

UTAH STATE BAR COMMISSION MEETING
Friday, April 22, 2022

Utah Law and Justice Center

AGENDA

- 1. 9:00 a.m. President's Report: Heather Thuet**
 - 05 Mins.* 1.1 Bar President-elect & Commission Election Results
 - 02 Mins.* 1.2 Law Day Luncheon – May 6, 2022 (Tab 1, Page 3)

- 2. 9:15 a.m. Action Item**
 - 20 Mins.* 2.1 Donation to James B. Lee Justice Center: **Anne Milne and Stewart Ralphs** (Tab 2, Page 6)
 - 15 Mins.* 2.2 Supreme Court Office of Legal Services Innovation
Nick Stiles and John Lund
 - 30 Mins.* 2.3 Sentencing Commission Appointments (Tab 3, Page 14)
 - 10 Mins.* 2.4 Approve 2022-2023 Client Security Fund Assessment (Tab 4, Page 67)

- 3. 10:30 a.m. Information Items**
 - 10 Mins.* 3.1 Ideas for Incentivizing Pro Bono Work: **Mark Baer**
 - 05 Mins.* 3.2 JIOP Funding: **Erik Christiansen**
 - 05 Mins.* 3.3 Report on Western States Bar Conference: **Katie Woods**
 - 05 Mins.* 3.4 Report on ABA Day: **Erik Christiansen**

- 4. 11:00 p.m. Executive Session**
11:45 p.m. Adjourn

CONSENT AGENDA

(Tab 5, Page 80)

(Approved without discussion by policy if no objection is raised.)

1. Minutes of March 10, 2022 Commission Meeting
2. Fund for Client Protection Recommendations, *dated* March 18, 2022.
3. Fund for Client Protection Recommendations, *dated* April 15, 2022.
4. Establish Mental Health Provider Review Committee.

ATTACHMENTS

(Tab 6, Page 92)

1. March 2022 Financial Statement

CALENDAR

2022

May 6	Law Day Luncheon	12:00 Noon	Grand America
May 17	Admission Ceremony	12:00 Noon	Virtual Event
May 20	Executive Committee	12:00 Noon	Zoom
May 26	Commission Meeting	9:00 a.m.	Law & Justice Center
	<i>Lunch with Past Presidents</i>	12:00 Noon	
	<i>and 50-year Pin Recipients</i>	5:30 p.m.	Brickyard Bar
May 26	Bar ReView: Attorneys Got Talent Auditions		
June 2-4	Jackrabbit Bar		South Dakota
June 29	Executive Committee	12:00 Noon	Zoom
June 30	Bar ReView: Attorneys Got Talent Final Show	5:30 p.m.	Brickyard Bar
July 6-9	Summer Convention at Loews Coronado		San Diego, CA

TAB 1



Law Day Luncheon 2022

**Hosted by the Utah State Bar, Utah State Courts, Young Lawyers Division,
and Utah Law Related Education**

Friday, May 6, 2022

12 noon - 1:30 p.m.

**Celebration held at the Grand America Hotel, Imperial Ballroom
555 South Main Street, Salt Lake City**

AWARDS WILL BE GIVEN, HONORING:

Liberty Bell Award (Young Lawyers Division)

Pro Bono Publico Awards (Pro Bono Commission)

Scott M. Matheson Award (Utah Law Related Education)

Utah's Junior & Senior High School Student Mock Trial Competition (Utah LRE)

Young Lawyer of the Year (Young Lawyers Division)

To RSVP for the luncheon and/or to sponsor a table please [register here](#).

Individual seat \$50, Tables can be sponsored for \$500 each (10 seats per table)

Please email us at cle@utahbar.org with your organization name if you have reserved a table.

Registration for Non-Utah State Bar Members

Please fill out [this form](#) and submit it to cle@utahbar.org.

Michelle Oldroyd (801) 297-7033 CLE@utahbar.org

For other Law Day related activities, visit the Bar's website: lawday.utahbar.org

Law Day Luncheon:

1. Chrystal Mancuso-Smith
2. Traci Gunderson
3. Andrew Morse
4. Heather Thuet
5. Greg Hoole
6. Nancy Sylvester
- 7.
- 8.
- 9.
- 10.

TAB 2



Next Generation of Justice

**JAMES B. LEE JUSTICE CENTER
CAPITAL CAMPAIGN**

We believe access to justice is a fundamental right

The mission of “and Justice for all” is to increase access to civil legal aid for the disadvantaged and for individuals with disabilities in Utah by creating and sustaining resources to ensure that Utahns across the state have access to the legal system, regardless of income level, disability, age or minority status.

OUR PRIORITIES

- Family safety and stability
- Safe, affordable housing
- Disability rights
- Consumer protection
- Education
- Protection of seniors & youth
- Health care and government benefits
- Immigration
- Income security
- Issues facing Native Americans, migrant workers and other marginalized groups

IMPACT OF OUR WORK

- **28,689 Utahns were assisted** last year, including 4,272 victims of domestic violence and 13,198 family law matters.
- Free family law programs provide **\$1,146,816 in annual cost savings** to Utah taxpayers.
- Legal aid addresses child support and parenting plans, **reducing demands on state welfare programs**, the Office of Recovery Services and other social services.
- We address the most common civil legal problems among low-income households including issues of **health, finances, housing, children and custody, education, income maintenance, and disability.**
- Our work embodies the idea of an ounce of prevention is worth a pound of cure. **For every \$1 invested in legal programs, there is a social return of \$9.08.**

57%

57% of low-income households in Utah experienced at least one civil legal problem last year.

195,000

Low-income Utahns faced over 195,000 civil legal problems last year without legal help

- Justice Gap Study
Utah Bar Foundation, 2020

James B. Lee Justice Center

In 1999, the Disability Law Center, Legal Aid Society of Salt Lake and Utah Legal Services created “and Justice for all” to jointly raise funds to better meet the critical legal needs of low-income Utahns. Two years later, “and Justice for all” acquired the Community Legal Center. This collaboration and co-location enabled us to significantly increase access to justice for disadvantaged Utahns.

The COVID epidemic disproportionately affected our clients —people with disabilities or chronic health conditions, domestic violence victims, senior citizens, and other vulnerable groups. Then our building suffered damage in the earthquake – and it is not insurable. The agencies had to adjust to remote services including on-line court hearings, but the Center’s aging technological infrastructure and open office design with limited confidentiality is no longer ideal for providing services.

After extensive assessment, research and input, AJFA decided to sell the current Community Legal Center and invest in a new facility with upgraded technology, functionality, and space solutions that will enable us to better serve our clients well into the 21st century.

With a very generous donation, the Florence J. Gillmor Foundation has chosen to name the new Community Legal Center after James B. Lee. A partner at Parsons Behle & Latimer, Mr. Lee was one of three original founders of Utah Legal Services, served on the Board of Legal Aid Society of Salt Lake, was instrumental in creating and sustaining “and Justice for all” and has been an example of service throughout his stellar legal career.

We have purchased the building and now we need your help to raise \$3.6 million to build out and provide the furnishings, equipment and technology infrastructure for the new James B. Lee Justice Center.

To get involved please contact:

Staci Duke, Executive Director
staci@andjusticeforall.org
801.924.3169



“and
Justice
for all”



Our vision for the future

Meeting the needs of present and future generations

After a year-long search we have purchased the land and building for the new Community Legal Center--a one-story brick building with a double-barrel roof and great industrial charm located at 960 South Main Street, easily accessible to public transportation and the Matheson courthouse. However, the building will require substantial retrofitting and buildouts.

Today we're launching the Next Generation of Justice Capital Campaign, a 12-month, \$3.6 million effort to raise funds to remodel and furnish a new facility that will enable us to better address the changing civil legal needs of Utah's most at-risk citizens.

Completing the funding for the new Center now will enable us to focus on fundraising for client services and the acquisition and retention of experienced legal staff to provide those services.

THE NEXT GENERATION OF JUSTICE CAMPAIGN

Architect, Engineer and Due Diligence	\$51,500
Construction and Permits	\$2,387,400
Furniture, Fixtures, and Accessories	\$362,300
Technology Infrastructure	\$300,000
Project Management	\$270,000
Loan Interest	\$91,000
Contingency Funds (5%)	\$119,400
TOTAL	\$3,581,600



Designed to be efficient, accessible, and sustainable

Helping us better serve clients in a changing landscape

The architects at AE Urbia made functionality the key focus when they designed the new James B. Lee Justice Center.

With the pandemic changing the way our clients access services, we wanted a space remote and hybrid employees could best serve them with drop-in offices and private areas for increasingly online client intake and hearings. These newly designed spaces, along with technology upgrades, will allow our staff to better serve clients from more geographic areas in less time.

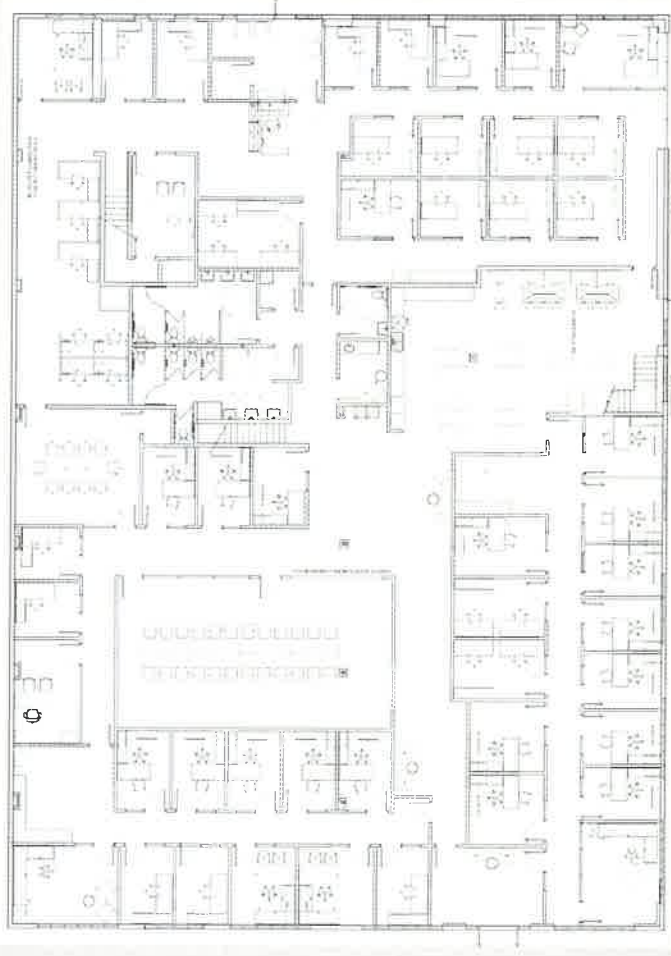
AE Urbia also helped us meet one of our top goals-- to have a facility that is fully disability accessible with interior, sidewalks, entrances, and other areas designed to make the building welcoming to clients of all abilities and needs.

- Provides cost savings and efficiencies that allows more money for programs
- Solar energy expected to reduce 60-75% of our electric bill over the current building
- Better online access for our clients, especially those who are rural

RESPONSIBLE STEWARDSHIP

The remodel will incorporate environmentally sound solutions to save money, reduce energy and water usage and fulfill our commitment to a greener space.

- High-efficiency windows, doors & lighting
- Solar electricity panels
- Building materials made from renewable resources whenever possible
- Upgraded roof insulation and HVAC system
- ENERGY STAR appliances & water-conserving plumbing fixtures



Join our fight for equity and fairness

Please consider supporting our efforts to provide quality, life-changing legal assistance to both current and future Utahns in need. Whether an immediate donation, or a pledge over the next several years, making a commitment now will make a big difference.



Naming opportunities are available starting at \$15,000. The names of all donors who give \$5,000 or more will be included on a beautiful "Champions of Justice" recognition wall installation prominently displayed in the Justice Courtyard in the center of our new building.

“and Justice for all”

205 N. 400 W. - SALT LAKE CITY, UT 84103

www.andjusticeforall.org

"I have been involved with "and Justice for all" for over 15 years, and I can tell you firsthand how thoughtful and responsible this organization is, not only with donations, but with the hearts and souls of the families who come to them for help when they are at their most vulnerable."

-Gil Miller
AJFA Board President
Rocky Mountain Advisory



NEXT GENERATION OF JUSTICE CAMPAIGN

NAMING OPPORTUNITIES

✓	\$ 1,000,000	JAMES B. LEE COMMUNITY LEGAL CENTER
✓	\$ 300,000	AMERICA FIRST JUSTICE COURTYARD & CAFE
✓	\$ 250,000	FLORENCE J. GILLMOR RECEPTION / LOBBY
	\$ 200,000	DISABILITY LAW CENTER CONFERENCE ROOM
	\$ 100,000	ACCESSIBILITY FOR ALL PARKING
	\$ 100,000	ARC OF JUSTICE ENTRANCE
	\$ 100,000	VIRTUAL JUSTICE CONFERENCE CENTER
	\$ 100,000	WELLNESS ROOM
	\$ 75,000	SOLAR ENERGY
	\$ 75,000	"ENVISIONING JUSTICE" ENERGY EFFICIENT WINDOWS
	\$ 75,000	FUTURE LAWYER LAB - LAW CLERK WORKSPACE
✓	\$ 50,000	UTAH STATE BAR FAMILY LAW SECTION INTAKE ROOM
	\$ 40,000	INDIVIDUAL EXECUTIVE OFFICES (3 OF 4 STILL AVAILABLE)
	\$ 25,000	ELECTRIC CHARGING STATIONS (2 AVAILABLE)
	\$ 25,000	SERVER ROOM
	\$ 20,000	SECURITY SYSTEM AND OUTDOOR LIGHTING
	\$ 20,000	NEW FENCE AND SECURITY GATE
	\$ 20,000	INDIVIDUAL STAFF OFFICES (MANY AVAILABLE)

The names of all donors who give \$5,000 or more will be included on a beautiful "Champions of Justice" recognition wall installation prominently displayed in the Justice Courtyard in the center of our new

building.

"and Justice for all"

205 N. 400 W. - SALT LAKE CITY, UT 84103

www.andjusticeforall.org

TAB 3

UTAH BAR COMMISSION MEETING
AGENDA ITEM

Title: Two Representatives to the Utah Sentencing Commission
Item: 2.3
Submitted by: Elizabeth Wright
Meeting Date: April 22, 2022

ITEM/ISSUE:

The Board of Bar Commissioners is seeking two representatives, each to serve a four-year term on the Utah Sentencing Commission.

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.

The Utah Sentencing Commission:

- Publishes Guidelines
- Advises all three branches of government on sentencing policy
- Conducts research
- Reviews and makes recommendations on legislation
- Tracks legislative changes to sentencing statutes
- Tracks judicial decisions related to sentencing issues
- Assists the legislature in the review and study of sentencing issues
- Conducts training and education throughout the state
- Responds to public comment and inquiries

The Commission promotes evidence-based sentencing policies that effectively address the three separate goals of criminal sentencing: Risk Management, Risk Reduction & Restitution.

The Bar will nominate;

1. an attorney in private practice who is a member of the Utah State Bar, experienced in criminal defense, and
2. an attorney who is a member of the Utah State Bar, experienced in the defense of minors in juvenile court.

APPLICANTS:

- | | |
|----------------------------|----------------------|
| 1. Liza Bacon | 11. John Johnson |
| 2. Brent Baker | 12. Michael Langford |
| 3. Joshua Baron | 13. Skye Lazaro |
| 4. Beau Blackley | 14. Jonathan Nish |
| 5. Edward Brass | 15. Jonathan Paz |
| 6. Lisa Crawford-Blanchard | 16. Alexander Ramos |
| 7. Ralph Dellapiana | 17. Joseph Rupp |
| 8. Richard Gallegos | 18. Pamela Vickrey |
| 9. Shawn Howell | 19. JoHanna Williams |
| 10. Erik Jacobsen | |

PAST UTAH STATE BAR REPRESENTATIVES TO THE COMMISSION:

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	2014-2022
Ed Brass	2018-2022
Richard P. Mauro	2014-2016

CURRENT COMMISSION:

Pam Vickrey, Chair (Term expired)
Juvenile Defense Attorney
Utah State Bar

Tom Ross
Director, CCJJ

Carrie Cochran
Board of Pardons & Parole

Rep. Marsha Judkins
House of Representatives

Rep. Andrew Stoddard
House of Representatives

Sen. Gene Davis
State Senate

Sen. Daniel Thatcher
State Senate

John Kwarm
Equity and Inclusion Representative

MayKela Cox
Citizen Representative

Brian Nielson
Director, Department of Corrections

Brett Peterson
Director, Juvenile Justice Services

Rick Westmoreland
Youth Parole Authority

Judge Diana Hagen
Utah Court of Appeals

Judge Camille Neider
District Court Judge

Judge Vernice Trease
District Court Judge

Judge Brody L. Keisel
Juvenile Court Judge

Judge Sharon Sipes
Juvenile Court Judge

Sheriff Michael Smith
Utah Sheriffs Association

Chief Craig Black
Utah Chiefs of Police Association

Richard Mauro
Director, Salt Lake Legal Defenders

Craig Barlow
Assistant Attorney General
Utah Attorney General's Office

Ryan Robinson
Prosecutor
Statewide Association of Prosecutors

Patricia Cassell
Juvenile Prosecutor
Statewide Association of Prosecutors

Edward Brass (Term expired)
Defense Attorney
Utah State Bar

Wendy Davis-Cox
Adult Treatment

Christina Zidow, LCSW
Juvenile Treatment

Lillian Olvera-Arbon
Victim Representative

April 6, 2022

The Board of Bar Commissioners
c/o Christy Abad
cabad@utahbar.org

To Whom it May Concern:

My name is Liza Bacon and I am applying for the position of representative on the Utah Sentencing Commission. My experience aligns well with the qualifications you are seeking. I am an attorney in private practice who is a member of the Utah State Bar who has experience in criminal defense, and specifically, the defense of minors in juvenile court. Further, I am dedicated to public service and have a track record of working with others to advocate for justice.

I am an experienced criminal litigator, having represented both the state of Utah and children in Utah. I also have civil experience and have represented both plaintiffs and defendants. Notably, I served as a public defender of children in Utah for 3.5 years. I have experience working with members from 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.

My experience and passion would be a good fit for the Commission, and I have a reputation of quickly becoming an asset when I join a team. If chosen for the position, I would take pleasure in the opportunity to learn from my partners and further my efforts to promote justice and an equal playing field within the criminal justice system.

Please review my accompanying resume. I am also happy to further discuss how my experience and background aligns to your needs.

Thank you for your time and consideration.

Sincerely,

Liza Bacon, Esq.

Liza Bacon

(801) 543-9624 | 1578 E. Harvard Ave, Salt Lake City, UT 84105 | LBacon@kippanchristian.com

PROFESSIONAL EXPERIENCE**Kipp & Christian, P.C.** Salt Lake City, UT

2020 - present

Associate Attorney

- Represent and advise clients in matters involving civil litigation with an emphasis in professional malpractice.
- Interpret laws, ruling and regulations for professionals.
- Develop and progress litigation plan and strategy.
- Conduct and lead extensive document review projects.
- Propound and respond to written discovery.
- Take and defending depositions of party witnesses, fact witnesses, and expert witnesses.
- Assess and execute dispositive motion practice.
- Draft pleadings, discovery, and briefs.
- Appear and argue at motion hearings.
- Analyze policy coverage and provide liability analysis based on legal precedent.
- Prepare case for trial.

Utah Juvenile Attorney Defenders, Salt Lake City, UT

2017 – 2020

Public Defense Attorney

- Defended accused juveniles charged with offenses ranging from misdemeanors to felonies, including serious youth offender allegations.
- Maintained case load of over 250 cases per year.
- Managed cases through all phases of the judicial process including conducting initial interviews with clients; represent juveniles at arraignments and all pre-trial proceedings, negotiate plea deals, file pretrial motions and make oral arguments at corresponding evidentiary hearings, conduct trials including direct and cross examination of witnesses, advocate for client through disposition and post-adjudication reviews, and make post adjudication motions.
- Retained and develop expert witnesses and lay witnesses in preparation of conducting evaluations on behalf of client, preparing a report on behalf of client, and testifying at trial and evidentiary hearings.
- Assigned to Third District Juvenile Drug Treatment Court.
- Attended drug court staffing and proceedings two days a month and represent all youth participating in the specialty court.
- Developed and operate monthly recovery night for drug court participants and alumni.
- With the Indigent Defense Commission, lead Utah Juvenile Record Expungement project on behalf of defense, including planning and executing clinics where defense attorneys partner with local court staff and prosecutors to initiate the expungement proceeding for attendees throughout the state of Utah.
- Established credibility and trust with clients, judges, opposing counsel, and experts.
- Conducted arraignments, competency hearings, trials, and other evidentiary hearings including preliminary hearings and retention hearings.

Liza Bacon

(801) 543-9624 | 1578 E. Harvard Ave, Salt Lake City, UT 84105 | LBacon@kipbandchristian.com

Salt Lake County District Attorney's Office, Salt Lake City, UT

2015 – 2016

Intern on Major Crimes and Special Victims Teams

- Appeared as Counsel as a third-year law student enrolled in the Prosecutor-Intern Program in trials, motion hearings, and preliminary hearings.
- Prosecuted three trials related to charges of child abuse, fraud, and possession with intent to distribute.
- Counseled victims; prepared witnesses for court appearances; drafted and filed exhibit lists, witness lists, and jury instructions.
- Nominated by supervisor Sandi Johnson for the David T. Lewis Clinical Award for outstanding achievement in the Clinical Program.

Utah Court of Appeals, Salt Lake City, UT

2014

Intern for Judge John A. Pearce

- Researched and Drafted Opinions including the opinion for one criminal case regarding the applicability of the Merger Doctrine or the *Shondel* Doctrine to charges of solicitation and aggravated arson.

Levin Simes LLP, San Francisco, CA

2009 - 2013

Plaintiff's Personal Injury Trial Firm

Trial Paralegal, Litigation Manager and Bankruptcy Administrator

- Supported attorneys through case development, trial preparation, and trial.
- Coordinated trials by providing litigation and logistical support, witness scheduling, exhibit preparation, and management of support staff.
- Prepared and reviewed legal documents including Summary Judgment Motions.

