

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.

UTAH STATE BAR AWARDS

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

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 22, 2016
Utah Law & Justice Center

Agenda

1. 9:00 a.m. President's Report: Angelina Tsu

- 30 Mins. 1.1 Supreme Court Task Force on Limited Legal Licensing
Justice Dino G. Himonas & Tim Shea (Tab 1/P.1)
- 15 Mins. 1.2 Report on Fall Forum: Gabe White
- 10 Mins. 1.3 HJR001 Requires Judges of Courts not of Record to be Lawyers (Tab 2/P.63)
- 10 Mins. 1.4 Meeting with Chief Justice Durrant
- 10 Mins. 1.5 Legislative Breakfast/Bar Day/Phone Conferences/Lobbying (Tab 3/P.72)
- 05 Mins. 1.6 Appointment of Committee to Review Bar Policies on Sections (Tab 4/P.80)
- 05 Mins. 1.7 Report on Bar Review Event

2. 10:40 p.m. Information Items

- 05 Mins. 2.1 Spring Convention Planning: Rob Rice
- 10 Mins. 2.2 AAA Report: Rob Rice
- 05 Mins. 2.3 Breakfast of Champions Report: Michelle Mumford
- 10 Mins. 2.4 Leadership Academy Report: Liisa Hancock
- 10 Mins. 2.5 Bar Journal Review Report: Margaret Plane (Tab 5/P.91)

3. 11:20 a.m. Action Items

- 10 Mins. 3.1 Nominate Bar President-Elect Candidate (Tab 6/P.105)
- 15 Mins. 3.2 Select Dorathy Merrill Brothers and Raymond Uno Awards (Tab 7/P.109)
- 15 Mins. 3.3 Revise Allocation of Overhead for CLE and Sections

12:00 Noon Break for Lunch

- 15 Mins. 3.4 Proposed Changes to Bar Policies (Tab 8/P.131)
- 05 Mins. 3.5 Select Nominees to 7th District Nominating Commission (Tab 9/P.152)

4. 12:30 p.m. Executive Session

- 20 Mins. 4.1 Admissions Rules
- 20 Mins. 4.2 Operations Review

1:15 p.m. Adjourn

(Over)

Consent Agenda (Tab 10/P.166)

1. Minutes of December 4, 2015 Commission Meeting

Attachments (Tab 11/P.171)

1. December 2015 Financial Statements
2. Listing of Lawyer Legislators
3. *Intermountain Commercial Record* Article on Angelina Tsu
4. Table of Contents to Business Law Section Book on "Utah Business Law"
5. Redlined Approved Rule 14-807 on Law School Student and Graduate Legal Assistance

Calendar

February 1	Commission Election - Petitions, Statements, Photos Due		
February 2	Conference Call Re: Legislature	4:00 p.m.	
February 4-10	ABA Mid-Year Meeting/NABE/NCBP		San Diego, CA
February 9	Conference Call Re: Legislature	4:00 p.m.	
February 16	Conference Call Re: Legislature	4:00 p.m.	
February 17	Breakfast with Lawyer Legislators and Bar Day at the Legislature	7:30 a.m.	State Office Building Auditorium
February 23	Conference Call Re: Legislature	4:00 p.m.	
February 23-24	Bar Examination	8:00 a.m.	Law & Justice Center
March 1	Conference Call Re: Legislature	4:00 p.m.	
March 4	Executive Committee	12:00 Noon	Ray Quinney & Nebeker
March 10	SUBA Luncheon	12:00 Noon	St. George, Utah
March 10	Commission Meeting	1:00 p.m.	St. George, Utah
March 10-12	Spring Convention		St. George, Utah
March 20	Election Email Message Due		
March 30-April 2	Western States Bar Conference		Paradise Point, San Diego, CA
April 1	Election-Online Balloting Begins		
April 8	Executive Committee	12:00 Noon	Ray Quinney & Nebeker
April 15	Commission Meeting	9:00 a.m.	J. Reuben Clark Law School, Provo
April 15	Election-Online Balloting Ends		
April 16	Election-Ballots Counted		
April 19-21	ABA Day in Washington		Washington, D.C.
May ?	Northwestern States Bar Conference		TBD
May 25(?)	Admission Ceremony	12:00 Noon	United States District Court
June 2-4	Jackrabbit Bar Conference		Lake Tahoe
June 28	Executive Committee	12:00 Noon	Ray Quinney & Nebeker
July 6	Commission Meeting	1:00 p.m.	Lowe's Coronado, San Diego, CA
July 6-9	Summer Convention		Lowe's Coronado, San Diego, CA

TAB
1

Utah State Courts

Supreme Court Task Force to Examine Limited Legal Licensing



Report and Recommendations November 18, 2015

The mission of the Utah judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

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(1) INTRODUCTION AND SUMMARY

(a) INTRODUCTION

Probably most Utah communities are not that different from “Middle City, USA,” a mid-size, mid-West community that was the location of the 2014 Community Needs and Services Study by the American Bar Association.¹ In a random sampling of adults in Middle City, 66% of the respondents had experienced an average of 3.3 “civil justice situations”² in the previous 18 months, almost half of which resulted in “a significant negative consequence.” Yet respondents identified only 9% of the situations as “legal” and another 4% as “criminal.” In other words, many may not have recognized recourse to the courts as an option.

About 16% of the people facing a civil justice situation did nothing; 46% relied on self-help; and 23% relied on the help of family or friends. Only 22% used the assistance of a lawyer or other professional. Somewhat surprisingly, 21% of the situations were described as “properly dealt with within the family or community.” In other words, to a substantial minority, using an outside third party to seek a legal remedy seemed inappropriate.

Forty-six percent relied on self-help. That is, as well as we can estimate, about the percentage of self-represented parties in select types of litigation in the Utah district court, and the imbalance of self-representation between petitioners and respondents is even more stark. Probably the other circumstances, opinions and responses of the residents of Middle City represent those of Utah residents as well.

The cost of legal services is often cited as a major reason that people with need of legal services do not employ lawyers,³ yet in the Community Needs

¹ Accessing Justice in the Contemporary USA: Findings from the Community Needs and Services Study. Rebecca L. Sandefur, American Bar Association, University of Illinois at Urbana-Champaign, 2014. (http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2478040; <http://perma.cc/3K7P-UPD2>).

² Employment, rental housing, owned housing, money, debt, insurance, government benefits, education, relationship breakdown, personal injury, criminal negligence.

³ See, for example, Robert Ambrogi, *Washington State moves around UPL, using legal technicians to help close the justice gap*, ABA JOURNAL (Jan. 1, 2015, 5:50 AM), (http://www.abajournal.com/magazine/article/washington_state_moves

and Services Study “concerns about cost were a factor in 17% of cases,” even though 58% of respondents agreed with the statement that “lawyers are not affordable for people on low incomes.”⁴ The cost of legal services cannot be ignored as a factor in the number of self-represented parties, but a common perception is that an increasing number of people choose to represent themselves and seek help only as needed.

Given our charge and the high concentration of self-represented parties in select casetypes, we have focused primarily on creating a supply of non-lawyer paraprofessionals qualified to provide specified legal services in specified practice areas. In doing so, we have been guided by the ABA Commission on the Future of Legal Services draft resolution⁵ urging “each state’s highest court, and those of each territory and tribe, to be guided by the ABA Model Regulatory Objectives to help (1) assess the court’s existing regulatory framework and (2) identify and implement regulatory innovations related to legal services beyond the traditional regulation of the legal profession” The commission’s regulatory objectives are:

- Protection of the public
- Advancement of the administration of justice and the rule of law
- Access to information about, and advancement of the public’s understanding of, the law, legal issues, and the civil and criminal justice systems
- Transparency regarding the nature and scope of legal services to be provided, the credentials of those who provide them, and the availability of regulatory protections
- Delivery of affordable and accessible legal services
- Efficient, competent, and ethical delivery of legal services
- Protection of confidential information

around upl using legal technicians to help close the;
<http://perma.cc/FL75-QKAR>): “[M]ultiple state and federal studies
[show] that 80 to 90 percent of low- and moderate-income Americans
with legal problems are unable to obtain or afford legal representation.
The economics of traditional law practice make it impossible for lawyers to
offer their services at prices these people can afford.”

⁴ Community Needs and Services Study, *Id.* at pages 3, 13 and 15.

⁵
(http://www.americanbar.org/content/dam/aba/images/office_president/draft_regulatory_objectives.pdf; <http://perma.cc/2HWB-9LNY>).

- Independence of professional judgment
- Accessible civil remedies for breach of duties owed and disciplinary sanctions for incompetence, misconduct, and negligence
- Diversity and inclusion among legal services providers and freedom from discrimination in the delivery of legal services and in the justice system

We have also included five other strategies to meet the needs of self-represented parties for assistance with their civil justice situations and to improve access for everyone.

We recognize the value of a lawyer representing a client in litigation, or advising a client about options, or counseling a client on a course of action. We recognize the valuable services that lawyers provide to their clients every day, in and out of court. But the data show that, even after years of effort with pro bono and low bono programs, a large number of people do not have a lawyer to help them. The data also show that the demand is focused on the areas where the law intersects everyday life, creating a “civil justice situation.” The people facing these situations need correct information and advice. They need assistance. Our purpose is to consider and recommend whether there is an alternative source for that assistance.

Given the time available to us and the need for policy decisions before beginning the arduous work of implementation, this report remains a planning blueprint. If our recommendations are approved, we recommend that the supreme court appoint a steering committee to guide the next steps.

(b) TASK FORCE CHARGE

In May, 2015, the supreme court created this task force to:

- examine emerging strategies and programs that authorize individuals to provide specific legal assistance in areas currently restricted to licensed lawyers; and
- recommend whether similar programs should be established in Utah.

Specifically, the court asked us to:

- examine the Limited Licensed Legal Technician Program in the State of Washington—as well as other, similar programs;
- determine the origin, purpose, content, requirements, cost, authorizing entity, administration and evaluation of these programs;

- evaluate whether the programs would materially improve access and affordability for select types of legal assistance;
- evaluate the balance between increasing access and ensuring consumer protection;
- evaluate where the greatest need for legal assistance exists and how these programs might address that need; and
- consider issues that would have to be addressed in the implementation, regulation and administration of a program, such as:
 - role definition;
 - training/certification requirements;
 - scope of services;
 - regulatory authority; and
 - supervision/quality control/complaint process.

We were ably assisted in this inquiry by Dr. Thomas Clarke, Director of Research and Technology for the National Center for State Courts. At our request, Dr. Clarke and the National Center for State Courts prepared a white paper with analysis and recommendations.⁶ Dr. Clarke's experience and opinions were invaluable, and we express our sincere appreciation.

Our research and materials, including this report, are on the court's website at http://www.utcourts.gov/committees/limited_legal/; <http://perma.cc/9GCN-2J3R>.

(c) SUMMARY OF RECOMMENDATIONS

(1) The supreme court should:

- Exercise its constitutional authority to govern the practice of law to create a subset of discrete legal services that can be provided by a licensed paralegal practitioner in three practice areas:
 - temporary separation under Section 30-3-4.5, divorce, paternity, cohabitant abuse and civil stalking, custody and support, and name change;
 - eviction; and
 - debt collection.

⁶ Non-Lawyer Legal Assistance Roles—Efficacy, Design, and Implementation. Thomas Clarke, Director of Research and Technology for the National Center for State Courts. (http://www.utcourts.gov/committees/limited_legal/NonLawyer%20Legal%20Assistance%20Roles.pdf; <http://perma.cc/A92U-NBQJ>)

- Within an approved practice area, authorize a licensed paralegal practitioner to:
 - establish a contractual relationship with a client who is not represented by a lawyer;
 - conduct client interviews to understand the client's objectives and to obtain facts relevant to achieving that objective;
 - complete court-approved forms on the client's behalf; advise which form to use; advise how to complete the form; sign, file and complete service of the form; obtain, explain and file any necessary supporting documents; and advise the client about the anticipated course of proceedings by which the court will resolve the matter;
 - represent a client in mediated negotiations and consider whether to authorize a licensed paralegal practitioner to represent a client in unmediated negotiations;
 - prepare a written settlement agreement in conformity with the mediated agreement; and
 - advise a client about how a court order affects the client's rights and obligations.
- Establish education requirements and regulatory requirements to qualify as a licensed paralegal practitioner.

(2) If the supreme court approves these recommendations, the court should appoint a steering committee to plan, design and implement the program details.

(3) The board of bar commissioners should implement as soon as possible the recommendations of its futures commission to build an online lawyer directory and for increasing the use of discrete task legal services.

(4) The judicial council should:

- work with the committee on resources for self-represented parties to:
 - develop forms appropriate for approved practice areas;
 - improve existing forms; and
 - publish information about the facts and procedures relevant to the forms;
- establish a pilot program of assisted resolution of family law and/or debt collection cases involving self-represented parties;
- continue to plan, design and build an online dispute resolution application; and

- request an appropriation to fund additional work by the self-help center to instruct court staff, public library staff, community and faith-based groups and other volunteers to enable them in turn to assist others, for free, with general legal information, opinions or recommendations about possible legal rights, remedies, defenses, procedures, options or strategies and to assist in completing court-approved forms.

(2) THE PRACTICE OF LAW IN UTAH

(a) AUTHORITY OF THE SUPREME COURT TO GOVERN THE PRACTICE OF LAW

“The Supreme Court by rule shall govern the practice of law, including admission to practice law and the conduct and discipline of persons admitted to practice law.”⁷ “Admission to practice law” should retain its traditional meaning; that is, lawyers who are licensed by the supreme court after meeting the minimum qualifications established by rule and the procedures of the board of commissioners of the Utah State Bar. Elsewhere in Utah law—the qualifications of a judge of a court of record, for example—the phrase is used as a term of art to mean “lawyers.”

Later in this report we recommend that the supreme court exercise its authority to “govern” the practice of law to establish rules authorizing a paraprofessional who is not a lawyer to do some of the things traditionally reserved for lawyers. The paraprofessional will be engaged in the practice of law by performing specified tasks in specified practice areas, but will not be “admitted” to practice law.⁸ The limited tasks fit well within the traditional definition of the practice of law, even though the paraprofessional is not a lawyer. The supreme court’s exclusive authority to establish this policy is established in the Utah constitution and recognized by statute. Utah Code Section 78A-9-103(1)(a) provides:

Unless otherwise provided by law or court rule, an individual may not practice law or assume to act or hold himself or herself out to the public as an individual qualified to practice law within this state if that individual is not admitted and licensed to practice law within this state.... (emphasis added)

⁷ Utah Constitution Art VIII, Section 4.

⁸ We also recommend separate licensing, conduct, discipline, and administrative regulations for this new paraprofessional.

The respective authority of the supreme court and the legislature over the practice of law has been described as the supreme court governing the authorized practice of law and the legislature governing the unauthorized practice of law. See Board of Commissioners of the Utah State Bar v. Petersen, 937 P.2d 1263, 1270 (Utah 1997). Section 78A-9-103 prohibits practicing law without a license and provides a civil remedy for the board of commissioners of the Utah State Bar.

(b) SUPREME COURT RULES

The practice of law is a defined term, and, with certain exceptions, only lawyers may do it. Initially adopted in 2005 under a different system for organizing the rules governing the practice of law, Rule 14-802 now provides:

[O]nly persons who are active, licensed members of the Bar in good standing may engage in the practice of law in Utah. ... The “practice of law” is the representation of the interests of another person by informing, counseling, advising, assisting, advocating for or drafting documents for that person through application of the law and associated legal principles to that person’s facts and circumstances.

Special Practice Rules. Rule 14-802(a)(2) and (b).

Rule 14-802(c) then removes from the definition certain services that possibly satisfy the general definition, but which nevertheless are not the practice of law. In other words, sometimes a non-lawyer with specified credentials and sometimes anyone may perform the following services; sometimes for a fee and sometimes only for free; always without the supervision of a lawyer.

- (1) Making legal forms available to the general public, whether by sale or otherwise, or publishing legal self-help information by print or electronic media.
- (2) Providing general legal information, opinions or recommendations about possible legal rights, remedies, defenses, procedures, options or strategies, but not specific advice related to another person’s facts or circumstances.
- (3) Providing clerical assistance to another to complete a form provided by a municipal, state, or federal court located in the State of Utah when no fee is charged to do so.

- (4) When expressly permitted by the court after having found it clearly to be in the best interests of the child or ward, assisting one's minor child or ward in a juvenile court proceeding.
- (5) Representing a party in small claims court as permitted by Rule of Small Claims Procedure 13.⁹
- (6) Representing without compensation a natural person or representing a legal entity as an employee representative of that entity in an arbitration proceeding, where the amount in controversy does not exceed the jurisdictional limit of the small claims court set by the Utah Legislature.
- (7) Representing a party in any mediation proceeding.
- (8) Acting as a representative before administrative tribunals or agencies as authorized by tribunal or agency rule or practice.
- (9) Serving in a neutral capacity as a mediator, arbitrator or conciliator.
- (10) Participating in labor negotiations, arbitrations or conciliations arising under collective bargaining rights or agreements or as otherwise allowed by law.
- (11) Lobbying governmental bodies as an agent or representative of others.
- (12) Advising or preparing documents for others in the following described circumstances and by the following described persons:
 - (12)(A) a real estate agent or broker licensed by the state of Utah may complete State-approved forms including sales and associated contracts directly related to the sale of real estate and personal property for their customers.

⁹ Rule 13 provides: "A party in a small claims action may be self-represented, represented by an attorney admitted to practice law in Utah, represented by an employee, or, with the express approval of the court, represented by any other person who is not compensated for the representation."

(12)(B) an abstractor or title insurance agent licensed by the state of Utah may issue real estate title opinions and title reports and prepare deeds for customers.

(12)(C) financial institutions and securities brokers and dealers licensed by Utah may inform customers with respect to their options for titles of securities, bank accounts, annuities and other investments.

(12)(D) insurance companies and agents licensed by the state of Utah may recommend coverage, inform customers with respect to their options for titling of ownership of insurance and annuity contracts, the naming of beneficiaries, and the adjustment of claims under the company's insurance coverage outside of litigation.

(12)(E) health care providers may provide clerical assistance to patients in completing and executing durable powers of attorney for health care and natural death declarations when no fee is charged to do so.

(12)(F) Certified Public Accountants, enrolled IRS agents, public accountants, public bookkeepers, and tax preparers may prepare tax returns.

Special Practice Rules. Rule 14-802(c).

In addition to restricting the practice of law to "active, licensed members of the Bar in good standing" under Rule 14-802, a separate rule, which prohibits practicing law without a license covers much of the same ground.

Pursuant to Rule 14-506(a), no person who is not duly admitted and licensed to practice law in Utah as an attorney at law or as a foreign legal consultant nor any person whose right or license to so practice has terminated either by disbarment, suspension, failure to pay his or her license and other fees or otherwise, shall practice or assume to act or hold himself or herself out to the public as a person qualified to practice law or to carry on the calling of an attorney at law in Utah. Such practice, or assumption to act or holding out, by any such unlicensed or disbarred or suspended person shall not constitute a crime, but this prohibition against the practice of law by any such person shall be enforced by such civil action or proceedings, including writ, contempt or injunctive proceedings, as may be necessary and appropriate,

which action or which proceedings shall be instituted by the Bar after approval by the Board.

Rules of Integration and Management. Rule 14-111.¹⁰

A third rule authorizes paralegals to perform an unspecified range of legal services that would normally be performed by a lawyer, provided the services are for a lawyer or the paralegal is supervised by a lawyer.

A paralegal is a person qualified through education, training, or work experience, who is employed or retained by a lawyer, law office, governmental agency, or the entity in the capacity of function which involves the performance, under the ultimate direction and supervision of an attorney, of specifically delegated substantive legal work, which work, for the most part, requires a sufficient knowledge of legal concepts that absent such assistance, the attorney would perform. A paralegal includes a paralegal on a contract or free-lance basis who works under the supervision of a lawyer or who produces work directly for a lawyer for which a lawyer is accountable.

Rules of Integration and Management. Rule 14-113(a).

We have restated the laws regulating the practice of law in some detail because our charge is to examine whether and to what extent someone other than a licensed lawyer might practice law.

(3) PROGRAM DESIGN PRINCIPLES

We have tried to identify the gaps in legal services and to find solutions that address those gaps. We have tried to view the need for legal services from the client's perspective: the desire for relevant, competent, accessible and affordable service.

We conclude that the authority of a paraprofessional should be limited along two lines of inquiry: (1) the potential demand for assistance within a practice area, as measured by the high concentration of self-represented parties; and (2) specified authority, as determined by the needs of the client or by what is proper for the paraprofessional's minimum qualifications, whichever limit is reached first.

¹⁰ The supreme court should consider repealing this rule. Given the provisions of Rule 14-802 and Section 78A-9-103, it seems superfluous.

(4) PRACTICE AREAS OF GREATEST DEMAND

There is little point to extending the authority of a paraprofessional into areas in which there is no demand. To detail the first line of inquiry, we look to fiscal year 2015 court records that show the casetypes in which parties largely are not represented by lawyers. Previous years are similar.

Table 1. Self-Represented Parties in Select Casetypes

Casetype	Case Filings	Both Parties Represented	One Party Represented	No Party Represented	Self-Represented Petitioner	Self-Represented Respondent
Paternity	1,043	36%	44%	20%	23%	61%
Contracts	2,608	28%	71%	1%	1%	71%
Protective Order	4,744	23%	35%	42%	48%	71%
Custody & Support	1,281	20%	49%	31%	36%	76%
Divorce/Annulment	13,227	19%	31%	50%	52%	80%
Temporary Separation	85	19%	38%	44%	52%	73%
Civil Stalking	858	13%	18%	69%	79%	77%
Eviction	7,465	4%	83%	13%	13%	96%
Debt Collection	67,510	2%	98%	0%	0%	98%
Guardianship	1,622	1%	43%	56%	57%	3%
Conservatorship	143	1%	84%	15%	15%	2%
Adoption	1,352	1%	84%	14%	14%	4%
Name Change	1,014	0%	17%	83%	83%	1%
Personal Representative	2,107	0%	87%	12%	12%	0%
Total	105,059	6%	81%	12%	13%	87%

Focusing on the three areas in which the concentration of self-represented parties is highest—family law cases, including temporary separation, divorce, paternity, cohabitant abuse and civil stalking, custody and support and name change; eviction; and debt collection—the number of self-represented parties is very high, both in the absolute number of self-represented parties and in the number of self-represented parties as a percent of all parties.

Case Type	Case Filings	Both Parties Represented	One Party Represented	No Party Represented	Self-Represented Petitioner	Self-Represented Respondent
Family Law	23,604	18%	36%	46%	49%	69%
Debt Collection	67,510	2%	98%	0%	0%	98%
Eviction	7,465	4%	83%	13%	13%	96%

The gaps in these areas are substantiated by two 2014 data sets from Utah Legal Services.

Table 2. Utah Legal Services Areas of Client Services

Area	Clients	Area	Clients
Divorce	3506	All others	157
Housing, utilities	2996	Guardianships, Conservatorships	153
Small estates and consumer protection	2106	Food	70
Paternity, support, custody, visitation	1508	Adoption	66
Adult services	1500	Indian and Tribal law	63
Domestic violence, abuse and neglect, child abuse	1467	Education	15
SSI, SSDI	975	Disability	6
Medicaid, Medicare	490	Independence, communication	3
Employment	220	Total	15,301

Table 3. Areas of Client Service by Pro Bono Lawyers Recruited by ULS

Area	Clients	Area	Clients
Bankruptcy/Debtor Relief	250	Contracts	3
Divorce	192	Adoption	2
Paternity/Custody	56	Name Change	2
Domestic Abuse	25	Stalking	2
Advanced Directives	14	Human Trafficking	2
Guardianship/Conservatorship	12	Torts	2
Wills/Estates	10	Support	1
Other	9	State Assistance	1
Collection	7	SSI	1
Housing	5	Total	596

(5) PROCEDURAL AREAS OF PARAPROFESSIONAL COMPETENCE

The process of civil litigation that has evolved over centuries is not simple, and it continues to evolve. Some parts of that process must be reserved for lawyers because only law school teaches the necessary information and skills. Other parts of the process can be negotiated by a paraprofessional. To detail the second line of inquiry, we have tried to identify through the course of litigation the services that a self-represented party might need and whether a paraprofessional might appropriately provide those services.

(a) HOW DO PEOPLE GET ADVICE ABOUT REMEDIES TO THEIR “CIVIL JUSTICE SITUATIONS”?

Paraphrasing Rule 14-802: “Do I need someone to apply the law to my circumstances and inform, counsel, advise, assist, advocate for or draft

documents for me?” Based on the experience of task force members, we know that unlicensed providers are serving some of these needs beyond what is now permitted.

General legal information is available from a variety of sources. In addition to the Utah state courts and government agencies, non-profit organizations such as the Utah State Bar, Utah Legal Services and the Legal Aid Society of Salt Lake City provide information, primarily for self-represented parties. Private attorneys sometimes include on their websites general information about rights and remedies in the area of law in which they practice. Several commercial internet sites do the same. There are several free legal clinics around the state. Schools, libraries, law enforcement agencies and consular officials are resources. Homeless shelters, domestic violence shelters, and community and faith-based organizations assist as well.

Many organizations provide court-approved forms. Some organizations provide them for free; others charge a fee.

Filtering and providing information, opinions and recommendations about relevant laws and procedures are tasks appropriate for a paraprofessional. A paraprofessional should be able to do at least as much as is permitted by Rule 14-802(c)(2): “Providing general legal information, opinions or recommendations about possible legal rights, remedies, defenses, procedures, options or strategies, but not specific advice related to another person’s facts or circumstances.”

A paraprofessional can be educated to conduct initial client interviews, identify needs, advise whether those needs can be met by the paraprofessional or require a lawyer’s skills, and otherwise inform clients of options. A paraprofessional can be educated to provide information on navigating the legal system: what are the steps in the litigation process; what forms are needed; where to obtain them; how to file them; etc.

Unless there is an approved form, moving beyond “information, opinions or recommendations” to counsel and advice should be reserved for a licensed lawyer. Just as diagnosis of a symptom’s cause is at the core of the physician’s role, recognizing that a person’s circumstance creates legally enforceable obligations, rights and remedies is at the heart of what lawyers do. Lawyers, also like doctors, should be the only professionals authorized to advise on a course of action, and assist in completing that course of action.

Compare the services of Rule 14-802(b)(1), which only a licensed lawyer may provide,

The “practice of law” is the representation of the interests of another person by informing, counseling, advising, assisting, advocating for or drafting documents for that person through application of the law and associated legal principles to that person’s facts and circumstances.

with the services of Rule 14-802(c)(2), which anyone provide.

Providing general legal information, opinions or recommendations about possible legal rights, remedies, defenses, procedures, options or strategies, but not specific advice related to another person’s facts or circumstances.

The difference between “specific advice” and “general ... opinions or recommendations” about rights, remedies, defenses, options or strategies is a fine line to be sure. But it is a line paraprofessionals should be educated to understand and honor.

In the area of “general legal information, opinions or recommendations about possible legal rights, remedies, defenses, procedures, options or strategies,” Utah law would currently allow a paraprofessional to provide much more value to a client than is permitted in most other states without crossing that line.

The permission given by Arizona law, for example, is exactly opposite Utah. As is described in the section on Arizona document preparers, the document preparer is expressly prohibited from giving opinions or recommendations about possible legal rights, remedies, defenses, options, or strategies. In Utah a person is expressly permitted to do just that. A step beyond is the Washington limited license legal technician who can advise a client about his or her particular circumstances.

(b) HOW DO PEOPLE OBTAIN AND PREPARE FORMS?

Court forms have been around for at least decades if not centuries. The offices of court clerks always used to include a forms cabinet with a pigeon hole for each form. Advice on which form to use and how to complete it was often requested and given. The primary difference today is that approved forms are on the internet rather than in the cabinets of court clerks.

Unapproved forms also are available on the internet rather than at the stationer’s shop. A paraprofessional will appreciate the difference between approved and unapproved forms. A self-represented party might not. Unapproved forms may or may not be legally sufficient. A person filing an unapproved form may spend a lot of time and money only to have the proceeding dismissed.

If an approved form exists within a practice area, then an authority has decided that a particular collection of information is necessary to achieve a particular objective. The form is designed to elicit that information. The same is true whether the form is a traditional fill-in-the-blank-and-check-the-box form or a web-based interactive interview conducted by software that produces a digital file suitable for saving and electronic filing.

Advising a client about which form to use overlaps a little of the attorney's core role, but choosing one set of forms rather than another is a relatively simple task. Approved district court forms are organized by objective: "I want to:

- garnish a debtor's wages
- change my visitation schedule
- be appointed guardian of Dad
- evict a tenant
- adopt my stepchild
- etc."

If a client comes with an objective in mind and a form has been approved to request that result, selecting the correct form is a task suitable for a paraprofessional. For a contrary approach, see the authority of a California legal document assistant.

Once the form is selected, a paraprofessional can help gather the information needed to complete the form. Sometimes the information is simple; sometimes complex. In either event, a paraprofessional is capable of the task.

Under Rule 14-802, anyone can provide "clerical assistance" to another to complete a court-provided form when no fee is charged to do so. Presumably "clerical assistance" means acting as a scribe. The California legal document assistant is limited to the scrivener's role.

If assistance goes only so far, it is of little value. To increase the value to a client, assistance must include the authority to explain the purpose, relevance and relationship of the entries and to assist with phrasing an entry. Once prepared, a paraprofessional should have the authority to sign, file and complete service of the form on behalf of his or her client. This is similar to the Arizona legal document preparer.

Rule 14-802 allows a person to provide clerical assistance in completing court-approved forms on behalf of another. If a paraprofessional is authorized to provide greater advice and assistance with forms in an approved practice area, the paraprofessional should also be able to obtain

and explain documents necessary to support the form. For example, if a paraprofessional assists a client to complete a financial declaration form as part of establishing child support, the paraprofessional should also be able to help the client obtain his or her tax return, which is a necessary supporting document. Or, under Section 26-2-25, upon entry of a decree of divorce or adoption, a form must be filed with the Office of Vital Records and Statistics. It is not a court form, but it is a necessary part of the court process.

If there is no approved form for a particular objective, then there is no agreed-upon collection of information needed to achieve that objective. That being the case, drafting pleadings and other documents for which there is no form should be reserved for a licensed lawyer. For a contrary approach, see the description of a Louisiana notary public. A Washington limited license legal technician may prepare documents other than forms, but only if the document is reviewed and approved by a lawyer.

In the previous section we identified debt collection cases as an area in which there is a need for legal services. However, there are no approved forms specifically for debt collection cases, and, until there are, the services of a paraprofessional in this practice area will necessarily be limited to other specified tasks and forms that apply more generally but can be used in this practice area.

(c) HOW DO PEOPLE PARTICIPATE IN MEDIATION?

Rule 14-802(c)(7) permits anyone to represent another in mediated negotiations. We believe that a paraprofessional should have at least the same authority as any other person, but we are divided on whether a paraprofessional should be authorized to negotiate without a mediator. Some see no sound reasons for distinguishing between the two circumstances. Others see the third-party neutral as creating a dynamic that levels any power imbalances, enabling a non-lawyer to negotiate on behalf of a client.

Mediators sometimes but not always memorialize settlement agreements. Parties often are not represented in mediated negotiations, and the only person with the wherewithal to memorialize the agreement is the mediator. If a paraprofessional is representing someone in the mediation, that person is in as good a position as the mediator to memorialize the agreement. There should be no risk of overreaching because the mediator can identify any discrepancy between the written and oral agreements and the other party can reject the written agreement as not conforming to the oral agreement.

However, a paraprofessional should be able to prepare a form of order based on the settlement agreement only if there is an approved order form.

(d) HOW DO PEOPLE PARTICIPATE IN HEARINGS?

Traditionally only lawyers and self-represented parties have been permitted to participate in hearings. Unlike forms and general information and opinions, for which a person can look to resources other than lawyers, in a hearing a person must have a lawyer or go it alone. Advocacy, like advice and counsel specific to the client's particular circumstances, is at the heart of what lawyers do. Eliciting testimony, selecting evidence, applying the law to the facts presented and weaving them together in a cogent argument should be reserved for a licensed lawyer.

(e) HOW DO PEOPLE LIVE WITHIN THE RESOLUTION OF THEIR LEGAL ISSUE?

There is no program for explaining to a self-represented party the outcomes, rights and responsibilities encompassed in a court order. An individual might turn to a family member or to a trusted friend or colleague to provide an explanation of a written order. Or a volunteer attorney at a workshop or clinic might explain an order.

The general opinions or recommendations that Rule 14-802(c)(2) permits at the beginning of a consultation should be just as permissible at the end of litigation. In the beginning, a paraprofessional might provide information and opinions to a client about relevant laws and procedures. And, if there is an approved form, the paraprofessional might advise about the forms and the procedures to achieve the client's particular objectives. At the end of the process, a paraprofessional might do the same regarding the order that the court has just entered: advise the client about his or her rights and obligations under that order; how to enforce the order; whether the order can be modified, under what circumstances and how to do it; whether the order must be served on anyone else; and so forth.

(f) HOW DO PEOPLE FIND A LAWYER?

The Utah State Bar's directory of lawyers is essentially a listing of lawyers with contact information. Unless one is looking for a particular lawyer, it is not effective. We urge the Bar to make the improvements we recommend in the section on the [online lawyer directory](#).

Someone in need of a lawyer might get lucky with a Google search with the relevant search terms. Many people will ask family, friends or colleagues for suggestions. Telephone directories are still around.

A major component of a paraprofessional practicing law in limited circumstances is that he or she understands and honors the boundaries of the profession. A paraprofessional should be authorized and encouraged to refer a client to a lawyer if a needed service is beyond the person's professional competence or is not authorized. Finding competent counsel is difficult and stressful; a paraprofessional can help.

(6) CHALLENGES TO ESTABLISHING A PARAPROFESSIONAL PROGRAM

According to a survey conducted by the futures commission of the Utah State Bar, 60% of the responding lawyers either disagreed or strongly disagreed with a proposal to explore limited licenses for certain practice areas (with 41% "strongly" disagreeing).¹¹ One barrier to establishing a paraprofessional program, therefore, may be opposition from lawyers. However, the nature and magnitude of the opposition may depend on program design. A fine-tuned program, which is clear about training, certification and scope of practice, could minimize opposition.

Also, we encourage lawyers, as they consider our analysis and proposal, to embrace their role as public citizens:

A lawyer is ... a public citizen having special responsibility for the quality of justice. As a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession.

As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education. In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority.

A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate

¹¹ Report and Recommendations on the Future of Legal Services in Utah. Employer's survey, page 19. (https://www.utahbar.org/wp-content/uploads/2015/07/2015FuturesCommission_Employers.pdf; <http://perma.cc/KWK9-A444>).

legal assistance and therefore, all lawyers should devote professional time and resources and use civic influence in their behalf to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel.

....

The profession has a responsibility to ensure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the Bar.¹²

General opposition is not the only barrier to establishing a paraprofessional program:

Barrier: Lack of rural markets. The American Bar Association task force on the future of legal education identified a paraprofessional program as a method of placing legal services in rural areas.¹³ But, the argument goes, if there is no viable market for lawyers in rural areas, there may be no viable market for paraprofessionals either.

Responses and solutions. Paraprofessional businesses might be able to exist in areas for which there is no viable market for law firms if paraprofessionals have less educational debt, lower overhead and lower income expectations.

The option for a lawyer to practice with a paraprofessional may also make a rural practice more viable for both if the combined practice allocates matters more efficiently according to each professional's specified authority, allowing services to be provided at lower costs.

Ultimately, our role is to recommend whether and under what conditions it is proper for a paraprofessional to engage in the limited practice of law. We are not able to conduct market research on the viability of rural or other markets. Paraprofessionals will have to test what markets are viable and how. As with any form of free enterprise, some business

¹² Preamble: A Lawyer's Responsibilities. Rules of Professional Conduct.

¹³ Report and Recommendations American Bar Association Task Force on the Future of Legal Education, at pages 13 and 33.
(http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/report_and_recommendations_of_aba_task_force.authcheckdam.pdf; <http://perma.cc/N6XQ-2CX6>).

models will work, and others will not, and market entrants must adapt and innovate accordingly.

Barrier: Nature of clientele and markets. The rates for a successful paraprofessional may price some clients out of the market just as effectively as the rates for a successful lawyer. Some question whether paraprofessionals will be able to charge less than the modest means program¹⁴ already administered by the Utah State Bar. Legal services in two of the recommended practice areas—eviction and debt collection—will be especially difficult because the respondents who need assistance do not have the money to pay for it.

Responses and solutions. As with any service, a paraprofessional likely will start with lower prices and grow to serve more sophisticated clients willing to pay more as the paraprofessional gains experience. Those paraprofessionals might retain their existing clients, or other providers might enter the market to fill any gaps.

Utah enjoys a superb modest means program that charges a \$25 finder's fee and \$50 to \$75 per hour based on the client's income and assets. That service can continue to grow, but the section on practice areas of greatest demand shows that lawyers fill only a fraction of the existing gap in legal services, and a multi-faceted approach is appropriate.

Barrier: Gaps in representation. If a paraprofessional represents a client, but the case develops beyond the scope of his or her competence or license to practice, the client will be disadvantaged while seeking a lawyer or navigating the rest of the case without representation.

Responses and solutions. A paraprofessional does not have to abandon the client. For matters that are too complex based on the paraprofessional's judgment or for matters beyond the scope of the limited license, a paraprofessional can refer the client to a specific lawyer or to several lawyers from which to choose. A paraprofessional who practices with a lawyer can handle matters within his or her competence and authority and call in the lawyer-colleague when appropriate.

Additionally, a licensed paralegal practitioner, as we have recommended it, will necessarily be a paralegal, and will continue to have the authority of a paralegal. If a client needs a service within the licensed paralegal practitioner's competence, but beyond his or her license, the licensed

¹⁴ (<https://www.utahbar.org/modest-means-lawyer-referral-program/>; <http://perma.cc/8RGQ-J3JG>).

paralegal practitioner can provide that service under a lawyer's supervision and license, much as they have for decades.

All of these referral methods ensure reasonable continuity of representation. Plus, if a client can enter the legal services market through a lower-priced paraprofessional, the client might seek the further assistance of a lawyer when the paraprofessional's representation must end, making available to lawyers clients they would not otherwise have.

This is similar to what occurs when a nurse practitioner refers a patient to a physician, when a general physician refers a patient to a specialist, or when an accountant refers a client to a tax attorney. Inevitably there is some delay, and some transitions are smoother than others, but the client is not left to sink or swim.

Barrier: Service quality. The quality of legal services may decline. Practicing law requires a particular legal education, and a JD provides the public with the value of legal competence. A legal education teaches numerous skills and attitudes that are an instrumental part of the practice of law. Among others, these skills include professionalism, communication and listening, research techniques, task organization and management, creative thinking, and inference-based analysis. These skills are taught and reinforced throughout three years of law school.

Responses and solutions. The level of education and other qualification requirements should match the nature of the authorized services. At a minimum, education should include concepts of professionalism, responsibility, civility and ethics similar to those conveyed to lawyers. Paraprofessionals must also be educated to understand the line between authorized and unauthorized services—perhaps with a clear admonition to err on the side of referring a client to a lawyer or to seek an opinion from the appropriate licensing authority in close cases. Paraprofessionals must also acquire the judgment necessary to understand when a task is beyond their competence, even if technically authorized.

Barrier: Administrative costs. A paraprofessional program will have administrative costs for regulating a new class of practitioners.

Responses and solutions. Licensing and other regulations are necessary, and clearly will result in costs to ensure consumer protection and to ensure that paraprofessionals are properly educated and limiting their practice to authorized services. The best way to minimize additional costs is to combine paraprofessional licensing within the existing system for licensing attorneys.

Although parallel licensing should minimize additional costs by building on the existing infrastructure, the income and expense for licensing lawyers must be kept separate from the income and expense for licensing paraprofessionals. This presents a significant chicken-and-egg problem: how to initiate licensing and regulation of a fledgling profession without any current dues-paying members.

Barrier: Oversaturated legal market. By some measures, the legal market is already oversaturated, and the addition of paraprofessionals engaging in the practice of law will stress the market even more.

Responses and solutions. This argument seems belied by the large number of self-represented parties in some types of litigation. To the extent that the legal market is saturated, it is that segment of the market that can afford to pay a lawyer for full representation.

(7) PROGRAM EVALUATION

Dr. Clark's white paper recommends planning the evaluation up front as a way to focus on the characteristics of a paraprofessional program that are intended to add value and on how those characteristics will help achieve the intended goals.¹⁵ The regulatory balance is between increasing access to justice and protecting the public against incompetent assistance.

To achieve that balance we consider the appropriateness, effectiveness and sustainability of the role.

(a) APPROPRIATENESS

Dr. Clarke defines appropriateness as: (1) a discrete set of services that will make a significant difference in access to justice; and (2) the knowledge required to competently perform those services. If a paraprofessional program is to make a difference, the authorized services must fill the gaps in access.

(b) EFFECTIVENESS

Effectiveness is the measure of competence and use. If the paraprofessionals are not sufficiently educated to perform competently, they will not be effective. But competence does not necessarily ensure significant use. If paraprofessionals are competent but their services are not used for other reasons, then access to justice is not improved.

¹⁵ Clarke, *Id.* at pages 4-5.

Possible secondary measures of effectiveness include: reduced burden on courts from self-represented litigants; improvements in procedural justice; improvements in litigant understanding; increased use of courts to address legal problems; and improved outcomes, such as reduced costs, greater satisfaction and more timely resolutions.

To be proven effective a paraprofessional program must achieve competence and use, but to measure the impact of the new role on secondary goals, benchmarks must be realistically chosen. For example, if the realistic alternative for most litigants is no assistance, then that is a better comparison than with a lawyer that the litigant would never have retained in the first place.

(c) SUSTAINABILITY

Sustainability of the role is a function of perceived legitimacy and economic viability. Paraprofessionals may be competent, but they must be perceived to be competent if clients are going to use them. And clients will not take advantage of a paraprofessional, no matter how competent, unless they perceive value for cost.

The new role may not be sustainable for a variety of reasons: key support may come from a few individuals, who then move on; temporary funding subsidies may dwindle or disappear; market-based programs may fail to find a market; regulatory and education strategies may prove to be too costly.

(d) MEASUREMENTS

Program goals: Increase access to legal remedies. Protect consumers.

Participant's role: See the section on recommended authority.

Key stakeholders: A successful program will need participation by:

- Clients/Public
- Lawyers in the specified practice areas
- Bar administration
- Paraprofessionals in the specified practice areas
- Paraprofessional administration
- Higher education
- District court judges
- District court staff
- Self-help center lawyers
- Supreme court

Appropriateness. Determine whether the specified authority of a paraprofessional will make a significant difference in access to legal remedies. Determine whether the education, licensing and regulation required of a paraprofessional are sufficient to enable him or her to perform those tasks competently. Determine whether the education, licensing and regulation required of a paraprofessional are sufficient to protect clients.

Effectiveness. Determine whether paraprofessionals are indeed competently performing their authorized tasks. Determine whether paraprofessionals are being used. Identify and measure any secondary goals of key stakeholders.

Sustainability. Determine whether a market-based solution in which paraprofessional services are paid for by clients is durable. Determine whether the education, licensing and regulation of paraprofessionals in which the cost is paid for by the paraprofessional is durable. Determine whether the key stakeholders, particularly the paraprofessionals and their clients, perceive value.

Measuring a program such as this is very difficult, but these measurements represent the evidence on which evidenced-based practices are based.

(8) CHARACTERISTICS OF LIMITED-LICENSING IN OTHER STATES

Utah is not the first state to venture down this road, but there are only a handful of examples from which to draw experience. We have identified programs in six states in which a person may provide some legal services directly to a client for pay without the supervision of a lawyer. In addition we have identified three states that are, like Utah, considering whether to start a program. California licenses document preparers and is considering whether to license technicians. We have not included the New York City court navigator program because, although innovative, it is a volunteer program. For a summary of the key characteristics of programs of other states, see the section on characteristics of limited-licensing in other states.

(9) PARAPROFESSIONALS IN UTAH

(a) CURRENT UTAH AUTHORITY

When comparing the Utah rules governing paralegals and the practice of law with the statutes and rules of the states with paraprofessional programs of some kind, one is struck by the liberality of the Utah rules. In Utah there are no minimum education or experience requirements for a paralegal. "A paralegal is a person qualified through education, training, or

work experience....” There is no examination, no licensing, no application and approval. Yet a paralegal may do anything a lawyer might do: “the performance ... of ... substantive legal work, which ... requires a sufficient knowledge of legal concepts that ... [an] attorney would [otherwise] perform.” There are conditions on what a paralegal may do, but no limits. The paralegal must produce “work directly for a lawyer for which a lawyer is accountable,” or the paralegal must be under the “ultimate direction and supervision” of a lawyer, and the work must be “specifically delegated.”

The definition of the practice of law excludes a long list of services. Again, there are no regulations governing the qualification or credentialing of non-lawyers who provide these services—except for regulations that govern other professions that provide the services.

Utah, then, has a flexible base on which to build a paraprofessional program that other states may not have.

(b) OTHER STATE MODELS

The American Bar Association Task Force on the Future of Legal Education viewed Washington’s efforts as a positive step toward achieving the goal of increasing access to legal services through a paraprofessional program.¹⁶ Although this may be true, and, while the Washington experience might provide useful lessons for a nascent Utah program, it appears that Washington’s program is not the right fit for Utah.

First, the education and experience requirements of Washington’s program are so arduous that it remains to be seen whether LLLTs can provide services at rates significantly less than those provided by lawyers. Second, some of the restrictions in the Washington program do not dovetail with current Utah law. For example, a Washington LLLT may not represent a client in negotiations. In Utah, anyone may do so, provided the negotiations are mediated.

Similarly, we can learn lessons from the program in other states, but neither are they exactly suitable for Utah. Paraprofessionals in the programs of states other than Washington are essentially document preparers who perhaps can discuss general legal principles but may not apply those principles to the facts of the case and may not give advice. In some states the document preparer cannot even advise which form to use. In most states, they cannot file the documents that they prepare. The authorized

¹⁶ Future of Legal Education, *Id.* at pages 14 and 25.

services are disjointed, requiring a client to employ a lawyer for parts of tasks that can otherwise be performed by a paraprofessional.

(10) RECOMMENDATIONS

The more common example of paraprofessionals in the limited practice of law is the document preparer. An Oregon task force has recommended a program similar to the Washington LLLT program, but the Washington program is the only extant example of a paraprofessional authorized to offer services beyond document preparation.

The liberality of Utah's current rules point to a program of services greater than just document preparation. Establishing a program of document preparers would professionalize the system we currently have, in which unregulated document preparers are currently engaged in the unauthorized practice of law by charging a fee to prepare a court-approved form. Or they avoid the unauthorized practice of law by preparing forms for free, perhaps after selling the blank form to the client, and perhaps without the education and experience to do a good job.

Professionalizing those services would improve the quality of the documents being filed and would provide a better service to the client, but there is no way to know whether unregulated document preparers would spend the time and money to become licensed document preparers. And, if Dr. Clarke is correct in his opinion that smart systems will eventually replace or at least limit the use of document preparers, then we need to take a bolder step.

(a) RECOMMENDED TITLE

Licensed Paralegal Practitioner

(b) RECOMMENDED PRACTICE AREAS

Recognizing that implementing all practice areas simultaneously may be beyond human capacity, and recognizing the differing impact of different civil justice situations on people's lives, we recommend developing the approval, education and licensing for practice areas in the following order:

- (1) temporary separation under Section 30-3-4.5, divorce, paternity, cohabitant abuse and civil stalking, custody and support and name change;
- (2) eviction—a licensed paralegal practitioner should not represent corporate clients; and
- (3) debt collection—a licensed paralegal practitioner should not represent corporate clients.

If experience shows a practice area in which lawyers are not representing parties, the supreme court should consider appointing an appropriate group to examine that area and recommend:

- whether to authorize it as an approved practice area;
- whether any of the then-existing authority of a licensed paralegal practitioner would be inappropriate; and
- an appropriate course of instruction for the practice area.

(c) RECOMMENDED AUTHORITY

The licensed paralegal practitioner's authorized services will necessarily fall somewhere between these two extremes: the first of which anyone may perform under Rule 14-802; and the second only a licensed lawyer.

- Providing general legal information, opinions or recommendations about possible legal rights, remedies, defenses, procedures, options or strategies, but not specific advice related to another person's facts or circumstances.
- Informing, counseling, advising, assisting, advocating for or drafting documents for that person through application of the law and associated legal principles to that person's facts and circumstances.

There is not much difference between the meaning of opinions and recommendations on the one hand and of counseling and advising on the other. So the distinguishing feature of the "practice of law" appears to be whether the opinions, recommendations, counsel or advice relate to the client's particular circumstances.

We have tried to outline the discrete tasks within an approved practice area that are appropriate for a licensed paralegal practitioner and that the client will see as valuable. And we have tried to avoid requiring a lawyer to complete discrete parts of those tasks. There remain parts of the litigation process, even within an approved practice area, within the sole province of a lawyer—drafting non-form pleadings, discovery, subpoenas, presentation of evidence and advocacy are examples—but a client should be able to rely on a licensed paralegal practitioner to accomplish an entire authorized task without a lawyer's assistance for parts of it.

(i) INTAKE, CLIENT COUNSELING AND LAWYER REFERRAL

All of the jurisdictions prohibit paraprofessionals from practicing beyond their license, but none appear to expressly require referral to a

lawyer. Perhaps it is simply presumed. A major component of a licensed paralegal practitioner practicing law in limited circumstances is that he or she understands and honors the boundaries of the profession. Finding competent counsel is difficult and stressful; a client's licensed paralegal practitioner is in a better position than anyone to help. The obligation to practice within one's competence and license is better expressed as a rule of professional conduct than as a description of authority.

None of the jurisdictions expressly authorize client interviews, although Washington permits a LLLT to "obtain facts." Obviously some type of client interview is necessary in any business relationship, and in an approved practice area the licensed paralegal practitioner should be authorized to interview the client to understand the client's objectives and to obtain the facts relevant to achieving that objective.

Unless there is a court-approved form to achieve the client's objective, the licensed paralegal practitioner's authority in client counseling should be limited to general information, opinions or recommendations about possible legal rights, remedies, defenses, procedures, options or strategies.

(ii) FORMS

If there is a court-approved form to achieve the client's objective in an approved practice area, a licensed paralegal practitioner should have extensive authority to:

- advise which form to use;
- advise how to complete the form;
- make the entries on behalf of the client;
- sign, file and complete service of the form;
- obtain, explain and file any necessary supporting documents; and
- advise about the anticipated course of the proceedings by which the court will decide the matter.

We did not reach agreement on whether a licensed paralegal practitioner should sign or otherwise acknowledge a form ghost-written but not filed by him or her. Lawyers who draft but do not file documents for a client do not have to acknowledge the document, and this encourages this discrete task. But this program is new, and perhaps the court needs to know when a form has been prepared by a licensed paralegal practitioner. If the supreme court decides that a ghost-written form should be signed or acknowledged by a licensed paralegal practitioner, it should make that an express requirement.

