

Utah State Bar Commission

Thursday, March 7, 2019

Dixie Convention Center

St. George, Utah

Agenda

12:00 Noon Lunch with Southern Utah Bar Association

1. 1:15 p.m. President's Report: Dickson Burton

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|-----------------|-----|---|
| <i>10 Mins.</i> | 1.1 | Review Spring Convention Schedule: Herm Olsen |
| <i>20 Mins.</i> | 1.2 | Report on Legislative Session and Meeting with Gov. Herbert |
| <i>10 Mins.</i> | 1.3 | Report on National Conference of Bar Presidents Meeting |
| <i>10 Mins.</i> | 1.4 | Report on Wellbeing Committee Recommendations |
| <i>01 Min.</i> | 1.5 | Confirm Next Commission Meeting Changed to April 19 th |
| <i>10 Mins.</i> | 1.6 | Report on Summer Convention in Park City |
| <i>01 Min.</i> | 1.7 | Reminder of Need to Make Park City Hotel Reservations |

2. 2:20 p.m. Action Items

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|-----------------|-----|---|
| <i>10 Mins.</i> | 2.1 | Select Nominees to 1 st District Nominating Commission (Tab 1, Page 3) |
| <i>20 Mins.</i> | 2.2 | Select Nominees to 3 rd District Nominating Commission (Tab 2, Page 13) |
| <i>20 Mins.</i> | 2.3 | Access to Justice Committee Report: Heather Thuet |
| <i>10 Mins.</i> | 2.4 | Approve LPP License Fees (Tab 3, Page 104) |

3. 3:25 p.m. Discussion Items

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|-----------------|-----|---|
| <i>30 Mins.</i> | 3.1 | Supreme Court Task Force on Regulatory Reform: John Lund (Tab 4, Page 106) |
| <i>15 Mins.</i> | 3.2 | Bar Survey Report: Mark Morris |

4. 4:10 p.m. Information Items

- | | | |
|-----------------|-----|--|
| <i>15 Mins.</i> | 4.1 | ABA Delegates' Report: Nate Alder & Erik Christiansen |
|-----------------|-----|--|

4:30 p.m. Adjourn

Consent Agenda (Tab 5, Page 113)

1. Approve Minutes of January 18, 2019 Commission Meeting
2. Approve Resolution Replacing Bar 401k Plan Trustee Kellie Bartz with Lauren Stout
3. NLTP Program Additions

Attachments (Tab 6, Page 134)

1. December 2018 Financials
2. 2019 Judicial Performance Evaluation Commission Report

3. *Utah Bar Journal*; Notice of Legislative Rebate and Tax Notice. March/April 2019 edition.
4. *The Salt Lake Tribune*; Tax Reform or 'Misery Tax'?. March 1, 2019

Calendar

March 20	Election Email Message Due (optional)		
March 27-30	Western States Bar Conference		Lihue, Hawaii
April 1	Election-Online Balloting Begins		
April 5	Executive Committee	12:00 Noon	
April 9-11	ABA Day in Washington		Washington, D.C.
April 12	Commission Meeting	9:00 a.m.	Provo, Utah
April 15	Election-Online Balloting Ends		
May 10	Executive Committee	12:00 Noon	
May 17	Commission Meeting	9:00 a.m.	Utah State Bar
May ?	Admission Ceremony	12:00 Noon	State Capitol
July 12	Executive Committee	12:00 Noon	Utah State Bar
July 18	Commission Meeting	1:00 p.m.	Park City, Utah
July 18-20	Summer Convention		Park City, Utah

TAB
1

UTAH BAR COMMISSION MEETING AGENDA ITEM

Title: First Judicial Court Nominating Commission Nominees
Item: 2.1
Submitted by: John Baldwin
Meeting Date: March 7, 2019

ITEM/ISSUE:

To select four nominees for the First Judicial Court Nominating Commission.

SUMMARY:

The Commission nominates judges to fill vacancies on the district court and the juvenile court within the First Judicial District. Two lawyers are appointed to the Commission by the Governor from a list of four nominees provided by the Bar.

Members of the Nominating Commission must be citizens of the United States and residents of the First District (Box Elder, Cache and Rich Counties). Commissioners are appointed for one term of four years and may not serve successive terms. No more than four of the seven members of the nominating commission may be of the same political party.

APPLICANTS: (Resumes attached; sorted by political party then, by last name.)

John Hulbert	Independent
Stephen Jewell	Independent
Joe Chambers	Republican
Miles P. Jensen	Republican
Ray Malouf	Republican

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X

John Hulbert

Mt. Sterling, Utah • (307) 690-9358 • hulbert.john@gmail.com

EXPERIENCE

ICON Health & Fitness, Inc., Logan, Utah 2011—present
 ICON is a leading global designer, manufacturer, and distributor of consumer products and technology in the fitness and exercise markets. It serves these markets through a diverse portfolio of well-recognized brands including NordicTrack, Gold's Gym, iFit, ProForm, and Free Motion. ICON employs 1,500 skilled workers worldwide.

Associate General Counsel June 2018—present

Advise on day-to-day legal issues, including transactional negotiation and stakeholder interests

- Selected and managed outside counsel for product liability and intellectual property matters, including motion practice, discovery, trial, and alternative dispute resolution
- Acting Data Protection Officer; created and implemented enterprise privacy and data security policy and procedures
- Executed the divestiture of Altra Running, valued at nine figures
- Trained employees

Corporate Counsel & Director of Human Resources 2016—2018

Advised on legal issues and led enterprise strategy on employee attraction, retention, and engagement; reported to the CFO; managed 12 employees

- Appointed Plan Administrator for a \$50 million qualified plan; a non-qualified plan; and an unbundled, self-funded medical plan covering 2,500 lives
- Planned and implemented a \$10 million budget
- Revised ICON's employee handbook
- Streamlined employee benefit elections by implementing a digital portal
- Presented as a keynote panelist: "The Real World of HR Benefits Managers," Stanford Medical School Medicine X Conference 2017, Palo Alto, CA

Corporate Counsel 2011—2016

Guided transactional and product liability matters

- Resolved 800 product liability claims, including catastrophic personal injuries and represented ICON at 20 mediations
- Performed legal research and analysis, including one case granted certiorari to the Supreme Court of the United States: *Octane Fitness, LLC v. ICON Health & Fitness, Inc.*, 572 U.S. ____ (2014), regarding patent lawsuit fee-shifting
- Wrote or evaluated 200 agreements each year, including SaaS, real estate, credit revolvers, and various other sales agreements with vendors, retailers, and distributors
- Defended two Federal Trade Commission (FTC) civil investigations and one California Labor Commission investigation

John Hulbert

Mt. Sterling, Utah • (307) 690-9358 • hulbert.john@gmail.com

ADDITIONAL EXPERIENCE

Jon M. Huntsman School of Business Utah State University, Logan, Utah 2017—present

Adjunct Professor in the Practice of Law and Management

- Teaching employment and business law, including administrative law, affirmative action, agency, Americans with Disabilities Act, anti-trust, contracts, consumer, corporations, criminal, discrimination, ethics, employment, environmental, data security, international, labor, privacy, property, securities, Title VII of the Civil Rights Act of 1964, and torts

U.S. Court of Appeals for the Ninth Circuit, Pocatello, Idaho 2010

Extern to the Honorable N. Randy Smith

- Analyzed legal briefs and research, wrote intra-office memos, and prepared for oral arguments
- Reviewed Criminal Justice Act vouchers for the attorneys representing indigent defendants in the federal criminal justice system

U.S. Court of Appeals for the Tenth Circuit, Salt Lake City, Utah 2009

Extern to the Honorable Michael McConnell

- Analyzed legal briefs, researched issues, and drafted memos on Section 1983 opinions
- Participated in Judge McConnell's transition from Federal Appellate Judge to Director of the Stanford Constitutional Law Center

Kaplan Test Prep. Inc., Provo, UT 2006—2008

Law School Admission Test (LSAT) Instructor

EDUCATION

Juris Doctorate, UCLA School of Law, Los Angeles, CA 2011

- Harvard Journal of Law and Public Policy, Symposium Editor
- UCLA Journal of International Law & Foreign Affairs, Editor and Managing Editor

Bachelors of Arts, Philosophy; Formal Logic Minor, BYU, Provo, Utah 2006

- Cum Laude
- Teaching Assistant

ADDITIONAL

- Utah real estate license with over \$75 million in closed transactions
- Public Counsel Law Center volunteer
- Utah State Fourth District Court Appointed Special Advocate (C.A.S.A.)
- The Utah East Africa Foundation volunteer
- Completed nine marathons and two ultra marathons

R E S U M E

STEPHEN W. JEWELL

LEGAL EDUCATION

Brigham Young University, J. Reuben Clark Law School, Graduated April, 1982

UNDERGRADUATE EDUCATION

Bachelor of Science - Business Management, Finance
Brigham Young University - 1979

Dean's Honor List - Brigham Young University
Dean's Scholarship - Brigham Young University
ASBYU Ombudsman's Office

EMPLOYMENT

- 1986 - Present Stephen W. Jewell, Attorney at Law, P.C. 15 South Main, Ste. 301,
Logan, Utah. Family/Collaborative Law, Business, Personal Injury,
Estate Planning, Collection, General Litigation.
- 1982-1985 James C. Jenkins & Associates - 67 East 100 North, Logan, Utah.
Associate Attorney - Business, Estate Planning and Family Law.
- 1981 Jardine, Linebaugh, Brown & Dunn - 370 E. South Temple, #401,
Salt Lake City, Utah. Law Clerk - Real Estate, Pension Plans.
- 1980 Strong & Hanni - Sixth Floor, Boston Building, Salt Lake City,
Utah. Law Clerk - Insurance Defense Litigation, Estate Planning.

ASSOCIATIONS

Utah State Bar - Admitted October, 1982
Cache County Bar - Past President Cache County Bar Association
Utah Federal Bar Association
Admitted to Practice before United States Supreme Court
Member - Divorce Procedures Subcommittee
President - Hoffman Summer Homes Homeowner's Association
Former Member - Divorce Education for Children Committee
Past Chairman/Member - Logan City Civil Service Commission
Former Director - Association of Collaborative Professionals of Utah
Past President/Board Member - Estate Planning Council of Northern Utah
Past President - Logan City School District Foundation
Former Board of Directors - Child and Family Support Center of Cache Valley

Joseph M. Chambers

31 FEDERAL AVENUE
 LOGAN, UTAH 84321
 (435) 752-3551 (office)
 (435) 757-6857 (cell)
jchambers@utahlawfirm.com

Professional Experience:

Partner - Harris, Preston & Chambers, LLP. (1980 - 2019)

(www.UtahLawFirm.com) Admitted to practice in Utah and Idaho - 39 years of active law practice

AV rated (by legal peers - Martindale-Hubbell™ Information Services)

Private Law Practice: 1980 to present: General civil and litigation practice concentrating in land use law, (zoning and other land use issues), working with Utah Property Rights Ombudsman and general civil and trial practice. Illustrative sample of the land use issues include the following: I have represented clients in getting development projects (including low income housing projects) and residential and commercial subdivision approval from planning commissions, land use administrators and city engineers; the annexation of land to cities as well as disconnection of land from cities; and the recognition of grand-fathered or non-conforming uses by cities and counties. Substantial experience in construction law, bonding and construction lien law; general business and commercial law; estate planning and tax law (estate, gift and trust law as well as corporations, limited liability companies and their use in creditor protection, income and estate planning); insolvency proceedings (bankruptcy and state creditor proceedings); water law; and real estate law. In my 37+ years of practice I have a significant amount of trial and appellate court practice as client's cases and needs have required.

Deputy County Attorney, Rich County Utah: Acted as one of the legal advisors for Rich County on various legal matters as directed by County Attorney. Primarily addressed civil matters: these included governmental immunity, civil rights (§ 1983) issues and potential civil claims against county (when not tendered to county insurance for defense), land use (zoning), contracts, election issues, tax collection issues and bankruptcy matters. Also handled criminal prosecution of misdemeanor and felony cases. When County Attorney not available advised County Commissioners and other county elected officials, but primarily the County Sheriff

and deputies on various civil issues such as sheriff sales as ordered by the District Court, search and seizure issues as well as probable cause issues for arrest. Review criminal cases for issuance of Summons and Information and eventual prosecution of cases. Trial work and associated brief writing. (≈1995 to ≈ 2012)

1993 - 2004. City Attorney and City Prosecutor for Hyde Park City, Utah.

Handled all civil and criminal matters in Hyde Park City. Under the direction of the Mayor worked with City Council and City staff members on all issues that a city encounters including drafting ordinances, reviewing proposed ordinances, bonding and contract issues as well as water rights, zoning and land use issues (including development and subdivision land use issues), and handling and advising the City Council on threatened and filed civil lawsuits and claims against the City. During my tenure Hyde Park was planning and constructing their city sewer project which entailed working on all phases of temporary and permanent financing (bonding), acquiring easements, clearing title to rights of way and multiple construction and engineering issues in the design, construction and eventual acceptance of the project by the City. Also handled all city prosecutions - misdemeanors.

Representative clients: T.R. Johnson Development, L.C. (Logan); Cache Valley Radio Group (Logan); Sandhill Media, Inc., (Idaho Falls); C. E. Butters Realty & Const., Inc., and Towers Sand & Gravel, LLC, (Ogden); Valderra Development, LLC and related entities (Ledges at St. George - real estate development); Daedalus, USA, Inc., (general contractor and construction manager for over 900 million dollars of development in Summit County prior to 2009 recession) and Silver Baron Partners, LLC, (Park City)

State Bar and Court Admissions and Memberships

Admitted: Utah State Bar (1979 - present); Idaho State Bar (2016 - present); U.S. District Court, District of Utah (1981); U.S. District Court of Idaho (2016); U.S. District Court, Northern District of California (1997); U.S. Tenth Circuit Court of Appeals (1983); U.S. Ninth Circuit Court of Appeals (1983); U.S. Tax Court (1980); U.S. Supreme Court (1984); Cache County Bar Assoc. (1980 – present); American Bar Association – ABA (1980 – 1992).

Education

New York University, School of Law. Masters of Law (LL.M. in Taxation), *Cum Laude*, 1980. Post doctoral study of law concentrating in income, estate, gift and trust taxation law.

J. Reuben Clark Law School, Brigham Young University. Juris Doctorate (J.D.), *Cum Laude*, 1979. General legal course of study leading to a law degree. Class standing: upper 20-25% in class of 150.

Weber State University (formerly Weber State College), Bachelor of Science (B.S.), Accounting, *Magna Cum Laude*, 1977. 4.0 GPA in major. Class standing: Graduated No. 1 in accounting graduating class of approximately 150.

Other Experience

≈ 2000 - present. **Chairman - Member of the Providence City Board of Appeals (now known as the “Appeals Authority”)**. Hear and rule on appeals of various land use issues usually involving the interpretation and application of city ordinances, zoning decisions of the Planning Commission, City Administrators and/or City Council as set forth in the Utah Code and Providence City Ordinances.

Adjunct Professor of Law. J. Reuben Clark Law School, Brigham Young University.
1980-1981.

Adjunct Professor of Business. Business Department, taught employment law, Utah State University. 1999 - 2000.

Personal Married to Janet Favero Chambers (1975). Parents of five adult children.

References

George W. Preston (Former law Partner 30+ years) 435-752-9644	Robert Balls (Former Mayor of Hyde Park) 435-563-1000	Craig M. Call (Attorney I have worked with in past) 801-859-2255 (cell)
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OLSON & HOGGAN, P.C.

Attorneys at Law

130 South Main Street, Suite 200

P.O. Box 525

Logan, Utah 84323-0525

Telephone: (435) 752-1551

Facsimile: (435) 752-2295

MILES P. JENSEN

- Education:** Utah State University (B.S., Cum Laude, 1972); Northwestern University (J.D., 1975). Phi Kappa Phi; Pi Sigma Alpha; Phi Alpha Theta. Member, Editorial Board, Northwestern Law Review, 1974-1975.
- Professional:** Admitted to Bar 1975, Utah. Associate and Partner with Olson & Hoggan, P.C. since 1975. Member, 1975 to present, Cache County and American Bar Associations; Utah State Bar (Member; Bar Reorganization Study Committee, 1989-1990; Utah State Bar Client Security Fund Committee, 1987-present; Utah State Bar Ethics Advisory Opinion Committee, 1984-1992; First District Judicial Nominating Commission, 1987-1990; 2013-2017)
- Practice Areas:** Business, Municipal, Real Estate, Corporate, Litigation, Estate Planning.
- Reported Cases:** Crossgrove v. Checketts Properties, LLC, 2015 UT App 35; Pioneer Builders vs. KDA, 292 P.3d 672 (Utah 2012); Millet v. Logan City, 168 P.3d 819 (Utah 2007); Millet v. Logan City, 147 P.3d 971 (Utah 2006); Loosle v. First Federal Savings & Loan, 858 P.2d 999 (Utah 1993); Buttars v. Buttars, 631 P.2d 892 (1981); Godfrey v. Munson, 597 P.2d 885 (Utah 1979).
- Political Activity/
Political Party:** Precinct Chair & Vice-chair, Republican Party 2006-2014.
- Civic (Personal):** Board of Directors, Summerfest Art Festival, 2016-; Board of Directors, Cache Children's Choir, 2015-present; Member, Logan Regional Cancer Center Fund Raising Committee, 2006; Board of Directors, Bear River House, 2000-2001; Chair, Cache County Library System, Study Committee, 2000-2001; Board of Directors, Cache Valley Center for the Arts, 1999-2002; Board Chair, 2001-2002; Board of Directors, Sunshine Terrace Foundation 1992-2008; Board of Directors, Logan Regional Hospital, 1991-1996; Logan City Power Board, 1990-1992; Member Logan Rotary Club, 1984 to present: Logan Rotary Club President, 1992; Board of Directors, 1990-1993.
- Email:** mpj@oh-pc.com

Christy Abad

From: Ray Malouf <malouflaw@qwestoffice.net>
Sent: Tuesday, February 19, 2019 3:14 PM
To: Christy Abad
Subject: 1st District Court Trial Nominating Commission

Ray Malouf is willing to serve on the Nominating Commission if appointed.

I have been in private general practice since 1976. I have neither aspired to the bench nor applied. I mostly hold to the Republican Party platform, and have attended caucuses for that party, but not been a County Officer like Chris Booth.

I am part of the defense bar, and have been in Court with most Cache County attorneys in criminal cases and civil cases. This is all the resume I plan to submit unless you have specific questions.

Thank you for the invitation.

Ray Malouf
Malouf Law Offices, LC
150 East 200 North, Suite D, Logan, Utah 84321
435/752-9380

TAB
2

UTAH BAR COMMISSION MEETING AGENDA ITEM

Title: Third Judicial Court Nominating Commission Nominees
Item: 2.2
Submitted by: John Baldwin
Meeting Date: March 7, 2019

ITEM/ISSUE:

The Commission nominates judges to fill vacancies on the district court and the juvenile court within the Third Judicial District. Two lawyers are appointed to the Commission by the Governor from a list of six nominees provided by the Bar. The terms of the most recent Commission members expired January 31, 2019. A list of the most recent Commission members is attached.

Members of the Nominating Commission must be citizens of the United States and residents of the Third District (Salt Lake, Summit, and Tooele Counties). Commissioners are appointed for one term of four years and may not serve successive terms. No more than four of the seven members of the nominating commission may be of the same political party.

APPLICANTS: (Resumes attached; sorted by political party then, by last name.)

Alain Balmanno	Democrat	Jonathan Paz	Independent
Zac Christensen	Democrat	Michael P. Petrogeorge	Independent
Tracy Cowdell	Democrat	Melina Shiraldi	Independent
Wesley Felix	Democrat	Randall Skeen	Independent
Christina M. Jepson	Democrat	Scarlet R. Smith	Independent
Steve Jones	Democrat	Felice Viti	Independent
David Leta	Democrat	John West	Independent
Victoria Luman	Democrat	Tasha Williams	Independent
Spencer B. Lythgoe	Democrat		
Lesley Manley	Democrat	Adam Bondy	Unaffiliated
Margaret Olson	Democrat	Josh Lee	Unaffiliated
Jim Rock	Democrat	Martin Olsen	Unaffiliated
David Schwendiman	Democrat	Melissa Stirba	Unaffiliated
Jeremy Speckhals	Democrat	Ann Marie Taliaferro	Unaffiliated
Cara Tangaro	Democrat		
		Lauren Barros	Republican
Mark Dahl	Independent	Christian Clinger	Republican
Kent Davis	Independent	Tony F. Graf, Jr.	Republican
Tammy B. Georgelas	Independent	Laura Gray	Republican
Stewart B. Harman	Independent	David Head	Republican
George Hunt	Independent	Marc Mathis	Republican
Michael J. Langford	Independent	John Nielsen	Republican
Skye Lazaro	Independent	Jordan Putnam	Republican
Mikhael Mikhalev	Independent	Tyler Snow	Republican
Debra Nelson	Independent	Jamie Thomas	Republican
Jesse Nix	Independent	Bob Wilde	Republican
Daphne Oberg	Independent		

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X

Alain C. Balmanno
721 East Alhara Hills Drive, Sandy, Utah 84094
(C) (801) 834-3081 abalmanno@comcast.net

Application for appointment to the Third District Trial Court Nominating Commission.

Registered Democrat.

Education

Mediating the Litigated Case, 2014, Pepperdine Law School, Straus Institute
Summer Institute on National Security Law, 1995, University of Virginia.
LL.M, International Law, August 1994 - May 1995, American University, Washington DC.
LL.M, Military Law, August 1989 - May 1990, Army Judge Advocate General's School,
JD, May 1983, J. Reuben Clark Law School, Brigham Young University.
BA, Political Science, May 1980, Brigham Young University.

Civilian Legal Practice Experience 2000 - Present

Utah Attorney General, Employment Section Director
Director, Employment Law Section, Litigation Division. Represent State Agencies, Universities,
Colleges, School Districts, and Charter Schools in employment law matters, including Title VII,
ADA, ADEA, Utah Antidiscrimination Act. Supervise 8 attorneys, 4 paralegals.
January 2018 – Present

Utah Attorney General, Assistant Attorney General.
Employment Law Section, Litigation Division. Represent State Agencies, Universities, Colleges,
School Districts, and Charter Schools in employment law matters, including Title VII, ADA,
ADEA, Utah Antidiscrimination Act in State and Federal Courts, and administrative hearings at
the UALD and CSRO.
September 2015 – December 2017

The Law Office of Alain C. Balmanno
My practice focused on construction law, construction defects, industrial accidents, commercial
and business disputes, contract law, civil rights, land use issues and appeals.
January 2014 – August 2015

Christensen & Jensen (of counsel)
General litigation, including insurance defense, personal injury, product liability, land use,
construction defects, commercial and business, civil rights, veteran's law, and appellate practice.
January 2009 – December 2013

Hutchings Baird Curtis & Astill PLLC
Senior civil litigator. Lead counsel in Fair Housing Act cases; civil RICO case, including appeal
to Tenth Circuit; removal of public officials for malfeasance in office case; plaintiff's co-counsel
in \$13,500,000.00 case for investment fraud and conspiracy to defraud; plaintiff and defense
counsel for developers and builders in approximately forty cases involving breach of contracts,
liens, partnership agreements, and development agreements.
August 2005 – December 2008

Utah Attorney General, Complex Litigation Section Chief
Chief, Complex Litigation Section, Office of the Utah Attorney General, Litigation Division.
Responsible for defense of class action cases brought against State Agencies and officials, and
attorney fee claims submitted against the State. Responsible for supervising work of attorney
and paralegal employees in Section. Lead defense counsel in Navajo Royalties Trust Fund class
action litigation, and Child Welfare class action institutional reform litigation. Liaison with
Legislature and Office of the Governor on complex litigation cases.
July 2004 – August 2005

Utah Attorney General, Assistant Attorney General
Assistant Utah Attorney General, Litigation Division, Civil Rights Section. Litigation attorney
responsible to represent State Agencies, employees, universities, school districts, executive
departments, and executive officers, including elected and appointed officers, in civil rights
lawsuits (primarily 42 U.S.C. Section 1983 cases and prisoner cases).
September 2000 to July 2004

Adjunct Faculty
Widener University School of Law, Intensive Trial Advocacy Program (ITAP). Teach trial
advocacy as part of faculty for practical-exercise based program, with instruction taking place in
small group setting (18-24 students per group), on a rotating group basis. Instruction subjects
include introduction of documents and exhibit, conducting direct and cross examination, opening
statements, examining expert witnesses, closing arguments, and conduct of the trial.
2010, 2011, 2012, 2014 and 2015

United States Army Legal Experience 1983 - 2000

U.S. Army, Assistant Professor and Course Director
United States Military Academy, West Point. Developed, directed and taught international law,
constitutional law and military justice, and national security law classes to senior cadets.
July 1995 – September 2000

Adjunct Professor.
St. Thomas Aquinas College, West Point Extension, Criminal Justice Program. Taught classes on
Law and Society, Criminal Justice and Community Relations, Probation and Parole, Penology, and
Problems in Criminal Justice.
August 1997 – May 1999

Deputy Legal Advisor
NATO Supreme Headquarters Allied Powers Europe (SHAPE), Belgium. Supervised attorneys
in criminal, torts, legal assistance, international law, contract law, and government ethics
sections, located in two offices in Brussels and Mons. Defended tort claims against the United
States brought under the NATO treaty in France and Belgium, prosecuted criminal cases and
reviewed government contracts.
May 1992 - July 1994

Chief, International Law Branch
Kaiserslautern, Germany, 21st Theater Area Support Command. Coordinated criminal and civil
cases between German judicial officials in three German states and U.S. forces. Supervised local
attorneys employed in three U.S. legal offices. Responsible for training reserve units.
June 1990 - May 1992

Assistant Legal Counsel
U.S. Army Recruiting Command, Chicago, Illinois. Prosecuted 25 criminal cases and
administrative hearings, investigated recruiting improprieties, drafted regulations, researched and
wrote administrative law opinions, gave lectures on integrity and ethics to recruiters.
January 1986 - July 1989

Prosecutor
Lead prosecutor in U.S. Federal Magistrate Court, Federal District Court, Baltimore Maryland,
and prosecutor, for Fort Meade, Maryland. Provided criminal law advice to Intelligence
Command and National Security Agency. Prosecuted two courts-martial, two administrative
hearings and hundreds of magistrate court misdemeanor cases.
June 1985 - December 1985

Chief, Legal Assistance Branch
Provided legal assistance to soldiers on contract law, domestic relations, landlord - tenant law,
wills and estates. Supervised 3 attorneys, 3 secretaries and 2 legal clerks.
December 1983 - June 1985

Reported Cases:

- Harris v. Shopko, 2013 UT 34.
- Miller v. UDOT, 2012 UT 34.
- Miller v. San Juan County, 2008 Utah App 186; 186 P.3d 965.
- Axson-Flynn v. Johnson, 356 F.3d 1277 (10th Cir. 2004).
- Frew v. Hawkins, 540 U.S. 431 (2004) (co-author Brief of amici curiae).
- LB and JB on behalf of KB v. Nebo School District, 379 F.3d 966 (10th Cir. 2004).
- Gillmor v. Thomas, 490 F.3d 791 (10th Cir. 2007).
- Bio-Thrust v. Division of Corporation, 2003 UT App 360; 80 P.3d 164.

Professional/ Volunteer Activities / Military Service / Awards

Member Utah State Bar; Bar of the United States Supreme Court, Tenth Circuit Court of Appeals, Court of Appeals for Veterans' Claims, Court of Appeals for the Armed Forces, Federal District Court for Utah, and the Utah Supreme Court.

1973 – 2000: United States Army, (17 years Judge Advocate General's Corps, 3 years enlisted, 6 years reserve). Military awards: Legion of Merit, Meritorious Service Medal, Army Commendation Medal, Joint Service Medal, Army Achievement Medal, Good Conduct Medal, National Defense Service Medal, Southwest Asia Bronze Star, Humanitarian Service Medal, Armed Forces Reserve Medal, Kuwait Liberation Medal.

January 2009 – Present: executive committee member, NAACP Salt Lake Branch.
 October 2013: Albert B. Fritz Civil Rights Worker of the year by NAACP Salt Lake Branch.
 September 2007 – 2009: Member, Ethics Advisory Committee, Utah State Bar.
 July 2001 – June 2007: Member, Ethics and Disciplinary Committee, Utah State Bar.
 2006: Chair, Military Law Section, Utah State Bar.
 2005 – 2012: Member, BYU Law School Alumni Board; Member Executive Committee; Chair, Giving Committee.

Publications and Presentations:

Presentation and moderator, Utah State Bar Mid-Year Convention, 2014; *Big Uncle Sam is Watching You: Current Issues in Domestic Surveillance and Targeting US Citizens Abroad*, Utah State Bar Spring Convention, (Panel members included: Hon. Dee V. Benson, U.S. District Court, former FISA court member; Hon. Paul Warner – Magistrate Judge, U.S. District, former Navy JA.; Prof. Eric Jensen, BYU Law School, Army JA, Ret., expert on international law and law of armed conflict; and Phillip E. Lowry – Christensen & Jensen, Command JA, 19th Special Forces Group, Utah National Guard, and Afghanistan veteran) (March 2014).

Presentation, Utah State Bar, Military Law Section, *Five Top Ethical Traps* (April 2013).

Presentation, Utah State Bar Annual Convention, *National Security and the War Powers Resolution: the 2011 Libyan Intervention* (July 2012).

Presentation, Utah State Bar Annual Convention, *Executive Powers and National Security: the Hamden Decision and the Military Commissions Act of 2006* (July 2007). Updated same presentation to Jack Rabbit Bar Conference (June 2008).

Presentation, American Bar Association, Criminal Justice Section Council Meeting, *Military Commissions, Domestic Legal Sources, International Legal Sources, and FAQ*, (Aug 2003). Updated same presentation to the Utah State Bar Association, Military Law Section, (December 2004). Further updated same presentation to the Utah State Bar Mid-year Convention (March 2005).

Presentation, Columbia University School of International and Public Affairs: *Universalizing the Ban on Anti-Personnel Mines – Developments within the "Heldout" State*, (December 1999).

Presentation, American Legal Studies Association: *Legal Studies at the United States Military Academy - Their Role in Achieving the Goals of the Military Academy*, (October 1999).

Editor and Contributing Author, *Constitutional Law for the Citizen Soldier*, 5th Edition, United States Military Academy, West Point (1999).

Presentation, Northeast Academy of Legal Studies in Business: *Remedies for Individuals in International Human Rights and International Economic Law: The North-American Free Trade Agreement Follows the Modern Pattern* (May 1998).

Editor, *International Law Additional Material* for use in International Law class (1996, 1997).

Author, Military Science textbook, selected chapters, *International Humanitarian Law (The Law of War)*, January 1996; *Operations Other Than War*, January 1997.

Published Article: *Protecting the Internally Displaced under International Humanitarian Law*, in Human Rights Brief, (Center for Human Rights and Humanitarian Law), Washington College of Law, American University, volume 3, #2, winter 1995.

ZACHARY A. CHRISTENSEN

(801) 244-1317 · Zachary.christensen@gmail.com

PROFESSIONAL EXPERIENCE

UTAH STATE BOARD OF EDUCATION, SALT LAKE CITY, UTAH

Director of Purchasing and Contracts, October 2017-present

- Led team of 6 employees during transition from agency dependent on State of Utah Division of Purchasing to an independent procurement unit with no audit findings (which has previously never happened).
- Supervised all procurement activities for USBE for compliance with code and rule (more than 1500 procurement events from small purchases to multi-stage multi-million dollar complex procurements).
- Two consecutive quarters with no audit findings, a first for the agency.
- Drafted new administrative rules for USBE procurement.
- Drafted policies and procedures, which were previously non-existent.
- Developed training schedule, including regular staff and professional development meetings.
- Restructured Purchasing-Card program, including drafting new forms, policies, requirements to ensure compliance with code and rule.
- Drafted new contract templates for board use.
- Developed agency specific terms and conditions for USBE.
- Reviewed and dispositioned protests in accordance with code and rule.
- Member of the Utah State Procurement Policy Board, chaired appeals panel; member of Education Procurement Advisory Council; Associate member NASPO (National Association of State Procurement Officials); Vice President of Utah Chapter of NIGP (National Institute of Government Procurement)

STATE OF UTAH DIVISION OF PURCHASING, SALT LAKE CITY, UTAH

Contract Analyst, March 2016-October 2017

- Managed on average more than 150 state cooperative contracts, participated in NASPO ValuePoint (national cooperative) solicitations and contracts, in addition to working with the Governor's Office, including all subdivisions and departments, and the Utah State Board of Education for their procurement needs; performed hundreds of solicitations from simple to complex, contract management, and contract close-out activities
- In-office expert for Approved Vendor Lists managing more than 15 approved vendor list portfolios, reviewing other agents AVL solicitations, training on AVLs, and presenting at state procurement seminars
- Served as Super-user and administrator for statewide e-procurement system (SciQuest), providing training, outreach, tutorials, and presentations across the state
- Mentored two contract analysts
- Trained other procurement agents and contract analysts, trained agencies on procurement code and rules
- Assisted in drafting changes to Administrative Rules
- Presented numerous times at state level trainings, agency trainings, intra office meetings
- Served on statewide Enterprise Talent Management Committee
- Negotiated terms and conditions, drafted contracts, and performed contract reviews on behalf of agencies and the State of Utah Division of Purchasing; drafted updated forms, documents for solicitation postings and notices for statewide solicitations
- Prepared Notice of Debarment, including all supporting materials, and assisted in debarment hearing

CHRISTENSEN, YOUNG & ASSOCIATES, PLLC, SANDY, UTAH

Attorney, April 2012-March 2016

- Represented clients in criminal, personal injury, worker's compensation, bankruptcy, contract law, breach of contract, real estate/ foreclosure, intellectual property, and civil litigation matters
- Negotiated, settled, or litigated more than 50 personal injury cases; drafted organizational documents for 35 companies, including multiple contracts for variety of uses for eight companies; developed bankruptcy

practice which became 1/3 of practice

- Performed research on complex legal issues; represented clients at hearings, trials, and settlement conferences; drafted legal documents; client and case management
- Managed paralegals and junior attorneys, taking responsibility for training and ultimate work product

LOCKHEED MARTIN SPACE SYSTEMS COMPANY, LITTLETON, COLORADO

Subcontract Administrator, February 2010-April 2012

- Negotiated non-disclosure agreements and terms and conditions for dozens of proposals and programs
- Managed average of 15 multi-million dollar battery contracts, increasing profitability and reducing costs
- Participated in selection of suppliers, and in doing so, finalized contract agreements, negotiated terms and conditions, and provided price analysis on products and services
- Attended weekly government contracting course
- Managed Intellectual Property Application for legal department, reviewing employee papers, presentations, abstracts, etc, for proprietary information and intellectual property issues
- Researched/drafted verbiage for contract with Jefferson County for mass distribution of prophylactic aid
- Reviewed changes to terms and conditions on contracts under direction of supervising attorney
- Collaborated with directors on subcontract management action learning team, researched trends, analyzed data and helped draft recommendations for presentation to executives on how to improve subcontract management
- Drafted informed consent policy for research with human test subjects and assisted in developing an internal review board, became company expert in requirements for human test subject experiments; researched Privacy Law and served as back up to SSC Privacy Lead, attending Corporate Privacy Office meetings and represented SSC in corporate privacy teleconferences
- Reviewed fixed price construction contract for use in multiple offices
- Researched companies for Foreign Corrupt Practices Act applicability
- Audited invention disclosure system for proper government patent and intellectual property disclosure
- Analyzed contracts and other documents for potential mergers/divestitures

MIDVALE CITY JUSTICE COURT, MIDVALE, UTAH

Judicial Intern, Student Lawyer, May 2008-August 2008

- Achieved 86% conviction rate prosecuting misdemeanor trials including drug paraphernalia possession, assault, and traffic violations; assisted prosecutor with jury trials
- Established new file management system for both the court and prosecutor
- Facilitated prosecutor office's connection to and training on Prosecutor Information Management System

UNIDROIT, ROME, ITALY

Intern/Research Assistant/Unilex database editor, January 2008-April 2008

- Researched cases from the United States and European countries that have applied the International Sale of Goods (CISG) treaty and authored abstracts published on the Unilex database (www.unilex.info); served as an editor for the database
- Presented lecture on the American legal system to law students at La Sapienza University in Rome
- Researched the CISG, penalty clauses, and the Cape Town Convention protocols
- Participated as an Officer of the Secretariat (Unidroit) at the meeting of the Convention on International Interests in Mobile Equipment (Cape Town Convention); observed bidding process for website contract for sale of international rail equipment

BRIGHAM YOUNG UNIVERSITY ALUMNI ASSOCIATION, PROVO, UTAH

Program Administrator and Associate Alumni Event Planner, July 2004-September 2006

- Directed 6 programs; supervised 25 employees; one of 12 staff members serving 300,000 alumni
- Conducted research and authored a 140-page colonial United States history manual for alumni tour

program

- Implemented new outreach program for the BYU Parents Program achieving 300% program growth in two years

EDUCATION

UNIVERSITY OF DENVER STURM COLLEGE OF LAW, DENVER, COLORADO

J.D. May 2009

- Recipient, *James C. Owen Jr. Agron* Scholarship (academic scholarship)
- Scholastic Excellence Award for Sports Law and Advanced Legal Research
- Member, Phi Delta Phi Honor Society; President, J. Reuben Clark Law Society; Treasurer, Business Law Society; IL Senator, Student Bar Association; Member, Law Ambassador Society
- Participant Penn State Study Abroad in Italy and European capitals studying international law, 3.63 GPA

BRIGHAM YOUNG UNIVERSITY, PROVO, UTAH

B.S., Business Management, emphasis in finance. April 2004, Magna Cum Laude

- Recipient, *Alvina Saffel Barrett* Scholarship (full tuition four-year scholarship)
- Phi Eta Sigma National Honor Society; Golden Key Honor Society; Blue Key Honor Society; Beta Gamma Sigma Honor Society; Phi Kappa Phi Honor Society

Chase Andrizzi
Sasha Brown
Michael K. Green
David S. Lassetter

Tracy S. Cowdell



Chad L. Woolley

Niel H. Lund
Brian G. Page
Stephanie A. Shelman
Casey L. Taylor

COWDELL WOOLLEY

ATTORNEYS AT LAW

32 E. Main Street | Sandy, Utah 84070 | Phone 801.550.9864 | Fax 800.388.7054

Feb. 25, 2019

Utah State Bar
c/o Christy Abad, Executive Secretary
645 S. 200 West
Salt Lake City, UT 84111
christy.abad@utahbar.org

RE: Application to serve on the Third District Trial Court Nominating Commission.

Dear representatives of the Utah State Bar,

I am writing in interest of serving on the Third District Trial Court Nominating Commission, and submit this letter in application. I appreciate your consideration of me for this position and willingness to potentially nominate me for appointment to the Commission by Gov. Gary Herbert.

As Partner, I lead a law firm of 10 attorneys and about a dozen support staff. Cowdell & Woolley P.C. is a private Utah law firm, based in Sandy, Utah, that specializes in working with municipalities and local government. We currently are appointed as the City Attorney for the cities of Taylorsville, Providence and Ephraim, and the County Attorney for Daggett County. We provide prosecution services for the cities of South Salt Lake, Taylorsville, Draper, Herriman and Moab, as well as for Daggett County and several cities in Sanpete County. We also are General Counsel for the Sandy Suburban Improvement District and Jordan Valley Water Reclamation Facility, appointed Counsel to the Sandy City Council, on-call attorney for the Salt Lake City Department of Airports, and serve as Conflict Counsel for the Salt Lake District Attorney's Office.

I am an active member in good standing of the Utah State Bar, as well as a citizen of the United States and resident of the area inclusive of the Third District Court. I am active in the Democratic Party, and ran for the state Legislature several years ago as a Democrat.

I understand well the requirements and expertise needed for a judge to be effective, and am confident that I can help fill vacancies and appoint exceptional jurists to the Third District Trial Court who will be successful in that position. I have gained this experience and understanding both as an attorney practicing law in the state of Utah for the past 15 years-plus and as an administrative law judge who has presided over many matters before multiple agencies. Specifically, I am an appointed hearing officer/ALJ for Draper City; the Utah Professional Practices Advisory Commission (UPPAC), which advises the Utah State Board of Education; the Utah Department of Environmental Quality; both Washington County School District and Salt Lake City School District; the Utah Scenic Byways Committee, and the Bureau

COWDELL  WOOLLEY

of Emergency Medical Services and Preparedness. This experience has given me keen understanding of the importance of rendering fair and equitable decisions based exclusively on the principles of applicable law and policy, and the need for judges to be reasoned and professional in approach.

My civic involvement also has given me a good perspective that I believe would lend itself well in working with other commissioners to select the best, most qualified people to preside over the Third District Trial Court. I have lived my entire life in historic Sandy, where my roots are many generations deep. I know the community and the residents who live here. I have served as an elected board member of the Canyons School District, which I helped found and led through some tumultuous times as the first board president in its history. In this role, I served on selection committees charged with hiring the district's first superintendent and key staff members, as well as its second superintendent who is serving now. So, I do know how to recognize talent and what agencies need, in appointing leaders to ensure the best fit and overall success. I also was appointed by the Speaker of the House to serve on the Board of Directors for the Utah State Fair Corporation. With this experience, I do know too how to work collaboratively as a member of a political body in accomplishing desired outcomes.

In my professional capacity, I currently am the appointed part-time City Attorney for Taylorsville City, General Counsel to the Sandy City Council, General Counsel and Assistant General Manager to Sandy Suburban Improvement District, and General Counsel to the South Valley Water Reclamation Facility. I was admitted to the Utah State Bar in October 2001 and have practiced law in the state of Utah for the past 15 years. I also have 15 years of litigation experience, with a successful track record. My firm's specialty is municipal and governmental law and municipal prosecution. In all, we prosecute approximately 5,000 cases in the justice courts per month (over 60,000 cases annually).

Given my background, I do know the impact that the Third District Court has on the community and the essential leadership that its judges can provide. If I were to be appointed to the Commission, it is a responsibility that I would accept with utmost solemnity. Thank you so much for your consideration of me for this position. As requested, I have attached me résumé. Please don't hesitate to contact me if you need anything else or have any questions. I look forward to meeting and talking further.

Sincerely,

Tracy S. Cowdell

TRACY SCOTT COWDELL

32 EAST MAIN STREET, SANDY, UTAH 84701 • cell: 801.550.9644 • home: 801.566.4287 • e-mail: tracyc@me.com

PROFESSIONAL EXPERIENCE:

Partner, *COWDELL AND WOOLLEY, P.C.*, Sandy, Utah (2001-Present)

- Areas of emphasis include: all areas of representation of governmental entities
- Represent public and elected officials in their official capacity
- Administrative Law Judge for Draper City, Utah Division of Environmental Quality, Utah Professional Practices Advisory Commission, Washington County School District, Salt Lake City School District, Utah Scenic Byways Committee
- Daily experience with negotiation, collaboration and problem solving
- Senior advisor to appointed and elected officials
- Practice includes GRAMA, Utah Open Meeting Act, Employee Ethics Act, land use, the state procurement code, prosecution and other governmental related regulation
- Appointments: City Attorney for Taylorsville, Midvale and Draper City
- Other clients include: Sandy Suburban Improvement District, South Valley Water Reclamation Facility and other governmental clients
- Chief Operations Officer, *Advanced IT Solutions, Inc.*, Sandy, Utah (1998-2001)
- Co-founder and Principal
- Proficient in MS Office, the Internet, LAN/WAN management and other technology applications
- Liaison between company management and technical support team

EDUCATION AND CREDENTIALS:

Juris Doctorate, (2001), *J. Reuben Clark Law School, Brigham Young University*

- Faculty Award for Meritorious Achievement and Distinguished Service
- Extern in Chief Judge Dee Benson's Office, U.S. District Court
- Trained in mediation, negotiation and meeting facilitation
- Member of the Alternative Dispute Resolution Society

Bachelor of Science, (1997) *summa cum laude, University of Utah*

- Political science and sociology (double major) certified in criminology and corrections
- GPA 3.93 (top one percent)
- Sociology Scholar and Scholarship
- Alpha Kappa Delta sociology honors
- Member of Golden Key and Phi Beta Kappa Honors Societies
- Research, writing and publishing experience

PUBLIC AND VOLUNTEER SERVICE:

President/Member, Canyons School District Board of Education, Sandy, Utah (2008-2014)

Vice President, Jordan School District Board of Education, Sandy, Utah (2007-2009)

Chairperson, Sandy Elementary School Community Council

Chairperson, Sandy Elementary School Trust Land Committee

Director, Community Mediation Center, Provo, Utah (2000-2001)

Member, Board of Adjustment, Sandy City (2004-2008)

Member, CDBG Sandy Citizen Committee, Sandy City, Sandy, Utah (1997-2004)

AWARDS:

Excellence in Service, Unified Police District of Greater Salt Lake (2016)

Outstanding Service Award, Sandy City (2012)

Service Provider of the Year, City of Taylorsville (2011)

Outstanding Elected Official Award, Sandy City (2010)

WESLEY D. FELIX

Deiss Law, P.C.
10 W. 100 S. Suite 425, Salt Lake City, UT 84101
(801) 433-0226; wfelix@deisslaw.com
*Admitted to practice law in Utah

EDUCATION

Stanford Law School, Palo Alto, CA, J.D. 1993, with distinction
Stanford Law Review, Articles Editor.
Vanderbilt University, Nashville, TN, Ph.D. Philosophy, 1987.
Whitman College, Walla Walla, WA, BA Philosophy/Economics, 1981.

EMPLOYMENT

Partner, Deiss Law, P.C.
October 2016 to present.

Mitchell, Barlow & Mansfield
Partner

December 2013 to April 2016
Practice Areas: Commercial Litigation, Professional Liability including defense of attorney malpractice cases, Business Torts, Insurance Defense, Securities and Derivative Litigation, Trademark and Copyright
Representative Cases: Successfully obtained de minimus settlement after first day of trial for business defendant in case where plaintiff sought seventy five million in damages. Successfully obtained dismissal of securities fraud case. Successfully obtained preliminary and permanent injunction for prominent car manufacturer in federal copyright and trademark case.

Snell & Wilmer, Salt Lake City, UT
Counsel

July 2012 to December 2013
Practice Areas: Commercial Litigation, Professional Liability including defense of attorney malpractice cases, Business Torts, Insurance Defense, Securities and Derivative Litigation, Trademark and Copyright.
Representative Cases: Defense of business tort action seeking sixty million in damages; successful resolution of plaintiff's action for cyber breach; successful resolution of derivative action by minority shareholders challenging corporate acquisition; Tenth Circuit appeal contesting order enforcing settlement agreement; preliminary injunctions in unfair competition and ADA; obtained dismissal of two actions for attorney malpractice.

Sidley Austin LLP, Los Angeles, CA
Counsel

January 2011 to March 2012
Practice Areas: Commercial Litigation; Accountant Liability; Class Action Litigation; Regulatory;

PCAOB and SEC; White-Collar.

Representative Cases: Multi-state class action wage & hour defense; client defense in PCAOB investigation; responses to and negotiation with the SEC relating to subpoenas and investigative matters; representation of third-parties in relation to DOJ criminal prosecution of former public company executives.

Howrey LLP, Salt Lake City, UT
Partner

September 2005 - December 2010
Practice Areas: Commercial Litigation, Accountant Liability, Copyright, Regulatory; PCAOB and SEC.
Representative Cases: Successful defense of auditor in administrative trial before the SEC through appeal; multiple actions for copyright infringement on behalf of major digital image provider; achieved dismissal of 10b-5 and related causes of action against auditors in the District of Arizona; representation of auditors in SEC investigatory proceedings; defense of auditors in multimillion dollar direct action by public company through settlement; representation of major commercial property developer in negotiation with anchor tenant; representation of individual in connection with PCAOB investigation.

Bendinger, Crockett & Petersen, Salt Lake City, UT.