EDUCATION**University of Utah S.J. Quinney College of Law**, Salt Lake City, Utah*Juris Doctor*, GPA 3.389, May 2016

- CALI Award (highest grade), Criminal Process (Spring 2016)
- Certificate of Accomplishment in Recognition of Excellence in the ABA Negotiation Competition (Fall 2015)
- College of Law Outstanding Achievement Award, Arbitration (Fall 2014)

University of California, Berkeley, California*Paralegal Certification*, 2009**Westminster College**, Salt Lake City, Utah*Bachelor of Arts*, Economics, Emphasis in Environmental Science, *Cum Laude*, 2008

- Omicron Delta Epsilon International Economics Honors Society

Liza Bacon(801) 543-9624 | 1578 E. Harvard Ave, Salt Lake City, UT 84105 | LBacon@kippanchristian.com

COMMUNITY OUTREACH / PROFESSIONAL TRAINING

- What Should Utah Lawyers Know About Homelessness, Webinar 2022
- 2021 Summer Convention, Sun Valley, ID 2021
- Banter with the Bench, Webinar 2021
- Trial Academy Boot Camp Series, Webinar 2021
- From Nuts and Bolts to Zealous Advocacy:
Tools for Enhancing Your Juvenile Defense Practice, Webinar 2020
- Utah Cannabis Law & Policy and Expungement, Webinar 2020
- Reduce the Impact of Gender Bias in the Legal Field, Webinar 2020
- Legislative Update and the Impact of Juvenile Court Proceedings, Webinar 2020
- Ethics of Representing Clients During the COVID-19 Pandemic, Webinar 2020
- Delinquency Defense During a Pandemic, Webinar 2020
- NOJOS Case Management & Treatment Team Conference, West Valley, UT 2020
- Specialty Courts Conference, Heber, UT 2019
- Expungement Clinic, Provo, UT 2019
- 2019 Annual DUI Seminar, Salt Lake City, UT 2019
- Juvenile Competency Defense Training, Park City, UT 2019
- National Juvenile Defender Leadership Summit, St. Paul, MN 2018
- Clean Slate Expungement Clinic, Ogden, UT 2018
- Stages of Advocacy: Advanced Juvenile Practice, Salt Lake City, UT 2018
- National Juvenile Defender Leadership Summit, Albuquerque, NM 2017
- New Lawyer Training Program, Salt Lake City, UT 2017

BRENT R. BAKER

Shareholder, Parsons Behle & Latimer

1819 Princeton Ave.

Salt Lake City, Utah 84111

801.651.5786

pecorahound@gmail.com

EDUCATION

J.D., University of Oregon School of Law, Eugene, Oregon

Managing Editor, *Journal of Environmental Law and Litigation*

B.A. Speech Communication, University of Utah, Salt Lake City, Utah

Member, Utah State Bar

Member, New York State Bar

U.S. Supreme Court

Tenth Circuit Court of Appeals

Second Circuit Court of Appeals

U.S. District Court for the Southern District of New York

U.S. District Court for the Eastern District of New York

U.S. District Court District of Utah

U.S. District Court District of Nevada

U.S. District Court Northern District of Texas

U.S. District Court Southern District of Texas

U.S. District Court District of Maryland

Experienced shareholder in Regulatory and Government

Investigations, including matters with the SEC, CFTC, PCAOB and U.S. Department of Justice. Emphasis on Blockchain issues, complex SEC enforcement defense, accounting issues, and compliance issues for registrants and individuals

EMPLOYMENT

Shareholder, Parsons Behle & Latimer, Member, Corporate and Government Investigations, Regulatory Compliance and Securities Enforcement Group. Advise RIAs, public and private funds, and other registrants in Compliance/SEC matters, FINRA matters, NASDAQ hearing panels or other exchange listing issues. Also handle State Securities Division, CFTC investigations and PCAOB matters.

Director and Shareholder, Clyde Snow & Sessions, Director, Shareholder and member of the Government and Corporate Investigations, Securities Enforcement and Litigation Group.

Partner, Ballard Spahr, Partner in national law firm's Securities Practice Group.

Deputy General Counsel, Overstock.com, Inc., In-house counsel for NASDAQ-listed online retail company. Projects ranged from operations to SEC matters and general corporate governance.

Senior Special Counsel, United States Securities and Exchange Commission, Responsible for investigating and litigating violations of the federal securities laws.

Special Assistant United States Attorney, Department of Justice, District of Utah (concurrent with SEC position), Assisted in all phases of investigation and prosecution of criminal securities violations.

Law Clerk to the Honorable Bruce S. Jenkins, Chief, U.S. District Court, District of Utah, Conducted research and drafted opinions and jury instructions. Conferred with Judge regarding pending criminal and civil matters, including analysis of pre-sentence reports, and review of sentencing guidelines questions.

PUBLICATIONS

Father Knows Best; The SEC Continues to Improperly Insert Itself Between Officers and Directors and Their Insurance Defense Policies (April 5, 2022) *ABA Securities Litigation Journal*

The SEC's Division of Enforcement and COVID-19 (April 3, 2020) *(LinkedIn Media Center)(ParsonsBehle Media Center)*

Critical Steps in Protecting the Attorney-Client Privilege While

Interfacing with Compliance Consultants in SEC Investigations and Litigation, *ABA Securities Litigation Journal* (December 19, 2019)

Conduct-Based Bars and Injunctions in SEC Enforcement Proceedings, *ABA Securities Litigation Journal* (September 2012)

AWARDS

Utah Business Magazine Legal Elite, White Collar Defense, 2021

Mountain States Super Lawyers: Securities Litigation, Criminal Defense: White Collar, 2014

Utah Business Magazine Legal Elite, Civil Litigation, 2013

Founder, Fraud College: February 15, 2012 Designated as Anti-fraud Awareness Day by Governor Gary Herbert, February 2012

Recipient, SEC Chairman's Award for Excellence

PROFESSIONAL ACCOMPLISHMENTS

Chair and Commissioner, Utah State Securities Commission, (Appointed by Governor Gary R. Herbert, May 16, 2012 – May 30, 2019)

Chair, Utah State Bar, Securities Section

Chair, Marriott Advisory Board

Member, Digital Currency and Ledger Defense Coalition

RELATED NEWS:

Will SEC Be Told To Butt Out Of AML Reporting Enforcement? Law360 (July 25, 2021)

Legalities of the Gamestop Debacle, KSL News, (January 28, 2021)
[Gephardt: Former SEC Official Says GameStop Investors Could be In Legal Trouble \(ksltv.com\)](#)

High Stakes Regulatory Risks for Utah Companies Doing Business Overseas, World Trade Center Utah (December 3, 2020)

Advisor Cases Question Privilege, *Private Funds CFO*, (February 10, 2020) (<https://www.privatefundscfo.com/adviser-cases-questionprivilege/>)

That DJ who just ad libbed may have cost you a violation of the testimonial rule, *Regulatory Compliance Watch* (September 20, 2018)

Days Count Down to Deadline to File for SEC Share Class Initiative, *Regulatory Compliance Watch* (May 24, 2018)

Former Columbus-area Businessman Agrees to Pay \$3 million Fine Over Stock Scheme, The Columbus Dispatch (December 21, 2016)

Texas man ran \$114 mln Ponzi scheme linked to drowsy driving – SEC, CNBC (August 3, 2015)

SEC Pressed For \$1M Fees After Rare In-House Loss, Law360 (July 22, 2015)

SEC Falls Short In Admin Case Against Former Executives, Law360 (March 19, 2015)

SEC Says Ex-Penson Execs Violated Securities Lending Rule, Reuters (May 19, 2014)

Defunct Clearing Firm Employees Accused of SEC Violations, Law360 (May 19, 2014)

Ex-Zagg CEO Slams Investor Suit Over 'Exaggerations', Law360 (July 8, 2013)

Blamed over Stanford, SEC's Texas office plots comeback, Reuters (July 20, 2012)

SEC Claims Australian Man Ran \$53 Million Forex Trading Fraud, Bloomberg News, September 18, 2012

How to Spot a Ponzi Scheme, Fox Business News, Money with Melissa Francis, July 18, 2012

LDS official: Don't let trust blind you to scams, Salt Lake Tribune, February 15, 2012

Beware of affinity fraud 'predators' who exploit trust, LDS spokesman warns, Salt Lake Tribune (February 15, 2012)

Fleeing the Flock, The Economist, February 3, 2012

Regulator moves to sanction Utah investment advisors, Salt Lake Tribune (June 2011)

Another U.S Prosecutor Nominee is Out, Salt Lake Tribune (January 2011)

Ex-SEC Lawyer on Short List for U.S. Attorney, Main Justice, (September 29, 2010)

Wall Street's Naked Swindle, Rolling Stone, April 5, 2010

SEC's fraud case against Wyly brothers may be strong, experts say, Dallas News, August 7, 2010

Fraud Costs Utahns \$1 billion, KSL.com, June 2010

Preying on the Faithful, Salt Lake Tribune, May 2010

Utah Lawyer Relishes High-stakes Battle, Salt Lake Tribune (May 17, 2009)

Reinstatement of the Uptick Rule, IA Week/IA Watch (April 6, 2009)

Stanford Still Shopping for a Legal Team, Houston Chronicle (March 13, 2009)

Stanford Official Charged With Lying to SEC Testified Without Her Own Lawyer, ABA Journal (March 4, 2009)

Lessons from the Stanford Scandal: Bring Your Own Lawyer, the American lawyer, (March 4, 2009)

Stanford Investment Chief Arrested in Fraud Case, Washington Post (February 27, 2009)

Impact of Short Sale Restrictions Studied, IA Week/IA Watch (February 9, 2009)

SPEAKING ENGAGEMENTS

Panelist, Association of Corporate Counsel, **SEC Marketing and Advertising Rules**, 2022 Annual Meeting (invited)

Keynote Speaker, Association of Certified Fraud Examiners, **“Fighting Fraud in Utah”** (March 3, 2020)

Speaker, Salt Lake Compliance Roundtable **“Current Compliance Issues Facing Investment Advisors”** (November 1, 2019)

Speaker, **“Effective Use of Compliance Consultants,”** Utah State Bar Annual Securities Law Workshop (Park City, UT - September 2018)

Panelist, **“SEC’s Hot Focus Areas: Cyber Security, AML, Bank Secrecy Act. Wait!,”** American Bar Association’s 12th Annual National Institute on Securities Fraud (January 2018)

Panelist, **The Impact of Anti-Money Laundering, Know Your Customer and SAR Rules;** American Bar Association’s 11th Annual National Institute on Securities Fraud (January 2017)

Panelist, **National Mortgage Bankers Association Risk Management , QA & Fraud Prevention Forum** (Spotlight on Affinity Fraud), Los Angeles, CA (September 2016)

Panelist, **"SEC Exams: A CCO’s Game-Plan for Success,"** IA Compliance Conference, The Full 360° View West (June 9, 2016)

Panelist, **"CCO Liability: Do you Know Your Vulnerabilities?"** IA Compliance Conference (February 25, 2016)

Panelist, **“Accountants’ Liability 2015: Confronting Enforcement and Litigation Risks,”** American Law Institute (October 2015)

Panelist, **"White Collar Fraud"**, Utah State Bar Convention (July 2014)

Panelist, **"Accounting for Lawyers,"** NBI, Salt Lake City (March 2011)

Founder, **Fraud College**, Utah Valley University, Provo (June 2010) and University of Utah (February 2012)

Panelist, **"PCAOB Enforcement-The Nuclear Option for Small & Mid- Sized Firms"**, (April 2010)

Briefing, **Senate Judiciary Committee on Activities of Hedge Funds and Independent Analysts**, Washington, D.C. (June 2006)

"Avoiding Aggressive Trading Tactics," DealFlow Media, The PIPES Conference, Las Vegas (May 2006)

"Surviving Regulatory Audits," Tenants-In-Common Association, San Diego (April 2006)

"Litigation and Non-litigation Strategies to Combat Abusive Short Selling Tactics," RM Conference, San Francisco (February 2006)

Briefing, Senate Finance Committee and Subcommittee on Financial Institutions on Predatory Short Selling Practices, Washington, D.C. (August 2005)

References Available upon Request

Joshua Baron

Criminal Defense Attorney

2701 North Thanksgiving Way, #100
Lehi, Utah 84043

801.885.7435
jbaron@sb-legal.net

Experience

SB Legal (formerly Sharifi & Baron) / Attorney Founder
April 2009 - PRESENT, SALT LAKE CITY, UTAH / LEHI, UTAH

Won "not guilty" jury verdicts in aggravated burglary, cocaine distribution, sexual assault, and domestic violence cases

Represented juveniles in delinquency cases including sexual assault, vandalism, drug possession, and expungement matters

Salt Lake City Prosecutor's Office / Assistant City Prosecutor
January 2008 - April 2009, SALT LAKE CITY, UTAH

Prosecuted hundreds of DUI and domestic violence cases

Won guilty jury verdicts in DUI, drug possession, and domestic violence cases

Education

J. Reuben Clark Law School at BYU / J.D.
2004 - 2007, PROVO, UTAH

Graduated *cum laude*

Executive Director of Journal of Public Law

Associate Editor of Education Law Journal

Cal Poly, Pomona (CSU) / B.A. History
January 2000 - March 2002, POMONA, CALIFORNIA

Graduated at age 18 *summa cum laude*

Service

4th District Judicial Nominating Commission / Commissioner
Aug 2020 - present

Screen and nominate potential judges to serve in the Fourth Judicial District courts for the Governor to choose from

Judges Sean M. Petersen, Denise Porter, and Robert A. Lund have been appointed during term

Christy Abad

From: Beau Blackley <beau@blackleywingad.com>
Sent: Thursday, April 7, 2022 11:47 AM
To: Christy Abad
Subject: Fwd: Openings for Utah Sentencing Commission
Attachments: 2022-4-7 - Beau Blackley Resume.pdf

 IRONScales couldn't recognize this email as this is the first time you received an email from this sender beau@blackleywingad.com

Ms. Abad,

My name is Beau Blackley. I have attached my resume and would like to be considered for one of the available positions on the Utah Sentencing Commission.

I am currently in private practice with my partner, Jennie Wingad. We are a private firm, but also have contracts for public defense work in multiple counties in the state.

I have many years of experience in both adult criminal defense and juvenile delinquency defense.

Please let me know if there is anything else you need from me.

Thank you,
 Beau Blackley



Beau Blackley | Partner
Blackley & Wingad, Attorneys at Law
 (801) 419-9412 (c)
 (801) 278-3700 (o)
 2105 E. Murray Holladay Road, Suite 2
 Holladay, UT 84117

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----- Forwarded message -----

From: Utah State Bar <noreply@utahbar.org>
Date: Wed, Apr 6, 2022 at 2:28 PM
Subject: Openings for Utah Sentencing Commission
To: Beau Blackley <beau@blackleywingad.com>

Beau Dean Blackley, Esq.

2105 E. Murray Holladay Road, Suite 2
Holladay, UT 84117

beau@blackleywingad.com
(801)278-3700

PROFESSIONAL LEGAL EXPERIENCE

Blackley & Wingad, Attorneys at Law

Holladay, Utah

Partner

August 2017 – July 2018, March 2020 – Current

- Founding partner in boutique litigation law firm specializing in criminal law. The partners counsel clients through every stage of representation from the initial client interview to the end of the case.
- Motivated self-starter who is jointly responsible for the creation of the firm. Start-up processes included developing client management infrastructures, business management procedures and marketing efforts.
- Tasked with managing all aspects of the law firm from fulfilling client needs to abiding by ethical responsibilities while also managing day-to-day operations.
- The firm represents private criminal clients as well as public defense clients via direct and conflict contracts with Utah, Uintah, Duchesne, and Salt Lake Counties.
- Career trial accomplishments include more than 25 jury trials to verdict and more than 25 bench trials.
- Currently the main contract counsel for Uintah County Public Defender on Juvenile Delinquency and Child Welfare cases.

Salt Lake Legal Defender Association

Salt Lake City, Utah

Trial Attorney

July 2018 – March 2020

- Hired directly into Felony division to assume the caseload of a senior attorney.
- Immediately handled felony cases ranging from Possession of a Controlled Substance to Sexual Assault and Murder.
- Mentor to Misdemeanor division attorneys in the office.

G. Eric Nielson and Associates

Salt Lake City, Utah

Litigation Associate (Temporary Contract)

April 2017 – August 2017

- Responsible for pre-trial preparation of complex medical malpractice cases. Preparation included intake interviews with clients, research, and drafting various legal documents for use at different stages of medical malpractice litigation.

Law Offices of Public Defender Carlos J. Martinez

Miami, Florida

Assistant Public Defender

July 2007 – June 2014

- Counseled indigent defendants through all stages of court proceedings, including first appearance hearings, pre-trial motion and report hearings, trial, and post-conviction motions.
- Served as advisory and training counsel for Dade and other Florida counties on all cases involving potential immigration consequences pursuant to the holding in *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010) and its progeny.
- Managed an average caseload of 150 cases encompassing misdemeanors to life felonies.
- Conducted depositions of law enforcement, expert, and civilian witnesses.
- Previous Public Defender Departments: Adult Criminal Domestic Violence Misdemeanors, Juvenile Criminal Division, Early Representation Unit.

Certified Legal Intern

May – August 2006

Law Offices of Chavez and DeLeon

Miami, Florida

Associate

Summer 2005; January 2006 – July 2007

- Investigated, drafted, and filed complaints, interrogatories, and motions for cases ranging from wrongful death to municipal litigation, filed in the 11th Judicial Circuit of Florida.

Beau Dean Blackley, Esq.

2105 E. Murray Holladay Road, Suite 2
Holladay, UT 84117

beau@blackleywingad.com
(801)278-3700

BAR ADMISSIONS

State of Florida, September 2007

State of Utah, October 2016

United States District Court, Central District of Utah, May 2017

EDUCATION**University of Miami School of Law**

Juris Doctor, May 2007

Honors: Recipient of Dean's Merit Scholarship (2005–2007)

Activities: Entertainment and Sports Law Society

University of Utah

Bachelor of Science, December 2002

Major: Communication Studies; Honors Recipient

Thesis: "The Role of Communication in Alzheimer's Caregiving"

Minors: French, Economics

Honors: Dean's List (1999–2001), Recipient of President's Award (1999–2000)

PROFESSIONAL REFERENCES

Lance Dean, Director, Uintah County Public Defender Office
152 E. 100 N., Vernal, UT 84078
(435)781-5350

Richard DeMaria, Executive Assistant Public Defender, Miami-Dade Public Defender's Office
1320 NW 14th Street, Miami, FL 33125
(305)545-1901

The Honorable Mark Kouris, Presiding Judge, Third District Court, State of Utah
450 S. State Street, Salt Lake City, UT 84111
(801)238-7105

EDWARD K BRASS

560 South 300 East Suite 105
 8013225678; 8018793777
ed@edbrasslaw.com

EDUCATION	JURIS DOCTORATE <i>University of Utah College of Law</i>	August 1974-May 1977
	B.S., POLITICAL SCIENCE <i>The Ohio State University</i>	Sept. 1970- March 1974

EXPERIENCE	CRIMINAL DEFENSE ATTORNEY <i>Edward K. Brass Law Office</i>	April 1977 – Present
	<ul style="list-style-type: none"> • 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 misdemeanors to Capital cases. I have tried jury trials in every county in Utah. • 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. • Sentencing Commission 2018-2022. • Davis County Conviction Integrity Unit 2021-present. 	

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.
- Presenter at seminars for new lawyers for the Utah State Bar.
- Presenter at prosecution seminars for the defense perspective and civility.
- Scott Matheson award for service to legal education (mock trial)

Lisa D. Crawford-Blanchard, 180 N. University Avenue, Suite #140,
Provo, Utah 84601 • 801-602-9836 • lisac@utcpd.com

Legal Experience *Supervising Attorney – Utah County Public Defenders Association; Provo, Utah – 2005 to present*

- Represent indigent defendants in misdemeanor and felony cases
- Conduct legal research and draft pre-trial motions and memorandums
- Participate in interviews, investigations, case resolutions and trial strategies
- Courtroom appearances for all stages of district court criminal proceedings
- Mentor, supervise and provide training for new attorneys and law students

Law Clerk/Bailiff – Fourth District Court; Provo, Utah – 2004 to 2005

- Conducted legal research
- Drafted judicial rulings and orders
- Provided courtroom security

Law Clerk & Externships – 2002 to 2003

- Utah County Public Defenders Association; Provo, Utah
- Federal Public Defender, District of Utah; Salt Lake City, Utah
- Utah Attorney General's Office; Salt Lake City, Utah
- United States Attorney's Office, District of Utah; Salt Lake City, Utah

Education & Professional Training

- Member of Utah Association of Criminal Defense Lawyers – 2005 to present
- Member of Utah State Bar – 2004 to present
- Certified Special Function Officer, Fred House Academy – 2004
- Juris Doctorate – J. Reuben Clark Law School, Brigham Young University – 2003
- Bachelor of Science, Psychology and Sociology – University of Utah – 1995
- Certificate of Criminology & Corrections – University of Utah – 1995
- Associate of Science, Behavioral Science – Utah Valley University – 1993

Other Work Experience *Juvenile Probation Officer – Fourth District Juvenile Court; Provo, Utah – 1997 to 2001*

- Supervised juveniles placed on probation

- Conducted intake processing and preliminary interviews
- Drafted petitions, pre-disposition and probation violation reports
- Liaison with allied community agencies, therapists and schools

Genesis Youth Center Counselor – Juvenile Justice Services; Draper, Utah – 1994 to 1997

- Supervised juvenile offenders court-ordered into the community based program
- Implemented and monitored community work projects and daily activities

RALPH DELLAPIANA

275 East 200 South, Salt Lake City, UT 84111

801-680-3603

rdellapiana@slda.com

I am interested in becoming a member of the Utah Sentencing Commission to use my long experience in Utah's criminal justice system to help create policies that improve public safety and reduce recidivism.