The judicial council should continue its work with the committee on resources for self-represented parties to develop new forms appropriate for

approved practice areas and to improve the forms that we already have. The council and committee should also continue to publish instructions for the forms and information about the facts and procedures relevant to the forms.

Except for a settlement agreement memorializing negotiations in which the licensed paralegal practitioner represented the client, a licensed paralegal practitioner should not be authorized to prepare a pleading or other paper for which there is no court-approved form.

(iii) INTERACTION WITH ANOTHER PARTY

The licensed paralegal practitioner should be authorized to communicate with another party or the party's representative if the communication relates to the matter raised by the form.

The licensed paralegal practitioner should be authorized to represent a client in mediated negotiations. This is co-extensive with a service that is currently defined as outside the practice of law under Rule 14-802.

As noted earlier, we differ on whether a licensed paralegal practitioner should be authorized to represent a client in unmediated negotiations. If the supreme court decides to authorize a licensed paralegal practitioner to do so, it should be permitted only in an approved practice area, but it should include communicating the position of the client to the other party and vice versa, outside of formal negotiation sessions.

In an approved practice area the licensed paralegal practitioner should be authorized to explain to the client the documents of another party. If the paralegal is to represent the client during negotiations, the client needs to understand the other party's case.

In an approved practice area the licensed paralegal practitioner should be authorized to prepare a written settlement agreement in conformity with the negotiated agreement. If an order form exists, a licensed paralegal practitioner should be authorized to complete the form in conformity with the settlement agreement.

(iv) POST-LITIGATION ROLE

In an approved practice area the licensed paralegal practitioner should be authorized to counsel and advise a client about how a court order affects the client's rights and obligations. This would authorize for the litigation's outcome the same authority we recommend for client counseling at the beginning: If there is a form—in this case the court's order—the licensed paralegal practitioner should be authorized to give counsel and advice about the order specific to the client's particular circumstances.

(v) SERVICES AS A PARALEGAL

A licensed paralegal practitioner, as we have recommended qualifying for it, will necessarily be a paralegal, and continues to have the authority of a paralegal. If a client needs a service within the licensed paralegal practitioner's competence, but beyond his or her license, the licensed paralegal practitioner is already authorized to provide that service under a lawyer's supervision and license.

(vi) FUTURE EXPERIENCE

If experience shows additional tasks that would be valuable to a client and appropriate for a licensed paralegal practitioner—or if experience shows that any of the tasks we have proposed are inappropriate—the supreme court should consider appointing an appropriate group to examine the tasks and recommend whether to add to or remove from the authorized list.

(d) RECOMMENDED EDUCATION

Beyond basic paralegal education, Washington requires that its legal technicians complete 15 credit hours (or 112 hours of instruction) of specialized education in order to practice in an approved practice area. The recommended model for Oregon is similar. By comparison, graduation from the University of Utah S.J. Quinney College of Law requires 88 credit hours. Washington also requires that the specialized education be obtained through a law school, and the University of Washington School of Law in Seattle is the only school to offer the curriculum. The courses are available through remote simultaneous participation.

At the other end of the spectrum, Nevada does not have any minimum education requirements for its document preparers, and Louisiana requires only a high school diploma or GED for its notaries public.

We recommend that the Utah licensed paralegal practitioner be authorized to provide a range of services that require independent judgment. The minimum education requirements must be sufficient to qualify those individuals to perform the services competently. We recommend a concentration of specialized classes in each of the approved practice areas, and we recommend delivery through the higher education infrastructure.

Specifically, we recommend that the minimum education of a licensed paralegal practitioner be:

- a Doctor of Jurisprudence degree from an ABA-approved law school; or
- an associate's degree with a paralegal or legal assistant certificate from a program approved by the ABA plus:
 - successful completion of the paralegal certification through the National Association of Legal Assistant's Certified Paralegal/Certified Legal Assistant exam¹⁷;
 - successful completion of a course of instruction for a practice area (content to be determined based on the approved practice area); and
 - experience working as a paralegal under the supervision of a lawyer or through internships, clinics or other means for acquiring practical experience.

Many Utah paralegals already have a bachelor's or associate's degree and a paralegal certificate. Most of them have been working under the supervision of a lawyer for years. Several of those have already successfully completed the NALA CP/CLA exam. For this last group, all that remains is to successfully complete the yet-to-be-created specialized course work in an approved practice area.

We recommend that a JD degree be one of two methods for meeting the education requirements of a licensed paralegal practitioner, but the candidate under either method would be required to meet any licensing requirements.

Since the range of authorized tasks that we recommend depends so heavily of the existence of a form, we recommend that the advanced instruction include intense work with the forms in a practice area, the objective that each form is intended to achieve, and the facts and procedures relevant to that objective.

(e) RECOMMENDED LICENSING AND OTHER REGULATIONS

(i) ADMINISTRATION

Louisiana and Nevada administer their document preparer programs in the executive department through the secretary of state. California administers its document preparer program in the executive department through the county clerks of the several counties. Under the Utah Constitution, governance of the practice of law must be under the authority

¹⁷ <http://www.nala.org/examdesc.aspx>; <http://perma.cc/UET2-22LA>.

of the supreme court. Arizona administers its document preparer program directly by the supreme court, but we do not recommend this model.

We recommend that a licensed paralegal practitioner program be administered through the Utah State Bar, as is done for the Washington LLLT program. The revenue from lawyers should not be used to pay the costs of administering a paraprofessional program, and vice-versa.

(ii) MINIMUM REQUIREMENTS

The purpose of regulations should be to protect the public. What protections do we rely on when employing a lawyer? Education; examination; character and fitness review; mentored experience; continuing education; compliance with Rules of Professional Conduct; a complaint and discipline process; and the Lawyer's Fund for Client Protection. In addition, lawyers must comply with two administrative regulations: an application fee; and a licensing fee. The minimum requirements of a licensed paralegal practitioner should not be regulated beyond these without good reason.

Based on the requirements for paraprofessionals in other states and for lawyers in Utah, we recommend that regulations in the following areas be considered.

- Application and fee
- Character and fitness review
- Utah-specific licensing exam in the approved practice areas
- Mentored experience
- Appointment by the supreme court
- Oath of office
- Financial responsibility (bond or professional liability insurance)
- IOLTA account
- Annual licensing fee
- CLE
- Rules of professional conduct
- Complaint and discipline process

The supreme court might also consider establishing the paralegal division as a regulatory board, instead of using the board of bar commissioners for that role.

State and local business regulations would apply to a licensed paralegal practitioner's firm as to any other form of business.

(iii) LEGAL RELATIONSHIP WITH CLIENT

In an approved practice area and within the approved tasks, a licensed paralegal practitioner should have a relationship with his or her client similar to that of a lawyer.

- Fiduciary duties
- Privileged communications
- Standards of care

(11) OTHER STRATEGIES

Although authorizing qualified non-lawyers to engage in the practice of law in limited circumstances draws the most attention, it was not the limit of our charge. We offer five other strategies to help self-represented parties, and we hope that these other strategies are not put on hold while a program of licensed paralegal practitioners is being built.

(a) DISCRETE LEGAL SERVICES

Our focus on discrete services by licensed paralegal practitioners reveals the benefits to clients of discrete services by lawyers. The futures commission of the Utah State Bar recommends increasing “the use of discrete task representation and fixed fee pricing by (1) marketing the availability of “unbundling,” (2) educating lawyers and courts on best practices for implementing these approaches and (3) establishing an “unbundled” section for the Bar with lawyers who are willing to help clients on a fee-per-task, limited scope basis.”¹⁸ We fully endorse these recommendations and urge the Bar to promptly implement them.

Because discrete tasks have an identifiable beginning and end, lawyers can offer a fixed price that is less than the unknown cost of full representation. This is a tremendous benefit to clients who in every other purchase of goods or services in their lives know or have a reasonably accurate estimate of the bottom line.

Offering discrete legal services is the only way a lawyer or licensed paralegal practitioner will reach a party who has decided for reasons other than cost to prosecute or defend a case without representation. Perhaps the party wants more control; perhaps the party believes he or she can perform the tasks more quickly or more professionally or will take greater care because of the personal connection to the litigation. Whatever the reason,

¹⁸ Future of Legal Services in Utah, *Id.* at page 5.

the party does not want full representation, and no seller will succeed by offering something the buyer does not want.

Lawyers are missing a large population of clients because not many lawyers offer discrete services, or those who do have not effectively advertised the services. The bar should do all that it can to support this business model. If the rules regulating discrete legal services are not sufficiently explicit, they should be made so. If the rules interfere with effectively delivering discrete legal services, the barriers should be removed.

(b) ONLINE LAWYER DIRECTORY

The futures commission of the Utah State Bar recommends “a robust online lawyer referral directory that is easily available to the public.” Building on this, the commission recommends “a consumer-focused website which, building on the online directory of lawyers, will become the key clearinghouse for clients in need of legal assistance.”¹⁹

A robust, bar-sponsored directory would help potential clients find lawyers and other legal services—something most lawyers should support—and it would be invaluable to the lawyers of the self-help center, who quickly see the need for full representation or a discrete legal service, but are prohibited from referring clients to a particular lawyer. Rarely does a bar commission find a product that simultaneously serves both its lawyer constituency and its public constituency. The recommended directory is that product.

The bar is examining implementation of the recommendations in the form of a “portal,” but the product to be delivered under that rubric is not well defined. We recommend that the bar begin implementation with a portal to what consumers need most—and what would most benefit lawyers—a portal to legal services. From the perspective of the potential client, this basic but robust referral system should include an online method of filtering and sorting legal services by:

- nature of the “civil justice situation” framed from the client’s perspective;
- location of the client; location of the dispute;
- languages spoken by the provider and other information meant to overcome barriers to access;
- license (lawyer or licensed paralegal practitioner);

¹⁹ Future of Legal Services in Utah, *Id.* at page 5.

- price, including qualification for pro bono and modest means;
- discrete services offered, including information, advice, document preparation, document review, coaching, representation at a hearing; and
- any other criteria that may be relevant to a potential client.

The effort begins with accumulating data that the bar does not now have: the information about individual lawyers, law firms and legal services that the application would use to filter and sort legal services based on the client's answers to the questions just posed. This directory should be the only bar-sanctioned directory, and it should be based on the most current and accurate information available. It should provide to lawyers a simple interface to describe the services they offer, and it should provide to the public a simple interface to shop for those services. We recommend the supreme court do what it can to assist the board of bar commissioners in a campaign to gather this information. We hope lawyers will quickly see an opportunity for advertising their services to clients.

The International Space Station is larger than a six-bedroom house.²⁰ The initial platform, completed in December, 1998, was about the size of a one bedroom apartment.²¹ If the bar's directory expands—to include expert systems, intelligent checklists, business process analysis, document assembly, document translation, electronic filing, and all of the other terms used to describe portals—all well and good, but that also might take almost 20 years to build. The best start is the basic, robust referral system recommended by the futures commission.

The initial platform cannot be built too soon, and it will be put to good use while the rest of the modules are being planned, designed and built. The bar should advertise the directory's availability to the public in general, and several times a day court clerks, libraries and community organizations from around the state and the lawyers of the self-help center will refer people to it. The court website will link to the directory, and the self-help center will include information about it in their work with public libraries,

²⁰ NASA

(https://www.nasa.gov/mission_pages/station/main/onthestation/facts_and_figures.html; <http://perma.cc/D75W-J3UP>).

²¹ Approximately 9,700 cubic feet, the size of the two initial modules, Zarya <https://en.wikipedia.org/wiki/Zarya> and Unity [https://en.wikipedia.org/wiki/Unity \(ISS module\)](https://en.wikipedia.org/wiki/Unity_(ISS_module)).

community groups and other volunteers who in turn work with members of their communities in need of various legal services.

(c) ONLINE DISPUTE RESOLUTION

The judicial council is pursuing online dispute resolution in small claims litigation. Although the conceptual design is of a computer-assisted method of dispute resolution by humans, rather than the intelligent-system method of automated resolution recommended by Dr. Clarke's white paper, it represents a significant opportunity for more convenient and less costly access to the court. If successful, the lessons learned can be applied in other types of litigation, including interlocutory decisions during litigation.

(d) ASSISTED RESOLUTION OF CASES INVOLVING SELF-REPRESENTED PARTIES

The basic features for assisted resolution of litigation involving self-represented parties are: get the parties into the courthouse; provide them with an opportunity to explain their circumstances and their preferred outcomes; and then have the resources in place to reach and finalize an acceptable outcome. Alaska, California, Colorado and Minnesota have experienced good results with their programs.

In cases involving self-represented parties, Alaska conducts a hearing, early in the life of the case, at which attorneys are available to complete documents if a case is resolved. Only 2% of parties failed to appear at the hearings, 80% of new cases fully resolved with only one hearing, and 77% of modifications resolved with only one hearing. Only 5% of resolved cases required a further hearing within the next year.

Colorado and Minnesota have similar programs in which self-represented parties have a conference with a judge early in the case. Both states include an exchange of initial disclosures before the conference.

In Minnesota, an "evaluator" meets with the parties before they meet with the judge to try to mediate a settlement. If the case does not settle, the parties meet with the judge who tries to mediate a settlement or establishes deadlines for moving the case toward a litigated resolution. In Colorado 34% of cases fully resolved with stipulations and another 25% had no further hearings. Cases within the Colorado program resolved about 2 months more quickly than other similar cases.

Rule of Civil Procedure 16 provides the court with sufficient authority to structure a conference in just about any way that makes sense for this purpose. The authority exists; all that is needed is someone to plan, design,

organize and implement a program and to examine whether the program is achieving its goals.

Utah has a program of assisted resolution of family law cases, but the conference and assistance occur toward the end of case, rather than the beginning. The Utah program is currently operating with court commissioners in the Third District Court, and there are plans to implement it in the Fourth District Court.

In the Utah program the case management system screens family law cases for cases in which there has been no activity for 180 days. Our rules permit these cases to be dismissed without prejudice, provided the parties are given an opportunity to show cause why the case should not be dismissed. The court commissioners schedule a special calendar consisting only of cases with self-represented parties. The commissioners also schedule other law and motion matters involving only self-represented parties on this calendar. Volunteer attorneys are available at the hearing, as are volunteer mediators and self-help center lawyers, who provide staff support. All of these people work with the parties to resolve the matter or, if the matter is not settled, to move the case to the next steps in the process.

The Third District Court has a similar program for debt collection cases, in which volunteer lawyers represent a self-represented defendant. In many cases the volunteer lawyers are able to negotiate a settlement or a payment plan with the plaintiff.

If an opportunity for assisted resolution were provided early in the case, instead of after 6 months of inactivity, it would be a substantial improvement. Our experience may show that there remains a purpose to providing an opportunity for assisted resolution rather than dismissal.

We recommend that the judicial council establish a pilot program of assisted resolution of family law and/or debt collection cases involving self-represented parties. The council should consider the features of the Alaska, California, Colorado and Minnesota programs, which include mutual initial disclosures, a conference early in the case with defined objectives, and the resources—mediators, lawyers, judges, commissioners and staff—to reach and finalize an outcome.

As part of the pilot program, the council should address a practical problem with the OCAP application. OCAP allows a party to prepare the appropriate forms for a divorce, but it does not include the capability to complete any particular form. This limitation hampers the self-help center lawyers who staff the calendar and prepare the necessary documents. The judicial council should work with the OCAP board and staff to develop this

capability, or it should work with the committee of resources for self-represented parties to develop and approve the necessary stand-alone forms.

(e) SELF-HELP CENTER

The self-help center is a human portal of sorts, providing information and assistance, especially with forms. The self-help center would be assisted greatly by improving the qualifications of those in the community who already provide general information, opinions or recommendations and assistance completing court-approved forms.

Improving those qualifications would professionalize the services already being offered. The recommendation that follows is for consideration by the judicial council as well as by the supreme court, because, although the self-help center is ultimately the responsibility of the supreme court, and the recommendations will leverage the self-help center's resources by training others to provide assistance, the recommendations will increase the work of the self-help center lawyers, and the judicial council ultimately must agree that the additional cost is a sound use of public money.

- Instruct court staff, public library staff, community and faith-based groups and other volunteers. The course of instruction would be offered for free. The participants would be certified upon completion of the coursework, but would not be permitted to charge for their services.
- Instruct in English and Spanish.
- Maintain a roster of certified providers.
- Provide virtual support to the providers.
- Continue to develop and review simple and clear forms and informational webpages.
- Explore other information media.
- Facilitate the translation of webpages, forms and any new medium into Spanish.

(12) IMPLEMENTATION

(a) STEERING COMMITTEE

We have outlined a supply-side model to meet the gaps in access to justice. We have developed as much detail as possible in the time available. But we recognize that this report remains only a blueprint. If the supreme court decides to move forward with this model, we recommend that it appoint a steering committee to identify, plan, develop and implement the

thousands of details necessary for the blueprint to become a reality. The committee should include representatives or input from:

- lawyers experienced in the practice areas;
- community organizations;
- the paralegal division;
- higher education administration;
- bar administration and leadership;
- court administration and leadership;
- judges and court commissioners;
- the self-help center;
- the office of professional conduct;
- the committee on rules of professional conduct; and
- others as needed.

(b) QUESTIONS FOR CONSIDERATION

We have identified a handful of questions for a steering committee, but the committee, as it investigates finer and finer details, will encounter many more.

- Should a licensed paralegal practitioner be required to sign or otherwise acknowledge a form prepared but not filed by the licensed paralegal practitioner?
- Should a licensed paralegal practitioner be authorized to represent a client in non-mediated negotiations?
- Should a licensed paralegal practitioner be authorized to accept service on behalf of a client?
- Should guardianship of a minor be an authorized practice area?
- Must a JD degree be from an ABA approved law school to satisfy the education requirement of a licensed paralegal practitioner?²²
- Are there equivalent credentials from other states or nations that should satisfy the education requirement?
- Should any of the education or experience requirements of a licensed paralegal practitioner be waived for current paralegals? Which requirements should be waived? What should be the

²² We recommend that an ABA approved law school be sufficient, but is it necessary? See the section on recommended education.

minimum requirements to qualify for the waiver? For how long should waiver be available?

- What should be the data points and data collection methods for measuring the success of the program?
- What should the content of the advanced course work and examination in a practice area consist of?
- What should the specific rules for the regulation, administration and licensing of the profession consist of?

Bar regulation, administration and licensing may serve as a model from which to start, but we urge the steering committee not to simply copy and paste. Detailed investigation may reveal legitimate differences between the licensing and regulation of licensed paralegal practitioners and of lawyers. Perhaps more important, this is an opportunity to think afresh about the issues and to transfer lessons learned back to the licensing and regulation lawyers.

(13) TASK FORCE MEMBERS AND STAFF

This report would not have been possible without the generous contribution of time, experience and judgment by the following people:

Dean Robert W. Adler
University of Utah
S.J. Quinney College of Law
Workgroup Chair

Mr. Nathan D. Alder
Christensen & Jensen

Ms. Elena Bensor-Slyter
Community Representative

Hon. James Brady
Fourth District Court

Ms. Mary Jane Ciccarello
Self-Help Center
Utah State Courts
Workgroup Chair

Ms. Carol Sue Crismon
Utah Legal Services

Hon. Deno G. Himonas
Utah Supreme Court
Committee Chair

Ms. Dixie A. Jackson
Law Office Of Dixie A. Jackson, LLC

Rep. Brian S. King
Utah House of Representatives

Mr. John R. Lund
Parsons Behle & Latimer

Ms. Lori W. Nelson
Jones Waldo Holbrook &
McDonough

Commissioner Joanna B. Sagers
Third District Court

Ms. Jacey Skinner
Office of the Governor

Ms. Angelina Tsu
Zions Management Services Corp

Sen. Stephen H. Urquhart
Utah Senate

Ms. Jody R. Gonzales
Administrative Office of the Courts,
Staff

Mr. Timothy M. Shea
Utah Supreme Court, Staff

(14) DRAFT RULES

1 **Rule 14-802. Authorization to practice law.**

2 (a) Except as set forth in ~~subsection paragraphs (c) of this rule and (d),~~
3 only persons who are active, licensed members of the Bar in good standing
4 may engage in the practice of law in Utah.

5 (b) For purposes of this rule:

6 (b)(1) The “practice of law” is the representation of the interests of
7 another person by informing, counseling, advising, assisting,
8 advocating for or drafting documents for that person through
9 application of the law and associated legal principles to that person’s
10 facts and circumstances.

11 (b)(2) The “law” is the collective body of declarations by
12 governmental authorities that establish a person’s rights, duties,
13 constraints and freedoms and consists primarily of:

14 (b)(2)(A) constitutional provisions, treaties, statutes,
15 ordinances, rules, regulations and similarly enacted declarations;
16 and

17 (b)(2)(B) decisions, orders and deliberations of adjudicative,
18 legislative and executive bodies of government that have authority
19 to interpret, prescribe and determine a person’s rights, duties,
20 constraints and freedoms.

21 (b)(3) “Person” includes the plural as well as the singular and legal
22 entities as well as natural persons.

23 (b)(4) “Licensed paralegal practitioner” means a natural person
24 qualified and licensed under the rules governing the practice of law.

25 (b)(5) “Practice area” means litigation in the district court in:

26 (b)(5)(A) temporary separation under Section 30-3-4.5, divorce,
27 paternity, cohabitant abuse and civil stalking, custody and support
28 and name change;

29 (b)(5)(B) forcible entry and detainer; and

30 (b)(5)(C) debt collection.

31 (c) Whether or not it constitutes the practice of law, the following
32 activity by a non-lawyer, who is not otherwise claiming to be a lawyer or to
33 be able to practice law, is permitted:

34 (c)(1) Making legal forms available to the general public, whether by
35 sale or otherwise, or publishing legal self-help information by print or
36 electronic media.

37 (c)(2) Providing general legal information, opinions or
38 recommendations about possible legal rights, remedies, defenses,
39 procedures, options or strategies, but not specific advice related to
40 another person's facts or circumstances.

41 (c)(3) Providing clerical assistance to another to complete a form
42 provided by a municipal, state, or federal court located in the State of
43 Utah when no fee is charged to do so.

44 (c)(4) When expressly permitted by the court after having found it
45 clearly to be in the best interests of the child or ward, assisting one's
46 minor child or ward in a juvenile court proceeding.

47 (c)(5) Representing a party in small claims court as permitted by
48 Rule of Small Claims Procedure 13.

49 (c)(6) Representing without compensation a natural person or
50 representing a legal entity as an employee representative of that entity
51 in an arbitration proceeding, where the amount in controversy does not
52 exceed the jurisdictional limit of the small claims court set by the Utah
53 Legislature.

54 (c)(7) Representing a party in any mediation proceeding.

55 (c)(8) Acting as a representative before administrative tribunals or
56 agencies as authorized by tribunal or agency rule or practice.

57 (c)(9) Serving in a neutral capacity as a mediator, arbitrator or
58 conciliator.

59 (c)(10) Participating in labor negotiations, arbitrations or
60 conciliations arising under collective bargaining rights or agreements
61 or as otherwise allowed by law.

62 (c)(11) Lobbying governmental bodies as an agent or representative
63 of others.

64 (c)(12) Advising or preparing documents for others in the following
65 described circumstances and by the following described persons:

66 (c)(12)(A) a real estate agent or broker licensed by the state of
67 Utah may complete State-approved forms including sales and
68 associated contracts directly related to the sale of real estate and
69 personal property for their customers.

70 (c)(12)(B) an abstractor or title insurance agent licensed by the
71 state of Utah may issue real estate title opinions and title reports
72 and prepare deeds for customers.

73 (c)(12)(C) financial institutions and securities brokers and
74 dealers licensed by Utah may inform customers with respect to
75 their options for titles of securities, bank accounts, annuities and
76 other investments.

77 (c)(12)(D) insurance companies and agents licensed by the state
78 of Utah may recommend coverage, inform customers with respect
79 to their options for titling of ownership of insurance and annuity
80 contracts, the naming of beneficiaries, and the adjustment of claims
81 under the company's insurance coverage outside of litigation.

82 (c)(12)(E) health care providers may provide clerical assistance
83 to patients in completing and executing durable powers of attorney
84 for health care and natural death declarations when no fee is
85 charged to do so.

86 (c)(12)(F) Certified Public Accountants, enrolled IRS agents,
87 public accountants, public bookkeepers, and tax preparers may
88 prepare tax returns.

89 (d) Within a practice area for which the licensed paralegal practitioner
90 qualifies, a licensed paralegal practitioner may represent the interests of a
91 natural person who is not represented by a lawyer by:

92 (d)(1) establishing a contractual relationship with the client;

93 (d)(2) interviewing the client to understand the client's objectives
94 and obtaining facts relevant to achieving that objective;
95 (d)(3) completing a form approved by the judicial council or board
96 of district court judges;
97 (d)(4) informing, counseling, advising and assisting with which
98 form to use and how to complete the form;
99 (d)(5) signing, filing and completing service of the form;
100 (d)(6) obtaining, explaining and filing any document needed to
101 support the form;
102 (d)(7) reviewing documents of another party and explaining them;
103 (d)(8) informing, counseling and advising about the anticipated
104 course of proceedings by which the court will resolve the matter;
105 (d)(9) informing, counseling, advising, assisting and advocating for
106 the client in mediated negotiations;
107 (d)(10) drafting, signing, filing and completing service of a written
108 settlement agreement in conformity with the negotiated agreement;
109 (d)(11) communicating with another party or the party's
110 representative; and
111 (d)(12) informing, counseling and advising about a court order that
112 affects the client's rights and obligations.
113

(15) CHARACTERISTICS OF LIMITED-LICENSING IN OTHER STATES

(a) ARIZONA

Status. Program in place since July 1, 2003.

Title. Legal document preparer.

Minimum education.

Individual:

- (1) A high school diploma or GED and two years of law-related experience as a court employee or under the supervision of a lawyer or a certified legal document preparer.
- (2) A certificate of completion from a paralegal or legal assistant program approved by the ABA.
- (3) A certificate of completion from a paralegal or legal assistant program that is institutionally accredited and that requires 24 semester units, or the equivalent, in legal specialization courses.
- (4) A certificate of completion from an accredited educational program designed specifically to qualify a person for certification as a legal document preparer.
- (5) A degree from a law school accredited by the ABA or institutionally accredited.

Business:

- (1) Certification as a business entity.
- (2) Designated principal who holds individual certification as a legal document preparer.

Administration and regulation.

Examination on legal terminology, client communication, data gathering, document preparation, ethical issues, and professional and administrative responsibilities. Certification and renewal of certification by the supreme court. Regulatory board. Examination fee. Application fee. Licensing fee. Revenue and expenses administered by the supreme court. Background investigation. 20 CLE hours per 2-year certification cycle. Rules of professional conduct. Complaint and discipline process. Administrative support staff: approximately 3 FTE.

Authority. To or for a person or entity not represented by a lawyer:

- (1) Prepare or provide legal documents.

- (2) Provide general legal information—but not specific advice, opinions, or recommendations—about possible legal rights, remedies, defenses, options, or strategies.
- (3) Provide general factual information about legal rights, procedures, or options.
- (4) Provide forms and documents.
- (5) File, record, and arrange for service of legal forms and documents.
- (6) May not sign any document other than some specified notices.

Source. Arizona Code of Judicial Administration Section 7-208.

(<http://www.azcourts.gov/cld/Legal-Document-Preparers>;
<http://perma.cc/4K9H-C8RC>).

(b) CALIFORNIA

Title. Limited license to practice law or licensing of legal technicians.

Status. The Limited License Working Group was created on March 6, 2013 as a subcommittee of the Board of Trustees' Committee on Regulation, Admissions and Discipline Oversight to explore, research and report the feasibility of creating a limited license to enable certified individuals to provide limited, discrete legal services to consumers in defined subject matter areas. Meetings continue.

Source. Website of the California State Bar

(<http://www.calbar.ca.gov/AboutUs/BoardofTrustees/LimitedLicenseWorkingGroup.aspx>; <http://perma.cc/3YAP-EUD9>).

Title. Legal document assistants.

Status. Program in place.

Minimum education.

- (1) A high school diploma or GED and 2 years of law-related experience under the supervision of a lawyer.
- (2) A baccalaureate degree in any field and 1 year of law-related experience under the supervision of a lawyer.
- (3) A certificate of completion from a paralegal program approved by the ABA.
- (4) A certificate of completion from a paralegal program that is institutionally accredited and that requires 24 semester units, or the equivalent, in legal specialization courses.

Administration and regulation. Register with the county clerk of the county of principal place of business and of any other county in which

services are performed. Registration fees. Bi-annual re-registration. \$25,000 bond for an individual; \$25,000 to \$100,000 bond for a business, depending on the number of assistants. Other statutory regulations. Unable to determine the number of administrative support staff because registration is decentralized.

Authority. For compensation, provide “any” [that is, the following] self-help services to a self-represented individual.

- (1) At the individual’s specific direction complete in a ministerial manner legal documents selected by the individual.
- (2) Provide general published factual information about legal procedures, rights, or obligations that have been written or approved by an attorney.
- (3) Make published legal documents available.
- (4) File and serve legal forms and documents at the specific direction of the individual.
- (5) May not provide advice, explanation, opinion, or recommendation about possible legal rights, remedies, defenses, options, selection of forms, or strategies.
- (6) In order to suggest what forms to complete, the legal document assistant must have a detailed guide, approved by an attorney, stating exactly what forms are needed for a particular objective.
- (7) The client must know what he or she wants, and what forms to use. Or the client can decide which forms to use based on the attorney-approved guide.

Source. Business and Professions Code Chapter 5.5.

(<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=bpc&codebody=&hits=20>; <http://perma.cc/4CAA-QRBW>). See also the website of the California Association of Legal Document Assistants, (<http://calda.org/>; <http://perma.cc/5Y22-L8TC>).

(c) COLORADO

Status. A subcommittee of the Colorado Supreme Court Advisory Committee is examining the Washington state LLLT program. First meeting: June 2015.

Source. Press release: *Colorado Studying New Limited Legal License*. (<http://www.coloradosupremecourt.us/Newsletters/Spring2015/Colorado%20studying%20new%20limited%20legal%20license.htm>; <http://perma.cc/GCY7-HNCH>).

(d) FLORIDA

Status. Program in place.

Title. Association of Legal Document Preparers.

Minimum education.

Not stated.

Administration and regulation.

Not stated.

Authority.

Not stated.

Source. Website of the Florida Association of Legal Document Preparers (<http://www.faldp.org/>; <http://perma.cc/A7RR-6J2S>).

(e) LOUISIANA

Status. Program in place since "time immemorial."

Title. Notary public.

Minimum education. High school diploma, or GED.

Administration and regulation. Pre-assessment test. Examination. Application with the secretary of state. \$35 application fee. \$75 examination fee. Good moral character, integrity, and sober habits. Appointed by governor with the advice and consent of the Senate. Registration with secretary of state. \$10,000 bond renewed every 5 years. May be appointed in the parish of residence and in any parish in which he or she maintains an office. Annual report to the secretary of state with \$25 report fee. Voluntary associations.

Authority.

(1) Draft, prepare and execute affidavits, acknowledgements and authentic acts.

(2) Documents listed on the website of the Professional Civil Law Notaries Association as proper for a notary to prepare, but not negotiate on behalf of a client:

- | | |
|-----------------------|--------------------------|
| • Affidavits | • Bond for Deed |
| • Acknowledgments | • Acts of Adoption |
| • Authentic Acts | • Guarantee Letters |
| • Security Agreements | • Power of Attorney |
| • Mortgages | • Affidavits of Heirship |
| • Acts of Sales | • Small Successions |
| • Donations | • Wills |

- Trusts
- Real Estate Transactions
- Partition of Property
- Incorporations
- LLC Formations
- Operating Agreements
- Partnership Agreements
- Matrimonial Agreements
- Public Inventories
- Contracts
- Bill of Sales
- Quit Claims
- Public Inventories
- Contracts in Authentic Form
- Provisional Custody Agreements

Source. Louisiana R.S. Title 35; (<http://perma.cc/RDN5-KKBN>). See also the website of the Professional Civil Law Notaries Association, (http://www.pclna.org/notary_duties.html; <http://perma.cc/3RH6-YNBY>) and the website of the Louisiana Notary Association, (<http://www.lna.org/>; <http://perma.cc/U9WY-7X7J>).

(f) NEVADA

Status. Program in place since March 1, 2014.

Title. Document preparation services.

Minimum education.

None.

Administration and regulation. Registration with the secretary of state. Applicant information and history, business information, background check and a cash or surety bond in the amount of \$50,000. No application fee. Annual renewal. Active state business license. Complaint and discipline process. Private right of action for double damages. Criminal liability for willful violation of the enabling act. Written disclosure and written contract required. Communication with client is not privileged.

Authority. For compensation and at the direction of a client, provide assistance to the client in a legal matter, including:

- (1) preparing or completing any pleading, application or other document;
- (2) translating an answer to a question posed in a document;
- (3) securing any supporting document, such as a birth certificate, required in connection with the legal matter; or
- (4) submitting a completed document on behalf of the client to a court or administrative agency.

Source. Nevada Revised Statutes Chapter 240A and secretary of state Regulation R136-13. (<http://nvsos.gov/index.aspx?page=1346>; <http://perma.cc/4N7M-ZBM3>).

(g) OREGON

Title. Limited License Legal Technician. (The task force also outlines a voluntary registered paralegal program.)

Status. The task force studying limited licensing issued its report and recommendations in February, 2015.

Recommendation.

The Task Force recommends that the Board of Governors consider the possibility of the Bar's creating a Limited License Legal Technician (LLLT) model as one component of the BOG's overall strategy for increasing access to justice. It further recommends, should the Board decide to proceed with the LLLT concept, that it begin with the suggestions developed by Task Force Subcommittees. The Task Force also suggests that the first area that be licensed be family law, to include guardianships.

Should the Board decide to proceed with this concept, the Task Force recommends a new Board or Task Force be established to develop the detailed framework of the program. For the reasons set out herein, the BOG should review the recently established Washington State Bar Association LLLT program and consider it as a potential model.

Recommended minimum education. Associate degree. 45 quarter credit hours of legal studies in core curriculum requirements (paralegal studies). Instruction in an approved practice area for the number of credit hours determined by the board. Core curriculum exam and practice area exam.

Recommended minimum experience. 4,160 hours or 2 years of substantive law-related experience supervised by a lawyer with 2,080 hours or 1 year of experience in the specialty practice area in which the applicant is requesting licensure. Completed within 3 years of passing core curriculum exam.

Recommended administration and regulation. Regulatory board with administrative support from the state bar association. Examination fee. Application fee. Background check. Character and fitness review. Oath. Annual licensing fee. Financial responsibility (Professional liability insurance). 45 CLE hours every 3 years with a 3-year rotating reporting cycle. One prong of the CLE component would cover the core CLEs and the other prong would be specific to the specialty license. Rules of

professional conduct. Complaint and discipline process. Privileged communications.

Recommended authority in family law.

- (1) Provide approved forms, assist client to choose which forms to use. Assist in completing forms in a ministerial capacity and without giving legal advice.
- (2) Provide generalized explanations of the law without applying it specifically to the client's case or fact pattern.
- (3) Explain options without offering legal opinions.
- (4) Review approved documents completed by the client to determine if they are complete and correct.
- (5) Review and interpret necessary background documents and offer limited explanations necessary to complete approved forms.
- (6) Provide or suggest published information about legal procedures, legal rights and obligations and materials of assistance with children's issues.
- (7) Explain court procedures without applying it specifically to the client's case.
- (8) File documents at the client's request.

The family law subcommittee also discussed whether LLLTs should be permitted to work with both parties, subject to ethics rules applicable to LLLTs.

Discussed but not decided.

- (1) What entity should oversee the program?
- (2) How would the program be implemented initially?
- (3) How would the initial implementation be financed?
- (4) Should legal technicians have to contribute to a client protection fund?
- (5) Should legal technicians have to maintain client trust accounts?
- (6) What entity should provide malpractice insurance?
- (7) What activities and roles should be permitted of legal technicians?
- (8) How should legal technicians with licenses from other states be treated?
- (9) How should legal technicians who have a primary office outside of Oregon be handled?
- (10) What responsibilities should legal technicians have depending on whether they are under the direction and supervision of a lawyer? Is supervision relevant?

Source. Legal Technicians Task Force Final Report to the Board Of Governors
(http://bog11.homestead.com/LegalTechTF/Jan2015/Report_22Jan2015.pdf; <http://perma.cc/4NE3-AJK5>).

(h) WASHINGTON

Title. Limited license legal technician.

Status. Program in place. Initial licenses issued Spring 2015.

Minimum education. Associate degree. 45 credit hours of core curriculum instruction in paralegal studies. Instruction in an approved practice area for the number of credit hours determined by the regulatory board. (Currently 15 credit hours in family law, the only approved practice area.) One credit hour is 7.5 hours of instruction. Core curriculum exam and practice area exam.

Minimum experience. 3,000 hours of substantive law-related work experience supervised by a licensed lawyer. Acquired no more than three years before licensure and no more than three years after passing the examination.

Administration and regulation. Regulatory board with administrative support from the state bar association. Budget approved by the association's board of governors. Examination fee. Application fee. Background check. Character and fitness review. Oath. Annual licensing fee. Financial responsibility (Professional liability insurance). IOLTA account. 10 CLE hours per year. Rules of professional conduct. Complaint and discipline process. Privileged communications.

Authority. Within an approved practice area for which the technician qualifies:

- (1) Obtain relevant facts and explain the relevancy to the client.
- (2) Inform the client of procedures, including deadlines and documents that must be filed, and the anticipated course of the proceeding.
- (3) Inform the client of procedures for filing documents and service of process.
- (4) Provide the client with self-help materials prepared by a lawyer or approved by the board.
- (5) Review documents or exhibits of the opposing party and explain them to the client.
- (6) Select, complete, file and effect service of approved forms, federal forms, forms the content of which is specified by statute, or forms

prepared by a lawyer. Advise the client of the significance of the forms.

- (7) Perform legal research.
- (8) Draft legal letters and documents beyond what is permitted in paragraph (6), if the work is reviewed and approved by a lawyer.
- (9) Advise a client about other documents that may be necessary to the client's case, and explain how the additional documents may affect the client's case.
- (10) Assist the client in obtaining necessary documents or records, such as birth, death, or marriage certificates.

Source. Washington Rule APR 28 and implementing regulations.

(<http://www.wsba.org/Licensing-and-Lawyer-Conduct/Limited-Licenses/Legal-Technicians>; <http://perma.cc/RJ5W-NQU2>).

(i) OTHER STATES

- (1) Nearly all states have pro bono programs in which lawyers or non-lawyers offer information, advice or representation for qualified individuals.
- (2) The Connecticut Bar Association's Task Force on the Future of Legal Education and Standards of Admission issued a June 2014 report recommending the state modify its practice rules "so that nonlawyers be permitted to offer some basic legal services to the public."
- (3) The Massachusetts Bar Association voted in March 2014 to endorse the recommendations of the ABA Task Force on the Future of Legal Education, including the licensing of people other than those with law degrees.
- (4) Other states have held meetings about limited licensing but have taken no official steps as January 1, 2015.

Source. Robert Ambrogi, Washington. State moves around UPL, using legal technicians to help close the justice gap, ABA JOURNAL (Jan. 1, 2015, 5:50 AM),

(http://www.abajournal.com/magazine/article/washington_state_moves_around_upl_using_legal_technicians_to_help_close_the_justice_gap; <http://perma.cc/FL75-QKAR>).

The Salt Lake Tribune

A new kind of paralegal is coming to help Utahns navigate the court system

BY JESSICA MILLER

THE SALT LAKE TRIBUNE

PUBLISHED: DECEMBER 15, 2015 08:18AM

UPDATED: DECEMBER 14, 2015 10:41PM

There are issues with how Utahns access their justice system, a Utah Supreme Court justice said.

Many people either can't afford lawyers, Deno Himonas said Monday, or simply don't want to hire one to help them navigate the court system as they file for divorce, settle debts or resolve eviction issues.

"Lawyers have been incredibly generous with their time," Himonas said. "And are trying to address [those issues] through pro bono measures. But at the end of the day, though, we need to come up with an economically viable model that will help improve access for those individuals in our civil justice system."

To that end, the Utah Supreme Court has approved the creation of a new legal profession: limited paralegal practitioners.

An LPP, or paraprofessional, will have more training and responsibilities than a normal paralegal, but is not quite a lawyer. The paraprofessional will be able to help the public in those areas where Utahns generally aren't hiring lawyers.

"They will really help [their clients] navigate the system, if you will," Himonas told the Utah Judicial Council at its monthly meeting Monday.

Himonas, who chaired a task force committee that explored whether LPPs could help Utahns have better access to courts, told the council that the committee spent the past seven months exploring other states where similar programs exist, and examining what was successful and what was not.

The task force said an LPP can be a cheaper alternative for people who can't afford a lawyer or don't want to spend their money on one.

"We recognize the valuable services that lawyers provide to their clients every day, in and out of court," the report reads. "But the data shows that, even after years of effort with pro bono and low bono programs, a large number of people do not have a lawyer to help them. ... The people facing these situations need correct information and advice. They need assistance."

An LPP will help fill in that gap — assisting clients outside of the courtroom by filling out forms, representing clients in mediated negotiations or preparing settlements.

"[But] there is a limit," appellate court administrator Timothy Shea told the judicial council. "And that is essentially the courtroom door. An LPP cannot represent someone in the courtroom."

This means the paraprofessional cannot present evidence inside a courtroom, question witnesses or make arguments before a judge.

LPPs will be required to have a certain amount of education, according to the report. They will be required to have either a law degree or an associate degree with a paralegal certificate. They will also need to be experienced as a paralegal and complete further courses in their practice area.

The Utah State Bar would oversee licensing and disciplinary concerns for the newly formed program, according to the report. Spokesman Sean Toomey said Monday that the bar is pleased with how quickly the Supreme Court task force issued its report and "looks forward to considering its recommendations."

He said they have also encouraged lawyers to change the way they connect with those needing legal help, including how they "package, price and deliver their services."

The Utah Supreme Court has approved creation of the new legal profession — but it will take some time to implement the program. Now that the task force has presented its findings to the Supreme Court and the judicial council, a committee will be appointed to figure out the nuts and bolts of how the program will work, including what educational requirements will be needed and what the exact limitations will be.

Creating a new career field from the ground up won't be without challenges, however.

One of the biggest hurdles may be getting Utah lawyers to support the program. The task force report said 60 percent of lawyers recently surveyed by the Utah State Bar either disagreed or "strongly disagreed" with a proposal to explore limited licenses for certain practice areas.

Other challenges the task force identified in its report is whether there will be a viable market for paraprofessionals in rural markets, and whether LPPs' rates may still be too high for some clients.

When asked what he thought would be the most challenging part of the new program, Himonas said his short answer would be: "Everything."

"It's all new," he said. "It's so new, that even identifying challenges are hard. I think the most important thing that we need to do is build in a way of measuring from the very beginning. Defining what success is and then being able to measure that."

Rick Schwermer, the assistant administrator for the Utah State Office of the Courts, said the new profession is a big deal, and is "changing the landscape of how we provide access to legal services."

"Yes, we are at the beginning of it," Schwermer said. "But we've done the most difficult part, which is getting everyone to agree that we need to do something and coming up with at least the framework for doing it."

jmiller@sltrib.com

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TAB 2

1 **PROPOSAL TO AMEND UTAH CONSTITUTION - JUDGES**
2 **OF COURTS NOT OF RECORD**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Craig Hall**

6 Senate Sponsor: _____

7
8 **LONG TITLE**

9 **General Description:**

10 This joint resolution of the Legislature proposes to amend the Utah Constitution to
11 modify a provision relating to judges of courts not of record.

12 **Highlighted Provisions:**

13 This resolution proposes to amend the Utah Constitution to:

- 14 ▶ eliminate a restriction against requiring judges of courts not of record to be admitted
15 to practice law; and
16 ▶ provide for qualifications of judges of courts not of record.

17 **Special Clauses:**

18 This resolution directs the lieutenant governor to submit this proposal to voters.

19 This resolution provides a contingent effective date of January 1, 2017, for this
20 proposal.

21 **Utah Constitution Sections Affected:**

22 **AMENDS:**

23 **ARTICLE VIII, SECTION 11**
24

25 *Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each*
26 *of the two houses voting in favor thereof:*

27 Section 1. It is proposed to amend Utah Constitution, Article VIII, Section 11, to read:

28 **Article VIII, Section 11. [Judges of courts not of record.]**

29 Judges of courts not of record shall be selected in a manner[; and for a term[; and with
30 ~~qualifications~~] provided by statute. ~~[However, no qualification may be imposed which requires~~
31 ~~judges of courts not of record to be admitted to practice law.]~~ Judges of courts not of record
32 shall be at least 25 years old, United States citizens, Utah residents for three years preceding
33 selection, and admitted to practice law in Utah, and shall have any other qualifications
34 provided by statute. The number of judges of courts not of record shall be provided by statute.

35 Section 2. **Submittal to voters.**

36 The lieutenant governor is directed to submit this proposed amendment to the voters of
37 the state at the next regular general election in the manner provided by law.

38 Section 3. **Contingent effective date.**

39 If the amendment proposed by this joint resolution is approved by a majority of those
40 voting on it at the next regular general election, the amendment shall take effect on January 1,

41 2017.

Legislative Review Note
Office of Legislative Research and General Counsel

The Salt Lake Tribune

Utah legislator: Time to make sure judges know the law

BY DAN HARRIE

THE SALT LAKE TRIBUNE

PUBLISHED: JANUARY 3, 2016 11:03AM

UPDATED: JANUARY 5, 2016 11:23AM

The vast majority of court cases in Utah — including most criminal matters — are overseen by judges who may not have a law degree or license.

That's a big problem as one lawmaker sees it.

"The time has come for all judges in Utah to be law-trained and licensed to practice law," says Rep. Craig Hall, R-West Valley City.



He is proposing legislation to clear the way for such reform — a step that would require amending the Utah Constitution, which now bars the Legislature or courts from requiring justice court judges to be licensed attorneys.

Utah district courts, which handle all felony cases and the most serious misdemeanors, are run by judges who must have degrees and backgrounds in law. But it's a different story in justice courts, where a majority of judges — 54 of 98 — are not lawyers.

"Some people have indicated, 'Well it's just the justice court system, it's not that big of a deal,' " says Hall. "But it is a big deal when a justice court judge deals with constitutional rights every day, including incarceration. A justice court judge has the ability to put someone in jail."

In fact, anyone going through the court system in Utah is nearly twice as likely to have their case heard in justice court than district court. State records show

justice courts handled nearly 460,000 cases last year, compared to just under 270,000 in district courts.

Some 73,000 of those justice-court cases were criminal cases, mostly comprising class B and class C misdemeanors, compared to 40,000 criminal cases in district court.

Hall faces a challenge. Amending the state constitution requires a two-thirds vote by lawmakers and voter approval. And he has some selling to do.

Utah justice courts underwent a major reform in 2008 that has improved it markedly, said Richard Schwermer, assistant state court administrator.

Those changes included establishing a formal nominating process, standardizing pay and subjecting justice court judges to the same type of evaluations and retention elections as other judges.

It has also resulted in a shift away from non-attorney judges.

"We've had, I think, only three judges appointed since 2008 who weren't lawyers," Schwermer said.

A requirement like the one supported by Hall raises substantial logistical problems, he said. What happens to the dozens of current judges who are not attorneys? And how do you impose such a mandate in rural Utah, where qualified and interested lawyers may be few and far between?

Cordell Pearson, a Circleville resident and veteran of lawman, recently was picked as the new justice court judge for Salina and Aurora.

"How many lawyer applicants to you think they had for the judgeship?" asks Schwermer. "There was one and that lawyer applicant happened to be the judge in another county."

As a former police officer and sheriff, Pearson's background had stronger ties to the justice system than some. One Utah County justice court judge is a retired high-school choral director, a judge in Rich County is a cattle rancher, one in Beaver County is a retired dairy farmer and a judge in Wayne County spent his career in construction.

"Requiring judges to have a law license will not only increase the likelihood that judges get their rulings right, but will increase confidence in our justice court system," Hall says.

An Intermountain Healthcare attorney, Hall says he's proposing the change not because of any one case or run-amok judge, but based on two reports recently released by the Utah Judicial Council looking at problems in the state's legal defense for poor people.

A report prepared by the Sixth Amendment Center, found numerous cases where defendants' constitutional rights to an attorney were blatantly, if unintentionally, violated.

In one example, a young woman in a rural justice court was sentenced to jail without being offered the right to counsel because she admitted to drug use and the judge said she needed mental-health treatment for depression.

In another case, a defendant in an urban justice court asked for an attorney, saying he couldn't afford one. The judge told him if he pleaded guilty he would suspend the 90-day jail sentence, "so I can't give you an attorney at taxpayer expense." The report pointed out that that denial of counsel was illegal because if the defendant violated terms of his probation, including failing to pay the \$300 fine, he could land in jail.

But Schwermer points out that neither report blames problems with Utah's indigent defense system on non-attorney judges. Rather, both point to inadequate funding and oversight of court-appointed and locally budgeted legal defenders.

Hall's proposal, he says, is "the wrong medicine for this disease."

Schwermer said the significant problems with indigent defense will be addressed in forthcoming legislation.

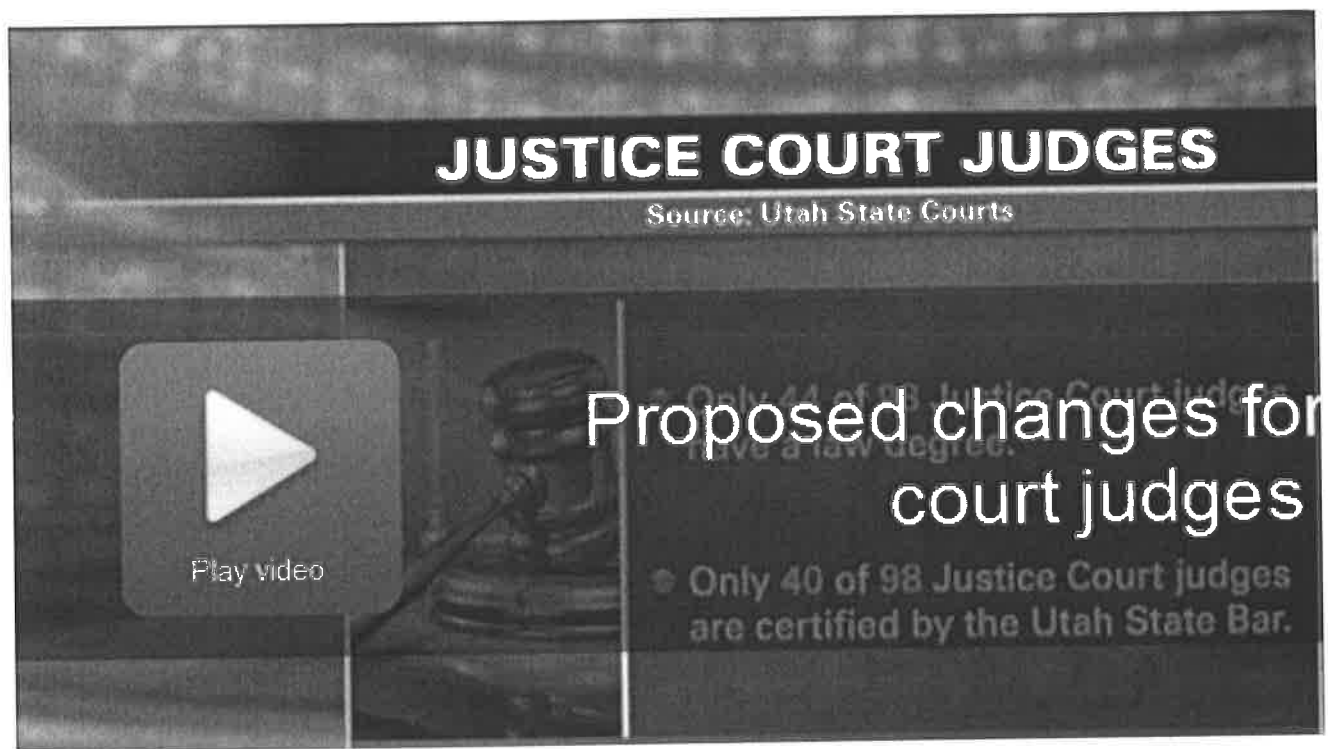
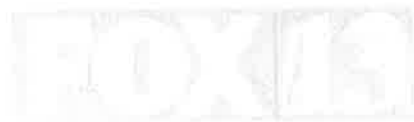
Hall doesn't believe his resolution should be so easily dismissed.

