Utah State Bar Commission

Friday, January 23, 2015
J. Reuben Clark Law School, Room 472
Provo, Utah

Parking
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.

2014 – 2015 COMMISSION PRIORITIES

1. Improving Access to Justice:
   Pro Bono Commission & Modest Means Lawyer Referral
2. Advocating for the Judiciary
3. Reviewing Bar Operations:
   OPC, Summer Convention, NLTP, Budget
4. Planning for the Future of the Profession
5. Celebrating Magna Carta/Rule of Law
6. Supporting Diversity

(over)
UTAH STATE BAR STATEMENT ON DIVERSITY AND INCLUSION

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

The Bar shall strive to:

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

UTAH STATE BAR AWARDS

<table>
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<tr>
<th>AWARD</th>
<th>CHOSEN</th>
<th>PRESENTED</th>
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<tr>
<td>1. Dorothy Merrill Brothers Award</td>
<td>January/February</td>
<td>Spring Convention</td>
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<tr>
<td>Advancement of Women in the Law</td>
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<tr>
<td>2. Raymond S. Uno Award</td>
<td>January/February</td>
<td>Spring Convention</td>
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<tr>
<td>Advancement of Minorities in the Law</td>
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<tr>
<td>3. Pro Bono Lawyer of the Year</td>
<td>April</td>
<td>Law Day</td>
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<td>4. Distinguished Judge of the Year</td>
<td>June</td>
<td>Summer Convention</td>
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<td>5. Distinguished Lawyer of the Year</td>
<td>June</td>
<td>Summer Convention</td>
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<td>6. Distinguished Section of the Year</td>
<td>June</td>
<td>Summer Convention</td>
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<tr>
<td>7. Distinguished Committee of the Year</td>
<td>June</td>
<td>Summer Convention</td>
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<tr>
<td>8. Outstanding Pro Bono Service</td>
<td>September</td>
<td>Fall Forum</td>
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<tr>
<td>9. Distinguished Community Member</td>
<td>September</td>
<td>Fall Forum</td>
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<tr>
<td>10. Professionalism Award</td>
<td>September</td>
<td>Fall Forum</td>
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<tr>
<td>11. Outstanding Mentor</td>
<td>September</td>
<td>Fall Forum</td>
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<tr>
<td>12. Heart &amp; Hands Award</td>
<td>October</td>
<td>Utah Philanthropy Day</td>
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<tr>
<td>13. Distinguished Service Award</td>
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<td>As Needed</td>
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<td>14. Special Service Award</td>
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<td>As Needed</td>
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<tr>
<td>15. Lifetime Service Award</td>
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<td>On Occasion</td>
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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 23, 2015
J. Reuben Clark Law School, Room 472
Provo, Utah

Agenda

1. 9:00 a.m.  President's Report: Jim Gilson
   15 Mins.  1.1  Legislative Breakfast/Bar Day/Phone Conferences/Judicial Salaries
   10 Mins.  1.2  Review Spring Convention Planning
   10 Mins.  1.3  Review 2015 Summer Convention Planning (Tab 1)
   10 Mins.  1.4  Report on Ethics Advisory Opinion (Tab 2)
   15 Mins.  1.5  Report on Futures Commission

2. 10:00 p.m.  Information Items
   15 Mins.  2.1  OPC, Summer Convention, NLTP, Budget & Finance Reports

3. 10:15 a.m.  Action Items
   15 Mins.  3.1  Nominate Bar President-Elect Candidates (Tab 3)
   15 Mins.  3.2  Select Dorothy Merrill Brothers and Raymond Uno Awards (Tab 4)

10:45 p.m.  Break

20 Mins.  3.3  Select Nominees to 3rd District Nominating Commission (Tab 5)
20 Mins.  3.4  Select Nominees to 4th District Nominating Commission (Tab 6)
20 Mins.  3.5  Elizabeth Wright: UPL Complaint and Fund for Client Protection (Tab 7)

12:00 noon  Adjourn to Reception with Students

Consent Agenda (Tab 8)

1. Approve Minutes of December 5, 2014 Commission Meeting
2. Approve Applicants for February 2015 Motion for Admission

Attachments (Tab 9)

1. December 2014 Financial Statements
2. Listing of Lawyer Legislators
3. Bar Journal Articles on OPC and Disciplinary Process Information Office
4. Legislative Leadership and Committees

(Over)
### 2015 Calendar

<table>
<thead>
<tr>
<th>Month</th>
<th>Event</th>
<th>Time</th>
<th>Location</th>
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<tbody>
<tr>
<td>January 30</td>
<td>Breakfast with Lawyer/Legislators</td>
<td>7:30 a.m.</td>
<td>Spruce Rm., Capitol Office Bldg.</td>
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<tr>
<td>February 1</td>
<td>Election - Petitions, Statements, Photos Due</td>
<td>4:00 p.m.</td>
<td>Houston, Texas</td>
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<tr>
<td>February 3</td>
<td>Conference Call Re: Legislature</td>
<td>4:00 p.m.</td>
<td>State Office Building</td>
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<tr>
<td>February 5-9</td>
<td>ABA Mid-Year Meeting</td>
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<td>February 10</td>
<td>Conference Call Re: Legislature</td>
<td>4:00 p.m.</td>
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<td>February 17</td>
<td>Bar Day at the Legislature</td>
<td>9:00 a.m.</td>
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<tr>
<td>Audit.</td>
<td>Conference Call Re: Legislature</td>
<td>4:00 p.m.</td>
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<tr>
<td>February 24</td>
<td>Conference Call Re: Legislature</td>
<td>4:00 p.m.</td>
<td>Law &amp; Justice Center</td>
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<td>February 24-25</td>
<td>Bar Examination</td>
<td>8:00 a.m.</td>
<td>Mauna Lani Bay, Hawaii</td>
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<td>March 3</td>
<td>Conference Call Re: Legislature</td>
<td>4:00 p.m.</td>
<td>Law &amp; Justice Center</td>
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<td>March 6</td>
<td>Executive Committee</td>
<td>12:00 Noon</td>
<td>St. George, Utah</td>
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<td>March 12</td>
<td>SUBA Luncheon</td>
<td>12:00 Noon</td>
<td>St. George, Utah</td>
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<td>March 12</td>
<td>Commission Meeting</td>
<td>1:00 p.m.</td>
<td>St. George, Utah</td>
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<td>March 12-14</td>
<td>Spring Convention</td>
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<td>St. George, Utah</td>
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<td>March 20</td>
<td>Election Email Message Due</td>
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<td>Mauna Lani Bay, Hawaii</td>
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<td>March 25-28</td>
<td>Western States Bar Conference</td>
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<td>Mauna Lani Bay, Hawaii</td>
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<td>April 1</td>
<td>Election-Online Balloting Begins</td>
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<td>Law &amp; Justice Center</td>
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<td>April 3</td>
<td>Magna Carta Kick-off Event</td>
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<td>Salt Lake City</td>
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<td>April 4</td>
<td>Magna Carta Exhibit at Main Library</td>
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<td>St. George</td>
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<td>April 6-7</td>
<td>Magna Carta Exhibit at State Courthouse</td>
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<td>Provo</td>
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<td>April 8-9</td>
<td>Magna Carta Exhibit at Utah Valley University</td>
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<td>Logan</td>
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<td>April 10-11</td>
<td>Magna Carta Exhibit at Utah State University</td>
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<td>Ogden</td>
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<td>April 13-14</td>
<td>Magna Carta Exhibit at State Courthouse</td>
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<td>April 14</td>
<td>Magna Carta Gala at the Stadium Banquet Hall</td>
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<td>University of Utah</td>
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<td>April 15</td>
<td>Election-Online Balloting Ends</td>
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<td>Washington, D.C.</td>
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<td>April 15-16</td>
<td>ABA Day in Washington</td>
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<td>Washington, D.C.</td>
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<td>April 15-17</td>
<td>Magna Carta Exhibit at Matheson State Courthouse</td>
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<td>Salt Lake City</td>
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<td>April 18-19</td>
<td>Magna Carta Exhibit at Main Library</td>
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<td>Salt Lake City</td>
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<td>April 16</td>
<td>Election-Ballots Counted</td>
<td>12:00 Noon</td>
<td>Law &amp; Justice Center</td>
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<td>April 24</td>
<td>Executive Committee</td>
<td>12:00 Noon</td>
<td>Law &amp; Justice Center</td>
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<td>May 1</td>
<td>Commission Meeting</td>
<td>9:00 a.m.</td>
<td>Las Vegas, Nevada</td>
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<td>May 12-13</td>
<td>Northwestern States Bar Conference</td>
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<td>TBD</td>
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<td>May 26</td>
<td>Admission Ceremony</td>
<td>12:00 Noon</td>
<td>Park City, Utah</td>
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<td>June 5-6</td>
<td>Jackrabbit Bar Conference</td>
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<td>Law &amp; Justice Center</td>
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<tr>
<td>June 5</td>
<td>Executive Committee</td>
<td>12:00 Noon</td>
<td>Law &amp; Justice Center</td>
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<tr>
<td>June 12</td>
<td>Commission Meeting</td>
<td>9:00 a.m.</td>
<td>Law &amp; Justice Center</td>
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<tr>
<td>July 17</td>
<td>Executive Committee</td>
<td>12:00 Noon</td>
<td>Law &amp; Justice Center</td>
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<tr>
<td>July 29</td>
<td>Commission Meeting</td>
<td>1:00 p.m.</td>
<td>Sun Valley, Idaho</td>
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<tr>
<td>July 29-Aug. 1</td>
<td>Summer Convention</td>
<td></td>
<td>Sun Valley, Idaho</td>
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Tab 1
CHAMBERS OF
JUSTICE ANTHONY M. KENNEDY

December 31, 2014

Judge Dee Benson
Mr. James D. Gilson
Utah State Bar
645 South 200 East
Suite 310
Salt Lake City, Utah 84111

Dear Judge Benson, and
Dear Mr. Gilson,

You have been most gracious to allow me to trespass upon your patience while waiting for my response to your invitation to be with the Utah State Bar in Sun Valley this summer.

My schedule has become more, not less complex, but still it is my pleasure, and my privilege, to accept your kind invitation to be with you and to address the Convention. Sun Valley has been a special place for Mary and me over the years, and this should be a fine venue for your meeting.

As the date draws nearer, you can determine the best time and format for me, but my preference would be to speak on the first or the second day for 40 minutes or so and then perhaps to take questions. Just tell me the time and format you prefer. C-Span may want to cover the remarks, but my preference (again, subject to your comment) is to do without that, while allowing the press to attend if they choose. Again, this is all subject to your comments and suggestions.

Having had the responsibility to be the Chairman for Judicial Conferences in the Ninth Circuit, it is evident to me how much time has to be spent on arrangements, so, again, please accept my thanks for your patience.

With appreciation for your continued contributions to the law and our system of justice, and with assurances that we look forward to being with you, I remain,

Yours sincerely,

Anthony Kennedy

cc: Senator Orrin G. Hatch
January 12, 2015

Honorable Anthony M. Kennedy  
United States Supreme Court  
One First Street, N.E.  
Washington, D.C. 20543

Re: Invitation to speak at Utah Bar Convention, in Sun Valley, Idaho,  
Jul 30-Aug 1, 2015

Dear Justice Kennedy:

We were very pleased to receive your letter of December 31 accepting our invitation to speak at the Utah State Bar convention in Sun Valley this summer. Thank you very much for arranging your schedule in order to join us, and for being willing to share your time and insights.

Richard Dibblee of the Utah State Bar will coordinate with your office staff to arrange the details of your trip. I’m sure that we will be able to accommodate your preference to speak on either July 30 or 31.

Please feel free to let me know if you have any questions or other concerns about the convention between now and then. I look forward very much to meeting you and Mary in person.

Your kindness is very much appreciated.

Very truly yours,

[Signature]

James D. Gilson

cc: Hon. Dee Benson  
Richard Dibblee
Tab 2
Utah State Bar
Ethics Advisory Opinion Committee
Revised Opinion Number 14-04
Issued November 12, 2014

ISSUE

1. What are the ethical limits to participating in attorney rating systems, especially those that identify “the Best Lawyer” or “Super Lawyer”?

OPINION

2. Rule 7.1 of the Utah Rules of Professional Conduct (the “URPC”) prohibits false or misleading communications concerning a lawyer or a lawyer’s services. An unsubstantiated comparison of lawyers is false or misleading if it would lead a reasonable person to conclude that the comparison can be substantiated. Advertisement of a rating, or of inclusion in a ranking list as being “super” or “best” or the like, by a comparing organization is permissible where the comparing organization has made an appropriate inquiry into the lawyer’s fitness, the lawyer does not pay to receive the rating itself (although she may pay for an investigation in accordance with Rule 7.2), the comparing organization’s methodology or standard used to determine the rating or ranking is fully disclosed and explained and conveniently available to the public, and the communication disclaims the approval of the Utah Supreme Court and/or the Utah State Bar. The factual basis for the comparison of the rated or listed lawyer’s services to the services of other lawyers must be verifiable in order to pass muster under Rule 7.1. Any advertisement must state that the lawyer was included in a “super” or other such list or ranking rather than describe
the lawyer as being a "super lawyer" or the "best lawyer." The statements that a lawyer is "super" or the "best" cannot be factually substantiated and are inherently misleading.

3. Rule 7.2 of the Utah Rules of Professional Conduct prohibits giving "anything of value to a person for recommending the lawyer's services; except that a lawyer may: . . . pay the reasonable costs of advertisements or communications permitted by this Rule. . . ." Rule 7.2(b)(1). A lawyer who pays an entity to list her as the "best lawyer" in an area or to otherwise compare her favorably to other lawyers violates Rule 7.2 because she is giving something of value to another to recommend the lawyer's services. She is not paying the reasonable costs of advertising. Similarly, trading votes with another in a survey to determine the "best lawyer" is giving something of value for the other person to recommend the lawyer's services and violates Rule 7.2. "[A]nything of value" would also include monies paid to a public figure or celebrity to recommend a lawyer. It is permissible for a lawyer to pay a fee to a comparing organization to conduct an investigation into the lawyer's fitness, but the outcome of the investigation must be independent of the fee.

**BACKGROUND**

4. Certain websites, advertisers and companies offer services in which they list lawyers as the "best" in a particular locale, practice area, city, etc. Sometimes these entities determine who they will list as the "best" simply by including whoever signs up (and pays them) first. Other times companies will run on-line voting contests to determine which lawyers, restaurants, and businesses are the "best" in the area based solely on the number of votes cast, a system that can be easily manipulated by lawyers with large staffs or multiple email addresses. Other entities purport to have more scientific or valid methods of identifying outstanding lawyers, in which they investigate each lawyer's fitness before deciding whether to rate the lawyer favorably. Still
other entities investigate and approve of law firms or lawyers who have good business practices (e.g., have current business licenses and Utah State Bar licenses, have not been publicly disciplined, etc.), separate and apart from the lawyers’ legal experience, skill, and expertise, or lack thereof, which they do not investigate or evaluate. The Committee has been asked to opine as to when these arrangements violate the Rules of Professional Conduct.

**ANALYSIS**

5. This Committee has twice stated that

“[t]he U.S. Supreme Court has made it clear that public communication concerning a lawyer’s services (including any form of advertising) is commercial speech, enjoys First Amendment protection, and can be regulated only to further substantial state interests, and then only in the least restrictive manner possible. The cardinal rule concerning all public communication about a lawyer and her services is that the communication not be false or misleading.”

Ethics Advisory Op. 09-01, ¶ 3 (Feb. 23, 2009) (quoting Ethics Advisory Op. 00-02 (Mar. 9, 2000)). Deceptive advertising in the legal profession poses a particular risk because “the public lacks sophistication concerning legal services, [and therefore] misstatements that might be overlooked or deemed unimportant in other advertising may be found quite inappropriate in legal advertising.” *Bates v. State of Arizona*, 433 U.S. 350, 383 (1977). As an example, the U.S. Supreme Court indicated that “advertising claims as to the quality of services . . . not susceptible [to] measurement or verification . . . may be so likely to be misleading as to warrant restriction.” *Id.* at 383-84. Similarly, the Utah Supreme Court has found that “[t]he state obviously has a substantial and compelling interest in protecting the public from false, deceptive, or misleading advertising . . . .” *In re Utah State Bar Petition*, 647 P.2d 991, 993 (Utah 1982) (citing *Bates*, 433 U.S. at 383).

6. Rule 7.1 of the Utah Rules of Professional Conduct states:
A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

Thus, an advertisement that has either: (1) "a substantial likelihood [to] lead a reasonable person to formulate a specific conclusion about the lawyer or the lawyer's services for which there is no reasonable factual foundation," or (2) "an unsubstantiated comparison of the lawyer's services or fees with the services or fees of other lawyers . . . presented with such specificity as would lead a reasonable person to conclude that the comparison can be substantiated" would be considered misleading and therefore prohibited. URPC Rule 7.1, cmts. 2 & 3.

7. This Committee previously analyzed the current version of Rule 7.1 and issued several interpretive guidelines instructing lawyers how to avoid false or misleading statements in advertising. \(^1\) Ethics Advisory Op. 09-01, ¶¶ 6-12. Of specific relevance to the present issue, this Committee cited Connecticut Informal Ethics Advisory Op. 01-07 (2001), which states that "comparative statements would require factual substantiation to avoid being misleading. Because it is almost impossible to substantiate certain comparisons ('best attorney in town') the wiser course is to advertise qualities that can be substantiated." \(\text{Id. at} \ ¶ 9\) (citing Geoffrey Hazard, W. William Hodes & Peter Jarvis, THE LAW OF LAWYERING (3d) § 55.4, at 55-21). This does not foreclose the possibility of advertising as a "best lawyer" but does require that the lawyer using the comparative language be able to factually substantiate the claim.

8. Commentators Hazard, Hodes and Jarvis have also addressed the use of rating systems such as "Super Lawyers" and "Best Lawyers in America" publications:

\(^1\)We again note that Utah’s Truth in Advertising Statute, Utah Code Ann. § 13-11a-1, \textit{et seq.}, and Utah’s Consumer Sales Practices Act, Utah Code Ann. § 13-11-1, \textit{et seq.}, should be consulted as well.
Publications such as “Super Lawyers” and “Best Lawyers in America” use a variety of peer review and research procedures to generate lists of highly qualified lawyers in various fields of practice in most states. Because of the precautions taken to avoid “vote trading” or “ballot stuffing” and because advertisements in these publications cannot be purchased until after the separate selection process has been completed, most states have recognized these rating to be bona fide ratings that have real informational value; thus not being misleading, they are permissible.

_id. § 55.4, at 55-14 (Supp. 2014).

9. The issue of how a lawyer may factually substantiate the claim to be “the best” was thoroughly considered in New Jersey. In _In re Opinion 39 of Committee on Attorney Advertising_, 961 A.2d 722 (N.J. 2008), the New Jersey Supreme Court was presented with the question of whether lawyers could use the designation of “Best Lawyer,” or “Super Lawyer,” or Martindale-Hubble rankings in their advertisements. The Supreme Court Committee on Attorney Advertising concluded that comparative titles violated the N.J. Rules of Professional Conduct, and announced this decision in _Opinion 39_. The companies who provided the designations (Key Professional Media, Inc., d/b/a “Super Lawyers;” Woodward White, Inc. - publisher of “Best Lawyers in America;” and New Jersey Monthly, LLC) appealed the opinion, and the New Jersey Supreme Court referred the matter to a special master who researched the issue and compiled a report. In his report, which garnered the support of the Court, the special master recommended “twelve ‘regulatory components . . . extracted from [the advertising decisions of other states] to provide[] some guidance to the Court. . . .” _Id._ at 728-29. The twelve components are:

1. The advertising representation must be true;

2. The advertisement must state the year of inclusion in the listing as well as the specialty for which the lawyer was listed;

3. The basis for the implied comparison must be verifiable by accurate and adequate disclosure in the advertisement of the rating or certifying methodology utilized for compiling the listing or inclusion that provides a basis upon which a consumer can reasonably determine how much value to place in the listing or
certification; as a minimum, the specific empirical data regarding the selection process should be included (e.g., in a peer-review methodology, the number of ballots sent and the percentage of the ballots returned...);

4. The rating or certifying methodology must have included inquiry into the lawyer’s qualifications and considered those qualifications in selecting the lawyer for inclusion;

5. The rating or certification cannot have been issued for a price or fee, nor can it have been conditioned on the purchase of a product, and the evaluation process must be completed prior to the solicitation of any advertising, such as for a special advertising supplement in a magazine or other publication;

6. Where superlatives are contained in the title of the list itself, such as here, the advertising must state and emphasize only one’s inclusion in the Super Lawyers or The Best Lawyers in America list, and must not describe the attorney as being a “Super Lawyer” or the “Best Lawyer;”

7. Likewise, claims that the list contains “the best” lawyers or, e.g., “the top 5% of attorneys in the state,” or similar phrases are misleading, are usually factually inaccurate and should be prohibited;

8. The peer-review or certification methodology must contain proper usage guidelines that embody these requirements and must be adhered to in the advertisement;

9. The advertising must be done in a manner that does not impute the credentials bestowed upon individual attorneys to the entire firm;

10. The peer-review or certification methodology must be open to all members of the Bar;

11. The peer-review rating methodology must contain standards for inclusion in the lists that are clear and consistently applied; and

12. The advertisement must include a disclaimer making it clear that inclusion of a lawyer in a Super Lawyers or The Best Lawyers in America list, or the rating of an attorney by any other organization based on a peer-review ranking is not a designation or recognized certification by the Supreme Court of New Jersey or the American Bar Association.

Id. at 729 (emphasis in original in ¶ 6).

After receiving these recommendations, Rule 7.1 of the N.J. Rules of Professional Conduct was amended as follows: “[a] communication is false or misleading if it... compares
the lawyer’s services with other lawyers’ services, unless (i) the name of the comparing
organization is stated, (ii) the basis for the comparison can be substantiated, and (iii) the
communication” disclaims approval by the Supreme Court of New Jersey, N.J. Court Rules,
RPC 7.1(a)(3). The official comment from the New Jersey Supreme Court following this rule
describes the requirements for a comparison to be truthful:

A truthful communication that the lawyer has received an honor or accolade is not
misleading or impermissibly comparative for purposes of this Rule if: (1) the
conferrer has made inquiry into the attorney’s fitness; (2) the conferrer does not
issue such an honor or accolade for a price; and (3) a truthful, plain language
description of the standard or methodology upon which the honor or accolade is
based is available for inspection either as part of the communication itself or by
reference to a convenient, publicly available source.

N.J. Court Rules, RPC 7.1, cmt.

10. We consider the New Jersey special master’s analysis to provide useful guidance. While
Rule 7.1 of the Utah Rules of Professional Conduct has not been redrafted (as Rule 7.1 of the
N.J. Rules of Professional Conduct has), we also find the comments to New Jersey’s Rule 7.1
helpful and instructive. We conclude that a lawyer’s participation in any rating system and use of
that rating in the lawyer’s advertising is permissible where: (1) the comparing organization has
made appropriate inquiry into the lawyer’s fitness; (2) a favorable rating from the comparing
organization is not for sale and may not be purchased by the lawyer; (3) the lawyer ensures that
the methodology or process used to determine the rating is fully disclosed and explained using
plain language and is conveniently available to the public; and (4) the communication disclaims
the approval of the Utah Supreme Court and/or the Utah State Bar. Statements that explain in
laymen’s terms, and do not exaggerate the meaning or significance of professional credentials,
are permissible.
11. Rule 7.1 prevents a lawyer from communicating to the public credentials that are not legitimate. A recommendation or endorsement that is not based upon objective criteria or a legitimate peer review process, but is available to any lawyer who is willing to pay a fee, is misleading to the public and therefore prohibited. Likewise, implying in advertising that a lawyer has been selected for inclusion in a rating system based upon the quality of the lawyer’s services or some other process of independent endorsement when in fact no bona fide judgment as to quality has been objectively made is misleading and violates Rule 7.1. For example, paying the reasonable costs of advertising to a comparing organization for an endorsement, even after an investigation, violates Rule 7.1 where the basis for and scope of the investigation and endorsement is not fully disclosed to the public in clear and simple terms that the average consumer can understand. Without that information, a consumer cannot reasonably determine how much value to place on the endorsement. Similarly, some publications hold contests that rely solely upon unsolicited votes in order to designate the “best” restaurants, businesses, lawyers, etc. in a certain geographical area without any inquiry into the fitness of the lawyers who garner the most votes. Such contests invite ballot stuffing, cannot be factually substantiated, and do not pass muster under Rule 7.1.

12. Even where appropriate disclosures have been made to satisfy Rule 7.1, the advertisement must still comply with all of the other Utah Rules of Professional Conduct, including Rule 7.2.

13. Rating systems may implicate Rule 7.2 of the Utah Rules of Professional Conduct, which prohibits giving anything of value to another to recommend the lawyer’s services. A lawyer may not pay another person for channeling professional work. If a lawyer pays a fee to be listed as among the “best” lawyers, then the lawyer violates this rule. This is true whether or not the
lawyer thereafter advertises this rating herself or not. A lawyer who trades votes with other
lawyers violates Rule 7.2. This Committee established in Ethics Advisory Opinion 13-02 that
reciprocal referral arrangements violate Rule 7.2. “If a lawyer refers a client to another lawyer or
other professional pursuant to a reciprocal referral agreement, then the first lawyer is giving
‘something of value’ in exchange for a past or future recommendation from the other
Likewise, if one lawyer votes for her friend with the understanding that her friend will vote for
her, this is “giving something of value” for a recommendation and violates Rule 7.2 in the same
way. Further, a lawyer who pays a celebrity or public figure to recommend the lawyer violates
Rule 7.2.

14. A lawyer may, for advertising purposes, pay a comparing organization to investigate that
lawyer, provided that the outcome of the investigation is not predetermined and is independent of
the fee. If the results from an appropriate investigation are thereafter advertised, the nature and
scope of the investigation must be fully disclosed and explained using plain language and must
be conveniently available to the public. Such an investigation may require “the inclusion of an
appropriate disclaimer or qualifying language,” especially if the investigation is limited to certain
matters, such as good business practices. See Ethics Advisory Op. 09-01, ¶ 7. For example, the
Better Business Bureau (the “BBB”) indicates that its “accreditation does not mean that the
business’ products or services have been evaluated or endorsed by the BBB, or that BBB has
made a determination as to the business’ product quality or competency in performing services.”

---

2 We note that Rule 7.2 of the Model Rules of Professional Conduct (“MRPC”) permits
reciprocal referral agreements if they are “not exclusive” and if “the client is informed of the
existence and nature of the agreement.” MRPC Rule 7.2(b)(4). Utah has not adopted this
provision; thus, any reciprocal referral agreement in Utah violates Rule 7.2 of the Utah Rules of
Professional Conduct.

15. Once a lawyer has been appropriately investigated or evaluated by a comparing organization, it is not a violation of Rule 7.2 for a lawyer to pay “the reasonable costs of advertisements or communications” that the comparing organization incurs to include the lawyer in its rating system. However, it is impermissible for a lawyer to participate in a rating system in which the comparing organization charges ongoing fees for purported “reasonable costs of advertisements” that in reality are improper payments for its continued recommendation of the lawyer.
1. I fully agree with the Committee’s Opinion with respect to Rule 7.1 regarding false or misleading communications. However, I disagree with one aspect of the Committee’s Opinion regarding Rule 7.2 and write separately to outline that disagreement.

2. Rule 7.2(b) prohibits giving “anything of value to a person for recommending the lawyer’s services; except that a lawyer may: (1) pay the reasonable costs of advertisements or communications permitted by this Rule.” The Committee opines: “[A]nything of value’ would also include monies paid to a public figure or celebrity to recommend a lawyer.” (Para. 3) and “Further, a lawyer who pays a celebrity or public figure to recommend the lawyer violates Rule 7.2” (Para. 13). I believe that prohibiting celebrity recommendations unhelpfully confuses what may be the “reasonable costs of advertising” with what Rule 7.2 clearly prohibits – paying “others for channeling professional work.” Comment [5].

3. The context in which a celebrity would recommend an attorney would typically be through a paid advertisement. The Committee’s Opinion will, apparently, permit the celebrity to

---

1 Comment 5 of Rule 7.2 states in relevant part:
Paragraph (b)(1), however, allows a lawyer to pay for advertising and communications permitted by this Rule, including the costs of print directory listings, on-line directory listings, newspaper ads, television and radio airtime, domain-name registrations, sponsorship fees, banner ads and group advertising. A lawyer may compensate employees, agents and vendors who are engaged to provide marketing or client-development services, such as publicists, public-relations personnel, business-development staff and website designers. (emphasis added).
The Committee appears to believe that paying for “airtime” is permitted but paying celebrities to perform during that air time is not. This is a flawed approach to construing this comment. “The word ‘include’ in a statute generally signals that entities not specifically enumerated are not excluded.” Singer, Sutherland’s Statutes and Statutory Construction § 47:25 at 444 (2014).
appear in an ad and to say “Let me tell you about Firm Abbott & Costello . . .” but not to say “I recommend that if you have a legal problem in z, you contact the Abbott & Costello firm.”

I think most of the public will fail to see a difference between the two scenarios and will think that either scenario involves the celebrity endorsing or recommending the attorney.

4. Presumably the celebrity will charge more to appear in the advertisement simply because he is a celebrity. I do not think it wise to have a rule that asks what portion of the celebrity’s fee is for acting and what portion is for being willing to recommend the attorney.

5. Commentators Hazard, Hodes & Jarvis appear to agree with my analysis, writing:

   Rule 7.2(b0(1) addresses the sometimes uncertain line between permitted advertising and prohibited solicitation as it applies to the use of “runners” and other third party facilitators of communications . . . [S]peaking in the most literal terms, it might be said that the proprietor of an advertising medium is also a “runner” of sorts, who is being paid to “recommend,” after all, the subject of the advertisement. The same could be said of a television actor paid to endorse a lawyer’s “product,” or a company that produces and auto-dials pre-recorded commercial messages. To avoid these awkward results, Model Rule 7.2(b0(1) clearly permits such arrangements on the theory that they are merely instrumentalities of permitted advertising. THE LAW OF LAWYERING (3d) § 56.2, at 56-4 (2014).

6. I think celebrity appearances in ads are better addressed solely under Rule 7.1 regarding misleading advertising. If the celebrity purports to have some special expertise in order to recommend the attorney (e.g. a Utah Jazz player recommending an attorney engaged in sports law), then a disclaimer may be necessary to indicate that this is a paid advertisement to avoid misleading the consumer . . .

7. I would eliminate the two references forbidding paying celebrities to recommend an attorney for the above reasons.
Tab 3
H. Commission

1. Nomination of President-elect Candidate(s).

Balloting for nomination by the Board to run for the office of President-elect shall be by secret ballot except that Commissioners not in attendance at the meeting may submit their vote on the first round of balloting to the President or Executive Director. Any candidate receiving votes of a majority of the Commissioners casting ballots shall be nominated to run for the office of president-elect. Balloting shall continue until two nominees are selected except in cases where only one candidate is nominated by the Board.

(a) Initial Rounds.

Each Commissioner shall vote for two candidates on each round of balloting until at least one nominee is selected. In the event that three candidates in a round of balloting receive votes of a majority of the Commissioners casting ballots only the candidate receiving the highest number of votes shall be nominated and the two other candidates receiving a majority of the votes shall go to the second round of balloting.

(b) Subsequent Rounds.

In the rounds of balloting after one nominee has been selected, each Commissioner shall vote for one candidate.
2. Nomination and Election Timetables.

The nomination of President-elect candidates and the election of Board members and the President-elect shall follow timetables approved by the Board. A copy of the timetables is attached as Appendix “M”.


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.
Dear Members of the Utah State Bar Commission:

I hope this holiday greeting finds you well. Warmest thanks to each of you for your hard work and outstanding contributions. I have observed how much time and energy you contribute to your responsibilities and the legal community is fortunate to benefit from your contributions.

Thank you to Jim and Angelina, for it is a pleasure to work along the side of great leadership. Thank you additionally to John Baldwin and his staff, who work so hard behind the scenes to make each meeting and event run smoothly and efficiently.

I am also submitting my name as candidate for the office of President Elect in the upcoming year. It is a pleasure to be associated with you and I look forward to seeing you all at the January meeting.

If there is anything that I can do to be of help or assistance in any way, please do not hesitate to contact me.

Best Regards,

Janise Macanas
(801) 717-8117 / jmacanas@gmail.com
December 23, 2014

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

Dear Colleagues:

I am writing to submit to the Board of Bar Commissioners my Notice of Candidacy for the office of President-Elect of the Utah State Bar for the year 2015-2016. Thank you for your consideration.

Sincerely,

RAY QUINNEY & NEBEKER P.C.

[Signature]

Robert O. Rice

ROR/mm
1311113
Dear Commissioners,

I hereby submit my notice of candidacy to the Board of Bar Commissioners for the office of President-Elect of the Bar for the Bar year 2015-2016,

I appreciate you and the commitment you each have to the legal profession.

Thomas W. Seiler, Esq

ROBINSON, SEILER & ANDERSON, LC
Robinson, Seiler & Anderson, LC
2500 North University Avenue*
PO Box 1266
Provo, UT 84603-1266
Tel: (801) 375-1920
Fax: (801) 377-9405
Email: tws@rsalawyers.com
*Come visit our newly relocated and expanded offices at 2500 North University Avenue in Provo, Utah!
www.rsalawyers.com

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Tab 4
UTAH BAR COMMISSION MEETING
AGENDA ITEM

Title: Dorothy Merrill Brothers Award Selection
Submitted by: John Baldwin

ITEM/ISSUE:
To select the 2015 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. Patrice Arent

PAST RECIPIENTS AND NOMINEES:

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<tr>
<th>Year</th>
<th>Past Recipients</th>
<th>Other Nominations That Year</th>
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<tr>
<td>2014</td>
<td>Terrie McIntosh</td>
<td>Peggy Hunt, Elaina Maragakis, Aida Neimariija, Lori Nelson</td>
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<td>2013</td>
<td>Charlotte L. Miller</td>
<td>Lori Nelson</td>
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<td>2012</td>
<td>Hon. Sandra N. Peuler</td>
<td>Kelly De Hill, Elizabeth Dunning, Jennifer Lee, Lori Nelson</td>
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<td>2011</td>
<td>Lauren I. Scholnick</td>
<td>Joanna Sagers, Rashelle Perry, Kathy Dryer</td>
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<td>2010</td>
<td>Evelyn J. Furse; Melanie J. Vartabedian; Lisa A. Yerkovich</td>
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<tr>
<td>2009</td>
<td>Hon. Carolyn B. McHugh</td>
<td>Lori Nelson</td>
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<td>2008</td>
<td>Constance Lundberg, Susan Peterson</td>
<td>Steven Waterman</td>
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<td>2007</td>
<td>Irene Warr</td>
<td>Kate Toomey; Christine Fitzgerald Solits, Irene Warr</td>
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<td>2006</td>
<td>Janet H. Smith</td>
<td>Hon. Carolyn McHugh; Julie K. Morriss</td>
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<td>2005</td>
<td>Annette W. Jarvis</td>
<td>Michaela D. Andruzz; Ellen O’Hara</td>
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<td>2004</td>
<td>Paul M. Warner</td>
<td>Commissioner Susan Bradford; Charlotte Miller</td>
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<td>Denise Dragoo</td>
<td>Nelda Bishop, Kristen Clayton, Bonnie Mitchell, Debra Moore and Judi Gretta Sorensen</td>
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<td>2002</td>
<td>Hon. Pamela T. Greenwood</td>
<td>Karin Hobbs</td>
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<td>2001</td>
<td>Laura M. Gray</td>
<td>Hon. Tina Campbell; Laura M. Gray; Patricia M. Leath; Hon. Pamela Greenwood; Charlotte Miller; and Marilu Peterson (non-lawyer)</td>
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<td>2000</td>
<td>Katherine D. Pullins (non-lawyer)</td>
<td>Hon. David K. Winder</td>
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<td>1999</td>
<td>Rosalie M. Reilly</td>
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<td>1998</td>
<td>James B. Lee</td>
<td>Attorney General Jan Graham; Pam Greenwood, Glenn C. Hanni; Hon. Leslie A Lewis; Patricia M. Leith; Hon. Kay Lindsay; Charlotte L. Miller; Toni Marie Sultiff; Irene Warr</td>
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<td>1997</td>
<td>Anne Milne</td>
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<td>1996</td>
<td>Patricia W. Christensen</td>
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<tr>
<td>1995</td>
<td>Hon. Christine M. Durham</td>
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INFO ONLY: DISCUSSION: ACTION NEEDED: X
January 16, 2015

Via Email

Utah State Bar Commission
c/o Christy Abad
645 South 200 East, Suite 310
Salt Lake City, Utah 84111
adminasst@utahbar.org

Re: Nomination for the Dorothy Merrill Brothers Award

Dear Bar Commission Members:

Women Lawyers of Utah (WLU) is pleased to nominate Patrice Arent for the 2015 Dorothy Merrill Brothers Award. Patrice has spent the better part of her adult life in community and public service, focused on a broad agenda of matters of critical importance to the community generally, and to women and children in particular. But no agenda has been closer to her heart than the advancement of women in the legal profession and more generally in public service.

Patrice received her J.D. from Cornell University Law School in 1981, and her B.S. from the University of Utah in 1978. Representative Arent completed two federal clerkships for the Honorable Bruce S. Jenkins (UT) and the Honorable Ilana Diamond Rovner (IL) and worked as a litigation associate at Snow, Christensen and Martineau. She served as Associate General Counsel to the Utah Legislature where she was Chief Counsel to the Senate and House Energy, Natural Resources and Agriculture Committees and the Joint Public Utilities Interim Committee. She was the Chief of the Fair Business Enforcement Division and Chief of Legislative Relations in the Utah Attorney General’s Office. She also served as Vice Chair of the National Association of Attorneys General Antitrust Task Force and was the Founder and Chair of the Utah Attorney General’s Pro Bono Committee. Patrice began her service in the Utah Legislature 1996 when she was elected to the Utah House of Representatives where she served as Democratic Whip and Assistant Democratic Whip. In 2002, she was elected to the Utah Senate where she served until the end of 2006.
Utah State Bar Commission
January 16, 2015
Page 2

Patrice has worked tirelessly to get women into college and law school, into prestigious federal internships and clerkships, into rewarding and successful legal careers and careers in public service, and appointed to the federal bench. She has done this through her work at the Utah Legislature, as an Adjunct Professor of Law at the University of Utah, and through her work with the Women’s Law Caucus, Women Lawyers of Utah, the Utah Women’s Forum, the Utah Girl Scout Council’s Women’s Leadership Program, Real Women Run, the Governor’s Utah Women’s College Task Force, the Utah Women’s Education Initiative Advisory Committee, and as the Utah Democratic National Committeeewoman.

Patrice has been a brilliant role model for women in the profession, but she has been so much more than that. She was one of the founders of the Judge Reva Beck Bosone Scholarship for outstanding women law students at the University of Utah College of Law, and an advisor, consultant and public speaker on a wide variety of topics of interest and importance to women lawyers and law students. She has opened doors, made introductions, mentored and sponsored women lawyers at every step of their careers, and most recently was instrumental in having the first woman from Utah appointed to the United States Court of Appeals for the Tenth Circuit.