Partner

September 1993 to September 2005

Practice Areas: Commercial Litigation, Accountant Liability, Regulatory; PCAOB and SEC.
Representative Cases: Successful defense of auditors in major class actions or direct actions in Washington, Utah, Nevada, Tennessee, Oregon and California; numerous representations of individuals in relation to proceedings before the SEC; substantial recovery on behalf of plaintiff in business acquisition dispute through appeal to Utah Court of Appeals and Utah Supreme Court; obtained all funds demanded in insurance dispute on behalf of disabled surgeon on the eve of trial;

CHRISTINA M. JEPSON
 201 South Main Street, Suite 1800
 Salt Lake City, Utah 84111
 (801) 536-6820

EMPLOYMENT

Parsons Behle & Latimer

Shareholder, 2002 to Present

- Chair of the Employment and Labor Department 2011-present
- Employment—litigation, investigations, training, agreements and counseling
- Commercial Litigation—contracts, business relationships, non-competes, and confidentiality agreements
- Member of firm's Opinion Letter Committee
- Served on firm's Lateral Hire Committee, Web Design Committee and Wellness Committee
- Served on Firm's Recruiting Committee for 10 years

Associate, 1997 to 2002

- President of Associate Relations Committee, 1998-2002

Summer Associate, May 1995 to August 1995

University of Utah S.J. Quinney College of Law

- Adjunct Professor of Law, 2007 to present
- Pre-Trial Practice Course Section Instructor—all aspects of pre-trial litigation process
- Dean Search Committee- 2018-2019

Tenth Circuit Court of Appeals, September 1996 to August 1997

Law Clerk to Honorable Stephen H. Anderson

United States District Court for the District of Utah, August 1995 to August 1996

Law Clerk to Chief Judge David K. Winder

Christensen & Jensen, May 1993 to May 1995

Law Clerk (full time during summers and part time during school years)

BAR ADMISSIONS

- 1995, Utah State and Utah Federal District
- 1997, Tenth Circuit Court of Appeals
- 2017, U.S. Supreme Court

EDUCATION

University of Utah College of Law

Juris Doctor, *Order of the Coif*, May 1995

- Graduated 1st in Class
- Named Outstanding Woman Graduate
- *Utah Law Review*, 1993-1994

- Competed in National Moot Court Competition in New York City, January 1995
 - Champion, Region VI National Moot Court Competition in Denver, CO, October 1994
 - 1st Place Overall
 - Outstanding Oral Advocate Award
 - University of Utah Traynor Moot Court Champion, 1993-1994
 - Highest Grades Awards
 - Constitutional Law, 1993 (American Jurisprudence Award)
 - Criminal Law, 1993 (American Jurisprudence Award)
 - Criminal Procedure, 1993 (American Jurisprudence Award)
 - Family Law, 1994 (American Jurisprudence Award)
 - Torts, 1993 (Corpus Juris Secundum Award)
 - Constitution Law II, 1995 (Outstanding Achievement Award)
 - Legal Writing Program Teaching Assistant
- University of Utah**
- Bachelor of Science in Political Science, *magna cum laude*, June 1992
- Graduated with a 3.94 cumulative G.P.A.
 - Phi Kappa Phi, Golden Key, and Pi Sigma Alpha Honor Societies

PROFESSIONAL HONORS

- 2014-2019 Best Lawyers in America—Employment Law Management
- 2017-2018 Inclusion in Chambers USA Guide—Labor & Employment
- 2013-19 Super Lawyers in Employment and Labor
- 2013- 2017 Mountain States Super Lawyers, Labor and Employment
- 2012-2019 Utah Business Magazine's Legal Elite, Employment and Labor Law

UTAH STATE BAR LEADERSHIP AND BOARDS

- Chair, Utah State Bar Labor and Employment Section, 2014-15
- Vice-Chair, Utah State Bar Labor and Employment Section, 2013-14
- Treasurer, Utah State Bar Labor and Employment Section, 2012-13
- Secretary, Utah State Bar Labor and Employment Section, 2011-12
- Member, Character and Fitness Committee, Utah State Bar, 2001 to 2010
- Member of 2015 Utah State Bar Association Summer Convention Committee
- Member of 2013, 2014 and 2015 Utah State Bar Association Spring Convention Committees

PROFESSIONAL BOARDS AND COMMITTEES

- Utah Democratic Party Harassment Task Force, 2018-19
- American Bar Foundation, Fellow
- Member Utah Trafficking in Persons Taskforce (UTTP) Legal Subcommittee, 2016 to present
- Member of Board of Trustees, Visit Salt Lake, 2014 to 2018
- Member, Board of Directors, Ballet West, 2012 to 2015
- Member, Board of Trustees, University of Utah College of Law, 2008 to present
- President-Elect 2017-2019
- Chair, Alumni Relations Committee, 2015 to 2017
- Pro Bono Attorney for Domestic Violence Victims, 2000 to 2010
- Member, Board of Directors, University of Utah Alumni Association, 2005-2008

- Chair and Member, Community Service Committee 2006-2008
 - Member, Development Committee 2007-2008
 - Member, Scholarships and Awards Committee 2006-2007
 - Member, Legislative Affairs Committee 2005-2006
 - Member, Athletics Advisory Council 2005-2005
- Judge Pro Tempore, Third District Court Small Claims Court, 1997 to 2007
Pre-Litigation Chair, Department of Professional Licensing, 2003-2005

UTAH STATE BAR PRESENTATIONS

#MeToo in the Legal Workplace: A Panel Discussion of Gender, Inclusion and Diversity

Utah State Bar Annual Convention

Sun Valley, Idaho

July 27, 2018

Utah State Bar Litigation Section Rise and Shine

"To Compete or Not to Compete... That is the Legislation"—New Utah Non-Compete Statute (Panel)

Utah Federal District Courthouse, May 26, 2016

Utah State Bar Annual Convention

"Employment Law Compliance/Point and Counterpoint" (Joint Presentation)

Sun Valley, Idaho, August 2015

Utah State Bar Labor & Employment Section

"Social Media in the Workplace"

Salt Lake City, Utah, August 2013

Utah State Bar Spring Convention

"Social Media Issues in the Workplace"

St. George, Utah, March 2013

Utah State Bar Fall Forum

"Effective Use of Paralegals"

Salt Lake City, Utah, November 2007

Utah State Bar Annual Convention

"Trends and Corrections in the Utah Courts of Appeals"

Sun Valley, Idaho, July 2007

PROFESSIONAL PRESENTATIONS

SHRM- Southeast Idaho Chapter, Idaho Fall, ID

Best Practices for Addressing Sexual Harassment in the New #METOO#TIMESUP Environment

October 18, 2018

Symposium: **New Tools for a New Era: Sexual Harassment and the #MeToo Movement**

Co-Sponsored by the S.J. Quinney University of Utah College of Law and Utah State Bar

September 25, 2018

Seattle Alumni Chapter of the University of Utah College of Law, Seattle WA
Best Practices for Addressing Sexual Harassment in the New #METOO#TIMESUP Environment
May 30, 2018

KSL Jobs Lunch and Learn

Best Practices for Minimizing Sexual Harassment in the Workplace

April 25, 2019

The Employer's Council

"Religion in the Workplace" 2017

Idaho Law Review Symposium

Pregnancy Discrimination Panel

Boise, Idaho, April 2016

Lorman Seminar

"Americans with Disabilities Act and Absence as an Accommodation"

Salt Lake City, Utah, June 2014

The Employers Council

"Now it's Personal – Personal Liability for Employment Law Violations"

Salt Lake City, Utah, 2014

MIE, Online Webinar

Creating Your Social Media Policy

October 28, 2013

Lorman Seminar

"Documenting Discipline"

APRIL 2013

Management Innovation for Legal Aid

"Creating Your Social Media Policy"

OCTOBER 2013

Lorman Seminar

"Trends in Social Media Issues and Policies in the Workplace"

November 2011

Lorman Seminar

"An Overview of Discrimination Laws"

Salt Lake City, Utah November 2011

And Justice For All CLE Seminar

"Employment & Social Media"

Salt Lake City, Utah, October 2010

Lorman Employment Law Seminar

"Worker's Compensation"

Salt Lake City, Utah, April 2009

Lorman Seminar "Avoiding Discrimination Claims—Scenarios from Actual Court Cases" Salt Lake City, Utah, October 2008	Idaho October 2015 Parsons Behle & Latimer 27 th Annual Utah Employment Law Seminar "Employment Compliance Audits" April 28, 2015
Lorman Seminar "Employer Created Leave Policies" and "Recordkeeping Under FMLA and Workers' Compensation" Salt Lake City, Utah, April 2008	Parsons Behle & Latimer 2nd Annual Idaho Employment Law Seminar, "Pregnancy Accommodation: Have the Rules Changed?" October 2014
Lorman Seminar "EEOC Compliance in Utah" Salt Lake City, Utah, February 2008	Parsons Behle & Latimer Utah Employment Law Seminar "Recent Developments in Employee Background Checks" May 2014
University of Utah S.J. Quinney College of Law "Women in Law" Salt Lake City, Utah, September 2007	Parsons Behle & Latimer First Annual Idaho Employment Law Seminar "The Defense of Marriage Act and Its Effects on Employment Law" October 17, 2013
Lorman Seminar "Stopping the Criminals" Salt Lake City, Utah, August 2006	Parsons Behle & Latimer First Annual Idaho Employment Law Seminar "Criminal Background Checks" October 2013
Employers Council on Education "How to Conduct an Internal Investigation" Salt Lake City, Utah, September 1999	Parsons Behle & Latimer Utah Employment Law Seminar "Sexual Harassment Mock Training" April 2013
Employers Council on Education "Family Medical Leave Act" Salt Lake City, Utah, April 1999	Parsons Behle & Latimer Utah Employment Law Seminar "Expanded Employment Law Update: New Developments and Trends in Employment Law" April 2013
Employers Council on Education "How to Conduct an Internal Investigation" Salt Lake City, Utah, February 1999	"New EEOC Guidelines Regarding Criminal Background Checks" Parsons Behle & Latimer Breakfast Briefing June/July 2012
<u>FIRM-SPONSORED PRESENTATIONS</u>	"Expanded Employment Law Update: New Developments & Trends in Employment Law" Parsons Behle & Latimer Employment Law Seminar, May 2012
Parsons Behle & Latimer 5 th Annual Idaho Employment Law Seminar "Post-Investigation: Discipline, Retraining, Coaching and Remedies" October 11, 2018 Boise, ID	"Trends in Internet, Social Media and Employment Privacy" Parsons Behle & Latimer Utah Employment Law Seminar, April 2011
Parsons Behle & Latimer 30 th Annual Utah Employment Law Seminar "Diversity and Inclusion in the Workplace- Legal Challenges" May 22, 2018	"Managing Employee Use of Facebook, Twitter and Other Social Media" Parsons Behle & Latimer Utah Employment Law Seminar May 2009
Parsons Behle & Latimer 4 th Annual Idaho Employment Seminar "On Again, Off Again: Intermittent Leave Under the ADA and FMLA" Idaho October 2017	"Employee Handbooks" Parsons Behle & Latimer Utah Employment Law Seminar, March 2009
Parsons Behle & Latimer 3 rd Annual Idaho Employment Seminar "New Developments and Legal Decisions in Employment Law 2015"	"Terminations: Minimizing Risk"
4832-4327-6546v2	4832-4327-6546v2

Parsons Behle & Latimer Utah Employment Law Seminar, March 2008	"Wage and Hour Laws: Utah" Practical Law	
"Religion in the Workplace" Parsons Behle & Latimer Utah Employment Seminar, April 2007	"Drug Testing: Utah" Practical Law	
"Workplace Investigations" Parsons Behle & Latimer Nevada Employment Seminar, November 2006	"Independent Contractors: Utah" Practical Law	
"Employee Drinking: Minimizing Risk" Parsons Behle & Latimer Utah Employment Law Seminar, April 2006	"Employee Privacy Laws: Utah" Practical Law	
"Drug Testing in the Workplace" Parsons Behle & Latimer Utah Employment Law Seminar, April 2005	"Leave Laws: Utah" Practical Law	
"Crucial Mistakes to Avoid in Conducting an Internal Investigation" Parsons Behle & Latimer Utah Employment Law Seminar, April 2003	"Background Check Law: Utah" Practical Law, March 2014	
"Top Ten Mistakes to Avoid in Conducting an Internal Investigation" Parsons Behle & Latimer Utah Employment Law Seminar, April 1999	"Independent Contractors: Utah" Practical Law, March 2014 (co-author)	
	"Drug Testing Laws: Utah" Practical Law, March 2014 (co-author)	
	"Employment Claims in Release Agreements: Utah" Practical Law, March 2014	
PUBLICATIONS	"Anti-Discrimination Laws: Utah" Practical Law, March 2014	
DRI-2018 Legislative Update to New State Laws Compendium	"Hiring Requirements: Utah" Practical Law, March 2014 (co-author)	
"Ground Rules: Three Major Employment Law Changes That May Impact Your Business." January 2017 Utah Business	"Wage and Hour Laws: Utah" Practical Law, March 2014	
Utah Section of DRI's Annual 50 State New Employment Law Compendium 2014-19	"Leave Policy Language: Utah" Practical Law, March 2014	
Anti-Discrimination Law: Utah Practical Law, May 2016	"Leave Laws: Utah" Practical Law, March 2014	
"Employment Claims in Release Agreements: Utah" Practical Law	"Interpreting Rules and Constitutional Provisions" Utah Bar Journal, March/April 2008 (with other authors)	
"Leave Policy Language Utah" Practical Law	Recent Development, <i>Sexual Harassment, Retaliatory Discharge, and Common-law Causes of Action</i> 1994 Utah L. Review 389	
"Background Check Law: Utah" Practical Law	PUBLISHED CASES	
"Hiring Requirements: Utah" Practical Law	<i>Selvig v. Blockbuster Enterprises</i> , 2011 UT 39	8



Steven G. Jones
Phone (801) 799-5828
Fax (801) 214-1868
SGJones@hollandhart.com

February 11, 2019

VIA E-MAIL

Ms. Christy Abad
Utah State Bar
645 South 200 East
Salt Lake City, UT 84111

Re: Application for Third Judicial District Trial Court Nominating Commission

Dear Ms. Abad:

This letter and the enclosed C.V. constitute my application to serve as part of the Third District Trial Court Nominating Commission. As outlined in my C.V., I have been practicing civil litigation for 28 years in both state and federal court and have been recognized by my peers and other ratings organizations (*Best Lawyers in America*, *Super Lawyers*, *Utah's Legal Elite*) as a preeminent litigator. I was named as *Best Lawyers Environmental Lawyer of the Year* in 2017. I am a former federal court law clerk and have been serving as an Adjunct Professor at the University of Utah S.J. Quinney College of Law since 2015.

I understand that the Commission requires political diversity among the members of the Commission. I have been continually registered as a Democrat since moving to Utah in 2013.

Please let me know if you need any further information or have questions about any of the information on my C.V. I look forward to hearing from you.

Very truly yours,

Steven G. Jones

Enclosure

Steven G. Jones

Admitted to practice in Utah, Washington, Oregon and Hawaii

Holland & Hart, LLP, 222 So. Main Street, Suite 2200, Salt Lake City, UT 84101
801-799-5828 (direct); 206-356-3360 (cell) • sgjones@hollandhart.com

QUALIFICATIONS

28 years of experience in all aspects of environmental compliance and litigation, including responsibility as lead counsel in cases presented in both state and federal trial courts (both to the bench and to a jury) state and federal appellate courts and administrative tribunals. Hundreds of fact and expert depositions, presentation, cross-examination and Daubert proceedings involving expert witnesses in both state and federal court. Extensive insurance coverage experience, working on behalf of insureds.

PROFESSIONAL EXPERIENCE

Holland & Hart LLP

2013 – present

Lead counsel on defense of civil and potential criminal liability associated with multiple releases by major oil producer, successfully settling both state and federal penalties and negotiating mitigation agreements; lead counsel on multiple state and federal enforcement actions and private citizen suits under the Clean Air Act, representing international geothermal power producer; lead defense counsel on multiple enforcement actions brought by EPA against national agricultural company; responsibility for preparation and defense of expert reports in multi-million dollar cost-recovery action brought by Salt Lake City, as well as response to and deposition of opposing expert witnesses; defense of federal and state enforcement actions for NPDES violations on behalf of mining and other industry clients; defense of international coal producer in Clean Water Act litigation and in permitting of intermodal commodities export terminal.

University of Utah, S.J. Quinney College of Law

2015 – present

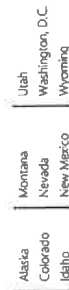
Adjunct Professor, teaching Environmental Practice

Marten Law PLLC

2002 – 2013

Lead responsibility for a diverse range of cases including CERCLA cost recovery and contribution actions; responsibility for record creation, permitting and defense through State Supreme Court proceedings of electric transmission line through the Methow Valley (one of Washington State's prime wilderness areas); participated on both trial team and as lead counsel for defense of settlement in ASARCO bankruptcy, involving preparation and presentation of expert testimony, briefing and cross-examination of opposing experts in largest environmental bankruptcy in federal history; trial counsel in MTC/RCRA case with responsibility for cross-examination of all opposing experts; extensive insurance coverage experience.

T 801.799.5800 F 801.799.5700
222 South Main Street, Suite 2200
Salt Lake City, UT 84101-2194
www.hollandhart.com



Foster Pepper PLLC

Associate
Partner

1990-1997
1997-2002

Land use and environmental litigation experience, including extensive discovery, deposition and trial practice. Broad experience in permitting and permit defense under § 404 and § 401, including preparation, deposition and presentation of expert testimony before Washington's Pollution Control Hearings Board on proceedings involving largest public works project in the state's history. Trial experience before the bench and in a six-week jury trial in a nuisance and cost-recovery case.

Honorable Martin Pence
Law Clerk

United States Federal District Court
District of Hawaii
1989-1990

EDUCATION

Harvard Law School

J.D., 1989

Civil Rights/Civil Liberties Law Review
Research Assistant – Professor Scott Brewer

Cambridge, Massachusetts

University College Cardiff

Masters of Arts, With Honors, 1988
Rotary Foundation Scholar

Cardiff, Wales, U.K.

Utah State University

B.S., Political Science, *Summa Cum Laude*, 1985
B.S., Philosophy, *Summa Cum Laude*, 1985
Presidential Scholar, ASU Academic Vice President

Logan, Utah

PROFESSIONAL ACHIEVEMENTS

Listed in *Best Lawyers in America*® in Environmental Litigation since 2009; named *Best Lawyers Lawyer of the Year* for the State of Utah in Environmental Litigation in 2017; Listed as a member of Utah's Legal Elite in Environmental Litigation in 2017-19.

Named as Super Lawyer by *Thomas Reuters* in Environmental Litigation since 2004.

Past Chair of the Executive Board of the Washington State Bar Environmental and Land Use Section; Board Member since from 2010-2013.

Presenter at ABA Annual Environmental Conference (Keystone) in 2009 on the impact of NEPA on the 2009 Economic Recovery Bill, receiving award for Best Paper at the conference.

Editor, ABA Superfund and Natural Resources Litigation Newsletter (2008).

Christy Abad

From: Leta, David <dleta@swlaw.com>
 Sent: Friday, February 22, 2019 3:05 PM
 To: Christy Abad
 Subject: Application for Membership on the Third District Trial Court Nominating Commission
 Attachments: DEL - current resume.pdf

Christy:

Please accept the attached resume as my application for one of the available positions on the Third District Trial Court Nominating Commission. I believe the role of the Commission in recommending candidates for appointment to the bench is critically important for the future health and wellbeing of our justice system in this State. I have been an active member, in good standing, of the Utah State Bar since 1976. During that time I have witnessed the appointment of nearly all, if not all, of the current sitting judges in the Third Judicial District. Most recently, I have been impressed with the diversity, character and fitness of Governor Herbert's appointments that, in my humble opinion, have greatly enhanced the quality of our bench. I would like to play a small part, through the Commission, in continuing that tradition for the benefit of our community and its future generations.

Thank you for considering this request.

David E. Leta
 15 West South Temple, Suite 1200
 Gateway Tower West
 Salt Lake City, Utah 84101-1547
 Direct: (801) 257-1928
 Fax: 801-257-1800
 Mobile: 801-560-LETA (5382)
www.swlaw.com; dleta@swlaw.com

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BACK Bio



David E. Leta
 Of Counsel Salt Lake City
 801.257.1928
dleta@swlaw.com



S&W Folio Documents

Add Main Bio

Click any of the documents above to add them to your S&W Folio download queue.



David Leta is a financial problem solver. For over 38 years, he has represented debtors, creditors, trustees, creditor committees, asset purchasers, vendors, equity holders and other parties in all aspects of financial disputes, including collections, foreclosures, workouts, receiverships and bankruptcy. David's experience enables him to analyze a financial situation from multiple perspectives and design creative, durable solutions. As an advocate, he handles litigation for clients involving the United States Bankruptcy Code, the Federal and Bankruptcy Rules of Procedure, the Uniform Commercial Code and applicable state laws. David also serves as a neutral in mediating financial disputes for non-clients.

Representative Experience

View »

Recent Major Engagements

- Lead counsel to the Committee of Unsecured Creditors in the reorganization of the largest dairy operation in Utah
- Lead bankruptcy counsel to a consortium of senior secured creditors with liens against one of the largest tar sands processing facilities in Eastern Utah
- Lead counsel in prosecuting and defending \$100M+ preference, fraudulent transfer and equitable subordination claims
- Lead counsel in complex claims litigation involving multi-million dollar intellectual property rights as assets of the

Related Services

Bankruptcy and Reorganization
 Commercial Litigation
 Europe
 Foreclosure and Collection
 Franchise Services
 International
 Non-Profit/Tax-Exempt Organizations
 Receiverships

Related Information

Related News & Events
 Related Publications

- bankruptcy estate
- Lead counsel to Unsecured Creditors' Committee in connection with multi-state real estate sales agent franchise business
- Lead counsel to creditors in connection with prosecution and defense of their claims, as well as purchase by them of business from the estate
- Lead counsel to senior secured creditors in prosecuting and defending \$90M+ claims secured with debtor's assets, as well as negotiation, drafting and consummating settlement and sale of the claims to third-party buyer
- Lead counsel to largest unsecured creditor in prosecuting non-dischargeability complaint against individual debtor, and assisting the Chapter 7 Trustee to investigate, prosecute and recover possible fraudulent transfers from third parties
- Lead counsel to senior secured lender in pursuing remedies against debtor and its assets, and in negotiating plan terms
- Lead counsel to lender in judicial foreclosure action involving complicated SWAP litigation
- Lead counsel to largest supplier of inventory in large, multi-state residential security system bankruptcy case and related proceedings
- Lead counsel to debtor's largest secured creditor in obtaining appointment of receiver and collection of amounts due under defaulted loan secured with over \$250M in distressed credit card receivables
- Lead counsel to largest secured creditor of fabrication business in obtaining appointment of a receiver, in selling assets and in collecting collateral
- Lead counsel to largest secured creditor in pending judicial foreclosure action involving complicated title issues on unfinished commercial real estate development
- Counsel to largest, senior secured creditors to advance and prosecute senior secured claims, and to recover collateral in the pending Chapter 11 bankruptcy cases, including resolution of complicated plan terms involving development of large tar sands resources project
- Lead counsel to largest secured creditor in connection with post-judicial foreclosure deficiency action, with complicated issues involving water shares separate from real property assets
- Lead counsel to largest senior secured creditor in complicated tiered lending arrangement involving multiple loans and real estate assets
- Lead counsel to lender in judicial foreclosure and collection of multi-million dollar claim secured with real property assets in Southern Utah
- Counsel to senior secured lender in large, multi-affiliate bankruptcy proceeding involving secured and unsecured claims against one of the debtor's affiliates
- Lead counsel to senior secured creditor in bankruptcy and post-bankruptcy foreclosure in connection with incomplete casino project in Las Vegas
- Lead counsel to senior creditors and shareholders in

- bankruptcy and post-bankruptcy proceedings to enforce claims and acquire data center business
- Lead counsel to senior secured creditors in multi-state rental car business bankruptcy proceeding, including defense of lender liability claims
- Special counsel to Chapter 7 Trustee to prosecute multi-million dollar fraudulent transfer claims arising out of the pre-petition purchase of debtor's life settlement contracts
- General bankruptcy counsel to large developer of golf and residential properties
- Lead counsel to governmental agency in bankruptcy action involving over 1400 acres of environmentally sensitive development property
- Lead counsel to owners in connection with resolution of actual and contingent liabilities arising out of failed casino businesses, including negotiation of complicated plan terms that were largely based on tax considerations
- Lead counsel to senior secured creditor in connection with bankruptcy case of large regional tractor and trailer dealership
- Lead counsel to largest senior secured creditor in connection with Chapter 11 bankruptcy case of large regional construction equipment rental business
- Lead counsel to largest senior secured creditor in connection with bankruptcy case of large Southern California construction equipment rental business
- Counsel to Unsecured Creditors' Committee in Chapter 11 bankruptcy case involving large failed real estate development
- Counsel to individual business debtor in a Chapter 7 bankruptcy case involving complicated dischargeability issues under DOMA and the definition of "spouse" in the bankruptcy code
- Counsel to individual debtor in complicated bankruptcy case involving tax, trust and fraudulent transfer issues
- Counsel to buyer in connection with matters related to the acquisition of large copper processing and mineral assets
- Counsel to licensor in connection with complicated, multi-state license dispute, including dispute with bankruptcy estate of prior licensor
- Lead counsel to credit card processing company in connection with security interest, reserve account and chargeback claims under merchant agreement of a bankrupt credit card merchant
- Counsel to senior secured lender in connection with failure to three separate hotel properties on public land leases
- Lead counsel to lender in pursuit of a multi-million dollar deficiency judgment related to mega-home in Alpine, Utah, and defense of various claims asserted against lender arising out of the transaction
- Lead counsel to large secured and unsecured creditor in pursuing and collecting claims against individual debtor entrepreneur with over \$70M in liabilities, and involving complicated jurisdictional issues of exemptions, absolute priority rule, nondischargeability and plan terms

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Education

- University of Utah College of Law (aka S.J. Quinney College of Law) (J.D., 1976)
 - Editorial Board, Law Review
 - Order of the Coif
 - Phi Beta Kappa
- State University of New York at Binghamton, Harpur College (B.A., highest honors, 1973)

Professional Memberships and Activities

- American College of Bankruptcy, Fellow (2003-present)
- American Bankruptcy Institute
 - Rocky Mountain Bankruptcy Conference
 - Advisory Board (2008-present)
 - Chair (2004-2008)
- American Bar Association
- Litigation Counsel of America, Fellow (2014-2019)
- Salt Lake Chamber of Commerce, Leader Utah Program Member (2018)
- State Bar of Utah
 - Fund for Client Protection Committee
 - Bankruptcy Section, Organizer and First Chairman
- Utah Bankruptcy Lawyers Forum, Organizer and Initial Trustee
- University of Utah College of Law, Adjunct Professor of Commercial Law (1978-1982, 2012-present)
- University of Miskolc Law Department, Visiting Professor, Miskolc, Hungary (Fall 2006)

Representative Presentations and Publications

Publications

- "Strategic Alternatives For and Against Distressed Businesses," Chapter Author, Thomson West (2016, 2018 ed.)
- "Jonathan P. Friedland, et al., Strategic Alternatives for Distressed Businesses," Chapter Author on Utah Alternatives, Thomson Reuters/West (2008-2009 ed.)
- Trigid, 2009 Deskbook, Guide to Receivership & Foreclosure, Author of Chapter on Utah, 1st ed. (2009)
- "Inside the Minds™", Chapter 7 Commercial Bankruptcy Strategies," Chapter Author, Practical Guidelines for Efficient Chapter 7 Filings, Thomson Reuters/Aspatore (2010 ed.)

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Articles Published

- "UCRERA: Coming to Your State?" Author, Receivership News – A Publication of the California Receivers Forum (Summer/Fall 2017)

- "Utah Becomes First State to Enact the Uniform Commercial Real Estate Receivership Act," Author, Utah Bar Journal (Volume 30 Number 4 July/August 2017)
- "UCRERA: Coming to Your State?" Author, American Bankruptcy Institute Journal, Vol. XXXVI, No. 7, at page 28, (July 2017)
- "Strategic Alternatives For Distressed Businesses," Author of Utah Materials, Friedland, et al., Thompson-West, 2008-2009 Edition (Updated & Revised 2013)
- "2013 Trigid Deskbook – Guide to Receivership & Foreclosure, 3rd Edition," Author of Utah Materials, Trigid, Inc. (Updated & Revised 2013)
- "Stern v. Marshall Changes the Landscape of Bankruptcy Court Jurisdiction," Utah Bar Journal, Vol. 26, No. 2, p. 34 (March/April 2013)
- "Do the Ends Justify the Means Test," ABI Law Journal (2008)
- "Circuit Notes," American Bar Association, 10th Circuit Editor (2008)
- "Checklist for Small Business Cases Under Chapter 11," Utah Bar Journal (2007)
- "Valuing Intangibles," Utah Bar Journal (February 2005)
- "Highlights of the Bankruptcy Reform Act of 2004," Utah Bar Journal (2004)
- "My Evolution from Paper-pusher to Key-clicker," Author, Utah Bar Journal (June/July 2004)
- "Rebirth of Article 9," Author, Utah Bar Journal (November 2000)

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Speeches & Panel Participations

- "Not Just a New Tool, But a New Toolbox: Utah's New Statute on Commercial Real Estate Receiverships," Panelist, Utah State Bar Summer Convention, Sun Valley, Idaho (July 27, 2018)
- "Effective Motion Practice: Pointers, Checklists, Templates, Best Practices and More" Panelist, Rocky Mountain Bankruptcy Conference (January 25, 2018)
- "Proposed Rule Changes to the Federal Rules of Bankruptcy Procedure to Address *Stern v. Marshall* Jurisdictional Issues," Presenter, Utah State Bar Annual Convention, Snowmass, Colorado (July 2013)

[View More](#)

Professional Recognition and Awards

- The Best Lawyers in America®, Bankruptcy and Creditor-Debtor Rights/Insolvency and Reorganization Law, Bankruptcy Litigation (1995-2019)
- Utah's Legal Elite: Bankruptcy/Workout, Utah Business Magazine (2005-2006, 2008-2018)
- Mountain States Super Lawyers, Bankruptcy (2007-2018)
 - Top 10 (2014)
 - Top 25 (2012)
 - Top 100 (2012, 2015, 2016, 2018)
- National Academy for Bankruptcy Attorneys (NAFBA) - America's Top 10 Attorney Award - Utah (2014)

- Top 100 Litigation Lawyers in the State of Utah, American Society of Legal Advocates (2013, 2016)
- Top 100 Attorneys in the Mountain States, Salt Lake City Magazine (2013)
 - Top 25 Attorneys in Salt Lake City (2013)
- Lawdragon Top 3000 Leading Lawyers in America (2010-2011)
- Super Lawyers®, Bankruptcy - Business Edition (2011)
- Super Lawyers®, Bankruptcy - Corporate Counsel Edition (2009-2010)
- The Best Lawyers in America®, The Best of the U.S. (2008)
- Utah 100 Elite, Utah Business magazine (2004-2006)
- Who's Who Legal USA (2006); Insolvency and Restructuring (2014)

Community Involvement

- Fourth Street Clinic, Board Member
- American Bankruptcy Institute's Rocky Mountain Bankruptcy Conference, Advisory Board, Ex-Officio Member
- Utah State Bar
 - Bar Exam Grading Committee
 - New Lawyer Mentor Program, Mentor
- American College of Bankruptcy, Former 10th Circuit Regent
- S.J. Quinney College of Law
 - Board of Trustees
 - President Elect
 - Chair of the Fundraising Committee
 - Executive Committee
 - Building Justice Project Capital Campaign
- Utah Dispute Resolution, Board Member (2014-2015)

Bar Admissions

- Utah

Court Admissions

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

Christy Abad

From: Victoria Luman <vluman@parrbrown.com>
Sent: Monday, February 25, 2019 2:17 PM
To: Christy Abad
Subject: Third District Trial Court Nominating Commission
Attachments: Victoria Luman Resume.pdf

Christy,

I am writing to apply for a position on the Third District Trial Court Nominating Commission. I currently reside in the Third Judicial District, and I am a member of the Democratic Party. I am an associate attorney at the firm of Parr Brown Gee & Loveless. My experience with the Utah Judiciary includes clerking in both the Utah Supreme Court for The Honorable John A. Pearce and the Utah Court of Appeals for the Honorable J. Frederic Voros, Jr., in addition to completing several appellate internships and an externship in the United States District Court for the District of Utah for The Honorable Robert J. Shelby. Through these experiences, I gained insight into the judicial process and an understanding of the qualities of a fair, impartial, and effective judge. I believe I would be a valuable addition to the Commission.

Attached please find my resume. I look forward to hearing from you.

Sincerely,

Victoria Luman

Victoria Luman | Attorney | Parr Brown Gee & Loveless | A Professional Corporation
101 South 200 East, Suite 700 | Salt Lake City, Utah 84111
T: 801.532.7840 | D: 801.257.7560 | vluman@parrbrown.com | www.parrbrown.com

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VICTORIA LUMAN

(801) 618-7608 ♦ Victoria.Luman@gmail.com

Experience

Parr Brown Gee & Loveless, Associate Attorney 9/18 – present
Member of the firm's litigation practice group with emphasis in employment law, employment defense, ERLISA litigation defense, and commercial litigation

- Draft pleadings and motions, including dispositive and discovery motions
- Draft and respond to written discovery requests and assist with deposition preparations
- Participate in arbitration
- Draft employment agreements, non-compete and non-solicitation agreements, and employee handbooks
- Advise employers of Title VII, FMLA, FLSA, and ADA requirements and assist employers in developing effective employment policies and procedures

Utah Supreme Court, The Honorable John A. Pearce, Judicial Clerk 8/17 – 8/18
Utah Court of Appeals, The Honorable J. Frederic Voros, Jr., Judicial Clerk 8/16 – 8/17
United States Federal District Court, The Honorable Robert J. Shelby, Judicial Intern 8/15 – 11/15
Utah Supreme Court, Chief Justice Matthew B. Durrant, Judicial Intern 5/15 – 7/15
Utah Attorney General's Office, State Agency Counsel, Law Clerk 12/14 – 4/15
Utah Court of Appeals, The Honorable J. Frederic Voros, Jr., Judicial Intern 5/14 – 12/14

Education & Bar Admissions

Bar Admissions – Utah

University of Utah S.J. Quinney College of Law – Salt Lake City, UT
J.D., High Honors; GPA – 3.710 (Top 15% of the Class of 2016)
Utah Law Review, Note and Comment Editor; Quinney Research Fellow
CALI Award – Constitutional Law I; Judicial Process

University of Utah – Salt Lake City, UT
B.S., Psychology, cum laude; B.S., Human Development & Family Studies, cum laude; GPA – 3.879

Professional Activities

KUER 90.1, Advisory Committee on Diversity and Inclusion Member 1/19 – present
Utah Bar Journal, Articles Editor 11/17 – present
Junior Achievement of Utah, Young Executives Board Member; Classroom Volunteer 7/17 – present
The Children's Center, Development Committee Member 6/17 – present
KUER 90.1, Capital Campaign Committee Member 1/17 – present

Publications

Incomplete Integration: Water, Drought, and Electricity Planning in the West, 31 J. ENVTL. L. & LITIG. 167 (2016)
(with Lincoln L. Davies)

The Role of Natural Gas in the Clean Power Plan, 49 J. MARSHALL L. REV. 325 (2015) (with Lincoln L. Davies)

Diverting the Flow: Breaking the School-to-Prison Pipeline for Children with Disabilities in Utah, 2 UTAH J. C.RIM. L. 105 (2015)

SPENCER B. LYTHGOE

10264 South Golden Willow Drive, Sandy, Utah 84070 · (801) 332-0893 · s.lythgoe@gurstel.com

EXPERIENCE

Gurstel Law Firm, PC, Cottonwood Heights, Utah

Lead Attorney, Utah
Managed the Utah office of a regional law firm. Trained new attorneys. Drafted motions and pleadings. Argued motions in court. Negotiated settlements.

May 2018-Present

Cannon Law Associates, Sandy, Utah

Litigation Attorney
Litigated insurance subrogation and debt collection cases. Drafted motions and pleadings. Argued motions in court. Negotiated settlements. Conducted depositions. Sat first chair in successful bench trial.

August 2016-May 2018

Johnson Mark LLC, Taylorsville, Utah

Litigation Attorney
Drafted hundreds of motions and pleadings. Argued motions in courts across the State. Negotiated settlements. Conducted depositions. Drafted winning appellate brief and presented oral argument to Utah Court of Appeals. Sat first chair in successful debt collection trial. Created and maintained hundreds of pleading templates.

April 2013-May 2016

Utah Second Judicial District Court, Ogden, Utah

Judicial Law Clerk
Drafted more than 250 rulings in both civil and criminal cases. Researched and analyzed numerous complex legal issues. Earned the trust of seven district court judges and advised them on the law as applied to specific cases. Prepared jury instructions for over 200 cases. Supervised and directed several law student interns.

July 2007-April 2013

EDUCATION

William and Mary School of Law, Williamsburg, Virginia

J.D., May 2007

G.P.A.: 3.4 – top 29%

Activities: *William and Mary Law Review*

America Reads Program: Reading tutor for elementary school children

Brigham Young University, Provo, Utah

B.S., Mathematics (Portuguese minor), April 2004

G.P.A.: 3.8

BAR ADMISSIONS

Utah State Bar, Admitted May 2008

Colorado State Bar, Admitted November 2017

ACTIVITIES

President, Collections Law Section of Utah State Bar, 2016-2017

Vice President, Collections Law Section of Utah State Bar, 2015-2016

Secretary-Treasurer, Collections Law Section of Utah State Bar, 2014-2015

CLE Presenter, Legislative Update for Collections Law Section, April 2014

Member, Utah State Bar Governmental Relations Committee, 2014, 2017

**JONES
JWALDO**

Attorneys Est. 1875

LESLEY MANLEY
DIRECT DIAL: (801) 534-7320
lmanley@joneswaldo.com

VIA EMAIL

Ms. Christy Abad
Utah State Bar
645 South 200 East
Salt Lake City, UT 84111
cabad@utahbar.org

Re: Third District Trial Court Nominating Commission

Dear Ms. Abad:

I'm excited to apply for a position on the Third District Trial Court Nominating Commission. I identify as a Democrat.

As my enclosed resume demonstrates, I am well-qualified for this position. I was recently selected by the Westminster College Board of Trustees to represent all alumni of the college on the Presidential Search Committee. In seeking the best candidate for the next President of Westminster College, the Search Committee conducted high-level interviews with many college president hopefuls. My involvement exposed me to personnel decision-making with a strategic mission in mind and making hard decisions between very highly qualified candidates.

I also clerked for United States Magistrate Judge Brooke C. Wells for four years. In this position, I learned a great deal about the judicial decision-making process and Utah's state and federal judicial application process. Lastly, I have served on many community boards over the years and have worked in countless small group settings. I thrive and am comfortable in those environments. I appreciate your consideration of my application.

Sincerely yours,

Lesley A. Manley
Lesley A. Manley

Lesley A. Manley

170 South Main Street, Suite 1500 • Salt Lake City, UT 84101 • (801) 534-7320 • lmanley@joneswaldo.com
LinkedIn.com/in/lam116 • Instagram: @urbancanner

PROFESSIONAL SUMMARY

Accomplished litigator with nearly 10 years of experience in multiple areas of law. Significant experience in employment-based immigration, health law, and real property matters. Dedicated to utilizing my legal and liberal arts education to think critically to effectively solve problems. I value relationships. I am confident leading others and thrive in a team setting.

PROFESSIONAL EXPERIENCE

Jones, Waldo, Holbrook & McDonough, P.C. Salt Lake City 2016-Present
Associate Attorney: Specialize in general commercial litigation and employment-based immigration matters. Draft motions, court pleadings, documents, and correspondence. Manage case load and perform legal research on a variety of topics. Appear on behalf of clients in court proceedings and in mediations. Prepare employment-based visa applications (including H-1B, and E-3 visas), draft transfer and renewal immigration applications. Maintain and develop client relationships.

Hon. Brooke C. Wells, United States Magistrate Judge, Salt Lake City, UT 2012-2016
Judicial Law Clerk: Researched substantive issues of federal and state law. Draft bench memoranda, opinions and orders. Attended and assisted Judge during court proceedings and settlement conferences. Assisted with management of chambers caseload and resolution of discovery disputes. Coordinated United States Supreme Court Justice Sonia Sotomayor's 2015 visit to the U.S. District Court.

W|Law, South Jordan, UT 2011-2012

Associate Attorney: Handled the defense side of business, construction defect, personal injury and products liability litigation matters in arbitration and state and federal courts. Responsibilities included document review, drafting pleadings, discovery, and status reports to insurance company clients to keep them apprised of happenings in litigation.

EDUCATION

Sandra Day O'Connor College of Law, Arizona State University, Tempe, AZ
J.D., May 2009
Honors: Arizona State Law Journal, Articles Editor & Staff Writer
CALI Award for Excellence (Highest Overall Grade)-Federal Indian Law I
Pro Bono Distinction (50+ Hours)

Externships & Clerkships:

Hon. David K. Duncan, United States Magistrate Judge
United States Attorney's Office - Criminal Division
Arizona State Senate Rules Committee
U-Haul International, Inc.
City of Maricopa, Arizona
Carbon County Attorney's Office (Post-Graduate Fellowship)

Publications:

Comment, Should States Serve as Laboratories for Mine Safety Regulation? 43 Ariz. St. L.J. 379 (Spring, 2009);
Death Penalty and the Law: A Discussion of the Arizona Supreme Court's 2007-2008 Decisions, 43 Ariz. St. L.J. 629 (Summer, 2009).

Westminster College, Salt Lake City, UT
B.A., Political Studies (History Emphasis), Minors in Business and Psychology, May 2006
Magna Cum Laude
Honors: Outstanding Student in Political Science Award (selected by faculty)

ADMISSIONS

- Utah State Bar (Bar No. 23074)
- United States District Court, District of Utah
- Arizona State Bar (pending reciprocal admission)
- Co-Chair, Utah State Bar Committee on New Lawyer Training
- Secretary-Elect, David K. Watkins—Sutherland II Inn of Court
- Firm Representative, "And Justice for All" Leadership Committee
- Alumni Representative, Presidential Search Committee, Westminster College (selected by Board of Trustees)
- Former Chair, Westminster College Alumni Board
- Alumni Mentor, Westminster College Alumni Mentoring Program
- American Immigration Lawyers Association
- Federal Bar Association, Utah Chapter
- Women Lawyers of Utah


PRESENTATIONS

- Litigation Update, Utah Bankers Association, Compliance Conference (2016)
- Event Sponsorship of Public Officials and Employees, Board of Trustees, Economic Development Corp. of Utah (2017)
- Alumni Relations Update, Westminster Board of Trustees, Quarterly Meetings (2016-2017)
- Alumni Graduation Speaker, Westminster College Commencement, (2017)
- Immigration Update, Society of Human Resources Management, SL Chapter Legal Update, (2018-2019).

INTERESTS & AWARDS

- Master Food Preservationist & Utah State Fair Blue Ribbon Canner (2017)
- Hot Yoga & Pilates

MARGARET H. OLSON
85 Matterhorn Drive
Park City, Utah 84098
margaretholson@icloud.com
801-573-0380



Education:

University of Utah, Bachelor of Arts, History, 1989
University of Utah, Juris Doctorate, 1992

Bar Memberships:

Utah 1992 – present (Bar No. 6296) State and Federal Courts
Idaho 1993 –present (Bar No. 4680) Inactive

Work History:

Summit County Attorney (2017-present)
Elected official responsible for prosecution of all crimes occurring within the jurisdictional boundaries of Summit County, Utah, representation of the county, its agencies and special service districts, the operation of the Summit County Children's Justice Center and the Victim Assistance Program. Current term of office is 2019-2022

Hobbs & Olson, L.C., Of Counsel (2000 – present)
Lincoln Hobbs and I began practice together in 1997 at Winder & Haslam. Hobbs & Olson represents clients in a variety of real-life disputes while providing the highest quality advocacy, professionalism, ethics and professional responsibility

Deputy District Attorney, Salt Lake County District Attorney's Office (1994-1996) Special Victim Unit, First Chair Prosecutor

Stirba & Hathaway (1992-1994) Early career trial experience as Second Chair in Federal Court

Experience:

Twenty-six years in state and federal courts in Idaho and Utah, including argument before both the Utah and Idaho Supreme Courts. Civil and criminal trial work.

Current Boards and Memberships:

Member, National District Attorney's Association
Utah District and County Attorney's Association
Utah Substance Use and Mental Health Advisory Council
Summit County Children's Justice Center Advisory Board
Board Liason, Summit County Community for Children's Justice
Summit County Mental Wellness Alliance, Criminal Justice & First Responder Committee and MCOT Task Force

Party Affiliation:

Democrat

Associations:

Park City Bar Association
Park City Nordic Betties

Interests /Hobbies:

History, Politics, Running, Backpacking, Mountain Biking, Skiing (Alpine Touring and Skate), Packrafting, Yoga

Personal:

Married to Dirk Olson, an airline pilot, for 28 years, two children (18) and (14)

JAMES MATTHEW ROCK
 4171 S. Adonis Dr., Salt Lake City, UT 84124
 (801) 865-1844 (c)
 jimrocklaw@gmail.com

EDUCATION

N.Y.U. School of Law
 Masters in Taxation (LL.M.)
 Corporate, Partnership, Individual and Real Property Taxation
 New York, NY 1998

University of Utah school of Law
 Juris Doctor (J.D.) Order of the Coif (Top 5%)
 Business, Tax and Real Property law
 Corpus Juris Secundum Awards in Torts and Contracts
 Salt Lake City, UT 1997

Bowdoin College (B.A.)
 English & Spanish double major (Cum Laude)
 Junior year in Madrid & Seville, Spain
 Brunswick, ME 1993

Rowland Hall St. Marks & East High School
 Salt Lake City, UT 1989

EMPLOYMENT

Ivory Homes/Momentum Loans
 Attorney
 Represented Ivory Homes and its preferred lender in corporate and real estate capacities, including business transactions, contract negotiation, real estate acquisition, entity structuring, real estate developmental capacities, as well as in negotiation with various municipal planning commissions with respect to recording and amending plats and site-plans.
 Consulted with management on lending laws including TRID, RESPA, TILA, and ECOA.
 Salt Lake City, UT
 November 2013 - Current

Pia, Anderson, Dorius, Reynard & Moss
 Partner
 Represented public and private company buyers and sellers in mergers and acquisitions and business transactions
 Drafted organizational documents, employment contracts, promissory notes, deeds of trust, and real estate documents
 Advised clients on business and personal tax matters (Federal and SALT) for planning and transactions purposes
 Salt Lake City, UT
 July 2012 - September 2013

Rock Law Office, PC
 President
 Incorporated and managed law office focused on business transactions and corporate operations and governance
 Established a complete library of legal contracts for business transactions including purchase and sale contracts, mergers and acquisitions, tax-free and taxable reorganizations, promissory notes, real estate, and estate planning
 Advised clients in commercial financing and joint venture and acquisitive transactions in variety of industries
 Salt Lake City, UT
 Nov. 2009 - July 2012

Holme Roberts & Owen LLP
 Represented public and private company buyers and sellers in mergers and acquisitions and business transactions
 Consulted with clients on corporate, securities, mergers and acquisitions, restructurings and recapitalizations, private placements, corporate finance, loan transactions, venture capital and private equity financing
 Salt Lake City, UT
 June 1998 - January 2001

Testa, Hurwitz & Thibault (Tax Associate)
 Corporate, Partnership and Real Property tax issues including a wide range of business transactions, mergers & acquisitions, venture capital fund formation, operating agreements, executive compensation, stock and option plans, tax planning for start-ups and state and local taxation
 June 1998 - January 2001

Utah Attorney General (Child/Family Support Division)
 The Mortgage Acquisition Company (Title Examiner)
 Summer 1995 SLC
 Boston, MA 1994/1995

PERSONAL

Born October 22, 1970, SLC, UT. James Martin & Bonnie Brown Rock. Four children: Bonnie (13), Margo (11) Matthew (10) and Judy (3). Fluent in Spanish. Extracurricular: running, biking, skiing, tennis, youth soccer coach. References available.

REPRESENTATIVE TRANSACTIONS

- Represented Sarcos Research Corporation and its affiliates in sale to Raytheon (Sarcos had developed exoskeleton, designed to be worn by soldiers and now produced by the United States Army).
- Represented Insite Technology in acquisition by Comtech Mobile Datalcom Corporation in a transaction involving vehicle-tracking technology used by US and NATO armed forces.
- Represented Ivory Homes and Ivory Development in various real estate developmental capacities including drafting of CC&Rs, HOAs, and other development related documents, as well as in negotiation with various municipal planning commissions with respect to recording and amending plats and site-plans. Have extensive mortgage and title related experience; licensed real estate agent.
- Represented Zions First National Bank and Vectra Bank in debt financing of leveraged recap/LBO transaction of multi-state restaurant franchisee and operator (Sizzlers, Red Robins, etc.) involving bond indentures and subordination agreements and dozens of pieces of real estate and ground leases.
- Represented Pops Investment Co. in multiple commercial financing acquisitions and property management activities of All-A-Dollar stores in Utah, Arizona, New Mexico and Tennessee.
- Represented MKH Properties in commercial leasing negotiation and property management activities including lease drafting and negotiation, holdovers, evictions, employment and labor matters, policies and procedures, employee handbook, etc.
- Represented Purchaser in Acquisition of Utah based Find & Rent, full service real estate company. Prepared listing agreements, fair housing disclosure and property management contracts.
- Represented RUTI, LLC in acquisition of Richfield AutoZone and Aaron's Rent-to-Own locations financed through Deed of Trust to Auto-Owners Life Insurance Company.
- Represented Korea Technology Industry of America in acquisition of mining property in Uintah County (financed through Deed of Trust to Western Energy Partners, a Secenson Capital affiliate).
- Represented JD Clark & Co (hedge fund operations, funds of hedge funds and private equity funds) in Sale to UMB Bank (approx. \$50MM); JD Clark & Co manages all components of accounting, tax and regulatory compliance, and client reporting.
- Represented purchaser in financing acquisition of 800 South Main Street Shopping Center in Richfield, Utah.
- Represented Bumble Concrete Company in series of joint venture financing and reorganization transactions collateralized by real estate and concrete pumpers, including negotiation and execution of long-term operating agreement with tiered allocations and distributions tied to revenue and profits targets.

- Represented Rio Management and Eagle Plaza, L.C., in commercial leasing and property management activities including lease drafting and negotiation, holdovers, evictions, employment and labor matters, etc.
- Represented in U.S. MRI and Salt Lake MRI is financing transactions secured by Magentic Resonance Imaging (MRI) equipment and by patent choses in action. Prepared UCC filings and negotiated with senior lenders.
- Represented Dahle Big and Tall affiliate in condominiumization of commercial property and sale via land contract to Play it Again Sports, LLC.
- Represented Dahle Development in lease negotiations with tenants and litigation to collect past due rent.
- Represented Rob Dahle and R4J Investments, LLC in the settlement and foreclosure of a long-term commercial lease and the negotiation and new lease with 7-Eleven.
- Represented M3 Properties, LLC in securing HUD Financing to demolish large dilapidated condominium structure in Sandy City, Utah, and in seeking tax incentives for low-income housing.
- Represented commercial landlord MKH Properties in negotiation with and litigation against various defaulting tenants.
- Represented Intermountain Power Agency in a series of hundred million dollar bond refinancings to finance power plant construction and operations.
- Represented investors in demand for accounting and court ordered liquidation of Terrapin Station Smoking Co.
- Represented Corporate Connection International (an affiliate of Teleperformance USA) in reorganization of its back-office including formation of an Ohio based Professional Employer Organization (PEO) to handle the employee withholding and labor relations for multiple entities.
- Represented Christiansen Real Estate Holdings in its acquisition of whole or partial interests in several car wash locations, secured initial financing through SBA loan.
- Represented the Cottonwood Country Club in the planning, negotiation and financing of a new \$8MM clubhouse and pool, with real estate secured financing.
- Represented Employer Solutions Group (a Utah County based Professional Employer Organization) in sale to public company.
- Represented purchaser in acquisition of ski apparel manufacturer Dale Boot.
- Represented English Language Learning System in acquisition by public company (Pearson Education)
- Represented Horizon Mortgage and Investment, Inc. in its \$15.0 million publicly registered 2005 Utah intrastate offering.
- Represented GSC Foundaries in acquisition by Precision Casparts in February 2007.
- Represented Ridgeview Capital in recapitalization and restructuring of Burbridge Concrete Company in June 2006.
- Represented DynEd International in Latin America Joint Venture (with respect to English language learning software)
- Represented Craftsman Kitchen & Cabinets in sale to Accent Surfaces.
- Represented Ivory Homes and its affiliates in multiple joint venture transactions including co-investments with Ridgeview Capital; many of these investments were real estate secured financings.
- Represented Seller in sale of Utah Realty Executives (Utah Real Estate Brokerage) franchise.

DAVID SCHWENDIMAN
8961 NORTH UPPER LANDO
PARK CITY, UTAH 84098

February 19, 2019

Ms. Christy Abad, Executive Secretary
Utah State Bar
645 South 200 East
Salt Lake City, UT 84111

Re: Nomination for Third District Judicial Nominating Commission

Dear Ms. Abad,

I am interested in serving on the Third District Trial Court Nominating Commission. I have been a member of the Utah State Bar (member no. 2889) since 1976. I took Inactive Status this year after finishing my last tour of duty in The Hague. I am a citizen of the United States. I have been a resident of Summit County since 1984. I am a registered Democrat.

Enclosed please find a copy of my Curriculum Vitae.

I would be happy to provide further information or answer any questions you might have. Please call me – (435) 659-9110 – or e-mail me – djsparkcity@earthlink.net - if you need to get in touch with me.