"Both reports conclude that the justice court judges need to be better trained," he said. "A law degree and passing the bar exam would help with that training."

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Did you know you don't have to be a lawyer to be a Justice Court judge in Utah?

POSTED 3:25 PM, JANUARY 15, 2016, BY BEN WINSLOW, UPDATED AT 09:46AM, JANUARY 16, 2016



SALT LAKE CITY -- A new bill on Utah's Capitol Hill is seeking to require judges in Utah's Justice Court system to actually be lawyers.

"You do not need to be a licensed attorney to be a justice court judge in the state of Utah," said Rep. Craig Hall, R-West Valley City.

Hall is running a bill -- seeking a constitutional amendment -- to change that, requiring judges to be Utah State Bar certified attorneys. Data provided to FOX 13 on Friday shows that a majority of Utah's Justice Court judges don't have a law degree.

+ Follow

The Utah State Courts said only 44 of the 98 judges have law degrees. Of those, only 40 are certified by the state bar.

"The time has come for all judges in Utah to be licensed to practice law," Hall said.

Hall pointed to a series of audits that highlighted problems in Utah Justice courts, including judges that failed to notify people of their right to legal counsel and some judges acting as prosecutor, defense and adjudicator. The audits of the Utah State Court system focused on Sixth Amendment violations (right to legal counsel) and have spawned their own bills in the legislature.

"Frankly, Justice court judges deal every day with important constitutional issues including possible incarceration. Those reports have indicated our judges need to be better trained with respect to the Sixth Amendment and other issues," he said.

Justice courts handle misdemeanor cases ranging from drug possession to speeding and the majority of criminal issues are dealt with by them. The Utah State Courts said approximately 460,000 cases went through Justice courts in 2015, compared to 269,000 in District court.

In Salt Lake City, Justice court administrators said all of their judges are required to be attorneys. It is not the case in more rural parts of the state, where an attorney may be hard to come by.

The Utah Judicial Council backs legal education for judges, but disagrees with requiring a constitutional amendment -- where a majority of the legislature and voters would have to approve it.

"We don't think a constitutional amendment is the route to go. We think we can achieve 99.9 percent of what Rep. Hall wants to achieve with a statutory amendment," said assistant Utah State Courts administrator Richard Schwermer.

Schwermer raised concerns about what happens to the existing judges (particularly in rural areas where a replacement may be hard to find). He noted that in past years, the courts have sought to broaden the legal education for judges -- but the legislature rejected the request.

The bill will be considered in the Utah State Legislature.

RELATED STORIES

 Follow

The Salt Lake Tribune

Letter: Law degree should be baseline for judges

PUBLISHED: JANUARY 16, 2016 08:09AM

UPDATED: JANUARY 16, 2016 08:09AM

Regarding "Utah legislator: Time to make sure judges know the law," Jan. 2:

Rep. Craig Hall's attention to justice court reform is on the mark. A number of reforms have been made recently, but this additional step should be taken.

My civil litigation practice is conducted primarily in federal courts but I have, by way of assisting relatives and friends from time to time, observed the justice courts process. They deal with criminal charges, although misdemeanors, which can have life altering consequences and where careful attention to constitutional rights is essential.

While a law degree is not a guarantee of good judicial performance, citizens are entitled to that baseline of training of our judges simply as a matter of creating public trust that the system is fair.

Jeffrey Weston Shields

Salt Lake City

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TAB
3

2016 Legislative Session Activities and Guide

Legislative Monitoring with the Government Relations Committee

- We have begun the process of reviewing introduced bills with the support of the Government Relations Committee Chairs, and making preliminary thoughts of the Section or Division that they should be assigned
- The first formal meeting to review bills will be held on January 19, and then every Tuesday thereafter during the General Legislative Session.
- Additionally, Rep. Craig Hall has reached out to us to gauge the Bar's support of a constitutional amendment, H.J.R. 1, *Proposal to Amend Utah Constitution - Judges of Courts Not of Record*.
- Lawmakers, particularly Sen. Steve Urquhart, will also be paying attention as the Courts move to adopt a new enhanced practice paralegal license.

Meetings with Lawmakers

- As we develop a legislative agenda, it will be worthwhile to develop relationships between legislators and Bar leadership (Commissioners and Section Chairs). A good place to start would be with an informal "Lawyers Caucus" that has been formed by Rep. Dan McCay. Since there will always be turnover on the Commission and at the legislature, we should continually work to build relationships with Rep. McCay and other lawyer-legislators as a base of support. This is true even though these members have not always been the Bar's strongest supporters in the past.
- Over time it will also be important to build relationships with other lawmakers, particularly those in House and Senate Leadership and relevant committees
- *Law Day on the Hill* - We can work with the Bar on ideas to include opportunities for members of the Bar to interact broadly with rank and file legislators so that we continue to build and raise the Bar's profile at the Capitol

Other Important Links & Guides:

- Legislature Home Page, le.utah.gov (Listen to Hearings, Find your Legislature, etc.)
- Important 2016 Session Dates, <http://le.utah.gov/asp/electiondates/sessdates.asp>
- 2016 Session Homepage, <http://le.utah.gov/~2016/2016.HTM>
- Make Your Own Bill Tracker, <http://le.utah.gov/asp/billtrack/track.asp>
- New Bills RSS Feed, <http://le.utah.gov/asp/billtrack/newbillrss.asp>
- Utah Bill Watch App available for iOS and Android

Rule 14-106. Authority to engage in legislative activities.

Pursuant to Article VIII, Section 4 of the Utah Constitution, the Supreme Court hereby authorizes and directs the Board to engage in legislative activities.

(a) The Board is authorized and directed to study and provide assistance on public policy issues and to adopt positions on behalf of the Board on public policy issues. The Board is authorized to review and analyze pending legislation, to provide technical assistance to the Utah Legislature, the Governor of Utah, the Utah Judicial Council and other public bodies upon request, and to adopt a position in support of or in opposition to a policy initiative, to adopt no position on a policy initiative, or to remain silent on a policy initiative. The position of the Board shall not be construed as the position of the Court or binding on the Court in any way.

(a)(1) The Board's consideration of public policy issues shall be limited to those issues concerning the courts of Utah, procedure and evidence in the courts, the administration of justice, the practice of law, and matters of substantive law on which the collective expertise of lawyers has special relevance and/or which may affect an individual's ability to access legal services or the legal system.

(a)(2) Public policy issues may be submitted to the Board for consideration in accordance with written procedures established by the Board.

(a)(3) The adoption of a Board position shall be in accordance with written procedures established by the Board.

(a)(4) The Board shall prepare and maintain a written record of the Board's positions on public policy issues and shall ensure reasonable notice and distribution to the members of the Bar.

(b) Governmental Relations Committee. The Board may establish a Governmental Relations Committee to assist in carrying out its responsibilities as set forth above. The committee's membership and procedures shall encourage broad participation and input and compliance with this policy.

(c) Legislative budget, rebates. The Board shall establish, as part of its annual budget, a legislative budget which shall include all reasonable administrative expenses attributable to the Bar's legislative activities. The Board shall identify each member's pro rata portion of the amount budgeted for legislative activities and establish a fair and equitable rebate procedure of that amount for Bar members who object to any legislative position taken by the Board.

Utah State Bar Policies and Procedures on Legislative Activity.

1. Utah Supreme Court Grant of Authority.

It is the policy of the Bar to carry out legislative activities authorized by Rule III.O of the Rules for Integration and Management of the Utah State Bar as modified by the Utah Supreme Court November 1, 1989, a copy of which is attached as Appendix "L".

2. Scope of Bar Authority.

The scope of legislative activity of the Bar may be as broad as authorized under Rule III.O of the Rules for Integration of the Utah State Bar.

3. Governmental Relations Committee.

The Bar has established a Governmental Relations Committee to assist in carrying out its responsibilities as set out in Rule III.O.

4. Role of Committee.

As a general rule, recommendations for positions on legislation shall be presented to the Board through its Governmental Relations Committee after consultation with the Governmental Relations Representative and other interested committees and sections of the Bar.

5. Weekly Telephonic Meetings During Session.

During the legislative session, the Board shall hold regularly scheduled weekly meetings by means of a conference call to discuss issues and take positions on legislation.

6. Supermajority Voting Requirement.

Except as provided in Paragraph 7 below, the Board shall not take a position on legislation unless it is supported by a two-thirds vote of those present.

7. Interim Positions by President or President-elect.

In the event that it is not reasonable and practical to wait for the next scheduled regular or telephonic Board Meeting, the President, or the President-elect in the President's absence, may, upon the recommendation of the chair of the Governmental Relations Committee and the Governmental Relations Representative, take a position on legislation on behalf of the Board. Such positions shall be reported immediately by fax or e-mail to all Board members.

8. Rebate of Licensing Fees Allocated to Legislative Activities.

Any member of the Bar who objects to the expenditure of funds by the Board may apply for a license fee rebate in an amount representing that member's *pro rata* portion of the amount budgeted for legislative activities, including reasonable administrative expenses. That *pro rata* portion shall be determined by dividing the total amount spent on legislative activities into the total amount of license revenue collected to date and multiplying that dividend by the licensing fees paid by the member. Such application shall be made in writing to the Executive Director following annual publication of a notice of rebate in the *Utah Bar Journal*.

9. Scope of Issues for Committee Consideration.

Wherever any of the following issues are evident, the Governmental Affairs Committee may make recommendations to the Board for authority to engage in legislative activity.

(a) Judiciary.

- (1) Appointment of judges.
- (2) Judicial compensation.
- (3) Judicial oversight and qualification.
- (4) Legislative requests to add judges to districts or specific functions.
- (5) Independence of the judiciary.

(b) Courts.

(1) Issues involving the organization or re-organization of the courts of this state.

(2) Jury nullification.

(c) Procedures and Evidence.

(1) Where legislation proposes substantial procedural changes from long standing statutory or judicial precedent.

(2) Legislation initiatives to amend or propound evidentiary standards within the province of the Supreme Court.

(d) Constitutional Issues.

Where a constitutional infirmity is evident or strongly suggested.

(e) Access.

Legislation which may substantially impede an individual's right to seek judicial redress.

(f) Practice of Law.

Issues involving the continuing qualifications of those authorized to provide legal services in the State.

(g) Matters of Substantive Law.

(1) Where legislation attempts to alter long-standing statutory or judicial precedent in matters of substantive law.

(2) Where legislation appears frivolous or repugnant.

(3) Where legislation attempts to alter the established legal posture of litigants or appears to favor one position over another.

(h) Administration of Justice.

Any other issues affecting the administration of justice in the State or on which the Bar has special interest or expertise.

(i) Exceptions.

(1) The Bar will typically not take positions where significant numbers of Bar members practicing and competing in adverse specialties would have fundamental disagreement even where any of the above criteria would be met.

(2) The Bar may lend its expertise to explain or clarify issues where no official position is taken.

10. Representation of the Bar and Policy Formation.

(a) The Board shall formulate and express the policy of the Bar, subject to the Bar's grant of authority from the Utah Supreme Court and continuing jurisdictional authority and supervisory control of the Utah Supreme Court.

(b) Except as provided herein or specifically authorized by the Board no other member or employee of the Bar may represent the Bar. A section or committee may represent itself and take a position on legislative matters according to procedures which have been adopted by the section or committee and approved by the Board as long as that position is not in conflict with the position taken by the Board. Any position taken by a section or a committee must be reviewed with the chair of the Governmental Affairs Committee, the Bar's Governmental Relations Representative and the Executive Director of the Bar. Frequently, sections

of the Bar develop or propose changes in the law or positions with respect to pending or proposed legislation. Generally, such proposals or proposed changes are not presented as actions of the Bar. Members of sections duly designated by officers of the section may present such proposals or proposed changes as recommendations of that section of the Bar and may appear and testify before legislative committees under their restricted grant of authority and within the restrictions listed above. If a member of a section or committee appears before the public or before a legislative body and permits him or herself to be identified as having an official connection with the Bar or one of its committees or sections, such member shall fairly state the policy of the Bar on the matter in question if a policy has been adopted and, if the member expresses views at variance with any such policy, the member shall clearly identify the variance as the member's personal views only. If the Bar has not formulated a policy on the matter in question, or if the member has no knowledge of any such policy, the member shall nevertheless identify utterances on the subject as the member's personal views. In any event, unless specifically authorized by the Board to appear on behalf of the Bar before the public or before any legislative body, the member shall make it clear that he or she does not represent the Bar, or necessarily represent the views of the Bar, and is appearing only in a personal capacity.

TAB
4

D. Sections and Committees

1. General.

(a) Creation, Organization and Duration.

(1) Sections.

(1.1) New sections will be considered for formation by written applications submitted to the Board. A new section application shall identify the purposes of the proposed section, justify its creation and indicate why its objectives cannot be met by existing sections.

(1.2) The application will include the following:

(i) Signatures of at least 25 members of the Bar indicating intent to become charter members of the section.

(ii) Initial start-up fund of \$500.

(iii) Copy of proposed bylaws, modeled after the form prescribed by the Board for all sections. Submission of bylaws may be deferred for 3 months from the date Board grants approval.

(iv) Proposed dues schedule for membership and statement of purpose and objectives for all such dues collected and retained.

(v) Identification of initial officers who will act until official elections can be held, including President, Vice-President and Secretary-Treasurer with statement from each indicating willingness to serve.

(1.3) The Board will receive and act on the application at a regular convened Commission Meeting.

(1.4) The Board reserves the right to grant provisional recognition for one year with full recognition thereafter and upon review of the section activities and member participation during the provisional period.

(1.5) Following approval, the section shall thereafter be responsible for its own membership and operations, subject at all times to the overall authority of the Board.

(1.6) Once organized, the section shall continue in existence until dissolved by action of the Board.

(1.7) Section leadership shall prepare and submit to the Board on a bi-annual basis, a report of its activity and membership. The report shall include the following information:

- (i) A list of current membership.
- (ii) Schedule of meetings, CLE or other activities of the section conducted during the preceding two-year period.
- (iii) Schedule of section funds collected and all expenditures.
- (iv) Schedule of anticipated activities for the upcoming period.

(v) Any other information regarding actions of the section to meet its objectives.

(1.8) There shall be a minimum number of twenty-five members to maintain section status.

(1.9) Sections which fail to meet the purpose and objectives for which it was created; fail to meet the purposes, objectives and mission of the Bar; or whose membership drops below the required number of twenty-five members, may be dissolved by the Board after notice and opportunity to be heard by the Board. In the event any section is dissolved, all funds held by the section may be transferred to the general fund for the Bar.

(2) Committees.

Matters concerning committee membership and committee chairs are governed by the bylaws of the Utah State Bar.

(b) Membership.

(1) Sections.

Section membership shall be limited to members of the Bar unless provisions in the section's bylaws which have been approved by the Board provide for a process to permit non-Bar members to be section members and the section has followed those procedures.

(2) Committees.

It is the policy of the Bar to make committee and other Bar assignments available to as many members of the Bar as possible. Consequently, as a general rule, members should be restricted to membership on one committee at a time. Solicitations of interest in committee assignments should be made on at least an annual basis to members of the Bar, and expressions of interest taken into account when composing committee membership rosters. Chairs of committees are selected and approved by the Board, upon recommendation of the President.

(c) Stationery.

In general, sections and committees of the Bar are not provided with separate stationery. The use of Bar stationery in appropriate circumstances may be approved by the Board or by the Executive Director, upon specific request by the chair. Bar stationery is for official Bar business only. It may not be used for letters to public officials, members of Congress or the state legislature, to the general public, or to members of the Bar without express prior permission of the Board or by the Executive Director under a delegation of authority by the Board.

(d) Retention of Consultants.

Neither sections nor committees may enter into employment relationships with consultants or others without specific prior approval of the Board.

(e) Programs and Projects.

(1) Sections.

Sections of the Bar shall accept such projects, programs, and assignments as the Board may direct. Sections may also initiate and carry out programs, projects and activities on the section's own initiative, but only insofar as they are consistent with the purposes and objectives of the Bar. The Board retains ultimate authority to approve or disapprove section programs, projects and activities.

(2) Committees

In general, all activities, programs and projects of committees of the Bar are by direct assignment from the Board on an annual basis. Committees may initiate programs and projects only after approval by the Board upon report from the committee chair or the Commission liaison to the committee.

(f) CLE Programs.

(1) Program Preparation.

Whenever a section or committee decides to develop a CLE program, section representatives shall promptly meet with the CLE Administrator to develop a program plan consistent with the policy provisions which are herein set forth. The section develops program content, speakers and target audience subject to final approval by the CLE Administrator.

(2) Scheduling.

Scheduling of an event by section and staff shall not conflict with other Bar programs and is scheduled with adequate lead time for program development and marketing.

(3) Expenses.

Expenses to be paid or reimbursed are subject to Bar policies and the event budget must be approved by the CLE Administrator. Expenses not thus payable or reimbursable by the Bar, or as an advance against anticipated proceeds, may be incurred and paid by the section as additional support of the event with prior approval by the CLE Administrator.

(4) Bar Staff Duties.

The Bar staff will coordinate all hotel or other site arrangements including but not limited to meals, meeting rooms and sleeping rooms, on-site technical support, all travel arrangements for speakers or guests; develop, produce, distribute and coordinate all marketing and registration materials and collections; reproduce all included papers, articles, outlines or other handouts for registrants according to a timetable to be established when the event is scheduled; make all disbursements and reimbursements as authorized by the Executive Director; provide regular reports to the section representative regarding production, marketing, site planning and registration; provide an accounting of all revenues and expenses attributable to the event to the section; make all decisions regarding

fees, complimentary or reduced rate registrations and other special arrangements in consultation with the section representative.

(5) Contracts.

All contracts are to be signed by the Executive Director.

(6) Section and Committee Duties.

The section will provide a section representative to assume primary responsibility for arranging the program and speakers, and to liaison with Bar staff; develop the program, including speakers and publications or handout materials, according to a timetable to be established at the time the event is scheduled; provide all information requested by Bar staff relevant to the speakers and materials; promote registration among its members and cooperate with Bar staff in identifying all target groups for special marketing, if appropriate; incur no obligation on behalf of the Bar or the event without the approval of the Executive Director and meet calendar deadlines for all items. No member of the section or committee may sign any contract on behalf of the section, committee or the Bar.

(7) Revenue Accounting.

(7.1) Unless otherwise agreed upon by the sponsors and the Bar, net revenue for seminars held in the Law & Justice Center with food and beverages provided by the Center shall be split 50% to the Bar and 50% to the section or committee.

(7.2) Unless as otherwise agreed upon by the sponsors and the Bar, net revenue for seminars held in the Law & Justice Center with food

and beverages not provided by the Center shall be split 50% to the Bar and 50% to the section or committee.

(7.3) Unless as otherwise agreed upon by the sponsors and the Bar, net revenue for seminars held in a location other than the Law & Justice Center shall be split with 50% to the Bar and 50% to the section or committee.

(7.4) Net revenue shall be defined as gross revenue less all program expenses, including room rental, food and beverages, equipment rental, speakers' fees, printing, copying, postage, mailing and other incidental costs; personnel costs directly related to the seminar, including salaries, benefits and payroll taxes and overhead charges for the employee's space allocated to the seminar; and charges for room utilization, including the scheduled room rental rate, food and beverage set-up charges at cost plus 15% and charges for all no-shows.

(7.5) If the expenses exceed revenues, the section or committee shall reimburse the Bar for its expenses.

(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.

(h) Solicitation or Acceptance of Contributions.

Sections and committees of the Bar may not solicit or accept contributions, entertainment or gifts from organizations, commercial or noncommercial, including free printing, prizes, souvenirs or meeting space without prior approval of the Board or the CLE Administrator in the case of seminars. The only authorized fund raising activity of committees or sections of the Bar is the imposition of dues upon members of sections in amounts approved by the Board.

(i) Reports, Studies and Other Findings of Sections and Committees.

Pursuant to the bylaws of the Utah State Bar, sections and committees may submit regular or periodic reports to the Board. No report, study, finding or other written material by a section or committee of the Bar shall purport to express an official position or policy of the Bar without prior specific approval of the Board and no report, study, finding or other written material shall be prepared for or disseminated to the public or any legislative body, and no distribution shall be made thereof without prior approval of the Board. The Board may also allow a report, recommendation, program or other matter coming from a section or committee to be so disseminated, provided that it states prominently at the outset that it represents the opinion of that particular section or committee and not the opinion of the Bar.

(j) Conflict of Interest.

There shall be disclosed by any section or committee members, any material interest in the subject matter of a proposed recommendation, study, or finding on the part of the section or committee by reason of specific employment or representation of clients at the time of its submission to the Board.

TAB
5

Analysis of *Utah Bar Journal* Advertising

by Laniece Roberts

At the request of John Baldwin, I am writing this report regarding *Utah Bar Journal* advertising, including its challenges. As part of this process and for comparison purposes, I have researched the publications of other local professional organizations and, in particular, their advertising. I also looked at a number of other state bar journals and compared their advertising rates and ads to the *Utah Bar Journal*.

The difficulties of selling *Utah Bar Journal* advertising to companies that are not law-related

We have never had much success selling ad space in the *Journal* to companies without any law-related connection. Even though attorneys are an attractive market for luxury car dealers or upscale restaurants and retail stores, these types of advertisers look, not just at how much an ad is costing them, but how many people can be reached with each advertising dollar. When compared to a more broad-based advertising medium (newspaper, TV, radio) the cost-per-impression for a *Bar Journal* ad is high. Therefore, while a newspaper or TV ad costs more than an ad in the *Bar Journal*, those advertising mediums will reach many more people per dollar – including *Utah* attorneys. Ultimately these types of businesses decide that they don't need to advertise in the *Bar Journal* to reach attorneys – they are already reaching them through their regular advertising efforts.

Strengths of Selling *Utah Bar Journal* Advertising

The obstacles to selling to companies outside of the legal profession become great benefits when dealing with companies whose main customers are attorneys. The fact is, the *Bar Journal* is simply the best, most cost-effective way to reach out to Utah's legal community. It is certainly more affordable than buying a mailing list and paying postage to send a mailer to all 10,200+ Utah attorneys. Even e-mails tend to get lost in the shuffle of junk mail that we all receive every day. If attorneys are your target market, then the *Bar Journal* is the place to spend your advertising dollars.

The *Utah Bar Journal* compared to other professional association publications

Many of the professional associations in Utah are too small to publish anything more than a newsletter. However, I did find a few association magazines and when I compared them to the *Utah Bar Journal*, our ad rates seemed to be more than fair, especially considering the fact that our circulation is much larger than these other organizations. The major difference was the number of ads. The other publications had anywhere from just two ads in an issue up to 15 ads. Compare that to the 20–30+ ads that we have in each issue of the *Bar Journal* and I think we are doing quite well.

I examined at least a year's worth of issues from each of the publications I looked at. In every case I only found ads that related to that organization's profession. There were absolutely no ads for retailers of any kind.

The *Utah Bar Journal* compared to other state bar journals

I was able to acquire rate cards/media kits for nearly 30 different state bar journals. I discovered that our ad rates are currently at or near the average cost of other bar journals, when adjusted for circulation. If you do not adjust for circulation, then our ad rates are below average.

We have not raised our ad rates for several years, in part because of the difficult legal market and a resulting downturn in advertising expenditures by companies in the legal field. However, over the past two years we have seen advertising rebound to the point that, in 2015, we have often had as many ads as we could make room for in each issue. Therefore, I think it is likely time to raise the rates. I would suggest a raise of approximately 10% across the board. I would also increase the rate for "special position" in the *Bar Journal* from 10% to 20% or even 25%.

While doing this research I also had the opportunity to look through issues of dozens of state bar journals and I noticed a number of differences:

- A good number of the journals contained very few paid advertisements. Others had a fair number of ads, but only Arizona's journal came close to competing with the number of ads that we have in the *Utah Bar Journal*.
- Only one of the journals that I looked through contained a non-law related ad (for a vacation resort). None of the other journals had any ads for stores, car dealerships, or any other kind of retailer. All of the ads were law-related or law-firm focused.
- Several of the state bar journal rate cards or media kits referred to their journal as a "major member benefit".
- The average number of issues that each bar publishes annually is 9.
- Compared to other state bar journals, especially those with similar-sized membership, the *Utah Bar Journal* is one of the best looking and most professional journals. Whether they end up advertising with us or not, I have heard nothing but good things about the look and substance of the *Utah Bar Journal* from potential advertisers.

The cost of publishing the *Utah Bar Journal*

It is my understanding that we run an average of \$10,000 in costs above revenue for each issue of the *Bar Journal* published. That works out to just under \$1 per member per issue. That seems more than reasonable for the one tangible thing that Bar members receive for their Bar dues, not to mention the value it provides, including:

- Substantive and timely articles about recent developments in the law
- Informative "how to" articles
- Analysis of new technology and how it affects your practice

- Announcements about Bar events, awards, etc.
- The opportunity for *Bar Journal* authors to communicate their ideas or share their experience and knowledge with their fellow Bar members
- A vehicle for the Bar to impart important and timely information and notices to members
- A way for the Bar to promote and encourage participation in pro bono programs, mentoring, upcoming conventions, CLEs, Bar sections and committees, and more
- A way for the courts to communicate with Bar members about upcoming changes, new technology, new programs, etc.
- A way for Bar members – particularly those residing outside the Wasatch Front – to feel connected to the Bar, beyond just paying their dues

Conclusion

When compared to other state bar journals or other professional organization's publications the *Utah Bar Journal* is actually doing quite well with respect to the number of ads per issue and the resulting advertising revenue. While ad rates could probably be raised somewhat to help with expenditures, the value of the *Journal* to the Bar membership, and to the Bar itself, should not be discounted.

Here are answers to the questions you and the Bar Journal Review Committee have asked:

1. If we could reduce the number of journals printed. They have been told that we currently order 500 to 1,000 more copies than we actually send out.

We currently order 10,500 journals. They are disseminated as follows:

10,228 are sent Bar members
87 are sent to subscribers
50 are sent to the S.J. Quinney College of Law
50 are sent to the J. Reuben Clark Law School

The approximately 100 extra copies are sent back to the Bar. A few of these are placed around the Law & Justice Center, others are sent to the advertisers as proof of publication, and the rest are kept on file for future use.

2. Have Bar "announcements" increased over time now and does that increase the costs of publication? Do things like commission minutes; pro bono honor roll; the president's message; etc. and other "bar stuff" actually serve to increase the cost of printing and postage and by eliminating them could we reduce costs?

Bar announcements have not increased much, if at all. The Commission minutes have actually been abbreviated in recent years and usually take up less than a column in the Journal. We make every effort to keep the pro bono honor roll at one page. It is probably an important feature to keep, as we definitely hear from attorneys if their name is somehow inadvertently left off the list. They seem to appreciate the recognition.

The only Bar related feature that tends to take up a lot of space are the Ethics Opinions. They can sometimes run on for several pages. On occasion, when we have had an especially full Journal, we have just printed the issue and the summarized opinion with a link to the entire opinion for those who are interested in reading it. The Ethics Advisory Opinion Committee does not seem to appreciate these abbreviated versions of their opinions, however.

3. And, would reducing the paper quality or cover weight and gloss or the number of journals we print and mail then save money?

PAPER: With the type of printing process we use, there are only a few paper choices. We are currently using one of the most economical choices. There is one paper that is slightly lighter in weight, but the savings would be just

\$150 per issue. The printer warns that this lighter paper would allow for some bleed through from one page to the next and would also cause the black text and images to appear gray.

NUMBER OF COPIES PRINTED: In order to change the printing price in any tangible way, we would have to reduce the copies printed by a few thousand. We are currently only printing 50-100 more than are actually delivered.

NUMBER OF PAGES: We also looked into the possible savings of printing fewer pages. The printing costs are as follows:

72 pages: \$9,785
68 pages: \$9,295
64 pages: \$8,115
60 pages: \$8,715*

We are currently publishing a 72-page Journal. If we were to drop four pages we would save \$490. However, if we have advertisers who want those pages, their ad revenue would more than pay for the cost of those pages. Just one full page color ad brings in \$1400 and one half-page ad \$770. If cutting pages means cutting advertisers, we would actually end up reducing revenue and increasing costs. Cutting too much content to reduce pages could also have the same effect, because we need a certain amount of content to place the ads in.

*The cost of printing 60 pages is more than printing 64 because printing 60 pages actually requires more press runs.

	circulation	full pg color	cost/copy	1/2 pg color	cost/copy	1/4 pg color	cost/copy	issues/yr
Texas	112,625	\$4,445.00	\$0.04	\$3,592.00	\$0.03	\$2,707.00	\$0.02	12
Florida	83,600	\$3,075.00	\$0.04	\$2,228.00	\$0.03	\$1,519.00	\$0.02	10
Michigan	40,000	\$1,910.00	\$0.05	\$1,440.00	\$0.04	\$1,165.00	\$0.03	12
Illinois	33,000	\$3,735.00	\$0.11	\$2,501.00	\$0.08	\$1,729.00	\$0.05	12
Georgia	32,000	\$2,864.00	\$0.09	\$1,867.00	\$0.06	\$1,496.00	\$0.05	12
North Carolina	31,700	\$2,000.00	\$0.06	\$1,500.00	\$0.05	\$1,100.00	\$0.03	4
Missouri	31,000							6
Pennsylvania	30,000	\$3,435.00	\$0.11	\$2,365.00	\$0.08			6
Wisconsin	24,900	\$1,845.00	\$0.07	\$1,420.00	\$0.06	\$730.00	\$0.03	11
Ohio	24,000	\$2,686.00	\$0.11	\$1,867.00	\$0.08	\$1,473.00	\$0.06	6
Arizona	23,000	\$2,995.00	\$0.13	\$1,665.00	\$0.07			11
Louisiana	20,000	\$1,370.00	\$0.07	\$1,050.00	\$0.05			6
Oregon	18,800	\$1,845.00	\$0.10	\$1,235.00	\$0.07	\$1,020.00	\$0.05	10
Kentucky	17,800	\$1,800.00	\$0.10	\$730.00	\$0.04	\$520.00	\$0.03	6
Colorado	17,000							12
South Carolina	15,000	\$1,070.00	\$0.07	\$630.00	\$0.04	\$360.00	\$0.02	6
Tennessee	12,000	\$1,100.00	\$0.09	\$935.00	\$0.08			12
Indiana	11,500	\$1,257.00	\$0.11	\$871.00	\$0.08	\$631.00	\$0.05	10
Nevada	11,000	\$992.00	\$0.09	\$735.00	\$0.07	\$504.00	\$0.05	12
Utah	10,200	\$1,400.00	\$0.14	\$770.00	\$0.08	\$560.00	\$0.05	6
Connecticut	10,000	\$1,750.00	\$0.18	\$1,150.00	\$0.12	\$880.00	\$0.09	9
Iowa	8,000	\$1,550.00	\$0.19	\$1,220.00	\$0.15	\$1,035.00	\$0.13	11
Hawaii	7,300	\$1,540.00	\$0.21	\$1,280.00	\$0.18			12
Kansas	7,300	\$1,000.00	\$0.14	\$500.00	\$0.07	\$315.00	\$0.04	10
Rhode Island	6,400							6
Idaho	6,200	\$750.00	\$0.12					9
Arkansas	5,000	\$775.00	\$0.16	\$430.00	\$0.09			4
Wyoming	3,500	\$490.00	\$0.14	\$325.00	\$0.09	\$210.00	\$0.06	6
Maine	3,050	\$750.00	\$0.25	\$445.00	\$0.15	\$230.00	\$0.08	4
averages		\$1,862.65	\$0.11	\$1,310.04	\$0.08	\$957.05	\$0.05	8.7

	circulation	full pg b/w	cost/copy	1/2 pg b/w	cost/copy	1/4 pg b/w	cost/copy	issues/yr
Texas	112,625	\$3,302.00	\$0.03	\$2,340.00	\$0.02	\$1,568.00	\$0.01	12
Florida	83,600	\$2,425.00	\$0.03	\$1,578.00	\$0.02	\$869.00	\$0.01	10
Michigan	40,000	\$1,250.00	\$0.03	\$780.00	\$0.02	\$505.00	\$0.01	12
Illinois	33,000	\$3,085.00	\$0.09	\$1,851.00	\$0.06	\$1,079.00	\$0.03	12
Georgia	32,000	\$1,790.00	\$0.06	\$1,168.00	\$0.04	\$935.00	\$0.03	12
North Carolina	31,700	\$1,600.00	\$0.05	\$1,100.00	\$0.03	\$700.00	\$0.02	4
Missouri	31,000	\$1,193.00	\$0.04	\$887.00	\$0.03			6
Pennsylvania	30,000	\$2,535.00	\$0.08	\$1,465.00	\$0.05			6
Wisconsin	24,900							11
Ohio	24,000	\$1,911.00	\$0.08	\$1,092.00	\$0.05	\$698.00	\$0.03	6
Arizona	23,000							11
Louisiana	20,000	\$1,085.00	\$0.05	\$800.00	\$0.04			6
Oregon	18,800	\$1,620.00	\$0.09	\$1,010.00	\$0.05	\$795.00	\$0.04	10
Kentucky	17,800	\$1,700.00	\$0.10	\$630.00	\$0.04	\$420.00	\$0.02	6
Colorado	17,000	\$925.00	\$0.05	\$590.00	\$0.03	\$365.00	\$0.02	12
South Carolina	15,000	\$820.00	\$0.05	\$490.00	\$0.03	\$280.00	\$0.02	6
Tennessee	12,000							12
Indiana	11,500	\$934.00	\$0.08	\$548.00	\$0.05	\$309.00	\$0.03	10
Nevada	11,000	\$817.00	\$0.07	\$560.00	\$0.05	\$329.00	\$0.03	12
Utah	10,200	\$970.00	\$0.10	\$600.00	\$0.06	\$440.00	\$0.04	6
Connecticut	10,000	\$1,500.00	\$0.15	\$900.00	\$0.09	\$630.00	\$0.06	9
Iowa	8,000	\$1,000.00	\$0.13	\$680.00	\$0.09	\$485.00	\$0.06	11
Hawaii	7,300	\$955.00	\$0.13	\$695.00	\$0.10			12
Kansas	7,300							10
Rhode Island	6,400	\$822.00	\$0.13	\$443.00	\$0.07	\$253.00	\$0.04	6
Idaho	6,200	\$500.00	\$0.08	\$400.00	\$0.06	\$300.00	\$0.05	9
Arkansas	5,000							4
Wyoming	3,500							6
Maine	3,050	\$535.00	\$0.18	\$315.00	\$0.10	\$160.00	\$0.05	4
averages		\$1,446.70	\$0.08	\$909.65	\$0.05	\$585.26	\$0.03	8.7

UTAH ASSOCIATION PUBLICATIONS

	circulation	full pg	cost/ copy	1/2 pg	cost/copy	1/4 pg	cost/ copy
Utah Bar Journal	10,200	\$1,400	\$0.14	\$770.00	\$0.08	\$560	\$0.05
National Assoc. of Cert. Valuers	7000	\$2,045	\$0.29	\$1,585	\$0.23	\$1,135	\$0.16
Utah Association of CPAs	3,000	\$900	\$0.30	\$500.00	\$0.17	\$200.00	\$0.07
Utah Bankers Association	1,800	\$2,884	\$1.60	\$2,163	\$1.20	\$1,622	\$0.90
Utah Manufacturers Assoc.	1,000	\$2,925	\$2.93	\$2,225	\$2.23	\$1,695	\$1.70
Utah Assoc. for Justice*	400	\$330	\$0.83	\$220	\$0.55	\$150	\$0.38

OTHER LOCAL PUBLICATIONS

	circulation	full pg	cost/ copy	1/2 pg	cost/copy	1/4 pg	cost/ copy
Salt Lake Trib/Deseret News**	95,000	\$3,278.75	\$0.03	\$1,525	\$0.02	\$915	\$0.01
SLUG Magazine	30,000	\$1,648	\$0.05	\$921	\$0.03	\$612	\$0.02
Utah Business Magazine	25,000	\$5,500	\$0.22	\$3,780	\$0.15	\$3,230	\$0.13
Healthy Utah Magazine	20,000	\$1,550	\$0.08	\$950	\$0.05		
Utah Valley Business Q	13,200	\$1,693	\$0.13	\$998	\$0.08	\$763	\$0.06

*Black & White ads only

**Rates are for a special edition pub.

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Eisenberg & Gilchrist 900 Parkside Tower, 215 South State Salt Lake City, UT 84111	full page full color	\$1400.00	due
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ALPS P.O. Box 9169 Missoula, MT 59807-9169 ATTN: Molly Boyle	1/2 page black & white	\$540.00	pre-paid
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Kennedy Mediation 805 Grandridge Drive Salt Lake City, UT 84103	1/4 page full color	\$532.00	due
Scott Daniels P.O. Box 521328 Salt Lake City, UT 84152	1/3 page black & white	\$495.00	due
The Stone Law Firm 4570 Campus Drive Newport Beach, CA 92660 ATTN: Elliott Stone	1/3 page full page	\$630.00	due

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Utah Bar Journal *September/October 2015 Advertisers*

page 2 of 4

Brian S. King 336 South 300 East, Suite 200 Salt Lake City, UT 84111	1/2 page black & white	\$523.00	due
Utah Dispute Resolution 645 South 200 East Salt Lake City, UT 84111	1/3 page full color	\$350.00	pre-paid
Stuart T. Waldrip 817 Double Eagle Drive Midway, Utah 84049	1/4 page full color	\$532.00	due
G Eric Nielson & Assoc. 4790 Holladay Blvd. Salt Lake City, UT 84117	full page full color	\$1,400.00	pre-paid
George E. Dias P.O. Box 641723 San Francisco, CA 94164	1/6 page black & white	\$365.00	pre-paid
Babcock Scott & Babcock 505 East 200 South, Suite 300 Salt Lake City, UT 84102	1/3 page black & white	\$575.00	pre-paid
Strong & Hanni 102 South 200 East, Suite 800 Salt Lake City, UT 84111 (ordered by Micah Johnston)	full page full color	\$1330.00	due
Smith Hartvigsen 175 South Main Street, Suite 300 Salt Lake City, UT 84111	1/2 page full color	\$732.00	pre-paid
Erkelens & Olsen 430 West 300 North Salt Lake City, UT 84103	1/4 page black & white	\$396.00	due

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Phone: (801) 910-0085

Fax: (801) 363-0219

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Utah Bar Journal

September/October 2015 Advertisers

page 3 of 4

Kirton McConkie 50 East South Temple, Suite 400 Salt Lake City, UT 84111 (ordered by Deb Kirby)	1/2 page full color	\$795.00	due
Energy 8 Media (agency) Snow Christensen & Martineau 7904 Showcase Ln. Sandy, UT 84094 attn: Susie Carlson	1/2 page full color	\$693.00	due
Jones Waldo 170 South Main Street, Suite 1500 Salt Lake City, UT 84101 (ordered by Wendy Barclay)	1/2 page full color	\$732.00	due
Christensen & Jensen 257 East 200 South, Suite 1100 Salt Lake City, UT 84111	1/2 page color full page color 1/4 page color (Kelson ad) 1/2 page color (classified ad)	\$693.00 \$1,260.00 \$532.00 \$693.00 \$3,178.00	total due
Smith Knowles 2225 Washington Blvd., Suite 200 Ogden, UT 84401	1/2 page full color	\$795.00	pre-paid
Capital Fund Law Group 222 South Main Street, Suite 500 Salt Lake City, UT 84101	full page full color	\$1,260.00	pre-paid
Long Reimer Winegar Beppler LLP P.O. Box 3070 Jackson, WY 83001	1/2 page full color	\$770.00	pre-paid
Winder & Counsel 460 South 400 East Salt Lake City, UT 84111	1/4 page full color	\$616.00	pre-paid

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Utah Bar Journal
September/October 2015 Advertisers

page 4 of 4

Susanne Gustin 299 South Main Street, Suite 1300 Salt Lake City, UT 84111	full page full color	\$1,400.00	pre-paid
Creative Boost Marketing (Agency) Prince Yeates – advertiser 2351 East 430 South Spanish Fork, UT 84660	full page full color	\$1,400.00	pre-paid
Ray Quinney & Nebeker 36 South State Street, Suite 1400 Salt Lake City, UT 84111 ordered by: Kim Blackburn	full page full color	\$1,400.00	due
Steven M. Kelly 361 North Main Street Salt Lake City, UT 84103	1/4 page full color	\$560.00	pre-paid
Tyrone Medley 553 8th Ave. Salt Lake City, UT 84103	1/4 page full color	\$532.00	pre-paid
		\$27,549.40	

**TAB
6**

From: John Lund
Sent: Thursday, December 10, 2015 11:13 AM
To: Commissioners All
Cc: John Baldwin
Subject: Notice of Candidacy

Fellow Commissioners,

I write to ask that you consider me for nomination to the office of Bar President-elect. With two terms as a commissioner completed, I'd now like to continue to serve the Utah legal profession by stepping forward to lead our amazing organization.

I am very hopeful that the Commission will vote in favor of my nomination. I look forward to presenting my views on this at the January Bar Commission meeting; but, please contact me any time if you'd like to discuss it.

In the meantime, here's wishing that you all find some joy and peace during this holiday season,

John



A Professional
Law Corporation

John R. Lund | Attorney at Law
Parsons Behle & Latimer
201 South Main Street, Suite 1800 | Salt Lake City, Utah 84111
Main 801.532.1234 | Direct 801.536.6872 | Fax 801.536.6111

parsonsbehle.com | JLund@parsonsbehle.com | vCard

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Notice of Bar Election President-Elect

Nominations to the office of Bar President-elect are hereby solicited. Applicants for the office of President-elect must submit their notice of candidacy to the Board of Bar Commissioners by January 1, 2016. Applicants are given time at the January Board meeting to present their views. Secret balloting for nomination by the Board to run for the office of President-elect will then commence. Any candidate receiving the Commissioners' majority votes shall be nominated to run for the office of President-elect. Balloting shall continue until two nominees are selected.

NOTICE: Balloting will be done electronically. Ballots will be e-mailed on or about April 1, 2016, with balloting to be completed and ballots received by the Bar office by 5:00 p.m. April 15, 2016.

In order to reduce out-of-pocket costs and encourage candidates, the Bar will provide the following services at no cost:

1. space for up to a 200-word campaign message* plus a color photograph in the March/April issue of the *Utah Bar Journal*. The space may be used for biographical information, platform or other election promotion. Campaign messages for the March/April Bar Journal publications are due along with two photographs no later than February 1st;
2. space for up to a 500-word campaign message* plus a photograph on the Utah Bar Website due February 1st;
3. a set of mailing labels for candidates who wish to send a personalized letter to Utah lawyers who are eligible to vote;
4. a one-time email campaign message* to be sent by the Bar. Campaign message will be sent by the Bar within three business days of receipt from the candidate; and
5. candidates will be given speaking time at the Spring Convention; (1) 5 minutes to address the Southern Utah Bar Association luncheon attendees and, (2) 5 minutes to address Spring Convention attendees at Saturday's General Session.

If you have any questions concerning this procedure, please contact John C. Baldwin at (801) 531-9077 or at director@utahbar.org.

*Candidates for the office of Bar President-elect may not list the names of any current voting or *ex-officio* members of the Commission as supporting their candidacy in any written or electronic campaign materials, including, but not limited to, any campaign materials inserted with the actual ballot; on the website; in any e-mail sent for the purposes of campaigning by the candidate or by the Bar; or in any mailings sent out by the candidate or by the Bar. Commissioners are otherwise not restricted in their rights to express opinions about President-elect candidates. This policy shall be published in the *Utah Bar Journal* and any E-bulletins announcing the election and may be referenced by the candidates.

3. Current Commissioner Support for President-elect Candidates.

Candidates for the office of Bar President-elect may not list the names of any current voting or *ex-officio* members of the Commission as supporting their candidacy in any written or electronic campaign materials, including, but not limited to, any campaign materials inserted with the actual ballot; on the web site; in any e-mail sent for the purposes of campaigning by the candidate or by the Bar; or in any mailings sent out by the candidate or by the Bar.

Commissioners are otherwise not restricted in their rights to express opinions about President-elect candidates. This policy shall be published in the *Utah Bar Journal* and any e-Bulletins announcing the election and may be referenced by the candidates.

TAB
7

UTAH BAR COMMISSION MEETING AGENDA ITEM

Title: Dorothy Merrill Brothers Award Selection

Item: 3.2

Submitted by: John Baldwin

Meeting Date: January 22, 2016

ITEM/ISSUE:

To select the 2016 Dorothy 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. Barbara Hjelle
2. Joni K. Jones

PAST RECIPIENTS AND NOMINEES:

Past Recipients		Other Nominations That Year
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 Dragoo	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



WOMEN LAWYERS of UTAH

January 15, 2016

Re: *Dorothy Merrill Brothers Award*
Nominee: *Barbara Hjelle*

2015-2016 Board

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Zakia Richardson
UMBA/YLD Representative

Patricia Christensen
Senior Bar Member
Representative

Dear Bar Commission,

As the first woman lawyer in the Washington County area, Barbara Hjelle has been a pioneer in the legal profession and, by example and through her work, advanced women in the legal profession. As such, the Women Lawyers of Utah is proud to nominate Barbara Hjelle for the Dorothy Merrill Brothers Award for the advancement of women in the legal profession.

With more than thirty years of legal experience, Barbara joined the Washington County Water Conservancy District in 2000. She currently serves as the associate general manager and counsel of the District, overseeing in-house legal work, records management, customer service, and providing general assistance to the general manager.

She is admired for her professionalism by her colleagues in the Washington County area. Due to the nature of her positions at the District and the importance of water-related issues in Utah, she is frequently quoted in public media and has testified before the US Congress on water issues. This has made her a visible example of a well-respected, professional, and passionate woman lawyer.

Outside of busy schedule with the District, Barbara has been an active mentor, including through the New Lawyer Training Program.

In furtherance of this nomination, please find attached information regarding Barbara's distinguished career. Thank you for your consideration her nomination.

Sincerely,

Audrey Phillips
Career Advancement Committee Chair
Women Lawyers of Utah

Barbara Hjelle



Barbara Hjelle currently serves as the associate general manager and counsel of the Washington County Water Conservancy District, overseeing in-house legal work, records management, customer service and providing general assistance to the general manager. She joined the district in 2000 with more than 30 years legal experience.

She's currently serving as the chair of the National Water Resources Association Policy Development Committee and is a member or past member of the State and Institutional Trust Lands Advisory Board, Southern Utah Bar Association, Utah State Bar Association, American Bar Association, Association of Trial Lawyers of America and the American Association of University Women.

Hjelle received her bachelor's and master's degrees in biology from the University of New Mexico and her juris doctorate, where she graduated cum laude, from the University of New Mexico School of Law.

Christy Abad

From: Meb Anderson [mebanderson@utah.gov]
Sent: Wednesday, January 13, 2016 10:27 AM
To: Christy Abad
Subject: Dorathy Merrill Brothers Award Nomination

To whom it may concern,

I would like to nominate Joni K. Jones from the Utah Attorney General's Office for this award. Joni is the Division Director for the litigation division in this office. She has served in that capacity for a year and a half and prior that that was the Civil Rights section director in the litigation division. Joni has served the citizens of the state of Utah and the Attorney General well in these capacities. She has handled numerous cases with significant impact on case law and legislation in this State, including as examples the Parker Jensen case, and more recently in the United Effort Plan Trust matter. Joni is a fountain of knowledge and a go to person for any legal question in the litigation division. She has been a mentor to me, and countless others in the Attorney General's Office through leading by example and doing the hard work to resolve cases positively. She has done all of this while raising two awesome kids with her equally awesome spouse Stewart. She would be a great recipient of this award.

Thanks for your consideration.

Regards,

Meb W. Anderson
 Assistant Attorney General
 160 East 300 South, 6th Floor
 P.O. Box 140856
 Salt Lake City, Utah 84114-0856
 Telephone: (801) 366-0148
 Fax: (801) 366-0101

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Barbara Hjelle poses for a portrait in her office at the Washington County Water Conservancy District.

Barbara Hjelle: Washington County's first female attorney

BY LISA LARSON

Nearly 30 years ago when Barbara Hjelle started practicing law in Washington County, there was one thing that immediately set her apart from her colleagues — she was the first and only female attorney in the area.

Viewed as a professional pioneer, Hjelle says at the time, she was relatively unaware of any challenges being the lone woman in a man's world may have presented. Looking back now, though, she recognizes some situations in which her gender may have been an issue.

"It's never been something I personally thought much about," Hjelle says. "I've been treated very well overall."

Describing herself as an intellectually curious person, Hjelle was inspired to pursue the legal field when she saw the good her husband was doing as an attorney. The two met after his second year of law school and ultimately the law appealed to Hjelle's innate desire to help people and to differentiate

between right and wrong.

"It's been a wonderful career for me," she says.

The early years of her practicing law included some litigation, and she still holds a place in her heart for some of the domestic cases she was involved with because they allowed her to work closely with other women. But her work with Ron Thompson, general manager of the Washington County Water Conservancy District, on *Sierra Club v. Hodel*, the Burr Trail cases, proved to be a turning point for her.

"It turned out to be a pretty good knowledge base for a career here," Hjelle says, adding that she was even granted the opportunity to testify before the United States Congress on the issues on which that case was based.

Hjelle's current position as the assistant general manager/counsel for the Washington County Water Conservancy District is extremely

demanding, but she thoroughly enjoys the work she is able to do.

"We have a very challenging, very complex task and one that is very important to our community," Hjelle says of her current job. Of all the things people need to survive, water is right up there at the top, she adds.

