

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.

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

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(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

<u>AWARD</u>	<u>DUE</u>	<u>CHOSEN</u>	<u>PRESENTED</u>
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

(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

Friday, January 20, 2017
Utah Law & Justice Center

Agenda

1. **9:00 a.m. President's Report: Rob Rice**
 - 05 Mins. 1.1 Recognize Barbara Townsend's 10 Years of Service in OPC
 - 10 Mins. 1.2 Review Phone Conference Calendar & Legislative Breakfast
 - 05 Mins. 1.3 Appointment of Leadership Academy Chair
 - 20 Mins. 1.4 Futures Commission Government Sign On Portal: **Rep. Bruce Cutler**
2. **10:00 a.m. Action Items**
 - 10 Mins. 2.1 Nominate Bar President-Elect Candidate
 - 20 Mins. 2.2 Select Dorathy Merrill Brothers and Raymond Uno Awards **(Tab 1, Page 8)**
 - 15 Mins. 2.3 Select Representative on Utah Sentencing Commission **(Tab 2, Page 17)**
 - 20 Mins. 2.4 Approve EKR Web Redesign: **Cara Tangaro & John Lund**
 - 20 Mins. 2.5 Approve Practice Portal: **Cara Tangaro & John Lund**
 - 05 Mins. 2.6 Approve Committee Chair Succession Planning Policy **(Tab 3, Page 37)**
 - 10 Mins. 2.7 Confirm Fall Forum Schedule: **John Lund**
3. **11:40 a.m. Information Items**
 - 15 Mins. 3.1 Report on *Licensed Lawyer* Marketing: **Sean Toomey**
 - 10 Mins. 3.2 Futures Commission Recommendation: Rule 5.4 **(Tab 4, Page 39)**
 - 05 Mins. 3.3 Spring Convention Report: **John Lund**
 - 20 Mins. 3.4 Futures Commission Report **(Tab 5, Page 43)**
4. **12:30 p.m. Adjourn**

Consent Agenda (Tab 6, Page 48)

1. Minutes of December 9, 2016 Commission Meeting

Attachments (Tab 7, Page 53)

1. December 2016 Financial Statements

(Over)

Calendar

January 31	Conference Call Re: Legislature	4:00 p.m.	
February 1	Commission Election - Petitions, Statements, Photos Due		
February 1	Breakfast with Lawyer Legislators	7:30 a.m.	Aspen Room East Senate Office Bldg.
February 7	Conference Call Re: Legislature	4:00 p.m.	
February 1-4	ABA Mid-Year Meeting/NABE/NCBP		Miami, Florida
February 14	Conference Call Re: Legislature	4:00 p.m.	
February 21	Conference Call Re: Legislature	4:00 p.m.	
February 21-22	Bar Examination	8:00 a.m.	Utah State Bar
February 23	Breakfast of Champions	8:00 a.m.	Alta Club
February 28	Conference Call Re: Legislature	4:00 p.m.	
March 3	Executive Committee	12:00 Noon	Utah State Bar
March 6	Conference Call Re: Legislature	4:00 p.m.	
March 9	SUBA Luncheon	12:00 Noon	St. George, Utah
March 9	Commission Meeting	1:00 p.m.	St. George, Utah
March 9-11	Spring Convention		St. George, Utah
March 20	Election Email Message Due		
March 29-April 1	Western States Bar Conference		Lahaina, Hawaii
April 1	Election-Online Balloting Begins		
April 7	Executive Committee	12:00 Noon	Utah State Bar
April 14	Commission Meeting	9:00 a.m.	Logan, Utah
April 15	Election-Online Balloting Ends		
April 25-27	ABA Day in Washington		Washington, D.C.
May 5	Executive Committee	12:00 Noon	Utah State Bar
May 11	Admission Ceremony	12:00 Noon	State Capitol
May 12	Commission Meeting	9:00 a.m.	Utah State Bar
July 18	Executive Committee	12:00 Noon	Utah State Bar
July 26	Commission Meeting	1:00 p.m.	Sun Valley, Idaho
July 26-29	Summer Convention		Sun Valley, Idaho

TAB
1

UTAH BAR COMMISSION MEETING AGENDA ITEM

Title: Dorathy Merrill Brothers Award Selection

Item: 2.2

Submitted by: John Baldwin

Meeting Date: January 20, 2017

ITEM/ISSUE:

To select the 2017 Dorathy Merrill Brothers Award recipient for the Advancement of Women in the Legal Profession.

CRITERIA:

Professionalism; Public Service; Public Dedication; Enhance Administration of Justice; Enhance the Delivery of Legal Services; Improve the Legal Profession; Encouraging New Efforts; Engaged in Significant Activity on Behalf of the Advancement of Women

NOMINEES:

1. Hon. Michele Christiansen
2. Marlesse Jones

PAST RECIPIENTS AND NOMINEES:

Past Recipients		Other Nominations That Year
2016	Barbara Hjelle	Joni K. Jones
2015	Patrice Arent	
2014	Terrie McIntosh	Peggy Hunt, Elaina Maragakis, Aida Neimarlija, Lori Nelson
2013	Charlotte L. Miller	Lori Nelson
2012	Hon. Sandra N. Peuller	Kelly De Hill, Elizabeth Dunning, Jennifer Lee, Lori Nelson
2011	Lauren I. Scholnick	
2010	Evelyn J. Furse Melanie J. Vartabedian Lisa A. Yerkovich	Joanna Sagers, Rashelle Perry, Kathy Dryer
2009	Hon. Carolyn B. McHugh	Lori Nelson
2008	Constance Lundberg, Susan Peterson	Steven Waterman
2007	Irene Warr	Kate Toomey; Christine Fitzgerald Solits, Irene Warr
2006	Janet H. Smith	Hon. Carolyn McHugh; Julie K. Morriss
2005	Annette W. Jarvis	Michaela D. Andruzzi; Ellen O'Hara
2004	Paul M. Warner	Commissioner Susan Bradford; Charlotte Miller
2003	Denise Drago	Nelda Bishop, Kristen Clayton, Bonnie Mitchell, Debra Moore and Judi Gretta Sorensen
2002	Hon. Pamela T. Greenwood	Karin Hobbs
2001	Laura M. Gray	Hon. Tina Campbell; Laura M. Gray; Patricia M. Leath; Hon. Pamela Greenwood; Charlotte Miller; and Marilu Peterson (non-lawyer)
2000	Katherine D. Pullins (non-lawyer)	Hon. David K. Winder
1999	Rosalie M. Reilly	
1998	James B. Lee	Attorney General Jan Graham; Hon. Pam Greenwood, Glenn C. Hanni; Hon. Leslie A Lewis; Patricia M. Leith.; Hon. Kay Lindsay; Charlotte L. Miller; Toni Marie Sutliff; Irene Warr
1997	Anne Milne	
1996	Patricia W. Christensen	
1995	Hon. Christine M. Durham	

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X

RAY QUINNEY & NEBEKER

January 6, 2017

John Baldwin
Executive Director
Utah State Bar
645 South 200 East
Salt Lake City, Utah 84111

Re: *Dorathy Merrill Brothers Award*

Robert O. Rice
ATTORNEY AT LAW

PO Box 45385
Salt Lake City, Utah
84145-0385

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

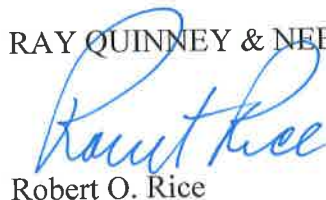
801 532-1500 FIRM
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Dear John:

Please permit me to nominate Judge Michele Christiansen for the Dorathy Merrill Brothers Award. This award is given to recipients because of their professionalism, public service, public dedication, and enhancement to the delivery of legal services and, among other things, their engagement in significant activity on behalf of the advancement of women. Judge Christiansen fulfills these and many other qualifications with perfection. Her service to enhance the administration of justice and the delivery of legal services is unparalleled, given her dedication and significant work on the Pro Bono Commission. She is also engaged in significant activity on behalf of the advancement of women in the legal profession in Utah by her support for women lawyers and women lawyers seeking appointment to the bench. In addition, she has served as unparalleled example of legal and judicial excellence that, I'm sure, has inspired many women to follow her path. I strongly support her nomination for this award.

Kind regards,

RAY QUINNEY & NEBEKER



Robert O. Rice

ROR/mm
1398887

Christy Abad

From: Nicholas Mills [nmills@laytoncity.org]
Sent: Thursday, December 08, 2016 1:30 PM
To: Christy Abad
Subject: Nominee for the Dorathy Merrill Brothers Award

Ms. Abad,

I write with great pleasure to nominate Marlesse Jones of the Layton City Attorney's Office for the Dorathy Merrill Brothers Award. Ms. Jones works tirelessly for the advancement of Women in the Legal Profession. Ms. Jones' professionalism, dedication to enhancing the public welfare, and serving the underserved all qualify her for the award. As the father to three daughters, I am glad that they have a role model like Ms. Jones who is an example of a women who has intelligence, integrity, and compassion.

Currently, Ms. Jones serves as the Layton City Prosecutor where she personally oversees a caseload in excess of 5,500 misdemeanor and traffic cases. She has served in this position since 2011. When she began her career as the City Prosecutor, she was the only full-time City Prosecutor in Davis County. In fact, I believe she was the only woman in the county to serve as head of the prosecuting agency regardless of their full- or part-time status. She helped to pave the way for other cities in the county and across the state who have hired female attorneys as their City Prosecutor.

Ms. Jones has supervised and mentored several female law students while they work as clinicians and interns. I have personally seen her mentor, counsel, and encourage some of these fledgling lawyers. I have seen them leave these interactions not only better equipped with the technical knowledge to succeed; they have been inspired to obtain the true aims of the justice system. For example, we had a clinical intern who was wrestling with some very difficult personal choices that could impact their career long-term. This intern confided these concerns to Ms. Jones who patiently helped to guide this intern through her options. In the end, I believe that Ms. Jones' wisdom helped this intern make the correct decision for her situation.

Ms. Jones has taken a special interest in Domestic Violence offenses. She works tirelessly on DV victims behalf on several fronts. As mentioned above, she vigorously prosecutes Domestic Violence Offenders. She also regularly presents in front of the state legislature, prosecution groups, and victim advocacates. Ms. Jones broad knowledge base has benefitted victims of Domestic Violence across the state. These presentations have, doubtlessly, advanced and inspired other women to improve the legal profession. Further, Ms. Jones has been a panelist at the University of Utah on Women in the law, legal research issues, and prosecution topics. These presentations have advanced not only the concerns of the underserved and exploited; Ms. Jones' professionalism and public service have benefited women in the legal profession throughout the state.

Ms. Jones is also a qualified recipient because of the low-bono activities she performs. She regularly takes cases where she helps disabled children navigate their way through the guardianship and conservatorship process. She takes these cases at a heavy discount and donates many hours to these disabled children. She takes these cases because she has deep compassion for the disenfranchised and underprivileged. Ms. Jones service to these families at the low rate has improved their lives and fostered faith in the justice system.

I have worked with Ms. Jones for several years. I have interacted with her countless times. I cannot recall a circumstance where she has not exhibited the highest level of professionalism. She has inspired our interns. She has championed victim's rights and defended the rights of severely disabled children. I have been fortunate to interact with many attorneys both male and female; I can think of no one more deserving of this award.

THANKS,

NICHOLAS C. MILLS
Associate Attorney

Legal Department
Layton City
437 North Wasatch Drive
Layton, UT 84041

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**UTAH BAR COMMISSION MEETING
AGENDA ITEM**

13

Title: Raymond S. Uno Award Selection

Item: 2.2

Submitted by: John Baldwin

Meeting Date: January 20, 2017

ITEM/ISSUE:

To select the 2017 Raymond S. Uno Award recipient for the Advancement of Minorities in the Legal Profession.

CRITERIA:

Professionalism, Public Service, Public Dedication and Substantial Contributions to the Bar have Significantly Enhanced the Legal Profession, the Delivery of Legal Services, the Practice of Law and the Administration of Justice; Engaged in Significant Activity for the Advancements of Minorities in the Field of Law – not just Good Works; Active in the Minority Community; Active Role in the Minority Bar Association

NOMINEES:

1. Trystan Smith
2. Hon. Vernice Trease

PAST RECIPIENTS AND NOMINEES:

Past Recipients		Other Nominations That Year
2016	Reyes Aguilar, Carl Hernandez	
2015	Andrea Martinez Griffin	
2014	Janise K. Macanas	Larry EchoHawk, Douglas Matsumori
2013	Cecilia Romero	
2012	Prof. David Dominguez	S. Grace Acosta, Augustus Chin, Hakeem Ishola, Doug Matsumori, Darold J. McDade, Sean Reyes, J. Craig Swapp, Phillip Uipi, Hon. Andrew Valdez
2011	Nathan D. Alder	
2010	Trystan Smith	Carlos Esqueda
2009	Cheryl Miyuki Mori	
2008	Su Chon	
2007	Judge Glen K. Iwasaki	Judge Glen K. Iwasaki; Sean D. Reyes
2006	Mona Burton	Douglas Matsumori
2005	Cheryl D. Luke	Filia H. "Phil" Uipi
2004	Marlene Gonzalez	Barbara Melendez; Filia H. "Phil" Uipi
2003	F. John Hill	James C. Bradshaw; Gus Chin; Barbara Dickey; Marlene Gonzalez; Darold J. McDade; Mark R. Moffat
2002	Robert L. Flores	Darold J. McDade
2001	Hon. Tyrone E. Medley	Gus Chin
2000	Sherrie Hayashi	
1999	Jimi Mitsunaga	
1998	Hon. Raymond Uno	
1997	Michael N. Martinez	
1996	John Martinez	
1995	Hon. William A. Thorne, Jr.	

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X

RAY QUINNEY & NEBEKER

January 6, 2017

John Baldwin
Executive Director
Utah State Bar
645 South 200 East
Salt Lake City, Utah 84111

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Re: *Raymond S. Uno Award*

Dear John:

It is with great enthusiasm that I nominate Trystan Smith for the Raymond S. Uno Award. This award recognizes lawyers who have dedicated themselves to professionalism, public service and who have made substantial contribution to the Bar, and have, among other things, engaged in significant activity for the advancement for minorities in the field of law. Trystan exemplifies each of these qualifications (and many others) in significant ways. Trystan has been a dedicated servant of the Bar, most recently co-chairing the organizing committee for the 2016 Spring Bar Convention. In addition, he has been active in the Utah Minority Bar Association and has been outspoken on issues related to diversity in the legal profession. He is also a fine lawyer who has served as an excellent example for others who wish to succeed in the practice of law. For these reasons, I nominate Trystan for the Raymond S. Uno Award.