Meanwhile, she has been a force of nature at the Utah Legislature, where she is currently the Minority Caucus Manager in the House of Representatives. More often than not, she has been the only female attorney in the legislature, as is the case today. She has been recognized throughout the state for successfully working with legislators on both sides of the aisle to draft practical legislation to improve the quality of life for Utah’s women and families. She is also known for her efforts to improve education and air quality, protect the environment (particularly air quality), safeguard consumers, improve health care, increase government efficiency and transparency, stop tax fraud and reduce unnecessary government regulation.

She is known for her ability to collaborate with diverse groups to solve serious problems facing our state, and has been successful in passing over sixty bills in the Legislature, including several clear air bills, legislation prohibiting smoking in cars when children are passengers, Utah’s Safe Haven (baby drop-off) law, which provides for the safe relinquishment of infants, and laws that improve health care. In the past, the Salt Lake Tribune rated legislators on the rates of their successful passage of bills. Patrice always had a very high ranking—often 100%. This speaks to her ability to assess the need for bills, address the issues in the appropriate way, and seek bi-partisan support.

During her tenure as a Utah State Senator, Patrice served on the Judicial Confirmation Committee as well as the standing committees for Education and Judiciary, Law Enforcement & Criminal Justice and has continually supported many women’s efforts as they seek state and federal judicial appointments. The founder and co-chair of the Legislature’s bipartisan Clean Air Caucus, Patrice also serves as a member of the Governor’s Clean Air Action Team.

Patrice also works with Real Women Run, a bipartisan program created by the YWCA of Utah and the Hinckley Institute of Politics to shake up the gender imbalance in Utah politics, and to empower women to participate fully in public life and leadership through elected political office at all levels, and through appointment to public boards and commissions. Along with Dr. Susan Madsen, the Orin R. Woodbury Professor of Leadership and Ethics at Utah Valley

Women Lawyers of Utah · P.O. Box 932 · Salt Lake City, UT 84110
University, Patrice will be participating in a training event at Salt Lake Community College on Saturday, January 17, and in advance training at the Hinckley Institute of Politics on March 28.

Patrice has received many awards for her public service, including the Legislative Coalition for people with Disabilities’ Hero on the Hill Award and the Utah State Judicial Council Award Recognizing Outstanding Contributions to the State Courts and Community. She has also been honored with the Justice Christine M. Durham Utah Woman Lawyer of the Year Award, the University of Utah Communications Department’s Quintus C. Wilson Alumni Achievement Award, the Eleanor Roosevelt Award, the United Jewish Federation’s Annual Community Achievement Award and many others.

Patrice serves on many community boards and committees, including the University of Utah Hospital Board of Directors and the Ronald McDonald House Board of Directors. She currently chairs the Utah Safe Haven Committee and The McGillis School Advisory Board.

In sum, this letter outlines the highlights of why we believe Patrice is a worthy recipient of the 2015 Dorothy Merrill Brothers Award, and we hope you select Patrice as the recipient. If we can be of any more help, please do not hesitate to contact me at (801) 532-1234 or by email at smotschiedler@parsonsbehlle.com.

Sincerely,

Susan B. Motschiedler  
President  
Women Lawyers of Utah
UTAH BAR COMMISSION MEETING
AGENDA ITEM

Title: Raymond S. Uno Award Selection Item: 3.2
Submitted by: John Baldwin Meeting Date: January 26, 2015

ITEM/ISSUE:

To select the 2015 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. Andrea Martinez Griffin

NOMINEES:

PAST RECIPIENTS AND NOMINEES:

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<tr>
<th>Past Recipients</th>
<th>Other Nominations That Year</th>
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<tr>
<td>2014 Janise K. Macanas</td>
<td>Larry EchoHawk, Douglas Matsumori</td>
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<td>2013 Cecilia Romero</td>
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<td>2012 Prof. David Dominguez</td>
<td>S. Grace Acosta, Augustus Chin, Hakeem Ishola, Doug Matsumori, Darold J. McDade, Sean Reyes, J. Craig Swapp, Phillip Uipi, Hon. Andrew Valdez</td>
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<tr>
<td>2011 Nathan D. Alder</td>
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<td>2010 Trystan Smith</td>
<td>Carlos Esqueda</td>
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<td>2009 Cheryl Miyuki Mori</td>
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<td>2008 Su Chon</td>
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<td>2007 Judge Glen K. Iwasaki</td>
<td>Judge Glen K. Iwasaki; Sean D. Reyes</td>
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<td>2006 Mona Burton</td>
<td>Douglas Matsumori</td>
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<td>2005 Cheryl D. Luke</td>
<td>Filia H. “Phil” Uipi</td>
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<td>2004 Marlene Gonzalez</td>
<td>Barbara Melendez; Filia H. “Phil” Uipi</td>
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<td>2003 F. John Hill</td>
<td>James C. Bradshaw; Gus Chin; Barbara Dickey; Marlene Gonzalez; Darold J. McDade; Mark R. Moffiat</td>
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<td>2002 Robert L. Flores</td>
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<td>Gus Chin</td>
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<td>1999 Jimi Mitsunaga</td>
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<td>1998 Hon. Raymond Uno</td>
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<td>1997 Michael N. Martinez</td>
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INFO ONLY: DISCUSSION: ACTION NEEDED: X
January 16, 2015

Utah State Bar Association Board of Bar Commissioners
c/o Christy Abad, Executive Secretary
645 South 200 East, Suite 310
Salt Lake City, UT 84111
adminasst@utahbar.org

The Executive Board of the Utah Minority Bar Association (UMBA) nominates Andrea Martinez Griffin for the Raymond S. Uno Award. Ms. Martinez Griffin has shown great commitment to “the advancement of minorities in the legal profession.”

Ms. Martinez Griffin is a member of the Third District Nominating Commission. With six judicial positions to fill over the past year and five the year before, Ms. Martinez Griffin and the other commission members have given a significant amount of time to the difficult decisions of selecting those who should fill vacancies on the bench. And in making those decisions, Ms. Martinez Griffin has ensured that each potential candidate is thoroughly interviewed, with an eye toward selecting nominees who have solid professional credentials, good character, and strong work ethic.

In addition, Ms. Martinez Griffin has been mindful and supportive of the need to add diversity to the bench and the legal profession. She has encouraged qualified minority candidates to apply for judicial vacancies and has ensured that every candidate is given fair consideration. With Utah’s growing minority populations, a diversified judiciary can only help to increase public confidence and trust in our legal system. Ms. Martinez Griffin has led the nominating commission in considering and making progress toward this important goal.

In both her work on the nominating commission and in her daily practice, Ms. Martinez Griffin has demonstrated the kind of professionalism, public service, and public dedication that the Bar seeks to honor through this award. She is certainly taking critical steps to help advance minorities in Utah’s legal profession. On behalf of the UMBA Executive Board, I encourage you to select Andrea Martinez Griffin as this year’s recipient of the Raymond S. Uno Award.

Sincerely,

Melinda K. Bowen
President, Utah Minority Bar Association
Tab 5
UTAH BAR COMMISSION MEETING
AGENDA ITEM

Title: 3rd Judicial District Nominating Commission Nominee Item # 3.3
Submitted by: John Baldwin Meeting Date: January 23, 2015

ITEM/ISSUE:
The Bar is seeking applications from lawyers to fill the terms of Peter Stirba and David Hall on the Third District Trial Court Nominating Commission. Those terms expire January 31, 2015. The Commission nominates judges to fill vacancies on the district court and the juvenile court within the Third Judicial District. Two lawyers are appointed to the Commission by the Governor from a list of six nominees provided by the Bar.

Commissioners must be citizens of the United States and residents of the Third District (Salt Lake, Summit, and Tooele 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 party or if you are politically independent.**

SUMMARY:
Commission must select six nominees to present to the Governor. 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

APPLICANTS: *(Resumes follow, sorted alphabetically by last name.)*

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<th>S. Grace</th>
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<td>Wesley D.</td>
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<td>Henriod</td>
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<td>David E.</td>
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<td>Douglas G.</td>
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<td>Joy E.</td>
<td>Natale</td>
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<td>Kimberly</td>
<td>Neville</td>
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<td>Beatrice M.</td>
<td>Peck</td>
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<td>Gary G.</td>
<td>Sackett</td>
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<td>Samuel J.</td>
<td>Schmidt</td>
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<tr>
<td>Cara M.</td>
<td>Tangaro</td>
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<tr>
<td>Loren E.</td>
<td>Weiss</td>
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<tr>
<td>Donald J.</td>
<td>Winder</td>
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<tr>
<td>David</td>
<td>Wolf</td>
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(OVER)
**REPUBLICAN**

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<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Mark W.</td>
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<td>Hathaway</td>
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<td>Matthew R.</td>
<td>Howell</td>
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<td>Elliot R.</td>
<td>Lawrence</td>
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<td>Mark O.</td>
<td>Morris</td>
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<td>Stephen L.</td>
<td>Nelson</td>
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<td>John J.</td>
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<td>Richard J.</td>
<td>Pehrson</td>
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<td>Christopher J.</td>
<td>Rogers</td>
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<td>Strachan</td>
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<td>Heather L.</td>
<td>Thuet</td>
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<td>Gabriel K.</td>
<td>White</td>
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<tr>
<td>Jamie</td>
<td>Zenger</td>
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**INDEPENDENT/UNAFFILIATED**

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Mark</td>
<td>Baer</td>
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<td>Roger P.</td>
<td>Christensen</td>
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<td>Erik A.</td>
<td>Christiansen</td>
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<td>Kim S.</td>
<td>Colton</td>
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<td>Heather</td>
<td>Gunnarson</td>
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<td>Jaelynn R.</td>
<td>Jenkins</td>
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<td>Joanna E.</td>
<td>Landau</td>
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<tr>
<td>Michael</td>
<td>Langford</td>
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<tr>
<td>Joshua L.</td>
<td>Lee</td>
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<td>Scott O.</td>
<td>Mercer</td>
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<tr>
<td>Alex G.</td>
<td>Peterson</td>
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<tr>
<td>Lauren A.</td>
<td>Shurman</td>
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<tr>
<td>Carrie T.</td>
<td>Taylor</td>
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<tr>
<td>Craig</td>
<td>Wansgard</td>
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<tr>
<td>Ted</td>
<td>Weckel</td>
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</table>

**UNDECLARED**

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Trevor A.</td>
<td>Bradford</td>
</tr>
</tbody>
</table>
Judicial Nominating Commission--Third District

Department: Commission on Criminal & Juvenile Justice
Contact: Ron Gordon
Code: Utah Const. Article VIII-8 & UCA 20A-12-103
Appointed Members: 7
Authority: Standing Mem 1
Political Diversity: Yes
Compensation: Per Diem And Expenses

Requirements:
This commission nominates judges of district and juvenile courts in the Third Judicial District, which includes Salt Lake, Tooele & Summit counties.
The commission consists of seven commissioners appointed by the governor to serve a single four-year term. Must be a U.S. Citizen, a resident of Utah, and a resident of the geographic division represented.
Commissioners may not be a member of the Legislature. No more than four commissioners may be from the same political party.
The governor must appoint two commissioners from a list of nominees provided by

Membership:

<table>
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<tr>
<th>Name</th>
<th>Expires</th>
<th>Position</th>
<th>Qualification</th>
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<tbody>
<tr>
<td>Jill Brown</td>
<td>01/31/2015</td>
<td>Member</td>
<td>Appointed by the Governor</td>
</tr>
<tr>
<td>Peter Stirba</td>
<td>01/31/2015</td>
<td>Member</td>
<td>(R) Recommended by the Utah State Bar</td>
</tr>
<tr>
<td>Peggy Stone</td>
<td>01/31/2015</td>
<td>Member</td>
<td>(R) Appointed by the Governor</td>
</tr>
<tr>
<td>Deirdre Straight</td>
<td>01/31/2015</td>
<td>Chair</td>
<td>(U) Appointed by the Governor</td>
</tr>
<tr>
<td>James Gowans</td>
<td>01/31/2015</td>
<td>Member</td>
<td>(D) Appointed by the Governor</td>
</tr>
<tr>
<td>Andrea Martinez Griffin</td>
<td>01/31/2015</td>
<td>Member</td>
<td>(U) Appointed by the Governor</td>
</tr>
<tr>
<td>David Hall</td>
<td>01/31/2015</td>
<td>Member</td>
<td>(U) Recommended by the Utah State Bar</td>
</tr>
<tr>
<td>Matthew Durrant</td>
<td></td>
<td>Non-voting</td>
<td>Chief Justice of the Supreme Court</td>
</tr>
</tbody>
</table>
December 6, 2010

Mr. Ron Gordon
Commission on Criminal and Juvenile Justice Director
Office of the Governor
State Capitol Complex
East Building, Suite 220
P. O. Box 142220
Salt Lake City, UT  84114

RE:  Utah State Bar Nominations to the 3rd District Trial Court Judicial Nominating Commission

Dear Ron,

I am writing to confirm that the Bar is proposing the following for service on the Third District Trial Court Judicial Nominating Commission.

Peggy Hunt  Democrat
Clayton A. Simms  Democrat
Elizabeth S. Whitney  Democrat
Mark O. Morris  Republican
Peter Stirba  Republican
David R. Hall  Independent

We have enclosed copies of their resumes. Please let me know if you need anything else. Thank you for your help.

Sincerely,

John C. Baldwin
Executive Director

Enclosures
Christy Abad

From: John Baldwin
Sent: Wednesday, January 07, 2015 11:45 AM
Cc: Christy Abad
To: John Baldwin
Subject: RE Third Judicial District Nominating Commission

Thank you!

Christy Abad

From: Grace Acosta [mailto:GAcosta@retoolcom.com]
Sent: Wednesday, January 07, 2015 10:36 AM
To: John Baldwin

Subject: Third Judicial District Nominating Commission

John,

Happy new year! Please consider me for the bar nomination to the third judicial district nominating commission. Have a

great new year.

S. Grace Acosta
Partner
Staley Reading Bates Hansen & Ramussen
P.O. Box 13429
Salt Lake City, UT 84117-0429

T: 801 531 7870
F: 801 326 4669

1/15/2015

conference, and settlement conferences; attended client interviews and performed

other tasks for employment litigation.

Bailiff Rock LLP, Omaha, NE. (June 2001 to December 2001)

Associate Attorney

Drafted and reviewed documents for real estate transactions.

Hoppe & Harter Law Offices, Lincoln, NE. (June 2000 to June 2001)

Associate Attorney

Drafted litigation documents, prepared for and attended trial; handled discovery; attended

pre-trial conferences and settlement conferences for real estate transactions.

Lincoln Supreme Court, Lincoln, NE. (August 1997 to June 2000)

Judicial Law Clerk to the Honorable John F. Wright

Prepared materials for court use; reviewed and advised clients on appellate

motions, attended oral arguments, and evaluated lower court discipline complaints

and board proceedings in all areas of the law; assisted in trial work, insurance defense,

insurance bad faith, domestic relations and other areas of litigation.

Nebraska Supreme Court, Lincoln, NE. (August 1997 to June 2000)

Judicial Law Clerk to the Honorable John F. Wright

Prepared materials for court use; reviewed and advised clients on appellate

motions, attended oral arguments, and evaluated lower court discipline complaints

and board proceedings in all areas of the law; assisted in trial work, insurance defense,

insurance bad faith, domestic relations and other areas of litigation.

Foreign Languages: I can speak fluent Spanish.

Recent Publications and Presentations:


Personal Injury Trials: Getting the Most Out of Your Evidence: Presented February 16, 2011, Salt Lake City, UT

Note and Books of No Fault Law: Presented December 8, 2009, Salt Lake City, UT

Ethical Considerations for the Private Investigator: Presented September 23, 2009, Salt Lake City, UT to the Private Investigators' Association (PAIA)

Law Workshop presented at Latin America January 30, 2010 at the Harberton School, Salt Lake City, UT

Utah State Bar Spring Convention March 2010 Presented on Collection of Medical Records in Litigation and the effect of O'Hare v. Sabal: Baratko, St. George, UT

Tips on Getting Your Case Set for a Mediation: Presented January 30, 2010, Salt Lake City, UT


S. Grace Acosta
2204 Dynamic Drive, Sandy, Utah 84092 (801) 699 0550
gacosta@salttoolcom.com

Education:

University of Nebraska College of Law, J.D., with distinction, May 1997

* Winner of the Nebraska State Bar Foundation’s Civil Litigation Award for Excellence in Trial Advocacy and Other Forms of Dispute Resolution
* Winner of the American Bar Association’s William H. DonNELL Award for Outstanding Professionalism in Trial Advocacy
* Winner of the American Bar Association’s “Best on the Bar” Award for best-written briefs and oral arguments

Loyola University, B.A. in English and Psychology, June 1994

Professional Experience:

Stanley Reading Bates Hansen & Ramussen, P.C., Salt Lake City (September 2010 to Present)

Partner and 10th Judicial District Court Attorney

General Practice focusing on insurance bad faith, personal injury defense and workers compensation defense.

Boss & Dunn, P.C., Salt Lake City, UT (August 2006 to September 2010)

Associate Attorney

Drafted and argued pre-trial motions, motions for summary judgment and other trial briefs, motions in limine and discovery; attended depositions and trial; attended and participated in pre-trial conferences; attended all areas of personal injury defense work, also participated in non-plaintiff cases involving personal injury; trial preparation included witness preparation and examination in absentia, selection of expert witnesses, drafting of appellate briefs, conducting oral arguments and all other tasks associated with general litigation practice.

Nevada, Palazzo, Maddox & Packard, Westlake Village, CA (April 2004 to June 2006)

Associate Attorney

Drafted and argued pre-trial motions, motions for summary judgment and other trial briefs; attended depositions and trial; attended and participated in non-plaintiff cases involving personal injury; trial preparation included witness preparation and examination in absentia, selection of expert witnesses, drafting of appellate briefs, conducting oral arguments and all other tasks associated with general litigation practice.

Utah Court of Appeals, Salt Lake City, UT (July 2002 to April 2004)

Law Clerk to the Honorable William A. Thomson

Prepared materials for court use; attended oral arguments and all areas of the law, including but not limited to, insurance defense, insurance bad faith, domestic relations and other areas of litigation.

Richtel & Smith Law Offices, Provo, UT (January 2002 to June 2002)

Contractor Attorney

Drafted litigation documents; prepared trial briefs; handled motions, motions for summary judgment and discovery; prepared for and attended depositions; attended all areas of the law, including but not limited to, insurance defense, insurance bad faith, domestic relations and other areas of litigation.

Business Ethics, Presentation for Utah Disaster Planning on Ethics of Claims Handling, January 27, 2011, Salt Lake City, Utah.

Personal Injury, Presentation, January 31, 2012, Salt Lake City, Utah

Evidence and Expert Testimony: Best Practices, Presentation April 25, 2012, Salt Lake City, Utah

Rule 26: Trial and Error Under the New Discovery Rules, Presentation June 15, 2012 at the Utah PUSA Legal Division Annual Meeting, Salt Lake City, Utah.

Workers Compensation: Law Basics, Presentation August 23, 2012 to Tri-State Insurance Company Adjusters


Business Ethics Presentation to Alliance Basel Life Group—Rocky Mountain, August 5, 2014, Salt Lake City, Utah.

Community Involvement:

State Bar Board—member 2012

Small Claims Judge, Salt Lake City Bar 2008 to the present

Substitute Small Claims Judge, 2011-2012 in Sixth Ward, Salt Lake City and Holladay, Utah.

Member of the Ethics and Discipline Committee for the Utah Supreme Court 2008 – 2012

President of the Utah Minority Bar October 2009 to October 2010

Salt Lake City Mayor’s Office Antidiscrimination Campaign Committee 2009 to 2011

Member of the Board of Trustees for the Multicultural Legal Center 2006 – 2008

Board of Directors to the Arc of Utah 2007-2009

Cancer March 2011

Mountains States Rising Stars and Super Lawyer 2011

Women Lawyers of Utah Career Development Committee 2009 – present

Coalition for Women in State Bar 2009-2010

Salt Lake City Human Rights Commission 2011-2013

Diversity Committee of the Utah Bar

Diversity Member, Utah Diversity Committee 2011-2013

Member of Utah State Bar

2011 Justice Mirror Award

2014 Utah’s Best Lawyers

AV Rating from Martindale-Hubbell 2014

Professional Licenses:

Nebraska State Bar, admitted September 1997

California State Bar, admitted June 2002

Business Ethics, Presentation for Utah Disaster Planning on Ethics of Claims Handling, January 27, 2011, Salt Lake City, Utah.

Personal Injury, Presentation, January 31, 2012, Salt Lake City, Utah

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Community Involvement:

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Cancer March 2011

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Coalition for Women in State Bar 2009-2010

Salt Lake City Human Rights Commission 2011-2013

Diversity Committee of the Utah Bar

Diversity Member, Utah Diversity Committee 2011-2013

Member of Utah State Bar

2011 Justice Mirror Award

2014 Utah’s Best Lawyers

AV Rating from Martindale-Hubbell 2014

Professional Licenses:

Nebraska State Bar, admitted September 1997

California State Bar, admitted June 2002
Christy Abad

From: John Baldwin
Sent: Friday, January 09, 2015 1:14 PM
To: [mailto:P. Bruce Badger]
Cc: Christy Abad
Subject: RE: 3rd District Trial Court Nominating Commission

Thanks, Bruce,
John

From: P. Bruce Badger [mailto:bbadger@fabianlaw.com]
Sent: Friday, January 09, 2015 1:04 PM
To: John Baldwin
Subject: 3rd District Trial Court Nominating Commission

John,

I would like to apply for one of the upcoming vacancies on the Third District Trial Court Nominating Commission. My resume is attached.

Regards,

--Bruce

P. BRUCE BADGER
(801) 323-2222 (direct)
(801) 531-1716 (fax)
bbadger@fabianlaw.com

FABIAN & CLENDEIN, P.C.
215 South State St., Suite 1200
Salt Lake City, Utah 84111-2323

BADGER, P. Bruce

Contact details
1175 Augusta Way, Salt Lake City, Utah 84108
Email bbadger@fabianlaw.com 801.323.2222 (direct dial)

SUMMARY
Attorney with 28 yrs. experience in complex commercial litigation seeks a position on the Third District Trial Court Nominating Commission

PROFESSIONAL EXPERIENCE

Fabian & Clendenin
www.fabianlaw.com
Salt Lake City, Utah

1963-Present
Attorney, Shareholder
1987-1993
Attorney, Associate

- Lead attorney for multi-million dollar complex commercial cases in state and federal courts in Utah, Nevada, and Idaho, reporting to CEOs and general counsel
- Over 25 years litigating cases for electric utility
- Advised clients on business issues, litigation avoidance, litigation and settlement strategy
- Drafted and reviewed hundreds of contracts

EDUCATION

University of Utah
Bachelor of Science - Finance
1981
Salt Lake City, Utah

Brigham Young University, J. Reuben Clark Law School
Juris Doctor (summa)
1993
Provo, Utah

PROFESSIONAL RECOGNITION & ENDEAVORS

- Martindale Hubbell AV Rated
- Utah State Bar Litigation: Section Chairman, 2002-2003
- Recognized by The Best Lawyers In America in the field of Commercial Litigation and Litigation - Construction Law
- Recognized as “Local Litigation Star” by Benchmark Litigation
- Recognized by Mountain States Super Lawyers in the field of Business Litigation
- Recognized as “Legal Elite” by Utah Business Magazine
- Member, Utah State Bar Pro Bono Committee for the Third District
- Utah Supreme Court Advisory Subcommittee on Model Utah Jury Instructions - Civil, Contracts Section
- Utah State Bar Examiner-Contracts

POLITICAL AFFILIATION

- Proud Democrat, born and raised

1/15/2015
Christy Abad

From: John Baldwin
Sent: Wednesday, January 07, 2015 1:30 PM
To: Christy Abad
Subject: FW Nomination Committee
Attachments: Resume8.wpd

From: Mark Baer [mailto:mbaer@utah.gov]
Sent: Wednesday, January 07, 2015 9:35 AM
To: John Baldwin
Subject: Nomination Committee

Mr. Baldwin:

If you inclined, please email me back or give me a call regarding the Judicial Nominating Committee. I'll tell you right up front - I believe there are huge challenges and problems in the judicial system and it'd be interesting to see if anything can stem the trend in that direction. If you're interested in someone who is disillusioned with the status quo, feel free to contact. If not, well, that's that. My historical political affiliation has been independent, leaning democrat party (I was a delegate for a period) in Utah. That said, it would be different elsewhere.

Thank you and good luck - Mark

---

Mark Baer
Assistant Attorney General
Utah Attorney General's Office
150 E 300 S, 5th floor
PO Box 140814
Salt Lake City UT 84114
phone: (801) 366-0199
fax: (801) 366-0242

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1/15/2015

MARK BAER, ESQ. PH: (801) 560-0630

EDUCATION:

Graduate: UNH LAW / fka Franklin Pierce Law Center, Concord, N H
J.D. (Doctor), Teaching Assistant.
Graduate: BOSTON COLLEGE SCHOOL OF LAW, Newton, Mass
Visiting Student, Special Programs.
Undergraduate: BATES COLLEGE, Lewiston, Maine
Bachelor of Arts, Political Science, Dean's List. Studies abroad.

LEGAL EMPLOYMENT EXPERIENCE:

Fall 1994 - Present
ASSISTANT ATTORNEY GENERAL, State of Utah
White Collar Fraud Prosecutions.

Fall 1996 - Present
JUDGE PRO TEM, Third District Courts, Salt Lake
County, Utah, Small Claims Judge.

Spring 1998 - Fall 2007
SPECIAL UNITED STATES ATTORNEY, District of Utah
Special Cross-District, Federal Prosecutions.

Fall 1996 - Spring 2004
ADJUNCT PROFESSOR, Paralegal Programs
Westminster College and Salt Lake Comm. College, Other
Bankruptcy, Contracts, Criminal Law, Ethics, Tax, Writing.

Fall 1990 - Fall 1994
FEDERAL COURT FOR THE DISTRICT OF UTAH
Position: Criminal Justice Act, Panel Attorney.

Feb 1991 - Fall 1994
MCDOvell & GILLMAN, P.C., Salt Lake City
Position: Bankruptcy Attorney, Commercial Litigation.

August 1988 - July 1990
OFFICE OF THE PROSECUTOR, Milford, N H
Position: Town Prosecutor.

OFFICE OF KENNETH M. KNEE, Boston, MA
Position: Town Prosecutor.

BOUTIN & SOLOMON, P.A., Londonderry, N H
Position: Law Clerk, Civil Practice Firm.

Academic Years 1987 - 1988
FRANKLIN PIERCE LAW CENTER, Concord, N H
Position: Teaching Assistant. Mediator.

MISC.:
Computer trained: Multiple Systems and Software.
Add'l teaching experience: Westminster College / Salt Lake Comm. College
Arbitration Experience, Additional Teaching Experience.
Co-chair 2008 Utah Bar Association Annual Convention.
Various Bar Committees 1995-Present including Panel of Bar Examiners.
Various Local Non-Profit Boards and Committees.
Various Legal and Non-Legal Publications.
Early Video Game Historian

References and Additional Information Furnished Upon Request.
John H. Bogart
Page 2 of 7

1994-97 Loyola Law School (Los Angeles, CA)
Loyola Assistant Professor (Complex civil litigation and Jurisprudence)
Heller, Ehrman, White & McAuliffe (Los Angeles, CA)
Member of Litigation Department, and Intellectual Property 
& International Law Groups

1991-92 Lecturer, Philosophy Department, Stanford University
(Philosophy of Law)
Research Assistant to Peter, Radoa, Gray, Wlosberg, and Friedman
(School of Law)

1989-90 Mellon Fellow and Lecturer, School of Philosophy,
University of Southern California

1988-89 Visiting Assistant Professor, Philosophy Department,
Arizona State University

1987-88 Visiting Assistant Professor, Philosophy Department,
University of California at Davis

1986-87 Visiting Assistant Professor, Philosophy Department,
Stanford University

1985-86 Mellon Fellow and Visiting Assistant Professor, Philosophy Department,
New York University

PROFESSIONAL AWARDS
2009-2012 UTAH BUSINESS: “Legal Elite,” named as a leading Utah attorney for antitrust and complex commercial litigation.

2010-2012 CHAMBERS BENCHMARKS: LITIGATION, named as leading Utah attorney for antitrust, securities, and complex civil litigation.

2012 Outstanding Subcommittes Chair (Publications, Antitrust Committee), Litigation Section, ABA

PROFESSIONAL ASSOCIATIONS AND BAR ADMISSIONS
Supreme Court of Utah Advisory Committee on the Rules of Professional Conduct

State Bar of Utah
Antitrust and Unfair Competition Section (President 2008-09)
Appellate Practice Section (President 2010-11, Vice-President 2009-10, Executive Committee 2009-1)
Ligation Section
Governmental Relations Committee (Co-Chair 2014-, Member 2004-13)

10th Circuit Court of Appeals, Utah

EDUCATION
J.D., Stanford Law School (1993)
STANFORD LAW REVIEW
Vol. 45 Articles Development (Symposium) Editor
Ph.D., University of Illinois at Chicago (1980-1985)
Dissertation: LAW, MORALITY, AND THE CRIMINALIZATION OF NEGLIGENCE
B.A., University of California at Santa Cruz (1978)
College Honors
Honor in Major (Philosophy)
Thesis Honors: Hume’s Theory of Moral Obligation in the Treatise

ACADEMIC HONORS
Mellon Post-Graduate Fellowships
University of Southern California 1989-1990
University of New York 1985-1986
University of California President’s Undergraduate Research Fellow 1976-1977 and 1977-1978

EMPLOYMENT
2010- Telesis V.G., PLLC
Principal: Antitrust, securities, commercial, class actions, and other complex civil litigation

2005-2010 Howrey, L.L.P., Salt Lake City, UT
Partner: Member of the Antitrust and Global Litigation Groups.

2009- National Institute of Trial Advocacy, Instructor

1998-2005 Bendinger, Crockett, Peterson, Greenwood & Casey (Salt Lake City, UT)
Shareholder: Antitrust, securities, and other complex civil litigation

1997-98 Sanders, Barnett, Goldman, Simon & Monk (Century City, CA)
Business Litigator

John H. Bogart
Page 3 of 7

National Institute of Trial Advocacy
Instructor 2009-11

State Bar of California

United States Supreme Court

United States Courts of Appeals for the Ninth and Tenth Circuits

United States District Courts for the Districts of California, Arizona, and Utah

American Bar Association
Antitrust Section
Litigation Section
Antitrust Committee
Chair, Publications Sub-Committee 2009-13
Expert Witness Committee
Co-Chair, Website Sub-Committee 2009-12
Judicial Division
Small & Small Firm Division

COMMUNITY ACTIVITIES
Land Use Planning, Appeals Board, City of Salt Lake
Member 2004-08
Chairman 2006-08
Salt Lake County Zoo, Arts & Parks Tax Advisory Committee 2005
Repertory Dance Theater
Member Board of Directors and Executive Committee 2008-08
Chairman 2006-2008
Italian American Civic League of Utah
Salt Lake Club of Utah
Stamford Armor Association
UCSC Alumni Association
Chamber Music Society of Salt Lake
Red Butte Gardens

PUBLICATIONS AND WORKS IN PROGRESS

Works in Progress

REGIONS POINT SYSTEM: Margaret Martin, Forthcoming in Law and Politics Book Review.
Reconsidering Rape: Rethinking the Conceptual Foundations of Rape Law.
8 Cанадский журнал of Law and Jurisprudence (1 January 1995): 159-182.

On the Nature of Rape.

Adjudication, Validity, and Theory of Law.

Punishment and the Subordination of Law to Morality.

Legislative Duty and the Independence of Law.

Lockean Proteus and State of Nature Theory.

Book Reviews
LAW AFTER MODERNITY.

NORMATIVE JURISPRUDENCE.

LIVING LAW.

COMMUNITY COMPASSION.

LAW AS A SOCIAL INSTITUTION.

JUSTICE AND PUNISHMENT: THE RATIONALITY OF CRIMINAL JUSTICE.

CONTACT AND CONTINUITY: STATUTE, EQUITY AND FEDERALISM.

SEX AND RELATIONSHIP.

EQUITY AND FREEDOM.

AFFIRMATIVE ACTION AND EQUALITY: A PHILOSOPHICAL AND CONSTITUTIONAL RESPONSE.

JUSTIFYING INTERNATIONAL ACTS.

DEATH IS DIFFERENT.
To Whom It May Concern:

I would like the opportunity to work with the Third District Court Trial Nominating Commission to help ensure the best applicants fill the open position(s) on the trial court bench. This, of course, means finding candidates who will uphold the U.S. Constitution, the Utah Constitution, and the laws of the State of Utah.

The vast majority of my law practice over the past ten years has been in litigation. During that time, I have become very familiar with litigation practice, and I am very familiar with the state procedural and evidentiary rules. Accordingly, I can help the commission find candidates who are likewise familiar with the state procedural and evidentiary rules, which I believe is essential for a good trial court judge.

Moreover, because much of my practice is in litigation, I am regularly in front of many judges currently on the Third District Court bench. In fact, the vast majority of my practice is in Third District Court. Gaining familiarity with the current judges has given me a better perspective on what it takes to be a good judge, and I would help the commission find candidates who possess the same qualities as the fine judges on the bench.

In my ten years of law practice, I have worked in a variety of practice areas, including criminal law. As such, I know many attorneys from a variety of practice areas. Since trial court judges preside over a variety of cases, my relationship with a variety of attorneys will help in the candidate selection process.

In my time as a Pro Tem Judge, I have had to make important decisions in order to serve justice. In my time as a judge, I have also learned the importance of the law and the process. I bring these skills and attributes to the bench, which will aid in finding the best candidates for the trial court bench.

The Utah Supreme Court has appointed me to be a member of the State Board of Jurisprudence, and I believe I can help find the best candidates for the Third District Court because of my position for the judiciary.

Thank you in advance for your thoughtful consideration of my qualifications for a position on the Third District Court Trial Nominating Commission.

Yours sincerely,

Trevor A. Bradford, Esq.
Christy Abad

From: John Baldwin
Sent: Monday, January 12, 2015 11:07 AM
To: Christy Abad
Subject: FW: Third Judicial District Nominating Commission

From: John Baldwin
Sent: Monday, January 12, 2015 10:32 AM
To: Sandra Garcia
Cc: Christy Abad
Subject: Re: Third Judicial District Nominating Commission

Thank you.

John

Sent from my iPhone

On Jan 12, 2015, at 8:58 AM, Sandra Garcia <sandra@blaw.net> wrote:

Mr. Baldwin –

Attached is a resume for Walter F. Bugden, Jr.

Mr. Bugden is interested in serving on the Third District Trial Court Nominating Commission. Mr. Bugden is a member of the Democratic Party.

If you have any additional questions or concerns, please feel free to contact me.

Sincerely,

Sandra Garcia, Paralegal
Bugden & Isackson, LLC
445 S 300 E, Suite 350
Salt Lake City, UT 84111
Tel: (801) 487-1700
Fax: (801) 774-8000
sandra@blaw.net

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Wally Resume - January 2015.pdf

1/15/2015

WALTER F. BUGDEN, JR.
445 East 300 South, Suite 150
Salt Lake City, Utah 84111
Telephone: (801) 487-1700

Education:

- 1977 - University of Utah College of Law, Salt Lake City, Utah. J.D.

Employment:

- 2002 to Present – Partner, Bugden & Isackson, LLC.
- 1996 to 2002 – Partner, Bugden, Collins & Morton
- 1989 to 1996 - Adjunct Professor, University of Utah College of Law
- 1984 to 2002 – Partner at Bugden & Loundjero
- 1981 to 1984 – Partner at Bugden & Collins
- 1977 to 1981 – Legal Defender’s Association

Associations & Memberships:

- Utah State Bar, Member since 1977
- American College of Trial Lawyers, Member since 2005
- National Association of Criminal Defense Lawyers
- Mountain States Super Lawyers – 2007 – Present
- Legal Elite in Utah – Utah Business Magazine

Publications & Presentations:

- Presentation: “Conducting an Effective Cross-Examination in Utah”, Lorman Seminar, Salt Lake City, Utah 2003
- Presentation: “Confession & Cross-Examination for Criminal Practitioners”, Lorman Seminar, Salt Lake City, Utah 2004
- Presentation: “Real Evidence for the Trial Practitioner in Utah”, Lorman Seminar, Salt Lake City, Utah 2004
- Presentation: Experience at MID, Salt Lake Legal Defender’s Association, 2005

Professional and Civic Activities:

- Member, Utah Sentencing Commission, 1994-1997
- Member, Utah Commission on Criminal and Juvenile Justice
- Member, Utah Supreme Court Committee on Improving Jury Service, 1997-2000
- Member, Utah Governor’s Committee on Driving Under the Influence
- Judge, 54th Annual National Mock Court Competition – Regional Rounds, 2003

Trial Experience:

- 225 Jury Trial to Verdict
Christy Abad

From: John Baldwin
Sent: Friday, January 16, 2015 9:28 AM
To: Christy Abad
Subject: PW: Third Judicial District Nominating Commission openings
Attachments: image001.jpg, Resume William J Carlson.docx

From: William Carlson [mailto:WC Carlson@lds.org]
Sent: Thursday, January 15, 2015 4:47 PM
To: John Baldwin
Subject: Third Judicial District Nominating Commission openings

Mr. Baldwin,

This message is to express interest in serving on the Nominating Commission for the Third Judicial District. I am a licensed attorney, a citizen of the United States, a resident of the Third District, and a registered Democrat. My resume is attached.

