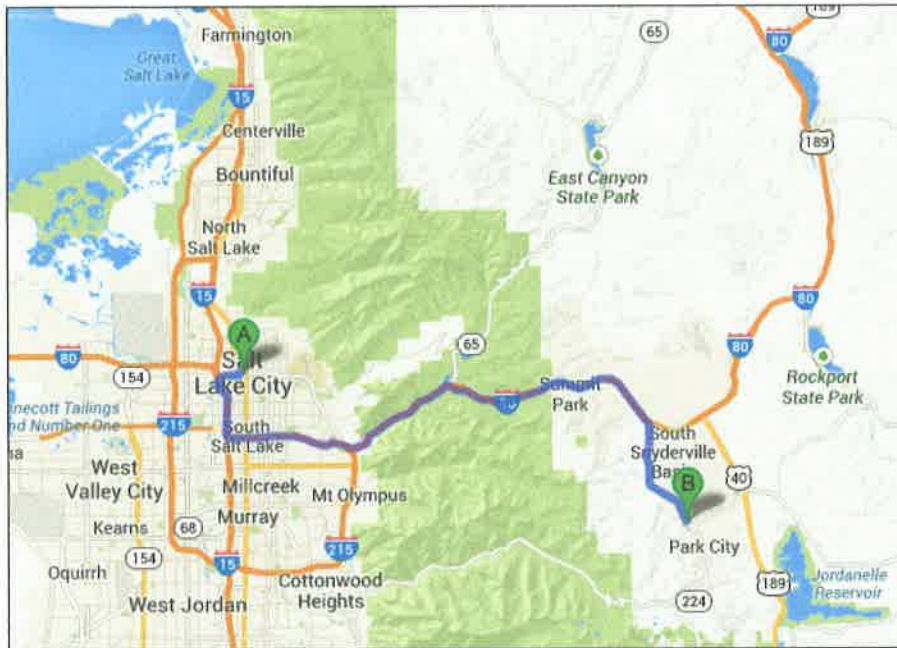


# Utah State Bar Commission Meeting and Retreat

Friday, August 23<sup>rd</sup> and Saturday, August 24<sup>th</sup>  
Hotel Park City



## Driving directions to Hotel Park City

3D ▶



### Salt Lake City, UT

1. Head west on 400 South/W University Blvd toward S Main St 0.2 mi
- ← 2. Turn left onto S West Temple 0.2 mi
- 3. Take the 1st right onto W 500 S 0.6 mi
- 4. Merge onto I-15 S/I-80 E via the ramp to Las Vegas/Cheyenne 2.7 mi
- 5. Keep right to continue on I-80 E, follow signs for Cheyenne/Interstate 80 21.7 mi
- 6. Take exit 145 toward Kimball Jct 0.6 mi
- 7. Turn right onto UT-224 S  
Destination will be on the right 5.3 mi



**Hotel Park City**  
2001 Park Ave  
Park City, UT 84060

## **VISION OF THE UTAH STATE BAR**

*Lawyers creating a justice system that is understood, valued, respected, and accessible to all.*

## **MISSION OF THE UTAH STATE BAR**

*To lead Utah lawyers in serving the public and the legal profession by promoting justice, professional excellence, civility, ethics, and respect for and understanding of the law.*

## **2012 – 2013 COMMISSION PRIORITIES**

- *Public and Lawyer Education*
- *Fair and Impartial Judiciary*
- *Delivery of Affordable Legal Services*
- *Bar Building Review*
- *Implementation of Inclusion Policy*
- *Group Benefits*

# UTAH STATE BAR STATEMENT ON DIVERSITY AND INCLUSION

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

*The Bar shall strive to:*

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

## UTAH STATE BAR AWARDS

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

**Utah State Bar Commission  
Meeting and Retreat**

**Friday, August 23, 2013  
Park City Hotel**

**Agenda**

- |           |                  |   |  |
|-----------|------------------|---|--|
|           | <b>12:30 N.</b>  | <b>Lunch</b>                              |  |
| <b>1.</b> | <b>1:30 p.m.</b> | <b>President's Report: Curtis Jensen</b>  |  |
|           | <i>25 mins.</i>  | 1.1                                       | Report from Judicial Performance Evaluation Committee:<br>Joanne Slotnik and John Ashton |
|           | <i>15 mins.</i>  | 1.2                                       | Report on National Conference of Bar Presidents Meetings                                 |
|           | <i>10 mins.</i>  | 1.3                                       | Review Commission Meeting Locations  |
|           | <i>05 mins.</i>  | 1.4                                       | Executive Committee Report   |
|           | <i>15 mins.</i>  | 1.5                                       | Introduction to Bar Mission & Vision Plans ( <b>Enclosure</b> )                          |
| <b>2.</b> | <b>2:40 p.m.</b> | <b>Executive Director's Report</b>        |  |
|           | <i>10 mins.</i>  | 2.1                                       | Review Unaudited Year-end Financials ( <b>Tab 1</b> )                                    |
|           | <i>05 mins.</i>  | 2.2                                       | Report on Fall Forum   |
|           | <i>05 mins.</i>  | 2.3                                       | Report on Database Review  |
|           | <i>05 mins.</i>  | 2.4                                       | Report on Bar Benefits   |
|           | <i>05 mins.</i>  | 2.6                                       | Report on Advertising Rule   |
| <b>3.</b> | <b>3:10 p.m.</b> | <b>Action Items</b>                       |  |
|           | <i>15 mins.</i>  | 3.1                                       | Select 2014 Summer Convention Site ( <b>Tab 2</b> )                                      |
|           | <i>30 mins.</i>  | 3.2                                       | Commission Liaisons: Assignments/Goals/Reporting ( <b>Handout</b> )                      |
| <b>4.</b> | <b>3:55 p.m.</b> | <b>Information Items</b>                  |  |
|           | <i>05 mins.</i>  | 4.1                                       | Pro Bono Program Report: Rob Rice  |
|           | <i>05 mins.</i>  | 4.2                                       | Modest Means Program Report: John Lund   |
|           | <i>05 mins.</i>  | 4.3                                       | Judicial Council Report: John Lund   |
|           | <i>15 mins.</i>  | 4.4                                       | ABA Delegates' Report: Nate Alder, Margaret Plane & Larry Stevens                        |
| <b>5.</b> | <b>4:25 p.m.</b> | <b>Commission Governance (For Action)</b> |  |
|           | <i>20 mins.</i>  | 5.1                                       | Select Process to Fill 3 <sup>rd</sup> Division Commission Vacancy ( <b>Tab 3</b> )      |
| <b>6.</b> | <b>4:45 p.m.</b> | <b>Executive Session</b>                  |  |
|           | <b>5:00 p.m.</b> | <b>Adjourn</b>                            |  |
|           | <b>6:30 p.m.</b> | <b>Social &amp; Dinner</b>                |  |

**(Over)**



### **Consent Agenda (Tab 4)**

1. Approve July 17, 2013 Commission Meeting Minutes
2. Approve Committee Charges

### **Attachments (Tab 5)**

1. Judicial Council Meeting and 2015 Budget Planning Agenda – August 16, 2013
2. Blomquist Hale YTD Report – June 30, 2013
3. Newspaper Article Links Re: Justice Scalia at the Summer Convention in Snowmass.
4. Communications Director Media Coverage Report – August 16, 2013

### **Enclosures**

1. Utah State Bar Vision and Mission Changes
2. Letter of Reappointment Re: Steven Burt - August 14, 2013
3. ABA Working Paper – Task Force on the Future of Legal Education

### **Calendar**

#### **2013**

<b>September 20</b>	Executive Committee	12:00 Noon	Law & Justice Center
<b>September 26</b>	UMBA Awards Banquet		Little America
<b>September 27</b>	Commission Meeting	9:00 a.m.	Law & Justice Center
<b>October ?</b>	Leadership Conference	9:00 a.m.	Little America
<b>October 18</b>	Executive Committee	12:00 Noon	Law & Justice Center
<b>October 21-25</b>	Pro Bono Celebration Week		
<b>October 22</b>	Admissions Ceremony	12:00 Noon	Abravanel Hall
<b>October 25</b>	Commission Meeting	9:00 a.m.	Law & Justice Center
<b>November 14-15</b>	Fall Forum		Little America
<b>November ?</b>	Executive Committee	12:00 Noon	Law & Justice Center
<b>December 6</b>	Commission Meeting	9:00 a.m.	Law & Justice Center

#### **2014**

**January 2** Election Notices Due

**Utah State Bar Commission  
Meeting and Retreat**

**Saturday, August 24, 2013  
Park City Hotel**

**Agenda**

- |    |            |  |
|----|------------|--|
|    | 8:00 a.m.  | Breakfast  |
| 1. | 9:00 a.m.  | Commission Photograph (Business Casual)                        |
| 2. | 9:30 a.m.  | Mission/Vision/Public Relations: Sean Toomey                   |
| 3. | 10:00 a.m. | Commission Priorities  |
| 4. | 11:00 a.m. | Law & Justice Center/HVAC: Steve Burt                          |
| 5. | 11:15 a.m. | Civics Education Report/Constitution Day: Angelina Tsu         |
| 6. | 11:30 a.m. | Law School Reports   |
| 7. | 12:00 noon | Break for Lunch/Continued Discussion/Other Business & Planning |
|    | 1:00 p.m.  | Adjourn  |

Tab 1

## Utah State Bar - Year End Financial Summary - June 30, 2013

<u>Revenue</u>	<u>Budget</u>	<u>Actual</u>	<u>Difference</u>
Licensing	\$3,754,400	\$3,850,060	\$95,660
Admissions	439,270	520,012	80,742
NLTP	78,500	102,589	24,089
Mgt - Service	15,400	111,519	96,119
In Kind Revenue	1,800	2,901	1,101
Mgt - Interest & Gain	32,800	64,235	31,435
Property Mgt	320,700	332,504	11,804
OPC	10,000	9,819	(181)
CMIS/Internet	3,500	1,200	(2,300)
CLE	395,800	608,387	212,587
Summer Convention	175,600	180,934	5,334
Fall Forum	101,500	87,355	(14,145)
Spring Convention	113,000	127,581	14,581
Bar Journal	127,600	119,735	(7,865)
Committees	-	2,640	2,640
Member Benefits	13,300	7,842	(5,458)
Section Support	72,488	80,340	7,852
Access to Justice		<u>1,922</u>	<u>1,922</u>
<b>Total Revenue</b>	<b>\$5,655,658</b>	<b>\$6,211,575</b>	<b>\$555,917</b>
 <u>Expenses</u>	 <u>Budget</u>	 <u>Actual</u>	 <u>Difference</u>
Licensing	177,184	160,850	(16,334)
Admissions	427,442	441,432	13,990
NLTP	110,099	89,577	(20,522)
Bar Mgt	683,609	631,521	(52,088)
Property Mgt	567,419	511,187	(56,232)
OPC	1,070,015	1,091,132	21,117
General Counsel	323,011	240,820	(82,191)
Computer/MIS/Internet	218,594	183,936	(34,658)
CLE	346,174	538,913	192,739
Summer Convention	191,708	212,124	20,416
Fall Forum	101,262	82,640	(18,622)
Spring Convention	112,537	99,968	(12,569)
Bar Journal	185,670	166,357	(19,313)
Committees	161,797	140,526	(21,271)
Member Benefits	160,460	167,518	7,058
Section Support	72,488	81,158	8,670
Consumer Assistance	55,140	58,808	3,668
Access to Justice	141,439	154,503	13,064
Tuesday Night Bar	9,200	9,415	215
Legislative	59,253	60,359	1,106
Commission/Special Projects	178,393	237,640	59,247
Public Education	<u>125,000</u>	<u>99,864</u>	<u>(25,136)</u>
<b>Total Expenses</b>	<b>\$5,477,894</b>	<b>\$5,460,248</b>	<b>\$(17,646)</b>
 <b>Net Income</b>	 <b>\$177,764</b>	 <b>\$751,327</b>	 <b>\$573,563</b>
Depreciation	52,802	50,192	(2,610)
Cash Increase from Operations	\$230,566	\$801,519	\$570,953
Change in Assets/Liabilities	(6,356)	(6,356)	-
<b>Capital Expenditures</b>	<b><u>550,000</u></b>	<b><u>387,723</u></b>	<b><u>(162,277)</u></b>
<b>Net Change in Cash</b>	<b>\$(325,790)</b>	<b>\$407,440</b>	<b>\$733,230</b>

# Utah State Bar Balance Sheet As of June 30, 2013

	Jun 30, 13	May 31, 13	Jun 30, 12
<b>ASSETS</b>			
<b>Current Assets</b>			
Checking/Savings			
1010 · Petty Cash	625	625	625
1011 · Cash in Bank	731,662	(159,043)	603,706
1060 · ILM Invested Funds Market Value	4,752,227	3,262,285	4,471,533
Total Checking/Savings	5,484,514	3,103,867	5,075,863
Accounts Receivable			
1071 · Accounts receivable	2,045	(13,863)	(9,947)
Total Accounts Receivable	2,045	(13,863)	(9,947)
<b>Other Current Assets</b>			
1070a · Other Accounts Receivable	10	(54)	(45)
1089 · Unbilled tenant costs	22,682	18,265	21,502
1100 · Prepaid Expense	105,993	73,987	75,831
12000 · Undeposited Funds	(25)		
1919 · Section ILM net earn recvble	4,077	4,049	3,490
1920 · A/R - Section Funds	135,710	22,588	98,102
Total Other Current Assets	268,446	118,834	198,880
Total Current Assets	5,755,006	3,208,838	5,264,796
<b>Fixed Assets</b>			
1500 · Property & Equipment	3,567,359	3,533,277	3,179,636
1550 · Accumulated Depreciation	(3,049,008)	(3,037,883)	(2,998,816)
1600 · Land	633,142	633,142	633,142
Total Fixed Assets	1,151,493	1,128,535	813,962
<b>TOTAL ASSETS</b>	<b>6,906,498</b>	<b>4,337,374</b>	<b>6,078,758</b>
<b>LIABILITIES &amp; EQUITY</b>			
<b>Liabilities</b>			
<b>Current Liabilities</b>			
Accounts Payable			
2001 · A/P - Trade	168,571	110	115,602
Total Accounts Payable	168,571	110	115,602
<b>Other Current Liabilities</b>			
2010 · Other Accounts Payable	205,921	39,356	186,828
2100 · Accrued Payables	327,685	320,162	350,981
2350 · Capital Lease Obligations-ST	2,710	1,844	1,844
2920 · A/P - Section Funds	167,775	5,220	185,800
Total Other Current Liabilities	704,091	366,581	725,452
Total Current Liabilities	872,662	366,692	841,054
<b>Long Term Liabilities</b>			
2400 · Capital lease obligations	9,446	12,156	12,156
3000 · Deferred Revenues/Expenses	2,317,145	45,100	2,269,630
Total Long Term Liabilities	2,326,591	57,256	2,281,786
Total Liabilities	3,199,253	423,948	3,122,840
<b>Equity</b>			
3500 · Unrestricted Net Assets (R/E)	2,955,918	2,955,918	2,367,884
Net Income	751,327	957,507	588,034
Total Equity	3,707,246	3,913,426	2,955,918
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>6,906,498</b>	<b>4,337,374</b>	<b>6,078,758</b>

# Tab 2

## Utah State Bar Conventions

### Goals

1. Network in congenial, social, informal, non-confrontational settings; renew friendships; facilitate administration of justice; foster professionalism; engender collective identity and learn from another.
2. CLE which is unique (from that regularly offered)
3. Educate lawyers about issues facing the Bar, the profession and the judiciary
4. Create a friendly family focus
5. Provide options for recreation and social events attractive to lawyers and families
6. Interact with judges in informal settings
7. Break even financially (sponsors)
8. Keep costs reasonable for lawyers (sponsors)
9. Keep location within relative proximity and at places which are familiar

### Problems

1. Attendance not increasing proportionally
2. Summer convention appears to be expensive and elitist

### Issues to Work On

1. How do we encourage new lawyers?
2. How to encourage different lawyers? (Judges, government, solos...)
3. How to we keep events different and "fresh" enough every now and then to maintain interest?
  - a. Fall Forum (small practitioners)
  - b. St. George Convention (held within Utah)
  - c. Summer Convention (held outside Utah due to size and past successes)

## **Summer Convention 2008 Operations Review**

### **1. Summary Description of the Program Activity and History.**

*The Rules for Integration and Management of the Utah State Bar* and the Bylaws mandate that the Bar should hold an annual business meeting. Thus, the Summer Convention was established. The Summer Convention offers a maximum of 16 hours of MCLE credit as well as various receptions and the opportunity to foster collegiality in the profession. It also provides a social and recreational environment for lawyers and their families.

The Summer Convention for the last 20 years has been held during the months of June or July: Sun Valley, Idaho (1985, 1986, 1989, 1991, 1992, 1993, 1994, 1996, 1997, 1998, 1999, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008); Park City (1987); San Diego, California (1988, 1995, 2000); Beaver Creek Colorado (1990); Newport Beach, California (2006).

The Summer Convention is contracted with Sun Valley, Idaho through 2016, which requires a one-year cancellation policy.

### **2. Program Goal Statement.**

The Summer Convention provides lawyers with the opportunity to comply with MCLE requirements, a forum to foster collegiality in an otherwise increasingly adversarial and confrontational profession, and a source of networking with judges, legislators and other public policy makers.

### **3. Resources and Volunteers.**

The Summer Convention Committee is composed of a chair / co-chairs and a representative from each of the 34 sections of the Bar. The Committee, with the approval of the President, selects the program content, speakers and presenters. Richard Dibblee and Connie Howard coordinate the Convention and organize all communications, activities, logistics, CLE programming and scheduling. They are assisted by four or five staff members who are assigned various responsibilities throughout the year and assist at the Convention site.

### **4. Description and Outcomes.**

Attendance at the Summer Convention is approximately 8% of the Bar membership (500-525). While this figure is impressive when compared to other western states bars, there are a number of issues that must be addressed. The chief concern involves attendance by the members. Some members maintain that it is inappropriate to hold the Convention outside the state. Based on such complaints, the Commission, in 1995, instructed the staff to explore in-state sites for the Summer Convention. The staff concluded that there







was not an in-state site that could accommodate a group the Bar's size and maintain the interest of and entertain the lawyers and their families. Furthermore, the Commission held an additional business meeting in Salt Lake City prior to the regularly scheduled Summer Convention in San Diego (2000). The additional business meeting was attended by a total of 10 people, the majority of whom were members of the Commission. Meetings which are close the members' offices held in-state, other than the Spring Convention in St. George, are generally poorly attended. However, it is the desire of the Commission to schedule an annual convention in-state, preferably in Park City, following the 2002 Winter Olympics.




Another concern is that the Summer Convention should present more topics that are of interest to and representative of the Bar's current make-up, i.e., minority bar, women lawyers, young lawyers, government, solo, small firm, rural practitioners, etc. Furthermore, to encourage attendance by such groups at the Summer Convention the Bar should continue to offer a discount on the registration fee.

An additional concern is the ability or the lack thereof, to obtain entertaining and informative speakers. The present arrangement is to pay only expenses and no honorarium. Traditionally, the Summer Convention Committee has found it difficult to find interesting speakers willing to participate under such a fee arrangement. On occasion, the Committee has been able to accommodate an honorarium request by soliciting for sponsors to assist with the expense. Accordingly, it is recommended that the speaker's budget be increased.

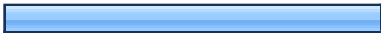


## 1. How was your overall Convention experience

		Response Percent	Response Count
Excellent		53.1%	52
Good		41.8%	41
Fair		4.1%	4
Poor		1.0%	1
answered question			98
skipped question			1



## 2. Please rate Thursday's keynote program: Ethics Acceleration: The Challenges of Keeping Pace with Professional Ethics in a Time of Rapid Change, Part 1" Jack Marshall

		Response Percent	Response Count
Excellent		38.5%	35
Good		50.5%	46
Fair		11.0%	10
Poor		0.0%	0
Comments			8
answered question			91
skipped question			8





### 3. Please rate Thursdays Lunch Program: Snowmastodon: an Ice Age World in the Colorado Rockies. - DR. STEPHEN L. NASH

		Response Percent	Response Count
Excellent		56.5%	39
Good		37.7%	26
Fair		5.8%	4
Poor		0.0%	0
answered question			69
skipped question			30

### 4. Was the addition of an extra hour of CLE at lunch beneficial?

		Response Percent	Response Count
Yes		91.7%	66
No		8.3%	6
Comments			8
answered question			72
skipped question			27




**5. Please rate Friday's keynote program: Law, Justice, and the Holocaust: How the Courts Failed Germany. - Dr. William F. Meinecke**

		Response Percent	Response Count
Excellent		65.6%	59
Good		23.3%	21
Fair		7.8%	7
Poor		3.3%	3

Comments 12

answered question	90
skipped question	9

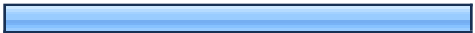



**6. Please rate the Friday Film Panel: “You Don’t Know Jack” A look at the life and work of doctor-assisted suicide advocate Jack Kevorkian.**

		Response Percent	Response Count
Excellent		43.3%	13
Good		53.3%	16
Fail		0.0%	0
Poor		3.3%	1

Comments 18

answered question	30
skipped question	69

## 7. Please rate Saturday's keynote program: The Honorable Antonin G. Scalia

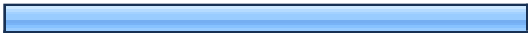



		Response Percent	Response Count
Excellent		70.1%	68
Good		21.6%	21
Fair		5.2%	5
Poor		3.1%	3

Comments 15

answered question 97

skipped question 2

## 8. If you attended the Q&A with Justice Scalia please rate the session.

		Response Percent	Response Count
Excellent		78.4%	40
Good		15.7%	8
Fair		2.0%	1
Poor		3.9%	2

Comments 16

answered question 51

skipped question 48

**9. Please rate or comment on the keynote speakers and breakouts that either were useful or interesting to you.**

	Excellent	Good	Fair	Poor	Rating Count
How to Make Your Point:Advanced Legal Writing	<b>52.6% (20)</b>	44.7% (17)	2.6% (1)	0.0% (0)	38
Form Based Zoning	38.5% (5)	<b>53.8% (7)</b>	7.7% (1)	0.0% (0)	13
How the Courts Failed Germany	<b>70.6% (24)</b>	26.5% (9)	0.0% (0)	2.9% (1)	34
How a Bankruptcy Can Affect Family Law, Personal Injury, Civil Litigation, and Criminal Defense	25.0% (4)	<b>50.0% (8)</b>	18.8% (3)	6.3% (1)	16
Lawyers: Who We Are, How We Think, and Why a Dictaphone Makes the Perfect Gift	43.8% (7)	<b>50.0% (8)</b>	6.3% (1)	0.0% (0)	16
Proportionality and the new Utah Discovery Rules	<b>53.5% (23)</b>	32.6% (14)	11.6% (5)	2.3% (1)	43
Utah Medical Malpractice Tort Reform	<b>36.4% (4)</b>	<b>36.4% (4)</b>	27.3% (3)	0.0% (0)	11
Persuasion in Mediation	37.5% (6)	<b>50.0% (8)</b>	6.3% (1)	6.3% (1)	16
American Taxpayer Relief Act of 2012 General Overview	25.0% (2)	<b>62.5% (5)</b>	12.5% (1)	0.0% (0)	8
How Res Judicata, Collateral Estoppel and Issue Preclusion are Applied in Administrative Proceedings	38.5% (5)	<b>53.8% (7)</b>	7.7% (1)	0.0% (0)	13
Basic Applied 4th, 5th Amendment Law to Civil Attorneys in Context of Traffic Stops, Interviews, and Searches Under Utah Law Campaign Finance After Citizens United: Colbert Super PAC and Other (Less Hilarious) Phenomena Presented by The Colbert Report's attorneys	<b>54.2% (13)</b>	37.5% (9)	8.3% (2)	0.0% (0)	24
Protecting Your Office in Event of a Disaster	<b>60.0% (9)</b>	26.7% (4)	13.3% (2)	0.0% (0)	15

Franchise Law 101: Understanding the Basics of the Franchising Process	<b>42.9% (3)</b>	<b>42.9% (3)</b>	14.3% (1)	0.0% (0)	7
What's Your EQ and LQ?: How to Be a More Professional, Civil, Effective, and Satisfied Lawyer and Leader	21.7% (5)	26.1% (6)	<b>30.4% (7)</b>	21.7% (5)	23
The Statement of Discovery Issues Rule – What Every Litigator Needs to Know	<b>50.0% (16)</b>	43.8% (14)	6.3% (2)	0.0% (0)	32
Navigating Utah's Medical Malpractice System	<b>50.0% (3)</b>	33.3% (2)	16.7% (1)	0.0% (0)	6
Effectively Preparing for and Mediating a Divorce Case	<b>50.0% (5)</b>	<b>50.0% (5)</b>	0.0% (0)	0.0% (0)	10
Nuts and Bolts of a Construction Defect Case	11.8% (2)	<b>70.6% (12)</b>	17.6% (3)	0.0% (0)	17
The Top 10 Early-Stage Legal and Business Organization Mistakes by Technology Entrepreneurs	<b>69.2% (9)</b>	23.1% (3)	7.7% (1)	0.0% (0)	13
Comments					13
answered question					94
skipped question					5

## 10. Please list session topics you would like to see at future Utah State Bar Conventions

Response Count					28
answered question					28
skipped question					71

**11. Please list any keynote speakers you would be interested in seeing at future Utah Bar events.**

**Response  
Count**

18

**answered question**

**18**

**skipped question**

**81**

**12. What type of subject matter would you like at a keynote presentation?**

**Response  
Count**

10

**answered question**









**10**

**skipped question**

**89**







### 13. Did you take advantage of any of the following activities available in Snowmass:

		Response Percent	Response Count
Rafting		11.7%	9
Hiking		68.8%	53
Biking		27.3%	21
Golfing		7.8%	6
Tennis		3.9%	3
Day care (Treehouse of other)		6.5%	5
Concert(s)		54.5%	42
Aspen/Snowmass free shuttle		37.7%	29
Other (please specify)			12

answered question 77

skipped question 22

### 14. How did you hear about these activities?

		Response Percent	Response Count
Email		20.6%	13
Letter		4.8%	3
Website		50.8%	32
At Convention		58.7%	37
Other (please specify)			8

answered question 63

skipped question 36

### 15. Are there other ways we can keep you informed on of the activities available?

Response  
Count

7

answered question

7

skipped question

92

### 16. Where did you stay?

Response  
Percent      Response  
Count

Condo



47.1%

41

Viceroy



12.6%

11

Westin



40.2%

35

Other (please specify)

12





answered question

87







skipped question

12

## 17. How would you rate your accommodations?

		Response Percent	Response Count
Excellent		53.6%	52
Good		32.0%	31
Fair		10.3%	10
Poor		4.1%	4
Comments			10
answered question			97
skipped question			2




## 18. Where would you like the Bar's summer convention to be held in future years?

		Response Percent	Response Count
Lake Tahoe		14.3%	13
Newport Beach		7.7%	7
Park City		6.6%	6
San Diego		12.1%	11
<b>Snowmass Village</b>		36.3%	33
Sun Valley		23.1%	21
Other (please specify)			19
answered question			91
skipped question			8

**19. It has been the hope of the Bar Commission that the combination of great location, substantially less expensive attendee lodging, food, and entertainment costs, and an excellent set of CLE and networking events will have rewarded your participation at this Summer Convention. We look forward to seeing and serving you at our next Summer Convention! Please tell us what you liked and what you did not like about Snowmass as a Bar Convention venue and let know how the Snowmass Convention can be improved upon.**

	Response Count
	58
answered question	58
skipped question	41

**20. Schedule permitting, if the Bar's Summer Convention is at Snowmass in 2014, would you come?**

		Response Percent	Response Count
Yes		59.4%	57
No		12.5%	12
Maybe		28.1%	27
	answered question		96
	skipped question		3

**Page 2, Q2. Please rate Thursday's keynote program: Ethics Acceleration: The Challenges of Keeping Pace with Professional Ethics in a Time of Rapid Change, Part 1" Jack Marshall**

1	Missed it.	Jul 31, 2013 3:42 PM
2	The sound quality was poor	Jul 29, 2013 12:26 PM
3	He's entertaining, but this presentation (I've seen him 3 or 4 times now, in Utah, nationally) was not his best. Pretty esoteric. Not as practical.	Jul 27, 2013 2:02 PM
4	Jack Marshall is very engaging and entertaining.	Jul 26, 2013 10:37 AM
5	Great speaker. Very entertaining and informative.	Jul 26, 2013 10:35 AM
6	I disagreed with a large part of his analysis.	Jul 26, 2013 10:29 AM
7	Did not attend.	Jul 26, 2013 10:25 AM
8	He was the best speaker of the entire event.	Jul 26, 2013 7:45 AM

**Page 2, Q4. Was the addition of an extra hour of CLE at lunch beneficial?**

1	Dr. Nash from Denver's Nat. History Museum was awesome. That was so cool. My daughter was quite excited by it. The sold-out nature of the CLE is indicative of the family orientation of our annual meetings. I like bringing family members to a few CLEs of interest.	Jul 27, 2013 2:02 PM
2	The extra hour of CLE was helpful because the subject was interesting for me and my kids.	Jul 26, 2013 4:30 PM
3	Nice break from the usual classes.	Jul 26, 2013 10:37 AM
4	I did not attend	Jul 26, 2013 10:33 AM
5	I did not attend the Lunch regarding the Ice Age World	Jul 26, 2013 10:28 AM
6	n/a	Jul 26, 2013 10:06 AM
7	Did not attend, but nice to know it was available.	Jul 26, 2013 7:54 AM
8	Fascinating presentation, and I loved the little boy's tooth exhibition.	Jul 25, 2013 9:45 PM

**Page 2, Q5. Please rate Friday's keynote program: Law, Justice, and the Holocaust: How the Courts Failed Germany. - Dr. William F. Meinecke**

1	Again, the sound quality was poor and it was hard to hear him.	Jul 29, 2013 12:26 PM
2	Second time seeing him, and wow, what a powerful message. Very good, important topic. Relevant. Scalia's follow up was also quite impactful.	Jul 27, 2013 2:02 PM
3	Very interesting topic and very good speaker.	Jul 26, 2013 10:35 AM
4	Dry. Flawed hypothesis.	Jul 26, 2013 10:29 AM
5	The speaker was difficult to hear clearly at times, but the presentation was very thought provoking.	Jul 26, 2013 10:28 AM
6	He did not communicate his ideas well. He was difficult to understand. His thoughts did not flow logically.	Jul 26, 2013 10:25 AM
7	At first I thought it was quite a random choice of topics, but it was fascinating!	Jul 26, 2013 9:35 AM
8	Outstanding.	Jul 26, 2013 9:01 AM
9	This was an excellent presentation on the power of the Bar as a whole and how we need to stand up when an injustice is occurring.	Jul 26, 2013 7:13 AM
10	Outstanding presentation!	Jul 25, 2013 10:44 PM
11	Absolutely fascinating!	Jul 25, 2013 10:08 PM
12	Extremely provocative, and I am still thinking about it.	Jul 25, 2013 9:45 PM



**Page 2, Q6. Please rate the Friday Film Panel: "You Don't Know Jack" A look at the life and work of doctor-assisted suicide advocate Jack Kevorkian.**

1	I did not attend	Aug 1, 2013 10:25 AM
2	Did attend	Jul 31, 2013 3:42 PM
3	na did not attend	Jul 28, 2013 8:42 AM
4	did not attend.	Jul 27, 2013 2:02 PM
5	Did not attend	Jul 26, 2013 2:50 PM
6	Moderator should have moderated more. His perspective and preference drove the discussion.	Jul 26, 2013 12:29 PM
7	I did not attend	Jul 26, 2013 10:33 AM
8	Great discussion afterward.	Jul 26, 2013 10:29 AM
9	I did not attend	Jul 26, 2013 10:28 AM
10	Thoughtful attendees shared real life experiences.	Jul 26, 2013 10:27 AM
11	Did not attend.	Jul 26, 2013 10:25 AM
12	Did not attend	Jul 26, 2013 9:37 AM
13	I did not attend.	Jul 26, 2013 9:35 AM
14	N/A Did not attend	Jul 26, 2013 9:02 AM
15	Did not attend.	Jul 26, 2013 7:54 AM
16	Did you really mean 'fail' as an option?	Jul 25, 2013 11:50 PM
17	Didn't attend.	Jul 25, 2013 9:45 PM
18	didn't see it	Jul 25, 2013 9:39 PM





**Page 2, Q7. Please rate Saturday's keynote program: The Honorable Antonin G. Scalia**

1	I wish there would have been better communication that the only book signing was going to be after his speech and that there would not be one at lunch.	Jul 29, 2013 12:26 PM
2	Fascinating person. I've seen him once before in this kind of format. He loves the controversy, loves being in the center of it. Quite interesting. I am glad he did not go on and on about federal regulation.	Jul 27, 2013 2:02 PM
3	Wish it would've been longer.	Jul 26, 2013 11:51 AM
4	I am troubled that the bar had invited Thomas and Scalia to speak. Perhaps it is time for a rebuttal from the other side of thinking about the Constitution.	Jul 26, 2013 10:49 AM
5	Was a privilege to hear Justice Scalia speak. Unfortunately, Justice Scalia's speech was one that I had already heard from an online recording of an event from 5 years ago. Would have liked to hear something new.	Jul 26, 2013 10:37 AM
6	Judge Scalia did a very good job of explaining his judicial philosophy. I enjoyed it very much and realize how hard it must be to get a member of the Supreme Court to speak to us. We were very fortunate for this experience. Thank you!	Jul 26, 2013 10:35 AM
7	Offensive and thought provoking. Probably worth 7 hours of cle because of the thought and discussion that flowed from that presentation.	Jul 26, 2013 10:29 AM
8	I do not agree with much of his judicial philosophy, but he is a great speaker and his comments are thoughtful.	Jul 26, 2013 10:28 AM
9	I'm not a big fan of Justice Scalia, but it was great to have him come, and hear him speak. Kudos for getting somebody like Justice Scalia to come speak.	Jul 26, 2013 10:04 AM
10	I may not share all his political views and opinions, but it was a great experience to hear him speak live.	Jul 26, 2013 9:35 AM
11	He should have been prepared to take the full hour he was slated for. I would have liked to hear more from him than just the 45 min.	Jul 26, 2013 9:21 AM
12	Privilege to attend	Jul 26, 2013 9:01 AM
13	I found his comparison of judicial activism to Nazi Germany to be offensive.	Jul 26, 2013 7:45 AM
14	A bit disappointed with the Justice's remarks, but it was good to understand his basic philosophy.	Jul 26, 2013 6:18 AM
15	Engaging and interesting presentation of his worldview.	Jul 25, 2013 9:45 PM



**Page 2, Q8. If you attended the Q&A with Justice Scalia please rate the session.**

1	Didn't attend	Jul 31, 2013 3:42 PM
2	Kirk Jowers did not deliver, unfortunately. Frank Pignanelli was much better with Justice O'Connor and her presentation was better, overall, than Scalia's. I though Thomas's was also better. I think Jowers could have done more for us here. He did not do well when Baird was going on and on.	Jul 27, 2013 2:02 PM
3	Justice Scalia was very engaging and entertaining.	Jul 26, 2013 4:30 PM
4	Did not attend	Jul 26, 2013 2:50 PM
5	Wish it would've been longer.	Jul 26, 2013 11:51 AM
6	Great idea and well worth the extra cost.	Jul 26, 2013 11:16 AM
7	Mores chances for him to speak without being challenged.	Jul 26, 2013 10:49 AM
8	I believe it would have been better if questions were submitted and selected ahead of time.	Jul 26, 2013 10:37 AM
9	I particularly liked his uncivil attitude when challenged as being inconsistent in his originist philosophy when it served his conservative agenda. He needs to attend an hour of civility training.	Jul 26, 2013 10:28 AM
10	Did not attend.	Jul 26, 2013 10:25 AM
11	I appreciated that he was willing to take questions.	Jul 26, 2013 9:35 AM
12	ditto.	Jul 26, 2013 9:01 AM
13	Great participation and Justice Scalia was lively and engaging.	Jul 26, 2013 7:13 AM
14	Should have pre-screened the questions.	Jul 26, 2013 6:18 AM
15	Kirk Jowers did a good job keeping it going.	Jul 25, 2013 11:50 PM
16	A lot of insight into the extent of his originalist thinking.	Jul 25, 2013 9:45 PM

