VISION OF THE UTAH STATE BAR

A just legal system that is understood, valued, and accessible to all.

MISSION OF THE UTAH STATE BAR

Lawyers serving the public and legal profession with excellence, civility, and integrity.

2014 – 2015 COMMISSION PRIORITIES

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

(over)

UTAH STATE BAR STATEMENT ON DIVERSITY AND INCLUSION

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

The Bar shall strive to:

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

UTAH STATE BAR AWARDS

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

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

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

Two most important responsibilities of a Bar Commissioner

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

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

Help fulfill vision by devoting time and intellect

Contribute ideas and work

Serve lawyers of Utah

Help accomplish goals of the commission

Represent my division and my liaison groups

Make the Bar meaningful to lawyers

Speak honestly

Contribute with ideas and feedback

Fiduciary

Forward thinking visionary

Communicate with Bar members

Have programs that assist all attorneys and advance the profession

Protect core functions

Promote access to justice and diversity

Know concerns of membership

Speak for membership

Take action on members' needs

Be conservative with bar dues

Attend the meetings

Use sound judgment

Serve community

Represent the unrepresented

Access to Justice

Work together to assist sections of the Bar

Support Rule of Law and integrity of legal system

Listen and participate

Utah State Bar Commission
Thursday, March 12, 2015
Dixie Convention Center
St. George, Utah

Agenda

12:00 Noon **Lunch with Southern Utah Bar Association**

1. **1:15 p.m.** **President's Report: Jim Gilson**

10 Mins.	1.1	Review Spring Convention Schedule and Calendar: **Angelina Tsu**
10 Mins.	1.2	Report on National Conference of Bar Presidents **(Tab 1)**
10 Mins.	1.3	Report on Meeting with Governor Herbert **(Tab 2)**
05 Mins.	1.4	Report on Utah State Bar Day at Legislature **(Tab 3)**
10 Mins.	1.5	Report on Summer Convention Planning

2. **2:00 pm** **Discussion Items**

60 Mins.	2.1	Discussion Action Items to Further Expand Legal Access for the Middle Class **(Tab 4)**

3:00 p.m. **Break**

3. **3:15 p.m.** **Action Items**

30 Mins.	3.1	Petition Court to Permit CLE Credit for Legislators **(Tab 5)**

4. **3:45 p.m.** **Information Items**

10 Mins.	4.1	Judicial Council Report: **John Lund**
30 Mins.	4.2	OPC, Finance, Convention and NLTP Committees Reports: **Larry Stevens, Jim Gilson, Dickson Burton and Kenyon Dove**
10 Mins.	4.3	Magna Carta Celebration Report: **Dickson Burton**
10 Mins.	4.4	Advertising Rule **(Tab 6)**

4:45 p.m. **Adjourn**

Consent Agenda (Tab 7)

1. Approve Minutes of January 23, 2015 Commission Meeting

Attachments (Tab 8)

1. January 2015 Financial Statements
2. Newspaper Articles
3. Joint Resolution Recognizing the 800th Anniversary of the Magna Carta, 2015 General Session of the Utah Legislature
4. IAALS Survey

(Over)

Calendar

March 12-14	Spring Convention		St. George, Utah
March 20	Election Email Message Due		
March 24	Futures Commission Meeting		
March 25-28	Western States Bar Conference		Mauna Lani Bay, Hawaii
April 1	Election-Online Balloting Begins		
April 3	Magna Carta Kick-off Event		Law & Justice Center
April 4	Magna Carta Exhibit at Main Library		Salt Lake City
April 6-7	Magna Carta Exhibit at Washington County Courthouse		St. George
April 8-9	Magna Carta Exhibit at Utah Valley University Library		Provo
April 10-11	Magna Carta Exhibit at Utah State University Library		Logan
April 13-14	Magna Carta Exhibit at Weber State University Union Bldg.		Ogden
April 14	Magna Carta Gala at Rice Eccles Tower		University of Utah
April 15	Election-Online Balloting Ends		
April 14-16	ABA Day in Washington		Washington, D.C.
April 15-17	Magna Carta Exhibit at Matheson State Courthouse		Salt Lake City
April 18-19	Magna Carta Exhibit at Main Library		Salt Lake City
April 16	Election-Ballots Counted		
April 24	Executive Committee	12:00 Noon	Law & Justice Center
May 1	Commission Meeting	9:00 a.m.	Law & Justice Center
May 12-13	Northwestern States Bar Conference		Las Vegas, Nevada
May 26	Admission Ceremony	12:00 Noon	TBD
May 29	Executive Committee	12:00 Noon	Law & Justice Center
June 4-6	Jackrabbit Bar Conference		Park City, Utah
June 12	Commission Meeting	9:00 a.m.	Law & Justice Center
July 17	Executive Committee	12:00 Noon	Law & Justice Center
July 28-29	Bar Examination	8:00 a.m.	Southtowne Expo Center
July 29	Commission Meeting	1:00 p.m.	Sun Valley, Idaho
July 29-Aug. 1	Summer Convention		Sun Valley, Idaho

Tab 1

NABE 2015 MIDYEAR MEETING

Following on the theme from the Annual Meeting in Boston, the theme for the NABE 2015 Midyear Meeting is *The Bar as a Business II: R.I.S.E. to the Challenge*. At this meeting, we're challenging all our attendees to "R.I.S.E.," which stands for: Reach, Invest, Serve and Engage. Sessions outlined in the schedule below will empower you to **REACH** the young/new, seasoned and diverse members of your bar; **INVEST** in your staff and organization; and **SERVE** and **ENGAGE** your members and the public in innovative ways. Programming is designated with an R (Reach), I (Invest), S (Serve), or E (Engage) after the title which denotes the category under which it falls.

Tuesday, February 3, 2015

8:30 A.M. - 3:00 P.M.
NABE Board of Directors Meeting
Boardroom 331, Level 3

3:00 P.M. - 6:00 P.M.
NABE/NCBP/NCBF Joint Registration
Room 230 Foyer, Level 2

3:30 P.M. - 5:00 P.M.
NABE Communications Section Executive Council Meeting
Boardroom 331, Level 3

4:30 P.M. - 5:30 P.M.
Orientation for NABE First-time Attendees
Room 335A, Level 3

6:00 P.M. - 7:00 P.M.
NABE Welcome Reception
Room 335 Foyer, Level 3

Join your fellow bar colleagues, speakers, sponsors and other early arrivals at the NABE Welcome Reception. Enjoy networking, beverages and light appetizers before heading out to dinner on your own. See you there!

Sponsored by Peach New Media

7:30 P.M. - 9:30 P.M.
NABE First-time Attendees' Event
Lucky Strike Bowling Alley, GreenStreet, 1201 San Jacinto Street, Houston, TX, (713) 343-3300

Are you attending a NABE Meeting for the first time? Then this is the event for you! All first-time attendees are invited for a night of fun, networking during dinner and bowling at Lucky Strike Bowling Alley. This event is complimentary for first-time attendees of a NABE Meeting, but advance registration is required. Please gather at the main entrance in the lobby of the Hilton Americas at 7:10 p.m. to meet groups walking or cabbing it to the venue. If you are walking, don't forget to pick up directions at registration during scheduled hours.

Wednesday, February 4, 2015

6:45 A.M. - 4:30 P.M.
NABE/NCBP/NCBF Joint Registration
Room 230 Foyer, Level 2

Registration will be closed for lunch from 12:00 p.m. to 1:00 p.m.

7:15 A.M. - 8:45 A.M.
NABE Welcome Breakfast and First-time Attendees and Sponsor Introductions
Americas D, Level 2

Begin your day with a continental breakfast and an opportunity to visit with your colleagues. First-time meeting attendees and our meeting sponsors will be introduced, and our city/state hosts will welcome us to Houston before we transfer to the opening plenary session. Program begins at 8:00 a.m.

SPEAKERS

George C. Brown, Madison, WI, Executive Director, State Bar of Wisconsin, and NABE President
Michelle Hunter, Austin, TX, Executive Director, State Bar of Texas
Kay Sim, Houston, TX, Executive Director, Houston Bar Association
Chris Albrektson, Dayton, OH, Assistant Executive Director, Dayton Bar Association, and NABE Membership Committee Chair
Rick Bannister, Columbus, OH, Assistant Executive Director, Ohio State Bar Association, and NABE Sponsorship Committee Chair

8:45 A.M. - 9:00 A.M.
Transfer Break

9:00 A.M. - 10:30 A.M.
Plenary Session: Changing Demographics - Looking Beyond Our Borders R
Americas E/F, Level 2

We've been discussing the changing demographics of our membership and the predictions for the coming years, but what about the demographics of the population and the clients our members seek to serve? And likewise, the demographics of the community from which our newest members will emerge? Join us for this fascinating discussion about the changing demographics in the United States and how they will impact not only the legal profession, but how our bar associations seek to serve our members and the public.

INTRODUCTION

Paula Littlewood, Seattle, WA, Executive Director, Washington State Bar Association, and NABE Program Committee Chair

SPEAKER

Dr. Stephen L. Klineberg, Ph.D., Houston, TX, Professor and Co-Director, Kinder Institute for Urban Research, Rice University

10:30 A.M. - 11:00 A.M.

Sponsor Networking Refreshment Break

Foyer, Level 2

Take a quick break to grab some refreshments, visit with sponsors to learn about their services and enter to win some great raffle prizes. Three prize drawings will be held throughout the meeting at the general lunch and closing plenary on Wednesday and a final drawing at the end of the Thursday plenary session.

11:00 A.M. - 12:00 P.M.

First Session of NABE Concurrent Track Programs

Track Program 1A - Lawyer Demographics - Who Are We and Who Will We Be R

Americas A, Level 2

Following up on the plenary discussion regarding the changing demographics in the United States, come engage in this dynamic discussion about our lawyer population and who our members are now and who they will be in the future. This metrics-based presentation will give you lots of food for thought!

SPEAKERS

Megan McNally, Seattle, WA, Director of Advancement, Washington State Bar Association

Joy Williams, Seattle, WA, Diversity Program Manager, Washington State Bar Association

Track Program 1B - Recruiting and Maintaining Talent: Investing in Staff to Strengthen Your Association's Future I

Americas B, Level 2

Attracting and retaining talented staff is essential. However, time, resources and staffing challenges tend to impede our ability to invest in long-term recruitment and retention strategies, inclusion and succession planning. Implications indicate that retaining multi-generational staff with diverse skills and backgrounds needs to be as high a priority as recruiting them. This workshop is designed to give you additional tools and techniques to help you avoid costly staffing errors, and for creating a workplace that supports diversity and pluralism. Whether your staff includes dozens of people or just a few, you will want to join our lively and informative discussion.

MODERATOR

Gregory P. Conyers, Lansing, MI, Director of Diversity, State Bar of Michigan

SPEAKERS

Jill Eckert McCall, Chicago, IL, Director, Center for Professional Development, American Bar Association

Gayle Jackson, Phoenix, AZ, Director of Human Resources, State Bar of Arizona

Sharon E. Jones, Chicago, IL, President and Chief Executive Officer, Jones Diversity Group

Track Program 1C - The Perfect Fit: Welcoming and Engaging New Members S

Americas C, Level 2

Your newest members have been enrolled in your database. Now what? During this session, bar executives and communications staff will showcase how they involve new members in their bar. Touch points, welcome packets, emails, events, logo merchandise, and projects that acclimate and immerse newbies will be covered.

SPEAKERS

Dominick Alcid, Washington, DC, Marketing Manager, District of Columbia Bar

Lowell Brown, Austin, TX, Communications Division Director, State Bar of Texas

Kallie Donahoe, San Francisco, CA, Barristers Club Director, Bar Association of San Francisco

Patricia A. Yevics, Baltimore, MD, Law Office Management Assistance, Maryland State Bar Association

12:00 P.M. - 1:00 P.M.

General Lunch

Americas D, Level 2

Sponsored by GEICO

12:00 P.M. - 1:00 P.M.

Lunch and Discussion for Associate, Assistant and Deputy Executive Directors

Room 337 A/B, Level 3

Share the rewards and challenges of serving as the second in command at your association over lunch with individuals who wear the same hat.

1:00 P.M. - 2:00 P.M.

Second Session of NABE Concurrent Track Programs

Track Program 2A - From Student to Of Counsel: A Frank Discussion on Needs and Expectations R

Americas A, Level 2

How do we meet the needs of both our newest and most experienced members? This panel discussion features law students and senior lawyers who will share their thoughts, questions and needs.

NABE

MODERATOR

Whitney von Haam, Cary, NC, Executive Director, Wake County Bar Association

SPEAKERS

Harry Gee, Houston, TX, Attorney, Harry Gee and Associates, PLLC

Marcos Soto, Houston, TX, Student Bar President, Texas Southern University

Allegra Sturns, Houston, TX, Student Bar President, University of Houston

Adam Taylor, Houston, TX, Student Bar President, South Texas College of Law

Norma Trusch, Houston, TX, Attorney, Trusch - Attorney at Law

Track Program 2B - Structural Issues for Bars: Have We RISEN to the Challenge?

Americas B, Level 2

How do chief justices and legislatures view the various bar structures, and in what sorts of programming should bar associations engage? Whether you're a regulatory, mandatory, unified, voluntary or other type of bar, these issues have implications for all of us. We will have a roll call of all of the state bars to share what is happening across the country. Let's learn together and from each other.

SPEAKERS

Katherine A. Mazzaferri, Washington, DC, Chief Executive Officer, District of Columbia Bar

Helen D. McDonald, Providence, RI, Executive Director, Rhode Island Bar Association

Janet Welch, Lansing, MI, Executive Director, State Bar of Michigan

Track Program 2C - Serving Those Who Have Served Us

Americas C, Level 2

Current estimates place the number of retired military personnel in the United States at over 22 million, with another 2.3 million men and women in active or reserve roles. If your bar association doesn't have an existing program to assist these heroes, you may want to consider starting one. The speakers for this session will inform you about programs from across the country that reach out to help those in need of assistance and that can benefit bar associations.

MODERATOR

Catheryne Pully, Indianapolis, IN, Local and Specialty Bar Liaison, Indiana State Bar Association

SPEAKERS

Travis J. Sales, Houston, TX, Partner, Baker Botts LLP

Kirk G. Warner, Raleigh, NC, Partner, Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, LLP, and Colonel (Retired), United States Army, Judge Advocate General Corps

Norman E. Zoller, Atlanta, GA, Attorney, Military Legal Assistance Program, State Bar of Georgia

2:00 P.M. - 2:30 P.M.

Sponsor Networking Refreshment Break

Foyer, Level 2

Don't miss your second chance to visit with our sponsors to learn about their services and resources. While visiting with sponsors, enjoy an afternoon beverage and enter to win great prizes. The winner of this afternoon's prize drawing will be announced at the end of today's last plenary session.

2:30 P.M. - 3:30 P.M.

Third Session of NABE Concurrent Track Programs

Track Program 3A - Young/New Lawyers: Myths, Assumptions and Realities

Americas A, Level 2

They are not joiners, they want immediacy and they are all about technology. They are the trophy generation. They want, want and want. During this session, panelists will discuss and explore these and other assumptions about young and new lawyers. You'll hear about what bar associations are learning about the needs of this important member group, how they are responding and what programs are working. In addition, you'll also hear from young lawyers as they share how best to engage them and keep them as members.

MODERATOR

Kalpana Yalamanchili, Columbus, OH, Director of Bar Services, Ohio State Bar Association

SPEAKERS

Dana M. Hrelic, Hartford, CT, Partner, Horton Sheilds & Knox, PC, and Member, ABA Commission on the Future of Legal Services

Vincent D. Humphrey, Bellevue, WA, Attorney, Keller Williams Commercial Division

Susan Oehl, Houston, TX, Attorney, Jenkins & Kamin LLP

Track Program 3B: Database Decisions and Dashboards: Metrics that Manage and Move Bar Associations to Success

Americas B, Level 2

Database expectations are only part of the formula that supports measuring the metrics that determine the success of your association. Houston Bar Association Executive Director Kay Sim and Membership and Technology Services Director Ron Riojas will share the metrics that they found supported a comprehensive membership plan for outreach and engagement. Session attendees will have the opportunity to join facilitated

table discussions with other bar leaders to discuss their challenges and successes with measuring membership numbers and identifying effective database options.

SPEAKERS

Ron Riojas, Houston, TX, Membership and Technology Services, Houston Bar Association

Kay Sim, Houston, TX, Executive Director, Houston Bar Association

FACILITATORS

Chris Manos, Helena, MT, Executive Director, State Bar of Montana

Helen D. McDonald, Providence, RI, Executive Director, Rhode Island Bar Association

Marc R. Staenberg, Beverly Hills, CA, Chief Executive Officer, Beverly Hills Bar Association

Mark Tarasiewicz, Philadelphia, PA, Executive Director, Philadelphia Bar Association

Track Program 3C - Two Heads Are Better than One S

Americas C, Level 2

There are many groups that bar associations collaborate with on a regular basis to serve members and the public. The speakers of this session will share several stories and products that have resulted from positive partnerships with other bars, courts, community organizations and more.

SPEAKERS

Megan McNally, Seattle, WA, Director of Advancement, Washington State Bar Association

Rick DeBruhl, Phoenix, AZ, Chief Communications Officer, State Bar of Arizona

Mary Groth, Cleveland, OH, Director of Development and Community Programs, Cleveland Metropolitan Bar Association

3:30 P.M. - 4:15 P.M.

Plenary Session - NABE TALKS: Reach, Invest, Serve, Engage R, I, S, E

Americas E/F, Level 2

Innovation, changing expectations, shifting audiences, and the constant drive to build the Bar's resources have an impact on bar leaders across the country. To remain relevant, the Bar must "RISE" to the challenge of a changing market place by Reaching, Investing, Serving and Engaging its constituents. Presented in a format similar to a TED Talk, NABE Talks are short, high-energy presentations that provide the latest resources to help your bar "RISE." Our topics for this session include: cyber security, law students, LGBTQ awareness and the Kentucky Bar Association's Credit Abuse Resistance Education (C.A.R.E.) program.

SPEAKERS

Bree Buchanan, Austin, TX, Director, Texas Lawyers Assistance Program, State Bar of Texas

Ryan B. Johnson, Houston, TX, Psychotherapist, The Montrose Center

Kent D. Lollis, Newtown, PA, Executive Director of Diversity Initiatives, Law School Admissions Council

John D. Meyers, Frankfort, KY, Executive Director, Kentucky Bar Association

Jonathan Rajewski, Burlington, VT, Director, Senator Patrick Leahy Center for Digital Investigations, Champlain College

6:30 P.M. - 9:00 P.M.

NABE Wednesday Night Party

Pete's Dueling Piano Bar, GreenStreet, 1201 Fannin Street, Suite 310, Houston, TX, (713) 337-7383

Join your NABE colleagues at the NABE Wednesday Night Party for an evening of extreme singing, clapping, laughing and networking at Pete's Dueling Piano Bar. Party attendees will enjoy appetizers, drinks and entertainment that features A-list dueling piano players covering everything from Bon Jovi to Frank Sinatra. Walking directions from the Hilton Americas will be available at registration. Come sing along!

