

VISION OF THE UTAH STATE BAR

Lawyers creating a justice system that is understood, valued, respected, and accessible to all.

MISSION OF THE UTAH STATE BAR

To lead Utah lawyers in serving the public and the legal profession by promoting justice, professional excellence, civility, ethics, and respect for and understanding of the law.

2013 – 2014 COMMISSION PRIORITIES

1. Promoting public and lawyer education;
2. Promoting a fair and impartial judiciary;
3. Promoting access to justice and affordable legal services;
4. Studying the future of the practice of law in Utah and how it will be affected in the coming years by technology, market conditions, age, diversity, law school policies, etc., and how the Bar can provide additional technology training and career development for our membership;
5. Providing greater group benefits to members.

(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

<u>AWARD</u>	<u>CHOSEN</u>	<u>PRESENTED</u>
1. Dorothy 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

Utah State Bar Commission

**Thursday, March 13, 2014
Dixie Convention Center
St. George, Utah**

Agenda

- 12:00 Noon Lunch with Southern Utah Bar Association**
- 1. 1:15 p.m. President's Report: Curtis Jensen**
- 10 Mins.* 1.1 Review Spring Convention Schedule and Calendar
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**)
10 Mins. 1.4 Report on Utah State Bar Day at Legislature (**Tab 3**)
10 Mins. 1.5 Report on Legislative Session
10 Mins. 1.6 Report on Summer Convention Planning (**Tab 4**)
15 Mins. 1.7 Discussion of Commission Topics
- 2. 2:30 p.m. Action Items**
- 15 Mins.* 2.1 Appointment to Utah Sentencing Commission (**Tab 5 & Handouts**)
- 3. 2:45 p.m. Information Items**
- 30 Mins.* 3.1 Commission Liaison Reports: Margaret Plane, Rob Rice, John Lund, Dickson Burton, Janise Macanas, Kenyon Dove
- 3:15 p.m. Break**
- 20 Mins.* 3.2 Judicial Council Report on Remote Access to Hearings and Lawyers' Obligation to Complete Judicial Evaluations: John Lund
15 Mins. 3.3 ABA Delegates' Report: Nate Alder, Margaret Plane, Larry Stevens
10 Mins. 3.4 WLU Report: Heather Farnsworth
10 Mins. 3.5 YLD Report: Gabe White
10 Mins. 3.6 Report on Public Communications Billboard Project
- 3. 4:20 p.m. Adjourn**

Consent Agenda (Tab 6)

1. Approve Minutes of January 24, 2014 Commission Meeting

Attachments (Tab 7)

1. Newspaper Articles
2. February Financial Statements

(Over)

Calendar

March 20	Election Email Message Due		
March 26-29	Western States Bar Conference		Palm Desert, California
April 1	Election-Online Balloting Begins		
April 8-10	ABA Day in Washington		Washington, D.C.
April 15	Election-Online Balloting Ends		
April 16	Election-Ballots Counted		
April 18	Executive Committee	12:00 Noon	Law & Justice Center
April 25	Commission Meeting	9:00 a.m.	Law & Justice Center
May 5-6	Northwestern States Bar Conference		Seattle, Washington
May 19	Admission Ceremony	12:00 Noon	Abravanel Hall
May 29-31	Jackrabbit Bar Conference		Cody, Wyoming
June 6	Executive Committee	12:00 Noon	Law & Justice Center
June 13	Commission Meeting	9:00 a.m.	Law & Justice Center
July 11	Executive Committee	12:00 Noon	Law & Justice Center
July 16	Commission Meeting	1:00 p.m.	Snowmass Village, Colorado
July 16-19	Summer Convention		Snowmass Village, Colorado

Tab 1

NCBP 2014 MIDYEAR MEETING

Thursday, February 6, 2014

7:00 A.M. - 5:30 P.M.

NABE/NCBP/NCBF Joint Registration

Group Office, Gold Level, East Tower

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

Skyway Suite 269, Blue Level, East Tower

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

NCBP Sponsorship Committee Meeting

Skyway Suite 265, Blue Level, East Tower

9:00 A.M. - 10:00 A.M.

NCBP Diversity Committee Meeting

Skyway Suite 265, Blue Level, East Tower

9:00 A.M. - 10:00 A.M.

NCBP Membership Committee Meeting

Skyway Suite 269, Blue Level, East Tower

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

NCBP Communications Committee Meeting

Skyway Suite 265, Blue Level, East Tower

10:00 A.M. - 1:00 P.M.

NCBP Program Committee Meeting

Skyway Suite 269, Blue Level, East Tower

1:00 P.M. - 4:30 P.M.

NCBP Executive Council Meeting

Skyway Suite 272, Blue Level, East Tower

2:00 P.M. - 4:00 P.M.

Metropolitan Bar Caucus Executive Committee Meeting

Board of Trade, 36th Floor, West Tower

5:00 P.M. - 6:30 P.M.

Metropolitan Bar Caucus Welcome Reception

Crystal Ballroom C, Green Level, West Tower

All meeting attendees are invited to mingle with metropolitan and state bar associations, along with the members of the Metropolitan Bar Caucus at the MBC Welcome Reception. Reception

guests will enjoy light reception fare including appetizers, beverages, door prizes and great conversation from colleagues from around the country. Admission is \$25 in advance and \$30 at the door for MBC members, and \$35 in advance and \$40 at the door for non-members/guests.

Sponsored by Insurance Specialists, Inc. and Duane Morris, LLP

7:00 P.M. - 10:00 P.M.

Metropolitan Bar Caucus Executive Committee Dinner

Fulton's on the River, Bridge House Room, 315 N. LaSalle Blvd., Chicago, IL 60654, (312) 822-0100

Advance reservations are required to attend the Metropolitan Bar Caucus Dinner. A joint cocktail hour with the National Conference of Bar Presidents will begin at 7:00 p.m. in the River Bar, Riverfront Room. The Metropolitan Bar Caucus Dinner will begin shortly after at 7:30 p.m. in the Bridge House Room.

Sponsored by Insurance Specialists, Inc.

7:00 P.M. - 10:00 P.M.

NCBP Executive Council, Council Alumni and Past Presidents of the NCBP Dinner

Fulton's on the River, Riverfront Room, 315 N. LaSalle Blvd., Chicago, IL 60654, (312) 822-0100

Advance reservations are required to attend the NCBP Executive Council Dinner. A joint cocktail hour with the Metropolitan Bar Caucus will begin at 7:00 p.m. in the River Bar Riverfront Room. The NCBP Dinner will begin shortly afterward, at 7:30 p.m. in the Riverfront Room.

Sponsored by LexisNexis/Martindale-Hubbell

Friday, February 7, 2014

6:45 A.M. - 4:30 P.M.

NABE/NCBP/NCBF Joint Registration

Group Office, Gold Level, East Tower

Registration will be closed for lunch from 12:30 p.m. to 1:30 p.m.

7:30 A.M. - 8:30 A.M.

NCBP First-timers Breakfast

Grand Ballroom C North, Gold Level, East Tower

If this is your first NCBP meeting, this is the breakfast for you. Meet with NCBP leaders to learn about the organization and opportunities for active involvement, and get to know other individuals taking the reins of leadership at their respective

organizations. Breakfast available at 7:30 a.m.; program begins at 8:00 a.m.

7:30 A.M. - 8:30 A.M.

NCBP/NABE/NCBF General Continental Breakfast

Grand Ballroom A/B, Gold Level, East Tower

For all NCBP registrants (except NCBP first-timers and their buddies), NCBF registrants, and NABE Joint Meeting registrants. Grab some caffeine and a continental breakfast while you meet and greet your colleagues from around the country. Promptly at 8:30 a.m., head to Grand Ballroom E/F for our opening session and keynote presentation.

8:40 A.M. - 9:00 A.M.

Welcome and Introductions

Grand Ballroom E/F, Gold Level, East Tower

NCBP President Carl D. Smallwood will welcome attendees along with his fellow organization leaders and our host city/state bar representatives.

SPEAKERS

Carl D. Smallwood, Columbus, OH, President, National Conference of Bar Presidents

David A. Blaner, Pittsburgh, PA, President, National Association of Bar Executives

Courtney Ward-Reichard, Minneapolis, MN, President, National Conference of Bar Foundations

Paula H. Holderman, Chicago, IL, President, Illinois State Bar Association

Aurora Austriaco, Chicago, IL, Immediate Past President, The Chicago Bar Association

9:00 A.M. - 10:00 A.M.

Plenary Session - Legal Education Reform Update: Frontline Leaders Share Perspectives on the Road Ahead

Grand Ballroom E/F, Gold Level, East Tower

The work of the ABA Task Force on the Future of Legal Education illustrates the breadth of issues that fall under this mega-topic:

- the economics of pricing and funding of legal education, the relationship of law school accreditation standards to tuition fees, and the significant debt burden felt by young lawyers;
- greater differentiation in legal education curriculum (including more experiential training) in order to better prepare law school graduates to meet legal needs; and
- the impact of the law student debt crisis on the delivery of law-related services.

Remarks by Randall Shepard, former chief justice of the Indiana Supreme Court and chair of the ABA Task Force, will set the stage

for exploration of some of these issues as addressed at the state level and from a personal perspective.

MODERATOR

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

SPEAKERS

Hon. Randall T. Shepard, Indianapolis, IN, Chair, ABA Task Force on the Future of Legal Education

Joseph Dunn, San Francisco, CA, CEO/Executive Director, The State Bar of California

Hon. Ann B. Jorgensen, Wheaton, IL, Justice, 2nd District Appellate Court, State of Illinois and Co-chair, Special Committee on the Impact of Law School Debt on the Delivery of Legal Services, Illinois State Bar Association

Tremaine Reese, Columbus, GA, Member, ABA Task Force on the Future of Legal Education

David M. Schraver, Rochester, NY, President, New York State Bar Association

10:00 A.M. - 10:10 A.M.

Transfer Break

10:10 A.M. - 11:10 A.M.

First Session of Joint Concurrent Workshops

Joint Workshop 1A - Win-Win: Matching Unmet Legal Needs with Available Legal Talent

Columbus Hall A/B, Gold Level, East Tower

A large percentage of the American public cannot afford lawyers, creating a great unmet need for legal services. At the same time, there is an opportunity to tap into a pool of under-employed and unemployed lawyers, and to provide practical experience to law students to help address that need. Our panel will describe how two bar associations have taken a holistic approach to this problem by involving the bar, the legal community, and law schools, as well as the wealth of resources available for the asking.

MODERATOR

Gwynne Young, Member, NCBP Executive Council and Immediate Past President, The Florida Bar

SPEAKERS

Jennifer Greico, Birmingham, MI, Past President, Oakland County Bar Association

William Hornsby, Chicago, IL, Staff Counsel, Legal Services Division, American Bar Association

Paula Littlewood, Seattle, WA, Executive Director, Washington State Bar Association

Joint Workshop 2A - Effective Regulation of Cross-Border Practice: What You Need to Know and Why, and How the New ABA Model Rule on Practice Pending Admission Impacts You and Your Members

Columbus Hall C/D, Gold Level, East Tower

Technological and economic changes have produced an increase in cross-border practice, revealing an important gap in the practice authority granted by Model Rule 5.5(d). Given the trend toward the unfettered interstate mobility of lawyers, bar associations may be finding that a good percentage of their membership is licensed in multiple jurisdictions and bars can assist by addressing the needs of those lawyer-members. Our expert panel will outline the situations the Rule addresses, the benefits to lawyers and their clients, and the experience to date in the jurisdictions that have adopted the Rule.

