>232,141</td>
<td>239,578</td>
<td>228,760</td>
<td>3.7%</td>
</tr>
<tr>
<td>Summer Convention</td>
<td>198,446</td>
<td>189,772</td>
<td>283,500</td>
<td>275,000</td>
<td>4.3%</td>
</tr>
<tr>
<td>Spring Convention</td>
<td>132,270</td>
<td>165,065</td>
<td>121,000</td>
<td>147,200</td>
<td>1.8%</td>
</tr>
<tr>
<td>Fall Forum</td>
<td>120,992</td>
<td>129,611</td>
<td>83,678</td>
<td>95,000</td>
<td>1.3%</td>
</tr>
<tr>
<td>NLTP</td>
<td>79,029</td>
<td>69,643</td>
<td>71,467</td>
<td>71,600</td>
<td>1.1%</td>
</tr>
<tr>
<td>Bar Operations</td>
<td>70,279</td>
<td>89,619</td>
<td>116,267</td>
<td>116,267</td>
<td>1.8%</td>
</tr>
<tr>
<td>Public Services</td>
<td>22,656</td>
<td>15,350</td>
<td>14,580</td>
<td>16,050</td>
<td>0.2%</td>
</tr>
<tr>
<td>OPC</td>
<td>14,866</td>
<td>16,741</td>
<td>18,016</td>
<td>19,000</td>
<td>0.3%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6,463,398</strong></td>
<td><strong>6,441,692</strong></td>
<td><strong>6,544,037</strong></td>
<td><strong>6,675,335</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

This table and chart shows the Bar’s trended revenue by financial statement category. More than 66% of the Bar’s income comes from member license fees. The next largest category of income is from CLE events, then Admissions. These three functions account for 82% of the Bar’s income. We are projecting a 2.5% increase in licensing fees in FY19 compared to FY18 which equates to approximately $80,000 in additional licensing fees. This projected increase is based historical trends over the last several years which have averaged just under 3% growth annually. CLE revenue is expected to be closer to FY2017 levels as more members must comply with MCLE in odd years and therefore more CLE events are held in odd years (and they are generally better attended). Because we have seen a slowdown in Admissions revenue due to a declining number of applicants, we are projecting Admissions revenue to be flat in FY19.
# Utah State Bar
## FY19 Draft Budget
### Expenses by Department

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Actual FY16</th>
<th>Actual FY17</th>
<th>Projected FY18</th>
<th>Budget FY19</th>
<th>% of Total</th>
<th>Trend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licensing</td>
<td>101,761</td>
<td>100,475</td>
<td>148,101</td>
<td>117,117</td>
<td>1.6%</td>
<td></td>
</tr>
<tr>
<td>CLE</td>
<td>586,914</td>
<td>487,096</td>
<td>549,379</td>
<td>543,666</td>
<td>7.9%</td>
<td></td>
</tr>
<tr>
<td>Admissions</td>
<td>467,018</td>
<td>478,064</td>
<td>474,873</td>
<td>479,827</td>
<td>7.8%</td>
<td></td>
</tr>
<tr>
<td>Facilities</td>
<td>528,309</td>
<td>534,500</td>
<td>530,251</td>
<td>541,645</td>
<td>8.7%</td>
<td></td>
</tr>
<tr>
<td>Member Services</td>
<td>595,804</td>
<td>608,640</td>
<td>691,824</td>
<td>656,414</td>
<td>9.9%</td>
<td></td>
</tr>
<tr>
<td>Summer Convention</td>
<td>229,468</td>
<td>209,328</td>
<td>287,333</td>
<td>274,749</td>
<td>3.4%</td>
<td></td>
</tr>
<tr>
<td>Spring Convention</td>
<td>97,146</td>
<td>119,303</td>
<td>121,186</td>
<td>134,617</td>
<td>1.9%</td>
<td></td>
</tr>
<tr>
<td>Fall Forum</td>
<td>143,518</td>
<td>161,530</td>
<td>94,766</td>
<td>95,011</td>
<td>2.6%</td>
<td></td>
</tr>
<tr>
<td>NLTP</td>
<td>85,883</td>
<td>88,476</td>
<td>76,396</td>
<td>76,598</td>
<td>1.4%</td>
<td></td>
</tr>
<tr>
<td>Bar Operations</td>
<td>1,461,586</td>
<td>1,579,773</td>
<td>1,680,758</td>
<td>1,781,829</td>
<td>25.7%</td>
<td></td>
</tr>
<tr>
<td>Public Services</td>
<td>440,977</td>
<td>449,675</td>
<td>462,395</td>
<td>478,374</td>
<td>7.3%</td>
<td></td>
</tr>
<tr>
<td>OPC</td>
<td>1,275,793</td>
<td>1,326,424</td>
<td>1,344,155</td>
<td>1,490,988</td>
<td>21.6%</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6,014,179</strong></td>
<td><strong>6,143,283</strong></td>
<td><strong>6,461,417</strong></td>
<td><strong>6,670,834</strong></td>
<td><strong>95.4%</strong></td>
<td></td>
</tr>
</tbody>
</table>

This table and chart shows the Bar’s trended expenses by financial statement category. OPC and Bar Operations account for nearly half of the Bar’s total expenses, and a large majority of those expenses are staff-related. Most departments’ expenses are on the rise due to the projected increase in staff expenses, building expenses and insurance.
Utah State Bar
FY19 Draft Budget
Net Profit (Cost) by Department

<table>
<thead>
<tr>
<th>Net profit (cost)</th>
<th>Actual</th>
<th>Actual</th>
<th>Projected</th>
<th>Budget</th>
<th>Trend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licensing</td>
<td>4,115,865</td>
<td>4,130,945</td>
<td>4,205,188</td>
<td>4,315,778</td>
<td></td>
</tr>
<tr>
<td>CLE</td>
<td>(16,544)</td>
<td>93,942</td>
<td>9,269</td>
<td>46,334</td>
<td></td>
</tr>
<tr>
<td>Admissions</td>
<td>54,842</td>
<td>(18,413)</td>
<td>(52,098)</td>
<td>(57,502)</td>
<td></td>
</tr>
<tr>
<td>Facilities</td>
<td>(253,900)</td>
<td>(272,860)</td>
<td>(269,012)</td>
<td>(280,406)</td>
<td></td>
</tr>
<tr>
<td>Member Services</td>
<td>(355,209)</td>
<td>(376,499)</td>
<td>(452,246)</td>
<td>(427,654)</td>
<td></td>
</tr>
<tr>
<td>Summer Convention</td>
<td>(31,023)</td>
<td>(19,556)</td>
<td>(3,833)</td>
<td>251</td>
<td></td>
</tr>
<tr>
<td>Spring Convention</td>
<td>35,124</td>
<td>45,762</td>
<td>(186)</td>
<td>12,583</td>
<td></td>
</tr>
<tr>
<td>Fall Forum</td>
<td>(22,526)</td>
<td>(31,919)</td>
<td>(11,089)</td>
<td>(11)</td>
<td></td>
</tr>
<tr>
<td>NLTP</td>
<td>(6,855)</td>
<td>(18,833)</td>
<td>(4,929)</td>
<td>(4,998)</td>
<td></td>
</tr>
<tr>
<td>Bar Operations</td>
<td>(1,391,307)</td>
<td>(1,490,154)</td>
<td>(1,564,491)</td>
<td>(1,665,562)</td>
<td></td>
</tr>
<tr>
<td>Public Services</td>
<td>(418,321)</td>
<td>(434,325)</td>
<td>(447,815)</td>
<td>(462,324)</td>
<td></td>
</tr>
<tr>
<td>OPC</td>
<td>(1,260,927)</td>
<td>(1,309,683)</td>
<td>(1,326,139)</td>
<td>(1,471,988)</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>449,219</td>
<td>298,408</td>
<td>82,620</td>
<td>4,501</td>
<td></td>
</tr>
</tbody>
</table>

This table and chart shows the Bar's trended net profit (cost) by financial statement category. Colored bars rising above the x-axis depict net profit, while colored bars falling below show net cost. Those functions that have barely visible colored bars are those functions that are intended to support themselves and break even.
# Utah State Bar
## FY19 Draft Budget
### Top 25 Gross Expense Categories (Based on Projected FY18)

<table>
<thead>
<tr>
<th>Top 25 Expense Categories</th>
<th>Actual FY16</th>
<th>Actual FY17</th>
<th>Projected FY18</th>
<th>Budget FY19</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries &amp; Benefits</td>
<td>3,229,925</td>
<td>3,366,129</td>
<td>3,470,815</td>
<td>3,791,281</td>
<td>53.7%</td>
</tr>
<tr>
<td>Food &amp; Beverage Expenses</td>
<td>610,349</td>
<td>539,876</td>
<td>564,321</td>
<td>555,984</td>
<td>8.7%</td>
</tr>
<tr>
<td>Depreciation</td>
<td>227,492</td>
<td>234,804</td>
<td>242,340</td>
<td>245,630</td>
<td>3.8%</td>
</tr>
<tr>
<td>Building Overhead</td>
<td>208,274</td>
<td>226,221</td>
<td>215,204</td>
<td>218,719</td>
<td>3.3%</td>
</tr>
<tr>
<td>Meeting Room Expenses</td>
<td>173,127</td>
<td>172,119</td>
<td>142,454</td>
<td>152,628</td>
<td>2.2%</td>
</tr>
<tr>
<td>Travel</td>
<td>119,223</td>
<td>118,443</td>
<td>131,197</td>
<td>133,031</td>
<td>2.0%</td>
</tr>
<tr>
<td>Copy/Printing Expense</td>
<td>165,316</td>
<td>130,348</td>
<td>130,918</td>
<td>128,817</td>
<td>2.0%</td>
</tr>
<tr>
<td>Bar Exam Expenses</td>
<td>78,280</td>
<td>77,830</td>
<td>107,729</td>
<td>71,300</td>
<td>1.7%</td>
</tr>
<tr>
<td>Special Event Expense</td>
<td>14,956</td>
<td>25,062</td>
<td>87,422</td>
<td>91,163</td>
<td>1.4%</td>
</tr>
<tr>
<td>Blomquist Hale</td>
<td>73,966</td>
<td>73,958</td>
<td>73,957</td>
<td>75,000</td>
<td>1.1%</td>
</tr>
<tr>
<td>Casemaker</td>
<td>75,643</td>
<td>68,730</td>
<td>72,785</td>
<td>72,000</td>
<td>1.1%</td>
</tr>
<tr>
<td>Telecommunications Expense</td>
<td>49,657</td>
<td>75,571</td>
<td>70,445</td>
<td>69,370</td>
<td>1.1%</td>
</tr>
<tr>
<td>3rd Party Revenue Sharing</td>
<td>79,988</td>
<td>68,682</td>
<td>68,033</td>
<td>68,033</td>
<td>1.1%</td>
</tr>
<tr>
<td>Insurance Expense</td>
<td>64,620</td>
<td>65,267</td>
<td>66,714</td>
<td>68,440</td>
<td>1.0%</td>
</tr>
<tr>
<td>LRE Support</td>
<td>65,000</td>
<td>65,000</td>
<td>65,000</td>
<td>65,000</td>
<td>1.0%</td>
</tr>
<tr>
<td>Outside Consultants</td>
<td>50,923</td>
<td>40,428</td>
<td>59,725</td>
<td>60,963</td>
<td>0.9%</td>
</tr>
<tr>
<td>Speaker Expenses</td>
<td>57,161</td>
<td>64,823</td>
<td>53,170</td>
<td>49,727</td>
<td>0.8%</td>
</tr>
<tr>
<td>Postage/Mailing Expense</td>
<td>72,378</td>
<td>54,802</td>
<td>51,530</td>
<td>47,997</td>
<td>0.8%</td>
</tr>
<tr>
<td>Public Relations</td>
<td>991</td>
<td>1,948</td>
<td>50,000</td>
<td>12,000</td>
<td>0.8%</td>
</tr>
<tr>
<td>Credit Card Fees</td>
<td>45,161</td>
<td>47,980</td>
<td>49,331</td>
<td>48,549</td>
<td>0.8%</td>
</tr>
<tr>
<td>ABA Meeting Expenses</td>
<td>23,808</td>
<td>21,862</td>
<td>48,005</td>
<td>40,381</td>
<td>0.7%</td>
</tr>
<tr>
<td>Office/Meeting Supplies</td>
<td>47,463</td>
<td>47,350</td>
<td>47,175</td>
<td>46,924</td>
<td>0.7%</td>
</tr>
<tr>
<td>Database Expense</td>
<td>31,094</td>
<td>41,423</td>
<td>45,317</td>
<td>47,098</td>
<td>0.7%</td>
</tr>
<tr>
<td>Legislative Expenses</td>
<td>21,100</td>
<td>46,371</td>
<td>44,251</td>
<td>44,251</td>
<td>0.7%</td>
</tr>
<tr>
<td>MCLE Fees</td>
<td>40,866</td>
<td>42,961</td>
<td>42,647</td>
<td>38,500</td>
<td>0.7%</td>
</tr>
<tr>
<td>Other</td>
<td>385,716</td>
<td>425,296</td>
<td>460,934</td>
<td>428,049</td>
<td>7.1%</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>6,012,475</strong></td>
<td><strong>6,143,283</strong></td>
<td><strong>6,461,417</strong></td>
<td><strong>6,670,834</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

Instead of breaking down expenses based on department, this table categorizes them based on functional expense account across all departments. It reveals the top twenty-five accounts that make up 93% of the Bar’s spending. Notably, the single largest expense type that accounts for over half of the Bar’s spending is staff-related (salaries and benefits). The next largest expense category is food & beverage expenses which account for almost 9% of the Bar’s spending. Approximately 85% of food & beverage expenses are related to conventions and CLE events and are recouped through attendee registration fees. The expenses in the "Other" category are individually less than $40,000 annually, or 0.5% of total expenses.
Utah State Bar  
FY19 Draft Budget  
Public Services  

<table>
<thead>
<tr>
<th>Program Net Cost</th>
<th>Actual FY16</th>
<th>Actual FY17</th>
<th>Projected FY18</th>
<th>Draft FY19 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consumer Assistance Program (1 FTE)</td>
<td>115,605</td>
<td>126,333</td>
<td>131,955</td>
<td>133,226</td>
</tr>
<tr>
<td>Access to Justice (2 FTEs)</td>
<td>156,695</td>
<td>150,437</td>
<td>158,264</td>
<td>172,502</td>
</tr>
<tr>
<td>Tuesday Night Bar</td>
<td>37,305</td>
<td>34,885</td>
<td>38,360</td>
<td>36,750</td>
</tr>
<tr>
<td>LRE Contribution</td>
<td>65,000</td>
<td>65,000</td>
<td>65,000</td>
<td>65,000</td>
</tr>
<tr>
<td>UDR Contribution</td>
<td>-</td>
<td>10,000</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Law Day</td>
<td>2,681</td>
<td>3,465</td>
<td>8,460</td>
<td>6,000</td>
</tr>
<tr>
<td>Staff time &amp; other expenses associated with Committees</td>
<td>41,036</td>
<td>44,205</td>
<td>45,777</td>
<td>48,846</td>
</tr>
<tr>
<td><strong>Public Service Programs Net Cost</strong></td>
<td>418,321</td>
<td>434,325</td>
<td>447,815</td>
<td>462,324</td>
</tr>
</tbody>
</table>

**Other Public Service Expenses Classified Elsewhere:**

- Donation of Mercer royalty income to LHL  
  10,809  
  9,236  
  9,000  
- In Kind Contributions to UDR, LRE and other NFPs  
  29,671  
  22,882  
  23,028  
  23,028  
- Serving Our Seniors - YLD (estimated)  
  1,000  
  1,145  
  1,000  
  1,000  
- Wills for Heroes - YLD (estimated)  
  1,000  
  1,100  
  1,000  
  1,000  
- Other YLD Public Service Projects  
  2,984  
  2,950  
  2,950  
- Licensed Lawyer (some capitalized)  
  63,651  
  27,645  
  53,100  
  18,600  
- Lighthouse Research  
  -  
  50,280  
  -  
- Expungement Day Clinic grant  
  -  
  -  
  3,000  
  -  
**Total Other Public Service Expenses**  
  106,132  
  64,993  
  143,358  
  46,578  

| Public Services Net Cost | 630,585 | 564,310 | 734,531 | 555,480 |

The above table shows the breakdown of Public Service expenses by program. The bar chart below the table depicts the net profit (cost) of each of the Bar’s major functions and is presented to show how Public Services fits into the Bar’s overall operations from a cost perspective. While it represents roughly 7% of the Bar’s total expenses, it includes many of the Bar’s discretionary programs and expenses. It should be noted that the majority of expenses in the Consumer Assistance Program, Access to Justice and Tuesday Night Bar departments are staff-related, so there are fewer discretionary spending decisions short of making staffing changes.
# Utah State Bar
## FY19 Draft Budget
### Member Services

<table>
<thead>
<tr>
<th>Program Net Cost</th>
<th>Actual FY16</th>
<th>Actual FY17</th>
<th>Actual FY18</th>
<th>Projected FY19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bar Journal (0.5 FTE)</td>
<td>21,766</td>
<td>17,663</td>
<td>19,225</td>
<td>29,230</td>
</tr>
<tr>
<td>Blomquist Hale</td>
<td>73,966</td>
<td>73,958</td>
<td>73,957</td>
<td>75,000</td>
</tr>
<tr>
<td>Casemaker</td>
<td>75,643</td>
<td>68,730</td>
<td>72,785</td>
<td>72,000</td>
</tr>
<tr>
<td>Section Support (1 FTE)</td>
<td>2,048</td>
<td>(4,568)</td>
<td>(6,482)</td>
<td>(937)</td>
</tr>
<tr>
<td>Legislative</td>
<td>28,631</td>
<td>55,256</td>
<td>53,588</td>
<td>53,709</td>
</tr>
<tr>
<td>Public Education (1 FTE)</td>
<td>111,174</td>
<td>124,522</td>
<td>171,381</td>
<td>133,855</td>
</tr>
<tr>
<td>Young Lawyers Division</td>
<td>42,530</td>
<td>39,017</td>
<td>62,930</td>
<td>59,791</td>
</tr>
<tr>
<td>Staff time &amp; other expenses associated with Member Benefits</td>
<td>(549)</td>
<td>1,922</td>
<td>4,861</td>
<td>5,007</td>
</tr>
<tr>
<td><strong>Member Service Programs Net Cost</strong></td>
<td><strong>355,209</strong></td>
<td><strong>376,499</strong></td>
<td><strong>452,246</strong></td>
<td><strong>427,654</strong></td>
</tr>
</tbody>
</table>

### Other Member Services Expenses Classified Elsewhere:
- Leadership Academy: 6,598
- Bar Review: 1,465
- Breakfast of Champions: 780
- Bar Anniversary: 15,782
- Practice Portal (some capitalized): 23,100

| Total Other Member Service Expenses                  | 24,625      | 51,195      | 47,234      | 40,000        |

### Member Services Net Cost

<table>
<thead>
<tr>
<th></th>
<th>Actual FY16</th>
<th>Actual FY17</th>
<th>Actual FY18</th>
<th>Actual FY19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member Services</td>
<td>379,834</td>
<td>427,695</td>
<td>499,481</td>
<td>467,654</td>
</tr>
</tbody>
</table>

### Net Profit (Cost) By Department

The above table shows the breakdown of Member Service expenses by program. The bar chart below the table depicts the net profit (cost) of each of the Bar’s major functions and is presented to show how Member Services fits into the Bar’s overall operations from a cost perspective. While it represents roughly 10% of the Bar’s total expenses, it includes many of the Bar’s discretionary programs and expenses.
Utah State Bar  
FY19 Draft Budget  
Bar Operations

<table>
<thead>
<tr>
<th>Program Net Cost</th>
<th>Actual FY16</th>
<th>Actual FY17</th>
<th>Projected FY18</th>
<th>Draft Budget FY19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bar Management (4.5 FTEs)</td>
<td>720,598</td>
<td>720,096</td>
<td>719,415</td>
<td>751,781</td>
</tr>
<tr>
<td>General Counsel (2 FTEs)</td>
<td>247,838</td>
<td>283,242</td>
<td>307,598</td>
<td>314,061</td>
</tr>
<tr>
<td>IT (2 FTEs + 1 FTE in FY19)</td>
<td>196,108</td>
<td>223,061</td>
<td>279,696</td>
<td>345,465</td>
</tr>
<tr>
<td>Commission/Special Projects</td>
<td>226,765</td>
<td>263,756</td>
<td>257,783</td>
<td>254,255</td>
</tr>
<tr>
<td>Bar Operations, net cost</td>
<td>1,391,307</td>
<td>1,490,154</td>
<td>1,564,491</td>
<td>1,665,562</td>
</tr>
</tbody>
</table>

**Net Profit (Cost) By Department**

Bar Operations is comprised of Bar Management, General Counsel, IT and Commission/Special Projects. The majority of spending in Bar Management, General Counsel and IT is staff-related. Other non-discretionary expense items in those departments include the annual audit expense (~$30,000), outside legal counsel for UPL and Bar litigation (~$20,000), and outside technology support. A detail of spending in Commission/Special Projects follows on a subsequent schedule.
<table>
<thead>
<tr>
<th>Sum of Amount row Labels</th>
<th>Column Labels FY13</th>
<th>FY14</th>
<th>FY15</th>
<th>FY16</th>
<th>FY17</th>
<th>Projected FY18</th>
<th>Budget FY19</th>
</tr>
</thead>
<tbody>
<tr>
<td>85th Anniversary</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AAA Program (database modifications)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ABA review</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual Report</td>
<td>627</td>
<td>465</td>
<td>500</td>
<td>500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Awards</td>
<td>988</td>
<td>981</td>
<td>76</td>
<td>566</td>
<td>1,448</td>
<td>1,800</td>
<td>2,000</td>
</tr>
<tr>
<td>Bar Review</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>Pres/Pres-Elect Monthly &quot;Stipend&quot;</td>
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<td>Steve Hughes (speaker)</td>
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<td>Travel - AAA Taskforce</td>
<td></td>
<td></td>
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<td>10,743</td>
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<td>11,249</td>
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<td>15,865</td>
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<td>3,293</td>
<td>2,894</td>
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<td>1,336</td>
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<td>1,551</td>
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<td>979</td>
<td>2,600</td>
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<td>Travel - Other</td>
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<td>8,689</td>
<td>13,599</td>
<td>11,788</td>
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<td>21,258</td>
<td>23,388</td>
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<td>13,284</td>
<td>2,785</td>
<td>14,058</td>
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<td>FY15</td>
<td>FY16</td>
<td>FY17</td>
<td>Projected FY18</td>
<td>Budget FY19</td>
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<td>Office furniture &amp; fixtures</td>
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<td>3,433</td>
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<td>1,483</td>
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<td>10,472</td>
<td>-</td>
<td>-</td>
<td>63,752</td>
<td>5,669</td>
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<td>2,721</td>
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<td>Computer equipment/servers/software</td>
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<td>61,770</td>
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<td>14,913</td>
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<td>7,020</td>
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<td>Practice Portal (Euclid)</td>
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<td><strong>Total</strong></td>
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<td>811,618</td>
<td>214,729</td>
<td>103,078</td>
<td>137,033</td>
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<th>Annual Maintenance Contracts (expensed over maintenance period):</th>
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<th>FY14</th>
<th>FY15</th>
<th>FY16</th>
<th>FY17</th>
<th>Projected FY18</th>
<th>Budget FY19</th>
<th>Total</th>
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<td>26,360</td>
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<td>27,000</td>
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<td>13,200</td>
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<td>Journal Technologies Annual Maintenance</td>
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<td>6,521</td>
<td>6,848</td>
<td>7,190</td>
<td>7,300</td>
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<td>26,770</td>
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<tr>
<td>Synergy (Box Lake Networks) Admissions Database Annual Maintenance</td>
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<td>3,900</td>
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<td>3,900</td>
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<td>15,600</td>
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<tr>
<td><strong>Total</strong></td>
<td>10,111</td>
<td>35,581</td>
<td>43,708</td>
<td>44,050</td>
<td>44,800</td>
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<td>133,450</td>
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</table>

This table shows capital expenditures by general category over the last six years. Capital expenditures include spending on assets that cost $500 or more and have a useful life of at least three years. Once purchased these assets are depreciated ratably over their useful lives. A significant portion of the Bar’s capital expenditures over the last few years have been on software and building improvements (the new HVAC system). That trend will likely continue into FY19. Most purchased software also requires annual maintenance contracts (shown in the second table) which are expensed over the period of the contract. These maintenance contracts are generally ongoing for as long as the software is in use.
<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>Projected Cash Reserves, 6/30/18</td>
<td>$ 3,800,000</td>
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<tr>
<td>Add: FY19 budgeted change in cash</td>
<td>164,131</td>
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<td>Projected Cash Reserves, 6/30/18</td>
<td>3,964,131</td>
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<td>Board Designated Reserves:</td>
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<tr>
<td>Operations Reserve (6 months' operations)</td>
<td>3,335,417</td>
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<tr>
<td>Capital Replacement Reserve - Equipment</td>
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<tr>
<td>Capital Replacement Reserve - Building</td>
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</tr>
<tr>
<td>Total Board Designated Reserves</td>
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</tr>
<tr>
<td>Excess Cash Reserves over Board Designated &amp; Contingency Reserves</td>
<td>$(221,285)</td>
</tr>
</tbody>
</table>
Business Legal Services

Focus Group Report
February 2018

Prepared for

Utah State Bar

Lighthouse Research & Development, Inc.
www.go-lighthouse.com
801.446.4000
Business Legal Services
Focus Group Report

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Appendix B: Moderator’s Discussion Guide A7
Appendix C: Participant Handout A13
Introduction

Lighthouse Research & Development, Inc. was contracted by the Utah State Bar to conduct two focus groups with business owners and leaders regarding their perceptions and usage of legal services.

Objectives

The main objective of this research project was to discover participants’ perceptions and usage of legal services. To accomplish the project objectives, participants were guided through a discussion that encompassed the following topics and themes:

Identify Usage of and Perceptions of Legal Services
- Gather general perceptions of lawyers
- Identify the perceived value of lawyers, according to participants
- Determine the point at which participants would consider using a lawyer

Discover the Barriers Preventing Individuals from Using Legal Services
- Identify the barriers preventing individuals from using the services provided by a lawyer
- Determine if participants agree or disagree with possible barriers for using legal services

Understanding the Selection Process
- Identify the resources participants would rely on to find a lawyer
- Identify factors that are important to participants in choosing a lawyer
- Discover the process participants would go through to select the right lawyer for them

Determine Fee Preferences
- Determine why cost is such a barrier to using a lawyer’s services (i.e. up-front cost, hourly cost, and cost vs. benefit)
- Discover whether participants prefer a flat fee or an income-based fee when paying for legal services
- Determine the reason for participants’ preferences
Project Overview

The specific scope of work for this research project is described below:

- Recruitment of participants for each group
- Confirmation emails and reminder telephone calls to each participant
- Development of a moderator’s guide and participant handout, including specific discussion topics, questions, and ratings
- Facilitation of the focus groups
- Development of a written report of results

Research Methodology

The research methods used to complete the project are outlined in detail below.

Screener Design and Development

Lighthouse Research, in consultation with Utah State Bar personnel, prepared the participant screener. The information collected during the screening process was used to verify participant eligibility and gather demographic information.

Sampling Procedures

The recruiting for the focus groups was conducted using general public sample.

Recruiting

Experienced executive recruiters from the Lighthouse Research facility in Riverton, Utah, conducted the recruiting. Interviewers were briefed thoroughly on the screener before proceeding with recruiting. Calling hours for this recruit were between 9:00 a.m. and 9:00 p.m. on weekdays. Participants received personal emails confirming their invitation to participate and indicating the date and time of the discussion group. Careful attention was paid during the recruiting process to ensure only qualified individuals were invited.

Development of Moderator’s Guide

Lighthouse Research designed the moderator’s guide for the focus groups. The questionnaire encompassed the following topic areas:

- Identify Usage of and Perceptions of Legal Services
- Discover the Barriers Preventing Individuals from Using Legal Services
- Understanding the Selection Process
- Determine Fee Preference
Focus Group Fulfillment

A total of two focus groups were facilitated by Christie Leake, who guided participants through the topic areas outlined in the moderator's guide. The focus groups were held February 7, 2018 at the offices of Lighthouse Research & Development, Inc. in Salt Lake City, Utah.

Organization of the Report

Data collected during the interviews was analyzed for reporting. The results were compiled and are presented in this report, organized by the following areas:

- Introduction
- Conclusions and Opportunities
- Detailed Results
- Appendices

The Conclusions and Opportunities section of this report includes a summary of the research findings from the focus groups.

The Detailed Results portion of this report presents the complete findings of the research organized by topic.

The Appendices section provides frequency of results for the participant screener and focus group handout questions, verbatim open-ended responses provided by participants, and a copy of the moderator's discussion guide.

This report represents the deliverable for this portion of this contract and is presented respectfully to the project sponsors.
Conclusions and Opportunities

Based on the results of the research findings, Lighthouse Research respectfully makes the following conclusions.

Identify Usage of and Perceptions of Legal Services

- When identifying the words, thoughts and phrases that come to mind when they think of lawyers, participants mentioned both positive and negative associations. When discussing their positive associations of lawyers, multiple participants indicated that lawyers are essential in business, as they protect business from trouble and can save businesses money in the long run. However, some participants have had negative experiences with lawyers that cause them to feel they are dishonest and expensive.

- When asked to rate their perceptions of lawyers, participants, on average, gave a mid-range rating of 4.88 on the one-to-seven rating scale.

- When asked to identify the value lawyers provide to businesses, participants most frequently indicated that lawyers are beneficial 1) in an advisory capacity and 2) in protecting the business.

- When discussing the point at which they would engage the services of a lawyer, participants generally fell into one of two groups: 1) those who have lawyers on retainer and utilize their services frequently, and 2) those who would only engage a lawyer when need arises.

Understanding the Selection Process

- Participants most frequently said they would ask friends or family members for referrals, or that they would ask other lawyers they knew for a recommendation, if they needed to find a lawyer today.

- When identifying the top factors they consider when choosing a lawyer, participants most frequently mentioned 1) experience and 2) area of expertise.

Discover the Barriers Preventing Individuals from Using Legal Services

- When asked to identify the barriers that prevent businesses from using the services provided by a lawyer, participants’ main reason was cost. However, multiple participants said they choose not to use a lawyer, as they don’t see the need, as they feel they can handle many issues or situations on their own, or because they wonder if engaging a lawyer is “worth it.”

- When asked why cost is such a barrier to using legal services, participants indicated the following:
  - Legal services are far too expensive
  - Small and new businesses feel they can’t afford legal services or justify such a cost
  - Business owners feel they can handle certain issues on their own at a fraction of the cost
  - Sometimes it is less expensive to settle or pay a claim than to engage a lawyer
  - It is difficult for some business owners to recognize the value provided by lawyers
  - “Money is competing for a lot of different things”
When asked to rate their agreement with various statements relating to the barriers preventing businesses from using their services, participants, on average, gave the highest rating to "lawyers' fees are too costly," indicating they agree most with this statement.

Determine Fee Preference

- When asked to describe what lawyers do, participants frequently commented that lawyers assist businesses in providing legal defense and protection.

- When asked if they are aware of how lawyers charge, nearly all participants indicated that lawyers charge by the hour.

- When asked what they would be willing to pay for legal services if they needed to use a lawyer today, participants most frequently said they would be willing to pay $100 to $200 an hour, though participants indicated they would be willing to pay more in situations of crisis.

- When asked how valuable they would consider a one-hour meeting with a lawyer to be in various situations, participants gave the highest average mean rating to "purchase and sale of a business," the second highest rating to "writing or negotiating a contract," and the third highest rating to "real estate needs, including leases," indicating these are the situations where participants consider a consult with a lawyer to be most valuable.

- When asked how much they would be willing to pay for a one-hour meeting in each of the aforementioned situations, participants, on average, said they would pay the most for work performed on the purchase or sale of a business, followed by work related to real estate needs.

- Some participants indicated that they would be willing to pay a $100 per month retainer for access to a lawyer. When asked what they would expect to get for that monthly fee, participants said they would, at the very least, expect time and attention.

- More than one-half of participants indicated they would prefer to pay a flat fee, as opposed to an hourly fee or a sliding scale. Participants who said they would prefer a flat fee indicated that such a fee is easier to budget and plan for.

- In conclusion of the groups, participants recommended that lawyers educate business owners on the benefits lawyers can provide to businesses and show how lawyers' services are of value.
Detailed Results

Identify Usage of and Perceptions of Legal Services

Word Association

When identifying the words, thoughts and phrases that come to mind when they think of lawyers, participants mentioned both positive and negative associations. When discussing their positive associations of lawyers, multiple participants indicated that lawyers are essential in business, as they protect businesses from trouble and can save businesses money in the long run. However, some participants reported having negative perceptions of lawyers, as they have had negative experiences with lawyers that caused them to feel that lawyers are dishonest and expensive. For details, please see Table 1.

Table 1
What words, thoughts, or phrases come to your mind when you think of “lawyers”?

<table>
<thead>
<tr>
<th>Positive</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Can save your business money</td>
</tr>
<tr>
<td>• Good resource for businesses</td>
</tr>
<tr>
<td>• “They’re a good resource for making business decisions. Kind of keeps you out of trouble if you have someone you trust.”</td>
</tr>
<tr>
<td>• “Lawyers are a good resource for writing and preparing contacts.”</td>
</tr>
<tr>
<td>• Good when they are on your side</td>
</tr>
<tr>
<td>• Great when you need them</td>
</tr>
<tr>
<td>• Keeps your business out of trouble</td>
</tr>
<tr>
<td>• Necessary</td>
</tr>
<tr>
<td>• Can’t get by without them</td>
</tr>
<tr>
<td>• “They know the law better than we do.”</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Negative</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Complicated</td>
</tr>
<tr>
<td>• Dishonest</td>
</tr>
<tr>
<td>• “Crooks”</td>
</tr>
<tr>
<td>• “Liars”</td>
</tr>
<tr>
<td>• “Spinners”</td>
</tr>
<tr>
<td>• “Unethical”</td>
</tr>
<tr>
<td>• Expensive</td>
</tr>
<tr>
<td>• The best lawyers cost the most money</td>
</tr>
<tr>
<td>• Lawsuits</td>
</tr>
<tr>
<td>• Necessary evil</td>
</tr>
<tr>
<td>• Too many lawyers</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Neutral</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Contracts</td>
</tr>
<tr>
<td>• Licensed varies from state to state</td>
</tr>
</tbody>
</table>
When asked to rate their perceptions of lawyers, participants, on average, gave a mid-range rating of 4.88 on the one-to-seven rating scale.

Multiple participants gave high perception ratings when rating their impression of lawyers, as they have utilized lawyers and recognize the value they provide. One participant said, “They’ve been a tremendous resource to me throughout my career,” while another said, “When you’re doing business and you want to stay in business, you want to do it right. Those are the guys you go to.”

Some participants who gave high ratings to their perceptions of lawyers indicated that they know lawyers who have impacted their impression. One participant said, “They’re good people, honest people,” while another said, “Most of the ones that I’ve dealt with have been very much the same, very smart, knowledgeable.”

Multiple participants gave low or mid-range ratings to describe their impressions of lawyers. These participants have either had negative experiences with lawyers, or limited experience with lawyers, in general.

Value of Lawyers

When asked to identify the value lawyers provide to businesses, participants most frequently indicated that lawyers are beneficial 1) in an advisory capacity and 2) in protecting the business.

Multiple participants said lawyers are valuable in an advisory capacity. One participant said, “We use ours in an advisory position. They consult with us on a regular, four-month basis, kind of recap what’s been going on, and where we’re headed. They give us some advice and consult with us. We use them in a proactive role.”