LEGAL EXPERIENCE

1995 – PRESENT

TRIAL ATTORNEY, SALT LAKE LEGAL DEFENDER ASSOCIATION

Represent indigent criminal defendants in pretrial, trial, and post-conviction legal proceedings, including arranging for drug programs and mental health treatment as alternatives to incarceration.

LEGAL EDUCATION

1991-1994

JURIS DOCTOR, UNIVERSITY OF UTAH

- American Jurisprudence Award, Legal Research and Writing
- American Jurisprudence Award, Professional Responsibility
- Note & Comment Editor, Journal of Contemporary Law
- Judicial Intern for Utah Supreme Court Justice Christine Durham, 1992-1993

LEGAL COMMUNITY ACTIVITIES & AWARDS

- Model Utah Jury Instructions, Homicide Subcommittee, 2007-2009
- Utah Commission on Criminal and Juvenile Justice, Death Penalty Working Group, 2016-2018
- Distinguished Service Award, for Ensuring Justice and Due Process, Utah Association of Criminal Defense Lawyers, 2012
- Know Your Rights: Certificate of Appreciation from The Vietnamese American Community of Utah, 2019
- Chair, Capital Case Committee, Utah Association of Criminal Defense Lawyers, 2011-2018
- Editor, The Defender: Monthly magazine of Utah Association of Criminal Defense Lawyers, 2005-2008
- Mitsunaga Award, Salt Lake Legal Defender Association, 2012

rich@rgallegos.com

863 E. 25th Street Ogden, Utah 84401 Phone: (801) 334-7424

EDUCATION

University of Utah - Salt Lake City, UT

1998 – Juris Doctor Degree

1997 – Trial Advocacy; Advanced Legal Research

Weber State University – Ogden, UT

1993 – Bachelor of Arts, Criminal Justice

Minor: History Area of Emphasis: Law Enforcement

Alpha Phi Sigma, Criminal Justice Honor Society

EMPLOYMENT/EXPERIENCE

Private Practice

Ogden, UT

October, 1998 - Present

Specializing in Criminal Defense some Personal Injury Law

- Substantial criminal defense courtroom experience including daily appearances, Rule 8 qualified
- Experience in operating and maintaining a small law office with two employees
- Work as a conflict/pro bono Guardian Ad Litem in civil cases
- Tried numerous Felony and Misdemeanor cases in several different counties with many acquittals
- Member, Second District Judicial Nominating Commission, 2016-2020

Davis County Public Defender

Farmington, Utah

January, 2001-Present

- Represent adults in criminal cases in the District Courts
- Handle Central Arraignment and Law & Motion calendars for various courts
- Currently assigned to Judge Michael Edwards & Rita Cornish law and motion calendars

Weber County Public Defender

Ogden, Utah

May 1999-December 2002

Juvenile Division

- Represent juveniles in all delinquency proceedings
- Includes cases involving certification hearings and serious youth offender
- Represent Parents in Abuse, Neglect and Termination of Parental Rights proceedings

Box Elder County Public Defender

Brigham City, Utah

April 1999 – December 2000

- Represents adults in criminal cases, District and Justice Courts
- Tried Numerous Felony and Misdemeanor cases, obtaining several acquittals
- Represents Juveniles in all delinquency proceedings
- Represents Parents in Abuse, Neglect and Termination of Parental Rights proceedings

EMPLOYMENT/EXPERIENCE – Continued

Sr. Counselor, Mill Creek Youth Center Ogden, Utah August 1996 – October 1998
Division of Youth Corrections

- Advocate for severely delinquent youth working in conjunction with the UT Parole Authority
- Supervise and provide intense counseling for incarcerated youth
- Maintain security and safety in the facility
- Provide support to other staff on duty and diffuse potentially volatile situations
- Supervise line staff and other administrative duties as assigned

Minority Law Caucus Salt Lake City, Utah 1996-1997
Vice-President

- Helped manage the MLC budget, also purchased ESL books for local program-\$800
- Assisted in operating and organizing golf tournament, auction, banquet, and scholarships
- Implemented a program targeting area high school and minority youth
- Targeted at-risk students and provided monthly counseling about future career choices

Judicial Intern Salt Lake City, Utah Fall Semester, 1996 (Aug-Dec)
Utah Third District Court, Honorable Andrew Valdez

- Observed weekly court sessions, researched various legal issues
- Drafted memoranda on court's jurisdiction to adjudicate noncompliant parents
- Memoranda included legality of court proceedings concerning a Mexican runaway

Counselor/Youth Corrections Tech Roy Utah October 1990 – August 1996
MOWEDA Detention Center, Division of Youth Corrections

- Supervised and provided counseling for detained youth, including duties/goals of Mill Creek
- Assisted youth in developing necessary skills for community living/placement
- Focused on short-term treatment objectives for troubled youth

Intermountain Youth Care Ogden, Utah April 1991 – November 1993
Group Home Supervisor/Senior Counselor/Counselor

- Managed entire operation of youth group home, including staff/residents, and payroll
- Coordinated with other agencies implementing youth's programs and providing services

PERSONAL

- Born July 31, 1965, Ogden, Utah.
- Married in 1990 with three children, now all adults.
- Interests include camping, hunting, riding horses, and any family activities.
- Also enjoy reading, studying history and watching old western movies.

Shawn Rice Howell

Attorney

Provo, Utah | 801-857-0646 | shawnricehowell@gmail.com

Summary

Personable and hard-working trial attorney with over 17 years of courtroom experience. Proven advocate, professional decorum, highly capable of handling heavy caseloads efficiently, effectively, and sensitively.

Work Experience

Utah County Public Defender Association

2005-Present

- Senior Associate Attorney-representing court-appointed clients from initial appearance to resolution with a jury trial or plea. Skilled at presenting evidence and questioning witnesses at preliminary hearings and evidentiary hearings, jury selection, jury trials, advocating at sentencings and probation violation hearings, utilizing the state sentencing guidelines. Works well with people (everyone from the homeless, addicted and mentally-ill to prosecutors, law enforcement, expert witnesses, and judges).
- Chief Counsel-associate attorney duties with added supervisory and training responsibilities.

J. Reuben Clark Law School, Brigham Young University

2020-2021

- Trial Advocacy Competition Coach & Part time Professor-training law students for participation in national trial advocacy competitions. Presiding over practice trials in the role of judge while implementing the Federal Rules of Evidence. Mentoring future lawyers in their courtroom skills of public speaking, Rules of Evidence, argument, issue-spotting, professionalism, and persuasion.

Fourth District Court

2004-2005

- Judicial clerk-researched and wrote legal opinions for Judge Donald Eyre, Fourth District Court Judge.
- Bailiff-Special Functions Officer with hundreds of hours of courtroom observation and control.

Education

J. Reuben Clark Law School, Juris Doctor

2004

- Editor of Education and Law Journal
- Completed Criminal Trial Practice, Street Law, and Mediation courses with mediator certification

Brigham Young University, Bachelor of Arts in Marketing Communications

2001

Professional Organizations

Utah State Bar- member in good standing and practicing with no bar complaints since 2004

Criminal Law Division of Utah Bar

Women Lawyers of Utah

Skills

Public speaking, strategic-thinking, reliable, focused, patient, compassionate, detail-oriented

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 Juvenile Court Public Defender.
- Currently managing a caseload of around 100 Child Welfare and Delinquency matters.
- Previously served as the Provo Fourth District Court Public Defender.
- Handled a caseload of around hundred felony related matters with various judges.

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

JOHN K. JOHNSON712 East 10th Avenue

Salt Lake City, Utah 84103

Cell Telephone: (801) 915-2616

Home Telephone: (801) 359-8189

Fax Telephone: (801) 359-1088

E-Mail: jkjohnson1080@hotmail.com**ADMITTED:**

Utah State Bar-#3815 (1982)

U.S. District Court- 10th Circuit (1982)

U. S. District Court- 9th Circuit (1982)

EDUCATION:

Law School: California Western School of Law-J.D. (1980)

Undergraduate: University of Utah-B.S.-Marketing (1976)

Language: Read and write Greek

EXPERIENCE:

August 2008-present

Solo Practitioner

General practice of law including business operations, mediation, criminal defense and civil litigation.

August 2008-
January 2014**Conflict Attorney** for both Salt LakeLegal Defenders Association and Summit
County Public Defenders.

January 2015-present

Summit County Public Defender

Independent contractor and duties include indigent criminal defense in Summit County Third District Court for Felony and Juvenile matters; Summit County Drug Court and Summit County Justice Court

March - August 2008

Contract Attorney

Eisenberg and Gilchrist

215 South State Street, Suite 900

Salt Lake City, Utah 84111

Preparation of and response to Plaintiff Asbestos Litigation motions and discovery.

July 2007-March 2008

United States Army

Mobilized Reservist

Lieutenant Colonel

Office of Soldier's Counsel/Administrative Law Section

Office of the Staff Judge Advocate

Fort Lewis, Washington

1992-August 2008

Deputy Salt Lake County District Attorney,

111 East 400 South, Suite 400,

Salt Lake City, Utah 84111.

Bench and jury trials and prosecution of 100s of major

January-June 2006
 June 2006-July 2007
 1995-July 2007
 felonies, special victim, juvenile crimes and misdemeanors.
Unit Chief, Juvenile Team, Downtown Division
Unit Chief, Major Felony Team, Downtown Division
Instructor,
 Salt Lake Community College
 1575 South Street, Salt Lake City, Utah.
 Paralegal instructor on courses in Evidence, Criminal Law
 and Procedure, Introduction to Civil Litigation,
 Real Estate Law, and Environmental Law.

1984- August 2008
United States Army Reserve,
 Judge Advocate General's Corps,
 Stephen A. Douglas Armed Forces Reserve Center,
 Salt Lake City, Utah 84105.
 Involved in all facets in Military Law including
 Separation Boards, Administrative Law, Claims
 and Legal Assistance. (Retired-LTC-August 2008)

1991-1992
Assistant Utah Attorney General,
 236 State Capital, Salt Lake City, Utah.
 Prosecution of white collar felony cases.

1983-1991
Solo Practitioner,
 Salt Lake City, Utah
 Handled all matters of general practice including
 Criminal Law defense, Domestic and Entertainment Law with
 an emphasis on business operations.

1988-1991
Associate,
 Kim Rilling and Associates, Salt Lake City, Utah.
 Handled matters of juvenile defense, parental right
 terminations and involuntary psychiatric hospitalizations.

1984-1991
Assistant Salt Lake City Prosecutor,
 Salt Lake City, Utah.
 Prosecution of misdemeanors and infractions.

PERSONAL:
 Interests include domestic and international travel, golf,
 scuba, music and other performing arts.
 Former Pro Tem Judge, Third District Court,
 Former Volunteer Chair of Executive and Grants
 Committees, Salt Lake City Arts Council; Member of
 the Greater Avenues Community Council; Member of
 the Legal Advisory Committee for the Holy Trinity Greek
 Orthodox Church, Salt Lake City, Utah; Member of Hellenic
 Bar Association; SIX time recipient of Utah Business
 Magazine's "Utah's 100 Elite Attorneys" in the fields of
 "Criminal Law" or "Government" (January 2004, January
 2006, January 2007, January 2009, and January 2015);
 National Academy of Criminal Defense Attorneys (NACDA)
 Utah's Top Ten Attorney Award (August 2020)

MICHAEL J. LANGFORD

43 EAST, 400 SOUTH
SALT LAKE CITY, UTAH, 84111
TELEPHONE: 801-328-4090
FACSIMILE: 801-746-5613
e-mail: mjl@langfordramos.com

To the Board of Bar Commissioners:

As a criminal defense attorney in private practice with close to twenty years of practice, I believe I have much to offer to the Utah Sentencing Commission

My interest in joining this commission stems from my many years as a criminal defense attorney and an intimate familiarity with Utah sentencing law and procedure. I strongly believe I have much to offer in terms of my knowledge and perspective.

Thank you in advance for your consideration. I have enclosed my resume for your review.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'M' followed by a horizontal line.

Michael John Langford

PROFESSIONAL PROFILE

- Fluent in Spanish and French
- Utah District Court, Utah State Bar, 10th Circuit Court of Appeals
- Member of Utah Association of Criminal Defense Attorneys (UACDL)
- Life Member of National Association of Criminal Defense Lawyers (NACDL)
- Member of American Bar Association Criminal Justice Section, Probation and Parole Committee Member
- Member of Salt Lake County Bar Association Executive Committee
- Past Rocky Mountain Innocence Center Board Member and President
- Chair of Salt Lake County Justice Court Judicial Nominating Committee
- Past Board Member of the Utah State Commission on Minority Juvenile Justice, Multicultural Legal Center, Henry's Fork Foundation, and Salt Lake County Children's Justice Center

EDUCATION

NACDL White Collar Criminal Defense College	2013
• Stetson University School of Law, Tampa, Florida	
National Criminal Defense College (NCDC)	2009
• Mercer Law School, Macon, Georgia	
Creighton University School of Law, Omaha, Nebraska	2002
• Juris Doctor, emphasis in criminal law and procedure	
• Creighton Law School International Moot Court Competition Finalist and Moot Court Board Member	
Boston College, Chestnut Hill, Massachusetts	1996
• Bachelor of Arts: political science	

PROFESSIONAL EXPERIENCE

Criminal Defense Attorney Salt Lake City, UT	2005-Present
• Represent individuals charged with crimes in federal and state courts. Federal Criminal Justice Act Panel attorney since 2008.	
• Salt Lake Legal Defender Association conflict felony trial attorney since 2011.	
• Significant felony trial experience complex in cases such as homicide, money laundering, ponzi schemes, RICO, and distribution of controlled substances.	
• Experience arguing before the State and Federal Appellate Courts.	
Associate Attorney Atkin and Shields P. C.	2003-2005
• Practice focused on complex commercial litigation.	
• Drafted numerous pleadings and memoranda, argued motions in federal and state courts.	
• Managed the entire discovery process for many cases and conducted depositions in- and out-of-state.	
• Secondary practice focused on white collar criminal defense in federal and state courts.	
Assistant Journalist KUTV, (CBS)	1993-1995
• Served as assistant and field producer to Rod Decker and Brian Mullahey for Utah legislative sessions.	

- Researched PAC contributions, conducted interviews with political candidates and legislators.

CLERKSHIP

- | | |
|--|------|
| • Pottawattamie County Attorney's Office, Council Bluffs, Iowa | 2002 |
| • U.S. Attorney's Office, Omaha, Nebraska | 2001 |
| • Utah Legal Defenders, Salt Lake City, Utah | 2000 |

VOLUNTEER WORK AND HONORS

- Utah Business Magazine Legal Elite, Criminal Defense
- Mountain States Super Lawyer-Criminal Defense 2012-Present
- Utah State Bar Mentor

RAY QUINNEY & NEBEKER

April 11, 2022

Via EMAIL to: cabad@utahbar.org
 Christy Abad
 Executive Assistant
 UTAH STATE BAR
 645 S 200 E
 Salt Lake City, Utah 84111

SALT LAKE CITY OFFICE
 PO Box 45385
 Salt Lake City, Utah
 84145-0385

36 South State Street
 Suite 1400
 Salt Lake City, Utah
 84111

801 532-1500 TEL
 801 532-7543 FAX
 www.rqn.com

PROVO OFFICE
 86 North University Ave
 Suite 430
 Provo, Utah
 84601-4420

801 342-2400 TEL
 801 375-8379 FAX

Re: Utah Sentencing Commission

Dear Commissioners,

Please accept this letter of interest and application to the Utah Sentencing Commission. I have been defending clients in criminal cases since my arrival in Utah ten years ago. I am passionate about both the representation and the needs of my clients, seeking resolutions and sentencing recommendations that not only mitigate the potential sentence, but also address the needs of the individual, with ultimate goal that they not come back into the system. I have represented a countless number of individuals over the years in everything from infractions to homicide and appeared in Justice and State courts across the State. Most importantly, I have forged great relationships with prosecutors, law enforcement, Adult Probation & Parole, treatment providers and private probation providers. My ability to work collaboratively for the interests of my client is perhaps my greatest strength.

In addition to representing adult clients in Justice and State Courts, I have represented juvenile clients in cases ranging from misdemeanor traffic and possession charges to felony rape and a myriad of felonies in between. For a six-month period during my time at Salt Lake Legal Defenders I was assigned to the juvenile courts to provide representation in truancy cases. My experience in representing individuals includes negotiating terms of non-judicial determinations to sentencing, treatment and probation on more serious crimes.

I believe I bring a unique perspective to the Sentencing Commission. In 2019 I was awarded the Utah State Board of Pardons and Parole Contract to represent individuals before the Parole Board on parole violations. This experience has given me intimate knowledge of the current sentencing guidelines in all aspects of representation, from trial and sentencing to parole. It has also given me a deep understanding of how important these sentencing guidelines and policy recommendations are regarding sentencing, release and revocation of parole of adult and juvenile offenders.

ATTORNEYS AT LAW
 Clark P. Gilles
 D. Jay Curtis
 James S. Jardine
 Larry G. Moore
 Bruce L. Olson
 John A. Adams
 Craig Carille
 Jeffrey W. Appel
 David J. Castleton
 Ellen J. D. Toscano
 Kevin G. Glade
 Lester K. Essig
 Stephen C. Tingey
 John R. Madsen
 Scott A. Hagen
 Rick L. Rose
 Brent D. Wride
 Steven W. Call
 Sally B. McMinimie
 Steven G. Jones
 Mark A. Cotter
 Gregory J. Savage
 Kelly J. Applegate
 Justin T. Toth
 Liesel B. Stevens
 Robert O. Rice
 Arthur B. Berger
 Rick Thaler
 John W. Mackay
 McKay M. Pearson
 Mark W. Pugsley
 Matthew N. Evans
 Gary L. Longmore
 John P. Wunderli
 Michael R. Johnson
 E. Blaine Rawson
 Samuel C. Straight
 Paul C. Burke
 Elaina M. Maragakis
 D. Zachary Wiseman
 Michael D. Mayfield
 Bryan K. Bassett
 Kamie F. Brown
 Gregg D. Stephenson
 Michael F. Thomson
 Kristine M. Larsen
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 S. Brandon Owen
 Brett R. Parkinson
 Charles H. Livsey
 David B. Dibble
 Carol A. Funk
 Maria E. Windham
 Blake R. Bauman
 Michael K. Erickson
 Eric G. Benson
 R. Troy Mollerup
 Paul N. Taylor
 Z. Ryan Pahnke
 Matthew M. Cannon
 Tiffany Brooks Healy
 James A. Sorenson
 Allison G. Behjani
 Skye Lazaro
 Adam K. Richards
 Blake R. Voorhees
 Beth J. Ranschau
 Jeffrey S. Rasmussen
 James Bullough
 Katherine E. Priest
 Jascha K. Clark
 John O. Carpenter
 Katherine B. Benson
 Whitney Hulet Krogue
 Blake M. Biddulph
 Garrett W. Messerly
 Raj Dhallwal
 Justin M. Kuettel
 Thomas Lingard
 Aaron C. Hinton
 Jason M. Tholen
 Andrew Applegate

OF COUNSEL
 Narvel E. Hall
 M. John Ashton
 Herbert C. Livsey
 Gerald T. Snow
 Jonathan A. Dibble
 Douglas M. Monson
 Elaine A. Monson
 Katie A. Eccles
 Jordan Christianson
 Anjali J. Patel

Letter to Sentencing Commission
April 11, 2022

It would be a great honor to be a part of the work of the Commission. Thank you in advance for your time and attention to this matter.

Sincerely,

RAY QUINNEY & NEBEKER, PC

A handwritten signature in cursive script, appearing to read "Skye", written in black ink.

Skye E. Lazaro

SKYE LAZARO

RAY QUINNEY & NEBEKER

36 S State Street, Suite 1400, Salt Lake City, UT 84111

Phone: (801) 532-1500 / Email: slazaro@rqn.com

LEGAL EXPERIENCE

Ray Quinney & Nebeker, Partner, Salt Lake City, Utah, August 2019-Present

Chair of the Firm's White Collar, Criminal Defense & Government Investigations Section representing individuals in all aspects of criminal law in juvenile court, justice courts, state courts and federal courts throughout the State of Utah. Representative experience includes successfully defending, through plea agreements or trial, a broad range of criminal cases including domestic violence allegations, sex crimes, drug crimes, property crimes, DUI, white-collar crimes, homicide and violent crimes. Worked closely with, and opposed to, law enforcement, prosecuting agencies and AP&P.

State of Utah, Board of Pardons and Parole, Contract Representation, Salt Lake City, Utah September 2019-Present

Awarded a five-year contract beginning in September 2019 to provide legal representation for inmates and parolees that are alleged to have violated their Parole Agreement. Representation. This includes meeting with inmates and parolees after the Board of Pardons and Parole has issued a warrant and revoked their parole and defending them at Parole Violation and Evidentiary Hearings.

Injury Care Solutions, LLC, Corporate Counsel, Salt Lake City, Utah, March 2018- September 2019

Provide general corporate counsel, including oversight, coordination and execution of all internal and external legal affairs, contract drafting, negotiation and finalization, coordination and execution of business transactions in numerous states in the medical and finance field. Extensive involvement developing networks of medical providers, device companies and medical billing companies. Provide counsel to Executive Board and HR oversight and employee governance.

Lazaro Law Group, Sole Practitioner, Salt Lake City, Utah, April 2016- March 2018

Managing attorney and founder of boutique firm. Represented clients in all aspects of criminal law in juvenile courts, justice courts, state courts and federal courts throughout the State of Utah. Worked closely with, and opposed to, law enforcement, prosecuting agencies and AP&P.

Salt Lake Legal Defender Association, Trial Attorney, Salt Lake City, Utah, July 2012 -April 2016

Manages caseload of between 80-120 criminal defense clients. Represented clients in juvenile court, justice court and state court in Salt Lake County. Worked closely with, and opposed to, law enforcement, prosecuting agencies and AP&P.

Orange Legal Services, Document Review Attorney (Contract Work), Salt Lake City, Utah, January 2021-April 2012

Reviewed 300 pages of discovery per day using One-O Discovery Platform for a number of law firms.

