

Utah State Bar Commission
Thursday, March 25, 2021
Zoom Video Conference
<https://us02web.zoom.us/j/85284221017>

Agenda

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

- 05 Mins.* 1.1 Recognize Joni Seko's 20 Years as Deputy General Counsel for Admissions **(Tab 1, Page 3)**
- 05 mins.* 1.2 Spring Convention Report: **Heather Thuet (Tab 2, Page 5)**
- 05 Mins.* 1.3 "Wellness Wednesday" Planning Report
- 05 Mins.* 1.4 Michelle Oldroyd appointed as Director of Diversity, Inclusion & Equity

2. 9:20 a.m. Discussion Items

- 10 Mins.* 2.1 2021 Sun Valley Summer Convention Planning: **Richard Dibblee**
- 10 Mins.* 2.2 2022 Summer Convention Planning: **Heather Thuet (Tab 3, Page 11)**
- 10 Mins.* 2.3 2023 Summer Convention (Sun Valley Commitment): **Richard Dibblee**
- 10 Mins.* 2.4 Proportional Representation of Divisions: **Marty Moore (Tab 4, Page 13)**
- 05 Mins.* 2.5 Plans to Recommence Jury Trials: **Marty Moore**

3. 10:05 a.m. Action Items

- 05 Mins.* 3.1 Nomination to Eight District Nomination Commission **(Tab 5, Page 18)**
- 05 Mins.* 3.2 Nomination to Commission on Criminal & Juvenile Justice **(Tab 6, Page 20)**
- 10 Mins.* 3.3 Blomquist Hale Request to Increase Fees **(Tab 7, Page 31)**
- 05 Mins.* 3.4 ABA Judicial Intern Opportunity Program Fund Request: **Erik Christiansen**

4. 10:30 a.m. Information Items

- 05 Mins.* 4.1 Use of Force Seminar: **Shawn Newell & Andrew Morse (Tab 8, Page 35)**
- 20 Mins.* 4.2 Diversity, Equity & Inclusion Efforts in Utah
 - A. Commission Committee: **Mark Morris**
 - B. Utah Court's Office of Fairness and Accountability: **Jonathan Puente**
 - C. Utah Center for Legal Inclusion: **Hon. Christine Durham, and Melinda Bowen**
- 10 Mins.* 4.3 Meeting with Court on Bar Exam Threshold: **Tom Seiler (Tab 9, Page 39)**
- 10 Mins.* 4.4 Regulatory Reform Committee: **Erik Christiansen (Tab 10, Page 57)**
- 05 Mins.* 4.5 Review of Indian Law Section Name: **Herm Olsen**
- 05 Mins.* 4.6 Zions Bank Investment Advisors: **Marty Moore (Tab 11, Page 96)**

5. 11:25 p.m. Executive Session

11:40 p.m. Adjourn to Spring Convention

Consent Agenda (Tab 12, Page 99)

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

1. Minutes of February 5, 2021 Commission Meeting
2. Client Security Fund Committee Request for No Fund Assessment for 2021-2022
3. List of Bar Applicants for Admission

Attachments (Tab 13, Page 117)

1. February 2021 Financial Statements
2. Bar Journal and E-Bulletin Notices of Licensing Fee Deadlines

Calendar

April 1	Election-Online Balloting Begins		
April 1-4	Western States Bar Conference		CANCELLED
April 9	Executive Committee	12:00 Noon	Zoom
April 16	Commission Meeting	9:00 a.m.	Zoom
April 15	Election-Online Balloting Ends		
April 20-21	ABA Day in Washington		Virtual Event
May 27	Executive Committee	12:00 Noon	Zoom
May ?	Admission Ceremony	12:00 Noon	State Capitol(?)
June 4	Commission Meeting	9:00 a.m.	Utah State Bar or Zoom (?)
July 16	Executive Committee	12:00 Noon	Utah State Bar or Zoom (?)
July 28	Commission Meeting	1:00 p.m.	Sun Valley, ID
July 28-31	Summer Convention		Sun Valley, ID

TAB 1

Joni grew up in a family of seven siblings, five of whom were brothers, where she learned to eat quickly and compete fiercely, validating Darwin's Theory of Natural Selection. As the result of her father's work, the family moved nine times in thirteen years - from several towns in Utah, to Helena, MT. Tucson AZ, Denver CO, and El Paso TX, where she has fond memories of Juarez, the city across the border from El Paso: a poor but safe community where low food prices allowed her father to take their large family out for a steak dinner. It was not the murder capital it has now become.

She graduated from BYU with a bachelor's in Economics and a master's degree in H.R and Organizational Development. During college, she had summer internships in NYC working in the Marketing Department at Chanel's Corporate Fashion Office, and in Washington D.C, working for passage of the Voting Rights Act: a bill that extended the protections granted under the 1965 Voting Rights Act for 25 years. Congress was very different in the 1980's. The legislation passed with bipartisan support, 389 to 24 in the House and 85 to 8 in the Senate, whereupon the bill was immediately signed into law by President Reagan.

After college, she was hired into AT&T's Management Development Program and assigned to management positions in the Employment Office, Operator Services, and Business Sales and Service. She then enrolled in Yale Law School, where she would occasionally wear her blue, "block Y" BYU sweatshirt, which was identical to a sweatshirt sold in the Yale bookstore.

Two of her Yale clerkships were an assignment with the International Criminal Court at the Hague, investigating human rights violations during the War for Independence between Croatia and Yugoslavia, and another assisting the Eritrean Constitutional Commission to draft a constitution after the country declared its independence from Ethiopia.

Life was very different on the East Coast. As an example, they had only a vague concept of what Mexican food was, and an hour's drive to the nearest "Mexican Restaurant" resulted in enchiladas doused in marinara sauce topped with melted Cheese Whiz. "Nor'easters," however, did prepare her for today's pandemic shopping. A forecast of a storm quickly resulted in aisles of empty shelves at the local grocery store.

After law school, she clerked for Judge Tena Campbell, of the US District Court, District Court of Utah, and then, was a litigation associate with Stoel Rives. Joni jokes that for the next three years, she never saw her family again, until she learned of an opening at the Bar. She applied and the rest is 20 years of history. She is grateful for the opportunity to work at the outset with exceptional attorney volunteers like Steve Waterman, Frank Carney, and Bryon Benevento, attorneys who were willing to donate hundreds of hours of their valuable time to improve and reinvent the Admissions process.

TAB
2



Spring Convention

March 25-26 in St. George

A VIRTUAL EVENT

Spring Convention 2021

CONFIRMED online agenda – for virtual event via Zoom

Scheduled for Thursday, March 25 and Friday, March 26, 2021

Thursday, March 25, 2021

12 noon – 1:00 p.m.

OPENING SESSION – Professionalism and Civility CLE

Well-Being Committee for the Legal Profession and UCLI joint event

Plenary Discussion – Creating Inclusive Community

Featuring Dr. Susan Madsen, Utah State University and Founding
Director of the Utah Women and Leadership Project

1:00 – 1:15 p.m.

Break

1:15 – 2:15 p.m.

Breakout Session 1

Family Law Section Breakout Session

2:15 – 2:30 p.m.

Break

2:30 – 3:30 p.m.

Breakout Session 2

Entertainment Law Section Breakout Session

To Zoom It May Concern: A Guide to Social Distance Lawyering

Panel to include Victoria Luman, Parr Brown Gee Loveless, as well as
Chris and Amanda Provost, YouTube influencers

3:30 – 3:45 p.m.

Break

3:45 – 4:45 p.m.	<p>Breakout Session 3</p> <p>Bankruptcy Law Section Breakout Session</p> <p>Bankruptcy Non-Dischargeability Actions: 101 Best Practices</p> <p>Panel to include Ellen Ostrow, Stoel Rives, and Jeremy Sink, Kirton McConkie, as well as moderator Ryan Cadwallader, Kirton McConkie</p>
4:45 – 5:00 p.m.	Break
5:00 – 6:00 p.m.	<p>EVENING FILM PANEL DISCUSSION</p> <p><i>The Uncomfortable Truth</i> with Loki Mulholland (filmmaker and subject)</p>
Friday, March 26, 2021	
9:00 – 10:00 a.m.	<p>FRIDAY MORNING KEYNOTE ADDRESS</p> <p>Judicial Panel Discussion – Ethics CLE</p> <p>Advice for Practitioners from our Utah Bench</p> <p>Moderated by Magistrate Judge Paul Kohler</p> <p>Included on our panel, United States District Judge David Nuffer and Utah State District Court Judges Matthew Bell and Jeff Wilcox</p>
10:00 – 10:15 a.m.	Break
10:15 – 11:15 a.m.	<p>Breakout Session 4</p> <p>Paralegal Division Breakout Session</p> <p>LPPs and Paralegals – Part of a Dynamic Legal Team</p>

Scotti Hill, LPP Administrator, to moderate panel discussion, as well as panelists Laura Pennock, Tonya Wright, and Amber Alleman all Licensed Paralegal Practitioners (LLPs)

11:15 – 11:30 a.m.	Break
11:30 – 12:00 noon	Spring 2021 Awards Presentation & Business Meeting
12:00 – 12:30 p.m.	LUNCH PLENARY SESSION – Remarks from Governor Spencer Cox followed by audience Q&A
12:30 – 12:40 p.m.	Break
12:40 – 1:40 p.m.	<p>MIDDAY PLENARY PANEL SESSION</p> <p>Panel Discussion of the Weldon Angelos Case, Sentencing, and Pardon</p> <p>Panel including Weldon Angelos, Professor Paul Cassell, and Brett Tolman, former U.S. Attorney in the matter, and Judge Rob Lund, former U.S. Attorney in the matter, to discuss the case, the sentence, the pardon, and justice reforms.</p>
1:40 – 1:50 p.m.	Break
1:50 – 2:50 p.m.	<p>Breakout Session 6</p> <p>WLU Session with Dr. Christy Glass from USU, regarding the WLU Survey</p> <p>Reducing Barriers to Advancement in the Law: Key Priorities and Next Steps</p>

2:50 – 3:00 p.m.	Break
3:00 – 4:00 p.m.	<p>Breakout Session 7</p> <p>Litigation Section Breakout Session</p> <p>Cat Got Your Tongue?: Top Tips to Persuade Judges</p> <p>A panel discussion moderated by Jonathan Hafen, Parr Brown Gee & Loveless, to showcase the practitioners' best suggestions, based on their experience, about practicing in Utah courts during remote working and electronic access.</p>
4:00 – 4:15 p.m.	Break
4:15 – 5:15 p.m.	<p>CONCLUDING SESSION</p> <p>Bar President's Panel Discussion – What Lessons Have We Learned in the Pandemic and What Do We Hope to Keep Moving Forward?</p> <p>Featuring, Bar President Heather Farnsworth, as moderator, and Colleagues from the Bench and Bar as Panelists</p>
5:15 p.m.	Convention concludes – Adjournment.
TOTAL CLE CREDITS:	Up to 11.5 hours of CLE, including 1 hour professionalism/civility credit and 1 hour ethics credit (Application pending).

TAB

3

2022 Utah State Bar Summer Convention

Links to Event Proposals:

1. Anaheim Marriott

Dates: July 20-23 (only dates available in July)

Room Rate: \$229 plus 15% Occupancy Tax, 2% Anaheim Tourism Improvement District

Assessment and California Tourism Fee \$.94 w/ Occupancy Tax \$.14 per room night/parking: **\$295.01-self/\$300.01-valet**

Food & Beverage minimum: \$130,000

Parking: \$26-self/\$31-valet

2. Laguna Cliffs Resort & Spa Marriott

Dates: July 6-9

Room Rate: \$409 plus 10.2% Occupancy Tax, \$5 City Tax; \$3 Housekeeping Fee/parking: **\$490.71**

Food & Beverage minimum: \$80,000

Resort Fee: \$19- discounted from \$29/day

Parking: \$32/day

3. Loews Coronado Bay

site of the 2016 Summer Convention

Dates: July 6-9

Room Rate: \$259 plus 12.6% Occupancy tax/parking: **\$306.63**

Food & Beverage minimum: \$100,000

Resort Fee: Waived (\$35/day)

Parking: \$15/day- discounted from \$31/day

4. Marriott Marquis San Diego Marina

Dates: July 6-9

Room Rate: \$229 plus 10.5% Occupancy tax; 2% San Diego Tourism Marketing District Fee; and \$0.77 Commerce Fee per room/parking: **\$333.39-self/\$348.39-valet**

Food & Beverage minimum: \$140,000 exclusive of tax and gratuity

Parking: \$40-self/day; \$55-valet/day

Destination Amenity Fee (aka 'Resort Fee'): \$35 plus tax per night. Fee includes the following amenities and services.

5. Montage

Dates: No dates available in July

Alternative Dates/Room Rates: May 18-21: \$255 plus 13.4% Occupancy tax/resort fee/parking: **\$373.17**; June 15-19: \$345 plus...: **\$475.23**; August 10-14: \$375 plus...: **\$509.25**;

August 17-21: \$375 plus...: **\$509.25**; November 2-5: \$265 plus...: **\$384.51**

Food & Beverage minimum: \$90,000

Resort Fee: \$50

Valet Parking: \$34/day

6. Newport Beach Marriott

site of the 2006 Summer Convention

Dates: June 22-24. No dates available in July

Room Rate: \$299 plus 13% Occupancy tax + \$0.65 California tourism Assessment Fee/parking: **\$411.52-self/\$416.52-valet**

Food & Beverage minimum: \$165,000

Parking: \$38-self/day; \$43-valet/day

Destination Amenity Fee (aka 'Resort Fee'): \$35 plus tax per night. Fee includes the following amenities and services...

7. **Stein Eriksen Lodge**

Dates: July 6-9/July 25-28

Room Rate : \$319 plus 13.4% Occupancy tax/resort fee/parking: **\$401.75**

Alternative Dates/Room Rates: April 27-30: \$209.00 plus...: **\$277**; May 5-7: \$219.00 plus...: **\$288.34**; May 11-14: \$229.00 plus...: **\$299.68**; May 18-21: \$229.00 plus...: **\$299.68**;

Nov 7-10: \$219.00 plus...: **\$288.34**

Food & Beverage minimum: \$150,000

Resort Fee: \$25/day– discounted from \$35/day

Parking: \$15-valet/day

8. **Westin Anaheim**

Part 2

Dates: July 6-9/July 13-16

Room Rates: July 6-9: \$279 plus 15% Occupancy tax and 2% city assessment/parking: **\$361.43**;

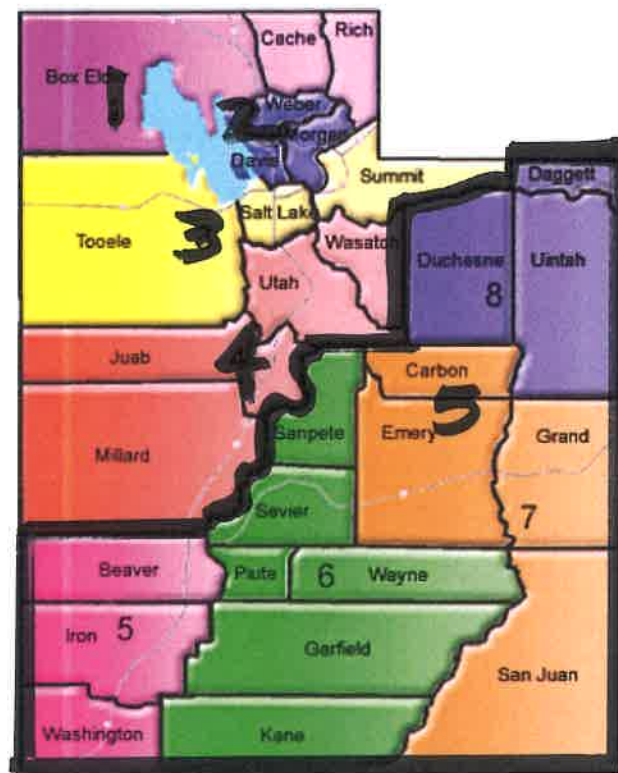
July 13-16: \$259 plus...: **\$338.03**

Food & Beverage minimum: \$100,000

Resort Fee: Waived

Parking: \$35.00/day

TAB 4



UTAH STATE BAR
Membership Statistics
February 28, 2021

<u>STATUS</u>	<u>02/29/20</u>	<u>02/28/21</u>	<u>Change</u>
Active	8,658	8,775	117
Active under 3 years	852	856	4
Active Emeritus	232	265	33
In House Counsel	115	109	(6)
Foreign Legal Counsel	3	4	1
LPP	4	13	9
Military Spouse	-	-	-
Subtotal - Active	9,864	10,022	158
Inactive - Full Service	822	795	(27)
Inactive - No Service	1,995	2,038	43
Inactive Emeritus	333	370	37
Inactive House Counsel	7	11	4
Inactive LPP	-	-	-
Subtotal - Inactive	3,157	3,214	57
Total Active and Inactive	13,021	13,236	215
<u>Supplemental Information</u>			
Paralegals	178	159	(19)
Associate Section Members	119	119	-
Journal Subscribers	125	125	-
<u>Active Attorneys by Region</u>			
1st Division (Logan - Brigham)	188	198	10
2nd Division (Davis - Weber)	926	947	21
3rd Division (Salt Lake)	5,630	5,595	(35)
4th Division (Utah)	1,283	1,339	56
5th Division (Southern Utah)	501	537	36
Out of State	1,336	1,406	70
Total Active Attorneys	9,864	10,022	158

Rule 14-103. Bar organization and management.

(a) Board of Commissioners: number, term, and vacancies.

(1) **Number.** The Bar's Board of Commissioners consists of at least 13 but no more than 15 voting members, including 11 elected lawyers and two nonlawyers appointed by the Supreme Court.

(2) **Term.** Unless otherwise provided, the term of office of each commissioner is three years and until a successor is elected and qualified. The initial term of office of one of the nonlawyer commissioners is two years.

(3) Vacancies.

(A) If a lawyer vacancy on the Board occurs before the completed term of office, the remaining commissioners will:

- (i) conduct a special election;
- (ii) appoint an interim successor from among the active Bar members whose business mailing addresses on the Bar's records are in the division from which the commissioner was elected, who will serve until the next annual election; or
- (iii) fill the vacancy during the next regular annual election.

(B) If a lawyer vacancy on the Board is filled by either a special or regular election, the Board may establish the term of the successor to be a one, two or full three-year term, provided that there would be only two or three commissioners from the Third Division whose terms expire in any one year and only four or five Board commissioners whose terms expire in any one year.

(C) A President's unexpired Commission term will be filled in the regular election cycle immediately preceding the time he or she succeeds to the office of President.

(b) Board's powers. The Board may exercise all powers necessary and proper to carry out its duties and responsibilities and has all authority not specifically reserved to the Supreme Court. The Court specifically reserves the authority to:

- (1) approve Bar admission and licensure fees for attorneys and licensed paralegal practitioners;

(2) approve all rules and regulations for admission, licensure, professional conduct, client security fund, fee arbitration, legislative activities, unauthorized practice of law, and Bar Examination review and appeals; and

(3) establish appropriate rules and regulations governing mandatory continuing legal education.

(c) **Territorial divisions.** The First Division includes the First Judicial District; the Second Division includes the Second Judicial District; the Third Division includes the Third Judicial District; the Fourth Division includes the Fourth Judicial District; and the Fifth Division includes the Fifth, Sixth, Seventh, and Eighth Judicial Districts.

(d) **Number of lawyer commissioners from each division.** Each division will have one lawyer commissioner, except the Third Division will have seven lawyer commissioners. No more than one lawyer commissioner from any division except from the Third Division, and no more than seven lawyer commissioners from the Third Division, may serve on the Board at the same time.

(e) **Nomination and eligibility of lawyer commissioners.** To nominate a person for commissioner for a particular division, a member's business mailing address on the Bar's records must be within that division. To be eligible for the office of lawyer commissioner in a division, the nominee's business mailing address on the Bar's records must be within that division. Nomination to the office of commissioner must be by written petition of at least 10 Bar members in good standing. Any number of candidates may be nominated on a single petition. Nominating petitions will be provided to the executive director within a period fixed by the Board's rules.

(f) **Commissioner Elections.**

(1) Lawyer commissioners must be elected by resident active Bar members as follows:

(A) beginning in 1983 and every third year thereafter, one member from the Second Division and two members from the Third Division, but in 1983 only, there will be four members elected from the Third Division;

(B) beginning in 1984 and every third year thereafter, one member from the First Division and three members from the Third Division; and

(C) beginning in 1985 and every third year thereafter, two members from the Third Division and one each from the Fourth and Fifth Divisions.

(2) The candidate from any division, and the two or three candidates from the Third Division, receiving the greatest number of votes of that division will be the commissioner of such division. A member may only vote for commissioner

TAB 5

**UTAH BAR COMMISSION MEETING
AGENDA ITEM**

Title: Agenda Item #3.1 - 8th Judicial District Nominating Commission Nominees

Submitted by: John Baldwin

Meeting Date: March 25, 2021

ITEM/ISSUE:

To select four nominees for the 8th Judicial District Nominating Commission.

SUMMARY:

The Bar is seeking applications from lawyers to serve on the Eighth District Trial Court Nominating Commission. The Commission nominates judges to fill vacancies on the district court and the juvenile court within the Eighth Judicial District. Two lawyers are appointed by the Governor from a list of four nominees provided by the Bar.

Commissioners must be citizens of the United States and residents of the Eighth District (Daggett, Duchesne, and Uintah Counties). Commissioners are appointed for one term of four years. No more than four of the seven members of the nominating commission may be of the same political party.

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X

APPLICANTS:

- | | | | |
|----|---------------------|-------------|--|
| 1. | John Hancock | Independent | <i>(Selected as a nominee at the February 5, 2021 Commission Meeting.)</i> |
| 2. | Tegan Troutner | Independent | <i>(Selected as a nominee at the February 5, 2021 Commission Meeting.)</i> |
| 3. | April Hollingsworth | Independent | <i>(Selected as a nominee at the February 5, 2021 Commission Meeting.)</i> |
| 4. | Stephen Foote | | <i>(Resume and other information requested. No response.)</i> |

TAB 6

UTAH BAR COMMISSION MEETING AGENDA ITEM

Title: Agenda Item #3.2 - Utah Commission on Criminal and Juvenile Justice Nominees

Submitted by: John Baldwin

Meeting Date: March 25, 2021

ITEM/ISSUE:

The Utah State Bar is soliciting applications to serve for a four-year term with the Utah Commission on Criminal and Juvenile Justice, in accordance with 63M-7-202 UCA. The Bar needs to send 3 nominees to the Commission and then the Governor will choose from those 3 nominees. The commissioner must be an attorney who primarily represents juveniles in delinquency matters. Information about the Commission on Criminal and Juvenile Justice may be found at: <https://justice.utah.gov/>.

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X

APPLICANTS:

- | | |
|---------------------|--|
| 1. David L. Johnson | <i>(Rejected by the Governor's Office.)</i> |
| 2. Monica Maio | <i>(Selected as a nominee at the February 5, 2021 Commission Meeting.)</i> |
| 3. Patrick A. Shea | <i>(Rejected as a nominee at the February 5, 2021 Commission Meeting.)</i> |
| 4. Kevin L. Daniels | <i>(Rejected by the Governor's Office.)</i> |
| 5. Ramzi Hamady | <i>(New applicant.)</i> |
| 6. Skye Lazaro | <i>(New applicant.)</i> |
| 7. Sophia Moore | <i>(New applicant.)</i> |
| 8. Caleb Proulx | <i>(New applicant.)</i> |

Ramzi Hamady, Attorney at Law

Salt Lake City, Utah 84104 | (510) 517-3775 | Jhamady08@gmail.com

EDUCATION

J.D., University of Utah, S.J. Quinney College of Law, *May 2017*

B.A., Economics (Political Science Minor), University of California, Irvine, *May 2012*

WORK EXPERIENCE

Trial Attorney – Utah Juvenile Defender Attorneys, Salt Lake City

August 2019 – Current

Represent clients through preliminary hearings, motion drafting and pleadings, plea negotiations, and trial in a wide range of misdemeanor and felony cases.

Associate Attorney – JLJ Law Group, Salt Lake City

September 2018 – September 2019

Represented clients in business litigation matters and domestic disputes from case intake to resolution or trial. Engaged in high-stakes mediations and negotiations and drafted contracts and negotiated settlements. Assisted local businesses in startup formation and obtaining international talent through employment visas.

Associate Attorney - The Salt Lake Lawyers, Salt Lake City

February 2017 – September 2018

Managed and litigated a caseload of roughly thirty-five (35) family law and business law cases, from client consultations, drafting and mediation to litigation and trial, exceeding billable hour and revenue expectations.

Judicial Extern to Judge Michele Christiansen - Utah Court of Appeals, Salt Lake City

December 2016 – June 2017

Drafted detailed bench memoranda & conducted in-depth research in various appellate cases.

BioLaw Fellow – S.J. Quinney Center for Law & Biomedical Sciences, Salt Lake City

June 2016 – June 2017

Assisted with publications and research on the legal landscape and ethical implications of professional negligence, genetics, CRISPR, incidental findings, and other biomedical topics.

Legal Intern - Rocky Mountain Innocence Center, Salt Lake City

July 2016 – June 2017

Reviewed decades of trial documents and assisted in drafting *Brady* appeals. Made notable progress towards the exoneration for three (3) individuals' innocence appeals.

Legal Drafting Intern - American Civil Liberties Union, Salt Lake City

May 2016 – August 2016

Researched and examined legal areas in need of systemic change, leading document drafting for prisoner's rights, police brutality, and GRAMA cases.

DETAILS

1320 W 600 S
Salt Lake City, UT 84104

(510) 517-3775
Jhamady08@gmail.com

SKILLS

Legal Research

Legal Writing

MS Office

Arabic (Levantine)

Spanish (Conversational)

PROFFESIONAL INVOLVEMENTS

President, Utah
Minority Bar Assoc.

Panel Member, ACLU
Legal Advisory Panel

Panel Member, Utah
Center for Legal Inclusion



RAY QUINNEY
& NEBEKER

80 YEARS
1940-2020



Skye Lazaro

Of Counsel

801-323-3333
SLazaro@rqn.com

Practice Areas

White Collar, Corporate Compliance, and
Government Investigations
Women Lawyers Group
Cannabis Law
COVID-19 Response Team

Skye Lazaro is an experienced corporate and criminal defense attorney. She is Chair of the Firm's White Collar Criminal Defense and Cannabis Law Groups. She handles a broad range of criminal cases including domestic violence allegations, sex crimes, drug crimes, property crimes, DUI, white collar crimes, homicide, violent crimes and juvenile defense. Skye has extensive trial experience and has tried over one hundred jury trials throughout her career, including some of the region's most complex and high-profile criminal matters.

