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 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

April 10-12	ABA Day in Washington		Washington, D.C.
April 15	Election-Online Balloting Ends		
May 4	Executive Committee	12:00 Noon	
May 11	Commission Meeting	9:00 a.m.	Law & Justice Center
May 17	Admission Ceremony	12:00 Noon	State Capitol
July 17	Executive Committee	12:00 Noon	Law & Justice Center
July 25	Commission Meeting	1:00 p.m.	Sun Valley, Idaho
July 25-28	Summer Convention		Sun Valley, Idaho

JCB/Commission Agenda 4.6.18

TAB
1

Utah State Bar®

MEMORANDUM

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.

Utah State Bar®

MEMORANDUM

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 Bate 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. 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. Exhibiter 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:
    a. Quarterly articles on risk management in the *Utah Bar Journal.*

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 deducible 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.
2. A dedicated risk manager. (Page 061).
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 mal practice 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 wit 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. Exhibiter 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:
    a. Quarterly articles on risk management in the *Utah Bar Journal*.
    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.

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[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:

Defense 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 purse 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"s 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.
- Exhibiter 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:

> *"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."*

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:

- *"ALPS 2018 Top 10 Malpractice Traps and How to Avoid Them"*
- *"ALPS 2018 Top 10 Technology Traps and How to Avoid Them"*
- *"Take Control of Your Time, Technology and Clients: The Keys to a Safer, More Profitable Practice and Saner Life"*
- *"Understanding Cyber Liability Coverage: How to Keep the Hackers at Bay"*
- *"How Long Do We Need to Keep Client Files? The Basics of File Closing and Retention"*
- *"Advanced Tools and Skills for More Effective Client Development"*
- *"Don't Let the Cloud Rain on You: Cloud Computing"*
- *"A Lawyer's Guide to Understanding Ransomware and How to Prevent an Attack"*
- *"Ethics and Managing Business Risk in the Law Firm"*
- *"Successful Tips for Concluding Law Practice"*
- *"The Devil Wore Green: Understanding Trust Account Obligations"*

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

STATE BAR OF MONTANA
Serving the people of Montana and their attorneys

KANSAS BAR ASSOCIATION
www.ksbar.org

CBA
Colorado Bar Association

wyoming STATE BAR

ALASKA BAR ASSOCIATION

VII. References

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rmangone@strongandhanni.com
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Fax: (801) 596-1508

ClydeSnow
Rod Snow, Managing Partner/Founder
rgs@clydesnow.com
Walt Romney, Managing Partner
Jean Layton, Firm Administrator
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201 South Main Street, Suite 1300
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www.clydesnow.com

Goebel Anderson, PC
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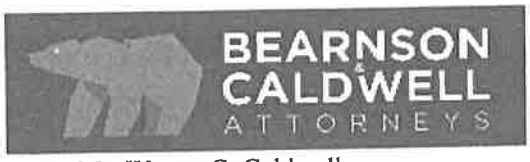

Attn: Mr. Wayne C. Caldwell
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SNOW JENSEN & REECE
A PROFESSIONAL LAW CORPORATION

Snow Jensen & Reece, PC
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Fax: (435) 628-3275

Hansen, Wright, Eddy & Haws
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Pleasant Grove, Utah 84062
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Email: info@centralutahlaw.com

Arnold & Wiggins, P.C. – Solo
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Salt Lake City, UT 84101
Phone: (801) 328-4333
Fax: (801) 328-2405

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 Bassingthwaighte, 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

Insurance Department

State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

NEAL T. GOOCH
Commissioner

December 18, 2012

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_Flgs.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: Dava Berlinger-Butler
Dava Berlinger-Butler
Company Licensing Specialist
Examination Division

Enclosure

Company ID # 2970
NAIC # 32450
New

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 _____
Jacob W. Garn, CFE, CPA
Chief Financial Examiner

A.M. Best Rating Services

Rating Search: Search Advanced Search

Print or PDF

ALPS Property & Casualty Insurance Company (?)

A.M. Best #: 011054 **NAIC #: 32450** **FEIN #: 260023979**

Mailing Address
P.O. Box 9169
Missoula, MT 59807-9169
United States

View Additional Address Information

Web: www.alpsnet.com
Phone: 406-728-3113
Fax: 406-728-7416

Assigned to insurance companies that have, in our opinion, an excellent ability to meet their ongoing insurance obligations.

Financial Strength Rating A.M. BEST A- Excellent

View additional news, reports and products for this company.

Based on A.M. Best's analysis, 055968 - 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

u 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

ALPS COVERAGE FEATURES	ALPS BASIC	ALPS PREFERRED	ALPS PREMIER
All Claims Handled by Licensed Attorneys	✓	✓	✓
Supplementary Payments for Disciplinary Proceedings	$5000	$25,000 per attorney $75,000 in the aggregate	$50,000 per attorney $150,000 in the aggregate
Broad Definition of Covered Professional Services	Expanded to include mediators, court-appointed familyinvestigators & notary public	Expanded (from Basic) to also include Title Insurance Agents, Author/Presenter of legal materials, & lobbyist	Expanded (from Preferred) to also include Expert Witness
Waiver of Professional Services Exclusion for Ownership of an Organization	Must own 5% or less	Must own 10% or less	Must own 10% or less
Claims Expense Allowance Outside the Limit of Liability	✗	Up to $500,000	Up to $1,000,000
Must receive Insured's Consent to Settle a claim	✗	✓	✓
Reduced Deductible for Voluntary Formal Mediation	✗	✓	✓
Aggregate Deductible cap of twice the Per Claim Amount	✗	✓	✓
Supplementary Payments for Loss of Earnings	✗	✗	✓
Supplementary Payments for Subpoena Assistance	✗	✗	✓
Supplementary Payments for Public Relations Event	✗	✗	✓
Reduced Deductible if Engagement Letter used	✗	✗	✓

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.

CYBER RESPONSE	ORIGINAL CYBER RESPONSE POLICY	NEW CYBER RESPONSE POLICY
Information Security & Privacy Liability Coverage	✓	✓
Regulatory Defense & Penalties Coverage	✓	✓
Website Media Content Liability Coverage	✓	✓
Privacy Breach Response Services	✓	✓
Crisis Management & Public Relations Services	✓	✓
PCI Fines, Expenses & Penalties Coverage		✓
Cyber Extortion Loss Coverage		✓
First Party Data Protection Loss Coverage		✓
First Party Business Interruption Coverage		✓
Fraudulent Instruction		✓
Electronic Crime		✓
Computer Expert Services		✓
Privacy Counsel		✓
Notification Services		✓
Credit Monitoring Services		✓

ALPS
(800) 367-2577 • www.alpsnet.com • learnmore@alpsnet.com

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 Premiums
(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) + {"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

Years of Prior Acts Coverage	Prior Acts Factor		
6 +	0.00		
5	- 0.01	to	- 0.05
4	- 0.06	to	- 0.10
3	- 0.11	to	- 0.15
2	- 0.16	to	- 0.25
1	- 0.26	to	- 0.40
0	- 0.41	to	- 0.50

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

Area of Practice	Percentage of Practice	Credit/Surcharge
Anti-Trust/Trade	All	+0.60
Arbitration/Mediation	All	-0.28
Bankruptcy	All	+0.05
Civil Litigation – Defense	All	-0.33
Civil Litigation – Plaintiff	Less than or equal to 50%	+1.16
Civil Litigation – Plaintiff	Greater than 50%	+0.57
Collection Repossession	All	+0.35
Copyright/Trademark	All	+0.75
Corporate/Transactional	All	+0.05
Criminal	All	-0.45
Domestic Relations	All	-0.20
Entertainment/Sports	All	+0.15
ERISA/Employee Relations	All	+0.18
Gaming/Casino Representation	All	+0.50
Government	All	-0.10
Labor	All	-0.28
Mergers/Acquisitions	All	+0.50
Natural Resources	All	-0.05
Oil/Gas	All	+0.35
Patents	Less than or equal to 50%	+1.30
Patents	Greater than 50%	+1.00
Real Estate	Less than or equal to 50%	+1.19
Real Estate	Greater than 50%	+0.76
Securities Exempt/Bonds	All	+0.05
Securities/Registered Offerings	All	+0.55
Tax	All	+0.20

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

Surcharge Year	Surcharge Factor
1	+ 0.50
2	+ 0.40
3	+ 0.30
4	+ 0.20
5	+ 0.10
6+	0.00

Two Claims

Surcharge Year	Surcharge Factor
1	+ 1.25
2	+ 1.10
3	+ 0.95
4	+ 0.80
5	+ 0.65
6+	0.00

Three or More Claims

Surcharge Year	Surcharge Factor
1	+ 2.94
2	+ 2.68
3	+ 2.41
4	+ 2.15
5	+ 1.89
6+	0.00

State Relativity Factors

Utah	0.75

Firm Size Factor

Number of Attorneys

Number of Attorneys	Factor
1	+ 0.30
2	+ 0.15
3	+ 0.05
4	0.00
5	- 0.02
6	- 0.10
7	- 0.15
8 - 10	- 0.10
11 - 25	- 0.27
26 - 75	- 0.34
76+	- 0.15

Ratio of Non-Administrative Staff to Attorneys Factor

Ratio	Factor
0.00 – 1.00	+ 0.00
1.01 – 2.00	+ 0.15
2.01 – 3.00	+ 0.35
3.01 – 4.00	+ 0.50
4.01+	+ 0.65

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

Policy Limits Per Claim/Aggregate Up to $5,000,000/$10,000,000	Factor
100,000/300,000	1.00
250,000/250,000	1.39
250,000/500,000	1.51
500,000/500,000	1.55
500,000/1,000,000	1.68
1,000,000/1,000,000	1.71
1,000,000/2,000,000	1.82
2,000,000/2,000,000	1.95
2,000,000/4,000,000	2.08
3,000,000/3,000,000	2.23
3,000,000/6,000,000	2.35
4,000,000/4,000,000	2.48
4,000,000/8,000,000	2.61
5,000,000/5,000,000	2.74
5,000,000/10,000,000	2.86
For Per Claim limits greater than $5,000,000, refer to company.	

Deductible Factors

Deductible	Indemnity & Defense Costs Factor	Indemnity Only Factor (First Dollar Defense Option)
1,000	1.00	1.01
2,500	.95	.97
5,000	.92	.94
7,500	.90	.93
10,000	.88	.92
15,000	.84	.88
25,000	.78	.82
50,000	.66	.70
75,000	.58	.62
100,000*	.52	N/A
250,000*	.32	N/A
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 ± 0.25 for the following areas. Application of schedule credit or debit will be documented in the underwriting file.

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

Part-Time Premium Credit

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

Policy Options

"Basic" Policy Option Credit -0.20
"Premier" Policy Option charge Premium * number of Chargeable attorneys

Firm Size	Premium per attorney
1	$300
2-4	$275
5-10	$250
11-20	$200
21-49	$150
50+	$130

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

	2013		2014		2015		2016		2017	
	ALPS	Virginia	ALPS	Virginia	ALPS	Virginia	ALPS	Virginia	ALPS	Virginia
Assets	97,355,328		103,150,985		111,649,227		114,353,656		131,132,608	
Policyholder Surplus	35,626,486		36,147,182		37,145,888		38,308,266		40,643,536	
Gross Written Premium	42,190,661	9,457,831	43,214,073	9,744,206	44,581,500	9,985,116	45,756,642	9,737,627	48,313,175	9,831,565
Net Written Premium	28,078,379	6,294,297	29,067,484	6,554,336	30,471,576	6,824,854	30,641,314	6,520,883	32,465,615	6,606,641
Gross Earned Premium	41,579,849	9,247,349	42,733,030	9,624,083	44,006,441	9,913,833	44,876,558	9,698,274	46,856,368	9,764,962
Net Earned Premium	27,869,053	6,198,071	28,507,244	6,420,235	29,990,288	6,756,254	30,232,274	6,533,498	31,338,744	6,531,058
Gross Case Reserves	52,064,061	9,747,250	55,177,991	11,835,119	53,869,723	9,113,239	53,304,101	7,184,522	70,371,224	8,243,378
Net Case Reserves	29,011,467	5,136,545	34,081,885	7,232,246	30,846,853	5,263,696	30,409,251	5,726,022	28,911,110	6,181,659
Net Loss & LAE Reserves (Including IBNR/Bulk)	40,363,787	7,146,499	45,324,148	9,617,878	49,623,606	8,467,755	52,725,688	9,928,317	56,534,154	12,087,910
Gross Loss & LAE Incurred	29,814,324	5,540,964	28,400,713	4,899,347	41,016,007	2,021,626	35,556,319	4,802,915	49,680,631	7,340,523
Net Loss & LAE Incurred	17,668,554	1,735,643	19,997,038	4,357,437	20,727,648	1,319,562	20,485,047	3,916,264	20,274,032	5,767,274
Net Loss & LAE Ratio	63.66%	26.71%	70.15%	67.87%	69.11%	19.53%	67.76%	59.94%	64.69%	88.31%
Underwriting Expense Ratio	35.51%	36.57%	31.69%	32.63%	30.01%	30.66%	32.15%	30.12%	32.71%	31.11%
Net Combined Ratio	99.17%	63.27%	101.83%	100.50%	99.13%	50.19%	99.91%	90.06%	97.41%	119.42%
Number of Insured Firms	5,867	1,839	6,022	1,845	6,645	1,944	7,041	1,938	7,569	1,912
Number of Insured Attorneys	13,616	3,756	14,182	3,791	15,208	4,006	15,970	3,943	17,038	3,929
Claims Reported	520	123	531	120	502	116	585	141	520	144
Claims Opened	575	137	579	133	549	126	624	155	582	154
Claims Closed	581	175	544	137	572	128	644	158	583	124
Claims Outstanding	568	133	597	128	572	126	550	123	531	149
Claims Frequency	3.82%	3.27%	3.74%	3.17%	3.30%	2.90%	3.66%	3.58%	3.05%	3.67%

Revised 2/1/2018

MERCER

MERCER
MAKE TOMORROW, TODAY

REQUEST FOR MEMBER MALPRACTICE INSURANCE PROPOSAL

UTAH STATE BAR (USB)

FEBRUARY 28, 2018

Mercer Affinity, a service of Mercer Health & Benefits Administration LLC

MARSH & McLENNAN COMPANIES

CONTENTS

1

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 polices
  - 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.

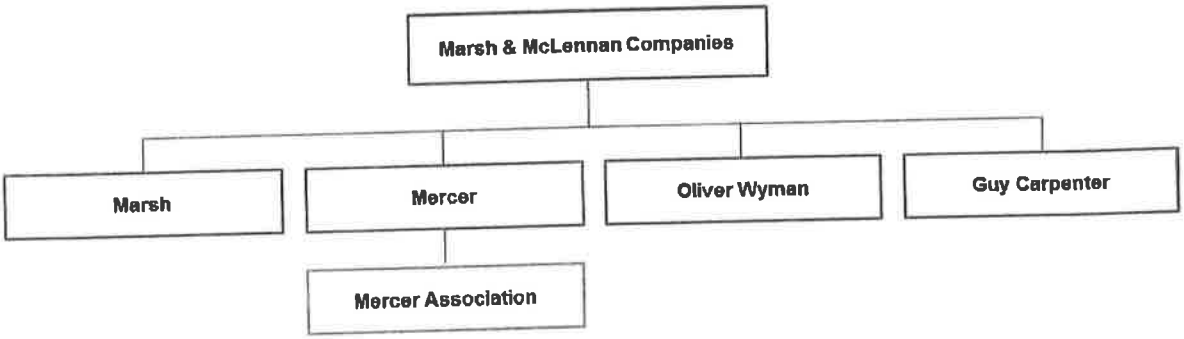
2

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.



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 unequaled 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.

MARKETING HIGHLIGHTS

- Customized campaigns complement USB goals and USB member needs
- Best-in-class Marketing Data Warehouse analytical capabilities provide industry-leading buyer profile information for lawyers, with data segmentation capabilities available

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.

3

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

4

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 statics 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

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.

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[SM] 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.

6

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

7

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.

8

Exhibit – Utah Licensing

State of Utah
GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Insurance Department

Licensees must submit address changes to the Utah Insurance Department within 30 day of the change. All such changes should be submitted online at www.sircon.com/utah or www.nipr.com.

Individual producers cannot solicit, sell or negotiate insurance until appointed by an insurer or designated to act by an insurance agency.

Insurance Agencies cannot solicit, sell or negotiate insurance until contracted and appointed by an insurer.

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

Generated by Sircon 145911524

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

Generated by Sircon 145911524

Disclosures

Mercer Affinity, a service of Mercer Health & Benefits Administration LLC, AR License #100102691. In California d/b/a Mercer Health & Benefits Insurance Services LLC, CA License #0G39709.

A.M. Best

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

Mercer Affinity, a service of
Mercer Health & Benefits Administration LLC
12421 Meredith Drive
Urbandale, IA 50398

ATTORNEY PROTECTIVE

Utah Bar Association Member Malpractice Insurance Proposal

Sally Field
President – Attorney Protective

Table of Contents

Carrier Details

- Admitted Carrier - National Liability & Fire Insurance Company
  - AM Best Rated A++ (Superior); Financial Size XV ($2 Billion or greater)
  - Active Status with UT Department of Insurance since July 20, 1979
- Surplus Lines/Non-Admitted Carrier - National Fire & Marine Insurance Company
  - AM Best Rated A++ (Superior); Financial Size XV ($2 Billion or greater)
  - Active Status with UT Department of Insurance since June 02, 1997
- The Attorney Protective program is administered by MedPro Group the nations first provider of healthcare liability insurance (since 1899), with over $1 billion in annual premium and more than 200,000 client
- Attorney Protective's program is underwritten by a member of a Berkshire Hathaway's group of insurance companies
  - Track record of outperforming the S&P 500 for 50+ years
  - Long term investment horizon improves operating performance and ensures stability
  - The ethical conduct of business is central to our company and culture

Attorney Protective Presence in LPL

- Actively insuring lawyers since 2009
- Writing LPL in 47 states and the District of Columbia
- Active in the state of Utah since 2013
- Preferred provider of the Chicago Bar Association and the Arkansas Bar Association
- Competitively positioned with other markets
- Continuously reviewing and updating our coverage form to serve the ever changing needs and exposures of attorneys

Coverage Highlights in Utah

- Supplementary payments of up to **$150,000** in aggregate (in addition to the policy limits), including:
  - Loss of earnings payments of up to **$500** a day, **$10,000** per claim and $50,000 in aggregate, for your attendance at a trial, hearing or arbitration at our request
  - Disciplinary proceedings coverage of up to **$25,000** per proceeding and **$100,000** in aggregate
  - Privacy incident expenses reimbursement of up to **$25,000** in aggregate
  - Crisis event expenses reimbursement of up to **$25,000** in aggregate
- **$25,000** of claims expenses paid in every covered claim before the deductible applies
- Four ways to reduce the amount you pay on your deductible by **50%** up to a maximum of $25,000 reduction
- Subpoena assistance
- One of the broadest policy forms available

Team Structure – Leadership and Underwriting

Sally Field, J.D.
President
(214) 220-7521
Sally.field@attorneyprotective.com

- Lawyer of more than 30 years
- More than 20 years in legal professional liability insurance
- Ten years with Attorney Protective
- Doctor of Jurisprudence from the University of Houston, and a Bachelors degree from Oklahoma State University - graduated with honors

Scott Patrick, RPLU
Underwriter Manager
(214) 220-7524
Scott.patrick@attorneyprotective.com

- 18 years of experience in insurance
- Ten years with Attorney Protective
- B.S. in Mathematics from Purdue University
- Registered Professional Liability Underwriter (RPLU) designation from The Insurance Institutes

Milind Pandya
Market Manager
(214) 220-7503
Milind.Pandya@attorneyprotective.com

- 21 years Professional Liability Experience
- Focus on Lawyers PL
- Handled 7 Bar Relationships in past

Erin McCartney, J.D.
Risk Management Lead
(215) 836-2459
Erin.McCartney@attorneyprotective.com

- Experienced Defense attorney and Claims Consultant
- B.A. from Georgetown
- J.D. from Villanova

Jim Cartier, J.D.
Claims Manager
(214) 341-1558
jim.cartier@attorneyprotective.com

- Lawyer of more than 20 years
- Five years with Attorney Protective
- 13 years of experience in LPL claims
- Doctor of Jurisprudence from Georgetown and his Bachelors from SMU

- Underwriting team of 15 handling 1200+ accounts per month
- Dedicated Underwriter would be assigned to the program
- Willingness and ability to add to staff as needed

Risk Management

- Dedicated Risk Manager – Erin McCartney, J.D.
  - Erin earned her Doctor of Jurisprudence from Villanova University School of Law, and her Bachelors degree from Georgetown University. Erin began her career as an insurance defense attorney in Philadelphia. She later joined Fireman's Fund Insurance Company where she handled professional liability claims and acted as the risk and claims service consultant for the company's top accounts. Erin is currently the Risk Management Lead for Attorney Protective, which entails leading the development and implementation of risk management initiatives for insured law firms.
  - Given Erin's unique experience as an attorney, legal malpractice claim specialist and risk management consultant, she brings a valuable and realistic perspective to the risks faced by lawyers in today's environment.

Risk Management Continued

- **Risk Management for Law Firms: Attorney Protective is committed to being a real ally to our firms**
- The tools that we offer are modern, dynamic and always have your real-world issues in mind. We offer:
  - *AttPro Ally* - A quarterly newsletter focused on the issues that lawyers are facing today
  - Best Practices Database - Your online resource for risk assessment and prevention tips, articles, updates and more
  - Webinars - Featuring timely legal and risk management topics in a convenient format, our webinars also frequently qualify for CLE credit in various states
  - AttPro Alerts - Highlighting important issues in the legal industry conveniently on our website
  - Risk Management Hotline - Law firms insured with Attorney Protective can speak with our staff about best practices or talk through specific situations with our experienced claims attorneys.

Bar Association Support

Examples of how we support our Bar association partners and members

- Four-hours of CLE courses for the annual meetings, two-hours at mid year meetings
- Free CLE Webinars for Bar members
- Authoring articles for Bar Journals
- AttPro Solo Starter for new attorneys - providing flat-rate pricing the first three years (would require filing and approval in UT)
- Support at annual meeting, participation as an exhibitor
- Customized reporting for Bar leadership
- Marketing support
  - Customized co-branded targeted marketing campaigns across multiple platforms: Social Media, Printed, Email, Web-Based
  - Content based drip campaigns to highlight an event
  - Alerts offered as educational and informational pieces to attorneys
  - Convention based marketing tied to educational sessions
  - Sponsorship at conventions, meetings and events
  - Young lawyer recruiting efforts
  - Initiatives to target law schools
    - Social media marketing
    - Presentations to students

Attorney Protective recognizes that the needs and desires of each Bar association varies, and in support of this we are flexible to supporting in the manner that makes the most sense. Transparency and communication is the key to our joint success

Q&A

- What structure do we propose and why?
  - The structure would consist of the carrier, distribution partner and the Bar
  - This arrangement allows for local marketing of accounts and a three way approach toward the business to ensure that the attorneys in UT benefit from the a DP that is knowledgeable in the LPL area.
  - The Bar benefits from sheer marketing power of an agency focused on affinity business and the ability to nimbly respond to insured requests.
  - In the event a risk was of the size that they wanted multiple options, they would be best served with an Agency/Carrier structure.
  - With the Agency/Carrier structure allows Bar members access to the broadest range of possible insurance solutions, including customized solutions for larger firms
- Why would the Bar endorse a carrier?
  - Endorsements offer a partnership with one carrier and affords benefits on multiple levels:
    - Broad policy language that can be customized for the Bar via endorsement
    - Greater stability, including greater pricing stability from the pooling of insureds
    - A robust risk management program that is customized to the group
    - Ability to customize a broad marketing campaign
    - Greater insight on what causes legal malpractice claims for its members
  - When working with multiple carriers no one carrier would have the policy holder volume to partner with the Bar at a high level of involvement and customization

Q&A - Continued

- What does the Bar get from an endorsement?
  - A customized risk management program administered by AttPro's Risk Management Leader who is an attorney
  - Support at Bar Events by way attendance at Bar Conferences, Booth Presence, marketing support, sponsorships
  - CLE presentations at Bar Event in concert with the Bar
  - Online webinars
  - Analytics on UT Bar members and performance metrics of the program on a bi-annual basis
  - Financial support via advertising in Bar Publications and Websites
  - Any additional financial support - TBD
  - A carrier that has over 90% retention of renewals which equates to satisfaction from the membership
  - A carrier that offers simplified renewals processes thereby allowing UT Bar members to focus on the practice of law
- What do members get?
  - Free online CLE Webinars
  - Access to a risk management library that contains a Best Practices database
  - Claims Hotline manned by a claims attorney
  - A++ the highest rating a carrier can achieve
  - Financial strength of a Berkshire Hathaway Company
  - Best in class policy form to meet the ever changing needs of the risk landscape
  - One of the easiest renewals in the industry with over 90% of firms qualifying for a no app renewal process
  - Quarterly newsletter for insureds - AttPro Ally with articles authored by leading national attorneys (see appendix)
  - Online application process through - www.attpromote.com (see appendix)
  - AttPro Solo Starter for new attorneys (see appendix)
- Who would my contact be?
  - Attorney Protective - Milind Pandya - A 21 year veteran in the Insurance Industry with broad experience handling lawyers professional liability and Bar Programs. He is currently the carrier contact for the Chicago Bar Association and the Arkansas Bar Association, in the past while at another carrier he handled the Hawaii State Bar, Pennsylvania Bar Association, Puerto Rico Bar Associations as well
  - The distribution partner would supply a key contact point as well, there by offering the Bar two avenues for input and concerns

Why the Attorney Protective Program?

- Strong financials – Written on A++ paper whether admitted or surplus lines
- Stability – We are net and do not have the encumbrance's of reinsurance
- Superior product – Evolving as the risks facing lawyers evolve
- Built to last – Will continue to build a product with 100-year outlook
- Capacity of $5M available to qualifying risks
- Best in class customer service is our forte
  - NB submissions typically quoted early 45-60 days ahead of expiration
  - If the expiration dates <30 days- usually 24-48 hr. quote TAT
  - Policy Issuance: usually emailed within 24-48 hours
- Ease of doing business is another key focus
  - Auto-Renewals, Set it and forget it, Approximately 90% of our accounts qualify
  - Premium Retention >95%!
  - Target 90 days out
  - Bridge applications in book transitions
  - AttPromote – Digital application that makes obtaining a quote a snap

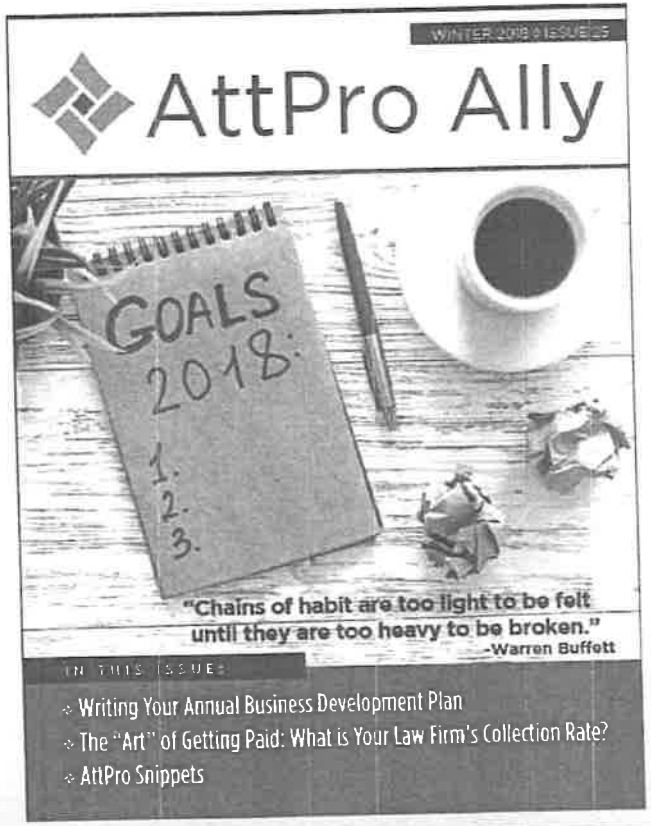
Attorney Protective

a MedPro Group Berkley Underwriting company

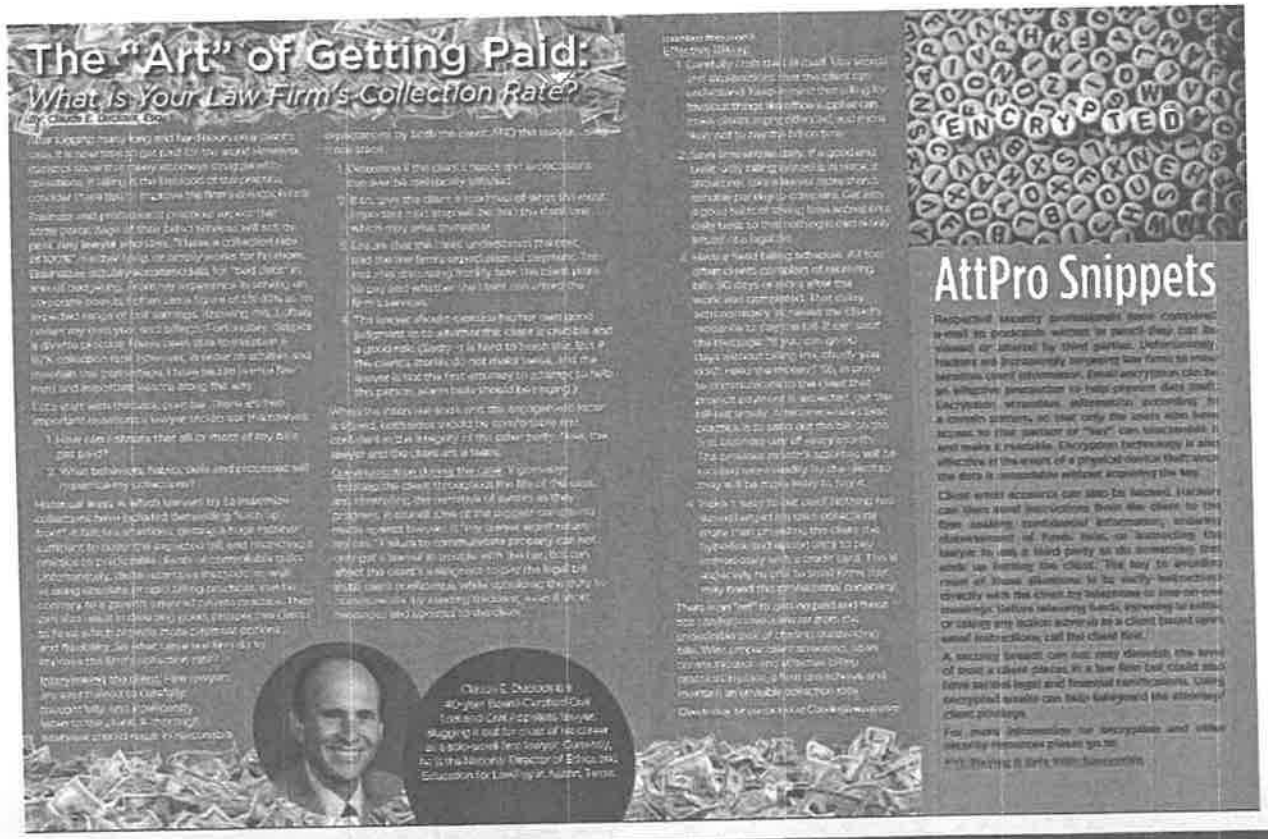
Appendix

AttPro Ally
AttPromote
Solo Starter

AttPro Ally – Winter 2018



AttPro Ally – Winter 2018



The "Art" of Getting Paid:

What Is Your Law Firm's Collection Rate?

AttPro Snippets

AttPro Ally – Winter 2018

Writing Your Annual Business Development Plan

by Sally J. Schmidt

This is the time of year when many law firms require their lawyers to develop a personal marketing or business development plan. Even if it is not required, most lawyers start thinking about their goals as the new year approaches.

I am a big believer in writing down your plan. A lot of lawyers will tell me they have plans;... but those plans are simply ideas in their heads. Research by Dominican University of California has demonstrated that writing one's goals enhances goal achievement, in other words, if you write down a goal, you are more likely to reach it.

What's In a Business Development Plan?

Without getting mired in jargon, I recommend the following elements for a lawyer's plan:

1. Goals. These are more aspirational and usually unlikely to be achieved in a year. Examples include:
   - "Position myself as one of the top ERISA lawyers in the city."
   - "Develop referral relationships with mid-size accounting firms."
   - "Learn more about my clients' businesses."
2. Objectives. A lot of lawyers set broad goals but those can be difficult to accomplish without more specificity. So your plan also needs objectives. An objective typically is something that can be accomplished in a year and is measurable. Examples of objectives to match up with the goals above include:
   - ERISA: "Engage in three thought-leadership activities in 2018."
   - Referrals: "Identify and meet two new accountants."
   - Business: "Go on-site to visit a client once a quarter."
3. Strategies and activities. That's, you will need to identify specific strategies and activities to accomplish your objectives. For example:
   - ERISA: "Submit a proposal to give a presentation on executive compensation to the local chapter of the Society for Human Resource Management."
   - Referrals: "Research midsize accounting firms to identify people with a similar clientele. Invite them to lunch to discuss our practices and referral opportunities."
   - Business: "Contact XYZ Corp. to schedule a visit in the first quarter of 2018."

Other Benefits of Writing Down Your Plan

In addition to being more likely to achieve your goals, there are many other benefits to a written plan, among them:

- Acting, rather than reacting. A business development plan should help you focus on the activities that will be the best uses of your limited time and resources. Sure, at the end of the year, you may look back and say you wrote some articles or gave some speeches, but were they things you chose to do or things you did because someone asked? You only have so much time, so use it wisely.
- Avoiding "random acts of marketing." Lawyers often get motivated to start "doing stuff" when work is slow. After that litigation matter settles, you feel the need to start calling people or accepting invitations for lunch or coffee. But are you spending time with the right people? In your plan, you should identify the people who it makes the most sense to build relationships with, so your actions will be more intentional.
- Identifying and promoting your distinctive competence. Your plan should identify the area or niches you want to have people associate with your practice. Then your activities, from internal efforts (e.g., to become a go-to person in your firm) to external activities (like organizational involvement or webinars), should support your targeted practice areas.
- Tying your actions back to goals. Every potential opportunity you face, from an invitation to join a board to an opportunity to give a speech, should be reviewed against your plan to see if it fits your goals and objectives. Will there be times you diverge from the plan? Of course, but at least the plan will give you a context for making good decisions.
- Providing accountability. Having things written down will help you measure your progress and hold yourself accountable for implementation.
- Sustaining your efforts. The hardest thing about marketing is that it's never really done. A plan will help you identify next steps so you continue your efforts.

Two Important Tips for Success

Finally, here are two tips for making your plan successful:

- First, break your activities down into smaller, manageable steps. If your goal is to build a reputation in liability issues involving autonomous vehicles and your objective is to write an article, start by identifying some potential places to publish it. The next step might be to develop a one-paragraph synopsis of the article to pitch to the media. After that, you could write your outline. Writing an article might seem overwhelming so take it in stages.
- Second, keep your plan handy and look at it regularly. Put it in your top drawer or next to your phone. Calendar a reminder notice to look at your plan on the first of each month and select activities for the next 30 days. While there is some value in simply going through the planning process, the key to your success will be implementation. Find a way to keep your plan top of mind and remind yourself of your commitments.

As President of Schmidt Marketing in Edina, MN, Sally Schmidt helps lawyers with their client relations, marketing and business development initiatives.

"Great plan. Could we get some more details?"

AttPro Ally – Winter 2018

AttPro Ally is a [illegible] – AN ALLY IN A WORLD OF RISK.

Attorney Protective
a NetPro Group/Berkshire Hathaway company
5814 Reed Road
Fort Wayne, IN 46835-3568

Visit us at attorneyprotective.com or call (877) 728-8776.