MODERATOR

Hon. Daniel Crothers, Bismarck, ND, North Dakota Supreme Court and Chair, ABA Center for Professional Responsibility Policy Implementation Committee

SPEAKERS

Wallace E. (Gene) Shipp Jr., Washington, D.C., Bar Counsel, District of Columbia Office of Bar Counsel

Frederick S. Ury, Fairfield, CT, Chair, ABA Standing Committee on Professionalism and Past President, NCBP and Connecticut Bar Association

Joint Workshop 3A - Closing the Gap: Making the Business Case for Gender Pay Equity

Columbus Hall E/F, Gold Level, East Tower

The ABA Toolkit for Gender Equity in Partner Compensation, found online at www.americanbar.org/genderequity, gives state and local bar associations all the materials necessary to plan and market a conference concerning the importance of revising existing law firm compensation policies to achieve comparable compensation for male and female equity partners. Our panel of bar leaders will explain how bar associations should both use the toolkit and act as a catalyst for change.

Co-sponsored by the ABA Commission on Women in the Profession and the ABA Task Force on Gender Equity

MODERATOR

Darrell B. Mottley, Washington, DC, Member, NCBP Executive Council and Past President, The District of Columbia Bar

SPEAKERS

Laurel G. Bellows, Chicago, IL, Co-chair, ABA Task Force on Gender Equity and Immediate Past President, ABA

Roberta D. Leibenberg, Philadelphia, PA, Chair, ABA Commission on Women in the Profession

Sylvia Stevens, Portland, OR, Executive Director, Oregon State Bar

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

Joint Workshop 4A - Too Big to Bail: How Law Firms and Bar Associations Can Add Value to Each Other

Columbus Hall K/L, Gold Level, East Tower

As big firms experience change in operational procedures, their relationships with local bars also change. Join a panel of partners from big firms as they discuss their needs and desires from the local bar and how a better symbiotic relationship can be attained.

Sponsored by Metropolitan Bar Caucus

MODERATOR

Zoe W. Linza, St. Louis, MO, Executive Director, Bar Association of Metropolitan St. Louis

SPEAKERS

William R. Bay, St. Louis, MO, Immediate Past Chair, ABA Litigation Section, Past President, Bar Association of Metropolitan St. Louis, and Partner, Thompson Coburn LLP

Daniel A. Cotter, Chicago, IL, President-elect, Chicago Bar Association and Partner, Korey Cotter Heather & Richardson, LLC

Steven M. Elrod, Chicago, IL, Executive Partner, Chicago Office, Holland & Knight

Paula Hudson Holderman, Chicago, IL, President, Illinois State Bar Association and Chief Attorney Development Officer, Winston & Strawn LLP

Joint Workshop 5A - A Planned Giving Program for Your Bar Foundation

Columbus Hall I/J, Gold Level, East Tower

Learn how to establish a planned giving program, no matter the size of your staff and resources. This workshop will cover the basics and provide guidance to provide this valuable giving opportunity to your supporters.

Sponsored by the National Conference of Bar Foundations

SPEAKERS

Payson S. Wild Jr., Evanston, IL, CFRE, Wild Associates, Inc.

James Provenza, Glenview, IL, James Provenza, P.C.

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

NCBP Sponsor Networking and Appreciation Break

Grand Ballroom C/D South, Gold Level, East Tower

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

11:30 A.M. - 12:30 P.M.

Second Session of Joint Concurrent Workshops

Joint Workshop 1B - Is Your Membership in Jeopardy?

Columbus Hall A/B, Gold Level, East Tower

Are you ho-hum on membership? Do you know what your members want, who your members are, or why members are no longer showing you the love? You might be surprised at what you don't know about your members, and what you can do to help meet your members' needs and grow your membership. What program will leave you answering the questions you've been asking, or should be asking? We won't leave you guessing; join us for interactive fun and leave with helpful tips that will put you in the winner's circle!

MODERATOR

Christine H. Hickey, Indianapolis, IN, Member, NCBP Executive Council and Past President, Indianapolis Bar Association

SPEAKERS

Aminah Bhatti, Chicago, IL, Managed Services, Axiom Law

Antwan M. Williams, Chicago, IL, 7th Circuit Governor, ABA Law Student Division, Loyola University School of Law

Marc R. Staenberg, Beverly Hills, CA, Executive Director, Beverly Hills Bar Association

Joint Workshop 2B - Quick Hits: Professionalism Programs with Impact

Columbus Hall C/D, Gold Level, East Tower

Join us for a fast-paced hour of information-packed discussion highlighting four Gambrell Professionalism award-winning programs. From a law school-based center on professionalism, to a bench-bar joint focus on an aspirational code of conduct and peer review program, to bar-sponsored leadership development and ethical guidance for setting up a solo practice, you will learn how these programs benefit lawyers and the public, and positively influence the conduct of students, lawyers and judges.

MODERATOR

Frederic S. Ury, Fairfield, CT, Chair, ABA Standing Com-

mittee on Professionalism and Past President, NCBP and Connecticut Bar Association

SPEAKERS

Andrea C. Ferster, Washington, DC, President, The District of Columbia Bar

Edward M. Patterson, Montgomery, AL, Assistant Executive Director, Alabama State Bar

Jane Reardon, Chicago, IL, Executive Director, Illinois Supreme Court Commission on Professionalism

Robert M. Wilcox, Columbia, SC, Dean, University of South Carolina School of Law

Joint Workshop 3B - How Technology Can Rev Up Your Bar Presidency

Columbus Hall E/F, Gold Level, East Tower

Ask anyone who has done it – being the bar president is hard work. But technology is your friend. Not only does it help you communicate effectively with members, it can keep you organized and on track throughout your year of service. Our experts, one of whom is the current president of the Virginia State Bar, will take you on a whirlwind tour of possibilities, including the use of e-mail, listservs, social media, blogs, videos, podcasts, electronic surveys, conference call services, electronic records management, webinars, video conferencing, updated websites, smartphones and remote access technologies. They will also share Outlook, Word and other productivity software tips and tricks to keep you organized, and much more.

SPEAKERS

Sharon D. Nelson, Fairfax, VA, President, Sensei Enterprises, Inc., Digital Forensics/Information Technology/Information Security, and President, Virginia State Bar

John W. Simek, Fairfax, VA, Vice President, Sensei Enterprises, Inc., Digital Forensics/Information Technology/Information Security

Joint Workshop 4B - Get 'Em While They're New: How Bar Associations Can Help New Grads Achieve Their Goals

Columbus Hall K/L, Gold Level, East Tower

New law school grads are overwhelmed by debt and the scarcity of jobs. Bar associations provide a wealth of opportunities to network and learn skills that can address these problems. Our panel explores programs which promote student, bar association and law school collaboration to the benefit of all.

Sponsored by Metropolitan Bar Caucus

SPEAKERS

Daniel A. Cotter, Chicago, IL, President-elect, Chicago Bar Association and Partner, Korey Cotter Heather &

Richardson, LLC

Jeanne Kraft, Chicago, IL, Assistant Dean for Career Services, IIT Chicago Kent College of Law

Charis A. Runnels, Chicago, IL, Senior Associate, Labor & Employment, Morgan, Lewis & Bockius LLP and Past Chair, Young Lawyers Section, Chicago Bar Association

Joint Workshop 5B - Building a Better Board: Good Governance and Best Practices for Bar Foundation Boards

Columbus Hall I/J, Gold Level, East Tower

Is there a “right” size for your board? Should you have term limits? How do you get a diverse and balanced board? These questions and more will be the focus of a lively discussion from experienced board members and executives as we discuss how to structure your board for success.

Sponsored by the National Conference of Bar Foundations

MODERATOR

Elizabeth Lynch, Boston, MA, Executive Director, Massachusetts Bar Foundation and NCBF President-elect

SPEAKERS

Kelley Johnson, Indianapolis, IN, President, Indianapolis Bar Foundation

Stephen F. Tilson, Galion, OH, President-elect, Ohio State Bar Foundation and Partner, Hottenroth, Garverick, Tilson & Garverick

Lisa M. Tylke, Glen Ellyn, IL, Non-profit Consultant, LT Consulting

12:30 P.M. - 1:55 P.M.

NCBP/NABE/NCBF Joint Awards Luncheon

Grand Ballroom A/B, Gold Level, East Tower

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

- Outstanding ABA Law Day Awards
- Louis M. Brown Awards
- NCBP Fellows Award

1:55 P.M. - 2:20 P.M.

NCBP Sponsor Networking and Appreciation Dessert Break

Grand Ballroom C/D South, Gold Level, East Tower

Join us in the sponsor room 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.

2:20 P.M. - 3:20 P.M.

Metropolitan Bar Caucus In Vino Veritas Session

Columbus Hall I/J, Gold Level, East Tower

Please join the Metropolitan Bar Caucus for a sound-off session featuring a lively conversation about the current issues and proposed solutions to concerns of local bar associations and their leaders and members. Session attendees will enjoy complimentary beverages including wine, beer and soft drinks.

Sponsored by Metropolitan Bar Caucus

SPEAKERS

Jane Leslie Dalton, Philadelphia, PA, MBC President and Past Chancellor, Philadelphia Bar Association

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

John F. Kautzman, Indianapolis, IN, MBC Secretary/Treasurer and Past President, Indianapolis Bar Association

Allen W. Kimbrough, Phoenix, AZ, MBC Immediate Past President and Executive Director, Maricopa County Bar Association

2:20 P.M. - 3:20 P.M.

NCBP Breakout Discussion Session for State Bar Leaders

Grand Ballroom E/F, Gold Level, East Tower

Use this time to again get advice from your peers on those sticky issues for which there is no easy answer. Find out how others are handling similar situations and compare notes. This is an “in the trenches” discussion and practical take-away opportunity.

MODERATOR

Joseph M. Sullivan, Great Falls, MT, Member, NCBP Executive Council and Past President, State Bar of Montana

3:20 P.M. - 3:30 P.M.

Transfer Break

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

NCBP Forum on Racial and Ethnic Diversity

Grand Ballroom E/F, Gold Level, East Tower

The recent “growth spurt” of leadership academies among state and local bars provides an effective venue for engagement of younger lawyers and diversification of the leadership pipeline. On a national level, the inaugural Collaborative Bar Leadership Academy, a joint sponsorship effort by the ABA and the national bars of color held last summer, demonstrates the value of a broad-based collaboration. Hear from representatives from local, state, and national, seasoned and new programs: key considerations for implementation, evaluative criteria, challenges, successes and future plans. Join the discussion and share your experiences.