Sincerely,

William J. Carlson
772 E Creekwood Lane Apt 8F
Murray, UT 84107
801-554-0168
WilliamJ.Carlson@Gmail.com
Utah Bar #: 11528

Education
J.D. May 2007
University of Utah
Salt Lake City, UT
- Member, Inns of Court, 2005-2006
- Published note, An Analysis of Utah's Marital Restriction on Adoption, Spring 2007 JLFS
- Relevant Courses: Trial Advocacy, Criminal Procedure, Evidence, Appellate Practice

B.S. Sociology, cum laude, May 2003 Utah State University
Logan, UT
- President, Sociological Honors Society, 2002-2003
- Member, University Academic Council, 2001-2003
- Spanish Ambassador, 2001-2003

A.S. Communication, May 2001 Snow College
Ephraim, UT
- Captain, Debate Team, 2000-2001
- Phi Rho Pi National Champion, Communication Analysis, 2001

Experience
Salt Lake County 2013 – present
UT
Deputy District Attorney
- Screen cases for prosecution or dismissal of felonies and misdemeanors
- Conduct legal analysis and research to draft pleadings and briefs
- Lead prosecutor in 13 jury trials

Syracuse City 2012 - 2013
City Attorney
- Handle all justice court prosecutions, civil cases, and appeals for municipality
- Draft new legislation and amendments to existing legislation
- Act as legal advisor to all city departments, including Police Department, in questions of legality arising out of any law, ordinance or otherwise, and advise all city officers in relation to their official duties

Salt Lake City Corp. 2009 – 2012
Assistant City Prosecutor
- Screen cases for prosecution or dismissal using police reports and citizen complaints
- Conduct legal analysis and research to draft pleadings and briefs
- Appear as lead prosecutor for Salt Lake City in 20 jury trials, 25 bench trials, and 37 motions
- Represent Salt Lake City in Homeless Court, Vet Court, & Restorative Justice Court
- Communicate with Spanish speaking witnesses and pro se defendants

Equality Utah 2006 – 2009
Manager of Public Policy
- Drafted legislation for the Utah Legislature and various municipalities
- Lobbied elected officials at the state and local level
- Developed a legal panel of area attorneys to evaluate legislation and advise organization
- Train new employees and volunteers on legislative process at the state level
- Media consultant and grassroots coordinator for social justice issues in the law

Jen. Carlson
Deputy District Attorney
Justice Division
West Jordan Courthouse
8080 South Redwood Road, Suite 1100
West Jordan, Utah 84088
Tel (385) 468-7546
Fax (385) 468-7549
www.judithdeputycourtut.gov
1/16/2015
Christy Abad

From: John Baldwin
Sent: Thursday, January 15, 2015 11:05 AM
To: Christy Abad
Subject: FW: Third District Nominating Commission

From: Roger Christensen [mailto:roger.christensen@chrisjen.com]
Sent: Wednesday, January 14, 2015 5:28 PM
To: John Baldwin
Subject: Third District Nominating Commission

Dear Mr. Baldwin:

I am writing to request that I be considered for one of the vacancies on the 3rd District Judicial Nominating Commission. A brief summary of my background is as follows:

40 year member of Utah Bar

30 year Martindale AV rating

Senior Shareholder and past President of Christensen and Jensen

60+ jury trials

ABOTA membership

2005 Utah Trial Lawyer of the Year

Order of the Coif University of Utah School of Law

Independent

LDS Mission President 2001 to 2004

Thank You

Roger P. Christensen

Roger P. Christensen
Attorney

Office 801.323.5000
Fax 801.323.5472
roger.christensen@chrisjen.com

257 East 200 South, Suite 1100
Salt Lake City, Utah 84111
www.chrisjen.com

1/15/2015
From: John Baldwin  
Sent: Friday, January 16, 2015 1:27 PM  
To: Christy Abad  
Subject: Fwd: Third District Trial Court Nominating Commission  
Attachments: Document2.pdf, ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Erik A. Christiansen" <EChristiansen@parsonsbehle.com>  
Date: January 16, 2015 at 11:47:56 AM MST  
To: John Baldwin <John.Baldwin@utahbar.org>  
Subject: Third District Trial Court Nominating Commission

John:

I would like to apply to serve on the Third District Trial Court Nominating Commission. I am politically independent. A copy of my resume is attached.

More information about my legal background can be found at:  
http://www.parsonsbehle.com/attorneys/erik-a-christiansen

Thank you for your consideration.

Erik A. Christiansen | Shareholder  
201 South Main Street, Suite 1800 | Salt Lake City, Utah 84111  
Main 801.532.1234 | Direct 801.536.8719 | Fax 801.536.5111  
parsonsbehle.com | vCard

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From: John Baldwin
Sent: Wednesday, January 07, 2015 12:25 PM
To: Kim Colton
Cc: Christy Abad
Subject: RE: Third District Nominating Commission

Thanks, Kim. We'll call you independent! John

Peaks: Kim Colton [mailto:KColton@xanctic.com]
Sent: Wednesday, January 07, 2015 9:14 AM
To: John Baldwin
Cc: Richard Dobbie
Subject: Third District Nominating Commission

Dear John,

I have attached my resume and would like to be considered for a position on the Third District Trial Court Nominating Commission.

I am politically independent. I believe, however, I once registered as a Republican in order to vote in that party's primary election.

Thanks for your consideration.

Best regards,

KSC

KIM S COLTON
ATT ORNEY AT LAW

VAN COTT, BAGLEY, CORNWALL & McCARTHY, P.C.
35 SOUTH STATE STREET, SUITE 2900
SALT LAKE CITY, UT 84111
T (801) 232-8816 F (801) 333-6980
LOCATIONS: SALT LAKE CITY, UT / LAS VEGAS, NV

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1/15/2015

EDUCATION:

J.D. Doctor (1995)
University of Utah College of Law, Salt Lake City, Utah
Utah Law Review: Articles Editor, Member

Master of Arts
Literary and Cultural Theory (1990)
Carlow University, Pittsburgh, Pennsylvania

Master of Arts
English (1989)
Bellevue College, Bellevue, Washington

Bachelor of Arts
English Major, Communications Minor (1987)
Bellevue College, Bellevue, Washington

ASSOCIATIONS:

Utah State Bar (1995-present)
New Lawyers Mentor (2010-present)
Councils and Judges Committee, Chair (2006-2009)
Governmental Relations Committee (2000-2003)
Business Section (1996-present)

American Bar Association
(1995-present)

Environmental and Natural Resource, Real Estate, and Local Government Sections

Rocky Mountain Mineral Law Foundation
(2010-present)

Institute for Energy Law
(2012-present)

COMMUNITY:

Salt Lake Area Chamber of Commerce
Leadership Utah Graduate

Jordan Education Foundation
Board of Trustees (2002-2005)

Boy Scouts of America
Institutional Scout Troop 415 Sandy, Utah (2001-2005)

Draper Elementary PTA
(2009-present)

EXPERIENCE:

Van Cott, Bagley, Cornwall & McCarthy, P.C., Salt Lake City, Utah
Shareholder (2002 - present)
Associate (1998 - 2002)
Summer Associate Coordinator (2002 - 2003)
Energy Practice Group Chair (2015 - present)
Energy, Real Estate, and Business Organizations Practice Group

Represent energy companies in acquisition, exploration, permitting, and production of oil, gas, and minerals properties, including real estate interests. Due diligence for acquisition of these oil and gas properties, and mineral interests. Oil and gas permits, leases, and title opinions in oil and gas leases.

Represent municipalities in transactional municipal and corporate matters, including negotiations, drafting, and reviewing joint development agreements, engineering, procurement, and construction agreements, real estate, and other agreements. Manage due diligence for clients in the oil and gas business. Preparation of real estate documents, leases, and other titles.

Represent real estate developers in the drafting and negotiation of commercial agreements, including financing, development, purchase, and acquisition of real estate. Preparation of joint venture agreements, purchase agreements, and development agreements.

Represent municipalities in the drafting and negotiation of municipal agreements, including financing, development, purchase, and acquisition of real estate. Preparation of joint venture agreements, purchase agreements, and development agreements.

Represent corporate shareholders in the drafting and negotiation of commercial agreements, including financing, development, purchase, and acquisition of real estate. Preparation of joint venture agreements, purchase agreements, and development agreements.

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Represent corporate shareholders in the drafting and negotiation of commercial agreements, including financing, development, purchase, and acquisition of real estate. Preparation of joint venture agreements, purchase agreements, and development agreements.
Kim Cordova  
Brass&Cordova  
175 East 400 South  
SLC UT 84111  
801-322-5878  
801-878-3339  
kim@eastbrasslaw.com

John C. Baldwin  
Executive Director of the Third Judicial District Trial Court Nominating Commission  
645 South 200 East  
Salt Lake City, UT 84111  
john.baldwin@utahbar.org

Mr. Baldwin,  
I am writing to express my interest in serving on the Third Judicial District Trial Court Nominating Commission and to extend my service to the Bar beyond the Ethics Panel I have served on for the last three years. I believe I am well situated to oversee the qualifications of a lawyer to become a judge. I worked for the Salt Lake County District Attorney’s Office as a prosecutor for nearly ten years. I have appeared before judges in court nearly every day, appearing before nearly all of the judges in the Third District Court and the Third District Juvenile Court in my various assignments in the Matheson and West Jordan courts. I participated in many jury trials over those years before those judges including Judge Rohn, now in the Court of Appeals, Judge Hansen (the current presiding judge), and Judge Hiltz (newly appointed to the Utah Supreme Court).  

In 2010, I went into private practice with a primary focus on criminal defense but with some limited civil practice as well. I have had the opportunity in the last five years to practice in courts all over Utah as well as the United States District Court for the District of Utah. I have tried cases before Judge Howard and Judge Davis in the Fourth District, Judge Kay in the Second District, and Judges Stewart, Judge Kimes, and Judge Naff in the federal court. I have appeared for other significant hearings in the Fifth District in St. George and St. George, the Fourth District in Heber, Fillmore, and Provo, the Second District in Farmington and Ogden, the First District in Brigham City and Logan, the Sixth District in Mantua and Richfield, the Seventh District in Price and Moab, and the Eighth District in Duchesne, Roosevelt and Vernal. I am presently appointed by the State of Utah to handle two separate capital cases,  

I have practiced law in every district and before nearly every judge in the State of Utah. The diversity of my experience has allowed me to see what it takes for a successful, effective judge. My knowledge and experience would contribute to the nominating process in the Third District,  

It would be an honor and privilege to be part of a process that is so crucial and important to our justice system. I believe my role as first a prosecutor and now a defense attorney would provide a balanced view of applicants. I have enjoyed my service to the Bar in the area of ethics and wish to expand my service in an area where I feel I have something of value to contribute.

I am a registered Democrat, live in Salt Lake County, and a United States citizen. Thank you for your consideration and I look forward to hearing from you.

Best,
Kim Cordova

---

Kim Cordova  
BrusselCordova  
175 East 400 South Suite 400  
SLC, UT 84111  
law@eastbrasslaw.com  
801-322-5878  
801-878-3339

1/25/2015

service to the Bar in the area of ethics and wish to expand my service in an area where I feel I have something of value to contribute.

I am a registered Democrat, live in Salt Lake County, and a United States citizen. Thank you for your consideration and I look forward to hearing from you.

Best,
Kim Cordova
PERSONAL: Born: August 12, 1948
Married to Chrissy Daniels
Four children

POLITICAL PARTY AFFILIATION: Democrat

LAW PRACTICE:
1975 - 1982: Trial attorney with the firm of Snow, Christensen & Martinesu. My practice was predominantly litigation in the areas of personal injury, property damage, medical malpractice (hospital liability), civil rights, and construction
1982: Appointed to the Utah State District Court.
1992 - 1996 Returned to the firm of Snow, Christensen and Martinesu, doing a combination of litigation and Alternative Dispute Resolution.
1996 - Present: Private practice mostly in the areas of mediation, arbitration and other dispute resolution.

JUDICIAL EXPERIENCE:
Judge of the Third Judicial District from October of 1982 to April of 1992, when I left the bench to seek the Democratic nomination for the office of Utah Attorney General.
Presiding Judge for the Third Judicial District from 1986 to 1990. The Third District comprises Salt Lake, Summit, and Tooele Counties and about one-half of Utah's population. At the time, it was served by 14 District Judges who elected a Presiding Judge for two-year terms.
Utah State Bar Association District Court Judge of the Year, 1989.

ACTIVITIES ON BEHALF OF CRIME VICTIMS
Two national awards from the Department of Justice, Office for Victims of Crime for outstanding advocacy for victims of crime, 1990 and 1993.

POLITICAL ACTIVITY
Candidate for Utah Attorney General, 1992.
Legal Counsel for the Utah Democratic Party, 1981-82.
Member of the Utah House of Representatives, 2000-2004.

OTHER CIVIC ACTIVITIES:
Trustee of The San Juan Project, an organization dedicated to improving living conditions, education, and fair political representation of Native American Indians in San Juan County, Utah.
Odyssey House Human Services Award, 1992.
Salt Lake City Land Use Appeal Board. 1994 - 1998
Governor's Department of Corrections Advisory Board. 1999-2001
State Records Committee 2009 - 2012
NAACP, Salt Lake Branch, Board of Directors, 2008 - Present.
Sierra Club Utah Chapter Executive Committee, 2004-2008

MILITARY SERVICE

OTHER EMPLOYMENT (prior to law school):
Steelworker (member United Steelworkers of America, local 2701), custodian, deliveryman, painter, waiter, and electrician's helper. With the help of the G.I. Bill, self-supporting through college and law school.
Christy Abad
From: John Baldwin
Sent: Monday, January 12, 2015 11:10 AM
To: Mark Dahl
Cc: Chrsy Abad
Subject: RE: Third Judicial District Nomination Commission

Thank you.
John

From: Mark Dahl [mailto:mark.dahl@sentinel.com]
Sent: Friday, January 09, 2015 4:35 PM
To: John Baldwin
Subject: Third Judicial District Nomination Commission

John C. Baldwin
Executive Director,
Please find my resume attached for a position on the Third Judicial District Nominating Commission. I am a law lawyer, but I have had significant experience working behind the scenes with the honorable judges of the Utah Second District Court and the Massachusetts Superior Court. I believe a young attorney's perspective would be a valuable addition to the nominating commission. I am a registered Republican.

Mark W. Dahl
Associate Attorney
G. Eric Nelson & Associates
4790 South Holladay Blvd.
Salt Lake City, UT 84117
P: (801) 424-9098
F: (801) 438-0199

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1/15/2015

Middlesex County District Attorney's Office, Rule 2:83 Certified Intern, Summer 2009
- Represent the Commonwealth of Massachusetts in prosecuting various crimes, including among others: Driving Under the Influence, Possession of a Controlled Substance, and Driving on a Suspended License

Wang Jing & Co., Summer Associate, Guangzhou, China, Summer 2008

Other
- Utah Bar (R1318)
- American Bar Association, Member
- J. Reuben Clark Law Society, Member

Education
Boston University School of Law
J.D. received May 2010
Cumulative GPA: 3.68
Cambridge

Honors:
- Edward F. Heusserer Scholar (Top 10%, 3rd Year)
- Paul J. Lincens Scholar (Top 10%, 2nd Year)
- Dean's Award (Top Student in Professional Responsibility Course)
- Boston University International Law Journal, Article Editor

Brigham Young University
B.A. received April 2007
Cumulative GPA: 3.7

Experience
G. Eric Nelson & Associates, Associate Attorney
January 2014 - Present
- Interview and consult with clients
- Draft pleadings and memoranda
- Conduct informal and formal discovery
- Direct paralegal activities
- Develop and execute litigation strategy

Utah Second District Court, Judicial Law Clerk,
May 2012 - December 2013
- Prepare draft rulings and orders, legal memoranda, and proposed jury instructions
- Assist judges in evaluating motions submitted for decision and any other court proceedings

Ray Quinn & Nohrer, Contract Attorney,
January 2012 - April 2012
- Perform electronic discovery

Attorney Mark W. Dahl, PLLC, Owner,
September 2011 - March 2012
- Manage all business aspects of a solo practice
- Prepare pleadings, motions, and all other documents for submission with the court
- Represent clients in all aspects of their cases
- Draft contracts and legal documents, including among others: Articles of Association, Attorney-Client Agreements, Bills of Sale, Security Agreements, and Promissory Notes

Massachusetts Superior Court, Judicial Fellow,
September 2010 - June 2011

Boston University Civil Litigation Clinic,
Asylum and Human Rights, Student Attorney,
September 2009 - May 2010
- Represent clients in asylum claims before the United States Immigration Court
- Prepare memoranda supporting legal assertions in asylum claims
- Interview and contact clients concerning their asylum claims
- Prepare witnesses to testify before the Immigration Court
Thanks,
John

-----Original Message-----
From: Jonathan Dibble [mailto:jdbible@comcast.net]
Sent: Wednesday, January 07, 2015 11:31 AM
To: John Baldwin
Subject: RE: Third Judicial District Nominating Commission Application

-----Original Message-----
From: Pauline Langston
Sent: Wednesday, January 07, 2015 11:05 AM
To: Jonathan Dibble
Subject: RE: Third Judicial District Nominating Commission Application

Dear John,

I am responding to your announcement that the State Bar is seeking applicants for the Nominating Commission for the Third Judicial District.

I am applying as a Republican. My resume is attached.

best regards,
Jonathan Dibble [10411]

RQ&N, ATTY. AT LAW

He has dealt with federal and state regulatory agencies in the health care area, and, in particular, with problems at the intersection of the antitrust and healthcare areas.

Education
Stanford University, J.D., 1973
• Note Editor, STANFORD LAW REVIEW
University of Utah, B.A., German Literature, 1970
• magna cum laude
Phi Beta Kappa, Phi Kappa Phi, Phi Delta Alpha

Prior Professional Experience
• Former Adjunct Professor, Antitrust Law, J. Reuben Clark School of Law, BYU
• Graduate of NTA, Boulder CO
• Law Clerk to Honorable Milton J. Anderson, United States District Judge
• Member, Committee to Draft Utah Antitrust Laws and Committee to Review Proposed Amendments, Utah State Bar

Admitted to Practice
• United States Supreme Court
• United States Courts of Appeal, Fifth, Seventh, Ninth and Tenth Circuits
• United States District Court, District of Utah and Central District of California, Eastern District of Wisconsin
• Utah Supreme Court

Publications and Presentations
• 1979 Utah Antitrust Act, UTAR LAW REVIEW (1980)
• Class Actions and the Robinson-Patman Act, 25 STANFORD LAW REVIEW 704 (1973)
January 14, 2015

Via Email

John Baldwin
Utah State Bar
Utah Law & Justice Center
645 South 200 East
Salt Lake City, Utah 84111

Re: Third Judicial Nominating Committee

Dear Mr. Baldwin:

Enclosed please find a copy of my resume. I wish to be considered as an appointee to the Third Judicial Nominating Committee, for the Third Judicial District Court. I am a registered Democrat.

Please do not hesitate to contact me if you have any questions.

Sincerely,

[Signature]

JLF

[Additional information about professional and community activities listed]
Christy Abad

From: John Baldwin
Sent: Wednesday, January 14, 2015 10:30 AM
To: Wesley D. Felix
Cc: Christy Abad
Subject: Re: Third Judicial District Nominating Commission

Thank you.

Sent from my iPhone

On Jan 14, 2015, at 9:16 AM, Wesley D. Felix <wdfelix@headlawyers.com> wrote:

Dear John,

pleased to submit my current resume in connection with my application for

 position on the Third Judicial District Nominating Commission. My party affiliation is

 Democrat.

<9B84C7E7-0D4E-4512-954A-853B7DCE31A8[1].jpg>

Wes Felix
Mitchell, Barlow & Mansfield, P.C.
Division Building
East College Place
June 6th
Salt Lake City, UT 84111
Phone: (801) 266-9000
Fax: (801) 266-9001

www.headlawyers.com

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Best regards,

Christy Abad

<eelscreeem death>

1/15/2015

WESLEY D. FELIX

316 W. 300 N. Salt Lake City, UT 84103
(801) 534-4110
wdfelix@headlawyers.com

*Admitted to practice law in Utah

EDUCATION

Stanford Law School, Palo Alto, CA, J.D. 1993, with distinction
Stanford Law Review, Articles Editor
Vanderbilt University, Nashville, TN, Ph.D. Philosophy, 1987
Whitman College, Walla Walla, WA, BA Philosophy/Economics

EMPLOYMENT

Mitchell, Barlow & Mansfield
Partners
December 2013 to present
Practice Areas: Commercial Litigation, Professional Liability, including defense of attorney malpractice cases, Business Torts, Insurance Defense, Securities and Derivative Litigation, Trademark and Copyright

Smoll & Wiltmer, Salt Lake City, UT
Counsel
July 2012 to December 2013
Practice Areas: Commercial Litigation, Professional Liability, including defense of attorney malpractice cases, Business Torts, Insurance Defense, Securities and Derivative Litigation, Trademark and Copyright

Representative Cases:
- Defense of business tort action seeking sixty million in damages; successful resolution of plaintiff’s action for cyber breach, successful resolution of derivative action by minority shareholders challenging corporate acquisition; Ninth Circuit appeal containing order enforcing settlement agreement; preliminary injunctions in unfair competition and ADA; obtained dismissal of two actions for attorney malpractice.

Sidley Austin LLP, Los Angeles, CA
Counsel
January 2011 to March 2012
Practice Areas: Commercial Litigation; Accountant Liability; Class Action Litigation; Regulatory: PCAOB and SEC, White-Collar
Representative Cases: Multi-state class action wage & hour defense; client defense in PCAOB investigation; responses to subpoenas and investigative matters; representation of third parties in relation to DOJ criminal prosecution of former public company executives.

Hawrey LLP, Salt Lake City, UT
Partner
September 2005 - December 2010

Practice Areas: Commercial Litigation, Accountant Liability, Regulatory: PCAOB and SEC
Representative Cases: Successful defense of auditor in administrative trial before the SEC through appeal; multiple actions for copyright infringement on behalf of major digital image provider; achieved dismissal of 88-9 and related actions of action against auditor in the District of Arizona; representation of auditors in SEC investigative proceedings; defense of auditor in multimillion dollar direct action by public company through settlement; representation of major commercial property developer in negotiations with anchor tenant; representation of individual in connection with PCAOB investigation.

Headlineer, Crockett & Petersen
Partner
September 1993 to September 2005
Practice Areas: Commercial Litigation, Accountant Liability, Regulatory: PCAOB and SEC
Representative Cases: Successful defense of auditor in major class action or direct action in Washington, Utah, Nevada, Tennessee, Oregon and California; numerous representations of individuals in relation to proceedings before the SEC; substantial recovery on behalf of plaintiff in business acquisition dispute through appeal to Utah Court of Appeals and Utah Supreme Court; obtained all funds demanded in insurance dispute on behalf of disabled surgeon on the eve of trial;
January 8, 2015

John E. Baldus
Executive Director
Utah State Bar
jebaldus@utahbar.org

Dear Mr. Baldus,

Please consider me for a position on the Third District Court Nominating Commission. I am a U.S. citizen, a resident of Salt Lake County and politically independent. I am the Director of the Utah Labor Commission's Adjudication Division, and an practicing administrative law judge. As such, I receive and manage all administrative law judges. Since my appointment to this position, I have always emphasized the importance of having a belief that represents the highest level of professionalism, competency and integrity that the Bar can offer. I would be honored for the opportunity to help in the Third District Court judge selection process.

I have included my resume. If you require any additional information, please let me know.

Sincerely,

[Signature]

Endorsement

Heather E. Gunnerson

Education

Juris Doctor; April 1994
J. Reuben Clark Law School, Brigham Young University

Bachelor of Arts (History); April 1991
Brigham Young University

Admissions

Utah Supreme Court, 1994

United States District Court for the District of Utah, 1994

United States Court of Appeals, Tenth Circuit, 1995

United States Supreme Court, 2013

Professional Experience

State of Utah, Utah Labor Commission/Adjudication Division

• Prosecuting Administrative Law Judge
• Director of Agency that conducts formal hearings on all workers compensation claims, State-based employment discrimination claims, fair housing claims, and penalty claims arising from divisions within the Utah Labor Commission
• Responsible for the management of 6 administrative law judges and 4 law clerks, and an annual budget of $1.12 million

State of Utah, Utah Labor Commission/Utah Anti-Discrimination & Labor Division, 2006 to 2012

• Director of Agency that conducted investigations into a number of employment and fair housing discrimination and wage claims
• Responsible for the management of a staff of 25 and annual budget of $1.7 million

House & King, L.C., 1994 to 2006

• Member of the law firm
• Assisted in representing clients through all stages of litigation in cases involving sexual harassment, age, race and sex discrimination, retaliation, wrongful termination, wage and hour law violations, covenants not to compete, employer at will, severance agreements and releases, sexual abuse and retaliation.

Utah Supreme Court's Committee on Jury Instructions, 2004 to 2006

• Member of the Employment Law Jury Instructions Subcommittee responsible for drafting new jury instructions on Utah employment law for use by lawyers throughout Utah

The Arc of Utah, 2005 to 2006

• Member of the Executive Committee and Board of Directors of a non-profit organization serving Utah's disability community

Members, Advisory Committee on Sexual Harassment, National Employment Lawyers Association, 2004 to 2006

• Member of committee available to advise lawyers from around the country on sexual harassment issues

President, Utah Employment Lawyers Association, 2002-2004

• Responsible for administration of professional organization of approximately 25 lawyers, including organizing monthly educational seminars and acting as liaison to national organization

Governor's Council on Sexual Victims and Offenders, 2000

• Responsible for drafting proposed legislation relating to sexual offenders

Judicial Intern, Utah Supreme Court (Associate Chief Justice Richard W. Corroon), 1993

• Responsible for extensive review of appellate briefs, together with researching and drafting memoranda and court documents on a variety of legal issues

Judicial Clerk, Utah Second District Court, 1992

• Worked as law clerk to Judge Stanton Taylor
• Responsible for research civil and criminal cases and writing court memos

Professional Affiliations

Utah State Bar Association, 1994 to present

Government Law Section, Utah State Bar, 2014 to present

• Vice President/President-Elect

National Association of Administrative Law Judges, 2013 to present

• Board Member

Utah Employment Lawyers Association, 1994 to 2006

National Employment Lawyers Association, 1995 to 2006

Reported Cases

McKee v. Manchester, 995 F.3d 1051 (10th Cir. 2009)

Sample Publications and Presentations

How to File and Defend a Charge of Discrimination; Federal Bar Association, Utah Chapter, May 2012

Employment Discrimination Claims: How the UALD Investigates Claims; Utah State Bar Human Rights Committee's Annual Conference, March 2012


Sexual Harassment and Employment Law; Neba School District Principal's Conference; September 2011

Utah Employment Claims and Practices; Utah Risk Management; September 2010

Employment Discrimination Law; Utah Valley University; October 2008

Utah and Discrimination Law Update; Utah State Bar Association Spring Conference; March 2007

Ethics and Professionalism in Employment Law; Utah State Bar Association, Labor & Employment Law Section, May 2006

Sexual Harassment Update; Utah State Bar Association, Labor & Employment Law Section, February 2004

Presidential Motion: Doctrines and Beyond; Utah Trial Lawyers Association, January 2004

Employment Law: Can They Do That? Utah State Bar, August 2002

Can I Be Fired for That? A Survey of Employment Law; Utah State Bar, February 1999

How Employers Learn Against My Client's and the Way I Try Cases; Annual Corporate Counsel Fall Conference, November 1998

Contact Information

Work: Utah Labor Commission/Adjudication Division
100 East 300 South, Third Floor
Salt Lake City, UT 84114
801-536-7928
hgunnerson@lds.org

Home: 1190 South 665 East
Sandy, UT 84070
801-403-8172
hgunnerson@gmail.com
Christy Abad

From: John Baldwin
Sent: Wednesday, January 07, 2015 12:39 PM
To: George Haley
Cc: Christy Abad
Subject: RE: Third Judicial District Nominating Commission

John

From: George Haley [mailto:GHaley@HollandHart.com]
Sent: Tuesday, January 06, 2015 4:43 PM
To: John Baldwin
Cc: Third Judicial District Nominating Commission

John, I'd like to apply for one of the open seats on the Third Judicial District Nominating Commission. I am a Democrat, My Bio is attached. Let me know if you would like any further information.

Regards,
George

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GEORGE M. HALEY
Partner – Salt Lake City Office
Natural Resources Litigation
Commercial Litigation
Legal Malpractice Defense
Insurance Coverage Disputes

801.798.5880
GHaley@HollandHart.com

1/25/2015

Overview
With more than 30 years of experience in complex commercial litigation, Mr. Haley helps clients to resolve their most critical disputes. His trial experience includes bet-the-company cases, defense of Clean Air Act cases, litigation related to the oil and gas industry, legal malpractice defense, intellectual property, antitrust matters, class actions, and insurance coverage disputes.

Experience
Representative Cases
- Represented an independent natural gas and oil exploration and production company in a Clean Air Act enforcement action against oil pipeline assets on an Indian reservation.
- Obtained a unanimous jury verdict in a case on behalf of a global credit card company in federal court in Cincinnati, Ohio.
- Acted as lead counsel under a joint defense agreement, representing a large pharmaceutical company. He successfully argued a motion to dismiss in a Fraud and False Claims Act case brought by the State of Utah against 17 pharmaceutical companies. The case was dismissed with prejudice.
- Obtained a summary judgment dismissing all of the plaintiffs’ claims in a $775,000,000 legal malpractice claim brought by an oil and gas exploration and production company. The Utah Court of Appeals affirmed the order of dismissal.
- Acted as co-lead counsel defending a natural gas company against a $500,000,000 claim for fraud and breach of fiduciary duty brought by one of the largest pipeline transportation and energy storage companies in North America. After a five-week bench trial, final judgment was entered, dismissing all of plaintiff’s claims, and awarding the client $11,000,000 on its counterclaim. No appeal was taken, and the client obtained its judgment in full.
- Acted as lead trial counsel in an 11-week products liability jury trial arising from the Wilma flare disaster.
- Successfully prosecuted the State of Utah’s largest class action proceeding, with recoveries in excess of $100,000,000.
- Obtained a dismissal of a class action brought against a regional telephone service provider by 38 Utah counties. The Utah Supreme Court unanimously upheld the dismissal.

Honors and Awards
- Listed in Benchmark Litigation
- Recognized by his peers as one of the “Top 100” Mountain States Super Lawyers and “Top 25” Salt Lake City Super Lawyers
- Listed in Chambers USA as one of America’s Leading Lawyers Named as a 2011 6/7 “Client Service All Star”
- The Best Lawyers in America® Utah “Lawyer of the Year” for Environmental Litigation (2012) and for Antitrust Litigation (2014)
- Listed in Best Lawyers in America® since 2006
- Recognized by his peers as being among the “Utah Legal Elite” for Business Litigation by Utah Business Magazine
- Recognized as the 2015 Utah “Trial Lawyer of the Year” by the American Board of Trial Advocates
- Ranked by LL.M. Magazine as one of the country’s top 100 litigators

Memberships and Affiliations
- Member, International Academy of Trial Lawyers
- Fellow, International Society of Barristers
- State Chair, American College of Trial Lawyers
- Member, American Board of Trial Advocates
- Member, American Bar Association
- State Chair, United States Supreme Court Historical Society
- Member, Rocky Mountain Mineral Law Foundation
- Lifetime Member, Trusts Unlimited
- Member, Utah Lebanese Society

Publications
"Energy Litigation” chapter for West Publishing’s Business and Commercial Litigation in Federal Courts, Third Edition
Annual ABA Survey of State Class Litigation Law
Contributing Editor to Modern Law Class Actions
Understanding the Laws Regarding Securities Transactions, “Thoughts of a Securities Practitioner”

Education
University of Utah (J.D. 1978)
University of Utah (B.A. 1975)
Christy Abad

From: John Baldwin
Sent: Thursday, January 15, 2015 11:05 AM
To: Christy Abad
Subject: FW: Third Judicial District Nominating Commission
Attachments: CV.pdf

From: Benson Hathaway (mailto:BHathaway@kmclaw.com)
Sent: Wednesday, January 14, 2015 5:29 PM
To: John Baldwin
Subjects: Third Judicial District Nominating Commission

John,

Please consider this as my application for a term on the Third Judicial District Nominating Commission. My resume is attached. While I have been a registered Republican, I have never voted straight ticket. My practice is to vote for each candidate on their merits.

Thanks for your consideration.

Best,

Ben
Benson L. Hathaway, Jr
KIRTON MCKONIE
50 East South Temple, Fourth Floor
Salt Lake City, UT 84111
P. 801-353-4433

1/15/2015

1991 – 2002 Stieha & Hathaway
   Founding shareholder and officer of Stieha & Hathaway, P.C.

1984 – 1991 McKay, Burton & Thurman
   Associate ('84 - '87) then shareholder

   President of publisher of officially licensed pictorial history of the 1984 Los Angeles Summer Olympics, "Glory of the 2020th Olympiad"

EDUCATION

December, 1983 - J.D. University of Puget Sound
June, 1981 - B.A. Humanities, University of Utah

MISCELLANEOUS

Chair Utah State Bar Succession Planning Committee (educating bar on value of planning and how to begin) 2013 – present

Co-Chair Utah State Bar Civic Committee (facilitates Bar’s Constitution Day outreach program) 2012 – present

Board Member of Utah Chapter of Federal Bar Association 2004 – present

President (2011) Utah Chapter of Federal Bar Association

Member Third District Pro Bono Committee

Member of Litigation and Construction Sections, and past member of Alternative Dispute Resolution Committees of Utah State Bar

Member of Salt Lake County Bar Association

Admitted to practice before all trial and appellate courts of the state of Utah and the Utah Federal District Court since April 1984; the United States Court since 1990; and the Tenth Circuit Court of Appeals since 1991

Two-time Mentor, Utah State Court Mentoring Program

“AV” rated by Martindale Hubbell®, premier worldwide lawyer rating service, since 2001

Mountains Stata Super Lawyer: Business Litigation

Utah Legal Elite: Business Litigation

Curriculum Vitae

Benson L. Hathaway, Jr.
(UT Bar No. 4235)

KIRTON MCKONIE
Kirtland McConkie Building
50 East South Temple
Salt Lake City, UT 84111
Telephone: (801) 321-4635
email: BHathaway@kmclaw.com
(Close January 2015)

EXPERIENCE

Trial lawyer with 30 years trial experience in trials, appeals, arbitrations, and mediation in matters including

- Business torts, derivative claims, breach of contract, construction claims, ownership disputes, fraud, trespass, consent of good faith and fair dealing, covenant of good faith and fair dealing, non-compete, non-interference, and bad faith.
- Federal and state constitutional and statutory claims, Qui Tam, equal protection, land-use, First Amendment, due process, environmental torts, civil rights, legislative constitutionality, official misconduct, and negligence.
- Federal and state regulatory compliance including environmental, housing, Medicaid, finance, real estate, professional licensing, enforcement actions and citizen suits.
- Administrative hearings before the Division of Occupations and Professions Licensing, Medicaid Office of Inspector General, Division of Oil, Gas and Mining; and
- Fair Hearing proceedings related to professional privileges and credentials, including advocacy and serving as hearing officer.

Trial and general counsel for (1) developers, general contractors, subcontractors and suppliers, (2) healthcare management organizations, hospices, healthcare facility owners and physicians, (3) state-wide public employees associations and (4) counties, cities, improvement districts, and special service districts.

Admitted and appeared before Utah state courts, Utah State Court of Appeals, Utah Supreme Court, the Federal District Court, Utah Tribal Court, and Tenth Circuit Court of Appeals.

Admitted pro hac vice and appeared as local counsel before the Federal District Courts for the Eastern District of Michigan, Northern District of New Jersey, Northern District of California, Northern District of Utah, and in the state courts of Idaho, California and Nevada.

EMPLOYMENT

2002 – present Kirtland McConkie
   Shareholder, past member of Board of Directors, and past chair of Business Litigation Section

   40524/964-006.xl
January 9, 2015

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

Re: Third Judicial District Nominating Commission

Dear John:

Please consider me as an applicant for the Third Judicial District Nominating Commission. My resume is enclosed. I am a registered Democrat.

Sincerely,

SMITH HARTVIGSEN, PLLC

Stephen L. Henriod

Encl.
Christy Abad

From: Matt Howell (mattoh@howell@filaw.com)
Sent: Friday, January 09, 2015 5:38 PM
To: John Baldwin
Subject: Third Judicial District Nominating Commission Application

Mr. Baldwin,

I would like to submit my name for consideration to be appointed to the Third Judicial District Nominating Commission. Please find my resume attached as requested in the email below. I am a registered Republican.

Although my professional office is in Utah County, I live in Salt Lake County and appear regularly before the courts in Salt Lake County (as well as other counties along the Wasatch Front and elsewhere).

I look forward to hearing from you concerning this matter. If you need any further information, please feel free to contact me.

Thank you,

Matthew R. Howell
Fillmore Spencer LLC
3302 North University Avenue
Provo, Utah 84606
Tel: (801) 426-8200
Fax: (801) 426-8294
mhowell@filaw.com
www.filaw.com

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1/15/2015

CLERKSHIPS
United States Attorney's Office, Salt Lake City, Utah; Summer 1992
U.S. District Judge Charles W. Pike, Jr., New York City, New York; Spring 1992
U.S. Magistrate Judge Michael Delinger, New York City, New York; Summer 1991

EDUCATION
COLUMBIA UNIVERSITY SCHOOL OF LAW, New York City, New York
Received J.D. in May 1993, Harlan Fiske Stone Scholar

BRIGHAM YOUNG UNIVERSITY, Provo, Utah
Received B.S. in Accounting in April 1990 with a minor in Japanese; Dean's List
Christy Abad

From: John Baldwin
Sent: Friday, January 09, 2015 12:55 PM
To: Jaelynn Jenkins
Cc: Christy Abad
Subject: RE: Application for Third Judicial Nominating Commission

Thank you,
John

From: Jaelynn Jenkins [mailto:jaelynn@mountainislandlaw.com]
Sent: Friday, January 09, 2015 12:49 PM
To: John Baldwin
Subject: RE: Application for Third Judicial Nominating Commission

Dear John,

Please find attached my application to serve on the Third Judicial District Nominating Commission,

Kind Regards,

Jaelynn R. Jenkins
Fetzer Simonsen Booth Jenkins
53 W. Broadway, Suite 1200
Salt Lake City, Utah 84101
Phone: (801) 328-0366
Fax: (801) 328-0369

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VIA Email: jbrewer@fetzerlaw.org

RE: Third Judicial District Nominating Commission Application

Dear Jaelynn,

I am very interested in serving on the Third Judicial District Nominating Commission. As a former judicial law clerk in the district courts of Utah, I worked closely with several judges and gained an insider's perspective of the pressures of the job and what qualities are desirable to our judiciary.

After completing my clerkship, I have followed the judiciary system by legal practitioners in our community. Through my work as an attorney and my relationships with my fellow practitioners, I have sharpened my appreciation of how the judiciary affects the community at large and thus the importance of the judicial selection process.

I am a citizen of the United States, politically independent, and live in Salt Lake County (specifically, South Jordan).

Please find my resume attached.

I look forward to hearing back from you.

Very truly yours,

FETZER SIMONSEN BOOTH & JENKINS, P.C.

JAELYN R. JENKINS
Cell (801) 557-4385
Email: jaelynn@fetzerlaw.com
9999 South 300 West, Salt Lake, Utah 84125

Education

George University School of Law
JUNE 2015

Organizations:
- Law Review, Associate Editor
- George University Law and Business
- Student Bar Association

Legal Experience

Fetzer Simonsen Booth Jenkins
May 2015 - Present

- Associate Attorney
- Drafted and reviewed legal documents, pleadings, and motions. Drafted and reviewed legal briefs. Prepared and presented legal arguments to the court.

Anderson Hotchkis LLC
August 2014 - October 2014

- Associate Attorney
- Prepared legal documents, research, and briefs. Presented legal arguments to the court.

Fourth District Court of Utah
August 2013 - March 2014

- Law Clerk (Reno)
- Drafted and reviewed legal documents, pleadings, and motions. Prepared and presented legal arguments to the court.

Securities and Exchange Commission
August 2012 - December 2011

- Law Clerk
- Prepared legal documents, research, and briefs. Presented legal arguments to the court.