ERIN MCCARTNEY, ESQ., EDITOR

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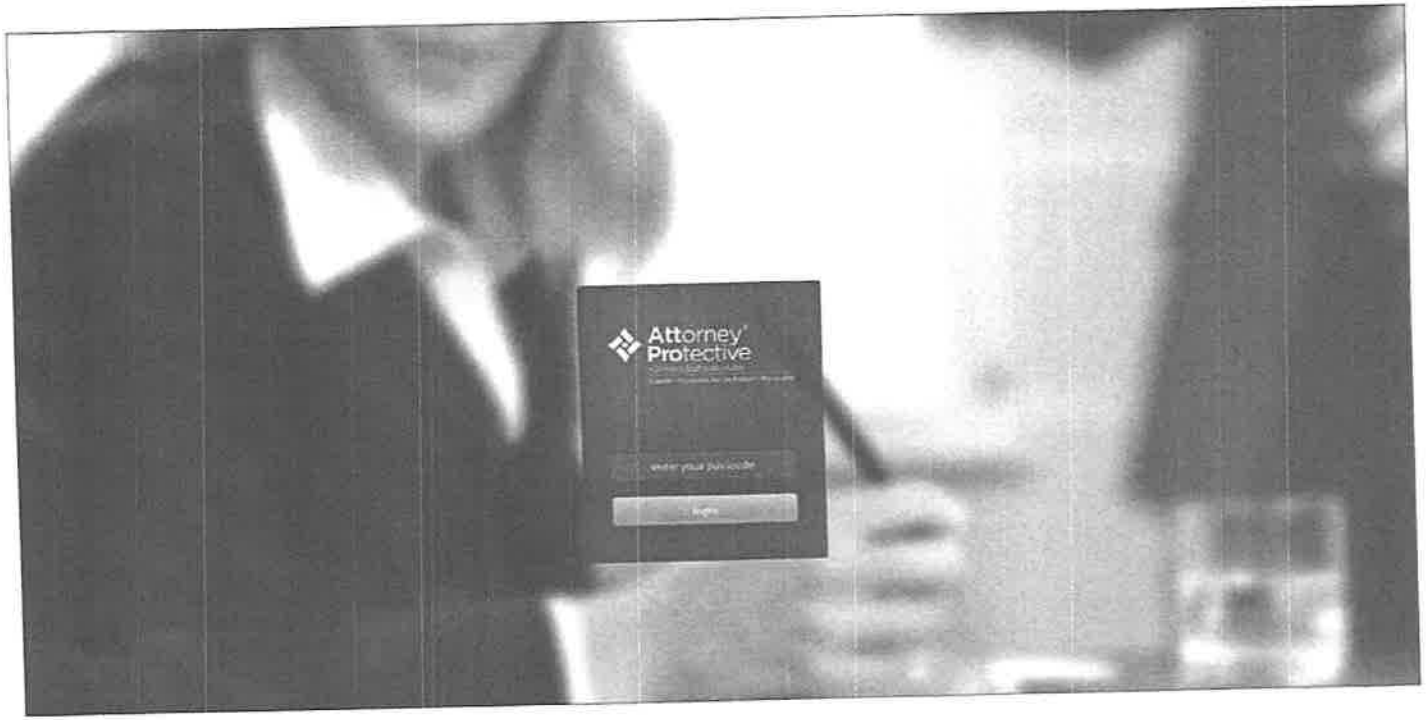
AttPro Snippets:
Using Email Encryption

The Prospect Logs In



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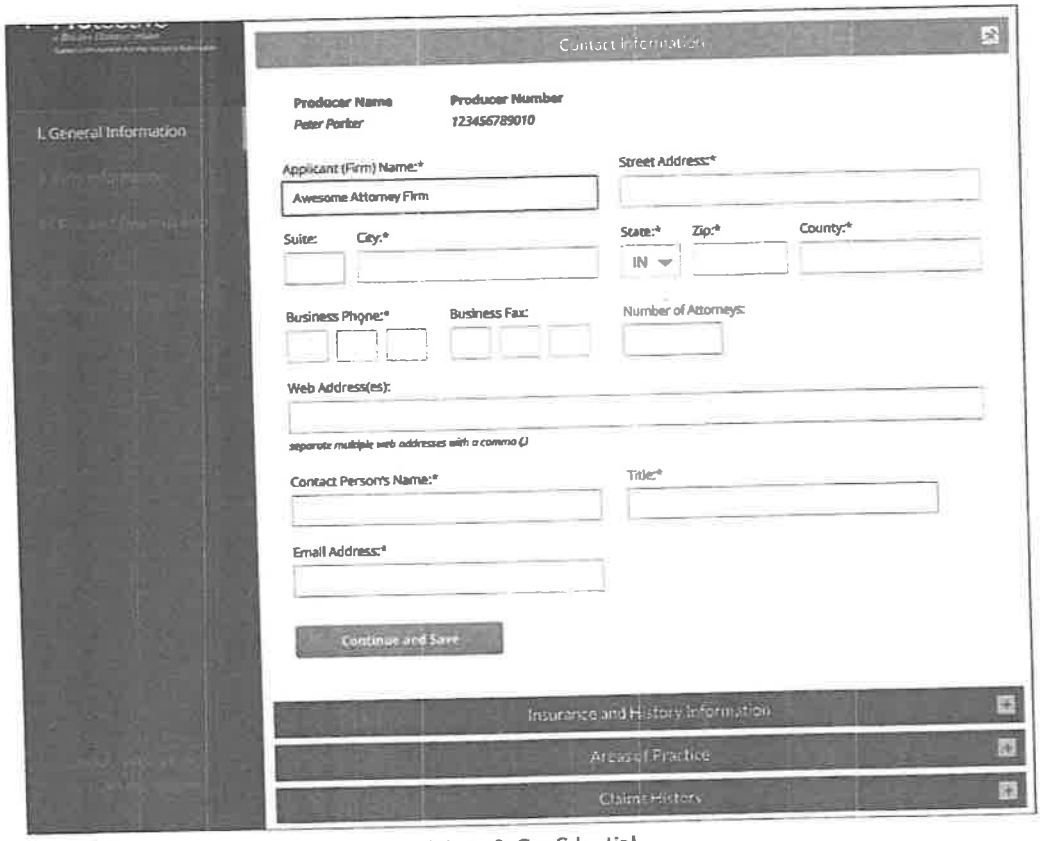
The Prospect Checks Pre-Filled Contact Information or Enters It If He/She Didn't Already Complete the Indication



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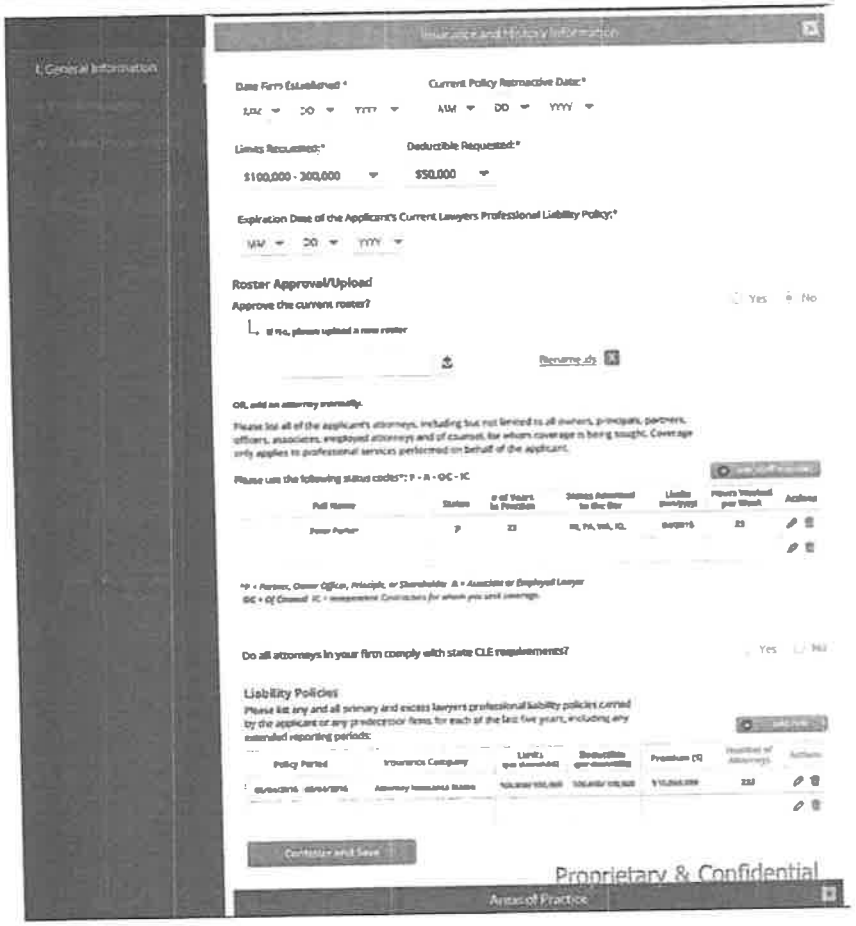
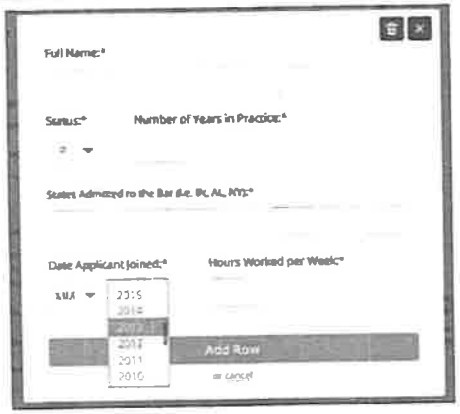
Check Pre-filled Insurance and History Information





Pop-up boxes keep things simple

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Check Pre-filled AOP Information

I. General Information

Insurance and History Information

Areas of Practice

Please verify each area of practice for your firm that you have previously listed. Also you will need to verify that the percentages are accurate for each relevant area.

Precentage Totals This Year:

Total Percentage Remaining:	100%
Total Percentage Allocated:	0%

Area of Practice

- Arbitration/Mediation
- Admiralty/Maritime
- Antitrust/Trade Regulation
- Appellate
- Bankruptcy
- Business & Commercial Litigation
- Business Formation & Alteration
- Business Transactions/Commercial Law
- Civil Rights & Discrimination
- Collections
- Construction Law/Building Contracts
- Consumer Claims (Not Class Actions)
- Criminal Law
- Elder Law (Not Tax or ETP)
- Entertainment Law
- Environmental Law

Estate/Trust/Probate	This Year
% Estate Planning	0%
% Trust Administration	0%
% *Other (type here)*	0%
Family Law	
% Pre-Nuptial/Divorce	0%
% Adoption	0%
% *Other (type here)*	0%
Government (no bonds)	
% General or Financial Advice	0%
% Defense	0%
% Lobbying/Other	0%
Financial Institutions	0%
Immigration & Naturalization	0%
Intellectual Property	
% Patent	0%
% Trademark/Copyright	0%
% Litigation	0%

Continue and Save

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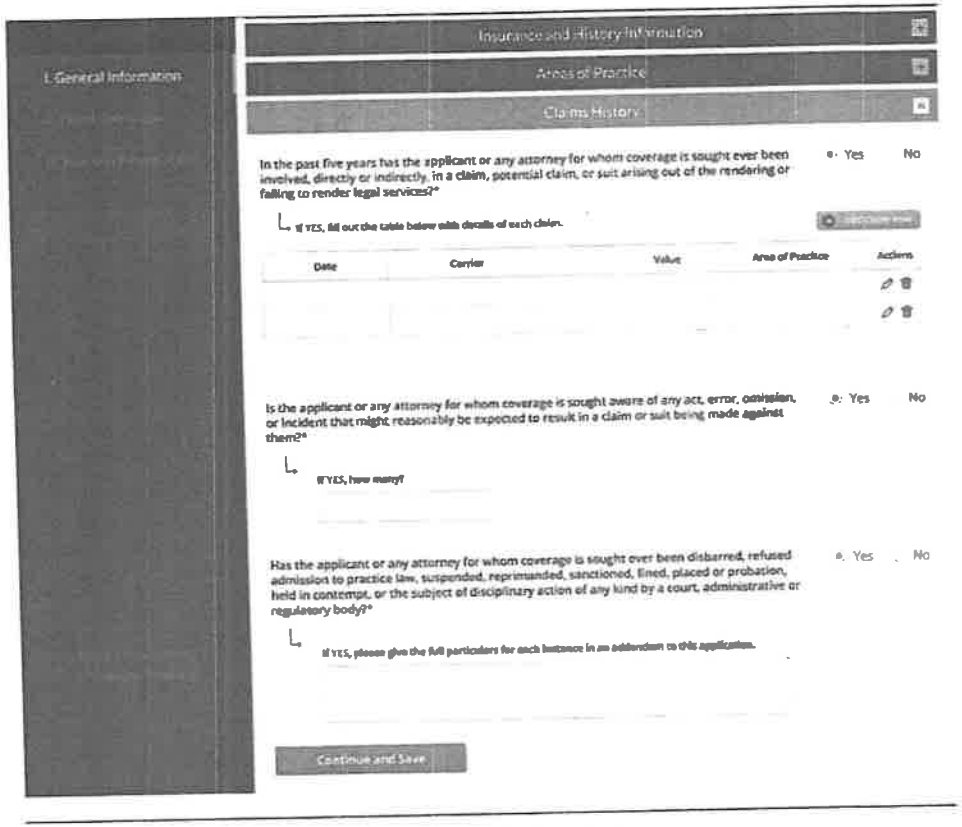
Check Pre-filled Claims History Section



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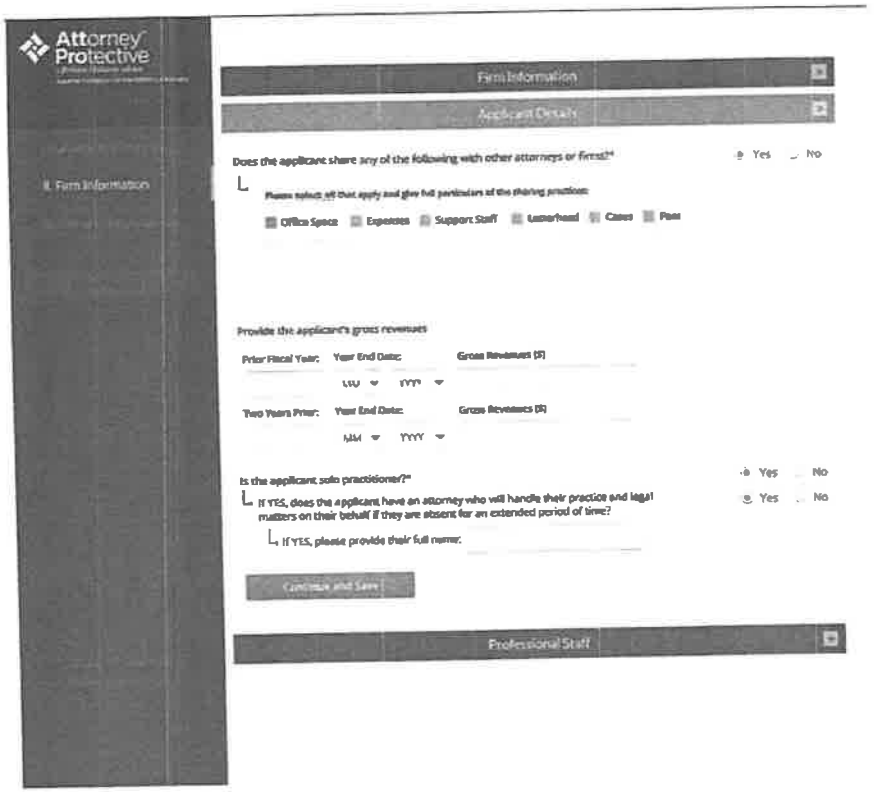
Fill in Applicant Details



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Complete Firm Information

Attorney Protective

II. Firm Information

Firm Information

Does the applicant have any other locations or branch offices? Yes No

If YES, please provide the following for each location:

Street Address	Suite	City	State	Zip	County	Actions
1245 East Main Street	23A	[illegible]	IN	[illegible]	[illegible]	

Is the applicant engaged solely in the full-time private practice of the law? Yes No

If NO, please explain:

Do you have any predecessor firms for which coverage is being sought? Yes No

If YES, list all predecessor firms of the applicant for which coverage is being sought under this policy:

(Predecessor firm means an attorney, firm or professional legal corporation engaged in the practice of law to whose financial assets and liabilities the applicant is the majority successor in interest.)

Name of Firm	Date Formed mm/yyyy	Date Dissolved, Merged, Etc. mm/yyyy	% of Assets Assumed	% of Liabilities Assumed	Number of Attorneys	Actions
Happy Attorney Studio	04/2016	04/2016	100%	100%	232	

Continue and Save

Applicant Details

Professional Staff

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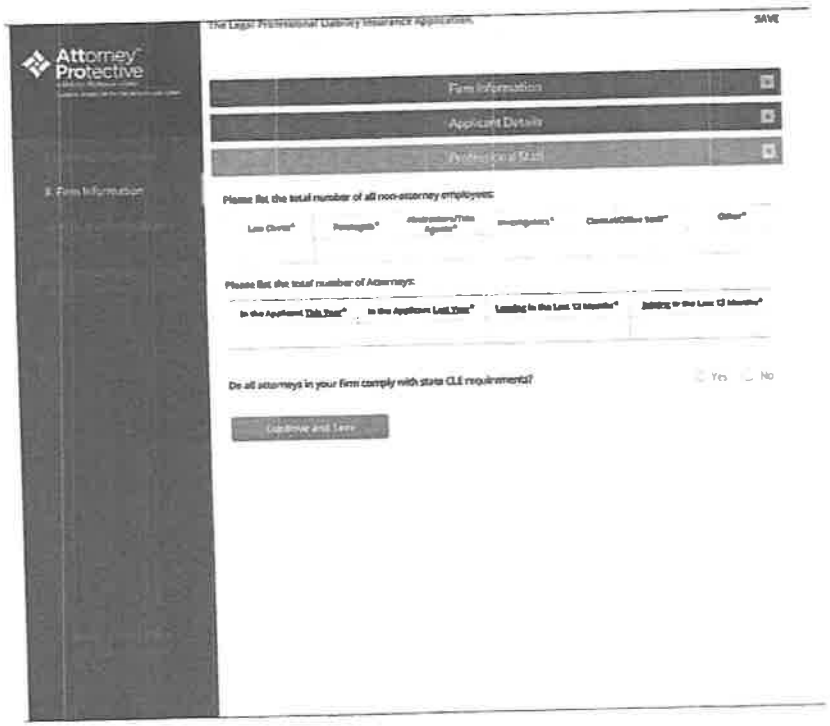
Enter Professional Staff Numbers



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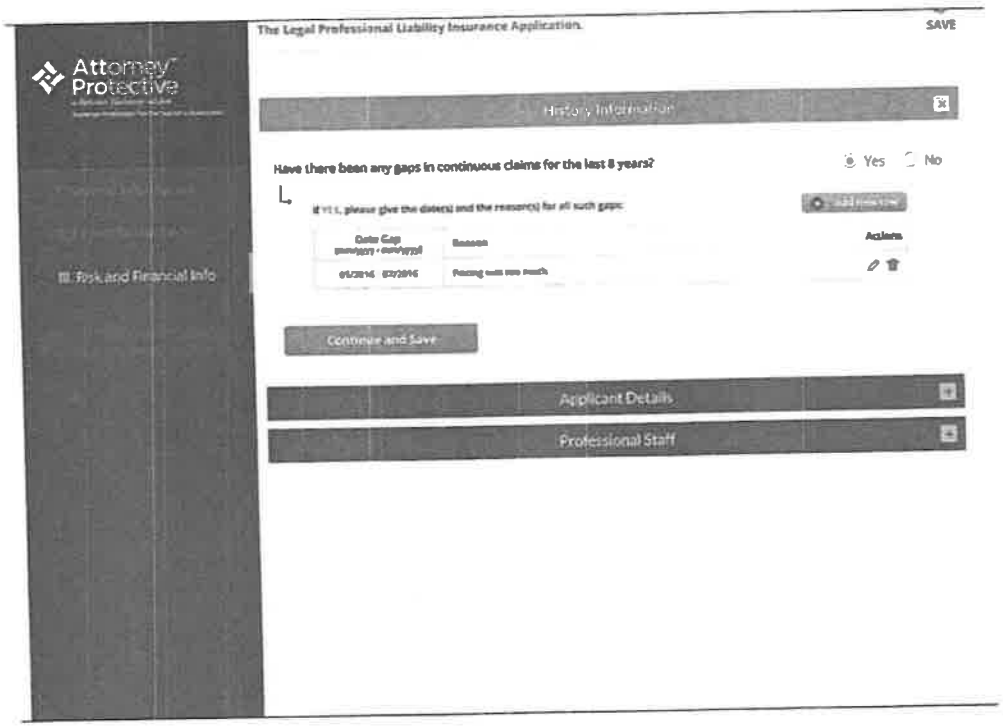
Enter History Information



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Complete Client Profile & Financial Information

History Information

Risk Management

Client Profile & Financial Information

What percentage of the applicant's billings are over 90 days overdue?* %

Has the application filed any suits against its own clients in the last five years to enforce the collection of unpaid fees?* Yes No

If YES, how many?

What is the procedure for determining whether to file a suits for fees?

Has the applicant or any of its past or present attorneys served as an officer, director or employee of a for-profit or non-profit enterprise other than the applicant, or had any kind of debt, equity or ownership interest in a client of the applicant, or engaged in any business venture with a client of the applicant?* Yes No

If YES, please complete the outside interests with this supplement.

Add this supplement or SKIP this supplement.

Does the applicant have any single client(s) that represents more than 25% if its gross revenues?* Yes No

If YES, please provide each such client's name, industry, a description of the services provided by the applicant and the percentage of the gross revenues that client represents

Add New Client

Client's Name	Client's Industry	Description of Service Provided	% gross revenues	Actions
Peter Parker	Commercial	Help clients in the commercial industry.	75%	

After inquiry has the applicant or any of its past or present attorneys ever been convicted of a felony or a crime of moral turpitude?* Yes No

Has any lawyers professional liability carrier that has issued coverage to the applicant ever canceled, refused to renew, or reduced limits on renewal of such coverage?* Yes No

If YES, please give the full particulars for each instance below

Continue and Save

Plaintiff, Outside Interest, Real Estate & ETP Supplements are Pop-Up Screens

Plaintiff Law - Step 1 of 3

Areas of Focus within plaintiff law. Please provide the percentages for each area of the applicant's plaintiff law practice in the chart below based upon the gross revenues in each area. The total should equal 100%.

Areas of Focus within Plaintiff Law	% of Revenues	Average Value	Maximum Value	# of Cases
Asbestos/Toxic Tort	0%	100,000,000	100,000,000	23
Class Action/Mass Tort	0%			
Medical Malpractice	0%			
Non-Medical Professional Liability	0%			
Products Liability	0%			
Personal Injury/Bodily Injury	0%			
Other	0%			
Total:	100%			

Next Step

or cancel

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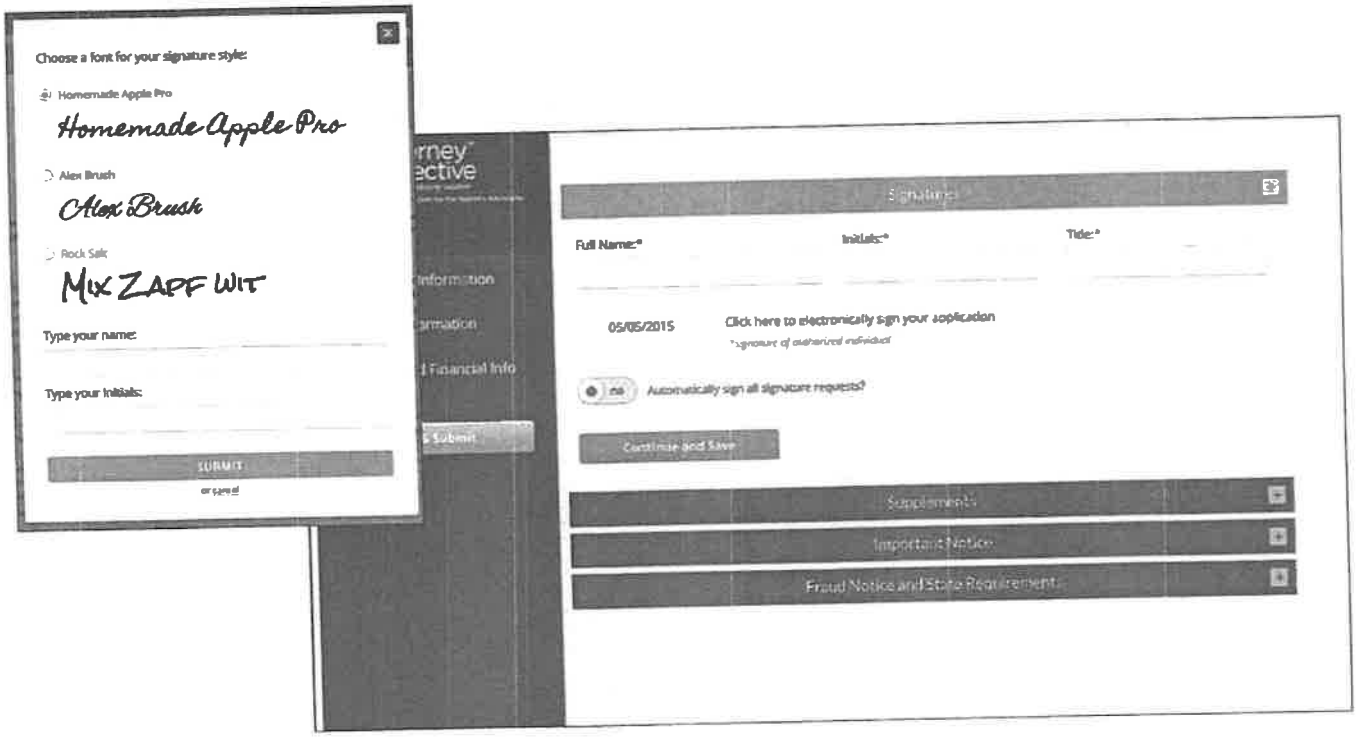
Sign Electronically



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Review Notices

Attorney Protective

I. General Information

II. Firm Information

III. Risk and Financial Info

Sign & Submit

Signatures

Supplements

Important Notice

This insurance is for a claims-made and reported policy. This insurance is limited to liability for which claims are first made during the policy period arising out of incidents or acts that first occurred on or after the applicable retroactive date. Please read and review the policy carefully.

The applicant shall immediately inform the company if any statements made on this application (including attachments) were inaccurate or misleading when submitted, or are no longer accurate, or have become misleading. In the event that the applicants statements are reasonably determined by the company to be unsure or misleading then it shall have the right to void the policy as of the date of the incorrect or misleading statement. It shall also have the right to increase the premium, deductibles or extensions consistent with how it might have responded if fully accurate and non-misleading information had been submitted.

Completion of this form does not bind coverage or obligate the company to offer coverage. The company's receipt of the applicants acceptance of the company's quotation is required before the coverage may be bound and a policy issued.

The applicant agrees to cooperate with the company in implementing an ongoing program or loss control and will allow the company to review and monitor such programs that the applicant undertakes in managing its professional insurance exposures.

The applicant hereby authorizes and directs and person or organization whatsoever to release and furnish to the company, and its agents or representatives, any and all information requested which may relate to insurability under the policy. The applicant furthermore authorizes the release of all such information by the company as required by law to any governmental agency or professional society or association.

The applicant furthermore releases and agrees to hold harmless the company, and all of its agents and representatives, any prior insurer, governmental agency, or professional society or association from any liability arising out of the release or review of any and all information released or furnished pursuant to this authorization and application for insurance, notwithstanding the fact that there may be errors, omissions, or mistakes contained in such released information.

Click to initial*

Continue and Save

Fraud Notice and State Requirements

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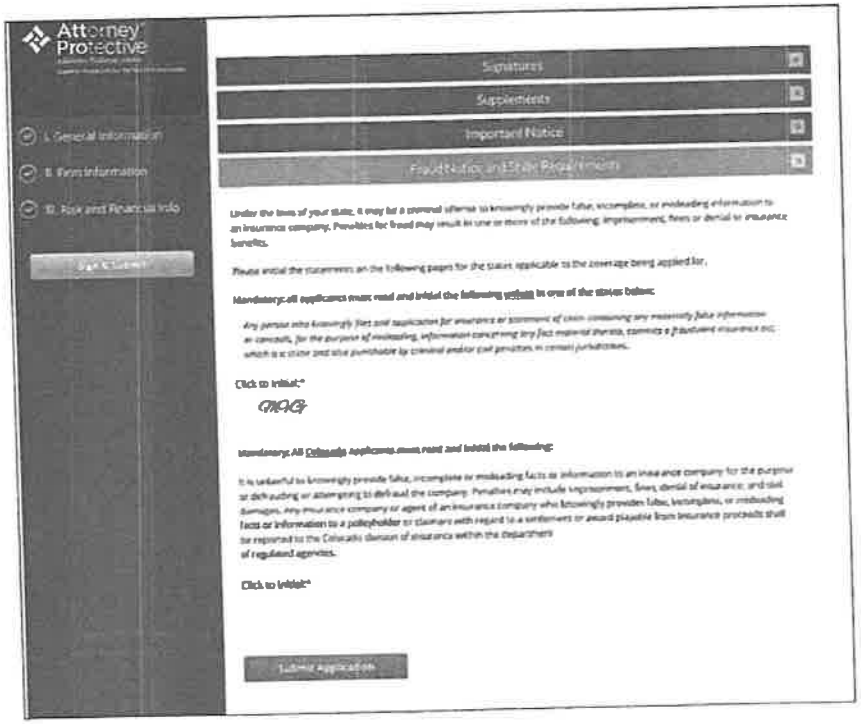
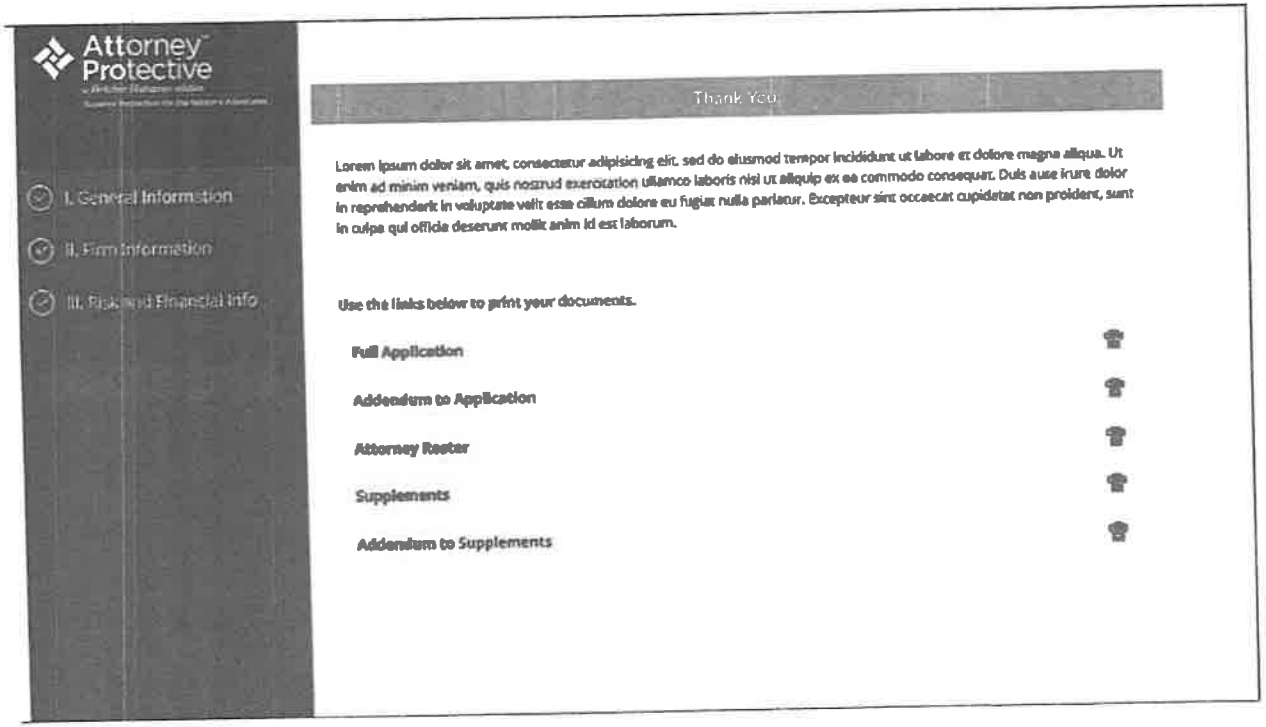
Review Fraud Notices



Thank You


Attorney Protective
I. General Information
II. Firm Information
III. Risk and Financial Info
Thank You
Lorem ipsum dolor sit amet, consectetur adipisicing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat. Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur. Excepteur sint occaecat cupidatat non proident, sunt in culpa qui officia deserunt mollit anim id est laborum.
Use the links below to print your documents.
Full Application
Addendum to Application
Attorney Roster
Supplements
Addendum to Supplements

AttPro Solo Starter Highlights (would require filing and approval in Utah)

- Benefits of the AttPro Solo Starter program include:
  - A competitive premium
  - Simplified application process
  - Educational resources to help you manage your practice
  - Risk management assistance
  - Industry-leading policy
- Utah Bar Association members may be eligible for the AttPro Solo Starter program, for up to three years, if they meet and maintain the following criteria:
  - Licensed to practice law for three years or less
  - The insured entity is a newly formed solo practice (3 months or less)
  - No known claims, incidents of malpractice, or disciplinary actions
  - Practice maintains and utilizes docketing, calendaring and conflicts of interest systems
  - No more than 2 office support staff
  - Complete 10 hours annually of practice management/ethics education provided or approved by AttPro in addition to meeting state CLE requirements
  - Maintain Utah Bar Association membership
  - Use client letters to document the establishment and conclusion of attorney-client relationships

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

TABLE OF CONTENTS

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 Unites 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 mangers 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

FIRST INDEMNITY INSURANCE GROUP

COMPREHENSIVE COVERAGE FOR ATTORNEYS & HOME INSPECTORS

ORGANIZATIONAL CHART

Andrew Biggio
Executive Officer

James Caeran
Vice President

Tara Dipilato
Assistant Vice President

Kristen Zampanti
Senior Underwriter / Bookkeeper / Operations

Tony Fornaro
Assistant Vice President

Ken Randolph
Renewal Manager / Bookkeeper

Paula Garland
Senior Underwriter

Michael Cimmino
Senior Underwriter

Stephen Ross
Senior Underwriter

Antonio Andretta
Senior Underwriter

John Randolph
Assistant Program Manager

John Remark
Home Inspectors

Alex Laganas
Jr. Underwriter

Victoria Nazzaro
Underwriter

Mia Basile
Underwriter

Sean Hayes
Sales - Underwriter

Natalie Sandoval
Personal Lines / Commercial

Derek Hall
Marketing/Jr. Underwriter

Josh Pratt
Jr. Underwriter

Alida Poirier
Taxes / Licensing

Amy Doucette
Receptionist

Zuzana Magganaris
Assistant

Colin McLean
Administrative

FIRST INDEMNITY INSURANCE GROUP
COMPREHENSIVE COVERAGE FOR ATTORNEYS & HOME INSPECTORS

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, NJJ, 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

(Source: Smith, Jeffrey M. and Mallen, Ronald E., Preventing Legal Malpractice, 1989, West Publishing, pp. 242-253.)

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 a 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.

   a. Confirm existence of lawyer – client relationship.

   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

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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TAB
2

UTAH STATE BAR
DRAFT BUDGET
FY 2018/19

March 30, 2018

Table of Contents

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:

Financial Statement Category	Department	Function	Funded By
Licensing	Licensing	Regulatory	License fees
Licensing	Licensed Paralegal Practitioner	Regulatory	License fees
Admissions	Admissions	Regulatory	Self-supporting
New Lawyer Training Program ("NLTP")	NLTP	Regulatory	Self-supporting
Office of Professional Conduct ("OPC")	OPC	Regulatory	License fees
Bar Operations	Bar Management	Management	License fees
Bar Operations	General Counsel	Management	License fees
Bar Operations	Information Technology ("IT")	Management	License fees
Bar Operations	Commission/Special Projects	Management	License fees
Member Services	Bar Journal	Member Service	Self + License fees
Member Services	Member Benefits	Member Service	License fees
Member Services	Section Support	Member Service	Self-supporting
Member Services	Legislative	Member Service	License fees
Member Services	Public Education	Member Service	License fees
Member Services	Young Lawyers Division ("YLD")	Member Service	License fees
Public Services	Committees	Public Service	License fees
Public Services	Consumer Assistance Program	Public Service	License fees
Public Services	Access to Justice	Public Service	Self +License fees
Public Services	Tuesday Night Bar	Public Service	License fees
CLE	Continuing Legal Education ("CLE")	Education	Self-supporting
Summer Convention	Summer Convention	Education	Self-supporting
Fall Forum	Fall Forum	Education	Self-supporting
Spring Convention	Spring Convention	Education	Self-supporting
Facilities	Facilities	Building Usage	Self + License fees

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.

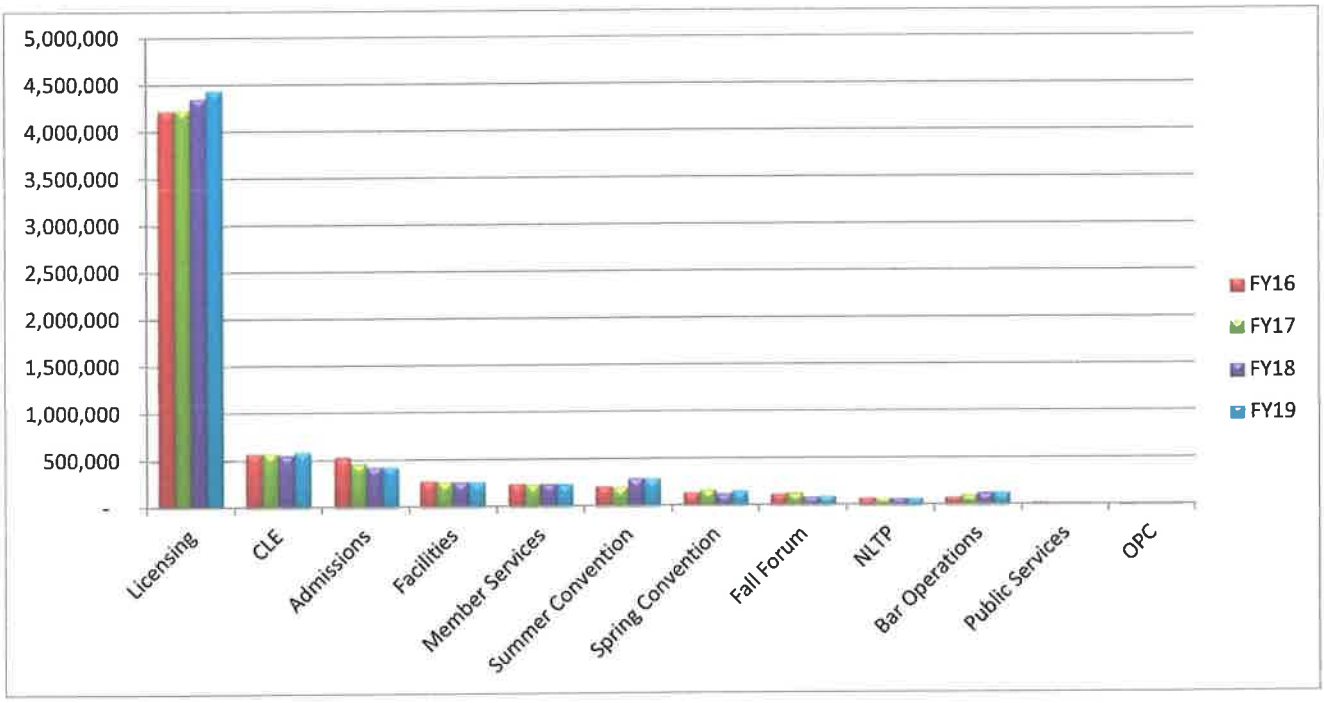
Key Changes

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

	Anticipated Change vs. FY2018
Licensing revenue (except late fees)	+2.5%
Admissions revenue (except late fees)	0%
Salaries (including $125,000 for add'l staff in OPC & IT)	+9.0%
Health insurance	+10.0%
Dental insurance	0%
Building expenses (utilities, etc.)	+3.0%
Insurance expenses (liability, D&O, etc.)	+3.0%

Utah State Bar
FY19 Draft Budget
Revenue by Department

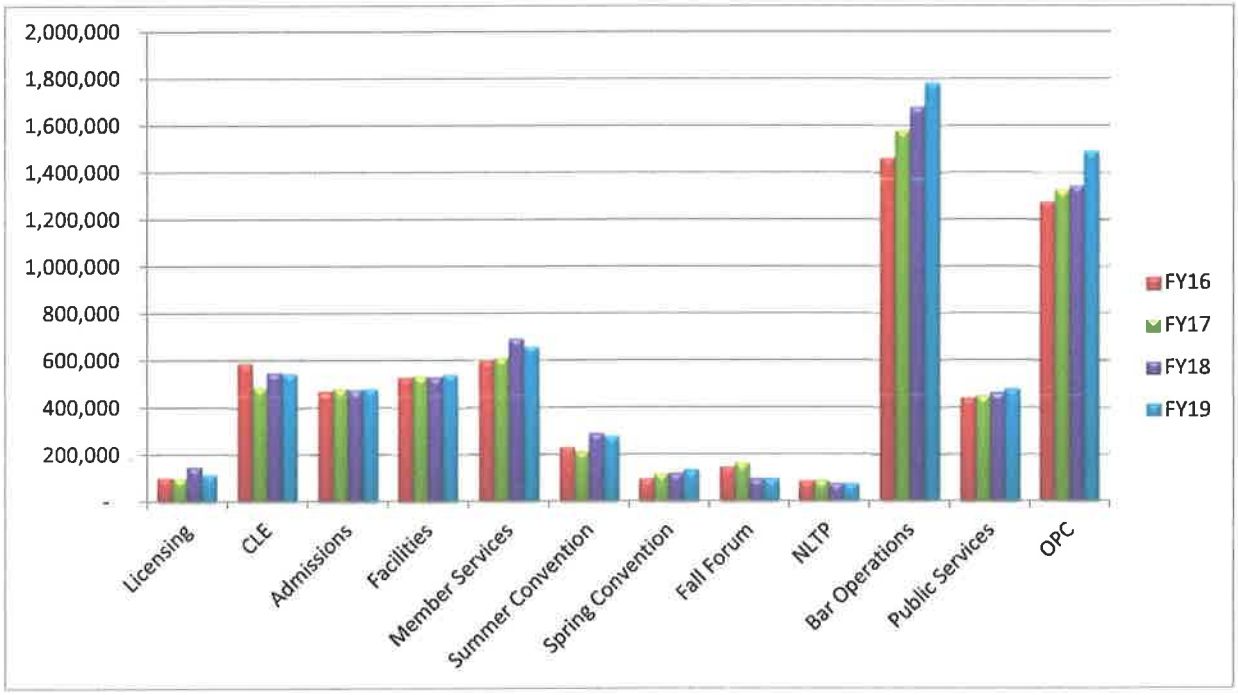
Revenue	Actual FY16	Actual FY17	Projected FY18	Budget FY19	% of Total	Trend
Licensing	4,217,626	4,231,420	4,353,290	4,432,894	66.5%	
CLE	570,370	581,039	558,648	590,000	8.5%	
Admissions	521,860	459,651	422,775	422,325	6.5%	
Facilities	274,410	261,640	261,239	261,239	4.0%	
Member Services	240,595	232,141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



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

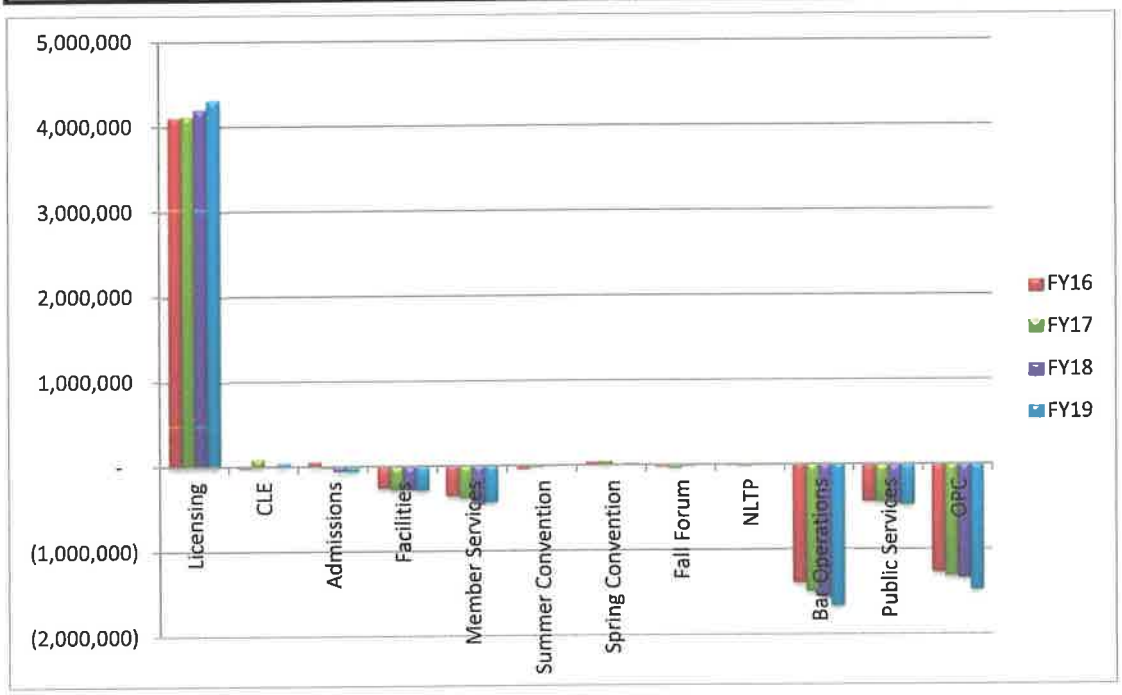
Expenses	Actual FY16	Actual FY17	Projected FY18	Budget FY19	% of Total	Trend
Licensing	101,761	100,475	148,101	117,117	1.6%	
CLE	586,914	487,096	549,379	543,666	7.9%	
Admissions	467,018	478,064	474,873	479,827	7.8%	
Facilities	528,309	534,500	530,251	541,645	8.7%	
Member Services	595,804	608,640	691,824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



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

	Actual	Actual	Projected	Budget	
Net profit (cost)	**FY16**	**FY17**	**FY18**	**FY19**	**Trend**
Licensing	4,115,865	4,130,945	4,205,188	4,315,778	
CLE	(16,544)	93,942	9,269	46,334	
Admissions	54,842	(18,413)	(52,098)	(57,502)	
Facilities	(253,900)	(272,860)	(269,012)	(280,406)	
Member Services	(355,209)	(376,499)	(452,246)	(427,654)	
Summer Convention	(31,023)	(19,556)	(3,833)	251	
Spring Convention	35,124	45,762	(186)	12,583	
Fall Forum	(22,526)	(31,919)	(11,089)	(11)	
NLTP	(6,855)	(18,833)	(4,929)	(4,998)	
Bar Operations	(1,391,307)	(1,490,154)	(1,564,491)	(1,665,562)	
Public Services	(418,321)	(434,325)	(447,815)	(462,324)	
OPC	(1,260,927)	(1,309,683)	(1,326,139)	(1,471,988)	
Total	449,219	298,408	82,620	4,501	



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)

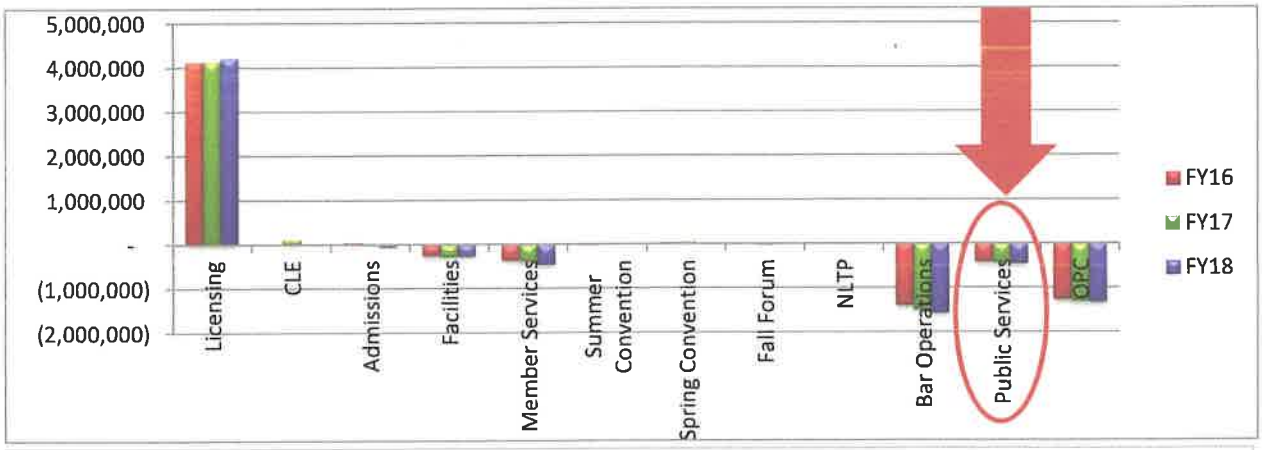
Top 25 Expense Categories	Actual FY16	Actual FY17	Projected FY18	Budget FY19	% of Total	Trend
Salaries & Benefits	3,229,925	3,366,129	3,470,815	3,791,281	53.7%	
Food & Beverage Expenses	610,349	539,876	564,321	555,984	8.7%	
Depreciation	227,492	234,804	242,340	245,630	3.8%	
Building Overhead	208,274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

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 invidually less than $40,000 annually, or 0.5% of total expenses.