Other participants indicated that lawyers are valuable in protecting their businesses. One participant said, “They can help set up your business the right way,” while another said, “They can keep you from getting sued.” One participant said his lawyer is valuable in terms of “risk management,” while another said, “I found it really helpful to have lawyers review my contracts.”

Participants also indicated that lawyers are valuable to businesses in that they provide peace of mind. One participant said, “Knowing you’ve got someone on your side to help you with your legal battles gives you peace of mind.”

Engaging a Lawyer

When discussing the point at which they would engage the services of a lawyer, participants generally fell into one of two groups: 1) those who have lawyers on retainer and utilize their services frequently, and 2) those who would only engage a lawyer when need arises.

Participants who said they would engage the services of a lawyer frequently indicated that they have seen the value of using a lawyer in an advisory capacity. One participant said, “I have [lawyers] on retainer, so I pull the trigger every day now.” Another said, “When my partner and I bought our business, we didn’t engage a lawyer at that point and time, but there are certain things that, looking back, we wish we would have done. Since that time, we’ve been a little bit more proactive with having attorneys on retainer and
trying to stay ahead of potential issues. We feel like it is [worth it]. It’s helped us avoid a lot of mistakes. It helps us protect parts of our business that we wouldn’t know how to protect it legally.”

Other participants don’t believe they need a lawyer except in certain situations. One participants said, “I’ve been pretty fortunate so far; we haven’t had anything really big to pull an attorney in on.”

Understanding the Selection Process

Useful Resources

When asked how they would find a lawyer if they needed to find one today, participants most frequently said they would ask friends or family members for referrals, or that they would ask other lawyers they knew for a recommendation. One participant said, “I trust my own network more than anyone,” while another said, “I would check with friends who are lawyers.”

Some participants said they would turn to social media to find a lawyer, while others said they would rely on networking groups. One participant said, “I recently looked at a lawyer who could set up franchises. I think I heard about it in one of those networking groups that meets early in the morning.”

Others indicated they would use an online search engine to search for a lawyer if they needed one.

Important Factors in Choosing a Lawyer

When identifying the top factors they consider when choosing a lawyer, participants most frequently mentioned 1) experience and 2) area of expertise. For further details, see Table 2.

Table 2
What are the top factors you would consider before choosing a lawyer?

<table>
<thead>
<tr>
<th></th>
<th>Most Important</th>
<th>Second Most Important</th>
<th>Third Most Important</th>
<th>Overall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Experience</td>
<td>1</td>
<td>6</td>
<td>4</td>
<td>11</td>
</tr>
<tr>
<td>Area of expertise</td>
<td>4</td>
<td>2</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>Referrals, references</td>
<td>6</td>
<td>1</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>Competent</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Communication</td>
<td>0</td>
<td>1</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Cost, rate</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Reputation</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Fits with personality</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Dealing with lawyer vs paralegal</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>
Other factors participants said they would consider when choosing a lawyer include:

- Risks, expectations of outcome
- Success with similar cases
- How long it takes to resolve an issue
- Education
- Google reviews

When further explaining important factors they would consider when choosing a lawyer, participants mentioned the following:

- “I don’t want a sloppy attorney who has experience but can’t hit the mark.”
- “I look for somebody that’s competent. That, to me, is the most critical key factor. We interview them. We judge based on previous experience and previous cases. Do they know what they’re talking about?”
- “I need someone who fits in with my personality. I tend to be a little more relaxed and less formal culture, so I don’t fit in very well with a more of a formal, Kirton and McConkie culture.”
- “In a business setting you need to ask cost versus recovery.”
- “Reputation is important. We needed a bulldog a few years ago, we asked around and found one.”

Discover the Barriers Preventing Individuals from Using Legal Services

Top Barriers

When asked to identify the barriers that prevent businesses from using the services provided by a lawyer, participants’ main reason was cost.

However, multiple participants said they choose not to use a lawyer, as they don’t see the need or as they don’t know at what point they should engage a lawyer. One participant said, “Where is that breaking point of when I do need one? Should I have that competence? And when is it worth the cost to get that?”

Some participants said that businesses may not even realize they need the services of a lawyer. One participant said, “Sometimes you just don’t even realize you need one. When we started up our company, we just went down, got our business license, and started plugging along. We figured things out as we went along. We just researched on our own and just did everything.”

Other participants said that businesses are hesitant to use a lawyer, as they feel they can handle many issues or situations on their own. In some instances, participants questioned what more a lawyer could do for them than they already do for themselves.

Some participants indicated they are hesitant to engage legal services, as they are fearful of using a lawyer, or as they don’t perceive the stress and time involved to engage a lawyer as being “worth it.”
Cost Barrier

When asked why cost is such a barrier to engaging a lawyer, some participants said they feel legal services are far too expensive. One participant said, “The fees are too high. It’s extremely expensive.” Another said, “Why does it have to be three hundred bucks an hour? Really?”

Some participants indicated that cost is of the utmost importance to small businesses and new businesses with extremely limited funds. One participant said, “If you’re a really small business, it just doesn’t seem to fit in the budget.” Another said, “I remember when we started our business and the revenues were very, very low. We didn’t build that into our budget. It was extremely difficult. That expense was really, really hard. It goes quick, $300 an hour is a fast burn rate.”

Multiple participants indicated that they don’t see the need for a lawyer, except in certain situations. As such, they don’t feel they can justify the cost for services they perceive they can handle themselves. One participant said, “If you’re starting out, you can go online and do an LLC for $600. Call an attorney and it’s $500 to $1,000.” Another participant said, “I don’t really feel like I need one, and with the cost so high, I definitely don’t need. I just haven’t seen the value.” One participant said, “I think a lot of times you think you can handle it, you think it will resolve itself or it will go away.”

Still, other participants perceive it is less expensive to settle or pay a claim rather than use a lawyer. One participant said, “Sometimes the cost of the lawyer is as great or greater than negotiating the problem yourself.” Another said, “A lot of times it’s easier to just pay the claim rather than try to fight it, whether you were in the wrong or not. It’s just cheaper and easier.”

Some participants indicated that it is often difficult to see the value in the services lawyers provide. One participant said, “[With the services lawyers provide,] there’s no tangible thing that you see.” Another participant said, “I think sometimes it’s hard to fully appreciate the value you’re getting for the money you’re spending.”

Some participants indicated that they feel their money would be better spent on things besides legal services. One participant said, “Money is competing for a lot of different things. Am I going to do marketing, am I going to do legal?” Another participant said, “The more money you spend, the less money you get to spend on your grandkids. If you spend it on a lawyer it’s not in your own pocket.”
Barrier Ratings

When asked to rate their agreement with various statements relating to the barriers preventing businesses from using their services, participants, on average, gave the highest rating to “lawyers’ fees are too costly,” indicating they agree most with this statement. For further details, please see Figure 1.

**Figure 1**

*Please rate your agreement with the following statements.*

*Based on a one-to-seven rating scale*

- Lawyers’ fees are too costly: 5.06
- I can take care of most business issues myself, without the help of a lawyer: 4.63
- In most circumstances, I'm not sure what a lawyer could do to help our business: 3.94
- I don’t trust lawyers: 2.25
- If I needed to find a lawyer for our company, I wouldn’t know where to start: 2.25
Determine Fee Preference

Awareness of What Lawyers Do and How They Charge

When asked to describe what lawyers do, participants frequently commented that lawyers assist businesses in providing legal defense and protection. When describing what his lawyers do, one participant said, “They’re an advocate. They help us bridge the known and the unknown. We know our business really, really well, and they know the law side of things. Along those lines, they help us dot our I’s and cross our T’s. They just help us to be compliant.”

When asked if they are aware of how lawyers charge, nearly all participants indicated that lawyers charge by the hour. One participant said, “We know the rate, but we don’t know how many hours they’re going to bill us. We don’t know what the final bill will be.”

Willingness to Pay

When asked what they would be willing to pay for legal services if they needed to use a lawyer today, participants most frequently said they would be willing to pay $100 to $200, though one participant said she would only be willing to pay $50, while another said he would be willing to pay a flat rate of $1,000.

Participants, in general, indicated that they would be willing to pay more when facing a crisis. One participant said, “You’re willing to pay more to get out of it,” while another said, “Usually the crisis lawyers are a little pricier because they’re better at dealing with crises.” Participants also perceive that crises demand more time and attention, which ultimately increases cost. One participant said, “I would expect it to cost more because of the number of hours of dealing with a problem, but the per hour price should be the same.” Another participant said, “The perspective I have is that it’s the same problem, just something that’s come urgently and the unfortunate nature is that the lawyer can’t plan for that in his schedule. It’s more of a crisis on his schedule, so then it puts a premium on their time from their perspective.”
Value of One-hour Meetings

When asked how valuable they would consider a one-hour meeting with a lawyer to be in various situations, participants gave the highest average mean rating to “purchase and sale of a business,” the second highest rating to “writing or negotiating a contract,” and the third highest rating to “real estate needs, including leases,” indicating these are the situations where participants consider a consult with a lawyer to be most valuable. Participants gave the lowest rating to “tax rules and requirements,” indicating this is the situation participants feel a consult with a lawyer would be less valuable. For further details, please see Figure 2.

![Figure 2: How valuable would you consider a one-hour meeting with a lawyer to be in the following situations? Based on a one-to-seven rating scale.](image-url)
When asked how much they would be willing to pay for a one-hour meeting in each of the aforementioned situations, participants, on average, said they would pay the most for work performed on the purchase or sale of a business, followed by work related to real estate needs. Figure 3 illustrates the average amounts participants would be willing to pay for a one-hour meeting in each of the following situations.

**Figure 3**
Assuming you needed the services of a lawyer, how much would you be willing to pay for a one-hour meeting in each of the following situations?

*Average Mean Rates*

- Purchase or sale of the business: $203.75
- Real estate needs, including leases: $167.81
- Starting a new business: $145.94
- Writing or negotiate a contract: $141.25
- Employee procedures or problems: $136.56
- Copyright, trademark, or patent issues: $135.00
- Regulation or compliance issues: $128.75
- Privacy and data protection: $125.63
- Tax rules and requirements: $119.38
- Licensing needs: $117.81
- Lending or other debt related issues: $103.75
When further discussing what they would pay for a one-hour consult, one participant said, “I think it would be valuable to be educated on what a lawyer could do for me. I’d pay $85. I think that’s what my mechanic is.” Another participant said, “Some problems cost thousands. So for just a consultation to discuss the business? Yeah, I’d pay one or two hundred bucks to see what’s going on.” One more participant said, “It might be worth a couple hundred bucks to have him come in and evaluate everything I’m doing.”

Other participants indicated that they would only consider a one-hour consult if it were offered at no cost. One participant said, “I don’t need a lawyer right now. If [the consult were] free, I’d be like, ‘Sure, I’d be interested in finding out what you can do for us.’ But if you’re going to charge me $800 or $300 or $500 just to see what you can do for me? No, [I’m not interested].”

Retainer

Some participants indicated that they would be willing to pay a $100 per month retainer for access to a lawyer. When asked what they would expect to get for that monthly fee, participants said they would, at the very least, expect time and attention. One participant said, “I would expect if I had somebody on retainer that they would at least answer my phone call when I call them. They need to pay attention to you, give you a little more priority.” Another said, “I expect somebody to answer the phone, whether it’s $100 or $12,000 a month. I expect them to answer the phone, number one.”

Other participants said they didn’t feel they could justify the cost of a monthly retainer. One participant said, “I’m not sure I could justify $100 a month on our budget. I think it’s less expensive for me to use a lawyer as needed as opposed to having one on retainer that I may or may not use.” Another participant said, “I don’t know that I would spend much money on that type of thing just because of the infrequency of using them.”

Fee Preference

Participants were asked to indicate if they would prefer paying 1) a flat fee with all legal services provided in one lump sum or 2) an hourly fee or a fee based on a sliding scale. In response, more than one-half of participants indicated they would prefer to pay a flat fee.

Participants who said they would prefer a flat fee indicated that a flat fee is easier to budget and plan for. One participant said, “I would know what the cost is going to be and I wouldn’t have any surprises. I would just budget for it. With an hourly fee, you don’t know [what it’s going to cost]. I much prefer knowing how much.”

Participants who said they would prefer an hourly rate felt that such a fee structure would be least expensive. One participant said, “I don’t need them all the time. If I do, I’d rather just pay for what they give me when I need it.” Another said, “I don’t want to feel like I’m paying for something that maybe I’m not using.”

When asked if they would be interested in a fee that decreased in hourly cost after a certain number of hours, participants answered, “yes.” One participant said, “I think that just provides them some incentive to get it done quicker,” while another said, “I really like the idea of having them have some ownership.”
Conclusion

As a concluding question, participants were asked:

"Imagine you were part of a creative team tasked with increasing usage of legal services at a law firm. What three things would you do to overcome the barriers preventing businesses from using legal services and motivate them to use your firm?"

In response, participants offered the following suggestions:

- Be engaged in the community
- Demonstrate crises that can be averted by having a legal team
  - Can the lawyer can sell me prevention, like prove to me that we’re going to avoid some crisis down the road? Plumbers can charge a ton of money if a pipe bursts in the middle of the night, but if they can come and do a routine check on the pipes and prove to me that it’s going to burst, I’m going to pay to have that preventative stuff in place. If it’s a professional and it’s going to prevent me from some kind of crisis, I’ll do it.”
- Demonstrate how lawyers are different from the negative stigma or stereotype that exists
- Educate businesses on what lawyers can do for them
  - “Show me why I need you.”
- Emphasize specific skills and abilities that would benefit businesses
- Offer affordable, reasonable fees
- Offer flat fee pricing
- Offer initial consultations at no or low cost
- Show businesses how lawyers can improve their bottom line
- Show greater accessibility in advertising
- Show the value lawyers provide for the cost paid

Participants Demographics

The majority of participants (10) were men, though nearly one-third (6) were women.

Most participants (11) reported working in Salt Lake County, though some reported working in Davis (4) or other (1) counties.

Participants identified the following as their positions or titles:

- Business owner (4)
- Business owner, office manager
- COO
- Co-owner
- Division manager
- Online auction
- Owner (3)
- Owner, president
- President (2)
- President, owner
Participants represented both small, mid-sized, and large companies. The average participant reported having between 6 and 10 employees (3.31 average mean, 3.50 median).

Participants reported having revenues less than $1 million to revenues of $21 to 50 million. The average participant reported having an approximate annual revenue for their companies as less than $1 million (1.56 average mean, 1.00 median).

Most participants (13) indicated that their companies have retained services provided by an attorney.
APPENDIX A: PARTICIPANT SCREENER

Hello, this is __________________ calling from Lighthouse Research. Our company is conducting a research discussion with business decision makers in the Salt Lake City area. If you qualify, you will be invited to attend a discussion group, which will last no more than 90 minutes. In appreciation for your help, you will receive $150.00 Cash as a thank you for your time. I assure you that we are only interested in your opinions and you will not be asked to purchase anything. Do you mind if I ask you a few questions to see if you qualify?

1. I just need to verify that you are currently employed either part-time or full-time. Is that correct?
   
   *Note: This question asked for verification purposes only.*

2. In which county do you work?

<table>
<thead>
<tr>
<th>County</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salt Lake</td>
<td>11</td>
</tr>
<tr>
<td>Davis</td>
<td>4</td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
</tr>
</tbody>
</table>

3. What is your position or title?
   - Business owner (4)
   - Business owner, office manager
   - COO
   - Co-owner
   - Division manager
   - Online auction
   - Owner (3)
   - Owner, president
   - President (2)
   - President, owner

4. Which of the following best describes your level of involvement in the decision-making process when it comes to your company needing legal services or advice?

<table>
<thead>
<tr>
<th>Level of Involvement</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Somewhat involved</td>
<td>2</td>
</tr>
<tr>
<td>Very involved</td>
<td>14</td>
</tr>
</tbody>
</table>
5. Does your company have its own in-house legal department?

Note: This question asked for verification purposes only.

6. What is the name of your company?
   - A&M Tool & Cutter & Grinder
   - Bridge Healthcare Group
   - Cubes Self Storage
   - Details, Comforts for Your Home
   - Janke Construction LLC
   - Larsen & Malmquist Inc
   - Lean on Me USA
   - Online Auction
   - Pentalon Corp.
   - Resilient Solutions Inc.
   - Scale & Tails Utah
   - Sites by Sara
   - Solar Window & Door, Inc.
   - Swim Kids
   - Walker Monument
   - Western Walls Inc.

7. Have you or has anyone in your immediate family ever worked for a company in any of the following industries? [If any of the industries below, Thank & Terminate]
   - Marketing
   - Research
   - Advertising
   - Media (television, newspaper, radio, etc.)
   - Legal sector (attorney, law, court system, etc.)
   - Government
   - No, none of the above [Continue]

Note: This question asked for verification purposes only.
8. How many people work for the company?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = 1 to 2</td>
<td>2</td>
</tr>
<tr>
<td>2 = 3 to 5</td>
<td>3</td>
</tr>
<tr>
<td>3 = 6 to 10</td>
<td>3</td>
</tr>
<tr>
<td>4 = 11 to 19</td>
<td>5</td>
</tr>
<tr>
<td>5 = 20 to 49</td>
<td>2</td>
</tr>
<tr>
<td>6 = 50 to 99</td>
<td>1</td>
</tr>
<tr>
<td>7 = 100 to 199</td>
<td>0</td>
</tr>
<tr>
<td>8 = 200 to 499</td>
<td>0</td>
</tr>
<tr>
<td>9 = 500 or more</td>
<td>0</td>
</tr>
</tbody>
</table>

Average Mean 3.31
Median 3.50

9. What is your company's approximate annual revenue?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Less than $1 million</td>
<td>10</td>
</tr>
<tr>
<td>2 = $1 to $5 million</td>
<td>5</td>
</tr>
<tr>
<td>3 = $6 to $10 million</td>
<td>0</td>
</tr>
<tr>
<td>4 = $11 to $20 million</td>
<td>0</td>
</tr>
<tr>
<td>5 = $21 to $50 million</td>
<td>1</td>
</tr>
<tr>
<td>6 = $51 to $100 million</td>
<td>0</td>
</tr>
<tr>
<td>7 = More than $100 million</td>
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Average Mean 1.56
Median 1.00
10. Has your company ever retained services provided by an attorney?

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</table>

11. How often does your company use these services?
- A few times a year
- About every other month
- As rarely as possible, last time was 5 years ago
- Every 3 to 4 years
- Every 6 months
- Monthly (2)
- Not often
- Not very often
- Once every 3 to 5 years
- Only once
- Only one time
- Quarterly

12. Record gender by observation.

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<td>Female</td>
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INVITATION [FOR THOSE WHO QUALIFY]:

We would like to invite you to participate in a group discussion that will take place on Tuesday, February 7th, 2018 at the Lighthouse Research facility located at 375 East 500 South, Salt Lake City.

Again, I assure you we are not selling anything and you will not be asked to share any personal information, only your opinions and ideas. As we mentioned earlier, you will receive $85.00 at the conclusion of the first 90-minute discussion group. Would you be willing to participate?

☐ Group 1 – Tuesday, February 7th @ 5:00 PM
☐ Group 2 – Tuesday, February 7th @ 6:30 PM

Great! We would like to be able to send you directions and a reminder before the group. Can you please confirm your name, address, and contact information? (Collect participant contact information below)

CONTACT INFORMATION

NAME ____________________________________________________________

MAILING ADDRESS ________________________________________________

CITY ________________________ ZIP CODE _____________________________

HOME PHONE ______________________ ALT. PHONE ______________________

E-MAIL ADDRESS _________________________________________________

RECRUITED BY ______________________ DATE RECRUITED _____________

SOURCE OF RECRUIT _____________________________________________

*If you have any questions or find that you can’t attend, please call us right away at 801-446-4000 so we can find a replacement. We will be giving you a reminder call prior to the group. If you care for children, please do not bring them with you because we are unable to provide child-care at our facility. Thank you for your time and for agreeing to participate in the discussion.
APPENDIX B: MODERATOR’S DISCUSSION GUIDE

Objectives

The main objective of this research project is to discover participants’ perceptions and usage of legal services. To accomplish the project objectives, participants will be guided through a discussion that encompasses the following topics and themes:

Identify Usage of and Perceptions of Legal Services
- Identify the professionals participants would use in various situations
- Gather general perceptions of lawyers
- Identify the perceived value of lawyers, according to participants
- Identify situations in which participants would consider using a lawyer
- Determine the point at which participants would consider using a lawyer

Discover the Barriers Preventing Individuals from Using Legal Services
- Identify the barriers preventing individuals from using the services provided by a lawyer
- Determine if participants agree or disagree with possible barriers for using legal services

Understanding the Selection Process
- Determine if participants have used a lawyer’s services in the past
- Discover how participants have found lawyers in the past
- Identify participants’ reasons for choosing a particular lawyer
- Identify the resources participants would rely on to find a lawyer
- Identify factors that are important to participants in choosing a lawyer
- Discover the process participants would go through to select the right lawyer for them

Determine Fee Preferences
- Determine why cost is such a barrier to using a lawyer’s services (i.e. up-front cost, hourly cost, and cost vs. benefit)
- Discover whether participants prefer a flat fee or an income-based fee when paying for legal services
- Determine the reason for participants’ preferences
Part One: 
Introduction and Greeting 
10 Minutes

Moderator Introduction
- Moderator introduction
- Ask participants to turn off cell phones
- Advise participants of video and audio taping
- Inform participants there is someone viewing the group to take notes and ensure participant ideas and opinions are recorded correctly

Purpose of Focus Group

“The reason we are here today is to gather your impressions about professional services your companies may or may not use. Each of you has been invited, based on your position within your company. I will be leading you through some discussion questions and activities to help us learn more about what you think. We are very interested in each of your personal thoughts and opinions.”

Moderator Role
- To introduce the discussion topics, ask probing questions, and guide the discussion through each of the relevant issues
- The moderator is not to guide the participants’ responses or give advice

Discussion Rules
- Speak one at a time; we want to hear all of your ideas.
- Everyone needs to participate; we need everyone’s ideas and comments.
- There are no wrong or right answers; we invited each of you here so we could understand what you know and how you feel about these topics.
- It is likely that your opinions will differ from someone else’s in the room; as such, please be respectful of others and their opinions.
- Your comments and responses will remain confidential.
- I am not an expert on the topic we will discuss. You are the experts, so please speak freely.

Participant Icebreaker

Participants will be asked to introduce themselves, including the following items in their introductions:

- Name
- Employer
- Job title and occupation
- Job description
- Favorite hobby or activity
Part Two:
Identify Usage of and Perceptions of Legal Services
10 Minutes

Q1. What words, thoughts, or phrases come to your mind when you hear the word, "lawyers"?

The moderator will capture participants' responses on the flipchart.

The moderator will ask participants to complete Page 1 in their handouts.

Q2. Using a one-to-seven rating scale where one is "very negative" and seven is "very positive," please rate your perception of lawyers. Explain.

Q3. What value do lawyers provide to businesses?
   • Prompt: What are the benefits of using a lawyer?

Q4. In what situations would your company use a lawyer?

Q5. At what point would your company decide that it's time to engage the services of a lawyer? Explain.
   • Prompt: At the onset of an issues, after receiving advice from others, when you can't handle an issue yourself, as a last resort

Part Three:
Understanding the Selection Process
15 Minutes

Q6. If your company needed the services of a lawyer today, which resources would you turn to?

Q7. If you needed to find a lawyer for a business matter today, what steps would you go through before choosing a lawyer?
   • Prompt: Step 1...
   • Prompt: Step 2...
   • Prompt: Step 3...

Q8. How do you determine if a lawyer is the right lawyer for your business needs?

The moderator will capture participants' resources on the flipchart.

Q9. Imagine your company needed to use the services of a lawyer. What factors would you consider before deciding which lawyer to use? Explain.

The moderator will capture each response on a separate index card.
Q10. Which three factors are MOST important to you in selecting a lawyer for your business?
   - Green = Most important
   - Yellow = Second most important
   - Red = Third most important

Part Four:
Discover the Barriers Preventing Individuals from Using Legal Services
15 Minutes

Q11. What barriers might prevent businesses from using the services of a lawyer? Explain.

The moderator will capture participants’ responses on the flipchart.

Q12. Of the barriers listed, which are the top three biggest barriers for businesses choosing to use the services of a lawyer? Explain.

The moderator will label these barriers on the flipchart.

The moderator will ask participants to complete Page 2 in their handouts.

Q13. Using a one-to-seven scale where one is “strongly disagree” and seven is “strongly agree,” please rate your agreement with the following statements. Explain.
   - Lawyers’ fees are too costly.
   - If I needed to find a lawyer for our company, I wouldn’t know where to start.
   - In most circumstances, I’m not sure what a lawyer could do to help our business.
   - I don’t trust lawyers.
   - I can take care of most business issues myself, without the help of a lawyer.

*The moderator will use this time to briefly consult with the client.*

The moderator will ask participants to display their rating cards and explain.

Q14. Which of these statements do you agree with MOST?
   - Prompt if “cost” is mentioned: Aside from cost, which statement do you agree with most?

Q15. Which of these statements do you LEAST agree with?
Part Five:  
Determine Fee Preference  
25 Minutes

Q16. Do you know what services lawyers perform for businesses?  
   • Prompt: Please explain what you know.  
   • Prompt: What interaction have you had with lawyers that has formed your 
     perception of what they do (i.e. personal interaction, word of mouth, media 
     portrayal, etc.)?

Q17. Do you think lawyers are portrayed accurately in the media? Explain.  
   • Prompt: How does the media portrayal of lawyers impact the general public’s 
     perception of lawyers?  
   • Prompt: Does the media’s portrayal of lawyers impact the general public’s 
     willingness to use a lawyer? Explain.

Q18. Are you aware of how lawyers charge businesses for their services?  
   • Prompt: What do you know about how lawyers charge for services?

The moderator will ask participants to complete Pages 3 and 4 in their handouts.

Q19. If your company needed to use the services of a lawyer, what would you be willing to pay 
      for legal services?

Q20. [HANDOUT ONLY] Using a one-to-seven rating scale where one is “not at all valuable” 
      and seven is “very valuable,” how valuable would you consider a one-hour meeting with 
      a lawyer to be in the following business situations?  
      • Copyright, trademark, or patent issues  
      • Employee procedures or problems  
      • Lending or other debt related issues  
      • Licensing needs  
      • Privacy and data protection  
      • Purchase or sale of the business  
      • Real estate needs, including leases  
      • Regulation or compliance issues  
      • Starting a new business  
      • Tax rules and requirements  
      • Write or negotiate a contract

The moderator will use this time to briefly consult with the client.

Q21. In which situations would a one-hour consultation with a lawyer be MOST valuable?

Q22. In which situations would a one-hour consultation with a lawyer be LEAST valuable?
Q23. Assuming you needed the services of a lawyer, how much would you be willing to pay for a one-hour meeting in each of the following situations?
- Copyright, trademark, or patent issues
- Employee procedures or problems
- Lending or other debt related issues
- Licensing needs
- Privacy and data protection
- Purchase or sale of the business
- Real estate needs, including leases
- Regulation or compliance issues
- Starting a new business
- Tax rules and requirements
- Write or negotiate a contract

Q24. Some businesses consider cost as a barrier to using a lawyer’s services.
- Prompt: Why is using a lawyer so cost prohibitive to some businesses?
- Prompt: How, exactly, is cost a barrier to using legal services for business matters? (i.e. What is it about cost that is such a barrier? Up-front costs, hourly costs, cost vs. benefit, etc.)

Q25. Which of the following would you prefer? Explain.
- A flat fee, with all legal services provided for one lump sum
- A sliding fee, where you pay for services based on company revenue

Q26. Why would a flat fee be appealing to some?

Part Six:
Conclusion
10 Minutes

Small Group Activity

The moderator will divide participants into small groups and ask them to complete Page 5 in their handouts and answer the following question.

Q27. Imagine you were part of a creative team tasked with increasing usage of legal services at a law firm. What three things would you do to overcome the barriers preventing businesses from using legal services and motivate them to use your firm?

The moderator will use this time to briefly consult with the client.

Moderator will ask participants if they have any additional comments. Moderator will also thank participants for their participation and remind them to pick up incentive envelopes.
APPENDIX C: PARTICIPANT HANDOUT

1. Using a one-to-seven rating scale where one is “very negative” and seven is “very positive,” please rate your perception of lawyers.

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<td>6</td>
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<tr>
<td>7 = Very positive</td>
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</table>

Average Mean 4.88
Median 5.00

2. Using a one-to-seven scale where one is “strongly disagree” and seven is “strongly agree,” please rate your agreement with the following statements.

Lawyers’ fees are too costly.

<table>
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<tr>
<th>Rating</th>
<th>Count</th>
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<tbody>
<tr>
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<tr>
<td>7 = Strongly agree</td>
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Average Mean 5.06
Median 5.00
If I needed to find a lawyer for our company, I wouldn’t know where to start.

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<td>7 = Strongly agree</td>
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*Average Mean: 2.25*

*Median: 2.00*

In most circumstances, I’m not sure what a lawyer could do to help our business.

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*Average Mean: 3.94*

*Median: 4.50*
I don’t trust lawyers.

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<td>7 = Strongly agree</td>
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Average Mean: 2.25
Median: 2.00

I can take care of most business issues myself, without the help of a lawyer.

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<tr>
<td>7 = Strongly agree</td>
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Average Mean: 4.63
Median: 5.00
3. If your company needed to use the services of a lawyer, what would you be willing to pay for legal services?
   - $50 to $200
   - $100 a month ongoing
   - $100 per hour
   - $100 per month
   - $150 monthly
   - $150 per hour (2)
   - $150 to $200 per hour (2)
   - $200 per hour (2)
   - $200 to $300
   - $200 to $300 per hour
   - $300
   - $500 to $1000

4. Using a one-to-seven rating scale where one is “not at all valuable” and seven is “very valuable,” how valuable would you consider a one-hour meeting with a lawyer to be in the following business situations?

   **Copyright, trademark, or patent issues**

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   *Average Mean* 4.81
   *Median* 6.00
### Employee procedures or problems

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Average Mean: 4.81  
Median: 5.00

### Lending or other debt related issues

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Average Mean: 4.00  
Median: 4.50
### Licensing needs

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*Average Mean: 4.13  Median: 4.00*

### Privacy and data protection

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*Average Mean: 4.06  Median: 4.00*
Purchase or sale of the business

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Average Mean: 6.19  
Median: 7.00

Real estate needs, including leases

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Average Mean: 5.50  
Median: 6.00
### Regulation or compliance issues

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*Average Mean: 4.88*

*Median: 5.50*

### Starting a new business

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*Average Mean: 5.19*

*Median: 6.00*
Tax rules and requirements

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<td>3.88</td>
<td>4.00</td>
</tr>
</tbody>
</table>

Writing or negotiate a contract

<table>
<thead>
<tr>
<th>Count</th>
<th>1 = Not at all valuable</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7 = Very valuable</th>
<th>Average Mean</th>
<th>Median</th>
</tr>
</thead>
<tbody>
<tr>
<td>Count</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>5</td>
<td>5</td>
<td>5.56</td>
<td>6.00</td>
</tr>
</tbody>
</table>
5. Assuming you needed the services of a lawyer for your business needs, how much would you be willing to pay for a one-hour meeting in each of the following situations?

**Copyright, trademark, or patent issues**

*Average Mean: $135.00, Median: $125.00*

- $0 (2)
- $50
- $85
- $100 (4)
- $150 (2)
- $150 to $200
- $200 (3)
- $200 to $300
- $300

**Employee procedures or problems**

*Average Mean: $136.56, Median: $150.00*

- $50 (2)
- $75
- $85
- $100 (3)
- $150 (4)
- $150 to $200
- $200 (3)
- $200 to $300

**Lending or other debt related issues**

*Average Mean: $103.75, Median: $100.00*

- $0
- $50 (3)
- $85
- $100 (6)
- $125 (2)
- $150
- $150 to $200
- $200 to $300
Licensing needs

Average Mean: $117.81, Median: $100.00
- $0
- $50 (3)
- $85
- $100 (4)
- $125
- $150 (2)
- $150 to $200
- $200 (2)
- $200 to $300

Privacy and data protection

Average Mean: $125.63, Median: $100.00
- $0 (2)
- $50
- $85
- $100 (5)
- $150 (3)
- $150 to $200
- $200
- $200 to $300
- $300

Purchase or sale of the business

Average Mean: $203.75, Median: $200.00
- $85
- $100
- $150 (3)
- $150 to $200
- $200 (5)
- $200 to $300
- $300 (2)
- $500
Real estate needs, including leases

Average Mean: $167.81, Median: $150.00

- $0
- $85
- $100 (4)
- $150 (3)
- $150 to $200
- $200 (3)
- $200 to $300
- $225
- $500

Regulation or compliance issues

Average Mean: $128.75, Median: $137.50

- $0
- $50
- $75
- $85
- $100 (3)
- $125
- $150 (4)
- $150 to $200
- $200 (2)
- $200 to $300

Starting a new business

Average Mean: $145.94, Median: $150.00

- $50
- $75
- $85
- $100 (4)
- $150 (3)
- $150 to $200
- $200 (3)
- $200 to $300
- $250
Tax rules and requirements

Average Mean: $119.38, Median: $137.50

- $0
- $25
- $85
- $100 (3)
- $125
- $150 (5)
- $150 to $200
- $200
- $200 to $300

Writing or negotiate a contract

Average Mean: $141.25, Median: $150.00

- $0
- $50
- $85
- $100
- $150 (6)
- $150 to $200
- $200
- $200 to $300
- $300

6. Which of the following would you prefer?

<table>
<thead>
<tr>
<th>A flat fee, with all legal services provided for one lump sum</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>A sliding scale (Group 1) or an hourly rate (Group 2)</td>
<td>7</td>
</tr>
</tbody>
</table>
7. Imagine you were part of a creative team tasked with increasing usage of legal services at a law firm. What three things would you do to overcome the barriers preventing businesses from using legal services and motivate them to use your firm?

- Flat rate fees. Improve advertising to show greater accessibility. Reasonable fees.
- Give a heavy discount to get me in the door. Come check us out. Discuss rate and what a lawyer can provide for the company. Use best current marketing platform. Educate potential clients.
- Make it affordable. Different cost strategy and payment options (bonus, profit sharing for speed and desired outcome). Make services worth what you pay. Educate business owners to what the costs give you. Lawyers should try to communicate similar specific cases. Communicate the process for you. Share ideas of how they can help you improve your bottom line. Pass the word when a lawyer does a good job. Have lawyers tell what makes them different than the stereotypical lawyer.
- Personal visits. Provide education. Let them know your skills and abilities so they can see future benefits.
- Show me why I need you. Person to person relationship. Be able to negotiate with clients. Examples of how they have helped businesses. Show me how you can save me money.
- Tell me what the value is. What crisis can we avert by having a legal team. We are trustworthy advocates. We listen, we are available. We save you money with fair agreements, contracts, etc.
- The fee has to be reasonable and explained up front. Low cost for the initial consultation. Offer corporate or partnership reviews. Offer rates depending on who is doing the work (i.e. paralegal).
- We’re on your side. Break the good old boys’ society perception. Engage community, be part of the people.
APPENDIX A: SURVEY RESULTS
Preliminary Results – February 1, 2018

Hello, my name is ____________, calling on behalf of The Utah State Bar. We’re conducting a survey with Utah business decision makers about their perceptions and usage of legal services. May I ask you some questions?

1. Do you or does anyone in your household work in any of the following industries? Please say yes or no to each.

<table>
<thead>
<tr>
<th>Industry</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education</td>
<td>15</td>
<td>11%</td>
</tr>
<tr>
<td>Healthcare</td>
<td>27</td>
<td>19%</td>
</tr>
<tr>
<td>Legal Services [Thank &amp; Terminate]</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Marketing Research</td>
<td>3</td>
<td>2%</td>
</tr>
<tr>
<td>None of the Above</td>
<td>99</td>
<td>71%</td>
</tr>
</tbody>
</table>

2. What is your current job title or position in your company? [Open Ended]

3. Which of the following best describes your level of involvement in the decision making process when it comes to your company needing legal services or advice? Would you say you are...