Sponsored by LawPay

Thursday, February 5, 2015

7:00 A.M. - 6:15 P.M.

NABE/NCBP/NCBF Joint Registration

Room 230 Foyer, Level 2

Registration will be closed for lunch from 12:50 p.m. to 1:50 p.m.

8:00 A.M. - 9:00 A.M.

General & Section Breakfasts

8:00 A.M. - 9:00 A.M.

General Breakfast

Americas D, Level 2

8:00 A.M. - 9:00 A.M.

Administration & Finance Section Breakfast

Room 343 A, Level 3

8:00 A.M. - 9:00 A.M.

Communications Section Breakfast

Room 343 B, Level 3

9:00 A.M. - 9:15 A.M.

Transfer Break

9:15 A.M. - 12:15 P.M.

Plenary Session - What Do You Think?...How to Apply Innovation and Technology to Find Out What Your Members Are Thinking E

Americas E/F, Level 2

Using creative processes and technology, you're invited to participate in a live demonstration of innovative ways to find out what your members are thinking about your bar association. Led by Kristin Arnold, author of *Boring to Bravo* and a nationally recognized expert in facilitating high stakes meetings, you'll be a live participant in a dynamic program that, in the process, will explore questions about our own professional organization, NABE. Don't miss this exciting opportunity to experience something new in the way we connect with our members, and to provide immediate feedback to NABE leaders about topics that are important to you!

SPEAKER

Kristin J. Arnold, Scottsdate, AZ, President and Founder, Quality Process Consultants, Inc.

10:30 A.M. - 11:00 A.M.

Sponsor Networking Refreshment Break

Foyer, Level 2

Take a break from the morning plenary session to meet with our sponsors one last time before the Midyear Meeting comes to a close. This is your last opportunity to enter to win sponsor raffles. The final prize drawing will be held at the end of the plenary session.

12:15 P.M. - 12:25 P.M.

Transfer Break

12:25 P.M. - 1:55 P.M.

NABE Luncheon and Business Meeting

Americas D, Level 2

After lunch, the biannual membership meeting will take place and include the financial report, a report from NABE's delegate to the ABA House of Delegates, a vote on proposed amendments to the bylaws, and remarks by the 2014 Bolton Award winner, Evelyn Albert. President George C. Brown will provide a status report on the organization before calling the 2015 Midyear Meeting to a close.

Sponsored by LexisNexis

2:00 P.M. - 3:15 P.M.

NABE Program Committee Meeting

Room 336 A/B, Level 3

NCBP 2015 MIDYEAR MEETING

Thursday, February 5, 2015

7:00 A.M. - 6:15 P.M.
NABE/NCBP/NCBF Joint Registration
Room 230 Foyer, Level 2
Registration will be closed for lunch from 12:50 p.m. to 1:50 p.m.

7:30 A.M. - 9:00 A.M.
NCBP Finance and Investment Committees Meeting
Room 332, Level 3

8:00 A.M. - 9:00 A.M.
NCBP Sponsorship Committee Meeting
Room 329, Level 3

9:00 A.M. - 10:00 A.M.
NCBP Membership Committee Meeting
Room 332, Level 3

9:00 A.M. - 10:00 A.M.
NCBP Diversity Committee Meeting
Room 329, Level 3

10:00 A.M. - 11:30 A.M.
NCBP Communications Committee Meeting
Room 329, Level 3

10:00 A.M. - 1:00 P.M.
NCBP Program Committee Meeting
Room 332, Level 3

1:00 P.M. - 4:00 P.M.
NCBP Executive Council Meeting
Meeting Room 337 A/B, Level 3

2:00 P.M. - 4:00 P.M.
MBC Executive Committee Meeting
Room 332, Level 3

5:00 P.M. - 6:30 P.M.
NCBP/MBC Welcome Reception
Americas C, Level 2
NCBP and MBC have joined forces once again to bring you a welcome reception for all NCBP, NABE Joint Meeting and NCBF registrants. Come greet your bar leader colleagues and enjoy some refreshments before your evening plans in Houston. All NCBP and NCBF registrants and NABE Joint Meeting registrants will receive two drink tickets. A cash bar is available for additional beverages and non-ticketed guests.

7:00 P.M. - 10:00 P.M.
NCBP Executive Council, Council Alumni and Past Presidents of the NCBP Dinner
III Forks, 1201 San Jacinto Street, Houston, TX, (713) 658-9457
Advance reservations are required to attend the NCBP Executive Council Dinner.
Sponsored by LexisNexis

7:00 P.M. - 10:00 P.M.
MBC Executive Committee Dinner
Brennan's Wine Room, 3300 Smith Street, Houston, TX, (713) 522-9711
Advance reservations are required to attend the Metropolitan Bar Caucus Dinner.
Sponsored by Insurance Specialists, Inc., and the Birmingham Bar Association

Friday, February 6, 2015

6:45 A.M. - 4:30 P.M.
NABE/NCBP/NCBF Registration
Room 230 Foyer, Level 2
Registration will be closed for lunch from 12:30 p.m. to 1:30 p.m.

7:15 A.M. - 8:05 A.M.
NCBP First-timers Breakfast
Americas B/C, Level 2
If this is your first NCBP Meeting, this breakfast is for you. You will meet NCBP leaders, learn about the organization and opportunities for involvement, and meet your colleagues from around the country who are also attending their first NCBP Meeting.

7:15 A.M. - 8:15 A.M.
NCBP/NABE/NCBF Joint Continental Breakfast
Americas D/E, Level 2
For all NCBP registrants (except first timers and their buddies, who should attend the First-timers Breakfast), NCBF registrants, and NABE Joint Meeting registrants. The opening plenary program will follow in the same room.

8:15 A.M. - 8:40 A.M.

Welcome and Introductions

Americas D/E, Level 2

NCBP President Rew R. Goodenow will welcome attendees along with his fellow organization leaders and our host city/state bar representatives.

SPEAKERS

Rew R. Goodenow, Reno, NV, Past President, State Bar of Nevada and NCBP President

George C. Brown, Madison, WI, Executive Director, State Bar of Wisconsin and NABE President

Elizabeth M. Lynch, Boston, MA, Executive Director, Massachusetts Bar Foundation and NCBF President

E. A. Trey Apffel, III, League City, TX, President, State Bar of Texas

Carter Crow, Houston, TX, President, Houston Bar Association

John Eddie Williams, Houston, TX, President, Houston Bar Foundation

8:40 A.M. - 9:40 A.M.

Plenary Session - Competition vs. Collaboration Among Bars: How to Play Well in the Sandbox

Americas D/E, Level 2

Many times the tensions between bar-related organizations arise out of competing interests: members, money, authority. Resolving, or at least minimizing, these conflicts is often the result of finding common ground. Our panel of experienced bar association and foundation leaders will consider a host of issues that challenge our problem-solving skills and some of the approaches that support the integrity of each party's position.

MODERATOR

A. Scott Chinn, Indianapolis, IN, Past President, Indianapolis Bar Association

SPEAKERS

Glenn Lau-Kee, New York, NY, President, New York State Bar Association

Marc R. Staenberg, Beverly Hills, CA, Chief Executive Officer, Beverly Hills Bar Association, and NABE Secretary

Hon. Debra B. Walker, Chicago, IL, Judge, Circuit Court of Cook County, Past President, Illinois Bar Foundation and NCBF Board Member

9:40 A.M. - 9:50 A.M.

Transfer Break

9:50 A.M. - 10:50 A.M.

First Session of Joint Concurrent Workshops

Joint Workshop 1A - Managing Your Message - Making the Most of Every Day of Your Presidency

Americas F, Level 2

How can you avoid being a "lame duck" months before your presidency is finished? How do you make sure that any special areas of focus for your term do not "step on" those of other leaders? How do you keep your bar staff, officers and other volunteer leaders rowing in the same direction? This program will focus on techniques for effective planning, and coordination of "messaging" resources available to you such as speeches, president's pages, social and main stream media, and special and existing bar committees.

MODERATOR

John G. Locallo, Chicago, IL, Past President, Illinois State Bar Association, and NCBP Executive Council Member

SPEAKERS

James Dimos, Indianapolis, IN, Immediate Past President, Indiana State Bar Association

Barry Kolar, Nashville, TN, Assistant Executive Director, Tennessee Bar Association

John E. Thies, Urbana, IL, Past President, Illinois State Bar Association, and NCBP Executive Council Member

Kathleen Wilkinson, Philadelphia, PA, Past Chancellor, Philadelphia Bar Association, and NCBP Executive Council Member

Joint Workshop 2A - Globalization of the Profession

Meeting Room 343 A/B, Level 3

United States lawyers are increasing their presence overseas, and European lawyers want to practice in the United States - possibly in YOUR state. What are the rules and processes governing cross-border practices at home in a state-based system? Abroad? This program will discuss the increasing globalization of the legal profession, and how the European Union, the U.S. Federal Government and states are dealing with the complexities of lawyer regulation.

MODERATOR

Rew R. Goodenow, Reno, NV, Past President, State Bar of Nevada, and NCBP President

SPEAKERS

Louis B. Buchman, Paris, France, Partner, Fieldfisher, and Chairman, Conseil des barreaux européens (Council of Bars and Law Societies of Europe) International Legal Services Committee

Hon. Jonathan Lippman, New York, NY, Chair, Conference of Chief Justices Task Force on the Regulation of Foreign Lawyers, and International Practice of Law, and Chief Judge, New York Court of Appeals

Patrise Perkins-Hooker, Atlanta, GA, President, State Bar of Georgia

Laurel S. Terry, Carlisle, PA, Professor of Law, Penn State University Dickinson School of Law

Joint Workshop 3A - How to be a B.A.M.! Bar

Lanier Grand Ballroom G, Level 4

Are your members bursting with excitement about your bar or is your bar banter rather boring? If the "high" is missing from your hype, come learn to leverage your members and build bar buzz to generate membership. Wear your best bar swag to this program and let's get this membership party started with some practical tips and takeaways to make you a "Be A Member!" bar.

MODERATORS

Christine H. Hickey, Indianapolis, IN, Past President, Indianapolis Bar Association, and NCBP Secretary

John F. Kautzman, Indianapolis, IN, Past President, Indianapolis Bar Association, and MBC President-elect

SPEAKERS

Julie Armstrong, Indianapolis, IN, Executive Director, Indianapolis Bar Association, and NABE Board of Directors Member

Mary Kay Price, Indianapolis, IN, Director of Marketing and Communications, Indianapolis Bar Association

Joint Workshop 4A - Money, Money, Money - Turning Pennies from Vendors into Dollars from Partners

Lanier Grand Ballroom J, Level 4

Learn how Metro Bars leverage projects and programs to generate non-dues revenue: sustaining partnerships, credit card programs, proShare, Lawyer Finder, Amazon Smiles, and more!

Produced by the Metropolitan Bar Caucus

MODERATOR

Zoe W. Linza, St. Louis, MO, Executive Director, Bar Association of Metropolitan St. Louis, and NABE Vice President

SPEAKERS

David A. Blaner, Pittsburgh, PA, Executive Director, Allegheny County Bar Association, and NABE Immediate Past President

Victoria Schatz, Kansas City, MO, Executive Director, Kansas City Metropolitan Bar Association, and MBC Executive Committee Member

Mark A. Tarasiewicz, Philadelphia, PA, Executive Director, Philadelphia Bar Association

John Trimble, Indianapolis, IN, President, Indianapolis Bar Association

Joint Workshop 5A - Managing Generational Differences

Lanier Grand Ballroom L, Level 4

Get some perspective on what makes Gen X, Gen Y and Baby Boomers do and say the things they do. With the guidance of our presenter, uncover the events, conditions, values and behaviors that make each generation unique, and learn how to channel these differences into a productive work environment.

Produced by the National Conference of Bar Foundations

SPEAKER

Karen B. White, Houston, TX, Assistant Vice President, Relationship Manager, Frost Bank

10:50 A.M. - 11:15 A.M.

Sponsor Networking and Appreciation Break

Foyer, Level 2

Take a refreshment break and learn about the products and services offered by our generous sponsors.

11:15 A.M. - 12:15 P.M.

Second Session of Joint Concurrent Workshops

Joint Workshop Session 1B - When to Speak Out 2.0

Americas F, Level 2

As a follow-up to the previous annual meeting discussion, this session will consider headline issues on which bars may choose to comment or use as a "teachable moment." Join the discussion and share your own challenges. Get advice on how to frame an effective message, whether it's for the public or your members.

MODERATOR

Lynn Ann Vogel, St. Louis, MO, Past President, The Missouri Bar, Past President, Bar Association of Metropolitan St. Louis, and NCBP Executive Council Member

SPEAKERS

Monte E. Frank, Danbury, CT, Vice President, Connecticut Bar Association, and Vice President, New England Bar Association

Leah G. Johnson, Columbia, SC, Assistant Executive Director, South Carolina Bar

Reuben A. Shelton, St. Louis, MO, President, The Missouri Bar, and Past President, Bar Association of Metropolitan St. Louis

Joint Workshop Session 2B - The Profession vs. the Business of Law

Room 343 A/B, Level 3

Twenty-five years ago, lawyers joined their bar because their

firm told them to. That's not the case today. How do bar leaders sell their bar to law firms? How do they get young lawyers who are trying to meet billable hours to join their bar association? Find out in this session, where you'll hear from those who are making it work.

MODERATOR

John K. Rubiner, Los Angeles, CA, Past President, Beverly Hills Bar Association, and NCBP Executive Council Member

SPEAKERS

Mary Amos Augsberger, Columbus, OH, Executive Director, Ohio State Bar Association

Kelly-Ann Clarke, Galveston, TX, Past Chair, ABA Young Lawyers Division

Carter Crow, Houston, TX, President, Houston Bar Association

Joint Workshop Session 3B - Unified Bar Issues

Lanier Grand Ballroom G, Level 4

Join this interactive program to hear about recent actions that challenge self-regulation and how the Bar is responding. Share developments and strategies in your own states.

MODERATORS

Carl B. Smallwood, Columbus, OH, Past President, Columbus Bar Association, and NCBP Immediate Past President

Joseph M. Sullivan, Great Falls, MT, Past President, State Bar of Montana

SPEAKERS

Katherine A. Mazzaferri, Washington, DC, Chief Executive Officer, District of Columbia Bar

Mark W. Merritt, Charlotte, NC, Vice President, North Carolina State Bar

Thomas C. Rombach, New Baltimore, MI, President, State Bar of Michigan

Joint Workshop Session 4B - Transition into Law: How and Why Metro Bars Should Play a Role in Mentoring and Providing Professional Guidance to Young Lawyers

Lanier Grand Ballroom J, Level 4

This session features successful examples of mentoring programs, both voluntary and mandatory, pros and cons from program participants and how metro and state bars can better collaborate to assist young lawyers.

Produced by the Metropolitan Bar Caucus

MODERATOR

Mark K. Sales, Dallas, TX, Past President, Dallas Bar Association, Past Chair, Dallas Bar Foundation, and MBC Executive Committee Member

SPEAKERS

Paula Frederick, Atlanta, GA, General Counsel, State Bar of Georgia, and Past President, Atlanta Bar Association, and Georgia Association of Black Women Attorneys

Hon. Douglas S. Lang, Dallas, TX, Justice, 5th District Court of Appeals of Texas, and Past President, Dallas Bar Association and NCBP

Charles P. Reed, Wallingford, CT, Past President, New Haven County Bar Association, and MBC Executive Committee Member

Joint Workshop Session 5B - Using Volunteers to Re-energize Your Fundraising and Outreach Efforts

Lanier Grand Ballroom L, Level 4

Two bar foundations will share the "secret" of their fundraising success through the engagement of passionate volunteer leaders and a structure that facilitates involvement.

Produced by the National Conference of Bar Foundations

SPEAKERS

Warren W. Harris, Houston, TX, Partner, Bracewell & Giuliani LLP, Past Chair of the Texas Bar Foundation Fellows, and Co-Chair, Texas Bar Foundation Houston Nominating Committee

Ginger F. Mlakar, Cleveland, OH, Senior Counsel and Director, Cleveland Foundation, and Immediate Past President, Cleveland Metropolitan Bar Foundation

12:15 P.M. - 1:30 P.M.

NCBP/NABE/NCBF Joint Awards Luncheon

Americas B/C, Level 2

The Joint Awards Luncheon will feature presentations to individuals, bar associations and other law-related entities for their work in support of the organized bar, the profession and the public. Among the awards to be presented will be the NCBP Fellows Award, given to a bar association past president whose work on behalf of the bar and the legal profession continues well beyond the individual's presidential year.

AWARD PRESENTATIONS:

ABA Law Day Outstanding Activity Awards

Louis M. Brown Awards

NCBP Fellows Award

1:30 P.M. - 2:00 P.M.

Sponsor Networking and Appreciation Dessert Break

Foyer, Level 2

Join us in the sponsor area for some dessert and for your final chance to visit with our sponsors to learn about their services and resources. All luncheon guests are invited to participate.

2:00 P.M. - 3:10 P.M.

NCBP and YLD Plenary Session and Roundtable Discussion: Making Room at the Table

Americas D/E, Level 2

What is the best way to establish a pipeline for new members into leadership positions? What can bar associations do to support new, young lawyers? Join the National Conference of Bar Presidents and the ABA Young Lawyers Division for a unique event that will feature a brief panel of experienced bar leaders touching on these and other topics, followed by in-depth roundtable conversations where state and local bar and young lawyer leaders from all over the country will have the opportunity to learn from each other and develop ideas for collaboration going forward.

SPEAKERS

Rew R. Goodenow, Reno, NV, Past President, State Bar of Nevada, and NCBP President

Andrew M. Schpak, Portland, OR, Chair, ABA Young Lawyers Division

3:10 P.M. - 3:15 P.M.

Transfer Break

3:15 P.M. - 4:00 P.M.

Diversity Forum - Preparing Your Bar for Diversity

Americas B/C, Level 2

Diversity matters in bar leadership: in style; initiatives; and work done. Diversity engagement, from seed planting to formal initiatives to institutional programs, is possible for every bar, no matter the size or the diversity of current members. Hear from two bar leaders who know how important it is to knit together programs at the state and local level to achieve a high level of inclusion for all bar members.

MODERATOR

Nathan D. Alder, Salt Lake City, UT, Past President, Utah State Bar, NCBP Executive Council Member, and NCBP Diversity Committee Chair

SPEAKERS

Benny Agosto Jr., Houston, TX, Past President, Hispanic National Bar Association, and First Vice President, Houston Bar Association

Lisa M. Tatum, San Antonio, TX, Immediate Past President, State Bar of Texas

4:00 P.M. - 5:00 P.M.

Metro Bar Caucus In Vino Veritas

Americas F, Level 2

"Blast Off" at the end of the day by joining the MBC for an "out of this world" gathering in the nation's space capital, as we "explore" current issues and proposed solutions of particular concern to local bar associations, their leaders and members. Attendees will enjoy complimentary wine, beer, soft drinks, and Tang!

MODERATOR

John W. (Bo) Landrum, Birmingham, AL, Executive Director, Birmingham Bar Association, and MBC President

7:00 P.M. - 9:00 P.M.