Utah State Bar
FY19 Draft Budget
Public Services

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

Net Profit (Cost) By Department

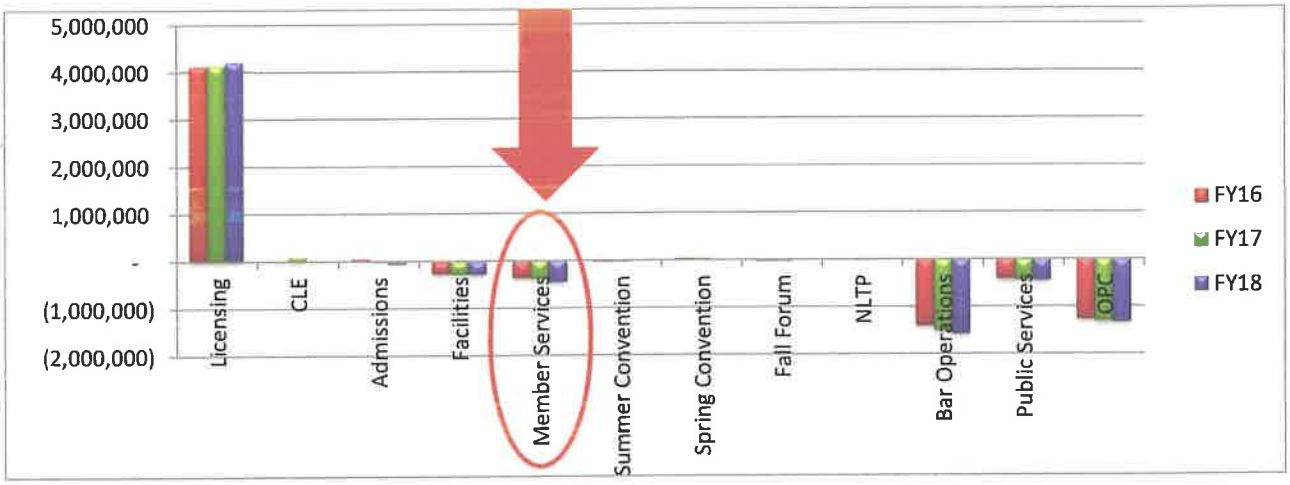


The above table shows the breakdown of Public Service expenses by program. The bar chart below the table depicts the net profit (cost) of each of the Bar's major functions and is presented to show how Public Services fits into the Bar's overall operations from a cost perspective. While it represents 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

Program Net Cost	Actual FY16	Actual FY17	Projected FY18	Draft Budget FY19
Bar Journal (0.5 FTE)	21,766	17,663	19,225	29,230
Blomquist Hale	73,966	73,958	73,957	75,000
Casemaker	75,643	68,730	72,785	72,000
Section Support (1 FTE)	2,048	(4,568)	(6,482)	(937)
Legislative	28,631	55,256	53,588	53,709
Public Education (1 FTE)	111,174	124,522	171,381	133,855
Young Lawyers Division	42,530	39,017	62,930	59,791
Staff time & other expenses associated with Member Benefits	(549)	1,922	4,861	5,007
Member Service Programs Net Cost	355,209	376,499	452,246	427,654
Other Member Services Expenses Classified Elsewhere:				
Leadership Academy	6,598	11,871	20,000	20,000
Bar Review	1,465	830	1,969	1,500
Breakfast of Champions	780	(387)	500	500
Bar Anniversary	15,782	15,782	-	-
Practice Portal (some capitalized)		23,100	24,765	18,000
Total Other Member Service Expenses	24,625	51,195	47,234	40,000
Member Services Net Cost	379,834	427,695	499,481	467,654

Net Profit (Cost) By Department

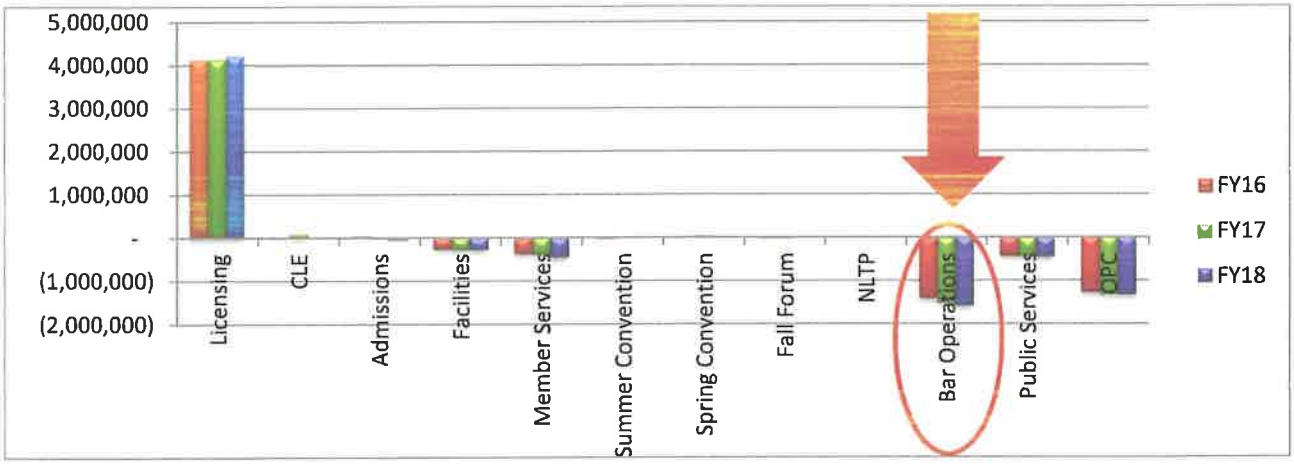


The above table shows the breakdown of Member Service expenses by program. The bar chart below the table depicts the net profit (cost) of each of the Bar's major functions and is presented to show how Member Services fits into the Bar's overall operations from a cost perspective. While it represents 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

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

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.

Utah State Bar
Commission/Special Projects Spending Detail
Through 2/28/18

Sum of Amount Row Labels	Column Labels FY13	FY14	FY15	FY16	FY17	Projected FY18	Budget FY19
85th Anniversary				15,782			
AAA Program (database modifications)				975			
ABA review				5,984			
Annual Report			627	465		500	500
Awards	988	981	76	566	1,448	1,800	2,000
Bar Review				1,465	830	1,969	2,000
Books from Barristers	8,697	-917	590	-51	-14		
Breakfast of Champions				780	-387	500	500
Civics Education	596	1,088					
Commission Convention/CLE Registration Fees				7,851	21,611	22,000	22,000
Commission Gifts	10,228	1,746	4,273	8,223	1,886	5,000	5,000
Commission Meeting Expenses		1	873	1,436	1,263	1,000	1,000
Commission Meeting Food & Beverage	13,779	18,823	15,848	15,559	23,107	25,500	26,000
Commission Meeting Room Rental	1,721	6,616	7,596	6,294	7,423	6,000	6,000
Commission Photo	724	810	604	571	761	700	700
Commission Stationery			1,029	4,377	2,343	3,000	3,000
Copies	1,268	1,930	1,080	399	2,029	100	349
E&O Insurance	7,718	8,256	8,802	3,000	4,797	5,007	6,000
eBulletin				756	78		
Election Expense	3,235	4,330	3,250	3,250	3,250	3,250	3,250
Futures Commission		1,394	1,938	2,148			
Leadership Academy				6,598	11,871	20,000	20,000
Leadership Conference	5,129	360					
Licensed Lawyer				2,948	868		
Licensed Paralegal Practitioner				62			
Limited Scope Section					623	500	500
Magna Carta Event			50,074	20			
Member Portal					917		
Misc Technology Expense					527		
Office Supplies	398	446	578			300	300
Past Presidents Book				5,803			
Past Presidents Lunch	2,010	2,826		391	1,874	1,500	1,500
Postage/Mailing	1,514	1,044	1,312	233	801		
Pres/Pres-Elect Monthly "Stipend"	17,500	17,500	9,000	17,250	18,000	18,000	18,000
President's expense	2,665	1,504	380	3,120	1,118	4,546	5,000
Retreat	17,113	17,340	12,311	29,840	21,080	35,009	21,000
Secret Santa	500	500					
Section Fair @ SJ Quinney College of Law				494			
Section Leadership Training	3,129	1,271					
SJ Quinney College of Law Building Donation	49,500						
Small Firm Tour					33	2,000	2,000
Sponsorship	2,200	1,600	1,200	8,000	3,225	3,100	5,000
Staff	8,732	5,745	11,287	8,042	8,140	6,950	7,000
Steve Hughes (speaker)	4,190						
Tech & Innovation Committee					162		
Travel - AAA Taskforce					414		
Travel - ABA Delegates	4,960	7,114	8,675	8,541	10,743	14,157	15,000
Travel - ABA Meetings	9,451	13,766	11,249	10,363	15,865	10,947	12,000
Travel - Commission Mtgs	8,765	9,744	3,180	3,293	2,894	3,000	3,000
Travel - Jackrabbit Bar	3,220	509	2,500	1,184	1,336	1,400	1,500
Travel - Northwestern Bar Conf	1,984	1,561	599	979		2,600	3,000
Travel - Other	426	1,769	695				
Travel - Spring Convention	6,936	9,398	8,689	13,599	11,788	12,000	12,000
Travel - Summer Convention	23,321	26,559	21,258	23,388	36,355	33,667	34,000
Travel - Western States Bar Conf	23,741	7,238	13,284	2,785	14,058	11,781	15,000
Website					6,000		
Wipfli review					24,643		
Grand Total	**246,337**	**172,852**	**202,853**	**226,765**	**263,756**	**257,783**	**254,099**

Utah State Bar
FY19 Draft Budget
Capital Expenditures

Category	FY13	FY14	FY15	FY16	FY17	Projected FY18	Budget FY19	Total
Office furniture & fixtures	17,741	26,002	3,433	-	1,483	13,277	10,000	73,128
Meeting room furniture & fixtures	21,359	-	-	-	-			40,740
Office equipment (copiers, phones, fax, projectors, mail machine, etc)	11,617	10,472	-	-	63,752	5,669	7,000	135,967
Building improvements	325,968	361,966	6,365	-	2,721	17,776	50,000	764,796
Computer equipment/servers/software	7,473	61,770	21,721	14,913	22,600	22,224	24,000	157,737
OPC database software (New Dawn/Journal Technologies)		32,227	100,224					132,451
Membership database (Euclid - ClearVantage)		274,181	50,966	7,020				332,167
Admissions database (Box Lake Networks - Synergy)		45,000						45,000
Pro Bono database (Euclid)			32,020	31,600				63,620
Licensed Lawyer (Euclid)				49,545	4,427	7,500		61,472
New Website (EKR)					18,950	15,100		34,050
Practice Portal (Euclid)					23,100	23,916	15,000	47,016
								-
Total	384,158	811,618	214,729	103,078	137,033	105,462	106,000	1,888,144

Annual Maintenance Contracts (expensed over maintenance period):	FY13	FY14	FY15	FY16	FY17	Projected FY18	Budget FY19	Total
ClearVantage Annual Maintenance (Euclid)				25,160	26,360	26,360	27,000	77,880
Licensed Lawyer Annual Hosting Fee (Euclid)					6,600	6,600	6,600	13,200
Journal Technologies Annual Maintenance			6,211	6,521	6,848	7,190	7,300	26,770
Synergy (Box Lake Networks) Admissions Database Annual Maintenance			3,900	3,900	3,900	3,900	3,900	15,600
Total			10,111	35,581	43,708	44,050	44,800	133,450

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 contacts (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.

Utah State Bar
FY19 Draft Budget
Projected Cash Reserves

Projected Cash Reserves, 6/30/18	$ 3,800,000
Add: FY19 budgeted change in cash	164,131
Projected Cash Reserves, 6/30/18	3,964,131
Board Designated Reserves:	
Operations Reserve (6 months' operations)	3,335,417
Capital Replacement Reserve - Equipment	200,000
Capital Replacement Reserve - Building	650,000
Total Board Designated Reserves	4,185,417
Excess Cash Reserves over Board Designated & Contingency Reserves	$ (221,285)

TAB
3

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

TABLE OF CONTENTS

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"?

Positive	Negative	Neutral

• Can save your business money
• Good resource for businesses
  ○ "They're a good resource for making business decisions. Kind of keeps you out of trouble if you have someone you trust."
  ○ "Lawyers are a good resource for writing and preparing contacts."
• Good when they are on your side
• Great when you need them
• Keeps your business out of trouble
• Necessary
  ○ Can't get by without them
• "They know the law better than we do."
	• Complicated
	• Dishonest
	  ○ "Crooks"
	  ○ "Liars"
	  ○ "Spinners"
	  ○ "Unethical"
	• Expensive
	  ○ The best lawyers cost the most money
	• Lawsuits
	• Necessary evil
	• Too many lawyers
		• Contracts
		• Licensed varies from state to state

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?

	Most Important	Second Most Important	Third Most Important	Overall
Experience	1	**6**	**4**	**11**
Area of expertise	4	2	**4**	**10**
Referrals, references	**6**	1	1	8
Competent	3	3	0	6
Communication	0	1	3	4
Cost, rate	1	2	1	4
Reputation	1	1	0	2
Fits with personality	0	0	2	2
Dealing with lawyer vs paralegal	0	0	1	1

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 bull dog 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."

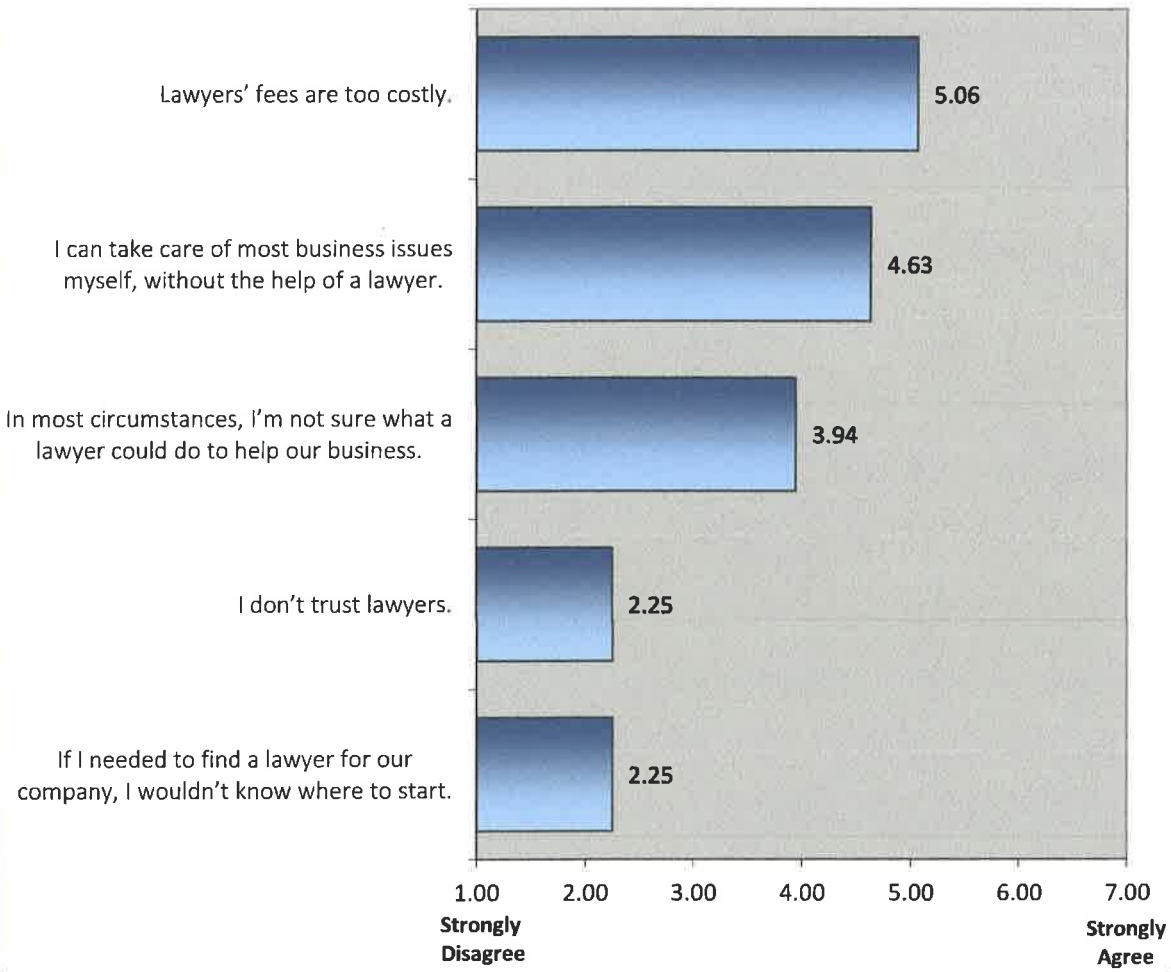
Some participants indicated that it is often difficult to see the value in the services lawyers provide. One participant said, "[With the services lawyers provide,] there's no tangible thing that you see." Another participant said, "I think sometimes it's hard to fully appreciate the value you're getting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



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

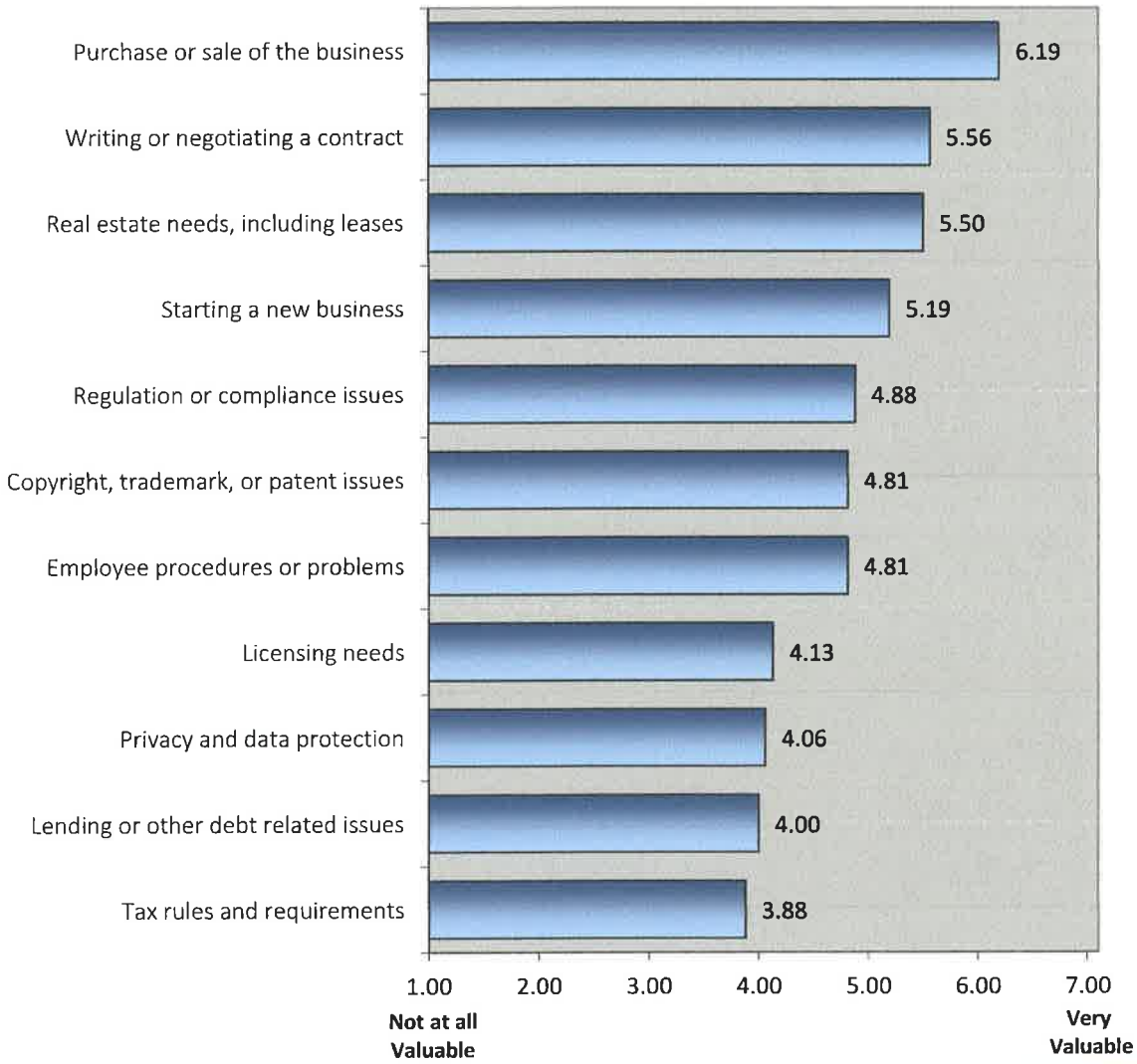
When asked what they would be willing to pay for legal services if they needed to use a lawyer today, participants most frequently said they would be willing to pay $100 to $200, though one participant said she would only be willing to pay $50, while another said he would be willing to pay a flat rate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

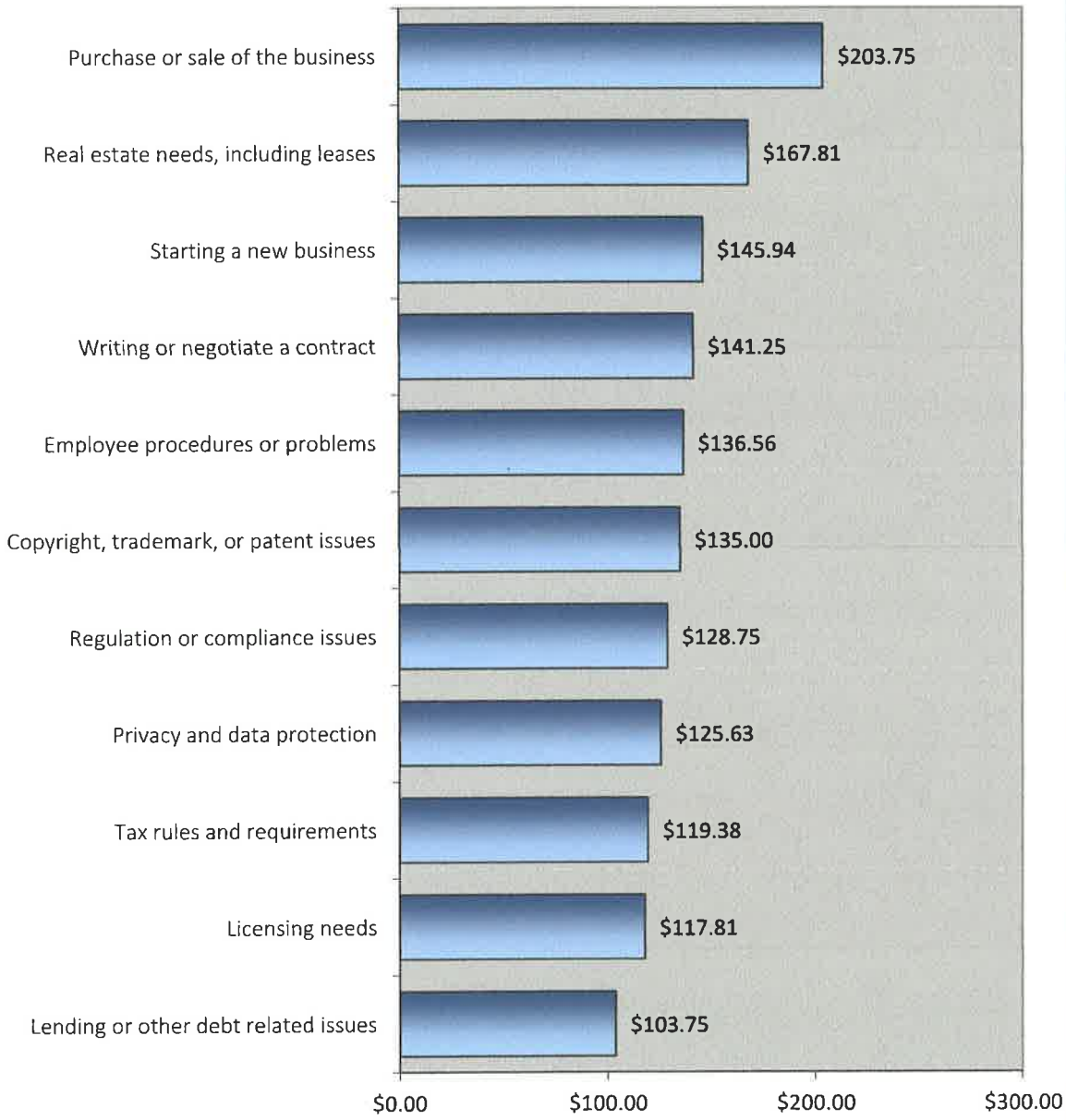
When asked how valuable they would consider a one-hour meeting with a lawyer to be in various situations, participants gave the highest average mean rating to "purchase and sale of a business," the second highest rating to "writing or negotiating a contract," and the third highest rating to "real estate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



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



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' 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?

	Count
Salt Lake	11
Davis	4
Other	1

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?

	Count
Somewhat involved	2
Very involved	14

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?

	Count
1 = 1 to 2	2
2 = 3 to 5	3
3 = 6 to 10	3
4 = 11 to 19	5
5 = 20 to 49	2
6 = 50 to 99	1
7 = 100 to 199	0
8 = 200 to 499	0
9 = 500 or more	0
Average Mean	*3.31*
Median	*3.50*

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

	Count
1 = Less than $1 million	10
2 = $1 to $5 million	5
3 = $6 to $10 million	0
4 = $11 to $20 million	0
5 = $21 to $50 million	1
6 = $51 to $100 million	0
7 = More than $100 million	0
Average Mean	*1.56*
Median	*1.00*

10. Has your company ever retained services provided by an attorney?

	Count
Yes	13
No	3

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.

	Count
Male	10
Female	6

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 _____ **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 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.

	Count
1 = Very negative	0
2	1
3	0
4	5
5	4
6	6
7 = Very positive	0
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.

	Count
1 = Strongly disagree	0
2	1
3	1
4	3
5	4
6	5
7 = Strongly agree	2
Average Mean	*5.06*
Median	*5.00*

If I needed to find a lawyer for our company, I wouldn't know where to start.

	Count
1 = Strongly disagree	6
2	5
3	3
4	0
5	1
6	1
7 = Strongly agree	0
Average Mean	*2.25*
Median	*2.00*

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

	Count
1 = Strongly disagree	2
2	5
3	0
4	1
5	3
6	3
7 = Strongly agree	2
Average Mean	*3.94*
Median	*4.50*

I don't trust lawyers.

	Count
1 = Strongly disagree	5
2	6
3	2
4	2
5	1
6	0
7 = Strongly agree	0
Average Mean	*2.25*
Median	*2.00*

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

	Count
1 = Strongly disagree	0
2	2
3	2
4	3
5	5
6	1
7 = Strongly agree	3
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

	Count
1 = Not at all valuable	3
2	1
3	1
4	1
5	1
6	3
7 = Very valuable	6
Average Mean	*4.81*
Median	*6.00*

Employee procedures or problems

	Count
1 = Not at all valuable	0
2	1
3	3
4	3
5	4
6	1
7 = Very valuable	4
Average Mean	*4.81*
Median	*5.00*

Lending or other debt related issues

	Count
1 = Not at all valuable	2
2	4
3	1
4	1
5	3
6	3
7 = Very valuable	2
Average Mean	*4.00*
Median	*4.50*

Licensing needs

	Count
1 = Not at all valuable	3
2	1
3	1
4	4
5	2
6	3
7 = Very valuable	2
Average Mean	*4.13*
Median	*4.00*

Privacy and data protection

	Count
1 = Not at all valuable	2
2	1
3	2
4	5
5	2
6	3
7 = Very valuable	1
Average Mean	*4.06*
Median	*4.00*

Purchase or sale of the business

	Count
1 = Not at all valuable	1
2	0
3	0
4	1
5	1
6	2
7 = Very valuable	11
Average Mean	*6.19*
Median	*7.00*

Real estate needs, including leases

	Count
1 = Not at all valuable	0
2	1
3	1
4	2
5	2
6	5
7 = Very valuable	5
Average Mean	*5.50*
Median	*6.00*

Regulation or compliance issues

	Count
1 = Not at all valuable	3
2	0
3	1
4	0
5	4
6	4
7 = Very valuable	4
Average Mean	*4.88*
Median	*5.50*

Starting a new business

	Count
1 = Not at all valuable	1
2	1
3	3
4	0
5	0
6	6
7 = Very valuable	5
Average Mean	*5.19*
Median	*6.00*

Tax rules and requirements

	Count
1 = Not at all valuable	3
2	2
3	1
4	4
5	1
6	4
7 = Very valuable	1
Average Mean	*3.88*
Median	*4.00*

Writing or negotiate a contract

	Count
1 = Not at all valuable	0
2	0
3	2
4	2
5	2
6	5
7 = Very valuable	5
Average Mean	*5.56*
Median	*6.00*

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?

	Count
A flat fee, with all legal services provided for one lump sum	9
A sliding scale (Group 1) or an hourly rate (Group 2)	7

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.

	Count	%
Education	15	11%
Healthcare	27	19%
Legal Services **[Thank & Terminate]**	0	0%
Marketing Research	3	2%
None of the Above	99	71%

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…

	Count	%
Not at all Involved **[Thank & Terminate]**	0	0%
Not Very Involved **[Thank & Terminate]**	0	0%
Somewhat Involved	15	10%
Very Involved	132	90%

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

	Count	%
Yes **[Thank & Terminate]**	0	0%
No	147	100%

5. Do you currently work in the state of Utah?

	Count	%
Yes	147	100%
No **[Thank & Terminate]**	0	0%

6. What county do you WORK in?

	Count	%
Beaver	1	1%
Box Elder	4	3%
Cache	5	3%
Carbon	2	1%
Daggett	1	1%
Davis	16	11%
Duchesne	3	2%
Emery	1	1%
Garfield	0	0%
Grand	1	1%
Iron	1	1%
Juab	0	0%
Kane	1	1%
Millard	0	0%
Morgan	0	0%

	Count	%
Piute	1	1%
Rich	1	1%
Salt Lake	52	35%
San Juan	2	1%
Sanpete	6	4%
Sevier	2	1%
Summit	5	3%
Tooele	3	2%
Uintah	3	2%
Utah	16	11%
Wasatch	2	1%
Washington	11	8%
Wayne	0	0%
Weber	7	5%

7. Record gender by observation.

	Count	%
Male	99	67%
Female	48	33%

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

	Count	%
Friend, Family Member, Coworker	13	9%
Financial Advisor	7	5%
Lawyer	32	22%
Internet (specify)	7	5%
Other (Specify)	33	22%
I Would NOT Seek Advice / I Would Deal with It Myself	37	25%
Don't Know	22	15%

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

The Purchase or Sale of the Business

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

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

Starting a New Business

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

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

Tax Rules and Requirements

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

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

Writing or Negotiating a Contract

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

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

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

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

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

10. Has your company ever used the services of a lawyer before?

	Count	%
Yes	100	68%
No	47	32%
Don't Remember	0	0%

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

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

(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)

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

(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?

	Count	%
I Already Have a Lawyer	38	26%
I Personally Know a Lawyer	39	27%
Internet Search / Google	21	14%
Referral / Word of Mouth (Friend, Family, Coworker)	40	27%
Rating or Review Website	1	1%
Other (Specify)	21	14%
Don't Know	1	1%

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.

	Count	%
1 = Very Negative	8	6%
2	4	3%
3	10	7%
4 = Neutral	51	35%
5	24	17%
6	30	21%
7 = Very Positive	17	12%
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 us a one-to-seven scale where one is "not at all likely" and seven is "very likely."

Copyright, Trademark, or Patent Issues

	Count	%
1 = Not at all Likely	27	18%
2	7	5%
3	2	1%
4	11	8%
5	11	8%
6	23	16%
7 = Very Likely	65	44%
Average Mean	*5.06*	
Median	*6.00*	
Don't Know	1	1%

Employee Procedures or Problems

	Count	%
1 = Not at all Likely	46	31%
2	19	13%
3	12	8%
4	28	19%
5	19	13%
6	7	5%
7 = Very Likely	14	10%
Average Mean	*3.22*	
Median	*3.00*	
Don't Know	2	1%

Lending or Other Debt Related Issues

	Count	%
1 = Not at all Likely	52	35%
2	18	12%
3	16	11%
4	25	17%
5	13	9%
6	7	5%
7 = Very Likely	15	10%
Average Mean	*3.07*	
Median	*3.00*	
Don't Know	1	1%

Licensing Needs

	Count	%
1 = Not at all Likely	55	38%
2	17	12%
3	10	7%
4	22	15%
5	12	8%
6	6	4%
7 = Very Likely	22	15%
Average Mean	*3.17*	
Median	*2.50*	
Don't Know	2	1%

Privacy and Data Protection

	Count	%
1 = Not at all Likely	54	37%
2	14	10%
3	13	9%
4	23	16%
5	13	9%
6	11	8%
7 = Very Likely	18	12%
Average Mean	*3.22*	
Median	*3.00*	
Don't Know	1	1%

Purchase or Sale of the Business

	Count	%
1 = Not at all Likely	18	12%
2	8	5%
3	8	5%
4	22	15%
5	13	9%
6	17	12%
7 = Very Likely	61	42%
Average Mean	*5.03*	
Median	*6.00*	
Don't Know	0	0%

Real Estate Needs, Including Leases

	Count	%
1 = Not at all Likely	41	28%
2	14	10%
3	16	11%
4	21	14%
5	23	16%
6	13	9%
7 = Very Likely	17	12%
Average Mean	*3.54*	
Median	*4.00*	
Don't Know	1	1%

Regulation or Compliance Issues

	Count	%
1 = Not at all Likely	40	27%
2	10	7%
3	18	12%
4	28	19%
5	21	14%
6	13	9%
7 = Very Likely	16	11%
Average Mean	*3.57*	
Median	*4.00*	
Don't Know	1	1%

Starting a New Business

	Count	%
1 = Not at all Likely	36	25%
2	16	11%
3	10	7%
4	27	18%
5	15	10%
6	10	7%
7 = Very Likely	33	22%
Average Mean	*3.89*	
Median	*4.00*	
Don't Know	0	0%

Tax Rules and Requirements

	Count	%
1 = Not at all Likely	65	44%
2	9	6%
3	17	12%
4	23	16%
5	14	10%
6	8	5%
7 = Very Likely	10	7%
Average Mean	*2.84*	
Median	*2.00*	
Don't Know	1	1%

Write or Negotiate a Contract

	Count	%
1 = Not at all Likely	27	18%
2	9	6%
3	13	9%
4	15	10%
5	17	12%
6	17	12%
7 = Very Likely	48	33%
Average Mean	*4.57*	
Median	*5.00*	
Don't Know	1	1%

17. What do you believe is the biggest barrier preventing businesses from using services provided by a lawyer?

	Count	%
Cost	99	68%
Not Knowing Where to Start	5	3%
Not Knowing How a Lawyer Can Help	7	5%
Lack of Trust	4	3%
Other (Specify)	25	17%
Don't Know	6	4%

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

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

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

(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...

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

(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?

