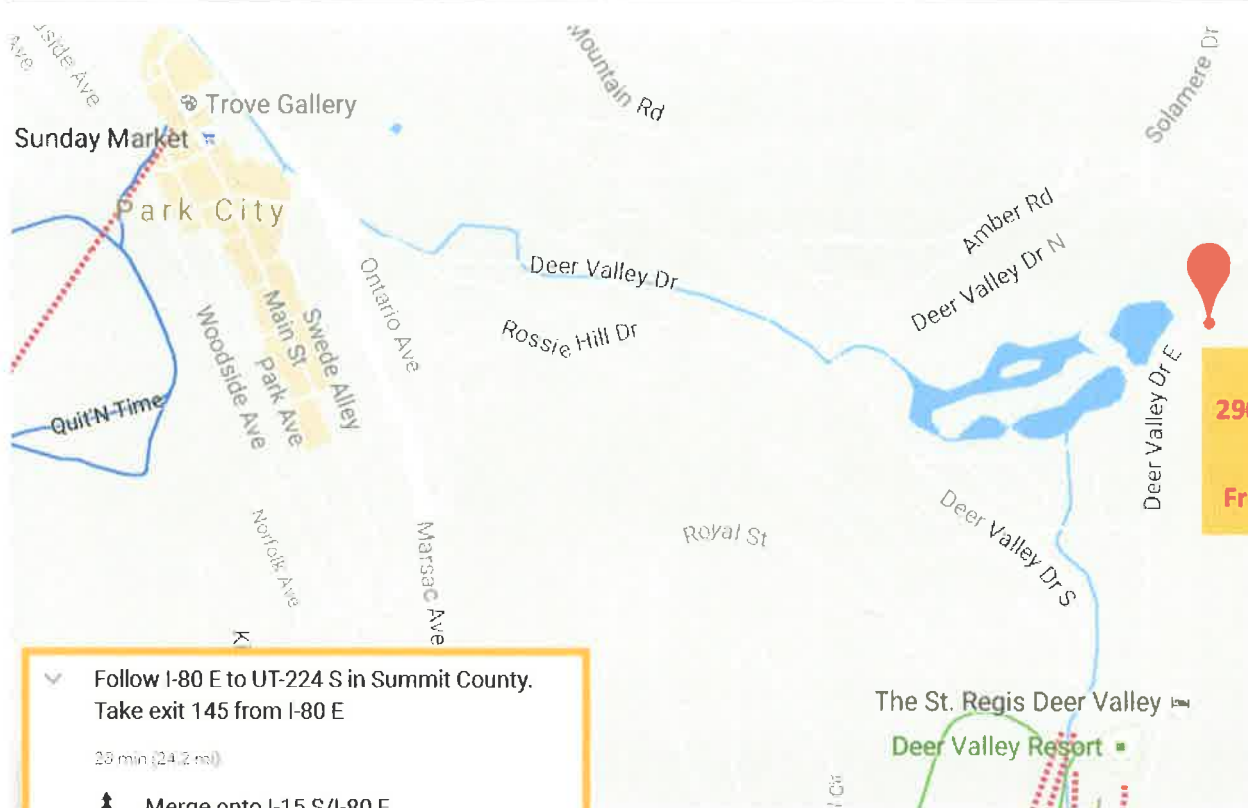


# Utah State Bar Commission Meeting and Retreat

1

August 26-27, 2016

## The Lodges at Deer Valley

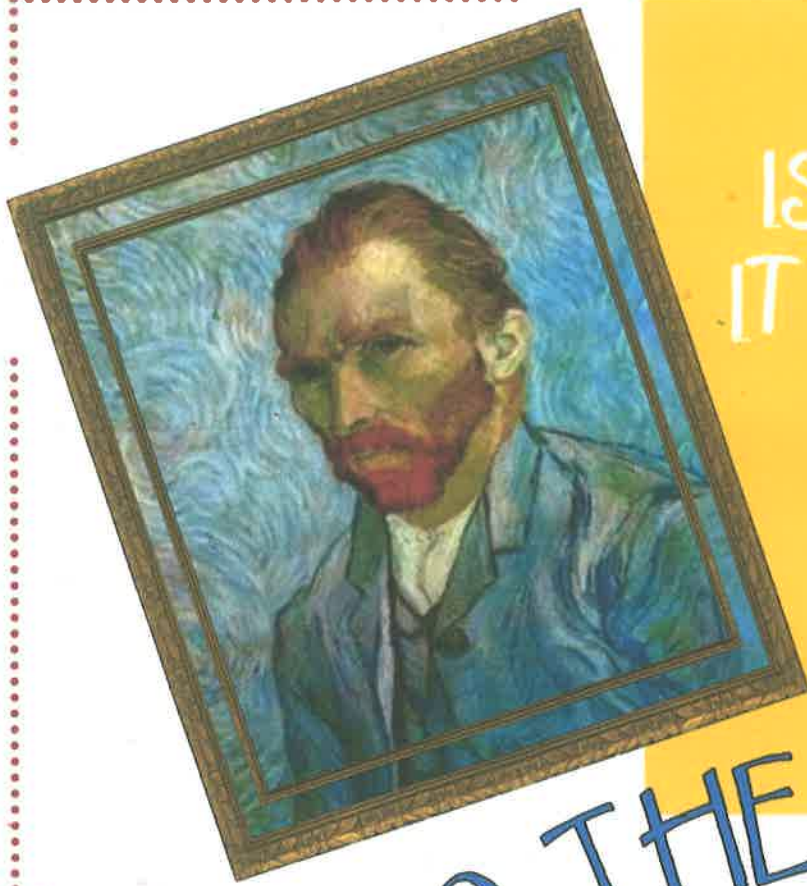


- ▼ Follow I-80 E to UT-224 S in Summit County.  
Take exit 145 from I-80 E  
28 min (24.2 mi)
- ➡ Merge onto I-15 S/I-80 E  
2.0 mi
- ➡ Keep right at the fork to continue on I-80 E,  
follow signs for Cheyenne/Interstate 80  
5.0 mi
- ➡ Keep left to stay on I-80 E  
16.7 mi
- ➡ Use the right 2 lanes to take exit 145  
toward Kimball Jct  
0.6 mi
- ▼ Follow UT-224 S to Deer Valley Dr N in Park City  
14 min (8.0 mi)
- ➡ Use any lane to turn right onto UT-224 S  
5.8 mi
- ➡ Turn left onto Deer Valley Dr  
1.1 mi
- ➡ At the traffic circle, take the 2nd exit and  
stay on Deer Valley Dr  
0.5 mi
- ➡ Turn left onto Deer Valley Dr N  
0.6 mi  
Destination will be on the left



### Important Information:

- We have requested early check-in. If early check-in is unavailable at the time you arrive, the concierge will hold your luggage and deliver it to your room.
- Valet parking is not available. Thirty minute check-in parking is available at the main entrance. The concierge will instruct you where you may park your vehicle.
- The working lunch and meeting will be held in the Spruce Room, located one floor above the main lobby.



NORMAL  
IS A PAVED ROAD:  
IT IS COMFORTABLE  
TO WALK, BUT  
NO FLOWERS  
GROW ON IT.

— Vincent Van Gough

# TRANSCEND THE NORMAL

at our Friday Night Activity

SWEET SUNFLOWER

Our friends at The Paint Mixer  
will bring their unique blend of  
art and fun to our after dinner activity.

Sit back, relax, and paint. You will leave  
with a floral masterpiece suitable for framing.  
Make Vincent Proud!!!





## VISION OF THE UTAH STATE BAR

A just legal system that is understood, valued, and accessible to all.

## MISSION OF THE UTAH STATE BAR

Lawyers serving the public and legal profession with excellence,  
civility, and integrity.

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## UTAH STATE BAR STATEMENT ON DIVERSITY AND INCLUSION

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

*The Bar shall strive to:*

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

## Utah State Bar Commission Policies and Procedures

Page 40

(g) Diversity Requirements.

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

**BAR AWARDS**

<b><u>AWARD</u></b>	<b><u>DUE</u></b>	<b><u>CHOSEN</u></b>	<b><u>PRESENTED</u></b>
1. Dorathy Merrill Brothers Award Advancement of Women in the Law	Mid-January	January	Spring Convention
2. Ray Uno Award Advancement of Minorities in the Law	Mid-January	January	Spring Convention
3. Judge of the Year	Mid-April	June	Annual Convention
4. Distinguished Lawyer of the Year	Mid-April	June	Annual Convention
5. Distinguished Section of the Year	Mid-April	June	Annual Convention
6. Distinguished Committee of the Year	Mid-April	June	Annual Convention
7. Outstanding Pro Bono Service (Selected by the Pro Bono Commission)	Mid-March	September	Fall Forum
8. Distinguished Community Member	Mid-September	September	Fall Forum
9. Pro Bono Lawyer of the Year	Mid-September	September	Fall Forum
10. Professionalism Award	Mid-September	September	Fall Forum
11. Outstanding Mentor Award	Mid-September	September	Fall Forum
12. Heart and Hands Award	Mid-September	November	Utah Philanthropy Day
13. Distinguished Service Award			As Needed
14. Special Service Award			As Needed

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(Distinguished Young Lawyer of the Year)  
Law Day

(ABOTA)  
Fall Forum

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

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

## Two most important responsibilities of a Bar Commissioner

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

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

Help fulfill vision by devoting time and intellect

Contribute ideas and work

Serve lawyers of Utah

Help accomplish goals of the commission

Represent my division and my liaison groups

Make the Bar meaningful to lawyers

Speak honestly

Contribute with ideas and feedback

Fiduciary

Forward thinking visionary

Communicate with Bar members

Have programs that assist all attorneys and advance the profession

Protect core functions

Promote access to justice and diversity

Know concerns of membership

Speak for membership

Take action on members' needs

Be conservative with bar dues

Attend the meetings

Use sound judgment

Serve community

Represent the unrepresented

Access to Justice

Work together to assist sections of the Bar

Support Rule of Law and integrity of legal system

Listen and participate

## Utah State Bar Commission Meeting and Retreat

Friday, August 26, 2016

The Lodges, Deer Valley

### Agenda

1. **12:00 p.m. Lunch/President's Report - 2016-2017 Initiatives: Rob Rice**
  - 1.1 Member Centric Website
  - 1.2 Increasing Bar's Social Media Presence
  - 1.3 Wipfli Review
  - 1.4 ABA OPC Review/Law Practice Management Advisor
  - 1.5 Five-Year Convention Plan
  - 1.6 Small Firm Membership Services Tour
  - 1.7 Bar Committee Succession Planning
  - 1.8 UMBA Diversity Initiative
  - 1.9 Pro Bono Commission/*onlinejustice.org*
  - 1.10 Past Presidents Committee
  - 1.11 Unconscious Bias Training in New Lawyer Training Program
  - 1.12 Preserving New Programs
    - a. Leadership Academy
    - b. Breakfast of Champions
    - c. Bar Review
    - d. 50 Year Pins
2. **1:00 p.m. Action items**
  - 10 Mins. 2.1 Nonprofit Legal Services Support **(To be distributed)**
  - 10 Mins. 2.2 Approve Committee Chairs **(Tab 1, page 11)**
  - 15 Mins. 2.3 Approve Commission Liaisons **(Tab 2, page 14)**
  - 20 Mins. 2.4 Licensed Paralegal Practitioner Program: **James Ishida**
    - a. Involvement in Blomquist Hale/Lawyers Helping Lawyers
    - b. Participation on *LicensedLawyer.org*
    - c. Concern with Contingency Fees
  - 10 Mins. 2.5 Seed Funding for Utah Center for Legal Inclusion **(Tab 3, page 17)**
  - 15 Mins. 2.6 Letter to Senate Encouraging Action on Judicial Vacancies **(Tab 4, page 20)**
  - 10 Mins. 2.7 Appointment of ABA Delegate for 2016-2018 Term **(Tab 5, page 22)**

**2:30 p.m. Break**
3. **2:40 p.m. Discussion Items**
  - 20 Mins. 3.1 Member Centric Website ("*LawHub*"): **Lincoln Mead**
  - 20 Mins. 3.2 Increasing Bar's Social Media Presence: **Sean Toomey**
  - 10 Mins. 3.3 Access to Justice Council
4. **3:30 p.m. Information Items**
  - 20 Mins. 4.1 ABA Delegates' Report: **Nate Alder, Margaret Plane, Chris Wharton**
  - 20 Mins. 4.2 Judicial Performance Evaluation Commission: **Jennifer Yim**

**4:10 p.m. Executive Session**

**4:30 p.m. Adjourn**

**(OVER)**



- 6:00 p.m. Social with Guests
- 6:45 p.m. Dinner & Group Painting Activity: *"Unleashing our Inner Artistic Talents"* under the guidance of the artisans of *The Paint Mixer Studios* of Park City

### Consent Agenda (Tab 6, page 38)

1. Approve Minutes of July 6, 2016 Commission Meeting
2. Appointment of Adam Richards to Judicial Council Technology Committee
3. Approve Amendments to Environmental Law Section Bylaws

### Attachments (page 49)

1. 2016 Summer Convention Survey
2. Rob Rice *Op-Ed* on Judicial Diversity in *Salt Lake Tribune*
3. *Salt Lake Tribune* Article on Judicial Diversity
4. *Ogden Standard Examiner* Editorial on Judicial Diversity

### Calendar

September 9	Executive Committee	12:00 Noon	Utah State Bar
September 16	Commission Meeting	9:00 a.m.	TBD
September 17	Constitution Day – Teach a class!	Visit: <a href="http://civics.utahbar.org/">http://civics.utahbar.org/</a>	
October 13	Executive Committee	12:00 Noon	Utah State Bar
October 17-21	Pro Bono Celebration Week		
October 18	Admissions Ceremony	12:00 Noon	Capitol Building
October 21	Commission Meeting	9:00 a.m.	Utah State Bar
November 17	UMBA Awards Banquet		Grand America
November 17-18	Fall Forum		Grand America
November 29	Executive Committee	12:00 Noon	Utah State Bar
December 9	Commission Meeting	9:00 a.m.	Utah State Bar

### 2017

January 2 Election Notices Due

## Utah State Bar Commission Meeting and Retreat

Saturday, August 27, 2016

The Lodges, Deer Valley

### Agenda

**8:00 a.m. Breakfast with Guests**

**9:00 a.m. Law Practice Technology Discussion: Mark Britton**

**10:15 a.m. Break for Group Photo (Business Casual)**

**10:45 a.m. Futures Commission Implementation Status: Nate Alder**

**11:15 a.m. AAA Task Force 2.0**

- a. Promoting *LicensedLawyer.org*
- b. Phase II Directory
- c. Incubator Re-launch
- d. Courthouse Steps

**12:00 p.m. Lunch and Discussion**

*Each elected commissioner should be prepared to briefly discuss his/her interests, goals and priorities for the Bar Commission to accomplish this year.*

**1:00 p.m. Adjourn**

**TAB**  
**1**

## 2016 - 2017 Committee Chair Appointments

### **Admissions Committee**

Daniel A. Jensen – Parr Brown Gee & Loveless  
Co-chair

### **Bar Examiner Committee**

Mark Astling – Durham Jones & Pinegar  
Co-chair

### **Bar Exam Test Accommodation Committee**

Joan M. Andrews – Fabian VanCott  
Chair

### **Bar Journal Committee**

William D. Holyoak – Parsons Behle & Latimer  
Chair

### **Budget & Finance Committee**

Christine Arthur – Larson Certif. Public Accountants  
Chair

### **Character & Fitness Committee**

Kimberly A. Neville – Dorsey & Whitney  
Co-chair

### **CLE Advisory Committee**

Jonathan O. Hafen – Parr Brown Gee & Loveless  
Chair

### **Disaster Legal Response Committee**

Tracy Olson – Smart Schofield Shorter & Lunceford  
Chair

### **Ethics Advisory Opinion Committee**

John A. Snow – Prince Yeates & Geldzahler  
Chair

### **Fee Dispute Resolution Committee**

William M. Jeffs – Jeffs & Jeffs  
Chair

### **Fund for Client Protection Committee**

Hon. David R. Hamilton – State of Utah  
Chair

### **Governmental Relations Committee**

Cameron Beech – Campbell Houser Ference & Hall  
Co-chair

### **Admissions Committee**

Steven T. Waterman – Dorsey & Whitney  
Co-chair

### **Bar Examiner Committee**

Tanya N. Peters – Richards Brandt Miller & Nelson  
Co-chair

### **Character & Fitness Committee**

Andrew M. Morse – Snow Christensen & Martineau  
Co-chair

### **Governmental Relations Committee**

Jaqualin Friend Peterson – Peck Peterson  
Co-chair



**Governmental Relations Committee**

John H. Bogart – Telos VG  
Co-chair

**Innovation in Law Practice Committee**

Heather S. White – Snow Christensen & Martineau  
Co-chair

**Member Resource Committee**

Robert L. Jeffs – Jeffs & Jeffs  
Chair

**New Lawyer Training Program Committee**

Lesley Manley – Jones Waldo  
Chair

**Unauthorized Practice of Law Committee**

Benjamin P. Harmon – Callister Nebeker & McCullough  
Co-chair

**2016 Fall Forum Committee**

Gabe White – Christensen & Jensen  
Co-chair

**2017 Spring Convention Committee**

Hon. Michael F. Leavitt – Fifth District Juvenile Court  
Co-chair

**2017 Summer Convention Committee**

Amy Sorenson  
Chair

**Innovation in Law Practice Committee**

John H. Rees – Callister Nebeker & McCullough  
Co-chair

**Unauthorized Practice of Law Committee**

Alex B. Leeman – Prince Yeates & Geldzahler  
Co-chair

**2016 Fall Forum Committee**

Amy Fowler – Salt Lake Legal Defenders  
Co-chair

**2017 Spring Convention Committee**

Melinda Bowen – Tenth Circuit Court of Appeals  
Co-chair

TAB  
2

## 2016-2017 Bar Commission Committee, Program & Liaison Assignments

### Rob Rice

Bar President

Assignments:

1. Executive Committee
2. Budget & Finance Committee
3. Summer Convention Committee
4. Fall Forum Committee
5. AAA Task Force

### John Lund

President-elect

Assignments:

1. Executive Committee
2. Budget & Finance Committee
3. Spring Convention Committee
4. Modest Means Committee
5. Futures Commission
6. Judicial Counsel
7. AAA Task Force

### Grace Acosta

Assignments:

1. Solo, Small Firm & Rural Practice Section
2. Collection Law Section
3. Communications Law Section
4. Real Property Law Section
5. Corporate Counsel Section

### Kate Conyers:

Assignments:

1. Government Relations
2. SLCO Bar
3. Pro Bono Commission
4. Environmental Law Section
5. Health Law Section

### John Bradley

Assignments:

1. New Lawyer Training Committee
2. Davis County Bar Association
3. Weber County Bar Association
4. Government & Administrative Law Section
5. Tooele County Bar Association

### Heather Farnsworth

Assignments:

1. Executive Committee
2. Cyber Security & Data Privacy Law Section
3. Securities Law Section
4. Business Law Section
5. Limited Scope Section

### Steven Burt

Assignments:

1. Disaster Legal Resources Committee
2. Construction Law Section
3. Community Association Law Section

### Mary Kay Griffin

Assignments:

1. Budget & Finance Committee
2. Non-profit/Charitable Law Section
3. Tax Law Section

### H. Dickson Burton

Assignments:

1. Executive Committee
2. Admissions Committee
3. Test Accommodations Committee
4. Character & Fitness Committee
5. Intellectual Property Section

### Liisa Hancock

Assignments:

1. Ethics Advisory Committee
2. Family Law Section
3. Central Utah Bar Association
4. Wasatch County Bar Association
5. Leadership Academy

**Michelle Mumford**

## Assignments:

1. Education Law Section
2. Estate Planning Law Section
3. Elder Law Section
4. Executive Committee

**Herm Olsen**

## Assignments:

1. Fee Dispute Resolution Committee
2. Box Elder Bar Association
3. Cache County Bar Association
4. Utah Association for Justice
5. Senior Lawyers Section

**Cara Tangaro**

## Assignments:

1. Bar Examiner Committee
2. Bar Journal Committee
3. UACDL
4. Criminal Law Section
5. Bankruptcy Law Section

**Heather Thuet**

## Assignments:

1. Litigation Section
2. Hellenic Bar Association
3. Labor & Employment Section
4. Unauthorized Practice of Law Committee
5. Franchise Law Section

**Katie Woods**

## Assignments:

1. Eastern Utah Bar Association
2. Garfield County Bar Association
3. Sixth District Bar Association
4. Southern Utah Bar Association
5. Uintah Basin Bar Association

**Nate Alder**

## Assignments:

1. Antitrust and Unfair Competition
2. Dispute Resolution Section
3. Appellate Practice Section
4. Futures Commission

**Margaret Plane**

## Assignments:

1. Park City Bar Association
2. Constitution Law Section
3. Military Law Section
4. Indian Law Section

**Angelina Tsu**

## Assignments:

1. Fund for Client Protection Committee
2. Executive Committee
3. Banking & Finance
4. International Law Section

**Chris Wharton**

## Assignments:

1. CLE Advisory Committee
2. Member Resources Committee
3. Federal Bar Association
4. Juvenile Law Section



**TAB**  
**3**

August 23, 2016

**VIA E-MAIL**

The Utah Bar Commission  
C/O John Baldwin  
**UTAH BAR**  
645 200 E  
Salt Lake City, UT 84111  
john.baldwin@utahbar.org

Re: *The Utah Center for Legal Inclusion*

Dear Commissioners:

In partnership with the Utah Minority Bar Association, we are in the process of forming a new organization to promote diversity and inclusion in the Utah legal field. The Utah Center for Legal Inclusion (“UCLI”) will be a 501(c)(3) nonprofit organization dedicated to advancing diversity and inclusion goals in the legal profession through education, community outreach, research, and accountability. UCLI will provide tools for law firms, bar associations, legal organizations, schools, businesses, and government agencies, to help promote diversity and inclusion in the workforce, increase awareness of implicit biases in hiring and operational decision, and promote policies so that all levels of the legal profession can benefit from diversity in race, ethnicity, culture, sex, gender identity, sexual orientation, and religion.