Co-sponsored by the ABA Center for Racial and Ethnic Diversity

MODERATOR

Wendy C. Shiba, Encino, CA, Immediate Past President, National Asian Pacific American Bar Association

SPEAKERS

Eugene Keith Pettis, Fort Lauderdale, FL, President, The Florida Bar

Peter M. Reyes Jr., Minneapolis, MN, Immediate Past President, Hispanic National Bar Association

Debra G. Schubert, Towson, MD, President-elect, Maryland State Bar Association

5:00 P.M. - 7:00 P.M.

NCBP/NABE/NCBF Joint Reception

American Craft, Green Level (Lobby), East Tower

Top off the day with this opportunity to relax and share conversation with your fellow registrants over libations and light hors d'oeuvres before heading out to dinner. A reception ticket is included in the registrations of all NCBP registrants and NABE joint meeting registrants. Others may purchase tickets in advance for \$100 at the NABE/NCBP/NCBF Registration desk. You must be wearing a reception bracelet to gain admittance to the reception. Bracelets will be distributed to ticket holders at the registration desk during registration hours.

Sponsored by LexisNexis/Martindale-Hubbell

Saturday, February 8, 2014

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

NABE/NCBP/NCBF Joint Registration

Group Office, Gold Level, East Tower

7:30 A.M. - 8:30 A.M.

NCBP Breakfast

Crystal Ballroom A/B, Green Level, West Tower

Start your Saturday morning with a hot breakfast buffet, some time to visit with colleagues, and a few words from our sponsors, before the morning programming gets underway.

Sponsored by Rimkus Consulting Group, Inc.

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

Metropolitan Bar Caucus Executive Committee Meeting

Board of Trade, 36th Floor, West Tower

8:30 A.M. - 9:30 A.M.

The Bar Situation Room

Crystal Ballroom A/B, Green Level, West Tower

In this session, we will consider some real life scenarios that may

be all too familiar and get collective feedback on how to respond. How you handle these challenges may make or break your year as president. Use this session to help you strategize an approach to a difficult issue, tapping the experience of a "cabinet" of bar leaders.

MODERATOR

Jonathan Cole, Nashville, TN, NCBP Secretary and Past President, Nashville Bar Association

9:30 A.M. - 9:45 A.M.

ABA President Speaks

Crystal Ballroom A/B, Green Level, West Tower

SPEAKER

James R. Silkenat, New York, NY, President, American Bar Association

9:45 A.M. - 11:00 A.M.

Plenary Session - The WOW Factor: Creating Community for the 21st Century Lawyer

Crystal Ballroom A/B, Green Level, West Tower

In *Race for Relevance*, author Mary Byers cites the time crunch, greater member expectations, and member mobility as challenges for associations to creating value. So consider this: experience a new way to connect and participate, and take your bar to the next level. Your participation in this virtual session will demonstrate how you can deliver information and build a community of lawyers that will make you think differently about your approaches to meetings and communications with your members.

MODERATOR

Michael Bossone, Scottsdale, AZ, Founder, The Human Lawyer and Co-Creator and Founding Member, LawWithoutWalls

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

Reports and Resources You Want to Know About

Crystal Ballroom A/B, Green Level, West Tower

Among the benefits of attending NCBP meetings is learning about mutual work products and take-aways we can use. This rapid reporting session will highlight key events and resources of value to you as a bar leader.

MODERATOR

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

11:30 A.M.

Final Remarks & Adjourn

SPEAKER

Carl D. Smallwood, Columbus, OH, NCBP President

Tab 2

Utah State Bar Officers Courtesy Call
Tuesday, February 11, 2014
Governor's Office, Utah State Capitol
2:30 pm

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 **Curtis Jensen** of Snow, Jensen & Reece, St. George;
President-elect **Jim Gilson** of Callister Nebeker & McCullough;
Executive Director **John Baldwin**; and
The Bar's Legislative Representative, **Scott Sabey** of Fabian & Clendenin

Talking Points:

- The Bar's efforts to increase affordable legal services
- The Bar's program to improve civics education in Utah schools
- The Bar's support for the Utah Courts
- The Bar's support for making Utah more "Business Friendly"

Tab 3

Utah State Bar Day at the Legislature

February 18, 2014

9:00 a.m. – 12:15 p.m.

State Office Building Auditorium

9:00 a.m. Program Introduction

Curtis Jensen, President, Utah State Bar

9:10 a.m. The View from the Governor's Office

Lt. Governor Spencer Cox

Welcome from the Senate/House - Session Issues

9:20 a.m. Senate President: Wayne Niederhauser

9:30 a.m. House Majority Leader: Brad Dee

9:40 a.m. Senate Minority Leader: Gene Davis

9:50 a.m. House Minority Leader: Jennifer Seelig

10:00 a.m. The View from the Attorney General's Office

Attorney General Sean Reyes

10:20 a.m. Judicial Branch Perspectives

Chief Justice Matthew B. Durrant

10:40 a.m. Break

10:50 a.m. Utah's Financial Environment

Natalie Gochnour, Salt Lake Area Chamber of Commerce

11:10 a.m. The Legislative Process

John Fellows, Legislative Research & General Counsel

11:30 a.m. Effectively Communicating with Your Legislators

Frank Pignanelli; Doug Foxley; Chris Kyler; Stephen Foxley

12:05 p.m. Bar's Legislative Activity and Lawyer Involvement

Scott Sabey, Fabian and Clendenin

Utah State Bar Lobbyist

12:15 p.m. Closing Comments

Curtis Jensen

Tab 4



UTAH STATE BAR 2014 SUMMER CONVENTION JULY 16 – 19

**SPECIAL RATES
THE WESTIN
SNOWMASS RESORT
Starting at \$165
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JULY 16-19

Tab 5



GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah

Utah Sentencing Commission

JENNIFER VALENCIA
Director

March 4, 2014

John C. Baldwin
Executive Director, Utah State Bar
645 South 200 East, Suite 310
Salt Lake City, UT 84111-3834

Dear Mr. Baldwin,

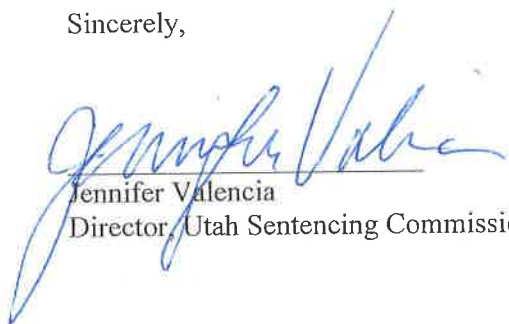
I was recently appointed as the new Director of the Utah Sentencing Commission, having replaced Jacey Skinner. I have been advised that Mark Moffat's and Benjamin McMurray's terms as representatives on the Sentencing Commission for the Utah State Bar have expired and new representatives need to be appointed to fill their positions.

Both Mr. Moffat and Mr. McMurray have been valuable members of the Sentencing Commission. They have contributed significantly to the shaping of sentencing policies in the state and their input has been greatly appreciated. They will be missed by the Commission and I am sorry that I did not have an opportunity to work with them both more directly.

Commission members are asked to serve four year terms. The Commission typically meets 7 times each year, however there are various subcommittees that members may be asked to participate on and which will require additional meetings. Our Annual Meeting is scheduled for April 2 from 8:00 – 4:00. Could you let me know if you anticipate the appointments to be made in the near future so that we may coordinate recognition of Mr. Moffat and McMurray as well as extend invitations to the new appointees on that date?

Your assistance in this matter is appreciated. I look forward to working with you on additional appointments in the future. Please let me know if I can answer any questions about these appointments.

Sincerely,



Jennifer Valencia
Director, Utah Sentencing Commission

Tab 6

UTAH STATE BAR
BOARD OF BAR COMMISSIONERS
MINUTES

FRIDAY, JANUARY 24, 2014

S.J. QUINNEY COLLEGE OF LAW

In Attendance: President Curtis M Jensen and Commissioners: Steven Burt, Hon. Evelyn Furse, James D. Gilson, Mary Kay Griffin, Susanne Gustin, Michael Leavitt, Janise Macanas, Herm Olsen, Rob Rice, Tom Seiler, and Angelina Tsu.

Ex-Officio Members: Robert Adler, Nate Alder, Danielle Davis, Heather Farnsworth, Carl Hernandez (for James Rasband), Lori Nelson, Jesse Nix, Margaret Plane, Lawrence Stevens, and Gabe White. Executive Director John C. Baldwin; Assistant Executive Director Richard Dibblee, and General Counsel Katherine A. Fox. Supreme Court Liaison Tim Shea.

Not in Attendance: Commissioners: Kenyon Dove, H. Dickson Burton and John Lund.

Also in Attendance: Sean Toomey, Utah State Bar Communications Director

Minutes:

1. President's Report: Curtis Jensen

NEW: Dean Adler welcomed the Commission. He distributed some folders with information about the College of Law and announced that tours were available upon request to view the new construction. He added that the Law School was doing very well and recently was ranked #2 (after Yale University) for its clinical programs.

NEW: Curtis announced that the quarterly meeting with the Chief Justice was scheduled for later today. The meeting will cover a review of Bar priorities and updating the court of the Bar's new database plans.

1.1 Report on Scheduled Meeting with Governor Herbert Today

Curtis reported that the previously scheduled meeting was cancelled and will be rescheduled for next month. He, Jim and John Baldwin will attend that meeting. John explained that the agenda will include a discussion on the fairness of the judicial selection process, funding for the judiciary, and a review of the Bar's public programs. He characterized the meeting as primarily a courtesy call.

1.2 Review Legislative Breakfast/Bar Day/Phone Conference Calendar

The Legislative Bar Breakfast is scheduled to begin at 7:30 a.m. It will be held at the north end of the Capitol in the multi-purpose room next Tuesday, January 28th. Bar Day at the Capitol will be held on February 18th. The legislative update phone conference calls among Commissioners will begin on January 28th and all following Tuesdays while the Legislature is in session. The conference calls are slated for 4 p.m. on those days.

1.3 Review Luncheon with Past Presidents

While we are working on plans for this event, no firm arrangements have yet been made.

1.4 Review Spring Convention Planning

Jim Gilson reported that Rich Matheson and Aaron Randall are the co-chairs for the Spring Convention which will be held March 13 through the 15th. The theme for this year's convention is "adapt and succeed" which reflects the changing nature of the practice of law. One keynote speaker is Fred Ury who is the past president of the National Conference of Bar Presidents who will speak on "How to Remain Relevant." The other keynote is Hyrum Smith, a co-founder of Franklin Covey. Jim noted that a bicycle ride honoring former Judge Anthony Quinn (the QuinnEssential Memorial Ride) will be held with proceeds to be donated to "and Justice for All." The ride focuses on bicycle safety and provides an opportunity to mingle. Heather Farnsworth interjected that Women Lawyers of Utah extends an invitation to Commissioners to attend a reception during the Spring Convention.

