

Utah State Bar Commission
Friday, June 4, 2021
Zoom Video Conference
<https://us02web.zoom.us/j/84729202906>

Agenda

1. 9:00 a.m. President's Report: Heather Farnsworth

10 Mins. 1.1 Recognize Christy Abad for 20 Years of Service

2. 9:10 a.m. Action Item

10 Mins. 2.1 Review 2021-2022 Budget Process and Approve Temporary Extension of
Funding for Current Operations: **Heather Thuet**
10 Mins. 2.2 Select Committee of the Year **(Tab 1, Page 3)**
10 Mins. 2.3 Select Section of the Year **(Tab 2, Page 8)**
10 Mins. 2.4 Select Judge of the Year **(Tab 3, Page 13)**
10 Mins. 2.5 Select Lawyer of the Year **(Tab 4, Page 29)**

3. 10:00 a.m. Discussion Item

15 Mins. 3.1 Governmental Relations and Lobbying: **Doug Foxley & Frank Pignanelli**

4. 10:15 a.m. Information Items

30 Mins. 4.1 UCLI Survey of Diversity in the Profession: **Melinda Bowen (Tab 5, Page 47)**
10 Mins. 4.2 2021 Sun Valley Summer Convention Status Report: **Richard Dibblee**
10 Mins. 4.3 Supreme Court Review of Bar Exam Passing Threshold: **Tom Seiler**

5. 11:15 a.m. Executive Session (Attachment Sent to Voting Commissioners Separately)

12:00 p.m. Adjourn

Consent Agenda (Tab 6, Page 75)

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

1. Minutes of April 16, 2021 Commission Meeting

Attachments (Tab 7, Page 79)

1. April Financial Statements
2. April 2021 *Well-being Committee for the Legal Profession* Progress Report

Calendar

July 16	Bar Executive Committee	12:00 Noon	Utah State Bar or Zoom (?)
July 28	Commission Meeting	1:00 p.m.	Sun Valley, ID
July 28-31	Summer Convention		Sun Valley, ID

³
TAB

1

UTAH BAR COMMISSION MEETING AGENDA ITEM

Title: Committee of the Year Award Selection
Meeting Date: June 4, 2021
Item: 2.2
Submitted by: Bar Awards Committee

ITEM/ISSUE: To select the Committee of the Year Award recipient.

CRITERIA:

Awarded to a Committee of the Utah State Bar that has made outstanding contributions of time and talents to Bar activities as well as provided outstanding services, programs and/or activities for Bar members. The Committee serves the Utah State Bar mission of being a united, inclusive organization - serving the legal profession and the public.

BAR AWARDS COMMITTEE RECOMMENDATION: TBD

NOMINEES:

Nominee	Nomination Public?	Previous Awards Received?
Governmental Relations Committee	Yes	2005 Committee of the Year 2017 Committee of the Year

PAST RECIPIENTS AND NOMINEES:

Past Recipients	Other Nominations That Year
2020 CLE Advisory Committee	
2019 Bar Journal Committee	
2018 Innovation in Law Practice Committee	
2017 Governmental Relations Committee	
2016 Utah State Bar Leadership Academy	
2015 Disaster Legal Response Committee	
2014 Civics Education Committee	Disaster Legal Response Committee
2013 Budget and Finance Committee	
2012 Pro Bono Commission	
2011 Unauthorized Practice of Law	
2010 Bar Examiner Committee	
2009 New Lawyer Training Program	
2008 Admissions Committee	
2007 Bar Journal Committee	Unauthorized Practice of Law Committee, New Lawyer CLE Committee
2006 Ethics Advisory Opinion Committee	New Lawyer CLE Committee, Governmental Relations Committee, UPL Committee
2005 Governmental Relations Committee	
2004 Unauthorized Practice of Law Committee	
2003 Needs of the Elderly Committee	Client Security Fund Committee; Ethics Advisory Opinion Committee
2002 Character & Fitness Committee	Client Security Fund Committee
2001 No Award	
2000 Admissions Committee	
1999 Client Security Fund Committee	
1998 Courts & Judges Committee	
1997 UPL Committee	
1996 Need of Children Committee	
1995 Delivery of Legal Services Committee	

1994 Ethics Advisory Opinion Committee	
1993 Legislative Affairs Committee	
1992 Ethics & Discipline Committee	
1990 Bar Examiner Committee	

INFO ONLY:**DISCUSSION:****ACTION NEEDED: X**

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Friday, May 28, 2021 1:41 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Frank R. Pignanelli Frank

Utah State Bar Committee

Nominee's Name

Frank R. Pignanelli Frank

Committee of the Year Award (Summer Convention)

The Government Relations Committee (GRC) is led by the amazing Co-Chairs Jaqualin Friend Peterson and Sara E. Bouley. The committee is comprised of representatives of the Bar Sections, Courts, Commissioners, and other Bar affiliated entities. Every legislative session, GRC members review hundreds of bills filed, often under demanding deadlines to present responses in the next meeting. The primary purpose of the GRC is to determine legislation that could have an impact, positive or negative, on the access to justice by citizens. Also, they decide if any legislation will directly impact the practice of law. These recommendations are made to the Bar Commission, which votes whether the Bar lobbyists should be engaged on the matter.

Equally important, the GRC alerts Bar sections as to legislative activities that could impact their practice of law. The sections then determine whether they should engage directly with lawmakers to support, oppose, or amend the legislation. The GRC often discovers unintentional errors and omissions in the drafting of legislation. This is communicated to the sponsors who consistently express gratitude for this information.

All sections are respected and included in deliberations. On occasion, divisions among GRC members may exist as to the approach towards a specific legislative item. But, the process works so well that there are never any hard feelings. The GRC is very inclusive and promotes unity.

Also, GRC members will assist the efforts of the courts in its legislative activities.

Because of the GRC efforts, there are greater exchanges between lawmakers and the Bar. This is a positive and invaluable development that pays dividends to Bar members. Oftentimes lawmakers request to appear

before the GRC in order to seek their approval.

Finally, because of their examination of legislation more than just lawyers are served. Thousands of Utah have benefited from the GRC's efforts to protect access to justice, the practice of law, and the fair administration of the judiciary.

Because of their dedication and incredible work ethic that serves the profession and the public, the Government Relations Committee should be named the 2021 Committee of the Year.

Please select one:

My nomination is public and I give permission for my nomination to be shared with the nominee and published, whole or in part, by the Utah State Bar.

Nominator Name

Frank R. Pignanelli Frank

Email address

frank@fputah.com

Date

5/28/2021

TAB

2

UTAH BAR COMMISSION MEETING AGENDA ITEM

Title: Section of the Year Award Selection
Meeting Date: June 4, 2021
Item: 2.3
Submitted by: Bar Awards Committee

ITEM/ISSUE: To select the Section of the Year Award recipient.

CRITERIA:

Awarded to a Section of the Utah State Bar that has made outstanding contributions of time and talents to Bar activities as well as provided outstanding services, programs and/or activities for Bar members and the public at large during the past year. The Section serves the Utah State Bar mission of being a united, inclusive organization - serving the legal profession and the public.

BAR AWARDS COMMITTEE RECOMMENDATION: TBD

NOMINEES:

Nominee	Nomination Public?	Previous Awards Received?
IP Section	Yes	2014 Section of the Year

PAST RECIPIENTS AND NOMINEES:

Past Recipients	Other Nominations That Year
2020 Indian Law Section	Litigation Section
2019 Litigation Section	
2018 Cyberlaw Section	IP Section
2017 Limited Scope Section	LGBT & Allied Lawyers, IP Section, Family Law Section
2016 Bankruptcy Section	Estate Planning Section
2015 Young Lawyers Division	
2014 Intellectual Property Section	Young Lawyers' Division
2013 Solo, Small Firm, and Rural Practice Section	Appellate Practice Section, Juvenile Law Section, Young Lawyers' Division
2012 Estate Planning Section	Elder Law Section, Young Lawyers Division
2011 Elder Law Section, Young Lawyers Division	
2010 Military Law Section	
2009 Appellate Practice	Constitutional Law Section, Solo, Small Firm and Rural Practice Section
2008 Young Lawyers Division	Young Lawyers Division, Estate Planning Section, IP Section
2007 Paralegal Division	Banking and Finance Section
2006 Litigation Section	Banking & Finance Section, Paralegal Division
2005 ADR Section	
2004 Young Lawyers Division	
2003 Family Law Section	Governmental Law Section; Real Property Section; Young Lawyer's Division
2002 Young Lawyers Division	Real Property Section; Young Lawyer's Division; Governmental Law Section
2001 Legal Assistants Division	
1998 Legal Assistants Division	
1997 Young Lawyers Division	
1996 No Award	
1995 Litigation Section	

1994 No Award	
1993 Litigation Section	
1992 No Award	
1991 Family Law Section	
1990 Litigation Section	

INFO ONLY:**DISCUSSION:****ACTION NEEDED: X**

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Friday, May 28, 2021 2:44 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Jeremy Barton

Utah State Bar Committee

Nominee's Name

IP Section CLE Committee

Committee of the Year Award (Summer Convention)

I would like to nominate the IP Section CLE Committee for Distinguished Committee of the Year. The IP Section CLE Committee provides a forum for learning and exchanging ideas among all members of the Utah's legal profession who are interested in patent, copyright, trademark, trade secret, and other intellectual property matters. The IP Section CLE Committee met monthly over Zoom for the past year to plan various programs and activities, such as the IP Section annual, nationally-attended CLE conference, the Utah IP Summit; monthly CLEs programs; and the annual IP Section social event for members of the section.

The last year has been difficult for everyone due to the worldwide pandemic, but the IP Section CLE Committee was able to be creative to find new ways to provide social and professional interaction among members of the IP Section. The IP Section continued to offer monthly CLEs as well as the annual Utah IP Summit over Zoom. Some of the monthly CLE programs included: a licensing bootcamp, Brexit's effect of patent law, patent reissue practice, a patent examiner panel about patent examiner interviews, and African American inventors in the Antebellum United States.

The Utah IP Summit in February had over 350 virtual participants and included programs about Name, Image, and Likeness in collegiate sports, recent trends in § 112 case law, the 21st Century In-House Counsel, a Trademark Trial and Appeal Board update, a patent prosecution panel, and 21st Century IP Ethics, as well as a Keynote address by Trademark Commissioner David Gooder. The IP Section CLE Committee also reviewed scholarships applications for local law students and awarded six \$1,500 scholarships to law students at the University of Utah and Brigham Young University.

For the annual IP Section social event, the IP Section CLE committee planned a virtual Trivia Night and Networking event in January for members of the Section and a guest. This activity offered a way for members of the IP section to interact and network socially over Zoom and enjoy one another's company without talking about the law.

Without the support of the IP Section CLE Committee, the IP Section would have never been able to provide the above programs and activities for members of the IP Section during this difficult time.

Please select one:

My nomination is public and I give permission for my nomination to be shared with the nominee and published, whole or in part, by the Utah State Bar.

Nominator Name

Jeremy Barton

Bar Number

1661

Email address

jeremy.barton@stoel.com

Date

5/28/2021

TAB 3

UTAH BAR COMMISSION MEETING AGENDA ITEM

Title: Judge of the Year Award Selection
Meeting Date: June 4, 2021
Item: 2.4
Submitted by: Bar Awards Committee

ITEM/ISSUE:

To select the 2021 Judge of the Year Award recipient.

CRITERIA:

Awarded to a Utah Judge or Justice whose career exemplifies the highest standards of judicial conduct for integrity and independence; who is knowledgeable of the law and faithful to it; who is unswayed by partisan interests, public clamor or fear of criticism; patient, dignified and courteous to all who appear before the court; endeavors to improve the administration of justice and public understanding of, and respect for, the role of law in our society.

BAR AWARDS COMMITTEE RECOMMENDATION: TBD

NOMINEES:

<i>Nominee</i>	<i>Nomination Public?</i>	<i>Previous Awards Received?</i>
Hon. Deno Himonas	Yes	
Hon. Thomas Lee	No	
Hon. Brendan McCullagh	No	
Hon. Rich Mrazik	Yes	
Hon. Camille Nieder	No	
Hon. Douglas Nielsen	No	2008 Scott M. Matheson Award
Hon. Todd Shaughnessy	No	

PAST RECIPIENTS AND NOMINEES:

Past Recipients	Other Nominations That Year
2020 Hon. Kate Appleby	Hon. David Hamilton, Hon. Douglas Nielsen, Hon. James Blanche, Hon. Laura Scott, Hon. Noel Hyde Hon. Royal Hansen, Justice Deno Himonas Hon. Thomas Kay
2019 Hon. John Baxter	Hon. John Baxter, Hon. James Gardner, Hon. Diana Hagen Hon. Kimberly Hornak, Hon. Thomas Kay, Hon. Eric Ludlow, Hon. David Nuffer, Hon. Paul M. Warner, Hon. Brooke Wells, Hon. Jeffrey C. Wilcox
2018 Hon. Thomas Higbee	Hon. Mary Noonan, Hon. Doug Thomas
2017 Hon. Fredric Voros, Jr., Hon. Stephen Roth	Hon. Robert K. Hilder (Deceased.)
2016 Hon. C. Dane Nolan	
2015 Hon. Claudia Laycock	Hon. Brooke C. Wells, Hon. Carolyn B. McHugh, Hon. John R. Morris, Hon. Augustus Chin, Hon. Thomas L. Kay, Hon. David Nuffer, Hon. Paul M. Warner, Hon. Royal I. Hansen, Hon. Glen R. Dawson, Hon. Thomas L. Kay
2014 Hon. James Shumate	Hon. Carolyn McHugh, Hon. John Morris, Hon. Brooke Wells
2013 Hon. Michael D. Lyon	Hon. Thomas L. Kay
2012 Hon. Royal I. Hansen	Hon. Thomas L. Kay
2011 Hon. Dee Benson	Hon. Randall Skanchy
2010 Hon. Robert K. Hilder	
2009 Hon. Judith S. Atherton	
2008 Hon. Glenn K. Iwasaki	Hon. Glenn K. Iwasaki
2007 Hon. Sandra Peuler Hon. Gregory K. Orme	
2006 Hon. Gordon J. Low	Hon. Glen K. Iwasaki

	Hon. Sandra Peuler
2005 Hon. Andrew Valdez	
2004 Hon. William B. Bohling	
2003 Hon. Ronald N. Boyce (posthumously)	Hon. Sandra Peuler; Hon. Sheila McCleve; Hon. Glen K. Iwasaki
2002 Hon. Stephen H. Anderson Hon. Jeril B. Wilson	Hon. Sheila McCleve; Hon. Glen K. Iwasaki
2001 Hon. Raymond M. Harding, Sr. Hon. Sharon P. McCully Hon. Anne M. Stirba	
2000 Hon. Guy R. Burningham	
1999 Hon. David Sam Hon. Lynn W. Davis	
1998 Hon. Tyrone E. Medley	
1997 Hon. W. Brent West	
1996 Hon. Leslie A. Lewis	
1995 Hon. J. Thomas Green, Jr.	
1994 Hon. John A. Rokich	
1993 Hon. Bruce S. Jenkins	
1991 Hon. Cullen Y. Christensen	

INFO ONLY:

DISCUSSION:

ACTION NEEDED: **X**

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Friday, May 28, 2021 1:21 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Rick and George Ensor and Adondakis

Utah State Bar Member

Nominee's Name

Deno Himonas

Judge of the Year (Summer Convention)

Justice Deno Himonas joined the Third District Court in 2004 and the Supreme Court in 2015. Lawyers and citizens appearing before him can attest to his knowledge of and faithfulness to the law and his patient, even-handed manner. He dives into the facts and researches the law, providing thoughtfulness and consistency in the law's application to our daily lives. Many Utah jurists – we are fortunate to say – share these characteristics.

Where Justice Himonas distinguishes himself is his drive to improve Utah's justice system in practical and impactful ways. For example, while on the trial bench, Judge Himonas advocated for the drug court program, which recognized that the justice system's traditional manners of addressing addiction failed to address the problem's root and a better path forward existed to help individual defendants stay clean while extending security for Utah's citizens and law enforcement.

Justice Himonas is now tackling the access to justice crisis. The facts are simple - citizens cannot afford a lawyer to help with their basic legal needs. Pro bono and legal aid only go so far. Looking to the future, and the past, Justice Himonas pushed forward technology and innovative solutions to provide critical legal services to Utah citizens.

Justice Himonas did not take on this effort because it is easy – it is not. As with any effort to implement societal change, his efforts are met with a certain amount of institutional indifference, which he seeks to understand and address. But in doing so, Justice Himonas never loses sight of the data demonstrating the need for reform and the potential solutions.

Nor did the pandemic slow him down. Justice Himonas' work to ensure the functioning of Utah's courts is reflected in his role on the Supreme Court and Judicial Council, as well as the Supreme Court representative where the bodies intersect. He helped draft the pandemic-related judicial orders and worked with U of U Healthcare on a pathway to resume jury trials.

He has always done his "day job" well, whether conducting complicated jury trials in the Third District Court or resolving complex issues with his Supreme Court colleagues. But Justice Himonas stands apart – and is our Judge of the Year nominee – because the metaphorical 5:00 PM is not his quitting time. He works, tirelessly and in important and controversial areas, to build a better legal system for Utah's citizens.

Please select one:

My nomination is public and I give permission for my nomination to be shared with the nominee and published, whole or in part, by the Utah State Bar.

Nominator Name

Rick and George Ensor and Adondakis

Bar Number

10877

Email address

rfensor@michaelbest.com

Date

5/28/2021

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Wednesday, May 26, 2021 1:49 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Anna Carpenter

Utah State Bar Member

Nominee's Name

Constandinos Himonas

Judge of the Year (Summer Convention)

Justice Himonas is a visionary, transformative public servant, and judicial leader. He is peerless in his determination and ability to make our systems of law and justice more fair, humane, and equitable.

Only rare leaders can tackle and solve the most vexing structural problems in our complex society; Justice Himonas is one of these. He sets ambitious, challenging goals and inspires others to join him in doing the work necessary to meet those goals. He offers credit and praise to his collaborators while taking personal responsibility in the face of critique.

Justice Himonas is directly responsible for Utah's status as the state leading the nation in access to justice reform. Thanks to his vision and tireless work, Utah's reform projects are a beacon and blueprint for judicial officers across the country and the world. From the perspective of many stakeholders who have dedicated their careers to improving access to justice, Justice Himonas is the most important judicial officer working in America today.

Throughout his career, Justice Himonas has led efforts to improve the administration of justice, particularly for our state's most vulnerable people. In the face of the current pandemic, Justice Himonas has been a key figure in shaping the Utah courts' response. As a member of the Supreme Court and the Judicial Council, as well as the Supreme Court's designee to resolve issues in which the Court and Council have overlapping jurisdiction, he has been heavily involved in managing the judicial branch's action steps and crafting orders to implement COVID-related changes.

Put together, the projects Justice Himonas has spearheaded have shifted Utah's access to justice landscape and sparked a national movement to follow Utah's lead.

Please select one:

My nomination is public and I give permission for my nomination to be shared with the nominee and published, whole or in part, by the Utah State Bar.

Nominator Name

Anna Carpenter

Bar Number

17447

Email address

anna.carpenter@law.utah.edu

Date

5/26/2021

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Wednesday, May 26, 2021 2:39 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Douglas Crapo

Utah State Bar Member

Nominee's Name

Dino Himonas

Judge of the Year (Summer Convention)

Dedication to justice in recent opinions and his dedication to expanding access to justice and legal services for all members of the public.

Please select one:

My nomination is private and should not be shared with the nominee or published, whole or in part, by the Utah State Bar.

Nominator Name

Douglas Crapo

Bar Number

14620

Email addressdouglasjcrapo@agutah.gov**Date**

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Wednesday, May 26, 2021 2:43 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

James Phillips

Utah Legal Community Member or Organization *JUDGE*

Nominee's Name

Thomas Lee

Judge of the Year (Summer Convention)

For the past eleven years, Justice Thomas R. Lee has worked tirelessly to promote the rule of law in Utah. He is not content to sign onto an opinion that he feels does not get the law just right. Thus, as at least one political scientist's study has found, he has written more opinions, whether that be majority, concurrences, or dissents, than any other Utah justice by far. This is not the easy road—but the road required by his judicial oath. Further, he has pioneered the use of corpus linguistics in judicial opinions, being the first judge to ever formally employ such a methodology. And his continual work in this area has spread to courts around the country. Thus, so far, the U.S. Supreme Court has employed or cited corpus linguistics in five cases; six U.S. Courts of Appeal have relied on corpus linguistics at least once (2nd, 3rd, 4th, 6th, 11th, and D.C. Circuits), with the Ninth Circuit calling for supplemental briefing performing corpus linguistics in a case earlier this year; six state supreme courts from around the country have cited or used corpus linguistics (Ohio, Vermont, Michigan, Idaho, Utah, and Montana); and numerous other federal district and state appellate courts have done so as well. That doesn't even count the dozens of briefs and academic articles that have employed or cited the methodology. All of this started with Justice Lee. It is not often that a judge starts a legal movement. And he is likely the most well-known (and perhaps well-regarded) Utah judge in national legal circles the state has ever produced. He therefore epitomizes what Utah seeks in a jurist: excellence that is recognized beyond the state and an unwavering commitment to his constitutional duty such that he goes above and beyond what duty requires. For these reasons, Justice Thomas Lee should be named Utah's Judge of the Year.

Please select one:

My nomination is private and should not be shared with the nominee or published, whole or in part, by the Utah State Bar.

Nominator Name

James Phillips

Bar Number

17302

Email address

jamescleithphillips@gmail.com

Date

5/26/2021

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Wednesday, May 26, 2021 7:07 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Mark Baer

Utah State Bar Member

Nominee's Name

Brendan McCullagh

Judge of the Year (Summer Convention)

Any objective, independent individual who has appeared in front of, been mentored by or been part of any project involving Judge Brendan McCullagh cannot possibly come away from that experience without realizing that he absolutely and without equivocation knows his stuff, operates with integrity and professionalism and has a grasp of what has to be done to complete his job. Very, very few judges have had to handle his case load over the years, and particularly more recently as he has had to fill in for other Judges who have taken leave - one way or the other - from the bench. Additionally, Judge McCullagh has pioneered new ways of conducting court (read: on line process, ADR, and similar) which is quickly morphing into the 'go-to' way of conducting court not just around his jurisdiction, the 3rd District, but around the state and even the country. And that was just-in-time, as it were. Imagine trying to conduct court during the pandemic without those efforts that he spearheaded? Clearly Judge McCullagh has taken the lead on a process that has, in many ways, been the saving grace of the judicial system during these unprecedented times.

Additionally, anyone who has observed him in the courtroom knows that he treats all with respect, dignity and courteousness something especially impressive given the myriad of and unpredictability of large number of individuals he must deal with on a daily basis.

Simply put, with this exemplary judge and his efforts both as an individual judge and as service to the community and the profession, we are all in a better place.

Please select one:

My nomination is private and should not be shared with the nominee or published, whole or in part, by the Utah State Bar.

Nominator Name

Mark Baer

Bar Number

5440

Email address

mbskier@aol.com

Date

5/26/2021

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Wednesday, May 26, 2021 1:58 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Matthew Steward

Utah State Bar Member

Nominee's Name

Judge Rich Mrazik

Judge of the Year (Summer Convention)

Judge Mrazik is outstanding. He is courteous, professional, well-prepared. and his rulings are prompt and well-reasoned. He has been presiding over a very complicated multi-party civil case involving many local and national lawyers. I have heard nothing but praise from both local and national counsel for his level of preparation, comprehension of complicated issues, and thoughtful rulings. His judicial temperament is excellent. He is polite and courteous to counsel but also firm and direct when warranted. His team is organized and responsive.

Please select one:

My nomination is public and I give permission for my nomination to be shared with the nominee and published, whole or in part, by the Utah State Bar.

Nominator Name

Matthew Steward

Bar Number

7637

Email address

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Wednesday, May 26, 2021 1:40 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Matthew Hansen

Utah State Bar Member

Nominee's Name

Judge Camille Neider

Judge of the Year (Summer Convention)

In 2017, Judge Neider was confirmed as the first openly lesbian Judge in Utah. I think the community would benefit from knowing that this appointment has been a tremendous gift to Utah and not just a political maneuver. Her success is a success for Utah and many people that have been overlooked in the past.

Research has consistently shown that Judges are the most important factor in applying procedural fairness in a courtroom. Judge Neider is a great example of using proper temperament and legal knowledge to keeping a calendar moving forward and all parties feeling respected, heard, and valued.

Our State has many great judges. I feel like Judge Neider should be strongly considered for her skills and for a statement to overcoming the hurdles that were placed in her path and overcoming those hurdles.

Please select one:

My nomination is private and should not be shared with the nominee or published, whole or in part, by the Utah State Bar.

Nominator Name

Matt Hansen

Bar Number

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Wednesday, May 26, 2021 1:54 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Janell Bryan

Utah State Bar Member

Nominee's Name

Douglas Nielsen

Judge of the Year (Summer Convention)

Judge Douglas Nielsen is a juvenile court judge in the 4th District Court. Since being appointed, he quickly became known for his courteous and fair manner, his adherence to the law, and his respect for other professionals and parties by working to run his calendar on time. I have been present in many hearings where he has patiently read an applicable statute, then broke it down for my clients or other parties, and attempted to explain his findings and rulings based on the law. He also often works to explain in layman's terms what the purpose of the proceedings are, the standard or laws that must be followed, and he attempts to help the parties (many of whom are minors) and other participants understand the proceedings and feel comfortable and more at ease with the legal process. I have also often seen him defuse very tense, emotional child welfare proceedings with courtesy, respect, and patience.

Please select one:

My nomination is private and should not be shared with the nominee or published, whole or in part, by the Utah State Bar.

Nominator Name

Janell Bryan

Bar Number

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Wednesday, May 26, 2021 1:48 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

David Leta

Utah Legal Community Member or Organization

Nominee's Name

Todd Shaughnessy

Judge of the Year (Summer Convention)

Judge Shaughnessy has served the public and the bar with dedication and distinction since he was appointed to the bench. He is an example for other judges and deserves this recognition.

Please select one:

My nomination is private and should not be shared with the nominee or published, whole or in part, by the Utah State Bar.