As you know, the Utah State Bar already supports several existing organizations focused on advancing specific minority issues and causes, such as the Utah Minority Bar Association, Women Lawyers of Utah, and the LGBT & Allied Lawyers of Utah. Each of these associations works independently to further their diversity efforts for their members. UCLI will help coordinate these efforts, identify areas that the existing associations have not yet explored, and collect data through comprehensive surveys in order to measure the progress and effectiveness of projects and initiatives designed to foster inclusiveness.

The executive committee of the UCLI Board of Governors consists of the UCLI co-chairs, Justice Christine Durham and Fran Wikstrom, as well as Nate Alder, Rob Rice, Kristen Olsen, and Melinda Bowen. The remaining members of the Board of Governors will be announced at this year’s fall forum in November. As we are in the early stages of forming this organization, we are in need of funding to cover preliminary costs associated with forming the nonprofit, printing marketing materials, etc. To that end, we would like to request a contribution from the Utah Bar in the amount of \$1,500.00. This contribution will allow UCLI to operate



until long-term funding solutions can be addressed by the UCLI Board of Governors. If you have further questions about this funding request, please do not hesitate to reach out to me or any other member of the executive committee.

Sincerely,

Kristen Olsen



**TAB**  
**4**



Senator Orrin G. Hatch  
# Dirkson Senate Office Building  
Washington, D.C. Zip

August 26, 2016

Dear Senator Hatch,

On behalf of the Utah State Bar I am writing to express our concern about vacancies on the federal bench and to encourage the United States Senate to act with all necessary dispatch to take appropriate action on all federal judicial nominations. The mission of the Utah State Bar includes promoting a justice system that is understood, valued and accessible. We believe that appropriate access to justice requires that all vacancies be filled as quickly as is reasonably possible.

The Utah Bar has long championed a fair, impartial, diverse and efficient judiciary that embraces the notion that the adjudication of important individual rights and critical commercial disputes requires both effective jurists and an efficient court system. We believe that if the United States Supreme Court, Utah's federal district court and the nation's other federal trial and appellate courts are fully filled that they are then best equipped to provide this efficiency. We encourage your efforts to improve access to legal services for our underserved communities and to ensure that business leaders have confidence in an efficient judicial system.

We are honored that you are a member of our Bar and recognize your great service to the citizens of Utah and the United States. We thank you for your efforts to provide a justice system that works and is fully staffed. We also commit our best efforts to do our part in promoting these noble goals.

Sincerely,

Robert O. Rice  
President

TAB  
5



Phone: 801.323.5000  
 Fax: 801.355.3472  
 www.chrisjen.com

Nathan D. Alder  
 nathan.alder@chrisjen.com

August 19, 2016

President Rob Rice  
 President-elect John Lund  
 Utah State Bar  
 645 South 200 East  
 Salt Lake City, UT 84111

Re: Re-Appointment to the ABA House of Delegates – Representing the Utah State Bar Commission

Dear Rob and John,

I am writing to indicate my desire to continue serving as the Utah State Bar Commission's representative to the ABA House of Delegates. I am hopeful that the Commission will choose to re-appoint me to the House so that I can continue my work there and benefit Utah and our bar members. I have included three attachments to help you see where some of my work is focused. In this letter I hope to be able to communicate some of the reasons why I believe this re-appointment is prudent; I offer up these eight points (in no particular order).

1. Chris Wharton, Utah's Young Lawyer Delegate to the House. Chris is someone I have known since he was a senior at Westminster College (where he served as student-body president, thus, the reason I met him). I encouraged him to go to law school. We have remained friends since. I am committed to helping Chris make his way in the House and find success. I want to be a resource to him. I enjoy mentoring. He has expressed areas of interest to me, and I will help guide him. I want Chris to find ways to benefit Utah's lawyers, and I know he will. I see his tremendous potential.
2. Utah Delegation. Our Utah delegation is shaping up quite nicely right now. As you know, I chose not to run for State Delegate because I was pleased to see that Margaret Plane wanted that position. We needed someone like Margaret (or me) to be State Delegate. I supported her, and endorsed her. Margaret and I, together and separately, have worked hard to make the most of networks and friendships in the House. I think you'd be impressed to see how many people we know, collectively and individually. The person who fills any delegate spot must really get to know as many people, and be

informed about and involved in as many issues, as possible. It is the work of the House – conversing, visioning, and engaging about our purpose, problems, and solutions. At these meetings, we are continually engaged in substantive discussions. I love the work. With the addition of Justice Christine Durham (who is quite active, as you know, particularly in the legal education arena) and Angelina Tsu (who has an established network, as well), we have an excellent delegation, albeit a small one (in comparison to some other states). I am hopeful that our limited size will not hold us back; our many relationships need to boost us to the center of activities and issues. I am committed to making Utah a relevant and important player in matters before the House.

3. Stature in the House. I have already achieved, perhaps, a larger-than-deserved stature in the House. I owe it to timing. After finishing as president of the Western States Bar Conference (Kauai 2013), I was asked to serve as president of the National Caucus of State Bar Associations. I did not realize it at the time, but I was accepting a position that would be in the absolute center of ABA House politics. Indeed, the decennial review of governance was about to come during my year as NCSBA president. With regard to votes and nominations, the state bars typically become pitted against the powerful sections and divisions (and other interested groups) in the ABA. No doubt, the sections do incredible work in the House, bringing resolution after resolution to the floor of the House. The states have to assert themselves each decade in governance reviews in order to maintain a balance of power in the House. As a result of being president that year, everyone wanted to share a thought or two, get my attention, press a point, have a meeting, or get a commitment from me and my caucus. While flattering to have so many people want my undivided attention, it was also a very hard job, and in the end, it was a contentious House meeting that then spilled over six months to the next meeting. The ABA's top leadership split over the recommendations. Politics was in play. Our caucus was caught in the cross hairs. Throughout this process, however, I got to know dozens and dozens of the major players in the House and on the Board of Governors, and was able to develop meaningful relationships with many of them. It was heart-warming to see many of my "opponents" in San Francisco and have them come up to me, give me a hug, extend a generous handshake, engage in extended conversation, and (for me) to ultimately realize that we both treated each other fairly and professionally in that review process and that we can work together again for the betterment of the profession. I cherished this experience (as hard as it was). Indeed, I continue to attend the National Caucus of State Bar Association's meetings on the Sunday morning before the House. It is an honor to be able to say, like ABA President Linda Klein does (and posts on her bio),

“I’m proud to be a past president of the state bar caucus.” It is to Utah’s credit for us to have had one of our own occupy this spot. I may be the first from Utah to do so. I intend to continue to bring benefits to Utah through my influence in the House.

4. Opportunities in the House. I have attached a letter from the Chair of the House, Deborah Enix-Ross, appointing me to an important House committee – Issues of Concern to the Legal Profession. I have spoken with our committee chair and am excited for the work we will do this coming year. This is an active House committee, and it will bring several important resolutions to the House. It is an honor to be appointed to such a committee. Beyond positions and appointments, I have taken it upon myself to get involved in the regular business of the House – elections, resolutions, and debates. My interest in various issues naturally puts me at those meetings, with friends sponsoring/opposing resolutions, and with those related opportunities. For example, the law students and young lawyers know they can count on me for support of their cutting-edge resolutions (I am a proponent of legal-ed reform, and other issues related to the challenges new lawyers face). Same for the Center for Professional Responsibility and its Standing Committee on Professionalism, both of which I have held appointments and responsibilities. In San Francisco, I helped with 109 which will now bring changes to the Model Rules of Professional Conduct in the form of Rule 8.4(g). I also helped the drafters with advice and support on 10B, which we hope will help show countries around the world that the rule of law matters, especially with the crisis in Turkey (jailed judges, etc.). I could go on and on. I love the issues. I love the work of the House. I love learning about the problems presented, and the solutions we develop. Transparency, notice, well-crafted language, approach, balance, collaboration, compromise, deliberation, calm, relationships, tone and purpose – these are so important to successful work in the House. And I have been able to help along these fronts. The ABA makes a difference in the world. The House is relevant to today’s society in many important ways. I hope to continue that supportive and leadership role.
5. The Future of Legal Services. Because of my work with you on our Utah Futures Commission, my ongoing work in NCBP, and my association with thought leaders like Fred Ury, Jayne Reardon, William Hubbard, Judy Perry Martinez, Paula Littlewood, John Theis and others, I am considered to be someone who is a resource on #futurelaw. It is an area of real passion for me. I am very proud of our work on Utah Futures. It was groundbreaking. We were one of the first, which is so important. John, along with

colleagues from Michigan and Florida, showed others in NCBP how to do what we did here in Utah. As you look at the report from the ABA's Futures Commission, I think you will see some similarities to our report (thank you, John!). I have brought back ten copies of the ABA's report, and would like to find a way to get more. I couldn't fit them into my bag, so I brought several to the airport and onto the plane -- just in the fold of my arm! They are that important to me. I want to share them with the Commission at our retreat. This is a long way of getting around to letting you know that ABA President Linda Klein has appointed me to the governing council of the brand new ABA Center for Innovation. As a founding council member, I am hopeful to help guide this work early so that others who will serve later can bring about major impact for ABA members, and indeed, for all of the profession. Truly, it is an honor to be a founding member of this Center. In this position, I will bring back important information to Utah. We will have a seat at this select table. I hope to be in a position to benefit other states, as well, through our council-related work in the House. The future of the profession is quite complex and a significant challenge for all of us. I hope to continue to provide leadership in this area.

6. National Conference of Bar Presidents. Although a separate legal entity, the NCBP is a powerhouse within its sister organization's (ABA's) leadership circles, particularly in the House of Delegates and on the Board of Governors. Many of my NCBP friends and colleagues also represent their state, metro bar and other related organizations in the House. In that way, the relationships I have in NCBP translate over to the House. NCBP is a fellowship. Those who identify with NCBP throughout their career form a special bond. Being a past president of any sized bar organization puts you in a unique group of individuals in the profession. NCBP-ers are people who "get the issues," and are all about solutions. In fact, we have a bit of an NCBP caucus going in the House (essentially through the NCSBA). I was honored in San Francisco to have NCBP's Nominating Committee (Rew Goodenow, NV, chair; Jim Nolan, MD; Kate Madigan, NY; Marci Eason, TN; and Carl Smallwood, OH) chose me to be Secretary of the NCBP, which means I will be NCBP president in 2019-2020. It is a singular honor. Paul Moxley is the only other Utahn to have received this opportunity. I am very excited, and want to use this opportunity to benefit my home state. In NCBP, I have chaired the Diversity & Inclusion Committee, the 21<sup>st</sup> Century Lawyer Committee, and am now being given a special assignment to help deliver substantive content throughout the year via various platforms so that each NCBP member can be more directed in his/her leadership and decision making. I will share what I gather and learn with the Utah State Bar Commission.



7. Active in the House. I want to give you a picture of how I am an active member of the House. I attend caucus meetings, from the Tort Trial and Insurance Practice Section's brunch on Saturday, to the Litigation Section breakfast before the opening of the House on Monday, and the Western Caucus meeting, also on Monday morning, all the way to attending Rules & Calendar prior to Monday so as to hear how specific resolutions will take place (or be limited) on the floor. I have attended many special sessions, for example, from the Commission on the Future of Legal Services, to Diversity, to Law Practice Management. I go when and where I can in order to learn more, to meet the people who are involved in the issues of the day, and to be an active and engaged member. In addition to substantive sessions (which I quite enjoy), I have made it a point to go to receptions and informal gatherings in order to build relationships and enjoy friendships within the House, including the Sunday night sing-along (truly, one of my favorites – we gather around a piano and sing). All of these opportunities give me chances to learn from the best sources on the issues.
  
8. Utah State Bar Commission. As you can see from these points above, I'm a bit of a "bar junkie." Which brings me to the most important point. I love helping our Utah State Bar, our Commission, our members, our bar staff, and our judiciary. I love "bringing back" to Utah the benefits of my being in the House. The relationships I've achieved in the House, I hope, are helpful to us here. We are not like many bars in the east that are connected more closely by geography or overlap of members. We are not like the big bars – California, Texas, Florida, New York, Illinois, Pennsylvania, and others – that are enormous entities unto themselves, and are powerful just because of who they are. In Utah, we are a bar that benefits from seeing others in action, staying abreast with their progress, and occasionally leading alongside or on our own. We benefit from the work of a larger bar like Michigan which has a forward-looking law school (Michigan State) and good futures commission work. We are a bar that benefits from a relationship with the Washington State Bar Association and all the innovations (and indeed, hardships) they've been through to help us lead out on access to affordable legal services. It is helpful to be connected to the New Hampshire Bar Association, should we decide to adopt its unique admission feature through its law school, or the State Bar of Arizona for the innovations happening there for its students and new members (as well as their governance reforms). I have developed a relationship with the New York State Bar Association, hoping to learn more about their LawHub. Our Bar is better if it is connected. At NCBP in San Francisco, I was able to help John connect with his same-year presidential colleague in Arizona, and I know that some kind of collaboration will come from their new relationship (Arizona is immediately interested in [LicensedLawyer.org](http://LicensedLawyer.org)). For example, as

a result of my being on the ABA SCOP I learned of the Gambrell Award and then served on its selection committee one year. I told the committee I would not serve the next year because I wanted Utah to submit its application for the Gambrell Award, and indeed, based on Elizabeth Wright's excellent submission, we were able to receive that award in 2013. Likewise, through NCBP, and as past chair of the diversity committee, I was able to advocate for Amy Fowler and Michelle Kennedy to receive scholarships to attend two NCBP meetings (San Francisco, Miami) and participate in the NCBP diversity and inclusion scholarship program. I know this will benefit them, and indirectly, the rest of our members in Utah. I want to be that person on our Commission who is able to help us deliver here – through connections, friendships, phone calls, or perhaps some insight I may have gained by attending a session related to my work in the House. For example, I've become quite interested in South Dakota's rural practice program, and think we could do something similar here. It would take a lot of effort on the Commission's part, but I have the connections (as do others, i.e., John Baldwin) and the interest to help make it happen. I think Lowry Snow could be influential here, along with other state leaders, including our Governor. I love what Jim Harbaugh and Hank Aaron are doing to raise awareness about funding for legal services. I hope to be a positive voice for rural Utah and our lawyers. The issue of access to affordable legal services will be with us, always.

As you can see, I love the work of the House. Charlotte Miller told the Commission to find someone to serve in this capacity who really enjoys this kind of thing, and would truly make it his or her own purpose. I am that person, and "this is my thing." I hope to continue to be of service as you lead the Utah State Bar. If I am delivering benefits for our state, and playing a meaningful role on the Commission, then I hope to be able to continue. Put me to work. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nathan D. Alder', with a stylized, flowing script.

Nathan D. Alder

Enclosures

NDA/cw



ADVISORY COMMITTEE  
TO THE CHAIR OF THE  
HOUSE OF DELEGATES

CREDENTIALS AND  
ADMISSIONS

DRAFTING POLICIES  
AND PROCEDURES

ISSUES OF CONCERN TO  
THE LEGAL PROFESSION

RESOLUTION AND  
IMPACT REVIEW

RULES AND CALENDAR

SELECT COMMITTEE

STEERING COMMITTEE  
OF THE NOMINATING  
COMMITTEE

TECHNOLOGY AND  
COMMUNICATIONS

TELLERS

# AMERICAN BAR ASSOCIATION

Committees of the  
House of Delegates  
321 North Clark Street  
Chicago, Illinois 60654-7598  
(312) 988-5157  
Fax: (312) 988-5153

July 28, 2016

Mr. Nathan D. Alder  
Christensen & Jensen, P.C.  
257 E 200 S  
Suite 1100  
Salt Lake City, UT 84111

Sent Via E-mail: [nathan.alder@chrisjen.com](mailto:nathan.alder@chrisjen.com)

Dear Nate:

I am pleased to appoint you to serve as a member of the Committee on Issues of Concern to the Legal Profession for a one-year term, effective at the conclusion of the 2016 Annual Meeting. This appointment is subject to reappointment for a second term. This Committee will be chaired by Mark I. Schickman.

The Committee's jurisdictional statement and proposed roster will be forwarded to you shortly. Please confirm your acceptance of this appointment by sending an email to Adrienne Barney at [adrienne.barney@americanbar.org](mailto:adrienne.barney@americanbar.org), in the ABA Division for Policy Administration, by Friday, August 12, 2016.

I appreciate your willingness to serve the House by accepting this appointment, and I look forward to working with you.

Sincerely,

Deborah Enix-Ross, Chair  
House of Delegates

DER:ree  
Enclosures

cc: Mark Schickman  
Rochelle E. Evans  
Leticia Spencer  
Kathryn Jones

AMERICAN BAR ASSOCIATION  
2016 – 2017

COMMITTEE ON ISSUES OF CONCERN TO THE LEGAL PROFESSION  
(Special Committee)

This Committee will identify issues of concern to the legal profession and find ways to effectively engage the House of Delegates in full debate of these issues.