NABE/NCBP/NCBF Joint Reception

The Museum of Fine Arts Houston, Audrey Jones Beck Building, 5601 Main Street, Houston, TX, (713) 639-7300

Guests will enjoy an evening of libations and light hors d'oeuvres in the Audrey Jones Beck Building of the Museum of Fine Arts Houston. Designed by Pritzker Prize-winning architect Rafael Moneo and opened in 2000, the Beck Building houses the museum's collection of Antiquities and European Galleries. Buses will begin loading at 6:40 p.m. at the Hilton's East Lobby Exit (on Avenida de las Americas). Buses will depart from the Beck Building for return transportation to the Hilton starting at 8:30 p.m., with the last bus departing at 9:15 p.m. A ticket is required for the reception and is included in the registration fee for NCBP registrants and NABE joint meeting registrants. Others may purchase tickets in advance for $100 at the NABE/NCBP/NCBF Registration Desk. For individuals who are arranging separate transportation, please specify the 5601 Main Street entrance to taxis or other providers. Special thanks to the Houston Bar Association and Houston Bar Foundation for their support of this event. Other bar supporters of this event include the Dallas Bar Association, Austin Bar Association, San Antonio Bar Association and Tarrant County Bar Association.

Sponsored by LexisNexis

Saturday, February 7, 2015

7:00 A.M. - 11:30 A.M.

NABE/NCBP/NCBF Joint Registration

Room 230 Foyer, Level 2

7:30 A.M. - 9:15 A.M.

NCBP Breakfast

Americas E/F, Level 2

Find your appropriate table group - unified or voluntary, state bar or metro/local bar - and join your colleagues in a "jump-start" conversation to the morning's "mini" futures program beginning promptly at 8:00 a.m. We will also have an opportunity to show our sponsors our gratitude for their support of NCBP programming during sponsor introductions.

Sponsored by Rimkus Consulting Group, Inc.

8:00 A.M. - 9:00 A.M.

MBC Executive Committee Meeting

Room 332, Level 3

9:15 A.M. - 9:30 A.M.

ABA President Speaks

Americas E/F, Level 2

SPEAKER

William C. Hubbard, Columbia, SC, President, American Bar Association

9:30 A.M. - 11:00 A.M.

Plenary Session - The Future is Here: NCBP Futures Conference

Americas E/F, Level 2

The general tenor of discussions about the future of legal services has evolved from one of fear and horror to recognition and problem-solving. The leaders of legal communities around the country are appointing task forces and convening meetings to discuss the challenges surrounding the many-tentacled issues that impact the delivery of legal services. In collaboration with the ABA Commission on the Future of Legal Services, this Saturday NCBP program will provide a unique opportunity to be an integral part of this timely discussion. Framing the issues and developments is a panel of leaders from bar associations, the court, and law practice management, and including the valuable voice of our NCBP members. Be part of the national conversation and help shape a blueprint for a future that channels technology, inspires innovation, and increases access to affordable legal services. Use this program model to replicate the discussion in your own communities.

MODERATOR

Frederic S. Ury, Fairfield, CT, Member, ABA Commission on the Future of Legal Services, and Past President, Connecticut Bar Association and NCBP

SPEAKERS

Toby Brown, Houston, TX, Chief Practice Officer, Akin Gump Strauss Hauer & Feld in Houston

Gregory W. Coleman, West Palm Beach, FL, President, The Florida Bar

Hon. Barbara Madsen, Olympia, WA, Chief Justice, Washington State Supreme Court

Judy Perry Martinez, New Orleans, LA, Chair, ABA Commission on the Future of Legal Services

11:00 A.M. - 11:30 A.M.

News You Want to Know

Americas E/F, Level 2

This rapid reporting session will highlight key developments and resources of value to you as a bar leader, as well as your final "takeaways" from the meeting.

MODERATOR

Lanneau W. Lambert, Jr., Columbia, SC, Past President, South Carolina Bar, and NCBP President-elect

11:30 A.M.

Final Remarks and Adjourn

Americas E/F, Level 2

Rew R. Goodenow, Reno, NV, Past President, State Bar of Nevada, and NCBP President

Tab 2

Utah State Bar Officers Courtesy Call
Tuesday, February 10, 2015
Governor's Office, Utah State Capitol
10:00 am

Agenda

Welcome by Governor and Introductions
Discussion Items

Background: The Utah State Bar is a Utah non-profit corporation which licenses lawyers and provides public and member services under the order of the Utah Supreme Court pursuant to the Utah State Constitution. The Bar President and President-elect are elected by the lawyers in Utah as officers of the Bar and the Bar's governing board.

Purpose of the event: These officers and the Bar's Executive Director have annually paid a courtesy call upon the Governor to briefly discuss issues of mutual interest.

There would be four representatives from the Bar:

President **Jim Gilson** of Callister Nebeker & McCullough;
President-elect **Angelina Tsu,** Zions Management Services Corporation
Executive Director **John Baldwin**; and
The Bar's Legislative Representative, **Scott Sabey** of Fabian & Clendenin

Talking Points:

- The Bar's opposition to S.J.R. 3, "Proposal to Amend Utah Constitution – Regarding the Practice of Law" and the possibility of deregulation of important aspects of legal serves or changing regulation requirements

- The Bar's support for increased judicial salaries

Tab 3

Utah State Bar Day at the Legislature

February 17, 2015
9:00 a.m. – 12:15 p.m.
State Office Building Auditorium

9:00 a.m.	**Program Introduction and Bar Legislative Perspectives** Jim Gilson, Utah State Bar President
9:15 a.m.	**The View from the Governor's Office** Lt. Governor Spencer Cox
9:25 a.m.	**Senate Perspectives on the Session** President of the Senate, Wayne Niederhauser
9:35 a.m.	**House Perspectives on the Session** Speaker of the House, Greg Hughes
9:45 a.m.	**The View from the Attorney General's Office** Attorney General Sean Reyes
10:05 a.m.	**Judicial Branch Perspectives** Chief Justice Matthew B. Durrant
10:25 a.m.	**Break**
10:40 a.m.	**The Legislative Process** Scott R. Sabey, Fabian and Clendenin, Bar's Lobbyist
11:10 a.m.	**Utah Politics** Kirk Jowers, Hinckley Institute of Politics
11:40 a.m.	**Effectively Communicating with Your Legislators** Frank Pignanelli, Doug Foxley, Stephen Foxley, Chris Kyler, Mike Ostermiller
12:10 p.m.	**Closing Comments** Jim Gilson

Tab 4

LEGISLATIVE GENERAL COUNSEL
₵ Approved for Filing: R.H. Rees ₵
₵ 01-21-15 5:03 PM ₵

S.J.R. 3

PROPOSAL TO AMEND UTAH CONSTITUTION -- REGARDING THE PRACTICE OF LAW

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: _____

LONG TITLE

General Description:

This joint resolution of the Legislature proposes to amend the Utah Constitution to modify a provision relating to rules governing the practice of law.

Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to:

- modify the scope of the practice of law that is subject to Supreme Court rules governing the practice of law.

Special Clauses:

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

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

Utah Constitution Sections Affected:

AMENDS:

ARTICLE VIII, SECTION 4

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

Section 1. It is proposed to amend Utah Constitution, Article VIII, Section 4, to read:

Article VIII, Section 4. [Rulemaking power of Supreme Court -- Judges pro tempore -- Regulation of practice of law.]

S.J.R. 3

The Supreme Court shall adopt rules of procedure and evidence to be used in the courts of the state and shall by rule manage the appellate process. The Legislature may amend the Rules of Procedure and Evidence adopted by the Supreme Court upon a vote of two-thirds of all members of both houses of the Legislature. Except as otherwise provided by this constitution, the Supreme Court by rule may authorize retired justices and judges and judges pro tempore to perform any judicial duties. Judges pro tempore shall be citizens of the United States, Utah residents, and admitted to practice law in Utah. The Supreme Court by rule shall govern the practice of law before the courts of the State, including admission to practice law before the courts of the State and the conduct and discipline of persons admitted to practice law before the courts of the State.

Section 2. **Submittal to voters.**

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

Section 3. **Contingent effective date.**

If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2017.

Legislative Review Note
as of 1-5-15 12:02 PM

Office of Legislative Research and General Counsel

Rule 14-802. Authorization to practice law.

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

(b) For purposes of this rule:

(b)(1) The "practice of law" is the representation of the interests of another person by informing, counseling, advising, assisting, advocating for or drafting documents for that person through application of the law and associated legal principles to that person's facts and circumstances.

(b)(2) The "law" is the collective body of declarations by governmental authorities that establish a person's rights, duties, constraints and freedoms and consists primarily of:

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

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

(b)(3) "Person" includes the plural as well as the singular and legal entities as well as natural persons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Advisory Committee Notes

SJR003 IS NOT GOOD POLICY AND SHOULD BE REJECTED

SJR003 proposes to change the Utah Constitution regarding the Utah Supreme Court's governance of "the practice law" to limit that governance to "the practice of law before the courts of the State of Utah."

- The practice of law is regulated by the Utah Supreme Court under the Utah Constitution.

- The Court has defined the practice of law and by rule protects the "health, safety and welfare" of Utah citizens through licensing services which are performed by the Utah State Bar under the direct control of the Court at no cost to taxpayers.

- The proposal is unclear about what part of the current practice of law would be deemed as "before the courts" and what part "not before the courts?"

- Significant questions are unresolved about the regulations, if any, which would apply to non-attorneys who provide legal services outside court, including education; licensing; ethical standards; continuing legal education; investigation and prosecution of ethical violations and protecting consumers from untrained people who hold themselves out as qualified to perform legal services

- Litigation will likely increase due to mistakes by untrained legal practitioners.

- The public will be put at risk if no specifically-qualified agency regulates the practice of law outside of court. A person will have more protection getting their hair cut than having estate planning document prepared or a business entity formed.

- The Department of Occupational and Professional Licensing already regulates multiple profession and the expenses of many legal regulatory functions are reduced by hundreds of volunteers who serve on screening panels and other public service committees.

- This is an attack on the Third Branch of Government. The regulation of the practice of law should remain the purview of the Utah Supreme Court .

- Having the practice of law overseen by the judicial branch of government helps ensure a society that is governed by law.

- Judicial regulation of the legal profession is efficient and effective.

BAR & COURT INCREASED ACCESS TO JUSTICE IN THE PAST DECADE

The SJR003 proposal to change the Utah Constitution regarding the Utah Supreme Court's governance of "the practice of law" has potentially similar consequence of a bill proposed a decade ago to change the definition of the practice of law under the UPL statute. One of the objectives of the first bill was to improve access to justice and the affordability of legal services. Since then, great strides have been made by the Utah State Bar and Utah Courts to improve access to legal services.

1. The Court identified many consumer-friendly legal-related services which are permitted without a license to practice law.

2. The limit for Small Claims Court was increased from $5,000 to $10,000.

3. The Court created a Self-Help Center to provide free legal assistance via the Internet, telephone, text, and e-mail to people who do not have a lawyer, n which thousands have participated.

4. The Court implemented the Utah Online Court Assistance Program (OCAP) for assistance in preparing court documents for people without an attorney.

5. The Bar has encouraged attorneys to offer limited representation services under a specific Court rule, so people can hire an attorney for just one aspect of their case, such as coaching, document review, or advice on how they can best represent themselves.

6. The Bar has significantly expanded its access to justice initiatives, including establishing a Pro Bono Commission with the Court. Since 2011, the program has recruited 1,135 attorneys and placed 573 cases. In all eight judicial districts, the Pro Bono Commission has established committees co-chaired by a district court judge and a local attorney. Together they recruit attorneys, place cases, and determine solutions for the legal needs of low income people across the state.

7. The Bar's Modest Means Lawyer Referral program offers people affordable legal assistance that matches their salaries (up to $70,000 for a family of four) and gives attorneys work by offering services discounted to up to $75 an hour. Since its inception in 2012, the program has made 1,067 referrals to 960 clients and currently has 179 participating attorneys and 13 advisors.

8. The Bar supports many other programs that provide free legal services, including the Senior Center Clinic, the Young Lawyer Division's Tuesday Night Bar, the Debtor's Counseling Clinic (U of U Pro Bono Initiative), Wills for Heroes, Wills for Seniors, Wednesday Night Bar (for Spanish speakers). Other Bar initiatives include the Southern Utah Community Legal Center, the Timpanogos Legal Center, and the BYU Law School Pro-bono Legal Center.

9. The Bar has an active New Lawyer Training Program in which new attorneys work with a Bar-approved mentor during their first year of practice. This ABA-award winning program ensures that attorneys have a shorter learning curve to becoming practice ready, and can better serve both traditional and need-based clients throughout their careers.

10. In late 2014, the Bar formed a Commission on the Future of Legal Services comprised of over 25 community leaders to evaluate access to legal services issues resulting from developments in technology and economics. The Future's Commission is considering the ways legal and law-related services can be provided to the public, focusing on individuals and small businesses. The Commission is monitoring the Limited License Legal Technician program in Washington State to see whether a similar approach be good for Utah. Such a program could achieve much of what SJR003 might be attempting to accomplish.

SJR003 IS NOT GOOD POLICY AND SHOULD BE REJECTED

SJR003 proposes to change the Utah Constitution regarding the Utah Supreme Court's governance of "the practice law" to limit that governance to "the practice of law before the courts of the State of Utah."

1. The practice of law is regulated. It is important to understand that people engaged in performing legal services are now regulated by the Utah Supreme Court under the Utah Constitution. The Court has defined the practice of law and by rule protects the "health, safety and welfare" of Utah citizens through licensing services which are performed by the Utah State Bar under the direct control of the Court at no cost to taxpayers.

2. The proposal is unclear. What part of the current practice of law would be deemed as "before the courts" and what part "not before the courts?" There is no clear line of separation, and many lawyers need to be able to appear in court on behalf of their clients, even if they don't do so regularly.

3. What regulations, if any, will apply to the new law practice outside court? The proposal leaves many significant questions open about what education qualifications, licensing, and ethical standards, if any, would be required of non-attorneys who provide legal services. Who would administer the exam or enforce other licensing criteria? What continuing legal education standards would be required, if any? Who would investigate and, if necessary, prosecute allegations of ethical violations? Who would be responsible for protecting consumers from untrained people who hold themselves out as qualified to perform legal services? Who would educate the public about these people? Who would encourage them to donate legal services or accommodate clients with low and medium incomes?

4. Litigation will increase. Litigation will likely increase because mistakes by untrained legal practitioners will need to be resolved in court, at great cost, especially with no viable alternative plan in place to regulate those practicing law "not before the courts."

5. The public will be put at risk. If no specifically-qualified agency regulates the practice of law outside of court, the public will be put at risk. A person will have more protection getting their hair cut than having estate planning document prepared or a business entity formed. The Utah State Bar currently intervenes to protect citizens from unlicensed providers who take advantage of vulnerable, uninformed populations.

6. DOPL is not equipped to regulate the practice of law. The Department of Occupational and Professional Licensing already regulates multiple professions with diluted resources and lacks the expertise to regulate the legal profession. Currently, the expense of many Bar functions is reduced by hundreds of volunteers who serve on screening panels and other public service committees.

7. Regulation of the practice of law should remain the purview of the Utah Supreme Court:

   a. All attorneys—not just those appearing in court—are officers of the court. Having the practice of law overseen by the judicial branch of government helps ensure a society that is governed by law.

   b. The ABA Lawyer Regulation for a New Century report notes that Bar associations were formed in part because neither state legislatures nor executive branch agencies were well-equipped to protect the public in connection with the practice of law.

   c. Judicial regulation of the legal profession is efficient and effective.

   d. Washington State is experimenting with a Limited License Legal Technician (LLLT) program where designated legal tasks can be performed under the regulatory authority of the Washington Supreme Court. The Utah State Bar is already studying this program closely (the first exams for the initial practice area of family law are this March), and such an approach may achieve much of what SJR003 may be attempting to accomplish, but without a constitutional amendment and without threatening an independent judiciary.

BAR & COURT INCREASED ACCESS TO JUSTICE IN THE PAST DECADE

The SJR003 proposal to change the Utah Constitution regarding the Utah Supreme Court's governance of "the practice of law" has potentially similar consequence of a bill proposed a decade ago to change the definition of the practice of law under the UPL statute.

One of the objectives of the first bill was to improve access to justice and the affordability of legal services. Since then, great strides have been made by the Utah State Bar and Utah Courts to improve access to legal services.

1. The Court identified many consumer-friendly legal-related services which are permitted without a license to practice law.

2. The limit for Small Claims Court was increased from $5,000 to $10,000.

3. The Court created a Self-Help Center to provide free legal assistance via the Internet, telephone, text, and e-mail to people who do not have a lawyer, n which thousands have participated.

4. The Court implemented the Utah Online Court Assistance Program (OCAP) for assistance in preparing court documents for people without an attorney.

5. The Bar has encouraged attorneys to offer limited representation services under a specific Court rule, so people can hire an attorney for just one aspect of their case, such as coaching, document review, or advice on how they can best represent themselves.

6. The Bar has significantly expanded its access to justice initiatives, including establishing a Pro Bono Commission with the Court. Since 2011, the program has recruited 1,135 attorneys and placed 573 cases. In all eight judicial districts, the Pro Bono Commission has established committees co-chaired by a district court judge and a local attorney. Together they recruit attorneys, place cases, and determine solutions for the legal needs of low income people across the state.

7. The Bar's Modest Means Lawyer Referral program offers people affordable legal assistance that matches their salaries (up to $70,000 for a family of four) and gives attorneys work by offering services discounted to up to $75 an hour. Since its inception in 2012, the program has made 1,067 referrals to 960 clients and currently has 179 participating attorneys and 13 advisors.

8. The Bar supports many other programs that provide free legal services, including the Senior Center Clinic, the Young Lawyer Division's Tuesday Night Bar, the Debtor's Counseling Clinic (U of U Pro Bono Initiative), Wills for Heroes, Wills for Seniors, Wednesday Night Bar (for Spanish speakers). Other Bar initiatives include the Southern Utah Community Legal Center, the Timpanogos Legal Center, and the BYU Law School Pro-bono Legal Center.

9. The Bar has an active New Lawyer Training Program in which new attorneys work with a Bar-approved mentor during their first year of practice. This ABA-award winning program ensures that attorneys have a shorter learning curve to becoming practice ready, and can better serve both traditional and need-based clients throughout their careers.

10. In late 2014, the Bar formed a Commission on the Future of Legal Services comprised of over 25 community leaders to evaluate access to legal services issues resulting from developments in technology and economics. The Future's Commission is considering the ways legal and law-related services can be provided to the public, focusing on individuals and small businesses. The Commission is monitoring the Limited License Legal Technician program in Washington State to see whether a similar approach be good for Utah. Such a program could achieve much of what SJR003 might be attempting to accomplish.

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JUSTICE NO-MAN'S-LAND: WHY NEITHER HELP (FOR INDIVIDUALS) NOR JOBS (FOR LAW SCHOOL GRADUATES) EXISTS TO MEET THE LEGAL NEEDS OF MOST AMERICANS

Steve Urquhart*

There's probably no way to say this without offending many of my fellow lawyers. So, I'll just say it bluntly, in hopes that a few individuals will take a bold stand to promote access to justice by standing up to the biggest obstacle to justice that exists: bar associations.