1.5 Review 2014 Convention Planning

Richard Dibblee reported that the Summer Convention will take place July 16-19 in Snowmass. He said that we are still working on keynote speakers. John Baldwin added that we need the Commission's help in encouraging attendance to establish "the culture of Snowmass." We are mailing a postcard followed by a flyer to publicize the convention. Housing is more affordable than Sun Valley although driving is further. Eve Furse inquired if we had looked into renting buses for transportation. Richard responded that it is about \$7,000 to arrange for a bus for 50-60 passengers.

Curtis said that the Judicial Council will be holding its meeting at Snowmass so there should be more judges in attendance this year. He also said that we want to make more activities available. There is a great concert scheduled during the convention. Jim added that we want to organize a hike to a destination like Blue Mountain and Gabe White interjected that there is a white river rafting trip available on Trip Advisor that was fantastic. He wondered if we could get a

discounted group rate. Nate suggested a tennis tournament and/or a skate park event. Along those lines, Lori Nelson said that we should arrange a bonfire site outside the hotel for teenagers to gather at night.

2. Information Items

2.1 Commission Liaison Reports

Lori Nelson: The Family Law Section is very active as usual with a focus on legal process and working with the Government Relations Committee.

Steve Burt: Michelle Harvey will report later on the Disaster Planning Committee. The Construction Law Section needs a new chair; they are sponsoring a breakout presentation at the Spring Convention. The HVAC system still needs small tweaks but things are coming to an end.

Susanne Gustin: She is working on establishing a relationship with the Criminal Defense Bar. The Criminal Law Section is relatively inactive while the Utah Defense Attorneys is the active group in this area of law. John asked Susanne to try to encourage more activity within the Constitutional Law Section.

Angelina Tsu: The Young Lawyers Division just completed a mentoring marathon with over 50 students participating. The Utah Minority Bar Association is hosting a social at Maxwell's on the 29th of the month at 5:30 p.m. The Corporate Counsel Section is planning a full day CLE and the Banking/Finance Section is "slow and steady." Katherine Fox added information about arranging legal malpractice insurance for the new YLD St. George Veterans' Legal clinic.

Mary Kay Griffin: The Non-Profit Section (Bruce Olsen, chair) has been a little slow although they held a November event. The Tax Section is sponsoring an ethics/civility CLE next week and the Budget and Finance Committee reviewed a \$4.8 million budget with \$204,000 in revenue with \$30,000 expenses over budget.

Mike Leavitt: Mostly, his sections just want the Bar "to leave them alone." Most meet regularly. In February, a Price meeting is possibly scheduled. He would like to see a push on courthouses being wired for live CLE credit. Tim Shea interjected that he would like to be included in the discussion to wire the courthouses for CLE credit.

Herm Olsen: He has done outreach to all his assigned sections. Michelle Harvey did a pro bono presentation on Wednesday in Box Elder and the event went well. Having a judicial component is helpful in soliciting lawyers and the judges in attendance offered to mediate cases as long as one attorney signed up for a pro bono case.

Nate Alder: The Antitrust Law Section meets regularly and holds CLE events. The ADR Section is very strong. While he sent letters to all his assigned groups, the Solo and Small Firm Practice Section did not respond. He heard nothing back from the Appellate Section or the Tooele Bar as well.

Tom Seiler: The Military Law section continues to meet once a month where 6-9 lawyers regularly attend. He has not met yet with the Ethics section but with John Snow as chair, they have a quick turn-around with issuing Ethics Advisory Opinions (3-4 weeks). The Wasatch Bar meets once a month with Randy Birch as chair and have 10-20 lawyers attend per session. The Central Utah Bar Association also meets monthly with good CLE. The UAJ Board has a monthly meeting and presents good CLE opportunities for their members. Finally, the Inns of Court are operating nicely (four out of five meeting regularly) and are planning on a formation of a “transactional inn” for the future.

Eve Furse: She reported on the Federal Bar Association which was very active in the fall and plans a convention in St. George in May. Over 113 lawyers attended the CyberLaw Section’s recent CLE. The IP Section is holding a CLE event on February 28th. There were no Bar Exam accommodations last July and she isn’t aware of any upcoming for the February exam. Katherine Fox filled in details concerning the work of the UPL Committee.

Larry Stevens: Cara Martin is the chair of the Franchise Law Section. Brian Burnett serves as chair for the ENREL section and Lincoln Mead has assisted them in repairing their section website. The Employment Law Section co-chairs, Lisa Peck and Jonathon Thorn are very active and doing a good job with that group. Judge David Hamilton has not yet returned Larry’s call concerning the Client Security Fund.

Curtis Jensen: The Bar’s Leadership Conference in October had a large attendance and was very successful.

Several reports were postponed until the Spring Convention including Rob Rice’s, Margaret Plane’s, Kenyon Dove’s, and John Lund’s.

3. Action Items

3.1 Nominate Bar President-Elect Candidates (Tab 1)

Curtis reminded Commissioners that John Lund had withdrawn his name for consideration as a President-Elect candidate. Angelina Tsu and Tom Seiler who are both running gave short presentations on their respective candidacies. **Jim Gilson moved to nominate both Angelina and Tom and Herm Olsen seconded the motion. The Commissioners voted and the motion passed unopposed.**

3.2 Dorathy Merrill Brothers and Raymond Uno Awards (Tab 2)

The Commission considered and discussed the following nominations: Peggy Hunt, Elaina Maragakis, Aida Neimarlija, Lori Nelson, and Terrie McIntosh for the Dorathy Merrill Brothers Award. **Jim moved to give the award to Terrie McIntosh and Eve Furse seconded it. The motion passed with none opposed.** The remaining names will be included for consideration for next year's award.

For the Raymond Uno Award, the Commission discussed the nominations of Larry Echohawk, Janise Macanas and Douglas Matsumori. **Herm Olsen moved for a silent written ballot procedure and Tom Seiler seconded the motion which passed. Janise Macanas subsequently was chosen for this award with none opposed.**

3.3 Select 2015 Summer Convention Location

Curtis announced that we need to decide sooner rather than later where to hold the 2015 Summer Convention. Jim Gilson then reported that we had done research and conducted a recent survey among the members related to the location of future Summer Conventions. As background information, the Fall Forum instituted in 2003 has been our largest attendance event. There is space available the last week of July in Sun Valley for 2015, but not 2016. Overall, attendance at the Summer Convention has been dropping. We spent \$35,000 the last time we met in Sun Valley and \$65,000 in Snowmass last year. While accommodations are somewhat more expensive in Sun Valley, transportation costs are more to travel to Snowmass. Jackson Hole lacks the convention facilities we require.

Jim's recommendation was to tentatively book Sun Valley for 2015 but consider Park City for 2016. He opined that rotating the Summer Convention sites is a good thing since no one location is attractive to everyone. Dee Benson and Paul Warner are the 2015 co-chairs and are attempting to invite Chief Justice Roberts if we hold the convention in Sun Valley. **Jim moved to hold the 2015 convention in Sun Valley and Tom seconded the motion. The vote was 5-4 to hold the meeting in Sun Valley next year.**

4. Discussion Items

4.1 Transitioning from Practice of Law Committee: Ben Hathaway

Ben Hathaway has been working with Lori Nelson in developing ideas for the transition from the practice of law for lawyers who leave the profession by reason of death, becoming disabled, having discipline imposed, retiring or moving their law practice. They have focused on: (1) drafting an outline of a plan that

anticipates changes in one's practice; and (2) educating lawyers about preparing for the above-noted contingencies. The issues inherent in these concepts which need to be addressed are: (1) conflicts; (2) portability; (3) interests of clients; and (4) privileges. They need to form a larger committee and then provide relevant CLE on these issues. The ideal membership for the committee would consist of a member of the judiciary, an OPC staff member, practitioners in tax and estate planning, lawyers from a solo, medium-sized and a large firm, and a senior/of counsel/retired lawyers. Nate interjected that the ABA is concerned with lawyers retiring and leaving rural areas uncovered. Eve suggested hooking up these older lawyers with the Pro Bono Commission.

4.2 Disaster Preparedness Committee Report: Michelle Harvey

Michelle Harvey discussed the work of the Disaster Preparedness Committee. Originally, this committee was put together by Ed Rutan, the former Salt Lake City Attorney, after Hurricane Katrina. Brooke Ashton and Andrea Valenti-Arthur now co-chair this committee. FEMA has requested states to form an appeals process for clinic on contract law for contractors in order for victims to avoid scams after a disaster. St. George is the back-up for a potential Salt Lake disaster and YLD will run a hotline for legal representation in the event of a disaster in Utah and Nevada to assist in the re-building stage. The committee is in the process of creating a disaster response manual listing resources and providing basic law in different areas.

John Baldwin added that we have a contingency plan for our phones, data and a substitute building facility. We also could institute telecommuting where appropriate. Finally, we have a Google telephone number where employees could call into work. From that point, depending on whether the disaster is localized or wide-spread, we can then ascertain how to assemble for work. Our data is on the cloud and shortly to be on our server. In short, we are 90% prepared for a disaster.

Adjourn to Reception with Students at Noon.

HANDOUTS DISTRIBUTED AT MEETING:

1. Media Coverage Summary, November 19, 2014- January 16, 2014.
2. Convention Registrations by Totals for Years 1995 through 2013.
3. Nomination for Janise Macanas by Cecilia Romero for the Raymond S. Uno Award
4. Nominees for the Dorathy Merrill Brothers Award Including Past Recipients and Past Nominations.
5. Nominees for Raymond S. Uno Award Including Past Recipients and Past Nominations.
6. S.J. Quinney College of Law Packet of Information.

ADJOURNED: 12 P.M. Noon

CONSENT AGENDA (Tab 3):

1. Approves Minutes of December 6, 2013 Commission Meeting.
2. Approve Applicants for the February 2014 Motion for Admission.

Tab 7

The Salt Lake Tribune

Op-ed: Federal judge reminds legislators to honor these words

BY BRUCE S. JENKINS

PUBLISHED: FEBRUARY 22, 2014 01:01AM

UPDATED: FEBRUARY 22, 2014 01:01AM

Bruce S. Jenkins is senior district judge for the U.S. District Court for Utah.

I hope that every legislator, national or local, will read, understand, and take to heart the following 108 words.

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.”

“We the people of the United States, in order to form a more perfect union, establish justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”

The first 56 words are from the Declaration of Independence. The second 52 words from the Preamble to the Constitution. The first 56 speak from 1776. The second 52 from 1789.

The first tells why government at all. The second states our common purpose, common ideals, towards which we reach and for which we expend our energies each day. Although the words have matured in meaning, as we have matured, they have never been improved upon as to why have government and for what purpose.

I sometimes wonder if some of our Legislators suffer from Historic Amnesia as to why government and for what purpose. One-hundred-eight words. It's all there.

Nothing about shutting down. Nothing about debt ceilings. Nothing about mindless sequestration. Nothing about extended continuing resolutions to fund the government. Nothing about leaving important offices vacant, not just for weeks or months, but years. Nothing about failing to budget by the self-imposed deadlines — at least nationally — by October first. Nothing about refusing to cut off debate and then not being required to be present or to speak (the silent filibuster is certainly a novelty). Nothing about passing legislation that you haven't read.

