

Utah State Bar Commission

Friday, December 8, 2017

Utah Law & Justice Center

Salt Lake City, Utah

Agenda

1. 9:00 a.m. Current Issue "Deep Dive"

90 Mins. 1.1 Diversity & Inclusion in the Utah Bar

10:30 a.m. Break

2. 10:45 a.m. President's Report: John Lund

02 Mins. 2.1 Update on Access to Justice Director Position

03 Mins. 2.2 Committee of the Year Award to Governmental Relations Committee

15 Mins. 2.3 Legislative Session Prep: **Doug Foxley, Frank Pignanelli, Steve Foxley**

05 Mins. 2.4 Report on Lighthouse Survey

05 Mins. 2.5 Report on Breakfast Meeting with Large Firm Representatives

05 Mins. 2.6 Report on Access to Justice Coordinating Committee

3. 11:20 a.m. Action Items

10 Mins. 3.1 2020 Summer Convention Site Selection: **Dickson Burton**

10 Mins. 3.2 Law & Justice Center Signage Change Proposals (**Tab 1, Page 3**)

01 Mins. 3.3 Appoint Sara Bouley Co-chair of Governmental Relations Committee

01 Mins. 3.4 Appoint Jon Hafen Co-chair of 2019 Summer Convention

10 Mins. 3.5 Public Notice of Discipline Policies: **Elizabeth Wright (Tab 2, Page 5)**

4. 11:50 a.m. Discussion Items

20 Mins. 4.1 Utah Indigent Defense Commission: **Joanna Landau**

12:10 p.m. Break for Lunch

15 Mins. 4.2 Leadership Academy Report: **Jenifer Tomchak**

5. 12:35 p.m. Other Business

6. 12:45 p.m. Executive Session

1:00 p.m. Adjourn

(Over)

Consent Agenda (Tab 3, Page 9)

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

1. Approve Minutes of November 17th, 2017 Commission Meeting

Attachment (Tab 4, Page 13)

1. 2017 Fall Forum Attendees' Survey Results
2. 2017 Office of Professional Conduct Annual Report

Calendar

January 2	President-elect Election Notices Due		
January 5	Executive Committee	12:00 Noon	
January 12	Commission Meeting	9:00 a.m.	Utah State Bar
January 30	Conference Call Re: Legislature	4:00 p.m.	
February 1	Commission Election - Petitions, Statements, Photos Due		
February 7	Breakfast with Lawyer Legislators	7:30 a.m.	Aspen Rm., East Senate Bldg., Capitol Complex
February 6	Conference Call Re: Legislature	4:00 p.m.	
February 1-3	ABA Mid-Year Meeting/NABE/NCBP		Vancouver, Canada
February 13	Conference Call Re: Legislature	4:00 p.m.	
February 20	Conference Call Re: Legislature	4:00 p.m.	
February 22	Breakfast of Champions	8:00 a.m.	Alta Club
February 27	Conference Call Re: Legislature	4:00 p.m.	
February 27-28	Bar Examination	8:00 a.m.	Utah State Bar
March 2	Executive Committee	12:00 Noon	
March 6	Conference Call Re: Legislature	4:00 p.m.	
March 8	SUBA Luncheon	12:00 Noon	St. George, Utah
March 8	Commission Meeting	1:00 p.m.	St. George, Utah
March 8-10	Spring Convention		St. George, Utah
March 20	Election Email Message Due		
March 21-24	Western States Bar Conference		Santa Barbara, Calif.
April 1	Election-Online Balloting Begins		
April 6	Executive Committee	12:00 Noon	
April 10-12	ABA Day in Washington		Washington, D.C.
April 13	Commission Meeting	9:00 a.m.	Utah State Bar
April 15	Election-Online Balloting Ends		
May 4	Executive Committee	12:00 Noon	
May 11	Commission Meeting	9:00 a.m.	Utah State Bar
May 17	Admission Ceremony	12:00 Noon	State Capitol
July 17	Executive Committee	12:00 Noon	Utah State Bar
July 25	Commission Meeting	1:00 p.m.	Sun Valley, Idaho
July 25-28	Summer Convention		Sun Valley, Idaho

TAB
1

Utah Law & Justice Center Signage and Reception Change Proposals

1. Receptionist will answer phone, "Law & Justice Center" instead of "Utah State Bar"
2. Building signage will be changed to "Utah Law & Justice Center" instead of "Utah State Bar"
 - a. Banners on outside doors
 - b. Large chrome lettering behind receptionist with seal
 - c. Daily room schedules at each entry door
 - d. Listing of building tenants in elevator

**TAB
2**

TO: John C. Baldwin
FROM: Elizabeth A. Wright
RE: Public Record of Disbarment
DATE: October 30, 2017

I have been asked to explain the rules and policies underlying the requirement that the Bar maintain a permanent listing of disbarred lawyers.

OUR RULES REQUIRE BROAD NOTICE OF DISBARRMENT AND PROVIDE NO PROCEDURE FOR EXPUNGEMENT

Our rules instruct us to give local and nationwide notice of disbarment and say nothing about expungement. 14-516 requires us to notify the ABA of disbarments for posting in the "National Lawyer Regulatory Database." We are also required to publish disbarments in the Bar Journal and local newspapers. The Court's intention is to have notice of disbarment disseminated widely and I think safely includes website notification of disbarment.

Nothing in our rules provides for expungement of disbarment or other public discipline records. Also, there is no rule that allows a member to remove him or herself from our records.

RATIONALE

Our rationale, and those of the bars that responded to my listserv request, is the protection of the public. Disbarred lawyers often obtain work as paralegals, document preparers, real estate agents, stock brokers and other work for which the public should be aware that the individual has been disbarred. Also, a disbarred lawyer can always indicate on a resume that he or she graduated from law school. People should be able to verify that a law school graduate has been disbarred before trusting the individual to do legal-related work.

Even though a lawyer has been disbarred, he or she can use the fact that he or she has a law degree to engender trust in a client and perhaps charge more money for services. The public should be able to learn that this person has been disbarred.

APPLICABLE RULES

14-516. Dissemination of disciplinary information.

(a) Notice to disciplinary agencies. The OPC shall transmit notice of public discipline, resignation with discipline pending, transfers to or from disability status, reinstatements, readmissions, and certified copies of judgments of conviction to the disciplinary enforcement agency of every other jurisdiction in which the respondent is admitted, and to the National Lawyer Regulatory Database maintained by the American Bar Association.

(b) Notice to the public. The executive director shall cause notices of admonition, public reprimand, suspension, disbarment, resignation with discipline pending, transfer to disability status and petitions for reinstatement or readmission to be published in the Utah Bar Journal. The executive director also shall cause notices of suspension, disbarment, resignation with discipline pending, transfer to disability status and petitions for reinstatement or readmission to be published in a newspaper of general circulation in each judicial district within Utah in which the respondent maintained an office for the practice of law.

(c) Notice to the courts. The executive director shall promptly cause transmittal of notices of suspension, disbarment, resignation with discipline pending, transfer to or from disability status, reinstatement or readmission to all state and federal courts in Utah.

14-203(c). Register of members to be kept. The executive director shall maintain a register of lawyers which shall contain a designation as to their licensing status and such other information as the Board may determine to be necessary or desirable or as required by rule.

14-507. Roster of lawyers and current record information.

The Bar shall collect, maintain and have ready access to current information relating to members of the Bar including:

- (i) Nature, date, and place of any discipline imposed and any reinstatements.

14-504. OPC Counsel.

14-504(b) Powers and Duties. The senior counsel shall perform all prosecutorial functions and have the following powers and duties, which may be delegated to other staff:

- 14-504(b)(10) maintain permanent records of discipline and disability matters.

OTHER JURISDICTIONS

I asked other jurisdictions via the National Organization of Bar Counsel (NOBC) listserv if any allowed for expungement of disbarment records. With the exception of Idaho, all responded "no." After 5 years Idaho takes removes the individual from the on-line directory, but anyone who calls the Bar or Googles the information can find out if an individual has been disbarred.

DOPL: The current policy of the state, through H.B. 118 in the 2016 General Session of the Legislature, is that disciplinary actions are public with no expiration of their status as public records. However, state agencies are limited in posting the information online to 10 years (or 5 years in certain circumstances). After that point, the record remains public, but a person would need to file a GRAMA request to get access to it.

RECOMMENDATION

In the interest of protecting the public and in making our rules consistent with our practice, we should amend our rules to indicate that member records, including licensing status and discipline, are permanent, public records. We interpret our rules to require us to make discipline information publicly and permanently available and should amend the rules to clearly state our interpretation.

TAB
3

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

**NOVEMBER 20, 2017
OGDEN, UTAH**

- In Attendance:** President John Lund, President-elect H. Dickson Burton, Commissioners: John Bradley, Steven Burt, Kate Conyers, Liisa Hancock, Mark Morris, Michelle Mumford, Herm Olsen, Cara Tangaro, Heather Thuet, and Katie Woods.
- Ex-Officio Members:** Dani Cepernich, Diana Hagen, Margaret Plane, Jamie Sorenson, and Chris Wharton.
- Not in Attendance:** Grace Acosta; Heather Farnsworth, Mary Kay Griffin, and Ex-Officio Members: Dean Robert Adler, Nate Alder, Julie Emery, Amy Fowler, Rob Rice, and Dean Gordon Smith.
- Also in Attendance:** Executive Director John C. Baldwin, Assistant Executive Director Richard Dibblee and General Counsel Elizabeth A. Wright.

Minutes: 9:15 a.m. start

1. President's Report

- 1.1 Firm Breakfast.** John Lund reported on the first of a series of breakfasts with representatives from law firms. Attendees at the breakfast discussed challenges facing firms and the preparedness of new lawyers.
- 1.2 Practice Portal and Website Roll Outs.** The new Bar website and the practice portal are up and running and the feedback has been good.
- 1.3 Report on Access to Justice Coordinating Committee.** This Committee will be charged with coordinating communication and coordination among all the different entities in the state that provide access to justice services and focusing on substantive improvements in delivery. John Lund is investigating potential chairs for the Committee.

2. Action Items

- 2.1 Client Security Fund Report.** Judge David Hamilton, Chair of the Client Security Fund, explained the Fund Report submitted to the Commission and discussed the payments the Fund proposes making. **Herm Olsen moved to approve the Fund Report and proposed payments. Cara Tangaro seconded the motion which passed unopposed.**

- 2.2 Client Security Fund Chair Appointment.** Judge Hamilton recommended that Fund Committee member Steve Farr be appointed as Chair of the Fund for Client Protection. **Michelle Mumford moved to accept the resignation of Judge Hamilton and to appoint Steve Farr as Chair of the Client Security Fund. Katie Woods seconded the motion which passed unopposed.**
- 2.3 Client Security Fund Rule Amendments.** After a presentation and discussion regarding why the rule needs to be changed to clarify that any lawyer on whose behalf a claim is paid may be administratively suspended until he or she reimburses the Fund, **Kate Conyers moved to approve the change to Fund For Client Protection Rule 14-904. Michelle Mumford seconded the motion which passed unopposed.**
- 2.4 Approve Survey of Clients' Views on Services.** After a discussion regarding the RFPs submitted and the questions and methods proposed, **Kate Conyers moved to select Lighthouse to conduct the survey subject to clarification on some of the questions that will be asked of clients. Mark Morris seconded the motion which passed unopposed.**

OUT OF ORDER – The Commission moved the discussion of ABA delegates to the end of the meeting so Chris Wharton could be present. Mr. Wharton was in Court and called to report he was on his way to the meeting.

3. Discussion Items

- 3.1 Bar Awards Process.** Herm Olsen reported that the Committee would be having a meeting the week of November 20, 2017.
- 3.2 ABA OPC Review Committee.** John Lund reported on the progress of the Court's committee to review the ABA's review and recommendations regarding the Office of Professional Conduct.
- 2.5 Approve Policy on ABA Delegates' Selection Process.** After a discussion regarding the proposed policy for selection of ABA Delegates and reimbursement of their expenses, **Kate Conyers moved to approve the policy with the changes suggested during discussion. Cara Tango seconded the motion which passed unopposed.**
- 2.6 Select Bar ABA Delegate.** After a discussion of the applicants, **Kate Conyers moved to select Erik Christiansen as the Bar ABA Delegate. Michelle Mumford seconded the motion which passed unopposed.**
- 2.7 Select Bar YLD ABA Delegate.** After an explanation by Dani Cepernich of the YLD Board's selection process for the three candidates recommended to the Commission and a discussion of the candidates, **Cara Tangaro moved to select Bebe Vanek as the YLD ABA Delegate. Kate Conyers seconded the motion which passed unopposed.**

- 3 Other Business.** The Commission discussed the news reports of sexual harassment allegations against numerous well-known men, the problem of sexual harassment in the workplace, including legal workplaces. The Commission also discussed whether and how the Bar could help address the problem of sexual harassment within the legal profession.

4 Executive Session.

The meeting adjourned at 12:00 p.m.

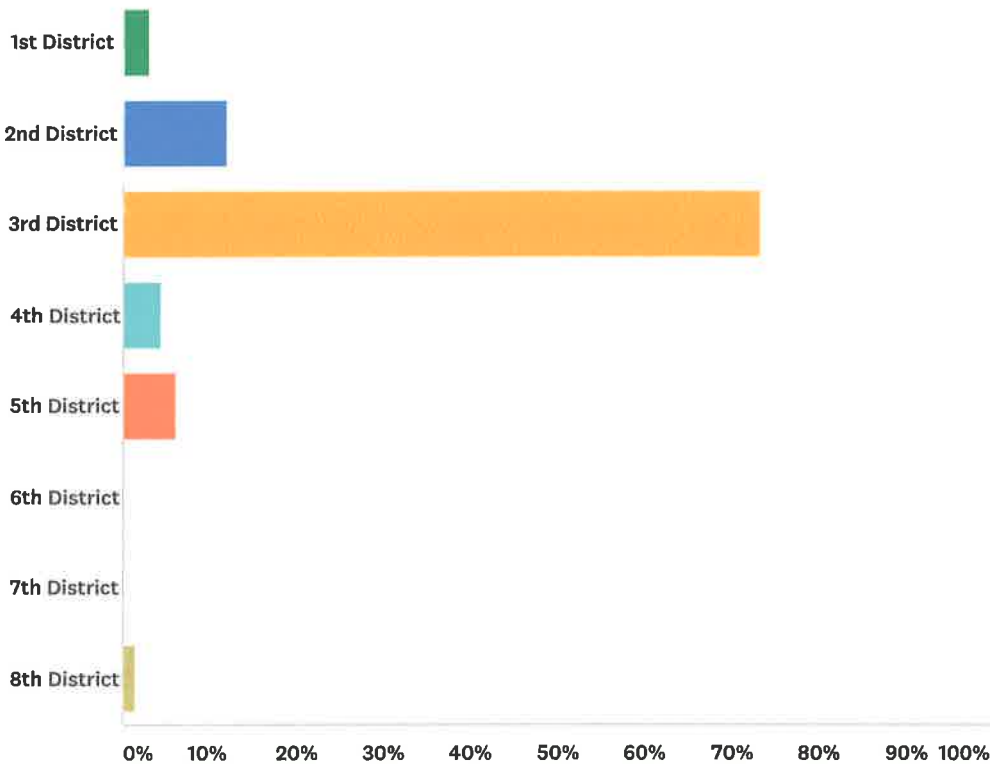
Consent Agenda

1. Approved Minutes from the October 6, 2017 Commission Meeting.

TAB
4

Q1 Which Judicial District is your practice located in?

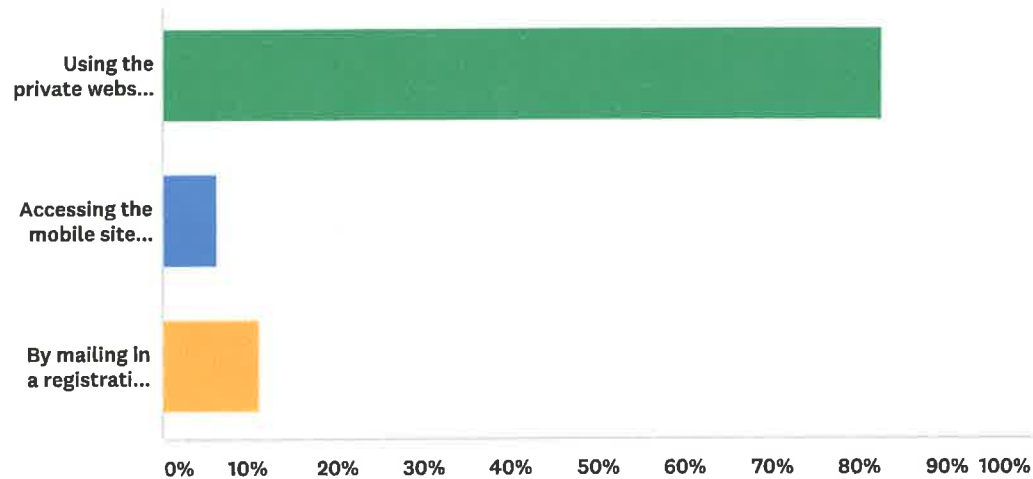
Answered: 67 Skipped: 4



ANSWER CHOICES	RESPONSES	
1st District	2.99%	2
2nd District	11.94%	8
3rd District	73.13%	49
4th District	4.48%	3
5th District	5.97%	4
6th District	0.00%	0
7th District	0.00%	0
8th District	1.49%	1
TOTAL		67

Q2 How did you register for this event?

