

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

The map shows the Brigham Young University campus with various buildings and fields. The J.R.C. Law School is marked with a red pin and labeled. A blue pin marks a parking area. A line connects the two pins. The map includes streets such as E 1650 N St, E 1700 N St, E 1550 N St, E 1430 N St, E 1230 N St, E 1060 N St, E 900 N St, and E 820 N St. It also shows N 150 E St, N 100 E St, N 900 E St, and N 800 E St. Other landmarks include the Stadium, Helaman Recreation Area, Larry H. Miller Field, Track and Field Complex, Sqweek Window Cleaning, Helaman Halls, Marriott School of Management, Richards Bldg Fields, Practice Field, Field House, Indoor Practice Facility, Smith Fieldhouse South Field, Outdoor Tennis Courts, Harrison Arboretum and Garden, David O. McKay Bldg, Dept of Educational Inquiry, Measurement, and Evaluation (EIME), Harold B. Lee Library, Brigham Square, Massasoit Indian Statue, David M. Kennedy Center for International Studies, Wilkinson Center, Heritage Halls, and Deseret Towers Recreation Area. A blue 'P' icon indicates a parking area near the J.R.C. Law School.

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

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

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

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

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

Two most important responsibilities of a Bar Commissioner

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

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

Help fulfill vision by devoting time and intellect

Contribute ideas and work

Serve lawyers of Utah

Help accomplish goals of the commission

Represent my division and my liaison groups

Make the Bar meaningful to lawyers

Speak honestly

Contribute with ideas and feedback

Fiduciary

Forward thinking visionary

Communicate with Bar members

Have programs that assist all attorneys and advance the profession

Protect core functions

Promote access to justice and diversity

Know concerns of membership

Speak for membership

Take action on members' needs

Be conservative with bar dues

Attend the meetings

Use sound judgment

Serve community

Represent the unrepresented

Access to Justice

Work together to assist sections of the Bar

Support Rule of Law and integrity of legal system

Listen and participate

Utah State Bar Commission
Friday, January 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 Dorathy 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

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

Tab 1

Supreme Court of the United States
Washington, D. C. 20543

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,

A handwritten signature in cursive script that reads "Anthony Kennedy". The signature is written in dark ink and is positioned above the distribution list.

cc: Senator Orrin G. Hatch



Utah State Bar

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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,
July 30-August 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,



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." *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:

¹We again note that Utah's Truth in Advertising Statute, Utah Code Ann. § 13-11a-1, *et seq.*, and Utah's Consumer Sales Practices Act, Utah Code Ann. § 13-11-1, *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,² then the first lawyer is giving ‘something of value’ in exchange for a past or future recommendation from the other professional.” Hazard, Hodes & Jarvis, *THE LAW OF LAWYERING* (3d) § 56.5, at 56-9. 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.

BBB, <http://www.bbb.org/utah/for-businesses/about-bbb-accreditation/> (last visited Oct. 22, 2014). Otherwise, a general endorsement may “create unjustified expectations or otherwise mislead a prospective client.” *See* Ethics Advisory Op. 09-01, ¶ 7.

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.

4825-0857-7312, v. 1

Utah State Bar
Ethics Advisory Opinion Committee
Revised Opinion Number 14-04
Dissent (Two members dissenting)
Issued November 12, 2014

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].¹
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(b)(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(b)(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".

3. Current Commissioner Support for President-elect Candidates.

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

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

Happy Holidays

December 2014

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



RAY QUINNEY & NEBEKER

December 23, 2014

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

Robert O. Rice
ATTORNEY AT LAW

PO Box 45385
Salt Lake City, Utah
84145-0385

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

801 532-1500 FIRM
801 323-3352 DIRECT
801 532-7543 FAX
rrrice@rqn.com
www.rqn.com

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.



Robert O. Rice

ROR/mm
1311113

John Baldwin

From: Tom Seiler
Sent: Monday, December 15, 2014 6:23 PM
To: Commissioners Voting
Subject: Utah State Bar President-Elect (2015 - 2016)

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: twseiler@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

Item: 3.2

Submitted by: John Baldwin

Meeting Date: January 26, 2015

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:

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

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X



WOMEN LAWYERS of UTAH

January 16, 2015

2014-2015 Board

Susan B. Motschieder
President

Aida Neimarlija
Immediate Past President

Noella Sudbury
President-Elect

Kate Conyers
Treasurer

Diana Hagen
Secretary

Beth Kennedy
Career Advancement
Committee Chair

Melinda Hill
CLE Committee Chair

Sarah Starkey
Community Outreach
Committee Chair

Kimberly Neville
Life/Work Balance
Committee Chair

Jaelynn Jenkins
Membership Committee Chair

Ashley Peck
Publicity Committee Chair

Carrie Towner
Special Projects
Committee Chair

Angelina Tsu
Katy Strand
Regional Chapters Co-Chairs

Hon. Michelle Christiansen
Judicial Representative

Audrey Phillips
UMBA/YLD Representative

Patricia Christensen
Senior Bar Member
Representative

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.

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 Committeewoman,

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

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 Directions 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@parsonsbehle.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:

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

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X



UTAH MINORITY BAR ASSOCIATION

PROMOTING DIVERSITY IN THE LAW

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,

A handwritten signature in dark ink, appearing to read 'Mel K Bowen'.

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.*)

DEMOCRAT

S. Grace	Acosta
P. Bruce	Badger
John H.	Bogart
Walter F.	Bugden, Jr.
William J.	Carlson
Kim	Cordova
Scott	Daniels
Jennifer L.	Falk
Wesley D.	Felix
George	Haley
Stephen L	Henriod
David E.	Leta
Douglas G.	Mortensen
Joy E.	Natale
Kimberly	Neville
Beatrice M.	Peck
Gary G.	Sackett
Samuel J.	Schmidt
Cara M.	Tangaro
Loren E.	Weiss
Donald J.	Winder
David	Wolf

(OVER)

REPUBLICAN

Mark W.	Dahl
Jonathan	Dibble
Benson L.	Hathaway
Matthew R.	Howell
Elliot R.	Lawrence
Mark O.	Morris
Stephen L.	Nelson
John J.	Nielsen
Richard J.	Pehrson
Christopher J.	Rogers
Adam	Strachan
Heather L.	Thuet
Gabriel K.	White
Jamie	Zenger

INDEPENDENT/UNAFFILIATED

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

UNDECLARED

Trevor A.	Bradford
-----------	----------



Judicial Nominating Commission--Third District

Department Commission on Criminal & Juvenile Justice

Contact Ron Gordon

Phone 801-238-2367

Code [Utah Const. Article VIII-8 & UCA 20A-12-103](#)

Appointed Members 7

Standing Mem 1

Authority

Term 4 Years

Political Diversity Yes

Senate Confirmation No

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

[Apply for Appointment to Board](#)

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

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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 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
To: Grace Acosta
Cc: Christy Abad
Subject: RE: Third Judicial District Nominating Commission

Thank you!
 John

From: Grace Acosta [mailto:GAcosta@scalleyreading.net]
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. I am a registered Democrat.

S. Grace Acosta
 Partner
 Scalley Reading Bates Hansen & Rasmussen
 P.O. Box 11429
 Salt Lake City, UT 84147-0429

T: 801 531 7870
 F: 801 326 4669

S. Grace Acosta

AV Rated Lawyer
 2204 Dimple Dell Rd. Sandy, Utah 84092 (801) 699 0550
 gacosta@scalleyreading.net

Education:

University of Nebraska College of Law, J.D., with distinction, May 1997
 * Order of the Barrister Honor Society
 * National Moot Court Team
 * Moot Court Competition National Finals, New York, New York
 * Cali Award for Advanced Trial Advocacy
 * Outstanding Academic Achievement Award for Wills and Trusts
Auburn University, B.A. in English and Psychology, June 1994

Professional Experience:

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

Partner and AV Rated lawyer
 General litigation practice focusing on insurance bad faith, coverage, insurance defense and workers compensation defense.

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

Associate Attorney

Drafted and argued pre-trial motions, motions for summary judgments and others; drafted trial briefs, motions in limine, and discovery; attended, defended and conducted depositions, all in the area of general insurance defense work; also participated in some plaintiff cases involving personal injury; trial participation including witness prep and examination in court, selection of expert witnesses, drafting of appellate briefs, conducted mediation and arbitrations and all other tasks associated with general litigation practice, insurance defense, insurance bad faith, domestic relations and other areas of litigation.

Nevers, Palazzo, Maddux & Packard, Westlake Village, CA (April 2004 to June 2006)

Associate Attorney

Drafted and argued pre-trial motions, motions for summary judgments and others; drafted trial briefs, motions in limine, and discovery; attended, defended and conducted depositions, all in the area of real estate, corporate and business litigation, insurance defense, insurance bad faith, domestic relations and other areas of litigation.

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

Law Clerk to the Honorable William A. Thorne Jr.

Prepared memoranda for cases on appeal and attended oral arguments in 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, Fresno, CA (January 2002 to June 2002)

Contract Attorney

Drafted litigation documents; prepared trial briefs, bench memoranda, summary judgment motions, and appellate documents; responded to and drafted discovery; prepared witnesses for depositions; attended and assisted in depositions, pre-trial

1/15/2015

conferences, and settlement conferences; conducted client interviews and performed other tasks for employment litigation.

Kutak Rock LLP, Omaha, NE (June 2001 to December 2001)

Associate Attorney

Drafted and reviewed documents for real estate transactions.

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

Associate Attorney

Drafted litigation documents, responded to and drafted discovery, conducted and defended depositions, argued motions, and attended pre-trial conferences and settlement conferences for real estate litigation. Also, represented creditors in bankruptcy, drafted estate planning documents, probated several multi-million dollar estates, advised general corporate clients, and engaged in small business planning, insurance defense and domestic relations including pre-nuptials, guardianships, adoptions, child custody and divorce actions.

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

Judicial Law Clerk to the Honorable John F. Wright

Prepared memoranda for cases on appeal, reviewed and advised court on appellate motions, attended all oral arguments, and evaluated lawyer disciplinary complaints and heard arguments in all areas of the law, including but not limited to, insurance defense, insurance bad faith, domestic relations and other areas of litigation.

Foreign Languages: I can speak fluent Spanish.

Recent Publications and Presentations:

Fact versus Fiction: Are Medical Records Really Off Limits? A discussion of Sorensen v. Barbuto. Published in the Utah Bar Journal in 2009

Personal Injury Trials: Getting the Most Out of Your Evidence: Presented February 10, 2010, Salt Lake City, UT

Nuts and Bolts of No Fault Law: Presented December 8, 2009, Salt Lake City, UT

Ethical Considerations for the Private Investigator: presented September 25, 2009, Salt Lake City, UT to the Private Investigator's Association (PAIU)

Law Workshop: presented to Latina Adelante January 30, 2010 at the Horizonte School, Salt Lake City, UT

Utah State Bar Spring Convention March 2010 Presented on Collection of Medical Records in Litigation and the affect of *Sorensen v. Barbuto*, St. George, UT.

Tips on Good File Keeping For Cases that May Go to Litigation, Presentation to Monthly Insurance Adjuster's Meeting hosted by Farmers on January 6, 2011

Utah Minority Bar Association Discussion of Bad Faith Issues Related to UIM and UM Claims, Utah State Bar, March 30, 2011

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

Personal Injury 101, 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 Paralegal Division Annual Meeting, Salt Lake City, Utah.

Workers Compensation Law Basics, Presentation August 23, 2012 to Tri Star Insurance Company Adjusters

Expert Witnesses: Using Utah Court Rules to Your Advantage, Presentation July 30, 2014 Salt Lake City, Utah

Business Ethics Presentation to Alliance Benefit Group--Rocky Mountain, August 5, 2014, Salt Lake City Utah.

Community Involvement:

State Library Board—member 2012
 Small Claims Judge Salt Lake City 2008 to the present
 Substitute Small Claims Judge 2011-12 in City of South Salt Lake 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
 Fall Forum Committee 2009 and 2010; Co-Chair for 2011
 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
 Member of the Board of Directors to the Arc of Utah 2007 -2009
 Circle Mentor 2011
 Mountain States Rising Stars and Super Lawyer 2011
 Women Lawyers of Utah Career Development Committee 2009 - present
 2012 Salt Lake City Human Rights Commission Fellowship Winner for Leadership Utah
 Salt Lake City Human Rights Commission 2011-2013
 2012-13 Member of Leadership Utah Class
 2014 Hilltop Gospel Choir
 2014 Hilltop Methodist Church Staff-Pastor Relations Committee
 2014 Family Promise Host (homeless family outreach program)
 Mountain States Super Lawyer 2014 (in personal injury defense)
 AV Rating from Martindale Hubble 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: **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 & CLENDENIN, 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
 Attorney, Shareholder
 Attorney, Associate
 Salt Lake City, Utah

- 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

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

1986 Brigham Young University, J. Reuben Clark Law School
 Juris Doctor (cum laude)
 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:m.baer@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 trending in that direction. If your 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
160 E 300 S, 5th floor
POB140814
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.
Juris 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, Deans List Studies abroad.

LEGAL EMPLOYMENT EXPERIENCE:

Fall 1994- Present ASSISTANT ATTORNEY GENERAL, State of Utah
White Collar Felony 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-Designated 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 MCDOWELL & GILLMAN, P.C., SLC., Utah.
Position: Bankruptcy Trustee Atty., Commercial Litigation.
August 1988- July 1990 OFFICE OF THE PROSECUTOR, Milford, N.H.
Position: Town Prosecutor.
Jan. 1988- June 1988 OFFICE OF KENNETH M. KNEE, Boston, MA.
Position: Clerk Civil Practices Firm.
Jan. 1986- Jan. 1988 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: Torts.
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-Profits Boards and Committees
Various Legal and Non-legal publications
Early Video Game Historian

References and Additional Information Furnished Upon Request.

Christy Abad

From: John Baldwin
 Sent: Monday, January 12, 2015 11:08 AM
 To: John Bogart
 Cc: Christy Abad
 Subject: RE: Nominating Commission
 Thank you.
 John

From: John Bogart [mailto:jbogart@telosvg.com]
 Sent: Monday, January 12, 2015 10:33 AM
 To: John Baldwin
 Subject: Nominating Commission

John:

Please accept my application for the Third District Judicial Nominating Commission.

I am registered as a member of the Democratic Party

John H. Bogart
 Telos VG, PLLC
 299 South Main, Suite 1300
 Salt Lake City, UT 84111
 801-535-4304
jbogart@telosvg.com

This message (including attachments) is privileged and confidential. If you are not the intended recipient, please delete it without further distribution and reply to the sender that you have received the message in error.

JOHN H. BOGART
 1830 South 300 East
 Salt Lake City UT 84115
 801.487.9440 (h) / 801.535.4304 (w)
jbogart@telosvg.com
bogart2@earthlink.net

EDUCATION

J.D. Stanford Law School (1993)
 STANFORD LAW REVIEW
 Vol. 45 Articles Development (Symposia) 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
 Honors 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
 New York University 1985-1986
 University of Illinois Graduate Research Fellowships
 1980-1981, 1983-1984, and 1984-1985
 University of California President's Undergraduate Research Fellow
 1976-1977 and 1977-1978

EMPLOYMENT

2010- Telos VG, PLLC
 Principal. Antitrust, securities, commercial, class actions, and other complex civil litigation
 2010- S.J. Quinney School of Law (University of Utah)
 Adjunct Professor of Law (Jurisprudence and Complex Civil Litigation)
 2005-2010 Howrey, LLP (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, Barnet, Goldman, Simons & Mosk (Century City, CA)
 Business litigation

1/15/2015

John H. Bogart
 Page 2 of 7

John H. Bogart
 Page 3 of 7

1994-97 Loyola Law School (Los Angeles, CA)
 Adjunct 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 Profs. Radin, Gray, Weisberg, 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 BENCHMARK LITIGATION, named as leading Utah attorney
 for antitrust, securities, and complex civil litigation.
 2012, 2013 Outstanding Subcommittee Chair (Publications, Antitrust Committee),
 Litigation Section, ABA

PROFESSIONAL ASSOCIATIONS AND BAR ADMISSIONS

Supreme Court of Utah Advisory Committee on the Rules of Professional Conduct
 2011-

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-)
 Litigation Section
 Governmental Relations Committee (Co-Chair 2014- , Member 2004-13)

Inn of Court, Sutherland-Watkiss II

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
 Solo & 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 2000-08
 Chairman 2006-2008
 Italian American Civic League of Utah
 Stanford Club of Utah
 Stanford Alumni Association
 UCSC Alumni Association
 Chamber Music Society of Salt Lake
 Red Butte Gardens

PUBLICATIONS AND WORKS IN PROGRESS

Works in Progress

JUDGING POSITIVISM, Margaret Martin. *Forthcoming* in Law and Politics Book Review

Originalism and Oaths (article manuscript)
Oddities of Originalist Theory (article manuscript)

Books

CONCURRENT ANTITRUST CRIMINAL AND CIVIL PROCEEDINGS: IDENTIFYING PROBLEMS AND PLANNING SUCCESS, Editor in Chief and Contributor, Antitrust Committee of the Litigation Section of the ABA, 2013.

CIRCUIT CONFLICTS IN ANTITRUST LITIGATION: A GUIDE TO CONFLICTS AMONG THE FEDERAL CIRCUITS IN PRIVATE AND PUBLIC ANTITRUST LITIGATION, Editor in Chief and Contributor, Antitrust Committee of the Litigation Section of the ABA, 2009.

2011 ANTITRUST LAW DEVELOPMENTS (7TH ED.), Contributor.

2009-10, 2012 ANNUAL REVIEW OF ANTITRUST LAW DEVELOPMENTS, Contributing editor.

Articles

Conflicts, Ethics, and Experts

ABA LITIGATION SECTION, EXPERT WITNESS NEWSLETTER, FALL 2014

Crime and Moral Condemnation: A Study in the Enforcement of California's Anti-Abortion Statute (SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1247422)

Living With Twombly

22 UTAH BAR JOURNAL 2 (Mar/Apr 2009): 23-26.

Interpreting Rules and Constitutional Provisions (editor)

21 UTAH BAR JOURNAL 2 (Mar/Apr 2008): 29-35.

The Supreme Court Decision in Twombly: A New Federal Pleading Standard?

20 UTAH BAR JOURNAL 5 (Sept/Oct. 2007): 20-22.

Twombly: A New Standard for Conspiracy Claims

6 ANTITRUST LITIGATOR 2 (Summer 2007): 1, 25-26.

Unsworn Declarations in Lieu of Affidavits: Increasing Efficiency of Practice Under the Utah Rules of Criminal and Civil Procedure and Rules of Evidence

Co-authored with Scott McCoy (Howrey)
20 UTAH BAR JOURNAL 4 (July/Aug 2007): 22-23.

Phenomenology and Commodification: Evading Consent in Recent Theory Regarding Rape.
2 LEGAL THEORY 2 (July 1997): 253-264.

Reconsidering Rape: Rethinking the Conceptual Foundations of Rape Law.
8 CANADIAN JOURNAL OF LAW AND JURISPRUDENCE 1 (January 1995): 159-182.

On the Nature of Rape.

5 PUBLIC AFFAIRS QUARTERLY 2 (April 1991): 117-136.

Reprinted in SEXUAL ETHICS: A READER, Karen Lebacqz, ed. (1998).

Reprinted in PHILOSOPHICAL PERSPECTIVES ON SEX AND LOVE, Robert Stewart, ed. (1995)

Adjudication, Validity, and Theories of Law. 2 CANADIAN JOURNAL OF LAW AND JURISPRUDENCE 2 (July 1989): 163-170.

Punishment and the Subordination of Law to Morality. 7 OXFORD JOURNAL OF LEGAL STUDIES 3 (Winter 1987): 421-443.

Legislative Duty and the Independence of Law. 6 LAW AND PHILOSOPHY 2 (August 1987): 187-203.

Lockean Provisos and State of Nature Theory. 95 ETHICS (July 1985): 828-836.
Reprinted in JUSTICE IN POLITICAL PHILOSOPHY, Will Kymlicka, ed. (1992).

Book Reviews

LAW AFTER MODERNITY, Sionaidh Douglas-Scott. Law and Politics Book Review, Vol. 24 No. 4 (April 2014): 176-79.

NORMATIVE JURISPRUDENCE, Robin West. LAW AND POLITICS BOOK REVIEW VOL. 22 NO. 5 (MAY 2012): 205-10.

Living Law: Reconsidering Eugen Ehrlich, Marc Hertogh (ed.). LAW AND POLITICS BOOK REVIEW Vol. 20 No. 11 (Dec. 2010): 641-43.

COMPULSORY COMPASSION, Annalise Acom. LAW AND POLITICS BOOK REVIEW Vol. 14 No. 6 (July 2004): 446-48.

LAW AS A SOCIAL INSTITUTION, Hamish Ross. LAW AND POLITICS BOOK REVIEW Vol. 11 No. 12 (December 2001): 596-97.

JUSTICE AND PUNISHMENT: THE RATIONALE OF COERCION, Matt Matravers. LAW AND POLITICS BOOK REVIEW Vol. 11 No. 8 (August 2001): 390-92.

CHANGE AND CONTINUITY: STATUTE, EQUITY AND FEDERALISM, William Gummow. LAW AND POLITICS BOOK REVIEW (March 2000): 206-07.

SEX AND REASON, Richard A. Posner. 105 ETHICS (April 1995): 670-72.

EQUAL JUSTICE, Eric Rakowski. 104 ETHICS (July 1993): 822-24.

AFFIRMATIVE ACTION AND JUSTICE: A PHILOSOPHICAL AND CONSTITUTIONAL INQUIRY, Michel Rosenfeld. 102 ETHICS (July 1992): 967-969.

JUSTIFYING INTERNATIONAL ACTS, Lea Brilmayer. 101 ETHICS (July 1991): 880-881.

DEATH IS DIFFERENT, Hugo A. Bedau. 99 ETHICS (October 1988): 167-168.

FOUNDATIONS OF LIABILITY, Alan R. White. 97 ETHICS (April 1987): 673-674.

Book Notes

SEXUAL HARASSMENT: CONFRONTATIONS AND DECISIONS, Edmund Wall (ed.). 104 ETHICS (July 1994): 926-27.

AMERICAN JURISPRUDENCE 1870-1970, James Herget. 102 ETHICS (January 1992): 428.

LEGAL SECRETS: EQUALITY AND EFFICIENCY IN THE COMMON LAW, Kim Lane Scheppele. 101 ETHICS (January 1991): 432.

MORE SPEECH: DIALOGUE RIGHTS AND MODERN LIBERTY, Paul Chevigny. 99 ETHICS (January 1989): 452-453.

HUMAN RIGHTS AND INTERNATIONAL RELATIONS, R.J. Vincent. 99 ETHICS (January 1989): 452.

AIDS AND THE LAW, Harlon L. Dalton, et. al. (eds.). 99 ETHICS (October 1988): 213.

ISSUES IN CONTEMPORARY LEGAL PHILOSOPHY, Ruth Gavinson (ed.). 99 ETHICS (October 1988): 188.

ESSAYS ON Kelsen, Richard Tur & William Twining (eds.). 99 ETHICS (October 1988): 198.

Presentations and Speeches

Continuing Legal Education

"Ethics, Expert Testimony: Issues for Experts and Lawyers"
July 2014

"Constitutional Evil: Loyalty and Conscience"
July 2012

"The Supreme Court's Last Word on Joint Ventures and Exclusive Contracts:
American Needle v. NFL"
July 2011

"Terrorism, Religion, and Liberal Democratic States – Remarks on Amos Guiora's
Freedom From Religion"
July 2010

"Utah Appellate Practice – New Rules and Old Problems"
December 2009

Howrey Academy (NITA courses on civil discovery and trial)
2010, 2009, 2008, 2007, 2006

"Religious Discrimination – Remarks on Michael Perry's "Religion as a Basis of Lawmaking?"
July 2009

Civil Discovery - Howrey In-house courses on civil discovery
November 2008

"Twombly: One Year On – The Import for Federal and State Practice"
March 2009

"Developments in Utah Constitutional Interpretation"
July, 2007

"Expert Witnesses in Utah State and Federal Courts"
October 2007

"Litigation in Federal Court (Utah)"
March 2006

"State Civil Litigation in Utah – Expert Discovery"
October 2004

Christy Abad

From: John Baldwin
Sent: Friday, January 16, 2015 2:15 PM
To: Christy Abad
Subject: Fwd: Application for Third Judicial District Court Nominating Commission
Attachments: Resume for Third District Nominating Commission (Jan 7, 2015).pdf; ATT00001 htm; Cover Ltr to Third Dist Ct Nominating Commission.pdf; ATT00002 htm

Sent from my iPhone

Begin forwarded message:

From: "Trevor Bradford" <trevorbradford04@gmail.com>
To: "John Baldwin" <john.baldwin@utahbac.org>
Subject: Application for Third Judicial District Court Nominating Commission

Dear John:

I have attached to this email my resume and a cover letter as my application for the Third Judicial District Court Nominating Commission. Please confirm receipt of these materials.

Thank you in advance for your serious consideration of my qualifications.

Best,

Trevor A. Bradford, Esq.
 801-372-7703 (mobile)

To Whom It May Concern:

I would love 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 motion practice, and I am very familiar with the state procedural and evidentiary rules. Accordingly, I can help the commission find candidates that are likewise familiar with the state procedural and evidentiary rules, which I believe is essential for a good trial court judge.

Moreover, because most of my practice is 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 now 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.

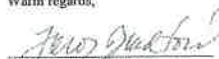
In my time as a *Pro Tem* Judge, I have had to make important decision in order to serve justice. In my time as a judge, I have also learned more fully the value of being just and fair. I bring those skills and attributes with me, which will aid in finding the best candidates for the trial court bench.

The Utah Supreme Court has appointed me to be a mentor for younger attorneys (you have to be a member in good standing with the Utah State Bar). In that capacity, I help young lawyers understand the role of the judiciary, and the value of good judges. In addition to my practice, and my time as a *Pro Tem* Judge, this mentoring opportunity has helped me better understand the role of judges in the judiciary as I must teach new lawyers about the role of judges, and how lawyers and judges are part of the same system. As such, I have a vested interest in making sure the finest judges are appointed to the trial court bench.

Finally, I have a great deal of respect for the judiciary and its role in our democracy. As such, I sought for and obtained admission to U.S. Supreme Court Bar. I believe I can help find the best candidates for the Third District Court because of my passion 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.

Warm regards,


 Trevor A. Bradford, Esq.

1/16/2015

Trevor A. Bradford

7813 S. Norfolk, Pine Way, Sandy, Utah 84094; Phone: 801-372-7703 (mobile); E-mail: trevorbradford04@gmail.com

OBJECTIVES

To help protect the sanctuary of the judiciary by nominating attorneys who will uphold the U.S. Constitution, the Utah Constitution, and the laws of the State of Utah. To help ensure the Third District Court Trial Nominating Commission finds the best applicants to fill open positions on the trial court bench.

EXPERIENCE

Craig Swapp & Associates 2011-2014
 Managed client caseload of between 50-60 cases. Sought justice for injured victims. Represented clients at trial and in arbitrations (at least 40 arbitrations and trials). Represented clients in court at motion hearings. Supervised and mentored other attorneys. Never missed annual collections goals. Exceeded trial, arbitration, and settlement goal in 2013 by 25%.

Small Claims Judge, *Pro Tem* (Salt Lake City Justice Court) 2011-present
 Appointed by the Utah Supreme Court. Conduct bench trials. Make rulings on motions, which requires in-depth knowledge of the rules. Make tough decisions on a very quick basis, which requires in-depth knowledge of the law.

Smith & Glauser, P.C. 2008-2011
 Conducted extensive fact and expert discovery. Wrote motions and supporting memorandum, which required familiarity with federal and state procedural rules. Represented clients at mediations and arbitrations. Represented clients in court at motion hearings.

Law Office of Trevor A. Bradford 2006-2008
 Managed a law practice. Represented business and personal injury clients. Represented clients at trial. Represented clients in court at motion hearings.

Law Clerk for Federal Judge Bruce A. Markell 2004-2005
 Researched legal issues, including commercial law, secured transactions, and bankruptcy. Wrote memorandum on various legal issues. Prepared judicial orders and opinions for the judge's review.

EDUCATION

J.D., University of Montana 2001-2004
 Earned academic honors in writing and intellectual property.

B.A., Brigham Young University 1992-1998
 Major: English; Minor: Business. Received academic scholarship.

LICENSURES/REFERENCES

Admitted to practice before the U.S. Supreme Court (2013), all Utah State courts (2005), and all federal courts for the District of Utah (2005).

Attorney General Sean Reyes, Tel: (801) 538-1191.

Retired Judge Robert Hilder, Tel: (801) 467-0100.

Thomas W. Seiler, Esq., Partner at Robinson, Seiler & Anderson, Tel: (801) 375-1920.

Christy Abad

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

WALTER F. BUGDEN, JR.

445 East 200 South, Suite 150
Salt Lake City, Utah 84111
Telephone: (801) 467-1700

From: John Baldwin
Sent: Monday, January 12, 2015 10:32 AM
To: Sindra 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, Sindra Garcia <sindra@bilaw.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,

Sindra Garcia, Paralegal
Bugden & Isaacson, LLC
445 E 200 S, Suite 150
Salt Lake City, UT 84111
Tel (801)467-1700
Fax (801)746-8600
Sindra@bilaw.net

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<Wally Resume - January 2015.pdf>

1/15/2015

Education:

- 1973 - University of Colorado Boulder, Boulder, Colorado. B.A. in Sociology and English.
- 1977 - University of Utah College of Law, Salt Lake City, Utah. J.D.

Employment:

- 2002 to Present – Partner, Bugden & Isaacson, 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 & Lundgren
- 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: "Confrontation & 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 LDA, Salt Lake Legal Defender's Association, 2005
- Article: "Crimes, Truth and Videotape: Mandatory Recording of Interrogations at the Police Station", Utah Bar Journal, Vol No. 19 Issue No. 5 Sept/Oct 2006
- Featured in Article: "The Unpopular Defense", Mountain States Super Lawyers, July 2008
- Presentation: "Defending Warren Jeffs", Idaho Criminal Defense Bar, Sun Valley, ID, 2008

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 Moot 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: FW: Third Judicial District Nominating Commission openings
Attachments: image001.jpg; Resume William J Carlson.docx

From: William Carlson [mailto:WCarlson@slco.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

Deputy District Attorney

Justice Division
 West Jordan Courthouse
 8080 South Redwood Road, Suite 1100
 West Jordan, Utah 84088
WCarlson@slco.org
www.thirdjudicialdistrictslco.org
 Tel (385) 468-7546
 Fax (385) 468-7549

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
 - Senior staff, Journal of Law and Family Studies (JLFS), 2006-2007
 - 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 Salt Lake County, 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 Syracuse City, UT
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 Salt Lake City, UT
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 Salt Lake City, UT
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

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 801.355.3472
roger.christensen@chrisjen.com

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

1/15/2015

Christy Abad

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 801.536.6719 | Fax 801.536.6111
parsonsbehle.com | vCard

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Erik A. Christiansen
 201 South Main Street, Suite 1800
 Salt Lake City, Utah 84111
echristiansen@parsonsbehle.com
 (801) 536-6719

Professional Legal Experience

Parsons Behle & Latimer (1996 to Present), Shareholder
 25-years legal experience
 Commercial & securities litigation
 Rated AV by Martindale Hubbell; listed in *Best Lawyers in America* and in *Mountain States Super Lawyers*
 Admitted to practice in California (1990) and Utah (1996)

Stroock & Stroock & Lavan, Associate (1993 to 1995)

Milbank, Tweed, Hadley & McCloy, Associate (1990 to 1993)

Chair, Utah State Securities Commission (2009 to present)
 Appointed by Gov. Huntsman in 2009
 Re-Appointed by Gov. Herbert in 2013

Legal Education

University of Utah College of Law (1990)
 Articles Editor, Utah Law Review

Community Service

Chair (2013-14), Board of Trustees
 Visit Salt Lake

Chair (2009-11), Board of Trustees
 University of Utah Board of Advisors for Undergraduate Education

Chair (2008-09), Board of Trustees
 Federal Bar Association, Utah Chapter

Chair (2005-06)
 Utah State Bar Securities Section

President (2000-02), Board of Trustees
 University of Utah Young Alumni Association

Married to Christina M. Jepson. 4 children (Adison, Kyra, Cate & Morgan)

Christy Abad

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

From: Kim Colton [mailto:KColton@vancott.com]
 Sent: Wednesday, January 07, 2015 9:14 AM
 To: John Baldwin
 Cc: Richard Dibblee
 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
 ATTORNEY AT LAW

VANCOTT

VAN COTT, BAGLEY, CORNWALL & MCCARTHY, P.C.
 36 SOUTH STATE STREET SUITE 1900
 SALT LAKE CITY, UTAH 84111
 T (801) 237-0316 F (801) 237-0826 M (801) 631-6960
 kcolton@vancott.com
 www.vancott.com

LexMundi
 WordSmith

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1/15/2015

KIM S COLTON

1701 E. Somerset Ridge Drive • Draper, Utah 84020 • (801) 631-6960

EXPERIENCE: **Van Cott, Bagley, Cornwall & McCarthy, P.C., Salt Lake City, Utah**
 Shareholder (2002 – present)
 Associate (1998 – 2002)
 Summer Associate Coordinator (2002 – 2009)
 Energy Practice Group Chair (2010 – present)
 Energy, Real Estate, and Business Organizations Practice Groups

Represent energy companies in acquisition, exploration, permitting, and production of oil, gas, and mining properties in the rocky mountain region. Due diligence for acquisition of three Utah coal mines. Title opinions (drilling, division order, and financing) for minerals (coal, oil and gas) owned in fee and in private, state, and federal leases.

Represent association of municipal electric companies: negotiating, drafting, and reviewing project development agreements, engineering, procurement, and construction agreements, real estate, and other agreements; manage due diligence for condemnation proceedings; draft opinions of general counsel supporting issuance of project revenue bonds; review and revise governance documents and bylaws; advise on membership, public records, and open meetings.

Represent international aquaculture group: negotiate and design corporate structure and reorganization; maintain thirteen corporate entities; negotiate and document multiple asset sales and purchase agreements; general corporate, real estate, and litigation advice.

Represent private companies in the drafting and negotiation of commercial agreements, including formation, dissolution, merger and acquisition, stock purchase and sales, shareholder plans, financing, licensing, asset purchase and sales, and leasing.

Represent corporate borrowers and lenders in commercial financing transactions; documenting commercial loans, due diligence, and opinions of counsel.

Snow & Jensen, P.C., St. George, Utah (nka Snow, Jensen & Reece, P.C.)
 (1996-1998)
 Associate
 Civil Litigation, Real Estate, Construction, and Municipal Law

Judicial Clerk
Utah Court of Appeals, Salt Lake City, Utah
 (1995-1996)
 Honorable Norman H. Jackson
 Legal Research, Bench Memoranda, Drafting and Editing Opinions

Instructor of English
University of Nevada, Las Vegas, Las Vegas, Nevada
 (1990-1992)
 Composition, World Masterpieces, and Introduction to Literature

EDUCATION: **Juris 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)
 Carnegie Mellon University, Pittsburgh, Pennsylvania
Master of Arts
 English (1989)
 Brigham Young University, Provo, Utah
Bachelor of Arts
 English Major, Communications Minor (1987)
 Brigham Young University, Provo, Utah

ASSOCIATIONS: **Utah State Bar**
 (1995-present)
 New Lawyer Mentor (2010-present)
 Courts 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 Head Troop 415 Sandy, Utah (2001-2005)
Draper Elementary PTA
 (2009-present)

Christy Abad

From: John Baldwin
 Sent: Tuesday, January 13, 2015 3:06 PM
 To: Kim Cordova
 Cc: Christy Abad
 Subject: RE: Third Judicial District Nominating Commission
 Thank you.