<table>
<thead>
<tr>
<th>Level of Involvement</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all Involved [Thank &amp; Terminate]</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Not Very Involved [Thank &amp; Terminate]</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Somewhat Involved</td>
<td>15</td>
<td>10%</td>
</tr>
<tr>
<td>Very Involved</td>
<td>132</td>
<td>90%</td>
</tr>
</tbody>
</table>

4. Does your company have its own in-house legal department?

<table>
<thead>
<tr>
<th>Legal Department Status</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes [Thank &amp; Terminate]</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>No</td>
<td>147</td>
<td>100%</td>
</tr>
</tbody>
</table>
5. Do you currently work in the state of Utah?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>147</td>
<td>100%</td>
</tr>
<tr>
<td>No [Thank &amp; Terminate]</td>
<td>0</td>
<td>0%</td>
</tr>
</tbody>
</table>

6. What county do you WORK in?

<table>
<thead>
<tr>
<th>County</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beaver</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Box Elder</td>
<td>4</td>
<td>3%</td>
</tr>
<tr>
<td>Cache</td>
<td>5</td>
<td>3%</td>
</tr>
<tr>
<td>Carbon</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Daggett</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Davis</td>
<td>16</td>
<td>11%</td>
</tr>
<tr>
<td>Duchesne</td>
<td>3</td>
<td>2%</td>
</tr>
<tr>
<td>Emery</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Garfield</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Grand</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Iron</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Juab</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Kane</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Millard</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Morgan</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Piute</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Rich</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Salt Lake</td>
<td>52</td>
<td>35%</td>
</tr>
<tr>
<td>San Juan</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Sanpete</td>
<td>6</td>
<td>4%</td>
</tr>
<tr>
<td>Sevier</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Summit</td>
<td>5</td>
<td>3%</td>
</tr>
<tr>
<td>Tooele</td>
<td>3</td>
<td>2%</td>
</tr>
<tr>
<td>Uintah</td>
<td>3</td>
<td>2%</td>
</tr>
<tr>
<td>Utah</td>
<td>16</td>
<td>11%</td>
</tr>
<tr>
<td>Wasatch</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Washington</td>
<td>11</td>
<td>8%</td>
</tr>
<tr>
<td>Wayne</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Weber</td>
<td>7</td>
<td>5%</td>
</tr>
</tbody>
</table>
7. Record gender by observation,

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>99</td>
<td>67%</td>
</tr>
<tr>
<td>Female</td>
<td>48</td>
<td>33%</td>
</tr>
</tbody>
</table>

8. First, I would like to ask you where or who would you go to if your company needed assistance with each of the following? Where or who would you go to if you needed assistance with...

**Employee Procedures or Problems**

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Friend, Family Member, Coworker</td>
<td>13</td>
<td>9%</td>
</tr>
<tr>
<td>Financial Advisor</td>
<td>7</td>
<td>5%</td>
</tr>
<tr>
<td>Lawyer</td>
<td>32</td>
<td>22%</td>
</tr>
<tr>
<td>Internet (specify)</td>
<td>7</td>
<td>5%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>33</td>
<td>22%</td>
</tr>
<tr>
<td>I Would NOT Seek Advice / I Would Deal with It Myself</td>
<td>37</td>
<td>25%</td>
</tr>
<tr>
<td>Don’t Know</td>
<td>22</td>
<td>15%</td>
</tr>
</tbody>
</table>

*(For a list of verbatim ‘other’ responses, see Appendix E.)*

**The Purchase or Sale of the Business**

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Friend, Family Member, Coworker</td>
<td>13</td>
<td>9%</td>
</tr>
<tr>
<td>Financial Advisor</td>
<td>18</td>
<td>12%</td>
</tr>
<tr>
<td>Lawyer</td>
<td>44</td>
<td>30%</td>
</tr>
<tr>
<td>Internet (specify)</td>
<td>3</td>
<td>2%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>36</td>
<td>25%</td>
</tr>
<tr>
<td>I Would NOT Seek Advice / I Would Deal with It Myself</td>
<td>10</td>
<td>7%</td>
</tr>
<tr>
<td>Don’t Know</td>
<td>31</td>
<td>21%</td>
</tr>
</tbody>
</table>

*(For a list of verbatim ‘other’ responses, see Appendix E.)*
## Starting a New Business

<table>
<thead>
<tr>
<th>Source</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Friend, Family Member, Coworker</td>
<td>10</td>
<td>7%</td>
</tr>
<tr>
<td>Financial Advisor</td>
<td>29</td>
<td>20%</td>
</tr>
<tr>
<td>Lawyer</td>
<td>36</td>
<td>25%</td>
</tr>
<tr>
<td>Internet (specify)</td>
<td>7</td>
<td>5%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>22</td>
<td>15%</td>
</tr>
<tr>
<td>I Would NOT Seek Advice / I Would Deal with It Myself</td>
<td>27</td>
<td>18%</td>
</tr>
<tr>
<td>Don't Know</td>
<td>23</td>
<td>16%</td>
</tr>
</tbody>
</table>

(For a list of verbatim 'other' responses, see Appendix E.)

## Tax Rules and Requirements

<table>
<thead>
<tr>
<th>Source</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Friend, Family Member, Coworker</td>
<td>9</td>
<td>6%</td>
</tr>
<tr>
<td>Financial Advisor</td>
<td>91</td>
<td>62%</td>
</tr>
<tr>
<td>Lawyer</td>
<td>13</td>
<td>9%</td>
</tr>
<tr>
<td>Internet (specify)</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>32</td>
<td>22%</td>
</tr>
<tr>
<td>I Would NOT Seek Advice / I Would Deal with It Myself</td>
<td>5</td>
<td>3%</td>
</tr>
<tr>
<td>Don't Know</td>
<td>3</td>
<td>2%</td>
</tr>
</tbody>
</table>

(For a list of verbatim 'other' responses, see Appendix E.)
## Writing or Negotiating a Contract

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Friend, Family Member, Coworker</td>
<td>9</td>
<td>6%</td>
</tr>
<tr>
<td>Financial Advisor</td>
<td>6</td>
<td>4%</td>
</tr>
<tr>
<td>Lawyer</td>
<td>78</td>
<td>53%</td>
</tr>
<tr>
<td>Internet (specify)</td>
<td>3</td>
<td>2%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>18</td>
<td>12%</td>
</tr>
<tr>
<td>I Would NOT Seek Advice / I Would Deal with It Myself</td>
<td>21</td>
<td>14%</td>
</tr>
<tr>
<td>Don’t Know</td>
<td>13</td>
<td>9%</td>
</tr>
</tbody>
</table>

*(For a list of verbatim ‘other’ responses, see Appendix E.)*

9. For what situations might your company use a lawyer?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copyright, Trademark, or Patent Issues</td>
<td>9</td>
<td>6%</td>
</tr>
<tr>
<td>Employee Procedures or Problems</td>
<td>12</td>
<td>8%</td>
</tr>
<tr>
<td>Lending or Other Debt Related Issues</td>
<td>5</td>
<td>3%</td>
</tr>
<tr>
<td>Licensing Needs</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Privacy and Data Protection</td>
<td>6</td>
<td>4%</td>
</tr>
<tr>
<td>Purchase or Sale of the Business</td>
<td>12</td>
<td>8%</td>
</tr>
<tr>
<td>Real Estate Needs, Including Leases</td>
<td>7</td>
<td>5%</td>
</tr>
<tr>
<td>Regulation or Compliance Issues</td>
<td>8</td>
<td>5%</td>
</tr>
<tr>
<td>Starting a New Business</td>
<td>5</td>
<td>3%</td>
</tr>
<tr>
<td>Tax Rules and Requirements</td>
<td>4</td>
<td>3%</td>
</tr>
<tr>
<td>Write or Negotiate a Contract</td>
<td>16</td>
<td>11%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>86</td>
<td>59%</td>
</tr>
<tr>
<td>Don’t Know</td>
<td>16</td>
<td>11%</td>
</tr>
</tbody>
</table>

*(For a list of verbatim ‘other’ responses, see Appendix E.)*
10. Has your company ever used the services of a lawyer before?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>100</td>
<td>68%</td>
</tr>
<tr>
<td>No</td>
<td>47</td>
<td>32%</td>
</tr>
<tr>
<td>Don’t Remember</td>
<td>0</td>
<td>0%</td>
</tr>
</tbody>
</table>

11. If “yes” in Q10, ASK: Where or how did you find that lawyer?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising (TV, Radio, Newspaper, Billboards, etc.)</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Internet Search / Google</td>
<td>7</td>
<td>7%</td>
</tr>
<tr>
<td>Word of Mouth (Friend, Family, Co-worker)</td>
<td>54</td>
<td>54%</td>
</tr>
<tr>
<td>I Personally Know the Lawyer</td>
<td>21</td>
<td>21%</td>
</tr>
<tr>
<td>Through Another Business (Realtor, Broker, Financial Advisor, etc.)</td>
<td>6</td>
<td>6%</td>
</tr>
<tr>
<td>They Were Assigned to Me by the Court</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>I’ve Used This Lawyer or Law Firm Before</td>
<td>6</td>
<td>6%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>12</td>
<td>12%</td>
</tr>
<tr>
<td>Don’t Remember</td>
<td>0</td>
<td>0%</td>
</tr>
</tbody>
</table>

(For a list of verbatim 'other' responses, see Appendix E.)
12. If “yes” in Q10, ASK: What was the situation your company used a lawyer for most recently? (Unaided)

<table>
<thead>
<tr>
<th>Situation</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copyright, Trademark, or Patent Issues</td>
<td>9</td>
<td>9%</td>
</tr>
<tr>
<td>Employee Procedures or Problems</td>
<td>5</td>
<td>5%</td>
</tr>
<tr>
<td>Lending or Other Debt Related Issues</td>
<td>8</td>
<td>8%</td>
</tr>
<tr>
<td>Licensing Needs</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Privacy and Data Protection</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Purchase or Sale of the Business</td>
<td>8</td>
<td>8%</td>
</tr>
<tr>
<td>Real Estate Needs, Including Leases</td>
<td>8</td>
<td>8%</td>
</tr>
<tr>
<td>Regulation or Compliance Issues</td>
<td>3</td>
<td>3%</td>
</tr>
<tr>
<td>Starting a New Business</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Tax Rules and Requirements</td>
<td>3</td>
<td>3%</td>
</tr>
<tr>
<td>Write or Negotiate a Contract</td>
<td>7</td>
<td>7%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>43</td>
<td>43%</td>
</tr>
<tr>
<td>Don’t Know</td>
<td>3</td>
<td>3%</td>
</tr>
</tbody>
</table>

(For a list of verbatim ‘other’ responses, see Appendix E.)

13. If “yes” in Q10, ASK: What was the MAIN reason your company decided to hire a lawyer in that situation, rather than handling the situation by yourself or through other means? [Open Ended]

(For a list of verbatim responses, see Appendix B.)
14. Imagine your company needed the assistance of a lawyer today. Where would you go to find a lawyer?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>I Already Have a Lawyer</td>
<td>38</td>
<td>26%</td>
</tr>
<tr>
<td>I Personally Know a Lawyer</td>
<td>39</td>
<td>27%</td>
</tr>
<tr>
<td>Internet Search / Google</td>
<td>21</td>
<td>14%</td>
</tr>
<tr>
<td>Referral / Word of Mouth (Friend, Family, Coworker)</td>
<td>40</td>
<td>27%</td>
</tr>
<tr>
<td>Rating or Review Website</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>21</td>
<td>14%</td>
</tr>
<tr>
<td>Don’t Know</td>
<td>1</td>
<td>1%</td>
</tr>
</tbody>
</table>

15. Using a one-to-seven rating scale where one is "very negative," seven is "very positive," and four is "neutral," please rate your impression of lawyers.

<table>
<thead>
<tr>
<th>Rating</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Very Negative</td>
<td>8</td>
<td>6%</td>
</tr>
<tr>
<td>2</td>
<td>4</td>
<td>3%</td>
</tr>
<tr>
<td>3</td>
<td>10</td>
<td>7%</td>
</tr>
<tr>
<td>4 Neutral</td>
<td>51</td>
<td>35%</td>
</tr>
<tr>
<td>5</td>
<td>24</td>
<td>17%</td>
</tr>
<tr>
<td>6 Very Positive</td>
<td>30</td>
<td>21%</td>
</tr>
<tr>
<td>7 Average Mean</td>
<td>17</td>
<td>12%</td>
</tr>
</tbody>
</table>

**Average Mean** 4.65
**Median** 4.00

Don’t Know 1 1%
16. I am now going to read you a list of various situations individuals may find themselves in, and I would like you to rate how likely you would be to use a lawyer if you were in each of those situations. Please use a one-to-seven scale where one is "not at all likely" and seven is "very likely."

**Copyright, Trademark, or Patent Issues**

<table>
<thead>
<tr>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>2</td>
<td>7   5%</td>
</tr>
<tr>
<td>3</td>
<td>2   1%</td>
</tr>
<tr>
<td>4</td>
<td>11  8%</td>
</tr>
<tr>
<td>5</td>
<td>11  8%</td>
</tr>
<tr>
<td>6</td>
<td>23  16%</td>
</tr>
<tr>
<td>7 = Very Likely</td>
<td>65  44%</td>
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</tbody>
</table>

*Average Mean: 5.06  Median: 6.00*

**Employee Procedures or Problems**

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<td>12  8%</td>
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<td>4</td>
<td>28  19%</td>
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<td>19  13%</td>
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<tr>
<td>6</td>
<td>7   5%</td>
</tr>
<tr>
<td>7 = Very Likely</td>
<td>14  10%</td>
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*Average Mean: 3.22  Median: 3.00*

**Don't Know**

<table>
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<td>1   1%</td>
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</tbody>
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### Lending or Other Debt Related Issues

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<tr>
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<td>16</td>
<td>11%</td>
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<tr>
<td>4</td>
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<td>17%</td>
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<tr>
<td>6</td>
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<td>5%</td>
</tr>
<tr>
<td>7 = Very Likely</td>
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<td>10%</td>
</tr>
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<tr>
<td><strong>Median</strong></td>
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### Licensing Needs

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<td>6</td>
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<td>4%</td>
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Privacy and Data Protection

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<td>13</td>
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<tr>
<td>6</td>
<td>11</td>
</tr>
<tr>
<td>7 = Very Likely</td>
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Average Mean: 3.22  
Median: 3.00

Don't Know | 1 | 1%

Purchase or Sale of the Business

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<td>7 = Very Likely</td>
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Average Mean: 5.03  
Median: 6.00

Don't Know | 0 | 0%
Real Estate Needs, Including Leases

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<td>13</td>
</tr>
<tr>
<td>7 = Very Likely</td>
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<tr>
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Regulation or Compliance Issues

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<td>21</td>
</tr>
<tr>
<td>6</td>
<td>13</td>
</tr>
<tr>
<td>7 = Very Likely</td>
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<tr>
<td>Average Mean</td>
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</tr>
<tr>
<td>Median</td>
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<tr>
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### Starting a New Business

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</thead>
<tbody>
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<td>36</td>
<td>25%</td>
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<tr>
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<td>16</td>
<td>11%</td>
</tr>
<tr>
<td>3</td>
<td>10</td>
<td>7%</td>
</tr>
<tr>
<td>4</td>
<td>27</td>
<td>18%</td>
</tr>
<tr>
<td>5</td>
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<td>10%</td>
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<tr>
<td>6</td>
<td>10</td>
<td>7%</td>
</tr>
<tr>
<td>7 = Very Likely</td>
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<td>22%</td>
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</table>

**Average Mean**: 3.89  
**Median**: 4.00

<table>
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<th>%</th>
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<tbody>
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### Tax Rules and Requirements

<table>
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<tr>
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<td>44%</td>
</tr>
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<td>12%</td>
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<td>4</td>
<td>23</td>
<td>16%</td>
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<tr>
<td>5</td>
<td>14</td>
<td>10%</td>
</tr>
<tr>
<td>6</td>
<td>8</td>
<td>5%</td>
</tr>
<tr>
<td>7 = Very Likely</td>
<td>10</td>
<td>7%</td>
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</table>

**Average Mean**: 2.84  
**Median**: 2.00

<table>
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<tbody>
<tr>
<td>Don't Know</td>
<td>1</td>
<td>1%</td>
</tr>
</tbody>
</table>
### Write or Negotiate a Contract

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Not at all Likely</td>
<td>27</td>
<td>18%</td>
</tr>
<tr>
<td>2</td>
<td>9</td>
<td>6%</td>
</tr>
<tr>
<td>3</td>
<td>13</td>
<td>9%</td>
</tr>
<tr>
<td>4</td>
<td>15</td>
<td>10%</td>
</tr>
<tr>
<td>5</td>
<td>17</td>
<td>12%</td>
</tr>
<tr>
<td>6</td>
<td>17</td>
<td>12%</td>
</tr>
<tr>
<td>7 = Very Likely</td>
<td>48</td>
<td>33%</td>
</tr>
<tr>
<td><strong>Average Mean</strong></td>
<td><strong>4.57</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Median</strong></td>
<td><strong>5.00</strong></td>
<td></td>
</tr>
<tr>
<td>Don't Know</td>
<td>1</td>
<td>1%</td>
</tr>
</tbody>
</table>
17. What do you believe is the **biggest** barrier preventing businesses from using services provided by a lawyer?

<table>
<thead>
<tr>
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<th>%</th>
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<tbody>
<tr>
<td>Cost</td>
<td>99</td>
<td>68%</td>
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<tr>
<td>Not Knowing Where to Start</td>
<td>5</td>
<td>3%</td>
</tr>
<tr>
<td>Not Knowing How a Lawyer Can Help</td>
<td>7</td>
<td>5%</td>
</tr>
<tr>
<td>Lack of Trust</td>
<td>4</td>
<td>3%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>25</td>
<td>17%</td>
</tr>
<tr>
<td>Don't Know</td>
<td>6</td>
<td>4%</td>
</tr>
</tbody>
</table>

*For a list of verbatim 'other' responses, see Appendix E.*

18. What do you believe is the NEXT biggest barrier?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost</td>
<td>23</td>
<td>17%</td>
</tr>
<tr>
<td>Not Knowing Where to Start</td>
<td>9</td>
<td>7%</td>
</tr>
<tr>
<td>Not Knowing How a Lawyer Can Help</td>
<td>14</td>
<td>10%</td>
</tr>
<tr>
<td>Lack of Trust</td>
<td>22</td>
<td>16%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>44</td>
<td>32%</td>
</tr>
<tr>
<td>Don't Know / No Other Barriers</td>
<td>27</td>
<td>19%</td>
</tr>
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</table>

*For a list of verbatim 'other' responses, see Appendix E.*
19. If your company were to utilize the services provided by a lawyer, which of the following types of fee arrangements would you prefer? Would you prefer...

<table>
<thead>
<tr>
<th>Type of Fee Arrangement</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Set Amount for a Specific Task or Service</td>
<td>36</td>
<td>25%</td>
</tr>
<tr>
<td>A Firm Quote for an Entire Case or Project</td>
<td>45</td>
<td>31%</td>
</tr>
<tr>
<td>An Hourly Rate</td>
<td>26</td>
<td>18%</td>
</tr>
<tr>
<td>A Fee That Depended on the Result, whether in Part or in Whole</td>
<td>17</td>
<td>12%</td>
</tr>
<tr>
<td>A Monthly Charge for Certain Ongoing Services</td>
<td>11</td>
<td>8%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>9</td>
<td>6%</td>
</tr>
<tr>
<td>Don't Know</td>
<td>3</td>
<td>2%</td>
</tr>
</tbody>
</table>

(For a list of verbatim 'other' responses, see Appendix E.)

20. Using a one-to-seven scale where one is "not at all interested" and seven is "very interested," how interested would your company be in having a lawyer on retainer to handle company business matters, such as taxes, licensing, keeping you apprised of new laws, keeping track of paperwork, drafting contracts, and keeping corporate minutes?

<table>
<thead>
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<th>Interest Level</th>
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<td>87</td>
<td>59%</td>
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<td>7</td>
<td>5%</td>
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<tr>
<td>4</td>
<td>9</td>
<td>6%</td>
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<td>5</td>
<td>6</td>
<td>4%</td>
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<tr>
<td>6</td>
<td>3</td>
<td>2%</td>
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<tr>
<td>7 = Very Interested</td>
<td>10</td>
<td>7%</td>
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Average Mean: 2.12
Median: 1.00
Don't Know: 0
Demographic Questions

21. What industry best describes your company?

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<td>Agriculture</td>
<td>0</td>
<td>0%</td>
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<tr>
<td>Business Services</td>
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<td>1%</td>
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<tr>
<td>Construction</td>
<td>25</td>
<td>17%</td>
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<td>Government / Schools</td>
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<td>6%</td>
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<td>Insurance</td>
<td>4</td>
<td>3%</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>8</td>
<td>5%</td>
</tr>
<tr>
<td>Oil / Gas / Mining</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Real Estate</td>
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<td>2%</td>
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<td>Restaurant</td>
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</tr>
<tr>
<td>Retail / Wholesale</td>
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<td>9%</td>
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<td>Technology</td>
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<td>3%</td>
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<td>Trucking / Transportation</td>
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<tr>
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<tr>
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<td>1</td>
<td>1%</td>
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(For a list of verbatim 'other' responses, see Appendix E.)
22. How many employees does your company have?

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<td>10%</td>
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<td>35%</td>
</tr>
<tr>
<td>3 = 6 to 10</td>
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<td>31%</td>
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<td>4 = 11 to 19</td>
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<td>15%</td>
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<td>5 = 20 to 49</td>
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<td>6%</td>
</tr>
<tr>
<td>6 = 50 to 99</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>7 = 100 to 199</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>8 = 200 to 499</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>9 = 500 or More</td>
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</table>

Average Mean: 2.81
Median: 3.00

Don’t Know: 2 (1%)

23. What is your company’s annual revenue?

<table>
<thead>
<tr>
<th></th>
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<tr>
<td>1 = Less than $1 Million</td>
<td>71</td>
<td>55%</td>
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<tr>
<td>2 = $1-5 Million</td>
<td>44</td>
<td>34%</td>
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<tr>
<td>3 = $6-10 Million</td>
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<td>2%</td>
</tr>
<tr>
<td>4 = $11-20 Million</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>5 = $21-50 Million</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>6 = $51-100 Million</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>7 = More than $100 Million</td>
<td>3</td>
<td>2%</td>
</tr>
</tbody>
</table>

Average Mean: 1.60
Median: 1.00

Don’t Know: 7 (5%)

This concludes our survey. We thank you for your time and opinions.
APPENDIX B: REASONS RESPONDENT’S COMPANY HIRED A LAWYER

What was the MAIN reason your company decided to hire a lawyer in that situation, rather than handling the situation by yourself or through other means?

- Because of the paper work and making sure it was all done right.
- Complexity and lack of knowledge
- For liability and to find resolution on selling or the payment
- For peace of mind to make sure all the i's are dotted and t's are crossed.
- For trusts for our children
- He had to counsel me. I haven't gone to court yet.
- Hopefully they would get it handled.
- I already tried handling it myself for over a year but I couldn't get my money.
- I am not an expert in law.
- I am not sure, self-protection
- I could not handle it and personally needed a lawyer.
- I couldn't tell you why we did that because the owner did it, but it makes no difference because we didn't get any money.
- I don't understand patent law.
- I ended up handling it myself. I just went to get his input for this deposition, but he didn't represent me or charge me anything.
- I had him on retainer and might as well use him.
- I have no idea how to do a probate. I think you need an attorney for it.
- I just thought it would be smart to have professional advice.
- I needed someone to use legal words to write up the contract.
- I think that it was a big enough purchase. I negotiated the contract and he wrote it up.
- I think they are more effective at accomplishing the task. Getting a letter from an attorney is more intimidating than a collection agency.
- I thought it was better to have a lawyer with me.
- I tried to handle it on my own and it was getting ridiculous and I had to get someone with a higher power.
- I want it done legally correct for the correct set up.
- I was already having to deal with another attorney for knowledge.
- I was not qualified to handle it myself.
- If somebody is challenging you and you want to make sure you're doing everything properly and not have to worry about other problems later.
- It involved mediation.
- It just seemed like a logical solution to get a lawyer.
- It seemed like the thing to do.
- It was a bad accident.
- It was a collection.
- It was a complicated matter and needed someone that knew what they were doing, someone professional.
- It was a huge ordeal.
- It was a small lease
• It was beyond our level of expertise.
• It was for collections.
• It was required.
• It was the seller of the business's lawyer.
• It's what their expertise is.
• Just legal jargon and convenience
• Just the amount of the debt to be collected.
• Lack of expertise
• Legal concerns
• Legal knowledge
• Liabilities
• Liabilities. He knows the law and the best course to take for our situation.
• Looking at the complexity of the lawsuit
• Not knowing what to do and needing professional advice
• Our accountant also has the ability to do it, so when things come up and it is out of our realm, he is available.
• Peace of mind
• Prudence to make sure all the i's were dotted and make sure you are not just making something up.
• So that it was does right.
• Technical expertise
• The contract was quite complicated.
• The cost
• The other company was a much bigger company than us and we needed someone that knew law.
• The other parties hired an attorney.
• The other people had an attorney.
• The other person was in the wrong and they didn't want to pay for the damages, and we needed legal support.
• The thing was done with the intent to do damage. Utah has issues and I am not Mormon and I prefer to go out of State. I have no faith in the San Juan County legal department or system.
• Theft
• There were too many details with the stipulations and the agreement, so we had to have the legal verbage for the binding.
• They know more than I do.
• They sued us so I countered sued one.
• They were a big corporation, so we needed an attorney to go after them.
• They're smarter than me.
• This was someone else's properties and we wanted to make sure that we were doing it the right way.
• To cut through all the red tape and find out how to do it the best way.
• To do it right
• To have legal backup
• To have the technical expertise
• To identify a remedy
• To make sure I wasn't overlooking anything
• To make sure it was done right
To put a lien on my home
To try to at least send out letters and see if that would collect the money.
We are familiar with the lawyer and it was a serious situation.
We are not lawyers, we don’t know the law. You always need a lawyer.
We did it on our own and got nowhere.
We didn’t feel like we had enough experience.
We don’t have anybody that was familiar with that.
We had a lawyer, but it was basically handled by ourselves through two of the family members who are executors to the estate. My dad had all of his ducks in a row. He had his estate and will all figured out before and it made things easy to execute.
We had to go through collections. For small claims court we deal with anything under $10,000, but then we get an attorney for anything over that.
We have a lawyer that we have retained, so we just utilized his services on it. It is something that has more bite coming from a lawyer than from a couple of guys through certified mail.
We just didn’t know the proper steps to follow, so it was mostly just for counsel.
We just didn’t know what we were doing.
We just wanted to make sure everything is taken care of. I did a non-compete clause so the guy I bought the company off of wouldn’t compete.
We needed a stronger position.
We needed an attorney to review it.
We needed legal advice.
We needed the legal advice.
We thought it needed to be done legally.
We tried doing it ourselves and she wouldn’t take it down so we had to hire a lawyer.
We tried it before ourselves but it didn’t work out.
We tried to do it ourselves but could not get any money out of them so we got an attorney.
We wanted it done right.
We wanted the sharpest knife in the drawer.
We were being sued.
We were dealing with an ambulance chaser.
General Public Legal Services

Focus Group Report

February 2018

Prepared for

Utah State Bar

Lighthouse Research & Development, Inc.
www.go-lighthouse.com
801.446.4000
General Public Legal Services  
Focus Group Report  

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<th>Section</th>
<th>Page</th>
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</tr>
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<td>Conclusions and Opportunities</td>
<td>5</td>
</tr>
<tr>
<td>Detailed Results</td>
<td>9</td>
</tr>
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<td>Appendix A: Participant Screener</td>
<td>A1</td>
</tr>
<tr>
<td>Appendix B: Moderator’s Discussion Guide</td>
<td>A7</td>
</tr>
<tr>
<td>Appendix C: Participant Handout</td>
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</table>
Introduction

Lighthouse Research & Development, Inc. was contracted by the Utah State Bar to conduct two focus groups with general public participants regarding their usage and perceptions of legal services.

Objectives

The main objective of this research project was to discover participants’ perceptions and usage of legal services. To accomplish the project objectives, participants were guided through a discussion that encompassed the following topics and themes:

Identify Usage of and Perceptions of Legal Services
- Gather general perceptions of lawyers
- Identify the perceived value of lawyers, according to participants
- Determine the point at which participants would consider using a lawyer

Discover the Barriers Preventing Individuals from Using Legal Services
- Identify the barriers preventing individuals from using the services provided by a lawyer
- Determine if participants agree or disagree with possible barriers for using legal services

Understanding the Selection Process
- Identify the resources participants would rely on to find a lawyer
- Identify factors that are important to participants in choosing a lawyer
- Discover the process participants would go through to select the right lawyer for them

Determine Fee Preferences
- Determine why cost is such a barrier to using a lawyer’s services (i.e. up-front cost, hourly cost, and cost vs. benefit)
- Discover whether participants prefer a flat fee or an income-based fee when paying for legal services
- Determine the reason for participants’ preferences
Project Overview

The specific scope of work for this research project is described below:

- Recruitment of participants for each group
- Confirmation emails and reminder telephone calls to each participant
- Development of a moderator's guide and participant handout, including specific discussion topics, questions, and ratings
- Facilitation of the focus groups
- Development of a written report of results

Research Methodology

The research methods used to complete the project are outlined in detail below.

Screener Design and Development

Lighthouse Research, in consultation with Utah State Bar personnel, prepared the participant screener. The information collected during the screening process was used to verify participant eligibility and gather demographic information.

Sampling Procedures

The recruiting for the focus groups was conducted using general public sample.

Recruiting

Experienced executive recruiters from the Lighthouse Research facility in Riverton, Utah, conducted the recruiting. Interviewers were briefed thoroughly on the screener before proceeding with recruiting. Calling hours for this recruit were between 9:00 a.m. and 9:00 p.m. on weekdays. Participants received personal emails confirming their invitation to participate and indicating the date and time of the discussion group. Careful attention was paid during the recruiting process to ensure only qualified individuals were invited.

Development of Moderator's Guide

Lighthouse Research designed the moderator's guide for the focus groups. The questionnaire encompassed the following topic areas:

- Identify Usage of and Perceptions of Legal Services
- Discover the Barriers Preventing Individuals from Using Legal Services
- Understanding the Selection Process
- Determine Fee Preference
Focus Group Fulfillment

A total of two focus groups were facilitated by Christie Leake, who guided participants through the topic areas outlined in the moderator’s guide. The focus groups were held February 6, 2018 at the offices of Lighthouse Research & Development, Inc. in Salt Lake City, Utah.

Organization of the Report

Data collected during the interviews was analyzed for reporting. The results were compiled and are presented in this report, organized by the following areas:

- Introduction
- Conclusions and Opportunities
- Detailed Results
- Appendices

The Conclusions and Opportunities section of this report includes a summary of the research findings from the focus groups.

The Detailed Results portion of this report presents the complete findings of the research organized by topic.

The Appendices section provides frequency of results for the participant screener and focus group handout questions, verbatim open-ended responses provided by participants, and a copy of the moderator’s discussion guide.

This report represents the deliverable for this portion of this contract and is presented respectfully to the project sponsors.
Conclusions and Opportunities

Based on the results of the research findings, Lighthouse Research respectfully makes the following conclusions.

Identify Usage of and Perceptions of Legal Services

- When identifying the words, thoughts and phrases that come to mind when they think of lawyers, participants mentioned both positive and negative associations. When discussing their positive associations of lawyers, participants described them as knowledgeable advocates who can handle situations they themselves cannot. However, multiple participants reported having negative perceptions of lawyers, as they perceive them to be aggressive, contentious, argumentative, and dishonest.

- When asked to rate their perceptions of lawyers, participants, on average, gave a mid-range rating of 4.92 on the one-to-seven rating scale.

Value of Lawyers

- When discussing the value provided by lawyers, multiple participants commented that lawyers act as powerful advocates for their clients, asserting their rights and offering protection; lawyers are dependable and willing to do whatever is necessary for their clients; and lawyers have extensive knowledge that they themselves do not have.

- Participants who have used lawyers in the past overwhelmingly stated that despite the high cost of services, it was worth it.

- Some participants said it would “take a lot” for them to engage a lawyer, while others said they would only engage a lawyer as a last resort. Participants indicated that they would be more likely to secure a lawyer’s services if they stood to gain or lose a great deal.

Understanding the Selection Process

- When asked where they would go if they needed to find a lawyer, participants most frequently said they would ask their friends and family members for recommendations or referrals. Participants also mentioned that they would ask lawyers they know for referrals. Some participants said they would look for lawyers through online search engines and Google reviews.
Participants identified the following as the step-by-step process they would implement to select a lawyer:

- Step 1: Identify a need
- Step 2: Identify the type of lawyer needed
- Step 3: Ask for referrals, search for lawyers online
- Step 4: Compile a list of lawyers
- Step 5: Research recommended lawyers
- Step 6: Schedule consultations with each lawyer
- Step 7: Interview lawyers
- Step 8: Choose a lawyer

When asked to identify the top factors they would consider before choosing a lawyer, participants most frequently said they would consider 1) knowledge and specialized experience, followed by 2) cost.

Discover the Barriers Preventing Individuals from Using Legal Services

- In general, participants identified three main barriers that prevent individuals from using a lawyer’s services: 1) cost, 2) fear, and 3) not knowing how to engage a lawyer.

- Cost is the number one barrier preventing individuals from engaging legal counsel. When asked why cost is such a barrier to engaging a lawyer, participants generally mentioned one of two things: 1) they perceive they can’t afford a lawyer and 2) they are intimidated by an hourly cost and not knowing what a final cost will be.

- When asked to rate their agreement with various statements relating to potential barriers that may prevent individuals from seeking a lawyer, participants, on average, gave the highest rating to “lawyers’ fees are too costly,” indicating that this is the statement they agree with most. The statement receiving the second highest average mean rating was “I can take care of most issues myself without the help of a lawyer.”

Determine Fee Preference

- Participants, in general, demonstrated only a basic knowledge of what lawyers do.

- When asked if they are aware of how lawyers bill, multiple others said lawyers charge “by the hour” or “by the minute.” However, multiple participants said they are unsure of how lawyers charge, which is a barrier to them engaging the services of a lawyer.

- When asked to indicate what they would be willing to pay for legal services if they needed to use a lawyer today, most participants said they don’t know what they would pay or that cost is dependent upon services provided. However, most participants said they would be willing to pay between $100 and $200 an hour for legal services.

- When asked how valuable they would consider a one-hour meeting with a lawyer to be in various situations, participants gave the highest average mean rating to “lawsuits” and the second highest rating to “serious traffic citations or criminal charges,” indicating these are the situations where participants consider a consult with a lawyer to be most valuable.
• When asked how much they would be willing to pay for a one-hour meeting in each of the aforementioned situations, participants, on average, said they would pay the most for personal injury cases and the least for a dispute with a neighbor.

• Nearly three-fifths of participants (14) said they would prefer to pay an income-based sliding fee, while two-fifths (10) said they would prefer to pay a flat fee. Participants who said they would prefer a flat fee see this fee structure to be an advantage in that they know what their costs will be from the very beginning of the process. Participants who would prefer an income-based sliding scale said they see this fee structure as more affordable for them.