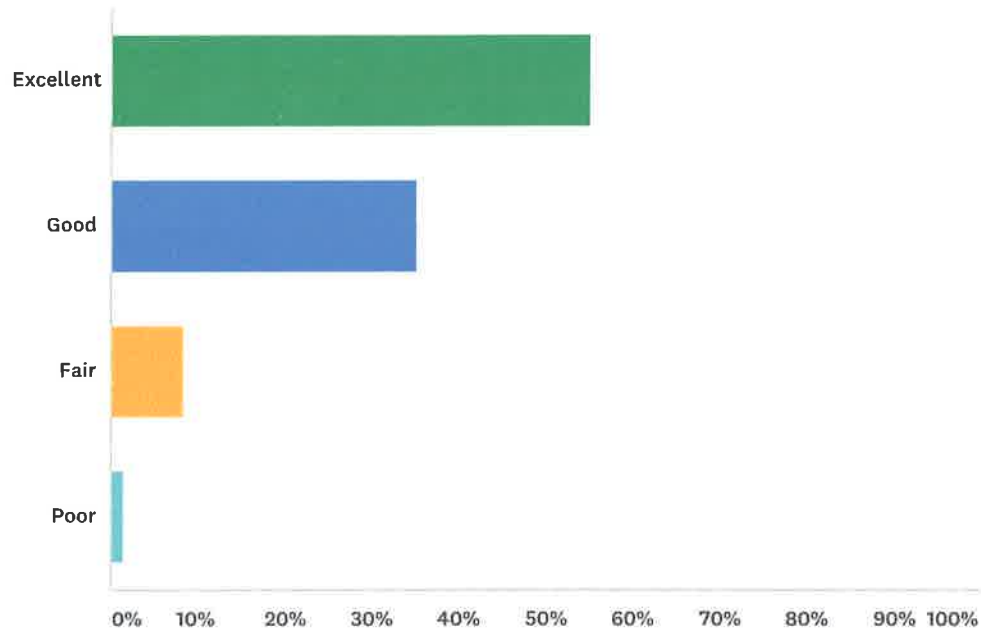
Answered: 63 Skipped: 8



ANSWER CHOICES	RESPONSES	
Using the private website https://services.utahbar.org	82.54%	52
Accessing the mobile site https://services.utahbar.org/mobile	6.35%	4
By mailing in a registration form and check	11.11%	7
TOTAL		63

Q3 What was your overall experience at the 2017 Fall Forum?

Answered: 71 Skipped: 0



ANSWER CHOICES

RESPONSES

Excellent	54.93%	39
Good	35.21%	25
Fair	8.45%	6
Poor	1.41%	1
TOTAL		71

#	COMMENTS	DATE
1	The only part of the Fall Forum that I did not particularly like was the "Beware of the Slender Man" video shown on Thursday evening. I was not aware what the video was about before I arrived at the conference, and it, though raising some very interesting issues, was uncomfortable for me to watch because of the scary element to the film.	11/22/2017 3:32 PM
2	Immigration talk could have been so much more dynamic -- an important and relevant topic!	11/18/2017 11:02 AM
3	As usual the program was light on sophisticated legal subjects - even the "Supreme Court Review" was a disappointment. She discussed only 4 cases all within ten minutes never once highlighting the issue on appeal or the ruling of the court below. And where was a timely segment on sexual harassment, equal pay and sex discrimination ? Even though I was Editor in Chief of the Utah Law Review my practice life was in California as a partner at Gibson Dunn. I can only say that the CLE events in Cal are loaded with an in-depth stream of analysis and scholarship. This is the 3rd and last Forum I will attend. You miss capturing almost every single current legal issue. Sexual harassment, sex discrimination, equal pay, religious freedom vs. the 1st amendment, gerrymandering, The union security clause in the public union sector, the threat to Roe v. Wade, and on and on and on. Having said that your two immigration segments were very informative.	11/16/2017 8:27 AM
4	The litigation track was excellent. When I came back to work, I thought it was so worthwhile that I wrote an email sharing with my office my notes and the references/sites/links discussed there.	11/15/2017 7:13 PM

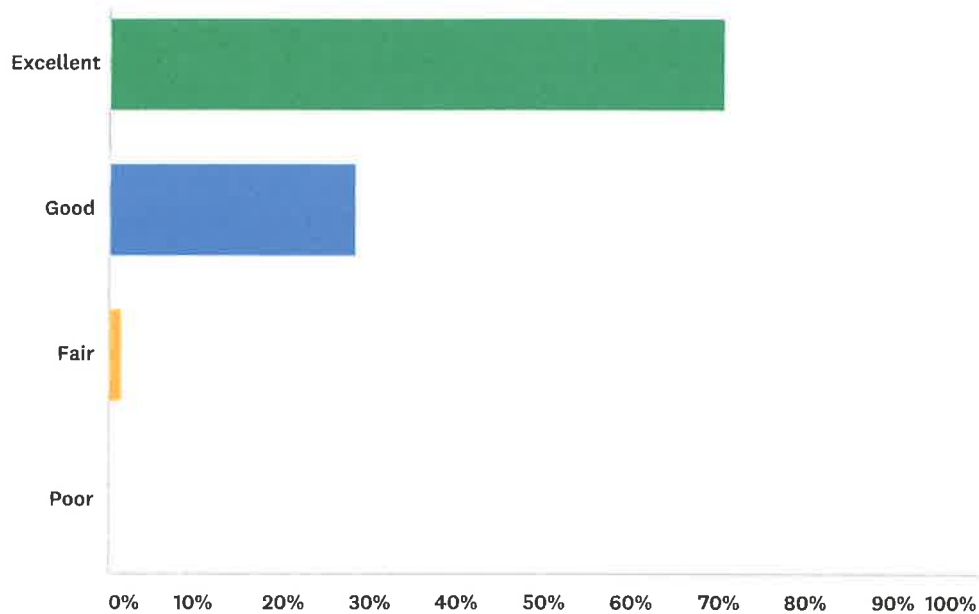
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5	Would like less litigation topics, more topics useful to a broader segment of the Bar including in-house counsel. Immigration and all Nina Meierding's presentations were beyond excellent into amazing territory.	11/15/2017 12:17 PM
6	Excellent value.	11/14/2017 6:49 PM
7	I'm glad we are back at Little America and using a one day format.	11/14/2017 2:41 PM
8	I wish the materials for all the speakers, and especially for the ones I attended were all on the app as I find it a good resource to get all the information on the all speakers. the lack of materials was surprising	11/14/2017 11:50 AM
9	I loved that you had an immigration track.	11/14/2017 10:20 AM
10	The event is a good event, but it needs more classes geared towards transactional lawyers.	11/14/2017 9:49 AM
11	I was especially pleased to see the Immigration law track. Please do one next year with more advanced topics/presentations/	11/13/2017 6:58 PM
12	The sessions on immigration were great. Also the luncheon speaker was entertaining and informative...thoroughly enjoyed Thursday night and friday	11/13/2017 6:48 PM
13	I was in the boot camp on depositions - litigation track. There were other track items I would have liked to attend and if they were videotaped I think I would watch them.	11/13/2017 6:11 PM
14	SOME OF THE BEST PREPARED SPEAKERS YET	11/13/2017 5:56 PM
15	I like the 15 last year and the 9 this year. Between the two then I only get what I need and two conferences wipe out my CE	11/13/2017 4:44 PM
16	I was really disappointed by the lack of a transactional law track. If I remember correctly there was an immigration law track. I can't there are more immigration attorneys than transactional attorneys in Utah. The classes had close to zero applicability to my practice.	11/13/2017 4:29 PM
17	I was confused about the last session entitled "Beyond Padilla" Session 5 for 1 hr ethics credit. It troubled me because an ethics session comprised a set of defense attorneys describing plea agreements in which the pleas arranged were very different from the facts or the offenses committed by the clients. It is dishonest to arrange a plea in which the facts do not match the offense. That was inappropriate for an ethics class.	11/13/2017 4:26 PM
18	Litigation track not interesting.	11/13/2017 4:23 PM
19	Very well organized. Good content!	11/13/2017 4:20 PM
20	great speakers and breakouts. great organization. great energy. great convention!	11/13/2017 4:06 PM
21	Very interesting blend of topics.	11/13/2017 4:06 PM
22	The various tracks all had something interesting to chose from, I really enjoyed the immigration track. All the speakers I had a chance to see were excellent.	11/13/2017 4:01 PM
23	There were no relevant classes to my practice area: corporate, securities and M&A.	11/13/2017 4:00 PM
24	Thank you for not having any of the meetings be pandering or politics in disguise. I found the sessions I attended both helpful and relevant.	11/13/2017 3:58 PM

Q4 Please rate your experience of the Little America as an event venue.

Answered: 71 Skipped: 0



ANSWER CHOICES

RESPONSES

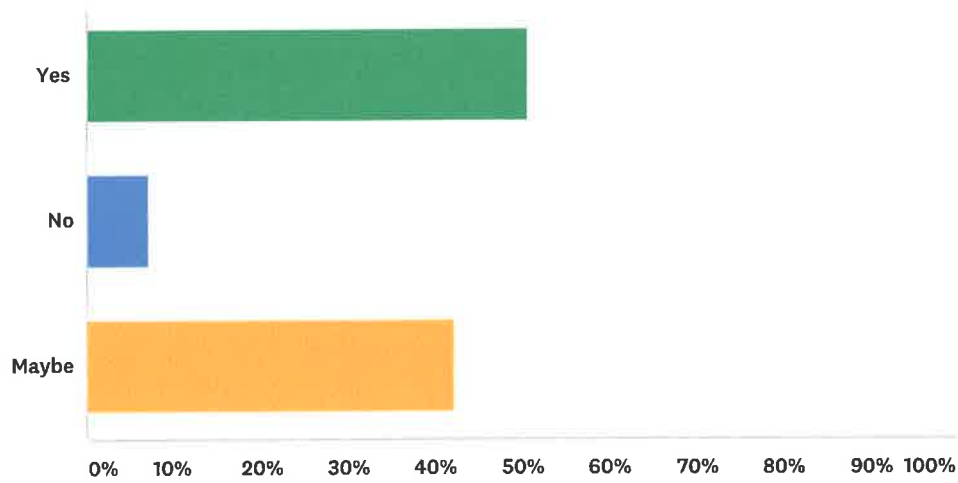
Excellent	70.42%	50
Good	28.17%	20
Fair	1.41%	1
Poor	0.00%	0
TOTAL		71

#	COMMENTS	DATE
1	Easy to find, easy to park, lovely meeting rooms.	11/18/2017 11:02 AM
2	Some of the rooms were too cold but generally everything was fine.	11/15/2017 8:52 PM
3	The best. Great food, great service, comfortable venues. Thanks to LA!	11/15/2017 12:17 PM
4	The rooms were freezing in the morning. Then pretty hot in the afternoon.	11/14/2017 2:00 PM
5	It was a little cold in many of the meeting rooms.	11/14/2017 11:59 AM
6	I really liked the location	11/14/2017 11:50 AM
7	Coming from out of town, there didn't seem to be a discount in room rates for attendees.	11/13/2017 7:32 PM
8	I really appreciated this venue as it was easy to access, parking great, didn't get nicked and dined for every little thing, good support, good service....	11/13/2017 4:33 PM
9	Good bathrooms, good food, good rooms	11/13/2017 4:23 PM
10	I would like to have more electrical outlet availability. Being in a 7 hour CLE with no access to power is difficult. Especially when the materials are on line.	11/13/2017 4:22 PM
11	Food is not as good as it used to be. Parking is great. Conference rooms are great.	11/13/2017 4:06 PM
12	It was a great venue.	11/13/2017 4:06 PM

13	Great food at lunch.	11/13/2017 3:59 PM
14	Not a lot of outlets, but otherwise good.	11/13/2017 3:58 PM

Q5 Will you attend the Fall Forum in 2018?

Answered: 71 Skipped: 0



ANSWER CHOICES

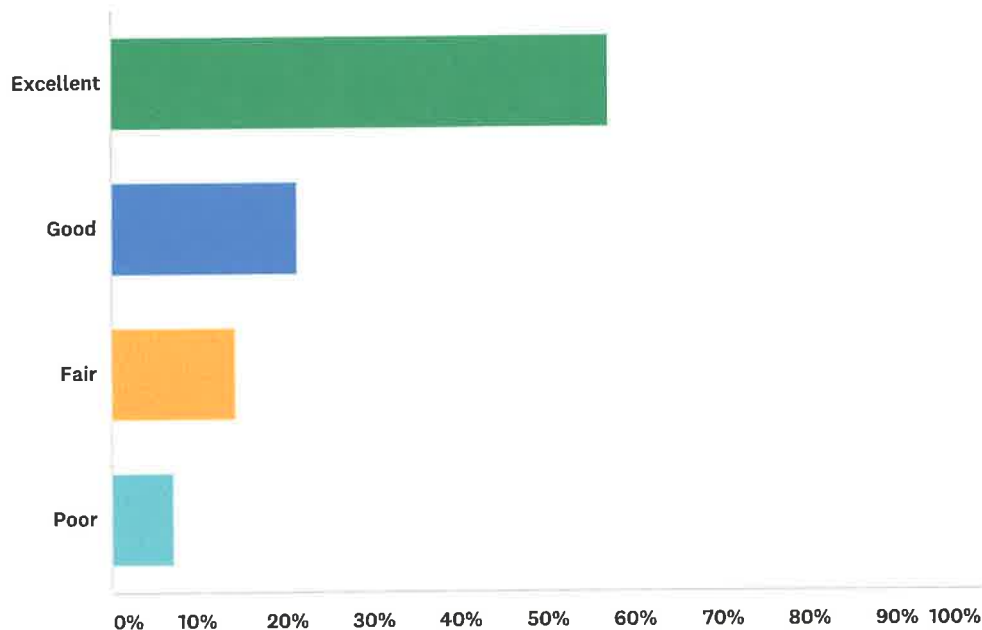
RESPONSES

Yes	50.70%	36
No	7.04%	5
Maybe	42.25%	30
TOTAL		71

#	COMMENTS	DATE
1	I live out of state. It's nice to come for two days and get 9 CLE credits.	11/18/2017 11:02 AM
2	A one day seminar on a single subject like " Evaluating a Going Concern" is far more helpful than listening to the Utah "elite " fawn all over each other for 90 minutes with their never ending " what a great lawyer you are" awards.	11/16/2017 8:27 AM
3	Probably. It depends on my office schedule.	11/15/2017 7:13 PM
4	it will just depend on my schedule but I like the amount of CLE and the various topics	11/14/2017 11:50 AM
5	I would be more likely to attend again if there were more classes geared towards transactional law.	11/14/2017 9:49 AM
6	Too far to plan at this time. It is on my radar.	11/13/2017 6:11 PM
7	If there's nothing for transaction attorneys next year, I likely won't attend.	11/13/2017 4:29 PM
8	Depending on content	11/13/2017 4:23 PM
9	Great avenue to receive CLE credits and very informative.	11/13/2017 4:06 PM
10	Yes, probably.	11/13/2017 4:01 PM
11	Most likely.	11/13/2017 3:58 PM

Q6 If you were able to attend, please rate the Thursday evening film discussion on Beware the Slenderman.