Organized bar associations will not solve the access to justice problem. Instead, they will get in the way of real solutions, and they will worsen the access to justice problem that they created. Rather than help consumers, guilds—like bar associations—exist to increase the wealth and influence of guild members by shielding members of the guild from competition. While bar associations will study and debate access and will actually take some steps to provide better access in some regards (so long as lawyers are in total control of it), bar associations will be the main—and very powerful—opponent to marketplace reforms that would promote access in any way that would diminish the wealth or influence of lawyers.

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Individual lawyers, on the other hand, can change Utah and change America much for the better by honestly appraising the importance of access to justice, the barriers to access, and the feasible ways to provide access. Individual lawyers—who live and breath justice like no one else—can lead the way to create a market where people have choices and opportunities.

As cited by my esteemed and honorable co-presenters, America stinks when it comes to providing basic civil justice. And I mean it really stinks. Why? Simple: our people are prohibited by law from getting legal advice from anyone other than a powerful, elitist group that has shown little to no interest in providing legal advice to anyone other than corporations and wealthy individuals.

Don't believe me? Look no further than the supposed "Twin Crisis" we are addressing today. On the demand side, most Americans cannot find anyone to lawfully provide them needed legal advice. On the supply side, law school graduates can't find jobs. People desperately need a product, but the only lawful provider of that service (i.e., licensed lawyers) refuses to provide it (for decades and decades). The simplest understanding of economics leads inescapably to the conclusion that this "crisis" is simply a market failure where regulation precludes movement of supply and demand curves so that effective delivery and pricing of services can be established.

The elements of the "twin crisis" are really just these two issues: (1) Americans lack civil because the legal profession only provides for the needs of those who can pay lots of money, meaning wealthy individuals and corporations; and (2) some lawyers don't have jobs, because there are only so many 5-star clients around. The crisis comes from issue number (3): Lawyers—through their bar associations—fight against innovators and competitors that would satisfy the legal needs of the more than 100,000,000 Americans who are on the outside of the justice system looking in (and have been for decades and will be for decades more, if bar associations continue to shore up the wealth and influence of their members by fighting against competiton).

To remedy the problem, it is important to note that bar associations are responsible for Americans' lack of access to justice. In a functional market, other service providers would step in to address the unmet demand that lawyers refuse to address. However, the market for legal services is not functional. Through unauthorized practice of law ("UPL") statutes, bar associations have made it illegal for Americans to get legal advice from non-lawyers. So, Americans have two options to obtain legal advice: a 5-star option and a soup-kitchen option. Corporations and wealthy individuals can go the Zagat-rated route for legal services, and pay lawyers hundreds of dollars an hour for legal advice. But, other Americans (a majority of

Americans) are forced to stand in line at the legal soup-kitchen and hope that a lawyer will ladle out legal charity. That's it. No matter how wise or helpful other non-lawyers might be, we lawyers fight to make it illegal for anyone else to help, free or otherwise. Free speech rights be damned![1]

With a dysfunctional and elitist legal market, most Americans do not own rights. Instead, they merely enjoy privileges, until a more-favored American who can pay for 5-star legal help decides to use the judicial system to grind them into powder and steal their "rights" from them, regardless of the merits of any dispute. If one side can hire expertly trained mercenaries and the other side is forced to go it alone, the represented side will win. Yes, exceptions exist, but they are just that: exceptions.

Civil courts represent a menace to the average American, not a refuge. The language and labyrinth of American justice are built with complex codes and rules of civil procedure and evidence. Without a guide, the Minotaur always wins. Lawyers can't honestly deny this. This is what we do everyday. We help wealthy individuals and corporations take from

[1] Notable exceptions exist for real estate conveyancing and tax issues, where non-lawyers are allowed to compete and where they provide services that overall are better and cheaper than those provided by lawyers. Also, personal injury lawyers have fought for the right to market their services and to compete with innovative pricing, so that they can broadly meet needs of individuals across the economic spectrum.

everyone else by default, regardless of the merits. Don't believe me? Let's sit through a collections calendar together and have a little discussion.

When lawyers saw their income slipping during the Great Depression, they acted through their bar associations to shore it up by convincing their colleagues in state legislatures to regulate all the "charlatans" (i.e., non-lawyers) that were competing in the marketplace. The competitors were removed. And now UPL statutes "protect" the public by making it illegal for 2/3 of all Americans to get any legal advice.

Far from being a relic of the past, bar associations' opposition to competition is active and nonsensical. One highlight of bar association silliness came a few years back when one issue of the California Bar Journal simultaneously (1) lamented the tragic reality that 5,000,000 Californians were unable to afford basic access to justice and (2) bragged that it had convinced the California Legislature to make the unauthorized practice of law a felony, regardless whether any consumer was actually helped or injured by the competition. Go Lawyers!

Increased access to justice requires a significant increase in the supply of legal services, not turf-policing to keep out all would-be helpers. That means that UPL statutes need to be trimmed, so that non-lawyers can provide innovative, affordable services.

No doubt, bar associations' predictable reaction would be to protect the guild's economic rent by snuffing out such reform. Surely, they would cite a parade of future horrors. But, in reality, little could be more horrible than our current situation where 2/3 of all Americans have no access to legal advice. For almost a century America has tried the lawyer-only route to legal help, and the consequences are not theoretically or hypothetically horrible. They are actually, day-to-day, everyday horrible. Matters of access could hardly be worse. Yet, the discussions center around the mathematical absurdity of fixing the access chasm by having a very small segment of the population meet the enormous demand through charitable offerings. It is an impossibility. Those important needs will only be met by removing the rent-seeking restrictions imposed by UPL statutes.

Through his work on disruptive innovation, Harvard Business School professor Clay Christensen has detailed how markets evolve to provide better, cheaper products. Americans, of course, need better cheaper legal products in order to protect their supposed legal rights. Let's examine how disruptive innovation could provide access to justice, if UPL laws were modified to encourage, rather than prevent, marketplace innovation and disruption.

Securing justice often requires legal help. But, legal help eludes most Americans. According to state laws, "legal advice" can only be provided by

lawyers. Yet, the legal profession serves just a fraction of existing legal needs. The profession mainly serves a select group of highly profitable customers (i.e., businesses, wealthy individuals, and high-value tort victims), while the legal needs of most individuals go unaddressed. In other words, most Americans are legally disenfranchised. The legal profession does not serve their needs, but—by law—no one else can advise them.

Legally disenfranchised citizens are vulnerable. They can be wrongly deprived of rights and liberties by more-favored entities that can access legal help. If only part of the population can arm itself with expert legal help to assert, argue or defend rights and liberties, then laws become weapons that threaten harm to unprotected individuals, rather than shields that offer protection. One-sided battles between legal haves and legal have-nots undercut American notions of liberty and justice for all.

Blue-ribbon task forces routinely discuss access to justice. Access to justice, however, requires the mass creation of products and services for the less-profitable legal needs that the legal profession currently ignores. For less-profitable consumers to be served, we should look to promote competition and market forces—and encourage disruptive innovation—by re-examining protectionist laws that stifle low-end competition.

Established participants in a market tend to move upstream, focusing efforts on premium products that yield higher profits. The result is that

stagnant markets produce goods and services that are too elaborate and too expensive for many would-be consumers. This is where the legal profession finds itself. Lawyers have successfully migrated their services toward the most profitable areas of the law, commanding hourly fees that exceed the reach of most Americans.

The training of future lawyers inevitably focuses on the premium market. The lawyer guild cannot admit that limited-scope training and certification works; otherwise, it would undercut the value of the broad-scope training and certification of all current members of the guild.

The theory of disruptive innovation observes that the needs of less-profitable customers often are met by new, disruptive entrants that provide affordable, "good enough" services. Examples where disruptive innovation has occurred to benefit low-end consumers include the steel industry, the automobile industry, and the computing industry. In those cases, low-end disruptors introduced innovations that led to affordable, "good enough" products to meet the needs of less-profitable consumers. (And, by the way, the producers of those "good enough" products tend to improve their offerings and, then, move upstream in the market themselves, making room for future disruptors to then produce "good enough" products. For example, think of cheap Toyotas and Hondas that disrupted the automobile market

and, then, moved upstream to make place for "good enough" brands like Kia and Hyundai, which currently are moving upstream in the market.).

Of course, in those cases, vertically-integrated steel mills were not able to outlaw competition from mini-steel mills. Luxury carmakers were not able to outlaw cheaper makes. Mainframe computer manufacturers were not able to outlaw minicomputers. And, later, minicomputer manufacturers were not able to outlaw personal computers. So, disruptive innovations occurred, and consumers benefitted.

Regarding legal services, however, lawyers were able to outlaw competitors, and low-end innovations were stifled. Accordingly, affordable, "good enough" products and services rarely emerge to meet less-profitable legal needs.[2]

During the Great Depression—whether it was a malignant reaction to their slipping income or a benign concern for consumers being harmed by charlatans—lawyers convinced state legislatures to enact "unauthorized practice of law" (UPL) statutes, outlawing "legal advice" from

[2] Highlighting the demand for affordable legal services and the public's willingness to accept nonlawyer solutions, Legal Zoom provides wills, trusts and other legal documents to millions of Americans. However, because of protectionist laws, innovative products and services such as LegalZoom must operate as "self-help" solutions, offering automated forms but no individualized "legal advice."

nonlawyers—regardless whether that advice is free, neighborly, expert, charitable or otherwise. The outer boundaries of "legal advice" stretch far beyond the horizon, outlawing the legal advice of nonlawyer parents to children, nonlawyer housing advocates to renters, nonlawyer business experts to wronged consumers, and most other potential nonlawyer help. No other profession enjoys turf protection close to the amount walled off by UPL statutes.

By comparison, physicians—who make life and death decisions—also enjoy exclusivity over many activities. But, before physicians' pre-emption could rival that of lawyers, laws would have to be changed to establish that only medical doctors could dispense "medical services and advice," meaning that podiatrists, dentists, optometrists, chiropractors, and scores of other lower-cost professional health care providers would be outlawed. The healthcare market is hardly an example of affordability or access. But, imagine if protectionist laws were passed mandating that only medical doctors could serve all healthcare needs. The probable result would be that medical help would eventually start to rival the unavailability of legal services.

Regarding consumer protection, UPL statutes appear to yield more harm than benefit. For every person advised by the legal profession, the preclusive effect of UPL statutes denies legal advice to two people. Where

justice, equality, rights, and civil liberties often require legal advice, the denial of advice at a 2:1 ratio constitutes significant harm.

Even when consumers can obtain legal help, UPL statutes do not seem to provide superior consumer protection. A few professions have managed to carve out space to compete with lawyers. Yet, it does not appear that consumers experience unusual harm from dealing with lower-cost certified public accountants instead of lawyers or lower-cost title companies instead of lawyers. In fact, studies regarding real estate conveyancing indicate that title companies are less expensive, more convenient, more accurate, and have lower defalcation rates than lawyers. Thus, states that require lawyer involvement in real estate closings seem to unnecessarily harm consumers and enrich lawyers.

UPL statutes appear to have this effect in most areas of the law—causing harm to consumers but creating wealth for lawyers. Thus, individuals and entities interested in promoting access to justice should re-examine UPL statutes, and look for better ways to protect consumers of legal services. Without stifling disruptive innovation, such regulations could include limited-law licenses that would focus on specific areas of the law, such as family law where significant need for legal help exists. Licensed nonlawyer providers in these areas could be required to satisfy relevant education, testing, reporting, and insurance requirements. In fact, existing

licensing for CPAs and title companies could provide a model for limited law licenses in other disciplines. Legitimate regulation also could include disclosure requirements and criminal sanctions against harmful activities.

Lastly, a word about the likely effect that disruptive innovation would have on existing lawyers: little. Low-end disruption would tend to focus on legal needs that currently are not being satisfied. In other words, lawyers would not be displaced by new providers meeting needs that the legal profession currently ignores. The businesses and entities that now can afford legal help likely would continue to utilize expertly trained lawyers. Ultimately, though, disruptive innovation would require lawyers to beat back competitors through superior knowledge, service, and rates, instead of protectionist statutes. And that's not a bad thing. After all, consumer protection laws regarding legal advice should protect all Americans, not just the incomes of a legislatively-favored profession.

To provide justice for all, Utah should re-examine the scope of unauthorized practice of law statutes. The Utah Bar Association might or might not want to engage in those discussions. Regardless, competition must be allowed, in order for disruptive innovations to create affordable legal help for all Americans.

Tab 5

Legislative Service CLE Credits or Exemptions in Western States

Western States that Allow Exemptions for Legislators

California	Allows CLE Exemption for legislators.
Montana	Allows CLE Exemption for legislators.
Nevada	Allows CLE Exemption for legislators.
Washington	Allows for CLE Exemption for legislators.
Wyoming	Allows for CLE Exemption for legislators.

Western States that Allow CLE Credit for Legislators, but no Exemptions

Arizona	Allows CLE credit for legislative service. No exemption for legislators. *15 hours credit out of 15 to be required annually.*
Oregon	Allows CLE credit for legislative service. No exemption for legislators. *Legislators may request 1 credit hour per week of session out of 45 every 3 years.*
Texas	Allows CLE credit for legislative service. No exemption for legislators. *Certain offices of the legislature may request 15 hour allowance out 15 hours required annually. Does not include 3 hour ethics requirement.*

Western States that do not Grant CLE Credit for Legislators and do not Allow for Exemptions

Alaska	Does not grant CLE credit for legislators. No exemption for legislators.
Colorado	Does not grant CLE credit for legislators. No exemption for legislators.
Hawaii	Does not grant CLE credit for legislators. No exemption for legislators.
Idaho	Does not grant CLE credit for legislators. No exemption for legislators.
New Mexico	Does not grant CLE credit for legislators. No exemption for legislators.
North Dakota	Does not grant CLE credit for legislators. No exemption for legislators.
Utah	Does not grant CLE credit for legislators. No exemption for legislators.

The MCLE Board's longstanding policy and practice has been to deny continuing legal education credit for service to the Bar, for pro bono work and for government service.

The Board recognizes and commends such services, and although such service may be valuable to the attorney as well as to the public and the profession, the Board's sense is that such are outside the scope of activities for which credit was contemplated by the Supreme Court when it adopted the rules governing mandatory continuing legal education for members of the Utah State Bar.

Legislative Service CLE Credits or Exemptions per State

State	CLE Credit	How Many Credits	CLE Requirement	Exemption*
Alabama			12/1 year	Yes
Alaska	No		9/1 year	No
Arizona	Yes	15	15/1 year	
Arkansas	No		12/1 year	No
California			19/1 year	Yes
Colorado	No		45/3 years	No
Delaware	No		24/2 years	
Florida	Yes	10/2 ethics per year	30/ 3 years	
Georgia			12/1 year	Yes
Hawaii	No		9/1 year	No
Idaho	No		30/3 years	No
Illinois	No		30/3 years	No
Indiana	Yes	6 per report year	36/3 years	
Iowa	No		15/1 year	No
Kansas	Yes	6	12/1 year	
Kentucky	No		12.5/1 year	No
Louisiana	Yes	8 per year	12.5/1 year	
Maine			11/1 year	Yes
Minnesota	No		45/3 years	No
Mississippi	Yes	6	12/1 year	
Missouri	Yes	15	15/1 year	
Montana			15/1 year	Yes
Nebraska	No		10/1 year	No
Nevada			12/1 year	Yes
New Hampshire			12/1 year	Yes
New Mexico	No		12/1 year	No
New York	No		24/2 years	No
North Carolina			12/1 year	Yes
North Dakota	No		45/3 years	No
Ohio	No		24/2 years	No
Oklahoma			12/1 year	Yes
Oregon	Yes	1 credit per week of session	45/3 years	
Pennsylvania	No		12/1 year	No
Rhode Island			10/1 year	Yes
South Carolina	Yes	6	14/1 year	
Tennessee	Yes	6	12/1 year	
Texas	Yes	15/3 ethics	15/1 year	
Utah	No		24/2 years	No
Vermont	No		20/2 years	No
Virginia	Yes	4	12/1 year	
Washington			45/3 years	Yes
West Virginia	No		24/2 years	No
Wyoming			15/1 year	Yes

*Exemption pertains to any elected state or federal officials

States Allowing CLE Credit or Exemption for Legislative Service		
Allows CLE Credit	11	26%
Allows CLE Exemption*	12	29%
No Waiver of CLE Requiremen	19	45%
Number of States Responding	42	

*Exemption pertains to any elected state or federal officials

Tab 6

Advertising Advisory Committee Enabling Authority

I. ENABLING AUTHORITY AND GENERAL RESPONSIBILITY.

(a) The Advertising Advisory Committee ("the Committee") shall be a standing committee of the Utah State Bar ("the Bar").

(b) The Committee is the body designated by the Board of Bar Commissioners of the Utah State Bar ("the Board") to respond to:

(b)(1) Requests for advisory approval of specific lawyer advertising submitted by Utah lawyers; and

(b)(2) Inquiries from Utah lawyers and members of public concerning existing specific lawyer advertising that is currently in use.

(c) The Committee's duties and procedures are specifically set forth in the Rules of Procedure of the Advertising Advisory Committee ("the Rules"), as approved and amended from time to time by the Board.

II. MEMBERSHIP.

(a) Number of Voting Members. The Committee shall consist of seven members.

(b) Qualifications of Voting Members. Committee members shall be active members of the Bar in good standing. Members shall be willing to perform Committee obligations in a timely way.

(c) Term of Appointments. Appointments shall be for three-year terms running concurrently with the Bar's fiscal year beginning July 1, with approximately one-third of the terms to expire on each June 30.

(d) Manner of Appointment. Appointment to the Committee will be by written application to the Utah State Bar. An applicant shall indicate the reasons for and interest in applying for membership in the Committee, including a commitment to be available at reasonable times to consider requests made to the Committee for advisory approvals. The Utah State Bar President shall appoint Committee members from the list of applicants.

(e) Committee Chair. The Bar President for the fiscal year of the Bar shall appoint one of the Committee members as Committee Chair for that year.

(f) Committee Vice-Chair. The Committee Chair shall appoint a Vice-Chair from among the members of the Committee, who will assume the duties of the Chair when the Chair is not available or otherwise designates the Vice-Chair to act in his stead.

(g) Committee Secretary. The Committee Chair shall appoint a Secretary from among the members of the Committee, who shall take and maintain minutes of the meetings of the full Committee.

(h) Unexpired Terms. The Bar President shall fill vacancies created by resignation, death, incapacity or removal that occurs prior to scheduled expiration of a member's appointment. Such an appointment will be for the remainder of the unexpired term. The Bar President may suspend the provisions of § II(d) for such an appointment.

(i) Absences. If a Committee member fails to attend three meetings of the full Committee during a Bar fiscal year or has repeatedly declined to accept assignments to serve on advisory panels of the Committee, the Chair may notify the Bar President of the circumstances and request that the Bar President replace that member.

III. RELATION TO OFFICE OF PROFESSIONAL CONDUCT.

The Committee shall be independent from the Office of Professional Conduct of the Utah State Bar ("OPC").