From: Kim Cordova [mailto:edbrasslaw.kc@gmail.com]
 Sent: Tuesday, January 13, 2015 2:25 PM
 To: John Baldwin
 Subject: Third Judicial District Nominating Commission

Mr. Baldwin,

I have attached my resume and a cover letter for consideration to be on the Third Judicial District Trial Court Nominating Commission. Please let me know if I can provide anything further as part of the application process. I look forward to hearing from you.

Best,

Kim Cordova
 Brass&Cordova
 175 East 400 South suite 400
 SLC UT 84111
kim@edbrasslaw.com
 8013225678
 8018793339

1/15/2015

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

Kim Cordova
 Brass&Cordova
 175 East 400 South
 SLC UT 84111
 801-322-5678
 801-879-3339
kim@edbrasslaw.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 assess the qualifications of a lawyer to become a judge. I worked for the Salt Lake County District Attorney's Office as prosecutor for nearly ten years. In that capacity, I was 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 Roth, now in the Court of Appeals, Judge Hansen (the current presiding judge), and Judge Himonas (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 Judge Stewart, Judge Kimball and Judge Nuffer in the federal court. I have appeared for other significant hearings in the Fifth District in St. George and Beaver, 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 Mantle 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 makes 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 a 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

KIM CORDOVA
 175 East 400 South suite 400 SLC UT 84111
 8013225678; 8018793339
kim@edbrasslaw.com

EDUCATION

JURIS DOCTORATE

August 1998-May 2001

University of Utah College of Law

- Graduate Assistant for a program designed to assist first year law students acclimate to law school.
- Member of the Minority Law Caucus and the Women's Law Caucus.
- Participant in the Moot Court Competition and the Trial Advocacy Program.

B.S., PSYCHOLOGY/ENGLISH

September 1991- May 1995

Westminster College of Salt Lake City

- Graduated Summa Cum Laude.
- Member of the Dean's List four consecutive years.
- Recipient of the Eccles Foundation Academic Scholarship.

EXPERIENCE

CRIMINAL DEFENSE ATTORNEY

January 2010 – Present

Edward K. Brass Law Office dba Brass&Cordova

- Represent defendants in all types of cases throughout the State of Utah in the State and Federal Courts as well as Juvenile Court from misdemeanors to Capital cases.
- Research and write legal memoranda on a variety of issues in criminal law and procedure including but not limited to search/seizure, suppression, reliability of child interviews, joinder, constitutional challenges, and other crimes evidence.
- Appear in court as an advocate for clients on nearly a daily basis.
- Bookkeeping and management of a small business which includes overseeing personnel.
- Tried several felony jury trials including homicides, rapes, and sex crimes against children.

DEPUTY DISTRICT ATTORNEY

November 2001 – December 2009

Salt Lake County District Attorney's Office

- Prosecutor assigned to the sex crimes unit in the justice division, exclusively handling sex crimes, child pornography, child abuse, child abuse homicide and homicides since 2005.
- Responsible for cases from screening to trial; working closely with law enforcement, victim counselors and victims; working closely with medical professionals dealing with child abuse, specifically abusive heard trauma and sexual assaults of adults and children.
- Trained in forensic interviewing of children.
- Appear in court on a daily basis on a variety of criminal issues including but not limited to motions specific to sexual assault cases and issues surrounding victims and their rights in a very demanding environment.
- Train law enforcement and other personnel about the criminal justice system and the law.
- Oversee the drafting of search warrants for law enforcement.
- Previously assigned to various teams including juvenile, misdemeanors and general felonies.
- Research and draft legal memoranda and briefs; proficient legal research skills on Westlaw.

OTHER

- LDA conflict contract from 2011 – present.
- CJA panel in federal court from 2011- present.
- Panel Member of Ethics Committee for the Utah State Bar. Term 2011-2017.
- Presenter on representing clients accused of a sex crime for NACDL 2011.
- Member of the Anderson Inn of Court from 2010 – present.
- Member of the Crichtlow Society of the YWCA from 2011-present.
- Death Penalty certified.

SCOTT DANIELS
1171 Laird Avenue
Salt Lake City, UT 84105
Phone: 801-583-0801
E-Mail: scott@danielsadr.com

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 & Martineau. 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 Martineau, 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 elect a Presiding Judge for two-year terms.

Utah State Bar Association District Court Judge of the Year, 1989.

ACTIVITIES ON BEHALF OF CRIME VICTIMS

Utah Council on Victims, 1986 to 1998. (Co-Chair from 1988-1991).

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

U.S. Army, 1968-1970.

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.

Chair, Task Force on the Collection of Victims Restitution.

OTHER LEGALLY RELATED ACTIVITIES:

President of the Utah State Bar, 2001-2002.

Utah Bar Commission, 1994 - 2000

Utah Judicial Council. 1998 - 2000. This is the governing board of the Utah Judiciary. All of the voting members, except one, are sitting judges. The council has one non-judge member, appointed by the Utah State Bar.

Instructor for Utah State Bar Litigation Section, Trial Academy.

Adjunct Professor, University of Utah. (Political Science 622, Constitutional Law - MPA).

Master of the Bench, Sherman A. Christensen American Inn of Court I, emeritus status (president, 1988-89).

Commission on Criminal and Juvenile Justice, 1984-1992.

Commission on Justice in the Twenty-First Century.

Constitutional Revision Commission

Utah Sentencing Commission, 2008 - 2012

Utah Substance Abuse and Anti-Violence Coordinating Council. 2003 - Present

Justice Court Nominee Screening Committee (Salt Lake County appointment), 2008- 2012.

EDUCATION

University of Utah College of Law; Juris Doctor, 1975.

Order of the Coif

Bar and Gavel Society (One of four students in class of 130 to receive membership in both the Order of the Coif, which is the top 10% of the class academically, and the Bar and Gavel Society, which is 10% of the class based upon service to the law school and the community).

Associate Editor, Utah Law Review, 1974-75.

Brigham Young University; B.S. 1972.

Christy Abad

From: John Baldwin
Sent: Monday, January 12, 2015 11:10 AM
To: Mark Dahl
Cc: Christy Abad
Subject: RE: Third Judicial District Nomination Commission
 Thank you,
 John

From: Mark Dahl [mailto:markdahl@ericnielson.com]
Sent: Friday, January 09, 2015 4:56 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 you 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 attorneys perspective would be a valuable addition to the nominating commission. I am a registered Republican.

Mark W. Dahl

Associate Attorney
 G. Eric Nielson & Associates
 4790 South Holladay Blvd.
 Salt Lake City, UT 84117
 P: (801) 424-9088
 F: (801) 438-0199

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1/15/2015

Middlesex County District Attorney's Office, Rule 3:03 Certified Intern, Summer 2009
 • Represent the Commonwealth of Massachusetts in prosecuting various crimes, including among others: Driving Under the Influence, Possession of a Classified Substance, and Driving on a Suspended License

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

Other

- Utah Bar (#13188)
- American Inns of Court, Member
- J. Reuben Clark Law Society, Member

Mark W. Dahl
 7489 S. Marylebone Rd., West Jordan, UT 84084
 (801) 971-0256
 mdahl0321@gmail.com

Education

Boston University School of Law

J.D. received May 2010
 Cumulative GPA: 3.68
Cum Laude

Honors:

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

Brigham Young University

Major: Mandarin Chinese

B.A. received April 2007
 Cumulative GPA: 3.7

Experience

G. Eric Nielson & 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 Quinney & Nebeker, 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 law 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,

September 2009 - May 2010

Asylum and Human Rights, Student Attorney,

- Represent clients in asylum claims before the United States Immigration Court
- Prepare memoranda supporting legal assertions in asylum claims
- Interview and counsel clients concerning their asylum claims
- Prepare witnesses to testify before the Immigration Court

Christy Abad

From: John Baldwin
Sent: Wednesday, January 07, 2015 11:43 AM
To: Jonathan Dibble
Cc: Christy Abad
Subject: RE: Third Judicial District Nominating Commission Application

Thanks,
John

-----Original Message-----
From: Jonathan Dibble [mailto:jdibble@RQN.COM]
Sent: Wednesday, January 07, 2015 11:11 AM
To: John Baldwin
Subject: FW: Third Judicial District Nominating Commission Application

-----Original Message-----
From: Pauline Langston
Sent: Wednesday, January 07, 2015 11:05 AM
To: Jonathan Dibble
Subject: 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 (0881)



RAY QUINNEY & NEBEKER



Jonathan A. Dibble

Shareholder
801-323-3317
jdibble@rqn.com

Practice Areas

Litigation
Antitrust and Trade Regulation Law and
Litigation
Health Care Law

Trade Regulation and Antitrust

Mr. Dibble was selected by his peers for inclusion on the list of *The Best Lawyers in America* in the category of Antitrust Litigation and was recognized by Best Lawyers as Lawyer of the Year in Antitrust Law (2015). He maintains an AV Preeminent (5.0) rating with Martindale-Hubbell, which is the highest rating awarded to attorneys for professional competence and ethics. He has been selected for inclusion in *Mountain States Super Lawyers* (2007-2014) in the category of Antitrust Litigation. Mr. Dibble has also been voted by his peers throughout the state as one of Utah's "Legal Elite" in the category of Healthcare (as published in *Utah Business Magazine*).

Mr. Dibble has counseled numerous businesses on antitrust and trade regulation issues. He has conducted compliance programs and assisted corporations in avoiding antitrust violations. He has also analyzed potential litigation and alternative solutions for both defendants and plaintiffs. In addition, he has defended companies in numerous industries against federal and state investigations.

Mr. Dibble has represented plaintiffs and defendants in numerous antitrust matters involving universities and the petroleum, natural gas, mining, manufacturing, ski, chemical, urethane, bicycle, figure skating, food catering, phosphate, mortuary, optical, banking, insurance, hospital, physician services, medical device, pharmaceutical, grocery, explosives, sports, tourist, airport, waste collection, credit card, retail sale of motor fuel, railroad, newspaper and sugar beet industries.

Commercial Litigation

With 37 years in representing companies as plaintiffs and as defendants in commercial litigation, he has litigated contract, employment, real estate, banking, lease, sale of aircraft, leasing of long wall equipment and company ownership disputes.

Health Care Law

Mr. Dibble has represented plaintiffs and defendants in numerous antitrust matters involving hospitals, universities, physician services, medical devices, insurance and pharmaceuticals. He has represented the acquired company in an acquisition involving a medical device manufacturer. He has litigated physician recruitment agreements, various commercial disputes involving hospitals, physician practices, health care contracts and other commercial health care related matters.

He has represented hospitals in Utah and Idaho on a broad range of matters. He currently represents Isis' Davis Medical Center, Salt Lake Regional Medical Center, Pioneer Valley Hospital and Jordan Valley Hospital. He has represented the University of Utah Hospital, Holy Cross Hospital, Champion and Paracelsus. He has also counseled Utah Hospital Association.

RQN.com

ATTORNEYS AT LAW



RAY QUINNEY & NEBEKER

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, Honors 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 NITA, Boulder CO
- Law Clerk to Honorable Aldon 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, UTAH LAW REVIEW (1980)
- Certification: Early Screening of Spurious Antitrust Litigation, BYU LAW REVIEW 299, (1978) (cited by Justice Burger in Reiter v. Sonotone, 442 U.S. 330)
- Class Actions and the Robinson-Patman Act, 25 STANFORD LAW REVIEW 764 (1973)



KRUSE LANDA MAYCOCK & RICKS

136 EAST SOUTH TEMPLE • TWENTY-FIRST FLOOR • SALT LAKE CITY, UTAH 84111-1124 • WWW.KLMRLAW.COM
MAILING ADDRESS • PO BOX 45561 • SALT LAKE CITY, UTAH 84145-0561

TELEPHONE: (801) 531-7090
FAX: (801) 531-7091

RECEIVED: J. LANDA
(344-2013)

JENNIFER L. FALK

Enclosed: JLF:itc@klmr.com
VOICE MAIL: Extension 112

JENNIFER L. FALK

KRUSE LANDA MAYCOCK & RICKS, LLC

136 E. South Temple, 21st Floor

Salt Lake City, Utah 84111

Phone: 801-531-7090

Facsimile: 801-531-7091

Employment History

Kruse Landa Maycock & Ricks

Winder & Counsel

Clawson & Falk

Utah office of the Attorney General (employment law)

Winder & Haslam

Giaque Crockett & Bendinger

Law Clerk to Honorable Bruce S. Jenkins, Utah District Court

2008 to present
2007 to 2008
2004 to 2006
1998 to 2004
1993 to 1998
1991 to 1992
1988 to 1989

Education

- University of Oxford, Linacre College, M.Phil.
- University of Utah, College of Law, Juris Doctor
- Utah State University, B.A.

Professional Activities

- Utah State Bar
 - Section Chief, Bar Examination Committee 2006 to 2009
 - Accommodations Committee 2003 to 2010
 - Bar Examiner 1998 to 2004
 - Chair, Utah State Bar Convention 2004
 - Member, Family Law Section
 - Member, Litigation Section
 - Member, Employment Law Section
 - Member, Third District Court Pro Bono Committee
 - American Inns of Court, Sutherland Inn
 - Salt Lake County Bar
 - Women Lawyers of Utah
 - American Academy of Matrimonial Lawyers
 - University of Utah College of Law Board of Trustees
 - Women Lawyer's Executive Committee
- 2012 to present
2007 to present
- 2012 to present
2004 to 2009
1994 to 1996

Community Activities

- Alta Club Board of Directors
 - Alta Club Arts & Entertainment Committee
 - Utah State University advisory board, College of HASS
 - Hearts and Hands Award for Community Service
 - Utah State Religious Studies Founding Board Member
- 2013 to present
1998 to 2005
1998 to 2007

(802) 763-4711

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,

KRUSE LANDA MAYCOCK & RICKS, LLC

Jennifer L. Falk
Jennifer L. Falk

JLF:itc

(802) 763-4711



KRUSE LANDA MAYCOCK & RICKS, PLLC, IS A MEMBER OF MSI GLOBAL ALLIANCE, AN ASSOCIATION OF INDEPENDENT LEGAL AND ACCOUNTING FIRMS.

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 <wfelix@mbmlawyers.com> wrote:

Dear John, please find attached my current resume submitted in connection with my application for a position on the Third Judicial District Nominating Commission. My party affiliation is Democrat.

<9DB47E7-0D4F-4512-9544-85B89CC15A48[1].png>

Wes Felix
 Mitchell, Barlow & Mansfield, P.C.

Boston Building
 Nine Exchange Place, Suite 600
 Salt Lake City, Utah 84111
 main (801) 998-8888
 cell (801) 554-4310
 fax (801) 998-8077
 email: wfelix@mbmlawyers.com
 n.s.v. jdtfmlaw.com

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<felixresume.docx>

WESLEY D. FELIX

316 W. 700 N. Salt Lake City, UT 84103
 (801) 554-4110; wfelix@mbmlawyers.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

Partner

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

Snell & Wilmer, 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; Tenth Circuit appeal contesting 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 and negotiation with the SEC relating to subpoenas and investigative matters; representation of third-parties in relation to DOJ criminal prosecution of former public company executives.

Howrey LLP, Salt Lake City, UT

Partner

September 2005 - December 2010

1/15/2015

Practice Areas: Commercial Litigation, Accountant Liability, Copyright, 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 10b-5 and related causes of action against auditors in the District of Arizona; representation of auditors in SEC investigatory proceedings; defense of auditors in multimillion dollar direct action by public company through settlement; representation of major commercial property developer in negotiation with anchor tenant; representation of individual in connection with PCAOB investigation.

Bendinger, Crockett & Petersen.

Partner

September 1993 to September 2005

Practice Areas: Commercial Litigation, Accountant Liability, Regulatory: PCAOB and SEC.

Representative Cases: Successful defense of auditors in major class actions or direct actions 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 C. Baldwin
Executive Director
Utah State Bar
john.baldwin@utahbar.org

Dear Mr. Baldwin:

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 its presiding administrative law judge. As such, I oversee and manage six administrative law judges. Since my appointment in this position, I have come to realize the importance of having a bench that represents the highest levels of professionalism, competency and diversity that the Bar can offer. I would be grateful 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,

Heather E. Gunnarson
Enclosure

160 East 300 South, 3rd Floor • PO Box 146615 • Salt Lake City, Utah 84114-6615 • telephone (801) 530-6800
• facsimile (801) 530-6331 • toll free (800) 560-1238
• e-mail: hlg@utahlabar.org

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

Member, 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 Howe), 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 researching civil and criminal cases and writing court memoranda

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 Judiciary, 2013 to present

- Board Member

Utah Employment Lawyers Association, 1994 to 2006

National Employment Lawyers Association, 1996 to 2006

Reported Cases

Mackey v. Cannon, 996 P.2d 1081 (Utah App. 2000)
Cook v. Zions First National Bank, 919 P.2d 56 (Utah App. 1996)

Sample Publications and Presentations

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

Heather E. Gunnarson

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

- Presiding Administrative Law Judge
- Director of State 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 Antidiscrimination & Labor Division, 2006 to 2012

- Director of State agency entrusted to investigate claims 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

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

- Member of the law firm
- Areas of Concentration: 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; employment at will; severance agreements and releases; sexual abuse and molestation

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

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

Employment Discrimination Claims: How the UALD Investigates Claims; Utah School Human Resource Director's Annual Conference; March 2012

Employment Discrimination and UALD Process: What You Need to Know; Utah School Human Resource Director's Annual Conference; March 2011

Sexual Harassment and Employment Laws; Nebo School District Principal's Conference; September 2011

UALD Policies & Practices; Utah Risk Management; September 2010

Employment Discrimination Laws; Utah Valley University; October 2008

UALD 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

Pretrial Motions: Daubert 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 Changes in Employment Law Affect My Clients and the Way I Try Cases; Annual Corporate Counsel Fall Conference, November 1998

Contact Information

Work: Utah Labor Commission/Adjudication Division
160 East 300 South, Third Floor
Salt Lake City, UT 84114
801-536-7928
hgunnarson@utah.gov

Home: 11080 South 465 East
Sandy, UT 84070
801-403-8172
hmgunnarson@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
 Thanks, George!
 John

From: George Haley [mailto:GMHaley@hollandhart.com]
 Sent: Tuesday, January 06, 2015 4:43 PM
 To: John Baldwin
 Subject: 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

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

801.799.5880
 gmhaley@hollandhart.com



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 midstream assets on an Indian reservation.
- Obtained a unanimous jury verdict of no cause of action 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 \$225,000,000 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 \$110,000,000 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 Wilburg Mine disaster.
- Successfully prosecuted the State of Utah's largest class action proceeding, with recoveries in excess of \$106,000,000.
- Obtained a dismissal of a class action brought against a regional telephone service provider by 28 Utah counties. The Utah Supreme Court unanimously upheld the dismissal.

HOLLAND & HART 

1/15/2015

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 *BTI* "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 2003 Utah "Trial Lawyer of the Year" by *The American Board of Trial Advocates*
- Ranked by *Lawdragon* as one of the country's top 500 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, Trout Unlimited
- Member, Utah Hibernian 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 *Newberg on Class Actions*

Understanding the Laws Behind Securities Transactions, "Thoughts of a Securities Practitioner"

Education

University of Utah (J.D. 1978)

University of Utah (B.A. 1975)
magna cum laude

HOLLAND & HART 

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:BHathawa@kmclaw.com]
Sent: Wednesday, January 14, 2015 5:29 PM
To: John Baldwin
Subject: 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've 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 McCONKIE
 50 East South Temple, Fourth Floor
 Salt Lake City, UT 84111
 P: 801-321-4835

Curriculum Vitae

Benson L. Hathaway, Jr.
 (Utah State Bar No. 4210)
KIRTON McCONKIE
 Kirton McConkie Building
 50 East South Temple
 Salt Lake City, UT 84111
 Telephone: (801) 321-4835
 email: bhathaway@kmclaw.com
 (Circa January 2015)

EXPERIENCE

Trial lawyer with 30 years civil experience in trials, appeals, arbitration, and mediation in matters including:

Business torts, derivative claims, breach of contract, construction claims, ownership disputes, fraud, trespass, covenant of good faith and fair dealing, restraint of trade, non-compete/confidentiality agreements, 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 Occupational and Professional Licensing, Medicaid Office of Inspector General, Division of Oil, Gas and Mining; and

Fair Hearing proceedings related to professional privileging and credentialing, including advocacy and serving as hearing officer.

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

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

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

EMPLOYMENT

2002 - present Kirton McConkie

Shareholder, past member of Board of Directors, and past chair of Business Litigation Section

1

4825-R596-0965.v1

1/15/2015

1991 - 2002 Stirba & Hathaway
 Founding shareholder and officer of Stirba & Hathaway, P.C.
 1984 - 1991 McKay, Burton & Thurman
 Associate ('84 - '87) then shareholder
 1983-1984 International Sports Publications, Inc.
 President of publisher of officially licensed pictorial history of the 1984 Los Angeles Summer Olympics, "Games of the XXIIIrd 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 virtue of planning end from beginning) 2013 - present

Co-Chair Utah State Bar Civics 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 Claims 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

Mountain States Super Lawyer: Business Litigation

Utah Legal Elite: Business Litigation



8040 Demerest Road
Cottonwood Heights, Utah 84121
801-979-2511
stephenhenriod@comcast.net

Stephen L. Henriod

PROFESSIONAL EXPERIENCE

SMITH HARTVIGSEN, PLLC – SALT LAKE CITY, UT 2014-Present
Of Counsel
• Civil litigation including domestic, water rights, and complex multi-party litigation

STEPHEN L. HENRIOD MEDIATION/ARBITRATION SERVICES – SALT LAKE CITY, UT 2011-2014
Mediator/Arbitrator
• Provides mediation services in District Court civil cases in various judicial districts in the State of Utah.
• Administers arbitration services in construction, medical malpractice, and traffic cases.

STATE OF UTAH – SALT LAKE COUNTY 1995-2011
District Court Judge – Third Judicial District in and for Salt Lake, Summit, and Tooele Counties
• Adjudicated civil and criminal, bench, and jury trials.

HENRIOD AND HENRIOD – SALT LAKE CITY, UT 1989-1994
Firm President
• Civil litigation including construction, commercial, domestic, and administrative cases.

NIELSEN & SENIOR – SALT LAKE CITY, UT 1979-1989
Partner
• Commercial, construction, domestic, and complex multi-party litigation.

NIELSEN CONDER HANSEN AND HENRIOD – SALT LAKE CITY, UT 1979-1979
Associate/Partner
• Construction, commercial, domestic, securities, and legal malpractice litigation.

BAR ADMISSION

Utah State Bar 1975
United States District for the District of Utah 1975
Tenth Circuit Court of Appeals 1980

EDUCATION

Juris Doctor,
University of Utah 1975
Bachelor of Arts
University of Utah 1972

OTHER

Presided over Drug Courts in Salt Lake and Tooele Counties 2001-2011
Member Board of District Court Judges 2003-2008
Member American Inns of Court Sutherland Waikiss Inn 1990-Present

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

SLH/af

Encl.

175 SOUTH MAIN STREET SUITE 300 SALT LAKE CITY, UTAH 84111
TELEPHONE 801-413-1600 TOLL FREE 877-825-2064 FACSIMILE 801-413-1620
WWW.SMITHHARTVIGSEN.COM

LAND WATER LIFE

Christy Abad

From: John Baldwin
 Sent: Monday, January 12, 2015 11:33 AM
 To: Matt Howell
 Cc: Christy Abad
 Subject: RE: Third Judicial District Nominating Commission Application
 Thank you.
 John

From: Matt Howell [mailto:MHowell@fslaw.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 back 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
 3301 North University Avenue
 Provo, Utah 84604
 Tel. (801) 426-8200
 Fax (801) 426-8208
 mhowell@fslaw.com
 www.fslaw.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 S. Haight, Jr., New York City, New York; Spring 1992
 U.S. Magistrate Judge Michael Dolinger, 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

MATTHEW R. HOWELL

Home
 12936 Glacier Summit Drive
 Draper, Utah 84020
 (801) 386-6352 (cell)
 mhowell8765@hotmail.com

Work
 3301 North University Avenue
 Provo, Utah 84604
 (801) 426-8200
 mhowell@fslaw.com

WORK EXPERIENCE

FILLMORE SPENCER LLC, Provo, Utah

2005-present

Partner/member. Practice includes commercial litigation and criminal defense, including prosecuting and defending class action cases, contract disputes, fraud claims, government fraud/whistleblower claims, and intellectual property matters. Other areas of practice include family law. Responsibilities include all aspects of case handling, from initial client intake, through initial pleadings, discovery, motion practice, preparation for and conduct of trial, and appeals.

DAVID K. ISOM LAW OFFICES, Salt Lake City, Utah

1997-2004

Practice concentrated on complex commercial mediation, arbitration, and litigation in federal and state courts in Utah, Arizona, Texas, and Pennsylvania. Areas of focus included general and complex commercial litigation (including fraud and breach of contract), qui tam and class action litigation, employment, coal mining, commercial property, ERISA, and Indian law. Responsibilities included drafting pleadings, briefs, and internal memoranda; meeting with clients; managing case progression; developing case strategies; conducting all aspects of discovery; providing opinion letters; appearing in court; and coordinating work with co-counsel. Experience also included training for and acting as a neutral mediator in many cases involving many different areas of the law.

UNITED STATES ATTORNEY'S OFFICE, Salt Lake City, Utah

1993-1997

Assistant United States Attorney, Criminal Division. Practice concentrated on the prosecution of white collar crime, particularly crimes against financial institutions (e.g., banks and credit unions). Other areas of practice included Indian and environmental law and the regulatory authority of federal land management agencies. Responsibilities included reviewing cases presented for prosecution; preparing pleadings; handling motion practice; negotiating plea agreements; preparing and taking cases to trial; and related appellate work. Training included participation in several offerings of the Attorney General's Advocacy Institute, including a ten-day course on trial advocacy. Experience included jury and bench trials, motion hearings, and appellate briefing and arguments.

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@mountainwestlaw.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
 50 W. Broadway, Suite 1200
 Salt Lake City, Utah 84101
 Phone: (801) 328-0266
 Fax: (801) 328-0269

BEST OF STATE



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FETZER | SIMONSEN | BOOTH | JENKINS
 ATTORNEYS AT LAW

Jaelynn R. Jenkins

 jenkins@mountainwestlaw.com
 801-328-0266 ext. 1100

January 9, 2015

VIA Email: john.baldwin@utahbar.org

RE: Third Judicial District Nominating Commission Application

Dear John:

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 which qualities are desirable in our judiciary.

After completing my clerkship, I have followed the judiciary as perceived by legal practitioners in our community. Through my work as an attorney and my relationships with my fellow practitioners, I have deepened 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.

Jaelynn R. Jenkins

Enclosure: Resume

1/15/2015

50 WEST BROADWAY, SUITE 1200 • SALT LAKE CITY, UTAH 84101 • OFFICE: 801.328.0266 FAX: 801-328-0269

JAE LYNN R. JENKINS

Cell # (801) 557-6886
 Email: jaelynnjenkins@gmail.com
 9959 South 3300 West South Jordan, Utah 84095

Education

Gonzaga University School of Law
 Juris Doctorate

Class Rank: Top 25%

Organizations: Law Review, Associate Editor
 Gonzaga Society for Law and Business
 J. Reuben Clark Law Society

May 2012
 Spokane, Washington

Legal Experience

Fetzer Simonsen Booth Jenkins

November 2014-Present

Associate Attorney
 Meet with and advise clients. Prepare documents, pleadings and motions. Research pertinent areas of the law. Utilize discovery tools in the course of litigation. Areas of law: business formation, securities, estate planning, domestic/family law, adoption, and general litigation.

Anderson Hinkins LLC

April 2014-October 2014

Associate Attorney
 Meet with and advise clients in general practice. Appear as counsel in hearings and conduct negotiations with opposing parties. Draft initial pleadings and motions. Utilize discovery tools in the course of litigation. Areas include: adoption, transactional, personal injury, workers compensation, bankruptcy, domestic/family law, and basic civil litigation.

Fourth District Court of Utah

August 2012-March 2014

Attorney Law Clerk/Bailiff
 Research and draft bench memos and rulings. Analyze and summarize legal arguments. Oversee and prepare for jury trials. Train new hires on how to oversee and prepare for jury trials. Responsible for courtroom security. Address patron questions and concerns. Supervise interns (graduate, undergraduate, and international).

Securities and Exchange Commission

August 2011-December 2011

Law Clerk
 Prepare and draft motions, memos, proposed orders, deposition outlines, subpoenas, action memos and Wells notices. Conduct document review. Interview investors.

United States District Court, District of Utah

June 2011-July 2011

Extern for Chief Judge Ted Stewart
 Salt Lake City, Utah
 Prepared bench memos and court orders, conducted legal research, proof read and edited court orders, observed court proceedings.

3rd and 4th District Courts of Utah

May 2010-August 2010

Intern for Judge(s) John Paul Kennedy and Lynn W. Davis
 Salt Lake City/Provo, Utah
 Prepared bench memos, conducted legal research, made recommendations, drafted and edited rulings, filed court documents and observed court proceedings.

Professional Organizations:

Women Lawyers of Utah – Membership Chair
 Utah Young Lawyers Division – Publicity Chair, Leadership Summit Co-Chair
 Fall Forum Planning Committee – Young Lawyer Representative

Christy Abad

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@slda.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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Joanna Elizabeth Landau

♦ 600 Columbus Street ♦ Salt Lake City, UT 84103 ♦ 801-712-8629 ♦ jlandau@slda.com ♦

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, Kessler, 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.

Attorney Law Clerk – Third District Court, Salt Lake City Mar. 2009 – Apr. 2012
 Over the four+ years I worked for Judges: Peuler, Hilder, Christiansen, Trease, Lubeck, Henriod, and Quinn.
 Position involved legal writing and research on a variety of issues.
 Mar. 2007 – July 2009

Associate Attorney – Kruse, Landa, Maycock & Ricks Aug. 2009 – Feb. 2010
 Domestic litigation associate attorney for a small firm.

Associate Attorney – Mary Deiss Brown P.L.L.C. Aug. 2006 – Mar. 2007
 Domestic litigation associate attorney with a solo practitioner.

Law Clerk – Utah Attorney General, Children's Justice Division Oct. 2004 – Aug. 2006
 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, June 2013 – Present
Board Member & Young Alumni Award Committee Chair 2010 – 2012
 Utah Bar Exam Reviewer, Family Law 2006 – Present
 Utah Minority Bar Association, *Member* 2005 – Present
 Women Lawyers of Utah, *Former Board Member, Current Member* 2006 – 2012
 Young Lawyers Division, *Board Member*

PUBLICATIONS

Judge Anthony B. Quinn & Joanna E. Miller, *Statements of Material Fact: Improving Effectiveness and Avoiding Pitfalls*, UTAH BAR J., Sept./Oct. 2008, 42.

Joanna E. Miller, *Six Million Sockeye Salmon and the Kenai Refuge: Analysis of the Ninth Circuit Court of Appeals' Decisions in Wilderness Society v. United States Fish and Wildlife Serv.* 25 J. LAND RESOURCES & ENVTL. L. 85 (2005).

Utah Voter Registration: Unaffiliated

1/15/2015

Christy Abad

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

From: Michael J. Langford [mailto:michael@mjl-law.com]
 Sent: Thursday, January 15, 2015 10:53 PM
 To: John Baldwin
 Subject: Third District Judicial Nominating Commission

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: michael@mjl-law.com
 TEL. 801.328.4090
 FAX. 801.746-5613

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THE LAW OFFICE OF
MICHAEL J. LANGFORD
 A PROFESSIONAL CORPORATION
 43 EAST 400 SOUTH
 SALT LAKE CITY, UTAH, 84111
 TELEPHONE: 801-328-4090
 FACSIMILE: 801-746-5613
 e-mail: michael@mjl-law.com

PROFESSIONAL PROFILE

- Fluent in Spanish, Conversational in French
- Utah District Court, Utah State Bar, 10th Circuit Court of Appeals
- Member of Utah Association of Criminal Defense Attorneys (UACDL)
- Member of National Association of Criminal Defense Lawyers (NACDL)
- Member of American Bar Association Criminal Justice Section, Probation and Parole Committee member
- Member of Salt Lake County Bar Association and Utah Minority Bar Association
- Rocky Mountain Innocence Center, The Henry's Fork Foundation, Salt Lake County Children's Justice Center, Board of Directors
- Past board member of the Utah State Commission on Minority Juvenile Justice and the Multicultural Legal Center

EDUCATION

- | | |
|--|------|
| NACDL White Collar Criminal Defense College | 2013 |
| • Stetson University School of Law, Tampa, Florida | |
| National Criminal Defense College (NCDC) | 2009 |
| • Mercer Law School, Macon, Georgia | |
| Creighton University School of Law, Omaha, Nebraska | 2002 |
| • Juris Doctor, emphasis in criminal law and procedure | |
| • Creighton Law School International Moot Court Competition Finalist and Moot Court Board Member | |
| Boston College, Chestnut Hill, Massachusetts | 1996 |
| • Bachelor of Arts: Political Science | |

PROFESSIONAL EXPERIENCE

- Law Office of Michael J. Langford, P.C., Salt Lake City, UT 2005-Present
 Criminal Defense Attorney Represents 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, ponzi 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

1/16/2015

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. Secondary practice focused on white collar criminal defense in federal and state courts.

- KUTV, (CBS) 1993-1995
 Assistant Journalist - Served as assistant and field producer to Rod Decker and Brian Mullahey 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 2001
- Utah Legal Defenders, Salt Lake City, Utah 2000

VOLUNTEER WORK AND HONORS

- Utah Business Magazine Legal Elite, Criminal Defense 2014
- Mountain States Super Lawyer-Criminal Defense 2012, 2013, 2014
- Utah State Bar Mentor

Christy Abad

From: John Baldwin
Sent: Thursday, January 15, 2015 11:08 AM
To: Christy Abad
Subject: FW: Candidacy for Third District Trial Court Nominating Commission
Attachments: Elliot Lawrence Resume.doc; Baldwin Bar Letter.doc

From: Elliot Lawrence [mailto:erlawrence@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
 801-530-6391
propertyrights@utah.gov
ERLawrence@utah.gov

ELLIOT R. LAWRENCE

448 S. Gold Dust Road
 Grantsville, Utah 84029
ERLawrence@hotmail.com

(801) 360-2114
 (801) 530-6298
 (801) 530-6391

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

RE: Vacancies on Third District Trial Court Nominating Commission

Dear Mr. Baldwin:

I would like to be considered as a nominee for one of the vacancies on the Third District Trial Court Nominating Commission. I have over 20 years' experience in legal practice, including both civil litigation and criminal prosecution. My present job allows me a fair degree of flexibility, so I would be able to regularly attend meetings with the Nominating Commission.