Answered: 28 Skipped: 43



ANSWER CHOICES	RESPONSES	
Excellent	57.14%	16
Good	21.43%	6
Fair	14.29%	4
Poor	7.14%	2
TOTAL		28

#	COMMENTS	DATE
1	The only part of the Fall Forum that I did not particularly like was the "Beware of the Slender Man" video shown on Thursday evening. I was not aware what the video was about before I arrived at the conference, and it, though raising some very interesting issues, was uncomfortable for me to watch because of the scary element to the film.	11/22/2017 3:32 PM
2	I really enjoyed the different perspectives of the panel.	11/18/2017 11:02 AM
3	Did not attend	11/16/2017 8:27 AM
4	The entire subject was unbelievable creepy and sobering. Clear from the panel that the law is not geared to address mental illness. The intersection between mental illness and criminal law would be an interesting topic for next years Fall Forum.	11/15/2017 12:17 PM
5	It was very interesting, both the movie and the discussion, but the movie was so long that the panelists didn't really have time to speak. There were so many of them for such a short amount of time. The moderator had a lot of comments instead of the panelists. There weren't enough microphones for each panelist, or they needed to pull the microphone to them when they were speaking. It was hard to hear. And all the questions had to be repeated because you couldn't hear anything in the room either.	11/14/2017 10:20 AM
6	Very troubling film that has been on my mind quite a bit.	11/14/2017 9:36 AM

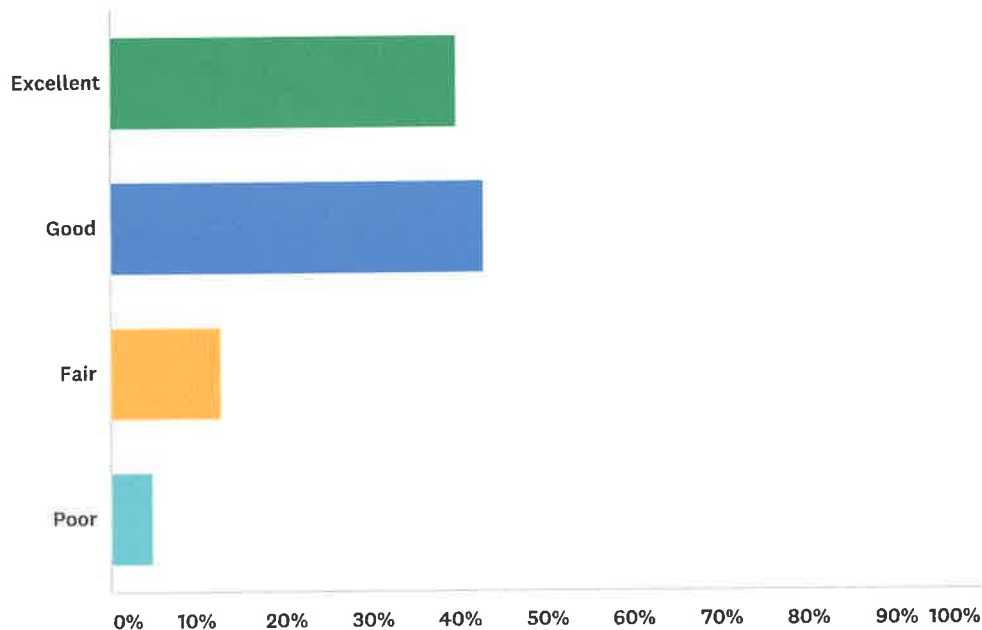
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7	Gave me nightmares.....JK It was a very interesting discussion. Not my area of practice, but interesting nonetheless.	11/14/2017 8:35 AM
8	The documentary was creepy but informative and thought provoking	11/13/2017 6:48 PM
9	Was not interested in seeing a movie at 7 pm on a Thursday.	11/13/2017 4:33 PM
10	Did not attend	11/13/2017 4:22 PM
11	n.a.	11/13/2017 4:20 PM
12	This event carried on for too long. I would appreciate it if this would end on time given that it is late at night.	11/13/2017 4:03 PM
13	N/A	11/13/2017 4:01 PM
14	Did not attend.	11/13/2017 3:59 PM

Q7 Please rate the Friday morning keynote topic - The State of Immigration with Reid Trautz, Director of Professionalism and Practice AILA.

Answered: 63 Skipped: 8



ANSWER CHOICES	RESPONSES	
Excellent	39.68%	25
Good	42.86%	27
Fair	12.70%	8
Poor	4.76%	3
TOTAL		63

#	COMMENTS	DATE
1	Such a relevant and important topic, but such a boring speech.	11/18/2017 11:02 AM
2	He was very experienced, committed to his cause, informative, efficient with his time. First rate presentation	11/16/2017 8:27 AM
3	Too much about the AILA but otherwise it was interesting and helpful. Good speaker	11/15/2017 8:52 PM
4	He was a really good speaker and I appreciated the knowledge and fairness on the topic as it could have been presented in a one sided manner.	11/14/2017 11:50 AM
5	His presentation was just great, I just don't have much interest in the topic.	11/14/2017 8:35 AM
6	This was unexpectedly good. I am glad that the Bar is finding that there are other sections with relevant topics other than litigation and that substantive programs may be an alternative to the morale building exercises I have endured in the past.	11/13/2017 9:44 PM
7	Too political, disagree with his immigration arguments, too critical of the existing law, didn't enjoy listening to the editorial.	11/13/2017 5:56 PM
8	Good current events topic. He was a bit dry.	11/13/2017 4:22 PM

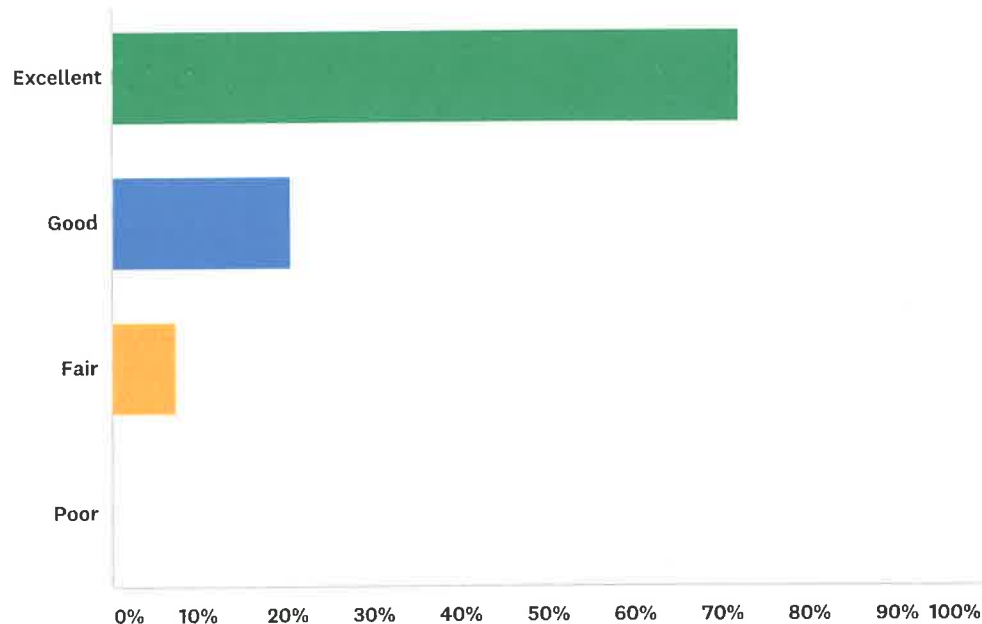
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9	Content excellent. Delivery boring.	11/13/2017 4:06 PM
10	I thought it was a very interesting topic and the speaker did great. Only comment is maybe it would be better for the keynote to be a more general topic that affects all attorneys.	11/13/2017 4:06 PM
11	Didn't appreciate his obvious political leanings	11/13/2017 4:02 PM
12	Very interesting update on a subject many practitioners do not understand.	11/13/2017 4:01 PM
13	Did not attend.	11/13/2017 3:59 PM
14	Parts of this one felt like an infomercial for the AILA. Most of it, however, was relevant and interesting.	11/13/2017 3:58 PM

**Q8 Please rate the Friday lunch keynote topic - Failure to Communicate:
The Top 5 Reasons for Miscommunication Across Cultures & Genders
with Nina Meierding – Negotiation & Mediation Training Services**

Answered: 68 Skipped: 3



ANSWER CHOICES	RESPONSES	
Excellent	72.06%	49
Good	20.59%	14
Fair	7.35%	5
Poor	0.00%	0
TOTAL		68

#	COMMENTS	DATE
1	I went to all three of her sessions -- and loved her thoughts and ideas and her way of presenting them. I've already used several of her models and ways of approaching disputes.	11/18/2017 11:02 AM
2	It was a jewish shtick. She is an entertainer. She repeated the same show business routine in her segment - all designed for laughs. Her examples were often silly although she presented them as though they were important " things to watch out for." Don't give the " thumbs up" sign, or the " that's ok" sign because it means x or y in some foreign country. Don't stand too close to some one. Don't look some people in the eye because it may be a threat. What ? Nothing but commonly known cultural differences she dresses up with importance.	11/16/2017 8:27 AM
3	Really interesting talk and unlike a lot of programs like this I learned things.	11/15/2017 8:52 PM
4	Bring the presenter back at some point.	11/15/2017 7:13 PM
5	Nina is absolutely great!	11/15/2017 12:17 PM
6	This was extremely interesting. Probably my favorite part of the forum.	11/14/2017 4:32 PM
7	She was extremely engaging.	11/14/2017 2:00 PM

2017 Fall Forum Survey

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8	She was really engaging and it helped to think about the differences for future negotiations	11/14/2017 11:50 AM
9	Nina was very very good. I enjoyed that presentation as well as another classroom breakout session with her. Both were top notch.	11/14/2017 8:35 AM
10	There was much useful information as well as some humor.	11/13/2017 7:32 PM
11	She was absolutely wonderful! She also did two other presentations, I went to all of them. She is the best I've heard!	11/13/2017 4:33 PM
12	I want the materials please	11/13/2017 4:23 PM
13	Trying to make a distinction between stereotypes and prototypes was a bit of a stretch. :)	11/13/2017 4:20 PM
14	Exceeded my expectations.	11/13/2017 4:06 PM
15	Loved the speaker - great job and very informative.	11/13/2017 4:06 PM
16	Nina Meierding is the most engaging speaker I've heard in a long time. I would love to see her back in Utah not only for the Fall Forums, but also for her regular day-long course that she offers.	11/13/2017 3:59 PM

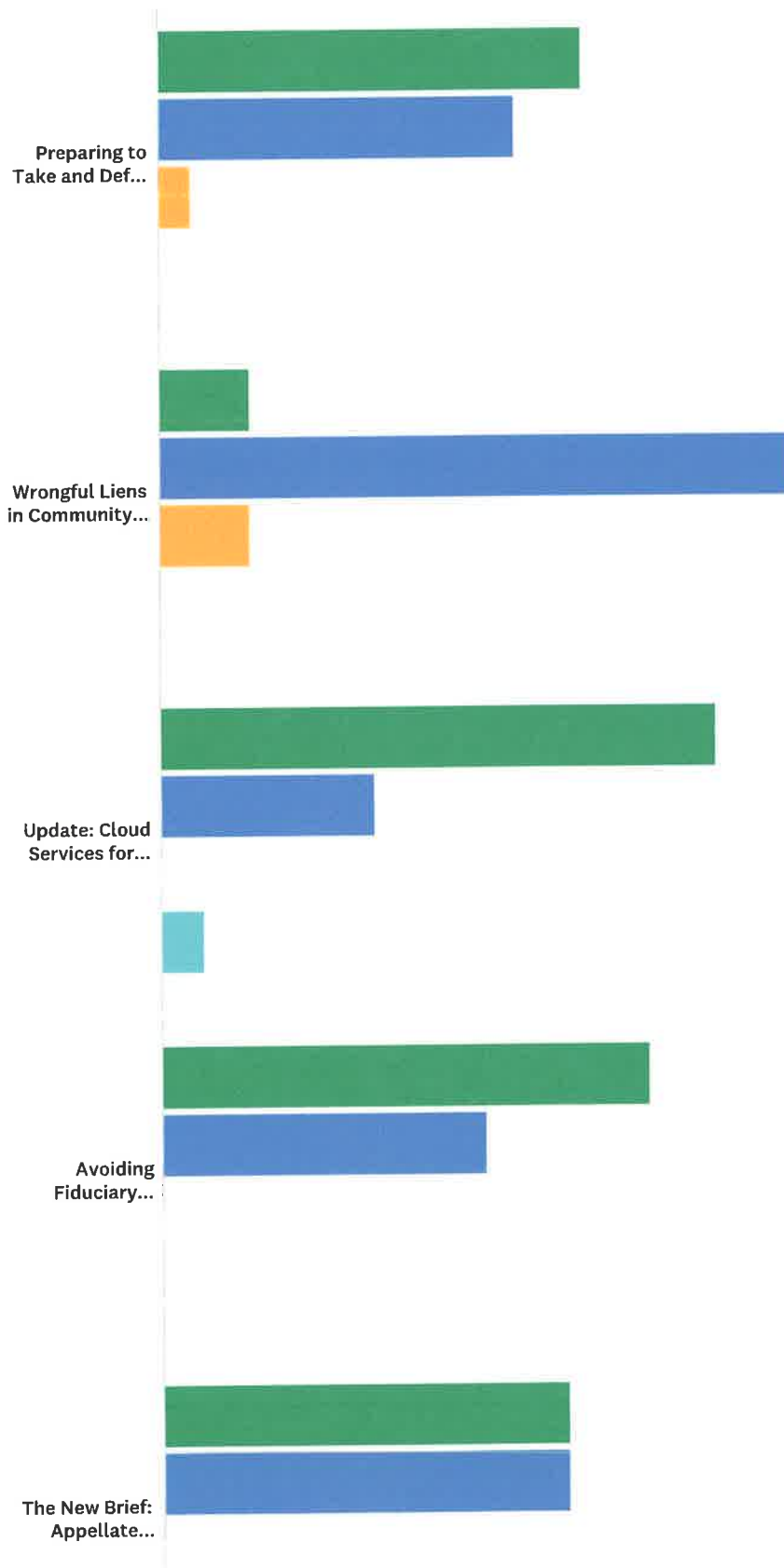
Q9 What types of keynote presentation would be of interest to you?