Nothing about letting the immigration problem morph from a 3 million-person problem in 1982 to a 13 million- to 15 million-person problem today. Nothing about revising a tax structure so complex and fraught with special benefits that is seems to exist in all of its unfairness in perpetuity; to mention just a few matters of interest.

One-hundred-eight words. They are not just any words. They are important. They are American scripture. They are easy to remember and make our own. They are the measure of what all of us do in the public domain, we honor them by what we do and damn them by what we don't do. It's all there for the doing. It's all there. Read and embrace. Honor them.

Honor them.

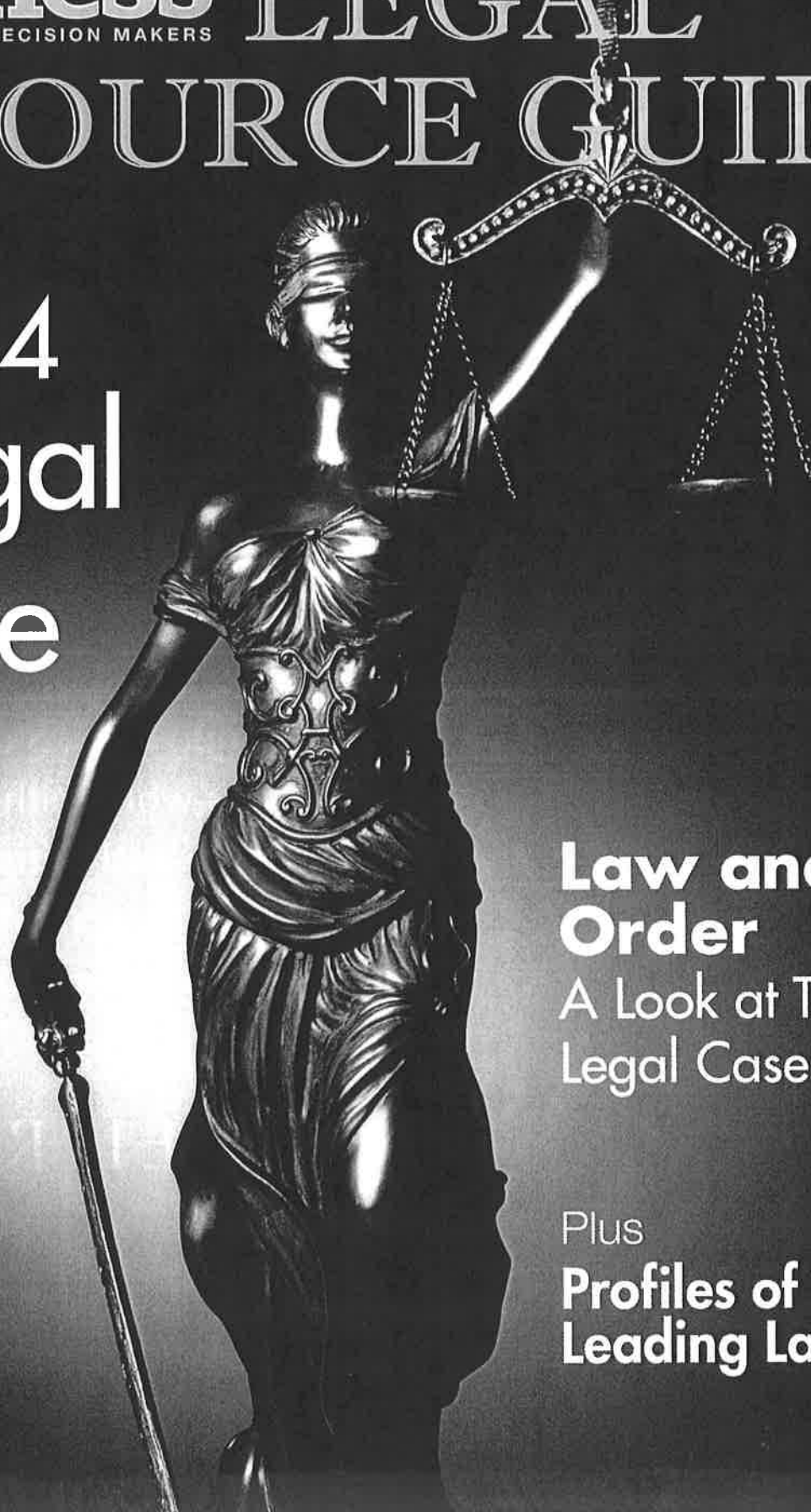
Bruce S. Jenkins is a senior judge in the U.S. District Court for Utah and a former president of the Utah State Senate.

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**Utah
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THE MAGAZINE FOR DECISION MAKERS

LEGAL RESOURCE GUIDE

2014
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Elite



Law and Order

A Look at Top
Legal Cases

Plus

**Profiles of Three
Leading Lawyers**

(Don't) Fill in the Blank

Programs Can Help Utahns Access Legal Services

By Peri Kinder

Chances are, if you have an intense pain in your side, you don't research "appendectomy" online and perform your own surgery with a paring knife on the kitchen table. But many Utah residents do the legal equivalent of operating on themselves when they try to handle their own court cases or create legal documents from online sources.

While the consequences of performing your own surgery are much more calamitous than filling out your own legal documents, the mistakes caused by do-it-yourself legal representation can have long-lasting and devastating results.

James D. Gilson is the litigation chair at Callister, Nebeker & McCullough and is president elect of the Utah State Bar. He has practiced law for 25 years and has witnessed many people try the DIY legal program, with distressing outcomes. He often wonders why individuals believe they can figure out the legal system without professional help.

"It's probably the perception that they can't afford to hire an attorney," Gilson says. "We're trying to get the word out as a Bar that hiring a real-life Utah lawyer is something people ought to do—that they have value and they should consult with a real lawyer before turning to the internet."

Gilson has seen too many people who have been scammed or have botched their own representation by not contacting an attorney. And while the cost can be intimidating, he believes the self-help clients will cause

escalating trouble for themselves, until they finally realize they need to hire professional help.

"People go to a licensed, trained doctor when they have a health issue. But if you have a significant legal issue like a divorce or a business contract dispute, or you're facing a criminal charge, by the same logic, one should seek advice from a trained professional."

And people who represent themselves often get taken advantage of, or end up settling for much less than they were entitled to. "The other side has an attorney representing them, and if you don't, you're going against a trained lawyer, and the odds are stacked against you," says Gilson.

The Utah State Bar is out to educate the public about accessing legal services. It has found the average person is intimidated by the court system, worried about prohibitive legal costs and unaware of the programs available that can minimize the costs of talking with an attorney.

Pro Bono Assistance

The Utah State Bar offers several programs for low-income people, including free legal assistance. In fact, attorneys are encouraged to perform at least 50 hours of pro bono services every year as part of their obligation to society. It is considered part of a lawyer's responsibility to represent those who cannot afford legal costs.

The state's Pro Bono Commission matches up requests with the right attorney

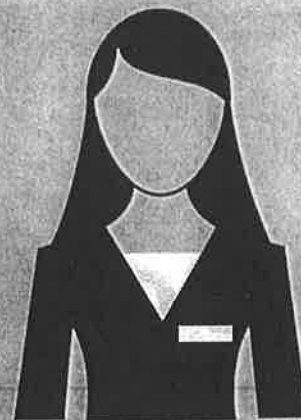
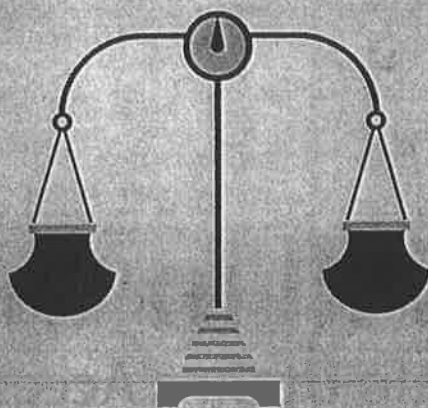
and the best public assistance program to meet that client's needs. Organizations such as Utah Legal Services, the Disability Law Center and the Crime Victim's Legal Clinic provide help with issues ranging from housing disputes and consumer protection to immigration matters and domestic violence.

Another pro bono service includes legal clinics held on a regular basis so people can get advice at no charge. The Tuesday Night Bar is held every Tuesday from 5 to 7 p.m. at the Utah State Bar. This forum has no financial requirements, and individuals can discuss any legal topic with a licensed attorney.

Lawyers from several different fields including divorce, bankruptcy and injury are available to talk with clients for 20-30 minutes, giving advice about legal issues, reviewing contracts or pointing people in the right direction if they don't know where to turn for legal help.

Attorneys hope having this resource available will dissuade people from turning to online sources and reduce the number of pro se (do-it-yourself) court cases.

"Because of the internet, there's so much information out there and they think they can do it alone," Gilson says. "They look up articles or they go to some website offering legal forms for free, or for a nominal cost, and they think this is just as good as going to a real live lawyer. And I feel that's very shortsighted, because in the long run it's going to cost those people a lot more."



Modest Means Program

People who fit into the pro bono requirements can easily find the legal representation they need, but there is a significant segment of the population who don't qualify for free legal aid because they make too much money or have too many assets, but they still can't afford to hire a lawyer at regular rates.

For those individuals, the Modest Means Program comes into play. This new program matches clients with attorneys willing to work for a reduced fee—usually between \$50 and \$75 an hour. In the last year, lawyers took on more than 200 cases through this program.

With many attorneys underemployed and looking to expand their client base, the Modest Means concept is a winning situation for both parties. Nearly 200 lawyers have signed up and are willing to take Modest Means referrals.

While most of the cases in the program are in the family law area, such as divorce or custody issues, there are a broad range of situations that can be addressed including criminal defense, wills and trusts, contract review, bankruptcies and foreclosures. Interested parties fill out a form online, making sure they meet income qualifications.

"We're not for people who can afford to hire a lawyer, but for people who can't afford to pay regular rates," Gilson says.

Other Ways to Save

"All the time I have lawsuits caused because people didn't want to spend

\$1,000 with a lawyer the first time," says Thomas W. Seiler, partner at Robinson, Seiler & Anderson and commissioner for the Utah State Bar. "Now they're going to spend a lot more money and a lot more heartbreak in order to fix the problem."

If you find yourself in a situation where you think you need legal advice, don't hesitate to contact someone with more professional legal experience than you. In fact, getting short-term advice can be an inexpensive option. Under Utah law, the Supreme Court allows limited-scope representation, meaning a client can hire an attorney for just a portion of the case. The lawyer might appear at a hearing, file documents or simply coach behind the scenes. A creative billing structure or flat fee can be fashioned to cover the limited assistance rendered by the attorney.

For wrongful death or injury cases, attorneys usually never charge for the first consultation, and then they take cases on a contingency basis. This means if their client wins a settlement, the attorney will take 30 to 40 percent of the reward. But if the client loses, the attorney gets nothing.

While some might feel that percentage is too high, it covers costs that include investigators, gathering records, expert witnesses and depositions. Often, an attorney is into a lawsuit for thousands of dollars before it even goes to court.

Another way to find an affordable attorney is to ask around. People active in a church, club or organization could

easily get an attorney referral, or even free advice, from other members in their group. Getting a referral from someone you trust is better than going online and taking your chances.