I am a resident of Tooele County, and I am a member of the Utah Republican Party.

Thank you for your consideration.

ELLIOT R. LAWRENCE
 448 S. Gold Dust Road
 Grantsville, Utah 84029
 (801) 360-2114

1/15/2015

ELLIOT R. LAWRENCE

448 S. Gold Dust Road
 Grantsville, Utah 84029
ERLawrence@hotmail.com

(801) 360-2114
 (801) 530-6298
 (801) 530-6391

ACHIEVEMENTS

PUBLISHED article, "Settling Boundary Disputes Using Utah's Boundary By Acquiescence Doctrine"
Utah Bar Journal, Vol 27, #6 (Nov/Dec. 2014)

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

IMPLEMENTED administrative ordinances enforcement for government entity

DRAFTED dozens of legal opinions, briefs, memoranda, 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* 2007- 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 on complex legal and factual issues.
 Presided over administrative hearings, issued decisions, supervised legal staff.
 Advised public agencies on human resource issues, helped resolve disputes.

Assistant City Attorney West Valley City, Utah - *City with population of 110K* 1995 – 2003

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

Christy Abad

From: John Baldwin
Sent: Thursday, January 08, 2015 5:37 PM
To: Josh Lee
Cc: Christy Abad
Subject: RE: Third Judicial District Nominating Commission
Thank you,
John

From: Josh Lee [mailto:jlee@bjtd.com]
Sent: Thursday, January 08, 2015 5:13 PM
To: John Baldwin
Subject: Third Judicial District Nominating Commission

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

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Joshua L. Lee
10615 South 1090 East • Sandy, Utah 84094 • (801) 300-5045 • JLL233@gmail.com

CURRENT PRACTICE

Bennett Tueller Johnson & Deere • Salt Lake City, Utah
Attorney, October 2007 to Present (Law Clerk, Summer 2006 to Summer 2007)

Litigation practice includes:

- Partnership disputes
- Foreclosure and deficiency actions
- Debt collections
- Securities litigation
- Appeals
- Landlord/tenant
- Products liability
- Noncompete enforcement
- Wrongful death

PRIOR LEGAL POSITIONS

Judge Anthony W. Schofield • Utah Fourth District Court • Provo, Utah
Extern, Winter 2007

Judges Bruce S. Jenkins & J. Thomas Greene • United States District Court • Salt Lake City, Utah
Extern, Summer 2005

EDUCATION

J. Reuben Clark Law School • Brigham Young University • Juris Doctor, April 2007

- *magna cum laude* — Ranked 6 of 149 (top 5%)
- Lead Articles Editor — Law Review

University of Utah • Salt Lake City, Utah • Bachelor of Music: Jazz Performance (Guitar), April 2002

REPORTED DECISIONS

- *Wallace Inv. Ltd. P'ship v. Lone Peak Dev. Partners LLC*, 2014 U.S. Dist. LEXIS 65754 (D. Utah May 13, 2014) (obtained summary judgment in development contract dispute)
- *Pratt v. Craggna North America, Inc.*, 2013 U.S. Dist. LEXIS 166521 (D. Utah 2013) (obtained summary judgment in defending products liability case)
- *Turner v. Staker & Parson Cos.*, 2012 UT 30, 284 P.3d 600 (obtained reversal of trial court's dismissal of personal injury claims)
- *Wirih v. Taylor*, 2011 U.S. Dist. LEXIS 101773 (D. Utah 2011) (obtained summary judgment in defending securities fraud case)
- *Mathis v. Perriraz*, 2010 U.S. Dist. LEXIS 890 (D. Utah 2010) (obtained summary judgment on a claim to quiet title to commercial property)

PUBLICATIONS

Federal Wetland Jurisdiction and the Power to Regulate Commerce: Searching for the Nexus in Gerke
Excavating, 2006 BYU L. REV. 263

INTERESTS AND ACTIVITIES

Family, Running, Guitar, Mountain Biking, Hiking, Snowboarding

1/15/2015



David E. Leta

Partner, Salt Lake City

- 801.257.1928
- dleta@swlaw.com

David Leta is a financial problem solver. For over 37 years, he has represented debtors, creditors, trustees, creditor committees, asset purchasers, vendors, equity holders and other parties in all aspects of financial disputes, including collections, foreclosures, workouts, receiverships 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

[View »](#)

Education

- University of Utah College of Law (nka S.J. Quinney College of Law) (J.D., 1976)
 - Editorial Board, *Law Review*
 - Order of the Coif
 - Phi Beta Kappa

19797410

- *Stern v. Marshall Changes the Landscape of Bankruptcy Court Jurisdiction*, Utah Bar Journal, Vol. 26, No. 2, p. 34 (March/April 2013)
- [View More](#)

Speeches & Panel Participations

- *Proposed Rule Changes to the Federal Rules of Bankruptcy Procedure to Address Stern v. Marshall Jurisdictional Issues*, Presenter, Utah State Bar Annual Convention, Snowmass, Colorado (July 2013)
- *Stern v. Marshall Panel Discussion re Jurisdictional Issues*, Presenter/Moderator, ABA 2012 Rocky Mountain Bankruptcy Conference (January 2013)
- *Stern v. Marshall One Year After: What About Bankruptcy Court Jurisdiction*, Utah State Bar Annual Meeting, Sun Valley, Idaho (July 16-21, 2012)
- [View More](#)

Professional Recognition & Awards

- *The Best Lawyers in America®*, Bankruptcy and Creditor-Debtor Rights/Insolvency and Reorganization Law, Bankruptcy Litigation (1995-2014)
- National Academy for Bankruptcy Attorneys (NAFBA) - America's Top 10 Attorney Award - Utah (2014)
- Top 100 Litigation Lawyers in the State of Utah, American Society of Legal Advocates (2013)
- *Lawdragon* Top 3000 Leading Lawyers in America (2010-2011)
- *Super Lawyers®*, Bankruptcy - Business Edition (2011)
- *Super Lawyers®*, Bankruptcy - Corporate Counsel Edition (2009-2010)
- *Mountain States Super Lawyers®*, Bankruptcy (2007-2014)
 - Top 10 (2014)
 - Top 25 (2012)
 - Top 100 (2012)
- Utah Legal Elite: Bankruptcy/Workout, *Utah Business* magazine (2005-2006, 2009-2014)
- Top 100 Attorneys in the Mountain States, *Salt Lake City Magazine* (2013)
 - Top 25 Attorneys in Salt Lake City (2013)
- *The Best Lawyers in America®*, The Best of the U.S. (2008)
- Utah 100 Elite, *Utah Business* magazine (2004-2006)
- *Who's Who Legal USA* (2006); Insolvency and Restructuring (2014)

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

- State University of New York at Binghamton, Harpur College (B.A., highest honors, 1973)

Court Admissions

- Supreme Court of Utah
- United States Supreme Court
- United States District Court, District of Utah
- United States District Court, District of Colorado
- United States Court of Appeals, Ninth Circuit
- United States Court of Appeals, Tenth Circuit
- United States Tax Court

Professional Memberships & Activities

- American College of Bankruptcy, Fellow (2003-present)
- American Bankruptcy Institute
 - Rocky Mountain Bankruptcy Conference
 - Advisory Board (2008-present)
 - Chair (2004-2008)
- American Bar Association
- State Bar of Utah
 - Bankruptcy Section, Organizer and First Chairman
- Utah Bankruptcy Lawyers Forum, Organizer and Initial Trustee
- University of Utah College of Law, Adjunct Professor of Commercial Law (1978-1982; 2012-present)
- University of Miskolc Law Department, Visiting Professor, Miskolc, Hungary (Fall 2006)

Representative Presentations & Publications

Publications

- *Jonathan P. Friedland, et al., Strategic Alternatives for Distressed Businesses*, Chapter Author on Utah Alternatives, Thomson Reuters/West (2008-2009 ed.)
- Trigid, 2009 Deskbook, Guide to Receivership & Foreclosure, Author of Chapter on Utah, 1st ed. (2009)
- *Inside the Minds™, Chapter 7 Commercial Bankruptcy Strategies*, Chapter Author, Practical Guidelines for Efficient Chapter 7 Filings, Thomson Reuters/Aspatore (2010 ed.)

Articles Published

- *Strategic Alternatives For Distressed Businesses*, Author of Utah Materials, Friedland, et al., Thompson-West, 2008-2009 Edition (Updated & Revised 2013)
- *2013 Trigid Deskbook – Guide to Receivership & Foreclosure, 3rd Edition*, Author of Utah Materials, Trigid, Inc. (Updated & Revised 2013)

19797410

- Board of Trustees
- Executive Committee Member
- Building Justice Project Capital Campaign, Member
- Utah Dispute Resolution, Board Member (2014)

KESLER | RUST

LAW OFFICES • EST. 1980

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 filed hundreds of cases in Third District Court during my career.

I have enclosed my current, abbreviated resume.

Sincerely,

KESLER & RUST


Scott O. Mercer
sm@keslerrust.com

MCINTYRE BUILDING, 2ND FLOOR • 68 SOUTH MAIN STREET • SALT LAKE CITY, UTAH 84101
TELEPHONE: 801.532.8000 • TELEFAX: 801.531.7965
keslerrust.com

SCOTT O. MERCER ABBREVIATED RESUME

January 16, 2015

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 (Lew Cramer, President)

MOST RECENT TRIAL

Jonsson v. National Feeds, Inc., Civil No. 2:11-cv-00140 BSJ (D. Utah Feb. 4, 2011)
(\$3,400,000.00 federal court jury verdict awarded on Jan. 21, 2014)

Christy Abad

From: John Baldwin
 Sent: Wednesday, January 07, 2015 12:40 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 [mailto:mmorris@swlaw.com]
 Sent: Tuesday, January 06, 2015 4:28 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 LLP
 15 W. South Temple, Suite 1200
 Salt Lake City, UT 84101
 Office General: 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

Page 2 of 3

- United States Court of Appeals, Eleventh Circuit

Professional Memberships and Activities

- State 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, Advisory Board Member (2005-present)

Representative Presentations and Publications

- "Enforcement of Foreign Arbitration Awards in the United Arab Emirates," Co-Author, Defense Counsel Journal, Vol. 81, No. 3, pp. 279-287 (July 2014)
- "Unintended Third-Party Beneficiaries Created Through Flow Down Clauses in Subcontracts," Co-Author, Snell & Wilmer Under Construction (December 5, 2013)
- "Utah Court of Appeals to Lenders Relying Upon Their Own Boilerplate Lien Release Language in Form Draw Requests: 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)

Snell & Wilmer



Mark O. Morris

Partner | Salt Lake City

801.257.1904

mmorris@swlaw.com

Mark Morris has a diverse practice, with nearly 30 years' experience in general commercial litigation, including litigation in the areas of construction law, real estate, securities, legal malpractice, employment, professional liability, trade secrets, general business disputes and defense of class action matters. Mark seeks efficient, amicable and reasonable resolutions to his clients' problems, including informal and formal negotiation and mediation before and after a case is commenced. Failing agreed resolutions satisfactory to his clients, Mark has tried over 55 civil cases to arbitrators, judges and juries in Utah and other states.

Representative Experience

View »

Education

- Brigham Young University, J. Reuben Clark Law School (J.D., cum laude, 1985)
 - Order of the Barnisters
- Columbia College, Columbia University (B.A., English, 1982)

Court Admissions

- Supreme Court of Utah
- United States Supreme Court
- United States District Court, District of Utah
- United States Court of Appeals, Ninth Circuit
- United States Court of Appeals, Tenth Circuit

http://www.swlaw.com/attorneys/mark_morris

1/15/2015

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

Page 3 of 3

- Lawyer of the Year, Salt Lake City Real Estate Litigation (2013)
- The Best Lawyers in America®, Business Edition, Labor & Employment Law (2012)
- Lawdragon Top 3000 Leading Lawyers in America (2010-2011)
- Super Lawyers®, Business Litigation - Corporate Counsel Edition (2008)
- Mountain States Super Lawyers®, Business Litigation (2007, 2012-2014)
- Utah Legal Elite: Employment and Business Litigation (2013 & prior years), Civil Litigation (2013-2014), Utah Business Magazine

Community Involvement

- University of Utah Hospital Foundation, Board Member (2011-present)
- Utah Children, Board Member (1987-1995)

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Christy Abad

From: John Baldwin
Sent: Friday, January 16, 2015 10:07 AM
To: Christy Abad
Subject: FW: Third Judicial District Nominating Commission
Attachments: resume2014 in word.docx

DOUGLAS G. MORTENSEN
2174 Melinda Lane, SLC, UT - 84109
Telephone: (801) 349-8597
dmort@dgmattorneys.com



resume2014 in
word.docx (31 KB)

-----Original Message-----

From: dmort@dgmattorneys.com [mailto:dmort@dgmattorneys.com]
Sent: Friday, January 16, 2015 10:07 AM
To: John Baldwin
Subject: Third Judicial District Nominating Commission

John,

Please accept this as an expression of my interest in serving on the Third Judicial District Court Nominating Commission. My political party affiliation is Democrat. Attached is my C.V.

Thank you for considering my application.

Doug Mortensen

PERSONAL BACKGROUND:

Born: January 25, 1950
Married: (to the former Victoria Allen) since 1972;
4 children
Admitted: Utah State Bar, September 1977;
Arizona State Bar 1978

PROFESSIONAL SERVICE, AFFILIATIONS AND HONORS:

Chairman, Utah Supreme Court Board of Continuing Legal Education (current)
Commissioner, Third District Court Judicial Nominating Commission ('03 - '07)
President, Utah Trial Lawyers Association (nka Utah Association for
Justice)(2003 -2004); Governing Board Member ('97 - '08); Legislative
Affairs Committee Chair ('03)
Honorary Lifetime Member, Utah Association for Justice
Participant, Informal task force of government and private lawyers who rewrote
Utah's Governmental Immunity Act ('03)
Holder, Martindale-Hubbell "A V" rating¹ (1991-)
Master, A, Sherman Christensen American Inn of Court I (inactive)
Recipient, "Legal Elite" recognition by *Utah Business* magazine, (2005-09)
Author/Presenter of 27 articles and/or presentations to lawyer groups

EDUCATION:

B.S. Degree, Magna Cum Laude, University of Utah, 1974
(Political Science)
Phi Beta Kappa, Phi Kappa Phi

J.D. Degree, University of Utah College of Law, 1977
Society of Bar & Gavel

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

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 & JEPPSON, 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)
Assistant Swim Coach, Olympus High (2011, 2012, 2014);
Leadership Support Missionary, Plainfield, New Jersey (March- September, 2013)
Boy Scout Roundtable Commissioner, Evergreen District, Great Salt Lake Council,
BSA('97 to '00)
Scoutmaster, 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 ('86 - '91)
Author, op ed piece: "Dissing 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

Christy Abad

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

From: Joy Natale [mailto:jnatale@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. Natale
 Prosecuting Attorney
 Summit County Attorney's Office
 6300 Justice Center Road
 Park City, UT 84098
 Tel: 435-615-3828
 Fax: 435-615-3833
 Email: jnatale@summitcounty.org

1/15/2015

JOY E. NATALE
 821 E. OLIVIA COURT • SALT LAKE CITY, UT 84107
 PH: (801) 913-1095 • E-MAIL: JOY.NATALE@CENTURYLINK.NET

EMPLOYMENT

Prosecuting Attorney
 Summit County Attorney's Office
 Park City, Utah

Nov. 2007 -
 Present

- Prosecutes felony level criminal cases, including violent crimes, narcotics offenses, property crimes, and sexual assault cases involving both child and adult victims in Utah's Third Judicial District Court.
- Works closely with law enforcement, victims, victim advocates, probation agents, and others involved in the criminal justice system.
- Leads a multi-disciplinary team responsible for investigating and adjudicating crimes committed against children.
- Spends numerous hours in court conducting evidentiary hearings, trying cases, arguing motions and handling sentencing.
- Responsible for all phases of adult criminal prosecution, from screening through sentencing.

Deputy District Attorney
 Salt Lake County District Attorney's Office
 Salt Lake City, Utah

Oct. 1999 -
 Nov. 2007

- Prosecuted a variety of misdemeanor and felony level criminal cases in Utah's state courts.
- Assigned to the Narcotics Enforcement Team, the Arson/Fraud Team, the Major Offenders Team, and the Special Victims Team.
- Successfully prosecuted several defendants charged with various types of homicide, including murder, manslaughter, child abuse homicide, and auto homicide.

Associate
 Glaque, Crockett, Bendinger & Peterson
 Salt Lake City, Utah

Dec. 1997 -
 Sept. 1999

- Participated in the litigation of several large and complex securities fraud and accounting malpractice cases in the Western United States.

Law Clerk
 Utah Attorney General's Office
 Criminal Appeals Division
 Salt Lake City, Utah

Aug. 1996 -
 Dec. 1997

- Researched constitutional, evidentiary, and procedural issues in criminal cases on appeal to the Utah Supreme Court and the Utah Court of Appeals.
- Prepared memoranda and drafts of appellate briefs for supervising attorneys, and assisted them in preparing for oral arguments.

EDUCATION

Juris Doctor, May 1997
 University of Utah College of Law
 Salt Lake City, Utah

- Utah Law Review, Note & Comment Editor, 1996-97; Staff Member, 1996-96
- First Year Legal Writing Program, Teaching Assistant, 1996-97
- Traynor Moot Court Competition, Semifinalist, 1995-96

Bachelor of Arts, Majors in Political Science and Law & Society, June 1993
 University of California, Santa Barbara
 Santa Barbara, California

- Graduated with Honors

ACHIEVEMENTS

Faculty Member, National College of District Attorneys
 National Advocacy Center
 Columbia, South Carolina

- Served as instructor for Cross-Examination course in April 2007
- Served as instructor for Trial Advocacy I course in August 2010

MEMBERSHIPS

Utah State Bar, 1997 - Present
 National District Attorney's Association
 Salt Lake County Bar Association

PERSONAL

I was born and raised in the great state of New Jersey.
 I have called Utah "home" since 1994 when I relocated to Utah from California to attend law school at the U. Go Utah!
 I am the proud mother of a spunky Rottweiler/Australian Shepherd mix.
 I love to travel, particularly to warm destinations with beautiful beaches.

Christy Abad

From: John Baldwin
 Sent: Thursday, January 08, 2015 11:20 AM
 To: Steve Nelson
 Cc: Christy Abad
 Subject: RE: Third Judicial District Nominating Commission
 Thank you.
 John

From: Steve Nelson [mailto:SNelson@sco.org]
 Sent: Wednesday, January 07, 2015 4:28 PM
 To: John Baldwin
 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.

First, I have significant experience practicing before the judges of the Third Judicial District. As a career prosecutor, I have experience with every type of criminal case, and with all stages of the criminal process. I have chaired approximately 75 felony jury trials, including homicides, gang offenses, drug offenses, and sex 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 working 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 evolution of the doctrine of sovereign immunity over time in federal district court, is about trial court decision making. I have been teaching undergraduate and graduate students for a decade 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 unique insight into the process of nominating judges. I would appreciate an opportunity to be more closely involved in this process by serving on the Third Judicial District Nominating Commission. If you have any additional questions about my qualifications for service on this commission, 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) 468-7600
 (801) 368-4176 (fax)

CONFIDENTIAL: This electronic message - along with any/all attachments - is confidential. This message is intended only for the use of the addressee. If you are not the intended recipient or the person responsible to deliver it to the intended recipient, you may not use, disseminate, distribute or copy this communication. If you have received this message in error, please immediately notify the sender by reply electronic mail and delete the original message. Thank you.

1/15/2015

Publications:

"Administrative DREAM Acts: Examining State Higher Education Governing Board Policies Regarding In-State Tuition for Undocumented Immigrant Students," Stephen L. Nelson, J.L. Robinson, A. Bergevin, *Georgetown Immigration Law Journal*, Vol. ___, pp. ___ (forthcoming, Spring 2015).

"States Taking Charge: Examining the Role of Race, Party Affiliation, and Preemption in the Development of In-State Tuition Laws for Undocumented Immigrant Students," Stephen L. Nelson, J. L. Robinson, and K. H. Glaubitz, *Michigan Journal of Race and Law*, Vol. 19, pp. 247-286 (Spring 2014).

"Reduced Tuition Benefits for Undocumented Immigrant Students: The Implications of a Piecemeal Approach to Policymaking," Stephen L. Nelson, K. H. Glaubitz, and J. L. Robinson, *Santa Clara Law Review*, Vol. 53 pp. 897-936 (Spring 2013).

"The King's Wrongs and the Federal District Courts: Understanding the Discretionary Function Exception to the Federal Tort Claims Act," Stephen L. Nelson, *South Texas Law Review*, Vol. 51, pp. 101-147 (Fall 2010).

"Families in Crisis, Challenges for Policymakers: Examining the Troubled Lives of Drug Endangered Children," Stephen L. Nelson, K. Prince, & M. Searcy, *Ohio Northern Law Review*, Vol. 36, No. 1, pp. 81-114 (2009).

"Snapshots of Suspects and Defendants: A Discussion of Arrest and Prosecution Outcomes in Drug Endangered Children Cases," Stephen L. Nelson, K. Prince & M. Searcy, *Quinnipiac Law Review*, Vol. 27, No. 4, pp. 837-880 (2009).

Conference Presentations:

2014 Utah Violent Crimes Conference, "Attempted Murder: One of the Most Difficult Crimes to Prove," September 4, 2014, West Valley City, UT.

2014 International Family Violence and Child Victimization Conference, "Not Just a Federal Offense: Examining State Laws Criminalizing Human Trafficking," July 14, 2014, Portsmouth, NH.

2013 National Alliance for Drug Endangered Children Conference, "Discussing State Legislation Criminalizing Drug Endangerment: The Implications of a 'Piecemeal Approach' to Policymaking," November 20, 2013, Oklahoma City, OK.

1st Annual Utah Robbery Conference, "Courtroom Testimony: Tips and Training for Effective Case Managers," October 11, 2013, Salt Lake City, UT.

2012 National Alliance for Drug Endangered Children Conference, "The Constitutional and Evidentiary Issues in DEC Prosecutions: An Examination of Appellate Challenges to State DEC Laws," October 24, 2012, Des Moines, IA.

STEPHEN L. NELSON
 2548 Pasadena Street
 Salt Lake City, Utah 84109
 (801) 485-2994
 stephenlowenelson@gmail.com

Education:

University of Utah, Department of Political Science, SLC, UT
 Ph.D., 2010

Fields: American Government and Public Administration
 Dissertation: "The King's Wrongs and the Federal District Courts: Understanding the Discretionary Function Exception to the Federal Tort Claims Act"
 Chair: Dr. Richard Green

University of Utah, S.J. Quinney College of Law, SLC, UT
 Juris Doctor, 2002
 Staff Member, Utah Law Review

Westminster College, SLC, UT

Bachelor of Arts (Economics), 1999
 Student Body President, 1998-1999
 Supplemental Instructor, Introduction to Macroeconomics, 1998-1999

Employment:

Deputy District Attorney, Salt Lake County District Attorney's Office, SLC, UT
 Unit Chief, Violent Felonies Unit, 2013-Present
 Special Assistant United States Attorney, District of Utah, 2008-Present
 Organized Gang Prosecution Team, 2007-2013
 Special Assistant Attorney General, Utah Attorney General, 2011
 Homicide Team, 2008-2011
 Narcotics Enforcement Team, 2005-2007
 General Felonies Team, 2005

Steve Nelson for District Attorney, SLC UT
 2014 Republican nominee for Salt Lake County District Attorney

Assistant Attorney General, Utah Attorney General's Office, SLC, UT
 Children's Justice Division, 2002-2005

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

Law Clerk, Utah Attorney General's Office, SLC, UT
 Public Affairs/State Agency Counsel Division, 2000-2002

36th National Organization for Victim Assistance Conference, "Families in Crisis, Challenges for Policymakers: Examining the Troubled Lives of Drug-Endangered Children," August 22, 2010, Salt Lake City, UT.

59th Annual Session of the University of Utah School on Alcoholism and Other Drug Dependencies, "A Retrospective Study of Drug Endangered Children and Caregivers," June 22, 2010, Salt Lake City, UT.

2009 Utah Drug Endangered Children Conference, "Salt Lake County Drug Endangered Children Cases Research Project," August 5, 2009, Salt Lake City, UT.

58th Annual Session of the University of Utah School on Alcoholism and Other Drug Dependencies, "A Retrospective Study of Drug Endangered Children and Caregivers," June 23, 2009, Salt Lake City, UT.

2008 National Alliance for Drug Endangered Children Conference, "Evaluated Programs: the Comprehensive Approach to Drug Endangered Children," October 7, 2008, Salt Lake City, UT.

2008 International Family Violence and Child Victimization Conference, "Working Together to Protect Child Victims: Identifying Gaps in Services to Those Who Endanger Children in Utah," July 28, 2008, Portsmouth, NH.

2007 National Drug Endangered Children Conference, "Child Endangerment Prosecutions: What Happens to These Cases and Why?," October 11, 2007, Kansas City, MO.

2007 Utah Drug Endangered Children Conference, "From Charges to Convictions: A Collaborative Approach," August 9, 2007, SLC, UT.

2006 Utah Drug Endangered Children Conference, "Collecting Evidence for a Prosecutable Child Endangerment Case," August 18, 2006, SLC, UT.

University/College Courses Taught:

University of Utah, Salt Lake City, UT:

Spring 2015: Introduction to Criminal Jurisprudence (Poli-Sci 3220)
 Spring 2015: Introduction to Public Administration (Poli-Sci 3300)
 Fall 2014: Introduction to Public Policy (Poli-Sci 3320)
 Fall 2014: Environmental Politics (Poli-Sci 3390)
 Fall 2014: Advanced American Government (Poli-Sci 5100)
 Summer 2014: Environmental Politics (Poli-Sci 3390)
 Summer 2014: Introduction to American Government (Poli-Sci 1100)
 Spring 2014: Immigration and Refugee Policy (Poli-Sci 6995)
 Spring 2014: Introduction to Criminal Jurisprudence (Poli-Sci 3220)
 Spring 2014: Introduction to Public Administration (Poli-Sci 3300)
 Fall 2013: Administrative Theory (Poli-Sci 6300)
 Fall 2013: Advanced American Government (Poli-Sci 5100)
 Fall 2013 Environmental Politics (Poli-Sci 3390)
 Summer 2013: Environmental Politics (Poli-Sci 3390)

Summer 2013: Introduction to American Government (Poli-Sci 1100)
 Spring 2013: Introduction to Criminal Jurisprudence (Poli-Sci 3220)
 Spring 2013: Policy Analysis (Poli-Sci 5323)
 Fall 2012: Administrative Theory (Poli-Sci 6300)
 Fall 2012: Advanced American Government (Poli-Sci 5100)
 Fall 2012: Environmental Politics (Poli-Sci 3390)
 Summer 2012: State and Local Government (Poli-Sci 3030)
 Summer 2012: Introduction to American Government (Poli-Sci 1100)
 Spring 2012: Policy Analysis (Poli-Sci 5323)
 Fall 2011: Administrative Theory (Poli-Sci 6300)
 Fall 2011: Environmental Politics (Poli-Sci 3390)
 Summer 2011: State and Local Government (Poli-Sci 3030)
 Summer 2011: Introduction to American Government (Poli-Sci 1100)
 Spring 2011: Advanced American Government (Poli-Sci 5100)
 Spring 2011: Administrative Theory (Poli-Sci 6300)
 Fall 2010: Administrative Theory (Poli-Sci 6300)
 Summer 2010: Introduction to American Government (Poli-Sci 1100)
 Spring 2010: Administrative Theory (Poli-Sci 6300)
 Spring 2010: Introduction to American Government (Poli-Sci 1100)
 Fall 2009: Administrative Theory (Poli-Sci 6300)
 Fall 2009: Introduction to American Government (Poli-Sci 1100)
 Summer 2009: Introduction to American Government (Poli-Sci 1100)
 Spring 2009: Introduction to American Government (Poli-Sci 1100)
 Fall 2008: Introduction to American Government (Poli-Sci 1100)
 Summer 2008: Introduction to American Government (Poli-Sci 1100)
 Spring 2008: Introduction to American Government (Poli-Sci 1100)
 Fall 2007: Introduction to American Government (Poli-Sci 1100)
 Spring 2007: Introduction to Public Administration (Poli-Sci 3300)
 Fall 2006: Introduction to Public Administration (Poli-Sci 3300)
 Spring 2006: Introduction to Public Administration (Poli-Sci 3300)
 Fall 2004: Introduction to Public Administration (Poli-Sci 3300)

Salt Lake Community College, Taylorsville, UT:

Fall 2011: Economic History of the United States (Econ 1740)
 Fall 2011: Introduction to Macroeconomics (Econ 2020)
 Spring 2010: Introduction to Macroeconomics (Econ 2020)
 Spring 2009: Introduction to Macroeconomics (Econ 2020)
 Fall 2008: Introduction to Macroeconomics (Econ 2020)
 Summer 2008: Economics as a Social Science (Econ 1010)
 Spring 2008: Introduction to Macroeconomics (Econ 2020)
 Fall 2007: Introduction to Macroeconomics (Econ 2020)
 Summer 2007: Economics as a Social Science (Econ 1010)
 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 (Poli-Sci 355)

Service:

Chair, Needs Assessment and Data Collection Work Group, National Alliance for Drug Endangered Children, 2011-Present

 Member, Needs Assessment and Data Collection Work Group, National Alliance for Drug Endangered Children, 2007-2011

 Law Enforcement Subcommittee Chair, Salt Lake City Police Department COPS Methamphetamine Initiative, 2006-2010

Community Involvement:

Salt Lake City Redistricting Committee, November -- December 2011

 Boy Scouts of America, Troop 234: Merit Badge Counselor for Citizenship in the World, Citizenship in the Nation, and Citizenship in the Community Merit Badges, 2010

Awards:

2014 Special Recognition for Demonstrated Excellence, United States Department of Justice, Federal Bureau of Investigation

 2013 United States Attorney's Office for the District of Utah Award for Superior Litigative Performance as a Team

 2012 Trial Attorney of the Year, Salt Lake County District Attorney's Office

 2008 Gang Prosecutor of the Year, Utah Gang Investigator's Association

 2007 Outstanding Achievement Award, 18th Annual Utah Gang Conference

 2003 Robert H. Hinckley Graduate Scholarship, University of Utah, SLC, UT

 2002-2003 Scott M. Matheson Fellowship in Public Policy, University of Utah, SLC, UT

 1999 Communicator of the Year, Westminster College

KIMBERLY NEVILLE
Partner
(801) 933-8951
neville.kimberly@dorsey.com



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

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 résumé, 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 our 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 declaring my candidacy; however, I have no political ambition in pursuing this appointment. Rather, my only 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

DORSEY & WHITNEY LLP • WWW.DORSEY.COM • T 801.933.7360 • F 801.933.7373
136 SOUTH MAIN STREET • SUITE 1000 • SALT LAKE CITY, UTAH 84101-1685
USA CANADA EUROPE ASIA

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 health care 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-exposure cases. She regularly represents clients in complex commercial litigation involving claims of breach of fiduciary duty, theft 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 a 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

- 40 Under 40: Utah Business magazine (2015)
- 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 (2008-present; co-chair, 2014-present)

Utah State Bar Admissions Committee (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)

Susan G. Komen 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)
- *Banter with the Bench* – Women Lawyers of Utah (October 2013)
- *Getting the Best Results Cost Efficiently – Billable 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 1:32 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

This e-mail message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL, and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of the message and its attachments, destroy any hard copies that you may have created, and reply to the sender advising of the transmission error.

1/15/2015

JOHN J. NIELSEN
 5011 West Currant Drive, South Jordan, Utah 84095
 385-228-6725 • johnjnynielsen@gmail.com

EDUCATION

J. Reuben Clark Law School, Provo, Utah, 2004-2007
 Juris Doctor, *magna cum laude*
 • 3-year scholarship recipient
 • Law Review Associate Editor, 2005-2006; Senior Editor, 2006-2007

Brigham Young University, Provo, Utah, 1998-2003
 • Bachelor of Arts in Political Science, *magna cum laude*

WORK EXPERIENCE

Assistant Attorney General, September 2011-Present

- Utah Attorney General's Office, Criminal Appeals Division. Appellate and post-conviction work, including trial and appellate briefing and oral argument.
- Winner, Division Best Brief Award, September 2012.

Deputy County Attorney, October 2007-September 2011.

- Utah County Attorney's Office, Criminal Division. Criminal trial practice work, including jury trials, motions and responses, plea negotiation, case screening, etc., in both felony and misdemeanor cases.
- Authored several practice guides for new prosecutors and implemented a law clerk training program.

ORGANIZATIONS & INTERESTS

Hobbies: guitar, running, hiking, crossfitting

Academic and Professional interests: The American Founding and Constitution, jurisprudence, appellate litigation

Languages: conversationally fluent in Portuguese

Professional Organizations: Member, Statewide Association of Prosecutor's Legislative Action Committee (SWAPLAC), April 2009-Present

SERVICE

Constitutional Sources Project (www.consource.org)—June-August 2005. Volunteer research making primary sources from the founding era relating to the Constitution available on-line free of charge.

Brazil São Paulo North Mission—São Paulo, Brazil, September 1999-August 2001. Missionary for the Church of Jesus Christ of Latter-day Saints.

Christy Abad

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

Sent from my iPhone

Begin forwarded message:

From: "Beatrice M. Peck" <bpeck@bpecklaw.net>
 Date: January 14, 2015 at 1:11:59 PM MST
 To: John Baldwin <john.baldwin@utahbar.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

Christy Abad

From: John Baldwin
 Sent: Wednesday, January 14, 2015 2:03 PM
 To: Beatrice M. Peck
 Cc: Christy Abad
 Subject: Re: Application for Third District Nominating Commission

Thank you.

Sent from my iPhone

> On Jan 14, 2015, at 1:16 PM, Beatrice M. Peck <bpeck@bpecklaw.net> wrote:
 >
 > Hello John: I left out my political affiliations in my earlier email:
 > I consider myself a Democrat, but most often vote for the most
 > qualified candidate regardless of political party. Do I need to add
 > this to my CV for your process?
 > Thanks, Bea

1/15/2015

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
- 2005-2009: Tomsic and Peck, LLC
- 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, Cytozyme, 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: McPhio, Condie and Peck, LLC
- Concentrated on general business law and litigation including a biotech firm that pioneered DNA processing and identification methods
- 1988-1990: Haley and Stolebarger Law Firm
- Worked as a legal associate assisting in litigation of the property loss claims surrounding the Wilberg Mine Fire

- Worked as a law clerk and legal associate on the major class action suit against failed Utah Thrift and Loans resulting in large settlement for plaintiffs.