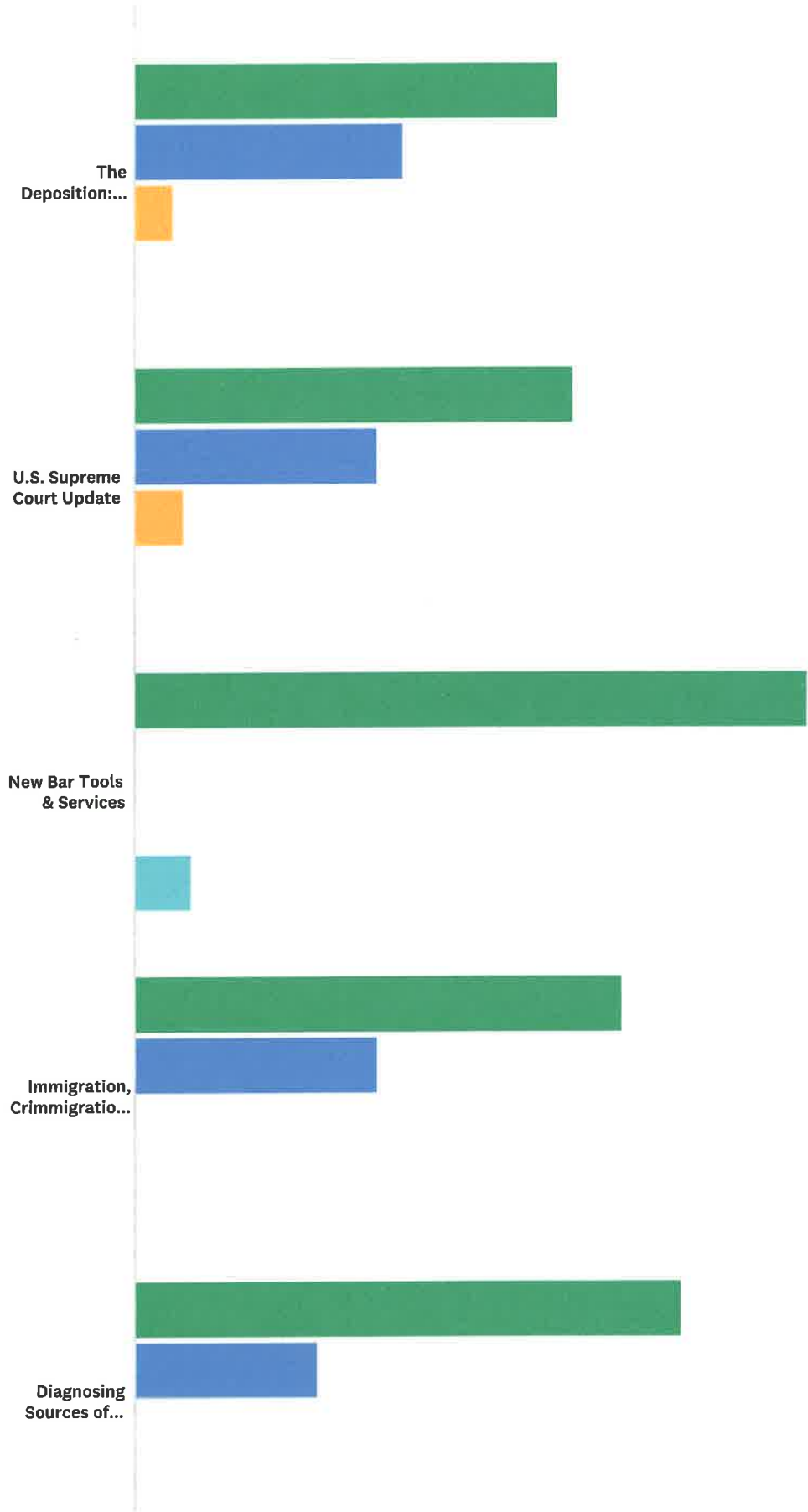
Answered: 19 Skipped: 52

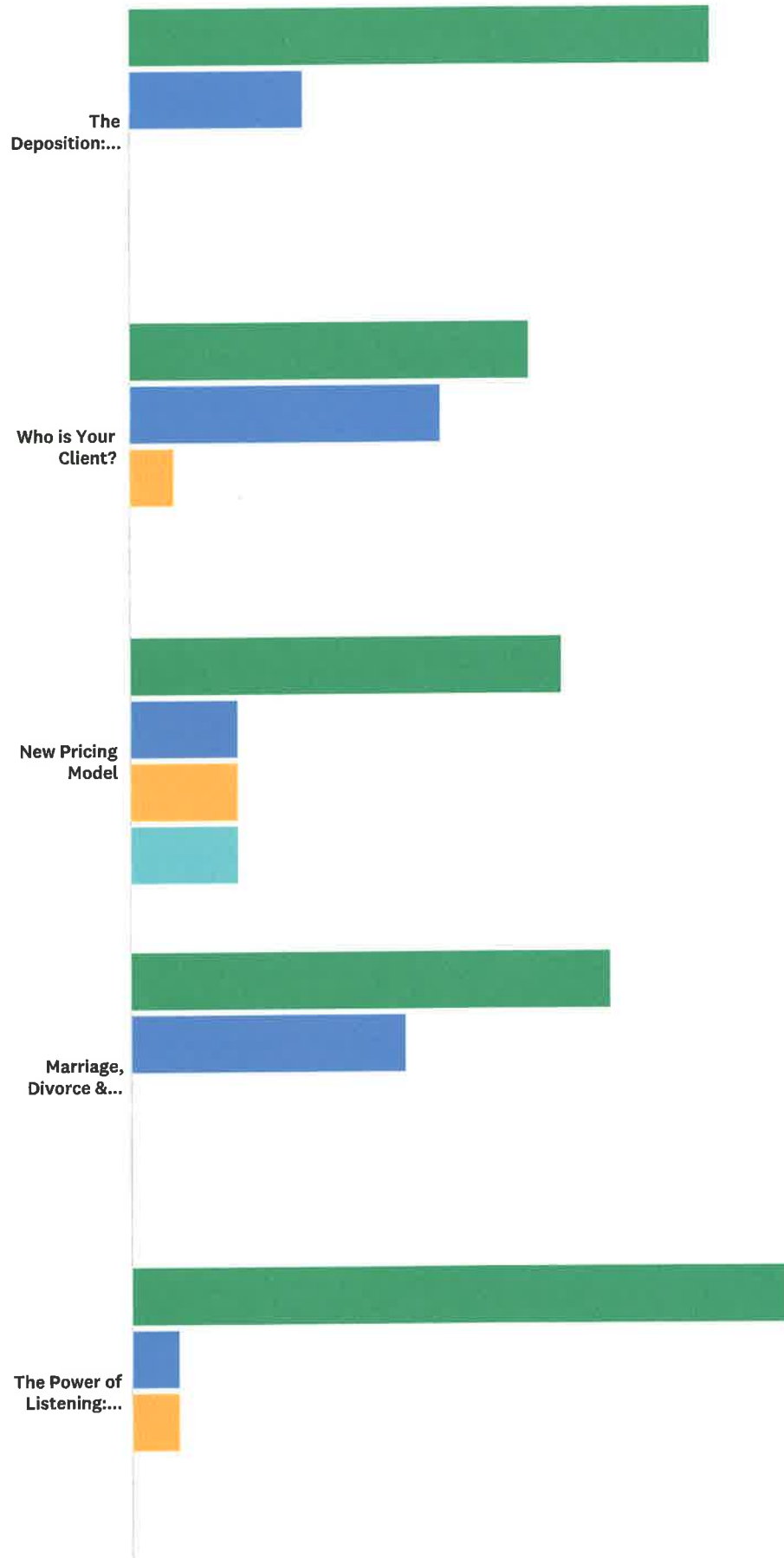
#	RESPONSES	DATE
1	There was a legislator who talked at the Southern Utah forum last spring about his efforts to legalize marijuana in Utah. I'd love to hear him again, and think he'd be a wonderful keynote speaker to have at the Fall Forum.	11/18/2017 11:02 AM
2	Presentations by experts in a legal field who can provide a depth of insight and sophistication and not spend the bulk of their time searching for laughs. I have put together scores of CLE and training course for HP, Smith Kline, Knott's Berry Farm, the West Coast Shipping Industry, Allergan, - all my clients. So perhaps I am too critical of how Utah does it.	11/16/2017 8:27 AM
3	Sidney Powell, author of, Licensed to Lie: Exposing Corruption in the Department of Justice	11/15/2017 7:13 PM
4	Topical is good. Immigration would not have been as great a topic last year and may not be next year. But this year it's timely and very helpful to get the perspective of an insider. Also enjoyed the last hour break out session on Immigration Law.	11/15/2017 12:17 PM
5	I like all topics so I cant think of just one.	11/14/2017 11:50 AM
6	Future trends for the profession	11/14/2017 10:43 AM
7	More transactional law topics	11/14/2017 9:49 AM
8	Lets get some speakers that encourage attorneys to do more pro bono work and share experiences of how that has helped people, the community, and the attorney.	11/14/2017 9:36 AM
9	I would enjoy seeing a program on forensics.	11/13/2017 9:44 PM
10	Motivational...inspirational	11/13/2017 6:48 PM
11	Current players (attorneys) in the news at the time. Current legal events.	11/13/2017 6:11 PM
12	Something about utah law.	11/13/2017 5:56 PM
13	Keynote presentations that focus on topics applicable to a wide variety of practice areas will be more interesting than topics dedicated to one practice area, such as immigration law.	11/13/2017 4:37 PM
14	Nuts and bolts on corporate law.	11/13/2017 4:33 PM
15	Finding clients on line.I	11/13/2017 4:23 PM
16	Supreme Court highlights, current hot topics	11/13/2017 4:22 PM
17	hot topics of the day	11/13/2017 4:20 PM
18	General interest to attorneys and not practice specific.	11/13/2017 4:06 PM
19	I appreciate being able to receive credit for civility/professionalism by a keynote speaker. I will certainly attend again if civility/professionalism credit is provided.	11/13/2017 4:03 PM

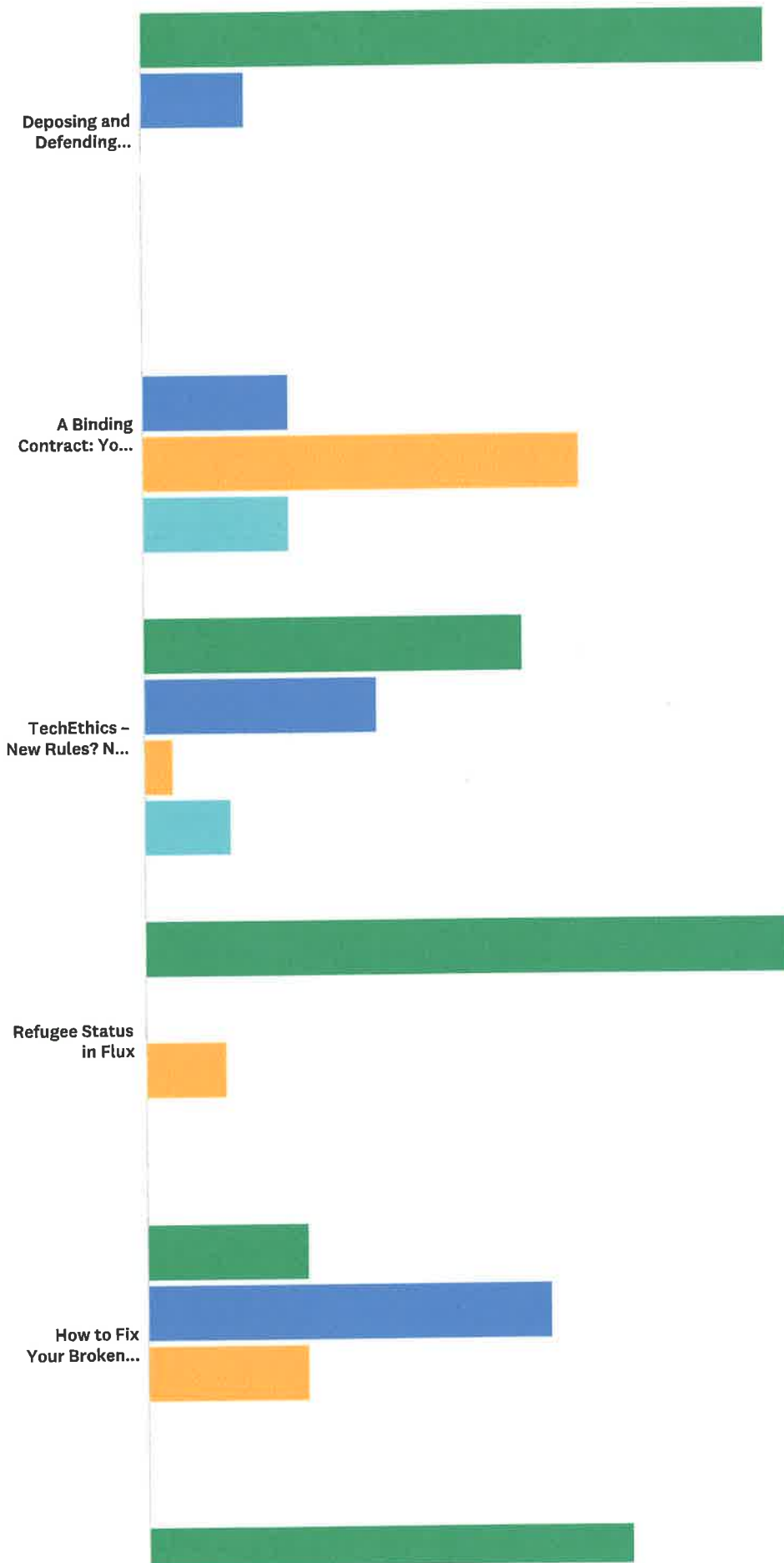
Q10 Please rate the breakout sessions that you attended.

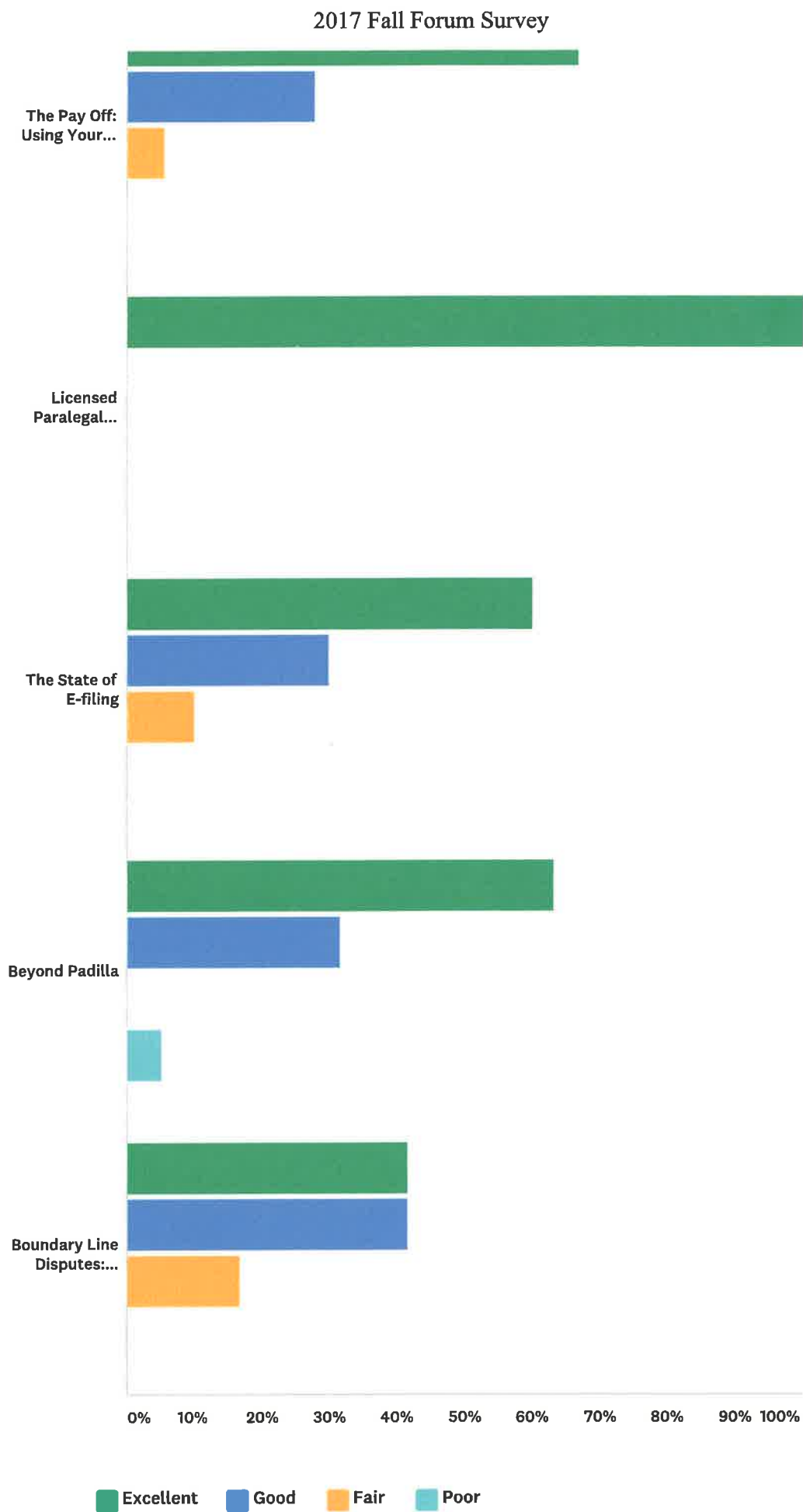
Answered: 68 Skipped: 3











	EXCELLENT	GOOD	FAIR	POOR	TOTAL
Preparing to Take and Defend Deposition	52.00% 13	44.00% 11	4.00% 1	0.00% 0	25
Wrongful Liens in Community Assn's: Lessons Learned & New Considerations	11.11% 1	77.78% 7	11.11% 1	0.00% 0	9
Update: Cloud Services for Your Practice & Clients	68.42% 13	26.32% 5	0.00% 0	5.26% 1	19
Avoiding Fiduciary Pitfalls as an Individual Trustee	60.00% 6	40.00% 4	0.00% 0	0.00% 0	10
The New Brief: Appellate Advocacy & the New Rule 24	50.00% 3	50.00% 3	0.00% 0	0.00% 0	6
The Deposition: Winning the Battles to Win the War (Part 1)	57.89% 11	36.84% 7	5.26% 1	0.00% 0	19
U.S. Supreme Court Update	60.00% 9	33.33% 5	6.67% 1	0.00% 0	15
New Bar Tools & Services	92.31% 12	0.00% 0	0.00% 0	7.69% 1	13
Immigration, Crimmigration, Deportation, Complete Frustration and every other Iteration	66.67% 6	33.33% 3	0.00% 0	0.00% 0	9
Diagnosing Sources of Resistance and Customizing Strategies to Break Impasse	75.00% 6	25.00% 2	0.00% 0	0.00% 0	8
The Deposition: Winning the Battles to Win the War (Part 2)	76.92% 10	23.08% 3	0.00% 0	0.00% 0	13
Who is Your Client?	52.94% 9	41.18% 7	5.88% 1	0.00% 0	17
New Pricing Model	57.14% 4	14.29% 1	14.29% 1	14.29% 1	7
Marriage, Divorce & Deportation	63.64% 7	36.36% 4	0.00% 0	0.00% 0	11
The Power of Listening: Techniques to Build Rapport and Trust, Gain Information, and Create Constructive Conversations	87.50% 14	6.25% 1	6.25% 1	0.00% 0	16
Deposing and Defending Experts	85.71% 12	14.29% 2	0.00% 0	0.00% 0	14
A Binding Contract: You and Your Wellbeing!	0.00% 0	20.00% 1	60.00% 3	20.00% 1	5
TechEthics – New Rules? New Guidance!	52.00% 13	32.00% 8	4.00% 1	12.00% 3	25
Refugee Status in Flux	88.89% 8	0.00% 0	11.11% 1	0.00% 0	9
How to Fix Your Broken Estate Plan	22.22% 2	55.56% 5	22.22% 2	0.00% 0	9
The Pay Off: Using Your Deposition at Trial	66.67% 12	27.78% 5	5.56% 1	0.00% 0	18
Licensed Paralegal Program (LPP) in Utah	100.00% 2	0.00% 0	0.00% 0	0.00% 0	2
The State of E-filing	60.00% 6	30.00% 3	10.00% 1	0.00% 0	10
Beyond Padilla	63.16% 12	31.58% 6	0.00% 0	5.26% 1	19