Skye utilizes her corporate and business law experience in assisting "start-up" and growing companies in a wide range of matters including risk management, investment, funding and organizational structure among the many other issues facing new companies. She assists business and health care clients in navigating the complexity of the most current Cannabis laws and also acts as external in-house counsel for select companies and organizations.

Skye occasionally appears as guest co-host on KTalk AM1640 "Talk with Ted - A Show About Nothing" where she discusses a variety of legal concepts and current events.

Skye was included on the list of Top 40 Under 40 by the National Trial Lawyers Association (2018-2020). She was recognized in 2017 by Attorney at Law Magazine as an Attorney to Watch, and was voted by her peers throughout the state as one of Utah's "Legal Elite", as published in Utah Business Magazine (2018). Skye was selected for inclusion in Mountain States Super Lawyers (2020) as a "Rising Star" in the category of Criminal Defense.

EDUCATION

University of Montana, Andrew Blewitt III School of Law, J.D., 2008



ADMITTED TO PRACTICE

- Utah State Bar
 - Montana State Bar
 - Ninth Circuit Court of Appeals
 - United States District Court, District of Montana
 - United States District Court, District of Utah
-

AFFILIATIONS / MEMBERSHIPS

- Utah Association of Criminal Defense Lawyers
 - National Trial Lawyers Association
 - Past Chair, Utah State Bar Criminal Section
 - Salt Lake County Bar Association
 - Utah Minority Bar Association
 - Women Lawyers of Utah
-

PROFESSIONAL AND CIVIC ACTIVITY

- VOA Volunteer and Advocate, Homeless Youth Resource Center
 - VOA Volunteer and Advocate, Geraldine E. King Women's Resource Center
 - 2019 National Trial Lawyers Top 40 Under 40
 - 2018 National Trial Lawyers Top 40 Under 40
 - 2021 National Trial Lawyers Top 40 Under 40
 - 2021 Utah Legal Elite
-

PUBLICATIONS / PRESENTATIONS

- Author, "PPP Loan Prosecution Is Here to Stay", Legal Update, February 2021
 - Author, "Legal Implications of Entering the World of Cannabis and Your Professional License" "What
-



RAY QUINNEY
& NEBEKER

80 YEARS
1940-2020

You Need to Know," Utah Physician Magazine, Nov/Dec 2020

SOPHIA MOORE
ATTORNEY AT LAW
8 East Broadway, Suite 500
Salt Lake City, Utah 84111
sophiamoorelaw@gmail.com

March 18, 2021

Dear Utah Sentencing Commission,

It is with great pleasure that I submit this formal letter of interest for the Utah Sentencing Commission opening. I have been actively litigating cases in juvenile court for twenty-three years as defense counsel.

In my current position as a private attorney, I am conflict defense counsel for UJDA, Summit County, and I am the Sandy City Public Defense Attorney. I routinely handle high profile cases in juvenile court, and I believe that my skills as a trial attorney and experience in a variety of cases will enhance the Utah Sentencing Commission.

I welcome the opportunity to meet with you and thank you for your time and consideration.

Sincerely,

Sophia Moore

Sophia Moore
Attorney at Law

SOPHIA MOORE

ATTORNEY AT LAW

8 East Broadway, Suite 500

Salt Lake City, Utah 84111

sophiamoorelaw@gmail.com

EDUCATION:

- | | |
|------|--|
| 1997 | UNIVERSITY OF UTAH, COLLEGE OF LAW. JD
Leary Scholar
CALI Excellence Award, Indian Law
Special Recognition Award, Utah Legal Defenders
Vice President Natural Resource Law Forum |
| 1991 | UTAH STATE UNIVERSITY. B.S., PRE-LAW, CUM LAUDE
Golden Key Honor Society
Alpha Lambda Delta Honor Society
Pi Sigma Alpha Honor Society |

EXPERIENCE:

- | | |
|----------------|---|
| 2002 - CURRENT | PRIVATE PRACTICE <ul style="list-style-type: none"> • Juvenile delinquency defense Summit County & conflict UJDA • Conflict parental defense, Salt Lake County & Summit County • Private & public criminal defense & adoptions |
| 2002-2006 | PAPPAS & ASSOCIATES <ul style="list-style-type: none"> • Juvenile delinquency defense |
| 1998-2002 | LAHERTY & LOKKEN, P.C. <ul style="list-style-type: none"> • Parental defense, Third District Juvenile Court • Family law |

COMMITTEES:

- | | |
|---------------|--|
| CURRENT | Subcommittee on Improving Juvenile Appointment Statute |
| CURRENT | Utah Rules of Juvenile Procedure |
| 2016- CURRENT | Juvenile Court Table of Ten |
| 2009 - 2015 | Standing Law Committee Child and Family Law |
| 2005- 2012 | Juvenile Competency Committee |
| 2011 | Subcommittee on Adoption |
| 2011 | Subcommittee on Youth Charged as Adults |

TRAINING & DISTINCTIONS:

2018	HTTPS://YOUTU.BE/N0VFLFLN3ZA - COURT DELINQUENCY VIDEO
2013 & 2017	FINAL FIVE FOR JUVENILE COURT JUDGE POSITION
2011 & 2014	PRESENTED AT UTAH BAR CLE REGARDING DELINQUENCY
2010-CURRENT	National Juvenile Defender Conference
2014-CURRENT	Utah State Bar Training Juvenile Disvison
2007-2016	Juvenile Court Parental Defense Conference

REFERENCES**Paul Farr, Sandy City Justice Court Judge**judgefarr@gmail.com

(801) 568-7160

Pam Vickery, Director UJDApvickrey@ujda.org

(801) 403-8624

Margret Olsen, DA Summit CountyMolson@summitcounty.org

(435) 336-3206

Patricia Cassell, Chief Prosecutor Summit Countypcassell@summitcounty.org

(435) 615-3828

Patrick Corum, Third District Court Judgepcorum@utcourts.gov

(801) 238-7378

Heather Brereton, Third District Court Judge West Jordanhbrereton@utcourts.gov

(801) 238-7043

Mark May, Third District Juvenile Court Judgemwmay@utcourts.gov

(801) 238-7787

Jim Michie, Thrid District Juvenile Court Judgejmichie@utcourts.gov

(801) 238-7783

Eliabth Knight, Third District Juvenile Court Judgeeknight@utcourts.gov

(435) 833-8040

288 W Center St.
Provo, UT 84601
(801) 418-9383

caleb@PRXLaw.com

CALEB PROULX

WORK HISTORY / EXPERIENCE

SOLO PRACTITIONER, PROULX LAW FIRM, PLLC.

March 2017 – Present

- Holds contracts for juvenile court public defense (parental and juvenile delinquency) in 4th District Juvenile Courts for Juab and Millard Counties; conflict counsel as needed in 4th District Juvenile Court for Utah County, also in 6th District Juvenile Court for Sanpete County.
- Public Defender on Sanpete Felony Drug Court Team (Fall 2018 to present)
- SB203 Cases (appointment for parental representation on privately-filed termination of parental rights petitions)
- Practice Areas: Parental Defense, Juvenile Delinquency, Domestic, Criminal Defense, Appellate.

ASSOCIATE ATTORNEY, ESPLIN | WEIGHT (www.esplinweight.com)

December 2014 – March 2017

- Family Law, Juvenile Defense, Parental Defense, Criminal Defense, Appellate & Post-Conviction

ASSOCIATE ATTORNEY, SHARIFI & BARON (www.sb-legal.net)

February 2014 – November 2014

- Family Law, Criminal Defense

CLERK, FILLMORE & SPENCER (www.fslaw.com)

Fall 2013

- Research and Drafting, Trial Preparation on the Martin Macneill Felony Murder Trial, 121402323

INTERN, OFFICE OF SENATOR HARRY REID, DEMOCRATIC POLICY COMMITTEE, WASH. DC

WINTER 2008

- Research, Drafting, Identifying Hearing Witnesses (Wartime Contract Waste, Fraud, Abuse & Corruption)

AREAS OF PRACTICE

Parental Defense
Juvenile Delinquency
Divorce / Family Law
Criminal Law
Appellate Law

EDUCATION/ CERTIFICATION

MEMBER OF UTAH BAR

Fall 2013 – Present

S.J. QUINNEY COLLEGE OF LAW, SALT LAKE CITY, UT

JD – Fall 2013

UNIVERSITY OF UTAH, SALT LAKE CITY, UT

BS, Political Science – May 2009

**VOLUNTEER AND
COMMUNITY
INVOLVEMENT**

VICE-PRESIDENT, NATIONAL LAWYER’S GUILD STUDENT CHAPTER, S.J. QUINNEY COLLEGE OF LAW (2012 – 2013)
SECRETARY, UTAH ASSOCIATION OF CRIMINAL DEFENSE LAWYERS STUDENT CHAPTER, S.J. QUINNEY COLLEGE OF LAW (2012 – 2013)
BOARD OF DIRECTORS, BIRCH CREEK SERVICE RANCH (www.serviceranch.org, 2014 – 2016)

**NOTABLE
APPELLATE WORK**

In re M.L., 2017 UT App 61 – successful defense against Petition for Extraordinary Writ regarding a finding or order of paternity, served as trial and appellate counsel.

In re C.M.R., 2020 UT App 114 – partial relief in obtaining an evidentiary remand on ineffective assistance of counsel (“IAC”) claim in parental defense arena, served as conflict trial counsel and assisted with briefing on appeal.

TAB 7

UTAH BAR COMMISSION MEETING AGENDA ITEM

Title: Agenda Item #3.3 - Blomquist Hale Request to Increase Fees

Submitted by: John Baldwin

Meeting Date: March 25, 2021

SUMMARY: Blomquist Hale Consulting Service has been providing professional counseling to Utah lawyers and their dependents since 2006.

In 2009, the Bar renegotiated our monthly fee to them and agreed to a monthly payment of \$6,250.00.

There has been no increase in the payment since 2006. The annual payment has been \$75,000. A copy of the most recent quarterly report is attached.

At the February 5, 2021 Bar Commission meeting, the Commission had concerns regarding 1) whether or not Blomquist Hale provided services to children; 2) whether or not Blomquist Hale provided services via video conferencing; and 3) whether or not Blomquist Hale placed limits on sessions provided free of charge in order to motivate clients to continue on with services at a cost.

Blomquist Hale's responses are as follows: 1) Dependents can receive help regardless of age. With dependent under age 18, parental consent is needed. With young dependents and with less mature dependents, Blomquist Hale works closely with the parents on part of the processes with children. 2) Blomquist Hale offers both in-office and virtual/telehealth visits. Since COVID, Blomquist Hale is doing more virtual appointments than in-office. 3) Blomquist Hale says that they do not have a specific session limit. Clinicians are asked to assess each situation and evaluate if it is appropriate for the solution model. Most situations are appropriate for the model, but some situations due to the type of treatment needed or the length of treatment a person will need are typically referred out. Blomquist Hale does not charge a person under the EAP. Blomquist Hale never bills for more sessions. It is possible that a client could be working with a contract provider and if needing to be referred from under the EAP, the contract provider will continue to work with the person now under their practice, not Blomquist Hale, and (the contractor) will bill the client directly.

ITEM/ISSUE: Blomquist Hale is now requesting to increase the annual payment for their professional services to \$91,000 per year to cover the increased costs for their services over the past 15 years and for the next several years. Blomquist Hale has also agreed to provide services for the Office of Professional Conduct's (OPC) Diversionary Program. An increased emphasis on diversions was an important aspect of the American Bar Association's (ABA) OPC review report.

This request would deal with the current needs of Blomquist Hale and would assist the Bar's focus on lawyer well-being and recovery.

It is difficult to place an amount on how much of this increase may be attributed to OPC's Diversionary Program but it does constitute some part of the increased amount. The ABA's recommendations were initially implemented by the Utah Supreme Court through an implementation committee and are now being finalized through the OPC Oversight Committee, chaired by Hon. Diana Hagen.

ACTION: Increase fees paid to Blomquist Hale to catch up on market after 12 years of no increase and to support emphasis on the Diversion Program.

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X

Utah State Bar

Partners Since: 03/01/2006

Utilization Summary

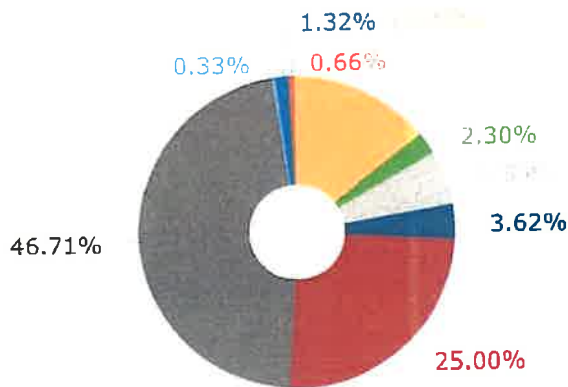
Quarterly Report: 10/01/2020 - 12/31/2020
YEAR TO DATE: 01/01/2020 - 12/31/2020

Population Count

1

Helping Your Organization With:

Previous 12 Months



Case Type

203

Self Referral

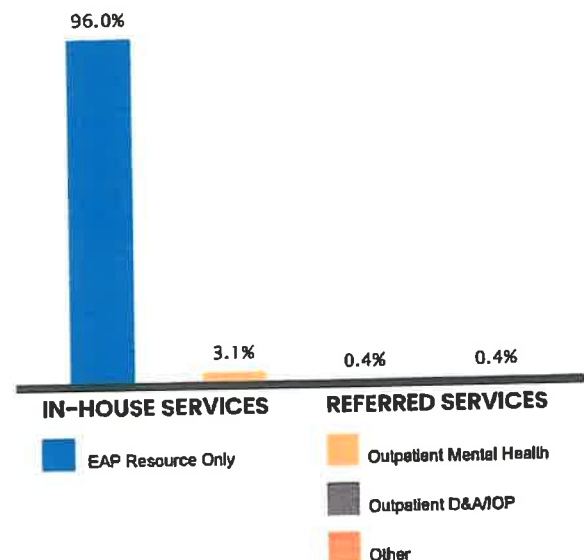
1

Supervisor Referral

	Annualized Utilization	12 Month Review	Total 2019	Total 2018
BAR MEMBERS	161	161	204	184
DEPENDENTS	104	104	163	157
TOTALS	265	265	367	341
CASES	204	204	250	232
UTILIZATION				

Services Provided

Previous 12 Months



Organizational Support

CUSTOMER SERVICE

34.75
Hours

CONSULTATION

26.75
Hours

TRAININGS

2.00
Hours

CRISIS SERVICES

Hours

BLOMQUIST HALE NEWSLETTER HIGHLIGHTS

TAB

8

Police Use of Lawful and Unlawful Force: Issues and Solutions

A Virtual Dialogue

Sponsored by the Utah State Bar

April 13, 14, 15, 2021



A 3-day program series (2-hour sessions) led by notable prosecutors, trial lawyers, police chiefs, judges, and community leaders.



A community concern, finding our way forward.

Members of the Utah State Bar can register at <https://bit.ly/2OQS5bF>
Non-members can send an email to cle@utahbar.org to register

OVERVIEW

Police Use of Lawful and Unlawful Force: Issues and Solutions

Allegations and incidents of police officers' excessive use of force reached critical mass in 2020, igniting massive protests and riots across the nation and here in Utah.

Please join our faculty of nearly 20 leading prosecutors, trial lawyers, police chiefs, judges, and leaders. They will explore the history and impact of force in our society; law enforcement and its role in reducing incidents of force; and the role of lawyers and community leaders in changing the environment of distrust. Now, more than ever, we must continue to listen and understand one another in order to protect our communities.

By participating in this series, you will receive firsthand knowledge and experience from experts in force related topics in a completely virtual format.

What's Included:

- A 3-day program series (2-hour sessions) led by notable prosecutors, trial lawyers, police chiefs, judges, and community leaders
- Panel discussions moderated by former U.S. Magistrate Judge, Sam Alba
- 6 self-study CLE credits pending approval

Registration Fees:

- FREE to Utah Bar members and law students
- \$25 for public sector and other community groups

PROGRAM SCHEDULE

DAY 1 - TUESDAY, APRIL 13 - 11:00 AM to 1:00 PM

The History and Impact of Force in Society

11:00 AM—11:20 AM	The Use of Force on Communities of Color and the Systems of Distrust Speaker: Sim Gill , Salt Lake County District Attorney
11:20 AM—11:40 AM	A Commitment to Equity by the State of Utah Speaker: Chief Brian Redd , Utah Department of Public Safety State Bureau of Investigation
11:40 AM—12:00 PM	Adding an Equity Lens to the Law and Why it is Important Speaker: Abby Dizon-Maughan, Esq. , Lewis Brisbois, Bisgaard & Smith, Salt Lake City, Utah
12:00 AM—1:00 PM	Panel Discussion Moderator: Former U.S. Magistrate Judge Sam Alba , Snow Christensen & Martineau, Salt Lake City, Utah Panelists: Sim Gill , Salt Lake County District Attorney, Chief Brian Redd , Utah Department of Public Safety State Bureau of Investigation, Abby Dizon-Maughan, Esq. , Lewis Brisbois, Bisgaard & Smith, Salt Lake City, Utah, Pamela Vickrey , Executive Director, Utah Juvenile Defender Resource Center, and Jeanetta Williams , Chair, NAACP Utah Chapter

PROGRAM SCHEDULE

DAY 2 - WEDNESDAY, APRIL 14 - 11:00 AM to 1:00 PM

Law Enforcement and its Role in Reducing Incidents of Force

11:00 AM—11:20 AM	The Policies and Actions Used by Law Enforcement to Shift Perceptions and Realities Speaker: Chief Ken Wallentine, Esq. , West Jordan Police Department
11:20 AM—11:40 AM	Federal Investigations and Prosecutions of Excessive Force Cases Speaker: Curtis Cox , Special Agent Federal Bureau of Investigations
11:40 AM—12:00 PM	Section 1983 Civil Suits for Damages and Their Effect on Police Behavior Speaker: Robert B. Sykes , Sykes McAllister Law Offices, Salt Lake City, Utah
12:00 PM—1:00 PM	Panel Discussion Moderator: Former U.S. Magistrate Judge Sam Alba , Snow Christensen & Martineau, Salt Lake City, Utah Panelists: Chief Mike Brown , Salt Lake City Police Department, Chief Ken Wallentine, Esq. , West Jordan Police Department, Curtis Cox , Special Agent Federal Bureau of Investigation, Robert Sykes , Sykes McAllister Law Offices, Salt Lake City, Utah, Harry Souvall , General Counsel, Unified Police Department

PROGRAM SCHEDULE

DAY 3 - THURSDAY, APRIL 15 - 11:00 AM to 1:00 PM

The Role of Lawyers and Leaders in Changing the Environment of Distrust

11:00 AM—11:20 AM	Racial Battle Fatigue and Law Enforcement Speaker: Dr. William Smith , Professor of Education, Culture and Society, University of Utah
11:20 AM—11:40 AM	Does the Doctrine of Qualified Immunity Decrease Accountability and Trust? Speaker: Retired Utah Supreme Court Justice Christine Durham , Zimmerman Booher, Salt Lake City, Utah
11:40 AM—12:00 PM	The Future of Qualified Immunity Speaker: Michael J. Teter , Teter & Vu, Salt Lake City, Utah
12:00 PM—1:00 PM	Panel Discussion Moderator: Former U.S. Magistrate Judge Sam Alba Panelists: Heather S. White , Snow Christensen & Martineau, Salt Lake City, Utah, Dr. William Smith , Professor of Education, Culture and Society, University of Utah, Retired Utah Supreme Court Justice Christine Durham , Zimmerman Booher, Salt Lake City, Utah, Michael J. Teter , Teter & Vu, Salt Lake City, Utah, John Mejia , Director, ACLU, Utah Committee, and Tara Isaacson , Bugden & Isaacson, Salt Lake City, Utah

TAB 9



SEILER, ANDERSON,
FIFE & MARSHALL, LC

Attorneys and Counselors at Law

Thomas W. Seiler
Jared L. Anderson
Morgan Fife
Derek T. Marshall²

Lacey M. Whimpey
Perris E. Nelson
Scott B. Mosley
Mark F. Robinson¹
Norman H. Jackson^{1,3}

March 22, 2021

Sent by U.S. Mail and Email

Honorable John A. Pearce
Utah Supreme Court
Scott M. Matheson Courthouse
450 S. State
P. O. Box 140210
Salt Lake City, UT 84114
jpearce@utcourts.gov

Re: *Bar Passing Threshold (Cut Score)*

Your Honor:

Thank you for your email of Thursday, March 18, 2021, concerning my input earlier on Thursday regarding the Bar Passing Threshold (Cut Score). In response to your email, please find the following:

1. The August 22, 2003, Memo to the Utah State Bar Commission from H. Reese Hansen and Scott M. Matheson, Jr., then the deans of our in-state law schools regarding the passing score for the Utah State Bar Examination. I include this Memo, not because it has statistics, but because it contains thoughtful background from Dean Hansen and Dean Matheson, both of whom are respected, both in-state and nationally. It is my sense that Dean Hansen and Dean Matheson were not in favor of raising the Cut Score at that time. The question at that time was whether or not to raise the Cut Score from 130 to 135. I do not know how that translates to the current 400 scale Cut Score. (**Exhibit "1"**)
2. The Cut Scores for each State in the Union. On the second page you will find the national average, the average of UBE Jurisdictions, 12 West State's average without Utah and the average of the six (6) bordering states without Utah's average Cut Scores. Those Cut Scores rank from a low of 268.1 to a high of 271.9. Utah's current Cut Score of 270 is precisely in the middle of the high and low of those average Cut Scores. It is also slightly

Honorable John A. Pearce

March 22, 2021

Page 2

lower than the twelve (12) western states' average and the six (6) bordering states' average, each without Utah. (Exhibit "2")

3. BYU Law School Bar Pass Rates showing the disclosures for 2018, 2019 and 2020. As I understand it, these are the disclosures required by the American Bar Association. It covers part or all of the years, 2015 - 2019. The first number is entitled "Ultimate Bar Passage" and refers to bar passage rates two (2) years prior, i.e., the Class of 2017 is disclosed the Ultimate Bar Passage rate. The first-time bar passage rate for the Class of 2019 is the following line. This Exhibit includes the Class of 2019 for all jurisdictions and the Class of 2019 for Utah, as well as the Ultimate Bar Passage rate two (2) years out. (Exhibit "3")
4. The University of Utah Law School pass rates for 2015 - 2020, starting with the Class of 2015. It shows not only the first-time takers in Utah, but also the Ultimate Bar Passage rate. The University of Utah's 2020 Ultimate Bar Passage data is still in rough draft form and is still subject to arithmetic checks and the associate Dean's approval. (Exhibit "4")
5. This is from the Utah State Bar and shows the February and July Bar Passage Rates for the years 2010-2019. As to 2019, it is broken out in retakes, first time applicants, attorney applicants and also shows SA Scores, multi-state scores and combined scores. (Exhibit "5")

I am also told the following:

July 2018 to Present on Admissions
Utah Exam Only

	Add'l Passing Utah Examinees w/Cut Score of:		
	266	260	
Feb 2019	266-3	260-7*	
July 2019	266-5	260-13*	Total - 2 yrs., 30 more would have passed with a Cut Score of 260
Feb 2020	266-2	260-7*	
July/Oct 2020	266-0	260-3*	

*The Additional Passing Examinees using a 266 Cut Score are included in the

Honorable John A. Pearce
March 22, 2021
Page 3

Additional Passing Examinees using a 260 Cut Score.

Although I was unable to collect any statistics, there is general anecdotal concern that bar exams have implicit bias against minorities, women and first generation college and law school graduates. There is also, anecdotally, concern that those with anxiety, emotional or other challenges need additional accommodations.

The Utah State Bar has been very generous in accommodating examinees who have proven that they need those types of accommodations. Anecdotally, however, it appears to be expensive and time consuming to provide adequate proof of the need for those accommodations. An example, from one professor, was a student that did very well in the law school class, but required additional time because the student needed breaks during the testing. It is my understanding that the student would go outside and walk around for a few minutes and then come back and take the next portion of the test. There is also concern, again anecdotally, that giving accommodations for examinees, such as that student, would seem quite unfair to those examinees that did not need accommodation. This seems to be a difficult balance.

I could find no statistical data of implicit bias as described above. Nevertheless, the feeling that this implicit bias seems to be widespread.

I have been on the Utah State Bar's Admissions Committee, as the liaison from the Utah State Bar, starting in July of 2018 to the present. In fairness, I have not made it to all of the meetings, but have tried to keep myself abreast of things as they occurred. I hope this is helpful to you.

Sincerely,

SEILER, ANDERSON, FIFE & MARSHALL, LC



Thomas W. Seiler
Attorney at Law
tws@safmlaw.com

TWS:jb

Enclosures

Cc: John Baldwin (by email: john.baldwin@utahbar.org)
Heather Farnsworth (by email: heather@machfarnsworth.com)

EXHIBIT 1

Memo

To: Board of Bar Commissioners, Utah State Bar

From: H. Reese Hansen, Dean, J. Reuben Clark School of Law,
Brigham Young University
Scott M. Matheson, Jr., Dean, University of Utah
S.J. Quinney College of Law

Date: August 22, 2003

Re: Passing Score for the Utah State Bar Examination

We appreciate the opportunity to comment upon the Admissions Committee's proposal to raise the "cut score" for the Utah State Bar Exam from 130 to 135.

The Committee has worked over the years to improve the bar admissions process, and we commend those efforts. We also recognize the Utah State Bar staff for accomplishing much-needed improvements in the management and professionalism of the admissions area.

Much work still needs to be done, and the Admissions Committee has a busy agenda. We would prefer an even more ambitious agenda that would include a comprehensive consideration of what is a truly fair and valid test of competence to justify admission to practice law in the State of Utah. The current bar examination is not such a test. It does not test the knowledge, skills, and values minimally essential to the practice of law, and it has never been adequately validated as a measure of actual lawyer competence.

Rather than undertake this more ambitious and comprehensive project, the Admissions Committee has focused on the current bar examination and has considered modest substantive and procedural reforms. The substantive reforms include adding the Multi-State Practice Test, which we have supported, and possibly reducing the number of essay subjects to be examined, which we also support. The procedural reforms include improvement to exam question preparation, exam administration, and exam grading, all of which we endorse.