- |                    |  |
|--------------------|--|
| <b>CHAIR:</b>      | 1. Mark I. Schickman, San Francisco, CA  |
| <b>VICE CHAIR:</b> | 2. W. Anthony Jenkins, Detroit, MI       |
| <b>ADVISORS:</b>   | 3. Robert E. Hirshon, Ann Arbor, MI      |
|                    | 4. Judy Perry Martinez, New Orleans, LA  |
| <b>MEMBERS:</b>    | 5. Nathan D. Alder, Salt Lake City, UT   |
|                    | 6. Hulett H. Askew, Atlanta, GA          |
|                    | 7. Stephen E. Chappellear, Columbus, OH  |
|                    | 8. Dana Marie Douglas, New Orleans, LA   |
|                    | 9. H Russell Frisby, Jr., Washington, DC |
|                    | 10. Jeffrey B. Golden, London UK         |
|                    | 11. Kay H. Hodge, Boston, MA             |
|                    | 12. Robert E. Juceam, New York, NY       |
|                    | 13. David P. Miranda, Albany, NY         |
|                    | 14. Rhoda Shear Neft, Pittsburgh, PA     |
|                    | 15. Wayne J. Positan, Roseland, NJ       |
|                    | 16. Manuel A. Quilichini, San Juan, PR   |
|                    | 17. Alice E. Richmond, Boston, MA        |
|                    | 18. Joseph J. Roszkowski, Cumberland, RI |
|                    | 19. Pauline A. Schneider, Washington, DC |
|                    | 20. Elizabeth Snow Stong, Brooklyn, NY   |
|                    | 21. Jo-Ann Wallace, Washington, DC       |



Linda A. Klein  
President-Elect

AMERICAN BAR ASSOCIATION

321 North Clark Street  
Chicago, IL 60654-7598  
(312) 988-5109  
Fax: (312) 988-5100  
abapresidentelect@americanbar.org

August 8, 2016

Nathan D. Alder  
Christensen & Jensen, P.C.  
Suite 1100  
257 E. 200 S.  
Salt Lake City, UT 84111

Dear Nathan,

On behalf of the American Bar Association, I am pleased to appoint you as a member of the Center for Innovation Governing Council for a one-year term commencing with the adjournment of the 2016 Annual Meeting. The Chair will be Andrew Perlman, and the staff liaison will be Janet Jackson. Thank you for sharing your time, energy, and talents to further the goals of our Association.

Together, we will address issues of great importance to lawyers, our Association, and the public. I am most appreciative of your commitment to our profession. As we face so many challenges, your leadership is needed now more than ever to ensure confidence in our justice system and to advance the rule of law.

To accept or decline this appointment, please complete and promptly return the enclosed form via email to [abapresidentelect@americanbar.org](mailto:abapresidentelect@americanbar.org). Appointments are for ABA members. If you are not a member of the ABA, please visit <http://www.americanbar.org/join> to complete an on-line application. The ABA leadership directory, which will contain all of the relevant contact information, will be going to print soon. If you have any questions, please email Danielle Norwood at [danielle.norwood@americanbar.org](mailto:danielle.norwood@americanbar.org) or call her at 312-988-5122.

Sincerely,

Linda A. Klein

cc: Andrew Perlman  
Janet Jackson



Phone: 801.323.5000  
 Fax: 801.355.3472  
 www.chrisjen.com

Nathan D. Alder  
 nathan.alder@chrisjen.com

June 10, 2016

Mr. Rew R. Goodenow, NCBP Nominating Committee Chair  
 c/o Teresa Peavy, Program Specialist / ABA-DBS  
 321 North Clark Street, 16th Floor  
 Chicago, IL 60654-7598

Re: Nomination of Nathan D. Alder to serve as Secretary of NCBP

Dear Mr. Goodenow and Members of NCBP's Nominating Committee:

Thank you for this opportunity to present my credentials for your consideration. As some of you may know, I was exhausted in July 2009 as I finished up as state bar president – truly a challenging year for our profession and beyond, but especially for a young president, young law partner, and father of young children. In survival mode, I mostly abandoned NCBP as past president. Four years later, however, this committee granted me an opportunity to “redeem” myself and serve on Executive Council (2013-2016); for that I am truly grateful and very much in your debt. Indeed, I have loved every minute of these three years on Council. What an honor it has been. I am proud to be a Sustaining Life Fellow. NCBP is now central to who I am and to what I want to accomplish as a leader. Thank you for this “second chance.” Now, I am determined to *continue* to serve, and to serve with a measure of some urgency. NCBP is vital.

I want to positively impact our programs and partnerships. I want to deliver for our members. It is with sincere honor and genuine humility that I ask you to select me as Secretary. I promise dedication and loyalty while serving with vision and purpose.

On Council I have fulfilled many duties and responsibilities, and cherished these moments to learn and grow in each instance. As a Council member I have not missed any annual, midyear or fall meetings; at each I have arrived as early (and stayed as late) as possible, and participated in all that I could to support the organization. I have consistently attended committee meetings (in person, by phone) and supported their work (including participating in some committees simply for interest or to support a friend, and not necessarily because of an assignment). I have also answered leadership's call to take on additional assignments, such as the Leadership Advisory Board and our Strategic Planning Advisory Committee. I have engaged one-on-one, positively, purposefully, and tried to lift and inspire. I enjoy meeting and mentoring new bar leaders. I have loved working with our very capable staff; we have an excellent relationship. I have been collaborative and team-oriented. I have supported leadership. I have also dissented on occasion, or added a cautionary voice (...after all, we are lawyers). And I've happily thrown myself at the issues, programs and agenda items. It has been entirely enjoyable.



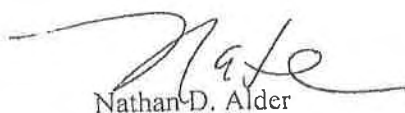
I gladly chaired two NCBP committees; in those instances we "pushed the envelope" a bit. For example, with the Diversity Committee I helped build the platform to add "& Inclusion" to our name, and to move to a stronger, more involved "diversity scholarship" program, as well as an enhanced posture for programming, awareness and issues. I have helped make 21<sup>st</sup> Century Lawyer sessions more topical, regular, bar-focused and "current" for our members; it has been so much fun to take on the challenge of 21<sup>st</sup> Century Lawyer. I have been an active participant on, and consistent "producer" for, the Program Committee -- indeed, my favorite committee ("the brain trust," as I call it). Like a true "bar junkie," I actually look forward to that *many hours-long* committee meeting. I keep past NCBP programs and materials close by and refer to them for ideas. In essence, I have been preparing "to chair" this committee through high-level, dedicated engagement. Consider 21<sup>st</sup> Century Lawyer (six sessions this year) an audition, perhaps. I absolutely support Jonathan Cole (currently), Chris Hickey and Jennifer Parent as they successively (and successfully) chair the Program Committee (and then serve as president); I work well with each of them and consider them friends. Their being in leadership is a strong motivation for my wanting to serve as Secretary.

From my resume, please see that I have devoted a significant portion of my professional career to leadership opportunities. I have been a long-time advocate for: (1) our pipeline, especially law students, and new and young lawyers; (2) mentoring and mentoring programs; (3) diversity and inclusion; (4) the profession's need to understand and embrace "the future" (or, let's say the rapidly changing and immediate "present"), including a disruptive technology landscape, as well as ways to rethink and reinvigorate our somewhat formal and rigid legal education system; (5) good bar relations with state legislatures and supreme courts; (6) the role of the court in governing the profession; and (7) advancing the mainstay pillars of our profession, especially civility, professionalism, an independent, fair and impartial judiciary, initiatives for improved judicial administration, and access to justice -- pro bono, "lo bono," modest means and consumer-oriented efforts (i.e., access to affordable representation and legal resources/services). Indeed, we have a lot to do. It is very important work.

I believe my leadership abilities and experiences in NCBP have prepared me to soon lead this enormously relevant and substantive organization.

Thank you for your service on NCBP's Nominating Committee. I am sure your choice for Secretary will not be an easy one. There are, and always have been (and I hope always will be), excellent candidates for the position of Secretary. I am deeply grateful to be associated with you and our wonderful colleagues in NCBP. I wish everyone well through this selection process.

With gratitude,



Nathan D. Alder

## Nathan D. Alder

### Education

Indiana University School of Law, Doctor of Jurisprudence (J.D.), 1995, Bloomington, IN

Indiana University School of Public and Environmental Affairs, Masters of Public Affairs (M.P.A.), 1995

Utah State University, Bachelor of Arts, history (B.A.), cum laude, University Honors, 1991, Logan, UT

Dixie State University, Associate of Arts (A.A.), 1989, summa cum laude, St. George, UT

### Professional Practice

Bar Admittance: Utah, 1995; U.S. District Court, District of Utah, 1995; U.S. District Court, District of Colorado, 2013; U.S. Court of Appeals for the Tenth Circuit, 1998; U.S. Supreme Court, 2009

Practice Areas: product liability, professional liability, motor vehicle, catastrophic personal injury, wrongful death, insurance (including bad faith, coverage), corporate (including transactions, risk management), nonprofit corporations, health care (QIOs, HIEs, HIPAA, data, medical credentialing), mining, commercial litigation (including contract interference, breach, performance, collection, properties/leases, real estate, regulatory and administrative matters), community associations, crisis management, rights litigation, and dispute resolution (mediation, special master)

### Professional Associations

National Conference of Bar Presidents

Executive Council, member (2013-2016); 21st Century Lawyer Committee, chair (2015-2016); Diversity & Inclusion Committee, chair (2014-2015), committee member (2014-2016); Program Committee, member (2013-2016); Membership Committee, member (2013-2016); NCBP Leadership Advisory Board, member (2014-2015); Strategic Planning Advisory Committee, member (2015); NCBP member (2007-present); Sustaining Life Fellow

Utah State Bar

President (2008-2009); past president (2009-2010); president-elect (2007-2008); elected member of the Board of Bar Commissioners, representing Third Division (2003-2007); Executive Committee (2004-2006; 2007-2009); Budget & Finance Committee (2007-2009); ex-officio member of Bar Commission, as YLD president (2001-2002), as YLD past president (2002-2003), as Delegate to the American Bar Association House of Delegates (2012-present); Bar Commission's Subcommittee on Self Representation, chair (2006-2007); Bar Commission's Subcommittee on Bar Operations Review, member (2005-2007); Bar Journal Committee, member (2006-2009); Bar Examiner (2003-2007); Bar Exam's Performance Test Grading Committee, co-chair (2004-2007); Admissions Committee, member (2001-2006); Bar's Legislative Affairs (Government Relations) Committee, member, (1997-2002, 2004-2007); Special Task Force on Legislative Appropriation for Judicial Compensation, member (2002); Legislative Outreach Committee, member (2004, 2005); Legislative Task Force, coordinator (2004); Special Projects Review Committee, member (2004-2005); New Lawyer Training Program (NLTP) Organizing Committee, member (2006-2008); NLTP Implementation Committee, member (2008-2009); New Lawyer Training Program Committee, member (2014-present); NLTP Operations Review Committee, member (2014-2015); Senior Lawyers Division, liaison (2006-2008); organizer and presenter of Utah State Bar CLEs (1997-present); Commission on the Future of Legal Services in Utah, co-chair (2014-2015) ("Report and Recommendations on the Future of Legal Services in Utah," issued July 29, 2015). Utah's Dispute Resolution Section: co-founder (1998-1999); chair (2003-2004); past chair (2004-2005); chair-elect (2002-2003); Executive Committee,

member (1999-2005); ADR Academy, faculty (2002, 2004, 2006, 2010, 2016); DR Section member (1999-present); Bar Commission liaison to Section's Executive Committee (2003-2005); Pre-Section "ADR Committee" (1998-1999) and Committee's Governmental Affairs liaison (1998-1999). Utah's Litigation Section: member (1996-present); Executive Committee, liaison (2005-2007); Trial Skills Academy, faculty (2013). Utah's Antitrust Section: member (2005-present); Bar Commission liaison to Section's Executive Committee (2005-2008, 2012-present). Utah's Paralegal Division: advisor (2005-2010); co-founder, Heather Johnson Finch Memorial Endowment at Utah Valley University (created by PD's Executive Board in 2010); CLE organizer and presenter for Paralegal Division; Bar Commission's liaison to Division (2013-present). Utah's Young Lawyers Division (YLD): president (2001-2002); president-elect (2000-2001); past president (2002-2003); Executive Committee, member (1998-2003); CLE Committee, chair (1998-2000); Law Day Committee, member (2001-2003); Rocky Mountain Regional Young Lawyers Conference Organizing & Host Committees (2001-2002); Utah's delegate to ABA YLD meetings; YLD member (1995-2004); CLE presenter (2001-2004)

#### American Bar Association

House of Delegates, member, representing the Utah State Bar Commission (2012-present); Standing Committee on Professionalism, member (appointed by ABA President Bill Robinson, 2011-2014); ABA's Center for Professional Responsibility (CPR), member; CPR Outreach Planning Group, member (2012-2014); CPR Aging Lawyers Study Committee, member (2013-2014); ABA member (1996-present); member of sections – Litigation; Dispute Resolution; Tort Trial & Insurance Practice (TTIPS); attended numerous annual, mid-year and other leadership meetings

#### National Caucus of State Bar Associations (ABA)

President (2014-2015); president-elect (2013-2014), Executive Committee, member (2014 – present)

#### Western States Bar Conference

President (2012-2013); attended annual meetings – Maui, 2005; San Diego, 2006; Tucson, 2008; Oahu, 2009; San Antonio, 2010; Maui, 2011; Las Vegas, 2012; Kauai, 2013; Palm Desert, 2014

#### National Legal Mentoring Consortium

Board, member (2015-present); Membership Committee, chair (2015-present); Sponsorship Committee, member (2015); attended conventions, Columbus, OH, 2014; Denver, 2016

#### Utah Supreme Court

Advisory Committee on Professionalism, member (2002-2015); Advisory Committee on New Lawyer Training, member (2010-2015); Mentor (appointed by the Court in 2009; five mentees during 2009-2016); Supreme Court Task Force to Examine Limited Legal Licensing, member (2015) ("Report and Recommendations," issued November 18, 1995); Utah Access to Justice Commission, member ('07-08)

#### Utah State Courts

Court Roster of Mediators (2011-present); ADR Committee of the Courts, member (2003-2004)

#### Utah Judicial Performance Evaluation Commission

Commissioner (appointed/reappointed by Governor Gary R. Herbert, April 2012-present); Rules Subcommittee, member (2012-present); Legislative Task Force, chair (2013-2014)

#### Utah Council on Conflict Resolution

Chair (2010-2011); chair-elect (2009-2010); past chair (2011-2012); Board, member (2004-2012); Symposium Committee, member (2009-2012); Symposium, co-chair (2012); Executive Committee, member (2009-2012); UCCR member (2002-present); Annual Summer CLE, chair (2010-2014)

#### Utah Minority Bar Association

Advisory Board, member (2003-2013); "First Fifty" Celebration, Fundraising & Planning Committees  
Women Lawyers of Utah

Advisory Board, Initiative on the Advancement and Retention of Women in Law Firms (2008-2010)  
Utah Center for Legal Inclusion

Founding Committee (2016)

#### Professional Experience

Christensen & Jensen, P.C., Salt Lake City, UT

Shareholder, January 1, 2002 to present

Vice President (three-person management committee), January 2016 to present

Associate, October 1996 to December 31, 2001

Salt Lake City Justice Court

Pro Tem Judge, 2002-2008 (volunteer service)

Hon. J. Thomas Greene, U.S. District Court Judge, District of Utah, Salt Lake City, UT

Judicial Clerk, September 1995 to Sept. 1996

#### Recognition

Utah State University: "Alumnus of the Year," 2014; "Community Member of the Year," USU Salt Lake, 2014; "Friend of the College," 2011, College of Humanities & Social Sciences; Distinguished Alumni Speaker, 2009; "Merit Citation," 2007; "Man of the Year," 1991; Honors Graduate, 1991; Phi Kappa Phi

Indiana University-Bloomington: "Most Valuable Student," 1992, East Asian Summer Language Institute; Fellowship, Foreign Language Area Studies (FLAS), 1992 (via U.S. Department of Education); Indiana Journal of Global Legal Studies (1992-1995), Articles Editor (1993-1994)

Dixie State University: "Distinguished Service Award," 1989; Phi Theta Kappa

Utah Campus Compact: "Irene Fisher Engaged Citizen Award," 2005

Utah Nonprofits Association: "Heart and Hands Award," 2000

American Bar Association: "E. Smythe Gambrell Professionalism Award," 2013, (received by the Utah State Bar for its New Lawyer Training Program launched in 2008-2009 while serving as president)

Utah State Bar: "Peter W. Billings, Sr. Award for Excellence in Dispute Resolution," 2012; "Raymond S. Uno Award for the Advancement of Minorities in the Legal Profession," 2011; "Distinguished Section of the Year," 2002 (received as president of Young Lawyers Division)

Utah Business: named one of Utah's "elite" mediators, 2012, 2016; "Legal Elite," 2005-2012, 2014-2016

Lawyers Helping Lawyers: "Outstanding Service Award," 2010

Martindale-Hubbell: AV Preeminent rating, 2005-present

Super Lawyers (Thomson Reuters): named one of "The Top 100" Lawyers in the Intermountain West (ID, MT, NV, UT, WY), 2012-2016, (and one of "The Top 75" Lawyers, 2011); one of "The Top 25" Lawyers in Salt Lake City, 2012, 2013; Super Lawyer, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016; Super Lawyers "Business Edition" (formerly "Corporate Counsel Edition"), 2009-2014



## **Presentations / Publications**

- "Innovation: An Essential Tool For Bar Leaders," Bar Leadership Institute (BLI), ABA, March 17, 2016, Chicago, IL
- "Future of Legal Services in Utah," Board of District Court Judges, Nov. 20, 2015, Salt Lake City
- "The Bar Situation Room, Part II," NCBP, Annual Convention, August 10, 2014, Boston, MA
- "Starting, Strengthening and Expanding Mentoring Programs for Young and New Lawyers," national teleconference seminar, American Bar Association, Young Lawyers Division, April 28, 2014
- "A Lawyer at Home on the Range: Reflections on Professionalism in the West," The Professional Lawyer, Vol. 22, Issue 2, April 2014, ABA
- "The Future of the Practice of Law," Utah State Bar Spring Convention, March 15, 2014, St. George, UT
- "The Bar Situation Room," NCBP, Mid-Year Convention, Feb. 8, 2014, Chicago, IL
- "Leadership Opportunities and Career Advancement," ABA Young Lawyers Division, 2014, Chicago, IL
- "Pillars of a Professional Lawyer: New Lawyer Training," Utah State Bar, 2013, Salt Lake City, UT
- "Lawyer Mentoring Workshop: Introduction to the Profession," Utah State Bar, April 15, 2013, SLC, UT
- "Convocation on the Courts: Court Funding Crisis," American Bar Association Annual Meeting, Judicial Division, Chicago, IL, August 4, 2012 (presented on behalf of the ABA Standing Committee on Professionalism)
- "New Lawyer Training," Western States Bar Conference, 2011, Maui, HI; 2012, Las Vegas, NV
- "Access to Justice, Lawyer Engagement," J. Reuben Clark Law Society Annual Convention, SMU Law School, February 2011, Dallas, TX
- "Utah's New Lawyer Training Program," Oregon State Bar, June 2010, Lake Oswego, OR
- "Running Your Bar During a Financial Crisis," Western States Bar Conference, 2010, San Antonio, TX
- "State of the Profession: Prospects and Issues for Utah's Lawyers," Utah Defense Lawyers Association Annual Convention, September 18, 2009, Salt Lake City, UT
- "Judicial Selection in Utah," Constitutional Law Section, Utah State Bar, 2009, Salt Lake City, UT
- "Introduction to the Practice of Law," Utah State Bar New Lawyer Ethics Program, 2009, SLC, UT
- "Engage in Mentoring," Utah Bar Journal, May/June, Volume 22, No. 3, 2009
- "Lincoln left an invaluable legal legacy," Op-Ed, Salt Lake Tribune, May 1, 2009
- "People with limited resources need access to the civil courts," Op-Ed, Salt Lake Tribune, Dec. 3, 2008
- "State of the Bar," Utah Judicial Conference, September 2008, Park City, UT
- "Professional Relationships," Utah Bar Journal, September/October, Volume 21, No.5, 2008
- "Wills For Heroes: a State Bar Perspective," NCBP, Annual Convention, August 2008, NYC, NY
- "Standards of Professionalism and Civility, Standard #10," Utah Bar Journal, Mar/April 2007, Vol. 20, No.2
- "Professionalism in the Courtroom," Utah Judicial Conference, September 2006, Snowbird, UT
- "New Professionalism Standards," Utah State Bar, 2005, 2006, Salt Lake City, UT

TAB  
6



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

**JULY 6, 2016**

**SAN DIEGO, CALIFORNIA**

- In Attendance:** President Angelina Tsu, President-elect Rob Rice, Commissioners: Steven Burt, H. Dickson Burton, Kate Conyers, Kenyon Dove, Heather Farnsworth, Mary Kay Griffin, Liisa Hancock, John Lund, Michelle Mumford, Herm Olsen and Katie Woods.
- Ex-Officio Members:** Dean Robert Adler, Nate Alder; Heather Allen, James Gilson, Susan Motschieder, and Chris Wharton (by phone).
- Not in Attendance:** Susanne Gustin, Ex-Officio Members: Melinda Bowen, Jaelynn Jenkins, Margaret Plane and Dean James Rasband.
- Also in Attendance:** Grace Acosta, John Bradley, Cara Tangaro, Heather Thuet, Executive Director John C. Baldwin and General Counsel Elizabeth A. Wright.