2017 Fall Forum Survey

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Boundary Line Disputes: Recent Developments and Practice Pointers	41.67%	41.67%	16.67%	0.00%	
	5	5	2	0	12

#	COMMENTS	DATE
1	The guy who gave the contract with your well-being presentation just read his power points -- always boring.	11/18/2017 11:02 AM
2	Most of the programs exceeded my expectations and I learned a lot or at least found the programs interesting.	11/15/2017 8:52 PM
3	The State of E-Filing felt like it was just for the Tybera rep to talk about how fantastic Tybera is. Not really useful, in my opinion.	11/15/2017 5:04 PM
4	again I wish more materials from the speakers were available on the app	11/14/2017 11:50 AM
5	Too much on immigration.	11/14/2017 8:53 AM
6	The deposition boot camp was fantastic. The lineup of judges and experienced well-prepared practitioners made this one of the better CLEs I've attended.	11/13/2017 8:59 PM
7	I thought the Padilla presentation was poor because the presenters were describing plea deals that were dishonest because the pleas (e.g. offenses) did not match the facts.	11/13/2017 4:26 PM
8	Litigation boot camps are always top notch. Way to go Jon Hafen.	11/13/2017 4:06 PM

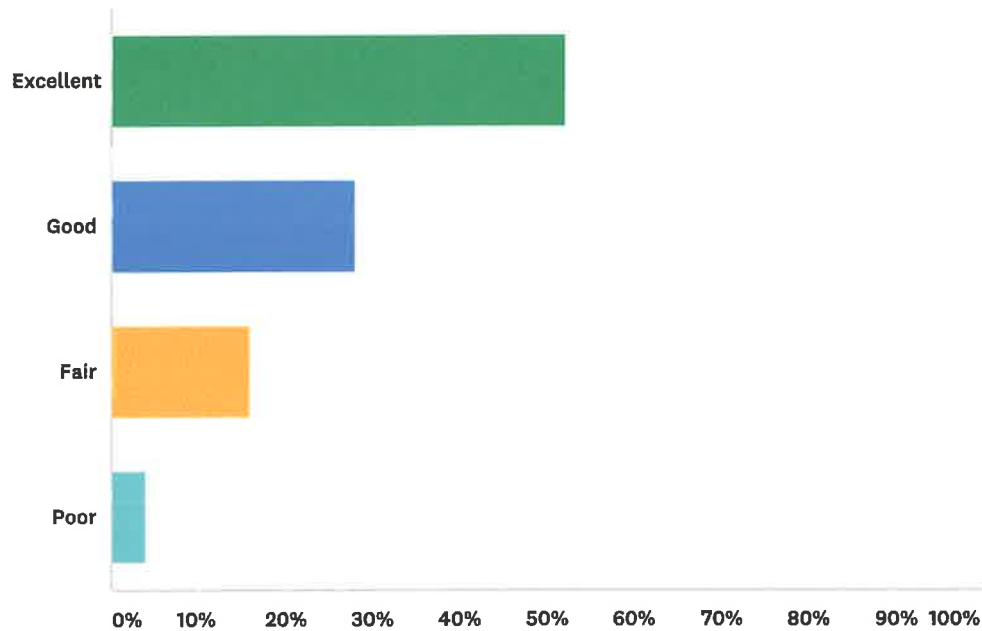
Q11 Please list breakout topics you would like to see at a future Fall Forum:

Answered: 16 Skipped: 55

#	RESPONSES	DATE
1	I won't be back so I will defer to those who will.	11/16/2017 8:27 AM
2	Walk through or hands on in using technology	11/14/2017 8:12 PM
3	legal writing; topics in a nutshell, e.g. personal injury, adoption, contracts	11/14/2017 6:49 PM
4	I think the main areas of practice, i.e., real estate, domestic, criminal, but also the civility and ethics are great	11/14/2017 11:50 AM
5	Trust accounting	11/14/2017 10:43 AM
6	A track of immigration that is a bit beyond just the basics.	11/14/2017 10:20 AM
7	Transactional law (mergers and acquisitions; securities; real estate; lending, etc.)	11/14/2017 9:49 AM
8	Commissioners and judges panels on divorce and litigation. Some criminal defense and prosecution attorneys on always having a duty to bring out the truth.	11/14/2017 9:36 AM
9	The practice tools program will be useful going forward. I would like to see a focus on using practice software like Clio or LawPay.	11/13/2017 9:44 PM
10	adoptions, in-state, multi-state and international	11/13/2017 5:56 PM
11	nuts and bolts corporate -- esp. Utah LLC act.	11/13/2017 4:33 PM
12	More technology, more office helps, Internet advertising	11/13/2017 4:23 PM
13	bankruptcy discussion about joint legal custody in domestic cases	11/13/2017 4:20 PM
14	Litigation, technology, future of profession.	11/13/2017 4:06 PM
15	Title and escrow topics	11/13/2017 4:03 PM
16	Private Offerings; Licensing; General Contract Law; etc.	11/13/2017 4:00 PM

Q12 Please rate your experience with the Fall Forum App.

Answered: 50 Skipped: 21



ANSWER CHOICES	RESPONSES	
Excellent	52.00%	26
Good	28.00%	14
Fair	16.00%	8
Poor	4.00%	2
TOTAL		50

#	COMMENTS	DATE
1	I didn't really use it.	11/18/2017 11:02 AM
2	Still waiting for the Cloud Services people to post their slides on the app as they promised. (Session 1)	11/14/2017 2:41 PM
3	Did not use it.	11/14/2017 9:36 AM
4	I loved this app. It was so convenient and easy to use. Please do this again!	11/14/2017 8:35 AM
5	I didn't use it, but several at my table said it didn't initially work. I don't know if that was corrected.	11/13/2017 7:32 PM
6	Did not use	11/13/2017 5:15 PM
7	Hard to find speakers connected to presentation/sessions. They were not all there.	11/13/2017 4:06 PM
8	I did not use.	11/13/2017 4:01 PM

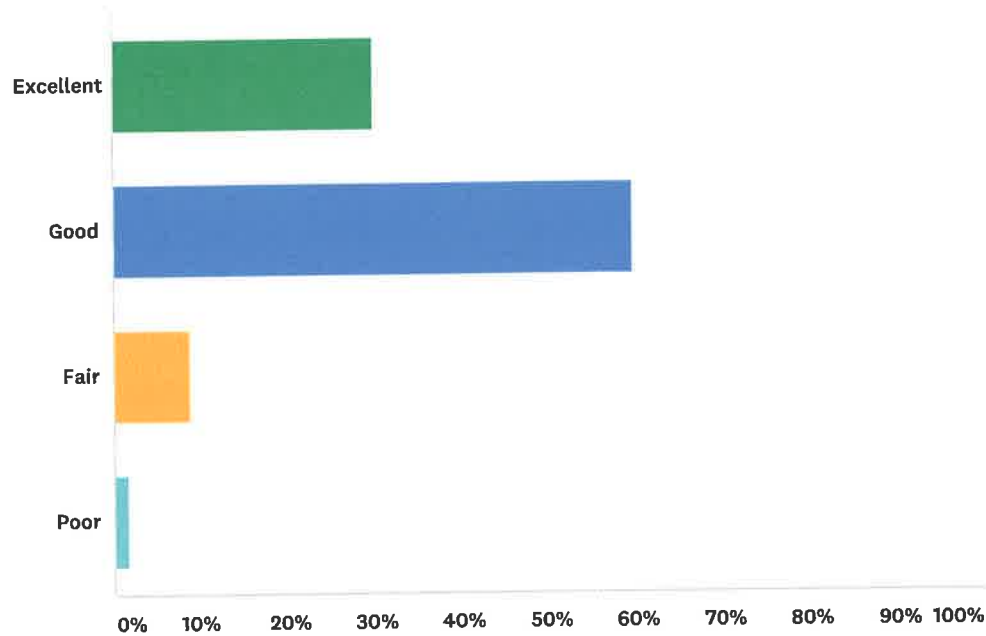
Q13 If you would be interested in becoming a member of the Fall Forum 2018 Planning Committee please provide your name and Bar Number.

Answered: 4 Skipped: 67

#	RESPONSES	DATE
1	I volunteered once with a topic - but never heard back.	11/16/2017 8:27 AM
2	Edward Berkovich 6180	11/15/2017 7:13 PM
3	Jay Kessler (8550)	11/14/2017 9:36 AM
4	Craig Johnson 07232	11/13/2017 4:33 PM

Q14 What is your opinion of the range and selection of vendors at the Fall Forum?

Answered: 57 Skipped: 14



ANSWER CHOICES	RESPONSES	
Excellent	29.82%	17
Good	59.65%	34
Fair	8.77%	5
Poor	1.75%	1
TOTAL		57

#	COMMENTS	DATE
1	Did not engage any - retired.	11/16/2017 8:27 AM
2	We need to figure out a way to drum up more interest in the vendors. They seemed cold, wet and lonesome.	11/15/2017 12:17 PM
3	Don't really pay attention to them.	11/14/2017 2:00 PM
4	I didn't get a chance to meet with them all but I liked that it covered more than just insurance and research options	11/14/2017 11:50 AM
5	I feel like I'm at the mall avoiding eye contact with the aggressive salesmen trying to sell me skin cream or a flat iron. I say I'm not interested and they keep trying.	11/14/2017 6:30 AM
6	I don't usually pay attention to the vendors	11/13/2017 4:22 PM
7	I did not visit.	11/13/2017 4:01 PM



Utah State Bar®

Office of Professional Conduct

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November 17, 2017

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Board of Bar Commissioners
Utah State Bar
645 South 200 East
Salt Lake City, Utah 84111

Re: Annual Report – July 1, 2016 through June 30, 2017

Dear Commissioners:

Pursuant to Rule 14-503(i) of the Rules of Lawyer Discipline and Disability, Senior Counsel of the Utah State Bar, Office of Professional Conduct respectfully submits the following report on the state of the work of the Office of Professional Conduct and the Ethics and Discipline Committee. This report is submitted for the period July 1, 2016 through June 30, 2017.

Sincerely,

Billy L. Walker
Senior Counsel
Office of Professional Conduct

BLWmp
Enclosures
cc: John C. Baldwin
Executive Director
Utah State Bar (w/enclosure)

Elizabeth A. Wright
General Counsel
Utah State Bar (w/enclosure)

**UTAH STATE BAR
OFFICE OF PROFESSIONAL CONDUCT**

**ANNUAL REPORT
August 2017**

INTRODUCTION

This report on the Office of Professional Conduct ("OPC") will focus on seven areas: (I) staff composition; (II) attorney misconduct case process and procedure; (III) statistics for July 1, 2016 to June 30, 2017 ("year 2016-2017"); (IV) progress and goals on cases; (V) the Consumer Assistance Program ("CAP");^A and (VI) goals for July 1, 2017 to June 30, 2018 ("year 2017-2018").

I. STAFF COMPOSITION

The staff for year 2016-2017 consisted of 11 full-time employees. These 11 full-time employees include Senior Counsel, a Deputy Senior Counsel, four Assistant Counsel, four Paralegals, and one Intake Secretary.

II. ATTORNEY MISCONDUCT CASE PROCESS AND PROCEDURE

A) Rules

The Rules of Lawyer Discipline and Disability ("RLDD") are in Chapter 14, Article 5, of the Utah Supreme Court Rules of Professional Practice. The RLDD are the authority for the attorney discipline process and procedure. Rule 14-504 of the RLDD is the overall authority for the OPC and Senior Counsel as head of the OPC.

B) Ethics and Discipline Committee

Pursuant to Rule 14-503 of the RLDD, 28 volunteer attorneys and eight volunteer non-attorneys are appointed by the Utah Supreme Court to serve on an administrative body called the Ethics and Discipline Committee ("Committee"). The Committee's function is to consider attorney discipline cases that are appropriately referred to it under the RLDD.

^A CAP is a program at the Utah Bar separate from the OPC and manned by a part-time attorney to handle minor disputes between consumers (i.e., clients) and attorneys.

The Utah Supreme Court appoints a Committee Chair and three Committee Vice-Chairs from the 28 attorneys. The Committee Chair is responsible for the oversight of the Committee and the Committee Vice-Chairs assist the Committee Chair in this task. The remaining 24 attorneys and eight non-attorneys do their main work in subcommittees called Screening Panels. The Utah Supreme Court appoints a Chair and a Vice-Chair to each Screening Panel. The year 2016-2017 composition of the Committee was as follows:

Terrie T. McIntosh (Attorney at Law), Chair, Ethics and Discipline Committee

Catherine L. Brabson (Salt Lake City Attorney's Office), Vice Chair, Ethics and Discipline Committee

Jeffrey J. Hunt (Parr, Brown, Gee & Loveless), Vice Chair, Ethics and Discipline Committee

Christine Greenwood (Magleby Cataxinos & Greenwood), Vice Chair, Ethics and Discipline Committee

Brady Whitehead, Clerk, Ethics and Discipline Committee

Panel A

Ellen M. Maycock (Kruse Landa Maycock & Ricks, LLC), Chair

Mark F. James (Hatch, James & Dodge, PC), Vice-Chair

Duane H. Gillman (Durham Jones & Pinegar)

Andrea Martinez Griffin (Salt Lake Legal Defender Association)

Richard G. Hamp (Salt Lake County District Attorney)

Heidi E.C. Leithead (Parr, Brown, Gee & Loveless)

Bruce Landesman, Public Member

Stephen E. Parks, Public Member

Panel B

Michael R. McCarthy II (Barrick Gold of North America, Inc.), Chair

Gary N. Anderson (Hillyard, Anderson & Olsen), Vice-Chair

Kim Cordova (Edward K. Brass, PC)

Langdon T. Owen, Jr. (Cohne Kinghorn, PC)

Jonathan G. Pappasideris (Salt Lake City Corporation)

Rebecca S. Parr (Utah Attorney General's Office)

Suzanne Potts, Public Member

Dan Sorensen, Public Member

Panel C

Bryan J. Pattison (Durham Jones & Pinegar, PC), Chair
 Corbin B. Gordon (Gordon Law Group, PC), Vice-Chair
 Nanci S. Bockelie (Bockelie Law Office, LC)
 Randall L. Jeffs (Jeffs & Jeffs, PC)
 Amy Hayes Kennedy (Dart, Adamson & Donovan)
 Eric A. Mittelstadt (Utah Legal Services)
 Linda Blake, Public Member
 Alexis Cairo, Public Member

Panel D

Colin R. Winchester (Judicial Conduct Commission), Chair
 P. Matthew Muir (Miller Toone, PC), Vice-Chair
 Betsy Haws (Backcountry.com)
 Romaine C. Marshall (Holland & Hart, LLP)
 Bryant J. McConkie (Ray Quinney & Nebeker)
 Elizabeth S. Whitney (Attorney at Law)
 Fred Fairclough, Jr., Public Member
 Nancy Haanstad, Public Member

The majority of Screening Panel work is done by conducting hearings. The Screening Panel work must be presided over by either the Screening Panel Chair or the Screening Panel Vice-Chair, and must have a quorum consisting of two attorneys and one non-attorney.

C) How the OPC Addresses Information That Comes to Its Attention

Specifically addressing the processing of cases, the pertinent provisions of Rule 14-504(b) of the RLDD state that Senior Counsel and the OPC have the power and duty to:

- (1) Screen all information coming to the attention of the OPC to determine whether it is within the jurisdiction of the OPC in that it relates to misconduct by a lawyer or to the incapacity of a lawyer;
- (2) Investigate all information coming to the attention of the Office which, if true, would be grounds for discipline or transfer to disability status and investigate all facts pertaining to petitions for reinstatement or readmission;
- (3) For each matter not covered in Rule 14-510 [of the RLDD] brought to the attention of the OPC:

- (A) dismiss;
- (B) decline to prosecute;
- (C) refer non-frivolous and substantial informal complaints to the Committee for hearing; or
- (D) petition for transfer to disability status;

(4) Prosecute before the screening panels, the district courts and the Supreme Court all disciplinary cases and proceedings for transfer to or from disability status.

Information comes to the OPC's attention in the form of notarized/verified and non-notarized complaints. Notarized/verified complaints are official informal complaints ("informal complaints") within the meaning of Rule 14-510(a)(2) and, therefore, are processed pursuant to Rule 14-504 and Rule 14-510 of the RLDD. By contrast, non-notarized complaints are not official informal complaints, and are usually submitted to the OPC in the form of a Request for Assistance. The Request for Assistance form is able to be submitted to the Bar online. Requests for Assistance are processed pursuant to Rule 14-504 of the RLDD. For purposes of this report, all non-notarized complaints will hereinafter be referred to as Requests for Assistance. The OPC reviews Requests for Assistance in coordination with CAP.