Paul Ryan & Associates, Associate Attorney, Missoula, Montana, April 2008-November 2011

One of two attorneys in a fast-paced, high-case load firm focused primarily in the practice areas of criminal defense and personal injury. Gained extensive courtroom experience in civil and criminal cases in state, federal and appellate courts

BAR ADMISSIONS, PROFESSIONAL REGISTRATIONS, AWARDS AND RECOGNITIONS

Member, State Bar of Montana (9089)

Member, State Bar of Utah Bar (14071)

Licensed in state and federal courts in Montana and Utah and the Ninth Circuit Court of Appeals

Utah State Bar- Criminal Law Section, Past Chair

Utah State Bar- Past Governmental Relations Committee Member

Salt Lake County Bar Association

Women Lawyers of Utah

David K. Watkiss-Sutherland II Inn of Court

Aldon J. Anderson American Inn of Court

Utah Bar Association New Lawyer Training Program, Mentor

2017 Attorney to Watch, Attorney at Law Magazine

2018-2022 National Trial Lawyers Top 40 under 40

2018-2022 Utah Legal Elite, Utah Business Magazine

2020-2021 Mountain States Super Lawyers, Rising Star, Criminal Defense

EDUCATION

Juris Doctor	12/2008
University of Montana, Andrew Blewitt III School of Law	Missoula, Montana
Phi Delta Phi	
Alternative Dispute Resolution and Mediation Focus Group	
Advanced Trial Advocacy Group	
Advanced Writing Award in Copyright, Patent & Trademark Law	
 Bachelor of Science: Political Science	05/2005
Minor: Organizational Communication Studies, Business Administration	Missoula, Montana
University of Montana	
American Paint Horse Association Scholarship (Zone One)	
Numerous Academic Scholarships	

PERSONAL AND COMMUNITY INTERESTS

Cinderella Project- bringing prom to Homeless Youth of Salt Lake County
Homeless Youth Resource Center, VOA volunteer and advocate
Numerous community philanthropic causes
Hockey mom, yoga, exercise, equestrian and outdoor enthusiast

 CHRISTENSEN & JENSEN	Phone: 801.323.5000 Fax: 801.355.3472 www.chrisjen.com	Jonathan Nish Jonathan.Nish@chrisjen.com Attorney
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March 29, 2022

RE: Utah Sentencing Commission Application

To Whom it May Concern:

Thank you for the opportunity to be considered for appointment to the Utah Sentencing Commission. My name is Jonathan T. Nish, and I am a practicing criminal defense trial attorney with the law firm of Christensen & Jensen, PC. I have been in practice since 2013 and I have worked in the legal field since 2008. Criminal defense is my primary area of focus and I specialize in felony work, including homicide cases for which the State of Utah may seek the death penalty. I am qualified under Rule 8 of the Utah Rules of Criminal Procedure to represent persons charged with capital crimes and I am presently on the roster of attorneys considered for appointment to such cases.

I also serve as the Secretary/Treasurer of the Criminal Section of the Utah State Bar and the Director of Continuing Legal Education for the Utah Association of Criminal Defense Lawyers (UACDL). It would be my privilege to further serve the Utah Bar on the Utah Sentencing Commission.

My curriculum vitae and reference sheet can be found below. Thank you for your time and consideration.

Best regards,

CHRISTENSEN & JENSEN, P.C.



JONATHAN T. NISH

Phone: 801.807.8415
jonathan.nish@chrisjen.com

2533 Pinewood Lane
Layton, UT 84040

EDUCATION

JD	Saint Louis University School of Law, Juris Doctor	May 2013
BS	University of Phoenix, B.S. Business; Global Administration	August 2010
Other	University of Utah, Music Education with Emphasis on Conducting	2001-2004

HONORS AND AWARDS

UACDL Attorney of the Year	2018
Death Penalty Qualified Attorney	

PROFESSIONAL AFFILIATIONS

Utah Association of Criminal Defense Lawyers
 Director of Continuing Legal Education 2018 - Present
 Board of Directors Member 2019 - Present

Utah Bar Association Criminal Law Section Leadership, 2020 -Present

National Association of Criminal Defense Lawyers

COMMUNITY SERVICE

Skyward Symphony
 Artistic Director and Chairman of the Board of Directors, Davis County, Utah 2018 - Present

EMPLOYMENT HISTORY

Christensen & Jensen, PC April 2020 – Present
 Non-Equity Shareholder
 Trial Attorney

Morgan, Nish & Associates, PC October 2013 – April 2020
 Managing Partner
 Trial Attorney

REFERENCES**Mary Corporon**

Christensen & Jensen, PC

801.323.5000

Mary.corporon@chrisjen.com

Karra Porter

Christensen & Jensen, PC

801.323.5000

Mary.corporon@chrisjen.com

Rick Lundell

Lowrance, Lundell and Lofgren

801.635.4006

rlundell@bestattorneys.com

Grant W.P. "Bill" Morrison

Morrison & Morrison

801.359.7999

gwpmorrison@gmail.com

Chad M. Steur

Chad Steur Law

801.635.4227

chadsteuer@hotmail.com**Judicial References**

Judge Samuel Chiara

Eighth District Court - Duchesne

435.738.2753

Judge Gregory Lamb

Eighth District Court – Vernal

435.781.9300

Jonathan Z. Paz, Esq.

1547 E Lanebrook Lane, Millcreek UT 84124 Jonathan@LawPaz.com Cell: 310-863-2515

BAR MEMBERSHIP: UT State Bar Number 16923 – CA State Bar Number 280761

LANGUAGE: Fluent in Spanish

EDUCATION

University of Southern California, Gould School of Law

Juris Doctor

May 2011

University of California, Berkeley

Bachelor of Arts, Sociology

May 2006

PROFESSIONAL EXPERIENCE

Law Offices of Jonathan Z. Paz, LLC

Attorney

Salt Lake City, UT

September 2018 - Present

Representing clients in both criminal and immigration matters. Defending felony and misdemeanor criminal cases in Justice and District Courts. Defending deportation cases using Asylum and Cancellation of Removal applications. Employing the zealotry of a public defender with the care and attention to detail of a private attorney.

University of Southern California, Gould School of Law

Adjunct Professor; L.L.M. and M.S.L. Programs

Los Angeles, CA & Online

August 2018 - Present

Professor of Criminal and Constitutional Law. Created in-person Criminal Law curriculum for L.L.M. program on Gould School of Law campus. Asked to make major revisions to L.L.M./M.S.L. Constitutional Law Online Course

Law Offices of Gage C. Herbst

Attorney

Salt Lake City, UT

January 2018 – September 2018

Successfully represented clients in deportation hearings with asylum and cancellation of removal defenses. Guided clients through evidence collection process in both Spanish and English. Drafted novel pre-hearing briefs based on evidence and legal research. Prepared clients and expert witnesses to testify at hearings. Represented clients in Asylum and Adjustment of status interviews with Immigration Officers. Evaluated cases for different types of immigration relief.

Orange County Public Defender

Attorney

Orange County, CA

September 2012 - December 2016

Represented adult and juvenile clients charged with misdemeanor and felony penal code violations. Litigated twenty-one jury trials and over two dozen bench trials from pre-trial motions to closing arguments. Won acquittals in over half the trials including juvenile clients charged with strikes under California's "Three Strikes Law." Drafted and argued over forty motions including 4th Amendment motions, motions compelling discovery, and demurrers. Directed investigations of witnesses, locations and evidence. Conducted extensive legal research and over fifty probable cause hearings.

BASTA, Inc. (Non-Profit Eviction Defense)

Attorney

Los Angeles, CA

December 2011 - September 2012

Represented tenants in unlawful detainer matters in both bench and jury trials. Drafted and argued several successful motions including two motions for judgment on the pleadings, a motion to vacate a default judgment, a motion for attorney's fees, and a motion for relief of forfeiture of a rental agreement for a 13-year tenant. Litigated two unlawful detainer jury trials, from pre-trial motions to closing arguments, and three successful unlawful detainer bench trials. Negotiated over a dozen favorable settlements using strategic fact analysis, case law, and relevant code sections.

Los Angeles County District Attorney's Office

Volunteer Law Clerk, Target Crimes Division

Los Angeles, CA

September 2010 – January 2011

Wrote a successful opposition to a motion to compel the identity of a confidential informant. Prepared a ballistics chart and witness list for two different crimes against peace officer (CAPOS) cases. Synthesized evidence in a 20 year old cold case. Attended meetings with detectives, medical examiners, and a lineup in an armed robbery case.

United States District Court, Central District of California

Extern for the Honorable Valerie Fairbank

Los Angeles, CA

January – May 2010 & September - December 2010

Wrote decisions on Habeas Corpus petitions written by pro per inmates. Compiled motions and other court documents into case binders for civil and criminal trials. Conducted research and prepared memorandums.

ALEXANDER E. RAMOS, ESQ.

PROFILES

In my sixteen years working in the criminal justice system I have come to intimately understand the frustrations that individuals experience as they make their way through its labyrinth. My role is to ensure my clients are seen as humans and not players.

EXPERIENCE

LANGFORD RAMOS, PLLC. | *Partner & Trial Attorney*

JANUARY 2019 - PRESENT

- Represent individuals charged with federal and state crimes.

FEDERAL PUBLIC DEFENDER, DISTRICT OF UTAH | *Trial Attorney*

AUGUST 2014 - DECEMBER 2018

- Represented indigent individuals charged with federal criminal offenses in trials and appeals including drug trafficking, illegal re-entry, child pornography, felon in possession, bank fraud, wire fraud, money laundering, firearms trafficking, and other offenses.¹

SLC CRIMINAL DEFENSE FIRMS | *Law Clerk*

AUGUST 2005 - AUGUST 2014

- From 2005 to 2014, I worked with various criminal defense attorneys in the valley.² All of them have been invaluable in my legal and personal development. They taught me the importance of personal integrity and commitment to defending the indigent. They scrutinized my research and writing skills and pushed me to excel. They have provided me with the foundation I need to become a defender.

EDUCATION

UNIVERSITY OF UTAH | *Philosophy + Political Science, B.A.; J.D.*³

SKILLS

NATIVE SPANISH SPEAKER; TACTFUL COMMUNICATOR; RESOURCEFUL & DETAILED ORIENTED; DAMAGE CONTROL SPECIALIST; MITIGATION MOGUL; RESEARCHER EXTRAORDINAIRE; HUSTLER.

¹ I was the Federal Defender representative for the RISE Drug Court.

² Jeremy Delicino, Stephen McCaughey, Edwin Wall, Clayton Simms, Jon Williams, Sam Meziani, Mark Kittrell, Kent Hart, and others.

³ President of the student chapter of the Utah Association of Criminal Defense Lawyers, externed at the Utah Juvenile Defenders Association, and completed the Innocence Clinic.

Christy Abad

From: Joseph Rupp <joseph.rupp@collinsrupp.law>
Sent: Thursday, April 14, 2022 4:59 PM
To: Christy Abad
Subject: Utah Sentencing Commission Application
Attachments: Rupp_Resume_20220414_Utah_Sentencing_Commission.pdf



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender
joseph.rupp@collinsrupp.law

Ms. Abad,

Please accept my submission for appointment to the Utah Sentencing Commission as an attorney in private practice experienced in criminal defense. In addition to what is on my resume, I was also a final candidate for appointment to the Board of Pardons and Parole, as well as a finalist for appointment as the Taylorsville Justice Court Judge.

My resume is attached. References are available upon request. Please let me know if anything further is required.

Respectfully,
Joseph E. Rupp
Managing Attorney
Collins Rupp, P.C.
563 West 500 South, Suite 440
Bountiful, UT 84010
385.777.2753 office
801.910.2629 cell
joseph.rupp@collinsrupp.law

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Disclaimer: ATTORNEY/CLIENT RELATIONSHIP. No attorney client relationship with Collins Rupp, P.C. exists unless the client enters into a legal services agreement (LSA) that describes the nature and scope of the client's representation. This firm's client is the person or entity identified in the LSA and, unless otherwise stated in the LSA, does not include any affiliate, owner or constituent of such person or entity. Unless this firm agrees otherwise in writing, all work that this law firm does for a client is for the benefit of the client only, is not for the benefit of any third party and creates no third party beneficiary status for any person or entity except the client identified in the LSA.

JOSEPH E. RUPP

(801) 910-2629 • 1841 West 1300 South, Woods Cross, UT 84087 • joseph.rupp@collinsrupp.law

EXPERIENCE

Utah Criminal Justice

- Managing Attorney at Collins Rupp, P.C., specializing in criminal matters and conflict resolution
- Maintain an active case load of over 100 criminal matters. Daily direct involvement with all aspects of criminal matters, from pre-filing investigations to post conviction relief actions, including conducting preliminary hearings, plea negotiations, suppression, sentencing, orders to show cause, bench and jury trials
- Represented clients on over 1,100 matters in 103 different Utah Justice and District Courts
- Extensive experience synthesizing written, verbal, physical, and digital information; assessing facts in relation to statutory elements of accused crimes; and presenting appropriate resolutions to defendants in order facilitate informed decision-making in criminal matters
- Continuously coordinate with the Court, prosecutors, probation agencies, and other stakeholders in the development of Pre-Sentence Reports (PSRs) for convicted defendants. Review PSRs to ensure correctness and consistency with applicable statutory requirements and sentencing guidelines. Provide argument for and against PSR recommendations as appropriate
- Adept at providing zealous representation for defendants while maintaining exceptional professional relationships and open communication with courts, prosecutors, and law enforcement agencies
- Sensitive to, and respectful of, victim rights in sentencing, sanctions, and related decisions
- Active member Utah State Bar, Board Member Utah State Bar Young Lawyers Division

Other Legal

- Extensive experience with military justice system and addressing legal matters in foreign jurisdictions
- Reviewed and adjudicated performance evaluation disputes and appeals from throughout the Marine Corps as a member of the USMC Performance Evaluation Review Board
- Served as Convening Authority for Summary and Special Courts Martial to administer discipline and justice in the Armed Forces. Ordered pre-trial investigations. Preferred charges and assigned Court Members, as well as individual military counsel, for all proceedings. Reviewed pre-trial agreements, findings, and sentences and ordered appropriate final action in criminal matters. Ensured all actions were consistent with the Uniform Code of Military Justice (UCMJ) and host nation agreements
- Convening Authority for numerous administrative Judge Advocate Manual (JAGMAN) and criminal investigations. Ensured independent investigations with exceptional integrity to discover all relevant, reliable, and credible evidence and information bearing on a matter in order to make informed decisions about how to proceed. Ensured all decisions were fair and impartial and based on known facts
- Conducted monthly Non-Judicial Punishment (NJP) proceedings to address cases of misconduct and poor performance by officer or enlisted servicemembers. Proceedings included conducting investigations; evaluating the accused's military service, nature of the incident, victim and witness availability; and determining appropriate administrative or disciplinary action based on particular facts
- Resolved all manner of legal matters involving military dependent family members subject to local (host nation) law and military installation policies

Policy Development, Implementation, and Compliance

- Established and led an interagency collaborative enterprise for the development and employment of non-traditional defense capabilities in support of national security objectives, to include stakeholder senior leadership coordination meetings, drafting national directives, and presenting coordinated efforts to the Secretary of Defense and Chairman, Chairman of Joint Chiefs of Staff (CJCS) for approval
- Joint Staff lead for DoD strategic multi-layered assessment, integrating U.S. government, civilian, and academic agencies to evaluate complex problems and develop solutions
- Created and implemented comprehensive Marine Corps-wide policy and procedures to transition entire workforce of helicopter pilots from the Marine Corps' legacy assault support aircraft, the CH-46 helicopter, to the new MV-22 tilt-rotor aircraft that replaced the CH-46
- Developed innovative and effective policies and procedures that built relationships and trust across senior stakeholder leadership, facilitating rapid organizational response to emerging situations by enabling

expedited senior executive approval of time-sensitive high-risk activities. Concept was utilized by all USMC aviation, and supported ground forces in Iraq during 2004-2005

- Monitored and ensured compliance with all institutional policies and training requirements; regularly conducting in-house inspections to continually monitor 61 critical functional areas, maintain continuity during turnover, comply with governing directives, and align activities with business priorities
- Instituted formal policy, to include reporting and response protocols, for Workplace Harassment, Equal Opportunity Employment, Sexual Assault, Substance Abuse, and Suicide Prevention

Organizational Leadership

- Senior executive leading 450+ personnel that comprise the headquarters of 1st Marine Aircraft Wing, a dynamic organization composed of 7,200 personnel and 120 aircraft forward based in the Asia-Pacific
- Developed and implemented training program for executives assigned to Headquarters USMC fiscal activities. Improved peer-to-peer coordination, business partner integration, and incoming executives' knowledge of stakeholders to ensure initiatives remained aligned with business priorities
- Skilled consultant, performed in numerous consultative capacities relating to leadership development strategy, talent acquisition, asset management, risk mitigation, and compliance
- Multiple national security related assignments; aviation liaison to U.S. Secret Service for U.S. President visit to Indonesia; special technical capabilities advisor to Secretary of Defense, CJCS, Combatant Commanders, and interagency partners on highly classified emergent capabilities
- Human factors council member providing insight to senior executives regarding junior executive performance considerations and mitigation of high-risk activities
- Instituted leadership-based interventions to establish standards of ethical behavior, decrease gender bias, promote bystander intervention, and reduce workplace and "off-duty" safety/disciplinary incidents

Human Capital Management

- Directly managed the global assignments and career development of 775 mid-level executives; supervised global assignment of 3,090 junior executives across 7 critical occupational fields
- Screened and evaluated thousands of executives to provide insight to senior leadership, and the executives themselves, regarding command assignments, talent, potential, technical ability, organizational and client needs, leadership development opportunities, and formal education programs
- Senior HCM advisor, directed all HCM activities for 7,200 personnel throughout Asia-Pacific region

Education

Juris Doctor, S. J. Quinney College of Law, University of Utah 2016

- Certificate in Public Interest Law and Policy
- Outstanding Clinical Student Award, CALI Award in Real Estate Transactions and Finance
- Outstanding Achievement in Business Organizations, Legal Research, Lawyering Skills, and Trial Advocacy

Master of Arts (International Studies), The Fletcher School of Law and Diplomacy, Tufts University 2006

- Commandant of the Marine Corps Fellow to International Security Studies Program

Bachelor of Arts (Spanish), Weber State University 1993

Community

Planning Commission Chairman, Planning Commission, Woods Cross, UT 2019 – Present

Director/Volunteer Attorney, Veteran's Legal Clinic, Salt Lake City, UT 2015 – Present

- Coordinate volunteer attorneys, U.S. Department of Veterans Affairs Veterans Justice Outreach representatives, law students, and paralegal support for monthly pro bono legal clinic

Board Member, Young Lawyer Division of the Utah Bar Association, Salt Lake City, UT 2018 – Present

Bronze Minuteman Award Recipient, Awarded by Utah National Guard 2021

- Recognition for community leaders and their extraordinary support and leadership to the citizens of Utah



Christy Abad
Executive Assistant
cabad@utahbar.org

EXECUTIVE DIRECTOR
Pamela L. Vickrey*

DEPUTY DIRECTOR
William R. Russell

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Daniela M. Diaz
Erin N. Strahm
Hilary S. Forbush
Clayton L. Huckaby
Jonathan A. Kinnaird

MANAGING APPELLATE ATTORNEY
Monica Maio*

L.C.S.W.
Sariah Donnahoo
Tora Graham

OFFICE MANAGER
Bobbi L. Lewis

*JIP Certified

Re: Utah Sentencing Commission Application

Dear Ms. Abad,

I am currently a member of the Utah Sentencing Commission. As one of Utah State Bar representatives my role has been to provide insight related to juvenile delinquency. Presently, I serve as the Chair of the Utah Sentencing Commission. I would like the opportunity to continue to serve as a Member of the Utah Sentencing Commission.

I have worked as an advocate for young people in the juvenile court system for 22 years. Since 2010, I have been the Executive Director of Utah Juvenile Defender Attorneys (UJDA). UJDA represents youth in delinquency cases.

This position has provided the opportunity for me to work with a broad range of perspectives with a commitment to the common goals being to strengthen safety in our community, foster confidence in the system, and promote respect for the fair administration of justice. For young people, this provides the opportunity to meet these goals and maximize the opportunity for our youth to reach their full potential as law abiding citizens.

UJDA provides legal representation to youth in all stages of delinquency cases. This includes detention hearings, arraignment, pre-trial hearings, motion practice, plea bargaining, dismissal, waiver, trial, disposition, post disposition reviews, and appeals. Due to the specialized nature of delinquency work, we also represent clients in unique contexts, such as: restitution hearings, competency proceedings, drug court, mental health court, and expungement. In addition, we handle highly-complicated, delicate and technical cases such as transfer to the adult system.

As a defense attorney for young people, I have years of specialized legal training and expertise in client management. My work also requires a working knowledge of the adult criminal justice system. This specialization provides me with a unique knowledge of the nuances and pitfalls of juvenile court as well as the special resources available for young clients.

Utah Juvenile Defender Attorneys, LLC
8 East Broadway, Suite 500
Salt Lake City, Utah 84111

PHONE 801.521.5225
FAX 801.521.5268
EMAIL inbox@ujda.org

**EXECUTIVE DIRECTOR**

Pamela L. Vickrey*

DEPUTY DIRECTOR

William R. Russell

ATTORNEYS

Robert L. Donohoe
 Sam N. Pappas
 Hannah E. Welch
 Alexa L. Arndt
 Daniela M. Diaz
 Erin N. Strahm
 Hilary S. Forbush
 Clayton L. Huckaby
 Jonathan A. Kinnaird

MANAGING APPELLATE ATTORNEY

Monica Maio*

L.C.S.W.

Sariah Donnahoo
 Tora Graham

OFFICE MANAGER

Bobbi L. Lewis

*JTP Certified

The scope and nature of my work centers on public defense for young people. I keep abreast of the rapidly evolving juvenile jurisprudence which affects not only UJDA's clients, but the juvenile justice system as a whole. Accordingly, I serve on a variety of committees and task forces. I work diligently to foster a positive working relationship with all the participants in the juvenile justice system.