Sincerely,



David Schwendiman

Revised – 18 February 2019

CURRICULUM VITAE

David John Schwendiman
8961 North Upper Lando
Park City, Utah 84098

PO Box 980758
Park City, Utah 84098

(435) 659-9110
djsparkcity@earthlink.net

EDUCATION

College- University of Utah, Honors Bachelor of Arts, *magna cum laude*, American Studies (1974)

Honors Program

Intercollegiate athlete (NCAA) - athletics (track and field) - varsity letter 1971
Phi Kappa Phi academic honor society
Rhodes Scholarship candidate (1972)

Graduate School - University of Utah College of Law, Juris Doctor (1976)

Book Review Editor - *Journal of Contemporary Law* (1975 to 1976)
Moot Court Honor Board (1975 to 1976)
Bar and Gavel Society (1976)

United States Navy, Judge Advocate General's School, Newport, Rhode Island, 1977

PROFESSIONAL

Bar certifications and licenses

Utah State Bar – Admitted 1976 (Inactive 2018-2019)
Admitted to practice before Section I for War Crimes of the Criminal and Appellate Divisions of the Court of Bosnia and Herzegovina – 2006 to 2009

United States District Court for the District of Utah – Admitted 1976
 United States Circuit Court of Appeals for the Tenth Circuit – Admitted 1976
 United States Circuit Court of Appeals for the Ninth Circuit – Admitted 1980
 United States Supreme Court – Admitted 1987
 United States Court of Appeals for the Armed Forces - Admitted 2005

Professional employment

01 September 2016 to 31 March 2018— Specialist (Chief) Prosecutor, Kosovo
 Specialist Prosecutor's Office (SPO), The Hague, Netherlands

Senior Foreign Service Officer (Limited Term)(FE/OC), United States
 Department of State

26 April 2015 to 01 September 2016 – Lead Prosecutor, European Union Special
 Investigative Task Force (SITF), Brussels, Belgium

Senior Foreign Service Officer (Limited Term)(FE/OC), United States
 Department of State

09 February 2014 to 26 April 2015 – Assistant Inspector General/Director,
 Forward Operations, Special Inspector General for Afghanistan Reconstruction
 (SIGAR), Kabul, Afghanistan

1987 to 25 January 2014 - United States Attorney's Office, District of
 Utah/United States Department of Justice

02 November 2013 to 25 January 2014 – Assistant United States Attorney
 – Retired 25 January 2014

16 May 2011 to 02 November 2013 – On detail to the Office of the
 Deputy Attorney General, deployed as Justice Attaché, US Embassy,
 Kabul, Afghanistan (Senior Executive Service)

18 July 2010 to 15 May 2011 – Senior Litigation Counsel

15 May 2006 to 01 January 2010 – On leave without pay from the United
 States Attorney's Office, District of Utah/United States Department of
 Justice while acting as an International Prosecutor, Special Department

for War Crimes, Prosecutor's Office of Bosnia and Herzegovina

15 May 2006 to 14 December 2009 – International Prosecutor,
 Special Department for War Crimes, Prosecutor's Office of Bosnia
 and Herzegovina

27 September 2006 to 17 September 2007 – Registrar, Special
 Department for War Crimes, Special Department for Organized
 Crime, Economic Crime and Corruption, Prosecutor's Office of
 Bosnia and Herzegovina

15 November 2007 to 14 December 2009 – Deputy Chief
 Prosecutor, Head of the Special Department for War Crimes,
 Prosecutor's Office of Bosnia and Herzegovina

August 1998 to 15 May 2006 - Assistant United States Attorney/Counsel
 to the United States Attorney (violent crime, terrorism, homeland
 security, criminal appeals)

United States Attorney General's representative to Games of the
 XXVIIIth Olympiad, Athens, 2004 - 2003 to 2004

Local Department of Justice Coordinator and United States
 Attorney General's representative for Olympic security planning,
 preparation and operations for the XIXth Olympic Winter Games,
 Salt Lake City, 2002 - 1998 to 2002

Utah Olympic Public Safety Command (UOPSC), 1998 through
 2002

United States Attorney General's representative to Games of the
 XXVIIIth Olympiad, Sydney, Australia, 2000 - 1999 to 2000

Assignments with Department of Justice office for Overseas
 Prosecutorial Development Assistance and Training (OPDAT) -
 Thailand (2002), Bangladesh (2003, 2004, 2005, 2006), Bahrain
 (2004), Maldives (2002), Vietnam (2005), Bosnia and Herzegovina
 (2005)

Member, United States Attorney General's Attorney Critical Incident Response Group (ACIRG) - 1995 to 2005.

United States Attorney's representative to the Governor's Homeland Security Advisory Council - 2005 to 2006

January 1998 to August 1998 - Interim United States Attorney for the District of Utah

Attorney General's Advisory Committee - Subcommittees on Native American Affairs, Terrorism, Immigration

1993 to 1998 - First Assistant United States Attorney (administration, violent crime, terrorism, hate crime coordinator, criminal appeals)

1990 to 1993 - Chief, Organized Crime Drug Enforcement Task Force (drug crime, organized crime, criminal appeals)

1987 to 1993 - Assistant United States Attorney (homicide, violent crime, hate crime, general crime, criminal appeals)

1983 to 1987 - Assistant Utah Attorney General (homicide, violent crime, fraud, public corruption, appeals, including death penalty appeals (Dale Pierre Selby))

1983 to 1987 - Special Assistant United States Attorney, District of Utah (fraud, violent crime, prison corruption)

1977 to 1983 - Active Duty, United States Navy, Judge Advocate General Corps (prosecuted and defended in military general and special courts-martial, command legal adviser)

Highest rank achieved - Lieutenant Commander (O-4)

Served on active duty in assignments on Midway Island (1977 to 1978; promoted to Lieutenant), Guam (1978 to 1981; promoted to Lieutenant Commander), and Whidbey Island, Washington (1981 to 1983)

1982 to 1983 - Special Assistant United States Attorney, Western District of Washington (prosecuted civilian crimes committed on naval

reservations)

1979 to 1980 - Special Assistant United States Attorney, District of Guam (prosecuted civilian crimes committed on military reservations, advised United States Attorney regarding Fisheries Conservation Management Act issues involving Guam and the Northern Marianas, defended medical malpractice actions)

Completed service in the United States Naval Reserve in 1991 as Lieutenant Commander assigned to duty with Naval Intelligence (IPAC/CINCPAC)

1976 to 1977 - Assistant Utah Attorney General (violent crime, appeals, including death penalty appeals (Gary Gilmore), antitrust)

Academic appointments

1994 to present - Adjunct Professor of Law, S.J. Quinney College of Law, University of Utah, Salt Lake City, Utah

Trial Advocacy
Forensic and Scientific Evidence
Legal Responses to Terrorism
International Criminal Law

Professional organizations

Federal Bar Association - President (1995)
International Association of Prosecutors (current)
American Society of International Law (current)

Affiliations

American Legion

Boards, committees and commissions

Utah Supreme Court Advisory Committee, Criminal Procedure - 1986 to 1990

Governor's Commission on Grand Jury Reform - 1984 to 1986
Westminster College, Criminal Justice Studies Advisory Board - 2005
Utah Valley State College, Institute for Homeland Security, Advisory Board - 2005
SJ Quinney College of Law Alumni Board of Directors - 1998 to 2000

AWARDS/HONORS

1997 - Executive Office for United States Attorneys Director's Award for Superior Performance as an Assistant United States Attorney (Lebaron crime family investigations and prosecutions)
2002 - United States Attorney General's Award for Outstanding Contributions to Community Partnerships for Public Safety (Olympic planning, preparation and operations)
2002 - United States Attorney's Award (Olympic planning, preparation and operations)
2002 - Olympic Torch - Salt Lake Organizing Committee for the Olympic Games (service to the 2002 Games)
2002 - Peter Billings Distinguished Teaching Award, SJ Quinney College of Law, University of Utah
2003 - American Bar Association Minister of Justice Medal
2010 - SJ Quinney College of Law, University of Utah, Alumni of the Year
2010 - Federal Bar Association, Utah Chapter, Distinguished Service Award
2014 - Secretary of Defense Medal for the Global War on Terrorism (SIGAR)
2015 - EU Kosovo Service Medal

PRESENTATIONS (Selected)

"Developing and Testing District Crisis Response Plans: Intra-district and Multi-

Jurisdictional Planning," United States Department of Justice Crisis Management Coordinators Conference, National Advocacy Center, Columbia, South Carolina, October 1999
"Development of Upgraded Crisis Response Capabilities," United States Department of Justice Crisis Management Coordinators Conference, National Advocacy Center, Columbia, South Carolina, October 1999
"Survivor Dynamics in the Prosecution of Catastrophic Crimes," Utah Council on Victims of Crime, Thirteenth Annual Crime Victim's Conference, Salt Lake City, Utah, April 27, 2000
"Anti-Terrorism and Counter-Terrorism Grand Strategy: The State and Local Government," National Governor's Association, Western Regional Terrorism Policy Forum, Snowbird, Utah, June 19, 2000
Remarks, "Diplomatic and Consular Issues and the 2002 Olympic Winter Games," Sun Valley, Idaho, September 2001
Remarks, Olympic Legal Affairs Conference, Salt Lake City, Utah, October 16 and 17, 2001
Lecture, Utah Olympic Public Safety Command, Crowd Management Center, Mobile Field Force Training, Legal Module No. 1, Law Enforcement Strategy in Cases of Civil Disorder, Lesson Plan, Salt Lake City, Utah, October 23, 2001
Lecture, Utah Olympic Public Safety Command, Crowd Management Center, Mobile Field Force Training, Legal Module No. 3, Assembly, Speech, Expression and Related First Amendment Issues: Powers and Duties of the Police on the Street, Salt Lake City, Utah, October 23, 2001
Remarks, "Olympic Winter Games Preparations," Utah's Justice Court Judges, Salt Lake City, Utah, December 7, 2001
Remarks, "Doping in Elite Sport," 18th Annual Jefferson Fordham Debate, S.J. Quinney College of Law, University of Utah, January 31, 2002
"Public Safety, OPSEC and the 2002 Olympic Winter Games," National Operations Security Conference and Exhibition, Snowbird, Utah, May 16, 2002

"Collection, Analysis and Dissemination of Criminal Intelligence in Multi-Agency, Multi-Jurisdictional, Multi-Task Law Enforcement Environments: Intelligence for the 2002 Olympic Winter Games," United States Department of Justice Anti-Terrorism Coordinators Conference, San Diego, California, April 17, 2002

"The Role of the Legal Advisor/Prosecutor in the Planning and Management of Large Scale Public Events and Incidents Involving Civil Disorder," Senior Criminal Justice Executive Program Session IX, International Law Enforcement Academy, Bangkok, Thailand, June 25, 2002

"Pre-Event Planning and Coordination Among Police, Prosecutors and Other Public Safety Service Providers in Connection with Major Planned Events and Incidents Involving Civil Disorder," Senior Criminal Justice Executive Program Session IX, International Law Enforcement Academy, Bangkok, Thailand, June 25, 2002

"Human Rights, Humanitarian Law and the Management of Major Planned Events and the Response to Incidents Involving Civil Disorder," Senior Criminal Justice Executive Program Session IX, International Law Enforcement Academy, Bangkok, Thailand, June 26, 2002

"Legal Considerations Surrounding the Collection, Analysis, Dissemination and Use of Intelligence in Connection with Police Planning and Response to Major Planned Events and in Case of Incidents Involving Civil Disorder," Senior Criminal Justice Executive Program Session IX, International Law Enforcement Academy, Bangkok, Thailand, June 27, 2002

Remarks, "Am I a Cog in the Wheel? What It Should Mean to Be a Lawyer and Prosecutor in Today's Practice," SJ Quinney College of Law, University of Utah, Salt Lake City, Utah, November 13, 2002

"Attacking Gangs in Context: Prosecution Approaches to Organized Criminal Conduct," Salt Lake Gang Conference, Salt Lake City, Utah, April 24, 25, 2003

"Security Risk Theory: Sizing It Right and Managing It Well," 2003 National OPSEC Conference and Exhibition, San Diego, California, May 22, 2003

"Homeland Security Issues and Concerns for State Attorneys General," Conference of Western Attorneys General, Summer Meeting, Park City, Utah, July 27, 2003

Remarks, Acceptance of American Bar Association Criminal Justice Section Minister of Justice Medal, American Bar Association Annual Meeting, San Francisco, California, August 8, 2003

"Homeland Security for the Reservation," Four Corners Law Enforcement Conference, Albuquerque, New Mexico, August 29, 2003

"Security Risk: Identifying and Managing Security Risk," International Sports Law and Business in the 21st Century, 9th International Association of Sports Law Congress, Marquette University Law School, Milwaukee, Wisconsin, September 25, 2003

Lecture, "Nation Building in Islam: Shari'ah, Constitutions and Modern Criminal Justice Systems," Salt Lake City, Utah, January 25, 2004

Lecture, "Patriot, Privacy and Paranoia," Political Science Department, University of Utah, January 27, 2004

Lecture, "Islamic Law Project: Shari'ah in the Twenty-First Century," Army JAG Officers Conference, Ft. Douglas, Salt Lake City, Utah, February 21, 2004

Presentation, Olympic Counter-terrorism Issues, USEUCOM, Stuttgart, Germany, February 28, 2004

Panel Discussion, Lessons Learned from Real Events, United States Department of Justice, Anti-Terrorism Advisory Council Coordinators' and Crisis Management Coordinators' Conference, National Advocacy Center, Columbia, South Carolina, April 2, 2004

Panel Discussion, Security Manager Panel, United States Department of Justice, Anti-Terrorism Advisory Council Coordinators' and Crisis Management Coordinators' Conference, National Advocacy Center, Columbia, South Carolina, April 2, 2004

Lecture, "Cooperating," A Case Study – The XIXth Olympic Winter Games – Salt Lake City, 2002, University of Mississippi Tech-Law Conference, University of Mississippi Law School, Oxford, Mississippi, April 3, 2004

Panel Discussion, Patriot Act, Utah Federal Bar Association, Salt Lake City, Utah, July 19, 2004

Remarks, "Stopping Terrorists with Intelligence," National Conference of State Legislatures 2004 Annual Meeting and Exhibition, Salt Lake City, Utah, July 21, 2004

Panel Discussion, "Strategic Education and the Law School," Johns Hopkins University School for Advanced International Studies, Center for Strategic Education, Teacher's Workshop, Stowe, Vermont, July 2004

Lecture, "Opening Statements," Orrin G. Hatch Distinguished Trial Lawyer Lecture Series, J. Reuben Clark Law School, Brigham Young University, November, 2004

Lecture, "Expert Witnesses," Orrin G. Hatch Distinguished Trial Lawyer Lecture Series, J. Reuben Clark Law School, Brigham Young University, November 2004

Remarks, "The Olympic Movement, The Games and the Future of Elite Sport," Keith E. Nelson Memorial Military Law Luncheon, American Bar Association Mid-Year Meeting, Salt Lake City, Utah, February 11, 2005

Remarks, "Hate Crime Legislation in Utah: Ten Years and Counting," Twenty-Third Annual State and Local Government Conference, J. Reuben Clark Law School, Brigham Young University, Provo, Utah, March 24, 2005

Remarks, "Making Victims of Us All," 18th Annual State Victims Conference, Salt Lake City, Utah, April 17, 2005

Remarks, Suicide Bomber Conference, Bountiful, Utah, June 2, 2005

"Investigating and Prosecuting Drug Trafficking: An Examination of United States Best Practices," Hanoi, Socialist Republic of Vietnam, June 15 through June 28, 2005

Remarks, Fur Commission USA Annual Meeting 2005, Park City, Utah, August 14, 2005

Remarks, "The Terror Weapon: A Balanced Perspective," Utah Sheriff's Association Annual Meeting, St. George, Utah, September 13, 2005

Lecture, "The Terror Weapon," Political Science Department, University of Utah, Salt Lake City, Utah, September 22, 2005

Remarks, "Robert T. Stafford Disaster Relief and Emergency Assistance Act," Governor's

Homeland Security Council Meeting, Salt Lake City, Utah, February 1, 2006

Panel Discussion (with Jennifer Bach, FBI), "Investigative Techniques in a Trafficking in Persons (TIP) Case," Dhaka, Bangladesh, March 13 and 14, 2006

Lecture, "Techniques of Cross-Examination," Dhaka, Bangladesh, March 15, 2006

Paper, "Human Trafficking in South Asia," Dhaka, Bangladesh, March 15, 2006

Remarks, "International Adventures on the Rule of Law Frontier," S.J. Quinney College of Law, University of Utah, Downtown Series, Salt Lake City, Utah, March 22, 2006

Paper, "Executive Prosecutor Education and Development," Special Department for War Crimes, Prosecutor's Office of Bosnia and Herzegovina, 3 March 2008

Remarks, UN Development Programme/International Centre for Transitional Justice, Sarajevo, Bosnia and Herzegovina, 29 April 2008

Paper, "Prosecutor Development and Education," Special Department for War Crimes, Prosecutor's Office of Bosnia and Herzegovina, 10 September 2008

Remarks, "Selecting War Crimes Cases for Investigation and Prosecution in Bosnia and Herzegovina: An Analytical Approach," Oslo, Norway, 26 September 2008

Lecture, "After the Shooting Stops: Justice at Home After the Fighting Ends – Challenges Facing the Domestic Prosecution of War Crimes in Bosnia and Herzegovina," Supranational Criminal Law Lecture Series, Asser Instituut, The Hague, The Netherlands, 15 January 2009

Briefing, Rt. Honorable Jack McConnell, MSP, Prime Minister's Special Representative for Conflict Resolution Mechanisms, Sarajevo, Bosnia and Herzegovina, 3 February 2009

Lecture, "How Do Criminal Justice Institutions Figure Into Conflict Resolution, Peace-Building, and Post-Conflict Development?" Johns Hopkins University Center for Constitutional Studies and Democratic Development, Sarajevo, Bosnia and Herzegovina, 4 February 2009

Lecture, "Domestic Investigation and Prosecution of War Crimes in Bosnia and Herzegovina – the Challenges," Woodrow Wilson School of Public and International

Affairs, Princeton University, Princeton, New Jersey, 23 March 2009

Lecture, "After the Shooting Stops," Yale Law School, New Haven, Connecticut, 24 March 2009.

Panel Discussion, "The Impact of International Criminal Proceedings on National Prosecutions in Mass Atrocity Cases," 103rd Annual Meeting of the American Society of International Law, Washington, D.C., March 27, 2009

Panel Discussion, "The Legacy of the National and International Systems," The MacArthur Foundation, Steigenberger Kurhaus Hotel, The Hague, Netherlands, 25 May 2009.

Panel Discussion, "Impact of the ICTY on Local War Crimes Trials," Faculty of Law, University of Zagreb, Dubrovnik, Croatia, 12 June 2009

Presentation, Transnational Study Tour, Uganda – Justice Law and Order Sector, Sarajevo, Bosnia and Herzegovina, 10 September 2009

Panel Discussion, "Obligation of States in the realization of the rights to know, to justice, to reparations, and the guarantee of non-recurrence," 2009 Annual Conference of the Political Affairs Division IV, Swiss Federal Department of Foreign Affairs, Bern, Switzerland, 15 October 2009

Lecture, "Dealing With Atrocity: Firsthand Observations and Reflections from the Frontlines of the Fight Against Impunity in Bosnia and Herzegovina," Clyde-Rolapp Lecture, S.J. Quinney College of Law, University of Utah, January 20, 2010

Panel Discussion, "Atrocity Crimes Litigation Year-In-Review (2009)," Northwestern University College of Law, February 4, 2010

Panel Discussion, "Assessing the Legacy of the ICTY," The Hague, February 24, 2010

Lecture, "Foreign Fighters in Bosnia and Herzegovina: A Terrorist Legacy?", FBI Joint Terrorism Task Force, Salt Lake City, Utah, March 2, 2010

Remarks, Paper, "Selecting War Crimes Cases for Investigation and Prosecution: Avoiding the Opportunity Costs of Picking Low Hanging Fruit," Workshop on Prosecutorial Power, Washington and Lee University School of Law, Lexington, Virginia,

April 1, 2010

Lecture, "Comparative Constitutional Governance: The 'Rule of Law,' Core Values, Constitutional Guarantees, Institutions and Process – Views From a Slightly Different World," Huntsman Seminar, Hinckley Institute of Politics, University of Utah, Salt Lake City, Utah, June 25, 2010

Lecture, "Vulnerable Victims and Witnesses: What Working with Victims and Witnesses in Mass Atrocity Investigations and Prosecutions in Post-Conflict States Can Tell Us About Working with Victims and Witnesses in Domestic Criminal Cases," 36th NOVA Conference, Salt Lake City, Utah, August 24, 2010

Panel Discussion, "Trial Advocacy Techniques from the Experts," Orrin G. Hatch Distinguished Trial Lawyer Lecture Series, J. Reuben Clark Law School, Brigham Young University, Provo, Utah, August 26, 2010

Keynote Speech, "Why It Matters: Lessons Learned Prosecuting War Crimes in Bosnia," Federal Bar Association Tri-State Seminar, Park City, Utah, September 10, 2010

Panel Discussion, Paper, "Bosnia and Herzegovina: Prosecutors, Judges and Post-Conflict Recovery – A Brief Study in Prosecutorial and Judicial Independence in the Investigation and Prosecution of War Crimes and Corruption," Seminar, Judicial Independence in Times of Crisis, S.J. Quinney College of Law, Hebrew University of Jerusalem, Cambridge University, Salt Lake City, Utah, October 2, 2010

Lecture, "Afghan Criminal Justice," FBI Pre-Deployment Training, Salt Lake City, Utah, December 7, 2010

Presentation, "Maintaining the Independence of Justice in Transitional Periods: Challenging Experiences from Countries in Crisis," international Conference on Judicial Independence in Times of Transition of Government and Impartiality for Foreign Parties in Domestic Courts, Krakow, Poland, January 15, 2016

Panel Discussion, "War Crimes," 2016/2017 Utah Law Review Symposium, The Bystander Dilemma: The Holocaust, War Crimes and Sexual Assault, S.J. Quinney College of Law, Salt Lake City, Utah, March 31, 2017

Panel Discussion, "Transnational Jurisdiction of Regional Regimes," Workshop, Beyond National Sovereignty: New Approaches to International and Transnational Law

Enforcement, Max Planck Institute for Foreign and International Criminal Law, Freiburg, Germany, December 2, 2017

Lecture, "Reflections on My Time As Specialist Prosecutor and the Challenges Ahead," Leiden University, The Hague, Netherlands, March 22, 2018 2018

Presentation, Atrocity Litigation Symposium, Northwestern University/Nuremberg Principles Academy, Nuremberg, Germany, June 2018

PUBLICATIONS (Selected)

David Schwendiman, "The Charging Decision: At Play in the Prosecutor's Nursery," 2 Brigham Young University Journal of Public Law 35 (1988)

David Schwendiman, "Changing the Face of Hate: Hate and Hate Crime - An Introduction," published in *Conference Report, The Changing Face of Hate: A National Symposium (May 18 - 19, 1999)* (Salt Lake City, Utah: United States Attorneys Office, January 2000)

David Schwendiman, "The Bar, The Courts, Criminal Justice and the Olympics: Handling the Impact of the Olympic Games on the Courts, Law Practice and Criminal Justice in Utah," 14 Utah Bar Journal 8 (November 2001)

David Schwendiman, *Utah Olympic Legal Affairs Handbook* (3 volumes) (Salt Lake City, Utah: Utah Olympic Public Safety Command, 2001)

David Schwendiman, *CICAD Working Library* (Salt Lake City, Utah: Utah Olympic Public Safety Command, 2001)

David Schwendiman, Post-Event Assessment, Legal Affairs/Criminal Justice (Salt Lake City, Utah: Utah Olympic Public Safety Command, 2002)

David Schwendiman, Post-Event Assessment, Federal Olympic Affairs (Salt Lake City, Utah: Utah Olympic Public Safety Command, 2002)

Wayne McCormack, David Schwendiman, *Teacher's Manual: Legal Responses to Terrorism* (Newark, NJ, LexisNexis, 2005)

David Schwendiman, *Investigating and Prosecuting Drug Trafficking: An Examination of*

United States Best Practices (Vietnam Version) (Washington, DC: United States Department of Justice, Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT), 2005)

David Schwendiman, Council of Ministers of Bosnia and Herzegovina, Special Department for War Crimes, Prosecutor's Office of Bosnia and Herzegovina, National Strategy for the Prosecution of War Crimes in the Courts of Bosnia and Herzegovina, April 12, 2008

David Schwendiman, "To Speak Truth & Shame the Devil," *Res Gestae* (Spring 2008), 23-27

David Schwendiman, National War Crimes Strategy, Working Papers, 28 May 2008

Prosecutor's Office of Bosnia and Herzegovina, Special Department for War Crimes, Prosecution Guidelines, 2. Pleas and Plea Bargaining, 25 June 2008

Prosecutor's Office of Bosnia and Herzegovina, Special Department for War Crimes, Prosecution Guidelines, 1. Charging – Practice Direction, 13 January 2009

Prosecutor's Office of Bosnia and Herzegovina, Special Department for War Crimes, Prosecution Guidelines, 5. Prioritization – Practice Direction, 09 February 2009

Prosecutor's Office of Bosnia and Herzegovina, Special Department for War Crimes, Prosecution Guidelines, 3. Immunity, April 7, 2009

David Schwendiman, "Addressing the Nation's War Crimes Predicament: A Status Report – Special Department for War Crimes, Prosecutor's Office of Bosnia and Herzegovina," Sarajevo, 25 September 2009

David Schwendiman, Proposed Internal Rules for the Special Department for War Crimes, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, 09 December 2009

David Schwendiman, "Primacy and the Accountability Gap: A View from Bosnia and Herzegovina," 103 ASIL Proc. 207-210 (2010)

David Schwendiman, "Prosecuting Atrocity Crimes in National Courts: Looking Back on 2009 in Bosnia and Herzegovina," 8 Northwestern University Journal of International Human Rights 269-300 (Summer 2010)

Revised – 18 February 2019

David Schwendiman, "Capacity-Building: The Institutional Legacy of the ICTY and the International Donor Community in Bosnia and Herzegovina," Chapter, Richard H. Steinberg, editor, *Assessing the Legacy of the ICTY* (The Hague: Brill, 2011)

David Schwendiman, "A Cautionary Tale," 2017 Utah Law Review 707-730 (2017)

JEREMY SPECKHALS

2327 South 600 East, Salt Lake City, Utah, 84106
(719) 232-6622 | jspeckhals@kippanchristian.com

Utah Bar License No. 16381; Colorado Bar License No. 47554; Arizona Bar License No. 034960

To Whom It May Concern:

I am writing to submit my application to be a member of the Third District Trial Court Nominating Commission. I have clerked for judges in three different states, and my educational and employment background makes me uniquely qualified to serve on the commission.

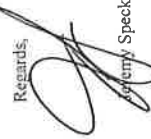
Starting in law school, I interned for a trial court judge in Denver. I also served as a student attorney for the Juvenile Law Clinic at the University of Colorado Law School.

After graduation, I clerked for a trial court judge in Golden, Colorado who had a mixed docket consisting of civil, criminal, and domestic cases for approximately eighteen months. I then spent another five months clerking for a judge at the Colorado Court of Appeals. After that, I clerked for a judge at the Arizona Court of Appeals for one year. Most recently, I clerked for Judge Ryan Harris at the Utah Court of Appeals, serving one year as one of his two inaugural appellate clerks. Through those experiences, I have worked with not only the judges for whom I was employed, but also for senior judges, lawyers sitting by designation, or for other judges who happened to be short staffed. I have seen great judges, bad judges, and everything in between.

As a practitioner, part of my practice consists of legal malpractice defense. Defending attorneys who have been accused of malpractice adds an additional perspective to my background.

Through these experiences, I have been exposed to just about every possible practice area both in urban and rural settings. Specific to juvenile court, I have experience with working on dependency and neglect cases as a student attorney. I have also worked on numerous termination of parental rights cases through my various clerkships. If selected to serve, I will use those experiences to help ensure that the Third District has the best possible judges.

Beyond my legal background, I live in the Sugar House area, and I am a Democrat. Please feel free to contact me if you have any questions.

Regards,

Jeremy Speckhals

JEREMY SPECKHALS

2327 South 600 East, Salt Lake City, Utah, 84106
(719) 232-6622 | jspeckhals@kippanchristian.com
Utah Bar License No. 16381; Colorado Bar License No. 47554; Arizona Bar License No. 034960

EXPERIENCE

Kipp and Christian, P.C. *Associate Attorney*

- Practice areas include: commercial litigation, professional malpractice, personal injury, and general civil litigation.
- Represent clients in various stages of civil litigation, starting from pretrial demands and continuing through appeal.

Salt Lake City, Utah
August 2018–Present

Utah Court of Appeals

Appellate Law Clerk to the Honorable Ryan M. Harris

Salt Lake City, Utah
September 2017–August 2018

Arizona Court of Appeals, Division One

Appellate Law Clerk to the Honorable Patricia K. Norris

Phoenix, Arizona
August 2016–August 2017

Colorado Court of Appeals

Appellate Law Clerk to the Honorable Laurie A. Booras

Denver, Colorado
March 2016–July 2016

Colorado Judicial Branch, 1st Judicial District

Law Clerk to the Honorable Margie L. Enquist

- Assisted a state trial judge with a mixed docket consisting of civil, criminal, and domestic cases.

Golden, Colorado
September 2014–February 2016

EDUCATION

University of Colorado Law School

Juris Doctor

Boulder, Colorado
May 2014

Journal:

Colorado Natural Resources, Energy & Environmental Law Review, Production Editor (2013–2014), and Staff Writer (2012–2013).

Clinic: Juvenile Law Clinic, Student Attorney.

Mock Trial: 2012 Rely Pozner Trial Challenge, Quarter Finalist; 2011 Colorado Cup, Round of 16 Participant.

University of Colorado

Bachelor of Arts, *summa cum laude*, with distinction, in Political Science

Boulder, Colorado
May 2010

PUBLICATIONS

- Jeremy Speckhals, *A House is Not a Thyroid: Analogous Issues and Other Problems for Plaintiffs Attempting to Recover in the Tenth Circuit Under the Price Anderson Act*, 25 COLO. NAT. RESOURCES, ENERGY & ENVTL. L. REV. 233 (2014).
- Jeremy Speckhals, *A Reflection on Pricing Legal Clinical Education*, 92 DENV. U. L. REV. ONLINE 177 (2015).

PERSONAL INTERESTS

Backpacking with wife and dog, snowboarding, running, spin, and cycling.

CARA M. TANGARO
35 West Broadway Suite 203 • Salt Lake City, Utah 84101 • (801) 673-9984
cara@tangarolaw.com

EDUCATION	Juris Doctor, University of Utah, Salt Lake City, Utah, 2001 BS Political Science, Santa Clara University, 1996 Gonzaga University in Florence / Studies Abroad
AWARDS	Utah Business Magazine, Legal Elite in Criminal Law
COMMITTEES	<ul style="list-style-type: none"> • Utah Association of Criminal Defense Lawyers (Former President) • Supreme Court's Advisory Committee on the Utah Rules of Criminal Procedure • Utah Supreme Court Wellness Committee • Utah Supreme Court Pretrial Supervision Committee • Third District Bar Commissioner
CONTRACTS	Salt Lake Legal Defender Conflict Contract Federal Court CJA Panel Member
EXPERIENCE	
4/13 - present	<p>Tangaro Law, P.C., Salt Lake City, Utah <i>Defense Attorney, Solo Practitioner</i></p> <ul style="list-style-type: none"> • Manage state and federal criminal caseload including plea negotiations, dispositions, pretrial motions, preliminary hearings, trials, and sentencing • Handle all aspects of client relations from initial consultations through closure of case • Qualified to handle Capital Homicide cases
6/10-4/13	<p>Hutchison, Neider, & Tangaro P.C., Ogden and Salt Lake City, Utah <i>Defense Attorney</i></p> <ul style="list-style-type: none"> • Manage all aspects of state and federal criminal caseload
09/08-6/10	<p>Keith Barton and Associates, South Jordan, Utah <i>Defense Attorney</i></p> <ul style="list-style-type: none"> • Lead counsel on all types of misdemeanor and felony cases including homicides and cases involving unlawful sex.
11/01 – 09/08	<p>Salt Lake County District Attorney's Office, Salt Lake City, Utah <i>Deputy District Attorney</i></p> <ul style="list-style-type: none"> • Managed criminal felony caseload including plea negotiations, dispositions, pretrial motions, preliminary hearings and trials • Prosecuted and went to trial on over twenty felony cases including a Capital Homicide case

Christy Abad

From: Mark Dahl <markdahl@ericnielson.com>
Sent: Tuesday, February 12, 2019 9:23 AM
To: Christy Abad
Subject: Third District Trial Court Nominating Commission
Attachments: Resume February 2019.docx

Christy Abad,

I am interested in serving on the Third District Trial Court Nominating Commission. I am politically independent. I believe that I bring a unique perspective to the judicial nominating process, having clerked at the trial court level for about three years before embarking on my career in private practice. I have been a plaintiffs' medical malpractice attorney for the last five years. My resume is attached for consideration.

Sincerely,

Mark W. Dahl

G. Eric Nielson & Associates
4790 S. Holladay Blvd.
Holladay, UT 84117
(801) 424-9088
markdahl@ericnielson.com

Mark W. Dahl

Utah Bar #13188
7489 S. Marylebone Rd., West Jordan, UT 84084
(801) 971-0236, mdahl0321@gmail.com

Education

Boston University School of Law

Honors:

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

Brigham Young University

Major: Mandarin Chinese

B.A. received April 2007
Cumulative GPA: 3.7

Experience

G. Eric Nielson & Associates, Associate Attorney

- I have been instrumental in obtaining dozens of settlements for medical malpractice claims. I am tasked with performing all aspects of the litigation process, from initial client intake to trial. Most of our cases settle for over \$250,000. I have settled several cases for over \$1,000,000, and a few above \$3,000,000. We have both won and lost at trial.

January 2014 – Present

Utah Second District Court, Judicial Law Clerk,

- Prepare draft rulings and orders, legal memoranda, and proposed jury instructions
- Assist judges in evaluating motions submitted for decision and any other court proceedings

May 2012 - December 2013

Ray Quinney & Nebeker, Contract Attorney,

- Perform electronic discovery

January 2012 - April 2012

Attorney Mark W. Dahl, PLLC, Owner,

- Manage all business aspects of a solo law practice

September 2011 - March 2012

Massachusetts Superior Court, Judicial Fellow,

September 2010 - June 2011

Boston University Civil Litigation Clinic,

Asylum and Human Rights, Student Attorney,

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

September 2009 - May 2010

Middlesex County District Attorney's Office, Rule 3:03 Certified Intern,

Summer 2009

- Represent the Commonwealth of Massachusetts in prosecuting various crimes, including: Driving Under the Influence, Possession of a Classified Substance, and Driving on a Suspended License

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

Summer 2008

KENT F. DAVIS

(520) 465-3245 1740 E. Blaine Avenue, Salt Lake City, Utah 84108 kent.f.davis@gmail.com

Summary

Detail-oriented and results-focused attorney with emphasis in felony-level criminal trial litigation. Proven track record in a dynamic and fast-paced environment. United State Army veteran with a prior TS/SCI security clearance. Recipient of multiple awards for outstanding performance and professionalism, including a Bronze Star Medal.

Legal Experience

Salt Lake County District Attorney's Office
Deputy District Attorney – Major Crimes Unit
 Salt Lake City, Utah
 2/17 – Present

- Several violent and nonviolent felony jury trials a year.
- Average case load of over 100 open felonies.
- Developed office-wide prosecution strategy for non-citizen drug traffickers.

Pima County Legal Defender's Association
Assistant Legal Defender – Felony Trial Team
 Tucson, Arizona
 4/16 – 2/17

- Average case load of over 50 open felonies.

United States Department of Justice
Attorney Advisor – Executive Office of Immigration Review
 Florence, Arizona
 9/14 – 3/16

- Hired pursuant to the Attorney General's Honors Program.
- Advised Immigration Judges in matters of administrative, criminal, and constitutional law.
- Affirmance rate over 90% in more than 150 cases.

United States District Court – District of Arizona
Law Clerk – Senior District Judge Stephen McNamee
 Phoenix, Arizona
 10/13 – 9/14

- Emphasis on complex litigation and cases involving contracts or intellectual property.

Education

University of Oregon School of Law
 Juris Doctor
 Eugene, Oregon
 8/10 – 5/13

- Editor-in-Chief of Oregon Review of International Law, 2012–13.
- Winner of 2012 intraschool mock trial competition.

University of Arizona
 Bachelor of Science in Chemistry
 Tucson, Arizona
 8/01 – 5/05

- Served as president of Phi Delta Theta Fraternity, Arizona Alpha chapter.

Professional Activities

National District Attorneys Association
The Opioid Epidemic: A State and Local Prosecutor Response
 Working Group Member
 10/12/18

Specialized Trainings

National Computer Forensics Institute
Advanced Digital Evidence for Prosecutors
 Hoover, Alabama
 7/18

Massachusetts Attorney General
National Cybercrime Conference
 Norwood, Massachusetts
 4/18

Volunteer Service

Old Pueblo Community Services
Board Member
 Tucson, Arizona
 10/16 – 2/17

- Non-profit combating homelessness with annual budget in excess of \$3,000,000.

Ninth Circuit Pro Bono Program
Pro Bono Counsel
 Tucson, Arizona
 1/15 – 8/16

- Represented state inmate in appeal of complex civil rights action and subsequent trial.

KENT F. DAVIS

Military Service

United States Army
Enlisted – Military Intelligence Sergeant
 Officer – Infantry Captain
 Multiple Locations
 6/05 – 8/10

- Deployed twice in support of Operation Iraqi Freedom – 2006 and 2009.
- During second deployment, oversaw counter-insurgency operations in an area with more than 250,000 Iraqis and the country's largest oil refinery. Additional responsibilities included training over 700 Iraqi Police, restoring physical and financial infrastructure, promoting governance, and maintaining equipment valued at several million dollars.

Publications

Comment, Costs of Freedom: New Institutional Comparison of China's and the U.S.'s Response to the Financial Collapse, 15 OR. REV. INT'L L. 167 (2013).

Comment, The Symbiosis Between Free Banking and Individual Liberty, 4 MONETARY ECON. E-J., Jul. 19, 2012, at 1.

Comment, Cruel and Unusual Punishment for Whom? Advocating the Imposition of Penile Plethysmography and Chemical Castration as Conditions of Supervised Release for Habitual Child Sex Offenders, 7 CORR. & SENT'G L. & POL'Y E-J., Jun. 7, 2012, at 1.

Bar Admissions

Supreme Court of Utah
 No. 14625

Supreme Court of Arizona
 No. 031278

Supreme Court of Washington
 No. 48808

Ninth Circuit Court of Appeals

United States District Court for the District of Arizona

Security Clearances

Secret
 2/11 – 2/16

Top Secret – Sensitive Compartmented Information
 2/06 – 2/11

Recognition

Presidential Management Fellowship Finalist (5% selection rate)
 4/13

Tillman Scholar (5% selection rate)
 6/12

Military awards and achievements include the: Bronze Star, Ranger tab, Combat Infantryman's Badge, Parachutist Badge, Army Commendation Medal, and the Good Conduct Medal.

Interests

Triathlons, marathons, skiing, computer programming and cryptography, political philosophy, chess, and scuba diving.

Utah State Bar Commission
February 25, 2019
Page Two

I live in the Avenues within the bounds of the Third Judicial District, and I have been registered as an independent voter for many years. While I am not swayed by politics or religion, I do respect everyone's culture and choices. If I had the honor of serving on this commission, I would treat every judicial applicant equally and seek only to determine the best candidate.

Enclosed is a resume for your review. I welcome any questions you may have, and I look forward to hearing from you.

Sincerely,

Tammy Georgelas
Tammy B. Georgelas

Encl.

**PARSONS
BEHLE &
LATIMER**

201 South Main Street, Suite 1800
Salt Lake City, Utah 84111
Main 801.532.1254
Fax 801.536.6111

Tammy B. Georgelas
Attorney at Law
Direct 801.536.6673
TGeorgelas@parsonsbahle.com

February 25, 2019

SENT VIA EMAIL

Utah State Bar Commission
645 South 200 East
Salt Lake City, UT 84111
Attn: Christy Abad
christy.abad@utahbar.org

Re: Application to Serve on the Third District Trial Court Nominating
Commission

Dear Members of the Utah Bar Commission:

I write to apply to serve on the Third District Trial Court Nominating Commission. I believe that my diverse career as a litigator, a court-appointed receiver, and a judicial law clerk give me the experience necessary to help choose the best judicial candidates to serve our communities and our fellow attorneys.

I have actively practiced in state, federal, and bankruptcy court for over fifteen years, fighting discovery battles, arguing motions, and advocating in trial. Whether winning or losing, I have felt gratitude for judges who were prepared, and empathy for those who seemed overloaded. In my role as a receiver, I have watched the judge thoughtfully navigate his duty to allow all parties their day in court—including victims, defendants, and the government—while ensuring I maintain my ability to fulfill obligations under the court's directive. Through these interactions, I have learned firsthand how temperament and experience affect a judge's ability to uphold justice.

In addition, I had the privilege and joy of clerking for the Honorable William T. Thurman in the United States Bankruptcy Court, District of Utah, for two years after graduating from law school. In that capacity I learned the weight that judges must carry with their positions, from having the courage to make tough decisions to accepting criticism with poise and respect. It takes a special person to manage that demanding position with grace and stamina. And I believe that my background and professional interest in maintaining an exceptional judiciary would help the commission nominate the best possible candidates.

TAMMY B. GEORGELAS

Shareholder

BIOGRAPHY

Tammy focuses her practice on complex commercial litigation and cyber security law. She has extensive experience advocating in state, federal, and bankruptcy court and represents a wide range of clients from Fortune 500 companies to small retailers. Her litigation experience includes enforcing creditors' rights, pursuing actions for tortious interference with business relationships, and defending breach of contract claims.

Tammy advises clients on best practices for protecting sensitive personal information, including proactive measures like developing information security policies and emergency response plans, training employees to help prevent data breaches, and drafting third party agreements to ensure that vendors and partners comply with the company's cyber security policies. She also assists clients in complying with state and federal laws in the event of a data breach. If litigation ensues, Tammy has the knowledge to defend companies and, when appropriate, take action to shift risk such as demanding indemnification by third parties.

Tammy has been recognized by Mountain States Super Lawyers for her business litigation experience and since 2014 she has been listed as one of the "Top 50 Women" in the region. She has also been recognized in *Best Lawyers in America* and *Utah Business Magazine's* Utah Legal Elite since 2011.

Prior to entering private practice, Tammy served as a judicial clerk to the Honorable William T. Thurman, United States Bankruptcy Court, District of Utah (2003 - 2005).

ACCOMPLISHMENTS

Academic

The George Washington University Law School (J.D., 2003)
Vice Senior Managing Editor, The George Washington Law Review
Cornell Law School's Institute of International Law, University of Paris-Sorbonne I, (2001)
Studied Civil Law, International Corporate Governance, and European Union Law

**National Expertise.
Regional Law Firm.
parsonsbehle.com**



201 South Main Street, Suite 1800
Salt Lake City, Utah 84111
Main 801.532.1234
Direct 801.536.6873
tgeorgelas@parsonsbehle.com

PRACTICE AREAS

Internet, E-Commerce & Data Security
Financial Institution Litigation
Business & Commercial Litigation
Corporate Restructuring & Chapter 11
Bankruptcy

LICENSED/ADMITTED

Utah
U.S. Dist. Court, Dist. of Utah
Tenth Circuit Court of Appeals

University of Washington (B.S., Zoology, 1998)

Professional

Recognized as a Top 50 Woman Lawyer by *Mountain States Super Lawyers* (2014 - 2018)
Recognized by *Mountain States Super Lawyers* in Business Litigation (2013 - 2018), Rising Star (2012)
Recognized for Civil Collaborative Law by *Best Lawyers in America* (2011 - 2019)
Named one of Utah's Legal Elite in Civil Litigation by *Utah Business Magazine* (2012 - 2014)
Named one of Utah's Legal Elite for Bankruptcy/Workouts by *Utah Business Magazine* (2011, 2015, 2016, 2017, 2018)
Named one of Utah's Legal Elite for Real Estate Transactions by *Utah Business Magazine* (2010)

ASSOCIATIONS

Professional

Board of Directors, Utah Minority Bar Foundation (2014 - 2018)
Utah State Bar Civics Education Committee (2012 - 2014) *Awarded Committee of the Year 2014*
Utah State Bar Examiner Committee (2009 - 2013)
Co-chair of the Friends Committee, Annual Meeting of the National Association of Women Judges (2015)
Women Tech Council
American Inns of Court, David K. Watkiss - Sutherland II Chapter
American Bankruptcy Institute
Turn Around Management Association

PRESENTATIONS

"10 Steps to Protect Yourself After Identity Theft," Silicon Slopes Cybersecurity Breach Roundtable, Lehi, UT (2018)
"HR's Critical Role in Protecting Company Data," Idaho Employment Law Seminar (2017)
"HR's Critical Role in Protecting Company Data," Parsons Behle & Latimer 29th Annual Employment Law Seminar (2017)
"Bring Lawyers, Guns, and Money, the **** Has Hit the Fan," Argyle 2016 Chief Information Security Officer Leadership Forum, Los Angeles, CA (2016) (Panelist)
"Cybersecurity Update: How to Protect Your Business from Internal Threats and Employee Lawsuits," Parsons Behle & Latimer 28th Annual Employment Law Seminar (2016)
"Advising Your Not Big Client on a Right Size Approach to Cybersecurity" (Corporate Counsel Triage Series), American Bar Association Annual Meeting in Chicago (2015) (Panelist)
"Cyber Security Update: How to Train Your Employees to Prevent Data Breaches," 2015 Idaho Employment Law Seminar (2015)
"Cyber Security Update: How to Train Your Employees to Prevent Data Breaches," Parsons Behle & Latimer 27th Annual Employment Law Seminar (2015)
"Advising the Client on Data Breach Protection," DRI Annual Meeting (2014)
"Data Breach Trends: How to Prepare for the Risks & Manage the Crisis," Adobe Complex (2014)
"Data Preservation and Collection Best Practices: What Attorneys Need to Know," Intermountain eDiscovery Conference (2013) (Panelist)
"Conducting a Trial in High Stakes Litigation," Women Lawyers of Utah CLE (2013)
"How to Build Positive Word of Mouth with Attorneys," SEAK Conference (2013)
"eDiscovery for Litigators," Utah Bankruptcy Lawyers Forum (2012)

PUBLICATIONS

- *Cyber Defense: Developing a Program to Protect Your Business,* Utah Business Magazine (January 2016)
- "Through the Looking Glass: Understanding Cyber Security Through the Mirror of Home Security," Parsons Behle & Latimer Newsletter (January 2016)
- Co-Author: Book Chapter, "Financial Privacy and Identity Theft," in Federal Consumer Credit Protection Statutes, (2015)
- Co-Author: "Protecting Data Assets," TerraLex Connections Newsletter (January 5, 2015)
- "Key Steps to Preserving ESI," The Harmonie Group (2013)
- *Non-retained Experts: Adding Credibility to Your Case,* For The Defense (2012)

PLANT
CHRISTENSEN &
KANELL ATTORNEYS AT LAW

136 EAST SOUTH TEMPLE, SUITE 1700
SALT LAKE CITY, UTAH 84111
TELE: (801) 363-7611 FAX: (801) 531-9747
WWW.PCKUTAH.COM

STEWART B. HARMAN
SHARMAN@PCKUTAH.COM
ALSO ADMITTED IN IDAHO

February 7, 2019

Christy Abad
Utah State Bar
Sent Via email to christy.abad@utahbar.org

Re: Third District Judicial Nominating Commission

Dear Ms. Abad:

This letter is to express my interest in becoming a member of the Third District Judicial Nominating Commission. As a litigator and trial lawyer, I believe I would make a good fit for the commission. Because of my practice, I have come to understand the type of individuals who are needed on the bench and the qualities they must possess. Please find attached herewith a copy of my resume. As reflected therein, I have served as defense counsel representing civil defendants at the firm of Plant, Christensen and Kanell for more than 12 years. While I am officially registered as a member of the republican party, I am now politically independent.

Thank you for your consideration and please let me know if there is anything else that you need from me.

Very truly yours,

PLANT, CHRISTENSEN & KANELL



STEWART B. HARMAN

Stewart B. Harman

136 East South Temple, Suite 1700, Salt Lake City, Utah 84111
T: 801-363-7611 E: sharman@pckutah.com

EDUCATION

Juris Doctorate - Appalachian School of Law, Grundy, Virginia 2006
(Graduating Rank: Summa Cum Laude (1st out of 115)
Editor-in-Chief of the Appalachian Journal of Law for the 2005-2006 edition (Volume 5)
Undergraduate - University of Utah, Salt Lake City, Utah 2001. B.S. in Organizational Communication and B.S. in Political Science

LICENSES & CERTIFICATIONS

Utah State Bar - Admitted 2006 (State and Federal Court)
Idaho State Bar - Admitted 2014 (State Court)
United States Court of Appeal for the 10th Circuit - Admitted 2016

PROFESSIONAL AFFILIATIONS

Utah State Bar Association, Litigation Section, Salt Lake County Bar and Idaho State Bar
Utah Defense Lawyers Association and Utah Municipal Attorneys Association
Member - Subcommittee on Insurance to Standing Committee on Model Utah Civil Jury Instructions

WORK EXPERIENCE

Plant, Christensen & Kanell, Salt Lake City, Utah, 2006 - Present
Shareholder. Manage litigation and trial of civil files for numerous clients covering a variety of cases ranging from personal injury, intentional torts, municipality claims, complex civil litigation, products liability, insurance, construction defect, ski industry, HOA, property, water rights, Title VII and employment law cases. Continually manage a case load between fifty and sixty cases. Have resolved hundreds of cases through mediation, arbitration, dispositive motions and trial. Have served as first chair during bench and jury trials and have briefed and/or argued before the Utah Court of Appeals, Utah Supreme Court and the United States Court of Appeals for the Tenth Circuit.

City of North Salt Lake, *Elected City Councilman*, North Salt Lake, Utah, 2010 - 2014

Utah Army National Guard, 1998 - 2006

Counterintelligence Special Agent. Highest Rank - Staff Sergeant at time of honorable discharge. Tactical HUMINT Team leader in the 142nd Military Intelligence Battalion. Operation Joint Forge in Bosnia-Herzegovina from July 2002 to March 2003.

United States District Court for the Western District of Virginia, *Intern for U.S. Magistrate Judge Pamela Sargent*, Abingdon, Virginia, summer 2004

PUBLICATIONS & REPORTED CASES

Reported Cases: *Cope v. UVSC*, 2014 UT 53, 342 P.3d 243.
Fire Insurance Exchange v. Olmams, 2018 UT 10, 416 P.3d 1148.
Published: *Restoration of Competency Through Involuntary Medication: Applying The Sell Factors*, 4 Appalachian J.L. 127 (2005).

SKILLS AND ACHIEVEMENTS

Fluent in Danish and Norwegian Languages. Served LDS Mission in Copenhagen, Denmark. Eagle Scout. Interests include running, cycling, skiing, golf and backpacking. Athletic accomplishments: 2012/18 Boston Marathons, 2012 Wasatch 100 Mile Ultra-marathon and 2015 Ironman Arizona.



George A. Hunt

George is Counsel and Risk Manager to Cache Valley Electric Company ("CVE") and its affiliates in Salt Lake City, Utah. He has served in that capacity since September 1, 2016. Prior to that time, he represented Cache Valley Electric for approximately 26 years, handling various litigation matters and business issues for the company.

George has been active in Bar and community activities, serving variously as president of the Salt Lake County Bar Association; member, Board of Trustees, S.J. Quinney College of Law at the University of Utah; member, Board of Trustees, Judge Memorial Catholic High School; member, Board of Trustees of Neuroworx, a non-profit organization dedicated to rehabilitative services for persons with spinal cord injuries.