Kind regards,

RAY QUINNEY & NEBEKER



Robert O. Rice

ROR/mm
1398886

RAY QUINNEY & NEBEKER

January 13, 2017

Via Email (christy.abad@utahbar.org) and First Class Mail

Utah State Bar
 Attn: Christy Abad
 645 South 200 East
 Salt Lake City, UT 84111

James A. Sorenson
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Re: Nomination for Raymond S. Uno Award - Judge Vernice Trease

Dear Commissioners:

It is with great pleasure that the Utah Minority Bar Association nominates Judge Vernice Trease for the Raymond S. Uno Award for Advancement of Minorities in the Law.

Judge Vernice S. Trease was appointed to the Third District Court in November 2006 by Gov. Jon M. Huntsman, Jr. She serves Salt Lake, Summit and Tooele counties. Judge Trease graduated with a Bachelor of Arts degree in International Relations from Lewis and Clark College and received a law degree from the University of Utah College of Law in 1988. Prior to her appointment to the bench, Judge Trease served the community of Salt Lake County as a senior trial attorney, capital qualified attorney, and assistant director with the Salt Lake Legal Defenders. Judge Trease has provided remarkable service to the courts by presiding over the mental health court and serving on the Supreme Court's Advisory Committee on the Rules of Criminal Procedure, the Judicial Council's Fine/Bail Schedule Standing Committee, and is the chairperson of the Judicial Council's Court Interpreter Standing Committee. She is a recipient of the Utah Minority Bar Association Community Service Award and Women Lawyers of Utah's Woman Lawyer of the Year Award in 2012 and the Mentoring Award in 2016.

After consulting with my officers and members of the Utah Minority Bar, I have learned that Judge Trease has spent her career committed to mentoring new attorneys and in her current position, new judges. As one of Utah's only minority judges, Judge Trease is actively engaged in encouraging other women and minority attorneys to apply to the District Court. She has also served as a mentor to new judges, whose transition from lawyers to judges has been easier due to Judge Trease's assistance and guidance.

Utah State Bar
January 13, 2017
Page 2

As an assistant director at Salt Lake Legal Defenders, she mentored young lawyers, both female and male, and developed a program to assist misdemeanor attorneys in their transition to felony representation. She was also active in recruiting and hiring many women during her tenure there. Judge Trease is very active in Women Lawyers of Utah and Utah Minority Bar Association, where she provides mentorship to newer and more experienced attorneys alike.

Currently, Judge Trease serves as an original board member for the Utah Center for Legal Inclusion and is again showing her commitment to the advancement of minorities in the legal profession.

For all of these reasons, we encourage you to strongly consider Judge Trease for the 2017 Raymond S. Uno Award.

Very truly yours,



James Sorenson
President, Utah Minority Bar Association

cc: Kate Conyers (kconyers@sllda.com)
1399988

TAB
2

UTAH BAR COMMISSION MEETING AGENDA ITEM

Title: Representatives to the Utah Sentencing Commission **Item:** #2.3

Submitted by: John Baldwin

Meeting Date: January 20, 2017

ITEM/ISSUE:

The Utah State Bar is seeking a representative to serve a one-year term on the Utah Sentencing Commission. The Utah Sentencing Commission is a legislatively created body charged with establishing sentencing guidelines and developing policy recommendations regarding the sentencing and release of adult and juvenile offenders. The Sentencing Commission is comprised of 27 members representing all facets of the justice system, including judges, prosecutors, defense attorneys, legislators, victims, law enforcement, treatment specialists, corrections officials, parole authorities and others. The representative must be an attorney in private practice who is a member of the Bar and experienced in adult criminal defense. Submit resumes to Christy Abad by email at christy.abad@utahbar.org.

APPLICANTS:

1. Michael S. Edwards
2. Skye Lazaro
3. Lorenzo K. Miller
4. Camille L. Neider
5. Dale W. Sessions

PAST REPRESENTATIVES:

Rodney G. Snow	1993-1997
G. Fred Metos	1997-1999
Walter F. Budgen, Jr.	2000
Mary S. Corporon	2000-2004
Scott Daniels	2004-2008
Randy Kester	2004-2008
Mark Moffat	2009-2013
Benjamin McMurray	2009-2013
Pamela Vickrey	2014-2018
Richard P. Mauro	2014-2016

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X

Board Title	Sentencing Commission	
Department	Commission on Criminal & Juvenile Justice	
Code	63M-7-401 UCA	
Code URL	http://www.sentencing.state.ut.us	
Board URL	http://www.sentencing.state.ut.us	
Yearly Meetings	12 times per year	
Term Length	4 years	
Compensation	Per Diem And Travel Expenses	
Political Diversity	Yes	
Senate Confirmation	No	
Legislative Appointment	No	
Agency Appointment	No	
Governor Appointment	Yes	
Repealed Date		
Board Status	Active	
Contacts	Valencia, Jennifer	801-538-1031
	Gordon, Ron	801-538-1432

- Requirements**
- (1) There is created a state commission to be known as the Sentencing Commission composed of 27 members. The commission shall develop by-laws and rules in compliance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and elect its officers.
 - (2) The commission's members shall be:
 - (a) two members of the House of Representatives, appointed by the speaker of the House and not of the same political party;
 - (b) two members of the Senate, appointed by the president of the Senate and not of the same political party;
 - (c) the executive director of the Department of Corrections or a designee appointed by the executive director;
 - (d) the director of the Division of Juvenile Justice Services or a designee appointed by the director;
 - (e) the executive director of the Commission on Criminal and Juvenile Justice or a designee appointed by the executive director;
 - (f) the chair of the Board of Pardons and Parole or a designee appointed by the chair;
 - (g) the chair of the Youth Parole Authority or a designee appointed by the chair;
 - (h) two trial judges and an appellate judge appointed by the chair of the Judicial Council;
 - (i) two juvenile court judges designated by the chair of the Judicial Council;
 - (j) an attorney in private practice who is a member of the Utah State Bar, experienced in criminal defense, and appointed by the Utah Bar Commission;
 - (k) an attorney who is a member of the Utah State Bar, experienced in the defense of minors in juvenile court, and appointed by the Utah Bar Commission;
 - (l) the director of Salt Lake Legal Defenders or a designee appointed by the director;
 - (m) the attorney general or a designee appointed by the attorney general;
 - (n) a criminal prosecutor appointed by the Statewide Association of Public Attorneys;
 - (o) a juvenile court prosecutor appointed by the Statewide Association of Public Attorneys;
 - (p) a representative of the Utah Sheriff's Association appointed by the governor;
 - (q) a chief of police appointed by the governor;
 - (r) a licensed professional appointed by the governor who assists in the rehabilitation of adult offenders;
 - (s) a licensed professional appointed by the governor who assists in the rehabilitation of juvenile offenders;
 - (t) two members from the public appointed by the governor who exhibit sensitivity to the concerns of victims of crime and the ethnic composition of the population; and
 - (u) one member from the public at large appointed by the governor

Description

N/A

Positions

Board member	Type	Qualification	Original Appointment	Current Appointment	Expiration
[VACANT]	Member	(i) Juvenile Court Judge to replace Scott Johansen		N/A	3/1/2018
Anderson, Patrick	Ex-Officio	(l) SL Legal Defenders Director	11/1/2008	11/01/2008	N/A
Arbon, Chyleen A.	Member	(f) Chair of the Board of Pardons and Parole designee	4/1/2015	04/01/2015	3/31/2019
Baradaran, Shima	Member	(t) Ethnic Representative	10/1/2014	10/01/2014	9/30/2018
Barlow, Craig L.	Ex-Officio	(m) Attorney General Designee	3/1/2013	03/01/2013	N/A
Black, Craig	Member	(q) Chief of Police	5/1/2013	05/01/2013	5/1/2017
Boyden, Paul	Ex-Officio	(n) Prosecutor	7/1/1999	07/01/1999	N/A
Burke, Susan	Ex-Officio	(g) Director of Division of Youth Corrections	8/1/2011	08/01/2011	N/A
Carver, Darin	Member	(r) Licensed Professional for Adult Treatment	3/1/2014	03/01/2014	3/1/2018
Christiansen, Michele M.	Member	(h) Appellate Judge	5/1/2015	05/01/2015	10/1/2016
Cook, Rollin	Ex-Officio	(c) Executive Director of Corrections	4/1/2013	04/01/2013	N/A
Davis, Gene	Member	(b) Senate - Democrat	1/1/2013	01/01/2013	N/A
Emery, Alvin W.	Member	(g) Director of Youth Parole Authority	8/1/2013	08/01/2013	N/A
Garrett, Scott	Member	(o) Juvenile Prosecutor	2/1/2015	02/01/2015	4/1/2019
Gordon, Ron	Ex-Officio	(d) Executive Director of CCJJ	1/1/2009	01/01/2009	N/A
Hill, Rachelle	Member	(t) Victim's Representative	3/1/2014	03/01/2014	3/1/2018
King, Brian	Member	(a) House Representative - Democrat	4/1/2015	04/01/2015	4/1/2019
Low, Thomas	Member	(h) Trial Judge	3/1/2014	03/01/2014	3/1/2018
Lund, Julie	Member	(l) Juvenile Court Judge	11/1/2014	11/01/2014	10/31/2018
Mauro, Richard P.	Member	(j) Defense Attorney	4/1/2014	04/01/2014	4/1/2018
Roberts, Marc	Member	(a) House Representative - Republican	4/1/2015	04/01/2015	4/1/2019
Stirba, Peter	Member	(u) Citizen Representative	5/1/2015	05/01/2015	11/1/2017
Thatcher, Dan	Member	(b) Senate - Republican	5/1/2011	05/01/2011	5/1/2015
Tracy, James O.	Member	(p) Sheriff's Association	12/1/2014	12/01/2014	11/30/2018
Trease, Vernice	Member	(h) Trial Judge	3/1/2014	03/01/2014	3/1/2018
Vickrey, Pamela L.	Member	(k) Juvenile Defense Attorney	4/1/2014	04/01/2014	4/1/2018
Zidow, Christina N.	Member	(s) professional who assists in the rehabilitation of juvenile offenders	3/1/2014	03/01/2014	3/1/2018

Christy Abad

From: Michael S. Edwards [mike@mikeedwardslaw.com]
Sent: Friday, January 06, 2017 1:45 PM
To: Christy Abad
Subject: Utah Sentencing Commission Vacany
Attachments: Edwards Resume 2 Word.pdf

Dear Christy,

I would like to apply to be considered for the current vacancy on the Utah Sentencing Commission. I am a defense attorney in private practice. I have been in practice for over 17 years. I was a prosecutor in the past, and have been a defense attorney for many years now. My resume is attached, for your review. I believe that the breadth of my experience makes me an excellent candidate for this position. Thank you for your consideration!

Sincerely,

Michael S. Edwards

Attorney at Law, PLLC
377 Marshall Way, Suite 1-R
Layton, Utah 84041
Phone: 801-704-3444
Fax: 801-734-8440
Toll Free: 877-585-0962
www.mikeedwardslaw.com

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MICHAEL S. EDWARDS

377 Marshall Way, Suite 1-R · Layton, Utah 84041 · (801) 721-3495 · mike@mikeedwardslaw.com

MEMBERSHIPS

Utah State Bar

- Member in good standing since October 19, 1999

EMPLOYMENT

OWNER

FEBRUARY 2012-PRESENT

Michael S. Edwards, Attorney at Law, PLLC

Layton, Utah

- Private practice with a primary emphasis on criminal defense, family law and personal injury
- Public defender contract with Davis County, Utah since October 1, 2010

PARTNER

SEPTEMBER 2004-FEBRUARY 2012

Diumenti & Edwards, Inc.

Bountiful, Utah

- Private practice with a primary emphasis on family law and criminal defense
- Extensive litigation and courtroom experience in court and before administrative agencies

TRAFFIC REFEREE

MARCH 2004-JULY 2007

Utah State Courts - Second District Court

Layton & Bountiful, Utah

- Presided over initial hearings for traffic offenses in Layton and Bountiful courts
- Set bail amounts and payment schedules, recommended warrant amounts for failure to appear

ASSOCIATE ATTORNEY

SEPTEMBER 2002-SEPTEMBER 2004

Helgesen, Waterfall & Jones, P.C.