Throughout Hjelle's time in Southern Utah, the number of attorneys — male and female — has increased dramatically, which is something Hjelle says is fabulous, though her schedule with the Water Conservancy District has kept her from getting involved with some of the female attorney organizations in the area.

When she's not attending meetings, analyzing federal issues that impact the region or keeping up on the various regulations and policy changes related to water, Hjelle loves spending time gardening, hiking, camping and caring for her two horses, five cats, three dogs, one husband and five acres. **SGM**

UTAH BAR COMMISSION MEETING AGENDA ITEM

Title: Raymond S. Uno Award Selection

Item: 3.2

Submitted by: John Baldwin

Meeting Date: January 22, 2016

ITEM/ISSUE:

To select the 2016 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

1. Reyes Aguilar
2. Carl Hernandez

NOMINEES:

PAST RECIPIENTS AND NOMINEES:

Past Recipients		Other Nominations That Year
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

Christy Abad

From: Robert Flores [robert.flores@law.utah.edu]
Sent: Friday, January 15, 2016 11:38 AM
To: Christy Abad
Subject: Uno Award nomination--- R Aguilar, by B Flores
Attachments: Reyes Aguilar-nom Uno Award-B_Flores2016-01-15.pdf

Attached please find my letter nominating Reyes Aguilar for the Ray Uno Award. Please confirm that you have received this, and please let me know if any further information is needed.

For your information, Reyes is not aware that this nomination is being made--- and it is preferable to keep it confidential until a decision has been made.

Thank you. Bob Flores

Prof. Robert Flores, SJ Quinney College of Law; Special Assistant for Faculty-- Associate V.P. Academic Affairs; Senate Policy Liaison, University of Utah. Direct 801-581-5881

robert.flores@law.utah.edu ##

January 15, 2016

Utah State Bar
Raymond L. Uno Award Selection Committee

submitted via email to: adminasst@utahbar.org

I write to support recognizing the career-long contributions of Reyes Aguilar, currently the Associate Dean of the S.J. Quinney College of Law, by selecting him for this year's Raymond L. Uno Award.

First, I provide some background information about my own foundation of understanding the criteria for the Uno award, and my awareness of Dean Aguilar's work as relevant to the award criteria.

I am Professor of Law at the S.J. Quinney College of Law (since 1990), and Special Assistant for Policy with the office of the Senior Vice President for Academic Affairs at the University of Utah (since 2006).

Regarding the award criteria-- I am a past recipient of the Uno Award (in 2002), a co-founder of the Utah Minority Bar Association (in 1991, undertaken jointly with then-Judge Uno and a handful of other minority attorneys), co-founder of the student Minority Law Caucus at the S.J. Quinney College of Law (in 1986, undertaken jointly with now-Judge Dane Nolan and a handful of other minority students), faculty advisor to the Minority Law Caucus (1990 to present), and have served in the UMBA Leadership as liaison between the UMBA and the College of Law since founding the UMBA. I have had the great pleasure of working closely with and learning from the award's namesake-- Judge Uno, in various settings, primarily overlapping activities of the UMBA and the Minority Law Caucus, for more than 25 years. I have worked closely with most of the other past recipients of the Uno Award, jointly working on issues relevant to the award—including several recipients who are my former students and mentees. I have had numerous activist and leadership roles in minority community organizations in Utah, Washington, D.C., and nationally. I have spent most of my adult life working on the issues which are reflected in the Award, and most of those were here in Utah. I hope this brief recitation of background gives an adequate sense of my basis of familiarity with the Uno Award, and what it stands for.

I have known and worked closely with Reyes Aguilar since the 1990-91 academic year. Our interactions began when he was a student at the SJQ College of Law and I joined the faculty, assumed the role of advisor to the Minority Law Caucus, and had Reyes as a student in the first

course I ever taught. He was a “standout leader” then as a student—and has remained so consistently as he and I have worked together within the law school, more broadly across the University of Utah, and in the local and national legal communities over the ensuing 25 years. I have been first-person witness to the development of Reyes as one of our Utah legal community’s outstanding leaders, year in and year out.

Second, I offer a very truncated recitation of Dean Aguilar’s qualifications for the award.

His contributions, spanning more than two decades, have been local and national. Even as a law student 25 years ago Reyes was making significant contributions for advancement of minorities. As an active member of the SJQ Minority Law Caucus, President of the Student Bar Association, and Teaching Assistant for the Academic Support Program, he worked closely with the faculty and administration (including then-Dean Lee Teitelbaum) to bolster the law school’s efforts in recruiting and retaining other minority students, and minority faculty and administrators. His commitment, drive, and skills for furthering those issues were so clearly evident that even before he had graduated we were considering ways to keep him as a member of the law school community. Almost immediately upon graduation that was cemented through his appointment to the position he has held since—which now has the title of Associate Dean for Admissions and Financial Aid. In that position he has had a central role in the law school’s commitment to recruiting, admitting, and supporting through to graduation a diverse student body.

Every minority student, and other student supportive of minority issues, who has passed through the law school in that time has benefited directly from Reyes’s strong commitment to making the law school a supportive environment. He has advised, nurtured, and championed those students.

A few specific programs and projects within the law school and University are appropriate for mention as successes due in great part to Reyes’s enduring commitment and hard work.

- **Kids Court.** This is a very-early ‘pipeline’ program which pairs SJQ law students as mentors for a group of youngsters at Rose Park Elementary School (a Title I school with among Utah’s most diverse student body), and over the course of multiple years encourages those youngsters to complete their K-12 education (against great odds) and go on to undergraduate and graduate education. It includes regular meetings of the law students with the elementary students, and participation in a ‘moot court’ project. This was initially a brainchild of minority students at the law school—and it was actually implemented and has endured with great success over many years largely because Reyes has taken over the administrative responsibilities and continuing supervision. He has made it happen, year after year after year. It is a labor of love—as I see in his brightened eyes every time he holds an organizing meeting or talks with students, or me or other faculty or administrators about the program. As one small example, this past semester Reyes organized bringing the elementary school participants to the SJQ building for a

day, participating in a mock trial, and meeting with a special role model— Cynthia Mares, the immediate past-president of the Hispanic National Bar Association.

- **Passageways to Law.** This is a mid-point ‘pipeline’ program, recruiting, advising and assisting local high-school students considering a career in law. It includes outreach to school counselors and the students at local high schools, and brings groups of the minority students to the SJQ building for a day to attend presentations and meet with law students and faculty. This is Reyes’ “baby” in almost every respect—from initial conception, to early implementation, and on through running it as an annually recurring project, which is very well-run and a model for other law schools nationally.
- **Pre-law LEAP program.** This is a late-point ‘pipeline’ program, preparing diverse undergraduate students to enter law school. This is one on which Reyes works closely with me, and jointly we work with the leadership of the program, which is housed in the University’s Undergraduate Studies Office. The program takes a small cohort group of undergraduate students from backgrounds underrepresented in the legal profession, and takes them through a series of undergraduate courses over a three-year period, coupled with special advising, numerous meetings with minority lawyer role models, and participation in relevant events at the University and in the local community. It culminates with most of the participants applying for admission to law school (SJQ, and other law schools). Reyes acts as the SJQ administration liaison to the project, and in particular ensures that the participants are well advised for the process of seeking law school admission.

Beyond those specific programs—there is the never-ending —and frankly sometimes grueling—general work of law student recruitment. Reyes has been a “road warrior,” travelling throughout the state, around the region, and across the U.S. to conduct recruitment fairs and in other settings meet with potential students. And in those outreach efforts he is always making extra efforts to identify and connect with minority candidates, and with pre-law advisors who can be conduits for connecting to minority candidates. He then recruits current SJQ students to act as ‘ambassadors’ to speak with the potential recruits. This is particularly useful in recruiting out-of-state minority students, who often have fears about Utah being a less-than-welcoming community for minorities—and are aided by being able to discuss those concerns with current minority students. Reyes as person-to-person one-on-one connection, and Reyes as organizer of connections with other members of the SJQ community, are among the law school’s best tools in the constant challenge of admitting a diverse student body.

Further, Reyes has been a central player or crucial supporter in virtually every diversity-related initiative/ program/ project undertaken within the SJQ law school during his career. As one example, we have the SJQ Academic Support Program through which the law school provides tutoring assistance, advising, and other support to ‘at-risk’ students. I spent some 10 years serving as Director of that ASP—and throughout those years Reyes was my constant ally

in that work—as he has been to others who have subsequently taken on administration of that program.

And on the *national* level, Reyes has been a major contributor for diversification of legal education and the legal profession—and in doing so has been a highly effective ambassador for the SJQ law school in particular, and Utah in general. He has served for decades in multiple leadership positions in the national organization of greatest importance for admissions to law schools—the Law School Admissions Council. The LSAC not only administers the Law School Admission Test, but also administers much of the process of connecting student-candidates with law schools, and in other ways is the primary national organization influencing law school admissions processes and student preparation for seeking admission. Laudably, the LSAC has made diversity of law school student bodies a major thrust of its work in recent decades. And Reyes has been a central figure in the LSAC’s various diversity initiatives over many years—leading efforts at researching and supporting effective means of recruiting and supporting diverse students. He even for a brief period pulled me with him into the LSAC leadership—arranging for me to fill a vacancy in a much-sought-after spot in the LSAC’s Diversity Committee. In my few years of active involvement in LSAC committee work, I learned that among law school admissions professionals across the U.S., and within the LSAC staff, Reyes is among the most well-known and highly respected in the field—and to them he is “the face of Utah.” He has represented us exceedingly well.

Among the specific LSAC roles Reyes has had:

- Minority Affairs/ Diversity Committee (1994–1995)
- Academic Assistance Program Planning Work Group (1994–1995)
- New Initiatives Subcommittee (1995–1997).
- Services and Programs Committee (1997–1999) (including chair of Financial Aid Work Group).
- Annual Meeting and Educational Conference Planning Work Group (for meetings of 2000, 2003, 2007)
- National Recruitment Calendar Work Group (2000–2001).
- Finance and Legal Affairs Committee (2001–2003)
- LSAC Board of Trustees (2003–2006, 2013–2015)
- Trustees liaison to the Services and Programs Committee (2003–2004).
- Trustee liaison to the Minority Affairs/ Diversity Committee (2004–2006).
- Nominating Committee (2004, 2005)
- New Admission Personnel and Faculty Members Workshop Planning Work Group (2005)
- Minority Participation in LSAC Volunteer Structure Work Group (2006).
- Minority Affairs/Diversity Committee’s PLUS Subcommittee (2007–2009).
- Financial Aid Advisory Group (2008–2013).
- Audit Committee (current).

With one particularly noteworthy exception, Reyes's decades of hard work nationally and locally have not been adequately recognized and celebrated—and so recognition now through the Uno Award is both well-deserved and overdue. The noteworthy exception—in 2003 the Utah Minority Bar Association named Reyes as an honoree of the year (an award presented jointly to Reyes, and counterpart, then-Associate Dean Carl Hernandez of the J. Ruben Clark Law School at Brigham Young University).

In another respect, much of the work Reyes has done over the decades actually has already been recognized through the Uno Awards—but only indirectly. That is in the sense that all of us who work on these issues 'stand on the shoulders' of others—and the work of Reyes certainly contributed to the records of achievement which led to an Uno Award being presented to other persons—one to my SJQ faculty colleague Prof. John Martinez (1996), to me (2002), and to the several recipients who are SJQ graduates who were admitted and supported through law school on Reyes's watch and under his care (e.g., recipients Hayashi, Gonzalez, Mori, Smith, Romero).

His decades-long body of work, often done quietly in the background, has also been a contributing factor for awards given by other award programs, presented to other persons. For example, within the University, the University's Diversity and Equity Awards Program has honored the College of Law as a whole (1996), me individually (2000), and the student Minority Law Caucus (2015) for diversity work, all involving work to which Reyes has been a major contributor. And similarly the Utah Minority Bar Association has presented awards to other recipients, for accomplishments to which Reyes has been a significant but mostly unheralded contributor, for example an UMBA award to me (1993), to SJQ Dean Lee Teitelbaum (1994), and to Prof. Scott Matheson (1999). And, as with the Uno award recipients, most of the SJQ graduates who have subsequently been honored with UMBA service awards owe their accomplishments in part to the 'care and feeding' previously rendered to them by Reyes. He has very broad shoulders—and those shoulders have been a supporting platform for generations of SJQ graduates—minorities and allies, who have gone on to do the work important to the UMBA and the Utah Bar.

Those well-deserved awards to other persons, based in substantial part on work that Reyes has contributed to, are symbolic of an overarching theme in Reyes's career: some of his greatest contributions have been in making it possible for *others* to achieve. Perhaps his greatest legacy to date consists of the many individuals who he has helped recruit, admit, and support through law school, preparing (and always encouraging) them to carry on contributing to advancement of minorities. With the foundation of his creating a supportive environment and providing a helping hand-- they have gone on to serve as leaders in the Utah Minority Bar, and leaders in the Utah Bar. That would include two minority SJQ graduates who have subsequently served as Bar Presidents (Chin, Tsu), as well as several others who have served as Bar Commissioners, Section leaders, or in other leadership roles.

I submit that it is very much fitting—and a now-appropriate (if overdue) opportunity this year, to recognize Reyes Aguilar through presentation of the Utah Bar's Raymond L. Uno Award.

I would be pleased to provide any further information you might find useful as you consider a decision on this year's award. Thank you.

R L F

Robert L. Flores— University of Utah
Professor of Law— S.J. Quinney College of Law
Special Assistant for Faculty Policy—Associate Vice President for
Academic Affairs
Policy Liaison—Academic Senate



THE UNIVERSITY OF UTAH
**S.J. QUINNEY
COLLEGE OF LAW**

ROBERT W. ADLER
Jefferson B. and Rita E. Fordham Presidential Dean
University Distinguished Professor of Law

Telephone: (801) 581-6571
Facsimile: (801) 585-0077
Robert.Adler@law.utah.edu

January 14, 2016

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

Re: Nomination of Associate Dean Reyes Aguilar for Raymond S. Uno Award

Dear Ms. Abad:

Please convey to the Bar Commission my nomination of Associate Dean Reyes Aguilar for the Raymond S. Uno Award for the Advancement of Minorities in the Legal Profession. I understand that others will be nominating Dean Aguilar for this award as well, and will be providing many details of his remarkable efforts to advance minority success in the legal profession, but I also want to share my individual impressions as Dean of the S.J. Quinney College of Law, and as a colleague of his for the past 21 years.

I can think of no one who has done more than Reyes to advance the participation, and more importantly the success, of individuals in Utah from groups who have historically been under-represented in the legal profession. He inspires children to pursue a legal career—and to understand that it is within their reach—from an early age through our various pipeline and other recruitment programs that begin in elementary school and continue through college. He continues that mission through his tireless efforts to assemble the most diverse and qualified class he can for the College of Law, efforts that involve weeks at a time away from his own family as he travels around the country to recruit our students. But his work does not end when he successfully recruits a minority or other law student. As much as anyone else at the College of Law, he devotes himself to ensuring that every student he recruited, regardless of their background, has the best possible opportunity to succeed. Most directly, he facilitates financial aid and financial counseling to make their education more affordable. But perhaps more importantly, he serves as a critical mentor to all of our students through graduation and often beyond, *even though that is not formally a part of his job*. It is remarkable to me how well Reyes knows each of our graduating students three years after he initially reviewed their admissions application, and how many of them attribute their success during and after law school to him. Although Reyes is phenomenally even-handed in his treatment of all students, I know how much his mentorship and other assistance has meant in particular to minority students however they may be defined (race, ethnicity, national origin, sexual orientation and identity, etc.).

Last year I formed a Dean's Diversity Council at the College of Law, and characteristically, Reyes has been among its most enthusiastic and constructive members. One of the Council's

charges is to further enhance the diversity of our student body, which is obviously within his area of work. But the Council also works to improve the experience of minority students during law school, as well as their opportunities and success after graduation. The work of the Council has been improved significantly due to Reyes's vast experience in all of those areas.

The College of Law and its students are immensely fortunate to have had someone like Reyes running our admissions and financial aid program for so long. His effort to improve the law school experience and success of all of our students has been invaluable, but I know that it has had a particularly strong positive impact on our minority students and graduates for decades. As such, I believe he is a particularly deserving nominee for the Raymond S. Uno Award.

Sincerely,

A handwritten signature in cursive script, reading "Robert W. Adler". The ink is dark and the signature is fluid, with a large initial 'R' and 'A'.

Robert W. Adler



UTAH MINORITY BAR ASSOCIATION

PROMOTING DIVERSITY IN THE LAW

c/o Law & Justice Center, 645 South 200 East, Salt Lake City, Utah 84111

January 15, 2016

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

Dear Mr. Baldwin:

The Utah Minority Bar Association (UMBA) would like to nominate Reyes Aguilar, Jr. for the Raymond S. Uno Advancement of Minorities in the Legal Profession Award.

Aguilar is Associate Dean for Admissions and Financial Aid at the University of Utah S.J. Quinney College of Law. He is an active member of UMBA, and was selected as UMBA's Honoree of the Year in 2003. Aguilar has been an active member of the Utah legal community and proponent of minority inclusion in legal education and the legal profession for over 24 years. His service to the legal community dates back to his time as a student at the University of Utah S.J. Quinney College of Law, where he served as president of the Student Bar Association.

Aguilar began his career in legal education as a teaching assistant at the Council on Legal Education Opportunity's (CLEO) University of New Mexico Summer Institute and in the S.J. Quinney College of Law's Academic Support Program. He assumed his present position, as a director, shortly following graduation from law school in 1992.

Service to Minority Communities and Advancement of Minorities in the Legal Profession:

Aguilar's involvement in legal education and admissions has had a significant impact on the Utah legal community, as he has carefully curated a great number of diverse law students for over 20 years. Many of these students have stayed in Utah, joined the Utah State Bar, and have gone on to become leaders, commissioners, bar presidents, judges, and champions of women, minorities, and members of otherwise excluded groups. Thus, his impact as a gatekeeper is of considerable importance.

Aguilar spends months on the road each year, traveling to college campuses across the country to recruit students, including diverse candidates. After students matriculate into law school, Aguilar serves as a financial resource and mentor, enabling diverse students to complete their education. He is known to be reliably calm, confident, reassuring, empathetic, and available despite his demanding schedule.

Aguilar continually and extensively serves the local and national legal community through his endless service on boards and committees that advance student interests. He has been a frequent presenter at conferences and workshops, including those sponsored by the Access Group, Inc.; the Law School Admission Council; and the American Bar Association. His additional service to the ABA has included being a member of an onsite inspection team for the provisional accreditation review of a law school as well as serving a term as Vice-Chair of the Government Relations & Student Financial Aid Committee. He has been director of the Rocky Mountain Region CLEO Summer Institute and has given presentations on diversity, recruitment, and financial aid, among other topics. He has been active with the Utah Coalition of La Raza Hispanic Unity and Youth Leadership Conference and the Salt Lake County Division of Youth Services, and he has served on the Board of Directors of the University of Utah Young Alumni Association. He has also served the university in other areas, such as the Discrimination Complaints Hearing Panel and the Equal Opportunity/Affirmative Action Commission.

Advancement of Minorities through Local and National Service and Leadership:

Aguilar is active in the local community and has distinguished leadership experience on a national level. Aguilar became active with the Law School Admission Council (LSAC) as a member of the Minority Affairs Committee (1994–1995). He has continued to serve on influential boards and committees that directly affect legal education and funding for over 20 years. He has been involved with the Academic Assistance Program Planning Work Group (1994–1995); New Initiatives Subcommittee (1995–1997); Services and Programs Committee, chairing its Financial Aid Work Group (1997–1999); Annual Meeting and Educational Conference 2000 Planning Work Group; National Recruitment Calendar Work Group (2000–2001); and Finance and Legal Affairs Committee (2001 – 2003). He was a member of the LSAC Board of Trustees from 2003–2006, and in 2003–2004 he served as trustee liaison to the Services and Programs Committee. He was on both the 2004 and 2005 LSAC Nominating Committees and was trustee liaison to the Minority Affairs Committee from 2004–2006. He was a member of the New Admission Personnel and Faculty Members Workshop 2005 Planning Work Group and the 2006 Minority Participation in LSAC Volunteer Structure Work Group. He served as chair of the Annual Meeting and Educational Conference 2007 Planning Work Group and was a member of the Diversity Committee's PLUS Subcommittee from 2007–2009. Aguilar's service to LSAC is ongoing and he has been a member of the Financial Aid Advisory Group from 2008–2013. He currently serves as an LSAC appointee-at-large Trustee (2013–2015) and as a member of the Audit Committee.

These organizations and committees have changed the faces of incoming classes across the nation, increasing diversity within the legal profession on a large scale. Aguilar's ardent advocacy for minorities and diversity has made a difference.

Whether he is recruiting minority applicants, curating classes through admissions, offering financial and moral support to matriculated students, sculpting legal education, and representing the interests of minority students on a local and national level, Aguilar is an exemplary member of the Utah State Bar and community leader in whose footsteps others in the legal profession will follow.

It is with great pleasure that the Utah Minority Bar Association nominates Reyes Aguilar, Jr. for the 2016 Raymond S. Uno Award.

Respectfully,

M.C.K.

Michelle C. Kennedy
President, Utah Minority Bar Association



UTAH MINORITY BAR ASSOCIATION

PROMOTING DIVERSITY IN THE LAW

c/o Law & Justice Center, 645 South 200 East, Salt Lake City, Utah 84111

January 15, 2016

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

Dear Mr. Baldwin:

The Utah Minority Bar Association (UMBA) would like to nominate Carl Hernandez III for the Raymond S. Uno Advancement of Minorities in the Legal Profession Award.

Hernandez is an Associate Professor at the J. Reuben Clark Law School, and served as an Assistant Dean from 2001 - 2013. He is an active member of UMBA, and was selected as UMBA's Honoree of the Year in 2003. Since returning to Utah from California, Hernandez has been an active member of the Utah legal community and advocate for improvement in legal education.

Hernandez rose from humble beginnings. He worked alongside his family of migrant farm workers in California, learning how to prune a raisin grape vineyard year-round. He later went on to achieve great educational success, with degrees from Brigham Young University (BA 1988), Marriott School of Management at BYU (MA 1992), and J. Reuben Clark Law School at BYU (1992).

Hernandez has a distinguished legal career, with experience representing local government agencies on a range of issues including civil rights litigation, land use planning, governmental reorganizations, public contracts and eminent domain litigation and water law. He has also represented clients on immigration issues including E-2 visas, U-visas for immigrants who are victims of crimes and petitions for asylum.

Service to Minority Communities and Advancement of Minorities in the Legal Profession:

As a professor of constitutional law and professional skills, he has inspired many minority students to pursue career paths and volunteer opportunities that promote justice. Moreover, he has served as a resource for emotional support for diverse students. One UMBA board member stated, "I would not be here if it were not for him."

As Assistant Dean, he oversaw the highly selective law school admissions process. This included diversity outreach and recruitment of highly qualified law school applicants, advocating student interest in law school at national forums and fairs, and meeting the needs of minority students enrolled at BYU Law. UMBA Past-President Melinda Bowen shared her personal experience working with Dean Hernandez:

Dean Hernandez was instrumental in getting me and my husband to the law school at BYU. I had been admitted, but my husband was a transfer student from another law school. As we looked at the different schools where we could both attend the following year, we met with Dean Hernandez, and he was immensely helpful. In addition to making us feel perfectly welcome at that first meeting, he continued to communicate with us and guided us through the transfer process. But it did not end there. When I began classes in the fall of 2007, Dean Hernandez went out of his way to make sure I had the resources I needed to be successful. And over the three years I was there, I watched as he did the same for countless other students, especially minority students.

I spoke to multiple classmates who had a similar story to mine: they were deciding where to go to law school, and they chose BYU Law in large part because of Dean Hernandez and the help he provided. During my 2L year, Dean Hernandez also began an ACT prep class for students from different high schools throughout Utah County. He specifically invited many minority students to participate. Dean Hernandez gave me and another 2L the opportunity to teach the class, which provided additional opportunities to encourage the students to pursue higher education. Dean Hernandez's work in this regard also continued to efforts with undergraduate students. With the help of the rest of the admissions staff and the undergraduate multicultural student services office, Dean Hernandez organized a program every year that allowed undergraduate students to attend a law school class, meet with students and professors, and participate in other activities, all with the aim of encouraging more minority students to think about law school as an option. The program was very successful and provided great outreach opportunities.

In sum, in the nine or so years that I have known Dean Hernandez, I have watched as he has made concerted efforts to help minority students at various educational levels and from various walks of life. He has not just talked about good ideas and policies; he has taken action to make tangible improvements. I was a beneficiary of his good work, and I know many others who feel the same.

Public Service:

In addition to his duties at the BYU Law School, Hernandez has been an active member and board member of many non-legal, minority-impacting community organizations: Latinos in Action (2012 to present), Timpanogos Regional Hospital (2012 – present), Hale Center Theater (2012 – present), Boy Scouts of America's Utah National Parks Council Executive Committee (2011 – present), Zion's Bank Advisory Board in Utah County (2008 – present), Orem City Council (2008 – 2012), Utah County Hispanic Chamber of Commerce (2007 – present), and Utah Governor's Hispanic Advisory Council (2004-2008). Notably, he was the only minority member of the Orem City Council for much of his tenure.

It is with great pleasure that the Utah Minority Bar Association nominates Carl Hernandez III for the 2016 Raymond S. Uno Award.

Respectfully,

M.C.K.

Michelle C. Kennedy
President, Utah Minority Bar Association

TAB 8

UTAH BAR COMMISSION MEETING AGENDA ITEM

Title: Proposed Changes to Bar Policies /
Licensing Lawyers who Provide Incomplete
Addresses & Public Disclosure of Physical Addresses

Item # 3.4

Submitted by: John Baldwin

Meeting Date: January 22, 2016

ITEM/ISSUES:

Four issues have been raised recently again by Bar members who question the effectiveness and necessity of certain Bar policies and one has been raised by the CLE Department which appears to require Commission involvement. They are detailed individually with cover sheets and memos in the materials following.

Issue #1. Supreme Court 14-507 of the Rules of Lawyer Discipline and Disability requires that lawyers provide physical addresses to the Bar. This creates two problems.

A. Some lawyers do not provide their address or provide an incomplete address or just provide a PO Box. Currently, the Bar cannot enforce Rule 14-507.

B. Various Bar policies provide that the business address of a lawyer on active status be available to the public, even when that address is the lawyer's residence. Judges addresses are not required. Some members of the Bar are concerned that the public not know where they live if their business address is their residence, particularly prosecutors, criminal defense lawyers and former prosecutors and criminal defense lawyers, and others. Those who are concerned are told they can go a UPS-like store which can give them a physical address and accept service of process and other documents.

RECOMMENDATIONS:

A. To enforce Rule 14-507, authorize the licensing form to be programmed so that a lawyer must provide his or her complete business address, which may not be a PO Box, before the lawyer may proceed to complete the form and be licensed.

B. To resolve the issue of public disclosure of physical addresses, either:

1. Make no change to the policy; or

2. Do not make physical addresses kept by the Bar available to the public and only use them if needed by the Bar or the Courts.

Utah State Bar®

MEMORANDUM

TO: John C. Baldwin

FROM: Elizabeth A. Wright

RE: Bar Policy Requiring Active Lawyers to Have Public Address and Policies for Address Management

DATE: January 12, 2016

ISSUE A – Public Address Requirement

1. Should the Bar continue to require all active status lawyers to have a public address?
2. Does the Bar have adequate authority to require all active status lawyers to have a public address?

ANSWER

1. Yes. As officers of the Court whose job requires that clients, opposing counsel and court officials to be able to readily locate them, active status lawyers should be required to have a public address.
2. Court rules do not specifically state that the Bar must make member addresses public. Bar policy states that we require active members to have a public address. We have one or two lawyers each year who object to the policy and point out the Court rule does not specify the information be made public. Ideally, we should have a Court rule that states active members, excluding judges, must have a public address.

CURRENT POLICY

The Bar requires all active members to have a public address listed on the Bar website.

AUTHORITY FOR CURRENT POLICY

There are a variety of sources of authority, including policy reasons, governing what licensing information the Bar can collect. There also are mixed sources of authority, including policies, as to *how* the collected information can be used. The most fundamental underlying concept is that the Utah Supreme Court oversees the practice of law, including admission, licensing and discipline, and delegates that authority and various duties to that Bar.

Rule 14-507 (Rules of Lawyer Discipline and Disability).

This rule sets forth the exact licensing information the Bar must collect. The rule states

that we shall collect current **physical addresses** (plural – for both business and residence) and current telephone **numbers** (plural – for both business and residence) for all members. Judges are exempt from providing residential addresses and phone numbers.

Rule 14-508 (b) (Rules of Lawyer Discipline and Disability).

Provides in pertinent part that failure to provide the required annual licensing information shall result in administrative suspension.

Rule 14-203 (d) (Bar's Bylaws).

Mirrors much of Rule 14-507 as to what information we can collect. Also, however, allows that Board generally and the Executive Director (in individual cases specifically) to prescribe *other* required information on the licensing form as it deems to be important.

Bar's Policies and Procedures – Licensing Form Information.

Approved by Bar Commission. Page 6 of the Bar's Policies and Procedures describes what information will be collected on the licensing form. The Policy refers to Rule 14-507.

Bar's Policies and Procedures – Confidentiality Policies re Licensing Records.

Approved by Bar Commission. Page 48 of the Bar's Policies and Procedures describes which licensing information is confidential and which is public.

RATIONALE FOR POLICY

If a lawyer is on inactive status, there is a *presumption* that the lawyer is not practicing law and the lawyer can elect to have his or address made private.

If a lawyer is on active status, there is a *presumption* that the lawyer is engaged in the practice of law and he or she is obligated to make their "business" address/telephone number public by virtue of the status they have elected.

The Bar issues licenses through delegation by the Utah Supreme Court. The Court orders the Bar to collect certain information for admission, licensing and disciplinary purposes. Some information is designated as "private" for Bar purposes only and some information is designated as "public." Public policy reasons and Commission policy establish what is public and what is private.

If a lawyer is on active status the public is entitled to know how to contact the lawyer for purposes of process of service, consultation and access to client files. Therefore, the Commission through Supreme Court delegation requires that the lawyer have publically accessible licensing information which enables someone to physically locate the lawyer to get access to files and serve process.

The above is why a lawyer who is on active status and uses their residence as a place of business must have their residence address designated as public information. In essence, the residence is no longer just a private residence. We advise lawyers who are working from

homes who do not want their private residence public to set up a box with a UPS store or other business that will provide a street address, as opposed to a P.O. Box, and accept service for the lawyer. The cost of mailbox service at UPS stores in Salt Lake City varies between \$26 and \$30 per month depending on the length of the contract.

DOPL POLICY

Because of restrictions in its new database, DOPL can only manage one address per licensee. DOPL therefore no longer publicly posts licensee addresses because it cannot distinguish between a home or business address. The public can only access name, license number and disciplinary history through the DOPL website. DOPL interprets GRAMA to require it to provide licensee addresses to the public (the Bar is not subject to GRAMA). Thus, the public can request address and contact information by submitting a request to DOPL. A DOPL employee whose job it is to provide addresses, makes sure the requester has proper I.D. and a legitimate reason for the request. Only one address per request is allowed.

OTHER BARS

Arizona: All active members must have a public address.

Nevada: All active members must have a public address. Rule 79.

Idaho: Requires active members to have a public address. RULE 303

Wyoming: Wyoming does **not** require members to provide an address that will be made public. Wyoming's Bylaws require that it have a current address on file but there is a "hide contact" option in their system that hides any contact information. Individuals or other lawyers cannot call the Bar to obtain this information. Currently, Wyoming has 103 members taking advantage of this option.

ISSUE – B Address Management Issues

1. Should we require lawyers to provide an address as a required field on the licensing form?
2. How should we manage records when lawyers provide incorrect or improper address information?

CURRENT PROBLEM

Rule 14-507 requires the Bar to collect the *physical* addresses of lawyers. Despite the Court rule, we currently have about 250 lawyers who re-licensed without providing an address. Some lawyers submit licensing forms with a P.O. Box. The Bar does not allow P.O. Box addresses because it is not the required physical address and it cannot be used for service of process.

ANSWER

1. Yes. The licensing form should be set up so that an address is a required field before the lawyer can proceed to the next step on the licensing form. We are mandated by Court rule to collect this information and we should therefore set up our database to enforce the Court's rule. The licensing form can also be programmed to prohibit a lawyer from entering a P.O. Box in the address field.

Additionally, when the Bar seeks to administratively suspend lawyers for failure to license or meet MCLE requirements, the Court requires us to prove that we have provided adequate notice of non-compliance by certified mail. It is impossible for the Bar or the MCLE Board to prove adequate notice when we do not have an address for a lawyer.

2. If the licensing form is programmed so that a lawyer cannot license without providing an address, the problem should largely be solved. For the few lawyers that may be get around the controls the Bar can give notice by email and then take steps to suspend the lawyer. Rule 14-508(b) states that "failure to provide the required annual licensing information shall result in administrative suspension."

**UTAH BAR COMMISSION MEETING
AGENDA ITEM**

Title: Proposed Changes to Bar Policies/
Process to Re-Enroll Lawyers Suspended for Non Payment

Item # 3.4

Submitted by: John Baldwin

Meeting Date: January 22, 2016

ITEM/ISSUES:

Issue #2. Bar policies provide that lawyers who wish to be reenrolled after being suspended for non-payment pay the current licensing fee plus Client Security Fund fee plus the inactive fee for each year they were suspended. Supreme Court rules also require the payment of a \$200 reinstatement fee.

If a lawyer has been suspended for many years, it has at times been pricy to come back into the active practice of law. There is some value in encouraging lawyers to stay on inactive status instead of being suspended for non-payment, which is discussed in the memo from Elizabeth, and other states, and DOPL, do not permit the payment of fees to allow re-licensure and require a petition with character and fitness review if they have been away from the practice in their states for more than a few years.

RECOMMENDATIONS:

1. Keep the current policy of unlimited fees; or
2. Cap the number of years in which a lawyer may be out of the practice or state and needs to pay inactive fees at 5 or 10; or
3. Cap the number of years in which a lawyer may be out of the practice or state at 2 years and require that he or she file a formal request with the Admissions Department and go through a character and fitness review.

Utah State Bar®

MEMORANDUM

TO: John C. Baldwin

FROM: Elizabeth A. Wright

RE: Reinstatement Fees for Lawyers Suspended for Non-Payment

DATE: December 23, 2015

ISSUE

Should the Bar modify the rules regarding financial penalties for lawyers who seek re-enrollment after an administrative suspension of a year or more for non-payment of licensing fees?

ANSWER

The Bar should not change its policy requiring suspended lawyers to pay all licensing fees in arrears. Lawyers who go years at a time without paying licensing fees should not have the windfall of being able to re-enroll with only a \$200 reinstatement fee. The Bar's current financial penalties are consistent with those of neighboring bars. No neighboring bars cap fees. Additionally, if we eliminated the requirement of paying licensing fees in arrears, there would be little or no incentive for lawyers to go on inactive status and that licensing status would become meaningless.

If anything, the Bar should consider making it more difficult for lawyers to be reinstated after three or more years of suspension for non-payment. Other bars require lawyers who go more than a year without paying licensing fees to petition the Court or bar for reinstatement and pass a character and fitness review. Idaho and Wyoming consider a lawyer who goes more than a year without paying licensing fees to have resigned and require re-application to the bar including a bar exam.

MY RECOMMENDATION

Lawyers who fail to pay for **two years** can be readmitted by paying the current licensing fee, inactive status fee for the two years the lawyer was suspended, the Client Security Fund assessment and a \$200 reinstatement fee. (Current fee and penalty policy)

Lawyers who fail to pay for **three or more years** will have to pay all of the above fees, pass a character and fitness review and submit a petition for readmission to the Board. (Will probably require a rule change by the Court.)

CURRENT POLICY

Lawyers who want to be re-enrolled after suspension for failure to pay fees must pay a \$200 reinstatement fee, the current Client Security Fund assessment and the inactive status fee for each year the lawyer was suspended. The current inactive status fee is \$105. A lawyer who failed to pay for five years would therefore be required to pay \$525 in past inactive licensing fees, a \$425 active status license fee, a \$5 client security fund assessment and a \$200 reinstatement fee for a total of \$1155.

Utah lawyers can go years without paying any licensing fees and then be readmitted solely by paying the reinstatement fee and license fees in arrears. We do not require those lawyers to certify competence or, as many other jurisdictions do, pass a character and fitness review and petition the Court or Board with an explanation of why they should be readmitted after years of non-payment.

Lawyers on inactive status do not have any CLE requirements. Lawyers who switch from inactive to active must complete 24 hours of CLE credit within one year of returning to active status. Rule 12-405.

AUTHORITY FOR CURRENT POLICY

The current policy regarding lawyers suspended for non-payment who want to be reinstated is set forth in Court Rule 14-508 and on page 20 of the Bar's Policies and Procedures under "Licensing Status" and "Re-enrollment after expiration for failure to renew."

Rule 15-508 states "The non-complying member may apply in writing for re-enrollment by tendering the *license fees* and/or the required information and an additional \$200 reinstatement fee."

The Bar's Policies and Procedures state:

(6.1) Re-enrollment after Expiration for Failure to Renew.

A lawyer whose license has expired for failure to renew may be re-enrolled under the Rules of Lawyer Discipline and Disability. "License fees" due under the rule shall include the current licensing fee at the status the lawyer requests plus the annual fees at the Inactive Status for all the years in which the lawyer has been suspended, the current Client Security Fund assessment and a \$200 reinstatement fee.

OTHER JURISDICTIONS

Utah's financial penalties are consistent with the policies of neighboring states. However, Utah's policy is more lenient than many because we allow a member to re-enroll and resume active status with *only* a financial penalty. Other states impose fines, require payment of past licensing fees and require a full or abbreviated admission process, including character and fitness review.

Idaho: A lawyers who fails to pay licensing fees has *one year* to seek reinstatement. Reinstatement requires paying fees required at the time suspended and a petition to the Supreme Court for readmission. An attorney who fails to pay for *more than one year* is deemed to have resigned and has to reapply for bar admission.

Arizona: An attorney suspended for more than 6 months must petition the Court for reinstatement, pay penalties and a \$1000.00 investigative fee.

New Mexico: A member suspended for nonpayment of license fees has to petition the Board of Bar Examiners for reinstatement and pay a reinstatement fee of twice the member's then license fee, fees in arrears and accrued late penalty payments.

Wyoming: The suspended member may be reinstated upon the filing of a petition for reinstatement with the Wyoming Supreme Court within one (1) year of the date of the order of suspension. The petition shall include copies of the records required by subsection (j) and shall be supported by an affidavit which shows: (1) that all past annual license fees, the current year's annual license fee and any late charges have been paid in full, in addition to all past and current annual fees for continuing legal education; (2) that the attorney is current on all mandatory continuing legal education requirements; (3) that there have been no claims or awards made in regard to an attorney on the clients' security fund for which the fund has not been reimbursed; and (4) the attorney has complied with all other applicable conditions for reinstatement. The petition shall be accompanied by all appropriate fees for applicants for admission on motion.

If an attorney who is suspended from the practice of law for non-payment of the annual license fee has not petitioned for reinstatement within one (1) year of the date of the order of suspension, such attorney's membership in the Wyoming State Bar shall be terminated by order of the Wyoming Supreme Court. Such attorney who thereafter seeks admission to the Wyoming State Bar shall comply with the admissions requirements set forth in the Wyoming Rules and Procedures Governing Admission to the Practice of Law.

Nevada: A late fee is added to the amount a member owes after midnight on March 1. If a member is suspended for failure to pay, the amount owed is doubled. That amount then accumulates annually for each year the suspension continues. For example, a member who has belonged to any state bar for 5 or more years, pays an annual fee of \$450.00. If they do not pay by midnight March 1, the amount they owe includes a \$100.00 penalty. They now owe \$550.00. If they do not pay the \$550.00 by the time the State Bar Board of Governors signs the suspension order (typically in July), the fine of \$550.00 is added so they now owe \$1,100.00 in order to be reinstated. If it takes a member 5 years to decide to be reinstated, they will owe \$1,100.00 x 5.

Oregon: All applicants for reinstatement must pay the applicable reinstatement fee, membership dues for the year in which the application is filed, and all fees, assessments and penalties that are owed to the Bar at the time the reinstatement application. The application will not be approved until the applicant passes a character and fitness review which can take 2-3 months.

Washington State: A member who seeks reinstatement in the same calendar year pays twice the license fee and a reinstatement fee. A member who seeks reinstatement subsequent to the calendar year of suspension pays two times the license fee, reinstatement fee and the license fee for the current year.

INACTIVE STATUS IS A NECESSARY LICENSING CATEGORY

If lawyers were able to forego payment of licensing fees for years at a time and then re-enroll by only paying a \$200 reinstatement fee, there would be no incentive to pay inactive licensing fees.

Inactive status is important because it allows lawyers who are not practicing law to maintain a law license at a reduced cost and without having to meet MCLE compliance. Even though the lawyer is not practicing, they have an inactive law license that is proof of Bar exam passage and admission and demonstrates the member is in good standing with the Bar. "Good standing" means the member has paid all fees and has not been disciplined.

Lawyers who take advantage of inactive status include members living and practicing in other jurisdictions, law professors, judges, law clerks and law librarians. There are also inactive members who are not in law-related fields who switch to inactive status while raising children or working in a non-legal business. By paying fees and keeping their license active, these individuals can switch to active status when their job situation requires. Members who switch from inactive to active status have one year to earn 24 CLE credit hours.

**UTAH BAR COMMISSION MEETING
AGENDA ITEM**

Title: Proposed Changes to Bar Policies/
Reducing Reinstatement Fees

Item # 3.4

Submitted by: John Baldwin

Meeting Date: January 22, 2016

ITEM/ISSUES:

Issue #3. Often lawyers who are suspended for failing to complete their MCLE requirements also fail to pay their Bar fees and when they are reinstated for both end up paying a \$200 Reinstatement Fee to the MCLE Board and a \$200 Reinstatement Fee to the Bar. Some while ago, the MCLE Board recommended charging just one Reinstatement Fee in these rare circumstances and splitting the fee, with \$100 going to each organization.

RECOMMENDATIONS:

Formalizing that policy by petitioning the Court to change the fees to \$100 each.

Utah State Bar®

MEMORANDUM

TO: John C. Baldwin

FROM: Elizabeth A. Wright

RE: Reinstatement Fees for Lawyers Suspended for Both Failure to Comply with MCLE and Failure to Pay Licensing Fees

DATE: January 6, 2016

CURRENT POLICY

Lawyers who are administratively suspended for both failure to comply with MCLE and failure to pay licensing fees pay MCLE fees, the required licensing fees, client security fund assessment and \$100 for licensing reinstatement (not the full \$200 required under 15-508).

The fees due can vary based on how long the lawyer has been suspended for nonpayment and whether the lawyer has been suspended for failure to comply with MCLE within the past five years. However, the reinstatement fees alone would be \$300 if the lawyer had not been late with MCLE compliance within the past five years.

Currently, there is no written policy for giving these individuals a \$100 discount on the \$200 licensing reinstatement fee. My understanding is that licensing decided not to charge the full combined \$400 in reinstatement fees.

FEES

MCLE Fees

- \$15.00 filing fee
- \$100.00 late filing fee
 - CLE completed after June 30 of reporting year or Certificate of Compliance filed after July 31 of reporting year.
- \$200 Reinstatement Fee
- An additional \$500.00 if the need for reinstatement is a repeat violation within the past five years

Licensing Reinstatement Fees

- Current Licensing Fee
- Annual Fee at the inactive status for all the years in which the lawyer was suspended (\$105 x Number of years suspended)
- Client Security Fund Assessment - \$5
- \$200 Reinstatement Fee (This amount is set in Rule 14-508)

**UTAH BAR COMMISSION MEETING
AGENDA ITEM**

Item # 3.4

Title: Proposed Changes to Bar Policies/
Allowing Lawyers to opt out of Bar Emails

Submitted by: John Baldwin

Meeting Date: January 22, 2016

ITEM/ISSUES:

Issue #4. Lawyers at times complain about the number of e-mails they get from the Bar. We encourage them to create their own folder on their e-mail account for Bar e-mails but that they need many of the regulatory notices and those from the Court and should be interested in the other notices about CLE and services and programs.

We also try to be careful and not spam lawyers.

RECOMMENDATIONS:

1. Maintain current policy; or
2. Allow an opt-out with a warning; or
3. Pay to program our database to permit opting out of certain types of e-mail.

Utah State Bar®

MEMORANDUM

TO: John C. Baldwin
FROM: Elizabeth A. Wright
RE: Bar Email Policy
DATE: December 30, 2015

ISSUE

Should lawyers be allowed to opt-out of receiving emails from the Bar?

CURRENT POLICY

Lawyers are not allowed to opt out of receiving emails from the Bar. This language is on the Bar's website and is sent to individual lawyers who request to be removed from the Bar's email list:

"The Utah State Bar sends email to its members to assist with licensing, compliance support and to provide information about the operation of the Bar. Email from the Utah State Bar to its members is not covered by the Can-Spam Act because it falls under the transactional and relationship exceptions to the Act.

Members who do not wish to receive email from the Utah State Bar have the option of creating a filter, blocking the domain with its attendant risks or deleting emails as they come in. However, those members who take action to block or filter email from the Bar risk missing notifications and reminders about licensing and compliance deadlines. Members who miss these deadlines risk administrative suspension."

When the Bar receives requests to be removed from its email list, Bar staff explain the above policy and suggest that lawyers use their email management tools to filter or block emails from the Bar. For instance, a lawyer can set up email controls so that all Bar emails go into a separate email folder that the lawyer can access only if he or she is interested in reading emails from the Bar.

FIVE CATEGORIES OF EMAILS THE BAR SENDS

1. Judicial Notices

The Court uses the Bar's "UtahStateBarNews" email system to send court notices such as rule changes or judicial vacancy notices.

2. Regulatory and Compliance

The Bar sends emails notifying lawyers about licensing deadlines, MCLE compliance deadlines and Bar Commission elections and voting.

3. CLE

Emails about CLE events and conventions.

4. Public Service

E-bulletins, information about Wills for Heros events or other pro bono opportunities.

5. Section and Specialty Bars

Lawyers who join a section or specialty bar receive email from the section about CLE or social events.

TYPES OF COMPLAINTS

Some lawyers do not want to receive any emails from the Bar. Some lawyers object to emails about CLE events, especially for areas of the law in which they do not practice.

OPTIONS

1. **Maintain Current Policy.** Lawyers can easily manage their email accounts to block emails from the Bar or direct the emails into a separate folder.
2. **Allow Lawyers to Opt-out With A Warning.**
The Bar could allow lawyers to opt-out of any emails from the Bar with a warning that the lawyer would not receive any licensing or compliance reminders.
3. **Re-Program the Bar's Database to Allow Lawyers to Opt Out of Categories of Emails.**
The Bar could pay Euclid to reprogram the member control panel to allow layers to opt out of one of the five categories of emails. The Bar could prohibit lawyers from opting out of regulatory or compliance emails, but allow an opt-out for the other four categories. The Court may have an opinion regarding whether lawyers should be allowed to opt-out of judicial notices.

**UTAH BAR COMMISSION MEETING
AGENDA ITEM**

Title: Proposed Changes to Bar Policies
Collection of Payment for CLE Events

Item # 3.4

Submitted by: John Baldwin

Meeting Date: January 22, 2016

ITEM/ISSUES:

Issue #5. Some lawyers attend CLE events without paying and some register but do not show up. There are currently about 300 lawyers who owe the Bar and sections for CLE hours they have not paid for. There are regularly lawyers who register for events but do not show and materials and food has been ordered for them or can often preclude others from attending.

RECOMMENDATIONS:

1. Require everyone to pre-pay, even if at the door; or
2. Add unpaid fees to their next license form and not permit relicensure unless all fees are paid; or
3. Withdraw CLE credit until fees are paid.

**UTAH BAR COMMISSION MEETING
AGENDA ITEM**

Title: Proposed Changes to Bar Policies
Collection of Payment for CLE Events

Item # 3.4

Submitted by: John Baldwin

Meeting Date: January 22, 2016

ITEM/ISSUES:

Issue #5. Some lawyers attend CLE events without paying and some register but do not show up. There are currently about 300 lawyers who owe the Bar and sections for CLE hours they have not paid for. There are regularly lawyers who register for events but do not show and materials and food has been ordered for them or can often preclude others from attending.

RECOMMENDATIONS:

1. Require everyone to pre-pay, even if at the door; or
2. Add unpaid fees to their next license form and not permit relicensure unless all fees are paid; or
3. Withdraw CLE credit until fees are paid.

Utah State Bar®

MEMORANDUM

TO: John C. Baldwin

FROM: Elizabeth A. Wright

RE: New Bar Policy for Individuals Who Fail to Pay for CLE Events

DATE: December 28, 2015

ISSUE

The Bar needs written policies regarding: (1) collection of fees when a lawyer attends a CLE event without paying, and (2) collection of fees for a CLE event for which a lawyer registers but does not attend.

The CLE Department would like a written accounting policy stating what it should do with outstanding payments after a certain number of days for those no show/no pay attorneys.

CURRENT UNWRITTEN POLICIES

Once a month, the Finance Department sends the CLE Department a list of lawyers who did not pay for a CLE event. The CLE Department then sends the lawyers an email notifying them of the outstanding balance and asking them to log on to their online account and pay for the event. After several emails, a staff member will call the lawyers in an effort to collect the payment.

CLE reports that the lawyers either ignore efforts to collect or report that a deposition, deadline or other work related conflict came up. CLE staff then explains the cancellation policy and that the lawyer should have called to cancel.

Attendees Who Do No Pay

All lawyers who check in at a CLE event receive CLE credit for attending the event. Currently, the Bar does not withhold or remove the CLE credit for lawyers who never pay for an event they attended.

Registrants Who Do Not Show or Pay

The Bar sends collection notices to lawyers who register for but do not attend a CLE event. The Bar attempts to collect because it incurs expenses for speakers, food, materials and room rental based on anticipated attendance. Also, lawyers who are "no-shows" for fully booked events prevent other lawyers from attending.

CANCELLATION POLICY ON BAR WEBSITE

"Cancellation notice must be made in writing and provided to the CLE department at least 48 hours prior to the event date. If cancellation is made within the time period, the registration fee, minus a \$20 non-refundable fee will be returned to the registrant. No refunds will be given for cancellations made after that time.

The full registration fee is due and payable to the Utah State Bar if a cancellation is not received prior to the event as described above and the registrant does not attend or sends a substitute.

This policy does not apply to the Spring and Annual Conventions or other seminars where a separate cancellation policy is expressly written to govern the event attendance. Please send cancellations via Email: cle@utahbar.org"

CANCELLATION POLICY ON WEBSITE FOR SECTION EVENTS

"**CANCELLATION POLICY** Cancellations must be confirmed in writing at least 48 hours prior to the seminar date. If cancellation is made within the time period, the registration fee will be returned to the registrant. No refunds will be given for cancellations made after that time. The full registration fee is due and payable to the Utah State Bar if you register but do not attend."