**Minutes: 12:35 p.m. start**

**1. President's Report: Angelina Tsu**

**1.1 Welcome.**

**1.2** Angelina reported that ABA President Paulette Brown would be visiting Utah on July 28<sup>th</sup>. There will be a reception to which Commissioners will be invited. Ms. Brown will also meet with WLU and UMBA members.

**1.3 ABA OPC Review.** Angelina reported that the review has been completed and that a report will be issued in the next few months.

**1.4 Wipfli Review.** Angelina reported that the Wipfli review of the Bar will take place in October after licensing has been completed.

**1.5 85<sup>th</sup> Anniversary Gala.** The Gala was a huge success. The party was well attended and all tables were filled.

## 2. Action Items

**2.1 Approve 2016-2017 Budget.** John Lund moved to approve the 2016-2017 budget. Heather Farnsworth seconded the motion which passed unopposed.

**2.2 Utah Dispute Resolution Request for Contribution.** After a discussion of UDR's request and the benefit of the program to low income people in need of mediation services, John Lund moved to approve a \$10,000 donation to UDR. Dickson Burton seconded the motion which passed unopposed.

**2.3 Selection of Utah State Bar ABA Delegate.** Angelina Tsu left the room for the discussion and voting because she submitted an application for the position. After discussing the 18 applicants and conducting two votes by paper ballot, Angelina Tsu was selected to be the Utah State Bar ABA Delegate.

**2.4 LALU Ex Officio Position.** Amy Fowler presented to the Commission regarding the need for a Commission Ex Officio position for a member of the LGBT and Allied Lawyers of Utah ("LALU"). After discussing the issue, John Lund moved to approve the new ex officio position. Michelle Mumford seconded the motion which passed unopposed.

## 3. Information Items

**3.1 Futures Commission/AAA Report.** Rob Rice reported on the success of the Futures Commission. Rob asked Nate Alder to report at the August Commission Retreat regarding the accomplishments of the Commission and which goals are still outstanding.

**3.2 Licensed Lawyer Directory.** John Lund reported that the LicnesedLawyer.org directory is up and running. 500 lawyers have signed up to participate and there have been 4,000 searches on the site.

## 4. Commission Reorganization

**4.1. Welcome new Commissioners.**

**4.2 Appoint Ex Officio Members.** Kate Conyers moved to appoint the following *ex officio* members for the 2016-2017 year: the Immediate Past Bar President; the Bar's Representatives to the ABA House of Delegates; the Bar's YLD Representative to 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. Katie Woods seconded the motion which passed unopposed.

**4.3. Approve Executive Committee.** John Lund moved to appoint Rob Rice, John Lund, Dickson Burton, Heather Farnsworth and Michelle Mumford as members of the

Executive Committee. Angelina Tsu will sit on the Committee as Past President. Kate Conyers seconded the motion which passed unopposed.

**4.4. Adopt Resolution on Bank Signatures.** Rob Rice moved to approve members of the Executive Committee to serve as signatories on the Bar's checking accounts. John Lund seconded the motion which passed unopposed.

**5. Recognize Retiring Commissioners.**

**6. Executive Session.**

**The meeting adjourned at 4:30 pm.**

#### **Consent Agenda**

- 1. Approve Minutes from the May 20, 2016 Commission Meeting.**
- 2. Approve Young Lawyers Division Bylaws.**

# Environmental Law Section Bylaws

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Welcome

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Events

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Resources

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Leadership/Committees

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Bylaws

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sidebar

## ARTICLE 1. Identification

**1.1 Creation.** The Energy, Natural Resources and Environmental Law ("ENREL") Section of the Utah State Bar (the "Section") was established in 1977 pursuant to Article II, Section 2 of the Bylaws of the Utah State Bar (the "Bar") to accomplish the purposes set forth therein.

**1.2 Purpose.** The purpose of the Section is to seek the participation of all interested members of the Bar and of other state and local bar associations in order to benefit such members by providing continuing legal education, a forum for the interchange of ideas in the areas of natural resources, oil, gas and mining, public lands, energy, ~~native~~ Native American, water, and environmental law; initiating and implementing common projects; and to undertake such other service as may be of benefit to the members, the legal profession and the public.

**1.3 Limitations.** These Bylaws have been adopted subject to the applicable Utah statutes and the Bylaws of the Bar.

**1.4 Principle~~al~~ Office.** The ~~principle~~ principal office of the Section shall be maintained in the offices of the Bar.

**1.5 Fiscal Year.** The fiscal year of the Section shall coincide with that of the Bar.

## ARTICLE 2. Membership

**2.1 Enrollment.** Any member in good standing of the Bar may ~~upon request of the Secretary of the Bar,~~ be enrolled as a member of the Section by the payment of annual Section dues in the amount and for the purpose approved by the Board of Commissioners of the Utah State Bar.

**2.2 Membership.** Members enrolled as provided in Section 2.1 shall constitute the membership of the Section.

**2.3 Dues.** Dues for members of the Section shall be ~~\$45.00 per year~~ set on an annual basis by the Council of the Section and shall be payable at the same time as annual Bar dues; provided, however, that additional monies may be raised by the Council as may be needed to fund projects or operate the Section.

## ARTICLE 3. Meeting of the Membership

**3.1 Annual Meeting.** The annual business meeting of the Section shall be held in the fall of the year unless a different time is previously determined by vote of the membership.

**3.2 Quorum.** The members of the Section present at any meeting shall constitute a quorum for the transaction of business.

**3.3 Controlling Vote.** Action of the Section shall be by majority vote of the members present.

**3.4 Agenda.** Among the business to be transacted at the annual business meeting by the membership shall be the election of officers, ~~council members and committee chairs.~~

**3.5 Special Meetings.** Special meetings of the membership of the Section may be called by any a majority of officers at such time and place as the officer may determine. Reasonable notice may be given by fax, ~~or~~ telephone, email, or other electronic means.

#### ARTICLE 4. The Council

**4.1 Powers.** The Council shall be vested with the powers and duties necessary for the administration of the affairs of the Section.

**4.2 Composition.** The Council shall be composed of officers of the Section (Chair, Chair-elect, Secretary and Treasurer) elected at the last annual business meeting, and such additional members as the officers may appoint. Ex Officio members may participate in Council activities at the invitation of an officer, but may not vote.

**4.3 Controlling Vote.** Action of the Council shall be by a majority vote of the Council members. A member of the Council may vote in absentia by instructing the secretary in writing of the manner in which such vote is to be cast. A vote of the officers may be taken by telephone or other electronic means.

**4.4 Meetings.** The annual meeting of the Council shall be held in conjunction with the annual business meeting of the Section. Special meetings shall be held at the time and place as may be determined by any a majority of Officers of the Section. A meeting is not essential to action by the Council provided a response is elicited ~~Born from~~ all members of the Council.

#### ARTICLE 5. Officers

**5.1 Officers.** The officers of the section shall be the Chairman, ~~Chairman-Elect~~, Secretary, and Treasurer.

**5.2 Chairman.** The Chairman shall preside at all meetings of the Section and of the Council. He/she shall formulate and present at each annual meeting of the Bar, a report of the work of the Section for the then past year. He/she shall perform such other duties as usually pertain to his/her office or as may be delegated by the Council.

**5.3 Chairman-Elect.** Upon the death, resignation or during the disability of the Chairman, or upon his/her refusal to act, the Chairman-Elect shall perform the duties of the Chairman for the remainder of the Chairman's term except in case of the Chairman's disability and then only during so much of the term as the disability continues.

**5.4 Secretary.** The Secretary shall be the custodian of all books, papers, documents and other property of the Section. He/she shall keep a true record of all proceedings of all meetings of the Section and of the Council, whether assembled or acting under submission. In conjunction with the Chairman and as authorized by the Council, he/she shall attend generally to the business of the Section.

**5.5 Treasurer.** The Treasurer shall keep a true record of all of the accounts of the Section, review the statements of account prepared by the Bar, and shall perform such other functions and duties as may be delegated by the Chairman.

## ARTICLE 6. Elections

**6.1 Nominations.** At the annual business meeting of the Section, nominations shall be made from the floor for the office of Treasurer and for any other vacant office. Only a current committee chairperson appointed under Section 7.2 is eligible to be nominated for an officer position.

**6.2 Treasurer and Secretary.** The membership shall vote at the annual business meeting to ratify the slate of officers for the upcoming year. The Treasurer shall- succeed to the office of Secretary and the Secretary shall progress to the position of Chairman-Elect, unless the membership fails to retain the slate of officers.

**6.3 Chairman.** The Chairman-elect shall automatically succeed to the office of the Chairman. In the event the office of the Chairman-Elect shall be vacant, then a Chairman shall be elected in the same manner as set forth in Section 6.1 herein above.

**6.4 Voting.** All elections shall be by oral votewritten ballot, unless otherwise ordered by resolution duly adopted by the Section at the meeting at which the election is held. In the event the outcome of an oral vote is unclear, the Chair may call for a re-vote by show of hands, written ballot, or other means.

**6.5 Term of Office.** The term of office shall begin with the adjournment of the annual business meeting following the election and shall end following the annual business meeting at which a successor has been duly elected and qualified.

## ARTICLE 7. Substantive Responsibilities.

**7.1 Committees.** The Council may appoint ~~prance-practice~~ area committees to perform such duties and exercise such powers as the Council may direct.

**7.2 Chair.** Each committee shall be directed by a chairperson appointed by the Council. The chairperson shall serve for a term of two years unless extended or reduced by majority vote of the Council or reduced by resignation.

## ARTICLE 8. Amendments.

These Bylaws may be amended at any meeting of the Section by a majority vote of the members of the Section present and voting, provided that no amendment so adopted shall become effective until approved by the Board of Commissioners of the Utah State Bar.

## ARTICLE 9. Miscellaneous.

**9.1 Fiscal Year.** The fiscal year of the Section shall be the same as that of the Utah State Bar.

**9.2. Approval of Expenditures.** All bills incurred by the Section, before being forwarded to the Utah State Bar for payment, shall be approved by the Chairman or his/her delegate. Expenditures shall only be authorized if they effectuate the purposes set forth in Paragraph 1.2.

**9.3 No Compensation for Service.** No salary or compensation shall be paid to any officer or committee chairperson, councillor-committee chairperson or member of a committee.

**9.4 Committee Actions.** Any action approved and proposed by a Committee-committee of the Section must be approved by the Section or the Section Council, where appropriate, before the same becomes effective as the -action of the Section, unless such Committee-committee action is otherwise authorized pursuant to an existing resolution.

**9.5 Bar Action.** Any action by this Section must be approved by the Utah



State Bar before the same becomes effective as the action of the Utah  
State Bar. Any resolution adopted or action taken by this Section may, on

request of the Section, be reported by the Chairman of the Section to the Annual Meeting of the Utah State Bar for the Bar's action thereon.

APPROVED and ADOPTED this day of ~~1997~~2016.

*Utah State Bar Environmental Law Section est. 1997*

## John Baldwin

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**From:** Lincoln Mead  
**Sent:** Friday, August 12, 2016 7:46 AM  
**To:** John Baldwin; Billy Walker; Elizabeth Wright  
**Subject:** Ethics opinion on fee-sharing is bad news for Avvo Legal Services?

[http://www.abajournal.com/news/article/ethics\\_opinion\\_on\\_fee\\_sharing\\_is\\_bad\\_news\\_for\\_avvos\\_legal\\_referral\\_service/?utm\\_source=maestro&utm\\_medium=email&utm\\_campaign=weekly\\_email](http://www.abajournal.com/news/article/ethics_opinion_on_fee_sharing_is_bad_news_for_avvos_legal_referral_service/?utm_source=maestro&utm_medium=email&utm_campaign=weekly_email)

A South Carolina ethics opinion on fee-sharing highlights a potential obstacle for Avvo's fixed-fee legal referral service, launched this year in 18 states.

The July 14 advisory opinion—which describes a payment setup like the one used by Avvo Legal Services—is bad news for Avvo, according to Law Sites by Robert Ambrogi.

Avvo's service matches lawyers willing to provide defined legal services with clients who pay a fee up front, Ambrogi explains in his blog post. Lawyers receive earned fees from Avvo once a month, and Avvo takes its marketing fee from the lawyers' accounts in a separate transaction. The fee varies based on the type of legal service provided.

The South Carolina ethics opinion targets the variable nature of the marketing fee. The arrangement violates the general ban on sharing fees with nonlawyers, and in the alternative, violates the ban on paying for a referral, the ethics opinion says.

"A lawyer cannot do indirectly what would be prohibited if done directly," the opinion says. "Allowing the service to indirectly take a portion of the attorney's fee by disguising it in two separate transactions does not negate the fact that the service is claiming a certain portion of the fee earned by the lawyer as its 'per service marketing fee.' "

In addition, the marketing fee must represent the reasonable cost of the service, according to the opinion. "In essence, the service's charges amount to a contingency advertising fee arrangement rather than a cost that can be assessed for reasonableness by looking at market rate or comparable services," the opinion said.

"Presumably, it does not cost the service any more to advertise online for a family law matter than for the preparation of corporate documents," the opinion continued. "There does not seem to be any rational basis for charging the attorney more for the advertising services of one type of case versus another."

Avvo's chief legal officer, Josh King, tells the ABA Journal that the service is signing up lawyers in South Carolina and plans to launch there soon. The lawyer FAQ page is here.

King points out that the opinion is advisory and Avvo disagrees with the conclusions. "We've looked at the rules. We have our own interpretation of the rules," he tells the ABA Journal.

King says Avvo Legal Services is a "marketplace," rather than a referral service, and the fees paid by lawyers to Avvo "scale very directly" with the costs incurred by Avvo. The costs of legal services provided through the marketplace range from \$39 to \$4,000, and that results in different credit card fees and different risks in the event of refunds, King says.

The ethics rules, King adds, should be interpreted based on potential consumer harm, and lawyer advertising rules should be narrowly tailored to avoid First Amendment violations. "We really built the product looking at the consumer benefit and trying to navigate through the rules," he said. When ethics regulators construe ethics rules, consumer harm "should be inquiry No. 1," King asserts. The ethics opinion is "unfortunate in that it doesn't consider any consumer benefits."

Sincerely,

Lincoln Mead

Director of Information Technology, Utah State Bar

645 South 200 East, Salt Lake City, UT. 84111

[onlineservices@utahbar.org](mailto:onlineservices@utahbar.org)

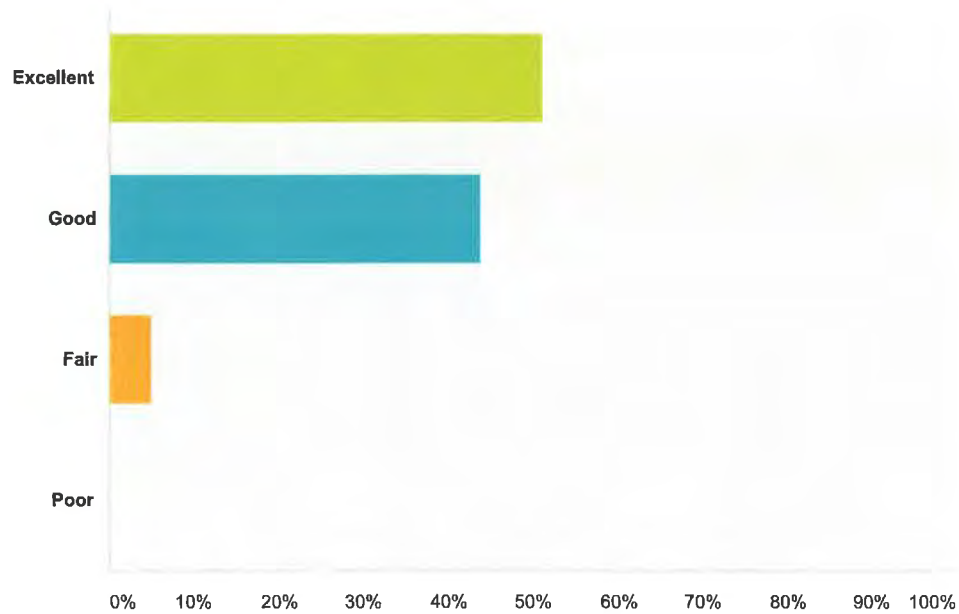
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# ATTACHMENTS

### Q1 How was your overall Convention experience

Answered: 80 Skipped: 1



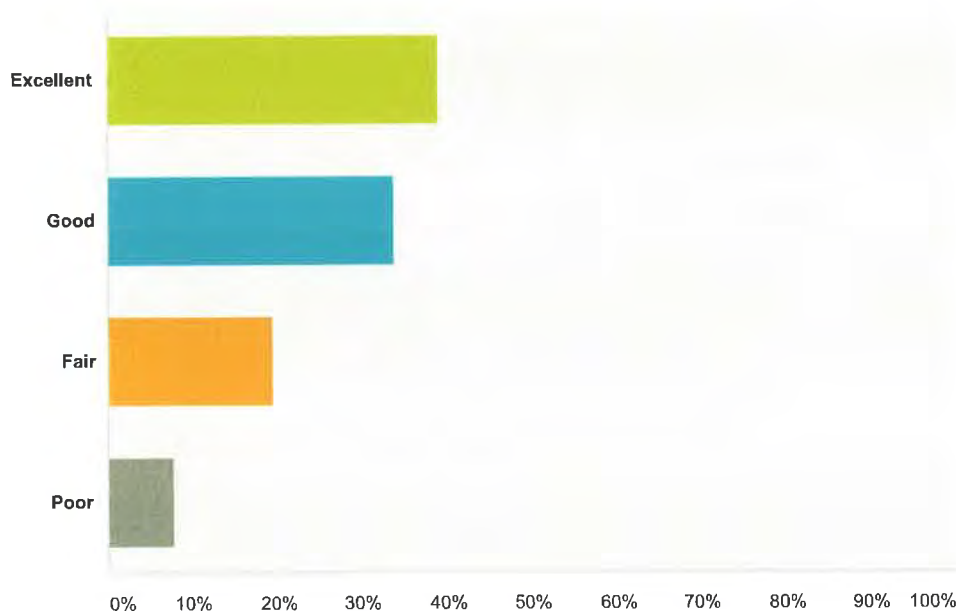
Answer Choices	Responses	
Excellent	51.25%	41
Good	43.75%	35
Fair	5.00%	4
Poor	0.00%	0
Total		80