Ogden, Utah

- Private practice focused on litigating civil (primarily personal injury) and criminal cases
- Considerable experience conducting legal research, drafting documents and negotiating

DEPUTY DAVIS COUNTY ATTORNEY

SEPTEMBER 2000-SEPTEMBER 2002

Davis County Attorney's Office—Prosecution Team

Farmington, Utah

- Involved in all phases of criminal prosecution of felony and misdemeanor cases
- Assisted the special prosecution team by researching and drafting legal memoranda
- Assistant drug court prosecutor
- Extensive prosecution training, including Trial Advocacy I course at the NAC

JUDICIAL LAW CLERK

MARCH 1999-SEPTEMBER 2000

Second District Court, Davis County

Farmington, Utah

- Assisted six district court judges in all phases of criminal, civil and domestic cases
- Extensive experience in researching and writing about a variety of legal issues

RESERVE OFFICER, JUDGE ADVOCATE GENERAL'S CORPS

FEBRUARY 1992-PRESENT

Utah Army National Guard

Salt Lake City, Utah

- Former Company Commander, responsible for fifty-seven reserve soldiers in my unit
- Served as defense counsel in Operation Iraqi Freedom from January 2003-October 2003
- Recipient of Bronze Star Medal and five Army Commendation Medals
- Hold a Secret security clearance with the U.S. Government
- Training and experience with military domestic relations cases

EDUCATION

Juris Doctorate, J. Reuben Clark Law School, Provo, Utah, April 1999

- Academic Scholarship – Graduated in Top 50% of Class
- Completed Training and Internship for Mediator Certification
- Second Place – BYU Team Negotiation Competition

Bachelor of Science, Brigham Young University, Provo, Utah, August 1996

- Sociology Major (emphasis in deviance)
- *magna cum laude*, 3.86 GPA
- ROTC Merit Scholarship
- Academic Scholarship

Korean Linguist Certification, Defense Language Institute, Monterey, California, May 1993

- Honor Graduate
- Provost's Award for Academic Excellence
- Tied record for highest score on Defense Language Proficiency Test, Korean

REFERENCES

Honorable Michael G. Allphin

Second District Court
P.O. Box 769
Farmington, Utah 84025
(801) 447-3850

Honorable J.C. Ynchausti

Justice Court Judge
800 West State Street
Farmington, Utah 84025
(801) 451-4488

Honorable Thomas L. Kay

Second District Court
805 South Main
Bountiful, Utah 84010
(801) 546-2484

Honorable Glen R. Dawson

Second District Court
805 South Main
Bountiful, Utah 84010
(801) 397-7028

Major David H. Drake

United States Army
Staff Attorney
Fort Benning, Georgia
(719) 520-5875

Honorable David R. Hamilton

Second District Court
425 N. Wasatch Drive
Layton, Utah 84041
(801) 444-4310

PERSONAL

- Love spending time with my wife and five wonderful children
- Enjoy historical literature and anything in the outdoors
- Formerly an active duty Korean linguist in the Army Intelligence Corps

Christy Abad

From: Skye Lazaro [skye@lazarolegal.com]
Sent: Monday, December 12, 2016 9:47 AM
To: Christy Abad
Subject: Utah Sentencing Commission Vacancy
Attachments: Resume.lazaro.pdf

Dear Christy,

I hope this message finds you well. Please find attached my resume for consideration to fill the vacancy on the Sentencing Commission.

I am currently on the Executive Board of UACDL. I previously spent four years at the Salt Lake Legal Defenders Office and am currently in private practice handling mostly criminal matters.

Thank you in advance.

SKYE LAZARO

(801) 559-0055 • skye@lazarolegal.com

SUMMARY

Trial attorney with over seven years of achievement in criminal and civil court. Thrives in dynamic environments and quickly adapts to the ever-changing demands of the legal field. Manages a large caseload comprised of diverse and difficult clients. Demonstrates management and time management skills that have been useful for both the courtroom and the office. Exemplifies personal drive, integrity and resilience under difficult circumstances, while striving to cultivate personal and professional relationships.

Highlights

- Extensive court experience
- Dependability
- Exceptional negotiator
- Attention to detail

LEGAL EXPERIENCE

Founding Attorney Lazaro Law Group

04/2016 to current
Salt Lake City, Utah

- Managing attorney of boutique firm.
- Manages caseload of criminal defense and personal injury cases.
- Strives to meet the individual needs of clients and tailor representation so as to provide not only legal support but social service support as well.

Trial Attorney Salt Lake Legal Defender Association

07/2012 to 04/2016
Salt Lake City, Utah

- Manages caseload of between 80-120 active clients.
- Reviews between 750-1000 pages of discovery documents per week.
- Experienced in legal research and writing.
- Represented clients in over 50 jury trials.
- Makes weekly appearances in court for the law and motion calendar.

Document Review Attorney (Contract Work) Orange Legal Services

01/2012 to 04/2012
Salt Lake City, Utah

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

Associate Attorney Paul Ryan & Associates

04/2008 to 11/2011
Missoula, Montana

- One of two attorneys in a fast-paced, high-case load firm focused primarily in the practice areas of criminal defense and personal injury.
- Gained extensive courtroom experience in civil and criminal cases in state, federal and appellate courts.
- Assisted clients in social security cases, dissolution and parenting plan litigation, and corporate creation, litigation and transactions.

Trial Class Practitioner Mentor University of Montana, Andrew Blewitt III School of Law

10/2004 to 04/2005
Missoula, Montana

- Mentored second-year law students as part of the trial advocacy curriculum in preparing effective jury voir dire, opening statements, closing statements, and direct and cross examination.
- Prepared and taught a weekly class on effective trial advocacy techniques.

Law Clerk**03/2006 to 04/2008****Browning, Kaleczyc, Berry & Hoven, PC****Missoula, Montana**

- Reviewed discovery, wrote discovery requests and objections thereto, drafted motions and responses, oral argument outlines, complaints and responses to complaints in practice areas including general Civil Litigation, Hospital/Health Care Defense, Insurance Defense, Employment/Labor Litigation, Personal Injury, Premises & Product Liability, Professional Liability, Business Litigation, Civil Rights Litigation, Construction Law, and Agricultural and Environmental Litigation.

Law Clerk**08/2006 to 06/2009****Chapter 13 Bankruptcy Trustee****Missoula, Montana**

- Appeared in Federal Bankruptcy Court on behalf of Chapter 13 Bankruptcy Trustee.
- Reviewed creditor rights petitions and financial disclosures.

EDUCATION

Juris Doctor**12/2008****University of Montana, Andrew Blewitt III School of Law****Missoula, Montana**

- Phi Delta Phi
- Alternative Dispute Resolution and Mediation Focus Group
- Advanced Trial Advocacy Group
- Advanced Writing Award in Copyright, Patent & Trademark Law

Bachelor of Science: Political Science**05/2005****Minor: Organizational Communication Studies****Missoula, Montana****University of Montana**

- American Paint Horse Association Scholarship (Zone One)
- Numerous Academic Scholarships

BAR STATUS

Admitted to Montana Bar (9089)
 Admitted to US District Court, Montana
 Admitted to Ninth Circuit Court of Appeals
 Admitted to Utah Bar (14071)
 Admitted to US District Court, Utah

PROFESSIONAL AFFILIATIONS

Salt Lake County Bar Association
 Women Lawyers of Utah
 David K Watkiss-Sutherland II Inn of Court
 Aldon J. Anderson American Inn of Court
 Utah Association of Criminal Defense Lawyers (Board Member)
 National Association of Criminal Defense Lawyers

SKILLS

Civil Litigation, criminal law, corporate law, civil defense litigation, personal injury litigation, business litigation, trial lawyer, discovery, document review, manage client caseload, courtroom experience, legal writing, legal research, subpoenas, negotiation, evidence hearings, jury trials, judge trials, motion practice, Rules of Evidence, Rules of Criminal Procedure, Rules of Civil Procedure.

Christy Abad

From: Lorenzo Miller [lorenzokmiller@gmail.com]
Sent: Thursday, December 08, 2016 12:37 PM
To: Christy Abad
Subject: Vacancy On Utah Sentencing Commission
Attachments: Lorenzo Resume (Dec 2016).pdf

Christy,

I am responding to the Utah State Bar's announcement regarding the vacancy on the Utah Sentencing Commission. I am extremely interested in serving on that Commission and am submitting my resume to you for consideration for the defense attorney position. As you can see from my resume, I have extensive experience with the criminal justice system and have been involved in the system since early 1988.

During that time, I have served as in-house counsel for the Utah Department of Corrections, and I was the assistant attorney general assigned to the Utah Board of Pardons and Parole for approximately eight years. As part of that assignment, I represented the Board in court and advised the Board and its members regarding legal affairs. I also assisted the Board and its administrators in drafting their legislation, administrative rules and internal policies and procedures. I also attended the Sentencing Commission's meetings on the Board's behalf as its legal representative. Furthermore, I worked with the the Office of the Courts and the Utah Legislature to assist the judiciary and the legislature in understanding the Board's role in the criminal justice system.

Additionally, I served as one of the litigation attorney's assigned to represent the Utah Department of Corrections and its sub-agencies, including Utah Adult Probation and Parole. In that capacity, I worked closely with both Corrections and AP&P to implement and carry out the sentencing guidelines that were in effect during that period.

While still at the Utah Attorney General's Office, I spent my last two years representing the Utah Department of Public Safety and its many sub-agencies, including but not limited to the Highway Patrol, the Driver License Division, and Peace Officer Standards and Training. During that time, I was the Department's legal counsel and adviser.

After leaving the AG's Office, I spent the next 12 years in private practice as a municipal prosecutor for twelve of the cities in the Salt Lake Valley. During that time, I did municipal prosecution under contract with those various cities and was heavily involved in the justice system, serving as the vice-president and president of the Utah Municipal Prosecutors' Association and as a member of Utah's Statewide Association of Prosecutors.

Finally, in 2010 I left prosecution and government employment and opened my own criminal defense firm. I now handle criminal cases throughout the entire state, and I am very familiar with the state and municipal courts from the top of Utah to the bottom and have worked on everything from first degree felonies to infractions.

Because of my experience, I feel that I would be a valuable member to the sentencing commission and I would bring insight from all aspects of the criminal justice system.

Sincerely,

Lorenzo K Miller

Lorenzo K. Miller

12339 S. 800 E., Suite 101, Draper, UT 84020

801-758-5485

lorenzokmiller@gmail.com

EDUCATION

Juris Doctorate, J. Reuben Clark Law School, Brigham Young University, April 1990.

Member: Phi Delta Phi.

Bachelor of Science, Brigham Young University, August 1987.

Graduate Cum Laud.

Southern Utah State College, Cedar City, Utah, 1982 to 1983.

SCHOLARSHIPS HONORS & AWARDS

Lelia H. Ashley Scholarship, 1987.

Alvinas Barrett Scholarship, 1987.

Recreation Management--Leadership Scholarship, 1986-1987.

General Academic Scholarship, 1985.

LEGAL EXPERIENCE

MILLER LAW OFFICE, P.C., Owner, 2010 to Present.

Criminal Defense. Representing criminal defendants in felony and/or misdemeanor cases filed in state district and municipal courts throughout the State of Utah.

MILLER & MILLER LAW OFFICES, Partner, 1999 to 2010.

Contract prosecution for local communities in the Salt Lake Valley. Contract cities included: Bluffdale, Cottonwood Heights, Herriman, Holladay, Riverton, South Jordan, Taylorsville, and West Jordan. The firm also provided temporary contract services for Sandy and West Valley City.

**ASSISTANT ATTORNEY GENERAL, STATE OF UTAH,
Public Affairs Division, 1997 to 1999.**

Utah Department of Public Safety: Serve as in-house counsel for Utah Department of Public Safety and its executive officers and department heads, including sub-agencies and corresponding boards. Litigate all non-risk management claims against the UDPS, its sub-agencies and boards, and provide general legal services. Draft legislation and enforce administrative law.

Peace Officer Standards and Training (POST): Serve as in-house counsel and prosecute police misconduct cases before the administrative law judge. Represent the POST and the Council in all judicial proceedings, and advise the Director and the Council on legal affairs.

Driver License Division: Serve as general counsel for the Division Director and his administrative staff. Handle all litigation for injunctive relief or other non-monetary relief. Assist the Medical Advisory Board as needed.

Bureau of Criminal Identification: Serve as general counsel for the Bureau Chief and the administrative staff. Answer public concerns about expungement, conceal weapons laws, and criminal records information. Handle all litigation and assist the following boards: Concealed Weapons Review Board; Private Investigators Hearing and Licensure Board; and Bail Bond Recovery Licensure Board.

Utah Highway Patrol: Serve as general legal advisory to the chief law enforcement officer of the Patrol and handle all non-monetary court cases against the Patrol. Teach legal training for in-service requirements.

Comprehensive Emergency Management: Serve as general counsel for the Division and advise the Division on applicable state and federal laws relating to emergency management and FEMA, including the Stafford Act. Assist the following boards: Search and Rescue Advisory Board and Disaster Emergency Advisory Council.

State Fire Marshal's Office: Serve as general counsel for the State Fire Marshall and his staff and assist the boards supported by his office, including the Utah Fire Prevention Board and Liquefied Petroleum Gas Board.

Crime Victim Reparation Office: Serve as in-house counsel for the Director and his staff and represent the Office in litigation. Assist the Crime Victim Reparation Board.

Commission on Criminal and Juvenile Justice (CCJJ): Serve as general counsel and assist the Director of CCJJ on legal affairs as needed.

Governor's DUI Task Force (1998-2000).

**ASSISTANT ATTORNEY GENERAL, STATE OF UTAH,
Litigation Division, 1991 to 1997.**

Board of Pardons: Represent the Utah Board of Pardons and Parole in litigation brought against the State of Utah and the Board, including habeas corpus and other extraordinary relief proceedings

and civil rights complaints in state and federal court. Serve as the Board's legal advisor; draft proposed legislation and administrative rules; attend meeting and conferences regarding parole, pardons and commutation proceedings; answer public concern regarding the Board and its members; work with other state and local agencies on clemency matters.

Department of Corrections: Represent the Utah Department of Corrections and its employees in litigation and pre-litigation proceedings, including section 1983 claims; draft legal opinions; advise the parole and probation officers on legal issues concerning the Board and its proceedings; answer public concern.

STAFF ATTORNEY, UTAH DEPT. OF CORRECTIONS, 1990 to 1991.

**OTHER
EXPERIENCE**

**Utah Attorney General's Office, Law Clerk, 1990.
Supreme Court of Alaska, Law Clerk, 1989.
Mills, Gibson & Waite, Law Clerk, 1988 to 1991.**

LANGUAGES

English and Spanish.

Christy Abad

From: Camille Neider [camille@hntlaw.com]

Sent: Tuesday, January 03, 2017 8:22 PM

To: Christy Abad

Subject: Utah Sentencing Commission opening

Attachments: Resume 2016.pdf

To Whom it May Concern:

I am asking to be considered for the open position on the Utah Sentencing Commission. I understand the current opening is for a defense attorney with adult criminal practice experience. As you can see from my attached resume, I have been primarily involved in the criminal field for all of my 21 years of practice. Currently, I handle private criminal defense cases, most of which are in the adult system. I was previously a public defender for three years and a deputy county prosecutor for nine years.

Please let me know if you have any questions regarding this inquiry.

Sincerely,

Camille L. Neider

Camille L. Neider
Hutchison Neider, PC
204 25th Street, Suite 200
Ogden, UT 84401
801.391.7540 c.
[801.399.2889](tel:8013992889) p.
[801.399.2891](tel:8013992891) f.