Conclusion

• At the conclusion of the groups, participants offered suggestions for making lawyers' services more attainable and appealing to the general public. In response, participants suggested offering free consultations, clinics, or seminars highlighting their areas of expertise. Participants also suggested making fees more affordable, or better communicating the affordability of fees. Some participants suggested capping fees or providing clear estimated fee structures.
Detailed Results

Identify Usage of and Perceptions of Legal Services

Word Association

When identifying the words, thoughts and phrases that come to mind when they think of lawyers, participants mentioned both positive and negative associations. When discussing their positive associations of lawyers, participants described them as knowledgeable advocates who can handle situations they, themselves, cannot. However, multiple participants reported having negative perceptions of lawyers, as they perceive them to be aggressive, contentious, argumentative, and dishonest. For details, please see Table 1.

<table>
<thead>
<tr>
<th>Positive</th>
<th>Negative</th>
<th>Neutral</th>
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</thead>
<tbody>
<tr>
<td>Advocates</td>
<td>Aggressive</td>
<td>Customers</td>
</tr>
<tr>
<td>Eager</td>
<td>Assertive</td>
<td>Jokes</td>
</tr>
<tr>
<td>Educated</td>
<td>Charge by the minute</td>
<td>Matlock</td>
</tr>
<tr>
<td>Good asset</td>
<td>Contentious</td>
<td>Paperwork</td>
</tr>
<tr>
<td>o “I think they’re a good</td>
<td>Argumentative</td>
<td>Stepson</td>
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<tr>
<td>asset to have in your back</td>
<td>Conversations with them are difficult</td>
<td>Wealthy</td>
</tr>
<tr>
<td>pocket. If you have a friend</td>
<td></td>
<td></td>
</tr>
<tr>
<td>who is an attorney, it’s handy.”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Helpful</td>
<td>Aggressive</td>
<td>Debaters</td>
</tr>
<tr>
<td>Knowledgeable</td>
<td>Assertive</td>
<td></td>
</tr>
<tr>
<td>Powerful</td>
<td>Charge by the minute</td>
<td></td>
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<tr>
<td>Ready and willing</td>
<td>Contentious</td>
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<tr>
<td>Representative</td>
<td>Argumentative</td>
<td></td>
</tr>
<tr>
<td>Smart</td>
<td>Conversations with them are difficult</td>
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<tr>
<td>Studying</td>
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<td></td>
</tr>
<tr>
<td>There if you need them</td>
<td></td>
<td></td>
</tr>
<tr>
<td>“They can say and do things I</td>
<td>Dishonest</td>
<td></td>
</tr>
<tr>
<td>can’t.”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>“They know the tricks.”</td>
<td>Expensive</td>
<td></td>
</tr>
<tr>
<td>“They know what you can and</td>
<td>Shark</td>
<td></td>
</tr>
<tr>
<td>can’t do.”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>o “They’re there to help</td>
<td>“They’re always right. They</td>
<td></td>
</tr>
<tr>
<td>you to see things that you</td>
<td>know everything.”</td>
<td></td>
</tr>
<tr>
<td>don’t see from a legal aspect.”</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
When asked to rate their perceptions of lawyers, participants, on average, gave a mid-range rating of 4.92 on the one-to-seven rating scale.

Some participants indicated they have had positive experiences with lawyers, thus their high perception ratings. One participant said, “Most of the lawyers I know are very good people,” while another said, “My own interactions with lawyers have both been very positive.” One other participant said, “I was up against a big huge major, major firm. We went right to the top; this firm is an international firm, and they would have eaten me alive. They went and found the ins and outs. I’m part of their family now. Those guys really knew their stuff.”

Participants who gave low or mid-range ratings said they have had or have witnessed negative experiences with lawyers. One participant said, “In my own personal experiences and the experience of friends, they’ve just been more of a waste of time than a help. They just want more money than anything.” Another said, “Knowing several people who have been divorced, I hear these horror stories. Ten, fifteen, twenty thousand dollars later, and they are in the exact same place they would have been when they started.”

Value of Lawyers

When discussing the value provided by lawyers, multiple participants commented that lawyers act as powerful advocates for their clients, asserting their rights and offering protection. One participant said, “They do give you a voice if you don’t really have one,” while another said, “The good ones can be a really powerful advocate for you.”

Participants commented that lawyers are dependable and willing to do whatever is necessary to provide for their clients. One participant said, “They have a selfish perspective for your benefit,” while another said, “I feel like whatever attorney is on your side, because you pay them so much, they are gung-ho for you. Especially in a custody battle or something like that. They’re on your side, they’re there to protect you.”

Multiple participants commented that lawyers are valuable in that they have extensive knowledge that they themselves do not have. Participants indicated that lawyers “know the law,” “know the system,” and “understand risks.” One participant explained, “They have an extensive knowledge of the law that we don’t.”

Participants also mentioned that lawyers offer value in offering advice or counsel to their clients.

Participants who had used lawyers previously overwhelmingly stated that even with the high fees they paid, obtaining a lawyer was worth it. One participant said, “To me, they’re worth every penny.” Another said, “It was worth it to me because it was a case I had tried to win on my own and didn’t. I was referred to by an attorney...and it was successful.”
Engaging a Lawyer

Some participants said it would “take a lot” for them to engage a lawyer. One participant said, “It would take a lot because I know that it’s going to be more than I can afford.” Another said, “I think mine would be probably quite a ways down the line before I get a lawyer because of the expense. The only time we ever had a lawyer they billed by the minute and it was very expensive.”

Multiple participants said they would engage a lawyer, only as a last resort. One participant said, “I would try to do everything on my own at first. I feel like there are a lot of things you can do on your own. But if I wasn’t able to go any further or if it was something that I felt like I needed an advocate or a lawyer, then I would get one.” Another participant said, “I’m the kind of person that would try to solve problems on my own. I think it’s better. If you can negotiate with someone else and come to an agreement without, it can have a positive resolution.”

Participants explained that if they stood to lose or gain a lot, they would engage the services of a lawyer. One participant said, “If I stood to lose more than I have or a significant amount of money, it would be worth it to me.” Another said, “Fear is a big motivator for most people. A fear of losing your house or your kids [would cause me to engage a lawyer].” One other participant said, “It depends on the extent of the ramifications or if the effects of it are going to make a significant change in my life.”

Understanding the Selection Process

Useful Resources

When asked where they would go if they needed to find a lawyer, participants most frequently said they would ask their friends and family members for recommendations or referrals. Participants also mentioned that they would ask lawyers they know for referrals.

In addition, participants said they would seek legal services by using Social media, Google or online search engines, the Better Business Bureau, Thumbtack, and work resources.
Step-by-Step Process When Choosing a Lawyer

Participants, in general, identified eight main steps they would take when choosing a lawyer. Table 2 below outlines these steps and includes explanations as to why each step is included.

<table>
<thead>
<tr>
<th>Step 1</th>
<th>Identify a need</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>“You have to have a reason to get a lawyer. That would be the first step, in my opinion.”</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Step 2</th>
<th>Identify the type of lawyer needed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ask for referrals, search for lawyers online</td>
</tr>
<tr>
<td></td>
<td>“My neighbor is a real estate attorney, but I know I could call him if I needed a tax attorney or whatever. I would call him for a referral.”</td>
</tr>
<tr>
<td></td>
<td>“If I knew someone who had been through that situation, I would call them and find out who they went with.”</td>
</tr>
<tr>
<td></td>
<td>“I would go to social media because I like to get a lot of opinions. I would post on social media and ask if anyone knows a good lawyer.”</td>
</tr>
<tr>
<td></td>
<td>“I look at Google reviews as well.”</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Step 4</th>
<th>Compile a list of lawyers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Research recommended lawyers</td>
</tr>
<tr>
<td></td>
<td>Schedule consultations with each lawyer</td>
</tr>
<tr>
<td></td>
<td>Interview lawyers</td>
</tr>
<tr>
<td></td>
<td>“They have to be engaged and interested in my case and what I need. I’m not just another case on their desk.”</td>
</tr>
<tr>
<td></td>
<td>“Their experience of what cases have been worked that are similar to what they have.”</td>
</tr>
<tr>
<td></td>
<td>“Some indication that your business is something they want.”</td>
</tr>
<tr>
<td></td>
<td>Choose a lawyer</td>
</tr>
</tbody>
</table>

Table 2
What steps would you go through before choosing a lawyer?
Important Factors in Choosing a Lawyer

When asked to identify the top factors they would consider before choosing a lawyer, participants most frequently said they would consider 1) knowledge and specialized experience, followed by 2) cost. Participants also felt that being a leader in their field and recommendations from others would be highly important in selecting a lawyer. For details, please see Table 3.

Table 3
What are the top factors you would consider before choosing a lawyer?

<table>
<thead>
<tr>
<th></th>
<th>Most</th>
<th>Second</th>
<th>Third</th>
<th>Overall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knowledge, specialized experience</td>
<td>5</td>
<td>6</td>
<td>3</td>
<td>14</td>
</tr>
<tr>
<td>Cost, Billing</td>
<td>0</td>
<td>1</td>
<td>10</td>
<td>11</td>
</tr>
<tr>
<td>Leader in their field</td>
<td>3</td>
<td>3</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>Referrals</td>
<td>6</td>
<td>2</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>Respect for client, treatment, friendliness</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Way they present information, passion</td>
<td>0</td>
<td>1</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Reputation, credibility</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>If they are moral</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Professionalism</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Listen to clients</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Adequate support system and resources</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>If they're successful</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Where they graduated</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Number of years of experience</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>If you trust them</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>If they are aggressive</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Time management</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Good communication</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>
When asked how they know if an attorney is the right one for them, participants mentioned the following:

- “When I interview them, I want to know their philosophy, their experience, I even want to know what cases they’ve won that relate to my case.”
- “You need one with goals that are compatible with your own.”
- “I think I want to know their connection with the firm because there are a lot of resources and they can bounce ideas off them.”
- “You have to know and feel that they’re going to go to bat for you. You just have to feel it. You can usually tell when talking to someone if they’re interested and if they’re going to put in the effort you want.”

Discover the Barriers Preventing Individuals from Using Legal Services

Top Barriers

In general, participants identified three main barriers that prevent individuals from using a lawyer’s services: 1) cost, 2) fear, and 3) not knowing how to engage a lawyer.

Cost is the number one barrier preventing individuals from engaging legal counsel. One participant said, “I think a lot of it is cost, first and foremost. Is it worth the amount of time and money and effort to go through this?”

Multiple participants said they choose not to engage legal counsel as a result of fear. Specifically, participants are fearful of not knowing how much money they will end up paying for legal services and are fearful of the risks involved in securing legal counsel. Participants are also fearful of escalating their issues “to the next level.”

A handful of participants said they aren’t quite sure how to engage a lawyer. Specifically, participants questioned how to know if they need a lawyer, how to know which lawyer to go, and how to start the process of finding a lawyer.

A couple of participants mentioned that sometimes it is easier to handle a matter themselves, rather than securing the services of a lawyer.

Cost Barrier

When asked why cost is such a barrier to engaging a lawyer, participants generally mentioned one of two things: 1) they perceive they can’t afford a lawyer and 2) they are intimidated by an hourly cost and not knowing what a final cost will be.

Multiple participants said they can’t afford the services provided by an attorney. One participant said, “We don’t all have money,” while another said, “I don’t have a lot of money to throw around.” One participant said, “Most of them want a retainer, at least two to five thousand, before they’ll even talk to you.” One more participant said, “I don’t know if I have a misconception, but my perception is that it’s always expensive. I don’t make near that much.” A couple of participants indicated that they would have hired an attorney in the past, except for the fact that they felt they couldn’t afford their services. One participant said, “If it wasn’t for the fact that it would cost me so much, I probably would have gotten a lawyer.”
Participants are also fearful of engaging a lawyer because they don’t know what the final cost of their services will be. One participant said, “We have a fear of it skyrocketing beyond something you’re capable of,” while another said, “My assumption is that it’s not going to be a flat rate, that it will be an hourly thing, and I have no idea how many hours it’s going to take them. They might say they charge only $25 an hour, but then it will take them 50,000 hours.” One more participant said, “It’s a fear of when is it going to stop? You’re in a commitment, once you sign up for this, you’re going to owe for something.”

One participant who had used mediation for her divorce instead of a lawyer indicated that she avoided using a lawyer, as she perceived she couldn’t afford one. However, when asked if she would pay a flat rate of $300 for her divorce, she immediately answered, “Yes.” She said, “We probably paid that for the arbitration anyway. If it was that relatively low in cost, absolutely, I didn’t do research. I was just thinking it would be ten, fifteen, twenty thousand.”

Barrier Ratings

When asked to rate their agreement with various statements relating to potential barriers that may prevent individuals from seeking a lawyer, participants, on average, gave the highest rating to “lawyers’ fees are too costly,” indicating that this is the statement they agree with most. The statement receiving the second highest average mean rating was “I can take care of most issues myself without the help of a lawyer.” See Figure 1 for details.

![Figure 1](https://example.com/figure1.png)

Please rate your agreement with the following statements.

Based on a one-to-seven rating scale

- Lawyers’ fees are too costly.
- I can take care of most issues myself, without the help of a lawyer.
- In most circumstances, I’m not sure what a lawyer could do to help.
- I don’t trust lawyers.
- If I needed to find a lawyer, I wouldn’t know where to start.

Strongly Disagree | Strongly Agree
--- | ---
1.00 | 7.00
2.00 | 6.00
3.00 | 5.00
4.00 | 4.00
5.00 | 3.00
6.00 | 2.00
7.00 | 1.00
Determine Fee Preference

Awareness of What Lawyers Do

Participants, in general, demonstrated only a basic knowledge of what lawyers do. When asked what lawyers do, participants indicated that lawyers conduct research, file paperwork, advise their clients, negotiate, and represent people in court.

Awareness of How Lawyers Charge

When asked if they are aware of how lawyers bill, multiple others said lawyers charge “by the hour” or “by the minute.”

However, multiple participants said they are unsure of how lawyers charge, which is a barrier to them engaging the services of a lawyer. One participant said, “The understanding of billing is one of my biggest fears. The whole idea of all the different ways I could be charged, I’m almost afraid to ask what it’s going to cost me. They almost look down on me like, ‘If you have to ask how much, you can’t afford it.’ I feel like asking how much they’re going to charge almost puts me at a disadvantage.”

Other participants said it is difficult to know what lawyers charge, as their fees can vary from one lawyer to the next. One participant said, “Your question is do we know how they charge? Any way they want to. They’re all entrepreneurs running their own business. They set their pricing. That doesn’t mean they’re going to price everyone the same way. They may tell one person a flat fee, the other person will be 10% of whatever we get, and someone else $250 an hour.”

Willingness to Pay

When asked to indicate what they would be willing to pay for legal services if they needed to use a lawyer today, most participants said they don’t know what they would pay or that cost is dependent upon services provided. Of those who identified prices, participants’ responses ranged from $50 an hour to $25,000; however, most participants said they would be willing to pay between $100 and $200 an hour for legal services.
Value of One-hour Meetings

When asked how valuable they would consider a one-hour meeting with a lawyer to be in various situations, participants gave the highest average mean rating to “lawsuits” and the second highest rating to “serious traffic citations or criminal charges,” indicating these are the situations where participants consider a consult with a lawyer to be most valuable. Participants gave the lowest rating to “dispute with a neighbor,” indicating this is the situation participants feel a consult with a lawyer would be less valuable. For further details, please see Figure 2.

---

**Figure 2**

How valuable would you consider a one-hour meeting with a lawyer to be in the following situations?

*Based on a one-to-seven rating scale*

<table>
<thead>
<tr>
<th>Situation</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawsuits</td>
<td>6.58</td>
</tr>
<tr>
<td>Serious traffic citations or criminal charges</td>
<td>6.29</td>
</tr>
<tr>
<td>Personal injury</td>
<td>5.96</td>
</tr>
<tr>
<td>Separation, divorce, or custody of your children</td>
<td>5.96</td>
</tr>
<tr>
<td>Dispute with a business</td>
<td>5.42</td>
</tr>
<tr>
<td>Planning for or managing your estate or retirement</td>
<td>5.21</td>
</tr>
<tr>
<td>Concerns over your treatment at work</td>
<td>5.13</td>
</tr>
<tr>
<td>Doing a lease or other contract</td>
<td>5.00</td>
</tr>
<tr>
<td>Personal finance matters, such as debt or tax issues</td>
<td>4.88</td>
</tr>
<tr>
<td>Difficulties when buying or selling a home</td>
<td>4.29</td>
</tr>
<tr>
<td>Dispute with a neighbor</td>
<td>3.79</td>
</tr>
</tbody>
</table>

Lighthouse Research & Development, Inc. February 2018
Participants, in general, indicated there are some situations they would be more likely to use a lawyer in than others. Specifically, participants mentioned the following:

- [Divorce or custody] “My lawyer when I was doing my divorce told me he makes more money fixing online divorces than he did in just regular divorces.”
- [Personal injury] “Whether it’s true or not, I’ve been trained by commercials that the longer you wait after an injury, the worse off it’s going to be for an attorney to come in and try to save you. So go to the attorney right off the bat.”
- [Personal injury] When you’re injured you need to focus on your injury and getting better, and it “is helpful to have someone else dealing with the stress of figuring out who’s going to pay for the injury.”

Participants indicated they would not be likely to seek legal counsel for certain situations. For these situations, participant explained:

- [Real estate] “I would look at other channels first. I just don’t think of a lawyer. I mean, you’d have to tell me what the difficulties were before I go to a lawyer. Otherwise, I’d talk to a realtor or title person.”
- [Dispute with neighbor] “I don’t want to live next door to someone I have had to have a lawsuit with. I’d try to solve it in some other way first.”
- [Dispute with neighbor] “Avoid lawyers when dealing with neighbors unless they lawyered up first or there was some extenuating circumstance.”
- [Lease or contract] “You can get those off the internet.”
- [Lease or contract] “I have enough copies of leases from places I’ve rented, I’d just use one of those.”
- [Personal injury] “My thought is that for most injuries there is a set amount that you can get, and I would go after that myself. If I couldn’t get it, then I would go for the attorney.”
When asked how much they would be willing to pay for a one-hour meeting in each of the aforementioned situations, participants, on average, said they would pay the most for personal injury cases and the least for a dispute with a neighbor. Figure 3 illustrates the average amounts participants would be willing to pay for a one-hour meeting in each of the following situations.

**Figure 3**
Assuming you needed the services of a lawyer, how much would you be willing to pay for a one-hour meeting in each of the following situations?

*Average Mean Rates*

- **Personal injury**: $649.90
- **Serious traffic citations or criminal chargers**: $614.06
- **Separation, divorce, or custody of your children**: $527.40
- **Doing a lease or other contract**: $469.69
- **Personal finance matters, such as debt or tax issues**: $441.77
- **Lawsuits**: $382.19
- **Difficulties when buying or selling a home**: $319.90
- **Dispute with a business**: $284.06
- **Planning for or managing your estate or retirement**: $283.65
- **Concerns over your treatment at work**: $192.80
- **Dispute with a neighbor**: $107.60
Fee Preference

Participants were asked to indicate if they would prefer paying 1) a flat fee with all legal services provided in one lump sum or 2) an income-based sliding fee where they pay for services based on what they can afford. In response, nearly three-fifths of participants (14) said they would prefer to pay an income-based sliding fee, while two-fifths (10) said they would prefer to pay a flat fee.

Participants who said they would prefer a flat fee see this fee structure to be an advantage in that they know what their costs will be from the very beginning of the process. One participant said, "It's a known cost," while another said, "With a flat amount, I can budget for that. It's a fixed cost, a known cost."

Participants who would prefer an income-based sliding scale said they see this fee structure as more affordable for them. One participant said, "In most cases where I can see myself really needing an attorney, it's probably going to be something where I need it to be income based." Another participant said, "I think for me it just makes it seem more accessible, more as an option sooner that I would look at."

A couple of participants expressed concerns with an income-based sliding fee. One participant said, "With the sliding it sounds like it comes from subsidy, which means they will give me a cheaper price, but they're going to give me the crappiest lawyer." Another participant said, "I wouldn't want my fees to go up and down every year depending on what I'm making." One more participant said, "I have a pretty big income I don't want to pay a higher percentage."

Participants, in general, don't feel it necessary to have a lawyer on retainer. One participant said, "For my situation, I can't see buying a lawyer on retainer. Unless I had a business or something where I needed a lawyer on a regular basis."

Conclusion

As a concluding question, participants were asked:

"Imagine you were part of a creative team tasked with increasing usage of legal services at a law firm. What three things would you do to overcome the barriers preventing individuals from using legal services and motivate them to use your firm?"

In response, participants offered the following recommendations:

- Advertise via social media
- Offer free initial consultations
- Offer clinics or classes on a specific service or area of expertise
- Provide clear pricing structures
- Present case scenarios similar to situations clients are facing, emphasizing how these individuals have been helped
- Offer a cap on pricing
- Make costs affordable
- Offer flat fee pricing when possible
- Offer payment plans with zero interest
- Include aforementioned information on a comprehensive website
Participants Demographics

There was an even distribution of male and female participants, as 12 participants were men and 12 participants were women.

Participants were representative of a variety of ages. The average age of participants was 44 (44.42 average mean, 44.00 median).

Most participants (17) reside within Salt Lake County, though some reside in Davis (5) or other (2) counties.

One-half of participants (12) are employed full-time, while the rest are homemakers (4), part-time employees (3), retired (2), and unemployed (3).

The majority of participants reported being married (17), though some reported being single (4) or divorced (3).

One-half of participants (12) reported having children under the age of 18.

All but one participant reported being White or of Caucasian descent.

More than one-third of participants (9) reported having some college or technical training, though nearly another one-third (7) reported being college graduates, and one-third (6) reported being post-college graduates.

Participants represented a range of annual household incomes. The average participant reported having an annual household income of $50,000 to $74,999 (3.33 average mean, 3.00 median).
APPENDIX A: PARTICIPANT SCREENER

Hello, this is _________________ calling from Lighthouse Research. Our company is conducting a research discussion with residents in the Salt Lake City area. If you qualify, you will be invited to attend a discussion group, which will last no more than 90 minutes. In appreciation for your help, you will receive $85.00 Cash as a thank you for your time. I assure you that we are only interested in your opinions and you will not be asked to purchase anything. Do you mind if I ask you a few questions to see if you qualify?

1. Record gender by observation.

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>12</td>
</tr>
<tr>
<td>Female</td>
<td>12</td>
</tr>
</tbody>
</table>

2. What is your age?

<table>
<thead>
<tr>
<th>Age Category</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Younger than 25 [Terminate]</td>
<td>0</td>
</tr>
<tr>
<td>25 to 34</td>
<td>6</td>
</tr>
<tr>
<td>35 to 44</td>
<td>6</td>
</tr>
<tr>
<td>45 to 54</td>
<td>6</td>
</tr>
<tr>
<td>55 to 64</td>
<td>4</td>
</tr>
<tr>
<td>65 to 74</td>
<td>2</td>
</tr>
<tr>
<td>75 and older [Terminate]</td>
<td>0</td>
</tr>
</tbody>
</table>

| Average Mean | 44.42 |
| Median       | 44.00 |

3. Have you or has anyone in your immediate family ever worked for a company in any of the following industries? [If any of the industries below, Thank & Terminate]

☐ Marketing
☐ Research
☐ Advertising
☐ Media (television, newspaper, radio, etc.)
☐ Legal sector (attorney, law, court system, etc.)
☐ No, none of the above [Continue]

Note: This question asked for verification purposes only.
4. Have you participated in a focus group within the last 12 months?

   Note: This question asked for verification purposes only.

5. In which county do you live?

<table>
<thead>
<tr>
<th>County</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salt Lake</td>
<td>17</td>
</tr>
<tr>
<td>Davis</td>
<td>5</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
</tr>
</tbody>
</table>

6. What is your current employment status?

<table>
<thead>
<tr>
<th>Employment Status</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full-time employed</td>
<td>12</td>
</tr>
<tr>
<td>Homemaker</td>
<td>4</td>
</tr>
<tr>
<td>Part-time employed</td>
<td>3</td>
</tr>
<tr>
<td>Retired</td>
<td>2</td>
</tr>
<tr>
<td>Student</td>
<td>0</td>
</tr>
<tr>
<td>Unemployed</td>
<td>3</td>
</tr>
</tbody>
</table>

7. What is your marital status?

<table>
<thead>
<tr>
<th>Marital Status</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single, Never Married</td>
<td>4</td>
</tr>
<tr>
<td>Married</td>
<td>17</td>
</tr>
<tr>
<td>Divorced / Separated</td>
<td>3</td>
</tr>
<tr>
<td>Widowed</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
</tr>
</tbody>
</table>
8. Do you have children under the age of 18?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>12</td>
</tr>
<tr>
<td>No</td>
<td>12</td>
</tr>
</tbody>
</table>

9. Which of the following best describes your ethnicity?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>White, Caucasian</td>
<td>23</td>
</tr>
<tr>
<td>Hispanic, Latino</td>
<td>0</td>
</tr>
<tr>
<td>Black, African-American</td>
<td>0</td>
</tr>
<tr>
<td>Asian, Pacific Islander</td>
<td>0</td>
</tr>
<tr>
<td>Native American</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
</tr>
</tbody>
</table>

*Other
  - White / Hispanic

10. Which of the following categories best describes the highest level of education you have completed?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than High School Graduate</td>
<td>0</td>
</tr>
<tr>
<td>High School Graduate</td>
<td>2</td>
</tr>
<tr>
<td>Some College / Technical School</td>
<td>9</td>
</tr>
<tr>
<td>College Graduate</td>
<td>7</td>
</tr>
<tr>
<td>Post-college Graduate</td>
<td>6</td>
</tr>
</tbody>
</table>
11. Which of the following ranges best describes your annual household income?

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Less than $30,000</td>
<td>5</td>
</tr>
<tr>
<td>2 = $30,000 to $49,999</td>
<td>2</td>
</tr>
<tr>
<td>3 = $50,000 to $74,999</td>
<td>7</td>
</tr>
<tr>
<td>4 = $75,000 to $99,999</td>
<td>3</td>
</tr>
<tr>
<td>5 = $100,000 to $149,999</td>
<td>4</td>
</tr>
<tr>
<td>6 = $150,000 or more</td>
<td>3</td>
</tr>
</tbody>
</table>

Average Mean 3.33
Median 3.00

12. If you could have a meal with anyone in history, who would it be? Why?

Note: This question asked for articulation screening only.
INVITATION [FOR THOSE WHO QUALIFY]:

We would like to invite you to participate in a group discussion that will take place on Tuesday, February 6th, 2018 at the Lighthouse Research facility located at 375 East 500 South, Salt Lake City.

Again, I assure you we are not selling anything and you will not be asked to share any personal information, only your opinions and ideas. As we mentioned earlier, you will receive $85.00 at the conclusion of the first 90-minute discussion group. Would you be willing to participate?

☐ Group 1 – Tuesday, February 6th @ 5:00 PM
☐ Group 2 – Tuesday, February 6th @ 6:30 PM

Great! We would like to be able to send you directions and a reminder before the group. Can you please confirm your name, address, and contact information? (Collect participant contact information below)

CONTACT INFORMATION

NAME __________________________________________

MAILING ADDRESS __________________________________________

CITY ___________________________ ZIPCODE __________________________

HOME PHONE ___________________________ ALT. PHONE __________________________

E-MAIL ADDRESS ____________________________

RECRUITED BY ____________________________ DATE RECRUITED __________________________

SOURCE OF RECRUIT ____________________________

*If you have any questions or find that you can’t attend, please call us right away at 801-446-4000 so we can find a replacement. We will be giving you a reminder call prior to the group. If you care for children, please do not bring them with you because we are unable to provide child-care at our facility. Thank you for your time and for agreeing to participate in the discussion.
APPENDIX B: MODERATOR’S DISCUSSION GUIDE

Objectives

The main objective of this research project is to discover participants’ perceptions and usage of legal services. To accomplish the project objectives, participants will be guided through a discussion that encompasses the following topics and themes:

Identify Usage of and Perceptions of Legal Services
- Identify professionals participants would use in various situations
- Gather general perceptions of lawyers
- Identify the perceived value of lawyers, according to participants
- Identify situations in which participants would consider using a lawyer
- Determine the point at which participants would consider using a lawyer

Discover the Barriers Preventing Individuals from Using Legal Services
- Identify the barriers preventing individuals from using the services provided by a lawyer
- Determine if participants agree or disagree with possible barriers for using legal services

Understanding the Selection Process
- Determine if participants have used a lawyer’s services in the past
- Discover how participants have found lawyers in the past
- Identify participants’ reasons for choosing a particular lawyer
- Identify the resources participants would rely on to find a lawyer
- Identify factors that are important to participants in choosing a lawyer
- Discover the process participants would go through to select the right lawyer for them

Determine Fee Preferences
- Determine why cost is such a barrier to using a lawyer’s services (i.e. up-front cost, hourly cost, and cost vs. benefit)
- Discover whether participants prefer a flat fee or an income-based fee when paying for legal services
- Determine the reason for participants’ preferences
Part One:
Introduction and Greeting
10 Minutes

Moderator Introduction
- Moderator introduction
- Ask participants to turn off cell phones
- Advise participants of video and audio taping
- Inform participants there is someone viewing the group to take notes and ensure participant ideas and opinions are recorded correctly

Purpose of Focus Group
“The reason we are here today is to gather your impressions about professional services you may or may not use. I will be leading you through some discussion questions and activities to help us learn more about what you think. We are very interested in each of your personal thoughts and opinions.”

Moderator Role
- To introduce the discussion topics, ask probing questions, and guide the discussion through each of the relevant issues
- The moderator is not to guide the participants’ responses or give advice

Discussion Rules
- Speak one at a time; we want to hear all of your ideas.
- Everyone needs to participate; we need everyone’s ideas and comments.
- There are no wrong or right answers; we invited each of you here so we could understand what you know and how you feel about these topics.
- It is likely that your opinions will differ from someone else’s in the room; as such, please be respectful of others and their opinions.
- Your comments and responses will remain confidential.
- I am not an expert on the topic we will discuss. You are the experts, so please speak freely.

Participant Icebreaker
Participants will be asked to introduce themselves, including the following items in their introductions:
- Name
- Occupation
- Number of people in the family
- Favorite hobby or activity
Part Two:
Identify Usage of and Perceptions of Legal Services
10 Minutes

Q1. What words, thoughts, or phrases come to your mind when you hear the word, "lawyers"?

The moderator will capture participants' responses on the flipchart.

The moderator will ask participants to complete Page 1 in their handouts.

Q2. Using a one-to-seven rating scale where one is "very negative" and seven is "very positive," please rate your perception of lawyers. Explain.

Q3. What value do lawyers provide?
   - Prompt: What are the benefits of using a lawyer?

Q4. In what situations would you personally use a lawyer?

Q5. At what point would you decide that it's time to engage the services of a lawyer? Explain.
   - Prompt: At the onset of an issues, after receiving advice from others, when you can't handle an issue yourself, as a last resort

Part Three:
Understanding the Selection Process
15 Minutes

Q6. If you needed the services of a lawyer today, which resources would you turn to?

Q7. If you needed to find a lawyer today, what steps would you go through before choosing a lawyer?
   - Prompt: Step 1...
   - Prompt: Step 2...
   - Prompt: Step 3...

Q8. How do you determine if a lawyer is the right lawyer for you?

The moderator will capture participants' resources on the flipchart.

Q9. Imagine you needed to use the services of a lawyer. What factors would you consider before deciding which lawyer to use? Explain.

The moderator will capture each response on a separate index card.
Q10. Which three factors are MOST important to you in selecting a lawyer?
   - Green = Most important
   - Yellow = Second most important
   - Red = Third most important

Part Four:
Discover the Barriers Preventing Individuals from Using Legal Services
15 Minutes

Q11. What barriers might prevent someone from using the services of a lawyer? Explain.

The moderator will capture participants’ responses on the flipchart.

Q12. Of the barriers listed, which are the top three biggest barriers to using a lawyer? Explain.

The moderator will label these barriers on the flipchart.

The moderator will ask participants to complete Page 2 in their handouts.

Q13. Using a one-to-seven scale where one is “strongly disagree” and seven is “strongly agree,” please rate your agreement with the following statements. Explain.
   - Lawyers’ fees are too costly.
   - If I needed to find a lawyer, I wouldn’t know where to start.
   - In most circumstances, I’m not sure what a lawyer could do to help.
   - I don’t trust lawyers.
   - I can take care of most issues myself, without the help of a lawyer.

The moderator will use this time to briefly consult with the client.

The moderator will ask participants to display their rating cards and explain.

Q14. Which of these statements do you agree with MOST?
   - Prompt if “cost” is mentioned: Aside from cost, which statement do you agree with most?

Q15. Which of these statements do you LEAST agree with?
Part Five:
Determine Fee Preference
25 Minutes

Q16. Do you know what lawyers do?
   • Prompt: Please explain what you know.
   • Prompt: What interaction have you had with lawyers that has formed your perception of what they do (i.e. personal interaction, word of mouth, media portrayal, etc.)?

Q17. Do you think lawyers are portrayed accurately in the media? Explain.
   • Prompt: How does the media portrayal of lawyers impact the general public’s perception of lawyers?
   • Prompt: Does the media’s portrayal of lawyers impact the general public’s willingness to use a lawyer? Explain.

Q18. Are you aware of how lawyers charge for their services?
   • Prompt: What do you know about how lawyers charge for services?

The moderator will ask participants to complete Pages 3 and 4 in their handouts.

Q19. If you needed to use the services of a lawyer, what would you be willing to pay for legal services?

Q20. [HANDBOUT ONLY] Using a one-to-seven rating scale where one is “not at all valuable” and seven is “very valuable,” how valuable would you consider a one-hour meeting with a lawyer to be in the following situations?
   • Dispute with a business
   • Dispute with a neighbor
   • Difficulties when buying or selling a home
   • Concerns over your treatment at work
   • Doing a lease or other contract
   • Lawsuits
   • Separation, divorce, or custody of your children
   • Personal finance matters, such as debt or tax issues
   • Personal injury
   • Planning for or managing your estate or retirement
   • Serious traffic citations or criminal charges

The moderator will use this time to briefly consult with the client.

Q21. In which situations would a one-hour consultation with a lawyer be MOST valuable?

Q22. In which situations would a one-hour consultation with a lawyer be LEAST valuable?
Q23. Assuming you needed the services of a lawyer, how much would you be willing to pay for a one-hour meeting in each of the following situations?
   - Dispute with a business
   - Dispute with a neighbor
   - Difficulties when buying or selling a home
   - Concerns over your treatment at work
   - Doing a lease or other contract
   - Lawsuits
   - Separation, divorce, or custody of your children
   - Personal finance matters, such as debt or tax issues
   - Personal injury
   - Planning for or managing your estate or retirement
   - Serious traffic citations or criminal charges

Q24. Some individuals consider cost as a barrier to using a lawyer’s services.
   - Prompt: Why is using a lawyer so cost prohibitive to some?
   - Prompt: How, exactly, is cost a barrier to using legal services? (i.e. What is it about cost that is such a barrier? Up-front costs, hourly costs, cost vs. benefit, etc.)

Q25. Which of the following would you prefer? Explain.
   - A flat fee, with all legal services provided for one lump sum
   - An income-based sliding fee, where you pay for services based on what you can afford

Q26. Why would a flat fee be appealing to some?

Part Six:
Conclusion
10 Minutes

Small Group Activity
The moderator will divide participants into small groups and ask them to complete Page 5 in their handouts and answer the following question.

Q1. Imagine you were part of a creative team tasked with increasing usage of legal services at a law firm. What three things would you do to overcome the barriers preventing individuals from using legal services and motivate them to use your firm?

The moderator will use this time to briefly consult with the client.

Moderator will ask participants if they have any additional comments. Moderator will also thank participants for their participation and remind them to pick up incentive envelopes.
APPENDIX C: PARTICIPANT HANDOUT

1. Using a one-to-seven rating scale where one is “very negative” and seven is “very positive,” please rate your perception of lawyers.