	Count	%
1 = Not at all Interested	87	59%
2	25	17%
3	7	5%
4	9	6%
5	6	4%
6	3	2%
7 = Very Interested	10	7%
Average Mean	*2.12*	
Median	*1.00*	
Don't Know	0	0%

Demographic Questions

21. What industry best describes your company?

	Count	%
Advertising / Marketing	1	1%
Agriculture	0	0%
Business Services	2	1%
Construction	25	17%
Entertainment	1	1%
Financial Services	3	2%
Government / Schools	0	0%
Healthcare	9	6%
Insurance	4	3%
Manufacturing	8	5%
Oil / Gas / Mining	0	0%
Real Estate	3	2%
Restaurant	9	6%
Retail / Wholesale	13	9%
Technology	4	3%
Telecommunications	0	0%
Travel / Hotel	0	0%
Trucking / Transportation	8	5%
Other (specify)	56	38%
Don't Know	1	1%

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

22. How many employees does your company have?

	Count	%
1 = 1 to 2	14	10%
2 = 3 to 5	51	35%
3 = 6 to 10	45	31%
4 = 11 to 19	22	15%
5 = 20 to 49	9	6%
6 = 50 to 99	2	1%
7 = 100 to 199	0	0%
8 = 200 to 499	1	1%
9 = 500 or More	0	0%
Average Mean	*2.81*	
Median	*3.00*	
Don't Know	2	1%

23. What is your company's annual revenue?

	Count	%
1 = Less than $1 Million	71	55%
2 = $1-5 Million	44	34%
3 = $6-10 Million	2	2%
4 = $11-20 Million	1	1%
5 = $21-50 Million	1	1%
6 = $51-100 Million	0	0%
7 = More than $100 Million	3	2%
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 leans 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 executers 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 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

TABLE OF CONTENTS

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

Positive	Negative	Neutral

• Advocates
• Eager
• Educated
• Good asset
  ○ "I think they're a good asset to have in your back pocket. If you have a friend who is an attorney, it's handy."
• Helpful
• Knowledgeable
• Powerful
• Ready and willing
• Representative
• Smart
• Studying
• There if you need them
• "They can say and do things I can't."
• "They know the tricks."
• "They know what you can and can't do."
  ○ "They're there to help you to see things that you don't see from a legal aspect."
	• Aggressive
	• Assertive
	• Charge by the minute
	• Contentious
	• Argumentative
	• Conversations with them are difficult
	• Dishonest
	• Expensive
	• Shark
	• "They're always right. They know everything."
	  ○ "Some of my friends who are lawyers are always right. They make sure that you know it."
		• Customers
		• Jokes
		• *Matlock*
		• Paperwork
		• Stepson
		• Wealthy
		• Debaters

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 2
What steps would you go through before choosing a lawyer?

	Process
Step 1	**Identify a need** • "You have to have a reason to get a lawyer. That would be the first step, in my opinion."
Step 2	**Identify the type of lawyer needed**
Step 3	**Ask for referrals, search for lawyers online** • "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." • "If I knew someone who had been through that situation, I would call them and find out who they went with." • "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." • "I look at Google reviews as well."
Step 4	**Compile a list of lawyers**
Step 5	**Research recommended lawyers**
Step 6	**Schedule consultations with each lawyer**
Step 7	**Interview lawyers** • "They have to be engaged and interested in my case and what I need. I'm not just another case on their desk." • "Their experience of what cases have been worked that are similar to what they have." • "Some indication that your business is something they want."
Step 8	**Choose 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?

	Most	Second	Third	Overall
Knowledge, specialized experience	5	**6**	3	**14**
Cost, Billing	0	1	**10**	**11**
Leader in their field	3	3	2	8
Referrals	**6**	2	0	8
Respect for client, treatment, friendliness	4	1	0	5
Way they present information, passion	0	1	3	4
Reputation, credibility	0	4	0	4
If they are moral	3	0	1	4
Professionalism	0	3	0	3
Listen to clients	1	1	0	2
Adequate support system and resources	0	0	2	2
If they're successful	0	0	1	1
Where they graduated	0	0	1	1
Number of years of experience	0	1	0	1
If you trust them	1	0	0	1
If they are aggressive	0	1	0	1
Time management	0	0	1	1
Good communication	1	0	0	1

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."

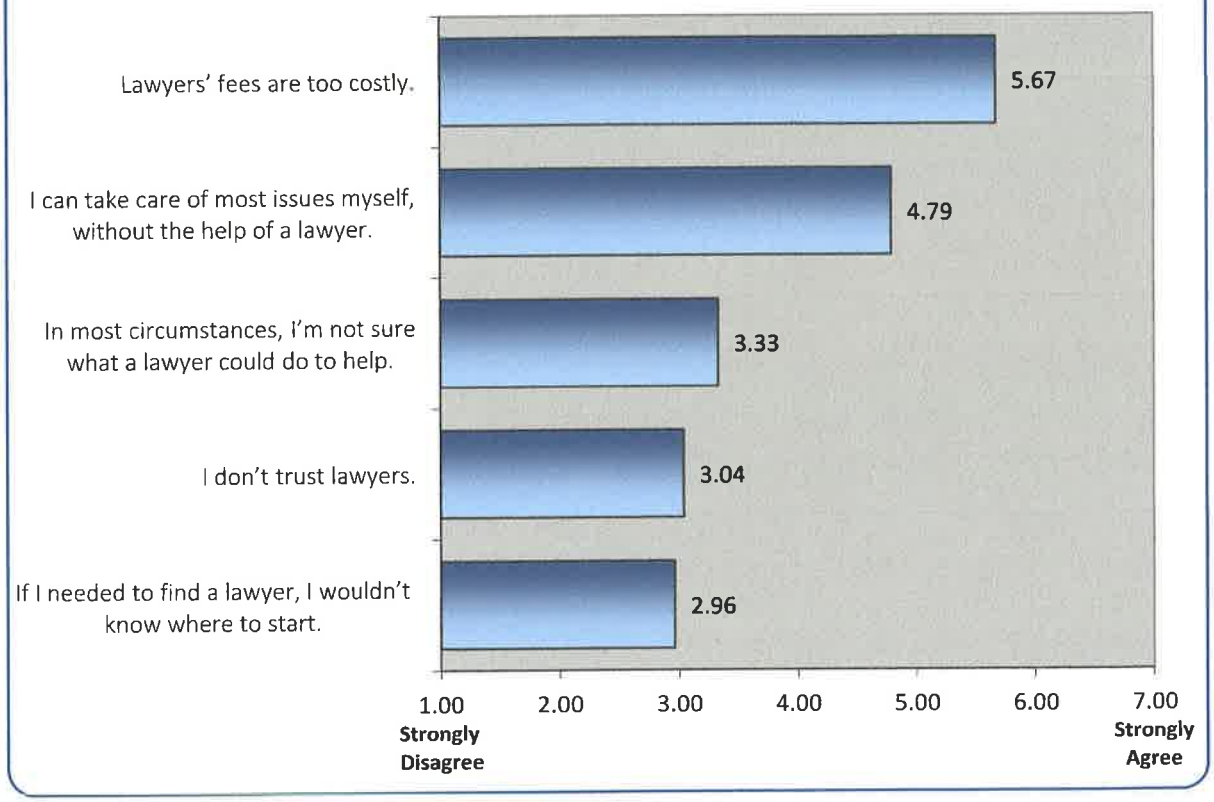
Participants are also fearful of engaging a lawyer because they don't know what the final cost of their services will be. One participant said, "We have a fear of it skyrocketing beyond something you're capable of," while another said, "My assumption is that it's not going to be a flat rate, that it 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
Please rate your agreement with the following statements.
Based on a one-to-seven rating scale



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."

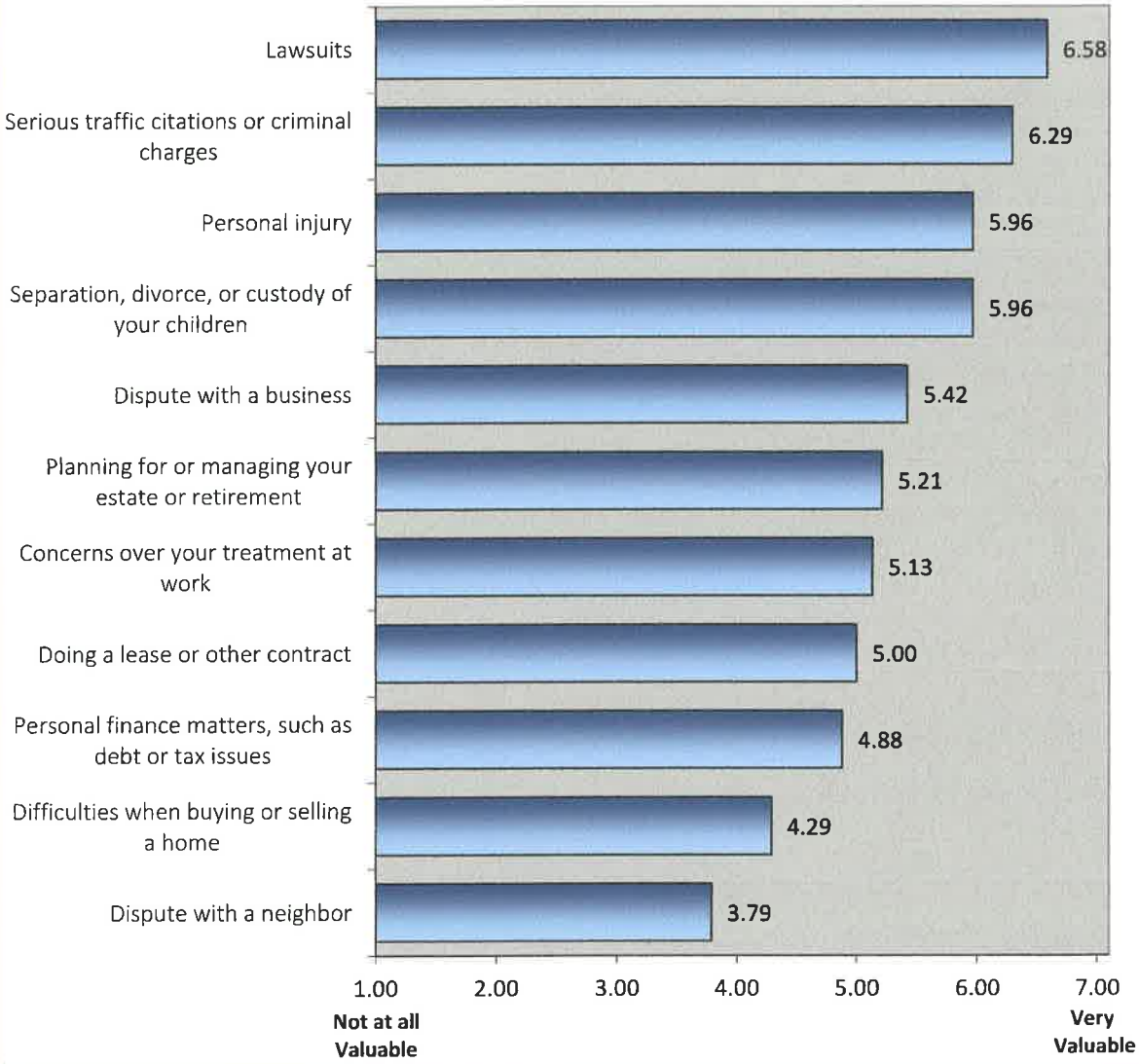
Willingness to Pay

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



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:

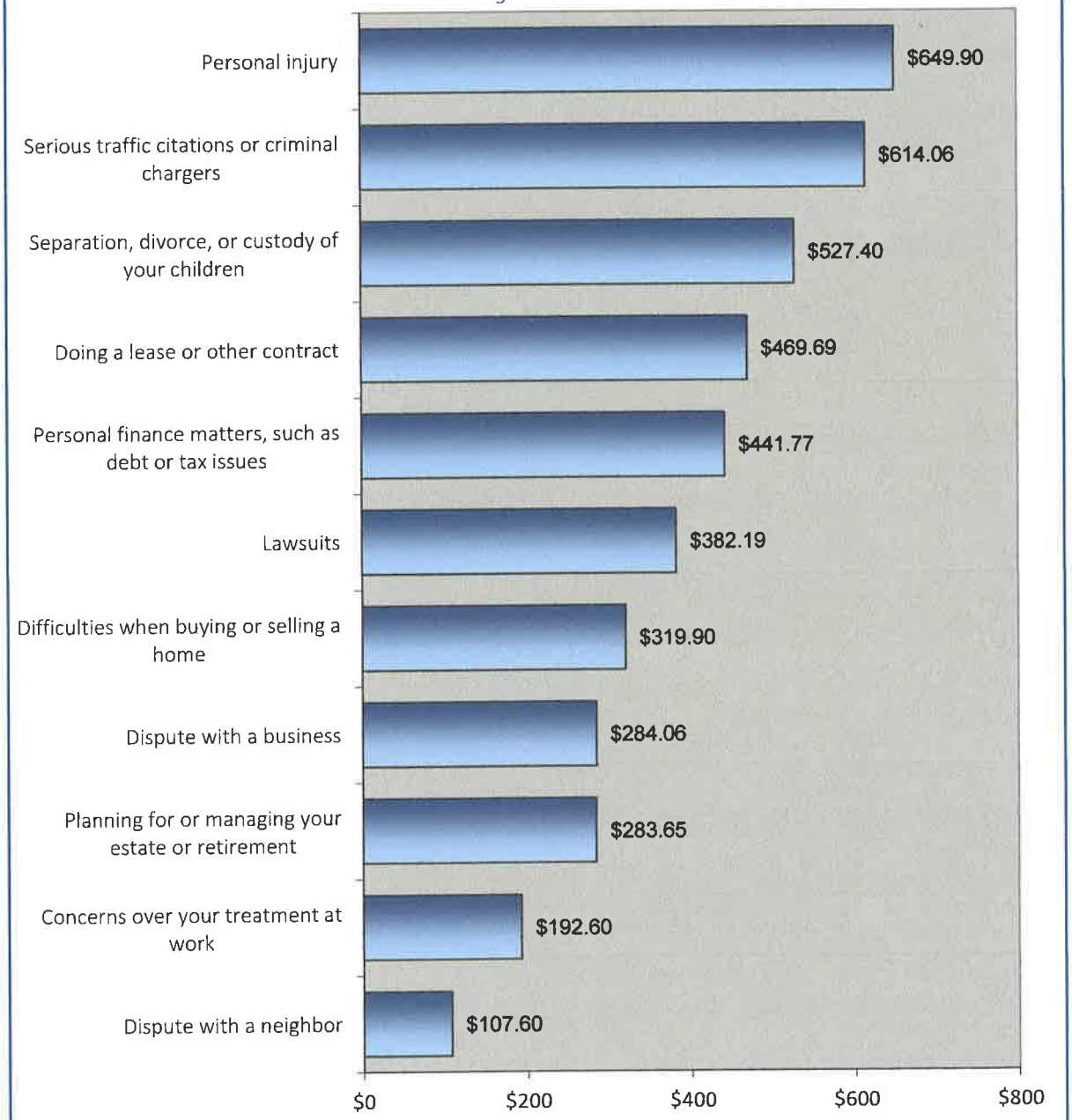
- [Real estate] "I would look at other channels first. I just don't think of a lawyer. I mean, you'd have to tell me what the difficulties were before I go to a lawyer. Otherwise, I'd talk to a realtor or title person."
- [Dispute with neighbor] "I don't want to live next door to someone I have had to 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



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.

	Count
Male	12
Female	12

2. What is your age?

	Count
Younger than 25 **[Terminate]**	0
25 to 34	6
35 to 44	6
45 to 54	6
55 to 64	4
65 to 74	2
75 and older **[Terminate]**	0
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?

	Count
Salt Lake	17
Davis	5
Other	2

6. What is your current employment status?

	Count
Full-time employed	12
Homemaker	4
Part-time employed	3
Retired	2
Student	0
Unemployed	3

7. What is your marital status?

	Count
Single, Never Married	4
Married	17
Divorced / Separated	3
Widowed	0
Other	0

8. Do you have children under the age of 18?

	Count
Yes	12
No	12

9. Which of the following best describes your ethnicity?

	Count
White, Caucasian	23
Hispanic, Latino	0
Black, African-American	0
Asian, Pacific Islander	0
Native American	0
Other	1

Other

- White / Hispanic

10. Which of the following categories best describes the highest level of education you have completed?

	Count
Less than High School Graduate	0
High School Graduate	2
Some College / Technical School	9
College Graduate	7
Post-college Graduate	6

11. Which of the following ranges best describes your annual household income?

	Count
1 = Less than $30,000	5
2 = $30,000 to $49,999	2
3 = $50,000 to $74,999	7
4 = $75,000 to $99,999	3
5 = $100,000 to $149,999	4
6 = $150,000 or more	3
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. **[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 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.

	Count
1 = Very negative	0
2	3
3	2
4	2
5	7
6	7
7 = Very positive	3
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.

	Count
1 = Strongly disagree	0
2	1
3	2
4	1
5	5
6	6
7 = Strongly agree	9
Average Mean	*5.67*
Median	*6.00*

If I needed to find a lawyer, I wouldn't know where to start.

	Count
1 = Strongly disagree	8
2	4
3	3
4	3
5	2
6	4
7 = Strongly agree	0
Average Mean	*2.96*
Median	*2.50*

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

	Count
1 = Strongly disagree	4
2	4
3	5
4	5
5	3
6	3
7 = Strongly agree	0
Average Mean	*3.33*
Median	*3.00*

I don't trust lawyers.

	Count
1 = Strongly disagree	2
2	10
3	4
4	4
5	2
6	1
7 = Strongly agree	1
Average Mean	*3.04*
Median	*2.50*

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

	Count
1 = Strongly disagree	0
2	2
3	4
4	3
5	5
6	8
7 = Strongly agree	2
Average Mean	*4.79*
Median	*5.00*

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

	Count
1 = Not at all valuable	0
2	1
3	3
4	2
5	5
6	5
7 = Very valuable	8
Average Mean	*5.42*
Median	*6.00*

Dispute with a neighbor

	Count
1 = Not at all valuable	1
2	5
3	7
4	3
5	2
6	5
7 = Very valuable	1
Average Mean	*3.79*
Median	*3.00*

Difficulties when buying or selling a home

	Count
1 = Not at all valuable	1
2	4
3	2
4	6
5	5
6	3
7 = Very valuable	3
Average Mean	*4.29*
Median	*4.00*

Concerns over your treatment at work

	Count
1 = Not at all valuable	0
2	3
3	0
4	4
5	7
6	4
7 = Very valuable	6
Average Mean	*5.13*
Median	*5.00*

Doing a lease or other contract

	Count
1 = Not at all valuable	1
2	1
3	4
4	1
5	6
6	6
7 = Very valuable	5
Average Mean	*5.00*
Median	*5.00*

Lawsuits

	Count
1 = Not at all valuable	0
2	0
3	0
4	1
5	2
6	3
7 = Very valuable	18
Average Mean	*6.58*
Median	*7.00*

Separation, divorce, or custody of your children

	Count
1 = Not at all valuable	0
2	0
3	0
4	3
5	5
6	6
7 = Very valuable	10
Average Mean	*5.96*
Median	*6.00*

Personal finance matters, such as debt or tax issues

	Count
1 = Not at all valuable	1
2	1
3	2
4	4
5	8
6	4
7 = Very valuable	4
Average Mean	*4.88*
Median	*5.00*

Personal injury

	Count
1 = Not at all valuable	0
2	0
3	1
4	2
5	5
6	5
7 = Very valuable	11
Average Mean	*5.96*
Median	*6.00*

Planning for or managing your estate or retirement

	Count
1 = Not at all valuable	0
2	4
3	2
4	1
5	4
6	4
7 = Very valuable	9
Average Mean	*5.21*
Median	*6.00*

Serious traffic citations or criminal charges

	Count
1 = Not at all valuable	0
2	0
3	1
4	2
5	1
6	5
7 = Very valuable	15
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?

	Count
A flat fee, with all legal services provided for one lump sum	10
An income-based sliding fee, where you pay for services based on what you can afford	14

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?

	Count	%
Yes	533	100%
No	0	0%

2. What county do you LIVE in?

	Count	%
Beaver	5	1%
Box Elder	9	2%
Cache	28	5%
Carbon	5	1%
Daggett	0	0%
Davis	62	12%
Duchesne	7	1%
Emery	6	1%
Garfield	2	0%
Grand	1	0%
Iron	9	2%
Juab	2	0%
Kane	1	0%
Millard	1	0%
Morgan	2	0%

	Count	%
Piute	0	0%
Rich	1	0%
Salt Lake	165	31%
San Juan	2	0%
Sanpete	6	1%
Sevier	5	1%
Summit	7	1%
Tooele	11	2%
Uintah	6	1%
Utah	111	21%
Wasatch	3	1%
Washington	33	6%
Wayne	1	0%
Weber	37	7%

3. Record gender by observation.

	Count	%
Male	259	49%
Female	274	51%

4. Which of the following ranges includes your age?

	Count	%
0 = Younger than 18	0	0%
1 = 18 to 24	70	13%
2 = 25 to 34	144	27%
3 = 35 to 44	87	16%
4 = 45 to 54	70	13%
5 = 55 to 64	58	11%
6 = 65 and Over	102	19%
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

	Count	%
Accountant / Tax Advisor	1	0%
Friend, Family Member, Coworker	90	17%
Financial Advisor	6	1%
Lawyer	17	3%
Internet (specify)	6	1%
Real Estate Agent	258	48%
Other (Specify)	80	15%
I Would NOT Seek Advice / I Would Deal with It Myself	29	5%
Don't Know	78	15%

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

Separation, Divorce, or Custody of your Children

	Count	%
Accountant / Tax Advisor	1	0%
Friend, Family Member, Coworker	41	8%
Financial Advisor	0	0%
Lawyer	306	57%
Internet (specify)	7	1%
Real Estate Agent	0	0%
Other (Specify)	50	9%
I Would NOT Seek Advice / I Would Deal with It Myself	25	5%
Don't Know	90	17%

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

Personal Finance Matters, such as Bankruptcy or Tax Issues

	Count	%
Accountant / Tax Advisor	148	28%
Friend, Family Member, Coworker	91	17%
Financial Advisor	79	15%
Lawyer	42	8%
Internet (specify)	14	3%
Real Estate Agent	1	0%
Other (Specify)	105	20%
I Would NOT Seek Advice / I Would Deal with It Myself	28	5%
Don't Know	58	11%

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

Planning for or Managing Your Estate or Retirement

	Count	%
Accountant / Tax Advisor	22	4%
Friend, Family Member, Coworker	68	13%
Financial Advisor	106	20%
Lawyer	113	21%
Internet (specify)	6	1%
Real Estate Agent	4	1%
Other (Specify)	103	19%
I Would NOT Seek Advice / I Would Deal with It Myself	32	6%
Don't Know	88	17%

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

Serious Traffic Citation or a Criminal Charge

	Count	%
Accountant / Tax Advisor	1	0%
Friend, Family Member, Coworker	60	11%
Financial Advisor	2	0%
Lawyer	300	56%
Internet (specify)	8	2%
Real Estate Agent	0	0%
Other (Specify)	80	15%
I Would NOT Seek Advice / I Would Deal with It Myself	12	2%
Don't Know	75	14%

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

6. For what situations might you personally use a lawyer?

	Count	%
A Dispute with a Business	10	2%
A Dispute with a Neighbor	8	2%
Difficulties when Buying or Selling a Home	12	2%
Concerns over Your Treatment at Work	5	1%
Doing a Lease or Other Contract	9	2%
Lawsuits	115	22%
Personal Finance Matters, such as Debt or Tax Issues	29	5%
Personal Injury (Car Accidents, Workers Comp, Medical Malpractice)	50	9%
Planning for or Managing Your Estate or Retirement	65	12%
Separation, Divorce, or Custody of Children	138	26%
Serious Traffic Citation or a Criminal Charge	79	15%
Other (Specify)	177	33%
Don't Know	81	15%

7. Have you ever used the services of a lawyer before?

	Count	%
Yes	252	47%
No	281	53%
Don't Remember	0	0%

8. *If "Yes" in Q7:* Where or how did you find that lawyer?

	Count	%
Advertising (TV, Radio, Newspaper, Billboards, etc.)	10	4%
Internet Search / Google	21	8%
Word of Mouth (Friend, Family, Co-worker)	141	56%
I Personally Know the Lawyer	38	15%
Through Another Business (Realtor, Broker, Financial Advisor, etc.)	5	2%
They Were Assigned to Me by the Court	8	3%
I've Used This Lawyer or Law Firm Before	2	1%
Other (Specify)	39	16%
Don't Remember	6	2%

9. *If "Yes" in Q11:* What was the situation you used a lawyer for most recently?

	Count	%
A Dispute with a Business	4	2%
A Dispute with a Neighbor	0	0%
Difficulties when Buying or Selling a Home	6	3%
Concerns over Your Treatment at Work	0	0%
Doing a Lease or Other Contract	10	4%
Lawsuits	7	3%
Personal Finance Matters, such as Debt or Tax Issues	15	6%
Personal Injury (Car Accidents, Workers Comp, Medical Malpractice)	12	5%
Planning for or Managing Your Estate or Retirement	30	13%
Separation, Divorce, or Custody of Children	46	19%
Serious Traffic Citation or a Criminal Charge	14	6%
Other (Specify)	92	39%
Don't Know	3	1%

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.

	Count	%
1 = Strongly Disagree	12	2%
2	3	1%
3	8	2%
4	23	4%
5	79	15%
6	113	21%
7 = Strongly Agree	293	55%
Average Mean	*6.14*	
Median	*7.00*	
Don't Know	1	0%

Lawyers act in the best interest of their clients.

	Count	%
1 = Strongly Disagree	12	2%
2	18	3%
3	37	7%
4	71	13%
5	163	31%
6	120	23%
7 = Strongly Agree	100	19%
Average Mean	*5.14*	
Median	*5.00*	
Don't Know	9	2%

Lawyers maintain strict confidentiality.

	Count	%
1 = Strongly Disagree	12	2%
2	3	1%
3	19	4%
4	22	4%
5	74	14%
6	143	27%
7 = Strongly Agree	248	47%
Average Mean	*6.00*	
Median	*6.00*	
Don't Know	10	2%

A lawyer can be a confidant, or someone I can trust.

	Count	%
1 = Strongly Disagree	16	3%
2	15	3%
3	32	6%
4	46	9%
5	117	22%
6	133	25%
7 = Strongly Agree	170	32%
Average Mean	*5.48*	
Median	*6.00*	
Don't Know	4	1%

11. Imagine you needed the assistance of a lawyer today. Where would you go to find a lawyer?

	Count	%
I Already Have a Lawyer	60	11%
I Personally Know a Lawyer	75	14%
Internet Search / Google	149	28%
Referral / Word of Mouth (Friend, Family, Coworker)	229	43%
Rating or Review Website	16	3%
Other (Specify)	74	14%
Don't Know	20	4%

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.

	Count	%
1 = Very Negative	11	2%
2	16	3%
3	32	6%
4 = Neutral	179	34%
5	146	28%
6	87	16%
7 = Very Positive	51	10%
Average Mean	*4.72*	
Median	*5.00*	
Don't Know	8	2%

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

	Count	%
1 = Not at all Likely	43	8%
2	35	7%
3	51	10%
4	99	19%
5	126	24%
6	82	15%
7 = Very Likely	91	17%
Average Mean	*4.59*	
Median	*5.00*	
Don't Know	4	1%

A Dispute with a Neighbor

	Count	%
1 = Not at all Likely	170	32%
2	101	19%
3	80	15%
4	86	16%
5	60	11%
6	16	3%
7 = Very Likely	16	3%
Average Mean	*2.77*	
Median	*2.00*	
Don't Know	1	0%

Difficulties with Buying or Selling a Home

	Count	%
1 = Not at all Likely	133	25%
2	111	21%
3	64	12%
4	96	18%
5	67	13%
6	22	4%
7 = Very Likely	33	6%
Average Mean	*3.10*	
Median	*3.00*	
Don't Know	2	0%

Concerns Over Your Treatment at Work

	Count	%
1 = Not at all Likely	100	19%
2	65	12%
3	76	15%
4	115	22%
5	89	17%
6	35	7%
7 = Very Likely	36	7%
Average Mean	*3.54*	
Median	*4.00*	
Don't Know	7	1%

Doing a Lease or Other Contract

	Count	%
1 = Not at all Likely	85	16%
2	72	14%
3	62	12%
4	93	18%
5	90	17%
6	57	11%
7 = Very Likely	71	13%
Average Mean	*3.92*	
Median	*4.00*	
Don't Know	2	0%

Lawsuits

	Count	%
1 = Not at all Likely	13	3%
2	4	1%
3	6	1%
4	13	3%
5	41	9%
6	76	16%
7 = Very Likely	327	68%
Average Mean	*6.34*	
Median	*7.00*	
Don't Know	2	0%

Separation, Divorce, or Custody of Children

	Count	%
1 = Not at all Likely	26	5%
2	13	3%
3	10	2%
4	33	6%
5	49	9%
6	96	18%
7 = Very Likely	298	56%
Average Mean	*5.94*	
Median	*7.00*	
Don't Know	5	1%

Personal Finance Matters, such as Debt or Tax Issues

	Count	%
1 = Not at all Likely	106	20%
2	80	15%
3	60	11%
4	88	17%
5	89	17%
6	48	9%
7 = Very Likely	54	10%
Average Mean	*3.64*	
Median	*4.00*	
Don't Know	4	1%

Personal Injury

	Count	%
1 = Not at all Likely	42	9%
2	25	5%
3	40	8%
4	80	17%
5	100	21%
6	78	16%
7 = Very Likely	114	24%
Average Mean	*4.80*	
Median	*5.00*	
Don't Know	3	1%

Planning for or Managing Your Estate or Retirement

	Count	%
1 = Not at all Likely	56	11%
2	46	9%
3	45	9%
4	87	16%
5	93	18%
6	78	15%
7 = Very Likely	123	23%
Average Mean	*4.59*	
Median	*5.00*	
Don't Know	1	0%

Serious Traffic Citation or a Criminal Charge

	Count	%
1 = Not at all Likely	26	5%
2	7	1%
3	17	3%
4	31	6%
5	76	14%
6	117	22%
7 = Very Likely	252	48%
Average Mean	*5.82*	
Median	*6.00*	
Don't Know	4	1%

14. What do you believe is the biggest barrier preventing individuals from using services provided by a lawyer?

	Count	%
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?

	Count	%
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...

	Count	%
A Set Amount for a Specific Task or Service	116	22%
A Firm Quote for an Entire Case or Project	139	26%
An Hourly Rate	42	8%
A Fee That Depended on the Result, whether in Part or in Whole	129	24%
A Monthly Charge for Certain Ongoing Services	57	11%
Other (Specify)	33	6%
Don't Know	13	3%

(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?

	Count	%
Single, Never Married	108	21%
Married	358	68%
Divorced	35	7%
Separated	3	1%
Widowed	20	4%
Other (Specify)	2	0%

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

18. Do you have children under the age of 18 in the home?

	Count	%
Yes	220	42%
No	306	58%

19. What is your race or ethnic background?

	Count	%
White, Caucasian	470	92%
Hispanic, Latino	16	3%
Black, African American	5	1%
Asian, Pacific Islander	8	2%
Native American, Alaska Native	2	0%
Other (Specify)	12	2%

20. Which of the following best describes your highest level of education?

	Count	%
Less than High School	4	1%
High School Graduate / GED	50	10%
Some College or Technical Training	192	37%
College Graduate	180	34%
Post-college Graduate	100	19%

21. Which of the following best describes your annual household income?

	Count	%
1 = Less than $20,000	47	10%
2 = $20,000 to $34,999	53	11%
3 = $35,000 to $49,999	87	18%
4 = $50,000 to $74,999	108	23%
5 = $75,000 to $99,999	85	18%
6 = $100,000 to $149,999	66	14%
7 = $150,000 or More	34	7%
Average Mean	*3.97*	
Median	*4.00*	

This concludes our survey. We thank you for your time and opinions.

TAB
4

UTAH BAR COMMISSION MEETING
AGENDA ITEM

Title: 3rd Judicial District Nominating Commission Nominee — Item # 4.1

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 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

JONES WALDO
Attorneys Est. 1875

TEL: 801-521-3200
FAX: 801-328-0537

170 SOUTH MAIN ST. SUITE 1500
SALT LAKE CITY, UTAH 84101

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AFFILIATED FIRM
LEAR & LEAR LLP

LESLEY MANLEY
DIRECT DIAL: (801) 534-7320
lmanley@joneswaldo.com

VIA EMAIL

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'm excited to apply for the unexpired term position currently available on the Third Judicial District Nominating Commission. I identify as a Democrat.

As my enclosed resume demonstrates, I am well-qualified for this position. I was recently selected by the Westminster College Board of Trustees to represent all alumni of the College on the Presidential Search Committee. In seeking the best candidate for the next President of Westminster College, the search committee conducted high-level interviews with many college president hopefuls. My involvement exposed me to personnel decision-making with a strategic mission in mind and making hard decisions between very highly qualified candidates.

I also clerked for United States Magistrate Judge Brooke C. Wells for four years. In this position, I learned a great deal about the judicial decision-making process and Utah's state and federal judicial application process.

Lastly, I have served on many community boards over the years and have worked in countless small group settings. I thrive and am comfortable in those environments. I appreciate your consideration of my application.

Sincerely yours,

Lesley A. Manley

PRESENTATIONS

- Current Trends in Immigration, Salt Lake Society of Human Resource Management, Employment Law Update, (2018)
- Event Sponsorship of Public Officials and Employees, Board of Trustees, Economic Development Corp. of Utah (2017)
- Alumni Graduation Speaker, Westminster College Commencement, (2017)
- Alumni Relations Update, Westminster College Board of Trustees, Quarterly Meetings (2016-2017)
- Litigation Update, Utah Bankers Association, Compliance Conference (2016)

PROFESSIONAL AFFILIATIONS AND COMMUNITY INVOLVEMENT

- Chair, Utah State Bar Committee on New Lawyer Training
- Alumni Representative (selected by Board of Trustees), Presidential Search Committee, Westminster College
- Development Chair, LGBT & Allied Lawyers of Utah
- Former Chair, Westminster College Alumni Board
- Board Member, Westminster College Alumni Board
- Alumni Mentor, Westminster College Alumni Mentoring Program
- David K. Watkiss—Sutherland II Inn of Court
- Federal 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 Preservationist & Utah State Fair Blue Ribbon Canner (2017).

Lesley A. Manley
3075 E. Kennedy Drive, No. 101 • Salt Lake City, UT 84106 • (435) 650-0577 • lmanley@joneswaldo.com

EDUCATION

Sandra Day O'Connor College of Law, Arizona State University, Tempe, AZ
J.D., May 2009
Honors: Arizona State Law Journal, Articles Editor & Staff Writer
CALI Award for Excellence (Highest Overall Grade) - Federal Indian Law I
Pro Bono Distinction (50+ Hours)

Externships & Clerkships: Hon. David K. Duncan, United States Magistrate Judge, District of Arizona
United States Attorney's Office - Criminal Division, Phoenix, AZ
Arizona State Senate Rules Committee
U-Haul International, Inc.
City of Maricopa, Arizona
Carbon County Attorney's Office, Price, UT (Post-Graduate Fellowship)

Publications: Comment, *Should States Serve as Laboratories for Mine Safety Regulation?* 41 ARIZ. ST. L.J. 379 (Spring, 2009).

Death Penalty and the Law: A Discussion of the Arizona Supreme Court's 2007-2008 Decisions, 41 ARIZ. ST. L.J. 629 (Summer, 2009).

Westminster College, Salt Lake City, UT
B.A., Political Studies (History Emphasis), Minors in Business and Psychology, May 2006
Magna Cum Laude
Honors: Outstanding Student in Political Science Award (selected by faculty)

PROFESSIONAL EXPERIENCE

Jones, Waldo, Holbrook & McDonough, P.C., Salt Lake City, UT — 2016 - Present
Associate Attorney: Specialize in defense and plaintiff side general commercial litigation and employment-based immigration matters. Caseload includes contract, shareholder, landlord-tenant, ERISA, and other various types of disputes. Draft motions, court pleadings, documents, and correspondence. Manage case load and perform legal research on a variety of topics. Appear on behalf of clients in court proceedings and mediations. Draft H-1B visa applications including applications for H-1B transfers, renewals, and extensions. Maintain and develop client relationships.

Hon. Brooke C. 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. Attended and assisted Judge during court proceedings and settlement conferences. Assisted with management of chambers caseload and resolution of discovery disputes. Planned and coordinated United States Supreme Court Justice Sonia Sotomayor's 2015 visit to the U.S. District Court.

W|Law, South Jordan, UT — 2011 - 2012
Associate Attorney: Handled the defense side of business, construction defect, personal injury, and products liability litigation matters in arbitration and state and federal courts. Responsibilities included document review, drafting pleadings, discovery, and status reports to insurance company clients to keep them apprised of happenings in litigation.

Thaddeus James May
Deputy District Attorney Salt Lake County Attorneys' Office
1141 Ridgedale Circle
Salt Lake City, Utah 84106
Telephone: (801) 638-7020

To Whom It May Concern:

My name is Thaddeus James May and I am interested in becoming a member of the Third District Nominating 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 Ridgedale Circle • SLC, UT 84106 • (801) 638-7020• tadmay@hotmail.com

EXPERIENCE

September 2007-Present
Deputy District Attorney, Salt Lake County Attorneys' Office

-Member of the Special Victims January 2017-present and April, 2011-2015
-Member of Juvenile Justice Unit April 2015-January 2017
-Argued 38 jury trials, thirty three felony, five misdemeanor
-Cases ranging from narcotics, to homicide
-Screened and investigated hundreds of cases involving alleged sexual crimes
-Presented multiple homicide Preliminary Hearings
-Reviewed dozens of warrants for approval as prosecutor assigned to Salt Lake City Narcotics Detectives
-Member of the Human Trafficking task force 2008-2015.

Training Experience
-Member of District Attorney's Office training committee, 2008-2010.
-Presented training for Utah Prosecution Council at Advanced Trial Skills Course, 2013
-Presented quarterly training to Salt Lake City Police Department, 2009
-Presented multiple trainings to Salt Lake County Sheriff's Office, 2014
-Presented research at International Family Violence and Child Victimization Research Conference, 2014
-Presented training on interviewing techniques at Salt Lake County Children's Justice Center, 2014-present

February-September 2007
Deputy District Attorney, Utah County Attorneys' Office
-Tried three jury trials two misdemeanor one felony
-Cases ranging from DUI to felony child abuse

May 2006-February 2007
Law Clerk 4th District Court, The Honorable Gary D. Stott
- Prepared both civil and criminal rulings and orders for the Court
- Observed dozens of arguments, motions and trials brought before the Court

May – September 2005
Law Clerk for the Criminal Appeals Division of the Utah Attorney General's Office
- Drafted briefs
- Edited, cite checked, and prepared briefs for filing

August 2001 - August 2002
AmeriCorps VISTA Volunteer, New York State Learn and Serve, Albany, NY
- Produced service training manuals and materials for parents, teachers and students
- Collaborated with educators, volunteers and students on service learning projects

EDUCATION

2003 - 2006 S.J. Quinney College of Law, Salt Lake City, UT
- Note and Comment Editor, *Journal of Land Resources and Environmental Law*
- Recent Development published in Spring 2006 *Journal of Land Resources and Environmental Law*
- Vice President of Public Interest Law Organization, 2004-2005
- Class representative of the Student Bar Association, 2004-2005

1996 - 2001 Brigham Young University, Provo, UT, BA In History

Christy Abad

From: Leonard Mcgee <lmcgee@robertdebry.com>
Sent: Wednesday, March 21, 2018 3:52 PM
To: Christy Abad
Subject: Third District Trial Court Nominated
Attachments: Resume - Len - use.docx

Ms. Abad:
Attached is my resume - I would appreciate it if you would submit my name for the Third District Trial Court Nominating Commission. I am a registered Democrat.

Thank you.

Len McGee

Leonard E. McGee
972 Cutter Lane
Park City, Utah 84098
(801)520-4658
E-Mail: lmcgee@robertdebry.com

WORK EXPERIENCE

McGee Utah ADR, LLC
2015 to present

Conduct arbitrations and mediations in personal injury cases as retained by attorneys throughout Utah.

Robert J. Debry & Associates
45 West 10000 South, Suite 401
Sandy, Utah 84070
Dates Employed: 05/2006 - Present

Managing team attorney for personal injury law firm, concentrating in the representation of victims of accidents and medical malpractice. Manage staff of ten.

Stegall & Associates
6056 South Fashion Square Drive, #200
Salt Lake City, Utah 84103
Dates Employed: 08/2000 - 05/2006

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 policy advising adjusters and clients on claims. Provide training to insurance claims adjusters on law-related issues.

United States Navy
Office of Naval Intelligence
Suitland, MD

Executive office/Operations office for various ONI Reserve units
August, 1984 – January, 2004

CNO Intelligence Plot
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 briefer to Chief of Naval Operations and Director of Naval Intelligence during Operation Iraqi Freedom (invasion of Iraq). Analysis of current intelligence related to maritime interdiction and war-fighting activities of U.S. Armed Forces. Researched and prepared spot reports, messages, papers and briefings 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 maritime interdiction and intelligence matters. Wrote the manual, *"Transportation Transaction Analysis"* and edited/revised 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)*
Dates served: September, 1990 – July, 1991

Recalled to active duty. Analyzed imaging and intelligence reports, drafted targeting folders for Coalition missions over Iraq, conducted bomb damage assessment, briefed and debriefed mission personnel.

Held Top Secret/SCI (Compartmented) security clearance.

(Retired January 1, 2004 with rank of Commander)

Bertch & Birch
5296 South 300 West, #100
Salt Lake City, UT 84107
Dates Employed: 09/1989-08/2000

Managing partner of full-service law firm with seven attorneys and fourteen support staff. Specialized in litigation involving contracts, personal injury, civil rights, commercial questions, bankruptcy and criminal defense. Advised clients on business management and financial issues. Pursued client's interests through court litigation and Alternative Dispute Resolution forums. Briefed and argued matters before trial and appellate courts at State and Federal levels.