Camille@hntlaw.com

Camille L. Neider

204 Historic 25th Street, Suite 200 Ogden UT 84401 Email: camille@HNTlaw.com
Office: 801.399.2889 Fax 801.399.2891 Cell 801.391.7540

EXPERIENCE:

Managing Partner, Hutchison Neider, PC, January 2007-Present

Ogden, Utah

- Manage law office specializing in criminal defense.
- Case load involves criminal matters throughout Utah.
- Supervise office staff regarding all issues of office management

Deputy Weber County Attorney, October 1998-December 2007

Ogden, Utah

- Prosecuted and managed all aspects of felony criminal cases and trials. Responsible for law and motion work, plea negotiations, preliminary hearings, suppression hearings, competency hearings, trials, sentencing and post-sentencing hearings.
- Case load involved all levels of felonies and misdemeanors including murder, aggravated sexual crimes against adults and children, property crimes, drug crimes including manufacturing, distribution crimes, and any possible enhancements including gang, habitual criminal and firearm enhancements.
- Advised and trained law enforcement on criminal legal issues.
- Provided assistance, support and advice to crime victims impacted by criminal prosecutions.

Attorney, Utah County Public Defender Association, July 1996-October 1998

Provo, Utah

- Represented indigent defendants charged with all levels of felony and misdemeanor crimes
- Managed defense responsibilities at "drug court" including program profile, screening applicants and weekly hearings with court and client.
- Supervised other attorneys and office staff regarding case assignments and coverage, division of staff responsibilities and employee benefits.

Associate Attorney, McDougal & Smith Law Offices, July 1995-July 1996

Taylorsville, Utah

- Managed civil case load involving divorce, child support modification, collection, paternity, sexual harassment, wrongful discharge, worker's compensation and personal injury.
- Prosecuted or defended client claims through depositions, independent investigation and research.
- Managed felony and misdemeanor criminal cases for private clients and as conflict counsel for Utah County Public Defender Assoc.

Assistant Lecturer, J. Reuben Clark Law School, August 1997-August 1998

Provo, Utah

- Instructed first year law students in Lawyering Skills course.
- Supervised student research and edited legal writing projects.

Clerkships

Utah County Attorney, Provo, Utah

August 1995 – January 1996

Utah County Public Defender Assoc., Provo, Utah

August-December 1994

Chambers of Michael Hill, London, England

June-July 1994

Fourth Judicial District Court, Judge Guy R. Burningham

June-August 1993

EDUCATION:

Juris Doctor, April 1995

Brigham Young University, J. Reuben Clark Law School, Provo, UT

- *National Team Director*, 1994-1995 Moot Court Board of Advocates
- *Member*, Moot Court Team, 1993-1995
- *President*, Women's Law Forum
- *Member*, A. Sherman Christensen American Inns of Court I, 1994-1995

McGeorge School of Law, University of the Pacific

- Completed Institute of Comparative Litigation at the Inner Temple, London, England
- Awarded certificate in International Legal Studies, Salzburg, Austria

Bachelor of Arts, Political Science, August 1992

Brigham Young University, Provo, Utah

- Four Year debate scholarship
- BYU Dean's Award (academic scholarship)
- Fourth place National Debate Tournament, Cross-Examination Debate Association

INTERESTS: Spending time with family, traveling, photography, skiing, and reading.

REFERENCES:

Hon. W. Brent West

2525 Grant Ave.
Ogden, UT 84401
(801)395-1136

Hon. Parley R. Baldwin

828 W. 3950 No.
Pleasant View, UT 84414
(801)814-3033
parleyrbaldwin@gmail.com

Ryan Bushell

Attorney
204 Historic 25th Street
Ogden, UT 84401
(801)612-9505
ryan@rib-law.com

Hon. Mark R. DeCaria

2525 Grant Ave.
Ogden, UT 84401
(801) 395-1156

Kristina M. Neal

Attorney Advisor
LECC/Victim Witness Staff
Executive Office for U.S. Attorneys
600 E. Street NW
Washington D.C., 20530
(202) 834-5727 or (801)388-0413
Kristina.Neal@usdoj.gov

Susan Hunt

Deputy Davis County Attorney
800 W. State Street
Farmington, UT 84025
801-673-8177
Shunt@co.davis.ut.us

Christy Abad

From: Dale Sessions [dalewsessionslaw@gmail.com]

Sent: Tuesday, November 29, 2016 11:04 AM

To: Christy Abad

Subject: Re: Utah Sentencing Commission Vacancy

Yes, I am in private practice.

Dale Sessions

On Nov 29, 2016, at 9:52 AM, Christy Abad <christy.abad@utahbar.org> wrote:

Thank you, Mr. Sessions, for your application. I will submit this to the Bar Commission for review. I just want to clarify one issue, if I may. The Sentencing Commission position we are attempting to fill does specifically require an attorney in private practice. (63M-7-401 UCA). Are you currently in private practice?

Christy

From: Dale Sessions [<mailto:dalewsessionslaw@gmail.com>]

Sent: Monday, November 28, 2016 12:19 PM

To: Christy Abad

Subject: Utah Sentencing Commission Vacancy

Dear Christy,

I attach my resume for consideration for the appointment to the Utah Sentencing Commission. I have approximately 26 years criminal defense experience in 5 counties of Southern Utah. It would be my hope to represent the perspectives of the rural areas of Utah in this assignment. Thank you in advance for your consideration.

DALE W. SESSIONS, Esquire

Attorney & Counselor at Law
1177 N. Northfield Rd. #4
Cedar City, UT 84721
Telephone (435) 233-0027
dalewsessionslaw@gmail.com

WORK EXPERIENCE:

ATTORNEY AND COUNSELOR AT LAW 1990-2016

- General Litigation Experience:*** October 1990 – 2016 While based in Cedar City, Utah, I have provided legal services in the following counties: Weber, Wayne, Garfield, Sevier, Millard, Beaver, Iron, Washington, and Kane. Service areas have included criminal, business, real estate, water law and probate.
- Public Defender Experience:*** January 1991 – 1992 Garfield County, Utah
January 2010 – 2016 Garfield County, Utah
February 1998 – January 2003 Iron County, Utah
January 2013 – December 2016 Beaver County, Utah
January 2010 – 2016 Conflict Public Defender in Iron, Beaver, and Kane counties.
- Guardian ad Litem:*** October 1990 to February 1998 State of Utah Office of Guardian ad Litem, Administrative Office of the Courts
- Judicial Experience:*** November 2004 to April 2007 Administrative Law Judge, State of Utah
Cases included workers compensation injury, employment anti-discrimination and wage claim disputes.
- Teaching Experience:*** Southern Utah University Adjunct Professor January 1994 to May 2012
Classes taught included: Business Law, Property Law, Family Law, Legal Writing and Research, Ethics and Real Estate Law. Duties included teaching in live classroom and Web-Based learning on-line.
- Current Areas of Law Practiced:*** Criminal, Family (including Divorce and DCFS litigation), Business, Probate, Trusts, Collection, Juvenile and Appeals

PROFESSIONAL EDUCATOR:

August 1983 to June 1987 in the State of Utah Public Schools

TAX EXAMINER:

January 1977 to August 1983 United States Treasury Department, Internal Revenue Service. Duties included technical writing, teaching in the Compliance Division teaching cadre, analysis of technical information using independent decision making skills, discretionary powers and evaluation of cases in light of federal tax precedent and unique occurring issues.

EDUCATION:

April 1990 Juris Doctor, Brigham Young University
August 1981 M.M., Cum Laude, Brigham Young University
June 1979 B.S., Cum Laude, Weber State College
June 1978 A.S., Cum Laude, Weber State College

ADMITTED TO PRACTICE:

All State Courts of Utah
United States District Court for the District of Utah
United States 10th Circuit Court of Appeals
United States Tax Court
Supreme Court of the United States of America

MEMBERSHIPS:

1993-1994 Past President, Southern Utah Bar Association
 2016 Top 100 Criminal Defense Lawyers, State of Utah
 American Society of Legal Advocates
 2014-2016 President, Garfield County Bar Association
 1996-2012 Member, Utah MCLE Board of Directors
 1990 – Present Member, Phi Delta Phi Legal Fraternity
 Past Member Lions Club International and Exchange Club

SPECIAL AWARDS:

Nine (9) Special Merit U. S. Treasury Awards for outstanding contribution to the mission of the U.S. Internal Revenue Service
 1988 U.S. Treasury Distinguished Service Award
 2010, 2011, 2015, 2016 Distinguished Practitioner of the Year Award
 Garfield County Bar Association
 2015 Top 100 Criminal Defense Lawyers in Utah
 American Society of Legal Advocates

PERSONAL INFORMATION:

Married to Ruth L. Sessions; 4 children; 10 grandchildren
 Interests include music, fly fishing, cooking and traveling.

PROFESSIONAL REFERENCES:

Barry Huntington, Esq., Garfield County Attorney
 PO BOX 388, Panguitch, UT 84759
 Phone: 435-676-1103

David Tibbs, Esq., Assistant Utah Attorney General
 55 S. Main #22, Manti, UT 84642
 Phone: 435-835-0760

Curt Heslington, Sargent
 Beaver County Correctional Facility
 PO BOX 391
 Beaver, UT 84713
 Phone: 435-438-6430

Lynn Cartwright, Officer
 Beaver County Sheriff's Department
 PO BOX 391
 Beaver, UT 84713
 Phone: 435-438-6447

PERSONAL REFERENCES:

Available upon request.

TAB
3

Bar Committee Succession

(2)(a) Committee Leadership Succession

It is the policy of the Utah State Bar that Bar Committees provide regular, ongoing leadership opportunities for its committee members. Committees shall have a succession plan which may be unique to that committee, but shall address leadership and succession. Suggested guidelines are that each committee should have a chair and a chair-elect. A committee chair should serve a term to be approved by the Commission, but should not exceed three (3) years. The chair-elect should be nominated by the committee membership as a whole and approved by the Commission. The chair-elect should automatically become chair of the committee upon the end of the chair's term. Committees may propose a deviation from these guidelines if factors unique to that committee justify a deviation and the basis for the deviation is set forth in the committee succession plan. Any deviations must be approved by the Commission.

TAB
4

Utah State Bar®

MEMORANDUM

TO: Executive Committee
John C. Baldwin

FROM: Elizabeth A. Wright

RE: Report Regarding Rule 5.4 and Alternative Business Structures

DATE: November 11, 2016

In furtherance of the objectives outlined by the Futures Commission, I have been asked to report to the Bar Commission summarizing the debate about allowing lawyers to share fees and partner with non-lawyers in order to increase innovation and encourage lawyers to be more client focused.

RATIONALE BEHIND RULE 5.4

Rule of Professional Conduct 5.4 prohibits lawyers from sharing fees with a non-lawyer. The fee sharing restriction in Rule 5.4 ensures that a lawyer maintains independent professional judgment and loyalty to the client. This judgment and loyalty would be compromised if a lawyer also owes duties to shareholders and/or non-lawyer partners or investors who are not bound by the Rules of Professional Conduct.

NOTE: The Limited Licensed Paralegals (LPPs) Rules of Professional Conduct and Discipline Subcommittee has recommended changes to 5.4 to allow LPPs to form partnerships and share fees with lawyers as long as LPPs do not have a controlling interest in the law firm and do not supervise lawyers. This memo addresses fee sharing and partnerships with individuals and entities other than LPPs.

ALTERNATIVE BUSINESS STRUCTURES

Proponents of lifting the 5.4 fee sharing restriction argue it will allow for the creation of alternative business structures (“ABS”) for the delivery of legal services and thereby enable lawyers to diversify the range of legal services provided and to better serve clients. Lifting the restriction will also law firms to attract new sources of investment and capital.

An additional advantage of allowing ABSs for lawyers is that it would provide a consistent and overreaching framework for the regulation of not just lawyers, but of all providers of legal services and law-related services in our jurisdiction.

ISSUE

Should the Commission empanel a committee to propose changes to Rule of Professional Conduct 5.4 in order to allow Alternative Business Structures for lawyers beyond those that would be allowed with LPPs?

ANSWER

I advise first speaking to the Court to get a sense of whether it would be open to such a radical change in our rules. If yes, Utah would be the second U.S. jurisdiction to make such a change. Washington D.C. is the only U.S. jurisdiction that allows lawyers to partner and share fees with non-lawyers. If the Court desires this change, then a committee should be empanelled to study and propose changes to Rule 5.4. The committee would be established to study fee sharing and partnerships with service providers other than LPPs such as accountants, financial planners, counselors, and investors.

ABA POSITION ON THE ISSUE

In May 2016, the ABA Commission on the Future of the Legal Profession failed to present the House of Delegates with an ABS rule because membership was vehemently opposed to the proposed ABS rule that had been sent out for comment. This was not the first time the ABA declined to propose a rule allowing ABS for lawyers. In 2012, the ABA Commission on Ethics 20/20 considered making changes to Rule 5.4 to permit non-lawyer ownership of law firms. A draft proposal to modify the non-lawyer ownership rule to be similar to Washington D.C.'s was released for public comment. The response was overwhelmingly negative and the ABA Commission declined to make any changes saying that the case for making changes had not been made.

WHAT OTHER JURISDICTIONS ARE DOING

Other jurisdictions have proposed changes to Rule 5.4 without success. In 2000, the State Bar of Arizona Task Force on the Future of the Legal Profession supported the multidisciplinary practice concept and proposed revisions to Rule 5.4. However, in 2002, the Arizona Bar Board of Governors tabled the proposal indefinitely. In 2011, North Carolina considered but did not pass a bill that would have allowed up to 49 percent non-lawyer ownership of law firms. In 2012, the New York State Bar Association Task Force on Non-lawyer Ownership recommended no changes to Rule 5.4 stating that "the absence of compelling need, empirical data, or pressure for change, combined with professionalism concerns, all militate against changing New York's position on non-lawyer ownership."

Washington D.C. Washington D.C. is the only United States jurisdiction that allows some forms of ABS for lawyers. The District of Columbia's version of Rule 5.4 permits a lawyer to practice law in a partnership or other form of organization in which non-lawyers hold a financial interest or have managerial authority if:

(1) the partnership or organization has as its sole purpose providing legal services to clients;

(2) all persons having managerial authority or holding a financial interest abide by the Rules of Professional Conduct;

(3) the lawyers who have a financial interest or managerial authority are responsible for the non-lawyers participants to the same extent as if the non-lawyers were lawyers under Rule 5.1 (Responsibilities of Partners, Managers and Supervisory Lawyers);

(4) these conditions are set forth in writing; and

(5) a person who recommends, employs, or pays the lawyer to render legal services for another to direct or regulate the lawyer's professional judgment in render legal services.