Additionally, pursuant to Rule 14-504(b)(2) and Rule 14-510(a)(1) of the RLDD, the OPC can start an attorney misconduct investigation or complaint on its own initiative, based upon information that comes to its attention. The most common circumstance where this happens is when the OPC reviews information that has been disseminated through the media or is part of a published court case. The OPC categorizes these cases as Media/Court. In these cases, the OPC usually sends the attorney a notice of the OPC complaint with the notarized signature of Senior Counsel. Under Rule 14-510(a)(2), the OPC complaint is not required to be verified and attested to.

1) Central Intake System

Process

The OPC's Central Intake System is staffed by three attorneys who are assigned to review all initial information received (Requests for Assistance and informal complaints) to determine whether the matter should be appropriately closed by a declination to prosecute or a dismissal, or whether the matter should be processed further for referral to a Screening Panel. These decisions are made jointly by the intake attorneys and the other staff attorneys at weekly case status meetings.

As part of this system, at the weekly attorney staff meetings the OPC reviews all written Requests for Assistance that it receives, or that are made directly to CAP. Prior to opening a case, the OPC has a CAP review process where it determines whether the Request for Assistance is appropriate to be handled through CAP (i.e., minor attorney concerns that most likely do not rise to the level of Rule of Professional Conduct violations or matters that should be addressed in another forum). Within those parameters, Requests for Assistance are sent to CAP and there is no need for OPC to review the case further. In appropriate cases (matters that likely rise to the level of Rule of Professional Conduct violations or matters involving attorneys who are already under investigation by the OPC), the OPC notifies the Complainant to resubmit their Request for Assistance with notarization and verification or OPC notarizes the Request for Assistance to open an OPC informal complaint.

2) Investigations

Initial Review

All reviews of all informal complaints and the decisions associated with these reviews are also made jointly by the OPC attorneys at weekly staff meetings. The

informal complaint is reviewed for jurisdiction and merit. Looking at the “four corners” of the informal complaint, if the OPC determines it does not have jurisdiction, if the informal complaint fails to state a claim, or if the case lacks merit in that the alleged conduct, even if true is not an ethical violation, the case is dismissed. In these types of dismissal cases, there is no need to contact the attorney for information. Both the Complainant and the attorney receive a dismissal letter, and a copy of the informal complaint is sent to the attorney.

Preliminary Investigation

Assuming that the OPC does not dismiss an informal complaint based on jurisdiction or merit, the OPC conducts a preliminary investigation. The preliminary investigation is to ascertain whether the informal complaint is sufficiently clear as to the allegations. If it is not, the OPC will seek additional facts from the Complainant. Thereafter, the OPC will usually proceed to obtain an informal response from the Respondent.

Settlement

At any point during the investigation, the OPC is willing to conduct settlement discussions with the attorney; however, once OPC files a Formal Complaint as explained below, the OPC will not conduct settlement discussions until an Answer is made to that Formal Complaint.

Notice of Informal Complaint

After the preliminary investigation and the request for informal responses, if the OPC determines that a formal response is needed from the attorney to reach an appropriate resolution of the informal complaint in accordance with the RLDD, including the possibility of a Screening Panel hearing, the OPC will serve on the attorney a Notice

of Informal Complaint ("NOIC"). The NOIC will contain a true copy of the signed informal complaint and any additional information that the OPC has received from the Complainant. The NOIC will also identify with particularity the possible violations of the Rules of Professional Conduct raised by the informal complaint as preliminarily determined by the OPC. The attorney has 20 days after service of the NOIC to file with the OPC a written and signed answer setting forth in full an explanation of the facts surrounding the informal complaint, together with all defenses and responses to the claims of possible misconduct.

The OPC sends the Complainant a copy of the attorney's response to the NOIC and, in most cases, continues its investigation by obtaining a reply from the Complainant to the attorney's response. Further, where appropriate to ascertain the facts necessary to assess the charges, the OPC will seek additional responses and/or contact witnesses. The OPC always examines all documents submitted by all participants. Upon completion of the investigation as outlined above, the OPC determines whether the informal complaint sets forth facts which by their very nature should be brought before a Screening Panel or if good cause otherwise exists to bring the matter before a Screening Panel. These are "non-frivolous" and "substantial" informal complaints within the meaning of RLDD 14-504(b)(3) and are required to be presented to Screening Panels consistent with RLDD 14-510(a)(5).

Dismissal/Declination to Prosecute

If upon completion of this investigation the OPC determines that the case is not substantial or is frivolous (i.e., the factual allegations made by the Complainant that can be proven do not constitute a violation of the Rules of Professional Conduct or the evidence is insufficient to establish probable cause that the attorney violated the Rules

of Professional Conduct), the OPC dismisses the informal complaint consistent with RLDD 14-510(a)(7). Additionally, as part of its dismissal authority, consistent with the language in Rule 14-510(a)(7) of the RLDD, the OPC can determine that an informal complaint is barred by the statute of limitations based on OPC's discovery of the acts allegedly constituting a violation of the Rules of Professional Conduct, or is more adequately addressed in another forum, or the OPC can decline to prosecute an informal complaint.

The OPC does not arbitrarily decide to decline to prosecute a case. Occasionally, due to the nature of a case (i.e., the remedy sought by a Complainant; ongoing proceedings and the possible disruption of those proceedings that a Bar disciplinary case could have; the OPC resources needed to process a case compared to the OPC resources needed if the matters are first addressed elsewhere), it is in everyone's best interests to resolve the disciplinary matter by declining to prosecute the case. Generally, the OPC standards for declining to prosecute cases are as follows:

- The OPC may decline to prosecute cases where there is a question as to the nexus between the allegations and the attorney's practice.
- The OPC may decline to prosecute cases where the attorney has already been disciplined in an attorney discipline matter for similar misconduct committed during the same period. In these cases, it is unlikely the misconduct will result in discipline greater than what has already been imposed in an attorney discipline matter.
- The OPC may decline to prosecute cases where the attorney has taken immediate action to remedy the alleged misconduct and that remedy has likely negated a violation of the Rules of Professional Conduct.

- The OPC may decline to prosecute a case by a referral to the Professionalism Counseling Board.^B

It should be noted that if the OPC declines to prosecute a case and a court subsequently makes findings that could be the basis for a finding of misconduct under the Rules of Professional Conduct, the OPC may re-open the case and address the findings.

3) Diversions

Diversion is an alternative to discipline that is entered into by agreement in attorney discipline cases. Pursuant to Rule 14-533 of the RLDD, the Utah Supreme Court created a Diversion Committee; if the attorney consents to a Diversion Agreement that is subsequently approved by the Diversion Committee, either a Screening Panel or the OPC may dismiss cases involving minor violations of the Rules of Professional Conduct. The specific types of cases that are not appropriate for diversion are: when the attorney is accused of misappropriating client funds; the attorney's behavior will, or is likely to, result in substantial prejudice to a client or other person absent adequate provisions for restitution; the attorney has previously been sanctioned in the immediately preceding three years; the current misconduct is of the same type for which the attorney has previously been sanctioned; the misconduct involved dishonesty, deceit, fraud, or misrepresentation; the misconduct constitutes a substantial threat of irreparable harm to the public; the misconduct is a felony or a misdemeanor that reflects adversely on the respondent's honesty, trustworthiness, or fitness as a lawyer; or, the attorney has engaged in a pattern of similar misconduct.

^B The Professionalism Counseling Board is a Utah Supreme Court Committee charged with addressing violations of the Standards of Professionalism and Civility set forth in Chapter 14, Article 3 of the Utah Supreme Court Rules of Professional Practice.

To be eligible for diversion, the presumptive sanction must not be more severe than a public reprimand. Further, all involved must make an assessment of whether or not participation in diversion is likely to improve the attorney's future behavior, whether aggravating or mitigating factors exist, and whether diversion already has been attempted.

The Diversion Committee has to review and approve every diversion contract. Possible program areas of diversion are as follows: Fee Arbitration; Mediation; Law Office Management Assistance; Psychological And Behavioral Counseling; Monitoring; Restitution; Continuing Legal Education Programs, including Ethics School; and, any other program or corrective course of action agreed to by the responding attorney necessary to address an attorney's conduct.

The OPC notifies an attorney of the diversion option when a case is received. A Complainant is notified of any proposed decision to refer an attorney to diversion and that Complainant may comment, however a decision to divert is not appealable by a Complainant.

Upon entering into the diversion contract, the complaint against the attorney is stayed pending completion of diversion. If diversion is successful, the complaint is dismissed and all information regarding the terms of the diversion is kept confidential. Further, successful completion of diversion is a bar to disciplinary prosecution based on the same allegations. However, a material breach of the diversion contract is cause for terminating the agreement and subjects the lawyer to appropriate discipline as if diversion had never been an option. As noted below, a Screening Panel may also refer a complaint to the Diversion Committee.

4) Informal Appeals

Pursuant to Rule 14-510(a)(7) of the RLDD, a Complainant can appeal within 15 days to the Committee Chair the OPC's dismissal, including declinations to prosecute, of any informal complaint. When the OPC dismisses an informal complaint after investigation or declines to prosecute an informal complaint, it gives notice to the Complainant of the language in Rule 14-510(a)(7) of the RLDD and allows the Complainant the opportunity to appeal the decision. If the Complainant files an appeal, the Committee Chair conducts a de novo review of the OPC file and either affirms the dismissal or directs the OPC to prepare the informal complaint for a Screening Panel hearing.

5) Screening Panel

If after investigation, the OPC determines that the allegations of the informal complaint are non-frivolous and substantial, or if the Chair or Vice-Chair of the Committee remands a case after an appeal, the OPC refers the informal complaint to a Screening Panel. The NOIC described in section 2 above is the official notice that is required for the OPC to bring the case before a Screening Panel.

A Screening Panel reviews all the facts developed by the informal complaint, the Respondent's answer, the OPC's investigation and the information obtained during the Screening Panel hearing. After this review, the Screening Panel may make any of the following determinations or recommendations:

- Dismissal for lack of merit;
- Dismissal with a letter of caution;
- Dismissal by referral to Diversion Committee;
- Dismissal by referral to Professionalism Counseling Board;

- Recommendation that the attorney be (privately) admonished or publicly reprimanded;
 - If the Screening Panel recommends an admonition or public reprimand, the attorney can file an exception to the recommendation with the Committee Chair.
 - The OPC can file an exception to any of the determinations or recommendations with the Committee Chair.
 - Following the Screening Panel Hearing, or upon completion of the Exceptions Hearing, if an Exception has been filed, the Committee Chair issues a formal determination and can either sustain, dismiss, or modify the Screening Panel's determination or recommendation of discipline.
 - After final written determination of the Committee Chair, where an exception has been filed, the OPC or an attorney can appeal by filing a request for review with the Supreme Court for reversal or modification. The OPC refers to these as "Administrative Appeals."
- A finding of probable cause that a Formal Complaint be filed with the District Court.
 - A determination that a Formal Complaint should be filed is not appealable.

If the Screening Panel determines that the informal complaint should be filed as a Formal Complaint, Rule 14-511 of the RLDD requires the OPC to prepare the Formal Complaint for the signature of the Chair of the Committee. Often the attorney has more than one informal complaint pending against him/her. If there is more than one informal complaint involved, an informal complaint may also pass through the Screening Panel process and can be combined into a single Formal Complaint ("Combined with Formal"). Once a Formal Complaint is filed, if an attorney has other informal complaints or a Request for Assistance filed against him/her, in lieu of the Screening Panel process the OPC may elect to hold the cases for presentation at any Sanctions Hearing resulting from the Formal Complaint ("Hold for Sanctions"), pursuant to Rule 14-515 (a)(3) of the RLDD.

6) Formal Complaints

A Formal Complaint must be filed in the county where the alleged misconduct occurred, or in the county where the attorney resides or practices law or last practiced law. Once a Formal Complaint is filed with the District Court, if no settlement can be reached, the case is prepared for a bench trial. The bench trial is bifurcated, the first portion of which involves the adjudication of misconduct (i.e., Rule of Professional Conduct violations). If the judge does not dismiss the case and finds misconduct, the second stage of the trial is a sanctions hearing. At the end of the sanctions hearing, the judge can order sanctions and remedies that may include, but are not limited to, the following dispositions:

- Admonition
- CLE or Ethics School
- Public Reprimand
- Restitution
- Probation
- Suspension
- Disbarment

7) Formal Appeals

All appeals from District Court orders are directed to the Utah Supreme Court. Only the Respondent attorney or the OPC can appeal from the District Court order. The Utah Supreme Court under its constitutional authority to regulate the practice of law has the discretion to consider appeals of all attorney discipline cases.

8) Monitored Cases

Monitored cases include probation cases, disability cases and trusteeship cases. Where appropriate, probation cases require someone to docket reminder dates, and follow-up to ensure that the attorney meets the probation requirements. Disability cases generally require someone to investigate the extent of the disability, to process the case through District Court, and to monitor the continuing status of the attorney. Trusteeship cases generally require that someone inventory the attorney's files, notify the attorney's

clients of the trusteeship, and assist with distribution of client files to the clients. Additionally, trusteeship cases require someone to inventory unclaimed files, prepare a notice for publication of potential destruction of the files, prepare a request to the District Court to approve destruction of unclaimed files, and ultimately to destroy the files.

When the OPC has to undertake a trusteeship, it takes a significant amount of resources and time. It is preferable to the OPC that an attorney or firm outside of the OPC be appointed to manage trusteeships. However, since in most trusteeship cases there is little or no money for the recoupment of costs and fees, there are not always attorneys or firms that are willing and able to oversee a trusteeship.

9) Interim Suspension and Disability

Pursuant to Rules 14-518, 14-519, and 14-523 of the RLDD, if an attorney poses a substantial threat of irreparable harm to the public and has either committed a violation of the Rules of Professional Conduct or has been convicted of a crime which reflects adversely on the attorney's honesty, trustworthiness, or fitness as an attorney, or is under a disability as defined in the RLDD, the OPC may file a petition for interim suspension or disability. This is an immediate filing in the District Court, and need not go through the Screening Panel process outlined above.

10) Abeyances

Attorney discipline cases may be continued, stayed and held in abeyance when there is related pending litigation (i.e., criminal or civil) and the alleged misconduct is substantially similar to the issues of the pending litigation. The request for abeyance can be made by either the OPC or the respondent attorney. The request is made to the Committee Chair pursuant to Rule 14-510(g)(3) if the discipline case is pending prior to

the filing of a formal case ("Informal Abeyance") and the request is made to the judge pursuant to Rule 14-517(d) if the discipline case is pending in the District Court as part of a formal case ("Formal Abeyance").

11) Special Prosecutor Cases

Special Prosecutor Cases are cases filed against either OPC staff, Bar staff, Bar Commissioners or Committee members. Pursuant to Rule 14-517(f) of the RLDD, these cases have to be prosecuted outside of the OPC.

12) Final Dispositions

Until a case reaches a "final" disposition, the OPC considers it an active case. Final dispositions are cases where the result has been determined to be dismissal, declination to prosecute, dismissal with caution, admonition, public reprimand, disbarment, time-specified suspension, trusteeship where OPC is not the trustee, probation, resignation pending discipline, and cases in which no appeal is pending.

III. STATISTICS – Year 2016-2017

A) Case Activity

Active cases as of July 1, 2016 558^c

1) <u>Cases opened</u>	
Informal Complaint	102
Media/Court Information	14
Notice of Insufficient Funds	34
Reciprocal Discipline	5
Reinstatement	3
Request for Assistance.....	600
Special Prosecutor	5
Trusteeship.....	2
Total	765
Total cases processed during period	1,323

^c The previous Annual Report reported 557 cases active as of July 1, 2016, however after an audit we discovered that there was one case that did not show up in the database that should have been included and, as a result, the cases reported in the previous Annual Report for 7/1/16 has been adjusted from 557 to 558.