**Page 2, Q9. Please rate or comment on the keynote speakers and breakouts that either were useful or interesting to you.**

1	The panel discussion about what every lawyer needs to know regarding bankruptcy court jurisdiction (Leta, Mosier, Shaughnassey) is not listed above.	Jul 30, 2013 5:28 PM
2	Rating above on mixed question is for Campaign Finance.	Jul 28, 2013 3:34 PM
3	Generally, I thought that the CLE was better this year.	Jul 27, 2013 8:47 AM
4	I thought the subjects were very good. It would have been nice to have had certain subjects taught twice so that more of them could have been experienced	Jul 26, 2013 4:45 PM
5	I also enjoyed the presentation by advocates for deaf victims in Court. I would give that presentation a "good" as well.	Jul 26, 2013 1:56 PM
6	"The Miracle of Freedom" was probably the worst CLE I've ever attended.	Jul 26, 2013 10:37 AM
7	Generally, speakers were well prepared and very good.	Jul 26, 2013 10:35 AM
8	Also attended Judge Stewart's CLE - excellent!	Jul 26, 2013 9:52 AM
9	This list is not complete. There were several other breakouts I attended that are not listed that I found to be excellent. I attended the legislative process breakout that was excellent and the one with the bankruptcy judge that was good.	Jul 26, 2013 9:39 AM
10	Out of Left Field: Avoiding Claims from Adverse Parties and other Non-Clients - rate as Excellent; Issue Preservation - rate as Excellent;	Jul 26, 2013 9:21 AM
11	You need an option for "did not attend this session"	Jul 26, 2013 9:02 AM
12	A synopsis of the talks in advance might have helped me chose the most helpful.	Jul 26, 2013 9:01 AM
13	This conference had more topics applicable to our area of law than I've seen in years.	Jul 26, 2013 8:45 AM



**Page 2, Q10. Please list session topics you would like to see at future Utah State Bar Conventions**

1	More specific topics on new developments in the areas of litigation and transactional law, rather than the general, basic types of subjects.	Jul 30, 2013 5:28 PM
2	Negotiations. Civil Discovery. Trials. Expert witnesses. Litigation and Dispute Resolution sections.	Jul 27, 2013 2:02 PM
3	Creating a law firm	Jul 27, 2013 9:01 AM
4	Affordable Health Care Law	Jul 26, 2013 4:45 PM
5	1. Law office management topics 2. Bar section/cmtee's break-outs	Jul 26, 2013 12:29 PM
6	More criminal law CLEs	Jul 26, 2013 11:51 AM
7	Criminal law issues.	Jul 26, 2013 11:16 AM
8	Client control, ethical communications between attorneys.	Jul 26, 2013 10:37 AM
9	Changes in the rules, impact of recent case law, practical topics for litigators.	Jul 26, 2013 10:29 AM
10	It has been a few years now but I recall sessions years ago by the Bar's lobbyist on key legislation passed by the Utah legislature during the past year. I also think a summary of significant appellate court decisions in the past year would be helpful.	Jul 26, 2013 10:28 AM
11	Trusts and Elder Law	Jul 26, 2013 10:27 AM
12	Judges' dos and don'ts.	Jul 26, 2013 10:25 AM
13	Medicare liens Experts - selecting, disclosing, challenging	Jul 26, 2013 10:06 AM
14	More tort and personal injury related topics would be great.	Jul 26, 2013 10:04 AM
15	More criminal topics	Jul 26, 2013 9:39 AM
16	I'd like to see a bit more on estate planning / trust and probate administration.	Jul 26, 2013 9:35 AM
17	More administrative and transactional topics.	Jul 26, 2013 9:01 AM
18	More sessions relating to changes in the rules that apply to large areas of legal practice. It's too bad we're learning about these changes 18 months after implementation.	Jul 26, 2013 8:45 AM
19	More "how to" sessions Qui Tam actions / whistle blower Eminent Domain procedures	Jul 26, 2013 8:29 AM
20	bankruptcy issues	Jul 26, 2013 8:10 AM
21	An added paralegal track (even if it's only for a day)	Jul 26, 2013 7:54 AM
22	Medical malpractice business transactions tax consequences of sale of business	Jul 26, 2013 12:01 AM
23	Use of technology	Jul 25, 2013 10:46 PM

**Page 2, Q10. Please list session topics you would like to see at future Utah State Bar Conventions**

24	Banking and finance, more real estate.	Jul 25, 2013 10:08 PM
25	Insurance defense, insurance coverage based subjects, evidence, trial tactics	Jul 25, 2013 10:07 PM
26	Practice management; Time and Billing;	Jul 25, 2013 9:49 PM
27	Evaluation of discovery rules changes.	Jul 25, 2013 9:45 PM
28	More IP-related topics	Jul 25, 2013 9:41 PM





**Page 2, Q11. Please list any keynote speakers you would be interested in seeing at future Utah Bar events.**

1	JJ. Kennedy, Breyer, Ginsberg, Kagan, or Sotomayor	Jul 28, 2013 3:34 PM
2	People on the cutting edge of where the profession is headed, where our main issues are, what challenges we are facing, how to help young lawyers, in particular.	Jul 27, 2013 2:02 PM
3	I like having a Supreme Court Justice or some national figure.	Jul 27, 2013 8:47 AM
4	Justice Roberts	Jul 26, 2013 4:45 PM
5	I think any U.S. Supreme Court Justice would be great.	Jul 26, 2013 1:31 PM
6	1. Eric Holder, USAG 2. Governor Herbert 3. CJ Durham 4. Amb Ryan Cocker	Jul 26, 2013 12:29 PM
7	Justice Scalia	Jul 26, 2013 11:51 AM
8	Bryan A. Garner-Black's Law Dictionary chief editor and author on effective legal writing.	Jul 26, 2013 11:48 AM
9	Hon. Mitchell McConnell, Chief Judge Vaughn Walker, Justice Ginsberg,	Jul 26, 2013 10:37 AM
10	Jon Huntsman, Jr., Karl Rove, Mark Eaton, etc. I'm more interested to hear from interesting people with Utah ties than judges. We hear plenty from the judges.	Jul 26, 2013 10:06 AM
11	Karl Malone	Jul 26, 2013 10:04 AM
12	Justice Sotomayor	Jul 26, 2013 9:37 AM
13	Any justice of the U.S. or Utah Supreme Court would be good.	Jul 26, 2013 9:15 AM
14	The outside speakers brought in were generally excellent. I appreciate the opportunity to hear such people.	Jul 26, 2013 9:01 AM
15	Justice Ginsberg	Jul 26, 2013 6:18 AM
16	Ben Stein	Jul 25, 2013 10:46 PM
17	Greg Bell.	Jul 25, 2013 10:08 PM
18	Justices Kagan and Sotomayor.	Jul 25, 2013 9:45 PM

**Page 2, Q12. What type of subject matter would you like at a keynote presentation?**

1	I thought this year was a great selection. It was really interesting.	Jul 28, 2013 3:34 PM
2	See above.	Jul 27, 2013 2:02 PM
3	programs on the future of the profession	Jul 26, 2013 3:09 PM
4	1. Victim rights 2. Alternative legal theories	Jul 26, 2013 12:29 PM
5	Judicial perspective.	Jul 26, 2013 10:37 AM
6	The United States Constitution: The Debate Over Whether it Affords a Right of Privacy	Jul 26, 2013 10:28 AM
7	Those who relate to current societal issues.	Jul 26, 2013 10:25 AM
8	client development issues	Jul 26, 2013 8:10 AM
9	psychology of lawyers alternative legal careers	Jul 26, 2013 12:01 AM
10	Civil liberties.	Jul 25, 2013 9:45 PM

**Page 2, Q13. Did you take advantage of any of the following activities available in Snowmass:**

1	Fly Fishing	Jul 30, 2013 5:28 PM
2	fishing	Jul 29, 2013 12:26 PM
3	shopping and dining in Aspen. didn't know about a free shuttle, or would probably have used that	Jul 28, 2013 8:19 AM
4	Hey, there's so much more than this, but we loved the venue.	Jul 27, 2013 2:02 PM
5	swimming	Jul 26, 2013 5:29 PM
6	Restaurants and shopping in Aspen.	Jul 26, 2013 10:49 AM
7	Skittles	Jul 26, 2013 10:37 AM
8	Running	Jul 26, 2013 10:33 AM
9	Awesome options!	Jul 26, 2013 9:15 AM
10	Deaf Camp concert. Access to certain recreation required land transportation and was less convenient.	Jul 26, 2013 9:01 AM
11	Fishing	Jul 25, 2013 11:50 PM
12	Horseback riding.	Jul 25, 2013 9:45 PM

**Page 2, Q14. How did you hear about these activities?**

1	Hotel	Jul 30, 2013 1:35 PM
2	Internet	Jul 29, 2013 9:12 AM
3	the Blazing Adventures materials supplied by the Bar	Jul 28, 2013 8:19 AM
4	Convention brochure in Bar Journal.	Jul 26, 2013 10:49 AM
5	word of mouth	Jul 26, 2013 10:47 AM
6	Snowmass calendar	Jul 26, 2013 9:39 AM
7	flier when I arrived	Jul 26, 2013 6:18 AM
8	The activities were not well-publicized before the convention.	Jul 25, 2013 10:08 PM

**Page 2, Q15. Are there other ways we can keep you informed on of the activities available?**

1	I just need to do a better job of planning. Next year we will do the rafting, possibly fishing. The bus shuttle we need to do when biking, going in to Aspen. The area is incredible.	Jul 27, 2013 2:02 PM
2	Links on the webpage.	Jul 26, 2013 12:29 PM
3	How about an app?	Jul 26, 2013 10:37 AM
4	There was a hand out given when we picked up Meeting materials that summarized activities available. This was helpful, but it would have been more helpful had it been available before we arrived (and perhaps it was by website, but that is not the best method to convey information to me)	Jul 26, 2013 10:28 AM
5	For the concert and the rodeo, it would have been cool to have a group ticket purchase and transportation arrangement to the rodeo (never figured out public transportation because there was extra walking involved that some in my party could not do). But, it didn't make or break anything.	Jul 26, 2013 9:52 AM
6	The website was great. During the convention, it could be helpful to opt in to receive text messages. It would be an easy way to reach everyone in attendance if needed.	Jul 26, 2013 9:35 AM
7	better and earlier map	Jul 26, 2013 6:18 AM

**Page 2, Q16. Where did you stay?**

1	Quick comment on the Viceroy -- wow! Great place.	Jul 27, 2013 2:02 PM
2	Westwood	Jul 26, 2013 4:45 PM
3	Snowmass hotel room	Jul 26, 2013 11:48 AM
4	Hayden Lodge	Jul 26, 2013 10:35 AM
5	Wildwood	Jul 26, 2013 10:27 AM
6	Wildwood	Jul 26, 2013 10:06 AM
7	Big mistake!!!!!! Lots of stairs, no AC and big hike to the Westin since parking was lame!!!!!!	Jul 26, 2013 9:52 AM
8	Mountain Chalet	Jul 26, 2013 9:39 AM
9	Private home	Jul 26, 2013 9:37 AM
10	Capital Peak	Jul 26, 2013 9:35 AM
11	Wildwood	Jul 26, 2013 7:45 AM
12	Capitol Peak Lodge	Jul 25, 2013 9:43 PM

**Page 2, Q17. How would you rate your accommodations?**

1	Snowmass hospitality could not have been more accommodating.	Jul 31, 2013 3:42 PM
2	Had problems getting room cleaned; missed one day.	Jul 28, 2013 3:34 PM
3	I want to be the first to get in at the Viceroy for next year. The staff was great, location great, hotel/accomodations incredible, very nice pool, everything was great. Rooms are very, very nice. If I can't get in at the Viceroy again my kids will be sorely disappointed. Two members of our firm stayed at the Wildwood. It should be removed from your list of recommended accomodations. No one was pleased there. They need a complete remodel, upgrade.	Jul 27, 2013 2:02 PM
4	I did not like that the cocktail reception on Wednesday night was at a different hotel.	Jul 26, 2013 1:31 PM
5	I had Specifically reserved a condo at lichenhearth because it had a pool and a kitchen. When I got there they had moved us to a place without a pool. My kids were disappointed.	Jul 26, 2013 11:10 AM
6	We stayed at the Woodrun Place. My family thought the accomodations were better than Sun Valley Lodge Apartments, but others told me their condos were dated and were not pleased.	Jul 26, 2013 10:28 AM
7	The rooms were nice. However, the drive was too far, particularly for a setting similar to what we have only 20 minutes from downtown Salt Lake. There was no central gathering area, as in Sun Valley and Coronado. The parking was terrible. The ambiance was not enjoyable. The activities were too limited. The accommodations were not conducive to kids. The entertainment was very limited. Had to drive to pool and fitness room.	Jul 26, 2013 10:25 AM
8	BIG BIG mistake!!	Jul 26, 2013 9:52 AM
9	Resturant selections and service at Westin was limited.	Jul 26, 2013 9:01 AM
10	The biggest problem was parking and the cost of food in the hotel restaurant for breakfast for non-conference attendees. It was rather shocking.	Jul 26, 2013 8:45 AM





**Page 2, Q18. Where would you like the Bar's summer convention to be held in future years?**

1	or perhaps Moab or in Cedar City at SUU	Jul 31, 2013 3:42 PM
2	All of the above except Park City. Too close to the office and you'll never get the full attention of attorneys. The great thing about the bar convention is that it forces commitment and focus due to geography.	Jul 30, 2013 1:35 PM
3	It would only let me choose one, but Newport Beach would be great as well.	Jul 29, 2013 12:26 PM
4	I like the mountain resort locations because I enjoy hiking and biking (and cooler temperatures). I enjoyed both Sun Valley and Snowmass Village. Park City would be good too, but I think I'd be inclined to head back to the office every afternoon.	Jul 28, 2013 3:34 PM
5	Let's go to Snowmass for 2014 and 2015 and then re-evaluate. I think we need three years there to really appreciate the place. There is SO So so much to do there! I barely spent enough time in Aspen or discovering the mountainside. My wife and kids kept telling me of great stuff I needed to do. I missed Maroon Bells. I did not schedule the rafting. We did not go fishing. I would like to do all those, plus repeat Elk Camp (and hike around earlier -- can we get the Gondola to go up an hour or two early?), the top of the mountain, Ziegler resevoir, the Snowmass Club (how do we get in?), and everything between Snowmass and Aspen. I even want to do the drive beyond Aspen, up to the summit en route to Leadville. We also thought there were cool things to do in Glenwood Springs but did not have time. We'd like to spend an afternoon there. And there is a lot to do in Grand Junction, Loma, Fruita and the Colorado National Monument. We are torn, as there is so much to do in and around Snowmass. So, let's go back, for sure. I loved being on the mountainside. People who did not like the altitude or the slope of the terrain need to get in shape and enjoy the outdoors. That was awesome being on the mountain, a high one at that. Okay the bucket list would also include summiting a 14-er, one of Colorado's 14,000 peaks. I need to look in to that. Of course, I want the Bar to go to San Diego again. I would be up for Lake Tahoe. I wish Jackson were on that list. We have truly discovered (and loved) Sun Valley. I don't need to go there every single year. We can go back, sure, but there is much to offer in the West, and Colorado proved that. Let's go to Snowmass for a few years and get our feet wet here and there. I wish we could do something at Deer Valley and actually get firms to pay the overnight. I have no idea how that would work for us. I fear parents would rush back for soccer games, baseball games, etc. and it would not be a vacation.	Jul 27, 2013 2:02 PM
6	I still like Sun Valley better. I know that it costs more.	Jul 27, 2013 8:47 AM
7	Del Cornado	Jul 26, 2013 4:45 PM
8	Any of the above except Park City. I do not think people would stay and hang out in Park City. I had many good exchanges with colleagues in and around the resort. I do not think I would run into people and their families at a convention in Park City.	Jul 26, 2013 10:49 AM
9	Snowmass is good but Sun Valley is much better. The activities at Snowmass are more expensive than similar activities at Sun Valley so the overall cost isn't much different. The drive to Snowmass is too far. Sun Valley has far more activities available than Snowmass. Please return to Sun Valley!!!!!!	Jul 26, 2013 10:35 AM

**Page 2, Q18. Where would you like the Bar's summer convention to be held in future years?**

10	My family prefers Sun Valley. We enjoyed Snow Mass and would attend another meeting there.	Jul 26, 2013 10:28 AM
11	Sun Valley is close, is like nothing else we have. It is steeped in tradition. It has much to do for kids and adults. It has a gathering place for lawyers and families to socially interact.	Jul 26, 2013 10:25 AM
12	Newport Beach would be nice. Lake Tahoe could be nice as well. I like Sun Valley, but I understand the costs are more prohibative.	Jul 26, 2013 9:52 AM
13	or San Diego. Alternating locations is good.	Jul 26, 2013 9:01 AM
14	Please go back to Sun Valley. Snowmass was not that great.	Jul 26, 2013 8:29 AM
15	and snowmass	Jul 26, 2013 8:10 AM
16	Homestead	Jul 26, 2013 6:18 AM
17	Only one choice? Does that mean FOREVER?	Jul 25, 2013 11:50 PM
18	Would like to go to different place each year.	Jul 25, 2013 10:57 PM
19	Jackson Hole	Jul 25, 2013 9:45 PM



**Page 2, Q19. It has been the hope of the Bar Commission that the combination of great location, substantially less expensive attendee lodging, food, and entertainment costs, and an excellent set of CLE and networking events will have rewarded your participation at this Summer Convention.**

**We look forward ...**

1	The convention facilities were top notch. The food was the best that I can ever remember. I especially like the "full breakfast." The Hotel staff could not have been more attentive or helpful. It is a long drive from SLC. It took longer to make than I thought it would.	Aug 1, 2013 10:25 AM
2	The only complaint was the long drive. Other than from Spanish Fork to Green River the drive was ok.	Jul 31, 2013 3:42 PM
3	One of the locals suggested that it rains every afternoon in Snowmass. If that is true (as it seemed to be during the convention) then it is a less appealing place to bring family or enjoy the outdoors, especially when we are in CLEs all morning. While the convention and facilities were great, the weather is a significant reason why I would not like to return to Snowmass.	Jul 31, 2013 3:07 PM
4	I have two objections: The average drive time by car from SLC to Snowmass Village was 7 hours, without stops. That essentially means a whole day getting there and another whole day getting back. Too far to go. The Snowmass Village is located on the top of a small mountain. Without a shuttle or car, it is not very accessible by foot or bike. Moreover, within the Village itself, the facilities also are located on a very steep hill, and, again, without a chairlift, car or shuttle they are not very accessible.	Jul 30, 2013 5:28 PM
5	1. Communication needs to be improved amongst Utah State bar employees. The Utah Bar employees were not adequately informed about the conference location and details in advance of the conference. There were not adequate written materials sent to the attorneys in advance of the meetings describing basic information. For instance, we called several times to understand where the classes of the bar were going to be held so that we could make hotel arrangements within the same building. Employees at the Bar told us classes were at the Viceroy. I learned about the Westin only upon my arrival in Snowmass. I stayed at the Viceroy believing the extra room cost would pay for the convenience of having classes downstairs. As it turns out, I'm glad I ended up at the Viceroy because it is such a lovely hotel, but the Utah Bar employees should have told me so that I could have looked at the Westin's room costs and compared costs. 2. Need contact information for the Event Coordinator, both in advance of the conference and during the conference. During my stay in Colorado, I had no one to call for information, so I was forced to call Utah Bar employees back at Utah with questions about the convention that they were not even attending! Cell numbers to Utah State Bar employees on site may be helpful. Communication needs to be improved. 3. Someone should weigh the additional costs of staying at Viceroy and Snowmass condos with Sun Valley lodging costs. Additional costs at Viceroy included daily \$15 summer resort charge (I never did understand what this fee was for); \$15 daily parking charge; \$5 tips every time to get your car out of valet; \$5 tips each way every time the hotel took you to the gondolas, store, Westin etc. It does add up and I don't recall these costs at SunValley. Overall, while the Viceroy was expensive, from my perspective the Viceroy is clearly the best hotel place to stay (over Westin etc) and I would return again. The Viceroy staff and accommodations	Jul 30, 2013 1:35 PM

**Page 2, Q19. It has been the hope of the Bar Commission that the combination of great location, substantially less expensive attendee lodging, food, and entertainment costs, and an excellent set of CLE and networking events will have rewarded your participation at this Summer Convention.**

**We look forward ...**

were superb. 4. The Utah Bar employees did not adequately inform the staff at the Viceroy hotel about the event and where our classes and events were located. That was unfortunate, because the hotel is the first source to seek direction and I felt that there was no source to go to for information while on site at the convention. When we checked into the hotel, they had no idea where our classes were or how to get there. Even though our events were off-site, I think Utah Bar should have informed them, so they can help direct the bar members. Also, I heard that the Utah Bar was emailing attorneys during the convention about weather conditions and events, but I never got any emails. 5. It seems that Snowmass offers more to do than Sun Valley, both for the family and those who travel without family. Perhaps it is coincidence, but I was impressed that there was live outside musical entertainment nearly every night at the base of the Snowmass gondolas. SunValley is great, but it no way compares to Snowmass' extracurricular activities, including river rafting, hiking, easy walkable excursions to lakes, limitless restaurants, Aspen shopping, Glenwood's Adventure Park, cave exploration, miniature golf, mountain boarding, spas. The day care camp for children was superb and extremely reasonably priced with our Utah Bar discount. The staff was older, responsible and creative. SunValley is nice. Snowmass is terrific. 6. The Viceroy food was at the opening reception was overall disappointing. There was not enough food for adults. Supply ran out way before the event was over. The little food that I had was okay. I don't believe dessert was served at all. Also, the food for children was prepared by someone who does not have children. Chicken nuggets are a good idea, but not when covered with pepper in the batter. They were of poor quality with little chicken. Further, children won't eat all sorts of spicy sauces. I didn't really see kids eating the chicken nuggets. No vegetables were served, and even worse, no dessert for children, or at least not adequate supply was ordered. The pizza was very low quality. I was not impressed with Viceroy food. The face painting was great, but long lines. Please consider a balloonist and a face painter to help occupy children and keep the lines shorter. 7. The food at the Family Picnic was better. Ten Dollars for a glass of wine seemed a bit over-priced. Wine should have been included. People expect to pay for a mixed drink, not wine. 8. The food at the Westin was terrific. Eggs, fruit and breakfast potatoes were consistently great every morning. Nice snack ideas including build your own trail mix and popcorn. Thank you for having Starbucks Coffee. The Scalia luncheon menu was a nice choice. The box lunches for the Masadon luncheon were great quality, but not enough supply existed. My friend bought a lunch ticket and didn't even get lunch due to inadequate supply. Overall the food at the Westin seemed better than the opening reception food. 9. Family Picnic. The Family Picnic activities were terrific. Someone at the Utah Bar put a lot of thought making the kids happy, which gave the attorneys and their spouses time to socialize. The little bikes, face painting, rock climbing, bounce houses and plenty of green space were a huge success. Job well done. 10. The Westin actually ended up being a nice location for the classes once you figured out how to get there. The big windows in the reception foyer made it cheery and did not give a feeling of being in a dark, dreary, depressing hotel. Plenty of break-out space. 11. Miscellaneous. The theme of the Ice Age movie and the Masadon luncheon were fantastic. The t-shirt was clever

**Page 2, Q19. It has been the hope of the Bar Commission that the combination of great location, substantially less expensive attendee lodging, food, and entertainment costs, and an excellent set of CLE and networking events will have rewarded your participation at this Summer Convention.**

**We look forward ...**

this year. It was nice to see different logos and colors. 12. Overall. It takes a long time to drive to Snowmass. Everyone who drove said that it took around 8 hours. Many had to take 2 days to get there. In my opinion, Snowmass was worth the long drive. I think Snowmass is overall superior. Thumbs up on going there again.

6	It was a little too spread out. I did not feel like I ran into people except at the meetings.	Jul 29, 2013 5:17 PM
7	The venue was very good, but not as attractive as Sun Valley. Moreover, the travel distance was too far and burdensome. I would rather pay more for lodging in Sun Valley. I really enjoyed the hot breakfast; it was a big improvement on the typical continental breakfast served at past conventions. Thank you! Great job!	Jul 29, 2013 10:07 AM
8	Very beautiful spot. On the other hand, the convention center was too small, the parking at the Weston was a joke, and my room was some 300 yards from the Convention Center, and for senior members of the Bar, the elevation was a killer.	Jul 29, 2013 9:46 AM
9	I commend the organizing committee--I know it was hard work to pull off the switch. I also want to let whomever organized the CLE know I felt the sessions were better than I've typically experienced in the past. Thank you.	Jul 28, 2013 3:34 PM
10	The Snowmass venue was awesome! Cheaper. Nicer. More to do. Head and shoulders above Sun Valley. Great convention.	Jul 28, 2013 8:19 AM
11	It was nice to go to a new place and the price of accommodations was reasonable. However, the slope of the resort was problematic and the drive was a bit too long. If the convention is to be held at a mountain resort, perhaps Park City would be better.	Jul 27, 2013 7:31 PM
12	I go to the Annual Convention to be with people, not necessary for the program. It is nice to have a high quality program each year. I think the staff and committee do well there. I like our mix of local to national speakers. I commend our Bar leaders, presidents and commissioners, for taking us to Snowmass. I was skeptical at first, but I was proved oh so wrong in that initial concern. Colorado has been holding out on us. They are loaded with neat places for us to explore. At this point in time, my wife and kids expect a return trip to Snowmass (to the Viceroy) and perhaps a few extra days in CO to fully discover Aspen, Maroon Bells, the mountain, Glenwood Springs, more biking, some fishing, some rafting, restaurants, some gondola rides, a concert or two, and even a stop at the Colorado National Monument for some more biking. Remember to stop in Green River for melons, a burger, and that's about it. We could even get a night or two in Moab for fun, if the weather was not too bad.	Jul 27, 2013 2:02 PM
13	I had a very good experience at Snowmass. Thank you for all of your hard work on this. I really appreciate all that you did to make this a success. However, I prefer Sun Valley. The venue is more open and flat. I run into more people at	Jul 27, 2013 8:47 AM

**Page 2, Q19. It has been the hope of the Bar Commission that the combination of great location, substantially less expensive attendee lodging, food, and entertainment costs, and an excellent set of CLE and networking events will have rewarded your participation at this Summer Convention.**

**We look forward ...**

Sun Valley outside of the meetings. I rarely saw someone at Snowmass outside of the meetings. Sun Valley is more expensive, but the largest expense for me is leaving my practice. The extra hours in driving to Snowmass probably make up the difference. Good luck on your decision!

- |    |   |                       |
|----|---|-----------------------|
| 14 | This was the first Bar Convention I have attended in my 16 years as a lawyer in Utah. It far exceeded my expectations. Thanks for all the effort taken to pull everything together.   | Jul 26, 2013 5:29 PM  |
| 15 | I would rather have been at Sun Valley or Del Coronado in San Diego   | Jul 26, 2013 4:45 PM  |
| 16 | The food at the events was poor. At the family carnival we stood in line for almost 30 minutes because there was only one line and it was poorly defined so that people entered the line ahead of us. Then the hamburgers were raw in the middle. There was only one water dispenser and one lemonade. The ice cream social was so early that there was not much time to do anything in the afternoon and still have time to get the kids dinner before ice cream. The ice cream social was done right at Sun Valley. At Snowmass there was no real social, just grab an ice cream sandwich and go into the movie. Snowmass doesn't have a good facility for showing movies. I liked going to a different location for the convention, but I had to drive almost two hours longer to get to Snowmass. | Jul 26, 2013 4:30 PM  |
| 17 | The activities through the resort can be very expensive for families. The family barbecue was also too expensive for the food that they actually served. Ultimately, I think expense will continue to keep attorneys from coming to the convention as long as it is out of state. I would suggest that we hold the annual convention right in Salt Lake City once every three years to accommodate those attorneys who might not be able to afford out of state travel with their families.   | Jul 26, 2013 1:56 PM  |
| 18 | I did not like that the cocktail reception on Wednesday night was at a different hotel. It makes more sense that it be held at the same place as the conference. I like going to new locations but practically speaking, I think a Utah location would make the convention more accessible to more lawyers because of the expense involved. Also I think the Bar and its membership should be putting money into Utah's economy and only occasionally take the conference out of state.   | Jul 26, 2013 1:31 PM  |
| 19 | It was too long of a drive but good once you got there  | Jul 26, 2013 12:56 PM |
| 20 | I think the Bar should organize or should ask different sections to organize evening events. For those of us without children and who basically came up alone, there was not a lot to do in the evening hours. It would've been nice to have different groups or even the Bar host a cocktail hour during the evening hours each night of the convention so that there were more opportunities to meet people and relax in the evenings.  | Jul 26, 2013 11:51 AM |
| 21 | The venue was surprisingly good and much less expensive than Sun Valley, though I have a soft spot for that location due to so many years of attendance   | Jul 26, 2013 11:48 AM |



**Page 2, Q19. It has been the hope of the Bar Commission that the combination of great location, substantially less expensive attendee lodging, food, and entertainment costs, and an excellent set of CLE and networking events will have rewarded your participation at this Summer Convention.**

**We look forward ...**

there.

- |    |  |                       |
|----|--|-----------------------|
| 22 | I didn't find it to be less expensive. There were very few options for food. There were no open spaces for kids to run around. All of the activities for kids were expensive. Lots of activities, but they were expensive. It appears that the weather is typically nice in the mornings and not so much in the afternoons. May want to consider changing the schedule to account for that. It was a long drive, not sure it was worth it, especially with kids.   | Jul 26, 2013 11:28 AM |
| 23 | Snowmass was an interesting change and the facilities were nice, but there was really no sense of community; people were too spread out at the resort. Also, Aspen too far away and seemed largely unexplored by attendees. Where one would normally run into several attendees out on the town in Ketchum, we saw no one about on a Friday night in Aspen. Lastly, the length of the drive likely discouraged would-be attendees. Airtravel and rental car was not convenient either.   | Jul 26, 2013 11:16 AM |
| 24 | I found Snowmass to be extremely not child-friendly. The kids activities through Treehouse were expensive. My kids did not want to go to an all-day camp because this was their summer vacation and they go to camp all summer. Any other activity seemed to have a lot of parent overhead. I could not let them roam free. There was nothing for them to do that also enabled me to work or attend a CLE -- even working on my laptop while they did something was not an option. If my firm wants me to go to the bar convention next year, I will go but I will not bring the kids. I also found the extra two hour drive a negative.             | Jul 26, 2013 11:10 AM |
| 25 | We thought Snowmass was nice, but it is quite a drive to have a mountain experience that we could have in our own backyard. As a family, we enjoy the Newport Beach/San Diego convention every three or four years to act as our family vacation. But on the other years, we would probably prefer to have the convention closer to home in Park City. It seems like we could have the same experience without the extended drive and cost.  | Jul 26, 2013 10:59 AM |
| 26 | The ice cream social was disappointing, especially compared to years past in Sun Valley. The food at the morning CLE was substantially better than in years past. The golf tournament (or lack thereof) was probably the last one I'll attend. It was way too expensive and it did not even feel like a tournament. The BBQ was really fun although the band should have been outside rather than inside, we couldn't even hear the person across the table from us.   | Jul 26, 2013 10:37 AM |
| 27 | Location is beautiful but the activities are much more limited and the drive is too far. Our condo did not have a swimming pool or tennis court. This is very important for my grandkids. The activities, such as horseback riding, hot air balloons, etc. are super expensive. If you don't hike or ride bikes, you are quite limited as to what you can do at Snowmass. Sun Valley has a much broader group of activities such as the movie theatre, bowling alley, pavilion with entertainment, ice show, etc. Although the housing may be less at Snowmass, the cost of the activities, the gas to drive there are more expensive. Plus the time | Jul 26, 2013 10:35 AM |



**Page 2, Q19. It has been the hope of the Bar Commission that the combination of great location, substantially less expensive attendee lodging, food, and entertainment costs, and an excellent set of CLE and networking events will have rewarded your participation at this Summer Convention.**

**We look forward ...**

involved in driving there and back with young children is much more difficult. You can't walk to the venues at Snowmass. You either have to drive or take the gondola. Overall, I like Sun Valley much better than Snowmass. Please return to Sun Valley.

- |    |   |                       |
|----|---|-----------------------|
| 28 | Snowmass was great. I regularly attend the summer convention. It took a while to get used to the new venue but it was very pleasant. While the lodging was cheaper than Sun Valley, food and other costs were not. Snowmass activities are limited unless you get in your car and travel a few miles. With that said there is a lot to do in the area. I would certainly go back to Snowmass if that is where future meetings are held BUT I PREFER Sun Valley. First, Snowmass is about 2 hours further to travel each way. When you take into consideration added time and added costs of travel, the cheaper lodging is not that much of a benefit. Second, in Sun Valley there is plenty to do without ever having to get in your car. Third, the conference facilities in Sun Valley are better. The area for breaks and vendors was cramped in Snowmass. (Snowmass did have better food for breakfast and the breaks) Finally, there is also a greater sense of community at Sun Valley as people seems to hang out more on the Sun Valley grounds whereas people are more disbursed at Snowmass. WHEREVER THE BAR DECIDES TO GO, I BELIEVE THE MID-YEAR AND SUMMER CONVENTIONS ARE CRUCIAL TO THE HEALTH OF THE BAR. It is not just about CLE. These meetings are one of the few opportunities where attorneys and judges that might not normally interact have a chance to mingle and socialize. In my view this is very important for camaraderie and esprit de corps. Every year I run into people that I have not seen for years and I meet new people from both large and small firms. The Fall Forum is a great addition but it does not accomplish the same things as the mid-year and annual conventions. Thank you for all of your work in putting on these meetings! | Jul 26, 2013 10:33 AM |
| 29 | Snowmass is beautiful, we had nice accommodations, and enjoyed most presentations. The drive, however, was too much. Will not attend another bar convention in Snowmass.  | Jul 26, 2013 10:29 AM |
| 30 | We liked going to Aspen and biking the trail along the river there. We also hiked in the Glenwood Springs area as well as at Snow Mass. We did not find food any more affordable at Snow Mass than at Sun Valley. The lodging was much more affordable. Sun Valley is more walkable than Snow Mass. Parking is an issue at Snow Mass. The opening reception should be located where there is plentiful parking. There was not plentiful parking at the Viceroy and it was not walkable distance from most of the places of accomodation.  | Jul 26, 2013 10:28 AM |
| 31 | This was a good location. We drove from St George, avoided 105 F temperatures for a week. Unexpectedly, one member of our family unit became ill after arriving on Wednesday. The Aspen hospital was the only location near enough that could diagnose the illness in the middle of the night. The ER staff there was very friendly and had excellent skills. Had we stayed home, we couldn't have received better medical care. Something to remember for the future and an excellent reason to select Snowmass Village again, although it   | Jul 26, 2013 10:27 AM |

**Page 2, Q19. It has been the hope of the Bar Commission that the combination of great location, substantially less expensive attendee lodging, food, and entertainment costs, and an excellent set of CLE and networking events will have rewarded your participation at this Summer Convention.**

**We look forward ...**

has no medical facility of its own. The Aspen Hospital Administration, and town of Aspen, deserves a big thanks, for without their Hospital, Snowmass would not be a good location for future conventions.