IV. EFFECT OF ADVISORY OPINIONS.

(a) Opinions issued by the Committee are advisory only.

(b) Notwithstanding § IV(a), the OPC shall not prosecute a Utah lawyer for advertising for which the Committee has issued an advisory opinion that the advertising is in compliance with applicable provisions of the Utah Rules of Professional Conduct unless it subsequently successfully petitions and obtains from the Ethics Advisory Opinion Committee ("EAOC") or the Utah Supreme Court an opinion finding the advertising to be in violation of the Utah Rules of Professional Conduct.

(c) No court is bound by an advisory approval issued by the Committee.

V. OPINION REVIEW PROCEDURE.

The Committee's Rules shall provide procedures under which a person who receives a Committee advisory opinion disapproving of a lawyer advertisement may seek review of that opinion by the Ethics Advisory Opinion Committee of the Utah State Bar ("EOAC"). An opinion of the EAOC on review shall be controlling as to the effects set forth in Part IV above.

VI. ANNUAL REPORT.

The Chair of the Committee shall submit a written annual report to the Board by July of each year, summarizing the actions taken by the Committee in the previous calendar year. The report should include information concerning the number of requests for approval or opinion submitted to the Committee and the disposition of those requests.

Advertising Advisory Committee Rules of Procedure

PART I. DUTIES AND AUTHORITY.

(a) Duties. The Advertising Advisory Committee of the Utah State Bar (the "Committee") shall:

(a)(1) Respond to requests by members of the Utah State Bar and Utah law firms for an advisory opinion that specific legal advertising, which the requesting party is using or intends to use, is in compliance with Rules 7.1 through 7.5 of the Utah Rules of Professional Conduct ("Advertising Rules");

(a)(2) Respond to complaints and requests by members of the Utah State Bar, Utah law firms and members of the public who raise issues about whether a specific, current lawyer advertisement is in violation of the Advertising Rules;

(a)(3) Make recommendations to the Office of Professional Conduct ("OPC") of the Utah State Bar for possible prosecution of lawyers whose advertising is subject to a request under § I(a)(2) and for which the Committee finds probable cause that the advertising is in violation of the Advertising Rules; and

(a)(4) Compile and deliver to the President of the Board of Bar Commissioners an annual report of the Committee's activities.

(b) Authority.

(b)(1) In responding to requests under § I(a), the Committee shall interpret the Advertising Rules and, except as may be necessary to the opinion, shall not interpret any other of the Utah Rules of Professional Conduct or other law.

(b)(2) The following requests are outside the Committee's authority:

(b)(2)(i) Requests that require interpretation of the Utah Rules of Professional Conduct other than the Advertising Rules.

(b)(2)(ii) Requests for opinions on advertising that has been used in the past but is no longer in use and for which there is no evidence it will be used in the foreseeable future.

PART II. GENERAL COMMITTEE PROCEDURES

(a) Meetings.

(a)(1) The Committee shall hold scheduled meetings every month except July and at such other times as the Chair may designate.

(a)(2) The Committee shall meet at the Utah Law and Justice Center or such other places as the Chair may designate.

(a)(3) To conduct official business at a Committee meeting, more than 50% of the members must be present, either in person or by telephone or audio-visual conference connection.

(a)(4) The Secretary or other member of the Committee designated by the Chair shall prepare and the Committee shall approve minutes of Committee meetings.

(b) Complaints and Requests.

(b)(1) Requests and complaints shall be in writing and filed with the Committee or OPC. Requests filed with the OPC shall be forwarded to the Committee.

(b)(2) Unless the Chair determines there is good cause that a request or complaint be considered by the Committee en banc, the Chair will assign each request or complaint filed with the Committee to a panel of three members of the Committee and will designate a member as panel chair.

(b)(3) Three-member panels will be chosen in a manner that distributes cases among Committee members as uniformly as practicable.

(b)(4) A Committee panel's determination of a request or complaint will be deemed a final disposition by the Committee.

PART III. PROCEDURE—REQUESTS FOR ADVISORY APPROVAL.

(a) Any member of the Utah State Bar in good standing or a representative of a Utah law firm may submit to the Committee a specific advertisement for legal services and seek Committee approval that the advertisement complies with the Advertising Rules.

(b) Requests under this rule shall include:

(b)(1) Exact copies of the advertising for which approval is sought and any variations that are anticipated;

(b)(2) A statement of what advertising media the applicant intends to employ for the advertising;

(b)(3) A brief statement indicating why the Committee should issue an advisory approval; and

(b)(4) Citations to any relevant ethics opinions, judicial decisions and statutes.

(c) For each request or complaint submitted under this Part, the Committee shall:

(c)(1) Determine that the advertising is in compliance with the Advertising Rules;

(c)(2) Determine that, with certain modifications specified by the Committee, the advertising would be in compliance with the Advertising Rules; or

(c)(3) Determine that the advertising violates one or more of the Advertising Rules.

(d) Upon the Committee's determination under this Part, the Chair shall inform the requesting party of the Committee's advisory opinion. Except for any suggestions for making the submitted advertising compliant with the Advertising Rules under § IV(d)(2), the advisory opinion will only state whether the advertising does or does not have advisory approval of the Committee. The Committee is not required to issue findings, conclusions or discussion in connection with an advisory opinion.

(e) The Committee shall, to the maximum extent practicable, endeavor to respond to requests under this Part within 30 days of receipt of the request by the Committee.

(f) If the Committee has not responded to a request under this Part within 30 days of the Committee's receipt of the request, the advertising may be used without exposure to prosecution by OPC for violations of the Advertising rules until such time as the Committee issues an advisory opinion finding the advertising not to be in compliance with the Advertising Rules. After the issuance of such an advisory opinion, the requesting party may be subject to prosecution by OPC if the unapproved advertising is not removed from advertising media within seven calendar days of the issuance of such an opinion.

PART IV. PROCEDURE—REQUESTS FOR EVALUATION OF ADVERTISING CURRENTLY IN USE

(a) Any person may submit to the Committee a signed statement complaining of, or requesting that the Committee determine whether, an advertisement currently in use through one or more media violates the Advertising Rules.

(b) A statement submitted under this rule need not be notarized or otherwise attested to and shall be substantially similar to:

I believe the advertisement (check one)

[ ] specifically described below,

[ ] a copy of which is attached

may violate lawyer advertising rules because it (check all that may apply):

[ ] is false

[ ] is misleading

[ ] contains a material misrepresentation of fact or law

[ ] creates an unjustified or unreasonable expectation

[ ] improperly compares the lawyer's services with other lawyers' services

[ ] contains an improper testimonial or endorsement

[ ] other: _____,

and should be evaluated or investigated for compliance with applicable rules.

(c) For each request or complaint submitted under this Part, the Committee shall either:

(c)(1) Determine there is no probable violation of the Advertising rules; or

(c)(2) Determine there is a probable violation of the Advertising Rules, and refer the matter to OPC with a recommendation that OPC initiate an investigation pursuant to its authority under the Rules of Lawyer Discipline and Disability § 14-504(b)(2).

(d) The Chair shall inform the requesting party of the Committee's determination.

PART V. OPINION REVIEW.

(a) An advisory opinion issued by the Committee is subject to review by the original requesting party or OPC by filing a petition with the Ethics Advisory Opinion Committee of the Utah State Bar ("EAOC") within 30 days after the date of the Committee's final disposition of a request for advisory approval.

(b) A petition for review under this Part shall be in writing and shall state the bases in fact, law or policy in support of the request.

(c) Any person filing a petition for EAOC review under this Part shall serve a copy of the petition on the Committee Chair.

(d) Notwithstanding the filing of a petition for review of Committee action pursuant to these provisions, the action of the Committee shall be effective for the period during which EAOC review is pending.

(e) Upon receipt of a timely petition for review of Committee action, the EAOC, or a subcommittee of the EAOC specifically designated, shall review the action of the Committee. The EAOC or subcommittee may affirm, affirm with modifications or overrule the action of the Committee after conducting such procedures as it deems appropriate.

(f) If the EAOC has not responded to a request under this Part within 60 days of the EAOC's receipt of the request, the advertising may be used without exposure to prosecution by OPC for violations of the Advertising Rules until such time as the EAOC issues an advisory opinion finding the advertising not to be in compliance with the Advertising Rules. After the issuance of such an advisory opinion, the requesting party may be subject to prosecution by OPC if the unapproved advertising is not removed from advertising media within seven calendar days of the issuance of such an opinion.

PART VI. CONFIDENTIALITY.

Committee members may not disclose the particulars of pending issues to persons outside the Committee; provided, however, that: (a) members may be assisted by their partners, colleagues, employees, associates or law student volunteers in researching issues raised by a request for an advisory opinion; and (b) members may discuss general principles of the Advertising Rules as they relate to a pending issue with non-Committee members. Those assisting a Committee member and members of the Office of Professional Conduct must also observe the confidentiality requirements of this section.

Rule 7.1. Communications Concerning a Lawyer's Services.

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it:

(a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;

(b) is likely to create an unjustified or unreasonable expectation about results the lawyer can achieve or has achieved; or

(c) contains a testimonial or endorsement that violates any portion of this Rule.

Comment

[1] This Rule governs all communications about a lawyer's services, including advertising permitted by Rule 7.2. Whatever means are used to make known a lawyer's services, statements about them must be truthful.

[2] Truthful statements that are misleading are also prohibited by this Rule. A truthful statement is misleading if it omits a fact necessary to make the lawyer's communication considered as a whole not materially misleading. A truthful statement is also misleading if there is a substantial likelihood that it will lead a reasonable person to formulate a specific conclusion about the lawyer or the lawyer's services for which there is no reasonable factual foundation.

[3] An advertisement that truthfully reports a lawyer's achievements on behalf of clients or former clients may be misleading if presented so as to lead a reasonable person to form an unjustified expectation that the same results could be obtained for other clients in similar matters without reference to the specific factual and legal circumstances of each client's case. Similarly, an unsubstantiated comparison of the lawyer's services or fees with the services or fees of other lawyers may be misleading if presented with such specificity as would lead a reasonable person to conclude that the comparison can be substantiated. The inclusion of an appropriate disclaimer or qualifying language may preclude a finding that a statement is likely to create unjustified expectations or otherwise mislead the public.

[4] See also Rule 8.4(e) for the prohibition against stating or implying an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law.

[4a] The Utah Rule is different from the ABA Model Rule. Subsections (b) and (c) are added to the Rule to give further guidance as to which communications are false or misleading.

Rule 7.2. Advertising.

(a) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may advertise services through written recorded or electronic communication, including public media

(b) If the advertisement uses any actors to portray a lawyer, members of the law firm, or clients or utilizes depictions of fictionalized events or scenes, the same must be disclosed.

(c) All advertisements disseminated pursuant to these Rules shall include the name and office address of at least one lawyer or law firm responsible for their content.

(d) Every advertisement indicating that the charging of a fee is contingent on outcome or that the fee will be a percentage of the recovery shall set forth clearly the client's responsibility for the payment of costs and other expenses.

(e) A lawyer who advertises a specific fee or range of fees shall include all relevant charges and fees, and the duration such fees are in effect.

(f) A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may pay the reasonable cost of advertising permitted by these Rules and may pay the usual charges of a lawyer referral service or other legal service plan.

Comment

[1] To assist the public in learning about and obtaining legal services, lawyers should be allowed to make known their services not only through reputation but also through organized information campaigns in the form of advertising. Advertising involves an active quest for clients, contrary to the tradition that a lawyer should not seek clientele. However, the public's need to know about legal services can be fulfilled in part through advertising. This need is particularly acute in the case of persons of moderate means who have not made extensive use of legal services. The interest in expanding public information about legal services ought to prevail over considerations of tradition. Nevertheless, advertising by lawyers entails the risk of practices that are misleading or overreaching.

[2] This Rule permits public dissemination of information concerning a lawyer's name or firm name, address, email address, website and telephone number; the kinds of services the lawyer will undertake; the basis on which the lawyer's fees are determined, including prices for specific services and payment and credit arrangements; a lawyer's foreign language ability; names of references and, with their consent, names of clients regularly represented; and other information that might invite the attention of those seeking legal assistance.

[3] Questions of effectiveness and taste in advertising are matters of speculation and subjective judgment. Some jurisdictions have had extensive prohibitions against television and other forms of advertising, against advertising going beyond specified facts about a lawyer or against "undignified" advertising. Television, the Internet and other forms of electronic communication are now among the most powerful media for getting information to the public, particularly persons of low and moderate income; prohibiting television, Internet, and other forms of electronic advertising, therefore, would impede the flow of information about legal services to many sectors of the public. Limiting the information that may be

advertised has a similar effect and assumes that the Bar can accurately forecast the kind of information that the public would regard as relevant. But see Rule 7.3(a) for the prohibition against a solicitation through a real-time electronic exchange initiated by the lawyer.

[4] Neither this Rule nor Rule 7.3 prohibits communications authorized by law, such as notice to members of a class in class action litigation.

Paying Others to Recommend a Lawyer

[5] Except as permitted by Paragraph (f), lawyers are not permitted to pay others for recommending the lawyer's services or for channeling professional work in a manner that violates Rule 7.3. A communication contains a recommendation if it endorses or vouches for a lawyer's credentials, abilities, competence, character, or other professional qualities. Paragraph (f), however, allows a lawyer to pay for advertising and communications permitted by this Rule, including the costs of print directory listings, on-line directory listings, newspaper ads, television and radio airtime, domain-name registrations, sponsorship fees, Internet-based advertisements and group advertising. A lawyer may compensate employees, agents and vendors who are engaged to provide marketing or client-development services, such as publicists, public-relations personnel, business-development staff and website designers. Moreover, a lawyer may pay others for generating client leads, such as Internet-based client leads, as long as the lead generator does not recommend the lawyer, and any payment to the lead generator is consistent with the lawyer's obligations under these rules. To comply with Rule 7.1, a lawyer must not pay a lead generator that states, implies, or creates a reasonable impression that it is recommending the lawyer, is making the referral without payment from the lawyer, or has analyzed a person's legal problems when determining which lawyer should receive the referral. See Rule 5.3 (duties of lawyers and law firms with respect to the conduct of non-lawyers); Rule 8.4(a) (duty to avoid violating the Rules through the acts of another).

[6] A lawyer may pay the usual charges of a legal service plan or a lawyer referral service. A legal service plan is a prepaid or group legal service plan or a similar delivery system that assists prospective clients to secure legal representation. A lawyer referral service, on the other hand, is an organization that holds itself out to the public to provide referrals to lawyers with appropriate experience in the subject matter of the representation. No fee generating referral may be made to any lawyer or firm that has an ownership interest in, or who operates or is employed by, the lawyer referral service, or who is associated with a firm that has an ownership interest in, or operates or is employed by, the lawyer referral service.

[7] A lawyer who accepts assignments or referral from a legal service plan or referrals from a lawyer referral service must act reasonably to assure that the activities of the plan or service are compatible with the lawyer's professional obligations. See Rule 5.3. Legal service plans and lawyer referral services may communicate with the public, but such communication must be in conformity with these Rules. Thus, advertising must not be false or misleading, as would be the case if the communications of a group advertising program or a group legal services plan would mislead the public to think that it was a lawyer

referral service sponsored by a state agency or bar association. Nor could the lawyer allow in-person, telephonic, or real-time contacts that would violate Rule 7.3.

[8] For the disciplinary authority and choice of law provisions applicable to advertising, see Rule 8.5.

[8a] This Rule differs from the ABA Model Rule in that it defines "advertisement" and places some limitations on advertisements. Utah Rule 7.2(b)(2) also differs from the ABA Model Rule by permitting a lawyer to pay the usual charges of any lawyer referral service. This is not limited to not-for-profit services. Comment [6] to the Utah rule is modified accordingly.

Rule 7.3. Solicitation of Clients.

(a) A lawyer shall not by in-person, live telephone or real-time electronic contact solicit professional employment from a prospective client when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless the person contacted:

(a)(1) is a lawyer;

(a)(2) has a family, close personal, or prior professional relationship with the lawyer, or

(a)(3) is unable to make personal contact with a lawyer and the lawyer's contact with the prospective client has been initiated by a third party on behalf of the prospective client.

(b) A lawyer shall not solicit professional employment by written, recorded or electronic communication or by in-person, live telephone or real-time electronic contact even when not otherwise prohibited by paragraph (a), if:

(b)(1) the target of the solicitation has made known to the lawyer a desire not to be solicited by the lawyer; or

(b)(2) the solicitation involves coercion, duress or harassment.

(c) Every written, recorded or electronic communication from a lawyer soliciting professional employment from anyone known to be in need of legal services in a particular matter shall include the words "Advertising Material" on the outside envelope, if any, and at the beginning of any recorded or electronic communication, unless the recipient of the communication is a person specified in paragraphs (a)(1) or (a)(2). For the purposes of this subsection, "written communication" does not include advertisement through public media, including but not limited to a telephone directory, legal directory, newspaper or other periodical, outdoor advertising, radio, television or webpage.

(d) Notwithstanding the prohibitions in paragraph (a), a lawyer may participate with a prepaid or group legal service plan operated by an organization not owned or directed by the lawyer that uses in-person or other real-time communication to solicit memberships or subscriptions for the plan from persons who are not known to need legal services in a particular matter covered by the plan.

Comment

[1] A solicitation is a targeted communication initiated by the lawyer that is directed to a specific person and that offers to provide, or can reasonably be understood as offering to provide, legal services. In contrast, a lawyer's communication typically does not constitute a solicitation if it is directed to the general public, such as through a billboard, an Internet banner advertisement, a website or a television commercial, or if it is in response to a request for information or is automatically generated in response to Internet searches.

[2] There is a potential for abuse when a solicitation involves direct in-person, live telephone or real-time electronic contact by a lawyer with someone known to need legal services. These forms of contact subject a person to the private importuning of the trained advocate in a direct interpersonal encounter. The person, who may already feel overwhelmed by the circumstances giving rise to the need for legal services, may find it difficult fully to evaluate all available alternatives with reasoned judgment and

appropriate self-interest in the face of the lawyer's presence and insistence upon being retained immediately. The situation is fraught with the possibility of undue influence, intimidation, and over-reaching.

[3] This potential for abuse inherent in direct in-person, live telephone or real-time electronic solicitation justifies its prohibition, particularly since lawyers have alternative means of conveying necessary information to those who may be in need of legal services. In particular, communications can be mailed or transmitted by email or other electronic means that do not involve real-time contact and do not violate other laws governing solicitations. These forms of communications and solicitations make it possible for the public to be informed about the need for legal services, and about the qualifications of available lawyers and law firms, without subjecting the public to direct in-person, live telephone or real-time electronic persuasion that may overwhelm a person's judgment.

[4] The use of general advertising and written, recorded or electronic communications to transmit information from lawyer to the public, rather than direct in-person or other real-time communications, will help to ensure that the information flows cleanly as well as freely. The contents of advertisements and communications permitted under Rule 7.2 can be permanently recorded so that they cannot be disputed and may be shared with others who know the lawyer. This potential for informal review is itself likely to help guard against statements and claims that might constitute false and misleading communications in violation of Rule 7.1. The contents of direct in-person, live telephone or real-time electronic contact can be disputed and may not be subject to third-party scrutiny. Consequently, they are much more likely to approach (and occasionally cross) the dividing line between accurate representations and those that are false and misleading.