Nominator Name

David Leta

Bar Number

1937

Email addressdlleta@swlaw.com**Date**

TAB 4

UTAH BAR COMMISSION MEETING AGENDA ITEM

30

Title: Lawyer of the Year Award Selection
Meeting Date: June 4, 2021
Item: 2.5
Submitted by: Bar Awards Committee

ITEM/ISSUE:

To select the 2021 Lawyer of the Year Award recipient.

CRITERIA:

Awarded to a Utah State Bar member who, over a long and distinguished legal career, has by their ethical and personal conduct, commitment and activities, exemplified for their fellow attorneys the epitome of professionalism; who has also rendered extraordinary contributions to the programs and activities of the Utah State Bar in the prior year.

BAR AWARDS COMMITTEE RECOMMENDATION: TBD

NOMINEES:

<i>Nominee</i>	<i>Nomination Public?</i>	<i>Previous Awards Received?</i>
Wally Bugden	Yes	
Richard Burbidge	No	
Abby Dizon-Maughan	No	
Rick Haderlie	No	
George Hofmann	Yes	
Joni Jones	Yes	
Andrew Morse	Yes	
V. Lowry Snow	No	2011 Lifetime Service Award
Ann Marie Taliaferro	Yes	
Christopher Von Maack	Yes	

PAST RECIPIENTS AND NOMINEES:

Past Recipients	Other Nominations That Year
2020 James W. McConkie II	Doug Farr, Elizabeth (Terry) Dunning, Brad Parker, Jonathan Peck, Lauren Scholnick, Margaret Plane, Michael Liechty, Richard Mauro
2019 Paul Burke	Ross C. Anderson, Peter W. Billings, Patricia Christensen, Susan Griffith, John Huber, Gary Johnson, Anthony Plachy
2018 Karra Porter	Peter Billings, Gary Johnson, Rick Nydegger, Pamela Vickery
2017 Paul M. Simmons	Mark Moffat and Annie Taliaferro, Jeff Hunt
2016 Annette Jarvis Bruce Maak	Laura Dupaix, Kent Scott, Joan Watt, Fran Wikstrom
2015 Ron Yengich	Steven D. Peterson
2014 Charlotte Miller	Sharon Donovan, Ben Hathaway, Lyle W. Hillyard, Linda M. Jones, Janise Macanas, Karra J. Porter, Stuart H. Schultz, Jenifer L. Tomchak, Peggy A. Tomsick, Raymond Uno, Fran Wikstrom
2013 Peter Stirba	Janise Macanas, Brent Manning, Frank Carney
2012 Gary R. Crane	Brent Manning
2011 Robert B. Sykes	Francis M. Wikstrom, V. Lowry Snow
2010 Randy L. Dryer	
2009 Paul T. Moxley	Peter Stirba
2008 Charles R. Brown	Paul Felt, Dale Lambert, Reed Martineau, Lori Nelson
2007 Oscar McConkie	Charles R. Brown
2006 Max D. Wheeler	Sidney G. Baucom; Victoria Kidman, Max D. Wheeler, Ronald Yengich
2005 James S. Jardine	

2004 George B. Handy	
2003 Jay E. Jensen Rodney G. Snow	David G. Challed; David Jordan; L.S. McCullough, Jr.; John L. Valentine; Ronald J. Yengich; Stanley J. Preston; Kent B. Scott; Peter Stirba
2002 L. Brent Hoggan	
2001 Alan L. Sullivan	Stanley J. Preston; Peter Stirba; Kent B. Scott
2000 D. Frank Wilkins	
1999 Irene Warr	
1998 Leonard J. Lewis	
1997 Gayle F. McKeachnie	
1996 Dale A. Kimball	
1995 Gordon L. Roberts	
1994 Joseph Novak	
1993 William B. Bohling	
1992 Hardin A. Whitney Herschel J. Saperstein	
1990 Brian R. Florence Norman S. Johnson	

INFO ONLY:

DISCUSSION:

ACTION NEEDED: **X**

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Wednesday, May 26, 2021 1:40 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Kyler Ovard

Utah State Bar Member

Nominee's Name

Wally Bugden

Lawyer of the Year Award (Summer Convention)

Please select one:

My nomination is public and I give permission for my nomination to be shared with the nominee and published, whole or in part, by the Utah State Bar.

Nominator Name

Kyler Ovard

Bar Number

13570

Email addresskyler@kovardlaw.com**Date**

5/26/2021

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Wednesday, May 26, 2021 1:57 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

David Leta

Utah State Bar Member

Nominee's Name

Richard Burbidge

Lawyer of the Year Award (Summer Convention)

Dick has been a role model for lawyers who strive to achieve the highest standards of excellent client service. He also has given generously of his time and money to support public, bar and educational endeavors. I'm surprised that Dick has not previously received this award, as his selection for this honor is long overdue.

Please select one:

My nomination is private and should not be shared with the nominee or published, whole or in part, by the Utah State Bar.

Nominator Name

David Leta

Bar Number

1937

Email addressdleta@swlaw.com

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Tuesday, June 1, 2021 2:21 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Kate Conyers

Utah State Bar Member

Nominee's Name

Abby Dizon-Maughan

Lawyer of the Year Award (Summer Convention)

Abby is a great candidate for this award this year. She has always shown the utmost ethics and personal conduct. In addition to her Bar activities, including Leadership Academy, this year and in previous years she's worked hard towards racial equality and social justice reform: She chairs the Professional Standards Review Board of the West Valley City Police Department; she's a member of the executive committee of the NAACP-Salt Lake Branch and has served as the chair of the criminal justice committee for eight years; and last year she--along with her sister and son--founded Utah Moms for Racial and Social Equity and hosted several community townhall meetings to bring together neighbors, friends, colleagues to discuss racial/social justice issues in a safe, welcoming place. These activities show a commitment towards those same values that the Bar stands for - equality and justice for all.

Abby has also shown a commitment to the Bar profession through her ongoing mentorship, her involvement with the Spring Bar Convention committee (she put together the Weldon Angelos federal sentencing CLE), and with UCLI/UMBA.

I recognize that this award is usually reserved for those with a long legal career, but this has been an exceptional year. I believe that Abby--with all of her extraordinary activities in the community and in the Bar--warrant serious consideration. I appreciate your time.

Please select one:

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Friday, May 28, 2021 12:01 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Michael Wright

Utah State Bar Member

Nominee's Name

Abby Dizon-Maugh

Lawyer of the Year Award (Summer Convention)

I would like to nominate Abby Dizon-Maugh as lawyer of the year. She joined our firm earlier this year, and as I have come to know her, I have been extremely impressed. She not only displays high levels of competence and professionalism, I have been impressed that she takes the time to serve the broader community as well as bar. I found that she seeks out and mentors a number of young people who wish to enter the profession. As an example, I learned that she met with, encouraged, and gave concrete advice to a young woman about how to go about applying for law school and entering the profession. I learned this incidentally from my own son, who casually mentioned that an attorney from my office had agreed to meet with one of his friends who "really wants to work in public service." He said that Abby had been helpful and inspiring. I think this generosity is typical of Abby. She was a non-traditional law student, and has taken steps to help others who are also following the more difficult path. I know she also serves on the Bar's Leadership Academy, is the long time chair of the Professional Standards Review Board for West Valley City (the civilian oversight board for police), is a member of the executive committee for the NAACP-Salt Lake City, and works tirelessly on behalf of the community. These are only a few examples of her contributions to the bar and the community in general. She has been a member of the bar since 2013 and accomplished so much in such a relatively short time.

Please select one:

My nomination is private and should not be shared with the nominee or published, whole or in part, by the Utah State Bar.

Nominator Name

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Thursday, May 27, 2021 7:24 AM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Marissa Church

Utah State Bar Member

Nominee's Name

Rick Haderlie

Lawyer of the Year Award (Summer Convention)

Rick is a hard working attorney that always puts his clients needs first. He works countless hours to ensure deadlines are met so that his clients get the best outcome. His energy and positivity inspire me to work harder and really enjoy my career as a paralegal for the firm. He pushes me to think outside the box to find solutions to better the clients case. He knows the law and fights for the clients best outcome at all times. He is not only a great attorney, but a great boss and member of the firm. He often gets referrals from past clients because he is easy to work with and responsive to clients which is so important to the client. He also has great ethics, which is not always a common finding in some of the attorneys he works against. Overall Rick is a great attorney who provides stellar product for his clients who always strives to do his best everyday.

Please select one:

My nomination is private and should not be shared with the nominee or published, whole or in part, by the Utah State Bar.

Nominator Name

Marissa Church

Bar Number

164205

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Thursday, May 27, 2021 8:09 AM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Camille Jarvis

Utah State Bar Member

Nominee's Name

Rick Haderlie

Lawyer of the Year Award (Summer Convention)

Rick has been a mentor and example to numerous attorneys throughout his career. His professionalism is always evident, even when dealing with difficult situations and sometimes difficult attorneys! He allows those he mentors and trains to express their ideas without fear of repercussion and will redirect in a way that helps them learn without humiliation. He is ethical in his dealings with opposing counsel and clients and ensures that those he is around are treated with respect. He is humble and kind and understands that you can agree to disagree, without being disagreeable!

Please select one:

My nomination is public and I give permission for my nomination to be shared with the nominee and published, whole or in part, by the Utah State Bar.

Nominator Name

Camille Jarvis

Bar Number

13755

Email address

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Wednesday, May 26, 2021 4:28 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Kyle Shoop

Utah State Bar Member

Nominee's Name

Rick Haderlie

Lawyer of the Year Award (Summer Convention)

Rick is an excellent and ethical attorney. He who works tirelessly to ensure the profession is seen in an exemplary light and to navigate difficult cases while balancing the interests of his clients verse the ethics of the profession. He also has spent considerable time mentoring associates and attorneys, rather than just directing their action, so as to seek to pass on the professionalism of the future of attorneys to young attorneys. It's been a pleasure associating with Rick and he should be considered for Lawyer of the Year.

Please select one:

My nomination is private and should not be shared with the nominee or published, whole or in part, by the Utah State Bar.

Nominator Name

Kyle Shoop

Bar Number

13356

Email address

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Wednesday, May 26, 2021 4:42 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Jeffrey Trousdale

Utah State Bar Member

Nominee's Name

George Hofmann

Lawyer of the Year Award (Summer Convention)

Dear Committee,

I am nominating George Hofmann as the "Lawyer of the Year" because of his consistently excellent service to his clients, his integrity, his humility, and his skill as a lawyer. Mr. Hofmann is a well-known bankruptcy attorney, who regularly represents chapter 11 debtors, chapter 7 debtors, chapter 7 trustees, and creditors in bankruptcy. He currently serves a chapter 7 trustee as well. As a young law clerk to the Hon. Joel T. Marker, (now) Chief Bankruptcy Judge for the United States Bankruptcy Court for the District of Utah, Mr. Hofmann regularly impressed me with his skill in the courtroom, his professionalism and candor, and the incredible value that he provided to his clients. He is an effective "no-nonsense" attorney who takes his work seriously, but does not take himself too seriously. This is an increasingly rare thing, I think.

Since joining Cohn Kinghorn, P.C., in 2013, I have had the privilege of working with Mr. Hofmann. I have witnessed first-hand how he strives to provide efficient and cost-effective services to his clients. He has helped hundreds of clients (maybe more) through the bankruptcy process. He has helped companies reorganize, small-business persons start over, and creditors get paid. He is widely recognized as one of the preeminent chapter 11 debtor attorneys in the State, because he is driven by a desire to help people through bankruptcy. While running a business (i.e., getting paid) is an important part of being an attorney, it seems to be low on Mr. Hofmann's list of priorities. Rather, he strives foremost to uphold the standards of our profession. He serves as a Trustee with integrity and compassion, doing his best to comply with the strict requirements of the Bankruptcy Code. He is well respected among the other attorneys who practice in bankruptcy.

Finally, Mr. Hofmann is a model example of the work-life balance that so many attorneys strive for. He is a dedicated father and husband. He refuses to allow the never-ending stream of emails and demands that attorneys face to dominate his life. He sets reasonable boundaries on how much the profession can demand from him. As a young attorney, Mr. Hofmann helped me to implement these same practices, oftentimes inviting me on ski outings during the week, or encouraging me to avoid working on weekends. I truly appreciate the mentorship and guidance he provided.

In short, Mr. Hofmann is a mentor, a public servant, a business-saver, a problem solver, a human-prioritizer, and a gift to the profession. He is well deserving of being recognized as the attorney of the year in the state of Utah.

Please select one:

My nomination is public and I give permission for my nomination to be shared with the nominee and published, whole or in part, by the Utah State Bar.

Nominator Name

Jeffrey Trousdale

Bar Number

14814

Email address

jtrousdale@ck.law

Date

5/26/2021

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Friday, May 28, 2021 12:49 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Amy Oliver

Utah State Bar Member

Nominee's Name

Joni Jones

Lawyer of the Year Award (Summer Convention)

On behalf of the Women Lawyers of Utah, it is my honor to nominate Joni Jones for Lawyer of the Year. Joni Jones is the Division Director for the litigation section at the Utah Attorney General's Office, which is the largest division at the Attorney General's office (about 40 employees). She has been involved in some of the largest and most significant litigation in the state. The most recent case in which Ms. Jones demonstrated her expertise and professionalism is the litigation filed against the University of Utah by the family of Lauren McCluskey, the University of Utah student killed several years ago in a domestic violence incident. Ms. Jones led the team of attorneys representing the University of Utah and was instrumental in negotiating a settlement of the litigation. This involved many more complexities than a typical case, including working with both the Governor's office and the Utah State Legislature. Given the subject matter of the litigation, the negotiations required a lot of sensitivity to the plaintiffs, the University of Utah community, and the political and community implications. Ms. Jones was diligent in her representation of her clients, but did so in a manner that demonstrated the epitome of professionalism. Additionally, over the past year, Ms. Jones demonstrated her leadership and creativity in working with employees at the Utah AG's Office to be able to continue to advance their litigation despite the many challenges of the COVID-19 pandemic.

Please select one:

My nomination is private and should not be shared with the nominee or published, whole or in part, by the Utah State Bar.

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Wednesday, May 26, 2021 4:01 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Robert Sykes

Utah State Bar Member

Nominee's Name

Andrew Morse

Lawyer of the Year Award (Summer Convention)

I am pleased to nominate Andrew Morse, a partner at Snow, Christensen and Martineau to be Distinguished Lawyer of the Year. I have litigated cases with Andrew for many years. He is extremely intelligent, competent and fair with his opponents. He has a keen sense of justice. He has given many years of service to the Utah State Bar. Most recently, Andrew organized a bar seminar on the use of force that drew nearly 2000 registrants, many from around the country. He is deserving of this honor.

Please select one:

My nomination is public and I give permission for my nomination to be shared with the nominee and published, whole or in part, by the Utah State Bar.

Nominator Name

Robert Sykes

Bar Number

03180

Email address

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Friday, May 28, 2021 12:01 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Victoria Carlton

Utah State Bar Member

Nominee's Name

V. Lowry Snow

Lawyer of the Year Award (Summer Convention)

V. Lowry Snow is an outstanding legal advocate, litigator, and mentor. Lowry is the epitome of professionalism and has been a champion of the Utah Bar in Southern Utah. He has also been invaluable in his role as a Utah House of Representative for which he has championed the positive changes we have seen with the juvenile code recodification. I could not think of anyone that fits this award better than Lowry Snow.

Please select one:

My nomination is private and should not be shared with the nominee or published, whole or in part, by the Utah State Bar.

Date

5/28/2021

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Thursday, May 27, 2021 1:16 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Karina Sargsian

Utah State Bar Member

Nominee's Name

Ann Mari Taliaferro

Lawyer of the Year Award (Summer Convention)

Ann Marie Taliaferro represents the best of our attorneys in Utah. I am a civil litigator at Holland & Hart LLP, and I took on a Post Conviction Relief Case pro bono. I have been working through uncharted waters, representing my client to the best of my ability. Throughout my time with the pro bono matter, I have reached out to Utah attorneys through a Facebook group page for answers to various questions related to my pro bono matter. Ann always responded with advice and even provided me her phone number to call if I had any other questions. At one point, there was an incarcerated witness that agreed to provide new testimony in support of my client, but this witness needed counsel's advice on whether to provide such testimony. Ann agreed to meet with this witness, pro bono, and provide the needed advice. I am still in awe of the amount of assistance that Ann has provided me in my matter, unconditionally and happily. I did not know Ann before I took on my pro bono matter and reached out to the Facebook group of attorneys. She had no reason to help me. If more Utah attorneys followed Ann's examples, we would have one amazing Bar doing good for the community. Though I will add that I believe our Bar is pretty amazing already.

Please select one:

My nomination is public and I give permission for my nomination to be shared with the nominee and published, whole or in part, by the Utah State Bar.

Nominator Name

Karina Sargsian

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Wednesday, May 26, 2021 3:48 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Greg Wayment

Utah State Bar Member

Nominee's Name

Christopher Von Maack

Lawyer of the Year Award (Summer Convention)

I write to nominate Chris Von Maack for the 2021 Lawyer of the Year Award. Chris and I started in the profession at about the same time. He was young, but from the start he was the most intelligent, articulate, and diligent attorney I've ever known. One of the first complaints he drafted was for the partnership dispute involving the La Caille restaurant. His grasp of the facts and nuances of that matter directly contributed to a \$4.7 million dollar verdict for the client.

From that first day, Chris was a strong advocate for me as a paralegal. He argued for my abilities to draft documents, research, and for being part of the trial team. I've been incredibly grateful for that.

Chris went on to 1st chair several trials and in 2011, he became a partner at Magleby & Greenwood. In May of 2018, Chris and Jason McNeill started the firm McNeill Von Maack.

Chris attended Rowland Hall through high school and then attended the University of California. He chose to follow in the footsteps of his sister Linda D. Smith and his father, Robert Maack, who was well-loved and the 1998 Utah Trial Lawyer of the Year. He attended law school at the McGeorge School of Law at the University of the Pacific, where he graduated Order of the Coif, was a writer and editor for the McGeorge Law Review and served as teaching assistant to Professor Pingree. After law school, Chris clerked for Judge Pamela T. Greenwood on the Utah Court of Appeals.

He is a member of the Committee on the Model Utah Jury Instructions and the David K. Watkiss-Sutherland II Inns of Court. He is currently the chair of the Utah Supreme Court Professionalism and Civility Counseling

Board.

He currently serves as a both the chair of the board for Rowland Hall and the chair of the R. Harold Burton Foundation, a philanthropic organization that supports education, science, and health projects. Previously, he has served on the boards of Preservation Utah and Salt Lake Honorary Colonels.

I would say above and before these things, Chris is a very active and loving father to his two children, Charlie and Julia, and he is married to his high-school sweetheart, Alexandra. If you know Chris, you know he is charming, witty, and is a real credit to the Utah legal community. I am honored to submit this nomination.

Please select one:

My nomination is public and I give permission for my nomination to be shared with the nominee and published, whole or in part, by the Utah State Bar.

Nominator Name

Greg Wayment

Bar Number

45016

Email address

wayment@mcg.law

Date

5/26/2021

TAB 5

LOOKING IN & LEADING OUT

Key Findings on Diversity
from the **UCLI 2020**
Certification Program Survey

CREDITS

UTAH CENTER FOR LEGAL INCLUSION

Melinda Bowen, Executive Director
Ling Ritter, Associate Director
Aida Neimarlija, UCLI Advisor, former Executive Director
Kristen Olsen, UCLI President

TRACKING PROGRESS COMMITTEE

Committee Chair: John Baldwin

Committee Members:

Dr. Christy Glass
David McNeill
Zachary Scott
Scarlet Smith
Marshall Thompson

REPORT AUTHORS

From Justice Lab at the University of Utah S.J. Quinney College of Law:

Sarah Martinez
Jackie Rosen
Ryan Williams

Special thanks to Anna Carpenter, professor and director of Justice Lab

Design by Megan Magray, www.meganmagray.com

The headings in this report are typeset in Martin, a typeface inspired by the Memphis Sanitation Strike of 1968. It was created by Tre Seals, founder of Vocal Type Co.

INTRODUCTION

PURPOSE OF THIS REPORT. Law is one of the least diverse professions in the country.¹ Utah's legal community is no exception. We are a profession with worthy aspirations like ensuring access to justice, fairness, and equality before the law. To reach these goals, our legal institutions must represent the communities we serve. Many legal employers and members of the profession recognize this and are working to make Utah's legal profession more diverse, equitable, and inclusive. This report aims to support that work.

This report is based on data collected from a survey of Utah legal employers participating in the Utah Center for Legal Inclusion's (UCLI) Certification Program. [UCLI's Certification Program](#) attracts law firms and legal organizations seeking to improve diversity, equity, and inclusion (DEI) within their organization. The Certification Program offers employers methods, strategies, policies, and standards for addressing DEI.² The survey was administered between November 2020 and January 2021 and focuses on understanding the representation of different racial, gender identity, sexual orientation, and disability status groups in Utah's legal profession. The data capture the demographic makeup and policies of legal employers as of December 31, 2019. This report provides a benchmark that legal employers can use to gauge their success in attracting, retaining, and promoting diverse talent going forward. It is also a resource for employers interested in making their

workspaces more diverse, equitable, and inclusive. UCLI intends to gather data in future years to compare to this baseline. This report is a resource for everyone involved in Utah's legal field, including those who may one day enter it.

For partners, senior attorneys, managers, owners, and others in workplace leadership, this report presents the results of UCLI's certification survey, identifies trends, and offers best practice suggestions. In large part, this report was drafted with you in mind. Your leadership and commitment are necessary for Utah's legal field to see sustainable improvement in the hiring, advancement, and retention of attorneys from underrepresented groups.

For diverse lawyers, the data reported here reflect your presence, work, and dedication to improving the field for yourself and people like you. This report recognizes the contributions you have made and will continue to make to Utah's legal profession. The authors hope this report will, at some level, validate your experiences and support your work.

For lawyers, legal paraprofessionals, law students and those interested in entering the legal field, this report is a primer on diversity, equity, and inclusion in law in Utah. Many in Utah's legal profession are working to diversify our ranks, create and promote more equitable workplace policies, and foster an inclusive culture. The authors of this report hope you will join in this work.

¹ Allison E. LaFey & Allison Ng, *Diversity and Inclusion in the Law: Challenges and Initiatives* (May 2, 2019), <https://www.americanbar.org/groups/litigation/committees/top/articles/2018/diversity-and-inclusion-in-the-law-challenges-and-initiatives/>.

² UCLI, *UCLI Certification Program Overview* (2021), <https://www.utahcli.org/certification/>.

The data and best practices this report presents are not just for legal employers or attorneys from underrepresented groups. They are for everyone in the legal community. We each have a role to play in looking inward at our current practices, understanding what it will take to improve ourselves and the systems in which we operate, and leading out to make Utah's legal community a welcoming place that's an example for others to emulate.

ABOUT THE UTAH CENTER FOR LEGAL INCLUSION. UCLI was formed in response to a long-observed pattern in the legal profession: a lack of diversity, particularly of diversity in senior roles. To fully realize the values underlying our American legal system—fairness, representation, access to justice, and equality before the law, among others—it is imperative that the legal profession adequately represent the communities it sets out to serve. Often, advocating for or coordinating the implementation of equitable and inclusive policies falls to the members of underrepresented groups these policies are supposed to support. This can lead to burnout and advocacy fatigue.

UCLI aims to play a critical role in resolving these issues. By coordinating with the Utah State Bar and its affinity groups, legal employers, government agencies, educational institutions, businesses, and community partners, UCLI strives to enhance organizational inclusion, facilitate educational opportunities and professional advancement for students and attorneys with diverse backgrounds, and track the progress of legal inclusion efforts throughout the state. Taking on the role of collecting and presenting benchmark diversity data is just one way in which UCLI is working to advance diverse representation and bring about an equitable and inclusive future for Utah's legal institutions and justice system.

ABOUT JUSTICE LAB. Justice Lab is an intensive clinical course at the S.J. Quinney College of Law where students engage in public interest legal work. Justice Lab students work on projects related to access to justice, public policy, and systemic change. Small teams of students work directly with government and nonprofit clients to advance social change throughout the semester-long course.

SUMMARY OF KEY FINDINGS. The UCLI survey gives insight into the demographics of Utah's legal profession.³ Key findings include:

- **Key Finding #1:** Black, Indigenous, and people of color (BIPOC)⁴ occupy less than 5% of equity partner positions. Proportional BIPOC representation decreases from associate to equity partner.
- **Key Finding #2:** Women and men are hired as associates at similar rates but at each level of advancement women's proportional representation decreases as men's increases.
- **Key Finding #3:** Women are twice as likely as men to have part-time schedules.
- **Key Finding #4:** The percentage of LGBTQ+ attorneys is 3.5 times lower than the percentage of LGBTQ+ attorneys nationally.⁵
- **Key Finding #5:** The percentage of attorneys in Utah with a disability is less than 1% of all attorneys, but is almost six times lower than other employed Utahns with a disability.
- **Key Finding #6:** Respondent employers in Utah have fewer DEI and schedule flexibility policies than regional legal employers.

³ Due to methodology (particularly employer reporting) data on disabled and LGBTQ+ populations are limited in this survey.

⁴ Refers to race/ethnicity and includes census categories: Asian, Black or African American, Latino, Native American or Alaska Native, Native Hawaiian or other Pacific Islander, and multiracial. Lawyers. References to racial and ethnic representation refer to these same census categories.

⁵ National Association for Law Placement, 2020 *Report on Diversity in U.S. Law Firms* 10 (2021) (reporting 2.99% of U.S. attorneys identify as LGBTQ) [hereinafter NALP 2020 Report on Diversity].