United States District Court, District of Utah
June 2011 - July 2011

- Law Clerk
- Prepared legal documents, research, and briefs. Presented legal arguments to the court.

Professional Organizations:
- Women Lawyers of Utah - Membership Chair
- Utah Young Lawyers Division - Publicity Chair, Leadership Seminars Co-Chair
- Fullerton Planning Commission - Young Lawyer Representative

Enclosure: Resume

30 West Broadway, Suite 320 - Salt Lake City, Utah 84101 - Office: 801-328-0366 - Fax: 801-328-0369

1/15/2015
From: John Baldwin  
Sent: Thursday, January 08, 2015 11:19 AM  
To: Joanna Landau  
Cc: Christy Abad  
Subject: RE: Resume for the Third District Trial Court Nominating Commission  

Thank you,

John

From: Joanna Landau [mailto:JLandau@slide.com]  
Sent: Thursday, January 08, 2015 9:42 AM  
To: John Baldwin  
Subject: Resume for the Third District Trial Court Nominating Commission  

Mr. Baldwin,

I am sending you my resume to be considered for one of the two vacancies on the Third District Trial Court Nominating Commission. I am both a citizen of the United States and a resident of Salt Lake City. I am registered as politically unaffiliated. I am happy to provide any additional information. Thank you.

Joanna E. Landau  
Appellate Attorney  
Salt Lake Legal Defender Association  
424 East 500 South, Suite 300  
Salt Lake City UT 84111  
Direct: 801-428-1852  

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EDUCATION

University of Utah, S.J. Quinney College of Law, Salt Lake City, Utah J.D. 2006  
Journal of Land, Resources, and Environmental Law, Articles Editor, Faculty Research Assistant (Professors Kogan, Kessner, Medwed), Property Law Teaching Assistant, Women's Law Caucus, President, and Inaugural Student Commencement Speaker.

Wellesley College, Wellesley, Massachusetts B.A. 1998  
Art History major, English Language/Literature minor.

LEGAL EXPERIENCE

Criminal Appellate Attorney – Salt Lake Legal Defender Association May 2012 – Present  
Maintain a large independent caseload of indigent criminal appeals. Represent clients in the Utah Supreme Court and Court of Appeals. Several reported decisions in the Utah appellate courts.

Mar. 2007 – July 2009

Over the four+ years I worked for Judges: Peuler, Hilder, Christiansen, Trease, Lubeck, Henrot, and Quinn.

Position involved legal writing and research on a variety of issues.

Domestic litigation associate attorney for a small firm.

Domestic litigation associate attorney with a solo practitioner.

Legal research and writing position during law school.

COMMITTEE & BOARD MEMBERSHIPS

Utah Bar Appellate Practice Section Executive Board, Vice-Chair July 2012 – Present  
University of Utah College of Law Young Alumni Board, Board Member & Young Alumni Award Committee Chair June 2013 – Present  
Utah Bar Exam Reviewer, Family Law 2010 – 2012  
Utah Minority Bar Association, Member 2006 – Present  
Women Lawyers of Utah, Former Board Member, Current Member 2005 – Present  
Young Lawyers Division, Board Member 2006 – 2012

PUBLICATIONS


Utah Voter Registration: Unaffiliated
Hello John,

I am applying for consideration for the Third District Judicial Nominating Commission. Enclosed is my resume and I am politically independent. Feel free to contact me if you or the selection committee should have any questions.

Kindest regards,
Michael

Michael J. Langford
Attorney at Law
THE LAW OFFICE OF MICHAEL J. LANGFORD
A PROFESSIONAL CORPORATION, 43 East, 400 South, Salt Lake City, Utah 84111
www.langfordlegal.com
E-Mail: michaeLj@lirm-law.com
TEL: 801 328-4050
FAX: 801 745-5813

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1/15/2015

Associate Attorney Practice focused on complex commercial litigation. Drafted numerous pleadings and memoranda, argued motions in federal and state courts, managed the entire discovery process for many cases, conducted depositions in- and out-of-state. Specialty practice focused on white collar criminal defense in federal and state courts.

- KUTV, (CBS) 1993-1995
  Assistant Cameraman - Served as assistant and field producer to Bob Decker and Brian McKelvey for Utah legislative sessions. Researched PAC contributions, conducted interviews with political candidates and legislators.

CLERKSHIP
- Pottawattamie County Attorney’s Office, Council Bluffs, Iowa 2002
- U.S. Attorney’s Office, Omaha, Nebraska 2003
- Utah Legal Defender, Salt Lake City, Utah 2003

VOLUNTEER WORK AND HONORS
- Utah Business Magazine Legal Elite, Criminal Defense 2014
- Utah State Bar Mentor

PROFESSIONAL EXPERIENCE
- Law Office of Michael J. Langford, P.C., Salt Lake City, UT 2005-Present
  Criminal Defense Attorney representing individuals charged with crimes in federal and state courts. Federal Criminal Justice Act Panel attorney since 2008 and Salt Lake Legal Defender Association conflict felony trial attorney since 2011. Significant felony trial experience in complex cases such as homicide, money laundering, parole schemes, RICO, and distribution of controlled substances. Recently argued a complex double jeopardy matter before the 10th Circuit Court of Appeals.
- Atkin and Shields, P.C. 2003-2005
Christy Abad

From: John Baldwin
Sent: Thursday, January 15, 2015 11:08 AM
To: Christy Abad
Attachments: Elliot Lawrence Resume.doc; Baldwin Bar Letter.doc

From: Elliot Lawrence (mailto:elliotlawrence@utah.gov)
Sent: Tuesday, January 13, 2015 4:36 PM
To: John Baldwin
Subject: Candidacy for Third District Trial Court Nominating Commission

Please consider nominating me for one of the vacancies on the Third District Trial Court Nominating Commission.

My resume and a cover letter are attached.

Thank you

Elliot R. Lawrence

Elliot R. Lawrence
Office of the Property Rights Ombudsman
801-530-6591
propertylaws@utah.gov
Elliotlawrence@utah.gov

1/15/2015

Elliot R. Lawrence

ACHIEVEMENTS


ADVISED public agencies and employees on real estate and land development issues

IMPLEMENTED administrative ordinances enforcement for government entity

DRAFTED dozens of legal opinions, drafts, memos, etc.

CREATED training materials for public agencies

TRAINED public managers on real estate and land development topics

PROSECUTED crimes and represented defendants in criminal matters.

LITIGATED civil matters in both state and federal courts

EDUCATION

J.D. University of Utah
M.P.A. Brigham Young University
B.S. University of Utah

EMPLOYMENT

Legal Counsel
State of Utah - Office of the Property Rights Ombudsman
2005 - Present

Mediated and negotiated settlements between local governments and property owners.
Conducted arbitration hearings on eminent domain matters, issuing decisions based on facts and relevant laws.
Researched and drafted nearly 100 Advisory Opinions, analyzing factual and legal issues.
Trained public managers and officials on real estate and land development law.

Attorney/Advisor
State of Utah - Labor Commission/Human Resources
2004 - 2007

Mediated and negotiated settlements on behalf of public agencies, drafted dozens of agreements and contracts.
Responsible for 12-15 cases per month, often complex legal and factual issues.
Prepared and advocated oral hearings, issued decisions, supervised legal staff.

Assistant City Attorney
West Valley City, Utah - City with population of 110,000
1995 - 2003

Provided legal representation to planning commission and board of adjustment on legal issues.
Advised departments on various legal matters including human resources, litigation matters for government entities.
Advised housing authority on discrimination matters.
Helped create and manage administrative hearing program for code enforcement.
Mr. Baldwin,

I would like to be considered for appointment to the Third Judicial District Nominating Commission. Attached please find my resume. My current voter registration affiliation is unaffiliated, though I was previously registered as affiliated with the Democratic party.

Regards,

Joshua L. Lee
BENNELL TUELLER JOHNSON & DEERE
3165 E. Millrock Dr., Suite 500
Salt Lake City, Utah 84121
Tel: (801) 438-2000
Fax: (801) 438-2050
email: jlee@btjd.com

This email (including any attachments) contains information that is presumptively CONFIDENTIAL and PRIVILEGED. If you are not the intended addressee, please permanently delete this message and notify the sender immediately.
David Leta is a financial problem solver. For over 37 years, he has represented debtors, creditors, businesses, creditor committees, asset purchasers, vendors, equity holders and other parties in all aspects of financial distress, including collections, foreclosures, workouts, reorganizations and bankruptcy. David’s experience enables him to analyze a financial situation from multiple perspectives and design creative, durable solutions. As an advocate, he handles litigation for clients involving the United States Bankruptcy Code, the Federal and Bankruptcy Rules of Procedure, the Uniform Commercial Code and applicable state laws. David also serves as a neutral in mediating financial disputes for non-clients.

Representative Experience

Value:

Education:

- University of Utah College of Law (aka S.J. Quinney College of Law) (J.D., 1979)
  - Editorial Board, Law Review
  - Order of the Coif
  - Phi Beta Kappa

Articles & Panel Participations:

- Stern v. Marshall Panel Discussion re Jurisdictional Issues, Presenter/Moderator, ASBA 2012 Rocky Mountain Bankruptcy Conference (January 2013)

Professional Recognition & Awards:

- National Academy for Bankruptcy Attorneys (NABA) - America’s Top 10 Attorney Award - Utah (2014)
- Top 100 Litigation Lawyers in the State of Utah, American Society of Legal Advocates (2013)
- Mountain States Super Lawyers®, Bankruptcy (2007-2014)
  - Top 10 (2014)
  - Top 25 (2013)
  - Top 100 (2012)
- Top 100 Attorneys in the Mountain States, Salt Lake City Magazine (2013)
  - Top 25 Attorneys in Salt Lake City (2013)
- Utah 100 Elite, Utah Business magazine (2004-2008)

Community Involvement:

- American Bankruptcy Institute’s Rocky Mountain Bankruptcy Conference, Advisory Board, Ex-Officio Member
- Utah State Bar
  - Bar Exam Grading Committee, Member
- New Lawyer Mentor Program, Mentor
- American College of Bankruptcy, Member and Former 10th Circuit Regent
- S.J. Quinney College of Law
January 16, 2015

Mr. John C. Baldwin
Executive Director
645 South 200 East
Salt Lake City, UT 84111
john.baldwin@utahbar.org

Dear Mr. Baldwin:

My name is Scott Mercer. I would like to be considered for appointment to the Third District Court Trial Court Nominating Commission. I am a citizen of the United States and I live in Salt Lake County (1725 Fort Douglas Circle, Salt Lake City, Utah 84103). I am not identified or registered with any political party and I am politically independent.

I have practiced law for over thirty years in the same law firm. My principal practice is litigation. I have tried hundreds of cases in Third District Court during my career.

I have enclosed my current, abbreviated resume.

Sincerely,

KESLER & RUST

Scott O. Mercer
smc@keslerrust.com

WORK EXPERIENCE

Attorney at Kesler & Rust since 1982
Practice is focused on real estate litigation and construction litigation
Managing Director, 2008-09, 2014 to present
Shareholder, 1986 to present
Associate Attorney, 1982-86
Law Clerk, 1981-82

EDUCATION

JD 1982 University of Utah College of Law
BA 1979 University of Utah, English Major

REPRESENTATIVE CLIENTS/REFERENCES

Wheeler Machinery Co. (Rob Campbell, President)
Harper Excavating (Rulon Harper, President)
Coldwell Banker Commercial (Law Cramer, President)

MOST RECENT TRIAL

($3,400,000.00 federal court jury verdict awarded on Jan. 21, 2014)
Christy Abad

From: John Baldwin
Sent: Wednesday, January 07, 2015 12:43 PM
To: Morris, Mark
Cc: Christy Abad
Subject: RE: Third District Nominating Commission

Thanks, Mark. You are a solid citizen! And, I'm sure, a fine golfer.

John

From: Morris, Mark (marko.mmorris@swlaw.com)
Sent: Tuesday, January 06, 2015 4:29 PM
To: John Baldwin
Subject: Third District Nominating Commission

Hi John. Happy new year to you. Once more into the breach, because I do care.

Here is a link to my bio: http://www.swlaw.com/attorneys/mark_morris

I am a republican by all accounts, but I've never voted a straight party ticket if that matters.

Kind regards,

Mark

Mark O. Morris
Snell & Wilmer L.L.P.
15 W. South Temple, Suite 1200
Salt Lake City, UT 84111
Office Direct: 801.257.1900
Office Direct: 801.257.1904
Facsimile: 801.257.1800
Cell: 801.541.9711
mmorris@swlaw.com www.swlaw.com

Snell & Wilmer
Denver, Las Vegas, Los Angeles, Los Cabos, Orange County, Phoenix, Reno, Salt Lake City, Tucson

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1/15/2015

Mark O. Morris | Salt Lake City Partner | Snell & Wilmer

• United States Court of Appeals, Eleventh Circuit

Professional Memberships and Activities

• Utah Bar of Utah
  • Construction Section, Chair (2014)
  • Utah State Bar Annual Meeting, Co-Chair (2012)
  • American Bar Association
  • Salt Lake County Bar Association
  • International Association of Defense Counsel (IADC)
    • Construction Law and Litigation Section, Vice Chair of Programs and Projects (2011-present)
  • ABA Forum on the Construction Industry
  • Center for Public Resources (CPR)
  • Regional Panel of Distinguished Neutrals
  • New York Stock Exchange Department of Arbitration
  • Panel of Neutrals
  • Defense Research Institute (DRI)
  • Brigham Young University Law School Alumni Association, President (1997-1999)
  • Brigham Young University Law School, Alumni Board Member (2005-present)

Representative Presentations and Publications

• "Unilateral Third-Party Beneficiaries Created Through Flow-Down Clauses in Subcontracts," Co-Author, Snell & Wilmer Under Construction (December 5, 2013)
• "Utah Court of Appeals to Leaders Relying Upon Their Own Bilingual Title Rebreke Language in Form Draw Request: Use the Legislature’s Form and Elements," Co-Author, Snell & Wilmer Legal Alert (October 5, 2012)
• View More

Professional Recognition and Awards

• The Best Lawyers in America®, Commercial Litigation, Construction Litigation, Employment Law, Individuals, Labor & Employment Litigation, Real Estate Litigation (2009-2015)
POST-DEGREE TRAINING AND PRACTICE:

Law Clerk to Chief Justice, Arizona Supreme Court, Honorable James Duke Cameron (September 1977 - September 1978)

Energy Law Fellow, University of Utah (October 1980 - September 1981)

Shareholder, MATHESON, MORTENSEN, OLSEN & JEFFPSON, P.C. (January 1984 to 2011)

OTHER ACTIVITIES:

Fellow, ASCEND ALLIANCE, 4 month service in Bolivia (March - July 2010)
Adjunct Professor of Business & Employment Law, Westminster College, 2014-
Tutor, Bryant Junior High, Franklin Elementary (through Rotary Club)(2008 - present), Guadalupe Center (for adults ESL) (2010-present)
Leadership Support Missionary, Plainfield, New Jersey (March - September, 2013)
Boy Scout Rutland Commissioner, Evergreen District, Great Salt Lake Council, BSA(97 to '00)
Soldiermaster, Troop 377 (93 - '00)
President, Olympus Development Foundation (93 - '95)
Rotarian (91 - present) past Chairperson, Environment & Ecology Committee of Club 24 (93 - July '94)
Co-Founder, Trustee and Legal Counsel, Utah Head Injury Association (98 - 91)
Author, op ed piece "Missing Voters: Favorites See No Need to Show Up," The Salt Lake Tribune, October 17, 2010 and "We Deserve to Question Candidates," The Deseret News, October 15, 2010

1 "Very High to Preeminent" Legal Ability Rating - "Very High" General Recommendation Rating, based on confidential judge and peer evaluations.
Christy Abad

From: John Beidleman
Sent: Thursday, January 08, 2015 1:46 PM
To: Joy Natele
Cc: Christy Abad
Subject: RE: Third Judicial District Nominating Commission Application

Thank you,
John

From: Joy Natele [mailto:jnatele@summitcounty.org]
Sent: Thursday, January 08, 2015 11:26 AM
To: John Baldwin
Subject: Third Judicial District Nominating Commission Application

Mr. Baldwin,

Please consider me for appointment to the Third Judicial District Nominating Commission. I have attached my resume for your consideration.

I am currently employed at the Summit County Attorney’s Office in Park City and thus routinely appear in District Court and Juvenile Court in Summit County. I am a resident of Salt Lake County and a registered member of the Democratic Party.

Please do not hesitate to contact me if you have any questions about my qualifications or if there are additional materials you would like me to provide for your review.

Thank you,
Joy E. Natele
Prosecuting Attorney
Summit County Attorney’s Office
6300 Jocassee Center Road
Park City, UT 84068
Tel: 630-515-3828 Fax: 630-515-3833 Email: jnatele@summitcounty.org

Joy E. Natele
Prosecuting Attorney
Summit County Attorney’s Office
6300 Jocassee Center Road
Park City, UT 84068
Tel: 630-515-3828 Fax: 630-515-3833 Email: jnatele@summitcounty.org

E D U C A T I O N

Jude Deacon, May 1997
University of Utah College of Law
Salt Lake City, Utah
- Utah Law Review, Note & Comment Fellow, 1996-97; Staff Member, 1996-96
- Finalist, National Trial Team, 1996-97
- Delegate, National Mock Trial Competition, Brigham Young University

A C H I E V E M E N T S

- Publisher, Utah State Law Review, 1996-97
- Editor in Chief, Utah Law Review, 1996-97

M E M B E R S H I P S

Utah State Bar, 1997 - Present
National Trial Lawyers Association
National Bar Association

P E R S O N A L

I was born and raised in the great state of New Jersey. I have called Utah home since 1990 when I relocated to Utah from California to attend law school at the U. of Utah. I am a proud member of the Democratic Party. I love to travel, particularly to warm destinations with beautiful beaches.
Christy Abad

From: John Baldwin
Sent: Thursday, January 08, 2015 12:20 AM
To: Steve Nelson
Cc: Christy Abad
Subject: RE: Third Judicial District Nominating Commission

Thank you,

John

From: Steve Nelson (mailto:Shelson@FCCO.org)  
Sent: Wednesday, January 07, 2015 4:28 PM  
To: John Baldwin
Cc: Christy Abad
Subject: Third Judicial District Nominating Commission

Dear Mr. Baldwin,

I would like to be considered for one of the openings on the Third Judicial District Nominating Commission, and have attached my resume to this email for your consideration. I live in the Third Judicial District and I am a Republican. I believe my unique skill set and background would be a significant benefit to the Third Judicial District Nominating Commission, and I am excited about the opportunity to serve the citizens of the Third Judicial District as a member of this Commission.

Finally, I have significant experience practicing before the courts of the Third Judicial District. As a trial prosecutor, I have experience with every type of criminal case, and with all stages of the criminal process. I have chaired approximately 75 jury trials, including homicides, drug offenses, drug offenses, and perv-offenses. I also have extensive experience before district court judges in federal court, having served as a Special Assistant United States Attorney for the District of Utah since 2008.

In addition to my experience as a trial prosecutor, I also have substantial academic experience which would aid me as a member of this Commission. My Ph.D. dissertation, a discussion of the role of the doctrine of sovereign immunity in state and federal courts, is about trial court decision making. I have been teaching undergraduate and graduate students in seminars about judicial decision making. I have also written numerous law review articles, many of which contain discussions of judicial decision making.

These experiences, in short, give me a unique insight into the process of making judicial judgment. I would appreciate an opportunity to be re-evaluated in this process by serving on the Third Judicial District Nominating Commission. If you have any additional questions or qualifications that you would like to ask me, please don’t hesitate to contact me.

All the best,
Steve

Stephen L. Nelson
Deputy District Attorney
Salt Lake County District Attorney’s Office
111 East Broadway, Suite 400
Salt Lake City, Utah 84111
(385) 408-7609
(801) 396-6170 (Fax)

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1/15/2015

3

Publication:


Conference Presentations:


Education:

University of Utah, Department of Political Science, SLC, UT
Ph.D., 2009
Fields: American Government and Public Administration
Dissertation: “The King’s Wreath and the Federal District Court: Understanding the Discordant Decision Exception to the Federal Tax Claims Act”
Chair: Dr. Richard Green

University of Utah, J. J. Quinney College of Law, SLC, UT
Juris Doctor, 2002

Westminster College, SLC, UT
Bachelor of Arts (Economics), 1999


Employment:

Deputy District Attorney, Salt Lake County District Attorney’s Office, SLC, UT
2009-2013 Special Assistant United States Attorney, Special Victim’s Unit, Utah, 2008-2013

Assistant Attorney General, Utah Attorney General’s Office, SLC, UT

Children’s Justice Division, 2002-2003

University of Utah, Center for Public Policy and Administration, SLC, UT
Graduate Research Assistant, 2001-2002

Public Safety: Utah Attorney General’s Office, SLC, UT
Public Safety: Utah Attorney General’s Office, SLC, UT

Graduate Research Assistant, 2001-2002

Law Clerk, Utah Attorney General’s Office, SLC, UT
Public Safety: Utah Attorney General’s Office, SLC, UT

Graduate Research Assistant, 2001-2002


University College Courses Taught:

University of Utah, Salt Lake City, UT
Spring 2013: Introduction to Criminal Justice (PolSci 3370)

Fall 2013: Introduction to Public Administration (PolSci 4370)

Spring 2012: Introduction to Public Administration (PolSci 3370)

Fall 2012: Environmental Politics (PolSci 3390)

Fall 2013: Advanced American Government (PolSci 5300)

Spring 2013: Environmental Politics (PolSci 3390)

Summer 2012: Environmental Politics (PolSci 3390)

Summer 2013: Introduction to American Government (PolSci 1100)
Spring 2013: Introduction to Criminal Jurisprudence (PolSci 3220)
Spring 2013: Policy Analysis (PolSci 3333)
Fall 2012: Administrative Theory (PolSci 6300)
Fall 2012: Advanced American Government (PolSci 3100)
Fall 2012: Environmental Politics (PolSci 3390)
Summer 2012: State and Local Government (PolSci 3030)
Summer 2012: Introduction to American Government (PolSci 1100)
Spring 2012: Policy Analysis (PolSci 3333)
Fall 2011: Administrative Theory (PolSci 6300)
Fall 2011: Environmental Politics (PolSci 3390)
Summer 2011: State and Local Government (PolSci 3030)
Summer 2011: Introduction to American Government (PolSci 1100)
Spring 2011: Administrative Theory (PolSci 6300)
Fall 2010: Administrative Theory (PolSci 6300)
Summer 2010: Introduction to American Government (PolSci 1100)
Spring 2010: Administrative Theory (PolSci 6300)
Spring 2010: Introduction to American Government (PolSci 1100)
Fall 2009: Administrative Theory (PolSci 6300)
Fall 2009: Introduction to American Government (PolSci 1100)
Summer 2009: Introduction to American Government (PolSci 1100)
Spring 2009: Introduction to American Government (PolSci 1100)
Fall 2008: Introduction to American Government (PolSci 1100)
Summer 2008: Introduction to American Government (PolSci 1100)
Spring 2008: Introduction to American Government (PolSci 1100)
Fall 2007: Introduction to American Government (PolSci 1100)
Spring 2007: Introduction to Public Administration (PolSci 1300)
Fall 2006: Introduction to Public Administration (PolSci 1300)
Spring 2006: Introduction to Public Administration (PolSci 1300)
Fall 2005: Introduction to Public Administration (PolSci 1300)

Salt Lake Community College, Taylorsville, UT:
Fall 2011: Economic History of the United States (Econ 1740)
Fall 2011: Introduction to Macroeconomics (Econ 2020)
Spring 2011: Introduction to Macroeconomics (Econ 2020)
Fall 2010: Introduction to Macroeconomics (Econ 2020)
Fall 2008: Introduction to Macroeconomics (Econ 2020)
Summer 2008: Economics as a Social Science (Econ 1018)
Spring 2008: Introduction to Macroeconomics (Econ 2020)
Fall 2007: Introduction to Macroeconomics (Econ 2020)
Summer 2007: Economics as a Social Science (Econ 1018)
Spring 2007: Introduction to Macroeconomics (Econ 2020)
Fall 2006: Introduction to Macroeconomics (Econ 2020)

Westminster College, SLC, UT:
Fall 2002: Introduction to Constitutional Law and Civil Liberties (PolSci 355)
January 16, 2015

Via E-Mail and Hand Delivery

John C. Baldwin
Executive Director
Utah State Bar
645 South 200 East
Salt Lake City, Utah 84111
john.baldwin@utahbar.org

Re: Third District Judicial Nominating Commission

Dear Mr. Baldwin,

I am writing to express my interest in serving as one of the Utah State Bar’s nominees to the Third District Judicial Nominating Commission. I am currently a partner in the trial department of Dorsey & Whitney, LLP. I have been a member of the Utah Bar for approximately fourteen years and have had a litigation practice my entire career. I have enclosed my resume, which discusses my experience.

My philosophy regarding judicial appointments is that candidates should be nominated based upon merit, knowledge of courtroom practice, and reputation for professionalism. I believe that Utah has some of the finest practitioners in the country and that if we want to continue to attract qualified candidates to the bench, we must maintain the integrity of the process by looking to the applicant’s credentials first and foremost.

I have a long history of service to our Bar and the community, and believe that I would represent the Governor and the Bar well during the nomination process. I am a registered Democrat for purposes of disclosing my candidacy, however, I have no political ambition in pursuing this appointment. Rather, my interest is ensuring that qualified candidates step forward to fill this important role in our nominating process.

Thank you for your consideration of my application. Please feel free to contact me directly if you should require any additional information.

Very truly yours,

Kimberly Neville
Partner, Dorsey & Whitney, LLP

Enclosure

Kimberly Neville
Partner
Dorsey & Whitney LLP
Keams Building
126 South Main Street
Suite 1000
Salt Lake City, UT 84101-1685
(801) 933-8951 - phone
nevile.kimberly@dorsey.com

Experience

Kim Neville is a Partner in the Trial group. She practices in the areas of commercial litigation, health care litigation, and product liability defense. Kim regularly appears in both the federal and state trial courts in Utah, as well as before the state’s administrative agencies. She has also appeared pro hac vice in approximately 15 jurisdictions on behalf of clients with national litigation needs. She frequently represents healthcare and technology-focused companies in business disputes, and is regarded for her skills in simplifying technical issues for judges and juries.

Kim has a broad litigation background and has served as counsel in a number of high-stakes cases. She regularly represents clients in complex commercial litigation involving claims of breach of fiduciary duty, breach of trade secrets, breach of contract, false advertising, and class action allegations. She also has substantial litigation experience in the health care sector, having represented clients in cases involving ERISA benefits litigation, administrative claims, and commercial payor disputes. Kim’s product liability experience includes serving as an trial counsel for manufacturers in cases involving medical devices, pharmaceuticals, automobiles, industrial equipment, and various component parts.

Kim is active in the Utah Bar and her community. She frequently presents to various legal and industry groups, and promotes a number of worthy charitable and community causes.

Admissions

- Utah
- Supreme Court of Utah
- United States District Court for the District of Utah
- United States Court of Appeals for the Tenth Circuit

Honors

- Utah’s Legal Elite: Civil Litigation, Utah Business magazine (2010-2011, 2014)
- Horizon Award Recipient, Utah Defense Lawyers’ Association (2009)

Education

University of Utah, College of Law (J.D., 2001)
- Utah Law Review
- Leary Scholar

South Dakota State University (B.S., Political Science, 1998, with highest honors)

Professional Activities

Utah State Bar Character & Fitness Committee (2006-present; co-chair, 2014-present)
Utah State Bar Admissions Committees (2014-present)
Women Lawyers of Utah
- Chair, Work-Life Balance Committee (2014-present)
- Career Advancement Committee (2012-present)

Community Involvement and Charitable Work

Salt Lake Acting Company Board of Trustees (2014-present)
St. Vincent DePaul School Board (2013-present)
- Executive Committee (2014-present)
Sue C. Knowles Utah Affiliate Board of Directors (2011-present)
- Executive Committee (2013-present)
Leadership Council on Legal Diversity: City Lead and Law School Mentor
University of Utah College of Law Young Alumni Association, Board Member (2003-11)

Presentations

- Resolving Business Disputes – Community Foundation of Utah Non-Profit Clinic (May 2014)
- How Leading Lawyers Think: Case Evaluation and Strategy – Utah Fall Forum (November 15, 2013)
- Balancing the Bench – Women Lawyers of Utah (October 2013)
- Getting the Best Results Cost Efficiently – Bitable Hour Alternatives, Utah Chapter of the Association of Corporate Counsel (August 2010)

Attorney Articles

- Top Five Reasons to Reconsider Arbitration, February 3, 2012
Christy Abad

From: John Baldwin
Sent: Wednesday, January 07, 2015 1:52 PM
To: John Nielsen
Cc: Christy Abad
Subject: RE: Commission position

Thank you,
John B.

From: John Nielsen [mailto:johnnielsen@utah.gov]
Sent: Wednesday, January 07, 2015 1:52 PM
To: John Baldwin
Subject: Commission position

Mr. Baldwin,

I am interested in a position on the Third District nominating commission. I spent the first four years of my career as a trial prosecutor, so I have a lot of in-court experience with district court judges. In my last three years as an appellate attorney, I have gained a much broader perspective on the state judiciary—and the traits of good judges—as my office handles every felony appeal in the state, and I have been able to attend hearings and read transcripts statewide.

I consider myself a political independent, but am currently registered as a Republican. My resume is attached.

Thank you for your consideration,
John Nielsen

---

John J. Nielsen
Assistant Attorney General
tel: 801-366-0548
johnnielsen@utah.gov

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1/15/2015
From: John Baldwin
Sent: Wednesday, January 14, 2015 2:04 PM
To: Christy Abad
Subject: Fw: Application for Judicial Nominating Commission
Attachments: CV,Beatrice M Peck.doc; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Beatrice M Peck" <speck@necklaw.net>
Date: January 14, 2015 at 1:11:59 PM MST
To: John Baldwin <jwbaldwin@cabbw.org>
Subject: Application for Judicial Nominating Commission

Hello John,

I am interested in applying for the Third District Trial Court Nominating Commission. I am a resident of Summit County and my law office is in the Newpark area of Kimball Junction. I have attached my resume for your consideration. Thank you,

Bea Peck

Beatrice M. Peck
Attorney at Law

Practice Focus: Creative solutions to complex legal issues, including real estate transactions, business formation and regulation, creditor relationships and contract negotiations.

PROFESSIONAL EXPERIENCE

2009 - Present: Law Offices of Beatrice M. Peck, LLC
- Real estate purchases and sales, development, zoning, financing & conservation expertise
- Negotiated multi-million dollar conservation easement preserving 120 acres of valuable open ranch land in Park City, Utah
- Represents landowners, small businesses, investors and creditors
- Extensive experience with business formation and management
- Business succession and personal estate planning, wills and trusts

- Specialized in general business law, securities issuance, hedge fund formation, SEC and state regulation, contract negotiation and creditor workouts.
- Litigated contract and personal injury disputes for a variety of clients
- Real estate, zoning and condemnation disputes

1995 - 2005: General Counsel, Cygnion, Inc.
- Represented sophisticated biotechnology firm in all facets of business development, management and commercial relationships
- Aggressively protected trade secrets and proprietary information for company
- Defended and prosecuted commercial litigation involving complex contractual issues
- Maintained a private legal practice handling business clients, employment and personal injury matters for selected clients

1990 - 1995: McPhie, Coddie and Peck, LLC
- Concentrated on general business law and litigation including a biotech firm that pioneered DNA processing and identification methods

- Worked as a legal associate assisting in litigation of the property loss claims surrounding the Wilkins Mine Fire

EDUCATION:
Juris Doctorate, University of Utah, College of Law, 1989
- William H. Leary Scholar
Bachelor of Arts, Government, Smith College, 1974

CIVIC EXPERIENCE:
Member of Planning Commission for Snowmass Village 2012-Present
Counsel to Board of Directors for Women's Ski Jumping USA 2013-Present
Candidate for Utah House of Representatives, 1994
Ex-Officio Member, Utah State Bar Commission
President, Woman Lawyers of Utah
Board Member, Woman Lawyers of Utah

PERSONAL:
Native of New Haven, Connecticut
Avid Celler and Skier

Worked as a law clerk and legal associate on the major class action suit against failed Utah Thelwell and losses resulting in large settlement for plaintiffs.
A dynamic and oriented attorney with over 22 years of legal and government experience providing innovative leadership, risk management, training and advocacy support and counsel. Specializes in areas of employment law, civil law, administrative law, business organization, legal ethics, organizational planning, and professional development. Experienced in managing litigation strategy and ground floor levels. Authentically and unflinchingly further with governmental processes and procedures at the national and local level. Licensed to practice in Virginia and in the District of Columbia, the United States Court of Appeals for the Federal Circuit, and the United States Supreme Court.

ACADEMIC EDUCATION
LLM (Master of Laws), International Law (2009-2010) with distinction, Univ. of Virginia, Judge Advocate General’s Legal School and Center, Charlottesville, VA
JD (Juris Doctor), Law (1989-1992) with honors, Univ. of Utah, S. J. Quinney College of Law, Salt Lake City, Utah
BBA (Bachelor of Business Administration), Accounting (1985-1989) Univ. of Arkansas, North, OK

MILITARY EDUCATION
Commander’s Course (2009) Marine Corps Univ., Quantico, VA (attended for Battalion Level Commanding Officers)
Command and Staff College (2006-2007) Marine Corps Univ., Quantico, VA (graduate program of Military Studies)
Anti-Terrorism / Force Protection School (2001) NTC, Patrick AFB, FL (specialized international education program)
Naval Justice School (1993) with honors, Newport, RI (basic military lawyer course)
The Basic School (1993) with honors, Marine Corps Univ., Quantico, VA (basic Marine Officer training course)

AWARDS
Academic and Legal Awards
American Bar Association, 2000 ABA Distigished Service Award
American Bar Association, 2002 ABA Young Lawyer of the Year (Marine Corps)
Trial Advocacy Commendation, 1993, NTS, Newport, RI (winner of state advocacy competition)
Commander’s Course, 1993, USMC, TS, Quantico, VA (top 5 graduate)
William He. Leach Scholar, 1992, University of Utah, College of Law (top 75% graduate)
American Jurisprudence Award - Criminal Law (1995) (top 5%JD student)
Member, Utah Law Review (1989-1992)

Personnel Awarded, Legion of Merit, Bronze Star, Defense Meritorious Service Medal, Meritorious Service Medal (2x), Navy Meritorious Service Medal (2x), Army Commendation Medal, Marine Corps Achievement Medal, Marine Corps Commendation Medal, Marine Corps Achievement Medal, Marine Corps Commendation Medal (2x), National Defense Service Medal (2x), Sea Service Deployment Ribbon (2x), Marine Corps Drill Instructor Ribbon, Marine Security Guard Ribbon, Certificate of Congressional Commission, Certificate of Appreciation (2x)

PUBLICATIONS

LIABILITY PROTECTION FOR VOLUMEN AND NON-PROFIT ORGANIZATIONS, 1 UTAH, J REV 273 (1991)

PROFESSIONAL EXPERIENCE
Partner, Managing/Practicing Attorney (Aug. 2016 - Present) Peak Partners, LLP, Salt Lake City, UT
With my partners, we develop the vision and strategies to achieve our mission. Our clients include small to medium-sized businesses, not-for-profits, and individuals. We focus on providing the highest quality legal services to our clients in a cost-effective and efficient manner. Our clients benefit from our experience in managing complex legal issues.

Director, Legal Services Center / Staff Judge Advocate (2010 - 2018) Twenty-four Palms, CA
Provided legal services to Marine Corps and Marine Corps organizations and service members. Supervised the large Marine Corps Air Ground Combat Center (MCAGC) legal center. Trained with staff in Contracting. The Center and the leadership of its subordinate service-level organizations on all legal issues and operational law. Responsible for the legal representation and support to 20,000 Marines, Sailors, and family members across California.

Consultant to the Marine Air Ground Task Force Training Command’s mission to provide training and support to Marine and Sailors deployed to Afghanistan. Supervised and managed law center consisting of over 240 attorneys and 214 support staff.

Commodore (2007 - 2010) Marine Corps Air Ground Combat Center (MCAGCC), Quantico, VA
Managed the largest Marine Corps legal center in the Marine Corps. Managed over 500 legal personnel and provided support to over 200,000 Marines, Sailors, and family members across the United States.

Commodore (2000 - 2007) Marine Corps Air Ground Combat Center (MCAGCC), Quantico, VA
Managed the largest Marine Corps legal center in the Marine Corps. Managed over 500 legal personnel and provided support to over 200,000 Marines, Sailors, and family members across the United States.

Senior legal advisor for 60 Marines with combat forces temporarily deployed world-wide. Advanced Commander General, Staff and major subordinate Commands on operational law, military justice, civil law, investigation, contracts, intellectual property, and financial issues.

Director, Legal Services Center / Staff Judge Advocate (2010 - 2018) Twenty-four Palms, CA
Provided legal services to Marine Corps and Marine Corps organizations and service members. Supervised the large Marine Corps Air Ground Combat Center (MCAGC) legal center. Trained with staff in Contracting. The Center and the leadership of its subordinate service-level organizations on all legal issues and operational law. Responsible for the legal representation and support to 20,000 Marines, Sailors, and family members across California.

Consultant to the Marine Air Ground Task Force Training Command’s mission to provide training and support to Marine and Sailors deployed to Afghanistan. Supervised and managed law center consisting of over 240 attorneys and 214 support staff.

Commodore (2007 - 2010) Marine Corps Air Ground Combat Center (MCAGCC), Quantico, VA
Managed the largest Marine Corps legal center in the Marine Corps. Managed over 500 legal personnel and provided support to over 200,000 Marines, Sailors, and family members across the United States.

Commodore (2000 - 2007) Marine Corps Air Ground Combat Center (MCAGCC), Quantico, VA
Managed the largest Marine Corps legal center in the Marine Corps. Managed over 500 legal personnel and provided support to over 200,000 Marines, Sailors, and family members across the United States.

Senior legal advisor for 60 Marines with combat forces temporarily deployed world-wide. Advanced Commander General, Staff and major subordinate Commands on operational law, military justice, civil law, investigation, contracts, intellectual property, and financial issues.

Officer-in-Charge, Legal Service Support / Role of Law Coordinator (Sep. 2006 - 2009) Al-Asad, Iraq
Conducted legal services for 1,000 Marine and 500 Iraqi police officers. Managed the legal services for all personnel deployed to Iraq. Supervised 4 attorneys and 11 support personnel.

Director, Marine Corps Air Ground Combat Center (MCAGCC), Quantico, VA
Managed the largest Marine Corps legal center in the Marine Corps. Managed over 500 legal personnel and provided support to over 200,000 Marines, Sailors, and family members across the United States.

Senior legal advisor for 60 Marines with combat forces temporarily deployed world-wide. Advanced Commander General, Staff and major subordinate Commands on operational law, military justice, civil law, investigation, contracts, intellectual property, and financial issues.