PROPOSED POTENTIAL POLICIES

1. Require All Registrants to Pre-pay

Connie reached out to her colleagues in other jurisdictions to see how they solve the problem and most reported that they require pre-payment for all events. If door registrants are allowed, those individuals must pay at the door by check or cash. The Utah State Bar has the ability to set up a laptop for lawyers to use to log on to their accounts and pay by credit card.

Proposed new section (8) on page 40 under existing "(f) CLE Programs."

(8) Registrants Must Pre-pay for all CLE Events.

Any lawyer or other attendee who registers for a CLE event must pay for the event at the time of registration. If the event allows door registration, attendees must pay by cash, check or credit card at the time of door registration.

2. Add Fee To Annual Licensing Form

Lawyers who attend without paying will have the cost of the CLE event added to their licensing form or will be prohibited from licensing as long as there is an outstanding invoice.

3. Withdraw Credit

The Bar could adopt a written policy which provides that lawyers who attend a CLE event without paying for the event will have the CLE credit for the event removed from their transcript until payment is received.

Proposed new section (8) on page 40 under existing "(f) CLE Programs."

(8) Withdrawal of CLE credit for registrants who attend but do not pay for CLE event.

Individuals who attend a CLE event without having prepaid will be invoiced for the event. An email with the attached invoice and a request for payment will be sent to the attendee after the event. If the attendee does not pay the invoice after 30 days, the CLE credit will be removed from the lawyer's CLE transcript. A lawyer who pays an invoice after having the credit removed must notify the CLE department by email or letter that the invoice has been paid. Upon receipt of proof that the invoice has been paid in full, the CLE credit will be restored to the lawyer's CLE transcript.

If a CLE event takes place within 30 days of a MCLE compliance deadline, lawyers will not be allowed to attend without prepaying for the event.

MY RECOMENDATION

I recommend that all registrants be required to pre-pay for CLE events. This solves the problem of having to collect or withdraw CLE credit. It also solves the accounting problem of having to carry the non-payments on the CLE Department's books.

Some lawyers may complain that their employer will not reimburse until they have attended. Those lawyers will have to front the cost on their own credit card and seek reimbursement from their employer. The ABA, National Trial Lawyers and other CLE providers all require pre-payment for registrants so the lawyers would be familiar with the requirement to pre pay and to seek reimbursement if necessary.

TAB
9

UTAH BAR COMMISSION MEETING AGENDA ITEM

Title: Seventh Judicial Court Nominating Commission Nominees
Item: 3.5
Submitted by: John Baldwin
Meeting Date: January 22, 2016

ITEM/ISSUE:

To select four nominees for the Seventh Judicial Court Nominating Commission.

SUMMARY:

The Bar is seeking applications from lawyers to serve on the Seventh District Trial Court Nominating Commission. The Commission nominates judges to fill vacancies on the district court and the juvenile court within the Seventh Judicial District. Two lawyers are appointed by the Governor from a list of four nominees provided by the Bar.

Commissioners must be citizens of the United States and residents of the Seventh District (Carbon, Emery, Grand and San Juan Counties). Commissioners are appointed for one term of four years and may not serve successive terms. No more than four of the seven members of the nominating commission may be of the same political party.

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X

RECOMMENDATIONS:

- | | | |
|----|----------------------|-------------|
| 1. | Robert A. Oliver | Independent |
| 2. | Christina Ross Sloan | Independent |
| 3. | Craig C. Halls | Republican |
| 4. | John Schindler | Republican |
| 5. | Mark H. Tanner | Republican |

John Baldwin

From: SpecialProjects
Sent: Tuesday, January 05, 2016 11:39 AM
To: SpecialProjects
Subject: Applicants Sought For Seventh District Trial Court Nominating Commission

APPLICANTS SOUGHT FOR SEVENTH DISTRICT TRIAL COURT NOMINATING COMMISSION

The Bar is seeking applications from lawyers to serve on the Seventh District Trial Court Nominating Commission. The Commission nominates judges to fill vacancies on the district court and the juvenile court within the Seventh Judicial District. Two lawyers are appointed by the Governor from a list of four nominees provided by the Bar.

Commissioners must be citizens of the United States and residents of the Seventh District (Carbon, Emery, Grand and San Juan Counties). Commissioners are appointed for one term of four years and may not serve successive terms. No more than four of the seven members of the nominating commission may be of the same political party. **You must identify your political affiliation if you are registered with a political party or indicate if you are not registered with a party and are independent.**

Submit resumes to John C. Baldwin, Executive Director, by e-mail at john.baldwin@utahbar.org, or by mail at 645 South 200 East, Salt Lake City, UT 84111.

Resumes must be received by Wednesday, January 20, 2016.

John Baldwin

From: Robert Oliver <roliver@law-os.com>
Sent: Monday, January 11, 2016 10:49 PM
To: John Baldwin
Subject: Seventh District Trial Court Nominating Commission
Attachments: Resume- Robert Oliver.pdf

Mr. John C. Baldwin,

Attached is my resume for consideration for the Seventh District Trial Court Nominating Commission. I am not currently registered with a political party.

Thanks for your consideration.

Best,

--
--
Robert A. Oliver

Attorney at Law

OLIVER & SITTERUD, LLC

29 North 600 East
Price, Utah 84501
Tel. no. (435) 637-6060
Fax no. (435) 637-4276

Email: roliver@law-os.com

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ROBERT A. OLIVER

441 South 1700 East
Price, Utah 84501
(435) 637-6060
roliver@law-os.com

EDUCATION

UNIVERSITY OF UTAH S.J. QUINNEY COLLEGE OF LAW, Salt Lake City, Utah
Juris Doctor, May 2010

- Honors at Graduation GPA: 3.57/4.000 (top 30%)
- 2009 - 2010 David T. Lewis Clinical Award for excellence in clinical placement
- 2009 National Moot Court Competition Team Member
- 1st Place Team, 2009 Traynor Moot Court Competition
- College of Law Outstanding Academic Achievement Award - Criminal Process, Fall 2009 - Spring 2010
- College of Law Outstanding Academic Achievement Award - Wrongful Convictions, Spring 2010
- CALI Award for Highest Grade in Scientific Forensic Evidence, Fall 2008
- College of Law Outstanding Academic Achievement Award- Legal Methods/Writing, Fall 2007

WEBER STATE UNIVERSITY, Ogden, Utah
Bachelor of Science in Criminal Justice, Minor in Psychology, December 2006 GPA: 4.0

COLLEGE OF EASTERN UTAH, Price, Utah
Associate of Science, May 2002

PROFESSIONAL EXPERIENCE

UTAH STATE UNIVERSITY- EASTERN, Price, Utah January 2011—Present
Adjunct Professor - Criminal Justice / Police Officer Standards and Training

OLIVER & SITTERUD, Price, Utah October 2010—Present
Managing Partner / Attorney at Law

SALT LAKE LEGAL DEFENDER ASSOCIATION, Salt Lake City, Utah August 2009—August 2010
Law Clerk in criminal appellate division and misdemeanors trial attorney division

ROCKY MOUNTAIN INNOCENCE CENTER, Salt Lake City, Utah August 2008—August 2010
Investigator investigating inmate claims of wrongful conviction and actual innocence

COMMUNITY SERVICE

UTAH ASSOCIATION OF CRIMINAL DEFENSE LAWYERS 2015—Present
Eastern Utah Representative

KIWANIS CLUB, Price, Utah October 2014—Present
Board Member

CARBON COUNTY CHAMBER OF COMMERCE, Price, Utah January 2012—Present
Executive Board Member

Christina Ross Sloan, Esq.

sloan@thesloanlawfirm.com • 76 S. Main Street, Suite 1, Moab, UT 84532 • 435.259.9940

No Affiliation with a Political Party – Registered Independent

EDUCATION

University of Colorado School of Law, Boulder, Colorado

Juris Doctor, May 2004, *Top 15%*

Tufts University, Medford, Massachusetts

Bachelor of Arts, May 2000, *Summa Cum Laude*, *Phi Beta Kappa*

BAR ADMISSIONS

Utah, June 2008

Colorado, November 2004

RELEVANT PROFESSIONAL EXPERIENCE

The Sloan Law Firm, Moab, Utah

Founding Member and Owner, July 2007 – Present

- Manage general practice caseload, including litigation and transactions involving real property, land use, water, common interest communities, wills and trusts, probate, construction, and corporate law in Colorado and Utah.

The Noone Law Firm, Glenwood Springs, Colorado

Associate, February 2005 – July 2007

- Managed general practice caseload involving water, real property, land use, and conservation.

The Aspen Valley Land Trust, Carbondale, Colorado

Legal Fellow, August 2005 – August 2006

- Implemented conservation planning via legal research and drafting on various issues including water rights, title, access, stewardship funds, tax credits, and mineral rights.

RELEVANT VOLUNTEER EXPERIENCE

Friends of Indian Creek, Moab, Utah

Chair, Moab Boulder Park Project, October 2013 – Present

WabiSabi, Inc., Moab, Utah

Board Member, Board of Directors, September 2007 – April 2011

Canyonlands Community Recycling, Inc., Moab, Utah

Vice-President, Board of Directors, September 2007 – January 2011

New Castle Planning Commission, New Castle, Colorado

Planning Commission Member, June 2005 – June 2007

Colorado Water Trust, Colorado

Roaring Fork Valley Representative, September 2005 – July 2007

CRAIG C. HALLS

ATTORNEY AT LAW
403 SOUTH MAIN STREET
BLANDING, UTAH 84511

Email:
craigchalls@yahoo.com

Telephone: (435)678-3333
Facsimile: (435)678-3336

January 13, 2016

Trial Court Nominating Commission
Attn: John C. Baldwin, Executive Director
645 South 200 East
Salt Lake City, UT 84111

RE: Seventh District Trial Court Nominating Commission

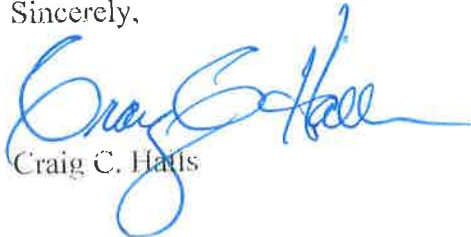
Dear Mr. Baldwin,

I received the email indicating that you are soliciting members for a nominating commission for the Seventh Judicial District. I have included a copy of my resume and am indicating by this letter that I am willing to serve on the nominating commission for the purpose of selecting a replacement for Judge Johansen. I was the San Juan County Attorney in San Juan County for 28 years as prosecutor, I worked with Judge Johansen while he was a prosecutor.

I am a registered Republican.

Thank you for your consideration in this matter.

Sincerely,



Craig C. Halls

CRAIG C. HALLS, Esq.

403 South Main Street, Suite 3
Blanding, Utah 84511
Telephone: (435)678-3333
(435)459-9759 (cell)
Email: craigchalls@yahoo.com

Licensed in Utah, Bar No. 1317, and
Federal District and Bankruptcy courts

EDUCATION

- Cum Laude degrees in Business Finance and Business Management from the University of Utah in 1976
 - Graduated from the SJ Quinney College of Law, University of Utah in 1978
 - Have surpassed the required hours for CLE each year since graduating from law school
-

EMPLOYMENT

- Associate attorney for Romney, Nelson & Cassidy 1978-1979
 - Prosecutor for Salt Lake City 1978-1979
 - Established a private practice in Blanding, Utah, in December, 1979 through the present
 - Attorney for the City of Blanding from 1983 through 2014
 - San Juan County Attorney from 1986 through 2014
 - Acted as consultant and attorney for the San Juan Water Conservancy District, San Juan Health Care District
-

SKILLS AND PUBLIC SERVICE

- Successfully argued many cases before the Utah Court of Appeals, Utah Supreme Court, District Courts in Salt Lake, Davis, Carbon, Emery, Duchesne, Uintah, Iron, Washington, Beaver, Sevier, Utah, San Juan and Grand Counties; also handled cases in Colorado and New Mexico

- Taught classes in Business Law at USU-CEU-SJC
 - Cases have included family law, contracts, land and water issues, personal injury, wrongful death, probates, criminal defense, and many other general areas of practice
 - Founding member of the San Juan Foundation in 1982 and acted as a member of the San Juan Foundation Board of Directors since its inception, currently serving as Chairman of the Board
 - Board Member of the Statewide Association of Prosecutors (SWAP) from 2001 to 2014
 - Board Member of the Utah Prosecution Council (UPC) from 2001-2012
-

RECOGNITIONS

- Named as a Utah Legal Elite in 2009 by Utah Business Magazine
 - Named by the Utah Division of Nature Resources as Prosecutor of the Year in 2007 and 2012
-

PERSONAL:

Born on March 13, 1951, in Monticello, Utah; married 47 years with five children and 19 grandchildren.

John Baldwin

From: John Schindler <john.schindler@carbon.utah.gov>
Sent: Tuesday, January 19, 2016 9:17 AM
To: John Baldwin
Subject: RE: Seventh District nominating committee

Mr. Baldwin:

I apologize for the oversight. I have been a registered Republican since returning to Utah. I have been active in the Republican Party and held a number of offices including serving as a delegate to the state convention on a couple of occasions.

Thank you for the opportunity to amend my request.
John

From: John Baldwin [<mailto:john.baldwin@utahbar.org>]
Sent: Tuesday, January 19, 2016 9:11 AM
To: 'John Schindler' <john.schindler@carbon.utah.gov>
Cc: Kristin Woods <kwoods@barney-mckenna.com>
Subject: RE: Seventh District nominating committee

Mr. Schindler,

Thank you for your application to be nominated for service on the 7th District Nominating Commission. The Bar Commission needs to list your political party affiliation, if you have one, or that you are politically independent, if that is the case, because the commissions need to be balanced. Could you please reply with that as soon as you can. Then they will consider you with the other submissions on Friday and we'll get back to you then with the decision being sent to the Governor. Thank you for being willing to get involved.

John

From: John Schindler [<mailto:john.schindler@carbon.utah.gov>]
Sent: Tuesday, January 19, 2016 9:01 AM
To: John Baldwin
Subject: Seventh District nominating committee

Mr. Baldwin:

Please accept this email as my request to be considered for appointment to the judicial nominating committee being formed in the Seventh Judicial District to replace Judge Johansen.

I believe I was to also submit a CV with this request; however, I have not had a CV for a number of years so, rather than try to resurrect one, please allow me a few sentences.

I graduated from Emery High in Castle Dale, Utah in 1968. College of Eastern Utah, in Price followed in 1970 and Utah State University in 1972. Law school was completed in the spring of 1976. I passed the bar in New Mexico and was admitted to the practice of law in New Mexico later that same year. I have practice law continually since 1976. I moved back to Utah in the early 80s and passed the

experienced attorney's exam. I opened a law office and worked part-time in the Emery County Attorney's Office. A few years later I ceased working in the Emery County Attorney's office and started working in the Carbon County Attorney's Office. In my private office my practice focused on domestic relations. I have been an active member of the Utah Bar since that time.

In 2000 I closed my private office and started working full-time in the Carbon County Attorney's Office. My assignment in the Carbon County Attorney's Office is Justice and Juvenile Courts. Those assignments have continued which places me in the Juvenile Court on a weekly basis.

I also represent Wellington City and have done so for several years.

In addition, I am a certified mediator and on the state certified list of mediators. In that capacity, I have had an opportunity to work with every attorney in the Seventh District conducting mediations mostly in the domestics arena.

Thank you for accepting this request.
John E. Schindler (Bar #3619)

John Baldwin

From: Mark H. Tanner <mhtattorney@gmail.com>
Sent: Tuesday, January 19, 2016 11:53 AM
To: John Baldwin
Subject: Re: Seventh District Trial Court Nominating Committee

Hi John, no pest at all. I am registered with the Republican party. Coincidentally, over the week-end I learned that my wife's sister and her husband are both applying for this position. I suspect that may be a conflict? If so, I would want the commission to know that information prior to selection. If that disqualifies me I completely understand.

Mark

On Tue, Jan 19, 2016 at 9:12 AM, John Baldwin <john.baldwin@utahbar.org> wrote:

Mark,

I hate to be a pest, but the Bar Commission needs to know your political affiliation, if you have one. The nominating commissions need to be politically balanced, so the Governor's office always requires it. I didn't see it on your resume.

Thanks.

John

Mark H. Tanner

mhtattorney@gmail.com ■ 635 S. Main St., P.O. Box 538, Orangeville, UT 84537 ■ (435)748-5577

Professional Experience:

Private Legal Practice, Orangeville, Utah

May 2002-Present

Practice consists of parental defense, domestic relations, including divorce, post-divorce litigation, adoption, protective orders; bankruptcy representation (creditor/debtor); criminal defense; commercial matters, including business entity creation and representation; and estate planning, wills and trusts.

Emery County Attorney, Castle Dale, Utah

Jan. 1993-Feb. 1994

Duties included criminal prosecution within jurisdiction and civil representation of board of county commissioners. Rendered legal advice to all county offices.

Private Legal Practice, Castle Dale, Utah

June 1987-Dec. 1992

Practice included domestic litigation, commercial representation and litigation, criminal defense, creditor/debtor relations, and estate planning. Served as counsel for Emery County School District, Desertview Federal Credit Union, Industrial Electric Motor Service, Emery City, and Castle Chiropractic Clinic.

Other U.S. Work Experience:

Energy West Mining Company, Orangeville, Utah

May 1999-Feb. 2002

Position: Marketing Specialist, Investment Recovery

Marketed all retired and surplus machinery and materials to third-party buyers. During this time I created a workable database of surplus inventory, and computerized the method of selecting and marketing, changing the process from requiring two people and two weeks to being performed by one person in two days.

Castle Valley Services, Price, Utah

Aug. 1998-May 1999

Position: Buyer

Purchased and tracked all goods, materials and equipment for underground mining operations at the San Juan Coal Mine near Farmington, New Mexico.

Foreign Work Experience:

SnoSHACK DOMINICANA, Santo Domingo, Dominican Republic.

Jan. 1997-May 1998

Position: Owner/manager

Established shaved ice refreshment enterprise, consisting of five retail kiosks throughout Santo Domingo.

AlphaGraphics, AG Dominicana, Santo Domingo, Dominican Republic

Oct. 1996-Dec. 1996

Position: Manager

Assisted franchise owner in preparing for opening first franchise in Caribbean. Developed and implemented all franchise policies on production, human relations, marketing strategies, and customer relations, as well as readying physical layout and preparing store and production areas.

Education:

Doctor of Jurisprudence, University of Tulsa, Tulsa, Oklahoma

Degree awarded Apr. 1986

Elective courses included business entities, corporations, taxation (individual, corporations, estates), Uniform Commercial Code, sports law, legislation, family law, and moot court competition.

Bachelor of Science, Finance, Brigham Young University, Provo Utah

Degree awarded Apr. 1983

Minor in marketing, Operations & Investments

Elective courses included investments, banking, entrepreneurial enterprises.

Recognitions and Awards:

- 2014 Attorney of the Year, Lifetime Achievement, Parental Defenders Association
- 2013 Recipient Silver Beaver Award, Boy Scouts of America

Current Active Leadership Roles:

- President Southeastern Utah Bar Association
- Executive Board Member of Parental Defenders Alliance of Utah
- Boy Scouts of America District Chairman, Utah National Parks Council, Tavaputs District
- Board Member Seventh District Pro Bono Committee

Personal Information:

- Fluent Spanish language (verbal and written)
- Active in church and community
- Past Boy Scouts of America District Commissioner, Utah National Parks Council, Tavaputs District
- Past President Emery County Cal Ripken Baseball Association, Commissioner Orangeville Little League Association, President San Rafael Babe Ruth Baseball Association
- Excellent health
- Married for 34 years

TAB
10

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

DECEMBER 4, 2015

LAW AND JUSTICE CENTER

- In Attendance:** President Angelina Tsu, President-elect Rob Rice; Commissioners: H. Dickson Burton, Steven Burt, Kate Conyers, Kenyon Dove, Heather Farnsworth, Mary Kay Griffin, Susanne Gustin, Liisa Hancock, John Lund, Michelle Mumford, Herm Olsen and Katie Woods.
- Ex-Officio Members:** Dean Robert Adler, Nate Alder, Heather Allen, Melinda Bowen, Professor Carl Hernandez (for Dean Rasband), Susan Motschieder, Chris Wharton and Supreme Court Liaison Tim Shea.
- Not in Attendance:** Ex-Officio Members: James D. Gilson, Margaret Plane, Dean James Rasband, and Lawrence Stevens.
- Also in Attendance:** Executive Director John C. Baldwin, Assistant Executive Director Richard Dibblee, General Counsel Elizabeth A. Wright, Sean Toomey, Utah State Bar Communications Director and Bar members Michelle Kennedy and Gabe White.

Minutes: 9:10 a.m. start

1. President's Report:

1.1 Report on Fall Forum and UMBA Dinner. Richard Dibble reported 311 people attended the 2015 Fall Forum. Usual attendance is approximately 495. The Fall Forum is projected to lose about \$20,000 including indirect allocation of overhead and staff costs. Michelle Kennedy reported the UMBA dinner was well attended.

1.2 Update on Financial Administrator Position. Kellie Bartz began the job on Monday, November 30, 2015.

1.3 OPC Review Committee Report Follow-Up. Tim Shea reported that he made changes to Rule 14-515 that will allow a committee appointed by the Court or the Commission to review OPC operations to access to OPC records without a Court Order. The rule changes were effective November 25, 2015 subject to change after the comment period expires on January 13, 2016. Tim indicated that the Court would entertain a request from the Commission to invite the ABA to review OPC operations. However, the Commission will need to articulate the need for and the objectives of an ABA review. Rob Rice will write a letter to the Court requesting an ABA review.

2. Action Items

2.1 2018 Summer Convention Site Selection. The day of this meeting was the deadline to reserve Sun Valley for the 2018 Summer Convention. The Commission discussed attendance, costs and possible locations of the Summer Convention. **Heather Farnsworth moved that the Commission hold the 2018 Summer Convention in Sun Valley and the 2019 Summer Convention at one of the Park City resorts. The motion passed with Kenyon Dove and Katie Woods opposed.**

2.2 Law Student Practice Rule. Judicial Council's Committee on Resources for Self-Represented Parties members Carl Hernandez and Nancy Sylvester proposed changes to the law student and law graduate legal assistance Rule 14-807. The proposed changes allow second year law students to provide legal assistance under the rule and expand the types of cases permitted under the rule. The changes will expand the pool of people available to help poor and low income individuals and give students more opportunities for practical experience. **John Lund moved that the Commission approve the proposed changes to the rule. Kenyon Dove seconded the motion which passed unopposed.**

2.3 Technology CLE Series: Dickson Burton and John Lund. Katie Woods moved to establish the proposed Innovation in Law Practice Committee to be co-chaired by Heather White and John Rees. Susanne Gustin seconded the motion which passed unopposed.

2.4 Leadership Academy. Liisa Hancock asked the Commission to approve the creation of a Leadership Academy to encourage and train new lawyers for future Bar leadership. Liisa provided a handout with an explanation of the program and proposed budget of \$20,000 for monthly meetings and a retreat. **Katie Woods moved to approve funding for the Leadership Academy with the condition that slots would be reserved for participants from each division. The motion passed with Steve Burt and Rob Rice opposed.**

2.5 Scholarship Fund. Heather Farnsworth reported she is still developing a committee.

3.

Discussion Items

3.1

LLLT Task Force Report: Tim

Shea. Tim reported that the Supreme Court Task Force to Examine Limited Licensing had issued its report and recommended the establishment of a license for limited legal paraprofessionals to be called "Licensed Paralegal Professionals" for the practice areas of family law, landlord/tenant and debt collection. The Supreme Court has approved the recommendation. Tim reported that there is a lot of work to be done to implement rules for the Licensed Paralegal Professionals and that a steering Committee will need to be created to develop the rules and implement the procedures.

- 3.2 **AAA Task Force Report: Rob Rice.** Rob reported on the progress of two of the AAA Task Force recommendations. An attorney directory/referral database is a top priority. There is a prototype in the works. Rob also reported that a low bono program called Court House Steps is off the ground and has had one session. It is a non-profit program that will take place on Thursdays at the Bar and clients will receive discounted, unbundled services.

- 3.3 **Futures Commission Follow Up.** Michelle Mumford reported that she is preparing a memo regarding what rule changes would be necessary to expand a lawyer's ability to provide unbundled services.

4. **Executive Session**

- 4.1 **Admissions Issues.** Angelina reported that two undocumented immigrant law students were interested in seeking admission to the Utah Bar. The immigrants are undocumented because their parents brought them to the United States as children. There is a federal law prohibiting states from issuing professional licenses to undocumented immigrants unless the state "opts out" of the restriction. The Commission will defer to the Court in determining whether to opt out of the restriction.

- 4.2 **Legislative Issues and Lobbyist Contract.** The Commission did a request for proposals for a lobbyist to represent the Bar at the 2016 legislative session. After reviewing the applications, the Executive Committee asked three lobbyist groups to present at the Executive Session. After hearing the presentations, **Herm Olsen moved to hire a lobbyist subject to follow-up. Kenyon Dove seconded the motion which passed unopposed. Subsequent to the vote, the Commission hired Foxley & Pignanelli.**

- 4.3 **Overhead Allocation/Efficiency.** A committee has been established to review the Bar's overhead allocation methods.

- 4.4 **Utah Bar Foundation Funding for Access to Justice.** Kim Paulding and Richard Mrazik reported that the Bar Foundation is looking for new funding sources. Because interest rates are so low, the interest income from IOLTA accounts does not provide enough income. They reported to the Commission that they will approach the Court about raising court filing fees with the increase going to support the Bar Foundation. The Commission discussed the pros and cons of raising filing fees. The decision will be up to the Court.

HANDOUTS DISTRIBUTED AT MEETING:

1. Utah Bar Leadership Academy proposal.
2. November 4, 2015 Memorandum regarding Undocumented Immigrants.
3. Holland & Hart Response to Request for Proposal for Lobbying
4. MIB Partners Lobbying Proposal

5. Foxley & Pignanelli Government & Public Affairs Proposal.

ADJOURNED: 1:10 p.m.

CONSENT AGENDA:

1. Approve Minutes of October 30, 2015 Commission Meeting.

TAB
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UTAH STATE BAR
Budget and Finance Committee
EXECUTIVE SUMMARY
December 31, 2015

<u>Key areas</u>		YTD Actual	YTD Budget	Commentary
1. <u>Licensing:</u>	Net	4,030,963	3,997,414	115 more active attorneys than last December; licensing revenue tracking higher than budget and expenses lower (mainly salaries/benefits)
2. <u>Admissions:</u>	Net	(38,049)	(78,853)	YTD admissions revenue up by \$15k (8%) compared to last year and \$42k (26%) compared to budget; expenses tracking on budget
4. <u>Investment Income:</u>	Net	19,981	7,931	\$5.0 million invested at 12/31/15 down from \$5.4 million at 11/30/15
5. <u>Bar management:</u>	Net	(716,264)	(634,792)	Salaries & benefits \$57k > budget due to one additional headcount and addl CFO costs; program expenses exceed budget by \$10k YTD
6. <u>Property Management:</u>	Revenue	118,767	132,502	YTD number of events down compared to last year by 80 or 11% Program service expenses down \$13k vs budget; G&A expenses down \$11k
	Expense	(238,553)	(276,702)	
	Net	(119,786)	(144,200)	
7. <u>OPC:</u>	Net	(626,561)	(634,656)	Travel expenses down \$6k vs budget
8. <u>CLE:</u>	Revenue	181,689	144,341	CLE event registration revenue exceeds budget by \$37k but similar to last year at this time. Also, YTD Video Library Sales exceed budget by \$13k. Event revenue sharing \$25k > budget; food & beverage expenses (Int & ext) \$14k > budget; salaries & benefits \$14k > budget
	Expense	(187,458)	(122,333)	
	Net	(5,769)	22,008	
9. <u>Summer Convention:</u>	Revenue	194,014	157,726	Paid convention attendees up 36% to budget Improved cost control for 2015 Sun Valley event Roughly \$80k improvement in convention net vs budget
	Expense	(208,627)	(253,115)	
	Net	(14,613)	(95,389)	
10. <u>Fall Forum:</u>	Revenue	118,705	173,328	Significantly lower attendance than planned and lower sponsorship revenue Higher than expected facility expenses at Grand America
	Expense	(165,299)	(148,263)	
	Net	(46,594)	25,065	
11. <u>Spring Convention:</u>	Net	(6,208)	(6,083)	Spring convention activity still de minimus
12. <u>Bar Journal</u>	Revenue	85,090	68,821	Journal ads space and rates are up 27% over budget Journal expense > budget due to higher postage/ mailing expenses Near breakeven for first 6 months of year
	Expense	(93,056)	(88,657)	
	Net	(7,966)	(19,836)	

UTAH STATE BAR
Budget and Finance Committee
EXECUTIVE SUMMARY
December 31, 2015

<u>Key areas</u>		YTD Actual	YTD Budget	Commentary
13	<u>Other Member Services</u>	Revenue 2,721 Expense (197,663) Net (194,942)	2,385 (237,127) (234,742)	Casemaker expenses running approx \$12k (40%) over budget offset by budgeted legislative expenses of \$52k not yet spent
14	<u>Public Services</u>	Revenue 8,760 Expense (253,237) Net (244,477)	7,137 (256,892) (249,755)	Both revenues and cost in line with budget
15	<u>Total Revenue and Expenses - Cash Basis:</u>			
	Revenue	5,077,245	4,998,589	Higher licensing (\$19k), admissions (\$42k), CLE (\$37k) and Summer convention (\$36k) revenues vs budget
	Expense	(2,938,925)	(2,938,780)	Lower ppty mgmt, summer convention and legislative costs
	Net	2,138,320	2,059,809	

OTHER COMMENTS

Board Designated Reserves:

In consultation with Bar management and the Budget and Finance Committee, the Commission targeted the following reserve amounts:

Operations Reserve (4 months' operations)	2,018,000
Capital Replacement Reserve (equipment)	200,000
Capital Replacement Reserve (fixed amount for building)	650,000
Total	2,868,000

Total

Cash and investments at monthend

5,047,159

Utah State Bar
Summary Income Statement
December 31, 2015

	Year to Date			YTD %	2015/16
	Actual	Budget	Variance	of Ttl	Total
			Fav/(Unfav)	Bdgt	Budget
<u>Revenue</u>					
Licensing	\$ 4,084,996	\$ 4,065,603	\$ 19,393	98.7	\$ 4,137,400
Admissions	203,010	161,204	41,806	46.2	439,300
NLTP	39,000	51,298	(12,298)	43.2	90,300
Mgt - Service	11,426	12,038	(612)	54.7	20,900
In Kind Revenue	332	1,325	(993)	13.8	2,400
Mgt - Interest & Gain	19,981	7,931	12,050	116.8	17,100
Property Mgt	118,767	132,502	(13,735)	38.0	312,152
OPC	1,224	1,481	(257)	10.5	11,700
CMIS/Internet	-	200	(200)	-	500
CLE	181,689	144,341	37,348	33.5	543,100
Summer Convention	194,014	157,726	36,288	123.3	157,400
Fall Forum	118,705	173,328	(54,623)	67.2	176,750
Spring Convention	7,500	3,933	3,567	6.0	124,300
Bar Journal	85,090	68,821	16,269	57.1	149,100
Committees	10	480	(470)	2.1	480
Member Benefits	2,721	2,385	336	87.8	3,100
Section Support	-	-	-	-	76,621
Access to Justice	8,750	7,584	1,166	54.7	16,000
Commission/Sp Proj	30	6,409	(6,379)	0.4	7,300
Young Lawyers Division	-	-	-	-	100
Total Revenue	\$ 5,077,245	\$ 4,998,589	\$ 78,656	80.8	\$ 6,286,003
<u>Expenses</u>			(Fav)/Unfav		
Licensing	54,033	68,189	(14,156)	44.8	120,653
Admissions	241,059	240,057	1,002	52.6	457,985
NLTP	40,015	37,075	2,940	53.5	74,845
Bar Mgt	412,570	361,706	50,864	59.3	696,249
Property Mgt	238,553	276,702	(38,149)	40.9	582,642
OPC	627,785	636,137	(8,352)	50.1	1,253,170
General Counsel	113,955	123,844	(9,889)	44.2	257,990
Computer/MIS/Internet	93,106	91,835	1,271	45.0	207,053
CLE	187,458	122,333	65,125	37.0	506,224
Summer Convention	208,627	253,115	(44,488)	78.2	266,758
Fall Forum	165,299	148,263	17,036	93.9	176,114
Spring Convention	13,708	10,016	3,692	11.9	114,878
Bar Journal	93,056	88,657	4,399	51.7	180,104
Committees	86,165	97,568	(11,403)	65.2	132,226
Member Benefits	79,845	67,814	12,031	54.1	147,546
Section Support	40,570	38,645	1,925	52.9	76,621
Consumer Assistance	56,476	54,940	1,536	46.1	122,449
Access to Justice	92,590	85,656	6,934	51.7	178,919
Tuesday Night Bar	18,006	18,728	(722)	48.9	36,810
Legislative	948	52,222	(51,274)	1.3	73,074
Commission/Sp. Proj	107,406	91,602	15,804	54.7	196,336
Public Education	55,620	47,682	7,938	33.0	168,346
Young Lawyers Division	20,680	30,764	(10,084)	36.9	56,100
Total Expenses	\$ 3,047,530	\$ 3,043,550	\$ 3,980	50.1	\$ 6,083,092
Net Revenue/(Expense)	\$ 2,029,715	\$ 1,955,039	\$ 74,676		\$ 202,911
Add: Depreciation	108,605	104,770	3,835		230,671
Cash Increase/(Decrease) from Operations	\$ 2,138,320	\$ 2,059,809	\$ 78,511		\$ 433,582
Other Uses of Cash					
Change in Assets/Liabilities	(2,324,102)	(2,324,102)	-		125,000
Capital Expenditures	36,739	125,000	(88,261)		
Net Change in Cash	\$ (222,520)	\$ (389,293)	\$ 166,772		\$ 308,582

Utah State Bar
Summary Income Statement
December 31, 2015

	12/31/2015			Year to Date			YTD % of Ttl Bdgt	2015/16 Total Budget	Budget Remaining
	Actual	Budget	Variance Fav/(Unfav)	Actual	Budget	Variance Fav/(Unfav)			
Revenue									
Licensing	\$ 15,390	\$ 11,789	\$ 3,601	\$ 4,084,996	\$ 4,065,603	\$ 19,393	98.7	\$ 4,137,400	\$ 52,404
Admissions	8,800	23,870	(15,070)	203,010	161,204	41,806	46.2	439,300	236,290
NLTP	9,900	10,577	(677)	39,000	51,298	(12,298)	43.2	90,300	51,300
Mgt - Service	4,075	-	4,075	11,426	12,038	(612)	54.7	20,900	9,474
In Kind Revenue	151	191	(40)	332	1,325	(993)	13.8	2,400	2,068
Mgt - Interest & Gain	3,127	346	2,781	19,981	7,931	12,050	116.8	17,100	(2,881)
Property Mgt	21,813	22,674	(861)	118,767	132,502	(13,735)	38.0	312,152	193,385
OPC	-	538	(538)	1,224	1,481	(257)	10.5	11,700	10,476
CMIS/Internet	-	-	-	-	200	(200)	-	500	500
CLE	23,876	32,062	(8,186)	181,689	144,341	37,348	33.5	543,100	361,411
Summer Convention	60	2,501	(2,441)	194,014	157,726	36,288	123.3	157,400	(36,614)
Fall Forum	11,350	3,770	7,580	118,705	173,328	(54,623)	67.2	176,750	58,045
Spring Convention	5,350	2,093	3,257	7,500	3,933	3,567	6.0	124,300	116,800
Bar Journal	520	174	346	85,090	68,821	16,269	57.1	149,100	64,010
Committees	-	-	-	10	480	(470)	2.1	480	470
Member Benefits	833	1,671	(838)	2,721	2,385	336	87.8	3,100	379
Section Support	-	-	-	-	-	-	-	76,621	76,621
Access to Justice	1,275	927	348	8,750	7,584	1,166	54.7	16,000	7,250
Commission/Sp Proj	10	1,992	(1,982)	30	6,409	(6,379)	0.4	7,300	7,270
Young Lawyers Division	-	-	-	-	-	-	-	100	100
Total Revenue	\$ 106,530	\$ 115,175	\$ (8,645)	\$ 5,077,245	\$ 4,998,589	\$ 78,656	80.8	\$ 6,286,003	\$ 1,208,758
Expenses			(Fav)/Unfav			(Fav)/Unfav			
Licensing	2,043	3,090	(1,047)	54,033	68,189	(14,156)	44.8	120,653	66,620
Admissions	27,846	30,093	(2,247)	241,059	240,057	1,002	52.6	457,985	216,926
NLTP	8,247	6,828	1,419	40,015	37,075	2,940	53.5	74,845	34,830
Bar Mgt	63,834	65,715	(1,881)	412,570	361,706	50,864	59.3	696,249	283,679
Property Mgt	45,397	44,431	966	238,553	276,702	(38,149)	40.9	582,642	344,089
OPC	102,840	109,954	(7,114)	627,785	636,137	(8,352)	50.1	1,253,170	625,385
General Counsel	21,955	21,365	590	113,955	123,844	(9,889)	44.2	257,990	144,035
Computer/MIS/Internet	17,934	14,555	3,379	93,106	91,835	1,271	45.0	207,053	113,947
CLE	40,026	15,061	24,965	187,458	122,333	65,125	37.0	506,224	318,766
Summer Convention	1,167	1,813	(646)	208,627	253,115	(44,488)	78.2	266,758	58,131
Fall Forum	43,311	114,729	(71,418)	165,299	148,263	17,036	93.9	176,114	10,815
Spring Convention	6,911	2,935	3,976	13,708	10,016	3,692	11.9	114,878	101,170
Bar Journal	15,135	12,121	3,014	93,056	88,657	4,399	51.7	180,104	87,048
Committees	3,006	7,357	(4,351)	86,165	97,568	(11,403)	65.2	132,226	46,061
Member Benefits	12,091	6,376	5,715	79,845	67,814	12,031	54.1	147,546	67,701
Section Support	5,996	6,122	(126)	40,570	38,645	1,925	52.9	76,621	36,051
Consumer Assistance	10,077	13,882	(3,805)	56,476	54,940	1,536	46.1	122,449	65,973
Access to Justice	17,317	12,299	5,018	92,590	85,656	6,934	51.7	178,919	86,329
Tuesday Night Bar	2,869	2,888	(19)	18,006	18,728	(722)	48.9	36,810	18,804
Legislative	948	212	736	948	52,222	(51,274)	1.3	73,074	72,126
Commission/Sp. Proj	13,482	10,326	3,156	107,406	91,602	15,804	54.7	196,336	88,930
Public Education	8,885	7,653	1,232	55,620	47,682	7,938	33.0	168,346	112,726
Young Lawyers Division	4,904	384	4,520	20,680	30,764	(10,084)	36.9	56,100	35,420
Total Expenses	\$ 476,221	\$ 510,189	\$ (33,968)	\$ 3,047,530	\$ 3,043,550	\$ 3,980	50.1	\$ 6,083,092	\$ 3,035,562
Net Revenue/(Expense)	\$ (369,691)	\$ (395,014)	\$ 25,323	\$ 2,029,715	\$ 1,955,039	\$ 74,676		\$ 202,911	\$ (1,826,804)
Add: Depreciation	18,100	19,051	(951)	108,605	104,770	3,835		230,671	
Cash Increase/(Decrease) from Operations	\$ (351,591)	\$ (375,963)	\$ 24,372	\$ 2,138,320	\$ 2,059,809	\$ 78,511		\$ 433,582	
Other Uses of Cash									
Change In Assets/Liabilities	(16,711)	(16,711)	-	(2,324,102)	(2,324,102)	-		125,000	\$ 88,261
Capital Expenditures	-	10,417	(10,417)	36,739	125,000	(88,261)			
Net Change In Cash	\$ (368,302)	\$ (403,091)	\$ 34,789	\$ (222,520)	\$ (389,293)	\$ 166,772		\$ 308,582	

Utah State Bar Balance Sheet As of December 31, 2015

	Dec 31, 15	Nov 30, 15	Dec 31, 14
ASSETS			
Current Assets			
Checking/Savings	625	625	625
1010 · Petty Cash	35,017	54,997	84,654
1011 · Cash in Bank			
1060 · ILM Invested Funds Market Value	5,011,516	5,359,839	4,397,630
Total Checking/Savings	5,047,159	5,415,460	4,482,909
Accounts Receivable	13,123	27,664	(9,890)
1071 · Accounts receivable	13,123	27,664	(9,890)
Total Accounts Receivable			
Other Current Assets	191	2,292	2,790
1070a · Other Accounts Receivable	17,282	16,523	20,335
1089 · Unbilled tenant costs	136,326	101,951	48,532
1100 · Prepaid Expense	6,498	6,322	5,488
1919 · Section ILM net earn rcvble			5,498
1920 · A/R - Section Funds	160,297	127,088	82,642
Total Other Current Assets	5,220,578	5,570,212	4,555,660
Total Current Assets			
Fixed Assets	4,632,768	4,632,768	4,481,771
1500 · Property & Equipment	(3,486,038)	(3,467,938)	(3,269,322)
1550 · Accumulated Depreciation	633,142	633,142	633,142
1600 · Land	1,779,871	1,797,972	1,845,591
Total Fixed Assets	7,000,449	7,368,184	6,401,251
TOTAL ASSETS			
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable	330	330	115
2001 · A/P - Trade	330	330	115
Total Accounts Payable			
Other Current Liabilities	56,403	56,699	13,812
2010 · Other Accounts Payable	329,397	325,218	308,443
2100 · Accrued Payables	3,473	3,473	3,069
2350 · Capital Lease Obligations-ST			10,785
2910 · A/P - Sections Meeting revenue		895	1,345
2920 · A/P - Section Funds	389,273	386,286	337,454
Total Other Current Liabilities	389,603	386,616	337,569
Total Current Liabilities			
Long Term Liabilities	845	1,875	4,318
2400 · Capital lease obligations	845	1,875	4,318
Total Long Term Liabilities	390,448	388,491	341,887
Total Liabilities			
Equity	4,580,288	4,580,288	4,063,712
3500 · Unrestricted Net Assets (R/E)	2,029,713	2,399,405	1,995,652
Net Income	6,610,001	6,979,693	6,059,364
Total Equity	7,000,449	7,368,184	6,401,251
TOTAL LIABILITIES & EQUITY			

Utah State Bar CM and YTD Budget vs Actual, all Depts and Events December 2015

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Accrual Basis

Ordinary Income/Expense	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Income									
4001 - Admissions - Student Exam Fees	(575)	1,775	(2,350)	(32)%	37,175	30,969	6,206	120%	160,100
4002 - Admissions - Attorney Exam Fees	1,150	4,352	(3,202)	26%	35,320	40,695	(5,375)	87%	65,800
4003 - Admissions - Retake Fees	0	816	(816)	0%	36,100	16,741	19,359	216%	28,200
4004 - Admissions - Laptop Fees	150	2,601	(2,451)	6%	25,200	18,071	7,129	139%	59,600
4006 - Transfer App Fees	1,800	3,784	(1,984)	48%	18,500	13,898	4,602	133%	24,800
4008 - Attorney - Motion	5,950	6,812	(862)	87%	23,500	25,990	(2,490)	90%	58,400
4009 - House Counsel	0	579	(579)	0%	10,200	2,892	7,308	353%	8,100
4010 - Section/Local Bar Support fees	0	0	(677)	0%	19,878	22,940	(3,062)	87%	99,621
4020 - NLTP Fees	9,900	10,577	(677)	94%	39,000	51,298	(12,298)	76%	90,300
4021 - Lic Fees > 3 Years	4,100	2,603	1,497	158%	3,365,095	3,348,878	16,217	100%	3,369,000
4022 - Lic Fees < 3 Years	500	275	225	182%	258,460	281,267	(22,807)	92%	284,600
4023 - Lic Fees - House Counsel	0	0	0	0%	21,110	20,509	601	103%	21,100
4025 - Pro Hac Vice Fees	8,500	5,060	3,440	168%	37,250	39,472	(2,222)	94%	112,200
4026 - Lic Fees - Inactive/FS	(450)	(411)	(39)	109%	106,700	114,146	(7,446)	93%	183,500
4027 - Lic Fees - Inactive/NS	420	530	(110)	79%	195,830	181,325	14,505	108%	27,300
4030 - Certs of Good Standing	1,580	3,014	(1,434)	52%	11,200	15,280	(4,080)	73%	500
4031 - Enhanced Web Revenue	0	0	0	0%	0	200	(200)	0%	135,700
4039 - Room Rental-All parties	8,164	8,780	(616)	93%	55,311	61,091	(5,780)	91%	149,800
4042 - Food & Beverage Rev-All parties	11,137	12,602	(1,465)	88%	53,401	58,831	(5,430)	91%	149,800
4043 - Setup & AV charges-All parties	700	1,292	(592)	54%	1,020	3,750	(2,730)	27%	5,600
4051 - Meeting - Registration	6,410	3,233	3,177	198%	257,043	223,254	33,789	115%	322,850
4052 - Meeting - Sponsor Revenue	9,150	712	8,438	1,285%	40,800	63,512	(22,712)	64%	82,000
4053 - Meeting - Vendor Revenue	2,700	2,304	396	117%	23,800	33,221	(9,421)	72%	41,300
4054 - Meeting - Material Sales	0	0	0	0%	15	0	15	100%	0
4055 - Meeting - Sp Ev Registration	0	0	0	0%	3,076	8,300	(5,224)	37%	10,800
4060 - E-Filing Revenue	4,005	0	4,005	100%	10,973	10,925	48	100%	17,900
4062 - Subscriptions	460	174	286	264%	82,413	64,787	17,626	127%	141,600
4071 - Mem Benefits - Lexis	1,275	927	348	138%	150	187	(37)	80%	300
4072 - Royalty Inc - Bar J, MBNA, LM,M	833	1,671	(838)	100%	7,584	7,584	0	115%	16,000
4081 - CLE - Registrations	22,865	30,894	(8,229)	73%	8,750	2,385	6,365	93%	3,100
4082 - CLE - Video Library Sales	903	1,168	(265)	50%	2,228	3,847	(1,619)	78%	7,200
4090 - Tenant Rent	1,806	0	1,806	0%	3,019	3,847	(828)	119%	395,400
4095 - Miscellaneous Income	351	4,668	(4,317)	77%	135,303	113,553	21,750	141%	131,700
4096 - Late Fees	800	3,846	(3,046)	100%	43,488	30,788	12,700	103%	20,952
4103 - In - Kind Revenue - UDR	151	191	(40)	8%	9,030	8,730	300	21%	20,980
4150 - Investment Income	2,188	320	1,868	684%	3,515	16,909	(13,394)	159%	78,400
4151 - ILM Realized Gains / Losses	1,810	(141)	1,951	(1,284)%	84,270	53,108	31,162	25%	2,400
4152 - ILM Interest Income	(893)	160	(1,053)	(559)%	332	1,325	(993)	234%	9,000
4153 - ILM Unrealized Gains / Losses	21	7	14	303%	62	53	9	117%	100
4155 - General Interest Income									
Total 4150 - Investment Income	3,127	346	2,781	904%	19,981	7,931	12,050	252%	17,100
4200 - Seminar Profit/Loss	(1,192)	0	(1,192)	100%	(1,192)	0	(1,192)	100%	20,700
Total Income	106,530	115,175	(8,645)	92%	5,077,244	4,998,589	78,655	102%	6,286,003
Gross Profit	106,530	115,175	(8,645)	92%	5,077,244	4,998,589	78,655	102%	6,286,003

Utah State Bar
CM and YTD Budget vs Actual, all Depts and Events
December 2015

Accrual Basis

Expense	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
5000 - Program Services Expense									
5001 - Meeting Facility-external only	(16,222)	58	(16,280)	(27,969)%	39,823	59,026	(19,203)	67%	78,140
5002 - Meeting facility-internal only	5,494	4,978	516	110%	30,970	27,750	3,220	112%	65,400
5013 - ExamSoft	0	0	0	0%	14,205	13,913	292	102%	20,500
5014 - Questions	0	0	0	0%	32,677	31,828	849	103%	45,900
5015 - Investigations	0	612	(612)	0%	0	1,311	(1,311)	0%	2,000
5016 - Credit Checks	347	183	164	189%	937	544	393	172%	1,400
5017 - Medical Exam	160	0	160	100%	183	0	183	100%	1,400
5025 - Temp Labor/Proctors	0	0	0	0%	3,400	3,463	(63)	98%	5,300
5030 - Speaker Fees & Expenses	730	18,541	(18,541)	0%	26,698	35,889	(9,191)	74%	96,300
5031 - Speaker Raimb. - Receipt Req'd	45	0	45	100%	2,118	2,832	(1,600)	44%	3,600
5035 - Awards	2,541	0	2,541	100%	1,232	59	13,432	22,866%	500
5037 - Grants/ contributions - general	0	90	(90)	0%	13,491	59	13,432	22,866%	1,600
5040 - Witness & Hearing Expense	18	0	18	100%	2,349	205	1,876	254%	600
5041 - Process Serving	325	0	325	100%	2,081	115	210	283%	300
5046 - Court Reporting	5,803	0	5,803	100%	325	28,950	11,668	140%	70,000
5047 - Casemaker	348	10	338	3,475%	40,618	51,984	(51,637)	1%	53,900
5055 - Legislative Expense	0	0	0	0%	348	100	4,222	4,322%	100
5060 - Program Special Activities	0	0	0	0%	65,000	65,000	0	100%	65,000
5061 - LRE - Bar Support	0	0	0	0%	0	0	0	0%	2,100
5062 - Law Day	4,000	0	4,003	(133,333)%	4,826	15,412	(10,586)	31%	27,800
5063 - Special Event Expense	5,295	282	5,013	1,878%	16,028	9,621	6,407	250%	49,400
5064 - MCLE Fees Paid	6,417	13,822	(7,405)	46%	25,113	36,547	(11,434)	69%	47,300
5070 - Equipment Rental	64,015	97,529	(33,514)	66%	296,735	283,596	13,139	105%	462,416
5075 - Food & Bev-external costs only	5,361	5,316	45	101%	29,362	21,137	8,225	139%	66,000
5076 - Food & beverage - internal only	1,346	509	837	264%	6,383	3,762	2,621	170%	11,000
5079 - Soft Drinks	402	1,330	(928)	30%	3,323	12,123	9,641	34%	23,700
5085 - Misc. Program Expense	6,318	5,436	882	116%	17,154	1,252	(1,252)	142%	23,200
5090 - Commission Expense	0	208	(208)	0%	0	1,252	(1,252)	0%	2,500
5095 - Wills for Heroes	6,166	6,250	(84)	99%	36,992	37,512	(520)	99%	75,000
5099 - Blomquist Hale	146	610	(464)	24%	15,464	12,922	2,542	120%	29,400
5702 - Travel - Lodging	8	833	(825)	1%	3,211	12,726	(9,515)	25%	28,900
5703 - Travel - Transportation	1,079	461	618	234%	8,572	7,196	1,376	119%	22,400
5704 - Travel - Mileage Reimbursement	0	100	(100)	0%	3,094	4,738	(1,644)	65%	10,300
5705 - Travel - Per Diems	0	0	0	0%	0	100	(100)	0%	100
5706 - Travel - Meals	308	0	308	100%	24,439	0	24,439	100%	0
5707 - Travel - Commission Mtgs	1,403	0	1,403	100%	6,639	13,408	(6,769)	50%	14,000
5805 - ABA Annual Meeting	410	0	410	100%	1,788	4,053	(2,265)	44%	10,900
5810 - ABA Mid Year Meeting	0	0	0	0%	4,046	3,651	395	111%	7,200
5820 - ABA Annual Delegate	0	0	0	0%	0	838	(838)	0%	12,500
5830 - Western States Bar Conference	0	0	0	0%	12,847	4,886	7,961	263%	9,000
5840 - President's Expense	0	574	(574)	0%	0	29,301	(29,301)	0%	32,400
5842 - Visiting Pres. Exp.	3,215	1,116	(785)	80%	3,215	4,000	(785)	80%	20,000
5850 - Leadership Academy	0	4,000	(4,000)	0%	0	0	0	0%	8,000
5855 - Bar Review	0	0	0	0%	29,840	12,800	17,040	233%	12,800
5865 - Retreat	0	0	0	0%	0	0	0	0%	43,100
5960 - Overhead Allocation - Seminars	0	0	0	0%	36,860	11,500	25,360	321%	90,000
5970 - Event Revenue Sharing - 3rd Pty	7,737	1,327	6,410	583%	866,711	873,403	(6,692)	99%	1,653,356
Total 5000 - Program Services Expense	113,211	164,172	(50,961)	69%					