Other Common Law Jurisdictions. The United Kingdom, Canada and Australia have changed their lawyer regulatory structures to allow ABS's for lawyers. I have a collection of articles that explain ABS rules in other common law jurisdictions. A full explanation of those rules is beyond the scope of this memo. However, I will be happy to compile the articles and provide an analysis of those rules if the Commission and the Court wish to move forward with changes to Rule 5.4.

TAB
5

SUMMARY OF 2015 FUTURES COMMISSION REPORT RECOMMENDATIONS

Recommendation	Assignment	Staffing	Partnerships	Action Items	Timeline
COMPLETED					
Develop and maintain a robust online lawyer referral directory that is easily available to the public. (Futures Commission Report #1A)		Lincoln Mead; Sean Toomey		Maintenance and marketing to lawyers and public underway.	Now ongoing.
Increase the use of discrete task representation and fixed fee pricing by: (a) marketing the availability of "unbundling," (b) educating lawyers and courts on best practices for implementing these approaches, and (c) establishing an "unbundled" section for the Bar with lawyers who are willing to help clients on a fee-per-task, limited scope basis. (Futures Commission Report #1C)	Limited Scope Section	Connie Howard		The Limited Scope Section is operating and is beginning to market its work to the Bar and public.	Now ongoing.
The "Third-Year Practice Rule" should be expanded and enhanced. (Futures Commission Report #2B)			Law Schools	Approved by Court. Marketing should be planned for law students.	Now ongoing.
We considered and do not recommend creating a "diploma privilege" by waiving the Bar examination for graduates of Utah schools (Futures Commission Report #2C)				Evaluated	Done
The Supreme Court's Task Force on limited license legal technicians is currently examining the potential for people other than lawyers to meet these needs. We recommend that the Bar Commission follow that effort and assist however it can to facilitate the provisions of affordable legal services to the people of Utah. (Futures Commission Report #3D)		John Baldwin; Elizabeth Wright	Utah Supreme Court	Working with court committee to implement new LPP license.	Now ongoing.
Clarify who with the Bar, among both staff and lawyers, has the charge of leading and training Utah lawyers in the area of law practice technologies. (Futures Commission Report 4E)	Innovation and Technology Committee	Lincoln Mead		Co-chairs have been installed and additional members appointed to the new Innovation and Technology Committee and it is working on setting up monthly series of CLE's and additional events.	Completed

Promote fee-per-task delivery models in locations where lawyers can meet with client for advice in public access points like courthouses, public libraries, and community centers. (Futures Commission Report #1D)	AAA	Tyler Needham		(1) Build on Courthouse Steps project. (2) Establish pilot project in 4th District. (3) Research necessary changes to Rules 1.2, 1.5, 6.5, 7.3.	In progress
Investigate and promote providing incubators or other support for new lawyers who wish to establish practices, especially in the rural areas of Utah, to provide basic legal services to underserved clients. (Futures Commission Report #1F)	AAA	John Baldwin	Law Schools	Study in progress.	In progress
We recommend legislation to increase the jurisdictional limit for small claims court. (Futures Commission Report #3C)	AAA	John Baldwin	Utah Legislature; Sen. Todd Weiler	Bill should be reintroduced in the next session.	March 2017
Better promote, with lawyers and those needing lawyers, the numerous pro bono and modest means offerings and programs already in place throughout Utah. (Futures Commission Report #1E)	Tyler Needham	Tyler Needham	Legal Service Providers	Meet together and develop marketing. Involve Access to Justice Council.	In progress
Investigate and promote changes to licensing requirements to reflect the economic realities of multistate practices and to accommodate lawyers who live in Utah but do legal work for clients outside of Utah. (Futures Commission Report #1G)	Admissions Committee			Under review by the Bar Commission and the Admissions Committee.	In progress
The Bar and the law schools should provide more business and entrepreneurial training. (Futures Commission Report #2A)	Kate Conyers	Joni Seko; Connie Howard	U of U; BYU	(1) On December 8, 2015, Commissioners Kate Conyers and Kenyon Dove met with Assoc. Dean Lincoln Davies from the S.J. Quinney College of Law (Utah), Dean J. Gordon Smith with the J. Reuben Clark Law School (BYU), and Bar Staff Joni Seko and Connie Howard to provide action items to the Bar Commission regarding the Utah State Bar Futures Commission's recommendation.	In progress

Support Reestablishment of the Court's Access to Justice Commission. (Futures Commission Report #5)		Tyler Needham		Roundtable met. Follow up occurring.	Now ongoing.
We recommend that the Bar Commission endorse and promote increased judicial case management oversight of dockets, especially in family law and debt collection cases. (Futures Commission Report #3A)			Standing Committee on Children & Family Law	The committee is working with the courts.	Done
Promote Utah's "one stop" shop for small business registration. (Futures Commission Report #4D)	Herm Olsen; Melinda Bowen	Richard Dibblee		Staff has been working with the Division of Corporations and our website is highlighting the "one stop" link. We are working with Rep. Cutler on efforts to increase efficiencies.	Now ongoing.
Promote and maintain online CLE sessions on the business of practicing law, best uses of technology, unbundling legal services, effectively promoting services to prospective middle class and small business clients, and managing a virtual law practice. (Futures Commission Report #4A)		Lincoln Mead	Limited Scope Section and Innovation Committee	The new Section and Committee are working to further the goal.	Now ongoing.
Make all of the Bar's CLE offerings available for remote attendance and participation. (Futures Commission Report #4C)	Katie Woods	Lincoln Mead; Connie Howard	AOC	(1) The Court has approved rule changes that make remote access to CLE possible. (2) The Bar is working with courthouses to support CLE access. (3) In early 2016, make a presentation to the Commission regarding what bar associations in other states like ours (large rural land area with concentrated population centers) do to manage their CLE efforts.	Now ongoing.
IN PROGRESS					
Build and promote a consumer-focused website which, building on the online directory of lawyers, will become the key clearinghouse for clients in need of legal assistance. (Futures Commission Report #1B)	AAA	Lincoln Mead		In progress	Now starting

<p>We recommend that the Bar Commission endorse and promote simplification of court processes and redesign of court rules and procedures to better enable attorneys and clients to use limited scope representation. (Futures Commission Report #3B)</p>	<p>Limited Scope Section</p>		<p>Administrative Office of the Courts</p>	<p>(1) Talk with judges and commissioners regarding obstacles of current rules and procedures (2) Talk to services assisting pro se litigants to see what barriers there are. (3) Talk to Bar sections that have an interest in various sections. (4) Talk to OLS and other firms that provide unbundled services for recommendations of rule changes and streamlining procedures. (5) Enact a timeline for conducting interviews and recruit help, if needed. (6) Collate interview data and prepare recommendations for changes to court rules and procedures.</p> <p>In progress</p>
<p>Investigate and consider the impact of changes to Rule 5.4 of the Rules of Professional Conduct to allow non-lawyers to share fees and partner with lawyers in order to increase innovation and encourage lawyers to be more client focused. (Futures Commission Report #1H)</p>		<p>Elizabeth Wright</p>		<p>Study completed and provided to the Bar Commission.</p> <p>In progress</p>
<p>Encourage lawyers to participate in established pro bono efforts that utilize remote services delivery systems so that clients in geographically isolated areas can be helped. (Futures Commission Report #4B)</p>	<p>Katie Woods</p>	<p>Tyler Needham</p>		
<p>UNDER CONSIDERATION</p>				
<p>NOT YET ADDRESSED</p>				

TAB
6

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

DECEMBER 9, 2016

LAW AND JUSTICE CENTER

In Attendance: President Rob Rice, President-elect John Lund, Commissioners: Grace Acosta, John Bradley, Steven Burt, H. Dickson Burton, Kate Conyers, Heather Farnsworth, Mary Kay Griffin, Liisa Hancock, Michelle Mumford, Herm Olsen, Heather Thuet, and Katie Woods.

Ex-Officio Members: Dean Robert Adler, Nate Alder, Julie Emery, Jaelynn Jenkins, Noella Sudbury, Chris Wharton, Margaret Plane and Supreme Court Liaison James Ishida.

Not in Attendance: Cara Tangaro; Ex-Officio Members: Amy Fowler, Michelle Kennedy, Dean Gordon Smith, and Angelina Tsu

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: Rob Rice

1.1 Report on Fall Forum and UMBA Dinner. Rob Rice reported that both the Fall Forum and the UMBA dinner were well attended and that the Fall Forum had excellent programming. However, attendance numbers for the Fall Forum have been low two years in a row. There has not been a final recommendation from the Convention Review Committee, but it is probably best to go back to the one-day Fall Forum that has historically had excellent attendance and financial success.

1.2 Practice Portal Report. John Lund and Cara Tangaro are looking at potential desktop practice management programs that would provide on desktop portal for e-filing, docket search and billing. They have met with a consultant and Court personnel and have looked closely at two potential programs.

A company called EKR did an analysis of the Bar's website and made recommendations for improvements. The Working Group sent out some RPIs for companies to make the recommended changes. The Working Group is still exploring pricing and options. The Working Group will report back at the next meeting regarding the cost to improve the website.

1.3 Status of WIPFLI Review. Still waiting for the final report.

1.4 Announce 50 Year Pin Distribution at April Commission Meeting. Herm Olsen reported that a Logan newspaper reporter has been very interested in the project as a good way to look into the history of the practice of law. The reporter has interviewed recipients in Herm Olsen's district. The Commission discussed other ways to honor these individuals including a luncheon at the April Commission Meeting.

1.5 Status of Innovation Committee Efforts. Heather White and John Rees have met with a practice management consultant and will report at the January Commission meeting.

1.6 Announce Breakfast of Champions. Michelle Mumford reported that the Breakfast will take place on February 23, 2017 at the Alta Club. Call for nominations is ready to go out in the next bar Journal and e-bulletin.

1.7 Remote CLE Project. Appellate Court Administrator James Ishida reported that the remote CLE pilot project has been going well. Early programs were in the First and Fifth Districts. The Court is rolling out the program slowly so that glitches can be ironed out and courthouse staff can work out procedures for administering the programs on their end. There are plans to have events in other districts before implementing the program state-wide.

2. Action Items

2.1 Futures Commission Items.

2.1.1 Increased Judicial Case Management and Simplification of Family Law & Debt Collections Processes. The Domestic Case and Process Committee is a Court committee looking at issues in family law cases. The Committee has been meeting regularly since April 2016 and expects to have a report by July 2017.

2.1.2 Simplification of Court Processes, Rules and Procedures to Enable Limited Scope Representation. Virginia Sudbury is Chair of the Limited Scope Representation Section and is trying to grow a debt collection clinic and other micro participation opportunities. Rob Rice asked the AAA Task Force to report and coordinate with the Court on efforts to increase limited scope representation.

2.1.3 Changes to Licensing Requirements for Multistate Practices and Utah Lawyers Working for Out-of-State Clients. The Commission is interested in exploring the idea of a temporary practice rule pending admission to the Bar for lawyers who move to Utah from another jurisdiction. Rob asked that the Admissions, Character and Fitness and UPL Committees look at the issue.

2.2 Bar Committee Succession Planning. John Bradley and Katie Woods proposed three options for Section and Committee succession planning. The Commission preferred the option of giving Committees suggested rather than mandatory guidelines. **Heather Farnsworth moved that the Commission select the second of three options subject**

to making the language consistent with existing Bar Bylaws. Kate Conyers seconded the motion which passed unopposed.

- 2.3 Small Firm Membership Services Tour.** Grace Acosta reported that the small firm meetings that have taken place have been a tremendous success. More will take place after the New Year and she encouraged Commissioners to sign up to participate. Grace Acosta plans to organize meetings in the Fifth District in conjunction with the Spring Convention in St. George.
- 2.4 Social Media Limitations and Control Policy.** The Commission discussed the proposed policy and asked Elizabeth Wright to add a section to cover quality control and a procedure for handling controversial issues.

3. Discussion Items

- 3.1 Legislation Session Orientation.** Frank Pignanelli and Stephen Foxley presented to the Commission regarding top issues of concern to the Bar for the 2017 legislative session and explained the updated procedures for the Governmental Relations Committee's discussion of legislation.
- 3.2 Leadership Academy Graduation and Placement.** Liisa Hancock reported that the Leadership Academy has 42 applicants for the 2017 class. There are 12-14 spots available. Selection will be made in the coming weeks. Graduation for the 9 people in last year's class is still in the planning stages. Leadership Academy is working on getting graduates onto Bar committees. After a discussion regarding the Leadership Academy Board, **Michelle Mumford made a motion to have the Bar President appoint a Leadership Academy Chair for approval by the Commission along with all of the other committee and section chair appointments made in August of each year. Katie Woods seconded the motion which passed unopposed.**
- 3.3 Access to Justice in Utah Data.** David McNeill from Open Legal Services gave a presentation about the statistics of legal representation in Utah which, among other things, demonstrated the need for lawyers in rural areas of the state.

4. Information Items

- 4.1 Limited Paralegal Practitioners Client Security Fund.** Rob Rice reported that it is likely that there will be a client security fund for the Licensed Paralegal Practitioners (LPP) and flagged the issue of funding the LPP client security fund as one the Commission will have to address.
- 4.2 Licensed Lawyer & Social Media Promotion Follow Up.** Sean Toomey updated the Commission regarding his efforts to promote the Bar and Bar events on social media.

The meeting adjourned at 1:15 pm.

Consent Agenda

1. Approve Minutes from the October 21, 2016 Commission Meeting.
2. Approve Client Security Fund Report and Recommendations.
3. Approve 401(k) Plan Change to Charge Investment Advisor Fees to Former Employees Who Remain in Plan.
4. Approved an amendment to Rule 14-517 to include all lawyers employed by the Bar as subject to special rules of procedure when a complaint alleging lawyer misconduct is filed against them.

Handouts:

1. Utah State Bar Website Audit
2. Proposed Bar Committee succession planning policies.
3. Foxley & Pignanelli 2017 Strategy handout.