Utah State Attorney General's Office
236 State Capitol Building
Salt Lake City, UT 84103
Dates Employed: 08/1984-09/1989

Provided defense of tort, civil rights and contract claims made against the State of Utah. Litigated cases before trial courts as well as through Alternative Dispute Resolution (ADR) forums. Provided advice to Utah Office of Risk Management on tort, contract and civil rights claims. Prosecuted criminal matters relating to fraud and other "white collar" type crimes. Prepared briefs and argued cases before trial courts and appeals courts at both State and Federal levels.

United States Navy
Judge Advocate Generals Corps
Naval Legal Service Office
Norfolk Naval Base
Norfolk, Virginia
Dates Served: 05/1981-07/1984

Trial attorney responsible for prosecuting criminal matters in military Courts Martial. Officer-in-charge of Atlantic Fleet Drug Interdiction Team, responsible for prosecution of major drug offenses throughout the Atlantic Fleet. Tried over 160 special and general courts martial in three years – the most of any JAG officer in the U.S. Navy during that time period.

EDUCATION

University of Utah, Salt Lake City, Utah Degree: J.D.

University of Utah, Salt Lake City, Utah Degree: B.S.
Major: History/Political Science

JOB-RELATED 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 Robin Davis and have five children, ages 35 - 25
Enjoy road biking, mountain biking, ocean and lake kayaking, hiking and snowshoeing in Utah's beautiful mountains.

Christy Abad

From: Doug Mortensen <dmort@dgmattorneys.com>
Sent: Friday, March 23, 2018 3:10 PM
To: Christy Abad
Subject: Re: Third District Judicial Nominating Commission
Attachments: 2016 RESUME.docx

Dear Ms. Abad:

In the message I just sent to 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

From: Doug Mortensen
Sent: Friday, March 23, 2018 3:06 PM
To: cabad@utahbar.org
Subject: Third District Judicial Nominating Commission

Dear Ms. Abad:

By this email, I inform you of my interest in serving on the Third District Judicial Nominating Commission.

Attached is my resume.

Douglas G. Mortensen

DOUGLAS G. MORTENSEN
2174 Melinda Lane, SLC, UT. 84109
Telephone: (801) 349-8597
dmort@dgmattorneys.com

PERSONAL BACKGROUND:

Born: January 25, 1950
Married: (to the former Victoria Allen) since 1972;
4 children, 10 grandchildren;
Admitted: Utah State Bar, 1977;
Arizona State Bar, 1978
(*Pro hac vice* 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-'15);

Commissioner, Third District Court Judicial Nominating Commission ('03 - '07);

President, Utah Trial Lawyers Association (nka Utah Association for Justice) ('03 - '04), Governing Board Member ('97 - '08); Legislative Affairs Committee Chair ('03);

Honorary Lifetime Member, Utah Association for Justice;

Participant, Informal task force of government and private lawyers who rewrote Utah's Governmental Immunity Act ('03);

Holder, Martindale-Hubbell "A V" rating (1991-);

Member, Utah Courts Alternative Dispute Resolution Committee (2014-);

Trained Mediator, Utah Dispute Resolution (47.5 hours of formal training);

Master, A. Sherman Christensen American Inn of Court I (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)

EDUCATION:

B.S. Degree, Magna Cum Laude, University of Utah, 1974
(Political Science), Phi Beta Kappa, Phi Kappa Phi;
J.D. Degree, University of Utah College of Law, 1977,
Society of Bar & Gavel

LAW PRACTICE:

Shareholder, MATHESON, MORTENSEN, OLSEN & JEPPSON, P.C.
(1984 to 2011; partners and I are now retired from day to day practice);
34 years as trial lawyer: 77 civil trials; 11 criminal trials;
Winner of Utah's only jury verdict and award ($820,000) against a hospital for negligently credentialing an impaired surgeon;
Expert Witness in 2 legal malpractice cases;

OTHER ACTIVITIES:

Chapter author, *Utah Business Law for Entrepreneurs and Managers (2016)*;

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-reliant);

Leadership Support Missionary, Plainfield, New Jersey (March-September, 2013);

Visiting Professor of Law, Masaryk University, Brno, Czech Republic (Spring 2012);

Fellow, ASCEND ALLIANCE, 4 month service in Bolivia (March - July 2010);

Member, Rotary International, Club 24 ('91 - present): Chairman, International Service Committee ('2014-'16); past Chairman, Environment & Ecology Committee ('93 - '94;)

Tutor, Guadalupe 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 ('93 - '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).

Christy Abad

From: olsen.kristen@dorsey.com
Sent: Wednesday, March 21, 2018 10:10 PM
To: Christy Abad
Subject: Third Judicial District Nominating Commission
Attachments: Kristen Olsen Resume. March 2018.pdf

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
Associate

DORSEY
always ahead

DORSEY & WHITNEY LLP
Kearns Building
P: 801.933.4029 F: 801.606.7687
WWW.DORSEY.COM :: SALT LAKE CITY :: BIO :: V-CARD

KRISTEN ELAINE OLSEN

111 S. Main Street, 21st Floor • Salt Lake City, UT 84111 • 801-933-4029 • olsen.kristen@dorsey.com

EDUCATION

J. REUBEN CLARK LAW SCHOOL, BYU, Provo, Utah, ***Juris Doctorate*** — April 2014
Accomplishments: Graduated in the Top 10%; Dean's Fellow; Scholarship Recipient
Visiting International Law Student at Central European University, Budapest, Hungary
National Lawyers Guild, *BYU Co-president*
International Red Cross, *International Humanitarian Law Certificate*

UTAH STATE UNIVERSITY, Logan, Utah, ***Master of Second Language Teaching*** — December 2006
Research: Gender Issues, Linguistic Hegemony, Language use and attitudes in East Jerusalem

UTAH STATE UNIVERSITY, Logan, Utah, ***Bachelor of Science in Anthropology*** — May 2003
Activities: USU Amnesty International president; studied in Costa Rica, China, and Jerusalem

EXPERIENCE

Dorsey & Whitney LLP, Salt Lake City, Utah, *Associate*, — Sept. 2014 – Present
Assist clients in labor and employment issues and complex commercial and products liability litigation, specializing in the banking, healthcare, and automotive industries; awarded Diversity Attorney of the Year

Utah Center for Legal Inclusion, Utah, *Co-President* — January 2016 – Present
Oversee and promote projects and initiatives focused on advancing equity and inclusion in Utah's legal community; formed nonprofit board, strategic plan, and obtained 501(c)(3) status

Salt Lake County Bar, Salt Lake City, Utah, *Executive Board Member* — August 2016 – Present
Write articles for the *Bar & the Bench* Newsletter, Assist board with bar events and projects

Utah Bar Leadership Academy, Utah, *Leadership Academy Fellow* — January 2017 – December 2017
Attend monthly bar leadership trainings 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 the Utah Bar

Utah Summer Bar Convention, San Diego, California, *Co-Chair* — October 2015 – July 2016
Plan and coordinate summer bar convention keynote speakers, breakout sessions, and events

The International Criminal Tribunal for Rwanda, Arusha, Tanzania, *Legal Intern* — April 2013 – June 2013
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 Durrant* — January 2013 – April 2013
Research and write about legal issues for cases considered by the Utah Supreme Court

The Sparrow Alliance, Logan, Utah, *Founding Board Member* — June 2006 – August 2012
Form a nonprofit dedicated to promoting social justice through local and international projects

Utah State University, Logan, Utah, *Adjunct Professor* — August 2007 – July 2012
Teach academic English to international students; develop an academic human rights course; present at the I-TESOL conference about human rights curricula

SELECT PUBLICATIONS & PRESENTATIONS

The Utah Bar Commission: A Brief Overview of the Utah Bar's Governing Board, Utah Bar Journal, Vol. 30, 1 (January 2017) (co-authored with Kate Conyers)
Pioneers Who Paved the Way: A Look at Some of Utah's First Women Lawyers, 287 BYU L. Sch., 1, 7 (2014) (co-authored with Stacie Stewart)
Language Use, Attitude, and Linguistic Identity Among Palestinian Students in East Jerusalem, International Multilingual Research Journal, Vol. 4, 1 (February 8, 2010) (co-authored with Holly Olsen)
How Inclusion Benefits Our Profession, Moderator for CLE panel with Justice Christine Durham (ret.), Robert Rice, Utah Bar President, (June 2017)
Employment in the Digital Age, Presenter at Dorsey & Whitney's Labor & Employment Seminar (March 2017)

Christy Abad

From: Sarah Starkey <sstarkey@lhmauto.com>
Sent: Friday, March 23, 2018 10:41 AM
To: Christy Abad
Cc: Sarah Starkey
Subject: Third District Trial Court Nominating Commission
Attachments: Sarah Starkey Resume 3.23.18.pdf

Dear Ms. Abad,

Attached, please find my resume for your consideration relating to the open Third District Trial Court Nomination Commission. If you need any additional information please let me know.

Sincerely,

Sarah Starkey
VP & General Counsel
Larry H. Miller Dealerships

Direct: 801-304-4943
Cell: 310-208-9052
sstarkey@lhmauto.com
www.lhm.com

9350 South 150 East Suite 500
Sandy, UT 84070

Larry H. Miller Dealerships
Driven By You

SARAH STARKEY

284

7382 S. Comstock Circle, Cottonwood Heights, UT 84121 • (310) 208-9052 • sstarkey@lhmauto.com

VICE PRESIDENT & GENERAL COUNSEL, BOARD MEMBER, & PUBLISHED THOUGHT LEADER

Highly accomplished and performance-driven Vice President & General Counsel and seasoned board member with more than 17 years of leadership within the automobile, high net worth family law, insurance, finance, and marketing & advertising industries. Organized and fast-paced with the ability to address multiple complex issues simultaneously and determine crucial points to focus on and question further; adept in the management of legal matters within mid to large scale organizations. Expertise in M&A, human resources, policies and procedures, contracts and agreements, copyright and trademarks, risk management, litigation, and government relations.

CRITICAL LEADERSHIP INITIATIVES

- Spearheaded the implementation of two different software systems within the Legal and Risk Management Departments of Larry H Miller Dealerships to streamline operations, reduce costs, and identify hotspots for personnel training and risk mitigation processes.
- Developed corporate customer service department to identify and address customer complaints early in the lifecycle thus reducing administrative and legal complaints.
- Integral member of team responsible for overseeing acquisition of 30 new business units with a total acquisition value of $500 million including $200 million in real estate, managing all processes in-house and negating need for outside counsel, including the simultaneous acquisition of seven (7) automobile dealership, the largest acquisition in group history.
- Developed and implemented strategies to streamline acquisition process, resulting in lower across the board spend, and an easier transition for employees.
- Overhauled company employment policies to reduce company risk, specifically regarding social media use and polices.

CAREER TRACK

VP & General Counsel, LARRY H MILLER DEALERSHIPS, SANDY, UTAH — 2014 to Present

- Promoted to position of General Counsel and subsequently Vice President due to excellence of performance and service.
- Responsible for the provision of legal services including management of mergers and acquisitions, risk management, state and federal sales and service compliance, development of standardized forms with strict regulatory compliance, development and maintenance of employment policies, manufacturing contracts, litigation, advertising and contract review, and employment and government relations.
- Managerial oversite of Risk Management, Compliance and Customer Service Departments. Hire, train, and develop managers and departmental strategies and assist with implementation of strategies to the operational dealerships.
- Oversees legal department coordinates relationships with outside counsel, agencies, vendors, factories, and local, state and federal government agencies.
- Reviews and evaluates risks on a monthly basis to identify patterns and trends, minimize potential areas of concern, and implement procedures to overall reduce outspend.
- Recognized expertise in government relations as relates to franchise laws in seven states; regularly called upon to speak and testify before state legislators.
- Well educated and up to date on all aspects of advertising due to increased scrutiny from Federal Trade Commission.

Associate Counsel, LARRY H MILLER DEALERSHIPS, SANDY, UTAH — 2010 to 2014

- Initially hired as Staff Attorney; assumed Associate Counsel title after two-year period.
- Provided a range of legal counsel services for new and used automobile dealerships, home advertising, and total care auto entities, including employment, compliance, contracts, acquisitions, federal and state regulations, and advertising.
- Successfully defended the company from large employment issues, essentially saving the firm from a potential $10 million in loss.
- Re-organized the legal department, implementing streamlined processes and procedures and tightening legal governance company-wide.
- Critical component in organization's simultaneous acquisition of seven new automobile dealerships in Arizona, the largest acquisition in company history.

Associate, LAW OFFICES OF VICKI J GREENE, BEVERLY HILLS, CA — 2009 to 2010

- Managed family law litigation cases for high volume, high net worth clientele, overseeing valuation of closely held companies, real estate, yachts and planes, and other assets.
- Developed and implemented HR policies to protect firm from potential expensive employment issues.
- Won appeal in the California Supreme Court to separate a closely held corporation during a high profile divorce case.
- Successfully oversaw resolution of highly-publicized grandparent visitation case.

Associate, LOBB, CLIFT & LESTER LLP, RIVERSIDE, CA — 2007 to 2009

- Managed corporate practice and estate planning services including research and evaluation of statutory and case law; client relationships; recommendations for client asset protection scenarios; corporation, limited liability company and partnership formation; operating agreements; and related services.
- Responsible for managing all aspects of litigation practice including research of statutory and case law; and preparation of complaints, motions, oppositions, subpoenas, and correspondence with opposing counsel.

Judicial Extern, THE HONORABLE DEAN PRICEERSON — 2007 to 2007

- Held full-time externship and developed knowledge of writing up opinions for the Judge, analyzing and responding to correspondence and statements, and front and back courthouse proceedings.

Various Roles, VENTURE DATA, SPOKANE, WA & SALT LAKE CITY, UT — 1995 to 2005

- Served as Quality Assurance Manager, Project Manager, Shift Manager and Phone Center Manager for fast-paced political calling center, supervising up to 300 employees and performing all recruitment, training, promotion, scheduling and reporting processes.

EDUCATION

SOUTHWESTERN LAW SCHOOL, LOS ANGELES, CA
JD (*SUMMA CUM LAUDE*), 2007

UNIVERSITY OF UTAH, SALT LAKE CITY, UT
BS, SOCIOLOGY/CRIMINOLOGY/BUSINESS, 2005

CERTIFICATION & TRAINING

LICENSED TO PRACTICE BY THE CALIFORNIA STATE BAR
LICENSED TO PRACTICE BY THE UTAH STATE BAR

BOARDS & ADVISORY

WOMEN LAWYERS OF UTAH
PRESIDENT

WOMEN LAWYERS OF UTAH
OUTREACH COMMITTEE CHAIR

THE ROAD HOME
BOARD OF TRUSTEES MEMBER

GIRL SCOUTS OF UTAH
BOARD OF TRUSTEES MEMBER

COLLEGE OF BEHAVORIAL SCIENCES, UNIVERSITY OF UTAH
BOARD MEMBER

NATIONAL AUTOMOBILE DEALER ASSOCIATION (FORMER)
COMMITTEE MEMBER

VARIOUS COMPANIES INVOLVED IN GENERAL CONSTRUCTION, ROCK QUARRY, RESTAURANTS, AUTOMOBILE
ADVISOR

GAIL MILLER WOMEN'S LEADERSHIP GROUP
CHAIR

NATIONAL ASSOCIATION OF DEALER COUNSEL
MEMBER

CALIFORNIA STATE BAR ASSOCIATION
MEMBER

UTAH BAR ASSOCIATION
MEMBER

AMERICA BAR ASSOCIATION
MEMBER

WOMEN LAWYERS OF UTAH
MEMBER

GIRL SCOUTS
OUTREACH TROOP LEADER/MEMBER

HONORS & AWARDS

UTAH BUSINESS 30 WOMEN TO WATCH, 2018
UTAH BUSINESS FORTY UNDER 40, 2018

Christy Abad

From: Ann Marie Taliaferro <ann@brownbradshaw.com>
Sent: Wednesday, March 21, 2018 5:52 PM
To: Christy Abad
Subject: Application for Nominating Commission
Attachments: resume2.pdf

Ms. Abad,

I am interested in applying for the opening on the Third District Trial Court Nominating Commission. I am an attorney in Salt Lake City and I have been practicing criminal defense and appellate advocacy since 2000. Although I have never officially registered with a political party, I identify myself as a Democrat.

Thank you for your consideration. A resume is attached.

Sincerely,

Ann Marie Taliaferro
Attorney
Brown, Bradshaw & Moffat
422 North 300 West
Salt Lake City, Utah 84103
(801) 532-5297

Ann Marie Taliaferro

422 North 300 West • Salt Lake City, Utah 84101• (801) 532-5297

Education

1997-2000
University of Utah College of Law, Salt Lake City, Utah
- Juris Doctor, 2000 (Utah State Bar #8776)
- Utah Law Review, 1998-2000: Staff Writer, Note & Comment Editor
- William H. Leary Scholar (Top 20%)
- National Trial Team, 1999-2000
- Teaching Assistant, Legal Research and Writing Program, 1999-2000
- Traynor Moot Court Competition, Semi-finalist, 1998-1999
- Student Bar Association Board of Governors, 1998-1999

1988-1994
University of Utah, Salt Lake City, Utah
- Bachelor Degree: English (B.A.)
- Bachelor Degree: Political Science (B.S., cum laude)
- Utah Secondary Education Teaching Certification
- TESOL Certification (Teaching English to Speakers of Other Languages)

Employment & Experience

February 2000- Present
Brown Bradshaw & Moffat, Salt Lake City, Utah
- Partner (July 2015-present); Attorney (October 2000-2015)

Experience: Criminal Defense and Appellate Practice. Practice areas include trial advocacy in misdemeanor, felony and capital defense in both state and federal court, appellate advocacy, and motion practice. Some experience with Board of Pardons and post-conviction relief. Some civil litigation including actions for civil rights violations and forfeiture defense.

January 1999– January 2000
Office of the Utah Attorney General, Salt Lake City, Utah
- Law Clerk, Division of Criminal Appeals

Experience: State Appellate Advocacy. Legal research and writing. Drafted portions of appellate briefs for supervising attorneys. In addition to general criminal appeals, researched post-conviction and capital cases.

May 1998– December 1998
United States' Attorney's Office, Salt Lake City, Utah
- Law Clerk, Criminal Division

Experience: Federal Motion Practice and Appellate Advocacy. Legal research and writing. Drafted portions of appellate briefs and federal district court trial motions for supervising appellate and trial attorneys.

1994-1997 (cont. into 2002)
Granite School District, Salt Lake City, Utah
- High School Teacher, Coach, and Water Fitness Instructor

Experience: Taught English, English as a Second Language and Swimming. Head coach for women's tennis team. Head coach for high school swim team. Volunteer coach for youth swim team. Taught night and weekend community water fitness classes, which continued into 2002.

Summer, 1993
Supreme Court of the United States, Washington D.C.
- Summer Intern, Office of the Curator

Experience: Gave tours and lectures to the public, school groups, and foreign dignitaries about the history and operation of the Court. Spoke to approximately four hundred guests per day.

Appellate & Post-Conviction Advocacy

* positive treatment/result

State Appeals

- *State v. Bush*, 2001 UT App 10*
- *State v. Washington*, 2001 UT App 294
- *State v. Shapiro*, 2002 UT App 28
- *State v. Penn*, 2004 UT App 212*
- *Hatch v. Davis*, 2004 UT App 378
- *CCD, L.C. v. Millsap*, 2005 UT 42
- *State v. Tiscareno*, 2005 UT App 176*
- *Hatch v. Davis*, 2006 UT 44*
- *State v. Hales*, 2007 UT 14*
- *Archuleta v. Galetka*, 2008 UT 76*
- *State v. Gallegos*, 2009 UT 42
- *State v. Holt*, 2010 UT App 138, *overruled*
- *Acor v. Salt Lake City School Dist.*, 2011 UT 8*
- *State v. Bair*, 2012 UT App 106*
- *State v. Pinn*, No. 20140730-CA (stipulated reversal)*
- *State v. Reigelsperger*, (Utah App.) (*pending*)
- *Savely v. Utah Highway Patrol and Utah Dept. Pub. Safety*, (UT) (*pending*)
- *State v. McNair*, Case No. 20170504-CA (*pending*)
- *State v. McNair*, Case No. 20170585-CA (*pending*)

Federal Appeals

- *U.S. v. Berrocal*, 232 F.3d 902 (10th Cir. 2000)
- *U.S. v. Barbieri*, 43 Fed.Appx. 367 (10th Cir. 2002)*
- *U.S. v. Evans*, 44 Fed.Appx. 449 (10th Cir. 2002)
- *U.S. v. Fiscus*, 64 Fed.Appx. 157 (10th Cir. 2003)*
- *U.S. v. Lang*, 405 F.3d 1060 (10th Cir. 2005)*
- *U.S. v. Moyer*, 247 Fed.Appx.996 (10th Cir. 2007)
- *U.S. v. Egbert, et.al*, 562 F.3d 1092 (10th Cir. 2009)*
- *U.S. v. Garcia-Pena*, 17 Fed.Appx. 763 (10th Cir. 2009)
- *U.S. v. Fraker*, 402 Fed.Appx. 332 (10th Cir. 2010)
- *U.S. v. Banuelos Barraza*, 639 F.3d 1262 (10th Cir. 2011)
- *U.S. v. Strasser*, 445 Fed.Appx. 109 (10th Cir. 2011)
- *U.S. v. Augustine*,742 F.3d 1258 (10th Cir. 2014), *cert. denied.*
- *U.S. v. Adams* , 588 Fed.Appx. 811(10th Cir. 2014)*
- *U.S. v. Wiseman*, 749 F.3d 1191 (10th Cir. 2014)
- *U.S. v. Zar, et.al*, 790 F.3d 1036 (10th Cir. 2015), *reh'ing en banc denied; cert. denied.*
- *U.S. v. Pawleski, et.al*, 651 F.App'x 750 (10th Cir. 2016), *reh'ing en banc denied; cert. denied.*
- *United States ex. rel. Brandon Barrick v. Parker-Migliorini International, LLC; et.al*, Case No. 16-4136 (*pending*)

Post-Trial Motions and Post-Conviction

- *State v. Truman*, Fourth Judicial Court-Provo, State of Utah, No. 131402075* (Co-counsel) (homicide conviction; client convicted at first trial represented by different counsel; motion for new trial filed; motion for new trial granted; represented client in new trial proceedings which included two denied requests for interlocutory appeal from denial of motion for bail and motion to disqualify judge; client ultimately acquitted February 2017 upon retrial before a jury);
- *United States v. Adams*, United States District Court, District of Utah, No. 2:08-CV-0774* (Counsel) (drug conspiracy convictions; client convicted and sentenced to life in prison represented by different counsel; appointed to file/amend federal post-conviction petition; relief on Tenth Circuit post-conviction appeal; relief granted in district court on remand; life sentence vacated and defendant re-sentenced; defendant released 2016);
- *United States v. Sanders*, United States District Court, District of Utah, Crim. No. 1:14-CR-00016 (Co-counsel) (appointed to file federal post-conviction petition; petition denied);
- *United States v. Canaday*, United States District Court, District of Utah, Crim. No. 2:15-CR-00010 (Co-counsel) (appointed to file federal post-conviction petition; petition voluntarily withdrawn);
- *State v. Henry*, Sixth Judicial Court-Manti, State of Utah, No. 121600011 (Counsel) (felony theft conviction; client convicted at first trial represented by different counsel; motion to arrest judgment filed) (*pending*);
- *McNair v. State*, Third Judicial Court-Salt Lake County, State of Utah, No. 100901725 (Counsel) (felony rape conviction in 2006; client pleaded guilty represented by different counsel; client represented by different post-conviction counsel initially; filed amended state post-conviction petition, motion to reinstate time to appeal, and motion to correct illegal sentence; petition and motions denied, appeals pending);
- *State v. Thomas*, First Judicial Court-Cache County, State of Utah, No. 101101205* (Co-counsel) (felony sex abuse conviction; client convicted at trial represented by different counsel; motion to arrest judgment filed; motion granted; case resolved during new trial proceedings and client given credit for time served);

- *Holt v. State*, Third Judicial Court-Salt Lake County, State of Utah, No. 100925793* (Co-counsel) (state post-conviction petition filed; stipulation by State to requested remedy);
- *State v. Larrabee*, Fifth Judicial Court-Washington County, State of Utah, No. 091500718 (Co-counsel) (Felony sexual abuse of a child conviction; served as trial counsel; filed motion to arrest judgment; motion denied; new appellate counsel won reversal on appeal);
- *Jones v. State*, Second Judicial Court-Weber County, State of Utah, No. 060906864* (Co-counsel) (state post-conviction petition filed; relief ultimately obtained by pardon);
- *State v. Tiscareno*, Third Judicial Court-Summit County, State of Utah, No. 031500228* (Co-counsel) (felony child abuse conviction - "shaken baby" case; client convicted at first trial represented by different counsel; motion to arrest judgment filed; motion granted; acquitted on retrial);
- *West Valley City v. Phillips*, Third Judicial Court-West Valley, State of Utah, No. 021110123* (Counsel) (misdemeanor assault conviction; client convicted at first trial represented by different counsel; motion for new trial filed; motion granted);
- *State v. Penn*, Seventh Judicial Court-Moab, State of Utah, No. 021700243* (Co-counsel) (felony controlled substance conviction; motion for new trial; relief on direct appeal);
- *Dexter v. Friel*, Second Judicial Court-Davis County, State of Utah, No. 010700474 (Co-counsel) (state post-conviction petition filed);
- *State v. Hales*, Third Judicial Court-Salt Lake County, State of Utah, No. 001903783* (Co-counsel) (murder conviction - "shaken baby" case; client convicted at first trial represented by different counsel; motion for new trial filed; relief on direct appeal; case dismissed upon remand by appellate court).

Professional Affiliations, Committees & Memberships

Utah Association of Criminal Defense Lawyers
- Member, 2000-present
- Board of Directors, October 2017-present
- Amicus Committee Member, 2005-May 2011
- CLE Committee Member, 2005-2008

Rocky Mountain Innocence Center, Case Oversight Committee
- Committee Member, April 2016-present

Experience: Review petition requests and potential cases for litigation presented by students working with the Rocky Mountain Innocence Center.

American Inns of Court, Aldon J. Anderson Inn of Court
- Member, January 2016-present

Utah Supreme Court Advisory Committee, Utah Rules of Appellate Procedure
- Appointed Member, October 2011-present

Experience: Review Utah Rules of Appellate Procedure and make recommendations for additions and changes to the Utah Supreme Court.

Tenth Circuit Court of Appeals, CJA Standing Committee
- Appointed Member, 2009-October 2016

Experience: Review applications for appointment to the Tenth Circuit appellate panel. Serve as liaison between appointed Utah panel attorneys and the federal appellate court.

Tenth Circuit Court of Appeals, CJA Appellate Panel

- Appointed Panel Attorney, March 2007-present

  Experience: Litigate criminal appeals as assigned under the Criminal Justice Act by the Tenth Circuit Court of Appeals for indigent appellants located in any federal district in the Tenth Circuit.

National Association of Criminal Defense Lawyers

- Member, 2000-present

Professional Recognitions

- Distinguished Service Award, Utah Association of Criminal Defense Lawyers, October 2016
- Distinguished Service Award, Utah Association of Criminal Defense Lawyers, September 2013
- Legal Elite (Criminal Law), Utah Business, January 2011
- Up and Coming Legal Elite, Utah Business, January 2010
- Mountain States Rising Stars, Super Lawyer, 2010
- Up and Coming Legal Elite, Utah Business, January 2009
- Mountain States Rising Stars, Super Lawyer, 2009

Publications, Presentations, Volunteer Activities

Publications

- *Respectfully Judge: We Disagree (the Defender Version)*, Defender Newsletter (Fall 2013)
- *Respectfully Judge: We Disagree*, 26 UTAH BAR JOURNAL No. 34 (July/Aug 2013)
- *Recent Developments in Criminal Investigation and Discovery: Access, Disclosure and Use of Information in the Criminal Defense Realm*, 19 UTAH BAR JOURNAL No. 5 (Sept/Oct 2006)
- Note, *"Disability Status" for Asymptomatic HIV? Pondering the Implications, Unanswered Questions, and Early Application of Bragdon v. Abbott*, 1999 UTAH L. REV. 755
- Development, *Parental Presumption Incompatible with Utah's Child Abuse, Neglect, and Dependence Statutory Scheme*, 1998 UTAH L.REV. 644

Presentations

- Presentation: Salt Lake Legal Defender's Association, "Lessons Learned from *State v. Truman*" (April 19, 2017)
- Presentation: UACDL, "Criminal Motion Practice: Filing and Winning Essential Motions" (October 23, 2012)
- Presentation: 2008 New Lawyer CLE: "A Day in the Life of a Peon: What You Should Expect & What You Shouldn't Stand For As An Associate" (May 22, 2008) (co-presenter)
- Presentation: 2007 UACDL Annual Seminar- Case Law Update (March 31, 2007) (compiled written material)
- Presentation: 2006 CLE Luncheon: "Basics of Criminal Law for the Non-Criminal Lawyer" (Nov. 15, 2006)
- Presentation: 2006 UACDL Annual Seminar: "Case Law Update" (April 22, 2006)

Volunteer

- Attorney/Coach, High School Mock Trial Competition
- New Lawyer Mentor
- Judge Mock Trial Competitions
- "Ghost-Write" Legal Memoranda and Appellate Briefs for Colleagues
- Tuesday Night Bar, 2002

Personal

Husband and two cats. Used to dabble in gardening, painting, swimming, teaching water fitness classes, running marathons, hiking and other outdoor activities. In reality, haven't had a hobby for years!

Christy Abad

From: benevento.bryon@dorsey.com
Sent: Thursday, March 22, 2018 11:57 AM
To: Christy Abad
Subject: Nomination Commission
Attachments: CV.htm

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 Committee. I would be honored to continue my service to the Bar on the Judicial Nomination Committee. I am not a member of either political party. Instead, I hold myself out as independent.
Thank you,

Bryon Benevento
Dorsey & Whitney LLP
111 S Main Street
Suite 2100
SLC, Utah 84111

DORSEY always ahead

Bryon Benevento

Partner
Dorsey & Whitney LLP
111 South Main Street, Suite 2100
Salt Lake City, UT 84111-2176
(801) 933-8958
benevento.bryon@dorsey.com

COMPANIES TURN TO BRYON BENEVENTO TO PROTECT THEIR PRODUCTS, THEIR INTELLECTUAL PROPERTY, AND THEIR REPUTATIONS WHEN THREATENED BY LITIGATION.

Bryon's practice is focused on product liability defense, IP litigation, construction defects, and commercial disputes. When they work with Bryon, clients receive the legal acumen of a very experienced litigator – he has tried cases to verdict in Utah, California, New Mexico, Washington, Idaho and Texas and has appeared in both federal and state courts in 29 states.

Bryon's product liability experience includes wrongful 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 secrets, Lanham Act and copyright matters. His construction defect experience includes highway design, resort construction and material liens. Finally, Bryon has extensive commercial litigation experience including breach of contract, business torts, shareholder disputes, ERISA, anti-trust and others.

Representative Work

- Successfully represented various medical device manufacturers 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 practices disputes pertaining to product efficacy claims, labeling claims, and marketing practices.
- Successfully represented various medical providers in multiple reimbursement actions and benefit disputes involving UCR charges, single patient agreements, plan benefits determinations, medical necessity claims, and breach of provider services contracts.
- Successfully represented automotive manufacturers and component part suppliers in voluntary recall campaigns overseen by NHTSA and Transport Canada.
- Successfully represented an international software development company in injunctive proceedings and contract actions against five European businesses valued in excess of $10 million.
- Secured jury verdicts in favor of automotive manufacturers and recreational vehicle manufacturers in product liability cases involving claims of defective restraints, tires, door latch systems, roofs, and stability and handling.

DORSEY always ahead

- Successfully represented companies, directors and officers in claims brought by current and former shareholders for securities fraud, breach of fiduciary duties, theft of corporate opportunities, and conflicts of interest.
- Successfully represented companies accused of patent, copyright and trademark infringement.
- Successfully represented companies sued for construction defects including developers, owners and contractors of highway, resorts and apartment complexes.

Admissions

- U.S. Supreme Court
- U.S. District Court of New York, Southern Division
- U.S. District Court of Utah
- U.S. District Court of Washington
- State of New York, Supreme Court
- State of Utah, Supreme Court
- State of Washington, Supreme Court
- U.S. Tax Court
- New York
- Utah
- Washington

Honors

- Listed in Best Lawyers in America©, Personal Injury Litigation (Defendants), Product Liability Litigation (Defendants), 1997-2018
- Named one of "America's Leading Business Lawyers," by Chambers USA (Litigation: General Commercial), 2009-2015, 2017
- Listed as a New York Super Lawyer, 2016-2017
- Listed as a Salt Lake City Super Lawyer, 2009-2014
- Listed as a Mountain States Super Lawyer, 2009-2014
- Utah Business Elite: Business Litigation (2009-2011), Civil Litigation (2012, 2014-2015, 2018), Utah Business Magazine
- Recognized as a "Local Litigation Star – Utah" by Benchmark Litigation, 2013-2018

Education

- University of Utah, S. J. Quinney College of Law (J.D., 1988), Note and Comment Editor, *Journal of Contemporary Law; Journal of Energy Law & Policy;* William H. Leary 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 2016

DORSEY always ahead

- International Association of Defense Counsel, Member
- Utah Defense Lawyers Association, Member
- State Bar of Utah
- Character & Fitness Committee, Member and Past Chair
- New York State Bar Association, Member
- New York City Bar Association - Resident Member
- American Inns 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)
- *Spoliation 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 2008)
- *Impact of KSR*, Tri-State Federal Bar Convention (Fall 2007)

Articles

- Passive Trademark Licensor Held Not Liable for Product Defect, March 31, 2016
- "How to Protect Your Brand from Counterfeiting," Liability Desk, April 7, 2015

Christy Abad

From: Kent F. Davis <KFDavis@slco.org>
Sent: Wednesday, March 28, 2018 1:10 PM
To: Christy Abad
Subject: Third Judicial District Nominating Commission
Attachments: KFD CV - March 2017.pdf

Kindly see attached for my resume. I am politically independent (registered as unaffilinated).

--
Kent F. Davis
Deputy District Attorney, Major Crimes Unit
Salt Lake County District Attorney's Office
35 East 500 South
Salt Lake City, Utah 84111
Office: (385) 468-7672
Cell: (801) 703-8461
Fax: (385) 468-7787

KENT F. DAVIS

(520) 465-3245 | 1740 Blaine Avenue, Salt Lake City, Utah 84108 | [illegible]@gmail.com

Summary Detail-oriented and results-focused attorney with emphasis in felony-level criminal trial litigation. Proven track record in a dynamic and fast-paced environment. United State Army veteran with a prior TS/SCI security clearance. Recipient of multiple awards for outstanding performance and professionalism, including a Bronze Star Medal.

Legal Experience

Salt Lake County District Attorney's Office — Salt Lake City, Utah, 2/17 – Present
Deputy District Attorney – Major Crimes Unit
- Trial conviction rate over 66% for violent and non-violent felonies.
- Average case load of over 100 open felonies.

Pima County Legal Defender's Association — Tucson, Arizona, 4/16 – 2/17
Assistant Legal Defender – Felony Trial Team
- Average case load of over 50 open felonies.

United States Department of Justice — Florence, Arizona, 9/14 – 3/16
Attorney Advisor – Executive Office of Immigration Review
- Hired pursuant to the Attorney General's Honors Program.
- Advised Immigration Judges in matters of administrative, criminal, and constitutional law.
- Affirmance rate over 95%.

United States District Court – District of Arizona — Phoenix, Arizona, 10/13 – 9/14
Law Clerk – Senior District Judge Stephen McNamee
- Emphasis on complex litigation and cases involving contracts or intellectual property.

United States Court of Appeals – Ninth Circuit — Honolulu, Hawaii, 5/12 – 8/12
Summer Extern – Circuit Judge Richard Clifton
- Drafted pre-hearing memoranda and post-hearing dispositions.

Oregon Supreme Court — Salem, Oregon, 1/12 – 5/12
Spring Extern – Chief Justice Paul J. De Muniz
- Authored memoranda concerning discretionary jurisdiction and assisted drafting opinions.

United States District Court – District of Oregon — Portland, Oregon, 8/11 – 12/11
Fall Extern – Senior District Judge Robert Jones
- Drafted orders for prisoner civil rights claims and habeas petitions.

United States District Court – District of Arizona — Phoenix, Arizona, 5/11 – 8/11
Summer Extern – Senior District Judge Stephen McNamee
- Drafted orders for administrative review, contract, and patent actions.

Education

University of Oregon School of Law — Eugene, Oregon, 8/10 – 5/13
Juris Doctor
- Editor-in-Chief of Oregon Review of International Law, 2012–13.
- Winner of 2012 intraschool mock trial competition.

University of Arizona — Tucson, Arizona, 8/01 – 5/05
Bachelor of Science in Chemistry
- Conducted graduate level research in organic chemistry.
- Served as president of Phi Delta Theta Fraternity, Arizona Alpha chapter.

KENT F. DAVIS

Volunteer Service

Old Pueblo Community Services — Tucson, Arizona, 10/16 – 2/17
Board Member
- Non-profit combating homelessness with annual budget in excess of $3,000,000.

Ninth Circuit Pro Bono Program — Tucson, Arizona, 1/15 – 8/16
Pro Bono Counsel
- Represented state inmate in appeal of complex civil rights action and subsequent trial.

Military Service

United States Army — Multiple Locations, 6/05 – 8/10
Enlisted – Military Intelligence Sergeant *Officer – Infantry Captain*
- Deployed twice in support of Operation Iraqi Freedom – 2006 and 2009.
- During second deployment, oversaw counter-insurgency operations in an area with more than 250,000 Iraqis and the country's largest oil refinery. Additional responsibilities included training over 700 Iraqi Police, restoring physical and financial infrastructure, promoting governance, and maintaining equipment valued at several million dollars.

Publications

Comment, *Costs of Freedom: New Institutional Comparison of China's and the U.S.'s Response to the Financial Collapse*, 15 OR. REV. INT'L L. 167 (2013).

Comment, *The Symbiosis Between Free Banking and Individual Liberty*, 4 MONETARY ECON. E-J., Jul. 19, 2012, at 1.

Comment, *Cruel and Unusual Punishment for Whom? Advocating the Imposition of Penile Plethysmography and Chemical Castration as Conditions of Supervised Release for Habitual Child Sex Offenders*, 7 CORR. & SENT'G L. & POL'Y E-J., Jun. 7, 2012, at 1.

Bar Admissions

Supreme Court of Utah	No. 14625
Supreme Court of Arizona	No. 031278
Supreme Court of Washington	No. 48808
Ninth Circuit Court of Appeals	
United States District Court for the District of Arizona	

Security Clearances

Secret	2/11 – 2/16
Top Secret – Sensitive Compartmented Information	2/06 – 2/11

Recognition

Michael A. Johnston Memorial Award	5/13
Presidential Management Fellowship Finalist (5% selection rate)	4/13
Tillman Military Scholar (5% selection rate)	6/12

Military awards and achievements include the: Bronze Star, Ranger tab, Combat Infantryman's Badge, Parachutist Badge, Army Commendation Medal, and the Good Conduct Medal.

Interests Triathlons, marathons, skiing, computer programming and cryptography, political philosophy, chess, and scuba diving.