## 2016 Summer Convention Attendee Survey

**Q2 Please rate Thursday's Keynote: Beyond  
Guilt or Innocence in One Case: Larger  
Questions that Making A Murderer Invites  
Us to Consider Dean A. Strang**

Answered: 77 Skipped: 4



Answer Choices	Responses	
Excellent	38.96%	30
Good	33.77%	26
Fair	19.48%	15
Poor	7.79%	6
<b>Total</b>		<b>77</b>

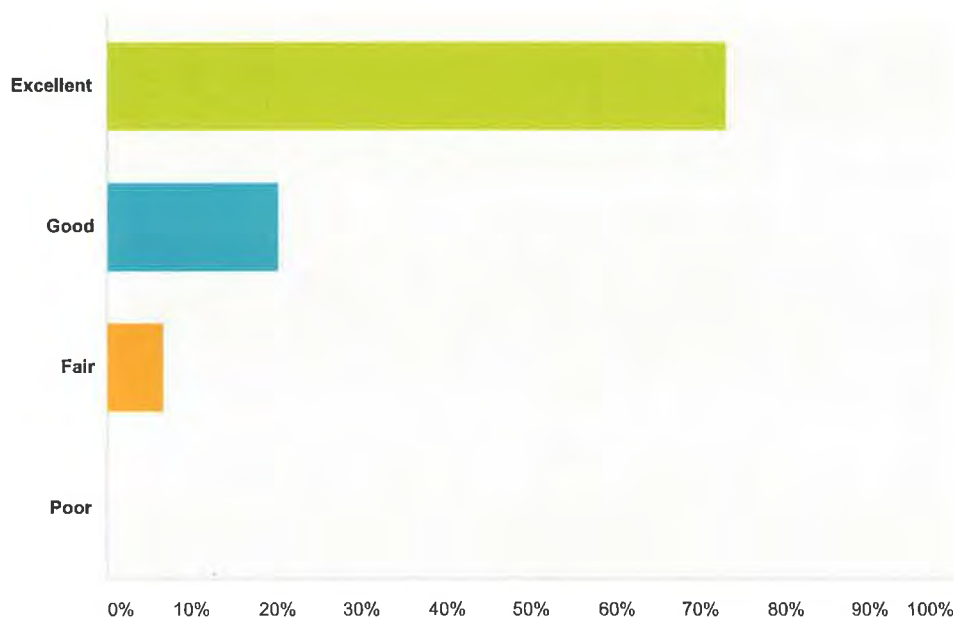
#	Comments	Date
1	Not as engaging a speaker as hoped for.	7/18/2016 3:25 PM
2	A little dry and didn't speak to the subject matter for which he is famous.	7/14/2016 2:18 PM
3	A real let down...	7/14/2016 1:22 PM
4	The speaker did not meet the expectations of the title of his presentation. Therefore, my guests and I were disappointed in his choice of topic.	7/14/2016 11:34 AM
5	n/a	7/13/2016 4:38 PM
6	Was not interested enough to attend; instead I watched our baby so that my wife and older kids could sleep in	7/13/2016 4:20 PM
7	Rather boring.	7/13/2016 4:11 PM
8	Speaker was rather a weak presenter and boring.	7/13/2016 4:06 PM
9	was not what I had hoped for, but thought provoking and right.	7/13/2016 3:54 PM
10	Highly philosophical, but asked his audience questions that were worthy of consideration.	7/13/2016 3:30 PM

## 2016 Summer Convention Attendee Survey

11	Basic information was somewhat interesting, but presentation was poor.	7/13/2016 3:14 PM
12	He simply read the speech. No emphasis, no excitement.	7/13/2016 3:11 PM
13	I actually found it refreshing that Mr. strang spoke about humility in the law. I think many of us needed to hear that message. I know several attorneys were disappointed he didn't address the Making a Murderer--the likely reason for his being selected in the first place.	7/13/2016 3:09 PM
14	The speaker was self absorbed and boring, in my opinion. Perhaps the topic was interesting to some people, but I did not find it interesting or useful.	7/13/2016 2:54 PM
15	I thought this was the best part of the convention. If possible, I would suggest publishing it in the Utah State Bar Journal	7/13/2016 2:43 PM
16	I'm fairly certain that everyone was disapointed by Mr. Stang's decision to not speak about Making a Murderer.	7/13/2016 2:33 PM
17	Wish there was more time to ask him questions.	7/13/2016 2:33 PM
18	Would Mr. Strang be willing to let the Bar print his speech in the Bar Journal?	7/13/2016 2:30 PM
19	I was surprised that the speaker didn't hardly say anything about the Making A Murderer case, since that is what made him famous.	7/13/2016 2:25 PM
20	Very politically charged.	7/13/2016 2:24 PM

**Q3 Please rate Friday's Keynote: Closing the Courthouse Doors: How the Supreme Court Has Made Your Rights Unenforceable**  
**Prof. Erwin Chemerinsky**

Answered: 74 Skipped: 7



Answer Choices	Responses	
Excellent	72.97%	54
Good	20.27%	15
Fair	6.76%	5
Poor	0.00%	0
<b>Total</b>		<b>74</b>

#	Comments	Date
1	Love it! He was a wonderful speaker and the content was relevant.	7/18/2016 3:25 PM
2	I always enjoy listening to Dean Chemerinsky speak-his topic was timely and relevant.	7/18/2016 2:01 PM
3	Very interesting and well presented.	7/14/2016 11:34 AM
4	The best	7/13/2016 5:49 PM
5	Was not interested enough to attend; instead I watched our baby so that my wife and older kids could sleep in	7/13/2016 4:20 PM
6	Not his best performance, too one sided, but thought provoking.	7/13/2016 3:54 PM
7	This was an hour absolutely packed with invaluable information and insights, and matters worthy of analysis as to the implausibility of establishing "standing" and the virtual complete loss of habeas corpus. I could have easily listened to 2 more hours. The voice of experience and reason.	7/13/2016 3:30 PM
8	I was amazed at his recollective powers. Very entertaining.	7/13/2016 3:11 PM
9	This fellow knows his stuff and was enjoyable to hear.	7/13/2016 2:54 PM

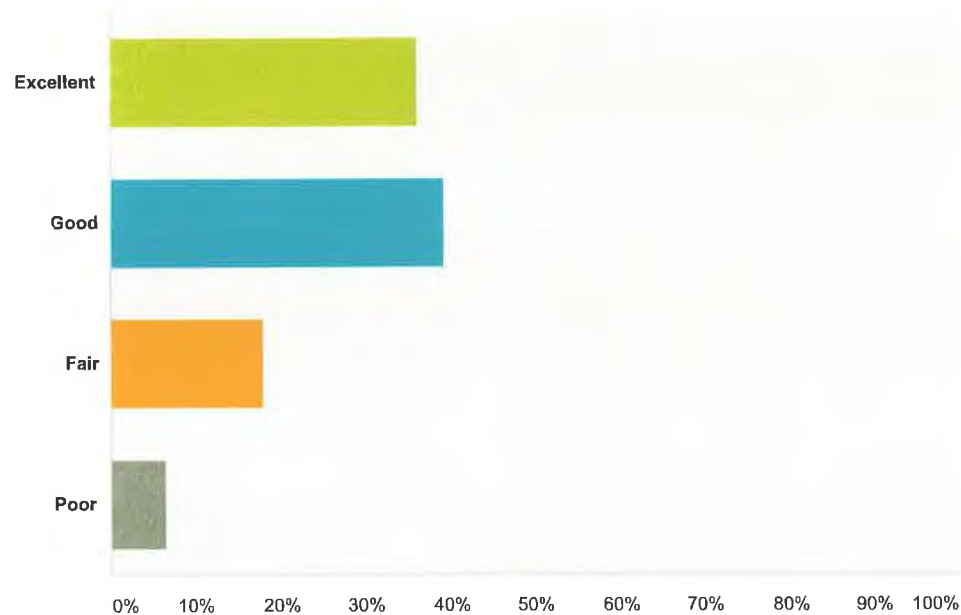
## 2016 Summer Convention Attendee Survey

54

10	So good.	7/13/2016 2:33 PM
11	I would love to see Dean Chemerinsky's speech also published.	7/13/2016 2:30 PM

**Q4 Please rate Saturday's keynote program:  
A Crisis of Solidarity – How to Better  
Protect People Fleeing Violence Anna  
Nelson**

Answered: 61 Skipped: 20



Answer Choices	Responses	
Excellent	36.07%	22
Good	39.34%	24
Fair	18.03%	11
Poor	6.56%	4
<b>Total</b>		<b>61</b>

#	Comments	Date
1	I did not attend.	7/18/2016 2:01 PM
2	Interesting to hear a non-legal speaker provide her on the ground perspective of a very timely issue.	7/14/2016 10:13 PM
3	Visuals were interesting as well as the presentation. It would have been better if there was a discussion of legal issues for refugees.	7/14/2016 11:34 AM
4	I was disappointed in the attendee who made a speech at the end of the presentation. Not a reflection on Ms. Nelson, though.	7/13/2016 5:58 PM
5	Too bad about the critic from the audience	7/13/2016 5:49 PM
6	n/a	7/13/2016 4:38 PM
7	Was not interested enough to attend; instead I watched our baby so that my wife and older kids could sleep in	7/13/2016 4:20 PM

## 2016 Summer Convention Attendee Survey

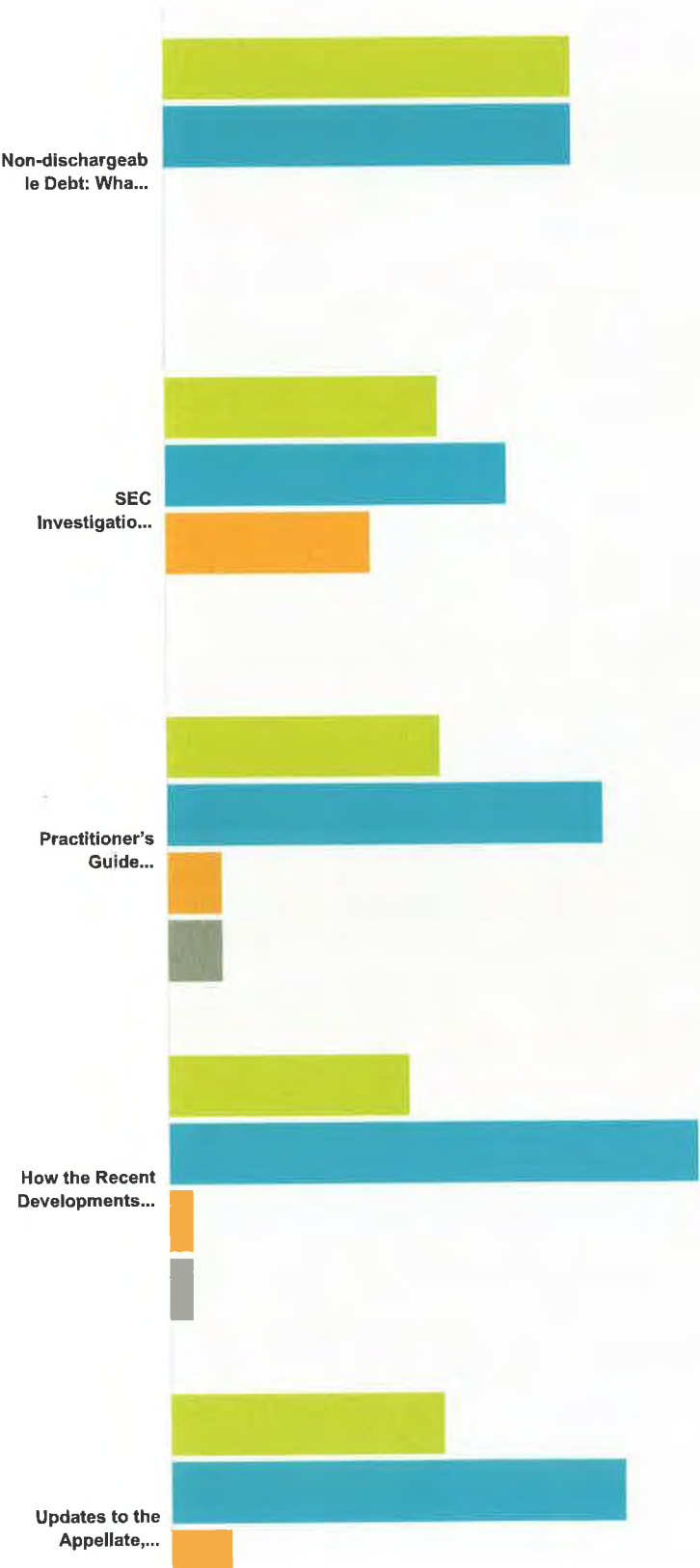
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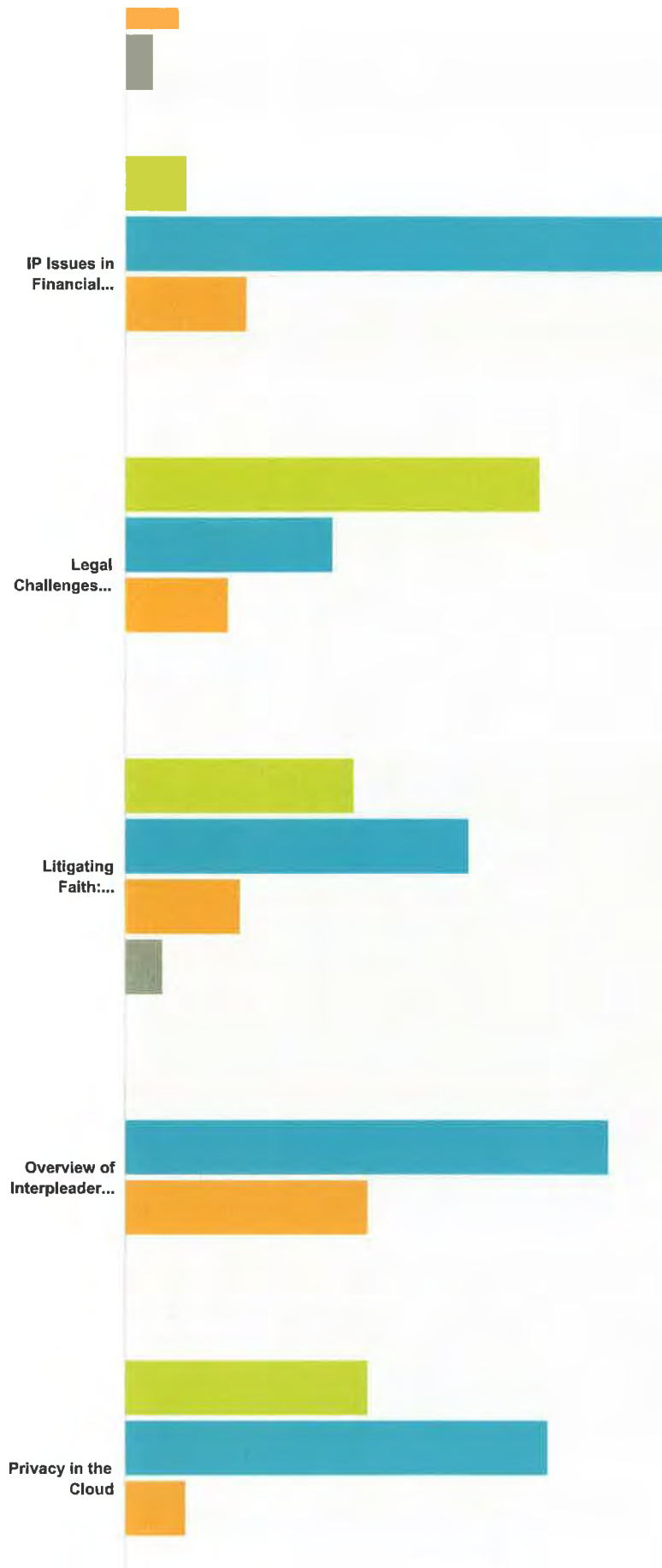
8	Too contrived and agenda promoting-but again thought provoking. I thought it was not only too scripted and contrived, but somewhat biased and immature. Did not provide any analysis of what is being done right and what might be better done about the core problem both in the countries from which the refugees are fleeing and the impact on the receiving countries. She was trying to impose a guilt trip. Zealots are seldom objective.	7/13/2016 3:54 PM
9	Despite the criticism during the Q&A that her presentation lacked gravitas, I thought Ms. Nelson did a very good job of covering the issues in a compelling way as a PR and communications officer.	7/13/2016 3:30 PM
10	It would be nice to have some topics that are not just left-wing liberal agendas. I like to hear from ALL points of view, not having every lecture a 'moral' beating.	7/13/2016 3:11 PM
11	Important and interesting message and nice presentation.	7/13/2016 3:09 PM
12	The sole audience question/comment made it very entertaining.	7/13/2016 2:33 PM
13	I wasn't able to attend Saturday's sessions.	7/13/2016 2:30 PM
14	Did not catch it.	7/13/2016 2:28 PM
15	I did not attend	7/13/2016 2:27 PM
16	Excellent speaker with great stories.	7/13/2016 2:25 PM
17	Did not attend	7/13/2016 2:24 PM
18	Had to leave early. Sorry.	7/13/2016 2:24 PM