Utah State Bar CM and YTD Budget vs Actual, all Depts and Events December 2015

Accrual Basis

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
5500 - Salaries/Benefits	206,218	212,877	(6,659)	97%	1,254,307	1,231,320	22,987	102%	2,449,698
5510 - Salaries/Wages	13,209	14,715	(1,506)	90%	87,789	88,906	(1,117)	99%	183,727
5605 - Payroll Taxes	22,169	507	21,662	4,373%	107,839	77,747	30,092	139%	194,706
5610 - Health Insurance	1,252	988	264	127%	7,212	6,025	1,187	120%	12,891
5630 - Dental Insurance	1,430	1,452	(22)	98%	8,816	9,837	(1,021)	90%	18,817
5640 - Life & LTD Insurance	362	890	(528)	41%	1,957	5,342	(3,385)	37%	8,345
5645 - Workman's Comp Insurance	17,273	22,876	(5,603)	76%	111,023	127,841	(16,818)	87%	245,675
5650 - Retirement Plan Contributions	0	12,570	(12,570)	0%	5,499	12,687	(7,188)	43%	25,984
5655 - Retirement Plan Fees & Costs	845	500	345	169%	5,165	1,269	3,896	407%	3,000
5660 - Training/Development	0	0	0	100%	0	0	0	100%	0
56000 - Payroll Expenses	262,758	267,375	(4,617)	98%	1,589,606	1,560,974	28,632	102%	3,142,843
Total 5500 - Salaries/Benefits									
7000 - General & Admin	1,165	1,497	(332)	78%	12,778	14,925	(2,147)	86%	26,153
7025 - Office Supplies	2,283	1,516	767	151%	10,783	11,000	(217)	98%	21,800
7033 - Operating Meeting Supplies	6,789	(4,562)	11,351	(149)%	36,883	34,086	2,797	108%	71,400
7035 - Postage/Mailing, net	21,271	5,656	15,615	376%	95,644	85,637	10,007	112%	179,800
7040 - Copy/Printing Expense	(2,308)	(2)	(2,306)	115,385%	(13,628)	(9,148)	(4,480)	149%	(22,000)
7041 - Copy/Print revenue	445	776	(331)	57%	2,572	5,048	(2,476)	51%	9,402
7045 - Internet Service	1,103	0	1,103	100%	7,856	0	7,856	100%	14,131
7050 - Computer Maintenance	1,105	3,626	(2,521)	30%	9,493	6,922	2,571	137%	19,300
7055 - Computer Supplies & Small Equip	6,162	3,520	2,642	175%	23,565	15,877	7,688	148%	31,130
7089 - Membership Database Fees	0	0	0	62%	970	22,100	(9,905)	55%	42,037
7095 - Fax Equip & Supplies	1,956	3,140	(1,184)	0%	12,195	0	1,038	100%	75,000
7100 - Telephone	0	0	0	0%	870	802	68	109%	1,000
7105 - Advertising	0	0	0	127%	6,669	6,484	185	103%	11,900
7106 - Public Notification	1,313	1,034	279	802	802	0	0	0%	0
7110 - Publications/Subscriptions	802	266	536	182%	9,185	9,895	(710)	93%	13,395
7115 - Public Relations	485	93	392	73%	956	1,055	(99)	91%	1,800
7120 - Membership/Dues	68	1,255	(1,187)	100%	7,399	7,581	(182)	98%	13,700
7135 - Bank Service Charges	1,251	2,521	(1,270)	92%	44,250	49,145	(4,895)	90%	100,600
7136 - ILM Service Charges	2,315	(440)	2,755	0%	(24,075)	(22,440)	(1,635)	107%	(44,000)
7140 - Credit Card Merchant Fees	0	0	0	0%	0	0	0	0%	3,800
7141 - Credit Card surcharge	0	0	0	0%	0	0	0	0%	46,901
7145 - Commission Election Expense	3,320	4,071	(751)	82%	19,920	24,407	(4,487)	82%	30,000
7150 - E&O/Off & Dir Insurance	0	0	0	0%	30,504	30,000	504	102%	500
7160 - Audit Expense	0	0	0	0%	0	186	(186)	0%	49,500
7170 - Lobbying Rebates	8,396	5,011	3,385	168%	44,278	26,566	17,712	167%	25,000
7175 - O/S Consultants	2,341	1,288	1,053	182%	8,224	8,568	(344)	96%	35,000
7176 - Bar Litigation	3	1,964	(1,961)	0%	3	14,465	(14,462)	0%	3,000
7177 - UPL	300	266	34	113%	1,802	1,326	476	136%	3,000
7178 - Offsite Storage/Backup	350	238	112	147%	1,522	1,545	(23)	98%	3,000
7179 - Payroll Adm Fees	0	111	(111)	0%	515	556	(41)	93%	1,400
7180 - Administrative Fee Expense	0	0	0	0%	0	0	0	0%	1,410
7190 - Lease Interest Expense	71	71	(0)	99%	141	140	1	101%	282
7191 - Lease Sales Tax Expense	0	5,822	(5,822)	0%	5,964	20,601	(14,637)	29%	28,400
7195 - Other Gen & Adm Expense	60,984	38,738	22,246	157%	359,078	367,329	(8,251)	98%	794,741
Total 7000 - General & Admin									
7090 - In Kind expenses	1,464	2,285	(821)	64%	10,653	(19,444)	(8,791)	55%	39,500
7103 - InKind Contrib-UDR & all other	1,464	2,285	(821)	64%	10,653	19,444	(8,791)	55%	39,500
Total 7090 - In Kind expenses									

Utah State Bar

CM and YTD Budget vs Actual, all Depts and Events

December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
8000 - Building Overhead									
6015 - Janitorial Expense	2,084	2,107	(23)	99%	15,109	16,081	(972)	94%	33,043
6020 - Heat	2,504	2,980	(476)	84%	5,848	10,246	(4,398)	57%	25,403
6025 - Electricity	3,349	3,806	(457)	88%	26,505	30,492	(3,987)	87%	54,686
6030 - Water/Sewer	6	482	(476)	1%	2,322	2,641	(319)	88%	4,565
6035 - Outside Maintenance	105	776	(671)	14%	2,090	17,580	(15,490)	12%	20,312
6040 - Building Repairs	2,258	9	2,259	25,195%	9,887	4,165	5,722	237%	7,767
6045 - Bldg Mnce Contracts	4,332	5,783	(1,451)	75%	20,039	19,386	653	103%	40,965
6050 - Bldg Mnce Supplies	0	3	(3)	0%	735	1,504	(769)	49%	2,828
6055 - Real Property Taxes	2,932	1,473	1,459	199%	17,593	8,645	8,948	204%	18,676
6060 - Personal Property Taxes	60	57	3	105%	360	334	26	108%	676
6065 - Bldg Insurance/Fees	2,065	1,092	973	188%	12,390	6,556	5,834	189%	13,060
6070 - Building & Improvements Depr	4,384	4,578	(194)	96%	26,304	27,347	(1,043)	96%	54,626
6075 - Furniture & Fixtures Depr	1,283	1,640	(357)	78%	7,701	9,855	(2,154)	78%	19,916
7065 - Computers, Equip & Sftwre Depr	12,433	12,833	(400)	97%	74,600	67,568	7,032	110%	156,129
Total 8000 - Building Overhead	37,805	37,619	186	100%	221,484	222,400	(916)	100%	452,652
Total Expense	476,222	510,189	(33,967)	93%	3,047,531	3,043,550	3,981	100%	6,083,092
Net Ordinary Income	(369,692)	(395,014)	25,322	94%	2,029,713	1,955,039	74,674	104%	202,911
Net Income	(369,692)	(395,014)	25,322	94%	2,029,713	1,955,039	74,674	104%	202,911

Utah State Bar
CM and YTD Budget vs Actual, Dept 01 - Licensing
December 2015

Accrual Basis

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Income									
4010 - Section/Local Bar Support fees	0	0	0	0%	19,878	22,940	(3,062)	87%	23,000
4021 - Lic Fees > 3 Years	4,100	2,603	1,497	158%	3,365,095	3,348,878	16,217	100%	3,369,000
4022 - Lic Fees < 3 Years	500	275	225	182%	258,460	281,267	(22,807)	92%	284,600
4023 - Lic Fees - House Counsel	0	0	0	0%	21,110	20,509	601	103%	21,100
4025 - Pro Hac Vice Fees	8,500	5,060	3,440	168%	37,250	39,472	(2,222)	94%	71,100
4026 - Lic Fees - Inactive/FS	(450)	(411)	(39)	109%	106,700	114,146	(7,446)	93%	112,200
4027 - Lic Fees - Inactive/NS	420	530	(110)	79%	195,830	181,325	14,505	108%	183,500
4030 - Certs of Good Standing	1,580	3,014	(1,434)	52%	11,200	15,280	(4,080)	73%	27,300
4081 - CLE - Registrations	0	12	28	333%	425	193	735	481%	600
4095 - Miscellaneous Income	700	708	(6)	99%	68,120	41,593	26,527	164%	45,000
4096 - Late Fees									
Total Income	15,390	11,789	3,601	131%	4,084,996	4,065,603	19,393	100%	4,137,400
Gross Profit	15,390	11,789	3,601	131%	4,084,996	4,065,603	19,393	100%	4,137,400
Expense									
5000 - Program Services Expense	0				609				
5075 - Food & Bev-external costs only	0				6				
5704 - Travel - Mileage Reimbursement	0				615				
Total 5000 - Program Services Expense	0								
5500 - Salaries/Benefits	209	1,358	(1,149)	15%	25,997	39,868	(13,871)	65%	62,489
5510 - Salaries/Wages	15	101	(86)	15%	1,902	2,978	(1,076)	64%	4,687
5605 - Payroll Taxes	279	0	279	100%	2,211	1,249	962	177%	3,042
5610 - Health Insurance	33	15	18	222%	200	92	108	217%	182
5630 - Dental Insurance	20	50	(30)	39%	176	336	(160)	52%	636
5640 - Life & LTD Insurance	21	138	(117)	15%	2,547	3,967	(1,420)	64%	6,249
5650 - Retirement Plan Contributions	0	336	(336)	0%	0	337	(337)	0%	689
5655 - Retirement Plan Fees & Costs	578	1,998	(1,420)	29%	33,032	48,827	(15,795)	68%	77,974
Total 5500 - Salaries/Benefits									
7000 - General & Admin	0	22	(22)	0%	1,161	1,244	(83)	93%	1,300
7025 - Office Supplies	50	67	(17)	75%	6,539	5,545	994	118%	11,900
7035 - Postage/Mailing, net	5	7	(2)	69%	7,857	373	7,284	2,053%	3,500
7040 - Copy/Printing Expense	0	0	0	0%	0	0	0	0%	1,731
7050 - Computer Maintenance	0	264	(264)	0%	839	2,223	(1,385)	38%	4,680
7089 - Membership Database Fees	79	113	(34)	70%	478	1,104	(626)	43%	1,825
7100 - Telephone	847	550	297	154%	24,960	28,050	(3,090)	89%	55,000
7140 - Credit Card Merchant Fees	0	(440)	440	0%	(24,075)	(22,440)	(1,635)	107%	(44,000)
7141 - Credit Card surcharge	0	0	0	0%	0	186	(186)	0%	500
7170 - Lobbying Rebates	0	0	0	0%	0	50	(50)	0%	100
7195 - Other Gen & Admin Expense	0	0	0	0%	0	50	(50)	0%	100
Total 7000 - General & Admin	982	583	399	168%	17,558	16,335	1,223	107%	36,537

Utah State Bar
CM and YTD Budget vs Actual, Dept 01 - Licensing
 December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
8000 - Building Overhead	29	29	(0)	100%	210	225	(15)	93%	462
6015 - Janitorial Expense	35	42	(7)	83%	81	146	(65)	56%	361
6020 - Heat	47	54	(7)	86%	368	431	(63)	85%	776
6025 - Electricity	0	7	(7)	1%	32	38	(6)	85%	65
6030 - Water/Sewer	1	11	(10)	13%	29	250	(221)	12%	288
6035 - Outside Maintenance	32	0	32	100%	137	62	75	222%	110
6040 - Building Repairs	60	82	(22)	73%	279	275	4	101%	581
6045 - Bldg Mtncn Contracts	0	0	0	0%	10	22	(12)	47%	40
6050 - Bldg Mtncn Supplies	29	15	14	191%	172	95	77	181%	185
6065 - Bldg Insurance/Fees	61	65	(4)	94%	366	385	(19)	95%	775
6070 - Building & Improvements Depre	18	23	(5)	78%	107	141	(34)	76%	283
6075 - Furniture & Fixtures Depre	173	181	(8)	95%	1,037	957	80	108%	2,216
7065 - Computers, Equip & Sftwre Depre									
Total 8000 - Building Overhead	484	509	(25)	95%	2,829	3,027	(198)	93%	6,142
Total Expense	2,043	3,090	(1,047)	66%	54,033	68,189	(14,156)	79%	120,653
Net Ordinary Income	13,347	8,699	4,648	153%	4,030,963	3,997,414	33,549	101%	4,016,747
Net Income	13,347	8,699	4,648	153%	4,030,963	3,997,414	33,549	101%	4,016,747

Utah State Bar CM and YTD Budget vs Actual, Dept 02 - Admissions December 2015

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01/08/16
Accrual Basis

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Income									
4001 - Admissions - Student Exam Fees	(575)	1,775	(2,350)	(32)%	37,175	30,969	6,206	120%	160,100
4002 - Admissions - Attorney Exam Fees	1,150	4,352	(3,202)	26%	35,320	40,695	(5,375)	87%	65,800
4003 - Admissions - Retake Fees	0	816	(816)	0%	36,100	16,741	19,359	216%	28,200
4004 - Admissions - Laptop Fees	150	2,601	(2,451)	6%	25,200	18,071	7,129	139%	59,600
4006 - Transfer App Fees	1,800	3,784	(1,984)	48%	18,500	13,898	4,602	133%	24,800
4008 - Attorney - Motion	5,950	6,812	(862)	87%	23,500	25,990	(2,490)	90%	58,400
4009 - House Counsel	0	579	(579)	0%	10,200	2,892	7,308	353%	8,100
4095 - Miscellaneous Income	225	11	214	2,045%	865	433	432	200%	900
4096 - Late Fees	100	3,140	(3,040)	3%	16,150	11,515	4,635	140%	33,400
Total Income	8,800	23,870	(15,070)	37%	203,010	161,204	41,806	126%	439,300
Gross Profit	8,800	23,870	(15,070)	37%	203,010	161,204	41,806	126%	439,300
Expense									
5000 - Program Services Expense	0	0	0	0%	8,609	4,997	3,612	172%	11,100
5001 - Meeting Facility-external only	730	310	420	235%	2,888	2,173	715	133%	6,000
5003 - ExamSoft	0	0	0	0%	14,205	13,913	292	102%	20,500
5014 - Questions	0	612	(612)	0%	32,677	31,828	849	103%	45,900
5015 - Investigations	347	183	164	189%	0	1,311	(1,311)	0%	2,000
5016 - Credit Checks	160	0	160	100%	937	544	393	172%	1,400
5017 - Medical Exam	0	0	0	0%	183	0	183	100%	1,400
5025 - Temp Labor/Proctors	325	0	325	100%	3,400	3,463	(63)	98%	5,300
5046 - Court Reporting	0	0	0	0%	115	210	(95)	283%	300
5070 - Equipment Rental	0	0	0	0%	833	694	139	120%	1,200
5075 - Food & Bev-external costs only	961	655	306	147%	2,518	888	1,630	284%	2,800
5076 - Food & beverage - internal only	0	610	(610)	0%	4,589	3,262	1,327	141%	7,100
5702 - Travel - Lodging	0	69	(69)	0%	423	610	(187)	69%	1,800
5703 - Travel - Transportation	0	0	0	0%	1,286	997	289	129%	2,300
5704 - Travel - Mileage Reimbursement	0	0	0	0%	0	0	0	0%	100
5705 - Travel - Per Diems	0	0	0	0%	604	414	190	146%	1,400
Total 5000 - Program Services Expense	2,523	2,439	84	103%	73,477	65,209	8,268	113%	110,600
5500 - Salaries/Benefits	18,144	19,718	(1,574)	92%	113,511	123,310	(9,799)	92%	237,091
5510 - Salaries/Wages	1,063	1,390	(327)	76%	8,385	8,861	(476)	95%	17,782
5605 - Payroll Taxes	1,676	0	1,676	100%	8,919	7,482	1,437	119%	18,254
5610 - Health Insurance	100	91	9	110%	599	543	56	110%	1,089
5630 - Dental Insurance	134	134	0	100%	799	907	(108)	88%	1,711
5640 - Life & LTD Insurance	1,821	2,158	(337)	84%	11,256	12,257	(1,001)	92%	23,709
5650 - Retirement Plan Fees & Costs	0	1,282	(1,282)	0%	590	1,282	(692)	46%	2,613
5655 - Retirement Plan Fees & Costs	0	0	0	0%	299	100	199	295%	100
5660 - Training/Development	22,938	24,773	(1,835)	93%	144,358	154,742	(10,384)	93%	302,349
Total 5500 - Salaries/Benefits	22,938	24,773	(1,835)	93%	144,358	154,742	(10,384)	93%	302,349

Utah State Bar
CM and YTD Budget vs Actual, Dept 02 - Admissions
December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
7000 - General & Admin	81	5	76	1,625%	919	1,754	(835)	52%	2,300
7025 - Office Supplies	406	309	97	131%	1,292	1,723	(431)	75%	2,800
7035 - Postage/Mailing, net	307	253	54	121%	2,289	2,430	(141)	94%	5,400
7040 - Copy/Printing Expense	0	54	(54)	0%	40	322	(282)	12%	646
7045 - Internet Service	0	0	0	0%	0	0	0	0%	500
7055 - Computer Supplies & Small Equip	0	170	(170)	0%	3,900	2,119	1,781	184%	3,900
7089 - Membership Database Fees	119	167	(48)	71%	716	1,647	(931)	43%	2,737
7100 - Telephone	0	0	0	0%	54	200	485	343%	200
7110 - Publications/Subscriptions	0	730	(415)	43%	6,515	2,630	3,885	248%	12,000
7120 - Memberships/Dues	315	342	(10)	97%	1,991	2,048	(57)	97%	4,100
7140 - Credit Card Merchant Fees	332	0	0	0%	0	200	(200)	0%	200
7150 - E&O/Off & Dir Insurance	0	0	0	0%	0	0	0	0%	0
7195 - Other Gen & Adm Expense	1,560	2,030	(470)	77%	18,401	15,073	3,328	122%	34,783
Total 7000 - General & Admin									
8000 - Building Overhead	49	49	0	101%	358	374	(16)	96%	771
6015 - Janitorial Expense	59	70	(11)	85%	139	241	(102)	58%	602
6020 - Heat	79	90	(11)	88%	628	721	(93)	87%	1,296
6025 - Electricity	0	11	(11)	1%	55	63	(8)	87%	108
6030 - Water/Sewer	2	18	(16)	14%	50	418	(368)	12%	481
6035 - Outside Maintenance	54	0	54	100%	234	103	131	227%	184
6040 - Building Repairs	103	137	(34)	75%	475	458	17	104%	971
6045 - Bldg Mtrce Contracts	0	0	0	0%	17	35	(18)	50%	67
6050 - Bldg Mtrce Supplies	49	26	23	188%	294	153	141	192%	309
6065 - Bldg Insurance/Fees	104	108	(4)	96%	623	646	(23)	97%	1,294
6070 - Building & Improvements Depre	30	39	(9)	78%	183	232	(49)	79%	472
6075 - Furniture & Fixtures Depre	295	303	(8)	97%	1,768	1,589	179	111%	3,698
7065 - Computers, Equip & Sftwre Depr	825	851	(26)	97%	4,824	5,033	(209)	96%	10,253
Total 8000 - Building Overhead									
Total Expense	27,846	30,093	(2,247)	93%	241,059	240,057	1,002	100%	457,985
Net Ordinary Income	(19,046)	(6,223)	(12,823)	306%	(38,049)	(78,853)	40,804	48%	(18,685)
Net Income	(19,046)	(6,223)	(12,823)	306%	(38,049)	(78,853)	40,804	48%	(18,685)

Utah State Bar
CM and YTD Budget vs Actual, Dept 03 - NLTP
December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Income									
4020 - NLTP Fees	9,900	10,577	(677)	94%	39,000	51,298	(12,298)	76%	90,300
Total Income	9,900	10,577	(677)	94%	39,000	51,298	(12,298)	76%	90,300
Gross Profit	9,900	10,577	(677)	94%	39,000	51,298	(12,298)	76%	90,300
Expense									
5000 - Program Services Expense									
5002 - Meeting facility-internal only	353	299	54	118%	703	1,143	(441)	61%	2,300
5075 - Food & Bev-external costs only	0	0	0	0%	346	42	304	825%	300
5076 - Food & beverage - internal only	811	128	683	634%	1,047	628	419	167%	2,800
5702 - Travel - Lodging	0	0	0	0%	299	100	199	299%	100
5703 - Travel - Transportation	0	0	0	0%	377	0	377	100%	0
5704 - Travel - Mileage Reimbursement	0	0	0	0%	686	694	(8)	99%	800
Total 5000 - Program Services Expense	1,164	427	737	273%	3,458	2,607	851	133%	6,300
5500 - Salaries/Benefits									
5510 - Salaries/Wages	4,286	3,998	288	107%	24,015	22,121	1,894	109%	42,633
5605 - Payroll Taxes	332	294	38	113%	1,886	1,706	180	111%	3,197
5610 - Health Insurance	559	0	559	100%	2,973	2,173	800	137%	6,085
5630 - Dental Insurance	33	36	(3)	92%	200	147	53	136%	363
5640 - Life & LTD Insurance	34	35	(1)	98%	207	223	(16)	93%	433
5650 - Retirement Plan Contributions	430	355	75	121%	2,024	2,133	(109)	95%	4,263
5655 - Retirement Plan Fees & Costs	0	118	(118)	0%	0	234	(234)	0%	470
5660 - Training/Development	0	0	0	0%	350	100	250	350%	100
Total 5500 - Salaries/Benefits	5,673	4,836	837	117%	31,654	28,837	2,817	110%	57,544
7000 - General & Admin									
7025 - Office Supplies	6	6	(0)	98%	10	47	(37)	21%	100
7035 - Postage/Mailing, net	21	23	(2)	89%	79	100	(21)	79%	200
7040 - Copy/Printing Expense	631	722	(91)	87%	672	1,430	(758)	47%	2,300
7045 - Internet Service	0	18	(18)	0%	0	107	(107)	0%	215
7100 - Telephone	50	76	(26)	66%	286	527	(241)	54%	911
7120 - Membership/Dues	0	105	(105)	0%	0	192	(192)	0%	400
7140 - Credit Card Merchant Fees	198	92	106	215%	905	151	754	599%	600
Total 7000 - General & Admin	905	1,042	(137)	87%	1,951	2,554	(603)	76%	4,726
8000 - Building Overhead									
6015 - Janitorial Expense	30	30	0	101%	219	228	(9)	96%	472
6020 - Heat	36	44	(8)	83%	85	149	(64)	57%	368
6025 - Electricity	49	55	(6)	88%	384	441	(57)	87%	793
6030 - Water/Sewer	0	7	(7)	1%	34	38	(4)	89%	66
6035 - Outside Maintenance	2	11	(9)	14%	30	255	(225)	12%	294
6040 - Building Repairs	33	0	33	100%	143	64	79	224%	113
6045 - Bldg Mtnc Contracts	63	84	(21)	75%	291	280	11	104%	594
6050 - Bldg Mtnc Supplies	0	0	0	0%	11	22	(11)	48%	41
6065 - Bldg Insurance/Fees	30	16	14	187%	180	93	87	193%	189
6070 - Building & Improvements Depre	64	66	(2)	96%	381	396	(15)	96%	792

Utah State Bar
CM and YTD Budget vs Actual, Dept 03 - NLTP
December 2015

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Accrual Basis

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
6075 - Furniture & Fixtures Depre	19	24	(5)	78%	112	140	(28)	80%	289
7065 - Computers, Equip & Sitwre Depr	180	186	(6)	97%	1,082	971	111	111%	2,264
Total 8000 - Building Overhead	505	523	(18)	97%	2,951	3,077	(126)	96%	6,275
Total Expense	8,247	6,828	1,419	121%	40,015	37,075	2,940	108%	74,845
Net Ordinary Income	1,653	3,749	(2,096)	44%	(1,015)	14,223	(15,238)	(7)%	15,455
Net Income	1,653	3,749	(2,096)	44%	(1,015)	14,223	(15,238)	(7)%	15,455

Utah State Bar

CM and YTD Budget vs Actual, Dept 04 - Bar Management

December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Income									
4060 - E-Filing Revenue	4,005	0	4,005	100%	10,973	10,925	48	100%	17,900
4095 - Miscellaneous Income	70	0	70	100%	453	1,113	(660)	41%	3,000
4103 - In - Kind Revenue - UDR	151	191	(40)	79%	332	1,325	(993)	25%	2,400
4150 - Investment Income									
4151 - ILM Realized Gains / Losses	2,188	320	1,868	684%	10,970	4,688	6,282	234%	9,000
4152 - ILM Interest Income	1,810	(141)	1,951	(1,284)%	21,146	2,002	19,144	1,056%	6,000
4153 - ILM Unrealized Gains / Losses	(893)	160	(1,053)	(558)%	(12,197)	1,188	(13,385)	(1,027)%	2,000
4155 - General Interest Income	21	7	14	303%	61	53	8	116%	100
Total 4150 - Investment Income	3,127	346	2,781	904%	19,981	7,931	12,050	252%	17,100
Total Income	7,353	537	6,816	1,369%	31,739	21,294	10,445	149%	40,400
Gross Profit	7,353	537	6,816	1,369%	31,739	21,294	10,445	149%	40,400
Expense									
5000 - Program Services Expense									
5002 - Meeting facility-internal only	175	92	83	190%	613	548	65	112%	1,100
5063 - Special Event Expense	0	(3)	3	0%	22	200	(200)	0%	200
5070 - Equipment Rental	22	191	(191)	0%	526	1,182	(656)	45%	2,500
5075 - Food & Bev-external costs only	0	0	209	100%	262	0	262	100%	0
5076 - Food & beverage - internal only	209	251	(31)	88%	1,310	1,873	(563)	70%	3,800
5079 - Soft Drinks	220	0	0	0%	96	0	0	0%	200
5085 - Misc. Program Expense	96	0	0	0%	0	0	0	0%	2,700
5702 - Travel - Lodging	0	8	(8)	0%	0	78	(78)	0%	0
5703 - Travel - Transportation	0	0	0	0%	36	0	36	100%	200
5704 - Travel - Mileage Reimbursement	0	0	0	0%	0	0	0	0%	200
5705 - Travel - Per Diems	0	0	0	0%	0	2,600	(2,600)	0%	300
5805 - ABA Annual Meeting	0	0	0	0%	0	0	0	0%	2,500
5810 - ABA Mid Year Meeting	0	0	0	0%	0	484	(484)	0%	0
5830 - Western States Bar Conference	0	0	0	0%	0	0	0	0%	16,100
Total 5000 - Program Services Expense	722	539	183	134%	2,865	6,965	(4,100)	41%	16,100
5500 - Salaries/Benefits									
5510 - Salaries/Wages	42,065	39,465	2,600	107%	245,236	193,082	52,154	127%	409,992
5605 - Payroll Taxes	2,290	2,520	(230)	91%	15,424	13,210	2,214	117%	30,749
5610 - Health Insurance	4,038	0	4,038	100%	15,582	11,892	3,690	131%	27,380
5630 - Dental Insurance	168	98	70	171%	1,007	554	453	182%	1,634
5640 - Life & LTD Insurance	220	281	(61)	78%	1,429	1,921	(492)	74%	3,607
5645 - Workman's Comp Insurance	362	890	(528)	41%	1,957	5,342	(3,385)	37%	8,345
5650 - Retirement Plan Contributions	3,306	4,322	(1,016)	76%	24,763	20,830	3,933	119%	40,999
5655 - Retirement Plan Fees & Costs	0	2,271	(2,271)	0%	2,019	2,271	(252)	89%	4,519
5660 - Training/Development	416	500	(84)	83%	491	1,000	(509)	49%	2,000
66000 - Payroll Expenses	0	0	0	100%	0	0	0	100%	0
Total 5500 - Salaries/Benefits	52,864	50,347	2,517	105%	307,908	250,102	57,806	123%	529,225

Utah State Bar CM and YTD Budget vs Actual, Dept 04 - Bar Management December 2015

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01/08/16
Accrual Basis

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
7000 - General & Admin									
7025 - Office Supplies	110	(40)	150	(276)%	5,066	596	4,470	850%	4,000
7035 - Postage/Mailing, net	111	79	32	141%	582	619	(37)	94%	1,200
7040 - Copy/Printing Expense	927	444	483	209%	2,488	6,197	(3,729)	40%	8,600
7045 - Internet Service	0	36	(36)	0%	0	215	(215)	0%	431
7055 - Computer Supplies & Small Equip	104	0	104	100%	897	0	897	100%	4,800
7089 - Membership Database Fees	0				2,165	1,132	364	132%	1,826
7100 - Telephone	235	83	152	284%	1,496				
7105 - Advertising	0				594				
7120 - Membership/Dues	485	161	324	301%	1,970	3,480	(1,510)	57%	5,100
7135 - Bank Service Charges	68	93	(25)	73%	966	1,055	(99)	91%	1,800
7136 - ILM Service Charges	1,251	1,255	(4)	100%	7,399	7,581	(182)	98%	13,700
7140 - Credit Card Merchant Fees	144	129	15	112%	462	9,415	(8,953)	5%	10,600
7150 - E&O/Off & Dir Insurance	332	342	(10)	97%	1,991	2,048	(57)	97%	4,100
7160 - Audit Expense	0	0	0	0%	30,504	30,000	504	102%	30,000
7175 - O/S Consultants	3,971	4,011	(40)	99%	26,800	19,691	7,109	136%	25,000
7179 - Payroll Adm Fees	350	238	112	147%	1,522	1,545	(23)	98%	3,000
7180 - Administrative Fee Expense	0	111	(111)	0%	515	556	(41)	93%	1,400
7195 - Other Gen & Adm Expense	0	5,558	(5,558)	0%	4,336	6,551	(2,215)	66%	8,000
Total 7000 - General & Admin	8,089	12,500	(4,411)	65%	89,721	90,681	(960)	99%	123,557
7090 - In Kind expenses									
7103 - InKind Contrib-JDR & all other	151	191	(40)	79%	332	1,325	(993)	25%	2,400
Total 7090 - In Kind expenses	151	191	(40)	79%	332	1,325	(993)	25%	2,400
8000 - Building Overhead									
6015 - Janitorial Expense	120	122	(2)	99%	872	935	(63)	93%	1,878
6020 - Heat	144	176	(32)	82%	337	601	(264)	56%	1,465
6025 - Electricity	193	224	(31)	86%	1,528	1,806	(276)	85%	3,154
6030 - Water/Sewer	0	28	(28)	1%	134	156	(22)	86%	264
6035 - Outside Maintenance	6	45	(39)	13%	121	1,033	(912)	12%	1,172
6040 - Building Repairs	131	0	131	100%	570	280	310	219%	448
6045 - Bldg Mnncs Contracts	250	346	(96)	72%	1,156	1,151	5	100%	2,363
6050 - Bldg Mnncs Supplies	0	0	0	0%	42	88	(46)	48%	163
6065 - Bldg Insurance/Fees	119	65	54	183%	715	387	328	185%	753
6070 - Building & Improvements Depr	253	271	(18)	93%	1,518	1,618	(100)	94%	3,151
6075 - Furniture & Fixtures Depr	74	97	(23)	76%	444	584	(140)	76%	1,149
7065 - Computers, Equip & Sftwre Depr	717	764	(47)	94%	4,304	4,015	289	107%	9,007
Total 8000 - Building Overhead	2,009	2,138	(129)	94%	11,744	12,633	(889)	93%	24,967
Total Expense	63,834	65,715	(1,881)	97%	412,570	361,706	50,864	114%	696,249
Net Ordinary Income	(56,481)	(65,178)	8,697	87%	(380,831)	(340,412)	(40,419)	112%	(655,849)
Net Income	(56,481)	(65,178)	8,697	87%	(380,831)	(340,412)	(40,419)	112%	(655,849)

Utah State Bar

CM and YTD Budget vs Actual, Dept 05 - Property Management

December 2015

Accrual Basis

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Income									
4039 - Room Rental-All parties	8,164	8,780	(616)	93%	55,311	61,091	(5,780)	91%	135,700
4042 - Food & Beverage Rev-All Parties	11,137	12,602	(1,465)	88%	53,401	58,831	(5,430)	91%	149,800
4043 - Setup & AV charges-All parties	700	1,292	(592)	54%	1,020	3,750	(2,730)	27%	5,600
4090 - Tenant Rent	1,806	0	1,806	100%	9,030	8,730	300	103%	20,952
4095 - Miscellaneous Income	6	0	6	100%	4	100	(96)	4%	100
Total Income	21,813	22,674	(861)	96%	118,767	132,502	(13,735)	90%	312,152
Gross Profit	21,813	22,674	(861)	96%	118,767	132,502	(13,735)	90%	312,152
Expense									
5000 - Program Services Expense					88	2,689	(1,669)	38%	4,600
5002 - Meeting facility-internal only	0	994	(294)	70%	1,020	62,104	(14,799)	76%	153,100
5070 - Equipment Rental	10,589	14,139	(3,550)	75%	47,305	1,889	3,184	269%	7,200
5075 - Food & Bev-external costs only	1,126	258	868	436%	5,073	52	(52)	0%	100
5079 - Soft Drinks	0	8	(8)	0%	0	52	(52)	0%	165,000
5704 - Travel - Mileage Reimbursement	12,415	15,399	(2,984)	81%	53,486	66,734	(13,248)	80%	165,000
Total 5000 - Program Services Expense	11,962	11,216	746	107%	65,427	70,148	(4,721)	93%	131,922
5500 - Salaries/Benefits					51,165	53,836	(2,671)	95%	99,761
5510 - Salaries/Wages	9,210	9,256	(46)	100%	4,029	4,238	(209)	95%	7,482
5605 - Payroll Taxes	667	625	42	107%	5,946	4,350	1,596	137%	12,169
5610 - Health Insurance	1,117	0	1,117	100%	399	297	102	135%	726
5630 - Dental Insurance	67	33	34	202%	372	303	69	123%	708
5640 - Life & LTD Insurance	61	27	34	224%	3,403	6,508	(3,105)	52%	9,976
5650 - Retirement Plan Contributions	841	659	182	128%	112	616	(504)	18%	1,100
5655 - Retirement Plan Fees & Costs	0	616	(616)	0%	112	616	(504)	18%	1,100
Total 5500 - Salaries/Benefits	11,962	11,216	746	107%	65,427	70,148	(4,721)	93%	131,922
7000 - General & Admin					341	2,979	(2,638)	11%	4,300
7025 - Office Supplies	2	268	(266)	1%	10,783	11,000	(217)	98%	21,800
7033 - Operating Meeting Supplies	2,283	1,516	767	151%	(1,809)	915	(2,724)	(198)%	7,900
7035 - Postage/Mailing, net	316	(5,504)	5,820	(6)%	1,840	234	1,606	787%	1,500
7040 - Copy/Printing Expense	289	(868)	1,157	(33)%	(13,628)	(9,148)	(4,480)	148%	(22,000)
7041 - Copy/Print revenue	(2,308)	(2)	(2,306)	115,385%	0	537	(537)	0%	1,077
7045 - Internet Service	0	90	(90)	0%	66	0	66	100%	200
7055 - Computer Supplies & Small Equip	0	0	0	0%	1,453	2,580	(1,127)	56%	4,562
7100 - Telephone	249	301	(52)	83%	6	0	6	100%	0
7140 - Credit Card Merchant Fees	0	0	0	0%	0	1,000	(1,000)	0%	1,000
7175 - O/S Consultants	0	1,000	(1,000)	0%	0	0	0	0%	1,410
7190 - Lease Interest Expense	0	0	0	0%	141	140	1	101%	282
7191 - Lease Sales Tax Expense	71	71	(0)	99%	141	140	1	101%	282
Total 7000 - General & Admin	902	(3,128)	4,030	(29)%	(808)	10,237	(11,045)	(8)%	22,031
7090 - In Kind expenses					10,321	18,119	(7,798)	57%	37,100
7103 - InKind Contrib-UDR & all other	1,313	2,094	(782)	63%	10,321	18,119	(7,798)	57%	37,100
Total 7090 - In Kind expenses	1,313	2,094	(782)	63%	10,321	18,119	(7,798)	57%	37,100

Utah State Bar
CM and YTD Budget vs Actual, Dept 05 - Property Management
December 2015

Accrual Basis

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
8000 - Building Overhead									
6015 - Janitorial Expense	1,054	1,046	8	101%	7,842	8,006	(364)	95%	16,458
6020 - Heat	1,266	1,514	(248)	84%	2,958	5,159	(2,201)	57%	12,845
6025 - Electricity	1,694	1,920	(226)	88%	13,407	15,440	(2,034)	87%	27,652
6030 - Water/Sewer	3	244	(241)	1%	1,174	1,331	(157)	88%	2,310
6035 - Outside Maintenance	53	385	(332)	14%	1,057	8,945	(7,888)	12%	10,271
6040 - Building Repairs	1,147	0	1,147	100%	5,001	2,245	2,756	223%	3,927
6045 - Bldg Mtnce Contracts	2,191	2,941	(750)	74%	10,135	9,789	346	104%	20,712
6050 - Bldg Mtnce Supplies	0	0	0	0%	372	757	(385)	49%	1,431
6055 - Real Property Taxes	1,173	589	584	199%	7,037	3,459	3,578	203%	7,470
6060 - Personal Property Taxes	24	23	1	104%	144	132	12	109%	270
6065 - Bldg Insurance/Fees	1,045	552	493	189%	6,267	3,315	2,952	189%	6,603
6070 - Building & Improvements Depre	2,217	2,316	(99)	96%	13,305	13,821	(516)	96%	27,621
6075 - Furniture & Fixtures Depre	649	830	(181)	78%	3,895	4,980	(1,085)	78%	10,071
7065 - Computers, Equip & Sftwre Depre	6,289	6,490	(201)	97%	37,733	34,085	3,648	111%	78,948
Total 8000 - Building Overhead	18,805	18,850	(45)	100%	110,127	111,464	(1,337)	99%	225,569
Total Expense	45,397	44,431	966	102%	238,563	276,702	(38,149)	85%	562,642
Net Ordinary Income	(23,584)	(21,757)	(1,827)	108%	(119,786)	(144,200)	24,414	83%	(270,490)
Net Income	(23,584)	(21,757)	(1,827)	108%	(119,786)	(144,200)	24,414	83%	(270,490)

Utah State Bar
CM and YTD Budget vs Actual, Dept 06 - OPC
December 2015

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Accrual Basis

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Income									
4095 - Miscellaneous Income	0	538	(538)	0%	1,224	1,481	(257)	83%	1,900
4200 - Seminar Profit/Loss	0	0	0	0%	0	0	0	0%	9,800
Total Income	0	538	(538)	0%	1,224	1,481	(257)	83%	11,700
Gross Profit	0	538	(538)	0%	1,224	1,481	(257)	83%	11,700
Expense									
5000 - Program Services Expense									
5002 - Meeting facility-internal only	578	79	499	731%	2,310	798	1,512	289%	2,500
5040 - Witness & Hearing Expense	0	90	(90)	0%	2,349	926	1,423	254%	1,600
5041 - Process Serving	18	0	18	100%	2,081	205	1,876	1,015%	600
5070 - Equipment Rental	0	0	0	0%	0	200	(200)	0%	200
5075 - Food & Bev-external costs only	0	88	(88)	0%	0	256	(256)	0%	300
5076 - Food & beverage - internal only	435	284	151	153%	1,281	3,051	(1,770)	42%	4,900
5072 - Travel - Lodging	73	0	73	100%	1,637	3,256	(2,914)	36%	7,700
5703 - Travel - Transportation	0	0	0	0%	0	3,256	(3,256)	0%	5,500
5704 - Travel - Mileage Reimbursement	46	302	(256)	15%	1,556	1,729	(173)	90%	3,300
5705 - Travel - Per Diems	0	0	0	0%	758	2,154	(1,397)	35%	3,300
5805 - ABA Annual Meeting	0	0	0	0%	0	1,000	(1,000)	0%	1,000
Total 5000 - Program Services Expense	1,150	843	307	136%	11,972	18,126	(6,154)	66%	30,900
5500 - Salaries/Benefits									
5510 - Salaries/Wages	69,076	71,795	(2,719)	96%	422,547	415,341	7,206	102%	810,777
5605 - Payroll Taxes	4,416	5,044	(628)	88%	29,065	29,065	(0)	100%	60,808
5610 - Health Insurance	7,316	0	7,316	100%	37,981	24,252	13,729	157%	60,845
5630 - Dental Insurance	452	288	164	157%	2,713	1,803	910	150%	3,631
5640 - Life & LTD Insurance	504	545	(41)	92%	3,113	3,450	(337)	90%	6,643
5655 - Retirement Plan Contributions	6,024	8,425	(2,401)	71%	36,038	41,648	(5,610)	87%	81,078
5660 - Training/Development	0	4,505	(4,505)	0%	1,816	4,505	(2,689)	40%	8,935
Total 5500 - Salaries/Benefits	87,789	90,602	(2,813)	97%	534,665	520,119	14,546	103%	1,032,818
7000 - General & Admin									
7025 - Office Supplies	275	723	(448)	38%	3,260	6,501	(3,241)	50%	11,600
7035 - Postage/Mailing, net	729	375	354	194%	3,829	2,191	1,638	175%	5,800
7040 - Copy/Printing Expense	1,940	1,066	874	182%	10,009	9,111	898	110%	19,100
7045 - Internet Service	0	215	(215)	0%	294	1,295	(1,001)	23%	2,585
7055 - Computer Supplies & Small Equip	598	2,877	(2,279)	21%	847	3,539	(2,692)	24%	5,400
7089 - Membership Database Fees	0	2,302	(2,302)	0%	0	5,902	(5,902)	0%	10,590
7100 - Telephone	476	691	(215)	69%	2,877	6,579	(3,702)	44%	10,950
7105 - Advertising	0	0	0	0%	75	802	(727)	109%	1,000
7106 - Public Notification	1,169	985	184	119%	4,209	4,772	(563)	88%	9,500
7110 - Publications/Subscriptions	0	0	0	0%	3,711	3,685	26	101%	4,800
7120 - Membership/Dues	0	0	0	0%	0	7,720	(7,720)	90%	14,500
7140 - Credit Card Merchant Fees	1,162	1,287	(125)	90%	6,968	1,326	476	136%	3,000
7150 - E&O/Off & Dir Insurance	300	266	34	113%	1,802	478	(1,324)	0%	500
7178 - Offsite Storage/Backup	0	239	(239)	0%	0	53,901	(53,901)	72%	98,325
7195 - Other Gen & Admin Expense	6,650	11,026	(4,376)	60%	38,752	53,901	(15,149)	72%	98,325
Total 7000 - General & Admin	6,650	11,026	(4,376)	60%	38,752	53,901	(15,149)	72%	98,325

Utah State Bar
CM and YTD Budget vs Actual, Dept 06 - OPC
December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
8000 - Building Overhead									
6015 - Janitorial Expense	434	429	5	101%	3,147	3,287	(140)	96%	6,778
6020 - Heat	522	622	(100)	84%	1,218	2,118	(900)	58%	5,290
6025 - Electricity	698	788	(90)	89%	5,521	6,338	(817)	87%	11,388
6030 - Water/Sewer	1	100	(99)	1%	484	548	(64)	88%	951
6035 - Outside Maintenance	22	159	(137)	14%	435	3,677	(3,242)	12%	4,230
6040 - Building Repairs	472	0	472	100%	2,059	658	1,403	314%	1,617
6045 - Bldg Mtncn Contracts	902	1,206	(304)	75%	4,174	4,015	159	104%	8,530
6050 - Bldg Mtncn Supplies	0	0	0	0%	153	313	(160)	49%	589
6065 - Bldg Insurance/Fees	430	227	203	189%	2,581	1,357	1,224	190%	2,719
6070 - Building & Improvements Depre	913	951	(38)	96%	5,479	5,669	(190)	97%	11,375
6075 - Furniture & Fixtures Depre	267	341	(74)	78%	1,604	2,041	(437)	79%	4,147
7065 - Computers, Equip & Stvrre Depre	2,590	2,660	(70)	97%	15,539	13,972	1,567	111%	32,513
Total 8000 - Building Overhead	7,252	7,483	(231)	97%	42,395	43,991	(1,596)	96%	90,127
Total Expense	102,840	109,954	(7,114)	94%	627,785	636,137	(8,352)	99%	1,253,170
Net Ordinary Income	(102,840)	(109,416)	6,576	94%	(625,561)	(634,656)	8,095	99%	(1,241,470)
Net Income	(102,840)	(109,416)	6,576	94%	(625,561)	(634,656)	8,095	99%	(1,241,470)

Utah State Bar

CM and YTD Budget vs Actual, Dept 07 - General Counsel

December 2015

Ordinary Income/Expense	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Expense									
5000 - Program Services Expense									
5002 - Meeting facility-internal only	0	142	(115)	19%	263	200	4	102%	200
5075 - Food & Bev-external costs only	27	0	0	0%	204	585	(585)	0%	1,700
5702 - Travel - Lodging	0	0	0	0%	0	95	(95)	0%	1,800
5703 - Travel - Transportation	0	0	0	0%	0	200	(200)	0%	500
5704 - Travel - Mileage Reimbursement	0	100	(100)	0%	0	100	(100)	0%	100
5705 - Travel - Per Diems	0	100	(100)	0%	0	100	(100)	0%	100
Total 5000 - Program Services Expense	27	342	(315)	8%	467	1,180	(713)	40%	4,300
5500 - Salaries/Benefits									
5510 - Salaries/Wages	13,826	12,968	858	107%	74,714	68,242	6,472	109%	132,621
5605 - Payroll Taxes	968	817	151	118%	5,043	5,525	(482)	91%	9,947
5610 - Health Insurance	1,600	0	1,600	100%	4,739	3,434	1,305	138%	9,127
5630 - Dental Insurance	67	45	22	148%	117	275	(158)	42%	545
5640 - Life & LTD Insurance	80	61	19	130%	427	555	(128)	77%	921
5650 - Retirement Plan Contributions	1,000	1,123	(123)	89%	6,309	7,493	(1,184)	84%	13,262
5655 - Retirement Plan Fees & Costs	0	681	(681)	0%	104	681	(577)	15%	1,462
5650 - Training/Development	0	0	0	0%	399	5	394	7,980%	100
Total 5500 - Salaries/Benefits	17,540	15,695	1,845	112%	91,851	86,210	5,641	107%	167,985
7000 - General & Admin									
7025 - Office Supplies	209	0	209	100%	335	47	288	712%	100
7035 - Postage/Mailing, net	13	24	(11)	54%	32	82	(50)	39%	100
7040 - Copy/Printing Expense	18	72	(54)	26%	144	172	(28)	83%	400
7045 - Internet Service	0	36	(36)	0%	0	215	(215)	0%	431
7100 - Telephone	79	112	(33)	71%	478	1,101	(623)	43%	1,826
7105 - Advertising	0	49	(49)	0%	75	562	(562)	210%	700
7110 - Publications/Subscriptions	0	0	0	0%	1,180	679	339	150%	700
7120 - Membership/Dues	332	342	(10)	97%	1,018	2,048	(97)	97%	4,100
7150 - E&O/Off & Dir Insurance	2,341	1,288	1,053	182%	1,981	8,568	(344)	96%	25,000
7176 - Bar Litigation	0	1,964	(1,964)	0%	8,224	14,465	(14,465)	0%	35,000
7177 - UPL	0	0	0	0%	0	14,465	(14,465)	0%	0
Total 7000 - General & Admin	2,993	3,887	(894)	77%	13,476	27,939	(14,463)	48%	68,357
8000 - Building Overhead									
8015 - Janitorial Expense	84	82	2	102%	606	632	(26)	95%	1,305
8020 - Heat	100	119	(19)	84%	235	407	(172)	58%	1,018
8025 - Electricity	134	151	(17)	89%	1,063	1,220	(157)	87%	2,192
8030 - Water/Sewer	0	20	(20)	1%	93	106	(13)	88%	183
8035 - Outside Maintenance	4	31	(27)	14%	84	708	(624)	12%	814
8040 - Building Repairs	91	0	91	100%	396	177	219	224%	311
8045 - Bldg Mnnc Contracts	174	232	(58)	75%	804	31	813	104%	1,642
8050 - Bldg Mnnc Supplies	0	0	0	0%	29	60	(31)	49%	113
8065 - Bldg Insurance/Fees	83	44	39	188%	497	260	237	191%	524
8070 - Building & Improvements Depr	176	183	(7)	96%	1,055	1,092	(37)	97%	2,190
8075 - Furniture & Fixtures Depr	51	66	(15)	78%	309	391	(82)	79%	798
8085 - Computers, Equip & Sftwre Depr	499	513	(14)	97%	2,991	2,689	302	111%	6,258
Total 8000 - Building Overhead	1,396	1,441	(45)	97%	8,162	8,515	(353)	95%	17,348
Total Expense	21,955	21,365	590	103%	113,955	123,844	(9,889)	92%	257,990
Net Ordinary Income	(21,955)	(21,365)	(590)	103%	(113,955)	(123,844)	9,889	92%	(257,990)
Net Income	(21,955)	(21,365)	(590)	103%	(113,955)	(123,844)	9,889	92%	(257,990)

