

Utah State Bar Commission

Thursday, March 8, 2018

Dixie Convention Center

St. George, Utah

Agenda

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|-----------|-------------------|---|
| | 12:00 Noon | Lunch with Southern Utah Bar Association |
| 1. | 1:15 p.m. | President's Report: John Lund |
| | <i>10 Mins.</i> | 1.1 Review Spring Convention Schedule: Dickson Burton |
| | <i>10 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 |
| 2. | 2:00 p.m. | Action Items |
| | <i>15 Mins.</i> | 2.1 Awards Committee Report: Heather Farnsworth & Herm Olsen |
| | <i>20 Mins.</i> | 2.2 <i>WIPFLi</i> Recommendation and Tech Support: John Baldwin
(Report Distributed Separately) |
| 3. | 2:35 p.m. | Discussion Items |
| | <i>20 Mins.</i> | 3.1 Surveys & Focus Groups: Liisa Hancock & Cara Tangaro (Tab 1, Page 3) |
| 4. | 3:00 p.m. | Information Items |
| | <i>20 Mins.</i> | 4.1 Supreme Court Licensed Paralegal Practitioner Committee Report:
Hon. Kate Toomey & Rob Rice (Tab 2, Page 145) |
| | <i>15 Mins.</i> | 4.2 ABA Delegates' Report: Nate Alder, Erik Christiansen, & Bebe Vanek |
| | <i>10 Mins.</i> | 4.3 Petition to Create "Legal Entrepreneurs Section" (Tab 3, Page 155) |
| 5. | 3:45 p.m. | Executive Session to Review Malpractice Insurance Endorsement Proposals
(Proposals Distributed Separately) |
| | 4:00 p.m. | Adjourn |

Consent Agenda (Tab 4, Page 160)

1. Approve Minutes of January 12, 2018 Commission Meeting
2. Approve Policies on Diversity & Inclusion

Calendar

March 20	Election Email Message Due		
March 21-24	Western States Bar Conference		Santa Barbara, Calif.
March 30	Executive Committee		
April 1	Election-Online Balloting Begins		
April 6	Commission Meeting	12:00 Noon	
April 10-12	ABA Day in Washington		Washington, D.C.
April 13	Commission Meeting	9:00 a.m.	Law & Justice Center
April 15	Election-Online Balloting Ends		
May 4	Executive Committee	12:00 Noon	
May 11	Commission Meeting	9:00 a.m.	Law & Justice Center
May 17	Admission Ceremony	12:00 Noon	State Capitol
July 17	Executive Committee	12:00 Noon	Law & Justice Center
July 25	Commission Meeting	1:00 p.m.	Sun Valley, Idaho
July 25-28	Summer Convention		Sun Valley, Idaho

TAB
1

Business Legal Services

Focus Group Report

February 2018

Prepared for

Utah State Bar



Lighthouse Research & Development, Inc.

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Business Legal Services Focus Group Report

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Introduction

Lighthouse Research & Development, Inc. was contracted by the Utah State Bar to conduct two focus groups with business owners and leaders regarding their perceptions and usage of legal services.

Objectives

The main objective of this research project was to discover participants' perceptions and usage of legal services. To accomplish the project objectives, participants were guided through a discussion that encompassed the following topics and themes:

Identify Usage of and Perceptions of Legal Services

- Gather general perceptions of lawyers
- Identify the perceived value of lawyers, according to participants
- Determine the point at which participants would consider using a lawyer

Discover the Barriers Preventing Individuals from Using Legal Services

- Identify the barriers preventing individuals from using the services provided by a lawyer
- Determine if participants agree or disagree with possible barriers for using legal services

Understanding the Selection Process

- Identify the resources participants would rely on to find a lawyer
- Identify factors that are important to participants in choosing a lawyer
- Discover the process participants would go through to select the right lawyer for them

Determine Fee Preferences

- Determine why cost is such a barrier to using a lawyer's services (i.e. up-front cost, hourly cost, and cost vs. benefit)
- Discover whether participants prefer a flat fee or an income-based fee when paying for legal services
- Determine the reason for participants' preferences

Project Overview

The specific scope of work for this research project is described below:

- Recruitment of participants for each group
- Confirmation emails and reminder telephone calls to each participant
- Development of a moderator's guide and participant handout, including specific discussion topics, questions, and ratings
- Facilitation of the focus groups
- Development of a written report of results

Research Methodology

The research methods used to complete the project are outlined in detail below.

Screening Design and Development

Lighthouse Research, in consultation with Utah State Bar personnel, prepared the participant screener. The information collected during the screening process was used to verify participant eligibility and gather demographic information.

Sampling Procedures

The recruiting for the focus groups was conducted using general public sample.

Recruiting

Experienced executive recruiters from the Lighthouse Research facility in Riverton, Utah, conducted the recruiting. Interviewers were briefed thoroughly on the screener before proceeding with recruiting. Calling hours for this recruit were between 9:00 a.m. and 9:00 p.m. on weekdays. Participants received personal emails confirming their invitation to participate and indicating the date and time of the discussion group. Careful attention was paid during the recruiting process to ensure only qualified individuals were invited.

Development of Moderator's Guide

Lighthouse Research designed the moderator's guide for the focus groups. The questionnaire encompassed the following topic areas:

- Identify Usage of and Perceptions of Legal Services
- Discover the Barriers Preventing Individuals from Using Legal Services
- Understanding the Selection Process
- Determine Fee Preference

Focus Group Fulfillment

A total of two focus groups were facilitated by Christie Leake, who guided participants through the topic areas outlined in the moderator's guide. The focus groups were held February 7, 2018 at the offices of Lighthouse Research & Development, Inc. in Salt Lake City, Utah.

Organization of the Report

Data collected during the interviews was analyzed for reporting. The results were compiled and are presented in this report, organized by the following areas:

- Introduction
- Conclusions and Opportunities
- Detailed Results
- Appendices

The Conclusions and Opportunities section of this report includes a summary of the research findings from the focus groups.

The Detailed Results portion of this report presents the complete findings of the research organized by topic.

The Appendices section provides frequency of results for the participant screener and focus group handout questions, verbatim open-ended responses provided by participants, and a copy of the moderator's discussion guide.

This report represents the deliverable for this portion of this contract and is presented respectfully to the project sponsors.

Conclusions and Opportunities

Based on the results of the research findings, Lighthouse Research respectfully makes the following conclusions.

Identify Usage of and Perceptions of Legal Services

- When identifying the words, thoughts and phrases that come to mind when they think of lawyers, participants mentioned both positive and negative associations. When discussing their positive associations of lawyers, multiple participants indicated that lawyers are essential in business, as they protect business from trouble and can save businesses money in the long run. However, some participants have had negative experiences with lawyers that cause them to feel they are dishonest and expensive.
- When asked to rate their perceptions of lawyers, participants, on average, gave a mid-range rating of 4.88 on the one-to-seven rating scale.
- When asked to identify the value lawyers provide to businesses, participants most frequently indicated that lawyers are beneficial 1) in an advisory capacity and 2) in protecting the business.
- When discussing the point at which they would engage the services of a lawyer, participants generally fell into one of two groups: 1) those who have lawyers on retainer and utilize their services frequently, and 2) those who would only engage a lawyer when need arises.

Understanding the Selection Process

- Participants most frequently said they would ask friends or family members for referrals, or that they would ask other lawyers they knew for a recommendation, if they needed to find a lawyer today.
- When identifying the top factors they consider when choosing a lawyer, participants most frequently mentioned 1) experience and 2) area of expertise.

Discover the Barriers Preventing Individuals from Using Legal Services

- When asked to identify the barriers that prevent businesses from using the services provided by a lawyer, participants' main reason was cost. However, multiple participants said they choose not to use a lawyer, as they don't see the need, as they feel they can handle many issues or situations on their own, or because they wonder if engaging a lawyer is "worth it."
- When asked why cost is such a barrier to using legal services, participants indicated the following:
 - Legal services are far too expensive
 - Small and new businesses feel they can't afford legal services or justify such a cost
 - Business owners feel they can handle certain issues on their own at a fraction of the cost
 - Sometimes it is less expensive to settle or pay a claim than to engage a lawyer
 - It is difficult for some business owners to recognize the value provided by lawyers
 - "Money is competing for a lot of different things"

- When asked to rate their agreement with various statements relating to the barriers preventing businesses from using their services, participants, on average, gave the highest rating to “lawyers’ fees are too costly,” indicating they agree most with this statement.

Determine Fee Preference

- When asked to describe what lawyers do, participants frequently commented that lawyers assist businesses in providing legal defense and protection.
- When asked if they are aware of how lawyers charge, nearly all participants indicated that lawyers charge by the hour.
- When asked what they would be willing to pay for legal services if they needed to use a lawyer today, participants most frequently said they would be willing to pay \$100 to \$200 an hour, though participants indicated they would be willing to pay more in situations of crisis.
- When asked how valuable they would consider a one-hour meeting with a lawyer to be in various situations, participants gave the highest average mean rating to “purchase and sale of a business,” the second highest rating to “writing or negotiating a contract,” and the third highest rating to “real estate needs, including leases,” indicating these are the situations where participants consider a consult with a lawyer to be most valuable.
- When asked how much they would be willing to pay for a one-hour meeting in each of the aforementioned situations, participants, on average, said they would pay the most for work performed on the purchase or sale of a business, followed by work related to real estate needs.
- Some participants indicated that they would be willing to pay a \$100 per month retainer for access to a lawyer. When asked what they would expect to get for that monthly fee, participants said they would, at the very least, expect time and attention.
- More than one-half of participants indicated they would prefer to pay a flat fee, as opposed to an hourly fee or a sliding scale. Participants who said they would prefer a flat fee indicated that such a fee is easier to budget and plan for.
- In conclusion of the groups, participants recommended that lawyers educate business owners on the benefits lawyers can provide to businesses and show how lawyers’ services are of value.

Detailed Results

Identify Usage of and Perceptions of Legal Services

Word Association

When identifying the words, thoughts and phrases that come to mind when they think of lawyers, participants mentioned both positive and negative associations. When discussing their positive associations of lawyers, multiple participants indicated that lawyers are essential in business, as they protect businesses from trouble and can save businesses money in the long run. However, some participants reported having negative perceptions of lawyers, as they have had negative experiences with lawyers that caused them to feel that lawyers are dishonest and expensive. For details, please see Table 1.

Table 1
What words, thoughts, or phrases come to your mind when you think of “lawyers”?

Positive	Negative	Neutral
<ul style="list-style-type: none"> • Can save your business money • Good resource for businesses <ul style="list-style-type: none"> ○ “They’re a good resource for making business decisions. Kind of keeps you out of trouble if you have someone you trust.” ○ “Lawyers are a good resource for writing and preparing contracts.” • Good when they are on your side • Great when you need them • Keeps your business out of trouble • Necessary <ul style="list-style-type: none"> ○ Can’t get by without them • “They know the law better than we do.” 	<ul style="list-style-type: none"> • Complicated • Dishonest <ul style="list-style-type: none"> ○ “Crooks” ○ “Liars” ○ “Spinners” ○ “Unethical” • Expensive <ul style="list-style-type: none"> ○ The best lawyers cost the most money • Lawsuits • Necessary evil • Too many lawyers 	<ul style="list-style-type: none"> • Contracts • Licensed varies from state to state

When asked to rate their perceptions of lawyers, participants, on average, gave a mid-range rating of 4.88 on the one-to-seven rating scale.