WHY DIVERSITY, EQUITY, AND INCLUSION MATTER

Many lawyers enter the profession because of an interest in justice, equality, and fairness. As lawyers, we want to contribute to ensuring a just society, equitable outcomes for our clients, and fair legal systems. By promoting diversity, equity, and inclusion, the legal profession can advance these broader goals.⁶

Beyond advancing worthy community goals, diversity adds value to our relationships and spurs professional growth. It also leads to beneficial business outcomes.⁷

DIVERSITY, EQUITY, AND INCLUSION ARE GOOD FOR BUSINESS. Diverse workplaces often produce more innovative ideas,⁸ greater productivity,⁹ and happier employees.¹⁰ Research has also found that diversity is better for the

bottom line when considering diversity of race,¹¹ gender,¹² and sexual orientation or identity.¹³ Not only are employees in diverse and inclusive workforces putting in more discretionary effort (the extra work that employees put in because they want to, rather than are required to),¹⁴ they also have greater intent to stay at such workplaces.¹⁵ This means that diversity not only increases productivity on the employee level, it may also increase productivity at the organizational level by allowing greater focus on business efforts rather than the time-consuming hiring process. In addition, diverse legal teams “achieve significantly higher performance ratings.”¹⁶ Collaboration and team commitment are greater within diverse workforces.¹⁷

In addition, business entities that hire law firms are placing market pressure on legal employers

to focus on DEI. Many Utah business leaders have publicly recognized the importance of racial DEI.¹⁸ Clients want law firms that are embracing diversity.¹⁹ In a competitive legal market, those who are committed to diversity, equity, and inclusion not only show potential clients that they are able to attract and retain diverse talent, but also show that they are equipped to handle diverse and complex issues. But promoting diversity on the surface without implementing inclusive policies and best practices can lead to burnout, ostracism, tokenism, and conflict. The benefits of a diverse workplace community are real and employers who are willing to do the work to recruit more diverse talent and build inclusive cultures to retain it are the ones who are investing in the future.

6 See, e.g., Alison Cook & Christy Glass, *Do Women Advance Equity? The Effect of Gender Leadership Composition on LGBT-Friendly Policies in American Firms*, 60(7) *HUM. RELS.* 1431, 1448–49 (2010) (“[L]eadership composition is an important predictor of [inclusive] policy adoption. . . . [I]n terms of advancing LGBT-inclusive policies, diversity in the boardroom is associated with critical strategic outcomes.”).

7 Institute for Inclusion in the Legal Profession, *The Business Case for Diversity: Reality or Wishful Thinking* (2011) (finding that “a business case for diversity exists, [but] understanding what it means and what expectations flow from it differ dramatically from one group of stakeholders to the next”).

8 Kim C. Brinkhall & Michèle E. Mir-Barak, *The Critical Role of Workplace Inclusion in Fostering Innovation, Job Satisfaction, and Quality of Care in a Diverse Human Service Organization*, 42(6) *HUM. SERV. Q.* 414, 414–50 (2016) (“[O]ne of the positive effects of diversity include enhanced creativity and innovation, improved workplace commitment, and increased retention.”).

9 Corporate Leadership Council, *Creating Competitive Advantage Through Workforce Diversity*, Corp. Exec. 50, 3 (2012).

10 Kim C. Brinkhall & Michèle E. Mir-Barak, *The Critical Role of Workplace Inclusion in Fostering Innovation, Job Satisfaction, and Quality of Care in a Diverse Human Service Organization*, 42(6) *HUM. SERV. Q.* 414, 475 (2016) (“The growing literature on this topic suggests that creating an inclusive workplace . . . results in positive outcomes, such as increased job satisfaction.”).

11 Cedric Herring, *Does Diversity Pay? Race, Gender, and the Business Case for Diversity*, 74 *Am. Soc. Rev.* 208, 208 (Apr. 2009) (“[R]acial diversity is associated with increased sales revenue, more customers, greater market share, and greater relative profits.”).

12 Id. (“Gender diversity is associated with increased sales revenue, more customers and greater relative profits.”). But see Cristian L. Bessah & David Gaddis Ross, *Does Female Representation in Top Management Improve Firm Performance? A Panel Data Investigation*, 33 *STRATEGIC MGMT. J.* 1072, 1072 (2012) (“[F]emale representation in top management improves firm performance but only to the extent that a firm’s strategy is focused on innovation.”).

13 Peng Wang & Joshua L. Schwartz, *Stock Price Reactions to LGBT Nondiscrimination Policies*, 49(2) *HUM. RES. MGMT.* 195, 212 (2010) (finding “that there is economic value in companies’ efforts devoted to equal treatment for LGBT employees”).

14 Corporate Leadership Council, *Creating Competitive Advantage Through Workforce Diversity*, Corp. Exec. 50, 3 (2012) (finding 12% higher employee discretionary effort in diverse and inclusive workplaces).

15 Id. (finding 19% greater intent to stay).

16 Thomson Reuters Legal, *The Business Case for Diversity and Inclusion in a Law Department*, <https://legal.thomsonreuters.com/en/insights/articles/law-diversity-inclusion> (last visited Apr. 24, 2021) (“[G]ender diverse law department teams achieve significantly higher performance ratings . . . and ethnically diverse executive teams are 33% more likely to outperform their peers on profitability.”).

17 Corporate Leadership Council, at a (finding that workplaces where employees agreed that “diversity is well represented in my organization” and that “[d]ivergent perspectives are valued in my organization” had 57% more team collaboration and 42% greater team commitment).

18 Salt Lake Chamber, *Utah Compact on Racial Equity, Diversity, and Inclusion: A Declaration of Five Principles and Actions to Create Equal Opportunity*, <https://slachamber.com/utahcompact/> (last visited Apr. 10, 2021) (pledging “to advance behavior on an individual, business, and government level that will establish priorities and laws that create equal opportunity and access for all” and committing to “advance solutions to racial bias by listening and creating policies that provide equal opportunity and access to education, employment, housing, and healthcare”); Diversity Lab, *Legal Department (AKA Clients) Efforts Designed to Drive Outside Counsel Diversity* (July 6, 2017), <https://www.diversitylab.com/knowledge-sharing/clients-push-for-diversity/> (identifying corporate clients that have diversity criteria that outside counsel must meet).

19 Ruigui Chen, *Companies Want Lower Diversity, But Firms Lack Set Standard*, *BLOOMBERG L. J.* (Feb. 12, 2021, 11:50 AM), <https://www.bloomberglaw.com/business-and-practice/companies-want-lower-diversity-but-no-set-standard-for-firms>; Sara Radtazzi, *Law-Firm Clients Demand More Black Attorneys*, *WALL ST. J.* (Nov. 2, 2020, 5:30 AM), <https://www.wsj.com/articles/law-firm-clients-demand-more-black-attorneys-11604311000>.

THE UCLI SURVEY

RESEARCH DESIGN AND METHODS. UCLI distributed the 2020 Certification Program Survey to legal employers participating in UCLI's Certification Program. The survey was sent to 53 employers starting in November 2020 and received 31 unique responses before closing at the end of January 2021.²⁰ The survey collected data from legal employers throughout the state and captured demographic data from more than 1700 Utah attorneys. This report anonymizes all data reported.

The survey was completed by a representative from each employer. This method aimed to ensure that the data accounts for all attorneys at each respondent employer, rather than just those who might respond to a survey sent to individual attorneys and paralegals.

Respondent employer size ranged from 3 to 273 attorneys. Employers included private law firms, government offices, non-profit legal groups, and in-house counsel offices of private companies. The survey focused on four main demographic categories: race and ethnicity, gender, LGBTQ+, and disability status. Law firm demographic data is generally separated into two categories: employee title (including equity partner, non-equity partner, associate, of counsel, summer associate, and paralegal) and employer size (including firms of 2–20, 21–50, 51–100, and 100+ attorneys). The survey

also collected information about legal employers' internal policies. Government offices and other legal organizations that do not follow these categories selected the most similar categories. For example, a senior attorney in a government office was grouped with non-equity partners at private firms.

The purpose of the survey was to create a baseline of demographic information on Utah's legal community. Participating employers represent a variety of practice areas and specialties, ranging from family law and intellectual property to criminal law and corporate litigation. The employers were on average larger than those that make up Utah's legal profession as a whole.²¹ For example, only six percent of the demographic data captured in the survey is from attorneys who work at offices with less than 20 total attorneys, despite more than half of all Utah lawyers working at legal offices with less than 30 attorneys.²² In other words, the data underrepresents attorneys from small firms.

After the data collection stage, Justice Lab students from S.J. Quinney College of Law cleaned the data and analyzed the responses. Responses from all 31 employers are included in the data reported here. Data submitted from employers with significant presence outside of Utah were excluded from the demographic data in each Utah analysis but were included for regional comparison in the policy data

in Key Finding #6. Data from a total of 28 legal employers were included in the gender findings and data from 27 legal employers were relied on for the remaining demographic findings in this report. Raw numbers of attorneys were converted into percentages, given the total numbers reported by survey respondents. Responses about policies were sometimes turned into percentages by counting the number of "Yes" responses and "No" responses, indicating whether a given employer had or did not have a listed policy.

ADDITIONAL DATA SOURCES. Data from the National Association for Law Placement's (NALP) 2020 Report on Diversity in U.S. Law Firms was used to provide a regional comparison to demographic representation in similar states. NALP collects data from metropolitan areas, rather than from entire states. This is a useful comparison to the UCLI responses because the majority of UCLI survey responses were from legal employers in the Salt Lake City metropolitan area. NALP data from legal employers with offices in the Denver, Phoenix, and Portland areas were used to provide the regional comparison. These regions were selected to provide a rough comparison to Utah's legal market, in both geography and demographics.

Justice Lab students also sought reflections from attorneys and law students from underrepresented groups in Utah. Respondents were asked to share experiences in the legal field where their diverse identity played a role in how they were treated, the type of law they chose to pursue, or whether they considered leaving the profession. It was sent to attorneys through UCLI and Utah State Bar affinity groups (including the Utah Minority Bar Association and Women Lawyers of Utah) and to law students at the S.J. Quinney College of Law. This report draws on the responses to highlight the lived experiences of these attorneys and law students in Utah. Quotes from these responses are included throughout this report.

²⁰ The group of employers that failed to respond did not have any particular characteristics. There was no particular size or type of employer that tended to fail to respond.

²¹ Approximately 8% of attorneys in the UCLI survey worked at employers with fewer than 20 attorneys. A recent Utah Bar survey found that 55% of attorneys worked at employers with less than 30 attorneys. Utah State Bar, 2020 Utah State Bar Member Survey Final Results 108 (Apr. 8, 2020), <https://www.utahbar.org/wp-content/uploads/2020/11/Bar-Survey.pdf> [hereinafter 2020 Utah State Bar Survey].

²² 2020 Utah State Bar Member Survey.

KEY FINDING #1

BIPOC occupy less than 5% of equity partner positions. Proportional BIPOC representation decreases from associate to equity partner.

Black, Indigenous, and people of color ("BIPOC")²³ are vastly underrepresented in the legal field. In the United States, members of BIPOC communities make up approximately 40% of the overall population, but only 18% of lawyers.²⁴ A similar disparity between the representative proportion of BIPOC communities and BIPOC lawyers is present in Utah. Approximately 22% of the population in Utah is BIPOC, but only 9% of attorneys and 13% of paralegals in the Utah legal community were reported as BIPOC.²⁵

In the UCLI survey data, BIPOC representation is highest in summer associate (17%) and paralegal (14%) roles and decreases as seniority increases within legal organizations, from associate (8%) to equity partner (4%). The first chart depicts the number of legal professionals by role in the UCLI data.

The UCLI data suggests employer size may play a role in the decrease in BIPOC representation in more senior positions, but also makes clear that regardless of the number of attorneys at an employer, BIPOC legal professionals are underrepresented. Medium-sized employers of 21–50 attorneys had the highest percentage of BIPOC summer associates and associates, but the lowest percentage of BIPOC attorneys in partner positions, perhaps indicating a recent push by employers of this size to add more racial diversity to their staff.

An important method for increasing diversity and inclusion at every level of a legal office's seniority is having BIPOC attorneys or professionals sit on

²³ Refers to race/ethnicity and includes census categories: Asian, Black or African American, Latinx, Native American or Alaska Native, Native Hawaiian or other Pacific Islander, and multiracial lawyers. References to racial and ethnic representation include these same census categories.

²⁴ NALP 2020 Diversity Report at 16.

²⁵ The Utah State Bar tracks the White, non-Hispanic demographic as "Caucasian" which is no longer a U.S. Census category, and may slightly skew the racial data due to the manner in which they are reported (e.g., allowing respondents to select "Caucasian" along with other identifiers). 2020 Utah State Bar Member Survey; U.S. Census V2019, QuidFacts.

decision making committees.²⁶ Of the employers in the UCLI survey, 40% require the inclusion of at least one BIPOC attorney on committees related to hiring, 27% require inclusion on committees related to compensation, and 38% require inclusion on committees related to promotion. Several legal employers reported having committees or specific representatives dedicated to matters of organizational diversity and inclusion. Of the legal employers surveyed, about 50% stated they had a committee specifically dedicated to DEI, but only about 30% reported giving billable hour credit to attorneys for work related to diversity and inclusion efforts. If BIPOC attorneys are asked to sit on DEI committees or take on other DEI efforts in addition to the workload expected of other attorneys, BIPOC attorneys may become disproportionately burdened with these well-intentioned obligations.²⁷ In general,

legal employers whose diversity committees were tasked with writing and reviewing DEI policies were also the ones giving billable credit to attorneys for work related to diversity and inclusion efforts. The responsibilities of other, non-compensated DEI committees were often vague.²⁸

Utah's law schools have among the lowest rates of BIPOC student representation in the region at roughly 17 percent.²⁹ In a 2021 analysis of the 200 Whitest Law Schools, Utah's two law schools ranked 89th (University of Utah S.J. Quinney College of Law) and 91st (Brigham Young University J. Reuben Clark Law School).³⁰ However, there is still greater BIPOC representation at Utah law schools (17% BIPOC) than at Utah legal employers (9% BIPOC).

BIPOC Representation by Role in Utah's Legal Profession



Source: UCLI 2020 Certification Program Survey, 2020 NALP Report on Diversity

Note: Regional comparisons for this and subsequent graphics in this section are based on 2020 NALP data from legal employers with offices in the Denver, Phoenix, and Portland areas. These regions were selected to provide a rough comparison to Utah's legal market, both in geography and demographics. Paralegal data was not available in the NALP report.

²⁶ Alexandra Waters, Erin Kelly & Frank Dobbin, *Best Practices or Best Guesses? Assessing the Efficacy of Corporate Affirmative Action and Diversity Policies*, 71 AM. SOC. REV. 589, 590 (2006) ("We find a clear pattern in the data. Structures establishing responsibility (affirmative action plans, diversity committees, and diversity staff positions) are followed by significant increases in managerial diversity").

²⁷ ABA Commission on Women in the Profession, *Visible Invisibility: Women of Color in Law Firms* 38 (2006) ("Women of color should definitely continue to be included in a firm's diversity and professional development efforts because their voices are critical in these processes, but they should not be relegated to committees that focus on diversity, nor should they assume responsibility for the creation and maintenance of diversity within the firm.")

²⁸ Examples of vague responsibilities include "advise on issues related to DEI," "report on DEI efforts both inside and outside the [organization]," "discussing matters of diversity and inclusion at the firm," "becoming educated about inclusion and diversity," etc.

²⁹ 2020 ABA 509 Disclosures Total JD Enrollment for Law schools in Arizona, Colorado, Idaho, Iowa, Oregon, Minnesota, Maine, Montana, Nevada, New Mexico, Vermont, Washington and Wyoming. Data from all ABA-accredited law schools in each state were aggregated. Concordia University School of Law data was from a 2019 ABA 509 disclosure because no 2020 disclosure was available. While most of the states analyzed are in the region, other states were included because of similar statewide population demographics.

³⁰ Veronella R. Randall, *The Whitest Law Schools - 2021* (Mar. 8, 2021), <https://racism.org/2021-law-school-rankings/start=4>.

KEY FINDING #1

BIPOC make up **less than 5%** of equity partner positions regardless of the size of the legal employer, and representation decreases from associate to equity partner.

Key
 ● BIPOC
 ○ White, Non-Hispanic

Partners



Paralegals



KEY FINDING #1

Demographics

Key
 ● White, Non-Hispanic
 ● BIPOC
 ● Not Disclosed

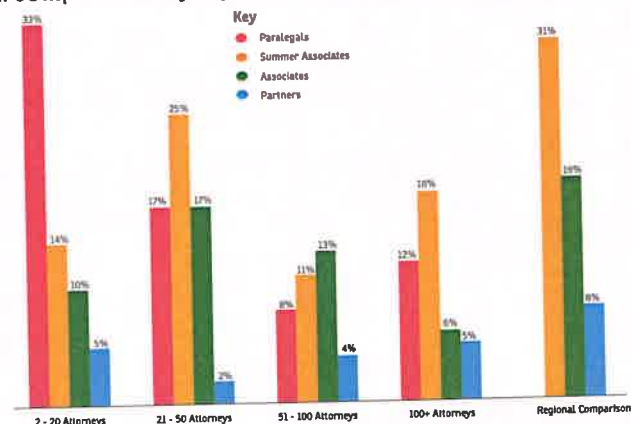


Source: U.S. Census V2019, 2020 NALP Survey, Utah State Bar 2020 Member Survey

Note: UCLP and NALP use U.S. Census categories for collecting data on race and ethnicity but the Utah Bar does not. The Census has a reporting category for "White/Non-Hispanic" but the Utah Bar lists this option as "Caucasian," which can be selected along with another racial or ethnic identifier. In the 2020 Utah State Bar Member Survey, 30% of respondents identified as "Caucasian," while 9% identified as members of a racially and ethnically underrepresented group, and a further 5% preferred not to disclose. 2020 Utah State Bar Member Survey.

BIPOC Representation by Employer Size

Key
 ● Paralegals
 ● Summer Associates
 ● Associates
 ● Partners

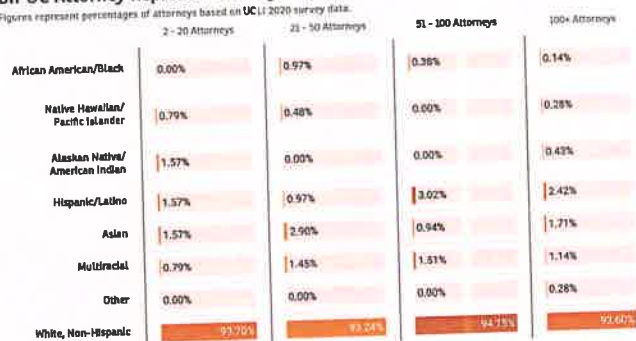


Source: UCLP 2020 Certification Program Survey, 2020 NALP Report on Diversity

KEY FINDING #1

BIPOC Attorney Representation by Employer Size

Figures represent percentages of attorneys based on UCLJ 2020 survey data.



Source: UCLJ 2020 Certification Program Survey

13 Note: "BIPOC" refers to race/ethnicity and includes census categories, including: Asian, Black or African American, Latino, Native American or Alaska Native, Native Hawaiian or other Pacific Islander, and multiracial lawyers. References to racial and ethnic representation include these same census categories.

KEY FINDING #1

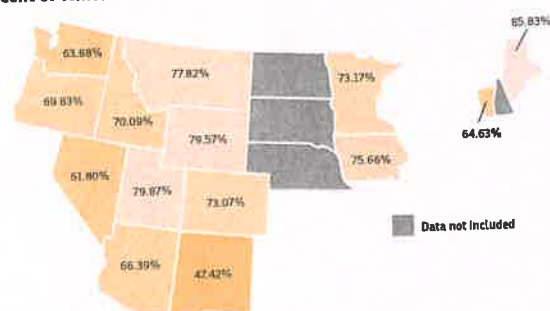
BIPOC Attorney Representation by Professional Role

Figures represent percentages of attorneys based on UCLJ 2020 survey data.



Source: UCLJ 2020 Certification Program Survey

Percent of White Law Students, 2019–2020



Source: ABA 509 Disclosures

KEY FINDING 1: BIPOC REPRESENTATION

KEY FINDING #2

Women and men are hired as associates at similar rates but at each level of advancement women's proportional representation decreases as men's increases.

The UCLI survey found that the proportional representation of women decreased at every level of advancement in Utah's legal field. This finding is consistent with the robust data in the 2020 Women Lawyers of Utah report, *Barriers to Advancement*.³¹ **Women are vastly overrepresented in paralegal positions, tend to be underrepresented in junior attorney positions, and are vastly underrepresented in senior attorney positions.** The Utah legal field's representation of women lags behind the region. Women make up roughly 1 out of every 4 partners at law firms in the region,³² but the average among Utah law firms surveyed was roughly 1 in 6 (17%).³³ Utah is behind national law firms in reaching overall gender parity (29% women lawyers as opposed to 37% nationally).³⁴

Although women make up only 29% of lawyers at surveyed employers, the vast majority of paralegals are women (approximately 90%). This disparity in representation of women between lawyers and paralegals tracks with national data.³⁵ On average at law firms, women made up 44% of summer associates

31 The Women Lawyers of Utah study found that "Utah women comprise . . . only 12% of law firm partners." *Women Lawyers of Utah, Barriers to Advancement: Findings from the 2020 Study of Gender & Racial Bias in Utah's Legal Profession* 6 (2020), https://initiative.utahwomenlawyers.org/images/pdfs-dc/Barriers-to-Advancement-WomenLawyersUtah_single-page-12-14-2020.pdf.

32 NALP 2020 Report on Diversity (considering firms in Denver, Phoenix, and Portland).

33 UCLI 2020 Certification Program Survey. *But see Barriers to Advancement, 2020 WLU Survey*, at 6 (finding that "Utah women comprise . . . only 12% of law firm partners," or roughly 1 in 10). When factoring in government offices, the number of women in partner-type roles rises to about 25%. For partners in or without private law firms, that number is approximately 17%.

34 2020 Utah State Bar Survey, at 99.

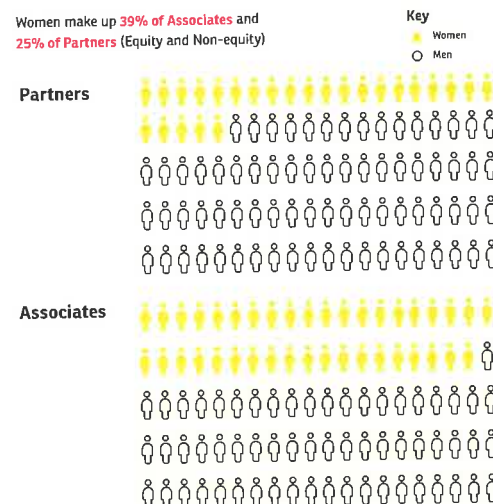
35 George Anders, *Women are 87% of Paralegals, but Only 23% of Law-Firm Partners: Let's Find Out Why*, *Lawstack* (Feb. 5, 2018), <https://www.lawstack.com/pulse/women-87-paralegals-only-23-law-firm-partners-lets-find-george-anders/> ("Women account for 87% of paralegals and 40% of entry-level associates . . . in corporate law or commercial litigation.")

and only 17% of partners.³⁶ The UCLI survey did not collect information that allowed for conclusions about women of color ("WOC") and other intersectional identities, but other industries have found that similar trends are even more significant for WOC.³⁷

There is no clear trend in the UCLI data for gender representation and employer size. As the Gender Representation by Employer chart indicates, smaller

employers hired greater percentages of women summer associates (71%) compared to the other-sized employers (41%, 50%, 39% at employers sized 21–50, 51–100, and 100+, respectively) and regional employers (60%), but large employers had more women in partner positions (32%) than smaller and medium-sized employers (22%, 14%, 23% at employers sized 2–20, 21–50, and 51–100, respectively).³⁸

Women make up **39% of Associates** and **25% of Partners** (Equity and Non-equity)



36 This includes both equity and non-equity partners.

37 MCKINSEY & COMPANY & LEAN IN, *WOMEN IN THE WORKPLACE 2020 9* (2020) ("For every 100 men promoted to manager, only 85 women were promoted--and this gap was even larger for some women: Only 58 Black women and 71 Latinas were promoted.")

38 The percentage of women in partner roles drops to 17% when including data only from private law firms.

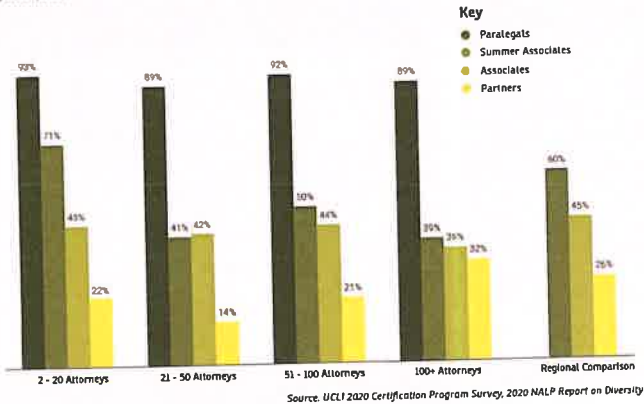
KEY FINDING #2

Gender Representation by Role in Utah's Legal Profession



Gender Representation by Employer Size

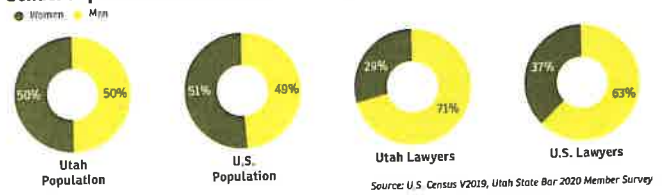
Figures represent the percentage of women in the designated role.



Note: Regional data for paralegals was unavailable.

KEY FINDING #2

Gender Representation in Utah v. Nationwide



KEY FINDING #3

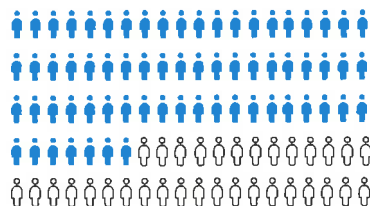
Women are twice as likely as men to have part-time schedules.

On average, 67% of part-time attorneys at surveyed employers in Utah were women and 33% were men.³⁹ The UCLI data suggests that there are greater percentages of women working part-time at large (100+ attorneys) and small (2–20 attorneys) employers than at medium-sized ones. The percentages of women working part-time at medium-sized employers (55%) was similar to the regional comparison (58%), which was near parity with men.⁴⁰

Part-time Attorneys

Key

- Women
- Men



Many employers may offer part-time policies as a well-intentioned option, but research suggests taking advantage of these policies can be a double-edged sword for women. Mothers in particular face additional barriers when they opt for part-time schedules. Some mothers may face a "flexibility stigma," or bias triggered by mothers taking parental leave or working part-time or flexible

³⁹ Part-time attorneys are predominantly women, but only about 10% of attorneys in Utah work part-time. See *Barriers to Advancement*, 2020 WLU Survey, at 26 (finding that "12% of women work part-time compared to only 7% of men").