EDUCATION:

Juris Doctorate, University of Utah College of Law, 1988
 - William H. Leary Scholar
 Bachelor of Arts, Government, Smith College, 1974

CIVIC EXPERIENCE:

Member of Planning Commission for Snyderville Basin 2013-Present
 Counsel to Board of Directors for Women's Ski Jumping USA 2012-Present
 Candidate for Utah House of Representatives, 1994
 Ex Officio Member, Utah State Bar Commission
 President, Women Lawyers of Utah
 Board Member, Women Lawyers of Utah

PERSONAL:

Native of New Haven, Connecticut
 Avid Golfer and Skier

Christy Abad

From: John Baldwin
 Sent: Wednesday, January 07, 2015 12:36 PM
 To: Alex G Peterson
 Cc: Christy Abad
 Subject: RE: [Announcements] Third Judicial District Nominating Commission Applicants Sought

Thank you,
 John

From: Alex G Peterson [mailto:alex@peckpeterson.com]
 Sent: Wednesday, January 07, 2015 12:36 PM
 To: John Baldwin
 Subject: Fwd: [Announcements] Third Judicial District Nominating Commission Applicants Sought

John,
 Attached please find a copy of my resume for consideration for the below announced position. I am a registered Utah voter. I identify as politically independent.
 Please let me know if you require any additional information.
 Sincerely,
 Alex

Alex G. Peterson

Kamas, UT 84036
 alex@peckpeterson.com

SUMMARY

A dynamic results-oriented attorney with over 22 years of legal and government experience providing innovative leadership, wise management, integrity based advice, and cogent counsel in areas of employment law, criminal law, administrative law, inter-agency coordination, legal instruction, organizational planning, and policy development at the strategic and ground-floor levels. Intuitively and astutely familiar with governmental processes and procedures at the national and local level. Licensed before Utah state and federal courts, U.S. Courts of Appeals for the Armed Forces, and the U.S. Supreme Court.

ACADEMIC EDUCATION

LLM (Master of Laws), International Law (2000-2001) with distinction, Univ. of Virginia, Judge Advocate General's Legal School and Center, Charlottesville, VA

JD (Juris Doctorate), Law (1989-1992) with honors, Univ. of Utah, S.J. Quinney School of Law, Salt Lake City, Utah

BBA (Bachelor of Business Administration), Accounting (1985-1989) Univ. of Oklahoma, Norman, OK

MILITARY EDUCATION

Commander's Course (2009) Marine Corps Univ., Quantico, VA (school for Battalion level Commanding Officers)

War College, Air (2007-2008) Air Univ., Maxwell Air Force Base, MO (graduate program of Adv. Military Studies)

Command and Staff College (2002-2003) Marine Corps Univ., Quantico, VA (graduate program of Military Studies)

Anti-Terrorism / Force Protection School (2001) NITC, Pensacola, FL (specialized international education program)

Amphibious Warfare School (2000) Marine Corps Univ., Quantico, VA (advanced program of Military Studies)

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, 2003 ABA Distinguished Service Award
 American Bar Association, 2002 ABA Young Lawyer of the Year (Marine Corps)
 Trial Advocacy Commendation, 1993, NJS, Newport, RI (winner of trial advocacy competition)
 Commandant's List, 1993, USMC, TBS, Quantico, VA (top 5 graduate)
 William H. Leary Scholar, 1992, University of Utah, College of Law (top 20% graduate)
 American Jurisprudence Award - Criminal Law (1990) (top criminal law student)
 Member, Utah Law Review (1989-1992)

1/15/2015

Personal Awards: Legion of Merit, Bronze Star, Defense Meritorious Service Medal, Meritorious Service Medal (x2), Navy Marine Corps Commendation Medal (x3), Navy Achievement Medal, Joint Meritorious Unit Award, Navy Meritorious Unit Commendation, Marine Unit Commendation (x3), Global War on Terrorism Service Award, Iraq Campaign Medal (x2), National Defense Service Medal (x2), Sea Service Deployment Ribbon (x2), Marine Corps Drill Instructor Ribbon, Marine Security Guard Ribbon, Certificate of Commendation, Certificate/Letter of Appreciation (x8)

PUBLICATIONS

Order out of Chaos: Domestic Enforcement of the Law of Internal Conflict, 171 Mil.L.Rev. 1 (2002)

Liability Protection for Volunteers and Non-profit Organizations, 1 Utah L.Rev 273 (1991)

PROFESSIONAL EXPERIENCE

Partner, Managing/Practicing (Aug. 2010 - Present) Peck Peterson, LLP, Salt Lake City, UT

With my partners, we develop the vision and strategies to achieve our firm's mission to serve our clients. I communicate the long-term direction of the firm and ensure that the short term goals, objectives and tasks are aligned and adjusted in anticipation and in response to outside forces and internal changes that impact achievement of our firm's vision and strategies. I provide a positive personal example through words and behavior. I display personal integrity, support the professionals of my firm, and foster a learning organization. Finally, I represent clients in employment law and civil rights litigation matters.

Colonel, Ground (2010 - 2013) Marine Corps Air/Ground Combat Training Command, Twenty-nine Palms, CA

Skilled at leading large to small groups with integrity in the planning and execution of complex tasks performed under conditions of mental and physical stress; synchronized the application of supporting organizations and resources; developed individual and group proficiency through programs to train, motivate, counsel, evaluate and discipline subordinates; and build and sustain individual and group esprit and cohesiveness. Able to lecture, demonstrate and conduct practical application exercises on leadership and management principles, including personnel training, counseling, motivation, evaluation and discipline and interpersonal communication skills, information management, and resource management. Very strong skills and significant experience in problem solving and decision-making.

Director, Legal Services Center / Staff Judge Advocate (2010 - 2013) Twenty-nine Palms, CA

Provided legal service support for Marine and Navy commands, organizations and service members. Supervised the large Marine Corps Air Ground Combat Center (MCAGCC) legal center. Tasked with advising the Commanding General and the leadership of 6 subordinate service-level organizations on all legal issues and operational law. Responsible for the legal preparation and support to 26,000 Marines, Sailors, and family members across California. Contributed directly to Marine Air Ground Task Force Training Command's mission to support the training and assessment of every battalion and squadron deploying to Afghanistan. Supervised and managed law center consisting of over +20 attorneys and \$1M budget.

Commanding Officer (2009 - 2010) Marine Corps Embassy Security Forces, Latin America

Commanded 100+ Marines assigned to 13 Marine Security Guard (MSG) detachments at U.S. Embassies in South America and the Latin America Regional HQ in Fort Lauderdale, Florida. Ensured continued operational readiness, training, personnel administration, logistical support, health and discipline of all assigned Marines. Advised Ambassadors, embassy staffs and senior DoS personnel on the proper utilization, morale, welfare, safety, conduct, and appropriate living conditions of all assigned MSGs. Ensured detachments are performing to standards and regulations of USMC, DoD and DoS and that individual MSGs are complying with USMC directives, regulations and standards through regular visits and inspections. Performed such other duties as directed by higher headquarters.

Deputy Staff Judge Advocate (2008 - 2009) Marine Expeditionary Forces, Jacksonville, North Carolina
 Senior legal advisor for 60K Marines with combat forces operationally deployed world-wide. Advised Commanding General, Staff and major subordinate Commanders on operational law, military justice, ad-law,

investigations, federal law compliance and installation matters. Conducted legal review and advised on command actions, operational planning, proposed programs, exercises, FRAGOs, LOIs, SOPs, OpOrders and investigations. Provided ethics advice for multiple subordinate commands and personnel. Drafted, coordinated, and reviewed CG and DCG correspondence. Provided legal training oversight for MEF FWD, MEB-A, and MEU deployment training. Oversaw and provided LOW, ROE, BOF, DetOps and Rule of Law training to deploying units. Advised on CONGRINTs, Privacy Act and Health Information Privacy Protection Act in response to individual FOIA, law enforcement and media requests. Organized, supervised and trained MEF, MEF FWD and MEB OSJA and coordinated with 2-3 prosecutors, review officers, NCIS agents and defense counsels. Provided other legal advice to General officers and commanders as necessary. Led legal services support planning and developed supportable plan for MEF Force Generation Element and non-deploying subordinate MSCs; planning included developing command authorities for all deploying and remain behind forces. Planned, organized and executed three Pre-Deployment Legal Training programs for Iraq and Afghanistan for deploying judge advocates and paralegals. Served as operational legal planner for multiple MEB-ESG workshops to revitalize amphibious competency through education, operations and training programs. Reviewed AdSePs, Convening Authority Actions, SJA Reviews, Investigations, MEF orders and policies, MOU/MOAs, PAGs, contracts and supervised over 249 OSJA legal actions. Completed ethics reviews of CG travel, use of ORF for sheiks, contractor interaction, holiday parties, birthday ball support, war trophies and attendance at civilian events. Reviewed exercise LOIs, MEF standing Complans, MEU SOP rewrite, NORTHCOM realignment, unit DEPODs. Legal trainer/planner supporting MSTP for MEF FWD MRX and MEB-A MRX.

Officer-in-Charge, Legal Service Support / Rule of Law Coordinator / Dep. SJA (2006 - 2008) Al-Anbar, Iraq
 Combat deployment to Iraq. Served as OIC of Legal Service Support Team-Iraq (LSST-I) dispersed throughout the Al-Anbar Province, Iraq. Supervised 6 judge advocates, a legal chief and court reporter. Ensured general legal service support for Marine Forces to include military justice support, legal assistance, operational law, investigation review and administrative law support. Served as Marine Forces Rule of Law Coordinator. Supervised 4 attorneys and a contractor. Maximized and synchronized Iraqi police training, judicial engagements, and rule of law programs. Led Marine Forces Detainee Ops team that produced Marine Forces' position papers, CG talking points, GO briefings, and FRAGOs to stem increasing detainee releases. Coordinated a comprehensive Rule of Law program leading to the emergence of the Al-Anbar Criminal Justice System with 1 terror court, 2 felony courts and misdemeanor courts. Developed Al-Anbar-wide training program for Iraqi police in criminal case preparation. Deputy SJA for 30,000+ Marine Force deployed for OIF 06-08. Responsible for training, equipping and redeploying the Office of the Staff Judge Advocate. Daily oversight of 9 judge advocates and 2 legal specialists. Developed, refined and executed legal processes to support Marine Forces. Conducted legal reviews and provided legal advice on command actions, operational planning, proposed programs, FRAGOs, Op-Orders, and investigations. Key leader and planner in Opts, resource allocation boards, working groups, and targeting huddles. Redeployed OSJA office while ensuring no loss in capability. Guided the fiscal law advice for over \$1 billion in O&M and CERP funds. Supervised the provision of legal services for 1 Art 32, 4 SPCMs, 3 GCMs, 2 BOIs, 10 officer NJPs, 335 NJP matters, 446 investigations and 4681 legal assistance clients. Regularly provided ethics advice to General Officers and Senior Enlisted leaders while overseeing the Marine Forces Ethics and GIs program.

Staff Judge Advocate / Senior Legal Advisor (2004 - 2006) Marine Logistics Group, Jacksonville, NC

Primary legal advisor to an 8000+ member organization with worldwide operational commitments. Deployed to combat zone. Directly advised Commanding General, regimental and battalion commanders. Principal ethics adviser. Supervised 2-7 prosecutors, 1-3 review officers and a 3-9 person office. Led two training teams to Colombia. Provided multiple legal training programs to deploying U.S. forces. Developed legal training materials. Reviewed legal administrative matters, investigations, CONGRINTs. Responded to media inquiries. Leveraged stability and support operations with various programs. Instructed leader/trainers on various critical combat topics. Executed a multi-phased force program that integrated PAO and Civil Affairs activities into combat logistics patrols. Cross-leveled staff capabilities leading to additional legal support across Marine Forces. Providing legal service support for Marine and Navy commands, organizations and service members. Served as a litigator, investigator, review officer, advisor and advocate. Advised a wide range of personnel from general officers to civilian employees on matters including personal conduct, ethics, criminal law, administrative law, and international law.

Assistant Legal Advisor / Operational Planner (2002 - 2004) U.S. Southern Command, Miami, FL
Key advisor in Crisis Action Center Operations during detainee ops, counter drug ops, joint task force ops, search and rescue ops, and combatant commander exercises. Successful legal support of Haitian Operation Secure Tomorrow, missions in Bolivia and Colombia, and running of Guantanamo Detention Facility. Routinely briefed Ambassadors, Congressional Representatives, and Foreign delegations. Responsible for the Plan Colombia Legal Reform Program. Legal practice focused on International law, International Agreements, Human Rights, International Criminal Court. Regularly supervised five attorneys. Deployed throughout Latin America and the Caribbean in support of U.S. military operations.

Staff Judge Advocate / Primary Legal Advisor (2001 - 2002) Marine Forces South, Miami FL
Provided advice and support to the Commanding General and staff for criminal law, administrative law, investigations, operational law, installation law and other legal matters. Served as the command Ethics Adviser. Developed and implemented U.S. policy on U.S. forces legal status protection. Review Marine military operations thought Latin America and Caribbean. Provide legal analysis and research supporting establishment of Guantanamo Detention Facility. Developed legal assistance program to support all Marines in Latin America.

Deputy Branch Head, Marine Lawyer Support Branch (1998 - 2000) HQMC, Pentagon, VA
Served at Headquarters, Marine Corps as a career manager for Marine Corps legal personnel and deputy branch head, Judge Advocate Support. Oversaw Marine legal personnel assignments and Marine legal structure issues.

Flag Aide to Navy Judge Advocate General (1996 - 1998) Department of the Navy, Pentagon, VA
Responsible for staff and executive office of most senior military attorney in the Department of the Navy. Extensive staff coordination, event organization and executive preparations. Extensive global travel to Navy and Marine Bases to conduct inspections. Additional included deployment to foreign countries to teach various international and criminal law courses in Argentina, Honduras, Nicaragua, Bolivia, Central Asia and Italy. During this time, also worked on highly publicized inter-department issues such as the CNN-reported Kth and I, Blood-winging investigations; and like the El Paso border shooting incident and the Aviano Cable-car tragedy and trial.

Prosecutor / Legal Assistance Officer (1994 - 1996) Marine Corps Recruit Depot, San Diego, CA
As a military prosecutor, tried criminal cases including drugs, sexual assaults, aggravated assaults and larcenies. Conducted both judge alone and jury trials. As the Officer-in-Charge of legal assistance in San Diego, created an estate-planning program and traveled to Oklahoma in response to the bombing of the Alfred P. Murrah Federal Building.

Commanding Officer, Series (1993 - 1994) Recruit Training Regiment, San Diego, CA
As Commanding Officer supervised three Marine Corps recruit training platoons during an intensive 3 month recruit training process. The training process was repeated three times per year. Supervised, mentored, taught and led Marine Drill Instructors as well as Series staff.

Judicial Clerk to Chief Judge, US Military Court of Appeals (1992) Washington, D.C.
Worked in chambers of Chief Judge Eugene Sullivan. Drafted, researched, prepared and published court opinions on cases from throughout the Department of Defense including Army, Marines, Navy and Air Force. Regularly coordinated with and supported appellate prosecutors and defenders, other judicial staff and court members.

SUMMARY OF SKILLS

Arbitration & Mediation, Ethics Advisor, Civil/Criminal Court Procedures, Arguments/Motions 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
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COMMUNITY SERVICE

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

Varsity Coach, Troop 1060, Boy Scouts of America (2014 – present). I was an assistant Scoutmaster for the recently reorganized troop. When the troop created a Varsity crew, I became the Varsity Coach.

Youth Soccer Coach (2010 – present). I regularly coach co-ed 7-9th grade teams for the Summit County Basin and Recreation Center, Kimball Junction, UT. I also coach for South Summit Aquatic and Fitness Center, Kamas, UT. I previously coached for the Morongo Basin Youth Soccer Association, Yucca Valley, CA.

President, Birankai North America (2010 – present). Non-profit national educational organization supporting training of students in martial arts at over 51 schools across North America. Oversees the certification 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 students.

Teacher / Member, Birankai 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. Oversee the training at 6 schools (CA, NV, MI, NC, OK, FL).

Secretary / Board Member, Morongo Basin Youth Soccer Association, (2010 – 2011). This Yucca Valley, CA organization supports about 500+ children. During my leadership, we expanded programs creating a more teams and year-around soccer opportunities.

Community Education Teacher (Martial Arts), (2011 – 2013) Copper Min Community College, Joshua Tree, CA

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@sico.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: (385)468-7600
 Direct: (385)468-7559
 Fax: (385)468-7732
 E-mail: RPehrson@sico.org

This communication and any attachments thereto may contain private, privileged and/or confidential information and are for the sole use of the intended recipient. This communication may be governed by applicable statutes and rules, including the Electronic Communications Privacy Act (18 U.S.C. § 2510 - 2521, et seq.) and other authority. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please immediately reply to the sender and so advise, and immediately destroy and delete the communication.

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
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 Stirba and David Hall on the

1/16/2015

RICHARD J. PEHRSON

248 University Street – Salt Lake City, Utah 84102 – 801.913.0558 – 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 felonies in District Court in every stage of the criminal proceeding; POST trainer on violent crimes and crimes against the administration of government.

Salt Lake City, Utah

Salt Lake City Prosecutor's Office

Associate City Prosecutor, January 2012–August 2014

Salt Lake City, Utah

Prepared and tried twenty-nine jury and over ninety-five bench trials in the Third District and Salt Lake Justice Courts; 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; presented 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

Salt Lake City, Utah

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

West Valley City Prosecutor's Office

Intern, January 2011–June 2011

West Valley City, Utah

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

Alexandria, Virginia

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 cat-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

Salt Lake City, Utah

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

AmeriCorps Team Leader, September 2007–August 2008

Salt Lake City, Utah

Recruited and oversaw over 1,000 volunteers serving at the Utah State Capitol's rededication 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.

ACADEMICS

George Mason University, School of Law

J.D., May 2011

Arlington, Virginia

- 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 Civil Rights Moot Court Competition.

University of Utah

B.A., Political Science, August 2007

Salt Lake City, Utah

- GPA 3.76; ASUU Attorney General, Chief of Staff, and Presidential Candidate; LDSA 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; MCDI; Humanitarian Aid Division of the LDS Church
- Document Clerk at Fabian & Glendenin
- Eagle Scout and Order of the Arrow Recipient
- High School: Debate State Champion; Two-Time Debate Region Champion and National Qualifier; Karl E. Mundt 'Superior Speaker' at Debate Nationals; Football State Champion

MACHOL & JOHANNES, LLC

ATTORNEYS AT LAW

300 4th Street, Suite 200 • Denver, CO 80202-3502 • HAMBURG 303.430.0075 • TOLL FREE 800.729.7278 • FAX 303.430.7527 • www.machol.com
"James Machol" "Adam Johannes" "Joseph Kivits" "Christopher J. Rogers" "Joseph H. Rogers" "Rogers Malpractice" "James B. Rogers" "Joseph Kivits" "Christopher J. Rogers" "Joseph H. Rogers" "Rogers Malpractice"
"Licensed in CO" "Licensed in WA" "Licensed in UT" "Licensed in NY" "Licensed in AZ" "Licensed in IL" "Licensed in LA"

CHRISTOPHER J. ROGERS

10775 Sienna Dune Drive • South Jordan, Utah 84095
801-556-5628 • rogers801@gmail.com

January 7, 2015

Honorable Governor Gary R. Herbert
350 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 commission. 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 senior staff of the Utah Law Review, a law clerk to Senator Orrin Hatch on the U.S. Senate Judiciary Committee, and as a law clerk to Judge Russell W. Bench 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 City Council of South Jordan and I am a registered Republican.

I believe my experience both assisting behind the bench and in trial and motion practice before most of the judges in the district would be a valuable asset to the commission. Please let me know if you would like any further information. Thank you.

MACHOL & JOHANNES, LLC



Christopher J. Rogers

Enclosure - Resume

Utah Office: 1218 W. South Jordan Parkway, Suite #D2, South Jordan, Utah 84095 - Ph 866-729-3328x535

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 in:

- Commercial Litigation
- Professional Malpractice
- Insurance Defense Litigation
- Legal Malpractice
- Medical 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

06/2013 to Present

JOHNSON MARK, LLC Salt Lake City, Utah
Attorney

06/2011 to 06/2013

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

07/2010 to 03/2011

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

10/2007 to 12/2009

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

09/2006 to 10/2007

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

09/2005 to 09/2006

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

2002

Law Clerk
Law Clerk for Senator Orrin Hatch (R-UT) on the Judicial Nominations Unit, U.S. Senate Judiciary Committee.

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: *cum laude* (Top 8%)

- 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 46411 (Minn.2007).

Mosier v. Ray Quinney & Nebeker, 2007 U.S. Dist. LEXIS 67599 (Utah 2007).

Mosier v. Callister, Nebeker & McCullough, 2007 U.S. Dist. LEXIS 75102 (Utah 2007).

Mosier v. Callister, Nebeker & McCullough, 546 F.3d 1271 (10th Cir. 2008).

Peck v. Midland Funding LLC, et. al., 2012 WL 2913263 (D. Utah Jul. 16, 2012).

Livingston Financial, LLC v. Charles Migliore, 2013 UT App 58.

National Collegiate Student Loan Trust 2007-1 v. Gary Burnett, 20130441, Utah Court of Appeals (2013) (summary affirmation).

Portfolio Recovery Assoc. v. Charles Migliore, 2013 UT App 255.

Midland Funding LLC v. Sotolongo, 2014 UT App 95.

PUBLICATIONS & PRESENTATIONS

"The Statement of Discovery Issues Rule - What Every Litigator Needs to Know", Utah State Bar Convention Presenter, Snowmass, CO (July 2013).

"The Statement of Discovery Issues Rule - What Every Litigator Should Know," Utah State Bar CLE, Collections Section, Presenter (Dec 2012).

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

"Standards of Appellate Review for Administrative Law," Utah State Bar CLE, Administrative Law Division, Presenter (Jan. 2011).

"Take Your Best Shot," 46 TRIAL 28 (Oct. 2010).

"A Primer on the National Vaccine Injury Compensation Program," 21 Utah Bar Journal 25 (Sept/Oct 2008).

"Sorensen v. Barbuto: A Warning to Physicians and the Lawyers that Hire Them," 29 Utah Trial Journal 38 (Fall 2006).

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)

National Forensic League National Tournament Qualifier (1995 & 1996)

Utah-National Forensic League Debate Champion (1995 & 1996)

University of Kentucky Debate Tournament of Champions Qualifier (1996)

University of California-Berkeley, 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, Quarterfinalist Debate (1995)

Utah Governor's Cup Debate Tournament 1st Place (1994)



GARY G. SACKETT
Direct. 801-534-7336
gsackett@joneswaldo.com

TEL. 801-521-3200
FAX. 801-328-0537
170 SOUTH MAIN ST., SUITE 1500
SALT LAKE CITY, UT 84101
WWW.JONESWALDO.COM
AFFILIATED FIRM
LEAR & LEAR, LLP

January 15, 2015

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

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

GARY G. SACKETT
Of Counsel

JONES, WALDO, HOLBROOK & McDONOUGH
170 East South Main Street, Suite 1500
Salt Lake City, Utah 84101
(801) 534-7336; FAX (801) 328-0537
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 legal ethics and professionalism practice. With an extensive background in these areas, he represents and counsels lawyers and others concerning ethical and legal 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, chairing 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.

John C. Baldwin

-2-

January 15, 2015

served 18 years on the Bar's Ethics Advisory Opinion Committee (11 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 I 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

Encl.

Other

AV rating, Martindale-Hubbell

Utah State Bar Distinguished Service Award, 2003

Panel of Neutrals, 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 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

"Irony is Alive and Well in the *Utah State Bar Journal*," *UTAH BAR J.* (May-June 2010).

"An Analytic Approach to Defining the 'Practice of Law'—Utah's New Definition," *UTAH BAR J.* (Nov.-Dec. 2005).

"Using Private Annuities Today: The Benefits, Drawbacks and Open Questions," 49 *J. TAXATION* 47 (July 1978).

"A Multidimensional View of Coal Gasification," 3 *J. CONTEMP. L.* 293 (1977).

"Rule 9(b)—Who Needs It?," 3 *J. CONTEMP. L.* 105 (1977) (*sub nom.* E. A. Lees).

"Lifeline Rates for Public Utilities—a Hit or a Myth?," 2 *J. CONTEMP. L.* 218 (1976).

Other Publications

"Numerical Solution of a Parabolic Free Boundary Equation Problem Arising in Statistical Decision Theory," *MATH. OF COMPUTATION*, Vol. 25, No. 115 (July 1971).

"An Implicit Free Boundary Problem for the Heat Equation," *SIAM J. NUMER. ANAL.*, Vol. 8, No. 1 (March 1971).

January 2015

Samuel J. Schmidt
Attorney at Law
13927 South Osborne Lane
Draper, UT 84020-8603
(801) 574-3539
s.j.schmidt@comcast.net

Licensed In: Utah
Minnesota
Wisconsin

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

EXPERIENCE

- U.S. Postal Service, General Counsel - Western Area, Salt Lake City**
Managing Counsel (March 2012-present)
- ♦ Lead a department with three offices, fourteen attorneys, and nine support staff providing legal services to the Postal Service's Western Area
 - 17 states from Alaska to Missouri
 - \$4.75 billion in annual revenue
 - 4,000+ Facilities
 - 100,000+ Employees
 - ♦ Manage an annual budget of \$3.5 million and Contingent Liabilities of \$110 Million
 - ♦ Manage and/or first chair approximately 300 cases annually
 - ♦ Primary areas of practice: Employment and Labor Law Litigation and Advice, Title VII, Government Ethics, Real Estate, Environmental, Contract, Criminal Law, Fraud
 - ♦ Deputy Managing Counsel (1999 - 2012), Attorney (1991 - 1999)

APPOINTMENTS

Special Assistant U.S. Attorney
United States Department of Justice, District of Utah, District of Minnesota
Civil and Criminal Litigation - Employment, Identity Fraud, Embezzlement, Burglary

CONTINUING EDUCATION

- Advanced Leadership Program - 1999-2000**
- ♦ Selected for four-week executive leadership program for development of business leadership skills, followed by university coursework in finance and accounting
- CLE Coursework - 1995-2010**
- ♦ Advanced Trial Advocacy, Criminal Law, Government Contract Law, Employment and Labor Law, Upper Midwest Employment Law Institute (2005, 2007, 2010-11), OSHA

EDUCATION

- Juris Doctor - May 1991**
- ♦ University of Wisconsin Law School, Madison, Wisconsin
- B.S., Cum Laude, Business Administration, Minor Political Science - May 1988**
- ♦ Saint John's University, Collegeville, Minnesota

BAR AND COMMUNITY INVOLVEMENT

- ♦ Utah Mock Trial Program
Middle/High School Coach, 2006-13 (State Champions, 2012, Runner-up, 2006, 2008)
Judge, 2014-15
- ♦ Utah Private Guardian Ad Litem (Pro Bono) 2013-15

BAR ADMISSIONS

State Bars of Utah (2005), Minnesota and Wisconsin (1991)

13927 SOUTH OSBORNE LANE • DRAPER, UT 84020 • (801) 574-3539
s.j.schmidt@comcast.net

January 15, 2015

LAUREN A. SHURMAN
Direct (801) 715 6667
lauren.shurman@stoel.com

VIA EMAIL

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

Re: Third Judicial District Nominating Commission

Dear Mr. Baldwin:

Please accept my application for one of the upcoming 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 continually 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. Shurman

Experience

Lauren Shurman is a partner in the Litigation group and focuses her practice on general commercial and employment litigation. Lauren has litigated 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 Equal 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 law. 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 (2004, 2005).

Representative Work

Complex Commercial Litigation

- In re Jordan School District (2008) - represented Utah's Jordan School District in an arbitration to divide over \$1 billion in assets and liabilities between the Jordan School District and the Canyons School District.
- IHC v. D&K, 196 P.3d 588 (Utah 2008) - obtained a favorable ruling that landlord did not waive its right to evict tenant.
- Represented a pharmaceutical skin cream manufacturer against product liability claims. Obtained dismissal of all claims based on statute of limitations grounds.
- Represented a franchisor in asserting claims against franchisee and guarantors for breach of franchise agreement. Obtained summary judgment in favor of franchisor on all claims and successfully moved to dismiss counterclaims for breach of fiduciary duty and breach of contract.

Employment Litigation

- Represented a food manufacturer and distributor against disability discrimination claims asserted by a job applicant. Obtained dismissal of administrative appeal based on applicant's failure to mitigate damages.
- Defended a chain of convenience stores against Title VII national origin discrimination and retaliation claims brought by a former store manager. Obtained summary judgment in favor of defendant employer on all claims.



Partner

Salt Lake City, UT
(801) 715 6667 direct
(801) 578 6999 fax

lauren.shurman@stoel.com

Education

- Duke University School of Law, J.D., 2006, cum laude
Stanley Star Scholar
Moot Court Board Member
Editor-in-Chief, *Alaska Law Review*
- University of Utah, M.S., 2004, counseling psychology
- University of Utah, B.S., 1999, biology, cum laude

Admissions

- Utah

76028243 | 0205479-0001

ALASKA COUNCIL ON TRIAL
JUDICIAL BRANCH OF THE
JUDICIAL BRANCH OF THE
JUDICIAL BRANCH OF THE

STOEL RIVES
ATTORNEYS AT LAW

Lauren A. Shurman

Lauren A. Shurman

- Represented an employer against invasion of privacy and wrongful termination claims by a former employee. Obtained summary judgment in favor of the defendant employer.
- Ellington v. Murray Energy (D. Utah 2010) - obtained summary judgment in favor of a defendant employer on plaintiff's religious discrimination claims under Title VII.
- Pumphrey v. Lifescan (D. Utah 2010) - obtained summary judgment in favor of a defendant employer on plaintiff's sexual harassment, gender discrimination, and retaliation claims under Title VII.

Professional Honors and Activities

- Listed among *Rising Stars* (Business Litigation), *Mountain States Super Lawyers*®, 2009-2014
- Member, Salt Lake County Bar Executive Committee, 2007-present
- Member, Women Lawyers of Utah, Judicial Mentoring Committee
- Member, Utah State Bar Character and Fitness Committee
- Member, Utah State Bar (Litigation Section, Labor & Employment Section)

Presentations

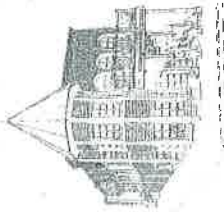
- "Employee Benefits for Same-Sex Couples," Stoel Rives LLP, February 2014
- "Straight Talk: An HR Executive Roundtable," Stoel Rives LLP, June 2013
- "OFCCP Compliance Update: From Regulations to Reality," Stoel Rives LLP, May 2013
- "Employees with Medical Conditions: Managing the Overlap under Workers Compensation, the ADA and the FMLA," Stoel Rives LLP, Dec. 2011
- Panelist, "Dividing the Jordan School District," Utah State Bar Convention, Summer 2009

Publications

- ABA Annual Review of Employee Mobility, Restrictive Covenants, and Trade Secret Cases for the Tenth Circuit, 2014
- Utah Chapter Supplement, *Employment at Will: A State-by-State Survey*, published by Bloomberg BNA, 2013-2014
- "Are Remedies Available to Working Moms Who Experience Lactation Discrimination?" *Law360*, 2012
- "Utah Court Limits Available Remedies for Misappropriation of Confidential Information - Why Confidentiality Agreements Are Now More Important Than Ever," *The Enterprise*, Nov. 2012
- "Signing Your Privacy Away? Privacy in the Petition Process" (coauthor), *IADC Privacy Project*, 2011
- "Drafting Effective and Enforceable Non-Compete Agreements," *The Enterprise*, June 2007
- "Cognitive Affective Predictors of Women's Readiness to End Domestic Violence Relationships" (coauthor), *Journal of Interpersonal Violence*, 2006

Civic Activities

- Member, YWCA of Utah, Governance Committee, 2013-present
- Trustee, Sugar House Park Authority Board, 2010-2014 (Vice President, 2012-2014)
- Member, YWCA of Salt Lake City, Board of Directors, 2010-2013
- Volunteer, Utah Legal Services, 2002-2003



STRACHAN STRACHAN & SIMON, P.C.

ATTORNEYS AT LAW

401 Main Street, Upstairs
P.O. Box 1800
Park City, Utah 84060-1800
Tel (435) 649-4111 Fax (435) 645-9429
e-mail info@strachanlaw.com
website www.strachanlaw.com

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

Adam Strachan

STRACHAN STRACHAN & SIMON, PC
401 Main Street, Upstairs, PO Box 1800, Park City, Utah
435-649-4111
astrachan@strachanlaw.com

Admitted

State Bar of Utah (Bar No. 11468)
State Bar of California (Bar No. 226100)

Education

University of Southern California: B.A. 1998
University of Utah: J.D. 2002; Executive Editor, Journal of Land, Resources & Environmental Law

Work Experience

Partner:
Strachan Strachan & Simon, PC 2006 - present

Associate:
Duane Morris, LLP, San Francisco, CA 2003-2006

Judicial Clerkship:
Hon. Lawrence J. Block 2002-2003
United States Court of Federal Claims, Washington, DC

Judicial Clerkship:
Judges Lee A. Dever and Roger Livingston 2000
3rd District Court of Utah

Intern:
United States Senate Judiciary Committee 1997

Civic Activities & Memberships

Commissioner: Park City Planning Commission
President: Association of Ski Defense Attorneys
Board Member: Mountain Trails Association
Member: Utah Bar Association, Park City Bar Association, California Bar Association
(Inactive) San Francisco Bar Association, (Inactive), Association of Ski Defense Attorneys

Presentations and Articles

- Lead Panelist, National Ski Areas Association conference, inbound avalanche litigation, 2014
- Regular panelist and speaker at Intermountain Ski Areas Association conferences
- Regular panelist at National Ski Area Association conferences
- Co-author, *When does a skier become a trespasser?* Utah Bar Journal, 2007
- Co-author, *Special Events: Shift the Risk to Promoters & Participants*, Ski Area Management Magazine (May, 2006)
- Law Review Article: *Concurrence Laws: Water as a Land Use Regulation*, 21 J. Land Resources and Envtl. L. 435 (2001)
- Law Review Article: *The Ripeness Doctrine in Regulatory Takings Litigation*, 22 J. Land Resources & Envtl. L. 19 (2002), Co-author
- Trade Publication: *Park & Pipe Instructor's Guide*, Professional Ski Instructors of America (2005), contributing author

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:carahntlaw.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

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 CJA 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/ Solo 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 – 09/08 **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

Christy Abad

From: John Baldwin
Sent: Thursday, January 15, 2015 11:04 AM
To: Christy Abad
Subject: FW: Third Judicial District Nominating Commission
Attachments: October 2014 CV.pdf

From: Carrie Taylor [mailto:taylorc@law.byu.edu]
Sent: Thursday, January 15, 2015 9:49 AM
To: John Baldwin
Subject: Third Judicial District Nominating Commission

Dear Mr. Baldwin:

Please consider this email as my application for the Third Judicial District Nominating Commission. Attached is a copy of my CV. I am an independent and not affiliated with any political party.

Having practiced for many years before the state and federal courts as well as administrative tribunals, I have developed a unique perspective regarding the skills necessary to be an effective fact finder, case manager and legal analyst. At this stage in my career I now have time to devote to endeavors of interest. It would be an honor for me to serve on the Third Judicial District Nominating Commission.

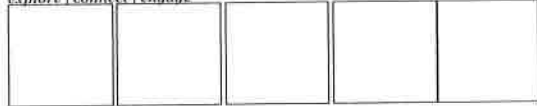
Thank you for your consideration.

Sincerely,

Carrie T. Taylor, Esq.