In juvenile court you do not have the luxury of tunnel vision. The consequences on a young life and the future impact on the community are too grave. Therefore, I strived to zealously represent my clients while, simultaneously supporting the youth and their family through the court process. The goal is to change how each youth creates his or her future.

My experience and work as a courtroom advocate as well as my participation in various committees, boards and task forces has helped to establish a comprehensive perspective which I believe has been and, hopefully, will continue to be beneficial to the Utah Sentencing Commission.

Thank you for your consideration of my application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pamela L. Vickrey', is written over a horizontal line.

Pam Vickrey

Utah Juvenile Defender Attorneys, LLC
 8 East Broadway, Suite 500
 Salt Lake City, Utah 84111

PHONE 801.521.5225
 FAX 801.521.5268
 EMAIL inbox@ujda.org

Pamela L. Vickrey
Executive Director
Utah Juvenile Defender Attorneys
Utah Juvenile Defender Resource Center

1612 Stayner Drive Farmington Utah 84025
 pvickrey@ujda.org

Education

<i>University of Utah, College of Law</i> Juris Doctor	1999
Women's Law Caucus, Program Coordinator	1997-1998
Recipient – Alex and Margaret E. Oser Merit Scholarship	1996-1997

<i>University of California, Santa Cruz</i>	1996
BA in Environmental Studies, Emphasis in Policy and Planning	1995-1996
Chancellor's Undergraduate Internship/Scholarship	1995-1996
Completed Job Training Programs	

- * Assertiveness and negotiation as a component of conflict prevention
- * Personal and organizational decision-making
- * Time management, organizational skills and tools for stress management
- * Professional business communication
- * Team building
- * Public speaking and group presentation
- * Leadership development

Professional Experience

Member Good Standing Utah State Bar	2000 - Present
Utah Juvenile Defender Attorneys, LLC	2010 – Present
Utah Juvenile Defender Resource Center	
Executive Director	

Responsibilities include: day to day operations; budget development and management; staff development, recruitment, supervision, and evaluation; establishing and maintaining an appropriate work climate for achieving goals and objectives through training implementation; carrying out juvenile court and juvenile justice policies, procedures, and programs; and keeping educated and standards-based zealous representation of juveniles in delinquency cases the primary focus.

Public relations including speaking to parents, judges, court personnel, probation officers, caseworkers, local school districts, private and state agencies providing treatment, mental health providers, local universities, and serving on numerous committees and boards to ensure an open and communication and collaborative effort toward problem solving.

Represent juveniles in all levels of the justice system charged with all ranges of offenses from misdemeanors, felonies, certification hearings, and serious youth offender cases; appear in court on a daily basis; work with all parties involved in the juvenile court and appellate proceedings.

Pappas & Associates – Assistant Attorney 2000 – 2010

(Formerly Rilling & Associates)

Represent juveniles in all levels of the justice system charged with all ranges of offenses from misdemeanors, felonies, certification hearings, and serious youth offender cases; appear in court on a daily basis; work with all parties involved in the juvenile court and appellate proceedings.

Subcontractor – Legal Representative 2002 – 2010

Subcontract to represent individuals in mental illness and retardation commitment hearings.

Mental Illness and Civil Commitment Contract 2002
Contract Administrator & Primary Legal Representative

Represented individuals in mental illness and retardation commitment hearings; oversaw the representation of Salt Lake County residents in Utah County in mental illness and retardation commitment hearings; administered the contract in a pro-active, efficient, reliable and accountable manner.

Guardian ad Litem – Law Clerk 1999 – 2000

Filed and prepared motions and court documents; communicated with clients and associated agencies; and appeared in court on behalf of clients under the third year practice rule.

Professional Affiliations

Second District Judicial Nominating Commission 2020 -Present

Juvenile Justice Oversight Committee 2017 – Present

Utah's Indigent Defense Commission 2017- Present

Juvenile Justice Working Group 2016-2017

Judicial Council's Indigent Representation Committee 2016

OJJDP Grant Access to Justice: Rural & Tribal Southwest Project 2016- 2018

National Juvenile Justice Network 2016-Present

Utah Sentencing Commission - Chair	Present
Utah Sentencing Commission Juvenile Law Subcommittee - Chair	Present
Utah State Bar Juvenile Law Section - Chair	2014-2015
Utah State Bar Juvenile Law Section CLE Coordinator	2013- 2014
Troubled Youth/Serving Promising Youth Planning Committee	2013- Present
Member National Association of Counsel for Children	2013-2014
CCJJ Youth Services/Receiving Center Funding Working Group Meeting	2013
Third District Juvenile Court Table of Ten	2012-Present
Juvenile Competency Attainment Project Utah State University	2012 – 2013
Utah Supreme Court Minor Redaction Subcommittee	2012 – 2013
Advisory Board Member Southwest Juvenile Defender Center	2012- Present
Indigent Defense Committee, Utah Association of Criminal Defense Lawyers	2012 – 2012
Legislative Committee, Utah Association of Criminal Defense Lawyers	2010 - Present
Utah Board of Juvenile Justice	2008- 2018
Chair	2016-2018
Juvenile Competency Committee	2005- 2012
Member Utah State Bar Juvenile Law Section	2008 – Present
P.A.C. Committee for the Criminal Justice Department of the Salt Lake Community College	2007 - 2013
Salt Lake County Children’s Justice Center Advisory Board	2007 – 2013
Member Advisory Board that developed/created the first juvenile mental health court in Utah	2004
Juvenile Justice Advocates Board	2004 – Present
Member National Juvenile Defender Center	2002- Present
Member of the Southwest Juvenile Defender Center	2002 – Present
Co-Director of the Southwest Juvenile Defender Center	2018- Present
Member Utah Association of Criminal Defense Lawyers	2002 – Present

Supreme Court's Advisory Committee on the Rules of Juvenile Procedure 2001 – 2018
 Appointed by the Utah Supreme Court in 2001 to a four-year term; reappointed in 2005, 2009 and 2013.

Specialized Trainings, Presentations and Awards

Utah Board of Juvenile Justice Youth Advocate of the Year	2018
Voices for Utah Children Children's Champion	2018
National Juvenile Defender Center Trailblazer Award and Juvenile Advocacy	2015
Crime and Justice Institute Conference The Evolution of Comprehensive State Legislative Reform	2018
Invited Participant PEW Charitable Trusts Conference on Getting Results in Juvenile Justice	2014
Presenter National Juvenile Defender Leadership Summit- A Weighty Responsibility: Ending Indiscriminate Shackling of Your Clients in Court Holistic Case Management: Integrating Social Workers & Youth Advocates Developing a Culture of Advocacy in your Defense Office	2015 2016
Presenter Utah State Bar Juvenile Law Section – Role of Juvenile Defense Counsel	2014
Presenter for the Center for Children, Law & Policy at the University of Houston Law Center's Thirteenth Annual Zealous Advocacy Conference – Juvenile Training Immersion Multi-system Representation	2014
Presenter Utah State Bar Juvenile Law Section – How Does Juvenile Competency Work	2014
Presenter Utah State Bar Juvenile Law Section – “Nooks and Crannies of Juvenile Immigration Law”	2014
Certified Trainer by the National juvenile Defender Center, Juvenile Training Immersion Program – first certified trainer in the state of Utah	2013
Presenter and Organizer Utah Association of Criminal Defense Lawyers Juvenile Law Seminars 2012, Spring 2013, and Fall 2013, December 2014, Spring 2015, Spring 2017	
University of Utah College of Social Work Nomination for Outstanding Practicum Agency of the Year	2013
Presenter for the Center for Children, Law & Policy at the University of Houston Law Center's Twelfth Annual Zealous Advocacy Conference – “Juvenile Competency Petitions”, “The Role of Juvenile Defense Counsel”, “Multi Systemic Advocacy”, “Incorporating Forensic Social Workers in Juvenile Defense Offices”, “Adolescent Brain Development”	2013, 2014, 2015, 2018, and 2019
Presenter 36 th National Child Welfare, Juvenile, and Family Law Conference; National Association of Counsel for Children; Atlanta Georgia “Utilizing Psychological Evaluations in Delinquency Proceedings	2013

Department of Human Services Training for Forensic Evaluators RE: Juvenile Competency 2012

National Legal Aid and Defender Association (NLADA), Defender Legal Services 2012
Special Invitation Participant to Convening regarding US Supreme Court Case Graham v. Florida

National Association of Criminal Defense Lawyers – Representing Juveniles in the Adult Court -
Incorporating Adolescent Brain Development Science in all Stages & Strategies for Keeping Youth Out of
Adult Jails 2012

Participant, Leadership Summit, National Juvenile Defender Center
2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018

Southwest Regional Juvenile Defender Center Zealous Advocacy Conference, University of Houston
2001, 2002, 2010, 2013, 2014, 2015, 2018

National Child Abuse Defense & Resource Center – Child Abuse Allegations 2006

JoHanna L. Williams
P.O. Box 13, Monroe, UT 84754
(435)896-7289
jwilliams@1law.com

April 14, 2022

Christy Abad
Executive Assistant
645 South 200 East,
Salt Lake City, UT 84111
cabad@utahbar.org

Dear Ms. Abad:

I am interested in being considered for the Utah Sentencing Commission bar representative as an experienced youth defender. I received my law degree in May 2007 from Thomas M. Cooley Law School in Lansing, Michigan. I was admitted to the Utah State Bar on October 30, 2007.

As evidenced by my resume, I believe my work experience shows I would be a great candidate as a bar representative for the Utah Sentencing Commission as a youth defender. Currently, I work as the Managing Public Defender in Sevier and Wayne Counties and as an Attorney with 1Law. Since 2020 I have also had the opportunity sit on the Advisory Board for the Utah Statewide Juvenile Delinquency Defense Training and Sustainable Capacity Project. The purpose of this project is to ensure that all youth involved in the juvenile justice system have access to specialized youth defense counsel and that youth defenders have the training resources and support they need.

Both my private practice and public defender positions have given me the opportunity to appear on numerous cases before the Justice, District and Juvenile Court judges in the Sixth District. I have also had the opportunity to act as a local community stakeholder for various boards and committees. This has given me a wide range of exposure to the various needs of the youth within our community.

In addition to my indigent defense experience within the Juvenile Court, I began my legal career as a law clerk at the Sixth District and Juvenile Courts. This gave me the unique opportunity to be familiar with many aspects of the District and Juvenile systems and become familiar with the challenges adjudicated and convicted members of our rural community's face.

Based on my experience, I believe I would be a great asset to the Utah Sentencing Commission. Enclosed is a copy of my resume for your review. I look forward to your consideration.

Sincerely,

/s/

JoHanna L. Williams

JoHanna L. Williams

P.O. Box 13, Monroe, UT 84754
(435)896-7289
johanna0821@gmail.com

PROFESSIONAL SUMMARY

Currently the managing public defender of Sevier and Wayne Counties and the primary juvenile public defender for Sevier County and conflict juvenile public defender in Wayne County. Drafts grant applications to state authorities and secure funding for indigent defense. Many years of experience representing indigent defendants, both adult and juvenile, in all aspects of trial litigation. Currently provide strategic legal representation and guidance specifically concerning divorce, annulment, paternity actions, child custody, protective orders, adoptions, misdemeanor and felony criminal cases, estate planning, probate cases and a variety of children's cases with 1Law legal services.

WORK HISTORY

01/2019 – Current

Managing Public Defender
Sevier County

- Represent defendants, adult and youth, in all aspects of trial litigation.
- Manage and supervise planning, development, preparation, reporting, budgeting, and monitoring all indigent defense services.
- Supervise contracted indigent defense service providers.

07/2019 – Current

Managing Public Defender
Wayne County

- See information as noted above for Sevier County.

02/2020 – Current

Advisory Board Member
Office of Juvenile Justice and Delinquency Prevention- Utah Statewide Juvenile Delinquency Defense Training and Sustainability Capacity Project

- Provide access to training for attorneys representing youth in Utah.
- Create and support standardization of youth defense practice across Utah.
- Support development of specialized advocates for youth defense.

06/2011- Current

Associate Attorney
1Law, Richfield, Utah

- Legal representation and guidance with family law, misdemeanor and felony criminal cases, estate planning, probate cases and specifically children's cases.
 - Legal analysis, research, preparation of litigation and settlement documents.
 - Supervise and mentor office staff.
-

EDUCATION

Bar Admission State Bar of Utah, #11548, admitted 2007

Juris Doctor, May 2007 Thomas M. Cooley Law School, Lansing, Michigan

Bachelor of Science in Criminal Justice, Minor English, May 2003 Weber State University, Ogden, Utah

Certified JTIP Trainer, May 2021, The Gault Center (fka National Juvenile Defender Center)
Juvenile Training Immersion Program

COMMUNITY SERVICE

2021 – Present	<u>Utah State Bar, New Lawyer Training Program</u> <i>Mentor</i>
2021- Present	<u>6th District Family Drug Court Organizing Committee and Drug Court Board</u> <i>Member – Managing Public Defender</i>
2017 – 2020	<u>Sixth District Judicial Nominating Commission</u> <i>Utah State Bar Representative</i>
2014 – 2017	<u>Sevier County Nominating Commission Chair</u> <i>Utah State Bar Representative</i>
2012 – 2014	<u>Monroe City Pioneer Day Celebration Committee</u> <i>Co-Chair 2014</i> <i>Contributing Member 2012, 2013</i>

TAB 4

**REPORT OF THE
UTAH STATE BAR®**

Fund for Client Protection

Fiscal Year July 2021 – June 2022

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 and Licensed Paralegal Practitioners (LPPs) 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 several valid cases are available, hearings are scheduled to determine the amount of award, if any, that will be granted to any claimant.

Every lawyer and LPP 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 or LPP. 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 and LPP 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
Stephen W. Farr, LLC

Joanna G. Bell
Bell Law

Kim S. Colton
Mitchell Barlow & Mansfield

Kaitlyn Gibbs
Dolowitz Hunnicutt, PLLC

Robert R. Harrison
Stilling & Harrison, PLLC

Kathleen S. Jeffery
Sandy City

Mickell Jimenez
Holland & Hart

David E. Leta
Snell & Wilmer, LLP

Smith D. Monson
BlueSource

Linda Barclay Mount
Lexis Nexis

Bradley N. Mumford
Olson & Hoggan PC

Christine Critchley,
Bar Staff Liaison

Recent Changes to the Rules of the Fund for Client Protection

Changes to Fund rules 14-904 and 14-912 were made as part of an overhaul of all Bar rules that mention the Office of Professional Conduct (OPC). The Court changed OPC rules to reflect that OPC is now under the supervision of the Court's OPC Oversight Committee and to make changes recommended by the ABA's disciplinary process review committee. These changes were effective December 15, 2020. The Court also changed all deadlines to be divisible by 7.

Fiscal Year July 2021 – June 2022

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 four meetings to hear and make recommendations regarding fifteen claims concerning a total of nine attorneys. The number of claims filed against any one attorney ranged from one to four. 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 2020 through June 2021	
INCOME	
Fund for Client Protection Fees	\$0
Restitution Revenue	0
Investment Income	750
Total Income	\$750
EXPENSE	
Claims Expenses	\$18,107
Bank Service Charges	607
Total Expense	\$18,714
Net Income	\$17,965

Total Claims Paid for Fiscal Year 2021-2022

Attorney	# of claims made to the fund	# of claims recommended for approval	total \$ claimed	total \$ paid from the fund	total \$ pending approval
D. Brian Boggess	1	1	\$3,500		\$3,500
Thomas M. Burton	1	1	\$8,300		\$8,300
John C. Cooper	1	1	\$1,500		\$1,500
Tyler R. Goucher	1	1	\$7,600	\$4,100	
Jesse P. Murff	1	1	\$6,000	\$1,500	
J. Bruce Savage	4	4	\$2,000	\$2,000	\$3,000 \$2,250 \$4,000
Kimberly J. Trupiano	2	0	\$5,082 \$2,500	\$0 attorney paid claimant prior to hearing	
Tineke E. Van Dijk	1	1	\$500		\$500
Richard G. Uday	3	3	\$40,000 \$30,000 \$15,000	\$20,000 \$20,000	\$15,000
TOTAL	15	13	\$131,232	\$47,600	\$38,050
(8 cases pending Commission approval)					

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 11 claims pending that have not been heard by the Fund for Client Protection Committee.

Utah State Bar Fund for Client Protection Fiscal Year 2021–2022 Request	
Bank Balance (as of 02/28/2022)	\$214,429
Less: Approved Claims awaiting final paperwork from claimant & payment	10,652
Prospective Claims	99,925
Projected Fund Balance	\$103,852
Targeted Fund Balance	\$200,000
Projected Fund Deficiency	\$(96,148)
Current Active Attorneys/LPPs	10,178
Client Security Fund Required 2021–2022 Licensing Period	(\$9.45)
Preliminary Request	\$10
Actual Request	—
Estimated amt to be collected	\$101,780

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 or Licensed Paralegal Practitioners and elevates the overall integrity of the profession. These results demonstrate that the Fund remains “simply, the right thing to do.”

Supreme Court Rules of Professional Practice

Article 9. Lawyers' Fund for Client Protection

Rule 14-901. Definitions.

As used in this article:

- (a) "Bar" means the Utah State Bar;
- (b) "Board" means the Board of Commissioners of the Utah State Bar;
- (c) "Committee" means the Committee on Fund for Client Protection;
- (d) "Dishonest conduct" means either wrongful acts committed by a lawyer or a licensed paralegal practitioner 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 or licensed paralegal practitioner 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 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 or licensed paralegal practitioners licensed 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 or licensed paralegal practitioners licensed in Utah, occurring in the course of the lawyer/client, licensed paralegal practitioner/client or fiduciary relationship between the lawyer or licensed paralegal practitioner and the claimant.
- (c) Every lawyer and licensed paralegal practitioner have 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 or licensed paralegal practitioner. 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.

Rule 14-902 Note.

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.

Licensed Paralegal Practitioners were included in the Fund in 2019 after the Utah Supreme Court exercised its constitutional authority to govern the practice of law and authorized Licensed Paralegal Practitioners to provide limited legal services in the practice areas of: (1) temporary separation, divorce, parentage, cohabitant abuse, civil stalking and custody and support; (2) forcible entry and detainer; and (3) debt collection matters in which the dollar amount in issue does not exceed the statutory limit for small claims cases.

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 will 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 regarding funding will be within the discretion of the Board, subject to the Supreme Court's approval.

(c) The Bar has 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 must 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 must be set in an amount of at least \$200,000. The Bar will 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 will be set with the Court's approval.

(d) A lawyer's failure to pay any fee assessed under paragraph (c) is cause for administrative suspension from practice until payment is received.

(e) Any lawyer whose actions have caused payment of funds to a claimant from the Fund must reimburse the Fund for all monies paid out as a result of the lawyer's 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 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.

(1) In lawyer discipline cases for which the Fund pays an eligible claim, the lawyer's license to practice will be administratively suspended for non-payment until the lawyer has reimbursed the Fund.

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 licensed paralegal practitioners; 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, lawyer or licensed paralegal practitioner.
- (b) A Committee member with a past or present relationship, other than as provided in paragraph (a), with a claimant, the lawyer or the licensed paralegal practitioner 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 or the licensed paralegal practitioner and shall have arisen out of the course of a lawyer/client, licensed paralegal practitioner/client, or fiduciary relationship between the lawyer or the licensed paralegal practitioner 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 or licensed paralegal practitioner's death, the claim for reimbursement shall be filed within one year of the lawyer's or licensed paralegal practitioner's date of death.
 - (b)(2) In cases of the lawyer's or licensed paralegal practitioner'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 or licensed paralegal practitioner, each loss will not be considered reimbursable from the Fund unless it arose out of and in the course of the attorney/client relationship or licensed paralegal practitioner/client relationship; and but for the fact that the dishonest lawyer or licensed paralegal practitioner enjoyed an attorney/client or licensed paralegal practitioner/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 or the licensed paralegal practitioner and the client in their respective educational backgrounds in business sophistication;
 - (c)(2) the extent to which the lawyer's or the licensed paralegal practitioner's status overcame the normal prudence of the claimant;
 - (c)(3) the extent to which the lawyer or licensed paralegal practitioner, by virtue of the attorney/client or licensed paralegal practitioner/client relationship with the claimant, became privy to information as to the client's financial affairs. It is significant if the lawyer or licensed paralegal practitioner knew of the fact that the client had available assets or was expecting to receive assets which were ultimately wrongfully converted by the lawyer or licensed paralegal practitioner;

(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 or licensed paralegal practitioner;

(c)(4)(B) the reputation of the lawyer or licensed paralegal practitioner 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 or licensed paralegal practitioner involved or any other lawyer, licensed paralegal practitioner, person or business organization;

(c)(5) the extent to which the lawyer or licensed paralegal practitioner failed to make full disclosure to the client in compliance with the Utah Rules of Professional Conduct, including disclosure of the lawyer's or licensed paralegal practitioner'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 or licensed paralegal practitioner;

(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, licensed paralegal practitioner 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 legal 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 or licensed paralegal practitioner who has dishonestly taken the claimant's money or property;

(b)(3) the legal or other fiduciary services the lawyer or licensed paralegal practitioner was to perform for the client;

(b)(4) how much was paid to the lawyer or licensed paralegal practitioner;

(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 or licensed paralegal practitioner'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, licensed paralegal practitioner 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 or licensed paralegal practitioner, 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, 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 must 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 will be closed. The Fund chair may appoint themselves or any Committee member 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, is evidence that a lawyer committed such dishonest act or conduct.

(c) The Office of Professional Conduct must be promptly notified of each and every claim.

(d) The lawyer alleged to have engaged in dishonest conduct must be provided a copy of the claim and given an opportunity to respond to the Committee in writing within 21 days of receiving the claim.

(e) The Committee may request that testimony be presented. If desired, the lawyer or lawyer's representative must request an opportunity to be heard within 21 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 will be determined on the basis of all available evidence, and notice must 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 approving or denying a claim requires the affirmative votes of a majority of the Committee members and a quorum of the voting Board members.