⁴⁰ The data does not address the reason causing this disparity. The relatively small number of employer respondents means even one or two employers with outliers in each size category could meaningfully influence the data. One possible explanation for the difference is that several medium-sized employers in Utah serve large tech clients, who may favor legal representation with the kinds of schedule flexibility policies tech giants are known for. This may encourage both men and women to have part-time schedules at similar rates.

schedules, after they return."⁴¹ This "flexibility stigma" disproportionately impacts women, as partially evidenced by a higher percentage of men than women "believ[ing] that they could ask for flexible work arrangements without hurting their career."⁴²

"A well-meaning [male] attorney told me he would 'hurry and get approval' of an agreement from his client 'so that we can wrap this up and get you back home to your kids.' I do not have kids, and lived alone at the time. I worked a normal 40–60 hour work week just like any other young professional, but he assumed I was . . . part-time[.]"

A recent survey of policies at Utah companies found that entry-level, part-time schedule policies were common, but those policies were much less common in higher level positions.⁴³ A metaphor used to describe the loss of women from a field before they reach representative proportions in senior roles is called the "leaky pipeline."⁴⁴ The lack of these schedule flexibility policies for senior roles may contribute to a leaky pipeline because it may pressure women "to forgo promotions or leave their companies rather than transition to full-time roles."⁴⁵

Schedule flexibility is especially relevant given effects of the COVID-19 pandemic. Many Utah women "left the workforce completely," "took a leave of absence," or "downshifted" . . . from full-time to part-time work" in 2020.⁴⁶

Part-time Schedules by Employer Size



Source: UCLI 2020 Certification Program Survey, NALP 2020 Report on Diversity

⁴¹ Commission on Women in the Profession & MCCA, *You Can't Change What You Can't See: Interrupting Racial & Gender Bias in the Legal Profession*, ABA 34 (2018).

⁴² *Id.* at 35 (2018) (32% of women of color and 36% of white women, but 50% of white men).

⁴³ Utah Women & Leadership Project, *Flexible And Family-Friendly Policies at Utah's "Best Places To Work"*, UTAH STATE UNIV. 2 (Dec. 2, 2020).

⁴⁴ Renate Yessidyl, Katharine H. Greenaway, Elena Hassinger, Sarah Zubrowen, Janna Lutz, Maya P. Bhalla, Margaret Frye, Elise Starkenburg & Vera Tai, *A Leak in the Academic Pipeline: Identity and Health Among Postdoctoral Women*, 10 *POSTDOCS IN PERSPECTIVE* 1, 1 (2019).

⁴⁵ See *Infra* Best Practice #4, "Create and uniformly apply flexible work policies", Utah Women & Leadership Project, *Flexible and Family-Friendly Policies at Utah's "Best Places to Work"*, UTAH STATE UNIV. 2 (Dec. 2, 2020).

⁴⁶ Decky Jacobs, *Thousands of Utah Women Left the Workplace During COVID-19 Pandemic*, *New Report Shows*, SALT LAKE TRIB. (Apr. 6, 2021, 6:00 AM), https://www.sltrib.com/news/2021/04/06/thousands-utah-women-left-utlm_source=Salt+Lake+Tribune&utm_campaign=354758e45b-lopstones240721&utm_medium=email&utm_term=0_d62415f28-3b4758e45b-12372133; Utah Women & Leadership Project, *The Impact of COVID-19 on Utah Women and Work: Changes, Burnout, & Hope*, UTAH STATE UNIV. 2 (Apr. 6, 2021).

KEY FINDING #4

The percentage of LGBTQ+ attorneys in Utah is 3.5 times lower than the percentage of LGBTQ+ attorneys nationally.

Employers in the UCLI survey reported that less than 1% of lawyers identify as LGBTQ+, suggesting LGBTQ+ attorneys are either underrepresented in Utah's legal community or are not comfortable outing themselves as LGBTQ+ in the workplace. The national rate of LGBTQ+ lawyers is more than three times higher than in the survey data (2.99% vs. 0.85%).⁴⁷ In Utah, LGBTQ+ people make up 4.5% of the population. Nationally, the rate is 3.7%.

"When I first started practicing law . . . I was a closeted lesbian as I was afraid to come out for fear I would be fired, or not hired. [T]hat is one reason I formed [my] own firm."

In its 2020 report, NALP relied on national data on LGBTQ+ law students to conclude "that there is still the potential for additional growth in the presence of LGBTQ+ associates."⁴⁸ It is not clear if this is the case in Utah because law school data on LGBTQ+ students in the state is not available. Nationally, there seems to be a decrease in LGBTQ+ attorney representation at higher levels of seniority in law offices. LGBTQ+ lawyers nationally made up 7.68% of summer associates, but only 4.66% of associates and 2.19% of partners.⁴⁹

"I think there are people who would not hire me now as an 'out' lesbian."

The UCLI survey may not fully capture accurate data about the LGBTQ+

47 NALP 2020 Report, *supra* note 5, at 10 (reporting 2.99% of U.S. attorneys identify as LGBTQ+). Figures compare NALP data to data obtained in the UCLI 2020 Certification Program Survey.

48 *Id.* at 6.

49 *Id.* at 10.

KEY FINDING #4

community, which may be driven in part by survey design.⁵⁰ An employer survey accounts for all attorneys at a firm but the quality of responses may be somewhat lower because employers are encouraged not to make assumptions. Not every LGBTQ+ attorney may feel comfortable revealing their sexual orientation or gender identity in the workplace.⁵¹

LGBTQ+ Representation

● Heterosexual/Cisgender ● LGBTQ+



Source: 2019 Williams Institute LGBT Demographic Data, 2019 NALP Diversity Report, UCLI 2020 Certification Program Survey

"[S]ome people I worked with in the legal profession were strongly biased against those who behaved in ways they considered immoral (including the) LGBTQ+ community . . . but they felt like these biases were a good thing."

One reason employers may not be aware of LGBTQ+ attorneys in their offices is that LGBTQ+ attorneys may be concerned that their career mobility will be limited by discrimination, homophobia, and hostility in the workplace.⁵² An essential way to help LGBTQ+ attorneys to feel comfortable sharing their identities, if they so choose, is to focus on building supportive and inclusive cultures within law firms and other legal offices.⁵³

50 The Women Lawyers of Utah survey found a much higher percentage of LGBTQ+ attorneys than the UCLI survey, supporting the conclusion that employers in the UCLI survey were not able to provide a full picture of this population. *Barriers to Advancement*, 2020 WLU Survey, at 32 ("Among survey respondents, 4% of men-identified and 6% of women-identified respondents are lesbian, gay or bisexual. Only two respondents identified as transgender or non-binary").

51 According to the Human Rights Campaign, approximately 50% of LGBTQ+ persons are closeted at work out of fear that they might be stereotyped, have connections or relationships with coworkers, or make others feel uncomfortable. *A Workplace Divided: Understanding the Climate for LGBTQ Workers Nationwide*, HUM. RTS. CAMPAIGN 6 (2018).

52 Paul Wills, *Witnesses on the Periphery: Young Lesbian, Gay, Bisexual and Queer Employees Witnessing Homophobic Exchanges in Australian Workplaces*, 50(12) HUM. RTS. 1580, 1584-85 (2012) ("the male-dominated work environments. Homophobic expressions were described as overtly hostile in tone towards LGBT sexualities. . . . The research highlights the requirement for equal opportunities and diversity policies to extend beyond recognition of targeted discrimination and to recognize the nuanced ways in which homophobic beliefs and heteronormative attitudes can be woven throughout some work cultures").

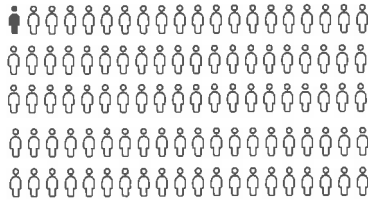
53 Nick Drydakis, *Sexual Orientation Discrimination in the United Kingdom's Labor Market: A Field Experiment*, 52 HUM. RTS. 1707, 1717 (2015) ("[H]eteronormative discourse . . . negatively affects the lived experiences of gay and lesbian job applicants. . . . Studies suggest that good relations between employers and employees increase the openness of sexual orientation minorities, improve job attitudes and benefit firms as a whole because teamwork is an important aspect of firm productivity and success.")

KEY FINDING #4

LGBTQ+ Attorneys

Key

- LGBTQ+
- Straight / Cisgender



LGBTQ+ INCLUSION IS LINKED TO POSITIVE BUSINESS OUTCOMES

Workplaces that are inclusive for the LGBTQ+ community are linked to "greater job commitment, improved workplace relationships, increased job satisfaction, . . . [and] improved health outcomes among LGBTQ+ employees[.]"⁵⁴ Policies that support LGBTQ+ people give businesses greater ability to recruit the highest-quality candidates⁵⁵ and can encourage employees to stay with an employer rather than looking elsewhere.⁵⁶

⁵⁴ M.V. Lee Badgett, Laura E. D'urso, Angeliki Kostasla & Christy Mallory, *The Business Impact of LGBT-Supportive Workplace Policies*, WILLIAMS INST. 1 (May 2013).

⁵⁵ Shaun Pichler, Jonell Blazovich, Kirsten A. Cook, Janet M. Huston & William R. Strawser, *Do LGBT-Supportive Corporate Policies Enhance Firm Performance?*, ACCT. FAC. PUBL'NG 29 (2016) ("LGBT-Supportive policies are important, in part, because they maximize a firm's ability to attract highly skilled labor in tight labor markets.")

⁵⁶ M.V. Lee Badgett et al., *The Business Impact of LGBT-Supportive Workplace Policies*, at 1.

KEY FINDING #4

KEY FINDING #5

The percentage of attorneys in Utah with a disability is less than 1% of all attorneys, but is almost six times lower than other employed Utahns with a disability.

Employers in the UCLI survey reported that less than 1% of lawyers have a disability, which is similar to national trends. **The percentage of employed Utahns with a disability (5%) was almost six times higher than the number of Utah lawyers with a disability (0.8%),** suggesting that the legal field is particularly hard to break into for those with a disability or that attorneys prefer not to disclose their disabilities to their employer. Although these numbers are similar to those collected at the national level, it is likely the data reported in the survey do not fully capture the number of attorneys with a disability in Utah. Collecting data at the firm- or office-level is helpful in accounting for every attorney at each employer, but it may overlook those who choose not to share their disability status at work. Some attorneys may have disabilities that are obvious to their employer, such as partial paralysis, missing extremities, deafness, or blindness. Other attorneys may have less visible disabilities, such as neurological learning disorders (e.g., ADHD), hearing loss, arthritis, or chronic depression.

The legal field can be particularly challenging to break into and navigate for attorneys with a disability. For those with physical disabilities, navigating law offices or court rooms may require thinking ahead or building extra time into transit and arrival plans. This additional barrier placed on attorneys with disabilities takes away from time they could be spending on their careers, families, and other interests.⁵⁷ A lack of flexible hours, accessible

⁵⁷ In addition, these attorneys may also be disadvantaged when it comes to activities incidental to career advancement. At some legal employers, there may be barriers to advancement if a physically disabled attorney is unable to go golfing with the partners or a blind attorney is unable to quickly identify and greet others in the work hallway. Acknowledging these difficulties, and making advancement based on more objective criteria, would benefit disabled attorneys. See *High Best Practice #3, Advancement*; see also Kim Forde-Mazrui, *Dear Prospective Blind Law Student*, in *LEAD ON: LAWYERS WITH DISABILITIES* (SHANE THESEN INSIGHTS 31) (Rebecca S. Williford, Carrie A. Besias, & Stephanie L. Elyart eds., 2013).

or assistive technology,⁵⁸ and other reasonable accommodations⁵⁹ may unfairly disadvantage attorneys with neurological and other disabilities. Supporting attorneys with disabilities means creating cultures where seeking accommodations is encouraged, not ignored or criticized. Creating a culture and environment that supports attorneys with disabilities also supports attorneys without a disability. Many of the accommodations that benefit those with lifelong disabilities are beneficial to those without disabilities, those experiencing temporary physical or cognitive disability, or those with undiagnosed disabilities.

This shared benefit applies to potential clients as much as it does current and future employees.

Disability Representation



Source: Census Bureau ACS, 1-Year 2018, 2019 NALP Diversity Report, UCLI 2020 Certification Program Survey

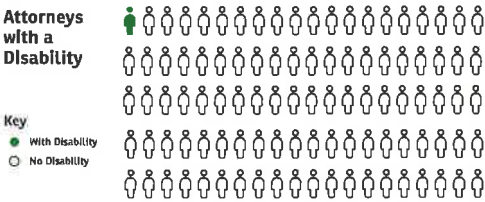
Note: Data on students with disabilities at Utah law schools is not available. Nationally, approximately 4% of law students report having a disability, but that data from the NALP 2020 Report on Diversity is revealed as incomplete. See NALP 2020 Report on Diversity, at 9.

⁵⁸ "Assistive technologies (AT) are devices or equipment that can be used to help a person with a disability fully engage in life activities. ATs can help enhance functional independence and make daily living tasks easier through the use of aids that help a person travel, communicate with others, learn, work, and participate in social and recreational activities. An example of an assistive technology can be anything from a low-tech device, such as a magnifying glass, to a high tech device, such as a speech computer that talks and helps someone communicate." Disability and Health Information for People with Disabilities, CDC, <https://www.cdc.gov/nchsdata/healthandhealth/people.html> (last visited Apr. 24, 2021).

⁵⁹ For a fact sheet on reasonable accommodations see ADA National Network, *Reasonable Accommodations in the Workplace*, <https://adata.org/factsheet/reasonable-accommodations-workplace> (last visited Apr. 19, 2021).

KEY FINDING #5

Attorneys with disabilities make up **less than 1%** of all attorneys reported in the survey data.



KEY FINDING #5

KEY FINDING #6

Respondent employers in Utah have fewer DEI and schedule flexibility policies than regional legal employers.

In the UCLI survey, 56% of employers reported at least one formal policy aimed at promoting diversity, equity, or inclusion. Of the employers reporting at least one formal policy, 86% had at least four of these kinds of DEI policies. **Nearly 44% of employers of varying sizes reported not having any of the DEI policies** listed in the UCLI survey. Policies were categorized in two ways: (1) those promoting diversity, equity, and inclusion; and, (2) those providing flexibility to employees in planning work schedules. Policies promoting DEI included those intended to ensure:

- Equitable access to clients
- Quality work assignments
- Leadership and committee appointments
- Diverse marketing efforts
- Equitable pay
- Equitable opportunity for promotion

In addition to the DEI policies mentioned and depicted above, 68% of legal employers reported having a written policy or strategy regarding the recruitment and hiring of attorneys or paralegals who would be considered diverse by their gender, ethnic or racial background, or LGBTQ+ or disability status. Examples of additional policies and strategies include:

- Actively seeking out diverse candidates
- Considering candidates "based on their qualifications and experience, regardless of gender, race, orientation, age, religion, and/or disability"
- Striving to have at least 30% of applicants be from diverse backgrounds
- Having a diverse recruitment panel
- Focusing on recruiting at law schools that have a more diverse student

- body population,
- Incentivizing associates to participate in affinity groups within the legal community
- Having experienced attorneys sponsor/mentor junior associates and law students
- Assigning tangible roles to leaders at the firm in DEI Plans with accountability for meeting certain diversity responsibilities
- Retaining a recruiter if certain targets aren't met for attracting diverse candidates

Approximately 40% of legal employers reported having a policy that required inclusion of at least one diverse attorney in all decisions related to hiring and promotion but only 27% reported having a policy to include a diverse attorney in decisions related to compensation. About 62% of legal employers reported holding mandatory diversity and inclusion training, usually annually.

Roughly 73% of legal employers reported having a formal mentorship program to assist with the training and advancement of newly hired attorneys. Examples of formal mentoring programs include:

- Patterning a program off the Utah Bar New Lawyer Training Program
- Assigning a senior attorney to a junior attorney as a contact for communication and resources
- Planning bimonthly lunch & learns
- Incentivizing mentorship by compensating participation in mentorship activities by the hour
- Requiring monthly check-ins from the mentoring attorney
- Having a formal associate training program
- Empowering the senior attorney to assist in the kinds of work assigned to the junior associate

- Encouraging mentors to facilitate introductions and professional relationships between the junior associate and other experienced attorneys

One particularly important category of DEI policies are those that give employees flexibility in work scheduling. Hiring and retaining diverse talent means fostering a work environment that accepts a diverse approach to the profession. Examples of policies that promote schedule flexibility include:

- Paid maternity leave
- Paid paternity leave
- Paid parental leave
- Flex-time scheduling
- Part-time scheduling

Of the employers in the UCLI survey, 92% reported having at least one formal policy aimed at promoting flexibility in work scheduling. Of those, **76% had policies for paid maternity leave and 60% had policies for paid paternity leave** (this includes those who had a policy for general parental leave) for associate attorneys and above. Of the surveyed employers, 20% had no policy concerning paid parental leave of any kind.

"I have female friends who have left firms due to inequitable treatment at larger firms, or lack of policies for [accommodating] having kids."

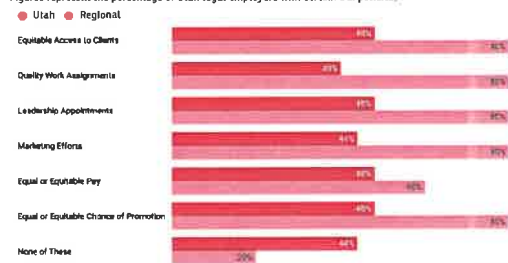
The first set of policies listed above provide a look into what Utah legal employers are doing to improve diversity, equity, and inclusion in their workplaces.

KEY FINDING #6

The second set represents policies intended to provide attorneys with greater autonomy through schedule flexibility. While it is clear that many Utah legal employers care deeply about addressing these issues, there is still a need for many employers to adopt these types of policies. Even so, adding DEI and schedule flexibility policies will not magically solve a lack of diversity. The UCLI data makes clear the need for a more comprehensive, effective, sustained approach.

Diversity, Equity, & Inclusion Policies in Utah vs. Regionally

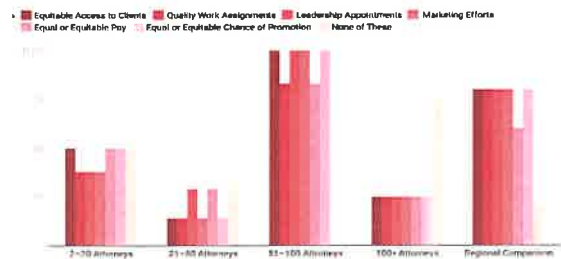
Figures represent the percentage of Utah legal employers with certain DEI policies.



Source: UCLI 2020 Certification Program Survey

Diversity, Equity, & Inclusion Policies by Firm Size

Figures represent the percentage of firms that have adopted policies promoting diversity, equity, and inclusion.

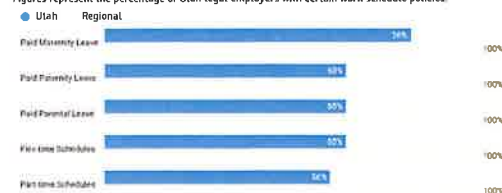


Source: UCLI 2020 Certification Program Survey

KEY FINDING #6

Work Schedule Policies in Utah vs. Regionally

Figures represent the percentage of Utah legal employers with certain work schedule policies.

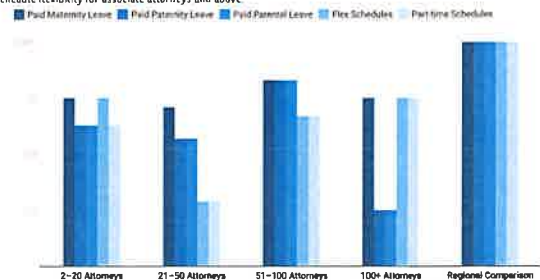


Source: UCLI 2020 Certification Program Survey

Note: Flex-time scheduling generally involves a policy that does not require employees to request formal time off or change of schedule to alter starting or ending times to the work day.

Work Schedule Policies by Firm Size

Figures represent the percentage of firms that have adopted policies for promoting schedule flexibility for associate attorneys and above.



Source: UCLI 2020 Certification Program Survey

Note: Regional comparisons for these graphics are based on firms that have offices both in Utah and out of state. Five legal employers reported this kind of data. Legal employers who reported firm-wide policies, ranged in size from a handful of attorneys to over 100 attorneys. Of legal employers predominantly operating in Utah, four employers of 100+ attorneys submitted data, six employers of 51-100 attorneys, eight employers of 21-50 attorneys, and nine employers of 2-20 attorneys.

BEST PRACTICES FOR LEGAL EMPLOYERS

In light of the Key Findings described above, this section examines how employers can move the needle⁶⁰ on diversity, equity, and inclusion and provides a broad overview of some of those best practices.⁶¹ In addressing the diversity issues captured in the Key Findings, legal employers should be prepared to:

- Commit to long-term change driven by data collection and analysis
- Reassess the effectiveness of one-off diversity training
- Adopt policies that support diversity in recruitment, hiring, retention, and advancement

The vast majority of research on DEI in the legal profession focuses on big law firms. Thus, some of the ideas presented here may not be as feasible for or responsive to concerns of government offices, legal non-profits, in-house offices, or small- and medium-sized firms. Legal employers are best positioned to be aware of the challenges of their individual organizations. The recommendations below offer a range of potential solutions for legal employers.

⁶⁰ For an example of an organization experimenting with research-based and data-driven ways to achieve aggressive, measurable diversity goals, see Move the Needle Fund, <https://www.mtnfund2025.com/>.

⁶¹ The best practices included in this report are not intended to be all inclusive but instead represent a selection of best practices, focusing on those that seemed most relevant in light of the survey responses analyzed in this report.

BEST PRACTICE #1

Commit to long-term change and data collection.

Increasing diversity, equity, and inclusion within organizations is a challenge. Legal employers can recognize the challenge and rise to face it over the long term rather than making one or two short-term efforts and losing momentum. Sustainable and effective change requires systemic interventions and solutions applied consistently over time.⁶²

"My employer and the bar have had numerous speakers and trainings on [d]iversity/[i]nclusion topics, but it stops there. They do not go further to actually implement changes to combat the ableism, sexism, and other 'isms.'"⁶³



LEADERSHIP COMMITMENT IS KEY. The first step to making long-term change is commitment from leadership. The success of attorneys from underrepresented groups is an organization-wide issue. Often, these attorneys are tapped to serve on diversity committees and in other such roles.⁶⁴ Although underrepresented voices are important in these settings, delegating this obligation to these attorneys *alone* can overburden and further marginalize them, decreasing the success of DEI efforts.⁶⁴ Focusing

on underrepresented attorneys' success as an organization-wide goal can lessen these burdens and emphasize an employer's commitment to DEI.



SUPPORT STATEWIDE DATA COLLECTION. The UCLJ survey is the start of an ongoing effort to track diversity in Utah's legal profession.

⁶² Diversity Science, *Creating Sustainable Approaches to Diversity*, <https://www.diversityscience.org/sustainable-diversity-training/> (last visited Apr. 25, 2021).

⁶³ ABA, *VISIBLE INVISIBILITY*, at 30 ("[M]any firms overburdened women of color through diversity committee assignments, recruiting assignments and other such efforts that marginalize the diversity efforts and place women of color in conflicting roles that compete for limited time.");

⁶⁴ *Id.*

Without collecting demographic data on the profession, it is impossible to track whether the approaches that employers are taking are working. This demographic information is valuable both in tracking how employers are doing and in providing a comparison that individual employers can use to see how they are doing in relation to their peers.

The 2020 Utah State Bar Member Survey also provides valuable information about the legal profession in Utah.⁶⁵ However, because the survey is conducted only every ten years (roughly), it shows long-term change but there is not always up-to-date data available. The Utah State Bar survey collects data directly from attorneys rather than through employers. The Women Lawyers of Utah's survey also provides demographic and qualitative data from in-depth interviews.⁶⁶ Each of these data collection efforts adds value and helps us answer a range of questions about Utah's legal profession. Supporting statewide data collection and participating in UCLJ's Certification Program are important to track how the profession is changing, where progress has stagnated, and how the Utah legal profession compares to the profession nationally.



COLLECT INTERNAL DATA AND FOCUS ON POLICIES THAT CAN BE TRACKED. The implementation of any DEI goal is a step in the right direction, but DEI initiatives are much more

valuable when aimed at goals that can be tracked.⁶⁷ Tracking outcomes allows employers to focus their efforts on the most effective interventions. Some potential policies were identified in the UCLJ survey and are featured in Key Finding #6. Sample policies can also be found on [UCLJ's website](#). In addition to those policies, Best Practices #2 and #3 feature some potential changes that legal employers can implement to reach DEI goals.



BUILD A WORKPLACE CULTURE THAT IS SAFE AND INCLUSIVE TO ENCOURAGE OPENNESS IN REPORTING. Psychological safety thrives in "a climate in which people are comfortable expressing and being themselves."⁶⁸ In this type of climate, lawyers should feel free to share concerns and mistakes without fearing embarrassment and to speak up without being shamed.⁶⁹

Creating a psychologically safe workplace culture in an industry like law is inherently difficult. American legal culture is often adversarial and competitive in nature. Many lawyers report constant feelings of being "on edge or at risk of professional harm."⁷⁰ Many lawyers are taught that success means never asking for help.⁷¹ This becomes dangerous when stress reaches a high, while confidence reaches a low.

⁶⁵ 2020 Utah State Bar Member Survey.

⁶⁶ Women Lawyers of Utah, *Barriers to Advancement: Findings from the 2020 Study of Gender & Racial Bias in Utah's Legal Profession* (2020).

⁶⁷ Benjamin Harkin, Thomas L. Webb, Betty P. I. Chang, Andrew Preswlich, Mark Connor, Ian Kellar, Yael Benn & Paschal Sheeran, *Does Monitoring Goal Progress Promote Goal Attainment? A Meta-Analysis of the Experimental Evidence*, 142(2) PSYCH. BUL. 198, 198 (2015).

⁶⁸ Heidi K. Brown, *Fear and Lawyering: Create a work culture of 'psychological safety' that encourages taking intellectual and creative risks*, ABA J., (May 1, 2019, 2:15 AM CDT), <https://www.abajournal.com/magazine/article/fear-lawyering-psychological-safety> (quoting Professor Amy Edmondson).