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</table>

Average Mean 4.92
Median 5.00

2. Using a one-to-seven scale where one is “strongly disagree” and seven is “strongly agree,” please rate your agreement with the following statements.

Lawyers’ fees are too costly.

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<tr>
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<th>Count</th>
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<tbody>
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Average Mean 5.67
Median 6.00
If I needed to find a lawyer, I wouldn’t know where to start.

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<td>7 = Strongly agree</td>
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**Average Mean** 2.96  
**Median** 2.50

In most circumstances, I’m not sure what a lawyer could do to help.

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**Average Mean** 3.33  
**Median** 3.00
I don’t trust lawyers.

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<td><strong>Median</strong></td>
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I can take care of most issues myself, without the help of a lawyer.

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<td><strong>Median</strong></td>
<td>5.00</td>
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</table>
3. If you needed to use the services of a lawyer, what would you be willing to pay for legal services?

- As much as it takes
- Depends on what they are doing
- Depends on what is at stake
- Depends on the cost of me losing whatever case I want their assistance on
- I have no idea
- I am not sure. It would be situation-specific.
- It depends on what services I need.
- Depending on what it is for; if it is for a life-altering circumstance, more, but no more than $3,000.
- It depends on the services needed
- I don’t know. It depends.
- As much as it takes
- $50 an hour
- $100 per hour
- $100 an hour with a guaranteed maximum
- $150
- $75 to $100 per hour (2)
- Up to $200 per hour, depending on the specialty
- $200 per hour
- $300 for legal paperwork, $20 an hour for all other cases
- Depends on what’s at stake, $500
- $1,000
- $200 for simple contracts, $2500 for divorce, $10,000 for PI
- If it was for services I personally want, probably $25,000, but for services I need, probably less, like $5,000
4. Using a one-to-seven rating scale where one is “not at all valuable” and seven is “very valuable,” how valuable would you consider a one-hour meeting with a lawyer to be in the following situations?

**Dispute with a business**

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*Average Mean: 5.42  Median: 6.00*

**Dispute with a neighbor**

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*Average Mean: 3.79  Median: 3.00*
### Difficulties when buying or selling a home

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- **Average Mean**: 4.29
- **Median**: 4.00

### Concerns over your treatment at work

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- **Average Mean**: 5.13
- **Median**: 5.00
### Doing a lease or other contract

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**Average Mean** 5.00  
**Median** 5.00

### Lawsuits

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**Average Mean** 6.58  
**Median** 7.00
### Separation, divorce, or custody of your children

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*Average Mean* 5.96  
*Median* 6.00

### Personal finance matters, such as debt or tax issues

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*Average Mean* 4.88  
*Median* 5.00
### Personal injury

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### Planning for or managing your estate or retirement

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Serious traffic citations or criminal charges

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Average Mean: 6.29
Median: 7.00

5. Assuming you needed the services of a lawyer, how much would you be willing to pay for a one-hour meeting in each of the following situations?

Dispute with a business

Average Mean: $284.06, Median: $100.00

- $30 (2)
- $50 (5)
- $70
- $75 to $100
- $100 (6)
- $150
- $200 (3)
- $300
- $500 (2)
- $1,200
- $2,500
Dispute with a neighbor

Average Mean: $107.60, Median: $50.00

- $0 (3)
- $20
- $25 (2)
- $30 (2)
- $40
- $50 (5)
- $75
- $75 to $100
- $100 (3)
- $150 (2)
- $200
- $1,000

Difficulties when buying or selling a home

Average Mean: $319.90, Median: $93.75

- $0
- $30 (3)
- $40
- $50 (5)
- $60
- $75 to $100
- $100 (6)
- $150
- $200 (2)
- $500 (2)
- $5,000
Concerns over your treatment at work

Average Mean: $192.60, Median: $81.25

- $0
- $25
- $30
- $45
- $50 (6)
- $60
- $75
- $75 to $100
- $100 (5)
- $200 (5)
- $2,500

Doing a lease or other contract

Average Mean: $469.69, Median: $93.75

- $30 (2)
- $50 (8)
- $75
- $75 to $100
- $100 (4)
- $200 (4)
- $250
- $800
- $900
- $5,000 to $10,000
Lawsuits

Average Mean: $382.19, Median: $175.00

- $30
- $50
- $60
- $70
- $75
- $75 to $100
- $100 (5)
- $150
- $200 (3)
- $250
- $300 (2)
- $350
- $500
- $850
- $1,000
- $1,500
- $2,500

Separation, divorce, or custody of your children

Average Mean: $527.40, Median: $100.00

- $30
- $50
- $70 (2)
- $75 (2)
- $75 to $100
- $100 (6)
- $150 (2)
- $200 (4)
- $500
- $1,000 (2)
- $2,000
- $5,000 to $7,000
Personal finance matters, such as debt or tax issues

**Average Mean:** $441.77, **Median:** $81.25

- $30
- $50 (7)
- $60
- $75 (3)
- $75 to $100
- $100 (4)
- $200 (2)
- $300
- $750
- $1,000 (2)
- $5,000 to $7,000

Personal injury

**Average Mean:** $649.90, **Median:** $100.00

- $0
- $30
- $50 (2)
- $60
- $70
- $75 to $100
- $100 (9)
- $150
- $200 (2)
- $300
- $500
- $1,000
- $2,000
- $10,000
Planning for or managing your estate or retirement

Average Mean: $283.65, Median: $100.00

- $0 (2)
- $20
- $30
- $50 (2)
- $60 (2)
- $75 to $100
- $100 (7)
- $150
- $200 (3)
- $500
- $1,000 (2)
- $2,500

Serious traffic citations or criminal charges

Average Mean: $614.06, Median: $100.00

- $30
- $50 (3)
- $60 (2)
- $75 (2)
- $75 to $100
- $100 (5)
- $150 (2)
- $200 (2)
- $300
- $400
- $500
- $800
- $1,000
- $10,000

6. Which of the following would you prefer?

<table>
<thead>
<tr>
<th>Option</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>A flat fee, with all legal services provided for one lump sum</td>
<td>10</td>
</tr>
<tr>
<td>An income-based sliding fee, where you pay for services based on what</td>
<td>14</td>
</tr>
<tr>
<td>you can afford</td>
<td></td>
</tr>
</tbody>
</table>
7. Imagine you were part of a creative team tasked with increasing usage of legal services at a law firm. What three things would you do to overcome the barriers preventing individuals from using legal services and motivate them to use your firm?

- Advertising, seminars, word of mouth, community service. Invite people to be educated. Do a good honest job and people will talk about it.
- Advertising to promote our firm; it should include our firm’s specialty and different ways to contact the firm, including social media. Reach out to the public; have a free consult and clinic or classes where you share your services or expertise.
- Bold, a very specific and clear pricing structure. Transparency; make fee structure and explanations of which fees would apply to you and your situation open and available to the public in an easy to access and understand manner. Make use case scenarios available for a broad range of situations and potential clients.
- Case studies of how we helped individuals. Outside reviews from clients and observers. Prices clearly listed and future rates.
- Cost effective. Social media advertising. Easily accessible.
- Cost visibility based on historical costs, with a possible cap, or a flat fee when possible. Show actual cost examples. Free consultations, social media. Detailed professional experience, brochures. Olive Garden experience ("You're family").
- Free seminar or class. Free brief consultation. Pro bono mentorship a percentage of their work time. Provide free services to low income clients or a percentage of workload.
- Information hotline or website. Bidding service. Payment plans with zero interest.
- Multiple access points, like a phone, in person, and online. Help line for knowledge. No interest payment plans, based on income. Clear pricing of services.
- Positive advertising, not negative. Go to website for services and fees listed. Know what you are getting. All-encompassing form.
- Promotional seminars on specialized topics. Informative webpage. Downloadable book. Partner with someone or a business I know (referral).
- We would offer a free consultation to ALL potential clients. We would also offer upfront, flat rate pricing for specific services.
APPENDIX A: SURVEY RESULTS
Preliminary Results – February 1, 2018

Hello, my name is ____________, calling with Lighthouse Research. We’re conducting a survey with residents in the area about their perceptions and usage of various local services. May I ask you some questions?

1. I first need to verify that you live in the state of Utah. Is that correct?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>533</td>
<td>100%</td>
</tr>
<tr>
<td>No</td>
<td>0</td>
<td>0%</td>
</tr>
</tbody>
</table>

2. What county do you LIVE in?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beaver</td>
<td>5</td>
<td>1%</td>
</tr>
<tr>
<td>Box Elder</td>
<td>9</td>
<td>2%</td>
</tr>
<tr>
<td>Cache</td>
<td>28</td>
<td>5%</td>
</tr>
<tr>
<td>Carbon</td>
<td>5</td>
<td>1%</td>
</tr>
<tr>
<td>Daggett</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Davis</td>
<td>62</td>
<td>12%</td>
</tr>
<tr>
<td>Duchesne</td>
<td>7</td>
<td>1%</td>
</tr>
<tr>
<td>Emery</td>
<td>6</td>
<td>1%</td>
</tr>
<tr>
<td>Garfield</td>
<td>2</td>
<td>0%</td>
</tr>
<tr>
<td>Grand</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>Iron</td>
<td>9</td>
<td>2%</td>
</tr>
<tr>
<td>Juab</td>
<td>2</td>
<td>0%</td>
</tr>
<tr>
<td>Kane</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>Millard</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>Morgan</td>
<td>2</td>
<td>0%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Piute</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Rich</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>Salt Lake</td>
<td>165</td>
<td>31%</td>
</tr>
<tr>
<td>San Juan</td>
<td>2</td>
<td>0%</td>
</tr>
<tr>
<td>Sanpete</td>
<td>6</td>
<td>1%</td>
</tr>
<tr>
<td>Sevier</td>
<td>5</td>
<td>1%</td>
</tr>
<tr>
<td>Summit</td>
<td>7</td>
<td>1%</td>
</tr>
<tr>
<td>Tooele</td>
<td>11</td>
<td>2%</td>
</tr>
<tr>
<td>Uintah</td>
<td>6</td>
<td>1%</td>
</tr>
<tr>
<td>Utah</td>
<td>111</td>
<td>21%</td>
</tr>
<tr>
<td>Wasatch</td>
<td>3</td>
<td>1%</td>
</tr>
<tr>
<td>Washington</td>
<td>33</td>
<td>6%</td>
</tr>
<tr>
<td>Wayne</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>Weber</td>
<td>37</td>
<td>7%</td>
</tr>
</tbody>
</table>
3. Record gender by observation.

<table>
<thead>
<tr>
<th>Gender</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>259</td>
<td>49%</td>
</tr>
<tr>
<td>Female</td>
<td>274</td>
<td>51%</td>
</tr>
</tbody>
</table>

4. Which of the following ranges includes your age?

<table>
<thead>
<tr>
<th>Range</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 = Younger than 18</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>1 = 18 to 24</td>
<td>70</td>
<td>13%</td>
</tr>
<tr>
<td>2 = 25 to 34</td>
<td>144</td>
<td>27%</td>
</tr>
<tr>
<td>3 = 35 to 44</td>
<td>87</td>
<td>16%</td>
</tr>
<tr>
<td>4 = 45 to 54</td>
<td>70</td>
<td>13%</td>
</tr>
<tr>
<td>5 = 55 to 64</td>
<td>58</td>
<td>11%</td>
</tr>
<tr>
<td>6 = 65 and Over</td>
<td>102</td>
<td>19%</td>
</tr>
</tbody>
</table>

Average Mean: 3.39
Median: 3.00
5. First, I would like to ask you where or who would you go to if you needed assistance with each of the following? Where or who would you go to if you needed assistance with...

**Difficulties When Buying or Selling a Home**

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountant / Tax Advisor</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>Friend, Family Member, Coworker</td>
<td>90</td>
<td>17%</td>
</tr>
<tr>
<td>Financial Advisor</td>
<td>6</td>
<td>1%</td>
</tr>
<tr>
<td>Lawyer</td>
<td>17</td>
<td>3%</td>
</tr>
<tr>
<td>Internet (specify)</td>
<td>6</td>
<td>1%</td>
</tr>
<tr>
<td>Real Estate Agent</td>
<td>258</td>
<td>48%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>80</td>
<td>15%</td>
</tr>
<tr>
<td>I Would NOT Seek Advice / I Would Deal with It Myself</td>
<td>29</td>
<td>5%</td>
</tr>
<tr>
<td>Don’t Know</td>
<td>78</td>
<td>15%</td>
</tr>
</tbody>
</table>

*(For a list of verbatim ‘other’ responses, see Appendix E.)*

**Separation, Divorce, or Custody of your Children**

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountant / Tax Advisor</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>Friend, Family Member, Coworker</td>
<td>41</td>
<td>8%</td>
</tr>
<tr>
<td>Financial Advisor</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Lawyer</td>
<td>306</td>
<td>57%</td>
</tr>
<tr>
<td>Internet (specify)</td>
<td>7</td>
<td>1%</td>
</tr>
<tr>
<td>Real Estate Agent</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>50</td>
<td>9%</td>
</tr>
<tr>
<td>I Would NOT Seek Advice / I Would Deal with It Myself</td>
<td>25</td>
<td>5%</td>
</tr>
<tr>
<td>Don’t Know</td>
<td>90</td>
<td>17%</td>
</tr>
</tbody>
</table>

*(For a list of verbatim ‘other’ responses, see Appendix E.)*

Lighthouse Research & Development, Inc. January 2018
### Personal Finance Matters, such as Bankruptcy or Tax Issues

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountant / Tax Advisor</td>
<td>148</td>
<td>28%</td>
</tr>
<tr>
<td>Friend, Family Member, Coworker</td>
<td>91</td>
<td>17%</td>
</tr>
<tr>
<td>Financial Advisor</td>
<td>79</td>
<td>15%</td>
</tr>
<tr>
<td>Lawyer</td>
<td>42</td>
<td>8%</td>
</tr>
<tr>
<td>Internet (specify)</td>
<td>14</td>
<td>3%</td>
</tr>
<tr>
<td>Real Estate Agent</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>105</td>
<td>20%</td>
</tr>
<tr>
<td>I Would NOT Seek Advice / I Would Deal with It Myself</td>
<td>28</td>
<td>5%</td>
</tr>
<tr>
<td>Don't Know</td>
<td>58</td>
<td>11%</td>
</tr>
</tbody>
</table>

*(For a list of verbatim 'other' responses, see Appendix E.)*

### Planning for or Managing Your Estate or Retirement

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountant / Tax Advisor</td>
<td>22</td>
<td>4%</td>
</tr>
<tr>
<td>Friend, Family Member, Coworker</td>
<td>68</td>
<td>13%</td>
</tr>
<tr>
<td>Financial Advisor</td>
<td>106</td>
<td>20%</td>
</tr>
<tr>
<td>Lawyer</td>
<td>113</td>
<td>21%</td>
</tr>
<tr>
<td>Internet (specify)</td>
<td>6</td>
<td>1%</td>
</tr>
<tr>
<td>Real Estate Agent</td>
<td>4</td>
<td>1%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>103</td>
<td>19%</td>
</tr>
<tr>
<td>I Would NOT Seek Advice / I Would Deal with It Myself</td>
<td>32</td>
<td>6%</td>
</tr>
<tr>
<td>Don't Know</td>
<td>88</td>
<td>17%</td>
</tr>
</tbody>
</table>

*(For a list of verbatim 'other' responses, see Appendix E.)*
### Serious Traffic Citation or a Criminal Charge

<table>
<thead>
<tr>
<th>Response</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountant / Tax Advisor</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>Friend, Family Member, Coworker</td>
<td>60</td>
<td>11%</td>
</tr>
<tr>
<td>Financial Advisor</td>
<td>2</td>
<td>0%</td>
</tr>
<tr>
<td>Lawyer</td>
<td>300</td>
<td>56%</td>
</tr>
<tr>
<td>Internet (specify)</td>
<td>8</td>
<td>2%</td>
</tr>
<tr>
<td>Real Estate Agent</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>80</td>
<td>15%</td>
</tr>
<tr>
<td>I Would NOT Seek Advice / I Would Deal with It Myself</td>
<td>12</td>
<td>2%</td>
</tr>
<tr>
<td>Don't Know</td>
<td>75</td>
<td>14%</td>
</tr>
</tbody>
</table>

(For a list of verbatim 'other' responses, see Appendix E.)

6. For what situations might you personally use a lawyer?

<table>
<thead>
<tr>
<th>Situation</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Dispute with a Business</td>
<td>10</td>
<td>2%</td>
</tr>
<tr>
<td>A Dispute with a Neighbor</td>
<td>8</td>
<td>2%</td>
</tr>
<tr>
<td>Difficulties when Buying or Selling a Home</td>
<td>12</td>
<td>2%</td>
</tr>
<tr>
<td>Concerns over Your Treatment at Work</td>
<td>5</td>
<td>1%</td>
</tr>
<tr>
<td>Doing a Lease or Other Contract</td>
<td>9</td>
<td>2%</td>
</tr>
<tr>
<td>Lawsuits</td>
<td>115</td>
<td>22%</td>
</tr>
<tr>
<td>Personal Finance Matters, such as Debt or Tax Issues</td>
<td>29</td>
<td>5%</td>
</tr>
<tr>
<td>Personal Injury (Car Accidents, Workers Comp, Medical Malpractice)</td>
<td>50</td>
<td>9%</td>
</tr>
<tr>
<td>Planning for or Managing Your Estate or Retirement</td>
<td>65</td>
<td>12%</td>
</tr>
<tr>
<td>Separation, Divorce, or Custody of Children</td>
<td>138</td>
<td>26%</td>
</tr>
<tr>
<td>Serious Traffic Citation or a Criminal Charge</td>
<td>79</td>
<td>15%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>177</td>
<td>33%</td>
</tr>
<tr>
<td>Don't Know</td>
<td>81</td>
<td>15%</td>
</tr>
</tbody>
</table>
7. Have you ever used the services of a lawyer before?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>252</td>
<td>47%</td>
</tr>
<tr>
<td>No</td>
<td>281</td>
<td>53%</td>
</tr>
<tr>
<td>Don’t Remember</td>
<td>0</td>
<td>0%</td>
</tr>
</tbody>
</table>

8. If “Yes” in Q7: Where or how did you find that lawyer?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising (TV, Radio, Newspaper, Billboards, etc.)</td>
<td>10</td>
<td>4%</td>
</tr>
<tr>
<td>Internet Search / Google</td>
<td>21</td>
<td>8%</td>
</tr>
<tr>
<td>Word of Mouth (Friend, Family, Co-worker)</td>
<td>141</td>
<td>56%</td>
</tr>
<tr>
<td>I Personally Know the Lawyer</td>
<td>38</td>
<td>15%</td>
</tr>
<tr>
<td>Through Another Business (Realtor, Broker, Financial Advisor, etc.)</td>
<td>5</td>
<td>2%</td>
</tr>
<tr>
<td>They Were Assigned to Me by the Court</td>
<td>8</td>
<td>3%</td>
</tr>
<tr>
<td>I’ve Used This Lawyer or Law Firm Before</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>39</td>
<td>16%</td>
</tr>
<tr>
<td>Don’t Remember</td>
<td>6</td>
<td>2%</td>
</tr>
</tbody>
</table>
9. If “Yes” in Q11: What was the situation you used a lawyer for most recently?

<table>
<thead>
<tr>
<th>Situation</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Dispute with a Business</td>
<td>4</td>
<td>2%</td>
</tr>
<tr>
<td>A Dispute with a Neighbor</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Difficulties when Buying or Selling a Home</td>
<td>6</td>
<td>3%</td>
</tr>
<tr>
<td>Concerns over Your Treatment at Work</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Doing a Lease or Other Contract</td>
<td>10</td>
<td>4%</td>
</tr>
<tr>
<td>Lawsuits</td>
<td>7</td>
<td>3%</td>
</tr>
<tr>
<td>Personal Finance Matters, such as Debt or Tax Issues</td>
<td>15</td>
<td>6%</td>
</tr>
<tr>
<td>Personal Injury (Car Accidents, Workers Comp, Medical Malpractice)</td>
<td>12</td>
<td>5%</td>
</tr>
<tr>
<td>Planning for or Managing Your Estate or Retirement</td>
<td>30</td>
<td>13%</td>
</tr>
<tr>
<td>Separation, Divorce, or Custody of Children</td>
<td>46</td>
<td>19%</td>
</tr>
<tr>
<td>Serious Traffic Citation or a Criminal Charge</td>
<td>14</td>
<td>6%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>92</td>
<td>39%</td>
</tr>
<tr>
<td>Don’t Know</td>
<td>3</td>
<td>1%</td>
</tr>
</tbody>
</table>
10. Using a one-to-seven rating scale where one is "strongly disagree" and seven is "strongly agree," please tell me how much you agree or disagree with the following statements.

**Lawyers provide assistance to issues I cannot handle on my own.**

<table>
<thead>
<tr>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Strongly Disagree</td>
<td>12</td>
</tr>
<tr>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>4</td>
<td>23</td>
</tr>
<tr>
<td>5</td>
<td>79</td>
</tr>
<tr>
<td>6</td>
<td>113</td>
</tr>
<tr>
<td>7 = Strongly Agree</td>
<td>293</td>
</tr>
</tbody>
</table>

**Average Mean** 6.14  
**Median** 7.00

**Lawyers act in the best interest of their clients.**

<table>
<thead>
<tr>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Strongly Disagree</td>
<td>12</td>
</tr>
<tr>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td>3</td>
<td>37</td>
</tr>
<tr>
<td>4</td>
<td>71</td>
</tr>
<tr>
<td>5</td>
<td>163</td>
</tr>
<tr>
<td>6</td>
<td>120</td>
</tr>
<tr>
<td>7 = Strongly Agree</td>
<td>100</td>
</tr>
</tbody>
</table>

**Average Mean** 5.14  
**Median** 5.00

Don’t Know | 9  | 2% |
Lawyers maintain strict confidentiality.

<table>
<thead>
<tr>
<th>Response Level</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Strongly Disagree</td>
<td>12</td>
<td>2%</td>
</tr>
<tr>
<td>2</td>
<td>3</td>
<td>1%</td>
</tr>
<tr>
<td>3</td>
<td>19</td>
<td>4%</td>
</tr>
<tr>
<td>4</td>
<td>22</td>
<td>4%</td>
</tr>
<tr>
<td>5</td>
<td>74</td>
<td>14%</td>
</tr>
<tr>
<td>6</td>
<td>143</td>
<td>27%</td>
</tr>
<tr>
<td>7 = Strongly Agree</td>
<td>248</td>
<td>47%</td>
</tr>
<tr>
<td><strong>Average Mean</strong></td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td><strong>Median</strong></td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Don’t Know</td>
<td>10</td>
<td>2%</td>
</tr>
</tbody>
</table>

A lawyer can be a confidant, or someone I can trust.

<table>
<thead>
<tr>
<th>Response Level</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Strongly Disagree</td>
<td>16</td>
<td>3%</td>
</tr>
<tr>
<td>2</td>
<td>15</td>
<td>3%</td>
</tr>
<tr>
<td>3</td>
<td>32</td>
<td>6%</td>
</tr>
<tr>
<td>4</td>
<td>46</td>
<td>9%</td>
</tr>
<tr>
<td>5</td>
<td>117</td>
<td>22%</td>
</tr>
<tr>
<td>6</td>
<td>133</td>
<td>25%</td>
</tr>
<tr>
<td>7 = Strongly Agree</td>
<td>170</td>
<td>32%</td>
</tr>
<tr>
<td><strong>Average Mean</strong></td>
<td>5.48</td>
<td></td>
</tr>
<tr>
<td><strong>Median</strong></td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Don’t Know</td>
<td>4</td>
<td>1%</td>
</tr>
</tbody>
</table>
11. Imagine you needed the assistance of a lawyer today. Where would you go to find a lawyer?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>I Already Have a Lawyer</td>
<td>60</td>
<td>11%</td>
</tr>
<tr>
<td>I Personally Know a Lawyer</td>
<td>75</td>
<td>14%</td>
</tr>
<tr>
<td>Internet Search / Google</td>
<td>149</td>
<td>28%</td>
</tr>
<tr>
<td>Referral / Word of Mouth (Friend, Family, Coworker)</td>
<td>229</td>
<td>43%</td>
</tr>
<tr>
<td>Rating or Review Website</td>
<td>16</td>
<td>3%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>74</td>
<td>14%</td>
</tr>
<tr>
<td>Don't Know</td>
<td>20</td>
<td>4%</td>
</tr>
</tbody>
</table>

12. Using a one-to-seven rating scale where one is "very negative," seven is "very positive," and four is "neutral," please rate your impression of lawyers.

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Very Negative</td>
<td>11</td>
<td>2%</td>
</tr>
<tr>
<td>2</td>
<td>16</td>
<td>3%</td>
</tr>
<tr>
<td>3</td>
<td>32</td>
<td>6%</td>
</tr>
<tr>
<td>4 = Neutral</td>
<td>179</td>
<td>34%</td>
</tr>
<tr>
<td>5</td>
<td>146</td>
<td>28%</td>
</tr>
<tr>
<td>6</td>
<td>87</td>
<td>16%</td>
</tr>
<tr>
<td>7 = Very Positive</td>
<td>51</td>
<td>10%</td>
</tr>
<tr>
<td><strong>Average Mean</strong></td>
<td></td>
<td>4.72</td>
</tr>
<tr>
<td><strong>Median</strong></td>
<td></td>
<td>5.00</td>
</tr>
<tr>
<td>Don't Know</td>
<td>8</td>
<td>2%</td>
</tr>
</tbody>
</table>
13. I am now going to read you a list of various situations individuals may find themselves in, and I would like you to rate how likely you would be to use a lawyer if you were in each of those situations. Please us a one-to-seven scale where one is "not at all likely" and seven is "very likely."

**A Dispute with a Business**

<table>
<thead>
<tr>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Not at all Likely</td>
<td>43</td>
</tr>
<tr>
<td>2</td>
<td>35</td>
</tr>
<tr>
<td>3</td>
<td>51</td>
</tr>
<tr>
<td>4</td>
<td>99</td>
</tr>
<tr>
<td>5</td>
<td>126</td>
</tr>
<tr>
<td>6</td>
<td>82</td>
</tr>
<tr>
<td>7 = Very Likely</td>
<td>91</td>
</tr>
</tbody>
</table>

**Average Mean** 4.59

**Median** 5.00

**Don’t Know** 4 1%

**A Dispute with a Neighbor**

<table>
<thead>
<tr>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Not at all Likely</td>
<td>170</td>
</tr>
<tr>
<td>2</td>
<td>101</td>
</tr>
<tr>
<td>3</td>
<td>80</td>
</tr>
<tr>
<td>4</td>
<td>86</td>
</tr>
<tr>
<td>5</td>
<td>60</td>
</tr>
<tr>
<td>6</td>
<td>16</td>
</tr>
<tr>
<td>7 = Very Likely</td>
<td>16</td>
</tr>
</tbody>
</table>

**Average Mean** 2.77

**Median** 2.00

**Don’t Know** 1 0%
### Difficulties with Buying or Selling a Home

<table>
<thead>
<tr>
<th>Response</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Not at all Likely</td>
<td>133</td>
<td>25%</td>
</tr>
<tr>
<td>2</td>
<td>111</td>
<td>21%</td>
</tr>
<tr>
<td>3</td>
<td>64</td>
<td>12%</td>
</tr>
<tr>
<td>4</td>
<td>96</td>
<td>18%</td>
</tr>
<tr>
<td>5</td>
<td>67</td>
<td>13%</td>
</tr>
<tr>
<td>6</td>
<td>22</td>
<td>4%</td>
</tr>
<tr>
<td>7 = Very Likely</td>
<td>33</td>
<td>6%</td>
</tr>
<tr>
<td><strong>Average Mean</strong></td>
<td><strong>3.10</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Median</strong></td>
<td><strong>3.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

| Don’t Know        | 2 | 0% |

### Concerns Over Your Treatment at Work

<table>
<thead>
<tr>
<th>Response</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Not at all Likely</td>
<td>100</td>
<td>19%</td>
</tr>
<tr>
<td>2</td>
<td>65</td>
<td>12%</td>
</tr>
<tr>
<td>3</td>
<td>76</td>
<td>15%</td>
</tr>
<tr>
<td>4</td>
<td>115</td>
<td>22%</td>
</tr>
<tr>
<td>5</td>
<td>89</td>
<td>17%</td>
</tr>
<tr>
<td>6</td>
<td>35</td>
<td>7%</td>
</tr>
<tr>
<td>7 = Very Likely</td>
<td>36</td>
<td>7%</td>
</tr>
<tr>
<td><strong>Average Mean</strong></td>
<td><strong>3.54</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Median</strong></td>
<td><strong>4.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

| Don’t Know        | 7 | 1% |
### Doing a Lease or Other Contract

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Not at all Likely</td>
<td>85</td>
<td>16%</td>
</tr>
<tr>
<td>2</td>
<td>72</td>
<td>14%</td>
</tr>
<tr>
<td>3</td>
<td>62</td>
<td>12%</td>
</tr>
<tr>
<td>4</td>
<td>93</td>
<td>18%</td>
</tr>
<tr>
<td>5</td>
<td>90</td>
<td>17%</td>
</tr>
<tr>
<td>6</td>
<td>57</td>
<td>11%</td>
</tr>
<tr>
<td>7 = Very Likely</td>
<td>71</td>
<td>13%</td>
</tr>
<tr>
<td><strong>Average Mean</strong></td>
<td>3.92</td>
<td></td>
</tr>
<tr>
<td><strong>Median</strong></td>
<td>4.00</td>
<td></td>
</tr>
<tr>
<td>Don't Know</td>
<td>2</td>
<td>0%</td>
</tr>
</tbody>
</table>
Separation, Divorce, or Custody of Children

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Not at all Likely</td>
<td>26</td>
<td>5%</td>
</tr>
<tr>
<td>2</td>
<td>13</td>
<td>3%</td>
</tr>
<tr>
<td>3</td>
<td>10</td>
<td>2%</td>
</tr>
<tr>
<td>4</td>
<td>33</td>
<td>6%</td>
</tr>
<tr>
<td>5</td>
<td>49</td>
<td>9%</td>
</tr>
<tr>
<td>6</td>
<td>96</td>
<td>18%</td>
</tr>
<tr>
<td>7 = Very Likely</td>
<td>298</td>
<td>56%</td>
</tr>
<tr>
<td><strong>Average Mean</strong></td>
<td><strong>5.94</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Median</strong></td>
<td><strong>7.00</strong></td>
<td></td>
</tr>
<tr>
<td>Don’t Know</td>
<td>5</td>
<td>1%</td>
</tr>
</tbody>
</table>

Personal Finance Matters, such as Debt or Tax Issues

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Not at all Likely</td>
<td>106</td>
<td>20%</td>
</tr>
<tr>
<td>2</td>
<td>80</td>
<td>15%</td>
</tr>
<tr>
<td>3</td>
<td>60</td>
<td>11%</td>
</tr>
<tr>
<td>4</td>
<td>88</td>
<td>17%</td>
</tr>
<tr>
<td>5</td>
<td>89</td>
<td>17%</td>
</tr>
<tr>
<td>6</td>
<td>48</td>
<td>9%</td>
</tr>
<tr>
<td>7 = Very Likely</td>
<td>54</td>
<td>10%</td>
</tr>
<tr>
<td><strong>Average Mean</strong></td>
<td><strong>3.64</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Median</strong></td>
<td><strong>4.00</strong></td>
<td></td>
</tr>
<tr>
<td>Don’t Know</td>
<td>4</td>
<td>1%</td>
</tr>
</tbody>
</table>
### Personal Injury

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Not at all Likely</td>
<td>42</td>
<td>9%</td>
</tr>
<tr>
<td>2</td>
<td>25</td>
<td>5%</td>
</tr>
<tr>
<td>3</td>
<td>40</td>
<td>8%</td>
</tr>
<tr>
<td>4</td>
<td>80</td>
<td>17%</td>
</tr>
<tr>
<td>5</td>
<td>100</td>
<td>21%</td>
</tr>
<tr>
<td>6</td>
<td>78</td>
<td>16%</td>
</tr>
<tr>
<td>7 = Very Likely</td>
<td>114</td>
<td>24%</td>
</tr>
</tbody>
</table>

Average Mean | 4.80
Median       | 5.00

Don’t Know 3 1%

### Planning for or Managing Your Estate or Retirement

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Not at all Likely</td>
<td>56</td>
<td>11%</td>
</tr>
<tr>
<td>2</td>
<td>46</td>
<td>9%</td>
</tr>
<tr>
<td>3</td>
<td>45</td>
<td>9%</td>
</tr>
<tr>
<td>4</td>
<td>87</td>
<td>16%</td>
</tr>
<tr>
<td>5</td>
<td>93</td>
<td>18%</td>
</tr>
<tr>
<td>6</td>
<td>78</td>
<td>15%</td>
</tr>
<tr>
<td>7 = Very Likely</td>
<td>123</td>
<td>23%</td>
</tr>
</tbody>
</table>

Average Mean | 4.59
Median       | 5.00

Don’t Know 1 0%
### Serious Traffic Citation or a Criminal Charge

<table>
<thead>
<tr>
<th>Level</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Not at all Likely</td>
<td>26</td>
<td>5%</td>
</tr>
<tr>
<td>2</td>
<td>7</td>
<td>1%</td>
</tr>
<tr>
<td>3</td>
<td>17</td>
<td>3%</td>
</tr>
<tr>
<td>4</td>
<td>31</td>
<td>6%</td>
</tr>
<tr>
<td>5</td>
<td>76</td>
<td>14%</td>
</tr>
<tr>
<td>6</td>
<td>117</td>
<td>22%</td>
</tr>
<tr>
<td>7 = Very Likely</td>
<td>252</td>
<td>48%</td>
</tr>
<tr>
<td>Average Mean</td>
<td>5.82</td>
<td></td>
</tr>
<tr>
<td>Median</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Don't Know</td>
<td>4</td>
<td>1%</td>
</tr>
</tbody>
</table>
14. What do you believe is the biggest barrier preventing individuals from using services provided by a lawyer?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
</table>
| Cost                   | 405   | 76%
| Not Knowing Where to Start | 17   | 3%
| Not Knowing How a Lawyer Can Help | 16   | 3%
| Lack of Trust          | 37    | 7%
| Other (Specify)        | 38    | 7%
| Don’t Know             | 19    | 4%

(For a list of verbatim ‘other’ responses, see Appendix E.)

15. What do you believe is the NEXT biggest barrier?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
</table>
| Cost                   | 59    | 12%
| Not Knowing Where to Start | 42   | 8%
| Not Knowing How a Lawyer Can Help | 54   | 11%
| Lack of Trust          | 73    | 14%
| Other (Specify)        | 174   | 34%
| Don’t Know / No Other Barriers | 107  | 21%

(For a list of verbatim ‘other’ responses, see Appendix E.)
16. If you were to utilize the services provided by a lawyer, which of the following types of fee arrangements would you prefer? Would you prefer...

<table>
<thead>
<tr>
<th>Type of Fee Arrangement</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Set Amount for a Specific Task or Service</td>
<td>116</td>
<td>22%</td>
</tr>
<tr>
<td>A Firm Quote for an Entire Case or Project</td>
<td>139</td>
<td>26%</td>
</tr>
<tr>
<td>An Hourly Rate</td>
<td>42</td>
<td>8%</td>
</tr>
<tr>
<td>A Fee That Depended on the Result, whether in Part or in Whole</td>
<td>129</td>
<td>24%</td>
</tr>
<tr>
<td>A Monthly Charge for Certain Ongoing Services</td>
<td>57</td>
<td>11%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>33</td>
<td>6%</td>
</tr>
<tr>
<td>Don't Know</td>
<td>13</td>
<td>3%</td>
</tr>
</tbody>
</table>

(For a list of verbatim ‘other’ responses, see Appendix E.)