The Committee decided to address the minimum pass score before completing and evaluating these reforms. This step is premature, especially because no evidence has been presented that changing the score is necessary to meet the Bar's and the Supreme Court's responsibility to admit only those lawyers who are at least minimally competent. During our service on the Committee, members discussed how such an assessment might be accomplished, including retention of a psychometrician to study the issue. The Committee did not recommend hiring a psychometrician and did not conduct any study at all.

The Admissions Committee's proposal appears to be based primarily on a perceived need to raise the Utah cut score so that it is closer to the average or median cut score of other states. As further explained below, this basis is far from adequate to justify raising the cut score.

During Committee discussions on this matter, several other points have been advanced to support an increase in the cut score. The first is that other states may be reluctant to grant reciprocity to Utah lawyers and thereby limit implementation of the multi-jurisdictional practice rules. We acknowledge the legitimacy of this concern but have heard nothing but anecdotal and hearsay evidence to support it.

A second point has been that the Character and Fitness Committee is expending additional time and energy on "problem" applicants who have come to Utah for the lower pass score. Again, little or no data have been presented about the number and nature of these instances or to establish that the Utah pass score is the primary reason for their seeking admission here.

Finally, it is claimed that outsiders are targeting and flocking to Utah to take the bar exam because the cut score is low. Once again, no specific evidence has been presented to support this claim. (We think most applicants from out of state apply for admission here because Utah is a great place to live and work, with the pass score being a secondary consideration at most. That said, we do not have specific evidence to support that claim either.)

At times during the Committee's discussions, comments have focused on the pass rate (percentage of applicants passing the bar exam) rather than the cut score. The pass rate is not a measure of minimal competency. A goal to lower the pass rate plainly would be anti-competitive and inappropriate. Committee members have, for the most part, been sensitive to this point, but references to the pass rate, however inadvertent, in the context of raising the cut score suggest the need for careful consideration of this issue.

Our central point is that the Admissions Committee has not established an adequate basis for its proposal. In support of this point, we offer the following observations.

1. If an increase in the cut score would improve protection of the public and would preclude admission of attorneys who are not minimally competent, then there should be an increase. The Committee has not demonstrated such a need. It has not studied the relationship between a specific bar examination score and attorney competence. It has made no showing that use of the current cut score has allowed incompetent attorneys to be licensed. It has made no meaningful attempt to validate the relationship between actual lawyer performance and bar examination scores.
2. The current cut score of 130 has been followed since 1991. No evidence has been presented that lawyers with scores between 130 and 134 are incompetent or even less competent than other lawyers. No attempt has been made to correlate professional discipline or malpractice claims with bar exam scores or to conduct any study whatsoever of these two groups of Utah lawyers. Indeed, no study of actual lawyer competence and the relationship between competence and bar exam scores has been conducted.

3. The public must be protected, but not at the cost of needlessly limiting entry into the legal profession. One of the costs is the anti-competitive effect of such a limitation. In addition, the human costs are high, especially the burdens visited on those who would otherwise pass the first time and who likely will pass the next time. They and their families will incur more debt, suffer the burdens of unemployment, and bear the emotional turmoil. The significant costs of raising the cut score should not be imposed on law graduates without evidence of competency problems with new lawyers who have scored between 130 and 134.
4. At a time when the Utah State Legislature and the Utah State Bar have expressed a strongly felt concern to make access to legal services more readily available to low-income and middle class Utahns, it is incumbent that strong evidence be developed to support a proposal that likely will reduce the number of lawyers available to provide those needed services. Instead, no such evidence has been presented.
5. Comparison of Utah's cut score to those in other states is not an adequate substitute for studying the actual competence of Utah lawyers. Merely because another state has a higher cut score does not prove that adopting its score in Utah would better measure basic competence. Indeed, this rationale for raising cut scores guarantees inflation of such scores and cannot be justified by the regulatory mandate to protect the public. The Bar and the Supreme Court are not charged with assuring that Utah has lawyers with higher test scores than lawyers in other states. The charge is to protect the public and ensure that Utah lawyers have minimal competency to practice law.
6. We understand that a joint study of the bar exam is being undertaken by the National Conference of Bar Examiners, the state supreme court chief justices, the ABA, and other national organizations. Both prudence and fairness suggest keeping the status quo until their work is completed.
7. It has been suggested that raising the cut score may not change the number of applicants who pass the bar because they may study harder for the bar exam. Apart from the lack of evidence that studying harder for the bar exam will increase competence, there is no evidence to indicate that applicants are not studying very hard now. Our experience in observing these students is that they are doing so. We can attest that students spend thousands of dollars and hundreds of hours preparing for the bar exam and that such preparation adds little if anything to the competence and skills they acquired during three years of law school. We do not think that inducing them to spend even more money and time to engage in what amounts to a summer of rote memorization accomplishes anything other than adding to the "boot camp" mentality of bar preparation. The more likely outcome is that students will enroll in more "bar" courses in law school in lieu of courses that develop research skills, advocacy skills, counseling abilities, and other attributes that many would deem essential to a minimally competent lawyer.

8. Other states that have considered raising their pass scores – Florida, Minnesota, New York, and Ohio – have hired Dr. Stephen Klein to conduct a psychometric study. His studies have in each instance recommended raising the cut score. Utah has conducted no study at all, but it has been suggested that Dr. Klein's studies in other states may be instructive here. We disagree and object to using his studies elsewhere to justify changing the cut score in Utah. His studies have been subject to significant criticism in each of these other states. His studies do not and cannot prove that Utah lawyers who have passing scores between 130 and 134 are less competent than those with scores of 135 or higher.
9. We are witnessing unprecedented interest in admission to our law schools. The academic strength of our entering classes has never been higher. We offer quality programs, and our students are in high demand for employment during and after law school. Our schools enjoy outstanding national reputations. We rarely admit anyone who cannot complete our academic programs, and we firmly believe our graduates are at least minimally competent to practice law.
10. We are concerned about the impact of raising the cut score on legal education. Whether the starting point is 130, 135, or 140, raising the cut score sends a message to law student: concentrate more on traditional doctrinal courses rather than clinical, skills, advocacy, and drafting training that legal employers increasingly demand from law schools and that law school curricula increasingly include. As deans, we feel that raising the cut score risks sending a sharply mixed message. On the one hand, the Bar supports and partners with the law schools to develop better interviewing, counseling, and negotiation skills in clinical and pro bono settings. On the other hand, the Bar requires and administers a licensing exam that fails to test for these skills as well as other important competency areas such as ability to do legal research. This point comes back to our earlier comment on deficiencies in the bar exam itself.

The Admissions Committee's recommendation should be suspended pending further study. Our preference, as stated above, is a careful consideration of what would be a truly fair and valid test of competence to justify admission to practice law in the State of Utah. Although ambitious, such an effort would put Utah at the forefront of this important issue. The national studies that are underway should be reviewed before significant reform is attempted. At the very least, and in the context of the current bar exam, the Bar should conduct a study of the relationship between bar examination scores and actual lawyer competence. Only then can the Bar and the Supreme Court act with confidence in this area, where the stakes are clearly very high.

EXHIBIT 2

State/District/Territory (56)	Cut Score	
	(400 scale)	UBE (40)
Alabama	260	260
Alaska	280	280
Arizona	273	273
Arkansas	270	270
California	278	2020 Reduction from 290
Colorado	276	276
Connecticut	266	266
Delaware	290	
District of Columbia	266	266
Florida	272	
Georgia	270	
Hawaii	268	
Idaho	272	272
Illinois	266	266
Indiana	264	264 NYS
Iowa	266	266
Kansas	266	266
Kentucky	266	266 UBE 1st 2/2021
Louisiana	—	
Maine	270	270
Maryland	266	266
Massachusetts	270	270
Michigan	270	
Minnesota	260	260
Mississippi	264	
Missouri	260	260
Montana	266	266
Nebraska	270	270
Nevada	276	
New Hampshire	270	270
New Jersey	266	266
New Mexico	260	260
New York	266	266
North Carolina	270	270
North Dakota	260	260
Ohio	270	270
Oklahoma	264	264 UBE 1st 7/2021
Oregon	274	274
Pennsylvania	272	272 NYS 2022
Rhode Island	276	276
South Carolina	266	266
South Dakota	—	
Tennessee	270	270
Texas	270	270

Utah	270	270
Vermont	270	270
Virginia	280	
Washington	270	270
West Virginia	270	270
Wisconsin	258	
Wyoming	270	270
Guam	265	
Northern Mariana Islands	—	
Palau	—	
Puerto Rico	—	
Virgin Islands	266	266
	13714	10723
	3263	
	1627	
National Average	268.9	
Average of UBE Jurisdictions	268.1	
12 West States Avg. w/o UT	271.9	
Avg. 6 Bordering States w/o UT	271.2	

EXHIBIT 3

BYU LAW SCHOOL BAR PASS RATES

See <http://www.abarequireddisclosures.org/BarPassageOutcomes.aspx> for full reports.

2020 Disclosures

Ultimate Bar Passage (2 years out; Class of 2017):	92.86% (117/126)
First Time Bar Passage (Class of 2019, all jurisdictions):	89.52% (111/124)
First Time Bar Passage in <u>Utah</u> (Class of 2019):	93.75% (60/64)

2019 Disclosures

Ultimate Bar Passage (2 years out; Class of 2016):	94.96% (113/119)
First Time Bar Passage (Class of 2018, all jurisdictions):	87.40% (111/127)
First Time Bar Passage in <u>Utah</u> (Class of 2018):	88.61% (70/79)

2018 Disclosures

Ultimate Bar Passage (2 years out; Class of 2015):	91.79% (123/134)
First Time Bar Passage (Class of 2017, all jurisdictions):	86.99% (107/123)
First Time Bar Passage in <u>Utah</u> (Class of 2017):	87.84% (65/74)

EXHIBIT 4

U of U Law School Bar Pass Rates

2020

First-Time Takers in 2020:

- Bar examinees only (not including diploma privilege licensees): 94.4%
- Bar examinees plus diploma privilege licensees: 98.87%

Class of 2020 One Year Bar Passage will be reported in 2021.

2019

First-Time Takers in 2019: 90.41%

Class of 2019 One Year Bar Passage: 96.2%

2018

First-Time Takers in 2018: 93.62%

Class of 2018 Ultimate Bar Passage: 95.78%

2017

First-Time Takers in 2017: 86.47%

Class of 2017 Ultimate Bar Passage: 93.4%

2016

First-Time Takers in 2016: For some reason I can't find this 509 report. I'll keep looking.

Class of 2016 Ultimate Bar Passage: 91.67%

2015

First-Time Takers in 2015 in Utah: 81.42%

Class of 2015 Ultimate Bar Passage: 92.31%

2014

First-Time Takers in 2014 in Utah: 91.35%

2013

First-Time Takers in 2013 in Utah: 90.00%

EXHIBIT 5

JULY 2019 BAR EXAMINATION RESULTS

Total Number: 228

Total Pass: 187

Total Fail: 41

Pass Rate: 82%

Retakes

Total Retakes: 23

Total Pass: 8

Pass Rate: 35%

First Time

First Time Applicants: 205

First Time Passers: 179

Pass Rate: 87%

Attorneys

Attorney Applicants: 29

Attorney Passers: 20

Pass Rate: 69%

Essay Scores

50 Points Possible

Varied from 16 to 43

Average Score: 30.6

Multistate Scores (MBE)

200 Possible

Varied from 106.7 to 180.6

Utah Average: 146.3

National Average: 141.1

(45,334 tested)

Combined Scores

Highest Exam Score: 356

Lowest Exam Score: 225

Mean Score: 292.4

Median Score: 294

Passing Score: 270

SUMMARY OF PAST RESULTS

February 2019	70%	July 2019	82%
February 2018	58%	July 2018	81%
February 2017	61%	July 2017	83%
February 2016	66%	July 2016	74%
February 2015	80%	July 2015	74%
February 2014	77%	July 2014	81%
February 2013	77%	July 2013	84%
February 2012	72%	July 2012	80%
February 2011	81%	July 2011	86%
February 2010	69%	July 2010	86%

TAB 10

ADMINISTRATIVE OFFICE OF THE COURTS

450 South State
P.O. Box 140241
Salt Lake City, UT 84114-0241
801-578-3800

NEWS RELEASE

Matthew B. Durrant
Chief Justice, Utah Supreme Court

Hon. Mary T. Noonan
State Court Administrator

Catherine J. Dupont
Deputy State Court Administrator



Ensuring Justice for All

FOR IMMEDIATE RELEASE

March 5, 2021

Contact: Geoffrey Fattah
(801) 578-3994
Cell: (801) 712-4545

LESS THAN A YEAR LATER UTAH'S REGULATORY REFORM IS MAKING POSITIVE CHANGE

Salt Lake City, UT—April, 2021 will mark the first year since the Utah Supreme Court's passing of Utah's legal regulatory "sandbox" reform, and it is already starting to reshape Utah's legal landscape.

[The Office of Legal Services Innovation](#) provides a safe environment where nontraditional legal service providers can innovate. One of the first providers approved under the new office is [Rocket Lawyer](#), which offers à la carte legal services at a competitive price.

"Rocket Lawyer has been instrumental in helping me navigate legal documents and other legal issues that come up," said Jill Parkinson, an independent contractor who engaged Rocket Lawyer for a document review. "I sleep better at night knowing my contracts are sound."

Another small business owner said being able to access legal help on demand is a great asset. "Knowing there is a team at Rocket Lawyer skilled in areas I'm not familiar with to help me with whatever might come up is invaluable so that I can focus on building my business."

To date, the Office of Legal Services [has approved 20 pilot proposals](#), which offer a wide variety of legal services, including online legal document preparation and criminal expungement assistance, just to name a couple.

Even pro-bono nonprofit legal organizations are able to propose new and creative ways to help those in desperate need of legal help.

The [Timpanogos Legal Center](#) provides free legal assistance to thousands of self-represented clients. The center submitted an application to the sandbox and was recently approved for a pilot that will allow domestic violence victim advocates to provide legal advice in helping victims fill out court forms for protective orders and stalking injunctions, and prepare victims for court.

“It is a thrilling opportunity to be in the first wave of programs that will open doors for Utahns in need to receive legal assistance,” said Susan Griffith, Executive Director of Timpanogos Legal Center. “I encourage other non-profits to study and strategize ways to use the opportunities created through the Regulatory Sandbox to benefit their communities.”

Utah’s legal regulatory sandbox has caught the attention of legal industries all over the world. Recently the [Institute for the Advancement of the American Legal System](#) (IAALS), based out of the University of Denver, announced that Utah Supreme Court Justice Deno Himonas, and Utah attorney John Lund are the 2021 recipient of its [Rebuilding Justice Award](#) for co-chairing the work group which led to the founding of the Office of Legal Services Innovation. The award recognizes innovation and leadership that helps to build a legal system that is accessible, fair, reliable, efficient, and accountable. Its first award recipient was U.S. Supreme Court Justice Sandra Day O’Connor.

“Justice Himonas and Mr. Lund have worked tirelessly to promote access to justice,” said Utah Supreme Court Chief Justice Matthew Durrant. “They are both deeply committed to finding innovative ways to get more legal services to more people. They are extraordinary leaders whose passion is contagious, and I’m deeply grateful for their dedication to this cause.”

“I’m really honored to have been named a co-recipient of the Rebuilding Justice Award along with John Lund, my colleague on this adventure,” said Justice Himonas. “But in truth and fairness, the award is shared with my colleagues on the Utah Supreme Court, who have been working so hard at improving access to justice for all Utahns, and to all of the members of the regulatory reform work group, implementation task force, and Office of Legal Services Innovation.”

“It is very humbling to be receiving this award along with Justice Himonas, especially in light of the list of incredible justice leaders who have been honored in prior years,” said John Lund. “Rebuilding justice is exactly what Utah’s sandbox is all about. The real reward has been seeing innovators come forward and construct new ways to deliver affordable and accessible legal services to those who so desperately need them.”

###

OFFICE OF LEGAL SERVICES INNOVATION

AN OFFICE OF THE UTAH SUPREME COURT

February 23, 2021

Utah State Bar Regulatory Reform Committee
c/o Erik Christiansen
Parsons Behle & Latimer
201 South Main St.
Salt Lake City, UT 84111

Re: Letter of Inquiry to the Office of Legal Services Innovation

Dear Committee:

Thank you very much for your recent letter expressing interest in the operations of the Court's Office of Legal Services Innovation. We are most appreciative of the Utah State Bar's support of the Utah Supreme Court's historic initiative to explore regulatory reform to increase access to justice. As the Court's delegates implementing that effort, we certainly welcome the opportunity to address the Committee's questions.

As you noted, the Court has stressed the importance of transparency from the outset of this project and we have strived to provide that. Indeed, as more fully addressed below, the answers to your questions are found for the most part in materials that we have made publicly available in the due course of the Office's operations. As a further measure of transparency, we intend to post both your letter and our response on the Office's website, so that they are available to the public at large.

Your letter requested information about six items. We address each of those below.

Criteria for Approval - The criteria for consideration of an application to the sandbox are spelled out in detail in the Court's Standing Order No. 15 and in the Innovation Office Manual, a copy of which is attached. The Manual has been approved by the Court and is revised occasionally. The Committee, just like any member of the public, can go to our website, sandbox.utcourts.gov, for the most recent version of the Manual.

Part III of the Manual sets forth the Innovation Office's process for reviewing applications. The four Qualifiers are listed. The Office's process for Risk Assessment is described. The Manual expressly lists the three potential risks to consumers which are being assessed by the Office and by the Court. The Manual also describes the Service Model Risk Categories which are being used to determine where a particular sandbox proposal falls along the risk spectrum. The next several pages of the Manual then articulate the potential risks of each Service Model and the

OFFICE OF LEGAL SERVICES INNOVATION

An Office of the Utah Supreme Court

related data and disclosure requirements in place for that Service Model. In addition to identifying the Service Models in each proposal, the application and review process also identifies the specific Service Categories in which the applicant is seeking to provide service. These are the criteria being applied by the Office and by the Court. To your specific question, the same criteria are applied to each applicant.

As for why each specific applicant was approved, we wish to first stress that our Office does not approve applicants. The Utah Supreme Court does that. Our responsibility is to assess the applications and make recommendations to the Court. For applications approved by the Court both the Office's recommendation and the Court's resulting Order are publicly available on our website. Here is an example of that documentation from the application of [Sudbury Consulting's Expungement Project in partnership with Code for America](#) (also attached). The recommendation discusses whether each of the Qualifiers is met, what Service Models are used, and other details of the proposals. The assessment process focuses on the extent of potential harm to consumers and how to address those risks by working through the criteria discussed above. A copy of the current blank [application form](#) is also attached.

The Applicant's Potential Effect on Meeting Unmet Legal Needs - Whether a particular applicant's proposal will directly meet particular unmet legal needs and, if so to what extent, will be best answered through the data developed by the sandbox project. As the Committee no doubt understands, the Court is testing a hypothesis with the sandbox. The hypothesis is that allowing non-traditional legal models will lead to improvements in both the accessibility and affordability of legal services. The data generated by sandbox participants should allow both our Office and third-party evaluators to determine whether the hypothesis is valid.

However, under the Court's formulation of the Sandbox and what can be tested in it, that issue was approached in a different and more impactful way. This is best understood by considering the Court's sole objective of this regulatory activity, as found in Section 3.1 of Standing Order No. 15. There the Supreme Court stated:

3.1 Regulatory Objective

The overarching goal of this reform is to improve access to justice. With this goal firmly in mind, the Innovation Office will be guided by a single regulatory objective: To ensure consumers have access to a well-developed, high-quality, innovative, affordable, and competitive market for legal services. The Utah Supreme Court's view is that adherence to this objective will improve access to justice by improving the ability of Utahns to meaningfully access solutions to their justice problems, including access to legal information, advice, and other resources, as well as access to the courts.

This has been incorporated into one of the Qualifiers mentioned earlier. To meet the Regulatory Qualifier, an applicant's proposal must appear to increase the market of affordable legal services for consumers. A proposal could meet this qualifier by offering legal services to a segment of the market not currently served by lawyers. A proposal could also meet this

OFFICE OF LEGAL SERVICES INNOVATION
An Office of the Utah Supreme Court

qualifier because it targets legal needs that are either underserved by lawyers or only served by lawyers at prices that are not affordable to people of ordinary means. A proposal could also meet this qualifier if it combines legal services with other professional services in a way that makes the overall set of services affordable or more accessible to consumers. Importantly, in stating the Regulatory Objective as it has, the Court has articulated a broad view of access to justice, stressing the need for all Utahns to be able to get meaningful access to help with their legal problems. This is not constrained to some specific income level nor is it constrained to traditional legal services as they have been developed and provided by lawyers. The premise is to build up the market more broadly, both on the supply side and on the demand side.

The Workings of a Sandbox Participant's Project - The third item in your list of inquiries is about how the project of each approved applicant will work. You can review those details for each approved applicant in their authorization packets, as well as monthly reports on applications all applications posted on the Office's website: <https://sandbox.utcourts.gov/approved>. The Office's inquiry into these proposals is entirely focused on the potential for harm to consumers: What does the entity offer to consumers and could it harm consumers if not done properly?

To illustrate, consider an actual applicant using software, such as FOCL. As described in our recommendation:

FOCL Law proposes offering a software platform to guide consumers through the process of completing financial disclosures related to divorce proceedings (Utah Rule of Civil Procedure 26.1). The software walks consumers through the Utah disclosure form and provides basic information and nonlegal advice assistance to enable completion. The software can be used by lawyers or by pro se litigants. The software was developed and is managed by a Utah licensed lawyer employed by the company.

While this describes what the software does for consumers, it does not describe how the software works. That is because the way the software works is not material. So long as it provides results that are not detrimental to the consumer, the specific algorithms in the software are not for the Office to investigate. Instead, as described in the Manual, such models are subjected to audits of their services to assess the actual competence of the service provided. If attorney review of FOCL Law's software in action showed it was generating erroneous financial disclosures, then the Office would have a basis for requiring FOCL to either fix its program or stop providing services.

Expected Data from Participants - The data required from participants vary depending on the level of assessed risk and are spelled out in the manual. By way of example, here are the data requirements for either a nonlawyer provider with lawyer involvement or a software provider with lawyer involvement, both of which are classified as moderate risk:

OFFICE OF LEGAL SERVICES INNOVATION

An Office of the Utah Supreme Court

Consumer Service	Criteria of Assessment	Provider	Measure	Reporting
General	General	All services under the fee sharing model	Number of people served	Monthly
			Geographic info (requested)	Monthly
			Revenue / receipt info	Monthly
			All consumer complaints	Monthly
Specific consumer service	Consumer achieves an inaccurate or inappropriate legal result, Consumer fails to exercise legal rights through ignorance or bad advice. Consumer purchases an unnecessary or inappropriate legal service.	All services under the fee sharing model	Nonfinancial (legal) outcomes data (% customers that did / did not get the outcome they sought)	Monthly
			Financial outcome data (benefit obtained / loss prevented) broken down by outcome (verdict, settlement, etc.)	Monthly
			(Potential) Expert review of redacted case file	As determined

Thus, in addition to the general information called for in the first four lines of this table, a provider in the moderate risk category must also provide case specific information for each service category in which they are authorized. This includes both financial and non-financial outcome data. The reporting frequency for moderate risk participants is monthly. For less risky models, the reporting is quarterly. Of course, all data are anonymized so that client confidentiality can be maintained.

Assessed Risks of a Particular Proposal - As outlined above, the Office's process is to understand the service models presented in each proposal. The Office then uses the identified service models to guide each proposal's risk assessment process. The three primary risks to the consumer are listed in the manual. However, the manual further discusses the risks of particular models. Indeed, Part B of the manual is a several page long description of the various risks which may be posed by certain aspects of certain models. We encourage you to fully review it; however, here is an excerpt pertaining to non-lawyer ownership:

Nonlawyer investment / ownership presents the potential risk that nonlawyer owners / investors, unfamiliar with and unlimited by the legal Rules of Professional Conduct, could undermine the legal services model to the consumer's detriment. It potentially increases the likelihood of implementing business practices that increase the consumer harm risk across all three risk areas. The potential negative impacts of nonlawyer investment / ownership are significantly lower if the nonlawyers have less than majority ownership.

OFFICE OF LEGAL SERVICES INNOVATION
An Office of the Utah Supreme Court

Anticipated Impact on Lawyers Working in the Area of the Applicant - As the foregoing discussion clarifies, the Court has directed the Office to use a risk-based approach focused on concern for the consumers of legal services, not on concern for the current providers of legal services. The impact on lawyers working in the area is not within the Office's remit. So far, however, most of the sandbox proposals are lawyer-led and most include lawyers as some part of the business model.

The Office is charged with exploring whether innovation will lead to a wider, more affordable and more accessible range of legal services for the people of Utah. Whether that will increase or reduce the demand for the services of lawyers is unknown. In the early going we have seen new delivery systems for those services as opposed to a wholesale replacement of the lawyers. By analogy, the advent of Netflix came as Blockbuster faded; however, has the total amount of entertainment content and the number of actors, writers and producers employed in that industry increased or decreased? Similarly, even though the business models and economic structure for legal services might change, the essential need for smart, well-trained people to give legal advice to others will not go away.

The Court's experiment in regulatory reform is as much a response to what is already happening in legal markets as an instigation of change. We would hope that the Bar, whether through your Committee or otherwise, would consider anew how to assist lawyers both adapt to and benefit from the changes being brought about by the broader impacts of changes in technology, information and consumer expectations in our ever-more complex legal system.

We hope these responses to your six areas of inquiry are helpful to you, at least in pointing you towards the materials that address the questions you posed. You suggest there might be some desire not to share information with the Bar; that is not at all the case. The Office has been given very clear direction to be as transparent as possible to all concerned, and that includes the Bar. Other than protection of confidential business information from applicants and of deliberative information, our intent is to operate openly in all respects. Our meetings, our minutes, our reports to the Court and all other such activities are open to the fullest extent possible.

As to the question you raise about the Client Security Fund, this is not something the Office has considered in detail. Lawyers participating in sandbox approved entities are generally not relieved of their obligation to comply with the Rules of Professional Conduct and remain subject to disciplinary activity like any other member of the Utah Bar. Similarly, if those lawyers were to act in some way that warranted a payment from the Client Security Fund, we would expect that resource to remain available to their clients irrespective of the context in which the lawyer harmed his or her client. However, if the harm were caused by some provider other than a lawyer, perhaps an accountant in a multidisciplinary practice or a non-lawyer provider, then that would seem to be outside the scope of the Client Security Fund. This strikes us as something to test against the language of the rules establishing the Client Security Fund.