⁶⁹ *Id.*

⁷¹ Anne M. Bratford, *Well-being: Toolkit for Lawyers and Legal Employers*, ABA 61 (2018), https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/its_setup_well-being_toolkit_for_lawyers_legal_employers.pdf ("If you're like a lot of lawyers, you may be hesitant to acknowledge you need support, let alone to ask for it. When compared to the general population, lawyers are far more autonomous and achievement-oriented.");

BEST PRACTICE #1

Legal employers can promote psychological safety by taking a more humane approach to feedback and mentorship of young lawyers.⁷² Laura Delizonna's article, *High-Performing Teams Need Psychological Safety. Here's How to Create It*, recommends the following steps to create a psychologically safe workplace:

- Use collaborative, rather than adversarial, approaches to solve problems.⁷³
- Promote empathy to enhance vulnerability and bonding, and create trust.⁷⁴
- Anticipate reactions and plan ahead.⁷⁵ When a conflict is inevitable, strategically anticipate potential reactions and create responses that avoid possible perceptions of attacking a colleague's identity or ego.⁷⁶
- Exchange blame for curiosity.⁷⁷ Blame breeds defensiveness. Instead, adopt a learning mindset and refrain from making assumptions.
- After a difficult exchange, ask a colleague for feedback on delivery and describe the strategy employed to deal with the problem. This provides a clear way forward for navigating conflict with specific people in the future.⁷⁸

BEST PRACTICE #1

⁷² Laura Delizonna, *High-Performing Teams Need Psychological Safety. Here's How to Create It*, *HARV BUS REV.* 3 (Aug. 24, 2017), https://pluribus-europe.com/docs/HBR_Psychological%20safety.pdf.

⁷³ *Id.* at 3.

⁷⁴ *Id.* at 3.

⁷⁵ *Id.*

⁷⁶ *Id.* at 4.

⁷⁷ *Id.*

⁷⁸ *Pon Staff, Conflict Management: Intervening in Workplace Conflict*, HARV. L. PRESS, ON RESISTANCE DAILY BLOG (Dec. 17, 2020), <https://www.pon.harvard.edu/daily/conflict-resolution/conflict-management-intervening-in-workplace-conflict/>.

BEST PRACTICE #2

Reassess DEI training.

The UCLl survey and informal reflections yielded insight into the cultures at Utah's legal workplaces. Many of the diverse lawyers and law students who shared reflections on their experiences described instances of bias and microaggressions. Diversity training is a common method employers use to prevent bias and microaggressions in the workplace.

This section defines and discusses bias and microaggressions. It then briefly explains why diversity training on its own—and implicit bias training, in particular—is often less effective than intended. Finally, it proposes a few practices that may increase the effectiveness of diversity training in concert with other organization-wide DEI initiatives.

"I live this experience every day as a woman in this field. I have been called both 'mousy' and 'aggressive.' I have been called 'sweetheart' and 'sugar' and asked to fetch coffee. A prominent defense attorney asked me if I was my colleague's 'secretary' when we were both prosecutors screening a case."

BIAS. "Bias can harm the mental and physical health of employees who experience it, interfere with their performance and engagement, and undermine their professional development and promotion."⁷⁹ Implicit bias "refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner."⁸⁰ While explicit bias can be understood as conscious bias where "the person is very clear about his or her feelings and attitudes, and related behaviors are conducted

with intent,"⁸¹ explicit bias can also manifest as negative actions, or simply "subtle exclusion."⁸²

Biases are harmful in part because they assume things that may not be true. Research-based

"I went to law school in Alabama and briefly practiced there under supervision. My experience was that the sexism and racism and ableism seemed more overt in Alabama However, it was far more diverse, and there were a lot of folks who recognized the problems and were trying to make progress to solve them. In Utah, I see the same biases, but they are more implicit, disguised, and unspoken. Folks seem comfortable, and don't seem to want to admit that these issues exist."

examples of bias and stereotyping in the workplace are countless: when women talk on the phone, it is often labeled as "gossip" while men engaging in the same behavior are seen as being productive.⁸³ The "angry Black woman stereotype" assumes Black women are angry when engaging in the same behavior perceived as strength in white women.⁸⁴ Men may be seen as passionate while women are seen as emotional for the same behaviors.⁸⁵

The quote to the left also helps describe the difference between implicit and explicit bias.

MICROAGGRESSIONS. Microaggressions are comments or actions that subtly and often unknowingly manifest a person's prejudice towards any underrepresented group of people.⁸⁶ Microaggressions create barriers to diversity, equity, and inclusion goals. Generally, microaggressions do so by affecting several pieces of a lawyer's identity, ranging from fulfillment in their work to their physical⁸⁷ and mental health.⁸⁸ Since the pioneering article on microaggressions was published in 2007⁸⁹ research has shown that microaggressions have negative effects for those who experience them.⁹⁰

79 Evelyn R. Carter, Ivuoma N. Onyeador, & Neil A. Lewis, Jr., *Disrupting & Delivering Effective Anti-bias Training: Challenges & Recommendations*, 6(1) *DEHAV. SCI. & POL'Y* 87, 98 (2020) (internal citations omitted).

80 Kirwan Institute for the Study of Race and Ethnicity, *Understanding Implicit Bias* (May 29, 2022), <https://kirwaninstitute.osu.edu/articles/understanding-implicit-bias>.

81 National Center for Cultural Competence at Georgetown University, *Conscious & Unconscious Biases in Health Care*, <https://nccc.georgetown.edu/bias/module-3/1.php> (last visited Apr. 19, 2021).

82 *Id.*

83 Madeline E. Heilman, *Description and Prescription: How Gender Stereotypes Prevent Women's Ascent up the Organizational Ladder*, 57(4) *J. Soc. Iss.* 657, 662 (2001) ("[A] behavior such as frequent phone conversation is a good deal more likely to be seen as slacking off for a woman but productive for a man.")

84 Roxanne A. Donovan, *Tough or Tender: (Dis)Similarities in White College Students' Perceptions of Black and White Women*, 35(3) *PSYCH. WOMEN Q.* 458, 466 (2011).

85 Stephanie A. Shields, *Passionate Men, Emotional Women: Psychology Constructs Gender Difference in the Late 19th Century*, 10(2) *HIST. PSYCH.* 92, 92 (2007).

86 Merriam-Webster, *Definition of microaggression*, <https://www.merriam-webster.com/dictionary/microaggression> (last visited Apr. 19, 2021).

87 Kathryn Freeman Anderson & Jessie K. Finch, *The Role of Racial Microaggressions, Stress, and Acculturation in Understanding Latino Health Outcomes in the USA*, 9 *RACE & SOC. PROBS* 218, 231 (2017).

88 Pfitzer, *Understanding Racial Microaggression and Its Effect on Mental Health* (Aug. 26, 2020), <https://www.pfitzer.com/news/not-topics/understanding-racial-microaggression-and-its-effect-on-mental-health>.

89 Derald Wing Sue, Christina M. Capodilupo, Gina C. Torino, Jennifer M. Bucceri, Alsha M. B. Holder, Kevin L. Nadal & Marta Esquilin, *Racial Microaggressions in Everyday Life: Implications for Clinical Practice*, 62 *AM. PSYCH.* 271 (2007).

90 Reem West, *Testing Hypersensitive Responses: Ethnic Minorities Are Not More Sensitive to Microaggressions, They Just Experience Them More Frequently*, 45(11) *PERSONALITY & SOC. PSYCH. BULL.* 1019, 1029–30 (Nov. 2019) ("[R]eported experiences of microaggressions predict many detrimental outcomes, including negative affect, lower self-esteem, identity confusion, stress, depression, and suicidal ideation. These effects

BEST PRACTICE #2

"I can't even count the number of times clients, opposing parties, and ATTORNEYS I HAVE HAD CASES AGAINST have mistaken me for a receptionist/support staff, despite the fact that my office door has a plaque on it that clearly states my name and "Staff Attorney" on it."

"One of my male coworkers and I often brainstorm together. VERY often, I will tell him about an idea I have, and in a subsequent meeting with our supervisors and management, he will express the idea as if it were his own. He does not 'credit' me with the idea, even as people around us are telling him how clever he is for thinking of it, etc. When I confronted him and told him it upset me, he told me I was sensitive, and attempted to gaslight me[.]"

Such effects include "identity confusion," "lower self-esteem," "suicidal ideation," and "depression."⁹¹ Experts have outlined three distinct types of microaggressions:

- Microassault: When a person uses derogatory language and "derogatory terms" to describe members of underrepresented groups⁹²
- Microinsult: When a person "question[s] how a person [from an underrepresented group] obtained a particular job or place"⁹³
- Microinvalidation: When a person "den[ies] others' experiences of [discrimination] or accus[es] them of being oversensitive"⁹⁴


Microaggressions differ from implicit biases discussed in the previous section in that implicit biases are the internal unconscious prejudice someone holds against a diverse person, while a microaggression is the outward manifestation of this bias. Microaggressions can be comments, actions, or even nonverbal and environmental.⁹⁵

A recent Workplace Experiences Survey found that women and people of color are often mistaken for administrative or janitorial staff—"[b]ecause of the automatic association of lawyers with majority men, lawyers from other groups are much more likely to be mistaken for or viewed as less than a lawyer."⁹⁶ This is an example of a microaggression. This microaggression sends women and BIPOC the

message that they do not belong as an attorney and reflects the implicit assumption that diverse people are not expected to reach certain levels of professional status. Attorneys and law students surveyed for this report, along with respondents to the Women Lawyers of Utah survey,⁹⁷ consistently reported such experiences.

HOW TO PLAN EFFECTIVE DIVERSITY TRAININGS.

In recent years, many organizations have turned to diversity training as a solution to problems with diversity, equity, and inclusion, including problems resulting from biases and microaggressions. Some employers may conduct their own training while others rely on outside support. No matter the approach, employers should ensure that the training is an effective use of employer time and money, by considering, among other things, the following:

 **Use a Holistic Approach to Improving Diversity.** Companies spend roughly \$8 billion annually on diversity training.⁹⁸

Another estimate suggests that "20% of U.S. organizations offer training specifically aimed at combating implicit bias, a number expected to grow to 50% in the future."⁹⁹ One case study concluded that implicit bias training fails to create a "sense of urgency" around addressing such biases, fails to create a vision for "what the organization will look like after changes are made," and fails to leave participants with "actionable takeaways."¹⁰⁰ To remedy these, the study suggested that employers could create individual accountability, for instance by requiring employees to explain how they

"While negotiating over the phone[,] opposing counsel directed me to 'be a good little girl and settle the case.' In addition to that comment opposing counsel implied that I was not good at simple math and said, 'Here, let me just do that math for you.'"

"I did a trial advocacy training out of state and while my male counterpart on the fake trial was given extensive feedback both positive and constructive, the only feedback I was given was that I should wear 'pantyhose' and wear more 'feminine shoes.'"

have acted on the training in regular employee evaluations.¹⁰¹

Emerging research also suggests employers should implement a holistic approach by supplementing diversity training with a range of other efforts, such as those identified in this report or available through UCLL. Effective DEI education must be ongoing.

⁹¹ have been found for a variety of ethnic minorities (e.g., people of Black, Latina, and Asian identity) and for some sexual minorities (e.g., bisexuals).⁹² (Internal citations omitted).

⁹¹ *Id.* at 1676.

⁹² *Id.* at 1619.

⁹³ *Id.* at 1619.

⁹⁴ *Id.* at 1619.

⁹⁵ *Id.* at 1619.

⁹⁶ Commission on Women in the Profession & MCCA, *You Can't Change What You Can't See*, at 38–39 ("[O]nly 7% of white male lawyers reported this happening to them, compared with 54% of women lawyers of color. . . . Half of white women also reported being mistaken for administrative (or custodial) staff. Men of color also reported experiencing this happening at a much higher level than white men: 35% vs. 7%.").

⁹⁷ *Barriers to Advancement*, 2020 WLU Survey, at 17.

⁹⁸ Ivaoma N. Onyiah, Sa-kiera T. J. Hudson & Nell A. Lewis, Jr., *Moving Beyond Implicit Bias Training: Policy Insights for Increasing Organizational Diversity, 8 POLY INSIGHTS FROM THE BEHAV. & BRAIN SCI.* 19, 20 (2021) ("By some estimates, companies spend US\$8 billion on diversity training [Lipman, 2018], often focusing on unconscious or implicit bias.").


⁹⁹ Joanne Lipman, *How Diversity Training Infuriates Men and Fails Women*, TIME MAG. (Jan. 25, 2018) (referencing conversations the author has had with major corporations in making a prediction for the future of diversity training).

¹⁰⁰ Olivia Nelson, *Potential For Progress: Implicit Bias Training's Journey To Making Change*, JOSEPH WHARTON SCHOLARS 11, 16, 22 (2017).

¹⁰¹ *Id.* at 25.

BEST PRACTICE #2

Some creative ways to incorporate DEI include "courses, a book club, an email drip, guest speakers, celebrations, or creating 20-minute microlearning courses on different topics surrounding diversity and inclusion, and dole them out month over month."¹⁰² Training alone is not enough to change employee behavior but can be effective when used in combination with other practices, including those identified in Best Practice #3.

 **Incentivize Training.** At some firms, diversity training is optional, at others, it is mandatory. Research suggests that voluntary training only reduces implicit bias in the short-term.¹⁰³ This may be because those who need the training the most would not attend if it were optional.¹⁰⁴ Making training mandatory may be overall more effective in promoting behavior change and learning,¹⁰⁵ but it may have negative consequences on those who did not want to attend.¹⁰⁶ To bridge the gap between those who do not want to attend training but may benefit most from attending, employers may consider offering incentives to encourage attendance. Incentives can be as simple as gift cards, "catered lunch"¹⁰⁷, or as substantial as time off, or monetary bonuses.¹⁰⁸



Focus on Your Audience. Firms should determine the target audience for training.

Given that some people are more likely to be subject to bias than others, research recommends employing a scaffolded approach.¹⁰⁹ In addition to a broader, more comprehensive firmwide DEI strategy, a scaffolded approach requires tailoring the content of diversity training to meet the specific needs of the audience.¹¹⁰ Some employees may respond more favorably to an education-based diversity training session, while others may benefit from a feedback session or an internal mentorship program.

¹⁰² Stephanie Escande, *The Principles Behind Successful Anti-Bias and Diversity Training*, 360LEARNING BLOG, <https://360learning.com/blog/successful-anti-bias-diversity-training/> (last visited Apr. 20, 2023).

¹⁰³ Frank Dobbin & Alexandra Kalev, *Why Doesn't Diversity Training Work?*, 10(2) ANTHROPOLOGY NOW 48, 49 (Sept. 2018).

¹⁰⁴ Evelyn R. Carter et al., *Developing & Delivering Effective Anti-Bias Training*, at 63 ("[W]hen training is voluntary, behavioral learning is significantly lower compared with when training is mandatory.")

¹⁰⁵ *Id.* (finding that voluntary training "undermines other outcomes that may be important for long-term change, such as behavioral learning") (internal citations omitted).

¹⁰⁶ Carol T. Kulik, Molly B. Pepper, Lorian Roberson & Sharon K. Parker, *The Rich Get Richer: Predicting Participation in Voluntary Diversity Training*, 26(5) J. ORG. BEHAV. 1, 3 (2007).

¹⁰⁷ Escande, *The Principles Behind Successful Anti-Bias and Diversity Training*.

¹⁰⁸ *Id.*

¹⁰⁹ Evelyn R. Carter et al., *Developing & Delivering Effective Anti-Bias Training*, at 62.

¹¹⁰ *Id.* at 65.

BEST PRACTICE #2

BEST PRACTICE #3

Support diversity and equity in recruitment, hiring, retention, and advancement.

The UCLI survey shows that diversity in representation decreases as seniority increases within legal organizations. BIPOC and women are present to a greater extent in entry-level positions but their representation decreases at each level of advancement within the profession. To address this decrease in representation, legal employers should work to increase diversity at each step of the advancement process, including recruiting, hiring retention, and advancement. The practices below can help.



Broaden recruitment strategies. Changing recruitment strategies can lead to more diverse hiring. Posting open positions in the same places and hoping for a more diverse applicant pool is not effective. Instead, post positions in a wide variety of places, including websites and job boards specifically focused on people who are diverse in ways that are underrepresented among your current staff.¹¹¹ In addition, posting open positions to a regional audience may attract a more diverse pool of legal talent.¹¹²



Be intentional about job posting language. The language used in job postings can lead to fewer diverse applicants. Avoiding gender-coded words is important because more traditionally masculine words such as "competitive," or "dominate" can "dissuade women from applying... because they cue that women do not belong."¹¹³ In addition, ensuring that all the listed requirements are must-have qualifications, rather than a wishlist of preferred qualifications can attract more women applicants.¹¹⁴

111 Marilyn Cavicchia, *Is There Bias in Your Hiring Process? Removing It Takes Diligence, Self-Awareness, and Open Eyes* (July-Aug. 2018), https://www.americanbar.org/groups/bar_services/publications/bar_leader/2018-2019/july-august/is-there-bias-in-your-hiring-process/.

112 See *supra* Key Finding #1, noting greater racial diversity in the region than in the Utah survey respondent pool.

113 Danielle Gaucher, Justin Priesen & Aaron C. Kay, *Evidence That Gendered Wordings in Job Advertisements Excludes and Sustains Gender Inequality*, 101 J. PERSONALITY & SOC. PSYCH. 109, 110, 120 (2011).

114 Tara Sophia Mohr, *Why Women Don't Apply for Jobs Unless They're 100% Qualified*, HARV. BUS. REV.



Reconsider the resume and cover letter. To encourage diverse talent to apply, employers can reassess the materials applicants are required to submit.¹¹⁵ Studies have shown that applications with "white" names are more likely to make it through the application process than identical applications with "non-white" names.¹¹⁶

One way to avoid potential bias is to "blind" the initial selection process by having someone who isn't involved in the hiring decisions remove names and other identifying information from applications prior to reviewing them.¹¹⁷ Although removing names can help address bias,¹¹⁸ there is potential that other information on resumes "can be used to infer someone's racial or ethnic background."¹¹⁹ For instance, an applicant's address can be used as a proxy for race and graduation years can lead to an inference about candidate age.¹²⁰

To ensure a truly blind initial selection process, employers can also consider whether the benefits of

resumes outweigh their potential for bias. Instead of requiring a resume, it may be more valuable to assess applicants' writing or research skills directly or to require applicants to answer specific questions that are relevant to the position.¹²¹



Interview more diverse candidates. Including diverse candidates in the interview pool can lead to more diverse hiring. At first glance, this may appear to conflict somewhat with the goal of selecting candidates to interview through a blind process. However, the two can work in concert. If, after reviewing applications blindly and selecting candidates, the applicants selected for interviews lack diversity, this can indicate that the process was not truly blind or that more effort is required to attract a broader applicant pool. "If only one woman is included in the finalist pool, the statistical possibility of her landing the job is zero."¹²² However, the likelihood of hiring a diverse candidate increases significantly when there are at least two diverse candidates in a hiring pool.¹²³

(Aug. 23, 2014), <https://hbr.org/2014/08/why-women-dont-apply-for-jobs-unless-theyre-100-qualified>.

115 See, e.g., Richard Feloni, *Consumer Goods Giant Unilever Has Been Hiring Employees Using Brain Games and Artificial Intelligence—and It's a Huge Success*, BUS. INSIDER (June 29, 2017, 7:20 AM), <https://www.businessinsider.com/unilever-artificial-intelligence-hiring-process-2017-6> (highlighting Unilever's focus on alternative application materials in place of traditional resumes and cover letters and the more diverse hiring through that process).

116 Mariammi Estrand & Sushil Mittal, *Are Emily and Greg More Employable than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination*, NAT'L BUREAU OF ECON. RECH. 950, 991 (2003).

117 Cavicchia, *Is There Bias in Your Hiring Process?*

118 Stefanie K. Johnson & Jessica P. Hall, *Research: To Reduce Gender Bias, Anonymize Job Applications*, HARV. BUS. REV. (Mar. 5, 2020), <https://hbr.org/2020/03/research-to-reduce-gender-bias-anonymize-job-applications>; UMI Name, *Anonymize Job Applications and Hiring Discrimination*, IZA WORLD LAB. 7 (Oct. 2018) ("Discrimination becomes impossible if recruiters are not given any information about characteristics that could indicate an applicant's minority group status, as is the case with effectively implemented anonymous applications. However, if recruiters are able to draw indirect conclusions about race, ethnicity, or gender from the information supplied on not fully anonymous application forms, minority and other disadvantaged applicants could still face different, and in most cases lower, callback rates.")

119 Cavicchia, *Is There Bias in Your Hiring Process?*

120 Id.

121 Id.

122 MEERA DEO, *UNEQUAL PROFESSION* 22 (2020).

123 Stefanie K. Johnson, David R. Hickman & Elia T. Chien, *If There's Only One Woman in Your Candidate Pool, There's Statistically No Chance She'll Be Hired*, HARV. BUS. REV. (Apr. 26, 2018), <https://hbr.org/2018/04/if-there-is-only-one-woman-in-your-candidate-pool-there-is-no-chance-she'll-be-hired> (finding that "the odds of hiring a female or diverse minority were 193.72 times greater if there were at least two minority candidates in the finalist pool" and "the odds of hiring a woman were 79.14 times greater if there were at least two women").

BEST PRACTICE #3

Focus on objective criteria. In the absence of clear, objective criteria, those making hiring or advancement decisions tend to use different criteria depending on the gender or race of the applicant.¹²⁴ For example, one study found that the criteria used in hiring decisions were redefined to justify hiring men over women.¹²⁵ The absence of clear criteria can occur at the recruitment, application review, and interviewing stages of hiring, as well as when making advancement decisions. Interviewing for “fit,” or looking for those who seem to fit in with existing employees, can stand in the way of hiring qualified, diverse talent.¹²⁶ Standardizing interview questions and setting clear priorities for candidate qualifications can allow employers to better compare various candidates for the same position.¹²⁷

Create and uniformly apply flexible work policies. Research suggests that men are more likely than women to work flexible hours or take a lighter workload without asking permission first.¹²⁸ Men may be taking advantage of flexible schedules with minimal repercussions while women are experiencing negative repercussions by asking for flexibility.¹²⁹ One way to address this is to create policies that apply across the board. The

UCLl survey found that approximately 40 percent of employers surveyed did not have part-time or flexible work policies in place.¹³⁰ When a flexible work policy automatically applies to everyone, there is less risk that discrepancies in who uses the policy will exist. Employers may consider encouraging legal professionals to work remotely when needed, take advantage of part-time options or adopt work schedules customized to their personal needs. These policies benefit working parents¹³¹ and may also improve retention.¹³²

Reassess mentorship opportunities. Attorneys rely on mentors to answer questions, receive challenging projects, receive introductions to other attorneys, and understand many other aspects of professional development. Some legal employers have formal mentor programs while others’ are informal. However, employers should work to recognize and address gaps in mentorship opportunities that disadvantage underrepresented groups.

Some mentorships develop organically, which gives individuals the flexibility to decide what type of mentorship is most effective for them. Many attorneys

agree that informal mentoring is more effective than formal mentoring.¹³³ However, informal mentorship programs can have significant negative repercussions when they leave out historically underrepresented groups. Evidence indicates that most people have the potential for “affinity bias,” which leads to mentors choosing mentees that look like themselves.¹³⁴ Because there are fewer BIPOC and women, and potentially fewer LGBTQ+ attorneys and attorneys with a disability, in the most senior legal positions, affinity bias results in fewer BIPOC, women (and potentially other marginalized groups) having meaningful mentorship opportunities. For example, an ABA study found that “[67%] of women [attorneys] of color . . . wanted more and better mentoring by senior attorneys and partners, as did 52% of men of color, 55% of white women, and 32% of white men.”¹³⁵

Informal mentoring alone can lead to a self-perpetuating system where underrepresented groups are receiving fewer opportunities and, therefore, seen as less qualified when advancement decisions are made. The best approach to fostering meaningful mentorship opportunities includes both informal and formal mentoring.

Instituting an organized mentorship plan, supported by regular feedback from mentors and mentees, can also bridge the gap in mentorship quality and availability. Employers should therefore regularly

seek feedback from individual employees to determine their level of satisfaction with mentorship opportunities.

UCLl offers a formalized, evidence-based mentorship program that is intended to narrow this mentorship gap for law students entering the profession. UCLl’s program is focused on mentoring law students during their legal education and into the transition to careers as lawyers.¹³⁶ This program is valuable because it bridges the gap and focuses on students who may not have mentorship opportunities that develop organically. UCLl is also happy to work with legal employers seeking to develop their own internal mentoring programs that have the potential to reap similar benefits for practicing attorneys.

Prevent tokenism by prioritizing a critical mass of diversity on boards and committees. Tokenism is defined as “the experience of being the only or one of the only members of a group in the workplace.”¹³⁷ The UCLl data suggests that attorneys with underrepresented identities, especially in senior positions at the typical law firm, may frequently be “tokens.”

The experience of being a token can negatively impact individuals.¹³⁸ These negative impacts are collectively known as “token pressures”¹³⁹ and are far-ranging. Racial token status can lead to lower job

in the email pack”.

124 Eric Lutz Utterback & Geoffrey L. Cohen, *Constructed Criteria: Redefining Merit to Justify Discrimination*, 35 PSYCH. SCI. 674-79 (2005); Michael I. Norton, Joseph A. Vandello & John M. Darity, *Casualty and Social Category Bias*, 87 J. PERSONALITY & SOC. PSYCH. 1127, 1127 (2004).

125 Michael I. Norton et al., *Casualty and Social Category Bias*, at 829.

126 Cavicchia, *Is There Bias in Your Hiring Process?*.

127 *Id.*

128 Nell Irwin, *How Some Men Fake an 80-Hour Workweek and Why It Matters*, N.Y. TIMES (May 4, 2015) (citing Erin Reid, *Embracing, Passing, Revealing, and the Ideal Worker Image: How People Navigate Expected and Experienced Professional Identities*, 26(4) ORG. SCI. 997 (2015)) (“Some 31 percent of the men and 11 percent of the women whose records Ms. Reid examined managed to achieve the benefits of a more moderate work schedule without explicitly asking for it.”).

129 *Id.* (“Those specifically requesting a lighter workload, who were disproportionately women, suffered in their performance reviews; those who took a lighter workload more discreetly didn’t suffer.”).

130 See *supra* Key Finding #6.

131 Jamie J. Lodge, Beth K. Hubbard, Maria Gaskerville Watkins & Brad Harrington, *Updating the Organization Man: An Examination of Involved Fathering in the Workplace*, 29 ACAD. MGMT. PERSP. 152, 167 (2015).