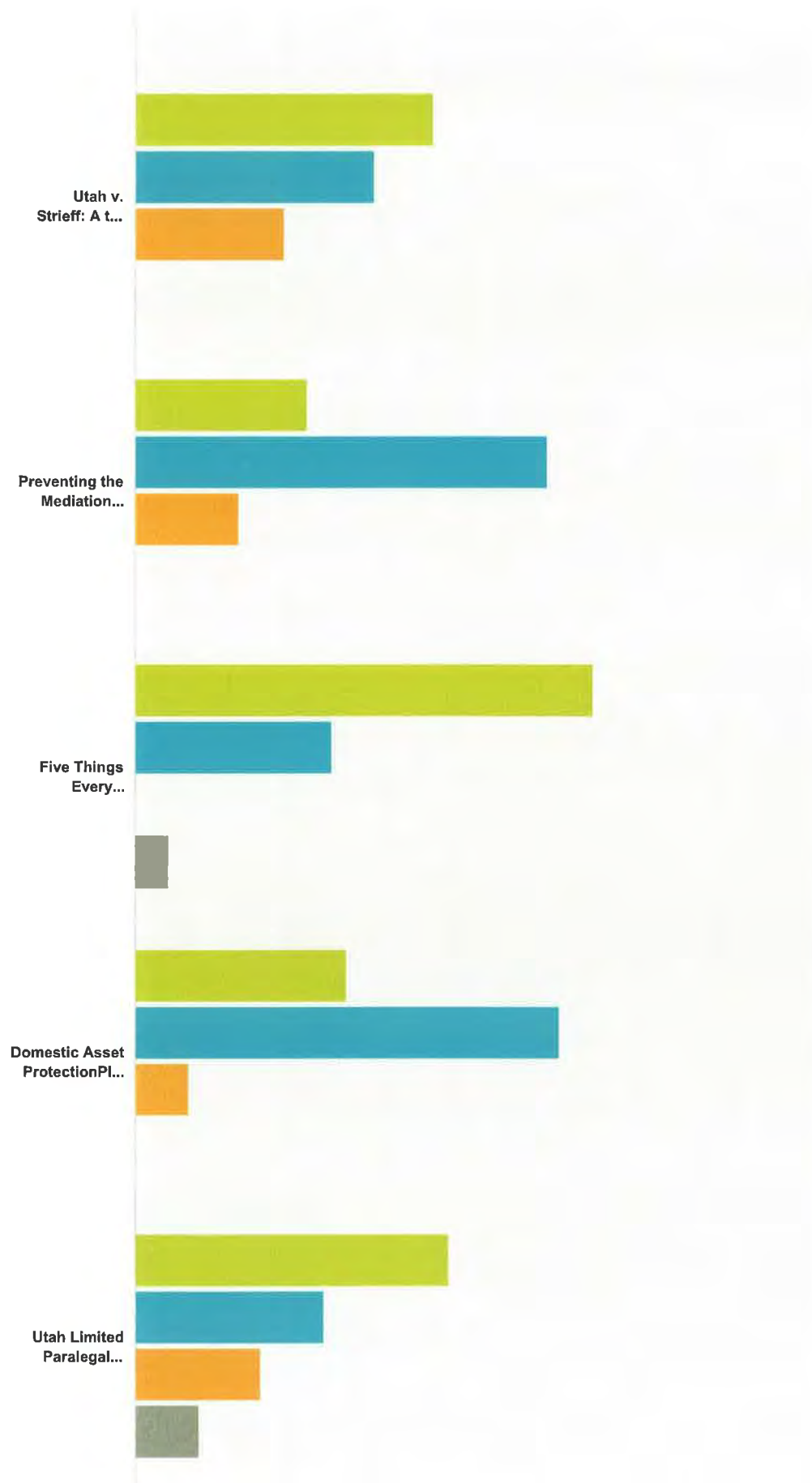


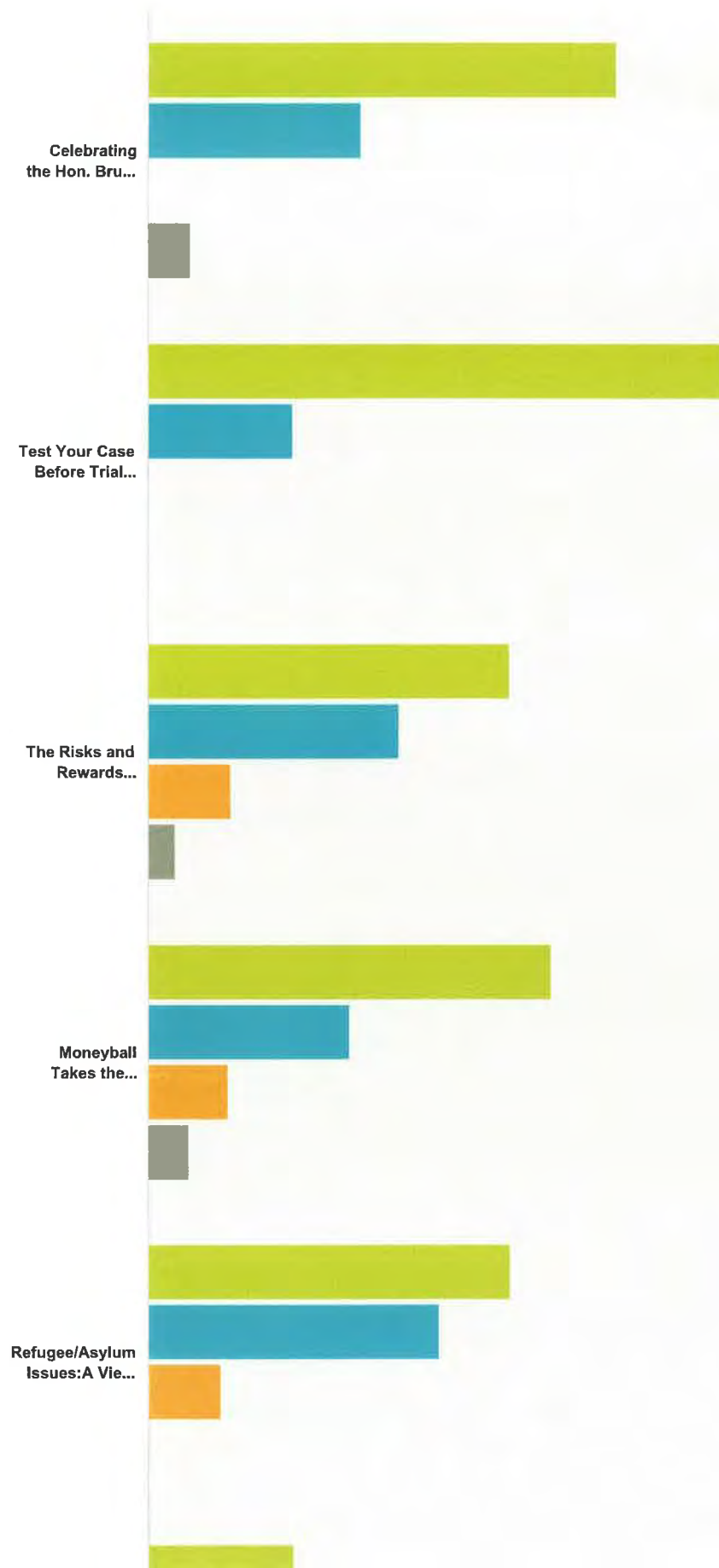
**Q5 Please rate or comment on the individualbreakouts that were useful to you.**

Answered: 79 Skipped: 2

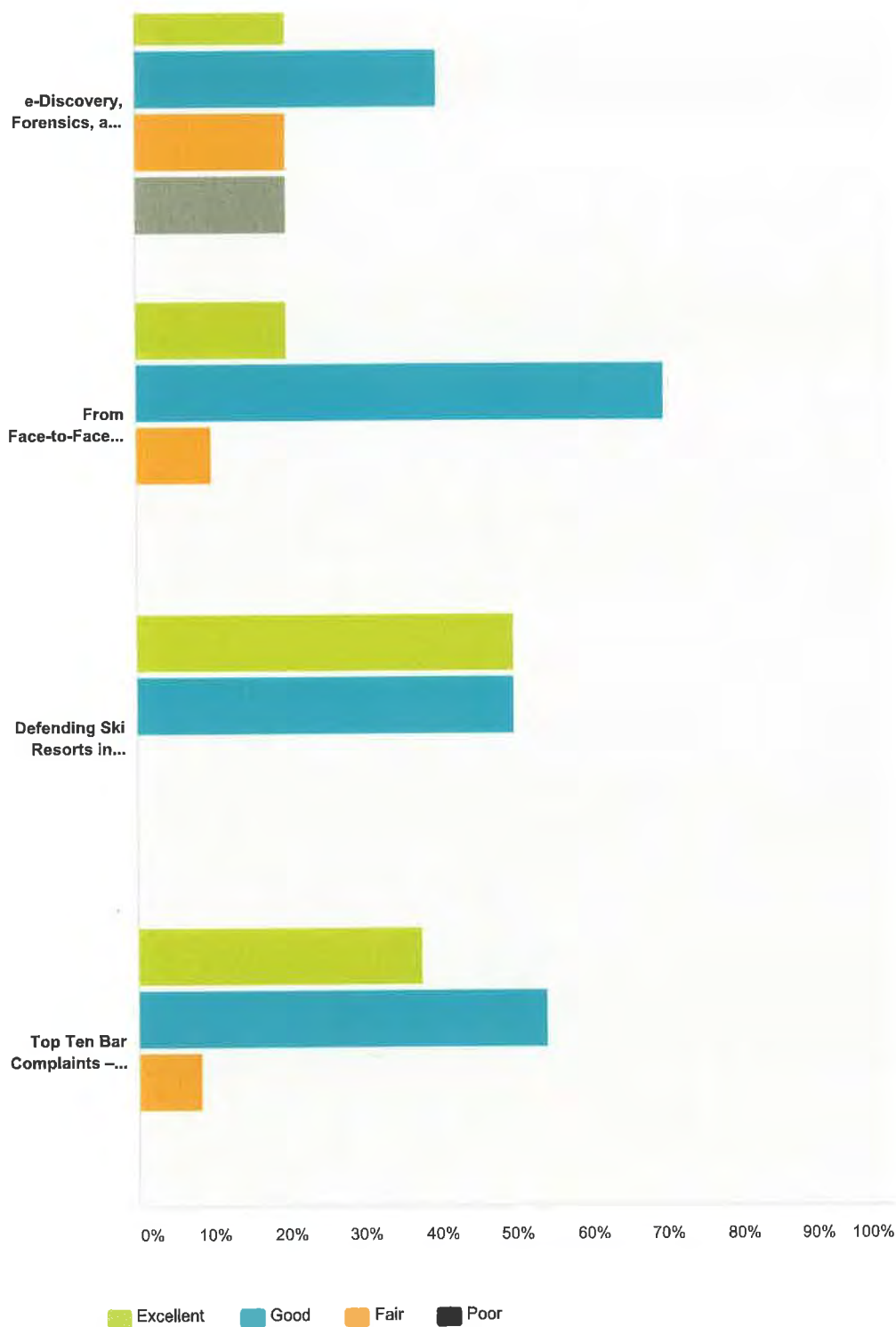








## 2016 Summer Convention Attendee Survey



	Excellent	Good	Fair	Poor	Total
Non-dischargeable Debt: What Every Non-bankruptcy Lawyer Should Know about Preventing the Discharge of Debt in a Debtor's Court of Last Resort	50.00% 7	50.00% 7	0.00% 0	0.00% 0	14
SEC Investigations and Related Issues: What Corporate, Securities, In-House, Regulatory, and Investment Counsel Should Know	33.33% 4	41.67% 5	25.00% 3	0.00% 0	12
Practitioner's Guide to Post-Conviction Litigation	33.33% 5	53.33% 8	6.67% 1	6.67% 1	15

# 2016 Summer Convention Attendee Survey

62

How the Recent Developments in the Attorney Client Privilege and Work Product Doctrine Will Impact Your Practice	29.41% 10	64.71% 22	2.94% 1	2.94% 1	34
Updates to the Appellate, Criminal, and Civil Rules	33.33% 9	55.56% 15	7.41% 2	3.70% 1	27
IP Issues in Financial Transactions: Knowing the End from the Beginning	8.33% 1	75.00% 9	16.67% 2	0.00% 0	12
Legal Challenges Facing Uber: A Metaphor for Sharing-Economy Business Model Legal Issues	57.14% 4	28.57% 2	14.29% 1	0.00% 0	7
Litigating Faith: Religious Discrimination and Harassment Claims After EEOC v. Abercrombie & Fitch Stores, Inc	31.58% 6	47.37% 9	15.79% 3	5.26% 1	19
Overview of Interpleader Fundamentals	0.00% 0	66.67% 2	33.33% 1	0.00% 0	3
Privacy in the Cloud	33.33% 8	58.33% 14	8.33% 2	0.00% 0	24
Utah v. Strieff: A trip to SCOTUS and the 4th Amendment's Exclusionary Rule After Strieff	43.48% 10	34.78% 8	21.74% 5	0.00% 0	23
Preventing the Mediation Meltdown – A Survival Guide to Preparing for Mediation	25.00% 5	60.00% 12	15.00% 3	0.00% 0	20
Five Things Every Utah Attorney Should Know About Employment Law	66.67% 14	28.57% 6	0.00% 0	4.76% 1	21
Domestic Asset Protection Planning	30.77% 4	61.54% 8	7.69% 1	0.00% 0	13
Utah Limited Paralegal Practitioners	45.45% 5	27.27% 3	18.18% 2	9.09% 1	11
Celebrating the Hon. Bruce S. Jenkins' Fifty Years on the Federal Bench	64.71% 11	29.41% 5	0.00% 0	5.88% 1	17
Test Your Case Before Trial Using Mock Trials and Focus Groups	80.00% 8	20.00% 2	0.00% 0	0.00% 0	10
The Risks and Rewards of Serving on a Nonprofit Board: What Lawyers Need to Know	50.00% 13	34.62% 9	11.54% 3	3.85% 1	26
Moneyball Takes the Bench: Using Statistical Analysis of Judges and Court to Your Advantage	55.56% 10	27.78% 5	11.11% 2	5.56% 1	18
Refugee/Asylum Issues: A View from the Ground	50.00% 5	40.00% 4	10.00% 1	0.00% 0	10
e-Discovery, Forensics, and Amendments to the FRCP: What Lead Trial Counsel Needs to Know and How to Manage Vendors Cost-Effectively	20.00% 1	40.00% 2	20.00% 1	20.00% 1	5
From Face-to-Face to Screen-to-Screen: The Shifting Nature of Customer Transactions with Financial Institutions	20.00% 2	70.00% 7	10.00% 1	0.00% 0	10
Defending Ski Resorts in Personal Injury Litigation	50.00% 5	50.00% 5	0.00% 0	0.00% 0	10
Top Ten Bar Complaints – And How to Avoid Them	37.50% 9	54.17% 13	8.33% 2	0.00% 0	24

#	Comments	Date
1	Great variety of very applicable sessions.	7/15/2016 12:30 PM
2	SCHEDULE, SCHEDULE. Started late every day, very late 2 out of 3 days. Bar business went way over schedule 2 out of 3 days forcing others for the rest of the day to try to play catch up.	7/15/2016 10:06 AM
3	Can't you make things run on time. It is unfair to the presenters of the 10:15 programs to either be squeezed or rushed.	7/13/2016 4:11 PM



4

The presenters were prepared and interesting across the board.

7/13/2016 3:30 PM

## Q6 Please list session topics you would like to see at future Utah State Bar Conventions.

Answered: 18 Skipped: 62

#	Responses	Date
1	Topics on trial work in criminal law. They use of experts in trial work.	7/17/2016 9:36 AM
2	Business development tips, writing skills development, more on settlement negotiations/mediation/arbitration, practice techniques in front of commissioners.	7/15/2016 12:30 PM
3	Cyber security and data breach issues	7/15/2016 10:06 AM
4	More legislative and rules updates	7/14/2016 3:06 PM
5	Ph,D psychologist on how to deal with (a) the difficult client or (b) difficult opposing lawyer. Bar president on what can be done to help nasty, but otherwise competent, lawyers to behave in a civil manner.	7/14/2016 11:34 AM
6	Estate Planning	7/13/2016 4:49 PM
7	Evidence, mediation, Rules of Civil and Criminal procedure. Service opportunities for senior lawyers post retirement.	7/13/2016 3:54 PM
8	How to write discovery requests and how to answer discovery requests each in a way the court will approve. 1 hr each	7/13/2016 3:39 PM
9	I primarily practice in family law, and I was disappointed to see that there wasn't anything directly related to that area of law in any of the breakout sessions.	7/13/2016 3:22 PM
10	More hands-on, practical advice, I.e. How to do an effective direct or cross examination, deposition strategies, jury selection/voir dire, propounding meaningful discovery (interrogatories, requests for admission, etc)	7/13/2016 3:09 PM
11	more on mediation	7/13/2016 2:59 PM
12	Drafting Asset Purchase Agreements Drafting Stock Purchase Agreements	7/13/2016 2:56 PM
13	More employment law topics.	7/13/2016 2:54 PM
14	evidence rules,	7/13/2016 2:40 PM
15	Lots of changes in the area of family law but no class discussing those changes was offered.	7/13/2016 2:33 PM
16	Trade secrets; focus on large decisions, verdicts and interesting cases that are topical and timely.	7/13/2016 2:32 PM
17	Many of the topics were niche issues. I'd like to see more breakout sessions that apply to a wider audience.	7/13/2016 2:25 PM
18	Trial tactics topics	7/13/2016 2:24 PM

**Q7 Please list any keynote speakers you would be interested in seeing at future Utah Bar events.**

Answered: 14 Skipped: 67

#	Responses	Date
1	Reema Radwan (Trade and border regulations, 1 of 12 members of the Deaf and Hard of Hearing Bar Association recently admitted to the U.S. Supreme Court), Amanda Allen (legal entrepreneur, community development for lawyers, real estate), Daniel C. Etsy (policy, governance, environmental law), Kristin Luker (reproductive rights).	7/15/2016 12:30 PM
2	Salt Lake City Police Chief --- bias in policing in Utah.	7/14/2016 11:34 AM
3	Sandra Day O'Connor	7/13/2016 5:49 PM
4	Honesty and Integrity in the profession. What makes great lawyers. Historical figures in the law-biographies.	7/13/2016 3:54 PM
5	Justice Thomas Lee, or any of on Utah v. Strieff.	7/13/2016 3:30 PM
6	I'd like to see high profile names (SCOTUS members, former or current US Attorneys General, etc)	7/13/2016 3:22 PM
7	Another Supreme Court Justice	7/13/2016 3:18 PM
8	I've enjoyed the Supreme Court justices in the past.	7/13/2016 3:09 PM
9	Elena Kagan	7/13/2016 2:56 PM
10	Condoleeza Rice	7/13/2016 2:54 PM
11	Supreme Court Justices - Ginsberg, Sotormayor, Kagan, Kennedy, and Roberts. Sheryl Sandberg,	7/13/2016 2:40 PM
12	Any supreme court justice.	7/13/2016 2:33 PM
13	Peggy Tomsic	7/13/2016 2:32 PM
14	Supreme Court Justices.	7/13/2016 2:25 PM

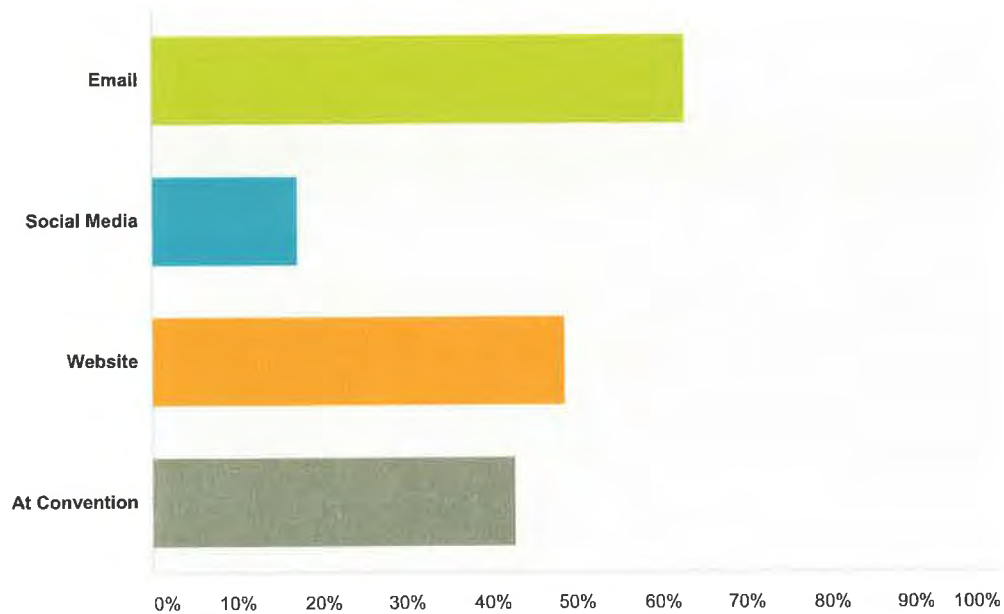
## Q8 What type of subject matter would you like at a keynote presentation?