Staff Judge Advocate / Senior Legal Advisor (2004 - 2006) Marine Logistics Group, Jacksonville, NC
Provided legal services for the Marine Corps with 3,000 personnel. Supervised 2 attorneys and 11 support personnel. Managed the legal services for all personnel deployed to Japan. Supervised 4 attorneys and 11 support personnel.

Legal advisor to senior executive officers. Advised on legal matters affecting the Marine Corps with 3,000 personnel. Managed the legal services for all personnel deployed to Japan. Supervised 4 attorneys and 11 support personnel.

Operational law advisor to senior executive officers. Advised on legal matters affecting the Marine Corps with 3,000 personnel. Managed the legal services for all personnel deployed to Japan. Supervised 4 attorneys and 11 support personnel.

Staff Judge Advocate / Senior Legal Advisor (2004 - 2006) Marine Logistics Group, Jacksonville, NC
Provided legal services for the Marine Corps with 3,000 personnel. Supervised 2 attorneys and 11 support personnel. Managed the legal services for all personnel deployed to Japan. Supervised 4 attorneys and 11 support personnel.
COMMUNITY SERVICE

Board Member, Summum County Library Board (2014 – present).

Volley Coach, Troop 1060, Boy Scouts of America (2014 – present). I was an assistant Scoutmaster for the recently reorganized troop. When the troop ceased a Vanadium event I became the Vanadium Coach.

Youth Soccer Coach (2010 – present). I regularly coach co-ed 7-9th grade teams for the Summum County Boys and Girls Club, Central Junction, UT. I also coach for South Summit Aquatic and Fitness Center, Kearns, UT. I previously coached for the Moab High School Soccer Association, Moab Valley, UT.

President, Binnski North America (2010 – present). Non-profit national educational organization supporting training of students in martial arts at over 50 schools across North America. Oversees scheduling and licensing of over 100 teachers. Under my leadership, we now offer scholarship and grants to teachers, students and schools to further their training. In addition, we offer two national training programs to support teachers and schools.

Teacher / Mentor, Binnski North America (2001 – present). I have been licensed and teaching martial arts at my own school and am invited to teach at other schools regularly. Overseen the training at 5 schools (CA, NY, MI, NC, OK, FL).

Secretary / Board Member, Moro High Boys Youth Soccer Association, 2010 – 2011. This Yancey Valley, CA organization supports about 300+ children. During my leadership, we expanded programs creating a more teams and year-around soccer opportunities.

Community Education Teacher (Martial Arts), (2011 – 2013) Copper Basin Community College, Mesquite, CA

SUMMARY OF SKILLS

Arbitration & Mediation, Ethics, Alternative Dispute Resolution, Civil/Criminal Court Procedure, Argumentation, Mediation experience, Legal Code Enforcement, Legal Findings/Opinions, Teaching, Legal Research, Senior Manager, Multi-process Supervisor, Presentations, Briefings, Press Conferences, Ability, Press Release Writing, Strategic and Policy Planning, Lean Six Sigma (Green Belt), Active Top Secret/SCI clearance, Fluent Spanish
Christy Abad

From: John Baldwin
Sent: Friday, January 16, 2015 11:25 AM
To: Christy Abad
Subject: FW: Third Judicial District Nominating Commission
Attachments: Richard J. Pehrson Revised 1-16-15 One Page.pdf

From: Rick Pehrson [mailto:RPehrson@slcog.org]
Sent: Friday, January 16, 2015 11:11 AM
To: John Baldwin
Subject: Third Judicial District Nominating Commission

Mr. Baldwin,

I'd be honored to be considered to serve on the Third Judicial District Nominating Commission. Please find my attached resume.

I am a registered Republican.

Please let me know if you need any other information. Thank you for your time and consideration,

Rick Pehrson
Deputy District Attorney
Salt Lake County District Attorney's Office
111 E. Broadway Ste. 400
Salt Lake City, Utah 84111
Office: (801) 468-6600
Direct: (801) 468-7732
E-mail: RPehrson@slcog.org

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From: announcements-bounces@usblists.utahbar.org (mailto:announcements-bounces@usblists.utahbar.org) On Behalf Of USBListserv
Sent: Tuesday, January 06, 2015 3:36 PM
To: [announcements@usblists.utahbar.org] [mailto:announcements@usblists.utahbar.org]
Subject: [Announcements] Third Judicial District Nominating Commission Applicants Sought

Third Judicial District Nominating Commission

The Bar is seeking applications from lawyers to fill the terms of Peter Stirling and David Hall on the

Richard J. Pehrson
240 University Street – Salt Lake City, Utah 84102 – (801) 935-0558 – richpehrson@gmail.com

EXPERIENCE

Salt Lake County District Attorney's Office
Deputy District Attorney, September 2014–Current

Assigned to the violent felony team; tasked with prosecuting first, second, and third degree felons in District Court in every stage of the criminal proceeding; POST trainee on violent crimes and crimes against the administration of government.

Salt Lake City Prosecutor's Office
Assistant City Prosecutor, January 2012–August 2014

Prepared and tried twenty-two jury and over ninety-five bench trials in the Third District and Salt Lake City Court; appeared in court on more than 3,500 cases at hearings in every stage of the criminal process; argued hundreds of motions; screened over 1,000 cases for charges; attended approximately three weeks of training seminars relating to trial advocacy and prosecution; authored an appellate court brief; prepared on prosecutorial use of toxicology at the Utah State Laboratory's annual conference; POST trainer on 4th, 5th, and 6th Amendments, property crimes, and juvenile law.

Salt Lake City Prosecutor's Office
Seasonal Attorney/Law Clerk, August 2011–January 2012

Prepared and tried jury and bench trials; administered the automobile accidents restitution program.

West Valley City Prosecutor's Office
Intern, January 2011–June 2011

Tried numerous bench trials and assisted in jury trials ranging from traffic violations to domestic assaults and DUI.

Federal Public Defender's Office
Intern, August 2010–November 2010

Appeared in federal court in the Eastern District of Virginia and successfully argued a parole violation and sentencing hearing; researched issues for clients with charges ranging from international terrorism and piracy to car-jacking and theft of government property worth over one-million dollars; authored motions submitted in federal court.

Salt Lake City Prosecutor's Office
Intern, May 2010–July 2010

Tried six bench trials; prosecuted a jury trial; appeared in both the District and Justice Courts in a variety of hearings.

Commission on Volunteers, Office of the Lt. Governor
Americas Team Leader, September 2007–August 2008

Recruited and oversaw over 1,000 volunteers serving at the Utah State Capitol's reelection and open house; received the President's Call to Service Award personally from the President of the United States, named Utah's 'Presidential Greeter,' later attending a reception at the White House; promoted general volunteerism throughout the state of Utah.

George Mason University, School of Law
J.D., May 2011
- Top 40%, moot court board, vice president of the Trial Advocacy Association, president of the J. Reuben Clark Law Society; runner-up for 'Best Brief' in the Emory Law School's Civil Rights Moot Court Competition.

University of Utah
B.A., Political Science, August 2007
- GPA 3.76; ASUU Attorney General, Chief of Staff, and Presidential Candidate; LDSSA Vice President, and Campus Relations Chair; leadership & royalty scholarships; appointed member of six academic committees.

AWARDS, SKILLS, AND PRE-LAW SCHOOL EXPERIENCE
- Internships: Utah State Legislature; MCDP; Humanitarian Aid Division of the LDS Church
- Document Clerk at Fabian & Candeen
- Eagle Scout and Order of the Arrow Recipient
- High School Debate State Champion; Two-Time Debate Regional Champion and National Qualifier; Karl R. Madsen ‘Supporter Speaker’ at Debate Nationals; Football State Champion
January 7, 2015

Honorable Governor Gary R. Herbert
336 North State Street, Suite 200
PO Box 142220
Salt Lake City, Utah 84114-2220

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

Re: THIRD JUDICIAL DISTRICT NOMINATION COMMISSION

Dear Governor Herbert & Executive Director Baldwin:

I am interested in serving on the Third Judicial District Nomination Commission and have attached my resume herewith as my application for the position. I am a litigation attorney with 10+ years of trial and motion experience in Utah.

I graduated from the University of Utah College of Law in 2004, served as staff attorney of the Utah Law Review, a law clerk to Senator Orrin Hatch on the U.S. Senate Judiciary Committee, and a law clerk to Judge Russell W. Beach of the Utah Court of Appeals. Since that time, I have been in private practice in Utah as a litigation attorney.

I also currently serve as a member of the Council of South Jordan and I am a registered Republican.

I believe my experience both in and outside of the courtroom would be valuable to the position. Please let me know if you would like any further information. Thank you.

MACHOL & JOHANNES, LLC
Christopher A. Rogers

Enclosure - Resume
Utah Office: 1111 W. South Jordan Parkway, Suite 402, South Jordan, Utah 84095 - Ph: 801-729-3328 x535

EDUCATION

UNIVERSITY OF UTAH COLLEGE OF LAW, Salt Lake City, UT, 2004
Juris Doctor (J.D.)
- Utah Law Review, Senior Staff

UNIVERSITY OF UTAH, Salt Lake City, UT, 2001
B.A., Communication
GPA: 3.9; Honors: Gun laude (Top 4%)
- Student Advisor Committee (SAC) Member of the Communication Dept., University of Utah, Oct 2000 – Feb 2001
- Chief Justice of the University of Utah Supreme Court, Feb 1999- Nov. 2001
- Hinckley Institute of Politics Seminar Participant, Washington DC, Spring 2001

ADMISSIONS

Utah, 2004
U.S. Court of Federal Claims, 2006
U.S. Court of Appeals for 10th Circuit, 2006
U.S. Supreme Court, 2008
New York, 2013

REPORTED CASES

Tabish v. Target Corp., 2007 U.S. Dist. LEXIS 40411 (Minn. 2007).
Mosier v. Callister, Nebeker & McCulough, 546 F.3d 1271 (10th Cir. 2008).

QUALIFICATIONS & EXPERIENCE

10+ years successful experience as a litigation attorney

Dynamic, results-oriented leader with a strong track record of performance in high-stakes legal disputes. Over ten years of broad-range experience in civil litigation and trial court practice at various state and federal courts, including the U.S. Court of Federal Claims, 10th Circuit Court of Appeals, 10th Circuit Bankruptcy Appellate Panel (BAP), and state and federal district courts in Utah, Idaho, Oregon, California, and Minnesota. Superior ability to develop litigation strategies to drive efficient resolution of complex disputes. Areas of practice and experience include:

- Commercial Litigation
- Professional Malpractice
- Insurance Defense Litigation
- Legal Malpractice
- Real Estate Litigation
- IP/Patent Litigation
- Debt Collection / FDCPA Litigation
- Appellate Practice
- Securities Fraud Litigation
- Product Liability
- Nursing Home Litigation
- Vaccine Injury Litigation
- Business Law & Transactions

MACHOL & JOHANNES, LLC Salt Lake City, Utah Attorney

JOHNSON MARK, LLC Salt Lake City, Utah Attorney

CHRISTENSEN | THORNTON, P.C., Salt Lake City, Utah Attorney

WORON LAW OFFICE, P.C., Draper, Utah (formerly MORTON | MILLARD, Salt Lake City, Utah) Attorney

EISENBERG, GILCHRIST & MORTON, Salt Lake City, Utah Attorney

UTAH COURT OF APPEALS, Salt Lake City, Utah Attorney - Law Clerk for Judge Russell W. Bench

U.S. SENATE JUDICIARY COMMITTEE, Washington, D.C. Law Clerk

2002

PUBLICATIONS & PRESENTATIONS

"A Primer on Collections Law & Ethics," Utah State Bar CLE, Solo / Small Practice Section, Presenter (June 2011).

MEMBERSHIPS & ACTIVITIES

City Council Member, South Jordan City, Utah, 2014-Present
FINRA Arbitrator Panel Member, 2014 - Present
Chairperson, ACA International Member's Attorney Program for State of Utah, 2012-Present
Chairperson, Utah Medical Malpractice Pre-Litigation Panels, 2006-2011
Judge Pro Tem, Salt Lake City Justice Court, 2006-2009
Utah State Bar Litigation Section

LANGUAGES

Italian (Proficient)

HONORS & AWARDS

Mountain States Super Lawyers "Rising Star" (2009)
University of Kentucky Debate Tournament of Champions Qualifier (1996)
University of California-Berkely, Debate Speaker Award (1996)
University of Redlands, Debate Speaker Award (1995)
Loyola Marymount University, Debate Speaker Award (1995)
American University Debate Scholarship (1995)
University of Southern California, Quarterlylist Debate (1995)
Utah Governor's Cup Debate Tournament 1st Place (1994)
John C. Baldwin

By U.S. Mail and email
John.baldwin@utahbar.org

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

Re: Third District Trial Court Nominating Commission

January 15, 2015

Dear Mr. Baldwin:

This letter is submitted as my application for an appointment to the Third District Court Nominating Commission, as invited by a recent notice distributed by the Utah State Bar.

As a lawyer who has been practicing for 37 years, I am interested in continuing my participation in the "infrastructure" of the profession—something I have done over many years through the activities outlined on the attached résumé. As Of Counsel to the Jones Waldo firm, I am able to devote the necessary time and effort to the responsibilities of such an appointment.

If extensive practice in Third District Court is the primary qualification for appointment to the Commission, I may come up somewhat short. However, it occurs to me that the broad experience I have had as an administrative agency litigator, appellate practitioner, ethics and professionalism specialist, corporate lawyer and someone who has a broad knowledge of the Utah legal landscape may be useful qualifications to bring to the Commission.

I have relevant judicial experience, stemming from some 20 years as a voluntary pro tem judge in Utah Third District Court, where I sat 6-10 times a year. I also served 18 years on the Bar's Ethics Advisory Opinion Committee (as Chair) and over 20 years on the Utah Supreme Court Advisory Committee on the Rules of Professional Conduct.

The attached résumé provides a more detailed description of the background that would bring to the Nominating Commission. I would be pleased to respond to any request for additional information.

In compliance with the request for a statement of political affiliation, I state that I am a registered Democrat.

Respectfully submitted,

GARY G. SACKETT
6700 East
JONES, WALDO, HOLROCK & MCDONOUGH
170 East South Main Street, Suite 1200
Salt Lake City, Utah 84101
(801) 224-7396 fax (801) 224-6337
gsackett@joneswaldo.com

Current and Past Legal Practice

Mr. Sackett's legal career has spanned over 37 years and has been focused on corporate and regulatory law, primarily in administrative litigation before state tax and public service commissions, the Federal Energy Regulatory Commission and related appellate courts. He continues to provide counsel and advice to companies in the areas of general corporate law, corporate and partnership governance and transactions, and property tax matters.

Since joining the Jones Waldo firm in 1999, Mr. Sackett has augmented his regulatory and corporate practice with an active ethics and professionalism practice. With an extensive background in these areas, he represents and counsels lawyers and others concerning ethical and malpractice issues.

As a private pilot, he also represents clients in resolving matters related to general aviation.

He has been an Adjunct Professor of Law at the University of Utah, lecturing on the legal profession and legal ethics, and has served as a visiting professor at the John Paul II Catholic University in Lublin, Poland. He served on the Ethics Advisory Opinion Committee of the Utah State Bar from 1989 until 2007, chaired the committee 1992-2003, and he has served on the Utah Supreme Court's Advisory Committee on the Rules of Professional Conduct since 1993.

Mr. Sackett was formerly vice president and general counsel of Questar Corporation, having been with that company for 24 years.

In addition to a J.D. degree from the University of Utah College of Law, he holds a Ph.D. in applied mathematics from the University of Southern California. He is a member of the Utah State Bar, the Federal Energy Bar Association and is licensed to practice before the U.S. Supreme Court and the U.S. Courts of Appeals for the Fifth, Tenth, Eleventh and D.C. Circuits. He serves as an arbitrator for the American Arbitration Association and the Financial Industry Regulatory Authority (FINRA) and is a panel attorney for the Aircraft Owners and Pilots Association Legal Services Plan.

Other

AV rating, Martindale-Hubbell
Utah State Bar Distinguished Service Award, 2003
Panel of Neutral, American Arbitration Association—Commercial Dispute Resolution (inactive)
Arbitrator, Financial Industry Regulatory Authority (FINRA)
Panel Attorney, Aircraft Owners and Pilots Association Legal Services Plan
Adjunct Professor of Law, University of Utah College of Law, 2000-2002 (Legal ethics; professional conduct for lawyers)
Visiting Professor of Law, Catholic University of Lublin, Poland, Fall 2006 (General litigation and legal ethics)
Judge, Pro Tempore, Utah Third District Court, Small Claims Department, 1980-2010
Notes Editor, Energy Law Journal, 1989-96
Editor-in-Chief, Journal of Contemporary Law (Univ. of Utah), 1976-77
Millcreek Township [Utah] Planning Commission, 2006-2012; Chair, 2008-09.
Salt Lake County Board of Adjustment, Chair, 2012-13.

Legal Publications
"LifeLine Rates for Public Utilities—A Hit or a Myth?" 2 J. CONTEMP. L. 218 (1976).

Other Publications

GARY G. SACKETT
6700 East
JONES, WALDO, HOLROCK & MCDONOUGH
170 East South Main Street, Suite 1200
Salt Lake City, Utah 84101
(801) 224-7396 fax (801) 224-6337
gsackett@joneswaldo.com

Current and Past Legal Practice

Mr. Sackett's legal career has spanned over 37 years and has been focused on corporate and regulatory law, primarily in administrative litigation before state tax and public service commissions, the Federal Energy Regulatory Commission and related appellate courts. He continues to provide counsel and advice to companies in the areas of general corporate law, corporate and partnership governance and transactions, and property tax matters.

Since joining the Jones Waldo firm in 1999, Mr. Sackett has augmented his regulatory and corporate practice with an active ethics and professionalism practice. With an extensive background in these areas, he represents and counsels lawyers and others concerning ethical and malpractice issues.

As a private pilot, he also represents clients in resolving matters related to general aviation.

He has been an Adjunct Professor of Law at the University of Utah, lecturing on the legal profession and legal ethics, and has served as a visiting professor at the John Paul II Catholic University in Lublin, Poland. He served on the Ethics Advisory Opinion Committee of the Utah State Bar from 1989 until 2007, chaired the committee 1992-2003, and he has served on the Utah Supreme Court's Advisory Committee on the Rules of Professional Conduct since 1993.

Mr. Sackett was formerly vice president and general counsel of Questar Corporation, having been with that company for 24 years.

In addition to a J.D. degree from the University of Utah College of Law, he holds a Ph.D. in applied mathematics from the University of Southern California. He is a member of the Utah State Bar, the Federal Energy Bar Association and is licensed to practice before the U.S. Supreme Court and the U.S. Courts of Appeals for the Fifth, Tenth, Eleventh and D.C. Circuits. He serves as an arbitrator for the American Arbitration Association and the Financial Industry Regulatory Authority (FINRA) and is a panel attorney for the Aircraft Owners and Pilots Association Legal Services Plan.
January 15, 2015

John Baldwin
Executive Director
Utah State Bar
Utah Law & Justice Center
645 South 200 East
Salt Lake City, UT 84111

Re: Third and Fourth Judicial District Nominating Commissions

Dear Mr. Baldwin:

Enclosed please find my resume in support of my request for consideration for appointment to the Third and Fourth Judicial Districts Nominating Commissions. As reflected in my resume, I am the Managing Counsel for the United States Postal Service, Western Area and also maintain a small private practice, including pro bono work in Utah. I have more than twenty-three years of experience litigating in both state and federal courts, as well as a breadth of non-litigation experience. I would welcome the opportunity to serve on a nominating commission. I am currently a registered Democrat.

Should you have any further questions that I might answer, please feel free to contact me.

Sincerely,

Samuel J. Schmidt
January 15, 2015

VIA EMAIL

John C. Baldwin
Executive Director
Utah State Bar
645 S. 200 E.
Salt Lake City, UT 84111

Re: Third Judicial District Nominating Commission

Dear Mr. Baldwin:

Please accept my application for one of the opening vacancies on the Third Judicial District Nominating Commission. My resume is included with this letter. I reside in Salt Lake County and am registered as an independent voter.

I would be honored to serve on the Nominating Commission and believe that I am a good candidate for the position. As a litigation partner at Stoel Rives LLP, I regularly practice in state court and am continuously impressed by the fair, courteous, and competent manner in which our judges handle the cases before them. Likewise, as an active member in the Utah and Salt Lake County bar associations, I am continually impressed by the diversity, intellect, and professionalism of my peers and colleagues. As a member of the Nominating Commission, I would strive to ensure that our bench continues to reflect the very best qualities of our bar.

Please let me know if I can provide any additional information as you consider candidates for this position.

Very truly yours,

Lauren A. Shruman

Lauren A. Shruman

Represented re-employee against invasion of privacy and wrongful termination claims by a former employer. Obtained summary judgment in favor of the defendant employer.

Represented employee against discrimination claims under Title VII.

Represented pharmaceutical company against product liability claims. Obtained dismissal of all claims based on statute of limitations grounds.

Represented a hunter in asserting claims against a manufacturer of firearms for breach of warranty. Obtained summary judgment in favor of manufacturer on all claims and successfully defended these counterclaims on behalf of the hunter.

Professional Honors and Activities

Member, Women Lawyers of Utah, 2007-present.
Member, Utah Bar Character and Fitness Committee.
Member, Utah State Bar (Litigation Section, Labor & Employment Section).

Presentations

"Employers with Medical Conditions: Managing the Overhead and Workplace Compensation, the ADA and the FMLA," Stoel Rives LLP, Nov. 2011.

Publications

"Utah Court Limits Available Remedies for Proportionality of Confidential Information - Why Confidentiality Agreements Are No Longer Enough," The Employment, Nov. 2012.
Shifting Effective and Enforceable Non-Compete Agreements," The Employment, June 2012.

Experience

Lauren Shruman is a partner in the litigation group and focuses her practice as an associate in all areas of civil litigation. Lauren has handled complex commercial disputes in federal and state courts and in arbitration, and has represented clients in administrative proceedings before the Utah Labor Commission, the Utah Public Service Commission, the Utah State Tax Commission, the Utah Employment Opportunity Commission, the U.S. Department of Labor, and the Utah State Board of Education. She represents employers in matters relating to employment discrimination, harassment, wrongful termination, the Family Medical Leave Act, and non-compete agreements and trade-secret actions. She also advises clients on personnel policies and has assisted employers in developing employee handbooks.

Before joining Stoel Rives as an attorney, Lauren was a summer associate in the Salt Lake City office of Stoel Rives, 2001.

Professional Experience

Representative Work

Representative Cases


Reversal of a jury decision that defendant hospital owed its right to equal treatment.

Represented a pharmaceutical company against product liability claims. Obtained dismissal of all claims based on statute of limitations grounds.

Represented a former employee in asserting claims against a former employer for breach of warranty. Obtained summary judgment in favor of the defendant employer on all claims and successfully defended these counterclaims on behalf of the former employee.

Employment Litigation

Represented a defendant employer against claims of retaliation by a former employee. Obtained summary judgment in favor of the defendant employer on all claims.

Represented a defendant employer against claims of sexual harassment, discrimination, and retaliation by a former employee. Obtained summary judgment in favor of the defendant employer on all claims.

Represented a defendant employer against claims of sexual harassment, discrimination, and retaliation by a former employee. Obtained summary judgment in favor of the defendant employer on all claims.

Represented a defendant employer against claims of sexual harassment, discrimination, and retaliation by a former employee. Obtained summary judgment in favor of the defendant employer on all claims. 
January 15, 2015

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

Re: Third Judicial District Nominating Commission

Dear Mr. Baldwin:

I wish to serve on the Third Judicial District Nominating Commission. I am a registered Republican in Summit County, Utah where I reside. My law practice based in Park City primarily consists of defending many of Utah’s ski resorts in the Third District Court for both Salt Lake and Summit counties, as well as in Federal Court. I regularly appear before many of the judges in the Third District, and believe I can provide helpful input during the judicial nomination process based on my experience. I have attached my resume for your consideration. Additional information about me and my law firm can be found at www.strachanlaw.com. Should you require references, Third District Court Judge Ryan Harris and the City Attorney for Salt Lake, Margaret Plane, may be contacted at your convenience.

Please contact me if you have any questions.

Sincerely,

Adam Strachan
Christy Abad

From: John Baldwin
Sent: Friday, January 16, 2015 9:28 AM
To: Christy Abad
Subject: FW: Third Judicial District Nominating Commission
Attachments: cara_resume.doc

From: cara@hntlaw.com [mailto:cara@hntlaw.com] On Behalf Of Cara Tangaro
Sent: Thursday, January 15, 2015 7:03 PM
To: John Baldwin
Subject: Third Judicial District Nominating Commission

John:

I am applying for the Third Judicial District Nominating Commission. I am a registered Democrat. The announcement did not request a cover letter, but I would be happy to provide one if desired.

My resume is attached.

Best,
Cara Tangaro

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CARA M. TANGARO
35 West Broadway Suite 203 • Salt Lake City, Utah • (801) 673-9984

EDUCATION
Juris Doctor, University of Utah, Salt Lake City, Utah, May 2001
BS Political Science, Santa Clara University, Santa Clara, California, June 1996
Gonzaga University in Florence / Studies Abroad

AWARDS
Utah Business Magazine, Legal Elite in Criminal Law

CONTRACTS
Salt Lake Legal Defender Conflict contract
Member of the Federal CIA Panel
Member of Supreme Court’s Advisory Committee on the Rules of Criminal Procedure

EXPERIENCE

4/13-present
Tangaro Law, P.C., Salt Lake City Utah
Defense Attorney/ Sole Practitioner
- Manage criminal caseload including plea negotiations, dispositions, pretrial motions, preliminary hearings, trials, and sentencing
- Handle all aspects of client relations from initial consultations through closure of case
- Defend cases throughout the State of Utah in Federal, District, Juvenile and Justice courts.

06/10-4/13
Hutchison, Neider & Tangaro, P.C., Ogden and Salt Lake City, Utah
Defense Attorney
- Manage criminal caseload including plea negotiations, dispositions, pretrial motions, preliminary hearings, trials, and sentencing
- Handle all aspects of client relations from initial consultations through closure of case

09/08-6/10
Keith Barton and Associates, South Jordan, Utah
Defense Attorney
- Lead counsel on all types of misdemeanor and felony cases including homicides and cases involving unlawful sex.

11/01 – 9/08
Salt Lake County District Attorney’s Office, Salt Lake City, Utah
Deputy District Attorney
- Managed criminal felony caseload including plea negotiations, dispositions, pretrial motions, preliminary hearings and trials
- Prosecuted and went to trial on over twenty-five felony trials including a Capital Homicide

9/00-9/01
Utah Attorney General, Children’s Justice Division, Salt Lake City, Utah
Law Clerk
- Researched and wrote memoranda and motions dealing with child welfare including child pornography cases.

1/16/2015
CARRIE T. TAYLOR, R.N., J.D.

1/15/2015

PROFESSIONAL CREDENTIALS

 Utah State Bar (1991 – Present)
 Utah Registered Nurse (1988 – Present)
 Certified Medicare Secondary Payer Professional (CMSF 2011)

VOLUNTEER & COMMUNITY

NALP – The Association for Legal Career Professionals (2014)
 Utah Workers’ Compensation Defense Bar
 Utah State Bar New Lawyer Training Program Mentor (2009 – Present)
 Planning Committee, Compassionate Disability Forum (2002 – 2012)
 Brigham Young University Law School Mentor & Mock Interviewer
 (Intermittent 1992 – 2012)
 Defense Research Institute (through 2011)
 National Council of Self Insurers (through 2011)
 BYU Management Society (through 2011)
 The American Association of Nurse Attorneys (through 2010)
 Junior League of Salt Lake City Community Advisory Board (2001 – 2004)

PROFESSIONAL PRESENTATIONS

WPC: Provider, Friend or Foe? University of Utah School of Medicine
 Department of Family and Preventative Medicine
 Rocky Mountain Center for Occupational & Environmental Health
 Salt Lake City, Utah
 February 28, 2014

Tackling Medicare’s Interest in Consideration: Mandatory Insurer Reporting and
 Medicare Strike-Down Actions, Approvals, and Administration
 National Business Institute
 Salt Lake City, Utah
 August 25, 2011

Ethics & The Injured Worker
 Rocky Mountain Therapy Services
 Salt Lake City, Utah
 February 24, 2011

Medicare Compliance Update
 Utah Claims Adjustment Association
 Sandy, Utah
 January 13, 2011

CARRIE T. TAYLOR, R.N., J.D.

Office Address:
7500 W. IRVINE
Irvine, CA 92618
(949) 922-1163
taylor@carritetaylor.com

Home Address:
599 S. COUNTRY CLUB
Corona del Mar, CA 92625
(949) 673-1683
ctaylor@cox.net

EDUCATION

Juniors Doctor, J. Reuben Clark Law School, Brigham Young University, 1991

Bachelor of Science (Nursing), University of Utah, 1988

EXPERIENCE

*Massingbird Bradshaw & Bedouin LLC 2014 – Present
 Of Counsel
 • Litigation – Medical Malpractice defense

*J. Reuben Clark Law School, Brigham Young University
Graduate Employment Advisor
 • Employment counseling for 3L students and new graduates
 • Public Service Fellowship placement and counseling
 • Outreach activities to promote the law school and increase job postings,
  fellowships and externships
 • Conduct executive searches

*Independent Mediator/Arbitrator & Consultant
ADR Specialty – Utah Labor Commission
Neutral – Utah ADR Services (Tort Emphasis)
Workers’ Compensation Consultant
 • Utah Office of the Attorney General (State Agency Counsel Division – Febr, 2014)
 • Utah Labor Commission Adjudication & Industrial Accidents Division
(Feb, 2014 – present)

*The Hartford Financial Services Group, Inc.
Senior Staff Attorney
 • Litigation – Torts and Workers’ Compensation Defense

*Richardson and Miller Nelson
 • Board of Directors (2011)
 • Managing Partner – Workers’ Compensation Group (2002 – 2011)
 • Medicare Secondary Payer Compliance – Counseling Practice
 • Defense – Workers’ Compensation, Medical Malpractice & Liability

*Workers Compensation Fund
Staff Attorney/Reviewer
 • Workers’ Compensation Defense

*Kipp & Chrisman, P.C.
Associate Attorney
 • Medical Malpractice Defense, Social Security, Workers’ Compensation, Family Law, Lender/Tenant, Bankruptcy and
  Insurance Defense

*Division of Occupational and Professional Licensing
Attorney/Chaplain
 • Medical Malpractice Pre-litigation Panels – conduct hearings and draft
  opinions

*St. Mark’s Hospital Emergency Department
Registered Nurse
 • ACLS, TNCC, CEN

(Publications continued)
CARRIE T. TAYLOR, R.N., J.D.

(Professional Presentations continued)

Medicare Secondary Payer Compliance: Are you in Compliance?
Utah Claim Managers Association
Sandy, Utah
November 4, 2010

Medicare: Primary Payer Compliance
Utah PRIMA 2009 Annual Seminar
West Valley City, Utah
October 21, 2009

Perspectives from a Woman Lawyer: 5 Steps to Building a Successful Business
8th Annual Women in Business Seminar – Partners in Business
Utah State University
Jon M. Huntsman School of Business
April 15, 2009

Report & Highlights from the NCJIL Annual Meeting
Annual Meeting – Utah Self Insurers Association
Salt Lake City, Utah
June 19, 2008

Claims & Litigation Barrie
Utah Workers’ Comp Update – Richards Brandt Miller & Nelson
Denver, Colorado
October 15, 2007

Adjusting the Mental Stress Claim & Who’s Who at the Labor Commission
For Locals Only – Richards Brandt Miller & Nelson
Salt Lake City, Utah
September 21, 2007

Labor Commission Medical Panels – Panel Moderator
2007 Compensable Disability Forum – The University of Utah Rocky Mountain Center
for Occupational & Environmental Health
Salt Lake City, Utah
February 2, 2007

Workers’ Compensation Basics
Corporate Seminar – Kimberly Clark Corp.
Salt Lake City, Utah
August 15, 2005

CARRIE T. TAYLOR, R.N., J.D.

(Professional Presentations continued)

Compensation Claims Management: Clearing Difficult Claims, Cost Containment &
Efficient Return-to-Work
Utah Workers Comp Update 1998 – Council on Education in Management
Salt Lake City, Utah
April 28, 1998

Workers’ Compensation
Corporate Seminar – US Aggregate Holding Corp.
Salt Lake City, Utah
January 14, 1998

Workers’ Comp and the ADA – The Latest Court Decisions: Are Employers ‘Winning or
Losing?’
Workers’ Comp Update 1997 – Council on Education in Management
Salt Lake City, Utah
April 28, 1997

Ethical Considerations with Managed Care in Workers’ Compensation – Panel
Discussion
IHC Health Services to Business Occupational Health Conference
Salt Lake City, Utah
April 23, 1997

Claims Management After EBP & Occupational Stress
Advanced Workers’ Compensation in Utah – National Business Institute, Inc.
Salt Lake City, Utah
February 4, 1997

Claims Adjustment: Claims Procedure/Legal Procedure
Policiesholder training – Workers Compensation Fund
Salt Lake City, Utah
1995

Guest Lecturer (Malpractice/Negligence)
Utah Valley Community College, University of Utah Medical Center, Weber
State University, McKay-Dee Hospital, 1992 – 1993
From: John Baldwin
Sent: Wednesday, January 07, 2015 12:24 PM
To: Christy Abad
Cc: Christy Abad
Subject: RE: 3rd District Nominating Commission

Thank you,
John

From: Christy Abad
Sent: Wednesday, January 07, 2015 9:29 AM
To: John Baldwin
Subject: 3rd District Nominating Commission

John,
I would be honored to serve on the 3rd Judicial District Nominating Commission. I am a registered Republican, 
Attached please find my resume.

Warm regards,

Heather L. Thuet
Attorney

Office 801 523 5000
Fax 801 523 5472
heather.thuet@christensen.com
8 West Temple, Suite 600
Salt Lake City, Utah 84101

NOTICE: A NEW LOCATION!

Christensen and Jensen has moved office locations. Effective December 8, 2014, our new address will be 257 East 200 South, Suite 1100, Salt Lake City, Utah 84111.
Thank you and happy holidays!

WARNING DISCLAIMER-LEGAL CONFIDENTIALITY NOTICE This electronic mail message contains confidential information intended only for the use of the individual or entity named above and may be protected by the attorney-client and/or work product privilege. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately at (801) 323-9000, or by reply email, and delete the original message and any backup copies from your system. Thank you.

1/15/2015

Heather L. Thuet
230 South Douglas Street
Salt Lake City, Utah 84102
(801) 440-4126
heather.thuet@gmail.com

EXPERIENCE
Shareholder, Christensen & Jensen, P.C. October 2004- currently
Judicial Intern, Judge Robert Hilder, Third District August 2003- January 2004
Judicial Intern, Chief Justice Matthew Durrant, Supreme Court August 2002- May 2003

EDUCATION
Juris Doctorate, University of Utah, S.J. Quinney College of Law Order of the Coif, top 5% of graduating class
Utah Law Review
William H. Leary Scholar
ASUU Supreme Court Justice
Bachelor of Science, University of Utah—Business Administration Cum laude, President’s Award, Phi Beta Kappa

PROFESSIONAL INVOLVEMENT
Chair-Elect Utah State Bar Litigation Section 2014- currently
Vice-Chair, American Bar Association Litigation Committee 2014- currently
Judge Pro Tempore (serving second term) 2008- currently
Utah State Bar Summer Convention Committee Member 2012- currently
Board Member Utah Defense Lawyers Association 2013- currently
Utah State Bar Examiner 2005-2012

PRESENTATIONS & PUBLICATIONS
“Medical Aesthetic Malpractice: The Good, The Bad & The Ugly,” AAJ meeting July 2014
“What Goes on Behind Closed Doors in Mediation,” Utah Bar Summer Convention, July 2014
Moderator “Judicial Perspective on Jury Behavior,” Utah Bar Summer Convention, July 2014
Moderator “Ethics and Professionalism Panel with Judge Shaughnessy, Judge Hilder and Billy Walker,” Utah Defense Lawyer’s Association annual meeting, May 2014
Presenter “Efficient Preparation for Trial,” firm in-service, February 2014
Presenter “E-Filing in District Court” Utah State Bar Modest Means program, April 2013
Utah Law Update: A publication summarizing liability law in Utah
“Personal Injury Lawsuits with a Medicare Beneficiary” Weber County Bar Association, 2011
Johnson v. Gold’s Gym, 2009 UT App 76

COMMUNITY INVOLVEMENT
Commissioner, Salt Lake City Historic Landmark Commission 2012- currently
Salt Lake Land Use Appeals Board 2016-2012

HONORS/AWARDS
BV Distinguished Martindale-Hubbell
Admitted to practice in Utah, Federal District of Utah and the Tenth Circuit Court of Appeals.
Christy Abad

From: John Black
Sent: Wednesday, January 07, 2015 12:18 PM
To: Craig Wanggard
Cc: Christy Abad
Subject: RE: Open seats on Third Judicial District Nominating Commission

Thank you,
John

From: Craig Wanggard [mailto:CWanggard@utx.org]
Sent: Wednesday, January 07, 2015 9:47 AM
To: John Black
Subject: Open seats on Third Judicial District Nominating Commission

Mr. Baldwin,

I would like to be considered for an open seat on the Commission. Attached is my resume. I am politically independent. Thank you for your time.

Craig Wanggard
Deputy District Attorney
Salt Lake County
2001 South State Street, Suite 600
Salt Lake City, UT 84110
(801) 488-7597
CWanggard@utx.org

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1/15/2015

ACC Capital Corporation
1787 Fort Union Blvd., Suite 200
Salt Lake City, UT 84121 April 1, 2003 - September 30, 2003
Vice President and General Counsel - ACC Capital Corporation is a middle-market financial services company that specializes in structuring, originating, servicing and syndication of real estate collateralized debt. Duties included supervision of the origination, servicing, and realization of real estate mortgage-backed securities. Developed and implemented a national originations and structuring strategy. Developed, executed, and oversaw the financing, origination, and structuring strategy for the company's national real estate mortgage-backed securities business. Managed the origination, servicing, and realization of the company's national real estate mortgage-backed securities portfolio. Supervised and managed the origination, servicing, and realization of the company's national real estate mortgage-backed securities portfolio.

Prince, Yeates & Goldberg
175 E. 40th South, Suite 300
Salt Lake City, UT 84111 June 1990- March 1993
Attorney - Practice areas included real estate transactions, corporate law and taxation. Projects included real estate transactions, business law, federal and state income tax, employee benefits, sales and property tax issues and tax litigation. Special projects included development and implementation of the company's real estate tax strategy to maximize real estate tax deductions and minimize real estate tax liability. Developed and implemented the company's real estate tax strategy to maximize real estate tax deductions and minimize real estate tax liability.

Deloitte Touche
Los Angeles, California - 1984 - 1987
Senior Consultant - Practice areas included auditing, multi-state taxation, corporate, partnership, real estate and individual taxation.