132 Jerome Davaarany, *How Flexible Working Improved One Firm’s Retention and Staff Motivation*, LAWS WKLY. (Sept. 24, 2018), <https://www.lawspowerfully.com.au/news/24309-how-flexible-working-improved-one-firms-retention-and-staff-motivation>.

133 ADA, *VISIBILITY*, at 13.

134 *Id.*

135 *Id.* at 12.

136 Utah Center for Legal Inclusion, *Mentoring Program*, <https://www.utahcli.org/mentoring/> (last visited Apr. 11, 2021).

137 *Barriers to Advancement*, 2020 WLU Survey, at 31 n.18 (citing ROSEBETH MOSS KANTER, *MEN AND WOMEN OF THE CORPORATION* (1977); ASH. HANLEY WINGFIELD, *NO MORE INVISIBLE MAN: RACE AND GENDER IN MEN’S WORK* (2013); CHRISTOPHER F. KARPOWITZ, *Yael Mendelberg & Lee Shaker, Gender Inequality in Deliberative Participation*, 106(1) AM. POL. SCI. REV. 533, 535 (Aug. 2012)).

138 KANTER, *MEN AND WOMEN OF THE CORPORATION*, at 206–44 (defining tokenism and finding that tokenism negatively shapes people’s experiences within groups).

139 *Barriers to Advancement*, 2020 WLU Survey, at 14.

BEST PRACTICE #3

BEST PRACTICE #3

satisfaction¹⁴⁰ and greater BIPOC turnover.¹⁴¹ Token women lawyers experience more frequent sexual harassment and discrimination than non-token women,¹⁴² have lower performance ratings than men,¹⁴³ and have less informational and emotional support than women in more balanced firms.¹⁴⁴

Underrepresentation and tokenism can be a barrier to advancement. For example, women are less likely to be appointed to board positions if there is already one woman on the board.¹⁴⁵ "Tokenism" is a related finding that many corporate boards are much more likely to "include exactly two women . . . than would be expected by chance" and that "decision makers are . . . less likely to add a woman to a board once it includes two women."¹⁴⁶ A recent study of diverse lawyers found that "almost a third of women lawyers and almost a third of lawyers of color felt that there is only one 'slot' for someone like them and that they have to compete with their women

and/or minority colleagues."¹⁴⁷ When there are only one or two spots for diverse individuals in positions of power, it creates a barrier not based on merit.

Critical mass theory is the idea that marginalized groups are less likely to participate fully when they are a small minority in the room.¹⁴⁸ When women make up a minority of individuals in a group setting, they participate less than their male colleagues.¹⁴⁹ This means that groups may be missing out on the insights of diverse group members simply because the makeup of the group is not representative. Women may not be fully empowered to contribute equally until they are more fully represented in positions of power.¹⁵⁰ Research on corporate board gender diversity suggests "that at least three female directors are needed before boards experience tangible benefits from gender diversity."¹⁵¹

In addition, "[w]hen women do not represent a critical mass, they experience token pressures that heighten their visibility, reinforce negative stereotypes and induce performance pressures."¹⁵² Thus, it is important to reevaluate governance committees and other groups to ensure that there is adequate representation.

Addressing tokenism requires actively assessing the makeup of boards and other leadership groups to determine if token status is keeping those bodies from achieving the benefits that come with having a critical mass of diverse representation. One way to do this is to consider "at least 30 percent women, lawyers of color, LGBTQ+ lawyers, and lawyers with disabilities for leadership and governance roles, equity partner promotions, formal client pitch opportunities, and senior lateral positions."¹⁵³

Allocate assignments equitably. Legal employers typically make promotion decisions based on past performance. At first glance this may seem to be a system based on merit alone. However, past performance is heavily dependent on the assignments an employee is given. This can result in a "thin file" problem. Research has shown that women¹⁵⁴ and BIPOC¹⁵⁵ in professional careers are often given inferior work assignments and receive less performance support (both formally and informally) compared to their white, male peers.¹⁵⁶ Such inequity in the quality of work assignments and feedback can lead to women and BIPOC having "thin files."¹⁵⁷ The quality of work assignments and feedback has been shown to affect advancement opportunities and may play a role in retention by reducing job satisfaction and increasing disengagement for women and BIPOC. This may contribute to the drop-off of diversity in senior positions found in the UCLI survey.

One study showed Black associates were given lower-quality assignments than white associates.¹⁵⁸ Another found that women were assigned "predictable and

140 Voland Flores Niemann & John F. Dovidio, *Relationship of Solo Status, Academic Rank, and Perceived Distinctiveness to Job Satisfaction of Racial/Ethnic Minorities*, 83 J. APPLIED PSYCH. 55, 69 (1998).

141 Christopher D. Zatzick, Marta M. Elvira & Lisa E. Cohen, *When Is More Better? The Effects of Racial Composition on Voluntary Turnover*, 14 ORG. SCI. 483, 492 (2003).

142 Janet Rosenberg, Harry Perlestadt & William R. F. Phillips, *Now That We Are Here: Discrimination, Disparagement, and Movement at Work and the Experience of Women Lawyers*, 7 GENDER & SOC. 415, 429 (1993); Louise F. Fitzgerald, Fritz Drasgow, Charles L. Holl, Michele J. Gelfand & Vicki J. Magley, *The Antecedents and Consequences of Sexual Harassment in Organizations: A Test of an Integrated Model*, 82 J. APPLIED PSYCH. 578, 586 (1997). ("[A] male-dominated workplace was significantly implicated in high levels of sexual harassment.")

143 Paul R. Sackett, Cathy L. Z. DuBois & Ann Higgins Noe, *Tokenism in Performance Evaluation: The Effects of Work Group Representation on Male-Female and White-Black Differences in Performance Ratings*, 76 J. APPLIED PSYCH. 263, 266-67 (1991).

144 Jean E. Wallace & Fiona M. Kay, *Tokenism, Organizational Segregation, and Coworker Relations in Law Firms*, 59 SOC. PROBS. 389, 403 (2012).

145 Nina Smith & Pierpaolo Parrilli, *Why So Few Women on Boards of Directors? Empirical Evidence from Danish Companies in 1998-2010*, 147(2) J. BUS. ETHICS 445, 460 (2018).

146 Edward H. Chang, Katherine L. Milkman, Dolly Chugh & Madeleine Akinola, *Diversity Thresholds: How Social Norms, Visibility, and Scrutiny Relate to Group Composition*, 62 ACAD. MGMT. J. 144, 144 (2019).

147 Commission on Women in the Profession & MCCA, *You Can't Change What You Can't See*, at 40.

148 Miriam Schwartz-Ziv, *Gender and Board Activeness: The Role of a Critical Mass*, 52 CAMBRIDGE UNIV. PRESS 751, 751 (Mar. 23, 2017) ("Boards with at least 3 directors of each gender are found to be at least 79% more active at board meetings than those without such representation.")

149 Karpowitz et al., *Gender Inequality in Deliberative Participation*, at 544. But see Lissa Lamkin Broome, John M. Conley & Kimberly D. Krawiec, *Does Critical Mass Matter? View from the Boardroom*, 34 SEATTLE U. L. REV. 1049, 1049 (2011) (finding only "limited support" for critical mass theory).

150 Brittany Karford Rogers, *When Women Don't Speak: Groundbreaking BYU Research Shows What It Takes for a Woman to Truly Be Heard*, BYU MAG. (Spring 2020), <https://magazine.byu.edu/article/when-women-dont-speak/>.

151 Chang et al., *Diversity Thresholds: How Social Norms, Visibility and Scrutiny Relate to Group Composition*, at 159-60 (citing Alison M. Konrad, Vicki Kramer & Sumru Erkut, *Critical Mass: The Impact of Three or More Women on Corporate Boards*, 37 ORG. DYNAMICS 145 (2008); Mariateresa Torchia, Andrea Calabrò & Morten Huse, *Women Directors on Corporate Boards: From Tokenism to Critical Mass*, 126 J. BUS. ETHICS 299 (2011)).

152 Women Lawyers of Utah, *Barriers to Advancement*, at 14.

153 This is referred to as the "Mansfield Rule." Diversity Lab, *Mansfield Rule 4.0*, <https://www.diversitylab.com/mansfield-rule-4-0/> (last visited Apr. 19, 2021).

154 Janice Fanning Madden, *Performance-Support Bias and the Gender Pay Gap Among Stockbrokers*, 26(3) GENDER & SOC'Y 488, 488 (June 2012).

155 Janice Fanning Madden & Alexander Vekker, *Output-Based Performance Pay, Performance-Support Bias, and the Racial Pay Gap within a Large Retail Stock Brokerage*, 56(4) INDUS. RELS. 662, 665 (Oct. 2017).

156 Madden & Vekker, *Output-Based Performance Pay, Performance-Support Bias, and the Racial Pay Gap within a Large Retail Stock Brokerage*, at 685; Madden, *Performance-Support Bias and the Gender Pay Gap Among Stockbrokers*, at 488.

157 Iris Bohnet, *Tackling 'The Thin File' That Can Prevent a Promotion*, N.Y. TIMES (Oct. 3, 2017), <https://www.nytimes.com/2017/10/03/business/women-minority-promotion.html>.


158 Kevin Wootson, *Race and Report: Homophily and Racial Disadvantage in Large Law Firms*, 83 FORDHAM L. REV. 2557, 2568 n.74 (2015) (citing Richard H. Sander, *The Racial Paradox of the Corporate*

BEST PRACTICE #3

routine work" while men were given "developmental work."¹⁵⁹ Such disparities in assignment quality may be even worse for women of color. A recent ABA study found that because "women of color were less likely to get good work" (including stretch assignments), "by the time they were third and fourth year associates, they had less experience than the white men who had joined the firm at the same time they did."¹⁶⁰ This lack of quality assignments lowered the advancement prospects of women of color "and affected their entire career trajectories."¹⁶¹ The study also found that "44% of women of color . . . reported being denied desirable assignments" compared to only 2% of white men.¹⁶²

This discrepancy in work assignment quality and the resulting "thin files" of BIPOC and women highlights that simply making advancement decisions

"colorblind" will not, in isolation, ensure employers meet DEI goals. Addressing these inequities directly can lead to more equitable decisions based on the commitment and talent of individual attorneys, rather than on systemic, if unconscious, bias.

 Ask for help. UCLI offers many other potential approaches to explore. For instance, examining onboarding processes to ensure that new employees have the tools to succeed can decrease unequal access to support early on. Incentivizing participation in affinity groups can also create a supportive environment for all attorneys to thrive. UCLI also offers **sample policies** employers can use to build a strategy that addresses their unique challenges.

CONCLUSION

The findings of the UCLI survey will not be surprising to most readers. The general trends outlined in this report are largely consistent with other research findings about the state of diversity in the U.S. legal profession. We believe the best practices highlighted in this report will be helpful as legal employers work to create systemic change. These recommendations emphasize the value of leadership and data-driven, holistic approaches to diversity, equity, and inclusion. This effort to collect data is an important first step to this work, and Utah can be a leader in similar efforts going forward. We can genuinely reflect and engage with these issues to push diversity, equity, and inclusion forward in our profession.

This is just the beginning.

Law Firm, 84 N.C.L. Rev. 375, 1805–07 (2006)) ("Compared to white attorneys . . . a lower percentage of black attorneys reported handling an entire matter on their own, being involved in formulating strategy on half or more of their matters, or being responsible for keeping their clients updated on matters").

159 Helle Helt & Susan Lewis, *You Can Stand on Your Head and Still End Up with Lower Pay: Gender Segregation and Gendered Work Practices in Danish 'Family-Friendly' Workplaces*, 18(S1) GENDER, WORK, AND ORG. 6202, 6202 (2011).

160 Commission on Women in the Profession & MCQA, *You Can't Change What You Can't See*, at 46 (citing ABA, *VISIBLE INVISIBILITY*).

161 *Id.*

162 *Id.* at 46.

TAB

6

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

APRIL 16, 2021

VIDEO CONFERENCE MEETING

- In Attendance:** President Heather Farnsworth and President-elect Heather Thuet. Commissioners: John Bradly, Traci Gunderson, Rick Hoffman, Chrystal Mancuso-Smith, Marty Moore, Mark Morris, Andrew Morse, Shawn Newell, Mark Pugsley, Michelle Quist, Tom Seiler, and Katie Woods.
- Ex-Officio Members:** Sarah Baldwin, Erik Christiansen, Cedar Cosner (for YLD), Kim Cordova, Camila Moreno, Herm Olsen, Margaret Plane, Robert Rice and Dean Elizabeth Kronk-Warner.
- Not in Attendance:** Ex-Officio Members: Raj Dhaliwal, Amy Fowler, Ashley Peck, and Dean Gordon Smith.
- Also in Attendance:** Executive Director John C. Baldwin, Assistant Executive Director Richard Dibblee, General Counsel Elizabeth A. Wright, and Supreme Court Liaison Nick Stiles.

Minutes: 9:03 a.m. start

1. President's Report: Heather Farnsworth

- 1.1 Bar President-Elect & Commission Election Results.** Heather Farnsworth reported that **Katie Woods** was retained as President-elect. **Chrystal Mancuso-Smith** and **Greg Hoole** were elected to serve as Third Division Commissioners. **Tyler Young** ran unopposed and was declared elected to serve as the Fourth Division Commissioner and **Megan Mustoe** ran unopposed and was declared elected to serve as the Fifth Division Commissioner.
- 1.2 Spring Convention Report.** Heather Thuet reported that the virtual convention was a success with 630 attendees on for day 1 and 650 attendees on day 2. The Bar received lots of positive feedback about the program.
- 1.3 Use of Force Seminar/Follow Up: Shawn Newell & Andrew Morse.** Event organizers Shawn Newell and Andrew Morse reported that each of the three days had close to 1000 attendees. Mr. Newell reported that the event was well received and served as a good launching point for more discussion about the issues surrounding police use of deadly force. Mr. Morse reported that they will survey presenters and attendees to get recorded feedback on the event. He also hopes that the Bar can arrange

a presentation on the issue at the Summer Convention and that hopefully Dr. Smith would be willing to present again. Mr. Newell will speak to Dr. Smith about his availability.

2. Action Item

- 2.1 2022 Summer Convention.** Richard Dibblee reported that the Lowes Coronado in California offered the best room rates for the month of July. The Grand Summit in Park City has too high of a food and beverage requirement. The Commission then discussed the pro and cons of having an out of state convention. Marty Moore objected to holding a convention outside of Utah. Tom Seiler objected to the cost of the convention. Rob Rice reminded the Commission that the Supreme Court has asked the Commission to ensure the conventions pay for themselves. After discussion on the issues and objections raised, **Mark Morris moved to hold the 2022 Summer Convention at the Lowes Coronado. Michelle Quist seconded the motion which passed with Marty Moore and Tom Seiler opposed.**

3. Discussion Items

- 3.1 Rural Lawyers' Commission Representation:** Marty Moore proposed two ideas to encourage more Bar representation for and inclusion of rural lawyers. First idea is to have a Commission meeting in Moab in conjunction with the Litigation Section meeting and invite rural lawyers to attend. Second idea is to have an ex officio member of the Commission who would represent the 6th, 7th, and 8th judicial districts. The Commission discussed the issues with and barriers to participation by rural lawyers. After discussion, the Commission decided it would have the meeting in Moab to better gauge interest in an ex officio member. Rob Rice asked John Baldwin to provide the Commission with the figures for the cost of an additional ex officio member for consideration at the next Commission meeting. **Michelle Quist moved to hold the October 15, 2021 Commission meeting in Moab in conjunction with the Litigation Section Judicial Excellence meeting. Chrystal Mancuso-Smith seconded the motion which passed unopposed.**
- 3.2 Investment Policies and Procedures.** Marty Moore, who sits on the Bar's Budget and Finance Committee, reviewed the Bar's investment portfolio with the Commission. The Commission discussed the investments and the fees associated with managing the investments. The Commission discussed concerns that the Bar is invested in bond funds which pose too much risk. **Tom Seiler moved to charge Marty Moore and Rick Hoffman to work with the Budget and Finance Committee to develop a new investment policy and review changing the current investment advisors.**

4. Information Items

- 4.1 State Courts' Plans for Jury Pilots and Restarting:** Nick Stiles reported on current Court policies for resuming jury trials. Mr. Stiles noted that vaccine rates and case numbers have been encouraging so the policy may evolve. Mr. Stiles reminded the Commissions to check the Court website for phase levels and associated precautions.

Currently, all people must wear masks in all courthouses regardless of state and local policy. Jury trials are taking place with “red phase” precautions which include COVID testing for participants and enclosed witness booths with air filters. There is no date for civil in-person arguments. Finally, Mr. Stiles reported that for some types of cases remote hearings will continue beyond the pandemic. Judges, lawyers, and clients have found that some proceedings are more efficient and cost effective if held remotely.

- 4.2 2021 Sun Valley Summer Convention Status Report:** Richard Dibble reported that 80% of the Bar’s room block is full. The Commission then discussed some of the issues with holding a hybrid in-person and remote convention. Attendees who select a “Zoom only” option will be able to see all sessions at a lower rate.

5. Executive Session

Adjourn: 12:15 p.m.

Consent Agenda

1. Approved Minutes from the March 25, 2021 Commission Meeting.

TAB 7

80

UTAH STATE BAR
Budget and Finance Committee
Financial Results as of April 30, 2021
and for the ten month period then ended

FINANCIAL STATEMENT HIGHLIGHTS

Notable Trends:

- The results of the first ten months of the fiscal year show total revenues underreporting compared to the budget, while expenses are also underreporting, thus resulting in a favorable variance of \$179,000 compared to the budget.
 - Interest revenue related to investments has been underreporting for the past ten months due to the cuts made to the Fed rates since the COVID-19 pandemic began.
 - Some departments are experiencing slower-than-usual operations as a result of the pandemic. As such revenues are underreporting and so are expenses. It appears that the lower-than-budgeted expenses have helped to create a favorable variance compared to the budget.
 - In February 2021, the Bar applied for the Payroll Protection Program (PPP) through the CARES Act and received funds totaling just over \$653,000 to cover payroll expenses. The funds are currently classified as a long-term payable on the entity's Balance Sheet (or Statement of Financial Position) and were deposited into a separate bank account that is segregated from other operating funds. Following each payroll, qualified payroll expenses will be deducted from the separate account so that the use of the funds can be easily tracked. The PPP program allows entities to submit an application for forgiveness sometime between 8-24 weeks following receipt of the funds once they can prove the funds were spent on qualified payroll expenses, which include: salaries, wages capped at \$100,000/annually per employee, employee benefits such as costs associated with retirement plans, group health insurance, vacation time, sick and medical leave, and parental and family leave, and state and local taxes on compensation. It is estimated that the funds will support between three and three and half months of qualified payroll expenses; at which time an application for forgiveness will be submitted.

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

	Actual	Budget	Fav(unfav) \$ Variance	Fav(unfav) % Variance
YTD revenue	5,814,161	6,337,058	(522,897)	-8%
YTD expenses	4,666,595	5,368,714	702,118	13%
YTD net profit/(loss)	1,147,566	968,344	179,221	19%

YTD net income is \$1,147,566 and is \$179,221 over budget.

YTD Net Profit –Cash Basis: Adding back year-to-date depreciation expense of \$140,000 and deducting capital expenditures of \$316,000, the cash basis year-to-date net profit is approximately \$176,000 lower.

Explanations for Departments with Net Profit Variances \$10k and 5% Over/Under Budget and/or significant activity:

Admissions: YTD Admissions revenue is \$400,000, which is \$13,00 (3%) over budget and \$17,000 more than last year's revenue at this time. The higher-than-expected revenues mostly relate to Attorney Motions (reciprocity admissions), which are difficult to estimate and therefore the variance from the budget is not

UTAH STATE BAR
Budget and Finance Committee
Financial Results as of April 30, 2021
and for the ten month period then ended

81

unusual. Admissions expenses are also slightly under budget, mostly due to the lower-than-expected program services expenses; which is due to less examinees at the Fall Bar exam than in prior years.

NLTP: YTD NLTP net spending is approximately \$13,000 more than budgeted due to lower-than-expected NLTP fees and both salaries and general and administrative expenses running slightly above the budget. Salaries and wages appear to be slightly higher than budgeted due to a timing issue related to how salaries and wages expense was spread over the twelve month budget period and due to a manager billing time to the department that was not included in the budget. We also note the general and administrative expenses are higher than budgeted, which is the result of IT security services added during the year and applied to all departments.

CLE: The CLE department's revenue is currently reporting \$243,000 less than budgeted and expenses are reporting \$273,000 less than budgeted. CLE Registrations is the most significant revenue item for this department, which is underreporting by \$227,000; and is due to the Bar not holding in-person CLE events due to COVID pandemic. Since the CLE department is not holding in-person events, its expenses are also underreporting and significantly less than budgeted.

Fall Forum: The Forum that was held in October 2020, generated \$56,000 in registration revenue, which is less than budgeted. However, the online format of the Fall Forum resulted in relatively limited expenses. As such, the Fall Forum is currently reporting a \$30,000 net profit, which is \$30,000 over budget.

Spring Convention: The 2021 Spring Convention was moved from an in-person event to a virtual event due to COVID and the restrictions on large gatherings. The event generated \$55,000 of registration revenue, which is about 58% of what was budgeted for an in-person event. Also note that the online format did not have sponsors so there was no sponsor or vendor revenue, which was budgeted to bring in more than \$25,000 in revenues. Similar to the Fall Forum, the online format of the event resulted in significantly lower expenses and expenses will mostly relate to staff time spent to facilitate the event. As such, the event is currently reporting just under \$32,000 in net profit, which is \$14,000 more than budgeted.

Member Services: Member Services YTD net spending is \$198,000 compared to budgeted net spending of \$255,000, a difference of \$57,000. Lower net spending is the result of higher than budgeted advertising revenue for the Bar Journal; and lower than expected expenses related to meeting expenses, salaries and wages and other administrative costs. We note that approximately \$5,000 was budgeted for meetings (meeting rooms, supplies and food) that have not occurred in person and instead have been held virtually due to the pandemic. Additionally, a position in Section Support was vacated in September and was not filled until late April, therefore reducing total salaries and wages for the past seven months. Finally, we note some administrative costs were budgeted related to computer maintenance and copy/printing; although the related expenses have not occurred yet, they may be charged in future months thus increasing net spending and aligning net spending closer to budget.

Public Services: Public Services YTD net spending is \$427,000, which is \$20,600 less than budgeted. The lower net spending is mostly the result of lower-than-budgeted program expenses, which is expected as the Tuesday Night Bar program has been taken virtually and required less program expenditures (like room rentals, beverage costs and off-duty police officer pay). The lower expenses trend will most likely proceed

82

UTAH STATE BAR
Budget and Finance Committee
Financial Results as of April 30, 2021
and for the ten month period then ended

through the end of the fiscal year, as the program will not resume to in person.

Bar Operations: Bar Operations' revenue of \$66,000 is underreporting by \$117,000 compared to budget of \$138,000, which is the result of investment income underreporting due to low interest rates.

Facilities: As a result of the state-wide ban on large gatherings due to COVID-19, Bar meeting room facilities have been underutilized, which has resulted in lower-than-budgeted revenues and expenses.

ADDITIONAL COMMENTS

Board Designated Reserves: In consultation with Bar management and the Budget & Finance Committee, the Commission informally targeted the following reserve amounts:

Operations Reserve (3 months' operations)	\$1,581,302
Capital Replacement Reserve (equipment)	200,000
Capital Replacement Reserve (building)*	<u>372,930</u>
Total	\$2,154,232
Estimated cash reserve at April 30, 2021	<u>\$4,357,251</u>
Excess of current cash reserve over board-designated reserve	<u>\$2,203,019</u>

*During the June 6, 2020 Commission Meeting, the Board approved building improvements to include interior painting and carpet, and repairs to external concrete areas. During the first six months of the current fiscal year, \$277,070 was spent for concrete, painting and carpet, thus depleting the \$650,000 reserve to \$372,930, shown above.