George was born and raised in the canyon country of Southern Utah. Growing up, he worked with his family's mining company, worked construction for LA Young Sons and served as a party chief on survey crews for local engineering companies as well as UDOT. George was educated at the University of Utah where he received a B.S. and Certificate in International Relations, *cum laude*, in 1971, and a J.D. degree in 1974. While in law school he served as the president of the Student Bar Association and was the recipient of the Dean's Leadership Scholarship.

He practiced for 17 years at the local firm of Snow Christensen & Martineau where he served as a member of its Board of Directors for 10 years, after which time he formed Williams & Hunt with several of his partners and good friends where he served as president and managing partner and practiced for 25 years until closing that firm in August of 2016 when two of the partners retired. During his time in private practice, George enjoyed a robust construction oriented practice including 7 years as construction claims counsel to the Intermountain Power Project as well as representing local contractors including Christiansen Brothers Company, John Price Associates, Inc., FC Stangl Construction, CVE and Roger Knight Construction.

George is admitted to practice before all state and federal courts in the State of Utah as well as the 9th and 10th Federal Circuits and the United States Supreme Court. He has also been admitted *pro hac vice* (for individual cases) in various state and federal courts around the West where he has tried cases. He is a Fellow of the American College of Trial Lawyers and has served as a member of its State Executive Committee and as the State Vice-Chair and Chair for Utah. During his private practice career, George tried to conclusion approximately 165 cases. He has 56 reported decisions where he appears as counsel of record.

George's transaction work experience has included real property purchase, sale and financing; asset purchase, sale and financing transactions; business mergers, redemptions and

assignments. George has extensive experience in contract preparation and litigation in the areas of construction, employment, general business and all areas of real property.

George is and has been AV rated by Martindale-Hubbell for over 27 years, and has multiple listings in Super Lawyers and Best Lawyers in America.

George resides in Salt Lake City with his wife Mary and his English Bulldog, General Douglas MacArthur IV. He has four grown children, a step-daughter and eight grandchildren.

THE LAW OFFICE OF
MICHAEL J. LANGFORD

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

To the Members of the Selection Committee and Governor:

As a criminal defense attorney I believe I have much to offer in terms of experience and insight as it relates to the Third District Judicial Nominating Commission. As a trial attorney based in Salt Lake City I appear before Third District Court Judges multiple times a day. I understand the important qualities a judge should possess such as grasp of the law, impartiality, and temperament.

My interest in joining this committee stems from many years as a criminal defense attorney and my familiarity with other judicial selection processes. I have been a member of the Salt Lake County Justice Court Judicial Nominating Commission for the last three years and have played a role in the selection of five justice court judges.

Thank you in advance for your consideration. I have enclosed my resume for your review.

Sincerely,



Michael John Langford

THE LAW OFFICE OF
MICHAEL J. LANGFORD

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

PROFESSIONAL PROFILE

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

EDUCATION

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

PROFESSIONAL EXPERIENCE

- | | |
|--|--------------|
| Criminal Defense Attorney | 2005-Present |
| Law Office of Michael J. Langford, P.C., Salt Lake City, UT | |
| • Represent individuals charged with crimes in federal and state courts. Federal Criminal Justice Act Panel attorney since 2008. | |
| • Salt Lake Legal Defender Association conflict felony trial attorney since 2011. | |
| • Significant felony trial experience complex in cases such as homicide, money laundering, ponzi schemes, RICO, and distribution of controlled substances. | |
| • Experience arguing before the State and Federal Appellate Courts. | |
| Associate Attorney | 2003-2005 |
| Atkin and Shields P. C. | |
| • Practice focused on complex commercial litigation. | |

- Drafted numerous pleadings and memoranda, argued motions in federal and state courts.
- Managed the entire discovery process for many cases and conducted depositions in- and out-of-state.
- Secondary practice focused on white collar criminal defense in federal and state courts.

- Assistant Journalist
KUTV, (CBS) 1993-1995
- Served as assistant and field producer to Rod Decker and Brian Mullahey for Utah legislative sessions.
 - Researched PAC contributions, conducted interviews with political candidates and legislators.

CLERKSHIP

- Pottawattamie County Attorney's Office, Council Bluffs, Iowa 2002
- U.S. Attorney's Office, Omaha, Nebraska 2001
- Utah Legal Defenders, Salt Lake City, Utah 2000

VOLUNTEER WORK AND HONORS

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

Christy Abad

From: Skye Lazaro <skye@lazarolegal.com>
Sent: Monday, February 25, 2019 11:01 AM
To: Christy Abad
Subject: Third Judicial Nomination Commission Application
Attachments: Resume lazaro2018.use.pdf

Christy,

Please accept my application for appointment to the Third District Judicial Nomination Commission. I have been practicing almost exclusively in this district since I moved to Utah in 2012, both as an appointed and private attorney. I have extensive trial experience during the ten plus years I have been practicing and am in the Third District Courts at least three days per week.

Additionally, I am deeply involved in legislative efforts, the Bar and non-profit and community betterment organizations. I currently identify politically as an Independent.

I believe that my trial, courtroom and community experience make me a highly qualified applicant for this position. Please let me know if you need any further information.

Best regards,
Skye

LAZARO LAW GROUP
Skye Lazaro
Managing Attorney
Salt Lake City, UT
Missoula, MT
801.598.7710

The information in this transmission and its attachments, if any, is privileged and confidential, is attorney work product, and is intended for the recipients listed above. If you are neither the intended recipients nor a person responsible for the delivery of this transmittal to the intended recipients, you are hereby notified that any unauthorized distribution or copying of this transmittal or any part thereof is prohibited. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY THE SENDER BY REPLY E-MAIL AND DELETE THE ORIGINAL MESSAGE.

SKYE LAZARO

(801) 598-7710 • skye@lazarolegal.com

SUMMARY

Trial attorney with extensive achievements in criminal and civil court, who also possesses a background that includes law firm management and management of high caseloads comprised of a diverse clientele. Successfully transferred the knowledge and skills obtained in law practice and the courtroom to the betterment of companies as in-house counsel, helping companies build a solid foundation on which they can grow. Thrives in dynamic environments and quickly adapts to the ever-changing demands of the legal field. Demonstrates management and time management skills that have been useful for both the courtroom and the office. Exemplifies personal drive, integrity and resilience under difficult circumstances, while striving to cultivate personal and professional relationships.

Highlights

- 2018 National Trial Lawyers Top 40 under 40
- 2018 Utah Legal Elite, Utah Business
- 2017 Attorney to Watch, Attorney at Law Magazine
- 2019 National Trial Lawyers Top 40 under 40

LEGAL EXPERIENCE

Corporate Counsel

Injury Care Solutions, LLC

- Responsible for the oversight, coordination and execution of all internal and external legal affairs
- Contract drafting, negotiation and finalization
- Coordination and execution of business transactions in numerous states in the medical and finance field
- Extensive involvement developing networks of medical providers, device companies and medical billing companies
- Provide counsel to Executive Board
- HR oversight and employee governance

03/2018- current
Salt Lake City, Utah

Founding Attorney

Lazaro Law Group

- Managing attorney and founder of boutique firm.
- Managed caseload of criminal defense, civil and corporate clients.
- Strives to meet the individual needs of clients and tailor representation so as to provide the very best outcome for every client.

04/2016- current
Salt Lake City, Utah

Trial Attorney

Salt Lake Legal Defender Association

- Manages caseload of between 80-120 active clients.
- Reviews between 750-1000 pages of discovery documents per week.
- Experienced in legal research and writing.
- Represented clients in over 50 jury trials.
- Makes weekly appearances in court for the law and motion calendar.

07/2012 to 04/2016
Salt Lake City, Utah

Document Review Attorney (Contract Work)

Orange Legal Services

- Reviewed 300 pages of discovery per day using One-O Discovery Platform for a number of law firms.

01/2012 to 04/2012
Salt Lake City, Utah

Associate Attorney
Paul Ryan & Associates
 04/2008 to 11/2011
 Missoula, Montana

- One of two attorneys in a fast-paced, high-case load firm focused primarily in the practice areas of criminal defense and personal injury.
- Gained extensive courtroom experience in civil and criminal cases in state, federal and appellate courts.
- Assisted clients in social security cases, dissolution and parenting plan litigation, and corporate creation, litigation and transactions.

Trial Class Practitioner Mentor
University of Montana, Andrew Blewitt III School of Law
 10/2009 to 04/2011
 Missoula, Montana

- Mentored second-year law students as part of the trial advocacy curriculum in preparing effective jury voir dire, opening statements, closing statements, and direct and cross examination.
- Prepared and taught a weekly class on effective trial advocacy techniques.

EDUCATION	
Juris Doctor University of Montana, Andrew Blewitt III School of Law • Phi Delta Phi • Alternative Dispute Resolution and Mediation Focus Group • Advanced Trial Advocacy Group • Advanced Writing Award in Copyright, Patent & Trademark Law	12/2008 Missoula, Montana

Bachelor of Science: Political Science
Minor: Organizational Communication Studies, Business Administration
University of Montana
 05/2005
 Missoula, Montana

- American Paint Horse Association Scholarship (Zone One)
- Numerous Academic Scholarships

BAR STATUS	
Montana Bar (9089) Utah Bar (14071) US District Court, Utah	US District Court, Montana Ninth Circuit Court of Appeals

PROFESSIONAL AFFILIATIONS	
Utah State Bar - Criminal Law Section, Chair Utah State Bar - Governmental Relations Committee Salt Lake County Bar Association Women Lawyers of Utah Utah Minority Bar Association David K. Watkins-Sutherland II Inn of Court Aidon J. Anderson American Inn of Court Utah Bar Association New Lawyer Training Program, Mentor National Trial Lawyers Association, Top 40 Under 40	

PERSONAL AND COMMUNITY INTERESTS	
Reparatory Dance Theatre (Board Member) Brighton High School Hockey and Lacrosse Sponsor West High School Athletics Sponsor West High School Trial Team Sponsor Cinderella Project- bringing prom to Homeless Youth of Salt Lake County Homeless Youth Resource Center, VOA volunteer and advocate Young business women mentor Numerous community philanthropic causes Hockey mom, yoga, exercise, equestrian and outdoor enthusiast	

Mikhael Mikhaev

mmikhaev@gmail.com • (801) 560-5901 • 3619 Mill Cir., Salt Lake City, UT 84109

EXPERIENCE

Maschoff Brennan, Park City, UT

Registered Patent Attorney, 2013–present

- USPTO Reg. No. 72,500 | Utah State Bar No. 14,721
- Prepare and prosecute patent applications with experience in mechanical, electrical, optics, medical devices, semiconductors, and networking equipment
- Coordinate international filing and prosecution with an emphasis on Europe, Japan, China, Korea, Australia and Canada.
- Manage prosecution docket and assign working attorneys for two large firm clients and numerous small clients.
- Prepare prior art searches and opinions, patentability evaluations, clearance and non-infringement opinions, due diligence and third party preissuance submissions.

Lassonde New Venture Development Center, Salt Lake City, UT

Associate, 2012–2013

- Helped commercialize technologies developed at the University of Utah.

Marcus, Christian, Hardee & Davies, Boise, ID

Law Clerk, Summer 2012

- Assisted oil and gas companies in complying with state and federal environmental regulations.

United States Patent and Trademark Office, Alexandria, VA

Policy and External Affairs Intern, Summer 2011

- Completed training in patent searching, trademark searching, domestic and international enforcement of IP rights, counterfeit goods prevention, international patent filing, and university IP technology transfer.
- Researched foreign IP policy to aid USPTO in formulating U.S. domestic and international IP policy.

EDUCATION

University of Utah, S.J. Quinney College of Law, Salt Lake City, UT

J.D. with honors, May 2013, top 30% class ranking

- *Senior Staff Member*, Utah Law Review, 2012–2013
- *Lassonde Graduate Fellowship*, 2012–2013
- *Treasurer*, the Student Intellectual Property Law Association, Art Law Alliance and the Minority Law Caucus, 2012–2013
- *Outstanding Achievement Award*, Patent Drafting, Spring 2012

University of Utah, Salt Lake City, UT

B.S. Chemical Engineering, May 2009

PUBLICATIONS

- Mikhael Mikhaev, *Federal Circuit Clarifies Definition of “On-Sale” Bar to Patentability*, June 22, 2017, available at <http://mabr.com/federal-circuit-clarifies-definition-sale-bar-patentability/>
- Mikhael Mikhaev, *The Defend Trade Secrets Act – Getting a Head Start*, April 28, 2016, available at <http://mabr.com/the-defend-trade-secrets-act-getting-a-head-start/>
- Mikhael Mikhaev, *The Prior User Rights Defense: Working Silently in the Background to Change the Way Businesses Protect Their Inventions*, IP BRIEF, Vol. 4, Issue 3, at 72 (2013).
- Christina Gervasi, Mikhael Mikhaev, Marcela Palacio Puerta, Paul Barker, Stacy Lewis, and Tom Irving, *America Invents Act Effects on Litigation*, IP LITIGATOR, May/June 2013, at 9.

LANGUAGE/INTERESTS

- Fluent in Russian, native speaker.
- Snowboarding, backcountry ski touring, mountain biking, whitewater rafting and backpacking.

DEBRA M. NELSON

424 South 500 East • Suite 300 • SLC • Utah • 84111 • 801-953-3834 (cell) • dnelson@slda.com

LEGAL EXPERIENCE

APPELLATE ATTORNEY

Salt Lake Legal Defender Association

Practice focuses on appellate representation in proceedings before the Utah Supreme Court and Utah Court of Appeals. Practice includes preparing appellate briefs, oral argument, petitions for writ of certiorari, motions and memoranda in the district court and extensive legal research and writing. Responsibilities include determining issues for appeal through investigation and review of the trial proceedings and record, meeting with clients, and analysis of state and federal case law and statutes—both plain language and legislative history.

Senior attorney responsibilities include assisting trial and appellate attorneys with developing legal issues, reviewing trial memoranda and appellate briefs, mooted appellate attorneys for oral argument, presenting continuing legal education to inform staff attorneys of trends within law, and summarizing recent appellate opinions for dissemination to update staff attorneys of developments in case law.

Manage extensive caseload encompassing a wide array of issues including: evidence, discovery, jury instructions, statutory interpretation, legislative history, constitutional rights, prosecutorial misconduct, insufficient evidence, sentencing, restitution, and the rules of procedure.

CONTRACT ATTORNEY

Bugden & Issacson

Consulted with partners to identify and develop issues for argument in the district and appellate courts in the federal and state system. Responsibilities included research, case law and statutory analysis, and drafting motions and memoranda, and appellate briefs.

JUDICIAL CLERK

Utah Court of Appeals

For the Honorable Pamela T. Greenwood

LAW CLERK

Salt Lake Legal Defender Association

LEGAL INTERNSHIPS

Third District Court of Utah

For the Honorable Lee Dever

Utah Guardian ad Litem

Salt Lake City, Utah

EDUCATION

JURIS DOCTORATE

S.J. Quinney College of Law, University of Utah

MEMBERSHIP/PUBLICATION

- Staff Member, Utah Law Review
- Published: *Illinois v. Wardlow: A Single Factor Totality*, 2001 Utah L. Rev. 509

BACHELOR OF SCIENCE

*Westminster College
Business Studies*

HONORS

- Mitsunaga Award, Salt Lake Legal Defender Association (2017)
- Outstanding Mentor Award, Utah State Bar (2014)
- "Utah Legal Elite" for the Utah Business Magazine (2009)
- "Rising Star" for the Mountain States Super Lawyers Magazine (2009)

SELECTED CONTINUING LEGAL EDUCATION LECTURES

Nelson, Debra M., Lori Seppi, Teresa Welch, Nathalie Skibine, Alexa McCallum, Diana Pierson, Andrea Garland, "Indecent Liberties: What it means and how to prevent a jury from being improperly instructed on it," *Salt Lake Legal Defender Association, Salt Lake City, Utah* (March 2018).

Nelson, Debra M., Lori Seppi, Teresa Welch, Nathalie Skibine, Alexa McCallum, Marshall Thompson, Diana Pierson, "Jury Instructions: How to draft instructions and get them before the jury," *Salt Lake Legal Defender Association, Salt Lake City, Utah* (August 2017).

Nelson, Debra M., Lori Seppi, Teresa Welch, Nathalie Skibine, Alexa McCallum, Marshall Thompson, "Utah Appellate Case Law Review" Salt Lake Legal Defender Association, Salt Lake City, Utah (February 2017).

Nelson, Debra M., Teresa Welch, Nathalie Skibine, "Restitution Tips: Protecting your client from having to pay an arm and a leg," *Salt Lake Legal Defender Association, Salt Lake City, Utah* (October 2015).

BAR/COURT ADMISSIONS

- UTAH STATE BAR
- UNITED STATES SUPREME COURT
- SUPREME COURT OF UTAH
- UNITED STATES DISTRICT COURT, DISTRICT OF UTAH

MEMBERSHIP/PROFESSIONAL ACTIVITIES

STANDING COMMITTEE ON APPELLATE REPRESENTATION, UTAH SUPREME COURT	2018-Present
GOVERNMENTAL RELATIONS COMMITTEE, UTAH STATE BAR	2019
CHAIR, CONSTITUTIONAL LAW SECTION, UTAH STATE BAR	2018-Present
CHAIR, APPELLATE PRACTICE SECTION, UTAH STATE BAR	2015-2016
MENTOR, NEW LAWYER TRAINING PROGRAM, UTAH STATE BAR	2013-Present
MEMBER, SUMMER CONVENTION COMMITTEE, UTAH STATE BAR	2011
MEMBER, COURTS AND JUDGES COMMITTEE, UTAH STATE BAR	2007-2010
MEMBER, WOMEN LAWYERS OF UTAH (WLU)	2013-Present
MEMBER, NATIONAL ASSOCIATION FOR PUBLIC DEFENSE (NAPD)	2014-Present
MEMBER, NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS (NACDL)	2011-Present
MEMBER, UTAH ASSOCIATION OF CRIMINAL DEFENSE LAWYERS (UACDL)	2004-Present

POLITICAL AFFILIATION

INDEPENDENT

Jesse M. Nix

405 South Main Street, Suite 930 • Salt Lake City, Utah 84111 • (801) 839-4649 • jesse@conyersnix.com

EDUCATION

University of Utah S.J. Quinney College of Law, Salt Lake City, Utah
Juris Doctor, May 2010

- Student Bar Association, President
- Trial Advocacy Team Member
- Journal of Law & Family Studies, Staff Member
- Robert H. Hinckley Graduate Scholarship Recipient
- Legal Intern for the Honorable Judge Kate Toomey, Third District Court

University of Utah, Salt Lake City, Utah
Bachelor of Science, Political Science, May 2005

- Hinckley Journal of Politics, Editorial Board Member
- Guadalupe School, English Teacher
- Utah State Legislature, Legislative Aide to Senator Ron Allen, Minority Whip

EXPERIENCE

Conyers & Nix, PC

Partner, Criminal Defense Practice

Specialize in felony and misdemeanor criminal defense in district and justice courts throughout Utah, profile and investigatory defense, criminal history expungements, professional licensing defense, Driver License Division suspension defense, civil stalking injunction defense, and criminal case consulting.

August 2018 – Present

Salt Lake Legal Defender Association

Trial Attorney

Represented indigent clients charged with felonies and misdemeanors before Utah's Third District Court and the Salt Lake City Justice Court. Tried over forty jury and bench trials as lead attorney. Served as lead attorney in preliminary hearings, pretrial proceedings, pleas, and sentencing. Managed an average caseload of 100-130 felony clients and maintained client relationships. Researched and wrote motions, opposition motions, and legal memoranda. Directed the firm's internship program and supervised law student interns.

August 2012 – August 2018

Clayton Simms, LLC

Associate Attorney, Criminal Defense Practice

Litigated misdemeanor bench trials as first chair. Appeared in justice courts throughout Salt Lake County and the state of Utah. Handled court proceedings, including preliminary and evidentiary hearings. Managed client relationships and communication with an average of ninety firm clients.

May 2010 – June 2012

Salt Lake City Prosecutor's Office

Intern

Participated in misdemeanor trials under the third-year practice rule, performed legal research, and responded to defense motions.

August 2009 – May 2010

Salt Lake County District Attorney's Office

Law Clerk, Special Victims

Researched evidentiary issues for sex cases, wrote motions in limine, and responded to defense motions.

October 2008 – April 2009

PUBLICATIONS

- *More Than Marriage: Utah's System of De Jure Denigration Goes Before the U.S. Supreme Court*, Utah Bar Journal, Volume 26 Number 3 (2013)
- *Using Intent to Uphold Paternity Agreements*, 2009 UTAH LAW REVIEW 535 (2009)
- *Unwholesome Activities in a Wholesome Place: Utah Teens Creating Pornography and the Establishment of Prosecutorial Guidelines*, 11 J.L. FAM. STUD. 183 (2008)

COMMUNITY INVOLVEMENT

Standing Committee on the Model Utah Criminal Jury Instructions, Former Member Secretary
Utah Minority Bar Association, Former President and Board Member
Utah State Bar Commission, Former Ex-Officio Board Member
Plan-B Theatre Company, Board member and former Board President
Utah Pride Center, Former Board Member

David K. Watkiss-Sutherland II Inn of Court, Member
S.J. Quinney College of Law Young Alumni Association, Former Board Member

INTERESTS

Hiking in southern Utah's national parks, yoga at sunrise, historical non-fiction, and travel photography.

Daphne A. Oberg
2896 S. Preston St.
Salt Lake City, UT 84106
(385) 234-1578
daphne.oberg@gmail.com

February 25, 2019

Christy Abad
Executive Secretary
Utah State Bar
645 S. 200 E.
Salt Lake City, UT 84111

Dear Ms. Abad,

Please accept this letter as my application to serve on the Third District Trial Court Nominating Commission. I currently reside in the Third District and I would be delighted to serve in this position. Please note, I belong to no political party. At one point in the past, I was affiliated with the Republican Party. However, for many years, I have been politically independent.

I have substantial litigation experience. For more than ten years, I have worked as an Assistant Federal Defender in Utah, handling cases at trial, appeal, and post-conviction stages. My experience as a litigator provides me with helpful insight.

I have included a copy of my resume with this letter. It would be an honor to be considered for this position. Please let me know if you need any additional information.

Sincerely,

Daphne A. Oberg

Daphne A. Oberg

DAPHNE A. OBERG, JD

Salt Lake City, UT (385) 234-1578 daphne.oberg@gmail.com

Federal Defender Leader

- 10+ years of federal criminal and appellate litigation
- 3+ years as post-conviction litigation team leader
- Character and Fitness Committee member for Utah Bar
- Developed national curriculum for federal magistrate judges
- Law clerk to federal district court and appeals court judges
- Graduated with high honors and Order of the Coif
- Executive Editor of *Utah Law Review*

Key Skills: Criminal Trial Litigator | Appellate Litigator | Post-Conviction Litigator | Leader | Educator | Writer

Professional Experience

Supervisory Assistant Federal Public Defender 2007–08 & 2009–present
Office of the Federal Public Defender, District of Utah

- Represent federal criminal defendants at trial, appeal, and post-conviction stages
- Team leader of post-conviction project involving review of 500+ cases, resulting in litigation of nearly 200 cases

Law Clerk to the Honorable Monroe G. McKay 2008–09
United States Court of Appeals for the Tenth Circuit

Law Clerk to the Honorable Paul G. Cassell 2006–07
United States District Court for the District of Utah

Instructor, Forensic Interviews of Children 2001–03, 2005–06, 2009–10
Salt Lake County Children's Justice Center

- Taught research-based child forensic interviewing skills to police investigators, prosecutors, social workers, and other child abuse professionals

Detective 1996–2003
Salt Lake County Sheriff's Office

- Investigated child homicide, kidnapping, sexual abuse, and felony physical abuse cases as a detective from 1999–2003; also worked as patrol deputy, court bailiff, and police dispatcher
- Awards for investigations: February 2003 and December 2002

Education

Juris Doctorate 2006
University of Utah, S.J. Quinney College of Law

- High Honors | Order of the Coif | Executive Editor, *Utah Law Review* | William H. Leary Scholar Award recipient | Teaching Assistant, Legal Writing Program, 2005–06 | Academic Awards: Torts, Constitutional Law, Employment Discrimination | *Pro Bono* Certificate

B.S. Psychology 1999
Westminster College

- Magna Cum Laude | Alpha Chi Honor Society | Presented thesis at National Undergraduate Literature Conference

Sample of Professional Organizations and Activities

Master of the Bench, Aldon J. Anderson American Inn of Court	2006–08 & 2014–present
Utah State Bar, Character and Fitness Committee	2016–present
• Investigate character and fitness of Bar applicants through interviews and hearings.	
Mentor, “Mentor U” at S.J. Quinney College of Law	2013–present
Women Lawyers of Utah	2014–present
Core Faculty, Federal Judicial Center	2014–15
• Worked with national team to develop judicial curriculum: <i>Pretrial Release and Detention Decision Making for Magistrate Judges Program</i>	

Sample of Presentations and Publications

Sample of Professional Presentations

- *Risk Assessment, Sentencing Strategy* Session for Federal Public and Community Defenders (New Orleans, LA, Sept. 15, 2016)
- *Test Your Case Before Trial Using Mock Trials and Focus Groups*, Utah State Bar Summer Convention (San Diego, CA, July 9, 2016)
- *Implications and Application of Johnson*, Tenth Annual Federal Bar Association Criminal Law Seminar (Salt Lake City, UT, May 20, 2016)
- *A New Old Approach to the Bail Reform Act*, Annual Federal Defender & CJA Panel Training Program (Salt Lake City, UT, Oct. 24, 2014)

Sample of Professional Publications

- *Conditions Precedent to Detention*, DISSENTING OPINION (Fed. Pub. Defenders Office, Salt Lake City, UT), Spring/Summer 2013, at 2–10
- *Child Witness Interviews in Utah Part II: Interview Protocols and Obtaining Witness Statements*, DEFENDER (Utah Ass’n Crim. Def. Law., Salt Lake City, UT), 2012
- Note, *Working Within and Around Utah’s Section 76-5-411 After Crawford v. Washington: Assessing the Admissibility of Out-of-Court Statements of Child Victims of Sexual Abuse*, 2005 UTAH L. REV. 1101

Sample of Volunteer Service

Street Law Legal Clinic	2013
Serving Our Seniors	2012
Turkey Toss, Crossroads Urban Center	2015–18
Daphne Oberg, page 2	

Jonathan Z. Paz, Esq.

620 East 100 South, Salt Lake City UT 84102 Jonathan@LawPaz.com Office: 801-901-7590

BAR MEMBERSHIP: UT State Bar Number 16923 – CA State Bar Number 280761

LANGUAGE: Fluent in Spanish

EDUCATION

University of Southern California, Gould School of Law
Juris Doctor

May 2011

University of California, Berkeley
Bachelor of Arts, Sociology

May 2006

PROFESSIONAL EXPERIENCE

Law Offices of Jonathan Z. Paz

Attorney

Salt Lake City, UT

September 2018 - Present

Representing clients in both criminal and immigration matters. Focusing on building a client centered practice that brings together the relentlessness of being a public defender with the sophistication of a private attorney.

University of Southern California, Gould School of Law

Adjunct Professor

Los Angeles, CA & Online

August 2018 - Present

Professor of Criminal and Constitutional Law in the L.L.M. Program.

Law Offices of Gage C. Herbst

Attorney

Salt Lake City, UT

January 2018 – September 2018

Successfully represented clients in deportation hearings with asylum and cancellation of removal defenses. Guided clients through evidence collection process in both Spanish and English. Drafted novel pre-hearing briefs based on evidence and legal research. Prepared clients and expert witnesses to testify at hearings. Represented clients in Asylum and Adjustment of status interviews with Immigration Officers. Evaluated cases for different types of immigration relief.

Orange County Public Defender

Attorney

Orange County, CA

September 2012 - December 2016

Represented adult and juvenile clients charged with misdemeanor and felony penal code violations. Litigated twenty-one jury trials and over two dozen bench trials from pre-trial motions to closing arguments. Won acquittals in over half the trials including juvenile clients charged with strikes under California's "Three Strikes Law." Drafted and argued over forty motions including 4th Amendment motions, motions compelling discovery, and demurrers. Directed investigations of witnesses, locations and evidence. Conducted extensive legal research and over fifty probable cause hearings.

BASTA, Inc. (Non-Profit Eviction Defense)

Attorney

Los Angeles, CA

March 2012 - September 2012

Represented tenants in unlawful detainer matters in both bench and jury trials. Drafted and argued several successful motions including two motions for judgment on the pleadings, a motion to vacate a default judgment, a motion for attorney's fees, and a motion for relief of forfeiture of a rental agreement for a 13-year tenant. Litigated two unlawful detainer jury trials, from pre-trial motions to closing arguments, and three successful unlawful detainer bench trials. Negotiated over a dozen favorable settlements using strategic fact analysis, case law, and relevant code sections.

Los Angeles County District Attorney's Office

Volunteer Law Clerk, Target Crimes Division

Los Angeles, CA

September 2010 – January 2011

Wrote a successful opposition to a motion to compel the identity of a confidential informant. Prepared a ballistics chart and witness list for two different crimes against peace officer (CAPOS) cases. Synthesized evidence in a 20 year old cold case. Attended meetings with detectives, medical examiners, and a lineup in an armed robbery case.

United States District Court, Central District of California

Extern for the Honorable Valerie Fairbank

Los Angeles, CA

January – May 2010 & September - December 2010

Wrote decisions on Habeas Corpus petitions written by pro per inmates. Compiled motions and other court documents into case binders for civil and criminal trials. Conducted research and prepared memorandums.

MICHAEL P. PETROGEORGE

EMAIL: mpetrogeorge@parsonsbehle.com • PHONE: 801-536-6899
www.linkedin.com/in/michael-p-petrogeorge-998576/

PROFESSIONAL EXPERIENCE

PARSONS BEHLE & LATIMER, PC

- **Shareholder (Jan. 2008-Present)**
Developed and maintained a complex commercial law practice.
 - Litigates complex commercial litigation matters, including contract, tort, real estate, trade secret, securities, employment and administrative matters.
 - Oversees litigation teams involving multiple lawyers, paralegals and support personnel.
 - Advises clients on wide-ranging legal, strategic and business matters.
 - Negotiates and drafts complex settlement and other commercial agreements.
 - Served on firm's Board of Directors for 7 years.
- **Associate (May 2000 – Aug. 2001; Sept. 2002- Jan. 2008)**
Built and maintained a complex commercial law practice involving a wide array of matters of various sizes and complexities.

UNITED STATES COURT OF APPEALS, TENTH CIRCUIT

- **Judicial Law Clerk to the Hon. Stephen H. Anderson (Sept. 2001-Aug. 2002)**
Researched and analyzed a wide variety of legal issues and drafted dozens of published and unpublished federal appellate decisions.

EDUCATION

Juris Doctorate

UNIVERSITY OF UTAH S.J. QUINNEY COLLEGE OF LAW • Salt Lake City, Utah • May 2000

Bachelor of Arts in Political Science and Criminal Justice

GONZAGA UNIVERSITY • Spokane, Washington • May 1997

COMMUNITY INVOLVEMENT

UNITED WAY OF SALT LAKE

Board of Trustees, 2013-Present

LEUKEMIA & LYMPHOMA SOCIETY

UTAH CHAPTER

Board of Trustees, 2012-2018

Board Chair, 2014-2016

SUPREME COURT ADVISORY COMMITTEE ON

UTAH RULES OF CIVIL PROCEDURE

Member, 2018-Present

UTAH COMMUNITY ACTION

Head Start Community Advisory Board, 2010-2014

UNIVERSITY OF UTAH YOUNG ALUMNI ASSOCIATION

Board Member, 2012-2015

LITIGATION SECTION, UTAH STATE BAR

Executive Committee Member, 2002-2009

Chair, 2007-2008

AWARDS AND DISTINCTIONS

- AV® Preeminent™ Peer Rating – Martindale Hubbell (since 2012)
- Recognized in *Best Lawyers in America*
- Recognized in 2013 as one of Utah Business magazine's "Forty Under 40"
- Recognized in *Utah Business* magazine's Utah Legal Elite
- Recognized in *Mountain States Super Lawyers* - Utah
- Recognized in *Benchmark Litigation Magazine*
- Order of the Coif (1st in law school class)
- Member, Utah Law Review

MELINA SHIRALDI

1455 E. Zenith Ave.
Salt Lake City, UT 84106

melinashiraldi@gmail.com

801.755.1451

PROFESSIONAL EXPERIENCE

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

2018 - Present

Assistant United States Attorney

- Responsible for representing the United States, its agencies and employees in a wide variety of defensive civil matters in federal court, involving tort, employment discrimination, constitutional, Administrative Procedures Act, FOIA, *Bivens*, and numerous other claims.
- Handles all aspects of the litigation, including discovery, motion practice, arguments, alternative dispute resolution, pre-trial matters, and trials.
- Leverage strong organizational and legal skills to manage a large and diverse caseload that involves lengthy and difficult litigation.

UNITED STATES DISTRICT COURT, Salt Lake City, UT

2017-2018

Judicial Law Clerk

- Served as a judicial law clerk to Chief Judge David Nuffer.
- Manage all aspects of assigned civil and criminal cases.
- Review all complaints, petitions, motions and pleadings to determine issues and basis for relief.
- Perform legal research as required, identify issues and make recommendations.
- Consult with the Judge and offer solutions about pending litigation.
- Draft orders for the Judge's review.
- Function as the liaison between the court and litigants.

ECLIPSE RESOURCES CORPORATION, State College, PA

2015-2017

Supervising Attorney, Title and Regulatory

- Advised Environmental, Health, Safety and Regulatory Division. Supervised all title related legal matters for the company, including managing the title team, consisting of attorneys and landmen.
- Represented company in negotiations with landowners, contractors, suppliers and their legal counsel.
- Counseled company regarding formal comments on proposed legislation, including the Clean Air Act.
- Assisted with the creation of a well plugging program for approval by state regulatory agency.
- Coordinated the process for leasing minerals underneath the Ohio River, including obtaining U.S. Army Corps permits and researching the process for leasing forest lands, wetlands and wilderness areas.
- Successfully facilitated multi-department projects to ensure compliance with pipeline and public utility regulations.
- Drafted and negotiated master service agreements, consulting agreements, asset purchase agreements, leases, assignments, and road use agreements.
- Retained, coordinated and managed outside law firms, title abstractors and brokers.

COWAN & FLEISCHER, PLLC, Oklahoma City, OK

2014-2015

Attorney

- Represented both privately-owned and public companies in a wide variety of oil and gas matters, with an emphasis on oil and gas title examination.
- Developed and maintained the firm's relationship with top client and managed all legal needs for the client.
- Specialized in analyzing complex issues pertaining to leasing, working and overriding royalty interests, depth splits, pooling and unitization, and probate procedures.
- Drafted superior, timely and affordable oil and gas title opinions for assets in the Marcellus and Utica Shales.

MELINA SHIRALDI

melinashiraldi@gmail.com

PAGE TWO

CHESAPEAKE ENERGY CORPORATION, Oklahoma City, OK

2011-2013

Attorney

Provided legal support for upstream oil and gas operations. Advised on broad spectrum of legal matters, including working interest ownership, storage agreements, mineral deed reservations, bankruptcy proceedings, navigable river issues, state real property ownership and rights-of-way.

- Analyzed facts, interpreted agreements and applied relevant laws, advising staff of significant business risks.
- Prepared drilling title opinions for development of company's assets in Marcellus Shale.
- Conducted research on oil and gas and property law, ensuring compliance with federal and state regulations.

TRANSPORTATION SECURITY ADMINISTRATION, Arlington, VA

2009-2010

Law Clerk, Office of Chief Counsel

Communicated and translated processes into functional steps for agency action. Recognized for analyzing and processing time-sensitive information within fast paced and high-risk environment.

- Ensured compliance with all applicable federal and state laws, procedures and regulations by conducting legal research and analyzing internal processes.
- Conducted extensive telephone and written contact with applicants, employers, government agencies and members of the public.

U.S. ATTORNEY'S OFFICE, Salt Lake City, UT

2008

Intern

OFFICE OF THE SOLICITOR, DEPARTMENT OF THE INTERIOR, Salt Lake City, UT

2008

Intern

U.S. DISTRICT COURT, DISTRICT OF UTAH, Salt Lake City, UT

2007

Intern for the Honorable David Nuffer

UTAH COURT OF APPEALS, Salt Lake City, UT

2007

Intern for the Honorable Judith M. Billings

EDUCATION

JD, Pennsylvania State University – Dickinson School of Law, Carlisle, PA, 2009
BS, Behavioral Science and Health, University of Utah, Salt Lake City, UT, 2005

CERTIFICATIONS, LICENSURES AND MEMBERSHIPS

Utah State Bar, 2010

Oklahoma State Bar, 2011

West Virginia State Bar, 2012

Technical Certificate in Water Management, 2011

Utah Minority Bar Association – Board Member

Utah Bar Association – Awards Committee

Utah Bar Association – Leadership Academy

Professional Rodeo Cowboys Association

CURRICULUM VITAE

RANDALL L. SKEEN
Cook, Skeen & Robinson
Attorney at Law

5788 South 900 East
Salt Lake City, Utah 84121
Telephone: (801) 266-7414
Facsimile: (801) 892-5067
rskeen@skeenandrobinson.com

BAR ADMISSIONS AND CERTIFICATIONS

Supreme Court of the United States	2000
Supreme Court of California	1980
Supreme Court of Utah	1981
Ninth Circuit Court of Appeals	1990
Tenth Circuit Court of Appeals	1991
Supreme Court of Idaho	2007

RELEVANT EMPLOYMENT HISTORY

Private practice, Salt Lake City, Utah and San Diego, California

Public Defender for Cities of West Jordan, Sandy, Riverton and Clearfield.

September, 1997 to the present – Cook, Skeen & Robinson/Skeen & Robinson, emphasizing civil litigation and criminal defense.

January, 1995 through September, 1997 – Skeen & Robinson, emphasizing civil litigation, family law and criminal defense. Civil conflict counsel for Salt Lake County.

January, 1991 through January, 1995 – Skeen & Rasmussen, emphasizing civil litigation, family law and criminal defense.

September 1985 through January, 1991 – Hatch, Morton & Skeen, emphasizing civil litigation, family law and criminal defense. At that time, the firm provided prosecution services to the City of West Jordan and acted as counsel for local police departments.

1981 – 1985 – Salt Lake County Attorney's Office.

1980 – 1981 – Clark County, Nevada, District Attorney's Office, Criminal Appellate Division.

OTHER ACTIVITIES

Judge Pro Tem, Small Claims Division, Third District Court (1985 – 1995)
Active member of California State Bar
Active member of Idaho State Bar
Member of Utah Association of Criminal Defense Lawyers
Salt Lake County Bar Association
San Diego County Bar Association
San Diego Trial Association
Volunteer Mediator
Speaker for Continuing Legal Education topics

EDUCATION

J.D., University of San Diego (1980)
B.S., Political Science, Cum Laude University of Utah (1976)

ACADEMIC AWARDS AND ACTIVITIES

Member of San Diego Law Review (1979 – 1980)
Published author on immigration law issues
Top 100 Trial Lawyers 2013 - 2018 (The National Trial Lawyers)
Recognized for Outstanding Career Achievement and Exemplary Leadership by International Top 100 Magazine
Utah Business Magazine Legal Elite 2016 and 2018
10 Best Client Satisfaction awarded by American Institute of Criminal Law Attorneys 2016
Top 10 Attorney Award by the National Academy of Criminal Defense Attorneys 2014 – 2016

OTHER

Tried over 700 criminal and civil trials to verdict.

In 2007, obtained the first acquittal in a first degree murder case in Salt Lake County in twenty years. Featured in Discovery Channel episode, "Forensics, You Decide - Deadly Kiss".

Speaker for continued legal education topics.

Featured in articles in the Wall Street Journal, Denver Post, Salt Lake Tribune, Deseret News, CNN, The Star and other national magazines.

Engaged in criminal prosecution and/or defense work for more than 35 years.

SCARLET R. SMITH

422 Van Ness Place, Salt Lake City, Utah 84111
(702) 218-2387 • scarbeano@gmail.com

PROFESSIONAL EXPERIENCE

Strong & Hanni, PC, Salt Lake City, Utah <i>Associate</i>	August 2016 – Present
• Practicing in litigation group with a focus on bad faith insurance coverage issues and appeals	
Utah Court of Appeals, Salt Lake City, Utah <i>Judicial Clerk, Honorable Judge Kate A. Toomey</i>	October 2014 – August 2016
FIRM Revenue Cycle Management, Inc., Las Vegas, Nevada <i>Appeals Specialist</i>	March – October 2014
• Prepared commercial insurance, Medicare, and Medicaid appeals for healthcare providers nationwide	
Office of General Counsel, University of Utah, Salt Lake City, Utah <i>Law Intern</i>	November 2012 – July 2013
• Conducted research and drafted memoranda on various topics, including the False Claims Act	
Match & Farnsworth, PC, Salt Lake City, Utah <i>Low Clerk</i>	May 2012 – April 2013
• Drafted and prepared Social Security disability appeals	

JUDICIAL EXTERNSHIP EXPERIENCE

Federal District Court, District of Utah <i>Judicial Extern, Honorable Judge Dale A. Kimball</i>	September – December 2013 Summer 2013
Judicial Extern, Honorable Magistrate Judge Evelyn J. Furse	
Utah Court of Appeals <i>Judicial Extern, Honorable Judge Michele M. Christiansen</i>	August – December 2012

EDUCATION

S.J. Quinney College of Law / Department of Political Science, University of Utah, Salt Lake City, Utah
Juris Doctor, with Honors / Masters in Public Administration, *Summa Cum Laude*, December 2013

Activities:	Utah Law Review, Executive Footnote Editor / Staff Editor, 2012 – 2014 Semifinalist, Traynor Moot Court Competition, 2012 (third place) Treasurer, Women's Law Caucus, 2011 – 2012 Research / Teaching Assistant 2011 – 2013
Honors:	National Pi Alpha Alpha Student Manuscript of the Year, 2013 Outstanding Achievement Award in <i>Federal Courts</i> , 2013 National Association of Women Lawyers Award (selected by the Dean's Office), 2013 Dalmas Nelson Paper Writing Award, 2013 S.J. Quinney College of Law Leadership Award, 2012 Reva Beck Bosone Award, 2012 CALL Award in <i>Health and Privacy</i> , 2011 Most Outstanding Student Award (selected by peers), 2011

University of Nevada, Las Vegas, Las Vegas, Nevada
Bachelor of Arts, Psychology and Italian Studies, *Magna Cum Laude*, May 2009

ADMISSIONS

Utah State Bar	June 2014
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SCARLET R. SMITH

422 Van Ness Place, Salt Lake City, Utah 84111
(702) 218-2387 • scarbeano@gmail.com

PUBLICATIONS AND PRESENTATIONS

<i>In Good Company: How Corporate Social Responsibility Can Protect Rights and Aid Efforts to End Child Sex Trafficking and Modern Slavery</i> , 46 N.Y.U.J. INT'L L. & POL. 55 (2013) (with Professor Erika R. George)	
<i>Have a Heart: Foster Children Should Not Be Categorically Denied Organ Transplants</i> (2012) (2013 Dalmas Nelson Paper Award winner) (2013 National Pi Alpha Alpha Student Manuscript of the Year winner)	
<i>Peril in the Patchwork: Ensuring Health Care Privacy for Children in Foster Care</i> (2012)	
<i>It's Just Good Business: How Corporate Social Responsibility Can Combat Child Sex Trafficking</i> , National Interdisciplinary Human Trafficking Conference, University of Nebraska, October 2012 (invited paper presentation)	
<i>Age Appropriateness for Different Parenting Discipline Strategies</i> , American Psychological Association Conference, Boston, Massachusetts, 2008 (selected for poster session)	

LEGAL COMMUNITY ACTIVITIES

David K. Watkiss – Sutherland II American Inn of Court, <i>Member</i>	2013 – Present
• 2017 National American Inns of Court Pegasus Scholar (nominated by chapter Inn members)	
Women Lawyers of Utah, <i>Board Member</i>	2011 – Present
National Association of Women Judges, <i>Conference Planning Committee Member</i>	October 2015
Court Appointed Special Advocates (CASA), <i>Advocate</i> , Las Vegas, Nevada	2007 – 2009
• Commendation from Senator Harry Reid for my advocacy on behalf of children in foster care	

Felice John Viti
9296 Par Court
Park City, UT 84098
(801) 834-9456

Dear Ms. Abadi:

Please accept this letter and résumé as my application to serve on the Third District Trial Court Nominating Commission. I am a politically independent United States citizen who resides in Summit County. Based on my experience described below, I believe I have the necessary skills and experience to serve on the Commission.

I have been an Assistant United States Attorney in the District of Utah for almost 24 years. During this time, I have held a number of leadership positions including Chief of the Criminal Division, Chief of the General Crimes Section, Chief of the Violent Crimes/Terrorism Section, and Deputy Chief of the Violent Crimes/Terrorism Section. While Criminal Chief, I was a member of the Criminal Chiefs Working Group of the Department of Justice (DOJ). Additionally, I served as the office's Professional Responsibility Officer for a number of years. I also have extensive experience prosecuting violent crimes, especially those occurring within Indian Country. I have successfully prosecuted a number of high profile cases, including the prosecution of Brian David Mitchell, who was convicted of kidnapping and sexually assaulting Elizabeth Smart and, more recently, Roberto Roman, who was convicted of murdering the first female law enforcement officer in Utah killed in the line of duty.

My experience, however, extends beyond my responsibilities in the District of Utah. On two separate occasions, from July 2015 to July 2016, and from February 2007 to December 2009, I was detailed to the National Security Division of DOJ where I was the lead prosecutor in the Military Commission prosecutions of two high value al-Qaeda detainees, Hadi al-Iraqi and Ahmed Khalfan Ghailani. Ghailani was eventually tried and convicted in federal court in the Southern District of New York for his role in the 1998 simultaneous bombings of the U.S. embassies in Kenya and Tanzania.

From January 2006 to August 2006, I was detailed to Baghdad, Iraq, where I served with the Regime Crimes Liaison Office (RCLO), and assisted in the investigation and prosecution of Saddam Hussein and members of his former regime. I served as a legal advisor to the trial chamber which presided over the trial of Saddam Hussein and seven codefendants. I advised the judges in Iraqi and International Law, and assisted them in working within the framework of an adversarial criminal justice system.

From April 2000 to October 2000, I was detailed to Bosnia-Herzegovina, where I served as the Intermittent Legal Advisor for the Office of Overseas Prosecutorial Development Assistance and Training (OPDAT). I assisted Bosnian prosecutors and investigators form task forces designed to combat organized crime, terrorism, and corruption.

Prior to becoming an AUSA, I was a Special Agent of the Federal Bureau of Investigation in the Salt Lake City Division for five and a half years. During this time, I was assigned to the Narcotics and the White Collar Crime Squads. I was involved in a number of complex, multi-agency long term undercover narcotics investigations, both as the case agent and undercover agent. I also investigated financial and public corruption crimes.

Prior to my appointment as an FBI Special Agent, I was an Assistant District Attorney in the Bronx County District Attorney's Office for six and a half years. I served as a trial attorney in the Domestic Violence/Juvenile Offenders/Sex Crimes Bureau and the Major Offense Bureau. I was also a supervisor of the Criminal Court Bureau and the Domestic Violence/Juvenile Offenders/Sex Crimes Bureau.

I have spent my entire 36-year professional career as a public servant in the criminal justice system in a variety of capacities and forums. I believe that during my career I have developed the experience, judgment, and interpersonal skills necessary to be a member of the Nominating Commission.

I look forward to hearing from you.

Sincerely,

/s/ Felice John Viti

FELICE JOHN VITI

PARK CITY, UT 84098 • 801.834.9456 • felice.viti@usdoj.gov

PROFESSIONAL EXPERIENCE

OFFICE OF THE UNITED STATES ATTORNEY, DISTRICT OF UTAH
ASSISTANT UNITED STATES ATTORNEY

APPELLATE SECTION ATTORNEY
AUTHORED APPROXIMATELY 15 APPELLATE BRIEFS FILED IN THE TENTH CIRCUIT AND PARTICIPATED IN THREE TENTH CIRCUIT ORAL ARGUMENTS SINCE 1995.

MAY 1995-PRESENT

LEAD PROSECUTOR, MILITARY COMMISSIONS
PROSECUTION OF HIGH VALUE AL-QAEDA DETAINEE HADI AL-IRAQI FOR VIOLATIONS OF THE LAWS OF WAR IN HIS ROLE AS MILITARY COMMANDER OF AL-QAEDA AND TALIBAN FORCES IN AFGHANISTAN.

JULY 2015-JULY 2016

CHIEF, CRIMINAL DIVISION
SUPERVISED APPROXIMATELY 40 ATTORNEYS AND OVERSAW ALL SECTIONS WITHIN THE CRIMINAL DIVISION.

JANUARY 2011-JULY 2015

TENTH CIRCUIT REPRESENTATIVE, DOJ CRIMINAL CHIEFS WORKING GROUP

JULY 2014-JULY 2015

LEAD PROSECUTOR, MILITARY COMMISSIONS
PROSECUTION OF HIGH VALUE AL-QAEDA DETAINEE AHMED GHAILANI FOR HIS ROLE IN THE 1998 SIMULTANEOUS BOMBINGS OF THE U.S. EMBASSIES IN KENYA AND TANZANIA.

FEBRUARY 2007-JUNE 2009

CHIEF, GENERAL CRIMES SECTION

SEPTEMBER 2006-FEBRUARY 2007

TRIAL CHAMBER ADVISOR, DOJ REGIME CRIMES LIAISON OFFICE, BAGHDAD, IRAQ

JANUARY 2006-AUGUST 2006

ADVISED TO IRAQI JUDGES PRESIDING OVER THE TRIAL OF SADDAM HUSSEIN AND MEMBERS OF HIS FORMER REGIME FOR CRIMES AGAINST HUMANITY AND OTHER INTERNATIONAL CRIMES.

CHIEF, VIOLENT CRIME/TERRORISM SECTION

JUNE 2003-DECEMBER 2006

DEPUTY CHIEF, VIOLENT CRIME/TERRORISM SECTION

NOVEMBER 1999-JUNE 2003

LEGAL ADVISOR, DOJ OFFICE OF OVERSEAS PROSECUTORIAL DEVELOPMENT AND TRAINING,
SARAJEVO, BOSNIA-HERZEGOVINA
APRIL 2000-OCTOBER 2000 ASSISTED AND TRAINED FEDERAL AND LOCAL LAW ENFORCEMENT AND PROSECUTORS TO COMBAT ORGANIZED CRIME, TERRORISM, AND CORRUPTION.

PROFESSIONAL RESPONSIBILITY OFFICER

JANUARY 1998-FEBRUARY 2007

TRIAL ATTORNEY

PROSECUTION OF VIOLENT CRIMES IN INDIAN COUNTRY AND OTHER VIOLENT CRIMES.

MAY 1995-PRESENT

FEDERAL BUREAU OF INVESTIGATION, SALT LAKE CITY DIVISION
SPECIAL AGENT

JANUARY 1990-MAY 1995

NARCOTICS SQUAD

DEVELOPED, COORDINATED, AND SERVED IN LONG-TERM UNDERCOVER OPERATIONS BOTH AS CASE AGENT AND UNDERCOVER AGENT.