"I would encourage them to ask around, because lawyers are very much people," says Curtis Jensen, president of the Utah State Bar and managing shareholder at Snow, Jensen & Reece.

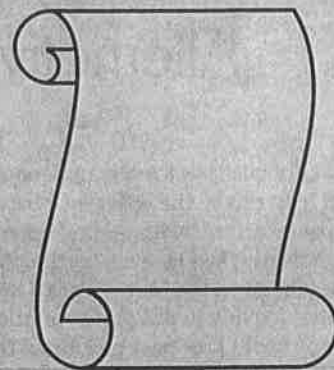
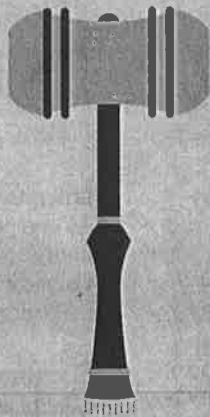
When you do sit down with an attorney, don't waste time, says Jensen. Have all pertinent documents organized, labeled, filed and copied for your lawyer to review and determine what's relevant. Organization can save a client lots of money by saving the attorney lots of time.

Also, be up-front about the fee structure. Make sure you understand how you're being charged to get a sense of what the cost will be. Knowing what to expect going into a situation will help ease the discomfort or nervousness that arises when dealing with legal issues.

Legal Benefits

More often, companies are offering voluntary legal benefits to their employees. Employees pay a nominal amount into the program and are then able to use a plan-specific attorney to address any legal needs like reviewing closing documents for a home, family law issues, estate planning, bankruptcy or misdemeanors.

Companies like Hyatt Legal Plans and ARAG provide these services, which



often include an online education center, a phone line for legal advice from attorneys and even comprehensive legal insurance.

Jensen isn't convinced these voluntary plans will catch on and become commonplace like auto or health insurance, but for employees who take advantage of the program, he sees a definite benefit. "A prepaid legal service has its niche. It's a pretty good plan—if you're going to use it."

DIY Danger for Businesses

Seiler has seen first-hand how difficult it can be for the average person, with no legal background, to win a court case.

A businessman contacted Seiler regarding a situation where he was being sued for a construction loan on a home that went into foreclosure. Instead of contacting an attorney immediately, this client decided to go online and found a similar complaint in another state. He patched together a response to the suit, submitted it to the court—and received a judgment against him for more than \$400,000, the most allowed for his case.

Knowing he couldn't afford to pay that amount, he finally contacted an attorney who got the matter settled, leaving the client responsible for only \$80,000. "That's a massive difference," Seiler says. "It's still a bite, but it's not going to bankrupt him. It will be manageable."

Unfortunately, it's a situation that attorneys see all the time. Sometimes it's drafting business contracts, other times it's drawing up an estate

planning document, like a will or a trust. The internet has thousands of sites ready to prepare cheap business documents, grant quick divorces or draft inexpensive wills, but it still baffles attorneys that people think they can figure out these procedures without sound legal advice.

"I know there are all types of forms on the internet. People can pull down a \$49 will," Gilson says. "And whether it's in compliance with Utah law, who knows? Maybe once they're dead, they'll find out it was defective. But that leaves the family to deal with it."

Small business owners often try to go it alone by drafting their own contracts or entering into agreements without having the documents reviewed by an attorney. But a little preventative advice could save hundreds of thousands of dollars—and a lot of stress.

A skilled attorney can create documents customized to a client's individual circumstances and can help people from falling victim to scams when dealing with issues like foreclosure.

Seiler warns that there is a lot of bad information out there, and he encourages anyone to pick up the phone and ask an attorney questions. Because each state has its own laws, if you don't have a clear understanding of the issues you can't make an informed decision.

"There are plenty of [attorneys] who are happy to talk to you. We kind of have a corner on information, and we're glad to help that way."

Legal Resources

Utah State Bar
utahbar.org

Utah Association for Justice
utahassociationforjustice.org

Utah State Courts
utcourts.gov

Disability Law Center
disabilitylawcenter.org

And Justice For All
andjusticeforall.org

Legal Aid Society of Utah
legalaidsocietyofsaltlake.org

Utah Business

THE MAGAZINE FOR BUSINESS MAKERS

Real Estate Outlook

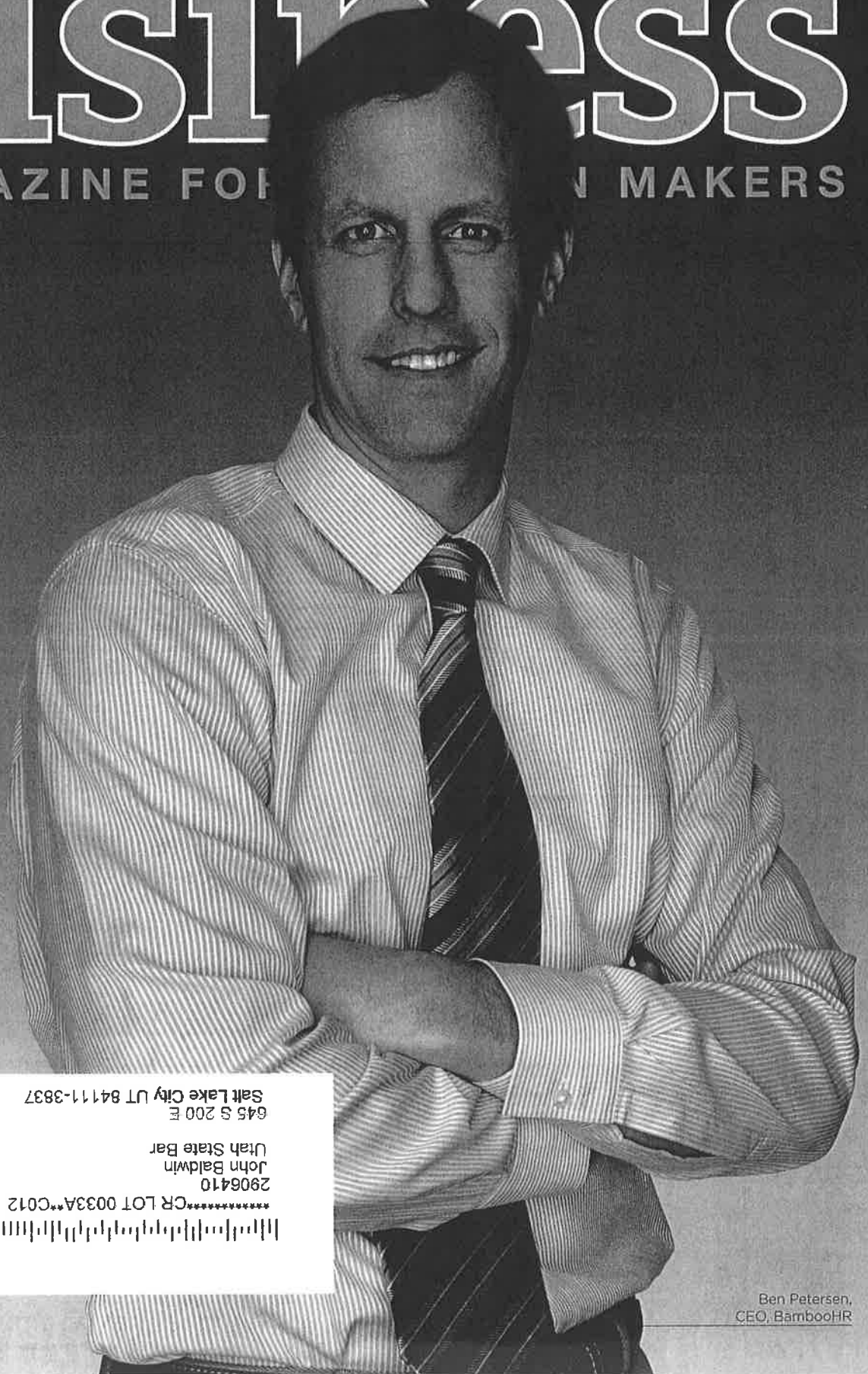
February 2014
www.utahbusiness.com

Forty Under 40

Young, ambitious and ready to take the world by storm.

Health Scare?

There's an App for That



Ben Petersen,
CEO, BambooHR

*****CR LOT 0033A**C012
2906410
John Baldwin
Utah State Bar
645 S 200 E
Salt Lake City UT 84111-3837

3545 p4 50 P29

Reed Laws | *President, Your Employment Solutions*

Since acquiring Your Employment Solutions (YES) in 1999, Laws has devoted his career to helping others find rewarding work—from his own employees to those he places with employers. Under his leadership, the company has experienced phenomenal growth and in 2001 was ranked No. 256 in Inc.'s Fastest-Growing Companies in America list.

The company has continued growing, tripling its revenues in 2002 and 2003 and doubling in size during the following seven years. In 2013 alone, YES staffed more than 5,500 temporary, seasonal and permanent placement employees in Utah.

Laws believes a successful company must create a win-win situation for both employer and employee. "We all spend so many hours at work it's important to spend this time in

a safe environment that upholds both the employer and employee integrity." He adds that empowering employees will lead to growth in any company. "My finest accomplishment has been hiring a team more capable than myself to help move YES forward."

"A successful professional is a hard-working, honest and ethical person who creates an environment where others feel safe, comfortable and valued."

Mike Leavitt | *Attorney, Durham Jones & Pinegar, P.C.*

Mike Leavitt is a civil litigation attorney with an innate drive to solve problems. "I like seeing people resolve conflicts in the most appropriate and civil way possible," he says. "Often that requires sitting down and negotiating a settlement and occasionally it means going before a judge or jury to redress a wrong or defend against unfounded claims."

Beyond helping his clients, Leavitt is passionate about helping other attorneys succeed. He currently serves on the Southern Utah Bar Association board of directors, serving as its president in 2009. "As a representative of fellow bar members, both locally and bar-wide, I have focused on seeing that attorneys have all of the opportunities and tools available to allow them to build their businesses and serve the public," he says. "That includes seeking opportunities for

quality continuing legal education and voting for bar policies that allow them to succeed in their profession both ethically and productively."

Leavitt is also an active member in his community, serving on the board of directors for the Art Around the Corner Foundation and as a member of the Crimson View Elementary Community Council.

"[A good leader] has a vision of what the group wants to accomplish and understands the plan on how to get there."