2) <u>Informal Complaints Closed Without Discipline</u>		
By Dismissal	89	
By Dismissal with Caution	2	
By Dismissal with Diversion	1	
By Dismissal with Professional Counseling	1	
By Declination to Prosecute	22	
By Declination to Prosecute (Hold for Reinstatement).....	1	
Total	116	
3) <u>Requests for Assistance Closed Without Discipline</u>		
By Dismissal	33	
By Dismissal with Caution	8	
By Dismissal with Diversion	1	
By Dismissal with Professional Counseling	4	
By Declination to Prosecute	174	
By Declination to Prosecute with Caution	35	
By Sent to CAP	281	
Total	536	
4) <u>Media/Court Information Closed Without Discipline</u>		
By Dismissal	1	
By Dismissal with Caution	1	
By Declination to Prosecute	1	
Total	3	
5) <u>Special Prosecutor Closed Without Discipline</u>		
By Declination to Prosecute	1	
By Sent to CAP	1	
Total	2	
6) <u>Notice of Insufficient Funds Closed Without Discipline</u>		
By Dismissal	1	
By Declination to Prosecute	12	
By Declination to Prosecute with Caution	20	
Total	33	
7) <u>Orders Entered</u>		
Admonition.....	10	(8)
Public Reprimand	8	(8)
Suspension.....	10	(9)
Disbarment	3	(3)
Probation	1	(1)
Order Terminating Trusteeship.....	2	(2)
Dismissal	2	(2)
Reinstatement	2	(2)

Reinstatement Denied	3	(3)
Trustee Appointed (not OPC)	1	(1)
Resignation with Discipline Pending	1	(1)
Total	43	(40)

8) <u>Informal Cases Combined with Formal Filings</u>	
Requests for Assistance	8
Total	8

Total case closures during period 741

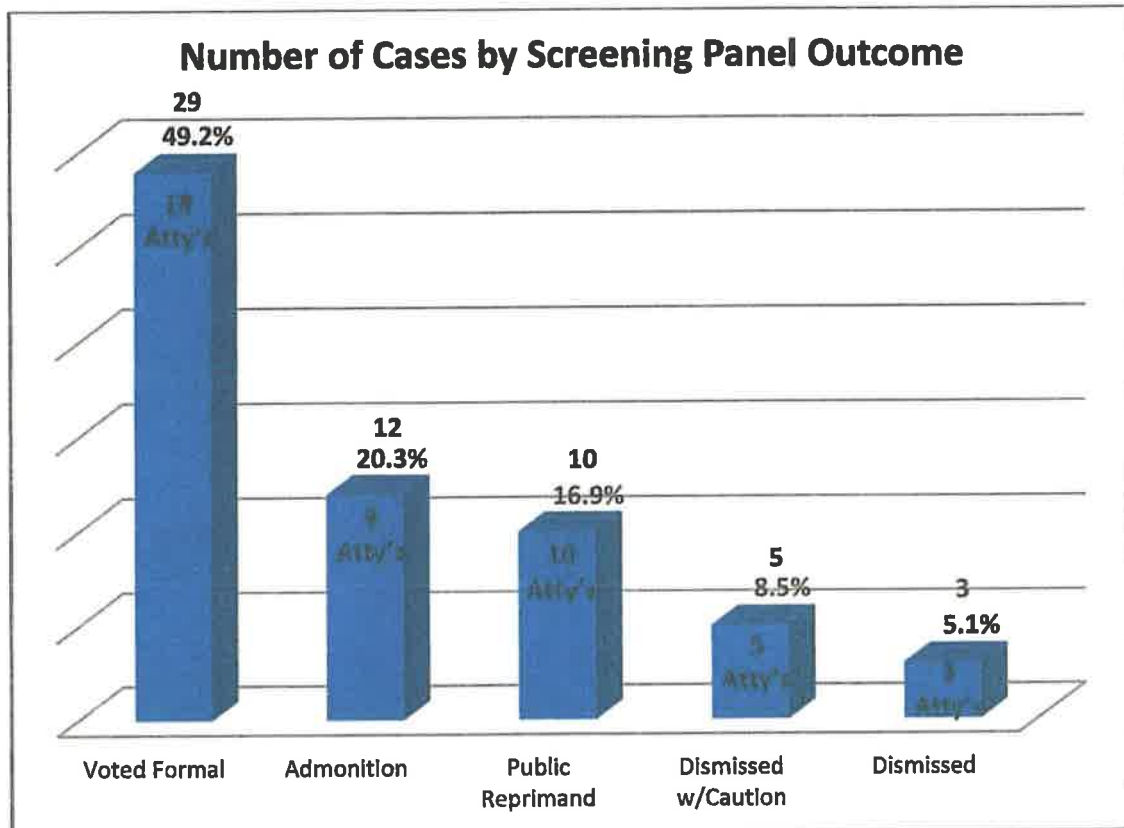
Active cases as of July 1, 2017 582
(Open cases minus closures for year 2016-2017)

9) <u>During the Year 2016-2017, the OPC had case activity as follows</u>	
Diversions	8
Informal Abeyances	7
Informal Appeals	43
Informal Appeals Granted	1
Informal Appeals Denied	40
Screening Panel Exception by Respondent	2
Screening Panel Exception by OPC	2
Formal Cases Filed in Court	21
Combined with Formal Filings	6

10) <u>Stipulations</u>		<u># of attys</u>
Stipulation to Public Reprimand	1	(1)
Stipulation to Suspension	10	(2)
Stipulation to Resignation with Discipline Pending	1	(1)
Stipulation to Probation	1	(1)
Stipulation to Dismissal	2	(2)
Total	15	(7)

11) Screening Panel Outcomes

For the year 2016-2017, the OPC referred 59 matters, involving 45 attorneys, to the Ethics and Discipline Committee for a Screening Panel hearing. The outcomes of those hearings were:



12) Notice of Insufficient Funds

As part of the OPC case activity, Rule 1.15(a) of the Rules of Professional Conduct requires that attorneys maintain their trust accounts in financial institutions that agree to report to the OPC "in the event any instrument in properly payable form is presented against an attorney trust account containing insufficient funds (NSF), irrespective of whether or not the instrument is honored." Pursuant to this rule the OPC opened 34 new NSF cases, and dismissed 33 NSF cases in year 2016-2017. The usual reasons for dismissals of NSF cases are accounting errors, bank errors, depositing errors, or drawing on the account before a deposit clears.

13) Summary

Of the 1,323 cases the OPC processed in year 2016-2017, 700 or 52.91% were

resolved by dismissals, declinations to prosecute, referral to CAP or combined with formal. Of the 1,323 cases, approximately 2.49% of the cases resulted in 33 Orders of Discipline. 36.36% of the Orders of Discipline were by stipulation. Finally, approximately 4.46% of the OPC's processed cases for the year were heard by Screening Panels.

14) Beginning Year July 1, 2017 – June 30, 2018

The OPC begins year 2017-2018 with 582 active cases against 394 attorneys.

The breakdown of the various stages of the 582 cases is as follows:

Abeyance	11
At CAP	119
Combined with Formal.....	24
Diversion	6
Formal	29
Formal Appeal	5
Hold for Sanctions	1
Exception.....	5
Informal Appeal	13
Informal Complaint	142
Media/Court Information	8
Notice of Insufficient Funds	11
Reciprocal.....	8
Request for Assistance.....	185
Rule 14-519	6
Special Prosecutor	7
Trusteeship (OPC).....	2

B) Miscellaneous

1) Ethics Hotline and CLE

Rule 14-504(b)(13) of the RLDD requires that the OPC provide informal guidance to promote ethical conduct by Bar members. In compliance with this rule, the OPC has an Ethics Hotline where the OPC attorneys give Bar members informal guidance by telephone. During year 2016-2017, the OPC received 601 requests for informal ethics

opinions.

Additionally, the OPC attorneys make Continuing Legal Education (“CLE”) ethics presentations. During year 2016-2017, the OPC’s CLE presentations totaled 30 hours. Two of the CLE presentations were at the Ethics School conducted by the OPC. The OPC titles the Ethics School “What You Didn’t Learn in Law School.” Some attorneys are required to be there as a condition of a disciplinary case, but the OPC usually opens it to the entire Bar. At the school, the OPC covers a number of topics, including the lawyer discipline process, law office management, malpractice, conflicts of interests, lawyer trust fund accounting and hot topics of ethical issues. The OPC also usually tries to have at least one judge as a guest speaker to talk about civility and professionalism. The Ethics School was held in September and March of the year 2016-2017 for six CLE hours each time. In September 2016, Ethics School was attended by 72 attorneys; and in March 2017, Ethics School was attended by 76 attorneys.

Finally, with respect to ethical guidance, in the past the OPC has provided written guidance to attorneys through publication of Utah Bar Journal articles on common ethics topics, and in brochures available to Bar members and the public. As the need arises, the OPC anticipates continuing to publish articles on ethics topics.

2) Committees

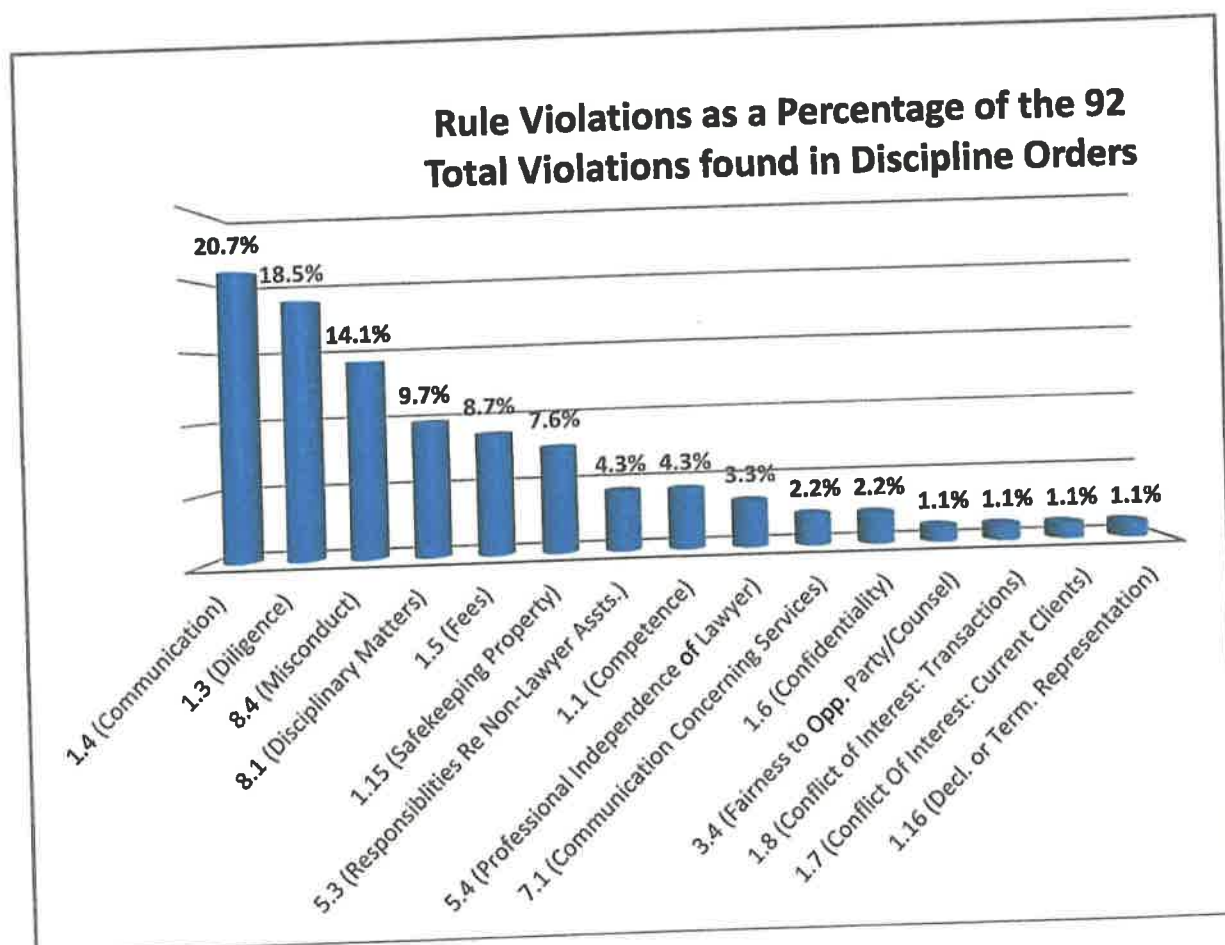
The OPC participates in committees with respect to attorney conduct. Senior Counsel of the OPC sits as a voting member of the Utah Supreme Court’s Advisory Committee on the Rules of Professional Practice. OPC counsel sits as a voting member of the Ad Hoc Ethics and Discipline Committee on Rules which addresses

proposed rule changes to the RLDD and Standards for Imposing Lawyer Sanctions. OPC counsel sits as a non-voting member on the Utah State Bar's Ethics Advisory Opinion Committee.

3) Rule Violations and Source of Information

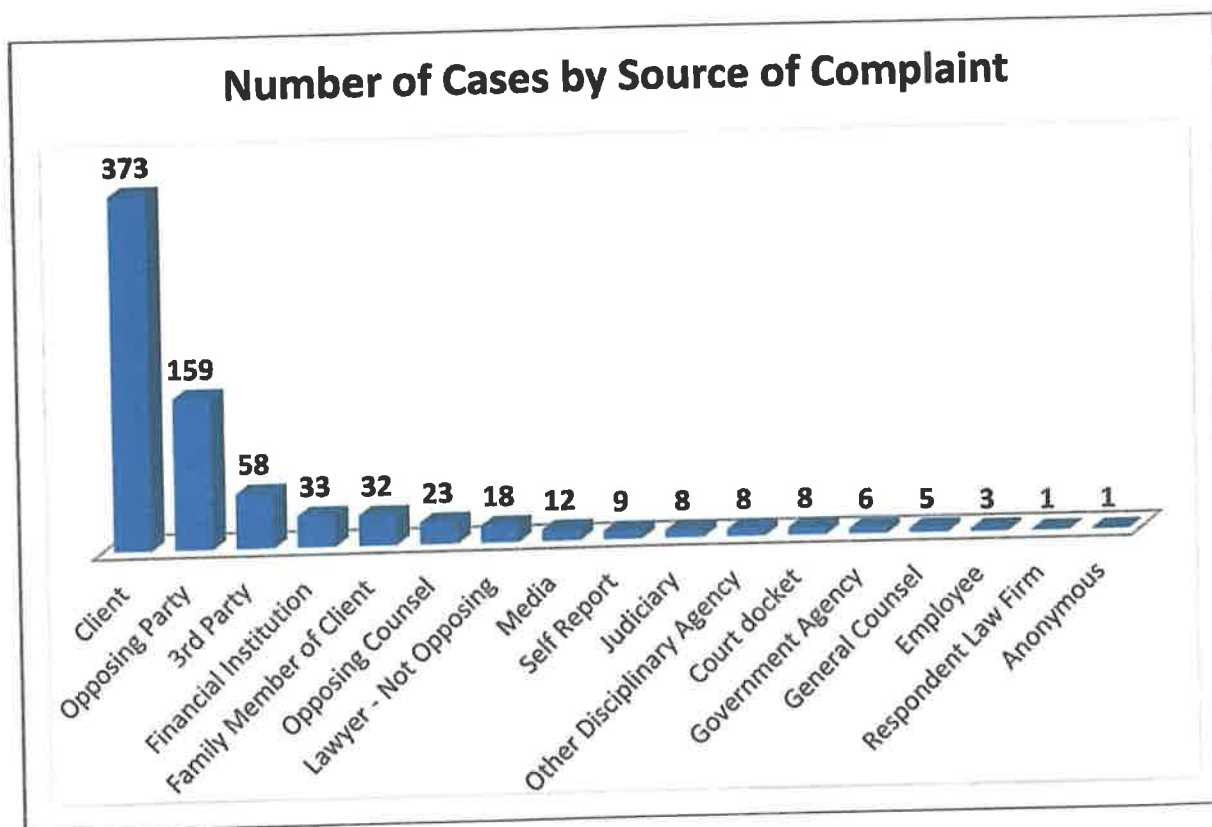
The OPC has collected and categorized other data regarding its cases. Specifically, the data collected provide statistics on the rule violations.

(a) For example, using data from the 33 orders of discipline entered in the year 2016-2017, which resulted in a finding of 92 total rule violations, we can see the frequency with which various rules were violated:



The OPC's impression is that violations of Rule 1.1 (Competence) commonly derive from attorneys missing court appearances; that violations of Rule 1.5 (Fees) commonly arise from attorneys collecting fees without performing meaningful work; that violations of Rule 1.15 (Safekeeping Property) often arise from attorneys failing to keep their personal money separate from clients' money or failing to promptly provide an accounting of how fees were used; that violations of Rule 1.16 (Declining or Terminating Representation) commonly result from attorneys withholding the client file upon termination of the representation; violations of Rule 8.1(b) (Bar Admission and Disciplinary Matters) usually are based upon attorneys failing to respond to the OPC's lawful requests for information in the course of disciplinary investigations with the most common failure as a violation of this Rule, the failure to timely respond to the NOIC; and violations of Rule 8.4 (Misconduct) commonly arise from criminal conduct, deceitful or fraudulent conduct or conduct prejudicial to the administration of justice. Accordingly, the OPC's CLE presentations often focus on helping practitioners avoid these particular problems.