[5] There is far less likelihood that a lawyer would engage in abusive practices against a former client, or a person with whom the lawyer has a close personal or family relationship, or where the lawyer has been asked by a third party to contact a prospective client who is unable to contact a lawyer, for example when the prospective client is incarcerated and is unable to place a call, or is mentally incapacitated and unable to appreciate the need for legal counsel. Nor is there a serious potential for abuse in situations where the lawyer is motivated by considerations other than the lawyer's pecuniary gain, or when the person contacted is also a lawyer. This rule is not intended to prohibit a lawyer from applying for employment with an entity, for example, as in-house counsel. Consequently, the general prohibition in Rule 7.3(a) and the requirements of Rule 7.3(c) are not applicable in those situations. Also, paragraph (a) is not intended to prohibit a lawyer from participating in constitutionally protected activities of public or charitable legal-service organizations or *bona fide* political, social, civic, fraternal, employee or trade organizations whose purposes include providing or recommending legal services to their members or beneficiaries.

[5a] Utah's Rule 7.3(a) differs from the ABA Model Rule by authorizing in-person or other real-time contact by a lawyer with a prospective client when that prospective client is unable to make personal

contact with a lawyer, but a third party initiates contact with a lawyer on behalf of the prospective client and the lawyer then contacts the prospective client.

[6] But even permitted forms of solicitation can be abused. Thus, any solicitation which contains information that is false or misleading within the meaning of Rule 7.1, that involves coercion, duress or harassment within the meaning of Rule 7.3(b)(2), or that involves contact with someone who has made known to the lawyer a desire not to be solicited by the lawyer within the meaning of Rule 7.3(b)(1) is prohibited. Moreover, if after sending a letter or other communication as permitted by Rule 7.2 the lawyer receives no response, any further effort to communicate with the recipient of the communication may violate the provisions of Rule 7.3(b).

[7] This Rule is not intended to prohibit a lawyer from contacting representatives of organizations or groups that may be interested in establishing a group or prepaid legal plan for their members, insureds, beneficiaries or other third parties for the purpose of informing such entities of the availability of and the details concerning the plan or arrangement which the lawyer or lawyer's firm is willing to offer. This form of communication is not directed to people who are seeking legal services for themselves. Rather, it is usually addressed to an individual acting in a fiduciary capacity seeking a supplier of legal services for others who may, if they choose, become prospective clients of the lawyer. Under these circumstances, the activity which the lawyer undertakes in communicating with such representatives and the type of information transmitted to the individual are functionally similar to and serve the same purpose as advertising permitted under Rule 7.2.

[8] The requirement in Rule 7.3(c) that certain communications be marked "Advertising Material" does not apply to communications sent in response to requests of potential clients or their spokespersons or sponsors. General announcements by lawyers, including changes in personnel or office location, do not constitute communications soliciting professional employment from a client known to be in need of legal services within the meaning of this Rule.

[8a] Utah Rule 7.3(c) requires the words "Advertising Material" to be marked on the outside of an envelope, if any, and at the beginning of any recorded or electronic communication, but not at the end as the ABA Model Rule requires. Lawyer solicitations in public media that regularly contain advertisements do not need the " Advertising Material" notice because persons who view or hear such media usually recognize the nature of the communications.

[9] Paragraph (d) of this Rule permits a lawyer to participate with an organization that uses personal contact to solicit members for its group or prepaid legal service plan, provided that the personal contact is not undertaken by any lawyer who would be a provider of legal services through the plan. The organization must not be owned by or directed (whether as manager or otherwise) by any lawyer or law firm that participates in the plan. For example, paragraph (d) would not permit a lawyer to create an organization controlled directly or indirectly by the lawyer and use the organization for the in-person or telephone, live person-to-person contacts or other real-time electronic solicitation of legal employment of the lawyer through memberships in the plan or otherwise. The communication permitted by these

organizations also must not be directed to a person known to need legal services in a particular matter, but is to be designed to inform potential plan members generally of another means of affordable legal services. Lawyers who participate in a legal service plan must reasonably assure that the plan sponsors are in compliance with Rules 7.1, 7.2 and 7.3(b). See Rule 8.4(a).

Tab 7

UTAH STATE BAR
BOARD OF BAR COMMISSIONERS
MINUTES

JANUARY 23, 2015

J. REUBEN CLARK SCHOOL OF LAW
BRIGHAM YOUNG UNIVERSITY

In Attendance: President James D. Gilson, President-elect Angelina Tsu, Commissioners: Steven Burt, Heather Farnsworth, Mary Kay Griffin, Susanne Gustin, Janise Macanas, Herm Olsen, Rob Rice and Tom Seiler. By Telephone: H. Dickson Burton and Hon. Michael Leavitt.

Ex-Officio Members: Nate Alder, Curtis Jensen, Katherine Judd, Jesse Nix, Dean James Rasband, Lawrence Stevens, Lincoln Davies, Assistant Dean, S.J. Quinney College of Law.

Not in Attendance: Kenyon Dove and John Lund. Ex-Officio Members: Dean Robert Adler, Heather Allen, Aida Neimarlija, Margaret Plane, Supreme Court Liaison Tim Shea and Assistant Executive Director Richard Dibblee.

Also in Attendance: Executive Director John C. Baldwin, General Counsel Elizabeth A. Wright, Susan Baird Motschiedler in attendance for Women Lawyers of Utah and Sean Toomey, Utah State Bar Communications Director.

Minutes:

1. President's Report:

1.1. **Legislative Breakfast and Issues.** Jim Gilson encouraged Commissioners to attend the Legislative Breakfast with lawyer legislators on January 30, 2015 at 7:30 a.m. in the Capitol East Building. There are two particular pieces of legislation that are important to the Bar and it is important our voices are heard. First bill has to do with an increase in Judicial Compensation. Judicial salaries have not increased since 2010. It is important to raise salaries so there is a continued pool of qualified applicants. Second important issue is proposed constitutional amendment to remove the regulation of some types of lawyers from the Supreme Court.

Commissioners were also reminded about the weekly conference calls with the Governmental Relations Committee. Every Tuesday at 4:00 p.m. for the next six weeks Commissioners can call in to discuss proposed legislation.

February 17, 2015 at 9:00 a.m. is Law Day at the Legislature CLE. Popular and informative CLE for Bar members to hear from law and policy makers.

1.2. **Spring Convention.** Angelina Tsu reported that plans were on track.

1.3. **Summer Convention**. Justice Kennedy will be keynote speaker.

1.4. **Ethics Advisory Opinion Appeal**. Jim Gilson reported on the appeal of Ethics Advisory Opinion 14-04. The Subcommittee that heard the appeal affirmed the ethics opinion.

1.5. **Report on Futures Commission**. Purpose of the Committee is to gather input and study the future delivery of legal and law related services to individuals and small businesses. Commission has been meeting and hopes to have a report to present at the Summer Convention.

2. Information Items:

2.1 **Performance Review Committee Reports**. OPC, NLTP and Budget and Finance review committees reported that they were on track to have a report by the summer convention.

3. Action Items:

3.1 **Nominate Bar President-Elect Candidates**. After presentations from Janise Macanas, Rob Rice and Tom Seiler and two rounds of voting, the Commission selected Rob Rice and Tom Seiler as the Bar President-Elect Candidates.

3.2 **Select Dorathy Merrill Brothers and Raymond Uno Awards**. The Commission selected Patrice Arent to receive the Dorathy Merrill Brother Award. The Commission selected Andrea Martinez Griffin to receive the Raymond S. Uno Award.

3.3 **Select Nominees to 3rd District Nominating Commission**. After discussing and voting on the applicants, the Commission selected the following six nominees to present to the Governor for the 3rd Judicial District Nominating Commission: Cheryl Mori, Grace Acosta, Loren Weiss, Benson Hathaway, David Leta and Joanna Landau.

3.4 **Select Nominees to 4th District Nominating Commission**. After discussing and voting on the applicants, the Commission selected the following six nominees to present to the Governor for the 4th Judicial District Nominating Commission: Jared Anderson, Randall Jeffs, Patricia Lammi, Marilyn Moody Brown, Randall Spencer, Simon Cantarero.

3.5 **Fund for Client Protection and Formal UPL Action**. Elizabeth Wright referred the Commission to the memo for the Fund for Client Protection indicating the balance of the fund is $324,151.88. Elizabeth Wright also asked the Commission to approved formal action against Deron Brunson who has been engaged in the unauthorized practice of law. The UPL Committee has sent him two letters asking him to stop and he has refused. The UPL Committee would like to seek a formal injunction on behalf of the Bar. **Rob Rice moved to approved formal action. Herm Olsen seconded the motion which passed unopposed.**

HANDOUTS DISTRIBUTED AT MEETING:

1. Packets with additional resumes for 3rd and 4th Judicial District Nominating Commissions. These resumes were submitted before the deadline but after the Commission agenda packet had been prepared.
2. A complete list of the 3rd Judicial Nominating Commission applicants and a complete list of the 4th Judicial Nominating Commission applicants.

ADJOURNED: 12:05 p.m.

CONSENT AGENDA:

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

Tab 8

Utah State Bar
Balance Sheet
As of January 31, 2015

	Jan 31, 15	Dec 31, 14	Jan 31, 14
ASSETS			
Current Assets			
Checking/Savings			
1010 · Petty Cash	625	625	625
1011 · Cash in Bank	75,523	84,174	61,766
1060 · ILM Invested Funds Market Value	4,060,705	4,397,630	4,099,012
Total Checking/Savings	4,136,853	4,482,429	4,161,403
Accounts Receivable			
1071 · Accounts receivable	17,665	(9,890)	6,173
Total Accounts Receivable	17,665	(9,890)	6,173
Other Current Assets			
1070a · Other Accounts Receivable	1,489	2,790	(123)
1089 · Unbilled tenant costs		20,335	26,847
1100 · Prepaid Expense	80,307	48,532	49,358
1919 · Section ILM net earn recvble	5,640	5,488	4,771
1920 · A/R - Section Funds	11,940	5,808	18,263
Total Other Current Assets	99,376	82,952	99,117
Total Current Assets	4,253,893	4,555,490	4,266,693
Fixed Assets			
1500 · Property & Equipment	4,541,053	4,481,771	3,868,608
1550 · Accumulated Depreciation	(3,285,625)	(3,269,322)	(3,084,468)
1600 · Land	633,142	633,142	633,142
Total Fixed Assets	1,888,570	1,845,591	1,417,282
TOTAL ASSETS	**6,142,463**	**6,401,081**	**5,683,975**
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
2001 · A/P - Trade			71,751
Total Accounts Payable			71,751
Other Current Liabilities			
2910 · A/P - Sections Meeting revenue	1,580	10,785	
2010 · Other Accounts Payable	16,300	13,362	7,839
2100 · Accrued Payables	306,547	308,920	311,906
2350 · Capital Lease Obligations-ST	3,069	3,069	2,710
2920 · A/P - Section Funds	1,805	1,345	910
Total Other Current Liabilities	329,300	337,481	323,365
Total Current Liabilities	329,300	337,481	395,116
Long Term Liabilities			
2400 · Capital lease obligations	4,318	4,318	7,386
Total Long Term Liabilities	4,318	4,318	7,386
Total Liabilities	333,618	341,799	402,502
Equity			
3500 · Unrestricted Net Assets (R/E)	4,063,712	4,063,712	3,698,625
Net Income	1,745,133	1,995,570	1,582,848
Total Equity	5,808,845	6,059,282	5,281,473
TOTAL LIABILITIES & EQUITY	**6,142,463**	**6,401,081**	**5,683,975**

Utah State Bar
Summary Income Statement
January 31, 2015

	Year to Date			2014/15
	Actual	Budget	Variance Fav/(Unfav)	Total Budget
Revenue				
Licensing	$ 4,016,125	$ 3,936,604	$ 79,521	$ 3,998,400
Admissions	210,200	176,768	33,432	454,900
NLTP	75,300	63,855	11,445	85,300
Mgt - Service	18,572	5,602	12,970	12,000
In Kind Revenue	1,206	1,324	(118)	2,600
Mgt - Interest & Gain	19,903	9,977	9,926	17,100
Property Mgt	159,788	165,928	(6,140)	312,952
OPC	1,130	4,268	(3,138)	11,600
CMIS/Internet	70	500	(430)	500
CLE	217,103	155,631	61,472	405,200
Summer Convention	115,148	150,600	(35,452)	150,600
Fall Forum	99,087	88,200	10,887	88,200
Spring Convention	33,511	28,872	4,639	145,900
Bar Journal	82,630	95,095	(12,465)	139,600
Committees	10	400	(390)	1,000
Member Benefits	1,513	10,486	(8,973)	11,900
Section Support	-	-	-	92,281
Access to Justice	8,545	5,351	3,194	10,200
Commission/Sp Proj	8,170	7,300	870	7,300
Young Lawyers Division	50	100	(50)	100
Total Revenue	$ 5,068,061	$ 4,906,861	$ 161,200	$ 5,947,633
Expenses			(Fav)/Unfav	
Licensing	89,736	88,657	1,079	187,045
Admissions	275,336	279,642	(4,306)	474,411
NLTP	40,495	46,882	(6,387)	81,074
Bar Mgt	447,614	469,344	(21,730)	685,117
Property Mgt	300,386	346,314	(45,928)	537,392
OPC	717,590	695,977	21,613	1,204,272
General Counsel	119,159	135,993	(16,834)	259,529
Computer/MIS/Internet	111,643	106,412	5,231	176,437
CLE	162,692	170,095	(7,403)	372,144
Summer Convention	224,618	174,207	50,411	186,979
Fall Forum	80,479	94,582	(14,103)	97,963
Spring Convention	12,422	18,334	(5,912)	123,598
Bar Journal	110,748	114,968	(4,220)	185,181
Committees	89,775	92,755	(2,980)	110,903
Member Benefits	90,096	93,241	(3,145)	149,320
Section Support	46,333	55,153	(8,820)	92,281
Consumer Assistance	51,835	41,488	10,347	68,879
Access to Justice	93,371	102,441	(9,070)	184,705
Tuesday Night Bar	21,014	21,782	(768)	40,765
Legislative	53,614	62,129	(8,515)	71,642
Commission/Sp. Proj	102,343	119,710	(17,367)	177,475
Public Education	57,865	65,036	(7,171)	165,365
Young Laywers Division	23,763	37,472	(13,709)	56,100
Total Expenses	$ 3,322,927	$ 3,432,614	$ (109,687)	$ 5,688,577
Net Revenue/(Expense)	$ 1,745,134	$ 1,474,247	$ 270,887	$ 259,056
Add: Depreciation	106,203	94,364	11,839	165,458
Cash Increase/(Decrease) from Operations	$ 1,851,337	$ 1,568,611	$ 282,726	$ 424,514
Other Uses of Cash				
Change in Assets/Liabilities	(225,078)	(225,078)	-	
Capital Expenditures	169,139	125,000	44,139	125,000
Net Change in Cash	$ 1,457,120	$ 1,218,533	$ 238,587	$ 299,514

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Utah State Bar celebrates Magna Carta anniversary with essay competition

Written by or for St. George News on February 25, 2015 in Education, Events, Life, News - No comments

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SALT LAKE CITY — A high school essay competition is being held statewide during the Utah State Bar's hosting of the traveling exhibition "Magna Carta: Enduring Legacy 1215–2015" in April. The exhibition will include images of documents, books, and other objects from Library of Congress collections that illustrate Magna Carta's influence throughout the centuries and explain the document's long history.

Deadline is March 2, 5 p.m.

The high school essay competition is being held to help students understand the importance of the world's most enduring symbol of the rule of law. Scholarship awards include two $500 and eight $250 prizes in grades 8-10 and 11-12. Deadline is March 2, 5 p.m. More information is available online.

The Utah State Bar was established in 1931 and regulates the practice of law under the authority of the Utah Supreme Court. The 11,500 lawyers of the bar serve the public and legal profession with excellence, civility, and integrity. They envision a just legal system that is understood, valued, and accessible to all.

History of the Magna Carta

Eight hundred years ago, in a grassy meadow at Runnymede, England, rebellious barons presented a list of remedies of long-held grievances to King John. The resulting agreement was a practical solution to a political crisis of the highest ranks of feudal society. It also included the first reference to what became known as "due process of law," and so it was the first significant step in a process of guaranteeing constitutional freedoms that continues today.

Resources

- Essay competition deadline March 2, 5 p.m.
- More information is available online.

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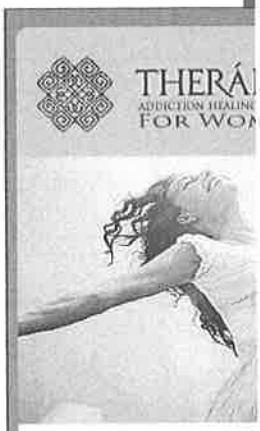

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anybody home - Come
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Dene - In 1786, Thoma
John Adams met with
ladybugavenger - Popp
need a law for everythi
Roy J - Hahahaha! No,
me there. I probably ...
ladybugavenger - DUI c
want to get caught, all

The direct selling license is a national approval given by China's MOFCOM to Morinda for conducting direct selling operations in China.

The approval allows Morinda's subsidiary in China, Tahitian Noni Beverages (China) Limited, to add direct selling to the scope of its business license.

"We've spent several years and a lot of effort pursuing this license,"

Wadsworth said. "This is an expression of our commitment to the future of Morinda."

Initially, Morinda may conduct direct selling in the major city of Chongqing, home to over 32 million people, and then will expand to other regions as permits are obtained.

Morinda currently has offices in nine major metropolitan areas throughout the country, including Shanghai and Beijing. Morinda has built its own GMP (Good Manufacturing Practice) plant in Chongqing, which has been in operation since July 2014.

"With this government authorization, the world's trust and confidence in Morinda will continue to increase," Wadsworth said. "Being granted this license is a great victory for Morinda and its future, as Morinda is now set to experience unprecedented growth."

Utah State Bar celebrates Magna Carta anniversary with essay competition

Eight hundred years ago, in a grassy meadow at Runnymede, England, rebellious barons presented a list of remedies of long-held grievances to King John. The resulting agreement was a practical solution to a political crisis of the highest ranks of feudal society. It also included the first reference to what became known as "due process of law," and so it was the first significant step in a process of guaranteeing constitutional freedoms that continues today.

In April, the Utah State Bar will be hosting a traveling exhibition, *Magna Carta: Enduring Legacy 1215–2015*. The exhibition includes images of documents, books, and other objects from Library of Congress collections that illustrate Magna Carta's influence throughout the centuries and explain the document's long history.

A high school essay competition is being held statewide to help students understand the importance of the world's most enduring symbol of the rule of law. Scholarship awards include two $500 and eight $250 prizes in grades 8-10 & 11-12. Deadline is 5 p.m. March 2. Visit www.utahbar.org for more information on the competitions and the exhibit.

The Utah State Bar was established in 1931 and regulates the practice of law under the authority of the Utah Supreme Court. The 11,500 lawyers of the Bar serve the public and legal profession with excellence, civility, and integrity. They envision a just legal system that is understood, valued, and accessible to all.