Christy Abad

From: mark@jolleyandjolley.com
Sent: Thursday, March 22, 2018 9:58 AM
To: Christy Abad
Subject: Third District Court Nominating Commission
Attachments: Mark Hales Resume.pdf

Here is my resume for the Third District Court Nominating Commission. I am politically Independent

Mark R. Hales
Jolley and Jolley
37 West 9000 South
Sandy, UT 84065
801-495-1442 (Phone)
801-495-1444 (Fax)

Mark R. Hales

markhales@gmail.com

Education

Juris Doctorate, J. Reuben Clark Law School, Brigham Young University — **April 2003**
Bachelor of Science, Planning and Resource Management, Brigham Young University — **April 2000**

Leadership

- Member and Legal Advisor of American Samoa's HIV/AIDS Prevention Committee, 2006-2007
- Instructor at the American Samoa Police Academy on the topics of Criminal Law and Procedure, 2007
- Creator and Director of the American Samoa legal externship program, placing and supervising law students, 2006-2007
- Board of Directors, Camp Kostopulos, November 2014-September 2017
- Executive Officer, Boy Scout Troop 588, West Valley City, Utah, 2010-2012

Publications and Presentations

Government

- American Samoa Attorney General's District Court Manual (2006)
- The 2000 Holden City, Utah, Zoning Ordinance (co-author)
- The 1999 Riverton City, Utah, General Plan (co-author)

Books, Articles, and Abstracts

- *Stretch Forth Thy Hand: The Symbolism of the Hand found in the Gospel* (self-published book)
- *B.U.M.P.: Build Unto My Perfection* – Overcoming life's challenges (self-published book)
- *The Grass Ain't Blue in Georgia – The Story Behind the BCS Controversy*, article co-author
- "Our Constitutional Rights and Obligations as United States Citizens and Nationals," article
- "The Antitrust Issues of NCAA College Football within the Bowl Championship Series," *10 Sports Law. J. 97 (2003)*
- "Antitrust Issues of the BCS: A Study of the Bowl Championship Series and Other Bowl Associations That Have Led To a Decade of Bamboozle, Corruption, and Sham Within NCAA I-A College Football," www.bcsarbs.com
- "College Football 16 Team Playoff System Initiative," Flier for CF-16 given to NCAA universities (co-author)
- E.V. Dassow, "Introducing the Witnesses in Neo-Babylonian Documents," Robert Chazan and others (eds.), *Kibarech Hai: Ancient Near Eastern Biblical and Judaic Studies in Honor of Baruch A. Levine. Jewish Law Annual*, vol. 15, abstract

Presentations

- "Effective Representation Regarding Contempt in Divorce Cases" (May 2017)
- "Seeking Cumorah" (April 2000)

Accomplishments

Professional

- Member of the Family Law Section and Parental Defense Alliance of the Utah State Bar
- Court-Qualified Mediator, 2012-present
- Member of the Utah State Bar Examiner Committee, July 2012- present
- Legal expert and guest for the television show, *Divorce: The Talk Show*, filmed October 21, 2011
- Creator, executive producer, and judge of *Conflict of Justice*, a TV pilot, 2014
- Creator and executive producer of *Mafia*, a TV pilot, 2005
- Member of the Utah Bar, American Samoa Bar, and U.S. District Court of Utah and the District of Columbia
- Executive Committee Member and Legal Adviser for BCS Busters and CF-16 Coalition, both national campaigns
- Inaugural "Geography Student of the Year," Brigham Young University, 1999-2000
- President of BYU's Gamma Theta Upsilon, International Geography Honor Society, 1999-2000
- Vice President of BYU's Geography Club, 1999-2000

Personal

- Concealed Firearm Permit
- Ham radio license operator and voluntary examiner- KG7ZUL (Amateur Extra)
- Board of Adjustments Member, Bluffdale City, Utah, January 2017 – January 2018
- Board of Adjustments Member, West Valley City, Utah, 2010-2012
- Assistant high school football coach for the Pac-5 Saints (2006) and Marist Crusaders (2007), Leone, American Samoa
- Member of the American Samoa National Baseball and Softball teams for the 2007 South Pacific Games
- Regular guest and contributor for "Samoan Sunrise" on KHJ radio 93.1 FM and TV Channel 13, American Samoa
- Acted in seven movies ("Bacon Number" is 2) and three musicals
- Authored, performed, and recorded "The Samoan Twelve Days of Christmas," on the ukulele
- Certified open water SCUBA diver and VIP diver for the National Parks Service of American Samoa
- Helped set a Guinness World Record for the most leap frogs (1988) on a leap day, February 29, 1988

Mark R. Hales

801.907.5588 — 1651 West 14600 South, Bluffdale, UT 84065 — markhales@gmail.com

Employment

Full-Time Positions

Senior Attorney, Mediator, and Private Guardian *Ad Litem*: Jolley & Jolley, Sandy, Utah — **October 2007 – Present**
Assistant Attorney General: Pago Pago, American Samoa — **April 2006 – October 2007**
Attorney: Law Office of Mark R. Hales, Orem, Utah — **April 2003 – April 2006**

Other Positions

Administrative Law Judge (*Alternate*): West Valley City, Utah — **August 2012 – Present**
Small Claims Court Judge: Third District & Justice Courts, Utah — **May 2009 – Present**
Pro Bono Attorney/Mediator: Domestic pro se calendar, Third District Court — **January 2015- present**
Pro Bono Attorney: Utah Legal Services, Provo, Utah — **September 2004 – December 2004**

Legal Proficiencies

Domestic and Juvenile Law

- Represented clients throughout all stages of domestic matters
- Prosecutor over juvenile adjudicatory hearings
- Parental defense counsel in Juvenile Court matters regarding termination of parental rights
- Represented clients in obtaining and defending protective orders
- Represented clients before Administrative Law Judges challenging findings of abuse and neglect
- Handled matters assisting and preventing adoptions

Alternative Dispute Resolution

- Certified mediator with the Utah courts for all legal matters, including expertise in divorce and domestic violence
- Participated in hundreds of mediations as an attorney or mediator

Criminal Law

- Former prosecutor and defense counsel involving felonies (including murder), misdemeanors, and infractions
- Appeared at Board of Pardons and Parole Hearings
- Instructor at the American Samoa Police Academy on Criminal Law and Criminal Procedure
- Collaborated with the Federal Bureau of Investigation and the Federal Bureau of Prisoners

Administrative Law, Government Agency and Civil Litigation

- General civil litigation matters as an attorney and Small Claims Court Judge
- Presided as an Administrative Law Judge
- Represented governmental and quasi-governmental departments, boards, fire departments, and hospitals
- Provided legal opinions to a governor, numerous municipal agencies/boards and directors, and a community college
- Investigated and prosecuted government corruption
- Represented clients before administrative judges and hearing officers

Consumer Product Protection

- Deputy Director of Consumer Protection
- Investigated violations of the Commerce section of the American Samoa Consumer Code
- Informed the public of consumer protections and potential frauds and scams
- Enforced the authority of the Consumer Protection Investigator

Civil Rights and Immigration Compliance and Enforcement

- Fought to protect civil rights and liberties of minorities, including those that were incarcerated
- Investigated and prosecuted immigration abuse and misuse
- Interpreted and applied American Samoa's unique Immigration Code
- Worked with immigration departments of Fiji, Kiribati, Vanuatu, Samoa, New Zealand, Panama, and the United States
- Assisted the Church of Jesus Christ of Latter-day Saints in acquiring visas for their missionaries

Land Use Compliance and Development, Zoning, and Environmental Law

- Administrative Law Judge and former zone enforcer, land use planner, and transportation planner
- Handled various land use and zoning matters, including enforcement, prosecution, and development
- Wrote briefs and motions for the trial and appellate courts on land use and zoning matters

Business Law and Entertainment Law

- Creator, executive producer, and legal counsel for production companies and television/film projects
- Provided legal counsel for several Utah production companies and theaters
- Reviewed and drafted contracts, lease agreements, articles of incorporation, partnerships, and business proposals

Christy Abad

From: Ryan Holtan <rholtan@agutah.gov>
Sent: Wednesday, March 21, 2018 4:20 PM
To: Christy Abad
Subject: re: Third Judicial District Nominating Commission
Attachments: Ryan Holtan 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. Holtan
Assistant Attorney General
Internet Crimes Against Children Section
Justice Division| Utah Attorney General's Office
160 East 300 South, 5th Floor
Salt Lake City UT 84114
Phone: 801-366-0183
E-mail: rholtan@agutah.gov

RYAN N. HOLTAN
1234 S. Lyman Ct. Salt Lake City, UT 84105
(C) 801-946-6527 · rholtan@agutah.gov

Political Affiliation: Independent

LEGAL EXPERIENCE

Utah Attorney General's Office
Assistant Attorney General, 2017 – Current
- Criminal prosecutor ICAC division

Pearson, Butler & Carson, PLLC
Partner, 2016 – 2017
Trial Attorney, 2012 – 2017
- Head of the criminal practice group for the firm
- Handled all major criminal cases from onset through trial

Rammell Law, PLLC
Associate, 2011 –2012
- Independently managed a large criminal defense caseload
- Handled criminal cases from arraignment through trial

Beatty & Wozniak P.C.
Associate, 2010 – 2011
Law Clerk, 2009 – 2010
- Determined title and ownership of mineral interests for private, state, and federal oil and gas leases
- Handled probate, administrative, and natural resource law issues

Salt Lake County District Attorney's Office
Intern, 2009 – 2010
- Prosecuted misdemeanor cases
- Handled jury trials, preliminary hearings, pretrial motions, as well as witness and victim communication

EDUCATION

University of Utah S.J. Quinney College of Law
Juris Doctor, 2010
- Awarded Technology Merit Scholarship 2007
- 2nd Place Brief, Traynor Moot Court Competition
- Bar Review Commissioner

Montana State University
B.A. Political Science, 2006
- Awarded Western Undergraduate Exchange Scholarship
- Montana State Honors College
- Official Presenter, National Conference on Undergraduate Research 2007

Christy Abad

From: Jess Krannich <jkrannich@mc2b.com>
Sent: Wednesday, March 21, 2018 3:50 PM
To: Christy Abad
Subject: Third District Judicial Nominating Commission
Attachments: 01692298.PDF

Christy,

I'm writing to apply for the open position on the Third District Judicial Nominating Commission. I'm 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. Krannich
MANNING CURTIS BRADSHAW & BEDNAR PLLC
136 East South Temple, Suite 1300, Salt Lake City, UT 84111
+1-801-303-0034 (direct) | +1-801-364-5678 (facsimile)
jkrannich@mc2b.com | www.mc2b.com

JESS M. KRANNICH
MANNING CURTIS BRADSHAW & BEDNAR, PLLC
136 EAST SOUTH TEMPLE, SALT LAKE CITY, UT 84111
(801) 363-0034 (OFFICE) (312) 375-0430 (MOBILE)
JKRANNICH@MC2B.COM

SUMMARY

Partner with substantial trial and arbitration experience in multiple practice areas, including complex commercial disputes, business fraud, securities class action and shareholder derivative matters, professional malpractice (accountant liability), bankruptcy, products liability and intellectual property

PROFESSIONAL EXPERIENCE

Manning Curtis Bradshaw & Bednar, PLLC, Salt Lake City, UT
Partner, 2012 - Present

- Trial counsel to largest international fast-food franchising corporation in case involving allegations of breach of contract, fraud, unjust enrichment, and other claims. Trial team won directed verdict following five-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.
- Plaintiffs' counsel for international, Utah-based entity in case involving breaches of contract and trade secret violations by former high-level employees. Obtained temporary restraining order and permanent injunction.
- Litigation 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.
- Plaintiffs' 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 intellectual property portfolio company.
- Defense counsel to technology startup companies in patent infringement action.

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.

Kirkland & Ellis LLP, Chicago, IL
Associate, 2005 - 2006, 2007 - 2011; Partner, 2011 - 2012

- 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. Obtained award of no liability and zero damages following four-week arbitration.

JESS M. KRANNICH
MANNING CURTIS BRADSHAW & BEDNAR, PLLC
136 EAST SOUTH TEMPLE, SALT LAKE CITY, UT 84111
(801) 363-0034 (OFFICE) (312) 375-0430 (MOBILE)
JKRANNICH@MC2B.COM

- Counsel to Fortune 500 technology company in multiple class action securities fraud and related shareholder derivative actions. Successfully moved to dismiss several cases with prejudice following amendments to operative complaints. Negotiated highly favorable settlement in securities fraud action alleging $1.3 billion in damages on eve of trial.
- Defense counsel to Fortune 500 telecommunications corporation in lawsuit involving allegations of patent infringement, correction of inventorship, breach of contract and fraud. Obtained summary judgment following five years of litigation, including interlocutory appeal to Federal Circuit.
- Trial counsel to Big Four accounting firm in action involving alleged improper valuation of healthcare conglomerate purchased by plaintiff. Successfully moved for summary judgment on some claims and prevailed on remaining claims following jury trial, resulting in verdict of zero liability.
- Lead litigation counsel for international automotive parts manufacturer in various post-bankruptcy actions. Successfully obtained dismissal of multiple actions in state and federal court against both pre- and post-bankruptcy entities.
- Appointed by Seventh Circuit Court of Appeals as lead counsel to represent pro bono clients in two appeals involving significant issues of constitutional and criminal law.
- Member of Recruiting Committee, responsible for on-campus interviewing and committee decisions regarding law student and lateral hiring.

Judge Joan B. Gottschall, U.S. District Court, Northern District of Illinois, Chicago, IL
Law Clerk, 2006-07

- Drafted orders and opinions in both civil and criminal cases.
- Assisted with preparation for all aspects of civil and criminal trials and hearings, including voir dire, motion arguments, evidentiary hearings, and sentencings.
- Responsible for managing docket, both generally and for individual cases.

Chief Justice Christine M. Durham, Utah Supreme Court, Salt Lake City, UT
Law Clerk, 2006

- Drafted majority and dissenting opinions in various areas of civil and criminal law.
- Assisted with preparation for oral argument.

EDUCATION

University of Utah, S.J. Quinney College of Law, Salt Lake City, UT
Juris Doctor, 2005

- Top 5%, class of 2005; Order of the Coif.
- UTAH LAW REVIEW, Articles Editor.
- National Moot Court Competition: Region XI Champion and National Finalist team.
- Traynor Moot Court Competition: First Place; Best Brief; Best Oralist.
- CALI Awards (highest grade in course): Lawyering Skills and Corporate Theory.

JESS M. KRANNICH
MANNING CURTIS BRADSHAW & BEDNAR, PLLC
136 EAST SOUTH TEMPLE, SALT LAKE CITY, UT 84111
(801) 363-0034 (OFFICE) (312) 375-0430 (MOBILE)
JKRANNICH@MC2B.COM

- College of Law Outstanding Achievement Awards: Contracts, History of the Law, Land Use Control, and Federal Income Tax.
- S.J. Quinney College Council 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 - 2016).
- Jess M. Krannich, *In Dedication to Chief Justice Christine M. Durham*, 75 U. Albany L. Rev. 101 (2012).
- Jess M. Krannich, James R. Holbrook & Julie McAdams, *Beyond "Thinking Like a Lawyer" and the Traditional Legal Paradigm: Toward a Comprehensive View of Legal Education*, 86 DEN. U. L. REV. 381 (2009).
- Lecturer, University of Utah, S.J. Quinney College of Law: Lawyering Skills (Spring 2008); Effective Interviewing and Counseling (Fall 2005).
- Jess M. Krannich, *A Modern Disaster: Agricultural Land, Urban Growth, and the Need for a Federally Organized Comprehensive Land Use Planning Model*, 16 CORNELL J. L. & PUB. POL'Y 57 (2006).
- Lecturer, Loyola University Chicago School of Law: The Theory of Corporate Constitutional Rights (Spring 2006).
- Jess M. Krannich, *The Corporate "Person": A New Analytical Approach to a Flawed Method of Constitutional Interpretation*, 37 LOYOLA UNIV. CHICAGO L. J. 61 (2005).
- Jess M. Krannich, *A Defendant Has a Right to Seek Capital Punishment*, 2004 UTAH L. REV. 173 (2004).

ADMISSIONS

- Utah State Bar, 2013 - present.

JESS M. KRANNICH
MANNING CURTIS BRADSHAW & BEDNAR, PLLC
136 EAST SOUTH TEMPLE, SALT LAKE CITY, UT 84111
(801) 363-0034 (OFFICE) (312) 375-0430 (MOBILE)
JKRANNICH@MC2B.COM

- 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)
- David K. Watkiss – Sutherland II Inn of Court (2013-present).
- Recipient, Kirkland & Ellis LLP Pro Bono Service Award (2009, 2010, 2011).
- UTAH LAW REVIEW Alumni Board, 2006 - 2010.
- Public Interest Law Initiative (Chicago) Fellow, Summer 2005.

Christy Abad

From: Michael P. Petrogeorge <MPetrogeorge@parsonsbehle.com>
Sent: Monday, March 26, 2018 10:25 PM
To: Christy Abad
Subject: Application for Third District Trial Court Nominating Commission
Attachments: MPP Resume 2018.DOC

Ms. Abad,

Please accept my resume and application for the Third District Trial Court Nominating Commission. I am a registered Independent.

Thanks,

Mike

PARSONS BEHLE & LATIMER
A Professional Law Corporation

Michael P. Petrogeorge • Attorney at Law • Admitted In Utah and Washington
Parsons Behle & Latimer
201 South Main Street, Suite 1800 • Salt Lake City, Utah 84111
Main 801.532.1234 • Direct 801.536.6899 • Fax 801.536.6111

parsonsbehle.com • MPetrogeorge@parsonsbehle.com • vCard

MICHAEL P. PETROGEORGE

E: mpetrogeorge@parsonsbehle.com • M: 801-243-8684 • Salt Lake City, UT 84124
www.linkedin.com/in/michael-p-petrogeorge-998576/

CORPORATE LEGAL COUNSEL

Experienced commercial attorney. Decisive, thoughtful and strategic decision maker with proven track record of success on a wide array of commercial matters. Exceptional analytical, writing and verbal communication skills. Dynamic performer with strong sense of urgency who thrives in a fast-paced setting with tight deadlines and heavy workloads. Creative and critical thinker. Resourceful legal expert able to identify risks and challenges and provide strategic and economical solutions.

Core Competencies

Commercial Litigation • Employment • Contracts • Torts • Real Estate • Competition Law • Licensing • Administrative Law • Compliance • Corporate Governance • Project Management • Project Budgeting • Strategic Planning and Implementation

PROFESSIONAL EXPERIENCE

- PARSONS BEHLE & LATIMER, PC
  - **Vice President and Shareholder (Jan. 2008-Present):** Developed and maintained a lucrative commercial law practice involving all areas of civil law; served as a member of the firm's Board of Directors for six years
    - Successfully litigated and resolved numerous complex commercial litigation matters, achieving economically favorable and commercially practical results that exceeded client expectations
    - Assisted clients in making business critical decisions on a variety of legal, strategic and business matters, becoming an integral member of the client's business and legal teams
    - Negotiated and drafted complex settlement and other agreements to resolve disputes worth millions of dollars, mitigating client risk and financial exposure
    - Increased the firm's exposure in 105 jurisdictions throughout the world through expansion of the firm's involvement in a global law firm network
    - Implemented various strategic initiatives and increased cost recovery in the firm's electronic discovery and other practice support departments
    - Cut the firm's law library expenses in half over the course of two years
    - Supervised the firm's expansion in three states and the District of Columbia
    - Oversaw the development and successful implementation of the firm's website redesign and print and digital advertising campaign
    - Managed seven direct reports and 135 indirect reports
  - **Associate (May 2000 – Aug. 2001; Sept. 2002- Jan. 2008):** Built and maintained a commercial law practice involving a wide array of matters of various complexities
    - Key member on the firm's largest commercial litigation teams, resulting in favorable results that bested client expectations

    - Consistently exceeded the firm's minimum billing requirements, adding substantial fee revenue to the bottom line
    - Reinstated the firm's associate relations committee, markedly increasing associate morale and improving communication channels between associates and firm management
- UNITED STATES COURT OF APPEALS, TENTH CIRCUIT
  - **Judicial Law Clerk to the Hon. Stephen H. Anderson (Sept. 2001-Aug. 2002)**

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 • Lexis/Nexus

COMMUNITY LEADERSHIP

UTAH SUPREME COURT COMMITTEE ON THE UTAH RULES OF CIVIL PROCEDURE
Member, 2017-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

UNIVERSITY OF UTAH YOUNG ALUMNI ASSOCIATION
Board Member, 2012-2015

LITIGATION SECTION, UTAH STATE BAR
Member, 2001-2009
Chair, 2007-2008

UTAH COMMUNITY ACTION
Head Start Community Advisory Board, 2010-2014

AWARDS AND DISTINCTIONS

- AV® Preeminent™ Peer Rating – Martindale Hubbell
- Recognized in *Best Lawyers in America*
- Recognized in 2013 as 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

From: Chelsey Phippen <cphippen@kippandchristian.com>
Sent: Thursday, March 22, 2018 12:02 PM
To: Christy Abad
Subject: Resume - Chelsey Phippen - Third District Nominating Commission
Attachments: ChelseyEPhippenResume3.18.pdf

Christy,

Attached you will find my resume for consideration for the Third District Nominating Commission. I am politically independent. Please let me know if you need more information. Thank you!

CHELSEY E. PHIPPEN
ATTORNEY
10 EXCHANGE PLACE
FOURTH FLOOR
SALT LAKE CITY, UT 84111
cphippen@kippandchristian.com
801.521.3773 1.800.335.3781 FAX 801.359.9004

CHELSEY E. PHIPPEN

cphippen@kippandchristian.com (801) 521.3773

PROFESSIONAL ASSOCIATIONS

Utah State Bar; Bar No. 13333
- Litigation, YLD and Tax Sections
- YLD Board Member; Co-chair of Serving our Seniors
- Fall Forum Planning Committee Member

Defense Research Institute
- Leadership and Promotion Committee Member

Utah Defense Lawyers Association; Member

EXPERIENCE

Kipp and Christian, P.C.; Salt Lake City, Utah; Associate Attorney — 2015-Present
- Primary practice area: medical malpractice defense.
- Acted as first chair jury trial to verdict.
- Appear for motion hearings and participate in oral argument.
- Conduct all facets of discovery and pleading phases of civil litigation.
- Participate in ADR and settlement negotiations.
- Acquisition of federal rehabilitation tax credits for historic buildings.

Huntsman Lofgran, PLLC; Salt Lake City, Utah; Associate Attorney — 2012-2015
- Acted as second chair in two full trials to verdict and evidentiary hearings.
- Awarded policy limits on MVA 3rd party and UIM policies.
- Settled over $3 million in taxes and administrative penalties.

Bradley R. Helsten, P.C.; Salt Lake City, Utah; Associate Attorney — 2010-2012
- Entity formation and business contract drafting.
- Drafted purchase and sale agreements for commercial real estate transactions.
- Completed real estate contract due diligence including: survey, zoning and title policy acquisition.

Maersk Line, Limited: Norfolk, Virginia; Law Clerk — 2008
- Legal research and briefing for maritime and personal injury suits.

IRS, Enterprise Computing Center: Martinsburg, West Virginia; Intern — 2006
- Conducted monthly coordination and campus meetings.
- Facilitated emergency evacuation training.

United States Senate; Orrin G. Hatch; Washington D.C.; Intern — 2005
- Special assistant to the Judiciary Committee and Subcommittee on Intellectual Property.
- Attended and assisted in Senate confirmation hearings for Chief Justice John Roberts and Justice Samuel Alito.

EDUCATION

Regent University School of Law: Virginia Beach, Virginia — 2010
Juris Doctorate
- Student Ambassador
- Honor Council Member

Utah State University: Logan, Utah — 2007
Bachelor of Science: Law and Constitutional Studies
Minor: History
- Alumni Association Scholarship Recipient
- Student Alumni Association Executive Board
- Phi Alpha Theta History Honor Society and Pi Sigma Alpha Political Science Honor Society

REFERENCES AVAILABLE UPON REQUEST

Christy Abad

From: Yvette_Donosso@utd.uscourts.gov
Sent: Friday, March 30, 2018 7:22 PM
To: Christy Abad
Subject: Application for 3rd District Trial Court Nominating Commission
Attachments: YvetteDonosso.pdf

Christy,

Enclosed please find my resume. I am applying for the vacancy in the Third District Judicial Nominating Commission. I am a citizen of the US. I live in Salt Lake County. I am a Republican. I am committed to the selection of qualified individuals to the bench.

Best,

Yvette Donosso

Yvette Donosso

615 E. Harvest Bend Way, Draper, Utah 84020 *(801) 935-1881* *yvettedonosso@me.com*

PROFESSIONAL EXPERIENCE

Law Clerk, U.S. District Court, **2017-present (JudgeWaddoups/Wells)**
Assist judges drafting memorandum decisions, preparing for hearings, settlement conferences, and/or trials. Attend hearings, assist in scheduling and management of cases.

Attorney, Utah Attorney General's Office, **2011-2017**
Litigation Division (Employment Section): Represented state agencies, school districts and universities in matters involving alleged violations of constitutional, civil rights and employment laws. Appeared in state and federal courts, as well as before the Utah Labor Commission, the Career Service Review Office and the State Records Committee. Assisted clients with GRAMA requests and developing policies and procedures, as needed. Drafted and/or reviewed settlement and severance contracts. Represented clients at arbitrations/mediations. Also handled collections cases for the Utah Division of Risk Management.

Contract Attorney, Vantus Law Group, PC, **2009-2011**
Litigation Department: Represented corporations in commercial disputes, (breaches of contract, non-competes and copyright issues) in both state and federal court.

Attorney, Jones Waldo Holbrook & McDonough, PC, **2006–2009**
Litigation Department: Represented clients in matters involving commercial litigation, family law and personal injury.

Exec. Director, Utah Department of Heritage & Arts, **2005-2006**
Drafted strategic plan for newly formed department. Managed 12 employees and oversaw 23 Boards and Commissions. Directed the fiscal, legislative, personnel and media affairs for the department. Represented Governor Jon M. Huntsman Jr. in the Utah-Mexico Project for Prosperity and the Governor's Working Group on Student Achievement. The department's six divisions included: the Utah Arts Council, the Office of Ethnic Affairs, the Division of Housing and Community Development, the Division of State History, the Division of Indian Affairs and the State Library.

Attorney, Manning Curtis Bradshaw & Bednar, LLC, **2002-2004**
Defended corporate clients in employment matters before the Utah Labor Commission and federal court. Also handled investigations and prepared employee manuals.

Judicial Law Clerk, Utah Supreme Court, **2001-2001**
Justice: Christine M. Durham. Reviewed case files, attended oral arguments, conducted legal research and drafted opinions. Also supervised student interns.

Judicial Law Clerk, Third District Court, **1999-2000**
Judges: William B. Bohling, L.A. Dever, Tyrone E. Medley and William A. Thorne Jr. Reviewed pending motions, drafted bench memos, attended court proceedings and drafted minute entries and memorandum decisions. Supervised student interns.

LEADERSHIP EXPERIENCE

Member, Utah State History Board, **2011-present**
The Board makes policy for the Division, advises the Director, and acts as the State Historic Preservation Review Board.

Member, Governor's Commission to Strengthen Utah's Democracy **2009-2010**
Commission was asked to review and provide feedback to Governor Herbert in areas of ethics, campaign finance, re-districting, lobbying regulations and election laws.

Board Member, Pete Suazo Business Center, **2006-2009**
Board oversaw policies and financial affairs of 501(c)(3) dedicated to assisting women and ethnic minorities obtain training and financial support to start up businesses.

Board Member, Comunidades Unidas, **2006-2008**
Board members oversaw policies and financial affairs of 501(c)(3) dedicated to promoting health advocacy and education amongst Utah's Hispanic/Latino community.

Bar Commissioner, Utah State Bar, Third Division, **2003-2010**
Helped develop policies and procedures that govern lawyers, including admissions, disciplinary proceedings, budgetary functions, and programming. Served on various bar committees, such as the Labor & Employment Section and the Fund for Client Protection Committee, at the request of the President. Member of Executive Committee from 2004-2006.

Member, Academy of Math, Engineering & Science, 2002 -2003
Worked with the Deputy of Education and community leaders to ensure the New Century High School program developed effective strategies to recruit ethnic minority students to the Academy.

President, Utah Minority Bar Association, **2002 - 2003**
Worked with the Commission on Criminal and Juvenile Justice and the Governor's Office to appoint more ethnic minorities to the state's judicial nominating commissions and the bench. Promoted recruitment and retention of minority attorneys to the Bar by launching the Pledge for Ethnic and Racial Diversity for Utah's Legal Employers. Established a mentoring program for minority law students.

Chair, Utah Governor's Hispanic Advisory Council, **2001-2002**
Advised Governor on issues impacting the Hispanic/Latino community. Worked with the Office of Hispanic Affairs to improve outreach and service to the Hispanic/Latino community. Organized public hearings throughout the state to obtain community input. Promoted dialogue between law enforcement agencies and ethnic community leaders.

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 & Distinguish Service, 1998
President of Minority Law Student Association, 1997 – 1999
Merit Scholarship Recipient, 1996 – 1999

Brigham Young University, Provo, Utah, **1990-1995**
B.A., Social Cultural Anthropology, University Honors

Thesis: Between Boundaries, the Transculturation of Eight Women of Spanish-speaking Origin in Utah

Translated: Antecedents, Perspectives and Projections of a Legal Project About Religious Liberty in Peru, by Elvira Martinez Coco, BYU Law Review (January 8, 2001)

AWARDS & RECOGNITIONS

2009, Utah Business Magazine, **List of Elite Lawyers**
2008, Connect Magazine, **"One of 20 Most Influential Hispanics"**
2005, Utah Republican Women's PAC, **Utah's Winning Award**
2005, Utah Business Magazine, **List of Elite Lawyers**
2004, Salt Lake City Magazine, **"Ten Women Sure to Change Utah"**
2004, Utah Coalition de la Raza, **Cesar Chavez Excellence Award**

Christy Abad

From: Greg Hoole <gregh@hooleking.com>
Sent: Thursday, March 22, 2018 8:31 AM
To: Christy Abad
Subject: Third Judicial District Nominating Commission
Attachments: Resume 2018.pdf

Hi Christy,

I am interested in being considered for the Third Judicial District Nominating Commission. I was thrice 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 amiable 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: 801-272-7556
direct: 801-424-5252
www.hooleking.com

GREGORY N. HOOLE

4276 S. Highland Drive, Salt Lake City, Utah 84124 | gregh@hooleking.com | 801.272-7556

LEGAL EXPERIENCE

Partner—Hoole & King, Salt Lake City, Utah 2004–present
Practice devoted to alternative dispute resolution and all aspects of civil litigation, including both plaintiff's and defense work.

Senior Attorney—Packard, Packard & Johnson, Salt Lake City, Utah 2002–2004
Prosecuted nationwide class actions in various jurisdictions for violations of consumer protection laws and other state and federal statutes. Represented private attorneys general in false claim actions to reclaim funds fraudulently procured or withheld from the United States.

Associate Attorney—Kirton & McConkie, Salt Lake City, Utah 2000–2002
Member of firm's Commercial Litigation, Insurance Defense and Appellate practice sections. Represented large multi-national organization in court cases across the country concerning issues ranging from personal injury claims to First Amendment rights. Only associate in firm to be appointed head of a specialty practice group servicing firm's largest client.

Judge Advocate—United States Navy, Judge Advocate General's Corps, Washington, D.C. 1997–2000
Served as lead defense counsel in a number of courts-martial, including felony trials and the military equivalent of grand jury proceedings. Served as Senior Defense Counsel, supervising the work and caseload of five other attorneys in the greater Washington, D.C. area.

EDUCATION

Straus Institute for Dispute Resolution, Pepperdine University, Malibu, California, Mediator Course, February 2017

U.S. Department of Justice National Advocacy Center, Columbia, South Carolina, Advanced Negotiations Course, September 1999

Naval Justice School, Newport, Rhode Island, Judge Advocate Course in Military Justice and Administrative Law, December 1997

S.J. Quinney College of Law, University of Utah, Salt Lake City, Utah, Juris Doctor, May 1997
Honors: William H. Leary Scholar; Questar Corporation Legal Scholarship
Note & Comment Editor, *Journal of Contemporary Law*

University of Utah, Salt Lake City, Utah, Bachelor of Arts *cum laude*, June 1994
Minor: Japanese
Honors: *Phi Beta Kappa*; President's Award; Dean's List

Kansai University, Osaka, Japan, Fall 1992
Special Japanese studies program with emphasis on the rule of law in Japanese culture and society

PROFESSIONAL PROFILE AND PUBLIC SERVICE

Admitted to the Utah Supreme Court, the United States Supreme 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.

Thrice 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 Innovation 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
- Mentor, Utah Supreme Court New Lawyer Training Program
- Guest lecturer, 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, "and Justice for all" Law Day Run Committee
- Judge, The George Washington University's Trial Court Board
- Chair, Holladay Bicycle Advisory Committee
- Local leader, Boy Scouts of America
- Coach, Olympus Youth Football (Ute Conference)

Enjoy biking, trail running, hiking, skiing and otherwise spending time with my family in Utah's beautiful outdoors.

PUBLICATIONS AND PRESENTATIONS

- *Building on the Past and Looking to the Future: How Mediation Has Evolved to Become a Standard, Instead of Alternative, Form of Dispute Resolution*, UTAH BAR JOURNAL, May/June 2018
- *Taking the iPad to Court*, CLE Presentation, NATIONAL ACADEMY OF CONTINUING LEGAL EDUCATION, May 16, 2012
- *The iPad and the Law*, THE FEDERAL LAWYER, May 2012, at 26
- *In the Wake of Seemingly Exorbitant Punitive Damage Awards America Demands Caps on Punitive Damages—Are We Barking Up the Wrong Tree?*, 22 J. CONTEMP. L. 459.
- Zobrest v. Catalina Foothills School District: *The Establishment Clause Does not Bar Public Employees from Offering Religion-Neutral Services in Parochial Schools*, 22 J. CONTEMP. L. 197.

More information available at www.hooleking.com

Christy Abad

From: Josh Lee <jlee@btjd.com>
Sent: Thursday, March 22, 2018 4:54 PM
To: Christy Abad
Subject: Third District Trial Court Nominating Commission
Attachments: Resume Joshua Lee (March 2018).pdf

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 TUELLER JOHNSON & DEERE
3165 E. Millrock Dr., Suite 500
Salt Lake City, Utah 84121
Tel: (801) 438-2000
Fax: (801) 438-2050
email: jlee@btjd.com

Joshua L. Lee

14023 S. Stone Canyon Dr. • Draper, Utah 84020 • (801) 300-5045 • jlee@btjd.com

CURRENT PRACTICE

Bennett Tueller 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
- Products liability
- Noncompete enforcement
- Wrongful death
- Partnership disputes

PRIOR LEGAL POSITIONS

Judge Anthony W. Schofield • Utah Fourth District Court • Provo, Utah
Extern, Winter 2007

Judges Bruce S. Jenkins & 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 149 (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, N.A. v. Crapo*, 2017 UT 12, 394 P.3d 338 (obtained summary judgment against debtor claiming discharge)
- *Shiozawa v. Duke*, 2015 UT App 40, 344 P.3d 1174 (obtained summary judgment on real estate contract claims)
- *Wallace Inv. Ltd. P'ship v. Lone Peak Dev. Pariners LLC*, 2014 WL 1917542, 2014 U.S. Dist. LEXIS 65754 (D. Utah May 13, 2014) (obtained summary judgment in development contract dispute)
- *Pratt v. Cavagna North America, Inc.*, 2013 WL 6146075, 2013 U.S. Dist. LEXIS 166521 (D. Utah 2013) (obtained summary judgment in defending products liability case)
- *Turner v. Staker & Parson Cos.*, 2012 UT 30, 284 P.3d 600 (obtained reversal of trial court's dismissal of personal injury claims)
- *Wirth v. Taylor*, 2011 WL 4001157, 2011 U.S. Dist. LEXIS 101773 (D. Utah 2011) (obtained summary judgment in defending securities fraud case)
- *Mathis v. Perrinez*, 2010 WL 56073, 2010 U.S. Dist. LEXIS 890 (D. Utah 2010) (obtained summary judgment on a claim to quiet title to commercial property)

PUBLICATIONS

Federal Wetland Jurisdiction and the Power to Regulate Commerce: Searching for the Nexus in Gerke Excavating, 2006 BYU L. REV. 263
The Parol Evidence Rule in Utah: A Brief Survey, Utah Bar Journal Vol 29 No. 2 (Mar/Apr 2016)
The Constitutionality of Judgments by Confession: Some Practiced 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

Christy Abad

From: Benjamin Lusty <ben@lawfirmra.com>
Sent: Wednesday, March 21, 2018 3:50 PM
To: Christy Abad
Subject: Third Judicial Nominating Commission
Attachments: Benjamin Kirk Lusty cv.docx

Hello Christy,

Please see my attached resume.

I am a registered Republican.

Benjamin K. Lusty

rencher | anjewierden

(801) 961-1300
E-mail: ben@lawfirmra.com
Website: http://www.lawfirmra.com

Benjamin Kirk Lusty
939 Donner Way, #307
Salt Lake City, Utah 84108
801-203-0495
ben@lawfirmra.com

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

2008 **William and Mary School of Law, Williamsburg, Virginia**
Juris Doctor
- GPA 3.63/4.0
- Class Rank: 20/211 (Top 10%)
- Order of the Coif
- Trial Team and Moot Court Team (both competitive entry)
- Teaching Assistant for Corporate Law and Business Associations

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 Betta Kappa
- Phi Kappa Phi
- Honors at Entrance Scholarship

Professional Experience

2011-present **Rencher & Anjewierden** **Salt Lake City, Utah**
(formerly Stucki & Rencher)
Partner (formerly associate attorney)
- Manage all aspects of high value and high exposure medical malpractice, personal injury, and professional litigation
- Supervise staff and junior attorneys
- Collaborate with expert witnesses and other external consulting professionals
- Attend and conduct depositions, motions hearings, trials, and appellate oral arguments, mediations, and arbitrations
- Draft insurance coverage opinions and manage insurance coverage litigation
- Negotiate and implement commercial contracts
- Assist in resolution of contract disputes

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

- **Aldon J. Anderson Chapter of the American Inns of Court**
- **Member of Utah State Bar**
- **Member of 10th Circuit Court of Appeals Bar**
- **Verified Certificate in Human Physiology through Duke University**

Christy Abad

From: David Wilkins <dwilkins@agutah.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 Resume.pdf

Christy,

Attached, please find my resume. I am interested in filling in 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 <dwilkins@agutah.gov>
Assistant Attorney General
UTAH ATTORNEY GENERAL'S OFFICE
160 East 300 South
P.O. Box 140857
Salt Lake City, Utah 84114-0857
P. (801) 366-0327
F. (801) 366-0352

DAVID M. WILKINS
UTAH ATTORNEY GENERAL'S OFFICE
160 EAST 300 SOUTH
P.O. BOX 140857
SALT LAKE CITY, UTAH 84114
PH: 801.366.0327
DWILKINS@AGUTAH.GOV

LEGAL WORK EXPERIENCE

Utah Attorney General's Office
Assistant Attorney General, State Agency Counsel Division, May 2015-Present
- Litigation Counsel for the Utah Labor Commission
- Frequent practitioner in both administrative law tribunals and District Courts
- Handles a varied caseload of occupational safety and health cases, wage claim cases, and fair housing cases.
- Conducts frequent legal training for employees of client.
- Manages clerks and interns for Division.

Huntsman, Lofgran & Fuller, PLLC
Associate Attorney, December 2013-March 2015
- Attorney in-charge of all litigation matters for firm
- Perform legal research and motion writing on a variety of areas, employment law, business law, contract law, business and commercial litigation and general civil litigation
- Frequent appearances before state and federal trial and appellate courts to argue motions
- Advise business clients on best employment practices and procedures

Hudson Legal Services and Hire Counsel, St. Louis, Missouri and Salt Lake City, Utah
Contract Attorney, May 2013-December 2013
- Perform e-discovery functions
- Assist in large-scale document review projects in support of complex commercial litigation

Schindler Law Firm, P.C., St. Louis, Missouri
Contract Attorney, November 2012-April 2013
- Responsible of preparation and management of several matters for forthcoming trials
- Perform legal research and motion writing on a variety of areas, including insurance law, commercial litigation, intellectual property issues, and criminal law
- Represented firm business clients in labor matters as well as before unemployment hearings
- Frequent appearances before trial courts in the St. Louis area to argue motions

Illinois Railway Museum, Union, Illinois
Volunteer General Counsel, August 2011-August 2013
- Volunteer position
- Responsible for legal affairs of non-profit museum
- Draft and review contracts, agreements and leases
- Advise Board of Directors on legal issues, including litigation and employment matters
- Provide legal opinions to Museum staff and officers

Kurowski Shultz LLC, Swansea, Illinois
Associate Attorney, April 2010-September 2012
- Independently managed a variety of matters including personal injury litigation, complex litigation, commercial litigation, transportation law, municipal litigation, products liability litigation and subrogation litigation
- Advised municipal client on employment and labor matters
- Communicated directly with corporate counsel, insurance companies and plaintiff's counsel in management and resolution of matters
- Advised municipal clients in a variety of areas, including litigation, employment, contract matters as well as relations with state government
- Obtained extensive experience in fact investigation, motion writing, oral argument and trial preparation

Brown & James, P.C., St. Louis, Missouri
Associate Attorney, August 2007-April 2010
- Was responsible for independent management of a variety of matters including personal injury litigation, complex litigation, commercial litigation, labor and employment litigation, transportation law, products liability litigation and insurance coverage litigation
- 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 favorable jury trial verdict 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
- Garnered extensive deposition experience of parties, eye witnesses, and expert witnesses

Commonwealth of Kentucky Executive Branch, Frankfort, Kentucky
Summer Student Law Clerk, Summer 2005
- 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
- Closely Worked With Staff Attorney in Evaluating Legislative Proposals

EDUCATION

Saint Louis University School of Law, St. Louis, Missouri J.D. with Concentration in Litigation Skills, May 2007: GPA: 3.02, Rank: 90/269
- Managing Editor, Saint Louis University Public Law Review, 2006-2007
- National Trial Competition-Regional Semi-Finalist, 2007
- Recipient, Judge Robert G. Dowd Sr. Appellate Advocacy Award, 2006
- Member, Moot Court Team, 2006

University of Louisville, Louisville, Kentucky M.A., History, May 2004
- Graduate Student Honor Award, 2004
- Graduate Fellow, McConnell Center for Political Leadership, 2003-2004

Western Kentucky University, Bowling Green, Kentucky B.A., History, May 2002
- University Honors Program Graduate
- National Lincoln-Douglas Debate Champion, 2001
- National Extemporaneous Speaking Champion 2002

COMMUNITY AND PROFESSIONAL INVOLVEMENT
- Member, Utah Bar Litigation Section Executive Committee
- Volunteer and Advisory Board Member, Heber Valley Railroad, Heber City, Utah
- Regulatory Committee Chair, Heritage Rail Alliance

POLITICAL AFFILIATION
- Registered as a Republican
- Resident of Salt Lake County

Christy Abad

From: Peter Christensen <pchristensen@Strongandhanni.com>
Sent: Thursday, March 22, 2018 6:07 PM
To: Christy Abad
Subject: Third District Trial Court Nominating Commission
Attachments: PHC Resume.docx

Christy 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 200 East, Suite 800
Salt Lake City, UT 84111
Telephone: (801) 532-7080
Facsimile: (801) 596-1508
E-mail: pchristensen@strongandhanni.com
Website: www.strongandhanni.com

Peter H. Christensen

Shareholder/Strong and Hanni

-pchristensen@strongandhanni.com
-P: 801.532.7080
-F: 801.596.1508

Construction Law, Insurance Defense, Insurance Coverage, and Bad Faith Litigation, Transportation.