Carrie T. Taylor

Employer Outreach Manager & Alumni Counselor
 BYU Law School
 801-422-1123 | taylorc@law.byu.edu
 375D JRCB, Provo, UT 84602
 explore | connect | engage



1/15/2015

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

- *Workers Compensation Fund** 1993 – 1996
Staff Attorney/Claims
 - Workers' Compensation Defense & Appeals
- *Kipp & Christian, P.C.** 1992 – 1993
Associate Attorney
 - Medical Malpractice Defense, Social Security, Workers' Compensation, Family Law, Landlord/Tenant, Bankruptcy and Insurance Defense
- *Division of Occupational and Professional Licensing** 1991 – 1993
Attorney Chairperson
 - Medical Malpractice Pre-litigation Panels – conduct hearings and draft opinions
- *St. Mark's Hospital Emergency Department** 1988 – 1999
Registered Nurse
 - ACLS, TNCC, CEN

PROFESSIONAL CREDENTIALS

Utah State Bar (1991 – Present)
 Utah Registered Nurse (1988 – Present)
 Certified Medicare Secondary Payer Professional (CMSP 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 Compensable Disability Forum (2002 – 2012)
 Utah State Bar Examiner (2001 – 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)
 Junior League of Salt Lake City (Active 1994 – 2000, Sustaining 2000 – present)
 Salt Lake Third Circuit Judge Pro Tempore (1992 – 1995)
 Mock Trial Judge, Utah Law-Related Education Project (1992 – 1995)

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

Office Address:
 375D JRCB
 Provo, Utah 84602
 (801)422-1123
 taylorc@law.byu.edu

Home Address:
 6782 S. Courtland Ave.
 Cottonwood Heights, UT 84121
 (801)947-8770 H, (801)440-8057 C
 carrietaylor6782@gmail.com

EDUCATION

- *Juris Doctor, J. Reuben Clark Law School, Brigham Young University, 1991
- *Bachelor of Science (Nursing), University of Utah, 1988

EXPERIENCE

- *Manning Curtis Bradshaw & Bednar LLC** 2014 – Present
Of Counsel
 - Litigation – Medical Malpractice defense
- *J. Reuben Clark Law School, Brigham Young University** 2013 – Present
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** 2013 – Present
ADR Specialist – Utah Labor Commission
Neutral – Utah ADR Services (Tort Emphasis)
Workers' Compensation Consultant
 - Utah Office of the Attorney General (State Agency Counsel Division – Feb. 2014)
 - Utah Labor Commission Adjudication & Industrial Accidents Divisions (Feb. 2014 – present)
- *The Hartford Financial Services Group, Inc.** 2011 – 2013
Senior Staff Attorney
 - Litigation – Tort and Workers' Compensation Defense
- *Richards Brandt Miller Nelson** 1996 – 2011
Shareholder (2000 – 2011); Associate (1996 – 2000)
 - Board of Directors (2011)
 - Managing Partner – Workers' Compensation Group (2002 – 2011)
 - Medicare Secondary Payer Compliance – Consulting Practice
 - Defense – Workers' Compensation, Medical Malpractice & Liability

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

(Publications continued)

- *Carrie T. Taylor, *Medicare Compliance: A New Vernacular*, Utah Self Insurers Ass'n, October 2008, at 1.
- *Carrie T. Taylor, *Compensation Claims Management: Closing Difficult Claims, Cost Containment & Efficient Return-to-Work*, 054.1196 I.L.R. BV, B25 (1998).
- *Carrie T. Taylor, *Workers' Comp and the ADA – The Latest Court Decisions: Are Employers Winning or Losing?*, 054.0495 I.L.R. BV, B1 (1997).
- *Carrie T. Taylor, *Occupational Stress*, 0200704 Nat'l Bus. Inst. 67 (1997).
- *Carrie T. Taylor, *Claims Management After ERF*, 0200704 Nat'l Bus. Inst. 27 (1997).
- *Carrie Taylor, *Employee Leasing Companies: Should they be the "employer" for workers' comp purposes? NO!* Utah Workers Compensation ISSUES (Workers Compensation Fund of Utah, Salt Lake City, UT), June 1991, at 1.

PROFESSIONAL PRESENTATIONS

WC 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

Taking Medicare's Interests into Consideration: Mandatory Insurer Reporting and Medicare Set-aside Allocations, 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 Adjuster Association
 Sandy, Utah
 January 13, 2011

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 NCSI Annual Meeting
Annual Meeting – Utah Self Insurers Association
Salt Lake City, Utah
June 19, 2008

Claims & Litigation Basics
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

5

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

(Professional Presentations continued)

Advanced Workers' Compensation: Recent Revisions to Labor Commission Rules
Advanced Workers Compensation and Personal Injury Practice in Utah – The Legal
Assistants' Association of Utah
Salt Lake City, Utah
April 28, 2005

Labor Commission Hearings: Views from the Bench and the Bar – Panel Moderator
2004 Compensable Disability Forum – The University of Utah Rocky Mountain Center
for Occupational & Environmental Health
Salt Lake City, Utah
January 23, 2004

*Litigating the Permanent Total Disability Case: Latest Rules, Vocational Experts &
Settlement Trends*
Utah Workers' Comp Update – Richards Brandt Miller & Nelson
Denver, Colorado
October 7, 2003

*Litigating the Permanent Total Disability Case: Latest Rules, Vocational Experts &
Settlement Trends*
For Locals Only – Richards Brandt Miller & Nelson
Salt Lake City, Utah
May 9, 2003

Workers' Compensation
Corporate Seminar – Kimberly Clark Corp.
Draper, Utah
May 1, 2000

*In the Workers Compensation Setting, When a Doctor Recommends Treatment, What Are
the Criteria for the Denial or Approval of Care?* Panel Discussion
The Ninth Annual Spine Symposium – Intermountain Spine Institute
Salt Lake City, Utah
March 25, 1999

Trends in Rulemaking at the Labor Commission
11th Annual Compensable Disability Forum – The University of Utah Rocky Mountain
Center for Occupational & Environmental Health
Salt Lake City, Utah
September 10, 1998

6

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

(Professional Presentations continued)

*Compensation Claims Management: Closing 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 Aggregates 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 25, 1997

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

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

Gnest Lecturer (Malpractice/Negligence)

Utah Valley Community College, University of Utah Medical Center, Weber
State University, McKay-Dee Hospital, 1992 – 1993

7

Christy Abad

From: John Baldwin
Sent: Wednesday, January 07, 2015 12:24 PM
To: Heather Thuet
Cc: Christy Abad
Subject: RE: 3rd District Nominating Commission
Thank you,
John

From: Heather Thuet [mailto:heather.thuet@chrisjen.com]
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 Third Judicial District Nominating Commission. I am a registered Republican.
Attached please find my resume.

Warm regards,

Heather L. Thuet
Attorney



Office 801.323.5000
Fax 801.355.3472
heather.thuet@chrisjen.com
15 West South Temple, Suite 800
Salt Lake City, Utah 84101
www.chrisjen.com

NOTICE: A NEW YEAR, 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 to deliver 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) 323-5000, or by reply email, and delete the original message and any backup copies from your system. Thank you.

1/15/2015

Heather L. Thuet

220 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 2010-2012

HONORS/AWARDS

Mountain States Super Lawyer in 2009, 2010, 2011, 2012, 2013 and 2014
BV Distinguished Martindale-Hubbell
Admitted to practice in Utah, Federal District of Utah and the Tenth Circuit Court of Appeals.

Christy Abad

From: John Baldwin
 Sent: Wednesday, January 07, 2015 12:19 PM
 To: Craig Wangsgard
 Cc: Christy Abad
 Subject: RE: Open seats on Third Judicial District Nominating Commission

Thank you.
 John

From: Craig Wangsgard [mailto:CWangsgard@slco.org]
 Sent: Wednesday, January 07, 2015 9:47 AM
 To: John Baldwin
 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 Wangsgard
 Deputy District Attorney
 Salt Lake County
 2001 South State Street, S3-600
 Salt Lake City, UT 84190
 (385) 468-7796
cwangsgard@slco.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, origination, servicing and syndication of lease products. Duties included supervision of Documentation Department. Other duties included document drafting, supervision of outside counsel and litigation, development of litigation and defense strategies, contract and settlement negotiation and collection litigation. In addition to my primary functions, I was charged with supervising the accounting department, and input to auditors with regard to accounting policies and practices. I was part of the management committee and worked directly with the President and the Chief Executive Officer.

Prince, Yeates & Geldzahler
 175 East 400 South, Suite 900
 Salt Lake City, Utah 84111 June 1990 - March 1993
 Attorney - Practice areas included real estate transactions, corporate law and taxation. Projects included real estate, business law, federal and state income tax, employee benefits, sales and property tax issues and tax litigation. Special projects included forensic accounting investigation and testimony before the Federal Bureau of Investigation.

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

Co-Instructor and Co-Author - Taxation of Utah Corporations, National Business Institute - 1991, 1993
 Publication - Utah Business Magazine - Limited Liability Company, December 1992, Small Claims Court to Collection Business Debts - April 1993
 Externship - Law Clerk for Judge Norman Jackson, Utah Court of Appeals
 Secretary and Trustee - The Jeremy Golf & Country Club, 1997
 President-Elect and Trustee - The Jeremy Golf & Country Club, 1998
 President and Trustee - The Jeremy Golf & Country Club, 1999
 American Mensa, 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,
 William B. Carter v. Cory Draper, et al. Case No. 04-0912177
 Silvertip Development, Inc. v. Melvin C. McQuarrie, et al. Case No. 03-0500059

Craig J. Wangsgard

3546 Saddleback Rd
 Park City UT 84098
 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 1984

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

PROFESSIONAL LICENSES

Attorney - Utah - 1991 to present
 Certified Public Accountant - Utah - 1987 to present

EMPLOYMENT

Salt Lake County District Attorney
 Deputy District Attorney - Civil/Litigation Division
 2001 S. State St., S3600
 Salt Lake City, UT 84190 June 1, 2006 - Present
 Attorney - Community Services Unit - Practice areas include federal entitlement programs, contract law, 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 Mgmt.), Legal Contracts Management (LDA, Juvenile, Conflicts), Municipal Bond Financing, Parks & Recreation, Real Estate, Redevelopment Agency, Salt Palace, South Towne Exposition Center, ZAP/TRCC Funds Administration.

C. Wangsgard, L.C. (formerly Wangsgard & Associates, L.L.C.)
 57 West 200 South, Suite 400
 Salt Lake City, Utah 84101 April 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.

Christy Abad

From: John Baldwin
Sent: Wednesday, January 07, 2015 12:38 PM
To: Ted Weckel
Cc: Christy Abad
Subject: RE: Third Judicial District Nominating Committee

Thank you.

From: Ted Weckel [mailto:utahfamilytriallawyer@yahoo.com]
Sent: Tuesday, January 06, 2015 4:36 PM
To: John Baldwin
Subject: Third Judicial District Nominating Committee ...

Mr. Baldwin, my political party affiliation is independent.

Print Date: 01/15/2015
User Name: Christy Abad

Time: 3:39 PM
Page: 1

Utah State Bar
 Member Profile
Theodore R. Weckel Jr

Basic Information

Name: Mr. Theodore R Weckel Jr
Join Date: 06/07/1995
Organization: Theodore R. Weckel, Attorney & Counselor at Law
Member Type: AttActive
Position:
Member Status: Paid
Department:
Member Class:
Mailing Addr: Work
Contact Status: Any Contact
 1595 E 1300 S
Skill Codes:
 Salt Lake City UT 84105
Alt. Addr:
Interest Codes: CRIML,FAMIL,DIVOR,DV
 IOL,DOMES,DIVRM,FEDER
Pref. Phone
Occupation:
Work Ph: (801) 883-9333 **Ext.**
Fax Ph: (801) 419-0791 **Educ. Level:**
Home Ph: **Mobile Ph.**
Email: utahfamilytriallawyer@yahoo.com
Alt. Ph.
Customer Cid: 00007111
Customer AltCd: 7111

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 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 1995). 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 to serve on the Commission.

Very truly yours,

RAY QUINNEY & NEBEKER P.C.

Loren E. Weiss

Enclosure

PROFESSIONAL ADMISSIONS AND RATINGS:

State of Utah;
United States District Court for the District of Utah;
Tenth Circuit Court of Appeals;
Ninth Circuit Court of Appeals;
State of California;
United States District Court for the Southern District of California;
United States District Court for the Northern District of California;
United States District Court for the Northern District of Texas;
United States District Court for the District of Minnesota;

Highest evaluation for legal ability [AV Rating] and ethical standards by nationally recognized Martindale-Hubbell.

Inclusion in *Bar Register of Preeminent Lawyers*, Martindale-Hubbell.

SuperLawyers, 2006 to present; "White Collar Crime"

Utah's *Legal Elite*, inclusion from 2004 to present

National Trial Lawyers Association, *Top 100 Trial Lawyers*

PROFESSIONAL AFFILIATIONS AND DISTINCTIONS:

Adjunct Professor of Law, J. Reuben Clark Law School, Brigham Young University [1990-1999]

Courses:

1. Advanced Evidence Seminar.
2. Trial Practice Seminar.
3. The Prosecution Function.
4. The Defense Function.

Utah State Bar:

Committee of Bar Examiners,
--1986 through 1991.
Annual Convention Committee
--Member, 1984 through 1990
--Chairperson, 1994-1995.
Continuing Education Committee, 1988 through 1991

Utah Judicial Council:
Mandatory Continuing Legal Education Commission,
--1995 to 2012.
Citizen Committee on Judicial Compensation
--1995 to 2004.

United States Judicial Conference/Administrative Office of the United States Courts:
Liaison, Defender Services Committee of the United States Judicial Conference
Chairperson, National Association of Criminal Justice Act Panel Attorneys
CJA Panel Attorney Training Coordinator, District of Utah
Chairperson, CJA Advisory Committee to the United States District Court, District of Utah
Defender Services Advisory Group to the Administrative Office of the U.S. Courts

American Board of Trial Advocates
--1996 to present
--Utah Chapter President, 2009 to 2013

Instructor, National Institute of Trial Advocacy

National Association of Criminal Defense Lawyers
Co-chairperson, CLE Subcommittee on Panel Attorney Training
Vice-chair, CJA Panel Attorney Task Force
Co-chairperson, Indigent Services Committee

Utah Association of Criminal Defense Lawyers
Original Incorporator

Salt Lake County Bar Association

California State Bar

American Bar Association
Criminal Law Section
White Collar Crime Committee

Co-Chair of the Inter-Mountain Regional White Collar Crime Committee

EDUCATION:

A.B., with honors, UCLA 1969

J.D. *cum laude*, University of San Diego School of Law, 1972

INVITED PRESENTATIONS:

"Winning Big in Smaller Jurisdictions," National Association of Criminal Defense Lawyers, 4th Annual White Collar Crime Conference [June, 2014]

"White Collar Criminal Prosecutions," Salt Lake County District Attorney's Office, 2014.

"Primer on White Collar Crime", Utah Association of Criminal Defense Lawyers, February 15, 2013.

"The Professional Edge: Working With (And Against) Experts" National Association of Criminal Defense Lawyers, 2nd Annual White Collar Crime Conference [June, 2012]

"The Over Federalization of the Criminal Law", Utah Association of Criminal Defense Lawyers, Spring Conference [April, 2012]

"Juries, You Gotta Love 'em", Utah State Bar Fall Forum [2011]

American Board of Trial Advocates [ABOTA], Masters in Trial Program [Moderator/Presenter, 2012; 2007; 2003]

ABOTA Trial Notebook [Moderator/Presenter, 2010; 2004]

ABOTA Jury Selection and Voir Dire Program [2009]

"Criminal Jury Trials--Soup to Nuts", for NBI [2009]

"Federal Discovery Issues"; Utah Chapter of the Federal Bar Association [2007]

"Update, White Collar Crime Issues"; Annual CJA Panel Training

"Trial of a Criminal Case—a Primer"; Utah State Bar CLE

"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 Prosecutions"; Utah Prosecution Council

"Is Litigation Broken?" Tenth Circuit Judicial Conference.

Lecture topic:

"Costs of Litigation/Access"

"Advanced Federal Criminal Practice Symposium." Atlanta, Chicago, San Francisco,

"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"

"CJA 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 Innocence Center

Board of Directors

--2001 to 2012

The McGillis School

Board of Directors

--2002 to 2009.

United Jewish Federation of Utah

Board of Directors

--1997 to 2005.

Salt Lake Jewish Community Center

Executive Committee

--1999 to 2003.

--Secretary, 1999-2000.

--Treasurer, 2000-2002.

I.J. and Jeanne Wagner Jewish Community Center Building Committee

--Co-Chair, 1999-2001.

Board of Directors

--1990 to 2003.

Special Services Committee for the Elderly,

--1989 to 2001.

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 Constitutionally 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: 801.524.9391
 Cell: 801.9156152
 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
 (801) 524-9391 / gabriel.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

Logan, Utah
 Bachelor of Arts, 2004
 Political Science and Economics

EXPERIENCE

Christensen & Jensen, P.C.
 Shareholder

Salt Lake City, Utah
 April 2008 – Present

- 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
 May 2007 – April 2008

MEMBERSHIPS & ASSOCIATIONS

- Utah State Bar Association, Bar No. 11797
- Admitted to practice before all Utah State and Federal Courts.
- Utah State Bar Young Lawyers Division, President, 2013 – 2014.
- Ex-Officio Utah State Bar Commissioner, 2013 – 2014.
- American Bar Association, Young Lawyers Division, District Representative for Utah and Nevada, 2013 – 2014.
- American Bar Association, Young Lawyers Division, Litigation Committee Vice Chair, 2012 – 2013.
- Co-founder, Utah YLD Leadership Conference.
- Founded Wednesday Night Bar legal clinic.
- Utah State Bar Ethics Advisory Opinion Committee, 2010 – present.

AWARDS & HONORS

- Young Lawyer of the Year, 2012, Utah State Bar
- Rising Star, Business Litigation, *Super Lawyers Magazine/Thomson Reuters*, 2009-2014
- Legal Elite, Business Litigation, *Utah Business Magazine*, 2009, 2010, 2011
- 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

- 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.

Washington, DC
 May 2002 – Aug 2002

POLITICAL AFFILIATION: Republican

Christy Abad

From: John Baldwin
Sent: Friday, January 16, 2015 1:27 PM
To: Christy Abad
Subject: Fwd: Third Judicial District Nominating Commission
Attachments: image001.jpg; ATT00001.hlm; Don Winder Resume 1.15.15.pdf; ATT00002.htm

Sent from my iPhone

Begin forwarded message:

From: "Don Winder (External)" <dwinder@WINDERFIRM.COM>
Date: January 16, 2015 at 11:30:31 AM MST
To: John Baldwin <john.baldwin@utahbar.org>
Subject: RE: Third Judicial District Nominating Commission

John,

Please find my resume, attached, for consideration in the Third Judicial District Nominating Commission. I am a democrat.

Best regards,
 Don
 DJW/hb

Donald J. Winder
 Attorney at law

Donald J. Winder

Business and Trial Attorney

460 South 400 East
 Salt Lake City, Utah 84111
 Telephone: (801) 322-2222
 Telecopier: (801) 322-2282
 Email: dwinder@winderfirm.com
 www.winderfirm.com

Practice areas: Trial Practice, Business Litigation, Business Law, Mass Torts, Class Actions, Personal Injury, Employment Law, Real Estate, Construction Law, Condemnation, Title Insurance Defense, and Insurance

Admitted: Oregon (1972); Utah (1976); U.S. District Court, District of Utah (1976); U.S. Court of Appeals, Tenth Circuit (1976); U.S. Tax Court (1978); U.S. Supreme Court (1985)

Law School: Arizona State University, J.D. (1972)

College: University of Washington, B.A., Chemistry (1969)

Biography:

- *The Best Lawyers in America* (2003-present) (bestlawyers.com)
- American Board of Trial Advocates, National Board of Directors (2005-present), Presidential Appointee (2002), Foundation Trustee (2010-2012) and Foundation Treasurer (2012), Senior Life Fellow (2010), Co-Chair of the Professionalism, Ethics and Civility Committee (2009-present), Editor of *Civility Matters*, and Chapter President (1998-99) (abota.org)
- National Board of Trial Advocacy, Board Certified Civil Trial Diplomat (2004-present), (nblsc.org)
- International Society of Primerus Law Firms, Board of Directors (2000-08 & 2011), Lifetime Achievement Award (2012), Outstanding Service Award (2010), Member of the Leadership Council (2010-12), and Chair of the Plaintiff and Consumer Practice Group (2008-10), (primerus.com)
- Litigation Counsel of America (2009-present), Order of Justitia, and the Trial Law Institute (litcounsel.org)
- Martindale-Hubbell "AV" rated for more than 20 years, (martindale.com)
- Mountain States Super Lawyers (Business Litigation) (2007-present), Top Seventy Mountain States Super Lawyers (2007-08), Top 100 Mountain States Super Lawyers (2012-13), and Blue Ribbon Panelist (2007-11) (superlawyers.com)

1/16/2015

- American Lawyer/Corporate Counsel, Top Lawyers, Commercial Litigation
- College of Master Advocates and Barristers (Senior Counsel)
- Master of the Bench, Sutherland II Inns of Court
- Million Dollar Advocates Forum (milliondollaradvocates.com)
- American Trial Lawyers Association, Top 100 Trial Lawyers, (2009-present) (justice.org)
- Utah Legal Elite (Business Litigation) (selected 2005, 2007-2009, 2011-2012 by Utah Business Magazine)
- American Society of Legal Advocates, Litigation Top 100 (2014)
- General Counsel, Park City (Utah) Board of Realtors (2005-present)
- Guest Lecturer, Pretrial Procedure, University of Utah S.J. Quinney College of Law
- Participant, Renaissance Weekend
- National Register's *Who's Who in Executives and Professionals* (2003-2006) (madisonwhoswho.com)
- Contemporary *Who's Who* (2004)
- Interviewed on Fox National News (live on several occasions), CNN and CNN International, Global TV, Canadian Broadcasting Corporation, and numerous times on and by Salt Lake City's local television and radio stations and local, national and international newspapers
- VISTA Attorney, Legal Services, Portland, Oregon (1972-1973)
- Arizona State University Law Journal (1970-1972)

Member:

- Business Tort Trial Lawyers Association (2013-present)
- Fellow, Litigation Counsel of America
- Barrister, Order of the Centurions
- Distinguished Pro Bono Law Firm Award, Utah State Bar (2012)
- Professionalism Award, Utah State Bar (2008)
- Utah Supreme Court Advisory Committee on Professionalism, Chair, Civility Code Subcommittee (2002-2012)
- Unfair Criticism of Judges Committee (2002-2003)
- Executive Committee, Senior Lawyers Section (2010-2011)
- Education for Justice Project (2002-2003)
- Courts and Judges Committee and Chair, Local Rules Subcommittee (1992-1995)
- American Bar Association:
 - Vice-Chair, Automobile Law Committee and Co-Editor, Auto Law Annual Survey (2001-2002)
 - Task Force on Plaintiff Involvement (2000-2002)
- Defense Research Institute:

- State Liaison, Insurance and Trucking Law Committees (2000-2001)
- Design Professional Subcommittee (1998)
- American Association for Justice: HRT and Vioxx Litigation Groups
- Utah Association for Justice
- Federal Bar Association
- Utah Defense Lawyers Association (2003-2004)
- American Board of Professional Liability Attorneys (abpla.org)
- Rotary International, Paul Harris Fellow (2001-present)
- Henry Suzzallo Society, University of Washington

Select Reported Cases:

- *Utah Dep't of Transp. v. Admiral Beverage Corp.*, 275 P.3d 208 (Utah 2012)
- *Utah Dep't of Transp. v. Ivers*, 218 P.3d 583 (Utah 2009)
- *Ivers v. Utah Dep't of Transp.*, 154 P.3d 802 (Utah 2007)
- *Toomer v. City Cab*, 443 F. 3d 1191 (10th Cir. 2006)
- *Morris v. Khadr*, 415 F. Supp.2d 1323 (D. Utah 2006)
- *Delta Western Group, LLC v. Ruth's Chris Steak Houses*, 2000 WL33710852 (D. Utah), aff'd 24 Fed.Appx. 957 (10th Cir. (Utah) 2001)
- *Delta Western Group, LLC v. Ruth E. Fertel, Inc.*, 164 Fed. Appx. 650 (10th Cir (Utah) 2005)
- *Omasia v. Choices Benefit Plan*, 352 F.Supp.2d 1201 (D. Utah 2004)
- *Sinajini v. Board of Educ.*, 233 F.3d 1236 (10th Cir. 2000), cert. denied, 121 S. Ct. 2521 (2001)
- *Robinson v. Tripco Inv.*, 21 P.3d 219 (Utah Ct. App. 2000)
- *Richard Barton Enter., Inc. v. Tsern*, 928 P.2d 368 (Utah 1996)
- *K&T, Inc. v. Koravilis*, 888 P.2d 623 (Utah 1994)
- *Saunders v. Sharp*, 793 P.2d 927 (Utah Ct. App. 1990), remanded 806 P.2d 198 (Utah 1991)
- *Canadian Indem. Co. v. K & T, Inc.*, 745 F. Supp. 661 (D. Utah 1990), aff'd 953 F.2d 1391 (10th Cir. 1992)
- *Ranch Homes, Inc. v. Greater Park City Corp.*, 592 P.2d 620 (Utah 1979)

Select Presentations:

- Has lectured frequently on trial techniques, civility and employment law, including:
 - Utah State Bar I.P. Summit (2013)
 - University of Utah's S.J. Quinney College of Law, Guest Lecturer in Pretrial Procedure (Fall 2012)
 - Utah State Bar Fall Forum (2012)
- American Board of Trial Advocates (ABOTA)
 - Masters in Trial, Program Co-Chair (2012)

- o The Ultimate Utah Trial Notebook, Program Co-Chair (2011)
 - o Masters in Trial, Program Co-Chair (2005)
 - o Masters in Trial, Presenter, Cross Examination of Plaintiff's Accident Reconstruction Expert (2001)
 - o 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)
- Co-Author, "Enforcing Civility in an Uncivilized World," Utah State Bar Journal (May/June 2009)
- Author, "In Defense of Jury Trials," The Intermountain Commercial Record (February 9, 2007)
- Author, "Utah Is Not the Place for Runaway Med-Mal Juries," The Intermountain Commercial Record (February 8, 2007)
- Co-Author, "Recent Developments in Automobile Law," 37:2 Tort & Insurance Law Jr. 295-322 (Winter 2001)
- Author, "Utah Joins Ranks Denying Recovery for Economic Loss in Tort," The Critical Path, The Newsletter of the Construction Law Committee, Defense Research Institute (Winter 1999)

Agencies:

- Salt Lake City, Zoning Review Committee (1991-1992)
- 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

Christy Abad

From: John Baldwin
 Sent: Tuesday, January 13, 2015 12:27 PM
 To: David Wolf
 Cc: Christy Abad
 Subject: Re: Third Judicial District Nominating Commission

Thank you.

John

Sent from my iPhone

On Jan 13, 2015, at 11:07 AM, David Wolf <dawolf@utah.gov> wrote:

John:

I am interested in being considered for becoming a Commissioner on the Third Judicial District Nominating Commission. I believe my more than 20 years of experience litigating cases qualifies me to serve on the Commission. I have varied experience in both private practice and governmental service, which should serve me well in assisting in selecting judges to serve on the district and juvenile courts.

As instructed, I have attached my resume. I am a registered member of the Democratic Party. If you require additional information, please let me know. Thank you for your consideration.

Very truly yours,

David Wolf
 Director of Constitutional Defense and Special Litigation
 160 East 300 South, 6th Floor
 P.O. Box 140856
 Salt Lake City, Utah 84114-0856
 Telephone: (801) 366-0100
 Fax: (801) 366-0101

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<Resume.doc>

1/15/2015

Professional Memberships and Community Service

Utah State Bar
 Salt Lake County Bar Association
 Federal Bar Association (FBA)
 Defense Research Institute (DRI)
 Public Law Institute (PLI)
 Utah State Judicial Ethics Advisory Committee, Counsel (1995-96)
 Board Member, Living Planet Aquarium (1998-2007)

David N. Wolf
 Director of Constitutional Defense & Special
 Litigation
 801.366.0280 | dawolf@utah.gov

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

- Partner: Snell & Wilmer, Salt Lake City, Utah (2004 to 2008). Associate: Snell & Wilmer, Salt Lake City, Utah (1996 to 2003). Represented clients in product liability, personal injury, premises liability, mass tort, environmental and commercial litigation.
- Judicial Clerk: Judge Gregory K. Orme, Presiding Judge, Utah Court of Appeals (1994-96). Assisted in drafting appellate court opinions.
- LSAT Instructor: Stanley H. Kaplan Education Center (1990). Taught LSAT preparation in weekly, four-hour lectures and individualized sessions.
- Instructor: Specialized Educational Programming Services (1989-90). Instructed intellectually handicapped, emotionally disturbed, and gifted children and adults.
- Program Director: Sundance Institute for Resource Management (1988-89). Raised funds, drafted grant proposals and coordinated international conferences entitled: "The Sundance Symposium on Global Climate Change" and "A Revitalization of Nuclear Power."

Education

University of Utah College of Law, Salt Lake City, Utah
 Juris Doctorate, May 1993

Honors:

Note & Comment Editor, UTAH LAW REVIEW, 1992-93
 Junior Staff Member, UTAH LAW REVIEW, 1991-92
 American Jurisprudence Award, Business Organizations, Spring 1992
 William H. Leary Scholar, 1990-93
 Richard L. Dewsnup Fellowship Recipient, 1991-92
 Irene Moyle Davis Scholarship Recipient, 1990-91
 Judicial Extern, Judge David K. Winder, U.S. District Court, Utah Division, Fall 1992

University of Utah

Bachelor of Science Degree, Political Science/International Relations, *cum laude*, June 1989
 Honors: Phi Kappa Phi; Hinckley Intern U.S. House of Representatives--Legislative Assistant to the Honorable Wayne Owens (1988)

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



Resume
2014.docx (15 KB)

-----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) 524-4060

JAMIE ZENGER

Assistant Federal Public Defender
46 West Broadway, Suite 110 • Salt Lake City, Utah 84101
(801) 524-5327 • jamie_zenger@fd.org

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.

- Jury Trial experience – federal firearms violations (2003, two trials in 2007, 2008, 2009); drug distribution (2006, 2007); bank fraud (2004), sexual abuse (2003), two-week trial in mortgage fraud case involving multiple counts of conspiracy, mail fraud, wire fraud, money laundering (2009), embezzlement by a bank employee (2011).

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

**UTAH BAR COMMISSION MEETING
AGENDA ITEM**

Title: 4th Judicial District Nominating Commission Nominee

Item # 3.4

Submitted by: John Baldwin

Meeting Date: January 23, 2016

ITEM/ISSUE:

The Bar is seeking applications from lawyers to fill the terms of Ann Boyle and Mark Flicklinger 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

Daniel K.	Brough
Randy	Kennard
Darrick J.	McCasland
Kevin J.	Sutterfield

REPUBLICAN

Todd	Anderson
Patricia A.	Lammi
Michael K.	McKell
Joseph	Osmond
Peter C.	Schofield
Neil	Skousen
James D.	Smith
Randall K.	Spencer
Ryan P.C.	Stack
Ronald D.	Wilkinson

(OVER)

INDEPENDENT/UNAFFILIATED

Richard J.	Armstrong
Edward L.	Carter
Marla R.	Snow
Paul	Wake
Dallas B.	Young

UNDECLARED

Randy B.	Birch
J. Simón	Cantarero
M. Dayle	Jeffer



Judicial Nominating Commission--Fourth District

Department Commission on Criminal & Juvenile Justice

Contact Ron Gordon

Phone 801-538-1031

Code [Utah Const. Article VIII-8 & UCA 20A-12-103](#)

Appointed Members 7

Standing Mem 1

Authority

Term 4 Years

Political Yes

Senate No

Diversity

Confirmation

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

Membership

[Apply for Appointment to Board](#)

Name	Expires	Position	Qualification
Anne McMullen	01/31/2015	Member	Appointed by the Governor
Corey Norman	01/31/2015	Member	Appointed by the Governor
Ann Boyle	01/31/2015	Member	Recommended by the Utah State Bar
Mark Flickinger	01/31/2015	Member	Recommended by the Utah State Bar
Greg Stewart	01/31/2015	Member	Appointed by the Governor
Craig Carlile	01/31/2015	Member	Appointed by the Governor
Hau Le	01/31/2017	Member	Appointed by the Governor
Matthew Durrant		Non-voting	Chief Justice of the Supreme Court

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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

Christy Abad

From: John Baldwin
Sent: Thursday, January 15, 2015 11:04 AM
To: Christy Abad
Subject: FW: [Announcements] Fourth Judicial District Nominating Commission Applicants Sought
Attachments: Todds Resume 1 15 pdf

From: Todd Anderson [mailto:todd@deltaattorney.com]
Sent: Thursday, January 15, 2015 9:57 AM
To: John Baldwin
Subject: Fwd: [Announcements] Fourth Judicial District Nominating Commission Applicants Sought

Mr. Baldwin,

If asked, it would be my honor to serve on the Fourth District Trial Court Nominating Commission. Per the instruction below, my resume is attached.

Sincerely,
 Todd Anderson

----- Forwarded Message -----

Subject: [Announcements] Fourth Judicial District Nominating Commission Applicants Sought
Date: Tue, 6 Jan 2015 20:31:29 -0700
From: USBListserv <listserv@utahbar.org>
Reply-To: listserv@utahbar.org
To: "announcements@usblists.utahbar.org" <announcements@usblists.utahbar.org>

Fourth Judicial District Nominating Commission

The Bar is seeking applications from lawyers to fill the terms of Ann Boyle and Mark Flicklinger 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.**

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

**TODD F
 ANDERSON**

(435) 864-4357
todd@deltaattorney.com
 PO Box 183—Delta, UT 84624

**TODD F
 ANDERSON**

(435) 864-4357
todd@deltaattorney.com
 PO Box 183—Delta, UT 84624

EDUCATION AND LICENSURE

Member of the Utah State Bar Association in good standing
Active License Number 12432
 Oklahoma City University School of Law, Oklahoma City, OK
Juris Doctor, May 2009
 Utah Valley University, Orem, UT
Bachelor of Science in Business Management, May 2004

WORK EXPERIENCE

Delta City, Delta, UT

March 2010 –

Present

Appointed City Attorney

- Serve as general legal counsel for the City for all civil and criminal matters.
- Advise governing body, officials, and staff in all land use, building, criminal, and code enforcement matters.
- Prosecuted all criminal cases before the Delta City Justice Court.
- Analyze contracts and legal challenges.
- Conduct extensive legal research. Formulate case strategy and tactics. Issue legal opinions to city officials. Draft pleadings, legal briefs and memoranda.
- Negotiate contracts, including the purchase of assets and services.
- Explained state and local laws, city ordinances, and municipal procedures to City residents.
- Advise police, fire, building safety, public works, planning, administration, city clerk and finance offices on legal matters.
- Conduct training, as requested, on matters such as Open and Public Meetings Act, GRAMA, and other government transparency legislation.
- Maintain an active presence in organizations such as the Utah Municipal Attorney's Association and the Utah League of Cities and Towns.