(h) Any proceeding on a claim will not be conducted according to technical rules relating to evidence, procedure, and witnesses. Any relevant evidence must be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of any common law or statutory rule that may make improper the admission of such evidence over objection in court proceedings. The claimant has the duty to supply relevant evidence to support the claim.

(i) The Board must determine the order and manner of payment and pay those claims it deems meritorious. Unless the Board directs otherwise, no claim will be approved during a pending disciplinary proceeding involving the same act or conduct as alleged in the claim. No determination or hearing will take place until all disciplinary proceedings are complete.

(j) The Board must advise both the claimant and the lawyer of the status of the Board's consideration of the claim and after having received the recommendation of the Committee, must also be informed of the final determination.

(k) The claimant may request reconsideration within 28 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 regard to an individual lawyer or licensed paralegal practitioner.

(a)(1) There shall be a lifetime claim limit of \$425,000 per lawyer or licensed paralegal practitioner.

(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 or licensed paralegal practitioner 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 or licensed paralegal practitioner 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 or licensed paralegal practitioner and their 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, licensed paralegal practitioner 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 or licensed paralegal practitioner. The name and address of the claimant shall not be publicized by the Bar, unless specific permission has been granted by the claimant.

Updated December 15, 2020

TAB 5

**UTAH STATE BAR
BOARD OF BAR COMMISSIONERS
MINUTES**

March 10, 2022 at 1 p.m.

ZOOM AND IN-PERSON MEETING

In Attendance: President Heather Thuet, President-Elect Kristin “Katie” Woods, and Commissioners John Bradley, Traci Gunderson, Rick Hoffman, Greg Hoole, Chrystal Mancuso-Smith, Marty Moore, Mark Morris, Andrew Morse, Shawn Newell, Michelle Quist, and Tyler Young.

Ex-Officio Members: Past-President Heather Farnsworth, Nate Alder, Erik Christiansen, Kim Cordova, Beth Kennedy (for Kim Neville), Brandon J. Mark, Grant Miller, Camila Moreno, Margaret Plane, and Nick Stiles.

Not in Attendance: Commissioners Shawn Newell and Rick Hoffman; Ex Officio members Tonya Wright, Dean Gordon Smith, Dean Elizabeth Kronk-Warner, J. Ramzi Hamady,

Also in Attendance: Executive Director Elizabeth A. Wright, General Counsel Nancy J. Sylvester, Deputy General Counsel for Admissions Carrie Boren, Well-being Committee Director Martha Knudsen, Finance Director Lauren Stout, Frank Pignanelli, Steve Styler, Sue Crismon, Dr. James Teufel.

Minutes:

Ms. Thuet called the meeting to order at 1:03 p.m.

1. President's Report: Heather Thuet.

1.1 Report on Bar Review Events.

Ms. Thuet reported that the next Bar Review would be the evening following the meeting at the Green Pig.

1.2 Donations for YLD Homeless Youth Resource Center for April 28th Spring Ball.

Ms. Thuet reported that there was still a need for business suit donations to the Homeless Youth Resource Center. The business suits may be brought to the Law and Justice Center.

1.3 2022 Summer Convention Planning Report.

Beth Kennedy reported on the Summer Convention. She reported that they were working on keynote speakers. She and Ms. Thuet noted that the theme is, in essence, about having difficult conversations. Ms. Thuet noted that there would be an activity for children to interact with judges.

1.4 Reminder to Make Coronado Hotel Reservations and Encourage Colleagues to Attend.

Ms. Thuet reminded commissioners to encourage their colleagues to attend Summer Convention and to make reservations as soon as possible. 300 registrants is the break even number.

2. Action Items

2.1 Create Committee to Review Mental Health Service Providers: Martha Knudson.

Ms. Knudson reported that the pandemic brought to light the importance of mental health and also pushed forth innovation in these spaces. She said there are some providers that offer coaching, for example, and online access. Ms. Knudson proposed studying Blomquist Hale and other service providers through an ad hoc committee that would then make a recommendation. Katie Woods, Andrew Morse, and Heather Farnsworth volunteered to liaise with the committee. Ms. Thuet also suggested that Billy Walker propose someone from OPC to join. Ms. Thuet asked Ms. Knudson to fill in the rest of the working group, including with a non-lawyer. Mr. Moore moved to create the committee; Mr. Young seconded. The motion carried. Ms. Knudson will come back next meeting with suggestions for other committee members.

2.2 Purchase Table for First Annual UCLI Luncheon Celebrating Justice Durham March 24 at City Creek Marriott. (Tab 1, Page 3)

Mr. Moore moved to purchase one table for the luncheon. Mr. Morris seconded. The motion carried.

2.3 Approve Changes to Admissions Rules: Carrie Boren and Nancy Sylvester. (Tab 2, Page 5)

Ms. Boren and Ms. Sylvester presented on proposed changes to the Admissions Rules. The proposed changes included the following: 1) for reciprocal admission purposes, removing the geographic limitations and reducing the time a lawyer must have practiced in another jurisdiction from 60 months to 36 months; 2)

updating how the practice of a law professor is considered for licensing purposes; and 3) updating the law student/law graduate practice rule to allow for one failed bar exam or eighteen months' post-graduation work. Mr. Young moved to recommend the rules to the Supreme Court for circulation for comment. Mr. Bradley seconded. The motion carried.

3. Information Items.

3.1 Finance Update: Lauren Stout. (Tab 3, Page 29)

Ms. Stout reported on the finances, noting that they were in good shape. She observed that the Bar currently had more positive revenue flow than previously projected, likely in response to several pandemic shutdowns on live events due to COVID surges. She noted that cash reserves are also up but also observed that the Bar had less than one year of operating expenses in reserves. The Commission then had a discussion about how to best manage its assets and what an appropriate amount of reserves to have would be. The Budget and Finance Committee was tasked with continuing to discuss these issues. Ms. Stout noted that for budgeting purposes, having nine months of budget numbers is best for the next year's budget forecast.

3.2 Legislative Session Report: Frank Pignanelli and Steve Styler. (Tab 4, Page 71)

Mr. Pignanelli and Mr. Styler reported on the session, noting that most of the bills that the Commission supported had passed and several that the Commission had opposed had failed. Mr. Pignanelli said that he felt that the courts needed to do more to engage with the Legislature outside of the session to gain more partnerships there, especially as Rep. Snow transitions into retirement. He also observed that Rep. Brammer is looking at creating a chancery court, which has been done in other states, and recommended a Bar-Court partnership to study this.

3.3 Bar Reimagined Report: Katie Woods.

Ms. Woods noted that the Bar Reimagined survey is going to be ready soon and the Commission will need to provide feedback. She said the committee is looking at 3 areas: 1) current customer service; 2) adding services; and 3) improvements to existing services. She said she would soon be asking commissioners to prepare personal notes to the licensees in their divisions requesting that they provide feedback. She said she would also be asking departments at the Bar to fill in questions. She suspected that mid-May to early June is when the survey would roll out.

3.4 ABA Delegates' Report: Kim Cordova.

Ms. Cordova reported that the ABA mid-year meeting was again online. She noted that the bills that were garnering support were for marginalized communities, such as asylum seekers, homeless youth, and veterans. Transparency in nursing homes, accommodations for lactating mothers, and voting rights, and elections were other issues that were supported.

3.5 Judicial Council Report: Margaret Plane.

Ms. Plane noted that the Council was very focused on funding retention and attraction of judicial assistants and its budget request had been approved by the Legislature. The judiciary also received funding to build a courthouse in Manti and the Wasatch County Justice Center will get some additional funding. The courts also received over \$3 million in ARPA funds. She noted that the Council is thrilled about automatic expungements.

3.6 Office of Legal Services Innovation 2022 Summit Report: Heather Farnsworth, Sue Crismon, and Dr. James Teufel. (Tab 5, Page 77)

Ms. Crismon noted that the relationship between the Bar and the Office of Legal Services Innovation is a critical partnership. She said while the Bar is focused on regulating lawyers, the Office is focused on the A2J gap and regulating software providers and non-lawyers. She noted that the United States is the most restrictive legal market in the world. Most sandbox entities are ABS (alternative business structures). Dr. James Teufel reported on the Innovation Office's statistics, which were included in the Commission's packet. Dr. Teufel noted that there will be a fee collection structure. He also discussed that the reporting that is required of entities with respect to how much is being charged for a service. In response to a Commission question, Ms. Crismon said there is no application fee for the Sandbox but that licensing fees are charged upon exit from the sandbox, which is based upon an entity's revenue. Dr. Teufel noted that there are quite a few non-profits in the Sandbox now

4. Adjournment.

The meeting adjourned at 3:45 p.m.

CONSENT AGENDA (Tab 6, Page 96)

The Commission approved the Minutes of the January 28, 2022 Commission Meeting without discussion.

Board of Bar Commissioners
 Attention: Heather L. Thuet, Bar President
 Utah State Bar
 645 South 200 East, Suite 310
 Salt Lake City, Utah 84111-3834

Re: ***Fund for Client Protection
 Meeting of March 18, 2022***

Dear President Thuet:

The following is a report of the meeting of the Fund for Client Protection a/k/a Client Security Fund which was held March 18, 2022 remotely via Zoom. The members of the Committee that were present are Committee Chair Stephen Farr, Linda Barclay, Brad Mumford, Joanna Bell, Kaitlyn Gibbs, Mickell Jimenez and Robert Harrison. Also present were Diane Akiyama from the Office of Professional Conduct, Assistant Disciplinary Counsel and Staff Liaison Christine Critchley. The Committee considered various claims and makes the following factual analysis and recommendations:

A.	Claimant: Involved Attorney: Disciplinary Status:	David Ferguson Richard Uday Disbarred as of October 19, 2020 when resigned with discipline pending.
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FACTS: Mr. Ferguson and his mother, Debbie Lucero appeared at this hearing and Mr. Uday did not. Mrs. Lucero was the one who actually paid to Mr. Uday the retainer for the services rendered. Mr. Ferguson retained Mr. Uday to prepare appeals. First to the court of appeals and then to the supreme Court. Mr. Uday did not complete the work that he was to do on the appeal before the Supreme Court. He was paid a total of \$25,000 to handle the appeal. With respect to appeal to the Supreme Court, he provided no services, did no work, failed to communicate with the client.

RECOMMENDATION: The committee recommends that the Fund for Client Protection reimburse Mr. Ferguson the sum of \$15,000 which was the amount of money allocated for the work that was not done with respect to the Supreme Court appeal. Said payment will be made directly to Debbie Lucero.

B.	Claimant: Involved Attorney: Disciplinary Status:	Jeffrey Nagle Brian Boggess 3 year suspension beginning July 15, 2021
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FACTS: Mr. Nagle appeared via Zoom. Mr. Boggess did not appear nor was he represented by anyone. Mr. Nagle hired Mr. Boggess and paid him the sum of \$3,500 to perform legal services on his behalf. Specifically, he was to modify child support. A check with the Court reveals that no services were performed by Mr. Boggess on the Nogle case. There was nothing filed with the court. Mr. Boggess so far as Mr. Nagle was aware, filed nothing on his behalf, and communication ceased between the attorney and the client, and accordingly, no meaningful services were rendered to the client in exchange for the \$3500 fee he had paid to his attorney.

RECOMMENDATION: The Committee recommends that Mr. Nogle be refunded the \$3500 from the fund that he paid for attorney services.

C.	Claimant: Involved Attorney: Disciplinary Status:	H. Mekenzi Sarbacker Bruce Savage Deceased
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FACTS: Sarbacker hired Bruce Savage to represent her on a DUI case. Mr. Savage was actively representing the client but unfortunately passed away prior to the time the case was resolved. Ms. Sarbacker had to hire another attorney to complete the work on her criminal case and accordingly, did not really receive any meaningful legal services from Mr. Savage that lead to the culmination of her case.

RECOMMENDATION: The Committee recommends that Ms. Sarbacker be repaid the sum of \$2250, which is the total amount of money that she paid to Mr. Savage.

D.	Claimants: Involved Attorney: Disciplinary Status:	Cory Cissel Bruce Savage Deceased
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FACTS: Mr. Cissel hired Mr. Savage to perform legal services for him. He paid \$3000 to Mr. Savage for representation on a criminal matter. Mr. Savage passed away prior to the case being resolved.

RECOMMENDATION: The Committee recommends awards Mr. Cissel \$3000.

E.	Claimants: Involved Attorney: Disciplinary Status:	Wesley & Helen Thompson Thomas Burton Disbarred on December 4, 2019. Suspended from practice on May 10, 2018.
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FACTS: Mr. & Mrs. Thompson paid Mr. Burton the sum of \$10,000 to provide legal services on their behalf. They claim that Mr. Burton did some work on the case but failed to return to the, the unused portion of the retainer fee which they claim to be in the amount of \$8,300. The nature of the work Mr. Burton was supposed to do was to overturn a criminal conviction and seek damages against the government for wrongful prosecution. There was a problem as to whether or not Mr. Burton was hired as an attorney, a legal expert, or both.

RECOMMENDATION: The committee recommends that Mr. & Mrs. Thompson be awarded \$8,300 which represents their claim for the unused portion from their retained fee which was not kept in a separate trust account as required by Rules adopted by the Utah State Bar Association regarding the holding of client funds.

The Committee has made recommendations that \$32,050.00 be paid out as compensation for the above-referenced claims. With these payments, the Fund's balance would be approximately \$182,379.23. Please contact me with nay comments or questions.

Sincerely,

UTAH STATE BAR FUND FOR CLIENT PROTECTION

/s/ Stephen W. Farr

Stephen W. Farr
Committee Chair

SWF/nh

cc: Committee Members in Attendance

Board of Bar Commissioners
 Attention: Heather L. Thuet, Bar President
 Utah State Bar
 645 South 200 East, Suite 310
 Salt Lake City, Utah 84111-3834

Re: ***Fund for Client Protection
 Meeting of April 15, 2022***

Dear President Thuet:

The following is a report of the meeting of the Fund for Client Protection a/k/a Client Security Fund which was held April 15, 2022 remotely via Zoom. The members of the Committee that were present are Committee Chair Stephen Farr, Linda Barclay, Robert Harrison, Kim Colton, Kaitlyn Gibbs, David Leta, Bradley Mumford and Joanna Bell. Also present were Barbara Townsend from the Office of Professional Conduct, Assistant Disciplinary Counsel and Staff Liaison Christine Critchley. The Committee considered various claims and makes the following factual analysis and recommendations:

A. Claimant: Susan Murphy
Involved Attorney: Tineke Van Dijk
Disciplinary Status: Other than the public reprimand, no other sanctions were imposed.

FACTS: Susan appeared by zoom and Ms. Van Dijk did not appear. Mr. Murphy hired Van Dijk to draft final papers for a divorce as well as a QDRO. The agreed upon fee for the services was \$500 which was paid. Ms. Van Dijk completed the divorce but failed to complete the QDRO. There was an OPC investigation conducted. The OPC found that Ms. Van Dijk had failed to maintain contact with the client and had also misrepresented to the client regarding forms that were filed on the QDRO which were in fact not filed. The OPC issued a public reprimand. Ms. Murphy had to hire another attorney to complete the QDRO which cost her \$1,200. The committee determined that she failed to act with diligence or promptness, failed to communicate with the client, and committed misconduct by making false and misleading statements to the client.

RECOMMENDATION: The committee recommends that the Fund for Client Protection reimburse Ms. Murphy \$500.

B. Claimant: Sharal Harper
Involved Attorney: David A Goodwill

FACTS: The claim was continued by the chair of the committee and it was agreed that the matter be reset for the next time the committee meets.

RECOMMENDATION: Notice will be sent out to both parties and that Ms. Goodwill will not be given any additional continuance.

C. Claimant: Arlene Reeder

Involved Attorney:	John Cole Cooper
Disciplinary Status:	3 year suspension beginning December 1, 2021

FACTS: Arlene appeared via zoom and Mr. Cooper did not appear. Arlene Reeder and John Cole Cooper entered into a written agreement. Cooper was going to provide Estate Planning documents. Mr. Cooper was associated with a company named Symmetry Financial Group who advertised that they would prepare estate planning documents. Ms. Reeder responded to their advertising and was met at her home by Mr. Cooper and another gentleman who claimed to represent Symmetry. Ms. Reeder paid Ms. Cooper (in the name of his wife), the sum of \$1500 which was the full amount requested for the Estate Planning services. Thereafter, Mr. Cooper disappeared and did not respond to phone calls, emails, voicemails or text messages. Mr. Cooper failed to communicate with the client, failed to provide any legal services on behalf of the client and made false and misleading statements to the client. The OPC investigated the claim and as of December 1, 2021, Mr. Cooper commenced a 3-year suspension with the Utah State Bar.

RECOMMENDATION: The Committee recommends that the Fund pay back to Ms. Reeder the sum of \$1,500.

D.	Claimant:	Hendricks Estate
	Involved Attorney:	Bruce Savage
	Disciplinary Status:	Deceased

FACTS: Gayle McKeachnie as the duly appointed personal representative of the Hendricks estate appeared. Mr. Hendricks had hired Mr. Savage to represent him on a domestic matter to collect child support owed to Mr. Hendricks. It was an oral contract but both sides acknowledge the money had been paid in the amount of \$4,000, and a canceled check both front and back was produced demonstrating that. Mr. Savage unfortunately passed away prior to the time that any meaningful services could be performed. Mr. Savage had failed to deposit the retainer check into his trust account.

RECOMMENDATION: The Committee recommends that the Fund reimburse the Estate in the amount of \$4,000.

E.	Claimant:	Evelyn Chevez
	Involved Attorney:	Kimberly Trupiano

FACTS: This matter had been continued from the previous hearing on March 18, 2022 to determine whether Ms. Trupiano had paid to the claimant the agreed upon refund in the amount of \$2500. Ms. Critchley reported that the money had in fact been paid and accordingly this matter has been fully resolved.

The Committee has made recommendations that \$6,000.00 be paid out as compensation for the above-referenced claims. With these payments, the Fund's balance would be approximately \$176,379.23. Please contact me with nay comments or questions.

Sincerely,
UTAH STATE BAR FUND FOR CLIENT PROTECTION

/s/ Stephen W. Farr

Stephen W. Farr
Committee Chair

SWF/nh

cc: Committee Members in Attendance

Proposed Members of Committee to Review Bar's Mental Health Provider

Martha Knudson

Andrew Morse

Heather Farnsworth

Katie Woods

Emily Lee (OPC)

Brook Millard (Lawyers Helping Lawyers)

Tom Bayles (5th Division Commissioner)

Cara Tangaro (Solo/small firm lawyers, Co-Chair of Well-Being Committee)

Elizabeth Wright

Ben Johnson - (Attorney with psychology degree)

TAB 6

UTAH STATE BAR
Budget and Finance Committee
Financial Results as of March 31, 2022
and for the nine months then ended

FINANCIAL STATEMENT HIGHLIGHTS

The results of the financials for the first three quarters of the fiscal year show total revenues overreported compared to the budget, while expenses underreported, thus resulting in a favorable variance of \$367,197 compared to the budget.

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

	Actual	Budget	Fav(unfav) \$ Variance	Fav(unfav) % Variance
YTD revenue	6,176,686	6,144,374	32,312	1%
YTD expenses	4,582,207	4,917,092	334,885	7%
YTD net profit/(loss)	1,594,478	1,227,281	367,197	30%

YTD net income is \$1,227,281 and is \$367,197 over budget.

YTD Net Profit –Cash Basis: Adding back year-to-date depreciation expense of \$105,935 and deducting capital expenditures of \$56,899, the cash basis year-to-date net profit is approximately \$49,036 higher.

Explanations for Departments with Net Profit Variances of \$10k and 5% Over/Under Budget and/or significant activity:

Admissions: YTD net profit for the first nine months of fiscal year 21/22 is \$86,786 more than budgeted, as Admissions revenue is overperforming by \$72,170 compared to the budget. It appears that most areas of Admissions revenue including student and attorney exam fees, laptop fees, transfer fees and house counsel fees are all performing better than budgeted. Expenses also appear to perform better than budgeted for now. However, with the completion of the February Bar Exam, we expect additional exam-related expenses to come in during the month of April. We also note that salaries are performing better than budget, which is mostly due to the lower than budget salaries and wages and is discussed below at the NLTP section.

NLTP: YTD net spending is \$18,399 less than budgeted. NLTP revenue is performing \$2,185 better than expected, but the reason for the larger than budgeted loss is due to expenses running higher than expected. Expenses for the department related to salaries and benefits are \$23761 higher than budget due to the NLTP director (who is also the director of Admissions) spending more time on the NLTP program than budgeted. As the director for the two departments is filled by one person, the higher NLTP salaries and wages results in lower than budget salaries in Admissions. Additionally, during March, a new employee was hired to manage the NLTP program. As such, we expect the Admissions Director will spend less time on the NLTP program moving forward as the new employee takes over the NLTP duties.

CLE: For the first nine months of fiscal year 21/22, the CLE department's revenue underreported \$28,532 (9%) compared to the budget, while expenses overreported by \$14,996 (5%) compared to the budget. CLE Registrations is the most significant revenue item for this department, which underreported by \$89,502 compared to the budget. In-person CLE events continue to mostly be held virtually due to COVID pandemic and therefore are priced slightly lower than an in-person CLE. The CLE department continues to hold

UTAH STATE BAR
Budget and Finance Committee
Financial Results as of March 31, 2022
and for the nine months then ended

events virtually and evaluate appropriate registration prices that promote attendance while also adequately providing a CLE-benefit to attending members. Video CLE sales also appear lower than budgeted by \$22,788, which is due to the budget being based off prior year results and during the prior year, video sales were higher than usual due to the extended CLE reporting period.