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 & Hanni 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

Christy Abad

From: Heidi Goebel <hgoebel@gapclaw.com>
Sent: Wednesday, March 21, 2018 4:48 PM
To: Christy Abad
Subject: Judicial Nominating Committee
Attachments: Resume 3.18.doc

Dear Ms. Abad,
I would like to submit my resume for consideration for the Judicial Nominating Committee. I am not associated with any political party. If you need additional information or have any questions, please do not hesitate to contact me.
Heidi

Heidi G. Goebel
GOEBEL ANDERSON PC
HGoebel@GAPCLaw.com
801.441.9393 (main)
801.441.6992 (direct)
801.518.4273 (cell)

405 South Main Street, Ste. 200
Salt Lake City, Utah 84111
www.GAPCLaw.com

HEIDI G. GOEBEL

GOEBEL ANDERSON PC
10 West 100 South, Suite 450
Salt Lake City, Utah 84101
801.441.9393
HGoebel@GAPClaw.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
- Indiana's Outstanding Young Defense Lawyer of the Year (2000)

AREAS OF PRACTICE

Commercial Litigation: Represent 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, directors and officers liability actions, lease issues and employment related litigation.

Products Liability: Represent 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: Advise and defend businesses and individuals on claims arising out of accidents on premises, involving automobiles, claims of sexual assault, defamation and advertising injuries and a wide host of other injuries.

Insurance Coverage and Bad Faith Litigation: Initiate and defend actions for declaratory judgment to resolve disputes over the terms and conditions of insurance policies. Defend insurance companies in litigation asserting bad faith in claims handling.

LECTURES AND PUBLICATIONS

- Speaker, FDCC Winter Meeting 2018, "Managing a Law Firm from the Female Perspective"
- Author, "Keeping the Blinds Draw 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 Trail 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
- Moderator, Federation of Defense & Corporate Counsel, 2014 Annual Meeting, "Things You Don't Know, but Probably Should, About What Drives Your Clients' Decisions."
- 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"
- Author, "Product Liability Compendium: Warnings, Instructions and Recalls", Defense Research Institute, 2012.
- Speaker, "Mining Social Media in Product Liability Cases", ALFA International, Product Liability Seminar, September 2011.
- Moderator, "Practical Tips on Creating and Using Alternative Fee Arrangements," The Federation of Defense and Corporate Counsel, Corporate Counsel Symposium, September 2011
- Speaker, "Turbo Charging Your Practice for Maximum Efficiency", FDCC Annual Meeting, July 2010.
- Speaker, "Defending a Product Liability Case," ALFA International Client Seminar, March 2010.
- Speaker, "The Sophisticated User Defense in a Product Liability Case," FDCC Winter Meeting, March 2010.
- Speaker, "Sword or Shield? Using a State's Consumer Protection Act in a Business to Business Dispute", DRI Intellectual Property and Commercial Litigation Symposium, April 2009.
- Co-Author, "A 50 State Review of Statute of Fraud in Commercial Transactions" For the Defense, August 2008.
- Author, "The Duty to Warn in Utah", DRI Product Liability 50 State Compendium, November 2007.
- Co-Author, "Notice, Marking and Patent Damages", DRI Defending Intellectual Property Claims, October 2007.
- Co-Author, " Medical Spa Laws – Utah", ALFA International 50 State Compendium.
- Lecturer, "The Race Before the Case: Taking Advantage of Your Opportunities Prior to the Filing of Suit", Utah Paralegal Association, June 2007
- Presenter, "Insurance and Contractual Ramifications of International Hires", Ski Utah Board of Directors, February 2006.
- Presenter: "Product Liability Pitfalls for the Pharmaceutical Packaging Industry," Design and Packaging Professionals Compendium conference, San Francisco, California, September 2005.
- Lecturer: "Indiana Law Update and Civility in the Practice of Law for the New Millennium." Indiana State Bar Convention, July 2000.

EDUCATION

Indiana University School of Law – Bloomington (J.D. 1997)
Order of the Barristers (Top Ten Students in Oral Advocacy)
Moot 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)
- Defense Research Institute - Commercial Litigation Steering Committee 2012-2014; Judicial Task Force, 2013-2015; Jury Preservation Task Force 2013-2015; Product Liability Steering Committee, 2006-2008; Publications Chair, Financial Institutions Substantive Law Group 2007-2009.
- 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 Mensa Association

SELECTED PUBLISHED OPINIONS

Venuti v. Continental Motors, Inc., Case No. 20160645, Utah Ct. App. 2018. (finding insufficient evidence of personal jurisdiction)

Lincoln Financial Advisors Corp. v. Healthright Partners, LP, Case No. 2:09cv650, U.S. District Court, D. Utah, 2010 WL 322141 (interpreting scope of mandatory arbitration under Financial Industry Regulatory Association (FINRA)

GKN Co., formerly known as Gust K. Newberg Construction Company v. Larry Magness, 744 N.E.2d 397 (Ind. 2001).

Admitted to practice in all Utah state and federal Courts, all Colorado state and federal Courts, all Indiana state and federal courts, all Illinois state and federal courts, all New York State Courts and the United States District Court, Western District of New York, and the U.S. Court of Appeals, Tenth Circuit

Christy Abad

From: Paul Johnson <paul@pauljohnsonlaw.com>
Sent: Friday, March 23, 2018 5:31 PM
To: Christy Abad
Subject: RE: Third Judicial District Nominating Commission
Attachments: PaulJohnson Resume (3-23-18).pdf

Makes total sense. Okay well I hope you get more qualified candidates, and if not I'm glad to help out.

Paul

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
paul@pauljohnsonlaw.com

From: Christy Abad <christy.abad@utahbar.org>
Sent: Friday, March 23, 2018 11:54 AM
To: Paul Johnson <paul@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 <paul@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 serving on this committee (referenced below), I'm guessing this is especially for those who are working directly in the court system? I practice all transactional IP law so don't interact with the courts.

Paul

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
paul@pauljohnsonlaw.com

From: Onlineservices <onlineservices@utahbar.org>
Sent: Wednesday, March 21, 2018 3:40 PM
To: Paul Johnson <paul@pauljohnsonlaw.com>
Subject: Third Judicial District Nominating Commission

Third Judicial District Nominating Commission

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. **You must identify your political party or if you are politically independent.**

Please submit resumes to Christy Abad by email at cabad@utahbar.org, or by mail at 645 South 200 East, Salt Lake City, UT 84111. **Resumes must be received by 5:00 p.m. on Wednesday, April 4, 2018.**

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, trade secrets, and other transactional IP matters. Admitted in UT, AZ, and before the USPTO.

Work Experience

Owner at Law Office of Paul B. Johnson (2016 – present, SLC, UT)
U.S. & foreign intellectual property prosecution and early stage enforcement and related matters, including patents, trademarks, and copyrights. Counsel regarding trade secrets and intellectual property related contracts.

Associate Attorney at Adam R. Stephenson, Ltd. (2010 – 2016, Tempe, AZ and SLC, UT)
U.S. patent & trademark prosecution, management of foreign patent & trademark counsel, IP contracts, assignments, licensing, patentability & trademark registrability opinions, Uniform Domain Name Dispute Resolution Policy (UDRP) proceedings to recover domain names, International Trade Commission (ITC) proceedings to stop infringing imports.

Have prosecuted patents in various technology areas including semiconductor devices & packaging, mechanical devices, materials science, integrated circuits, desktop & smart-device apps, embedded systems, optics, business methods, biotech, and others.

Developed over 95% of firm letters/templates, website content, paralegal and attorney workflows and instructions, and docketing protocol for all IP matters. Researched, selected, configured and beta-tested alternative law firm management software and saved firm $40k+/year perpetually document & calendaring 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 (2009, Tempe, AZ)
Cite checked and edited an Amicus Brief filed with the U.S. Supreme Court related to farm land property rights. Legal research, cite checking, and BlueBook & Chicago formatting for several other articles & book chapters.

Patent Agent at Booth Udall PLC (2008 – 2009, Tempe, AZ)
Patent and trademark prosecution, patentability opinions, inventor interviews, and various legal research projects.

Patent Agent at Noblitt & Gilmore LLC (2007 – 2008, Scottsdale, AZ)
Patent and trademark prosecution, patentability opinions, inventor interviews, and various legal research projects.

Records Assistant at Snell & Wilmer LLP (2006, Phoenix, AZ)
Maintained electronic and hard copies of pleadings, disclosure & discovery documents, trial transcripts and other documents for products liability litigation group. Prepared materials for production and materials for deposition of fact & expert witnesses.

Engineering Co-op at Honeywell International (2004-2005, Phoenix, AZ)
Documented material failures of specified jet engine components searching for trends to aid in designing next generation components. Used high resolution photography, microscopic measurements, and FPI data. Characterized experimental environmental and thermal barrier aluminide coatings using scattered electron and backscattered electron imaging and energy dispersive X-ray analysis in a field emission gun scanning electron microscope and summarized past failure analysis reports searching for fatigue, creep, and defect trends. Assisted with burner rig testing of experimental thermal and environmental barrier coatings for turbine blades.

Engineering Intern at Able Engineering and Component Services (2002, 2004, Phoenix, AZ)
Maintained & updated database of helicopter repair manuals. Wrote repair instructions based on helicopter repair manuals, including instructions for machine & plating shops to remove corrosion, plate with Ni or Cr, & bake out Hydrogen on damaged and corroded helicopter components.

Education

J.D. Arizona State University (2009, Tempe, AZ)
Cum Laude, Associate Law Journal Editor, Pedrick Scholar, Academic Scholarship, Law Science & Technology Certificate in Intellectual Property, and 2 Time Cali Recipient for the Highest Grades in Patent Law and Public International Law.

MSE: Materials Science, Arizona State University (2005, Tempe, AZ)
Overall GPA 3.64, self-funded education while working as an Engineering Intern at Honeywell International doing engineering related to aviation aftermarket repair procedures for aircraft auxiliary power units.

BSE: Materials Science, Arizona State University (2004, Tempe, AZ)
Major GPA 3.48, Overall GPA 3.28, Dean's List, self-funded education through working.

Other: Fluent in conversational Spanish

Christy Abad

From: Leavitt, Amber <aleavitt@ebay.com>
Sent: Wednesday, March 21, 2018 4:28 PM
To: Christy Abad
Subject: Third Judicial District Nominating Commission
Attachments: Resume-3.pdf

To Whom It May Concern:

Thank you for your consideration to fulfill the unexpired term.

Best,
Amber

Amber Leavitt
Senior Director, Global Intellectual Property
ebay

Amber B. Leavitt

4958 S. Naniloa Dr., Salt Lake City, Utah 84117 | (801) 209-5039 | amber.leavitt@gmail.com

EXPERIENCE

eBay Inc., Salt Lake City, UT | *Senior Director, Global Intellectual Property* — June 2010 – Present

Serve as chief trademark counsel for eBay Inc. and its subsidiaries, including eBay, PayPal and StubHub. Post-separation of eBay and PayPal, continue to manage worldwide portfolio of several thousand trademarks, oversee enforcement of company's brands globally through administrative proceedings and litigation, and work closely with global Brand and Marketing teams on brand strategy and best practices. Responsible for multi-million dollar budget and management of global team comprised of attorneys, paralegals, legal specialists, and external U.S. and foreign counsel. Oversee the company's global domain name portfolio management and acquisition programs. Manage global team responsible for oversight of eBay's Verified Right Owner (VeRO) program and its equivalent notice-and-takedown programs across all eBay Inc. subsidiaries worldwide, and advise business units and company executives on risk mitigation strategies relating to secondary liability issues. Support eBay's government and external relations programs by participating in various outreach efforts with key stakeholders, rights owners and industry groups on critical issues, as well as providing input on newly proposed domestic and international IP legislation. Support commercial contracts team through counseling on IP matters and assisting with drafting of IP licenses. Manage IP due diligence and related agreements on various deals for corporate mergers & acquisitions team, including responsibility for successful allocation of domain, trademark and copyright assets between eBay and PayPal prior to separation. Serve as a Business Ethics Officer responsible for evaluating and resolving internal corporate compliance and ethics issues.

Workman Nydegger, Salt Lake City, UT | *Associate* — August 2006 – May 2010

Focus on intellectual property litigation, including patent, trademark, and copyright infringement actions, as well as trade secret, unfair competition, and internet domain name disputes; breach of contract and business tort litigation; and limited personal injury and employment litigation. Perform extensive legal research and writing, written discovery, and motion practice in federal and state trial courts. Prepare settlement agreements, intellectual property license agreements and various business contracts. Prepare various patent opinions, including patentability, right-to-use, non-infringement, and infringement opinions. Draft responses to trademark office actions issued by the United States Patent and Trademark Office. Prepare Uniform Dispute Resolution Proceeding (UDRP) and equivalent Dispute Resolution Proceeding (DRP) complaints. Participate in jury trials at state and federal court levels.

EDUCATION

Pepperdine University School of Law, Malibu, CA — J.D., May 2006
Honors: Fellow, Center for Entrepreneurship and Technology Law
Lead Articles Editor, Pepperdine Dispute Resolution Law Journal

Pepperdine University, Seaver College, Malibu, CA — B.A. Biology, April 2002
Honors: Golden Key International Honor Society

PROFESSIONAL ADMISSIONS

California State Bar (No. 244428); Utah State Bar (No. 11412); United States Patent and Trademark Office (No. 58375)

PUBLICATIONS

Amber McKinney, *The ACLU and the Propriety of Dispute Resolution in Civil Rights Controversies*, 6 PEPP. DISP. RESOL. L.J. 109 (2006)

HONORS AND AWARDS

Women Tech Council, 7th Annual Women Tech Council Award, Nominee (June 2014)
World Trademark Review, Internet & Online Services Trademark Team of the Year (May 2014)
Utah Business magazine, Utah Legal Elite – Corporate Counsel (January 2011)

COMMUNITY SERVICE

Adjunct Professor, Brigham Young University, J. Reuben Clark School of Law
Course: Patent Litigation and Client Counseling (Spring 2008)

TAB
5

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**

Christy Abad

From: Ed Brass <Ed@EdBrassLaw.com>
Sent: Thursday, March 22, 2018 1:16 PM
To: Christy Abad
Subject: resume2017EKB
Attachments: resume2017EKB.doc

Ms. Abad: Please consider this my application to serve as a defense representative on the sentencing commission. I believe my experience qualifies me for the position.

EDWARD K BRASS

175 East 400 South suite 400 SLC UT 84111
8013225678; 8018793777
ed@edbrasslaw.com

310

EDUCATION

JURIS DOCTORATE — August 1974-May 1977
University of Utah College of Law

B.S., POLITICAL SCIENCE — Sept. 1970- March 1974
The Ohio State University

EXPERIENCE

CRIMINAL DEFENSE ATTORNEY — April 1977 – Present
Edward K. Brass Law Office

- 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 misdemeanors 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 search/seizure, suppression, reliability and trustworthiness of child interviews, joinder, 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.
- Youth Soccer Coach from 2003-2013.
- Volunteer at the SLC Mission.

Christy Abad

From: Laura Cabanilla <lcabanilla@esplinweight.com>
Sent: Thursday, March 22, 2018 3:53 PM
To: Christy Abad
Subject: Utah Sentencing Commission
Attachments: Cabanilla - CV.docx

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 the juvenile and adult criminal systems. After graduation from Brigham Young Law School in 1994, I clerked for Judge Ray M. Harding, Sr.; I was then a prosecutor with the Orem City Attorney's Office for a year before I joined the Utah County Attorney's Office where I prosecuted misdemeanor and felony level crimes until I joined the law firm of Esplin Weight 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
Esplin Weight
290 West Center, Box L
Provo, UT 84603-0200

(801)373-4912 office
(801)837-6867 cell
(801)373-4964 fax
lcabanilla@esplinweight.com

290 West Center
Box L
Provo, Utah 84603-0200

(801)373-4912 office
(801) 837-6867 cell
lcabanilla@esplinweight.com
lauracabanilla@gmail.com

311

Laura H. Cabanilla

Education

J. Reuben Clark Law School — Provo, Utah
1994 Juris Doctorate

Brigham Young University — Provo, Utah
Bachelor of Arts – English, Major; Military Science, Minor

Professional Experience

2000-present — *Esplin / Weight* — Provo, Utah
Partner

Manage business side of law practice together with partners in determining vision, marketing, and operating decisions. Provide legal counsel to clients in wide variety of legal issues including divorce, custody, criminal defense, and civil litigation at trial and appellate level. Skilled in litigation and negotiation. Primary focus on practice is family law. Frequently appointed as Conflict Guardian ad litem in cases of abuse, neglect, and dependency of children.

1996-2000 — *Utah County Attorney's Office* — Provo, Utah
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.

1995-1996 — *Orem City Attorney's Office* — Orem, Utah
Assistant City Attorney

Prosecuted misdemeanor crimes 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.

1994-1995 — *Fourth District Court* — Provo, Utah
Law Clerk – Judge Ray Harding, Sr.

Law Clerk to Judge Ray M. Harding, Sr., Presiding Judge, Fourth District Judge, Provo, Utah. Researched legal issues and wrote all legal memoranda issued by the judge.

Civic Contributions

Member of the *Provo City Council*, 2010-2014 Initiated, heard 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 issues), utility rates, parks and recreation, strengthening neighborhoods, human resources issues, etc. Served as Chair of the Council, 2012-2013; chosen by peers on the council to act as leader, set agendas, made administrative decisions and otherwise represent the council. Provo City is consistently rated in the top by the Brookings Institute, Forbes Magazine, etc., for No. 2 for Home Value Recovery, Second Safest City, Second Best City for patents 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 Augmentee Program (LOGCAP), while assigned at Army Central Command, 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 plans/strategies, manage acquisition requirements. Responsibilities required frequent travel to various countries within the Area of Responsibility in order to oversee contractor performance and coordinate plans.
- Area Coordinator and Senior Instructor, Command & General Staff College, for Utah, Nevada and Colorado; Also appointed as Exchange Officer to Canada 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 Univ. ROTC
- Chief, Unit Training Section, Deputy Chief of Staff for Operations, of 96th Regional Support Command
- Battalion Logistics Operations Officer – (operations officer for a Logistics Battalion)

- Company Commander, Petroleum Supply Company
- Military Intelligence Analyst, China
- Executive Officer and Training Officer, Petroleum Supply Company
- Evaluator, Conducted Training Evaluations of Logistics and Supply Companies
- Personnel Officer, Army General Hospital
- Platoon Leader, Petroleum Supply Company

Board Memberships

Utah County Career Services Council (Appointed Position) Board Member
Provo Peaks Ice Sheet Authority – Board Member
Utah State Bar – New Lawyer Training Program – Board Member
BYU Army ROTC Alumni Advisory Panel
Utah County Clean Air Task Force – Member
Utah State Bar Association New Lawyers Training Program – Board Member
Therapy Animals of Utah – Board Member
Utah County Sexual Assault Advisory Panel (former)

Civic Service

Veterans Court – Volunteer Defense Attorney
Freedom Festival, Grand Parade Chair of Volunteer Staff
Conflict Guardian ad Litem
Regular Volunteer for pro bono and Modest Means program
Sunday School Teacher

Awards & Honors

Finalist, Christine M. Durham Public Service Award
Meritorious Service Medal
Army Commendation Medal (6 Awards)
Army Achievement Medal (2 Awards)
Global War on Terrorism Service Medal
Army Reserve Components Achievement Medal (with two Bronze Oak Leaf Clusters)
Armed Forces Reserve Medal M Device
National Defense Service Medal
Army Service Ribbon
Valley Forge Freedom Foundation Award – civilian essay contest

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, Various 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

- Brigham Young University ROTC, Guest Lecturer, Fall 2011
- Women in Leadership Scholarship Conference – Keynote Speaker, Feb 2012 Brigham Young University
- National Business Institute – Continuing Legal Education – Complex Child Custody and Support Issues in Divorce; Parenting Plans in Detail; Miscellaneous Issues in Custody and Support and Ethics, December 2012
- Veteran's Group, Changing Face of the Military and Arab Spring, March 2013
- Common and Not So Common Family Law Issues and Answers, 2014
- Introduction to Divorce in Utah, Sponsored by Chainbreakers (Breaking the Chain of Domestic Violence) 2016
- Continuing Legal Education – Legal Ethics, Post Decree Litigation, Complex Assets in Divorce, Sponsored by National Business Institute, 2016
- Continuing Legal Education – Ethics, Violence in the Home, Advanced Family Law, Sponsored by National Business Institute, 2017

Special Skills

Qualified Administrator, Myers-Briggs Type Indicator Instrument
Qualified Instructor – 5k Additional Skill Identifier (U.S. Army designation for adult instruction
Spanish Speaking Intermediate Fluency (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

From: Nathan Carroll <nathan@sentinellawutah.com>
Sent: Thursday, March 22, 2018 12:17 PM
To: Christy Abad
Subject: Resume RE: Utah Sentencing Commission
Attachments: Updated legal resume.pdf

I am also the current contract holder for the Ogden Public Defender.

Thanks.

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Thanks, Nathan Carroll.
Sentinel Law Group, PC
nathan@sentinellawutah.com
1725 East 1450 South, Suite 320
Clearfield, UT 84015
P: 801-784-6250
F: 801-784-6251

NATHAN J. CARROLL
1725 EAST 1450 SOUTH SUITE 320 • CLEARFIELD, UTAH 84015 • (801) 814-8471 • NATHAN@SENTINELLAWUTAH.COM
UTAH BAR NO. 13908

EDUCATION

GONZAGA UNIVERSITY SCHOOL OF LAW, Spokane, Washington
Juris Doctorate, *Cum Laude*, December 2010

- Graduated in top third of class
- Received Merit Scholarship, Dean's List (Spring 2010)
- Worked as a Rule 9 attorney in the Clinic for 6 months
- Argued before the Washington State Court of Appeals as a student.

WEBER STATE UNIVERSITY, Ogden, Utah
B.A. Sociology, *Magna Cum Laude*, May 2007

EXPERIENCE

SENTINEL LAW GROUP, P.C., Clearfield, Utah
General Partner/Attorney, May 2017 – present

- Manage the Ogden City Public Defender Contract.
- Manage all aspects of a general practice, including calendaring, time and file management, billing and other business requirements.
- Appear on behalf of clients in all aspects of criminal justice system, from arraignments to trial and sentencing
- Draft documents and memoranda in various areas of law, including family law, criminal law, personal injury, estate planning and bankruptcy.

CARROLL PROFESSIONAL SERVICES, P.C., Ogden, Utah
Owner, Attorney, January 2012 – present

- Assisted with the Ogden City Public Defender Contract (2012-2017).
- Participated in most aspects of civil litigation, from initial client contact through trial.
- Undertook major role in fact discovery for First Amendment speech case, preparing and responding to discovery, preparing parties for deposition, and defending multiple depositions.
- Drafted complaints on various issues, including criminal law, business disputes and dissolution, and family law related issues.

HUTCHISON & NEIDER, Ogden, Utah
Law Clerk / Attorney May 2009 – December 2011

- Undertook lead role in research and document management.
- Drafted memoranda and motions in areas of criminal law and family law.
- Manage all aspects of the Family Law, Bankruptcy, and Estate Planning cases for the office.

SKILLS AND ABILITIES

Demonstrated leadership and management skills
Proficient with Internet research tools (Findlaw, PACER, Loislaw, WestLaw, etc.)
Intermediate fluency in Mandarin Chinese
Admitted to practice before the United States Tenth Circuit Court of Appeals, Federal District Court of Utah and Utah State Supreme Court

Christy Abad

From: Craig Chambers <cchambers@lehi-ut.gov>
Sent: Thursday, March 22, 2018 3:43 PM
To: Christy Abad
Subject: Opening on the Utah Sentencing Commission
Attachments: Resume_Craig_N._Chambers-1.docx

Dear Ms. Abad:

I am writing to express my interest in the open Sentencing Commission position. I have attached a résumé and would ask you to consider me for the position. I am currently employed as the Lehi City Prosecutor. I have significant Juvenile Prosecution, Misdemeanor Prosecution, Felony Prosecution, and Complex Government law experience. I have served as the legal counsel representing numerous city and county boards, and understand functions pertinent to the open position.

In addition to my employment experience, I have also gained valuable real life teaching and collaborative experience that gives me the skills needed to hit the ground running with the Utah Sentencing Commission. I look forward to meeting with you regarding the open position.

Sincerely,

Craig N. Chambers

Craig N. Chambers

153 N. 100 E. • Lehi City Utah
Tel: (801) 407-1185 • Email: cchambers@lehi-ut.gov

EDUCATION

Creighton University School of Law (Omaha, NE) Aug 2006 – May 2009
- J. Reuben Clark Law Society, Law School Ambassadors Mentor
- J.D. May 2009, Graduated within top 1/3 of class
- Received Litigation Certificate

Brigham Young University (Provo, UT)Aug. 2002 - April 2006
- B.A. in Communications (April 2006), Minor in Gerontology (April 2006), 3.64 cumulative GPA, Deans List and Scholarship Recipient

PROFESSIONAL

Lehi City Attorney (Lehi City, UT) Feb. 2017- Present
City Prosecutor
- Handle all misdemeanor criminal cases for Lehi City in the Lehi City Justice Court.

Wasatch County Attorney (Heber City, UT) August 2012- Feb. 2017
Deputy County Attorney
- Practice areas included juvenile prosecution; justice court and district court prosecution; complex government civil law; and many other areas of municipal and government law

Orem City Attorney (Orem, UT) May 2012- August 2012
Assistant City Attorney
- Practice areas include municipal law and criminal prosecution

Churchill Co. District Attorney (Fallon, NV) Sept. 2010- June 2011
Deputy District Attorney
- Practice areas include criminal, civil, DCFS and child support
- Instructed cadets on domestic violence law, constitutional law, and laws of arrests at State of Nevada POST academy

Judicial Law Clerk (Lovelock, NV) Aug. 2009 – Sept. 2010
Clerk For the Hon. Richard Wagner Nevada 6th Judicial District
- Composition judicial orders and legal memos
- Legal Research for district judge on difficult questions of law

SERVICE/TRAINING

- *National Computer Forensic Institute*
- Knowledge regarding forensic evidence in domestic violence and other crimes

Service
- *Missionary, Youth Leader, Scout Leader, Music Leader*
- Teach classes on online safety and social media to school and church groups
- Former Member of Wasatch County CJC Child Crime Review Team

Craig N. Chambers
153 N. 100 E. • Lehi City Utah
Tel: (801) 407-1185 • Email: cchambers@lehi-ut.gov

References

Ryan Wood
Lehi City Attorney
153 N. 100 E.
Lehi, UT 84043
rwood@lehi-ut.gov

Mark Smedley
Heber City Attorney
90 W. 200 S. #4,
Heber City, Utah 84032
435-671-8546

Scott Sweat
Wasatch County Attorney
805 W. 100 S.
Heber City, Utah 84032
432-654-2909
ssweat@wasatch.utah.gov

Christy Abad

From: Leslie Gallacher <leslieg@wlg-law.com>
Sent: Thursday, March 22, 2018 2:21 PM
To: Christy Abad
Subject: Utah Sentencing Commission
Attachments: Leslie Gallacher'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. Gallacher
Attorney at Law

LESLIE A. GALLACHER

217 Spanish Trails Boulevard
Spanish Fork, UT 84660
Telephone: 801-381-6792 E-mail: leslieg@wlg-law.com

PROFESSIONAL EXPERIENCE

UTAH COUNTY PUBLIC DEFENDER'S OFFICE – JUVENILE DIVISION *May 2016 – Present*
Utah County Government

Attorney
- Responsible for representing appointed clients in all matters related to juvenile delinquencies and child welfare actions.

WOOD LINDSAY GALLACHER, LLC, Lehi, Utah *May 2016 – Present*
A law firm engaged in corporate law, contract negotiations, intellectual property and human resources

Attorney/Partner
- Negotiate and draft complex contracts, software licensing agreements, commercial and intellectual property agreements, provide direction on product launch strategies and other complex business transactions. Provide human resource management experience and advocacy.

XANGO, 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 court cases filed against or on behalf of the company, working with the appropriate executives to define a strategic defense and approve 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 representing in arbitration, mediation and domestic as well as international courts.
- Responsible for FCPA governance, encompassing ongoing training of a global employee base.
- Structure and manage internal governance policies and staff while overseeing the selection, retention, management and evaluation of all outside counsel.
- Advise on legal aspects of financing, including assessing and analyzing current and future business structures and legal entities.
- Draft agreements that minimize corporate exposure and maximize legal rights.
- Direct product registration, customs and compliance when launching new products.
- Oversee Human Resources, employee training and the management of independent contractors.
- Won Stevie Awards' Executive of the Year, Women in Business Program, in 2015, the world's top honors for female entrepreneurs, executives, employees and the organizations they run.

Associate General Counsel/Vice President Operations September 2009 - June 2013
- Managed an operational budget of $3 million as well as all strategic aspects for US and Canada including pricing, promotions, commissions and communication, 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.

- Worked with Marketing to create and execute company promotions and incentives, representing XanGo in speaking engagements at industry functions. Drafting critical terms & conditions and policies relevant to all events and activities.
- Worked with Operations and Logistics to negotiate, draft and enforce manufacturing agreements, vendor relationships, product formulators, product registration, customs and regulatory initiatives and other critical product and operational strategies.
- Co-chaired the Conduct and Relations Committee, responsible for reviewing and making decisions regarding disciplinary actions taken against Distributors for violations of company policies.
- Implemented career development and training programs for company employees, including key management bonus structures and incentives.
- Assisted the development of company strategic initiatives as a member of the XanGo Strategy Committee.

Associate General Counsel/International Development July 2006 - September 2009
- Executed the openings of Canada, Singapore, Malaysia, Taiwan, Austria, Germany, Switzerland, Belgium, Netherlands, Sweden, Norway, Portugal, Italy, Spain, France, United Kingdom, Ireland, Russia, Ukraine and Kazakhstan, increasing corporate revenues $200 million to date.
- Increased overall percentage of global sales in international markets from 15% to 55%.
- Strategized new market launches by developing individual ROI models, investigated and created initial sales projections and performed cost and risk analysis for each proposed program, product and service.
- Led cross-functional teams in the effort of launching products in complex international markets, including developing timelines, product registration, customs and tax regulations, warehouse contracting and all other legal responsibilities dealing with opening markets.
- Managed multiple cross-functional teams in problem resolution and driving corporate strategy throughout the new market development process.
- Negotiated office openings in foreign markets including cost analysis, selection of office space, lease agreement, space design and utilization, furniture and technology hardware procurement. Drafted commercial leases for international office spaces.
- Collaborated to develop banking relationships with international banking partners to facilitate necessary processes, accounts and technology. Drafted all banking relationship contracts and documents.
- Worked to select supply chain vendors, including customs agent, warehouse and distribution services.
- Streamlined cross department teams to fulfill requirements for company structure, name, by-laws, officers, capital contribution, tax obligations, labor regulations and corporate and product registration.
- Planned pre-market activities and market launch events including venue selection and program content.
- Coordinated with regulatory authorities to receive appropriate business permits and product registrations.

Associate General Counsel/Special Advisor to the President, June 2004 – June 2006
- Implemented company's risk management programs, negotiated and drafted corporate contracts and assisted with state and federal compliance initiatives.
- Managed all day-to-day employee relations issues and employment litigation.
- Drafted, reviewed and negotiated employment documents and company policies and procedures.
- Wrote construction contracts and obtained all necessary business permits for the construction of XanGo's three corporate office buildings.
- Created international corporate entities and international tax structure.
- Participated in XanGo's President's Team, implementing high level strategies for all departments.
- Collaborated to develop salary and bonus metrics for all employees through the HR Committee.
- Joined the Direct Seller Association's Lawyer's Council in 2004 and International Council in 2006.

YOUNG KESTER & PETRO, Provo, Utah *December 2003 – June 2004*
A mid-sized law firm engaged in general civil litigation, product liability, family law, estate law and criminal defense.
Attorney
- Practiced law in the areas of: Business, Estate Planning, Bankruptcy, Corporations, Employment Law, Social Security and Disability Law.

UTAH COUNTY ATTORNEY'S OFFICE, Provo, Utah *October 2001 – December 2003*
The Utah County Attorney's Office operates under the umbrella of the Utah County Government.
Attorney
- Represented the State in prosecuting misdemeanors and felonies for all of Utah County.
- Appeared in court on waiver hearings and conducted preliminary hearings and jury trials.
- Member of Utah County Domestic Violence Council and Utah County Child Abuse Council.

FOURTH JUDICIAL DISTRICT COURT, Provo, Utah *May 2000 – October 2001*
A part of Utah State Government, tenure involved working with Judge Gary D. Stott and Judge Lynn W. Davis.
Law Clerk/Bailiff
- Researched and wrote memoranda and analysis involving criminal and civil issues.
- Drafted proposed Memorandum Decisions to be reviewed by the judge.
- Contacted, instructed and managed jury pool members for all jury trials.

EDUCATION

- J. Reuben Clark Law School, **Juris Doctorate,** April 2000.
  - Member of Phi Delta Phi International Legal Fraternity
  - Teaching Assistant for Alternative Dispute Resolution & Domestic Mediation
  - Research Assistant for Evidence and Criminal Procedures courses
  - State Certified Mediator in both General Mediation and Domestic Mediation
- Brigham Young University, **Bachelor 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.

Christy Abad

From: Taylor Hartley <taylorhartley@gmail.com>
Sent: Thursday, March 22, 2018 6:14 PM
To: Christy Abad
Subject: Utah Sentencing Commission: Resume
Attachments: 2018 March CV or Resume.pdf

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

TAYLOR C. HARTLEY, ESQ.

203 W. Center St., Apt. 323, Pleasant Grove, UT 84062
taylorhartley@gmail.com
(801) 404-4987

LAWYERING
(2007 – Present)

Morley & Associates, PC (2016 – Present). Associate. General practice.

Wasatch County and Utah County Public Defender (2012 – 2017). Criminal defense.

The Advocate Attorney, LLC (2008 – 2016). Owner. Criminal and juvenile defense.

JUDICIAL LAW CLERKING
(2007 – 2008)

Utah County Fourth District Court (2007 – 2008). All civil & criminal law with Judge Stott.

LEGAL TEACHING
(2003 – 2017)

The Leavitt Institute (2017). Professional lecturer of American law. Moldova, Chisinau.

Utah Valley University (2014 – 2015). Professor of international law and American law.

Weber State University (2011). Instructor of paralegal studies.

Provo College (2007 – 2008). Instructor of "Criminology" and "Police Report Writing."

California Western School of Law (2003 – 2005). Tutor of contract law for 70 students.

LEGAL WRITING
(2011)

Sinner's Advocate: an LDS Perspective on the Morality of Criminal Defense (2011). Author.

LEGAL EDUCATION
(2002 – 2005)

California Western School of Law (2002 – 2005)

Top Score Awards: Trial Practice; Contracts; and scholarly writing paper.

LEGAL SERVICE
(2007 – 2017)

United Survivors of Epidermolysis Bullosa (2007 – 2017). Founder. Chief Legal Officer.

United Nations Association of Utah (2012 – 2016). Advocacy Committee Chair person.

Admitted to the Utah State Bar: 2007
Admitted to the Tenth District Federal Court: 2009
Admitted to the United States Supreme Court: 2011

Christy Abad

From: Ryan Holtan <rholtan@agutah.gov>
Sent: Thursday, March 22, 2018 1:08 PM
To: Christy Abad
Subject: re: Utah Sentencing Commission
Attachments: Ryan Holtan 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. Holtan
Assistant Attorney General
Internet Crimes Against Children Section
Justice Division| Utah Attorney General's Office
160 East 300 South, 5th Floor
Salt Lake City UT 84114
Phone: 801-366-0183
E-mail: rholtan@agutah.gov

RYAN N. HOLTAN

1234 S. Lyman Ct. Salt Lake City, UT 84105
(C) 801-946-6527 · rholtan@agutah.gov

LEGAL EXPERIENCE

Utah Attorney General's Office
Assistant Attorney General, 2017 – Current
- Criminal prosecutor ICAC division

Pearson, Butler & Carson, PLLC
Partner, 2016 – 2017
Trial Attorney, 2012 – 2017
- Head of the criminal practice group for the firm
- Handled all major criminal cases from onset through trial

Rammell Law, PLLC
Associate, 2011 –2012
- Independently managed a large criminal defense caseload
- Handled criminal cases from arraignment through trial

Beatty & Wozniak P.C.
Associate, 2010 – 2011
Law Clerk, 2009 – 2010
- Determined title and ownership of mineral interests for private, state, and federal oil and gas leases
- Handled probate, administrative, and natural resource law issues

Salt Lake County District Attorney's Office
Intern, 2009 – 2010
- Prosecuted misdemeanor cases
- Handled jury trials, preliminary hearings, pretrial motions, as well as witness and victim communication

EDUCATION

University of Utah S.J. Quinney College of Law
Juris Doctor, 2010
- Awarded Technology Merit Scholarship 2007
- 2nd Place Brief, Traynor Moot Court Competition
- Bar Review Commissioner

Montana State University
B.A. Political Science, 2006
- Awarded Western Undergraduate Exchange Scholarship
- Montana State Honors College
- Official Presenter, National Conference on Undergraduate Research 2007

Christy Abad

From: Erik Jacobson <erikj@ulcpd.com>
Sent: Thursday, March 22, 2018 2:03 PM
To: Christy Abad
Subject: Utah Sentencing Commission
Attachments: updated resume 2018.pdf

Please accept my resume as an indicator of my interest in the open position on the Utah Sentencing Commission.

Erik Jacobson

Erik G. Jacobson
588 North 450 East
Springville, Utah 84663
(801) 636-2477
ejacobson6@msn.com

EDUCATION

JAMES E. ROGERS COLLEGE OF LAW, UNIVERSITY OF ARIZONA, Tucson, Arizona
Juris Doctor Degree - May 2001
- Pima County Bar Association Lawyers for Literacy
- Executive Member PALS (Parents at Law School)
- Research Assistant Career Services Office, 2000-2001

UNIVERSITY OF ARIZONA, Tucson, Arizona
Bachelor of Science Public Administration/Criminal Justice – May 1997
- Lawther Law Enforcement Scholarship 1996
- Business School Dean's List (four semesters)

WORK EXPERIENCE

Utah County Juvenile Public Defender, American Fork Court, Provo, Utah
Attorney: August 2009 – Present
- Currently serving as the Provo Fourth District Court Public Defender.
- Currently managing a caseload of over 120 felony matters, with multiple Judges.
- Previously served as the Provo Fourth District Juvenile Court Public Defender.
- Handled a caseload of several hundred delinquency and child welfare related cases.

Fillmore Spencer, LLC, Provo, Utah
Attorney: February 2008 – August 2009
- Practiced for a mid-sized law firm, concentrating on bankruptcy, business, and juvenile law.

Harris & Carter, Provo, Utah
Attorney: February 2006 – February 2008
- Served as the Provo City Public Defender.
- Handled a civil litigation caseload, including domestic, collections and bankruptcy.

Bass & Associates, Tucson, Arizona
Associate Attorney: May 2005 – January 2006
- Managed a nationwide network of creditor attorney's for bankruptcy proceedings.
- Supervised Arizona Litigation on behalf of major auto company, and major student loan servicer.
- Screened bankruptcy cases nationally to make sure client is treated appropriately.