- |    |   |                       |
|----|---|-----------------------|
| 32 | I understand that Sun Valley (and Coronado) are expensive. However, I think the people who are interested in attending out-of-state conventions are willing to pay more, if necessary. The Bar has done an excellent job catering to those who do not attend out-of-state conventions, for whatever reason, with the Fall Forum. The CLE is important, but more important are the relationships developed and strengthened between attorneys and their families. I think that is likely the reason why the convention has been held for so many years at Sun Valley. I had many attorney friends who attend Sun Valley, and even California, who did not attend this year and stated they will not attend Snowmass. Even those who attended who were indifferent or even positive about the change generally ended with, "It's not Sun Valley." I will not attend any future convention in Snowmass for the reasons stated above.   | Jul 26, 2013 10:25 AM |
| 33 | I really enjoyed Snowmass. Probably the best CLE schedule of any bar convention I've been to. Great activities. Best breakfast menu of any bar convention I've been to. Justice Scalia was incredible. Downside: the drive was too long; too little dessert and poor quality food on opening night; the ice cream social needs to be overhauled (no movie in the business conference room - maybe at Elk Camp instead?; needs to have soft serve ice cream, not ice cream bars; needs to have enough ice cream for more than those who were there in the first 10 minutes). These are all minor issues that should be able to be easily resolved (except for the drive). In order of priority, my preference would be as follows: (1) Sun Valley (2) San Diego (3) Snowmass, Lake Tahoe Thanks for another great convention this year!  | Jul 26, 2013 10:06 AM |
| 34 | Snowmass was a solid alternative as a "one off," but should not be considered as a permanent location/replacement for Sun Valley. Despite the cheaper rooms, Snowmass is not as convenient or user friendly as Sun Valley. First, the drive. The extra 90+ miles from Salt Lake does have an impact, especially when you consider the time on Highway 6 through Price, Utah. Second, Snowmass is on a steep slope. I made the mistake of packing bikes for my young kids, but we quickly realized the trail system was impractical because of its steep slope and the presence of loose gravel. Third, no onsite swimming pool if you are staying in the condo. Fourth, Snowmass isn't Sun Valley, which is an overall better venue. Sun Valley is closer, has a more friendly campus with better amenities, has much more charm than Snowmass, and has the history with the Utah State Bar convention. Frankly, Snowmass isn't as good and it's not even close. I'd rather pay more for lodging--and Ketchum has several lodging options that are much cheaper than staying on campus. The bar should stick with Sun Valley and rotate to Southern California every fourth year. | Jul 26, 2013 10:06 AM |
| 35 | My only complaint about this year's convention was the distance from the Denver. I know we could have flown into Aspen, but the cost to do so was pretty high. This resulted in an unusually long drive to the location.  | Jul 26, 2013 10:04 AM |

**Page 2, Q19. It has been the hope of the Bar Commission that the combination of great location, substantially less expensive attendee lodging, food, and entertainment costs, and an excellent set of CLE and networking events will have rewarded your participation at this Summer Convention.**

**We look forward ...**

36	The convention itself was excellent and the Westion location was very good with the exception of too small of a space for vendors. Too much congestion trying to get thru to get snacks and to get to the next session. Snowmass is a beautiful place, but I would vote against doing it there again!!!!!!!!!!!!!! Being on the side of a mountain is only for those in great physical condition! :) If you aren't going to hike and bike, you have to drive quite a ways to find other entertainment and activities. Definitely not handicap accessible so I am limited on who can come with me for my only summer 'vacation'. Did it this year to try it and support it, but wouldn't spend the money or time to go there again.	Jul 26, 2013 9:52 AM
37	The family picnic could have been a little better. For the price charged, I thought the food was sub-par and I would have liked to see more activities for the kids, like maybe a bounce house etc. We very much enjoyed having the convention at the same time as the music festival.	Jul 26, 2013 9:39 AM
38	Much to do in Snowmass and Aspen. Easy to get around. Great public transportation. Good accomodations. Easy shot either from SLC I-15 to 191 to I-70, or northern route. Would have liked Kerorkian movie, but hour not good in the evening.	Jul 26, 2013 9:37 AM
39	I thought it was a beautiful location and the accommodations were very nice. I know there are a lot of outdoor activities, which is great. It would be nice to try to plan it at a time when there may be other types of activities happening in the surrounding area for those of us who may not be the "outdoorsy" types. There were some nice art galleries in Aspen and I learned that there was an opera company in Aspen as well, but there were no performances during the time we were there. That's just a thought -- I did enjoy it and thought it was a beautiful place for it!	Jul 26, 2013 9:35 AM
40	The food at the events was not that great. All of the hamburgers that my family had at the family picnic were barely cooked, and some couldn't finish it because it was so pink/raw. The opening reception ran out of some foods before we could get there at 7:00. It was great that they had some hot food at the breakfast/registration time each morning, but the eggs tasted like they were from powder. The food at the Scalia luncheon was not that good (my steak was great, but my wife's stake was dry, the salmon was good - but very small portions) and no dessert. For \$35 a plate I expected something quite a bit better than what was served. The servers were very slow for the size of the group at the Scalia lunch. On Friday night, 25 minutes into the ice cream social and all the ice cream was gone - leaving nothing for my group as we came in from other activities - a few additional treats were brought out, but much less than what was needed for the people who had come a few minutes late. These were the disappointments for my family - all relating to the facility and its ability to handle a large group - and the skills of their chefs. The price was good for accomodations, but the website was very unclear as to how to check in for our condo (the website gave an inaccurate address for check in). We enjoyed being able to go to Aspen, and we enjoyed being able to go to Glenwood for the Cavern Adventure it has. One son enjoyed the mountain biking and being able to	Jul 26, 2013 9:21 AM

**Page 2, Q19. It has been the hope of the Bar Commission that the combination of great location, substantially less expensive attendee lodging, food, and entertainment costs, and an excellent set of CLE and networking events will have rewarded your participation at this Summer Convention.**

**We look forward ...**

take a gondola up the hill and then bike down the different trails. The breakout sessions for the CLE had a great selection leaving me wanting to attend some that were at the same time. If the food had been better prepared I would rate the location much better.

- |    |   |                      |
|----|---|----------------------|
| 41 | I think if there were one improvement I would make is that it seems to get cloudy and overcast in Snowmass Village in July and August according to locals. As such, I think I would allow that attorneys to have their mornings free with the CLE classes in the afternoon.   | Jul 26, 2013 9:15 AM |
| 42 | I liked the location, price and substance. I think the materials required by the presenters can be improved on. The best materials were prepared by the business law section. Better materials go a long way to justify cost of CLE.  | Jul 26, 2013 9:02 AM |
| 43 | The food was at the convention center was better than in years past.  | Jul 26, 2013 9:01 AM |
| 44 | We didn't know early enough where things were. We never did find the opening reception because we didn't have a map of the area and were unclear where we needed to go and the folks at the hotel were not very helpful with that. Resorts are nice, but everything around them is so expensive that it prohibits some participation. I heard a lot of complaints about the condos not having elevators or air conditioning and how far some of them were from the conference center. I stayed in the hotel because I thought to check about air conditioning and elevators when I made my reservations because I remember the problem at SunValley years ago when the Inn was not air conditioned. I told my associates that this was one of the best Bar Conventions I have ever been to because the breakout sessions were of the most value to me. The location is beautiful, but it is not convenient for coming and going from the hotel to see other areas and if you have anyone that has some physical limitations, like we did, it is very challenging. The hotel's staff - particularly the bell hops - were very, very helpful and friendly which helped the situation. The area in the convention center where the vendors and refreshments were was way too small for our group. It was very crowded and uncomfortable. Some of the meeting rooms got very crowded and there were not enough chairs. All that being said, I liked it better than Sun Valley. The area is beautiful. | Jul 26, 2013 8:45 AM |
| 45 | Please change the venue to Sun Valley or any of the locations other than Snowmass.  | Jul 26, 2013 8:29 AM |
| 46 | The scenery was beautiful. The keynote speakers and breakout sessions were solid. The Snowmass shuttle drivers were great. The drive was long. The activities were too expensive. The family picnic was too expensive. There is no decent, reasonably priced food in Snowmass or Aspen. The condo we stayed in required a shuttle ride to get anywhere near activities.   | Jul 26, 2013 8:18 AM |
| 47 | Price was right. beautiful mountains and lots of activities. Did not like the 5 mile drive down from the village to go anywhere. Rather isolated compared to Sun Valley. Other than that it was great.  | Jul 26, 2013 8:13 AM |

**Page 2, Q19. It has been the hope of the Bar Commission that the combination of great location, substantially less expensive attendee lodging, food, and entertainment costs, and an excellent set of CLE and networking events will have rewarded your participation at this Summer Convention.**

**We look forward ...**

48	It was a little tricky figuring out where to go and how to get there, but having done it once, it will be easier in future. The drive's a little long, but it's lovely. I liked that the opening night reception was in such a pretty space by the pool, and that the kids had a fun alternative activity available right there.	Jul 26, 2013 8:03 AM
49	It was a little bit far of a drive. It would be great if there was a venue in Park City, the Canyons, or somewhere else closer to hold the convention.	Jul 26, 2013 7:45 AM
50	I enjoyed myself, but the drive was too long. Bring it to Utah. Park City or the Homestead would make just as positive of a location with less travel time. The attendancwe would easily double or triple.	Jul 26, 2013 6:18 AM
51	Long drive, not as great for kids--biking, etc. long drive to town. Not as great for mingling as Sun Valley Gorgeous, fun to go to new place	Jul 26, 2013 12:03 AM
52	Loved the hospitality and venue; the costs were very reasonable; added distance was worth the effort	Jul 26, 2013 12:01 AM
53	More activities for teens. More information on fishing. More after class social activities, maybe a cocktail hour one night just for attorneys and their spouses - not even for adult kids of attorneys. It would be a good chance to socialize with judges and senior attorneys.	Jul 25, 2013 11:50 PM
54	I appreciated the inexpensive food and lodging. Sun Valley is cost prohibitive. San Diego would be nice in the future also.	Jul 25, 2013 10:44 PM
55	The venue was fine. It was a little hilly for kids to ride their bikes. A little far to drive. It was fun to go somewhere new. It was more scenic than sun valley.	Jul 25, 2013 10:07 PM
56	I liked the location quite a bit. I'm sure you will hear a lot that it's not as bikable as Sun Valley. And I think the Bar did the members a disservice by downplaying, to the point of misrepresenting, the relative distance (Snowmass compared to Sun Valley) from SLC. Nevertheless, I enjoyed the drive. Are there facilities in Aspen that could accommodate this group? The conference center was a bit cramped in the hallways. The Welcome reception also seemed too crowded. Snowmass is a better value. Sun Valley is more family-friendly. I wonder which one people would choose if their firms were not footing the bill.	Jul 25, 2013 9:57 PM
57	I have attended 12 Annual Conventions and Sun Valley is a much better location to hold the Annual Convention. It is a significantly shorter drive and has more family friendly activities in convenient locales. Snowmass is too far away and virtually no activities were within walking distance. There were no bike trails for kids. While Snowmass was ok and the accomodations were very nice, it is not even close to Sun Valley in terms of atmosphere and activities. This sentiment is held by many as evidenced by the lack of attendees in Snowmass. I hope future conventions are held in Sun Valley. I will most likely not attend another Annual Convention if it is not held in Sun Valley.	Jul 25, 2013 9:48 PM
58	Loved it. I enjoyed the change as well as the beauty of Snowmass and Aspen.	Jul 25, 2013 9:45 PM

	SUMMER CONVENTION							
	NWPRT	IDAHO	IDAHO	IDAHO	IDAHO	HIATT	IDAHO	COLO
	2006	2007	2008	2009	2010	2011	2012	2013
<b>Total Registration</b>	<b>367</b>	<b>450</b>	<b>413</b>	<b>424</b>	<b>351</b>	<b>354</b>	<b>372</b>	<b>325</b>
<b>AVG</b>	<b>428</b>	<b>429</b>	<b>429</b>					
Early Reg.	204	229	177	193	144	133	153	182
Speaker Reg.	14	22	23	32	21	22	15	24
Judges Reg.		37/11	9	27	7	2	20	16
Under 3 Reg.	52	54	59	59	59		57	47
Late Reg.	65	92	75	108	91	41	78	23
Paralegals	8	5	8	5	7	9	10	12
Non - Lawyer Reg.	21	52	28	30	25	14	17	21
								325
CLE Video Replays								51
<b>MEAL EVENTS</b>								
Pres. Recept. Adult	290	490			480		514	275
Adult BBQ/Theme		574		298	400		306	175
Child BBQ/Theme				128	138		145	147
Thurs. Lunch								154
Scalia Sat lunch								153
<b>SPORTING EVENTS</b>								
Golf Tournament	15	85		65	48		33	17
Tennis Tournament		15		18	18		9	0
Trap Shoot		7		12	35		33	0
Fun Run		30		15	20		13	0
<b>SPECIAL EVENTS</b>								
Friday Evening Social		321	307	356	385		357	51
T- shirt Orders			263	320	107		43	125
T - Shirt/caps orders								
Military Aircraft Tour								
Swing Dance								
YLD Kids Activity								
Kid's Trail Ride								
Nature Walk								
Rodeo								
Art Gallery Tour								
Spouse Art/Nordstrom								
Kids Ice Skating Clinic								



**REGISTRATION FEES and CLE HOURS  
SUMMER CONVENTION**

YEAR	SITE	TOTAL HOURS	ETHICS HOURS	NLCLE PROF./ CIVIL.**	SELF STUDY HOURS	EARLY REGIS.	LATE REGIS.	TOTAL ATTEND
1991	Sun Valley, ID	13	4			\$175	\$215	534
1992	Sun Valley, ID	14.5	3			\$185	\$215	488
1993	Sun Valley, ID	14	2			\$195	\$225	605
1994	Sun Valley, ID	14	2			\$200	\$230	514
1995	<b>San Diego, CA</b>	13.5	3.5			\$200	\$230	455
1996	Sun Valley, ID	16	4			\$200	\$230	526
1997	Sun Valley, ID	13	4			\$220	\$250	527
1998	Sun Valley, ID	12	3			\$230	\$260	541
1999	Sun Valley, ID	12	4	6		\$240	\$280	568
2000	<b>San Diego, CA</b>	12	4	3		\$250	\$280	479
2001	Sun Valley, ID	12	3	3		\$245	\$275	542
2002	Sun Valley, ID	13	4	4		\$255	\$290	327
2003	Sun Valley, ID	14	4	7		\$260	\$295	496
2004	Sun Valley, ID	16	4	7	4	\$300	\$325	350
2005	Sun Valley, ID	16	5	7	4	\$300	\$325	438
2006	<b>Newport, CA</b>	16	3	7	4	\$350	\$375	367
2007	Sun Valley, ID	16	3	5	4	\$375	\$400	450
2008	Sun Valley, ID	16	3	6	4	\$400	\$450	461
2009	Sun Valley, ID	15	2	5	4	Over \$450 Under \$300 Prigl. \$200	Over \$475 Under \$325 Prigl. \$225	422
2010**	Sun Valley, ID	15	3	0	4	Over \$450 Under \$300 Prigl. \$200	Over \$475 Under \$325 Prigl. \$225	353
2011	<b>San Diego, CA</b>	13	1	1	4	Over \$450 Under \$350 Prigl. \$250	Over \$525 Under \$35 Prigl. \$250	373
2012	Sun Valley, ID	15	3	2	4	Over \$475 Under \$300 Prigl. \$200	Over \$500 Under \$300 Prigl. \$200	382
2013	<b>Snowmass, CO</b>	15	2	2	3	Over \$475 Under \$300 Prigl. \$200	Over \$500 Under \$300 Prigl. \$200	325

\* Sixty-Minute CLE Hours Implemented

\*\* New Lawyer Training Program implemented and NLCLE requirement was eliminated in 2010.

**Utah State Bar**  
**CM and YTD Budget vs Actual, Dept 10 - Summer Convention**  
**August 1 - 14, 2013 July 2013**

	Aug 1 - 14, 13	Budget	\$ Over Budget	% of Budget	Jul 1 - Aug 1...	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
<b>Ordinary Income/Expense</b>									
<b>Income</b>									
4051 · Meeting - Registration	2,833	0	2,833	100%	103,988	0	103,988	100%	0
4052 · Meeting - Sponsor Revenue	0	0	0	0%	20,050	0	20,050	100%	0
4053 · Meeting - Vendor Revenue	0	0	0	0%	6,500	0	6,500	100%	0
4055 · Meeting - Sp Ev Registration	10	0	10	100%	685	0	685	100%	0
4081 · CLE - Registrations	0	0	0	0%	8,592	0	8,592	100%	0
<b>Total Income</b>	<b>2,843</b>	<b>0</b>	<b>2,843</b>	<b>100%</b>	<b>139,815</b>	<b>0</b>	<b>139,815</b>	<b>100%</b>	<b>0</b>
<b>Gross Profit</b>	<b>2,843</b>	<b>0</b>	<b>2,843</b>	<b>100%</b>	<b>139,815</b>	<b>0</b>	<b>139,815</b>	<b>100%</b>	<b>0</b>
<b>Expense</b>									
5000 · Program Services Expense									
5001 · Meeting Facility-external only	0	0	0	0%	11,645	0	11,645	100%	0
5030 · Speaker Fees & Expenses	0	0	0	0%	5,860	0	5,860	100%	0
5063 · Special Event Expense	1,300	0	1,300	100%	4,083	0	4,083	100%	0
5070 · Equipment Rental	11,244	0	11,244	100%	11,244	0	11,244	100%	0
5075 · Food & Bev-external costs only	92,282	0	92,282	100%	129,536	0	129,536	100%	0
5700 · Travel									
5702 · Lodging	8,868	0	8,868	100%	8,868	0	8,868	100%	0
5703 · Transportation	0	0	0	0%	7,255	0	7,255	100%	0
5704 · Mileage Reimbursement	1,245	0	1,245	100%	3,916	0	3,916	100%	0
5705 · Per Diems	142	0	142	100%	1,562	0	1,562	100%	0
<b>Total 5700 · Travel</b>	<b>10,255</b>	<b>0</b>	<b>10,255</b>	<b>100%</b>	<b>21,601</b>	<b>0</b>	<b>21,601</b>	<b>100%</b>	<b>0</b>
<b>Total 5000 · Program Services Expense</b>	<b>115,081</b>	<b>0</b>	<b>115,081</b>	<b>100%</b>	<b>183,989</b>	<b>0</b>	<b>183,989</b>	<b>100%</b>	<b>0</b>
<b>5500 · Salaries/Benefits</b>									
5510 · Salaries/Wages	0	0	0	0%	10,750	0	10,750	100%	0
5605 · Payroll Taxes	0	0	0	0%	773	0	773	100%	0
5650 · Retirement Plan Contributions	0	0	0	0%	1,064	0	1,064	100%	0
<b>Total 5500 · Salaries/Benefits</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0%</b>	<b>12,588</b>	<b>0</b>	<b>12,588</b>	<b>100%</b>	<b>0</b>
<b>7000 · General &amp; Admin</b>									
7025 · Office Supplies	0	0	0	0%	58	0	58	100%	0
7035 · Postage/Mailing	26	0	26	100%	1,786	0	1,786	100%	0
7040 · Copy/Printing Expense	0	0	0	0%	9,885	0	9,885	100%	0
7140 · Credit Card Merchant Fees	0	0	0	0%	2,674	0	2,674	100%	0
7195 · Other Gen & Adm Expense	0	0	0	0%	3,658	0	3,658	100%	0
<b>Total 7000 · General &amp; Admin</b>	<b>26</b>	<b>0</b>	<b>26</b>	<b>100%</b>	<b>18,061</b>	<b>0</b>	<b>18,061</b>	<b>100%</b>	<b>0</b>
<b>Total Expense</b>	<b>115,106</b>	<b>0</b>	<b>115,106</b>	<b>100%</b>	<b>214,618</b>	<b>0</b>	<b>214,618</b>	<b>100%</b>	<b>0</b>
<b>Net Ordinary Income</b>	<b>(112,264)</b>	<b>0</b>	<b>(112,264)</b>	<b>100%</b>	<b>(74,803)</b>	<b>0</b>	<b>(74,803)</b>	<b>100%</b>	<b>0</b>
<b>Net Income</b>	<b>(112,264)</b>	<b>0</b>	<b>(112,264)</b>	<b>100%</b>	<b>(74,803)</b>	<b>0</b>	<b>(74,803)</b>	<b>100%</b>	<b>0</b>



## Utah State Bar

## CM and YTD Budget vs Actual, Dept 10 - Summer Convention

June 2013

July 2012

Saw  
V. Kelly

Ordinary Income/Expense	Jun 13	Budget	\$ Over Budget	% of Budget	Jul '12 - Jun ...	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Income									
4051 · Meeting - Registration	0	0	0	0%	147,290	138,100	9,190	107%	138,100
4052 · Meeting - Sponsor Revenue	0	0	0	0%	20,150	24,600	(4,450)	82%	24,600
4053 · Meeting - Vendor Revenue	0	0	0	0%	9,263	12,800	(3,538)	72%	12,800
4054 · Meeting - Material Sales	0	0	0	0%	0	100	(100)	0%	100
4055 · Meeting - Sp Ev Registration	0	0	0	0%	480	0	480	100%	0
4095 · Miscellaneous Income	0				3,751				
Total Income	0	0	0	0%	180,934	175,600	5,334	103%	175,600
Gross Profit	0	0	0	0%	180,934	175,600	5,334	103%	175,600
Expense									
5000 · Program Services Expense									
5001 · Meeting Facility-external only	0	0	0	0%	1,350	31,300	(29,950)	4%	31,300
5030 · Speaker Fees & Expenses	0	0	0	0%	12,291	4,700	7,591	262%	4,700
5035 · Awards	0	0	0	0%	5,237				
5063 · Special Event Expense	0	0	0	0%	16,508	2,000	14,508	825%	2,000
5064 · MCLE Fees Paid	0	0	0	0%	4,094	4,300	(207)	95%	4,300
5070 · Equipment Rental	0	0	0	0%	1,637	8,500	(6,863)	19%	8,500
5075 · Food & Bev-external costs only	0	0	0	0%	87,596	61,700	25,896	142%	61,700
5076 · Food & beverage - internal only	0	0	0	0%	77	500	(500)	0%	500
5080 · Committee Ex-external cost only	0	0	0	0%	857	0	857	100%	0
5085 · Misc. Program Expense	0								
5700 · Travel									
5702 · Lodging	0	0	0	0%	23,918	15,400	8,518	155%	15,400
5703 · Transportation	0	0	0	0%	395	500	(105)	79%	500
5704 · Mileage Reimbursement	0	0	0	0%	4,685	11,500	(6,815)	41%	11,500
5705 · Per Diems	0	0	0	0%	2,343	0	2,343	100%	0
Total 5700 · Travel	0	0	0	0%	31,342	27,400	3,942	114%	27,400
Total 5000 · Program Services Expense	0	0	0	0%	160,990	140,400	20,590	115%	140,400
5500 · Salaries/Benefits									
5510 · Salaries/Wages	1,977	3,183	(1,206)	62%	31,745	29,696	2,049	107%	29,696
5605 · Payroll Taxes	151	227	(76)	66%	2,334	2,079	255	112%	2,079
5650 · Retirement Plan Contributions	198	319	(121)	62%	3,131	2,970	161	105%	2,970
Total 5500 · Salaries/Benefits	2,325	3,729	(1,404)	62%	37,211	34,745	2,466	107%	34,745
7000 · General & Admin									
7025 · Office Supplies	0	0	0	0%	321	100	221	321%	100
7035 · Postage/Mailing	0	0	0	0%	47	100	(53)	47%	100
7040 · Copy/Printing Expense	0	0	0	0%	8,898	7,400	1,498	120%	7,400
7100 · Telephone	20	0	20	100%	79	200	(121)	40%	200
7105 · Advertising	0	0	0	0%	0	3,700	(3,700)	0%	3,700
7140 · Credit Card Merchant Fees	0	287	(287)	0%	3,236	3,600	(364)	90%	3,600
7195 · Other Gen & Adm Expense	0	0	0	0%	353	600	(247)	59%	600
Total 7000 · General & Admin	20	287	(267)	7%	12,935	15,700	(2,765)	82%	15,700

## Utah State Bar

CM and YTD Budget vs Actual, Dept 10 - Summer Convention July 2011  
June 2012

## Ordinary Income/Expense

	Jun 12	Budget	\$ Over Budget	% of Budget	Jul '11 - Jun ...	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Income									
4051 · Meeting - Registration	0	0	0	0%	135,345	146,500	(11,155)	92%	146,500
4052 · Meeting - Sponsor Revenue	0	0	0	0%	24,150	14,000	10,150	173%	14,000
4053 · Meeting - Vendor Revenue	0	0	0	0%	12,500	10,000	2,500	123%	10,000
4054 · Meeting - Material Sales	0	0	0	0%	100	8,000	(7,900)	1%	8,000
4055 · Meeting - Sp Ev Registration	0	0	0	0%	0	1,500	(1,500)	0%	1,500
Total Income	0	0	0	0%	172,095	180,000	(7,905)	96%	180,000

## Gross Profit

	0	0	0	0%	172,095	180,000	(7,905)	96%	180,000
--	---	---	---	----	---------	---------	---------	-----	---------

## Expense

5000 · Program Services Expense									
5001 · Meeting Facility-external only	0	0	0	0%	30,058	50,000	(19,943)	60%	50,000
5030 · Speaker Fees & Expenses	0	0	0	0%	4,521	6,500	(1,979)	70%	6,500
5060 · Program Special Activities	0	0	0	0%	0	500	(500)	0%	500
5063 · Special Event Expense	0	0	0	0%	1,897	4,000	(2,104)	47%	4,000
5064 · MCLE Fees Paid	0	0	0	0%	4,122	3,500	622	118%	3,500
5070 · Equipment Rental	0	0	0	0%	8,145	2,000	6,145	407%	2,000
5075 · Food & Bev-external costs only	0	0	0	0%	59,368	17,400	41,968	341%	17,400
5080 · Committee Ex-external cost only	0	0	0	0%	440	200	240	220%	200
5085 · Misc. Program Expense	0	708	(708)	0%	0	5,000	(5,000)	0%	5,000
5700 · Travel									
5702 · Lodging	0	0	0	0%	14,835	15,000	(165)	99%	15,000
5703 · Transportation	0	0	0	0%	445	1,000	(555)	44%	1,000
5704 · Mileage Reimbursement	0	0	0	0%	11,044	8,000	3,044	138%	8,000
5705 · Per Diems	0	0	0	0%	0	5,000	(5,000)	0%	5,000
Total 5700 · Travel	0	0	0	0%	26,324	29,000	(2,676)	91%	29,000
5840 · President's Expense	0	0	0	0%	0	500	(500)	0%	500
Total 5000 · Program Services Expense	0	708	(708)	0%	134,875	118,600	16,275	114%	118,600
5500 · Salaries/Benefits									
5510 · Salaries/Wages	2,963	0	2,963	100%	27,641	20,926	6,715	132%	20,926
5605 · Payroll Taxes	221	0	221	100%	2,022	1,433	589	141%	1,433
5650 · Retirement Plan Contributions	296	0	296	100%	2,764	2,061	703	134%	2,061
Total 5500 · Salaries/Benefits	3,480	0	3,480	100%	32,427	24,420	8,007	133%	24,420
7000 · General & Admin									
7025 · Office Supplies	0	0	0	0%	100	1,300	(1,200)	8%	1,300
7035 · Postage/Mailing	0	0	0	0%	143	200	(57)	71%	200
7040 · Copy/Printing Expense	0	0	0	0%	7,084	14,992	(7,908)	47%	14,992
7100 · Telephone	0	0	0	0%	237	0	237	100%	0
7105 · Advertising	0	0	0	0%	3,598	0	3,598	100%	0
7140 · Credit Card Merchant Fees	299	0	299	100%	3,750	5,000	(1,250)	75%	5,000
7190 · Lease Interest Expense	0	0	0	0%	1	3	(2)	18%	3
7191 · Lease Sales Tax Expense	0	0	0	0%	7	3	4	234%	3
7195 · Other Gen & Adm Expense	0	0	0	0%	578	501	77	115%	501
Total 7000 · General & Admin	299	0	299	100%	15,498	21,999	(6,501)	70%	21,999

## Utah State Bar

## CM and YTD Budget vs Actual, Dept 10 - Summer Convention July 2010

June 2011

## Ordinary Income/Expense

	Jun 11	Budget	\$ Over Budget	% of Budget	Jul '10 - Jun ...	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Income									
4051 · Meeting - Registration	0	0	0	0%	188,628	146,500	42,128	129%	146,500
4052 · Meeting - Sponsor Revenue	0	0	0	0%	1,500	14,000	(12,500)	11%	14,000
4053 · Meeting - Vendor Revenue	0	0	0	0%	0	16,000	(16,000)	0%	16,000
4054 · Meeting - Material Sales	0	0	0	0%	7,800	2,000	5,800	390%	2,000
4055 · Meeting - Sp Ev Registration	0	0	0	0%	842	1,500	(658)	56%	1,500
Total Income	0	0	0	0%	198,770	180,000	18,770	110%	180,000
Gross Profit	0	0	0	0%	198,770	180,000	18,770	110%	180,000
Expense									
5000 · Program Services Expense									
5001 · Meeting Facility-external only	0	0	0	0%	23	600	(577)	4%	600
5030 · Speaker Fees & Expenses	0	0	0	0%	6,558	5,362	1,196	122%	5,362
5060 · Program Special Activities	0	0	0	0%	327	500	(173)	65%	500
5063 · Special Event Expense	0	0	0	0%	3,296	25,000	(21,704)	13%	25,000
5064 · MCLE Fees Paid	0	0	0	0%	4,043	0	4,043	100%	0
5070 · Equipment Rental	0	0	0	0%	0	3,800	(3,800)	0%	3,800
5075 · Food & Bev-external costs only	0	0	0	0%	82,270	69,442	12,828	118%	69,442
5080 · Committee Ex-external cost only	0	0	0	0%	0	500	(500)	0%	500
5085 · Misc. Program Expense	765	0	765	100%	5,402	5,000	402	108%	5,000
5700 · Travel									
5702 · Lodging	0	0	0	0%	17,534	0	17,534	100%	0
5703 · Transportation	0	0	0	0%	563	2,500	(1,937)	23%	2,500
5704 · Mileage Reimbursement	0	0	0	0%	6,535	500	6,035	1,307%	500
5705 · Per Diems	0	0	0	0%	0	8,456	(8,456)	0%	8,456
Total 5700 · Travel	0	0	0	0%	24,631	11,456	13,175	215%	11,456
5842 · Visiting Pres. Exp.	0	0	0	0%	0	500	(500)	0%	500
Total 5000 · Program Services Expense	765	0	765	100%	126,550	122,160	4,390	104%	122,160
5500 · Salaries/Benefits									
5510 · Salaries/Wages	3,887	0	3,887	100%	31,846	15,016	16,830	212%	15,016
5605 · Payroll Taxes	279	0	279	100%	2,267	1,031	1,236	220%	1,031
5650 · Retirement Plan Contributions	389	0	389	100%	3,091	1,479	1,612	209%	1,479
Total 5500 · Salaries/Benefits	4,554	0	4,554	100%	37,204	17,526	19,678	212%	17,526
7000 · General & Admin									
7025 · Office Supplies	0	0	0	0%	1,082	3	1,079	36,079%	3
7033 · Operating Meeting Supplies	0	12	(12)	0%	0	100	(100)	0%	100
7035 · Postage/Mailing	0	0	0	0%	116	8,000	(7,884)	1%	8,000
7040 · Copy/Printing Expense	0	0	0	0%	15,699	499	15,200	3,146%	499
7105 · Advertising	0	0	0	0%	0	252	(252)	0%	252
7140 · Credit Card Merchant Fees	0	0	0	0%	4,772	5,922	(1,150)	81%	5,922
7190 · Lease Interest Expense	0	0	0	100%	5	7	(2)	70%	7
7191 · Lease Sales Tax Expense	0	0	0	100%	5	0	5	100%	0
7195 · Other Gen & Admin Expense	0	0	0	0%	89	451	(362)	20%	451
Total 7000 · General & Admin	1	12	(12)	4%	21,770	15,234	6,536	143%	15,234

# Utah State Bar

## CM and YTD Budget vs Actual, Dept 10 - Summer Convention

### June 2010

July 2009

Supplied  
JDK

Ordinary Income/Expense	Jun 10	Budget	\$ Over Budget	% of Budget	Jul '09 - Jun ...	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Income									
4051 · Meeting - Registration	0	0	0	0%	208,455	146,500	61,954	142%	146,500
4052 · Meeting - Sponsor Revenue	0	0	0	0%	1,250	14,000	(12,750)	9%	14,000
4053 · Meeting - Vendor Revenue	0	0	0	0%	1,900	11,919	(10,019)	16%	11,919
4054 · Meeting - Material Sales	0	0	0	0%	15	2,000	(1,985)	1%	2,000
4055 · Meeting - Sp Ev Registration	0	0	0	0%	4,640	1,500	3,140	309%	1,500
Total Income	0	0	0	0%	216,260	175,919	40,340	123%	175,919
Gross Profit	0	0	0	0%	216,260	175,919	40,340	123%	175,919
Expense									
5000 · Program Services Expense									
5001 · Meeting Facility-external only	0	0	0	0%	115	1,000	(885)	11%	1,000
5030 · Speaker Fees & Expenses	0	0	0	0%	10,522	26,500	(15,978)	40%	26,500
5060 · Program Special Activities	0	0	0	0%	348	21,500	(21,152)	2%	21,500
5063 · Special Event Expense	0	0	0	0%	24,750	3,000	21,750	825%	3,000
5064 · MCLE Fees Paid	0	0	0	0%	5,982	3,500	2,482	171%	3,500
5070 · Equipment Rental	0	0	0	0%	3,747	3,000	747	125%	3,000
5075 · Food & Bev-external costs only	0	0	0	0%	83,067	57,052	26,015	146%	57,052
5080 · Committee Ex-external cost only	0	0	0	0%	284	508	(223)	56%	508
5085 · Misc. Program Expense	0	0	0	0%	8,631	1,920	6,711	450%	1,920
5700 · Travel									
5703 · Transportation	0	0	0	0%	10,623	10,000	623	106%	10,000
5704 · Mileage Reimbursement	0	0	0	0%	5,282	500	4,782	1,056%	500
5705 · Per Diems	0	0	0	0%	307	0	307	100%	0
Total 5700 · Travel	0	0	0	0%	16,212	10,500	5,712	154%	10,500
5805 · ABA Annual Meeting	0	0	0	0%	0	200	(200)	0%	200
5842 · Visiting Pres. Exp.	0	0	0	0%	397	0	397	100%	0
Total 5000 · Program Services Expense	0	0	0	0%	154,057	128,680	25,377	120%	128,680
5500 · Salaries/Benefits									
5510 · Salaries/Wages	2,734	0	2,734	100%	27,541	16,800	10,741	164%	16,800
5605 · Payroll Taxes	196	0	196	100%	1,962	1,187	774	165%	1,187
5650 · Retirement Plan Contributions	273	0	273	100%	2,697	0	2,697	100%	0
Total 5500 · Salaries/Benefits	3,204	0	3,204	100%	32,199	17,987	14,212	179%	17,987
7000 · General & Admin									
7025 · Office Supplies	277	0	277	100%	285	2,198	(1,913)	13%	2,198
7033 · Operating Meeting Supplies	0	0	0	0%	0	100	(100)	0%	100
7035 · Postage/Mailing	0	0	0	100%	2	90	(88)	2%	90
7040 · Copy/Printing Expense	1	0	1	100%	7,965	15,487	(7,522)	51%	15,487
7100 · Telephone	0	0	0	0%	54	100	(46)	54%	100
7105 · Advertising	0	0	0	0%	0	1,400	(1,400)	0%	1,400
7140 · Credit Card Merchant Fees	0	0	0	0%	2,311	1,000	1,311	231%	1,000
7190 · Lease Interest Expense	0	0	0	100%	10	9	1	117%	9
7191 · Lease Sales Tax Expense	0	0	0	100%	6	7	(1)	89%	7
7194 · CC Clearing	0	0	0	0%	0	1,000	(1,000)	0%	1,000
7195 · Other Gen & Adm Expense	0	0	0	0%	99	0	99	100%	0
Total 7000 · General & Admin	279	0	279	100%	10,732	21,390	(10,658)	50%	21,390

# Utah State Bar

## CM and YTD Budget vs Actual, Dept 10 - Summer Convention

### June 2009

## Ordinary Income/Expense

Income	Jun 09	Budget	\$ Over Budget	% of Budget	Jul '08 - Jun ...	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
4051 · Meeting - Registration	0	0	0	0%	176,574	113,800	62,774	-155%	113,800
4052 · Meeting - Sponsor Revenue	0	0	0	0%	14,100	16,500	(2,400)	85%	16,500
4053 · Meeting - Vendor Revenue	950	0	950	100%	3,725	19,300	(15,575)	19%	19,300
4054 · Meeting - Material Sales	0	0	0	0%	2,074	30,400	(28,326)	7%	30,400
4055 · Meeting - Sp Ev Registration	0	0	0	0%	1,572	0	1,572	100%	0
Total Income	950	0	950	100%	198,045	180,000	18,045	110%	180,000