I just have a few more questions for statistical purposes.

17. What is your marital status?

<table>
<thead>
<tr>
<th>Marital Status</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single, Never Married</td>
<td>108</td>
<td>21%</td>
</tr>
<tr>
<td>Married</td>
<td>358</td>
<td>68%</td>
</tr>
<tr>
<td>Divorced</td>
<td>35</td>
<td>7%</td>
</tr>
<tr>
<td>Separated</td>
<td>3</td>
<td>1%</td>
</tr>
<tr>
<td>Widowed</td>
<td>20</td>
<td>4%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>2</td>
<td>0%</td>
</tr>
</tbody>
</table>

(For a list of verbatim ‘other’ responses, see Appendix E.)

18. Do you have children under the age of 18 in the home?

<table>
<thead>
<tr>
<th>Response</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>220</td>
<td>42%</td>
</tr>
<tr>
<td>No</td>
<td>306</td>
<td>58%</td>
</tr>
</tbody>
</table>
19. What is your race or ethnic background?

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>White, Caucasian</td>
<td>470</td>
<td>92%</td>
</tr>
<tr>
<td>Hispanic, Latino</td>
<td>16</td>
<td>3%</td>
</tr>
<tr>
<td>Black, African American</td>
<td>5</td>
<td>1%</td>
</tr>
<tr>
<td>Asian, Pacific Islander</td>
<td>8</td>
<td>2%</td>
</tr>
<tr>
<td>Native American, Alaska Native</td>
<td>2</td>
<td>0%</td>
</tr>
<tr>
<td>Other (Specify)</td>
<td>12</td>
<td>2%</td>
</tr>
</tbody>
</table>

20. Which of the following best describes your highest level of education?

<table>
<thead>
<tr>
<th>Education Level</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than High School</td>
<td>4</td>
<td>1%</td>
</tr>
<tr>
<td>High School Graduate / GED</td>
<td>50</td>
<td>10%</td>
</tr>
<tr>
<td>Some College or Technical Training</td>
<td>192</td>
<td>37%</td>
</tr>
<tr>
<td>College Graduate</td>
<td>180</td>
<td>34%</td>
</tr>
<tr>
<td>Post-college Graduate</td>
<td>100</td>
<td>19%</td>
</tr>
</tbody>
</table>
21. Which of the following best describes your annual household income?

<table>
<thead>
<tr>
<th>Income Range</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Less than $20,000</td>
<td>47</td>
<td>10%</td>
</tr>
<tr>
<td>2 = $20,000 to $34,999</td>
<td>53</td>
<td>11%</td>
</tr>
<tr>
<td>3 = $35,000 to $49,999</td>
<td>87</td>
<td>18%</td>
</tr>
<tr>
<td>4 = $50,000 to $74,999</td>
<td>108</td>
<td>23%</td>
</tr>
<tr>
<td>5 = $75,000 to $99,999</td>
<td>85</td>
<td>18%</td>
</tr>
<tr>
<td>6 = $100,000 to $149,999</td>
<td>66</td>
<td>14%</td>
</tr>
<tr>
<td>7 = $150,000 or More</td>
<td>34</td>
<td>7%</td>
</tr>
</tbody>
</table>

Average Mean: 3.97
Median: 4.00

This concludes our survey. We thank you for your time and opinions.
ITEM/ISSUE:

The Bar is seeking applications from lawyers to fill an unexpired term on the Third District Trial Court Nominating Commission. This term will expire January 2019. The Commission nominates judges to fill vacancies on the district court and the juvenile court within the Third Judicial District.

Commissioners must be citizens of the United States and residents of the Third District (Salt Lake, Summit, and Tooele Counties). Commissioners may not serve successive terms. No more than four of the seven members of the nominating commission may be of the same political party. Applicants must identify political party affiliation or if unaffiliated.

APPLICANTS: (Resumes attached; sorted by political party then, by last name.)

1. Lesley Manley Democrat
2. Thaddeus May Democrat
3. Leonard McGee Democrat
4. Doug Mortensen Democrat
5. Kristen Olsen Democrat
6. Sarah Starkey Democrat
7. Ann Marie Taliaferro Democrat

1. Bryon Benevento Independent
2. Kent Davis Independent
3. Mark Hales Independent
4. Ryan Holtan Independent
5. Jess Krannich Independent
6. Mike Petrogeorge Independent
7. Chelsey Phippen Independent

1. Yvette Donosso Republican
2. Greg Hoole Republican
3. Josh Lee Republican
4. Benjamin Lusty Republican
5. David Wilkins Republican

1. Peter Christensen No affiliation
2. Heidi Goebel No affiliation
3. Paul Johnson No affiliation
4. Amber Leavitt No affiliation

INFO ONLY: DISCUSSION: ACTION NEEDED: **X**
March 26, 2018

Ms. Christy Abad
Utah State Bar
645 South 200 East
Salt Lake City, UT 84111
cabad@utahbar.org

Re: Third Judicial District Nominating Commission

Dear Ms. Abad,

I am writing to express my interest in the judicial appointment position currently available on the Third Judicial District Nominating Commission. I believe that I am well-qualified for this position.

As an experienced attorney, I am well-versed in the law and familiar with the judicial process. I have handled a wide range of cases, from civil to criminal, and have worked closely with judges to ensure fair and just outcomes for my clients. My experience has equipped me with the skills necessary to serve on the nominating commission.

I am also highly qualified for the position, having completed my law degree and passed the bar exam. I have been actively involved in the legal community for several years and have held various leadership positions within the Utah State Bar.

Lastly, I believe that my experience and qualifications make me the ideal candidate for this position. I am confident that I can contribute to the success of the Third Judicial District Nominating Commission.

Thank you for considering my application. I look forward to the opportunity to discuss my qualifications further.

Sincerely yours,

Lesley A. Manley

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Lesley A. Manley
2177 E. Howard Drive, No. 334, Salt Lake City, UT 84106 • 801-239-8327 • jmanley@manleylaw.com

EDUCATION

Sandra Day O’Connor College of Law, Arizona State University, Tempe, AZ
J.D., May 2001
Honors:
Arizona State Law Journal, Articles Editor & Staff Writer
CALI Award for Excellence (Highest Overall Grade) – Federal Indian Law
Pro Bono Distinction (Top 10)

Extracurricular:
Hon. David H. Marcus, United States Magistrate Judge, District of Arizona
United States Attorney’s Office – Criminal Division, Phoenix, AZ
Arizona State Senate Rule Committee
City of Phoenix, Arizona
Carroll County Attorney’s Office, Forney, TX (Post-Graduate Fellowship)

Publications:
Comment, Should States Serve as Laboratories for Mine Safety Regulation?, 41 Ariz. L.J. 379 (Spring, 2009).

Westminster College, Salt Lake City, UT
B.A., Political Science (History Emphasis), Minors in Business and Psychology, May 2006
Magna Cum Laude

Honors:
Outstanding Student in Political Science Award (selected by faculty)

PROFESSIONAL EXPERIENCE

Manley, Waldo, Holbroch & McDermott, P.C., Salt Lake City, UT
2006 – Present
Associate Attorney
Specialize in defense and plaintiff side general commercial litigation and employment-based immigration matters. Conducted in-house, shareholder, named-entity, ILSA, and other various types of litigation. Drafted motions, court pleadings, documents, and correspondence. Managed case load and performed legal research on a variety of issues. Appeared on behalf of clients in court proceedings and mediation. Drafted R & R's in applications for I-140 transfers, renewals, and extensions. Maintained and developed client relationship.

Holbroch & Wells, United States Magistrate Judge, Salt Lake City, UT
2012 – 2016
Judicial Law Clerk
Researched substantive issues of federal and state law. Drafted bench memoranda, opinions and orders. Assisted and guided judges during court proceedings and discovery disputes. Planned and coordinated United States Supreme Court Justices Sonia Sotomayor's 2016 visit to the U.S. District Court.

Willey Law, South Jordan, UT
2011 – 2012
Associate Attorney
Handled the defense side of business, construction, debt, personal injury, and products liability litigation matters in arbitration and state and federal courts. Responsible for included document review, drafting pleadings, discovery, and签订了 insurance company claims to keep them aligned in their filings in litigation.

PRESENTATIONS

• Event Sponsorship of Public Officials and Employees, Board of Trustees, Economic Development Corp. of Utah (2015)
• Alumni Graduation Speaker, Westminster College Commencement, (2017)
• Alumni Relations Update, Westminster College Board of Trustees, Quarterly Meetings (2014-2017)
• Litigation Update, Utah Bar and Community, Compliance Conference (2010)

PROFESSIONAL AFFILIATIONS AND COMMUNITY INVOLVEMENT

• Chair, Utah State Bar Committees on New Lawyer Training
• Alumnae Representative selected by Board of Trustees, Professional Search Committee, Westminster College
• Development Chair, LGBT & Allies, Utah Attorneys for Mothers
• New Chair, Westminster College Alumni Board
• Board Member, Westminster College Alumni Board
• Alumni Mentor, Westminster College Alumni Mentoring Program
• David K. Weikshe – 2nd Lieutenant, Utah National Guard
• Utah Bar Association, Utah Chapter
• Women Lawyers of Utah

AWARDS & DISTINCTIONS

• Mountain States Super Lawyers, Rising Star (2018) Only 2.5% of attorneys in the Mountain States receive this distinction.
• Master Food Preserver & Utah State Fair Blue Ribbon Canner (2017).
To Whom It May Concern:

My name is Thaddeus James May and I am interested in becoming a member of the Third District Nondiscrimination Commission. I am a registered Democrat. For over a decade, I have committed myself to excellence in advocacy. As a criminal prosecutor, I have tried dozens of cases, negotiated hundreds of resolutions, and argued countless motions, before judges in the Third District. My significant courtroom experience makes me an ideal candidate for this position.

I have earned the respect of the bench and the defense bar with a commitment to fairness and equity. Serving on this Commission will allow me to expand my capacity to serve by ensuring qualified candidates are promoted to the bench.

Thaddeus James May

Thaddeus James May

1141 Budgee Circle
Salt Lake City, Utah 84106
Telephone: (801) 638-7020

EXPERIENCE

September 2007-Present
Deputy District Attorney, Salt Lake County Attorneys’ Office
-Member of the Special Victims Unit 2017-2018, and April 2011-2015
-Member of Juvenile Justice Unit April 2015-January 2017
-Argued 56 jury trials, many before the judge, the prosecutor, the defense attorney, family, friends, and the courtroom
-CreateTime to manage cases, which are handled in a timely manner
-Communicated and investigated hundreds of cases involving drug, drunk, and sex offenses
-Prepared multiple motions for pretrial hearings
-Designed and conducted hearings for approval of probation

Training Experience
-Attorney for the District Attorney’s Office training committee, 2010-2013
-Prepared training for Utah Prosecution Council at Advanced Trial Skills Course, 2013
-Attended quarterly training to Salt Lake City Police Department, 2003
-Attended multiple trainings to Salt Lake County Sheriff’s Office, 2011
-Prepared a speech at the International Forensic Eviction Conference, 2014
-Prepared training on training of trainings at Salt Lake County Children’s Justice Center, 2016-present.

February-September 2018
Deputy District Attorney, Utah County Attorneys’ Office
-Fed from jury duty in various courthouses
-Custody ranging from DUI to heavy child abuse

May 2005-February 2017
Deputy District Attorney, The Honorable Gary D. Blair
-Prepared both civil and criminal filings and motions for the Court
-Obtained loco parentis, motion for the court to take custody of the child

May - September 2015
Law Clerk for the Criminal Appeals Division of the Utah Attorney General’s Office
-Prepared briefs
-Edited, cited, drafted, and prepared briefs for filing

August 2001 - August 2002
American VISTA Volunteer, New York State Library and Services, Albany, NY
-Produced hundreds of legal resources for parents, teachers and students
-Collaborated with educators, educators and students on service learning projects

EDUCATION

2006-2010 Brigham Young University, Provo, UT, BA in History

1996-2001 Brigham Young University, Provo, UT, BA in History
Leonard E. McGee
972 Cutter Lane
Park City, Utah 84098
(801)520-4658
E-Mail: lemgm@westernlawyers.com

WORK EXPERIENCE

McGee Utah ADR, LLC
2013 to present
Conduct arbitrations and mediations in personal injury cases as retained by attorneys throughout Utah.

Robert J. Dobry & Associates
45 West 10000 South, Suite 401
Sandy, Utah 84070
Dates Employed: 02/2006 - Present
Managing team attorney for personal injury law firm, concentrating in the representation of victims of accidents and medical malpractice. Manage staff of ten.

Sgearl & Associates
6056 South Fashion Square Drive, #200
Salt Lake City, Utah 84123
In-house staff attorney for major liability insurance carrier. Responsible for vigorously defending insured’s interests in litigation claims (automobile, homeowners and commercial) made against them in Federal and State Courts. Have a continuing active litigation caseload of 150+ litigation files at any time. This job entails active litigation of claims as well as resolving claims through Alternative Dispute Resolution. Advise risk managers and claims adjusters on legal merits of claims. Prepare detailed memoranda of law and opposing attorney’s positions.

United States Navy
Office of Naval Intelligence
Suitland, MD
Executive Office/Operations office for various ONI Reserve units
August, 1984 – January, 2004

CNO Intelligence Fleet
Chief of Naval Operations, Naval Operations Center, Pentagon
Washington, D.C.
Dates Served: 01/2003-09/2003
Recalled to active duty. Intelligence analyst and daily brief to Chief of Naval Operations and Director of Naval Intelligence during Operation Iraqi Freedom (invasion of Iraq). Analysis of current intelligence related to routine intelligence and war-fighting activities of U.S. Armed Forces. Research and prepared spot reports, memos, and papers to senior Navy leadership. Supervised the work of twelve other intelligence analysts as operations officer of Maritime Tracking and Targeting Division (MTTD) at Office of Naval Intelligence. Interfaced and coordinated with other military, national, and foreign intelligence and law enforcement agencies on matters of terrorism and intelligence matters. Wrote the manual, "Transportation Transaction Analysis" and edited refined the manual, "The Cargo Tracking Handbook", both of which are used today by military intelligence and civilian law enforcement agencies in the U.S. and abroad. Member of Contingency Operations Team for Vice President Cheney.

Assistant Intelligence Officer, USS Ranger(CV-61)
Recalled to active duty. Analyzed imaging and intelligence reports, drafted targeting folders for Coalition missions over Iraq, conducted bomb damage assessment, briefed and de-briefed mission personnel. Held Top Secret/SCI (Compartmented) security clearance.
(Retired January 1, 2004 with rank of Commander)
JOE-BRELATED TRAINING COURSES

Presented/Taught the following seminars:
- Effective Discovery Procedures in Utah
- Effective Discovery Strategies for Litigation in Utah
- How to Win Your Next Soft Tissue Injury Case in Utah
- Advanced Personal Injury Practice in Utah
- Damages in Utah Civil Trial Practice
- Trying the Automobile Injury Case in Utah
- Utah Personal Injury Practice for Paralegals
- The Personal Injury Paralegal in Utah

PERSONAL

Married to Robie Davis and have five children, ages 15 - 25
Enjoy road hiking, mountain biking, canoeing and lake kayaking, hiking and snowshoeing in Utah's beautiful mountains.
Dear Ms. Abad:

In the message I just sent you, I failed to inform you that I am registered as a Democrat. If you need more information, please let me know.

Respectfully,

Douglas G. Mortensen

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EDUCATION:

B.S. Degree, Magna Cum Laude, University of Utah, 1974

J.D. Degree, University of Utah College of Law, 1977,

Society of Bar & Gavel

LAW PRACTICE:

Shareholder, MATHISON, MORTENSEN, OLSEN & JEFFSON, P.C.

(1981 to 2011; partners and I are now retired from day-to-day practice); 34 years as trial lawyer: 27 civil trials; 11 criminal trials.

Winner of Utah's only jury verdict and award ($250,000) against a hospital for negligent credentialing an impaired surgeon; Expert Witness in 5 legal malpractice cases.

OTHER ACTIVITIES:

Chapter author, Utah Business Law for Entrepreneurs and Managers (2010);

Author/Presenter of 27 Publications/Presentations in legal journals and/or lawyer seminars.

Adjunct Professor of Business & Employment Law, Westminster College (2014-);

Inner City Project Missionary (helping Hispanic people become self-sufficient);

Leadership Support Missionary, Plainfield, New Jersey (March-September, 2013);

Visiting Professor of Law, Masaryk University, Brno, Czech Republic (Spring 2013);

Fellow, ASCEND ALLIANCE, 4 month service in Bolivia (March-July 2008);

Member, Rotary International, Clubs 23401 - present: Chairman, International Service Committee (2004-10); past Chairman, Environment & Ecology Committee (2003-04);

Tutor, Goodhue Center (ESL, adults) (2010-2014); also, through Rotary, at Franklin Elementary School (2010-);

Assistant Swim Coach, Olympus High (’11, ’12, ’14 - ’15);

Scoutmaster, Troop 377 (’97 - ’00) and Boy Scout Roundtable Commissioner, Evergreen District, Great Salt Lake Council, BSA (’97 to ’00);

Co-Founder, Trustee and Legal Counsel, Utah Head Injury Association (’86 - ’91).

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DOUGLAS G. MORTENSEN

2174 Miller Lane, B.C., UT 84105

Telephone: (801) 410-4397
dmortal@lgatx.com

PERSONAL BACKGROUND:

Born: January 25, 1950

Married: to the former Victoria Allred since 1972;

4 children, 10 grandchildren;

Admitted: Utah State Bar, 1977;

Arizona State Bar, 1978

(Prior active admissions in Nevada, Idaho, Washington, Wyo.)

10th Circuit Court of Appeals

United States Supreme Court

PROFESSIONAL SERVICE, AFFILIATIONS AND HONORS:

Chairman, Utah Supreme Court Board of Mandatory Continuing Legal Education (08 - 13);

Commissioner, Third District Court Judicial Nominating Commission (’03 - ’07);

President, Utah Trial Lawyers Association (2002); Utah Association for Justice (’02 - ’04);

Governor Board Member (’97 - ’00); Legislative Affairs Committee Chair (’03);

Honorary Lifetime Member, Utah Association for Justice;

Participant, In-House task force of government and private lawyers who rewrite Utah’s Governmental Immunity Act (’08);

Holzer, Martinek-Hoehne “A” rating (1991-);

Member, Utah Courts Alternative Dispute Resolution Committee (2014-);

Trained Mediator, Utah Dispute Resolution (40.5 hours of formal training);

Member, A Sherman Christensen American Inn of Court (inactive);

Recipient, “Legal Elite” recognition by Utah Business magazine (2005-09);

Law Clerk to Hon. James Duke Cameron, Chief Justice, Arizona Supreme Court (’77 - ’78).
Hello Christy,

Attached is my resume for the vacancy on the Third District nominating commission. My political affiliation is Democrat. Please let me know if you need any additional information.

Thanks,

Kristen E. Olsen
Associations

( ) DORSEY & WHITNEY LLP

DORSEY & WHITNEY LLP
Three Building
825 3rd Street
Denver, CO 80206
www.dorsey.com
Ph: (303) 298-8000
Fax: (303) 298-1010

EDUCATION

AMERICAN UNIVERSITY SCHOOL OF LAW, Washington College of Law—B.S. 2002

MAJOR: LAW

ADDITIONAL EDUCATION

University of Utah—B.S. 2000

MAJOR: BUSINESS ADMINISTRATION

EXPERIENCE

Dorsey & Whitney LLP, Salt Lake City, Utah, Associate

September 2018 – Present

Assist clients in labor and employment issues and complex commercial and insurance litigation, specializing in the banking, healthcare, and automotive industries; managed Diversity Advisory Committee.

Utah Center for Legal Inclusion, Salt Lake City, Utah, Co-Founder

January 2016 – Present

Oversee and generate ongoing programs and initiatives focused on advancing equity and inclusion in Utah’s legal community; formed nonprofit board, strategic plan, and attained 501(c)(3) status.

Salt Lake County Bar, Salt Lake City, Utah, Executive Board Member

August 2016 – Present

Write articles for the Salt Lake Bar Journal; attended with bar events and projects.

Utah Bar Leadership Academy, Utah, Leadership Academy Fellow

January 2017 – December 2017

Attended monthly leadership training and annual retreat; participate in bar events.

Utah Bar Convention Evaluation Committee, Salt Lake City, Utah, Committee Member

October 2016 – April 2017

Analyze the Utah Bar Convention processes and locations; provide recommendations to Utah Bar.

Utah Summer Bar Convention, San Diego, California, Co-Chair

October 2015 – July 2016

Plan and coordinate summer bar convention keynote speakers, breakfast sessions, and events.

The International Criminal Tribunal for Rwanda, Arusha, Tanzania, Legal Intern

Research and analyze tribunal cases and judgments of genocide and crimes against humanity

The Utah Supreme Court, Salt Lake City, Utah, Judicial Intern for Chief Justice Dearden

Research and write brief legal issues for cases considered by the Utah Supreme Court

The Sparrow Alliance, Logan, Utah, Founding Board Member

Serve a nonprofit dedicated to promoting social justice through legal and international projects.

Utah State University, Logan, Utah, Adjunct Professor

Teach academic English to international students; develop an academic human rights course; present at the TESOL conference about human rights issues.

SELECT PUBLICATIONS AND PRESENTATIONS


The Salt Lake City Bar’s Work Overview of the Utah Bar’s Governing Board, Utah Bar Journal, Vol. 50, 1 (January 2017) (co-authored with Kasey Copeland)


Choosing Your Path: Our Profession, Multilingual for CLE panel with Justine Christine Duerdoth (ret.), Robert Rieke, Utah Bar President (June 2017)

Appellate & Post-Conviction Advocacy

State Appellate

- State v. Estell, 2001 UT App 109
- State v. Washington, 2001 UT App 294
- State v. Schaefer, 2002 UT App 78
- State v. Rayel, 2001 UT App 394
- State v. Melon, 2001 UT App 417
- State v. Montez, 2001 UT App 175
- State v. Davis, 2001 UT App 14
- State v. Gallegos, 2001 UT App 42

State Appeals

- State v. Estell, 2001 UT App 109
- State v. Freedom, 2001 UT App 34
- State v. Rayel, 2001 UT App 394
- State v. Montez, 2001 UT App 175
- State v. Davis, 2001 UT App 14
- State v. Gallegos, 2001 UT App 42

- State v. State, 2001 UT App 109
- State v. Freedom, 2001 UT App 34
- State v. Rayel, 2001 UT App 394
- State v. Montez, 2001 UT App 175
- State v. Davis, 2001 UT App 14
- State v. Gallegos, 2001 UT App 42

- State v. State, 2001 UT App 109
- State v. Freedom, 2001 UT App 34
- State v. Rayel, 2001 UT App 394
- State v. Montez, 2001 UT App 175
- State v. Davis, 2001 UT App 14
- State v. Gallegos, 2001 UT App 42

Post-Trial Motions and Post-Conviction

- State v. Pena, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)
- State v. Ayala, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)
- State v. Pena, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)
- State v. Ayala, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)
- State v. Pena, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)
- State v. Ayala, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)

- State v. Pena, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)
- State v. Ayala, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)
- State v. Pena, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)
- State v. Ayala, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)
- State v. Pena, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)
- State v. Ayala, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)

- State v. Pena, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)
- State v. Ayala, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)
- State v. Pena, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)
- State v. Ayala, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)
- State v. Pena, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)
- State v. Ayala, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)

- State v. Pena, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)
- State v. Ayala, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)
- State v. Pena, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)
- State v. Ayala, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)
- State v. Pena, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)
- State v. Ayala, Utah, Utah State Court, District of Utah, No. 2507270-U (2012)

Federal Appeals


Tenth Circuit Court of Appeals, CSJ Appellate Panel
*Appraiser Panel Attorney, March 2019-present

National Association of Criminal Defense Lawyers
*Member, 2005-present

Professional Recognition
* Distinguished Service Award, Utah Association of Criminal Defense Lawyers, October 2016
* Distinguished Service Award, Utah Association of Criminal Defense Lawyers, September 2013
* Legal Elite (Crime/Defend), Utah Business, January 2011
* Up and Coming Lawyer, Utah Business, January 2010
* Up and Coming Legal Star, Super Lawyer, 2010
* Up and Coming Legal Star, Super Lawyer, January 2009
* Mountain States Rising Star, Super Lawyer, 2009

Publications, Presentations, Volunteer Activities

Publications
* Respectfully Judge: No Disagree (the Defender Version), Defender Newsletter (Fall 2017)
* Respectfully Judge: No Disagree, 36 Utah Bar Journal, No. 4 (July/Aug. 2003)
* Recent Developments in Criminal Investigation and Discovery Award: Disclosure and Use of Information in the Criminal Defense Setting, 18 Utah Bar Journal, No. 7 (Sep/Oct 2014)
* Development, Personal Property Disbursements, with Utah’s Child Abuse, Neglect, and Dependence

Presentations
* Presentation: Salt Lake Legal Defender’s Association, “Lessons Learned from State v. Draper” (April 5, 2017)
* Presentation: UMSC, “Criminal Motion Practice: Filing and Winning Essential Motions” (October 23, 2015)
* Presentation: 2016 Utah Criminal Law Update: “Criminal Law Update” (March 11, 2016) [presidential panel]
* Presentation: 2017 UACDL Annual Session: “Criminal Law Update” (March 11, 2017) [presidential panel]
* Presentation: 2016 UACDL Annual Session: “Case Law Update” (April 22, 2016)
* Presentation: 2016 UACDL Annual Session: “Case Law Update” (April 22, 2016)

Volunteer
* Attorney/Coach, High School Mock Trial Competition
* New Lawyer Mentor
* Judge Mock Trial Competition
* “Ghost-Writs” Legal Manuscripts and Appellee Briefs for Colleagues
* Tuesday Night Bar, 2015

Personal

Husband and two cats. Used to delve in gardening, painting, swimming, teaching water safety classes, running marathons, hiking and other outdoor activities. In real, living I had a busy day!
Christy Abad

From: bnewsatachristy@doerss.com
To: Christy Abad
Cc: Nomination Commission
Subject: CV

Please accept my application for the Judicial Nomination Commission. I have attached my CV for your review. I am currently a member of the Utah State Bar Admissions Committee, and a past Chair of the Character and Fitness Commission. I would be honored to continue my service to this bar on the Judicial Nomination Committee.

Thank you,

Bryan Benevento

Dorsey & Whitney LLP
111 S Main Street
Suite 2100
SLC, Utah 84111

COMPANIES TURN TO BRYAN BENEVENTO TO PROTECT THEIR PRODUCTS, THEIR INTELLECTUAL PROPERTY, AND THEIR REPUTATIONS WHEN THREATENED BY LITIGATION.

Bryan Benevento focuses on product liability defense, intellectual property, commercial disputes, and securities law. When he works with Bryan, clients receive top legal acumen from an experienced litigator who has tried cases in state and federal courts in 49 states.

Bryan’s product liability experience includes a range of death and personal injury due to defective design, manufacturing, or inadequate warnings. He serves as national counsel for automotive and healthcare companies. His IP litigation experience includes patent, trademark, trade dress, trade secret, Lanham Act and copyright matters. His construction defect experience includes highway design, resort construction and materials issues. Finally, Bryan has extensive commercial litigation experience including breach of contract, business torts, shareholder disputes, ERISA, anti-trust, and others.

Representative Work

- Successfully represented a medical device manufacturer in lawsuits brought by individuals claiming to have been injured by defective medical supplies, products and devices.
- Successfully represented various pharmaceutical companies in lawsuits brought by individuals claiming to have been injured from dangerous prescription medications.
- Successfully represented various manufacturers and retailers in Lanham Act, false advertising, and unfair trade practice disputes pertaining to product efficacy claims, labeling claims, and marketing practices.
- Successfully represented corporate medical providers in multiple reimbursement actions and benefit disputes involving UCIR charges, single patient agreements, plans for determinations, medical necessity claims, and breach of provider services contracts.
- Successfully represented major automotive manufacturers and component suppliers in involuntary recall campaigns overseen by NHTSA and Transport Canada.
- Successfully represented an international software development company in injunctive proceedings and counter-claims against the European businesses valued in excess of $10 million.
- Successfully represented an automotive manufacturer in product liability claims involving claims of defective restraint, tires, door latch systems, seat, and stability and handling.

- International Association of Defense Counsel, Member
- Utah Defense Lawyers Association, Member
- State Bar of Utah, Member
- Character & Fitness Committee, Member and Past Chair
- New York State Bar Association, Member
- New York City Bar Association, Resident Member
- American Inn of Court, Master and Past President
- Federal Bar Association, Member
- Tri-State Federal Bar Association & Intellectual Property Group, Member
- Chair of the University of Utah Alumni Debate Program

Select Presentations

- Emerging Companies: From Domestic Establishment to International Expansion, Cardozo Law School (March 2016)
- Specialization of Evidence, Products Liability Advisory Council, PLAC 2014 Fall Conference (October 2014)
- Trial Academy, Utah State Bar (May 2013)
- Strategies for Jury Selection, American College of Trial Lawyers (March 2013)
- Misdiagnosis of Brain Injury, Utah Defense Legal Association (May 2013)
- Intellectual Property Issues, Tri-State Federal Bar Association (May 2013)
- Impact of KSR, Tri-State Federal Bar Convention (Fall 2007)

Articles

- “How to Protect Your Product with Counterfeiting,” Utah Bar Review, April 17, 2013

- University of Utah (B.S.), cum laude

Educational Background

- University of Utah, S. J. Quinney College of Law (J.D., 2003), Note and Comment Editor, Journal of Contemporary Law (Journal of Energy Law and Policy; William J. Perry Scholar; American Jurisprudence Award; Constitutional Law and Anti-Trust)
- University of Utah (B.S.), cum laude

Professional Activities

- American College of Trial Lawyers, Fellow and current Vice-Chair of State Committee
- Former member of the Product Liability Advisory Council through November 2014
Kent F. Davis

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Kent F. Davis

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Mark R. Hales
mark.r.hales@not.com

EDUCATION

Joshua Christian, J. Reuben Clark Law School, Brigham Young University

April 2005

Leadership

• Assistant to the American Samoa Police Academy on the topics of Criminal Law and Procedure.
• Co-Counsel for the American Samoa Police Academy on the topics of Criminal Law and Procedure.

Publications and Presentations

Government

• American Samoa Attorney General's District Court Manual (2006)
• The 2006Koahino, Utah, Zoning Ordinance (as drafted)
• The 1999 Koahino, Utah, General Plan (as drafted)

Books, Articles, and Abstracts

• John F. Kennedy: The Role of the United States in Global Politics (1999)
• The Role of the United States in Global Politics (1999)
• The American Samoa Court of Appeals: The Role of the United States in Global Politics (1999)
• The American Samoa Court of Appeals: The Role of the United States in Global Politics (1999)
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Presentations

• "Ethnic Representation Regarding Countries in Desires for Peace" (May 2017)
• "Zimbabwe: The Forgotten Country of Africa" (April 2008)

ACCOMPLISHMENTS

Professional

• Member of the Family Law Section and Past President of the Utah State Bar
• Great Qualities, 2012-present
• Member of the South for the American Samoa, 2012-present
• Legal project co-chair for the television show, "The NEW! Law, 2012-2013
• Counsel, executive producer, and judge of "Guiding Lights: The TV show, 2014
• Counsel and executive producer of "Ngulu: The TV show, 2014
• Member of the Utah Bar, American Samoa Bar, and U.S. District Court of the District of Columbia
• Executive Committee Member and Legal Advisor for the American Samoa Bar
• American Samoa Court of Appeals: The Role of the United States in Global Politics (1999)
• Vice President of the Utah State Bar, 1999-2000

Personal

• Great Qualities, 2012-present
• "Guiding Lights: The TV show, 2012-present
• Legal project co-chair for the television show, "The NEW! Law, 2012-2013
• Counsel, executive producer, and judge of "Guiding Lights: The TV show, 2014
• Counsel and executive producer of "Ngulu: The TV show, 2014
• Member of the Utah Bar, American Samoa Bar, and U.S. District Court of the District of Columbia
• Executive Committee Member and Legal Advisor for the American Samoa Bar
• American Samoa Court of Appeals: The Role of the United States in Global Politics (1999)
• Vice President of the Utah State Bar, 1999-2000

Conservator, preferred, and ordained: The National "Furaha Days of Christmas," on the chothes
• Certified expert for the National Security Service, 2012-present
• Helped develop a "Conservation of the Desires for Peace," 2012-present
• "Zimbabwe: The Forgotten Country of Africa," 2012-present

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Christy Abad

From: Ryan Holman <holman@ag.state.ut.us>
Sent: Wednesday, March 21, 2018 4:20 PM
To: Christy Abad
Subject: RE: Third Judicial District Nominating Commission
Attachments: Ryan Holman Resume.pdf

Christy,

I’ve attached my resume for consideration for the Third District Nominating Commission. Let me know if I need to provide any additional materials. Thank you.

Ryan N. Holman
Assistant Attorney General
Internet Crimes Against Children Section
Justice Division | Utah Attorney General’s Office
150 East 300 South, 5th Floor
Salt Lake City UT 84114
Phone: 801-366-0183
Email: holman@ag.state.ut.us

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RYAN N. HOLMAN
1234 S, Lyman Ct, Salt Lake City, UT 84105
(C) 801-946-6577  •  holman@ag.state.ut.us

Political Affiliation: Independent

LEGAL EXPERIENCE

Utah Attorney General’s Office
Assistant Attorney General, 2017 – Current
• Criminal prosecutor ICAC-division

Pearson, Butler & Carver, PLLC
Parner, 2016 – 2013
• Trial Attorney, 2014 – 2017
• Head of the criminal prosecution group for the firm
• Handled all major criminal cases from arrest through trial

Bennett Law, PLLC
Associate, 2011 – 2012
• Independently managed a large criminal defense caseload
• Handled criminal cases from arrest through trial

Bundy & Wurstel, P.C.
Associate, 2010 – 2011
• Assistant to the defending counsel in the deposition and trial of a complex estate case

Salt Lake County District Attorney’s Office
Attorney, 2009 – 2010
• Prosecuted indigent defense cases
• Handled jury trials, pretrial motions, and plea negotiations

EDUCATION

University of Utah S.J. Quinney College of Law
J.D., 2009
• Awarded Technology Mediation Scholarship 2007
• 2nd Place Brief, Tupper Moot Court Competition
• Bar Review Commissioner

Missouri State University
B.A., 2006
• Awarded Missouri State University Exchange Scholarship
• Missouri State University College of Arts and Sciences
• National Conference on Undergraduate Research 2007
Christy Abad

From: Christy Abad
Sent: Wednesday, March 21, 2012 3:50 PM
To: Christy Abad
Subject: Third District Judicial Nominating Commission
Attachments: 0189299.PDF

Christy,

I am writing to apply for the open position on the Third District Judicial Nominating Commission. I am attaching my resume, and I am registered as an independent. If you need any additional information from me, please let me know.