Fall Forum: The Forum was held virtually each week from November through January, and registration revenues have performed better than budgeted. Revenues for the event are \$17,007 higher than budgeted; and expenses are lower than expected due to the online format. The event is currently reporting a net profit of \$55,936

Spring Convention: The Spring Convention that is currently held virtually each week beginning March 10th to May 12th has had positive turnout, with the event currently reporting a net profit of \$51,389. Although the revenues are currently \$37,214 less than budgeted, expenses are also lower than budgeted by \$61,666, which has resulted in the overall net profit for the event at March month-end. As the event continues through April and part of May, we expect more revenues and expenses to come in but overall we are anticipating the virtual event will result in a favorable net profit.

Member Services: Member Services YTD net spending was \$183,366 compared to budgeted net spending of \$251,766, a difference of \$68,401. The reason for the variance is mostly due to lower-than-budgeted expenses, most likely the result of limited spending in July, August and September due to budget delays and reduced activity throughout the year due to the pandemic. Also advertising revenues for Bar Journal ads are overreporting.

Public Services: Public Services YTD net spending is \$52,216 less than budgeted, which is due to expenses running under budget. The FY 21/22 budget allowed for almost \$20,000 in spending for the Tuesday Night Bar, however the program was moved to a virtual format and therefore very few expenses are necessary to run the program. Some of the lower expenses also appear to be the result of the timing of activities and payments compared to the budget, and we expect the expenses to catch up to the budget as the year progresses.

Facilities: Bar meeting room facilities continue to be underutilized due to the COVID pandemic, which has resulted in lower-than-budgeted revenues and expenses up through March. However, as the pandemic continues to show improvement, the Bar has been able to open its doors to welcome more in-person meetings, which will hopefully result in higher rental revenues in the coming months.

UTAH STATE BAR
Budget and Finance Committee
Financial Results as of March 31, 2022
and for the nine months then ended

ADDITIONAL COMMENTS

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

Operations Reserve (3 months' operations)	\$1,639,219
Capital Replacement Reserve (equipment)	200,000
Capital Replacement Reserve (building)*	<u>372,930</u>
Total	\$2,212,149
Estimated cash reserve at March 31, 2022	<u>\$5,307,917</u>
Excess of current cash reserve over board-designated reserve	<u>\$3,095,768</u>

**Utah State Bar
Income Statement
March 31, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
Licensing	4,536,980	4,656,955	4,626,949	30,006	101%	4,728,378	98%
Admissions	375,626	454,935	382,765	72,170	119%	438,901	104%
NLTP	43,709	46,050	43,865	2,185	105%	57,154	81%
OPC	28,846	26,072	24,068	2,004	108%	50,893	51%
CLE	227,292	285,430	313,962	(28,532)	91%	407,317	70%
Summer Convention	-	197,225	141,640	55,585	139%	141,640	139%
Fall Forum	56,368	87,005	75,723	11,282	115%	75,724	115%
Spring Convention	55,042	55,975	93,189	(37,214)	60%	124,252	45%
Member Services	246,300	265,185	246,299	18,886	108%	293,977	90%
Public Services	45,649	40,222	32,632	7,590	123%	36,898	109%
Bar Operations	63,616	3,267	63,593	(60,326)	5%	67,285	5%
Facilities	28,548	58,364	99,689	(41,325)	59%	135,457	43%
Total Revenue	5,707,975	6,176,686	6,144,374	32,312	101%	6,557,876	94%
Expenses							
Licensing	137,717	136,627	129,838	(6,789)	105%	155,055	88%
Admissions	380,099	336,543	351,159	14,616	96%	478,263	70%
NLTP	77,216	46,870	26,286	(20,584)	178%	32,806	143%
OPC	1,080,707	1,104,881	1,146,386	41,506	96%	1,517,546	73%
CLE	200,456	325,473	310,477	(14,996)	105%	462,515	70%
Summer Convention	4,602	187,858	133,860	(53,998)	140%	141,640	133%
Fall Forum	26,701	31,068	75,722	44,654	41%	75,724	41%
Spring Convention	7,573	4,586	66,252	61,666	7%	124,252	4%
Member Services	416,060	448,550	498,065	49,515	90%	684,547	66%
Public Services	435,420	425,179	469,804	44,626	91%	599,077	71%
Bar Operations	1,159,863	1,283,810	1,361,158	77,348	94%	1,832,725	70%
Facilities	268,301	250,763	348,085	97,322	72%	452,726	55%
Total Expenses	4,194,715	\$ 4,582,207	4,917,092	334,885	93%	6,556,876	70%
Net Profit (Loss)	\$ 1,513,260	\$ 1,594,478	\$ 1,227,281	\$ 367,197	130%	\$ 1,000	159448%
Depreciation	124,728	105,935	128,871	22,936	82%	169,056	
Cash increase (decrease) from operations	1,637,988	1,700,413	1,356,152	344,261	125%	170,056	
Changes in operating assets/liabilities	(2,283,442)	(3,102,809)	(3,102,809)	-	100%	20,000	
Capital expenditures	53,732	(56,899)	(75,000)	18,101	76%	(157,000)	
Net change in cash	\$ (591,722)	\$ (1,459,295)	\$ (1,821,657)	\$ 362,362	80%	\$ 33,056	-4415%

**Utah State Bar
Licensing
March 31, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4010 · Section/Local Bar Support fees	17,180	17,880	17,524	356	102%	17,638	101%
4004 · Admissions - Laptop Fees	575	455	587	(132)	78%	587	78%
4006 · Transfer App Fees	-	-	-	-	#DIV/0!	-	#DIV/0!
4011 · Admissions LPP	2,255	950	2,255	(1,305)	42%	2,738	35%
4021 · Lic Fees > 3 Years	3,737,360	3,811,030	3,812,107	(1,077)	100%	3,832,047	99%
4020 · NLTP Fees	750	-	765	(765)	0%	765	0%
4022 · Lic Fees < 3 Years	194,640	196,365	198,533	(2,168)	99%	209,498	94%
4023 · Lic Fees - House Counsel	46,640	49,615	47,573	2,042	104%	48,766	102%
4025 · Pro Hac Vice Fees	155,400	148,450	158,509	(10,059)	94%	219,173	68%
4024 · Lic Fees LPP	2,150	3,600	2,193	1,407	164%	2,193	164%
4026 · Lic Fees - Inactive/FS	116,260	117,815	118,586	(771)	99%	118,891	99%
4027 · Lic Fees - Inactive/NS	219,135	221,550	223,518	(1,968)	99%	224,375	99%
4029 · Prior Year Lic Fees	-	-	-	-	#DIV/0!	-	#DIV/0!
4030 · Certs of Good Standing	13,040	14,540	13,301	1,239	109%	18,340	79%
4061 · Advertising Revenue	-	-	-	-	#DIV/0!	122	0%
4095 · Miscellaneous Income	200	55	203	(148)	27%	250	22%
4096 · Late Fees	31,395	74,650	31,295	43,355	239%	32,995	226%
Total Revenue	4,536,980	4,656,955	4,626,949	30,006	101%	4,728,378	98%
Expenses							
Program Services	18,548	9,472	27,386	17,914	35%	37,138	-
Salaries & Benefits	87,798	102,007	92,344	(9,663)	110%	123,279	83%
General & Administrative	24,197	17,435	2,759	(14,676)	632%	(15,080)	-116%
Building Overhead	7,175	7,713	7,349	(364)	105%	9,718	79%
Total Expenses	137,717	136,627	129,838	(6,789)	105%	155,055	88%
Net Profit (Loss)	\$ 4,399,263	\$ 4,520,328	\$ 4,497,111	\$ 23,217	101%	\$ 4,573,323	99%

Note: Includes LPP staff time and exam expense

**Utah State Bar
Admissions
March 31, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4001 · Admissions - Student Exam Fees	102,850	140,800	104,907	35,893	134%	105,162	134%
4002 · Admissions - Attorney Exam Fees	57,525	65,325	58,676	6,649	111%	58,191	112%
4003 · Admissions - Retake Fees	25,100	24,750	25,602	(852)	97%	33,456	74%
4004 · Admissions - Laptop Fees	56,600	71,600	57,732	13,868	124%	63,444	113%
4005 · Admissions - Application Forms	8,200	(850)	8,364	(9,214)	-	8,364	-
4006 · Transfer App Fees	31,500	46,100	32,130	13,970	143%	46,002	100%
4008 · Attorney - Motion	61,200	60,350	62,424	(2,074)	97%	83,232	73%
4009 · House Counsel	11,050	21,250	11,271	9,979	189%	15,606	136%
4011 · Admissions LPP	-	-	-	-	#DIV/0!	200	0%
4095 · Miscellaneous Income	3,001	3,910	3,059	851	128%	4,244	92%
4096 · Late Fees	18,600	21,700	18,600	3,100	117%	21,000	103%
Total Revenue	375,626	454,935	382,765	72,170	119%	438,901	86%
Expenses							
Program Services	36,449	90,665	45,647	(45,019)	199%	64,003	142%
Salaries & Benefits	274,174	181,112	233,103	51,991	78%	318,584	57%
General & Administrative	56,753	51,089	59,361	8,272	86%	78,443	65%
Building Overhead	12,723	13,677	13,048	(629)	105%	17,233	79%
Total Expenses	380,099	336,543	351,159	14,616	96%	478,263	70%
Net Profit (Loss)	\$ (4,474)	\$ 118,392	\$ 31,606	\$ 86,786	275%	\$ (39,362)	-301%

**Utah State Bar
NLTP
March 31, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4020 · NLTP Fees	42,900	46,050	43,758	2,292	105%	57,222	80%
4081 · CLE - Registrations	619	-	631	(631)	0%	631	0%
4200 · Seminar Profit/Loss	190	-	(524)	524	0%	(699)	-
Total Revenue	43,709	46,050	43,865	2,185	105%	57,154	81%
Expenses							
Program Services	-	-	1,989	1,989	0%	2,652	0%
Salaries & Benefits	59,297	28,755	4,994	(23,761)	576%	6,850	420%
General & Administrative	15,208	15,200	16,528	1,328	92%	19,630	77%
Building Overhead	2,712	2,915	2,775	(140)	105%	3,674	79%
Total Expenses	77,216	46,870	26,286	(20,584)	178%	32,806	143%
Net Profit (Loss)	\$ (33,507)	\$ (820)	\$ 17,579	\$ (18,399)	-5%	\$ 24,348	-3%

**Utah State Bar
OPC
March 31, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4095 · Miscellaneous Income	1,953	3,019	3,546	(527)	85%	4,000	75%
4200 · Seminar Profit/Loss	26,893	23,053	20,522	2,531	112%	46,893	49%
Total Revenue	28,846	26,072	24,068	2,004	108%	50,893	51%
Expenses							
Program Services	1,053	4,124	9,388	5,264	44%	14,285	29%
Salaries & Benefits	950,173	958,296	981,304	23,008	98%	1,308,094	73%
General & Administrative	82,321	91,764	106,412	14,648	86%	130,074	71%
Building Overhead	47,160	50,697	49,282	(1,415)	103%	65,093	78%
Total Expenses	1,080,707	1,104,881	1,146,386	41,506	96%	1,517,546	73%
Net Profit (Loss)	\$ (1,051,861)	\$ (1,078,808)	\$ (1,122,318)	\$ 43,510	96%	\$ (1,466,653)	74%

**Utah State Bar
CLE
March 31, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4052 · Meeting - Sponsor Revenue	7,250	11,500	14,999	(3,499)	77%	15,000	77%
4053 · Meeting - Vendor Revenue	-	-	-	-	#DIV/0!	-	-
4054 · Meeting - Material Sales	-	-	-	-	#DIV/0!	-	-
4081 · CLE - Registrations	176,739	165,474	254,976	(89,502)	65%	315,000	53%
4082 · CLE - Video Library Sales	82,136	55,886	80,740	(24,854)	69%	173,085	32%
4084 · Business Law Book Sales	-	-	-	-	#DIV/0!	-	-
4095 · Miscellaneous Income	-	175	-	175	#DIV/0!	-	-
4200 · Seminar Profit/Loss	(38,834)	52,394	(36,753)	89,147	-143%	(95,768)	-55%
Total Revenue	227,292	285,430	313,962	(28,532)	91%	407,317	70%
Expenses							
Program Services	74,271	153,163	133,364	(19,799)	115%	202,596	76%
Salaries & Benefits	90,453	128,381	143,679	15,298	89%	211,664	61%
General & Administrative	24,629	32,651	22,032	(10,619)	148%	33,093	99%
Building Overhead	11,103	11,277	11,402	125	99%	15,162	74%
Total Expenses	200,456	325,473	310,477	(14,996)	105%	462,515	70%
Net Profit (Loss)	\$ 26,836	\$ (40,043)	\$ 3,485	\$ (43,528)	-1149%	\$ (55,198)	73%

**Utah State Bar
Summer Convention
March 31, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	-	142,248	117,410	24,838	121%	117,410	121%
4052 · Meeting - Sponsor Revenue	-	14,750	10,275	4,475	144%	10,275	144%
4053 · Meeting - Vendor Revenue	-	13,800	6,550	7,250	211%	6,550	211%
4055 · Meeting - Sp Ev Registration	-	13,235	7,405	5,830	179%	7,405	179%
4095 · Miscellaneous Income	-	13,192	-	13,192	-	-	-
Total Revenue	-	197,225	141,640	55,585	139%	141,640	139%
Expenses							
Program Services	15	166,793	118,388	(48,405)	141%	118,388	141%
Salaries & Benefits	4,387	15,956	6,292	(9,664)	254%	12,154	131%
General & Administrative	200	5,109	9,180	4,071	56%	11,098	46%
Building Overhead	-	-	-	-	#DIV/0!	-	-
Total Expenses	4,602	187,858	133,860	(53,998)	140%	141,640	133%
Net Profit (Loss)	\$ (4,602)	\$ 9,367	\$ 7,780	\$ 1,587	120%	\$ -	#DIV/0!

**Utah State Bar
Fall Forum
March 31, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	55,368	86,005	68,998	17,007	125%	68,999	125%
4052 · Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!	-	-
4053 · Meeting - Vendor Revenue	1,000	1,000	4,950	(3,950)	20%	4,950	20%
4055 · Meeting - Sp Ev Registration	-	-	1,775	(1,775)	0%	1,775	-
Total Revenue	56,368	87,005	75,723	11,282	115%	75,724	115%
Expenses							
Program Services	18,732	21,269	64,464	43,195	33%	64,464	33%
Salaries & Benefits	1,825	3,413	4,159	746	82%	4,160	82%
General & Administrative	6,145	6,386	7,099	713	90%	7,100	90%
Building Overhead	-	-	-	-	#DIV/0!	-	-
Total Expenses	26,701	31,068	75,722	44,654	41%	75,724	41%
Net Profit (Loss)	\$ 29,666	\$ 55,937	\$ 1	\$ 55,936	5593681%	\$ -	#DIV/0!

**Utah State Bar
Spring Convention
March 31, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	55,042	51,225	73,421	(22,196)	70%	97,895	52%
4052 · Meeting - Sponsor Revenue	-	-	10,125	(10,125)	0%	13,500	0%
4053 · Meeting - Vendor Revenue	-	4,750	8,213	(3,463)	58%	10,950	43%
4055 · Meeting - Sp Ev Registration	-	-	1,430	(1,430)	0%	1,907	0%
Total Revenue	55,042	55,975	93,189	(37,214)	60%	124,252	45%
Expenses							
Program Services	-	1,743	44,729	42,986	4%	94,989	2%
Salaries & Benefits	5,595	1,110	12,467	11,357	9%	16,256	7%
General & Administrative	1,977	1,732	9,056	7,323	19%	13,007	13%
Building Overhead	-	-	-	-	#DIV/0!	-	-
Total Expenses	7,573	4,586	66,252	61,666	7%	124,252	4%
Net Profit (Loss)	\$ 47,469	\$ 51,389	\$ 26,937	\$ 24,452	191%	\$ -	#DIV/0!

**Utah State Bar
Member Services
March 31, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4010 · Section/Local Bar Support fees	82,904	84,399	82,904	1,495	102%	82,904	102%
4052 · Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!	-	#DIV/0!
4061 · Advertising Revenue	154,866	170,924	154,865	16,059	110%	195,858	87%
4062 · Subscriptions	30	30	30	-	100%	30	100%
4071 · Mem Benefits - Lexis	900	979	900	79	109%	1,200	-
4072 · Royalty Inc - Bar J, MBNA, LM,M	7,590	8,853	7,590	1,263	117%	8,175	108%
Total Revenue	246,300	265,185	246,299	18,886	108%	293,977	90%
Expenses							
Program Services	170,509	192,567	199,838	7,271	96%	303,951	63%
Salaries & Benefits	128,878	117,316	140,523	23,207	83%	181,447	65%
General & Administrative	102,861	125,149	143,536	18,387	87%	180,318	69%
Building Overhead	13,812	13,518	14,168	650	95%	18,831	72%
Total Expenses	416,060	448,550	498,065	49,515	90%	684,547	66%
Net Profit (Loss)	\$ (169,761)	\$ (183,366)	\$ (251,766)	\$ 68,401	73%	\$ (390,570)	47%

**Utah State Bar
Public Services
March 31, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4063 · Modest Means revenue	8,975	8,675	9,409	(734)	92%	13,000	67%
4093 · Law Day Revenue	-	-	2,025	(2,025)	0%	2,700	0%
4095 · Miscellaneous Income	20	20	20	-	100%	20	100%
4120 · Grant Income	39,576	27,178	21,178	6,000	128%	21,178	128%
4200 · Seminar Profit/Loss	(2,922)	4,349	-	4,349	#DIV/0!	-	-
Total Revenue	45,649	40,222	32,632	7,590	123%	36,898	109%
Expenses							
Program Services	102,277	118,338	150,950	32,612	78%	174,038	68%
Salaries & Benefits	251,276	259,258	269,227	9,969	96%	362,748	71%
General & Administrative	73,229	38,297	40,792	2,495	94%	50,593	76%
Building Overhead	8,637	9,285	8,835	(450)	105%	11,698	79%
Total Expenses	435,420	425,179	469,804	44,626	91%	599,077	71%
Net Profit (Loss)	\$ (389,771)	\$ (384,956)	\$ (437,172)	\$ 52,216	88%	\$ (562,179)	68%

**Utah State Bar
Bar Operations
March 31, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4031 · Enhanced Web Revenue	-	-	-	-	-	-	-
4052 · Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!	-	#DIV/0!
4053 · Meeting - Vendor Revenue	-	-	-	-	#DIV/0!	-	#DIV/0!
4060 · E-Filing Revenue	24,853	5,741	24,853	(19,112)	23%	24,853	23%
4103 · In - Kind Revenue - UDR	23	-	(2)	2	0%	-	#DIV/0!
4095 · Miscellaneous Income	20,585	547	20,586	(20,039)	3%	20,956	3%
4200 · Seminar Profit/Loss	-	-	-	-	#DIV/0!	-	-
Investment Income	18,156	(3,021)	18,156	(21,177)	-17%	21,476	85%
Total Revenue	63,616	3,267	63,593	(60,326)	5%	67,285	95%
Expenses							
Program Services	8,580	116,451	123,359	6,908	94%	178,877	65%
Salaries & Benefits	940,264	907,050	962,254	55,204	94%	1,304,037	70%
General & Administrative	171,848	220,773	235,491	14,718	94%	298,000	74%
In Kind	4,910	1,342	4,910	3,568	27%	5,404	25%
Building Overhead	34,261	38,195	35,144	(3,051)	109%	46,407	82%
Total Expenses	1,159,863	1,283,810	1,361,158	77,348	94%	1,832,725	70%
Net Profit (Loss)	\$ (1,096,247)	\$ (1,280,543)	\$ (1,297,565)	\$ 17,022	99%	\$ (1,765,440)	73%

**Utah State Bar
Facilities
March 31, 2022**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4039 · Room Rental-All parties	8,539	27,671	35,548	(7,877)	78%	51,386	54%
4042 · Food & Beverage Rev-All Parties	4,271	16,060	48,311	(32,251)	33%	62,654	26%
4043 · Setup & A/V charges-All parties	-	945	526	419	180%	701	135%
4090 · Tenant Rent	15,668	13,688	15,234	(1,546)	90%	20,646	66%
4095 · Miscellaneous Income	70	-	70	(70)	0%	70	0%
4103 · In - Kind Revenue - UDR	-	-	-	-	#DIV/0!	-	#DIV/0!
Total Revenue	28,548	58,364	99,689	(41,325)	59%	135,457	43%
Expenses							
Program Services	4,836	17,632	59,309	41,677	30%	60,835	29%
Salaries & Benefits	127,895	112,538	143,539	31,001	78%	185,606	61%
General & Administrative	(3,544)	(18,057)	4,334	22,391	-417%	17,470	-103%
In Kind	190	12,642	189	(12,453)	6689%	475	2661%
Building Overhead	138,923	126,007	140,714	14,707	90%	188,340	67%
Total Expenses	268,301	250,763	348,085	97,322	72%	452,726	55%
Net Profit (Loss)	\$ (239,753)	\$ (192,399)	\$ (248,396)	\$ 55,998	77%	\$ (317,269)	61%