Founded in 1996, Morinda is a global, research-driven company that developed the TruAge product line, as well as other natural wellness products that reflect its passion to help people live younger, longer. Morinda is headquartered in Provo, Utah, and has a presence in more than 70 countries worldwide.

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Tags Morinda, China, Business, Utah State Bar, Magna Carta

Drew Clark: Celebrating, and improving, the 800-year-old Magna Carta

By Drew Clark, Deseret News
Published: Sunday, Feb. 22 2015 12:00 a.m. MST
Updated: Saturday, Feb. 21 2015 11:37 p.m. MST

OREM — This year marks the 800th anniversary of the signing of Magna Carta, agreed to on June 15, 1215, at a field in Runnymede, not far from the River Thames. A seminal event in human history — considered by many to be second in importance only to the birth of Jesus Christ — this "Great Charter" established the first limits on the divine right of kings in the Western world.

It's rather infrequent that our culture can celebrate the 800th anniversary of anything. But that's only one reason why the concessions that the feudal barons extracted from King John were of such great importance.

At a symposium held last week at Utah Valley University here on why Magna Carta still matters today, historian Gordon Wood ticked off the legal principles first articulated in the document: Habeas corpus, trial by jury, the legitimization of the common law, the principle of no taxation without representation. Other speakers addressed questions of Magna Carta's impact on the relationship between church and state, the role of women and the document's relevance for 21st century controversies.

Wood, a scholar of the American Revolution, focused on how the document was seen by American patriots and how it contributed to the origins of American constitutionalism. "In the 1760s and 1770s, Americans refer over and over again to their rights as Englishmen; not against the English constitution, but on behalf of it," he said.

In English history, Magna Carta is really the beginning of its form of government as a constitutional monarchy. The very notion of "parliament" as a legislature would arrive only later that century, as the charter was repeatedly re-issued and reconfirmed. Wood explained that the articulation of human rights came in its strongest form with the British Glorious Revolution, installing William and Mary as monarchs and establishing the Bill of Rights.

That 1689 document further limited the powers of the crown and set forth free elections, a regular Parliament and free speech within the legislature. It was a zero-sum game: Parliament gained powers at the expense of the king.

From the standpoint of the American branch of English history, however, American colonists wavered over whether they owed their political allegiance to the king or to Parliament.

Their grievances, of course, were attributable not to the British king but to the British Parliament, which had passed the Townshend Acts, the Stamp Act and the Coercive Acts.

When they rebelled, the American Founders posited a different constitutional firmament. They located the origin of their natural rights not as a heritage from the king or from noblemen but as flowing directly from God: "To assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them," Thomas Jefferson wrote in the Declaration of Independence.

Indeed, as Wood noted, "the Declaration of Independence scrupulously avoided any mention of Parliament." The closest it comes to indicting Parliament is the charge that King George III, to whom complaints of the Declaration is addressed, "has combined with other to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws."

Americans, having fled the Old World to be nurtured by the wilderness of the New, simply did not accept political limitations within European constitutional thought. As Bernard Bailyn, Wood's teacher at Harvard University, wrote in "To Begin the World Anew: The Genius and Ambiguities of the American Founders":

"The metropolitan world demonstrated that dual sovereignties — sovereign states within a sovereign state — could not coexist. That would lead, it had forever been said, systematically and inevitably, to conflict and chaos, for sovereign power was in its nature indivisible."

Not so, recounted Bailyn. "Their constitutional solution to this ancient problem — federalism: imperfect but effective — was a formalization of the de facto constitutional world that they, as British provincials ruled by both their local assemblies and Parliament, had known for generations.

"So they reconsidered the immemorial doctrine of the separation of powers, and recast the elements involved from legalized social orders — crown, nobility, and commons — which had never been a direct part of their lives, to functioning branches of government — executive, legislative, judicial — which had been."

The genius of the Founders lay not only in what they thought and said and did, but where they did it. Their experience on the frontier of the known human world gave them the gift to see and re-envision governments and laws in a fresh light.

Magna Carta marked a significant milestone in the reformation of constitutional thinking. That accomplishment in law cannot be understated, even as we see that it can be improved upon.

Drew Clark can be reached via email: drew@drewclark.com, or on Twitter @drewclark, or at www.utahbreakfast.com.

NEWSFEEDWORLD

Forgotten Copy of Magna Carta Found in Scrapbook

Matt Dunham—Pool/ReutersThe Salisbury Cathedral copy of the Magna Carta is viewed by archivists before being displayed alongside the other three surviving original parchment engrossments of the Magna Carta, as they are displayed to mark the 800th anniversary of the sealing of the Magna Carta in 1215, in the Queen's Robing Room at the Houses of Parliament in London on Feb. 5, 2015.

The edition could be worth $15.2 million

A researcher accidentally discovered a rare copy of the Magna Carta when searching through a scrapbook in the British town of Sandwich.

The Medieval charter, commissioned by Edward I in 1300, was discovered by a Kent archivist when he was retrieving a document from a Victorian scrapbook, the Magna Carta Project announced Sunday.

The original Magna Carta, created in 1215, was drafted by the Archbishop of Canterbury to curtail the power of England's King John. There are only 24 editions of the document in known existence around the world. The discovery of the Sandwich Magna Carta brings the total number of surviving originals of the 1300 edition to seven.

Although the copy has suffered extensive moisture damage and is missing about a third of the original text, Professor Nicholas Vincent, of the University of East Anglia, told *The Guardian* that it could be worth $15.2 million.

"And," he continued, "it is very likely that there are one or two out there somewhere that no one has spotted yet."

The Archbishop of Canterbury drafted the very first Magna Carta, which established modern democratic rights, in 1215.

LEGISLATIVE GENERAL COUNSEL
₺ Approved for Filing: R. Frost ₺
₺ 02-19-15 2:17 PM ₺

S.J.R. 17

JOINT RESOLUTION RECOGNIZING THE 800TH ANNIVERSARY OF THE MAGNA CARTA

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

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Deidre M. Henderson	Wayne L. Niederhauser	

LONG TITLE

General Description:

This joint resolution of the Legislature recognizes the 800th anniversary of the Magna Carta.

Highlighted Provisions:

This resolution:

- recognizes the 800th anniversary of the Magna Carta; and
- recognizes that principles embodied in the Magna Carta, including freedom, justice, the rule of law, and that no leader is above the law, have stood the test of time and

S.J.R. 17

sustain free people and nations today.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah:

WHEREAS, the Magna Carta is an 800-year-old document, marked by the seal of King John of England in 1215, containing the idea that no one is above the law;

WHEREAS, the Magna Carta still forms the foundation of many modern ideas and documents today;

WHEREAS, Magna Carta means "Great Charter" in Latin;

WHEREAS, the Magna Carta was not the first document in which a monarch agreed in writing to safeguard the rights, privileges, and liberties of the clergy and the nobles by placing limits on the power of the crown;

WHEREAS, thirty-four years after the Norman Conquest, Henry I set a precedent on his accession to the throne in 1100 when he issued a royal proclamation, the Coronation Charter, designed to atone for the past abuses of his predecessor, William Rufus;

WHEREAS, the principles included in the Coronation Charter dated back to the laws of King Ethelbert of Kent, circa 604, and subsequent laws of the kings of Kent leading up to the end of the first millennium;

WHEREAS, even though the Coronation Charter is acknowledged as the precursor to the Magna Carta, it was forgotten or ignored by four kings, and almost one queen, over the course of the next century;

WHEREAS, it was only after the Archbishop of Canterbury, Stephen Langton, showed Henry I's 113-year-old proclamation to England's barons that the idea of a new and improved charter took hold;

WHEREAS, by this time, other charters containing principles included in the Magna Carta had achieved traction and acquired a heritage, demonstrating that even proclamations of over a 100 years old could be used as leverage and justification to force a reluctant king to respect certain individual liberties;

WHEREAS, the Magna Carta originated as a peace treaty between King John and his barons, who had captured London;

WHEREAS, the Magna Carta was first drafted in June 1215 and granted by King John, who used his Great Seal to authenticate the document at Runnymede, in Surrey;

WHEREAS, despite the pageantry at Runnymede, the Magna Carta suffered a similar, more rapid demise than Henry I's Coronation Charter;

WHEREAS, although King John agreed to the Magna Carta at first, he quickly became bitter when its terms were enforced;

WHEREAS, King John wrote to Pope Innocent III to get the Magna Carta annulled;

WHEREAS, the Pope agreed with King John, saying the Magna Carta was "illegal, unjust, harmful to royal rights and shameful to the English people," and declared the charter "null and void of all validity forever";

WHEREAS, by August 1215, the Pope had annulled the document;

WHEREAS, full-scale civil war then broke out between King John and his barons, which did not end until after King John's death in 1216;

WHEREAS, a more modern version of the Magna Carta was reissued by King John's son, Henry III, in 1225;

WHEREAS, the Magna Carta was finally enrolled as part of English law by Edward I in 1297;

WHEREAS, the Magna Carta inspired the charismatic Simon de Montfort;

WHEREAS, de Montfort, an Anglo-Norman rebel nobleman, convened a parley in a field near Kenilworth Castle, Warwickshire, in 1264;

WHEREAS, the parley was not only in defiance of King Henry III, but was radical in that it provided for democratically elected knights and borough representatives from throughout the kingdom and is recognized as the first directly elected Parliament;

WHEREAS, at the conclusion of the English Civil War when the monarchy of Charles II was restored, the Magna Carta helped codify the ancient writ of habeas corpus passed by Parliament in 1679;

WHEREAS, this act strengthened the ancient and powerful writ, which had been a feature of English Common Law since before the Magna Carta, and served to safeguard individual liberty by preventing unlawful or arbitrary imprisonment;

WHEREAS, ideas of freedom, democracy, and the rule of law to which all are subject and that are such a feature of the Magna Carta, spread to the rebellious colonies of the New

World;

WHEREAS, the Declaration of Independence, as penned by Thomas Jefferson, indicted George III on numerous breaches of English Common Law enshrined within the Magna Carta, to which the 13 colonies were equally bound;

WHEREAS, the Declaration of Independence, signed July 4, 1776, became the legal justification for the Revolutionary War;

WHEREAS, the Magna Carta has become much more than a peace treaty between a quarrelsome king and his barons in 1215;

WHEREAS, over the past 800 years, the ideals of the Magna Carta have gathered momentum and assumed a greater authority concerning liberty and justice;

WHEREAS, the Magna Carta's lasting iconic value as the foundation of so many world democracies lies in the power of an idea, a principle, which states that nobody, including the king, is above the law of the land;

WHEREAS, central clauses of the Magna Carta have not only stood the test of time, but have a potency of their own that has defeated hundreds of attempts at annulment, repeal, modification, and suspension by successive monarchs and governments;

WHEREAS, the Magna Carta has transcended barriers of language and the divisions of cultures and ideologies;

WHEREAS, the Magna Carta has become an idea that can never be uninvented or unimagined;

WHEREAS, 800 years later, the ideas of freedom and justice have become essential parts of humankind;

WHEREAS, even today, the Magna Carta is invoked and cited whenever basic freedoms come under threat;

WHEREAS, the principles in the Magna Carta will no doubt continue to have a huge influence wherever freedom is under attack;

WHEREAS, on the 800th anniversary of the Magna Carta, it is time to deepen our understanding of the crucial role it has played in the development of human rights, democracy, and liberty; and

WHEREAS, there are hundreds of events and activities, including many sponsored by the Magna Carta 2015 Committee, being planned and taking place to commemorate 800 years

of the Magna Carta:

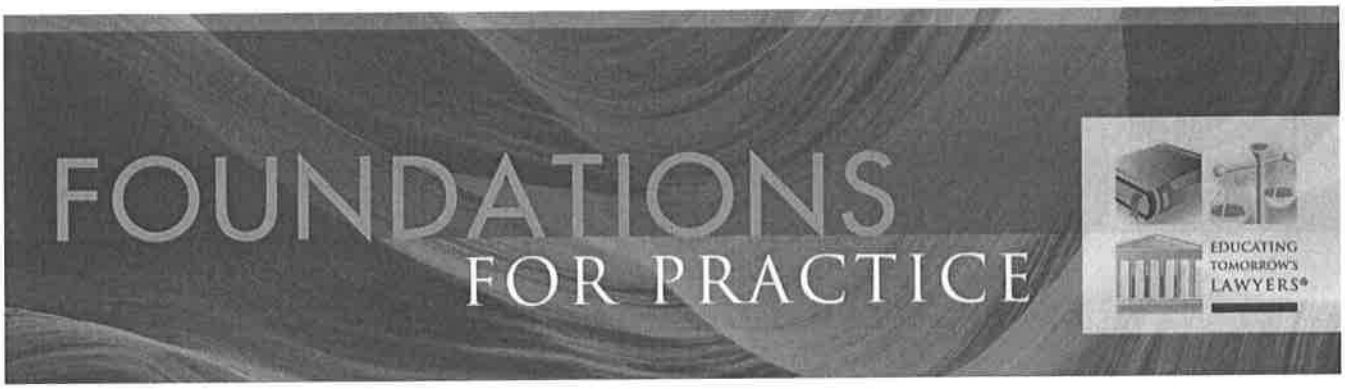
NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah recognizes the 800th anniversary of the Magna Carta.

BE IT FURTHER RESOLVED that the Legislature of the state of Utah recognizes that principles embodied in the Magna Carta, including freedom, justice, and the rule of law, have stood the test of time and sustained free people and nations today.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Magna Carta 2015 Committee, and the members of Utah's congressional delegation.

Legislative Review Note
as of 2-17-15 4:43 PM

Office of Legislative Research and General Counsel



Dear Mr. Baldwin,

As executives of organizations that represent the legal profession, you are more familiar than most with the new world our profession is entering. Client needs, law, and practice are changing. At the same time, too many new lawyers are lacking many of the skills and attributes needed to begin practice.

We are writing on behalf of an initiative called Educating Tomorrow's Lawyers (ETL), which is part of a research organization at the University of Denver. Through a project called Foundations for Practice, ETL is working to identify the "foundations" entry-level lawyers need to launch successful careers in the legal profession.

In its first phase, Foundations for Practice will conduct a national survey of lawyers and a follow-up series of roundtables with the profession. The survey will inquire of lawyers across the profession what they believe to be the competencies, skills and attributes that new lawyers need to succeed. The survey is the first of its kind because it focuses on the profession's perspective. This project is poised to make a significant impact—but we need the help of state bar associations around the country. We would like to distribute the survey through state bars to assure the most reliable and accurate results possible.

The legal profession has a critical role to play in providing input on the direction of legal education and the future of new lawyers. This survey effort is an important first step in facilitating the necessary changes. In the coming weeks, ETL will reach out to you to discuss the electronic survey and its distribution.

We hope you will partner with ETL to distribute this survey to all of your members so they have an opportunity to participate in a project that will influence the future of legal education and training for years to come. We need your organization to partner with us to assure that the data is broad and deep and to assure this project will make a meaningful impact on the legal education and the profession.

Thank you for your consideration. If you have any questions, please do not hesitate to reach out to any of us. You can also learn more about ETL by visiting http://educatingtomorrowslawyers.du.edu/.

Sincerely,

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UNIVERSITY of DENVER

FOUNDATIONS FOR PRACTICE

EDUCATING TOMORROW'S LAWYERS®

OVERVIEW

As leaders of organizations that represent the legal profession, you are more familiar than most with the new world our profession is entering. Client needs, law, and practice are changing. At the same time, too many new lawyers are lacking many of the skills and attributes needed to begin practice.

In its first phase, Foundations for Practice will conduct a national survey of lawyers and a follow-up series of roundtables with the profession. The survey will inquire of lawyers across the profession what they believe to be the competencies, skills and attributes that new lawyers need to succeed. The survey is the first of its kind because it focuses on the profession's perspective. This project is poised to make a significant impact—but we need the help of state bar associations around the country. We would like to distribute the survey through state bars to assure the most reliable and accurate results possible.

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OBJECTIVES

1. Identify the "foundations" (competencies, characteristics, traits, and skills) entry-level lawyers need to succeed in the practice of law
2. Develop measurable models of legal education that support those foundations
3. Align market needs with hiring practices

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- Chief Justice Rebecca Berch – Arizona Supreme Court
- Heather Bock – Chief Professional Development Officer, Hogan Lovells US LLP
- Nick Catanzarite – Judge, Grand County Court, Fourteenth Judicial District of Colorado
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- Ann Roan – Training Director, Colorado State Public Defender
- Alon Rotem – General Counsel, Rocket Lawyer
- John Suthers – Colorado Attorney General
- Rew Goodenow – NCBP; Parsons Behle & Latimer
- Paula Littlewood – NABE; ABA Task Force; Executive Director, Washington State Bar Association
- Linda Klein – ABA; Baker Donelson
- Erica Moeser – President, NCBE

Benefits for Participating States

This is the first national study to evaluate the needs of the profession across practice area, practice type, practice setting, and region. Participating states will be contributing to a body of research that will inform legal education for years to come. We also believe the results will inform work in individual states, as well. Many states are attempting to help new lawyers transition to practice and these results will advance those efforts. On request, we will provide states with a report of state results.

Participating States

These states have agreed to participate as of March 3, 2015. We are reaching out to every state bar organization to assure the broadest participation possible.

- Alabama
- Florida
- Georgia
- Idaho
- Indiana
- Kansas
- Kentucky
- Louisiana
- Maryland
- Michigan
- Mississippi
- Missouri
- Montana
- Nebraska
- Nevada
- New Mexico
- New York
- North Carolina
- North Dakota
- Oregon
- Pennsylvania
- Rhode Island
- Tennessee
- Washington
- West Virginia
- Wisconsin
- Wyoming

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Thank you for your interest in contributing to *Foundations for Practice*, a project of *Educating Tomorrow's Lawyers*® at IAALS, the Institute for the Advancement of the American Legal System at the University of Denver. This survey is designed to elicit feedback from the legal profession on the skills, characteristics, and competencies that new lawyers need to launch successful careers.

This survey should take between 20 and 30 minutes to complete. This is longer than a marketing survey, as it is a research study gathering robust information on a complex and important topic. Recognizing how busy life can be, please consider the time a donation to a worthy cause that will benefit the profession as a whole.

If you choose to participate, your individual responses will be anonymous and confidential. The results will only be reported in the aggregate. Please direct questions you may have about the survey to Kevin Keyes at kevin.keyes@du.edu or 303-871-6680.

Thank you in advance for your important contribution!

Alli Gerkman
Director, *Educating Tomorrow's Lawyers*

Corina Gerety
Director of Research

INSTITUTE *for the* ADVANCEMENT *of the* AMERICAN LEGAL SYSTEM
UNIVERSITY of DENVER

John Moye Hall, 2060 South Gaylord Way, Denver, CO 80208
303.871.6600 fax 303.871.6610 http://iaals.du.edu

Please note that the survey is printed on both sides to conserve paper and postage.

1. **Your work in relation to the legal profession:**

	Yes	No
a. Do you (individually or through your organization) provide legal services?	○	○
b. Do you hold a position for which a J.D. is advantageous or required by your employer but does not involve providing legal services?	○	○

If you responded "yes" to *any part* of Question 1 (*either* 1(a) *or* 1(b)), please skip to Question 3.