Utah State Bar

CM and YTD Budget vs Actual, Dept 08 - Computer/MIS

December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Income									
4031 - Enhanced Web Revenue	0	0	0	0%	0	200	(200)	0%	500
Total Income	0	0	0	0%	0	200	(200)	0%	500
Gross Profit									
Expense									
5000 - Program Services Expense					55	713	(713)	0%	1,700
5075 - Food & Bev-external costs only	0	0	0	0%	0				
5703 - Travel - Transportation	0	0	0	0%	303	0	0	0%	300
5704 - Travel - Mileage Reimbursement	0	0	0	0%	0				
5705 - Travel - Per Diems	0	0	0	0%	410				
5810 - ABA Mid Year Meeting	410								2,000
Total 5000 - Program Services Expense	410	0	410	100%	767	713	54	108%	
5500 - Salaries/Benefits	11,152	10,009	1,143	111%	49,448	60,215	(10,767)	82%	116,746
5510 - Salaries/Wages	685	751	(66)	91%	3,685	4,372	(687)	84%	8,756
5605 - Payroll Taxes	1,117	0	1,117	100%	5,222	3,743	1,479	140%	9,127
5610 - Health Insurance	67	45	22	148%	350	275	75	127%	545
5630 - Dental Insurance	86	76	10	114%	488	541	(53)	90%	997
5640 - Life & LTD Insurance	1,031	1,045	(14)	99%	5,427	5,957	(530)	91%	11,675
5655 - Retirement Plan Contributions	0	645	(645)	0%	338	645	(307)	52%	1,287
5660 - Training/Development	0				595				
Total 5500 - Salaries/Benefits	14,138	12,571	1,567	112%	65,552	75,748	(10,196)	87%	149,133
7000 - General & Admin									
7025 - Office Supplies	1	0	1	100%	246	0	246	100%	50
7045 - Internet Service	242	84	158	288%	1,481	387	1,094	383%	431
7050 - Computer Maintenance	1,103	0	1,103	100%	7,856	0	7,856	100%	12,400
7055 - Computer Supplies & Small Equip	402	549	(147)	73%	7,025	3,183	3,842	221%	7,400
7100 - Telephone	79	664	(585)	12%	703	1,138	(435)	62%	2,725
7110 - Publications/Subscriptions	144	0	144	100%	723	677	46	107%	1,100
7120 - Membership/Dues	0	0	0	0%	351	50	301	703%	50
7175 - O/S Consultants	750	0	750	100%	4,515	5,875	(1,360)	77%	23,500
Total 7000 - General & Admin	2,721	1,297	1,424	210%	22,900	11,310	11,590	202%	47,657
8000 - Building Overhead	40	40	(0)	100%	289	301	(12)	96%	622
6015 - Janitorial Expense	48	58	(10)	82%	112	196	(84)	57%	485
6020 - Heat	64	72	(8)	89%	506	579	(73)	87%	1,044
6025 - Electricity	0	9	(9)	1%	44	51	(7)	87%	87
6030 - Water/Sewer	2	15	(13)	13%	40	337	(297)	12%	388
6035 - Outside Maintenance	43	0	43	100%	189	86	103	220%	148
6040 - Building Repairs	83	111	(28)	75%	383	369	14	104%	782
6045 - Bldg Mtnc Contracts	0	0	0	0%	14	29	(15)	48%	54
6050 - Bldg Mtnc Supplies	39	21	18	188%	237	123	114	192%	249
6065 - Bldg Insurance/Fees	84	87	(3)	96%	502	521	(19)	96%	1,043
6070 - Building & Improvements Depre									

Utah State Bar
CM and YTD Budget vs Actual, Dept 08 - Computer/MIS
December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
6075 - Furniture & Fixtures Depr	25	31	(6)	79%	147	189	(42)	78%	380
7065 - Computers, Equip & Sftwre Depr	237	243	(6)	98%	1,425	1,283	142	111%	2,981
									8,263
Total 8000 - Building Overhead	665	687	(22)	97%	3,887	4,064	(177)	96%	207,053
Total Expense	17,934	14,555	3,379	123%	93,106	91,835	1,271	101%	(206,553)
Net Ordinary Income	(17,934)	(14,555)	(3,379)	123%	(93,106)	(91,635)	(1,471)	102%	(206,553)
Net Income	(17,934)	(14,555)	(3,379)	123%	(93,106)	(91,635)	(1,471)	102%	(206,553)

Utah State Bar
CM and YTD Budget vs Actual, Dept 09 - CLE
December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Income									
4052 - Meeting - Sponsor Revenue	1,500	0	1,500	100%	4,500	0	4,500	100%	5,100
4053 - Meeting - Vendor Revenue	0	0	0	0%	15	0	0	0%	0
4054 - Meeting - Material Sales	22,655	30,894	(8,238)	73%	134,868	113,553	21,315	119%	395,400
4081 - CLE - Registrations	903	1,168	(265)	77%	43,488	30,788	12,700	141%	131,700
4082 - CLE - Video Library Sales	0	0	0	0%	0	0	0	0%	0
4083 - CLE - Material Sales	(1,192)	0	(1,192)	100%	(1,192)	0	(1,192)	100%	10,900
4200 - Seminar Profit/Loss	23,866	32,062	(8,196)	74%	181,679	144,341	37,338	126%	543,100
Total Income	23,866	32,062	(8,196)	74%	181,679	144,341	37,338	126%	543,100
Gross Profit									
Expense									
5000 - Program Services Expense									
5001 - Meeting Facility-external only	1,500	(842)	2,142	(234)%	5,077	5,734	(658)	89%	14,400
5002 - Meeting Facility-internal only	305	715	(410)	43%	2,775	2,715	60	102%	9,800
5030 - Speaker Fees & Expenses	0	0	0	0%	12,485	4,756	7,729	263%	43,100
5035 - Awards	0	0	0	0%	0	0	0	0%	0
5037 - Grants/ contributions - general	0	0	0	0%	5,000	6,200	(6,200)	0%	6,200
5060 - Program Special Activities	0	0	0	0%	3,625	4,007	(3,530)	188%	35,300
5063 - Special Event Expense	1,289	282	1,007	457%	7,537	476	1,386	391%	2,800
5064 - MCLE Fees Paid	315	126	189	250%	1,862	2,368	8,393	454%	30,900
5070 - Equipment Rental	1,615	0	1,615	100%	10,761	3,578	5,791	262%	23,600
5075 - Food & Bev-external costs only	375	1,585	(1,210)	24%	9,369	1,218	(1,676)	(38)%	5,400
5076 - Food & Beverage - internal only	0	0	0	0%	(458)	855	(855)	0%	2,900
5085 - Misc. Program Expense	0	0	0	0%	1,285	2,834	(1,549)	45%	4,500
5702 - Travel - Lodging	4	299	(295)	1%	0	460	(460)	0%	900
5703 - Travel - Transportation	0	0	0	0%	0	0	0	0%	43,100
5705 - Travel - Per Diems	0	0	0	0%	0	0	0	0%	90,000
5960 - Overhead Allocation - Seminars	0	0	0	0%	0	0	0	0%	0
5970 - Event Revenue Sharing - 3rd Pty	7,737	1,327	6,410	583%	36,860	11,500	25,360	321%	312,900
Total 5000 - Program Services Expense	13,141	3,692	9,449	356%	96,177	46,701	49,476	206%	312,900
5500 - Salaries/Benefits									
5510 - Salaries/Wages	8,329	6,613	1,716	126%	42,910	32,308	10,602	133%	82,998
5605 - Payroll Taxes	627	453	174	138%	3,358	2,407	951	139%	6,225
5610 - Health Insurance	1,117	0	1,117	100%	5,946	3,510	2,436	169%	12,169
5630 - Dental Insurance	67	42	25	159%	399	255	144	157%	726
5640 - Life & LTD Insurance	74	50	24	148%	456	355	101	128%	801
5650 - Retirement Plan Contributions	593	720	(127)	82%	3,161	3,776	(615)	84%	8,300
5655 - Retirement Plan Fees & Costs	0	453	(453)	0%	258	453	(195)	57%	915
5660 - Training/Development	0	0	0	0%	875	0	0	0%	0
Total 5500 - Salaries/Benefits	10,806	8,331	2,475	130%	57,362	43,064	14,298	133%	112,134
7000 - General & Admin									
7025 - Office Supplies	2	11	(9)	20%	205	144	61	142%	400
7035 - Postage/Mailing, net	56	23	33	243%	3,325	3,602	(277)	92%	5,400
7040 - Copy/Printing Expense	13,004	62	12,942	20,974%	10,944	12,429	(1,485)	88%	34,000
7045 - Internet Service	65	49	16	133%	325	76	249	428%	431
7050 - Computer Maintenance	0	0	0	0%	0	0	0	0%	0
7055 - Computer Supplies & Small Equip	0	0	0	0%	323	0	323	100%	700
7089 - Membership Database Fees	312	396	(84)	79%	312	2,947	(2,635)	11%	4,680
7095 - Fax Equip & Supplies	0	65	14	122%	956	639	317	150%	2,726
7100 - Telephone	79	0	0	0%	0	0	0	0%	0
7105 - Advertising	0	0	0	0%	0	0	0	0%	300
7120 - Membership/Dues	0	0	0	0%	0	0	0	0%	0

Utah State Bar
CM and YTD Budget vs Actual, Dept 09 - CLE
December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
7140 - Credit Card Merchant Fees	664	908	(254)	72%	4,964	3,726	1,238	133%	13,900
7195 - Other Gen & Adm Expense	0	25	(25)	0%	307	150	157	205%	300
Total 7000 - General & Admin	14,172	1,539	12,633	921%	22,631	23,713	(1,082)	95%	62,837
8000 - Building Overhead	60	60	0	101%	438	456	(18)	96%	944
6015 - Janitorial Expense	73	86	(13)	84%	170	295	(125)	57%	736
6020 - Heat	97	109	(12)	89%	769	882	(113)	87%	1,585
6025 - Electricity	0	14	(14)	1%	67	76	(9)	89%	132
6030 - Water/Sewer	3	22	(19)	14%	61	512	(451)	12%	589
6035 - Outside Maintenance	66	0	66	100%	287	128	159	224%	225
6040 - Building Repairs	126	168	(42)	75%	581	559	22	104%	1,188
6045 - Bldg Mtnc Contracts	0	0	0	0%	21	43	(22)	50%	82
6050 - Bldg Mtnc Supplies	880	442	438	199%	5,278	2,593	2,685	204%	5,603
6055 - Real Property Taxes	18	17	1	106%	108	101	7	107%	203
6060 - Personal Property Taxes	60	32	28	187%	359	187	172	192%	379
6065 - Bldg Insurance/Fees	127	132	(5)	96%	763	792	(29)	96%	1,584
6070 - Building & Improvements Depre	37	47	(10)	79%	223	287	(64)	78%	577
6075 - Furniture & Fixtures Depre	361	370	(9)	97%	2,163	1,944	219	111%	4,526
7065 - Computers, Equip & Sttwre Depre									
Total 8000 - Building Overhead	1,907	1,499	408	127%	11,288	8,855	2,433	127%	18,353
Total Expense	40,026	15,061	24,965	266%	187,458	122,333	65,125	153%	506,224
Net Ordinary Income	(16,160)	17,001	(33,161)	(95)%	(5,780)	22,008	(27,788)	(26)%	36,876
Net Income	(16,160)	17,001	(33,161)	(95)%	(5,780)	22,008	(27,788)	(26)%	36,876

Utah State Bar

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

December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Income									
4051 - Meeting - Registration	60	386	(326)	16%	160,938	107,926	53,012	149%	107,500
4052 - Meeting - Sponsor Revenue	0	0	0	0%	18,650	22,800	(4,150)	82%	22,800
4053 - Meeting - Vendor Revenue	0	0	0	0%	11,500	12,000	(500)	96%	12,000
4055 - Meeting - Sp Ev Registration	0	0	0	0%	2,926	8,300	(5,374)	33%	8,300
4095 - Miscellaneous Income	0	2,115	(2,115)	0%	0	6,700	(6,700)	0%	6,700
Total Income	60	2,501	(2,441)	2%	194,014	157,726	36,288	123%	157,400
Gross Profit	60	2,501	(2,441)	2%	194,014	157,726	36,288	123%	157,400
Expense									
5000 - Program Services Expense									
5001 - Meeting Facility-external only	0	0	0	0%	20,741	29,000	(8,259)	72%	29,000
5002 - Meeting Facility-internal only	88	0	88	100%	525	331	194	159%	800
5030 - Speaker Fees & Expenses	0	0	0	0%	1,213	12,400	(11,187)	10%	12,400
5063 - Special Event Expense	0	0	0	0%	806	6,700	(5,894)	12%	6,700
5064 - MCLE Fees Paid	0	0	0	0%	4,486	2,400	2,086	187%	2,400
5070 - Equipment Rental	0	0	0	0%	6,381	19,400	(13,019)	33%	19,400
5075 - Food & Bev-external costs only	0	0	0	0%	123,269	123,700	(431)	100%	123,700
5076 - Food & beverage - internal only	305	0	305	100%	1,326	524	802	253%	1,300
5085 - Misc. Program Expense	0	0	0	0%	1,079	5,900	4,360	174%	5,900
5702 - Travel - Lodging	0	0	0	0%	10,260	1,600	(1,600)	0%	1,600
5703 - Travel - Transportation	0	0	0	0%	2,376	3,691	(1,315)	64%	3,700
5704 - Travel - Mileage Reimbursement	0	0	0	0%	1,232	1,600	(368)	77%	1,600
5705 - Travel - Per Diems	0	0	0	0%	173,693	207,246	(33,553)	84%	208,500
Total 5000 - Program Services Expense	393	0	393	100%	173,693	207,246	(33,553)	84%	208,500
5500 - Salaries/Benefits									
5510 - Salaries/Wages	476	1,329	(853)	36%	18,926	24,411	(5,485)	78%	33,638
5605 - Payroll Taxes	35	96	(61)	37%	1,379	1,799	(420)	77%	2,523
5650 - Retirement Plan Contributions	44	146	(102)	30%	1,764	2,758	(994)	64%	3,735
Total 5500 - Salaries/Benefits	556	1,571	(1,015)	35%	22,069	28,968	(6,899)	76%	39,896
7000 - General & Admin									
7025 - Office Supplies	0	0	0	0%	217	100	117	217%	100
7035 - Postage/Mailing, net	0	0	0	0%	88	3,700	(3,612)	2%	3,700
7040 - Copy/Printing Expense	1	0	1	100%	3,518	5,800	(2,282)	61%	5,800
7045 - Internet Service	0	7	(7)	0%	0	45	(45)	0%	87
7055 - Computer Supplies & Small Equip	0	0	0	0%	25	4,000	(3,975)	50%	367
7089 - Membership Database Fees	0	28	(28)	57%	107	215	(108)	207%	1,800
7100 - Telephone	16	0	0	0%	3,731	1,800	1,931	0%	4,000
7140 - Credit Card Merchant Fees	0	0	0	0%	0	4,000	(4,000)	0%	4,000
7195 - Other Gen & Adm Expense	0	0	0	0%	0	15,660	(15,660)	75%	15,854
Total 7000 - General & Admin	17	35	(18)	48%	11,685	15,660	(3,975)	75%	15,854

Utah State Bar
CM and YTD Budget vs Actual, Dept 10 - Summer Convention
December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
8000 - Building Overhead									
6015 - Janitorial Expense	12	12	0	101%	88	90	(2)	97%	189
6020 - Heat	15	17	(2)	85%	34	58	(24)	58%	147
6025 - Electricity	19	22	(3)	88%	154	177	(23)	87%	317
6030 - Water/Sewer	0	3	(3)	1%	13	17	(4)	79%	26
6035 - Outside Maintenance	1	4	(3)	15%	12	102	(90)	12%	118
6040 - Building Repairs	13	0	13	100%	57	27	30	212%	45
6045 - Bldg Mnce Contracts	25	34	(9)	74%	116	113	3	103%	238
6050 - Bldg Mnce Supplies	0	0	0	0%	4	9	(5)	47%	16
6055 - Bldg Insurance/Fees	12	6	6	200%	72	40	32	180%	76
6070 - Building & Improvements Depre	25	26	(1)	98%	153	161	(8)	95%	317
6075 - Furniture & Fixtures Depre	7	9	(2)	83%	45	58	(13)	77%	115
7065 - Computers, Equip & Sftwre Depre	72	74	(2)	97%	433	389	44	111%	904
Total 8000 - Building Overhead	202	207	(5)	98%	1,180	1,241	(61)	95%	2,508
Total Expense	1,167	1,813	(646)	64%	206,627	253,115	(44,488)	82%	266,758
Net Ordinary Income	(1,107)	688	(1,795)	(161)%	(14,613)	(95,389)	80,776	15%	(109,358)
Net Income	(1,107)	688	(1,795)	(161)%	(14,613)	(95,389)	80,776	15%	(109,358)

Utah State Bar

CM and YTD Budget vs Actual, Dept 11 - Fall Forum

December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Income									
4051 - Meeting - Registration	6,350	2,847	3,503	223%	93,955	115,328	(21,373)	81%	118,750
4052 - Meeting - Sponsor Revenue	5,000	0	5,000	100%	15,000	40,000	(25,000)	38%	40,000
4053 - Meeting - Vendor Revenue	0	923	(923)	0%	9,600	18,000	(8,400)	53%	18,000
4055 - Meeting - Sp Ev Registration	0	0	0	0%	150	0	150	100%	0
Total Income	11,350	3,770	7,580	301%	118,705	173,328	(54,623)	68%	176,750
Gross Profit	11,350	3,770	7,580	301%	118,705	173,328	(54,623)	68%	176,750
Expense									
5000 - Program Services Expense									
5001 - Meeting Facility-external only	(17,722)	700	(18,422)	(2,532)%	3,250	3,206	44	101%	3,206
5002 - Meeting facility-internal only	88	0	88	100%	875	133	742	658%	200
5030 - Speaker Fees & Expenses	0	18,541	(18,541)	0%	13,000	18,541	(5,541)	70%	31,000
5031 - Speaker Reimb. - Receipt Req'd	730	0	0	0%	2,118	400	33	108%	400
5035 - Awards	0	0	0	0%	433	0	4,006	100%	6,000
5064 - MCLE Fees Paid	4,006	0	4,006	100%	4,006	0	4,006	100%	12,600
5070 - Equipment Rental	5,379	12,600	(7,221)	43%	14,864	12,600	2,264	118%	81,866
5075 - Food & Bev-external costs only	48,151	81,427	(32,276)	60%	98,891	81,866	17,025	121%	0
5076 - Food & beverage - internal only	0	0	0	0%	12	0	12	100%	900
5703 - Travel - Transportation	0	0	0	0%	259	900	(641)	29%	0
5704 - Travel - Mileage Reimbursement	509	0	0	0%	682	0	682	0%	136,172
Total 5000 - Program Services Expense	42,141	113,268	(71,127)	37%	138,389	117,646	20,743	118%	17,960
5500 - Salaries/Benefits	87	456	(369)	19%	8,981	14,527	(5,546)	62%	1,347
5510 - Salaries/Wages	7	34	(27)	20%	647	1,074	(427)	60%	1,994
5605 - Payroll Taxes	7	52	(45)	14%	797	1,623	(826)	49%	21,301
5650 - Retirement Plan Contributions	101	542	(441)	19%	10,425	17,224	(6,799)	61%	403
Total 5500 - Salaries/Benefits	225	403	(178)	56%	442	403	39	110%	100
7000 - General & Admin	0	0	0	0%	3,180	100	3,080	3,180%	5,500
7025 - Office Supplies	610	237	373	257%	5,360	1,964	3,396	273%	65
7035 - Postage/Mailing, net	0	5	(5)	0%	0	35	(35)	0%	274
7040 - Copy/Printing Expense	0	17	(17)	70%	4,000	166	(87)	48%	2,300
7045 - Internet Service	0	20	(20)	105%	2,243	2,245	(2)	100%	7,000
7089 - Membership Database Fees	12	0	0	0%	0	7,000	(7,000)	0%	15,642
7100 - Telephone	21	0	0	0%	0	11,913	(11,913)	129%	680
7140 - Credit Card Merchant Fees	0	0	0	0%	0	0	0	0%	147
7195 - Other Gen & Adm Expense	868	682	186	127%	15,304	3,391	(11,913)	27%	317
Total 7000 - General & Admin	12	42	(30)	29%	88	329	(241)	58%	26
8000 - Building Overhead	15	17	(2)	85%	34	58	(24)	87%	118
6015 - Janitorial Expense	19	22	(3)	88%	154	17	(137)	79%	238
6020 - Heat	0	3	(3)	1%	13	102	(99)	212%	16
6025 - Electricity	0	4	(4)	15%	57	27	(30)	103%	76
6030 - Water/Sewer	1	0	0	100%	116	113	3	180%	317
6035 - Outside Maintenance	13	0	0	74%	4	9	(5)	95%	0
6040 - Building Repairs	25	34	(9)	0%	72	161	(89)	0%	0
6045 - Bldg Mtncr Contracts	0	6	(6)	200%	153	0	153	0%	0
6050 - Bldg Mtncr Supplies	12	26	(14)	98%	0	0	0	0%	0
6065 - Bldg Insurance/Fees	25	0	0	0%	0	0	0	0%	0
6070 - Building & Improvements Depre	0	0	0	0%	0	0	0	0%	0

Utah State Bar
CM and YTD Budget vs Actual, Dept 11 - Fall Forum
December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
6075 - Furniture & Fixtures Depr	7	9	(2)	83%	45	58	(13)	77%	115
7065 - Computers, Equip & Sftwre Depr	72	74	(2)	97%	433	389	44	111%	904
Total 8000 - Building Overhead	202	237	(35)	85%	1,180	1,480	(300)	80%	2,999
Total Expense	43,311	114,729	(71,418)	38%	165,299	148,263	17,036	111%	176,114
Net Ordinary Income	(31,961)	(110,959)	78,998	29%	(46,594)	25,055	(71,659)	(186)%	636
Net Income	(31,961)	(110,959)	78,998	29%	(46,594)	25,065	(71,659)	(186)%	636

Utah State Bar CM and YTD Budget vs Actual, Dept 12 - Spring Convention December 2015

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Accrual Basis

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Income									
4051 - Meeting - Registration	0	0	0	0%	2,150	0	2,150	100%	96,500
4052 - Meeting - Sponsor Revenue	2,650	712	1,938	372%	2,650	712	1,938	372%	14,000
4053 - Meeting - Vendor Revenue	2,700	1,381	1,319	196%	2,700	3,221	(521)	84%	11,300
4055 - Meeting - Sp Ev Registration	0	0	0	0%	0	0	0	0%	2,500
Total Income	5,350	2,093	3,257	256%	7,500	3,933	3,567	191%	124,300
Gross Profit	5,350	2,093	3,257	256%	7,500	3,933	3,567	191%	124,300
Expense									
5000 - Program Services Expense									
5001 - Meeting facility-external only	0	0	0	0%	1,874	1,119	755	167%	3,900
5002 - Meeting facility-internal only	0	0	0	0%	350	225	125	156%	300
5030 - Speaker Fees & Expenses	0	0	0	0%	0	192	(192)	0%	9,800
5063 - Special Event Expense	4,000	0	4,000	100%	4,000	0	4,000	100%	3,700
5064 - MCLE Fees Paid	0	0	0	0%	0	0	0	0%	5,700
5070 - Equipment Rental	0	0	0	0%	0	0	0	0%	5,700
5075 - Food & Bev-external costs only	0	0	0	0%	0	0	0	0%	36,400
5076 - Food & beverage - internal only	28	0	28	100%	1,022	1,072	(50)	95%	1,100
5085 - Misc. Program Expense	0	0	0	0%	136	0	136	100%	200
5702 - Travel - Lodging	0	0	0	0%	(124)	0	(124)	100%	4,700
5703 - Travel - Transportation	0	0	0	0%	0	0	0	0%	2,800
5704 - Travel - Mileage Reimbursement	0	0	0	0%	0	0	0	0%	3,500
5705 - Travel - Per Diems	0	0	0	0%	0	0	0	0%	1,300
Total 5000 - Program Services Expense	4,028	0	4,028	100%	7,258	2,608	4,650	278%	78,900
5500 - Salaries/Benefits									
5510 - Salaries/Wages	1,476	1,611	(135)	92%	3,420	4,325	(905)	79%	19,839
5605 - Payroll Taxes	107	114	(7)	94%	252	307	(55)	82%	1,488
5650 - Retirement Plan Contributions	147	202	(55)	73%	323	531	(208)	61%	2,203
Total 5500 - Salaries/Benefits	1,730	1,927	(197)	90%	3,995	5,163	(1,168)	77%	23,530
7000 - General & Admin									
7025 - Office Supplies	0	0	0	0%	217	0	217	100%	0
7040 - Copy/Printing Expense	939	751	188	125%	940	807	133	117%	2,200
7045 - Internet Service	0	0	0	0%	0	0	0	0%	65
7100 - Telephone	12	19	(7)	63%	72	166	(94)	43%	274
7140 - Credit Card Merchant Fees	0	31	(31)	0%	45	31	14	144%	2,700
7195 - Other Gen & Admin Expense	0	0	0	0%	0	0	0	0%	4,700
Total 7000 - General & Admin	951	801	150	119%	1,273	1,004	269	127%	9,939
8000 - Building Overhead									
6015 - Janitorial Expense	12	12	0	101%	88	90	(2)	97%	189
6020 - Heat	15	17	(2)	85%	34	58	(24)	58%	147
6025 - Electricity	19	22	(3)	88%	154	177	(23)	87%	317
6030 - Water/Sewer	0	3	(3)	1%	13	17	(4)	79%	26
6035 - Outside Maintenance	1	4	(3)	15%	12	102	(90)	12%	118
6040 - Building Repairs	13	0	13	100%	57	27	30	212%	45
6045 - Bldg Mtncn Contracts	25	34	(9)	74%	116	113	3	103%	238
6050 - Bldg Mtncn Supplies	0	0	0	0%	4	9	(5)	47%	16
6065 - Bldg Insurance/Fees	12	6	6	200%	72	40	32	180%	76
6070 - Building & Improvements Depre	25	26	(1)	98%	153	161	(8)	95%	317

Utah State Bar
CM and YTD Budget vs Actual, Dept 12 - Spring Convention
December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
6075 - Furniture & Fixtures Depr	7	9	(2)	83%	45	58	(13)	77%	115
7065 - Computers, Equip & Sftwre Depr	72	74	(2)	97%	433	389	44	111%	905
Total 8000 - Building Overhead	202	207	(5)	98%	1,180	1,241	(61)	95%	2,509
Total Expense	6,511	2,935	3,576	235%	13,708	10,016	3,692	137%	114,878
Net Ordinary Income	(1,561)	(842)	(719)	185%	(5,208)	(6,083)	(125)	102%	9,422
Net Income	(1,561)	(842)	(719)	185%	(6,208)	(6,083)	(125)	102%	9,422

Utah State Bar

CM and YTD Budget vs Actual, Dept 13 - Bar Journal

December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Income									
4061 - Advertising Revenue	460	174	286	264%	82,413	64,787	17,626	127%	141,600
4062 - Subscriptions	50	0	50	100%	150	187	(37)	80%	300
4071 - Mem Benefits - Lexis	0	0	0	0%	347	0	347	100%	0
4072 - Royalty Inc - Bar J, MBNA, LM, M	0	0	0	0%	2,180	3,847	(1,667)	57%	7,200
Total Income	520	174	346	299%	85,090	68,621	16,269	124%	149,100
Gross Profit	520	174	346	259%	85,090	68,621	16,269	124%	149,100
Expense									
5000 - Program Services Expense	88	67	21	131%	525	398	127	132%	800
5002 - Meeting facility-internal only	345	154	191	224%	1,653	1,214	439	136%	2,300
5076 - Food & beverage - internal only	3,765	5,436	(1,671)	69%	13,056	12,123	933	108%	23,200
5090 - Commission Expense									
Total 5000 - Program Services Expense	4,198	5,657	(1,459)	74%	15,234	13,735	1,499	111%	26,300
5500 - Salaries/Benefits	2,371	2,726	(355)	87%	11,789	13,740	(1,951)	86%	26,259
5510 - Salaries/Wages	175	210	(35)	83%	848	1,001	(153)	85%	1,969
5605 - Payroll Taxes	279	0	279	100%	1,487	1,249	238	119%	3,042
5610 - Health Insurance	17	15	2	111%	100	92	8	109%	182
5630 - Dental Insurance	17	18	(1)	93%	102	117	(15)	87%	225
5640 - Life & LTD Insurance	262	291	(29)	90%	1,196	1,342	(146)	89%	2,626
5650 - Retirement Plan Contributions	0	142	(142)	0%	81	142	(61)	57%	289
5655 - Retirement Plan Fees & Costs	3,121	3,402	(281)	92%	15,602	17,663	(2,061)	88%	34,592
Total 5500 - Salaries/Benefits									
7000 - General & Admin	1	0	1	100%	1	56	(55)	1%	100
7025 - Office Supplies	5,060	0	5,060	100%	19,254	14,323	4,931	134%	29,700
7035 - Postage/Mailing, net	2,584	2,897	(313)	89%	41,963	41,644	319	101%	87,000
7040 - Copy/Printing Expense	0	0	0	0%	0	76	(76)	0%	108
7045 - Internet Service	0	0	0	0%	54	0	54	100%	0
7055 - Computer Supplies & Small Equip	20	29	(9)	68%	119	277	(158)	43%	456
7100 - Telephone	21	0	21	100%	56	48	8	117%	200
7140 - Credit Card Merchant Fees	7,685	2,926	4,759	263%	61,446	56,424	5,022	109%	117,564
Total 7000 - General & Admin									
8000 - Building Overhead	8	8	(0)	99%	57	62	(5)	93%	124
6015 - Janitorial Expense	10	12	(2)	79%	22	39	(17)	57%	97
6020 - Heat	13	14	(1)	91%	101	116	(15)	87%	208
6025 - Electricity	0	2	(2)	1%	9	9	(0)	98%	17
6030 - Water/Sewer	0	3	(3)	13%	8	67	(59)	12%	77
6035 - Outside Maintenance	9	0	9	100%	38	15	23	250%	30
6040 - Building Repairs	16	22	(6)	75%	76	73	3	104%	156
6045 - Bldg Mnnc Supplies	0	0	0	0%	3	7	(4)	40%	11
6050 - Bldg Insurance/Fees	8	4	4	195%	47	26	21	181%	50
6070 - Building & Improvements Depre	17	17	(0)	98%	100	106	(6)	94%	208

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Accrual Basis

Utah State Bar
CM and YTD Budget vs Actual, Dept 13 - Bar Journal
December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
6075 - Furniture & Fixtures Depr	5	6	(1)	81%	29	39	(10)	75%	76
7065 - Computers, Equip & Sftwre Depr	47	48	(1)	98%	284	256	28	111%	594
	132	136	(4)	97%	773	815	(42)	95%	1,648
Total 8000 - Building Overhead	15,135	12,121	3,014	125%	93,056	88,657	4,399	105%	180,104
Total Expense	(14,615)	(11,947)	(2,668)	122%	(7,967)	(19,836)	11,870	40%	(31,004)
Net Ordinary Income	(14,615)	(11,947)	(2,668)	122%	(7,967)	(19,836)	11,870	40%	(31,004)
Net Income									

Utah State Bar
CM and YTD Budget vs Actual, Dept 14 - Committees
December 2015

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Accrual Basis

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Income									
4095 - Miscellaneous Income	0	0	0	0%	10	480	(470)	2%	480
Total Income	0	0	0	0%	10	480	(470)	2%	480
Gross Profit									
Expense									
5000 - Program Services Expense	175	319	(144)	55%	1,676	1,076	600	156%	2,000
5002 - Meeting facility-internal only	0	0	0	0%	65,000	65,000	0	100%	65,000
5061 - LRE - Bar Support	0	0	0	0%	0	0	0	0%	2,100
5062 - Law Day	0	0	(960)	0%	0	960	(960)	0%	1,000
5075 - Food & Bev-external costs only	0	960	(292)	42%	2,068	2,008	58	103%	3,100
5076 - Food & beverage - internal only	212	504			84				
5085 - Misc. Program Expense	84				68,827	69,044	(217)	100%	73,200
Total 5000 - Program Services Expense	471	1,783	(1,312)	26%					
5500 - Salaries/Benefits	1,623	4,433	(2,810)	37%	11,936	21,522	(9,586)	55%	44,490
5510 - Salaries/Wages	95	302	(207)	32%	767	1,632	(865)	47%	3,337
5605 - Payroll Taxes	279	0	279	100%	1,487	1,249	238	119%	3,042
5610 - Health Insurance	17	15	2	111%	100	92	8	109%	182
5630 - Dental Insurance	17	18	(1)	93%	102	117	(15)	87%	225
5640 - Life & LTD Insurance	142	381	(239)	37%	1,073	2,222	(1,149)	48%	4,449
5650 - Retirement Plan Contributions	0	242	(242)	0%	81	242	(161)	33%	490
5655 - Retirement Plan Fees & Costs	2,173	5,391	(3,218)	40%	15,545	27,076	(11,531)	57%	56,215
Total 5500 - Salaries/Benefits	192	0	4	100%	197	161	(50)	69%	200
7000 - General & Admin	4	2	0	120%	577	156	421	370%	400
7025 - Office Supplies	2	9	(7)	83%	13	54	(41)	25%	108
7035 - Postage/Mailing, net	7	36	(16)	55%	119	262	(143)	45%	456
7040 - Copy/Printing Expense	20				3				
7045 - Internet Service	3								
7100 - Telephone	229	47	182	488%	1,020	633	387	161%	1,164
7177 - UPL									
Total 7000 - General & Admin	8	8	(0)	99%	57	62	(5)	93%	124
8000 - Building Overhead	10	12	(2)	79%	22	39	(17)	57%	97
6015 - Janitorial Expense	13	14	(1)	91%	101	116	(15)	87%	208
6020 - Heat	0	2	(2)	1%	9	9	(0)	98%	17
6025 - Electricity	0	2	(2)	13%	8	67	(59)	12%	77
6030 - Water/Sewer	0	3	(3)	100%	38	15	23	250%	30
6035 - Outside Maintenance	9	0	9	75%	76	73	3	104%	156
6040 - Building Repairs	16	22	(6)	0%	3	7	(4)	40%	11
6045 - Bldg Mtnce Contracts	0	0	0	196%	47	26	21	181%	50
6050 - Bldg Mtnce Supplies	8	4	4	98%	100	106	(6)	94%	208
6055 - Bldg Insurance/Fees	17	17	(0)	81%	29	39	(10)	75%	76
6070 - Building & Improvements Depr	5	6	(1)	98%	284	256	28	111%	593
6075 - Furniture & Fixtures Depr	47	48	(1)						
7065 - Computers, Equip & Sftwre Depr					773	815	(42)	95%	1,647
Total 8000 - Building Overhead	132	135	(3)	41%	86,155	97,568	(11,403)	88%	132,226
Total Expense	3,006	7,357	(4,351)	41%	(86,155)	(97,088)	10,933	89%	(131,746)
Net Ordinary Income	(3,006)	(7,357)	4,351	41%	(86,155)	(97,088)	10,933	89%	(131,746)
Net Income	(3,006)	(7,357)	4,351	41%	(86,155)	(97,088)	10,933	89%	(131,746)

Utah State Bar

CM and YTD Budget vs Actual, Dept 15 - Member Benefits

December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Income	833	1,671	(838)	50%	1,881	2,385	(504)	79%	3,100
4071 - Mem Benefits - Lexis	0	0	0	0%	839	0	839	100%	0
4072 - Royalty Inc - Bar J, MBNA, LM, M									
Total Income	833	1,671	(838)	50%	2,721	2,385	336	114%	3,100
Gross Profit	833	1,671	(838)	50%	2,721	2,385	336	114%	3,100
Expense									
5000 - Program Services Expense	5,803	0	5,803	100%	40,618	28,950	11,668	140%	70,000
5047 - Casemaker	6,166	6,250	(84)	99%	36,992	37,512	(520)	99%	75,000
5099 - Blomquist Hale					77,611	66,462	11,149	117%	145,000
Total 5000 - Program Services Expense	11,969	6,250	5,719	192%					
5500 - Salaries/Benefits	0	0	0	0%	325	514	(189)	63%	869
5510 - Salaries/Wages	0	0	0	0%	22	39	(17)	58%	65
5605 - Payroll Taxes	0	0	0	0%	33	57	(25)	57%	97
5650 - Retirement Plan Contributions	0	0	0	0%	380	610	(230)	62%	1,031
Total 5500 - Salaries/Benefits	0	0	0	0%					
7000 - General & Admin	0	0	0	0%	9	0	9	100%	0
7035 - Postage/Mailing, net	0	0	0	0%	1,133				
7040 - Copy/Printing Expense	0	0	0	0%	1,142	0	1,142	100%	0
Total 7000 - General & Admin	0	0	0	0%					
8000 - Building Overhead	7	7	0	104%	53	57	(4)	93%	114
6015 - Janitorial Expense	9	11	(2)	80%	20	37	(17)	55%	89
6020 - Heat	12	13	(1)	90%	93	106	(13)	88%	191
6025 - Electricity	0	2	(2)	1%	8	9	(1)	90%	16
6030 - Water/Sewer	0	3	(3)	12%	7	62	(55)	12%	71
6035 - Outside Maintenance	8	0	8	100%	35	15	20	231%	27
6040 - Building Repairs	15	20	(5)	76%	70	66	4	106%	143
6045 - Bldg Mtnc Contracts	0	0	0	0%	3	4	(1)	64%	10
6050 - Bldg Mtnc Supplies	7	4	3	181%	43	22	21	197%	46
6065 - Bldg Insurance/Fees	15	16	(1)	96%	92	95	(3)	97%	191
6070 - Building & Improvements Depre	4	6	(2)	75%	27	33	(6)	82%	70
6075 - Furniture & Fixtures Depre	44	44	(0)	99%	261	236	25	111%	547
7085 - Computers, Equip & Sftwre Depre									
Total 8000 - Building Overhead	122	126	(4)	97%	712	742	(30)	96%	1,515
Total Expense	12,091	6,376	5,715	190%	79,845	67,814	12,031	118%	147,546
Net Ordinary Income	(11,257)	(4,705)	(6,552)	239%	(77,124)	(65,429)	(11,695)	118%	(144,446)
Net Income	(11,257)	(4,705)	(6,552)	239%	(77,124)	(65,429)	(11,695)	118%	(144,446)

Utah State Bar

CM and YTD Budget vs Actual, Dept 16 - Section Support

December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Income									
4010 - Section/Local Bar Support fees	0	0	0	0%	0	0	0	0%	76,621
Total Income	0	0	0	0%	0	0	0	0%	76,621
Gross Profit									
Expense									
5500 - Salaries/Benefits	3,636	4,037	(401)	90%	24,160	23,522	638	103%	46,212
5510 - Salaries/Wages	251	309	(58)	81%	1,780	1,735	45	103%	3,466
5605 - Payroll Taxes	559	0	559	100%	2,973	2,494	479	119%	6,085
5810 - Health Insurance	33	30	3	111%	200	183	17	109%	363
5830 - Dental Insurance	29	30	(1)	97%	176	204	(28)	86%	384
5640 - Life & LTD Insurance	326	435	(109)	75%	2,182	2,445	(263)	89%	4,621
5650 - Retirement Plan Contributions	0	127	(127)	0%	4	127	(123)	3%	509
5655 - Retirement Plan Fees & Costs	4,833	4,968	(135)	97%	31,475	30,710	765	102%	61,640
Total 5500 - Salaries/Benefits									
7000 - General & Admin	3	5	(2)	58%	24	35	(11)	67%	100
7040 - Copy/Printing Expense	0	18	(18)	0%	0	107	(107)	0%	215
7045 - Internet Service	0	388	(388)	0%	0	2,686	(2,686)	0%	4,680
7089 - Membership Database Fees	40	56	(16)	71%	238	550	(312)	43%	911
7100 - Telephone	0	0	0	0%	0	500	(500)	0%	500
7140 - Credit Card Merchant Fees	0	0	0	0%	2,145				
7175 - O/S Consultants	0	467	(467)	9%	2,407	3,878	(1,471)	62%	6,406
Total 7000 - General & Admin	43		(425)						
8000 - Building Overhead	13	13	0	103%	97	100	(3)	97%	208
6015 - Janitorial Expense	16	19	(3)	84%	37	64	(27)	58%	163
6020 - Heat	21	24	(3)	89%	170	195	(25)	87%	350
6025 - Electricity	0	3	(3)	1%	15	17	(2)	87%	29
6030 - Water/Sewer	1	5	(4)	13%	13	113	(100)	12%	130
6035 - Outside Maintenance	15	0	15	100%	63	27	36	234%	50
6040 - Building Repairs	28	37	(9)	75%	128	124	4	103%	262
6045 - Bldg Mtncce Contracts	0	0	0	0%	5	9	(4)	52%	18
6050 - Bldg Mtncce Supplies	880	442	438	199%	5,278	2,593	2,685	204%	5,603
6055 - Real Property Taxes	18	17	1	106%	108	101	7	107%	203
6060 - Personal Property Taxes	13	7	6	189%	79	42	37	189%	84
6065 - Bldg Insurance/Fees	28	29	(1)	97%	168	175	(7)	96%	349
6070 - Building & Improvements Depr	8	10	(2)	82%	49	64	(15)	77%	127
6075 - Furniture & Fixtures Depr	80	81	(1)	98%	477	433	44	110%	999
7085 - Computers, Equip & Sftwre Depr									
Total 8000 - Building Overhead	1,120	687	433	153%	6,889	4,057	2,832	165%	8,575
Total Expense	5,996	6,122	(126)	98%	40,570	38,645	1,925	105%	76,621
Net Ordinary Income	(5,996)	(6,122)	126	98%	(40,570)	(38,645)	(1,925)	105%	0
Net Income	(5,996)	(6,122)	126	98%	(40,570)	(38,645)	(1,925)	105%	0

Utah State Bar
CM and YTD Budget vs Actual, Dept 17 - Consumer Assistance
December 2015

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Accrual Basis

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Expense									
5000 - Program Services Expense	0	0	0	0%	0	600	(600)	0%	600
5002 - Meeting facility-internal only	0	0	0	0%	0	110	(110)	0%	200
5704 - Travel - Mileage Reimbursement	0	0	0	0%	0	710	(710)	0%	800
Total 5000 - Program Services Expense									
5500 - Salaries/Benefits	7,508	10,110	(2,602)	74%	41,157	36,870	4,287	112%	85,774
5510 - Salaries/Wages	487	685	(198)	71%	2,764	2,890	(126)	96%	6,433
5605 - Payroll Taxes	559	507	52	110%	2,973	3,043	(70)	98%	6,085
5610 - Health Insurance	33	136	(103)	24%	200	818	(618)	24%	1,634
5630 - Dental Insurance	51	22	29	233%	339	135	204	251%	267
5640 - Life & LTD Insurance	694	898	(204)	77%	3,945	3,734	211	106%	8,577
5650 - Retirement Plan Contributions	0	422	(422)	0%	58	422	(364)	14%	945
5655 - Retirement Plan Fees & Costs	0	0	0	0%	299	0	299	100%	100
5660 - Training/Development	9,332	12,780	(3,448)	73%	51,734	47,912	3,822	108%	109,815
Total 5500 - Salaries/Benefits									
7000 - General & Admin	40	88	(48)	45%	67	193	(126)	35%	300
7025 - Office Supplies	17	42	(25)	41%	177	179	(2)	99%	400
7035 - Postage/Mailing, net	1	18	(18)	0%	0	107	(107)	0%	215
7040 - Copy/Printing Expense	0	100	(100)	0%	0	100	(100)	0%	100
7045 - Internet Service	0	336	(154)	54%	951	1,944	(993)	49%	3,900
7055 - Computer Supplies & Small Equip	182	0	0	0%	575	629	(54)	91%	645
7100 - Telephone	0	0	0	0%	0	0	0	0%	0
7120 - Membership/Dues	240	584	(344)	41%	1,791	3,152	(1,361)	57%	5,560
Total 7000 - General & Admin									
8000 - Building Overhead	30	39	(9)	77%	219	238	(19)	92%	472
6015 - Janitorial Expense	36	30	6	121%	85	188	(103)	45%	368
6020 - Heat	49	66	(17)	74%	384	397	(13)	97%	793
6025 - Electricity	0	5	(5)	2%	34	36	(2)	94%	66
6030 - Water/Sewer	2	24	(22)	6%	30	150	(120)	20%	294
6035 - Outside Maintenance	33	9	24	365%	143	59	84	243%	113
6040 - Building Repairs	63	49	14	128%	291	300	(9)	97%	594
6045 - Bldg Mnncs Contracts	0	3	(3)	0%	11	23	(12)	46%	41
6050 - Bldg Mnncs Supplies	30	15	15	200%	180	99	81	181%	189
6065 - Bldg Insurance/Fees	64	66	(2)	96%	381	396	(15)	96%	792
6070 - Building & Improvements Depr	19	24	(5)	78%	112	145	(33)	77%	289
6075 - Furniture & Fixtures Depr	180	188	(8)	96%	1,082	1,135	(53)	95%	2,263
7065 - Computers, Equip & Sftwre Depr	505	518	(13)	97%	2,951	3,166	(215)	93%	6,274
Total 8000 - Building Overhead									
Total Expense	10,077	13,882	(3,805)	73%	56,476	54,940	1,536	103%	122,449
Net Ordinary Income	(10,077)	(13,882)	3,805	73%	(56,476)	(54,940)	1,536	103%	(122,449)
Net Income	(10,077)	(13,882)	3,805	73%	(56,476)	(54,940)	1,536	103%	(122,449)

Utah State Bar
CM and YTD Budget vs Actual, Dept 18 - Access to Justice
December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Income									
4063 - Modest Means revenue	1,275	927	348	138%	8,750	7,584	1,166	115%	16,000
Total Income	1,275	927	348	138%	8,750	7,584	1,166	115%	16,000
Gross Profit	1,275	927	348	138%	8,750	7,584	1,166	115%	16,000
Expense									
5000 - Program Services Expense	175	388	(193)	48%	1,225	1,859	(634)	66%	4,600
5002 - Meeting facility-internal only	45				45				
5035 - Awards	0				697				
5060 - Program Special Activities	0	42	(42)	0%	0	248	(248)	0%	500
5070 - Equipment Rental	354	194	160	183%	2,950	1,871	1,079	158%	4,100
5075 - Food & Bev-external costs only	266	623	(357)	43%	3,059	2,941	118	104%	6,000
5076 - Food & beverage - internal only	0	8	(8)	0%	0	52	(52)	0%	100
5085 - Misc. Program Expense	73	0	73	100%	73	6	67	1,209%	100
5702 - Travel - Lodging	4	457	(453)	1%	4	1,414	(1,410)	0%	2,000
5703 - Travel - Transportation	519	51	468	1,018%	2,192	720	1,472	304%	3,300
5704 - Travel - Mileage Reimbursement	0	0	0	0%	55	10	45	546%	100
5705 - Travel - Per Diems	1,436	1,743	(308)	82%	10,299	9,121	1,178	113%	20,800
Total 5000 - Program Services Expense	6,827	6,250	577	109%	46,718	45,842	876	102%	94,143
5500 - Salaries/Benefits	557	498	59	112%	3,619	3,320	299	109%	7,061
5510 - Salaries/Wages	1,117	0	1,117	100%	6,429	5,133	1,296	125%	12,169
5605 - Payroll Taxes	67	69	(2)	96%	430	416	14	103%	726
5610 - Health Insurance	61	67	(6)	91%	374	410	(36)	91%	768
5630 - Dental Insurance	18	869	(851)	2%	1,031	4,771	(3,740)	22%	9,414
5640 - Life & LTD Insurance	0	460	(460)	0%	31	460	(429)	7%	1,038
5650 - Retirement Plan Contributions	0	0	0	0%	0	0	0	0%	400
5655 - Retirement Plan Fees & Costs	0	0	0	0%	0	0	0	0%	125,719
5660 - Training/Development	8,646	8,213	433	105%	58,631	60,352	(1,721)	97%	
Total 5500 - Salaries/Benefits	11	11	(11)	0%	30	20	10	150%	100
7000 - General & Admin	0	0	0	0%	5	39	(34)	13%	100
7025 - Office Supplies	0	6	3	149%	625	274	351	228%	600
7035 - Postage/Mailing, net	9	0	0	0%	0	646	(646)	0%	646
7040 - Copy/Printing Expense	0	100	(100)	0%	256	100	156	256%	100
7045 - Internet Service	1,170	0	1,170	100%	3,670	0	3,670	100%	2,600
7055 - Computer Supplies & Small Equip	132	167	(35)	79%	747	1,617	(870)	46%	2,737
7089 - Membership Database Fees	0	0	0	0%	875	980	(105)	89%	1,200
7100 - Telephone	113	61	52	186%	361	454	(93)	79%	900
7120 - Membership/Dues	1,162	991	171	117%	6,968	5,945	1,023	117%	10,900
7140 - Credit Card Merchant Fees	3,675	0	0	0%	3,675	160	590	469%	400
7150 - E&O/Off & Dir Insurance	0	0	0	0%	750	10,235	7,726	175%	20,283
7175 - OIS Consultants	6,261	1,336	4,925	469%	17,961				
7195 - Other Gen & Adm Expense									
Total 7000 - General & Admin									

Utah State Bar
CM and YTD Budget vs Actual, Dept 18 - Access to Justice
December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
8000 - Building Overhead									
6015 - Janitorial Expense	58	57	1	102%	423	443	(20)	95%	911
6020 - Heat	70	83	(13)	84%	164	286	(122)	57%	711
6025 - Electricity	94	106	(12)	88%	742	854	(112)	87%	1,531
6030 - Water/Sewer	0	14	(14)	1%	65	75	(10)	87%	128
6035 - Outside Maintenance	3	21	(18)	14%	59	495	(436)	12%	569
6040 - Building Repairs	64	0	64	100%	277	125	152	221%	217
6045 - Bldg Mnnc Contracts	121	163	(42)	74%	561	539	22	104%	1,147
6050 - Bldg Mnnc Supplies	0	0	0	0%	21	42	(21)	49%	79
6055 - Bldg Insurance/Fees	58	31	27	187%	347	180	167	193%	355
6070 - Building & Improvements Depre	123	128	(5)	96%	737	761	(25)	97%	1,529
6075 - Furniture & Fixtures Depre	36	46	(10)	78%	216	273	(57)	79%	558
7065 - Computers, Equip & Sttwrs Depre	348	358	(10)	97%	2,089	1,875	214	111%	4,371
Total 8000 - Building Overhead	975	1,007	(32)	97%	5,559	5,948	(249)	95%	12,117
Total Expense	17,317	12,299	5,018	141%	92,590	85,656	6,934	106%	178,919
Net Ordinary Income	(16,042)	(11,372)	(4,670)	141%	(83,840)	(78,072)	(5,768)	107%	(162,919)
Net Income	(16,042)	(11,372)	(4,670)	141%	(83,840)	(78,072)	(5,768)	107%	(162,919)