WHITE COLLAR CRIME SQUAD

INVESTIGATED COMPLEX WHITE COLLAR AND PUBLIC CORRUPTION CRIMES.

OFFICE OF THE DISTRICT ATTORNEY, BRONX COUNTY, NEW YORK
ASSISTANT DISTRICT ATTORNEY

AUGUST 1983-JANUARY 1990

SUPERVISOR, DOMESTIC VIOLENCE/JUVENILE OFFENDERS/SEX CRIMES BUREAU
SUPERVISED APPROXIMATELY 25 ATTORNEYS IN THE PROSECUTION OF HOMICIDES, SEX CRIMES, CHILD ABUSE, DOMESTIC VIOLENCE, AND JUVENILE OFFENSES.

SUPERVISOR, CRIMINAL COURT BUREAU

SUPERVISED APPROXIMATELY 50 ATTORNEYS ASSIGNED TO THE CRIMINAL COURT OF BRONX COUNTY.

TRIAL ATTORNEY, THE MAJOR OFFENSE BUREAU AND DOMESTIC VIOLENCE/JUVENILE OFFENDERS/SEX CRIMES BUREAU

EDUCATION

FORDHAM UNIVERSITY SCHOOL OF LAW, NEW YORK, NEW YORK
JURIS DOCTOR, 1983

COLUMBIA COLLEGE AT COLUMBIA UNIVERSITY, NEW YORK, NEW YORK
BACHELOR OF ARTS, 1979

DEAN'S LIST; VARSITY FOOTBALL; VARSITY BASEBALL, CAPTAIN, VARSITY BASEBALL TEAM

BAR MEMBERSHIPS

NEW YORK STATE BAR, 1984
UTAH STATE BAR, 1994

HONORS AND AWARDS

- UNITED STATES ATTORNEY'S AWARD FOR SUPERIOR PERFORMANCE BY A LITIGATIVE TEAM, UNITED STATES V. ROBERTO ROMAN (MURDER OF A POLICE OFFICER) 2017
- FEDERAL BAR ASSOCIATION, UTAH CHAPTER, PUBLIC SECTOR DISTINGUISHED SERVICE AWARD 2014
- EXECUTIVE OFFICE FOR U.S. ATTORNEYS DIRECTOR'S AWARD FOR SUPERIOR PERFORMANCE BY A LITIGATIVE TEAM, UNITED STATES V. BRIAN DAVID MITCHELL (ELIZABETH SMART KIDNAPPING) 2011
- UNITED STATES ATTORNEY'S AWARD FOR SUPERIOR PERFORMANCE BY A LITIGATIVE TEAM (ELIZABETH SMART KIDNAPPING) 2011
- UNITED STATES ATTORNEY'S AWARD FOR SUSTAINED SUPERIOR PERFORMANCE 2006
- UTAH LAW ENFORCEMENT OFFICER OF THE YEAR 1992

John K. West
1966 Ramona Avenue
Salt Lake City, Utah 84108

PROFESIONAL EXPERIENCE

Criminal Litigation

- Prosecutor for Eight Years
- Public Defender for Nineteen Years
- Many Jury Trials

Civil Litigation

- Civil Rights Defense in Federal and State Courts
- Prisoner Litigation
- Child Support Enforcement

OTHER EXPERIENCE

- Speak, read and write Spanish
- Member of Utah Model Criminal Jury Instruction Committee 2011--2015
- Member of Utah Third Judicial District Victims' Rights Committee 2011--2014

MANAGEMENT EXPERIENCE

- Section Chief Utah Attorney General's Office--Direct supervisory responsibilities for 7 attorneys and 13 support personnel

EDUCATION

Legal

- J.D. April 1984, J. Reuben Clark Law School, Brigham Young University
- *Cum Laude* Honors; Member BYU Board of Advocates; Editor for Moot Court Program; Moot Court Writing Scholarship; American Jurisprudence Award in Evidence

EMPLOYMENT HISTORY

2000--Present: Salt Lake Legal Defender--Salt Lake City, Utah
1992--2000: Assistant Utah Attorney General--Salt Lake City, Utah
1988--1992: Deputy Tooele County Attorney--Tooele, Utah
1988: Attorney, Utah Legal Services--Provo, Utah
1987--1988 Attorney, Sessions and Moore--Salt Lake City, Utah
1985--1987 Deputy Salt Lake County Attorney--Salt Lake City, Utah
1984--1985 Law Clerk, Honorable David Sam--Provo, Utah

COMMUNITY SERVICE

- Served in various positions within my local religious congregation
- Served as chair of local Boy Scouts of America committee

INTERESTS AND HOBBIES

- Bicycling
- Hiking
- Canoeing
- Sailing
- Travel
- Camping
- Woodturning
- Blacksmithing

PERSONAL TRIVIA

I grew up on a small farm/ranch in western Wyoming where I learned to work and care for livestock. I am the youngest of four children. I attended Star Valley High School and participated in football, wrestling and the drama club. I served a mission for my church for two years in Argentina. I speak read and write Spanish. I am married and have five children.

Tasha M. Williams
4847 South 2120 East
Holladay, UT, 84117
(435) 590-1580
twilliams@ujda.org

PROFESSIONAL EXPERIENCE

- 2010-Present

Attorney, Utah Juvenile Defender Attorneys, Salt Lake City, Utah
Advise and advocate for indigent juveniles accused of felonies, misdemeanors, and status offenses from detention hearing through expungement. Negotiate plea deals, draft and argue pre-trial motions, and defend juveniles at bench trials, restitution hearings, transfer hearings, and more. Advocate for the juvenile's mitigating circumstances during disposition, through probation or placement, and post-termination. Attend yearly 2-day trainings via the National Juvenile Defender Center. Represent juveniles in juvenile drug treatment court and helped shape new court policy under direction from the National Council of Juvenile and Family Court Judges ("NCJFCJ") Learning Collaborative.
- July 2018

Certified Trainer, Juvenile Training Immersion Program
National Juvenile Defender Center, Houston, Texas
Certified trainer for the Juvenile Training Immersion Program, a highly-specialized, comprehensive, 42-lesson trial advocacy training program designed to serve as the "gold standard" in training for juvenile defenders. Certification included emphasis on adult learning theory and training instruction.
- 2016-17

Chair, Juvenile Law Section, Utah State Bar, Salt Lake City, Utah
Arranged and coordinated continuing legal education and other opportunities for members of the Juvenile Law Section of the Utah State Bar. Previously served as Vice Chair and CLE Chair.
- Oct. 2007 – August 2010

Associate Attorney and Law Clerk, Skardas, Caston & Hyde, Salt Lake City, Utah
Negotiated plea deals, advocated at pre-trial proceedings and sentencing hearings, researched legal issues, drafted and argued pre-trial motions, including motions to suppress, motions to quash, and sentencing memorandums. Caseload included justice court, juvenile court, district court, and federal court.
- Fall 2006

Law Clerk, Third District Court of Utah, Honorable Judith Atherton
Researched and observed criminal proceedings. Staffed many cases with Judge Atherton after court, which deepened my understanding of criminal justice system.
- Summer 2006

Law Clerk, Executive Office of Immigration Review, Honorable William Nixon

- Spring 2005

Wrote bench memos on asylum, deportation and other cases, prepared opinions on attorney motions, researched judicial ethics, and general immigration issues.

Assistant to Majority Leadership, Utah State Senate
Attended leadership meetings, coordinated press events and other media issues, assisted senators as needed, including coordinating fundraising event, and wrote press releases and news advisories.
- Various

Intern, *United States Senate Judiciary Committee* (2005), Washington D.C.
Board Secretary, *Capital Preservation Board*, State of Utah (2005)
Editorial Intern, *The Salt Lake Tribune* (2003)
- AWARDS

2016

Youth Advocate of the Year, *Utah Board of Juvenile Justice*
One of five Utah juvenile defense attorneys recognized for "outstanding contribution to Utah's youth and the juvenile court system" that "exemplifies excellence in service to others".

2014

Excellence in Juvenile Representation, *Utah Juvenile Defender Attorneys*
Given once a year, the juvenile public defender office honor for "her skillful legal representation protects the rights of children, strengthens the ideals of our community, and changes the lives of children for the better".
- EDUCATION

2008

Juris Doctor
University of Utah, S.J. Quinney College of Law

2005

Bachelor of Science, summa cum laude, Political Science and Communication
Southern Utah University

ADAM LJM BONDY

136 E. South Temple, 19th Floor
Salt Lake City, UT 84111

abondy@pamhlaw.com
(801) 350-9000

EDUCATION

University of San Diego School of Law, San Diego, CA
Juris Doctor
Honors: USD Academic Scholarship (2009-2012); Best Appellate Brief Award (Spring 2010); Best Clinic Intern (USD Small Claims Clinic, Spring 2011); Pro Bono Service Award; CALI Award (highest grade in International Finance Techniques, Fall 2011)
Activities: *San Diego International Law Journal*; Environmental Law Society; Asian Pacific American Law Students Association; Pan Asian Lawyers of San Diego; Filipino American Lawyers of San Diego

University of California, Irvine, The Paul Merage School of Business, Irvine, CA
Master of Business Administration
Honors: Faculty Fellowship Scholarship (2006-2008); led semifinalist team in 2007 Stradling Yocca Carlson Raub Business Plan Competition with proposal to retrofit existing buildings to LEED certification.
Activities: Graduate Student Body (Vice President); Net Impact (Vice President, UCI chapter)

Stanford Graduate School of Business, Stanford, CA
Certificate, Summer Institute for General Management

Reed College, Portland, OR
Bachelor of Arts, Political Science (International Relations) (thesis: From Lyre to Loudspeaker: Music as Power)
Honors: Alta S. Corbett Grant (research project: "Statistical analysis of reliability in Amnesty International reports"; data used in *Torture and Democracy*, Darius Rejali (Princeton University Press, 2007))
Activities: Student Body Senator (two terms); Office of Admissions (campus host); Asian Student Alliance (mentor for minority/first-generation students); Reed Honor Principle Society.

EXPERIENCE

Pia Anderson Moss Hoyt, Salt Lake City, UT
Associate
Apr. 2018 – Present

Hon. Michele M. Christiansen, Utah Court of Appeals, Salt Lake City, UT
Chambers Law Clerk
Aug. 2015 – Apr. 2018

Hon. John A. Pearce, Utah Court of Appeals, Salt Lake City, UT
Chambers Law Clerk
Jan. 2014 – Aug. 2015

Hon. J. Frederic Voros, Jr., Utah Court of Appeals, Salt Lake City, UT
Chambers Law Clerk
Aug. 2012 – Jan. 2014

Hon. William V. Gallo, U.S. District Court, Southern Dist. of California, San Diego, CA
Judicial Intern
Jan. 2012 – May 2012
and May 2011 – Aug. 2011

Hon. Steven R. Denton, Superior Court of California (Civil), San Diego, CA
Judicial Intern
Aug. 2011 – Dec. 2011

Small Claims Clinic, University of San Diego, San Diego, CA
Landlord Tenant Clinic, University of San Diego, San Diego, CA
Certified Law Student
Jan. 2011 – May 2011
Aug. 2010 – Dec. 2010

Wright, Finlay & Zak, Newport Beach, CA
Summer Associate
May 2010 – Aug. 2010

ADMISSIONS AND ACTIVITIES

- State Bar of California #294949 and Utah State Bar #14423
- Utah Rules of Professional Conduct Committee (secretary); Utah State Bar Awards Committee (member)
- Utah Minority Bar Association; Young Lawyers Division; Serving Our Seniors Committee; David K. Watkiss – Sutherland II Inn of Court
- Metro Condos HOA (president); City Centre Association (president); SLC Emergency Planning Team (member)

Joshua L. Lee

14023 S. Stone Canyon Dr. • Draper, Utah 84020 • (801) 300-5045 • jlee@bjid.com

CURRENT PRACTICE

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

Practice includes:

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

PRIOR LEGAL POSITIONS

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

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

EDUCATION

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

- *magna cum laude* – Ranked 6 of 149 (top 5%)
 - Lead Articles Editor – Law Review
- University of Utah • Salt Lake City, Utah • Bachelor of Music: Jazz Performance (Guitar), April 2002

REPORTED DECISIONS

- *ZB, N.A. v. Crapo*, 2017 UT 12, 394 P.3d 338 (obtained summary judgment against debtor claiming discharge)
- *Silvazina v. Duke*, 2015 UT App 40, 344 P.3d 1174 (obtained summary judgment on real estate contract claims)
- *Wallace Int'l. Ltd. P'ship v. Lone Peak Dev. Partners LLC*, 2014 WL 1917542, 2014 U.S. Dist. LEXIS 65754 (D. Utah May 13, 2014) (obtained summary judgment in development contract dispute)
- *Pratt v. Craguna North America, Inc.*, 2013 WL 6146075, 2013 U.S. Dist. LEXIS 166521 (D. Utah 2013) (obtained summary judgment in defending products liability case)
- *Turner v. Staker & Pinson Cos.*, 2012 UT 30, 284 P.3d 600 (obtained reversal of trial court's dismissal of personal injury claims)
- *Wirth v. Taylor*, 2011 WL 4001157, 2011 U.S. Dist. LEXIS 101773 (D. Utah 2011) (obtained summary judgment in defending securities fraud case)
- *Mallis v. Perrin*, 2010 WL 56073, 2010 U.S. Dist. LEXIS 890 (D. Utah 2010) (obtained summary judgment on a claim to quiet title to commercial property)

PUBLICATIONS

Federal Welland Jurisdiction and the Power to Regulate Commerce: Searching for the Nexus in Gerke
Excavating, 2006 BYU L. REV. 263
The Parol Evidence Rule in Utah: A Brief Survey, Utah Bar Journal Vol 29 No. 2 (Mar/Apr 2016)
The Constitutionality of Judgments by Confession: Some Practical Considerations, Utah Bar Journal Vol 28 No. 3 (May/June 2015)

OTHER PROFESSIONAL EXPERIENCE AND MEMBERSHIPS

Member, Utah State Bar Association
Mountain States Super Lawyers Rising Stars - 2016
Mountain States Super Lawyers Rising Stars – 2017

MARTIN N. OLSEN

8142 South State Street
Midvale, Utah 84047
(801) 255-7176

Martin N. Olsen
Page Two

EDUCATION

University of Utah College of Law, Salt Lake City, Utah, Juris Doctor degree, May 1991

University of Utah, Salt Lake City, Utah
Bachelor of Science degree, June 1988
Finance, cum laude.

Brigham Young University

SCHOLASTIC
HONORS/
AWARDS

Leary Scholar, University of Utah College of Law, 1990
Student Bar Association Second Year President
College of Law Faculty/Student Council Member
Phi Kappa Phi, Beta Gamma Sigma, Golden Key, Beta Sigma, Financial Management
Association Honor Societies
Beta Sigma Business Honor Society Scholarship

EMPLOYMENT

Attorney, Olsen & Olsen Law, L.L.C., Attorneys & Counselors at Law, July 1993 - July 1995,
July 1996 - Present. Areas of concentration: civil litigation, child advocacy and family law

Private Guardian ad Litem, 2003 - Present, Represent children in high conflict divorce or
modification cases in District Court

Non-Contract Guardian Ad Litem, Third Judicial District Court, February 1995 - Present,
Represent children in abuse and neglect cases as well as children involved in domestic
violence/protective order cases; conflict attorney for Utah State Office of Guardian Ad Litem

Guardian Ad Litem Attorney, Third District Court Permanency Project, July 1995 - July 1996,
Litigation attorney for abused and neglected children who had been in state's custody in excess of
eighteen months in permanency proceedings

Judicial Law Clerk, Utah State Court of Appeals, Judge Leonard H. Russon, January 1992 - July
1993; Drafted legal opinions, performed extensive legal research, reviewed and copyworked
chamber opinions, supervised chamber interns and externs, worked closely with Judge Russon
through case progress

Extern, Utah State Supreme Court, Justice I. Daniel Stewart, 1991. Drafted opinions, performed
legal research, reviewed and copyworked opinions, worked closely with Justice Stewart through
opinion process

Law Clerk, Utah State Attorney General's Office, Tax and Business Division, January 1990 -
December 1992. Concentrated principally in UDITPA Corporate Franchise Tax, sales and use tax,
and minerals production tax; drafted model tax statutes; interpreted tax statutes and regs

Tutorial Instructor, University of Utah College of Law, Criminal Law, 1990 - 1991. Instructed
students in criminal law course; lectured students enrolled on weekly basis; prepared assignments
and examinations

PROFESSIONAL
AFFILIATIONS

Member, Statewide Court Improvement Committee; Committee charged with developing
comprehensive plan to move family law cases through courts more expeditiously, 2016 - 2017
Trustee, Board of Trustees, Rowland Hall St. Mark's School; Oversight board for oldest private
school in Utah, 2016 - 2022

Member, Standing Committee on Public Education; Presidential appointment responsible for
developing, compiling, editing and distributing American Bar Association publications and
programmatic materials to practitioners and members of the general public; term, August 2006 -
August 2009

Chair, American Bar Association, Steering Committee on the Unmet Legal Needs of
Children; principal committee coordinating and directing all children's projects and initiatives
within the American Bar Association; term, August 2004 - July 2006

Board Member, Utah State Juvenile Justice Services; policy making board for Utah's juvenile
justice and youth corrections system; term, July 2005 - July 2008

Vice Chair, Statewide Board for Children's Justice Centers; formulating and coordinating
comprehensive fundraising for Utah's Children's Justice Centers; term, September 2004 - 2007

Board of Governors, American Bar Association; elected to Governing Board of the ABA,
August 1999; Liaison to Steering Committee on the Unmet Legal Needs of Children; term, 2000 -
2003

Chair, Board of Division of Child and Family Services, Statewide policy making body charged
with oversight of Utah's Division of Child and Family Services; term, January 2003 - 2004

Board Member, Division of Child and Family Services, appointed by Governor Michael Leavitt,
July 1, 2000; Liaison to Council on Domestic Violence and Child Abuse and Neglect, July 2000 -
2003; term, 2000 - 2004

Executive Board Member, Utah State Bar Litigation Section, January 1999 - 2001

Member, Supreme Court Advisory Committee on the Rules of Juvenile Procedure, appointed by
Chief Justice Michael D. Zimmerman, 1998 - 2003

Member, American Bar Association (ABA) Steering Committee on the Unmet Legal Needs of
Children, 1997 - 2000

Member, Long Range Planning of the ABA Young Lawyers Division (YLD), August 1997 -
August 2000

Director, ABA/YLD, oversee Children and the Law Committee, Family Law Committee, Human
and Civil Rights Committee, and Real Property and Probate Law Committee, 1998 - 1999

Member, ABA/YLD Resolutions Committee, 1997 - 1998

Chair, ABA/YLD Western Caucus, Chair Association of Western States in Young Lawyers Division, July 1997 - July 1998

District Representative, ABA/YLD, Represent the Districts of Utah and Nevada; member of ABA/YLD Executive Council; 1996 - 1998

Committee Member, Needs of Children Committee, ABA Family Law Section, May 1997 - 2001

Vice Chair, ABA Children and the Law Committee, July 1996 - July 1997

Regional Coordinator, ABA Aspiring Youth Program, 1996 - 2000

Member, ABA/YLD, Domestic Violence Committee-Youth Violence Project, February 1997 - 1999

President-Elect, Utah State Bar Young Lawyers Division, 1994 - 1995

President, Utah State Bar Young Lawyers Division, 1995 - 1996

Ex-Officio Member, Utah State Bar Commission, July 1995 - July 1996

Chair, ABA/YLD Children & the Law Committee Newsletter, July 1995 - July 1996

Planning Board Member, ABA/YLD Children & the Law Committee, July 1995 - 1999

Board Member, Big Brothers/Big Sisters of Salt Lake City, September 1995 - July 1996

Subcommittee Member, Commission on Criminal and Juvenile Justice Subcommittee, September 1993 - 1994, Appointed by Governor Leavitt as Citizen Representative to evaluate current juvenile justice system for recommendation of possible organizational structures for the State's system.

Co-Chair, Committee For the Restoration of the Salt Lake County Children's Shelter, 1994 - 1995

Member, Utah State Bar Needs of Children Committee, 1992 - 1996

Chair, Subcommittee for Legislative Tracking of Children's Issues, 1994 - 1996

Member, Utah State Bar Subcommittee on Professionalism and Civility in the Practice of Law, 1994 - 1997

Volunteer, Guardian Ad Litem in Third District, 1994 - Present

Judge Pro Tempore, Third Circuit Court, Sandy Department, 1993 - 2008

Volunteer, Tuesday Night Bar, 1992 - 2008

COMMUNITY AFFILIATIONS

Volunteer, Primary Children's Hospital, Child Life Unit, 1993 - 2008

Wish Granter, Make a Wish Foundation of Utah, 1998 - 2008

Mentor, Village Project, Third District Juvenile Court, May 1997 - May 1999, provided mentoring to youths involved in the juvenile justice system

Member, Board of Advisors, Ririe Woodbury Dance Company, Salt Lake City, Utah, May 1998 - 2002

Co-Chair, Y.W.C.A. Week Without Violence, 1996, Developed curriculum and planned events for Y.W.C.A.'s second annual week without violence. Chaired Children's day event - "Peace Begins With Me Day" at Washington Elementary

Volunteer, Big Brothers/Big Sisters of Greater Salt Lake, 1992 - 1996

Sitting Member, Utah Kids Coalition, 1994 - 1998

HONORS/ AWARDS

Salt Lake County Vital Volunteer, 1995

American Bar Association Child Advocacy Law Award, 1998

Utah State Bar Young Lawyer of the Year, 1998

REFERENCES

Justice Leonard H. Russon, Utah State Supreme Court

Judge Lee Dever, Former Third District Court Judge

S. Camille Anthony, Executive Director, Utah Department of Administrative Services

Jeff Hollingworth, Attorney at Law, Nelson, Christensen, Hollingworth & Williams

Kristin G. Brewer, Former Director State Office of Guardian ad Litem

Elizabeth Knight, Juvenile Court Judge

SALT LAKE LEGAL DEFENDER ASSOCIATION
Fighting for the Accused Since 1965

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Gary K. Dalton
Dennis C. Ferguson
Maria J. Garcia
Howard R. Lemcke
Theresa Martinez
Mark R. Moffat

Education
University of Utah S.J. Quinney College of Law, Salt Lake City, Utah
J.D., with honors, 2014
• William H. Leary Scholar
• Ranked in the top 30% of the Class of 2014
• CALI Awards for Pretrial Practice and Adoption Law
• Outstanding Achievement Awards for Juvenile Court Law and Preparing Witnesses for Trial
• Recipient, David T. Lewis Clinical Award for Outstanding Achievement in the Clinical Program
• Recipient, Pro Bono Certificate
• Participant, David K. Wakkiss-Sutherland II Inn of Court
• Member, New Faculty Hiring Committee
• Member, Women's Law Caucus
Bates College, Lewiston, Maine
B.A., Philosophy, 2008
• Thesis, "A Condemned Prisoner's Utility: A discussion on the ethics of death row organ donation."
• Member, Bates College Lectures Committee
• Volunteer, Admissions Office
University of Exeter, Exeter, United Kingdom
Visiting Student, 2006-2007
• Studies in moral theory and applied ethics
Experience


To Whom it May Concern,

I am applying to serve a term on the Judicial Nominating Commission for the Third Judicial District, State of Utah. It is my firm belief that Utah's judicial selection process is among the finest in the nation. The selection process not only ensures that we have knowledgeable and capable judges who are well-versed in the law, but judges who represent a diversity of backgrounds, history, and experience. I believe I would be an asset to the Nominating Commission and would welcome the opportunity to serve on it.

I have worked at the Salt Lake Legal Defender Association since I was in law school and I am in my fifth year as a trial attorney. My work, by its very nature, requires almost daily court appearances and I frequently spend more time in the courtroom than I do in my office. I have conducted over thirty jury trials to verdict before a variety of judges, I have done preliminary hearings before every judge downtown, and I have litigated countless motions in the Third District. I believe my extensive courtroom experience uniquely qualifies me to be a part of the judicial selection process because I have insight into what skills are required to not only ensure fairness in the process, but to be able to handle a large docket with varied and complex legal issues.

My political affiliation is officially registered as unaffiliated, but I tend to vote democratic. This is my personal political affiliation and does not reflect any views of the Salt Lake Legal Defender Association, which is a 501(c)(3) organization.

Thank you for your consideration and please do not hesitate to contact me if you have any questions. I may be reached at the address above, or by cell phone ((801) 209-4847) or email (mstirba@silda.com).

Sincerely,

Melissa G. Stirba
Bar Number 15265

Melissa G. Stirba

((801) 532-5444 • mstirba@silda.com • 424 East 500 South, Suite 300 • Salt Lake City, Utah 84111

Salt Lake Legal Defender Association
Trial Attorney
• Tried over 30 felony and misdemeanor cases to a jury verdict.
• Litigated a wide-array of issues including suppression, due process, and equal protection-related matters.
• Briefed two cases on appeal and presented oral argument before the Utah Court of Appeals.
Salt Lake Legal Defender Association, Salt Lake City, Utah
May 2013-December 2014
Law Clerk
• Drafted appellate briefs, conducted legal research, and prepared memoranda on appellate and trial-related issues.
Federal Public Defender, District of Utah, Salt Lake City, Utah
September 2013-April 2014
Legal Intern
• Assisted with misdemeanor cases, conducted an evidentiary hearing, and researched and drafted pretrial motions.
Rocky Mountain Innocence Center, Salt Lake City, Utah
June 2013-August 2013
Pro Bono Case Investigator
• Conducted post-conviction investigation of a homicide case.
Utah Court of Appeals, Salt Lake City, Utah
January 2013-April 2013
Judicial Intern to the Hon. J. Frederis Voros
• Conducted legal research, copy worked draft opinions, and drafted memoranda in criminal appeals.
United States District Court for the District of Utah, Salt Lake City, Utah
May 2012-August 2012
Judicial Intern to the Hon. David Nuffer
• Conducted legal research and drafted orders on pretrial and dispositive motions.
Community

Utah Association of Criminal Defense Lawyers
October 2016-Present
Board Member
• Addresses various criminal defense-related issues including education, legislation, and litigation.
Operation Rio Grande Drug Court
March 2018-September 2018
Defense Staff Attorney
• Worked with drug court team to help people affected by homelessness overcome drug addiction.
Anne Stirba Cancer Foundation, Salt Lake City, Utah
2002-2016
Volunteer
• Helped organize the annual 5K Judges Run at Sugarhouse Park.
• Organized the Foundation's 2009 Golf Tournament at the Homestead Resort in Midway, Utah.
St. Mary's Regional Hospital, Cancer Resource Center, Lewiston, Maine
2005-2006 and 2007-2008
Volunteer
• Worked with hospital administration to open Maine's first cancer resource center with a grant from the American Cancer Society.

Ann Marie Taliaferro

422 North 300 West • Salt Lake City, Utah 84103 • (801) 532-5297

Education

1997-2000

University of Utah College of Law, Salt Lake City, Utah

- Juris Doctor, 2000 (Utah State Bar #8776)
- Utah Law Review, 1998-2000; Staff Writer, Note & Comment Editor
- William H. Leary Scholar (Top 20%)
- Trial Team, 1999-2000
- Teaching Assistant, Legal Research and Writing Program, 1999-2000
- Traynor Moot Court Competition, Semi-finalist, 1998-1999
- Student Bar Association Board of Governors, 1998-1999

1988-1994

University of Utah, Salt Lake City, Utah

- Bachelor Degree: English (B.A.)
- Bachelor Degree: Political Science (B.S., cum laude)
- Utah Secondary Education Teaching Certification
- TESOL Certification (Teaching English to Speakers of Other Languages)

Employment & Experience

February 2000- Present

Brown Bradshaw & Moffat, Salt Lake City, Utah

- Partner (July 2013-present); Associate Attorney (October 2000-2015)
Experience: Criminal defense, appellate, and post-conviction advocacy. Practice areas include trial advocacy in misdemeanor, felony and capital defense in both state and federal court, appellate advocacy, and motion practice. Some experience with victim representation. Some civil litigation experience including actions for civil rights violations and forfeiture defense.

June 2018- Present

University of Utah, S.J. Quinney College of Law, Salt Lake City, Utah

- Adjunct Associate Professor of Law
Experience: Co-teach criminal process course associated with law school's criminal clinic.

January 1999- January 2000

Office of the Utah Attorney General, Salt Lake City, Utah

- Law Clerk, Division of Criminal Appeals
Experience: State appellate advocacy. Legal research and writing. Drafted portions of appellate briefs for supervising attorneys. In addition to general criminal appeals, researched post-conviction and capital cases.

May 1998- December 1998

United States' Attorney's Office, Salt Lake City, Utah

- Law Clerk, Criminal Division
Experience: Federal motion practice and appellate advocacy. Legal research and writing. Drafted portions of appellate briefs and federal district court trial motions for supervising appellate and trial attorneys.

1994-1997 (continued into 2002)

Granite School District, Salt Lake City, Utah

- High School Teacher, Coach, and Water Fitness Instructor
Experience: Taught English, English as a Second Language and swimming. Head coach for women's tennis team and high school swim team. Volunteer coach for youth swim team. Taught night and weekend community water fitness classes, which continued into 2002.

Summer, 1993

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

- Summer Intern, Office of the Clerk
Experience: Gave tours and lectures to the public, school groups, and foreign dignitaries about the history and operation of the Court. Spoke to approximately four hundred guests per day.

Appellate & Post-Conviction Advocacy

* positive treatment/result

State Appeals

- *State v. Bush*, 2001 UT App 10 (co-counsel)*
- *State v. Washington*, 2001 UT App 294
- *State v. Shapiro*, 2002 UT App 28
- *State v. Penn*, 2004 UT App 212 (co-counsel)*
- *Hatch v. Davis*, 2004 UT App 378 (co-counsel)
- *CCD L.C. v. Millap*, 2005 UT 42 (co-counsel)
- *State v. Tiscareno*, 2005 UT App 176 (co-counsel)*
- *Hatch v. Davis*, 2006 UT 44 (co-counsel)*
- *State v. Hales*, 2007 UT 14 (co-counsel)*
- *Archuleta v. Galeika*, 2008 UT 76 (co-counsel)*
- *State v. Gallegos*, 2009 UT 42 (co-counsel)
- *State v. Hall*, 2010 UT App 138, *overruled* (co-counsel)
- *Acor v. Salt Lake City School Dist.*, 2011 UT 8 (co-counsel)*
- *State v. Blair*, 2012 UT App 106*
- *State v. Pimm*, No. 20140730-CA (stipulated reversal)*
- *State v. Reigelsperger*, 2017 UT App 101, *cert. denied*.
- *State v. UHF and UDFS*, 2018 UT 44 (co-counsel)*
- *State v. McNair*, No. 20170504-CA (pending)
- *State v. McNair*, No. 20170585-CA (pending)
- *State v. Heath*, No. 20180076-CA (pending)
- *State v. Martinez*, No. 20180153-CA (co-counsel) (pending)
- *State v. Bunker*, No. 20160440-CA (pending)
- *State v. Popp*, No. 20180224-CA (co-counsel) (pending)
- *State v. Eddington*, No. 20180597-CA (pending)
- *State v. Alirica* (pending)

Federal Appeals

- *U.S. v. Berrocal*, 232 F.3d 902 (10th Cir. 2000) (co-counsel)
- *U.S. v. Barbieri*, 43 Fed.Appx. 367 (10th Cir. 2002) (co-counsel)*
- *U.S. v. Evans*, 44 Fed.Appx. 449 (10th Cir. 2002) (co-counsel)
- *U.S. v. Fiscus*, 44 Fed.Appx. 157 (10th Cir. 2003) (co-counsel)*
- *U.S. v. Lang*, 405 F.3d 1060 (10th Cir. 2005) (co-counsel)*
- *U.S. v. Moyer*, 247 Fed.Appx. 996 (10th Cir. 2007)
- *U.S. v. Egbert*, et al., 562 F.3d 1092 (10th Cir. 2009)*
- *U.S. v. Garcia-Pena*, 17 Fed.Appx. 763 (10th Cir. 2009)
- *U.S. v. Frakes*, 402 Fed.Appx. 332 (10th Cir. 2010)
- *U.S. v. Banuelos Barrazo*, 639 F.3d 1262 (10th Cir. 2011)
- *U.S. v. Strasser*, 445 Fed.Appx. 109 (10th Cir. 2011)
- *U.S. v. Augustine*, 742 F.3d 1258 (10th Cir. 2014), *cert. denied*.
- *U.S. v. Adams*, 588 Fed.Appx. 811 (10th Cir. 2014)*
- *U.S. v. Wiseman*, 749 F.3d 1191 (10th Cir. 2014) (co-counsel)
- *U.S. v. Zar*, et al., 790 F.3d 1036 (10th Cir. 2015), *reh'ing en banc denied; cert. denied*.
- *U.S. v. Pawliski*, et al., 651 F.Appx. 730 (10th Cir. 2016), *reh'ing en banc denied; cert. denied*.
- *United States ex. rel. Brandon Barrick v. Parker-Migliorini International, LLC*, et al., 878 F.3d 1224 (10th Cir. 2017), *reh'ing en banc denied; cert. denied*, 139 S.Ct. 78 (2018) (co-counsel)
- *U.S. v. Rubio-Sepulveda*, No. 18-1055 (pending)
- *U.S. v. McCliglin*, No. 18-1217 (pending)
- *U.S. v. Carter*, No. 18-8069 (pending)

Post-Trial Motions and Post-Conviction

- *State v. Brown*, Fourth Judicial Court-Provo, Utah County, State of Utah, No. 111400408 (sexual abuse convictions; client entered pleas represented by different counsel; motion to reinstate time to appeal) (*pending*);
- *State v. Henjling*, Third Judicial Court-Summit County, State of Utah, No. 161500049 (homicide conviction; client convicted at first trial represented by different counsel; motion for new trial filed) (*pending*);
- *State v. Nilson*, First Judicial Court-Logan, Cache County, State of Utah, No. 151100492 (failure to register as sex offender convictions; convicted at first trial represented by different counsel; motion to arrest judgment filed; motion denied);
- *State v. Trueman*, Fourth Judicial Court-Provo, Utah County, State of Utah, No. 131402075* (co-counsel) (homicide conviction; client convicted at first trial represented by different counsel; motion for new trial filed; motion for new trial granted; represented client in new trial proceedings; client acquitted February 2017 upon retrial before jury);
- *United States v. Adams*, United States District Court, District of Utah, No. 2:08-CY-0774* (federal drug conspiracy convictions; client convicted and sentenced to life in prison represented by different counsel; appointed to file/amend federal post-conviction petition; relief on Tenth Circuit post-conviction appeal; relief granted in district court on remand; life sentence vacated and defendant re-sentenced; defendant released March 2016);
- *United States v. Sanders*, United States District Court, District of Utah, Crim. No. 1:14-CR-00016 (co-counsel) (appointed to file federal post-conviction petition; petition denied);
- *United States v. Canaday*, United States District Court, District of Utah, Crim. No. 2:15-CR-00010 (co-counsel) (appointed to file federal post-conviction petition; petition voluntarily withdrawn);
- *State v. Henry*, Sixth Judicial Court-Manit, State of Utah, No. 121600011 (felony theft conviction; client convicted at first trial represented by different counsel; motion to arrest judgment filed) (*pending*);
- *McNair v. State*, Third Judicial Court-Salt Lake, Salt Lake County, State of Utah, No. 100901725 (felony rape conviction in 2006; client entered plea represented by different counsel; client represented by different post-conviction counsel initially; filed amended state post-conviction petition, motion to reinstate time to appeal, and motion to correct illegal sentence; petition and motions denied) (*two appeals pending*);
- *State v. Thomas*, First Judicial Court-Logan, Cache County, State of Utah, No. 101101205* (co-counsel) (felony sex abuse of a child conviction; client convicted at trial represented by different counsel; motion to arrest judgment filed; motion granted; case resolved during new trial proceedings and client given credit for time served);
- *Holt v. State*, Third Judicial Court-Salt Lake County, State of Utah, No. 100925793* (co-counsel) (state post-conviction petition filed; stipulation by State to requested remedy);
- *State v. Larrabee*, Fifth Judicial Court-St. George, Washington County, State of Utah, No. 091500718 (co-counsel) (felony sex abuse of a child conviction; served as trial counsel; filed motion to arrest judgment; motion denied; new appellate counsel won reversal on appeal);
- *Jones v. State*, Second Judicial Court-Ogden, Weber County, State of Utah, No. 060906864* (co-counsel) (state post-conviction petition filed; relief obtained by pardon);
- *State v. Tiscareno*, Third Judicial Court-Summit County, State of Utah, No. 031500228* (co-counsel) (felony child abuse conviction - "shaken baby" case; client convicted at first trial represented by different counsel; motion to arrest judgment filed; motion granted; acquitted on retrial);

- *West Valley City v. Phillips*, Third Judicial Court-West Valley, Salt Lake County, State of Utah, No. 02110123* (misdemeanor assault conviction; client convicted at first trial represented by different counsel; motion for new trial filed; motion granted);
- *State v. Penn*, Seventh Judicial Court-Moab, Grand County, State of Utah, No. 021700243* (co-counsel) (felony controlled substance conviction; motion for new trial filed; motion denied; relief on direct appeal);
- *Dexter v. Friel*, Second Judicial Court-Farmington, Davis County, State of Utah, No. 010700474 (co-counsel) (state post-conviction petition filed);
- *State v. Hales*, Third Judicial Court-Salt Lake, Salt Lake County, State of Utah, No. 001903783* (co-counsel) (murder conviction - "shaken baby" case; client convicted at first trial represented by different counsel; motion for new trial filed; motion denied; relief on direct appeal; case dismissed upon remand by appellate court);

Professional Affiliations, Committees & Memberships

Utah Association of Criminal Defense Lawyers

- Member, 2000-present
- Board Member, October 2017-present
- Amicus Committee Member, 2005-May 2011
- CLE Committee Member, 2005-2008

Utah Supreme Court, Standing Committee on Appellate Representation

- Appointed Member, June 2018-present
Experience: Prepare and review applications for appointment to the newly formed Roster of Appellate Attorneys to represent indigent defendants on appeal in the Utah Supreme Court and the Utah Court of Appeals.

Rocky Mountain Innocence Center, Case Oversight Committee

- Committee Member, April 2016-present
Experience: Review petition requests and potential cases for litigation presented by students working with the Rocky Mountain Innocence Center.

American Inns of Court, Aldon J. Anderson Inn of Court

- Member, January 2016-present

Utah Supreme Court Advisory Committee, Utah Rules of Appellate Procedure

- Appointed Member, October 2011-present
Experience: Review Utah Rules of Appellate Procedure and make recommendations for additions and changes to the Utah Supreme Court.

Tenth Circuit Court of Appeals, CJA Standing Committee

- Appointed Member, 2008-October 2016
Experience: Reviewed applications for appointment to the Tenth Circuit appellate panel formed pursuant to the federal Criminal Justice Act. Served as liaison between appointed Utah panel attorneys and the federal appellate court.

Tenth Circuit Court of Appeals, CJA Appellate Panel

- Appointed Panel Attorney, March 2007-present
Experience: Litigate criminal appeals as assigned under the Criminal Justice Act by the Tenth Circuit Court of Appeals for indigent appellants located in any federal district in the Tenth Circuit.

National Association of Criminal Defense Lawyers

- Member, 2000-present

Professional Recognitions

- Outstanding Mentor Recognition, Utah State Bar, October 2018
- Legal Elite (Criminal Law), Utah Business, May 2018
- Distinguished Service Award, Utah Association of Criminal Defense Lawyers, October 2016
- Distinguished Service Award, Utah Association of Criminal Defense Lawyers, September 2013
- Legal Elite (Criminal Law), Utah Business, January 2011
- Up and Coming Legal Elite, Utah Business, January 2010
- Mountain States Rising Stars, Super Lawyer, 2010
- Up and Coming Legal Elite, Utah Business, January 2009
- Mountain States Rising Stars, Super Lawyer, 2009

Publications, Presentations, Volunteer Activities

Publications

- *Respectfully Judge: We Disagree (the Defender Version)*, Defender Newsletter (Fall 2013)
- *Respectfully Judge: We Disagree*, 26 UTAH BAR JOURNAL No. 34 (July/Aug 2013)
- *Recent Developments in Criminal Investigation and Discovery: Access, Disclosure and Use of Information in the Criminal Defense Realm*, 19 UTAH BAR JOURNAL No. 5 (Sept/Oct 2006)
- *Note, "Disability Status" for Asymptomatic HIV? Pondering the Implications, Unanswered Questions, and Early Application of Brigidon v. Abbott*, 1999 UTAH L. REV. 755
- *Development, Parental Presumption Incompatible with Utah's Child Abuse, Neglect, and Dependence Statutory Scheme*, 1998 UTAH L. REV. 644

Presentations

- Presentation: UACDL, "Ethical Considerations in Handling Alleged Victims in Sexual Assault Cases" (May 26, 2018)
- Presentation: Salt Lake Legal Defender's Association, "Lessons Learned from *State v. Truman*" (April 19, 2017)
- Presentation: UACDL, "Criminal Motion Practice: Filing and Winning Essential Motions" (October 23, 2012)
- Presentation: 2008 New Lawyer CLE: "A Day in the Life of a Peon: What You Should Expect & What You Shouldn't Stand For As An Associate" (May 22, 2008) (co-presenter)
- Presentation: 2007 UACDL Annual Seminar- Case Law Update (March 31, 2007) (compiled written material)
- Presentation: 2006 CLE Luncheon: "Basics of Criminal Law for the Non-Criminal Lawyer" (Nov. 15, 2006)
- Presentation: 2006 UACDL Annual Seminar: "Case Law Update" (April 22, 2006)

Volunteer

- Attorney/Coach, High School Mock Trial Competition
- New Lawyer Mentor
- Judge Mock Trial Competitions and Law School Oral Arguments
- "Ghost-Write" Legal Memoranda and Appellate Briefs for Colleagues
- Tuesday Night Bar (2002)

Personal

Husband and two cats. Used to dabble in gardening, painting, swimming, teaching water fitness classes, running marathons, hiking and other outdoor activities. In reality, haven't had a hobby for years!

Lauren R. Barros

lrb@lrbfamilylaw.com

Awards

Ms. Barros is rated "AV Preeminent" which is the highest certification by the Martindale-Hubbell Peer Review attorney rating service. In 2013, the readers of the Catalyst magazine named Lauren one of Utah's "Catalyst 100," as a catalyst within our community. Also in 2013, the Community Foundation of Utah selected her as one of its "Enlightened 50," individuals who are "making a real difference in the lives of Utahns through innovation, collaboration and commitment to the common good." Ms. Barros received the award of "Distinguished Family Law Practitioner" in 2005-2006 from the Utah State Bar and a "Most Fabulous Attorney" award from Q Salt Lake Magazine every year since 2007. She and her husband received Equality Utah's Allies Award in 2006. In 2004, Utah Business Magazine gave her the "Top 40 Under 40 Rising Stars" award. She is consistently listed in Utah Business Magazine's Family Law "Legal Elite" and in the American Trial Lawyers' Association "Top 100 Trial Lawyers in Utah."

Memberships

Ms. Barros is a Fellow of the American Academy of Matrimonial Lawyers, the American Academy of Assisted Reproductive Technology Attorneys and a member of the Utah State Bar Family Law Executive Committee (Chair 2011-2012), NCLR's Family Law Advisory Council, the American Inns of Court, and the Women Lawyers of Utah (President of the Board, 2001-2002).

Legal Experience

Prior to opening LRBFamilyLaw in 2002, Ms. Barros was an attorney with Cohn, Rappaport and Segal, the Disability Law Center, the Utah Labor Commission, and Utah Legal Services. Ms. Barros previously taught classes at the University of Utah on Women and the Law and Comparative International Human rights Law. Ms. Barros regularly presents on topics within family, law, surrogacy law, and lgbt issues.

Educational Background

Born in Dover, Delaware, Ms. Barros attended Colorado College and the University of Utah College of Law, where she graduated in 1993 as a William H. Leary Scholar, with a Clark Dewsnap Scholarship in Natural Resources Law.

Volunteer Work

In the Fall of 2009, Lauren and other concerned attorneys and law students created Rainbow Law, the first pro bono LGBT Law Clinic in Utah. The Rainbow Law Clinic is held once a month. She was also Chair of the Equality Utah Legal Panel, a Small Claims Court Judge in the Third District Court (1998-2005), a member of the Salt Lake County Sheriff's Office Search and Rescue Team (1998-2003), and a member of the Board of the Friends of the Utah Avalanche Forecasters (2005-2007.)

Personal

Lauren enthusiastically enjoys cycling, skiing, and hiking around Utah's mountains with her friends and family.

CHRISTIAN W. CLINGER

cwclinger@clingerlaw.com

6925 Union Park Center, Ste. 550
Salt Lake City, UT 84047
(801) 273-3902 (work)

LEGAL
EXPERIENCE

CLINGER LAW FIRM, LLC, SALT LAKE CITY, UTAH, 2004 TO THE
PRESENT, ATTORNEY AND COURT ROSTER MEDIATOR
Founding member of Clinger Law Firm. Practice areas: Business Law, Mergers &
Acquisitions, Contract Law, Civil and Commercial Litigation, Automobile Dealership
Law, Restaurant Franchise Law, All Aspects of Family Law, Political Consulting -
Governmental Relations, and Mediation. 20 years of corporate work and litigation
experience with 16 years of experience as First Chair in litigation.

PRACTICE AREAS:

Civil & Commercial Litigation: Experience ranging from simple to complex general
and commercial civil litigation, motion practice, restraining orders and injunctions,
evidentiary hearings, mediation, settlement negotiations and stipulations, and trial and
appellate practice. Represent business clients before district courts and governmental
regulatory agencies. Types of Litigation: contract law; business law; real estate disputes;
employment defense for businesses; consumer protection defense for businesses; family
law.

Employment Law: Represent and defend employers at all levels from initial hearings,
mediation, trial, and appeals before the Labor Commission, Workforce Services, and
EEOC with cases ranging from wage claims, unemployment defense claims, gender
discrimination, and sexual harassment. Review of employee handbooks and policies.

Consumer Protection Defense: Defend corporate clients and automobile dealerships
that have cases before the Utah Division of Consumer Protection.

Corporate & Transactional Law: Draft corporate and limited liability company
organizational and resolution documents. Negotiate and draft asset purchase contracts,
merger & acquisition plans, real estate purchase and sale contracts, and lease agreements
for commercial clients, automobile dealerships, and restaurants. Advise corporate officers
and directors on corporate governance and risk management. Draft minutes for Board of
Directors and Shareholder meetings for privately held corporations.

Corporate Auto Dealership Law: Represented one of Utah's top 3 Dealership
Groups with 17 years of experience and three years as its lead outside
corporate and litigation attorney. Represent the Dealership Group's 23 manufacturer
lines: Chevrolet, GMC, Buick, Honda, Toyota, Scion, Kia, Subaru, Ford, Chrysler,
Dodge, Jeep, Ram, Fiat, Mazda, Isuzu Trucks, Hino Trucks, HLS Tractor, T/M Tractors,
Load Trail, Wells Cargo Trailers, Polaris, and Arctic Cat. Represented the Dealership
Group's premier three separate race tracks: a NHRA Drag Race Strip, a Super Oval
Track, and a Motocross Track.

During a recent four-year period, represented the Dealership Group in transactions
totaling over 100 Million dollars including acquisitions of other dealerships, inventory,
flooring financing, and real estate sales, purchases, leases, and building construction.

Extensive experience in contract negotiations and drafting. Negotiate franchise
agreements, commercial lease agreements, real estate purchase and sale
contracts, and construction contracts with automobile manufacturers, banks, real estate
development, and dealers. Ensure business compliance with state and local governmental
regulations.

CLINGER LAW FIRM, LLC
LAW & MEDIATION SERVICES
6925 UNION PARK CENTER, STE. 550
SALT LAKE CITY, UT 84047
801-273-3902

Christian W. Clinger

cwclinger@clingerlaw.com

February 25, 2019

Utah State Bar
Board of Bar of Commissioners
645 S. 200 E.
Salt Lake City, UT 84111
ATTN: Christy Abad
VIA Hand Delivery

Re: Christian W. Clinger, Esq. (USB #8695)

Application for State of Utah Third District Judicial Nominating Commission

To the Utah State Bar Board of Bar Commissioners:

I submit this letter and my enclosed resume for your consideration for a nomination to the
State of Utah Third District Judicial Nominating Commission. I have been a member of the
Utah State Bar since 2000. I am also a member of the Nebraska State Bar. I am a citizen of the
United States of America, and I am a resident of Salt Lake County which the Third Judicial
District covers. As requested, I disclose that I am a registered member of the Republican Party.

As a former Utah State Bar Commissioner and a former Staff Attorney for the Third
Judicial District, I understand the importance of this application, the nomination process, and the
service required to select attorneys to be nominated to the Governor for the Judicial Branch.

Thank you for your time and consideration. If you have any questions regarding this
letter or my resume, please feel free to contact me.

Sincerely,

CLINGER LAW FIRM, LLC


Christian W. Clinger, Esq.

Enclosure: Resume

GOVERNMENTAL RELATIONS

Legal Advisor to Dealership Group Governmental Relations Committee
 Utah Council on Citizen Diplomacy, Member
 2010 Campaign, U.S. Senator Mike Lee, Utah
 2008 Campaign Consultant, Representative Derek Brown, Utah House of Representatives
 2008 & 2004, Campaign, Policy & Finance Committees, Utah Governor Jon Huntsman
 2008 Governor's Gala Committee, Utah Governor Jon Huntsman
 2006 Host Committee for U.S. President George W. Bush's visit to Utah
 2006 Campaign Committee, Salt Lake County Co-Chair, U.S. Senator Orrin Hatch, Utah
 2005 ChamberWest Chamber of Commerce, Governmental Relations Committee
 2004 Inauguration Committee, Utah Governor Jon M. Huntsman
 2004 Campaign Manager, Senator Carlene Walker, Utah State Senate
 2004-2012 Utah State Bar, Governmental Relations Committee
 1995-1996 Special Assistant for Communications, California State Treasurer Matt Fong

EDUCATION

CREIGHTON UNIVERSITY SCHOOL OF LAW, OMAHA, NEBRASKA
 Juris Doctor, 1999

Appellate Moot Court: First Place, 1997 Creighton University School of Law Competition
 Semi-Finalist, ABA 1998 Regional Competition, Houston, Texas
 1997 McGrath North Mullin & Kratz Appellate Moot Court Scholarship Recipient
 Appellate Moot Court Board

Negotiations:

Second Place, 1997 Creighton University School of Law Competition
 Semi-Finalist, ABA 1997 Regional Competition, Omaha, Nebraska
 Negotiations Board, Vice President

Associations:

Creighton Legal Clinic, Third Year Law Student Certified to Practice
 ABA Law Student Division 8th Circuit Lieutenant Governor 1998-1999
 (Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota;
 ABA Law Student Division President Creighton Chapter, 1997-1998
 Phi Delta Phi Honors Society
 American Inns of Court, Robert M. Spire Chapter, Pupil 1998-1999

BRIGHAM YOUNG UNIVERSITY, PROVO, UTAH

Bachelor of Arts, 1993
 Major: Political Science
 Minors: English and French
 Honor: Pi Sigma Alpha Honors Society

PROFESSIONAL ASSOCIATIONS & LEADERSHIP

Utah State Bar (Active Status, 2000) U.S. District Court, District of Utah (Active)
 Nebraska State Bar and U.S. District Court, District of Nebraska (Inactive Status, 1999)
 American Bar Association (former member)
 Utah State Bar, Commissioner, Board of Bar Commissioners (2 terms, 2006-2009, 2009-2012)
 Utah State Bar, Executive Committee, (3 terms, 2008-2011)
 Utah Supreme Court Appointed Mentor to New Lawyers (2010 - present)
 Utah Supreme Court approved Mediator and Mediation Instructor
 Utah Council on Conflict Resolution, Board of Trustees, (2008-2011, term)
 ChamberWest Chamber of Commerce, Board of Directors and Counsel (2 terms, 2004-2006, 2006-2008)
 Mediation Coordinator for Small Claims Appeals at the Second District Court, State of Utah Farmington department for Utah Dispute Resolution under direction of Administrative Office of the Courts (2007-2011)

Real Estate Law: Represent residential and commercial clients in negotiating and drafting real estate purchase and sale contracts, real estate leases, and option contracts. Represent commercial clients in real estate development, construction contracts, and construction loans. Since 2013, overseen the sale, purchase, lease and development of more than 135 acres representing clients in negotiations with banks and cities for RDAs, CDAs, and U.S. Department of Agriculture Real Estate Development Loan/Grants. Represent commercial and residential clients in court and mediation to quiet title, enforcement of contracts, and landlord/tenant cases.