In closing, we would like to thank you for your interest and for your leadership of the Bar on this important matter. After you have studied the Office's manual and the other materials we

OFFICE OF LEGAL SERVICES INNOVATION

An Office of the Utah Supreme Court

have referenced, if you believe it would be helpful, we would be pleased to have a Zoom call with your committee.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John R. Lund". The signature is stylized with a large, sweeping loop at the top and a sharp, downward-pointing stroke at the bottom.

John R. Lund

CC: Heather Farnsworth, Utah State Bar President
Hon. Constandinos Himonas, Utah Supreme Courts
Lucy Ricca, Executive Director, Utah Supreme Court's Office of Legal Services Innovation

Last updated January 25, 2021



OFFICE OF LEGAL SERVICES INNOVATION

An Office of the Utah Supreme Court

SANDBOX PARTICIPANT APPLICATION

The Sandbox is for innovative services models that cannot otherwise be offered under the present Rules of Professional Conduct or are considered the unauthorized practice of law. There are a few qualifications to this mandate:

1. The Sandbox is for all business and service models falling under Utah Rule of Professional Conduct 5.4 and Utah Supreme Court Standing Order No. 15. ****PLEASE NOTE:** As of December 10, 2020, the Court has halted consideration of "bare referral fee arrangements" within the Sandbox. "Bare referral fee arrangements" are defined as "those in which payment is made by the lawyer to the nonlawyer solely to compensate the nonlawyer for referring a potential client to the lawyer; there is no other business relationship between the lawyer and nonlawyer." Proposals other than bare referral fee arrangements will continue to be considered for authorization in the Sandbox.
2. Suspended or disbarred lawyers are barred from holding an ownership interest of greater than 10% in any Sandbox entity.
3. The Sandbox is not meant to be a mechanism by which out-of-state lawyers can practice in Utah without otherwise completing the requirements imposed by the Utah State Bar.
4. The Sandbox does not and cannot impact requirements imposed by other applicable Utah or federal laws, the laws or requirements imposed by other jurisdictions, or the requirements imposed by other regulatory bodies. Authorization to practice law in Utah through the Sandbox does not release any entity or individual therein from conforming to all other applicable laws and regulations.
5. As made clear in Rule 5.4 and Standing Order No. 15, lawyers working with or in entities participating in the Sandbox are required to maintain their duties under the Rules of Professional Conduct.

Your application will be made publicly available. You will have the opportunity to make a claim of business confidentiality for specific information that would qualify for protection under GRAMA Section 63G-2-305. Making false or materially misleading statements in this application is a basis for loss of authorization to practice within the Sandbox. Other criminal and civil sanctions may also apply.

Should your answers to any of the application questions change, you are responsible for updating the information with the Innovation Office. Failure to promptly update information will be considered relevant to your regulatory status.

If you have any questions, please contact the Innovation Office at sandbox@utcourts.gov.

1. PROPOSED SERVICES

1.1. Describe your proposed legal services offering in detail.

Please include (i) who provides the legal services, (ii) how consumers will access/receive these services, and (iii) what your service will do for your customers.

1.2. Describe the entity business model you want authorized in the Sandbox, including the management structure which will oversee direct legal service providers.

1.3. Why is your proposal eligible to enter the Sandbox?

Identify the specific model, service or product innovations that are not permitted under the traditional rules governing the practice of law.

1.4. Describe your target consumer(s).

For example: single parents making <\$50,000 in a custody dispute, first generation college students in a landlord-tenant dispute; renters 40+ years planning for retirement; college educated entrepreneurs seeking legal advice in starting a business.

1.5. Which service models are you seeking to use? Select all that apply.

- ☐ Lawyers employed or managed by a nonlawyer
 - ☐ Less than 50% nonlawyer ownership
 - ☐ More than 50% nonlawyer ownership
 - ☐ Lawyers sharing fees with non lawyers
 - ☐ Nonlawyer provider¹ with lawyer involvement²
 - ☐ Nonlawyer provider without lawyer involvement³
 - ☐ Software provider with lawyer involvement
 - ☐ Software provider without lawyer involvement
 - ☐ Other:
-

1.6. Which legal service categories are you seeking to offer?

- | | | |
|---|---|--|
| <input type="checkbox"/> Accident/Injury | <input type="checkbox"/> Education | <input type="checkbox"/> Housing - Rental |
| <input type="checkbox"/> Adult Care | <input type="checkbox"/> Employment | <input type="checkbox"/> Marriage and Family |
| <input type="checkbox"/> Business | <input type="checkbox"/> End of Life Planning | <input type="checkbox"/> Military |
| <input type="checkbox"/> Criminal ⁴ - Expungement ONLY | <input type="checkbox"/> Financial Issues | <input type="checkbox"/> Native American + Tribal Issues |
| <input type="checkbox"/> Discrimination | <input type="checkbox"/> Immigration | <input type="checkbox"/> Public Benefits |
| <input type="checkbox"/> Domestic Violence | <input type="checkbox"/> Healthcare | <input type="checkbox"/> Real Estate |
| | | <input type="checkbox"/> Traffic - civil actions / citations |

¹ Provider means legal practitioner: a provider who or which is practicing law, including offering legal advice.

² Involvement denotes a range of activities, including guidance on initial development of forms, scripts, processes, software. It could mean a lawyer does sample reviews of product/service performance. It could mean a lawyer is available to advise the nonlawyer provider as needed - including via red flag trap doors in software.

³ -"Without lawyer involvement" means either (1) a Utah-licensed lawyer provides guidance and oversight at the front end of the development of the service model only but has no ongoing oversight, or (2) no Utah-licensed lawyer is involved in the development or provision of legal service at all.

⁴ **Please note** At this time nontraditional service providers (nonlawyers or software providers) will only be authorized to provide expungement-related services. Lawyer employees can provide general criminal legal services.

2. RISK ASSESSMENT

The Innovation Office must assess whether new legal service models cause consumers to get inappropriate or otherwise flawed legal results, fail to exercise legal rights through ignorance or bad advice, or purchase an unnecessary or inappropriate legal service.

- 2.1. Fully and candidly discuss the risks your customers might face if they use your proposed model, including each of the risks described above.**

2.2. Describe the specific ways you will identify, track, and mitigate the risks to consumers in your proposed model.

These efforts could include quality control measures, training, provider testing.

2.3. Please describe your consumer complaint process.

3. BENEFITS TO UTAH CONSUMERS

The Innovation Office is assessing potential benefits of proposed offerings to the Utah legal market.

- 3.1. **Describe how your model will provide higher quality, more cost effective, and more accessible legal services for your target consumers.**

3.2. Does your proposal comply with applicable Utah legal requirements?

For example: staffed by UT licensed attorneys, built to complete state legal forms.

3.3. Identify which of your service models are ready to immediately implement.

The Office of Innovation is only authorized to consider proposals which are ready to begin offering legal services not currently authorized in Utah at the time of authorization.

4. CONFIRMATION OF ELIGIBILITY

4.1. List all persons and entities who wholly or partially direct the management or policies of your proposed entity and/or the direct provision of legal services to consumers, whether through ownership of securities, by contract, or otherwise ("controlling persons").

4.2. List all persons and entities who will wholly or partially (greater than 10%) finance the business of your proposed entity ("financing persons").

4.3. Please note that no financing person may be a disbarred or suspended lawyer. List all controlling persons who are disbarred or suspended lawyers.

4.4. List all controlling persons or financing persons of your proposed entity who have a felony criminal history.

- 4.5. List all persons who will be in a managerial role over the direct provision of legal services to consumers who are disbarred lawyers.
- 4.6. List all persons who will be in a managerial role over the direct provision of legal services to consumers who have a felony criminal history.
- 4.7. Please select the most accurate description: My proposed entity has a material corporate relationship and/or business partnership with:
- ☐ A disbarred or suspended lawyer
 - ☐ An individual with a felony criminal history
 - ☐ Neither a disbarred / suspended lawyer nor an individual with a felony criminal history
- 4.8. Disclose any history of state or federal criminal (misdemeanor or felony) conviction, state or federal consent decree, or state or federal enforcement action resulting in sanctions (disgorgement, civil penalties, and/or injunction) for the entity and, if applicable, its parent and other affiliated companies.

- 4.9. Disclose whether the entity, parent, and other affiliated companies are, to their knowledge, currently subject to a state or federal criminal investigation or state or federal enforcement action.

I confirm that no financing persons listed in this application are disbarred or suspended lawyers.

Signature: _____

Printed Name: _____

Title: _____ Date: _____

SELLING OF CONSUMER DATA DISCLOSURE

Please indicate whether your business model includes the sharing or selling of consumer data in any form to third parties.

- ☐ Yes
☐ No

PUBLIC APPLICATION

Your application will be made publicly available. You will have the opportunity to make a claim of business confidentiality for specific information that would qualify for protection under GRAMA Section 63G-2-305. Making false or materially misleading statements in this application is a basis for loss of authorization to practice within the Sandbox. Other criminal and civil sanctions may also apply.

- ☐ I understand.

Signature: _____

Printed Name: _____

Title: _____ Date: _____

Section One: Provider Information **Code for America**

1. Entity or Individual Provider Name*
Code for America
2. Contact Employee Name*
Meilani Santillán
3. Contact Employee Email
meilani@codeforamerica.org
4. Principal Business Address*
972 Mission Street, San Francisco, CA 94103
5. Mailing Address
Same
6. Contact Employee Telephone Number*
[main number]
7. Please indicate your proposed entity's legal status*
 - Law Firm Partnership
 - Professional Corporation
 - For-Profit Corporation - Privately Held
 - For-Profit Corporation - Publicly Held
 - Non-profit - Legal Services
 - **Non-profit - Not Legal Services**
 - Individual Provider
 - Other:
8. If you are an individual provider, indicate your professional status
 - Lawyer with UT law license in good standing
 - Licensed Paralegal Professional with UT license in good standing
 - Lawyer with law license from another US state in good standing
 - Other professional (e.g. doctor, accountant, social worker, etc.) with active professional license in good standing
 - Business
 - **Not applicable**
 - Other:
9. Please provide any applicable professional license identification number(s)
Include the licensing authority with your number; e.g. UT State Bar #5432; UT CPA #98765
N/A

Section One: Provider Information **Sudbury Consulting, LLC**

2. **Entity or Individual Provider Name***
Sudbury Consulting, LLC
3. **Contact Employee Name***
Noella Sudbury
4. **Contact Employee Email**
noella@sudburyconsulting.com
5. **Principal Business Address***
4455 Adonis Drive
Salt Lake City, Utah 84124
6. **Mailing Address**
Same
7. **Contact Employee Telephone Number***
(801) 913-9675
8. **Please indicate your proposed entity's legal status***
 - Law Firm Partnership
 - Professional Corporation
 - For-Profit Corporation - Privately Held
 - For-Profit Corporation - Publicly Held
 - Non-profit - Legal Services
 - Non-profit - Not Legal Services
 - Individual Provider
 - **Other: Limited Liability Company**
9. **If you are an individual provider, indicate your professional status**
 - **Lawyer with UT law license in good standing**
 - Licensed Paralegal Professional with UT license in good standing
 - Lawyer with law license from another US state in good standing
 - Other professional (e.g. doctor, accountant, social worker, etc.) with active professional license in good standing
 - Business
 - Not applicable
 - **Other:**
10. **Please provide any applicable professional license identification number(s)**
Include the licensing authority with your number; e.g. UT State Bar #5432; UT CPA #98765

Noella Sudbury: UT State Bar #12682

Section Two: Your Proposal

Utah Supreme Court Standing Order 15

3.3.2 Within the Innovation Office's Regulatory Scope

Individuals and entities that carry out the following activities are within the scope of the Innovation Office's regulatory authority and are subject to this Standing Order's requirements:

- (a) Partnerships, corporations, and companies entirely owned and controlled by lawyers; individual lawyers with an active Utah Bar license; and legal services nonprofits partnering with a nonlawyer-owned entity to offer legal services as contemplated by Rule 5.4B;
- (b) Nonlawyer owned entities, or legal entities in which nonlawyers are partial owners (for profit or nonprofit):
 - (i) offering legal practice options whether directly or by partnership, joint venture, subsidiary, franchise, or other corporate structure or business arrangement, not authorized under the Rules of Professional Conduct in effect prior to [Month] [Date], 2020, or under Utah Supreme Court Rule of Professional Practice 14-802; or
 - (ii) practicing law through technology platforms, or lawyer or nonlawyer staff, or through an acquired law firm.

<<https://tinyurl.com/usorder15>>

The Sandbox will only accept proposals for innovative legal services that (1) cannot be offered without modifications under the present Rules of Professional Conduct, or (2) are considered unauthorized practice of law. *

This application is NOT for proposals for services which may already be offered under the proposed rule 5.4(A) which impact a Utah lawyer's capacity to share fees for legal services.

Read the full proposed changes here: <<https://tinyurl.com/rule54A>>

- I understand (checkbox)

10. Which of the following categories are the most applicable category for your proposed business, service, or product? *

For reference, please see the excerpt listed above from "Utah Supreme Court Standing Order 15."

- 3.3.2 (a) - (Sudbury Consulting, LLC)
- 3.3.2 (b) (i)
- 3.3.2 (b) (ii) - (CfA)

11. Tell us about your proposed legal services offering *

An estimated 1 in 4 Utahns have a criminal record. While Utah law permits individuals to petition the court to have certain records expunged, due to cost, complexity, and lack of affordable legal representation, the vast majority of individuals who would be eligible to expunge their records never obtain relief. As a result, most Utahns with criminal records continue to be burdened by the estimated 45,000 collateral consequences that come with a criminal record, including lack of meaningful access to jobs, housing, and education.¹

To help address this issue, the Utah State Legislature unanimously passed Utah's Clean Slate law in 2019. This law provides automatic expungement relief to individuals with qualifying misdemeanor records, meaning they no longer need to petition the court to receive an expungement.² While we anticipate the law will make a big difference in the lives of Utahns in need of legal expungement services, there is no notification requirement in the law. In order to benefit from the law, individuals must know that it exists, and understand how it impacts their legal rights.

Sudbury Consulting, LLC and Code for America plan to collaborate on the development of a technological solution that provides information about Utah's Clean Slate law and legal advice to people with criminal records in Utah. We hope to also be able to partner with Utah's Department of Public Safety (DPS) and Commission on Criminal and Juvenile Justice (CCJJ) to further broaden the impact of this work. More specifically, we aim to help people with criminal records access their criminal history, understand what it means, learn whether they have been impacted by Utah's Clean Slate law, and whether they might be eligible for petition-based expungement under Utah law. We believe that designing a tool that is human-centered, user-friendly, and comprehensive enough to provide this type of service will be a great improvement to the current expungement legal services landscape.

We also aim to have our work in Utah create a national model as more states adopt Clean Slate policies that provide automatic record clearance. We see this as an opportunity for Utah to set an example for other states and contribute to the national access to justice conversation.

¹ Jeffrey Selbin, Justin McCrary, & Joshua Epstein, *Unmarked? Criminal Record Clearing and Employment Outcomes*, The Journal of Criminal Law and Criminology, Vol. 108, No. 1 (2017) at 15 (noting "people with criminal records are subjected to roughly 45,000 sanctions, disabilities, disqualifications, or other negative consequences.")

² Code for America is currently in partnership with the Utah Administrative Office of the Courts to help implement Utah's Clean Slate law. More specifically, Code for America has a data sharing agreement with the AOC and has been asked to help identify cases that may be clean slate eligible under the law. As we work together to develop and implement our proposed computer tool, we hope to build on this partnership with the AOC, and explore additional ways we can collaborate to ensure that individuals have access to the most current and accurate information about their Clean Slate eligibility.

More About Code for America

At Code for America, we believe the two biggest levers for improving people's lives at scale are technology and government. So, we build technology in partnership with government to dramatically improve the services and benefits available to people to improve the conditions of their lives. The Clear My Record team at Code for America works with state governments to fundamentally rethink the process of record clearance, leveraging technology and human-centered design to reinvest in communities by removing barriers to employment, housing, health, and education.

As part of our Clear My Record initiative, this project will allow us to deliver impact to people in Utah with criminal records who have benefitted from Utah's Clean Slate law or are eligible for relief under other existing laws. In order for people to benefit from the law, they must know about this type of relief, what it means in the context of their criminal record, and understand what opportunities exist for them to pursue that their criminal record formerly prevented.

12. Why is your proposal eligible to enter the Sandbox? *

Identify the specific model, service or product innovations that are not permitted under the traditional rules governing professional conduct and/or the practice of law.

Utah Rules of Professional Conduct prohibit lawyers from working in partnership with non-lawyers (here, a non-profit tech company) to provide legal services facilitated by technology. Sandbox approval is needed here to build a technological tool that will analyze a person's criminal record and provide free information and legal advice about whether a person has benefitted from Utah's Clean Slate law and/or is eligible for criminal record expungement, or other legal remedies under Utah law.

13. Please describe your target consumer(s)

E.g. single parents making <\$50,000 in a custody dispute, first generation college students in a landlord-tenant dispute; renters 40+ years planning for retirement; college educated entrepreneurs seeking legal advice in starting a business.

People with criminal records seeking to learn whether they have benefitted from Utah's Clean Slate law or looking to obtain broader legal advice about their criminal records, eligibility for expungement, and employment opportunities. As Utah's Clean Slate law is implemented, we anticipate that many people with criminal records will be seeking legal advice on whether they are eligible for relief under the new law, how that impacts their record, and if they have additional criminal case records not eligible for "clean slate relief," whether those records are or could become eligible for petition-based expungement. We also hope to provide general legal advice concerning the legal effect of a criminal record expungement and how this legal benefit improves access to opportunity.

14. Which service provision categories are you seeking to employ in the Sandbox? *

- Lawyer employees
- Completing legal documents
- Less than 50% nonlawyer ownership
- 50% or more nonlawyer ownership
- Non-lawyer provider with lawyer involvement
- **Software provider with lawyer involvement**
- Nonlawyer advice on legal process only
- Nonlawyer provider without lawyer involvement
- Software provider without lawyer involvement
- Other:

15. Which legal service categories are you seeking to offer in the Sandbox? *

At this time, the Utah Supreme Court is only authorizing Sandbox participants to offer services in the following categories.

- Accident/Injury
- Adult Care
- Business
- **Criminal - Expungement ONLY**
- Discrimination
- Domestic Violence
- Education
- **Employment**³
- End of Life Planning
- Financial Issues
- Immigration
- Healthcare
- Housing - Rental
- Marriage and Family
- Military
- Native American and Tribal Issues
- Public Benefits
- Real Estate

Part Three: Risk Assessment

This Sandbox operates under an oversight system guided by the assessment and measurement of risk to consumers of legal services. The Innovation Office has identified three central risks of consumer harm with which we are primarily concerned:

³ As we roll out the criminal record expungement tool, we may also build on our efforts to provide general information and legal advice about the impacts of a criminal record on prospective employment opportunities. For instance, while an individual may successfully expunge their record, it may still be visible to particular licensing agencies or other potential employers in certain sectors. We are hoping our site can provide information to individuals who have questions about what individuals and entities have continuing access to their record, even after the expungement process is complete.

1. Consumer achieves an inappropriate or otherwise flawed legal result.
 2. Consumer fails to exercise legal rights through ignorance or bad advice.
 3. Consumer purchases an unnecessary or inappropriate legal service.
- In this section, you will explain the likelihood that your targeted consumers currently experience each of the three central risks, supported by data as available.

You should be as specific as possible in identifying risks, proposed data, and mitigation plans. We understand there is a lack of data generally available about how people consume legal services and we assume that you will have to rely on proxy data in many instances.

Risk One: consumer achieves an inappropriate or otherwise flawed legal result.

The consumer exercises legal rights and accesses a legal service, but the consumer is subject to x% risk of legal failure under the legal service models available to them in the present market.

16. How are your target consumers presently at risk of achieving an inaccurate/inappropriate legal result? *

Under current Utah regulation of legal services, how are your target consumers likely to receive incorrect legal advice or lose a legal action? What factors (income, legal service cost, time) currently increase your target customers' risk of inaccurate/inappropriate legal outcomes?

Under existing Utah law, individuals must petition the court to get their criminal records expunged. This current petition-based process is so expensive, time-intensive, and complex that few people eligible to expunge their records make it through the process.⁴ As a result, most Utahns with criminal records eligible for expungement are at a very high risk of never obtaining relief and continuing to live their lives with the estimated 45,000 collateral consequences of a criminal record, including lack of meaningful access to jobs, housing, and education.⁵ This is not an appropriate legal result.

Individuals with criminal records have three options in Utah's existing legal market: (1) hire a private attorney; (2) take advantage of the very limited free or low bono legal services available; (3) represent themselves. All three of these options present risks of inaccurate or inappropriate legal results.

⁴ According to estimates from the Utah Department of Public Safety, 1 in 4 individuals (approximately 750,000 people) in Utah have some type of criminal record, and yet data obtained from the Utah Administrative Office of the Courts shows that there are only 2 to 3,000 expungement petitions filed in Utah each year. While not every criminal record is eligible for expungement under Utah law, many records are, and there is a significant gap in legal services. While there is no Utah specific research done on this topic, data from other states estimates that less than 6% of those eligible to expunge their records end up obtaining relief. See e.g., Prescott, J.J. and Starr, Sonja B., *Expungement of Criminal Convictions: An Empirical Study* (March 16, 2019), Available at SSRN: <https://ssrn.com/abstract=3353620> or <http://dx.doi.org/10.2139/ssrn.3353620>.

⁵ See U.S. Commission on Civil Rights, *COLLATERAL CONSEQUENCES: The Crossroads of Punishment, Redemption, and the Effects on Communities* (2019) ("Individuals with criminal histories face barriers to voting, serving on a jury, holding public office, securing employment, obtaining housing, receiving public assistance, owning a firearm, getting a driver's license, qualifying for financial aid and college admission.")

Private lawyers provide expungement services, but legal assistance is costly, and many individuals in need of help cannot afford to hire an attorney. Research shows that individuals with criminal records often face huge barriers to employment, and yet, employment is needed to pay an attorney to help expunge a criminal record. While hiring a lawyer to help expunge a criminal record provides the client with the best chance of making it through the process, even these services are not error-free. Indeed, we heard from many seasoned and experienced lawyers who volunteered for Salt Lake County's Expungement Day event that they never knew how complicated the expungement process was, or how nuanced it could be, and that they struggled to navigate individuals through the required steps. While volunteer lawyers were able to help individuals start the process in high volume, many individuals' legal needs extended beyond the event, requiring people to complete the complex, multi-step process on their own.

Individuals without resources to hire a private attorney may qualify for help from Utah Legal Services,⁶ have the option of attending the few and infrequent low- or pro-bono legal clinics,⁷ or they can try to represent themselves. People who attempt to navigate the process on their own are at high risk of losing out on legal remedies, missing deadlines, and never successfully completing the process. In short, Utah's process for expungement is not well-designed to serve everyone who is eligible.

17. Under your proposed legal service/model, how would your target consumers be at risk of achieving an inaccurate/inappropriate legal result? *

Ideally, we will be able to partner with Utah's CCJJ to access official criminal history data that informs the legal advice that will be provided by the tool. This is the best way to minimize the risk of inappropriate legal results. However, to keep this project moving forward, or if we are unsuccessful in our efforts to secure a data partnership with the state of Utah, we may require people to self-report information about their criminal history that will be analyzed by the tool. This type of self-reporting carries the risk of user errors or inaccuracies. We intend to mitigate this risk by advising users to obtain an official copy of their record before using the tool. We will also utilize user-testing, iterative content development, and move as quickly as possible to secure a partnership that allows us to draw from the state's official criminal history data.

Because most individuals in the target market cannot access expungement legal assistance, there is almost no risk that our proposed tool will leave the target market in a worse position. In

⁶ Utah Legal Services can help individuals with an income up to 125% of the federal poverty level for the household's size. However, there is only one full-time attorney and one paralegal focusing on expungement. In addition, Utah Legal Services cannot represent non-citizens, barring many Utahns with a criminal record from receiving the help that they need.

⁷ Very few low bono and pro bono expungement legal services are available. Salt Lake County has committed to putting on two free Expungement Day events per year, and has a grant for one full-time Expungement Navigator through the end of 2020. The University of Utah's free expungement clinic was recently eliminated. And while Utah's Self Help Center can help individuals navigate the criminal record expungement process, there are limits on the type of assistance they can provide, and there is more demand for these services than they are able to accommodate.

addition, while having a lawyer is helpful, lawyers are not error proof and may sometimes provide incomplete or flawed advice.

The criteria for obtaining an expungement is statutory and we are confident that computer code can be used to analyze criminal history data with high accuracy. In fact, we anticipate that by using technology, we may actually achieve a *lower error rate* than what would occur with human review.

That being said, no tool is perfect and there are potential risks to our tool. The two biggest risks we see with our proposed tool are that: (1) a person will be told they are eligible for a criminal record expungement when that is not the case; or (2) a person will be told that they are not eligible for a criminal record expungement when they actually are.⁸ There is also a smaller, but additional risk that a person believes they are now eligible for certain employment opportunities when that is not the case, or vice versa.

In spite of these risks, it is very unlikely that use of the tool will lead to an inaccurate or inappropriate legal result. This is because the main function of the tool will be to tell individuals (1) whether they have benefitted from Utah's Clean Slate law; and (2) if they have a criminal record that is not eligible to be cleared under Utah's Clean Slate law, whether that record might be eligible for expungement under Utah law.

Once Utah's Clean Slate law is implemented, there will be a list of individuals who have benefitted from the law. Assuming we are able to partner with government agencies to securely access that list, the tool will simply tell an individual whether their name is on that list. Therefore, there is little to no risk or error here. And even before a data-sharing partnership is in place, the tool will help an individual understand whether they are likely to receive relief, how to access and understand their criminal record, and what it may mean for their opportunities.

If an individual has a record that is not Clean Slate eligible, but the tool determines that an individual would be eligible for an expungement under the petition-based process, the tool will recommend that the individual apply for an expungement with the Utah Department of Public Safety's Bureau of Criminal Identification (BCI), the required first step to obtaining a legal expungement under Utah law. If there is an error in the computer tool, and BCI determines the person is not in fact eligible for an expungement, the person will not be able to obtain the certificates necessary to file expungement paperwork with the court. In other words, any errors with the tool will be caught early, before any legal proceedings are initiated, making it very unlikely that there will be any inaccurate legal results.