**Utah State Bar
Income Statement
April 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
Licensing	4,483,438	4,582,117	4,468,834	113,283	103%	4,515,114	101%
Admissions	383,175	399,626	386,420	13,206	103%	372,410	107%
NLTP	50,850	49,109	55,731	(6,622)	88%	59,149	83%
OPC	13,046	28,846	28,210	636	102%	29,187	99%
CLE	344,189	241,282	484,300	(243,018)	50%	528,038	46%
Summer Convention	218,585	-	-	-	#DIV/0!	-	#DIV/0!
Fall Forum	83,224	56,368	79,903	(23,536)	71%	79,903	71%
Spring Convention	(1,870)	55,992	123,000	(67,008)	46%	123,000	46%
Member Services	239,102	256,345	242,625	13,720	106%	271,209	95%
Public Services	13,419	46,699	49,926	(3,227)	94%	51,556	91%
Bar Operations	157,961	66,352	172,299	(105,947)	39%	179,141	37%
Facilities	169,800	31,426	245,810	(214,384)	13%	251,228	13%
Total Revenue	6,154,918	5,814,161	6,337,058	(522,897)	92%	6,459,935	90%
Expenses							
Licensing	97,803	171,313	142,762	(28,551)	120%	195,357	88%
Admissions	478,452	431,245	433,911	2,665	99%	499,729	86%
NLTP	68,464	86,141	79,725	(6,416)	108%	100,255	86%
OPC	1,256,197	1,204,872	1,216,841	11,969	99%	1,449,269	83%
CLE	418,386	208,005	481,382	273,376	43%	538,142	39%
Summer Convention	277,439	6,519	9,724	3,205	67%	9,723	67%
Fall Forum	75,596	26,701	79,903	53,202	33%	79,903	33%
Spring Convention	44,546	24,197	105,296	81,099	23%	123,000	20%
Member Services	541,089	453,968	497,555	43,587	91%	603,856	75%
Public Services	476,774	473,376	497,171	23,794	95%	573,862	82%
Bar Operations	1,544,675	1,284,802	1,329,292	44,490	97%	1,607,271	80%
Facilities	430,815	295,455	495,153	199,698	60%	544,841	54%
Total Expenses	5,710,238	4,666,595	5,368,714	702,118	87%	6,325,208	74%
Net Profit (Loss)	\$ 444,681	\$ 1,147,566	\$ 968,344	\$ 179,221	119%	\$ 134,727	852%
Depreciation	167,205	139,913	179,139	39,226	78%	214,988	
Cash increase (decrease) from operations	611,886	1,287,479	1,147,483	139,996	112%	349,715	
Changes in operating assets/liabilities	(2,966,800)	(2,215,816)	(2,215,816)	-	100%	20,000	
Capital expenditures	(43,627)	(316,383)	(318,737)	2,354	99%	(157,000)	
Net change in cash	\$ (2,398,541)	\$ (1,244,720)	\$ (1,387,070)	\$ 142,350	90%	\$ 212,715	-585%

**Utah State Bar
Licensing
April 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4010 · Section/Local Bar Support fees	17,128	17,292	17,102	190	101%	17,102	101%
4004 · Admissions - Laptop Fees	-	575	-	575	#DIV/0!	-	#DIV/0!
4006 · Transfer App Fees	-	-	-	-	#DIV/0!	-	#DIV/0!
4011 · Admissions LPP	2,700	2,255	2,294	(39)	98%	3,250	69%
4021 · Lic Fees > 3 Years	3,696,060	3,755,635	3,710,083	45,552	101%	3,710,510	101%
4020 · NLTP Fees	-	750	-	750	#DIV/0!	-	#DIV/0!
4022 · Lic Fees < 3 Years	200,700	205,140	209,488	(4,348)	98%	210,010	98%
4023 · Lic Fees - House Counsel	44,940	47,490	48,978	(1,488)	97%	48,978	97%
4025 · Pro Hac Vice Fees	102,750	168,575	119,906	48,669	141%	151,150	112%
4024 · Lic Fees LPP	800	2,150	800	1,350	269%	800	269%
4026 · Lic Fees - Inactive/FS	120,390	116,710	119,530	(2,820)	98%	119,530	98%
4027 · Lic Fees - Inactive/NS	213,780	218,925	214,251	4,674	102%	215,408	102%
4029 · Prior Year Lic Fees	-	-	-	-	#DIV/0!	8,288	0%
4030 · Certs of Good Standing	20,010	14,720	25,342	(10,622)	58%	28,965	51%
4095 · Miscellaneous Income	580	205	1,060	(855)	19%	1,123	18%
4096 · Late Fees	63,600	31,695	-	31,695	#DIV/0!	-	#DIV/0!
Total Revenue	4,483,438	4,582,117	4,468,834	113,283	103%	4,515,114	101%
Expenses							
Program Services	95	37,064	30,517	(6,547)	121%	36,597	-
Salaries & Benefits	70,767	97,735	78,292	(19,443)	125%	98,760	99%
General & Administrative	19,355	28,469	26,161	(2,308)	109%	50,726	56%
Building Overhead	7,586	8,045	7,792	(253)	103%	9,274	87%
Total Expenses	97,803	171,313	142,762	(28,551)	120%	195,357	88%
Net Profit (Loss)	\$ 4,385,635	\$ 4,410,804	\$ 4,326,072	\$ 84,732	102%	\$ 4,319,757	102%

Note: Includes LPP staff time and exam expense

**Utah State Bar
Admissions
April 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4001 - Admissions - Student Exam Fees	139,975	106,150	143,467	(37,317)	74%	135,575	78%
4002 - Admissions - Attorney Exam Fees	48,350	57,950	46,226	11,724	125%	46,225	125%
4003 - Admissions - Retake Fees	26,500	27,850	16,566	11,284	168%	22,850	122%
4004 - Admissions - Laptop Fees	49,950	59,600	81,877	(22,277)	73%	47,700	125%
4005 - Admissions - Application Forms	4,000	8,200	3,332	4,868	-	5,000	-
4006 - Transfer App Fees	39,500	36,050	48,371	(12,321)	75%	54,250	66%
4008 - Attorney - Motion	37,400	66,300	29,218	37,082	227%	42,500	156%
4009 - House Counsel	12,050	12,750	14,432	(1,682)	88%	15,450	83%
4011 - Admissions LPP	-	200	-	200	#DIV/0!	-	#DIV/0!
4095 - Miscellaneous Income	2,525	3,576	2,931	645	122%	2,860	125%
4096 - Late Fees	22,500	21,000	-	21,000	#DIV/0!	-	#DIV/0!
Total Revenue	382,750	399,626	386,420	13,206	103%	372,410	103%
Expenses							
Program Services	95,977	47,597	90,822	43,225	52%	92,190	52%
Salaries & Benefits	260,618	304,791	264,888	(39,903)	115%	315,861	96%
General & Administrative	104,639	64,591	59,212	(5,379)	109%	69,435	93%
Building Overhead	17,218	14,266	18,989	(4,722)	75%	22,243	64%
Total Expenses	478,452	431,245	433,911	2,665	99%	499,729	86%
Net Profit (Loss)	\$ (95,702)	\$ (31,620)	\$ (47,491)	\$ 15,871	-33%	\$ (127,319)	25%

**Utah State Bar
NLTP
April 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4020 - NLTP Fees	50,850	48,300	54,815	(6,515)	88%	58,050	83%
4081 - CLE - Registrations	-	619	-	619	#DIV/0!	-	#DIV/0!
4200 - Seminar Profit/Loss	-	190	916	(726)	21%	1,099	-
Total Revenue	50,850	49,109	55,731	(6,622)	88%	59,149	83%
Expenses							
Program Services	3,159	-	5,576	5,576	0%	5,576	0%
Salaries & Benefits	48,382	66,230	59,624	(6,606)	111%	77,286	86%
General & Administrative	13,167	16,870	10,343	(6,527)	163%	12,518	135%
Building Overhead	3,756	3,041	4,182	1,141	73%	4,875	62%
Total Expenses	68,464	86,141	79,725	(6,416)	100%	100,255	86%
Net Profit (Loss)	\$ (17,614)	\$ (37,032)	\$ (23,994)	\$ (13,037)	154%	\$ (41,106)	90%

**Utah State Bar
OPC
April 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4095 - Miscellaneous Income	3,500	1,953	5,710	(3,757)	34%	6,687	29%
4200 - Seminar Profit/Loss	9,546	26,893	22,500	4,393	120%	22,500	120%
Total Revenue	13,046	28,846	28,210	636	102%	29,187	99%
Expenses							
Program Services	24,146	1,127	6,656	5,529	17%	7,060	16%
Salaries & Benefits	1,057,214	1,060,707	1,047,446	(13,261)	101%	1,250,874	85%
General & Administrative	113,651	90,156	96,217	6,061	94%	112,941	80%
Building Overhead	61,187	52,882	66,522	13,640	79%	78,394	67%
Total Expenses	1,256,197	1,204,872	1,216,841	11,969	99%	1,449,269	83%
Net Profit (Loss)	\$ (1,243,151)	\$ (1,176,025)	\$ (1,188,631)	\$ 12,606	99%	\$ (1,420,082)	83%

**Utah State Bar
CLE
April 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4052 - Meeting - Sponsor Revenue	14,500	7,250	22,050	(14,800)	33%	22,050	33%
4053 - Meeting - Vendor Revenue	1,000	-	-	-	#DIV/0!	-	-
4054 - Meeting - Material Sales	-	-	-	-	#DIV/0!	-	-
4081 - CLE - Registrations	255,946	185,949	412,970	(227,021)	45%	422,340	44%
4082 - CLE - Video Library Sales	87,206	86,917	66,875	20,042	130%	93,409	93%
4084 - Business Law Book Sales	-	-	-	-	#DIV/0!	-	-
4095 - Miscellaneous Income	-	-	-	-	#DIV/0!	-	-
4200 - Seminar Profit/Loss	(14,462)	(38,834)	(17,595)	(21,239)	221%	(9,761)	398%
Total Revenue	344,189	241,282	484,300	(243,018)	50%	528,038	46%
Expenses							
Program Services	243,222	67,762	304,659	236,897	22%	332,452	20%
Salaries & Benefits	109,988	100,696	109,645	8,949	92%	131,497	77%
General & Administrative	53,253	27,184	55,097	27,914	49%	59,714	46%
Building Overhead	11,922	12,363	11,980	(383)	103%	14,479	85%
Total Expenses	418,386	208,005	481,382	273,376	43%	538,142	39%
Net Profit (Loss)	\$ (74,197)	\$ 33,277	\$ 2,918	\$ 30,358	1140%	\$ (10,104)	-329%

**Utah State Bar
Summer Convention
April 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	181,985	-	-	-	#DIV/0!	-	#DIV/0!
4052 · Meeting - Sponsor Revenue	19,500	-	-	-	#DIV/0!	-	#DIV/0!
4053 · Meeting - Vendor Revenue	11,800	-	-	-	#DIV/0!	-	#DIV/0!
4055 · Meeting - Sp Ev Registration	5,300	-	-	-	#DIV/0!	-	#DIV/0!
Total Revenue	218,585	-	-	-	#DIV/0!	-	#DIV/0!
Expenses							
Program Services	241,401	15	6,692	6,677	0%	6,692	0%
Salaries & Benefits	21,359	6,304	3,032	(3,272)	208%	3,031	208%
General & Administrative	14,679	200	-	(200)	#DIV/0!	-	#DIV/0!
Building Overhead	-	-	-	-	#DIV/0!	-	-
Total Expenses	277,439	6,519	9,724	3,205	67%	9,723	67%
Net Profit (Loss)	\$ (58,854)	\$ (6,519)	\$ (9,724)	\$ 3,205	67%	\$ (9,723)	67%

**Utah State Bar
Fall Forum
April 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	76,499	55,368	73,178	(17,811)	76%	73,178	76%
4052 · Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!	-	-
4053 · Meeting - Vendor Revenue	4,950	1,000	4,950	(3,950)	20%	4,950	20%
4055 · Meeting - Sp Ev Registration	1,775	-	1,775	(1,775)	0%	1,775	-
Total Revenue	83,224	56,368	79,903	(23,536)	71%	79,903	71%
Expenses							
Program Services	64,336	18,732	68,507	49,775	27%	68,507	27%
Salaries & Benefits	4,160	1,825	4,160	2,335	44%	4,160	44%
General & Administrative	7,100	6,145	7,236	1,091	85%	7,236	85%
Building Overhead	-	-	-	-	#DIV/0!	-	-
Total Expenses	75,596	26,701	79,903	53,202	33%	79,903	33%
Net Profit (Loss)	\$ 7,628	\$ 29,666	\$ -	\$ 29,666	#DIV/0!	\$ -	#DIV/0!

**Utah State Bar
Spring Convention
April 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	(1,365)	55,992	97,000	(41,008)	58%	97,000	58%
4052 · Meeting - Sponsor Revenue	(1,000)	-	15,000	(15,000)	0%	15,000	0%
4053 · Meeting - Vendor Revenue	-	-	9,000	(9,000)	0%	9,000	0%
4055 · Meeting - Sp Ev Registration	495	-	2,000	(2,000)	0%	2,000	0%
Total Revenue	(1,870)	55,992	123,000	(67,008)	46%	123,000	46%
Expenses							
Program Services	21,228	15,000	71,570	56,570	21%	89,092	17%
Salaries & Benefits	11,016	7,202	22,866	15,664	31%	23,041	31%
General & Administrative	12,302	1,995	10,860	8,865	18%	10,867	18%
Building Overhead	-	-	-	-	#DIV/0!	-	-
Total Expenses	44,546	24,197	105,296	81,099	23%	123,000	20%
Net Profit (Loss)	\$ (46,416)	\$ 31,795	\$ 17,704	\$ 14,091	180%	\$ -	#DIV/0!

**Utah State Bar
Member Services
April 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4010 · Section/Local Bar Support fees	83,236	82,904	83,244	(340)	100%	83,244	100%
4052 · Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!	-	#DIV/0!
4061 · Advertising Revenue	147,795	164,326	151,730	12,596	108%	174,001	94%
4062 · Subscriptions	90	30	60	(30)	50%	60	50%
4071 · Mem Benefits - Lexis	964	900	1,013	(113)	89%	1,327	-
4072 · Royalty Inc - Bar J, MBNA, LM, M	6,849	8,175	6,578	1,597	124%	6,577	124%
Total Revenue	239,102	256,345	242,625	13,720	106%	271,209	95%
Expenses							
Program Services	210,750	192,160	205,374	13,214	94%	255,521	75%
Salaries & Benefits	159,819	141,893	157,759	15,866	90%	189,562	75%
General & Administrative	154,727	104,514	118,089	13,575	89%	139,242	75%
Building Overhead	15,793	15,401	16,333	932	94%	19,531	79%
Total Expenses	541,089	453,968	497,555	43,587	91%	603,856	75%
Net Profit (Loss)	\$ (301,987)	\$ (197,623)	\$ (254,930)	\$ 57,306	78%	\$ (332,647)	59%

**Utah State Bar
Public Services
April 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4063 - Modest Means revenue	9,375	10,025	10,333	(308)	97%	11,600	86%
4093 - Law Day Revenue	-	-	1,750	(1,750)	0%	2,100	0%
4095 - Miscellaneous Income	40	20	27	(7)	74%	40	50%
4120 - Grant Income	3,000	39,576	36,812	2,764	108%	36,812	108%
4200 - Seminar Profit/Loss	1,004	(2,922)	1,004	(3,926)	-291%	1,004	-
Total Revenue	13,419	46,699	49,926	(3,227)	94%	51,556	91%
Expenses							
Program Services	150,049	106,469	162,419	55,950	66%	166,869	64%
Salaries & Benefits	276,014	280,283	282,304	2,021	99%	345,358	81%
General & Administrative	39,386	76,939	40,097	(36,843)	192%	47,097	163%
Building Overhead	11,325	9,685	12,351	2,666	78%	14,538	67%
Total Expenses	476,774	473,376	497,171	23,794	95%	573,862	82%
Net Profit (Loss)	\$ (463,355)	\$ (426,677)	\$ (447,245)	\$ 20,567	95%	\$ (522,306)	82%

**Utah State Bar
Bar Operations
April 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4031 · Enhanced Web Revenue	-	-	-	-	-	-	-
4052 · Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!	-	#DIV/0!
4053 · Meeting - Vendor Revenue	-	-	-	-	#DIV/0!	-	#DIV/0!
4060 · E-Filing Revenue	12,432	24,853	33,639	(8,786)	74%	33,639	74%
4103 · In - Kind Revenue - UDR	2,989	23	(2)	25	-1145%	-	#DIV/0!
4095 · Miscellaneous Income	949	20,680	1,007	19,673	2054%	1,159	1784%
4200 · Seminar Profit/Loss	-	-	-	-	#DIV/0!	-	-
Investment Income	141,591	20,796	137,655	(116,859)	15%	144,343	98%
Total Revenue	157,961	66,352	172,299	(105,947)	39%	179,141	88%
Expenses							
Program Services	231,501	6,443	47,803	41,360	13%	52,214	12%
Salaries & Benefits	1,027,744	1,045,235	1,014,191	(31,044)	103%	1,248,531	84%
General & Administrative	236,042	189,631	218,525	28,894	87%	249,109	76%
In Kind	4,636	5,074	-	(5,074)	#DIV/0!	-	#DIV/0!
Building Overhead	44,752	38,418	48,773	10,355	79%	57,417	67%
Total Expenses	1,544,675	1,284,802	1,329,292	44,490	97%	1,607,271	80%
Net Profit (Loss)	\$ (1,386,714)	\$ (1,218,450)	\$ (1,156,993)	\$ (61,457)	105%	\$ (1,428,130)	85%

**Utah State Bar
Facilities
April 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4039 · Room Rental-All parties	71,383	9,314	101,602	(92,288)	9%	102,705	9%
4042 · Food & Beverage Rev-All Parties	79,196	4,568	125,354	(120,786)	4%	125,574	4%
4043 · Setup & A/V charges-All parties	1,145	-	1,350	(1,350)	0%	1,351	0%
4090 · Tenant Rent	18,060	17,474	17,580	(106)	99%	21,672	81%
4095 · Miscellaneous Income	16	70	19	51	368%	21	333%
4103 · In - Kind Revenue - UDR	-	-	(95)	95	0%	(95)	0%
Total Revenue	169,800	31,426	245,810	(214,384)	13%	251,323	13%
Expenses							
Program Services	77,728	5,250	120,722	115,472	4%	120,822	4%
Salaries & Benefits	140,054	141,156	135,811	(5,345)	104%	165,742	85%
General & Administrative	23,640	(6,804)	30,628	37,432	-22%	15,564	-44%
In Kind	12,460	190	16,950	16,760	1%	17,080	1%
Building Overhead	176,933	155,663	191,042	35,379	81%	225,633	69%
Total Expenses	430,815	295,455	495,153	199,698	60%	544,841	54%
Net Profit (Loss)	\$ (261,016)	\$ (264,029)	\$ (249,343)	\$ (14,686)	106%	\$ (293,518)	90%

Utah State Bar
Income Statement - Consolidated By Account
April 30, 2021

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4001 - Admissions - Student Exam Fees	139,975	106,150	143,467	(37,317)	74%	135,575	78%
4002 - Admissions - Attorney Exam Fees	48,350	57,950	46,226	11,724	125%	46,225	125%
4003 - Admissions - Retake Fees	26,500	27,850	16,566	11,284	168%	22,850	122%
4004 - Admissions - Laptop Fees	49,950	60,175	81,877	(21,702)	73%	47,700	126%
4005 - Admissions - Application Forms	4,000	8,200	3,332	4,868	246%	5,000	-
4006 - Transfer App Fees	39,500	36,050	48,371	(12,321)	75%	54,250	66%
4008 - Attorney - Motion	37,400	66,300	29,218	37,082	227%	42,500	156%
4009 - House Counsel	12,050	12,750	14,432	(1,682)	88%	15,450	83%
4010 - Section/Local Bar Support fees	100,364	100,196	100,346	(150)	100%	100,346	100%
4011 - Admissions LPP	2,700	2,455	2,294	161	107%	3,250	76%
4012 - Admissions Military Spouse	425	-	-	-	#DIV/0!	-	#DIV/0!
4020 - NLTP Fees	50,850	49,050	54,815	(5,765)	89%	58,050	84%
4021 - Lic Fees > 3 Years	3,696,060	3,755,635	3,710,083	45,552	101%	3,710,510	101%
4022 - Lic Fees < 3 Years	200,700	205,140	209,488	(4,348)	98%	210,010	98%
4023 - Lic Fees - House Counsel	44,940	47,490	48,978	(1,488)	97%	48,978	97%
4024 - Lic Fees LPP	800	2,150	800	1,350	269%	800	269%
4025 - Pro Hac Vice Fees	102,750	168,575	119,906	48,669	141%	151,150	112%
4026 - Lic Fees - Inactive/FS	120,390	116,710	119,530	(2,820)	98%	119,530	98%
4027 - Lic Fees - Inactive/NS	213,780	218,925	214,251	4,674	102%	215,408	102%
4029 - Prior Year Lic Fees	-	-	-	-	#DIV/0!	8,288	0%
4030 - Certs of Good Standing	20,010	14,720	25,342	(10,622)	58%	28,965	51%
4039 - Room Rental-All parties	71,383	9,314	101,602	(92,288)	9%	102,705	9%
4042 - Food & Beverage Rev-All Parties	79,196	4,568	125,354	(120,786)	4%	125,574	4%
4043 - Setup & A/V charges-All parties	1,145	-	1,350	(1,350)	0%	1,351	0%
4051 - Meeting - Registration	257,119	111,360	170,178	(58,819)	65%	170,178	65%
4052 - Meeting - Sponsor Revenue	33,000	7,250	37,050	(29,800)	20%	37,050	20%
4053 - Meeting - Vendor Revenue	17,750	1,000	13,950	(12,950)	7%	13,950	7%
4054 - Meeting - Material Sales	-	-	-	-	#DIV/0!	-	-
4055 - Meeting - Sp Ev Registration	7,570	-	3,775	(3,775)	0%	3,775	0%
4060 - E-Filing Revenue	12,432	24,853	33,639	(8,786)	74%	33,639	74%
4061 - Advertising Revenue	147,795	164,326	151,730	12,596	108%	174,001	94%
4062 - Subscriptions	90	30	60	(30)	50%	60	50%
4063 - Modest Means revenue	9,375	10,025	10,333	(308)	97%	11,600	86%
4071 - Mem Benefits - Lexis	964	900	1,013	(113)	89%	1,327	-
4072 - Royalty Inc - Bar J, MBNA, LM,M	6,849	8,175	6,578	1,597	124%	6,577	124%
4081 - CLE - Registrations	255,946	186,568	412,970	(226,402)	45%	422,340	44%
4082 - CLE - Video Library Sales	87,206	86,917	66,875	20,042	130%	93,409	93%
4090 - Tenant Rent	18,060	17,474	17,580	(106)	99%	21,672	81%
4093 - Law Day Revenue	-	-	1,750	(1,750)	0%	2,100	0%
4095 - Miscellaneous Income	7,778	26,514	10,754	15,760	247%	11,890	223%
4096 - Late Fees	86,100	52,695	-	52,695	#DIV/0!	-	#DIV/0!
4103 - In - Kind Revenue - UDR	2,989	23	(97)	120	-24%	(95)	-24%
4200 - Seminar Profit/Loss	(3,912)	(14,673)	6,825	(21,498)	-215%	20,842	-70%
Investment income	141,591	20,796	137,655	(116,859)	15%	144,343	14%
Total Revenue	6,151,918	5,774,585	6,300,246	(525,661)	92%	6,423,123	90%
Program Service Expenses							
5001 - Meeting Facility-external only	8,505	15	26,486	26,471	0%	28,085	0%
5002 - Meeting facility-internal only	44,665	8,794	59,764	50,970	15%	60,689	14%
5013 - ExamSoft	19,110	15,471	19,110	3,639	81%	19,110	81%
5014 - Questions	35,998	52,715	66,418	13,703	79%	72,498	73%
5015 - Investigations	500	931	638	(293)	146%	755	123%
5016 - Credit Checks	1,011	1,740	1,139	(601)	153%	2,177	80%
5017 - Medical Exam	160	-	320	320	0%	320	-
5020 - Exam Scoring	-	-	-	-	#DIV/0!	-	-
5025 - Temp Labor/Proctors	6,450	-	6,543	6,543	0%	6,543	0%
5030 - Speaker Fees & Expenses	9,667	6,500	15,548	9,048	42%	15,548	42%
5031 - Speaker Reimb. - Receipt Req'd	16,612	-	19,113	19,113	0%	19,800	0%
5035 - Awards	4,866	6,723	5,491	(1,232)	122%	9,787	69%
5037 - Grants/ contributions - general	9,000	500	12,670	12,170	4%	12,670	4%
5040 - Witness & Hearing Expense	1,498	14	4,324	4,310	0%	4,430	0%
5041 - Process Serving	940	282	895	613	32%	1,000	28%
5046 - Court Reporting	-	1,596	-	(1,596)	#DIV/0!	-	#DIV/0!
5047 - Casemaker	40,937	44,935	43,087	(1,848)	104%	52,250	86%
5055 - Legislative Expense	41,719	50,000	37,517	(12,483)	133%	60,000	83%
5060 - Program Special Activities	2,595	-	2,595	2,595	0%	2,595	-
5061 - LRE - Bar Support	65,000	60,000	60,000	-	100%	60,000	100%
5062 - Law Day	2,625	-	3,500	3,500	0%	4,400	0%
5063 - Special Event Expense	55,752	6,829	24,022	17,193	28%	24,843	27%
5064 - MCLE Fees Paid	22,956	19,672	22,760	3,088	86%	34,507	57%
5070 - Equipment Rental	62,252	-	38,365	38,365	0%	39,166	0%
5075 - Food & Bev-external costs only	368,907	9,823	347,958	338,135	3%	357,568	3%
5076 - Food & beverage - internal only	45,582	6,666	58,265	51,599	11%	58,603	11%
5079 - Soft Drinks	6,730	2,272	8,399	6,127	27%	8,689	26%
5085 - Misc. Program Expense	8,601	1,298	6,006	4,708	22%	6,204	21%
5090 - Commission Expense	28,863	30,619	32,190	1,571	95%	35,172	87%
5095 - Wills for Heroes	482	205	1,146	941	18%	1,226	17%
5096 - UDR Support	-	-	-	-	#DIV/0!	-	-
5099 - Blomquist Hale	61,425	62,806	61,444	(1,362)	102%	73,721	85%
5702 - Travel - Lodging	61,314	7,065	32,764	25,699	22%	33,763	21%
5703 - Travel - Transportation/Parking	20,255	282	5,301	5,020	5%	5,399	5%
5704 - Travel - Mileage Reimbursement	6,890	1,035	3,025	1,990	34%	3,625	29%
5705 - Travel - Per Diems	4,571	-	690	690	0%	790	0%
5706 - Travel - Meals	109	-	-	-	#DIV/0!	-	#DIV/0!
5707 - Travel - Commission Mtgs	14,983	-	2,500	2,500	0%	2,500	0%
5805 - ABA Annual Meeting	14,469	-	-	-	#DIV/0!	-	#DIV/0!
5810 - ABA Mid Year Meeting	19,896	100	-	(100)	#DIV/0!	-	#DIV/0!
5815 - Commission/Education	15,245	-	2,350	2,350	0%	2,350	0%
5820 - ABA Annual Delegate	8,153	-	-	-	#DIV/0!	-	#DIV/0!
5830 - Western States Bar Conference	7,133	205	-	(205)	#DIV/0!	-	#DIV/0!
5840 - President's Expense	22,234	15,163	15,771	608	96%	20,000	76%
5841 - President's Reimbursement	2,899	-	3,532	3,532	0%	3,532	0%
5845 - Reg Reform Task Force	4,571	-	-	-	#DIV/0!	-	-
5850 - Leadership Academy	11,645	-	10,000	10,000	0%	10,000	0%
5855 - Bar Review	431	-	-	-	#DIV/0!	-	#DIV/0!
5865 - Retreat	20,089	-	5,000	5,000	0%	5,000	0%
5866 - Wellbeing Committee	46,477	46,239	45,687	(552)	101%	50,120	92%