TAB
7

UTAH STATE BAR
Budget and Finance Committee
Highlights of the December 2016 Financial Statements

FINANCIAL STATEMENT HIGHLIGHTS

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

	Actual	Budget	Fav(unfav) \$ Variance	Fav(unfav) % Variance
YTD revenue	5,229,387	5,151,306	78,081	2%
YTD expenses	3,085,838	3,178,016	92,179	3%
YTD net profit	2,143,549	1,973,290	170,260	9%

YTD net profit is \$2.1 million, which is \$170,000 (9%) ahead of budget. YTD revenue is \$78,000 (2%) ahead of budget mainly due to higher than budgeted Licensing, CLE and Investment income. YTD expenses are \$92,000 under budget mainly due to lower Licensing, CLE and Member Services expenses.

YTD Net Profit –Cash Basis: Adding back year-to-date depreciation expense of \$113,000 and deducting capital expenditures of \$25,000, the cash basis year-to-date net profit is approximately \$89,000 higher.

Licensing: At the end of December there were 9,326 and 2,779 active and inactive attorneys, respectively, for a total of 12,105 licensed attorneys. This number is up 2.4% from last year at this time. YTD Licensing revenue is just over \$4.1 million, which is \$21,000 (1%) ahead of budget while Licensing expenses total \$44,000, which is \$15,000 (25%) below budget. The lower spending is largely the result of staffing efficiencies.

Admissions: YTD Admissions revenue is \$178,000 which is approximately \$5,500 or 3% under budget, and, \$25,000 below where it was at this time last year mainly due to lower student exam fees. It is estimated that 135 people will sit for the Feb. 2017 Bar exam compared to 152 in Feb. 2016 (an 11% decline). Admissions expenses are \$252,000, or \$2,000 (1%) over budget due to higher ExamSoft fees and admissions ceremony expenses, partially offset by lower member database expenses.

NLTP: The NLTP Program has incurred a YTD loss of \$10,000 compared to a budgeted net loss of \$1,000. The higher than anticipated loss is mainly a result of lower NLTP fees collected this year relative to budget.

OPC: OPC spending is on track for the year at \$658,000.

CLE: CLE YTD revenue is \$263,000 compared to budgeted revenue of \$194,000. CLE expenses are under budget at \$158,000 compared to budget of \$189,000. These variances mainly result from timing differences between when event revenue is collected and expenses are incurred relative to the months in which they're budgeted.

Summer Convention: Summer Convention revenue of \$189,000 was just over the \$188,000 budget. Expenses are also just below budget, but it is estimated that an additional \$10,000 in staff and overhead

UTAH STATE BAR
Budget and Finance Committee
Highlights of the December 2016 Financial Statements

expenses will be incurred throughout the remainder of the fiscal year bringing the net loss for the year closer to \$18,000.

Fall Forum: Fall Forum revenue of \$129,000 exceeded the budget of \$122,000 mainly due to higher than budgeted registration revenue. Expenses total \$157,000 compared to budgeted expenses of \$148,000 due to higher food and beverage expenses.

Member Services: Member Services revenue is \$22,000 (13%) under budget due mainly to lower than expected Bar Journal advertising revenue. Member Services expenses are also under budget due in large part to lower than budgeted advertising expenses.

Public Services: Public Services spending is on track for the year at \$251,000.

Bar Operations: Bar Operations YTD revenue is \$35,000 higher than budget mainly due to how investment income was budgeted for and the fact that it has increased compared to last year from \$20,000 to \$33,000. YTD spending is right on budget with some areas being over budget (travel, food and beverages for staff and Commissioners attending the Summer Convention) and some areas being under budget (lower spending on salaries/benefits, database maintenance expenses, and outside consultants).

Facilities: Revenue from facilities usage continues to decline compared to prior years and is \$22,000 or 16% below budget thus far this year due to fewer events taking place at the Law & Justice Center. Likewise, YTD expenses are \$14,000 under budget as a result of fewer events. Below is a summary of facility usage by event type for the first four months of this year compared to the last two years:

Event Type	YTD through December 31		
	FY17	FY16	FY15
Outside groups:			
Commercial	23	30	5
Educational	23	50	55
Governmental/regulatory	7	34	62
NFP	127	132	181
Other	-	-	-
Total outside groups	180	246	303
CLE events	52	29	46
Section events	83	78	108
MCLE	1	2	1
Total excluding internal/committees	316	355	458
<i>Decline compared to prior year</i>	<i>-11%</i>	<i>-22%</i>	
Committees/internal events	284	324	301
Total events	600	679	759
<i>Decline compared to prior year</i>	<i>-12%</i>	<i>-11%</i>	

Utah State Bar Income Statement December 31, 2016

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
Licensing	4,084,996	4,112,426	4,091,254	21,172	101%	4,219,089	97%
Admissions	203,010	178,081	183,551	(5,470)	97%	478,106	37%
NLTP	39,000	33,193	41,542	(8,349)	80%	85,000	39%
OPC	1,224	7,126	769	6,357	927%	12,000	59%
CLE	181,689	263,392	193,718	69,674	136%	566,000	47%
Summer Convention	194,014	188,512	188,000	512	100%	188,000	100%
Fall Forum	118,705	129,261	122,018	7,243	106%	124,150	104%
Spring Convention	7,500	3,823	5,082	(1,259)	-	128,000	3%
Member Services	87,810	151,967	174,300	(22,333)	87%	241,027	63%
Public Services	8,760	5,860	8,781	(2,921)	67%	21,747	27%
Bar Operations	31,769	44,519	9,095	35,424	489%	63,535	70%
Facilities	118,767	111,227	133,196	(21,969)	84%	308,442	36%
Total Revenue	5,077,244	5,229,387	5,151,306	78,081	102%	6,435,096	81%
Expenses							
Licensing	53,419	43,683	58,221	14,538	75%	110,732	39%
Admissions	241,674	251,935	250,382	(1,553)	101%	481,145	52%
NLTP	40,015	43,062	42,831	(231)	101%	87,053	49%
OPC	627,785	665,150	659,375	(5,775)	101%	1,336,238	50%
CLE	187,806	158,138	189,477	31,339	83%	513,282	31%
Summer Convention	208,627	196,374	197,334	960	100%	212,766	92%
Fall Forum	165,299	156,829	147,958	(8,871)	106%	150,462	104%
Spring Convention	13,708	9,108	14,251	5,143	64%	118,917	8%
Member Services	290,719	287,628	325,881	38,253	88%	692,407	42%
Public Services	253,237	256,688	261,998	5,310	98%	463,948	55%
Bar Operations	726,777	774,944	774,327	(617)	100%	1,570,151	49%
Facilities	238,465	242,300	255,982	13,682	95%	560,681	43%
Total Expenses	3,047,531	3,085,838	3,178,016	92,179	97%	6,297,782	49%
Net Profit (Loss)	\$ 2,029,713	\$ 2,143,549	\$ 1,973,290	\$ 170,260	109%	\$ 137,314	1561%
Depreciation	108,605	113,451	115,702	2,251	98%	242,215	
Cash increase (decrease) from operations	2,138,318	2,257,000	2,088,992	168,009	108%	379,529	
Changes in operating assets/liabilities	(2,324,102)	(2,354,872)	(2,354,872)	-	100%	20,000	
Capital expenditures	(36,739)	(24,552)	(92,000)	67,448	27%	(184,000)	
Net change in cash	\$ (222,522)	\$ (122,424)	\$ (357,881)	\$ 235,457	34%	\$ 215,529	-57%

Utah State Bar Licensing December 31, 2016

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4010 · Section/Local Bar Support fees	19,878	16,580	19,195	(2,615)	86%	20,367	81%
4021 · Lic Fees > 3 Years	3,365,520	3,428,410	3,416,997	11,413	100%	3,456,892	99%
4022 · Lic Fees < 3 Years	258,460	227,360	241,831	(14,471)	94%	265,924	85%
4023 · Lic Fees - House Counsel	21,110	25,075	20,005	5,070	125%	22,715	110%
4025 · Pro Hac Vice Fees	37,250	27,000	35,479	(8,479)	76%	71,910	38%
4026 · Lic Fees - Inactive/FS	106,700	111,625	107,209	4,416	104%	107,661	104%
4027 · Lic Fees - Inactive/NS	195,830	206,780	196,892	9,888	105%	200,578	103%
4029 · Prior Year Lic Fees	-	2,160	-	2,160	-	2,096	103%
4030 · Certs of Good Standing	11,200	11,530	11,371	159	101%	23,950	48%
4095 · Miscellaneous Income	928	1,106	1,087	19	102%	1,996	55%
4096 · Late Fees	68,120	54,800	41,188	13,612	133%	45,000	122%
Total Revenue	4,084,996	4,112,426	4,091,254	21,172	101%	4,219,089	97%
Expenses							
Program Services	-	-	-	-	-	-	-
Salaries & Benefits	33,032	24,415	36,263	11,848	67%	61,955	39%
General & Administrative	17,558	16,348	18,986	2,638	86%	42,616	38%
Building Overhead	2,829	2,921	2,972	51	98%	6,161	47%
Total Expenses	53,419	43,683	58,221	14,538	75%	110,732	39%
Net Profit (Loss)	\$ 4,031,578	\$ 4,068,743	\$ 4,033,033	\$ 35,710	101%	\$ 4,108,357	99%

Utah State Bar Admissions December 31, 2016

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4001 · Admissions - Student Exam Fees	37,175	24,550	37,852	(13,302)	65%	164,640	15%
4002 · Admissions - Attorney Exam Fees	35,320	34,400	31,472	2,928	109%	67,492	51%
4003 · Admissions - Retake Fees	36,100	36,250	27,769	8,481	131%	48,000	76%
4004 · Admissions - Laptop Fees	25,200	21,150	24,148	(2,998)	88%	70,000	30%
4005 · Admissions - Application Forms	-	-	-	-	-	-	-
4006 · Transfer App Fees	18,500	500	600	(100)	83%	1,000	50%
4008 · Attorney - Motion	23,500	37,650	38,970	(1,320)	97%	76,002	50%
4009 · House Counsel	10,200	11,050	9,283	1,767	119%	14,700	75%
4095 · Miscellaneous Income	865	931	508	423	183%	1,273	73%
4096 · Late Fees	16,150	11,600	12,949	(1,349)	-	34,999	33%
Total Revenue	203,010	178,081	183,551	(5,470)	97%	478,106	42%
Expenses							
Program Services	74,092	85,591	77,622	(7,969)	110%	129,284	66%
Salaries & Benefits	144,358	147,214	149,361	2,147	99%	303,468	49%
General & Administrative	18,401	14,151	18,320	4,169	77%	37,893	37%
Building Overhead	4,824	4,980	5,079	99	98%	10,500	47%
Total Expenses	241,674	251,935	250,382	(1,553)	101%	481,145	52%
Net Profit (Loss)	\$ (38,664)	\$ (73,854)	\$ (66,831)	\$ (7,023)	111%	\$ (3,039)	2430%

Utah State Bar NLTP

December 31, 2016

Revenue		Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
4020 · NLTP Fees		39,000	35,550	41,542	(5,992)	86%	85,000	42%
4095 · Miscellaneous Income		-	-	-	-	-	-	-
4096 · Late Fees		-	-	-	-	-	-	-
4200 · Seminar Profit/Loss		-	(2,357)	-	(2,357)	-	-	-
Total Revenue		39,000	33,193	41,542	(8,349)	80%	85,000	39%
Expenses								
Program Services		3,458	2,865	3,610	746	79%	6,800	42%
Salaries & Benefits		31,654	34,030	33,926	(105)	100%	68,629	50%
General & Administrative		1,951	3,121	2,185	(936)	143%	5,198	60%
Building Overhead		2,951	3,047	3,110	63	98%	6,426	47%
Total Expenses		40,015	43,062	42,831	(231)	101%	87,053	49%
Net Profit (Loss)		\$ (1,015)	\$ (9,870)	\$ (1,289)	\$ (8,581)	766%	\$ (2,053)	481%

Utah State Bar OPC

December 31, 2016

		Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue								
4095 · Miscellaneous Income	1,224	1,430	769	661	186%		2,000	72%
4200 · Seminar Profit/Loss	-	5,696	-	5,696	-		10,000	57%
Total Revenue	1,224	7,126	769	6,357	927%		12,000	59%
Expenses								
Program Services	11,972	20,164	9,569	(10,595)	211%		23,196	87%
Salaries & Benefits	534,665	553,389	564,104	10,715	98%		1,134,901	49%
General & Administrative	38,752	47,829	41,076	(6,753)	116%		85,852	56%
Building Overhead	42,395	43,768	44,626	858	98%		92,289	47%
Total Expenses	627,785	665,150	659,375	(5,775)	101%		1,336,238	50%
Net Profit (Loss)	\$ (626,561)	\$ (658,024)	\$ (658,606)	\$ 582	100%		\$ (1,324,238)	50%

Utah State Bar CLE December 31, 2016

Revenue
 4051 · Meeting - Registration
 4052 · Meeting - Sponsor Revenue
 4053 · Meeting - Vendor Revenue
 4054 · Meeting - Material Sales
 4055 · Meeting - Sp Ev Registration
 4081 · CLE - Registrations
 4082 · CLE - Video Library Sales
 4083 · CLE - Material Sales
 4084 · Business Law Book Sales
 4095 · Miscellaneous Income
 4200 · Seminar Profit/Loss
 Total Revenue

Expenses
 Program Services
 Salaries & Benefits
 General & Administrative
 Building Overhead
 Total Expenses

Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
-	-	-	-	-	-	-
4,500	11,250	1,460	9,790	771%	14,000	80%
-	-	-	-	-	-	-
15	-	-	-	-	-	-
-	-	-	-	-	-	-
134,878	159,793	130,293	29,500	123%	450,000	36%
43,488	72,268	62,546	9,722	116%	100,000	72%
-	-	-	-	-	-	-
-	8,856	-	8,856	-	12,000	74%
-	9,050	-	9,050	-	-	-
(1,192)	2,175	(581)	2,756	-374%	(10,000)	-22%
181,689	263,392	193,718	69,674	136%	566,000	47%
96,524	60,199	90,627	30,428	66%	290,811	21%
57,362	56,181	60,689	4,508	93%	127,014	44%
22,631	29,935	26,787	(3,148)	112%	71,336	42%
11,288	11,823	11,374	(449)	104%	24,121	49%
187,806	158,138	189,477	31,339	83%	513,282	31%
\$ (6,117)	\$ 105,254	\$ 4,241	\$ 101,013	2482%	\$ 52,718	200%