Multiple participants gave high perception ratings when rating their impression of lawyers, as they have utilized lawyers and recognize the value they provide. One participant said, "They've been a tremendous resource to me throughout my career," while another said, "When you're doing business and you want to stay in business, you want to do it right. Those are the guys you go to."

Some participants who gave high ratings to their perceptions of lawyers indicated that they know lawyers who have impacted their impression. One participant said, "They're good people, honest people," while another said, "Most of the ones that I've dealt with have been very much the same, very smart, knowledgeable."

Multiple participants gave low or mid-range ratings to describe their impressions of lawyers. These participants have either had negative experiences with lawyers, or limited experience with lawyers, in general.

Value of Lawyers

When asked to identify the value lawyers provide to businesses, participants most frequently indicated that lawyers are beneficial 1) in an advisory capacity and 2) in protecting the business.

Multiple participants said lawyers are valuable in an advisory capacity. One participant said, "We use ours in an advisory position. They consult with us on a regular, four-month basis, kind of recap what's been going on, and where we're headed. They give us some advice and consult with us. We use them in a proactive role."

Other participants indicated that lawyers are valuable in protecting their businesses. One participant said, "They can help set up your business the right way," while another said, "They can keep you from getting sued." One participant said his lawyer is valuable in terms of "risk management," while another said, "I found it really helpful to have lawyers review my contracts."

Participants also indicated that lawyers are valuable to businesses in that they provide peace of mind. One participant said, "Knowing you've got someone on your side to help you with your legal battles gives you peace of mind."

Engaging a Lawyer

When discussing the point at which they would engage the services of a lawyer, participants generally fell into one of two groups: 1) those who have lawyers on retainer and utilize their services frequently, and 2) those who would only engage a lawyer when need arises.

Participants who said they would engage the services of a lawyer frequently indicated that they have seen the value of using a lawyer in an advisory capacity. One participant said, "I have [lawyers] on retainer, so I pull the trigger every day now." Another said, "When my partner and I bought our business, we didn't engage a lawyer at that point and time, but there are certain things that, looking back, we wish we would have done. Since that time, we've been a little bit more proactive with having attorneys on retainer and

trying to stay ahead of potential issues. We feel like it is [worth it]. It's helped us avoid a lot of mistakes. It helps us protect parts of our business that we wouldn't know how to protect it legally."

Other participants don't believe they need a lawyer except in certain situations. One participants said, "I've been pretty fortunate so far; we haven't had anything really big to pull an attorney in on."

Understanding the Selection Process

Useful Resources

When asked how they would find a lawyer if they needed to find one today, participants most frequently said they would ask friends or family members for referrals, or that they would ask other lawyers they knew for a recommendation. One participant said, "I trust my own network more than anyone," while another said, "I would check with friends who are lawyers."

Some participants said they would turn to social media to find a lawyer, while others said they would rely on networking groups. One participant said, "I recently looked at a lawyer who could set up franchises. I think I heard about it in one of those networking groups that meets early in the morning."

Others indicated they would use an online search engine to search for a lawyer if they needed one.

Important Factors in Choosing a Lawyer

When identifying the top factors they consider when choosing a lawyer, participants most frequently mentioned 1) experience and 2) area of expertise. For further details, see Table 2.

Table 2
What are the top factors you would consider before choosing a lawyer?

	Most Important	Second Most Important	Third Most Important	Overall
Experience	1	6	4	11
Area of expertise	4	2	4	10
Referrals, references	6	1	1	8
Competent	3	3	0	6
Communication	0	1	3	4
Cost, rate	1	2	1	4
Reputation	1	1	0	2
Fits with personality	0	0	2	2
Dealing with lawyer vs paralegal	0	0	1	1

Other factors participants said they would consider when choosing a lawyer include:

- Risks, expectations of outcome
- Success with similar cases
- How long it takes to resolve an issue
- Education
- Google reviews

When further explaining important factors they would consider when choosing a lawyer, participants mentioned the following:

- “I don’t want a sloppy attorney who has experience but can’t hit the mark.”
- “I look for somebody that’s competent. That, to me, is the most critical key factor. We interview them. We judge based on previous experience and previous cases. Do they know what they’re talking about?”
- “I need someone who fits in with my personality. I tend to be a little more relaxed and less formal culture, so I don’t fit in very well with a more of a formal, Kirton and McConkie culture.”
- “In a business setting you need to ask cost versus recovery.”
- “Reputation is important. We needed a bull dog a few years ago, we asked around and found one.”

Discover the Barriers Preventing Individuals from Using Legal Services

Top Barriers

When asked to identify the barriers that prevent businesses from using the services provided by a lawyer, participants’ main reason was cost.

However, multiple participants said they choose not to use a lawyer, as they don’t see the need or as they don’t know at what point they should engage a lawyer. One participant said, “Where is that breaking point of when I do need one? Should I have that competence? And when is it worth the cost to get that?”

Some participants said that businesses may not even realize they need the services of a lawyer. One participant said, “Sometimes you just don’t even realize you need one. When we started up our company, we just went down, got our business license, and started plugging along. We figured things out as we went along. We just researched on our own and just did everything.”

Other participants said that businesses are hesitant to use a lawyer, as they feel they can handle many issues or situations on their own. In some instances, participants questioned what more a lawyer could do for them than they already do for themselves.

Some participants indicated they are hesitant to engage legal services, as they are fearful of using a lawyer, or as they don’t perceive the stress and time involved to engage a lawyer as being “worth it.”

Cost Barrier

When asked why cost is such a barrier to engaging a lawyer, some participants said they feel legal services are far too expensive. One participant said, "The fees are too high. It's extremely expensive." Another said, "Why does it have to be three hundred bucks an hour? Really?"

Some participants indicated that cost is of the utmost importance to small businesses and new businesses with extremely limited funds. One participant said, "If you're a really small business, it just doesn't seem to fit in the budget." Another said, "I remember when we started our business and the revenues were very, very low. We didn't build that into our budget. It was extremely difficult. That expense was really, really hard. It goes quick, \$300 an hour is a fast burn rate."

Multiple participants indicated that they don't see the need for a lawyer, except in certain situations. As such, they don't feel they can justify the cost for services they perceive they can handle themselves. One participant said, "If you're starting out, you can go online and do an LLC for \$600. Call an attorney and it's \$500 to \$1,000." Another participant said, "I don't really feel like I need one, and with the cost so high, I definitely don't need. I just haven't seen the value." One participant said, "I think a lot of times you think you can handle it, you think it will resolve itself or it will go away."

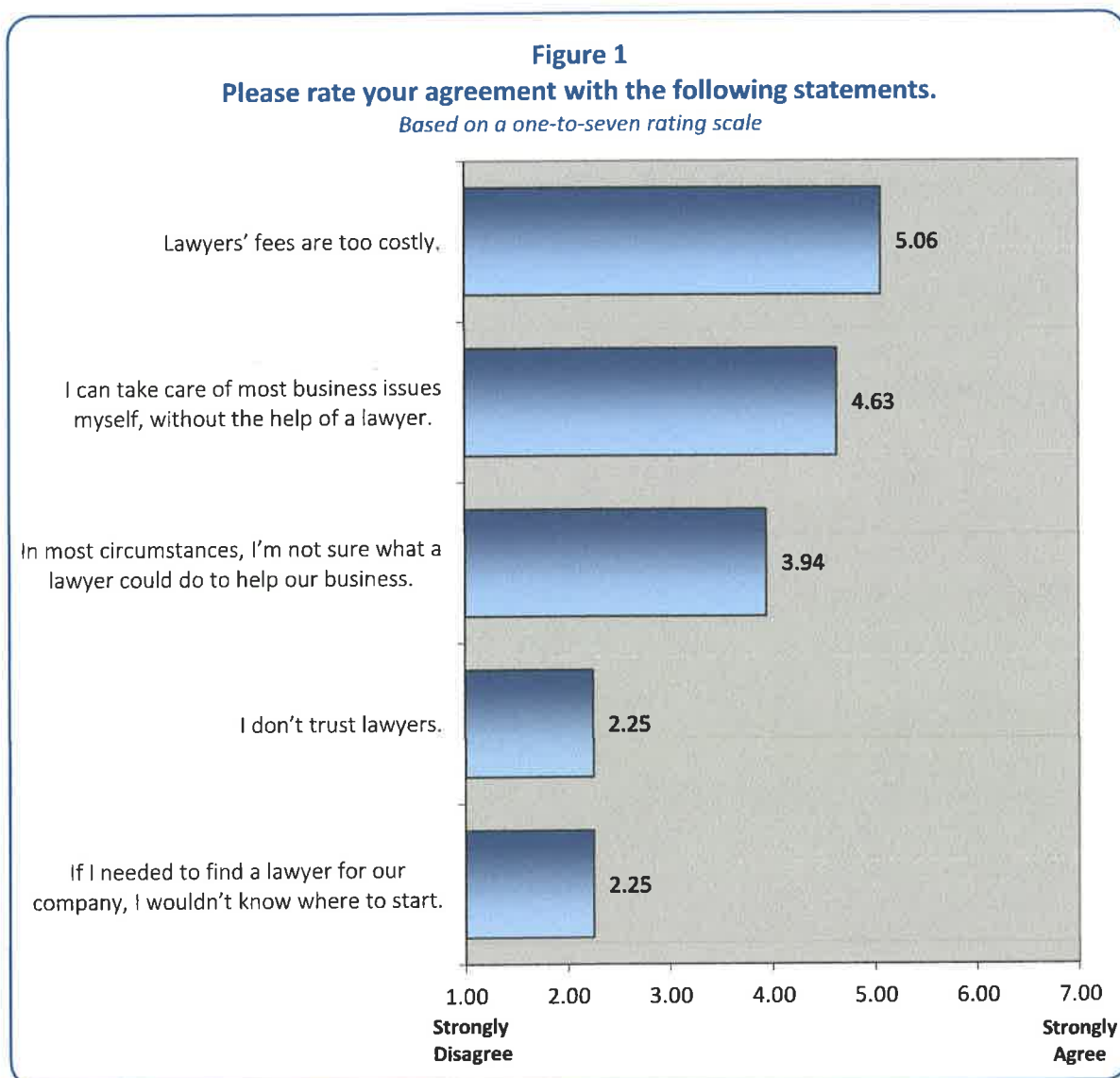
Still, other participants perceive it is less expensive to settle or pay a claim rather than use a lawyer. One participant said, "Sometimes the cost of the lawyer is as great or greater than negotiating the problem yourself." Another said, "A lot of times it's easier to just pay the claim rather than try to fight it, whether you were in the wrong or not. It's just cheaper and easier."