Restaurant / Food Service Law: Represent clients ranging from start-up restaurants to franchisees with local and national restaurant franchises. Ensure business compliance with state and local governmental regulations. Defend clients in employment matters. Defend clients in food safety regulation claims.

Mediation: Since 2004, listed as a Utah State Court Roster Mediator in civil cases, small claims cases, real estate law, landlord/tenant law, corporate law, contract law, and probate law. Since 2005, listed as a Utah State Court Roster Mediator for Family Law including divorces, property division, alimony, child custody, parent-time/visitation claims, and child support. Since 2011, earned the distinction of a Master Mediator with the Utah State Court Roster of Mediators.

INSTITUTE OF ADVANCED MEDIATION & PROBLEM SOLVING, LLC, 2011-2012, SENIOR FELLOW, MEDIATOR AND INSTRUCTOR

Approved mediation and negotiation instructor by the Utah State Courts. Master Mediator qualification by the Utah State Courts. Mediator and conflict resolution consultant for local, national, and international clients. Mediated a broad range of cases including divorce and custody conflicts, contract and business matters, probate disputes, landlord/tenant issues, real property disputes, and workplace conflicts. Mediation clients have included Fortune 500 companies as well as international corporations. Instructor for mediation training, negotiation, theory of conflict resolution management, and communication.

CALLISTER NEBEKER & MCCULLOUGH, SALT LAKE CITY, UTAH, 2001 TO 2004, CIVIL & COMMERCIAL LITIGATION, BUSINESS LAW, AUTOMOBILE DEALERSHIP LAW, CONTRACT LAW, AND FAMILY LAW.
 Litigated in state and federal courts and before administrative law courts. Drafted and prepared complaints, answers, motions, and discovery pleadings. Conducted discovery. Negotiated with opposing counsel. Interviewed and counseled with clients. Analyzed purchase contracts, plans of merger, franchise agreements, and automobile dealership agreements. Researched secured transactions, real estate matters, and contract law for business clients and banks.

JUDICIAL LAW CLERK, STATE OF UTAH THIRD DISTRICT COURT, SALT LAKE CITY, UTAH, 2000 TO 2001

Judicial Law Clerk to Former Presiding Judge Frank G. Noel, Judge David S. Young, Judge Roger A. Livingston, Judge Homer Wilkinson, and Judge Pat B. Brian. Drafted and edited memorandum opinions for the judges. Prepared bench memoranda of assigned cases. Researched and wrote briefs of current case law and statutes. Reviewed records, trial transcripts, and jury instructions. Compiled references on laws and decisions.

LEGAL EXPERIENCE

Mediation Coordinator for Utah Dispute Resolution under direction of Administrative Office of the Courts, Second District Court, Bountiful, Utah Department, Small Claims Court (2007-2010)

Utah State Bar, Ex Officio Member, Board of Bar Commissioners (2003-2004 term)

Utah State Bar, Young Lawyers Division, President (2003-2004 term)

Utah State Bar, Young Lawyers Division, Executive Committee, (2001-2005)

Utah State Bar, Young Lawyers Division, Treasurer (2001-2002)

UTAH STATE BAR SERVICE

2018 - 2019, Utah State Bar, Dispute Resolution Section, Vice President

2017 - 2018, Utah State Bar, Dispute Resolution Section, Treasurer

2006 - 2012, Utah State Bar, Board of Bar Commissioners, Third District

Utah State Bar, Executive Committee of the Bar Commission, (3 terms, 2008-2011)

2011 - 2012 Utah State Bar Constitution Day Committee, Co-Chair

2010 - 2012 Utah State Bar Public Education Committee, Co-Chair

2010 - 2012 Utah State Bar Public Relations Committee, Co-Chair

2010 - 2012 Utah State Bar Pro Bono & Modest Mean Committee

2009 - 2012 Utah State Bar Building Committee, Co-Chair

2009 - 2012 Utah State Bar Disaster Preparedness Committee and Co-Chair

2009 - 2012 Utah State Bar Commission Liaison to Dispute Resolution Section

2008 - 2012 Utah State Bar Commission Liaison to Litigation Section

2008 - 2010 Utah State Bar Commission Liaison to Utah Minority Bar Association

2007 - 2012 Utah State Bar Mentoring Committee and Curriculum Development, (2007 member of the founding committee)

2006 Utah State Bar Summer Convention Committee, co-chair, Newport Beach

2005 Utah State Bar Young Lawyer Division "We the Jury" Program, co-chair

2004 - 2012 Utah State Bar, Bar Journal Committee

2004 Utah State Bar 50 Year Celebration of "Brown vs. Board of Education", committee member, and co-chair of Public Education and Movie Celebrations

2004 Utah State Bar "Jackie Robinson Appreciation Weekend" with the Calvary Baptist Church, Branch Rickey III, and the Salt Lake Stingers AAA Baseball Team, committee co-chair

AWARDS AND RECOGNITIONS

Utah's Legal Elite, Utah Business Magazine in three separate categories: Mediation/Alternative Dispute Resolution (2011, 2013, 2014), Rising Star in the Legal Profession (2010), and Corporate/Business Law (2006, 2007, 2008, 2009) (Peer Review)

Legal Roundtable: Industry Outlook, Utah Business Magazine, (2010, 2011, 2012, 2014, 2015, 2017, 2018)

Intermountain Rising Star, 2008 and 2009, by Super Lawyer Magazine for Nevada, Idaho, Montana, Wyoming, and Utah (Peer Review)

2009 Volunteer of the Year Award, ChamberWest Chamber of Commerce

Young Lawyer of the Year, 2005 Utah State Bar

Utah State Bar Section/Leader of the Year 2004, Young Lawyers Division

Heart and Hand Award, 2004, Utah Philanthropy Day

Tradewinds, Salt Lake Tribune, September 5, 2006, (Article recognizing Christian Clinger as a newly elected Utah State Bar Commissioner)

Raising the Bar: Creighton Lawyer, Spring 2006, p. 37

Christian W. Clinger: Young Lawyers Award, The Intermountain Commercial Record and Salt Lake Times, May 6, 2005, p. A6

PRESENTATIONS

Working with Attorneys in Negotiations and Mediations, University of Utah Law School and Communications School with Professor Carolyn Clark Camp

The Art of Business Negotiations, Salt Lake East Valley Chamber of Commerce and ChamberWest Professional Networking Group

The Dispute Resolution Continuum, Institute of Advanced Mediation & Problem Solving

Having Peace During the Holiday: Skills to Reduce Conflict, ChamberWest Chamber of Commerce

Having Peace During the Holiday: Skills to Reduce Conflict, Salt Lake East Valley Professional Networking Group

Professionalism and Civility in Mediation, Institute of Advanced Mediation & Problem Solving

Ethics in Mediation, Institute of Advanced Mediation & Problem Solving

Mediation Strategies & Styles, Utah Council on Conflict Resolution

Mediation Preparation, Southern Utah Bar Association

Conflict Management During the Holidays, Institute of Advanced Mediation & Problem Solving

Awareness and Preparation in Negotiation & Mediation, BYU Law School

40-hour Mediation Training, Institute of Advanced Mediation & Problem Solving

Mediation Ethics, BYU School of Law

Mediation Practice Pointers, Utah Council on Conflict Resolution

Mediation Hits the Headlines, Utah State Bar Best Presentation Series

Mediation, Litigation or Arbitration: Expanding Your Options for Resolving Disputes in Difficult Economic Times, Governor's Economic Summit

Ethical Dilemmas in Mediation, Utah Council on Conflict Resolution

PUBLICATIONS

Rocky Mountain Raceways Offers Regular Drivers the Change to Drag Race, Deseret News, Sports, Article by Amy Donaldson, July 20, 2014 (online deseretnews.com) July 21, 2014 (print)

Legal Round Table: Industry Outlook, Utah Business Magazine, June 2018

Legal Round Table: Industry Outlook, Utah Business Magazine, June 2017

Legal Round Table: Industry Outlook, Utah Business Magazine, June 2015

Legal Round Table: Industry Outlook, Utah Business Magazine, June 2014

Legal Round Table: Industry Outlook, Utah Business Magazine, June 2012

Legal Round Table: Industry Outlook, Utah Business Magazine, June 2011

Legal Round Table: Industry Outlook, Utah Business Magazine, June 2010

BYU Alumni Highlights: Brigham Young University Magazine, July 2009

Law Clerks a Precious Commodity for Utah Judges, Deseret News, May 30, 2004

Commitment to the Community, Utah State Bar Journal, January 2004, p. 40

Practice Pointers for Effective Lawyering, Utah State Bar Journal, November 2001, p. 26

INTERESTING FACTS

2014 Inducted into the C. K. McClatchy High School Sports Hall of Fame, for 1985 Sacramento, California All Metro Wrestling Team

Long Distance Runner: Finisher of Top of Utah Marathon (Logan, Utah), Finisher of the following half marathons: Valley of Fire Half Marathon (Valley of Fire State Park, Nevada), Salt Lake City Half Marathon (3 times - Salt Lake City, Utah), Provo Canyon Halloween Half Marathon (Provo, Utah), and Heber Valley Half Marathon (Heber, Utah) - numerous 10k and 5k races

Alpine & Nordic skiing, snowshoeing, hiking, backpacking, and camping

Extensive domestic & foreign travel experience

Foreign Language: French with a minor degree in French, Brigham Young University

Tony F. Graf, Jr.

Phone: (801) 949-9969 • 2021 North 220 West, Tooele, Utah 84074 • Email: tfgraf@gmail.com

LEGAL EXPERIENCE

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

Deputy District Attorney, Special Victims Unit, November 2014 – Present

- Tried 25 felony jury trials to verdict as first-chair, tried three felony jury trials to verdict as second-chair
- Prosecuted homicides, vehicular homicides, robberies, kidnappings, sex crimes against children and adults, financial crimes, domestic violence, burglary, theft, child abuse, DUI/DWI, and drug distribution crimes
- Reviewed search warrants and worked with law enforcement in ongoing sex and child exploitation investigations
- Created an advanced trial advocacy training program for mid-level prosecutors
- Conducted POST training for police cadets on courtroom demeanor, property and person crimes
- 2018 Commendation Letter for Outstanding Performance from Salt Lake County District Attorney's Office
- 2017 Commendation Letter for Outstanding Performance from Salt Lake County District Attorney's Office
- 2016 Trial Attorney of the Year from Salt Lake County District Attorney's Office

Office of the Attorney General, Pago Pago, American Samoa

Assistant Attorney General, Criminal Division, May 2013 – November 2014

- Tried 13 felony jury trials to verdict as first-chair
- Prosecuted public corruption, violent crimes, sex crimes against adults and children, child abuse, financial crimes, property crimes and drug crimes
- Worked with the Drug Enforcement Administration (DEA) to prosecute drug cases
- Conducted in-service training for police officers, staff and prosecutors

Lincoln County District Attorney's Office, Pioche, Nevada

Deputy District Attorney, February 2012 – May 2013

- Tried 10 criminal bench trials and two felony jury trials to verdict as first-chair
- Provided legal guidance for civil and municipal matters in Lincoln County
- Prosecuted trafficking and possession of controlled substances, assault and battery, domestic violence, auto theft, burglary, larceny, DUI/DWI and traffic cases

United States Attorney's Office, Washington, District of Columbia

Special Assistant U.S. Attorney, Domestic Violence Section, July 2011 – February 2012

- Legal Fellow for the USAO-DC
- Prosecuted 13 criminal trials to verdict
- Worked closely with police officers, victims of crime, expert witnesses and members of the public in preparing cases for prosecution

Utah Crime Victims Legal Clinic, Salt Lake City, Utah

Attorney / Victim Advocate, March 2009 – July 2011

- Represented clients in court under third-year practice rule and researched legal issues dealing with crime victims' rights, material witness warrants, and the constitutional rights of victims of crime in Utah

Rocky Mountain Innocence Center, Salt Lake City, Utah

Student Investigator, August 2009 – July 2010

- Worked on a claim of innocence for a prisoner convicted of murder
- Interviewed inmates and witnesses, reviewed trial records, and researched legal questions

The Honorable Stephen Roth, Third District Court, West Jordan, Utah

Judicial Intern, August 2009 – December 2009

- Researched and drafted bench memoranda, opinions, and orders in criminal and civil cases

Office of Legislative Research and General Counsel – Utah Legislature, Salt Lake City, Utah

BlackBerry Program Manager, November 2005 – July 2008

- Provided technical and training support for state legislators in the Utah House of Representatives and Utah State Senate
- Coordinated year-round BlackBerry program for 180 legislative employees

EDUCATION

Weber State University, Ogden, Utah

Master of Science in Criminal Justice, August 2018

University of Utah, S.J. Quinney College of Law, Salt Lake City, Utah

Juris Doctor, December 2010

- 2011 Deans Fellowship Recipient
- 2010 Lionel Frankel Fellowship Recipient

University of Utah, Salt Lake City, Utah

Bachelor of Arts in History, August 2008

- Honors Certificate, Dean's List

Salt Lake Community College, Salt Lake City, Utah

Associate of Arts, May 2008

- Graduated with Honors, Dean's List

TRAINING AND CERTIFICATIONS

2017 National Investigative Interview Protocol for Forensic Interviews Involving Children Training, Salt Lake City, Utah – Completed a three-day training on protocols and procedures for interviewing child victims

2016 National District Attorney's Association Career Prosecutor Training, Charleston, South Carolina – Completed a two-week program designed for career prosecutors in the areas of trial advocacy, leadership skills, and substantive legal training

2011 United States Attorney Basic Prosecutor Training, Washington, D.C. – Completed an intensive four-week program focused on preparing attorneys for criminal prosecution in the District of Columbia

2010 Utah Victim Assistance Academy, Ogden, Utah – Completed a nationally accredited five-day seminar on assisting victims of crime

BAR ADMISSIONS

Utah State Bar, May 2011

American Samoa Bar, July 2013 (*Inactive*)

Nevada State Bar, May 2013 (*Inactive*)

CIVIC PARTICIPATION

Chairman of the Tooele City Planning Commission, January 2019 – Present

Commission Member on the Tooele City Planning Commission, January 2018 – Present

Chair of Judicial Advocacy Committee – Utah Minority Bar Association, 2018 - Present

Bar Examiner for the Utah State Bar – Criminal Law, Criminal Procedure, and Evidence, August 2017 – Present

Political Party - Registered as a Republican

LAURA MILLIKEN GRAY, P.C., Attorney at Law
1555 East Stratford Avenue, Suite 100
Salt Lake City, Utah 84106
801.983.3309
lgray@lmglaw.net
www.lmglaw.net

BIOGRAPHICAL INFORMATION 2019

LAURA MILLIKEN GRAY received Bachelor of Arts and Juris Doctor Degrees from the University of Utah in Salt Lake City, Utah. She also holds a LL.M (Masters) in International Law from King's College, London, England, and a Certificate in International Human Rights Law and Practice from the London School of Economics and Political Science.

After graduating with honors from law school, Laura served judicial clerkships with Utah Supreme Court Chief Justice Gordon R. Hall and with Utah Court of Appeals Judge James Z. Davis. She developed and taught an undergraduate course at the University of Utah entitled "Women and the Law."

From 1996-2008, she owned and operated her own law firm, Laura Milliken Gray, P.C., where she specialized in estate planning, business and elder law and protecting the rights of Utah's LGBT community. Laura also received extensive mediation training and has served as a mediator in dozens of legal cases.

From 2008-2010, Laura took a hiatus from her law practice and moved to London, England. There, she studied international law and accepted a position as a consultant with the United Nations High Commissioner for Refugees (UNHCR) in Geneva, Switzerland. Laura helped UNHCR develop and implement new global policy protecting refugees fleeing persecution based on their sexual orientation or gender identity.

Laura moved back to Utah in 2010 and in 2011 happily re-established her law practice, again focusing on estate planning and related areas, especially protecting older and incapacitated clients from exploitation and abuse.

Utah Business Magazine has repeatedly named Laura as a "Legal Elite" in the area of Estates and Trusts. She has been recognized by her peers and Judges with the highest "AV" rating from Martindale-Hubbell International Legal Directory. In 2001, she received the Utah State Bar's Dorothy Merrill Brothers Award for the Advancement of Women in the Legal Profession, and she has been honored several times for her work with Utah's LGBT community. She has written, taught and presented extensively on many aspects of estate planning and other legal topics.

Laura previously served on the Board of Directors of non-profits Equality Utah and Women of the World, and was a Trustee on the S.J. Quinney College of Law Alumni Association's board. She is a member of the Utah State Bar's Estate Planning Section and Elder Law Section. She is married with two 4-legged children (A black Labrador and a Chihuahua), and enjoys mountain biking, gardening, hiking, travelling, and cooking and eating ethnic food.

DAVID S. HEAD

111 E. 5600 S., Ste. 100
Murray, UT 84107
Telephone: (801) 691-7511
Facsimile: (801) 691-7512
dhead@headlawusa.com

LICENSE

Utah Law License
Admitted in October 2010, Bar Number 13237

EXPERIENCE

Head Law, PLLC, Murray, Utah, April 2015-Present
President and Managing Attorney

Represent and manage all aspects of personal injury, insurance, and civil and commercial litigation matters for clients, including the initial case evaluation, preparation, discovery, trials, and appeals.

Salt Lake City Justice Court, Salt Lake City, Utah, May 2018-Present

Judge Pro Tempore

Preside over and issue judgments, decisions, and rulings in civil small-claim cases.

Arrow Legal Solutions Group, PC, Midvale, Utah, September 2010-April 2015

Associate Attorney

Represented clients in employment law, personal injury, and criminal law matters. Performed all parts of litigation, including, but not limited to, draft complaints, motions, memoranda and briefs, including appellate briefs; and conduct discovery, oral arguments, evidentiary hearings and trials.

Utah Division of Occupational and Professional Licensing, Salt Lake City, UT

January 2014-April 2015

Medical Malpractice Prelitigation Panel Chairperson

Conducted and led prelitigation panels for medical malpractice cases, including issuing the respective decisions, and drafting the corresponding panel opinions.

St. Mary's University Center for Legal & Social Justice, San Antonio, Texas

Civil Justice Clinic

Fall 2009-Spring 2010

Student Attorney

Provided consumer protection, probate, family law, debt collection, and social security legal services and counsel for indigent clients. Performed research, filed documents at the courthouse, drafted legal pleadings, and interviewed clients.

Law Professor Robert L. Summers, San Antonio, Texas, Spring 2008-Spring 2010
Research Assistant
Conducted national security and intelligence law research. Assisted in the compilation of national security law and intelligence law casebook.

EDUCATION

St. Mary's University School of Law, San Antonio, Texas

Doctor of Jurisprudence, 2010

- 2010 Presidential Management Fellows Nominee
- Pro Bono Service Certificate

St. Mary's University Graduate School, San Antonio, Texas

Master of Arts, Major: International Relations, 2010

- Grade Point Average: 3.96
- 2010 Distinguished Graduate

University of Utah, Salt Lake City, Utah

Bachelor of Arts, Major: Political Science; Minor: Spanish, 2007

- Universidad de Oviedo, Oviedo, Spain
- Spanish Language Program Certificate of Completion, 2007

PUBLISHED DECISIONS

- *O'Hearon v. Hansen*, 2017 UT App 214 (Utah App. 2017)
- *Valerios Corp. v. Macias*, 342 P.3d 1127, 2015 UT App 4 (Utah App. 2015)
- *Merena v. Davis*, 283 P.3d 973, 2012 UT App 193 (Utah App. 2012)

PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

- Utah State Bar Leadership Academy, Class of 2018
- Utah Association for Justice, Board of Governors
- Utah Association for Justice, Legislative Committee Member
- Utah Association for Justice, Member

LANGUAGES

- Fluent in Portuguese (lived in Brazil for two years)
- Fluent in Spanish

INTERESTS

- Collecting vintage polyester ties; oil painting; and mixed martial arts.

MARC C.S. MATHIS

8973 Cobble Crest Lane, Sandy, Utah 84093 • 801-631-0508 • mcsmathis@gmail.com

PROFESSIONAL EXPERIENCE

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

2006-Present

Unit Chief, Major Crimes Unit

2015-Present

- Supervise felony prosecution team consisting of 20 attorneys, 10 support staff, 3 investigators, and 10 law clerks.
- Mentor newer prosecutors, and serve as a resource for all prosecutors on the team.
- Work closely with District Attorney Administration to implement new Office policy.
- Audit and evaluate cases prosecuted by the Major Crimes Unit.
- Conduct annual evaluations for each member of the team, and establish goals to ensure the professional development of prosecutors.
- Manage the District Attorney's Office Law Clerk program including hiring and termination.
- Prosecute Homicide cases as assigned.

Organized Gang Prosecution

2011-2015

- Prosecute gang related crime occurring in Salt Lake County including gang related homicides.
- Work with Salt Lake Area Metro Gang Unit, U.S. Marshall's Service and the FBI's Safe Street Task Force to approve gang related warrants, GPS tracker devices, and other investigatory tools to locate and apprehend fugitive gang members.
- Provide legal updates and training for law enforcement agencies throughout Salt Lake County.

Special Victims Unit

2010-2011

- Prosecute child and adult sex based offenses as well as physical child abuse.
- Screen all sex and child physical abuse cases as a member of the Multi-Disciplinary Team at the Children's Justice Center.

General Felony Team

2008-2010

- Prosecute violent and non-violent felonies that do not qualify as special victim or gang related crimes.

Narcotics Enforcement Prosecution

2008

- Prosecute felony and misdemeanor drug related crime.
- Collaborate with narcotics officers from various agencies to approve search warrants.

Juvenile Team

2006-2008

- Prosecute felony and misdemeanor juvenile delinquency cases including cases prosecuted under the Utah serious youth offender act.

Screening Unit

2006

- Screen cases submitted to the Salt Lake County District Attorney's Office From local, State, and Federal agencies for filing with the Third District Court.

Law Clerk, Salt Lake County District Attorney's Office

Salt Lake City, Utah

2004-2006

- Provide research on various legal issues in criminal and civil cases for the State of Utah and Salt Lake County.
- Write motions, memoranda, and responsive pleadings to be filed in the State and Federal Courts of Utah.

Intern, Practical Law Company

London, England

Fall 2004

- Research and verify current law in various international jurisdictions for compilation in a database for distribution to international clients.

Judicial Extern, United States District Court – District of Utah

Salt Lake City, Utah

Summer 2004

- Provided legal research and bench memoranda for Chief Judge Dee Benson on issues presented in civil and criminal Federal cases.

EDUCATION

Juris Doctor, University of Tulsa College of Law, Tulsa Oklahoma

2006

- Articles Editor, *Tulsa Journal of Comparative and International Law*
- Highest Grade Honors, International Law
- Graduation with International Law Certificate
- Member of the Board of Advocates
- Member of the American Inns of Court

Bachelor of Science, Economics, University of Utah, Salt Lake City, Utah

1998

TEACHING EXPERIENCE

Instructor, Salt Lake County Sheriff's Office

2008-2013

- Conduct classroom instruction to new Sheriff trainees in various areas relevant to criminal law and procedure.

Instructor, Utah Peace Officer Standards and Training

2008-2013

- Conduct classroom instruction to POST participants in various areas relevant to criminal law and procedure.

Instructor, Salt Lake Community College

2000-2009

- Taught motorcycle safety classes using the curricula developed by the Motorcycle Safety Foundation and endorsed by the Utah Department of Public Safety.

PRESENTATIONS

Panelist, Criminal Justice Panel, University of Utah S.J. Quinney College of Law

2018

Presenter, Introduction to Fourth Amendment Search and Seizure law

2016

Presenter, Salt Lake County District Attorney's Office

2016

Presenter, Auto Theft Prevention Seminar, Salt Lake City Police Department.

2016

Speaker, Record Preservation and Advocacy at Sentencing, Brigham Young University 2015
Presenter, "Prosecuting Gang Cases", Salt Lake Area Gang Project: Metro Gang Conference. 2014

PUBLICATIONS AND AWARDS

Unit Chief for Salt Lake County District Attorney Team of the Year Award 2017
Unit Chief for Salt Lake County District Attorney Team of the Year Award 2015
Salt Lake County District Attorney Trial Attorney of the Year 2014
Recipient of the Unified Police Department Division Commander's Award 2014
Uncivil Aviation: How the Ongoing Trade Dispute Stalemate between Boeing and Airbus Has Undermined GATT and May Continue to Usher in an Era of International Agreement Obsolescence under the World Trade Organization. 13 Tul. J. Comp. & Int'l L. 179.

REFERENCES

Available upon Request

POLITICAL AFFILIATION

Republican

JOHN J. NIELSEN

10719 South Indigo Sky Way, South Jordan, Utah 84009
385-228-6725 • johnjn Nielsen@gmail.com

EDUCATION

J. Reuben Clark Law School, Provo, Utah, 2004-2007

- Jura Doctor, *magna cum laude*
- 3-year scholarship recipient
- Law Review Associate Editor, 2005-06; Senior Editor, 2006-07

Brigham Young University, Provo, Utah, 1998-2003

- Bachelor of Arts in Political Science, *magna cum laude*

WORK EXPERIENCE

Assistant Solicitor General, Utah Attorney General's Office (September 2011-Present)

- Criminal Appeals Division. Appellate and post-conviction work, including trial and appellate briefing, oral argument.
- Responsible for supervising, hiring, and training law clerks.
- Winner, Division Best Brief Award, 2012, 2015, 2018

Supreme Court Fellow, National Association of Attorneys General (March-June 2017)

- Wrote summaries of Supreme Court decisions and certiorari grants for distribution to State attorneys general offices.
- Mooted state advocates and others arguing in the Supreme Court and attended oral arguments.
- Wrote amicus brief in support of certiorari grant.

Deputy County Attorney, Utah County (October 2007-September 2011)

- Criminal Division. Criminal trial practice work, including jury trials, motion practice, plea negotiation, case screening, etc., in both felony and misdemeanor cases.
- Authored several practice guides for new prosecutors and implemented a law clerk training program.

ORGANIZATIONS & INTERESTS

Hobbies: guitar, songwriting, hiking, crossfitting

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

Languages: conversationally fluent in Portuguese; student of Ancient Greek and Latin.

Professional Organizations:

Utah Supreme Court Advisory Committee on Appellate Representation (May 2018-present). Screening applicants and

recommending membership on roster for attorneys representing indigent defendants.

Executive Committee Member, Utah State Bar Appellate Practice Section Committee. Planning and coordinating CLE

efforts and events. (August 2015-Present)

Chairman, Statewide Association of Prosecutors and Public Attorneys Legislative Action Committee (SWAPLAC).

November 2017-September 2018; member, April 2009-September 2018. Advising elected prosecutors on legislative

developments and proposing changes to statutes and rules affecting criminal law and procedure.

SERVICE

Constitutional Sources Project (www.consource.org)—June-August 2005. Volunteer research making primary

sources from the founding era relating to the Constitution available on-line free of charge.

Brazil São Paulo North Mission - São Paulo, Brazil, September 1999-August 2001. Missionary for the Church of

Jesus Christ of Latter-day Saints.

Jordan Putnam

12847 South Cindy Lane, Draper, Utah 84020 • 801.647.5121 • JordanPutnam@gmail.com

EDUCATION

- University of Utah, S.J. Quinney College of Law, Salt Lake City, Utah
Juris Doctor, May 2011
- Graduated with honors
- CALL Excellence for the Future Awards (Highest grade in the class):
 - Scientific Forensic Evidence, Fall 2010
 - Juvenile Justice, Spring 2010
- 2009 Lionel Frankel Public Interest Summer Fellowship
- Pro Bono Initiative Recipient: 50 hours of pro bono work as a law student

Brigham Young University, Provo, Utah

- Bachelor of Arts: Political Science*, December 2007
- Phi Sigma Alpha 2007 Inductee: *The National Political Science Honor Society*

EXPERIENCE

Lokken & Associates, P.C., Cottonwood Heights, Utah

- Associate*, August 2013 - Present
- Firm specializing in child welfare parental defense; Extensive trial experience
- Maintain active family law and criminal defense practice
- Regularly appear in court to argue motions and conduct various evidentiary hearings
- Manage busy court docket on weekly basis as parental defender in juvenile court
- Appellate experience including oral argument before Utah Supreme Court
 - *In re K.T.*, 2017 UT 44

ALA, P.C., West Jordan, Utah

- Associate*, October 2011 - July 2013
- Assigned to a variety of cases as an associate attorney in a boutique criminal defense firm
- Drafted motions and pleadings; conducted legal research; trial experience
- Regularly appeared for various hearings in justice, district and federal courts statewide
- Performed client intake and communicated with opposing counsel

Salt Lake County District Attorney's Office, Salt Lake City, Utah *Law Intern*

- Intern*, August 2010 - April 2011
- Prosecuted misdemeanor cases in court and assisted on felony cases
- Gained experience with domestic violence, juvenile and traffic offense cases
- Drafted and argued motions; conducted legal research for deputy district attorneys

San Diego County District Attorney's Office, San Diego, California *Law Intern*

- Intern*, May 2010 - August 2010
- Drafted motions for Pre-Trial Motions Team; conducted legal research, subpoenaed witnesses and successfully argued motions in court on a weekly basis
- Conducted felony preliminary examination hearings
- Handled more than 50 cases during three-month internship

Utah County Public Defender Association, Provo, Utah

- Law Intern*, May 2009 - August 2009
- Coordinated daily felony first appearance court proceedings on behalf of public defender's office
- Worked with upward of 18 new defendants on any given day
- Conducted legal research and drafted motions for office attorneys

The Church of Jesus Christ of Latter-day Saints, New Jersey

- Spanish-Speaking Missionary*, April 2003 - April 2005
- Served as a proselytizing missionary in northern New Jersey inner cities

SKILLS & INVOLVEMENT

- Fluent in written and spoken Spanish
- Member, Utah State Bar (Admitted October 2011)
- Licensed in the U.S. District Court, District of Utah (Admitted October 2011)
- Parental Defense Alliance of Utah, Member, Board of Directors, (2017 - Present)
 - o President (November 2018 - Present)
 - o Third Judicial District Representative
 - o Court Improvement Program Representative
 - o Provide CLE training and resources to parental defenders throughout Utah
- House of Hope, Trustee, Board of Trustees, (2018 - Present)
 - o Treasurer (August 2018 - Present)
- Utah Supreme Court's Advisory Committee on the Rules of Juvenile Procedure Member, (2018 - Present)
 - o Assist in drafting rules and advising Utah Supreme Court on changes
- Table of Leg: Member of group coordinating child welfare issues in Third District
- College of Law Assembly Representative, Associated Students of the University of Utah (2009-2010)
- Student mentor to first-year law students (2009 - 2011)



Phone: 801.323.5000
Fax: 801.355.3472
www.christensen.com

Tyler V. Snow
tyler.snow@christjen.com

Via email
Christy Abad
Executive Secretary
UTAH STATE BAR
christy.abad@utahbar.org

Dear Ms. Abad:

I am writing to apply to serve on the Third District Trial Court Nominating Commission. As requested, my resume is attached to this email. I reside in South Jordan, Salt Lake County.

I have practiced law in Salt Lake City with Christensen & Jensen, P.C. since 2009, where I am currently a shareholder. My practice has been entirely in the field of civil litigation. I have long had an interest in the workings of the judiciary from even before I became an attorney, including reading books about judges and interning with the United States Senate Judiciary Committee. Since becoming an attorney, I keep up to date on Utah's state and federal judges and their preferences, and I regularly attend CLE's to gain greater insight into their decision-making processes. I have studied closely the Rules of Civil Procedure and have become the "go-to" person in my firm when other lawyers have questions about the rules. Utah has a tradition of appointing outstanding judges to its judiciary and I would like to work to continue that tradition.

Thank you for considering my application to serve on the Third District Trial Court Nominating Commission. I look forward to hearing from you.

Sincerely,

Tyler V. Snow

Enclosure

TYLER V. SNOW

10389 South Topview Road • South Jordan, Utah 84009
Cell: (801) 721-9275 • Email: tylsnow@gmail.com

Licensed to practice in Utah since October 2009.

PROFILE

Experienced civil litigation attorney. Excelled in law school as an associate editor of the BYU Law Review, and member of the school's Moot Court and Trial Advocacy teams. Exceptional experience while working for Christensen & Jensen. Strong writing and communication skills and committed work ethic.

EXPERIENCE

CHRISTENSEN & JENSEN, P.C., Salt Lake City, UT
Shareholder, January 2017 – Present

Associate Attorney, October 2009 – December 2016

Summer Associate, May – August 2008, May – October 2009

Handle a variety of matters, including insurance defense, insurance coverage, commercial litigation, and professional malpractice defense.

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

Volunteer Law Clerk, July – August 2007

Worked with assistant U.S. attorneys in criminal prosecutions. Assisted with preparation of witnesses, observed hearings and trials, and drafted memoranda and briefs on constitutional and procedural issues.

UNITED STATES DISTRICT COURT, Las Vegas, NV

Judicial Intern, *United States District Judge Robert C. Jones*, May – June 2007
Assisted judicial clerks with preparing Judge Jones for motion hearings and trials. Wrote bench memoranda summarizing legal issues raised by parties' supporting and opposing briefs and articulating recommended resolution.

UNITED STATES SENATE JUDICIARY COMM., Washington, D.C.

Legislative Intern, *United States Senator Orrin G. Hatch*, June – August 2004
Assisted congressional staff in researching legislative issues, preparing for committee hearings, and responding to constituents

EDUCATION

J. REUBEN CLARK LAW SCHOOL (BYU), Provo, UT

Juris Doctor, April 2009; GPA: 3.44

- BYU Law Review, Associate Editor
- BYU Moot Court Team
- BYU Trial Advocacy Team

BRIGHAM YOUNG UNIVERSITY, Provo, UT

Bachelor of Science, 2005; GPA: 3.98, *magna cum laude*

- Major: History
- Minor: Political Science

JAMIE Z. THOMAS

2063 W. Taylor View Dr. • South Jordan, UT 84095
(801) 842-2302 • jamiezengeresq@yahoo.com

SUMMARY: I have over 15 years of litigation experience in federal court on both sides of the courtroom. While working as an Assistant Federal Public Defender, I represented hundreds of criminal defendants charged with all types of violations of federal criminal statutes, especially firearms and complex white-collar fraud cases. As an Assistant United States Attorney, I currently prosecute financial crimes, firearms and narcotics cases.

EXPERIENCE:

UNITED STATES ATTORNEY'S OFFICE, District of Utah
Assistant United States Attorney, August 2018 - present

FEDERAL PUBLIC DEFENDER, District of Utah
Assistant Federal Public Defender, November 2002 - August 2018

ACCOMPLISHMENTS:

- Co-chair of the Utah Federal Public Defender's Complex Fraud Unit - in 2012, co-chaired the establishment of the Complex Fraud Unit as a special unit to defend white collar cases involving high-volume discovery and high-dollar loss amounts. Developed protocols for electronic discovery management. Provided case management for the unit and trained and advised other attorneys regarding defending complex cases.
- Federal Public Defender Representative of the District of Utah's U-ACT Court - worked as an interagency team to select appropriate participants and develop a treatment program to rehabilitate participants and reduce recidivism.
- Jury Trial Experience - federal firearms violations (5 trials), embezzlement by a bank employee, drug distribution, bank fraud, sexual abuse on Indian Country, two-week trial in mortgage fraud case involving multiple counts of conspiracy, mail fraud, wire fraud and money laundering.

EDUCATION:

S.J. Quinney College of Law, University of Utah

Juris Doctor, May 2002
• Note and Comment Editor, *Journal of Law and Family Studies*

University of Utah

Bachelor of Science in Accounting, Minor in Economics, May 1999
• NCAA Scholarship - Women's Tennis

RESUME

Robert H. Wilde, Esq.
P.O. Box 71922
Salt Lake City, Utah 84171
Telephone: 801-631-3638
bob.wilde@gmail.com

EDUCATION

1971: B.S., Mathematics, University of Utah
1977: M.A., Economics (Labor), University of New Hampshire
1979: J.D., University of Utah College of Law

PRIOR EMPLOYMENT

February 1972 - May 1976: Pilot - KC-135, United States Air Force

LEGAL EXPERIENCE AND ACTIVITIES

April 1979:

Member, Utah State Bar

Admitted to practice before the Utah Supreme Court

Admitted to practice before the United States District Court, District of Utah

Admitted to practice before the Tenth Circuit Court of Appeals

April 1979 - Present:

Engaged in the private practice of law concentrating in civil litigation.

April 1979 - August 1979:

ROBERT H. WILDE, ATTORNEY AT LAW, P.C.
320 South 400 East
Salt Lake City, Utah 84111

Concentrating in general civil litigation, personal injury and collections

September 1979 - September 1980:

Partner, FAIRBOURN & WILDE
7321 South State
Midvale, Utah 84047

Concentrating in general civil litigation and personal injury

October 1980 - January 1982:

Associate, HENRIKSEN & TATE
320 South 500 East
Salt Lake City, Utah 84102

Concentrating in general civil litigation and personal injuries

February 1982 - September 1982:

Associate, THORPE, NORTH & WESTERN
9662 South State Street
Sandy, Utah 84070

Concentrating in general civil litigation, franchises, and patents

September 1982 - September 1989:

Shareholder, COOK & WILDE, P.C.
6925 Union Park Center, Suite 490
Midvale, Utah 84047

Concentrating in general civil litigation focusing on employment litigation

September 1989 - December 2012

ROBERT H. WILDE, ATTORNEY AT LAW, P.C.
935 East South Union Avenue, Suite D - 102
Midvale, Utah 84047

Concentrating in general civil litigation focusing on employment litigation

December 2012 - 2017

Partner, BLACKBURN & STOLL, LC

257 East 200 South Suite 800
Salt Lake City, Utah 84111
Telephone: 801-521-7900

Concentrating in general civil litigation focusing on employment litigation

ROBERT H. WILDE, ATTORNEY AT LAW, P.C.
P.O. Box 71922
Salt Lake City, Utah 84171

Concentrating in general civil litigation focusing on employment litigation

CIVIC AND PROFESSIONAL ACTIVITIES

Member, Board of Governors, Utah Trial Lawyers Association, 1979 - 1994

Judge Pro Tem, Third District Court, 1980 - 1995

President, Utah Trial Lawyers Association, 1980 - 1981

Chairman, Plaintiff's Exchange Committee, Utah Trial Lawyers Association, 1989 - 1994

State Delegate, Association of Trial Lawyers of America, 1981 - 1985

Bar Examiner, Ethics, Utah State Bar, 1988 - 2001

Chairman Military Section, Utah State Bar, 1990 - 2001

Member, Commercial Panel of Arbitrators, American Arbitration Association, 1980 - 1995

Special Assistant United States Attorney representing the United States Air Force in appeals before Utah state appellate courts and in other civil actions, 1989 - 2002

Member, Utah Supreme Court Advisory Committee on the Utah Rules of Evidence, 1991 - 2014

Member, National Employment Lawyers Association, 1992 - 2014

Member, Utah Employment Lawyers Association, 1994 - Present

President, Utah Employment Lawyers Association, 1994 - 1996

Member, Panel of Pro Se Mediators, Utah Anti-Discrimination Division, Industrial Commission of Utah, 1995 - 2014

Listed in The Best Lawyers in America, 1997 - Present

Rated AV by Martindale-Hubble, 1999 - Present

Member, U.S. District Court, District of Utah, panel of mediators, 2000 - 2014; 2016 - Present

Member, Utah State Bar, Admissions Committee, 2001 - 2014

Listed in Chambers & Partners, Chambers USA, America's Leading Business Lawyers, 2003-04

Member, City of Cottonwood Heights, Board of Adjustment; 2005 - present; Vice Chair 2007 - 2010; Chair 2010 - 2014

Member, City of Cottonwood Heights City Planning Commission; 2016 - present;

Member, National Employment Lawyers Association, Annual Convention Planning Committee; 2006, 2007

Scoutmaster, BSA Troop 425, 1989-1992; 2000-2003

Explorer Advisor, BSA Post 425, 1992-1995

Silver Beaver, Scouting Distinguished Service Award, 2003

Listed among Utah's Legal Elite, Utah Business, 2004 - present

Listed in Superlawyers, 2005 - 2014

Member Utah Anti-Discrimination and Labor Division, Labor Commission, Advisory Council, 2007 - 2013

Utah State Bar, Labor and Employment Section, Lawyer of the Year, 2008

Listed in U.S. News Best Lawyers, Tier One, 2011 - 2014

PROFESSIONAL PRESENTATIONS

Utah State Bar Mid Winter Meeting - Update of Utah Employment Law, 1991

Utah State Bar Annual Meeting - Plaintiff's Employment Law as a Profit Making Venture, 1993

Utah State Bar New Lawyer Mandatory Continuing Legal Education - Employment Law in Utah, 1994

Utah State Industrial Commission, Utah Department of Anti-Discrimination - Pro Bono Mediator Training, 1994

Lorman Associates - Trouble Free Hiring, 1995

Utah State Industrial Commission, Utah Department of Anti-Discrimination - Pro Bono Mediator Training, 1995

Personnel Law Update 1996 - Council on Education in Management, 1996

Plaintiff's Employment Law - Utah Trial Lawyers Association, 1996

Utah State Bar Convention, Employment Law Sessions, 1996

Ethics Issues in Employment Practice - Employment Section, Utah State Bar, 1997

Identifying and Litigating Sexual Harassment Claims - Utah Trial Lawyers Association, 1997

Age Discrimination, Personnel Law Update 1997 - Council on Education in Management, 1997

Developments in Sexual Harassment Law - Personnel Law Update 1999 - Council on Education in Management, 1999

Employment and Labor Law in Utah - Lorman Education Services, 2000

Labor and Employment Section, Utah State Bar - Ethics and Dealing with Opposing Counsel, 2000

Esasements, Rights of Way and Equitable Interests, American Society of Farm Managers and Rural Appraisers, 2002

Sexual Harassment by Small Employers as a Public Policy Violation, Utah Employment Lawyers Association, 2002

Family Medical Leave Act, Utah Employment Lawyers Ass'n, 2003

Utah Employment Jury Instructions, Utah Employment Lawyers Ass'n, 2004

Practical Applications of Employment Law, Lorman, 2004

Ethical Practice of Law, Utah Trial Lawyers Ass'n, 2004

Changes in Rule 702, Litigation Section, Utah State Bar, 2005

Hot tips in mediation, ADR Section, Utah State Bar, 2005

Ethics in negotiation, Utah Employment Lawyers Ass'n., 2005

Rule 702 practice, Central Utah Bar Ass'n., 2005

Rule 702 and Daubert hearings in employment law, National Employment Lawyers Association, 2006

Expert witness use in employment actions, National Employment Law Association, 2007

Utah's new Rule 702, Utah Trial Lawyers Association, 2007

Using pretext to defeat summary judgment, Utah Employment Lawyers Association, 2008

Settling employment claims, Utah Employment Lawyers Association, 2009

Practice under the Utah Supreme Court's Standards of Professionalism and Civility, Utah Employment Lawyers Association, 2010

FMLA Interference claims, National Employment Lawyers Ass'n, 2010

Preventing problems in depositions, Utah Ass'n for Justice, 2010

Current issues in employment law, Federal Bar Ass'n, 2011

3rd Annual Excellence in ADR Advocacy: Making Deals Work, Utah State Bar, 2013

Ethical Retainer Agreements, Utah Employment Lawyers Ass'n, 2013

Ethical issues in representing multiple clients, Utah
Employment Lawyers Ass'n, 2017

Amendments to the Utah Payment of Wages Act - Legislatively
overruling Heaps v. Nuriche, Utah Employment Lawyers Ass'n, 2017

U.S. AIR FORCE

Colonel, United States Air Force Reserve, Retired 2001,
1972 - 1976: Active duty KC-135 Pilot

Air Force Logistics Command - Outstanding Reserve Lawyer 1991 -
1992

PUBLICATIONS

Abood v. Detroit Board of Education, 7 Journal of Collective
Negotiations in the Public Sector, 341

A Daubert Primer for Trial Lawyers, Utah Trial Journal, Summer
2005, 29

PERSONAL INFORMATION

Marital Status: Married

Family Status: Six Children

TAB
3

Utah State Bar®

M E M O R A N D U M

TO: Utah State Bar Commission
John C. Baldwin

FROM: Carrie T. Boren

RE: Proposed Licensed Paralegal Practitioner Exam Application and Licensing Fees

DATE: February 27, 2019

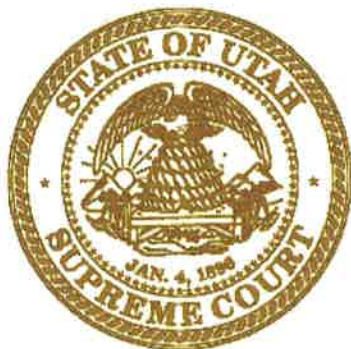
Dear Members of the Utah State Bar Commission:

Recently, I met with John Baldwin and Elizabeth Wright to discuss the fees to be charged for parties applying to take the LPP Exam (and other associated fees) and the licensing fees for those who pass the exams. At that time, we agreed that the fees charged would need to strike a balance between the need to cover some administrative costs of the program and ensuring the fees are still low enough to encourage interested parties to apply. We concluded that the following proposed fees will accomplish that goal:

- **Application Fee:** \$100/each practice area exam AND
\$100 for Professional Responsibility exam.
(Total fee will be at least \$200.)
- **Application Late Fees:** \$50 if submitted 1-15 days after deadline;
\$100 if submitted 16-30 days after the deadline.
- **Application Transfer Fees:** \$50
- **Limited Time Waiver Application Fee:** \$150
- **Yearly Licensing Fee:** \$200
- **Reinstatement Fee:** \$50
- **MCLE Compliance Fee:** \$15 per 2-year MCLE cycle

I am presenting these fees for your approval and permission to submit the fees for approval by the Utah Supreme Court.

TAB
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Supreme Court of Utah

450 South State Street
P.O. Box 140210
Salt Lake City, Utah 84114-0210

Appellate Clerks' Office
Telephone 801-578-3900
Email: supremecourt@utcourts.gov

March 4, 2019

A Move Toward Equal Access to Justice

Four billion people live “outside of the rule of law—with little access to basic legal tools.”¹ This predicament is not unique to third-world countries: According to the World Justice Project’s most recent survey, the United States is tied for 99th out of 126 countries in terms of access to and affordability of a civil justice system. Yet access to justice should be the hallmark of the American legal system. In the words of Chief Justice John Marshall, “[t]he very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever [they] receive[] an injury.”² And “[o]ne of the first duties of government is to afford that protection.”³

As the branch of government with constitutional responsibility over the administration of justice, the Utah judiciary has been in the vanguard of initiatives aimed at solving the access-to-justice problem. To this end, the judiciary, under the leadership of the Utah Supreme Court and the Judicial Council, has relatively recently established state-wide pro bono efforts, moved to systematize court-approved forms and make them easily accessible online to all, established a new legal profession in Licensed Paralegal Practitioners, and piloted an online dispute resolution model for small claims court. Each of these initiatives takes an important step toward narrowing the access-to-justice gap. But the most promising initiative involves profoundly reimagining the way the law is regulated in order to harness the power of entrepreneurship, capital, and machine learning in the legal arena.

In this regard, in late 2018, the Utah Supreme Court, at the request of the Utah State Bar Association, charged John Lund (past President of the Bar) and Justice Deno Himonas with organizing a work group to study and make recommendations to the Court about optimizing the regulatory structure for legal services in the Age of Disruption in a manner that fosters innovation and promotes other market forces so as to increase access to and affordability of legal services. With this objective in mind, members of the Utah court system and the State Bar and academics and other experts, working closely together, have begun to envision and outline what a new regulatory structure might look like. This regulatory structure involves, among other things, (1) loosening restrictions on lawyer advertising, solicitation, and fee arrangements, including referrals and fee sharing; (2) providing for broad-based investment and participation in business models that provide legal services to the public, including non-lawyer investment and ownership of these entities; and (3) creating a regulatory body under the auspices of the Utah Supreme Court to develop and implement a risk-based, empirically-grounded regulatory process for legal services. This body would also, potentially, solicit non-traditional sources of legal services, including non-lawyers, and allow them to test innovative legal service models and delivery systems through the use

¹ Hadfield, G.K. (2017) *Rules for a Flat World*, p. 281, Oxford University Press.

² *Marbury v. Madison*, 5. U.S. (1 Cranch) 137, 163, 2 L.Ed. 60 (1803).

³ *Id.*

of a “regulatory sandbox” approach, which permits innovation to happen in designated areas and addresses risk and generates data to inform the regulatory process.

Bridging the access-to-justice gap is no easy undertaking: it requires multi-dimensional vision, strong public leadership, and perseverance. It also requires timely action. Knowing this, the work group intends to complete its work and provide a written report with specific recommendations to the Supreme Court by June 30, 2019.



Utah State Bar®

645 South 200 East, Suite 310 • Salt Lake City, Utah 84111-3834

Telephone: 801-531-9077 • Fax: 801-531-0660

<http://www.utahbar.org>

August 22, 2018

John C. Baldwin
Executive Director

Board of Bar Commissioners

H. Dickson Burton
President
TraskBritt
Salt Lake City

Herm Olsen
President-elect
Hillyard Anderson & Olsen
Logan

S. Grace Acosta
Lewis Hansen Law Firm
Salt Lake City

John W. Bradley
Utah Attorney General's Office
Ogden

Steven R. Burt, AIA
Public Member
Entelen Design Build
Salt Lake City

Heather M. Farnsworth
Match & Farnsworth
Salt Lake City

Mary Kay Griffin, CPA
Public Member
Mayer Hoffman McCann
Salt Lake City

Chrystal Mancuso-Smith
Pia Anderson Moss Hoyt
Salt Lake City

Mark O. Morris
Snell & Wilmer
Salt Lake City

Mark W. Pugsley
Ray Quinney & Nebeker
Salt Lake City

Thomas W. Seller
Robinson Seller Anderson & Fife
Provo

Cara M. Tangaro
Tangaro Law Firm
Salt Lake City

Heather L. Thuet
Christensen & Jensen
Salt Lake City

Kristin K. Woods
Attorney at Law
St. George

VIA EMAIL to cathyd@utcourts.gov

Justices of the Utah Supreme Court
c/o Appellate Court Administrator
450 S. State Street
P.O. Box 140230
Salt Lake City, UT 84114

Dear Justices of the Utah Supreme Court,

Access to justice in Utah remains a significant and growing problem. It can be readily seen in the data regarding self-represented parties in the Utah court system. However, it is a much broader and complex issue which not only involves all sort of legal needs but overlaps with a host of other challenges confronted by low and middle-income people living in Utah. We believe lawyers can and should be part of the solution to this problem. There are times well before a court action when some simple advice from an attorney could prevent a problem or resolve a conflict. Yet, as the Bar's recent survey shows, very high percentages of individuals and businesses in Utah have no sense of the value lawyers can provide, they do not know how to find the right lawyer and they believe that it will be too costly to get a lawyer's help.