Answered: 15 Skipped: 66

#	Responses	Date
1	URcP	7/18/2016 2:01 PM
2	Inspirational and big picture subjects. I really enjoyed all three presentations this year as they were all inspiring, thoughtful, provocative, and allowed me to take a step back and assess how my legal practice relates. I enjoy keynotes that are more global in scale, as well, instead of highly niched, or local presentations which can be better accommodated in the break out sessions. Where is the legal practice going, and how can we as lawyers be conscious of steering it in a noble, moral, community-serving direction? What are creative ways to apply our legal training, serving underserved or helping non-legally trained parties think outside the box?	7/15/2016 12:30 PM
3	update to LLC law in Utah	7/14/2016 3:32 PM
4	Racial bias in the Utah justice system.	7/14/2016 11:34 AM
5	Anything interesting.	7/13/2016 5:58 PM
6	Current legislative and/or rules that impact the practice of law.	7/13/2016 4:06 PM
7	Lawyering, Constitutional issues, terrorism.	7/13/2016 3:54 PM
8	Brexit Constitutionality of "nativism" in general; immigration exclusion on the basis of religion; the environmental and social impacts of building a wall on the U.S. Mexico border; the morality of killing non-combatants related to terrorists; and other nonsensical proposals by Trump and his followers.	7/13/2016 3:30 PM
9	Hot topics trending nationally (black lives matter, rise in transgender rights, etc.). Important to try to present differing viewpoints.	7/13/2016 3:22 PM
10	Timely and relevant events, perhaps something political following the 2016 election for next year	7/13/2016 3:09 PM
11	Constitutional issues (not dry),	7/13/2016 2:40 PM
12	Current social issues and how they relate to the law.	7/13/2016 2:33 PM
13	active criminal lawyers	7/13/2016 2:33 PM
14	Income inequality and the impact on the law.	7/13/2016 2:32 PM
15	Broad legal principles similar to both of the presenters at the San Diego convention. My least favorite keynotes deal with mental health issues for lawyers.	7/13/2016 2:27 PM

## Q9 How did you hear about the Convention activities?

Answered: 70 Skipped: 1



Answer Choices	Responses
Email	62.86% 44
Social Media	17.14% 12
Website	48.57% 34
At Convention	42.86% 30
Total Respondents: 70	

#	Other (please specify)	Date
1	App	7/17/2016 7:45 AM
2	Colleagues.	7/15/2016 12:30 PM
3	Brochure	7/14/2016 2:18 PM
4	And bar journal	7/13/2016 3:45 PM
5	app	7/13/2016 3:43 PM
6	I do miss more handouts/written materials.	7/13/2016 3:11 PM
7	App (sort of)	7/13/2016 2:40 PM
8	Bar Functions	7/13/2016 2:28 PM

**Q10 Are there other ways we can keep you informed on available activities?**

Answered: 8 Skipped: 73

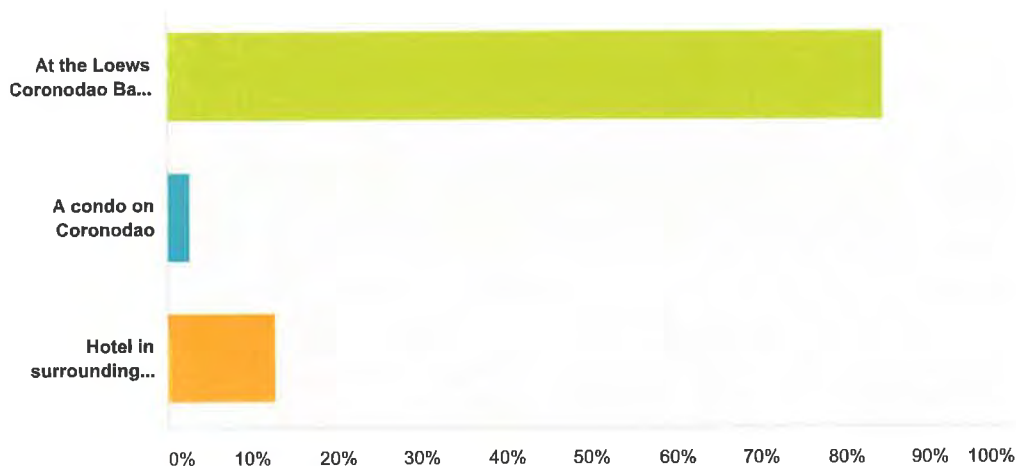
#	Responses	Date
1	Twitter	7/18/2016 8:46 AM
2	To note, the App was not accessible by iPhone 4 which prevented my from following through my phone. The operating system requirements were for iPhone 5 or more recent I believe, but there are a handful of us hanging on to "old" technology.	7/15/2016 12:30 PM
3	emails	7/14/2016 3:06 PM
4	email	7/13/2016 3:43 PM
5	Email works.	7/13/2016 3:30 PM
6	I still like having hard copies of schedule and handouts at presentations	7/13/2016 3:09 PM
7	You do a great job. Thank you!	7/13/2016 2:54 PM
8	Please announce at the sessions.	7/13/2016 2:40 PM



## 2016 Summer Convention Attendee Survey

## Q11 Where did you stay?

Answered: 71 Skipped: 10

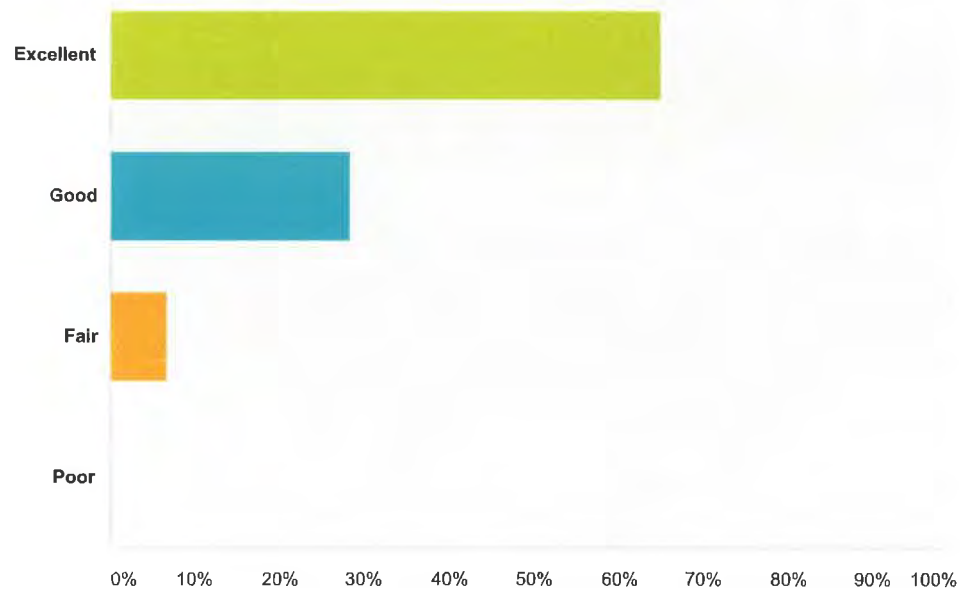


Answer Choices	Responses
At the Loews Coronado Bay Resort	84.51% 60
A condo on Coronado	2.82% 2
Hotel in surrounding area	12.68% 9
<b>Total</b>	<b>71</b>

#	Other (please specify)	Date
1	private residence	7/14/2016 3:32 PM
2	Beach house at Mission Bay.	7/14/2016 11:34 AM
3	House on Coronado	7/13/2016 3:43 PM
4	Marriott on Coronado	7/13/2016 3:30 PM
5	Airbnb in Imperial Beach	7/13/2016 3:22 PM
6	At condo through vrbo in San diego	7/13/2016 3:09 PM
7	Condo in Imperial Beach	7/13/2016 2:43 PM
8	beach house in Oceanside	7/13/2016 2:40 PM
9	A beach house in Mission Bay	7/13/2016 2:33 PM
10	Friend's apartment nearby.	7/13/2016 2:24 PM

## Q12 If you stayed at the Loews Coronado Bay Resort, how would you rate your accommodations?

Answered: 60 Skipped: 21



Answer Choices	Responses	
Excellent	65.00%	39
Good	28.33%	17
Fair	6.67%	4
Poor	0.00%	0
<b>Total</b>		<b>60</b>

#	Comments	Date
1	I had issues with my room and cleanliness issues. I've dealt with it with the hotel.	7/23/2016 11:15 AM
2	This resort is nice but way too far out in the middle of nowhere.	7/18/2016 8:46 AM
3	Great hotel.	7/14/2016 10:13 PM
4	pricey	7/14/2016 3:06 PM
5	It was a standard Loew's hotel room. Nothing unique	7/13/2016 5:22 PM
6	A little far from town, but the beach access was great and the facilities themselves were nice	7/13/2016 4:20 PM
7	However, the property is isolated.	7/13/2016 4:11 PM
8	best we have ever had!!	7/13/2016 3:54 PM
9	N/A	7/13/2016 3:30 PM
10	Only complaint was distance from other restaurants, activities, etc (although shuttle worked well).	7/13/2016 3:11 PM
11	The Market restaurant was horrid, especially the service.	7/13/2016 2:54 PM

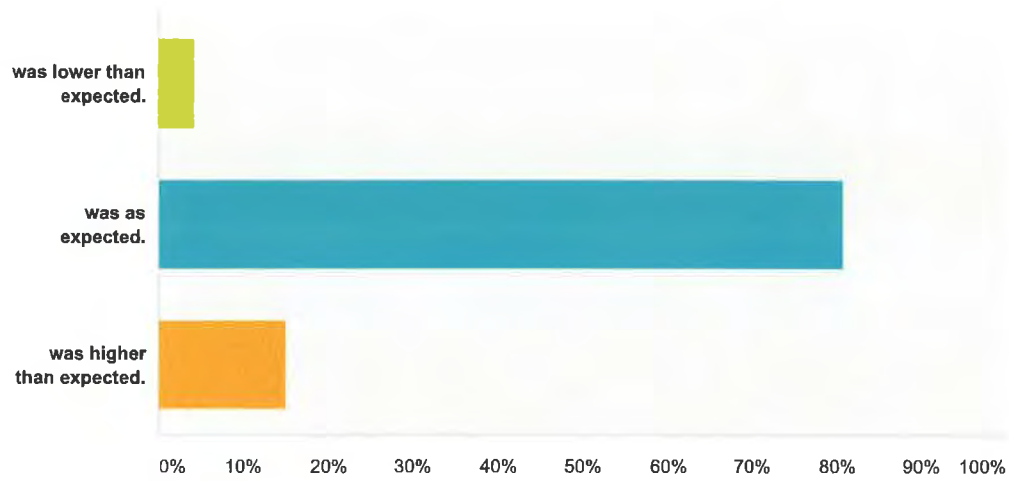
## 2016 Summer Convention Attendee Survey

71

12	It was a great stay, the pool and access to beach was fantastic. Only drawback was that the shuttles didn't run very late, and it's not as close to other activities.	7/13/2016 2:40 PM
13	Rooms were okay but the service was excellent.	7/13/2016 2:33 PM
14	Accomodations were exceptional, just a bit far out. Would prefer something in San Diego.	7/13/2016 2:29 PM
15	I would have preferred to have stayed in a location closer to downtown San Diego. The Loews resort was isolated and it was more challenging for us to get to activities around San Diego from the resort. We strongly preferred staying at the Hyatt during the convention five years ago.	7/13/2016 2:27 PM

### Q13 The overall cost of lodging, food, and activities

Answered: 73 Skipped: 8



Answer Choices	Responses	
was lower than expected.	4.11%	3
was as expected.	80.82%	59
was higher than expected.	15.07%	11
<b>Total</b>		<b>73</b>

## 2016 Summer Convention Attendee Survey

### Q14 What was your most memorable experience from this year's convention?

Answered: 32 Skipped: 0

#	Responses	Date
1	The submarine tour!	7/18/2016 3:25 PM
2	The Friday night judges' reception was well attended and provided a great opportunity for mingling and interaction. They took the bar away suddenly and quite rudely, however. I loved that that the sessions took place and the majority of attendees stayed at the Loews. Provided many extra opportunities for interaction.	7/18/2016 2:01 PM
3	Several, but I particularly enjoyed the opening social, stand-up paddle boarding rental, Erwin Chemerinsky's presentations, and the down-time moments running into participants and meeting new colleagues. The comment made by an attorney after Saturday's keynote was memorable, though for more negative reasons.	7/15/2016 12:30 PM
4	Erwin Chemerinsky's speech was excellent.	7/14/2016 10:13 PM
5	socializing with attorney friends and co-practioners.	7/14/2016 3:32 PM
6	Keynote addresses	7/14/2016 3:06 PM
7	The opening social was fantastic.	7/14/2016 2:18 PM
8	Coronado. The southern California conventions are my favorite.	7/14/2016 1:22 PM
9	This was a wonderful convention all around. The planning committee did an excellent job of putting things together. The Wednesday and Friday receptions were really nice and fun!	7/14/2016 12:30 PM
10	Having to pay for parking at Loews Coronado Bay Hotel at \$9\hour.	7/14/2016 11:34 AM
11	Opening night reception. Met and talked with people I needed to see.	7/13/2016 5:49 PM
12	Chemerinsky presentation.	7/13/2016 4:11 PM
13	Sailing	7/13/2016 3:54 PM
14	House party at Jepson/Christiansen house	7/13/2016 3:43 PM
15	Hearing from Judge Jenkins's former clerks	7/13/2016 3:39 PM
16	Prof. Erwin Chemerinsky Keynote Presentation, Top Ten Bar Complaints break out session.	7/13/2016 3:30 PM
17	I really enjoyed Erwin Chemerinsky's remarks. He was very impressive. I also enjoyed meeting other attorneys from around the state.	7/13/2016 3:22 PM
18	The Wednesday night social. The setting was beautiful, the food was delicious, the drinks were plenty, and the social atmosphere was inviting and allowed for mingling. I was able to catch up with old acquaintances and meet new people as well.	7/13/2016 3:18 PM
19	Don't know what "memoprable" is.	7/13/2016 3:11 PM
20	The social nature of people's pool use. It was a great place to see and get in touch with a lot of people.	7/13/2016 3:11 PM
21	Probably the opening social. Wish that the convention were more family friendly. We missed having activities that are typically held in Sun Valley or Snowmass such as the family picnic, movie, ice cream social, etc. but we understand not as many families attend the CA conventions.	7/13/2016 3:09 PM
22	kyaking on the bay; a submarine tour; great conversations with many different and new people.	7/13/2016 2:59 PM
23	Sitting at a poolside cabana and actually getting to relax!	7/13/2016 2:54 PM
24	Dean Strang's keynote	7/13/2016 2:43 PM
25	I felt that all of it was memorable - it was enjoyable hanging out with judges and other lawyers, the speakers were good, and the topics were good. The judges/lawyers mixer was great. Also having a keynote speaker that was not a Supreme Court Justice was refreshing and interesting. The topics appear to resonate in timeliness with current world events.	7/13/2016 2:40 PM
26	Beautiful setting	7/13/2016 2:37 PM

## 2016 Summer Convention Attendee Survey

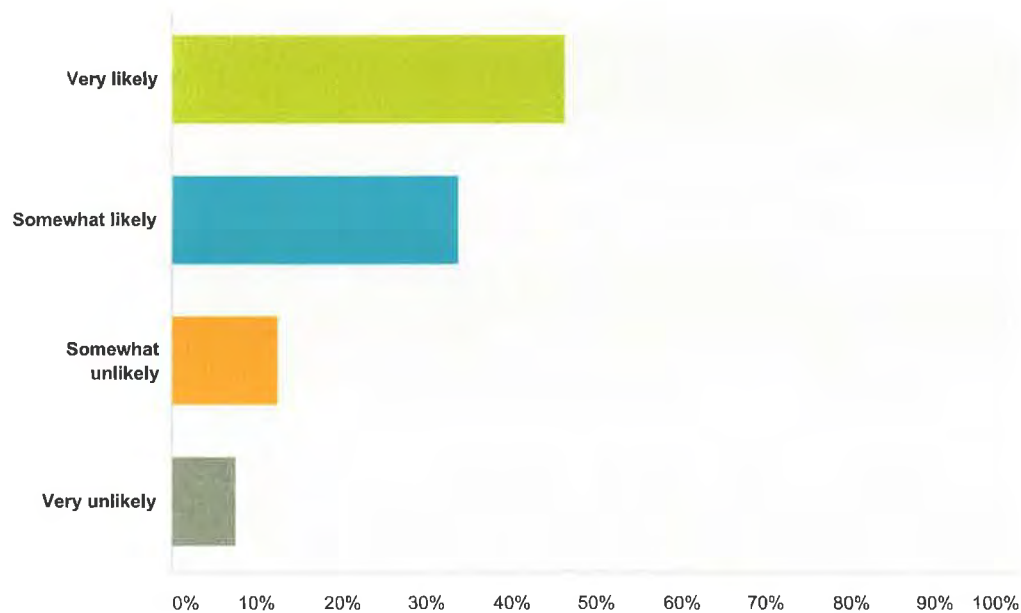
74

27	Prof. Chemerinsky's speech	7/13/2016 2:33 PM
28	seeing old friends	7/13/2016 2:33 PM
29	The opening reception and the judicial/lawyer mixers were excellent. The social networking is the best part of the convention. The Dino-O-Rounds needed to be better publicized. They should have had an electronic sign up on the app.	7/13/2016 2:32 PM
30	The opening night reception was excellent.	7/13/2016 2:31 PM
31	Seeing Judge Jenkins again and listening to his remarks.	7/13/2016 2:30 PM
32	The Chemerinsky speech.	7/13/2016 2:27 PM



**Q15 The 2017 Utah State Bar Summer Convention will be returning to Sun Valley Idaho, from July 26th until July 29th. What is the likelihood of your attendance?**

Answered: 80 Skipped: 1



Answer Choices	Responses	
Very likely	46.25%	37
Somewhat likely	33.75%	27
Somewhat unlikely	12.50%	10
Very unlikely	7.50%	6
<b>Total</b>		<b>80</b>

#	Comment	Date
1	The beach is way better!	7/18/2016 2:01 PM
2	Thank you for not going back to Colorado. Terrible venue. Sun Valley and San Diego/Orange County are good choices	7/18/2016 8:46 AM
3	As a new attorney, I found the presentations very helpful and the networking opportunities unsurpassed. I would strongly recommend a New Lawyers Training Program meet-up to encourage more young attorneys to prioritize the expense next year. Several of my classmates thought about attending this year but could not justify the expense if their office was not paying their way. Room and ride sharing comment boards might also help facilitate interest in new attorneys. Partial registration might also encourage new, underemployed attorneys to attend (registering for a day rather than the entire convention). The experience was very valuable. However, I am also interested in building a specialized practice better served by other annual conferences (environmental and natural resources law). I will need to consider the relevancy of topics and my budget before I can commit to attending the 2017 Convention. Again, after a great experience, I am currently considering attending the 2017 Summer Convention.	7/15/2016 12:30 PM
4	Sun Valley is too much like Utah. The convention site ought to offer variety from what we are accustomed to in Utah.	7/14/2016 3:32 PM
5	Love love love Sun Valley.	7/14/2016 11:34 AM

## 2016 Summer Convention Attendee Survey

76

6	Sun Valley :(	7/13/2016 4:19 PM
7	The Bar Convention should be moved permanently to San Diego	7/13/2016 3:56 PM
8	No reflection on venue or my experience this year. I anticipate retiring before the convention next year.	7/13/2016 3:14 PM
9	Don't do Park City!	7/13/2016 3:11 PM
10	Thrilled it is returning here! Would be nice to have a bag handed out at beginning for the swag, etc. Miss the t-shirts!	7/13/2016 3:09 PM
11	Although it's family friendly, it is more of an exclusive atmosphere with big firm lawyers. Plus the housing costs are ridiculous considering it's Idaho. It's not a convention where you get a good mix of lawyers from small firms to large.	7/13/2016 2:40 PM
12	The bar conventions in Sun Valley and San Diego seem to be very geared towards older attorneys that don't have children at home. The rising costs of the bar convention (both in registration fees and hotel accomidations) coupled with the reduction of family centric activities decreases my interest in attending future bar conventions. Additionally, the food provided at this bar convention was disapointing. While I love San Diego, my most enjoyable bar conventions were at Snowmass.	7/13/2016 2:33 PM
13	I would prefer that all the conventions are in Sun Valley.	7/13/2016 2:33 PM
14	At the Summer Bar convention in Snowmass a couple years ago, the Bar provided lunch. I really liked that and wished we had lunch at this convention. The refreshments were always sweets, for the most part, it seemed and I found myself hungry most of the time because there weren't enough healthy food options. It would be nice to have lunch next year provided as well.	7/13/2016 2:24 PM
15	San Diego was a great venue for the convention.	7/13/2016 2:24 PM

Utah State Bar President Robert O. Rice

The Utah State Bar supports *The Salt Lake Tribune's* recent efforts to highlight the importance of a diverse Utah judiciary (see [Ethnic, Gender Diversity is for the Benefit of All](#) on 6/29/16 and [Can Utah Diversify its Judicial Bench? Jury's Still Out](#) on 7/9/16). Lawyers, who represent clients from all aspects of society, have a uniquely clear view of the importance of the background of judges who decide their clients' cases. Perhaps the question becomes, then, what is our profession doing to promote a system of justice that reflects, in the words of the late Justice Antonin Scalia, "a cross section of America." The answer is a great deal.