Utah State Bar
Income Statement - Consolidated By Account
April 30, 2021

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
5867 - Bar Membership Survey	19,000	-	-	-	#DIV/0!	-	#DIV/0!
5868 - UCLI Support	50,000	-	-	-	#DIV/0!	-	#DIV/0!
5960 - Overhead Allocation - Seminars	-	(3,404)	(20,229)	(16,825)	17%	(20,001)	17%
5970 - Event Revenue Sharing - 3rd Pty	39,822	40,531	29,213	(11,318)	139%	44,158	92%
Total Program Service Expenses	1,363,594	497,620	1,121,318	623,697	44%	1,233,592	40%
Salaries & Benefit Expenses							
5510 - Salaries/Wages	2,499,534	2,556,730	2,466,765	(89,965)	104%	2,985,937	86%
5605 - Payroll Taxes	187,465	188,620	186,459	(2,161)	101%	225,452	84%
5610 - Health Insurance	221,413	232,806	241,572	8,766	96%	292,155	80%
5620 - Health Ins/Medical Reimb	2,874	6,100	5,817	(283)	105%	6,508	94%
5630 - Dental Insurance	12,631	12,598	14,550	1,952	87%	17,177	73%
5640 - Life & LTD Insurance	15,127	15,891	16,528	637	96%	20,030	79%
5645 - Workman's Comp Insurance	1,856	1,952	1,592	(359)	123%	2,430	80%
5650 - Retirement Plan Contributions	218,218	222,437	221,188	(1,249)	101%	269,046	83%
5655 - Retirement Plan Fees & Costs	9,844	13,650	10,442	(3,208)	131%	20,411	67%
5660 - Training/Development	18,175	3,274	15,105	11,831	22%	14,557	22%
Total Salaries & Benefit Expenses	3,187,135	3,254,057	3,180,018	(74,039)	102%	3,853,703	83%
General & Administrative Expenses							
7025 - Office Supplies	22,915	11,422	21,581	10,159	53%	23,799	48%
7015 - Office Equip Repairs	-	-	-	-	#DIV/0!	-	#DIV/0!
7033 - Operating Meeting Supplies	17,393	1,398	22,034	20,636	6%	22,130	6%
7035 - Postage/Mailing, net	53,977	37,670	59,001	21,331	64%	52,676	72%
7040 - Copy/Printing Expense	135,027	86,258	133,491	47,233	65%	151,866	57%
7041 - Copy/Print revenue	(16,576)	(12,617)	(21,226)	(8,609)	59%	(23,434)	54%
7045 - Internet Service	7,702	11,014	9,970	(1,044)	110%	11,767	94%
7050 - Computer Maintenance	43,946	33,023	45,882	12,859	72%	59,647	55%
7055 - Computer Supplies & Small Equip	13,436	13,441	14,542	1,101	92%	16,651	81%
7089 - Membership Database Fees	31,343	41,437	35,178	(6,259)	118%	41,000	101%
7095 - Fax Equip & Supplies	(25)	(7)	(25)	(18)	29%	(25)	-
7100 - Telephone	47,289	55,472	47,698	(7,774)	116%	56,910	97%
7105 - Advertising	30,781	3,195	7,840	4,645	41%	11,850	27%
7106 - Public Notification	433	290	1,141	851	25%	1,225	24%
7107 - Production Costs	500	-	83	83	0%	500	0%
7110 - Publications/Subscriptions	20,049	24,042	18,830	(5,212)	128%	23,438	103%
7115 - Public Relations	11,756	-	-	-	#DIV/0!	-	#DIV/0!
7120 - Membership/Dues	10,454	10,338	10,382	44	100%	11,071	93%
7135 - Bank Service Charges	703	591	861	270	69%	1,107	53%
7136 - ILM Service Charges	15,591	15,088	15,580	492	97%	18,037	84%
7138 - Bad debt expense	0	-	-	-	#DIV/0!	-	-
7140 - Credit Card Merchant Fees	52,557	56,324.93	47,844	(8,481)	118%	104,755	54%
7141 - Credit Card surcharge	(19,973)	(24,337)	(20,349)	3,988	120%	(60,846)	40%
7145 - Commission Election Expense	2,693	2,717	2,699	(18)	101%	2,699	101%
7150 - E&O/Off & Dir Insurance	43,293	44,842	43,200	(1,642)	104%	51,844	86%
7160 - Audit Expense	34,265	35,435	34,265	(1,170)	103%	34,265	103%
7170 - Lobbying Rebates	133	78	195	117	40%	205	38%
7175 - O/S Consultants	152,152	136,582	103,120	(33,463)	132%	118,698	115%
7176 - Bar Litigation	17,582	7,175	8,662	1,488	83%	10,000	72%
7177 - UPL	41,141	1,564	10,000	8,436	16%	10,000	16%
7178 - Offsite Storage/Backup	3,889	-	-	-	#DIV/0!	-	#DIV/0!
7179 - Payroll Adm Fees	2,674	2,614	2,664	50	98%	3,161	83%
7180 - Administrative Fee Expense	936	831	890	59	93%	1,065	78%
7190 - Lease Interest Expense	-	-	-	-	#DIV/0!	770	0%
7191 - Lease Sales Tax Expense	-	-	-	-	#DIV/0!	-	#DIV/0!
7195 - Other Gen & Adm Expense	13,910	4,009	16,432	12,423	24%	17,618	23%
Total General & Administrative Expenses	791,942	599,889	672,464	72,575	89%	774,449	102%
In Kind Expenses							
7103 - InKind Contrib-UDR & all other	17,096	5,264	16,950	11,686	31%	17,080	31%
Total In Kind Expenses	17,096	5,264	16,950	11,686	31%	17,080	100%
Building Overhead Expenses							
6015 - Janitorial Expense	23,802	13,676	29,088	15,412	47%	30,983	44%
6020 - Heat	16,446	18,880	17,714	(1,166)	107%	19,287	98%
6025 - Electricity	35,975	33,915	40,625	6,710	83%	46,470	73%
6030 - Water/Sewer	6,611	5,168	6,851	1,683	75%	8,030	64%
6035 - Outside Maintenance	13,272	11,116	13,691	2,576	81%	16,997	65%
6040 - Building Repairs	15,181	15,935	19,035	3,100	84%	21,302	75%
6045 - Bldg Mtncn Contracts	31,248	25,621	31,178	5,557	82%	38,890	66%
6050 - Bldg Mtncn Supplies	-	-	687	687	0%	830	0%
6055 - Real Property Taxes	25,182	28,596	24,115	(4,481)	119%	29,627	97%
6060 - Personal Property Taxes	351	335	370	35	91%	434	77%
6065 - Bldg Insurance/Fees	15,199	16,608	15,471	(1,137)	107%	18,546	90%
6070 - Building & Improvements Depre	45,012	56,199	46,291	(9,908)	121%	55,320	102%
6075 - Furniture & Fixtures Depre	7,458	2,622	8,602	5,980	30%	10,109	26%
7065 - Computers, Equip & Sftwre Depre	114,735	81,092	124,246	43,154	65%	149,549	54%
Total Building Overhead Expenses	350,470	309,764	377,964	68,200	82%	446,384	79%
Total Expenses	5,710,238	4,666,595	5,368,714	702,118	87%	6,325,208	90%
Other							
4300 - Gain (Loss) - Disposal Of Assets	-	-	-	-	#DIV/0!	-	#DIV/0!
4120 - Grant Income	3,000	39,576	36,812	(2,764)	108%	36,812	108%
	3,000	39,576	36,812	(2,764)	108%	36,812	
Net Profit (Loss)	\$ 444,681	\$ 1,147,566	\$ 968,344	\$ 179,221	119%	\$ 134,727	852%

Utah State Bar Balance Sheets

	4/30/2021	6/30/2020
ASSETS		
Current Assets		
Petty Cash	\$ 625	\$ 625
Cash in Bank	481,804	789,463
Invested Funds	5,844,599	6,089,850
Total Cash/Investments	6,327,028	6,879,938
Accounts Receivable	63,501	227,851
Prepaid Expenses	140,494	94,743
A/R - Sections	50,092	49,679
Total Other Current Assets	254,086	372,273
Total Current Assets	6,581,115	7,252,211
Fixed Assets		
Property & Equipment	4,960,193	4,643,811
Accumulated Depreciation	(4,169,579)	(4,029,666)
Land	633,142	633,142
Total Fixed Assets	1,423,756	1,247,286
TOTAL ASSETS	\$ 8,004,870	\$ 8,499,498
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
AP Trade	\$ 81,737	\$ 104,237
Other Accounts Payable	7,502	109,826
Accrued Payables	584,307	481,137
Cap Lease Oblig - ST	3,892	3,892
A/P - Sections	1,495	173,165
Deferred Revenue	21,731	2,158,156
Total Current Liabilities	700,664	3,030,412
Long Term Liabilities		
Capital Lease Oblig	(144)	4,112
PPP Loan	653,072	-
Total Long Term Liabilities	652,928	4,112
Total Liabilities	1,353,592	3,034,524
Equity		
Unrestricted Net Assets (R/E)	5,503,712	5,853,847
Fund Balance - Current Year	1,147,566	(388,874)
Total Equity	6,651,278	5,464,974
TOTAL LIABILITIES & EQUITY	\$ 8,004,870	\$ 8,499,498

INSTITUTIONAL LIQUIDITY MANAGEMENT

Balance Sheet Classification

ILM-UT ST BAR (3176)

Base Currency: USD As of 04/30/2021

Dated: 06/02/2021

CE

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
38141W273	GOLDMAN:FS GOVT INST	1,870,683.74	AAA	0.030	04/30/2021	0.040	0.040	1,870,683.74	0.00	1.0000	0.00	1,870,683.74
CCYUSD	Cash	43.48	AAA	0.000	04/30/2021	0.000	0.000	43.48	0.00	1.0000	0.00	43.48
53944VAP4	LLOYD'S BANK PLC	200,000.00	A+	3.300	05/07/2021	0.187	1.998	200,105.13	-55.73	100.0247	3,190.00	203,239.40
55807KSR8	Macquarie Bank Limited	250,000.00	A-1+	0.000	05/25/2021	0.150	0.144	249,975.00	0.00	99.9900	0.00	249,975.00
—	—	2,120,707.22	AAA	—	05/04/2021	0.067	0.240	2,120,787.35	-55.73	—	3,190.00	2,123,921.62

ST

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
69371RP26	PACCAR FINANCIAL CORP	50,000.00	A+	3.100	05/10/2021	1.908	1.277	50,014.88	10.37	100.0501	738.25	50,751.30
74153WCH0	PRICOA GLOBAL FUNDING I	200,000.00	AA-	2.200	06/03/2021	2.480	0.436	199,953.46	369.14	100.1613	1,808.89	202,131.49
22532LAR5	CREDIT AGRICOLE SA (LONDON BRANCH)	250,000.00	AA-	2.375	07/01/2021	1.970	0.519	250,168.87	615.13	100.3136	1,979.17	252,763.17
89114Q3V8	TORONTO-DOMINION BANK	250,000.00	AA-	0.485	07/30/2021	1.389	0.286	248,443.56	681.19	100.0499	3.37	250,128.12
59217GBX6	METROPOLITAN LIFE GLOBAL FUNDING I	318,000.00	AA-	1.950	08/15/2021	1.936	0.293	318,016.25	1,944.85	100.8206	787.37	318,746.46
22548QAR8	CREDIT SUISSE AG (NEW YORK BRANCH)	337,000.00	AA-	3.000	10/28/2021	2.006	0.286	338,840.23	2,900.17	101.3473	58.17	341,596.57
46849LTE1	JACKSON NATIONAL LIFE GLOBAL FUNDING	250,000.00	A	3.300	02/01/2022	1.516	0.271	253,330.81	2,359.14	102.2759	2,062.50	257,752.25
06579HAC8	BNZ INTERNATIONAL FUNDING LTD (LONDON BRANCH)	250,000.00	AA-	2.100	08/14/2021	0.184	0.421	251,768.60	-208.75	100.8235	685.42	252,244.17
084670BF4	BERKSHIRE HATHAWAY INC	250,000.00	AA	3.400	01/31/2022	0.142	0.278	256,113.18	-265.68	102.3390	2,148.61	257,996.11
69371RP75	PACCAR FINANCIAL CORP	188,000.00	A+	2.850	03/01/2022	2.022	0.235	187,267.34	2,793.04	102.1830	883.50	190,943.88
48246UAR7	KW	250,000.00	A-1+	0.000	01/25/2022	0.200	0.199	249,626.39	0.00	99.8506	0.00	249,626.39
00182EBC2	ANZ NEW ZEALAND INTL LTD (LONDON BRANCH)	200,000.00	AA-	2.875	01/25/2022	0.218	0.344	203,888.08	-168.08	101.8590	1,533.33	205,251.33
38141GGQ1	GOLDMAN SACHS GROUP INC	165,000.00	A	5.250	07/27/2021	0.248	0.584	168,959.92	-104.99	101.1242	2,261.88	169,116.80
83051GAK4	SKANDINAVISKA ENSKILDA BANKEN AB	200,000.00	AA	3.050	03/25/2022	0.240	0.294	205,045.78	-80.99	102.4624	610.00	205,574.80
78013X6D5	ROYAL BANK OF CANADA	250,000.00	A	2.800	04/29/2022	0.243	0.274	255,347.16	-61.91	102.5141	38.89	255,324.14
—	—	3,404,000.00	AA-	—	11/14/2021	1.110	0.343	3,434,581.98	10,781.87	—	15,995.34	3,480,958.96

LT

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
525ESC1Y5	LEHMAN ESCROW	300,000.00	NA	0.000	01/01/2048	0.000	—	0.00	2,190.00	0.7300	0.00	2,190.00
57629WCK4	MASSMUTUAL GLOBAL FUNDING II	250,000.00	AA+	2.250	07/01/2022	0.202	0.311	255,976.04	-322.54	102.2614	1,875.00	257,528.50
—	—	550,000.00	AA+	—	09/21/2022	0.202	0.311	255,976.04	1,867.46	—	1,875.00	259,718.50

Summary

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
—	—	6,074,707.22	AA	—	08/18/2021	0.590	0.304	5,811,345.37	12,593.40	—	20,860.34	5,844,599.10

* Grouped by: BS Class 2. * Groups Sorted by: BS Class 2. * Weighted by: Base Market Value + Accrued, except Book Yield by Base Book Value + Accrued. * Holdings Displayed by: Lot

UTAH STATE BAR
Membership Statistics
April 30, 2021

<u>STATUS</u>	<u>04/30/20</u>	<u>04/30/21</u>	<u>Change</u>
Active	8,670	8,831	161
Active under 3 years	857	867	10
Active Emeritus	232	266	34
In House Counsel	111	111	-
Foreign Legal Counsel	3	4	1
LPP	4	13	9
Military Spouse	-	-	-
Subtotal - Active	9,877	10,092	215
Inactive - Full Service	818	796	(22)
Inactive - No Service	1,989	2,028	39
Inactive Emeritus	330	367	37
Inactive House Counsel	11	10	(1)
Inactive LPP	-	-	-
Subtotal - Inactive	3,148	3,201	53
Total Active and Inactive	13,025	13,293	268
<u>Supplemental Information</u>			
Paralegals	178	159	(19)
Associate Section Members	119	119	-
Journal Subscribers	125	125	-
<u>Active Attorneys by Region</u>			
1st Division (Logan - Brigham)	191	199	8
2nd Division (Davis - Weber)	930	967	37
3rd Division (Salt Lake)	5,620	5,588	(32)
4th Division (Utah)	1,287	1,353	66
5th Division (Southern Utah)	506	543	37
Out of State	1,343	1,442	99
Total Active Attorneys	9,877	10,092	215

Progress Toward Increased Well-Being in The Utah Legal Community

Progress Report from the Well-Being Committee for the Legal Profession on Recommendations
from **The Utah Task Force on Lawyer and Judge Well-Being**

April 2021



Introduction

Established in June of 2019, The Utah State Bar's Well-Being Committee for the Legal Profession (WCLP) is charged with creating a well-being movement in the Utah legal community.¹ To do so, the WCLP is implementing the recommendations set out in the February 2019 report of The Utah Task Force on Lawyer and Judge Well-Being. At the same time, the WCLP is working with the Utah Bar and other stakeholders in Utah's legal community to help address the well-being challenges of the COVID-19 pandemic.

This update provides a summary of significant activities and milestones accomplished by the WCLP to date.

History of the WCLP

- **February 2019:** The Task Force on Lawyer and Judge Well-Being publishes *Creating a Well-Being Movement in the Utah Legal Community: Report and Recommendations*.
- **June 2019:** The WCLP is established as a standing committee of The Utah State Bar.
- **June 2019:** The Utah Bar contracts with Martha Knudson to serve as its first Executive Director. Ms. Knudson is an experienced lawyer with an advanced degree in the science of well-being.

WCLP Membership

The WCLP is currently comprised of 12 members and two co-chairs. Co-chairs are **Justice Paige Petersen** of the Utah Supreme Court and Attorney **Cara Tangaro**, formerly a Utah State Bar Commissioner. The 12 WCLP members represent the various perspectives of the shareholders in the Utah legal community, as well as one occupational epidemiologist with extensive experience in studying the health and well-being of working populations, a clinical psychologist working exclusively with law students, and a representative from Blomquist Solutions, the Utah Bar's Employee Assistance Program.

Robert Denny, Esq.
Kim Free, PhD.
Dani Hawkes, Esq.
Bryan C. Hamlin, Esq.
Leilani Marshall, Esq.
Brook Millard, Esq.

Sean Morris, LCSW
Andrew A. Morse, Esq.
Cliff Rosky, Esq.
Jamie Sorensen, Esq.
Dr. Matt Thiese
Dr. Le Nae Valentine

Executive Director to the WCLP
Martha Knudson, Esq., MAPP

Co-Chairs of the WCLP
Justice Paige Petersen
Cara Tangaro, Esq.

¹ CREATING A WELL-BEING MOVEMENT IN THE UTAH LEGAL COMMUNITY: REPORT AND RECOMMENDATIONS FROM THE UTAH TASK FORCE ON LAWYER AND JUDGE WELL-BEING (Feb. 2019) [hereinafter THE TASK FORCE REPORT].

Milestones

The WCLP has implemented various Task Force Report recommendations and achieved a variety of milestones. Significant efforts and achievements are listed below, categorized by the major topic areas in the Task Force Report.

1. Increasing Awareness of the Importance of Well-Being and Providing Education on Practical Tools for Building Well-Being.

- ✓ Launched a WCLP website (www.wellbeing.utahbar.org) to provide evidence-based information, resources, and tools relating to well-being in the legal profession.
- ✓ Began disseminating regular well-being focused social media posts through the Utah State Bar's Instagram and Facebook accounts.
- ✓ Launched monthly "well-being bites" in both written and podcast form that are now included in each issue of the Utah State Bar's e-bulletin.
- ✓ Arranged for WCLP members to appear in numerous presentations and panels addressing the state of well-being in the Utah legal community and the work being done by the WCLP.
- ✓ Arranged for WCLP members to present to law students on various well-being matters.
- ✓ Coordinated with the Utah Bar's CLE department to ensure the inclusion of a well-being track at the Utah Bar Fall Forum, Spring Convention, and Annual Meeting.
- ✓ Advised the CLE Advisory Committee on developing standards to encourage high-quality well-being programming.
- ✓ Published numerous articles on various Well-Being topics in the Utah Bar Journal.
- ✓ Organized a celebration of National Well-Being Week in both 2020 and 2021 in collaboration with the Utah State Bar.
- ✓ Planned and presented a free 5-part CLE series on building resilience and healthy coping practices during the COVID-19 pandemic.
- ✓ Conducted a podcast interview with the Executive Director, Martha Knudson, released by The Institute for Well-Being in Law (formerly the National Task Force on Lawyer Well-Being).

2. Working with Bar Association Leaders, Affinity Groups, and Legal Employers to Enhance Well-Being.

- ✓ Initiated and hosted meetings with various bar association leaders to share updates, discuss areas of collaboration, encourage well-being programs and initiatives, and provide support as needed.
- ✓ Developed Phase 1 Best Practices for Legal Professionals, an evidence-based resource to assist legal professionals with learning to proactively pay attention to well-being.

<https://wellbeing.utahbar.org/uploads/9/1/9/4/91940160/7f6a7503-b45b-4919-a9ca-9020a6c7a885.pdf>

- ✓ Developed Phase 1 Best Practices for Legal Employers, an evidence-based guide to assist legal employers with creating a culture and practice of well-being in the workplace.
<https://wellbeing.utahbar.org/uploads/9/1/9/4/91940160/6a39a0ee-6719-4343-9508-2fd49fac339c.pdf>
- ✓ Developed Phase 1 Best Practices for the Courts, an evidence-based guide to assist the court's with creating a culture and practice of well-being amongst their stakeholders.
- ✓ Hosted "Well-Being Breakfast" for Utah law firm leaders encouraging the use of Phase 1 Best Practices for Legal Professionals and the creation of firm well-being committees and policy / practice shifts.
- ✓ Formed strategic partnership with UCLI.
 - Developed a 4-part CLE series focused on the importance of inclusion and belonging to both D&I and well-being efforts and providing evidence-based practical tools to help individuals and organizations increase efforts.
 - Developing a new component to UCLI certification that focuses on practical tools for building inclusion / belonging amongst all organizational members. Conceptualized as a "train the trainer" session.
- ✓ Formed strategic partnership with the Pro Bono Commission to encourage pro bono work through the lens of well-being.
- ✓ Led the working group focused on encouraging diploma privilege candidates to use pro bono hours to help fill their admissions requirement for 360 hours of supervised practice. This resulted in over 3,000 pro bono hours completed by this cohort in 2020.
- ✓ Formed strategic partnership with the New Lawyer Training Program (NLTP).
 - Provided yearly mentor training on well-being issues.
 - New lawyer training session to emphasize the importance of well-being to a successful and sustainable practice.
 - Worked with NLTP Director to provide evidence-based resources and suggestions for mandatory a NLTP well-being module.
- ✓ Formed strategic partnership with Utah Bar President resulting in a CLE series focused on well-being issues in relationship to the pandemic.
- ✓ In the process of forming a strategic partnership with the Salt Lake Chamber of Commerce to provide mental fitness resources and training to local law firms and other legal employers.
- ✓ Working with the State of Utah experts on suicide prevention to help develop resources and strategies aimed at early intervention / prevention.
- ✓ WCLP representative works closely with national lawyer well-being efforts, serving on various committees for the Institute of Well-Being in Law.
- ✓ WCLP representative serves on the newly reformed board of Lawyers Helping Lawyers.

<https://wellbeing.utahbar.org/uploads/9/1/9/4/91940160/7f6a7503-b45b-4919-a9ca-9020a6c7a885.pdf>

- ✓ Developed Phase 1 Best Practices for Legal Employers, an evidence-based guide to assist legal employers with creating a culture and practice of well-being in the workplace.
- <https://wellbeing.utahbar.org/uploads/9/1/9/4/91940160/6a39a0ee-6719-4343-9508-2fd49fac339c.pdf>
- ✓ Developed Phase 1 Best Practices for the Courts, an evidence-based guide to assist the court's with creating a culture and practice of well-being amongst their stakeholders.
- ✓ Hosted "Well-Being Breakfast" for Utah law firm leaders encouraging the use of Phase 1 Best Practices for Legal Professionals and the creation of firm well-being committees and policy / practice shifts.
- ✓ Formed strategic partnership with UCLI.
 - Developed a 4-part CLE series focused on the importance of inclusion and belonging to both D&I and well-being efforts and providing evidence-based practical tools to help individuals and organizations increase efforts.
 - Developing a new component to UCLI certification that focuses on practical tools for building inclusion / belonging amongst all organizational members. Conceptualized as a "train the trainer" session.
- ✓ Formed strategic partnership with the Pro Bono Commission to encourage pro bono work through the lens of well-being.
- ✓ Led the working group focused on encouraging diploma privilege candidates to use pro bono hours to help fill their admissions requirement for 360 hours of supervised practice. This resulted in over 3,000 pro bono hours completed by this cohort in 2020.
- ✓ Formed strategic partnership with the New Lawyer Training Program (NLTP).
 - Provided yearly mentor training on well-being issues.
 - New lawyer training session to emphasize the importance of well-being to a successful and sustainable practice.
 - Worked with NLTP Director to provide evidence-based resources and suggestions for mandatory a NLTP well-being module.
- ✓ Formed strategic partnership with Utah Bar President resulting in a CLE series focused on well-being issues in relationship to the pandemic.
- ✓ In the process of forming a strategic partnership with the Salt Lake Chamber of Commerce to provide mental fitness resources and training to local law firms and other legal employers.
- ✓ Working with the State of Utah experts on suicide prevention to help develop resources and strategies aimed at early intervention / prevention.
- ✓ WCLP representative works closely with national lawyer well-being efforts, serving on various committees for the Institute of Well-Being in Law.
- ✓ WCLP representative serves on the newly reformed board of Lawyers Helping Lawyers.

3. Identifying and Understanding the Well-Being Needs of the Utah Legal Community.

- ✓ Worked with Dr. Matt Thiese of the University of Utah to develop, implement, gather data, and release findings from the initial study to determine the well-being baselines of Utah's legal community.
- ✓ Worked with Dr. Matt Thiese to develop, implement, and gather data on 1L law students.
- ✓ Developing follow-up surveys to determine impact of the pandemic on well-being in the legal community and identify factors that either increased or diminished well-being.

4. Increasing Awareness of the Importance of Well-Being and Offering Well-Being Resources to Utah Law Schools.

- ✓ The University of Utah school of law provides access to a licensed mental health counselor dedicated to law students.
- ✓ Brigham Young University school of law hired an in-house psychologist dedicated to working with law students.
- ✓ WCLP member and law school professor Cliff Rosky offers a Mindfulness in the Law course for law students and is conducting research on impact of mindfulness practice on student well-being and performance.
- ✓ BYU focuses on well-being as part of a 1L law practice management course.
- ✓ WCLP has provided speakers at both law students on various well-being related topics.

5. Working with Regulators to Improve Rules and Processes to Better Address Well-Being in the Legal Profession.

- ✓ Worked with the MCLE Committee on the Rules of Professional Conduct to successfully amend Rule 14-402 (effective May 1, 2021) to expand CLE programming to include credit for well-being, diversity & inclusion, gender bias, and law practice management.
- ✓ Advised the Office of Professional Conduct (OPC) on the need for expanded use of disciplinary diversions for certain actions and provided information and resources on potential avenues that have been successful in other jurisdictions.
- ✓ Produced an hour-long recorded presentation on the importance of well-being for the OPC bi-annual ethics school.
- ✓ Assisted Dr. Thiese in gathering confidential data from ethics school participants aimed at better understanding well-being issues for those under disciplinary review.