Utah State Bar
CM and YTD Budget vs Actual, Dept 19 - Tuesday Night Bar
December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Expense									
5000 - Program Services Expense									
5002 - Meeting facility-internal only	2,156	2,155	1	100%	13,714	13,967	(253)	98%	26,900
5075 - Food & Bev-external costs only	260	157	103	165%	260	169	91	154%	400
5076 - Food & beverage - internal only	30	31	(1)	97%	200	218	(18)	92%	400
5085 - Misc. Program Expense	222	264	(42)	84%	1,524	1,914	(390)	80%	4,500
									32,200
Total 5000 - Program Services Expense	2,668	2,607	61	102%	15,697	16,268	(571)	96%	
5500 - Salaries/Benefits									
5510 - Salaries/Wages	168	261	(93)	64%	1,645	1,720	(75)	96%	3,600
5605 - Payroll Taxes	14	20	(6)	69%	139	127	12	109%	270
5650 - Retirement Plan Contributions	0	0	0	0%	4	140	(136)	3%	140
									4,010
Total 5500 - Salaries/Benefits	182	281	(99)	65%	1,787	1,987	(200)	90%	
7000 - General & Admin									
7025 - Office Supplies	19	0	0	0%	19	473	29	106%	600
7110 - Publications/Subscriptions	0	0	0	0%	502	473	49	110%	600
Total 7000 - General & Admin	19	0	19	100%	522	473	49	96%	36,810
Total Expense	2,869	2,888	(19)	99%	18,006	18,728	(722)	96%	(36,810)
Net Ordinary Income	(2,869)	(2,888)	19	99%	(18,006)	(18,728)	722	96%	(36,810)
Net Income	(2,869)	(2,888)	19	99%	(18,006)	(18,728)	722	96%	(36,810)

Utah State Bar
CM and YTD Budget vs Actual, Dept 20 - Legislative
December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Expense									
5000 - Program Services Expense	205	0	205	100%	205	0	205	100%	3,000
5002 - Meeting facility-internal only	0	10	(10)	0%	0	51,984	(51,984)	0%	53,900
5055 - Legislative Expense	706	0	706	100%	706	0	706	100%	5,300
5076 - Food & beverage - internal only	0	0	0	0%	0	0	0	0%	200
5703 - Travel - Transportation	0	0	0	0%	0	0	0	0%	62,400
	911	10	901	9,114%	911	51,984	(51,073)	2%	
Total 5000 - Program Services Expense									
5500 - Salaries/Benefits	32	180	(148)	18%	32	213	(181)	15%	7,726
5510 - Salaries/Wages	2	2	0	125%	2	5	(3)	50%	579
5605 - Payroll Taxes	2	20	(18)	10%	2	20	(18)	10%	858
5650 - Retirement Plan Contributions									
	36	202	(166)	18%	36	238	(202)	15%	9,163
Total 5500 - Salaries/Benefits									
7000 - General & Admin	0	0	0	0%	0	0	0	0%	300
7035 - Postage/Mailing, net	0	0	0	0%	0	0	0	0%	911
7100 - Telephone	0	0	0	0%	0	0	0	0%	300
7195 - Other Gen & Adm Expense	0	0	0	0%	0	0	0	0%	1,511
	0	0	0	0%	0	0	0	0%	
Total 7000 - General & Admin									
	948	212	736	447%	948	52,222	(51,274)	2%	73,074
Total Expense									
	(948)	(212)	(736)	447%	(948)	(52,222)	51,274	2%	(73,074)
Net Ordinary Income									
	(948)	(212)	(736)	447%	(948)	(52,222)	51,274	2%	(73,074)
Net Income									

Utah State Bar CM and YTD Budget vs Actual, Dept 21 - Commission/Sp Proj December 2015

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Accrual Basis

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Income									
4095 - Miscellaneous Income	10	1,992	(1,982)	1%	30	6,409	(6,379)	0%	7,300
4150 - Investment Income	0				0				
4155 - General Interest Income	0				0				
Total 4150 - Investment Income	10	1,992	(1,982)	1%	30	6,409	(6,379)	0%	7,300
Total Income	10	1,992	(1,982)	1%	30	6,409	(6,379)	0%	7,300
Gross Profit									
Expense									
5000 - Program Services Expense									
5001 - Meeting Facility-external only	0	0	0	0%	273	1,890	(1,618)	14%	2,800
5002 - Meeting facility-internal only	380	574	(194)	65%	1,898	1,784	114	106%	4,500
5035 - Awards	0	0	0	0%	755	1,323	(568)	57%	1,800
5037 - Grants/ contributions - general	1,000				6,000				
5055 - Legislative Expense	348	0	0	0%	348	2,312	(2,292)	1%	11,000
5063 - Special Event Expense	0	0	0	0%	20	240	(110)	54%	300
5070 - Equipment Rental	0	60	(60)	0%	130	836	(776)	178%	2,300
5075 - Food & Bev-external costs only	58	55	3	105%	1,909	2,641	(732)	96%	8,100
5076 - Food & beverage - internal only	676	1,352	(676)	50%	2,538	6,352	(5,912)	7%	12,700
5085 - Misc. Program Expense	0	1,058	(1,058)	0%	440	0			
5090 - Commission Expense	2,553	0	0	0%	4,098	0			
5702 - Travel - Lodging	0	0	0	0%	0	0			
5703 - Travel - Transportation	0	0	0	0%	0	0			
5704 - Travel - Mileage Reimbursement	0	0	0	0%	343	0			
5705 - Travel - Per Diems	0	0	0	0%	176	0			
5706 - Travel - Meals	0	0	0	0%	0	100	(100)	0%	100
5707 - Travel - Commission Mtgs	308	0	308	100%	24,439	0			
5805 - ABA Annual Meeting	0	0	0	0%	0	6,300	(6,300)	0%	6,300
5810 - ABA Mid Year Meeting	0	0	0	0%	0	715	(715)	0%	4,600
5820 - ABA Annual Delegate	0	0	0	0%	4,046	3,651	395	111%	7,200
5830 - Western States Bar Conference	0	0	0	0%	0	354	(354)	0%	10,000
5840 - President's Expense	0	574	(574)	0%	12,847	4,886	7,961	263%	9,000
5842 - Visiting Pres. Exp.	0	1,116	(1,116)	0%	0	29,301	(29,301)	0%	32,400
5850 - Leadership Academy	3,215	4,000	(785)	80%	3,215	4,000	(785)	80%	20,000
5855 - Bar Review	0	0	0	0%	0	12,800	17,040	233%	8,000
5865 - Retreat	0	0	0	0%	29,840	0			
Total 5000 - Program Services Expense	8,537	8,789	(252)	97%	93,314	79,722	13,592	117%	165,200
5500 - Salaries/Benefits									
5510 - Salaries/Wages	78	523	(445)	15%	2,411	1,515	896	159%	8,124
5605 - Payroll Taxes	6	37	(31)	16%	169	111	58	152%	609
5650 - Retirement Plan Contributions	6	59	(53)	10%	196	177	19	111%	902
Total 5500 - Salaries/Benefits	90	619	(529)	15%	2,776	1,803	973	154%	9,635

Utah State Bar
CM and YTD Budget vs Actual, Dept 21 - Commission/Sp Proj
December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
7000 - General & Admin									
7025 - Office Supplies	0	0	0	0%	0	627	(627)	0%	700
7035 - Postage/Mailing, net	6	0	6	100%	192	807	(815)	24%	1,500
7040 - Copy/Printing Expense	0	0	0	0%	5,355	2,487	2,868	215%	3,300
7045 - Internet Service	131				419				
7089 - Membership Database Fees	4,680	151	(114)	25%	4,680	151	(67)	56%	700
7100 - Telephone	37	0	1	100%	84	95	(93)	3%	100
7140 - Credit Card Merchant Fees	1	0	0	0%	2	0	0	0%	3,800
7145 - Commission Election Expense	0	0	0	0%	0	0	0	0%	9,201
7150 - E&O/Off & Dir Insurance	0	767	(767)	0%	12	4,598	(4,586)	0%	2,200
7195 - Other Gen & Adm Expense	0	0	0	0%	571	1,312	(741)	44%	
Total 7000 - General & Admin	4,855	918	3,937	529%	11,316	10,077	1,239	112%	21,501
Total Expense	13,482	10,326	3,156	131%	107,406	91,602	15,804	117%	196,336
Net Ordinary Income	(13,472)	(8,334)	(5,138)	162%	(107,376)	(85,193)	(22,183)	126%	(189,036)
Net Income	(13,472)	(8,334)	(5,138)	162%	(107,376)	(85,193)	(22,183)	126%	(189,036)

Utah State Bar

CM and YTD Budget vs Actual, Dept 22 - Public Education

December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Expense									
5000 - Program Services Expense									
5002 - Meeting facility-internal only	0	0	0	0%	135	997	(997)	0%	1,150
5075 - Food & Bev-external costs only	0	0	0	0%	232	0	898	100%	0
5076 - Food & beverage - internal only	0	0	0	0%	898	0	344	100%	100
5702 - Travel - Lodging	5	0	5	100%	344	0	270	100%	0
5704 - Travel - Mileage Reimbursement	0	0	0	0%	270	0	0	188%	1,250
5705 - Travel - Per Diems	5	0	5	100%	1,878	997	881	100%	1,250
Total 5000 - Program Services Expense									
5500 - Salaries/Benefits	5,639	5,781	(142)	98%	33,243	34,140	(897)	97%	65,476
5510 - Salaries/Wages	411	413	(2)	99%	2,625	2,495	130	105%	4,911
5605 - Payroll Taxes	559	0	559	100%	2,973	2,494	479	119%	6,085
5610 - Health Insurance	33	30	3	111%	200	183	17	109%	363
5630 - Dental Insurance	43	38	5	113%	256	263	(7)	97%	491
5640 - Life & LTD Insurance	558	578	(20)	97%	3,550	3,452	98	103%	6,548
5650 - Retirement Plan Contributions	0	270	(270)	0%	8	270	(262)	3%	722
5655 - Retirement Plan Fees & Costs	429	0	429	100%	464	9	455	5,156%	100
5660 - Training/Development									
Total 5500 - Salaries/Benefits	7,672	7,110	562	108%	43,319	43,306	13	100%	84,696
7000 - General & Admin									
7025 - Office Supplies	0	0	0	0%	0	14	(14)	0%	100
7035 - Postage/Mailing, net	0	0	0	0%	0	0	0	0%	0
7040 - Copy/Printing Expense	1	0	1	100%	102	0	102	100%	1,646
7045 - Internet Service	0	137	(137)	0%	0	824	(824)	0%	0
7055 - Computer Supplies & Small Equip	0	0	0	0%	0	0	0	0%	100
7100 - Telephone	40	29	11	136%	238	305	(67)	78%	911
7105 - Advertising	802	0	802	0%	802	0	0	0%	75,000
7115 - Public Relations	0	0	0	0%	7,144	0	0	0%	0
7175 - O/S Consultants									
Total 7000 - General & Admin	842	166	676	507%	8,286	1,143	7,143	725%	77,857
8000 - Building Overhead									
6015 - Janitorial Expense	22	22	(0)	99%	159	166	(7)	96%	342
6020 - Heat	26	31	(5)	85%	61	107	(46)	57%	267
6025 - Electricity	35	40	(5)	88%	278	320	(42)	87%	574
6030 - Water/Sewer	1	5	(4)	1%	24	28	(4)	87%	48
6035 - Outside Maintenance	1	8	(7)	14%	22	185	(163)	12%	213
6040 - Building Repairs	24	0	24	100%	104	47	57	221%	82
6045 - Bldg Mnnc Contracts	45	61	(16)	75%	210	203	7	104%	430
6050 - Bldg Mnnc Supplies	0	0	0	0%	8	16	(8)	48%	30
6055 - Bldg Insurance/Fees	22	11	11	197%	130	71	59	183%	137
6070 - Building & Improvements Depre	46	48	(2)	96%	276	285	(9)	97%	573
6075 - Furniture & Fixtures Depre	13	17	(4)	79%	81	103	(22)	79%	209
7065 - Computers, Equip & Sftwre Depre	131	134	(3)	97%	783	705	78	111%	1,638
Total 8000 - Building Overhead	356	377	(11)	97%	2,137	2,236	(99)	96%	4,543
Total Expense	8,885	7,653	1,232	116%	55,620	47,682	7,938	117%	168,346
Net Ordinary Income	(8,885)	(7,653)	(1,232)	116%	(55,620)	(47,682)	(7,938)	117%	(168,346)
Net Income	(8,885)	(7,653)	(1,232)	116%	(55,620)	(47,682)	(7,938)	117%	(168,346)

Utah State Bar

CM and YTD Budget vs Actual, Dept 23 - Young Lawyers Div

December 2015

	Dec 15	Budget	\$ Over Budget	% of Budget	Jul - Dec 15	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Ordinary Income/Expense									
Income									
4052 - Meeting - Sponsor Revenue	0	0	0	0%	0	0	0	0%	100
Total Income	0	0	0	0%	0	0	0	0%	100
Gross Profit									
Expense									
5000 - Program Services Expense	0	0	0	0%	0	13,080	(13,080)	0%	13,734
5001 - Meeting Facility-external only	0	0	0	0%	205	0	205	100%	0
5002 - Meeting facility-internal only	0	0	0	0%	0	1,109	(1,109)	0%	1,400
5035 - Awards	1,541	0	1,541	100%	2,491	59	2,432	4,222%	500
5037 - Grants/ contributions - general	0	0	0	0%	0	100	(100)	0%	100
5060 - Program Special Activities	1,960	0	1,784	1,114%	7,132	5,920	1,212	120%	21,400
5075 - Food & Bev-external costs only	0	176	0	0%	422	105	317	402%	800
5085 - Misc. Program Expense	0	208	(208)	0%	0	1,252	(1,252)	0%	2,500
5095 - Wills for Heroes	0	0	0	0%	2,000	315	1,685	635%	1,400
5702 - Travel - Lodging	0	0	0	0%	0	839	(839)	0%	2,100
5703 - Travel - Transportation	0	0	0	0%	48	0	48	100%	500
5704 - Travel - Mileage Reimbursement	0	0	0	0%	6,639	3,508	3,131	189%	4,100
5805 - ABA Annual Meeting	1,403	0	1,403	100%	1,378	3,338	(1,960)	41%	6,000
5810 - ABA Mid Year Meeting	0	0	0	0%	20,316	29,625	(9,309)	69%	54,534
Total 5000 - Program Services Expense	4,904	384	4,520	1,277%	20,316	29,625	(9,309)	69%	54,534
5500 - Salaries/Benefits	0	0	0	0%	20	136	(116)	15%	480
5510 - Salaries/Wages	0	0	0	0%	2	9	(7)	18%	36
5605 - Payroll Taxes	0	0	0	0%	0	0	0	0%	0
Total 5500 - Salaries/Benefits	0	0	0	0%	22	145	(123)	15%	516
7000 - General & Admin	0	0	0	0%	46	200	(154)	23%	200
7025 - Office Supplies	0	0	0	0%	2	94	(92)	2%	100
7040 - Copy/Printing Expense	0	0	0	0%	0	0	0	0%	50
7100 - Telephone	0	0	0	0%	294	700	(700)	0%	700
7105 - Advertising	0	0	0	0%	0	0	0	0%	0
7195 - Other Gen & Adm Expense	0	0	0	0%	0	0	0	0%	0
Total 7000 - General & Admin	0	0	0	0%	342	994	(652)	34%	1,050
Total Expense	4,904	384	4,520	1,277%	20,680	30,764	(10,084)	67%	56,100
Net Ordinary Income	(4,904)	(384)	(4,520)	1,277%	(20,680)	(30,764)	10,084	67%	(56,000)
Net Income	(4,904)	(384)	(4,520)	1,277%	(20,680)	(30,764)	10,084	67%	(56,000)

**UTAH STATE BAR
Membership Statistics**

	Dec-14	Dec-15	Year/Year Increase (Decrease)
<u>STATUS</u>			
Active	7,690	7,888	198
Active under 3 years	1,167	1,089	(78)
Active Emeritus	147	138	(9)
In House Counsel	46	50	4
Subtotal - Active	9,050	9,165	115
Inactive - Full Service	732	718	(14)
Inactive - No Service	1,688	1,810	122
Inactive Emeritus	277	123	(154)
Subtotal - Inactive	2,697	2,651	(46)
Total Active and Inactive	11,747	11,816	138
<u>Supplemental Information</u>			
Paralegals	138	124	(14)
Associate Section Members	108	109	1
Journal Subscribers	125	125	-
<u>Active Attorneys by Region</u>			
Logan - Brigham	144	139	(5)
Davis - Weber	662	644	(18)
Salt Lake	4,550	4,410	(140)
Provo	719	706	(13)
Southern Utah	329	322	(7)
Out of State	728	692	(36)
Out of Country	3	5	2
No region designated	1,915	2,247	332
Total Active Attorneys	9,050	9,165	115

The Utah State Senate



Lyle W. Hillyard (R) – District 25 (Elected to House: 1980; Elected to Senate: 1984)

Education: B.S., Utah State University; J.D., University of Utah S.J. Quinney College of Law

Committee Assignments: Appropriations – Executive (Co-Chair); Public Education; Infrastructure and General Government. Standing – Government Operations and Political Subdivisions; Judiciary, Law Enforcement, and Criminal Justice.

Practice Areas: Family Law, Personal Injury, and Criminal Defense.



Mark B. Madsen (R) – District 13 (Elected to Senate: 2004)

Education: B.A., George Mason University, Fairfax, VA; J.D., J. Reuben Clark Law School, Brigham Young University

Committee Assignments: Appropriations – Social Services. Standing – Education; Judiciary, Law Enforcement, and Criminal Justice; Senate Rules.

Practice Area: Eagle Mountain Properties of Utah, LLC.



Stephen H. Urquhart (R) – District 29 (Elected to House: 2000; Elected to Senate: 2008)

Education: B.S., Williams College; J.D., J. Reuben Clark Law School, Brigham Young University

Committee Assignments: Appropriations – Public Education; Higher Education. Standing – Education; Judiciary, Law Enforcement, and Criminal Justice; Senate Rules.



Todd Weiler (R) – District 23 (Appointed to Senate: 2012; Re-Elected: 2012)

Education: Business Degree, Brigham Young University; J.D., J. Reuben Clark Law School, Brigham Young University

Committee Assignments: Appropriations – Social Services; Retirement and Independent Entities (Chair). Standing – Business & Labor; Judiciary, Law Enforcement, and Criminal Justice; Retirement and Independent Entities (Chair); Senate Rules (Vice Chair).

Practice Areas: Civil Litigation and Business Law.

The Utah State House of Representatives



Patrice Arent (D) – District 36 (Elected to House: 2010. Prior service in Utah House & Senate: 1/1997–12/2006)

Education: B.S., University of Utah; J.D., Cornell University

Committee Assignments: Appropriations – Executive. Standing – Executive Appropriations; Business, Economic Development & Labor; Public Utilities & Technology; Government Operations; Ethics (Co-Chair).

Practice Areas: Adjunct Professor, S.J. Quinney College of Law – University of Utah. Past experience: Division Chief – Utah Attorney General's Office, Associate General Counsel to the Utah Legislature, and private practice.



E. LaVar Christensen (R) – District 32 (Elected to House: 2002)

Education: B.A., Brigham Young University; J.D., University of the Pacific, McGeorge School of Law

Committee Assignments: Appropriations – Public Education. Standing – Education; Judiciary; Administrative Rules.

Practice Areas: Mediator and Dispute Resolution, Real Estate Development and Construction, Civil Litigation, Appeals, Family Law, General Business, and Contracts.



Brian Greene (R) – District 57 (Elected to House: 2012)

Education: B.A., Brigham Young University; J.D., J. Reuben Clark Law School, Brigham Young University

Committee Assignments: Appropriations – Natural Resources, Agriculture & Environmental Quality. Standing – Judiciary; Revenue & Taxation.

Practice Areas: Administrative Law, Government Affairs & Public Policy, and Commercial Real Estate Transactions.



Craig Hall (R) – District 33 (Elected to House: 2012)

Education: B.A., Utah State University; J.D., Baylor University

Committee Assignments: Appropriations – Infrastructure & General Government. Standing – Health & Human Services; Judiciary.

Practice Areas: Litigation and Intellectual Property.



Timothy D. Hawkes (R) – District 18 (Elected to House: 2014)

Education: B.A., Brigham Young University; J.D., Columbia University School of Law

Committee Assignments: Appropriations – Natural Resources, Agriculture & Environmental Quality. Standing – Natural Resources, Agriculture & Environment; Economic Development & Workforce Services.



Kenneth R. Ivory (R) – District 47 (Elected to House: 2010)

Education: B.A., Brigham Young University; J.D., California Western School of Law

Committee Assignments: Commission for the Stewardship of Public Lands, Commission on Federalism, Federal Funds Commission, House Public Utilities and Technology Committee, House Revenue and Taxation Committee, Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee, Public Utilities and Technology Interim Committee, Revenue and Taxation Interim Committee.

Practice Areas: Mediation, General Business, Commercial Litigation, and Estate Planning.



Michael E. Kennedy (R) – District 27 (Elected to House: 2012)

Education: B.S., Brigham Young University; M.D., Michigan State University; J.D., J. Reuben Clark Law School, Brigham Young University

Committee Assignments: Appropriations – Public Education. Standing – Health & Human Services; Political Subdivisions.

Practice Areas: “Of Counsel,” Bennett Tueller Johnson & Deere



Brian King (D) – District 28 (Elected to House: 2008)

Education: B.S., University of Utah; J.D., University of Utah S.J. Quinney College of Law

Committee Assignments: Appropriations – Executive; Executive Offices & Criminal Justice. Standing – Judiciary; Revenue & Taxation.

Practice Areas: Representing claimants with life, health, and disability claims; class actions; ERISA.



Daniel McCay (R) – District 41 (Appointed to House: 2012, Re-Elected 2012)

Education: Bachelors and Masters, Utah State University; J.D., Willamette University

Committee Assignments: Appropriations – Higher Education. Standing – Education; Revenue & Taxation.

Practice Areas: Real Estate Transactions, Land Use, and Civil Litigation.



Kay L. McIff (R) – District 70 (Elected to House: 2006)

Education: B.S., Utah State University; J.D., University of Utah S.J. Quinney College of Law

Committee Assignments: Appropriations – Higher Education. Standing – Health & Human Services; Law Enforcement & Criminal Justice.

Practice Areas: Former presiding judge for the Sixth District Court, 1994–2005. Before his appointment, he had a successful law practice for many years, most recently as a partner in the McIff Firm.



Mike McKell (R) – District 66 (Elected to House: 2012)

Education: B.A., Southern Utah University; J.D., University of Idaho

Committee Assignments: Appropriations – Natural Resources, Agriculture & Environmental Quality (Chair). Standing – Natural Resources, Agriculture, & Environment; Revenue & Taxation Ethics.

Practice Areas: Personal Injury, Insurance Disputes, and Real Estate.



Merrill Nelson (R) – District 68 (Elected to House: 2012)

Education: B.S., Brigham Young University; J.D., J. Reuben Clark Law School, Brigham Young University

Committee Assignments: Appropriations – Executive Offices, & Criminal Justice; Retirement. Standing – Judiciary (Vice Chair); Government Operations.

Practice Areas: Kirton McConkie – Appellate and Constitution, Risk Management, Child Protection, Adoption, Health Care, and Education.



Kraig J. Powell (R) – District 54 (Elected to House: 2008)

Education: B.A., Willamette University; M.A., University of Virginia; J.D., University of Virginia School of Law; Ph.D., University of Virginia Woodrow Wilson School of Government

Committee Assignments: Appropriations – Public Education. Standing – Natural Resources, Agriculture, & Environment; Political Subdivisions; Retirement & Independent Entities.

Practice Areas: Powell Potter & Poulsen, PLLC; Municipal and Governmental Entity Representation; and Zoning and Land Use.



Lowry Snow (R) – District 74 (Appointed to House: 2012; Re-Elected 2012)

Education: B.S., Brigham Young University; J.D., Gonzaga University School of Law

Committee Assignments: Standing – Executive Offices & Criminal Justice; Education; Judiciary.

Practice Areas: Snow Jensen & Reece – Real Estate, Civil Litigation, Business, and Land Use Planning.



Keven J. Stratton (R) – District 48 (Appointed to House: 2012, Re-Elected 2012)

Education: B.S., Brigham Young University; J.D., J. Reuben Clark Law School, Brigham Young University

Committee Assignments: Commission for the Stewardship of Public Lands, Executive Offices and Criminal Justice Appropriations Subcommittee, House Judiciary Committee, House Public Utilities and Technology Committee, Judiciary Interim Committee, Public Utilities and Technology Interim Committee

Practice Areas: Stratton Law Group PLLC – Business, Real Estate, and Estate Planning.



Earl Tanner (R) – District 43 (Elected to House: 2012)

Education: B.S., University of Utah; J.D., University of Utah S.J. Quinney College of Law

Committee Assignments: Appropriations – Social Services. Standing – Public Utilities & Technology; Law Enforcement & Criminal Justice.

Practice Areas: Tanner & Tanner, P.C.: Trusts and Estates, Real Estate, Tax, Corporate, and Litigation.

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UTAH STATE BAR / PRESIDENT INTERVIEW

Bar president seeks consensus for change

"Younger lawyers' perception of themselves is different from that of older lawyers."

—Angelina Tsu, Utah State Bar President

Donna K. W. Johnson

SALT LAKE CITY (The Record/Times)

It's an interesting time to practice law. When Angelina Tsu joined the Utah Bar Commission in 2010 as an ex-officio member, there were no voting commissioners under age 40, although around 40 percent of the Bar membership fell into that age demographic. There were only three women among the 13 voting members.

Now Tsu is the Bar President. For the first time women make up a majority of voting Commission members and the Commission has five members under age 40. Tsu is still the only attorney of color, but she hopes to see this situation change soon. She believes that a diverse Bar leadership and membership can produce meaningful and valuable results for attorneys and the people they serve.

"Younger lawyers' perception of themselves is different from that of older lawyers," Tsu explains. "We've lived through different world events, had access to different technology, and were parented by a different generation of

people. As a result, we have different ideas, expectations and perceptions about the world. We genuinely believe that we can change the world—and for this reason, I think that we will."

In Tsu's opinion, the most-needed change is an increase in access to justice for the underserved segments of Utah's population. "The current system is great at meeting the needs of businesses and people with the means to hire big law firms. It also does a decent job of serving those with incomes close to the poverty line. There is a big gap in service-providers for the middle class. But that is changing too."

Tsu says that there are several new groups offering legal services to middle-income clients, using a sliding fee scale based on income: "It's something we have needed for a long time, and young lawyers like Shantelle Argyle, Dan Spencer and Aaron Garret are changing the legal landscape and making these services

Continued on page A-12



Utah State Bar President, Angelina Tsu

POLICE / MENTAL HEALTH

U.S. police get little training to handle crises with mentally ill

"We're asking the police

Bar president seeks consensus for change

Continued from page A-1

a reality. Think about everyone you know who has been in a car accident or had a divorce. Their rights are being impacted in ways that are often permanent. Most people are smart, and given the time and the resources they could figure out most things. The issue is that they do not have the time to bring themselves up to speed. Having a lawyer can help—even if all she does is identify legal issues for you."

Debt problems are among those where people often don't know where to turn or what to say. "So now," Tsu says, "we have a free debtors' clinic at the Matheson Courthouse that runs during the court's debt-collection calendar. Attorneys are available for free con-

sultations. Sometimes it really helps to talk to a lawyer who can clarify the issues and advise on what you need to do."

The Bar is also working on implementing a new online directory to match potential clients with the lawyers they need. "We use the Internet for everything," Tsu says. "We want to know more about the services we consume and the things we purchase so we can make informed decisions—legal services are no exception. The net effect of a directory like this will be very positive. But change is slow—so we will be implementing it in phases."

Law practice in the Technology Age means embracing technology. Tsu has suggested that

younger Bar members could mentor older ones in using technology the same way older ones mentor younger ones in the practice of law. "I believe everyone has something to offer and something to learn," she adds. "The Bar is offering a CLE series on how we can use technology to make our practices more efficient. When you pass your savings on to your clients, everyone wins. With more people choosing solo or small-firm practice, this technology is tremendously valuable."

The innovators have encountered some resistance, Tsu says: "The unfortunate reality is that generational tensions will always exist. People who are different often mistrust each

other. But we are working very hard to diminish that tension on the Bar Commission. Working together we can accomplish much more than we would separately. The pace is slower than I'd like, but change is happening. The Commission has taken on some huge projects. I am really proud of them for being so ambitious and for the success that they have already achieved. It's hard work, and if we stick with it, the result will be a great benefit to the legal community and the people we serve. Watching this happen makes me proud to be a lawyer."

U.S. police get little training to handle crises with mentally ill

Continued from page A-1

lice and mental health advocates.

Last weekend's Chicago police slaying of 19-year-old college student Quintonio LeGrier, who relatives said had suffered from mental issues, has raised questions about the training of officers who are routinely thrust into tense situations with people who may be affected by varying mental disorders, or drug and alcohol abuse.

"We're asking the police to fill the gaps that have been created by inadequate mental health resources," said Ron Homburg, national director for policy and legal affairs at the National Alliance on Mental Illness.

"It seems sadly ironic, tragically ironic when you call 911 about someone having a heart attack, they send a trained EMT professional, but when you call about someone in a psychotic crisis, a psychotic episode, they send police," he added.

The Chicago shooting also prompted calls from Mayor Rahm Emanuel for a review of the police department's Crisis Intervention Team and improved guidance for officers handling cases where the mental health of a person is a

killed by police than other civilians, an advocacy group found.

'PSYCHOLOGISTS WITH GUNS'

With no national requirements on training recruits on de-escalation and crisis intervention, the average is just eight hours on each, according to a survey released in August 2015 by the Police Executive Research Forum.

"Society has turned police officers into psychologists with guns, and they don't have the training for that," said Scott Johnson, a Washington state attorney.

Johnson represents Ryan Flanagan, a veteran officer with the police department in Pasco, Washington, who resigned in July after he and two patrolmen fatally shot an unarmed Mexican orchard worker who battled depression, homelessness and drug abuse.

Flanagan had only been trained to offer a mentally distressed person a phone number for a county healthcare worker, or detain the suspect until one arrived, said Johnson.

Pasco Police Department spokesman Ken Roske said Flanagan's training encouraged of-

veterans officials.

In Seattle, the police department since 2012 has implemented court-ordered reforms to address what the Justice Department has called a pattern of excessive force that often arose during encounters with the mentally ill or drug-addled suspects.

Police spokesman Sean Whitcomb said the department now has training protocols that include sessions on how to de-escalate a violent scene and calm down a distressed person, and has imposed 40-hour certification training for specialized officers that get dispatched to a majority of such calls.

SHIFTING BURDEN

Many in the law enforcement community want more training, especially as the burden of the severely mentally ill has shifted in recent decades to police departments from public hospitals.

"The better trained the officer, the safer they are and the more effective they are," said Rich Roberts, spokesman for the International Union of Police Associations. He said police

plummeted to about 17 per 100,000 people in 2005 from 340 per 100,000 in the 1950s, according to the Treatment Advocacy Center.

The center has estimated there are almost 8 million Americans or 3.3 percent of U.S. adults with severe mental illness. About half those people are untreated, resulting in about 216,000 homeless and 400,000 incarcerations.

The 1987 killing of a mentally ill man in Memphis, Tennessee, led to the creation of the highly regarded Crisis Intervention Team, or CIT, program, which brings together law enforcement, mental health providers, hospital emergency departments and individuals with mental illness and their families.

About 3,000 police departments have received its intensive training. There are about 18,000 law enforcement agencies across the country.

Sam Cochran, a CIT trainer and retired Memphis police officer, recalled using some of the skills with a mentally ill man who was creating a disturbance.

"My first priority was to lower his voice," said Cochran, who covered his ears to indicate

UTAH BUSINESS LAW

FOR ENTREPRENEURS AND MANAGERS

Edited by:

David W. Read, *Weber State University*

Ezekiel R. Dumke IV, *Dumke Law, LLP*

Aaron Bartholomew, *Utah Valley University*

Brent Clayton, *Hirschi Steele & Baer PLLC*

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- 25. Property Insurance – Gary Johnson
- 26. Casualty Insurance – Gary Johnson

Creditor's Rights

- 27. Piercing the Corporate Veil – Jake Hinkins
- 28. Fraudulent Transfers – Jake Hinkins

Bankruptcy

- 29. Personal – Ted Kundick
- 30. Commercial – Ted Kundick

Intellectual Property

- 31. Copyrights – Jeff Holman
- 32. Trademarks – Cody Winchester
- 33. Patents – Jeff Holman
- 34. Trade Secrets – Andrew Deiss
- 35. Anti-Cybersquatting: Protecting Your Brand – Joshua Green
- 36. Licensing – Brent Burningham

Human Resources

37. Employment Contracts – Michael D. Stranger
38. Employees or Independent Contractors – Nanci Snow Bockelie
39. Policy and Procedure Manuals – Dennis Gladwell
40. Title VII of the Civil Rights Act and Sexual Harassment –
Michael D. Stranger
41. American with Disabilities Act – David Castleberry
42. Discrimination Based on Religion – Dennis Gladwell
43. Privacy in the Workplace – David Castleberry
44. Equal Pay Act – Dennis Gladwell
45. Family and Medical Leave Act – David Castleberry
46. Age Discrimination in Employment Act – David Castleberry
47. Worker Adjustment and Retraining Notification Act – David Castleberry
48. Controlling Unemployment Compensation Costs – Lisa R. Petersen
49. Conducting Internal Investigations – Christopher Snow
50. Wage and Hours Law – David Castleberry
51. Immigrations Considerations – Shadman Bashir

Estate Planning

52. Estate Planning Considerations – Douglas K. Fadel
53. Estate Planning and Business Formation and Administration –
Douglas K. Fadel
54. What Every Entrepreneur Needs to Know About Divorce Law –
David W. Read

CHAPTER 1

EDITOR'S INTRODUCTION

—○○○—
DAVID W. READ¹
EZEKIEL R. DUMKE, IV²

IN THE SUPREME COURT OF THE STATE OF UTAH

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FILED
UTAH APPELLATE COURTS

JAN 11 2016

In re: Revised Amendments to
Rule 14-807 of the
RULES GOVERNING THE UTAH STATE BAR – SPECIAL PRACTICE RULES

AMENDED ORDER

IT IS HEREBY ORDERED that the proposed amendments to Rule 14-807 of the Rules Governing the Utah State Bar – Special Practice Rules, as further modified on January 8, 2016, are adopted and promulgated effective as of January 6, 2016.

FOR THE COURT:

January 11, 2016 Christine M. Durham
Date Christine M. Durham
Justice

1 **Rule 14-807. Law school student and law school graduate legal assistance.**
2

3 (a) The purpose of this rule is to provide eligible law school students and recent law
4 school graduates with supervised practical training in the practice of law for a limited
5 period of time and to assist the Bar and the judiciary ~~to discharge~~in discharging their
6 responsibilities to help create a just legal system that is accessible to all.

7 ~~which helps provide access to those individuals of limited means.~~

8 (b) Subject to the inherent power of each judge to have direct control of the
9 proceedings in court and the conduct of attorneys and others who appear before the
10 judge, the courts of Utah are authorized to allow eligible law school students and recent
11 law school graduates to participate in matters pending before them consistent with this
12 rule.

13 (c) In order to be eligible to participate under this rule, an individual must be either:

14 (c)(1) ~~a~~A law school student in good standing who must have has completed the first
15 year of legal studies amounting to at least ~~two~~four semesters, or the equivalent if the
16 school is not on a semester basis, at an ABA approved law school and is either:

17 (c)(1)(A) enrolled in a law school clinic or externship and supervised by an attorney
18 authorized to practice law in the state of Utah; or

19 (c)(1)(B) volunteering for, or employed by, a tax-exempt or governmental agency or
20 a for-profit entity, and supervised by an attorney who is authorized to practice law in the
21 state of Utah;

22 or

23 (c)(2) Or a law school graduate who must have graduated~~has graduated~~ from an
24 ABA approved law school, ~~and will be taking a regularly-scheduled bar exam within one~~
25 year after graduating from law school, and have submitted an application for admission
26 to the Bar in time for the first regularly-scheduled bar examination after graduation is
27 working under the supervision of an attorney authorized to practice law in the state of
28 Utah.

29
30 (d) ~~The law school student's or graduate's participation shall be limited to civil,~~
31 ~~misdemeanor or administrative cases.~~ Subject to all applicable rules, regulations, and
32 statutes, a law school student or law school graduate as defined under this rule may
33 engage in the following activities, so long as the client and supervising attorney consent
34 in writing to each activity, and the supervising attorney remains fully responsible for the
35 manner in which the activities are conducted:

36 (d)(1) Negotiate for and on behalf of the client, subject to final approval thereof by
37 the supervising attorney, or give legal advice to the client, provided that the law school
38 student or law school graduate:

39 (d)(1)(A) obtains the approval of the supervising attorney regarding the legal advice
40 to be given or plan of negotiation to be undertaken by the law school student or law
41 school graduate; and

42 (d)(1)(B) performs the activities under the general supervision of the supervising
43 attorney;

44 (d)(2) Appear on behalf of the client in depositions, provided that the law school
45 student or law school graduate;

46 (d)(2)(A) has passed a course in evidence; and

47 (d)(2)(B) performs the activity under the direct supervision and in the personal
48 presence of the supervising attorney;

49 (d)(3) Appear in any court or before any administrative tribunal in this state. In order
50 to participate in any evidentiary hearing, the law school student must have passed a
51 course in evidence, and in the case of a criminal evidentiary hearing, must have also
52 passed a course in criminal procedure. The supervising attorney's and the client's
53 written consent and approval, along with the law school student's certification, must be
54 filed in the record of the case and must be brought to the attention of the judge of the
55 court or the presiding officer of the administrative tribunal. In addition, the law school
56 student or law school graduate must orally advise the court at the initial appearance in a
57 case that he or she is certified to appear pursuant to this rule. A law school student or
58 law school graduate may appear in the following matters:

59 (d)(3)(A) Civil Matters. In civil cases in any court, the supervising attorney is not
60 required to be personally present in court if the person on whose behalf an appearance
61 is being made consents to the supervising attorney's absence.

62 (d)(3)(B) Felony or Class A Misdemeanor Criminal Matters on Behalf of the
63 Prosecuting Authority. In any felony or Class A misdemeanor prosecution matter in any
64 court, the supervising attorney must be personally present throughout the proceedings.

65 (d)(3)(C) Infraction or Class B or Class C Misdemeanor Criminal Matters on Behalf
66 of the Prosecuting Authority. In any infraction or Class B or Class C misdemeanor
67 matter in any court with the written approval of the supervising attorney, the supervising
68 attorney is not required to be personally present in court; however, the supervising
69 attorney must be personally present during any Class B or Class C misdemeanor trial.

70 (d)(3)(D) Felony or Class A Misdemeanor Criminal Defense Matters. In any felony or
71 Class A misdemeanor criminal defense matter in any court, the supervising attorney
72 must be personally present throughout the proceedings.

73 (d)(3)(E) Infraction or Class B or Class C Misdemeanor Criminal Defense Matters. In
74 any infraction or Class B or Class C misdemeanor criminal defense matter in any court,
75 the supervising attorney is not required to be personally present in court, so long as the
76 person on whose behalf an appearance is being made consents to the supervising
77 attorney's absence; however, the supervising attorney must be personally present
78 during any Class B or Class C misdemeanor trial.

79 (d)(3)(F) Appellate Oral Argument. In any appellate oral argument, the supervising
80 attorney must be personally present and the court must give specific approval for the
81 law school student's or law school graduate's participation in that case.

82 (d)(3)(G) Notwithstanding the terms of (d)(3), the court may at any time and in any
83 proceeding require the supervising attorney to be personally present for such period
84 and under such circumstances as the court may direct.

85 (d)(4) Perform the following activities under the general supervision of the
86 supervising attorney, but outside his or her personal presence:

87 (d)(4)(A) Prepare pleadings and other documents to be filed in any matter in which
88 the law school student or law school graduate is eligible to appear, provided such
89 pleadings or documents are reviewed and signed by the supervising attorney;

90 (d)(4)(B) Prepare briefs and other documents to be filed in appellate courts of this
91 state, provided such documents are reviewed and signed by the supervising attorney;

92 (d)(4)(C) Provide assistance to indigent inmates of correctional institutions or other
93 persons who request such assistance in preparing applications and supporting
94 documents for post-conviction relief, except when the assignment of counsel in the
95 matter is required by any constitutional provision, statute, or rule of this Court; if there is
96 an attorney of record in the matter, all such assistance must be supervised by the
97 attorney of record, and all documents submitted to the court on behalf of such a client
98 must be reviewed and signed by the attorney of record and the supervising attorney;
99 and

100 (d)(4)(D) Perform other appropriate legal services, but only after prior consultation
101 with the supervising attorney.

~~(e) A law school student's or graduate's participation shall be under the direct and immediate personal supervision and in the presence of a resident attorney admitted to practice law before the court, except that the presence of the supervising attorney shall not be required at default divorce proceedings which are not contested and where the appearing party is represented by a non-profit public service legal agency.~~

(e) For any student participating under this rule, the law school's dean, or his or her designee, must certify to the supervising attorney that the law school student is in good standing, has completed the first year of law school studies, and, in the case of a clinic or externship, that the law school student is enrolled in a law school clinic or externship. The law school's dean or designee must also certify to the supervising attorney that the student has passed an evidence course if the law school student will be participating in depositions or evidentiary hearings, and also a criminal procedure course if the law school student will be participating in criminal evidentiary hearings.

(f) The supervising attorney is responsible for ensuring that the conduct of the law school student or law school graduate complies with this rule, which includes verifying the participant's eligibility.

~~(g) A law school student's or graduate's participation shall be agreed to by written stipulation of counsel for all parties to the action and filed in the case file.~~

(gh) Before participating under this rule, a law school graduate ~~shall~~must:

(gh)(1) provide the Bar's admissions office with the name of his or her supervising attorney; and

(g)(2) provide the Bar's admissions office with a signed and dated authorization to release information to the supervising attorney regarding the law school graduate's Bar applicant status; and

(g)(3) provide the Bar's admissions office with a signed and dated letter from the supervising attorney stating that he or she has read this rule and agrees to comply with its conditions.

~~(i) A law school student shall not receive any compensation or remuneration of any kind from the client on whose behalf the services are rendered.~~

(h) A law school student's or law school graduate's eligibility to provide services under this rule terminates upon the earlier occurrence of:

(h)(1) cessation of law school enrollment unless by reason of graduation in the case of a law school student; or

(h)(2) in the case of a law school graduate:

(h)(2)(A) failure to submit a timely application for admission to the Bar under (c)(2);

(h)(2)(B) the Bar's admissions office's or its character and fitness committee's decision to ~~disallow~~ not permit the law school graduate to take ~~the first~~ a regularly-scheduled bar examination under (c)(2);

(h)(2)(C) notification of the law school graduate's failure to successfully pass the ~~first regularly-scheduled~~ the bar examination under (c)(2); ~~or~~

Effective January 6, 2016 under rule 11-105(5).
Modified January 8, 2016
Subject to change after the comment period.

143 (h)(2)(D) the law school graduate's failure to be admitted to practice ~~at the first~~
144 ~~regularly scheduled admission ceremony~~ within six months of taking and passing the bar
145 examination under (c)(2).

Guidelines¹ for Administering

Rule 14-807. Law school student and law school graduate legal assistance

Eligibility to participate (c):

1) Law School Students: (c)(1)

- a. In good standing;
- b. Completed the first year of legal studies (at least 2 semesters or the equivalent) from an ABA approved law school; AND
- c. Enrolled in a law school clinic or externship and supervised by an attorney authorized to practice law in the state of Utah; OR
- d. Volunteering for or employed by a tax-exempt or governmental agency, or a for-profit entity, and supervised by an attorney authorized to practice law in the state of Utah; OR
- e. Must provide to the supervising attorney the appropriate law school certifications in (e). (See the *Requirements of the Law School* section below.)
- f. Ineligibility to participate: cessation of law school enrollment unless by reason of graduation. (h)(1)

2) Law School Graduates: (c)(2)

- a. Graduated from an ABA approved law school;
- b. Will be taking a regularly-scheduled bar exam within one year after graduating from law school; (c)(2) AND
- c. Is working under the supervision of an attorney authorized to practice law in the state of Utah.
- d. Must provide to the Bar admissions office: (g)

¹ These guidelines are not intended to be an official statement on Rule 14-807. They are provided only for the law schools' convenience.

- i. The name of his or her supervising attorney; (g)(1)
 - ii. A signed and dated authorization to release information to the supervising attorney regarding the law school graduate's Bar applicant status; (g)(2) and
 - iii. A signed and dated letter from the supervising attorney stating that he or she has read this rule and agrees to comply with its conditions. (g)(3)
- e. Ineligibility to participate: (h)(2)
- i. Failure to submit a timely application for admission to the Bar under paragraph (c)(2) (within 1 year of graduating); (h)(2)(A)
 - ii. The Bar's admissions office's or its character and fitness committee's decision to not permit the law school graduate to take a regularly-scheduled bar examination under (c)(2); (h)(2)(B)
 - iii. Notification of the law school graduate's failure to successfully pass the bar examination under (c)(2) (within 1 year of graduating); (h)(2)(C) or
 - iv. Failure to be admitted to practice within six months of taking and passing the bar examination under (c)(2) (for example, not taking the oath). (h)(2)(D)

Course Prerequisites for Law Students (d):

- 1) Completed Evidence Course if participating in 1) depositions (d)(2), 2) evidentiary hearings (d)(3), or 3) criminal evidentiary hearings (d)(3).
- 2) Completed Criminal Procedure Course if participating in criminal evidentiary hearings (d)(3).

Permissible Activities (d):

Prerequisites:

- a) The client (if there is one) and supervising attorney must consent in writing to each activity, and the supervising attorney remains fully responsible for the manner in which the activities are conducted. (d)
- b) If appearing in court, the supervising attorney's and the client's written consent and approval, along with the law school student's certification, must be filed in the record of the case and must be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal. (d)(3)
- c) The student or graduate must orally advise the court at the initial appearance in a case that he or she is certified to appear pursuant to this rule. (d)(3)

Activities:

*Under the general supervision of the supervising attorney and
subject to their final approval: (d)(1)*

- 1) **Negotiate for and on behalf of the client**, but the student or graduate must obtain the approval of the supervising attorney regarding the plan of negotiation,
- 2) **Give legal advice to the client**, but the student or graduate must obtain the approval of the supervising attorney regarding the legal advice to be given.

*Under the direct supervision and in the personal presence of the
supervising attorney: (d)(2)*

- 3) **Appear on behalf of the client in depositions.**

**Supervision requirements vary with the following activities: (d)(3)*

- 4) **Appear in any court or before any administrative tribunal in this state.**

- a. **Civil Matters.** In civil cases in any court, the supervising attorney is not required to be personally present in court if the person on whose behalf an appearance is being made consents to the supervising attorney's absence. (d)(3)(A)
- b. **Felony or Class A Misdemeanor Criminal Matters on Behalf of the Prosecuting Authority.** In any felony or Class A misdemeanor prosecution matter in any court, the supervising attorney must be personally present throughout the proceedings. (d)(3)(B)
- c. **Infraction or Class B or Class C Misdemeanor Criminal Matters on Behalf of the Prosecuting Authority.** In any infraction or Class B or Class C misdemeanor matter in any court with the written approval of the supervising attorney, the supervising attorney is not required to be personally present in court; however, the supervising attorney must be personally present during any Class B or Class C misdemeanor trial. (d)(3)(C)
- d. **Felony or Class A Misdemeanor Criminal Defense Matters.** In any felony or Class A misdemeanor criminal defense matter in any court, the supervising attorney must be personally present throughout the proceedings. (d)(3)(D)
- e. **Infraction or Class B or Class C Misdemeanor Criminal Defense Matters.** In any infraction or Class B or Class C misdemeanor criminal defense matter in any court, the supervising attorney is not required to be personally present in court, so long as the person on whose behalf an appearance is being made consents to the supervising attorney's absence; however, the supervising attorney must be personally present during any Class B or Class C misdemeanor trial. (d)(3)(E)
- f. **Appellate Oral Argument.** In any appellate oral argument, the supervising attorney must be personally present and the court must give

specific approval for the law school student's or law school graduate's participation in that case. (d)(3)(F)

*The court may at any time and in any proceeding require the supervising attorney to be personally present for such period and under such circumstances as the court may direct. (d)(3)(G)

5) Perform the following activities under the general supervision of the supervising attorney, but outside his or her personal presence: (d)(4)

- a. Prepare pleadings and other documents to be filed in any matter in which the law school student or law school graduate is eligible to appear, provided such pleadings or documents are reviewed and signed by the supervising attorney; (d)(4)(A)**
- b. Prepare briefs and other documents to be filed in appellate courts of this state, provided such documents are reviewed and signed by the supervising attorney; (d)(4)(B)**
- c. Provide assistance to indigent inmates of correctional institutions or other persons who request such assistance in preparing applications and supporting documents for post-conviction relief, except when the assignment of counsel in the matter is required by any constitutional provision, statute, or rule of this Court; if there is an attorney of record in the matter, all such assistance must be supervised by the attorney of record, and all documents submitted to the court on behalf of such a client must be reviewed and signed by the attorney of record and the supervising attorney; (d)(4)(C) and**
- d. Perform other appropriate legal services, but only after prior consultation with the supervising attorney. (d)(4)(D)**

Requirements of the Law School for Participating Students: (e)

- 1) The law school's dean, or his or her designee, must certify to the supervising attorney that
 - a. the student is in good standing;
 - b. has completed the first year of law school studies;
 - c. in the case of a clinic or externship, that the student is enrolled in a law school clinic or externship;
 - d. if the student will be participating in depositions or evidentiary hearings, that the student has passed an evidence course; and
 - e. if the student will be participating in criminal evidentiary hearings, that the student has passed a criminal procedure course.

Requirements of the Supervising Attorney:

- 1) The supervising attorney is responsible for ensuring that the conduct of the law school student or law school graduate complies with this rule, which includes verifying the participant's eligibility. (f)
- 2) The supervising attorney remains fully responsible for the manner in which the activities are conducted. (d) (See generally the *Rules of Professional Conduct*.)
- 3) The supervising attorney may or may not be required to be personally present, but must generally supervise all activities. (d) (See *Permissible Activities* section above for specifics.)