First, Utah lawyers are actively encouraging lawyers from diverse backgrounds to apply for the bench. Women Lawyers of Utah has developed a program to provide mentoring to its members applying for judicial vacancies. To help demystify the application process, Women Lawyers of Utah offers seminars and pairs applicants with someone who has experienced the nomination process.

Second, the Utah Minority Bar Association is also fully engaged in promoting diversity in Utah's judiciary. Like Women Lawyers of Utah, the Utah Minority Bar Association actively seeks qualified candidates from its membership and encourages those lawyers to apply for bench openings. The Utah Minority Bar Association also recommends qualified members of the minority bar to serve on judicial nominating commissions. Understanding that there is more it can do, it has recently created a Judicial Advocacy Committee to evaluate additional action to address this critical issue.

In our own organization, the Utah State Board of Bar Commissioners, lawyers have elected diverse leaders to make policy for lawyers across Utah. Of our fifteen voting Bar Commissioners, nine are women. The Bar Commission also enjoys guidance from ex-officio members from the Utah Minority Bar Association and Women Lawyers of Utah and LGBT & Allied Lawyers of Utah. In short, the Bar Commission looks more like the rest of the state, which represents a substantial step toward promoting diversity in other areas of our judicial system.

The ranks of Utah lawyers are steadily growing with immensely qualified, diverse law school graduates from the J. Reuben Clark Law School and the S. J. Quinney College of Law and elsewhere. Clearly, our Bar swells with talented lawyers from varied backgrounds educated within and without the state who will for years to come be ready to assume a position on the bench.

Governor Gary Herbert deserves many accolades for his efforts to appoint women and minority lawyers to the bench, having appointed twenty women and four minority lawyers to the bench during his tenure. I've appeared before many of Governor Herbert's appointments, and I can attest to their strong qualifications and to the fact that the Governor has appointed the most qualified applicants possible in every instance.

Governor Herbert's success in his judicial appointments, the Bar's efforts to promote diversity on our bench and the steady number of diverse, qualified new lawyers graduating from our law schools is a sure sign of great things to come. Utah is exceedingly well-positioned to ensure that its state court looks more and more like the state it is intended to serve.

But there is more progress to be made, and Utah lawyers can help. Every Utah lawyer knows colleagues who come from diverse backgrounds who are well qualified for the bench. If you do, talk to that lawyer and encourage her or him to consider the judiciary. Don't think only about your law school classmate who looks like you, or your law partner down the hall with whom you have practiced law for decades. Think also about the excellent lawyer who opposed you at trial or in a deal, the one who didn't look like you, and ask that person to consider a future as a judge.

State courts like Utah's are where ninety percent of the nation's legal business is transacted. It is in state court where legal matters that affect every-day people, not the rich and powerful, are typically litigated. It is essential that the make-up of our judiciary reflect the image of those every-day people who seek its assistance.

# The Salt Lake Tribune

(<http://www.sltrib.com>)

## Can Utah diversify its judicial bench? Jury's still out

By Robert Gehrke The Salt Lake Tribune

Published: July 11, 2016 12:49 pm

**Demographics, structure make appointing women and minorities as judges difficult to do in Utah.**

This is an archived article that was published on sltrib.com in 2016, and information in the article may be outdated. It is provided only for personal research purposes and may not be reprinted.

Reyes Aguilar flew to New Mexico this past week to attend a recruitment seminar for American Indian students interested in the law.

It's part of a long-term vision, a decades-long effort that Aguilar, as associate dean for admissions at the University of Utah's law school, has led to try to make the Beehive State's legal community, traditionally dominated by white male lawyers, more diverse and, in the process, take the initial steps toward diversifying Utah's judicial bench — labeled in a recent study as the whitest in the nation and least reflective of the community it serves.

"It's not wrong to consider what a person's background and context and life experience is, because all that comes into play in the decision-making power [of the judiciary]," Aguilar said. "One of my frustrations has been ... what I see as a presumption that, by somehow considering these things, a person is less qualified. And that creates a constant uphill battle for some of these very successful attorneys and very successful students."

Of the 102 judges in Utah's state courts, nearly seven out of every 10 are white males. A quarter are white female. Just 10 are ethnic minorities. There still has been only one African-American judge appointed to Utah courts in the state's history.

When it comes to nominating judges to the bench, Gov. Gary Herbert said his policy is "always to appoint the best, most qualified candidate for the position."

"That principle has led to a judiciary that has been recognized as one of the best in the country," he said, "and of which I am very proud."

Even so, his staff works with the Utah State Bar and other groups to try to diversify the pool of applicants from which the nominating commissions — and subsequently the governor — have to choose.

But efforts to diversify the courts have run into resistance from some lawmakers.

State Rep. Merrill Nelson, R-Grantsville, has been trying in the past several years to force the commissions that screen potential judges to disregard race and gender in the vetting process.

He specifically has sought to remove language from the judicial application that allows nominating panels, if all other factors are equal, to consider the issue of diversity on the bench.

Nelson contends the Utah Constitution and state law prohibit such considerations, and that there was never a public process to adopt such language.

In 2014, Nelson tried to withhold funding from the nominating commissions unless the language was dropped. His effort failed.

Earlier this year, after raising the issue in a legislative committee, Ron Gordon, executive director on the Commission of Criminal and Juvenile Justice, which staffs the nominating commissions, said the language would be removed.

"The law could not be more clear, from the [Utah] Constitution down to the statutes and even the regulations ... that appointments to the judiciary should be based solely on qualifications," Nelson said. "It's CCJJ that is not following the law, and I can't pass another law saying, 'Follow the law.' I have to leave that up to their integrity, and if they don't follow the law, then we have some remedies in the Legislature."

Instead of withdrawing the language, however, CCJJ proposed a new rule earlier this month that would formally adopt the diversity language that, heretofore, had been informally included.

"You have to have other factors to analyze when it appears that all applicants are comparable," Gordon said. "In those situations it is appropriate to consider the makeup of the bench and, as the administrative rule would say, the experience and background of the individuals who are applying."

—



The case for diversity • The American Constitution Society for Law and Policy recently looked at the makeup of state courts across the country and found a broad disparity between the racial and gender composition of the judiciary and the populations of those states.

Nowhere was the discrepancy more pronounced than Utah — although the report relied on 18-month-old data that skewed the numbers slightly.

"When people do not see themselves represented in their community leadership, when the vast majority of judges cannot relate to the lived experience of those they serve — this is a problem," said Tracey George, a law professor at Vanderbilt University and one of the report's co-authors.

Kate Berry, counsel at the Brennan Center for Justice at New York University, said three reasons generally argue for a diverse judiciary. A pool of judges from a broad background is "inevitably going to produce a richer experience" on the courts, she said. When the faces on the bench look like the community, "it looks to the public that the judicial system is fair and all voices are included."

Finally, women and minority judges can serve as role models to other attorneys, showing a career on the bench is achievable.

Last month, Berry wrote a report on ways nominating commissions could help ensure more women and minorities are considered for the bench. She said commissions and those who appoint judges need to be aware of biases in the process. More outreach can be done to encourage a wide range of applicants. And the process needs more transparency, so applicants know about openings and how the selection will work.

Kent Hart, executive director of the Utah Association of Criminal Defense Lawyers, doesn't believe there is "a lot of outright racial bias in Utah," but notes a pervasive sense that the decisions from the bench are made from a white, male perspective. His minority clients have mentioned it.

"There are reservations that a defendant facing a white, male judge or a bunch of jurors who are white, obviously it's going to reduce that person's confidence in the legal system," Hart said. "And if everyone is the same color or same gender, I think that's true, as well."

Nelson, who is an attorney and was a finalist for a judgeship during Gov. Mike Leavitt's tenure, doesn't buy the traditional arguments for diversity.



"What a litigant can expect is that judges will be entirely impartial, entirely fair and equal to everyone who comes to court, regardless of race or gender or so-called life experience," Nelson said. "When we start basing judicial office on factors or considerations other than legal ability, we get into a deep slippery slope where anything goes, and then we're no longer ensured we have the best quality [judges]."

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Recruiting future lawyers, judges • The Utah Constitution deems that judges must be lawyers and members of the state bar. Utah's bar is overwhelmingly made up of white men.

According to the bar's most recent demographic survey of its members in 2011, 74 percent of Utah's lawyers are men and 91 percent are white — virtually the same racial and gender breakdown as those judges now on the bench.

"We take some of the responsibility at the law-school level," said Robert Adler, dean of the U. law school. Graduates of the U. and Brigham Young University law schools comprise 43 of the 65 judges nominated in the past five years.

"It starts at the bottom," Adler said, "trying to increase the pool of minority attorneys in Utah, which we've been working quite hard to do."

That's where Aguilar's efforts come into play — not just in the interest of the judiciary, but in improving diversity in the legal community and in helping convince minorities that a college degree and law school can be a reality.

The U.'s work starts in elementary schools, where law students and others work with the Kids' Court program at Rose Park Elementary on Salt Lake City's west side, working to teach diverse groups of students in the after-school program about the importance of the rule of law and civic engagement. Students also visit the law school and hold a mock trial.

Later, mostly high school seniors attend a one-day program at the law school to learn about the law and what it is like to be a law student.

The U. also is doing outreach to minority students who have shown an interest in the law. On Thursday, for example, Aguilar was in Albuquerque, where he will meet with American Indian students who participated in an eight-week summer program and offer admission to some top performers.

It's a slow, forward-looking effort, to be sure. But Aguilar points to numerous success stories among the students who have come through the law school in the 25 years he has run the programs. He said the experiences those students and other minorities have had is worthy of consideration when choosing judges.

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Herbert's record • Statistics show that, at least with gender, Utah's judiciary may be inching toward greater diversity.

An analysis of Herbert's judicial nominees since he became governor in August 2009 reveals that 21 of his 65 picks, about a third, have been women. (The Utah Senate rejected one of those female nominees.)

The rate at which Herbert chooses women to fill judicial vacancies is about on par with the number who are recommended to him by nominating commissions, which vet candidates and send, on average, five names from which the governor selects.

In the past five years, the nominating panels have forwarded 204 candidates for judicial openings; 69 of them have been women, slightly more than a third.

Herbert has appointed fewer ethnic minorities to the bench — five of the 65 nominees during his tenure have self-identified as racial or ethnic minorities: Judges Su Chon, Renee Jimenez, Tupakk A.G. Renteria and Sharon Sipes, along with Supreme Court Justice Deno Himonas.

That representation (7.7 percent) is slightly below the current minority representation on Utah's bench and the minority makeup of the state bar.

"To increase the diversity of the bench," Herbert said, "we must also increase the diversity of the bar and the applicants who apply for judicial positions."

As a veteran of more than 60 nominating commissions, Gordon said he is "very much aware of the makeup of our bench. I'm not surprised [by the numbers] but that doesn't mean I'm not disappointed and wish we could find [more applicants]."

He said the Utah Minority Bar Association and Women Lawyers of Utah have reached out to ensure a wide pool of applicants.

"I don't think [diversity] just happens on its own," Gordon said. "I think we have to be proactive in some ways to make sure we have a quality bench in all respects and, two, to make sure we have a bench that has some diversity of background and experience."

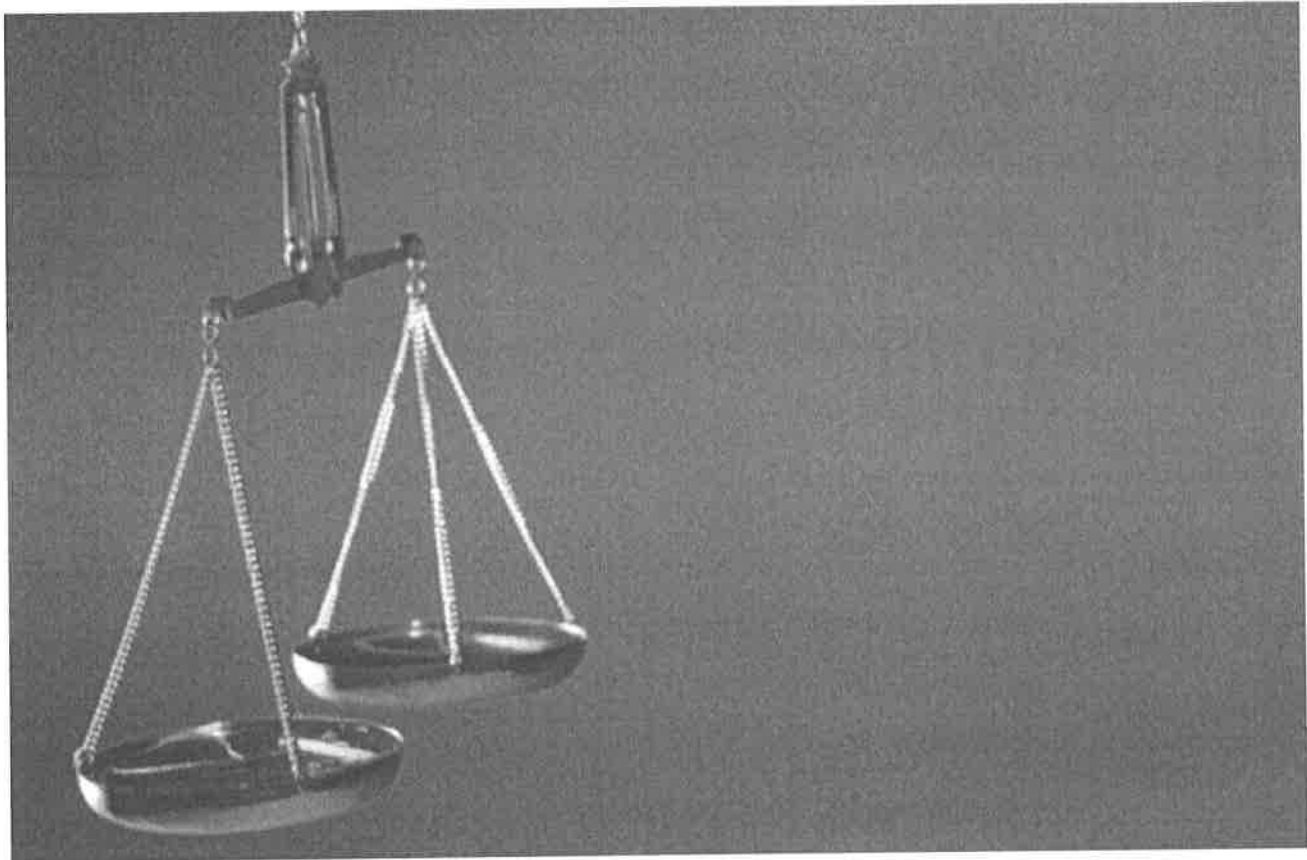
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# We need a judicial system that reflects all Utahns, not just white males

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Getty Images

Justice scales

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The Utah State Bar, (<https://www.utahbar.org/>) the Commission of Criminal and Juvenile Justice (<http://www.justice.utah.gov/>), and the University of Utah (<http://www.utah.edu/>) want more diversity on Utah's benches.

That's a good thing. We need it.

Why?

For starters, because of the 102 judges in our state courts, 70 percent are white males and 25 percent are white females. Only 10 judges belong to ethnic minorities, even though in some Utah communities, Hispanics make up a significant part of the population — 30 percent, in Ogden's case.

In the history of Utah, there's only been one black judge appointed to the bench. But in 2014, Utah incarcerated blacks at a rate nearly 7.5 times greater than whites — 1,481 per 100,000 population, according to the Sentencing Project. (<http://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>) That compared to 202 per 100,000 for whites.

Utah imprisoned Hispanics at a rate of 333 per 100,000.

We need a judicial system that reflects all Utahns — not just white males.

Rep. Merrill Nelson, R-Grantsville (<http://le.utah.gov/house2/detail.jsp?i=NELSOMEF>), disagrees. Legally, he insists in an Associated Press story, all bench appointments must be based solely on a candidate's qualifications. He accuses the CCJJ of stressing diversity at the expense of merit, warning ominously of "remedies in the Legislature."

Nelson is wrong. No one wants unqualified judges. Just the opposite — Utah needs a larger pool of qualified legal minds for judicial appointments, and a candidate's background can sharpen her decision-making ability.

Just ask Reyes Aguilar, who travels the country recruiting students for the University of Utah law school. He sees a candidate's life as a potential judicial asset.

"It's not wrong to consider what a person's background and context and life experience is, because all that comes into play in the decision-making power [of the judiciary]," Aguilar told Robert Gehrke (<http://www.sltrib.com/home/4096738-155/can-utah-diversify-its-judicial-bench>) of the Salt Lake Tribune. "One of my frustrations has been ... what I see as a presumption that, by somehow considering these things, a person is less qualified."

Not even a quarter of Utah members of the Utah Bar are women, according to a Salt Lake Tribune column (<http://www.sltrib.com/opinion/3826333-155/op-ed-utah-judiciarys-lack-of-diversity>) from Robert W. Adler ([https://faculty.utah.edu/u0028434-ROBERT\\_W\\_ADLER/biography/index.html](https://faculty.utah.edu/u0028434-ROBERT_W_ADLER/biography/index.html)), a distinguished professor at the University of Utah law school (<http://www.law.utah.edu/>). But statewide, women make up half the population, according to the U.S. Census Bureau.

Gov. Gary Herbert asks his staff to consult with the Utah State Bar (<http://www.lsac.org/diversity/bios/aguilar.html>) and other groups to identify a diverse selection of applicants for the CCJJ nominating commissions to vet. According to The Associated Press, 21 of Herbert's 65 nominees have been women. Just five listed themselves as part of a racial or ethnic minority.

That's not enough.

When the courts finally reflect all of us, it will create a stronger, more capable judiciary. We need to make diversity on the bench a Utah priority.