Net Profit (Loss)

Utah State Bar Summer Convention December 31, 2016

Revenue		Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
4051 · Meeting - Registration		160,938	156,112	156,000	112	100%	156,000	100%
4052 · Meeting - Sponsor Revenue		18,650	20,000	18,000	2,000	111%	18,000	111%
4053 · Meeting - Vendor Revenue		11,500	10,600	11,000	(400)	96%	11,000	96%
4054 · Meeting - Material Sales		-	-	-	-	-	-	-
4055 · Meeting - Sp Ev Registration		2,926	1,800	3,000	(1,200)	60%	3,000	60%
4095 · Miscellaneous Income		-	-	-	-	-	-	-
Total Revenue		194,014	188,512	188,000	512	100%	188,000	100%
Expenses								
Program Services		173,693	167,166	162,606	(4,560)	103%	164,200	102%
Salaries & Benefits		22,069	13,957	20,239	6,282	69%	32,398	43%
General & Administrative		11,685	14,032	13,247	(785)	106%	13,599	103%
Building Overhead		1,180	1,219	1,242	23	98%	2,569	47%
Total Expenses		208,627	196,374	197,334	960	100%	212,766	92%
Net Profit (Loss)		\$ (14,613)	\$ (7,862)	\$ (9,334)	\$ 1,472	84%	\$ (24,766)	32%

Utah State Bar Fall Forum December 31, 2016

		Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue								
4051 · Meeting - Registration	93,955	106,861	87,568	19,293	122%		89,700	119%
4052 · Meeting - Sponsor Revenue	15,000	10,000	20,000	(10,000)	50%		20,000	50%
4053 · Meeting - Vendor Revenue	9,600	12,025	14,450	(2,425)	83%		14,450	83%
4054 · Meeting - Material Sales	-	-	-	-	-		-	-
4055 · Meeting - Sp Ev Registration	150	375	-	375	-		-	-
4095 · Miscellaneous Income	-	-	-	-	-		-	-
Total Revenue	118,705	129,261	122,018	7,243	106%		124,150	104%
Expenses								
Program Services	138,389	131,943	112,500	(19,443)	117%		112,500	117%
Salaries & Benefits	10,425	11,318	11,952	634	95%		13,106	86%
General & Administrative	15,304	12,349	22,263	9,914	55%		22,286	55%
Building Overhead	1,180	1,219	1,243	24	98%		2,570	47%
Total Expenses	165,299	156,829	147,958	(8,871)	106%		150,462	104%
Net Profit (Loss)	\$ (46,594)	\$ (27,568)	\$ (25,940)	\$ (1,628)	106%		\$ (26,312)	105%

Utah State Bar Spring Convention December 31, 2016

		Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue								
4051 · Meeting - Registration	2,150	1,123	-	1,123	-		102,000	1%
4052 · Meeting - Sponsor Revenue	2,650	-	2,498	(2,498)	0%		14,000	0%
4053 · Meeting - Vendor Revenue	2,700	2,700	2,584	116	104%		10,000	27%
4054 · Meeting - Material Sales	-	-	-	-	-		-	-
4055 · Meeting - Sp Ev Registration	-	-	-	-	-		2,000	0%
4095 · Miscellaneous Income	-	-	-	-	-		-	-
Total Revenue	7,500	3,823	5,082	(1,259)	75%		128,000	3%
Expenses								
Program Services	7,258	2,203	7,422	5,219	30%		91,021	2%
Salaries & Benefits	3,995	4,510	4,279	(231)	105%		16,556	27%
General & Administrative	1,273	1,175	1,307	132	90%		8,770	13%
Building Overhead	1,180	1,219	1,243	24	98%		2,570	47%
Total Expenses	13,708	9,108	14,251	5,143	64%		118,917	8%
Net Profit (Loss)	\$ (6,208)	\$ (5,285)	\$ (9,169)	\$ 3,884	58%		\$ 9,083	-58%

Utah State Bar
Member Services
(Bar Journal, Member Benefits, Section Support, Legislative, Public Education & YLD)
December 31, 2016

		Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue								
4010 · Section/Local Bar Support fees	-	80,437	84,000	(3,563)	96%	85,000	95%	
4052 · Meeting - Sponsor Revenue	-	1,000	-	1,000	-	1,000	100%	
4061 · Advertising Revenue	82,413	65,603	84,364	(18,761)	78%	145,000	45%	
4062 · Subscriptions	150	30	150	(120)	20%	150	20%	
4071 · Mem Benefits - Lexis	1,881	833	2,384	(1,551)	35%	3,438	24%	
4072 · Royalty Inc - Bar J, MBNA, LM,M	3,366	4,064	3,402	662	119%	6,439	63%	
4081 · CLE - Registrations	-	-	-	-	-	-	-	
4093 · Law Day Revenue	-	-	-	-	-	-	-	
4095 · Miscellaneous Income	-	-	-	-	-	-	-	
4200 · Seminar Profit/Loss	-	-	-	-	-	-	-	
Total Revenue	87,810	151,967	174,300	(22,333)	87%	241,027	63%	
Expenses								
Program Services	115,950	125,350	133,711	8,361	94%	284,502	44%	
Salaries & Benefits	90,834	93,835	94,094	259	100%	193,837	48%	
General & Administrative	73,624	57,629	87,702	30,073	66%	191,988	30%	
Building Overhead	10,311	10,814	10,374	(440)	104%	22,080	49%	
Total Expenses	290,719	287,628	325,881	38,253	88%	692,407	42%	
Net Profit (Loss)		\$ (202,909)	\$ (135,661)	\$ (151,581)	\$ 15,920	\$ (451,380)	30%	

Utah State Bar
Public Services
(Committees, Consumer Assistance, Access to Justice, Tuesday Night Bar)
December 31, 2016

							Total	YTD % of
							Budget	Tot Budget
Revenue							-	-
	4010 · Section/Local Bar Support fees	-	-	-	-	-	-	-
	4063 · Modest Means revenue	8,750	5,850	8,779	(2,929)	67%	16,000	37%
	4093 · Law Day Revenue	-	-	-	-	-	5,737	0%
	4095 · Miscellaneous Income	10	10	2	8	500%	10	100%
	4200 · Seminar Profit/Loss	-	-	-	-	-	-	-
Total Revenue		8,760	5,860	8,781	(2,921)	67%	21,747	27%
Expenses								
	Program Services	94,823	100,224	103,889	3,665	96%	143,189	70%
	Salaries & Benefits	127,697	127,700	135,311	7,611	94%	270,119	47%
	General & Administrative	21,293	19,035	12,877	(6,158)	148%	30,127	63%
	Building Overhead	9,423	9,728	9,921	193	98%	20,513	47%
	Total Expenses	253,237	256,688	261,998	5,310	98%	463,948	55%
Net Profit (Loss)		\$ (244,477)	\$ (250,828)	\$ (253,217)	\$ 2,389	99%	\$ (442,201)	57%

Utah State Bar
Bar Operations
(Bar Management, General Counsel, IT, Commission/Special Projects)
December 31, 2016

Revenue		Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
4031 · Enhanced Web Revenue		-	-	-	-	-	-	-
4052 · Meeting - Sponsor Revenue		-	-	1,326	(1,326)	0%	2,652	0%
4060 · E-Filing Revenue		10,973	10,266	10,649	(383)	96%	20,000	51%
4103 · In - Kind Revenue - UDR		332	591	301	290	196%	825	72%
4095 · Miscellaneous Income		483	561	244	317	230%	898	62%
Investment Income		19,981	33,102	(3,425)	36,527	-966%	39,160	51%
Total Revenue		31,769	44,519	9,095	35,424	489%	63,535	50%
Expenses								
Program Services		97,153	133,698	92,926	(40,772)	144%	218,451	61%
Salaries & Benefits		468,087	507,798	526,306	18,508	96%	1,089,568	47%
General & Administrative		137,412	107,353	129,917	22,564	83%	208,338	52%
In Kind		332	1,533	142	(1,391)	1079%	2,001	77%
Building Overhead		23,793	24,563	25,036	473	98%	51,793	47%
Total Expenses		726,777	774,944	774,327	(617)	100%	1,570,151	49%
Net Profit (Loss)		\$ (695,008)	\$ (730,424)	\$ (765,232)	\$ 34,808	95%	\$ (1,506,616)	48%

Utah State Bar Facilities December 31, 2016

Revenue		Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
4039 · Room Rental-All parties		55,311	51,707	59,233	(7,526)	87%	131,599	39%
4042 · Food & Beverage Rev-All Parties		53,401	47,178	62,756	(15,578)	75%	150,906	31%
4043 · Setup & A/V charges-All parties		1,020	1,435	1,354	81	106%	4,230	34%
4090 · Tenant Rent		9,030	10,836	9,850	986	110%	21,670	50%
4095 · Miscellaneous Income		4	71	3	68	2353%	37	191%
Total Revenue		118,767	111,227	133,196	(21,969)	84%	308,442	36%
Expenses								
Program Services		53,398	44,485	63,066	18,581	71%	149,428	30%
Salaries & Benefits		65,427	72,417	66,145	(6,272)	109%	138,976	52%
General & Administrative		(808)	2,707	543	(2,164)	499%	6,494	42%
In Kind		10,321	8,774	10,950	2,176	80%	26,532	33%
Building Overhead		110,127	113,917	115,278	1,361	99%	239,251	48%
Total Expenses		238,465	242,300	255,982	13,682	95%	560,681	43%
Net Profit (Loss)		\$ (119,698)	\$ (131,073)	\$ (122,786)	\$ (8,287)	107%	\$ (252,239)	52%

Utah State Bar
Income Statement - Consolidated By Account
December 31, 2016

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4001 · Admissions - Student Exam Fees	37,175	24,550	37,852	(13,302)	65%	164,640	15%
4002 · Admissions - Attorney Exam Fees	35,320	34,400	31,472	2,928	109%	67,492	51%
4003 · Admissions - Retake Fees	36,100	36,250	27,769	8,481	131%	48,000	76%
4004 · Admissions - Laptop Fees	25,200	21,150	24,148	(2,998)	88%	70,000	30%
4005 · Admissions - Application Forms	-	-	-	-	-	-	-
4006 · Transfer App Fees	18,500	500	600	(100)	83%	1,000	50%
4008 · Attorney - Motion	23,500	37,650	38,970	(1,320)	97%	76,002	50%
4009 · House Counsel	10,200	11,050	9,283	1,767	119%	14,700	75%
4010 · Section/Local Bar Support fees	19,878	97,017	103,195	(6,178)	94%	105,367	92%
4020 · NLTP Fees	39,000	35,550	41,542	(5,992)	86%	85,000	42%
4021 · Lic Fees > 3 Years	3,365,520	3,428,410	3,416,997	11,413	100%	3,456,892	99%
4022 · Lic Fees < 3 Years	258,460	227,360	241,831	(14,471)	94%	265,924	85%
4023 · Lic Fees - House Counsel	21,110	25,075	20,005	5,070	125%	22,715	110%
4025 · Pro Hac Vice Fees	37,250	27,000	35,479	(8,479)	76%	71,910	38%
4026 · Lic Fees - Inactive/FS	106,700	111,625	107,209	4,416	104%	107,661	104%
4027 · Lic Fees - Inactive/NS	195,830	206,780	196,892	9,888	105%	200,578	103%
4029 · Prior Year Lic Fees	-	2,160	-	2,160	-	2,096	103%
4030 · Certs of Good Standing	11,200	11,530	11,371	159	101%	23,950	48%
4031 · Enhanced Web Revenue	-	-	-	-	-	-	-
4039 · Room Rental-All parties	55,311	51,707	59,233	(7,526)	87%	131,599	39%
4042 · Food & Beverage Rev-All Parties	53,401	47,178	62,756	(15,578)	75%	150,906	31%
4043 · Setup & A/V charges-All parties	1,020	1,435	1,354	81	106%	4,230	34%
4051 · Meeting - Registration	257,043	264,096	243,568	20,528	108%	347,700	76%
4052 · Meeting - Sponsor Revenue	40,800	42,250	43,284	(1,034)	98%	69,652	61%
4053 · Meeting - Vendor Revenue	23,800	25,325	28,034	(2,709)	90%	35,450	71%
4054 · Meeting - Material Sales	15	-	-	-	-	-	-
4055 · Meeting - Sp Ev Registration	3,076	2,175	3,000	(825)	73%	5,000	44%
4060 · E-Filing Revenue	10,973	10,266	10,649	(383)	96%	20,000	51%
4061 · Advertising Revenue	82,413	65,603	84,364	(18,761)	78%	145,000	45%
4062 · Subscriptions	150	30	150	(120)	20%	150	20%
4063 · Modest Means revenue	8,750	5,850	8,779	(2,929)	67%	16,000	37%
4071 · Mem Benefits - Lexis	1,881	833	2,384	(1,551)	35%	3,438	24%
4072 · Royalty Inc - Bar J, MBNA, LM,M	3,366	4,064	3,402	662	119%	6,439	63%
4081 · CLE - Registrations	134,878	159,793	130,293	29,500	123%	450,000	36%
4082 · CLE - Video Library Sales	43,488	72,268	62,546	9,722	116%	100,000	72%
4083 · CLE - Material Sales	-	-	-	-	-	-	-
4084 · Business Law Book Sales	-	8,856	-	8,856	-	12,000	74%
4090 · Tenant Rent	9,030	10,836	9,850	986	110%	21,670	50%
4093 · Law Day Revenue	-	-	-	-	-	5,737	0%
4095 · Miscellaneous Income	3,515	13,159	2,613	10,546	504%	6,214	212%
4096 · Late Fees	84,270	66,400	54,137	12,263	123%	79,999	83%
4103 · In - Kind Revenue - UDR	332	591	301	290	196%	825	72%
4200 · Seminar Profit/Loss	(1,192)	5,514	(581)	6,095	-949%	-	-
Investment income	19,981	33,102	(3,425)	36,527	-966%	39,160	85%
Total Revenue	5,077,244	5,229,387	5,151,306	78,081	102%	6,435,096	81%
Program Service Expenses							
5001 · Meeting Facility-external only	40,171	27,009	27,173	164	99%	56,419	48%
5002 · Meeting facility-internal only	30,970	29,962	29,012	(950)	103%	67,568	44%
5013 · ExamSoft	14,205	16,148	14,144	(2,004)	114%	22,000	73%
5014 · Questions	32,677	33,725	33,926	201	99%	52,000	65%
5015 · Investigations	-	125	102	(23)	123%	1,704	7%
5016 · Credit Checks	937	878	899	21	98%	2,500	35%
5017 · Medical Exam	183	2,400	800	(1,600)	300%	800	300%
5025 · Temp Labor/Proctors	3,400	3,300	3,344	44	99%	6,000	55%
5030 · Speaker Fees & Expenses	26,698	38,667	68,820	30,153	56%	93,962	41%