## Gross Profit

	950	0	950	100%	198,045	180,000	18,045	110%	180,000
--	-----	---	-----	------	---------	---------	--------	------	---------

## Expense

5000 · Program Services Expense									
5001 · Meeting Facility-external only	0	0	0	0%	909	0	909	100%	0
5030 · Speaker Fees & Expenses	0	0	0	0%	26,409	12,900	13,509	205%	12,900
5035 · Awards	0	159	(159)	0%	0	300	(300)	0%	300
5060 · Program Special Activities	0	0	0	0%	21,379	1,200	20,179	1,782%	1,200
5063 · Special Event Expense	0	0	0	0%	2,953	35,600	(32,647)	8%	35,600
5064 · MCLE Fees Paid	0	0	0	0%	3,469	0	3,469	100%	0
5070 · Equipment Rental	0	0	0	0%	40	3,200	(3,160)	1%	3,200
5075 · Food & Bev-external costs only	0	0	0	0%	72,931	49,300	23,631	148%	49,300
5080 · Committee Ex-external cost only	0	0	0	0%	823	0	823	100%	0
5085 · Misc. Program Expense	0	0	0	0%	1,953	1,500	453	130%	1,500
5700 · Travel									
5703 · Transportation	0	0	0	0%	9,983	0	9,983	100%	0
5704 · Mileage Reimbursement	0	0	0	0%	517	3,594	(3,077)	14%	3,594
5705 · Per Diems	0	0	0	0%	0	2,100	(2,100)	0%	2,100
Total 5700 · Travel	0	0	0	0%	10,500	5,694	4,806	184%	5,694
5805 · ABA Annual Meeting	0	0	0	0%	200	0	200	100%	0
Total 5000 · Program Services Expense	0	159	(159)	0%	141,566	109,694	31,872	129%	109,694

## 5500 · Salaries/Benefits

5510 · Salaries/Wages	2,155	0	2,155	100%	22,847	25,500	(2,653)	90%	25,500
5605 · Payroll Taxes	155	0	155	100%	1,679	3,148	(1,469)	53%	3,148
5610 · Health Insurance	0	229	(229)	0%	0	2,892	(2,892)	0%	2,892
5650 · Retirement Plan Contributions	215	0	215	100%	687	1,700	(1,013)	40%	1,700
Total 5500 · Salaries/Benefits	2,525	229	2,296	1,103%	25,213	33,240	(8,027)	76%	33,240

## 7000 · General &amp; Admin

7025 · Office Supplies	2	0	2	100%	2,181	48	2,133	4,543%	48
7033 · Operating Meeting Supplies	0	0	0	0%	94	0	94	100%	0
7035 · Postage/Mailing	9	0	9	100%	97	1,300	(1,203)	7%	1,300
7040 · Copy/Printing Expense	3	0	3	100%	14,347	18,500	(4,153)	78%	18,500
7100 · Telephone	0	0	0	0%	47	0	47	100%	0
7105 · Advertising	0	0	0	0%	1,310	0	1,310	100%	0
7140 · Credit Card Merchant Fees	0	0	0	0%	992	3,626	(2,634)	27%	3,626
7190 · Lease Interest Expense	1	0	1	100%	29	0	29	100%	0
7191 · Lease Sales Tax Expense	0	0	0	100%	6	0	6	100%	0
7195 · Other Gen & Adm Expense	0	0	0	0%	936	2,100	(1,164)	45%	2,100
Total 7000 · General & Admin	15	0	15	100%	20,039	25,574	(5,535)	78%	25,574

# Utah State Bar

## CM and YTD Budget vs Actual, Dept 10 - Summer Convention

### June 2008

July 2007

## Ordinary Income/Expense

	Jun 08	Budget	\$ Over Budget	% of Budget	Jul '07 - Jun ...	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Income									
4051 · Meeting - Registration	0	0	0	0%	146,413	110,150	36,263	133%	110,150
4052 · Meeting - Sponsor Revenue	0	0	0	0%	24,370	29,550	(5,180)	82%	29,550
4053 · Meeting - Vendor Revenue	0	0	0	0%	13,325	18,700	(5,375)	71%	18,700
4054 · Meeting - Material Sales	0	0	0	0%	12	0	12	100%	0
4055 · Meeting - Sp Ev Registration	0	0	0	0%	14,053	15,989	(1,937)	88%	15,989
Total Income	0	0	0	0%	198,173	174,389	23,784	114%	174,389
Gross Profit	0	0	0	0%	198,173	174,389	23,784	114%	174,389
Expense									
5000 · Program Services Expense									
5001 · Meeting Facility-external only	0	0	0	0%	14,227	750	(750)	0%	750
5030 · Speaker Fees & Expenses	350	0	350	100%	657	12,500	1,727	114%	12,500
5035 · Awards	0	0	0	0%	23,985	1,500	(843)	44%	1,500
5060 · Program Special Activities	0	0	0	0%	15,098	0	23,985	100%	0
5063 · Special Event Expense	0	0	0	0%	3,529	15,989	(891)	94%	15,989
5070 · Equipment Rental	0	0	0	0%	54,227	4,000	(471)	88%	4,000
5075 · Food & Bev-external costs only	0	0	0	0%	1,346	65,872	(11,645)	82%	65,872
5080 · Committee Ex-external cost only	0	0	0	0%	1,650	2,400	(1,054)	56%	2,400
5085 · Misc. Program Expense	0	0	0	0%	1,456	2,000	(350)	83%	2,000
5700 · Travel									
5703 · Transportation	0	0	0	0%	1,456	7,000	(5,544)	21%	7,000
5704 · Mileage Reimbursement	0	0	0	0%	2,331	0	2,350	100%	0
5705 · Per Diems	0	0	0	0%	6,137	2,000	331	117%	2,000
Total 5700 · Travel	0	0	0	0%	120,856	9,000	(2,863)	68%	9,000
5840 · President's Expense	0	0	0	0%	0	1,000	(1,000)	0%	1,000
5842 · Visiting Pres. Exp.	0	0	0	0%	0	400	(400)	0%	400
Total 5000 · Program Services Expense	350	0	350	100%	120,856	115,411	5,445	105%	115,411
5500 · Salaries/Benefits									
5510 · Salaries/Wages	3,320	0	3,320	100%	40,965	25,082	15,883	163%	25,082
5605 · Payroll Taxes	247	0	247	100%	3,125	3,133	(8)	100%	3,133
5610 · Health Insurance	0	0	0	0%	0	1,350	(1,350)	0%	1,350
5650 · Retirement Plan Contributions	0	0	0	0%	0	1,092	(1,092)	0%	1,092
Total 5500 · Salaries/Benefits	3,567	0	3,567	100%	44,090	30,657	13,433	144%	30,657
7000 · General & Admin									
7025 · Office Supplies	0	0	0	0%	98	1,600	(1,502)	6%	1,600
7033 · Operating Meeting Supplies	0	0	0	0%	54	0	54	100%	0
7035 · Postage/Mailing	0	0	0	0%	1,483	250	1,233	593%	250
7040 · Copy/Printing Expense	0	0	0	0%	20,302	20,000	302	102%	20,000
7050 · Computer Maintenance	0	0	0	0%	0	407	(407)	0%	407
7100 · Telephone	0	0	0	0%	11	(664)	675	2%	675
7140 · Credit Card Merchant Fees	0	0	0	0%	4,081	1,600	2,481	255%	1,600
7190 · Lease Interest Expense	1	0	1	100%	22	0	22	100%	0
7191 · Lease Sales Tax Expense	0	0	0	100%	9	0	9	100%	0
7195 · Other Gen & Admin Expense	0	0	0	0%	2,290	200	2,090	1,145%	200
Total 7000 · General & Admin	2	0	2	100%	28,350	24,732	3,618	115%	24,732



To: Richard Dibblee  
Re: Cost cutting measures for the 2014 Utah State Bar Summer Convention in Snowmass, CO

Richard,

Thank you for your time today to discuss cost cutting opportunities for the 2014 Utah State Bar Summer Convention in Snowmass!

As discussed, we pledge that the following will fix the bottom line financial situation in 2014:

1). The Opening Reception will be at the beautiful NEW Westin Snowmass. This will alleviate concerns over F&B minimums at the Westin, and will also eliminate possible meeting room rental. Also, the F&B prices at the Westin Snowmass are significantly less than the F&B pricing at the Viceroy Snowmass. Estimated savings of \$20,000.

2). The Thursday Night Family Picnic will be held at the Snowmass Town Park/Snowmass Recreation Center. Whereas the F&B costs at Elk Camp in 2013 were roughly \$57pp based on 385pp, we at Snowmass Tourism estimate the F&B costs through one of our private caterers who we use often, for example Conundrum Catering, will come in around \$25pp, more than a 50% savings on the Elk Camp costs.

Snowmass Tourism pledges to provide transportation through the Town of Snowmass shuttle system, provide the band for the event and cover any site fees associated with the Snowmass Town Park and Snowmass Recreation center. Estimated savings of \$11,000.

3). Snowmass Tourism will arrange with our lodging partners a 10% commission/rebate on all lodging back to the Utah State Bar. This 10% commission/rebate is the industry standard. Based on an estimate of 325 units booked nightly for 4 nights, at a conservative average daily rate of \$200, the estimated revenue's back to the Utah State Bar is \$26,000.

4). The Utah State Bar raises the individual 2014 Summer Convention registration fee \$50. Based on 2013 numbers, there will be 325 registrants.  $325 \times \$50 = \$16,250$ .

Our feeling is that due to word of mouth from attendees on their positive Snowmass experience in 2013, the 325 registrants number will go up in 2014.

To summarize, the above plan will result in a conservative savings of revenue's to the Utah State Bar from the 2014 Utah State Bar Summer Convention in Snowmass of:

-	\$20,000
-	\$11,000
-	\$26,000
-	<u>\$16,250</u>
TOTAL =	\$73,250

We are here to partner with you in 2014 to make sure the above will happen in 2014! Please email or call with any thoughts.

Thanks,  
JOL

## SUN VALLEY, IDAHO

Hotel	Rate <i>2006</i>	Distinguishing Features	Meeting/Conventions Facilities	Airport Access	Local Attractions
<b>Sun Valley Resort</b> Andy Christenson 800-894-9934 2 Sun Valley Road P.O. Box 10 Sun Valley, ID 83353	\$115.00- \$439.00/night single/dbl (rate increase from June to July)	<ul style="list-style-type: none"> <li>• Sun Valley Golf Course – top 50 in country</li> <li>• First destination resort in country</li> <li>• Art Galleries</li> <li>• 18 tennis courts</li> <li>• Skating Rink</li> <li>• Ice Show</li> <li>• Condominiums</li> <li>• Hiking/Bicycling</li> <li>• Everything within walking distance</li> <li>• Olympic-size pool</li> </ul>	<ul style="list-style-type: none"> <li>• Multi-million dollar remodeled convention center-completion 6/03</li> <li>• 12,000 ft<sup>2</sup> conventions ballroom space</li> <li>• meeting room rental is minimal-Utah State Bar is repeat business</li> <li>• 7 Restaurants</li> <li>• 4 Lounges</li> </ul>	<ul style="list-style-type: none"> <li>• Airport-Haley (15 miles)</li> <li>• Free Airports Transfers</li> </ul>	<ul style="list-style-type: none"> <li>• Sun Valley Symphony</li> <li>• Art Galleries</li> <li>• Restaurants</li> <li>• Golf</li> <li>• Mt. Baldy</li> </ul>

Hotel	Pros	Cons
<b>Sun Valley Resort</b>	Experience with our group; familiarity; accommodates family activities; sense of contained safety for children; biking, roller-blading; hiking; touring; swimming; bowling; golf; some availability of condos; ice skating; ice shows; property keeps our group together	Cost of accommodations and entertainment; condominiums not always availability; familiarity with location may not welcome new crowd; some distance to travel



## NEWPORT BEACH, CALIFORNIA

Hotel	Rate	Distinguishing Features	Meeting/Conventions Facilities	Airport Access	Local Attractions
<b>Newport Beach Marriott Hotel &amp; Spa</b>	2006 \$209/night single/dbl	<ul style="list-style-type: none"> <li>• Restaurant w/ outdoor dining; warm fire pits and ocean views</li> <li>• Complimentary airport transportation</li> <li>• fitness center</li> <li>• \$ 60 million total hotel renovation</li> <li>• 2 pools plus Spa pool</li> <li>• 16 outdoor tennis courts</li> </ul>	<ul style="list-style-type: none"> <li>• 41,000 ft<sup>2</sup> flexible meeting space (indoor and outdoor)</li> <li>• Wireless high speed internet access in all event space and hotel rooms</li> <li>• In-House Audio Visual Dept</li> </ul>	<p>John Wayne airport is minutes away with free airport transportation</p> <p>Long Beach airport 20 miles</p> <p>LAX is 45 miles away</p>	<ul style="list-style-type: none"> <li>• 8 Golf venues within 15 minutes of hotel</li> <li>• LA, Anaheim &amp; San Diego Baseball</li> <li>• Disneyland 20 minutes</li> <li>• Seaworld only 1 hour and 15 minutes driving</li> <li>• Universal Studios 1 hour</li> <li>• Catalina Island 1 ½ hours by boat</li> <li>• Balboa Island</li> <li>• Newport Harbor &amp; Beach</li> <li>• Up-Scale Shopping</li> </ul>

	Pros	Cons
<b>Newport Beach, CA</b>	<ul style="list-style-type: none"> <li>• Familiar Destination and Car Travel Route</li> <li>• Access to Beaches, Disneyland, Baseball, etc.</li> <li>• Same Dates in July as Originally Scheduled</li> <li>• Cheaper Airfare into Long Beach on Jet Blue</li> <li>• Brand New Hotel: Special Opening Room Rate</li> <li>• Complimentary airport shuttle</li> <li>• Area Beach Houses may be familiar</li> </ul>	<ul style="list-style-type: none"> <li>• Distance</li> <li>• Room Cost</li> <li>• Families may seek own accommodations, making room block commitment problematic</li> <li>• Hotel not on the beach</li> <li>• No on-site golf</li> <li>• Need rental car transportation if flying in</li> </ul>

# ANAHEIM, CALIFORNIA

Hotel	Rate 2006	Distinguishing Features	Meeting/Conventions Facilities	Airport Access	Local Attractions
<b>WestCoast Anaheim</b> Gina Westbury 714- 750-1811 X 4567 1855 S. Harbor Blvd Anaheim CA 92802	\$120/night single/dbl triple/quad	<ul style="list-style-type: none"> <li>2 Restaurants</li> <li>local access shuttles</li> <li>fitness center</li> <li>Alamo rent-a-car on site</li> </ul>	<ul style="list-style-type: none"> <li>30,000 ft<sup>2</sup> flexible meeting space</li> <li>accommodate 1200 people</li> <li>group will be assigned a personal representative to act at liaison between group and hotel</li> <li>meeting area centrally located on ground level</li> <li>there is a charge for usage of meeting rooms</li> </ul>	Schedule bus service via Airport Bus between LAX and John Wayne	<ul style="list-style-type: none"> <li>Disneyland Theme Parks</li> <li>Edison Field Stadium</li> <li>Universal Studios</li> <li>Discovery Science Center</li> <li>Several Golf Courses</li> <li>Several Beaches</li> <li>Arrowhead Pond</li> <li>Sun Theatre</li> <li>Knotts Berry Farm</li> </ul>
<b>Hilton</b> Mark Eastham 714-740-4232 777 Convention Way Anaheim CA 92802	\$155/night single/dbl \$170/night triple/quad	<ul style="list-style-type: none"> <li>4 Restaurants</li> <li>3 Lounges</li> <li>Day Spa</li> <li>Sport &amp; Fitness Center</li> <li>Local access shuttles</li> </ul>	<ul style="list-style-type: none"> <li>110,000 ft<sup>2</sup> meeting space located on three floors</li> <li>meeting room rental is complimentary based on 90% of contracted commitment &amp; current food/beverage requirements</li> </ul>	There is airport transportation	Same as above
<b>Hyatt Regency</b> Marian Abe 714-740-6009 11999 Harbor Blvd Garden Grove CA	\$159/night single/dbl	<ul style="list-style-type: none"> <li>Harbor Greens Golf</li> <li>Driving Range</li> <li>Tennis Courts</li> <li>Spa</li> <li>Fitness Center</li> <li>Local access shuttles</li> </ul>	<ul style="list-style-type: none"> <li>65,000 ft<sup>2</sup> meeting space</li> <li>meeting room rental is complimentary based on 90% of contracted commitment &amp; current food/beverage requirements</li> </ul>	Airport Shuttle \$10/one-way Orange Cnty \$14/one-way LAX	Same as above
<b>Marriott</b> Kimberly Dunnegan 714-748-2415 700 W Convention Wy Anaheim CA 92802	\$155/\$175 single/dbl	<ul style="list-style-type: none"> <li>Hertz rent-a-car on site</li> <li>Fitness Center</li> </ul>	<ul style="list-style-type: none"> <li>54,000 ft<sup>2</sup> meeting space</li> <li>complimentary meeting space with 80% of contracted commitment.</li> </ul>	Airport Shuttle \$10/one-way Orange Cnty \$14/one-way LAX	Same as above

<b>Disneyland Resort</b> Kristen DelCont 714-956-6521 1150 W Cerritos Ave Anaheim, CA 92802	<b>Room Block Split</b> Disneyland Hotel \$169 Disneyland Paradise Pier \$149 <b>Entire Room Block</b> Disneyland Hotel \$209 + \$9 daily resort fee	<ul style="list-style-type: none"> <li>Walking distance to Disney Theme Parks and Downtown Disney dining</li> <li>Fitness Centers</li> <li>Discount pricing for Disney Theme Park tickets</li> </ul>	<ul style="list-style-type: none"> <li>All meeting space will be at the Disneyland Hotel</li> <li>136,000 ft² meeting space</li> </ul>	Same as above
---	---	--	--	---------------

Anaheim/Orange County Convention & Visitors Bureau  
[www.anaheimoc.org](http://www.anaheimoc.org) 714-165-8888

Laura Stanley  
 312-559-2857

Tony Toth  
 714-765-8845

[lstanley@anaheimoc.org](mailto:lstanley@anaheimoc.org)

	Pros	Cons
Anaheim, CA	Local attractions: Disneyland, beach, other theme parks, major league baseball, new and different; change from Sun Valley; may attract a different crowd; the area is familiar to Bar Membership who have vacationed in southern California with family.	Distance; expensive entertainment (other than beach); convention services are more expensive; greater expense for vendors; many families may seek their own accommodations and make filling the room block at the convention hotel more difficult; new and different may not be better.

## SAN DIEGO, CALIFORNIA

Hotel	Rate 2006	Distinguishing Features	Meeting/Conventions Facilities	Airport Access	Local Attractions
<b>San Diego Paradise Point Resort</b>					
<b>Sheraton</b> Sandy Hanshaw 619-692-2205 1380 Harbor Island Dr San Diego CA 92101	\$199/night single/dbl	<ul style="list-style-type: none"> <li>• Spa</li> <li>• Fitness Center</li> </ul>	<ul style="list-style-type: none"> <li>• 86,000 ft<sup>2</sup> meeting space</li> <li>• central meeting rooms on one level</li> </ul>	Airport Shuttle from San Diego International is free	<ul style="list-style-type: none"> <li>• golf</li> <li>• boating</li> <li>• fishing</li> <li>• San Diego Zoo</li> <li>• Sea World</li> <li>• Wild Animal Park</li> <li>• Balboa Park</li> </ul>
<b>Loews Coronado Bay</b> Alice Baumstark 619-424-4406	\$215/night single/dbl				
<b>Town &amp; Country</b> Robin Torre 619-291-7313 500 Hotel Circle North San Diego CA 92108	\$175/night single/dbl	<ul style="list-style-type: none"> <li>• Avis rent-a-car on site</li> <li>• Spa</li> <li>• Fitness Center</li> <li>• 4 Restaurants</li> <li>• 3 Lounges</li> </ul>	<ul style="list-style-type: none"> <li>• complimentary meeting space</li> <li>• \$55 one-time charge per exhibitor for exhibit hall</li> </ul>	Shuttle \$8.50 from San Diego International	Same as Above
<b>San Diego Marriott Hotel &amp; Marina</b> Debbi See 619-230-8301 333 W. Harbor Dr. San Diego CA 92101	\$215.00/night	<ul style="list-style-type: none"> <li>• Day Spa &amp; Salon</li> <li>• Fitness Center</li> <li>• Several Restaurants &amp; Lounges</li> <li>• In-room Massage Service</li> <li>• Tennis Courts</li> </ul>	<ul style="list-style-type: none"> <li>• Complimentary meeting room rental</li> <li>• Adequate meeting room space</li> </ul>	Shuttle \$4 each way from San Diego International	Same as Above
<b>Hotel del Coronado</b> Stacey Rathbone 619-522-8075 1500 Orange Avenue Coronado CA 92118	\$320/night	<ul style="list-style-type: none"> <li>• Day Spa</li> <li>• Fitness Center</li> <li>• Salon</li> <li>• Several Restaurants</li> <li>• Tennis</li> <li>• Boat House</li> <li>• Babysitting</li> <li>• Tent City Kids Activities</li> </ul>	<ul style="list-style-type: none"> <li>• 65,000 ft<sup>2</sup> meeting space</li> <li>• meeting space complimentary with minimum food &amp; beverage purchase</li> </ul>	Airport Shuttle	Same as above

<b>Manchester Grand Hyatt</b> Ernie Rosson 619-358-6677 One Market Place San Diego CA 92101	\$229/night single/dbl	<ul style="list-style-type: none"> <li>• Health Club</li> <li>• Spa</li> <li>• Tennis Courts</li> <li>• 2 Restaurants</li> <li>• 2 Lounges</li> <li>• Boat Rentals</li> </ul>	<ul style="list-style-type: none"> <li>• 120,000 ft<sup>2</sup> meeting space</li> <li>• meeting space is complimentary with 90% of contracted commitment</li> </ul>	Shuttle from San Diego International Shuttle - \$4/person each way  Taxi - \$10	<ul style="list-style-type: none"> <li>• Gas Lamp District</li> <li>• Seaport Village</li> <li>• San Diego Harbor Cruises</li> <li>• Historic Old Town</li> <li>• Other (as described above)</li> </ul>
---	---------------------------	---	--	---	---

San Diego Convention & Visitors Bureau  
[www.sandiego.org](http://www.sandiego.org) 619-236-1212

Steve Schell  
619-557-2822  
[schell@sdcvv.org](mailto:schell@sdcvv.org)

Davis DeBrady  
619-557-2839

Pros		Cons
San Diego, CA	Familiarity to Southern California; different; may attract different crowd; major league baseball; beach; some proximity to theme parks; Mexico; airport; zoo; Sea World	Cost; distance; expense may cause some to seek own less expensive accommodations making it difficult to fill room block

# JACKSON HOLE, WYOMING

Jackson Hole Convention & Visitors Bureau  
307-733-3316

Hotel	Rate <i>2006</i>	Distinguishing Features	Meeting/Conventions Facilities	Airport Access	Local Attractions
<b>Jackson Lake Lodge</b> Lisa Bishop 307-543-3005	\$160.00- \$570.00/night	<ul style="list-style-type: none"> <li>• Horseback Riding</li> <li>• Large, heated outdoor pool</li> <li>• Bus tours of Yellowstone and Grand Teton Nat'l Parks</li> <li>• Snake River Float trips</li> <li>• Golf</li> </ul>	<ul style="list-style-type: none"> <li>• 17,000 ft<sup>2</sup> conventions space</li> <li>• 17 breakout rooms</li> <li>• Flexible setups</li> </ul>	<ul style="list-style-type: none"> <li>• Airport transportation is available</li> </ul>	<ul style="list-style-type: none"> <li>• Grand Teton Nat'l Park</li> <li>• Yellowstone Nat'l Park</li> <li>• Restaurants</li> <li>• Golf</li> </ul>

Group reservations are available but only to a maximum of 100. July and August are peak months at the park.

	Pros	Cons
<b>Jackson Hole, WY</b>	Wonderful location; close to Yellowstone; close to varied attractions in Jackson Hole; some proximity to airport; many families are familiar with area; not much farther than Sun Valley; families can boat; raft; hike; tour; camp.	Room block limitation would require many families to make their own arrangements at Lodge, less convenient campgrounds several miles away or at hotels in Jackson or Teton Village; Weather and water in lake problematic.

Tab 3

---

**From:** James D. Gilson [jgilson@cnmlaw.com]  
**Sent:** Friday, August 02, 2013 3:55 PM  
**To:** Commissioners Voting  
**Cc:** John Baldwin  
**Subject:** RE: Special Commission Conference Call Wednesday

FYI: Here is a copy of my notice of resignation.

Curtis and John,

As you know, currently I wear two hats on the Board of Commissioners: commissioner from the Third Division and President-elect. In order to give another lawyer from the Third Division the opportunity to help with the many worthwhile projects being overseen by the Board of Commissioners, I give my notice of resignation of my position as a commissioner for the Third Division effective upon that position being filled pursuant to Rule 14-205(b) of the Rules Governing the Utah State Bar, and pursuant to the Bar Commission's recently enacted policy on filling a vacancy under its appointment power under Rule 14-205(b)(2). Upon this vacancy being filled, I will remain a voting member of the Board (per Rule 14-206(b)(3) , but wearing just one hat.

Thanks,

Jim

**James D. Gilson**  
CALLISTER NEBEKER & McCULLOUGH  
10 East South Temple, Suite 900  
P.O. Box 959  
Salt Lake City, Utah 84110-0959  
Phone 801.530.7325  
Fax 801.364.9127  
[jgilson@cnmlaw.com](mailto:jgilson@cnmlaw.com)  
[www.cnmlaw.com](http://www.cnmlaw.com)

PLEASE NOTE: The information contained in this message may be privileged and confidential. If you are not the intended recipient, you are hereby notified that any review, printing, dissemination, distribution, copying or other use of this communication is strictly prohibited. If you have received this communication in error, please reply to the sender and delete all copies of the message.



**Rule 14-205. Board.**

(a) Number and terms. There shall be a Board consisting of no fewer than 13 but no more than 15 voting members, including 11 elected lawyers and two non-lawyers appointed by the Supreme Court. Except as otherwise provided, the term of office of each commissioner shall be three years and until a successor is elected and qualified.

(b) Vacancies. A lawyer vacancy on the Board occurs by reason of death, resignation, incapacity, retirement, removal, change of residence from Utah, or upon the incumbent ceasing to be an active member of the Bar in good standing. A vacancy created by a lawyer commissioner shall be filled by the remaining Board members by either:

(b)(1) conducting a special election;

(b)(2) appointing a successor from among the active members of the Bar whose business mailing addresses on the records of the Bar are in the division from which the commissioner was elected, who shall serve until the following annual election; or

(b)(3) filling the vacancy through the next regular annual election.

The Board may establish the term of the successor to be either a one, two or full three-year term, provided that there would be not more than three but not fewer than two commissioners from the Third Division whose terms expire in any one year and not more than five but not fewer than four commissioners on the Board whose terms expire in any one year.

(b)(4) A President's unexpired Commission term shall be filled in the regular election cycle immediately preceding the time he or she succeeds to the office of President.

(c) Removal. A lawyer commissioner may be removed from the Board by:

(c)(1) The vote of eight of the twelve commissioners (other than the commissioner proposed for removal) at a meeting of which advance notice of the removal vote is given as provided in paragraph 14-204(a)(2), provided that commissioners who are eligible to vote but who are not in attendance at the meeting may submit their vote in writing to the executive director; or

(c)(2) The vote of a majority of the active members of the Bar in the division which elected the commissioner voting in a special election held for the purpose of consideration of removal. Ballots shall be mailed, first class, 20 days after the filing of a petition calling for removal signed by 10% of the active members of the Bar in the division which elected the commissioner. Ballots shall be due 17 days after mailing and the results tabulated and announced not more than 45 days after the filing of the petition.

(d) General powers. The Board may exercise all powers necessary and proper to carry out the duties and responsibilities of the Bar and the purposes of Article 1, Integration and Management, and shall exercise all authority which is not specifically reserved to the Supreme Court.

(e) Election notice. Notice of election of commissioners and of the divisions from which they shall be elected during the current year shall be mailed to the active members of the Bar in that division no later than 90 days prior to the date on which ballots will be counted.

(f) Nomination. Commissioners shall be nominated by written petition complying with Article 1, Integration and Management, and filed with the executive director at least 60 days prior to the date on which ballots will be counted. Such petitions must be signed by ten

active members of the Bar whose business mailing addresses on the records of the Bar are in the division from which the election is to be held. Only active members of the Bar eligible to vote in that division may be nominated to serve as commissioner.

(g) Form of petition. The executive director shall prepare a form of petition for the nomination of commissioners and shall furnish copies to any active member upon request. Nominations may be made on such forms, but nominations in any other form of petition which complies with Article 1, Integration and Management and these Bylaws shall be deemed sufficient.

(h) Election procedures.

(h)(1) Ballots shall be provided to all active members in each division in which an election is to be held, containing the alphabetized names of those members who have been nominated from the respective divisions. Said ballots shall be provided electronically, and if by mail, mailed to active members at their business mailing address in the respective divisions at least 15 days prior to the date on which ballots will be counted.

(h)(2) The ballot, together with a ballot envelope and a cover envelope in which the voting member shall identify himself or herself, shall be included in the mailing.

(h)(3) Ballots shall state the date upon which they are due and shall be returned so as to reach the Bar offices, whether by mail, in person or electronically no later than 5:00 p.m. on the day prior to the date ballots will be counted. Balloting shall close at 5:00 p.m.

(h)(4) The executive director shall designate the time, date and place for the counting of ballots, and shall arrange for the counting for those ballots not cast electronically.

(h)(5) Each candidate for a Board position may submit in writing the names of two persons to act as ballot counters, and arrange to have counters at the Bar offices or such other place as the executive director shall determine on the date and time for counting ballots.

(h)(6) Successful candidates shall be notified of that fact by the president who shall then call a meeting of the Board prior to the end of the annual meeting for the purpose of reorganizing the Board. Public announcement of election results shall be made at the discretion of the president.

(h)(7) The terms of new commissioners shall begin when they are seated at the reorganization meeting of the Board.

(h)(8) If an insufficient number of nominating petitions are filed to require balloting in a division, the person or persons nominated shall be declared elected.

(h)(9) If any day or date set forth above shall fall on a Saturday, Sunday or holiday, the act required or time fixed shall occur on or run from the next working day.

(i) Disputed election.

(i)(1) If there is a dispute as to the validity of the election of a commissioner, it shall be resolved by the Board at its first meeting after the election or at an adjourned meeting. Any Board member involved in the dispute shall not be entitled to vote. The executive director shall give written notice to each candidate of the hearing on the contested election and each candidate shall have the right to be personally present, to be represented by counsel and to present proof at such hearing. The Board shall have the right to examine the ballots and to inquire into their validity and into all matters germane to the election and dispute.

4. Filling Un-Expired Board Terms.

(b) This policy sets forth the procedure to be followed by the Board of Bar Commissioners in the event the Board chooses to appoint a successor to fill a vacant Commission position pursuant to Utah Supreme Court Rule of Professional Practice 14-205 (b)(2) (Bylaws), including in the event a Commissioner voluntarily resigns his or her position as a result of election to the office of President-elect.

Before acting to fill the vacancy, the Board shall give notice of the vacancy by e-mail to all attorneys within the affected division at least two (2) weeks before the Board selects the person to fill the vacancy. The notice shall identify:

- (i) the Commission seat being vacated;
- (ii) that the term being filled by appointment by the Board shall run until the following annual election; and
- (iii) the deadline for submitting an interested person's name and candidacy materials (such as a letter of interest and resume).

The Board or a designated committee thereof may interview all or any of the applicants as it may desire. An applicant from within the affected division shall be selected by a majority vote of voting members of the Board within sixty (60) days from the date of the notice of vacancy.

Tab 4

UTAH STATE BAR  
BOARD OF BAR COMMISSIONERS  
MINUTES  
JULY 17, 2013

CATHEDRAL PEAK ROOM  
SNOWMASS VILLAGE, COLORADO

**In Attendance:** President Lori W. Nelson, President-elect Curtis M Jensen, and Commissioners: H. Dickson Burton, Hon. Su Chon, Kenyon Dove, Hon. Eve Furse, James D. Gilson, Mary Kay Griffin, Susanne Gustin, Felshaw King, Mike Leavitt, John Lund, Herm Olsen, Rob Rice, Tom Seiler, and Angelina Tsu.

**Ex-Officio Members:** Robert Adler, Nate Alder, Kate Conyers, Danielle Davis, Heather Farnsworth, Janise Macanas, Rod Snow, and Executive Director John C. Baldwin.

**Not in Attendance:** Ex-Officio Members: Margaret Plane, Dean James Rasband, Thora Searle, and Larry Stevens; Assistant Executive Director Richard Dibblee; General Counsel Katherine A. Fox; and Supreme Court Liaison Diane Abegglen.

**Minutes:**

**1. President's Report: Lori Nelson**

**1.1 Welcome and Review Schedule**

Lori welcomed the Commission to the meeting and Snowmass and reviewed the schedule of events, meeting and activities.

**2. Action Items**

**2.1 Policy on Process to Fill Commission Vacancy after Election**

The Commission discussed various processes to follow in the event they choose appoint a successor the fill a vacant Commission position. **John Lund** moved:

That the Commission adopt the policy setting forth the procedure to be followed in the event they choose to appoint a successor to fill a vacant Commission position pursuant to Section 14-205 (b)(2) of the Bar's Bylaws, including in the event a commissioner voluntarily resigns his or her position as a result of election to the office of President-elect. The procedure shall provide that before acting to fill the vacancy, the Commission shall give notice of the vacancy by e-mail to all attorneys within the affected division at least two weeks before the Commission selects the person to fill the vacancy.

The notice shall identify: (i) the Commission seat being vacated; (ii) that the term being filled by appointment by the Board shall run until the following annual election; and (iii) the deadline for submitting an interested person's name and candidacy materials, such as a letter of interest and resume. The Commission or a designated committee thereof may interview all or any of the applicants as it may desire. An applicant from within the affected division shall be selected by a majority vote of voting members of the Commission within sixty days from the date of the notice of vacancy.

**Tom Seiler** seconded the motion. **The motion carried** by the vote of 9-3.

## **2.2 UDR Request for Contribution**

The Commission discussed the services provided by the Utah Dispute Resolution program. **Felshaw King** moved to provide a \$20,000 grant to the program. **Herm Olsen** seconded the motion. The motion failed by a vote of 3-7. **John Lund** then moved to table any action on the request. **Dickson Burton** seconded the motion. **The motion to table carried**

## **3. Information Items**

### **3.1 Modest Means Report: Su Chon & John Lund**

**John Lund and Su Chon** reported on the activities of the Modest Means Program.

### **3.2 Group Benefits Review: Rob Jeffs**

**Rob Jeffs** reported on his review of Beneplace web-based member benefits, which has been in place at the Texas Bar. The Commission discussed moving forward to negotiate a contract with Beneplace for web-based member benefits. **Rob Rice** moved to permit **Rob Jeffs** to discuss an agreement with Beneplace and to work to resolve any issues in incorporating Beneplace as a new means of organizing and advertising more benefit programs. **Curtis Jensen** seconded the motion. **The motion carried** with **Eve Furse** and **Su Chon** abstaining.

### **3.3 ALPS Proposal**

As part of the discussion on Beneplace, **Rob Jeffs** reported on his discussions with ALPS regarding their interest in partnering with the Bar in advertising group discounts on liability coverages for lawyers in Utah and ethics education as part of the Bar's interest in helping education on the prevention of ethical violations. Final action on ALPS will be discussed at the August Commission Meeting.

### **3.4 Bar Database Proposals**

The Commission discussed the Bar's database needs and requested that a committee of experts be appointed to review the proposed database upgrade plan.

#### **4. Commission Reorganization**

##### **4.1 Welcome New Commissioners**

Lori welcomed new commissioners **Susanne Gustin** and **Kenyon Dove**.