There are undoubtedly many steps needed in many places. However, we believe a key step to getting legal representation to more people is to substantially reform the regulatory setting in which lawyers operate. We request the Court establish a small working group to promptly study possible reforms and make recommendations to the Court. The purpose of the working group would be to evaluate and make recommendations for revisions, possibly major revisions, to the rules of professional responsibility so as to permit lawyers to more effectively and more affordably provide legal services and do related promotion of those services. The specific areas of focus would be rules concerning (1) fee sharing, (2) advertising and (3) fee arrangements. There are also some conflict of interest issues implicated by some of the possible revisions in these areas.

The work would include consideration of (1) the effect of modern information technology and modern consumer patterns on the current rules, (2) the potential value, in terms of making legal services accessible to clients, of non-lawyer investment and ownership in entities providing legal services and the related regulatory issues, (3) the prospect of broadening the availability of legal services through flat fee and other alternative fee arrangements not currently permitted by the rules, (4) whether there is continuing justification for the rules against direct solicitation, (5) whether and how to permit and structure lawyer use of referral systems such as Avvo in light of the rule against referral fees and (5) the related trends and approaches being considered and/or implemented in other bars, such as Oregon and the ABA's work in this area.

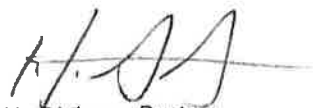
Justices of the Utah Supreme Court
c/o Appellate Court Administrator
August 22, 2018
Page 2

In terms of the makeup of the group, we suggest that the group be co-chaired by a Supreme Court Justice and the immediate past president of the Bar, John Lund. We believe the Bar's general counsel can provide support. We would also suggest including the chair of Court's Committee on the Rules of Professional Responsibility and would also ask that Cathy Dupont be appointed to the committee. Importantly the group should be made up of people who will actually study and consider recommended changes. In that vein, we propose including one of the leaders from the Bar's Innovation in Law Practice Committee, possibly Heather White, Co-chair of that Committee.

Once established, we believe the group could be expected to provide a report and recommendation to the Court within 6 months.

We would be most pleased to attend the Court's Conference on August 27 and discuss our proposal in more detail and answer any questions or concerns from the members of the Court.

Sincerely,



H. Dickson Burton

cc: Richard H. Schwermer (ricks@utahcourts.gov)
John R. Lund (jlund@parsonsbehle.com)
John Baldwin (jbaldwin@utahbar.org)



INSTITUTE *for the* ADVANCEMENT
of the AMERICAN LEGAL SYSTEM



February 24, 2019

Dear Justice Himonas:

We are writing to invite you and a team from Utah to be among the first to join IAALS' latest initiative—an initiative that we think, with the right partners, is poised to transform the way legal services are provided—and to lead the way to greater access and a system that is fulfilling its promise to the people and organizations who rely on it.

IAALS new project tackles the questions surrounding regulation of the legal profession. Our intent is to: 1) create conversations about the appropriate role of the attorney regulatory system; 2) explore how the existing regulatory environment may impede innovation and access to legal services; 3) explore new regulatory models that might strengthen our regulatory system by ensuring access to quality legal services and support the vibrant legal services market that is so critical to our society; and 4) explore Rules changes that might lead the way into the future. We would like to undertake this work in partnership with courts, regulators, and innovators across the country

The project will begin with a 1 ½-day workshop on the questions surrounding entity regulation. Last fall, IAALS partnered with experts Gillian Hadfield and Lucy Ricca* and commissioned the creation of a draft model for entity regulation. On April 16-17, IAALS is convening a small group to look critically at that model and explore possible implementation. The group will include stakeholders and decision-makers from select states to build out the breadth of the conversation and also to allow consideration of implementation opportunities.

The workshops will be interactive and practical. We will come to the table with a draft model and a developed case study to test that model. Participants will actually apply the proposed model to a case study, which will allow the group to surface risks and rewards posed by the new model. Our goal is not abstract conversation, but rather practical analysis and possible development of an action plan.

We are inviting only a small number of particularly innovative states to participate, together with other experts and stakeholders. Our hope is that the proposed model we have developed will be a launching pad for those states to consider some version of entity regulation, perhaps inspired but not necessarily constrained by the model we present.

To that end, we are asking each invitee state to identify three key participants, as each participant plays a critical role in progress:

1. Supreme Court Justice
2. Attorney Regulation Counsel
3. Bar Leader



INSTITUTE *for the* ADVANCEMENT
of the AMERICAN LEGAL SYSTEM



UNIVERSITY *of*
DENVER

We are also including other participants, including experts and researchers who focus on the interplay between legal services and regulation. If you have key people you would like to recommend in that capacity, please feel free to suggest them, as well.

We hope you will join us. IAALS has a history of tackling complex and challenging problems and working with stakeholders and decision-makers like you. We believe this is a critical time to be talking about how the way we regulate lawyers impacts the way legal services are delivered and accessed now and into the future. We hope you will join us on April 16-17 to bring these conversations to life.

Sincerely,

A handwritten signature in black ink that reads "Rebecca Love Kourlis".

Justice Rebecca Love Kourlis (Ret.)
Executive Director

A handwritten signature in black ink that reads "Alli Gerkman".

Alli Gerkman
Senior Director

* Gillian Hadfield is a Professor of Law at the University of Toronto and a leading proponent of the reform and redesign of legal systems for a rapidly changing world facing tremendous challenge from globalization and technology. Lucy Ricca was Executive Director of the Center on the Legal Profession at Stanford Law School, where she is now a Fellow.

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

JANUARY 18, 2019

LAW AND JUSTICE CENTER

- In Attendance:** President H. Dickson Burton and President-elect Herm Olsen.
Commissioners: Grace Acosta, Steven Burt, Heather Farnsworth, Mary Kay Griffin, Chrystal Mancuso-Smith, Mark Morris, Mark Pugsley, Tom Seiler, and Heather Thuet.
- Ex-Officio Members:** Dean Robert Adler, Nate Alder, Erik Christiansen, Jiro Johnson, Bebe Vanek, and Lorraine Wardle.
- Not in Attendance:** John Bradley, Cara Tangaro and Katie Woods. Ex-Officio Members: Amy Fowler, John Lund, Margaret Plane, Robert Rice, Dean Gordon Smith and Sarah Starkey.
- Also in Attendance:** Executive Director John C. Baldwin, Assistant Executive Director Richard Dibblee, and General Counsel Elizabeth A. Wright.

Minutes: 9:05 a.m. start

1. President's Report: H. Dickson Burton

- 1.1 Review Breakfast Meeting with Large Firms.** Dickson reported on the breakfast with large firm leaders. Topics included the legislative session and the proposed professional services tax. Justice Petersen reported to the group on the work of the Supreme Court Committee on Well-being.
- 1.2 Review Supreme Court Well-being Task Force Report.** Dickson reported that the Task Force is very close to finishing its report and recommendations. The Task Force would like to conduct a study of Utah lawyers, judges and law students to obtain a baseline on lawyer well-being so the Task Force implementations can be measured.
- 1.3 Review Legislative Phone Conference Calendar.** John Baldwin reminded the Commission of the weekly phone meetings during the legislative session. Meetings are at 4:00 p.m. each Tuesday during the legislative session.
- 1.4 Spring Convention Report: Herm Olsen** reported on the highlights of the Convention and reminded Commissioners to register and make room reservations.
- 1.5 St. George and Park City Room Reservation Reminder**

- 1.6 **Bar Elections Information.** John Baldwin reminded the Commissioners that lawyers interested in running for Bar Commissioner must submit petitions by February 1, 2019.
- 1.7 **Report on 3rd District Judicial Nominating Commission Vacancies.** John Baldwin notified Commissioners that the Bar Commission must nominate six lawyers for the 3rd District Judicial Nominating Commission at the March meeting. The Nominating Commission reviews applications for judicial vacancies and makes recommendations to the Governor. Bar Commissioners were asked to reach out to qualified individuals to encourage them to apply.

2. Action Items

- 2.1 **Nominate Bar President-elect Candidates.** Herm Olsen nominated Heather Farnsworth to run for President Elect. Grace Acosta seconded the motion which passed unopposed.
- 2.2 **Select Dorathy Merrill Brothers Award Recipient.** After discussing the recommendation of the Awards Committee, Grace Acosta moved to award Jacey Skinner the Dorathy Merrill Brothers Award for the Advancement of Women in the Legal Profession. Mark Morris seconded the motion which passed unopposed.
- 2.3 **Select Raymond S. Uno Award Recipient.** After discussing the recommendation of the Awards Committee, Grace Acosta moved to award Yvette Donosso the Raymond S. Uno Award for the Advancement of Minorities in the Legal Profession. Heather Thuet seconded the motion which passed unopposed.
- 2.4 **Public Representation on Bar Commission Report.** Erik Christiansen reported on behalf of the Committee. The Committee recommends not adding public members to the Board at this time because there is not demand from members or the public and Utah is distinguishable from bars that have more public members. The Commission then discussed public members generally, their purpose and tremendous value. The discussion was tabled for a later meeting.
- 2.5 **Request to Fund Supreme Court Well-being Study.** The Supreme Court Task Force on Lawyer Well-being would like to hire an epidemiologist from the University of Utah to conduct a study of lawyer well-being in Utah. The study results will provide a baseline of well-being so the Committee's implementations can be measured going forward. The Task asked the Bar to fund the study. Herm Olsen moved to provide up to \$10,000 to fund the study. Tom Seiler seconded the motion which passed unopposed.
- 2.6 **Bar Member Survey Committee Report.** Mark Morris reported that he has been tasked with overseeing a survey of bar members. The survey will be similar to survey conducted in 2010 and will obtain important information about bar members. Mark Morris will create a committee to oversee the selection of a survey organization. Mark

Morris was asked to propose budget numbers for the survey at the March Commission meeting.

3. Information Items

- 3.1 **Licensed Lawyer Marketing Report.** Communications Director Matt Page reported to the Commission on the promotion of Licensed Lawyer.
- 3.3 **Innovation in Law Practice Committee.** Heather White reported that the Technology and Innovation Committee recommended that Utah lawyers be required to earn 2 hours of technology-related CLE credits every two years. **After discussion of the recommendation, Mark Morris moved to ask the Court to require 2 hours of technology-related CLE credits every two years. Mark Pugsley seconded the motion which passed unopposed.**
- 4. **“Open Mic Time.”** Steve Burt noted that it is still difficult to navigate the Bar’s website. Nate Alder asked people to speak to him if they are interested in serving on an ABA Committee.

The meeting adjourned at 12:05 p.m.

Consent Agenda

- 1. Approved Minutes from the December 14, 2018 Commission Meeting.

Handouts:

- 1. List of lawyer legislators.
- 2. Dorathy Merrill Brothers Award nominees and letters of recommendation.
- 3. Raymond S. Uno Award nominees and letters of recommendation.
- 4. Report and Recommendations from the Committee to study public members on Board.

**RESOLUTION OF
THE BOARD OF BAR COMMISSIONERS
OF THE
UTAH STATE BAR**

Whereas, the Employer has the power to amend the Plan, on January 31, 2019, the following resolutions to amend the Utah State Bar 401k Plan and the Utah State Bar 401k Plan Trust were duly adopted by unanimous consent in lieu of a meeting of the Board of Bar Commissioners of the Utah State Bar and that such resolutions have not been modified or rescinded as of the date hereof:

RESOLVED, that the form of Plan presented to the Board of Bar Commissioners is a Cash or Deferred Profit Sharing Plan as authorized under Internal Revenue Code sections 401(a), 401(k), 402(g), 401(m) and 501(a) and the Plan is intended to meet the requirements for a Safe Harbor Cash or Deferred Profit Sharing Plan under Internal Revenue Code sections 401(k)(12) and 401(m)(11). This amendment shall be effective February 15, 2019;

RESOLVED, that the Utah State Bar 401k Plan and the Utah State Bar 401k Plan Trust presented to the Board of Bar Commissioners are hereby adopted and approved and that the proper officers of the Employer are hereby authorized and directed to execute and deliver to the Plan Administrator one or more counterparts of the Plan and Trust.

RESOLVED, that the proper Officers of the Employer shall act as soon as possible to notify employees of the Employer of the amendment of the Plan and Trust.

RESOLVED, that effective February 15, 2019, Kellie Bartz is hereby removed as a trustee of the Utah State Bar 401k Plan, and that the proper Officers of the Employer shall act to notify Kellie Bartz of such removal.

RESOLVED, that effective February 15, 2019, Lauren Stout shall be appointed as a Trustee of the Utah State Bar 401k Plan, further, that the proper Officers of the Employer shall act to notify Lauren Stout of this appointment.

The undersigned further certifies that attached hereto as Exhibits A, B and C respectively are true copies of the Utah State Bar 401k Plan Adoption Agreement, Document and Trust approved and adopted in the above resolutions.

Secretary

Date



Utah State Bar®

645 South 200 East, Suite 310 • Salt Lake City, Utah 84111-3834
 Telephone: 801-531-9077 • Fax: 801-531-0660
<http://www.utahbar.org>

January 17, 2019

John C. Baldwin
 Executive Director

Board of Bar Commissioners

H. Dickson Burton
 President
 TraskBritt
 Salt Lake City

Herm Olsen
 President-elect
 Hillyard Anderson & Olsen
 Logan

S. Grace Acosta
 Lewis Hansen Law Firm
 Salt Lake City

John W. Bradley
 Utah Attorney General's Office
 Ogden

Steven R. Burt, AIA
 Public Member
 Entelen Design Build
 Salt Lake City

Heather M. Farnsworth
 Match & Farnsworth
 Salt Lake City

Mary Kay Griffin, CPA
 Public Member
 Mayer Hoffman McCann
 Salt Lake City

Chrystal Mancuso-Smith
 Pia Anderson Moss Hoyt
 Salt Lake City

Mark O. Morris
 Snell & Wilmer
 Salt Lake City

Mark W. Pugsley
 Ray Quinney & Nebeker
 Salt Lake City

Thomas W. Seller
 Robinson Seiler Anderson & Fife
 Provo

Cara M. Tangaro
 Tangaro Law Firm
 Salt Lake City

Heather L. Thuet
 Christensen & Jensen
 Salt Lake City

Kristin K. Woods
 Attorney at Law
 St. George

Mr. H. Dickson Burton
 President
 Utah State Bar Commission
 645 South 200 East
 Salt Lake City, Utah 84111

Dear Mr. Burton and Bar Commission Members:

In January 2018, the Utah State Bar Commission ("the Commission") met with representatives from both Utah law schools and members of the Utah State Bar Committee on New Lawyer Training ("the Committee") to discuss how best to present law students and new attorneys with opportunities to gain more practical experience. During the meeting, the Committee agreed to modify the NLTP mentoring plan, adding a requirement that new attorneys must complete activities that will provide them with practical experience. Please allow this letter to serve as an update on the Committee's progress in this area.

The NLTP Committee formed a Subcommittee tasked with determining what changes needed to be made to incorporate a practical training element in the mentoring plan. The Subcommittee began by using feedback from Committee member Kayla Quam, who had recently completed the program as a new lawyer, as well as information gathered at a national legal mentoring conference attended by members R. Josh Player and Lesley Manley, and NLTP Administrator Carrie Boren.

After months of diligent work, the Subcommittee was able to revise Required Section 3 to include a list of required practical experiences in which the new lawyer must take an active, not observational, role. The Subcommittee also added a clarification of *Supreme Court Rule of Professional Practice 14-808(h)*, dealing with conflicts and confidentiality in outside mentoring relationships, to assist in resolving possible conflict, confidentiality, and malpractice issues when a new lawyer wants/needs to work on an actual matter with their mentor's assistance. The Subcommittee's changes to the mentoring plan were approved by the full Committee in December 2018 and the final plan is attached for your review. *Please see Attachment 1.*

The Subcommittee also determined the need for a consent form allowing the mentor to establish a limited attorney-client relationship with a new lawyer's pro bono client, if the mentor and new lawyer believe that it is in the best interests of the client and if the client agrees. Subcommittee member Lesley Manley helpfully engaged her colleague Mr. Gary Sackett, who volunteered his time to develop the Limited Representation and Waiver Form that resolves these issues. This form was approved by the full Committee in December 2018 and it is attached for your review. *Please see Attachment 2.*

Due to these changes, every mentor who was approved before the July 2019 term will need to be trained on the new requirements. The Committee would like to institute these changes starting in the July 2019 term, so the Committee has secured time during the Utah State Bar Summer Convention to hold a mentor training presentation discussing the new aspects of the Mentoring Plan.

The NLTP Committee would like to recognize the subcommittee members for their commitment to helping improve the NLTP: Sharon Donovan (Chair), Hon. Su Chon, Laura Rasmussen, R. Josh Player, Kayla Quam, and Lesley Manley. Most especially, the Committee extends its thanks to Sharon Donovan who commendably led the Subcommittee in completing its task. The Committee also gives special thanks to Kayla Quam, who provided important feedback regarding the current program and was instrumental in drafting the Subcommittee's suggested changes. Finally, the Committee would like to express tremendous gratitude to Lesley Manley and Gary Sackett for drafting the Limited Representation and Waiver Form that resolved a major roadblock to adding the practical experience requirement to the mentoring plan.

As noted above, I have attached to this letter the final revised 2019 NLTP Mentoring Plan (*Attachment 1*) and the Limited Representation and Waiver Form (*Attachment 2*) for the Commission's review. We would appreciate any feedback you or the other Commission members might have.

Respectfully,



R. Josh Player
Chair
New Lawyer Training Committee

Cc: John Baldwin, Executive Director, Utah State Bar

¹ An "outside" mentor or mentoring relationship means that the new lawyer and the mentor are completing the NLTP but they are not employed by the same employer.

Attachment 1

Utah State Bar New Lawyer Training Program-- Mentoring Plan

Participate in— Hands-on experiences with the activities you choose. While the Plan is intended to be flexible regarding practice areas, the emphasis should be on obtaining practical experience.

Observe—If you are unable to participate in an activity, then observe your mentor or another attorney. Observing court proceedings can teach you a lot about the practice of law.

Discuss—In some cases, you can discuss principles and practices. Use examples as much as possible in these discussions.

If you are unable to participate in or observe activities involving forms, pleadings, or other documents, use mock examples. Client interactions and other activities can be hypothetically created if needed.

Pursuant to Utah Supreme Court Rule of Professional Practice 14-808 (New Lawyer Training Program), the mentor may provide short-term, limited guidance or counsel, within the mentoring relationship, without expectation by either lawyer or the new lawyer's client that a lawyer-client relationship has been formed. Accordingly, the new lawyer is not required to run a conflict check and the Utah Rules of Professional Conduct regarding conflicts or confidentiality of information will not apply when guidance or counsel is being provided on a short-term limited basis to a new lawyer regarding a new lawyer's client. The mentor may exercise his or her judgment as to whether a conflict check is advisable. If the mentor and the new lawyer are engaged in on-going or regular guidance/counsel related to a specific client or clients, the mentor must comply with the relevant Utah Rules of Professional Conduct, which may require obtaining an informed consent/waiver from the client and/or to formally enter into a lawyer-client relationship through the execution of an appropriate engagement letter and fee agreement. The new lawyer and the mentor should refer to Rule 14-808 with any questions.

Focus on professionalism and civility principles in all aspects of the plan. If the new lawyer has experience in areas of the plan already, develop a deeper understanding of potential ethical or professionalism issues that may arise. (See Mentoring Guide on Professionalism)

REQUIRED EXPERIENCES

Mentoring Relationship – Required Initial Meeting

- ☐ During the first month of the mentoring term, the new lawyer should contact the mentor and arrange to meet at the mentor's office to get acquainted and develop a mentoring plan.
- ☐ Reach an understanding on how matters designated as confidential by the new lawyer will be handled.

Initial Meeting Guide

Required Section 1: Introduction to the Legal Community.

Required Experiences

- ☐ Invite the new lawyer to attend a meeting of the local bar association (CLE, event, pro bono, social) and discuss advantages of involvement with local, state and/or national bar or professional associations. Discuss a lawyer's obligation to provide pro bono service. Encourage the new lawyer to take a pro bono case as a way to provide service and gain legal experience. Encourage the new lawyer to fill out a pro bono volunteer sign-up form.
- ☐ Acquaint the new lawyer with And Justice For All, including Legal Aid, Utah Legal Services, Disability Law Center and other free clinics. The new lawyer and mentee are strongly encouraged to volunteer together at one of the free clinics such as Tuesday Night Bar, Family Law Clinic or Debtor's Clinic.
- ☐ If applicable, discuss internal policy on performing public service, low and pro bono projects, and hours allowed for these programs.
- ☐ Discuss and explain CLE requirements and ways to fulfill such requirements, including Bar CLE programs.

Optional Experiences

- ☐ Introduce the new lawyer to other lawyers in the community through attendance at local bar association meetings or other legal community meetings.
- ☐ Review and discuss Bar sections and committees and the value of getting involved in Bar activities and service, including the Young Lawyers Division.
- ☐ Escort the new lawyer on a tour of the local courthouse(s) and, to the extent practicable, introduce him or her to members of the judiciary, court personnel, and clerks of court.
- ☐ Provide four (4) forms to the new lawyer based on the new lawyer's need or request or provide the most-used sample pleadings utilized by the mentor. (Identifying and confidential information should be redacted or otherwise removed from the documents.)

Month/Project/Case/Ongoing _____

Required Section 2: Rules of Professional Conduct and Standards of Professionalism and Civility.**Required Experiences**

- ☐ Attend the required CLE, New Lawyer Ethics Program, offered either in the fall or spring. Review the CLE calendar on the Utah State Bar website for seminar dates and to register.
- ☐ Review and discuss the Rules of Professional Conduct. Review and discuss the following Rules.
 - o 1.7-8. Conflict of interest: current clients;
 - o 3.3. Candor toward the tribunal;
 - o 4.2 Communication with persons represented by counsel; or
 - o 4.3 Dealing with unrepresented persons.
 - o 6.1 Voluntary pro bono legal system
- ☐ Review and discuss the Utah Standards of Professionalism and Civility. Discuss the Preamble and all twenty standards. Discuss any "unwritten" customary rules of civility or etiquette among lawyers and judges in the community.
- ☐ Discuss ethical issues that arise with some regularity in the practice setting. Discuss ways to resolve the issues, referring to experience, as well as the Rules of Professional Conduct. Include in the discussion the importance and use of an in practice or firm conflict resolution committee. Review and discuss the importance of and methods used to screen for potential conflicts. Discuss the differences between issue conflicts and client conflicts.
- ☐ Discuss the process and importance of responding to Bar complaints and requests for information from the Office of Professional Conduct.

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Required Section 3: Litigation and Transaction Handling Experiences. (Select at least 10)

The new lawyer is required to accomplish at least ten (10) of the following experiences in Litigation and Transaction Handling. At least four (4) of the ten (10) experiences must satisfy the Required Practice Experience section detailed below. The experiences in this section are intended to give all new lawyers an opportunity to receive cross-training and exposure to areas of practice beyond their usual work.

Up to four (4) of the selected experiences may be accomplished during law school in a credit-earning externship; a law school clinical program; a simulated skills course; a mock trial course or competition; or a supervised Pro Bono case. See pages 19-20 of the Guidelines and FAQs in the New Lawyer Training Program Manual for information about receiving credit for experiences accomplished during law school.

Required Practical Experience—Choose Four (4)

During the year, the new lawyer must have at least four (4) practical experiences that are observed/checked by the mentor or another member of the Utah State Bar. The new lawyer should be in an active, not observational, role for these specific experiences. The mentor should provide feedback based on the new lawyer's performance. The new lawyer should choose four (4) separate practical experiences from the following list:

- ☐ Participate in a clinic held by the Utah State Bar, such as the Family Law Clinic, Expungement Clinic, Tuesday/Thursday Night Bar, Wills for Heroes, Pro Se Calendar, etc.
- ☐ Take on a pro bono case with the mentor as co-counsel or in an advisory role through the Utah State Bar. If the mentor is not counsel of record with a proper engagement letter and fee agreement in place, then the new lawyer should either (1) obtain informed consent/waiver from the client that allows the mentor to be involved in the case, or (2) ensure that all information learned during the representation remains confidential and privileged. If the latter, the new lawyer should speak in generalities or hypothetical terms, or redact or otherwise remove identifying, confidential information. Please refer to Utah Rule 14-808.
- ☐ Have the mentor review and provide feedback on three (3) written products drafted by the new lawyer, such as motions, proposed orders, letters to opposing counsel, in-depth email correspondence to opposing counsel, in-depth letters to clients, etc. If possible, the new lawyer should redact or otherwise remove identifying, confidential information. Please refer to Utah Rule 14-808.
- ☐ With the client's permission and signed waiver, have the mentor sit in on an in-office meeting that is run by the new lawyer.
- ☐ With the client's permission and signed waiver, have the mentor sit in on a mediation that is run by the new lawyer.
- ☐ With the client's permission and signed waiver, have the mentor sit in on a hearing that is run by the new lawyer.
- ☐ Participate in a CLE that provides practical experience, such as Young Lawyer Division's Litigation 101 series or the Litigation Section's Trial Skills Academy.

The new lawyer and mentor can create other practical experiences for the new lawyer that satisfies this requirement, so long as the activity is presented to the New Lawyer Training Program Director and approved; the activity is run by the new lawyer; and the mentor is present and able to provide feedback afterwards.

The new lawyer can turn one of the experiences listed below ("Additional Experience" Section) into a practical experience that would satisfy this "Required Practical Experience" Section so long as the activity is run by the new lawyer and the mentor is present and able to provide feedback afterwards.

Additional Experience—Choose Six (6)

- ☐ Participate in drafting a fee agreement for a client.
- ☐ Participate in a deposition of a witness or adverse party in a civil action.
- ☐ Participate in a trial in a civil or criminal case in either a state or federal court. (Cross-reference with Elective Section A)
- ☐ Participate in an evidentiary hearing in a state or federal court.
- ☐ Observe or participate in a mediation or arbitration.
- ☐ Observe or participate in a negotiation and explain relevant background context.
- ☐ Participate in the interviewing of a client.
- ☐ Participate in the counseling of a client.
- ☐ Prepare a complaint and a summons. (Cross-reference with Elective Section E)
- ☐ Participate in trial preparation and observe or participate in a trial.
- ☐ Participate in or observe an appellate argument in the Utah Supreme Court, Utah Court of Appeals or in a Federal Appellate Court. (Cross-reference with Elective Section A)
- ☐ Participate in plea negotiations or reviewing a plea agreement.
- ☐ Participate in drafting and reviewing wills and revocable living trusts.

- ☐ Participate in drafting and reviewing initial probate documents.
- ☐ Participate in forming business entities by drafting and reviewing incorporation documents and business agreements.
- ☐ Participate in preparing settlement documents, including a discussion of any tax implications in a settlement including a monetary award.
- ☐ Participate in an administrative hearing.
- ☐ Participate in drafting, amending, or reviewing a contract.
- ☐ Participate in drafting a pleading or motion for an administrative body or a state or federal court.
- ☐ Participate in preparing a client's tax return.

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Required Section 4: Intro to Law Office Management

Required Experiences

- ☐ Tour the mentor's office to demonstrate and explain how the following items of law practice management are used and handled in the mentor's office, if applicable: (discuss these practices if a tour is not feasible)
 - Time Records. Discuss how to write a time entry that is meaningful to clients, billing partners and, if necessary, a court in a case involving fee awards. Explain realization.
 - Discuss best practices and current practices regarding records of client-related expenses.
 - Discuss the billing system.
 - Review escrow and trust account rules for handling of client funds, including importance of clearing checks before funds are drawn and authority needed to pay fees from client funds in trust.
 - Introduce the new lawyer to the filing system.
 - Review and discuss malpractice insurance policy and review the insurance and disclosure forms required annually by the carrier.
 - Introduce the new lawyer to the document retention plan.
 - Introduce the calendar and "tickler" or reminder systems.
 - Introduce the information technology systems.
 - Introduce the library and research systems.
- ☐ Discuss practices to maintain client confidentiality.
- ☐ Discuss office conflict of interest procedures.

Optional Experiences

- ☐ Introduce other resources (publications, seminars, equipment, etc.) that a new lawyer might find particularly helpful in his or her work.
- ☐ Discuss the roles and responsibilities of paralegals, secretaries, and other office personnel, and how to establish good working relationships with others in the office who are support staff, colleagues, or senior partners.

Optional Focused Product - For solo practitioners, outside mentoring, or non-private practitioners

- ☐ Create a business plan
- ☐ Draft policies and procedures for a law office

Month/Project/Case/Ongoing _____

Required Section 5: Working With Clients (Required Where Applicable)**Required Experiences**

- ☐ Engage in a training discussion about client interaction, including tips for gathering information about a legal matter and appraising the credibility and trust of a potential client.
- ☐ Train, through discussion and client interaction, how to screen for, recognize, and avoid conflicts of interest.
- ☐ Train on using retainer or engagement letters and discuss frequent issues that arise regarding the scope of representation.
- ☐ Discuss "DOs and DON'Ts" of maintaining good ongoing client relations, such as returning telephone calls and keeping clients informed about matters.
- ☐ Discuss terminating the lawyer-client relationship and necessary documentation.

Optional Experiences

- ☐ Train on how to decide whether to accept a proffered representation.
- ☐ Train on how to talk about and set the fee for legal services. Review and discuss retainer agreements.
- ☐ Discuss how to deal with a "difficult" client and how to decline representation of the unrealistic or "impossible" client.
- ☐ Participate in or observe at least one client interview or client counseling session.
- ☐ Review and understand contingency fee agreements and issues to be included.

Optional Focused Product

- ☐ Draft or evaluate a client intake form

Month/Project/Case/Ongoing _____

Required Section 6: Implicit Bias and Well-Being.

- ☐ Discuss the importance of family and life balance, including any billable hour requirements not previously discussed.
- ☐ Review and discuss the support and counseling available for the new lawyer and family through the Bar's contract with a professional counseling service and the Lawyers Helping Lawyers Committee.
- ☐ Take two of the tests that Harvard has created to test for implicit bias. Discuss the results.

Mentoring Guides

- ☐ Work/Life Design and Well-Being
- ☐ Diversity and Inclusion

Month/Project/Case/Ongoing _____

END OF REQUIRED SECTIONS**ELECTIVE ACTIVITIES AND EXPERIENCES**

The mentor and the new lawyer should choose four of the Elective Sections identified in Sections A through Q. Within each area, select as many activities as feasible.

Under each area, you are encouraged to adjust the activities and experiences to your particular practice setting and individual needs.

The mentor, or another experienced lawyer approved by the mentor, should monitor and facilitate the progress of the new lawyer in fulfilling practice experiences by discussing the context and assessing the activity selected.

Elective Section A: Advocacy.

- ☐ Attend an appellate argument in the Utah Supreme Court, the Utah Court of Appeals, or a United States Circuit Court of Appeals;
- ☐ Attend or participate in a hearing on a motion; discuss.
- ☐ Attend or participate in an oral argument; discuss.
- ☐ Attend or participate in a trial, including voir dire if a jury trial; discuss.
- ☐ Discuss frequent issues that arise in litigation concerning specific Rules of Civil Procedure, and the local rules that apply in either state or federal court.
- ☐ Participate in 26(f) conference to discuss settlement, discovery plan and initial disclosures.
- ☐ Discuss the mechanics of trial, including where to stand, proper attire, when to stand, courtroom decorum, judges' bench books, etc.
- ☐ Participate in drafting discovery requests, including interrogatories, requests for admission and requests for production of documents.
- ☐ Participate in preparing for and observing (or taking or defending) depositions.

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Elective Section B: ADR.

- ☐ Review and discuss Utah statutes on mediation including requirement to screen for potential conflict of interest of mediator.
- ☐ Observe, participate in, or prepare for an actual or simulated mediation.
- ☐ Observe, participate in, or prepare for, an arbitration and review and discuss AAA rules.
- ☐ Discuss how to prepare a client for mediation or arbitration.

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Elective Section C: Negotiation.

- ☐ Discuss how to prepare for the negotiation of a legal matter (e.g., release of a personal injury claim, lease agreement, etc.).
- ☐ Discuss when and how negotiation should be initiated.
- ☐ Discuss when and how to involve the client in negotiation.
- ☐ Discuss ethical and professional obligations of negotiators.
- ☐ Discuss skills needed to be an effective negotiator and how to acquire them.

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Elective Section D: Client Interviewing and Counseling. (Cross-reference with Required Section 5)

- ☐ Discuss and review interview techniques (asking the right questions).
- ☐ Discuss and review counseling techniques (providing the hard advice).
- ☐ Simulate and discuss the counseling of a client (mentor and new lawyer should alternate being client and lawyer).
- ☐ Participate in interviewing a client.
- ☐ Participate in counseling a client.

Month/Project/Case/Ongoing _____

Elective Section E: Civil Procedure.

- ☐ Prepare complaint.
- ☐ Prepare summons.
- ☐ Cause summons to be served.
- ☐ Participate in preparing a Rule 12 motion to dismiss.
- ☐ Participate in preparing answer to complaint, counterclaim, cross-claim and third-party complaint.
- ☐ Participate in 26(f) conference to discuss settlement, discovery plan and initial disclosures.
- ☐ Participate in preparing initial disclosures as required by Rule 26.
- ☐ Participate in preparing for and observing, taking, or defending a deposition.
- ☐ Participate in drafting discovery requests, including interrogatories, requests for admission and requests for production of documents.
- ☐ Participate in identifying expert witnesses and producing expert witness reports.
- ☐ Participate in depositions including the deposition of expert witnesses.
- ☐ Participate in preparing motions and memoranda in support of summary judgment.
- ☐ Participate in preparing pretrial order and making pretrial disclosures of witnesses and exhibits.

Month/Project/Case/Ongoing

Elective Section F: Criminal Procedure.

- ☐ Participate in client or witness interview.
- ☐ Participate in charge negotiations with prosecutor's office.
- ☐ Participate in discovery demands on prosecutor, including request for exculpatory materials.
- ☐ Participate in engagement of private investigator to interview witnesses.
- ☐ Review information or indictment for constitutional and/or pleading defects.
- ☐ Research elements of crime charged or under investigation; discuss.
- ☐ Review and discuss pretrial diversion requirements.
- ☐ Review and discuss plea in abeyance statute in a particular case and study applicable statute.
- ☐ Review and discuss criteria for a one- or two-level reduction of offense in a particular case and study applicable statute.
- ☐ Participate in discussions with Pretrial Services (bail).
- ☐ Participate in editing Statement by Defendant in Advance of Plea.
- ☐ Observe and/or participate in trial.
- ☐ Observe and/or participate in entry of plea in court.
- ☐ Review and discuss Presentence Report; participate in filing objections.
- ☐ Research and participate in analysis of federal sentencing guidelines in particular federal case.

Month/Project/Case/Ongoing

Elective Section G: Estate Planning.

- ☐ Participate in drafting and reviewing at least six of the following:
 - o Wills.
 - o Revocable living trusts: tax planning.
 - o Revocable living trusts: non-tax planning.
 - o Revocable living trusts: generation skipping tax planning.
 - o Irrevocable trusts.
 - o Durable powers of attorney.
 - o Special powers of attorney for health care.
 - o Directives to physicians (living wills).
 - o Life insurance trusts.
 - o Transfer of ownership documents: quit-claim deeds.
 - o Transfer of ownership documents: assignments.
- ☐ Assist in gathering and organizing client information.
- ☐ Prepare diagrams of specific estate plans for clients.

- ☐ Prepare estate planning binders for clients.
- ☐ Prepare Crummey notices for life insurance trusts.

Month/Project/Case/Ongoing _____

Elective Section H: Probate.

- ☐ Prepare notice to creditors and arrange for publication.
- ☐ Prepare inventory of estate.

Month/Project/Case/Ongoing _____

Elective Section I: Family Law.

- ☐ Review and discuss the Rules of Civil Procedure specific to Family Law.
- ☐ Understand the role of a Domestic Relations Commissioner. Meet as many commissioners as possible.
- ☐ Review Rule 26.
- ☐ Create a child support worksheet.
- ☐ Observe hearing on motion for temporary orders.
- ☐ Observe or participate in custody evaluation settlement conference if permission is granted.
- ☐ Participate in a collaborative law meeting if permission is granted. (For a definition of "collaborative law," see Utah Code of Judicial Administration.)
- ☐ Participate in a mediation if permission is granted.
- ☐ Observe or participate in a family law trial.
- ☐ Participate in preparing a premarital agreement or review and discuss statutory requirements, case law, and necessary terms of premarital agreements.
- ☐ Family Law

Month/Project/Case/Ongoing _____

Elective Section J: Juvenile Law.

- ☐ Attend or participate in a shelter hearing.
- ☐ Attend or participate in a disposition hearing.
- ☐ Discuss the standards for removal with a Department of Child and Family Services (DCFS) worker.
- ☐ Discuss the role of a juvenile Guardian ad Litem; introduce where possible.
- ☐ In a juvenile delinquency case, observe, participate in, or discuss:
 - o A detention hearing
 - o The role of a probation officer in detention cases
 - o An arraignment
 - o A pre-trial
 - o A trial

Month/Project/Case/Ongoing _____

Elective Section K: Business Law.

- ☐ Participate in forming business entities by drafting and reviewing at least three of the following:
 - o Bylaws.
 - o Articles of incorporation.
 - o Articles of organization.
 - o Operating agreements.
 - o Partnership agreements.
 - o Corporate minutes and resolutions.

- ☐ Participate in drafting and reviewing at least three of the following:
 - Shareholders' agreements.
 - Buy-sell agreements.
 - Stock purchase agreements.
 - Asset purchase agreements.
 - Noncompetition agreements.
 - Security/collateral agreements.
 - Promissory notes.
- ☐ Participate in the due diligence process for mergers and acquisitions.
- ☐ Prepare UCC filings.

Month/Project/Case/Ongoing

Elective Section L: Tax Law.

- ☐ Prepare and analyze tax calculations.
- ☐ Participate in preparing certain IRS tax forms, including the following:
 - Form 2553 (S Corporation Election).
 - Form 709 (Gift Tax Return).
 - Form 706 (Estate Tax Return).
 - Form 1041 (Income Tax for Trusts).

Month/Project/Case/Ongoing

Elective Section M: Real Estate Law.

- ☐ Search a title at Recorder's Office.
- ☐ Participate in drafting and reviewing at least four of the following:
 - Real estate purchase agreements.
 - Deeds of trust.
 - Mortgages.
 - Commercial leases.
 - Residential leases.
 - Notice of Default on the above.

Month/Project/Case/Ongoing

Elective Section N: Employment Law

- ☐ Review and discuss the UALD/EEOC administrative process. Review or participate in drafting a charge or the response to a charge.
- ☐ Prepare for and participate in the UALD/EEOC administrative process, including a resolutions conference or an appeal to the Labor Commission.
- ☐ Participate in drafting a separation or settlement agreement.
- ☐ Participate in consultation with management on HR issues.
- ☐ Prepare for and observe or participate in an unemployment benefits insurance appeal hearing.
- ☐ Review and discuss an ongoing employment law issue, such as a claim under Title VII, the Family Medical Leave Act, the Americans with Disabilities Act, or other substantive federal law or its state counterpart.

Month/Project/Case/Ongoing

Elective Section O: Patent Law

- ☐ Observe or participate in a client interview.
- ☐ Participate in patent search/evaluation.
- ☐ Participate in drafting and filing a patent application.

- ☐ Participate in filing an Information Disclosure Statement (IDS).
- ☐ Participate in drafting an Office Action response.
- ☐ Participate in a telephone conversation with an Examiner.
- ☐ Participate in preparing and drafting an appeal brief.
- ☐ Discuss and review techniques for successful patent prosecution.
- ☐ Participate in patent litigation.

Month/Project/Case/Ongoing _____

Elective Section P: Trademark Law

- ☐ Observe or participate in a client interview.
- ☐ Participate in trademark search/evaluation.
- ☐ Participate in drafting and filing a trademark application.
- ☐ Participate in drafting an Office Action response.
- ☐ Participate in preparing and drafting an appeal brief.
- ☐ Discuss and review techniques for successful trademark prosecution.
- ☐ Participate in trademark litigation.
- ☐ Participate in drafting and filing a copyright application.

Month/Project/Case/Ongoing _____

Other Possible Electives

Section Q (1-17) _____

There are a number of other substantive areas of the law not included but for which you may prepare a plan and your own check-off sheet. Those areas include but are not limited to:

1. Administrative law
2. Securities law - Sample Electives
3. Bankruptcy law - Sample Electives
4. Environmental law and compliance
5. Antitrust law
6. Water law
7. Oil, gas, and mining law - Sample Electives
8. Public utilities law
9. Contract law - Sample Electives
10. Personal injury law, including products liability - Sample Electives
11. Insurance defense law, including coverage analysis
12. Merger and acquisition law - Sample Electives
13. Constitutional law
14. Immigration law - Sample Electives
15. Health care law
16. Ethical leadership in corporate practice (audit committees, Sarbanes Oxley, corporate monitors) - Sample Electives
17. Lobbying requirements, ethics and state legislative process.
18. Construction Law - Sample Electives
19. Criminal Defense - Sample Electives
20. Municipal Law - Sample Electives - Additional resources on file with NLTP

END OF ELECTIVE SECTIONS

NOTES:

Attachment 2

ADDENDUM TO {DATE} ENGAGEMENT LETTER
BETWEEN {CLIENT} AND {MENTOR}

Dear {Client}:

As you know I am a participant in the New Lawyers Training Program for Utah lawyers who have recently become members of the Utah State Bar. {Mentor} is a Utah attorney who has been serving as my mentor under this program.

In connection with {matter description} ("the Matter"), in which I am representing you on a *pro bono* basis, it would be of benefit both to you as the client and to me as a new Utah lawyer if {Mentor} were to be involved in your representation. {He/She} would, of course, provide advice and counsel on your behalf on this matter at no charge. I will be your primary lawyer, but {Mentor} will be available to advise and to participate on a limited basis.

For you to take advantage of this additional assistance, it will be necessary for you and {Mentor} to enter an agreement establishing a formal attorney-client relationship involving the Matter.

In that regard, {Mentor} has determined from the information you have provided to me that {his/her} participation in this Matter would not present any conflict of interest under the Utah Rules of Professional Conduct. Specifically, {Mentor} has verified no conflict in representing you adverse or potentially adverse to the following persons or entities:

{Adverse parties}

This letter will serve as an addendum to the {date} engagement agreement between you and {me/My Law Firm}. By signing this letter, you and {Mentor} agree that, for purposes of the Matter described above, {Mentor} may represent you as co-counsel in conjunction with my representation.

If you have any questions, please contact me.

Sincerely,

{NLTP Lawyer}

Agreed to:

{Client}

{Mentor}

Date: _____, _____

Date: _____, _____

TAB
6

UTAH STATE BAR
Budget and Finance Committee
Highlights of the December 2018 Financial Statements

FINANCIAL STATEMENT HIGHLIGHTS

Notable Trends:

- The results of the second quarter of the fiscal year were, for the most part, as expected. Licensing revenue was over budget, while Admissions revenue was running slightly under budget; however both have higher than expected overall expenses resulting in lower than budgeted net profit.

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

	Actual	Budget	Fav(unfav) \$ Variance	Fav(unfav) % Variance
YTD revenue	5,453,694	5,410,542	43,152	1%
YTD expenses	3,324,431	3,410,396	85,965	3%
YTD net profit	2,129,263	2,000,146	129,116	6%

YTD net profit is \$2.13 million, which is \$129,000 (6%) ahead of budget. YTD revenue is \$43,000 above the budget mainly due to higher revenues from OPC, CLE, Bar Journal and Interest Income, which are offset by the lower than budgeted Licensing, Admissions, Fall Forum and Summer Convention revenues. YTD expenses are under budget mainly due to lower than budgeted staff expenses.

YTD Net Profit –Cash Basis: Adding back year-to-date depreciation expense of \$117,000 and deducting capital expenditures of \$108,000, the cash basis year-to-date net profit is approximately \$9,000 higher.

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

Admissions: YTD Admissions revenue is \$160,000, which is \$1,300 (1%) below budget and \$2,000 above last year's revenue at this time due to higher than anticipated applicants by motion. Admissions expenses are \$273,000, or \$18,000 (7%) over budget and \$20,000 over last year's expenses at this time due to higher than budgeted staff, G&A expenses and overhead expenses that appear to be timing related, which is consistent with variances noted in the prior year.

OPC: OPC YTD net expenditures are \$706,000, which is \$61,000 (8%) under budget. The main reason for the favorable variance is lower than budgeted staff-related expenses. It is anticipated that the net profit will align more closely to budget as the year progresses.

CLE: CLE YTD net profit is \$26,000, which is \$15,000 (235%) ahead of budget. The main reason for the favorable variance is higher than budgeted CLE registration and profits

UTAH STATE BAR
Budget and Finance Committee
Highlights of the December 2018 Financial Statements

from seminars, and lower than budgeted YTD program and staff-related expenses, which are due to timing and will likely resolve themselves as the year progresses.

Summer Convention: With all known revenue and expenses booked for the July 2018 Summer Convention in Sun Valley, the YTD net loss is \$3,000 which is approximately \$12,000 below budget. Revenue from the convention was \$25,000 lower than budgeted due to lower than expected attendance which also resulted in expenses being under budget by \$14,000. It is estimated that an additional \$9,000 in staff expenses will be incurred throughout the remainder of the fiscal year bringing the total net loss for the fiscal year closer to \$12,000. For the 2019 Summer Convention in Park City, total expenses included in this report are approximately \$1,400.

Fall Forum: With all known revenue and expenses booked for the November 2018 Fall Forum, the YTD net loss is approximately \$4,300, which is \$9,000 over budget. Total Fall Forum revenues were approximately \$15,000 less than budgeted, which were offset by expenditures that were \$6,000 below budget.

Spring Convention: The YTD net expenditures for the Spring Convention are currently \$14,000 ahead of budget. This favorable variance is mostly the result of sponsor revenues that were not budgeted and is the result of timing. We expect additional expenses in the coming months leading up to the Convention, which will resolve this variance.

Member Services: Member Services YTD net spending is \$133,000 vs. budgeted net spending of \$141,000. Lower net spending is due to higher than budgeted Bar Journal advertising revenue. It is anticipated that the net profit will align more closely to budget as the year progresses.

Bar Operations: Bar Operations (Management, Finance, General Counsel, IT, and Commission/Special Projects) generated net expenditures of \$775,000 YTD compared to YTD budgeted net spending of \$867,000. The lower than projected net spending is mainly due to higher than budgeted interest income and Tybera e-filing revenue.