Utah State Bar
Income Statement - Consolidated By Account
December 31, 2016

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
5031 · Speaker Reimb. - Receipt Req'd	2,118	2,482	-	(2,482)	-	9,168	27%
5035 · Awards	1,232	1,893	1,143	(750)	166%	3,128	61%
5037 · Grants/ contributions - general	13,491	2,750	13,510	10,760	20%	20,964	13%
5040 · Witness & Hearing Expense	2,349	9,225	529	(8,696)	1744%	1,749	527%
5041 · Process Serving	2,081	530	1,049	519	50%	1,200	44%
5042 · Operations Audit	-	-	-	-	-	30,000	0%
5045 · Bar Anniversary	-	6	-	(6)	-	-	-
5046 · Court Reporting	325	-	400	400	0%	400	0%
5047 · Casemaker	40,618	33,474	35,022	1,548	96%	71,000	47%
5055 · Legislative Expense	-	22,684	21,000	(1,684)	108%	42,000	54%
5060 · Program Special Activities	4,322	75	5,966	5,891	1%	9,448	1%
5061 · LRE - Bar Support	65,000	65,000	65,000	-	100%	65,000	100%
5062 · Law Day	-	1,000	-	(1,000)	-	12,353	8%
5063 · Special Event Expense	4,826	14,479	9,050	(5,429)	160%	14,000	103%
5064 · MCLE Fees Paid	16,028	16,132	13,913	(2,219)	116%	32,900	49%
5070 · Equipment Rental	25,113	45,542	25,906	(19,636)	176%	43,424	105%
5075 · Food & Bev-external costs only	296,539	243,992	215,527	(28,465)	113%	432,542	56%
5076 · Food & beverage - internal only	29,362	29,010	28,717	(293)	101%	67,993	43%
5079 · Soft Drinks	6,383	4,369	6,655	2,286	66%	13,473	32%
5085 · Misc. Program Expense	3,323	5,537	3,867	(1,670)	143%	10,211	54%
5090 · Commission Expense	14,646	14,245	13,615	(630)	105%	25,000	57%
5095 · Wills for Heroes	-	-	1,400	1,400	0%	2,500	0%
5096 · UDR Support	-	10,000	10,000	-	100%	10,000	100%
5099 · Blomquist Hale	36,992	36,976	37,507	531	99%	75,000	49%
5702 · Travel - Lodging	15,464	26,892	20,525	(6,367)	131%	39,534	68%
5703 · Travel - Transportation/Parking	3,211	13,664	8,535	(5,129)	160%	19,153	71%
5704 · Travel - Mileage Reimbursement	8,572	4,103	6,116	2,013	67%	12,330	33%
5705 · Travel - Per Diems	3,094	2,135	3,694	1,560	58%	7,134	30%
5706 · Travel - Meals	-	493	272	(221)	181%	550	90%
5707 · Travel - Commission Mtgs	24,439	31,683	27,500	(4,183)	115%	36,736	86%
5805 · ABA Annual Meeting	6,639	3,928	4,499	571	87%	12,599	31%
5810 · ABA Mid Year Meeting	1,788	3,162	369	(2,793)	-	14,051	23%
5815 · Commission/Education	-	15,390	6,550	(8,840)	235%	9,900	155%
5820 · ABA Annual Delegate	4,046	6,769	5,214	(1,555)	130%	11,004	62%
5830 · Western States Bar Conference	-	8,690	-	(8,690)	-	10,000	87%
5840 · President's Expense	11,432	9,246	9,000	(246)	103%	18,000	51%
5841 · President's Reimbursement	4,120	94	2,329	2,235	4%	5,000	2%
5850 · Leadership Academy	3,215	300	13,000	12,700	2%	20,000	2%
5855 · Bar Review	-	330	4,000	3,670	8%	8,000	4%
5865 · Retreat	29,840	21,388	15,000	(6,388)	143%	15,000	143%
5960 · Overhead Allocation - Seminars	-	-	7,630	7,630	0%	1,261	0%
5970 · Event Revenue Sharing - 3rd Pty	36,860	14,007	35,319	21,312	40%	76,724	18%
Total Program Service Expenses	866,711	873,888	857,548	(16,340)	102%	1,613,382	54%
Salaries & Benefit Expenses							
5510 · Salaries/Wages	1,254,307	1,290,937	1,321,489	30,552	98%	2,662,648	48%
5605 · Payroll Taxes	87,789	90,276	93,529	3,253	97%	196,265	46%
5610 · Health Insurance	107,839	101,561	118,586	17,025	86%	250,653	41%
5630 · Dental Insurance	7,212	7,910	7,852	(58)	101%	15,958	50%
5640 · Life & LTD Insurance	8,816	8,849	10,914	2,065	81%	18,013	49%
5645 · Workman's Comp Insurance	1,957	1,637	1,828	191	90%	3,292	50%
5650 · Retirement Plan Contributions	111,023	120,279	134,685	14,406	89%	265,165	45%
5655 · Retirement Plan Fees & Costs	5,499	5,871	6,339	468	93%	24,832	24%
5660 · Training/Development	5,165	19,944	7,447	(12,497)	268%	13,701	146%
66000 · Payroll Expenses	0	0	-	(0)	-	-	-
Total Salaries & Benefit Expenses	1,589,606	1,647,263	1,702,669	55,406	97%	3,450,527	46%

Utah State Bar
Income Statement - Consolidated By Account
December 31, 2016

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
General & Administrative Expenses							
7025 · Office Supplies	12,778	9,875	13,823	3,948	71%	26,706	37%
7033 · Operating Meeting Supplies	10,783	10,919	10,670	(249)	102%	22,001	50%
7035 · Postage/Mailing, net	36,883	26,323	38,937	12,614	68%	69,842	38%
7040 · Copy/Printing Expense	95,644	88,798	89,739	941	99%	177,481	50%
7040 · Copy/Printing Expense - Other	-	-	-	-	-	-	-
7041 · Copy/Print revenue	(13,628)	(12,118)	(13,834)	(1,716)	88%	(28,046)	43%
4094 · Copy/Print revenue	-	-	-	-	-	-	-
7045 · Internet Service	2,572	4,529	10,624	6,095	43%	16,055	28%
7050 · Computer Maintenance	7,856	13,656	15,014	1,358	91%	35,637	38%
7055 · Computer Supplies & Small Equip	9,493	3,620	17,328	13,708	21%	23,310	16%
7089 · Membership Database Fees	23,565	21,238	20,655	(583)	103%	41,965	51%
7095 · Fax Equip & Supplies	970	-	-	-	-	-	-
7100 · Telephone	12,195	23,813	11,012	(12,801)	216%	35,950	66%
7105 · Advertising	1,038	651	16,400	15,750	4%	58,550	1%
7106 · Public Notification	870	338	637	299	53%	1,500	23%
7110 · Publications/Subscriptions	6,669	10,163	6,689	(3,474)	152%	13,596	75%
7115 · Public Relations	802	2,368	5,250	2,882	45%	12,689	19%
7120 · Membership/Dues	9,185	8,503	8,847	344	96%	11,623	73%
7135 · Bank Service Charges	956	831	933	102	89%	2,200	38%
7136 · ILM Service Charges	7,399	8,119	7,294	(825)	111%	13,498	60%
7138 · Bad debt expense	-	-	-	-	-	500	0%
7140 · Credit Card Merchant Fees	44,250	18,992	39,569	20,577	48%	91,040	21%
7140 · Credit Card Merchant Fees - Other	-	19,691	-	(19,691)	-	-	-
7141 · Credit Card surcharge	(24,075)	(17,906)	(21,334)	(3,428)	84%	(50,788)	35%
7145 · Commission Election Expense	-	-	-	-	-	1,626	0%
7150 · E&O/Off & Dir Insurance	19,920	24,598	23,834	(764)	103%	46,232	53%
7160 · Audit Expense	30,504	29,539	30,400	861	97%	30,400	97%
7170 · Lobbying Rebates	-	7	-	(7)	-	1,000	1%
7175 · O/S Consultants	44,278	4,936	23,173	18,238	21%	28,796	17%
7176 · Bar Litigation	8,224	6,538	6,423	(115)	102%	14,999	44%
7177 · UPL	3	6,856	3	(6,853)	-	5,002	137%
7178 · Offsite Storage/Backup	1,802	1,971	1,710	(261)	115%	3,501	56%
7179 · Payroll Adm Fees	1,522	1,407	1,625	218	87%	3,001	47%
7180 · Administrative Fee Expense	515	515	606	91	85%	1,700	30%
7190 · Lease Interest Expense	-	-	-	-	-	1,698	0%
7191 · Lease Sales Tax Expense	141	253	68	(185)	372%	283	89%
7195 · Other Gen & Adm Expense	5,964	6,646	9,115	2,469	73%	10,950	61%
Total General & Administrative Expenses	359,078	325,665	375,210	49,545	87%	724,497	50%
In Kind Expenses							
7103 · InKind Contrib-UDR & all other	10,653	10,307	11,092	786	93%	28,533	36%
Total In Kind Expenses	10,653	10,307	11,092	786	93%	28,533	37%
Building Overhead Expenses							
6015 · Janitorial Expense	15,109	15,609	16,123	514	97%	31,603	49%
6020 · Heat	5,848	6,030	6,452	422	93%	19,205	31%
6025 · Electricity	26,505	26,052	27,990	1,938	93%	50,297	52%
6030 · Water/Sewer	2,322	3,392	2,604	(788)	130%	4,854	70%
6035 · Outside Maintenance	2,090	4,475	1,954	(2,521)	229%	11,887	38%
6040 · Building Repairs	9,887	13,498	9,425	(4,073)	143%	13,659	99%
6045 · Bldg Mtncn Contracts	20,039	18,161	21,818	3,657	83%	44,281	41%
6050 · Bldg Mtncn Supplies	735	1,415	644	(771)	220%	1,987	71%
6055 · Real Property Taxes	17,593	18,698	16,896	(1,802)	111%	37,064	50%
6060 · Personal Property Taxes	360	400	378	(22)	106%	753	53%
6065 · Bldg Insurance/Fees	12,390	8,035	11,512	3,477	70%	23,038	35%
6070 · Building & Improvements Depre	26,304	26,211	28,826	2,615	91%	57,656	45%

Utah State Bar
Income Statement - Consolidated By Account
December 31, 2016

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
6075 · Furniture & Fixtures Depre	7,701	7,647	8,393	746	91%	16,793	46%
7065 · Computers, Equip & Sftwre Depr	74,600	79,593	78,483	(1,110)	101%	167,766	47%
Total Building Overhead Expenses	221,484	229,216	231,498	2,282	99%	480,843	46%
Total Expenses	3,047,531	3,086,338	3,178,016	91,679	97%	6,297,782	48%
Net Profit (Loss)	\$ 2,029,713	\$ 2,143,049	\$ 1,973,290	\$ 169,760	-14%	\$ 137,314	

Utah State Bar Balance Sheets

	12/31/2016	6/30/2016
ASSETS		
Current Assets		
Petty Cash	\$ 625	\$ 625
Cash in Bank	46,879	493,263
Invested Funds	5,779,054	5,455,595
Total Cash/Investments	5,826,559	5,949,482
Accounts receivable		
Accounts Receivable	12,142	35,761
Prepaid Expenses	71,206	222,763
A/R - Sections	9,312	7,874
Total Other Current Assets	92,660	266,398
Total Current Assets	5,919,219	6,215,880
Fixed Assets		
Property & Equipment	4,626,523	4,601,972
Accumulated Depreciation	(3,622,946)	(3,509,494)
Land	633,142	633,142
Total Fixed Assets	1,636,719	1,725,619
TOTAL ASSETS	\$ 7,555,938	\$ 7,941,499
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
AP Trade	\$ 5,087	\$ 98,414
Other Accounts Payable	10,607	114,112
Accrued Payables	366,844	403,622
Cap Lease Oblig - ST	845	2,905
A/P - Sections	-	148,080
Deferred Revenue	-	2,144,858
Total Current Liabilities	383,382	2,911,991
Long Term Liabilities		
Capital Lease Oblig	-	-
Total Long Term Liabilities	-	-
Total Liabilities	383,382	2,911,991
Equity		
Unrestricted Net Assets (R/E)	5,029,507	5,029,507
Fund Balance - Current Year	2,143,049	-
Total Equity	7,172,557	5,029,507
TOTAL LIABILITIES & EQUITY	\$ 7,555,938	\$ 7,941,499

UTAH STATE BAR
Membership Statistics
December 31, 2016

<u>STATUS</u>	<u>12/31/15</u>	<u>12/31/16</u>	<u>Change</u>
Active	7,888	8,076	188
Active under 3 years	1,089	1,034	(55)
Active Emeritus	138	154	16
In House Counsel	50	62	12
Subtotal - Active	9,165	9,326	161
Inactive - Full Service	718	757	39
Inactive - No Service	1,810	1,874	64
Inactive Emeritus	123	148	25
Subtotal - Inactive	2,651	2,779	128
Total Active and Inactive	11,816	12,105	289
 <u>Supplemental Information</u>			
Paralegals	124	131	7
Associate Section Members	109	114	5
Journal Subscribers	125	125	-
 <u>Active Attorneys by Region</u>			
Logan - Brigham	139	135	(4)
Davis - Weber	644	613	(31)
Salt Lake	4,410	4,321	(89)
Provo	706	689	(17)
Southern Utah	322	316	(6)
Out of State	692	669	(23)
Out of Country	5	5	-
No region designated	2,247	2,578	331
Total Active Attorneys	9,165	9,326	161