##### **4.2 Approve Committee Chairs**

The Commission approved the appointment of the following Committee Chairs: Admissions: Steven T. Waterman and Hon. James Z. Davis; Bar Examiner: David K. Broadbent and Tiffany M. Brown; Bar Examination Administration: Joan M. Andrews; Bar Journal: William D. Holyoak; Budget & Finance: Ray Westergard; Character & Fitness: Bryon Benevento and Andrew Morse; CLE Advisory: Jonathan O. Hafen; Disaster Legal Response: Andrea Valente Arthur and Brooke Ashton; Ethics Advisory Opinion: John A. Snow; Fee Dispute Resolution: William M. Jeffs; Fund for Client Protection: David R. Hamilton; Governmental Relations: John Bogart and Paxton R. Guymon; Member Resource: Robert L. Jeffs; Mentor Training and Resource: Tracy Gruber and Troy Booher; Unauthorized Practice of Law: Sarah Spencer and Jonathan Rupp; 2013 Fall Forum: Cathleen C. Gilbert and Denver C. Snuffer; 2014 Spring Convention: Aaron Randall and Richard M. Matheson.

##### **4.3 Appoint *Ex Officio* Members**

The Commission appointed the following *ex officio* members for the 2013-2014 year: the Immediate Past Bar President; the Bar's Representatives the ABA House of Delegates; Utah's ABA Members' Representative to the ABA House of Delegates; the Utah Minority Bar Association Representative; the Women Lawyers of Utah Representative; the Paralegal Division Representative; the J. Reuben Clark Law School Dean; the S.J. Quinney College of Law Dean; and the Young Lawyers Division Representative.

##### **4.4 Approve Executive Committee**

The Commission approved **Curtis Jensen, Jim Gilson, John Lund, Rob Rice** and **Lori Nelson** as members of the Executive Committee.

##### **4.5 Adopt Resolution on Bank Signatures**

The Commission by resolution approved the members of the Executive Committee to serve as signatories on the Bar's checking accounts.

##### **4.6 Review 2013-2014 Meeting Schedule & Retreat Information**

**Curtis Jensen** directed the Commission's attention to the schedule of meetings.

#### **4.7 Sign Conflict of Interest Disclosures**

**Lori** directed the voting commissioners to sign and turn in the conflict of interest disclosures included in the packet.

#### **5. Recognize Retiring Commissioners**

**Lori** thanked all the commissioners for their service this past year, presented plaques to retiring commissioners **Felshaw King** and **Su Chon** and then presented all the currently-serving commissioners with a token of appreciation. **Curtis Jensen** presented **Lori** with a token of appreciation and a plaque in recognition of her year as president.

#### **Executive Session**

The Commission moved into Executive Session to discuss personnel issues.

#### **Consent Agenda**

1. The Minutes of the June 14, 2013 Commission Meeting were approved by consent.
2. The July 2, 1013 Report and Recommendations of the Client Security Fund were approved by consent.

#### **Adjourned**

The meeting adjourned at 4:45 pm.



## **CHARGE TO STANDING COMMITTEE**

**TO:** Judge James Z. Davis, Co-chair, Admissions Committee  
Steven T. Waterman, Co-chair, Admissions Committee

**FROM:** Curtis M Jensen, President

**DATE:** August 2013

### **PURPOSE OF COMMITTEE:**

To oversee the Bar admissions process for licensure by the Supreme Court and assure that: (1) each applicant has achieved a sufficient amount of scholarly education and graduated from an ABA approved law school; (2) each applicant possesses the requisite moral character and fitness to protect the public interest and engender the trust of clients, adversaries, courts and others; and (3) each applicant has the ability to identify legal issues, to engage in a reasoned analysis of those issues and to arrive at a logical solution by application of fundamental legal principles by examination which demonstrates the applicant's thorough understanding of these legal principles.

The Committee shall consist of its chairs, the chairs of all admission-related committees, the Deputy General Counsel in Charge of Admissions and any at-large members appointed by the Utah State Bar Commission. The Deans of the J. Reuben Clark Law School and S. J. Quinney College of Law shall be *ex-officio* members of the committee.

### **SPECIFIC OBJECTIVES:**

To coordinate the participation and performance of all admission-related Committees regarding admissions process including; (1) initial contact with Bar; (2) the Bar application; (3) the Rules of Admission; (4) the investigative process; (5) the Character and Fitness review process; and, (6) the Bar Exam, preparation, administration, grading and grievances.

To hear Bar Exam Applicants' grievances.

To research and recommend improvements in the process.

The committee chair(s) shall also identify and train eventual successive chairperson(s).

**BAR STAFF LIAISON:** Deputy General Counsel in Charge of Admissions,  
Joni Dickson Seko

## **CHARGE TO STANDING COMMITTEE**

**TO:** Tiffany M. Brown, Co-chair, Bar Examiner Committee  
David K. Broadbent, Co-chair, Bar Examiner Committee

**FROM:** Curtis M Jensen, President

**DATE:** August 2013

### **PURPOSE OF COMMITTEE:**

To assure that each applicant has the ability to identify legal issues, to engage in a reasoned analysis of those issues and to arrive at a logical solution by application of fundamental legal principles by examination which demonstrates the applicant's thorough understanding of these legal principles by writing and grading the essay questions.

The committee shall consist of its chair(s) and any at-large members appointed by the Utah State Bar Commission.

### **SPECIFIC OBJECTIVES:**

To draft and grade Bar examination questions and answers in accordance with the Bar Examiners Handbook so that the Bar may appropriately assess an applicant's knowledge and competence to practice law in the state of Utah. Committee members will review examination materials prior to questions being placed on the examination. Reviewers will analyze questions and answers to insure that they are fair, clear and accurate.

Questions and model answers shall be completed and submitted for all testing areas by October 1<sup>st</sup> for the February examination and by May 1<sup>st</sup> for the July examination.

Changes requested by the Bar Examiner Review Committee shall be incorporated and submitted by February 15<sup>th</sup> for the February exam and by July 15<sup>th</sup> for the July exam.

The February exam shall be graded in March and the July exam graded in September.

The committee chair(s) shall also identify and train eventual successive chairperson(s).

**BAR STAFF LIAISON:** Deputy General Counsel in Charge of Admissions,  
Joni Dickson Seko

## **CHARGE TO STANDING COMMITTEE**

**TO:** Bryon J. Benevento, Co-chair, Character and Fitness Committee  
Andrew M. Morse, Co-chair, Character and Fitness Committee

**FROM:** Curtis M Jensen, President

**DATE:** August 2013

### **PURPOSE OF COMMITTEE:**

To assure that each applicant has graduated from an ABA approved law school and possesses the requisite moral character and fitness to protect the public interest and engender the trust of clients, adversaries, courts and others.

The committee shall consist of its chair(s) and any at-large members appointed by the Utah State Bar Commission.

### **SPECIFIC OBJECTIVES:**

To meet monthly to review application files, oversee investigations, conduct hearings and either approve or deny applications for admission to the Utah State Bar.

The committee chair(s) shall also identify and train eventual successive chairperson(s).

**BAR STAFF LIAISON:** Deputy General Counsel in Charge of Admissions,  
Joni Dickson Seko

## **CHARGE TO STANDING COMMITTEE**

**TO:** William D. Holyoak, Chair, *Bar Journal* Committee Co-chair

**FROM:** Curtis M Jensen, President

**DATE:** August 2013

**PURPOSE OF COMMITTEE:** To publish six editions of the *Utah Bar Journal* annually.

The committee shall consist of its chair(s) and any at-large members appointed by the Utah State Bar Commission.

**SPECIFIC OBJECTIVES:** To provide comprehensive coverage of the legal profession and the activities of the Utah State Bar, including articles of legal importance, state bar news and information, notices from the Judiciary and Bar Section information, summaries of recent cases, legislative reports, classified advertisements, messages from the Bar President and Commissioners, and appropriate announcements of general interest. This should be performed within the adopted budget and by soliciting sufficient and appropriate advertising.

The committee chair(s) shall also identify and train eventual successive chairperson(s).

**BAR STAFF LIAISON:** Christine Critchley

## **CHARGE TO STANDING COMMITTEE**

**TO:** David R. Hamilton, Chair, Fund for Client Protection Committee

**FROM:** Curtis M Jensen, President

**DATE:** August 2013

**PURPOSE OF COMMITTEE:** To consider claims made against the Fund for Client Protection and recommend appropriate payouts for consideration and approval by the Board of Bar Commissioners.

The committee shall consist of its chair(s) and any at-large members appointed by the Utah State Bar Commission.

**SPECIFIC OBJECTIVES:** To meet on an as-needed basis to review claims, and to provide written recommendations for approval by the Board of Bar Commissioners.

The committee chair(s) shall also identify and train eventual successive chairperson(s).

**BAR STAFF LIAISON:** Christine Critchley

## **CHARGE TO STANDING COMMITTEE**

**TO:** John A. Snow, Chair, Ethics Advisory Opinion Committee

**FROM:** Curtis M Jensen, President

**DATE:** August 2013

**PURPOSE OF COMMITTEE:** To prepare ethics advisory opinions in response to requests by members of the Bar concerning prospective conduct that is currently not in litigation and when the issue is a significant one for lawyers and the "Utah Rules of Professional Conduct" do not provide guidance.

The committee shall consist of its chair(s) and any at-large members appointed according to the rules of the committee.

### **SPECIFIC OBJECTIVES:**

1. To meet as necessary to respond to requests and provide proposed advisory opinions to the Board of Bar Commissioners for their review; and
2. To maintain a compilation of all Bar-approved ethics advisory opinions and prepare an index of all opinions which will be published and available at the Bar office for all lawyers.
3. The committee chair(s) shall also identify and train eventual successive chairperson(s).

**BAR STAFF LIAISON:** Office of Professional Conduct

## **CHARGE TO STANDING COMMITTEE**

**TO:** William M. Jeffs, Chair, Fee Dispute Resolution Committee

**FROM:** Curtis M Jensen, President

**DATE:** August 2013

**PURPOSE OF COMMITTEE:** To implement Utah State Bar Fee Dispute Resolution program according to existing rules.

The committee shall consist of its chair(s) and any at-large members appointed by the Utah State Bar Commission.

**SPECIFIC OBJECTIVES:** To assign arbitration panels to hold arbitration hearings with appropriate notice and to provide final decisions to the parties. To finalize revisions to the arbitration rules.

The committee chair(s) shall also identify and train eventual successive chairperson(s).

**BAR STAFF LIAISON:** Christine Critchley

## **CHARGE TO STANDING COMMITTEE**

**TO:** Paxton R. Guymon, Co-chair, Governmental Relations Committee  
John H. Bogart, Co-chair, Governmental Relations Committee

**FROM:** Curtis M Jensen, President

**DATE:** August 2013

**PURPOSE OF COMMITTEE:** To monitor pending or proposed legislation which falls within the Bar's legislative policy and make recommendations to the Board of Bar Commissioners to support, oppose, take to no position, or to recommend other appropriate action.

The Committee shall consist of its chair(s) and representatives from the Sections of the Bar.

**SPECIFIC OBJECTIVES:** To meet as necessary during the year to monitor legislative activity, coordinate activities with the Bar's legislative representative and make recommendations to the Board of Bar Commissioners during regularly scheduled telephonic and other meetings during the session, and before/after the sessions, as appropriate. To develop partnerships between the Bar and the various branches of government.

The committee chair(s) shall also identify and train eventual successive chairperson(s).

**BAR STAFF LIAISON:** Richard Dibblee



## **CHARGE TO STANDING COMMITTEE**

**TO:** Sarah E. Spencer, Co-chair, Unauthorized Practice of Law Committee  
Jonathan Rupp, Co-chair, Unauthorized Practice of Law Committee

**FROM:** Curtis M Jensen, President

**DATE:** August 2013

**PURPOSE OF COMMITTEE:** To review and investigate all complaints made regarding unauthorized practice of law (UPL) allegations. Addressing UPL complaints by means such as dismissal, drafting informal letters of caution, or pursuing more formal Cease & Desist Agreements. Recommending where appropriate and approved, the filing a civil complaint for UPL violations. As deemed appropriate, engage in special projects such as publishing a "notario" pamphlet, drafting Spanish language UPL complaints forms, etc. Reviewing the current UPL process, including guidelines and procedures and advising the Board of Bar Commissioners on recommended changes in the process, such as criminalization, prosecution by the Office of Bar Counsel, or prosecution by others, etc. As directed, work with the Utah Supreme Court's Rules Advisory Committee.

The committee shall consist of its chair(s) and any at-large members appointed by the Utah State Bar Commission.

**SPECIFIC OBJECTIVES:** To meet as necessary to review and discuss, complaints and current UPL issues and make recommendations to the Board of Bar Commissioners as appropriate for formal action.

The committee chair(s) shall also identify and train eventual successive chairperson(s).

**BAR STAFF LIAISON:** Katherine A. Fox

## **CHARGE TO STANDING COMMITTEE**

**TO:** Joan M. Andrews  
Chair, Test Accommodation Committee

**FROM:** Curtis M Jensen, President

**DATE:** August 2013

### **PURPOSE OF COMMITTEE:**

To assure that the Bar examination fairly tests an applicant's competency, by utilizing appropriate, accurate, and clearly-worded questions, and that appropriate test accommodations are awarded as required under the Americans with Disabilities Act. And to assure that the latest technological advances in testing processes and security measures are incorporated into the Bar examination, and that testing is conducted at a safe and suitable exam site.

The committee shall consist of its chair(s) and any at-large members appointed by the Utah State Bar Commission.

### **SPECIFIC OBJECTIVES:**

To oversee the administration of the Bar examination, including test preparation, grading, test accommodation requests, site selection, computer use, emergency-preparedness, and test security issues. The Special Accommodation Committee, a subcommittee of the Bar Exam Administration Committee, focuses on reviewing requests for test accommodations on the February and July Bar exams, investigating the applicants and their requests, and making a recommendation on whether to grant, modify, or deny an applicant's test accommodation request.

The committee chair(s) shall also identify and train eventual successive chairperson(s).

**BAR STAFF LIAISON:** Deputy General Counsel in Charge of Admissions,  
Joni Dickson Seko

## **CHARGE TO STANDING COMMITTEE**

**TO:** Brooke Ashton, Co-chair  
Andrea Valente Arthur, Co-chair  
Disaster Legal Response Committee

**FROM:** Curtis M Jensen, President

**DATE:** August 2013

**PURPOSE OF COMMITTEE:** To respond and particularly to provide resources to support the delivery of legal services to those who cannot pay for them in the event of a disaster and to help the lawyers affected.

The committee shall consist of its chair(s) and any at-large members appointed by the Utah State Bar Commission.

**SPECIFIC OBJECTIVES:**

The committee chair(s) shall also identify and train eventual successive chairperson(s).

**BAR STAFF LIAISON:** Michelle Harvey

## **CHARGE TO STANDING COMMITTEE**

**TO:** Tracy Gruber, Co-chair, Mentor Training and Resource  
Troy Booher, Co-chair, Mentor Training and Resource

**FROM:** Curtis M Jensen, President

**DATE:** August 2013

### **PURPOSE OF COMMITTEE:**

The committee shall consist of its chair(s) and any at-large members appointed by the Utah State Bar Commission.

### **SPECIFIC OBJECTIVES:**

The committee chair(s) shall also identify and train eventual successive chairperson(s).

**BAR STAFF LIAISON:** Elizabeth Wright

## CHARGE TO STANDING COMMITTEE

**TO:** Jonathan O. Hafen, Chair, CLE Advisory Committee

**FROM:** Curtis M Jensen, President

**DATE:** August 2013

**PURPOSE OF COMMITTEE:** To provide quality continuing legal education programs to all attorneys and paralegals of Utah.

The committee shall consist of its chair(s) and any at-large members appointed by the Utah State Bar Commission.

### **SPECIFIC OBJECTIVES:**

1. To study and report to the Bar Commission on the concept of expanding CLE self-study options to permit interactive videoconferencing as "live" CLE credit in order to accommodate rural and outlying areas as long as not more than 6 credit hours can be completed through participation at traditional "live" events.
2. To explore, in conjunction with the Bar, the implementation of the requirement that each section: (1) provide at least one CLE course per year to section members; (2) provide at least one CLE presentation every three years at a regular Bar convention; (3) consider offering at least one hour of free CLE for section members at section presentations; and (4) encourage certain sections to join together for CLE presentations.
3. To make recommendations on raising the prices of Bar-offered CLE courses and of convention courses to keep pace with the cost of conventions, and to become a modest source of revenue for the Bar.
4. To work, in conjunction with the Bar, with the S.J. Quinney and J. Reuben Clark law schools to make appropriate programs they have developed available on the Bar's website.
5. To work, in conjunction with the Bar, to invite the Bar president each year to provide a lecture on professionalism, civility and problem solving to stress the importance of meaningful problem solving and professionalism.
6. To encourage well-developed, current and informational handouts and materials by CLE presenters.
7. To develop suggested criteria for designating CLE presentations, such as: "Beginning," "Intermediate," and "Advanced" training levels, and in improving the explanations of CLE presentations in advertising so that Bar members might have a more complete idea of the substance and depth of the presentations.
8. To assist the Bar in enhancing the Bar's website to permit the solicitation of ideas and requests for CLE from Bar members and to work to enhance the breadth and mix of topics.
9. To explore the introduction of diversity training as part of Professionalism/Civility CLE programs during the next two years, but not as a mandatory component, and to report back to the Commission on the feasibility of requiring one hour of diversity training every two years as part of the Professionalism/Civility CLE component.
10. The committee chair(s) shall also identify and train eventual successive chairperson(s).

**BAR STAFF LIAISON:**

Connie Howard, Sydnie Kuhre

## **CHARGE TO STANDING COMMITTEE**

**TO:** Ray Westergard, Chair, Budget and Finance Committee

**FROM:** Curtis M Jensen, President

**DATE:** August 2013

### **PURPOSE OF COMMITTEE:**

### **SPECIFIC OBJECTIVES:**

The committee shall consist of its chair(s) and any at-large members appointed by the Utah State Bar Commission.

The committee chair(s) shall also identify and train eventual successive chairperson(s).

**BAR STAFF LIAISON:** Jeff Einfeldt, John Baldwin

## **CHARGE TO 2012 - 2013 STANDING COMMITTEE**

**TO:** Robert L. Jeffs, Chair, Member Resource Committee

**FROM:** Curtis M Jensen, President

**DATE:** August 2013

**PURPOSE OF COMMITTEE:** To recommend to the Board of Bar Commissioners appropriate group benefit programs or other services for Bar members and monitor the Bar's continuous liability insurance program with carriers under a fully standard policy form and to insure a well-rated and credible insurer.

The committee shall consist of its chair(s) and any at-large members appointed by the Utah State Bar Commission.

**SPECIFIC OBJECTIVES:** To review and recommend to the Board of Bar Commissioners for approval traditional association benefit programs such as health, life, disability, dental and professional liability insurance as well as other programs such as discount purchasing programs, which have potential benefit to the Bar members and which could be provided with little or no cost to the Bar or with potential revenue to the Bar which is generally disclosed to the Bar membership.

The committee chair(s) shall also identify and train eventual successive chairperson(s).

**BAR STAFF LIAISON:** Richard Dibblee

# Tab 5



## JUDICIAL COUNCIL MEETING

### AGENDA

Friday, August 16, 2013  
Large Conference Room A  
Matheson Courthouse  
Salt Lake City, Utah

*Chief Justice Matthew B. Durrant, Presiding*

1. 12:30 p.m. Welcome & Approval of Minutes . . . . Chief Justice Matthew B. Durrant  
(Tab 1 - Action)
2. 12:35 p.m. Chair's Report. . . . . Chief Justice Matthew B. Durrant
3. 12:45 p.m. Administrator's Report. . . . . Daniel J. Becker
4. 1:00 p.m. Reports: Management Committee. . . . Chief Justice Matthew B. Durrant  
Liaison Committee. . . . . Justice Jill Parrish  
Policy and Planning . . . . . Judge Greg Orme  
Bar Commission. . . . . John Lund, esq.  
(Tab 2 - Information)
5. 1:10 p.m. Ethics Advisory – Informal Opinion 12-02 – Followup. . . . Brent Johnson  
(Tab 3 - Information)
6. 1:30 p.m. Board of District Court Update. . . . . Judge Scott Hadley  
(Information) Debra Moore
7. 1:50 p.m. Update on Mandatory E-filing of Probate and  
Citation Cases. . . . . Kim Allard  
(Information) Ron Bowmaster
8. 2:10 p.m. Morgan County Petition to End Contract Site. . . . . Judge Brent West  
(Tab 4 - Action) Sylvester Daniels
9. 2:25 p.m. Rules for Final Action. . . . . Tim Shea  
(Tab 5 - Action)
10. 2:35 p.m. Legislative Update and Interim Highlights. . . . . Rick Schwermer  
(Information)
11. 2:45 p.m. Executive Session
12. 3:45 p.m. Adjourn

### **Consent Calendar**

*The consent items in this section are approved without discussion if no objection has been raised with the Admin. Office (578-3806) or with a Council member by the scheduled Council meeting or with the Chair of the Council during the scheduled Council meeting.*

1. Rules for Comment  
(Tab 6)

Tim Shea

## Judicial Council FY 2015 Budget Planning Agenda

August 16, 2013  
Matheson Courthouse  
Conference Room W19-A  
SLC, UT

---

### Overview

- 9:00 Welcome—Chief Justice Matthew B. Durrant
- 9:05 Governor's Office of Management and Budget Economic Presentation—Juliette Tennert
- 9:25 Overview of Budget Planning Session—Dan Becker
- 9:40 Fiscal Trends & Restricted Funds Report—Derek Byrne  
Data Presentation Overview—Kim Allard
- 10:20 Break

### Building Block Presentations

- 10:30 Reports and Budget Requests from Boards and Committees
- Board of District Court Judges
  - Board of Juvenile Court Judges
  - Technology Standing Committee
  - Court Facilities Planning Committee
  - Guardian ad Litem
- 11:30 State Court Administrator's Analysis and Recommendations
- Building Block Discussion and Judicial Council Decisions on Proposed FY 2015 Legislative Requests
- 12:00 Lunch
- 12:30 Proposed Legislation—Rick Schwermer
- 1:00 Adjourn

Utah State Bar 10294  
645 South 200 East  
Salt Lake City, UT 84111

Quarterly Report 4/1/2013 to 6/30/2013  
Year to Date 1/1/2013 to 6/30/2013

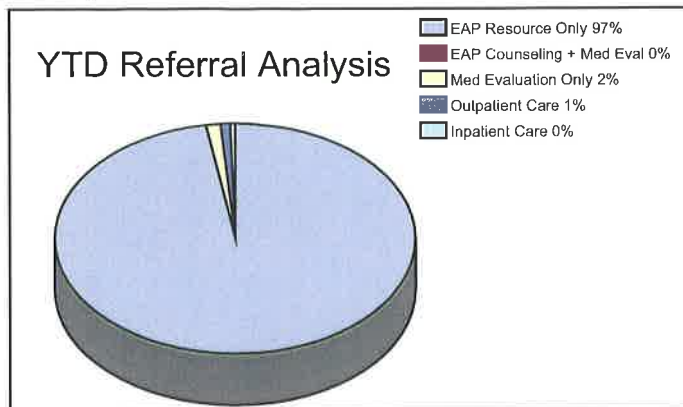
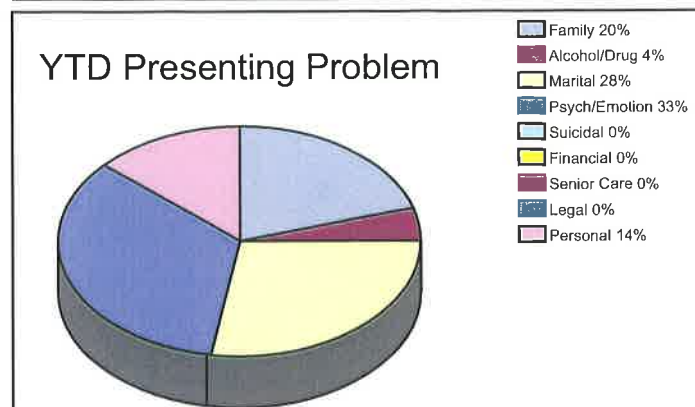
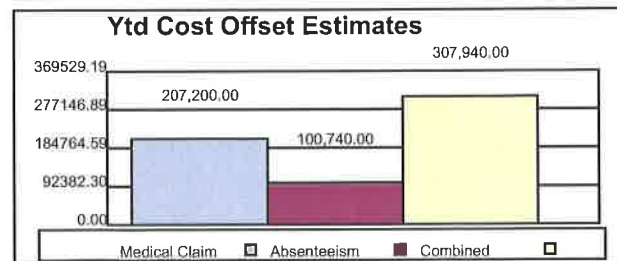
Presenting Problems	Current		YTD	
	Emp	Dep	Emp	Dep
Family	11	9	18	23
Alcohol/Drug	1	5	3	6
Marital	14	13	28	28
Psychological/Emotional	28	11	47	19
Suicidal	0	0	0	0
Financial	0	0	0	0
Senior Care	0	0	0	0
Legal	0	0	0	0
Personal	13	0	27	1
Wellness	0	0	0	0
<b>Totals</b>	<b>67</b>	<b>38</b>	<b>123</b>	<b>77</b>
<b>Total Individuals</b>	<b>105</b>		<b>200</b>	
<b>Total Cases</b>	<b>75</b>		<b>138</b>	

	Current	YTD
New Cases	75	138
Referral Type		
Self	75	138
Supervisor	0	0
<b>Totals</b>	<b>75</b>	<b>138</b>
Case Status		
Active	47	65
Inactive	28	73
<b>Totals</b>	<b>75</b>	<b>138</b>
Number of Employees		7672
Annualized Utilization		
By Cases		3.63
By Individuals		5.26

Referral Actions	Current		YTD	
	Emp	Dep	Emp	Dep
In house EAP counseling	132	80	137	82
In house Group	0	0	0	0
Rx for Psych Meds - pcp	0	0	2	0
Rx for Psych Meds - psy	0	0	0	2
Outpatient Psychiatric	1	0	2	1
Outpatient A & D	0	0	0	0
Inpatient Psychiatric	0	0	0	1
Financial	0	0	0	0
Attorney	0	0	0	0
Self Help Group	0	0	0	0
<b>Totals</b>	<b>133</b>	<b>80</b>	<b>141</b>	<b>86</b>

Clinical Hours	Current	YTD
Therapy Time	217.75	337.50
Group Time	0.00	0.00
Follow-up Time	14.50	19.25
<b>Total Clinical</b>	<b>232.25</b>	<b>356.75</b>
Service Time		
Company Contacts		
Customer Service	6.00	17.50
Emp/Sup Training	0.00	0.00
Seminars/Training	3.00	3.00
<b>Total Service</b>	<b>9.00</b>	<b>20.50</b>
# of Crises	0	

Referral Analysis Individual Status	Current		YTD	
	Count	%	Count	%
EAP Resource Only	104	99.05	194	97.00
EAP Counseling + Med Eval	0	0.00	0	0.00
Med Evaluation Only	0	0.00	3	1.50
Outpatient Care	1	0.95	2	1.00
Inpatient Care	0	0.00	1	0.50
<b>Totals</b>	<b>105</b>		<b>200</b>	



## Sean Toomey

---

**From:** Sean Toomey

**Sent:** Monday, July 22, 2013 3:18 PM

**To:** John Baldwin; 'LORI NELSON'; Curtis Jensen; Katherine Fox; Elizabeth Wright

**Subject:** Media coverage on Scalia's talk

Here's the *Aspen Times* articles and the primary pick-ups:

<http://www.aspentimes.com/news/7382102-113/scalia-judges-society-court>

[http://www.salon.com/2013/07/21/scalia\\_reportedly\\_linked\\_judicial\\_activism\\_to\\_the\\_holocaust/singleton/](http://www.salon.com/2013/07/21/scalia_reportedly_linked_judicial_activism_to_the_holocaust/singleton/)

<http://takingnote.blogs.nytimes.com/2013/07/22/scalias-latest-outburst/>

<http://www.theatlanticwire.com/politics/2013/07/report-scalia-approaches-godwins-law-judicial-activism/67425/>

<http://www.rawstory.com/rs/2013/07/22/scalia-riffs-on-orgies-blames-holocaust-on-judicial-activism/>

Sean Toomey, Communications Director  
Utah State Bar, Lawyers working for justice.  
645 South 200 East, Salt Lake City, UT 84111  
[utahbar.org](http://utahbar.org) 801-297-7059 [sean.toomey@utahbar.org](mailto:sean.toomey@utahbar.org)

**Bob Ward**  
**Special to The Aspen Times**

July 21, 2013

## **In Snowmass, Justice Antonin Scalia says judges should not be policymakers**



AP File Photo Antonin Scalia

- «
- 1 of images
- »

---

U.S. Supreme Court Justice Antonin Scalia used the twin terrors of Nazi Germany and radical Islam to warn a Snowmass Village audience Saturday about the dangers of judicial activism.

Speaking to a gathering of the Utah State Bar Association at the Westin Resort in Snowmass Village, the longest-serving justice on the nation's highest court lamented a trend among federal judges, including his colleagues on the Supreme Court, to read and interpret the U.S. Constitution as a "living document" that changes over time.

Scalia described himself as an "originalist" in his reading of legal texts.

"I believe that texts should be read to mean what they were understood to mean when they were adopted," he explained.

In other words, he sees the Constitution as a “static document” that means the same thing now as it did at the time of its creation.

When judges begin to reinterpret founding documents like the Constitution and make value-laden decisions about individual rights and liberties, Scalia said, they distort the workings of a democratic society. The title of Scalia’s talk, “Mullahs of the West: Judges as Moral Arbiters,” underscores his point that societal decisions about morality and human rights — most of which have no right or wrong answers — should be made in the political arena and not by the courts.

“Who in a democratic society should have the power to determine the government’s view of what natural law is?” the justice asked. “In an open, democratic society, the people can debate these issues.”

Scalia cited numerous issues that have been thrown to the courts — a woman’s right to an abortion, society’s right to execute someone for a crime, whether “homosexual sodomy” ought to be allowed — and claimed that judges are unqualified to answer them. Medical doctors, engineers, ethicists and even “Joe Six Pack” would be just as qualified as a legal professional to settle some issues that have come before the high court.

Instead, he said, society at large should set its own moral standards. For example, when women’s suffrage became an issue in the late 1800s and early 1900s, the Supreme Court wasn’t asked to interpret the Constitution. Congress responded to public pressure by giving women the right to vote.

“We understood in 1920 that the Equal Protection Clause meant today what it meant when it was adopted,” he said. “We did what the Constitution required — we adopted the 19th Amendment.”

Scalia is widely regarded as a strident conservative on the nation’s high court, and he is known to deliver his legal and political opinions in blistering language. However, the words “conservative” and “liberal,” along with the party labels Republican and Democrat, hardly appeared in Saturday’s speech. Rather, he used mostly legal terminology to discuss politically charged issues.

His chief contention, which he delivered with occasional humor, was that judges are not policymakers and should leave policy decisions to elected lawmakers, who answer to the citizenry.

“I accept, for the sake of argument, that sexual orgies eliminate social tensions and ought to be encouraged,” he said, earning a few laughs from the Utah lawyers. “Rather, I am questioning the propriety, indeed the sanity, of having a value-laden decision such as that made for the entire society by unelected judges.”

Scalia opened his talk with a reference to the Holocaust, which happened to occur in a society that was, at the time, “the most advanced country in the world.” One of the many mistakes that Germany made in the 1930s was that judges began to interpret the law in ways that reflected “the spirit of the age.” When judges accept this sort of moral authority, as Scalia claims they’re doing now in the U.S., they get themselves and society into trouble.

Scalia was nominated to the Supreme Court by President Ronald Reagan in 1986 and was approved by the Senate, 98-0. Such a result would be impossible in modern-day Washington, D.C., where a judicial nominee’s integrity and legal credentials take a back seat to his or her political leanings.

“I’m not happy about the intrusion of politics into the judicial-appointment process,” Scalia said. But the politicization of the judiciary is a natural outgrowth of the work that today’s judges are doing.

“If you’re in a system where the judges do the constitutional draftsman’s work, I think you have to accept the politicization of the appointment and confirmation process,” he said.

Scalia received a standing ovation.

©2005 - 2013 ~~Swift Communications, Inc.~~



## Media Coverage / August 16, 2013

*Orientation is for printing; if online select View, Rotate View, Clockwise at third page and then back again when orientation changed.*

Previous news (not included in previous agendas):

<http://www.sltrib.com/sltrib/opinion/56217881-82/prison-drug-freedom-drugs.html.csp>  
(printed version also attached)

June 27: Lori on KSL 1160AM/102.7FM at 3:45 p.m. with excerpts through 7:00 p.m.

June 30 & July 1: Rachelle Anderson interviewed Lori for half-an-hour on FM100.3 at 11:00 p.m. and at 5:00 a.m. on 103.5 The Arrow.

<http://www.fm100.com/?sid=132038&nid=6>.

Recent news:

### Print-only (copies follow):

13-04-27 Trib Jesse Nix

13-08-02 Record Modest

13-06-18 Record Gambrell

13-08-06 Record Jensen

13-06-19 Trib Radio

13-08-06 Tribune Awards

13-06-25 DNews Modest

13-08-08-18 Gazette Jensen

13-07-30 Record Awards

13-08-12-18 Enterprise Jensen

### Online & Print (copies follow):

<http://www.sltrib.com/sltrib/news/56665853-78/attorney-judge-utah-bar.html.csp>

### Online only (copies follow):

<http://www.stgeorgeutah.com/news/archive/2013/07/08/jek-sai-modest-means-lawyer-referral-utah-bars-remedy-for-those-who-need-but-cant-afford-a-lawyer/>

<http://www.standard.net/stories/2013/07/28/lyon-named-judge-year>

[http://www.court.us/idar25906526/utah\\_state\\_bar\\_honors\\_ogden\\_judge\\_salt\\_lake\\_city\\_attorney.htm](http://www.court.us/idar25906526/utah_state_bar_honors_ogden_judge_salt_lake_city_attorney.htm) (no longer posted)

### Radio/TV:

July 8: KPCW 88.3 FM interviewed Lori about the importance of low income individuals having access to legal representation. <http://kcpw.org/blog/local-news/2013-07-10/finding-access-to-legal-aid-in-utah/>

July 17: Lori talks about Modest Means on KUED 7's Contact:

<http://www.kued.org/?area=outreach&action=contact&do=details&id=NDI5Mw==>

FM100.3

**AMERICAN FINANCING**  
Mortgage • Refinance • Purchase

**If Your Interest Rate is 4.5% or Higher, Refinance Before Interest Rates Increase!**  
**Close In as Fast as 8 Days!**

CALL NOW BEFORE RATES GO UP! ★ Call 801-485-3838 ★ www.americanfinancing.net

Rusty Keys



→ latest → contests → shows/dj's → events/concerts → listen

## Utah Weekly Forum

A community affairs program broadcast Sundays at 11:00 pm on FM100.3

### Radon in Your Home

The odorless invisible gas called radon is a part of nature but concentrated amounts of radon in your home poses real health risks. And, yet it is estimated nearly 30% of Utah homes have high levels of it. The Utah Association of Realtors is encouraging all home owners to purchase a "do-it-yourself" radon test kit since testing is inexpensive and hassle-free. In this episode of Utah Weekly Forum, UAR President Cal Musselman joins FM100.3's Rebecca Cressman to explain how to identify and mitigate radon in your home whether you are buying, selling, or living in a home and want to be assured that it is a safe environment for you and your loved ones. More details are available through the State of Utah at [Radon.Utah.gov](http://Radon.Utah.gov).

[Push play above or click here for the raw mp3 link](#)

### Utah State Bar Expands Access to Lawyers

Whether you're purchasing or renting a house, driving a car, buying something, or working with others, almost everything we do is governed or affected by laws. So, what happens when you find yourself in need of legal representation or advice but are limited in funds? The Utah State Bar administers two programs that will give more Utahns access to legal services. The first is the Pro Bono program that provides legal services for those who are unable to pay. The second is new and is called the Modest Means Lawyer Referral program. It will provide reduce rates for individuals of more modest means. In this episode of Utah Weekly Form, Utah State Bar president Lori Nelson joins FM100.3's Rebecca Cressman to explore how these initiatives will help make the justice system accessible to all regardless of economic status.