Michael Lunt | *Managing Partner, Bennett Capital | Venture Partner, Intrepid Equity Partners*

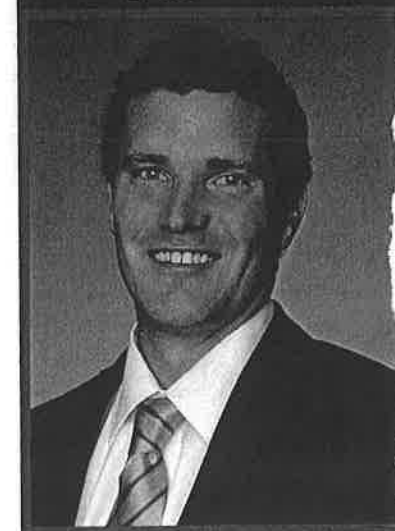
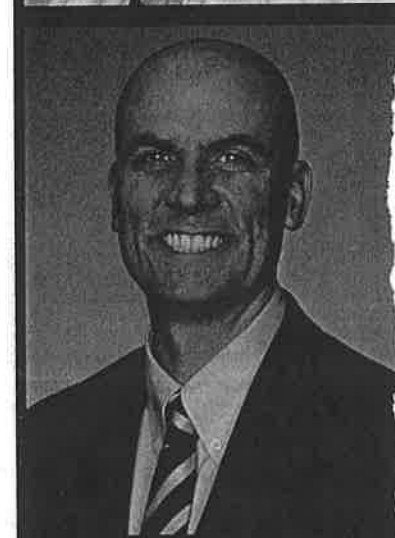
Michael Lunt co-founded Bennett Capital along with former U.S. Senator Bob Bennett and other local business leaders. He is also a venture partner of private equity firm Intrepid Equity Partners.

As an investor and mentor, Lunt is helping numerous companies grow and succeed. But he is also an entrepreneur himself, having co-founded a licensed sports apparel and novelty company that has grown to nine retail locations across the country.

"Mike has used his incredible energy to assist his companies to achieve astronomical growth and evolution of their business models. He has incredible networking and leadership skills with a magnetic personality that helps to motivate others around him," says Jacob Riley, partner with Pro Image Franchise.

In the community, Lunt serves as a board member for ShelterKids, the nonprofit arm of Salt Lake County Youth Services, which supports the county's group homes, the Christmas Box House and after school programs. He is also a board member of the Salt Lake County Economic Development Revolving Loan Fund, which provides capital to early-stage businesses.

"Always keep your eye open for opportunities and be willing to go after what you want. You have to believe that there is not a setting that you don't belong in."



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Utah State Bar Balance Sheet As of February 28, 2014

	Feb 28, 14	Jan 31, 14	Feb 28, 13
ASSETS			
Current Assets			
Checking/Savings			
1010 · Petty Cash	625	625	625
1011 · Cash in Bank	19,933	61,766	99,927
1060 · ILM Invested Funds Market Value	3,462,269	4,099,012	3,928,446
Total Checking/Savings	3,482,828	4,161,403	4,028,998
Accounts Receivable			
1071 · Accounts receivable	28,635	6,173	(13,545)
Total Accounts Receivable	28,635	6,173	(13,545)
Other Current Assets			
1070a · Other Accounts Receivable	(142)	(123)	243
1089 · Unbilled tenant costs	21,623	26,847	19,684
1100 · Prepaid Expense	56,195	49,358	72,834
1919 · Section ILM net earn rcvble	4,885	4,771	4,271
1920 · A/R - Section Funds	28,673	18,263	24,499
Total Other Current Assets	111,235	99,117	121,532
Total Current Assets	3,622,697	4,266,693	4,136,985
Fixed Assets			
1500 · Property & Equipment	4,199,740	3,868,608	3,227,603
1550 · Accumulated Depreciation	(3,097,229)	(3,084,468)	(3,026,648)
1600 · Land	633,142	633,142	633,142
Total Fixed Assets	1,735,653	1,417,282	834,097
TOTAL ASSETS	5,358,350	5,683,975	4,971,082
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
2001 · A/P - Trade	68	71,751	1,026
Total Accounts Payable	68	71,751	1,026
Other Current Liabilities			
2010 · Other Accounts Payable	7,324	7,839	10,367
2100 · Accrued Payables	317,509	311,906	319,356
2350 · Capital Lease Obligations-ST	2,710	2,710	1,844
2920 · A/P - Section Funds	1,265	910	6,955
Total Other Current Liabilities	328,808	323,365	338,521
Total Current Liabilities	328,876	395,116	339,547
Long Term Liabilities			
2400 · Capital lease obligations	7,386	7,386	12,156
Total Long Term Liabilities	7,386	7,386	12,156
Total Liabilities	336,262	402,502	351,703
Equity			
3500 · Unrestricted Net Assets (R/E)	3,698,625	3,698,625	2,955,918
3510 · Fund Balance - Beginning			36,591
Net Income	1,323,463	1,582,848	1,626,870
Total Equity	5,022,088	5,281,473	4,619,379
TOTAL LIABILITIES & EQUITY	5,358,350	5,683,975	4,971,082

Utah State Bar
Summary Income Statement
February 28, 2014

	Year to Date			2013/14
	<u>Actual</u>	<u>Budget</u>	<u>Variance</u> <u>Fav/(Unfav)</u>	<u>Total</u> <u>Budget</u>
<u>Revenue</u>				
Licensing	\$ 3,907,743	\$ 3,844,074	\$ 63,669	\$ 3,886,900
Admissions	202,252	164,576	37,676	473,060
NLTP	82,700	67,135	15,565	80,600
Mgt - Service	7,499	13,286	(5,787)	17,400
In Kind Revenue	1,601	1,754	(153)	3,200
Mgt - Interest & Gain	31,279	11,131	20,148	15,100
Property Mgt	205,218	187,912	17,306	295,100
OPC	4,408	2,393	2,015	12,500
CMIS/Internet	300	1,964	(1,664)	3,000
CLE	226,989	164,941	62,048	383,000
Summer Convention	147,682	184,200	(36,518)	184,200
Fall Forum	81,535	89,100	(7,565)	89,100
Spring Convention	66,968	91,101	(24,133)	128,700
Bar Journal	90,201	80,896	9,305	132,100
Committees	20	66	(46)	100
Member Benefits	8,744	5,002	3,742	6,900
Section Support	-	-	-	84,348
Access to Justice	9,243	-	9,243	-
Commission/Sp Proj	7,160	-	7,160	-
Young Lawyers Division	50	-	50	-
Total Revenue	\$ 5,081,592	\$ 4,909,531	\$ 172,061	\$ 5,795,308
<u>Expenses</u>			<u>(Fav)/Unfav</u>	
Licensing	69,699	83,700	(14,001)	170,683
Admissions	311,046	307,253	3,793	450,698
NLTP	67,645	66,387	1,258	98,632
Bar Mgt	506,879	583,553	(76,674)	655,721
Property Mgt	333,193	313,946	19,247	496,767
OPC	784,874	799,999	(15,125)	1,178,401
General Counsel	151,870	211,732	(59,862)	300,039
Computer/MIS/Internet	118,299	140,065	(21,766)	200,265
CLE	230,365	184,871	45,494	369,805
Summer Convention	241,162	212,707	28,455	224,267
Fall Forum	91,187	84,702	6,485	87,761
Spring Convention	22,760	28,875	(6,115)	81,975
Bar Journal	121,024	118,651	2,373	181,418
Committees	94,892	99,165	(4,273)	119,017
Member Benefits	93,183	121,552	(28,369)	177,155
Section Support	58,855	53,770	5,085	84,348
Consumer Assistance	45,876	39,302	6,574	61,858
Access to Justice	111,631	108,605	3,026	184,884
Tuesday Night Bar	25,225	6,117	19,108	13,070
Legislative	58,500	8,223	50,277	64,405
Commission/Sp. Proj	122,511	108,058	14,453	166,167
Public Education	68,505	56,738	11,767	146,922
Young Lawyers Division	28,949	32,016	(3,067)	48,000
Total Expenses	\$ 3,758,130	\$ 3,769,987	\$ (11,857)	\$ 5,562,258
Net Revenue/(Expense)	\$ 1,323,462	\$ 1,139,544	\$ 183,918	\$ 233,050
Add: Depreciation	48,221	27,669	20,552	55,363
Cash Increase/(Decrease) from Operations	\$ 1,371,683	\$ 1,167,213	\$ 204,470	\$ 288,413
Other Uses of Cash				
Change in Assets/Liabilities	(310,700)	(310,700)	-	-
Capital Expenditures	632,381	550,000	82,381	550,000
Net Change in Cash	\$ 428,602	\$ 306,513	\$ 122,089	\$ (261,587)

Attachments

Utah State Courts

2014
*STATE OF THE JUDICIARY
ADDRESS*



*Honorable Matthew B. Durrant
Chief Justice, Utah Supreme Court
January 27, 2014*

Thank you Speaker Lockhart/President Niederhauser for the invitation to join you today to report on the state of Utah's judiciary.

I have with me today Associate Chief Justice Ronald Nehring, Justice Jill Parrish, and Justice Tom Lee. Justice Christine Durham regrets that she cannot be here. I count it a great privilege to serve with such extraordinary jurists. We are joined by our superb court administrator, Dan Becker.

I'd like to begin with a personal story. It concerns the 1984 NBA draft, possibly the greatest draft in NBA history. It included future all-time NBA greats Hakeem Olajuwon, Charles Barkley, and none other than Michael Jordan. And my brother-Devin Durrant. At that time, Dave Checketts was the president and general manager of the Utah Jazz, who had the number 16 pick. As it happened, Dave was a friend of mine from my days in Cambridge, Massachusetts, and he told me that the Jazz were very interested in Devin. And as draft day approached, it looked more and more like the Jazz would pick Devin.

My family and I were of course thrilled at the prospect that Devin would be playing in Utah. But the day before the draft, Dave called and told me that he had some bad news. Very apologetically, he said the Jazz had decided to go another direction. I was devastated and asked him who the Jazz's pick would be. He replied, "A guard out of Gonzaga named John Stockton." I was shocked. This Stockton guy was a nobody. With great emotion, I made this solemn pronouncement: "Dave," I said, "You're making a huge mistake." I tell this story so that you might know that you can have complete confidence in my judgement as Chief Justice . . . or at least perhaps some confidence as to non-basketball matters, such as the ones I'll be discussing here today.

And the first matter I'd like to discuss is a number – 93.

That's the percentage of people who reported that they agreed with the following statement:

I am satisfied with my experience at court today.

That question was one of 20 included in a survey conducted of litigants, lawyers, witnesses, and others as they concluded their business in courthouses across the state last summer. The survey is administered every other year in an effort to provide feedback to the courts on how we are perceived by those we serve.

Keep in mind that a court decision often results in both a winner and a loser, so for 93% of those respondents to say they were satisfied with their experience is remarkable. The most likely explanation for this number is that they must have based their responses on something other than whether they won or lost.

Their responses to other questions might help explain this high level of satisfaction:

I understood what happened in my case	- 93%
I know what I should do next in my case	- 93%
The judge, commissioner, referee, or mediator listened to all sides	- 92%
I finished my business in a reasonable time	- 89%
The hearing was fair	- 90%
Both sides at the hearing were treated the same	- 89%

And one question that I think is particularly important:

I was treated with courtesy and respect	- 96%
---	-------

When people truly believe that they have been treated with respect, they in turn respect the process, regardless of the result. This correlation is one that has been studied closely in the past few years. The term used to describe it is *procedural fairness*.