The only other risk of an inaccurate legal result may be in cases where an individual is not currently eligible for an expungement, but legal remedies exist that could help an individual become eligible. For example, a person may have too many felonies to qualify for an expungement, but may obtain a "402 reduction" to convert one or more of the felonies into

⁸ This second risk--the failure to exercise a legal right due to bad advice, is discussed in more detail in Question 20.

misdemeanors. See Utah Code § 76-3-402. Once this legal action is complete, a person may meet the statutory criteria to obtain an expungement. While we have not decided whether we will attempt to provide this type of nuanced advice, if we do, there may be more risk of an inaccurate legal result here. More specifically, a person may be told to take an action that is not warranted, or they may file a motion with the court that will not end up affecting their expungement eligibility.

18. How do you plan to identify the risk of your consumers achieving an inaccurate or inappropriate legal result? How do you plan to track and mitigate this risk in your proposed legal service/model? *

The first way we will mitigate risk is in the product design and testing phase of the project. Code for America and Sudbury Consulting, LLC will work with a panel of legal expungement practitioners and subject matter experts to ensure that people who use our service are provided with accurate and reliable information. As part of our product development process, we will work closely with people with records to understand their needs and questions, and with legal practitioners to understand the available legal remedies and pathways for opportunities. To the extent possible, we will also leverage the research Code for America does as part of their Clean Slate implementation work with the UT AOC.

In addition, we will take the following two steps to identify, track, and mitigate the risk of inaccurate legal results.

- 1. Pending our ability to secure grant funding to cover the cost of applications, we will offer to help the first 25 individuals who are predicted by our tool to be eligible for an expungement apply to BCI for certificates to verify that the tool's legal determinations are accurate.** Under Utah law, individuals seeking to expunge their records must first apply to BCI to obtain certificates of eligibility. See Utah Code § 77-40-105. If our proposed computer tool determines that an individual is eligible for a petition-based expungement, the individual will be directed to file with BCI an expungement application to obtain certificates needed to file with the court. The cost of this application is \$65 (not waivable), and once an individual applies, BCI staff conducts their own analysis to determine whether someone is eligible. If it turns out that BCI determines that an individual who has applied is *not eligible* to expunge their record, they will receive a denial letter from BCI and will not be able to obtain the certificates of eligibility needed to initiate court proceedings.

We propose testing the tool's accuracy by recruiting 25 individuals determined to be eligible by our proposed tool, to apply for an expungement (free of charge) and sign a third party release, allowing BCI to share the results of their determination with our team. We will then compare the tool's first 25 legal determinations to BCI's determinations to see whether they match and the tool is working. If the determinations do not match, we will work with our panel of legal expungement practitioners and subject matter experts to

figure out why. If it is due to flaws in the tool's logic, we will make needed adjustments to improve future accuracy.

2. **Pending our ability to recruit a panel of 8-10 attorneys with expungement training or expertise, we will review and audit the tool's first 25 legal determinations that a person is not eligible for an expungement.** As noted above, there may be instances where an individual is not legally eligible for a criminal record expungement, but could become eligible if they took advantage of other available legal remedies to adjust the nature of their record (e.g., a 402 reduction that reduces a felony conviction record to a misdemeanor conviction record). To ensure that the tool is providing accurate legal advice in these more complex and nuanced cases, we hope to work with a panel of 8-10 attorneys who have legal expungement training or expertise, to review and analyze the accuracy of the tool's legal recommendations. In order to facilitate this review, we will ask permission from individuals using the site to have their criminal record independently reviewed by an attorney. There will be no contact made between the attorney and the individual using the tool.

If the person consents to having their criminal record shared with an attorney reviewer, it will be independently reviewed by at least 3 attorneys from the panel who will be asked to analyze the record and provide a legal opinion on whether the individual is eligible for an expungement, and if not, whether additional legal steps could be taken to help a client become eligible for an expungement. This review would then be compared to the advice generated by the computer tool to check for accuracy, and identify and correct any errors. If the first 25 legal determinations generated from the tool are less than 80% accurate, additional testing will be proposed before the tool becomes broadly available.

Risk Two: Consumer fails to exercise legal rights through ignorance or bad advice.

The consumer does not believe that accessing a legal service would be a good use of their time/money and chooses not access a legal service currently offered in the legal market.

19. How are your target consumers presently at risk of failing to exercise legal rights through ignorance or bad advice? *

Under current Utah regulation of legal services, how are your target consumers likely to incorrectly conclude that they do not have legal rights to exercise? What legal service models currently on the market take more time/money than your target market would gain if they chose to exercise their legal rights?

Most individuals legally eligible for a criminal record expungement under Utah law never apply for one, and many who start the process, never successfully complete it. Therefore, target consumers are presently at high risk of failing to exercise legal rights available to them.

One of the most complex parts of the process is determining whether an individual is eligible for an expungement under Utah law. As a result, most people eligible for expungement relief in Utah are not accessing the benefits. With the implementation of Utah's Clean Slate law, people

with eligible convictions will receive the benefit of the expungement automatically, but there is no mechanism to drive awareness of the benefit and no scalable means to ensure that people know what that relief means for them in the context of their criminal record. People need to be aware of and understand the legal implications of a criminal record expungement in order to take advantage of opportunities now open to them.

20. How would your target consumers be at risk of failing to exercise legal rights through ignorance or bad advice using your service or model? *

Due to the cost and complexity of the current system, most individuals in need of criminal record expungement never make it through the process. We are hoping that our tool will result in greater access to information to target consumers. Our intention is that people who visit our digital service become knowledgeable about their legal rights and the next steps and opportunities available to them.

The biggest risk of our tool is that a person will be told that they are not eligible for a criminal record expungement when they actually are. If a person is mistakenly told that they are not eligible for a criminal record expungement, they may fail to exercise their legal right to get their criminal record expunged, thereby missing out on access to better employment, housing, educational, and other opportunities.

21. How do you plan to identify whether the risk of your consumers failing to exercise legal rights through ignorance or bad advice? How do you plan to track and mitigate this risk in your proposed legal service/model? *

Code for America engages in a number of qualitative and quantitative strategies to gather feedback from people who use our service. We develop software using an agile, iterative software development process, which enables us to start small, gather real-time feedback, iterate and improve the service based on that feedback. This approach ensures that we are building software that actually meets the needs of people, and it also ensures that we can mitigate the risks associated with developing a tool that provides bad legal advice.

As we develop the tool, we plan to work with both individuals with records and Utah legal expungement experts to design the logic and test the accuracy of the tool's legal expungement determinations. By consulting lawyers in the product design phase who have demonstrated expertise in legal expungement services, we will ensure that the tool is designed to provide sound legal advice to consumers, especially in the more complex or nuanced cases. By working with individuals who have criminal records, we will ensure that the legal advice and next steps generated by the tool can be clearly understood and interpreted.

In addition to taking a careful approach to the product development process, we plan to use the following strategy to track and mitigate the risk that a consumer will fail to exercise an existing legal right to expungement relief:

1. **Pending the ability to recruit a panel of 8-10 trained Utah legal expungement experts, we will facilitate an independent review and audit of the expungement determination tool.**

The biggest risk of our tool is that a person will be told they are not eligible to expunge their record, when in fact, they are. In order to mitigate this risk, we will work with trained Utah legal expungement experts to conduct an independent review of the first 25 legal determinations that a person is not eligible to expunge their record. In order to accomplish this review, we will ask the first 25 people who receive a determination that they are *not* eligible for criminal record expungement whether they would be interested in an attorney conducting a review of that determination. If the individual consents, the individual's record will be shared with 3 attorneys from the panel, who will conduct an independent review of the record. Those attorneys will not make contact with the individual record-holder, but instead, offer a legal opinion to our team. That legal opinion will be compared to the advice generated by the tool. If 2 of the 3 panel members determine that the computer tool generated an error, and the individual is actually eligible for an expungement, the individual will be notified that after further review, they may actually be eligible for an expungement, and will be provided information about how to start that process.

If the first 25 determinations are not at least 80% accurate, more testing will be required before the product becomes broadly available.

Risk Three: Consumer purchases an unnecessary or inappropriate legal service.

The consumer exercises legal rights and accesses a legal service, but the consumer purchases a service which does not adequately serve their legal needs.

22. How are your target consumers presently at risk of purchasing an unnecessary or inappropriate legal service? *

Under current Utah regulation of legal services, how are your target consumers likely to purchase a legal service they do not need? How likely are your target consumers to buy the wrong legal service?

As noted above, most consumers do not have the resources needed to hire an attorney to help them expunge their criminal records, therefore most individuals in the target market are at high risk of not being able to access the legal services they need.

Because it is difficult for individuals to determine whether they meet the legal criteria to be eligible for an expungement under Utah law, the ones who can afford to pay the \$65 fee may choose to apply to BCI to receive a determination. According to conversations with BCI staff, many individuals who apply for an expungement are not even close to meeting the legal requirements necessary to access the process. Therefore, we expect that in the current market, many individuals are presently at risk of paying an application fee to start a legal process that they are not eligible to access.

It is worth noting that this risk also occurs when an individual hires an attorney. Because attorneys have access only to Utah public court records, they have no ability to know whether an individual might have criminal records in other states that might disqualify them for relief. While attorneys can ask clients whether they have criminal records in other states, and advise them that this may disqualify them from an expungement, some clients don't know, or do not accurately self report this information. As a result, clients may be directed to apply for an expungement, when they will not be eligible for expungement relief.

In addition, while we would hope that court records and criminal repository records usually match, there are instances where a person's official criminal history contains different or additional information that did not show up in court records. Because attorneys do not have visibility into these records without paying to access them, there is some risk that they will tell individuals to apply for an expungement, and they end up not being eligible.

23. How would your target consumers be at risk of purchasing an unnecessary or inappropriate legal service using your service or model? *

There is very minimal risk that individuals using our tool will purchase an unnecessary or inappropriate legal service. We will not charge people for use of the computer tool that we build and we will thoroughly vet any legal service referrals listed on our website.

The biggest risk with our tool is that based on an inaccurate legal determination, someone pays BCI a \$65 fee to apply for a certificate of eligibility for an expungement, and they are told they are ineligible. We hope to identify and mitigate this risk in our product design phase and using the review and audit method outlined in question 22. We also hope to mitigate this risk by working in data-sharing partnership with the Department of Public Safety and the Commission on Criminal and Juvenile Justice (CCJJ).

24. How do you plan to identify whether the risk of your consumers purchasing an unnecessary or inappropriate legal service is occurring and how you plan to mitigate this risk? How do you plan to track and mitigate this risk in your proposed legal service/model? *

When our tool generates a legal determination, we will include on our website referrals to legal services organizations and clinics where individuals can access no or low-cost legal attorneys to discuss any advice generated by the tool. We aim to thoroughly vet all referral listings to help mitigate against the risk a person visiting our site is referred to a legal services entity from which they unnecessarily or inappropriately need to pay for legal services.

In addition, we will ask individuals who have received a determination that they are eligible for an expungement to report back to us if they apply to BCI for a certificate and they are told they are ineligible. This will help us to track and identify errors and adjust the software to prevent future errors. Finally, pending the ability to obtain grant funding, and as outlined more fully in

question 19 above, we will offer the first 25 individuals who are deemed eligible for an expungement by our tool the opportunity to apply for certificates free of charge. We will use third party releases to allow the information to be shared with our team, so we can ensure that our tool's prediction that someone is eligible turns out to be the case.

25. What other potential material risks does your proposed legal service offering/model hold for targeted consumers? How do you specifically plan to identify and control for those risks? *

To consider, if applicable and not already addressed: risks around holding of client money, risks around data protection and cybersecurity, risks around money laundering, and risks around real or perceived conflicts of interest.

We anticipate that our tool will be open-source, cloud-based software. We aim to work in partnership with the Utah Commission on Criminal and Juvenile Justice (CCJJ) to access existing criminal history and/or court records so that the service can provide individualized, relevant information and legal advice to people seeking to better understand and interpret their criminal records.

In order for our tool to have the most meaningful impact, we need to work in partnership with Utah government agencies to access criminal history information. The biggest risks of our tool are that (1) someone other than the individual record holder will use our tool to improperly access another person's criminal history and (2) a possible data breach that exposes sensitive data to outside parties.

1) We will mitigate the risk of someone using our tool to improperly access another person's record by incorporating an identity verification process. This process may include, but is not limited to:

- a) Verification questions such as:
 - i) Name, DOB
 - ii) Last four of SSN
 - iii) Current/previous addresses
 - iv) Etc
- b) Two-step verification using SMS
- c) Codes provided by mail
- d) Partnering with community-based organizations

We may also create accounts for users to store personalized information. In this case we will follow industry best practices for strong authentication and secure user account management.

- 2) We will take a series of precautions to mitigate the risk of a data breach, including but not limited to:
- a) Ensure that the internal networking and infrastructure of the application is secure. This is often accomplished by partnering with a secure cloud hosting provider such as AWS GovCloud or Aptible.

- b) Minimize access to sensitive authentication keys and passwords
- c) Ensure all data exchanges take place over secure, encrypted channels using strong authentication
- d) Ensure sensitive data is encrypted both in transit and at rest
- e) Adopt industry best practices for web application development to prevent common vulnerabilities such as SQL Injection or Cross-Site Scripting
- f) Access and store only the minimal amount of data necessary to meet the end user need
- g) Other steps as appropriate based on evolving cyber security risk assessments.

26. Please indicate which categories of data you will be able to provide at regular intervals to the Innovation Office. *

- Non-financial outcome data (legal result achieved)
- Financial outcome data (monetary benefits received or penalties prevented)
- **Output data (number of consumers served, case filings in areas where service leads to litigation)**
- **Returns for error fixes**
- **Consumer satisfaction survey data**
- Consumer demographic data
- Price data
- Consumer complaint data
- Other:

27. Please describe your consumer complaint process. *

As part of our consumer satisfaction survey, we will include a process to submit feedback, and commit to contact individuals within 2 weeks, and direct them to additional support/help as needed.

Part Four: Benefits to Utah Customers

In line with the Regulatory Objective, the Innovation Office is also assessing the potential benefits of proposed offerings to the Utah legal market.

28. Will your service contribute to having MORE legal services for Utah consumers? How so? *

Yes. As explained above, free or low bono expungement legal services are extremely limited. By using technology, we hope to provide legal expungement services free of charge to any and all individuals with Utah criminal records. Given the digital, user-friendly, and accessible nature of our software, we anticipate a huge increase in people accessing expungement legal services than those currently able to retain legal counsel or receive help from free or low bono navigation services and legal clinics.

29. Will your service contribute to having BETTER legal services for Utah consumers? How so? *

Yes. Most people eligible to expunge their criminal records cannot afford an attorney, so they attempt to navigate the process themselves, or they do not try, and continue to live with the collateral consequences of a criminal record. By leveraging technology, our service will aim to help people in Utah expunge their records at a scale that is not possible in our existing legal market. Assuming we are successful in securing a partnership with CCJJ, we will be able to provide free access to a person's criminal history record (which is currently available only to individuals who pay for it), and help individuals learn how to read and understand their own criminal histories, which are complicated and confusing. In addition to providing advice to individuals about the legal remedies available to expunge or pardon a criminal record, we hope to take the additional step of helping individuals understand how a criminal record expungement can remove the barriers to employment, housing, education, and other opportunities, and what next steps they may want to take to pursue those opportunities.

It is our understanding that this type of service does not exist in this legal market, and certainly does not exist to serve everyone who is eligible for a legal expungement in Utah.

30. Will your service contribute to having LESS EXPENSIVE legal service options available to Utah consumers? How so? *

Yes. Our service will be delivered at no cost to the individual with the criminal record seeking to understand their criminal history and the legal remedies available to them.

31. How is your proposal adapted to Utah legal requirements?

E.g. staffed by UT licensed attorneys, built to complete state legal forms.

We will work with UT licensed attorneys to test the tool, and to the extent we link to or rely on forms, they will be court reviewed and approved.

32. Please explain how your proposal is ready to implement if authorized to enter the Sandbox.

The Office of Innovation is only authorized to consider proposals which are ready to begin offering legal services not currently authorized in Utah at the time of authorization.

In order for individuals to trust the source of the information and legal advice we intend to provide, we think it is important to partner with the Government to deliver our service. To that end, and in anticipation of filing this application, we have approached the Utah Commission on Criminal and Juvenile Justice (CCJJ) to host the tool on their website. CCJJ already has an existing data partnership with BCI, the official criminal record repository for the state of Utah, and data source needed to design and implement our tool.

If our proposal is approved, CCJJ has expressed interest in hosting the tool on its website, and BCI has expressed willingness to explore options for sharing the data needed to make the tool work. Code for America will offer this service free of charge to Utah consumers and stands ready to begin the development process. With the execution of any needed data security and data sharing agreements, Code for America is excited to expand its tool to ensure the most meaningful impact for people. Sudbury Consulting LLC will work with Code for America and other Utah legal expungement experts to design, test, and audit the tool to ensure its long term accuracy.

33. Is there anything else you want us to know about your proposed legal service?

Your application will be made publicly available. If there is any specific information within your application for which you would claim business confidentiality, please provide (1) a written claim of business confidentiality, and (2) a concise statement of reasons supporting the claim of business confidentiality. *

Please note the following law: "Any person who provides to a governmental entity a record that the person believes should be protected under 63G-2-305(1) [trade secrets] or (2) [commercial information or non individual financial information] or both Subsections 63G-2-305(1) and (2) shall provide with the record: (A) a written claim of business confidentiality; and (B) a concise statement of reasons supporting the claim of business confidentiality."

- ☐ I understand (checkbox)

Please attach any supplemental materials you wish considered alongside this application:

You may upload up to five (5) word processing documents, PDFs, spreadsheets, presentations, or images which are up to 100 MB in size per document.

34. If you have supplemental materials you wish considered alongside this application form which you cannot upload in the previous question, please indicate so here.

- Yes I have supplemental materials.
- **I do not have supplemental materials at this time.**

TAB 11

INSTITUTIONAL LIQUIDITY MANAGEMENT

Balance Sheet Classification

ILM-UT ST BAR (3176)

Base Currency: USD As of 01/31/2021

Dated: 02/12/2021

CE

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
38141W232	GOLDMAN:FS MM INST	3,818,930.59	AAA	0.020	01/31/2021	0.020	0.020	3,823,141.71	-1,155.88	1.0008	0.00	3,821,985.83
GCYUSD	Cash	52.21	AAA	0.000	01/31/2021	0.000	0.000	52.21	0.00	1.0000	0.00	52.21
---	---	3,818,982.90	AAA	---	01/31/2021	0.020	0.020	3,823,193.92	-1,155.88	---	0.00	3,822,038.04

ST

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
136069KY2	CANADIAN IMPERIAL BANK OF COMMERCE	187,000.00	AA	2.700	02/02/2021	1.876	2.049	187,004.15	5.57	100.0052	2,510.47	189,520.20
89236TEU5	TOYOTA MOTOR CREDIT CORP	250,000.00	A+	2.950	04/13/2021	1.619	0.510	250,843.91	606.59	100.5002	2,212.50	253,463.00
89371RP26	PACCAR FINANCIAL CORP	50,000.00	A+	3.100	05/10/2021	1.908	0.109	50,159.85	259.55	100.8388	348.75	50,768.15
74153WCH0	PRICOA GLOBAL FUNDING I	200,000.00	AA-	2.200	08/03/2021	2.460	0.281	189,827.93	1,492.27	100.6801	708.89	202,029.09
22532LAR5	CREDIT AGRICOLE SA (LONDON BRANCH)	250,000.00	AA-	2.375	07/01/2021	1.970	0.311	250,415.25	1,759.75	100.8700	494.79	252,669.79
89114QJVB	TORONTO-DOMINION BANK	250,000.00	AA-	0.505	07/30/2021	1.407	0.253	248,884.73	1,444.02	100.1315	324.99	250,653.74
59217GBX6	METROPOLITAN LIFE GLOBAL FUNDING I	318,000.00	AA-	1.950	09/15/2021	1.936	0.182	318,026.84	3,476.02	101.1085	2,327.87	321,830.73
22546QAR8	CREDIT SUISSE AG (NEW YORK BRANCH)	337,000.00	AA-	3.005	10/29/2021	2.006	0.331	339,443.21	4,288.71	101.8976	2,583.67	346,315.58
---	---	1,840,000.00	AA-	---	07/10/2021	1.889	0.479	1,842,405.86	13,332.48	---	11,511.93	1,887,250.29

LT

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
525ESC1Y5	LEHMAN ESCROW	300,000.00	NA	0.000	01/01/2049	0.000	---	0.00	3,350.00	1.1200	0.00	3,350.00
89371RP75	PACCAR FINANCIAL CORP	186,000.00	A+	2.850	03/01/2022	2.022	0.325	187,833.26	3,466.86	102.7420	2,206.75	193,306.87
4684SLTE1	JACKSON NATIONAL LIFE GLOBAL FUNDING	250,000.00	A	3.300	02/01/2022	1.516	0.350	254,410.99	2,986.26	102.9589	4,125.00	261,522.25
---	---	736,000.00	A	---	04/28/2022	1.730	0.339	442,044.25	9,813.12	---	6,333.75	458,191.12

Summary

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
---	---	6,394,982.90	AA+	---	04/23/2021	0.711	0.183	6,107,844.03	21,989.72	---	17,545.68	6,147,479.44

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

Utah State Bar Balance Sheets

	1/31/2021	6/30/2020
ASSETS		
Current Assets		
Petty Cash	\$ 625	\$ 625
Cash in Bank	291,408	789,463
Invested Funds	6,147,479	6,089,850
Total Cash/Investments	6,439,513	6,879,938
Accounts Receivable	39,961	227,851
Prepaid Expenses	143,927	94,743
A/R - Sections	50,429	49,679
Total Other Current Assets	234,318	372,273
Total Current Assets	6,673,831	7,252,211
Fixed Assets		
Property & Equipment	4,943,519	4,643,811
Accumulated Depreciation	(4,125,666)	(4,029,666)
Land	633,142	633,142
Total Fixed Assets	1,450,994	1,247,286
TOTAL ASSETS	\$ 8,124,825	\$ 8,499,498
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
AP Trade	\$ 10,054	\$ 104,237
Other Accounts Payable	8,773	109,826
Accrued Payables	556,059	481,137
Cap Lease Oblig - ST	3,892	3,892
A/P - Sections	1,110	173,165
Deferred Revenue	19,731	2,158,156
Total Current Liabilities	599,619	3,030,412
Long Term Liabilities		
Capital Lease Oblig	920	4,112
Total Long Term Liabilities	920	4,112
Total Liabilities	600,540	3,034,524
Equity		
Unrestricted Net Assets (R/E)	5,503,712	5,853,847
Fund Balance - Current Year	2,020,573	(388,874)
Total Equity	7,524,285	5,464,974
TOTAL LIABILITIES & EQUITY	\$ 8,124,825	\$ 8,499,498

TAB 12

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

FEBRUARY 5, 2021

VIDEO CONFERENCE MEETING

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

Minutes: 9:00 a.m. start

1. President's Report: Heather Farnsworth

- 1.1 Spring Convention Report.** Heather Thuet reported that the Spring Convention agenda is complete, and that nearly all of the speakers are confirmed.
- 1.2 "Wellness Wednesday" Report.** Heather Farnsworth reported there will be a wellbeing presentation at the Spring Convention called "Do We Ever Want to Go Back to Normal?" The presentation will focus on some of the positive aspects of remote work and pandemic lockdown. Grant Miller reported that the YLD has its own Wellness Committee that will try to coordinate with the Bar's wellbeing Committee.
- 1.3 Report on Executive Director Position Search.** Heather Farnsworth reported that some resumes have been submitted ahead of the February 28th application deadline. Ms. Farnsworth will establish a committee to review resumes.
- 1.4 Report on Bar Request for Funding under the Cares Act.** Lauren Stout, the Bar's Financial Director, joined the meeting. The Commission discussed the loss of revenue as a result of the pandemic and the eligibility and conditions of a Paycheck Protection Program (PPP) loan. After the discussion, **Marty Moore moved to have the Bar**

submit a PPP loan application. Andrew Morse seconded the motion which passed unopposed.

2. Action Items.

2.1 Nominate President-elect Candidate. After the Commission discussed Katie Woods's qualifications and 6 years of service on the Commission, **Marty Moore moved to nominate Katie Woods to run for office of President-elect of the Board of Bar Commissioners. Chrystal Mancuso-Smith seconded the motion which passed unopposed.**

2.2 Amendment to President-elect Nomination Process: John Baldwin presented the proposed rule changes and explained the need for the clarification. **Marty Moore moved to adopt the proposed changes to Rule 14-206 to clarify president-elect nomination process. Harm Olsen seconded the motion which passed unopposed.**

2.3 Awards Committee Report. After discussing the nominations and the recommendations of the Awards Committee, the following award winners were selected.:

Andrew Morse moved to award **Judge Kate Appleby** 2020 Judge of the Year. Chrystal Mancuso-Smith seconded the motion which passed unopposed.

Marty Moore moved to award **James McConkie II**, 2020 Lawyer of the Year. Katie Woods seconded the motion which passed unopposed.

Marty Moore moved to award the **Indian Law Section** 2020 Section of the Year. Andrew Morse seconded the motion which passed unopposed.

Marty Moore moved to award **The CLE Advisory Committee** 2020 Committee of the Year. Andrew Morse seconded the motion which passed unopposed.

Marty Moore moved to award **Richard Mauro and the Salt Lake Legal Defender Association** a Special Service Award. Michelle Quist seconded the motion which passed unopposed.

Marty Moore moved to award **Margaret Plane** the 2020 Professionalism Award. Michelle Quist seconded the motion which passed unopposed.

Marty Moore moved to award the late **Judge Dee Benson** a Lifetime Service Award. Tom Seiler seconded the award which passed unopposed.

2.4 Nominate to Eighth District Judicial Nominating Commission and Commission on Criminal and Juvenile Justice. After discussing the applicants, Andrew Morse voted to nominate **John Hancock, Tegan Troutner, Gayle McKeachie, and April**

Hollingsworth to serve on the 8th District Judicial Nominating Commission. Tom Seiler seconded the motion which passed unopposed.

Marty Moore moved to nominate **Kevin Daniels, David L. Johnson, and Monica Maio** to serve on the Utah Commission on Criminal and Juvenile Justice. Michelle Quist seconded the motion which passed unopposed.