[Push play above or click here for the raw mp3 link](#)

### Understanding Your Choices as Health Care Reforms

It may surprise you to learn that Utah has over 400,000 people without insurance. With the Affordable Health Care Act in place, additional health insurance options are being made available across the country, including the formation of 24 CO-OPs. The goal is to not only improve access to healthcare but to improve the quality of healthcare with direct partnerships between physicians and patients. One of those is Arches Health Plan and it is Utah's only health plan owned totally by its members. It will begin offering health insurance policies in 2014, although Open Enrollment will begin October 1st of this year. To help Utahns understand how the Affordable Care Act will affect their access to healthcare and insurance, FM100.3's Rebecca Cressman is joined by Tricia Mc Garry, Arches Health's Vice President of Communications, and Sam Haslam, Arches' Medial Project Manager. For more information about Healthcare Reform, go to [Healthcare.gov](http://Healthcare.gov) for more information on Arches Health Care, visit [ArchesHealth.org](http://ArchesHealth.org).

[Push play above or click here for the raw mp3 link](#)

### Creatures of Habitat at Utah's Hogle Zoo

Besides the real polar bear, snakes, frogs, and gorillas at Utah's Hogle Zoo, there's some that are unreal too at this summer's Creatures of Habitat exhibit. In this episode of Utah Weekly Forum, Hogle Zoo's Community Relations Manager, Erica Hansen, joins FM100.3's Rebecca Cressman to explain how a gazillion LEGOs have built an unforgettable experience. The educational exhibit gives every visitor a hands-on adventure with the endangered species and vanishing habitats of the animals at Utah's Hogle Zoo.

[Push play above or click here for the raw mp3 link](#)

### Raft for the Cure in Moab

From hiking the spectacular red rock canyons to horseback riding along the Colorado River, Moab is the center of some the greatest adventure and beauty found in Utah. This summer, the Moab Adventure Center teams up once again with Susan G Komen Utah for Raft for the Cure 2013 to guide rafters through a full day of Moab's scenic canyon and waterways. This day of rafting, food, and adventure on Saturday, June 29th combines family fun while helping raise money for the fight against breast cancer. In this episode of Utah Weekly Forum, FM100.3's Rebecca Cressman is joined by Brandon Lake, Vice President of Western River Expeditions, and Lisa Schneider, Komen Utah who explain how Raft for the Cure allows each of us to surround breast cancer survivors with loving support and the healing balm of outdoor beauty. To register, go to [RaftfortheCure.com](http://RaftfortheCure.com).

[Push play above or click here for the raw mp3 link](#)

### Utah Running Takes Off

The race season has started and 5Ks, 10Ks, Triathlons, Marathons, charity walks and runs are popping up all across the Wasatch Front. In this episode of Utah Weekly Forum, FM100.3's Rebecca Cressman is joined by Chelsea McKell with [UtahRunning.com](http://UtahRunning.com) and Utah Running Guide to discover how beginning or experienced

**FM100.3**

Like

**FM100.3**

If back to school has you counting your pennies...you'll love this. Head over to McDonald's TODAY. When you buy an Egg McMuffin or Big Mac you can get the same sandwich for just a penny. I'm lovin' it!

21 hours ago



# Drug wars, prisons and dreams denied

As thousands of lawyers celebrate the 150th anniversary of the Emancipation Proclamation, millions of men and women will be dreaming behind bars of their families, their past and their freedom.

Yet, as our nation celebrates this important anniversary, we must remember that many are dreaming of a better future, specifically the American Dream, and their dreams should be entwined with our dreams. Their freedom should be "inextricably bound to our freedom," as Martin Luther King Jr. said.

The United States puts more people in prison than any other country, including Russia and China. We have 760 prisoners per 100,000 citizens, about seven to 10 times as many as other developed



JESSE NIX

countries. In the 1980s, our prison population was about 150 per 100,000 adults.

Why the dramatic increase? Because our criminal justice system is more interested in capturing people in the "war on drugs" than in helping them.

More than half of inmates in federal prison today have been convicted of drug crimes. Of the 1.6 million Americans

arrested in 2009 on drug charges, 80 percent were for simple drug possession.

This isn't just a national problem. From 1990 to 2010, Utah's population grew by about 30 percent, but our prison population increased almost 300 percent.

According to the Global Commission on Drug Policy, arresting and incarcerating people fills prisons and destroys lives but does not reduce the availability of illicit drugs or the power of criminal organizations. And the lives affected are usually from minority populations and the poor.

"This war on drugs is almost entirely being fought in Latino and African American communities," says professor Jose Luis Morin of John Jay

neighborhoods.

Our American identity is judged not on how we treat the rich and white, but how we treat the least among us.

We should devote our resources to helping our neighbors and fellow citizens by treating societal diseases — among them homelessness, unemployment, hopelessness, lack of education, lack of health care, lack of family and above all, poverty — instead of wasting resources on punishing individuals for the tragic symptom of drug addiction.

We must challenge laws that disproportionately affect our black and brown and poor neighbors in every ballot box and every courtroom until we, as the Rev. King put it, "shake the foundations of our nation until the bright day of justice

emerges."

Our great nation may have been emancipated from slavery, but there is a fierce urgency requiring emancipation from the failed drug war.

We must stand up for freedom together, because unless we lock everyone in prison, those dreamers behind prison walls will be our neighbors.

How will we help our neighbors? By realizing that their destiny is tied up with our destiny and their freedom is inextricably bound to our freedom.

We cannot let them walk or dream alone.

**Jesse Nix** is president of the Utah Minority Bar Association and a public defender with the Salt Lake Legal Defender Association.



## Gambrell Professionalism Award for Utah State Bar's New Lawyer Training Program

The Utah State Bar's New Lawyer Training Program has received the 2013 Gambrell Professionalism Award from the American Bar Association.

"This is a tremendous honor and is evidence of the great work being done by the Bar staff, New Lawyer Training Program Committees, and the Court's Committee on Professionalism. We salute them for their vision, determination, and extensive work to make this program a success," said Utah State Bar President Lori Nelson.

The goal of the program is to train lawyers during their first year of practice in acquiring the practical skills and judgment necessary to practice in a highly competent and ethical manner.

New Lawyer Training Program participants work with a Utah Supreme Court approved volunteer mentor, who has practiced for at least seven years, has no public discipline and, if in private practice, carries malpractice insurance. The mentor and new lawyer meet at least once a month to discuss the new lawyer's legal work, professional development, and adjustment to the practice of law. They also review the Utah Supreme Court's Rules of Professional Conduct to foster professionalism, ethics, and civility.

New lawyer Matthew Munson credits his relationships with his mentor, Scott Rasmussen, as essential to helping him learn to be a lawyer and open his own practice. Initially annoyed that the Bar was requiring him to participate in the program, Munson quickly realized that he was not being assigned a "babysitter," but a "resource that

would answer questions, give assurance as needed, and generally help avoid many pitfalls." Munson continues to have a strong professional and personal connection with Rasmussen.

New Lawyer Training Program Administrator Elizabeth Wright says that the program has been beneficial for lawyers at firms and with government agencies, as well as those seeking work or clients. "Working with a mentor expands the new lawyer's network, which helps advance or launch their careers. With a mentoring culture, the whole profession benefits," said Wright.

There are 869 New Lawyer Training Program mentors. At the end of July 2013, 862 new lawyers will have completed the program. For more information, write to [mentoring@utahbar.org](mailto:mentoring@utahbar.org).

After the first year's practice, lawyers engage in at least 24 hours of continuing legal education every two years, including more focus on professionalism, ethics, and civility.

The award was established in 1991 and is named for E. Smythe Gambrell, former president of the American Bar Association and American Bar Foundation. Gambrell founded the Legal Aid Society in Atlanta, where he practiced law from 1922 until his death in 1986.

The Utah State Bar was established in 1931 and, under the authority of the Utah Supreme Court, regulates the practice of law. The lawyers of the Utah State Bar are working to advance a justice system that is understood, valued, and accessible to all. For more information, visit [utahbar.org](http://utahbar.org).

## Federal Courts of Appeals

### Ass'n of Taxicab Operators USA v. City of Dallas

#### Fifth Circuit Rules that City Ordinance Conferring Privileges on CNG-Powered Taxicabs Is Not Preempted by the Clean Air Act.

**Area of Law:** Environmental law.

**Issue Presented:** Whether a city ordinance that allows taxicabs powered by compressed natural gas to cut ahead of other taxicabs in the queue for soliciting passengers at an airport creates an emissions standard preempted by the Clean Air Act.

**Brief Summary:** The Association of Taxicab Operators, USA (ATO), representing taxicabs in the Dallas and Fort Worth areas, sued the City of Dallas when the City passed an ordinance giving taxicabs powered by compressed natural gas (CNG) a head-of-the-line privilege before gasoline-powered taxicabs when soliciting passengers at Love Field, an airport in Dallas owned by the City and located in a nonattainment area for ozone. CNG taxicabs emit fewer air pollutants than other taxicabs. ATO claimed that the ordinance was preempted by the federal Clean Air Act and requested injunctive relief. The U.S. District Court for the Northern District of Texas dismissed the suit, and the U.S. Court of Appeals for the Fifth Circuit affirmed.

The Fifth Circuit held that the City's ordinance was not preempted by the Clean Air Act because it did not impose a "standard relating

to the control of emissions" from new motor vehicles either on the ordinance's face or by its indirect effects. On its face, the ordinance's language does not require the use of CNG technology but instead provides an incentive that encourages its use. The only enforcement created by the ordinance is compliance with the head-of-the-line privilege and its related procedures. Also, the ordinance's indirect effects do not create a mandatory standard because taxicabs have alternatives available to them (i.e., working in other areas of the City) to recoup any loss of income created by the ordinance. The ordinance's effects do not force non-CNG taxicabs to convert to CNG technology.

**Argument Date:** 02/07/2013

**Date of Issued Opinion:** 06/13/2013

**Docket Number:** No. 12-10470

**Decided:** Affirmed

**Fifth Circuit**

**Don't have your 2013  
Utah Professionals  
Directory yet?**

**Call Now -**

**801-972-5642**

## Radio spots highlight Utah lawyers' contributions

By JENNIFER NAPIER-PEARCE  
*The Salt Lake Tribune*

Lawyers in the Beehive State are trying to polish up their image.

The Utah State Bar has launched a public information campaign to let people know about the productive role attorneys play in the community. And they've taken to the airwaves, producing

four 60-second radio spots being played on KSL, KODJ, ESPN, KSFI, KUBL, KZNS and KONY in St. George.

Bar president Lori Nelson said in a statement that the state's 10,000 lawyers and judges perform a vital role in society, from instilling justice to providing pro bono legal help.

"The goal of this campaign is to shine a light on

the public service provided by Utah's legal professionals," Nelson said. "Lawyers build strong partnerships, business, products and projects; help people mediate and negotiate; and seek solutions for everyday problems and opportunities."

You can listen to the spots at [www.utahbar.org](http://www.utahbar.org).

They will air through July 14.



TUESDAY, JUNE 25, 2013

## briefly

### NEW LAW SERVICES FOR 'MODEST MEANS' UTAHNS

**SALT LAKE CITY** — The Utah State Bar has introduced a new program to expand access to legal services for Utahns with "modest means."

The Modest Means Lawyer Referral program will make legal assistance available for reduced rates to those whose incomes are up to three times above the federal poverty guidelines. For example, a family of four with an income up to \$70,000 may qualify for discounted attorney fees of \$50 to \$75 an hour.

"Making the justice system accessible to all, without regard to economic status, is a top priority for the more than 8,000 active lawyers of the Utah State Bar," Bar President Lori Nelson said in a news release.



# The Record

Intermountain Commercial

® The Salt Lake Times Daily Since 2007, Publishing Weekly Since 1883

Daily \$10/copy Annual Subscription .45 cents/copy Tuesday, July 30, 2013 Salt Lake City, Utah slrecord.com

UTAH STATE BAR / 2013 SUMMER CONVENTION

## Utah State Bar recognizes Judge, Lawyer, Section and Committee of the Year

*"I have loved this job. It exceeded my expectations in terms of job satisfaction."*

Sean Toomey

The Utah State Bar presented the following awards at its annual convention in Snowmass Village, Colorado:

Judge of the Year: Michael D. Lyon  
Lawyer of the Year: Peter Stirba  
Section of the Year: Solo, Small Firm, and Rural Section; Cathleen Gilbert, Chair  
Committee of the Year: Budget and Finance Committee; Ray O. Westergard, Chair

### Judge Michael D. Lyon

Judge Michael D. Lyon was appointed to the Second District Court in July 1992 by Governor Norman H. Bangert and recently announced his retirement from the bench, effective Sept. 1. "I have loved this job," Lyon said. "It exceeded my expectations in terms of job satisfaction. I've felt wonderfully fulfilled and satisfied." He serves Davis, Morgan, and We-

Continued on page A-11



Judge Michael D. Lyon  
Judge of the Year



Peter Stirba  
Lawyer of the Year



# Utah State Bar recognizes Judge, Lawyer, Section and Committee of the Year

Continued from page A-1

ber Counties and twice served as presiding judge of the Second District Court. He has also served on the Utah Judicial Council, as a member and chairperson of the Utah Board of District Judges, and the Governor's Child Support Guidelines Advisory Committee.

Prior to becoming a district judge, he was the justice court judge for South Ogden City for 18 years. "So I've had 39 years of judging people in this community, and maybe that's long enough," said the 70-year-old. "There are other things I'd like to do, as far as service, and I don't want to wait until my age catches up with me." Lyon said he plans to take occasional cases as a senior judge, "so I don't expect to go too far away."

Lyon was founding president of the Rex E. Lee American Inn of Court, an organization dedicated to promote ethics and professionalism within the legal profession, and he remains an active member today. He is also the author of two articles that have appeared in the Utah Bar Journal: "The Source of Funds Rule—Equivalently Classifying Separate and Marital Property," August 1998, and "Practices of Successful Lawyers Appreciated by Trial Judges," April 2003.

Lyon also practiced law with the firm of Lyon, Helgesen, Waterfall & Jones in Ogden, where his practice emphasized civil litigation. He is a former Clinton City attorney and deputy Weber County attorney. He is a past member of the Ethics and Disciplinary Committee and the Courts and Judges Committee of the Utah State Bar. He received his B.S., cum laude, from Weber State College and his J.D. from the University of Utah in 1971.

## Peter Stirba

Mr. Stirba is a graduate of the S.J. Quinney College of Law and was admitted to the Bar in 1976. He practices in Salt Lake City with his colleagues at Stirba, P.C., a law firm Mr. Stirba started 22 years ago of which he is President and sole shareholder.

Mr. Stirba's career has been that of a trial lawyer, both civil and criminal. Stirba's professional callings have been quite varied, including practice as a sole practitioner and work

Utah Power and Light for insurance fraud. Stirba served as the Gunnison City Attorney for over 11 years. Stirba is an Associate Adjunct Professor of Law at the University of Utah.

Stirba has been involved in many high-profile cases including the prosecution of Walter Mann, the representation of J. Gary Sheets, Dr. Robert Davis, Dr. Robert Weitzel, and Dr. Dewey Mackay, and the defense of numerous police officers in federal civil rights litigation. Stirba was recently lead counsel representing 25 of Utah's 29 counties in successfully defending a constitutional challenge to Utah's restaurant tax.

Stirba also is one of only a handful of Utah lawyers who have had the privilege of arguing before the United States Supreme Court, successfully arguing the 2009 case of *Pearson v. Callahan*, which was a unanimous decision in his clients' favor. That case established important precedent concerning the defense of qualified immunity in federal civil rights litigation. Since the decision in 2009, the *Pearson* decision has been cited in case law more than 13,000 times.

Stirba's wife is the late Judge Anne Stirba, who presided in Utah's Third Judicial District and lost her battle with breast cancer in 2001. Since then, the Anne Stirba Cancer Foundation has grown and flourished under Stirba's leadership. Its sole mission is to provide private funding to the Huntsman Cancer Institute for breast cancer research. Its events include the Judgesrun 5k run/walk, the Fittest Lawyer Competition, and the Survivor's Celebration Dance immediately following the annual Huntsman Gala.

Finally, the law gene runs very deep in Stirba's family; his daughter Emily is a graduate of Yale Law School and practices in Washington, D.C., and his daughter Melissa is now a 3L at the University of Utah. Stirba said, "I'm very grateful that they are much like their mother: intelligent, gracious, and articulate women."

**Solo, Small Firm, and Rural Section Cathleen Gilbert, Chair**

productivity specialist Irwin Karp, a session with local mentors Denver Snuffer on Effective Negotiation Strategies, and a presentation from former Judge Robert Hilder on Professional Civility. Social and professional networking activities included a Christmas Social and an evening social/CLE where 90 seats at CenterPoint Legacy Theatre were purchased for Section members, their families, and friends in an intimate production of *Twelve Angry Jurors*.

During 2012-13, the Section provided needed support, training and professional collegiality to members who recently establish small and solo firms.

Chair Cathleen Gilbert said that, "the Section acknowledges the excellent support provided by the Utah State Bar staff and expresses appreciation for this honor and recognition."

## Budget and Finance Committee Ray O. Westergard, Chair

The Budget and Finance Committee is comprised of nine volunteer Utah attorneys and CPAs, including the current Bar President, the President-elect, a public member of the Board of Bar Commissioners who is a CPA, and a representative of the Utah Supreme Court. The committee is responsible for:

1. Preparation, presentation, and integrity of the financial statements of the Bar,
2. Appropriate budgeting, accounting, and financial reporting policies and practices,
3. Internal controls and procedures designed to assure compliance with accounting standards and applicable laws and regulations.

The Bar's independent public accounting

firm is responsible for auditing the Bar's financial statements and for expressing an opinion as to their conformity with generally accepted accounting principles. The Committee is charged with providing expertise and guidance to the Commissioners to assist them in their oversight of the financial matters of the Bar.

During the fiscal year ended June 2013, the Committee received and reviewed on a monthly basis financial information provided by the Bar staff to the Commissioners. The Committee met periodically with Bar management to review and discuss the Bar's financial information year-to-date and to provide expertise and guidance. The Committee reviewed preliminary drafts of the operating and capital budgets for fiscal year 2014 and met with Bar Management to discuss these budgets and the methodology and assumptions used to prepare them.

The Committee also met with the Bar's independent public accounting firm, with and without management present, to discuss the results of the annual audit, their evaluation of the Bar's internal controls, and the overall quality of the Bar's financial reporting and the independent auditor's report thereon.

Chair Ray O. Westergard said, "The dedicated efforts of the members of this Committee have made a significant contribution to the budgeting and financial reporting processes of the Bar."

The Utah State Bar was established in 1931 and, under the authority of the Utah Supreme Court, regulates the practice of law. The lawyers of the Utah State Bar are working to create a justice system that is understood, valued, respected, and accessible to all.

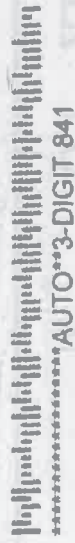
as an Assistant U.S. Attorney for the District of Utah. Stirba was appointed Special Counsel to the 1986 Salt Lake County Grand Jury which investigated the then incumbent Salt Lake County Attorney for witness tampering and

The Solo, Small Firm and Rural Section of the Utah State Bar provides networking opportunities and continuing legal education (CLE) for its members. Highlights from the past year include a half-day seminar with a



Volume 56 Number 32-3

Public Notice ..... A-5    Federal Courts of Appeals .... A-16  
Lawyers in Motion ..... A-15    341 Bankruptcy Calendars .. A-16



AUTO\*\*3-DIGIT 841

UTAH STATE BAR

SEAN TOOMEY

645 S 200 E

SALT LAKE CITY UT 84111-3834

# The Record

Intermountain Commercial

*Daily Since 2007, Publishing Weekly Since 1883*

*& The Salt Lake Times®*

Daily \$10/copy    Annual Subscription .45 cents/copy

Tuesday, August 6, 2013

Salt Lake City, Utah

slrecord.com

## IN THE COURTS

**St. George attorney pledges to help new attorneys and make legal system more accessible**

Curtis M. Jensen, one of the founding partners of Snow Jensen & Reece, P.C., is the 2013-14 Utah State Bar President. The Utah State Bar was established in 1931 and, under the authority of the Utah Supreme Court, regulates the practice of law, including administering the Bar exam, staffing the Office of Professional Conduct, and offering continuing legal education. The lawyers of the Bar are working to advance a justice system that is understood, valued, and accessible to all.

**Continued on page A-15**

# Utah Lawyers in Motion

Continued from page A-1

## St. George attorney pledges to help new attorneys and make legal system more accessible

"Throughout this year we will continue to work to ensure everyone has an advocate or a voice in our law and justice system," said Jensen. "First we are going to continue to improve our new lawyer training program so that everyone has a short learning curve and can begin serving soon, and, second, we are going to ramp-up our pro-bono initiatives, especially our lawyer referral program which offers discounted services to middle-class people with modest means and assets."

The Bar's New Lawyer Training Program received 2013 Gambrell Professionalism Award from American Bar Association. All new lawyers work with a Utah Supreme Court approved volunteer mentor to discuss the lawyer's legal work and adjustment to the practice of law.

The mentor also reviews the Utah Supreme Court's Rules of Professional Conduct with the new lawyer to help foster professionalism, ethics, and civility in Utah's next generation of lawyers.

The Modest Means Lawyer

Referral program provides discounted hourly rates of \$50 or \$75 for people with non-extensive assets and who make from 125% to 300% of the Federal Poverty Guidelines (for example, up to \$70,000 for a family of four). "It is difficult for a layperson to effectively participate in Utah's courts because of the complicated nature of the law, and its complex rules of evidence and procedure," said Jensen. "Even if the program just enables someone to hire an



Curtis M. Jensen

attorney to review self-prepared documents, everyone—the client, the attorney, and the court will benefit." Interested parties should visit [utahbar.org/lawyer-referral](http://utahbar.org/lawyer-referral) to see if they qualify.

"As Bar president-elect, I had a chance to become familiar with most of the western bar associations, and I am proud to say that Utah is often leading the pack in innovative programs, and I appreciate the opportunity to serve the 11,500 members of the Utah State Bar, the Courts, and the general public," said Jensen.

Jensen presides over the Board of Bar Commissioners, which includes eleven elected lawyer representatives and two court-appointed public members. New to the Board for 2013-14 are Kenyon D. Dove and Suzanne Gustin; John R. Lund was reelected; James D. Gilson is president-elect. "The Board devotes countless hours working for justice, and I am fortunate to be associated with such an energetic and dedicated group," said Jensen.

Jensen grew up in Gunnison, Utah and graduated with a B.A. from Brigham Young

University and a J.D. from The University of Tulsa College of Law. He is a past Utah State Bar President-Elect, a Bar Commissioner representing the division which includes Washington county, and the liaison to the Utah State Bar's Ethics Advisory Opinion Committee. He also serves on the Character Fitness Committee, Budget and Finance Committee, Lawyer Referral Service Committee as well as on several local boards and associations, including Chairman of the Washington County School District Foundation, and Chairman of the Santa Clara City Planning Commission.

Jensen represents clients throughout the inter-mountain area in all aspects of real estate, construction, banking, business, and litigation. He is an advocate of implementing strong claim prevention methods and practices, and is very adept in resolving disputes without protracted litigation. He is licensed to practice before the state courts of Utah and Federal District Court for Utah. He is also admitted to practice before the United States Supreme Court.



# The Record

& The Salt Lake Times®

Daily Since 2007, Publishing Weekly Since 1883

Daily \$10/copy Annual Subscription .45 cents/copy

Friday, August 2, 2013

Salt Lake City, Utah

sirecord.com

## Lawyers of Utah add another access to justice program

Utah State Bar President Lori Nelson says Bar introduced program, "Modest Means Referral" affordable legal assistance to those unable to pay.

Continued on page A-20

## Utah State Bar Offers Reduced-fee Lawyer Referrals to People with Modest Means

The first Utah Supreme Court rule for the Utah State Bar's regulation of the practice of law is "to advance the administration of justice." Bar President Lori Nelson says, "Making the justice system accessible to all, without regard to economic status, is a top priority for the more than 8,000 active lawyers of the Utah State Bar."

Last year, the Bar initiated the Pro Bono Commission, expanding legal services to those unable to pay (those with incomes less than 125% of the Federal Poverty Guidelines). A recent survey of lawyers indicated that 70% of the Bar is engaged in pro bono work on a weekly basis, embracing one of the Utah Rules of Professional Conduct: "A lawyer should aspire to render at least 50 hours of pro bono publico [for the public good] legal services per year."

The Bar is introducing a new program for its lawyers to further support the community: Modest Means Lawyer Referral. Lawyers will provide affordable legal assistance to people with non-extensive assets and who make from 125% to 300% of the Federal Poverty Guide-

lines (for example, up to \$70,000 for a family of four). The discounted hourly rates are \$50 or \$75, depending upon financial circumstances.

Today, more people are self-representing in court; nearly 50% of those appealing from divorces do so without lawyers. The Committee on Resources for Self-Represented Parties reported to the Judicial Council that "judges of both district and justice courts find consistent problems with self-represented parties expecting judges and court staff to provide legal advice, failing to understand rules of procedure and evidence, failing to bring necessary witnesses and evidence to court, and refusing to accept the court's rulings."

Legal Aid Society of Salt Lake Executive Director Stewart Ralphs said, "It's difficult for a layperson to effectively participate in Utah's courts because of the complicated nature of the law, and complex rules of evidence and procedure. As a result, an unrepresented litigant may not obtain the same benefits from the courts as a represented one." Ralphs was on the Bar committee that developed Modest

Means Lawyer Referral and said, "The program will also be a benefit to new lawyers establishing a client base. In addition to the dedicated mentors they have for their first year in practice, the program will provide new lawyers with a panel of seasoned advisors."

Through this lawyer referral program, clients can hire a lawyer for full representation, and the lawyer will create all documents and make all court appearances. Alternatively—which will make working with a lawyer even more affordable—lawyers can provide limited-scope representation, such as coaching, appearing at a critical hearing, or reviewing documents that the client creates. The American Bar Association recently released a resolution to "...encourage practitioners, when appropriate, to consider limiting the scope of their representation as a means of increasing access to legal services."

Interested parties should visit [utahbar.org/lawyer-referral](http://utahbar.org/lawyer-referral) to see if they qualify for discounted legal services.

# Utah State Bar honors Ogden judge, Salt Lake City attorney

By JESSICA MILLER

*The Salt Lake Tribune*

The Utah State Bar recently recognized several in the law community during their annual conference, held this year in Colorado.

Second District Judge Michael Lyon was awarded Judge of the Year. The Ogden-based judge, who recently announced his September retirement, was appointed to the bench in 1992, according to the state bar.

Lyon, 70, was a justice court judge for South Ogden for 18 years prior to being appointed a district judge.



**Michael Lyon**



**Peter Stirba**

Before that, he worked as a Clinton City Attorney and for the Weber County Attorney's Office.

Lyon was also founding president of the Rex E. Lee American Inn of Court, an organization that promotes ethics and professionalism with the legal profession.

The award for Lawyer of the Year went to Peter Stirba, who has worked as a Salt Lake City-based attorney for 22 years, according to the state bar. Stirba previously worked as an assistant U.S. Attorney for the District of Utah, as well as serving as the Gunnison City Attorney for 11 years. He also works as an associate adjunct professor of law at the University of Utah.

Stirba has been involved in many high-profile cases, including representing 25 of Utah's 29 counties in successfully defending a constitutional challenge to Utah's restaurant tax.

Address Service  
Requested

Presorted Standard  
U.S. Postage

PAID

Permit No. 11  
Gunnison, UT  
EGRWSS



Copy Price • One Dollar

# GUNNISON VALLEY *Your Hometown Newspaper!* **Gazette**

Thursday, August 8, 2013

Volume 9 • Number 32

## Gunnison native Curtis M. Jensen Utah State Bar President

Curtis M. Jensen was recently sworn in as the 2013-14 Utah State Bar President. Jensen is a Gunnison native and son of Arlo and Doris Jensen, and currently resides in St. George. As a Bar Commissioner, he represented the division which includes St. George and Gunnison. According to Bar Executive Director John Baldwin, "Bar presidents are typically from the Wasatch Front, so we will benefit greatly by having Curtis's perspectives."

Jensen is very proud of his roots. "I consider Gunnison my home and always will," said Jensen. "I have two wonderful parents and two brothers with their families who still reside there. I was very fortunate to grow up in Gunnison. I always remember my father emphasizing the value of hard work and doing your very best at whatever task you were assigned. My mother always showed by example the importance of service and the rich rewards that come in return. Gunnison is a town with an intimate setting, where people know and care about each other; where people work hard and play hard. Attending Gunnison High School was a memorable event. We had the greatest faculty, greatest student body, and greatest basketball team. The residents of Gunnison have always showed genuine care and concern for others and always will."

The Utah State Bar was established in 1931 and, under the authority of the Utah Supreme Court, regulates the practice of law, including administering the Bar exam, staffing the Office of Professional Conduct, and offering continuing legal education. The lawyers of the Bar are working to advance a justice system that is understood, valued, and accessible to all.

"Throughout this year we



*Curtis M. Jensen*

will continue to work to ensure everyone has an advocate or a voice in our law and justice system," said Jensen. "First we are going to continue to improve our new lawyer training program so that everyone has a short learning curve and can begin serving soon, and, second, we are going to ramp-up our pro-bono initiatives, especially our lawyer referral program which offers discounted services to middle-class people with modest means and assets."

The Bar's New Lawyer Training Program received 2013 Gambrell Professionalism Award from American Bar Association. All new lawyers work with a Utah Supreme Court approved volunteer mentor to discuss the lawyer's legal work and adjustment to the practice of law. The mentor also reviews the Utah Supreme Court's Rules of Professional Conduct with the new lawyer to help foster professionalism, ethics, and civility in Utah's next generation of lawyers.

The Modest Means Lawyer Referral program provides discounted hourly rates of \$50 or \$75 for people with non-extensive assets and who make from 125% to 300% of the

See JENSEN, Page 7



# JENSEN

Continued from Page 1

Federal Poverty Guidelines (for example, up to \$70,000 for a family of four). "It is difficult for a layperson to effectively participate in Utah's courts because of the complicated nature of the law, and its complex rules of evidence and procedure," said Jensen. "Even if the program just enables someone to hire an attorney to review self-prepared documents, everyone—the client, the attorney, and the court—will benefit." Interested parties should visit [utahbar.org/lawyer-referral](http://utahbar.org/lawyer-referral) to see if they qualify.

"As Bar president-elect, I had a chance to become familiar with most of the western bar associations, and I am proud to say that Utah is often leading the pack in innovative programs, and I appreciate the opportunity to serve the 11,500 members of the Utah State Bar, the Courts, and the general public," said Jensen.

Jensen presides over the Board of Commissioners, which includes eleven elected lawyer representatives and two court-appointed public members. New to the Board for 2013-14 are Kenyon D. Dove (Ogden) and Suzanne Gustin (SLC); John R. Lund (SLC) was reelected; James D. Gilson (SLC) is president-elect. "The Board devotes

countless hours working for justice, and I am fortunate to be associated with such an energetic and dedicated group," said Jensen.

Jensen graduated with an A.S. from Snow College, a B.A. from Brigham Young University, and a J.D. from The University of Tulsa College of Law. He is the liaison to the Utah State Bar's Ethics Advisory Opinion Committee, and served on the Character and Fitness Committee, Budget and Finance Committee, and the Lawyer Referral Service Committee, as well as on several local boards and associations, including Chairman of the Washington County School District Foundation, and Chairman of the Santa Clara City Planning Commission and very active with youth programs in his community.

Jensen is one of the founding partners of Snow Jensen & Reece, P.C., St. George, and represents clients throughout the intermountain area in all aspects of real estate, construction, banking, business, and litigation. He is an advocate of implementing strong claim prevention methods and practices, and is very adept in resolving disputes without protracted litigation. He is licensed to practice before the state courts of Utah and Federal District Court for Utah. He is also admitted to practice before the United States Supreme Court.



## Manufacturing jobs at 20 years

the entire world, and it's right in Utah."

"Utah's superior workforce allows ATK to drive affordable innovation and execution excellence in developing highly engineered products," Joy de Lissner, president and general manager of the ATK Aerospace Structures, said in a prepared statement. "ATK is proud of the composite character of excellence we have built in Utah and values our continuing relationship with the state and the Governor's Office of Economic Development."

The new elements of the re-d incentive are expected to result in new state wages of more than \$214 million and new state revenue of more than \$8 million over 20 years. The total project is expected to result in about \$99 million in new state wages and \$71 million in new state revenue over 20 years.

The incentive totals \$21.3 million. Most is in the form of a credit totaling \$19.3 million. ATK also will receive an Industrial Assistance Fund grant of \$2,500 for employees for up to 665 employees to help offset training, relocation, program delay and facility construction costs, plus a hiring credit of \$1,687.50 for each of the employees added as a result

see **INCENTIVES** pg. 19

## Williams Fine Art is moving

Williams Fine Art, a Salt Lake City gallery that opened in 1988, will have a new location this week. The firm is moving its operation to 132 E St. in the F. Weixler Co. building.

An open house is scheduled for Aug. 16 at the new location from 5-9 p.m.

"Werner Weixler and I have been loyal friends for the past 25 years and we are both pleased to be operating our businesses under the same roof," said gallery owner Clayton R. Williams.

## Jensen to head Utah Bar

Curtis M. Jensen, one of the founding partners of Snow Jensen & Reece P.C. in St. George, is the new president of the Utah State Bar Association.

"Throughout this year we will continue to work to ensure everyone has an advocate or a voice in our law and justice system," said Jensen. "First we are going to continue to improve our new lawyer training program so that everyone has a short learning curve and can begin serving soon, and, second, we are going to ramp up our pro bono initiatives, especially our lawyer referral program which offers discounted services to middle-class people with modest means and assets."

The Utah State Bar was established in 1931 and, under the authority of the Utah Supreme Court, regulates the practice of law, including administering the bar exam, staffing the Office of Professional Conduct, and offering continuing legal education. The lawyers of the bar are working to advance a justice system that is understood, valued and ac-

cessible to all.

"As bar president-elect, I had a chance to become familiar with most of the western bar associations, and I am proud to say that Utah is often leading the pack in innovative programs, and I appreciate the opportunity to serve the 11,500 members of the Utah State Bar, the courts and the general public," said Jensen.

Jensen grew up in Gunnison and graduated with a B.A. from Brigham Young University and a J.D. from The University of Tulsa College of Law. He is a past Utah State Bar president-elect, a bar commissioner representing the division which includes Washington County, and the liaison to the Utah State Bar's Ethics Advisory Opinion Committee. He also serves on the Character Fitness Committee, Budget and Finance Committee, Lawyer Referral Service Committee as well as on several local boards and associations, including chairman of the Washington County School District Foundation and chairman of the Santa Clara City Planning Commission.

## Hyatt opens new hotel

Hyatt Hotels Corp. and Sequoia Development have opened Hyatt Place Salt Lake City/Cottonwood. The hotel is the fifth Hyatt-branded hotel in Utah and the second hotel built at the Cottonwood Corporate Center.

Located just outside of the Cottonwood Corporate Center, the hotel sits less than a half-mile from Old Mill Golf Course and in close proximity to the University of Utah. Additionally, the hotel is within minutes of Snowbird, Alta, Solitude and Brighton ski resorts. Travelers are also close to nearby attractions such as the Living Plant Aquarium, Temple Square and Salt Lake Temple.

"Hyatt Place Salt Lake City/Cottonwood is located in a great area, and we're looking forward to creating a positive travel experience for each and every guest that walks through our doors," said Jeff Olpin, area general manager, Hyatt Place Salt Lake City/Cottonwood and Hyatt House Salt Lake City/Sandy.