Anderson Law Center, P.C., Delta, UT

January 2010 –

Present

Owner and partner

- Opened and established a full service law practice to serve the Delta community at large.
- Manage a diverse case load including business law, corporate structuring, contract negotiation, criminal prosecution, family law, personal injury, estate planning, mediation, landlord/tenant, real estate, foreclosure, liens, consumer law, collections, elder law, and bankruptcy.
- Have cases in various jurisdictions including Utah State Justice and District Courts and United States District Court.
- Successfully manage all business matters in connection with running a small business with multiple office locations.

Page 1 of 2

Lead Licensed Legal Intern Supervised by David A. Davis, Esq. and Terrell Monks, Esq. Oklahoma City, OK

- Practiced to the fullest extent of Oklahoma limited licensure to assist David A. Davis, City Attorney for Piedmont, OK, and Bethany, OK, Misdemeanor Courts.
- Over 250 hours of court room experience prior to even being fully licensed to practice law unsupervised.
- Researched, designed and proposed a juvenile probation program that was later implemented by the City of Bethany, OK.

Legal Aid Services of Oklahoma, Oklahoma City, OK

Volunteer Summer Legal Intern

- Made initial contact with clients to determine eligibility, case strengths and weaknesses and made recommendations to staff attorneys.
- Performed legal research and drafted legal documents including memos, motions, briefs, wills, etc.
- Civil litigation including attending arbitrations, settlement conferences and court hearings with staff attorneys.
- Negotiated reduced fees for bankruptcy counseling services and for reduced fees from local arbitrators for Legal Services clients.
- Provided general legal advice for call-in individuals with supervision of staff attorneys.

LEADERSHIP & COMMUNITY SERVICE

- Regular participant in career day activities at local schools discussing the importance of education as well as steps needed to become an attorney.
- Work with local ecclesiastical leaders regarding legal needs of their parishioners, accepting pro-bono and reduced rate cases on an as needed basis.
- Eagle Scout

POLITICAL PARTY

- Registered member of the Republican Political Party

KIRTON | McCONKIE

Richard J. Armstrong
rarmstrong@kmcclaw.com
801.350.7656

January 13, 2015

VIA E-MAIL

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

Re: Fourth Judicial District Nominating Commission

Dear Mr. Baldwin:

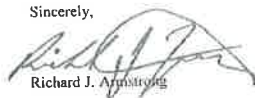
I seek the Bar's recommendation to Governor Herbert as one of the nominees for the Fourth Judicial District Nominating Commission. Enclosed herewith is a copy of my resume.

I am presently employed as a shareholder at Kirton McConkie and am chairperson 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 chairperson, I oversee hiring of new attorneys in the section, conduct monthly section meetings where section attorneys are trained on 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

Kirton McConkie Building, 50 East South Temple, Salt Lake City, UT 84111 801.328.3600 801.321.4893
1800 World Trade Center, 60 East South Temple, Salt Lake City, UT 84111 801.328.3600 801.321.4893
Thanksgiving Park Plaza, 2500 W. Executive Parkway, Ste. 400, Lehi, UT 84043 801.426.2100 801.426.2100

Member, Nevada State Bar, Bar No. 9358
(2005 - Present)
New Lawyer Mentor, Utah State Bar 2015

Personal

Active in endurance sports, including cycling, swimming, mountain biking, and marathon running; member of USAT (United States Triathlon) since 2003; Nitrox certified in scuba diving.

Richard J. Armstrong

13 Sunset Drive, Alpine, Utah 84004

(O) (801) 328-3600 (H) (801) 492-6149 (C) (801) 636-1451 (E) rarmstrong@kmcclaw.com

Experience

12/2011 - Present	Kirton McConkie Lehi, Utah Shareholder Senior litigation partner and chair of firm's litigation section, handling complex commercial litigation in both state and federal court. 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 network marketing companies and distributors in litigation, and other clients in general and complex business disputes. Successfully represented clients in trial as lead trial counsel in both jury and bench trials, and on subsequent appeals.
06/1997 - 09/1999	Stirba & Hethaway 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 worked as second chair in number of cases.
05/1995 - 06/1997	Utah Court of Appeals Salt Lake City, Utah Law Clerk to the Honorable Gregory K. Orme Researched and drafted appellate decisions, including rulings on appellate motions, memorandum decisions, and published appellate decisions.

Education

1996	University of Idaho, Moscow, Idaho, USA Law Juris Doctor, magna cum laude Member of Idaho Law Review, 1995 to 1996
1993	Brigham Young University, Provo, Utah, USA International Relations and German Bachelor of Arts

Professional Affiliations

Member, Utah State Bar, Bar No. 7461
(1999 - Present)
Member, Idaho State Bar, Bar No. 5548
(1997 - Present)

Christy Abad

From: John Baldwin
Sent: Thursday, January 08, 2015 1:41 PM
To: Randy Birch
Cc: Christy Abad
Subject: RE: 4th District Nominating Commission
Thank you.
John

From: Randy Birch [mailto:randy@birchlawoffices.com]
Sent: Thursday, January 08, 2015 1:03 PM
To: John Baldwin
Subject: 4th District Nominating Commission

Mr. Baldwin:
I am very interested in serving on the 4th District nominating commission. As a part time justice court judge, I think my perspective would be somewhat different than other committee members, and hopefully useful. I have no intent on applying for a District Court position. My resume is attached.

If there is anything else that I can provide, please feel free to contact me.

Randy B. Birch
Attorney at Law
114 South 200 West
Post Office Box 763
Heber City, UT 84032
Tel 435 654 4300
Cell: 435 671-2555

Construction, Litigation, Business, Real Estate, Trucking & Collection Law

"Some people grumble that roses have thorns; I am grateful that thorns have roses."
—Jean-Baptiste Alphonse Karr (1808-1890) Critic, Journalist, Novelist

1/15/2015

RANDY B. BIRCH
Post Office Box 763
Heber City, Utah 84032
Cellular Telephone (435) 671-2555
Randy@BirchlLawOffices.com

LEGAL EMPLOYMENT

RANDY B. BIRCH, Attorney at Law
Heber City, Utah
May, 2009 - current
Sole practitioner handling construction, collections, commercial and contract disputes, and general practice.

HEBER CITY JUSTICE COURT, Judge
Heber City, Utah
September 2010 - current
This is a part time position handling criminal cases including class B misdemeanors and lower, and civil claims under \$10,000

BOSTWICK & PRICE, P.C.,
Salt Lake City & Heber City, Utah
January 2004 - present
Shareholder in full service law firm. Handling construction claims, collections and criminal defense. Frequent appearances in courts of all jurisdictions throughout the state of Utah, including Justice Courts.

RANDY B. BIRCH, Attorney at Law
Heber City, Utah
May, 1997 - December 2003
Sole practitioner handling commercial and contract disputes, general practice.

BERTCH & BIRCH - Attorneys
Salt Lake City, Utah
August 1993 - May, 1997
Founder of full service law firm focusing on construction and accident claims.

U.S. GENERAL, INC., in-house general counsel
Salt Lake City, Utah
September, 1992 - August, 1993
General advice and consultation regarding government contracting and claims litigation before the Armed Services Board of Contract Appeals, State and Federal Courts; management of outside litigation counsel and California litigation. Member of the National Contract Management Association.

WALSTAD & BABCOCK, shareholder
Salt Lake City, Utah
February, 1986 - September 1992
Commercial litigation and foreclosures; Litigation of collections, contract disputes, mechanic's lien and bond claims. Actively involved with contract document preparation, claim preparation and presentation before Federal and State boards; Author of a number of articles for the

Resume of Randy B. Birch Page 2

Intermountain Contractor magazine, active in various construction trade associations.

Attorney - Sole Practitioner
Salt Lake City, Utah
April, 1984 - February, 1986
General practice consisting of family law, collections, criminal law, consumer rights, personal injury and bankruptcy.

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 II, student member 1983 - 1984

UTAH STATE UNIVERSITY
Logan, Utah
B.A. Degree-Political Science/Spanish, June 1981, cum laude, International Relations Certificate
Pi 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:dbrough@bjtd.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 TUELLER JOHNSON & DEERE
 3165 East Millrock Drive, Suite 500
 Salt Lake City, Utah 84121
 Office Main Line: 801 438 2000
 Direct Phone: 801 438 2024
 Fax: 801 438 2050
 Email: dbrough@bjtd.com

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Daniel K. Brough

Office: 3165 East Millrock Drive, Suite 500 Home: 2303 North 2350 West
 Salt Lake City, UT 84121 Lehi, UT 84043
 (801) 438-2024; dbrough@bjtd.com (801) 641-7971 (cell); d.brough@vahoo.com
 Political Affiliation: Democrat

EXPERIENCE

- Bennett Tueller Johnson & Deere, Salt Lake City, UT**
Partner (Jan. 2011 to present); Associate (Sept. 2006 to Jan. 2011)
- Admitted to practice before all Utah state and federal courts, as well as United States Court of Appeals for the Tenth Circuit
 - Broad, wide-ranging commercial litigation law practice touching upon employment law, commercial disputes, real estate, and other matters
 - Trial experience, including first chair-level responsibility in federal and state courts, as well as obtaining and defending against expedited relief, including preliminary injunctions and prejudgment writs
 - Serve on firm's attorney hiring committee and perform firm ethics consulting

Judge Ferdinand F. Fernandez, United States Court of Appeals, Ninth Circuit
Law Clerk, August 2005-06

- Researched issues arising in cases pending before judge and drafted bench memoranda summarizing findings
- Drafted preliminary dispositions of cases

Justice Jill N. Parrish, Utah Supreme Court
Law Clerk, August 2004-05

- Researched issues arising in cases pending before justice and drafted bench memoranda summarizing findings
- Drafted preliminary dispositions of cases

BAR SERVICE

Utah Supreme Court Advisory Committee on Rules of Professional Conduct
Appointed in 2014 to four-year term

EDUCATION

Brigham Young University, J. Reuben Clark Law School
Juris Doctor, magna cum laude, Order of the Coif, April 2004

- Class standing: top 8%; GPA: 3.62/4.0
- Brigham Young University Law Review, 2002-04 (Lead Note & Comment Editor, Law Review Board, 2003-04)

Brigham Young University
Bachelor of Arts, English, April 2001; Minor in philosophy

PUBLICATIONS

Article, *Breaking Down the Misprision Walls: Looking Back on the Federal Sentencing Guidelines, After Booker, Through a Bloomian Lens*, 82 N.D. L. REV. 413 (2006)

Comment, *Alternatives in Accretion: Why There is Not Yet an Appropriate Solution to the Application of Accretion Law to Mineral Estates*, 2004 BYU L. REV. 167

Note, *Adams v. Florida Power Corp. and the Trend of Lowering An Employer's Burden of Proof to Rebut Age Discrimination Claims*, 2003 BYU L. REV. 1097

HONORS

Mountain States Super Lawyers, 2011-14
 Barrister, A. Sherman Christensen Inns of Court—I

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
Attachments: 2015-01-15 Cantarero - 4th Dist Nominating Commission App.pdf

From: Simón Cantarero [mailto:cantareros@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 Cantarero
 (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 cantareros@gmail.com. Thank you in advance for time and attention regarding my interest and qualification.

Respectfully yours,



J. Simón Cantarero

Contact Info.

Mail: 1654 E. Amber Crest Lane
 Draper, UT 84020-5527

Email: cantareros@gmail.com

Tel. (801) 244-8972

1/15/2015

J. Simón Cantarero
 1654 Amber Crest Ln
 Draper, UT 84020
 Tel. (801) 244-8972
cantareros@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 Pub 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. Officed 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)

Super Lawyers Rising Star, *Super Lawyers Magazine* (2009, 2011, 2012)

Legal Elite, *Business Litigation, Utah Business Magazine* (2010, 2011)

Board Member, BYU Law School Alumni Association (2009-2014)

Christy Abad

From: John Baldwin
 Sent: Thursday, January 08, 2015 1:43 PM
 To: Ed Carter
 Cc: Christy Abad
 Subject: RE: [Announcements] Fourth Judicial District Nominating Commission Applicants Sought

Thank you.
 John

From: Ed Carter [mailto:ed@keenlegal.com]
 Sent: Thursday, January 08, 2015 12:28 PM
 To: John Baldwin
 Subject: Fwd: [Announcements] Fourth Judicial District Nominating Commission Applicants Sought

Dear Mr. Baldwin,

I am applying for Fourth District Trial Court Nominating Commission member. Attached is a detailed CV. I am a resident of Provo in Utah County.

Although my full-time employment is in academia, my bar license is active and I regularly litigate appellate cases in state appeals courts and the Tenth Circuit. I am currently registered as independent politically. Prior to that, I was registered as a Democrat. And prior to that, I was registered as a Republican.

Please let me know if there is further information I could provide. Regards,

Ed

Edward L. Carter
 Of Counsel
 Keen Law Offices
 491 S. Orem Blvd.
 Orem, UT 84058
 Ph. 801-374-5336

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----- Forwarded message -----

From: USBListserv <listserv@utahbar.org>
 Date: Tue, Jan 6, 2015 at 8:31 PM
 Subject: [Announcements] Fourth Judicial District Nominating Commission Applicants Sought
 To: "announcements@usblists.utahbar.org" <announcements@usblists.utahbar.org>

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 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

1/15/2015

EDWARD L. CARTER

Edward L. Carter, J.D., LL.M.
 Associate Dean, College of Fine Arts and Communications
 Associate Professor of Communications
 360 BRMB
 Brigham Young University
 Provo, Utah 84602
 Tel. 801-422-4340
 ed_carter@byu.edu

EDUCATION:

M.St. (Master of Studies) in International Human Rights Law
 University of Oxford, Oxford, England. Degree anticipated 2015.

- Received scholarship award as Santander 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

Medill School of Journalism, Northwestern University, Evanston, Illinois. June 1999.

- 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.

- Recipient of David P. Forsyth Memorial Research Award in Mass Communications, 2011-2014
- Fulbright Specialist, Universidad Mayor in Santiago, Chile, 2104
 - Invited to teach classes in journalism law and ethics and conduct research with Chilean professors on "derecho al olvido"
- Courses taught:
 - Media Writing (Comms. 211)
 - Principles of Journalism (Comms. 239)
 - Media Ethics, Law and Responsibility (Comms. 300)
 - News Reporting (Comms. 321)
 - Media and the First Amendment (Comms. 406)
 - Advanced Print Reporting (Comms. 420)
 - Internship Advisement (Comms. 496R)
 - Seminar on Media Law & Ethics (Comms. 624)

ASSISTANT PROFESSOR OF COMMUNICATIONS

Brigham Young University Department of Communications. August 2004 to August 2010.

- BYU Class of 1949 Young Faculty Award, August 2009.
- Courses taught:
 - News Writing (Comms. 211)
 - Media Ethics, Law and Responsibility (Comms. 300)
 - Research Methods for Journalists (Comms. 308)
 - News Reporting (Comms. 321)
 - Newspaper Editing (Comms. 323)
 - Media and the First Amendment (Comms. 406)
 - Advanced Print Reporting (Comms. 420)
 - Graduate Media Law & Ethics (Comms. 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, "'Much Dispute and Wonderful Contentions': Free-Speech Values in The Book of Mormon," *Journal of Media and Religion*, vol. 13, no. 1 (2014): 5-18.

Edward Carter, "Actual Malice in the Inter-American Court of Human Rights," *Communication Law & Policy*, vol. 18 (2013): 395-423.

- Acceptance rate 20-25 percent

Edward L. Carter, "Argentina's Right to Be Forgotten," *Emory International Law Review*, vol. 27, no. 1 (2013): 23-39.

Edward L. Carter, "Supreme Court Oral Argument Video: A Review of Media Effects Research and Suggestions for Study," *Brigham Young University Law Review*, vol. 2012, no. 6: 1719-1757.

Edward L. Carter and Edward E. Adams, "Justice Owen J. Roberts on 1937," *The Green Bag 2d*, vol. 15 no. 4 (2012): 375-388.

Edward L. Carter, "Choking the Channel of Public Information: Re-Examination of An Eighteenth-Century Warning About Copyright and Free Speech," *NYU Journal of Intellectual Property and Entertainment Law*, 1 N.Y.U. J. INTELL. PROP. & ENT. L. 79 (2012) (online journal at <http://ledger.nyu-ipels.org/journal/wordpress/2012/02/choking-the-channel-of-public-information/>).

James C. Phillips and Edward L. Carter, "Gender and U.S. Supreme Court Oral Argument on the Roberts Court: An Empirical Examination," *Rutgers Law Journal*, vol. 41, issue 3 (2011): 613-655.

Edward L. Carter, "'Entered at Stationers' Hall': The British Copyright Registrations for the Book of Mormon in 1841 and the Doctrine and Covenants in 1845," *BYU Studies*, vol. 50, no. 2 (2011): 71-94.

Edward L. Carter, "Copyright Ownership of Online News: Cultivating a Transformation Ethos in America's Emerging Statutory Attribution Right," *Communication Law & Policy*, vol. 16, issue 2 (Spring 2011): 161-195.

- Acceptance rate 20-25 percent

James C. Phillips and Edward L. Carter, "Oral Argument in the Early Roberts Court: A Qualitative and Quantitative Analysis of Individual Justice Behavior," *Journal of Appellate Practice and Process*, vol. 11, issue 2 (Fall 2010): 325-395.

Prior to last BYU review:

James C. Phillips and Edward L. Carter, "Source of Information or 'Dog and Pony Show'? Judicial Information Seeking During U.S. Supreme Court Oral Argument, 1963-65 & 2004-09," *Santa Clara Law Review*, vol. 50, issue 1 (2010): 79-181.

Edward L. Carter, "Harmonization of Copyright Law in Response to Technological Change: Lessons From Europe About Fair Use and Free Expression," *La Verne Law Review*, vol. 30, issue 2 (2009): 312-345.

Edward L. Carter, Kevin R. Kemper, Anesha Brown and James C. Phillips, "'Executing the Powers With Which It Is Intrusted': Justifications, Definitions and Limitations of Government Speech," *Communication Law & Policy*, vol. 14, issue 4 (Autumn 2009): 453-478.

- Acceptance rate 20-25 percent

Edward L. Carter, R. Trevor Hall and James C. Phillips, "Broadcast Profanity and the 'Right to Be Let Alone': Can the FCC Regulate Non-Indecent Fleeting Expletives Under a Privacy Model?" *Hastings Communication & Entertainment Law Journal*, vol. 31, issue 1 (Fall 2008): 1-46.

Edward L. Carter and James C. Phillips, "The Mormon Education of a Gentile Justice: George Sutherland and Brigham Young Academy," *Journal of Supreme Court History*, vol. 33, issue 3 (November 2008): 322-340.

Edward L. Carter, "Reclaiming Copyright From Privacy: Public Interest in Use of Unpublished Materials," *Journalism & Mass Communication Quarterly*, vol. 85, issue 2 (Summer 2008): 417-434.

- Five-year impact factor .691 (as of 2012, Journal Citation Reports)

Edward L. Carter and James C. Phillips, "Justices Treat Newspapers Differently in Oral Argument," *Newspaper Research Journal*, vol. 29, no. 1 (Winter 2008): 90-102 (first-time acceptance rate 26 percent).

Edward L. Carter and Brad Clark, "'Membership in a Particular Social Group': International Journalists and U.S. Asylum Law," *Communication Law & Policy*, vol. 12, issue 3 (Summer 2007): 279-312.

- Acceptance rate 20-25 percent

Sherry P. Baker, Quint Randle, Edward L. Carter and Scott Lunt, "Democratic Learning and The Sober Second Thought: The Effect of Reading John Stuart Mill's Essay 'On Liberty' on Tolerance for Free Speech Among Highly Religious, Politically Conservative Students," *Journal of Media and Religion*, vol. 6, No. 1 (2007): 41-61.

Edward L. Carter and Brad Clark, "'Arrogance Cloaked as Humility' and the Majoritarian First Amendment: The Free Speech Legacy of Chief Justice William H. Rehnquist," *Journalism & Mass Communication Quarterly*, vol. 83, issue 3 (Fall 2006): 650-668.

- Five-year impact factor .691 (as of 2012, Journal Citation Reports)

R. Trevor Hall and Ed Carter, "Examining the Constitutionality of Internet Filtering in Public Schools: A U.S. Perspective," *Education and the Law*, vol. 18, issue 4 (December 2006): 227-245.

Edward L. Carter and Brad Clark, "Gagging Trial Participants: Reasonability, Substantiality and Imminence of Prejudicial Publicity in Civil and Criminal Cases, 1991-2005," *Southwestern Mass Communication Journal*, vol. 21, issue 2 (Spring 2006): 37-55.

Edward L. Carter and Brad Clark, "Death of Procedural Safeguards: Prior Restraint, Due Process and the Elusive First Amendment Value of Content Neutrality," *Communication Law & Policy*, vol. 11, issue 2 (Spring 2006): 225-254.

- Acceptance rate 20-25 percent

Allen W. Palmer and Edward L. Carter, "The Smith-Mundt Act's Ban on Domestic Propaganda: An Analysis of the Cold War Statute Limiting Access to Public Diplomacy," *Communication Law & Policy*, vol. 11, issue 1 (Winter 2006): 1-34.

- Acceptance rate 20-25 percent

Edward L. Carter, Kevin R. Kemper and Barbara L. Morgenstern, "Applying *Hazelwood* to College Speech: Forum Doctrine and Government Speech in the U.S. Courts of Appeals," *South Texas Law Review*, vol. 48, issue 1 (2006): 157-182.

Edward L. Carter and Adam Frank, "The Day *Grokster* Ate *Sony*: Examining the Rationale Behind the Supreme Court's New Rule of Copyright Infringement Liability for Inducement," *Intellectual Property Law Bulletin*, University of San Francisco School of Law, vol. 10, issue 2 (Spring 2006): 115-129.

Edward L. Carter and Scott Lunt, "Copyright and Podcasting: The Impact of Regulation on New Communication Technologies," *Santa Clara Computer & High Technology Law Journal*, vol. 22, issue 2 (January 2006): 187-217.

Edward L. Carter, "Outlaw Speech on the Internet: Examining the Link Between the Unique Characteristics of Online Media and Criminal Libel Prosecutions," *Santa Clara Computer & High Technology Law Journal*, vol. 21, issue 2 (January 2005): 289-318.

Edward L. Carter, "Defining Government Speech: Recent Approaches and the Germaneness Principle," *Journalism & Mass Communication Quarterly*, vol. 82, issue 2 (Summer 2005): 398-415.

- Five-year impact factor .691 (as of 2012, Journal Citation Reports)

Edward L. Carter, "Reporter's Privilege in Utah," 18 *Brigham Young University Journal of Public Law* 163 (2003) (Comment): 163-183.

Edward L. Carter, "Promoting Progress or Rewarding Authors? Copyright Law and Free Speech in *Bonneville International Corp. v. Peters*," 2002 *Brigham Young University Law Review* 1155 (Case Note): 1155-1179.

Edward L. Carter, "The Case of Dark Alliance," *Journal of Mass Media Ethics*, vol. 13, no. 3 (1998): 183-193.

Book reviews, encyclopedia entries and invited publications:

Edward E. Adams, Edward L. Carter and Scott Nash, "'A Scholar and Historian of the Court': Merlo J. Pusey's 20th Century *Washington Post* Editorials (Part I)," *Supreme Court Historical Society Quarterly*, 2014 volume 3 (November 2014): 6-9.

Edward L. Carter, Book Review on *Access to Information as a Human Right*, in *Journal of Information Policy*, vol. 2 (June 2012): 204-206.

Edward L. Carter, "Libel and Slander," *International Encyclopedia of Communication* (April 2008).

Edward L. Carter, Book Review on *Electing Justice*, in *Journalism & Mass Communication Quarterly*, vol. 82, issue 3 (Autumn 2005): 743-745.

PEER-REVIEWED CONFERENCE PAPERS PRESENTED:

Since last BYU review:

Edward L. Carter, "Journalism, Responsibility to Protect and Transitional Justice: Learning From Episodes of Human-Rights Abuses in Latin America," 4th Conference of Communication in Latin America, International Communication Association. Brasilia, Brazil. March 27, 2014.

Edward L. Carter, "The Arrival of *Real Malicia*: Actual Malice in Inter-American Court of Human Rights," Law and Policy Division, Association for Education in Journalism and Mass Communication. Washington, D.C. August 11, 2013.

Edward L. Carter, "Argentina's Right to Be Forgotten," Law and Policy Division, International Communication Association. London, England. June 19, 2013.

Edward L. Carter, "Actual Malice in the Inter-American Court of Human Rights," Law and Policy Division, Law and Policy Division, Southeast Colloquium of Association for Education in Journalism and Mass Communication. Tampa, Florida. March 1, 2013.

Edward L. Carter, "American Un-Exceptionalism: The Case of Copyright Law's Public Domain and Freedom of Expression" (Third-Place Faculty Paper), Law and Policy Division, Association for Education in Journalism and Mass Communications. Chicago, Illinois. August 11, 2012.

Edward L. Carter, "Choking the Channel of Public Information," Law and Policy Division, International Communication Association. Phoenix, Arizona. May 27, 2012.

Edward Carter, Jessica Danowski, Jena Green and Karina Shamaileh-Marcella, "*Donaldson v. Beckett* and the Common Law of Literary Property: A Century of American Scholarly Perceptions and Misperceptions," Law and Policy Division, Association for Education in Journalism and Mass Communication. St. Louis, Missouri. August 13, 2011.

Edward L. Carter, "Copyright Ownership of Online News," Law and Policy Division, International Communication Association. Boston, Massachusetts. May 29, 2011.

Edward L. Carter, "Copyright and Plagiarism: A Moral Rights Alternative," Law and Policy Division, International Communication Association. Singapore. June 24, 2010.

Prior to last BYU review:

Edward L. Carter, "Intellectual Property Ownership of Online News: A Moral Rights Copyright Alternative" (First Place Faculty Paper), Law and Policy Division, Southeast Colloquium of Association for Education in Journalism and Mass Communication. Chapel Hill, North Carolina. March 12, 2010.

Edward L. Carter and James C. Phillips, "Information-Seeking Behavior of Justices During U.S. Supreme Court Oral Arguments" (First Place Paper), Law and Policy Division of the International Communication Association. Chicago, Illinois. May 23, 2009. (Acceptance rate 48 percent).

James C. Phillips and Edward L. Carter, "Source of Information or Dog and Pony Show? Information Seeking During Oral Argument in the U.S. Supreme Court, 1960s & 2000s," Midwest Political Science Association. Chicago, Illinois. April 2-5, 2009.

Edward L. Carter and Anesha Brown, "'Executing the Powers With Which It Is Intrusted': What *The Federalist* Says About the Government's Speech Argument in *Pleasant Grove City v. Summum*," Open Division, AEJMC Southeast Colloquium. Oxford, Mississippi. March 20, 2009.

Edward L. Carter, "Technology Transfer and Intellectual Property in Developing Countries: Does the Invisible Hand Really Work?" Congreso de las Américas II. Mexico City, Mexico. October 11, 2008.

Edward L. Carter, "Balancing the Interests of Consumers, Competitors and the Public: Use in the 'Trade Mark Sense' After the 1994 UK Trade Marks Act," Congreso de las Américas II. Mexico City, Mexico. October 9, 2008.

James C. Phillips and Edward L. Carter, "Just 'A Dog and Pony Show'? Ideology and Oral Argument in the U.S. Supreme Court, 2004-2008," Great Plains Political Science Association. Cedar Falls, Iowa. September 27, 2008.

Edward L. Carter, Kevin R. Kemper and James C. Phillips, "Government Speech in Ireland, Australia and the U.S.A.," Law and Policy Division of the International Communication Association. Montreal, Canada, May 24, 2008. (Acceptance rate 45 percent).

Edward L. Carter, R. Trevor Hall and James C. Phillips, "Broadcast Profanity and Public Nuisance: Can the FCC Prohibit Non-Obscene, Non-Indecent Fleeting Expletives?" Law and Policy Division of the Broadcast Education Association. Las Vegas, Nevada. April 17, 2008.

Edward L. Carter and Brad Clark, "'Membership in a Particular Social Group': International Journalists and U.S. Asylum Law," Law and Policy Division, International Communication Association. San Francisco, California. May 27, 2007. (Acceptance rate 45 percent).

Edward L. Carter and Brad Clark, "The Journalist as Public-Figure Defamation Plaintiff," Open Division, Southeast Colloquium of Association for Education in Journalism and Mass Communication. New Orleans, Louisiana. March 9, 2007.

Edward L. Carter and Brad Clark, "Informal Logical Fallacies and the First Amendment: An Examination of Three Supreme Court Cases," Southwest Educational Council For Journalism and Mass Communication Symposium. Baton Rouge, Louisiana. October 27, 2006.

Edward L. Carter, Kevin R. Kemper and Barbara L. Morgenstern, "Applying *Hazelwood* to College Speech: Forum Doctrine and Government Speech in the U.S. Courts of Appeals," Law Division of Southeast Colloquium of Association for Education in Journalism and Mass Communication. Tuscaloosa, Alabama. March 4, 2006.

Edward L. Carter and Brad Clark, "Gagging Trial Participants: Reasonability, Substantiality and Imminence of Prejudicial Publicity in Civil and Criminal Cases, 1991-2005," Southwest Education Council for Journalism and Mass Communication Symposium. Greeley, Colorado. November 4, 2005.

Edward L. Carter and Adam Frank, "The Day *Grokster* Ate *Sony*: Examining the Rationale Behind the Supreme Court's New Rule of Copyright Infringement Liability for Inducement," Southwest Education Council for Journalism and Mass Communication 2005 Symposium. Greeley, Colorado. November 4, 2005.

Edward L. Carter and Scott Lunt, "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).

Sherry P. Baker, Quint Randle, Edward L. Carter and Scott Lunt, "Democratic Learning and The Sober Second Thought: The Effect of Reading John Stuart Mill's Essay 'On

Liberty' on Tolerance for Free Speech Among Highly Religious, Politically Conservative Students," Religion and Media Interest Group, Association for Education in Journalism and Mass Communication. San Antonio, Texas. August 10, 2005.

Edward L. Carter, "Medium-Based Regulation: A Proposal for Constitutional Standards," Law & Policy Division, Broadcast Education Association. Las Vegas, Nevada. April 21, 2005.

Edward L. Carter, "Death of Procedural Safeguards: Is Content Neutrality Really the Ultimate Good 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, Edward E. Adams and Scott Nash, "'A Scholar and Historian of the Court': Merlo J. Pusey's 20th Century *Washington Post* Editorials," Mormon Media Studies Symposium at BYU Salt Lake Center, Salt Lake City, Utah. October 17, 2014.

Edward L. Carter, "La tecnología y la ética del periodismo," 2nd Congreso Internacional de Periodismo Digital (2nd International Congress on Digital Journalism), Universidad Mayor. Santiago, Chile. June 4, 2014. (Given while in Chile as a Fulbright Specialist grantee).

Edward L. Carter, "Much Dispute and Wonderful Contentions: Modern First Amendment Values in the Book of Mormon," Mormon Media Studies Symposium. Provo, Utah. November 8, 2012.

Edward L. Carter, "Cameras and the Supreme Court," *BYU Law Review* Symposium. Provo, Utah. January 26, 2012.

Edward L. Carter, "'Entered at Stationers' Hall': The 1841 British Copyright of the Book of Mormon," Mormon Media Studies Symposium. Provo, Utah. November 12, 2010.

Edward L. Carter, "A Holy War and an Unholy Alliance: Re-evaluating the Newspaper Preservation Act in the 21st Century," Utah Communication Association. Cedar City, Utah. April 9, 2010.

Edward L. Carter, "Declaration on the Berne Three Step Test: How Will a 'Balanced Interpretation' Affect National Convergence?" Utah Communication Association. Cedar City, Utah. March 13, 2009.

8

9

University Curriculum Committee, University Committee on Teacher Education, University Advisement Council and University International Study Programs Oversight Committee.

Editorial Board Member, *Journalism & Mass Communication Quarterly*, July 2013 to present.

- Guest Co-Editor, Special Issue on "Information Access and Control in an Age of Big Data," to publish summer 2016

Faculty Advisor, BYU campus chapter of Society of Professional Journalists, July 2012 to present.

Faculty Advisor, BYU Harrison R. Merrill Chapter, Kappa Tau Alpha (National Honor Society in Journalism and Mass Communications), May 2007 to present.

Ad Hoc Manuscript Reviewer, various years for annual peer-reviewed research conferences of International Communication Association; Association for Education in Journalism and Mass Communication; and Broadcast Education Association. Have also peer-reviewed manuscripts for journals including *Journalism & Mass Communication Quarterly*, *Communication Law & Policy*, *Journal of Magazine and New Media Research*, *American Politics Research*, and *McGill Law Journal*.

Teaching and Learning Committee Member, BYU Department of Communications, August 2011 to June 2013.

Associate Chair for Undergraduate Studies, BYU Department of Communications, May 2008 to April 2010.

University Internship Oversight Committee Member, BYU, August 2009 to August 2010.

Member of *Ad Hoc* Committee to Draft Best Practices in Fair Use, International Communication Association, May 2009 to May 2010.

Utah State Courts Judicial Outreach Committee Member, September 2008 to 2011.

Undergraduate Studies Committee Member, BYU Department of Communications, August 2007 to April 2010.

Head, Law & Policy Division, Association for Education in Journalism and Mass Communication, 2008-09.

Vice Head, Law & Policy Division, Association for Education in Journalism and Mass Communication, 2007-08.

Research Chair, Law & Policy Division, Association for Education in Journalism and Mass Communication, 2006-07.

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 2005.

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 T.R.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, Brittany Karzen, ongoing.

Master's Thesis Committee Member, Tyler King, ongoing.

Master's Thesis Committee Member, Kaitlyn Prettyman Felsted, completed December 2013.

Undergraduate Honor's Thesis Outside Reviewer, Kyle Welch, completed February 2012.

Undergraduate Honor's 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 Stoker, completed 2009.

Undergraduate Honor's Thesis Advisor, Ashton Ward Clawson, completed August 2008.

Master's Project Committee Member, Scott Lunt, completed March 2007.

Master's Thesis Committee Member, Angie Bergstrom Miller, completed Fall 2005.

PROFESSIONAL EXPERIENCE:

OF COUNSEL ATTORNEY

Keen Law Offices, Orem, Utah. February 2005 to present.

JUDICIAL LAW CLERK

The Honorable Ruggero J. Aldisert, U.S. Court of Appeals for the Third Circuit, Santa Barbara, California. August 2003 to August 2004.

SUMMER LAW CLERK

Parr Waddoups Brown Gee & Loveless, Salt Lake City, Utah, June 2001 to August 2001; April 2002 to August 2002; April 2003 to July 2003.

FREELANCE CONTRIBUTOR

Various magazines including *Utah Valley Magazine*, *BYU Magazine*, and *Utah Valley Business Quarterly*. 1998 to 2004.

STAFF WRITER

Deseret News, Salt Lake City, Utah. May 1996 to September 1998; June 1999 to August 2000.

INTERIM ASSISTANT CITY EDITOR

The Daily Herald, Provo, Utah. December 1995 to February 1996.

REPORTER

The Daily Herald, Provo, Utah. May 1995 to November 1995; March 1996 to April 1996.