UTAH STATE BAR
Budget and Finance Committee
Highlights of the December 2018 Financial Statements

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)	\$1,661,000
Capital Replacement Reserve (equipment)	200,000
Capital Replacement Reserve (building)	<u>650,000</u>
Total	\$2,511,000
Estimated cash reserve at December 31, 2018	<u>\$3,900,000</u>
Excess of current cash reserve over board-designated reserve	<u>\$1,389,000</u>

**Utah State Bar
Income Statement
December 31, 2018**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
Licensing	4,225,395	4,260,199	4,301,506	(41,307)	99%	4,413,162	97%
Admissions	157,920	160,300	161,599	(1,299)	99%	428,260	37%
NLTP	34,800	36,300	39,368	(3,068)	92%	70,400	52%
OPC	1,854	9,554	1,100	8,454	869%	19,000	50%
CLE	208,113	226,791	203,066	23,725	112%	590,000	38%
Summer Convention	282,740	250,465	275,000	(24,535)	91%	275,000	91%
Fall Forum	83,058	79,085	94,686	(15,601)	84%	95,000	83%
Spring Convention	3,000	14,572	3,429	11,143	425%	147,200	10%
Member Services	162,074	191,117	156,261	34,856	122%	227,160	84%
Public Services	5,580	5,110	5,985	(875)	85%	16,050	32%
Bar Operations	72,929	114,726	59,453	55,273	193%	120,444	95%
Facilities	107,090	105,475	109,089	(3,614)	97%	252,823	42%
Total Revenue	5,344,552	5,453,694	5,410,542	43,152	101%	6,654,499	82%
Expenses							
Licensing	49,880	44,777	51,033	6,256	88%	117,203	38%
Admissions	252,821	273,420	255,761	(17,659)	107%	484,243	56%
NLTP	35,858	27,110	39,482	12,372	69%	74,939	36%
OPC	682,699	715,241	768,085	52,844	93%	1,491,840	48%
CLE	198,977	200,711	191,952	(8,759)	105%	533,380	38%
Summer Convention	277,054	254,963	267,822	12,859	95%	274,749	93%
Fall Forum	85,993	83,441	89,760	6,319	93%	95,011	88%
Spring Convention	9,403	7,529	11,017	3,488	68%	133,872	6%
Member Services	304,748	324,406	297,615	(26,791)	109%	643,721	50%
Public Services	247,679	260,631	259,793	(838)	100%	474,239	55%
Bar Operations	874,205	889,266	925,976	36,710	96%	1,781,209	50%
Facilities	243,418	242,936	252,100	9,164	96%	537,927	45%
Total Expenses	3,262,735	3,324,431	3,410,396	85,965	97%	6,642,333	50%
Net Profit (Loss)	\$ 2,081,817	\$ 2,129,263	\$ 2,000,146	\$ 129,116	106%	\$ 12,166	17502%
Depreciation	119,250	117,340	120,695	3,355	97%	246,984	
Cash increase (decrease) from operations	2,201,068	2,246,603	2,120,841	125,761	106%	259,150	
Changes in operating assets/liabilities	3,139,584	(2,817,813)	(2,817,813)	-	100%	20,000	
Capital expenditures	(75,048)	(108,410)	(35,333)	(73,077)	307%	(106,000)	
Net change in cash	\$ 5,265,603	\$ (679,621)	\$ (732,305)	\$ 52,684	93%	\$ 173,150	-393%

**Utah State Bar
Licensing
December 31, 2018**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4010 · Section/Local Bar Support fees	16,820	16,764	16,739	25	100%	16,957	99%
4021 · Lic Fees > 3 Years	3,527,740	3,598,835	3,608,761	(9,926)	100%	3,654,125	98%
4022 · Lic Fees < 3 Years	211,090	204,620	212,942	(8,322)	96%	225,500	91%
4023 · Lic Fees - House Counsel	31,345	34,960	32,092	2,868	109%	35,875	97%
4025 · Pro Hac Vice Fees	34,500	30,250	37,647	(7,397)	80%	71,750	42%
4026 · Lic Fees - Inactive/FS	114,580	118,285	119,137	(852)	99%	116,850	101%
4027 · Lic Fees - Inactive/NS	206,535	211,950	212,391	(441)	100%	212,175	100%
4029 · Prior Year Lic Fees	2,695	1,275	2,040	(765)	63%	4,305	30%
4030 · Certs of Good Standing	11,440	14,530	11,132	3,398	131%	24,600	59%
4095 · Miscellaneous Income	450	230	665	(435)	35%	1,025	22%
4096 · Late Fees	68,200	28,500	47,960	(19,460)	59%	50,000	57%
Total Revenue	4,225,395	4,260,199	4,301,506	(41,307)	99%	4,413,162	97%
Expenses							
Program Services	-	-	-	-	-	-	-
Salaries & Benefits	31,825	31,120	34,175	3,055	91%	68,033	46%
General & Administrative	15,206	9,271	14,208	4,937	65%	42,350	22%
Building Overhead	2,849	4,386	2,650	(1,736)	166%	6,820	64%
Total Expenses	49,880	44,777	51,033	6,256	88%	117,203	38%
Net Profit (Loss)	\$ 4,175,515	\$ 4,215,422	\$ 4,250,473	\$ (35,051)	99%	\$ 4,295,959	98%

Note: Includes LPP staff time and exam expense

**Utah State Bar
Admissions
December 31, 2018**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4001 · Admissions - Student Exam Fees	19,200	20,350	18,923	1,427	108%	128,150	16%
4002 · Admissions - Attorney Exam Fees	21,725	25,925	22,514	3,411	115%	49,200	53%
4003 · Admissions - Retake Fees	22,200	27,350	19,912	7,438	137%	36,975	74%
4004 · Admissions - Laptop Fees	15,600	16,350	15,474	876	106%	54,950	30%
4006 · Transfer App Fees	7,150	16,400	3,743	12,657	438%	17,250	95%
4008 · Attorney - Motion	48,800	24,650	57,308	(32,658)	43%	89,250	28%
4009 · House Counsel	12,750	10,200	13,205	(3,005)	77%	24,650	41%
4095 · Miscellaneous Income	845	5,575	645	4,930	864%	1,485	375%
4096 · Late Fees	9,650	11,500	9,875	1,625	116%	26,350	44%
Total Revenue	157,920	160,300	161,599	(1,299)	99%	428,260	37%
Expenses							
Program Services	77,455	74,052	79,602	5,550	93%	119,175	62%
Salaries & Benefits	158,366	170,107	160,644	(9,463)	106%	320,926	53%
General & Administrative	12,143	18,013	11,534	(6,479)	156%	31,066	58%
Building Overhead	4,858	11,248	3,981	(7,267)	283%	13,076	86%
Total Expenses	252,821	273,420	255,761	(17,659)	107%	484,243	56%
Net Profit (Loss)	\$ (94,901)	\$ (113,120)	\$ (94,162)	\$ (18,958)	20%	\$ (55,983)	202%

**Utah State Bar
NLTP
December 31, 2018**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4020 · NLTP Fees	34,800	36,300	39,368	(3,068)	92%	71,100	51%
4200 · Seminar Profit/Loss	-	-	-	-	-	(700)	-
Total Revenue	34,800	36,300	39,368	(3,068)	92%	70,400	52%
Expenses							
Program Services	3,467	2,724	3,659	935	74%	9,349	29%
Salaries & Benefits	26,721	19,284	28,897	9,613	67%	53,585	36%
General & Administrative	2,698	2,624	3,689	1,065	71%	5,781	45%
Building Overhead	2,972	2,477	3,237	760	77%	6,224	40%
Total Expenses	35,858	27,110	39,482	12,372	69%	74,939	36%
Net Profit (Loss)	\$ (1,058)	\$ 9,190	\$ (114)	\$ 9,304	-8062%	\$ (4,539)	-202%

**Utah State Bar
OPC
December 31, 2018**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4095 · Miscellaneous Income	1,854	2,600	1,100	1,500	236%	3,000	87%
4200 · Seminar Profit/Loss	-	6,954	-	6,954	-	16,000	43%
Total Revenue	1,854	9,554	1,100	8,454	869%	19,000	50%
Expenses							
Program Services	15,124	17,846	14,660	(3,186)	122%	24,194	74%
Salaries & Benefits	576,200	604,807	658,259	53,452	92%	1,289,538	47%
General & Administrative	48,682	53,323	49,223	(4,100)	108%	86,122	62%
Building Overhead	42,693	39,265	45,943	6,678	85%	91,986	43%
Total Expenses	682,699	715,241	768,085	52,844	93%	1,491,840	48%
Net Profit (Loss)	\$ (680,845)	\$ (705,687)	\$ (766,985)	\$ 61,298	92%	\$ (1,472,840)	48%

**Utah State Bar
CLE
December 31, 2018**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4052 · Meeting - Sponsor Revenue	750	2,250	968	1,282	-	20,000	11%
4081 · CLE - Registrations	123,731	154,788	122,279	32,509	127%	475,000	33%
4082 · CLE - Video Library Sales	72,461	57,249	77,982	(20,733)	73%	105,000	55%
4084 · Business Law Book Sales	3,619	3,315	-	3,315	-	-	-
4095 · Miscellaneous Income	-	-	-	-	-	-	-
4200 · Seminar Profit/Loss	7,552	9,190	1,837	7,353	500%	(10,000)	-92%
Total Revenue	208,113	226,791	203,066	23,725	112%	590,000	38%
Expenses							
Program Services	79,996	108,294	67,251	(41,043)	161%	312,434	35%
Salaries & Benefits	74,977	60,454	80,838	20,384	75%	142,694	42%
General & Administrative	32,254	23,988	30,373	6,385	79%	54,690	44%
Building Overhead	11,750	7,975	13,490	5,515	59%	23,562	34%
Total Expenses	198,977	200,711	191,952	(8,759)	105%	533,380	38%
Net Profit (Loss)	\$ 9,136	\$ 26,080	\$ 11,114	\$ 14,966	235%	\$ 56,620	46%

**Utah State Bar
Summer Convention
December 31, 2018**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	234,820	199,695	222,000	(22,305)	90%	222,000	90%
4052 · Meeting - Sponsor Revenue	20,550	25,500	25,000	500	102%	25,000	102%
4053 · Meeting - Vendor Revenue	13,100	9,800	13,000	(3,200)	75%	13,000	75%
4055 · Meeting - Sp Ev Registration	14,270	15,470	15,000	470	103%	15,000	103%
Total Revenue	282,740	250,465	275,000	(24,535)	91%	275,000	91%
Expenses							
Program Services	239,263	222,607	232,626	10,019	96%	233,611	95%
Salaries & Benefits	19,198	15,680	21,806	6,126	72%	27,600	57%
General & Administrative	17,403	16,676	13,390	(3,286)	125%	13,538	123%
Building Overhead	1,189	-	-	-	-	-	-
Total Expenses	277,054	254,963	267,822	12,859	95%	274,749	93%
Net Profit (Loss)	\$ 5,686	\$ (4,498)	\$ 7,178	\$ (11,676)	-63%	\$ 251	-1792%

**Utah State Bar
Fall Forum
December 31, 2018**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	72,908	72,360	84,686	(12,326)	85%	85,000	85%
4052 · Meeting - Sponsor Revenue	-	-	-	-	-	-	-
4053 · Meeting - Vendor Revenue	10,150	6,725	10,000	(3,275)	67%	10,000	67%
4055 · Meeting - Sp Ev Registration	-	-	-	-	-	-	-
Total Revenue	83,058	79,085	94,686	(15,601)	84%	95,000	83%
Expenses							
Program Services	64,381	64,058	66,261	2,203	97%	70,261	91%
Salaries & Benefits	10,476	8,222	12,712	4,490	65%	12,900	64%
General & Administrative	9,948	11,161	10,787	(374)	103%	11,850	94%
Building Overhead	1,189	-	-	-	-	-	-
Total Expenses	85,993	83,441	89,760	6,320	93%	95,011	88%
Net Profit (Loss)	\$ (2,936)	\$ (4,356)	\$ 4,926	\$ (9,282)	-88%	\$ (11)	39595%

**Utah State Bar
Spring Convention
December 31, 2018**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	-	1,265	-	1,265	-	115,000	1%
4052 · Meeting - Sponsor Revenue	-	8,750	-	8,750	-	17,000	51%
4053 · Meeting - Vendor Revenue	3,000	4,500	3,429	1,071	131%	12,000	38%
4055 · Meeting - Sp Ev Registration	-	57	-	57	-	3,200	2%
Total Revenue	3,000	14,572	3,429	11,143	425%	147,200	10%
Expenses							
Program Services	4,645	4,995	5,290	295	94%	93,157	5%
Salaries & Benefits	2,417	2,456	4,328	1,872	57%	26,008	9%
General & Administrative	1,152	78	1,399	1,321	6%	14,707	1%
Building Overhead	1,189	-	-	-	-	-	-
Total Expenses	9,403	7,529	11,017	3,488	68%	133,872	6%
Net Profit (Loss)	\$ (6,403)	\$ 7,043	\$ (7,588)	\$ 14,631	-93%	\$ 13,328	53%

**Utah State Bar
Member Services
(Bar Journal, Member Benefits, Section Support, Legislative, Public Education & YLD)
December 31, 2018**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4010 · Section/Local Bar Support fees	81,102	81,774	81,257	517	101%	82,000	100%
4052 · Meeting - Sponsor Revenue	1,050	200	490	(290)	41%	1,050	19%
4061 · Advertising Revenue	76,293	100,041	72,108	27,933	139%	140,000	71%
4062 · Subscriptions	60	30	110	(80)	27%	110	27%
4071 · Mem Benefits - Lexis	-	761	-	761	-	-	-
4072 · Royalty Inc - Bar J, MBNA, LM,M	3,519	3,311	2,296	1,015	144%	4,000	83%
Total Revenue	162,074	191,117	156,261	34,856	122%	227,160	84%
Expenses							
Program Services	133,003	142,794	134,617	(8,177)	106%	286,382	50%
Salaries & Benefits	68,663	94,954	86,837	(8,117)	109%	185,274	51%
General & Administrative	92,316	76,099	65,886	(10,213)	116%	150,572	51%
Building Overhead	10,766	10,559	10,275	(284)	103%	21,493	49%
Total Expenses	304,748	324,406	297,615	(26,791)	109%	643,721	50%
Net Profit (Loss)	\$ (142,674)	\$ (133,289)	\$ (141,354)	\$ 8,065	94%	\$ (416,561)	32%

**Utah State Bar
Public Services
(Committees, Consumer Assistance, Access to Justice, Tuesday Night Bar)
December 31, 2018**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4063 · Modest Means revenue	5,550	5,100	5,947	(847)	86%	12,000	43%
4093 · Law Day Revenue	-	-	-	-	-	4,000	0%
4095 · Miscellaneous Income	30	10	38	(28)	26%	50	20%
4200 · Seminar Profit/Loss	-	-	-	-	-	-	-
Total Revenue	5,580	5,110	5,985	(875)	85%	16,050	32%
Expenses							
Program Services	89,898	94,654	88,511	(6,143)	107%	124,468	76%
Salaries & Benefits	126,607	139,294	138,144	(1,150)	101%	288,078	48%
General & Administrative	21,684	19,383	22,366	2,983	87%	41,795	46%
Building Overhead	9,490	7,300	10,772	3,472	68%	19,898	37%
Total Expenses	247,679	260,631	259,793	(838)	100%	474,239	55%
Net Profit (Loss)	\$ (242,099)	\$ (255,521)	\$ (253,808)	\$ (1,713)	101%	\$ (458,189)	56%

**Utah State Bar
Bar Operations
(Bar Management, General Counsel, IT, Commission/Special Projects)
December 31, 2018**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4060 · E-Filing Revenue	10,022	21,895	10,190	11,705	215%	22,174	99%
4103 · In - Kind Revenue - UDR	1,034	914	1,021	(107)	90%	1,785	51%
4095 · Miscellaneous Income	427	643	612	31	105%	1,188	54%
Investment Income	61,446	91,275	47,630	43,644	192%	95,297	64%
Total Revenue	72,929	114,726	59,453	55,273	193%	120,444	61%
Expenses							
Program Services	172,372	157,093	175,429	18,336	90%	259,423	61%
Salaries & Benefits	550,997	568,892	587,360	18,468	97%	1,215,983	47%
General & Administrative	124,901	132,624	136,024	3,400	98%	246,139	54%
In Kind	1,975	1,855	2,677	822	69%	5,000	37%
Building Overhead	23,960	28,803	24,486	(4,317)	118%	54,664	53%
Total Expenses	874,205	889,266	925,976	36,710	96%	1,781,209	50%
Net Profit (Loss)	\$ (801,276)	\$ (774,540)	\$ (866,523)	\$ 91,982	89%	\$ (1,660,765)	47%

**Utah State Bar
Facilities
December 31, 2018**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4039 · Room Rental-All parties	51,893	44,671	53,108	(8,437)	84%	112,500	40%
4042 · Food & Beverage Rev-All Parties	43,255	49,310	43,803	5,507	113%	117,254	42%
4043 · Setup & A/V charges-All parties	1,044	1,195	1,264	(69)	95%	1,264	95%
4090 · Tenant Rent	10,836	10,250	10,836	(586)	95%	21,672	47%
4095 · Miscellaneous Income	61	49	78	(29)	62%	133	37%
Total Revenue	107,090	105,475	109,089	(3,614)	97%	252,823	42%
Expenses							
Program Services	42,766	48,175	43,265	(4,910)	111%	113,023	43%
Salaries & Benefits	74,904	74,474	79,051	4,577	94%	156,275	48%
General & Administrative	5,745	(183)	4,561	4,744	-4%	7,585	-2%
In Kind	8,565	6,495	8,868	2,373	73%	17,426	37%
Building Overhead	111,438	113,975	116,355	2,380	98%	243,618	47%
Total Expenses	243,418	242,936	252,100	9,164	96%	537,927	45%
Net Profit (Loss)	\$ (136,328)	\$ (137,461)	\$ (143,011)	\$ 5,550	96%	\$ (285,104)	48%

Utah State Bar
Income Statement - Consolidated By Account
December 31, 2018

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4001 · Admissions - Student Exam Fees	19,200	20,350	18,923	1,427	108%	128,150	16%
4002 · Admissions - Attorney Exam Fees	21,725	25,925	22,514	3,411	115%	49,200	53%
4003 · Admissions - Retake Fees	22,200	27,350	19,912	7,438	137%	36,975	74%
4004 · Admissions - Laptop Fees	15,600	16,350	15,474	876	106%	54,950	30%
4006 · Transfer App Fees	7,150	16,400	3,743	12,657	438%	17,250	95%
4008 · Attorney - Motion	48,800	24,650	57,308	(32,658)	43%	89,250	28%
4009 · House Counsel	12,750	10,200	13,205	(3,005)	77%	24,650	41%
4010 · Section/Local Bar Support fees	97,922	98,538	97,996	542	101%	98,957	100%
4020 · NLTP Fees	34,800	36,300	39,368	(3,068)	92%	71,100	51%
4021 · Lic Fees > 3 Years	3,527,740	3,598,835	3,608,761	(9,926)	100%	3,654,125	98%
4022 · Lic Fees < 3 Years	211,090	204,620	212,942	(8,322)	96%	225,500	91%
4023 · Lic Fees - House Counsel	31,345	34,960	32,092	2,868	109%	35,875	97%
4025 · Pro Hac Vice Fees	34,500	30,250	37,647	(7,397)	80%	71,750	42%
4026 · Lic Fees - Inactive/FS	114,580	118,285	119,137	(852)	99%	116,850	101%
4027 · Lic Fees - Inactive/NS	206,535	211,950	212,391	(441)	100%	212,175	100%
4029 · Prior Year Lic Fees	2,695	1,275	2,040	(765)	63%	4,305	30%
4030 · Certs of Good Standing	11,440	14,530	11,132	3,398	131%	24,600	59%
4039 · Room Rental-All parties	51,893	44,671	53,108	(8,437)	84%	112,500	40%
4042 · Food & Beverage Rev-All Parties	43,255	49,310	43,803	5,507	113%	117,254	42%
4043 · Setup & A/V charges-All parties	1,044	1,195	1,264	(69)	95%	1,264	95%
4051 · Meeting - Registration	307,728	273,320	306,686	(33,366)	89%	422,000	65%
4052 · Meeting - Sponsor Revenue	22,350	36,700	26,458	10,242	139%	63,050	58%
4053 · Meeting - Vendor Revenue	26,250	21,025	26,429	(5,404)	80%	35,000	60%
4054 · Meeting - Material Sales	-	-	-	-	-	-	-
4055 · Meeting - Sp Ev Registration	14,270	15,527	15,000	527	104%	18,200	85%
4060 · E-Filing Revenue	10,022	21,895	10,190	11,705	215%	22,174	99%
4061 · Advertising Revenue	76,293	100,041	72,108	27,933	139%	140,000	71%
4062 · Subscriptions	60	30	110	(80)	27%	110	27%
4063 · Modest Means revenue	5,550	5,100	5,947	(847)	86%	12,000	43%
4071 · Mem Benefits - Lexis	-	761	-	761	-	-	-
4072 · Royalty Inc - Bar J, MBNA, LM,M	3,519	3,311	2,296	1,015	144%	4,000	83%
4081 · CLE - Registrations	123,781	154,788	122,279	32,509	127%	475,000	33%
4082 · CLE - Video Library Sales	72,461	57,249	77,982	(20,733)	73%	105,000	55%
4084 · Business Law Book Sales	3,619	3,315	-	3,315	-	-	-
4090 · Tenant Rent	10,836	10,250	10,836	(586)	95%	21,672	47%
4093 · Law Day Revenue	-	-	-	-	-	4,000	0%
4095 · Miscellaneous Income	3,667	14,106	3,138	10,968	450%	6,881	205%
4096 · Late Fees	77,850	40,000	57,835	(17,835)	69%	76,350	52%
4103 · In - Kind Revenue - UDR	1,034	914	1,021	(107)	90%	1,785	51%
4200 · Seminar Profit/Loss	7,552	16,144	1,837	14,307	879%	5,300	305%
Investment income	61,446	91,275	47,630	43,644	192%	95,297	96%
Total Revenue	5,344,552	5,453,694	5,410,542	43,152	101%	6,654,499	82%
Program Service Expenses							
5001 · Meeting Facility-external only	22,478	24,120	22,338	(1,782)	108%	46,512	52%
5002 · Meeting facility-internal only	29,658	26,646	30,515	3,870	87%	69,566	38%
5013 · ExamSoft	14,623	14,998	15,120	122	99%	21,000	71%
5014 · Questions	31,058	29,355	31,250	1,895	94%	43,000	68%
5015 · Investigations	150	150	152	2	99%	300	50%
5016 · Credit Checks	737	678	722	44	94%	2,229	30%
5017 · Medical Exam	-	-	-	-	-	-	-
5025 · Temp Labor/Proctors	2,750	3,200	2,750	(450)	116%	4,300	74%
5030 · Speaker Fees & Expenses	21,735	9,250	29,489	20,239	31%	38,100	24%
5031 · Speaker Reimb. - Receipt Req'd	3,447	1,806	2,011	205	90%	11,241	16%
5035 · Awards	3,282	2,711	2,068	(643)	131%	6,657	41%
5037 · Grants/ contributions - general	3,300	4,170	6,040	1,870	69%	12,500	33%
5040 · Witness & Hearing Expense	212	167	1,562	1,396	11%	3,950	4%
5041 · Process Serving	156	1,083	286	(797)	379%	1,276	85%
5046 · Court Reporting	1,225	2,920	1,813	(1,107)	161%	2,417	121%
5047 · Casemaker	35,164	35,832	35,832	(0)	100%	72,000	50%

Utah State Bar
Income Statement - Consolidated By Account
December 31, 2018

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
5055 · Legislative Expense	21,010	21,542	21,028	(514)	102%	44,158	49%
5060 · Program Special Activities	-	-	-	-	-	-	-
5061 · LRE - Bar Support	65,000	65,000	65,000	-	100%	65,000	100%
5062 · Law Day	-	1,263	-	(1,263)	-	10,000	13%
5063 · Special Event Expense	73,668	74,991	72,900	(2,091)	103%	91,813	82%
5064 · MCLE Fees Paid	11,808	14,188	10,624	(3,564)	134%	38,500	37%
5070 · Equipment Rental	25,644	28,497	25,197	(3,300)	113%	37,305	76%
5075 · Food & Bev-external costs only	245,958	247,563	237,884	(9,679)	104%	467,204	53%
5076 · Food & beverage - internal only	24,779	29,760	25,500	(4,260)	117%	69,627	43%
5079 · Soft Drinks	5,585	4,930	5,990	1,060	82%	10,492	47%
5085 · Misc. Program Expense	3,360	2,823	2,876	53	98%	14,032	20%
5090 · Commission Expense	12,206	20,003	11,074	(8,929)	181%	26,000	77%
5095 · Wills for Heroes	-	225	-	(225)	-	1,712	13%
5096 · UDR Support	-	-	-	-	-	-	-
5099 · Blomquist Hale	36,978	36,942	37,506	564	98%	75,000	49%
5702 · Travel - Lodging	45,644	37,672	35,218	(2,454)	107%	49,475	76%
5703 · Travel - Transportation/Parking	7,467	7,087	8,692	1,605	82%	20,026	35%
5704 · Travel - Mileage Reimbursement	7,667	11,173	5,608	(5,565)	199%	9,931	113%
5705 · Travel - Per Diems	3,938	2,604	4,844	2,240	54%	6,484	40%
5706 · Travel - Meals	424	389	314	(75)	124%	1,049	37%
5707 · Travel - Commission Mtgs	29,795	42,976	31,904	(11,072)	135%	42,163	102%
5805 · ABA Annual Meeting	19,910	18,403	21,138	2,735	87%	23,135	80%
5810 · ABA Mid Year Meeting	5,765	4,181	4,099	(82)	102%	17,246	24%
5815 · Commission/Education	15,800	19,093	14,963	(4,130)	128%	23,450	81%
5820 · ABA Annual Delegate	8,273	7,214	7,862	648	92%	15,500	47%
5830 · Western States Bar Conference	4,476	9,528	8,308	(1,220)	115%	25,353	38%
5840 · President's Expense	10,687	10,688	10,858	170	98%	20,000	53%
5841 · President's Reimbursement	3,621	-	2,643	2,643	0%	4,000	0%
5850 · Leadership Academy	6,745	5,348	10,877	5,529	49%	20,000	27%
5855 · Bar Review	1,166	1,156	1,125	(31)	103%	2,083	55%
5865 · Retreat	37,428	31,413	26,000	(5,413)	121%	26,000	121%
5960 · Overhead Allocation - Seminars	-	-	2,843	2,843	0%	(1,775)	0%
5970 · Event Revenue Sharing - 3rd Pty	17,595	23,556	16,348	(7,208)	144%	55,466	42%
Total Program Service Expenses	922,369	937,292	911,171	(26,121)	103%	1,645,477	57%
Salaries & Benefit Expenses							
5510 · Salaries/Wages	1,351,923	1,404,513	1,476,764	72,251	95%	2,943,600	48%
5605 · Payroll Taxes	95,454	97,676	106,135	8,459	92%	220,616	44%
5610 · Health Insurance	118,445	120,553	140,963	20,410	86%	279,723	43%
5620 · Health Ins/Medical Reimb	-	3,490	600	(2,890)	582%	7,257	48%
5630 · Dental Insurance	7,504	7,187	7,743	556	93%	14,887	48%
5640 · Life & LTD Insurance	8,470	8,390	8,772	382	96%	17,329	48%
5645 · Workman's Comp Insurance	1,323	1,310	1,272	(38)	103%	2,439	54%
5650 · Retirement Plan Contributions	123,813	118,994	137,067	18,073	87%	264,151	45%
5655 · Retirement Plan Fees & Costs	5,331	9,631	5,542	(4,089)	174%	21,212	45%
5660 · Training/Development	9,088	18,000	8,193	(9,807)	220%	15,680	115%
Total Salaries & Benefit Expenses	1,721,351	1,789,745	1,893,051	103,306	95%	3,786,894	45%
General & Administrative Expenses							
7025 · Office Supplies	9,669	13,990	9,078	(4,912)	154%	20,932	67%
7033 · Operating Meeting Supplies	10,715	11,987	10,490	(1,497)	114%	21,538	56%
7035 · Postage/Mailing, net	29,573	23,147	24,974	1,827	93%	54,018	43%
7040 · Copy/Printing Expense	88,610	83,214	87,254	4,040	95%	160,704	52%
7041 · Copy/Print revenue	(12,244)	(12,949)	(11,538)	1,411	112%	(24,746)	52%
7045 · Internet Service	8,749	6,207	6,672	465	93%	21,768	29%
7050 · Computer Maintenance	13,656	20,124	13,522	(6,602)	149%	27,918	72%
7055 · Computer Supplies & Small Equip	3,359	6,492	3,779	(2,713)	172%	6,909	94%
7089 · Membership Database Fees	20,726	24,437	21,992	(2,445)	111%	48,976	50%
7100 · Telephone	24,316	24,424	24,835	411	98%	48,440	50%
7105 · Advertising	1,860	11,710	1,282	(10,428)	913%	21,860	54%
7106 · Public Notification	399	295	495	200	60%	753	39%

Utah State Bar
Income Statement - Consolidated By Account
December 31, 2018

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
7110 · Publications/Subscriptions	11,506	11,490	11,699	209	98%	18,964	61%
7115 · Public Relations	25,140	-	6,000	6,000	0%	12,000	0%
7120 · Membership/Dues	9,715	8,388	9,689	1,301	87%	11,399	74%
7135 · Bank Service Charges	596	735	674	(61)	109%	1,331	55%
7136 · ILM Service Charges	9,188	9,644	9,068	(576)	106%	16,670	58%
7138 · Bad debt expense	-	-	-	-	-	-	-
7140 · Credit Card Merchant Fees	36,375	36,283	33,411	(2,872)	109%	103,275	35%
7141 · Credit Card surcharge	(14,458)	(15,611)	(13,999)	1,612	112%	(55,075)	28%
7145 · Commission Election Expense	-	-	-	-	-	3,500	0%
7150 · E&O/Off & Dir Insurance	25,474	25,760	26,012	252	99%	52,026	50%
7160 · Audit Expense	31,363	33,546	32,000	(1,546)	105%	32,000	105%
7170 · Lobbying Rebates	133	111	133	22	84%	182	61%
7175 · O/S Consultants	23,232	27,666	28,199	533	98%	60,500	46%
7176 · Bar Litigation	20,029	2,650	16,125	13,475	16%	18,000	15%
7177 · UPL	644	275	5,654	5,379	5%	10,000	3%
7178 · Offsite Storage/Backup	2,077	2,298	1,962	(336)	117%	4,000	57%
7179 · Payroll Adm Fees	1,419	1,430	1,425	(5)	100%	2,838	50%
7180 · Administrative Fee Expense	525	268	425	157	63%	947	28%
7190 · Lease Interest Expense	-	-	-	-	-	209	0%
7191 · Lease Sales Tax Expense	88	-	167	167	0%	167	0%
7195 · Other Gen & Adm Expense	1,700	5,046	1,961	(3,085)	257%	4,262	118%
Total General & Administrative Expenses	384,133	363,057	363,440	383	100%	706,195	54%
In Kind Expenses							
7103 · InKind Contrib-UDR & all other	10,540	8,350	11,545	3,195	72%	22,426	37%
Total In Kind Expenses	10,540	8,350	11,545	3,195	72%	22,426	47%
Building Overhead Expenses							
6015 · Janitorial Expense	15,723	14,841	15,724	883	94%	30,228	49%
6020 · Heat	7,049	8,459	6,938	(1,521)	122%	21,297	40%
6025 · Electricity	23,402	25,526	24,122	(1,404)	106%	45,574	56%
6030 · Water/Sewer	3,390	5,157	3,272	(1,885)	158%	5,245	98%
6035 · Outside Maintenance	2,195	5,534	2,341	(3,193)	236%	13,258	42%
6040 · Building Repairs	4,290	7,374	6,802	(572)	108%	15,716	47%
6045 · Bldg Mtncn Contracts	20,111	15,347	21,368	6,021	72%	41,300	37%
6050 · Bldg Mtncn Supplies	1,333	346	1,444	1,098	24%	5,805	6%
6055 · Real Property Taxes	19,101	17,243	19,938	2,695	86%	38,838	44%
6060 · Personal Property Taxes	252	223	274	51	81%	520	43%
6065 · Bldg Insurance/Fees	8,245	8,597	8,271	(326)	104%	16,576	52%
6070 · Building & Improvements Depre	25,789	26,011	26,133	122	100%	52,513	50%
6075 · Furniture & Fixtures Depre	7,752	6,792	7,775	983	87%	15,697	43%
7065 · Computers, Equip & Sftwre Depr	85,709	84,537	86,787	2,250	97%	178,774	47%
Total Building Overhead Expenses	224,341	225,988	231,189	5,201	98%	481,341	47%
Total Expenses	3,262,735	3,324,431	3,410,396	85,965	97%	6,642,333	49%
Net Profit (Loss)	\$ 2,081,817	\$ 2,129,263	\$ 2,000,146	\$ 129,116	106%	\$ 12,166	

Utah State Bar Balance Sheets

	12/31/2018	6/30/2018
ASSETS		
Current Assets		
Petty Cash	\$ 625	\$ 625
Cash in Bank	604,932	383,265
Invested Funds	5,965,704	6,866,991
Total Cash/Investments	6,571,261	7,250,881
Accounts Receivable	23,654	12,429
Prepaid Expenses	130,737	96,732
A/R - Sections	25,579	18,169
Total Other Current Assets	179,970	127,330
Total Current Assets	6,751,230	7,378,211
Fixed Assets		
Property & Equipment	4,963,347	4,854,937
Accumulated Depreciation	(4,105,226)	(3,987,886)
Land	633,142	633,142
Total Fixed Assets	1,491,262	1,500,192
TOTAL ASSETS	\$ 8,242,493	\$ 8,878,404
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
AP Trade	\$ 240,037	\$ 77,906
Other Accounts Payable	84	130,437
Accrued Payables	392,791	408,435
Cap Lease Oblig - ST	3,485	3,485
A/P - Sections	-	192,780
Deferred Revenue	-	2,586,400
Total Current Liabilities	636,397	3,399,443
Long Term Liabilities		
Capital Lease Oblig	9,558	11,686
Total Long Term Liabilities	9,558	11,686
Total Liabilities	645,955	3,411,129
Equity		
Unrestricted Net Assets (R/E)	5,467,275	5,327,916
Fund Balance - Current Year	2,129,263	139,359
Total Equity	7,596,537	5,467,275
TOTAL LIABILITIES & EQUITY	\$ 8,242,493	\$ 8,878,404

UTAH STATE BAR
Membership Statistics
December 31, 2018

<u>STATUS</u>	<u>12/31/17</u>	<u>12/31/18</u>	<u>Change</u>
Active	8,276	8,483	207
Active under 3 years	946	889	(57)
Active Emeritus	182	218	36
In House Counsel	79	88	9
Foreign Legal Counsel	2	2	-
Subtotal - Active	9,485	9,680	195
Inactive - Full Service	789	806	17
Inactive - No Service	1,935	1,960	25
Inactive Emeritus	291	297	6
Subtotal - Inactive	3,015	3,063	48
Total Active and Inactive	12,500	12,743	243
<u>Supplemental Information</u>			
Paralegals	137	152	15
Associate Section Members	116	119	3
Journal Subscribers	125	125	-
<u>Active Attorneys by Region</u>			
1st Division (Logan - Brigham)	177	177	-
2nd Division (Davis - Weber)	853	881	28
3rd Division (Salt Lake)	5,560	5,602	42
4th Division (Utah)	1,221	1,252	31
5th Division (Southern Utah)	474	496	22
Out of State	1,200	1,272	72
Total Active Attorneys	9,485	9,680	195

INSTITUTIONAL LIQUIDITY MANAGEMENT

Balance Sheet Classification

ILM-UT ST BAR (3176)

Base Currency: USD As of 12/31/2018

Dated: 01/31/2019

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	102,938.39	AAA	2.660	12/31/2018	2.530	2.530	102,946.88	0.00	1.0001	0.00	102,946.88
CCYUSD	Cash	873.39	AAA	0.000	12/31/2018	0.000	0.000	873.39	0.00	1.0000	0.00	873.39
---	---	103,809.78	AAA	---	12/31/2018	2.509	2.509	103,820.07	0.00	---	0.00	103,820.07

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
06367VHL2	BANK OF MONTREAL	100,000.00	AA	2.375	01/25/2019	2.375	2.931	100,000.00	-39.00	99.9610	1,029.17	100,990.17
06051GEX3	BANK OF AMERICA CORP	400,000.00	A-	2.600	01/15/2019	2.482	3.078	400,018.72	-96.72	99.9800	4,795.56	404,715.56
654740AH2	NISSAN MOTOR ACCEPTANCE CORP	219,000.00	A	2.350	03/04/2019	2.004	3.439	219,128.45	-553.31	99.8080	1,672.61	220,247.75
89236TBP0	TOYOTA MOTOR CREDIT CORP	300,000.00	AA-	2.125	07/18/2019	2.571	3.121	299,276.90	-889.90	99.4830	2,898.48	301,275.48
20271RAH3	COMMONWEALTH BANK OF AUSTRALIA	300,000.00	AA-	2.300	09/09/2019	2.866	3.034	298,871.44	-350.44	99.5070	2,204.17	300,725.17
48127HAA7	JPMORGAN CHASE & CO	350,000.00	A	2.200	10/22/2019	2.807	3.258	348,322.03	-1,255.03	99.1620	1,475.83	348,542.83
41283LAG0	HARLEY-DAVIDSON FINANCIAL SERVICES INC	170,000.00	A-	2.250	01/15/2019	1.820	3.248	170,027.56	-85.56	99.9800	1,783.75	171,895.75
30231GAP7	EXXON MOBIL CORP	175,000.00	AAA	1.708	03/01/2019	2.380	2.771	174,810.71	-123.98	99.8210	996.33	175,883.08
05595EAD7	BMW US CAPITAL LLC	250,000.00	A+	1.500	04/11/2019	2.480	2.887	249,335.17	-297.87	99.6150	833.33	249,870.83
05595EAD7	BMW US CAPITAL LLC	100,000.00	A+	1.500	04/11/2019	2.595	2.887	99,703.15	-88.15	99.6150	333.33	99,948.33
037833CB4	APPLE INC	280,000.00	AA+	1.100	08/02/2019	2.479	2.819	277,784.83	-545.23	99.0070	1,257.87	278,477.27
302168FA5	EXPORT DEVELOPMENT CANADA	350,000.00	AAA	1.750	08/19/2019	2.595	2.888	348,166.27	-165.27	99.4280	2,245.83	350,236.83
961214CY7	WESTPAC BANKING CORP	400,000.00	AA-	1.600	08/19/2019	2.868	3.028	397,339.45	-895.45	99.1110	2,346.67	398,790.67
13807RA06	CANADIAN IMPERIAL BANK OF COMMERCE	220,000.00	AA	1.600	09/09/2019	2.868	2.945	218,160.04	-142.24	99.0690	1,124.44	219,142.24
74153WCK3	PRICOA GLOBAL FUNDING I	300,000.00	AA-	1.450	09/13/2019	2.865	3.017	297,098.07	-335.07	99.9210	1,305.00	298,068.00
85557CAV5	NORDEA BANK AB	200,000.00	AA-	1.825	09/30/2019	3.039	3.124	197,840.52	-148.52	98.8960	821.53	198,613.53
705450B53	Sallie Mae Bank	250,000.00	A-2	1.650	08/28/2019	1.701	1.700	249,938.96	0.00	99.9756	45.21	249,984.18
02008L3L5	Ally Bank	250,000.00	NA	1.650	08/24/2019	1.701	1.700	249,940.49	0.00	99.9782	113.01	250,053.51
58403B7B6	Medallion Bank	250,000.00	NA	1.550	01/14/2019	1.550	1.549	250,000.00	0.00	100.0000	191.10	250,191.10
149159LG8	Cathay Bank	190,000.00	NA	1.700	03/07/2019	1.700	1.700	190,000.00	0.00	100.0000	221.23	190,221.23
17325FAF5	CITIBANK NA	250,000.00	A+	1.850	05/18/2019	2.873	3.035	248,217.93	-297.93	99.1680	1,323.28	249,243.28
---	---	5,304,000.00	AA-	---	06/18/2019	2.436	2.779	5,284,050.69	-8,319.45	---	28,985.49	5,306,716.73

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	0.000	0.00	5,700.00	1.9000	0.00	5,700.00
00182BEB8	ANZ NEW ZEALAND (INTL) LTD	200,000.00	AA-	2.200	07/17/2020	3.287	3.338	198,724.25	-118.25	98.3030	2,004.44	198,810.44
94968JSL7	WELLS FARGO BANK NA	350,000.00	AA	2.400	01/15/2020	2.896	3.250	348,235.90	-1,252.90	98.1380	3,873.33	350,856.33
---	---	850,000.00	AA	---	07/07/2020	3.041	3.247	544,960.16	4,326.84	---	5,877.78	555,166.78

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
---	---	6,257,809.78	AA-	---	07/21/2019	2.495	2.818	6,932,830.93	-1,990.62	---	34,863.27	6,965,703.58

* 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.



JPEC 2019 Report to the Community

2018 Judicial Retention Election

Court Level	Regular	Provisional*	Total
Supreme Court	0	1	1
Court of Appeals	0	1	1
District Court	11	12	23
Juvenile Court	1	7	8
Justice Court	3	8	11
Grand Total	15 (34%)	29 (66%)	44

*According to the Utah Constitution, judges must stand for the first general election at least three years after appointment. The provisional term is shorter than the regular term. Judges in Utah serve six-year terms, except for justices on the Utah Supreme Court who serve ten-year terms.

- **55** judges were eligible to stand for retention, as of 1/1/16.
- JPEC completed **47** retention evaluation reports.
- **44** judges appeared on the ballot and on judges.utah.gov.
- **66%** have served fewer than four years.
- Voters retained **44** judges.

Did you know?

Judges see their evaluation reports before deciding whether to stand for the retention election. Some choose to resign or retire rather than face a retention election with a negative evaluation.



Did you know?

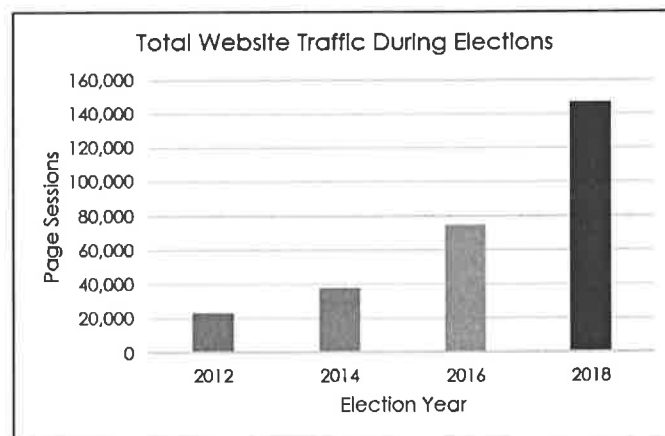
Statute requires commissioners to vote in favor of a judge's retention if the judge meets minimum standards, unless there is substantial countervailing evidence why the judge should not be retained.

2018 Elections Outreach

JPEC seeks an informed electorate for judicial retention elections. Public awareness activities include:

- **80** "KNOW YOUR JUDGES" signs placed in **7** counties in Utah.
- **27** events, targeting regional and statewide media.
- **78** JPEC posts on social media, yielding **223,363** impressions.

Outreach contributed to a **98% increase** in website traffic over 2016.



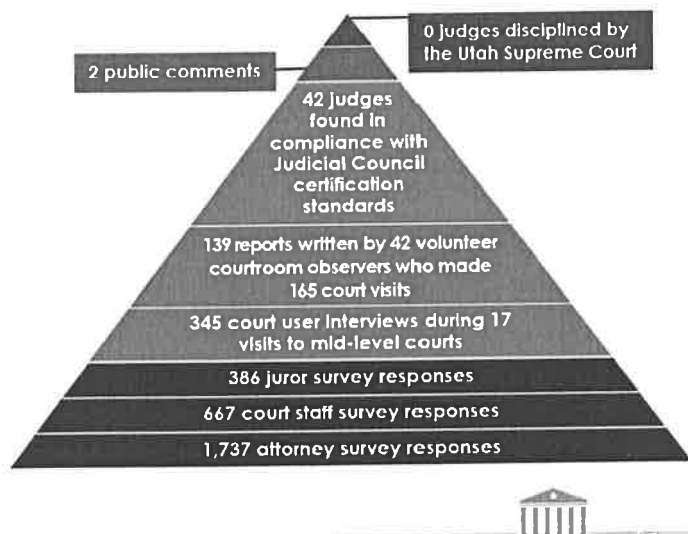
What is JPEC?

The Judicial Performance Evaluation Commission was established by state statute in 2008. Its goals are:

- ✓ To provide voters with valid information about each judge's performance so they may make informed decisions in judicial retention elections;
- ✓ To provide judges with useful feedback about their performance so they may become better judges and thereby improve the quality of the judiciary; and
- ✓ To promote public accountability of the judiciary while ensuring that it continues to operate as an independent branch of government.

2018 Evaluation Voices

Judge evaluations assemble and rely on the views and experiences of multiple groups that interact with judges. JPEC evaluations completed in 2018 include the following voices:



Ongoing Evaluations

With general elections every other year, JPEC's evaluations of judges are ongoing. During 2016 to 2018, it completed the following for the 2018, 2020, and 2022 judicial retention elections:

- Survey invitations sent to **3,749** attorneys, **1,732** court staff and juvenile court professionals, and **1,284** jurors;
- Outreach to over **20** groups to encourage survey participation, including regional and specialty bar associations, local court administrators, and juvenile court professionals;
- **614** reports made during **678** court visits by **146** volunteer courtroom observers;
- **25** recruitment and training sessions for volunteer courtroom observers;
- **1,049** court user interviews during **57** visits to mid-level courts;
- **262** public comments submitted by members of the public;
- **64** midterm evaluation reports completed for judges who will stand for retention in 2020 or 2024; and
- **1,595** hours of volunteer service by JPEC commissioners.

Who are the JPEC commissioners?

- ✓ JPEC's 13 volunteer commissioners are social workers, accountants, retired educators, lawyers, community leaders, and "baseball moms" who donate their time to a careful evaluation of the data collected on each judge.
- ✓ Commissioners are appointed by Governor Gary R. Herbert, the Utah Legislature, and the Utah Supreme Court.
- ✓ By law, about half of the membership may be attorneys. Partisan balance is required.

Judicial Performance Evaluation Commission
P.O. Box 142330
Salt Lake City, Utah 84114
judges.utah.gov

Notice of Legislative Rebate

Bar policies provide that lawyers may receive a rebate of the proportion of their annual Bar license fee expended from April 1, 2018 to March 30, 2019 for lobbying and any legislative-related expenses by notifying Executive Director John C. Baldwin, 645 South 200 East, Salt Lake City, Utah 84111 or at jbaldwin@utahbar.org.

Tax Notice

Pursuant to Internal Revenue Code 6033(e)(1), no income tax deduction shall be allowed for that portion of the annual license fees allocable to lobbying or legislative-related expenditures. For the tax year 2018, that amount is 1.65% of the mandatory license fee.



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The Salt Lake Tribune

Tax reform or 'misery tax'? Attorneys, homebuilders, barbers and a slew of others begin to digest big tax overhaul plan that is hard to swallow for some.



By Bethany Rodgers

Published: 23 hours ago

• Updated: 14 hours ago

Just hours after the state's long-anticipated tax overhaul plan was posted online, a formidable line of industry representatives were already arrayed to pick it apart.

Attorneys — whose legal services could be newly taxed — began accusing the Legislature of trying to impose a “misery tax” on people seeking counsel during some of life’s worst moments. Medical insurers, who face a new, 1-percent health premiums tax, said that cost will be passed right along to their customers. General contractors are worried about “stackable taxes” that would build up during each step of a construction project, making the end product that much more expensive.

“We tried to piss everybody off equally, so that we weren’t picking winners and losers,” the bill’s sponsor, Rep. Tim Quinn, told a group of business representatives Wednesday evening. “And it is working.”

Legislative leaders and executive branch representatives have spent weeks working behind the scenes to craft a plan for updating a sales tax policy designed for a different era. In the past, more than half of consumer spending was directed toward goods generally covered by the sales tax. But over time, the economy has become less about merchandise and more about service transactions, which are largely outside the umbrella of the sales tax.

That would change, under the 257-page bill released Wednesday night.

To describe the sweeping sales tax expansion laid out in HB441, Quinn has explained, it’s quicker to list the services that would be excluded from taxation than the ones lumped in. Tuition, rent payments and most medical services would remain untaxed, he said. Almost everything else would be fair game.

Meaning accountants, lawyers, barbers, landscapers, construction contractors, architects, plumbers, plastic surgeons, Uber drivers and others could see the sales tax coming for their industries.

What services are state lawmakers thinking of taxing?

A major tax reform bill just introduced would add sales taxes to a broad array of new transactions.

Types of services that could be taxed:

- Construction activities
- Information and technology
- Legal
- Financial
- Cosmetic surgery
- Private lessons
- Professional landscaping
- Haircuts

Deleted sales tax exemptions and revenue estimates:

- Personal property trade-ins (vehicle trade-ins) - **\$72.4 million**
- Water - **\$22.5 million**
- Machinery/equipment bought by filmmakers to produce certain media - **\$3.7 million**
- Property cleaning (primarily laundromats) - **\$3.18 million**
- Newspapers/subscriptions - **\$1.85 million**
- Address lists for direct mail - **\$1.6 million**
- Admission to college athletic events - **\$1.36 million**
- Database access (for software downloads) - **\$1.14 million**
- Purchases on unassisted amusement devices (like the tabletop tablets at Applebee's) - **\$690,000**
- Electricity for ski lifts - **\$260,000**
- Textbooks - **\$200,000**
- Vending machine food - **\$88,000**
- Ski resort equipment - **\$74,000**
- Exterior car washes - **\$8,400**
- Utah-made aircraft - **\$0**

Source: Utah legislature GRAPHIC BY CHRISTOPHER CHERRINGTON | The Salt Lake Tribune

(Christopher Cherrington | The Salt Lake Tribune)

Still, the bill isn't written to create a windfall for the state.

While broadening the sales tax, the legislation would lower the tax rate from 4.7 percent to 3.1 percent. It would also cut the income tax rate from 4.95 percent to 4.75 percent and provide some additional tax credits.

Lawmakers involved in writing the bill have stressed that they don't want to let anyone off the hook. To that end, they've suggested imposing a 1-percent tax on health insurance premiums, rather than taxing medical services. They're also looking to levy a .075-percent transfer tax on property sales, including homes and commercial real estate.

When all is said and done, the changes are intended to be revenue-neutral

overall, meaning the state would not collect any more or less money.

Gov. Gary Herbert and House Speaker Brad Wilson had made it their stated goal to achieve a \$225 million tax reduction this session. A smaller-than-anticipated budget surplus might have compromised those plans, but Quinn, R-Heber City, has said lawmakers hope to push the income tax rate even lower than 4.75 percent before the bill is passed to yield an overall tax cut.

Though the tax package isn't what he proposed in his State of the State address, Herbert has signaled support for it as a solution to a sales tax system that is losing steam.

"Is the bill perfect? No. But then, most bills that are passed aren't," Herbert said Thursday during his monthly news conference at KUED. "But this is certainly a step in the right direction, I think, for us to help our stability and fairness in the system and put us on the road to continued prosperity."

State officials have acknowledged passing broad tax reforms is no easy undertaking. But during a Wednesday evening meeting with business leaders on the measure, Wilson said he believes the political will exists to get it done this year.

"There's a high degree of commitment from the House, the Senate, as well as the governor to do something about this this session. We will leave here with something," the Kaysville Republican told the group gathered in the State Office Building auditorium.

On Thursday, the Salt Lake Chamber came out in support of Quinn's bill.

In a prepared statement, Derek Miller, the chamber's president and CEO, said tax reform will provide a stable source of money for government services, and lowering tax rates will create an environment that "allows business to flourish."

Only Hawaii, New Mexico and South Dakota impose a broad tax on services, and those states have always done so, said Liz Malm, senior director of strategic government relations and an economist for MultiState Associates, a trade group that tracks state taxes.

And efforts to expand taxes to services have run aground in states such as Florida, which repealed its law after only six months amid an outcry from various business interests, according to the Tampa Bay Times. Just last year, voters in Arizona passed a ballot initiative banning new taxes on services.

"There's been some selective expansion to specific services here and there over the years, but no successful broad expansion like in the Utah bill. And these have been on personal, rather than professional services," Malm wrote in an email.

Already in Utah, many professional groups are raising objections about the proposal.

The Utah State Bar, for instance, says clients should not be taxed for hiring a lawyer to guide them through a divorce, domestic violence situation, bankruptcy or personal injury case.

"While we want to constructively contribute to a dialogue concerning good public policy, we do not believe that when people and businesses reach out to lawyers for vital legal help at critical times they should be burdened by a sales tax," H. Dickson Burton, president of the Utah State Bar, said in a prepared

statement. "We believe that this tax would create an undue additional burden to the access to justice for Utah citizens and would truly be a 'misery tax' for many who are seeking counsel when in crisis."

The size of the bill and its broad definition of a "service" mean it will take time to digest and understand how it could affect different businesses, said Susan Speirs, CEO of the Utah Association of Certified Public Accountants. With only two weeks left in session, in-depth analysis will be challenging, she said.

"There are a lot of questions in this bill. More questions than we have answers, at this point," she said Thursday. "This is something that's a two- to three-year proposition. Not a 10-day proposition."

Richard Thorn, president and CEO of the Associated General Contractors of Utah, warns of the potential for a tax "layering effect" in construction and other industries; in other words, taxing each type of work performed along a production chain could lead to snowballing costs, with the consumer paying the price at the end, he said.

The bill's authors have said they've gone out of their way to avoid this effect by excluding certain services from the sales tax, but Thorn says industry members deserve the chance to study the potential implications of such a seismic tax policy shift.

"These are going to be potentially huge changes over what our business community has been dealing with for many years," Thorn said. "It makes us a little bit nervous because we believe we're in an industry that could potentially be paying multiple times for the same project."

Thorn said he'd prefer that state leaders form a working group that could

design a tax reform plan over the interim.

"None of us like disruption," Wilson, the House speaker, told business representatives.

"This is going to be very disruptive for me in what I do for a day job," said Wilson, who like Senate President Stuart Adams and a number of others in the Legislature, is a developer. "But the bigger picture for me is I like owning a business and growing a business in Utah."

The state's healthy economy will be in jeopardy, he warned, if the government is starved of revenue because of the shrinking sales tax base and lacks the wherewithal to invest in roads, air quality, social services and "all the things we need."

The proposed tax on insurance premiums, projected to generate \$66 million in yearly revenue, is causing heartburn to Kelly Atkinson, executive director of the Utah Health Insurance Association. Insurance companies in Utah operate on razor-thin profit margins, and they couldn't afford to absorb the proposed tax themselves, he said.

"I can assure you that if the state of Utah passes a premium tax ... that tax will simply be passed on in the way of higher premiums," he said. "You don't have to be a rocket scientist to figure this out."

— *Tribune reporter Lee Davidson contributed to this article*



brodgers@sltrib.com

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