### THE Enterprise

UTAH'S BUSINESS JOURNAL

USPS # 891-300

Published weekly by:

**Enterprise Newspaper Group**

825 North 300 West Ste. 309  
Salt Lake City, Utah 84103  
801-533-0556 FAX 801-533-0684  
[www.slenterprise.com](http://www.slenterprise.com)

**PUBLISHER & EDITOR**

R. George Gregersen

**PRESIDENT**

David G. Gregersen  
[david@slenterprise.com](mailto:david@slenterprise.com)

**VP/GENERAL SALES MANAGER**

Dale Dimond  
[dale@slenterprise.com](mailto:dale@slenterprise.com)

**MANAGING EDITOR**

John M. Rogers  
[john@slenterprise.com](mailto:john@slenterprise.com)

**CONTROLLER**

Richard Taylor  
[richard@slenterprise.com](mailto:richard@slenterprise.com)

**OFFICE MANAGER**

Dionne Halverson  
[dionne@slenterprise.com](mailto:dionne@slenterprise.com)

**REAL ESTATE SECTION**

Rhonda Bachman  
[rhonda@slenterprise.com](mailto:rhonda@slenterprise.com)

**ART DIRECTOR**

Ann Johnson  
[ann@slenterprise.com](mailto:ann@slenterprise.com)

**CIRCULATION**

Lissi Johnson  
[lissi@slenterprise.com](mailto:lissi@slenterprise.com)

**ADVERTISING INQUIRIES**

[david@slenterprise.com](mailto:david@slenterprise.com)

## Save 50% on your Phone Bill

### WE KNOW BUSINESS PHONES

- You can have a new Voip Phones system and save 50% on your bill
- Multiple Sites, Large or Small, Work from home, Cell Integration
- Host Your own Service, NO Licensing Fees, NO Longterm Contracts
- FullTime Call Record, Monitoring, VoiceMail to Email, Call Center
- Full Training and installation included
- Proudly Serving Utah Business for 30 Yrs



## Utah State Bar honors Ogden judge, Salt Lake City attorney

BY JESSICA MILLER

THE SALT LAKE TRIBUNE

PUBLISHED: JULY 30, 2013 05:43PM

UPDATED: AUGUST 5, 2013 11:05PM

The Utah State Bar recently recognized several in the law community during their annual conference, held this year in Colorado.

Second District Judge Michael Lyon was awarded Judge of the Year. The Ogden-based judge, who recently announced his September retirement, was appointed to the 2nd District Court in 1992, according to the state bar.

The 70-year-old man was a justice court judge for South Ogden for 18 years prior to being appointed a district judge. Previous to that, he worked as a Clinton City Attorney and for the Weber County Attorney's Office.

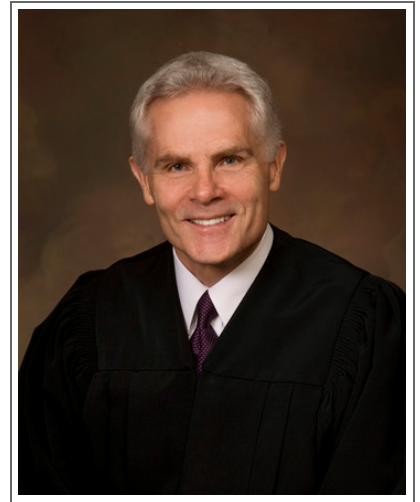
Lyon was also founding president of the Rex E. Lee American Inn of Court, an organization that promotes ethics and professionalism with the legal profession.

The award for Lawyer of the Year went to Peter Stirba, who has worked as a Salt Lake City-based attorney for 22 years, according to the state bar. Stirba previously worked as an assistant U.S. Attorney for the District of Utah, as well as serving as the Gunnison City Attorney for 11 years. He also works as an associate adjunct professor of law at the University of Utah.

Stirba has been involved in many high-profile cases, including representing 25 of Utah's 29 counties in successfully defending a constitutional challenge to Utah's restaurant tax.

[jmiller@sltrib.com](mailto:jmiller@sltrib.com)

Twitter: @jm\_miller



2nd District Judge Michael Lyon. Courtesy photo



StGeorgeUtah.Com

**Modest Means Lawyer Referral, Utah Bar's  
remedy for those who need but can't afford a  
lawyer**



Tweet

2

173

Like

9 people like this. [Sign Up](#) to see what your friends like.

**ST. GEORGE**—The cost of legal representation today is often prohibitive and might be said to deny persons their day in court, availability of remedies, and the ability to bring or defend against civil claims. The Utah State Bar has introduced a new program for its lawyers to further support the community: Modest Means Lawyer Referral.

---

**“Making the justice system accessible to all, without regard to economic status, is a top priority for the more than 8,000 active lawyers of the Utah State Bar.”**

---

The first Utah Supreme Court rule for the State Bar’s regulation of the practice of law is “to advance the administration of justice,” Bar President Lori Nelson said. “Making the justice system accessible to all, without regard to economic status, is a top priority for the more than 8,000 active lawyers of the Utah State Bar.”

#### **How the program works**

Lawyers will provide affordable legal assistance to people with non-extensive assets and who make from 125 percent to 300 percent of the Federal Poverty Guidelines (for example, up to \$70,000 for a family of four). The discounted hourly rates are \$50 or \$75, depending upon financial circumstances.

#### **The types of legal aid provided**

The Sixth Amendment to the Constitution guarantees an accused the right to assistance of counsel in his defense. And while this right is specific to criminal proceedings at trial, it has been expanded by courts to include the right to counsel at critical stages in judicial proceedings.

“It’s pretty much available for all types of law,” Sean Toomey, Communications Director of the Utah State Bar said of the Modest Means Referral Program. This includes civil matters, probate, administrative proceedings, estates, etc. “On the criminal side, most people can take advantage of the public defender system so the program is primarily for civil where there is no right to an attorney,” Toomey said.

## Effectiveness of counsel provided / Benefits for the attorney

“They’re all in good standing with the bar,” Toomey said of the attorneys who are members of the program. “And there are two types of attorneys that will sign up: One is a seasoned attorney who wants to give back and this is the way of essentially donating services while still receiving some income, so they can do pro bono or modest means which is up to a 75 percent donation.

---

**There are two types  
of attorneys that will  
sign up**

---

“The other type of lawyer,” Toomey said, “is someone who is just starting out and this is a good way to build a practice. For those people we have an advisory panel for their questions.”

The advisory panel is provided to attorneys who may have questions about certain situations with which they may be unfamiliar. The panel also provides the attorney with a dedicated mentor for an entire year.

“Another thing that can happen in smaller numbers,” Toomey said, “is for someone who wants to try a new area of law.” Again, the attorney may take advantage of the panel of advisers for this new area. “We try to do something for both the public and the attorneys,” Toomey said.

## Poverty Guidelines

The Utah Bar Guidelines to apply for the program may be found by clicking [here](#).

“No documents are required at the time of application,” Toomey said. “They have to meet the income requirements and asset requirements that are on the Utah state bar website. On the assets, it explains what’s not included.”

It is primarily an honor system; however, each lawyer may ask that the guidelines be strictly met at their own discretion.

## Pro Bono and the Modest Means Program

Last year, the Bar initiated the Pro Bono Commission, expanding legal services to those unable to pay (those with incomes less than 125 percent of the Federal Poverty Guidelines). A recent survey of lawyers indicated that 70 percent of the Utah bar is engaged in pro bono work on a weekly basis, embracing one of the Utah Rules of Professional Conduct: “A lawyer should aspire to render at least 50 hours of pro bono publico (for the public good) legal services per year.”

While lawyers do offer pro bono services, these are provided at their own discretion. Lawyers are not mandated to offer pro bono services and there is no right to them. The Modest Means Lawyer referral program connects people with lawyers who are interested in this sort of aid for the aforementioned reasons.

## Issues with self-representation

According to the Legal Aid Society of Salt Lake, more people are self-representing in court; and nearly 50 percent of those appearing for divorces do so without lawyers.

---

## Judges of both district and justice

“Judges of both district and justice courts find consistent problems with self-represented parties expecting judges and court staff to provide legal advice,” the Committee on Resources for Self-Represented Parties reported to the

## **courts find consistent problems with self- represented parties expecting judges and court staff to provide legal advice**

---

Judicial Council, “failing to understand rules of procedure and evidence, failing to bring necessary witnesses and evidence to court, and refusing to accept the court’s rulings.”

“It’s difficult for a layperson to effectively participate in Utah’s courts because of the complicated nature of the law, and complex rules of evidence and procedure,” Legal Aid Society of Salt Lake Executive Director Stewart Ralphs said. “As a result, an unrepresented litigant may not obtain the same benefits from the courts as a represented one.”

Through this lawyer referral program, clients can hire a lawyer for full representation, and the lawyer will create all documents and make all court appearances. Alternatively — which will make working with a lawyer even more affordable — lawyers can provide limited-scope representation, such as coaching, appearing at a critical hearing, or reviewing documents that the client creates.

The American Bar Association recently released a resolution to “... encourage practitioners, when appropriate, to consider limiting the scope of their representation as a means of increasing access to legal services.”

The Utah State Bar was established in 1931, and its lawyers are advancing a justice system that is understood, valued and accessible to all. See more at [utahbar.org](http://utahbar.org).

St. George News Reporter Sarah Isaacson contributed to this report.

### **Resources**

[Webpage for the Utah State Bar referral / qualifications for the Modest Means Program](#)


Email: [jkuzmanic@stgnews.com](mailto:jkuzmanic@stgnews.com)

Twitter: [@JoyceKuzmanic](#)

Copyright St. George News, StGeorgeUtah.com Inc., 2013, all rights reserved.



# Lyon named Judge of the Year

 [standard.net/stories/2013/07/28/lyon-named-judge-year](http://standard.net/stories/2013/07/28/lyon-named-judge-year)

Tim Gurrister

## Images

OGDEN — Judge Michael D. Lyon has been named Judge of the Year by the Utah State Bar.

Lyon was appointed to the Ogden 2nd District Court in July 1992 by Gov. Norman H. Bangerter. He twice served as presiding judge of the 2nd District. He has also served on the Utah Judicial Council, as a member and chairman of the Utah Board of District Judges and of the Governor's Child Support Guidelines Advisory Committee.

The award was presented at the bar's annual convention last week in Snowmass Village, Colo.

Before becoming a district judge, Lyon was the justice court judge for South Ogden for 18 years.

"So I've had 39 years of judging people in this community, and maybe that's long enough," said the 70-year-old in a bar news release. He recently announced his retirement from the bench, effective Sept. 1.

Lyon will take occasional cases as a senior judge, and plans to continue to preside over the Doug Lovell capital homicide case, which he took over in 2003 with the retirement of the late Judge Stanton Taylor. Lovell's 1993 admissions to a 1985 homicide, long in the appeal stage, is scheduled for trial in February.

Lyon was founding president of the Rex E. Lee American Inn of Court, an organization dedicated to promoting ethics and professionalism within the legal profession, and he remains an active member today. He received his B.S., cum laude, from Weber State College and his law degree from the University of Utah.

He is the author of two articles that appeared in the Utah Bar Journal: "The Source of Funds Rule – Equitably Classifying Separate and Marital Property," August 1998, and "Practices of Successful Lawyers Appreciated by Trial Judges," April 2003.

Lyon also practiced law with the firm of Lyon, Helgesen, Waterfall & Jones in Ogden. He is a former Clinton city attorney and deputy Weber County attorney. He is a past member of the bar's Ethics and Disciplinary Committee and the Courts and Judges Committee.



## From Around the Web



## Finding Access to Legal Aid in Utah



(KCPW–July 9, 2013) Most people find themselves in need of legal help sometime in their lives. The reasons can range from navigating a divorce, child custody, a landlord tenant dispute, bankruptcy or any number of issues. But lawyers are expensive, often costing \$200 per hour or more. Utah Legal Services and the Utah Bar Association are putting in place programs they hope will make access to legal help easier for Utahns. KCPW Reporter Kim Schuske has this story.

[Utah Legal Services](#)

[Modest Means Program](#)

[Legal Aid Organizations](#)



### Listen

88.3 FM | 105.3 FM

[Stream online](#)

### Now Playing

#### To The Point

Mondays, 4:00 pm-5:00 pm

Tuesdays, 4:00 pm-5:00 pm

Wednesdays, 4:00 pm-5:00 pm

Thursdays, 4:00 pm-5:00 pm

Fridays, 4:00 pm-5:00 pm

### Sponsored by



DONATE



Be more

About KUED Press Contact Us Shop PBS Kids Shop KUED

Home What's On Watch Online Support KUED KUED Local Our Community Inside KUED Kids

Facebook

## Contact Calendar Detail

[« back...](#)

### Utah State Bar, Pro Bono Program



The Utah State Bar is offering Utah residents affordable legal assistance through it's new pro bono program. Lori Nelson is here to tell us more.

**Airs:** Wednesday Jul 17th

**Taped:** Wednesday July 10th, 2013

Phone: +1 (801) 297-7059

Online: [utahbar.org](http://utahbar.org)

[Previous show:](#)

« The Salt Lake Encore Chorale, Fall Rehearsals

[Next show:](#)

Utah Symphony, Deer Valley Music Festival »

## Contact Calendar

See when  
are airing.

Subscribe

video **PODCAST**  
months of Contact

Filter by date range

From:

Through:

Go

Browse by category

Arts & Entertainment

Diverse Voices (

General Commu

Health Matters (

Partner Organiz

Ready to Learn (

U of U (265)



**Biane Abegglen**  
Appellate Court Administrator

**Andrea R. Martinez**  
Clerk of Court

## Supreme Court of Utah

450 South State Street  
P.O. Box 140210  
Salt Lake City, Utah 84114-0210

Appellate Clerks' Office  
Telephone (801) 578-3900  
Fax (801) 578-3999  
Supreme Court Reception (801) 238-7967

**Matthew B. Durrant**  
Chief Justice

**Ronald E. Nehring**  
Associate Chief Justice

**Christine M. Durham**  
Justice

**Jill N. Parrish**  
Justice

**Thomas R. Lee**  
Justice

August 14, 2013

Steven R. Burt, AIA  
Entelen Design-Build, LLC  
8707 South Sandy Parkway  
Sandy, UT 84070

Dear Steve:

The Supreme Court has voted to reappoint you as a public member on the Utah State Bar Commission. This term is for three years, running to July 1, 2016. The Court very much appreciates your past service on the Bar Commission and we are delighted that you are willing to take on another term. We believe your architectural design and construction expertise are of particular benefit to Bar operations and procedures.

Thanks again for your willingness to commit your time, energy, and skills to the Bar Commission.

Sincerely,

Matthew B. Durrant  
Chief Justice

cc: Curtis Jensen  
✓ John Baldwin



**WORKING PAPER  
AMERICAN BAR ASSOCIATION  
TASK FORCE ON THE FUTURE OF LEGAL EDUCATION**

---

**NOTICE**

**This document is one of a series of working documents created in the course of the Task Force's deliberations. It is neither final draft of the Task Force Report nor a document that reflects the policy of the American Bar Association.**

---

**OVERVIEW**

The American legal profession, the nation's law schools, and the American Bar Association have collaborated over several generations to create a system of legal education that is widely envied around the world. At present, the system faces considerable pressure prompted by rising tuition, large amounts of student debt, falling applications, and limited availability of jobs for law graduates.

The Task Force has been charged to examine these problems that are widely believed to threaten the effectiveness of the system of legal education and damage public confidence in it. We were further charged to present recommendations for addressing these problems, which are workable and have a reasonable chance of acceptance.

This draft reflects the present views of the Task Force about what should happen in the future.

Some highlights of our conclusions are:

- Law school education is funded through a complex system of tuition, discounting, and loans. Schools announce standard tuition rates, and then chase students with high LSAT scores by offering substantial discounts without much regard to financial need. Other students receive little if any benefit from discounting and must rely mainly on borrowing to finance their education. The net result is that students whose credentials (and likely job prospects) are the weakest incur large debt to sustain the school budget and enable higher-credentialed students to attend at little cost. These practices drive up both tuition and debt, and they are in need of serious re-engineering.

- The system of accreditation administered by the ABA Section of Legal Education has served the profession and the nation well. But it has come to sustain a far higher level of standardization in legal education than may be necessary to turn out capable lawyers. The ABA Standards for Approval of Law Schools also impose requirements that add expense without conferring commensurate benefits. We conclude that the section would serve the public interest by enabling more heterogeneity among law schools. The Task Force recommends that a number of the Standards be dramatically revised or repealed.
- The ABA's accreditation system should facilitate substantial innovations in law school programs better than it does today. The current procedures under which schools can seek to vary from ABA Standards in order to pursue experiments are completely confidential and fairly narrow in practice. The Task Force recommends that the ABA Section open its variance processes to full public view and use the variance system energetically as an avenue to foster experimentation by law schools.
- The profession's calls for more attention to skills training and experiential learning have been well-taken, and law schools have done much to expand such opportunities for students. There is need to do more. The balance between doctrinal instruction and hands-on training needs to shift still further toward the core competencies needed by people who will deliver legal services to clients.
- State supreme courts, state bar associations, and admitting authorities should devise additional frameworks for licensing providers of legal services, such as licensing limited practitioners or authorizing bar admission for people whose preparation is not in the traditional three-year classroom mold.

The Task Force has spent the last year examining these issues, through deliberation, consultation, and examination of proposals from persons interested in improving legal education.

The Task Force faced three substantial challenges in its work. First, this document had to be prepared and submitted quickly. The urgency of the problems, and the serious threats to public confidence, demanded rapid action. Thus, the Task Force

accelerated its schedule and set a goal of approximately one year to complete all work. This necessarily constrained its ability to gather information, test hypotheses, and vet recommendations with interested parties.

Second, there are many current problems relating to legal education, but the most important include the most intractable, ones not susceptible to quick fix. Two of the most profound are the *price* of legal education and the *culture* of law schools. Regarding price—in particular its relentless increase—there is no simple and easy solution. The dynamics of price are strongly affected by the financing of legal education, the cost structure of law schools, and the nature of the market for legal education, which are all complex and interconnected and make piecemeal solutions ineffective. Similar limitations govern the problem of culture. Law schools' culture is at the root of an enormous number of current conditions and changing it is key to many solutions. Yet culture cannot be changed through prescription. It can only change over an extended period, primarily by influencing attitudes and behaviors to create a positively reinforcing cycle.

Third, the Task Force had to develop a framework for presenting its findings and recommendations to ensure a reasonable chance of influencing action. This required balancing competing goals: of articulating hard truths while building wide endorsement of them; of proposing clear, and not always popular, courses of action for various participants in the legal education system while still respecting those actors' autonomy and judgment; and of offering narrow recommendations that could be implemented immediately while laying the foundation for more comprehensive, long-term improvements.

The Task Force has resolved these challenges by structuring the Working Paper as a field manual for people of good faith who wish to improve legal education as a public and private good. It is designed to guide the activities of these participants within the scope of their respective responsibility and influence. The heart of the field manual is Section VII, which is addressed to all parties in the system of legal education. Key themes detailed in Section VII are the need for a systematic (rather than tactical) approach to the deficiencies of law school financing and pricing; greater heterogeneity in law schools and in programs of legal education; an increased focus on the delivery of value by law schools; a focus on the development of competences in graduates of legal education programs; the profound importance of cultural change, particularly on the part of law faculty; the need for changes in the regulation of legal services to support key changes in legal education; and the need for institutionalization of the process of assessment and improvement in legal education, commenced in this Working Paper.

Section VIII contains recommendations for specific actions by various participants in the legal education system to implement these themes.

Other sections of this Working Paper contain analyses that provide context for the recommendations of Sections VII and VIII, and a set of tools that persons, groups, and organizations can use in initiatives designed to bring about improvement.

The Task Force believes that if the participants in legal education continue to act in good faith, and with an appreciation of the urgency of coordinated change, on the recommendations presented here, significant benefits for students, society, and the system of legal education can be brought about quickly, and a foundation can be established for continuous adaptation and improvement.

## **I. LAW SCHOOLS AND THE SUBJECT OF THIS WORKING PAPER**

### ***A. Law and Legal Education in General***

The subject of this Working Paper is legal education and law schools in the United States. In particular, the subject is:

- Threats, challenges, and stresses affecting law schools and legal education; and
- Concrete steps that can be taken by persons, organization, groups, and others involved in legal education to strengthen law schools, legal education programs, and the system for delivery of legal education.

Discussions of these subjects to date have focused on ABA-approved law schools and the J.D. programs delivered by them. The Task Force early recognized, however, that in order to comprehensively address the issues and make recommendations for shaping the future of legal education, it would have to expand its focus to legal education more broadly understood.

*Law* is the fundamental form of social ordering and dispute resolution in reasonably organized societies. The nature and function of law has been subject to extensive investigation and theorizing, which cannot and need not be reviewed here. For purposes of this Working Paper, the functional description just given will suffice.

Given this understanding of law, we will refer to a *law services provider* (or *legal services provider*) as a person who is skilled in knowledge and application of law. A *legal education program* is a program of education in law or law-related fields that: (a) is designed to develop knowledge or skills in law or law-related fields; and (b) prepares individuals to be law services providers.

**B. *Law Schools and Legal Education Programs in the United States***

This description of law and legal education just given is quite general and applicable to a large range of modern ordered societies. However, we are concerned in this Working Paper with legal education in the United States.

In the United States, a *lawyer* is the primary form of law services provider. A lawyer is a law services provider who has been admitted to practice in a state, through passage of a bar examination or otherwise. A lawyer is potentially a generalist, authorized to provide substantially any form of representation or legal service to a client. Ordinarily, a lawyer must have received a *Juris Doctor* (J.D.) from a law school. In some states, an individual may be admitted to practice on the basis of having received a Master of Laws (LL.M.) degree.

In the United States, a *law school* is an institution that provides a legal education program which trains lawyers. An *ABA-approved law school* is a law school that has been accredited by the ABA Section of Legal Education and Admissions to the Bar under the ABA Standards for Approval of Law Schools. A graduate of an ABA-approved law school is eligible to be admitted to practice in any state.

The program leading to the Juris Doctor is the principal program of legal education at every ABA-approved law school today. Some ABA-approved law schools offer legal education programs other than the Juris Doctor program.

In the United States, some institutions of higher education other than law schools offer programs of legal or law-related education. None, however, offers an ABA-approved Juris Doctor program.

**II. THE FUNDAMENTAL TENSION**

As we explain in Section V of this Working Paper, law schools are currently subject to a wide range of stresses and criticisms for which this Task Force is charged with proposing remedies. Despite the great breadth of the stresses and criticisms, the Task Force has identified a fundamental tension that underlies the current set of problems. An understanding of this tension must be kept firmly in mind in designing solutions.

The tension is as follows. On the one hand, *the training of lawyers is a public good*. Society has a deep interest in the competence of lawyers, in their availability to serve society and clients, and in their values. This deep concern reflects the centrality of lawyers in the effective functioning of ordered society. Society also has a deep interest in the system that trains lawyers. This is because the system directly affects lawyer competence, availability, and values. From this public-good

perspective, law schools may have obligations to deliver programs with certain characteristics or elements, irrespective of the preferences of those within the law school. For example, the requirement that law schools teach professional responsibility was long ago imposed on schools from the outside because of public concern with the ethics and values of lawyers. The fact that the training of lawyers is a public good is a reason there is much more public concern today with problems in law schools and legal education than with problems in, for example, business schools and business education.

But the training of lawyers is not only a public good. *The training of lawyers is also a private good.* Legal education provides those who pursue it with skills, knowledge, and credentials that will enable them to earn a livelihood. For this reason, the training of lawyers is part of our market economy and law schools are (or arguably should be) subject to market conditions and market forces in serving students and shaping programs. From this private good perspective, law schools may have to respond to consumer preferences, irrespective of the preferences of those within the law school, at least in order to ensure the continued financial sustainability of their programs.

The fact that the training of lawyers is both a public and a private good creates a constant, never fully resolvable tension regarding the character of the education of lawyers. To take an example, disagreement over the role of faculty scholarship in law schools reflects in part a difference between the public good and private good perspectives. Proponents of a substantial role for scholarship argue that faculty scholarship promotes the public good, directly and indirectly, by developing more intellectually competent lawyers, and by serving the public good of improving law as a system of legal ordering. On the other hand, critics claiming that law schools devote excessive resources to faculty scholarship generally invoke considerations of private good. They argue that faculty scholarship necessarily increases costs, and thus the price of legal education, with adverse economic consequences such as limiting access to legal education and increasing the loan repayment obligations of law school graduates.

These differing views about the public and private benefits of legal education contrast with the American approach to medical education, which is mostly seen as a public good. Medical education is thus massively subsidized by federal and state governments. There is little likelihood of such substantial subsidy for legal education.

This tension between the public and private perspective on the training of lawyers affects a wide range of issues before this Task Force. Any credible set of recommendations must carefully calibrate public and private concerns.

### III. PRINCIPLES GUIDING TASK FORCE WORK

The Task Force has identified six core principles to guide the development of its recommendations and which should guide the work of others to improve legal education. The Task Force has distilled these six principles from the comments submitted to it, orally and in writing, and from its review of the current literature proposing solutions.

These principles are not axioms: they are not bases for logical deduction of results. Rather, they are fundamental and widely shared values and goals, which are sometimes in competition with each other and which must be thoughtfully balanced in order to become pragmatic guides to action. Three relate to the system of legal education as a whole; three relate to enterprises or groups that deliver legal education services.

The six principles are the following:

- A. The System of Legal Education in the United States Should Meet Society's Need for Persons Who Have the Knowledge and Ability Required to Deliver Legal Services.***
- B. The System of Legal Education Should be Decentralized and Include Both Private and Governmental Parties.***
- C. The System of Legal Education Should Minimize Obstacles for Those Who Wish to Pursue a Career in Legal Services and Who Have the Ability to Do So.***
- D. Law Schools and Other Organizations that Provide Programs of Legal Education Are Accountable, in Respects Appropriate to the Program, for Delivering the Public Good of Legal Education.***
- E. Law Schools and Other Organizations that Provide Programs of Legal Education Are Accountable, in Respects Appropriate to the Program, for Delivering the Private Good of a Legal Education.***
- F. Law Schools Are Not Solely Responsible for the Public Good of Providing Legal Education to Lawyers.***

#### **IV. FORCES AND FACTORS PROMPTING NEED FOR ACTION AND SHAPING TASK FORCE RECOMMENDATIONS**

Recognizing the fundamental tension and the six core principles is necessary for framing general goals to improve the system of legal education, but not sufficient for crafting concrete recommendations. The latter also requires an understanding of the specific problems to be remedied and the environmental conditions that influence solutions. To that end, the Task Force has identified forces and factors that must be taken into account by participants as they act to cure problems and improve the legal education system. Not all are independent: some overlap or reinforce others.

##### **A. *Criticism of Law Schools and Legal Education***

1. *The Impact of Criticism.* Law schools and legal education have been subject to intense and unprecedented criticism in national media, blogs, Congress, the courts, and elsewhere. The criticism is diminishing public confidence in law schools and legal education. It adversely affects attitudes of prospective law students and those upon whom prospective law students rely for guidance. Yet the criticism has a positive side: it has generated strong pressure for reforms that would redress the bases for the criticism, and has induced a climate of receptivity to solutions and reforms.

2. *Communication of Accurate Information.* Although the criticism of legal education has been beneficial, some has been erroneous or misleading. This may result in part from the complexity of both legal education and the current problems, and the difficulty in conveying accurate and meaningful information in short articles, blog posts, or like communications. It may also reflect the fact that both lawyers and professors have always been targets for criticism, and that some people are willing to believe the worst about them.

The continuing power of rankings by U.S. News & World Report drives all sorts of decisions by applicants, schools, and employers. These rankings supply deceptively simple forms of information and prompt multiple actors to change their plans based on that simplicity. Some parties engaged in communications about legal education have responsibilities to understand the current situation in order to properly carry out their work. These parties include prelaw advisors, who counsel persons on pursuing career paths in law-related fields; media, particularly those who provide the public with information about developments in legal education; faculty members, who participate in both the delivery of educational services and in contributing to decisions about the operations of a law school; and members of the bar, who have or can have relationships with law schools, new and prospective lawyers, and other providers of legal services.



3. *Moralizing and Blame.* Some criticism of law schools and legal education takes the form of moralizing. This leads to blaming current problems on various actors in the legal education community. Deans are blamed for raising law school tuition or failing to stand up to certain constituencies. Faculty are blamed for supposedly self-seeking behavior and the pursuit of questionable goals for the law school. Universities are blamed for supposedly pressuring law schools to become profit centers. The legal profession is blamed for insufficiently supporting law schools and recent graduates, and steadily shifting educational responsibilities and costs to law schools. The list goes on.

Moralizing and blaming are not productive. What is needed instead is a dispassionate and pragmatic examination of the current situation that begins with a presumption of good faith on the part of all participants. This will enable those in the legal education system to collaboratively articulate credible goals and strategies, identify reasonably implementable short-term actions, and move legal education down a path toward continuing improvement and value for all participants.

## ***B. The Rise of Consumer Outlook***

1. *Consumer Attitudes toward Legal Education.* There have long been two perspectives on higher education in the United States: (a) education as a means to personal growth and development; and (b) education as a means to a job or career. The latter has recently become dominant. This has affected the relationship between higher education institutions and students, causing it to take on more transactional and consumer attributes.

Law schools are pathways to a specific type of career, but have long positioned themselves under perspective (a), as providing an advanced general purpose (if not advanced liberal arts) education. This is reflected, for example, in the traditional emphasis on teaching students to think like a lawyer. Law schools, however, now find that they have to reposition themselves under perspective (b). This requires a rethinking of curriculum, student services, and the business of legal education.

### ***2. The Importance of Consumer Information***

As part of the shift to a consumer relationship with students, law schools have increasingly been subject to market and regulatory demands for disclosure of accurate consumer information. These demands have led to revised ABA Standards governing information disclosure and reporting. They have also prompted the establishment of new organizations whose goal is to influence information disclosure and related consumer matters.

### 3. *Long-Term Return on Investment*

Also as part of the shift toward a consumer perspective, return on investment in legal education has become important to both prospective students and the public. A significant line of criticism of law schools is that the three years of tuition and other expenses, plus attendant deferral of income, do not justify the incremental return over a working life (or other appropriate period) from the investment in education.

Discussion of return on investment in a legal education has been contentious and complicated, in part because ROI is difficult to measure. The difficulties result from: (a) disagreement over what should be included in the notion of return; (b) competing methodologies for calculating ROI; and (c) individualized factors, most notably school attended, net total cost to the student, and career path pursued or likely to be pursued.

## C. *The Pricing of Legal Education*

1. *Law School Pricing in General.* Pricing of J.D. programs is generally cost-based. Law schools price a J.D. education by reference to the cost of delivering it, less revenue from other sources (such as endowment income or state subsidies). This method is very different from market-based pricing, where a firm takes market price as given and manages costs so as to deliver the service at a profit. Market-based pricing creates strong incentives to lower costs; cost-based pricing involves little such incentive. Indeed, as explained below, there are strong incentives for the cost of a J.D. education to increase, thereby increasing price to students.

2. *Discriminatory Pricing.* J.D. program pricing is also discriminatory (in the microeconomic sense). That is to say, some students pay very little for their legal education: they are given discounts, denominated “scholarships,” in order to attract them to the school. Others pay full or substantially full posted price. Price discrimination is a conventional business practice. However, in the law school context, it is controversial because students who pay the most tend to be ones whose income potential (and thus prospective ROI) may be the lowest. This form of price discrimination reflects the importance of status competition among law schools, in particular competition for students with high LSAT scores. High LSAT students strongly affect status by contributing directly and indirectly to higher law school rankings.

3. *Law School Cost Structure.* Several factors tend to increase the cost of delivering a J.D. education (and thus the cost-based price).

One structural factor is what economists call cost disease. This is the inability of an organization to achieve productivity gains at the rate of productivity gains in the

overall economy because of: (a) the high proportion of costs attributable to services; and (b) the fact that the services in question are of a type that do not easily lend themselves to productivity improvement.

Another factor is the pressure to deliver services and engage in functions other than core instructional services. For example, law schools generally allocate significant resources to faculty scholarship and related activities. This, like price discrimination, results in part from status competition among schools. It also results from the prevailing faculty culture, which takes scholarship as a defining characteristic of a law professor and as central to professional identity.

Yet another factor is continual change in the nature of educational services delivered. Law schools have steadily altered the package of services offered to include, e.g., clinical education (generally more expensive than classroom education), career services, academic support, bar preparation support, and increased writing and inter-school competitive activities. The rationale for these additions is improving the educational services delivered to students. But it also reflects the fact that law schools compete with each other on the basis of quality of service, rather than on price.

#### ***D. The Financing of Legal Education***

1. *Loan Repayment.* Students in J.D. programs who do not receive substantial scholarships pay for their education through loans. Graduates must repay these loans and loan repayment requirements can be a burden, particularly in the early part of a career when earnings may be low. These loan repayment obligations can affect job or career choices and the totality of these choices can affect the distribution of legal services throughout society. For example, loan repayment obligations may decrease the ability of law school graduates to enter certain forms of lower-paying public service, or decrease the ability of graduates to enter practice in communities or geographic areas where income potential is not sufficient in light of loan obligations. A recent report by the Illinois State Bar Association has described this development in compelling terms and offered several recommendations the Task Force has embraced.

2. *Public Interest in Outstanding Student Loans.* Most law student loans are made by the federal government as part of a larger program of loans to higher education students. The amount of outstanding higher education student loans is large and has substantial effects on the economy. Law student loans are a relatively small part of the total but the total is large, and this increases the already high level of public interest in law school financing and creates a complex interplay between public and private interests. The fact that most law student debt is issued and managed by the federal government gives the federal government great control over law school financing and indirectly over programs that are financed.

***E. Accreditation and Quality of J.D. Programs***

The ABA Standards for Approval of Law Schools reflect the canonical model of a law school and a J.D. program. Because the Standards are prescriptive, they affect costs, although the degree to which they do is disputed. Also disputed is how much the Standards constrain law schools from innovation and experimentation. There is reason to believe the Standards do not so much constrain law schools as reflect what law schools believe is the norm and reinforce that norm. What is not reasonably disputable, however, is that the Standards do not encourage innovation, experimentation, and cost reduction on the part of law schools.

What the ABA Standards do encourage is continued increase in the quality of the J.D. educational program. The Preamble to the Standards exhorts law schools to “continually seek to exceed these minimum requirements in order to improve the quality of legal education.”

The pursuit of quality by law schools has unquestionably led to a strong system for training lawyers, and the ABA Standards have played a key role. But “quality of legal education” is an abstract notion as to which there is no objective metric for progress or achievement. The pursuit of this notion has tended to be one-dimensional, not linked to concrete goals, cost-benefit assessment, or market considerations. As a result, it has been a factor in rising costs and thus the price of the J.D. education.

***F. Law-Related Services and Employment***

1. *Structural Changes in the Legal Employment Market.* The economy of law-related services and the related employment market have changed sharply over the past five years. This has affected traditional legal services, where hiring decreased, particularly for new lawyers in large firms and (because of reduced revenues) lawyers in government practice. The pace of structural changes that were already under way (for example, use of contract labor and increased reliance on technology to increase productivity) accelerated. These changes have had a substantial impact on employment opportunities for new and recent law school graduates.

Moreover, there are evident structural changes that reflect increasing price sensitivity by users of legal services, with resulting price competition and changes in the mode of delivery. The developments are likely to continue, with continuing impact on lawyer employment. It seems probable that this change in employment for lawyers is not just a passing phenomenon caused by the Great Recession and must be addressed systematically. The profession is also experiencing a shift in demand from bespoke representation of clients to something that looks more like the commoditization of legal services (i.e., Legal Zoom).

The American market for legal education and legal services is also increasingly affected by forces of globalization. Multiple entities in the ABA and the profession are engaged in evaluating these trends and making recommendations about them. The Task Force has elected not to reproduce those efforts, but does believe that its recommendations are generally consistent with other work under way to address these trends.

2. *Misdistribution of Legal Services.* The supply of lawyers appears to exceed demand in some sectors of the economy. Yet in other sectors demand may exceed supply. In some rural areas, for example, there are few lawyers and it is difficult for communities to encourage new ones to set up practice there, either because of low prospective return on investment or lack of interest in small town or rural life.

In addition, poor and lower income populations remain underserved because lawyers can be made available to these clients only if the lawyers are paid or subsidized by a government or private benefactor. Funding for lawyers to serve these populations is far less than what is needed and, except as noted below, there are few alternatives to fully trained lawyers as providers of law-related services.