Some participants indicated that it is often difficult to see the value in the services lawyers provide. One participant said, "[With the services lawyers provide,] there's no tangible thing that you see." Another participant said, "I think sometimes it's hard to fully appreciate the value you're getting for the money you're spending."

Some participants indicated that they feel their money would be better spent on things besides legal services. One participant said, "Money is competing for a lot of different things. Am I going to do marketing, am I going to do legal?" Another participant said, "The more money you spend, the less money you get to spend on your grandkids. If you spend it on a lawyer it's not in your own pocket."

Barrier Ratings

When asked to rate their agreement with various statements relating to the barriers preventing businesses from using their services, participants, on average, gave the highest rating to “lawyers’ fees are too costly,” indicating they agree most with this statement. For further details, please see Figure 1.



Determine Fee Preference

Awareness of What Lawyers Do and How They Charge

When asked to describe what lawyers do, participants frequently commented that lawyers assist businesses in providing legal defense and protection. When describing what his lawyers do, one participant said, "They're an advocate. They help us bridge the known and the unknown. We know our business really, really well, and they know the law side of things. Along those lines, they help us dot our I's and cross our T's They just help us to be compliant."

When asked if they are aware of how lawyers charge, nearly all participants indicated that lawyers charge by the hour. One participant said, "We know the rate, but we don't know how many hours they're going to bill us. We don't know what the final bill will be."

Willingness to Pay

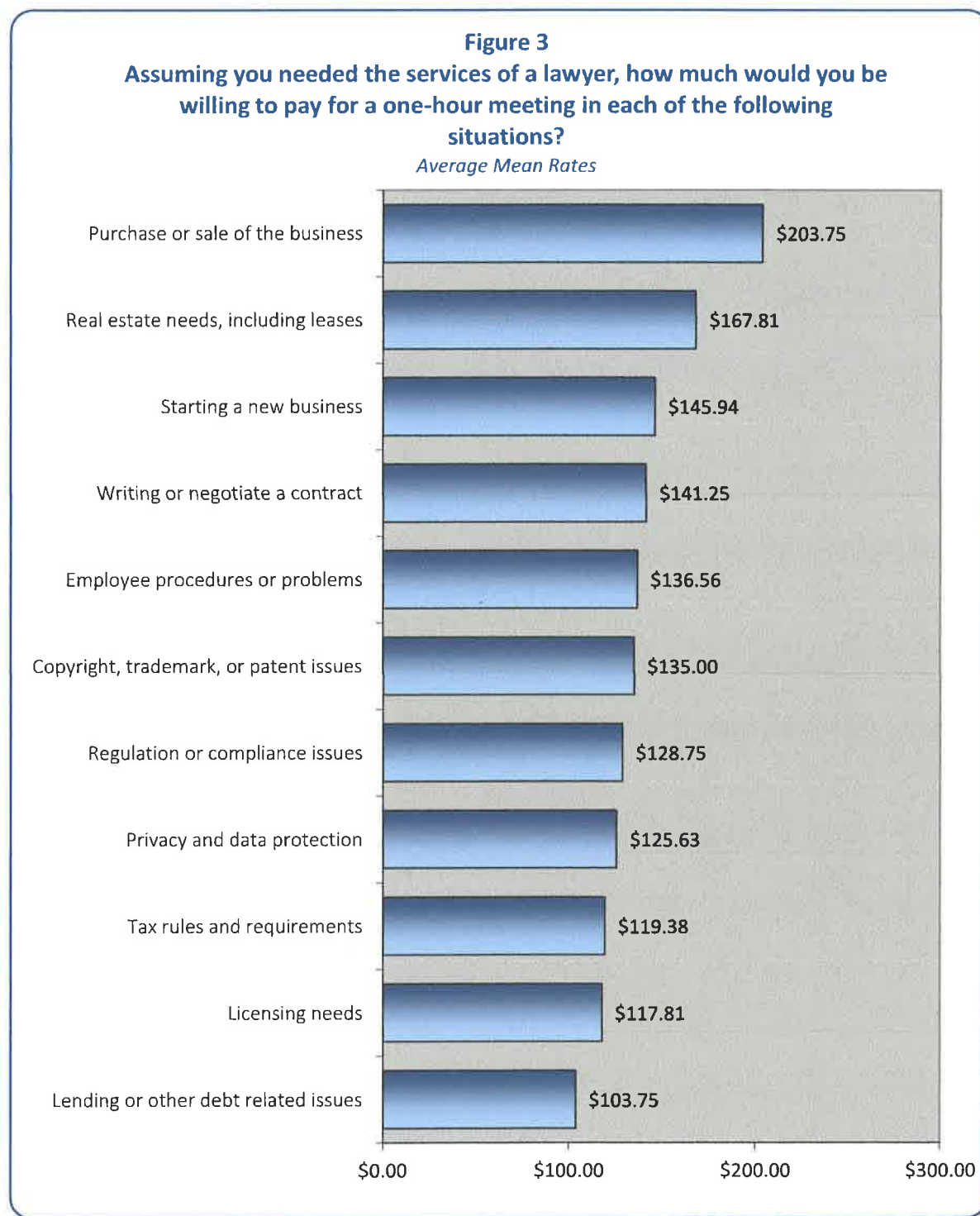
When asked what they would be willing to pay for legal services if they needed to use a lawyer today, participants most frequently said they would be willing to pay \$100 to \$200, though one participant said she would only be willing to pay \$50, while another said he would be willing to pay a flat rate of \$1,000.

Participants, in general, indicated that they would be willing to pay more when facing a crisis. One participant said, "You're willing to pay more to get out of it," while another said, "Usually the crisis lawyers are a little pricier because they're better at dealing with crises." Participants also perceive that crises demand more time and attention, which ultimately increases cost. One participant said, "I would expect it to cost more because of the number of hours of dealing with a problem, but the per hour price should be the same." Another participant said, "The perspective I have is that it's the same problem, just something that's come urgently and the unfortunate nature is that the lawyer can't plan for that in his schedule. It's more of a crisis on his schedule, so then it puts a premium on their time from their perspective."

When asked how valuable they would consider a one-hour meeting with a lawyer to be in various situations, participants gave the highest average mean rating to “purchase and sale of a business,” the second highest rating to “writing or negotiating a contract,” and the third highest rating to “real estate needs, including leases,” indicating these are the situations where participants consider a consult with a lawyer to be most valuable. Participants gave the lowest rating to “tax rules and requirements,” indicating this is the situation participants feel a consult with a lawyer would be less valuable. For further details, please see Figure 2.



When asked how much they would be willing to pay for a one-hour meeting in each of the aforementioned situations, participants, on average, said they would pay the most for work performed on the purchase or sale of a business, followed by work related to real estate needs. Figure 3 illustrates the average amounts participants would be willing to pay for a one-hour meeting in each of the following situations.



When further discussing what they would pay for a one-hour consult, one participant said, "I think it would be valuable to be educated on what a lawyer could do for me. I'd pay \$85. I think that's what my mechanic is." Another participant said, "Some problems cost thousands. So for just a consultation to discuss the business? Yeah, I'd pay one or two hundred bucks to see what's going on." One more participant said, "It might be worth a couple hundred bucks to have him come in and evaluate everything I'm doing."

Other participants indicated that they would only consider a one-hour consult if it were offered at no cost. One participant said, "I don't need a lawyer right now. If [the consult were] free, I'd be like, 'Sure, I'd be interested in finding out what you can do for us.' But if you're going to charge me \$800 or \$300 or \$500 just to see what you can do for me? No, [I'm not interested]."

Retainer

Some participants indicated that they would be willing to pay a \$100 per month retainer for access to a lawyer. When asked what they would expect to get for that monthly fee, participants said they would, at the very least, expect time and attention. One participant said, "I would expect if I had somebody on retainer that they would at least answer my phone call when I call them. They need to pay attention to you, give you a little more priority." Another said, "I expect somebody to answer the phone, whether it's \$100 or \$12,000 a month. I expect them to answer the phone, number one."

Other participants said they didn't feel they could justify the cost of a monthly retainer. One participant said, "I'm not sure I could justify \$100 a month on our budget. I think it's less expensive for me to use a lawyer as needed as opposed to having one on retainer that I may or may not use." Another participant said, "I don't know that I would spend much money on that type of thing just because of the infrequency of using them."

Fee Preference

Participants were asked to indicate if they would prefer paying 1) a flat fee with all legal services provided in one lump sum or 2) an hourly fee or a fee based on a sliding scale. In response, more than one-half of participants indicated they would prefer to pay a flat fee.

Participants who said they would prefer a flat fee indicated that a flat fee is easier to budget and plan for. One participant said, "I would know what the cost is going to be and I wouldn't have any surprises. I would just budget for it. With an hourly fee, you don't know [what it's going to cost]. I much prefer knowing how much."

Participants who said they would prefer an hourly rate felt that such a fee structure would be least expensive. One participant said, "I don't need them all the time. If I do, I'd rather just pay for what they give me when I need it." Another said, "I don't want to feel like I'm paying for something that maybe I'm not using."

When asked if they would be interested in a fee that decreased in hourly cost after a certain number of hours, participants answered, "yes." One participant said, "I think that just provides them some incentive to get it done quicker," while another said, "I really like the idea of having them have some ownership."

Conclusion

As a concluding question, participants were asked:

“Imagine you were part of a creative team tasked with increasing usage of legal services at a law firm. What three things would you do to overcome the barriers preventing businesses from using legal services and motivate them to use your firm?”

In response, participants offered the following suggestions:

- Be engaged in the community
- Demonstrate crises that can be averted by having a legal team
 - Can the lawyer can sell me prevention, like prove to me that we’re going to avoid some crisis down the road? Plumbers can charge a ton of money if a pipe bursts in the middle of the night, but if they can come and do a routine check on the pipes and prove to me that it’s going to burst, I’m going to pay to have that preventative stuff in place. If it’s a professional and it’s going to prevent me from some kind of crisis, I’ll do it.”
- Demonstrate how lawyers are different from the negative stigma or stereotype that exists
- Educate businesses on what lawyers can do for them
 - “Show me why I need you.”
- Emphasize specific skills and abilities that would benefit businesses
- Offer affordable, reasonable fees
- Offer flat fee pricing
- Offer initial consultations at no or low cost
- Show businesses how lawyers can improve their bottom line
- Show greater accessibility in advertising
- Show the value lawyers provide for the cost paid

Participants Demographics

The majority of participants (10) were men, though nearly one-third (6) were women.

Most participants (11) reported working in Salt Lake County, though some reported working in Davis (4) or other (1) counties.

Participants identified the following as their positions or titles:

- Business owner (4)
- Business owner, office manager
- COO
- Co-owner
- Division manager
- Online auction
- Owner (3)
- Owner, president
- President (2)
- President, owner

Participants represented both small, mid-sized, and large companies. The average participant reported having between 6 and 10 employees (3.31 average mean, 3.50 median).