3. Discussion Items.

3.1 December Financial Statements. The Bar's Financial Director, Lauren Stout, joined the meeting to review the Bar's December 2020 financials. Ms. Stout reviewed the financial statements with the Commission and reported that the Bar is \$214,000 ahead of budget because expenses were cut as a result of the COVID pandemic. Revenue is down because sections have not been offering in-person CLEs. The Commission discussed low income on the Bar's investments because of a highly conservative Investment Policy that limits the types of investments in which the Bar can invest. The Commission asked for distribution of the Investment Policy so the Commission and the Budget and Finance Committee can explore changing the policy to permit some investment with higher yields.

3.2 Blomquist Hale Request to Increase Fees. John Baldwin reported that Blomquist Hale has not requested a fee increase since 2009. The mental health provider would like a fee increase of about 20% from \$75,000 to \$91,000 to cover increased costs and to pay for services that will be provided under attorney discipline Diversion Plans. The Commission had questions about Blomquist Hale's service that staff will review and report on at next meeting.

New Item: Mark Morris reported that with schools opening he has reached out to UCLI's Director Melinda Bowen and other lawyers to promote legal careers to students.

3.3 OPC Oversight Committee Report: Judge Diana Hagen, Chair of the OPC Oversight Committee, provided background on the findings of the ABA during its review of Utah's disciplinary process. One ABA concern was the speed and efficiency of the process. Judge Hagen reported that the duties and work of the Chair of the Ethics and Discipline Committee is too much for a volunteer. The OPC Oversight Committee would like the Bar to fund a full-time position to chair the Ethics and Discipline Committee at the Bar's level 11 pay grade. **Marty Moore moved to fund a full-time position as Ethics and Discipline Committee Chair at the level requested by Judge Hagen. Andrew Morse seconded the motion which passed unopposed.**

4. Information Items

4.1 Women Lawyers of Utah Report on Retention: Ashley Peck and Kim Neville presented a slide show to the Commission with the findings of Women Lawyers 2020 survey on the Retention of Women in the Profession. The survey was conducted ten years after the 2010 survey in order to measure and compare changes for women in

Utah's legal profession. While some progress has been made, the numbers of women in firm leadership is still low compared to the 2010 survey and to women nationally. Utah still has a high number of women who leave the profession. The survey showed that many Utah law firms still do have parental leave policies. Ms. Neville reported that WLU has sample parental leave policies available to lawyers and law firms. Another barrier to the hiring and advancement of women are subjective interview and evaluation questions. Ms. Neville also reported that WLU has sample evaluation questions for legal employers to use that will avoid bias in the evaluation process.

- 4.2 Regulatory Reform Committee Report.** Erik Christiansen reported that after the last Commission meeting he sent a letter to the Court's Innovation Committee asking for more transparency and better descriptions of the legal services sandbox participants will provide. There hasn't been enough time for a response, but Mr. Christiansen will report on the response at the next meeting.
- 4.3 ABA Judges Project.** Erik Christiansen reported that he is heading up the effort to create a Utah Chapter of the ABA's Judicial Intern Opportunity. The program places diverse law students in judicial internships across the country. Utah's chapter would like to raise \$30,000 to pay for 10 internships. He will ask 10 law firms to contribute \$2500 each and will ask the Bar for the final \$5000.
- 4.4 Excessive Force Committee:** Shawn Newall and Andrew Morse reported on the three-day summit that will take place in early April. Each day will have a 2 hour program over the lunch hour. Topics will include the history of force, mitigating the use of deadly force and the role of lawyers and law enforcement in mitigating the use of force and public distrust of law enforcement. Speakers include well-known community leaders.
- 4.5 Report on First Remote Bar Exam.** John Baldwin reported that the February 2021 Bar exam would be administered remotely. Mr. Baldwin explained the process of monitoring by AI proctor to detect cheating, and that each applicant will be required to have a computer with a video camera so proctors can monitor exam takers. While the Court has not made a final decision, it is likely that the July exam will also be administered remotely.

5. Executive Session

Adjourn: 12:33 p.m.

Consent Agenda

1. Approved Minutes from the December 18, 2020 Commission Meeting.

**REPORT OF THE
UTAH STATE BAR®**

Fund for Client Protection

Fiscal Year July 2020 – June 2021

History of the Fund for Client Protection

The Fund for Client Protection was approved and established by the Utah Supreme Court effective April 9, 1977. The fund was established to provide meaningful cost reimbursements to clients injured by a lawyer's dishonest acts. In 1990, the Committee adopted the Rules for Lawyers' Fund for Client Protection. The Supreme Court approved the rules August 3, 1990.

Mission of the Fund

The purpose of the Fund for Client Protection is to promote public confidence in the administration of justice and the integrity of the legal profession by reimbursing losses caused by the dishonest conduct of lawyers and Licensed Paralegal Practitioners (LPPs) admitted and licensed to practice law in this state.

The Committee reviews claims to the Fund for Client Protection to make sure they are valid and meet the eligibility criteria stated in the rules of the program. When several valid cases are available, hearings are scheduled to determine the amount of award, if any, that will be granted to any claimant.

Every lawyer and LPP has an obligation to the public to participate in the collective effort of the Bar to reimburse persons who have lost money or property as a result of the dishonest conduct of another lawyer or LPP. Contribution to the Lawyers' Fund for Client Protection is an acceptable method of meeting this obligation.

Each year during the licensing of Utah State Bar members, each attorney and LPP is assessed a small fee of up to \$20.00, dependent on the amount needed to keep the fund solvent.

COMMITTEE MEMBERS

Stephen W. Farr, Chair
Stephen W. Farr, LLC

Joanna G. Bell
Bell Law

Kim S. Colton
Mitchell Barlow & Mansfield

Kaitlyn Gibbs
Dolowitz Hunnicutt, PLLC

Robert R. Harrison
Stilling & Harrison, PLLC

Kathleen S. Jeffery
Sandy City

Mickell Jimenez
Holland & Hart

David E. Leta
Snell & Wilmer, LLP

Smith D. Monson
Dorsey & Whitney

Linda Barclay Mount
Lexis Nexis

Bradley N. Mumford
Olson & Hoggan PC

Christine Critchley, Bar Staff Liaison

Recent Changes to the Rules of the Fund for Client Protection

Changes to Fund rules 14-904 and 14-912 were made as part of an overhaul of all Bar rules that mention the Office of Professional Conduct (OPC). The Court changed OPC rules to reflect that OPC is now under the supervision of the Court's OPC Oversight Committee and to make changes recommended by the ABA's disciplinary process review committee. These changes were effective December 15, 2020. The Court also changed all deadlines to be divisible by 7.

Fiscal Year July 2020 – June 2021

As contemplated by the Utah Supreme Court Rules of Professional Practice 14-904(c) from the Fund for Client Protection a/k/a Client Security Fund, the Committee submits the following report of its activity this past year and the claims which are pending but have not yet been reviewed.

During the past fiscal year, the Committee held two meetings to hear and make recommendations regarding eight claims concerning a total of four attorneys. The number of claims filed against any one attorney ranged from one to three. The Committee has filed reports after each of its meetings. The reports detailed the claims which the Committee has reviewed and the recommendations as to those claims. Following is a brief summary of the past year's activity.

Utah State Bar Fund for Client Protection PROFIT & LOSS July 2019 through June 2020	
INCOME	
Fund for Client Protection Fees	\$570
Restitution Revenue	25,562
Investment Income	4,941
Total Income	\$31,073
EXPENSE	
Claims Expenses	\$30,705
Bank Service Charges	628
Total Expense	\$31,333
Net Income	\$(260)

Total Claims Paid for Fiscal Year 2019–2020

Attorney	# of claims made to the fund	# of claims recommended for approval	total \$ claimed	total \$ paid from the fund
Thomas M. Burton	3	2 (1 tabled)	\$4,000.00	\$4,000.00
			\$5,000.00	\$0
			\$6,976.22	\$6,976.22
Paul R. Christensen	1	0	\$17,000.00	\$0
Wesley Hutchins	1	1	\$5,000.00	\$5,000.00
Amy Davies Fortune	3	3	\$950.00	\$456.00
			\$175.00	\$175.00
			\$1,500.00	\$1,500.00
TOTAL	8	6	\$40,601.22	\$18,107.22

Prospective Claims

In order to establish the appropriate amount to be assessed to its membership, the Board also needs to be made aware of the number and amounts of prospective claims. As of the date of this report, there are 9 claims pending.

Prospective Claims		Amount Claimed
Cases vetted	2	\$5,500
Cases to be vetted	5	\$39,600
Total Prospective Claims	7	\$45,100

Utah State Bar Fund for Client Protection Fiscal Year 2020–2021 Request

Bank Balance (as of 02/28/2021)	\$256,624
Less: Approved Claims	10,652
Prospective Claims	45,100
Projected Fund Balance	\$200,872
Targeted Fund Balance	\$200,000
Projected Fund Deficiency	—
Current Active Attorneys/LPPs	10,022
Client Security Fund Required 2020–2021 Licensing Period	—
Preliminary Request	—
Actual Request	—

Conclusion

Because the Fund for Client Protection Committee recognizes its responsibility to the Court, the Bar, and its members, it carefully reviews each claim for both eligibility for payment as well as to determine the appropriate amount to be recommended for payment for each claimant. This can be seen in the information presented above.

The Fund for Client Protection provides meaningful relief to those victimized by dishonest lawyers or Licensed Paralegal Practitioners and elevates the overall integrity of the profession. These results demonstrate that the Fund remains “simply, the right thing to do.”

Supreme Court Rules of Professional Practice

Article 9. Lawyers' Fund for Client Protection

Rule 14-901. Definitions.

As used in this article:

- (a) "Bar" means the Utah State Bar;
- (b) "Board" means the Board of Commissioners of the Utah State Bar;
- (c) "Committee" means the Committee on Fund for Client Protection;
- (d) "Dishonest conduct" means either wrongful acts committed by a lawyer or a licensed paralegal practitioner in the nature of theft or embezzlement of money or the wrongful taking of or conversion of money, property or other things of value, or refusal to refund unearned fees received in advance where the lawyer or licensed paralegal practitioner performed no service or such an insignificant service that the refusal to return the unearned fees constitutes a wrongful taking or conversion of money; and
- (e) "Fund" means the Fund for Client Protection; and
- (f) "Supreme Court" means the Utah Supreme Court.

Rule 14-902. Purpose and scope; establishment of Fund.

- (a) The Fund is established to reimburse clients for losses caused by the dishonest conduct committed by lawyers admitted to practice in Utah or licensed paralegal practitioners licensed in Utah.
- (b) The purpose of the Fund is to promote public confidence in the administration of justice and the integrity of the legal profession by reimbursing losses caused by the dishonest conduct of lawyers admitted and licensed to practice law in Utah or licensed paralegal practitioners licensed in Utah, occurring in the course of the lawyer/client, licensed paralegal practitioner/client or fiduciary relationship between the lawyer or licensed paralegal practitioner and the claimant.
- (c) Every lawyer and licensed paralegal practitioner have an obligation to the public to participate in the collective effort of the Bar to reimburse persons who have lost money or property as a result of the dishonest conduct of another lawyer or licensed paralegal practitioner. Contribution to the Fund is an acceptable method of meeting this obligation.
- (d) These rules shall be effective for claims filed after August 1990, and the Committee, which was previously authorized under the former resolution, may act under the terms of the former resolution on claims filed prior to the effective date of these rules.

Rule 14-902 Note.

By resolution of the Board of Commissioners of the Utah State Bar, a Client Security Fund was approved and established by the Supreme Court, effective April 9, 1977. The Fund was established to provide meaningful, prompt cost reimbursements to clients who had been injured by a lawyer's dishonest act. The original resolution did not provide sufficient rules and/or guidelines for the Committee that was embodied by the resolution to utilize in making its recommendations to the Board of Bar Commissioners. The American Bar Association has adopted, as of August 9, 1989, Model Rules for Lawyers' Fund for Client Protection. The following Rules adopt many of the principles from the American Bar Association Model Rules, as well as features from other states and from the prior resolution of the Board of Commissioners of the Utah State Bar, as approved by the Supreme Court.

Licensed Paralegal Practitioners were included in the Fund in 2019 after the Utah Supreme Court exercised its constitutional authority to govern the practice of law and authorized Licensed Paralegal Practitioners to provide limited legal services in the practice areas of: (1) temporary separation, divorce, parentage, cohabitant abuse, civil stalking and custody and support; (2) forcible entry and detainer; and (3) debt collection matters in which the dollar amount in issue does not exceed the statutory limit for small claims cases.

Rule 14-903. Committee membership and terms; Board approval of Committee recommendations.

(a) The Committee shall consist of five lawyers, each to function for a period of five years. The initial membership of the Committee shall be comprised of those individuals who are members of the Committee existing under the former resolution at the time of the adoption of these rules. Subsequent appointments shall be for a term of three years or the term uniformly determined for all Committee members by the Board. Vacancies shall be filled by appointment by the president of the Bar, with the approval of the Board, for the unexpired term.

(b) The Board shall retain the capacity to make any final determination after considering the recommendations of the Committee. The Board, functioning with regard to the Fund, is under the supervision of the Supreme Court.

Rule 14-904. Funding.

(a) The Supreme Court will provide for funding by the lawyers licensed in this state in amounts adequate for the proper payment of claims and costs of administering the Fund subject to paragraph (c).

(b) All determinations regarding funding will be within the discretion of the Board, subject to the Supreme Court's approval.

(c) The Bar has authority to assess its members for purposes of maintaining the Fund at sufficient levels to pay eligible claims in accordance with these rules. The Committee must report annually to the Commission on a timely basis as to known prospective claims as well as total claims paid to date so that an appropriate assessment can be made for the upcoming fiscal year. After the assessment at the beginning of the fiscal year is determined, the Fund balance must be set in an amount of at least \$200,000. The Bar will then report to the Supreme Court as to known prospective claims as well as total claims paid to date after which the final assessment and fund balance will be set with the Court's approval.

(d) A lawyer's failure to pay any fee assessed under paragraph (c) is cause for administrative suspension from practice until payment is received.

(e) Any lawyer whose actions have caused payment of funds to a claimant from the Fund must reimburse the Fund for all monies paid out as a result of the lawyer's conduct with interest at legal rate, in addition to payment of the assessment for the procedural costs of processing the claim and reasonable attorney fees incurred by the Office of Professional Conduct or any other attorney or investigator engaged by the Committee to investigate and process the claim as a condition of continued practice.

(1) In lawyer discipline cases for which the Fund pays an eligible claim, the lawyer's license to practice will be administratively suspended for non-payment until the lawyer has reimbursed the Fund.

Rule 14-905. Segregated bank account.

All monies or other assets of the Fund including accrued interest thereon shall be held in the name of the Fund in a bank account segregated from all other accounts of the Bar or any committees or sections, subject to the direction of the Board.

Rule 14-906. Committee meetings.

(a) The Committee shall meet as frequently as necessary to conduct the business of the Fund and to timely process claims.

(b) The chairperson shall call a meeting at any reasonable time, or upon the request of at least two Committee members.

(c) A quorum of any meeting of the Committee shall be three members.

(d) Minutes of the meeting shall be taken and permanently maintained.

Rule 14-907. Duties and responsibilities of the committee.

The Committee shall have the following duties and responsibilities:

(a) to receive, evaluate, determine and make recommendations to the Board relative to the individual claims;

(b) to promulgate rules of procedure not inconsistent with these rules;

- (c) to provide a full report, at least annually, to the Board and to make other reports as necessary;
- (d) to publicize its activities to the public and the Bar, subject to approval of the Board;
- (e) to appropriately utilize Bar staff to assist in the Committee's performance of its functions effectively and without delay;
- (f) to engage in studies and evaluations of programs for client protection and the prevention of dishonest conduct by lawyers and licensed paralegal practitioners; and
- (g) to perform all other acts necessary or proper for the fulfillment of the purposes of the Fund and its effective administration.

Rule 14-908. Conflict of interest.

(a) A Committee member who has or has had a lawyer-client relationship or a financial relationship with a claimant or lawyer who is the subject of a claim shall not participate in the investigation or adjudication of a claim involving that claimant, lawyer or licensed paralegal practitioner.

(b) A Committee member with a past or present relationship, other than as provided in paragraph (a), with a claimant, the lawyer or the licensed paralegal practitioner whose alleged conduct is the subject of a claim, shall disclose such relationship to the Committee and, if the Committee deems appropriate, that Committee member shall not participate in any proceeding relating to such claim.

Rule 14-909. Immunity.

The Committee members, employees and agents of the Bar and claimant and lawyers who assist claimants are absolutely immune from civil liability for all acts in the course of their duties.

Rule 14-910. Eligible claim.

(a) The loss must be caused by the dishonest conduct of the lawyer or the licensed paralegal practitioner and shall have arisen out of the course of a lawyer/client, licensed paralegal practitioner/client, or fiduciary relationship between the lawyer or the licensed paralegal practitioner and the claimant and by reason of that relationship.

(b) The claim for reimbursement shall be filed within one year after the date of the final order of discipline.

(b)(1) In cases of the lawyer's or licensed paralegal practitioner's death, the claim for reimbursement shall be filed within one year of the lawyer's or licensed paralegal practitioner's date of death.

(b)(2) In cases of the lawyer's or licensed paralegal practitioner's formal disability, the claim for reimbursement shall be filed within one year of the date of the order of disability.

(c) If the subject of the application for reimbursement from the Fund is or arises out of loss occasioned by a loan or an investment transaction with a lawyer or licensed paralegal practitioner, each loss will not be considered reimbursable from the Fund unless it arose out of and in the course of the attorney/client relationship or licensed paralegal practitioner/client relationship; and but for the fact that the dishonest lawyer or licensed paralegal practitioner enjoyed an attorney/client or licensed paralegal practitioner/client relationship with the claimant, such loss could not have occurred. In considering whether that standard has been met the following factors will be considered:

(c)(1) the disparity in bargaining power between the lawyer or the licensed paralegal practitioner and the client in their respective educational backgrounds in business sophistication;

(c)(2) the extent to which the lawyer's or the licensed paralegal practitioner's status overcame the normal prudence of the claimant;

(c)(3) the extent to which the lawyer or licensed paralegal practitioner, by virtue of the attorney/client or licensed paralegal practitioner/client relationship with the claimant, became privy to information as to the client's financial affairs. It is significant if the lawyer or licensed paralegal practitioner knew of the fact that the client had available assets or was expecting to receive assets which were ultimately wrongfully converted by the lawyer or licensed paralegal practitioner;

(c)(4) whether a clear majority of the service arose out of a relationship requiring a license to practice law in Utah, as opposed to one that did not. In making this evaluation, consideration will be given to:

(c)(4)(A) whether the transaction originated with the lawyer or licensed paralegal practitioner;

(c)(4)(B) the reputation of the lawyer or licensed paralegal practitioner as to scope and nature of his/her practice and/or business involvement;

(c)(4)(C) the amount of the charge made for legal services, if any, compared to that for a finder's fee, if any; and

(c)(4)(D) the number of prior transactions of either a similar or different nature in which the client participated, either with the lawyer or licensed paralegal practitioner involved or any other lawyer, licensed paralegal practitioner, person or business organization;

(c)(5) the extent to which the lawyer or licensed paralegal practitioner failed to make full disclosure to the client in compliance with the Utah Rules of Professional Conduct, including disclosure of the lawyer's or licensed paralegal practitioner's financial condition and his/her intended use of the funds.

(d) Exceptions. Except as provided by paragraph (e), the following losses shall not be reimbursed:

(d)(1) loss incurred by spouses, children, parents, grandparents, siblings, partners and associates of the lawyer or licensed paralegal practitioner;

(d)(2) losses covered by any bond, surety, agreement or insurance contract to the extent covered thereby, including any loss to which any bonding agent, surety or insurer is subrogated to the extent of that subrogated interest;

(d)(3) losses of any financial institution which are recoverable under a "Banker's Blanket Bond" or similar commonly available insurance or surety contract;

(d)(4) any business entity controlled by the lawyer, licensed paralegal practitioner or any person or entity described in paragraph (d)(1);

(d)(5) any governmental entity or agency;

(d)(6) any assigned claims, third party claims, claims of heirs or estates of deceased claimants;

(d)(7) any claims where claimant has failed to exhaust all other reasonably available services or recovery methods;

(d)(8) any investment losses, as distinguished from legal fees, which might reasonably be characterized as:

(d)(8)(A) any pyramid or ponzie scheme;

(d)(8)(B) any investment in or loan to any offshore entity;

(d)(8)(C) any investment in or loan to an entity that claims that a benefit to the investor would be the evasion, avoidance, reduction or other sheltering of taxes that would be otherwise assessed on the investment; or

(d)(8)(D) any investment that promises such a high rate of return that a reasonable and prudent person would suspect that the venture is of unusually high risk.

(e) In cases of extreme hardship or special and unusual circumstances, the Committee may, in its discretion, recognize a claim which would otherwise be excluded under these rules.

Rule 14-911. Procedures and form; responsibilities of claimants to complete form.

(a) The Committee shall prepare and approve a form of claim for reimbursement.

(b) The form shall include at least the following information provided by the claimant under penalty of perjury:

(b)(1) the claimant's name and address, home and business telephone, occupation and employer, and social security number for purposes of subrogation and tax reporting;

(b)(2) the name, address and telephone number of the lawyer or licensed paralegal practitioner who has dishonestly taken the claimant's money or property;

(b)(3) the legal or other fiduciary services the lawyer or licensed paralegal practitioner was to perform for the client;

(b)(4) how much was paid to the lawyer or licensed paralegal practitioner;

(b)(5) the copy of any written agreement pertaining to the claim;

(b)(6) the form of the claimant's loss involved (e.g. money, securities or other property) and the attachment of any documents that evidence the claimed loss such as cancelled checks, title instruments, deeds or stock certificates;

(b)(7) the amount of loss and the date when the loss occurred;

(b)(8) the date when the claimant discovered the loss and how the claimant discovered the loss;

(b)(9) the lawyer's or licensed paralegal practitioner's dishonest conduct and the names and addresses of any persons who have knowledge of the loss;

(b)(10) identification of whom the loss has been reported to (e.g. county attorney, police, disciplinary agency, or other person or entity), and a copy of any complaint and description of any action that was taken;

(b)(11) the source, if any, from which the loss could be reimbursed, including any insurance, fidelity or surety agreement;

(b)(12) the description of any steps taken to recover the loss directly from the lawyer, licensed paralegal practitioner or any other source;

(b)(13) the circumstances under which the claimant has been, or will be, reimbursed for any part of the claim (including the amount received or to be received, and the source), along with a statement that the claimant agrees to notify the Committee of any reimbursements the claimant receives during the pendency of the claim;

(b)(14) the existence of facts believed to be important to the Committee's consideration of the claim;

(b)(15) the manner in which the claimant learned about the Fund;

(b)(16) the name, address and telephone number of the claimant's present lawyer or licensed paralegal practitioner, if any;

(b)(17) the claimant's agreement to cooperate with the Committee in reference to the claim, as required by the Utah or Federal Rules of Civil Procedure, in reference to civil actions which may be brought in the name of the Bar, pursuant to a subrogation and assignment clause, which shall also be contained within the claim;

(b)(18) the name and address of any other state fund to which the claimant has applied or intends to apply for reimbursement, together with a copy of the application; and

(b)(19) the statement that the claimant agrees to the publication of appropriate information about the nature of the claim and the amount of reimbursement, if reimbursement is made.

(c) The claimant shall have the responsibility to complete the claim form and provide satisfactory evidence of a reimbursable loss.

(d) The claim shall be filed with the Committee by providing the same to the Utah State Bar, Fund for Client Protection at the Law and Justice Center, 645 South 200 East, Salt Lake City, Utah 84111.

Rule 14-912. Processing claims.

- (a) Whenever it appears that a claim is not eligible for reimbursement pursuant to these rules, the claimant must be advised of the reasons why the claim may not be eligible for reimbursement, and that unless additional facts to support eligibility are submitted to the Committee, the claim file will be closed. The Fund chair may appoint themselves or any Committee member to determine the eligibility of claims.
- (b) A certified copy of an order disciplining a lawyer for the same dishonest act or conduct alleged in the claim, or a final judgment imposing civil or criminal liability therefor, is evidence that a lawyer committed such dishonest act or conduct.
- (c) The Office of Professional Conduct must be promptly notified of each and every claim.
- (d) The lawyer alleged to have engaged in dishonest conduct must be provided a copy of the claim and given an opportunity to respond to the Committee in writing within 21 days of receiving the claim.
- (e) The Committee may request that testimony be presented. If desired, the lawyer or lawyer's representative must request an opportunity to be heard within 21 days of receiving a notice from the Committee that the Committee will process the claim.
- (f) The Committee may make a finding of dishonest conduct for purposes of adjudicating a claim. Such a determination is not a finding of dishonest conduct for the purposes of professional discipline and further, represents only a recommendation to the Board. A claim may only be considered if the individual lawyer involved has been disciplined to a threshold level of a public reprimand or is no longer in practice.
- (g) The claim will be determined on the basis of all available evidence, and notice must be given to the claimant and the lawyer of the final decision by the Board after a recommendation has been made by the Committee. The recommendation for approving or denying a claim requires the affirmative votes of a majority of the Committee members and a quorum of the voting Board members.
- (h) Any proceeding on a claim will not be conducted according to technical rules relating to evidence, procedure, and witnesses. Any relevant evidence must be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of any common law or statutory rule that may make improper the admission of such evidence over objection in court proceedings. The claimant has the duty to supply relevant evidence to support the claim.
- (i) The Board must determine the order and manner of payment and pay those claims it deems meritorious. Unless the Board directs otherwise, no claim will be approved during a pending disciplinary proceeding involving the same act or conduct as alleged in the claim. No determination or hearing will take place until all disciplinary proceedings are complete.
- (j) The Board must advise both the claimant and the lawyer of the status of the Board's consideration of the claim and after having received the recommendation of the Committee, must also be informed of the final determination.
- (k) The claimant may request reconsideration within 28 days of the denial or determination of the amount of the claim.

Rule 14-913. Payment of reimbursement.

- (a) The Board may, from time to time, fix a maximum amount of reimbursement that is payable by the Fund. Initially, the maximum amount shall be \$10,000 per claim and \$25,000 total dollars within any given calendar year with regard to an individual lawyer or licensed paralegal practitioner.
- (a)(1) There shall be a lifetime claim limit of \$425,000 per lawyer or licensed paralegal practitioner.
- (b) Claimant shall be reimbursed for losses in amounts to be determined by the Board after recommendations by the Committee. Reimbursement shall not include interest and other incidental and out-of-pocket expenses.
- (c) Payment of reimbursement shall be made in such amounts and at such time as the Board approves and may be paid in

lump sum or installment amounts. In the event that the Committee determines that there is a substantial likelihood that claims against the lawyer or licensed paralegal practitioner may exceed either the annual or lifetime claim limits, claims may be paid on a pro rata basis or otherwise as the Board and the Committee determine is equitable under the circumstances.