(b) In year 2016-2017, information regarding possible attorney misconduct was received from the following sources:



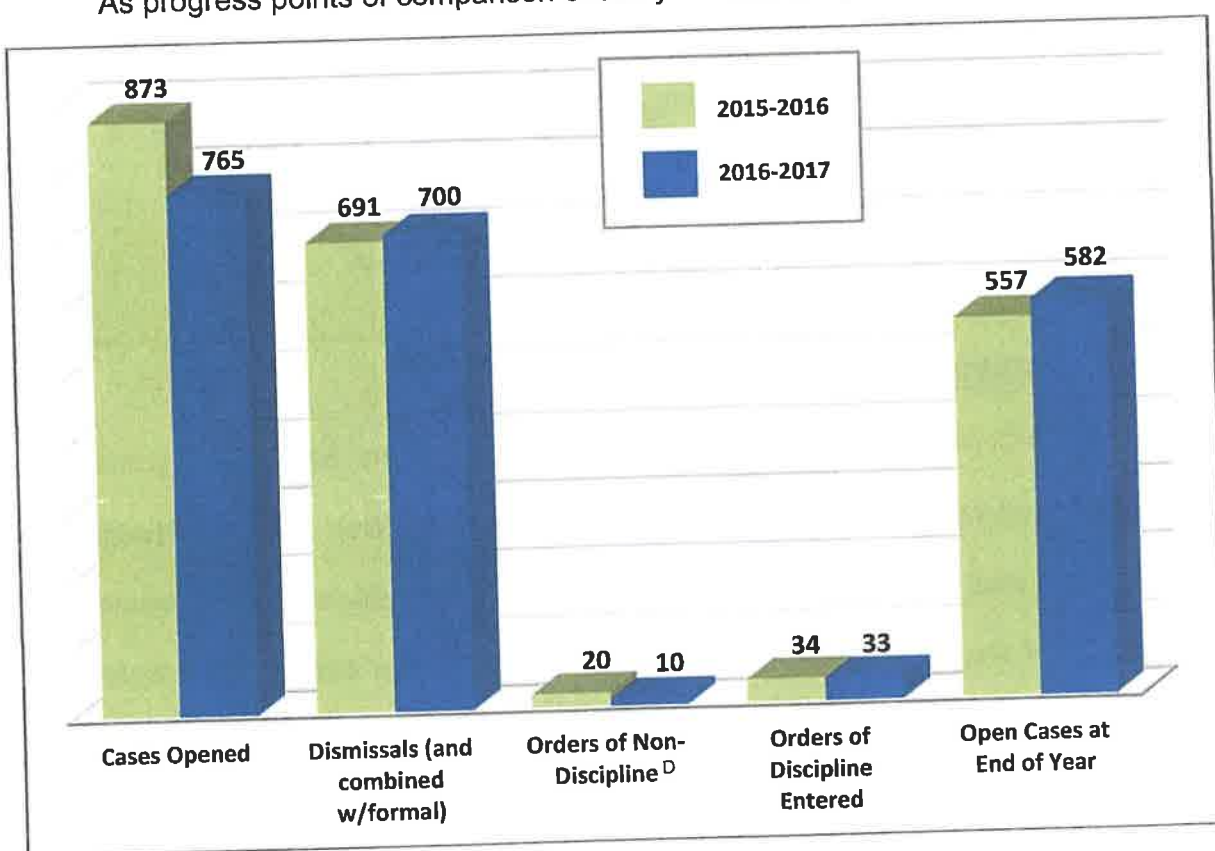
IV. PROGRESS AND GOALS ON CASES

The OPC, like every other state bar disciplinary authority, has and will continue to have unfinished work. Furthermore, the OPC, like every other state bar disciplinary authority, has and will continue to have a percentage of its unfinished work accumulate at the informal stage. The reason for this is the nature of the work. In this regard, the OPC processes disciplinary cases against attorneys who are often determined to use every means at their disposal to protect their license to practice law. This sometimes makes investigating and processing cases analogous to a criminal proceeding. In these cases, it tends to lengthen the processing at both the informal and post-informal stages. Notwithstanding the nature of the work, it should be noted that the OPC's overriding mission is to perform its responsibility in a professional and civil manner.

The OPC case progress goal is to have a system in place that keeps cases

moving so the unfinished work at the informal stage is in percentage numbers as small as possible. This goal must be accomplished while simultaneously, and as expeditiously as possible, moving to resolution the larger percentage of cases that are at the post-informal stage (i.e., cases before Screening Panels or the District Court; cases on appeal; cases holding for resolution of a companion formal case; or cases held in abeyance pending related litigation).

As progress points of comparison of this year with last year:



As can be seen from the chart:

- (1) Cases opened this year were down approximately 12.37%;
- (2) Dismissals (and combined with formal) this year increased by approximately 1.3%;

^D Orders of Non-Discipline include Dismissal, Reinstatement Denied, Disability, Trustee Appointed (not OPC), Contempt and Order Terminating Trusteeship.

- (3) Orders of Non-Discipline entered this year increased by approximately 50%;
- (4) Orders of discipline entered this year decreased by approximately 2.9%; and
- (5) Active case numbers at the end of this year increased by approximately 4.48%.

The OPC has a goal to reduce its active case number each year by closing more cases in a year than the office receives in that year. This year, the OPC did not accomplish this goal because it opened 765 cases and closed 741^E cases and its active case number increased by 4.48%.

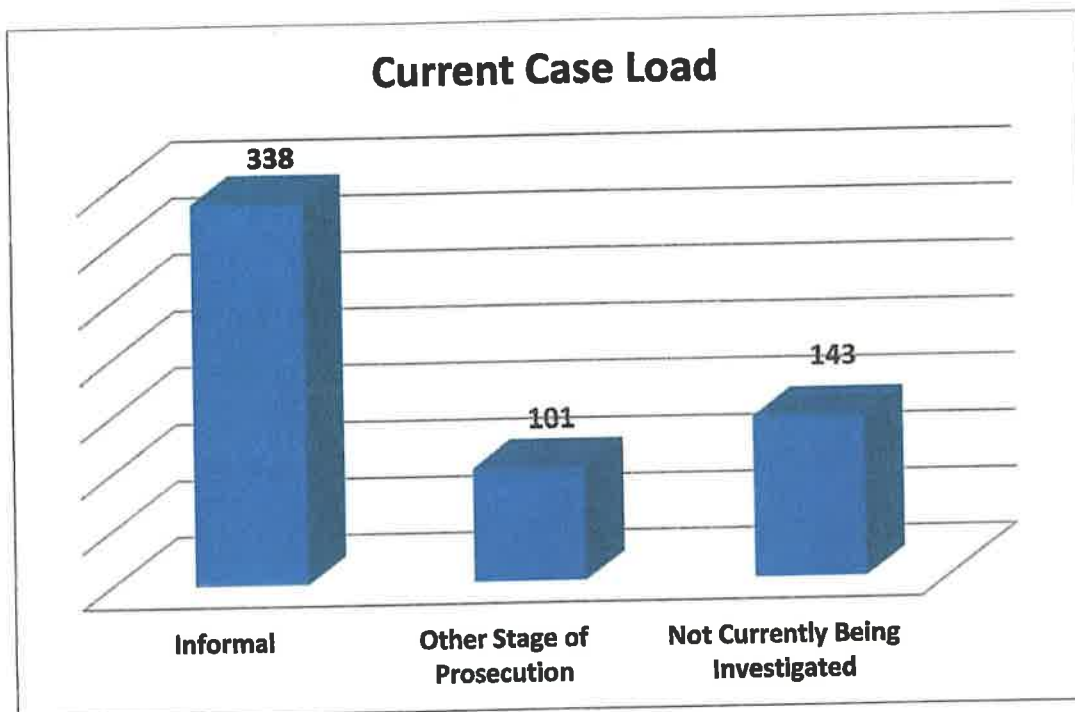
Of the OPC's current case load (582), 338 are at the informal stage^F, 101 are at other stages of investigation/prosecution^G, and 143 are not currently being investigated by the OPC^H.

^E The total of Dismissals (and Combined w/Formal) and all Orders (discipline and non-discipline).

^F Informal Complaints, Requests for Assistance, NSF's.

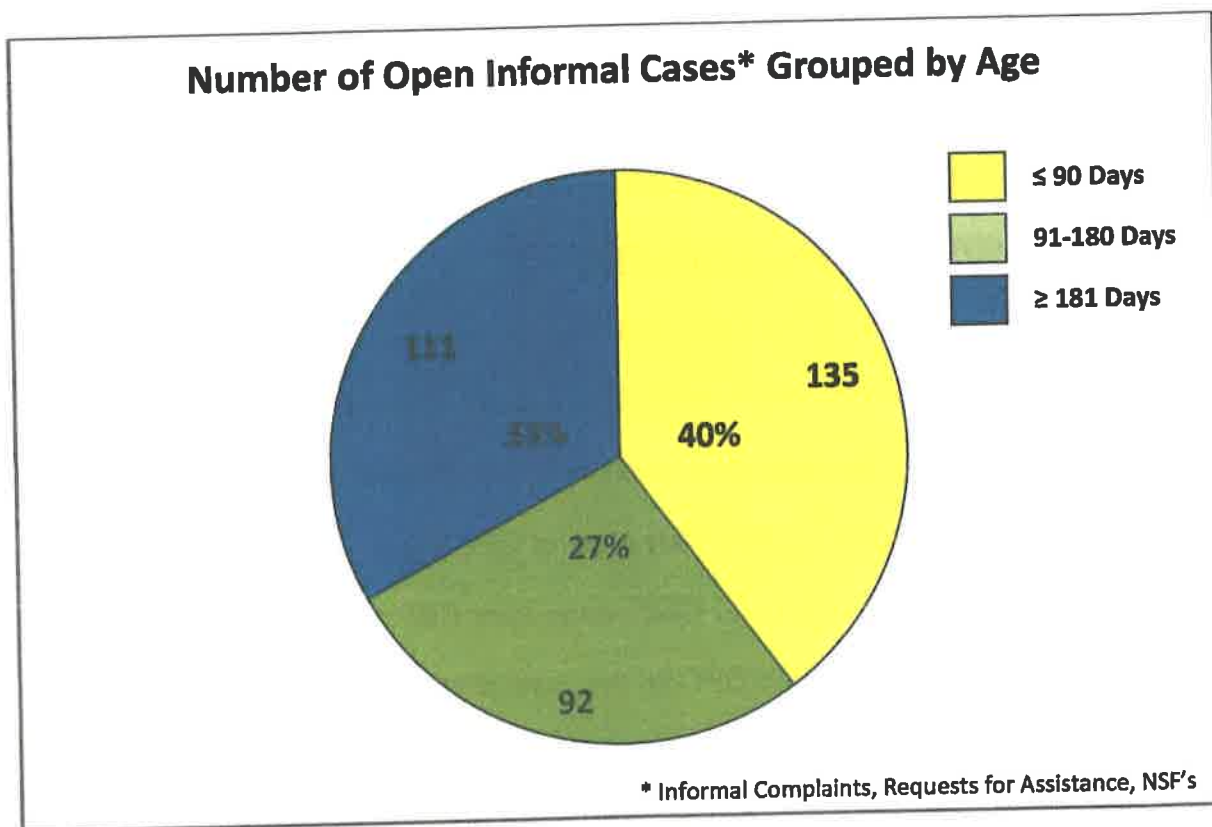
^G Combined with Formal, Contempt, Exceptions, Formal, Formal Appeal, Hold for Sanctions, Informal Appeal, Media/Court Information, Reciprocal, Reinstatement, Rule 14-519, Trusteeship (OPC).

^H Abeyance, At CAP, Diversion, Special Prosecutor.



The OPC has established a goal of having no more than 20% of its active informal cases in the informal stage for more than 180 days.

Of the 338 cases at the informal stage, 92 or approximately 27% have been in the informal stage for over 180 days.



This means the OPC did not meet its goal with regard to processing times of informal cases. The OPC will strive in the upcoming year to achieve its goal. It should also be noted that the OPC filed a significant number of new formal cases. In this respect, in addition to opening ten new cases in the areas of reinstatement/trusteeship/reciprocal¹, the OPC filed 21 new formal cases with the District Court (the 21 formal cases include 25 underlying informal complaints).

The OPC does not simply concentrate its efforts on older cases: it attempts to provide expedited and efficient work on all cases, new and old. This work method is intended to keep cases progressing.

The Central Intake System greatly aids case processing goals. Central Intake enables the OPC to address all information coming to its attention (both notarized and

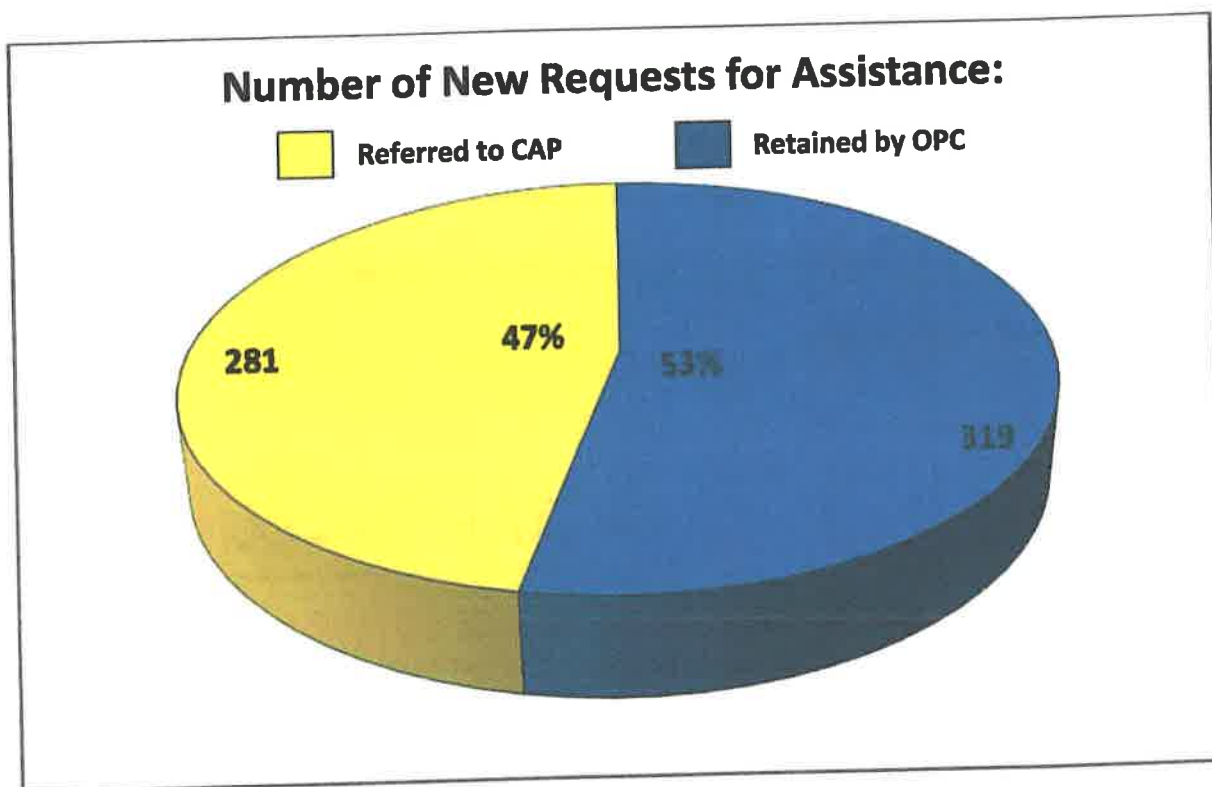
¹ Three Reinstatements, two Trusteeships and five Reciprocal cases.

non-notarized) and to quickly and efficiently determine the appropriate track for the information. This leaves more resources to address cases raising more serious ethical allegations, resulting in quicker case processing for all cases.

V. CONSUMER ASSISTANCE PROGRAM

The CAP is not part of the OPC, but the OPC works in coordination with it, and reviews information sent to the Utah State Bar as a non-notarized Request for Assistance. Additionally, for more extensive coordination between the OPC and CAP to ensure that cases do not fall between any gaps of OPC's and CAP's separate purview, the OPC receives periodic listings of CAP cases from CAP to review and determine if there is overlap between CAP and OPC on the case or attorney; and to determine if any of the listed cases are cases that are more appropriately handled by OPC. CAP's listed cases include all cases under review by CAP (i.e., phone calls, emails, Requests for Assistance).

The OPC's review of CAP cases ensures that allegations of serious misconduct are not processed as Requests for Assistance. In year 2016-2017, the OPC reviewed 600 Request for Assistances which can be reviewed as part of its CAP review system, almost one-half (281) of which the OPC referred to CAP. Only 25 of these matters came back to the OPC.



Thus, with respect to year 2016-2017, 256 matters were resolved by CAP without the need for further OPC review.¹ The OPC uses the resources normally needed for reviewing and resolving the cases that are handled by CAP to process cases where there are serious ethical violations.

VI. GOALS FOR YEAR 2017-2018


The OPC will continue to work toward the goals outlined in this report. Specifically, the OPC has a responsibility to resolve disciplinary complaints in a uniform, expeditious, professional, civil and systematic way to protect the public, clients, and the legal profession from the professional misconduct of attorneys. The overriding goal is to continue to develop the OPC case processing system to ensure that the majority of resources are utilized to more quickly prosecute those cases where it is appropriate to

¹ Since CAP is not part of the OPC, the OPC does not have complete statistics on cases resolved by CAP in a year.

file formal complaints with the District Court.

CONCLUSION

The OPC staff is excellent and continues its hard work. The OPC will continue its efforts towards efficiency in the expedition of cases. The OPC looks forward to another productive year.



Billy L. Walker
Senior Counsel
Office of Professional Conduct
Utah State Bar