Participants reported having revenues less than \$1 million to revenues of \$21 to 50 million. The average participant reported having an approximate annual revenue for their companies as less than \$1 million (1.56 average mean, 1.00 median).

Most participants (13) indicated that their companies have retained services provided by an attorney.

APPENDIX A: PARTICIPANT SCREENER

Hello, this is _____ calling from Lighthouse Research. Our company is conducting a research discussion with business decision makers in the Salt Lake City area. If you qualify, you will be invited to attend a discussion group, which will last no more than **90 minutes**. In appreciation for your help, you will receive **\$150.00 Cash** as a thank you for your time. I assure you that we are only interested in your opinions and you will not be asked to purchase anything. Do you mind if I ask you a few questions to see if you qualify?

1. I just need to verify that you are currently employed either part-time or full-time. Is that correct?

Note: This question asked for verification purposes only.

2. In which county do you work?

	Count
Salt Lake	11
Davis	4
Other	1

3. What is your position or title?

- Business owner (4)
- Business owner, office manager
- COO
- Co-owner
- Division manager
- Online auction
- Owner (3)
- Owner, president
- President (2)
- President, owner

4. Which of the following best describes your level of involvement in the decision-making process when it comes to your company needing legal services or advice?

	Count
Somewhat involved	2
Very involved	14

5. Does your company have its own in-house legal department?

Note: This question asked for verification purposes only.

6. What is the name of your company?

- A&M Tool & Cutter & Grinder
- Bridge Healthcare Group
- Cubes Self Storage
- Details, Comforts for Your Home
- Janke Construction LLC
- Larsen & Malmquist Inc
- Lean on Me USA
- Online Auction
- Pentalon Corp.
- Resilient Solutions Inc.
- Scale & Tails Utah
- Sites by Sara
- Solar Window & Door, Inc.
- Swim Kids
- Walker Monument
- Western Walls Inc.

7. Have you or has anyone in your immediate family ever worked for a company in any of the following industries? **[If any of the industries below, Thank & Terminate]**

- ☐ Marketing
- ☐ Research
- ☐ Advertising
- ☐ Media (television, newspaper, radio, etc.)
- ☐ Legal sector (attorney, law, court system, etc.)
- ☐ Government
- ☐ No, none of the above **[Continue]**

Note: This question asked for verification purposes only.

8. How many people work for the company?

	Count
1 = 1 to 2	2
2 = 3 to 5	3
3 = 6 to 10	3
4 = 11 to 19	5
5 = 20 to 49	2
6 = 50 to 99	1
7 = 100 to 199	0
8 = 200 to 499	0
9 = 500 or more	0
<i>Average Mean</i>	3.31
<i>Median</i>	3.50

9. What is your company's approximate annual revenue?

	Count
1 = Less than \$1 million	10
2 = \$1 to \$5 million	5
3 = \$6 to \$10 million	0
4 = \$11 to \$20 million	0
5 = \$21 to \$50 million	1
6 = \$51 to \$100 million	0
7 = More than \$100 million	0
<i>Average Mean</i>	1.56
<i>Median</i>	1.00

10. Has your company ever retained services provided by an attorney?

	Count
Yes	13
No	3

11. How often does your company use these services?

- A few times a year
- About every other month
- As rarely as possible, last time was 5 years ago
- Every 3 to 4 years
- Every 6 months
- Monthly (2)
- Not often
- Not very often
- Once every 3 to 5 years
- Only once
- Only one time
- Quarterly

12. Record gender by observation.

	Count
Male	10
Female	6

INVITATION [FOR THOSE WHO QUALIFY]:

We would like to invite you to participate in a group discussion that will take place on **Tuesday, February 7th, 2018 at the Lighthouse Research facility located at 375 East 500 South, Salt Lake City.**

Again, I assure you we are not selling anything and you will not be asked to share any personal information, only your opinions and ideas. As we mentioned earlier, you will receive **\$85.00** at the conclusion of the first **90-minute** discussion group. Would you be willing to participate?

☐ Group 1 – Tuesday, February 7th @ 5:00 PM

☐ Group 2 – Tuesday, February 7th @ 6:30 PM

Great! We would like to be able to send you directions and a reminder before the group. Can you please confirm your name, address, and contact information? **(Collect participant contact information below)**

CONTACT INFORMATION

NAME _____

MAILING ADDRESS _____

CITY _____ ZIPCODE _____

HOME PHONE _____ ALT. PHONE _____

E-MAIL ADDRESS _____

RECRUITED BY _____ DATE RECRUITED _____

SOURCE OF RECRUIT _____

**If you have any questions or find that you can't attend, please call us right away at 801-446-4000 so we can find a replacement. We will be giving you a reminder call prior to the group. If you care for children, please do not bring them with you because we are unable to provide child-care at our facility. Thank you for your time and for agreeing to participate in the discussion.*

APPENDIX B: MODERATOR'S DISCUSSION GUIDE

Objectives

The main objective of this research project is to discover participants' perceptions and usage of legal services. To accomplish the project objectives, participants will be guided through a discussion that encompasses the following topics and themes:

Identify Usage of and Perceptions of Legal Services

- Identify the professionals participants would use in various situations
- Gather general perceptions of lawyers
- Identify the perceived value of lawyers, according to participants
- Identify situations in which participants would consider using a lawyer
- Determine the point at which participants would consider using a lawyer

Discover the Barriers Preventing Individuals from Using Legal Services

- Identify the barriers preventing individuals from using the services provided by a lawyer
- Determine if participants agree or disagree with possible barriers for using legal services

Understanding the Selection Process

- Determine if participants have used a lawyer's services in the past
- Discover how participants have found lawyers in the past
- Identify participants' reasons for choosing a particular lawyer
- Identify the resources participants would rely on to find a lawyer
- Identify factors that are important to participants in choosing a lawyer
- Discover the process participants would go through to select the right lawyer for them

Determine Fee Preferences

- Determine why cost is such a barrier to using a lawyer's services (i.e. up-front cost, hourly cost, and cost vs. benefit)
- Discover whether participants prefer a flat fee or an income-based fee when paying for legal services
- Determine the reason for participants' preferences

Part One: Introduction and Greeting

10 Minutes

Moderator Introduction

- Moderator introduction
- Ask participants to turn off cell phones
- Advise participants of video and audio taping
- Inform participants there is someone viewing the group to take notes and ensure participant ideas and opinions are recorded correctly

Purpose of Focus Group

“The reason we are here today is to gather your impressions about professional services your companies may or may not use. Each of you has been invited, based on your position within your company. I will be leading you through some discussion questions and activities to help us learn more about what you think. We are very interested in each of your personal thoughts and opinions.”

Moderator Role

- To introduce the discussion topics, ask probing questions, and guide the discussion through each of the relevant issues
- The moderator is not to guide the participants’ responses or give advice

Discussion Rules

- Speak one at a time; we want to hear all of your ideas.
- Everyone needs to participate; we need everyone’s ideas and comments.
- There are no wrong or right answers; we invited each of you here so we could understand what you know and how you feel about these topics.
- It is likely that your opinions will differ from someone else’s in the room; as such, please be respectful of others and their opinions.
- Your comments and responses will remain confidential.
- I am not an expert on the topic we will discuss. You are the experts, so please speak freely.

Participant Icebreaker

Participants will be asked to introduce themselves, including the following items in their introductions:

- Name
- Employer
- Job title and occupation
- Job description
- Favorite hobby or activity

Part Two: Identify Usage of and Perceptions of Legal Services

10 Minutes

- Q1.** What words, thoughts, or phrases come to your mind when you hear the word, “lawyers”?

The moderator will capture participants’ responses on the flipchart.

The moderator will ask participants to complete **Page 1** in their handouts.

- Q2.** Using a one-to-seven rating scale where one is “very negative” and seven is “very positive,” please rate your perception of lawyers. Explain.
- Q3.** What value do lawyers provide to businesses?
- Prompt: What are the benefits of using a lawyer?
- Q4.** In what situations would your company use a lawyer?
- Q5.** At what point would your company decide that it’s time to engage the services of a lawyer? Explain.
- Prompt: At the onset of an issues, after receiving advice from others, when you can’t handle an issue yourself, as a last resort

Part Three: Understanding the Selection Process

15 Minutes

- Q6.** If your company needed the services of a lawyer today, which resources would you turn to?
- Q7.** If you needed to find a lawyer for a business matter today, what steps would you go through before choosing a lawyer?
- Prompt: Step 1...
 - Prompt: Step 2...
 - Prompt: Step 3...
- Q8.** How do you determine if a lawyer is the right lawyer for your business needs?

The moderator will capture participants’ resources on the flipchart.

- Q9.** Imagine your company needed to use the services of a lawyer. What factors would you consider before deciding which lawyer to use? Explain.

The moderator will capture each response on a separate index card.

- Q10.** Which three factors are **MOST** important to you in selecting a lawyer for your business?
- **Green = Most important**
 - **Yellow = Second most important**
 - **Red = Third most important**

Part Four:

Discover the Barriers Preventing Individuals from Using Legal Services

15 Minutes

- Q11.** What barriers might prevent businesses from using the services of a lawyer? Explain.

The moderator will capture participants' responses on the flipchart.

- Q12.** Of the barriers listed, which are the top three biggest barriers for businesses choosing to use the services of a lawyer? Explain.

The moderator will label these barriers on the flipchart.

The moderator will ask participants to complete Page 2 in their handouts.

- Q13.** Using a one-to-seven scale where one is "strongly disagree" and seven is "strongly agree," please rate your agreement with the following statements. Explain.
- Lawyers' fees are too costly.
 - If I needed to find a lawyer for our company, I wouldn't know where to start.
 - In most circumstances, I'm not sure what a lawyer could do to help our business.
 - I don't trust lawyers.
 - I can take care of most business issues myself, without the help of a lawyer.

The moderator will use this time to briefly consult with the client.

The moderator will ask participants to display their rating cards and explain.

- Q14.** Which of these statements do you agree with **MOST**?
- Prompt if "cost" is mentioned: Aside from cost, which statement do you agree with most?
- Q15.** Which of these statements do you **LEAST** agree with?

Part Five: Determine Fee Preference

25 Minutes

- Q16.** Do you know what services lawyers perform for businesses?
- Prompt: Please explain what you know.
 - Prompt: What interaction have you had with lawyers that has formed your perception of what they do (i.e. personal interaction, word of mouth, media portrayal, etc.)?
- Q17.** Do you think lawyers are portrayed accurately in the media? Explain.
- Prompt: How does the media portrayal of lawyers impact the general public's perception of lawyers?
 - Prompt: Does the media's portrayal of lawyers impact the general public's willingness to use a lawyer? Explain.
- Q18.** Are you aware of how lawyers charge businesses for their services?
- Prompt: What do you know about how lawyers charge for services?

The moderator will ask participants to complete **Pages 3 and 4** in their handouts.