(d) If a claimant is a minor or an incompetent, the reimbursement may be paid to any proper and legally recognized person or authorized entity for the benefit of the claimant.

Advisory Committee Notes

Rule 14-913 Amendment Note: The Bar changed from a calendar year to a fiscal year (July 1 to June 30) in 1990.

The Board approved increasing the yearly per claim award limit from \$10,000 to \$20,000 and to eliminate the yearly per lawyer claim limit of \$25,000 on December 1, 2000.

The Board voted to reinstate the yearly lawyer cap of \$25,000 on June 8, 2001.

The Board voted to raise the yearly per lawyer cap to \$50,000 from the previously reinstated \$25,000 cap on December 7, 2001.

The Board voted to raise the yearly per lawyer cap to \$75,000 on October 29, 2010.

Rule 14-914. Reimbursement from the fund as a matter of grace.

No person shall have a legal right to reimbursement from the Fund, whether as claimant, beneficiary or otherwise, and any payment is a matter of grace.

Rule 14-915. Restitution and subrogation.

(a) A lawyer or licensed paralegal practitioner whose dishonest conduct results in reimbursement to a claimant shall be liable to the Fund for restitution, and the Bar may bring such action as it deems advisable to enforce such obligation.

(b) As a condition of reimbursement, a claimant shall be required to provide the Fund with a pro tanto transfer of the claimant's rights against the lawyer or licensed paralegal practitioner and their legal representative, estate or assigns; and of claimant's rights against any third party or entity who may be liable for the claimant's loss.

(c) Upon commencement of an action by the Bar as subrogee or assignee of a claim, it shall advise the claimant, who may then join in such action to recover the claimant's unreimbursed losses.

(d) In the event the claimant commences an action to recover unreimbursed losses against the lawyer, licensed paralegal practitioner or any other entity who may be liable for the claimant's loss, the claimant shall be required to notify the Bar of such action.

(e) The claimant shall be required to agree to cooperate in all efforts that the Bar undertakes to achieve restitution for the Fund.

Rule 14-916. Confidentiality.

Claims, proceedings and reports involving claims for reimbursement are confidential until the Committee recommends, and final determination is made by the Board, authorizing reimbursement to the claimant, except as provided below. After payment of the reimbursement, the Board may publicize the nature of the claim, the amount of reimbursement and the name of the lawyer or licensed paralegal practitioner. The name and address of the claimant shall not be publicized by the Bar, unless specific permission has been granted by the claimant.

Updated December 15, 2020

March 2021 New Admittees – Utah Supreme Court

Aldon B. Anderson
Seamus W. Appel

Alexander H. Bailey
Katherine A. Bailey
Stacey Beaumont
Steven Berkovitch

Darin A. Childers
Paul C. Cox

Valentina De Fex
Hwa Sung R. Doucette

Adam Ellsworth

Michael D. Fielding

Ann Groninger

Brandt J. Henslee
Jacob Huebert
Michelle H. Hyncik

Matthew Jones

Rosemary L. Kerchenko
Kara L. Klima

Lawrence M. Lazzara
Tucker F. Levis
Lauren E. Lonergan

Jaycee L. Nall
Austin Nate
Jonathon D. Nelson
Ralph E. Nelson

Kade N. Olsen

William M. Rainey
Eliot V. Rasmussen
Maureen Redeker
Jeffery G. Roberts
Paul N. Ross

Daniel E. Thenell

Christopher M. Vegh

Gregory L. Watts
Courtney Wolf

House Counsel

Jennifer Lindsay
Winston Waltman

TAB 13

UTAH STATE BAR
Budget and Finance Committee
Financial Results as of February 28, 2021
and for the eight month period then ended

118

FINANCIAL STATEMENT HIGHLIGHTS

Notable Trends:

- The results of the first eight months of the fiscal year shows total revenues underreporting compared to the budget, while expenses are also underreporting, thus resulting in a favorable variance of \$35,000 compared to the budget.
 - Interest revenue related investments has been underreporting during the past eight months due to the cuts made to the Fed rates since the COVID-19 pandemic began.
 - CLE revenue and facilities revenue are underreporting, both of which was expected but is still difficult to estimate in a budget due to the current restrictions on large gatherings due to COVID.
 - In February 2021, the Bar applied for the Payroll Protection Program (PPP) through the CARES Act and received funds totaling just over \$653,000 to cover payroll expenses. The funds are currently classified as a long-term payable on the entity's Balance Sheet (or Statement of Financial Position) and were deposited into a separate bank account that is segregated from other operating funds. Following each payroll, payroll expenses will be deducted from the separate account so that the use of the funds can be easily tracked. The PPP program allows entities to submit an application for forgiveness sometime between 8-24 weeks following receipt of the funds once they can prove the funds were spent on qualified payroll expenses, which include: salaries, wages capped at \$100,000/annually per employee, employee benefits such as costs associated with retirement plans, group health insurance, vacation time, sick and medical leave, and parental and family leave, and state and local taxes on compensation. It is estimated that the funds will support between three and three and half months of qualified payroll expenses; at which time an application for forgiveness will be submitted.

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

	Actual	Budget	Fav(unfav) \$ Variance	Fav(unfav) % Variance
YTD revenue	5,492,654	5,992,208	(499,553)	-8%
YTD expenses	3,732,021	4,266,628	534,606	13%
YTD net profit/(loss)	1,760,633	1,725,580	35,053	2%

YTD net income is \$1,760,633 and is \$35,053 over budget.

YTD Net Profit –Cash Basis: Adding back year-to-date depreciation expense of \$110,000 and deducting capital expenditures of \$301,000, the cash basis year-to-date net profit is approximately \$191,000 lower.

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

NLTP: YTD NLTP net spending is approximately \$13,800 more than budgeted and is mostly due to a timing issue related to how salaries and wages expense was spread over the twelve month budget period. We expect this variance to resolve in the remaining four months of the year. All other revenues and expenses are relatively consistent with budgeted amounts.

UTAH STATE BAR
Budget and Finance Committee
Financial Results as of February 28, 2021
and for the eight month period then ended

119

CLE: The CLE department's revenue is currently reporting \$227,000 less than budgeted and expenses are reporting \$161,000 less than budgeted. CLE Registrations is the most significant revenue item for this department, which is underreporting by \$283,000, and is due to the Bar not holding in-person CLE events due to COVID pandemic. Since the CLE department is not holding in-person events, its expenses are also underreporting and significantly less than budgeted.

Fall Forum: The Forum that was held in October, generated \$56,000 in registration revenue, which is less than budgeted. However, the online format of the Fall Forum resulted in relatively limited expenses. As such, the Fall Forum is currently reporting a \$34,000 net profit, which is \$34,000 over budget.

Spring Convention: The 2021 Spring Convention has been moved from an in-person event to a virtual event due to COVID and the restrictions on large gatherings. To date the event has generate \$24,400 of registration revenue, which is about half of what was budgeted for an in-person event. Also note that the online format will not have sponsors so there will be no sponsor or vendor revenue, which was budgeted to bring in more than \$20,000 in revenues. Similar to the Fall Forum, it is expected that the online format of the event will result in significantly lower expenses and expenses will mostly relate to staff time spent to facilitate the event.

Member Services: Member Services YTD net spending is \$151,000 compared to budgeted net spending of \$211,000. Lower net spending is the result of higher than budgeted advertising revenue for the Bar Journal; and lower than expected expenses related to meeting expenses, salaries and wages and other administrative costs. We note that approximately \$5,000 was budgeted for meetings (meeting rooms, supplies and food) that have not occurred in person and instead have been held virtually due to the pandemic. Additionally, a position in Section Support was vacated in September and has not been filled, therefore reducing total salaries and wages for the past five months. Finally, we note some administrative costs were budgeted related to computer maintenance and copy/printing; although the related expenses have not occurred yet, they may be charged in future months thus increasing net spending and aligning net spending closer to budget.

Public Services: Public Services YTD net spending is \$352,000, which is \$23,000 less than budgeted. The lower net spending is mostly the result of lower-than-budgeted program expenses, which is expected as the Tuesday Night Bar program has been taken virtually and required less program expenditures (like room rentals, beverage costs and off-duty police officer pay). The lower expenses trend will most like proceed through the end of the fiscal year.

Bar Operations: Bar Operations' revenue of \$56,000 is underreporting by \$99,000 compared to budget of \$155,000, which is the result of investment income underreporting due to low interest rates.

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

UTAH STATE BAR
Budget and Finance Committee
Financial Results as of February 28, 2021
and for the eight month period then ended

ADDITIONAL COMMENTS

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

Operations Reserve (3 months' operations)	\$1,581,302
Capital Replacement Reserve (equipment)	200,000
Capital Replacement Reserve (building)*	<u>372,930</u>
Total	\$2,154,232
Estimated cash reserve at February 28, 2021	<u>\$4,173,670</u>
Excess of current cash reserve over board-designated reserve	<u><u>\$2,019,438</u></u>

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

**Utah State Bar
Income Statement
February 28, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
Licensing	4,433,720	4,508,245	4,415,655	92,590	102%	4,433,431	102%
Admissions	273,875	268,016	282,602	(14,586)	95%	366,920	73%
NLTP	42,300	41,309	46,331	(5,022)	89%	51,920	80%
OPC	7,956	28,846	16,503	12,343	175%	28,128	103%
CLE	304,003	224,385	451,422	(227,037)	50%	463,447	48%
Summer Convention	218,585	-	-	-	#DIV/0!	-	#DIV/0!
Fall Forum	83,224	56,368	79,903	(23,536)	71%	79,903	71%
Spring Convention	116,548	24,400	71,118	(46,718)	34%	92,750	26%
Member Services	195,902	216,557	198,483	18,074	109%	239,395	90%
Public Services	8,719	5,198	47,703	(42,505)	11%	12,085	43%
Bar Operations	137,189	55,799	154,966	(99,167)	36%	175,422	32%
Facilities	156,341	23,956	227,522	(203,566)	11%	244,053	10%
Total Revenue	5,978,360	5,453,078	5,992,208	(539,129)	91%	6,187,454	88%
Expenses							
Licensing	84,495	127,824	119,058	(8,766)	107%	130,789	98%
Admissions	391,896	327,429	338,883	11,454	97%	397,785	82%
NLTP	51,007	68,500	59,780	(8,720)	115%	69,087	99%
OPC	1,010,723	956,304	977,878	21,574	98%	1,088,953	88%
CLE	300,783	176,152	337,639	161,488	52%	457,638	38%
Summer Convention	276,794	3,107	9,649	6,542	32%	9,649	32%
Fall Forum	75,596	22,391	79,903	57,512	28%	79,903	28%
Spring Convention	14,206	3,780	35,819	32,039	11%	72,019	5%
Member Services	437,910	367,451	409,206	41,755	90%	461,881	80%
Public Services	400,224	396,422	419,832	23,410	94%	459,131	86%
Bar Operations	1,251,197	1,036,448	1,069,792	33,344	97%	1,197,952	87%
Facilities	353,183	246,212	409,188	162,976	60%	441,097	56%
Total Expenses	4,648,015	3,732,021	4,266,628	534,606	87%	4,865,883	77%
Other							
Grant Income	-	39,576	-	-	#DIV/0!	-	#DIV/0!
Net Profit (Loss)	\$ 1,330,346	\$ 1,760,633	\$ 1,725,580	\$ 35,053	102%	\$ 1,321,571	133%
Depreciation	133,650	110,373	143,327	32,954	77%	161,075	
Cash increase (decrease) from operations	1,463,995	1,871,006	1,868,907	2,099	100%	1,482,646	
Changes in operating assets/liabilities	(2,986,575)	(2,275,328)	(2,275,328)	-	100%	20,000	
Capital expenditures	(300,910)	(300,910)	(310,403)	9,493	97%	(157,000)	
Net change in cash	\$ (1,823,489)	\$ (705,231)	\$ (716,824)	\$ 11,593	98%	\$ 1,345,646	-52%

**Utah State Bar
Licensing
February 28, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4010 · Section/Local Bar Support fees	16,940	17,180	16,914	266	102%	16,914	102%
4004 · Admissions - Laptop Fees	-	575	-	575	#DIV/0!	-	#DIV/0!
4006 · Transfer App Fees	-	-	-	-	#DIV/0!	-	#DIV/0!
4011 · Admissions LPP	1,900	1,250	1,614	(364)	77%	1,954	64%
4021 · Lic Fees > 3 Years	3,676,510	3,729,825	3,690,459	39,366	101%	3,693,872	101%
4020 · NLTP Fees	-	750	-	750	#DIV/0!	-	#DIV/0!
4022 · Lic Fees < 3 Years	191,260	194,120	199,635	(5,515)	97%	199,635	97%
4023 · Lic Fees - House Counsel	43,240	46,100	47,125	(1,025)	98%	47,125	98%
4025 · Pro Hac Vice Fees	87,450	137,500	102,051	35,449	135%	114,946	120%
4024 · Lic Fees LPP	800	2,150	800	1,350	269%	800	269%
4026 · Lic Fees - Inactive/FS	120,505	116,630	119,644	(3,014)	97%	119,346	98%
4027 · Lic Fees - Inactive/NS	214,200	219,660	214,672	4,988	102%	214,146	103%
4029 · Prior Year Lic Fees	-	-	-	-	#DIV/0!	-	#DIV/0!
4030 · Certs of Good Standing	17,170	11,340	21,745	(10,405)	52%	23,670	48%
4095 · Miscellaneous Income	545	170	996	(826)	17%	1,023	17%
4096 · Late Fees	63,200	30,995	-	30,995	#DIV/0!	-	#DIV/0!
Total Revenue	4,433,720	4,508,245	4,415,655	92,590	102%	4,433,431	102%
Expenses							
Program Services	95	18,098	24,433	6,336	74%	27,475	-
Salaries & Benefits	56,947	80,976	64,616	(16,360)	125%	70,899	114%
General & Administrative	21,824	22,436	23,968	1,532	94%	25,424	88%
Building Overhead	5,628	6,315	6,041	(274)	105%	6,991	90%
Total Expenses	84,495	127,824	119,058	(8,766)	107%	130,789	98%
Net Profit (Loss)	\$ 4,349,225	\$ 4,380,421	\$ 4,296,597	\$ 83,824	102%	\$ 4,302,643	102%

Note: Includes LPP staff time and exam expense

**Utah State Bar
Admissions
February 28, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4001 · Admissions - Student Exam Fees	100,375	65,450	102,879	(37,429)	64%	138,957	47%
4002 · Admissions - Attorney Exam Fees	26,250	34,575	25,097	9,478	138%	43,788	79%
4003 · Admissions - Retake Fees	22,000	22,050	13,753	8,297	160%	14,284	154%
4004 · Admissions - Laptop Fees	35,100	36,400	57,535	(21,135)	63%	78,189	47%
4006 · Transfer App Fees	34,500	29,700	42,248	(12,548)	70%	45,983	65%
4008 · Attorney - Motion	30,600	53,550	23,906	29,644	224%	27,226	197%
4009 · House Counsel	11,200	9,350	13,414	(4,064)	70%	13,414	70%
4095 · Miscellaneous Income	2,150	2,741	1,271	1,470	216%	2,580	106%
4096 · Late Fees	8,700	7,000	-	7,000	#DIV/0!	-	#DIV/0!
Total Revenue	273,875	268,016	282,602	(14,586)	95%	366,920	75%
Expenses							
Program Services	79,185	23,403	74,050	50,647	32%	90,765	26%
Salaries & Benefits	210,855	243,210	214,347	(28,863)	113%	239,422	102%
General & Administrative	88,109	49,619	35,302	(14,317)	141%	50,371	99%
Building Overhead	13,747	11,198	15,184	3,986	74%	17,227	65%
Total Expenses	391,896	327,429	338,883	11,454	97%	397,785	82%
Net Profit (Loss)	\$ (118,021)	\$ (59,414)	\$ (56,281)	\$ (3,133)	6%	\$ (30,865)	192%

Utah State Bar
NLTP
February 28, 2021

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4020 - NLTP Fees	42,300	40,500	45,598	(5,098)	89%	51,096	79%
4081 - CLE - Registrations	-	619	-	619	#DIV/0!	-	#DIV/0!
4200 - Seminar Profit/Loss	-	190	733	(543)	26%	824	-
Total Revenue	42,300	41,309	46,331	(5,022)	89%	51,920	80%
Expenses							
Program Services	3,159	-	5,576	5,576	0%	5,576	0%
Salaries & Benefits	34,818	52,503	42,854	(9,649)	123%	50,519	104%
General & Administrative	10,014	13,610	7,986	(5,624)	170%	9,190	148%
Building Overhead	3,016	2,387	3,364	977	71%	3,802	63%
Total Expenses	51,007	68,500	59,780	(8,720)	115%	69,087	99%
Net Profit (Loss)	\$ (8,707)	\$ (27,191)	\$ (13,449)	\$ (13,742)	202%	\$ (17,167)	158%

**Utah State Bar
OPC
February 28, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4095 - Miscellaneous Income	3,100	1,953	5,057	(3,104)	39%	5,628	35%
4200 - Seminar Profit/Loss	4,856	26,893	11,446	15,447	235%	22,500	120%
Total Revenue	7,956	28,846	16,503	12,343	175%	28,128	103%
Expenses							
Program Services	22,528	1,103	5,852	4,749	19%	6,330	17%
Salaries & Benefits	852,564	845,543	843,143	(2,400)	100%	938,389	90%
General & Administrative	87,311	68,150	76,255	8,105	89%	84,144	81%
Building Overhead	48,320	41,508	52,628	11,120	79%	60,090	69%
Total Expenses	1,010,723	956,304	977,878	21,574	98%	1,088,953	88%
Net Profit (Loss)	\$ (1,002,767)	\$ (927,457)	\$ (961,375)	\$ 33,918	96%	\$ (1,060,825)	87%

**Utah State Bar
CLE
February 28, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4052 · Meeting - Sponsor Revenue	14,500	7,250	22,050	(14,800)	33%	22,050	33%
4053 · Meeting - Vendor Revenue	1,000	-	-	-	#DIV/0!	-	-
4054 · Meeting - Material Sales	-	-	-	-	#DIV/0!	-	-
4081 · CLE - Registrations	269,631	152,477	435,051	(282,574)	35%	402,087	38%
4082 · CLE - Video Library Sales	63,678	76,335	48,833	27,502	156%	56,905	134%
4084 · Business Law Book Sales	-	-	-	-	#DIV/0!	-	-
4095 · Miscellaneous Income	-	-	-	-	#DIV/0!	-	-
4200 · Seminar Profit/Loss	(44,806)	(11,677)	(54,512)	42,835	21%	(17,595)	66%
Total Revenue	304,003	224,385	451,422	(227,037)	50%	463,447	48%
Expenses							
Program Services	155,851	62,969	190,710	127,741	33%	296,854	21%
Salaries & Benefits	89,398	80,498	89,724	9,226	90%	98,288	82%
General & Administrative	46,258	22,837	47,872	25,035	48%	51,805	44%
Building Overhead	9,276	9,848	9,333	(515)	106%	10,691	92%
Total Expenses	300,783	176,152	337,639	161,488	52%	457,638	38%
Net Profit (Loss)	\$ 3,219	\$ 48,233	\$ 113,783	\$ (65,549)	42%	\$ 5,809	830%

**Utah State Bar
Summer Convention
February 28, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 - Meeting - Registration	181,985	-	-	-	#DIV/0!	-	#DIV/0!
4052 - Meeting - Sponsor Revenue	19,500	-	-	-	#DIV/0!	-	#DIV/0!
4053 - Meeting - Vendor Revenue	11,800	-	-	-	#DIV/0!	-	#DIV/0!
4055 - Meeting - Sp Ev Registration	5,300	-	-	-	#DIV/0!	-	#DIV/0!
Total Revenue	218,585	-	-	-	#DIV/0!	-	#DIV/0!
Expenses							
Program Services	241,401	15	6,692	6,677	0%	6,692	0%
Salaries & Benefits	20,887	2,892	2,957	65	98%	2,957	98%
General & Administrative	14,506	200	-	(200)	#DIV/0!	-	#DIV/0!
Building Overhead	-	-	-	-	#DIV/0!	-	-
Total Expenses	276,794	3,107	9,649	6,542	32%	9,649	32%
Net Profit (Loss)	\$ (58,209)	\$ (3,107)	\$ (9,649)	\$ 6,542	32%	\$ (9,649)	32%

**Utah State Bar
Fall Forum
February 28, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 - Meeting - Registration	76,499	55,368	73,178	(17,811)	76%	73,178	76%
4052 - Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!	-	-
4053 - Meeting - Vendor Revenue	4,950	1,000	4,950	(3,950)	20%	4,950	20%
4055 - Meeting - Sp Ev Registration	1,775	-	1,775	(1,775)	0%	1,775	-
Total Revenue	83,224	56,368	79,903	(23,536)	71%	79,903	71%
Expenses							
Program Services	64,336	18,732	68,507	49,775	27%	68,507	27%
Salaries & Benefits	4,160	1,825	4,160	2,335	44%	4,160	44%
General & Administrative	7,100	1,835	7,236	5,401	25%	7,236	25%
Building Overhead	-	-	-	-	#DIV/0!	-	-
Total Expenses	75,596	22,391	79,903	57,512	28%	79,903	28%
Net Profit (Loss)	\$ 7,628	\$ 33,976	\$ -	\$ 33,976	#DIV/0!	\$ -	#DIV/0!

**Utah State Bar
Spring Convention
February 28, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	88,320	24,400	48,500	(24,100)	50%	72,750	34%
4052 · Meeting - Sponsor Revenue	13,750	-	7,500	(7,500)	0%	11,250	0%
4053 · Meeting - Vendor Revenue	11,850	-	4,500	(4,500)	0%	6,750	0%
4055 · Meeting - Sp Ev Registration	2,628	-	10,618	(10,618)	0%	2,000	0%
Total Revenue	116,548	24,400	71,118	(46,718)	34%	92,750	26%
Expenses							
Program Services	5,795	-	26,035	26,035	0%	39,053	0%
Salaries & Benefits	1,151	2,723	2,392	(331)	114%	22,493	12%
General & Administrative	7,260	1,057	7,392	6,335	14%	10,473	10%
Building Overhead	-	-	-	-	#DIV/0!	-	-
Total Expenses	14,206	3,780	35,819	32,039	11%	72,019	5%
Net Profit (Loss)	\$ 102,342	\$ 20,620	\$ 35,299	\$ (14,679)	58%	\$ 20,731	99%

**Utah State Bar
Member Services
February 28, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4010 - Section/Local Bar Support fees	82,537	82,414	82,545	(131)	100%	83,217	99%
4052 - Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!	-	#DIV/0!
4061 - Advertising Revenue	108,195	127,968	111,076	16,892	115%	148,917	86%
4062 - Subscriptions	60	30	40	(10)	75%	40	75%
4071 - Mem Benefits - Lexis	964	900	1,013	(113)	89%	1,013	-
4072 - Royalty Inc - Bar J, MBNA, LM, M	3,978	5,235	3,809	1,426	137%	6,208	84%
Total Revenue	195,902	216,557	198,483	18,074	109%	239,395	90%
Expenses							
Program Services	182,889	153,322	177,408	24,086	86%	191,191	80%
Salaries & Benefits	128,175	116,302	126,542	10,240	92%	141,722	82%
General & Administrative	114,440	85,594	92,400	6,806	93%	114,309	75%
Building Overhead	12,407	12,233	12,856	623	95%	14,659	83%
Total Expenses	437,910	367,451	409,206	41,755	90%	461,881	80%
Net Profit (Loss)	\$ (242,008)	\$ (150,894)	\$ (210,723)	\$ 59,829	72%	\$ (222,486)	68%

**Utah State Bar
Public Services
February 28, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4063 · Modest Means revenue	7,675	8,100	8,460	(360)	96%	9,479	85%
4093 · Law Day Revenue	-	-	1,400	(1,400)	0%	1,575	0%
4095 · Miscellaneous Income	40	20	27	(7)	74%	27	74%
4120 · Grant Income	3,000	39,576	36,812	2,764	108%	36,812	108%
4200 · Seminar Profit/Loss	1,004	(2,922)	1,004	(3,926)	-291%	1,004	-
Total Revenue	11,719	44,774	47,703	(2,929)	94%	48,897	92%
Expenses							
Program Services	139,696	98,085	151,456	53,371	65%	158,323	62%
Salaries & Benefits	219,774	220,773	226,091	5,318	98%	253,329	87%
General & Administrative	31,786	69,962	32,491	(37,471)	215%	36,314	193%
Building Overhead	8,968	7,602	9,794	2,192	78%	11,166	68%
Total Expenses	400,224	396,422	419,832	23,410	94%	459,131	86%
Net Profit (Loss)	\$ (388,506)	\$ (351,648)	\$ (372,129)	\$ 20,481	94%	\$ (410,234)	86%

**Utah State Bar
Bar Operations
February 28, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4031 - Enhanced Web Revenue	-	-	-	-	-	-	-
4052 - Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!	-	#DIV/0!
4053 - Meeting - Vendor Revenue	-	-	-	-	#DIV/0!	-	#DIV/0!
4060 - E-Filing Revenue	12,432	15,614	33,639	(18,025)	46%	33,639	46%
4103 - In - Kind Revenue - UDR	1,668	23	(2)	25	-1145%	(2)	-1145%
4095 - Miscellaneous Income	809	20,515	859	19,656	2388%	933	2199%
4200 - Seminar Profit/Loss	-	-	-	-	#DIV/0!	-	-
Investment Income	122,280	19,647	120,470	(100,823)	16%	140,852	87%
Total Revenue	137,189	55,799	154,966	(99,167)	36%	175,422	78%
Expenses							
Program Services	208,312	6,054	46,193	40,139	13%	48,942	12%
Salaries & Benefits	814,117	839,871	803,113	(36,758)	105%	902,992	93%
General & Administrative	190,378	155,623	181,830	26,207	86%	201,930	77%
In Kind	2,986	4,745	-	(4,745)	#DIV/0!	-	#DIV/0!
Building Overhead	35,404	30,155	38,656	8,501	78%	44,088	68%
Total Expenses	1,251,197	1,036,448	1,069,792	33,344	97%	1,197,952	87%
Net Profit (Loss)	\$ (1,114,009)	\$ (980,649)	\$ (914,826)	\$ (65,823)	107%	\$ (1,022,530)	96%