3. *Delivery of Law-Related Services by Persons Without a J.D.* The relatively high cost of the services of lawyers has facilitated the use (or proposed use) of persons who have not received a J.D. to deliver lower-cost legal services. Businesses increasingly use persons other than admitted lawyers, e.g., for compliance work and for expertise in the human resources field. For individuals, many of whom cannot afford lawyers, the adaptation has been slower, but the extensive use of law students with special licenses reflects one approach to broadening the availability of low cost service. Other changes are under way that would respond to both business and individual needs, for example systems of limited licenses to deliver categories of legal service by persons who are not lawyers admitted to practice.

## **G. *The Nature and Purpose of Law Schools***

1. *Diverse Views As to Purpose of Law Schools.* There is wide disagreement about the purpose of law schools. For example, a commonly stated purpose of law schools is to train lawyers but there is no consensus about what this means. It matters, for example, whether one takes a view of lawyers as just (or at least primarily) deliverers of technical services requiring a certain skill or expertise, or as persons who are broad-based problem solvers and societal leaders. Different views about what it means to “train lawyers” yield different views about curricula; different views about faculty; and different emphases regarding services to students.

To take other examples, there are different views about whether law schools should provide programs of education only for prospective lawyers through a J.D. program (and perhaps already admitted lawyers through LL.M. programs), or offer programs for other populations as well; whether law schools should have a role, or even responsibility, to contribute to the advancement of knowledge or progress of the legal system, and if so how and to what extent; and whether law schools should be avenues of access for underrepresented populations. Each different view potentially yields a different kind of law school, or at least a school with different character or emphasis.

2. *Mismatch Between Curriculum and Goals.* A law school's ostensible view about its purpose may not be reflected well in the curriculum. One reason might be that the view is not clearly articulated or widely endorsed. Another might be that the curriculum is developed in response to demands and considerations that extend beyond law school purpose. A curriculum can be affected by the desire of faculty members to teach courses in areas of interest to them; by desires of alumni or local practitioners to teach, or teach particular subjects; by decisions of state authorities regarding subjects to be tested on the bar examination; by tradition and cultural norms in law schools; and by desires of schools to differentiate themselves for competitive purposes.

Mismatch of curriculum and goals can also result from the fact that certain goals have traditionally not been viewed as ones to be incorporated in the curriculum. For example, as important as bar passage is to the success of graduates and thus the success of a school, curricular elements devoted specifically to bar passage are only recent additions, and they still generally remain limited.

Similarly, as important as jobs and career success are to graduates and, again, to the success of the law school, little space in the curriculum is typically devoted specifically to preparing students to pursue and compete for jobs. Rather, it is generally delegated to a non-academic unit of the law school.

## **H. *The Business of Legal Education***

1. *Insulation of Law Schools from Market.* Since the early 20<sup>th</sup> century, the standard model of a law school has been that of a college or school in a university; which provides a post-baccalaureate education in law; whose program is academically oriented and taught mainly by full-time professional educators. As part of the model, law schools have understood themselves as akin to graduate programs in the university, with minimal need to be concerned about relationship to any market. Law schools have long escaped pressure to adapt programs or practices to customer demands or to the pressures of business competition. As a result,

curriculum, culture, and practices have developed with little relation to market considerations.

This lack of orientation toward the market, and lack of experience in the market, has now created significant problems. Universities are requiring law schools to become financially self-sustaining, and competition for students and tuition revenue has come to resemble competition in the non-education economy. Many, if not most, law schools lack the expertise or the organizational structure to deal with these new conditions; some constituencies in law schools resist dealing with them; and in some cases universities are unwilling or unable to support law schools as they attempt to make a transition to a new market-oriented way of conducting their affairs.

*2. Lack of Integration of Business and Academic Aspects of Law Schools.*

Law schools are in the business of delivering educational services, and this service is in part a private good. There can be tension between the need to serve customers (students) well and the need to run a financially sustainable operation. Yet the tension in law schools need not be greater than in any other service business. Indeed, delivering quality service is widely viewed as the path to financial health.

In law schools, however, educational services and business considerations are widely seen as in conflict, even in irresolvable conflict. Part of this results from the historical insulation of law schools from market considerations. Part of it results from the traditional structure of law schools, which separates authority over the academic program from authority over business affairs, and vests the former in faculty members, who generally have little training or interest in business matters. Part of it results from the fact that the education of lawyers is a public, as well as a private, good, and as consequence is subject to demands not directly linked to a school's business or economic interests.

This entrenched lack of integration of business and academic aspects of a law school suggests to many that one aspect always has to be sacrificed for the sake of the other. This view hampers discourse about the current challenges to law schools and potential solutions, often leading to polarization or oversimplification of issues or solutions.

*I. Culture and Conservatism*

*1. Faculty Culture.* Culture is the cluster of beliefs and practices of a group that is passed on through social behavior. There is a large-scale law faculty culture in the United States as well as sub-cultures particular to individual schools. Law faculty are socialized by each other and new faculty absorb beliefs, practices, and expectations from more senior faculty. Cultures tend to be stable and not easily changed.

Law faculty culture today is generally marked by the following beliefs and practices, which vary somewhat in detail and emphasis from school to school:

- A professorial position should involve long-term security, and tenure means very strong and indefinite security.
- Scholarship is an essential aspect of faculty role.
- Faculty members are materially different from non-faculty members of the law school.
- Faculty have decision-making authority for key aspects of the law school.
- Status is important in measuring individual and institutional success.

All of these elements of faculty culture are currently challenged by the economic and market stresses on law schools and by the calls for law schools to change their ways of conducting business.

2. *Resistance to Change.* People are generally risk-averse. Organizations, which are composed of people, tend to be conservative and to resist change. This tendency is strong in law schools (and higher education generally), where a substantial part of the organization consists of people who have sought out their positions because of a desire to avoid a market- and change-driven environment. A law school's successful embrace of solutions to the challenges, problems, and demands described in this Working Paper requires a reorientation of attitudes toward change by persons within the law school. Yet this kind of broad based change in attitude is not one that can be achieved easily or quickly.

### ***J. The Profession and Legal Education***

The model of legal education that took shape in the early twentieth century involved a rough division of educational responsibility: law schools took on responsibility for basic, general education of lawyers, largely in an academic environment and through an academic approach; and the remainder of legal education—in particular, the more practical and business-oriented aspects—were left to be learned from those already in practice.

Beginning in the second half of the twentieth century, this rough allocation began to break down. The legal profession increasingly began to assign, or try to assign, more responsibility to law schools for the practical and business aspects of the education of lawyers, mainly for economic reasons (including unwillingness of clients to subsidize the education of new lawyers). The result has been increased pressures on



law school curricula. Arguably, it has contributed to increasing costs and increasing tuition, as law schools have had to take on these additional, sometimes expensive, forms of education no longer provided elsewhere.

Some state and other bar organizations have developed programs for educating or mentoring new or less experienced lawyers. However, there are many more resources in the practicing bar, in business organizations, and elsewhere, that could contribute to the education of law students, new lawyers, and less experienced lawyers, thereby achieving the goals of improving legal education while potentially lowering or controlling the price to students.

***K. The Good Faith, but Fragmented, Responses to Date***

For the past five years, participants in the system of legal education have responded to the environmental and structural stresses and challenges with good faith and increasing commitment. Self-criticism and search for solutions abound. Law schools have reduced expenses, changed curricula, introduced new degree programs, and experimented in a variety of areas. The Section of Legal Education has increased transparency in consumer information reporting and moved to streamline accreditation standards. Bar associations have launched mentoring programs and offered their support to law schools. Bar regulators have moved to modify criteria for admission to practice. The list of initiatives is extensive.

The list, however, is one of limited and fragmented responses whose efficacy is often difficult to measure. What is lacking is coordination, a full understanding of tools available to effect change, mechanisms for assessment of progress, and a strategy for long-term continuous improvement.

**V. PARTIES TO WHOM TASK FORCE RECOMMENDATIONS ARE ADDRESSED**

Proposals for curing present problems and improving the legal education system are most often addressed to law schools and to the accreditor of law schools, the Section of Legal Education and Admissions to the Bar of the American Bar Association. Law schools and the Section of Legal Education are central players in any systematic approach to improvement. But the Task Force recognizes that there are many more actors with a role in the system and to whom any recommendations must be addressed.

The Task Force has identified the following as institutions, entities, or persons who have an interest and role relating to legal education, and who can productively participate in improving the system:

- Law schools

- Deliverers of law-related education other than law schools
- Law faculties
- Universities and other institutions of higher education
- American Bar Association
- American Bar Association Section of Legal Education and Admissions to the Bar
- Other organizations involved in law-related education
- Regional and other higher education accrediting bodies
- State Supreme Courts
- Bar admission authorities
- Bar associations
- Federal government
- State governments
- Law firms and law offices
- Media
- Prelaw advisors

As this list reflects, the system of legal education in the United States is complex. It is also decentralized. No one person, organization, or group can alone direct change or assume sole (or even principal) responsibility for it. Each member of the system has responsibility for a limited part of legal education, and each will have to take the initiative to improve the part over which it has influence. All of these initiatives, though, should be part of a larger and hopefully coordinated project to improve the system as a whole. Accordingly, this Working Paper speaks to all participants, particularly in Section VII, which sets out common goals to guide each, mainly in its respective area of responsibility or influence.

## **VI. NATURE OF ACTIONS AND INITIATIVES THAT CAN BE UNDERTAKEN**

Many of the suggestions for improving legal education being advanced today consist either of new directives—e.g., proposals of the form, “law schools must do X,”—or else elimination of existing directives—e.g., proposals of the form, “the ABA Standards should be amended to stop requiring Y.” Although there is a place for directives and elimination of directives in any plan, the Task Force finds that place to be more limited than generally assumed.

As explained above, legal education in the United States is a complex and decentralized system and there are many decision makers and actors. Each has specialized knowledge; particular relationships with its members or participants, or with persons or other organizations served; and distinctive opportunities to guide or influence the actions of others. The problems in legal education will not disappear simply by telling participants what must or must not be done. Rather, the

task in structuring a plan for the improvement of legal education is to: (a) encourage and facilitate appropriate action by each actor in the legal education system; and (b) to the extent possible coordinate those actions to achieve large-scale improvement.

In order to achieve that, the Task Force has inventoried the many ways in which the actors in legal education can be addressed and can act in order to promote desired outcomes. These ways are the following:

**A. *New or Strengthened Requirements***

The current system of legal education is based in part on requirements. The current ABA Standards are largely prescriptive. Some Standards take other forms but the current Standards Review process appears to be moving toward an increase in the proportion (even with a reduction of the absolute number) of Standards that direct schools or others what to do. Other organizations use prescriptions as well: they are found in bar admission requirements, United States Department of Education regulations, and university and law school faculty handbooks.

Prescriptions, when well crafted, can have the benefit of marking boundaries of what is permissible or obligatory. In doing so, and in appearing to control action, they seem to provide easy solutions. Yet, they only work if they can credibly be enforced. Thus, they require enforcement mechanisms—sometimes complex ones. Enforcement mechanisms can be costly and the costs may be passed on to the regulated parties (here, law schools and ultimately students). Prescriptions, if effective, are also relatively inflexible and so have the disadvantage of requiring periodic updating to adapt to changing conditions.

**B. *Eliminated or Lessened Requirements***

Eliminating or relaxing an existing requirement can have a benefit, e.g., lowering costs in an area of operation, or allowing greater opportunity for innovation or experimentation. It is because of the potential for such benefits that there is great insistence that current prescriptions in the ABA Standards be moderated or eliminated. Similar arguments can be (and are) made regarding other prescriptions, such as ones in bar admission rules or in rules regulating the practice of law.

The potential benefits of lessening or eliminating a requirement are likely to be realized when the requirement constrains an actor from doing what it would like to do absent the requirement. But as this Working Paper has noted, the ABA Standards—the main subject of the demand for lessened requirements—tend to reflect prevailing beliefs and culture regarding how law schools should be structured and operated, and it is not clear that mere elimination of a prescription in the Standards would bring about desired benefits.

The Task Force has concluded that, while removing certain prescriptions in the ABA Standards and elsewhere could be beneficial as to cost and market orientation, many such changes would have to be coupled with other methods that non-coercively move law schools or other actors toward achieving the desired outcomes or benefits.

### **C.     *Incentives***

A common and often effective tool for promoting a desired outcome is incentives. For example, law schools typically promote faculty scholarship through a tenure system and financial incentives. If a law school wished to promote, for example, pedagogical innovation, it could use these same types of incentives, or others, to promote that goal. If another organization wished to promote pedagogical innovation in law schools, it could do so, e.g., through offering financial awards or prominent honors to encourage the desired behavior or outcomes.

An advantage of an incentive system is that it can facilitate alignment in goals and attitudes between those promoting the desired outcome and those targeted to be influenced. Incentives also can promote creativity. Potential disadvantages are that they do not always succeed and that an incentive system can be captured by its targets, with a resulting distortion or weakening of the system.

### **D.     *Facilitation***

Desired outcomes can be promoted through facilitation, i.e., by providing resources that will advance efforts to achieve the outcomes. The resources can be in the form of funds, expertise, facilities, logistics, management, mediation, or other services. For example, bar associations may be able to facilitate law school initiatives to control costs and improve processes, by making available members' business expertise and experience. Just as with offering incentives, facilitation can promote alignment.

### **E.     *Coordination***

Desired outcomes can be promoted through coordination of actors working toward shared goals or outcomes. For example, coordination among law schools, or between law schools and bar organizations, can promote efficiencies, new processes, or new educational initiatives. Coordination can be through a variety of mechanisms, for example: joint ventures of the coordinating parties; facilitation of group efforts by other persons or organizations; or the creation of new associations or organizations. The consortium of law schools collaboration on innovation under the banner "Educating Tomorrow's Lawyers" is an encouraging example of such developments.

***F. Enablement or Empowerment***

Enabling or empowering an individual or group to take action is another method to promote a desired outcome. This method is used in the ABA Standards for Approval of Law Schools. For example, deans are required to be tenured as faculty members in order to empower them to advance the goals of the law school and the Standards, if necessary, against competing claims by the university or faculty members. Enablement or empowerment promotes flexible implementation of goals by allowing solutions to be adapted to changing circumstances or environments, and by encouraging solutions from persons with a high level of expertise or influence. Enablement or empowerment sometimes needs to be coupled with facilitation to assist the empowered person in taking action or implementing an appropriate plan.

***G. Leadership***

A disadvantage of the highly decentralized character of the legal education system is that, ordinarily, no person or organization is in a position to alone drive rapid change. A related disadvantage is that collective action for the common good can be difficult to achieve, despite general knowledge of its benefits. For example, despite wide understanding of the benefits of collective action against law school ranking systems, the lack of leadership among law school deans has prevented it.

Effective leadership is based on influence, not on command. In the legal education system today, there are many opportunities for persons, organizations, or groups to establish influence in a part of legal education and to promote improvements at least within that part. Opportunities for influence can arise, for example, from holding a position as head of an organization; credibility derived from experience; or (for a group or organization) constituting or having as members a large proportion of one segment of legal education.

***H. Pilots, Experiments, and Examples***

Desired outcomes can be promoted through examples that others can use as a source of learning. In many areas of society and the economy, one person's or one organization's trying something new or achieving something new leads others in the field to copy it or improve it, thereby yielding broader progress.

This type of progress can be catalyzed through a pilot project that demonstrates how a desired result can be attained. Or, it can be catalyzed through a small-scale test of a new way of operation. Or, through the action by an agent that is willing to take a risk on a new or untried method. This mechanism for progress, like others, may have to be coupled with facilitation.

***I. Encouragement***

Desired results can be promoted through encouragement. Encouragement can be positive or negative. Some of the recent improvements in legal education result from articles in influential publications. Most of this writing has been critical, yet the criticism has served to encourage actors in legal education to respond. As this shows, parties at the center of legal education can be influenced by voices from outside the core. Those who have been critics can also have influence in a more positive fashion, for example by publicizing improvements and encouraging continued progress.

**VII. THEMES ADDRESSED TO ALL PARTIES**

The Task Force has identified the following nine themes as guides for the efforts of all participants in legal education. The project of improving legal education as both a public and private good will require independent, yet coordinated, initiatives by all participants in the legal education system. The themes set out below can serve as a common framework and a shared set of goals for this project. They are intended to promote coordination while enabling each participant to use its best judgment about choices of initiatives to pursue.

***A. The Financing of Law-Related Education Should Be Re-engineered***

The current system for financing law school education is deeply flawed and harms both students and society.

Law school education is funded through a complex system of tuition, discounting, and loans. Schools announce standard tuition rates and then extensively use discounting to build class profiles they find desirable. The most common tactic is to chase students with high LSAT scores by offering substantial discounts without much regard to financial need. Admitted students who do not contribute positively to the desired class profile receive little if any benefit from discounting and must rely mainly on borrowing to finance their education. The net result of such practices is that students whose credentials (and likely job prospects) are the weakest incur large debt to make the school budget whole and enable higher-credentialed students to attend at little cost.

The loan program for law students is part of the broader federal loan program for students in higher education. Although there is some recognition in the legislation and regulation that law students and legal education are distinctive, the recognition is limited. For example, the law does not take into account the public good in training any lawyer, not just those who enter what is commonly viewed as public service.

The current system of lending distances law schools from market considerations and it supports pricing practices that do not well serve either the public good or the private good of legal education. The pricing practices common for law schools promote unfettered pursuit of status and unanalyzed notions of quality; contribute to steadily increasing prices; promote charging more to those who may have less opportunity to realize long-term return; and promote misdistribution in the delivery of legal services. The current economic shocks to law schools will likely induce changes in pricing practices. But the nature, extent, and efficacy of such changes are not predictable at the time of preparation of this Working Paper.

The Task Force believes that the financing mechanisms for law school education and the pricing practices they facilitate must change, and that continued public confidence in the system of legal education is dependent on that change. However, it would be extraordinarily difficult for individual law schools to initiate substantial change in practices because of the competitive race for the best students and faculty. Although many of the specific recommendations in this Working Paper, if adopted, could improve financing and pricing, the Task Force also recognizes the enormous economic and political complexity of the issues relating to financing and pricing, and their interrelationship. Various observers have submitted testimony or filed comments suggesting everything from an accreditation standard requiring half of all scholarships be need-based to a cap on the amount students could borrow in the loan program. A few suggest that Congress treat legal education assistance as requiring arrangements different from those governing other segments of higher education.

The time and resources available to the Task Force have made it impractical to develop a structure of equitable and effective solutions. The Task Force is also sensitive to the limited time and resources it has available for developing solutions. Accordingly, the Task Force strongly recommends that the American Bar Association undertake a prompt, but fuller examination of these issues than the Task Force is able to make, in order to develop comprehensive sets of recommendations to correct the deficiencies in financing and pricing legal education.

***B. There Should Be Greater Heterogeneity in Law Schools***

Although it is an overstatement to say that all ABA-accredited law schools are stamped from the same cookie cutter, accredited law schools in the United States have long been highly uniform. The basic structure has been that of a college in a university, which provides a single degree, the J.D., and which has a full-time faculty marked by the cultural characteristics described above. The curricula, in particular the first-year curricula, have been very similar from one school to another.

Although the American Bar Association and the Association of American Law Schools had a substantial role in bringing about this uniformity, the current Standards for Approval of Law Schools do not so much enforce the common structure as reflect it. The structure mirrors what those involved in legal education believe a law school must be. In essence, structure today reflects culture.

Differentiation of law schools has increased somewhat in recent years. Much of it, though, has been at the surface level, such as adding to the basic framework an institutional emphasis (real or nominal) in a particular field of law. Some has been deeper, involving, for example, a commitment to providing opportunity for legal education to those who might otherwise not have it; a pervasive focus on developing trial or other practice skills; or development of integrated systems through branch campuses or consortium arrangements. This trend toward differentiation and experimentation will continue and the Task Force believes it should be fostered.

It is useful to compare the system of law schools with the college and university system in the United States. The latter is marked by a modest degree of standardization (e.g., an undergraduate program generally of four years) with substantial variety beyond that. Some colleges or universities are highly focused on research; some are highly focused on undergraduate teaching. Some are schools of access; some are highly selective. Some are multi-campus; some are single campus. Some have a high level of distance instruction; some are entirely residential.

This diversity suggests it might be possible to imagine a system in which law schools with very different missions might be accommodated, say, for example, a school where relatively little time was committed to faculty research and publishing and much more time spent on practice-ready training. One can acknowledge the success of the general model brought into being by the schools, the ABA, and the wider profession and still believe that it may not be the exclusive way of preparing people to be good lawyers. A study by the Government Accountability Office suggests that most schools would arrange their affairs according to this model even if the ABA Standards were not in place. We think legal education would be improved if there were more room for trying different models.

The potential benefits of greater variety among law schools are considerable. Variety and a culture encouraging variety could facilitate innovation in programs and services; increase educational choices for students; lessen status competition; and aid the adaptation of schools to changing market and other external conditions.

The Task Force recommends that participants in the legal education system, but particularly law schools, universities, the Section of Legal Education, the Association of American Law Schools, and state bar admission authorities, pursue or facilitate this increased diversification of law schools as they each develop plans and initiatives to address the current challenges in legal education.



***C. There Should Be Greater Heterogeneity in Programs that Deliver Law-Related Education***

American legal education today is built around a single degree-granting program: the J.D. This is an expensive program that generally requires seven years of higher education. The J.D. program seeks to develop professional generalists, whose services can be costly.

There continues and will continue to be a need for professional generalists. However, there is today, and there will increasingly be in the future, a need for: (a) persons who are qualified to provide limited law-related services without the oversight of a lawyer; (b) a system for certification of an individual's competence to provide such services; and (c) educational programs that train individuals to provide those limited services. There is no logical necessity that law schools provide these educational programs, but there is also no logical reason why they should not do so. The Task Force recommends that law schools and other institutions of higher education develop these educational programs.

The Task Force also recommends, correspondingly: (a) that the Section of Legal Education develop standards for accrediting these educational programs or else expressly defer to other accrediting bodies to do so; and (b) that state authorities regulating the practice of law develop certification systems for limited law-related service, which assure quality but do not limit access or unduly raise the price of services. Other participants in the legal education system should support this increased heterogeneity of programs and forms of legal service as appropriate to their role in the legal education system.

***D. Delivery of Value to Students in Law Schools and in Programs of Law-Related Education Should Be Emphasized***

The traditional emphasis on legal education as a public good has led to a focus on quality of legal education as an overriding goal by law schools, the ABA Section of Legal Education, and the Association of American Law Schools. Pursuit of quality unquestionably has helped produce a strong system for educating new lawyers in the United States. But it has also been a significant cause of the steadily increasing price of the J.D. education.

On the other hand, the recent emphasis on consumer considerations—and more broadly on legal education as a private good—has had an opposite tendency. The intense consumer focus has created pressure to drive down price and thus the cost of delivering educational services. Although this has been beneficial, the pressure to reduce costs simpliciter has tended to minimize the impact of reductions on

educational outcomes and the long-term sustainability and success of the legal education system.

These polar perspectives each constitute incomplete pictures of what law schools are and what law schools do. It is inescapable that *law schools are in the business of delivering legal education services*. And no business can succeed in the long run unless it pays close attention to the value it is promising to deliver and consistently holds itself accountable to deliver that value. Law schools generally do not pay attention to questions of value. But they need to. Paying close attention to value and its delivery would not only promote sustainability and accommodate the legitimate concerns of both quality and price; it could help bridge the widespread gaps between academic and business perspectives, and between faculty and administration.

The Task Force does not take a position on the specific nature of the value any law school should promise or deliver. Consistent with the recommended goal of greater heterogeneity in schools and programs, the Task Force encourages each law school (and or other entity that delivers programs of legal education) to make its own assessment of the particular value it believes it can and should deliver, and to make a commitment to communicating and delivering that value.

***E. There Should be Clear Recognition that Law Schools Exist to Teach People to Provide Law-Related Services***

Most of what the Task Force has heard from recent graduates reflects a conviction that they received sufficient instruction in doctrine but insufficient exposure to other core competencies that make one an effective lawyer.

Law schools are instrumental. They have a societal role: to prepare individuals to provide law-related services. This elementary fact is often overlooked.

Fulfilling the role means that the educational programs of a law school should be designed so that graduates will have: (a) some competences in delivering (b) some legal services.

In light of the key themes of heterogeneity in schools and programs, the Task Force does not take the position that there is a universal core or minimum set of core competences that every graduate of every law school must have. But it does take the position that a graduate's having *some* set of competences in the delivery of law-related services, and not just some body of knowledge, is an essential outcome for *any* program of law-related education. What particular set of competences a school, through an educational program, should ensure is a matter for the school to determine. Among other things, that program should be better shaped with reference to the job market for law-trained people than it often is today.

Although this theme deals with the function of law schools, delivering competences in graduates is not and cannot be a responsibility of law schools alone. For example, in programs to prepare generalist lawyers, such as a traditional J.D., it is also a responsibility of bar associations, firms and other organizations in which legal services are delivered by lawyers, and members of the legal profession in general. These persons and organizations are essential to helping identify competences to be delivered and continuing to assess their importance; providing teaching resources; providing settings in which students can practice and develop skills and talents; and helping instill in students the culture and values that surround and shape the competences of lawyers.

The Task Force further notes that by designing programs to develop competences in the delivery of legal services, law schools can contribute to the public good in ways beyond producing skilled graduates who provide legal services. An effective means to develop many types of competence is to have students provide supervised services to clients. Increased attention to developing competences will increase the proportion of a legal education program that involves students delivering legal services. In this way, more legal services can be made available to persons in need of them, but who many not need (or who may be unable to pay for) the services of a fully trained lawyer.

***F. There Should Be Greater Innovation in Law Schools and in Programs That Deliver Law-Related Education***

There is clamor for innovation in legal education, and there is a fair amount of it under way. Although “innovation” is a malleable concept, at bottom what is being called for is: (a) a greater willingness of law schools and others who can deliver legal education services to experiment and take risks; and (b) support for the experiments and risk-taking by other participants in the legal education system.

Innovation cannot come from a directive to experiment and take risks. Nor can it come simply from the removal of real or perceived barriers to innovation. Rather, it must come from a change in attitude and outlook, and from openness to learning, particularly from other fields. The legal education system today is conservative and risk-averse, and innovation is too often confined to tinkering with established practices and models. The shocks law schools are experiencing today may push them toward the needed changes. But more than this push is needed.

Incentives, resources, and encouragement can be powerful supports for innovation, and these can come from many participants in the system (as well as participants outside the legal education system). The ABA Section of Legal Education can support innovation by modifying or eliminating Standards (including those governing variances) that constrain opportunities for experimentation and risk-taking. As

noted above, experiments or successful risk-taking by one participant can influence others to go down a similar path. In addition, there exists a wealth of knowledge schools can draw, from organization theory and elsewhere, to facilitate their acting in ways that might lead to innovation.

***G. There Should Be Constructive Change in Faculty Culture and Faculty Work***

Prevailing law faculty culture, and the prevailing structure for faculty role in a law school, reflect the model of a law school as primarily an academic enterprise, delivering a public good. This entrenched culture and structure has led, inter alia, to declining classroom teaching loads and a high level of focus on publishing and research.

Some, perhaps many, law schools will continue to operate under the current model. For law schools that choose to pursue other models, faculty culture and faculty role must necessarily change to support those new models. These changes may relate to accountability for outcomes; scope of decisionmaking authority; responsibilities for teaching, internal service, external service, and scholarly work; career expectations; modes of compensation; interdependence; scope of the category “faculty” and internal classifications within that category; and a host of other factors.

The Task Force recommends that universities and law faculties move to reconfigure faculty role and promote change in faculty culture, so as to support whatever choices they make to adapt to the changing environment in legal education. The Task Force further recommends that the Section of Legal Education, the Association of American Law Schools, and other organizations in the legal education system take steps to avoid impeding the ability of schools and faculties to undertake chosen adaptations.

***H. The Regulation and Licensing of Law-Related Services Should Support Mobility and Diversity of Legal Services***

Although the focus of this Working Paper is the system of legal education in the United States, the Task Force finds that associated improvements are needed in the system of regulation and licensing of law-related services.

One reason is that much of legal education is directed toward preparing persons to become lawyers admitted to practice in a state and thus subject to state licensing and regulation. The nature of this licensing and regulation can strongly influence the character and cost of the education of lawyers. Accordingly, improvements in the regulation and licensing of lawyers can promote or enable improvements in legal education.

Such improvements are also important because certain recommendations concerning diversification of legal education programs will have their full benefit only with corresponding diversification in legal services and legal services providers. Thus, with regard to these recommendations, law schools and other providers of legal education services must work collaboratively with regulators of legal services to develop an integrated system that will promote the public and private good. The recent report of the State Bar of California's task force on admissions regulation lays out many of the possible reforms in lawyer licensing that might help prepare practitioners to serve clients.

***I. The Process of Change and Improvement Initiated by this Task Force Should Be Institutionalized***

The recommendations made here for improving the system of legal education respond to conditions that have prevailed for the past few years. These recommendations have been developed under substantial time constraints because of the widely shared view that action is needed promptly to address the current problems. A risk is that these recommendations will be viewed as solutions for transient conditions and that as soon as conditions improve, the recommendations will be ignored.

The Task Force believes that many of the forces and factors that give rise to the current conditions are permanent. Legal education must continually deal with these factors in a systematic fashion.

To begin, the fundamental tension between education of lawyers as a public good and education of lawyers as a private good is structural. The tension may manifest itself in different ways under different conditions, but it will always be with us and must always be managed. Other matters likely to continually give rise to stresses, challenges, and the need for managing change are: the economics of law schools; the rapid evolution in the market for legal services; the function and value of accreditation standards; the financing of legal education; the role of parties other than law schools in legal education; and the role of media in understanding legal education and communicating with the public.

Since these forces and factors will always be with us, it is prudent for the system of legal education to institutionalize the process of dealing with them. The decision of the ABA House of Delegates a decade ago to give up its role of approving or disapproving accreditation standards, delegating that authority to the Section of Legal Education, has made collective action by the profession more difficult.

All parties involved in legal education should support an enterprise or program for the continual assessment of conditions affecting legal education and of the strengths

and weaknesses of the then-current structures in legal education, and for fostering continual improvement in the system of legal education.

### **VIII. SPECIFIC RECOMMENDATIONS**

The Task Force not only seeks to offer its insights under the general themes discussed above; it also makes specific recommendations to particular groups or actors in the system of legal education. Those specific recommendations are as follows.

#### **A. American Bar Association**

The American Bar Association should undertake the following:

1. *Establish A Task Force or Commission With Appropriate Expertise to Examine and Recommend Reforms Regarding Law School Pricing and Financing. Issues Within the Scope of Such a Project Should Include:*

- a. *Cost-Based Pricing by Law Schools*
- b. *Discriminatory Pricing by Law Schools*
- c. *Reliance on Loans to Finance Law School Education*
- d. *The Structure of the Current Loan Program for Financing of Law School Education*

2. *Establish a Center or other Framework to Institutionalize the Process of Continuous Assessment of and Improvement in the System of Legal Education.*

3. *Establish a Mechanism for Gathering Information About Improvements in the System of Legal Education and Disseminate that Information to the Public.*

4. *Establish Training and Continuing Education Programs for Prelaw Advisors.*

#### **B. Section of Legal Education and Admissions to the Bar**

The Section of Legal Education and Admissions to the Bar should undertake the following:

1. *Revise Standards, Interpretations, and Rules that Directly or Indirectly Raise the Cost of Delivering a J.D. Education Without Contributing Commensurately to the Goal of Ensuring that Law Schools Deliver a Quality Education.*

Specific Standards and Interpretations that are potentially modifiable (or in some cases eliminable) on this ground include the following:

- Interpretation 304-5 (relating to credit for work prior to matriculation in law school)
- Standard 306 (relating to distance education)
- Interpretations 402-1 and 402-2 (relating to student-faculty ratios)
- Standard 403 (relating to proportion of courses taught by full-time faculty)
- Standard 405 (relating to tenure and security of position)

2. *Revise Standards, Interpretations, and Rules that Directly or Indirectly Impede Law School Innovation in Delivering a J.D. Education Without Clearly Contributing to the Goal of Ensuring that Law Schools Deliver a Quality Education.*

Specific Standards, Interpretations, and Rules that are potentially modifiable (or in some cases eliminable) on this ground include the following:

- Standard 206(c) (requiring that, except in extraordinary circumstances, a dean be a faculty member with tenure)
- Standard 304 (relating to course of study and academic calendar) including:
  - Standard 304(b) (requiring as a condition of graduation 58,000 minutes of instruction time)
  - Standard 304(b) (requiring as a condition of graduation 45,000 minutes of attendance in regularly scheduled class sessions)
  - Standard 304(c) (requiring that the J.D. program be completed no earlier than 24 months after commencement of law study)
- Interpretation 305(c) (prohibiting credit for field placements in which the student receives compensation)
- Standard 603 (relating to Library Directors)
- Interpretation 701-2 (relating to physical facilities)
- Rules 25 and 27 (relating to confidentiality and disclosure of information about law schools)

3. *Revise Procedures Regarding Variances (Standard 802) to Promote Innovation and Experimentation as Follows:*

- a. Variances should be regarded as opportunities for experimentation and innovation, and granted subject to sound evaluation of the experiment or innovation.

- b. The process for applying for and granting variances should be transparent and the grant or denial of a variance should be disclosed to the public.
- c. The Council of the Section of Legal Education and Admissions to the Bar should develop a procedure to request applications for variances in specific areas or with respect to specific Standards.
- d. An experiment or innovation authorized under variances, if demonstrated to be successful, should constitute an example potentially leading to a permanent exemption from a Standard or a change in a Standard.

4. *Establish Standards for Accreditation or Certification of Programs of Legal Education Other than the J.D. Program.*

**C. *State Supreme Courts and Regulators of Lawyers and Law Practice***

State regulators of lawyers and law practice should undertake or commit to the following:

- 1. *Seriously Consider Proposals to Reduce the Amount of Law Study Required for Persons to be Eligible to Sit for a Bar Examination or be Admitted to Practice.*
- 2. *Authorize Persons Other than Lawyers with J.D.'s to Provide Limited Legal Services and Create Certifications for Such Persons.*
- 3. *Create Among Themselves, or else Agree to, Uniform National Standards for Admission to Practice as a Lawyer.*
- 4. *Reduce the Number of Subjects Tested on Bar Examinations.*
- 5. *Avoid Imposition of Educational or Academic Requirements for Admission to Practice Beyond those Required Under the ABA Standards for Approval of Law Schools.*

**D. *Universities and Other Institutions of Higher Education***

Universities and other institutions of higher education should undertake the following:



1. *Develop Educational Programs to Prepare Persons, other than Prospective Lawyers, to Provide Limited Legal Services. Such Programs May, but Need Not, Be Delivered through Law Schools that are Parts of Universities.*

**E. Law Schools**

Each law school should undertake the following:

1. *Develop Plans for Limiting or Reducing the Cost of Delivering the J.D. Education and Continually Assess and Improve Those Plans.*

2. *Develop Goals and a Plan to Manage the Investment of Law School Resources in Faculty Scholarly Activity, and Assess Institutional Success in Accomplishing the Goals.*

3. *Develop a Clear Statement of the Value the Law School Education and Experience Will Provide, Including its Relation to Employment Opportunities, and Communicate that Statement to Students and Prospective Students.*

4. *Adopt, as an Institution-Wide Responsibility, Promoting Career Success of Graduates and Develop Plans for Meeting that Responsibility*

5. *Develop Comprehensive Programs of Financial Counseling for Law Students, and Continually Assess the Effectiveness of Such Programs.*

**F. Law Faculty Members**

Law school faculty members should undertake the following:

1. *Become Informed About the Subjects Addressed in This Working Paper, in Order to Play an Effective Role in the Improvement of Legal Education at the Faculty Member's School.*

2. *Individually and as Part of a Faculty, Reduce the Role Given to Status as a Measure of Personal and Institutional Success.*

**G. Those who Inform the Public About Legal Education**

Those who supply information and those who employ it should undertake the following:

1. *Law Schools, the Profession, and Others in the System of Legal Education Should Commit to Providing the Public with Information about Improvements and Innovations in Legal Education that Respond to the Criticisms*

*Previously Raised.*

2. *News Organizations Should Strive to Develop Expertise Regarding Legal Education among Staff.*

3. *U.S. News & World Report Should Cease Using Law School Expenditures as a Component of Its System for Ranking Law Schools.*