Thanks,
Jess M. Kranich
MANNING CURTIS BRADSHAW & BEDMAR, PLLC
136 East South Temple, Suite 1300, Salt Lake City, UT 84111
+1-801-303-0034 (direct) | +1-801-345-5678 (Fax) (esi)
jkranich@mcb2.com | www.mcb2.com

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JESS M. KRANICH
MANNING CURTIS BRADSHAW & BEDMAR, PLLC
136 East South Temple, Suite 1300, Salt Lake City, UT 84111
(801) 303-6666 (main) | (801) 381-4400 (fax)
jkranich@mcb2.com

Professional Experience

Manning Curtis Bradshaw & Bedmar, PLLC, Salt Lake City, UT

Partner, 2012-Present

• Trial counsel to largest international fixed-fee franchising corporation in case involving allegations of breach of franchise, fraud, unjust enrichment, and other claims. Trial team was directed verdict following four-week jury trial, including on trademark infringement counterclaims.
• Trial counsel to nutritional supplement manufacturer in New Jersey class action involving allegations of consumer fraud related to various advertisements.
• Plaintiff’s counsel for international, Utah-based entity in case involving breach of contract and trade secret violations by former high-level employees. Obtained temporary restraining order and permanent injunction.
• Plaintiff’s counsel to medical device manufacturer and supplier in preliminary injunction proceeding regarding alleged breach of contract and trade secrets violations. Obtained highly favorable settlement following discovery and mediation.
• Plaintiff’s counsel in shareholder dispute between shareholders and officers of Delaware corporation involving allegations of fraud and breach of fiduciary duty regarding purchase of stock in intangible property portfolio company.
• Defended counsel to technology start-up companies in patent infringement actions.

University of Utah, S.J. Quinney College of Law

Adjunct Professor of Law, 2012-Present

• Courses taught include trial advocacy and advanced negotiation.
• Invited lecturer on appellate advocacy.

Kirblad & Ellis LLC, Chicago, IL


• Arbitration counsel to international accounting firm in suit alleging professional malpractice and breach of contract brought by former client involved in international jewelry manufacturing and sales. (Awarded at trial and on remand following four-week arbitration.

JESS M. KRANICH
MANNING CURTIS BRADSHAW & BEDMAR, PLLC
136 East South Temple, Suite 1300, Salt Lake City, UT 84111
(801) 303-6666 (main) | (801) 371-5450 (Fax)
jkranich@mcb2.com

• S.J. Quinney College of Law Student Representative: 2002-2005.

University of Utah, Salt Lake City, UT

Bachelor of Science, Political Science, with Honors, 2002

• Four-year recipient of the Honors Program Scholarship (full tuition)
• Presidential Scholar’s Award, National Dean’s List, Phi Kappa Phi Honor Society, Pi Sigma Alpha Honor Society, Golden Key National Honor Society.

Publications, Seminars, and Presentations

• Lecturer and Advisor, University of Utah S.J. Quinney College of Law: Appellate Advocacy/Moot Court (2012-2014).
• Lecturer, University of Utah, S.J. Quinney College of Law: Lawyering Skills (Spring 2008), Effective Interviewing and Counseling (Fall 2007).
• Lecturer, Loyola Chicago School of Law: The Theory of Corporate Constitutional Rights (Spring 2006).

Admissions

• Utah State Bar, 2013-present.
Illinois State Bar, 2005 - present.
United States Court of Appeals, Seventh Circuit.
United States Court of Appeals, Federal Circuit.
United States Court of Appeals, Tenth Circuit.
United States District Court, District of Utah
United States District Court, Northern District of Illinois.
United States District Court, Eastern District of Michigan.
Utah Supreme Court.
Illinois Supreme Court.

OTHER DISTINCTIONS AND MEMBERSHIPS

- Member, Executive Committee of Litigation Section of Utah State Bar (2013-present)
- Public Interest Law Initiative (Chicago) Fellow, Summer 2005.
Ms. Abod,

Please accept my resume and application for the Third District Trial Court Nominating Commission, I am a registered Independent,

Thanks,
Mike

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Michael P. Petrogeoerge • Attorney at Law • Admitted in Utah and Washington
Parsons Biddle & Latimer
201 South Main Street, Suite 1685 • Salt Lake City, Utah 84111
Phone: 801.333.5334 • Direct 801.333.6600 • Fax 801.530.6111
mpetrogeoerge@parsonsbiddle.com • npetrogeoerge@parsonsbiddle.com • vcard

CORPORATE LEGAL COUNSEL
Experienced commercial attorney. Developed and maintained a business and corporate practice with a focus on business and corporate law. Developed and maintained a business and corporate practice with a focus on business and corporate law.

Michael P. Petrogeoerge • Attorney at Law • Admitted in Utah and Washington
Parsons Biddle & Latimer
201 South Main Street, Suite 1685 • Salt Lake City, Utah 84111
Phone: 801.333.5334 • Direct 801.333.6600 • Fax 801.530.6111
mpetrogeoerge@parsonsbiddle.com • npetrogeoerge@parsonsbiddle.com • vcard

PROFESSIONAL EXPERIENCE
- Parsons Biddle & Latimer, PC
  - Vice President and Shareholder (Jan. 2019–Present): Developed and maintained a business and corporate practice with a focus on business and corporate law. Developed and maintained a business and corporate practice with a focus on business and corporate law.

EDUCATION
Juris Doctorate (summa cum laude)
University of Utah S.J. Quinney College of Law • Salt Lake City, Utah • May 2000

Bachelor of Arts in Political Science and Criminal Justice (cum laude)
 Gonzaga University • Spokane, Washington • May 1997

Technical Skills
Microsoft Office Suite: Word • Excel • PowerPoint • Outlook
Westlaw • LexisNexis

COMMUNITY LEADERSHIP
- Utah Supreme Court Committee on the Utah Rules of Civil Procedure
  - Member, 2013–Present
- United Way of Salt Lake
  - Board of Trustees, 2013–Present
- Leukemia & Lymphoma Society
  - Utah Chapter
  - Board of Trustees, 2012–Present
  - Board Chair, 2014–2016
- Utah Community Action

AWARDS AND DISTINCTIONS
- AV® Preeminent™ Peer Review Rating – Martindale-Hubbell
- Recognized in Best Lawyers in America
- Recognized in 2013 an one of Utah Business magazine’s "Forty Under 40"
- Recognized in Utah Business magazine’s Utah Legal Elite
- Recognized in Mountain States Super Lawyers – Utah
- Recognized in Benchmark Litigation Magazine
- Leadership Utah, Salt Lake City Chamber of Commerce, Class of 2008
- Order of the Coif (1st in law school class)
- Member, Utah Law Review
Christy Abad

Subject: Resume

Attachments: Resume.pdf

Dear Christy,

I附上我的简历供您考虑。我自认为符合第三选区提名委员会的要求，我政治上独立。如有任何信息需要，您可随时联系我。谢谢！

CHELSEY E. PHIPPEN
K&L Gates LLP
900 Exchange Place
Salt Lake City, UT 84111

cpippen@klglaw.com
801.531.2171 403.419.7500 801.295.9214

PROFESSIONAL ASSOCIATIONS

Utah State Bar, Bar No. 1333
- Fellow
- Vice Chair, Business Law Section
- Vice Chair, Employment Law Section
- Board Member, Board of Directors
- Board Director, Board of Directors
- Board of Directors, Board of Directors
- Leadership and Promotion Committee Chair
- Utah State Bar Association, Member

EXPERIENCE

Kipp and Christmas, P.C.: Salt Lake City, Utah; Associate Attorney
- Primary practice area: commercial litigation defense.
- Conducted legal research and drafting.
- Represented clients in civil actions.
- Drafted pleadings and motions.
- Prepared briefs and argued motions.
- Conducted depositions.

Leff, PLLC: Salt Lake City, Utah; Associate Attorney
- Primary practice area: environmental law.
- Advised clients on environmental issues.
- Drafted contracts and agreements.
- Assisted in preparing briefs and motions.

Humaine Law, PLLC: Salt Lake City, Utah; Attorney
- Primary practice area: civil litigation.
- Represented clients in civil actions.
- Conducted legal research and drafting.
- Prepared briefs and argued motions.
- Conducted depositions.

Bradley R. Holston, P.C.: Salt Lake City, Utah; Associate Attorney
- Primary practice area: real estate law.
- Advised clients on real estate matters.
- Drafted contracts and agreements.
- Assisted in preparing briefs and motions.

Hail, Enterprise Center: Martinsburg, West Virginia; Intern
- Conducted legal research.
- Assisted in preparing briefs and motions.

United States Senate: Orrin G. Hatch, Washington D.C.; Intern
- Conducted legal research.
- Assisted in drafting bills.

EDUCATION

Regent University School of Law: Virginia Beach, Virginia
- Juris Doctor
- Student Ambassador
- Honor Council Member
- President, Virginia Law and Constitutional Studies Society
- Minor: History
- Alumni Association Scholarship Recipient
- Student Ambassador, Executive Board
- Phi Alpha Theta History Honors Society
- Phi Alpha Theta Political Science Honors Society

REFERENCES AVAILABLE UPON REQUEST
Christy Abad

Yvette Donoso

615 E. Baseline Way, Draper, Utah 84020
(801) 913-1881
yvettedonoso@gmail.com

PROFESSIONAL EXPERIENCE

Law Clerk, U.S. District Court, 1997-present (Judge Warilha/Roth/Welch)

Litigation Department: Represented state agencies and counties on employment trials, state court cases, and federal court matters. Managed to settle cases and obtain judgments in both state and federal courts.

Executive, Utah Department of Health: 2005-2006

Drafted strategic plans for the department. Managed 12 employees and oversaw 23 boards and commissions. Directed the legislative, personnel, and fiscal affairs for the department. Represented Governor Jon M. Huntsman Jr. in the Utah-Mexico Project and Prophase and the Governor's Working Group on Student Achievement. The department's six divisions included the Health, Education, and Community Development, the Division of State History, the Division of Indian Affairs, and the State Library.

Attorney, Utah Attorney General's Office, 2011-2017

Litigation Department: Represented state agencies in matters involving constitutional, civil rights, and employment law. Appeared in state and federal courts, as well as in state and federal courts.

Attorney, Jones Waldburg & McDaniels, PC, 2000-2006

Litigation Department: Represented clients in matters involving commercial litigation, family law, and personal injury.

Estate Attorney, Utah Department of Health: 2005-2006

Drafted strategic plans for the department. Managed 12 employees and oversaw 23 boards and commissions. Directed the legislative, personnel, and fiscal affairs for the department. Represented Governor Jon M. Huntsman Jr. in the Utah-Mexico Project and Prophase and the Governor's Working Group on Student Achievement. The department's six divisions included the Health, Education, and Community Development, the Division of State History, the Division of Indian Affairs, and the State Library.

Attorney, Utah Department of Health: 2005-2006

Litigation Department: Represented state agencies in matters involving constitutional, civil rights, and employment law. Appeared in state and federal courts, as well as in state and federal courts.


Litigation Department: Represented clients in matters involving commercial litigation, family law, and personal injury.

LEADERSHIP EXPERIENCE

Member, Utah State Human Rights Board, 2011-present

The Board makes policy for the Division, advises the Director, and acts as the State Human Rights Protection Review Board.

Member, Governor's Commission to Strengthen Utah's Democracy: 2008-2010

Committee was tasked to review and provide feedback to Governor Herbert in areas of ethics, campaign finance, redistricting, lobbying regulations, and elections law.

Board Member, Pete Sanio Business Center, 2006-2008

Board oversaw policies and financial affairs of the center and calculated the financial support for the start-up business.

Board Member, Communitas United, 2006-2008

Board oversaw policies and financial affairs of the center and calculated the financial support for the start-up business.

Human Resource Commissioner, Utah State Bar, 2003-2008

Helped develop policies and procedures that govern lawyers, including admission, disciplinary proceedings, mandatory functions, and programming.

Served on various bar committees, such as the Labor and Employment Section and the Board for Ethics Review Commission. The purpose was to promote the standards and integrity of the bar.

Member, Executive Committee from 2004-2006.

Member, Academy of Art, Engineering & Science, 2002-2003

EDUCATION

Juris Doctor, J. Reuben Clark Law School, Brigham Young University 1996-1999

National Women Lawyer of the Year Award, 1999

Faculty Award for Meritorious Achievement & Distinction Service, 1998

President of Minority Law Student Association, 1997-1999

Equal Rights Scholarship Recipient, 1996-1999

Brigham Young University, Provo, Utah, 1990-1995

B.A., Foreign Language, with Honors

Thesis: Between Boundaries, The Transcription of Eight Women of Spanish-Speaking Origin in Utah

AWARDS & RECOGNITIONS

2007, Utah Business Magazine, List of Elite Lawyers

2006, Connect Magazine, "One of 20 Most Influential Hispanics" in Utah

2005, Utah Business Magazine, "List of Elite Lawyers" in Utah

2004, Salt Lake City Magazine, "Top Women Lawyers in Utah"

2004, University of Utah, "Cesar Chavez Excellence Award"
Hi Christy,

I am interested in being considered for the Third Judicial District Nominating Commission. I was twice nominated to be a district court judge a few years ago, so I am somewhat familiar with the system. As you can see from my attached resume, I am committed to public service. I have an unsinkable personality and work very well with others to form consensus. I am a registered Republican. Please let me know if there is any other information I can provide you.

Best,
Greg

Gregory N. Hoole
Mediator, Arbitrator, and Advocate
HOOLE & KING, L.C.
4276 South Highland Drive
Salt Lake City, UT 84124
Office: 801-273-7556
Direct: 801-434-5252
www.hooleking.com

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PROFESSIONAL PROFILE AND PUBLIC SERVICE:

Admitted to the Utah Supreme Court, the United States District Court, the United States Court of Appeals for the Tenth Circuit, the United States Court of Appeals for the Armed Forces and the United States District Court for the District of Utah.

AV (preeminent) rated by Martindale-Hubbell and selected by peers for many years running as one of Utah's Legal Elite and as a Mountain States Super Lawyer.

Three nominated by the Judicial Nominating Commission to serve as state district court judge.

Serve Bar and Community in various activities, including:

- Co-chair Elect, Utah State Bar Association's Education in Law Practice Committee
- Member, Utah State Bar Alternative Dispute Resolution Section
- Member, Utah Council on Conflict Resolution
- Judge, Utah Mock Trial Program

Former Service:

- Attorney and founder, Family Services pro bono adoption program
- Member, Utah State Bar Association's Courts and Judges Committee
- Master, Utah Supreme Court Law Student Mentoring Program
- Guest Instructor, University of Utah Pre-Law LEAP Program
- Volunteer teacher, Law Education Project Constitution Day
- Coach, Utah Mock Trial Program
- Attorney, "Wills for Heroes" program
- Member, "In Justice We Trust" Law Day Jazz Committee
- Judge, George Washington University's Trial Court Board
- Chair, Holladay Bicycle Advisory Committee
- Local leader, Boy Scouts of America
- Coach, Olympus Youth Softball (Life Conference)

Enjoy hiking, trail running, hiking, skiing and otherwise spending time with my family in Utah's beautiful outdoors.

PUBLICATIONS AND PRESENTATIONS:

- "Taking the Plaid to Court, CLE Presentation, National Academy of Continuing Legal Education, May 16, 2018
- In the Wrie of the Unluckily Endorsed Patoative Damage Ahead America Demands Cap on Punitive Damages—Will We Back our the Wrong Trees?, 22.1 Contemp. L. 456
- "Zaharak v. Canton: Forcible School District: The Establishment Clause Protects the Public Employees from Offering Religious Neutral Services in Public Schools," 223 Contemp. L. 197

More information available at www.hooleking.com
Ms. Abad,

Please see attached resume being submitted for my consideration as a Commissioner. I am a resident of Draper and currently registered as a Republican. I thank you in advance for your consideration.

Regards,

Joshua L. Lee
Bennett Teusink Johnson & Deere
3165 E. Millcreek Dr., Suite 500
Salt Lake City, Utah 84121
Tel: (801) 438-2000
Fax: (801) 438-2050
canlist: jle@btipl.com

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Joshua L. Lee
14023 S. Stone Canyon Dr. • Draper, Utah 84020 • (801) 303-0645 • btipl.com

CURRENT PRACTICE

Bennett Teusink Johnson & Deere • Salt Lake City, Utah
Attorney, October 2007 to Present (Law Clerk, Summer 2006 to Summer 2007)

Practice includes:
• Trial practice
• Foreclosure and deficiency actions
• Debt collections
• Securities litigation
• Appeals
• Landlord/tenant
• Professional liability
• Noncompete enforcement
• Wrongful death
• Partnership disputes

PRIOR LEGAL POSITIONS

Judge Anthony W. Scheffield • Utah Fourth District Court • Provo, Utah
Extern, Winter 2007
Judges Bruce B. Dickinson & J. Thomas Greene • United States District Court • Salt Lake City, Utah
Extern, Summer 2005

EDUCATION

J. Reuben Clark Law School • Brigham Young University • Juris Doctor, April 2007
• Magna cum laude - Ranked 6 of 119 (top 5%)
• Lead Articles Editor — Law Review

University of Utah • Salt Lake City, Utah • Bachelor of Music: Jazz Performance (Guitar), April 2002

REPORTED DECISIONS

• ZB, Inc. v. Cope, 2017 UT 12, 394 P.3d 336 (affirmed summary judgment against debtor claiming discharge)
• Shinane v. Duke, 2015 UT App 48, 364 P.3d 1174 (affirmed summary judgment on real estate contract claim)
• Turner v. Sklar & Partners, 2012 U.S.App. 284, 534 P.3d 608 (affirmed reversal of trial court’s dismissal of personal injury claim)
• Mollan v. Ferrer, 799 F.3d 5607, 2010 U.S. Dist. Lexis 119990 (D. Utah 2010) (affirmed summary judgment on a claim to quiet title to commercial property)

PUBLICATIONS


Local Evidence Rules in Utah: A Brief Survey, Utah Bar Journal Vol 29 No. 2 (Mar/Apr 2016)

The Constitutionality of judgments by Confession: Some Practical Considerations, Utah Bar Journal Vol 28 No. 3 (May/June 2015)

OTHER PROFESSIONAL EXPERIENCE AND MEMBERSHIPS

Member, Utah State Bar Association
Mountain States Super Lawyers Rising Stars - 2016
Mountain States Super Lawyers Rising Stars - 2017
Hello Christy,

Please see my attached resume.

I am a registered Republican.

Benjamin K. Lusty
remcher | anjewieden
(801) 961-5000
ben@lawfirmna.com
www.lawfirmna.com

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• Collaborate with expert witnesses and other external consulting professionals
• Attend and conduct depositions, motion hearings, trials, and appellate oral arguments, mediations, and arbitrations
• Draft insurance coverage motions and manage insurance coverage litigation
• Negotiate and implement commercial contracts
• Assist in resolution of contract disputes

Christensen Thornton, PLLC
Salt Lake City, Utah

Represent clients in civil litigation, appellate litigation, and family law matters
Participate in legal research, case investigation, and preparation of legal and appellate briefs

Aldo J. Anderson Chapter of the American Inn of Court
Member of Utah State Bar
Member of 10th Circuit Court of Appeals Bar
Verified Certificate in Human Physiology through Duke University

Profile

• Seasoned attorney managing a full docket of cases with specialized focus on defending complex commercial and tort claims, appellate litigation, insurance law, and business transactions and disputes
• Active and successful jury trial practice
• Active and growing appellate practice
• Active and growing insurance coverage practice

Education

2017
Imperial College London Business School, London, United Kingdom
Master of Business Administration, with Merit

2005
University of Utah, Salt Lake City, Utah
Honors Bachelor of Arts, Magna Cum Laude, History
• GPA 3.98/4.0
• Class Rank: Top 2%
• Phi Beta Kappa
• Phi Kappa Phi
• Honors at Entomology Scholarship

Professional Experience

2011–Present
Remcher & Anjewieden
(Salt Lake City, Utah)
Partner (formerly associated attorney)
• Manage all aspects of high value and high exposure medical malpractice, personal injury, and professional litigation
• Supervise staff and junior attorneys

2008–2011
Christensen Thornton, PLLC
Salt Lake City, Utah

Associate
• Represent clients in civil litigation, appellate litigation, and family law matters
• Participate in legal research, case investigation, and preparation of legal and appellate briefs

Additional Skills, Achievements, and Interests
Christy Abad

From: David Wilkins <david.wilkins@utah.gov>
Sent: Thursday, March 22, 2018 2:38 PM
To: Christy Abad
Subject: Third Judicial District Nominating Commission Vacancy
Attachments: David Wilkins 2018 Nominating Commission Requirements.pdf

Christy,

Attached please find my resume. I am interested in filling the unexpired term on the Third Judicial District Nominating Commission. I am a resident of Salt Lake County.

Thank you for your consideration,

Sincerely,
David Wilkins

David M. Wilkins
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South
P.O. Box 140857
Salt Lake City, Utah 84114-0857

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Kensawski Sholtz LLC, Evanston, Illinois

Association Attorney, April 2010-September 2012
- Independently managed a variety of matters including personal injury litigation, complex litigation, commercial litigation, transportation law, products liability litigation and insurance coverage
- Advised municipal clients on employment and labor matters
- Communicated directly with corporate counsel, insurance companies and plaintiffs' counsel in management and resolution of matters
- Advised municipal clients in a variety of areas, including litigation, employment, contract matters as well as matters with state government
- Obtained extensive experience in first investigation, motion writing, oral argument and trial preparation

Brown & James, P.C., St. Louis, Missouri

Association Attorney, August 2007-April 2010
- Was responsible for independent management of a variety of matters including personal injury litigation, contracts, commercial litigation, labor and employment litigation, transportation law, products liability litigation and insurance coverage
- Gained extensive trial experience, including serving as first and second chair in jury and bench trials, and administrative hearings before EEOC and state human rights commissions
- Received Several jury trial verdicts recognized by Missouri Lawyers Weekly as one of the top Missouri defense verdicts in 2008
- Frequently appeared in Missouri and Illinois state courts arguing summary judgment and pretrial motions
- Gained extensive deposition experience of parties, eye witnesses, and expert witnesses

Commonwealth of Kentucky Executive Branch, Frankfort, Kentucky

Summer Student Job, June 2006
- Assisted in research activities on issues regarding transportation, commerce and economic development

Office of Senator Mitch McConnell, Washington, D.C.

Intern, Summer 2003
- Assisted Legislative Staff on a variety of issues, including research, hearing preparation, and responding to constituent needs
- Closer worked with staff attorney in evaluating legislative proposals

Education

B.A., University of Louisville, Louisville, Kentucky, May 2004
- Graduate Student Honors Award, 2004
- Graduate Fellow, McConnell Center for Political Leadership, 2004-2005

University of Kentucky, Lexington, Kentucky, May 2002
- University Honors Program Graduate
- National Lincoln Ohran Diwot Champion, 2001
- National Entrepreneurship Speaking Champions 2002

Community and Professional Involvement

Member, Utah Legislative Section Executive Committee
- Volunteer and Advisory Board Member, Heber Valley Rail Trail, Heber City, Utah
- Regulatory Committee Chair, Heritage Rail Alliance

Political Affiliation
- Registered as a Republican

Resident of Salt Lake County

University of Louisville, Louisville, Kentucky, May 2004
- Graduate Student Honors Award, 2004
- Graduate Fellow, McConnell Center for Political Leadership, 2002-2004

Western Kentucky University, Bowling Green, Kentucky, May 2002
- University Honors Program Graduate
- National Lincoln Ohrand Devil Champion, 2001
- National Entrepreneurship Speaking Champions 2002

Community and Professional Involvement

Member, Utah Legislative Section Executive Committee
- Volunteer and Advisory Board Member, Heber Valley Rail Trail, Heber City, Utah
- Regulatory Committee Chair, Heritage Rail Alliance

Political Affiliation
- Registered as a Republican
- Resident of Salt Lake County
Christy Ahad

From: Chris Christensen <christensen@strongandhanni.com>
Sent: Thursday, March 22, 2018 6:57 PM
To: Christy Ahad
Subject: Third District Trial Court Nominating Commission

I would be interested in the position on the Third District Trial Court Nominating Commission. I have attached my resume. Thank you.

Peter H. Christensen
STRONG & HANNI
102 South 250 East, Suite 800
Salt Lake City, UT 84111
Telephone: (801) 532-7080
Facsimile: (801) 396-1508
E-mail: pchristensen@strongandhanni.com
Website: www.strongandhanni.com

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Peter H. Christensen
Shareholder/Strong and Hanni
pchristensen@strongandhanni.com
P: 801.532.7080
F: 801.596.1508


Peter has been working on construction, insurance defense, insurance coverage, and transportation cases for 25 years. He has had over 40 jury trials in both state and federal court. He successfully defended a national glass manufacturer in Sterling Village v. Prom Utah et. al, the largest jury trial in Utah history.

Peter defends clients in transportation cases involving first and third-party defense, coverage opinions, and appeals. He has successfully defended insurance companies and their insureds in hundreds of cases either through settlement, mediation, arbitration, or jury trials. Peter has represented general contractors, subcontractors, and materials manufacturers in construction and manufacturing defect claims.

Professional Associations & Memberships

Federal Bar Association
Salt Lake County Bar Association
Multnomah County Bar Association
Board Member, Utah Defense Lawyers Association, 2008 – Current
President, Utah Chapter of the Federal Bar Association, 2002
President, Utah Defense Attorney Association, 2014

Defense Research Institute (DRI) Representative for Utah, 2016-Present
Board Member, Strong & Hanzel Law Firm
Professional Recognitions
“AV” Rated with Martindale-Hubbell, The highest rating awarded to an attorney for professional competence and ethics
Recognized in Utah Business Magazine’s “Utah Legal Elite”

ADMISSIONS
Utah State Bar, 1989
Oregon State Bar, 1989
Wyoming State Bar, 2011
U.S. District Court, District of Oregon, 1989
U.S. District Court, District of Utah, 1989
U.S. Supreme Court, 1998
EDUCATION
Brigham Young University, J.D.
Brigham Young University, B.A., Political Science
HEIDI G. GOEBEL
GOEBEL ANDERSON PC
10 West 100 South, Suite 459
Salt Lake City, Utah 84101
801.441.9993
hgoebel@GAAPClaw.com

PROFESSIONAL EXPERIENCE

Heidi is a founder and the managing partner of the firm. She focuses on commercial litigation and product and professional liability defense and serves a regional counsel for multiple corporations companies. Heidi has held leadership positions in several national organizations and speaks and publishes regularly on a host of product liability and trial and litigation topics.

AWARDS/RECOGNITIONS

- AV Rated – Martindale Hubbell
- Best Lawyers in America – Commercial Litigation
- Mountain States Super Lawyer (including named as Top 100 attorneys and Top 50 Women attorneys)
- Utah’s Elite Lawyer – Utah Business Journal
- Indiant’s Outstanding Young Defense Lawyer of the Year (2000)

AREAS OF PRACTICE

Commercial Litigation: Represents large corporations, insurers, banks and small businesses in financial services and securities litigation in state and federal courts and before FINRA, contractual and extra contractual disputes, trade secret claims, unfair competition issues, computer fraud violations, disputes and other liability actions, lease issues and employment-related litigation.

Products Liability: Represents a wide variety of product manufacturers, including medical device and pharmaceutical companies, automobile and automotive parts manufacturers, and sports equipment manufacturers, through all stages of litigation in both multi-district litigation and individual claims.

General Tort Liability: Advises and defends businesses and individuals on claims arising out of accidents or injuries, involving automobiles, claims of sexual assaults, degradations and advertising injuries and a wide host of other injuries.

LECTURES AND PUBLICATIONS

- Speaker, FDCC Winter Meeting 2018, “Managing a Law Firm from the Female Perspective”
- Author, “Keeping the Blinds Drawn as Tight as You Can: Ethical Considerations and Tips for Protecting Privilege in Light of Recent Rulings and Developments” Defense Research Institute, Corporate Counsel Edition, 2018
- Contributing Author, Leadership for Lawyers, FDCC 2017
- Speaker, “Protecting Privileged Communications” DRI Commercial Litigation Seminar
- Faculty, DRI Trial Tactics Seminar – Mock Trial Demonstration, 2017
- Speaker, “Preserving Privileged Communications: Ethical Pitfalls to Avoid” Utah State Bar, Commercial Litigation Section, 2016
- Speaker, FDCC Annual Meeting, 2016 and Corporate Counsel Symposium, 2017, “Navigating the Ethical Minefield for In-House Counsel in Light of the Yates Memo”
- Speaker, Stafford Webinar, 2016, “Protecting Privilege Under the New Federal Rules”
- Faculty, FDCC Deposition Boot Camp, 2015, 2016
- Faculty, DRI Deposition Institute, 2015, 2017
- Speaker, ALFA 2014 International Client Seminar and Products Liability Seminar, “United We Stand: Working Together as Co-Defendants”
- Speaker, Federation of Defense and Corporate Counsel 2013 Winter Meeting, “NFL concussion litigation.”
- Speaker, ALFA 2013 International Client Seminar, “Challenges Which Arise When the CEO of a Corporation and the Board of Directors Experience Conflict”


EDUCATION

Indiana University School of Law – Bloomington (J.D. 1997)
Order of the Barristers (Top Ten Students in Oral Advocacy)
Most Court Board

Indiana University – Bloomington (B.A. 1994; Honors Division Scholar; Liberal Arts Management Program Graduate)

PROFESSIONAL ASSOCIATIONS

> Director, Federation of Defense and Corporate Counsel, 2016-present

> Federation of Defense and Corporate Counsel, Chair of Product Liability Group, 2014-2016, (Vice Chair 2010-2014)

> Litigation Counsel of America, Fellow

> American Defense Trial Attorneys; Judicial Task Force Committee (2017-present)


> Founder, S. J. Quinney School of Law Mentoring Program

> Alumni Board, Indiana University School of Law – Bloomington, 2015 – present

> Utah Top 100 Attorney Lifetime Achievement Recipient

> Member, American Menas Association

SELECTED PUBLISHED OPINIONS


Paul B. Johnson
Registered Patent Attorney
Law Office of Paul B. Johnson
8483 S. 1275 E,
Sandy, UT 84094-1363
www.pauljohnsonlaw.com
Ph: 801.719.5229
Fax: 801.317.8889
pj@pauljohnsonlaw.com

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From: Christy Abad <christy.abad@utahbar.org>
Sent: Friday, March 23, 2018 11:54 AM
To: Paul Johnson <pauljohnsonlaw.com>
Subject: RE: Third Judicial District Nominating Commission

Mr. Johnson,

Preference will be given to those attorneys who do work directly with the court system. You are not, however, precluded from applying.

Best,
Christy

From: Paul Johnson <pauljohnsonlaw.com>
Sent: Thursday, March 22, 2018 10:35 AM
To: Christy Abad <christy.abad@utahbar.org>
Subject: RE: Third Judicial District Nominating Commission

What exactly do you look for in terms of paneling on this committee (referenced below)? I'm guessing this is especially for those who are working directly in the court system. I practice all transactions IP law so don’t interact with the court.

Christy Abad

Paul B. Johnson
8483 S. 1275 E, Sandy, UT 84094
801.719.5229 paul@pauljohnsonlaw.com

Intellectual property attorney with over 10 years of experience in patent, trademark, and copyright prosecution, licensing, assignments, fee simple, and other transactional IP matters. Admitted to UT, and before the USPTO.

Work Experience

Owner at Law Office of Paul B. Johnson (2014—present, LLC) (UT)
U.S. & foreign intellectual property prosecution and early stage enforcement and related matters, including patents, trademarks, and copyrights. Counsel regarding trade secret and intellectual property related contracts.

Associate Attorney at Adam R. Stassen, Ltd. (2016—2017, Tempe, AZ and SC (UT))
U.S. patent & trademark prosecution, management of foreign patent & trademark counsel, IP contracts, assignments, licensing, patentability & trademark registration appeals, Uniform Domain Name Dispute Resolution Policy (UDRP) proceedings to recover domain names, International Trademark Commission (ITC) proceedings to stop importing.

Have provided patents on technology areas including semiconductor devices & packages, mechanical devices, materials science, integrated circuits, desktop & smart-device apps, embedded systems, optics, business methods, bioch, and others.

Developed over 95% of firm letterhead/templates, website content, legal and lay attorney workstations and instruction, and drafting protocol for all IP matters. Received, selected, configured and beta-tested alternative law firm management software and saved firm 50%+ per year potentially document & tasking automation processes.

Post Grad Fellow at Technology Venture Services Group — Arizona State University (2010, Tempe, AZ)
Supervised teams of law, MBA, and engineering and science grad students in the performance of low cost legal and business research and services for local entrepreneurs.

Research Assistant for dean Paul S. Berman — Arizona State University (2006, Tempe, AZ)
The checked and edited an Antitrust Brief filed with the U.S. Supreme Court related to farm land property rights. Legal research, cite searching, and Bluebook & Chicago formatting for several other articles & book chapters.

Patent and trademark prosecution, patentability opinions, inventor interviews, and various legal research projects.

Patent and trademark prosecution, patentability opinions, inventor interviews, and various legal research projects.

Recess Assistant at Strong & Wilmer LLP (2006, Phoenix, AZ)
Maintained electronic and hard copies of pleadings, documentation, discovery documents, trial transcripts, and other documents for products liability litigation group. Prepared materials for production and materials for deposition of fact & expert witnesses.

Engineer On-hta at Honeywell International (2004—2005, Phoenix, AZ)
To Whom It May Concern:

Thank you for your consideration to fulfill the unexpired term.

Best,

Amber

Amber Leavitt
Senior Director, Global Intellectual Property

EXPERIENCE

EBay Inc., Salt Lake City, UT | Senior Director, Global Intellectual Property

June 2019 – Present

Serve as chief technology counsel for eBay Inc. and its subsidiaries, including eBay, PayPal and StubHub, with a focus on intellectual property (IP) strategy and enforcement.

Develop and implement the company’s global IP strategy, including the development and implementation of IP protection, enforcement and litigation strategies.

Advise the company on intellectual property issues, including the development of IP protection and enforcement strategies.

Work closely with the company’s senior management and members of the legal department to develop and implement strategies to protect the company’s IP.

EDUCATION

Pepperdine University School of Law, Malibu, CA

J.D., May 2006

First, Dean’s List, Pepperdine University School of Law

B.A., Biology, April 2003

HONORS AND AWARDS

Women Tech Council, 9th Annual Women Tech Council Award, Nominee (June 2014)

Communications Review, Best & Online Services Team of the Year (May 2014)

COMMUNITY SERVICE

Adjunct Professor, Brigham Young University, J. Reuben Clark School of Law
UTAH BAR COMMISSION MEETING
AGENDA ITEM

Title: Representatives to the Utah Sentencing Commission  Item: #4.2
Submitted by: John Baldwin  Meeting Date: April 6, 2018

ITEM/ISSUE:

The Bar is seeking applications from lawyers to fill an unexpired term on the Utah Sentencing Commission. This term will expire January 2021. The Sentencing Commission is particularly seeking a lawyer with criminal defense experience in the state courts.

The Utah Sentencing Commission is a legislatively created body charged with establishing sentencing guidelines and developing policy recommendations regarding the sentencing and release of adult and juvenile offenders. The Sentencing Commission is comprised of 27 members representing all facets of the justice system, including judges, prosecutors, defense attorneys, legislators, victims, law enforcement, treatment specialists, ethnic minorities, corrections officials, parole authorities, and others.

APPLICANTS:

1. Ed Brass
2. Laura Cabanilla
3. Nathan Carroll
4. Craig Chambers
5. Leslie Gallacher
6. Taylor Hartley
7. Ryan Holtan
8. Erik Jacobson
9. David Johnson
10. Mandy Larsen
11. Debra Nelson
12. Cristie Roach
13. Loni Sarafolean
14. Paul Wake

PAST REPRESENTATIVES:

Rodney G. Snow 1993-1997
G. Fred Metos 1997-1999
Walter F. Budgen, Jr. 2000
Mary S. Corporon 2000-2004
Scott Daniels 2004-2008
Randy Kester 2004-2008
Mark Moffat 2009-2013
Benjamin McMurray 2009-2013
Pamela Vickrey 2014-2018
Richard P. Mauro 2014-2016

INFO ONLY:  DISCUSSION:  ACTION NEEDED: X
Ms. Abed: Please consider this my application to serve as a defense representative on the sentencing commission. I believe my experience qualifies me for the position.