**Utah State Bar
Facilities
February 28, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4039 - Room Rental-All parties	66,284	6,646	94,344	(87,698)	7%	101,602	7%
4042 - Food & Beverage Rev-All Parties	74,449	3,378	117,840	(114,462)	3%	125,354	3%
4043 - Setup & A/V charges-All parties	1,145	-	1,351	(1,351)	0%	1,351	0%
4090 - Tenant Rent	14,448	13,862	14,064	(202)	99%	15,822	88%
4095 - Miscellaneous Income	15	70	18	52	389%	19	368%
4103 - In - Kind Revenue - UDR	-	-	(95)	95	0%	(95)	0%
Total Revenue	156,341	23,956	227,522	(203,566)	11%	244,148	10%
Expenses							
Program Services	72,669	3,623	112,914	109,291	3%	120,073	3%
Salaries & Benefits	112,030	116,199	108,661	(7,538)	107%	120,941	96%
General & Administrative	17,489	3,825	21,090	17,265	18%	10,741	36%
In Kind	11,454	190	15,581	15,391	1%	16,950	1%
Building Overhead	139,540	122,375	150,942	28,567	81%	172,392	71%
Total Expenses	353,183	246,212	409,188	162,976	60%	441,097	56%
Net Profit (Loss)	\$ (196,842)	\$ (222,256)	\$ (181,666)	\$ (40,590)	122%	\$ (196,949)	113%

Utah State Bar
Income Statement - Consolidated By Account
February 28, 2021

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4001 - Admissions - Student Exam Fees	100,375	65,450	102,879	(37,429)	64%	138,957	47%
4002 - Admissions - Attorney Exam Fees	26,250	34,575	25,097	9,478	138%	43,788	79%
4003 - Admissions - Retake Fees	22,000	22,050	13,753	8,297	160%	14,284	154%
4004 - Admissions - Laptop Fees	35,100	36,975	57,535	(20,560)	64%	78,189	47%
4005 - Admissions - Application Forms	3,000	7,200	2,499	4,701	288%	2,499	-
4006 - Transfer App Fees	34,500	29,700	42,248	(12,548)	70%	45,983	65%
4008 - Attorney - Motion	30,600	53,550	23,906	29,644	224%	27,226	197%
4009 - House Counsel	11,200	9,350	13,414	(4,064)	70%	13,414	70%
4010 - Section/Local Bar Support fees	99,477	99,594	99,459	135	100%	100,131	99%
4011 - Admissions LPP	1,900	1,250	1,614	(364)	77%	1,954	64%
4012 - Admissions Military Spouse	-	-	-	-	#DIV/0!	-	#DIV/0!
4020 - NLTP Fees	42,300	41,250	45,598	(4,348)	90%	51,096	81%
4021 - Lic Fees > 3 Years	3,676,510	3,729,825	3,690,459	39,366	101%	3,693,872	101%
4022 - Lic Fees < 3 Years	191,260	194,120	199,635	(5,515)	97%	199,635	97%
4023 - Lic Fees - House Counsel	43,240	46,100	47,125	(1,025)	98%	47,125	98%
4024 - Lic Fees LPP	800	2,150	800	1,350	269%	800	269%
4025 - Pro Hac Vice Fees	87,450	137,500	102,051	35,449	135%	114,946	120%
4026 - Lic Fees - Inactive/FS	120,505	116,630	119,644	(3,014)	97%	119,346	98%
4027 - Lic Fees - Inactive/NS	214,200	219,660	214,672	4,988	102%	214,146	103%
4029 - Prior Year Lic Fees	-	-	-	-	#DIV/0!	-	#DIV/0!
4030 - Certs of Good Standing	17,170	11,340	21,745	(10,405)	52%	23,670	48%
4039 - Room Rental-All parties	66,284	6,646	94,344	(87,698)	7%	101,602	7%
4042 - Food & Beverage Rev-All Parties	74,449	3,378	117,840	(114,462)	3%	125,354	3%
4043 - Setup & A/V charges-All parties	1,145	-	1,351	(1,351)	0%	1,351	0%
4051 - Meeting - Registration	346,804	79,768	121,678	(41,911)	66%	145,928	55%
4052 - Meeting - Sponsor Revenue	47,750	7,250	29,550	(22,300)	25%	33,300	22%
4053 - Meeting - Vendor Revenue	29,600	1,000	9,450	(8,450)	11%	11,700	9%
4054 - Meeting - Material Sales	-	-	-	-	#DIV/0!	-	-
4055 - Meeting - Sp Ev Registration	9,703	-	12,393	(12,393)	0%	3,775	0%
4060 - E-Filing Revenue	12,432	15,614	33,639	(18,025)	46%	33,639	46%
4061 - Advertising Revenue	108,195	127,968	111,076	16,892	115%	148,917	86%
4062 - Subscriptions	60	30	40	(10)	75%	40	75%
4063 - Modest Means revenue	7,675	8,100	8,460	(360)	96%	9,479	85%
4071 - Mem Benefits - Lexis	964	900	1,013	(113)	89%	1,013	-
4072 - Royalty Inc - Bar J, MBNA, LM,M	3,978	5,235	3,809	1,426	137%	6,208	84%
4081 - CLE - Registrations	269,631	153,096	435,051	(281,955)	35%	402,087	38%
4082 - CLE - Video Library Sales	63,678	76,335	48,833	27,502	156%	56,905	134%
4084 - Business Law Book Sales	-	-	-	-	#DIV/0!	-	-
4090 - Tenant Rent	14,448	13,862	14,064	(202)	99%	15,822	88%
4093 - Law Day Revenue	-	-	1,400	(1,400)	0%	1,575	0%
4095 - Miscellaneous Income	6,827	25,479	8,228	17,251	310%	10,210	250%
4096 - Late Fees	71,900	37,995	-	37,995	#DIV/0!	-	#DIV/0!
4103 - In - Kind Revenue - UDR	1,668	23	(97)	120	-24%	(97)	-24%
4200 - Seminar Profit/Loss	(38,946)	12,484	(41,329)	53,813	-30%	6,733	185%
Investment income	122,280	19,647	120,470	(100,823)	16%	140,852	14%
Total Revenue	7,991,786	5,453,078	5,955,396	(502,317)	92%	6,187,454	88%
Program Service Expenses							
5001 - Meeting Facility-external only	12,845	15	23,286	23,271	0%	24,886	0%
5002 - Meeting facility-internal only	41,372	6,126	55,290	49,164	11%	59,564	10%
5013 - ExamSoft	14,395	3,564	14,395	10,831	25%	19,110	19%
5014 - Questions	26,102	24,954	50,438	25,485	49%	63,376	39%
5015 - Investigations	400	706	515	(191)	137%	577	122%
5016 - Credit Checks	842	1,344	948	(396)	142%	1,098	122%
5017 - Medical Exam	160	-	320	320	0%	320	-
5020 - Exam Scoring	-	-	-	-	#DIV/0!	-	-
5025 - Temp Labor/Proctors	6,100	-	6,100	6,100	0%	6,100	0%
5030 - Speaker Fees & Expenses	9,667	6,500	15,548	9,048	42%	15,548	42%
5031 - Speaker Reimb. - Receipt Req'd	12,783	-	14,218	14,218	0%	18,713	0%
5035 - Awards	3,181	3,913	3,520	(393)	111%	5,491	71%
5037 - Grants/ contributions - general	6,000	500	9,670	9,170	5%	12,670	4%
5040 - Witness & Hearing Expense	1,543	(39)	4,267	4,306	-1%	4,324	-1%
5041 - Process Serving	400	282	381	99	74%	619	46%
5046 - Court Reporting	-	1,596	-	(1,596)	#DIV/0!	-	#DIV/0!
5047 - Casemaker	32,228	35,878	33,921	(1,957)	106%	38,504	93%
5055 - Legislative Expense	41,719	40,000	37,409	(2,591)	107%	37,517	107%
5060 - Program Special Activities	2,595	-	2,595	2,595	0%	2,595	-
5061 - LRE - Bar Support	65,000	60,000	60,000	-	100%	60,000	100%
5062 - Law Day	2,500	-	3,500	3,500	0%	3,500	0%
5063 - Special Event Expense	55,369	6,829	22,822	15,993	30%	23,422	29%
5064 - MCLE Fees Paid	22,173	16,032	17,375	1,343	92%	17,766	90%
5070 - Equipment Rental	51,698	-	21,773	21,773	0%	37,565	0%
5075 - Food & Bev-external costs only	310,034	8,268	266,261	257,993	3%	340,429	2%
5076 - Food & beverage - Internal only	42,470	4,680	54,392	49,712	9%	58,065	8%
5079 - Soft Drinks	5,718	1,603	7,129	5,526	22%	7,606	21%
5085 - Misc. Program Expense	8,469	1,298	5,630	4,332	23%	5,917	22%
5090 - Commission Expense	24,184	25,362	26,971	1,609	94%	28,731	88%
5095 - Wills for Heroes	482	-	1,066	1,066	0%	1,106	0%
5096 - UDR Support	-	-	-	-	#DIV/0!	-	-
5099 - Blomquist Hale	49,147	49,189	49,162	(27)	100%	55,303	89%
5702 - Travel - Lodging	39,717	7,065	12,595	5,530	56%	31,670	22%
5703 - Travel - Transportation/Parking	16,773	279	2,517	2,238	11%	4,539	6%
5704 - Travel - Mileage Reimbursement	4,993	1,035	1,825	790	57%	2,425	43%
5705 - Travel - Per Diems	4,144	-	490	490	0%	590	0%
5706 - Travel - Meals	109	-	-	-	#DIV/0!	-	#DIV/0!
5707 - Travel - Commission Mtgs	13,433	-	2,342	2,342	0%	2,500	0%
5805 - ABA Annual Meeting	14,469	-	-	-	#DIV/0!	-	#DIV/0!
5810 - ABA Mid Year Meeting	17,636	-	-	-	#DIV/0!	-	#DIV/0!
5815 - Commission/Education	15,245	-	2,350	2,350	0%	2,350	0%
5820 - ABA Annual Delegate	8,153	-	-	-	#DIV/0!	-	#DIV/0!
5830 - Western States Bar Conference	6,168	205	-	(205)	#DIV/0!	-	#DIV/0!
5840 - President's Expense	18,675	12,163	13,247	1,084	92%	14,791	82%

Utah State Bar
Income Statement - Consolidated By Account
February 28, 2021

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
5841 President's Reimbursement	2,899	-	3,532	3,532	0%	3,532	0%
5845 Reg Reform Task Force	4,477	-	-	-	#DIV/0!	-	-
5850 Leadership Academy	11,645	-	10,000	10,000	0%	10,000	0%
5855 Bar Review	431	-	-	-	#DIV/0!	-	#DIV/0!
5865 Retreat	20,089	-	5,000	5,000	0%	5,000	0%
5866 Wellbeing Committee	37,860	37,735	37,215	(520)	101%	41,590	91%
5867 Bar Membership Survey	4,000	-	-	-	#DIV/0!	-	#DIV/0!
5868 UCLI Support	50,000	-	-	-	#DIV/0!	-	#DIV/0!
5960 Overhead Allocation - Seminars	-	(3,404)	(36,176)	(32,772)	9%	(36,176)	9%
5970 Event Revenue Sharing - 3rd Pty	35,424	31,728	25,987	(5,741)	122%	26,548	120%
Total Program Service Expenses	1,175,917	385,404	889,827	504,423	43%	1,059,781	36%
Salaries & Benefit Expenses							
5510 Salaries/Wages	1,992,729	2,051,794	1,957,656	(94,138)	105%	2,205,507	93%
5605 Payroll Taxes	146,821	148,261	145,263	(2,998)	102%	165,874	89%
5610 Health Insurance	176,182	185,243	192,778	7,535	96%	216,410	86%
5620 Health Ins/Medical Reimb	2,325	4,700	3,946	(754)	119%	4,100	115%
5630 Dental Insurance	10,146	9,926	11,717	1,791	85%	13,070	76%
5640 Life & LTD Insurance	12,035	12,690	13,157	467	96%	14,785	86%
5645 Workman's Comp Insurance	1,702	1,787	1,460	(327)	122%	1,637	109%
5650 Retirement Plan Contributions	174,258	177,045	176,897	(148)	100%	199,181	89%
5655 Retirement Plan Fees & Costs	9,844	9,067	10,434	1,367	87%	10,442	87%
5660 Training/Development	18,835	2,799	15,292	12,493	18%	15,105	19%
Total Salaries & Benefit Expenses	2,544,876	2,603,313	2,528,600	(74,713)	103%	2,846,111	89%
General & Administrative Expenses							
7025 Office Supplies	19,045	8,358	17,842	9,484	47%	19,064	44%
7015 Office Equip Repairs	-	600	-	(600)	#DIV/0!	-	#DIV/0!
7033 Operating Meeting Supplies	15,198	1,023	19,222	18,199	5%	20,174	5%
7035 Postage/Mailing, net	43,729	39,903	45,329	5,426	88%	40,025	100%
7040 Copy/Printing Expense	108,713	67,838	108,334	40,496	63%	128,288	53%
7041 Copy/Print revenue	(13,921)	(8,947)	(18,053)	(9,106)	50%	(20,027)	45%
7045 Internet Service	5,724	8,339	7,605	(734)	110%	9,513	88%
7050 Computer Maintenance	37,909	26,477	39,826	13,349	66%	42,762	62%
7055 Computer Supplies & Small Equip	13,410	12,565	14,514	1,949	87%	14,542	86%
7089 Membership Database Fees	12,910	27,000	13,713	(13,287)	197%	25,357	106%
7100 Telephone	35,575	45,208	36,127	(9,081)	125%	41,871	108%
7105 Advertising	23,676	3,146	2,253	(893)	140%	5,132	61%
7106 Public Notification	-	277	-	(277)	#DIV/0!	-	#DIV/0!
7107 Production Costs	-	-	-	-	#DIV/0!	83	0%
7110 Publications/Subscriptions	18,266	19,588	17,303	(2,285)	113%	17,949	109%
7115 Public Relations	4,406	-	-	-	#DIV/0!	-	#DIV/0!
7120 Membership/Dues	10,444	9,868	10,368	500	95%	10,370	95%
7135 Bank Service Charges	612	572	761	189	75%	854	67%
7136 ILM Service Charges	12,813	12,189	12,804	615	95%	14,237	86%
7138 Bad debt expense	0	-	-	-	#DIV/0!	-	-
7140 Credit Card Merchant Fees	45,242	47,981.06	42,604	(5,377)	113%	47,034	102%
7141 Credit Card surcharge	(19,924)	(24,213)	(20,298)	3,915	119%	(20,336)	119%
7145 Commission Election Expense	-	-	-	-	#DIV/0!	2,699	0%
7150 E&O/Off & Dir Insurance	34,634	35,874	34,560	(1,314)	104%	38,880	92%
7160 Audit Expense	34,265	35,435	34,265	(1,170)	103%	34,265	103%
7170 Lobbying Rebates	119	-	176	176	0%	195	0%
7175 O/S Consultants	132,764	119,333	83,917	(35,416)	142%	96,267	124%
7176 Bar Litigation	13,869	-	6,227	6,227	0%	6,227	0%
7177 UPL	29,497	1,564	7,170	5,606	22%	7,402	21%
7178 Offsite Storage/Backup	2,860	-	-	-	#DIV/0!	-	#DIV/0!
7179 Payroll Adm Fees	2,180	2,115	2,172	58	97%	2,418	87%
7180 Administrative Fee Expense	602	574	572	(2)	100%	787	73%
7190 Lease Interest Expense	-	-	-	-	#DIV/0!	-	#DIV/0!
7191 Lease Sales Tax Expense	-	-	-	-	#DIV/0!	-	#DIV/0!
7195 Other Gen & Adm Expense	11,886	2,083	14,534	12,451	14%	15,930	13%
Total General & Administrative Expenses	636,477	494,748	533,822	39,073	93%	601,937	106%
In Kind Expenses							
7103 InKind Contrib-UDR & all other	14,440	4,935	15,581	10,646	32%	16,950	29%
Total In Kind Expenses	14,440	4,935	15,581	10,646	32%	16,950	85%
Building Overhead Expenses							
6015 Janitorial Expense	20,625	10,957	25,212	14,255	43%	27,887	39%
6020 Heat	12,930	14,265	13,935	(330)	102%	15,834	90%
6025 Electricity	30,773	28,092	34,777	6,685	81%	37,917	74%
6030 Water/Sewer	6,008	4,522	6,230	1,708	73%	6,545	69%
6035 Outside Maintenance	6,842	7,874	7,062	(811)	111%	13,691	58%
6040 Building Repairs	11,006	12,601	13,822	1,221	91%	15,508	81%
6045 Bldg Mtnc Contracts	22,613	18,463	22,595	4,132	82%	26,409	70%
6050 Bldg Mtnc Supplies	-	-	552	552	0%	619	0%
6055 Real Property Taxes	19,419	22,921	18,595	(4,326)	123%	21,355	107%
6060 Personal Property Taxes	281	268	296	28	91%	333	80%
6065 Bldg Insurance/Fees	12,159	13,287	12,395	(892)	107%	13,933	95%
6070 Building & Improvements Depre	36,009	44,543	37,065	(7,478)	120%	41,678	107%
6075 Furniture & Fixtures Depre	5,967	2,042	6,890	4,848	30%	7,746	26%
7065 Computers, Equip & Sftwre Depre	91,674	63,788	99,372	35,584	64%	111,651	57%
Total Building Overhead Expenses	276,305	243,621	298,798	55,177	82%	341,106	81%
Other							
4300 Gain (Loss) - Disposal Of Assets	-	-	-	-	#DIV/0!	-	#DIV/0!
4120 Grant Income	3,000	39,576	(36,812)	(76,388)	-108%	(36,812)	-108%
	3,000	39,576	(36,812)	(76,388)	-108%	(36,812)	-108%
Total Expenses	4,645,015	3,692,445	4,303,440	610,994	86%	4,902,695	95%
Net Profit (Loss)	\$ (1,653,229)	\$ 1,760,633	\$ 1,651,956	\$ 108,677	107%	\$ 1,284,759	\$ (0)

Utah State Bar Balance Sheets

	2/28/2021	6/30/2020
ASSETS		
Current Assets		
Petty Cash	\$ 625	\$ 625
Cash in Bank	1,019,708	789,463
Invested Funds	5,846,184	6,089,850
Total Cash/Investments	6,866,517	6,879,938
Accounts Receivable	58,191	227,851
Prepaid Expenses	129,078	94,743
A/R - Sections	50,300	49,679
Total Other Current Assets	237,569	372,273
Total Current Assets	7,104,086	7,252,211
Fixed Assets		
Property & Equipment	4,944,721	4,643,811
Accumulated Depreciation	(4,140,039)	(4,029,666)
Land	633,142	633,142
Total Fixed Assets	1,437,823	1,247,286
TOTAL ASSETS	\$ 8,541,909	\$ 8,499,498
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
AP Trade	\$ 18,914	\$ 104,237
Other Accounts Payable	8,550	109,826
Accrued Payables	569,050	481,137
Cap Lease Oblig - ST	3,892	3,892
A/P - Sections	1,435	173,165
Deferred Revenue	21,731	2,158,156
Total Current Liabilities	623,572	3,030,412
Long Term Liabilities		
Capital Lease Oblig	920	4,112
PPP Loan	653,072	-
Total Long Term Liabilities	653,992	4,112
Total Liabilities	1,277,564	3,034,524
Equity		
Unrestricted Net Assets (R/E)	5,503,712	5,853,847
Fund Balance - Current Year	1,760,633	(388,874)
Total Equity	7,264,345	5,464,974
TOTAL LIABILITIES & EQUITY	\$ 8,541,909	\$ 8,499,498

INSTITUTIONAL LIQUIDITY MANAGEMENT

ILM-UT ST BAR (3176)

Dated: 03/09/2021

Balance Sheet Classification

Base Currency: USD As of 02/28/2021

CE

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
38141W273	GOLDMAN:FS GOVT INST	2,531,996.42	AAA	0.040	02/28/2021	0.040	0.040	2,531,996.42	0.00	1.0000	0.00	2,531,996.42
CCYUSD	Receivable	3.46	AAA	0.000	02/28/2021	0.000	0.000	3.46	0.00	1.0000	0.00	3.46
CCYUSD	Cash	76.86	AAA	0.000	02/28/2021	0.000	0.000	76.86	0.00	1.0000	0.00	76.86
53944VAP4	LLOYDS BANK PLC	200,000.00	A+	3.300	05/07/2021	0.187	0.556	201,173.92	-94.92	100.5395	2,090.00	203,169.00
		2,732,076.74	AAA	---	03/05/2021	0.051	0.078	2,733,250.66	-94.92	---	2,090.00	2,735,245.74

ST

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
89236TEU5	TOYOTA MOTOR CREDIT CORP	250,000.00	A+	2.950	04/13/2021	1.619	0.149	250,389.98	523.52	100.3654	2,827.08	253,740.58
69371RP26	PACCAR FINANCIAL CORP	50,000.00	A+	3.100	05/10/2021	1.908	0.659	50,114.18	135.72	100.4998	477.92	50,727.82
74153WCH0	PRICOA GLOBAL FUNDING I	200,000.00	AA-	2.200	06/03/2021	2.460	0.364	199,867.42	1,120.18	100.4938	1,075.56	202,063.16
22532LAR5	CREDIT AGRICOLE SA (LONDON BRANCH)	250,000.00	AA-	2.375	07/01/2021	1.970	0.412	250,337.73	1,362.52	100.6801	969.58	252,689.83
89114Q3V8	TORONTO-DOMINION BANK	250,000.00	AA-	0.505	07/30/2021	1.417	0.230	249,060.58	1,233.67	100.1177	105.21	250,399.46
59217GBX6	METROPOLITAN LIFE GLOBAL FUNDING I	316,000.00	AA-	1.950	09/15/2021	1.936	0.203	316,023.49	3,025.59	100.9649	2,841.37	321,890.45
22546QAR8	CREDIT SUISSE AG (NEW YORK BRANCH)	337,000.00	AA-	3.000	10/29/2021	2.006	0.220	339,190.61	4,123.76	101.8737	3,426.17	346,740.54
46849LTE1	JACKSON NATIONAL LIFE GLOBAL FUNDING	250,000.00	A	3.300	02/01/2022	1.516	0.306	254,071.09	2,878.16	102.7797	687.50	257,636.75
05579HAC6	BNZ INTERNATIONAL FUNDING LTD (LONDON BRANCH)	250,000.00	AA-	2.100	09/14/2021	0.184	0.386	252,585.63	-234.38	100.9405	2,435.42	254,786.67
0846708F4	BERKSHIRE HATHAWAY INC	250,000.00	AA	3.400	01/31/2022	0.142	0.293	257,482.70	-261.45	102.6765	731.94	257,923.19
		2,403,000.00	AA-	---	09/10/2021	1.488	0.288	2,419,123.40	13,877.30	---	15,597.74	2,448,598.44

LT

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
525ESC1Y5	LEHMAN ESCROW	300,000.00	NA	0.000	01/01/2049	0.000	---	0.00	3,360.00	1.1200	0.00	3,360.00
69371RP75	PACCAR FINANCIAL CORP	186,000.00	A+	2.850	03/01/2022	2.022	0.382	187,517.64	3,122.69	102.4948	2,650.50	193,290.83
83051GAK4	SKANDINAVISKA ENSKILDA BANKEN AB	200,000.00	AA	3.050	03/25/2022	0.240	0.413	206,009.34	-328.74	102.8403	2,643.33	208,323.93
57629WCK4	MASSMUTUAL GLOBAL FUNDING II	250,000.00	AA+	2.250	07/01/2022	0.202	0.336	256,840.79	-413.54	102.5709	937.50	257,364.75
		936,000.00	AA	---	06/14/2022	0.741	0.374	650,367.78	5,740.40	---	6,231.33	662,339.51

Summary

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
		6,071,076.74	AA	---	07/15/2021	0.729	0.199	5,802,741.84	19,522.70	---	23,919.08	5,846,183.70

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

UTAH STATE BAR
Membership Statistics
February 28, 2021

<u>STATUS</u>	<u>02/29/20</u>	<u>02/28/21</u>	<u>Change</u>
Active	8,658	8,775	117
Active under 3 years	852	856	4
Active Emeritus	232	265	33
In House Counsel	115	109	(6)
Foreign Legal Counsel	3	4	1
LPP	4	13	9
Military Spouse	-	-	-
Subtotal - Active	9,864	10,022	158
Inactive - Full Service	822	795	(27)
Inactive - No Service	1,995	2,038	43
Inactive Emeritus	333	370	37
Inactive House Counsel	7	11	4
Inactive LPP	-	-	-
Subtotal - Inactive	3,157	3,214	57
Total Active and Inactive	13,021	13,236	215
<u>Supplemental Information</u>			
Paralegals	178	159	(19)
Associate Section Members	119	119	-
Journal Subscribers	125	125	-
<u>Active Attorneys by Region</u>			
1st Division (Logan - Brigham)	188	198	10
2nd Division (Davis - Weber)	926	947	21
3rd Division (Salt Lake)	5,630	5,595	(35)
4th Division (Utah)	1,283	1,339	56
5th Division (Southern Utah)	501	537	36
Out of State	1,336	1,406	70
Total Active Attorneys	9,864	10,022	158

Mandatory Online Licensing

The annual online licensing renewal process will begin the week of June 7, 2021, at which time you will receive an email outlining renewal instructions. This email will be sent to your email address of record. Utah Supreme Court Rule 14-507 requires lawyers to provide their current e-mail address to the Bar. If you need to update your email address of record, please contact onlineservices@utahbar.org.

Renewing your license online is simple and efficient, taking only about 5 minutes. With the online system you will be able to verify and update your unique licensure information, join sections and specialty bars, answer a few questions, and pay all fees.

No separate licensing form will be sent in the mail. You will be asked to certify that you are the licensee identified in this renewal system. Therefore, this process should only be completed by the individual licensee, not by a secretary, office manager, or other representative. Upon completion of the renewal process, you will receive a licensing confirmation email. If you do not receive the confirmation email in a timely manner, please contact licensing@utahbar.org.

License renewal and fees are due July 1 and will be late August 1. If renewal is not complete and payment received by September 1, your license will be suspended.