Utah State Bar
Income Statement - Consolidated By Account
March 31, 2022

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4001 Admissions - Student Exam Fees	102,850	140,800	104,907	35,893	134%	105,162	134%
4002 Admissions - Attorney Exam Fees	57,525	65,325	58,676	6,649	111%	58,191	112%
4003 Admissions - Retake Fees	25,100	24,750	25,602	(852)	97%	33,456	74%
4004 Admissions - Laptop Fees	57,175	72,055	58,319	13,736	124%	64,031	113%
4005 Admissions - Application Forms	8,200	(850)	8,364	(9,214)	-10%	8,364	-
4006 Transfer App Fees	31,500	46,100	32,130	13,970	143%	46,002	100%
4008 Attorney - Motion	61,200	60,350	62,424	(2,074)	97%	83,232	73%
4009 House Counsel	11,050	21,250	11,271	9,979	189%	15,606	136%
4010 Section/Local Bar Support fees	100,084	102,279	100,428	1,851	102%	100,542	102%
4011 Admissions LPP	2,255	950	2,255	(1,305)	42%	2,938	32%
4012 Admissions Military Spouse	-	-	-	-	#DIV/0!	-	#DIV/0!
4020 NLTP Fees	43,650	46,050	44,523	1,527	103%	57,987	79%
4021 Lic Fees > 3 Years	3,737,360	3,811,030	3,812,107	(1,077)	100%	3,832,047	99%
4022 Lic Fees < 3 Years	194,640	196,365	198,533	(2,168)	99%	209,498	94%
4023 Lic Fees - House Counsel	46,640	49,615	47,573	2,042	104%	48,766	102%
4024 Lic Fees LPP	2,150	3,600	2,193	1,407	164%	2,193	164%
4025 Pro Hac Vice Fees	155,400	148,450	158,509	(10,059)	94%	219,173	68%
4026 Lic Fees - Inactive/FS	116,260	117,815	118,586	(771)	99%	118,891	99%
4027 Lic Fees - Inactive/NS	219,135	221,550	223,518	(1,968)	99%	224,375	99%
4029 Prior Year Lic Fees	-	-	-	-	#DIV/0!	-	#DIV/0!
4030 Certs of Good Standing	13,040	14,540	13,301	1,239	109%	18,340	79%
4039 Room Rental-All parties	8,539	27,671	35,548	(7,877)	78%	51,386	54%
4042 Food & Beverage Rev-All Parties	4,271	16,060	48,311	(32,251)	33%	62,654	26%
4043 Setup & A/V charges-All parties	-	945	526	419	180%	701	135%
4051 Meeting - Registration	110,410	279,478	259,829	19,649	108%	284,304	98%
4052 Meeting - Sponsor Revenue	7,250	26,250	35,399	(9,149)	74%	38,775	68%
4053 Meeting - Vendor Revenue	1,000	19,550	19,713	(163)	99%	22,450	87%
4054 Meeting - Material Sales	-	-	-	-	#DIV/0!	-	-
4055 Meeting - Sp Ev Registration	-	13,235	10,610	2,625	125%	11,087	119%
4060 E-Filing Revenue	24,853	5,741	24,853	(19,112)	23%	24,853	23%
4061 Advertising Revenue	154,866	170,924	154,865	16,059	110%	195,980	87%
4062 Subscriptions	30	30	30	-	100%	30	100%
4063 Modest Means revenue	8,975	8,675	9,409	(734)	92%	13,000	67%
4071 Mem Benefits - Lexis	900	979	900	79	109%	1,200	-
4072 Royalty Inc - Bar J, MBNA, LM,M	7,590	8,853	7,590	1,263	117%	8,175	108%
4081 CLE - Registrations	177,358	165,474	255,607	(90,133)	65%	315,631	52%
4082 CLE - Video Library Sales	82,136	55,886	80,740	(24,854)	69%	173,085	32%
4090 Tenant Rent	15,668	13,688	15,234	(1,546)	90%	20,646	66%
4093 Law Day Revenue	-	-	2,025	(2,025)	0%	2,700	0%
4095 Miscellaneous Income	25,839	20,918	27,494	(6,576)	76%	29,550	71%
4096 Late Fees	49,995	96,350	49,895	46,455	193%	53,995	178%
4103 In - Kind Revenue - UDR	23	-	(2)	2	0%	-	#DIV/0!
4200 Seminar Profit/Loss	(14,673)	79,797	(16,755)	96,552	-476%	(43,774)	-182%
Investment income	18,156	(3,021)	18,156	(21,177)	-17%	21,476	-14%
Total Revenue	5,668,399	6,149,507	6,123,196	26,312	100%	6,536,698	94%
Program Service Expenses							
5001 Meeting Facility-external only	15	37,340	16,999	(20,341)	220%	25,726	145%
5002 Meeting facility-internal only	8,019	12,626	17,799	5,173	71%	28,034	45%
5013 ExamSoft	14,542	32,816	14,542	(18,274)	226%	15,490	212%
5014 Questions	24,954	45,386	33,772	(11,614)	134%	52,750	86%
5015 Investigations	856	1,425	989	(436)	144%	1,137	125%
5016 Credit Checks	1,520	1,350	1,519	169	89%	2,534	53%
5017 Medical Exam	-	480	-	(480)	#DIV/0!	320	-
5020 Exam Scoring	-	-	-	-	#DIV/0!	-	#DIV/0!
5025 Temp Labor/Proctors	-	90	-	(90)	#DIV/0!	-	#DIV/0!
5030 Speaker Fees & Expenses	6,500	14,159	10,232	(3,927)	138%	10,232	138%
5031 Speaker Reimb. - Receipt Req'd	-	-	4,080	4,080	0%	5,824	0%
5035 Awards	5,094	8,455	1,045	(7,410)	809%	3,358	252%
5037 Grants/ contributions - general	500	9,000	9,396	396	96%	17,500	51%
5040 Witness & Hearing Expense	(2)	403	223	(180)	181%	766	53%
5041 Process Serving	282	607	605	(2)	100%	605	100%
5046 Court Reporting	1,596	15	1,596	1,581	1%	1,596	1%
5047 Casemaker	40,407	40,755	37,422	(3,333)	109%	50,000	82%
5055 Legislative Expense	45,000	45,000	45,000	-	100%	60,000	75%
5060 Program Special Activities	-	4,581	-	(4,581)	#DIV/0!	-	-
5061 LRE - Bar Support	60,000	64,182	60,000	(4,182)	107%	64,182	100%
5062 Law Day	-	202	8,055	7,853	3%	11,653	2%
5063 Special Event Expense	6,829	27,166	36,809	9,643	74%	40,603	67%
5064 MCLE Fees Paid	19,184	37,127	21,347	(15,780)	174%	38,050	98%
5070 Equipment Rental	-	7,258	20,371	13,113	36%	23,894	30%
5075 Food & Bev-external costs only	9,112	161,267	231,492	70,226	70%	292,249	55%
5076 Food & beverage - internal only	6,369	11,457	25,281	13,824	45%	33,395	34%
5079 Soft Drinks	1,918	3,134	3,718	584	84%	5,348	59%
5085 Misc. Program Expense	1,298	1,195	10,804	9,609	11%	13,961	9%
5090 Commission Expense	26,062	24,512	25,007	495	98%	37,404	66%
5095 Wills for Heroes	205	810	1,111	301	73%	1,767	46%
5096 UDR Support	-	-	-	-	#DIV/0!	-	#DIV/0!
5099 Blomquist Hale	55,341	67,236	64,811	(2,425)	104%	91,041	74%
5702 Travel - Lodging	7,065	27,385	30,979	3,593	68%	39,520	69%
5703 Travel - Transportation/Parking	279	7,328	8,968	1,640	82%	13,376	55%
5704 Travel - Mileage Reimbursement	1,035	4,859	7,047	2,148	70%	9,477	52%
5705 Travel - Per Diems	-	3,100	2,054	(1,046)	151%	2,868	108%
5706 Travel - Meals	-	-	793	793	0%	1,054	0%
5707 Travel - Commission Mtgs	-	38,970	28,872	(10,098)	135%	38,500	101%
5805 ABA Annual Meeting	-	300	3,866	3,566	8%	5,171	6%
5810 ABA Mid Year Meeting	-	2,738	5,794	3,056	47%	11,233	24%
5815 Commission/Education	-	11,775	13,532	1,757	87%	20,550	57%
5820 ABA Annual Delegate	-	1,234	3,789	2,555	33%	5,069	24%
5830 Western States Bar Conference	205	1,505	9,959	8,453	15%	13,278	11%
5840 President's Expense	13,663	13,500	13,308	(192)	101%	20,000	68%
5841 President's Reimbursement	-	-	-	-	#DIV/0!	-	#DIV/0!
5845 Reg Reform Task Force	-	-	-	-	#DIV/0!	-	#DIV/0!
5850 Leadership Academy	-	8,056	7,497	(559)	107%	10,200	79%
5855 Bar Review	-	3,490	4,500	1,010	78%	6,000	58%
5865 Retreat	-	21,944	24,975	3,031	88%	33,300	66%
5866 Wellbeing Committee	41,927	48,125	57,984	9,859	83%	70,000	69%
5867 Bar Membership Survey	-	7,750	-	(7,750)	#DIV/0!	-	#DIV/0!
5868 UCLL Support	-	-	-	-	#DIV/0!	-	#DIV/0!

Utah State Bar
Income Statement - Consolidated By Account
March 31, 2022

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
5960 - Overhead Allocation - Seminars	(3,404)	-	13,037	13,037	0%	18,835	0%
5970 - Event Revenue Sharing - 3rd Pty	38,902	30,084	37,835	7,751	80%	68,366	44%
Total Program Service Expenses	435,270	892,218	978,811	86,593	91%	1,316,216	68%
Salaries & Benefit Expenses							
5510 - Salaries/Wages	2,301,381	2,207,862	2,350,227	142,366	94%	3,137,489	70%
5605 - Payroll Taxes	168,234	175,600	174,185	(1,415)	101%	243,400	72%
5610 - Health Insurance	208,487	202,715	224,568	21,853	90%	310,096	65%
5620 - Health Ins/Medical Reimb	5,400	4,550	5,135	585	89%	7,144	64%
5630 - Dental Insurance	11,262	11,819	11,598	(221)	102%	17,592	67%
5640 - Life & LTD Insurance	14,290	14,225	16,777	2,552	85%	23,275	61%
5645 - Workman's Comp Insurance	1,869	2,097	1,868	(229)	112%	2,733	77%
5650 - Retirement Plan Contributions	198,975	185,868	196,434	10,566	95%	270,528	69%
5655 - Retirement Plan Fees & Costs	9,067	4,730	8,571	3,841	55%	17,300	27%
5660 - Training/Development	3,049	5,727	4,522	(1,205)	127%	5,322	108%
Total Salaries & Benefit Expenses	2,922,015	2,815,193	2,993,886	178,693	94%	4,034,879	72%
General & Administrative Expenses							
7025 - Office Supplies	10,610	13,806	11,641	(2,165)	119%	16,229	85%
7015 - Office Equip Repairs	-	-	-	-	#DIV/0!	-	#DIV/0!
7033 - Operating Meeting Supplies	1,213	2,006	7,584	5,578	26%	11,392	18%
7035 - Postage/Mailing, net	36,835	27,077	36,689	9,612	74%	59,248	46%
7040 - Copy/Printing Expense	85,539	95,326	104,617	9,291	91%	135,064	71%
7041 - Copy/Print revenue	(11,092)	(12,915)	(11,087)	1,828	116%	(16,766)	77%
7045 - Internet Service	9,096	18,895	10,946	(7,949)	173%	12,483	151%
7050 - Computer Maintenance	30,066	49,688	30,228	(19,460)	164%	40,670	122%
7055 - Computer Supplies & Small Equip	12,954	20,132	12,382	(7,750)	163%	14,525	139%
7089 - Membership Database Fees	38,437	40,312	60,760	20,448	66%	69,437	58%
7095 - Fax Equip & Supplies	(10)	(140)	(10)	130	1400%	(10)	-
7100 - Telephone	48,040	45,014	47,958	2,944	94%	65,109	69%
7105 - Advertising	3,195	5,401	38,243	32,842	14%	50,856	11%
7106 - Public Notification	290	-	754	754	0%	754	0%
7107 - Production Costs	-	2,500	-	(2,500)	#DIV/0!	-	#DIV/0!
7110 - Publications/Subscriptions	22,882	19,467	24,786	5,319	79%	30,350	64%
7115 - Public Relations	-	-	-	-	#DIV/0!	-	#DIV/0!
7120 - Membership/Dues	9,868	15,429	9,826	(5,604)	157%	10,830	142%
7135 - Bank Service Charges	591	453	591	138	77%	938	48%
7136 - ILM Service Charges	13,648	16,245	13,649	(2,596)	119%	17,944	91%
7138 - Bad debt expense	-	-	-	-	#DIV/0!	-	-
7140 - Credit Card Merchant Fees	51,824	53,255	31,805	(21,450)	167%	63,406	84%
7141 - Credit Card surcharge	(24,277)	(21,957)	(24,278)	(2,322)	90%	(68,872)	32%
7145 - Commission Election Expense	2,717	3,013	2,700	(313)	112%	2,700	112%
7150 - E&O/Off & Dir Insurance	40,358	44,347	40,230	(4,117)	110%	53,637	83%
7160 - Audit Expense	35,435	38,143	35,435	(2,708)	108%	35,435	108%
7170 - Lobbying Rebates	78	61	80	19	76%	232	26%
7175 - O/S Consultants	128,937	76,798	152,619	75,821	50%	178,979	43%
7176 - Bar Litigation	-	16,130	-	(16,130)	#DIV/0!	10,000	161%
7177 - UPL	1,564	-	10,000	10,000	0%	10,000	0%
7178 - Offsite Storage/Backup	-	-	-	-	#DIV/0!	-	#DIV/0!
7179 - Payroll Adm Fees	2,364	2,212	2,363	151	94%	3,126	71%
7180 - Administrative Fee Expense	751	1,335	751	(584)	178%	996	134%
7190 - Lease Interest Expense	-	-	-	-	#DIV/0!	-	#DIV/0!
7191 - Lease Sales Tax Expense	-	-	-	-	#DIV/0!	-	#DIV/0!
7195 - Other Gen & Adm Expense	3,909	15,496	5,319	(10,177)	291%	15,054	103%
Total General & Administrative Expenses	555,875	587,528	656,580	69,051	89%	823,746	67%
In Kind Expenses							
7103 - InKind Contrib-UDR & all other	5,100	13,984	5,099	(8,885)	274%	5,879	238%
Total In Kind Expenses	5,100	13,984	5,099	(8,885)	274%	5,879	87%
Building Overhead Expenses							
6015 - Janitorial Expense	12,143	21,062	12,168	(8,894)	173%	17,062	123%
6020 - Heat	16,689	17,079	16,975	(104)	101%	21,605	79%
6025 - Electricity	31,145	32,349	31,685	(664)	102%	42,212	77%
6030 - Water/Sewer	4,828	4,604	4,981	377	92%	6,388	72%
6035 - Outside Maintenance	10,675	13,416	10,887	(2,529)	123%	14,343	94%
6040 - Building Repairs	13,459	17,681	12,109	(5,572)	146%	18,421	96%
6045 - Bldg Mtncn Contracts	21,832	19,590	22,862	3,272	86%	30,914	63%
6050 - Bldg Mtncn Supplies	-	-	-	-	#DIV/0!	-	#DIV/0!
6055 - Real Property Taxes	25,759	25,540	26,527	987	96%	35,300	72%
6060 - Personal Property Taxes	301	280	306	26	91%	410	68%
6065 - Bldg Insurance/Fees	14,948	15,750	15,346	(404)	103%	20,445	77%
6070 - Building & Improvements Depr	50,111	62,461	48,437	(14,024)	129%	65,918	95%
6075 - Furniture & Fixtures Depr	2,297	2,040	1,728	(312)	118%	3,375	60%
7065 - Computers, Equip & Sftwre Depr	72,320	41,433	78,706	37,273	53%	99,763	42%
Total Building Overhead Expenses	276,506	273,285	282,717	9,432	97%	376,156	74%
Total Expenses	4,194,715	4,582,207	4,917,092	334,885	93%	6,556,876	64%
Other							
4300 - Gain (Loss) - Disposal Of Assets	-	-	-	-	#DIV/0!	-	#DIV/0!
4120 - Grant Income	39,576	27,178	21,178	(6,000)	128%	21,178	128%
	39,576	27,178	21,178	(6,000)	128%	21,178	
Net Profit (Loss)	\$ 1,513,260	\$ 1,594,478	\$ 1,227,281	\$ 367,197	130%	\$ 1,000	159448%

Utah State Bar Balance Sheets

	3/31/2022	6/30/2021
ASSETS		
Current Assets		
Petty Cash	\$ 625	\$ 625
Cash in Bank	389,224	1,466,786
Invested Funds	6,575,133	6,942,694
Total Cash/Investments	6,964,982	8,410,105
Accounts Receivable	40,223	25,924
Prepaid Expenses	241,448	134,036
A/R - Sections	47,782	49,354
Total Other Current Assets	329,452	209,313
Total Current Assets	7,294,434	8,619,418
Fixed Assets		
Property & Equipment	5,035,348	4,967,716
Accumulated Depreciation	(4,290,100)	(4,184,165)
Land	633,142	633,142
Total Fixed Assets	1,378,390	1,416,692
TOTAL ASSETS	\$ 8,672,824	\$ 10,036,110
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
AP Trade	\$ 64,663	\$ 147,410
Other Accounts Payable	14,654	119,207
Accrued Payables	466,688	543,060
Cap Lease Oblig - ST	4,112	4,112
A/P - Sections	-	191,515
Deferred Revenue	3,189	2,502,575
Total Current Liabilities	553,305	3,507,878
Long Term Liabilities		
Capital Lease Oblig	(3,191)	-
PPP Loan	-	-
Total Long Term Liabilities	(3,191)	-
Total Liabilities	550,113	3,507,878
Equity		
Unrestricted Net Assets (R/E)	6,528,232	5,503,712
Fund Balance - Current Year	1,594,478	1,024,520
Total Equity	8,122,710	6,528,232
TOTAL LIABILITIES & EQUITY	\$ 8,672,824	\$ 10,036,110

Balance Sheet Classification

Base Currency: USD As of 03/31/2022

ILM-USB-SECTION (20054)

Dated: 04/06/2022

CE												
Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
38141W273	GOLDMANFS GOVT INST	287,001.19	AAA	0.250	03/31/2022	0.260	0.260	287,001.19	0.00	1.0000	0.00	287,001.19
CCYUSD	Cash	31.90	AAA	0.000	03/31/2022	0.000	0.000	31.90	0.00	1.0000	0.00	31.90
--	--	287,033.09	AAA	--	03/31/2022	0.260	0.260	287,033.09	0.00	1.0000	0.00	287,033.09
ST												
Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
037833CP3	APPLE INC	40,000.00	AAA	0.727	05/11/2022	0.424	0.668	40,013.47	-10.79	100.0067	39.60	40,042.28
86787EBD8	TRUIST BANK	45,000.00	A	1.059	04/17/2022	0.533	0.964	45,010.50	-7.13	100.0075	56.91	45,060.28
61744YAH1	MORGAN STANLEY	45,000.00	A+	2.750	05/19/2022	0.174	1.452	45,153.57	-76.71	100.1708	453.75	45,530.61
57629WCK4	MASSMUTUAL GLOBAL FUNDING II	45,000.00	AA+	2.250	07/01/2022	0.202	0.762	45,231.40	-64.85	100.3701	253.13	45,419.67
136069TY7	CANADIAN IMPERIAL BANK OF COMMERCE	45,000.00	AA	2.550	06/16/2022	0.155	1.302	45,224.81	-109.07	100.2572	334.69	45,450.43
025816BM0	AMERICAN EXPRESS CO	40,000.00	A	2.500	07/01/2022	0.389	1.113	40,213.05	-75.21	100.3446	166.67	40,304.51
89114QCD8	TORONTO-DOMINION BANK	40,000.00	A+	1.900	12/01/2022	0.334	1.764	40,417.37	-381.81	100.0889	253.33	40,288.89
912828P4	UNITED STATES TREASURY	200,000.00	AAA	1.875	07/31/2022	0.318	0.803	201,039.15	-320.40	100.3594	621.55	201,340.30
--	--	500,000.00	AA	--	07/09/2022	0.315	1.009	502,303.31	-1,045.96	--	2,179.62	503,436.97
LT												
Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
064159VK9	BANK OF NOVA SCOTIA	45,000.00	A	1.625	05/01/2023	0.356	2.218	45,616.54	-900.72	99.3685	304.69	45,020.51
90348JT34	UBS Bank USA	25,000.00	A+	0.350	09/22/2023	0.400	0.400	24,981.54	0.00	99.9262	2.40	24,983.94
795451AU7	Sallie Mae Bank	25,000.00	BBB+	0.350	09/22/2023	0.400	0.400	24,981.54	0.00	99.9262	2.40	24,983.94
38149MZK4	Goldman Sachs Bank USA	25,000.00	A+	0.350	09/22/2023	0.400	0.400	24,981.54	0.00	99.9262	2.40	24,983.94
87165HD64	Synchrony Bank	200,000.00	BBB	0.400	09/25/2023	0.449	0.449	199,852.33	0.00	99.9262	17.78	199,870.11
87165EUF2	Synchrony Bank	25,000.00	BBB	0.400	09/18/2023	0.450	0.450	24,981.63	0.00	99.9265	4.17	24,985.79
05580AD92	BMW Bank of North America	25,000.00	AA-	0.350	09/25/2023	0.400	0.400	24,981.39	0.00	99.9255	1.92	24,983.31
--	--	370,000.00	BBB+	--	09/06/2023	0.425	0.651	370,376.51	-800.72	--	335.74	369,811.53
Summary												
Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
--	--	1,157,033.09	AA-	--	10/28/2022	0.336	0.710	1,159,712.91	-1,946.68	--	2,515.36	1,160,281.59

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

UTAH STATE BAR
Membership Statistics
March 31, 2022

<u>STATUS</u>	<u>03/31/21</u>	<u>03/31/22</u>	<u>Change</u>
Active	8,797	8,957	160
Active under 3 years	860	830	(30)
Active Emeritus	265	270	5
In House Counsel	109	115	6
Foreign Legal Counsel	4	4	-
LPP	13	18	5
Military Spouse	-	-	-
Subtotal - Active	10,048	10,194	146
Inactive - Full Service	794	808	14
Inactive - No Service	2,033	2,059	26
Inactive Emeritus	368	418	50
Inactive House Counsel	10	10	-
Inactive LPP	-	-	-
Subtotal - Inactive	3,205	3,295	90
Total Active and Inactive	13,253	13,489	236
<u>Supplemental Information</u>			
Paralegals	159	156	(3)
<u>Active Attorneys by Region</u>			
1st Division (Logan - Brigham)	199	205	6
2nd Division (Davis - Weber)	954	999	45
3rd Division (Salt Lake)	5,594	5,559	(35)
4th Division (Utah)	1,343	1,393	50
5th Division (Southern Utah)	542	564	22
Out of State	1,416	1,474	58
Total Active Attorneys	10,048	10,194	146