ACTIVITIES AND COMMUNITY SERVICE
Extemporaneous - Law Clerk for Judge Norman Jackson, Utah Court of Appeals Secretary and Treasurer - The Jeremy Golf & Country Club, 1997
President and Treasurer - The Jeremy Golf & Country Club, 1999
American Menus, Ltd - Member 2003-2004

PRIOR TESTIMONY
I have been engaged to perform forensic accounting and testify in the following matters.

Third District Court, Salt Lake County,

Craig J. Wanggard
3516 Saddleback Rd
Park City, UT 84060
Office (801) 865-2000

EDUCATION
University of Utah, College of Law
Salt Lake City, Utah
Juris Doctor, May 1991

University of Utah
Salt Lake City, Utah
Masters of Professional Accountancy, May 1994

University of Utah
Salt Lake City, Utah
Bachelor of Science, Accounting, August 1983

PROFESSIONAL LICENSES
Attorney - Utah - 1991 to present
Certified Public Accountant - Utah - 1997 to present

EMPLOYMENT
Salt Lake County District Attorney
Deputy District Attorney - Civil Litigation Division
2001 S. State St., Salt Lake City, UT 84110 June 1, 2006 - Present
Attorney - Community Services Unit - Practice areas include federal estate planning, probate, municipal financing, civil litigation and real estate transactions. Representative clients include: Center for the Arts, Clark Planetarium, Community Resources, Convention & Visitors Bureau, Economic Development, Extension Services, (K. Mergen), Legal Contracts Management (FDA, Justice, Conflict), Municipal Bond Financing, Parks & Recreation, Real Estate, Redevelopment Agency, Salt Palace, South Towne Exposition Center, ZBYFRCC Fund Administration.

C. Wanggard, L.C. (formerly Wanggard & Associates, L.L.C.)
57 West 200 South, Suite 400
Salt Lake City, Utah 84101 April 1, 1993 - May 30, 2006
Attorney - Practice areas include family law, corporate law, commercial and business litigation, federal, state and local tax matters, tax planning, estate planning and commercial and real estate transactions.
Mr. Baldwin, my political party affiliation is independent.
January 8, 2015

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

Re: Third Judicial District Nominating Commission

Dear Mr. Baldwin,

I write to express my interest in serving upon the Third Judicial District Nominating Commission. Accompanying this letter is a copy of my curriculum vitae. I have served the Utah State Bar in a number of capacities over the last thirty years or so, including the Committee of Bar Examiners, and the Annual Meeting Committee (which I chaired in 1990). Most recently I served as a member of the Mandatory Continuing Education Committee, for the Judicial Council.

Additionally, I would like to inform all that I am a registered voter in Utah, and I am registered as a Democrat.

Please let me know if there is anything further you would require from me in order to be considered for service on the Commission.

Very truly yours,

[Signature]

Enclosure
“Update, White Collar Crime Issues”; Annual CIA Panel Training

“Trial of a Criminal Case—a Primer”; Utah State Bar CLP

“Investigating and Prosecuting White Collar Criminal Cases”; Utah Prosecution Council

“Defending Fraud Cases”; Administrative Office of the United States Courts

“The Defense Perspective of Criminal Prosecution”; Utah Prosecution Council

“Is Litigation Broken?” Tenth Circuit Judicial Conference.
Lecture topics:
“Costs of Litigation/Access”


“Rocky Mountain Seminar”; Jackson, Wyoming

“Update on Antitrust Enforcement Guidelines”; Utah State Bar Annual Meeting

“Only the Strong Survive: Federal Criminal Practice”; Salt Lake City,
Atlanta, Washington D.C., Phoenix, Memphis, and Houston.
Lecture topics:
“Sentencing Guidelines”
“Making the Federal Rules of Evidence Work for You”
“Relevant Conduct”

“CIA Panel Attorney Trial Skills Seminar,” Fayetteville, Arkansas
Lecture topic: “Closing Statements”

“Ethical Dilemmas in Representing Persons in the Midst of Civil, Quasi-
Criminal and Criminal Investigations”; Utah State Bar Association, Annual Meeting
Moderator—“Criminal Investigations and the Civil Practitioner”
Utah State Bar

“How to Try a Federal Criminal Case—Part I”—Host, Moderator

“How to Try a Federal Criminal Case—Part II”—Host, Moderator

“How to Try a Federal Criminal Case—Part III”—Host, Moderator

PUBLIC SERVICE:

Rocky Mountain Insurance Center
Board of Directors
—2001 to 2012

The McGillis School
Board of Directors
—2002 to 2009.

United Jewish Federation of Utah
Board of Directors

Salt Lake Jewish Community Center
Executive Committee
—Secretary, 1999-2000.

L. J. and Jeanne Wagner Jewish Community Center Building Committee
—Co-Chair, 1999-2001.

Board of Directors

Special Services Committee for the Elderly,
—1999 to 1999.

Utah Trout Foundation
Charter member, Trustee, 1986 to 1999

FEATURE ARTICLES AND SPECIAL INTEREST REPORTS:

“Judicial Housekeeping Legislation: S.1101—Proposed Amendments to the
Criminal Justice Act.” Testimony, United States Senate Judiciary
Committee, Sub-Committee on Judicial Oversight.

“Criminal Justice, the Sixth Amendment, and the Federal Funding Crisis”,
presented to the House, Budget Sub-Committee on the Federal Judiciary

“Report of the Criminal Justice Act Study Committee”, submitted to the
United States District Court for the District of Utah, and the
Administrative Office of the United States Courts

“Inadequacies in Funding and Support for Constitutively Mandated
Counsel for Indigent Criminal Accused”, presented to the Tenth Circuit
Judicial Conference

“The Exclusionary Rule and its Patriotic Application”, presented to the
Federalist Society, Brigham Young University

“The ‘War on Crime’ is Lost—Why? And What We Could Do,” Salt Lake
Tribune

“Why the Exclusionary Rule is a Necessary Heritage of Federal and State
Constitutional Law”, submitted and presented to the Utah Constitutional
Review Committee

“Coastal Zone Management—The Tidelands: Legislative Apathy vs.
Judicial Concern” 8 San Diego Law Review 695

“A Current Analysis of the Usury Laws: A National View” 8 San Diego
Law Review 193.
Christy Abad

From: John Baldwin
Sent: Friday, January 16, 2015 9:27 AM
To: Christy Abad
Subject: FW: Third District Nominating Commission
Attachments: GKW Resume 1.15.15.pdf

From: Gabe White [mailto:Gabriel.White@christjen.com]
Sent: Thursday, January 15, 2015 10:48 PM
To: John Baldwin
Subject: Third District Nominating Commission

John,

I would like to submit my name for consideration by the bar commission. I would like to be included as one of the six names sent to the Governor as possible candidates for the Third District Judicial Nominating Commission. Attached please find my resume. Also, I am a registered Republican and I live in the district. Please let me know if there is any other information that you need from me.

Sincerely,

Gabriel K. White
CHRISTENSEN & JENSEN, P.C.
257 East 200 South, Suite 1100
Salt Lake City, Utah 84111
Phone: 801.323.5000
Direct: 801.524.9291
Cell: 801.916.482
Email: gabriel.white@christjen.com
Web: www.christjen.com

NOTICE: Christensen and Jensen has moved office locations. Effective December 8, 2014, our new address will be 257 East 200 South, Suite 1100, Salt Lake City, Utah 84111.

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1/16/2015

Gabriel White
CHRISTENSEN & JENSEN, P.C.
257 East 200 South, Suite 1100
Salt Lake City, Utah 84111
(801) 524-9391 / g_white@christjen.com

EDUCATION
University of Utah S.J. Quinney College of Law
Class Rank: Top 30%, Honors Graduate
Salt Lake City, Utah Juris Doctor, 2007

Utah State University
Bachelor of Arts, 2004
Logan, Utah Political Science and Economics

EXPERIENCE
Christensen & Jensen, P.C.
Shareholder
- Tried commercial, construction and personal injury cases in state and federal court.
- Tried cases to juries and to the bench.
- Argued dispositive motions in both state and federal court as lead counsel.
- Managed complex discovery strategy in high-stakes, multiparty litigation.

Kesler & Rust
Associate Attorney
Salt Lake City, Utah April 2008 – Present
May 2007 – April 2008

MEMBERSHIPS & ASSOCIATIONS
- Utah State Bar Association, Bar No. 11797
- Admitted to practice before all Utah State and Federal Courts.
- American Bar Association, Young Lawyers Division, Litigation Committee Vice Chair, 2012 – 2013.
- Co-founder, Utah YLD Leadership Conference.
- Founded Wednesday Night Bar legal clinic.

AWARDS & HONORS
- Young Lawyer of the Year, 2012, Utah State Bar
- Special Service Award given to YLD, summer of 2014.

Utah Attorney General’s Office, Education Division
Law Clerk
Salt Lake City, Utah July 2005 – May 2007

Office of US Senator Orrin Hatch
Intern
Washington, DC May 2002 – Aug 2002
- Researched and prepared memoranda for the Senator and advisors on current legislative issues.
- Duties primarily focused on economic and tax policy issues used to promote economic growth.

POLITICAL AFFILIATION: Republican
Dear Mr. Baldwin,

I received your email and I appreciate your interest in my credentials. I am happy to share more details about my legal background and experience.

I am currently practicing law as an associate attorney at the law firm of Winter & Winter, where I specialize in corporate law and commercial litigation. I have represented clients in a variety of cases, including contract disputes, intellectual property matters, and commercial transactions.

In addition to my legal practice, I have also been involved in various community organizations and legal advocacy groups. I am a member of the American Bar Association and the Utah State Bar, and I have volunteered with several pro bono organizations.

If you have any specific questions or if there is anything else you would like to know, please feel free to contact me.

Sincerely,

[Your Name]

Attorney at Law

---

Employee Benefits:

- Health Care Plan
- Dental Care Plan
- Vision Care Plan
- 401(k) Retirement Plan
- Employee Assistance Program
- Paid Time Off

---

Contact Information:

Donald J. Winter
WInter & Winter
41 South 400 East
Salt Lake City, UT 84111
Telephone: (801) 322-2222
Telecopier: (801) 322-2282
Email: dwinter@winterfirm.com
www.winterfirm.com
- The Ultimate Utah Trial Notebook, Program Co-Chair (2011)
- Masters in Trial, Program Co-Chair (2005)
- Masters in Trial, Presenter, Cross Examination of Plaintiff's Accident Reconstruction Expert (2001)
- The Ultimate Utah Trial Notebook, Program Chair (1998)
- National Jury Summit, Program Chair, "Improving Access to Jury Trials" (2011)
- Litigation Counsel of America, Distinguished Speaker, "Structured Settlements and Special Needs Trusts – Perfect Together?" (Fall Conference, 2009)
- The Utah Jury Summit, Program Co-Chair (2008)

Select Publications:
- Editor, *Civility Matters*, ABOTA (2011)
- Author, "In Defense of Jury Trials," The Intermountain Commercial Record (February 6, 2007)
- Author, "Utah Is Not the Place for Runaway Med-Mal Juris," The Intermountain Commercial Record (February 6, 2007)

Select Agencies:
- Salt Lake City, Zoning Review Committee (1991-1993)
- State of Utah, Department of Natural Resources, Riverway Enhancement Advisory Council (1991-2001)

Select Transactions:
- Acquisition of NBA basketball franchise (the Utah Jazz)
- Joint venture to construct USANA Amphitheater (20,000 seats)
- Purchases and sales of numerous commercial properties and businesses, including automobile dealerships, auto rental franchises and technology companies
Current Employment
Utah Attorney General’s Office (2008 to present).
Director of Constitutional Defense and Special Litigation
Defend the constitutionality of state statutes and litigate complex cases.
Previously assigned to the Civil Rights Section of the Litigation Division.
Defended state agencies and employees against claims of alleged constitutional violations.

Other Professional Experience
- LSAT Instructor: Stanford University Education Center (1993). Taught LSAT preparation in weekly, four-hour lectures and individualized sessions.
- Program Director: Sundance Institute for Resource Management (1988-88). Raised funds, drafted grant proposals and coordinated international conferences entitled “The Sundance Symposium on Global Climate Change” and “A Reevaluation of Nuclear Power.”

Education
University of Utah College of Law, Salt Lake City, Utah
J.D., Doctorate, May 1985

Honors:
- Note & Comment Editor, Utah Law Review, 1992-93
- Junior Staff Member, Utah Law Review, 1991-92
- American Jurisprudence Award, Business Organizations, Spring 1992
- Richard L. Dawes Fellowship Recipient, 1991-92
- Erna Mayle Davis Scholarship Recipient, 1990-91
- Judicial Extern, Judge David B. Winet, U.S. District Court, Utah Division, Fall 1992

University of Utah
Bachelor of Science Degree, Political Science/International Relations, cum laude, June 1989

Professional Memberships and Community Service
Utah State Bar
Salt Lake County Bar Association
Federal Bar Association (FBAR)
Defense Research Institute (DRI)
Public Law Institute (PLI)
Utah State Professional Ethics Advisory Committee, Counsel (1985-96)
Board Member, Living Planet Aquarium (1996-2007)
Christy Abad

From: John Baldwin
Sent: Thursday, January 15, 2015 11:04 AM
To: Christy Abad
Subject: FW Third District Nominating Commission
Attachments: Resume 2014.docx

---Original Message---
From: Jamie Zenger [mailto:Jamie.Zenger@fd.org]
Sent: Thursday, January 15, 2015 10:51 AM
To: John Baldwin
Subject: Third District Nominating Commission

Please accept my application for Third District Nominating Commission. I live in the
district and my political affiliation is Republican.

(See attached file: Resume 2014.docx)

Thank you,
Jamie Zenger

Jamie Zenger
Assistant Federal Public Defender
46 West Broadway, Suite 110
Salt Lake City, Utah 84101
Phone: (801) 524-4010
Fax: (801) 524-4066

EXPERIENCE:

Federal Public Defender, District of Utah
Assistant Federal Public Defender, 2006 - present
Research and Writing Attorney, 2002 – 2006
Represents defendants charged in federal court in all stages of the criminal process. Handled over 600 cases in federal court.

• Co-chair of the Utah Federal Public Defender Office’s Complex Fraud Unit – in 2012, co-chaired the establishment of the Complex Fraud Unit as a special unit to handle white collar cases involving high-volume discovery and high dollar loss amounts. Develop protocols for electronic discovery management. Provide case management for the unit and train and advise other attorneys regarding defending complex cases.


EDUCATION:

S.J. Quinney College of Law, University of Utah
Juris Doctor, May 2002
• Note and Comment Editor, Journal of Law and Family Studies

University of Utah
Bachelor of Science in Accounting, Minor in Economics, May 1999
• Women’s Tennis Team

OTHER:

Admitted to practice in the State of Utah and United States District Court since 2002
Utah State Bar New Lawyer Mentor (2009, 2012)
Tab 6
ITEM/ISSUE:
The Bar is seeking applications from lawyers to fill the terms of Ann Boyle and Mark Flickinger on the Fourth District Trial Court Nominating Commission. Those terms expire January 31, 2015. The Commission nominates judges to fill vacancies on the district court and the juvenile court within the Fourth Judicial District. Two lawyers are appointed to the Commission by the Governor from a list of six nominees provided by the Bar.

Commissioners must be citizens of the United States and residents of the Fourth District (Juab, Millard, Utah and Wasatch 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 party or if you are politically independent.

SUMMARY:
Commission must select six nominees to present to the Governor. 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

APPLICANTS: (Resumes follow, sorted alphabetically by last name.)

DEMOCRAT

<table>
<thead>
<tr>
<th>Name</th>
<th>Last Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daniel K.</td>
<td>Brough</td>
</tr>
<tr>
<td>Randy</td>
<td>Kennard</td>
</tr>
<tr>
<td>Darrick J.</td>
<td>McCasland</td>
</tr>
<tr>
<td>Kevin J.</td>
<td>Sutterfield</td>
</tr>
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</table>

REPUBLICAN

<table>
<thead>
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<th>Name</th>
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</tr>
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<tbody>
<tr>
<td>Todd</td>
<td>Anderson</td>
</tr>
<tr>
<td>Patricia A.</td>
<td>Lammi</td>
</tr>
<tr>
<td>Michael K.</td>
<td>Mckell</td>
</tr>
<tr>
<td>Joseph</td>
<td>Osmond</td>
</tr>
<tr>
<td>Peter C.</td>
<td>Schofield</td>
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<tr>
<td>Neil</td>
<td>Skousen</td>
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<tr>
<td>James D.</td>
<td>Smith</td>
</tr>
<tr>
<td>Randall K.</td>
<td>Spencer</td>
</tr>
<tr>
<td>Ryan P. C.</td>
<td>Stack</td>
</tr>
<tr>
<td>Ronald D.</td>
<td>Wilkinson</td>
</tr>
</tbody>
</table>

(OVER)
### INDEPENDENT/UNAFFILIATED

<table>
<thead>
<tr>
<th>Name</th>
<th>Last Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richard J.</td>
<td>Armstrong</td>
</tr>
<tr>
<td>Edward L.</td>
<td>Carter</td>
</tr>
<tr>
<td>Marla R.</td>
<td>Snow</td>
</tr>
<tr>
<td>Paul</td>
<td>Wake</td>
</tr>
<tr>
<td>Dallas B.</td>
<td>Young</td>
</tr>
</tbody>
</table>

### UNDECLARED

<table>
<thead>
<tr>
<th>Name</th>
<th>Last Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Randy B.</td>
<td>Birch</td>
</tr>
<tr>
<td>J. Simón</td>
<td>Cantarero</td>
</tr>
<tr>
<td>M. Dayle</td>
<td>Jefts</td>
</tr>
</tbody>
</table>
# Judicial Nominating Commission—Fourth District

**Department**: Commission on Criminal & Juvenile Justice  
**Contact**: Ron Gordon  
**Code**: Utah Const. Article VIII-8 & UCA 20A-12-103  
**Appointed Members**: 7  
**Standing Mem**: 1  
**Term**: 4 Years  
**Senate Confirmation**: No  
**Authority**: Yes  
**Compensation**: Per Diem And Expenses

**Requirements**

This commission nominates judges of district and juvenile courts in the Fourth Judicial District, which includes Wasatch, Utah, Juab & Millard counties. The commission consists of seven commissioners appointed by the governor to serve a single four-year term. Must be a U.S. Citizen, a resident of Utah, and a resident of the geographic division represented. Commissioners may not be a member of the Legislature. No more than four commissioners may be from the same political party. The governor must appoint two commissioners from a list of nominees provided by the governor.

## Membership

<table>
<thead>
<tr>
<th>Name</th>
<th>Expires</th>
<th>Position</th>
<th>Qualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anne McMullen</td>
<td>01/31/2015</td>
<td>Member</td>
<td>Appointed by the Governor</td>
</tr>
<tr>
<td>Corey Norman</td>
<td>01/31/2015</td>
<td>Member</td>
<td>Appointed by the Governor</td>
</tr>
<tr>
<td>Ann Boyle</td>
<td>01/31/2015</td>
<td>Member</td>
<td>Recommended by the Utah State Bar</td>
</tr>
<tr>
<td>Mark Flickinger</td>
<td>01/31/2015</td>
<td>Member</td>
<td>Recommended by the Utah State Bar</td>
</tr>
<tr>
<td>Greg Stewart</td>
<td>01/31/2015</td>
<td>Member</td>
<td>Appointed by the Governor</td>
</tr>
<tr>
<td>Craig Carlile</td>
<td>01/31/2015</td>
<td>Member</td>
<td>Appointed by the Governor</td>
</tr>
<tr>
<td>Hau Le</td>
<td>01/31/2017</td>
<td>Member</td>
<td>Appointed by the Governor</td>
</tr>
<tr>
<td>Matthew Durrant</td>
<td></td>
<td>Non-voting</td>
<td>Chief Justice of the Supreme Court</td>
</tr>
</tbody>
</table>

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December 6, 2010

Mr. Ron Gordon
Commission on Criminal and Juvenile Justice Director
Office of the Governor
State Capitol Complex
East Building, Suite 220
P. O. Box 142220
Salt Lake City, UT 84114

RE: Utah State Bar Nominations to the 4th District Trial Court Judicial Nominating Commission

Dear Ron,

I am writing to confirm that the Bar is proposing the following for service on the Third District Trial Court Judicial Nominating Commission.

Jackson Howard Republican
Rodney W. Rivers Republican
Ann P. Boyle Democrat
Mark T. Flickinger Democrat
Randy S. Kester Democrat
Kevin J. Sutterfield Independent

We have enclosed copies of their resumes. Please let me know if you need anything else. Thank you for your help.

Sincerely,

John C. Baldwin
Executive Director

Enclosures
Fourth Judicial District Nominating Commission

The Bar is seeking applications from lawyers to fill the terms of Ann Boyle and Mark Flickinger on the Fourth Judicial District Court Nominating Commission. Three terms expire January 31, 2015. The Commission nominates judges to fill vacancies on the district court and the juvenile court within the Fourth Judicial District. Two lawyers are appointed to the Commission by the Governor from a list of six nominees provided by the Bar.

Commissioners must be citizens of the United States and residents of the Fourth District (Juab, Millard, Utah and Wasatch 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 party or if you are politically independent.

Submit resumes to John C. Baldwin, Executive Director, by email at john.baldwin@utahbar.org, or by mail at 645 South 200 East, Salt Lake City, UT 84111. Resumes must be received by Friday, January 16th, 2015.

1/15/2015
January 13, 2015

VIA E-MAIL

John C. Baldwin, Executive Director
UTAH STATE BAR
643 South 200 East
Salt Lake City, Utah 84111
john.baldwin@utahbar.org

Re: Fourth Judicial District Nominating Commission

Dear Mr. Baldwin:

I seek the Bar's recommendation in Governor Herbert as one of the nominees for the Fourth Judicial District Nominating Commission. Enclosed herewith is a copy of my resume.

I am presently employed as a shareholder at Kirton McConkie and am chairman of the firm's business litigation section. I have 18 years of litigation experience in state and federal courts in Utah. I appear frequently before the different judges in the Fourth District Court, handling commercial litigations, as well as representing individuals and private adoption agencies in contested and uncontested adoption matters. As my firm's litigation section chairman, I oversee hiring of new attorneys in the section, conduct monthly section meetings where section attorneys are trained in federal and state rules of civil procedure and other aspects of litigation, and manage a large marketing and CLE budget. Given my experience, I believe I have much to contribute to the Fourth Judicial District Nominating commission.

I reside in Utah County and am politically independent.

Your consideration of my resume is appreciated.

Sincerely,

Richard J. Armstrong

Enclosure

Richard J. Armstrong
13 Sunset Drive, Apos, Utah 84404
(C) (801) 228-3600 (F) (801) 493-6149 (E) richard.armstrong@hklaw.com

Experience

12/2011 - Present
Kirton McConkie, Salt Lake City, Utah
Shareholder
Senior litigation partner and chair of the firm's litigation section, handling complex commercial litigation in both state and federal courts. Act as lead trial counsel in a number of complex business litigations, including both jury and bench trials.

09/1999 - 12/2011
Wood Jenkins LLC, Salt Lake City, Utah
Partner
One of five partners in litigation firm, specializing in complex contract disputes, including representation of national marketing companies and distributors in litigation and other disputes in federal and state courts. Successfully represented clients in trial and at second trial counsel in both jury and bench trials, and on subsequent appeals.

05/1997 - 09/1999
Sineba & Hathaway, Salt Lake City, Utah
Associate
Assisted two partners in firm in drafting litigation pleadings, including complaints, answers, dispositive motions, and appeal briefs. Conducted depositions, and acted as the second chair in number of cases.

05/1995 - 05/1997
Utah Court of Appeals, Salt Lake City, Utah
Law Clerk to the Honorable Gregory F. Omura
Research and drafted appellate decisions, including opinions on appellate motions, memorandum decisions, and published appellate decisions.

Education

1999
University of Idaho, Moscow, Idaho, USA
Law
Jure Doctor, magna cum laude
Member of Idaho Law Review, 1995-1996

1993
Brigham Young University, Provo, Utah, USA
International Relations and German
Bachelor of Arts

Professional Affiliations

Member, Utah State Bar, Bar No. 7461
(1986 - Present)
Member, Utah State Bar, Bar No. 5549
(1987 - Present)

Morrison, Nevada State Bar, Bar No. 0950
(2020 - Present)

Attorney at Law, Mentor, Utah State Bar 2018

Personal

Active in endurance sports, including cycling, swimming, mountain biking, and marathon running; member of USAT (United States Triathlon) since 2003; holds certified in scuba diving.
Resume of Randy B. Birch

Page 2

Intermountain Contractor magazine, active in various construction trade associations.

TEACHING EXPERIENCE

UTAH VALLEY UNIVERSITY - adjunct

Orem, Utah

Fall 2012, Public Speaking

PHILLIPS JUNIOR COLLEGE

Salt Lake City, Utah

September, 1992 - 1994

Practical instruction in Office Practices and Management, Civil Litigation, Real Estate, Legal Research & Writing, Criminal Law, Family Law, and Wills and Trusts.

WASATCH CAREER INSTITUTE

Salt Lake City, Utah

September, 1989 - 1992

Similar courses as above. Received "Highest Rated Instructor" award

LEGAL ASSOCIATIONS

Active member: Utah State Bar since April, 1984. Serve on the legal ethics panel; Admitted United States Tenth Circuit Court of Appeals, United States Court of Federal Claims, United States Court of Appeals for the Federal Circuit. Member Utah Trial Lawyers Association; Member American Bar Association.

EDUCATION

UNIVERSITY OF UTAH COLLEGE OF LAW

Salt Lake City, Utah

J.D. Degree earned December, 1983

Judicial Internship: Utah's Third Judicial District Court, Judge David B. Dee, Summer/Fall, 1983

American Inn of Court III, student member 1983 - 1984

UTAH STATE UNIVERSITY

Logan, Utah

B.A. Degree-Political Science/Spanish, June 1981, cum laude, International Relations Certificate, Phi Sigma Alpha, Political Science Honor Society

References upon request.
Christy Abad

From: John Baldwin
Sent: Thursday, January 15, 2015 11:09 AM
To: Christy Abad
Subject: FW: Application for Fourth District Judicial Nominating Commission
Attachments: Resume.pdf

From: Dan Brough [mailto:d.brough@btjd.com]
Sent: Tuesday, January 13, 2015 3:22 PM
To: John Baldwin
Subject: Application for Fourth District Judicial Nominating Commission

Mr. Baldwin,

I attach my resume in connection with my application for a position on the Fourth District Judicial Nominating Commission. As stated on my resume, I am a Democrat. Please contact me if you need any further information.

Thanks,

Daniel K. Brough
Attorney at Law
BENNETT TUÉLLER JOHNSON & DEERE
3100 East Millcreek Drive, Suite 500
Salt Lake City, Utah 84121
Office Voice Line: (801) 438-2000
Direct Phone: (801) 438-2024
Fax: (801) 438-2090
Email: dbrough@btjd.com

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1/15/2015
Christy Abad
From: John Baldwin
Sent: Thursday, January 15, 2015 11:04 AM
To: Christy Abad
Subject: FW Fourth Judicial District Nominating Commission Application

From: Simón Canteraro [mailto:canteraro@gmail.com]
Sent: Thursday, January 15, 2015 10:09 AM
To: John Baldwin
Subject: Fourth Judicial District Nominating Commission Application

Dear John,

I hope this email finds you well. Please see the attached cover letter and resume in support of my application for the Fourth Judicial District Nominating Commission.

I look forward to hearing from you.

Simón Canteraro
(801) 244-8972

January 15, 2015
Via U.S. Mail and E-mail

John Baldwin
645 South 200 East
Salt Lake City, UT 84111
john.baldwin@utahbar.org

RE: Fourth Judicial District Nominating Commission

Dear John,

I hope this letter finds you well. Please find enclosed a copy of my résumé for consideration to be appointed to the Fourth Judicial District Nominating Commission. I am a U.S. citizen and resident of Utah County. I would be honored to serve should the Bar Commissioners and ultimately the Governor, feel the Nominating Commission may benefit from my professional experience as a litigator and current in-house counsel and my community service as a member of the Supreme Court’s Advisory Committee on the Rules of professional Conduct, as a director for “And Justice for All” and other civic service I’ve rendered.

If you have any questions, or need any further information, please feel free to reach me by phone at (801) 244-8972 or email at canteraro@gmail.com. Thank you in advance for your time and consideration regarding my interest and qualification.

Respectfully yours,

J. Simón Canteraro

Contact Info:
Mail: 1654 E Amber Crest Lane
Draper, UT 84020-5527

Email: canteraro@gmail.com

Tel. (801) 244-8972

J. Simón Canteraro
1654 Amber Crest Ln
Draper, UT 84020
Tel (801) 244-8972
canteraro@gmail.com

EDUCATION
University of California, Berkeley
• B.A., Political Economy of Industrial Societies, 2000

Brigham Young University, J. Reuben Clark Law School
• Juris Doctor, 2004
• Editor-in-Chief, BYU Journal of Public Law.

PROFESSIONAL EXPERIENCE
WIN Management Group, LLC
Since June 2013
General Counsel
• General Counsel for the holding company that owns and operates the Costa Vida franchise and Costa Vida Fresh Mexican Grill restaurants throughout the U.S. and Canada, the Fat Cats Fun Centers throughout the Western U.S., and other restaurant concepts and business holdings.

Pearson Butler & Carson, PLLC
June 2011 – June 2013
Business Litigator
• Counsel clients in pre-contract formation and negotiations to minimize risk and exposure to civil liability. Work on cases involving disputes over real property and mineral rights, commercial litigation of diverse contracts, including promissory notes, asset purchase agreements, employment and non-compete agreements, and fraud-based claims.

Holland & Hart LLP
June 2007 – May 2011
Corporate Litigator
• Associate attorney in litigation department of regional law firm of 400+ lawyers, headquartered in Denver, Colorado. Office in Salt Lake City, Utah, representing national and local businesses in a variety of business disputes.
• Representative clients include oil and gas service companies, direct selling companies, insurers, banks, technology companies, manufacturers, and professional fiduciaries.

CIVIC ACTIVITIES & LEADERSHIP
Committee Member, Utah Supreme Court’s Advisory Committee on Rules of Professional Conduct (4-year term ending 2015)
Member, Board of Trustees, And Justice for All (Sept. 2011–Present)
President, Utah Minority Bar Association (2007-2008)
Bar Commissioner, ex officio, Utah State Bar (2008–2009)
Board Member, BYU Law School Alumni Association (2009-2014)
Edward L. Carter, J.D., LL.M.  
Associate Dean, College of Fine Arts and Communications  
Associate Professor of Communications  
360 DEED  
Brigham Young University  
Provo, Utah 84602  
Tel. 801-422-4340  
ed_carter@byu.edu

EDUCATION:  
M.S. (Master of Studies) in International Human Rights Law  
• Received scholarship award as St. Andrew Scholar, 2013.  
• Currently enrolled in Fundamentals of International Human Rights Law I (distance learning)  
• Anticipate spending six weeks in Oxford in 2014 and 2015 to complete courses and dissertation  
LL.M. (Master of Laws) in Intellectual Property with distinction  
University of Edinburgh School of Law, Edinburgh, Scotland. November 2009.  
• Dissertation: “Copyright and Plagiarism: A Critical Analysis of Convergence and Divergence”  
• Courses: Copyright and Related Rights; Industrial Property; IP & Technology: Developing Countries; International Intellectual Property Law; International Public Health Law and Security; Information Technology Law

JURIS DOCTOR magna cum laude  
J. Reuben Clark Law School, Brigham Young University, Provo, Utah. April 2003.  
• Served as Note and Comment Editor, BYU Law Review  
• Received Faculty Award for Meritorious Achievement and Distinguished Service  

MASTER OF SCIENCE IN JOURNALISM  
• Evelyn Y. Davis Scholar, 1998-1999  

BACHELOR OF ARTS IN COMMUNICATIONS magna cum laude  
Department of Communications, Brigham Young University, Provo, Utah. Emphasis within major was print journalism. Minor in Spanish. April 1996.  
• Inducted Kappa Tau Alpha, National Honor Society in Journalism and Mass Communication, December 1994

ACADEMIC EXPERIENCE:  
ASSOCIATE PROFESSOR OF COMMUNICATIONS  
Brigham Young University Department of Communications. August 2010 to present.  
• Participant of David P. Forsyth Memorial Research Award in Mass Communications, 2011-2014  
• Fulbright Specialist, Universidad Mayor in Santiago, Chile, 2014  
• Invited to teach classes in journalism law and ethics and conduct research with Chilean professors on “derecho al olvido”  
• Courses taught:  
  o Media Writing (Comm. 211)  
  o Principles of Journalism (Comm. 339)  
  o Media Ethics, Law and Responsibility (Comm. 300)  
  o News Reporting (Comm. 221)  
  o Media and the First Amendment (Comm. 406)  
  o Advanced Print Reporting (Comm. 420)  
  o Internship Advisement (Comm. 496R)  
  o Seminar on Media Law & Ethics (Comm. 624)

ASSISTANT PROFESSOR OF COMMUNICATIONS  
Brigham Young University Department of Communications. August 2008 to August 2010  
• BYU Class of 1949 Young Faculty Award, August 2009.  
• Courses taught:  
  o News Writing (Comm. 211)  
  o Media Ethics, Law and Responsibility (Comm. 300)  
  o Research Methods for Journalism (Comm. 308)  
  o News Reporting (Comm. 221)  
  o Newspaper Editing (Comm. 323)  
  o Media and the First Amendment (Comm. 406)  
  o Advanced Print Reporting (Comm. 420)  
  o Graduate Media Law & Ethics (Comm. 624)

PART-TIME FACULTY MEMBER  
Department of Communications, Brigham Young University, Provo, Utah. Taught courses in Advanced Reporting and Mass Media History, August 1999 to April 2001.

PUBLICATIONS:  
Since last BYU review:  


Edward L. Carter and Brad Clark, "The Journalist as Public-Figure Deference Plaintiff," Open Division, Southeast Colloquium of Associations for Education in Journalism and Mass Communication; New Orleans, Louisiana, March 9, 2007.


Edward L. Carter and Scott Lust, "Rewriting the First Amendment: The Impact of Regulation of New Communication Technologies on Internet Broadcasters and Podcasters," Media Convergence: Cooperation, Collisions and Change; Provo, Utah, October 14, 2005 (abstract submission).


Edward L. Carter, "Death of Procedural Safeguards: Is Content Neutrality Really the Ultimate Goal of the Prior Restraint Doctrine?" Law Division, Southeast Colloquium of the Association for Education in Journalism and Mass Communication; Athens, Georgia, March 5, 2005.

Edward L. Carter, "Medium-Based Regulation and Criminal Libel on the Internet," Third Place Faculty Paper; Law Division, Association for Education in Journalism and Mass Communication; Toronto, Canada, August 2004. (Acceptance rate 47.4 percent).

INVITED PRESENTATIONS:


Edward L. Carter, "La escatologia y la dama del periodismo," 2º Congreso Internacional de Periodismo Digital, 12º International Congress on Digital Journalism, Universidad Mayor, Santiago, Chile, June 4, 2014. (Given while in Chile as a Fulbright Specialist grantee).


Research Paper Competition Chair, Law & Policy Division, Southeast Colloquium of the Association for Education in Journalism and Mass Communication, 2006-07 and 2007-08.

Member, Scholarly Communications Committee, Brigham Young University, January 2005 to April 2001.

Member, Provo School District Foundation Board of Directors, April 2005 to July 2007.

Member and Chair, BYU Department of Communications Faculty Search Committee (filling three positions – professional public relations, professional advertising, print journalism), October 2005 to April 2006.

Member, BYU Department of Communications TR.A.C. Committee (travel, research and awards), January 2005 to August 2007.

Core Member, American Bar Association Forum on Communications Law Teaching Committee, November 2004 to December 2006.

GRADUATE THESIS AND UNDERGRADUATE HONORS THESIS ADVISEMENT:

Master's Thesis Committee Member, Brittan Karner, ongoing.

Master's Thesis Committee Member, Tyler King, ongoing.

Master's Thesis Committee Member, Katilys Pettymon Felandez, completed December 2013.

Undergraduate Honors Thesis Outside Reviewer, Kyle Welch, completed February 2013.

Undergraduate Honors Thesis Advisor, Erica Hone, completed July 2011.

Master's Thesis Committee Chair, James C. Phillips, completed April 2009.

Master's Thesis Committee Chair, Brad L. Clark, completed July 2009.

Master's Thesis Committee Member, Megan Sicker, completed 2009.


Master's Project Committee Member, Scott Lott, completed March 2007.
PROFESSIONAL EXPERIENCE:

OF COUNSEL ATTORNEY
Keen Law Office, Orem, Utah. February 2005 to present.

JUDICIAL LAW CLERK

SUMMER LAW CLERK

FREELANCE CONTRIBUTOR

STAFF WRITER

INTERIM ASSISTANT CITY EDITOR

REPORTER

MEMBERSHIPS:

Utah State Bar. Admitted to practice before the Utah Supreme Court, the U.S. District Court for the District of Utah, the U.S. Court of Appeals for the Tenth Circuit, the U.S. Court of Appeals for the Ninth Circuit and the U.S. Supreme Court. Representation in published judicial opinions: Contreras-Boconegro v. Holder, 678 F.3d 811 (10th Cir. 2012) (on banc); (prevailed on appeal); Episcopio-Recio v. State, 293 P.3d 377 (Utah App. 2012) (prevailed on appeal); Barrantes-Quintana v. Holder, 699 F.3d 1279 (10th Cir. 2012); Contreras-Boconegro v. Holder, 639 F.3d 1170 (10th Cir. 2011); Lorenzo v. Mota-Perez, 708 F.3d 1278 (10th Cir. 2007); Thoungpatak v. Gonzalez, 506 F.3d 1207 (10th Cir. 2007).

International Communication Association.

Association for Education in Journalism and Mass Communication.

Society of Professional Journalists.

VOLUNTEER EXPERIENCE:


January 8, 2015

John C. Baldwin
Executive Director
Utah State Bar Association
645 S 200 E
Salt Lake City, UT 84111

Re: M. Dayle Jeffs

Dear John:

Enclosed is a copy of my resume. I would like to be considered for appointment to the nominating commission for the Fourth Judicial District Court.

Thank you for your consideration.

Very truly yours,

Jeffs & Jeffs, P.C.