Pima County Attorney's Office, Tucson, Arizona
Deputy County Attorney: February 2003 – May 2005
- Assigned to the Torts Unit of the Civil Division, handling prisoner civil rights actions.
- Spent six months in a felony caseload handling gang related crimes
- Previously managed a misdemeanor caseload consisting of up to 500 cases, primarily DUI.
- Handled a daily court calendar of various hearings, and sentencing.
- Tried six felony and 15 misdemeanor trials by jury.

AWARDS

- **Parental Defense Alliance** - 2014 Mentor of the Year Award
- **Utah County Child Abuse Prevention Team** – 2015 Organization of the Year Award
- **Utah Board of Juvenile Justice** – 2016 Youth Advocate of the Year

Christy Abad

From: David Johnson <djohnson@ujda.org>
Sent: Thursday, March 22, 2018 12:08 PM
To: Christy Abad
Subject: Sentencing Committee Opening
Attachments: 2018 Resume.doc

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
8 East Broadway, Suite 500
Salt Lake City, Utah 84111
Phone: 801-521-5225
Fax: 801-521-5268

David L. Johnson

Utah Bar No. 11349
djohnson@ujda.org, 8 E. Broadway, SLC, UT 84111, Suite 500

Education

2006: University of the Pacific, McGeorge School of Law, JD.

1996: California State University, Fresno, BA Mass Communication/Journalism

Experience

Attorney, Utah Juvenile Defender Attorneys, Salt Lake City, UT, September 2011 – Present
Trial attorney representing juveniles charged with delinquency offenses.

Owner, Law Office of David L. Johnson PLLC, Salt Lake City, UT, September 2010 – Present
Trial attorney with an emphasis in juvenile legal matters, both criminal and civil

Attorney, Utah Office of the Guardian ad Litem, Salt Lake City, UT, November 2006 – August 2010
Trial attorney representing children in dependency and juvenile delinquency matters.

Law Clerk, California Office of Administrative Hearings, Special Education Division, Sacramento, CA, May 2005 – May 2006

Freelance Writer, 1996 to 2003
Contributor to major news agencies, including *The Salt Lake Tribune*, the Associated Press.

Special Education Aide, Meadow Moore Elementary, Salt Lake City, 2002-2003
Taught and coordinated special education programs.

Sports Desk Editor, *The Salt Lake Tribune*, Salt Lake City, UT 2000-2002
Editing duties for large-circulation newspaper.

Senior Writer, Bureau Chief, *The Dominion Post*, Morgantown, WV, 1997-2000
Established Capitol Bureau: covered state capitol affairs.

Sports Editor, Brehm Newspapers, Folsom, CA, 1996-1997
Sports editor for three weekly papers. Produced stories, page design and photos.

Professional Associations and Activities

Admitted: September, 2006 Utah State Bar and U.S. Federal District Court, District of Utah.
Member: Utah Association of Criminal Defense Lawyers, UACDL Legislative Committee, 2013 to 2015; National Juvenile Defender Center, 2011-present;
Certified Trainer: National Juvenile Defender Center, Juvenile Training Immersion Program
Committee Member: Interdisciplinary Committee for Human Trafficking Victim Policy, 2017, Utah Homeless Youth Forum planning committee 2018
Editor: Utah Criminal Law Journal, March, 2014 to present.

Chair: Juvenile Law Section of the Utah State Bar, 2015-2016, Vice chair 2014-2015
Founding Chair: Juvenile Law Section of the Utah State Bar, 2008-2009
Executive Council Member: Utah Young Lawyers Division, 2006-2010
Chair: YLD Needs of Children Committee, 2007-2010
Appointed Member: Utah Supreme Court's Juvenile Procedure Rules Committee, 2006-2009
Committee Member: American Bar Association Consulting Committee, 2012-2013; Utah Safe Haven/All 'R Kids Consulting Committee 2006-2007; Utah Adoption Exchange Consulting Committee, 2007-2008; Utah Hearts Gallery Consulting Committee, 2007-2008.

Invited Speaking Engagements

Stages of Advocacy, Presenter and breakout group facilitator, March 2018
Utah Homeless Youth Forum, March, 2018, Panel expert
4th Annual Human Trafficking Symposium, Panel Expert, SJ Quinney School of Law, Univeristy of Utah, January, 2018
Empowering Youth Conference, Human Trafficking Expert Panel, Salt Lake, May 2017
Juvenile Law Seminar, Immigration Effects on Delinquency Outcomes, April, 2017
Immigration Symposium, West High School, December 2016
Drug Court Symposium, Park City Winter School, October 2016
Juvenile Defense CLE: Statement Suppression, Salt Lake City, October 2015
Juvenile Law Competency CLE, Salt Lake, April 2015
Special Education and the Juvenile Justice System, presenter, Utah State Bar CLE, May 2014
Juvenile Competency, guest lecturer, University of Utah, Quinney College of Law, March 2014
Critical Issues Facing Children & Adolescents, Juvenile Competency, presenter, October, 2012
Legislative Update CLE, panel-discussion moderator, March, 2010
Juvenile Court Intern Workshop, Utah University School of Law, Sept. 2009
Dually Adjudicated Youth Conference, panel-discussion participant, September, 2009
Utah Division of Child and Family Services new caseworker training, May 2008
Juvenile Law CLE, Moderator, March 2007, April 2007

Specialized Training

National Juvenile Defender Center: Train the Trainers Seminar, Layfayette, LA, July, 2017; **Juvenile Law Seminar,** Salt Lake City, April 2017; **National Juvenile Defender Leadership Summit,** Atlanta, GA, 2016; Salt Lake City, UT, 2015, Louisville, KY, 2014; Tempe, AZ, 2013; San Juan, PR, 2012; Seattle, WA, 2011; **NCJFCJ Drug Court Symposium,** November 2016; **Juvenile Training Immersion Program Summer Academy,** Georgetown School of Law, June, 2015; **Juvenile Competency** workshop, 2013, 2012; **Juvenile Sexual Offenders** NOJOS training 2017, 2016, 2013; **Critical Issues Facing Children and Adolescents,** 2012; **Guardian ad Litem Annual Training Conference,** 2006, Provo, UT; GAL Conference, Park City 2007; GAL Conference, Heber, UT, 2008; GAL Conference Salt Lake City, 2009. **Dually Adjudicated Youth Conference,** Salt Lake City, 2009; **Juvenile Court Improvement Project Conference,** 2009, 2008, 2007 Heber, UT; **Children's Justice Center Conference,** Heber, UT 2007, 2008, 2009, 2010; **Juvenile Drug Court Training,** 2008; **Guardian ad Litem Training,** 2006, Layton, UT; **Special Education Teacher Training,** 2003, Granite School District; **Utah State Bar Juvenile Division** CLE Trainings, 2008, 2009, 2010, 2011, 2013, 2014, 2016

Christy Abad

From: Mandy Larsen <mandylarsenesq@gmail.com>
Sent: Friday, March 23, 2018 6:34 PM
To: Christy Abad
Subject: Utah Sentencing Commission
Attachments: 2017 resume v2.pdf

Christy,

Attached, please find my resume. I am interested in serving on the Utah Sentencing Commission.

After law school, I clerked one year for Judge Donald Eyre, Jr. and Commissioner Thomas R. Patton in the the 4th District. I then started my own law practice at Esplin | Weight were I had several criminal public defense contracts with Orem City, Provo City and Payson City. I had a contract with the Utah County Public Defender's office to serve as a public defender in Juvenile Court. I also took private criminal cases including felony criminal defense, private juvenile court cases, and divorce cases. I worked in Utah County from 2003 - 2008. I relocate my practice to Richfield, Utah in 2008. I served as the juvenile court public defender, justice court public defender and conflict district court public defender from 2008 until 2014. From May 2014 - present, I work as part time as a Deputy Sevier County Attorney, Gunnison City Prosecutor and divorce mediator. Ten of my 14 years of experience has been a defense attorney and juvenile court public defense attorney.

If you have more questions, please don't hesitate to contact me. Thank you for your time reviewing my application.

Sincerely,
Mandy

--
Mandy Larsen
Mandy Larsen PC
Attorney at Law
Deputy Sevier County Attorney
Gunnison City Prosecutor
Certified Domestic Mediator
(435) 896-3411

MANDY LARSEN

319 East 1010 North, Richfield, Utah 84701 • Tel: (435) 896-3411 • E-mail: mandylarsonesq@gmail.com

EXPERIENCE

Attorney, June 2004 – Present

MANDY LARSEN P.C., JANUARY 2008 – PRESENT, *Richfield, Utah*
***May 2014* Deputy Sevier County Attorney; *May 2014* Gunnison City Attorney** (municipal and criminal law)
Practice in the areas of criminal prosecution (2014-present), criminal defense (prior to 2014) Public Defender contracts for Sevier County Juvenile Court & Justice Courts (2009-2014), conflict Sanpete County Public Defender; family law (divorce, custody, adoption, guardianship, pre-nuptial agreements), juvenile law (public defense & private cases), estate planning, & debt collection. Appointed by the court to serve as Private Guardian ad Litem, Special Master and Court Visitor for Incapacitated Person. Certified Domestic Mediator.

MANDY LARSEN P.C., JUNE 2004 – DECEMBER 2007, *ESPLIN | WEIGHT, PROVO, UTAH*
General practice but focused primarily in the areas of family law, criminal defense (2004-2014) misdemeanor and felony cases, and juvenile law.
Public Defender contracts for Juvenile Courts in American Fork, Orem and Provo; Justice Court Contracts for Payson City, Provo City, & Orem City.

Law Clerk/Bailiff
Judge Donald Eyre, Jr. and Commissioner Thomas Patton, Aug. 2003 – May 2004
FOURTH DISTRICT COURT, *Provo, Utah*
Researched criminal and civil issues, drafted opinions, and performed bailiff duties.
Graduated POST Special Functions Certification.

Law Clerk, May 2002 – May 2003
OREM CITY ATTORNEY'S OFFICE, *Orem, Utah*
Prosecuted traffic and other misdemeanor cases under the 3d year practice rule.
Researched criminal and civil legal issues such as sewage effluent, water, tax, zoning, building code, Constitutional claims, trespass, search and seizure, & rules of evidence.
Researched and wrote appellate briefs and replies to motions in criminal cases.

***Law Clerk,** Summer 2001*
UNITED STATES ATTORNEY, DISTRICT OF UTAH, *Salt Lake City, Utah*
Researched criminal and civil legal issues such as *Bivens* claims, sentencing departures, post-conviction appeals, standing, property, statutes, fossil theft, etc.
Wrote internal memos and observed federal court proceedings.

EDUCATION

Utah State Bar Member, October 2003 - Present

***Juris Doctor,** August 2000 - April 2003*
J. REUBEN CLARK LAW SCHOOL, BRIGHAM YOUNG UNIVERSITY, *Provo, Utah*
Publications Editor (Executive Board): BYU Education and Law Journal
NALSA Moot Court Team Member 2002, 2003
Conference Chair: Government & Politics Legal Society 2002-2003
General Mediation and Divorce Mediation training
Westlaw Student Representative (BYU Law School), August 2001 – April 2003

***Bachelor of Science, magna cum laude, Political Science,** September 1997 - May 2000*
SOUTHERN UTAH UNIVERSITY, *Cedar City, Utah*
magna cum laude
Political Science Major, Criminal Justice Minor
Leadership Scholarship, Dean's List 1998-2000
Intern to Congressman James V. Hansen in Washington D.C., 1999

VOLUNTEER AND INTERESTS

Rotarian (Past President & Youth Leader) 2011-present; Assistant RHS Drill Coach 2016- present; Judge, BYU Trial Competitions 2003 – 2005; enjoys reading, outdoor recreation, ATV riding, and dancing

Debra M. Nelson
424 East 500 South, Suite 300 • Salt Lake City • Utah • 84111
Email: dnelson@sllda.com | Phone: (801) 933-8773

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 (LDA) 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 to the appellate courts. I have also relied on the policies and goals of the guidelines when writing to the Utah Board of Pardons and Parole 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 added 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 I am a past recipient of the Utah State Bar's Mentor of the Year Award (2014) and LDA's Mitsunaga Award (2017). The Mitsunaga Award, presented annually, is based on three criteria: outstanding legal achievement, dedication providing high-quality defense to indigent clients, and loyalty to the mission of LDA. In addition, in August 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

Debra M. Nelson
424 East 500 South, Suite 300 • Salt Lake City • Utah • 84111
Email: dnelson@sllda.com | Phone: (801) 933-8773

Legal Experience

Appellate Attorney — 2004-Present
Salt Lake Legal Defender Association — *Salt Lake City, UT*

Practice focuses on appellate representation in criminal, including capital, proceedings before the Utah Supreme Court and Utah Court of Appeals. Practice includes preparing appellate briefs, oral argument, petitions for writ of certiorari, motions and memoranda in the district court and extensive legal research and writing. Responsibilities include determining issues for appeal through investigation and review of the trial proceedings, meeting with clients, and research. Senior attorney responsibilities include assisting trial and appellate attorneys with developing legal issues, reviewing trial memoranda and appellate briefs, mooting appellate attorneys for oral argument, presenting continuing legal education to inform staff attorneys of trends within criminal law, and summarizing recent appellate opinions for dissemination to update staff attorneys of developments in case law.

Contract Attorney — 2003-04
Bugden & Issacson — *Salt Lake City, UT*

Consulted with partners to identify and develop issues for argument in the district and appellate courts in the federal and state system. Responsibilities included researching and writing of motions and memoranda and appellate briefs filed in state and federal courts.

Judicial Clerk — 2002-03
Utah Court of Appeals — *Salt Lake City, UT*
For the Honorable Pamela T. Greenwood

Law Clerk — 1999-2002
Salt Lake Legal Defender Association — *Salt Lake City, UT*

Education

Juris Doctorate — 2001
S.J. Quinney College of Law, University of Utah — *Salt Lake City, Utah*

Membership/Publication
- Member, Utah Law Review
- Published: *Illinois v. Wardlow: A Single Factor Totality*, 2001 Utah L. Rev. 509

Bachelor of Science — 1998
Westminster College — *Salt Lake City, Utah*
Business Studies

Honors

- Mitsunaga Award, Salt Lake Legal Defender Association (2017)
- Outstanding Mentor Award, Utah State Bar (2014)
- "Utah Legal Elite" for the Utah Business Magazine (2009)
- "Rising Star" for the Mountain States Super Lawyers Magazine (2009)

Selected Continuing Legal Education Lectures

Nelson, Debra M., Lori Seppi, Teresa Welch, Nathalie Skibine, Alexa McCallum, Diana Pierson, Andrea Garland, *"Indecent Liberties: What it means and how to prevent a jury from being improperly instructed on it," Salt Lake Legal Defender Association, Salt Lake City, Utah* (March 2018)

Nelson, Debra M., Lori Seppi, Teresa Welch, Nathalie Skibine, Alexa McCallum, Marshall Thompson, Diana Pierson, "Jury Instructions: How to draft instructions and get them before the jury," *Salt Lake Legal Defender Association, Salt Lake City, Utah* (August 2017)

Nelson, Debra M., Lori Seppi, Teresa Welch, Nathalie Skibine, Alexa McCallum, Marshall Thompson, *"Utah Appellate Case Law Review"* Salt Lake Legal Defender Association, Salt Lake City, Utah (February 2017)

Nelson, Debra M., Teresa Welch, Nathalie Skibine, *"Restitution Tips: Protecting your client from having to pay an arm and a leg."* Salt Lake Legal Defender Association, Salt Lake City, Utah (October 2015)

Bar/Court Admissions

- Utah State Bar
- United States Supreme Court
- Supreme Court of Utah
- United States District Court, District of Utah

Membership/Professional Activities

- 2018-2019
  Chair, Constitutional Law Section, Utah State Bar
- 2015-2016
  Chair, Appellate Practice Section, Utah State Bar
- 2013-Present
  Mentor, New Lawyer Training Program, Utah State Bar
- 2011
  Member, Summer Convention Committee, Utah State Bar
- 2007-2010
  Member, Courts and Judges Committee, Utah State Bar
- 2013-Present
  Member, Women Lawyers of Utah (WLU)
- 2014-Present
  Member, National Association for Public Defense (NAPD)
- 2011-Present
  Member, National Association of Criminal Defense Lawyers (NACDL)
- 2004-Present
  Member, Utah Association of Criminal Defense Lawyers (UACDL)

Cristie Mae Roach

394 S. 400 E., Santaquin, Utah 84655 801-636-5114 Email: cristier@utcourts.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 2004 – April 2007
J. Reuben Clark Law School, Brigham Young University, Provo, Utah

- Student Member, Inns of Court, 2006-2007
- Solicitations Editor, BYU Journal of Education and Law, 2006
- Conference Chair, BYU Government & Politics Legal Society, 2006
- Octofinalist, 1L 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 Recorder, ASASUW (Spring 2000)

ASSOCIATE OF ARTS, General Studies with emphasis in Communication
August 1997 – May 1999
Estrella Mountain Community College, Avondale, Arizona

- 4.0 GPA, Highest Distinction
- EMCC President's Honor List (Spring 1998 – Spring 1999)
- Officer, Phi Theta Kappa Honor Society (Fall 1998 – Spring 1999)
- All-USA 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 ad Litem, Salt Lake City, Utah

- Represent the best interest of abused, neglected and dependent children in Juvenile and District courts
- Research complex 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

PARALEGAL, May 2007 – May 2008
Utah Attorney General – Child Protection Division, Salt Lake City, Utah

- Assist Assistant Attorney General in the preparation of administrative hearings/trials
- Review cases for necessary witness and exhibit lists

LONI RADMALL **SARAFOLEAN**

P.O. Box 25432 • Salt Lake City, Utah 84125 • (801) 694-4404 • lsarafolean@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 learned personal management and time management skills that have been useful for both the courtroom and the office.

Highlights

Court procedures
Exceptional negotiator
Dependability
Attention to detail

LEGAL EXPERIENCE

Trial Attorney — **11/1/2015 to Current**
Self-Employed — **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 in-house 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 Intake officers.

Emphasis on learning and implanting House Bill 239 as each part has become implemented.

Trial Attorney — **02/2011 to 11/1/2015**
Salt Lake Legal Defender Association — **Salt Lake City, Utah**

Conducted felony jury trials. Made weekly appearances in court for the law and motion calendar. Experienced in Rules of Evidence, Rules of Civil Procedure, Rules of Criminal Procedure. Excellent at examining witnesses and cross-examining witnesses. Appeared before over twenty judges.

Experienced in legal writing. Drafted Motions in Limine, trial briefs, Motions to Suppress Evidence, Motions to Suppress Testimony, Motions to Exclude Experts.

Planned and coordinated monthly in-house Continuing Legal Education for attorneys. Coordinated one hour-long seminar 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 750-1000 pages of documents per week.

Deputy District Attorney/Prosecutor — **03/2006 to 02/2011**
Salt Lake County District Attorney's Office — **Salt Lake City, Utah**

Represented the State of Utah in juvenile proceedings, misdemeanor cases, and felony cases. Tried cases involving sex crimes, thefts, assaults. Conducted evidentiary hearings and preliminary hearings. Experienced in the Rules of Evidence, Rules of Civil Procedure, Rules of Criminal Procedure. Appeared before over twenty judges.

Supervised a paralegal in processing evidence reviews from all Salt Lake Valley police agencies. Supervised a summer intern regarding work product and court appearances.

Associate Attorney — **04/2005 to 02/2006**
Charlier & Associates — **Salt Lake City, Utah**

Domestic relations law firm. Drafted divorce and custody motions

Associate Attorney — **10/2004 to 04/2005**
Lexington Law Firm — **Salt Lake City, Utah**

Boutique 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 in federal court.

Managed between 15-20 paralegals.

Law Clerk — **05/2002 to 05/2004**
Utah Attorney General's Office — **Salt Lake City, Utah**

Conducted extensive research on topics such as child support (visitation rights, the effect of re-marriage, wage garnishment, emancipation of a minor, and the differences between child support laws in various states), trusts and estates, and fraudulent transfers. Researched issues regarding ERISA/URISA and edicaid/Medicare.

EDUCATION

Juris Doctor — **π May 2004**
University of Utah, S.J. Quinney College of Law — **Salt Lake City, Utah**
Senior Staff Member, *Journal of Land, Resources, and Environmental Law*

Published Comment in Spring 2004 issue

Bachelor of Science: Psychology — **April 2001**
Brigham Young University — **Provo, Utah**

Otto and Dr. Mano Reichert Scholarship
Mary Fielding Smith Scholarship
Member, National Collegiate Scholars

BAR STATUS

Admitted to Colorado Bar (36178)
Admitted to Utah Bar (10460)
Will sit for California Bar, February 2016

SKILLS

Trial lawyer, discovery, document review, manage client caseload, courtroom experience, legal writing, subpoenas, negotiation, evidence hearings, jury trials, judge trials, Rules of Evidence, Rules of Criminal Procedure, Rules of Civil Procedure

Christy Abad

From: Paul Wake <paulw@UtahCounty.gov>
Sent: Thursday, March 22, 2018 12:38 PM
To: Christy Abad
Subject: FW: Utah Sentencing Commission
Attachments: Resume.pdf

Ms. Abad, please accept the attached resume in application for the Sentencing Commission opening mentioned below. Thank you.

Paul Wake
Deputy Utah County Attorney

From: Onlineservices <onlineservices@utahbar.org>
Sent: Thursday, March 22, 2018 12:08 PM
To: Paul Wake <paulw@UtahCounty.gov>
Subject: Utah Sentencing Commission

Utah Sentencing Commission

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 juvenile law and 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.

Please submit resumes to Christy Abad (cabad@utahbar.org), or by mail at 645 South 200 East, Salt Lake City, UT 84111. **Resumes must be received by 5:00 p.m., Wednesday, April 4, 2018.**

PAUL WAKE

1791 River Bottom Road • Springville, Utah 84663 • (801) 491-8113 • wake@xmission.com

EMPLOYMENT

Deputy Utah County Attorney, spring 1997–present
Prosecute cases in juvenile court; wrote the office manual for juvenile prosecutors; named Utah County employee of the month in July of 2012; through 2009 did both juvenile prosecution and government civil work
Related activities:
SWAPLAC member (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, SHOCAP, judicial case management, juvenile drug court, sex crimes, Olympics, and truancy; taught on juvenile law at POST, UVSC, and BYU's law school; served as faculty at National Advocacy Center; helped organize and presented on ethics at the last Utah Prosecution Council juvenile justice conference; charter member of the Utah Bar's Juvenile Law Section; published on juvenile practice in the Utah Bar Journal, The Prosecutor, and the BYU Journal of Public Law; created a juvenile court practice video for the Bar's 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, Minors: Zoology, History
Study Abroad Vienna; Washington, D.C. internship; Timpanogos Biological Station; co-founded BYU's human rights group; Special Olympics Adapted Aquatics coach

Other education:
Oregon Institute of Marine Biology

ACTIVITIES AND INTERESTS

UCARES and ERC ham radio volunteer; served on Utah County Sheriff Search and Rescue Team and Timpanogos Emergency Response Team high camp; Utah Law Related Education Project mock trial coach and judge; youth soccer coach; Scouter; Fourth Judicial District Court small claims judge pro tempore; political party delegate

Enjoy family activities; hiking; reading; river running; playing piano, harmonica, and guitar; diving; watercolor; climbing; photography; skiing; gardening; travel; web design; high power rocketry

TAB
6

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 Thuet, 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

Recent Changes to the Rules for Client Protection

Changes to Rule 14-904(e)(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 (e)(1) limited administrative suspension to situations in which a lawyer receives a public reprimand. That language was inconsistent with the language in 14-904(e) 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.

Utah State Bar
Fund for Client Protection
PROFIT & LOSS
July 2016 through June 2017

INCOME	
Fund for Client Protection Fees	$44,775
Restitution Revenue	3
Investment Income	2,625
Total Income	**47,403**
EXPENSE	
Claims Expenses	26,026
Bank Service Charges	632
Total Expense	**26,658**
Net Income	**$20,745**

Total Claims Paid for Fiscal Year 2017–2018

Attorney	# of claims made to the fund	# of claims recommended for approval	total $ claimed	total $ paid from the fund
Kelly Ann Booth	1	0	$10,000.00	$0
Spencer M. Couch	1	1	$1,000.00	$1,000.00
Benjamin Horton	6	5 approved, 1 claim denied as claimant died before case could be heard.	$3,900.00 $3,896.00 $3,896.00 $2,950.00 $4,791.00 $11,325.00 $30,758.00	$3,900.00 $3,896.00 $2,922.00 $0 $4,791.00 $9,394.00 $24,903.00
S. Austin Johnson	3	1 approved, 2 cases deferred to next available hearing date.	$3,300.00 $20,000.00 $9,500.00 $32,800.00	$2,500.00 deferred deferred $2,500.00
JD Poorman	1	1	$1,975.00	$1,975.00
Paul Remy	1	1	$2,287.50	$2,287.50
Andrew Stewart	2	2	$2,500.00 $10,000.00 $12,500.00	$2,500.00 $8,150.00 $10,650.00
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.

Prospective Claims		Amount Claimed
Cases vetted	2	$29,000
Cases to be vetted	4	**$65,000**
Total Prospective Claims	**6**	**$94,000**

Utah State Bar Fund for Client Protection Fiscal Year 2018–2019 Request	
Bank Balance (as of 02/28/2018)	$273,977
Less: Approved Claims	12,171
Prospective Claims	94,000
Projected Fund Balance	**$167,806**
Targeted Fund Balance	$200,000
Projected Fund Deficiency	**($32,194)**
Current Active Attorneys	9,551
Amount Required for 2018–2019 Licensing Period	**$3.37**
Actual Request for 2018–2019 Licensing Period	$5.00

Conclusion

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

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

Article 9. Lawyers' Fund for Client Protection

Rule 14-901. Definitions.

As used in this article:

(a) "Bar" means the Utah State Bar;

(b) "Board" means the Board of Commissioners of the Utah State Bar;

(c) "Committee" means the Committee on Lawyers' Fund for Client Protection;

(d) "Dishonest conduct" means either wrongful acts committed by a lawyer in the nature of theft or embezzlement of money or the wrongful taking of or conversion of money, property or other things of value, or refusal to refund unearned fees received in advance where the lawyer performed no service or such an insignificant service that the refusal to return the unearned fees constitutes a wrongful taking or conversion of money; and

(e) "Fund" means the Lawyers' Fund for Client Protection; and

(f) "Supreme Court" means the Utah Supreme Court.

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

(a) The Fund is established to reimburse clients for losses caused by the dishonest conduct committed by lawyers admitted to practice in Utah.

(b) The purpose of the Fund is to promote public confidence in the administration of justice and the integrity of the legal profession by reimbursing losses caused by the dishonest conduct of lawyers admitted and licensed to practice law in Utah, occurring in the course of the lawyer/client or fiduciary relationship between the lawyer and the claimant.

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

(d) These rules shall be effective for claims filed after August 1990, and the Committee, which was previously authorized under the former resolution, may act under the terms of the former resolution on claims filed prior to the effective date of these rules.

Advisory Committee Notes

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

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

(a) The Committee shall consist of five lawyers, each to function for a period of five years. The initial membership of the Committee shall be comprised of those individuals who are members of the Committee existing under the former resolution at the time of the adoption of these rules. Subsequent appointments shall be for a term of three years or the term uniformly determined for all Committee members by the Board. Vacancies shall be filled by appointment by the president of the Bar, with the approval of the Board, for the unexpired term.

(b) The Board shall retain the capacity to make any final determination after considering the recommendations of the Committee. The Board, functioning with regard to the Fund, is under the supervision of the Supreme Court.

Rule 14-904. Funding.

(a) The Supreme Court shall provide for funding by the lawyers licensed in this state in amounts adequate for the proper payment of claims and costs of administering the Fund subject to paragraph (c).

(b) All determinations with regards to funding shall be within the discretion of the Board, subject to approval of the Supreme Court.

(c) The Bar shall have the authority to assess its members for purposes of maintaining the Fund at sufficient levels to pay eligible claims in accordance with these rules. The Committee shall report annually to the Commission on a timely basis as to known prospective claims as well as total claims paid to date so that an appropriate assessment can be made for the upcoming fiscal year. After the assessment at the beginning of the fiscal year is determined, the Fund balance shall be set in an amount of not less than $200,000. The Bar shall then report to the Supreme Court as to known prospective claims as well as total claims paid to date after which the final assessment and fund balance shall be set with the Court's approval.

(d) A lawyer's failure to pay any fee assessed under paragraph (c) shall be cause for administrative suspension from practice until payment has been made.

(e) Any lawyer whose actions have caused payment of funds to a claimant from the Fund shall reimburse the Fund for all monies paid out as a result of his or her conduct with interest at legal rate, in addition to payment of the assessment for the procedural costs of processing the claim and reasonable attorney fees incurred by the Bar's Office of Professional Conduct or any other attorney or investigator engaged by the Committee to investigate and process the claim as a condition of continued practice.

(e)(1) In discipline cases where a lawyer receives a public reprimand and the Fund pays an eligible claim, the lawyer's license to practice shall be administratively suspended for non-payment until reimbursement to the Fund has been made by the lawyer.

Rule 14-905. Segregated bank account.

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

Rule 14-906. Committee meetings.

(a) The Committee shall meet as frequently as necessary to conduct the business of the Fund and to timely process claims.

(b) The chairperson shall call a meeting at any reasonable time, or upon the request of at least two Committee members.

(c) A quorum of any meeting of the Committee shall be three members.

(d) Minutes of the meeting shall be taken and permanently maintained.

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

The Committee shall have the following duties and responsibilities:

(a) to receive, evaluate, determine and make recommendations to the Board relative to the individual claims;

(b) to promulgate rules of procedure not inconsistent with these rules;

(c) to provide a full report, at least annually, to the Board and to make other reports as necessary;

(d) to publicize its activities to the public and the Bar, subject to approval of the Board ;

(e) to appropriately utilize Bar staff to assist in the Committee's performance of its functions effectively and without delay;

(f) to engage in studies and evaluations of programs for client protection and the prevention of dishonest conduct by lawyers; and

(g) to perform all other acts necessary or proper for the fulfillment of the purposes of the Fund and its effective administration.

Rule 14-908. Conflict of interest.

(a) A Committee member who has or has had a lawyer-client relationship or a financial relationship with a claimant or lawyer who is the subject of a claim shall not participate in the investigation or adjudication of a claim involving that claimant or lawyer.

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

Rule 14-909. Immunity.

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

Rule 14-910. Eligible claim.

(a) The loss must be caused by the dishonest conduct of the lawyer and shall have arisen out of the course of a lawyer/client or fiduciary relationship between the lawyer and the claimant and by reason of that relationship.

(b) The claim for reimbursement shall be filed within one year after the date of the final order of discipline.

(b)(1) In cases of the lawyer's death, the claim for reimbursement shall be filed within one year of the lawyer's date of death.

(b)(2) In cases of the lawyer's formal disability, the claim for reimbursement shall be filed within one year of the date of the order of disability.

(c) If the subject of the application for reimbursement from the Fund is or arises out of loss occasioned by a loan or an investment transaction with a lawyer, each loss will not be considered reimbursable from the Fund unless it arose out of and in the course of the attorney/client relationship; and but for the fact that the dishonest lawyer enjoyed an attorney/client relationship with the claimant, such loss could not have occurred. In considering whether that standard has been met the following factors will be considered:

(c)(1) the disparity in bargaining power between the lawyer and the client in their respective educational backgrounds in business sophistication;

(c)(2) the extent to which the lawyer's status overcame the normal prudence of the claimant;

(c)(3) the extent to which the lawyer, by virtue of the attorney/client relationship with the claimant, became privy to

information as to the client's financial affairs. It is significant if the lawyer knew of the fact that the client had available assets or was expecting to receive assets which were ultimately wrongfully converted by the lawyer;

(c)(4) whether a clear majority of the service arose out of a relationship requiring a license to practice law in Utah, as opposed to one that did not. In making this evaluation, consideration will be given to:

(c)(4)(A) whether the transaction originated with the lawyer;

(c)(4)(B) the reputation of the lawyer as to scope and nature of his/her practice and/or business involvement;

(c)(4)(C) the amount of the charge made for legal services, if any, compared to that for a finder's fee, if any; and

(c)(4)(D) the number of prior transactions of either a similar or different nature in which the client participated, either with the lawyer involved or any other lawyer, person or business organization;

(c)(5) the extent to which the lawyer failed to make full disclosure to the client in compliance with the Utah Rules of Professional Conduct, including disclosure of the lawyer's financial condition and his/her intended use of the funds.

(d) Exceptions. Except as provided by paragraph (e), the following losses shall not be reimbursed:

(d)(1) loss incurred by spouses, children, parents, grandparents, siblings, partners and associates of the lawyer;

(d)(2) losses covered by any bond, surety, agreement or insurance contract to the extent covered thereby, including any loss to which any bonding agent, surety or insurer is subrogated to the extent of that subrogated interest;

(d)(3) losses of any financial institution which are recoverable under a "Banker's Blanket Bond" or similar commonly available insurance or surety contract;

(d)(4) any business entity controlled by the lawyer or any person or entity described in paragraph (d)(1);

(d)(5) any governmental entity or agency;

(d)(6) any assigned claims, third party claims, claims of heirs or estates of deceased claimants;

(d)(7) any claims where claimant has failed to exhaust all other reasonably available services or recovery methods;

(d)(8) any investment losses, as distinguished from lawyer fees, which might reasonably be characterized as:

(d)(8)(A) any pyramid or ponzie scheme;

(d)(8)(B) any investment in or loan to any offshore entity;

(d)(8)(C) any investment in or loan to an entity that claims that a benefit to the investor would be the evasion, avoidance, reduction or other sheltering of taxes that would be otherwise assessed on the investment; or

(d)(8)(D) any investment that promises such a high rate of return that a reasonable and prudent person would suspect that the venture is of unusually high risk.

(e) In cases of extreme hardship or special and unusual circumstances, the Committee may, in its discretion, recognize a claim which would otherwise be excluded under these rules.

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

(a) The Committee shall prepare and approve a form of claim for reimbursement.

(b) The form shall include at least the following information provided by the claimant under penalty of perjury:

(b)(1) the claimant's name and address, home and business telephone, occupation and employer, and social security number for purposes of subrogation and tax reporting;

(b)(2) the name, address and telephone number of the lawyer who has dishonestly taken the claimant's money or property;

(b)(3) the legal or other fiduciary services the lawyer was to perform for the client;

(b)(4) how much was paid to the lawyer;

(b)(5) the copy of any written agreement pertaining to the claim;

(b)(6) the form of the claimant's loss involved (e.g. money, securities or other property) and the attachment of any documents that evidence the claimed loss such as cancelled checks, title instruments, deeds or stock certificates;

(b)(7) the amount of loss and the date when the loss occurred;

(b)(8) the date when the claimant discovered the loss and how the claimant discovered the loss;

(b)(9) the lawyer's dishonest conduct and the names and addresses of any persons who have knowledge of the loss;

(b)(10) identification of whom the loss has been reported to (e.g. county attorney, police, disciplinary agency, or other person or entity), and a copy of any complaint and description of any action that was taken;

(b)(11) the source, if any, from which the loss could be reimbursed, including any insurance, fidelity or surety agreement;

(b)(12) the description of any steps taken to recover the loss directly from the lawyer or any other source;

(b)(13) the circumstances under which the claimant has been, or will be, reimbursed for any part of the claim (including the amount received or to be received, and the source), along with a statement that the claimant agrees to notify the Committee of any reimbursements the claimant receives during the pendency of the claim;

(b)(14) the existence of facts believed to be important to the Committee's consideration of the claim;

(b)(15) the manner in which the claimant learned about the Fund;

(b)(16) the name, address and telephone number of the claimant's present lawyer, if any;

(b)(17) the claimant's agreement to cooperate with the Committee in reference to the claim, as required by the Utah or Federal Rules of Civil Procedure, in reference to civil actions which may be brought in the name of the Bar, pursuant to a subrogation and assignment clause, which shall also be contained within the claim;

(b)(18) the name and address of any other state fund to which the claimant has applied or intends to apply for reimbursement, together with a copy of the application; and

(b)(19) the statement that the claimant agrees to the publication of appropriate information about the nature of the claim and the amount of reimbursement, if reimbursement is made.

(c) The claimant shall have the responsibility to complete the claim form and provide satisfactory evidence of a reimbursable loss.

(d) The claim shall be filed with the Committee by providing the same to the Utah State Bar, Lawyers' Fund for Client Protection at the Law and Justice Center, 645 South 200 East, Salt Lake City, Utah 84111.

Rule 14-912. Processing claims.

(a) Whenever it appears that a claim is not eligible for reimbursement pursuant to these rules, the claimant shall be advised of the reasons why the claim may not be eligible for reimbursement, and that unless additional facts to support eligibility are submitted to the Committee, the claim file shall be closed. The chairperson of the Fund may appoint any member of the Committee and/or his/herself to determine the eligibility of claims.

(b) A certified copy of an order disciplining a lawyer for the same dishonest act or conduct alleged in the claim, or a final judgment imposing civil or criminal liability therefor, shall be evidence that a lawyer committed such dishonest act or conduct.

(c) The Bar's Office of Professional Conduct Senior Counsel shall be promptly notified of each and every claim.

(d) The lawyer alleged to have engaged in dishonest conduct shall be provided a copy of the claim and given an opportunity to respond in writing within 20 days of the receipt thereof to the Committee.

(e) The Committee may request that testimony be presented. The lawyer or lawyer's representative shall be given an opportunity to be heard if they so request within 20 days of receiving a notice from the Committee that the Committee will process the claim.

(f) The Committee may make a finding of dishonest conduct for purposes of adjudicating a claim. Such a determination is not a finding of dishonest conduct for the purposes of professional discipline and further, represents only a recommendation to the Board. A claim may only be considered if the individual lawyer involved has been disciplined to a threshold level of a public reprimand or is no longer in practice.

(g) The claim shall be determined on the basis of all available evidence, and notice shall be given to the claimant and the lawyer of the final decision by the Board after a recommendation has been made by the Committee. The recommendation for approval or denial of a claim shall require the affirmative votes of at least a majority of the Committee members and a quorum of the voting members of the Board.

(h) Any proceeding upon a claim shall not be conducted according to technical rules relating to evidence, procedure and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in court proceedings. The claimant shall have the duty to supply relevant evidence to support the claim.

(i) The Board shall determine the order and manner of payment and pay those claims it deems meritorious, but unless the Board directs otherwise, no claim should be approved during the pendency of a disciplinary proceeding involving the same act or conduct as alleged in the claim; specifically, no determination and/or hearing shall take place until such time that all disciplinary proceedings have, in fact, been completed.

(j) Both the claimant and the lawyer shall be advised of the status of the Board's consideration of the claim and after having received the recommendation of the Committee, also shall be informed of the final determination.

(k) The claimant may request reconsideration within 30 days of the denial or determination of the amount of the claim.

Rule 14-913. Payment of reimbursement.

(a) The Board may, from time to time, fix a maximum amount of reimbursement that is payable by the Fund. Initially, the maximum amount shall be $10,000 per claim and $25,000 total dollars within any given calendar year with regards to an individual lawyer.

(a)(1) There shall be a lifetime claim limit of $425,000 per lawyer.

(b) Claimant shall be reimbursed for losses in amounts to be determined by the Board after recommendations by the

Committee. Reimbursement shall not include interest and other incidental and out-of-pocket expenses.

(c) Payment of reimbursement shall be made in such amounts and at such time as the Board approves and may be paid in lump sum or installment amounts. In the event that the Committee determines that there is a substantial likelihood that claims against the lawyer may exceed either the annual or lifetime claim limits, claims may be paid on a pro rata basis or otherwise as the Board and the Committee determine is equitable under the circumstances.

(d) If a claimant is a minor or an incompetent, the reimbursement may be paid to any proper and legally recognized person or authorized entity for the benefit of the claimant.

Advisory Committee Notes

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

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

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

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

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

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

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

Rule 14-915. Restitution and subrogation.

(a) A lawyer whose dishonest conduct results in reimbursement to a claimant shall be liable to the Fund for restitution, and the Bar may bring such action as it deems advisable to enforce such obligation.

(b) As a condition of reimbursement, a claimant shall be required to provide the Fund with a pro tanto transfer of the claimant's rights against the lawyer, the lawyer's legal representative, estate or assigns; and of claimant's rights against any third party or entity who may be liable for the claimant's loss.

(c) Upon commencement of an action by the Bar as subrogee or assignee of a claim, it shall advise the claimant, who may then join in such action to recover the claimant's unreimbursed losses.

(d) In the event the claimant commences an action to recover unreimbursed losses against the lawyer or any other entity who may be liable for the claimant's loss, the claimant shall be required to notify the Bar of such action.

(e) The claimant shall be required to agree to cooperate in all efforts that the Bar undertakes to achieve restitution for the Fund.

Rule 14-916. Confidentiality.

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

Updated November 1, 2011