EDUCATION
JURIS DOCTORATE
University of Utah College of Law
August 1974-May 1977

B.S., POLITICAL SCIENCE
The Ohio State University

EXPERIENCE
CRIMINAL DEFENSE ATTORNEY
Edward K. Brass Law Office
April 1977 – Present

- Represent defendants in all types of cases throughout the State of Utah. I practice in State and Federal Courts as well as Juvenile Court. I have represented clients who are charged with any type of crime from a misdemeanor to Murder to Capital cases.
- Research and write legal memoranda on a variety of issues in criminal law and procedure including but not limited to searches/seizure, suppression, reliability and trustworthiness of child interviews, juries, constitutional challenges, and other crimes evidence.
- Proficient legal research skills on Westlaw
- Have lectured on criminal law topics in past CLEs on many occasions.
- Appear in court as an advocate for clients on nearly a daily basis.
- Tried several hundred felony jury trials including homicide, rape, and sex crimes against children.
- In private criminal defense practice since April, 1977.

OTHER
- CJA panel member for the United States District Court from 1977- present.
- Member of the Tenth Circuit Court of Appeals from 1977-present.
- Presenter on representing clients accused of a sex crime for NACDL 2011.
- Death Penalty certified.
- Legal Analyst and Sports Broadcaster from 1987-present.
- Volunteer at the SLC Mission.
To Whom it May Concern:

I am interested in serving on the Utah Sentencing Commission. I have attached my resume here. I have extensive experience as an attorney in both juvenile and adult criminal cases. After graduation from Brigham Young University School of Law in 1994, I clerked for Judge Ray H. Harding, Sr. I was then a prosecutor with the Emery County Attorney's Office for a year before I joined the Utah County Attorney's Office where I prosecuted misdemeanor and felony level cases until I joined the law firm of Ensign Wright where I am a partner. It is important to me to serve my community and I am a former member of my city council and retired from the Army Reserve. I look forward to hearing from you.

Laura H. Cabanilla
Attorney at Law
Ensign Wright
290 West Center, Box L
Provo, UT 84603-0000
(801)373-4912 office
(801)373-6985 cell
(801)373-4964 fax
lcabanilla@ensignwright.com

Laura H. Cabanilla

Education
J. Reuben Clark Law School
1994 J.D. Degree
 Brigham Young University
Baccalaureate of Arts - English Major; Military Science, Minor

Professional Experience
2006-present
Ensign Wright
Partner

Manage business side of law practice together with partners in determining client matters, marketing, and operating decisions. Provide legal advice to clients in wide variety of legal issues including divorce, custody, criminal defense, and civil litigation at trial, appellate court and administrative level. Skilled in litigation and negotiations. Primary focus on aggressive family law. Frequently appeared as Counselor General for service in area of abuse, neglect, and dependency of children.

Utah County Attorney's Office
1996-2000
Deputy County Attorney

Prosecuted misdemeanor and felony crimes from initial screening and charging decision, first appearance, preliminary hearing, trial and sentencing. Successfully argued appeals to Court of Appeals and Utah Supreme Court. Board Member of various community related crime prevention committees. Taught advanced level criminal justice courses to law enforcement agencies. Acted as liaison to various enforcement agencies and task forces.

Orem City Attorney's Office
1995-1996
Assistant City Attorney

Prosecuted misdemeanor cases from initial screening and charging decision, trial and sentencing. Taught criminal justice courses to officers within the Orem City Public Safety Department. Liaison to Public Safety Department.

Provo City
1994-1995
Fourth District Court
Law Clerk - Judge Ray Harding, Sr.

Civic Contributions

Member of the Provo City Council, 2010-2014. Initiated, planned and voted legislation for the city and involved in all areas of city business in community with a population of approximately 118,000, including budget review, economic development, security (police department), utility rates, parks and recreation, safety, neighborhoods, human resources issues, etc. Served as Chair of the Council, 2012-2013. Chose by peers on the council to act as leader, set agendas, make administrative decisions and otherwise represent the council. Provo City is consistently rated as one of the top ten by the Brookings Institute, Forbes Magazine, etc., for No. 2 for Home Value Recovery, Second Safest City, Second Best City for parents and Low Tech Unemployment; Seventh best performing city in the nation, etc.

Military Service

Commissioned officer in rank of Lieutenant Colonel (Retired) in U.S. Army Reserve. Held various positions of authority and responsibility. Demonstrated leadership ability and sound judgment deployment to Southwest Asia in support of Operation Enduring Freedom/Operation Iraqi Freedom 2010-2011. Assignments since commissioning are as follows, most recent first:

- Deputy Program Director, Logistics Civil Augmentation Program (LOGCAP), while assigned at Army Combat Center, Kuwait, directed staff in development of cost estimates and contracting support requirements to support theater commanders and other Department of Defense and government agencies in excess of 2.3 billion dollars annually. Major duties included coordination with theater commanders, other general officers, Department of Defense and U.S. Government agencies to develop and execute plan/strategy, manage acquisition requirements. Responsibilities required frequent travel to various countries within the Area of Responsibility in order to oversee contract performance and coordinate plans.
- Area Coordinator and Senior Instructor, Command & General Staff College, for Utah, Nevada and Colorado. Also appointed as Exchange Officer to Canadian Land Forces Command & Staff College, additionally supervised staff of 10 Field officer instructors.
- Brigade Operations Officer, Medical Training Brigade
- Assistant Professor of Military Science, Brigham Young Unit, ROTC
- Chief, Utah Training Section, Deputy Chief of Staff for Operations, 96th Regional Support Command
- Battalion Logistics Operations Officer – (operations officer for a Logistics Battalion)

Awards & Honors

- Finalist, Christine M. Durant Public Service Award
- Mentions: Service Medal
- Army Commendation Medal (5 Awards)
- Army Achievement Medal (4 Awards)
- Global War on Terrorism Service Medal
- Army Reserve Components Achievement Medal (with two Oak Leaf Clusters)
- Arizona Reserve Medal, M Device
- National Defense Service Medal
- Army Service Ribbon
- Valley Forge Freedom Foundation Award – civilian category

Professional Memberships

- Utah State Bar, U.S. Federal District Court

Public Speaking

- Expanding Your Horizons, math, science and technology career focused conference for 6th – 12th grade girls (STEM)• Continuing Legal Education, Valenom Issues in Criminal Defense, Dealing with the Mentally Ill Client, Competency Petitions September 2007
- Provo Veterans Council, Keynote Speaker, 2010
- Memorial Day Commemoration, Provo City, Keynote speaker, May 2010
Special Skills
Qualified Administrator, Myers-Briggs Type Indicator Instrument
Qualified Instructor – 5th Additional Skill Identifier (U.S. Army designation for adult immersion)
Spanish Speaking Intermediate Proficiency (lived in Mexico as child)

Publications
A Handbook to Divorce in Utah – A Plain English Legal Guide to Help You Make Informed Decisions, Book Printers of Utah, Inc. (Currently sold on Amazon)
Christy Abad

Craig Chambers, cchambers@labctd.gov

From: Christy Abad
Sent: Thursday, March 22, 2018 3:53 PM
To: Craig Chambers
Subject: Opening on the Utah Sentencing Commission
Attachments: Resume_Craig_N_Chambers.docx

Dear Ms. Abad,

I am writing to express my interest in the open Sentencing Commission position. I have attached a resume that I would ask you to consider for the position. I am currently employed as a Legal Researcher at the Utah Sentencing Commission. I am familiar with the functions and responsibilities of the position and am confident in my ability to contribute effectively.

In addition to my legal research experience, I have also held positions in the field of social work, providing me with the skills needed to handle the complex problems that the Utah Sentencing Commission faces. I look forward to discussing our meeting with you regarding the open position.

Sincerely,

Christy Abad

---

Craig N. Chambers

153 N. 100 E. • Lehi City, Utah

Tel: (801) 407-1183 • Email: cchambers@labctd.gov

EDUCATION

Cedarville University School of Law (Cedarville, OH) Aug 2006 – May 2008
- J.D., Magna Cum Laude; Law School Dean’s List
- 3.64 cumulative GPA, Dean’s List and Scholarship Recipient

B.A. in Communications (April 2006), Minor in Computer Science (April 2006), 3.44 cumulative GPA, Dean’s List and Scholarship Recipient

PROFESSIONAL

Lehi City Attorney (Lehi City, UT) Feb. 2017 – Present
- Clerk
- Handle all misdemeanor criminal cases for Lehi City in the Lehi City Justice Court.

Washoe County Attorney (Henderson, NV) August 2012 – Feb. 2017
- Clerk
- Practice includes juvenile prosecution, family law, and complex cases involving multiple defendants.

Green City Attorney (Green, UT) May 2012 – August 2012
- Clerk
- Practice includes municipal law and criminal prosecution.

- Clerk
- Practice areas include criminal, civil, and family law.

Justice Court (Lovelock, NV) Aug. 2009 – Sept. 2010
- Clerk
- Practice includes juvenile, family, and civil law.

SERVICE/TRAINING

- National Civil Rights Institute
- Knowledge regarding relevant statutes in domestic violence and other crimes
- Service
- Court of Appeals, Utah County, Utah State Bar

References

Ryne Wood
Lehi City Attorney
153 N. 100 E.
Lehi, UT 84043
rynewood@lehi-city.gov

Mark Smalley
Heber City Attorney
95 W 200 S, #6
Heber City, Utah 84032
435-676-4354

Scott Swartz
Washoe County Attorney
805 W. 100 E.
Reno, Nevada 84032
435-676-4354
swartz@washoe.utah.gov
Christy Abad

From: Leslie Gallagher <leslgal@whlaw.com>
Sent: Thursday, March 22, 2018 2:11 PM
To: Christy Abad
Subject: Utah Sentencing Commission
Attachments: Leslie Gallagher's Resume GC.doc

Christy,

Attached is a copy of my resume for the Utah Sentencing Commission position. Thank you for your consideration.

Kind regards,
Leslie A. Gallagher
Attorney at Law

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L E S L I E A. G A L L A C H E R
273 Spanish Trail Boulevard
Salt Lake City, UT 84108
Telephone: 801-381-4782 E-mail: lesligal@whlaw.com

P R O F E S S I O N A L E X P E R I E N C E

Utah County Government
May 2016 – Present

Attorney
> Provided legal representation to all members related to juvenile delinquency and child welfare actions.

W O O D L I N D S A Y G A L L A C H E R, LLC, Lehi, Utah
May 2016 – Present

A law firm engaged in corporate law, contract negotiations, intellectual property and human resources

Assurance/Partner
> Negotiate and draft complex contracts, software licensing agreements, commercial and intellectual property agreements; provide liaison on product launch strategies and other complex business transactions. Provide human resources management experience and advocacy.

X A N G O, Lehi, Utah
June 2004 – May 2016

A leading global nutrition company operating in more than 33 international markets with over one million independent distributors.

General Counsel, February 2013 – May 2016
> Lead corporate strategic and tactical legal initiatives by collaborating with executive management. Responsible to the Board of Directors for all legal advice and implementation, with direct involvement in complex business transactions and in negotiating critical contracts.
> Drive the definition and development of policies, procedures and programs as well as provide continuing counsel and guidance on legal matters and their implication.
> Serve as the key legal advisor on all major business transactions, including acquisitions, divestitures and joint ventures in a global operating environment.
> Judge the merits of legal issues and strategies on behalf of the company, working with the appropriate executives to define a strategic defense and appropriate settlements of disputes where warranted.
> Assume ultimate responsibility for ensuring that the company conducts its business in compliance with applicable national and international laws and regulations while respecting in arbitration, mediation and domestic as well as international courts.
> Responsible for ICPA governance, encompassing ongoing training of a global employee base.
> Structure and maintain internal governance policies and staff while overseeing the selection, retention, management and evaluation of all outside counsel.
> Advice on legal aspects of financing, including reviewing and analyzing current and future business structures and legal entities.
> Draft agreements that maximize corporate exposure and minimize legal risks.
> Direct product registration, customs and compliance when launching new products.
> Oversee Human Resources, employee training and the management of independent contractors.
> Won Stalin Awards: Executive of the Year. Women in Business Program, in 2015, the world’s top 100 for female entrepreneurs, executives, employees and the organizations they run.

Associate General Counsel/Chief Operating Officer, September 2009 – June 2013
> Managed an operational budget of $3 million as well as all strategic aspects for US and Canada including pricing, promotions, communications and compensation, encompassing 50% of all global revenue.
> Co-chaired the company’s Technology Steering Committee. Negotiated and drafted software licensing agreements, as well as managed other IT-related projects.

U T A H C O U N T Y A T T O R N E Y ’ S O F F I C E , Park City, Utah
October 2001 – December 2003

Utah County Attorney’s Office. Served under the umbrella of the Utah County Government.

Assistant
> Represented the State in processing misdemeanors and felonies for all of Utah County.
> Appointed in court on winter hearings and conducted preliminary hearings and jury trials.
> Member of Utah County’s Domestic Violence Council and Utah County Child Abuse Council.

F O U R T H J U S T I C E D I S T R I C T C O U R T , Park City, Utah
May 2000 – October 2001

A part of Utah State Government. Served in various lawsuits involving with Judge Gary D. Zant and Judge Lynn W. Bryant.

Law Clerk/Assistant
> Researched and wrote memoranda and analysis involving criminal and civil issues.
> Drafted proposed Memorandum Opinions to be reviewed by the judge.
> Contracted, instructed and managed jury pool members for all jury trials.

E D U C A T I O N

> Member of Phi Delta Phi International Legal Fraternity
> Teaching Assistant for Administrative Dispute Resolution & Domestic Mediation
> Research Assistant for Evidence and Criminal Procedure courses
> State Certified Mediator in both General Mediation and Domestic Mediation
> Bachelors Degree of Science, Political Science, August 1996, 3.59 GPA. Dean’s List.
> Utah Valley State College, Associate of Science, Business Administration, August 1994, 3.85 GPA. Magna Cum Laude.

YOUNG KESTER & PETRO, Provo, Utah
December 2004 – June 2005

A well-regarded law firm engaged in general civil litigation, product liability, family law, estate and personal injury defense.

Attorney
> Practiced law in the area of: Business, Estate Planning, Bankruptcy, Corporations, Employment Law, Social Security and Disability Law.

© 2018 Chrisy Abad
Dear Utah Sentencing Commission,

Attached is my current resume. I hope I'm someone you would consider to be a part of the body that helps create appropriate policies and guidelines for sentencing adult and juvenile offenders.

Take care,
Taylor C. Hartley
Christy Abad

From: Reta.Holton@utah.gov
Sent: Thursday, March 22, 2018 1:00 PM
To: Chippyblood
Subject:
Attachments: Ryan Holton Resume.pdf

Christy,

I've attached my resume for consideration to the Utah Sentencing Commission, let me know if I can provide any additional materials.

Ryan N. Holton
Assistant Attorney General
Internet Crimes Against Children Section
Justice Division Utah Attorney General's Office
150 East 300 South, 5th Floor
Salt Lake City UT 84114
Phone: 801-366-9183
E-mail: rholton@utah.gov

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Please accept my resume as an indicator of my interest in the open position on the Utah Sentencing Commission.

Erik Jacobson
Good afternoon,

I'd like to submit my resume for the Sentencing Committee. Thanks for your consideration.

Regards,

David L. Johnson
Utah Bar No. 11349
Utah Juvenile Defender Attorneys, LLC
6 East Broadway, Suite 500
Salt Lake City, Utah 84113
Phone: 801-521-5225
Fax: 801-521-5280

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March 31, 2018

Dear Sentencing Commission Selection Committee,

I am writing to express my interest in filling the vacant seat on the Utah Sentencing Commission. I believe you will find my background, experience, and team-oriented approach to law makes me an excellent candidate for the open seat on the commission.

I currently serve as a senior appellate attorney with the Salt Lake Legal Defenders Association (SLLA) where I practice primarily before the Utah Supreme Court and the Utah Court of Appeals. Over the past 14 years, I have represented indigent clients on appeal who have been convicted of a broad range of offenses including: capital murder, kidnapping, violent sexual assault, drug possession, tax evasion and securities fraud. In most of these appeals, I have argued for the case to be remanded based on sentencing errors committed by the judge such as failing to act on reasonably reliable and relevant information, failing to correct errors in the presentence report, illegally sentencing outside statutory guidelines, failing to consider legally required factors before imposing consecutive sentences, and imposing disproportionate sentences.

I have worked extensively with the Adult Sentencing & Release Guidelines to craft my arguments in the appellate courts. I have also relied on the policies and goals of the guidelines when writing to the Utah Board of Parole and Pardon on behalf of my clients. I believe my firsthand experience and knowledge of the impact the guidelines can have on sentencing will benefit the commission. My membership will provide additional insight into the areas of the guidelines that are working well and those that may require additional review and/or revision to provide clarity to better achieve the commission’s goals.

As you consider my application, I am pleased to point out that I am a past recipient of the Utah State Bar’s Mentor of the Year Award (2014) and IIDA’s Minnesota Award (2017). The Minnesota Award, presented annually, is based on three criteria: outstanding legal achievement; dedication to providing high-quality legal service to indigent clients; and loyalty to the mission of IIDA. In addition, I will become chair of the Utah State Bar’s Constitutional Law Section. I am also a frequent presenter on legal trends and corrections in Utah's appellate courts.

Thank you for considering my application in serving on this important commission.

Sincerely,

Debra M. Nelson

Debra M. Nelson
Cristie Mae Roach

394 S. 400 E., Salt Lake City, UT 84123 801-636-5114  Email: cristie@utscounts.gov

Utah State Bar – Admitted October 30, 2007 – License #11756
Child Welfare Law Specialist
Member of Utah Supreme Court Advisory Committee on Rules of Professional Conduct

EDUCATION

MASTER OF EDUCATION, Educational Leadership
October 2013 – August 2015
Grand Canyon University, Phoenix, Arizona, ONLINE

JURIS DOCTOR
August 2001 – April 2007
J. Reuben Clark Law School, Brigham Young University, Provo, Utah
• Student Member, Law Review, 2006-2007
• Solicitations Editor, BYU Journal of Education and Law, 2006
• Co-Editor-in-Chief, BYU Government & Politics Legal Society, 2006
• Outstanding, Moot Court Competition, 2005

BACHELOR OF ARTS, Communication Studies Major/Prelaw Minor
August 1999 – May 2001
Arizona State University, West, Phoenix, Arizona
• 3.98 GPA, Summa Cum Laude
• Student Speaker, Graduation, May 2001
• Member, Barrett Honors College
• ASU West Dean’s Honor List (Fall 1999 – Spring 2001)
• Executive Recordist, AABEJU (Spring 2000)

ASSOCIATE OF ARTS, General Studies with emphasis in Communication
August 1997 – May 1999
Yavapai College, Camp Verde, Arizona
• 4.0 GPA, Honors Distinction
• DMCC President’s Honor List (Spring 1998 – Spring 1999)
• Officer, Phi Theta Kappa Honor Society (Fall 1998 – Spring 1999)
• All-American All-Academic Team (Spring 1999)

PROFESSIONAL EXPERIENCE

GUARDIAN AD LITEM ATTORNEY, August 2008 to present
Managing Attorney for 4th District, July, 2016 to present
State of Utah – Office of the Guardian of Utah, Salt Lake City, Utah
• Represent the best interest of abused, neglected and dependent children in Juvenile and District courts
• Research, compile legal issues and prepare motions, subpoenas and petitions
• Interview and advise child clients
• Conduct an ongoing, independent investigation in order to obtain, first-hand, a clear understanding of the situation and needs of the child client
• Participate and facilitate mediated and negotiated settlements

Utah Attorney General – Child Protection Division, Salt Lake City, Utah
• Assist Assistant Attorney General in the preparation of administrative hearings/orders
• Review cases for necessary witnesses and exhibit lists
LONI RADMALL SARAFOLEAN
P.O. Box 25432 • Salt Lake City, UT 84125 • (801) 694-4404 • vsarafolean@gmail.com

SUMMARY

Trial attorney with over nine years of achievement in criminal court. Thrives in dynamic environments and quickly adapts to the ever-changing demands of the legal field. As a prosecutor, I learned the importance of public service and good judgment to balance the needs of society, victims, and defendants. As a defense attorney, I learned how to manage a large caseload comprised of diverse and difficult clients. I cultivated personal management and time management skills that have been useful for both the courtroom and the office.

Highlights

- Court procedures
- Exceptional familiarity

LEGAL EXPERIENCE

Trial Attorney
Self-Employed

11/1/2015 to 11/1/2015
Salt Lake City, Utah

Public Defense Contract with Davis County, Utah

- Appear exclusively in juvenile court, representing indigent youth clients in delinquency hearings.
- Plan and coordinate monthly trainings in Continuing Legal Education for attorneys in the public defense contract group and the Davis County Attorney’s Office. Topics have included Juvenile Justice Services, Davis County Juvenile Probation and Juvenile Officers.
- Emphasis on learning and implementing House Bill 238 as each part has been implemented.

Trial Attorney
Salt Lake Legal Defender Association

02/2011 to 11/1/2015
Salt Lake City, Utah

Conducted felony jury trials. Mastered weeklyarrangements in court for the law and motion calendar.

- Experienced in legal writing, Drafted Motions to Amend, Trial briefs, Motions to Suppress Evidence, Motions to Suppress Testimony, Motions to Exclude Expert.
- Planned and coordinated monthly trainings in Continuing Legal Education for attorneys. Coordinated one-hour-long seminars each month with an expert, provider, consultant, or outside attorney or judge to present to in-house attorneys.
- Managed caseload of between 80-120 active clients.
- Reviewed discovery, including between 755-1000 pages of documents per week.

Deputy District Attorney/Prosecutor
Salt Lake County District Attorney’s Office

03/2006 to 02/2011
Salt Lake City, Utah


- Supervised a paralegal in processing evidence motions from all Salt Lake County police agencies.
- Supervised a team of attorneys regarding work product and court appearances.

Associate Attorney
Chapin & Associates
Domicile relations law firm. Drafted divorce and custody motions

10/2001 to 07/2005
Salt Lake City, Utah

Lexington Law Firm

- Experienced in litigation law firm. Handled domestic relations matters. Worked on litigation of large federal case regarding breach of contract, interrogatories, depositions, discovery requests, discovery responses, motions to federal court.
- Managed caseload of 15-20 paralegals.

Law Clerk
Utah Attorney General’s Office

8/2002 to 07/2004
Salt Lake City, Utah

- Conducted extensive research on topics such as child support (oditions, sign, the effect of re-marriage, wage garnishment, examination of a minor, and the differences between child support laws in various states), trusts and estates, and trusts in a family setting.
- Supervised a team of attorneys regarding work product and court appearances.

EDUCATION

Juris Doctor
University of Utah, S.J. Quinney College of Law
Senior Staff Member, Journal of Land, Resources, and Environmental Law

Published Comment in Spring 2006 issue

Bachelor of Science: Psychology
Brigham Young University

April 2001
Provo, Utah

OJI and Dr. Marco Rendler Scholarship
Mary Fielding Smith Scholarship
Member, National College of Scholars

BAR STATUS

Admitted to Utah Bar (1994)
Admitted to California Bar, February 2016

SKILLS

- Trial lawyer, discovery, document review, manage docket, prepare courtroom experience.
Paul Wake

1791 River Bottom Road • Springville, Utah 84663 • (801) 491-8113 • wake@comcast.com

EMPLOYMENT

Deputy Utah County Attorney; spring 1999-present
Prosecutes cases in juvenile court; wrote the official manual for juvenile prosecutors; named Utah County employee of the month in July of 2002; through 2009-10, both juvenile prosecution and government civil work

Other activities:
SWAPAC (Statewide Association of Prosecutors, Legislative Affairs Committee), served on the Utah Supreme Court's Juvenile Rules Advisory Committee; sat on task forces for detention guidelines, delinquency, STDs, juvenile management, juvenile drug court, sex crimes, OME and insanity. Taught juvenile defense law at POST, USU, and BYU law school; served as faculty of National Advocacy Center; helped organize and present on ethics at the last Utah Prosecution Council juvenile justice conference; honor member of the Utah Bar's Juvenile Law Section; published an article on juvenile practice in the Utah Bar Journal, The Prosecutor, and BYU Journal of Public Law, created a juvenile court practice video for the Utah Bar Young Lawyers Division

Other legal work:
Special Deputy Salt Lake County Attorney, law clerk, Salt Lake County Attorney's office; Law Library Faculty Research Assistant, University of Utah, law clerk, Utah Office of Legislative Research and General Counsel

Other work:
High school teacher; ambulance crew (ground and air); plywood mill laborer

EDUCATION

College of Law, University of Utah, J.D., May 1996
Utah Law Review member, published on state constitutional law; Leary Scholar, fall 1995; environmental law clinic

Brigham Young University, B.A., Political Science, December 1988; Minor: Zoology, History Study Abroad Vienna, Washington, D.C. internship, Tanerogna's Biological Station, co-founded BYU's human rights group; Special Olympics, Adaptive Aquatics coach

Other education:
Oregon Institute of Marine Biology

ACTIVITIES AND INTERESTS

UCARES and ERC harm radio volunteer; served on Utah County Sheriff Search and Rescue Team and Timpogepse Emergency Response Team high camp; Utah Law Related Education Project mock trial judge and coach; youth soccer coach, Scouter; Fourth Judicial District Court small claims judge pro tem; political party delegate

Enjoy family activities, biking, reading, river running, playing piano, harmonica, and guitar; diving, watercolors, climbing, photography, skiing, gardening, travel, web design, high power radio
UTAH STATE BAR
BOARD OF BAR COMMISSIONERS
MINUTES

MARCH 8, 2018
ST. GEORGE, UTAH

In Attendance: President John Lund, President-elect H. Dickson Burton, Commissioners: Grace Acosta, John Bradley, Steven Burt, Heather Farnsworth, Liisa Hancock, Herm Olsen, Cara Tangaro, Heather Thuets, and Katie Woods.

Ex-Officio Members: Acting Dean Bob Keiter, Nate Alder, Erik Christiansen, Julie Emery, Dani Cepernich, Diana Hagen, Rob Rice, and Jamie Sorenson.

Not in Attendance: Kate Conyers, Mary Kay Griffin, Mark Morris, Michelle Quist, and Ex-Officio members Amy Fowler, Margaret Plane, Gordon Smith, and Bebe Vanek.

Also in Attendance: Executive Director John C. Baldwin, General Counsel Elizabeth A. Wright and Supreme Court Liaison Catherine Dupont.

Minutes: 1:20 p.m. start

1. President’s Report: John Lund
   1.1 Review Spring Convention Schedule. Katie Woods and Dickson Burton presented the Convention schedule and highlights.

   1.2 Report on Legislative Session and Meeting with Gov. Herbert. John Lund reported on the work of the Governmental Relations Committee over the course of the legislative session and discussed bills that were of particular interest to the Bar. John Lund also reported that he and Dickson Burton met with Governor Herbert. The Bar president meets with the Governor on an annual basis. John Lund and Dickson Burton reported to the Governor on the Bar’s efforts to increase access to legal services and commended the Governor for his judicial appointments.

   1.3 Report on National Conference of Bar Presidents Meeting. John Lund reported on the highlights of the February meeting. Of note was a presentation on excessive alcohol use among lawyers and ways Bars and law schools can work to make alcohol less of a focus at social and networking events. Dani Cepernich reported that as part of its Fit to Practice Program, the YLD hosts some social/networking events that involve hiking or golf in order to get away from a model of always meeting at restaurants and bars.

   The Commission also recognized Commissioner Kate Conyers for being selected University of Utah Alumnus of the Year and for being selected to provide legal services in Myanmar.
2. Action Items

2.1 Awards Committee Report. Heather Farnsworth reported that the Awards Committee met, reviewed all of the Bar’s awards and had some initial recommendations for improving the Bar’s awards process. The Awards Committee will prepare a report and recommendation to be presented at the April Commission meeting.

The Commission also discussed the Breakfast of Champions mentoring awards event that failed to gain steam this year for failure to receive nominations. After discussion, Cara Tangaro voted to hold the Breakfast of Champions awards event every other year in an effort to foster enthusiasm for nominations, subject to confirmation by Michelle Quist and the report of the Awards Committee. Liisa Hancock seconded the motion which passed unopposed.

2.2 WIPFLi Recommendation and Tech Support. Postponed until next meeting.

3. Discussion Items

3.1 Surveys and Focus Groups. Liisa Hancock reported on the findings of the Lighthouse survey and focus groups regarding individual and small perceptions of lawyers and the use of legal services. The survey committee will work with the Bar’s Communications Director to market the survey findings and ideas to Bar members.

4. Information Items

4.1 Supreme Court Licensed Paralegal Practitioner Committee Report. Judge Kate Toomey and Rob Rice reported on the Supreme Court’s efforts to increase access to legal services by licensing Licensed Paralegal Practitioners (“LPPs”) to provide limited legal services in the areas of landlord tenant, debt collection and some family law matters. Judge Toomey reported on the various LPP committees that have worked over the past year and half to develop rules for licensing LPPs. Judge Toomey also reported that, after an investigation into various methods of developing licensing tests for LPPs, the Supreme Court LPP Steering Committee determined a professional test company is the best method for writing a test that will meet all of the necessary requirements of a professional licensing exam. A proposed contract was attached to the meeting materials. After the presentation and discussion, Grace Acosta moved that the Bar enter into the proposed contract to pay the cost and arrange for a professional testing company to write test questions for the exams the LPPs will have to take in order to be licensed. Cara Tangaro seconded the motion which passed unopposed.

Grace Acosta also moved that the Bar add the cost of administering the LPP program to the Bar’s annual budget. Cara Tangaro seconded the motion which passed unopposed.

4.2 ABA Delegates Report. Nate Alder and Erik Christiansen reported on the ABA House of Delegates meeting that took place in Vancouver in February. Erik reported on
declining ABA membership and the ABA’s efforts to attract new members by offering less expensive membership options. Nate reported on the notable resolutions considered by the House.

4.3 Petition to Create “Legal Entrepreneurs Section.” A group of lawyers petitioned the Commission to create a new Bar section that will “organize, educate and unite lawyers seeking innovative and creative ways to leverage technology, organize their practices and build their firms to better serve the public.” After discussion, Katie Woods moved to approve the creation of the Legal Entrepreneurs Section. John Bradley seconded the motion which passed unopposed.

New Item: Report and discussion regarding the March 5, 2018 email.

5. Executive Session
Discussion regarding endorsement of lawyer liability insurance provider postponed until April meeting.

The meeting adjourned at 4:40 p.m.

Consent Agenda
1. Approved Minutes from the January 12, 2018 Commission Meeting.
2. Approved Policies on Diversity and Inclusion.
REPORT OF THE
UTAH STATE BAR.

Lawyers’
Fund for
Client
Protection

Fiscal Year July 2017 – June 2018
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

Stephen W. Farr, Chair
Farr Rasmussen and Farr

Joanna G. Bell
Bell Family Law

Kim S. Colton
Snell & Wilmer, LLP

Robert R. Harrison
Kimball Legal, PLLC

James M. Hunnicutt
Dolowitz Hunnicutt, PLLC

Kathleen S. Jeffery
Sandy City

Miles P. Jensen
Olson & Hoggan, PC

Mickell Jimenez
Clyde Snow & Sessions, PC

David E. Leta
Snell & Wilmer, LLP

Smith D. Monson
Kipp and Christian

Linda Barclay Mount
Lexis Nexis

Bradley N. Mumford
Olson & Hoggan PC

Christine Critchley, Bar Staff Liaison

Report of the Fund for Client Protection
Recent Changes to the Rules for Client Protection

Changes to Rule 14-904(c)(1) clarify that any lawyer who fails to repay the Fund for monies paid out on his or her behalf shall be administratively suspended until repayment is made to the Fund. The prior language in (c)(1) limited administrative suspension to situations in which a lawyer receives a public reprimand. That language was inconsistent with the language in 14-904(c) requiring any lawyer whose actions result in a payment by the Fund to repay the Fund.

Fiscal Year July 2017 – June 2018

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 fifteen claims concerning a total of ten attorneys. The number of claims filed against any one attorney was one – six. 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.

<table>
<thead>
<tr>
<th>Income</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund for Client Protection Fees</td>
<td>$44,775</td>
</tr>
<tr>
<td>Restitution Revenue</td>
<td>3</td>
</tr>
<tr>
<td>Investment Income</td>
<td>2,625</td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td>47,403</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expense</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Claims Expenses</td>
<td>26,026</td>
</tr>
<tr>
<td>Bank Service Charges</td>
<td>632</td>
</tr>
<tr>
<td><strong>Total Expense</strong></td>
<td>26,658</td>
</tr>
</tbody>
</table>

| Net Income       | $20,745 |

Fiscal Year July 2017–June 2018
## Total Claims Paid for Fiscal Year 2017–2018

<table>
<thead>
<tr>
<th>Attorney</th>
<th># of claims made to the fund</th>
<th># of claims recommended for approval</th>
<th>total $ claimed</th>
<th>total $ paid from the fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kelly Ann Booth</td>
<td>1</td>
<td>0</td>
<td>$10,000.00</td>
<td>$0</td>
</tr>
<tr>
<td>Spencer M. Couch</td>
<td>1</td>
<td>1</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Benjamin Horton</td>
<td>6</td>
<td>5 approved, 1 claim denied as claimant died before case could be heard.</td>
<td>$3,900.00 $3,896.00 $2,922.00 $4,791.00 $11,325.00</td>
<td>$3,900.00 $3,896.00 $2,922.00 $4,791.00 $9,394.00</td>
</tr>
<tr>
<td>S. Austin Johnson</td>
<td>3</td>
<td>1 approved, 2 cases deferred to next available hearing date.</td>
<td>$3,300.00 $20,000.00 $9,500.00 $32,800.00</td>
<td>$2,500.00 deferred deferred deferred</td>
</tr>
<tr>
<td>JD Poorman</td>
<td>1</td>
<td>1</td>
<td>$1,975.00</td>
<td>$1,975.00</td>
</tr>
<tr>
<td>Paul Remy</td>
<td>1</td>
<td>1</td>
<td>$2,287.50</td>
<td>$2,287.50</td>
</tr>
<tr>
<td>Andrew Stewart</td>
<td>2</td>
<td>2</td>
<td>$2,500.00 $10,000.00</td>
<td>$2,500.00 $8,150.00</td>
</tr>
</tbody>
</table>

**TOTAL**           | 15                           | 11                                  | $91,320.50      | $43,315.50               |
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.

<table>
<thead>
<tr>
<th>Prospective Claims</th>
<th>Amount Claimed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases vetted</td>
<td>2 $29,000</td>
</tr>
<tr>
<td>Cases to be vetted</td>
<td>4 $65,000</td>
</tr>
<tr>
<td>Total Prospective Claims</td>
<td>6 $94,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Utah State Bar Fund for Client Protection Fiscal Year 2018–2019 Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank Balance (as of 02/28/2018)</td>
</tr>
<tr>
<td>Less: Approved Claims</td>
</tr>
<tr>
<td>Prospective Claims</td>
</tr>
<tr>
<td>Projected Fund Balance</td>
</tr>
<tr>
<td>Targeted Fund Balance</td>
</tr>
<tr>
<td>Projected Fund Deficiency</td>
</tr>
<tr>
<td>Current Active Attorneys</td>
</tr>
<tr>
<td>Amount Required for 2018–2019 Licensing Period</td>
</tr>
<tr>
<td>Actual Request for 2018–2019 Licensing Period</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>$273,977</td>
</tr>
<tr>
<td>12,171</td>
</tr>
<tr>
<td>94,000</td>
</tr>
<tr>
<td>$167,806</td>
</tr>
<tr>
<td>$200,000</td>
</tr>
<tr>
<td>($32,194)</td>
</tr>
<tr>
<td>9,551</td>
</tr>
<tr>
<td>$3.37</td>
</tr>
<tr>
<td>$5.00</td>
</tr>
</tbody>
</table>

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."
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.

(c)(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 incompetency, 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