- Q19.** If your company needed to use the services of a lawyer, what would you be willing to pay for legal services?
- Q20.** **[HANDOUT ONLY]** Using a one-to-seven rating scale where one is "not at all valuable" and seven is "very valuable," how valuable would you consider a one-hour meeting with a lawyer to be in the following business situations?
- Copyright, trademark, or patent issues
 - Employee procedures or problems
 - Lending or other debt related issues
 - Licensing needs
 - Privacy and data protection
 - Purchase or sale of the business
 - Real estate needs, including leases
 - Regulation or compliance issues
 - Starting a new business
 - Tax rules and requirements
 - Write or negotiate a contract

The moderator will use this time to briefly consult with the client.

- Q21.** In which situations would a one-hour consultation with a lawyer be **MOST** valuable?
- Q22.** In which situations would a one-hour consultation with a lawyer be **LEAST** valuable?

- Q23.** Assuming you needed the services of a lawyer, how much would you be willing to pay for a one-hour meeting in each of the following situations?
- Copyright, trademark, or patent issues
 - Employee procedures or problems
 - Lending or other debt related issues
 - Licensing needs
 - Privacy and data protection
 - Purchase or sale of the business
 - Real estate needs, including leases
 - Regulation or compliance issues
 - Starting a new business
 - Tax rules and requirements
 - Write or negotiate a contract
- Q24.** Some businesses consider cost as a barrier to using a lawyer's services.
- Prompt: **Why** is using a lawyer so cost prohibitive to some businesses?
 - Prompt: **How**, exactly, is cost a barrier to using legal services for business matters? (i.e. What is it about cost that is such a barrier? Up-front costs, hourly costs, cost vs. benefit, etc.)
- Q25.** Which of the following would you prefer? Explain.
- A flat fee, with all legal services provided for one lump sum
 - A sliding fee, where you pay for services based on company revenue
- Q26.** Why would a flat fee be appealing to some?

Part Six: Conclusion *10 Minutes*

Small Group Activity

The moderator will divide participants into small groups and ask them to complete **Page 5** in their handouts and answer the following question.

- Q27.** Imagine you were part of a creative team tasked with increasing usage of legal services at a law firm. What three things would you do to overcome the barriers preventing businesses from using legal services and motivate them to use your firm?

The moderator will use this time to briefly consult with the client.

Moderator will ask participants if they have any additional comments. Moderator will also thank participants for their participation and remind them to pick up incentive envelopes.

APPENDIX C: PARTICIPANT HANDOUT

- Using a one-to-seven rating scale where one is “very negative” and seven is “very positive,” please rate your perception of lawyers.

	Count
1 = Very negative	0
2	1
3	0
4	5
5	4
6	6
7 = Very positive	0
<i>Average Mean</i>	4.88
<i>Median</i>	5.00

- Using a one-to-seven scale where one is “strongly disagree” and seven is “strongly agree,” please rate your agreement with the following statements.

Lawyers’ fees are too costly.

	Count
1 = Strongly disagree	0
2	1
3	1
4	3
5	4
6	5
7 = Strongly agree	2
<i>Average Mean</i>	5.06
<i>Median</i>	5.00

If I needed to find a lawyer for our company, I wouldn't know where to start.

	Count
1 = Strongly disagree	6
2	5
3	3
4	0
5	1
6	1
7 = Strongly agree	0
<i>Average Mean</i>	2.25
<i>Median</i>	2.00

In most circumstances, I'm not sure what a lawyer could do to help our business.

	Count
1 = Strongly disagree	2
2	5
3	0
4	1
5	3
6	3
7 = Strongly agree	2
<i>Average Mean</i>	3.94
<i>Median</i>	4.50

I don't trust lawyers.

	Count
1 = Strongly disagree	5
2	6
3	2
4	2
5	1
6	0
7 = Strongly agree	0
<i>Average Mean</i>	2.25
<i>Median</i>	2.00

I can take care of most business issues myself, without the help of a lawyer.

	Count
1 = Strongly disagree	0
2	2
3	2
4	3
5	5
6	1
7 = Strongly agree	3
<i>Average Mean</i>	4.63
<i>Median</i>	5.00

3. If your company needed to use the services of a lawyer, what would you be willing to pay for legal services?

- \$50 to \$200
- \$100 a month ongoing
- \$100 per hour
- \$100 per month
- \$150 monthly
- \$150 per hour (2)
- \$150 to \$200 per hour (2)
- \$200 per hour (2)
- \$200 to \$300
- \$200 to \$300 per hour
- \$300
- \$500 to \$1000

4. Using a one-to-seven rating scale where one is “not at all valuable” and seven is “very valuable,” how valuable would you consider a one-hour meeting with a lawyer to be in the following business situations?

Copyright, trademark, or patent issues

	Count
1 = Not at all valuable	3
2	1
3	1
4	1
5	1
6	3
7 = Very valuable	6
<i>Average Mean</i>	<i>4.81</i>
<i>Median</i>	<i>6.00</i>

Employee procedures or problems

	Count
1 = Not at all valuable	0
2	1
3	3
4	3
5	4
6	1
7 = Very valuable	4
<i>Average Mean</i>	<i>4.81</i>
<i>Median</i>	<i>5.00</i>

Lending or other debt related issues

	Count
1 = Not at all valuable	2
2	4
3	1
4	1
5	3
6	3
7 = Very valuable	2
<i>Average Mean</i>	<i>4.00</i>
<i>Median</i>	<i>4.50</i>

Licensing needs

	Count
1 = Not at all valuable	3
2	1
3	1
4	4
5	2
6	3
7 = Very valuable	2
<i>Average Mean</i>	4.13
<i>Median</i>	4.00

Privacy and data protection

	Count
1 = Not at all valuable	2
2	1
3	2
4	5
5	2
6	3
7 = Very valuable	1
<i>Average Mean</i>	4.06
<i>Median</i>	4.00

Purchase or sale of the business

	Count
1 = Not at all valuable	1
2	0
3	0
4	1
5	1
6	2
7 = Very valuable	11
<i>Average Mean</i>	6.19
<i>Median</i>	7.00

Real estate needs, including leases

	Count
1 = Not at all valuable	0
2	1
3	1
4	2
5	2
6	5
7 = Very valuable	5
<i>Average Mean</i>	5.50
<i>Median</i>	6.00

Regulation or compliance issues

	Count
1 = Not at all valuable	3
2	0
3	1
4	0
5	4
6	4
7 = Very valuable	4
<i>Average Mean</i>	4.88
<i>Median</i>	5.50

Starting a new business

	Count
1 = Not at all valuable	1
2	1
3	3
4	0
5	0
6	6
7 = Very valuable	5
<i>Average Mean</i>	5.19
<i>Median</i>	6.00

Tax rules and requirements

	Count
1 = Not at all valuable	3
2	2
3	1
4	4
5	1
6	4
7 = Very valuable	1
<i>Average Mean</i>	3.88
<i>Median</i>	4.00

Writing or negotiate a contract

	Count
1 = Not at all valuable	0
2	0
3	2
4	2
5	2
6	5
7 = Very valuable	5
<i>Average Mean</i>	5.56
<i>Median</i>	6.00

5. Assuming you needed the services of a lawyer for your business needs, how much would you be willing to pay for a one-hour meeting in each of the following situations?

Copyright, trademark, or patent issues

Average Mean: \$135.00, Median: \$125.00

- \$0 (2)
- \$50
- \$85
- \$100 (4)
- \$150 (2)
- \$150 to \$200
- \$200 (3)
- \$200 to \$300
- \$300

Employee procedures or problems

Average Mean: \$136.56, Median: \$150.00

- \$50 (2)
- \$75
- \$85
- \$100 (3)
- \$150 (4)
- \$150 to \$200
- \$200 (3)
- \$200 to \$300

Lending or other debt related issues

Average Mean: \$103.75, Median: \$100.00

- \$0
- \$50 (3)
- \$85
- \$100 (6)
- \$125 (2)
- \$150
- \$150 to \$200
- \$200 to \$300

Licensing needs

Average Mean: \$117.81, Median: \$100.00

- \$0
- \$50 (3)
- \$85
- \$100 (4)
- \$125
- \$150 (2)
- \$150 to \$200
- \$200 (2)
- \$200 to \$300

Privacy and data protection

Average Mean: \$125.63, Median: \$100.00

- \$0 (2)
- \$50
- \$85
- \$100 (5)
- \$150 (3)
- \$150 to \$200
- \$200
- \$200 to \$300
- \$300

Purchase or sale of the business

Average Mean: \$203.75, Median: \$200.00

- \$85
- \$100
- \$150 (3)
- \$150 to \$200
- \$200 (5)
- \$200 to \$300
- \$300 (2)
- \$500

Real estate needs, including leases*Average Mean: \$167.81, Median: \$150.00*

- \$0
- \$85
- \$100 (4)
- \$150 (3)
- \$150 to \$200
- \$200 (3)
- \$200 to \$300
- \$225
- \$500

Regulation or compliance issues*Average Mean: \$128.75, Median: \$137.50*

- \$0
- \$50
- \$75
- \$85
- \$100 (3)
- \$125
- \$150 (4)
- \$150 to \$200
- \$200 (2)
- \$200 to \$300

Starting a new business*Average Mean: \$145.94, Median: \$150.00*

- \$50
- \$75
- \$85
- \$100 (4)
- \$150 (3)
- \$150 to \$200
- \$200 (3)
- \$200 to \$300
- \$250

Tax rules and requirements*Average Mean: \$119.38, Median: \$137.50*

- \$0
- \$25
- \$85
- \$100 (3)
- \$125
- \$150 (5)
- \$150 to \$200
- \$200
- \$200 to \$300

Writing or negotiate a contract*Average Mean: \$141.25, Median: \$150.00*

- \$0
- \$50
- \$85
- \$100
- \$150 (6)
- \$150 to \$200
- \$200
- \$200 to \$300
- \$300

6. Which of the following would you prefer?

	Count
A flat fee, with all legal services provided for one lump sum	9
A sliding scale (Group 1) or an hourly rate (Group 2)	7

7. Imagine you were part of a creative team tasked with increasing usage of legal services at a law firm. What three things would you do to overcome the barriers preventing businesses from using legal services and motivate them to use your firm?
- Flat rate fees. Improve advertising to show greater accessibility. Reasonable fees.
 - Give a heavy discount to get me in the door. Come check us out. Discuss rate and what a lawyer can provide for the company. Use best current marketing platform. Educate potential clients.
 - Make it affordable. Different cost strategy and payment options (bonus, profit sharing for speed and desired outcome). Make services worth what you pay. Educate business owners to what the costs give you. Lawyers should try to communicate similar specific cases. Communicate the process for you. Share ideas of how they can help you improve your bottom line. Pass the word when a lawyer does a good job. Have lawyers tell what makes them different than the stereotypical lawyer.
 - Personal visits. Provide education. Let them know your skills and abilities so they can see future benefits.
 - Show me why I need you. Person to person relationship. Be able to negotiate with clients. Examples of how they have helped businesses. Show me how you can save me money.
 - Tell me what the value is. What crisis can we avert by having a legal team. We are trustworthy advocates. We listen, we are available. We save you money with fair agreements, contracts, etc.
 - The fee has to be reasonable and explained up front. Low cost for the initial consultation. Offer corporate or partnership reviews. Offer rates depending on who is doing the work (i.e. paralegal).
 - We're on your side. Break the good old boys' society perception. Engage community, be part of the people.