M. Dayle Jeffs

Enclosure

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COURT APPOINTMENTS:
- Utah Mediation Panel - United States District Court 1994 to present
- Supreme Court Advisory Committee on Evidence - 1997 to present
- United States District Court Committee on Local Rules of Practice for the United States District Court - 1998 to present
- Fourth Judicial District Nominating Committee - 1994 to 1998
- Appointed by Chief Justice Warren Burger to the Ad Hoc Committee of the Judicial Conference of the United States on the American Inns of Court - 1983 to 1985
- Utah Supreme Court Task Force on the Practice of Law - 1990 to 1991

PROFESSIONAL ORGANIZATIONS:
- Member, American Board of Trial Advocates - 1994 to 2003
- Member, Defense Research Institute - 1982 to 2003
- Member, Defense Attorneys Association of Utah 1985 to 2004
- Founding Charter Member, A. Sherman Christensen American Inn of Court (Secretary/Treasurer 1981 to 1983; President 1983 to 1985; State: Master of the Bench)
- Director, Legal Association of Central Utah - 1959, 1963, 1964

CIVIC ASSOCIATIONS:
- Charter Member, Sertoma Service Club of Provo (President, 1963 to 1964)
- Chairman, Provo Freedom Festival, 1966

OTHER:
- Jeffs & Jeffs was formed as a partnership between M. Dayle Jeffs and his brother, A. Dean Jeffs. It was later incorporated as Jeffs & Jeffs, P.C.
- Jeffs & Jeffs, P.C. engages in the general and appellate practice of law, excluding criminal, securities, and bankruptcy
- David D. Jeffs became a shareholder of the firm in 1980
- Robert L. Jeffs became a shareholder of the firm in 1984
- William M. Jeffs became a shareholder of the firm in 1990
- Rodney W. Rivers became a shareholder of the firm in 2002
- Lisa A. Hancock became a member of the firm in 2002
- Randall L. Jeffs (nephew) became a shareholder of the firm in 2013

---

M. DAYLE JEFFS

Office: Jeffs & Jeffs, P.C.
90 North 100 East
PO Box 688
Provo, UT 84604
(801) 373-8848

Home: 100 East 4300 North
Provo, UT 84604
(801) 225-5473

BORN: March 7, 1930, Provo, Utah

FAMILY:
- Married Janice Parker in 1950
- Four sons; all lawyers. Three sons practice with Jeffs & Jeffs, one is a senior attorney at Intuit Corporation in Hong Kong.

EDUCATION:
- Brigham Young University - 1948-1952
- University of Utah - 1954-1957
- Juris Doctor, University of Utah - 1957
- Admitted to Practice
  - Utah State Courts 1957-Present
  - U.S. District Court, District of Utah 1957-Present
  - U.S. Court of Appeals for the 10th Circuit 1962-Present
  - U.S. Supreme Court 1964

EMPLOYMENT:
- General practice of law - 1957 to present
- Civil and Defense Litigation - 57 years
- Jeffs & Jeffs, P.C., Attorneys at Law - 1957 to present
- Utah County Attorney - 1966-1970

PROFESSIONAL AWARDS:
- 2005 - Inaugural Professionalism Award Utah State Bar Association
- 2008 - Lawyer of the Year, J. Reuben Clark Law Society, Central Division
- 2008 - Lifetime Service Award, Utah State Bar Association

BAR ASSOCIATIONS:
- Central Utah Bar Association (Secretary 1959, 1964; Vice President 1965
- President, 1965)
- Utah State Bar Association (Executive Council, Young Lawyers Section, 1958-1964; Commissioner (governing body) 1979-1982
- Federal Bar Association
Randy M. Kennard  
Deputy Utah County Attorney

Office: Home  
100 East Center, #1100  
Provo, UT 84606  
278 North 3000 West  
Provo, UT 84601  
randykennard@gmail.com  
(801) 851-3018  
(801) 636-2596

Political Party - Republican

DEGREES

1994 Bachelor of Science, University of Utah, Sociology with Criminology Emphasis
1997 Juris Doctorate, J. Reuben Clark Law School, Brigham Young University

SERVICE

1986-1988 LDS Missionary, England  
1990-1998 United States Marine Corp Reserves

AWARDS

2009 Utah County Attorney Convictional (Gang related presonations)

LEGAL BACKGROUND

Private law practice, Utah  
  - Practicing mainly in the areas of criminal defense, domestic law and  
    property rights

Public Defender, Duchesne County, Utah  
January - December 1999
  - Provide all defense services to indigent persons appearing in district  
    and juvenile courts on criminal and delinquency matters; also to persons  
    facing termination of parental rights

Deputy County Attorney, Sevier County, Utah  
January - December 2001
  - Duties included screening and prosecution of misdemeanor and felony

PROSECUTION HISTORY

General Experience:

General Felonies: 13 + years  
SVU Crimes: 2 + years  
Juvenile Court: 3 years  
Screening Team: 1 + years

Jury Trials: 52 jury trials  
35 as a Deputy Utah County Attorney (10 years - average 3.5 per year)

- guide -  
  Black = conviction  
  Red = acquittal

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EXPERIENCE

ADMINISTRATIVE LAW JUDGE, 4/2013 to present;
HEARING OFFICER, 4/2012 to 3/2013
Utah Department of Health, Division of Medicaid and Health Financing, Salt Lake City, Utah
- Conduct formal hearings for all Disabled Medicaid appeals to the Utah Department of Health, applying the five-step Social Security Disability sequential evaluation process, determining a residual functional capacity, and writing a recommended decision that makes a disability determination for each claimant
- Assist in adjudication of Superior Agency Review appeals from cases originating at DWS
- Assist in adjudication of mental health and other appeals within the Division

MANAGING ATTORNEY, Neighborhood Legal Services Program, Washington, DC; 9/2010 to 3/2012
- Oversaw the legal work of two other attorneys as well as support staff at NLSP's Upper NE/SE office
- Maintained a large load of family law, Social Security Disability, employment law, and landlord tenant cases
- Conducted frequent case reviews with attorneys and provided substantive oversight
- Participated in management meetings and assisted in overall management of NLSP with management team
- Assisted in seeking and maintaining funding from Legal Services Corporation and other donors

DOMESTIC TASK FORCE CHAIR, Utah Legal Services, Inc., Provo, Utah; 9/2008 to 8/2010
- Appointed to the Executive Committee of Family Law Section of the Utah State Bar, December 2009
- Briefed and presented oral arguments before the Utah Court of Appeals in an appeal of a trial court’s denial of protective order; the August 20, 2009 decision reversed the lower court’s denial of protective order and remanded the case, published at 217 P.3d 1147 (Utah Ct. App 2009)
- Briefed a Utah Court of Appeals case for appellee in a protective order action, resulting in a March 18, 2010 unpublished decision affirming the entry of the protective order, available at 2010 UT App 64
- First-chaired eight federal district court appeals of Social Security disability denials and one Tenth Circuit appeal of a disability denial
- Managed and supervised the work of domestic task force statewide, comprised of nine other attorneys
- Conducted weekly statewide case acceptance call to standardize case service priorities across the state
- Conducted bimonthly domestic task force meetings and CLE events to train staff in substantive law
- Utah Domestic Violence Council legal trainer for monthly domestic violence law trainings across the state
- Filmed videos to post on ULS website to train pro bono attorneys representing in protective orders
- Coordinated editing and revision of the Utah Domestic Relations Manual for posting on ULS website wiki
- Continued practice of domestic violence/family law, maintaining a full domestic caseload and continuing to handle all Social Security disability appellate work for my office
- Conducted frequent case reviews with ULS domestic attorneys and provided technical support

STAFF ATTORNEY, Utah Legal Services, Inc., Provo, Utah; 12/2003 to 9/2008
- Briefed and presented oral arguments before the Utah Court of Appeals resulting in a decision published at 136 P.3d 1242 (Utah Ct. App 2006). Appellate decision granted my client the requested relief and resulted in changes to the definitions of "emotional distress" and "course of conduct" for purposes of satisfying the state civil stalking statute. These changes were later codified by the state legislature in amendments to Utah Code Annotated 76-5-106.5 in 2007.
- 2008 Brigham Young University Law School Public Interest Law Foundation Honored Alumnus Award
- Utah Legal Services' 2005 Attorney of the Year
- Ran a bi-monthly free legal clinic in Price, Utah

EDUCATION
JURIS DOCTOR, J. Reuben Clark Law School, Brigham Young University, 2003
BACHELOR OF ARTS, American Studies, Brigham Young University, Aug. 2000

BAR ADMISSIONS
DISTRICT OF COLUMBIA, June 2011
UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT, 2007
STATE OF UTAH, November 2003
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1/15/2015

Weisheit & Brits, Inc.
Independent Contractor
Denver, Colorado - Created and implemented finance plan for the successful re-election of Thomi Pare for Chair of the Denver Public Schools and Bruce Hoy for the Vice Chair of the Denver Public Schools. Dalles included working with a bipartisan group of community leaders to ensure the DPS' ability to reach its goals. Responsible for election law compliance with the City and County of Denver.

McKuvnens, Defenders, Inc.
Certified Law Student
Pittsburgh, Oregon - Employed Public Defender Office in Oregon. Dalles included conducting investigations, drafting pleadings, attending with defense, preparing and working with the O.C.A.'s office to follow procedures. Regarded as an attorney. Following procedures, attending court, preparing for trial, and making motions.

Aquitas, Inc.
Financial Analyst
Denver, Colorado - Conducted legal and financial research work for the primary Democratic Party in Colorado to help elect a Democratic governor and strengthen Democratic candidates in the state legislature. Over the final week of the election season, helped coordinate the legal defense plan for protection of investors and creditors within the state.

Dave Thomas for U.S. Congress, CO-07
Finance Director
Denver, Colorado - Created and implemented finance plan for election. Responsibilities included whole management of finance and compliance staff. Management of all finance activities including: production and disbursement of individual donors and PAC contributions, direct mail, candidate call list, donor research, national and state-level events. Responsible for election law compliance with the Secretary of State's office and the State Board of Elections.

Salt Lake Organizing Committee for the 2002 Winter Games, Special Projects Manager
Salt Lake City, Utah - Managed the Winter Games' research and development team. Responsible for all research activities, including data collection and analysis, and for preparing reports for the Winter Games office. Responsible for the Winter Games' research and development activities, including data collection and analysis, and for preparing reports for the Winter Games office.

Jody Wagner for U.S. Congress, VA-02
Finance Director
Virginia Beach, Virginia - Created and implemented finance plan for election. Responsibilities included whole management of finance and compliance staff. Management of all finance activities including: production and disbursement of individual donors and PAC contributions, direct mail, candidate call list management, national and state-level events. Responsible for the Finance Department.

David Wu for U.S. Congress, OR-01
FEC Compliance Coordinator
Portland, Oregon - Responsible for campaign finance data and reporting with the Federal Election Commission. Assisted finance director with fundraising.

Lilly Esposito for U.S. Congress, UT-02
Special Assistant
Salt Lake City, Utah - Managed the candidate at all public events, assisted with fundraising, conducted issues and opposition research, and drafted campaign and community outreach materials. Responsibilities included managing the day-to-day operations of the campaign.

References available upon request.
Christy Abad

From: John Batson
Sent: Thursday, January 15, 2015 11:20 AM
To: Christy Abad
Subject: FW: Resume for Fourth District Court Nomination Commission
Attachments: Resume.pdf

From: mckelllaw@gmail.com (mailto:mckelllaw@gmail.com) On Behalf Of Michael K. McKell, Attorney
Sent: Wednesday, January 07, 2015 10:59 AM
To: John Batson
Subject: Fwd: Resume for Fourth District Court Nomination Commission

John,

Sorry I forgot to mention my political affiliation. Republican.

Mike McKell

---------- Forwarded message ----------
From: Michael K. McKell, Attorney <mike@utahlegalteam.com>
Date: Wed, Jan 7, 2015 at 10:56 AM
Subject: Resume for Fourth District Court Nomination Commission
To: John Batson <jbatson@utahbar.com>

John,

I have attached my resume for consideration on the nominating commission. Please let me know if you need any additional information.

Mike McKell

Michael K. McKell
Attorney at Law
MCKELL CHRISTIANSEN WISE, PLLC
642 East Kirby Lane, Suite 105
Spanish Fork, Utah 84660
Phone: (801) 798-9000
Fax: (801) 798-4670
Email: mike@utahlegalteam.com
Webpage: www.utahlegalteam.com

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L/5/2015

PUBLICATIONS
Cost-Saving Litigation Tactics, Utah Trial Journal (Fall 2011)

LANGUAGES
Portuguese: Conversational Speaking Only
Spanish: Conversational Speaking Only

AWARDS & HONORS
AV Martindale-Hubbel Peer Rating, bestowed on less than 5% of lawyers nationally
Utah Legal Elite, Utah Business Magazine
Rising Star, Super Lawyers Magazine
Utah Legal Elite, Rising Star, Utah Business Magazine
Education Partnership Award, Nebo School District
Business Champion, Salt Lake Chamber of Commerce
2014 Legislature of the Year, Utah Technology Council
Stewardship Award, Utah Division of Wildlife Services
Teddy Roosevelt Stewardship Award, Sportsman for Fish and Wildlife
Community Service Award, Dr. Milton Carroll

ACTIVITIES & MEMBERSHIPS
Member, Utah State Bar
Member, Utah State Supreme Court Bar
Member, 10th Circuit Court Bar
Board Member, Utah Lake Commission
Board Member, Spanish Fork Walton Area Chamber of Commerce
Board Member/Past President, Spanish Fork / Payson Kiwanis Clubs
Board Member, Utah Association for Justice
Member, American Association for Justice
Member, Central Utah Bar Association
Barstow, Sherman Christiansen American Inn of Court

MCKELL CHRISTIANSEN & WISE, PLLC
Spanish Fork, UT
Founding partner and shareholder of a law firm representing clients in a variety of matters including: real estate transactions, business litigation, collective litigation, and personal injury matters. Provide firm management including human resources, marketing, web content, and community relations.

STATE HOUSE OF REPRESENTATIVES
Spanish Fork, UT
State Representative for House District 66 with service on the following committees: House Special Investigative Committee, Natural Resources, Agriculture, and Environmental Quality Appropriation Subcommittee (Vice Chair), House Natural Resource Agriculture, and Environmental Quality Committee, Natural Resource Agriculture, and Environmental Quality Interim Committee, House Business and Labor Committee, Business and Labor Interim Committee, and the Legislative Process Committee.

INVESTORS TITLE INSURANCE AGENCY
Salt Lake City, UT
Licensed title and escrow officer conducting title searches and closing as an independent contractor for Investors Title Insurance Agency.

UTAH VALLEY UNIVERSITY
Orem, UT
Teach multiple public speaking courses in the Communications Department.

UNIVERSITY OF IDAHO COLLEGE OF LAW
Activities: Law Clerk for the Utah Fourth District Court
League Representative
II. Class Representative
Appellate Legal Aid Clinic

SOUTHERN UTAH UNIVERSITY
Honor: Summa Cum Laude
Governing Honors Academy
Presidential Ambassador
Christy Abad
From: John Baldwin
Sent: Friday, January 09, 2015 6:04 PM
To: Joseph Osmond
Cc: Christy Abad
Subject: RE: Fourth District Trial Court Nominating Commission

Thank you,
John

From: Joseph Osmond [mailto:joem@kmclaw.com]
Sent: Friday, January 09, 2015 3:48 PM
To: John Baldwin
Subject: Fourth District Trial Court Nominating Commission

Mr. Baldwin,

Please accept this email as my application to sit on the Fourth Judicial District Nominating Commission, replacing Commissioner Fickinger or Boyle. I am conservative, I typically align with the Republican Party, and I have participated in the Republican caucus and primaries, although I do not feel myself beholden to any one party.

Best,
Joseph

Joseph Osmond
KIRTON McCONNIE
Thanksgiving Park Four
2000 W Executive Parkway, Suite 400
Lehi, UT 84043
P: 801-426-2118
F: 801-426-2101
www.kmclaw.com

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1/15/2015

Child Protection Work:
- Investigated sex crimes and severe physical abuse of children; instructed authorities on forensic interviewing techniques
Christy Abad

From: John Baldwin
Sent: Monday, January 12, 2015 2:38 PM
To: Peter Schofield
Cc: Christy Abad
Subject: RE: Fourth Judicial District Nominating Commission

Thank you,
John

From: Peter Schofield [mailto:pschofield@kmclaw.com]
Sent: Monday, January 12, 2015 2:27 PM
To: John Baldwin
Subject: Fourth Judicial District Nominating Commission

John:

I would like to apply for one of the vacancies on the Fourth Judicial District Nominating Commission. Attached is my resume. I am a resident of Utah County, residing in Lindon, Utah. Additionally, I am a Republican.

Please let me know if you need anything else.

Best,

Peter C. Schofield

KIRTON McCONNIE
Attorneys at Law
Salt Lake City - Thanksgiving Point

Thanksgiving Park Four
2600 W. Executive Pkwy, Suite 400
Lehi, UT 84043
Tel: (801) 212-2100
Fax: (801) 212-2074
pschofield@kmclaw.com

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Experience

KIRTON McCONNIE
Shareholder
January 2006 – Present
Thanksgiving Point and Salt Lake City, Utah

- Member of the Kirton McConkie’s Litigation, First Amendment and Healthcare sections. Practice is focused on complex commercial and general civil litigation. Represents and advises clients in all aspects and types of commercial and civil litigation, experience includes First Amendment litigation, real estate law, title insurance, title and escrow claims, zoning and land use, construction cases, foreclosures, healthcare, contract, business, insurance coverage and real property litigation.
- Managing partner of Kirton McConkie’s Utah County office located at Thanksgiving Point.
- Manages litigation in Utah State and Federal courts as well as nationally.
- Recognized as one of Utah’s Legal Elite and as a Mountain States Super Lawyer Rising Star for business litigation.

AMERICAN INNS OF COURT, A SHERMAN CHRISTENSEN INN
Program Chair and Barrister
August 2001 – Present

- Member of the Board of Directors for the A. Sherman Christensen American Inn of Court. Currently serves as the Program Chair. Coordinates and plans monthly meetings with Judges, practicing attorneys and law students to discuss litigation practices and strategies.

Presentations
- Presented at seminars for attorney continuing legal education as well as for other groups including: Utah Land Title Association, Construction Section of the Utah State Bar, American Inns of Court.
- Presented for law enforcement officials around the State of Utah on the proper dealing and response to child abuse.

Education

JURIS DOCTOR
Brigham Young University, J. Reuben Clark Law School
April 2002
Provo, Utah

BACHELOR OF ARTS: POLITICAL SCIENCE
Brigham Young University
April 1999
Provo, Utah

Skills, Interests & Community Service
- Portuguese Language Proficiency
- Enjoy reading, community involvement, and time with family
Christy Abad

From: John Baldwin
Sent: Thursday, January 15, 2015 11:04 AM
To: Christy Abat
Subject: FW Fourth Judicial District Nominating Commission Application/Resume

From: Neil Skousen
Sent: Thursday, January 15, 2015 8:00 AM
To: John Baldwin
Subject: Fourth Judicial District Nominating Commission Application/Resume

Mr. John C. Baldwin
Executive Director
645 South 200 East
Salt Lake City, Utah 84111

RE: Fourth Judicial District Nominating Commission Application/Resume

Dear Mr. Baldwin:

Please accept this email and attached resume as my application for a 4-year term on the Fourth Judicial District Nominating Commission. With my 10 years actively working as a contract public defender and private attorney in Utah County’s Fourth District Juvenile Courts, I have a unique perspective of the inner workings of the child welfare system (i.e., DCFS cases, delinquency matters, etc.). My experience has been that most attorneys who practice in the District Court are unfamiliar with the Juvenile Court statutes and court rules. Appointing a child welfare/juvenile court attorney will broaden the knowledge-base and insight of the Commission when judicial candidates are screened for the Juvenile Court.

In addition, I actively practice in Utah’s District Courts, the United States District Courts, Justice Courts, Utah Labor Commission, and the federal EEOC agency.

Political Party: I am registered as a Republican.

I look forward to being considered by the Utah State Bar for appointment to the Nominating Commission. Thank you very much.

Sincerely,

Neil Skousen
Attorney

Neil Skousen
Attorney at Law

1/15/2015

* Wyoming Trial Lawyers Association, UW Law Student Officers, 2001 - 2002
* Delta Theta Phi Law Fraternity, UW Law Student Officers, 2001 - 2003
* UW College of Law General Scholarship, 2002 - 2003 & Fall 2003
* University of Utah College of Law (Salt Lake City, Utah), Summer Law Student, 2002 & 2003

Undergraduate Education

* Weber State University (Ogden, Utah), Bachelor of Science Graduate, 05/2000
* Major: Criminal Justice (Minor Emphasis in Business Management)
* GPA: 3.86
* President's High Honors, 4.0 GPA, Spring 1999
* Dean's List, Fall & Spring 1998 - 1999
* Utah Valley State College (Orem, Utah), Associate of Science Graduate, 05/1998
* Major: Criminal Justice/General Education
* GPA: 3.40
* Dean's List, Fall & Spring 1997 - 1998
* 4.0 GPA in all Criminal Justice and Paralegal Courses
* Provo High School

Community Service & Leadership

* 2012 - 2015: American Bar Association Advisory Board - Utah Valley University, Orem, Utah
* 2013 Adjunct Attorney of the Year Award - Utah Personal Defense Alliance
* Annual Utah Valley University Pro Bono Legal Clinic, 2010 - Current
* Pro bono legal work on an ongoing basis, 2004 - Current
* Utah Employment Lawyers Association, 2009 - Current, UELA Secretary, 2011
* Utah Association of Criminal Defense Lawyers, 2009 - Current
* Utah Personal Defense Alliance, 2005 - Current, Conference Panel on ABA Practice Standards, 2014
* Fourth District Juvenile Bar - Child Welfare Court Committee, 2005 - 2010
* Volunteer, Salt Lake channel shelter (Salt Lake City, Utah), 1999

Personal Background & Interests

I am a native of Portland, Oregon and moved to Utah with my family in 1961. I am married with five children and our family enjoys spending time together. My personal interests include politics, biographies and history books, growing garden vegetables, travel, swimming, running, golf and family history research.
Christy Abad

From: John Baldwin
Sent: Wednesday, January 07, 2015 1:30 PM
To: Jim Smith
Cc: Christy Abad
Subject: RE: [Announcements] Fourth Judicial District Nominating Commission Applicants Sought

Thank you.

John

From: Jim Smith [mailto:jsmith@law.com]
Sent: Wednesday, January 07, 2015 1:26 PM
To: John Baldwin
Subject: Re: [Announcements] Fourth Judicial District Nominating Commission Applicants Sought

Mr. Baldwin,

I would be honored to be given an opportunity to serve on the Fourth Judicial District Nominating Commission. My resume is attached. I am currently employed in the Third District practicing primarily juvenile law, but I have appeared in criminal cases before a number of Fourth District judges within the past couple of years including Judges Low, Johnson, Davis, Brady, and Bazelle; as well as in family law cases before Commissioners Patton and Faulkner. I live in Lehi, and try to take my eleven-year-old scouts on a court visit to Provo or American Fork each year.

Re the request for political party affiliation, I am currently registered as a Libertarian but anticipate changing my registration to Republican before the next election.

Warm regards,

James D. Smith
Lokken & Associates
6740 South 1300 East, Ste 225
Cottonwood Heights, Utah 84121
(801) 359-8003, x 916

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From: announcements-bounces@usblists.utahbar.org [mailto:announcements-bounces@usblists.utahbar.org] On Behalf Of USBLawserve
Sent: Tuesday, January 06, 2015 8:31 PM
To: 'announcements@usblists.utahbar.org'
Subject: [Announcements] Fourth Judicial District Nominating Commission Applicants Sought

Fourth Judicial District Nominating Commission
Sent from my iPhone

Begin forwarded message:

From: Marla Snow <marla@mhmlawoffices.com>
Date: January 16, 2015 at 12:40:32 PM MST
To: John Baldwin <john.baldwin@utahbar.org>
Subject: Fourth Judicial District Nominating Commission

Dear Mr. Baldwin,

I would like to submit my application to fill a term on the Fourth District Trial Court Nominating Commission. I have attached my resume. I reside in Utah County and have done so since March of 1994. I was born in Canada, but I am a naturalized citizen of the United States. I am politically independent.

If you have any other question, please feel free to contact me. Contact information is provided on my resume.

Thanks you for your consideration.

Marla R. Snow
Christy Abad

From: John Baldwin
Sent: Thursday, January 09, 2015 1:48 PM
To: Randy Spencer
Cc: Christy Abad
Subject: RE: Fourth District Court Judicial Nominating Commission

Thank you.

John

From: Randy Spencer [mailto:rspencer@fillmorelaw.com]
Sent: Wednesday, January 07, 2015 12:38 PM
To: John Baldwin
Subject: Fourth District Court Judicial Nominating Commission

Mr. Baldwin,

I am interested in participating on the Fourth District Court Judicial Nominating Commission. I am affiliated with the Republican political party. I have attached my resume to this email. I am a resident of Utah County. If you can provide any additional information that would assist you in selecting nominees, I would be happy to do so.

Randy Spencer

Randall K. Spencer
FILLMORE SPENCER PLLC
Attorneys at Law
3390 N. University Ave.
Provo, Utah 84604
(tel) (801) 374-3100
(fax) (801) 374-4208
rsparson@fillmorelaw.com

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1/25/2015

Randall K. Spencer
FILLMORE SPENCER PLLC
Attorneys at Law
3390 N. University Ave.
Provo, Utah 84604
(tel) (801) 374-3100
(fax) (801) 374-4208
rsparson@fillmorelaw.com

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REPRESENTATIVE CASES WITH NATIONAL NOTORIETY
-State v. Peterson, Utah Fourth District Court Case No. 961401694 (I successfully defended Mr. Peterson, on a First Amendment basis, against charges that he was illegally renting adult movies. Mr. Peterson's defense was featured on Court TV.)
-State v. MacNeil, Utah Fourth District Court Case No. 121402323 (I defended Martin MacNeil against murder and obstructing justice charges. This was the first Utah trial to be conducted on national television. Mr. MacNeil was ultimately convicted. His conviction is currently on appeal.)

PUBLIC SPEAKING AND LECTURING

Guest lecturer at J. Reuben Clark Law School—multiple occasions

Guest lecturer at Utah Valley University—multiple occasions

Presenter/locutor at Central Utah Bar Association Meetings—multiple occasions

Presenter/locutor at United Angels Foundation Educational Seminars—topics on what parents of children with disabilities need to know about the law

Presenter/locutor at Utah State Bar 2013 Spring Convention

Presenter/locutor at 2013 Newborn/Pediatric Critical Care Conference sponsored by Intermountain Health Care

Presenter/locutor at American Inns of Court, A. Sherman Chrestensen Chapter—multiple occasions

Presenter/locutor at The 2012 First Lady's Parenting Conference & Expo

PUBLIC AND PROFESSIONAL SERVICE

1995-2001
Bar Examiner for the Utah State Bar Criminal Law Section

2002-2003
Secretary/Treasurer for the Central Utah Bar Association

2002-present
Member of Board of Directors of "Kids Who Count", a non-profit corporation serving children with disabilities

2003-2004
President-Elect of the Central Utah Bar Association

2004-2005
President Central Utah Bar Association

2006-2008
Board Member, of Utah Association of Criminal Defense Lawyers

2008-present
Member of the Bench Member, A. Sherman Chrestensen American Inn of Court

2009-present
Director, United Angels Foundation

EDUCATION

1991
Bachelor of Arts, Japanese Studies, cum laude, Brigham Young University

1994
Juris Doctorate, Order of the Barristers, J. Reuben Clark Law School at Brigham Young University

LEGAL EMPLOYMENT

1994-1995
Law Clerk for Judge Lynn W. Davis, Fourth District Court, Utah County, State of Utah

1995-1997
Staff Attorney at Utah County Public Defender Association

1997-1999
Assistant Director, Utah County Public Defender Association

1999-2004
Fouding Law Firm of Abusch, Spencer & Smith which was subsequently re-named Spencer, Smith & Card

2004-present
Founding & Managing Partner in the law firm of Fillmore Spencer PLLC—practice focuses on civil and criminal litigation.

REPORTED APPEAL CASES
-State v. Dillen, 986 P.2d 891 (UT App 1999)
-State v. Chaves, 1999 UT App 399
-Jones v. Hazel, 2005 UT App 48
-Loose v. State, 2005 UT App 149
-State v. Taylor, 2006 UT App 414
-State v. Gibson, 2006 UT App 490
-State v. Lott, 2008 UT App 160
-ABCO Enterprises v. Utah State Tax Comm., 2009 UT 36
-Jacob v. Benson, 2009 UT 17
-State v. Barnes, 2007 UT 95
-State v. Richardson, 2009 UT App 41
-State v. Dennis, 2009 UT App 41
-General Court, & Dev v. Peterson Plumbing, 2011 UT 1
-State v. McNeill, 2012 UT App 263
-State v. Fuller, 2014 UT 25
Christy Abad

From: John Baldwin
Sent: Tuesday, January 13, 2015 12:32 PM
To: Ryan Stack
Cc: Christy Abad
Subject: Re: Fourth Judicial District Nominating Commission

Thank you, John

Sent from my iPhone

On Jan 13, 2015, at 12:31 PM, Ryan Stack <rstack@summitcounty.org> wrote:

Mr. Baldwin,

I would appreciate the opportunity to serve on the Fourth District Trial Court Nominating Commission. Please find my resume attached to this email. I am a registered Republican.

Best regards,

RYAN P.C. STACK
Prosecuting Attorney
Summit County Attorney’s Office
6300 Justice Center Road
Park City, UT 84098
Direct Line: 435-615-3857
Office Main Line: 435-615-3828
Facsimile: 435-615-3833

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<Ryan Stack - Resume January 2015.pdf>
From: John Baldwin
Sent: Thursday, January 08, 2015 11:20 AM
To: Kevin Sutterfield
Cc: Christy Abad
Subject: RE: Fourth Judicial District Nominating Commission

Thank you.

John

From: Kevin Sutterfield | mailto:ksutterf@gmail.com
Sent: Wednesday, January 07, 2015 4:56 PM
To: John Baldwin
Cc: Tom Sather
Subject: Fourth Judicial District Nominating Commission

Dear Mr. Baldwin,

Attached is my resume for consideration for service on the Fourth District Nominating Commission at the expiration of the term of Mark Flickenger and Ann Boyle. I am a deanascant. I have lived in Utah County since 1990 and practiced as an attorney in the Fourth District since 1982 and have had a law office address in the Fourth District since 1987. Thank you for your consideration.

Kevin J. Sutterfield
Flint, Lawyers & Shepard
Personal Injury & Wrongful Death
201 N. Temple Ave. Suite 300
Provo, UT 84601
kevin@flintlaw.com
385.305.0881

1/15/2015

ARTICLES AND SEMINARS
Presenter & Author at CLE seminars:

UIA Annual meetings and Seminars
- Cross-examining the Expert Reconstructionist (1994)
- Mediation: An Alternative to Traditional Litigation (1995)
- Lessons Learned from a Medical Malpractice Verdict (1996)

Insurance Law Update: CLE Seminars
- Liability Insurance Coverage Issues
- Liability Insurance Coverage Issues
- Third-party Bad Faith Claims & Other Related Issues

Utah Trial Journal
- Recent Developments in Utah Automobile Law
- Subrogation & Liens: Often Overlooked Issues Which can Materially affect the Recovery of an Injured Person

PERSONAL
Date of Birth: July 16, 1955
Place of Birth: Long Beach, California
Married, eight children, three grandchildren

EXPERIENCE
Shareholder and Founder
1994 to Present
Fickinger & Sutterfield, P.C.
Provo, Utah
Civil Litigation Practice limited to Personal Injury & Wrongful Death.

Shareholder
1987 to 1994
Howard, Lewis & Peterson
Provo, Utah
Personal Injury, Medical Malpractice, Business and Commercial Litigation.

Associate
1983 to 1986
Ray Marshall & Associates
Salt Lake City, Utah
Personal Injury, Business and Commercial Litigation, Appellate Work.

Associate
1982 to 1983
Dart & Stiegall
Salt Lake City, Utah
Business and Commercial Litigation, Insurance Defense and Subrogation.

EDUCATION
J.D., J. Reuben Clark Law School
April, 1982
Brigham Young University
Provo, Utah

B.Y.U. Journal of Legal Studies, Summary of Utah Corporate Law, Editor
* Author of chapter, Parent and Subsidiary Corporations in Utah
Legal Writing teaching assistant and tutor

Bachelor of Arts, Political Science (Cum Laude)
April, 1979
Brigham Young University
Provo, Utah

MEMBERSHIPS
Utah State Bar (1982)
Utah County Bar Association (1982)
American Association of Justice (1988)
Utah Association of Justice (1991)
Board of Directors
Editor, Utah Trial Journal

Claersticks and Internships:
U.S. Court of Appeals, Circuit Executive
U.S. Senator Frank Church, D-Idaho

D.C. Circuit
Washington, D.C.
1980

1978
Christy Abad

From: John Baldwin
Sent: Monday, January 12, 2015 11:10 AM
To: Wake
Cc: Christy Abad
Subject: RE: Resume for Fourth Judicial Nominating Commission

Thank you,
John

-----Original Message-----
From: Wake [mailto:wake@xmission.com]
Sent: Friday, January 09, 2015 9:19 AM
To: John Baldwin
Subject: Resume for Fourth Judicial Nominating Commission

I am not a member of a political party, and am registered to vote as "unaffiliated" (what other states call "independent").

Paul Wake

PAUL WAKE

1791 River Bottom Road • Springville, Utah 84663 • (801) 491-8113 • wake@xmission.com

EMPLOYMENT

Deputy Utah County Attorney, spring 1997–present
Prosecute cases in juvenile court; wrote the office manual for juvenile prosecutors; named Utah County employee of the month in July of 2012

Related activities:
Utah Supreme Court’s Juvenile Rules Committee member; SWAPLAC member (Statewide Association of Public Attorneys Legislative Affairs Committee); served on task forces for delinquency, SHOCAP, judicial case management, juvenile drug court, Olympics, sex crimes, and truancy; provided juveniles law instruction at POST, UVSC, and BYU’s law school; trial advocacy faculty at National Advocacy Center; helped organize and presented on ethics at the last Utah Prosecution Council juvenile justice conference; published juvenile practice articles in the Utah Bar Journal, The Prosecutor, and the BYU Journal of Public Law; charter member of the Utah Bar’s juvenile law section; created a juvenile court practice video for the Utah Bar’s young lawyer division

Other legal work:
Special Deputy Salt Lake County Attorney, law clerk, Salt Lake County Attorney’s office; Law Library Faculty Research Assistant, University of Utah; law clerk, Utah Office of Legislative Research and General Counsel

Other work:
High school teacher, ambulance crew (ground and air), plywood mill laborer

EDUCATION

College of Law, University of Utah, J.D., May 1996
Utah Law Review member, published on state constitutional law; Leary Scholar, fall 1995; environmental law clinic

Brigham Young University, B.A., Political Science, December 1988, Minors: Zoology, History Study Abroad Vienna; Washington, D.C. internship; Timpamanos Biological Station; co-founded BYU’s human rights group; Special Olympics Adapted Aquatics coach

Other education:
Oregon Institute of Marine Biology

ACTIVITIES AND INTERESTS

Serve as Timpanogos Emergency Response Team member; Utah Law Related Education Project mock trial coach and judge; served as youth soccer coach; Scooter; small claims judge pro tempore
Enjoy family activities; hiking; reading; river running; playing piano, harmonica, and guitar; diving; watercolor; climbing; photography; skiing; gardening; travel; web design; rocketry
Christy Abad

From: John Baldwin
Sent: Thursday, January 08, 2015 4:51 PM
To: Christy Abad
Cc: Christy Abad
Subject: RE: Fourth District Trial Court Nominating Commission application

Thank you,

John Baldwin (dallasbaldwinlg@gmail.com) On Behalf Of Dallas Young
Sent: Thursday, January 08, 2015 2:54 PM
To: John Baldwin
Subject: Fourth District Trial Court Nominating Commission application

Mr. Baldwin,

Attached please find my resume for my application for the Fourth District Trial Court Nominating Commission position. Am I correct in assuming that this is all I need to do in order to complete my application?

Please confirm receipt.

Thank you,

Regards,

Dallas B. Young

Ivie & Young
236 W. 23rd St.
Provo, UT 84603
(801) 373-3000

Petro & Associates
1215 N. 500 W.
Provo, UT 84603
(801) 373-0019

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1/15/2015

LICENSURE AND PROFESSIONAL ORGANIZATIONS:
- Utah State Bar, May 15, 2009
- United States Court of Appeals, 10th Circuit, March 18, 2013,
- United States District Court, Central District of Utah, May 15, 2009
- Central Utah Bar Association, President-Elect, May 2014 - present

APPETATE APPEARANCES:
- Petzsch v. Armstrong, 2014 UT 247, for appellant Petzsch on appeal of entry of a civil stalking injunction over motion to dismiss based on res judicata.
- Woodward v. LaFranchi, 2013 UT 147, for appellant LaFranchi on appeal of trial court's custody determination.
- Schmolk v. Nelson, #2009522, for appellant Nelson on appeal of trial court's ruling on negligent entrustment theory (appeal dismissed due to underlying claims being tried).
- Anderson v. Anderson, 2010 UT App 392, for appellant Anderson on appeal of trial court's finding defendant in contempt of court and other factual findings.

INTERESTS:
- Flying fishing
- Rock climbing
- Hiking
- Swimming
- Skiing
- Camping
- Hunting
- Running

References:

Judge David N. Mortensen
Fourth District Court
125 S. 100 W.
Provo, UT 84603
(801) 429-1065

Michael J. Penn
PETRO & ASSOCIATES
1215 N. 500 W.
Provo, UT 84603
(801) 373-0019

R. Phil Ivy
IVY & YOUNG
236 W. 23rd St.
Provo, UT 84603
(801) 373-3000

Lynne Harris
JONES WALDO
3325 N. University Ave #200
Provo, UT 84604
(801) 375-9801

Lyons
KIRTON McCONNIE
2600 W. Corinreek Pkwy #400
Lehi, UT 84043
(801) 426-2100

Political Party: Unaffiliated

Work Experience:

Ivie & Young, Attorney at Law, August 2009 - present
Represent clients in civil litigation at trial court and appellate levels. Personal injury cases, both plaintiff and defense. Emphasis on insurance defense, Insurance law, insurance coverage, bad faith, Experience in auto insurance, homeowners' insurance, professional liability insurance, title insurance. Experience in real property and contracts litigation.

Petro & Associates, Attorney at Law, September 2014 - present
Emphasis on criminal defense, defending against felony and misdemeanor charges in District and Justice courts. Extensive civil practice involving personal injury litigation, real property litigation, contracts litigation.

Judge David N. Mortensen, Fourth District Court, Law Clerk/Attorney, August 2009 - August 2009
Prepared bench memoranda, research substantive, procedural and constitutional law, drafted rulings on motions to come before the court. Also responsible for courtroom security. POST Certified as Special Functions Officer.

Notteworthy Trials:
- State v. Christiansen, Case No. 131600001, Fourth District Court, August 4 – 7, 2014, Successfully defended Defendant against allegations of aggravated sexual abuse of a child.
- American Family Insurance v. Kemp, Civil No. 090600290, Sixth District Court, April 23-24, 2013, Successfully defended Defendant in declaratory judgment action brought by insurer to invalidate coverage under a homeowner's policy based on allegations of arson and fraud following a total fire loss of home and contents.