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-Bocanegra v. Holder*, 678 F.3d 811 (10th Cir. 2012) (en banc) (prevailed on appeal); *Esparza-Recendez v. State*, 293 P.3d 377 (Utah App. 2012) (prevailed on appeal); *Barrera-Quintero v. Holder*, 699 F.3d 1239 (10th Cir. 2012); *Contreras-Bocanegra v. Holder*, 629 F.3d 1170 (10th Cir. 2010); *Lorenzo v. Mukasey*, 508 F.3d 1278 (10th Cir. 2007); *Thongphilack 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:

Volunteer Attorney, Utah Legal Services. February 2005 to April 2005.

Missionary, The Church of Jesus Christ of Latter-day Saints, Mendoza, Argentina. September 1991 to October 1993.



P.O. Box 888 801.373.8848
90 North 100 East 801.373.8878 (fax)
Provo, UT 84603 www.jeffsllawoffice.com

M. Dayle Jeffs David D. Jeffs Robert L. Jeffs
William M. Jeffs Rodney W. Rivers Randall L. Jeffs
Lisa A. Hancock Kevin D. Jeffs

M. DAYLE JEFFS

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

MDJ:sp
Enclosure

Office: JEFFS & JEFFS, P.C.
90 North 100 East
PO Box 888
Provo, UT 84604-0888
(801) 373-8848
(801) 373-8878

Home: 160 East 4320 North
Provo, UT 84604
(801) 225-5413

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 for Intel 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 10th Circuit 1962-Present
✓ U.S. Supreme Court 1994

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, 1966)
➤ Utah State Bar Association (Executive Council, Young Lawyers Section, 1958-1964; Commissioner (governing body) 1979-1985
➤ Federal Bar Association

January 8, 2015

COURT APPOINTMENTS:

- Utah Mediation Panel - United States District Court 1994 to present
- Supreme Court Advisory Committee on Evidence - 1987 to present
- United States District Court Committee on Local Rules of Practice for the United States District Court - 1988 to present
- Fourth Judicial District Nominating Commission - 1994 to 1998
- Appointed by Chief Justice Warren Berger 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 I (Secretary/Treasurer 1981 to 1983; President 1983 to 1985) Status: Master of the Bench
- Psychiatric Security Review Board, State of Utah - 1980 to 1991
- Director, Legal Association of Central Utah - 1959, 1961, 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 2007
- Lisa A. Hancock became a member of the firm in 2007
- Randall L. Jeffs (nephew) became a shareholder of the firm in 2012

Christy Abad

From: John Baldwin
 Sent: Wednesday, January 07, 2015 12:24 PM
 To: Randy Kennard
 Cc: Christy Abad
 Subject: RE: Fourth Judicial District Nominating Commission Applicants
 Thanks. Sorry I missed it.

John

RANDY M. KENNARD
 Deputy Utah County Attorney

Office	Home
100 East Center, #2100	278 North 3000 West
Provo, UT 84606	Provo, UT 84601
randyk@utahcounty.gov	randyk1964@gmail.com
(801) 851-8018	(801) 636-2596

Political Party - DemocratDEGREES

1994 Bachelor of Science, University of Utah, Sociology with Criminology Certificate

1997 Juris Doctorate, J. Rueben Clark Law School, Brigham Young University

SERVICE

1986-1988 L.D.S. Missionary, England

1990-1998 United States Marine Corp Reserves

AWARDS

2009 Utah County Attorney Commendation (Gang related prosecutions)

LEGAL BACKGROUND

Private law practice, Utah 1997, 1998, 2000, 2003

- 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

Page 1 of 4

Mr. Baldwin,

Please accept my application for one of these positions. Attached is my resume.

Thank You,



Randy Kennard
 Deputy Utah County Attorney
 801-851-8018 Office
 801-636-2596 Cell

1/15/2015

criminal cases; appearance in justice, juvenile and district courts; training and liaison with local police departments

Deputy County Attorney, Sanpete County, Utah January - December 2002

- Duties included screening and prosecution of misdemeanor and felony criminal cases; appearance in justice, juvenile and district courts; training and liaison with local police departments

Deputy County Attorney, Utah County, Utah January 2004 to Present

- Duties include screening and prosecution of misdemeanor and felony criminal cases; appearance in district courts; training and liaison with local police departments; past assignment to Special Victim's Unit; manage a general felony caseload currently averaging 300 plus cases per year

PROSECUTION HISTORYGeneral Experience:

General Felonies: 13 + years
 SVU Crimes: 2 + years
 Justice Court: 3 years
 Juvenile Court: 3 years
 Screening Team: 1 + years

Jury Trials: 52 Jury trials
 50 as a Deputy Utah County Attorney (10 years = average 5 per year)

- guide -
 black = conviction
 * = conviction highest offense
 red = acquittal

011600046 *	Simonsen	F3 DUI
021600025 *	Shelley	F1 Dist. Meth DFZ
031403246 *	Hales	MA Reckless Endangerment
041403366	Ferguson	F3 Violation Protective Order
051402779	Viles	Acquitted F2 Burglary
051402778	Martinez	MB Assault, Acquitted F2 Burglary
051400027 *	Palmer	F3 DUI
051403951 *	Ramos	F1 Murder

Affirmed 2009 UT 55

061404125 * Schwabland F1 Agg. Burglary Affirmed 2011 UT App 95
 061402130 * Wilkinson F2 Meth DFZ Reversed 2009 UT App 202

061404364 * Gutierrez* F1 Dist. Meth DFZ
 061404845 * Preciado F1 Dist. Cocaine DFZ
 071100034 Mosely F2 Assault Serious Bodily Injury
 061404584 Solis Acquitted F3 Agg. Assault
 061401064 * Gonzalez F1 Dist. Meth DFZ

071401373 * Conklin F3 Escape
 031401189 * Otterson F1 Rape of a Child Affirmed 2010 UT App 388
 051404240 Searle Acquitted F3 Unlawful Sex with Minor
 061404907 Robinson F3 Harmful Material Minor
 071401281 * Lamoreaux F3 Att. Forcible Sexual Abuse

031402469 * Santonio F1 Disarming a Police Officer Affirmed 2011 UT App 385
 071401182 * Arriaga F1 Agg. Sexual Abuse of Child Affirmed 2012 UT App 295
 031403946 * Wallace F2 Issuing a Bad Check
 071402440 Bradley Acquitted F2 Sexual Abuse of Child
 061402418 * Goode F1 Agg. Sexual Abuse of Child Affirmed 2012 UT App 285

071402198 * Cooper F3 Wrongful Lien Affirmed 2011 UT App 412
 081402888 Vazquez F3 Discharge of Firearm
 081402878 * Alcalde F2 Kidnapping Motion for new trial granted
 081402297 * Coates F3 Retail Theft
 091400828 Thunborg F3 Obstruction of Justice, Acquitted F2 Child Abuse Homicide

091403064 * Teeple F2 Marijuana with Intent DFZ
 091403144 * High F2 Agg. Assault, Gang Enhanced Affirmed 2012 UT App 180
 091403145 * Cristobal F2 Agg. Assault, Gang Enhanced Affirmed 2012 UT App 181
 101403166 Quintana Acquitted F3 Agg. Assault
 101401580 Coombs Acquitted F2 Theft

091403672 * Astle F2 Housing Fraud
 111401156 * Roberts F3 Burglary
 121400485 * Trujillo F3 Prescription Fraud
 121400579 * Blevins F3 Theft
 111401015 Armstrong MB Interference with Arrest, Acquitted F3 Evading

121401930 * Lugenbeel F3 Theft
 121401931 * Beveridge F3 Theft
 111401324 * Garcia F2 Meth Intent Distribute
 111403370 * Beveridge F2 Theft

111403372 *	Lugengeel	F2 Theft
111403371 *	Swigart	F2 Theft
111403400	Brasher	MB Assault, Acquitted F1 Agg. Burglary
131400776 *	Horrocks	F3 DUI
121402724 *	Stauss	F3 Theft
131400208	Bunn	Acquitted F2 Theft
131400843 *	Snyder	F3 DUI
141401481 *	Gourdin *	Convicted F3 Aggravated Assault

Patricia Abbott Lammi, JD

177 Hobble Creek Canyon, Springville, UT 84663 • (801) 735-5633 • plammi@utah.gov

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

Christy Abad

From: John Baldwin
 Sent: Monday, January 12, 2015 11:09 AM
 To: Darrick McCasland
 Cc: Christy Abad
 Subject: RE: Resume for Fourth District Trial Court Nominating Commission
 Thank you.
 John

From: darrickmccasland@gmail.com [mailto:darrickmccasland@gmail.com] On Behalf Of Darrick McCasland
 Sent: Saturday, January 10, 2015 12:45 PM
 To: John Baldwin
 Subject: Resume for Fourth District Trial Court Nominating Commission

Dear Mr. Baldwin,

Please find my attached resume for consideration for the Fourth District Trial Court Nominating Commission. I am a registered Democrat and I reside in Wasatch County.

Sincerely,

Darrick

Darrick J. McCasland
 Panos & McCasland Law Group, LLC
 2040 E. Murray Holladay Road
 Suite 103
 Holladay, UT 84117
 Telephone: 801.810.6568
www.pandmilawgroup.com

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1/15/2015

Welchert & Britz, Inc. 7/2007 – 11/2007
 Independent Contractor
 Denver, Colorado - Created and implemented finance plan for the successful re-election of Theresa Peña for Chair of the Denver Public Schools and Bruce Hoyt for the Vice Chair of the Denver Public Schools. Duties included working with a bi-partisan 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.

Multnomah Defenders, Inc. 2006
 Certified Law Student
 Portland, Oregon - Employed Public Defenders Office in Oregon. Duties included conducting arraignments, entering pleas, assisting with diversion programs, and working with the D.A.'s office to get favorable pre-trial recommendations. Responsible for interviewing and consulting with incarcerated clients, litigating preliminary hearings and filing pre-trial motions.

Aequitas, Inc. 2006 – 11/2006
 Financial Analyst
 Denver, Colorado - conducted legal and financial research work for the primary Democratic 527 Committee in Colorado to help elect a Democratic governor and strengthen Democratic majorities in the state legislature. During the final week of the electoral season, helped coordinate the legal election protection team for Perlmutter for U.S. Congress.

Dave Thomas for U.S. Congress, CO-07 2004
 Finance Director
 Lakewood, Colorado - Created and implemented finance plan for election. Responsibilities included direct management of finance and compliance staff. Management of all finance activities including: identification and targeting of individual donors and PAC contributions, direct mail, candidate call time, donor maintenance, national and in-state events.

Salt Lake Organizing Committee for the 2002 Olympic Winter Games and Paralympic Winter Games, Special Projects Manager 2001 – 2002
 Salt Lake City, Utah - Samsung Athlete Family Homestay Program. Built and coordinated a program that recruited and managed over 1,200 local host families to host more than 1,000 guests from the U.S. and throughout the world. Developed and implemented Games-time operations, including a reception center, transportation services, and issue resolution. Responsible for public relations with print and broadcast media. Managed staff and volunteer pool of 120 people.

Jody Wagner for U.S. Congress, VA-02 2000
 Finance Director
 Virginia Beach, Virginia - Created and implemented finance plan for election. Responsibilities included direct management of finance and compliance staff. Management of all finance activities including: identification and targeting of individual donors and PAC contributions, direct mail, candidate call time, donor maintenance, national and in-state events.

David Wu for U.S. Congress, OR-01 1999
 FEC Compliance Consultant
 Portland, Oregon - Responsible for campaign finance filing and reporting with the Federal Election Commission. Assisted finance director with fundraising.

Lily Eskelsen for U.S. Congress, UT-02 1997 – 1998
 Special Assistant
 Salt Lake City, Utah - Staffed the candidate at all public events, assisted with fundraising, conducted issues and opposition research, aided with debate preparation and community outreach.

References available upon request.

Darrick McCasland
 P.O. Box 863
 Midway, UT 84049
 303.350.7007
darrickmccasland@gmail.com

PROFESSIONAL

Member of Utah State Bar, May, 2012
 #14062
 Utah Minority Bar Association, 2014 - present
 Treasurer
 Utah Association of Criminal Defense Lawyers, 2015
 Legislative Committee member

EDUCATION

Willamette University, College of Law, Salem, Oregon – Juris Doctorate, May, 2006
 High Paper, Wildlife Law, Spring, 2006
 Member, Phi Delta Phi Legal Fraternity
 Writer, U.S. Supreme Court Services, Willamette Law Online
 Trial Practice Seminar
 Hinckley Institute of Politics, Salt Lake City, Utah – Certificate of Practical Politics, May, 1998
 University of Utah, Salt Lake City, Utah – Bachelor of Science in Political Science, May, 1998
 Placed fourth in the Lincoln-Douglas Collegiate National Debate tournament.

EXPERIENCE

Panos & McCasland Law Group, LLC 05/2012 – Present
 Attorney, Co-founder
 Holladay, Utah – Co-founded and serve as a partner in a boutique law firm with an emphasis on criminal and family law issues.

Ross Romero for Salt Lake County Mayor 05/2011 – 04/2012
 Senior Advisor
 Salt Lake City, Utah – Created and implemented overall campaign plan for Democratic Senate Leader Ross Romero's bid for Salt Lake County Mayor. Responsibilities included overseeing staff and volunteers, drafting finance and press plans, and providing strategic advice on all aspects of the campaign.

Utah Legal Services, Inc. 7/2010 – 10/2011
 Pro Bono initiative – Volunteer Law Clerk
 Salt Lake City, Utah – worked at two free pro se legal clinics in Salt Lake City. Responsible for client interviews, and answering general legal questions for Utahans who cannot afford legal representation. Issues involved family law, consumer, employment and landlord – tenant.

Peter Corroon for Governor 11/2009 – 6/2010
 Finance Director
 Salt Lake City, Utah – Created and implemented finance plan that raised over one million dollars in less than eight months. Responsibilities included direct management of finance staff, all finance activities including identification and targeting of individual donors, direct mail, candidate call time, donor maintenance, finance committee outreach, and national and in-state events. Responsible for election law compliance with the Lieutenant Governor's office.

Jared Polis for U.S. Congress 11/2007 – 11/2008
 Deputy Campaign Manager/Finance Director
 Boulder, Colorado - Created and implemented finance plan for a successful three way primary election that expended over \$7.2 million, making this the most expensive primary in Colorado history. Responsibilities included direct management of finance and compliance staff. Management of all finance activities including identification and targeting of individual donors, re-directing PAC contributions, direct mail, candidate call time, donor maintenance, national and in-state events. Also was responsible for supervising non-finance staff of over 50 people while coordinating our GOTV efforts leading up to the primary. Post-primary responsibilities included managing the day-to-day operations of the campaign.

Christy Abad

From: John Baldwin
Sent: Thursday, January 15, 2015 11:20 AM
To: Christy Abad
Subject: FW: Resume for Fourth District Court Nominating Commission
Attachments: Resume.pdf

From: mckellaw@gmail.com [mailto:mckellaw@gmail.com] **On Behalf Of** Michael K. McKell, Attorney
Sent: Wednesday, January 07, 2015 10:59 AM
To: John Baldwin
Subject: Fwd: Resume for Fourth District Court Nominating Commission

John,

Sorry I forget 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 Nominating Commission
To: john.baldwin@utahbar.org

John,

I have attached me 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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1/15/2015

MICHAEL K. MCKELL

642 Kirby Lane, Suite 105
 Spanish Fork, Utah 84660
 (801) 836-7597

EXPERIENCE

Lawyer
 2005-Present

State Representative
 2012-Present

Title & Escrow Officer
 2007-Present

Adjunct Professor
 2008- 2011

EDUCATION
 J.D. 2005

B.A. 2001

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, collection litigation, and personal injury matters. Provide firm management including human resources, marketing, web content, and community relations.

UTAH 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
 Taught multiple public speaking courses in the Communication Department.

UNIVERSITY OF IDAHO COLLEGE OF LAW

Activities: Law Clerk for the Utah Fourth District Court
 LexisNexis Representative
 1L Class Representative
 Appellate Legal Aid Clinic

SOUTHERN UTAH UNIVERSITY

Honors: Summa Cum Laude
 Governor's Honors Academy
 Presidential Ambassador

PUBLICATIONS

Cost-Saving Litigation Tactics, Utah Trial Journal (Fall, 2011)

The Changing Face of Justice: A Survey of Recent Cases Involving Courtroom Interpretation, Harvard Latino Law Review (2003).

LANGUAGES

Portuguese: Conversational Speaking Only
 Spanish: Conversational Speaking Only

AWARDS & HONORS

AV Martindale-Hubbell Peer Rating, bestowed on less than 5% of lawyers nationally
 Utah Legal Elite, Utah Business Magazine
 Rising Stars, 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 Legislator 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, United States Supreme Court Bar
 Member, 10th Circuit District Court Bar
 Board Member, Utah Lake Commission
 Board Member, Spanish Fork Salem 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
 Barrister, Sherman Christensen American Inns of Court

Christy Abad

From: John Baldwin
Sent: Friday, January 09, 2015 4:04 PM
To: Joseph Osmond
Cc: Christy Abad
Subject: RE: Fourth District Trial Court Nominating Commission
 Thank you.
 John

From: Joseph Osmond [mailto:josmond@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 Commissioners Flickinger 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 McCONKIE
 Thanksgiving Park Four
 2600 W. Executive Parkway, Suite 400
 Lehi, UT 84043
 P: 801-426-2118
 F: 801-426-2101
josmond@kmclaw.com
www.kmclaw.com

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1/15/2015

Child Protection Worker

- Investigated sex crimes and severe physical abuse of children; instructed authorities on forensic interviewing techniques

JOSEPH V. OSMOND
 10849 HAWKINS CIRCLE, HERRING, UT 84008
 (801) 369-5722 JOSMOND@KMCLAW.COM

BAR ADMISSION

Utah, Admitted October 2011, Utah Bar # 13828

EDUCATION

Georgetown University Law Center, Washington, DC
Juris Doctor, May 2011, *cum laude*
 GPA: 3.57
Journal: American Criminal Law Review – Senior Articles Editor, Volume 48
Publication: Joseph Osmond, Note, “*The Plight of the Unsuspected Drug User: A Police Officer’s Take on Arizona v. Gani*,” 47 AM. CRIM. L. REV. 1257 (2010)

Brigham Young University, Provo, UT
Bachelor of Science, Marriage, Family, and Human Development, May 2003
Minor, Psychology, May 2003

EXPERIENCE

Kirton McConkie, P.C., Salt Lake City and Orem, UT October 2011 – Present
Associate Attorney
 • Extensive litigation experience—drafted motions, conducted discovery, made court appearances, etc.
 • Significant real estate transaction experience—title review, purchase agreements, lease agreements, etc.

Utah Attorney General's Office, Salt Lake City, UT August 2011 – September 2011
Litigation Fellow in Child Protection
 • Represented the Division of Child and Family Services in administrative hearings
 • Drafted various petitions and orders for protective supervision services, and permanency and shelter hearings

Shulman, Rogers, Gandal, Pordy & Eckert, P.A., Potomac, MD June 2010 – August 2010
Summer Associate
 • Drafted motions, orders, and subpoenas concerning tax sales, protective orders, and discovery requests
 • Researched and prepared legal memoranda in various areas of the law including age discrimination in employment, truth-in-lending, and foreign corrupt practices

Utah Supreme Court, Salt Lake City, UT May 2009 – August 2009
Extern to the Honorable Ronald E. Nehring
 • Conducted legal research, prepared memoranda and drafted opinions for Justice Nehring

Orem Department of Public Safety, Orem, UT August 2006 – August 2008
Patrol Officer
 • Utilized special forensic training for investigating and prosecuting alcohol offenses and drug crimes

Utah Highway Patrol, Salt Lake City, UT June 2005 – August 2006
Patrol Officer
 • Collaborated with various jurisdictions in finding and prosecuting DUI offenses

Division of Child and Family Services, Provo, UT June 2003 – June 2005

Christy Abad

From: John Baldwin
Sent: Monday, January 12, 2015 2:39 PM
To: Peter Schofield
Cc: Christy Abad
Subject: RE: Fourth Judicial District Nominating Commission
 Thank you,
 John

From: Peter Schofield [mailto:pschofield@kmdlaw.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 London, Utah. Additionally, I am a Republican.

Please let me know if you need anything else.

Best,

Peter C. Schofield
KIRTON MCCONKIE
 Attorneys at Law
 Salt Lake City Thanksgiving Point
 Thanksgiving Park Four
 2600 W. Executive Parkway, Suite 400
 Lehi, Utah 84043
 Tel: (801) 426-2100
 Fax: (801) 212-2074
pschofield@kmdlaw.com

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1/15/2015

PETER C. SCHOFIELD

Kirton McConkie, Thanksgiving Park Four, 2600 W. Executive Pkwy, #400, Lehi, UT 84043
 Telephone: (801) 426-2100, email: pschofield@kmdlaw.com

Experience

KIRTON MCCONKIE

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

- Emphasis on state and local politics

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 Abad
Subject: FW: Fourth Judicial District Nominating Commission Application/Resume
Attachments: Skousen, Neil - Resume - January 15, 2015.pdf

From: Neil Skousen [mailto:ndskousen@aol.com]
Sent: Thursday, January 15, 2015 8:06 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 Officer, 2001 - 2002
- * Delta Theta Phi Law Fraternity, UW Law Student Officer, 2002 - 2003
- * UW College of Law General Scholarships, 2002 - 2003 & Fall 2003
- * Federalist Society CLE Conference - U.S. Supreme Ct. Justice Scalia (Vail, Colorado), 08/2003
- * 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 Award, Spring 1999
 * Dean's List, Fall & Spring 1998 - 1999
- * **Utah Valley State College** (Orem, Utah), Associate of Science Graduate - 08/1998
 Major: Criminal Justice/General Education
 * GPA - 3.40
 * Dean's List, 4.0 GPA: 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
- * 2011 Appellate Attorney of the Year Award - Utah Parental 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, 2005 - Current
- * Utah Parental Defense Alliance, 2005 - Current; Conference Panel on ABA Practice Standards, 2014
- * Fourth District Juvenile Court - Child Welfare Court Committees, 2006 - 2010
- * Volunteer, University of Wyoming College of Law Fundraisers - CLE scholarships for indigent residents (Laramie, Wyoming), 2001 - 2003
- * Volunteer, Salt Lake Homeless Shelter (Salt Lake City, Utah), 1999

Personal Background & Interests

I am a native of Portland, Oregon and moved to Utah with my family in 1964. 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.

Neil Skousen - Resume

Attorney at Law

Post Office Box 1771

Orem, Utah 84059

Tel: (801) 376-6666

Fax: (801) 225-4006

E-mail: Ndiskousen@aol.com

Website: www.neilskousenlaw.com

Work Experience

- * **Attorney** - Employment Discrimination Litigation, Parental Defense/Child Welfare Law, Criminal Defense, Creditor/Debtor Law, Appeals: May 2004 - Current, Sole Practitioner
- * **Contract Public Defender** - Utah County, Utah, March 2005 - Current
- * **Bar Review Course Administrator**, BarBri Group (Salt Lake City, Utah), 12/2003 - 03/2004
- * **Law Clerk**, Law Firm of Hill, Johnson & Schmutz (Provo, Utah), 05/2003 - 08/2003
 * Research & Writing Legal Memos, Motions, Court Documents
- * **Sales Manager & Sales Associate**, ZCMI Department Stores - Electronics and Major Appliances (Orem, Utah), 08/1986 - 01/2000
 * No. 1 Company-ranked Volume Sales, 1988 - 1990
 * No. 1 Company-ranked Extended Warranty Sales, 1987 - 2000
 * Top 10 Company-ranked Volume Sales, 1991 - 2000
 * ZCMI President's Award for Company Loyalty and Superior Customer Service, 1991
- * **Newspaper Delivery**, Newspaper Agency Corp/Media One of Utah, 1998-2001
- * **Volunteer Missionary Service**, The Church of Jesus Christ of Latter-day Saints (Philadelphia, Pennsylvania), 1985 - 1986

Legal Education

- * **University of Wyoming College of Law** (Laramie, Wyoming), Juris Doctorate Graduate - 12/2003, Attended 08/2001 - 12/2003
 * Commencement Speaker - Voted "Most Outstanding Graduate" by the Class of 2004 - 05/2004
 * Prosecution Clinic - Oral Arguments and Legal Briefs on behalf of the Wyoming Attorney General's Office before the Wyoming Supreme Court in Two Felony Criminal Case Appeals (Laramie & Cheyenne, Wyoming), 09/2003 & 05/2004
 * National Moot Court Competition - Regional Quarterfinalist - Brigham Young University Law School - Provo, Utah, 10/2002
 * National Trial Court Competition/ATLA - Regional UW Team - Denver, Colorado, 02/2003
 * PACE Environmental Moot Court Competition, University of Wyoming, 10/2002
 * American Bar Association - Law Student Division, UW Representative, 2002 - 2003
 * UW Law Pro Bono Service Committee, Founding Member, 2002 - 2003

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@jlaw.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** USBListserv
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

1/15/2015

JAMES DOUGLAS SMITH
 1838 NORTH 2600 WEST LEHI, UTAH 84043
 JSMITH@JLAW.COM
 (801) 200-2005

ASSOCIATIONS

Utah State Bar, Bankruptcy, Family Law, Dispute Resolution, and Criminal Law sections; Central Utah Bar.
 Utah Bankruptcy Lawyers Forum, 2010 – 2012
 Utah Debtor Bankruptcy Yahoo! Group Moderator, June 2010 – Present

WORK EXPERIENCE - LEGAL

Lokken & Associates, PC, Cottonwood Heights, Utah, May 2014 – Present

Attorney

- Represented parents in juvenile court child abuse, neglect, and dependency cases.
- Continued to represent parties in family law cases.

ALA, PC, West Jordan, Utah, December 2010 – April 2014

Attorney

- Built and managed firm's bankruptcy and family law practice.
- Supervised other attorneys in handling family law cases.
- Implemented new client management system and streamlined office processes.
- Learned to represent defendants in criminal cases.

Smith Law Firm PLLC, Provo, Utah, February 2009 – January 2011

Owner

- Represented clients in cases involving family law, estate planning, bankruptcy, and employment/contract.
- Managed all aspects of own law practice including marketing, physical facilities, client maintenance and billing

Utah Attorney General's Office, Salt Lake City, Utah, August 2007 – April 2009

Law Clerk, Commercial Enforcement Division

- Miscellaneous research and drafting on issues involving antitrust law, securities law, and professional licensing.

EDUCATION

University of Utah, S.J. Quinney College of Law, Salt Lake City, Utah
 Juris Doctor, May 2008

- CALI award for Arbitration
- Family Law Clinic

Brigham Young University, Provo, Utah

Bachelor of Arts, History, April 2003

- *The Thelean*, Editorial Staff Member, January – April 2003
- Publication, "A Method to the Madness: Iraqi Strategy and Diplomacy in the Persian Gulf War", *The Thelean*, June 2003
- Phi Alpha Theta, history honor society at Brigham Young University, September 2001 – April 2003

LANGUAGES

- Portuguese (resided in Northern Brazil, 1999-2001)

Christy Abad

From: John Baldwin
Sent: Friday, January 16, 2015 1:27 PM
To: Christy Abad
Subject: Fwd: Fourth Judicial District Nominating Commission
Attachments: Resume - Marla Snow - Jan 2015.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: Marla Snow <marla@mhlawoffices.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

Marla R. Snow
 3319 North University Avenue • Provo, UT • 84604 801-377-1900 (work) 801-368-4337 (cell) marla@mhlawoffices.com

PROFESSIONAL SUMMARY

In addition to being an attorney I have been a registered nurse for the past twenty-five years. My work as a nurse continued even during the years I attended law school. I have extensive experience in both the acute care and long-term care setting. My nursing experience includes direct patient care, quality assurance management, home health, director of nursing and long-term care nurse consultant.

Having a degree in business management, I also love being an entrepreneur and have owned several businesses. My current project is a marriage and relationship retreat which would allow couples to learn and practice skills to have successful and fulfilling relationships.

Applicable Work Experience

MacArthur, Heder, & Metler, PLLC (Provo, UT)

Partner, Feb. 2011 – present

- Perform research, draft pleadings, attend hearings and handle cases primarily in custody/divorce, and adoption/guardianship
- Focus on dealing with family law cases in a manner that allows the parties to heal and let go of the past relationship with dignity and respect
- Assist parents in developing the skills to effectively co-parent with the well-being of the children as the imperative priority
- Extensive trial and mediation experience
- Perform legal services as a Special Master and Private Guardian Ad Litem

Snow & Associates, LLC (Spanish Fork, UT)

Owner and Managing Attorney, Jan. 2003 – Feb. 2011

- Started my own firm out of law school in 2003; by 2007 the firm expanded to include another office in Ephraim, Utah. Attorneys and staff handled a broad range of legal services.

Bar Membership

Utah State Bar, Oct. 2011

Education

Chapman University School of Law (Orange County, CA)

Juris Doctor, Apr. 2003

- Emphasis in dispute resolution
- Appellate Moot Court and Negotiations Team (1st Place at the State of California Law School Negotiation Competition)

University of Phoenix (Phoenix, AZ)

B.S. in Business Management, Apr. 2000

Lethbridge Community College (Alberta, Canada)

RN for Nursing, Apr. 1985

Selected Skills

- Extensive court room experience in Juab, Millard, and Utah County; significant experience in Wasatch County
- Proficient in the Utah Rules of Civil Procedure
- Familiar with court policies and programs
- Respectful working relationships with opposing counsel

1/16/2015

Christy Abad

From: John Baldwin
 Sent: Thursday, January 08, 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@fslaw.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 I 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 LLC
 Attorneys at Law
 1301 N. University Ave.
 Provo, Utah 84604
 tel: (801) 426-8200
 fax: (801) 426-8208
 rspencer@fslaw.com



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1/15/2015

REPRESENTATIVE CASES WITH NATIONAL NOTORIETY

State v. Peterman, Utah Fourth District Court Case No. 961401694 (I successfully defended Mr. Peterman, on a First Amendment basis, against charges that he was illegally renting adult movies. Mr. Peterman's defense was featured on Court TV.)

State v. MacNeill, Utah Fourth District Court Case No. 121402323 (I defended Martin MacNeill against murder and obstructing justice charges. This was the first Utah Trial simulcast on national television. Mr. MacNeill was unfortunately convicted. His conviction is currently under appeal.)

PUBLIC SPEAKING AND LECTURING

Guest lecturer at J. Reuben Clark Law School—multiple occasions

Guest lecturer at Utah Valley University—multiple occasions

Presenter/lecturer at Central Utah Bar Association Meetings—multiple occasions

Presenter/lecturer at United Angels Foundation Educational Seminars—topics on what parents of children with disabilities need to know about the law

Presenter/lecturer at Utah State Bar 2013 Spring Convention

Presenter/lecturer at 2013 Newborn/Pediatric Critical Care Conference sponsored by Intermountain Health Care

Presenter/lecturer at American Inns of Court, A. Sherman Christensen Chapter—multiple occasions

Presenter/lecturer at The 2012 First Lady's Parenting Conference & Expo

PUBLIC AND PROFESSIONAL SERVICE

1995-2003 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 assisting 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 Master of the Bench Member, A. Sherman Christensen American Inn of Court I

2009-present Director, United Angels Foundation

RANDALL K. SPENCER

Fillmore Spencer LLC • 1301 North University Avenue, Provo, Utah 84604
 (801) 426-8200 • rspencer@fslaw.com

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 Founded Law Firm of Abbott, Spencer & Smith which was subsequently re-named Spencer, Smith & Card

2004 – present Founding & managing partner in the law firm of Fillmore Spencer LLC—practice focuses on civil and criminal litigation.

REPORTED APPEAL CASES

State v. Blubaugh, 904 P.2d 688 (UT App 1995)

State v. DeHerrera, 965 P.2d 501 (UT App 1998)

State v. Chaney, 1999 UT App 309

James v. Hunt, 2005 UT App 40

Loose v. State, 2006 UT App 149

State v. Tiliata, 2006 UT App 474

State v. Gibson, 2006 UT App 490

State v. Larson, 2008 UT App 360

ABCO Enterprises v. Utah State Tax Com'n, 2009 UT 36

Jacob v. Bezzant, 2009 UT 37

State v. Barzee, 2007 UT 95

State v. Richardson, 2009 UT App 40

State v. Denbert, 2009 UT App 447

General Const. & Dev't v. Peterson Plumbing, 2011 UT 1

State v. MacNeill, 2012 UT App 263

State v. Fuller, 2014 UT 29

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>

1/15/2015

Ryan P.C. Stack

1150 E. Grist Mill Road
 Heber City, UT 84032
 435-659-6698 / ryanstack@gmail.com

Bar Admissions

Utah State Bar (October 2006)

Education

University of San Diego School of Law
 J.D., top third of class (May 2006)

Honors

Lawyering Skills I, Best Appellate Brief

Activities

President, Federalist Society (2005-2006)

University of San Diego

B.A. Philosophy, *summa cum laude* (2003)
 Minors: Business Administration, English

Honors

Dean's List First Honors; Departmental honors in Philosophy; Carlin Book Prize in Philosophy; Published in university literary journal; Presidential Scholarship recipient Resident Assistant (August 2001-May 2003); Alcala Club (April 2000-May 2003).

Activities

Professional Experience

Summit County Attorney's Office, Park City, UT, Prosecuting Attorney: Currently responsible for a full-time felony caseload including white collar and narcotics trafficking offenses. Manage cases in a vertical-prosecution model, personally handling all cases from investigation through adjudication/disposition. Extensive motions practice (writing and arguing), preliminary hearing and trial experience (bench and jury). Maintain close working relationship with local law enforcement agencies to assist in the investigation and screening of criminal offenses. Review search warrants and investigative subpoenas. Previously responsible for the screening and prosecution of all cases filed in the Summit County Justice Court. (March 2011-present).

Salt Lake City Prosecutor's Office, Senior Assistant City Prosecutor: Lead prosecutor in motion hearings, bench trials, and over thirty jury trials. Conducted in-depth research and drafted briefs as part of an intensive motions practice. Contacted and coordinated witnesses. Appellate experience including researching, drafting, and filing briefs in the Utah Court of Appeals and the Utah Supreme Court. Reported case: *Salt Lake City v. Street*, 2011 UT App 111 (Utah Ct. App. 2011). (October 2007-March 2011).

The Law Office of Ryan Stack, Park City, UT, Attorney: Advised and drafted documents for small business owner-client. Worked for attorney on a contract basis, performing legal research and drafting memoranda of findings. (January-October 2007).

University of San Diego Legal Clinics, Civil Clinic, Legal Intern: Represented low-income clients on a variety of cases including bank fraud, landlord tenant disputes, insurance disputes, and other civil issues. (January-May 2006).

Brownwood, Chazen & Cannon, San Diego, CA, Law Clerk: Drafted pleadings, including complaints and motions. Evaluate case status and strategy with adjusters and attorneys. Performed legal research and drafted memoranda. Assisted counsel with trial preparation. Recipient of Bronze Bravo Award. (January-November 2005).