If you responded "no" to *both parts* of Question 1 (1(a) *and* 1(b)), please continue to Question 2.

2. **Are you currently taking time away from law-related work for reasons that do not relate to a career change, such as unemployment, family leave, or sabbatical?**
   - ○ Yes, I plan to return to (or, if a new graduate, enter) a position providing legal services.
   - ○ Yes, I plan to return to (or, if a new graduate, enter) a position for which a J.D. is advantageous or required but does not involve providing legal services.
   - ○ No.

If you provided a "yes" response to Question 2, please proceed to Question 3.

If you responded "no" to Question 2, please do not continue with the survey.

We very much appreciate your willingness to provide feedback; however, at this stage, we are only seeking responses from those who provide legal services or hold a J.D. advantage position, or those who are on a hiatus from law-related work. Thank you for your time.

3. **Your office location:**
   a. **City** _____
   b. **State** _____

4. **Your most recent primary work setting**

- ○ Private law practice
- ○ Business: In-house counsel
- ○ Business: Managerial or administrative
- ○ Non-profit: In-house counsel
- ○ Non-profit: Managerial or administrative
- ○ Military
- ○ Government: Criminal prosecutor
- ○ Government: In-house legal staff for governmental entity or organization
- ○ Government: Public counsel to governmental bodies or individuals (e.g., attorney general's office)
- ○ Government: Managerial or administrative
- ○ Public interest: Public criminal defender (including governmental offices)
- ○ Public interest: Legal services organization
- ○ Public interest: Policy advocacy organization
- ○ Court neutral (including judge magistrate, ALJ and judicial staff/clerks)
- ○ ADR neutral (private arbitrator, mediator)
- ○ Alternative legal services: Direct to consumer
- ○ Alternative legal services: Business to business
- ○ Academic/education: Faculty
- ○ Academic/education: Adjunct professor
- ○ Academic/education: Researcher or policy analyst
- ○ Academic/education: Managerial or administrative (including library)
- ○ Politics: Politician/staff or lobbyist
- ○ New graduate not currently in law-related work

If you selected "Private law practice," "Business: In-house," or "Non-profit: In-house," from the above, please answer Question 5.

If not, please skip this question and go to Question 6.

5. **Number of lawyers in your firm or in-house department (including you):**

- ○ 1
- ○ 2-10
- ○ 11-50
- ○ 51-100
- ○ 101-250
- ○ 251-500
- ○ 501-750
- ○ 751-1000
- ○ 1000+

6. **Your law practice (check all that apply):**

- ○ Litigation
- ○ Transactional
- ○ Regulatory
- ○ I do not currently practice law

7. **Four-digit year of law school graduation:** _____

8. **Your area(s) of expertise/specialization (you may select up to three):**

- ○ Administrative
- ○ Admiralty and Maritime
- ○ Agriculture
- ○ Alternative Dispute Resolution (as a neutral)
- ○ Antitrust and Trade Regulation
- ○ Appellate
- ○ Aviation and Aerospace
- ○ Banking
- ○ Bankruptcy
- ○ Business
- ○ Civil Rights
- ○ Class Actions
- ○ Commercial
- ○ Communications
- ○ Constitutional
- ○ Construction
- ○ Consumer
- ○ Contracts
- ○ Corporate
- ○ Criminal
- ○ Debtor and Creditor
- ○ Disability
- ○ Education
- ○ Elder
- ○ Election, Campaign, and Political
- ○ Eminent Domain
- ○ Employee Benefits
- ○ Energy
- ○ Entertainment
- ○ Environmental
- ○ Family
- ○ Finance
- ○ General Civil Litigation
- ○ General Practice
- ○ Government
- ○ Government Contracts
- ○ Health Care
- ○ Housing
- ○ Human Rights
- ○ Immigration
- ○ Indians and Native Populations
- ○ Insurance
- ○ Intellectual Property
- ○ Public International
- ○ International Trade
- ○ Internet
- ○ Investment
- ○ Juvenile
- ○ Labor and Employment
- ○ Legal Malpractice
- ○ Media
- ○ Medical Malpractice
- ○ Mergers and Acquisitions
- ○ Military
- ○ Natural Resources
- ○ Occupational Safety and Health
- ○ Personal Injury
- ○ Poverty and Government Benefits
- ○ Products Liability
- ○ Professional Liability
- ○ Real Estate
- ○ Sports
- ○ Securities
- ○ Taxation
- ○ Technology and Science
- ○ Toxic Torts
- ○ Transportation
- ○ Trusts and Estates
- ○ Wills and Probate
- ○ White Collar Crime
- ○ Workers Compensation
- ○ Zoning, Planning, and Land Use
- ○ Other: _____

For the purpose of this survey, "new lawyers" refers to those who are embarking on their first year of law-related work.

9. Your interaction with new lawyers.

	Yes	Not currently, but within the last 5 years	Not currently, and not within the last 5 years
a. Do you have a role in hiring new lawyers?	○	○	○
b. Do you have a role in supervising new lawyers?	○	○	○
c. Do you work with new lawyers on substantive matters, committees, or other meaningful projects?	○	○	○

For the purpose of this survey, "skills, characteristics, and competencies" should be read broadly to include abilities, behaviors, capacities, knowledge, traits, qualities, and all other similar factors.

10. Using just a few words, briefly list the three most important foundational skills, characteristics, or competencies that new lawyers need to launch a successful career in the type of organization, specialty, or department in which you work?
**Please list in order of importance (top choice first)

1. _____
2. _____
3. _____

The following sections set forth skills, characteristics, and competencies derived from the current literature on this subject.

Please choose the category that best describes each skill, characteristic, or competency in relation to **a new lawyer in the specific type of organization, specialty, or department in which you work**. Keep in mind that a "new lawyer" is someone embarking on their first year of law-related work.

Indicate whether the item is:

- Necessary immediately for the new lawyer's **success in the short term**.
- Not necessary in the short term but must be acquired for the lawyer's **continued success over time.**
- Not necessary at any point but **advantageous** to the lawyer's success.
- **Not relevant** to success in this type of organization, specialty, or department.

11. Legal Thinking and Application

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
a. Identify relevant facts, legal issues, and informational gaps or discrepancies	○	○	○	○
b. Identify due diligence, practical, and policy issues	○	○	○	○
c. Gather facts through interviews, searches, document/file review, and other methods	○	○	○	○
d. Effectively research the law	○	○	○	○
e. Effectively use techniques of legal reasoning and argument (case analysis and statutory interpretation)	○	○	○	○
f. Frame a case, analysis, or project compellingly	○	○	○	○
g. Maintain core knowledge of the substantive and procedural law in the relevant focus area(s)	○	○	○	○
h. Critically evaluate arguments	○	○	○	○

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
i. Assess possible courses of action and the range of likely outcomes in terms of risks and rewards	○	○	○	○
j. Identify appropriate method(s) of dispute resolution	○	○	○	○
k. Think strategically	○	○	○	○
l. Negotiate and advocate in a manner suitable to the circumstances	○	○	○	○

12. Communications

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
a. Listen attentively and respectfully	○	○	○	○
b. Speak in a manner that meets legal and professional standards	○	○	○	○
c. Write in a manner that meets legal and professional standards	○	○	○	○
d. Customize communications to different contexts and audiences	○	○	○	○
e. Promptly respond to inquiries and requests	○	○	○	○
f. Proactively provide status updates to those involved on a matter	○	○	○	○

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
g. Understand the challenges of virtual communication and the steps needed to address them	○	○	○	○
h. Be fluent in a language other than English	○	○	○	○

13. Professionalism

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
a. Arrive on time for meetings, appointments, and hearings	○	○	○	○
b. Adhere to proper timekeeping and/or billing practices	○	○	○	○
c. Adhere to proper collections practices	○	○	○	○
d. Document and organize a case or matter	○	○	○	○
e. Exercise independent professional judgment	○	○	○	○
f. Keep information confidential	○	○	○	○
g. Understand and apply legal privilege concepts	○	○	○	○
h. Recognize and resolve ethical dilemmas in a practical setting	○	○	○	○
i. Provide high quality legal advice	○	○	○	○

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
j. Show loyalty and dedication to the firm or organization and its clients or stakeholders	○	○	○	○
k. Honor commitments	○	○	○	○
l. Set clear professional boundaries	○	○	○	○
m. Handle dissatisfaction appropriately	○	○	○	○
n. Conclude relationships appropriately	○	○	○	○

14. Workload Management

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
a. Prioritize and manage multiple tasks	○	○	○	○
b. Anticipate case, project, or workload needs	○	○	○	○
c. Delegate to and manage support staff appropriately	○	○	○	○
d. Manage meetings effectively	○	○	○	○
e. Budget resources appropriately	○	○	○	○
f. See a case or project through from start to timely finish	○	○	○	○
g. Focus on improving the work process	○	○	○	○
h. Generate a high quantity of work product	○	○	○	○

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
i. Maintain a high quality work product	○	○	○	○

15. Working with Others

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
a. Maintain positive professional relationships	○	○	○	○
b. Work cooperatively and collaboratively as part of a team	○	○	○	○
c. Demonstrate leadership	○	○	○	○
d. Express disagreement thoughtfully and respectfully	○	○	○	○
e. Understand the value of the contributions of all within the organization	○	○	○	○
f. Recognize client or stakeholder needs, objectives, priorities, constraints, and expectations	○	○	○	○
g. Determine ways to increase value to clients or stakeholders	○	○	○	○

16. Technology and Innovation

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
a. Learn and use relevant technologies effectively	○	○	○	○
b. Leverage technology in cases or projects to increase the value or sophistication of services/products	○	○	○	○
c. Maintain an appropriate online presence	○	○	○	○
d. Engage in online law-related professional activity and networking (e.g., law blog)	○	○	○	○

If you indicated that your law practice includes "Litigation" in Question 6, please answer Question 17 below.

If not, please skip all parts of Question 17 and go to the instructions for Question 18.

17. Litigation Practice

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
a. Interview clients and witnesses	○	○	○	○
b. Draft demand letters and releases	○	○	○	○
c. Prepare for and participate in mediation	○	○	○	○
d. Prepare for and participate in arbitration	○	○	○	○
e. Draft pleadings, motions, and briefs	○	○	○	○

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
f. Request and produce written discovery	○	○	○	○
g. Comfortably engage with e-discovery processes and technologies	○	○	○	○
h. Conduct and defend depositions	○	○	○	○
i. Prepare a case for trial	○	○	○	○
j. Provide quality in-court trial advocacy	○	○	○	○
k. Prepare a case on appeal	○	○	○	○
l. Provide quality in-court appellate advocacy	○	○	○	○

If you indicated that your law practice includes "Transactional" work in Question 6, please answer Question 18 below.

If not, please skip all parts of Question 18 and go to Question 19.

18. Transaction Practice

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
a. Maintain knowledge of the relevant business, industry, and wider business landscape	○	○	○	○
b. Provide business formation services	○	○	○	○
c. Employ dispute resolution techniques to prevent or handle conflicts	○	○	○	○

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
d. Objectively assess the soundness of a deal or proposed solution in terms of risks and rewards	○	○	○	○
e. Determine appropriate risk mitigation strategies	○	○	○	○
f. Prepare for and participate in contract negotiations	○	○	○	○
g. Draft contracts and agreements	○	○	○	○
h. Prepare client responses	○	○	○	○
i. Review operational and finance schedules	○	○	○	○
j. Move a deal toward timely completion	○	○	○	○
k. Draft policies	○	○	○	○
l. Handle corporate record-keeping matters	○	○	○	○
m. Present complex material to business leadership in a clear and concise manner	○	○	○	○

19. Business Development and Relations

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
a. Strategically cultivate social and professional networks	○	○	○	○
b. Engage in appropriate marketing or fundraising	○	○	○	○
c. Understand accounting and financial principles/ arrangements	○	○	○	○
d. Appreciate the market for legal services	○	○	○	○
e. Generate new business	○	○	○	○
f. Retain existing business	○	○	○	○
g. Have an entrepreneurial mindset	○	○	○	○

20. Emotional and Interpersonal Intelligence

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
a. Read others and understand others' subtle cues	○	○	○	○
b. Treat others with courtesy and respect	○	○	○	○
c. Exhibit tact and diplomacy	○	○	○	○
d. Demonstrate tolerance, sensitivity, and compassion	○	○	○	○

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
e. Understand and conform to appropriate appearance and behavior in a range of situations	○	○	○	○
f. Regulate emotions and demonstrate self-control	○	○	○	○

21. Stress and Crisis Management

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
a. Cope with stress in a healthy manner	○	○	○	○
b. Make decisions and deliver results under pressure	○	○	○	○
c. React calmly and steadily in challenging or critical situations	○	○	○	○
d. Exhibit flexibility and adaptability regarding unforeseen, ambiguous, or changing circumstances	○	○	○	○
e. Exhibit resilience after a set-back	○	○	○	○

22. Professional Development

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
a. Cultivate a relationship with a mentor	○	○	○	○
b. Possess self-awareness (strengths, weaknesses, boundaries, preferences, sphere of control)	○	○	○	○
c. Have an internalized commitment to developing toward excellence	○	○	○	○
d. Seek and be responsive to feedback	○	○	○	○
e. Adapt work habits to meet demands and expectations	○	○	○	○
f. Seek out work or training that will expand skills, knowledge, or responsibilities	○	○	○	○
g. Work autonomously	○	○	○	○
h. Take individual responsibility for actions and results	○	○	○	○
i. Understand when to engage supervisor or seek advice in problem solving	○	○	○	○
j. Develop expertise in a particular area	○	○	○	○
k. Author articles or give presentations	○	○	○	○

23. Passion and Ambition

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
a. Have a passion for the work	○	○	○	○
b. Have a commitment to justice and the rule of law	○	○	○	○
c. Have a passion for public service	○	○	○	○
d. Have a strong work ethic and put forth best effort	○	○	○	○
e. Show initiative	○	○	○	○
f. Set goals and make a plan to meet them	○	○	○	○
g. Take ownership	○	○	○	○
h. Enjoy overcoming challenges	○	○	○	○

24. Involvement and Community Service

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
a. Participate in voluntary functions or committee work at the firm or organization	○	○	○	○
b. Be visible in the office	○	○	○	○
c. Have a personality that "fits" the firm or organization	○	○	○	○
d. Be involved in a bar association	○	○	○	○
e. Engage in pro bono legal work	○	○	○	○

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
f. Volunteer or take on influential positions in the community	○	○	○	○
g. Maintain a work-life balance	○	○	○	○

25. Qualities and Talents

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
a. Perceptiveness	○	○	○	○
b. Integrity and trustworthiness	○	○	○	○
c. Intelligence	○	○	○	○
d. Assertiveness	○	○	○	○
e. Conscientious-ness	○	○	○	○
f. Energy	○	○	○	○
g. Positivity	○	○	○	○
h. Common Sense	○	○	○	○
i. Decisiveness	○	○	○	○
j. Resourcefulness	○	○	○	○
k. Diligence	○	○	○	○
l. Confidence	○	○	○	○

26. Qualities and Talents, Continued

	NECESSARY IN THE SHORT TERM	MUST BE ACQUIRED OVER TIME	ADVANTAGEOUS BUT NOT NECESSARY	NOT RELEVANT
a. Persuasiveness	○	○	○	○
b. Grit	○	○	○	○
c. Humility	○	○	○	○
d. Maturity	○	○	○	○
e. Creativity	○	○	○	○
f. Prudence	○	○	○	○
g. Sociability	○	○	○	○
h. Patience	○	○	○	○
i. Intellectual curiosity	○	○	○	○
j. Attention to detail	○	○	○	○
k. Big-picture thinking	○	○	○	○
l. Strong moral compass	○	○	○	○

27. Is there an important foundational skill, characteristic or competency for new lawyers in your type of organization that has not been discussed?

*If so, please briefly note it in the space below. If not, check this box: ☐

_____

28. How helpful are each of the following in determining whether a candidate for employment has the qualities that you have identified above as important?

	Very Unhelpful	Somewhat Unhelpful	Neither Helpful Nor Unhelpful	Somewhat Helpful	Very Helpful	Don't Know
a. Law school attended	○	○	○	○	○	○
b. Class rank	○	○	○	○	○	○
c. Law review experience	○	○	○	○	○	○

	Very Unhelpful	Somewhat Unhelpful	Neither Helpful Nor Unhelpful	Somewhat Helpful	Very Helpful	Don't Know
d. Journal experience	○	○	○	○	○	○
e. Legal employment	○	○	○	○	○	○
f. Legal externship	○	○	○	○	○	○
g. Participation in law school clinic	○	○	○	○	○	○
h. Other experiential education	○	○	○	○	○	○
i. Law school courses in a particular specialty	○	○	○	○	○	○
j. Law school certification in a particular specialty	○	○	○	○	○	○
k. Recommendations from professors	○	○	○	○	○	○
l. Recommendations from practitioners or judges	○	○	○	○	○	○
m. Extra-curricular activities	○	○	○	○	○	○
n. Life experience between college and law school	○	○	○	○	○	○
o. State court clerkship	○	○	○	○	○	○
p. Federal court clerkship	○	○	○	○	○	○
q. Ties to a particular geographic location	○	○	○	○	○	○

29. How are the majority of junior lawyers hired in your workplace?

- ○ Most are hired as entry-level candidates
- ○ Most are hired laterally after training at another firm or organization
- ○ About half are entry-level and about half are lateral hires
- ○ Not applicable
- ○ Not sure

30. What is your level of agreement with the following statements?

	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree
Specialization in a particular practice area should happen during law school.	○	○	○	○	○
Specialization in a particular practice area should happen in the first few years of practice.	○	○	○	○	○

The following demographic questions are asked only to help us to better understand who has responded to the survey as a whole and to ensure that reported results are representative. Your individual responses will not be connected to you and will be kept confidential.

31. Law school from which you graduated: _____

32. What is your sex?

- ○ Male
- ○ Female
- ○ Prefer not to answer

33. Do you consider yourself Hispanic or Latino?

- ○ Yes
- ○ No
- ○ Prefer not to answer

34. What is your race? Mark one or more response options.

- ○ American Indian or Alaska Native
- ○ Asian – Indian
- ○ Asian – Other
- ○ Black or African American
- ○ Pacific Islander – Native Hawaiian
- ○ Pacific Islander – Other
- ○ White
- ○ Other: _____
- ○ Prefer not to answer

35. What is your income?

- ○ Under $50,000
- ○ $50,000 to $99,999
- ○ $100,000 to $149,999
- ○ $150,000 to $199,999
- ○ $200,000 to $249,999
- ○ $250,000 to $299,999
- ○ $300,000 to $349,999
- ○ $350,000 to $399,999
- ○ $400,000 to $449,999
- ○ $450,000 to $499,999
- ○ $500,000 and above
- ○ Prefer not to answer

Thank you for sharing your views and opinions! Your responses will play a vital role in informing the direction of legal education. Please return your completed survey in the provided envelope.

Once the research has concluded, a report on the results will be available on the Foundations for Practice website:
http://educatingtomorrowslawyers.du.edu/projects/foundations-for-practice