Education:
- Albay Law School:
  - Juris Doctorate, Cum Laude, May 2008
  - Rank: 50 of 229, GPA: 3.24
- University of The Justinian Society
- Albany Government Law Review, founding Executive Editor, 2007-08
- Founders Scholarship, 2005-08
- Nebraska, Kansas Summer International Law Institute, Summer '05
- Dean's List, Fall 2006, Spring 2007, Fall 2007, Spring 2008
- Brigham Young University:
  - Bachelor of Science, Psychology, English Minor, August 2003
  - GPA 3.37
  - Teaching Assistant, Psychological Testing, Psychology History and Contemporary Issues
  - Independent Study: Abroad, New Zealand, Fall 2000
Tab 7
Utah State Bar
MEMORANDUM

TO:  Board of Bar Commissioners
FROM:  Elizabeth A. Wright
DATE:  January 16, 2015
RE:  UPL Request for Formal Action against Deron Brunson

The Bar’s Unauthorized Practice of Law Committee (UPL Committee) requests that the Commission approve formal action seeking an injunction against Deron Brunson prohibiting him from engaging in the unauthorized practice of law.

The UPL Committee has received three complaints against Mr. Brunson. The first complaint was filed by licensed attorney Matt Bagley in July 2013. Mr. Bagley represents an insurance company in a case against Mr. Brunson’s relatives Raland and Salina Brunson involving their default on a residential mortgage. When Mr. Bagley or his paralegal contacted Raland and Salina regarding the case, they were told that Deron Brunson had been hired as their attorney at a rate of $350 per hour.

In July 2013, the case was assigned to UPL committee member Mark Field. After investigating the matter, Mr. Field contacted Deron Brunson, identified himself, and explained the purpose of the UPL Committee and the laws regarding the practice of law in Utah. Mr. Field learned that the District Court Judge assigned to the case had warned Deron Brunson that he was not to sit at the counsel table or prepare legal documents on behalf of his family members.

Mr. Field then sent Mr. Brunson a letter explaining rules against the unauthorized practice of law and advising him that if the UPL Committee learned he was practicing law it would seek formal action. The Brunson’s lost at the District Court and are appealing the case. The UPL Committee put the case on a “watch list” while waiting to see what Deron Brunson would do on appeal.

A second complaint was filed by licensed attorney Patrick Ascione in March 2014. Mr. Ascione’s complaint was nearly identical to Mr. Bagley’s. Mr. Ascione had reason to believe that Deron Brunson was drafting documents, filing Rule 11 motions,
had called Mr. Ascione's office on behalf of the defendants and was observed giving legal advice in open court.

Mr. Field investigated and learned that Deron Brunson's clients had hired licensed attorneys. October 28, 2014, Mr. Field sent Deron Brunson a second Letter of Understanding warning him that the UPL Committee was aware he had been practicing law again and that the Bar would seek formal action if it learned he continued to practice law.

By letters dated December 17, 2014 to me and Mr. Field, Deron Brunson explained that the Ninth Amendment of the Constitution gives him the right to practice law and indicated he has no intention of stopping doing something he is constitutionally allowed to do. Deron Brunson called me with a lengthy and creative explanation as to why he is constitutionally allowed to practice law. My inclination was to ignore Deron Brunson since it is apparent he cannot be persuaded that he is wrong and because the two cases reported to the UPL Committee seemed to have been resolved.

However, a third complaint was filed by licensed attorney Robert Scott in December 2014. Mr. Scott reported that the defendants in his case had asked Mr. Scott to mail all correspondence and direct all communication through Deron Brunson. Deron Brunson has sought multiple default judgments and demanded a Rule 26 hearing at his house. Mr. Scott complained that Deron Brunson was a very difficult adversary who repeatedly seeks default judgments and makes other unreasonable demands on behalf of his "clients."

In light of the fact that three Bar members have contacted the Bar seeking assistance in having to litigate against someone who is not licensed to practice law, I think the Bar should seek a formal injunction against Deron Brunson prohibiting him from practicing law. Additionally, despite two official warning letters and phone calls from Mr. Field, Deron Brunson refuses to stop practicing law and believes he is constitutionally allowed to practice law. Formal action is therefore the necessary next step in an effort to stop him from practicing law.
December 22, 2014

Board of Bar Commissioners
Attention: James D. Gilson, Bar President
Utah State Bar
645 South 200 East, Suite 310
Salt Lake City, Utah 84111-3834

Re: Fund for Client Protection
Meeting of December 12, 2014

Dear President Gilson:

The following is a report of the meeting of the Fund for Client Protection a/k/a
Client Security Fund which was held December 12, 2014 at the Law and Justice Center.
The members of the Committee that were present are Committee Chair David Hamilton,
Linda Barclay Mount, Kathleen Jeffery, Miles Jensen, Pamela Urry and Ben Wilson. Also
present were Diane Akiyama from the Office of Professional Conduct and Staff Liaison
Christine Critchley. The Committee considered various claims and makes the following
factual analysis and recommendations:

A. Claimant: American-Truckers' Legal Assoc.
   Involved Attorney: James Slavens
   Disciplinary Status: Deceased

FACTS: Attorney was hired to represent three members of the Claimant association in
separate traffic matters in different courts. Claimant made payments of $100 each for two
members and $500 for another. Each individual additionally paid their own separate funds to
Attorney; however, they neither made separate claims nor assigned any rights to Claimant.
No work was done by Attorney which caused warrants and an ultimate arrest for at least
one individual. Attorney then died.

RECOMMENDATION: The Committee recommends Claimant receive $700.

B. Claimant: Darnell Pettway
   Involved Attorney: Phillip Danielson
   Disciplinary Status: Disability

FACTS: Danielson Law Group was hired by Claimant (Michigan resident) to assist in
obtaining a low-rate mortgage. Claimant paid $2,925 for the anticipated services. No work was
done by Attorney.
RECOMMENDATION: The Committee recommends Claimant receive $2,925. Further, the Committee recommends that if Danielson seeks reinstatement, all amounts paid out from the Fund should be paid prior to reinstatement.

C. Claimants: Joy and James McRae  
   Involved Attorney: Phillip Danielson  
   Disciplinary Status: Disability

FACTS: Attorney (DLG Legal) was hired by Claimants (Florida residents) to assist with a loan modification. The flat fee was to be paid in three $1,300 increments. Claimants paid $1,300 then “smelled a rat” after doing research and terminated the relationship, demanding return of the $1,300. No work was done by Attorney and he failed to return any money.

RECOMMENDATION: The Committee recommends Claimants jointly receive $1,300. Further, the Committee recommends that if Danielson seeks reinstatement, all amounts paid out from the Fund should be paid prior to reinstatement.

D. Claimant: Tonda Baxter  
   Involved Attorney: Phillip Danielson  
   Disciplinary Status: Disability

FACTS: Once again, Attorney and his group were hired to perform services to accomplish a loan modification for Claimant (Maryland resident). Claimant paid $3,900 and received no meaningful services. The only work actually performed constituted responses to Claimant’s inquiries.

RECOMMENDATION: The Committee recommends Claimant receive $3,900. Further, the Committee recommends that if Danielson seeks reinstatement, all amounts paid out from the Fund should be paid prior to reinstatement.

E. Claimant: Helmut Walter Hopton  
   Involved Attorney: Michael Cooper  
   Disciplinary Status: Deceased

FACTS: Attorney was paid a $1,500 flat fee for a criminal case. The only work done prior to Attorney’s death was the filing of a two-page Entry of Appearance, Not-guilty Plea, Discovery Request and Jury Demand.

RECOMMENDATION: The Committee recommends Claimant and his wife Peggy Valdez Hopton, who paid some of the retainer, jointly receive $1,500.

F. Claimants: Abbas Abdi and Abdulgani Abdi (minor)  
   Involved Attorney: Jeremy Rogers  
   Disciplinary Status: Disbarred
FACTS: Claimant Abbas Abdi hired Attorney to provide representation for he and his son in personal injury claims against UTA. Attorney settled both cases without advising Claimant or obtaining consent. Abbas’ claim settled for $26,500 and Abdulgani’s claim for $4,500. A total of $3,000 was paid to Abbas with no amount to his healthcare providers. No money was paid to Abdulgani or his healthcare providers. The net loss for Abbas is $14,667 and the net loss for Abdulgani is $3,000.

RECOMMENDATION: The Committee recommends Claimant Abbas receive $14,667 and Claimant Abdulgani (by and through his father) receive $3,000.

G. Claimant: Dennis Stettler  
Involved Attorney: J.D. Poorman  
Disciplinary Status: Deceased

FACTS: Attorney successfully represented Claimant (his step-father) in a personal injury claim and obtained settlement of $70,778.13. Attorney took a discounted fee and Claimant received $40,707.56 with $9,778.13 being held to resolve a hospital lien. After Attorney’s death, the hospital lien was compromised at $3,524.63. Todd Sessions, the trustee for Attorney’s practice, attended the meeting and advised that Attorney’s trust account had approximately $17,250. Per the Order appointing Sessions, he was advised to pay the money to the CSF. The CSF will resolve the outstanding claims and either supplement with CSF money, if appropriate, and/or return money to the Poorman estate as has been done on several prior occasions with other attorney trust accounts.

RECOMMENDATION: The Committee recommends that a payment of $3,524.63 be paid jointly to Claimant and Cardon Outreach for McKay-Dee Hospital, and an additional payment of $6,253.50 be paid to Claimant individually.

H. Claimant: Debbie Ann Beekstead  
Involved Attorney: J.D. Poorman  
Disciplinary Status: Deceased

FACTS: Claimant hired Attorney to work on a Petition to modify a divorce Decree. Claimant disputes certain charges in Attorney’s bills which are somewhat confusing; however, the fees appear to have been earned.

RECOMMENDATION: The Committee recommends that the claim be denied. This is a fee dispute and does not involve dishonesty.

I. Claimant: Margaret Harrington  
Involved Attorney: J.D. Poorman  
Disciplinary Status: Deceased

FACTS: Claimant paid Attorney $1,750 to pursue custody of her grandchild. At least $400 was used for costs. Attorney had prepared and filed a Petition for Claimant.
RECOMMENDATION: The Committee recommends Claimant receive $1,000.

J. Claimant: Genieve Coziah
   Involved Attorney: J.D. Poorman
   Disciplinary Status: Deceased

FACTS: Claimant paid Attorney $1,443 to initiate divorce proceedings. Costs were incurred of $443.00 for filing fee and out-of-state service. Claimant had multiple appointments and a Petition and other documents were prepared and filed. The fees were earned.

RECOMMENDATION: The Committee recommends the claim be denied. At best, this is a fee dispute with no evidence of dishonesty.

K. Claimant: Jamie Yoder
   Involved Attorney: Amy Butters
   Disciplinary Status: Public Reprimand

FACTS: Attorney was hired to represent Claimant in a divorce and paid $3,000. Claimant terminated the relationship after a few weeks and demanded a refund. No refund was paid. Claimant obtained a Small Claims Judgment after a trial on the merits for $1,397. A garnishment to a Bankruptcy Trustee netted $308 from fees owed to Attorney.

   Attorney appeared by phone and an arrangement was made whereby she would pay three equal installments of $437.60 by certified funds on January 5, February 5 and March 5, 2015. If complete payment is not made, Claimant may bring the claim back to the CSF.

RECOMMENDATION: The Committee recommends the matter be continued.

L. Claimant: Michael Thompson
   Involved Attorney: D. Scott Berrett
   Disciplinary Status: Suspended

FACTS: Claimant (Oregon resident) hired Attorney by phone to represent him on a second degree felony charge in Fourth District court and paid $1,500. Attorney essentially did no work and an arrest warrant was issued for Claimant due to Attorney’s failure to advise Claimant of court dates.

RECOMMENDATION: The Committee recommends Claimant and Susan Thompson, joint payor, jointly receive $1,500.
The Committee has made recommendations that $40,270.13 be paid out as compensation for the above-referenced claims. With these payments, the funds balance would be approximately $324,151.88. Please contact me with any comments or questions.

Sincerely,

FUND FOR CLIENT PROTECTION

/s/ David R. Hamilton

David R. Hamilton
Committee Chair

DRH/erc
cc: Committee Members in Attendance
Tab 8
In Attendance: President James D. Gilson; President-elect Angelina Tsu; Commissioners: Steven Burt, H. Dickson Burton, Kenyon Dove, Heather Farnsworth, Mary Kay Griffin, Susanne Gustin, John Lund, Hon. Michael Leavitt, Janise Macanas, Rob Rice and Tom Seiler.

Ex-Officio Members: Dean Robert Adler, Nate Alder, Heather Allen, Curtis Jensen, Katherine Judd, Aida Neimariija, Margaret Plane, Lawrence Stevens, Executive Director John C. Baldwin, Assistant Executive Director Richard Dibblee, General Counsel Elizabeth A. Wright and Supreme Court Liaison Tim Shea.

Not in Attendance: Herm Olsen, Ex-Officio Members: Jesse Nix, Gabe White and Dean James Rasband.

Also in Attendance: Sean Toomey, Utah State Bar Communications Director. For the first 15 minutes of the meeting: Deputy General Counsel for Admissions Joni Seko and Admissions Committee Co-Chair Steven T. Waterman.

Minutes:

1. President’s Report:

1.1. Admissions Rule Changes. Deputy General Counsel for Admissions Joni Seko and Admissions Committee Co-Chair Steven T. Waterman presented proposed changes to the Admissions Rules for approval by the Commission. Changes are mostly clarifications and a consolidation of all appeal procedures into one rule. One substantive change is the requirement that lawyers applying for admission on motion have been practicing in the jurisdiction where they are licensed. The Bar needs a history of practice and possible discipline on which it can rely. Dickson Burton moved to approve the proposed rule changes and Steve Burt seconded the motion which then passed unopposed.

2.2 (Out of Order) 2016 Summer Convention Site. Aida Neimariija announced that Kate Conyers will be co-chair of the 2016 Summer Convention Committee. Aida then presented a slide show and prices for the Lowes Coronado in San Diego, California. Lowes was the best option of sites investigated with a $75,000 food and beverage minimum, $10 parking, free wifi and a $239 room rate for the week of July 6th. Commission then discussed the date of the July 2016 Summer Convention. John Lund moved to approve that the 2016 Summer Convention will begin on July 6, 2016 and
will be held at the Lowes Coronado in San Diego. Heather Allen seconded the motion which then passed unopposed.

1.2. Legislative Session Preparation. Beginning February 3, 2015, the Governmental Relations Committee will meet telephonically every Tuesday at 4:00 p.m. during the legislative session. All voting Commissioners are invited to attend. Scott Sabey is the Bar’s lobbyist and will lead the meetings. All Sections are also encouraged to attend. The Commission discussed the history, cost and value of the Bar’s Lobbyist.

While discussing the legislature, John Lund and Tim Shea added that the Judicial Compensation Committee will recommend that the legislature increase the District Court Judge salary in order to continue attracting highly qualified candidates. Committee is also recommending two new judicial positions and money for diversion programs like drug courts and veteran’s courts.

1.3. Report on Futures Commission. Purpose of the Committee is to gather input and study the future delivery of legal and law related services to individuals and small businesses. Jim Gilson reported that the Futures Commission had first meeting on November 20, 2014. Goal is to have a report to present at the July 2015 Summer Convention with 5 concrete proposals. Futures Commission hopes that the Futures Commission will continue beyond this year. Futures Commission was divided into three groups. One will study how lawyers are trained. One will study how technology and other factors will change the job of a lawyer. One will study clients and marketplace.

Dean Adler noted that the Futures Commission charge does not include language about the training of future lawyers. Janise Macanas noted the charge does not reflect the proactive nature of the Futures Commission. It was agreed that the Futures Commission would amend the language of its charge at its next meeting to reflect training of new lawyers and proactive nature of the Commissions.

1.4. Magna Carta Celebration Report. Exhibit will be in Utah for two weeks in April 2015 and travel throughout the state. Program will involve schools and perhaps essay competitions. Gala event planned for April 14, 2015. Lawyers and community leaders will be invited to gala. Cost of exhibit and events around the exhibit will be $55,000. Jim Gilson asked the Commissioners to come up with fundraising and partnership ideas to defer the cost of the celebration. Nate Alder suggested hiring a professional fundraiser. Commissioners agreed that a 501(c)(3) was needed so that any donations would be tax deductible to the donor. Because much of the Magna Carta event involves school children, it was agreed that the Bar should ask Law Related Education to accept the donations for tax deduction purposes. Janise Macanas moved to have the Bar approach Law Related Education about accepting donations to the Magna Carta event. Mike Leavitt seconded the motion which then passed unopposed.

Performance Review Committees broke out for meetings at 10:50 a.m. Commission meeting resumed at 11:45.
2.2 Inactive Pro Bono Rule Change. Rob Rice reported that the Pro Bono Commission would like to amend the Inactive Pro Bono Attorney Rule 14-803 to allow inactive attorneys to do pro bono work for an approved entity without the supervision of a practicing attorney. Also, the proposed rule would allow non-Utah attorneys living in Utah to do pro bono legal work under the rule. Steve Burt pointed out problems with allowing non-Utah attorneys to practice Utah law. Commission discussed benefits of having a supervising attorney. **John Lund moved approved the proposed pro bono rule changes. Dickson Burton seconded the motion which then passed with Steve Burt opposed.**

3.1 Judicial Council Report. John Lund is the Bar Commission representative on the Judicial Council. Judicial Council is currently focused on pre-trial release procedures and technology. Court’s data storage will be full in a few years. Two new veteran’s courts will be established in the 3rd and 4th Districts. Court’s will be able to connect defendant veterans with the resources of the V.A. Judicial Council will not be able to have its meeting in conjunction with 2015 Bar SunValley meeting. Hope to coordinate again for future meetings.

**HANDOUTS DISTRIBUTED AT MEETING:**

1. Performance Review Committee Assignments.
2. Magna Carta handout.

**ADJOURNED:** 12:55 p.m.

**CONSENT AGENDA:**

1. Approve Minutes of October 10, 2014 Commission Meeting
BOARD OF BAR COMMISSIONERS
APPLICANTS ELIGIBLE FOR ADMISSION
FEBRUARY 2015

AMANDA A. BERNDT
JEREMY D. BOWEN
JASON G. BREISCH
ROBERT W. BROWN
STACEY ALAN CAMPBELL
DAVID T. CARTER
BENJAMIN S. COLTRIN
DEVIN CHRISTOPHER DAINESS
ELYSA MICHELLE DISHMAN
RYAN J. DOUGHERTY
DAVID A. EISELE
EDWARD M. GALBRAITH
DAVID E. HAMEROFF
ANDREW V. HARDENBROOK
KEVIN J. HUSER
BARBARA JEAN JOHNSON-STERN
MICHAEL R. LEVINSON
DAVID W. LIPPMAN
CLIFTON DAVID MARTIN
FLOYD C. MATTSON
ZACHARY TATE NESBIT
AARON G. NORRIS
MICHAEL ALLEN O’GARA
GARRETT J. OLIVERSON
RACHAEL E. PAYNE
KRISTOPHER D. PEARSON

TIMOTHY E. PETTITT
ADELE J. RIDENOUR
ANDREW PAUL RUBIN
JASON A. SANDERS
VERONICA SANDOVAL
JOHN C. SARAGER
CHRISTOPHER DON SCHMIDT
ANDREW TAYLOR SCHOPPE
CHRISTOPHER N. SEKIMOTO
SARAH M. SHECHTER
NATHAN D. SIMMONS
KENNETH I. SINGER
JOHN J. SMITH
LIANA W. SPENDLOVE
CHRISTOPHER S. SPIKER
JERRY TED STENQUIST
TEGAN M. TROUTNER
JASON KENT TUCKER
KEVIN J. TUCKER
ALEX B. VAKULA
SUSAN S. VANDYKE
CHASE M. WALKER
ALEXANDER A. WARD
MICHAEL T. WHITELEY
REBEKAH E. WIGHTMAN
SHARON YAMIT YAMEN

HOUSE COUNSEL
TACY L. GILLESPIE
FRODE JENSEN
ALISSA LYNN NEUFELD
JASON R. WHITELEY
Tab 9
### Utah State Bar

**Balance Sheet**

**As of December 31, 2014**

<table>
<thead>
<tr>
<th>ASSETS</th>
<th>Dec 31, 14</th>
<th>Nov 30, 14</th>
<th>Dec 31, 13</th>
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<tr>
<td><strong>Current Assets</strong></td>
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</tr>
<tr>
<td>Checking/Savings</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>1010 · Petty Cash</td>
<td>625</td>
<td>625</td>
<td>625</td>
</tr>
<tr>
<td>1011 · Cash in Bank</td>
<td>84,174</td>
<td>33,623</td>
<td>32,190</td>
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<td>1060 · ILM Invested Funds Market Value</td>
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<td>4,852,986</td>
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<tr>
<td><strong>Total Checking/Savings</strong></td>
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<td>4,887,234</td>
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<tr>
<td>Accounts Receivable</td>
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</tr>
<tr>
<td>1071 · Accounts receivable</td>
<td>(9,715)</td>
<td>52,509</td>
<td>12,629</td>
</tr>
<tr>
<td><strong>Total Accounts Receivable</strong></td>
<td>(9,715)</td>
<td>52,509</td>
<td>12,629</td>
</tr>
<tr>
<td>Other Current Assets</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1070a · Other Accounts Receivable</td>
<td>2,790</td>
<td>1,944</td>
<td>(170)</td>
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<tr>
<td>1089 · Unbilled tenant costs</td>
<td>20,335</td>
<td>3,424</td>
<td>14,155</td>
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<td>1100 · Prepaid Expense</td>
<td>48,532</td>
<td>60,400</td>
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<td>1919 · Section ILM net earn receivable</td>
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<td>1920 · A/R - Section Funds</td>
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<td>27,858</td>
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<td><strong>Total Other Current Assets</strong></td>
<td>82,952</td>
<td>99,214</td>
<td>89,143</td>
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<td><strong>Total Current Assets</strong></td>
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<td>4,547,371</td>
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<td><strong>Fixed Assets</strong></td>
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<tr>
<td>1500 · Property &amp; Equipment</td>
<td>4,481,771</td>
<td>4,477,258</td>
<td>3,828,053</td>
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<tr>
<td>1550 · Accumulated Depreciation</td>
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<td>(3,253,019)</td>
<td>(3,077,857)</td>
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<tr>
<td>1600 · Land</td>
<td>633,142</td>
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<td><strong>Total Fixed Assets</strong></td>
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<td>1,857,381</td>
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<td><strong>LIABILITIES &amp; EQUITY</strong></td>
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<tr>
<td><strong>Liabilities</strong></td>
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<td></td>
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</tr>
<tr>
<td>Current Liabilities</td>
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<td>2910 · A/P - Sections Meeting revenue</td>
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<td>5,575</td>
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<td>2010 · Other Accounts Payable</td>
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<td>191,498</td>
<td>8,896</td>
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<td>2100 · Accrued Payables</td>
<td>308,920</td>
<td>314,761</td>
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<tr>
<td>2350 · Capital Lease Obligations-ST</td>
<td>3,069</td>
<td>3,069</td>
<td>2,710</td>
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<tr>
<td>2920 · A/P - Section Funds</td>
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<td>980</td>
<td>360</td>
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<tr>
<td><strong>Total Other Current Liabilities</strong></td>
<td>337,481</td>
<td>515,883</td>
<td>328,396</td>
</tr>
<tr>
<td><strong>Total Current Liabilities</strong></td>
<td>337,481</td>
<td>515,883</td>
<td>328,396</td>
</tr>
<tr>
<td>Long Term Liabilities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2400 · Capital lease obligations</td>
<td>4,318</td>
<td>5,348</td>
<td>7,388</td>
</tr>
<tr>
<td><strong>Total Long Term Liabilities</strong></td>
<td>4,318</td>
<td>5,348</td>
<td>7,388</td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
<td>341,799</td>
<td>521,231</td>
<td>335,783</td>
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<tr>
<td>Equity</td>
<td></td>
<td></td>
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<tr>
<td>3500 · Unrestricted Net Assets (R/E)</td>
<td>4,063,712</td>
<td>4,063,712</td>
<td>3,698,625</td>
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<tr>
<td><strong>Net Income</strong></td>
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<td>2,311,396</td>
<td>1,896,300</td>
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<tr>
<td><strong>Total Equity</strong></td>
<td>6,059,457</td>
<td>6,375,108</td>
<td>5,594,925</td>
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<tr>
<td><strong>TOTAL LIABILITIES &amp; EQUITY</strong></td>
<td>6,401,256</td>
<td>6,896,339</td>
<td>5,930,708</td>
</tr>
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</table>
# Utah State Bar
## Summary Income Statement
### December 31, 2014

<table>
<thead>
<tr>
<th>Revenue</th>
<th>2014/15 Total</th>
<th>Year to Date</th>
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<tbody>
<tr>
<td></td>
<td>Budget</td>
<td>Variance</td>
</tr>
<tr>
<td></td>
<td>Actual</td>
<td>Fav/(Unfav)</td>
</tr>
<tr>
<td>Licensing</td>
<td>$3,998,400</td>
<td>$4,003,100</td>
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<tr>
<td>Admissions</td>
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<tr>
<td>NLT P</td>
<td>85,300</td>
<td>59,200</td>
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<tr>
<td>Mgt - Service</td>
<td>12,000</td>
<td>14,528</td>
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<tr>
<td>In Kind Revenue</td>
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<tr>
<td>Mgt - Interest &amp; Gain</td>
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<td>Property Mgt</td>
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<td>131,923</td>
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<tr>
<td>OPC</td>
<td>11,500</td>
<td>1,100</td>
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<tr>
<td>CMIS/Internet</td>
<td>500</td>
<td>70</td>
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<tr>
<td>CLE</td>
<td>405,200</td>
<td>178,577</td>
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<tr>
<td>Summer Convention</td>
<td>150,600</td>
<td>115,148</td>
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<tr>
<td>Fall Forum</td>
<td>88,200</td>
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<td>Spring Convention</td>
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<td>3,900</td>
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<td>Bar Journal</td>
<td>685,117</td>
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<td>Committees</td>
<td>10,000</td>
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<tr>
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<td>2,383</td>
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<tr>
<td>Section Support</td>
<td>92,281</td>
<td>-</td>
</tr>
<tr>
<td>Access to Justice</td>
<td>10,200</td>
<td>7,570</td>
</tr>
<tr>
<td>Commission/Sp Proj</td>
<td>7,300</td>
<td>8,120</td>
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<tr>
<td>Young Lawyers Division</td>
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<td>50</td>
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<tr>
<td><strong>Total Revenue</strong></td>
<td>$5,947,633</td>
<td>$4,899,250</td>
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<table>
<thead>
<tr>
<th>Expenses</th>
<th>(Fav)/Unfav</th>
<th>Year to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Actual</td>
<td>Fav/(Unfav)</td>
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<td>CLE</td>
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<td>Member Benefits</td>
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<td>Young Lawyers Division</td>
<td>56,100</td>
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<tr>
<td><strong>Total Expenses</strong></td>
<td>$5,688,577</td>
<td>$2,983,506</td>
</tr>
</tbody>
</table>

| Net Revenue/(Expense)            | $259,056     | $1,995,744   |

| Add: Depreciation                | 165,458      | 89,899       |

| Cash Increase/(Decrease) from Operations | $424,514 | $2,085,643 |

| Other Uses of Cash | Capital Expenditures | $125,000 |
| Change in Assets/Liabilities   | (198,790)  | (198,790)  |
|                               | 109,857    | 125,000    |

| Net Change in Cash | $299,514 | $1,776,996 | $1,572,360 | $204,636 |
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.


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


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

Practice Areas: Civil Litigation and Business Law.
The Utah State House of Representatives


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.

F. 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.


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


Practice Areas: Litigation and Intellectual Property.

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: Appropriations – Natural Resources, Agriculture & Environmental Quality. Standing – Public Utilities & Technology; Revenue & Taxation.

Practice Areas: Mediation, General Business, Commercial Litigation, and Estate Planning.
Mike 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.


**Education:** Bachelors and Masters, Utah State University; J.D., Willamette University

**Committee Assignments:** Standing – Higher Education; 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:** Standing – Higher Education; 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


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


Practice Areas: Tanner & Tanner, P.C.: Trusts and Estates, Real Estate, Tax, Corporate, and Litigation.
New Bar Department Provides Discipline-In-Progress Information

Jeannine P. Timothy, Disciplinary Process Information Office

There are few things more disconcerting for an attorney than getting a letter from the Office of Professional Conduct (OPC) notifying the attorney about a Bar complaint. The fact that last year only 2.7% of OPC cases resulted in Orders of Discipline (and almost half of those were reached by stipulation) might be reassuring to many attorneys, but most attorneys probably aren’t aware of such facts and do not understand the discipline process. In an effort to assist those attorneys who find themselves the subject of a Bar complaint, complainants, and the public, the Board of Bar Commissioners has created the Disciplinary Process Information Office. I am pleased to be managing this office to help people understand the disciplinary process.

I am also the staff attorney for the Consumer Assistance Program (CAP), a role I have had since CAP’s inception seventeen years ago. As the CAP attorney, I help facilitate resolution of minor conflict between consumers and attorneys. CAP functions independently from the OPC, as will the new Disciplinary Process Information Office. It is important to note I cannot give legal advice, and because I am not part of the OPC, any opinions I have are not binding on that office and should not and cannot be used as a defense in a disciplinary action. Nevertheless, because I am not part of the OPC, I can provide confidential assistance to Bar members, not as a legal advocate, but as an information source for the disciplinary process.

The first letter a respondent receives from the OPC has always provided information about how an informal complaint is handled, but the process is very complicated. I will be available to answer questions about the process, refer attorneys to the appropriate procedural rules at various points in the process, and inform them about the progress of their individual cases with the OPC.

Let’s take a quick look at the attorney discipline process.

The Bar encourages anyone looking to “resolve issues with an attorney” to complete an online Request for Assistance form. The OPC reviews and investigates allegations to determine if there are grounds for discipline, which is limited to violations of the Utah Supreme Court’s Rules of Professional Conduct (Ethics Rules). The OPC processes follow the Utah Supreme Court’s Rules of Lawyer Discipline and Disability (Discipline Rules).

When there are no grounds for discipline:

1. CAP attempts to help attorneys and their clients resolve minor issues, such as communication issues and getting departing clients their files. Depending on the clients’ concerns, the clients can also be referred to other Bar programs, which include Fee Dispute Resolution, Tuesday Night Bar, Modest Means Lawyer Referral, Lawyers Helping Lawyers, and Fund for Client Security. In many cases, there is no action required of the attorney because the consumer’s concerns are outside the scope of the attorney–client relationship. In those cases, the CAP attorney explains to consumers what they can and cannot reasonably expect from their attorneys, how the legal process works, and what other forums and resources are available to help the consumers resolve their issues. Or;

2. The OPC declines to prosecute those issues that lack merit or fall to state a claim, or when the issue is beyond the statute of limitations, is not related to practice of law, or does not fall within the jurisdiction of the OPC.

If there are grounds for discipline, there are two potential stages in the process:

1. Informal complaint (can be initiated by the OPC, attorneys, or non-attorneys).

2. Formal complaint (if recommended by a Utah Supreme Court Ethics and Discipline Committee screening panel).

In the first stage – the informal complaint – the OPC continues
its investigation. There are several possible outcomes for an informal complaint prior to a screening panel determination. Additionally, either party can request an abeyance if the allegations closely match those of a pending criminal or civil litigation.

(1) Non-discipline outcomes:

a. Dismissal, if the Ethics Rules have not been violated, evidence is insufficient, or the complaint is unintelligible.

b. Referral to the Court’s Diversion Committee, if the issue is a first-time, minor infraction and the respondent agrees to rectify the issue.

c. Referral to the Court’s Professionalism Board if the Ethics Rules have not been violated but there is a potential violation of Standards of Professionalism & Civility.

(2) Discipline outcomes:

a. Discipline by Consent (either Private Admonition or Public Reprimand), if the respondent admits fault (Chair of the Ethics & Discipline Committee must approve).

b. Resignation with Discipline Pending, if the respondent admits fault and indicates desire to resign (Utah Supreme Court must approve this action).

The OPC also has the option of presenting an informal complaint to a screening panel. Last year, the OPC presented only 4.4% of its cases to screening panels. The panels consist of six attorney members and two public members of the Ethics and Discipline Committee (only a quorum of two attorneys and one public member is required). After a screening panel hearing, members of the panel review all facts developed by the informal complaint, the attorney’s written response, the OPC’s investigation, and the information revealed during the hearing. It is then the screening panel’s decision to determine how the case should proceed. The possible outcomes are as follows:

(1) Dismissal.

(2) Dismissal with caution.

(3) Dismissal with diversion.

(4) Referral to the Utah Supreme Court’s Professionalism Board.

(5) Private Admonition.

(6) Public Reprimand.

(7) Enter a finding of probable cause that the OPC should initiate a civil suit in district court.

As you can see from this brief overview, the disciplinary process is very complicated. Additionally, there are considerations for appeals and interim actions. The Ethics and Discipline Rules are designed to protect the public, the profession, the complainants, and the respondent attorneys. In my new position as the Disciplinary Process Information Office attorney, I will be able to provide information about the process as a whole and details of the process which pertain to an individual case. I hope to be a valuable resource to Bar members and the public.

If you have any questions about the process concerning your case, or have general questions or comments about the attorney discipline process, please contact me at 801-297-7335 or DisciplineInfo@UtahBar.og.
Getting to Know the Office of Professional Conduct – or Not

Billy L. Walker & Barbara L. Townsend

The Office of Professional Conduct (OPC) is very pleased that Jeannine Timothy will be taking on her new role as Disciplinary Process Information Officer. We look forward to her providing assistance to attorneys, complainants, and the public regarding the process of complaints against attorneys that are processed through our office.

You now have the option of talking to Jeannine Timothy if you are having difficulties navigating the attorney discipline process. As outlined in this article, there are steps you can take during or prior to becoming involved in the disciplinary process that may help you. We welcome Jeannine’s new role and hope that if you have to get to know the OPC, your experience with our office will not be as bad as you anticipated.

The lawyers that comprise the staff of the OPC are members of the Bar like all other lawyers. We practice in a very specialized area of the law. This specialized area of the law is the law of attorney discipline where, as part of the Bar, we assist the Utah Supreme Court with the enforcement of the ethical rules and the regulation of the conduct of the practice of law in Utah. When attorneys and complainants have to deal with the Office of Professional Conduct, we understand that it can be intimidating.

In reality, most of our time is spent discussing frivolous claims made by complainants that are disposed of before attorneys are required to respond to the allegations. For those “unlucky few” whose complaints go beyond a frivolous disposition, we would like to offer some tips on how to make your experience with the process less onerous and maybe some of these tips will help attorneys avoid us completely.

Avoidance of the Process:
2. Attend Ethics CLE classes that are pertinent to your practice.
3. Ask for an Ethics Advisory Opinion,
5. Consult with Blomquist Hale.
6. Consult with colleagues.
7. Self Report first instances of unethical behavior or illegal conduct – if you make a mistake, own up to it. Do not compound the mistake with a cover-up.
8. Return unearned fees and give files back, without asking the client for anything in return. (Failing to do these things has resulted in the violation of Rule 1.16(d) in numerous cases. See Rule 1.16(d), Rules of Professional Conduct (2003)).
9. If your trust account or office is a mess, ask for help and follow through by fixing these problems.
10. Change the way you do things so that you don’t continue to make the same mistakes.
11. If you make a mistake, attempt to rectify the problem you caused.
12. If you have personal problems or medical or psychological issues, seek help to manage these so they don’t affect your practice.
13. Clearly define for the client the beginning and end of the lawyer-client relationship.
14. Withdraw from a case when your representation has ended.
15. Don’t involve yourself with non-lawyers in businesses such as trust mills and foreclosure rescue scams. The lawyer who attempts to bring legitimacy to these enterprises may be left holding the bag. (In at least one case, this kind of arrangement resulted in the disbarment of the attorney involved.)
16. Don’t take money out of your trust account until it is earned. See Ethics Advisory Opinion No. 12-02 (2012); see also in re Jardine, 2012 UT 67, 289 P.3d 516.
17. Don’t invest money for your clients or others. Unless you are also a financial planner with experience in these things, your clients/investors will be very angry when all of the money is gone. (“Bad investments” by attorneys have
resulted in suspensions and disbarments.)

18. Don’t loan client money to friends or others and don’t loan your money to clients.

19. Don’t “borrow” money from your trust account.

20. Don’t hold money in “escrow” in order to use the money for your own purposes.

After You Are Involved in the Process:

1. Give us mitigating materials to consider.

2. Don’t contact complainants and tell them you will give them money if they withdraw their complaint against you. This could result in a separate rule violation or could be considered an aggravating factor. See Rule 8.4(d), Rules of Professional Conduct (2005).

3. Don’t ignore mail from the OPC. (This may result in discipline without your input.)

4. Don’t ignore OPC discovery requests. (This may result in a summary judgment against you.)

5. Don’t move during your case without leaving forwarding address. (Default sanctions may be imposed.)

6. Don’t hide from the OPC, the Bar, or process servers.

7. Don’t file non-meritorious papers in your case. (This has, in some cases, resulted in a higher level of discipline because the conduct may be used as an aggravating factor.)


9. Cooperate in answering questions and providing documents to the OPC and to the court.

Generally, in our experience, lawyers tend to make bad choices for a number of reasons, including: (1) substance abuse; (2) office management difficulties such as too little staff or too many cases; (3) personal problems; (4) financial problems; (5) depression or mental illness; and, (6) character flaws such as dishonesty. The first five of these problems can be addressed, and this can significantly change the assessment of the type of misconduct that may ultimately result in discipline. In many cases, when we investigate cases, we are not given any information regarding the reason for an attorney’s choice and thus our investigation may be hindered. In this respect, if the lawyer chooses not to cooperate, i.e., not to talk to us, and not to give us the documents that we need to have our investigation to tell the full story, then our investigation leads us to the worst possible scenario. The worst possible scenario is that our investigation may conclude that the lawyer was driven by pure and simple dishonesty. Hopefully these tips will be helpful not only to any experience you might have with the Attorney Discipline Process but also in your everyday practice.

(This article is intended only to provide informal guidance. Individual cases vary. The OPC’s position on a particular case will be based on its investigation of the facts and its assessment of those facts in light of the appropriate Rules and case law.)
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<th>Name</th>
<th>Address</th>
<th>Phone Numbers</th>
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<td>9</td>
<td>Salt Lake</td>
<td>Niederhauser, Wayne R.</td>
<td>3182 E GRANITE WOODS LN</td>
<td>Home: 801-942-6984</td>
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<tr>
<td></td>
<td></td>
<td>(R) President</td>
<td>SANDY, UT 84092</td>
<td>Work: 801-538-1035</td>
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<td></td>
<td></td>
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<td>Cell: 801-742-4606</td>
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<td></td>
<td>Fax: 1-866-263-7795</td>
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<td>24</td>
<td>Beaver,</td>
<td>Okerlund, Ralph (R)</td>
<td>248 S 500 W</td>
<td>Home: 435-627-3370</td>
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<tr>
<td></td>
<td>Garfield</td>
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<td>MONROE, UT 84754</td>
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<td>965 PARKWAY AVE</td>
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