Honors and Activities

Utah State Bar Examiner – Constitutional Law
 Graduate of the Utah Prosecution Council's "Train the Trainers" course, March 2011
 Graduate of Trial Advocacy I course at the National College of District Attorneys (National Advocacy Center, Columbia, South Carolina), December 2009
 Salt Lake City Prosecutor's Office Trial Attorney of the Year, 2008

January 2015

Christy Abad

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:kevin@fsutah.com]
 Sent: Wednesday, January 07, 2015 4:50 PM
 To: John Baldwin
 Cc: Tom Seiler
 Subject: Fourth Judicial District Nominating Commission

Dear Mr. Baldwin,

Attached is my resume for consideration of serving on the Fourth District Nominating Commission at the expiration of the term of Mark Flickinger and Ann Boyle. I am a democrat. I have lived in Utah County since 1990 and practiced as an attorney in the Fourth District since 1982 and had a law office address in the Fourth District since 1987. Thank you for your consideration.

Kevin J. Sutterfield

Flickinger, Sutterfield & Boulton
 Personal Injury & Wrongful Death
 3000 N. University Ave. Suite 300
 Provo, UT 84604
 kevin@fsutah.com
 (801) 370-0505

KEVIN J. SUTTERFIELD, J.D.

3000 N. University Avenue
 300 Esquire Building
 Provo, Utah 84604
 (801) 370-0505

EXPERIENCE

Shareholder and Founder 1994 to Present	Flickinger & Sutterfield, P.C. Provo, Utah
Civil Litigation Practice limited to Personal Injury & Wrongful Death.	
Shareholder 1987 to 1994	Howard, Lewis & Petersen Provo, Utah
Personal Injury, Medical Malpractice, Business and Commercial Litigation.	
Associate 1983 to 1986	Ray Martineau & Associates Salt Lake City, Utah
Personal Injury, Business and Commercial Litigation, Appellate Work.	
Associate 1982 to 1983	Dart & Stegall 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, <i>Parent and Subsidiary Corporations in Utah</i>	
Legal Writing teaching assistant and tutor	
Bachelors of Arts, Political Science (Cum Laude) April, 1979	Brigham Young University Provo, Utah

MEMBERSHIPS

Utah State Bar	1982 to Present
United States Court of Appeals (10th Circuit)	1984 to Present
American Association of Justice	1984 to Present
Utah Association of Justice	1988 to Present
Advisory Board	2004 to Present
Board of Directors	1991 to 2004
Editor, Utah Trial Journal	1993 to 2004

Clerkships and Internships:

U.S. Court of Appeals, Circuit Executive	D.C. Circuit	1980
U.S. Senator Frank Church, D-Idaho	Washington, D.C.	1978

1/15/2015

ARTICLES AND SEMINARS**Presenter & Author at CLE seminars:**

- UAI Annual meetings and Seminars
- Cross-examining the Expert Reconstructionist
 - Mediation: An Alternative to Traditional Litigation
 - Lessons Learned from a Medical Malpractice Verdict

Insurance Law Update: CLE Seminars

- Liability Insurance Coverage Issues
- Insurance Bad Faith in Utah
- Liability Insurance Coverage Issues
- Third-party Bad Faith Claims & Other Related Issues

Utah Trial Journal

- The General Release Pitfall
- 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

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@xmmission.com]
Sent: Friday, January 09, 2015 9:19 PM
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



1791 River Bottom Road • Springville, Utah 84663 • (801) 491-8113 • wake@xmmission.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 juvenile 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; Timpanogos 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; Scouter; 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 15, 2015 11:09 AM
To: Christy Abad
Subject: FW: 4th Judicial Dist Nominating Commission
Attachments: Rons Resume as of 2014.docx

From: Ron Wilkinson [mailto:heritagelaw.rdw@gmail.com]
Sent: Tuesday, January 13, 2015 3:41 PM
To: John Baldwin
Subject: 4th Judicial Dist Nominating Commission

John,

I've uploaded my resume and I will identify my political party as Republican . Please let me know if you need anything further.

Thanks,

Ron D. Wilkinson
 Attorney at Law
 Heritage Law Offices, Inc.
 998 South State Street, Suite 100
 Orem, Utah 84097
 Office: 801-225-6040
heritagelaw.rdw@gmail.com

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Ron D. Wilkinson, Attorney at Law, Mediator, Private Guardian ad Litem, Special Master
 The Heritage Building - 998 South State Street, Suite 100, Orem, Utah 84097 - (801)225-6040

Current as of December 2014

EDUCATION:

PhD, CANDIDATE: Clinical Psychology, BYU August 2000-April 2007

JURIS DOCTOR: J. REUBEN CLARK SCHOOL OF LAW, BYU (graduated top 1/3) April 1989

Editor, Education & Legal Perspectives: sponsored by JRC Law School & BYU College of Education 1988-1989

Vice-president, J. Reuben Clark Negotiation Forum, Honors: Awarded in annual competitions 1988-1989

Teaching Assistant, Interviewing and Counseling, Constance Lundberg, J.D. 1988-1989

Teaching Assistant, Communications Law, taught by Dr. Dallas Harvett, Ph.D. Communications 1988-1989

Senior Editor, J. Reuben Clark Law School Journal of Advocates, honors awarded each year 1987-1989

BACHELOR OF ARTS: Cum Laude, Department of Communications, BYU August 1986

President, Brigham Young University's Nationally Ranked Debate Team 1984-1986

Dean's Scholar, Brigham Young University, Academic Achievement 1983-1984

Talent Scholarship, Brigham Young University, Debate & Argumentation 1983-1986

Nationally Ranked, Collegiate Debater and Speaker (received over one hundred national awards) 1983-1986

EXPERIENCE:

MANAGING ATTORNEY; *Heritage Law Offices, Orem, Utah* June 2001-present
 Heritage Law Offices were established in June 2001 to provide high quality legal services throughout the State of Utah.

MEDIATOR; Completed Certified Training (basic and advanced) for court ordered mediation February 2000-present

FACULTY (adjunct); Brigham Young University, Department of Fine Arts, Public Speaking Winter 1986-present

FACULTY (adjunct); Brigham Young University, Department of Psychology, Courses taught: Abnormal Psychology, Adult Development, Life Span Development, Child Development Summer 2001-Winter 2004

UTAH SUPREME COURT ADVISORY BOARD MEMBER; Sub-committee, Rules of Juvenile Procedure. Advise the Utah Judiciary. Assist in the formulation of amendments and new regulations to existing rules. Winter 1998-July 2000

MANAGING ATTORNEY; Office of the Guardian ad Litem; Fourth District July 1994-June 2000
 The Office of Guardian ad Litem was created in 1994 under the supervision of the Utah Judicial Council. Selected as the first managing attorney. I was responsible for hiring, training, and supervising attorneys and staff, implementing policy and procedure for handling abuse and neglect cases in both juvenile and district court cases. I assisted in the coordination of a volunteer program (CASA) and multiple pro bono attorneys. I carried a full caseload of approximately 200 clients, all children.

GUARDIAN AD LITEM ATTORNEY; Office of the Guardian ad Litem; Fourth District November 1992-April 2001
 Served as a guardian ad litem interviewing children and families, consulting with mental health professionals, case managers, volunteers, and others. Trial and appellate work, assisting with new legislation and projects affecting children. Provided training to case managers, volunteers, foster parents, and mental health providers. Extensive experience in drafting court orders and legal memoranda.

CHAIRMAN; Children's Justice Center Advisory Board, Provo, Utah Winter 1996-July 2000
 Assist in the coordination of interviewing child victims of abuse and neglect in a home-like setting, coordinating multi-disciplinary staffings, and coordinating government and community efforts on behalf of children.

FACULTY (adjunct); Brigham Young University, Graduate School of Social Work Winter 1995-Winter 1998

TASK FORCE; Implementation of House Bill 265 (Child Welfare Reform Bill) April 1994-December 1994

AD HOC COMMITTEE; Formulation of the State of Utah Guardian ad Litem Program March 1993 - December 1994

ATTORNEY AT LAW; Private Practice and Corporate Counsel; October 1989-July 1994

Admitted to Practice: United States District Court, District of Utah, April 2001-present
 Utah Supreme Court, October 1989
 United States Supreme Court, June 2014

HONORS:

"Ethics in Government Service," J. Reuben Clark Law School, Ethics Seminar February 1997

"The Who, What, How, and Why of Guardian ad Litem," Utah County Child Abuse Council January 1997

"An Overview of the Office of the Guardian ad Litem," Pro Bono Guardian ad Litem Training May 1996

"Working with Mental Health Professionals," Pro Bono Guardian ad Litem Training May 1996

"The Office of Guardian ad Litem," Employee Conference, Administrative Office of the Courts September 1996

"Child Welfare Reform Act: 'The Duties of a Guardian ad Litem' and 'Child Advocacy,' 1994-1996
 These presentations were given on numerous occasions to court clerks, case managers, foster parent association members, mental health professionals and others.

CONTINUING EDUCATION TRAINING (current 2014):

"Child Development in Relation To Separation From Parents" GAL Training videos August 2013

"Domestic Violence And Abuse Involving Children" GAL Training videos August 2013

"Role Of The Private Attorney Guardian Ad Litem And Appellate" GAL Training videos August 2013

"Annual Domestic Relations Conference" Utah Legal Services January 2012

"Utah Child Advocacy Training" Utah Court Improvement January 2012

"Annual Family Law Seminar" Utah State Bar May 2008

"The Annual Parental Defense Conference" Parental Defense Alliance April 2008-2014

"What You Should Know When Appearing Before The Fourth District Commissioner/CUBA" February 2008

"Role Of The GAL, Court Process, And Case Management" Administrative Office of the Courts (GAL) February 2008

"Negotiation And Conflict Resolution For Lawyers Or Professionals" J.R. Clark Law School August 2005

"2005 State & Local Government Conference" J.R. Clark Law School March 2004

"Ethics Seminar" J.R. Clark Law School October 2004

"Practical Pointers On Utah Asset-Protection Trusts" September 2004

"Great Western Tax & Estate Planning Conference" October 2003

"Guardian ad Litem Training" Administrative Office of the Courts (GAL) April 2003

"Philly Stahl, Ph.D. - Interventions in Divorce" Administrative Office of the Courts (GAL) Fall 2000

Advanced Mediation Certification - Schooley School of Mediation, J.R. Clark Law School (Certification Awarded) Spring 2000

Mediation Certification - Schooley School of Mediation, J.R. Clark Law School (Certification Awarded) Winter 2000

Judith Wallerstein, Ph.D. - Children of Divorce," University of Utah November 1999

"Sand Tray Therapy, An Overview of Experiential Therapy," Family Support and Treatment Center October 1999

"Using Psychological Evaluations in Court," Administrative Office of the Courts (GAL) September 1999

"Annual Family Law Conference," Utah State Bar May 1999

"The Use of a Special Master in High Conflict Divorces," Pro Bono Guardian ad Litem Training May 1999

"The Effects of Abuse and Neglect on Children," Administrative Office of the Courts (GAL) April 1999

"The Language of Children," Attorney General Child Protection Division, Administrative Office of the Courts (GAL) April 1999

"Child Protection Issues," "Child Development," Administrative Office of the Courts (GAL) April 1998

"Recognizing the Physical Signs of Child Abuse," Administrative Office of the Courts (GAL) October 1998

"Recognizing the Emotional Effects of Child Abuse," Administrative Office of the Courts (GAL) June 1998

"Working with Mental Health Professionals," Administrative Office of the Courts (GAL) April 1998

"Guardianship Law for the General Practitioner," Administrative Office of the Courts (GAL) April 1998

"Children Justice Symposium," Attorney General Child Protection Division May 1998

"Advocacy of Children," Administrative Office of the Courts (GAL) November 1997

"Children Justice Symposium," Attorney General Child Protection Division May 1997

"Child Welfare Law," Administrative Office of the Courts (GAL) April 1997

"Assessing Clinical Evaluations," Administrative Office of the Courts (GAL) September 1996

"Interviewing Children," Kevin Gully, Forensic Clinical Psychologist - Administrative Office of the Courts (GAL) Spring 1996

"The Physical and Emotional Effects of Child Abuse," Administrative Office of the Courts (GAL) March 1996

"Child Development," Administrative Office of the Courts (GAL) January 1995

"Guardian ad Litem Training," Administrative Office of the Courts (GAL) March 1995

"Child Welfare," Administrative Office of the Courts (GAL) June 1995

"Guardian ad Litem Training," Administrative Office of the Courts (GAL) October 1995

"The Language of Children," Administrative Office of the Courts (GAL) December 1995

"Indian Child Welfare Act," Judge Thorne June 1994

"Advocacy for Children and Families," Administrative Office of the Courts (GAL) November 1993

"Guardian ad Litem Training for Juvenile Courts," Administrative Office of the Courts (GAL) September 1993

"Child Development - Guardian ad Litem Training for Juvenile Courts," Administrative Office of the Courts (GAL) June 1993

"Child Abuse and Neglect - Guardian ad Litem Training," Administrative Office of the Courts (GAL) April 1993

"Guardian ad Litem Training for Juvenile Courts," Administrative Office of the Courts (GAL) December 1992

"American Bar Association, Ethical Dilemma Series," Utah State Bar February 1992

"Marketing for Small and Medium-Size Firms," Utah State Bar February 1992

"Estate Planning," Utah State Bar February 1992

"Probate Laminations," Utah State Bar February 1992

PERSONAL:

My wife and I are the parents of eleven children. I enjoy skiing, racquetball, gardening, reading, and spending time with family.

References: Available upon request

1/15/2015

UTAH COUNTY DOMESTIC VIOLENCE COALITION, PURPLE RIBBON AWARD	2010
BEST ORALIST; Jerome Prince National Moot Court Competition, sponsored by Brooklyn Law School Honor Society	1989
CHILD ADVOCATE AWARD; Presented by the Division of Child and Family Services and Utah Foster Parents	1996
THE WADSWORTH PUBLISHING COMPANY'S CHALLENGE AWARD; Presented to university faculty who excel in contributing to effective public speaking	Fall 1986-Winter 1989
HONORS IN NEGOTIATIONS Regional Alternate, 1987/Regional Representative, 1988/Third place in Region (National alternate)	1987-1988
ARTICLES ACCEPTED FOR PUBLICATION; "The Future of a Moment," <i>Evolution in Public Schools, Will the Proponents Have Their Prayers Answered?</i> <i>Education and Legal Perspectives</i> , 1988, Brigham Young University, Provo, Utah	1988-1989
ARTICLES ACCEPTED FOR PUBLICATION; "The First Amendment and the Teaching of Evolution in Public Schools," <i>Education and Legal Perspectives</i> , 1989, Brigham Young University, Provo, Utah	1988-1989
ORGANIZATIONAL MEMBERSHIP:	
ALUMNI BOARD; J. Reuben Clark School of Law	January 2000-2001
ADVISORY BOARD; Children's Justice Center, Summit/Wasatch County	Spring 1999-June 2000
LOCAL INTERAGENCY COUNCIL; Board Member	Winter 1998-April 2001
UTAH FOSTER PARENT ASSOCIATION; Member	Summer 1996-March 2001
ADVISORY BOARD; Children's Justice Center, Salt Lake County	Winter 1996-July 2000
ADVISORY BOARD; Children's Justice Center, Utah County	Winter 1993-July 2000
REGION III JUVENILE DETENTION ADVISORY BOARD;	December 1993-June 2000
NATIONAL ASSOCIATION OF COURT APPOINTED SPECIAL ADVOCATES	1993-April 2001
UTAH STATE BAR ASSOCIATION; Member	October 1989-present
J. REUBEN CLARK LAW SOCIETY; Member	April 1989-present
AMERICAN TRIAL LAWYERS ASSOCIATION;	April 1989-present

PROFESSIONAL PRESENTATIONS:

Ethics and the Law, Parental Defense Alliance	April 2014
Multiple Panel Discussions, Parental Defense Alliance	2002-2013
"Becoming a Child Advocate," Court Appointed Special Advocate - Certification Training	March 2001
"So you want to be a Lawyer?," BYU, Pre-Law Society	March 2001
"Becoming a Child Advocate," Court Appointed Special Advocate - Certification Training	Fall 2000
"Foster Documentation for Peer Parenting," Division of Child and Family Services, Peer Parent Training.	February 2000
"Becoming a Child Advocate," Court Appointed Special Advocate - Certification Training	February 2000
"The Use of Expert Testimony in Court," Pro Bono Guardian ad Litem Training	November 1999
"Child Advocacy: The Office of Guardian ad Litem," Annual Family Law Conference	June 1999
"An Overview of the Responsibilities of a Guardian ad Litem," Pro Bono Guardian ad Litem Training	May 1999
"The Creation of a Family Court," Utah County Bar Association	May 1999
"Advocating for Children," Victim Advocate Training	February 1999
"The Process of Obtaining a Protective Order," Domestic Violence Coalition, D.C.F.S.	January 1999
"The Challenges of the Adversarial Process," Brigham Young University Pre-Law Society	October 1998
"The Ethics of Client Representation," J. Reuben Clark Law School, Ethics Seminar	September 1998
"Creative Approaches to High-Conflict Divorces," Pro Bono Guardian ad Litem Training	June 1998
"Representing the Child," Pro Bono Guardian ad Litem Training	June 1998
"Testifying as an Expert in Court," Workshop for Clinical Professionals	April 1998
"The Opportunities in Government Service," Brigham Young University, Pre-Law Career Fair	February 1998
"Testifying as an Expert in Court," Workshop for Clinical Professionals, D.C.F.S. Core Training	October 1997
"The Advocacy of Children," Employee Conference, Administrative Office of the Courts	September 1997
"An Overview of the Duties of a Guardian ad Litem," Pro Bono Guardian ad Litem Training	June 1997
"The Dynamics of Divorce," Pro Bono Guardian ad Litem Training	June 1997
"Dealing with the Victim of a Child in Custody and Visitation Disputes," Pro Bono Guardian ad Litem Training	May 1997
"The Use of Child Testimony in Court," Children's Justice Symposium	May 1997

Christy Abad

From: John Baldwin
 Sent: Thursday, January 08, 2015 4:51 PM
 To: Dallas Young
 Cc: Christy Abad
 Subject: RE: Fourth District Trial Court Nominating Commission application
 Thank you,
 John

From: dallasyounglegal@gmail.com [mailto:dallasyounglegal@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 positions. 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	Petro & Associates
226 W. 2230 N.	1215 N. 500 W.
Provo, UT 84603	Provo, UT 84603
(801) 375-3000	(801) 373-0019

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1/15/2015

LICENSURE AND PROFESSIONAL ORGANIZATIONS:

- Utah State Bar, May 15, 2009
- United States District Court, Central District of Utah, May 15, 2009
- United States Court of Appeals, 10th Circuit, March 18, 2013
- Central Utah Bar Association, President-Elect, May 2014 - present

APPELLATE APPEARANCES:

- *Zeller v. Nixon*, #20130775, for appellant Nixon on interlocutory appeal involving state constitutional and statutory issues of first impression arising out of §31A-22-321 arbitration of automobile accidents (pending oral argument).
- *Peterson v. Armstrong*, 2014 UT 247, for appellant Peterson on appeal of entry of a civil stalking injunction over motion to dismiss based on res judicata.
- *Woodward v. LaFranca*, 2013 UT 147, for appellee LaFranca on appeal of trial court's custody determination.
- *Poll v. Poll*, 2011 UT App 307, 263 P.3d 534, for appellee Poll on appeal of trial court's distribution of marital estate.
- *FDIC v. Taylor*, 2011 UT App 416, 267 P.3d 416 for appellee FDIC on appeal of trial court's ruling on the doctrine of after-acquired title.
- *Schrmanski v. Nielson*, #2009522, for appellant Nielson on appeal of trial court's ruling on negligent entrustment theory (appellees settled all underlying claims during briefing).
- *Anderson v. Anderson*, 2010 UT App 392, for appellee Anderson on appeal of trial court's finding appellant in contempt of court and other factual findings.
- *Essential Botanical Farms v. Kay*, 2011 UT 71, 270 P.3d 430, for appellant Kay on appeal of trial court's ruling on the doctrine of boundary by acquiescence.

INTERESTS

- Fly fishing
- Rock climbing
- Hunting
- Swimming
- Fly tying
- Camping
- Hiking
- Running

References

Judge David N. Mortensen Fourth District Court 125 N. 100 W. Provo, UT 84603 (801) 429-1065	Michael J. Petro PETRO & ASSOCIATES 1215 N. 500 W. Provo, UT 84603 (801) 373-0019	Lynn Harris JONES WALDO 3325 N. University Ave #200 Provo, UT 84604 (801) 375-9801
R. Phil Ivie IVIE & YOUNG 226 W. 2230 N. Provo, UT 84603 (801) 375-3000	Chad Grunander UT County Atty's Office Criminal Division 100 E. Center St. #2100 Provo, UT 84606 (801) 851-8026	Peter Schofield KIRTON McCONKIE 2600 W. Executive Pkwy #400 Lehi, UT 84043 (801) 426-2100

Dallas Brent Young

Utah Bar Number: 12405 (801) 375-3000
 726 E. 600 N.
 LINDON, UT 84042 (HOME ADDRESS) DBYOUNG@IVIEYOUNGLAW.COM

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, homeowner's 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/Bailiff, August 2008-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.

NOTEWORTHY TRIALS:

- *Stato v. Christensen*, Case No. 131600001, Fourth District jury trial, August 4 – 7, 2014. Successfully defended Defendant against allegations of aggravated sex abuse of a child.
- *American Family Insurance v. Kemp*, Civil No. 0906000263, Sixth District bench trial April 23-24, October 9-10, 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.
- *Jensen v. Barron*, Civil No. 090402444, Fourth District jury trial, March 21, 2011 – March 30, 2011. Successfully defended Defendant in personal injury case with risk of exposure in excess of insurance coverage.

EDUCATION:

Albany Law School: Albany, NY

- Juris Doctorate, *Cum Laude*, May 2008
- Rank: 50 of 229, GPA: 3.24
- Member, The Justinian Society
- Albany Government Law Review, founding Executive Editor, 2007-08
- Founders Scholarship, 2005-08
- Nairobi, Kenya Summer International Law Institute, Summer '06
- Dean's List, Fall 2006, Spring 2007, Fall 2007, Spring 2008.

Brigham Young University: Provo, UT

- Bachelor of Science, Psychology, English Minor, August 2003
- GPA 3.37
- Teaching Assistant, Psychological Testing; Psychology History and Contemporary Issues
- Independent Semester 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 Beckstead
	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.

J.	Claimant:	Genieve Coziah
	Involved Attorney:	J.D. Poorman
	Disciplinary Status:	Deceased

RECOMMENDATION: The Committee recommends the claim be denied. At best, a fee dispute with no evidence of dishonesty.

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.

L.	Claimant:	Michael Thompson
	Involved Attorney:	D. Scott Berrett
	Disciplinary Status:	Suspended

RECOMMENDATION: The Committee recommends Claimant and Susan Thompson, joint payor, jointly receive \$1,500.

December 22, 2014

Page 5

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

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

DECEMBER 5, 2014

UTAH LAW AND JUSTICE CENTER

- 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 Neimarlija, 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 to 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 Neimarlija 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 Comissions.

- 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 DAINES
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

	Dec 31, 14	Nov 30, 14	Dec 31, 13
ASSETS			
Current Assets			
Checking/Savings			
1010 · Petty Cash	625	625	625
1011 · Cash in Bank	84,174	33,623	32,190
1060 · ILM Invested Funds Market Value	4,397,630	4,852,986	4,412,784
Total Checking/Savings	4,482,429	4,887,234	4,445,599
Accounts Receivable			
1071 · Accounts receivable	(9,715)	52,509	12,629
Total Accounts Receivable	(9,715)	52,509	12,629
Other Current Assets			
1070a · Other Accounts Receivable	2,790	1,944	(170)
1089 · Unbilled tenant costs	20,335	3,424	14,155
1100 · Prepaid Expense	48,532	60,400	61,151
1919 · Section ILM net earn recvble	5,488	5,589	4,729
1920 · A/R - Section Funds	5,808	27,858	9,278
Total Other Current Assets	82,952	99,214	89,143
Total Current Assets	4,555,665	5,038,957	4,547,371
Fixed Assets			
1500 · Property & Equipment	4,481,771	4,477,258	3,828,053
1550 · Accumulated Depreciation	(3,269,322)	(3,253,019)	(3,077,857)
1600 · Land	633,142	633,142	633,142
Total Fixed Assets	1,845,591	1,857,381	1,383,337
TOTAL ASSETS	6,401,256	6,896,339	5,930,708
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Other Current Liabilities			
2910 · A/P - Sections Meeting revenue	10,785	5,575	
2010 · Other Accounts Payable	13,362	191,498	8,896
2100 · Accrued Payables	308,920	314,761	316,431
2350 · Capital Lease Obligations-ST	3,069	3,069	2,710
2920 · A/P - Section Funds	1,345	980	360
Total Other Current Liabilities	337,481	515,883	328,396
Total Current Liabilities	337,481	515,883	328,396
Long Term Liabilities			
2400 · Capital lease obligations	4,318	5,348	7,386
Total Long Term Liabilities	4,318	5,348	7,386
Total Liabilities	341,799	521,231	335,783
Equity			
3500 · Unrestricted Net Assets (R/E)	4,063,712	4,063,712	3,698,625
Net Income	1,995,745	2,311,396	1,896,300
Total Equity	6,059,457	6,375,108	5,594,925
TOTAL LIABILITIES & EQUITY	6,401,256	6,896,339	5,930,708

Utah State Bar
Summary Income Statement
December 31, 2014

	Year to Date			2014/15
	Actual	Budget	Variance	Total
			Fav/(Unfav)	Budget
<u>Revenue</u>				
Licensing	\$ 4,003,100	\$ 3,920,644	\$ 82,456	\$ 3,998,400
Admissions	187,610	164,799	22,811	454,900
NLTP	58,200	50,231	7,969	85,300
Mgt - Service	14,528	2,812	11,716	12,000
In Kind Revenue	1,067	1,160	(93)	2,600
Mgt - Interest & Gain	15,580	8,555	7,025	17,100
Property Mgt	131,923	146,930	(15,007)	312,952
OPC	1,100	4,223	(3,123)	11,600
CMIS/Internet	70	500	(430)	500
CLE	178,577	160,674	17,903	405,200
Summer Convention	115,148	150,600	(35,452)	150,600
Fall Forum	97,557	87,916	9,641	88,200
Spring Convention	3,900	5,173	(1,273)	145,900
Bar Journal	62,757	74,801	(12,044)	139,600
Committees	10	-	10	1,000
Member Benefits	2,383	10,918	(8,535)	11,900
Section Support	-	-	-	92,281
Access to Justice	7,570	4,370	3,200	10,200
Commission/Sp Proj	8,120	6,280	1,840	7,300
Young Lawyers Division	50	100	(50)	100
Total Revenue	\$ 4,889,250	\$ 4,800,686	\$ 88,564	\$ 5,947,633
<u>Expenses</u>			(Fav)/Unfav	
Licensing	84,294	82,876	1,418	187,045
Admissions	248,319	254,472	(6,153)	474,411
NLTP	32,970	40,716	(7,746)	81,074
Bar Mgt	381,509	406,091	(24,582)	685,117
Property Mgt	252,444	310,179	(57,735)	537,392
OPC	612,877	603,293	9,584	1,204,272
General Counsel	100,633	105,131	(4,498)	259,529
Computer/MIS/Internet	98,608	93,331	5,277	176,437
CLE	137,646	155,838	(18,192)	372,144
Summer Convention	221,600	172,106	49,494	186,979
Fall Forum	73,680	87,625	(13,945)	97,963
Spring Convention	10,662	14,254	(3,592)	123,598
Bar Journal	87,918	93,761	(5,843)	185,181
Committees	85,122	89,096	(3,974)	110,903
Member Benefits	66,564	75,469	(8,905)	149,320
Section Support	40,158	48,254	(8,096)	92,281
Consumer Assistance	41,427	35,884	5,543	68,879
Access to Justice	77,421	86,997	(9,576)	184,705
Tuesday Night Bar	18,131	18,696	(565)	40,765
Legislative	50,237	354	49,883	71,642
Commission/Sp. Proj	98,388	116,558	(18,170)	177,475
Public Education	50,880	56,393	(5,513)	165,365
Young Lawyers Division	22,018	36,220	(14,202)	56,100
Total Expenses	\$ 2,893,506	\$ 2,983,594	\$ (90,088)	\$ 5,688,577
Net Revenue/(Expense)	\$ 1,995,744	\$ 1,817,092	\$ 178,652	\$ 259,056
Add: Depreciation	89,899	79,058	10,841	165,458
Cash Increase/(Decrease) from Operations	\$ 2,085,643	\$ 1,896,150	\$ 189,493	\$ 424,514
Other Uses of Cash				
Change in Assets/Liabilities	(198,790)	(198,790)	-	
Capital Expenditures	109,857	125,000	(15,143)	125,000
Net Change in Cash	\$ 1,776,996	\$ 1,572,360	\$ 204,636	\$ 299,514

The Utah State Senate



Lyle W. Hillyard (R) – District 25 (Elected to House: 1980; Elected to Senate: 1984)

Education: B.S., Utah State University; J.D., University of Utah S.J. Quinney College of Law

Committee Assignments: Appropriations – Executive (Co-Chair); Public Education; Infrastructure and General Government. Standing – Government Operations and Political Subdivisions; Judiciary, Law Enforcement, and Criminal Justice.

Practice Areas: Family Law, Personal Injury, and Criminal Defense.



Mark B. Madsen (R) – District 13 (Elected to Senate: 2004)

Education: B.A., George Mason University, Fairfax, VA; J.D., J. Reuben Clark Law School, Brigham Young University

Committee Assignments: Appropriations – Social Services. Standing – Education; Judiciary, Law Enforcement, and Criminal Justice; Senate Rules.

Practice Area: Eagle Mountain Properties of Utah, LLC.



Stephen H. Urquhart (R) – District 29 (Elected to House: 2000; Elected to Senate: 2008)

Education: B.S., Williams College; J.D., J. Reuben Clark Law School, Brigham Young University

Committee Assignments: Appropriations – Public Education; Higher Education. Standing – Education; Judiciary, Law Enforcement, and Criminal Justice; Senate Rules.



Todd Weiler (R) – District 23 (Appointed to Senate: 2012; Re-Elected: 2012)

Education: Business Degree, Brigham Young University; J.D., J. Reuben Clark Law School, Brigham Young University

Committee Assignments: Appropriations – Social Services; Retirement and Independent Entities (Chair). Standing – Business & Labor; Judiciary, Law Enforcement, and Criminal Justice; Retirement and Independent Entities (Chair); Senate Rules

Practice Areas: Civil Litigation and Business Law.

The Utah State House of Representatives



Patrice Arent (D) – District 36 (Elected to House: 2010. Prior service in Utah House & Senate: 1/1997–12/2006)

Education: B.S., University of Utah; J.D., Cornell University

Committee Assignments: Appropriations – Executive. Standing – Executive Appropriations; Business, Economic Development & Labor; Public Utilities & Technology; Government Operations; Ethics (Co-Chair).

Practice Areas: Adjunct Professor, S.J. Quinney College of Law – University of Utah. Past experience: Division Chief – Utah Attorney General's Office, Associate General Counsel to the Utah Legislature, and private practice.



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.

Practice Areas: Mediator and Dispute Resolution, Real Estate Development and Construction, Civil Litigation, Appeals, Family Law, General Business, and Contracts.



Brian Greene (R) – District 57 (Elected to House: 2012)

Education: B.A., Brigham Young University; J.D., J. Reuben Clark Law School, Brigham Young University

Committee Assignments: Appropriations – Natural Resources, Agriculture & Environmental Quality. Standing – Judiciary; Revenue & Taxation.

Practice Areas: Administrative Law, Government Affairs & Public Policy, and Commercial Real Estate Transactions.



Craig Hall (R) – District 33 (Elected to House: 2012)

Education: B.A., Utah State University; J.D., Baylor University

Committee Assignments: Appropriations – Infrastructure & General Government. Standing – Health & Human Services; Judiciary.

Practice Areas: Litigation and Intellectual Property.



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.



Daniel McCay (R) – District 41 (Appointed to House: 2012, Re-Elected 2012)

Education: Bachelors and Masters, Utah State University; J.D., Willamette University

Committee Assignments: Standing – Higher Education; Education; Revenue & Taxation.

Practice Areas: Real Estate Transactions, Land Use, and Civil Litigation.



Kay L. McIlff (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 McIlff Firm.



Mike McKell (R) – District 66 (Elected to House: 2012)

Education: B.A., Southern Utah University; J.D., University of Idaho

Committee Assignments: Appropriations – Natural Resources, Agriculture & Environmental Quality (Chair). Standing – Natural Resources, Agriculture, & Environment; Revenue & Taxation Ethics.

Practice Areas: Personal Injury, Insurance Disputes, and Real Estate.



Merrill Nelson (R) – District 68 (Elected to House: 2012)

Education: B.S., Brigham Young University; J.D., J. Reuben Clark Law School, Brigham Young University

Committee Assignments: Appropriations – Executive Offices, & Criminal Justice; Retirement. Standing – Judiciary (Vice Chair); Government Operations.

Practice Areas: Kirton McConkie – Appellate and Constitution, Risk Management, Child Protection, Adoption, Health Care, and Education.



Kraig J. Powell (R) – District 54 (Elected to House: 2008)

Education: B.A., Willamette University; M.A., University of Virginia; J.D., University of Virginia School of Law; Ph.D., University of Virginia Woodrow Wilson School of Government

Committee Assignments: Appropriations – Public Education. Standing – Natural Resources, Agriculture, & Environment; Political Subdivisions; Retirement & Independent Entities.

Practice Areas: Powell Potter & Poulsen, PLLC; Municipal and Governmental Entity Representation; and Zoning and Land Use.



Lowry Snow (R) – District 74 (Appointed to House: 2012; Re-Elected 2012)

Education: B.S., Brigham Young University; J.D., Gonzaga University School of Law

Committee Assignments: Standing – Executive Offices & Criminal Justice; Education; Judiciary.

Practice Areas: Snow Jensen & Reece – Real Estate, Civil Litigation, Business, and Land Use Planning.



Keven J. Stratton (R) – District 48 (Appointed to House: 2012, Re-Elected 2012)

Education: B.S., Brigham Young University; J.D., J. Reuben Clark Law School, Brigham Young University

Committee Assignments: Appropriations – Executive Offices & Criminal Justice. Standing – Public Utilities & Technology; Judiciary.

Practice Areas: Stratton Law Group PLLC – Business, Real Estate, and Estate Planning.



Earl Tanner (R) – District 43 (Elected to House: 2012)

Education: B.S., University of Utah; J.D., University of Utah S.J. Quinney College of Law

Committee Assignments: Appropriations – Social Services. Standing – Public Utilities & Technology; Law Enforcement & Criminal Justice.

Practice Areas: Tanner & Tanner, P.C.: Trusts and Estates, Real Estate, Tax, Corporate, and Litigation.

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 fail 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.org.



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:

1. Call the Ethics Hot-Line before you decide to make a questionable choice. See <http://www.utahbar.org/opc/office-of-professional-conduct-ethics-hotline/>.
2. Attend Ethics CLE classes that are pertinent to your practice.
3. Ask for an Ethics Advisory Opinion.
4. Call Lawyers Helping Lawyers.
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.)
8. Ask about Diversion. *See* Rule 14-533, Supreme Court Rules of Professional Practice; Article 5 – Lawyer Discipline and Disability, (2012).
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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