APPENDIX A: SURVEY RESULTS

Preliminary Results – February 1, 2018

Hello, my name is _____, calling on behalf of The Utah State Bar. We're conducting a survey with Utah business decision makers about their perceptions and usage of legal services. May I ask you some questions?

1. Do you or does anyone in your household work in any of the following industries? Please say yes or no to each.

	Count	%
Education	15	11%
Healthcare	27	19%
Legal Services [Thank & Terminate]	0	0%
Marketing Research	3	2%
None of the Above	99	71%

2. What is your current job title or position in your company? [Open Ended]
3. Which of the following best describes your level of involvement in the decision making process when it comes to your company needing legal services or advice? Would you say you are...

	Count	%
Not at all Involved [Thank & Terminate]	0	0%
Not Very Involved [Thank & Terminate]	0	0%
Somewhat Involved	15	10%
Very Involved	132	90%

4. Does your company have its own in-house legal department?

	Count	%
Yes [Thank & Terminate]	0	0%
No	147	100%

5. Do you currently work in the state of Utah?

	Count	%
Yes	147	100%
No [Thank & Terminate]	0	0%

6. What county do you WORK in?

	Count	%
Beaver	1	1%
Box Elder	4	3%
Cache	5	3%
Carbon	2	1%
Daggett	1	1%
Davis	16	11%
Duchesne	3	2%
Emery	1	1%
Garfield	0	0%
Grand	1	1%
Iron	1	1%
Juab	0	0%
Kane	1	1%
Millard	0	0%
Morgan	0	0%

	Count	%
Piute	1	1%
Rich	1	1%
Salt Lake	52	35%
San Juan	2	1%
Sanpete	6	4%
Sevier	2	1%
Summit	5	3%
Tooele	3	2%
Uintah	3	2%
Utah	16	11%
Wasatch	2	1%
Washington	11	8%
Wayne	0	0%
Weber	7	5%

7. Record gender by observation.

	Count	%
Male	99	67%
Female	48	33%

8. First, I would like to ask you where or who would you go to if your company needed assistance with each of the following? Where or who would you go to if you needed assistance with...

Employee Procedures or Problems

	Count	%
Friend, Family Member, Coworker	13	9%
Financial Advisor	7	5%
Lawyer	32	22%
Internet (specify)	7	5%
Other (Specify)	33	22%
I Would NOT Seek Advice / I Would Deal with It Myself	37	25%
Don't Know	22	15%

(For a list of verbatim 'other' responses, see Appendix E.)

The Purchase or Sale of the Business

	Count	%
Friend, Family Member, Coworker	13	9%
Financial Advisor	18	12%
Lawyer	44	30%
Internet (specify)	3	2%
Other (Specify)	36	25%
I Would NOT Seek Advice / I Would Deal with It Myself	10	7%
Don't Know	31	21%

(For a list of verbatim 'other' responses, see Appendix E.)

Starting a New Business

	Count	%
Friend, Family Member, Coworker	10	7%
Financial Advisor	29	20%
Lawyer	36	25%
Internet (specify)	7	5%
Other (Specify)	22	15%
I Would NOT Seek Advice / I Would Deal with It Myself	27	18%
Don't Know	23	16%

(For a list of verbatim 'other' responses, see Appendix E.)

Tax Rules and Requirements

	Count	%
Friend, Family Member, Coworker	9	6%
Financial Advisor	91	62%
Lawyer	13	9%
Internet (specify)	2	1%
Other (Specify)	32	22%
I Would NOT Seek Advice / I Would Deal with It Myself	5	3%
Don't Know	3	2%

(For a list of verbatim 'other' responses, see Appendix E.)

Writing or Negotiating a Contract

	Count	%
Friend, Family Member, Coworker	9	6%
Financial Advisor	6	4%
Lawyer	78	53%
Internet (specify)	3	2%
Other (Specify)	18	12%
I Would NOT Seek Advice / I Would Deal with It Myself	21	14%
Don't Know	13	9%

(For a list of verbatim 'other' responses, see Appendix E.)

9. For what situations might your company use a lawyer?

	Count	%
Copyright, Trademark, or Patent Issues	9	6%
Employee Procedures or Problems	12	8%
Lending or Other Debt Related Issues	5	3%
Licensing Needs	2	1%
Privacy and Data Protection	6	4%
Purchase or Sale of the Business	12	8%
Real Estate Needs, Including Leases	7	5%
Regulation or Compliance Issues	8	5%
Starting a New Business	5	3%
Tax Rules and Requirements	4	3%
Write or Negotiate a Contract	16	11%
Other (Specify)	86	59%
Don't Know	16	11%

(For a list of verbatim 'other' responses, see Appendix E.)

10. Has your company ever used the services of a lawyer before?

	Count	%
Yes	100	68%
No	47	32%
Don't Remember	0	0%

11. If "yes" in Q10, ASK: Where or how did you find that lawyer?

	Count	%
Advertising (TV, Radio, Newspaper, Billboards, etc.)	0	0%
Internet Search / Google	7	7%
Word of Mouth (Friend, Family, Co-worker)	54	54%
I Personally Know the Lawyer	21	21%
Through Another Business (Realtor, Broker, Financial Advisor, etc.)	6	6%
They Were Assigned to Me by the Court	0	0%
I've Used This Lawyer or Law Firm Before	6	6%
Other (Specify)	12	12%
Don't Remember	0	0%

(For a list of verbatim 'other' responses, see Appendix E.)

12. If "yes" in Q10, ASK: What was the situation your company used a lawyer for most recently? (Unaided)

	Count	%
Copyright, Trademark, or Patent Issues	9	9%
Employee Procedures or Problems	5	5%
Lending or Other Debt Related Issues	8	8%
Licensing Needs	1	1%
Privacy and Data Protection	1	1%
Purchase or Sale of the Business	8	8%
Real Estate Needs, Including Leases	8	8%
Regulation or Compliance Issues	3	3%
Starting a New Business	1	1%
Tax Rules and Requirements	3	3%
Write or Negotiate a Contract	7	7%
Other (Specify)	43	43%
Don't Know	3	3%

(For a list of verbatim 'other' responses, see Appendix E.)

13. If "yes" in Q10, ASK: What was the **MAIN** reason your company decided to hire a lawyer in that situation, rather than handling the situation by yourself or through other means? **[Open Ended]**

(For a list of verbatim responses, see Appendix B.)

14. Imagine your company needed the assistance of a lawyer today. Where would you go to find a lawyer?

	Count	%
I Already Have a Lawyer	38	26%
I Personally Know a Lawyer	39	27%
Internet Search / Google	21	14%
Referral / Word of Mouth (Friend, Family, Coworker)	40	27%
Rating or Review Website	1	1%
Other (Specify)	21	14%
Don't Know	1	1%

15. Using a one-to-seven rating scale where one is "very negative," seven is "very positive," and four is "neutral," please rate your impression of lawyers.

	Count	%
1 = Very Negative	8	6%
2	4	3%
3	10	7%
4 = Neutral	51	35%
5	24	17%
6	30	21%
7 = Very Positive	17	12%
Average Mean	4.65	
Median	4.00	
Don't Know	1	1%

16. I am now going to read you a list of various situations individuals may find themselves in, and I would like you to rate how likely you would be to use a lawyer if you were in each of those situations. Please use a one-to-seven scale where one is "not at all likely" and seven is "very likely."

Copyright, Trademark, or Patent Issues

	Count	%
1 = Not at all Likely	27	18%
2	7	5%
3	2	1%
4	11	8%
5	11	8%
6	23	16%
7 = Very Likely	65	44%
Average Mean	5.06	
Median	6.00	
Don't Know	1	1%

Employee Procedures or Problems

	Count	%
1 = Not at all Likely	46	31%
2	19	13%
3	12	8%
4	28	19%
5	19	13%
6	7	5%
7 = Very Likely	14	10%
Average Mean	3.22	
Median	3.00	
Don't Know	2	1%

Lending or Other Debt Related Issues

	Count	%
1 = Not at all Likely	52	35%
2	18	12%
3	16	11%
4	25	17%
5	13	9%
6	7	5%
7 = Very Likely	15	10%
Average Mean	3.07	
Median	3.00	
Don't Know	1	1%

Licensing Needs

	Count	%
1 = Not at all Likely	55	38%
2	17	12%
3	10	7%
4	22	15%
5	12	8%
6	6	4%
7 = Very Likely	22	15%
Average Mean	3.17	
Median	2.50	
Don't Know	2	1%

Privacy and Data Protection

	Count	%
1 = Not at all Likely	54	37%
2	14	10%
3	13	9%
4	23	16%
5	13	9%
6	11	8%
7 = Very Likely	18	12%
Average Mean	3.22	
Median	3.00	
Don't Know	1	1%

Purchase or Sale of the Business

	Count	%
1 = Not at all Likely	18	12%
2	8	5%
3	8	5%
4	22	15%
5	13	9%
6	17	12%
7 = Very Likely	61	42%
Average Mean	5.03	
Median	6.00	
Don't Know	0	0%

Real Estate Needs, Including Leases

	Count	%
1 = Not at all Likely	41	28%
2	14	10%
3	16	11%
4	21	14%
5	23	16%
6	13	9%
7 = Very Likely	17	12%
Average Mean	3.54	
Median	4.00	
Don't Know	1	1%

Regulation or Compliance Issues

	Count	%
1 = Not at all Likely	40	27%
2	10	7%
3	18	12%
4	28	19%
5	21	14%
6	13	9%
7 = Very Likely	16	11%
Average Mean	3.57	
Median	4.00	
Don't Know	1	1%

Starting a New Business

	Count	%
1 = Not at all Likely	36	25%
2	16	11%
3	10	7%
4	27	18%
5	15	10%
6	10	7%
7 = Very Likely	33	22%
Average Mean	3.89	
Median	4.00	
Don't Know	0	0%

Tax Rules and Requirements

	Count	%
1 = Not at all Likely	65	44%
2	9	6%
3	17	12%
4	23	16%
5	14	10%
6	8	5%
7 = Very Likely	10	7%
Average Mean	2.84	
Median	2.00	
Don't Know	1	1%

Write or Negotiate a Contract

	Count	%
1 = Not at all Likely	27	18%
2	9	6%
3	13	9%
4	15	10%
5	17	12%
6	17	12%
7 = Very Likely	48	33%
Average Mean	4.57	
Median	5.00	
Don't Know	1	1%

17. What do you believe is the biggest barrier preventing businesses from using services provided by a lawyer?

	Count	%
Cost	99	68%
Not Knowing Where to Start	5	3%
Not Knowing How a Lawyer Can Help	7	5%
Lack of Trust	4	3%
Other (Specify)	25	17%
Don't Know	6	4%

(For a list of verbatim 'other' responses, see Appendix E.)