The elements of procedural fairness are voice, neutrality, and respect. Voice means the ability of court participants to express their viewpoints. In others words, the judge asks for input and actively listens. Neutrality means just that - consistently applied legal principles, unbiased decision makers, and a "transparency" in how decisions are made. Lastly, respect, meaning individuals are treated with dignity and their rights are affirmatively protected. It means that judges not only protect the rights of litigants, but explain that is what they are doing. It makes a difference.

When there is procedural fairness, people believe they have an opportunity to speak and are listened to (their voice is heard), they feel they are treated with respect, and they

understand what is happening, and why. The judge focuses on them individually, rather than on getting through the court calendar. With heavy dockets, this is no small accomplishment. But we have taken the research in this area to heart. We have educated our judges and helped them hone these skills.

93%. That is a number of which I am extremely proud. It's a number that our judges and staff are proud of, and it's one you should be proud of as well.

Of course, I'm not so naïve as to think that everyone who comes to court feels this way. Indeed, the numbers that I have just shared are state-wide figures. When you examine the results courthouse to courthouse, there are various issues in particular locations that we need to address. But that's why we conduct this survey, to check-in with our court users to see what they see and to hear what they hear, so that we can identify the weak points we need to shore up.

My guess is that from time to time, you hear from constituents who have an unfavorable opinion of their court experience. 93% is not 100% and I would be surprised if you haven't had some who have sought you out to complain about a decision, a procedure, or a rule. That's the nature of the legislative process. But their perspectives are not representative of the experience of the vast majority of court participants.

To provide some context for the concerns you might hear, last year our courts, at all levels, handled just under 900,000 cases. Think about the types of issues you've directed our courts to handle, the issues our judges and staff are called upon to deal with in these 900,000 cases. They involve commerce, property, families, crime, juveniles, highway safety, drugs, mental health, homelessness; you name it. Our society's most complex, emotional, and difficult problems and disputes make their way to our courts, and our job is to provide a just and fair resolution.

Among the most emotional cases are divorces, where years of emotional and financial entanglements have to be unraveled, and the expenses of one household have to be spread across two. If children are involved, judges have to decide how to keep them a part of both parents' lives for years to come. And parents are rarely on their best behavior during a divorce.

Child welfare matters are, unfortunately, brought to us far too often. Our judges are asked to find the truth when there are allegations of child abuse, and when abuse is found, we face the enormously difficult task of balancing the future safety of vulnerable children with their parents' fundamental right to continue to parent them. These decisions have to

be made expeditiously, so that children don't languish in foster care, but also judiciously, because a wrong decision can result in harm to or even the death of a child.

Our most serious crimes require a careful judicial balance as well, where the constitutional rights of defendants, presumed innocent, come up against the rights of victims, and society's collective interest in safety. Sometimes these cases also require the most serious decision one human being can make about another, the decision to order that a person be put to death.

Civil cases don't reach us unless other ways of resolving disputes have failed. Property disputes fill our dockets. Decisions about our natural resources, energy, air quality, scams that target our elderly, and, yes, ethics and elections issues are all brought to us for fair resolution. We do not go looking for any of these issues. Each is brought to us, and our role is defined by our constitutions and laws.

This business of resolving disputes isn't easy work, but it's important work—important to the individuals involved, important to our community, and important to our society. I assure you, we take our work, our oaths, seriously, and I believe we do our work in a way in which the public should, and does, have confidence.

One measure of public opinion is reflected in the courthouse survey results I shared a few moments ago, and those results are consistent with the strong public confidence in our courts found by the broader independent public opinion poll I shared with you last year. In short, when we have asked our constituents how we are doing, they have said "very well, thank you." My view is that they have confidence in our branch of government because in recent years we have strived to be responsive and have adhered to certain core principles, three of which I would like to explain further: accessibility, efficiency, and transparency.

Accessibility

This is where our greatest challenges lie: increasing numbers of Utahns can't afford the cost of legal assistance; increasing numbers of litigants choose to represent themselves; increasing minority populations are coming to our courts, some of whom distrust our governmental institutions, others who don't speak English well enough to understand what is happening in a court proceeding; and, for all of our court users, the cost in time and travel to conduct business at a courthouse can be significant.

This is also where we are seeing tremendous progress, although the amount of work that remains is daunting. Last year I reported to you on the nascent success of our statewide

implementation of the courts' Self-Help Center. This center is our phone, email, and text-based resource of procedural help for any who contact us. Our staff of specially trained lawyers helped 16,000 people last year. They helped with everything from directions to courthouses to information about how to obtain a domestic violence protective order.

The Self-Help Center staff also frequently direct callers to resources on our website. We have developed increasingly comprehensive and sophisticated forms, both static and interactive, that allow litigants to represent themselves more competently. As an example, our online guardianship and conservatorship resources are very specific. Our guardianship self-help resources include everything from a manual on the responsibilities of guardians to a true-false test for prospective guardians to take so that they may demonstrate their understanding of their statutory responsibilities.

Our Online Court Assistance Program, or OCAP, has been retooled to be even more user-friendly, and now is available to prepare fully fileable documents for divorces, parentage cases, enforcement of domestic orders, garnishment, landlord-tenant cases, guardianships and conservatorships, protective orders, and stalking orders. Last year over 60,000 documents were generated using this tool.

There are, of course, situations when self-help resources aren't enough, when only a lawyer will do, and the State Bar has stepped up with two important programs. The first is the Pro Bono program, in which lawyers accept cases without any compensation, and the second is the recently developed Modest Means program, in which litigants pay on a sliding fee schedule, based on their ability to pay. Both of these efforts require willing lawyers, as well as coordination to get the willing lawyers together with clients in need. The Bar is providing both, and they deserve our thanks for making legal representation more accessible.

Utah's increasing ethnic diversity also presents access challenges. All court users have a right to understand their court proceedings, and to that end we provided translators for 47 languages in our courts last year, and they provided almost 20,000 hours of translation. The logistics of this coordination of translators, litigants, facilities, judges, and lawyers is the responsibility of our court staff, and they too have done a remarkable job. We have even adopted technology that allows us to use interpreters in Salt Lake to interpret real-time court sessions in the Uintah Basin, for example, saving taxpayers money and litigants time.

The Judicial Council is also currently studying how best to reduce the time and cost associated with attending some types of proceedings in rural parts of our state. For example, it's now technologically possible for a judge located in Logan to conduct a

hearing involving people who are in a courtroom in Kanab, providing convenience for the parties and their counsel, while making better use of the judge's time and substantially reducing travel cost for the litigants and their lawyers. Our committee is sorting out what types of cases lend themselves to these types of remote hearings and what rules or procedures need to be tweaked to facilitate this kind of accessibility. The challenge is to find opportunities for efficiency, without sacrificing the local character and autonomy of our rural communities. We should have more to report to you in this regard next year.

With each of these initiatives, our objective is to not only operate more efficiently, but to actually improve access by reducing costs and improving convenience for those in our state who need the service of their courts. In other words, accessibility.

Efficiency

Our courts are leading the way in efficiency. We've been informed by the National Center for State Courts, the sister organization to your National Conference of State Legislatures, that Utah's state courts have the most comprehensive and advanced electronic court record system in the country. No other state has the same statewide implementation of e-filing, e-payments, and e-warrants, combined with real-time, on-line access to not just dockets, but documents and data. The public is well served by the innovations we have promoted and you have supported.

The remarkable progress we have made in implementing the electronic record has also had its intended effect on the nature and quantity of work we ask our court clerks to do. Their jobs have become more about data quality than data entry. And because the data quality work is electronic, their efficiency is higher, and now fewer people can process more casework. This has allowed us to reduce our court clerk workforce by 8% over these last two years of electronic record implementation, which of course reduces our personnel costs. This is in large measure why our budget requests last year and this year have been so limited.

These efficiencies affect not only our staff and your budgeting, but the public as well. Case documents are available on-line, which allows for fewer trips to the courthouse for lawyers, the general public, and yes, the media. Anyone with access to a computer can, without venturing to a courthouse, check for scheduled hearings, make a payment, or review a document. The electronic record allows us to move work to where staff is available, or a court hearing to where a judge is available, and the benefits are substantial.

Moving to an electronic record also means we have lower costs for postage, paper, file folders, and storage equipment. Five years ago we spent \$150,000 on file folders alone.

This year, \$0. Also, our paper costs have been reduced by \$210,000. And with no paper files, another substantial benefit is becoming increasingly apparent - freed up space, previously devoted to records storage.

A very concrete example of this is our experience just this winter in Summit County. Increases in caseloads in this county have required that we begin the process of adding a courtroom to our existing Summit County facility. Normally, we would have come to you for assistance in building and funding a new courtroom. But as we walked through the existing building, it became apparent that there was space that was becoming available - our file storage rooms. Moving to an electronic record has made available sufficient space to allow us to do a much simpler remodel and add a much needed courtroom within the walls of the existing courthouse.

The ability to recover space within other existing courthouses and put that space to new uses should prove to be a money saver in other parts of the state as well, adding to the list of efficiencies gained by our e-everything approach.

Transparency

I believe our court system is as transparent, if not more so, than any other part of government. When I say this it sounds boastful, and maybe it is, but let me explain: We have extensive, relevant performance measures, not just at the state level, but right down to the individual courthouse, and this data is available to the public on our website. Public opinion polls and court user surveys have become a part of our routine process of self-evaluation, and a part of what we report to you and to our communities. Published time standards provide guidance for our courts and delimit expectations for the public.

Further, the business of the court is done in open courtrooms, where the public is encouraged to attend. Since April 1st of last year, the media has been permitted to use video cameras in court to cover proceedings. Since that date, trials and hearings in over 100 cases in the district, juvenile, and justice courts have been videotaped by the media. And, in one instance, an entire two week trial was beamed across the world via a real-time broadcast. It is our hope that by allowing cameras into the courtroom we will bring the work of our courts closer to the public and that the trust and confidence of the public in the fairness and effectiveness of Utah's courts will continue to increase.

In one of the most visible ways in which our courts are transparent, each individual judge has his or her performance as a judge assessed by an independent body, the Judicial Performance Evaluation Commission. The extensive work of that commission is then published and promoted to the public for their use in individual retention elections. This,

to my knowledge, is the most formal, involved, detailed, and transparent evaluation procedure of any public servant, at any level of government.

Now, if I may address one last issue. Our Judicial Council has repeatedly proven its ability to wrestle difficult issues to the ground and advance meaningful change and, on any number of occasions, has brought to this body well thought out recommendations for you to consider. If you have issues or ideas relating to our courts, bring them to the Judicial Council. Work with us on identifying what further improvements are possible.

We are proud of the success of our new business model and of our ability to use existing resources to provide increased access, efficiency, and transparency in everything we do. We are also proud that we have not asked and are not asking you to restore funding cuts of the past few years. But most of all, we are proud of our extraordinary judges and staff.

Are there things that we could further improve upon? Of course. What part of government couldn't be improved upon? But even John Stockton didn't shoot 93% from the free throw line. And that was with nobody guarding him. I'm confident my brother Devin would have done better. But it's probably time I get past that.

So the final numbers read:

John Stockton-83%

Utah Courts-93%

As always, thank you for your gracious attention, thank you for the work you do on behalf of all Utahns, and I wish you a productive session.

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



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