18. What do you believe is the NEXT biggest barrier?

	Count	%
Cost	23	17%
Not Knowing Where to Start	9	7%
Not Knowing How a Lawyer Can Help	14	10%
Lack of Trust	22	16%
Other (Specify)	44	32%
Don't Know / No Other Barriers	27	19%

(For a list of verbatim 'other' responses, see Appendix E.)

19. If your company were to utilize the services provided by a lawyer, which of the following types of fee arrangements would you prefer? Would you prefer...

	Count	%
A Set Amount for a Specific Task or Service	36	25%
A Firm Quote for an Entire Case or Project	45	31%
An Hourly Rate	26	18%
A Fee That Depended on the Result, whether in Part or in Whole	17	12%
A Monthly Charge for Certain Ongoing Services	11	8%
Other (Specify)	9	6%
Don't Know	3	2%

(For a list of verbatim 'other' responses, see Appendix E.)

20. Using a one-to-seven scale where one is "not at all interested" and seven is "very interested," how interested would your company be in having a lawyer on retainer to handle company business matters, such as taxes, licensing, keeping you apprised of new laws, keeping track of paperwork, drafting contracts, and keeping corporate minutes?

	Count	%
1 = Not at all Interested	87	59%
2	25	17%
3	7	5%
4	9	6%
5	6	4%
6	3	2%
7 = Very Interested	10	7%
Average Mean	2.12	
Median	1.00	
Don't Know	0	0%

Demographic Questions

21. What industry best describes your company?

	Count	%
Advertising / Marketing	1	1%
Agriculture	0	0%
Business Services	2	1%
Construction	25	17%
Entertainment	1	1%
Financial Services	3	2%
Government / Schools	0	0%
Healthcare	9	6%
Insurance	4	3%
Manufacturing	8	5%
Oil / Gas / Mining	0	0%
Real Estate	3	2%
Restaurant	9	6%
Retail / Wholesale	13	9%
Technology	4	3%
Telecommunications	0	0%
Travel / Hotel	0	0%
Trucking / Transportation	8	5%
Other (specify)	56	38%
Don't Know	1	1%

(For a list of verbatim 'other' responses, see Appendix E.)

22. How many employees does your company have?

	Count	%
1 = 1 to 2	14	10%
2 = 3 to 5	51	35%
3 = 6 to 10	45	31%
4 = 11 to 19	22	15%
5 = 20 to 49	9	6%
6 = 50 to 99	2	1%
7 = 100 to 199	0	0%
8 = 200 to 499	1	1%
9 = 500 or More	0	0%
Average Mean	2.81	
Median	3.00	
Don't Know	2	1%

23. What is your company's annual revenue?

	Count	%
1 = Less than \$1 Million	71	55%
2 = \$1-5 Million	44	34%
3 = \$6-10 Million	2	2%
4 = \$11-20 Million	1	1%
5 = \$21-50 Million	1	1%
6 = \$51-100 Million	0	0%
7 = More than \$100 Million	3	2%
Average Mean	1.60	
Median	1.00	
Don't Know	7	5%

This concludes our survey. We thank you for your time and opinions.

APPENDIX B: REASONS RESPONDENT'S COMPANY HIRED A LAWYER

What was the MAIN reason your company decided to hire a lawyer in that situation, rather than handling the situation by yourself or through other means?

- Because of the paper work and making sure it was all done right.
- Complexity and lack of knowledge
- For liability and to find resolution on selling or the payment
- For peace of mind to make sure all the i's are dotted and t's are crossed.
- For trusts for our children
- He had to counsel me. I haven't gone to court yet.
- Hopefully they would get it handled.
- I already tried handling it myself for over a year but I couldn't get my money.
- I am not an expert in law.
- I am not sure, self-protection
- I could not handle it and personally needed a lawyer.
- I couldn't tell you why we did that because the owner did it, but it makes no difference because we didn't get any money.
- I don't understand patent law.
- I ended up handling it myself. I just went to get his input for this deposition, but he didn't represent me or charge me anything.
- I had him on retainer and might as well use him.
- I have no idea how to do a probate. I think you need an attorney for it.
- I just thought it would be smart to have professional advice.
- I needed someone to use legal words to write up the contract.
- I think that it was a big enough purchase. I negotiated the contract and he wrote it up.
- I think they are more effective at accomplishing the task. Getting a letter from an attorney is more intimidating than a collection agency.
- I thought it was better to have a lawyer with me.
- I tried to handle it on my own and it was getting ridiculous and I had to get someone with a higher power.
- I want it done legally correct for the correct set up.
- I was already having to deal with another attorney for knowledge.
- I was not qualified to handle it myself.
- If somebody is challenging you and you want to make sure you're doing everything properly and not have to worry about other problems later.
- It involved mediation.
- It just seemed like a logical solution to get a lawyer.
- It seemed like the thing to do.
- It was a bad accident.
- It was a collection.
- It was a complicated matter and needed someone that knew what they were doing, someone professional.
- It was a huge ordeal.
- It was a small lease

- It was beyond our level of expertise.
- It was for collections.
- It was required.
- It was the seller of the business's lawyer.
- It's what their expertise is.
- Just legal jargon and convenience
- Just the amount of the debt to be collected.
- Lack of expertise
- Legal concerns
- Legal knowledge
- Liabilities
- Liabilities. He knows the law and the best course to take for our situation.
- Looking at the complexity of the lawsuit
- Not knowing what to do and needing professional advice
- Our accountant also has the ability to do it, so when things come up and it is out of our realm, he is available.
- Peace of mind
- Prudence to make sure all the i's were dotted and make sure you are not just making something up.
- So that it was does right.
- Technical expertise
- The contract was quite complicated.
- The cost
- The other company was a much bigger company than us and we needed someone that knew law.
- The other parties hired an attorney.
- The other people had an attorney.
- The other person was in the wrong and they didn't want to pay for the damages, and we needed legal support.
- The thing was done with the intent to do damage. Utah has issues and I am not Mormon and I prefer to go out of State. I have no faith in the San Juan County legal department or system.
- Theft
- There were too many details with the stipulations and the agreement, so we had to have the legal verbage for the binding.
- They know more than I do.
- They sued us so I countered sued one.
- They were a big corporation, so we needed an attorney to go after them.
- They're smarter than me.
- This was someone else's properties and we wanted to make sure that we were doing it the right way.
- To cut through all the red tape and find out how to do it the best way.
- To do it right
- To have legal backup
- To have the technical expertise
- To identify a remedy
- To make sure I wasn't overlooking anything
- To make sure it was done right

- To put liens on my home
- To try to at least send out letters and see if that would collect the money.
- We are familiar with the lawyer and it was a serious situation.
- We are not lawyers, we don't know the law. You always need a lawyer.
- We did it on our own and got nowhere.
- We didn't feel like we had enough experience.
- We don't have anybody that was familiar with that.
- We had a lawyer, but it was basically handled by ourselves through two of the family members who are executors to the estate. My dad had all of his ducks in a row. He had his estate and will all figured out before and it made things easy to execute.
- We had to go through collections. For small claims court we deal with anything under \$10,000, but then we get an attorney for anything over that.
- We have a lawyer that we have retained, so we just utilized his services on it. It is something that has more bite coming from a lawyer than from a couple of guys through certified mail.
- We just didn't know the proper steps to follow, so it was mostly just for counsel.
- We just didn't know what we were doing.
- We just wanted to make sure everything is taken care of. I did a non-compete clause so the guy I bought the company off of wouldn't compete.
- We needed a stronger position.
- We needed an attorney to review it.
- We needed legal advice.
- We needed the legal advice.
- We needed the legal advice.
- We thought it needed to be done legally.
- We tried doing it ourselves and she wouldn't take it down so we had to hire a lawyer.
- We tried it before ourselves but it didn't work out.
- We tried to do it ourselves but could not get any money out of them so we got an attorney.
- We wanted it done right.
- We wanted the sharpest knife in the drawer.
- We were being sued.
- We were dealing with an ambulance chaser.

General Public Legal Services

Focus Group Report

February 2018

Prepared for

Utah State Bar



Lighthouse Research & Development, Inc.

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General Public Legal Services Focus Group Report

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Introduction

Lighthouse Research & Development, Inc. was contracted by the Utah State Bar to conduct two focus groups with general public participants regarding their usage and perceptions of legal services.

Objectives

The main objective of this research project was to discover participants' perceptions and usage of legal services. To accomplish the project objectives, participants were guided through a discussion that encompassed the following topics and themes:

Identify Usage of and Perceptions of Legal Services

- Gather general perceptions of lawyers
- Identify the perceived value of lawyers, according to participants
- Determine the point at which participants would consider using a lawyer

Discover the Barriers Preventing Individuals from Using Legal Services

- Identify the barriers preventing individuals from using the services provided by a lawyer
- Determine if participants agree or disagree with possible barriers for using legal services

Understanding the Selection Process

- Identify the resources participants would rely on to find a lawyer
- Identify factors that are important to participants in choosing a lawyer
- Discover the process participants would go through to select the right lawyer for them

Determine Fee Preferences

- Determine why cost is such a barrier to using a lawyer's services (i.e. up-front cost, hourly cost, and cost vs. benefit)
- Discover whether participants prefer a flat fee or an income-based fee when paying for legal services
- Determine the reason for participants' preferences

Project Overview

The specific scope of work for this research project is described below:

- Recruitment of participants for each group
- Confirmation emails and reminder telephone calls to each participant
- Development of a moderator's guide and participant handout, including specific discussion topics, questions, and ratings
- Facilitation of the focus groups
- Development of a written report of results

Research Methodology

The research methods used to complete the project are outlined in detail below.

Screening Design and Development

Lighthouse Research, in consultation with Utah State Bar personnel, prepared the participant screener. The information collected during the screening process was used to verify participant eligibility and gather demographic information.

Sampling Procedures

The recruiting for the focus groups was conducted using general public sample.

Recruiting

Experienced executive recruiters from the Lighthouse Research facility in Riverton, Utah, conducted the recruiting. Interviewers were briefed thoroughly on the screener before proceeding with recruiting. Calling hours for this recruit were between 9:00 a.m. and 9:00 p.m. on weekdays. Participants received personal emails confirming their invitation to participate and indicating the date and time of the discussion group. Careful attention was paid during the recruiting process to ensure only qualified individuals were invited.

Development of Moderator's Guide

Lighthouse Research designed the moderator's guide for the focus groups. The questionnaire encompassed the following topic areas:

- Identify Usage of and Perceptions of Legal Services
- Discover the Barriers Preventing Individuals from Using Legal Services
- Understanding the Selection Process
- Determine Fee Preference

Focus Group Fulfillment

A total of two focus groups were facilitated by Christie Leake, who guided participants through the topic areas outlined in the moderator's guide. The focus groups were held February 6, 2018 at the offices of Lighthouse Research & Development, Inc. in Salt Lake City, Utah.

Organization of the Report

Data collected during the interviews was analyzed for reporting. The results were compiled and are presented in this report, organized by the following areas:

- Introduction
- Conclusions and Opportunities
- Detailed Results
- Appendices

The Conclusions and Opportunities section of this report includes a summary of the research findings from the focus groups.

The Detailed Results portion of this report presents the complete findings of the research organized by topic.

The Appendices section provides frequency of results for the participant screener and focus group handout questions, verbatim open-ended responses provided by participants, and a copy of the moderator's discussion guide.

This report represents the deliverable for this portion of this contract and is presented respectfully to the project sponsors.

Conclusions and Opportunities

Based on the results of the research findings, Lighthouse Research respectfully makes the following conclusions.

Identify Usage of and Perceptions of Legal Services

- When identifying the words, thoughts and phrases that come to mind when they think of lawyers, participants mentioned both positive and negative associations. When discussing their positive associations of lawyers, participants described them as knowledgeable advocates who can handle situations they themselves cannot. However, multiple participants reported having negative perceptions of lawyers, as they perceive them to be aggressive, contentious, argumentative, and dishonest.
- When asked to rate their perceptions of lawyers, participants, on average, gave a mid-range rating of 4.92 on the one-to-seven rating scale.

Value of Lawyers

- When discussing the value provided by lawyers, multiple participants commented that lawyers act as powerful advocates for their clients, asserting their rights and offering protection; lawyers are dependable and willing to do whatever is necessary for their clients; and lawyers have extensive knowledge that they themselves do not have.
- Participants who have used lawyers in the past overwhelmingly stated that despite the high cost of services, it was worth it.
- Some participants said it would “take a lot” for them to engage a lawyer, while others said they would only engage a lawyer as a last resort. Participants indicated that they would be more likely to secure a lawyer’s services if they stood to gain or lose a great deal.

Understanding the Selection Process

- When asked where they would go if they needed to find a lawyer, participants most frequently said they would ask their friends and family members for recommendations or referrals. Participants also mentioned that they would ask lawyers they know for referrals. Some participants said they would look for lawyers through online search engines and Google reviews.

- Participants identified the following as the step-by-step process they would implement to select a lawyer:
 - Step 1: Identify a need
 - Step 2: Identify the type of lawyer needed
 - Step 3: Ask for referrals, search for lawyers online
 - Step 4: Compile a list of lawyers
 - Step 5: Research recommended lawyers
 - Step 6: Schedule consultations with each lawyer
 - Step 7: Interview lawyers
 - Step 8: Choose a lawyer
- When asked to identify the top factors they would consider before choosing a lawyer, participants most frequently said they would consider 1) knowledge and specialized experience, followed by 2) cost.

Discover the Barriers Preventing Individuals from Using Legal Services

- In general, participants identified three main barriers that prevent individuals from using a lawyer's services: 1) cost, 2) fear, and 3) not knowing how to engage a lawyer.
- Cost is the number one barrier preventing individuals from engaging legal counsel. When asked why cost is such a barrier to engaging a lawyer, participants generally mentioned one of two things: 1) they perceive they can't afford a lawyer and 2) they are intimidated by an hourly cost and not knowing what a final cost will be.
- When asked to rate their agreement with various statements relating to potential barriers that may prevent individuals from seeking a lawyer, participants, on average, gave the highest rating to "lawyers' fees are too costly," indicating that this is the statement they agree with most. The statement receiving the second highest average mean rating was "I can take care of most issues myself without the help of a lawyer."

Determine Fee Preference

- Participants, in general, demonstrated only a basic knowledge of what lawyers do.
- When asked if they are aware of how lawyers bill, multiple others said lawyers charge "by the hour" or "by the minute." However, multiple participants said they are unsure of how lawyers charge, which is a barrier to them engaging the services of a lawyer.
- When asked to indicate what they would be willing to pay for legal services if they needed to use a lawyer today, most participants said they don't know what they would pay or that cost is dependent upon services provided. However, most participants said they would be willing to pay between \$100 and \$200 an hour for legal services.
- When asked how valuable they would consider a one-hour meeting with a lawyer to be in various situations, participants gave the highest average mean rating to "lawsuits" and the second highest rating to "serious traffic citations or criminal charges," indicating these are the situations where participants consider a consult with a lawyer to be most valuable.

- When asked how much they would be willing to pay for a one-hour meeting in each of the aforementioned situations, participants, on average, said they would pay the most for personal injury cases and the least for a dispute with a neighbor.
- Nearly three-fifths of participants (14) said they would prefer to pay an income-based sliding fee, while two-fifths (10) said they would prefer to pay a flat fee. Participants who said they would prefer a flat fee see this fee structure to be an advantage in that they know what their costs will be from the very beginning of the process. Participants who would prefer an income-based sliding scale said they see this fee structure as more affordable for them.

Conclusion

- At the conclusion of the groups, participants offered suggestions for making lawyers' services more attainable and appealing to the general public. In response, participants suggested offering free consultations, clinics, or seminars highlighting their areas of expertise. Participants also suggested making fees more affordable, or better communicating the affordability of fees. Some participants suggested capping fees or providing clear estimated fee structures.

Detailed Results

Identify Usage of and Perceptions of Legal Services

Word Association

When identifying the words, thoughts and phrases that come to mind when they think of lawyers, participants mentioned both positive and negative associations. When discussing their positive associations of lawyers, participants described them as knowledgeable advocates who can handle situations they, themselves, cannot. However, multiple participants reported having negative perceptions of lawyers, as they perceive them to be aggressive, contentious, argumentative, and dishonest. For details, please see Table 1.

Table 1
What words, thoughts, or phrases come to your mind when you think of “lawyers”?

Positive	Negative	Neutral
<ul style="list-style-type: none"> • Advocates • Eager • Educated • Good asset <ul style="list-style-type: none"> ○ “I think they’re a good asset to have in your back pocket. If you have a friend who is an attorney, it’s handy.” • Helpful • Knowledgeable • Powerful • Ready and willing • Representative • Smart • Studying • There if you need them • “They can say and do things I can’t.” • “They know the tricks.” • “They know what you can and can’t do.” <ul style="list-style-type: none"> ○ “They’re there to help you to see things that you don’t see from a legal aspect.” 	<ul style="list-style-type: none"> • Aggressive • Assertive • Charge by the minute • Contentious • Argumentative • Conversations with them are difficult • Dishonest • Expensive • Shark • “They’re always right. They know everything.” <ul style="list-style-type: none"> ○ “Some of my friends who are lawyers are always right. They make sure that you know it.” 	<ul style="list-style-type: none"> • Customers • Jokes • <i>Matlock</i> • Paperwork • Stepson • Wealthy • Debaters

When asked to rate their perceptions of lawyers, participants, on average, gave a mid-range rating of 4.92 on the one-to-seven rating scale.

Some participants indicated they have had positive experiences with lawyers, thus their high perception ratings. One participant said, "Most of the lawyers I know are very good people," while another said, "My own interactions with lawyers have both been very positive." One other participant said, "I was up against a big huge major, major firm. We went right to the top; this firm is an international firm, and they would have eaten me alive. They went and found the ins and outs. I'm part of their family now. Those guys really knew their stuff."

Participants who gave low or mid-range ratings said they have had or have witnessed negative experiences with lawyers. One participant said, "In my own personal experiences and the experience of friends, they've just been more of a waste of time than a help. They just want more money than anything." Another said, "Knowing several people who have been divorced, I hear these horror stories. Ten, fifteen, twenty thousand dollars later, and they are in the exact same place they would have been when they started."

Value of Lawyers

When discussing the value provided by lawyers, multiple participants commented that lawyers act as powerful advocates for their clients, asserting their rights and offering protection. One participant said, "They do give you a voice if you don't really have one," while another said, "The good ones can be a really powerful advocate for you."

Participants commented that lawyers are dependable and willing to do whatever is necessary to provide for their clients. One participant said, "They have a selfish perspective for your benefit," while another said, "I feel like whatever attorney is on your side, because you pay them so much, they are gung-ho for you. Especially in a custody battle or something like that. They're on your side, they're there to protect you."

Multiple participants commented that lawyers are valuable in that they have extensive knowledge that they themselves do not have. Participants indicated that lawyers "know the law," "know the system," and "understand risks." One participant explained, "They have an extensive knowledge of the law that we don't."

Participants also mentioned that lawyers offer value in offering advice or counsel to their clients.

Participants who had used lawyers previously overwhelmingly stated that even with the high fees they paid, obtaining a lawyer was worth it. One participant said, "To me, they're worth every penny." Another said, "It was worth it to me because it was a case I had tried to win on my own and didn't. I was referred to by an attorney...and it was successful."

Engaging a Lawyer

Some participants said it would “take a lot” for them to engage a lawyer. One participant said, “It would take a lot because I know that it’s going to be more than I can afford.” Another said, “I think mine would be probably quite a ways down the line before I get a lawyer because of the expense. The only time we ever had a lawyer they billed by the minute and it was very expensive.”

Multiple participants said they would engage a lawyer, only as a last resort. One participant said, “I would try to do everything on my own at first. I feel like there are a lot of things you can do on your own. But if I wasn’t able to go any further or if it was something that I felt like I needed an advocate or a lawyer, then I would get one.” Another participant said, “I’m the kind of person that would try to solve problems on my own. I think it’s better. If you can negotiate with someone else and come to an agreement without, it can have a positive resolution.”

Participants explained that if they stood to lose or gain a lot, they would engage the services of a lawyer. One participant said, “If I stood to lose more than I have or a significant amount of money, it would be worth it to me.” Another said, “Fear is a big motivator for most people. A fear of losing your house or your kids [would cause me to engage a lawyer].” One other participant said, “It depends on the extent of the ramifications or if the effects of it are going to make a significant change in my life.”

Understanding the Selection Process

Useful Resources

When asked where they would go if they needed to find a lawyer, participants most frequently said they would ask their friends and family members for recommendations or referrals. Participants also mentioned that they would ask lawyers they know for referrals.

In addition, participants said they would seek legal services by using Social media, Google or online search engines, the Better Business Bureau, Thumbtack, and work resources.

Step-by-Step Process When Choosing a Lawyer

Participants, in general, identified eight main steps they would take when choosing a lawyer. Table 2 below outlines these steps and includes explanations as to why each step is included.

Table 2
What steps would you go through before choosing a lawyer?

	Process
Step 1	Identify a need <ul style="list-style-type: none"> • “You have to have a reason to get a lawyer. That would be the first step, in my opinion.”
Step 2	Identify the type of lawyer needed
Step 3	Ask for referrals, search for lawyers online <ul style="list-style-type: none"> • “My neighbor is a real estate attorney, but I know I could call him if I needed a tax attorney or whatever. I would call him for a referral.” • “If I knew someone who had been through that situation, I would call them and find out who they went with.” • “I would go to social media because I like to get a lot of opinions. I would post on social media and ask if anyone knows a good lawyer.” • “I look at Google reviews as well.”
Step 4	Compile a list of lawyers
Step 5	Research recommended lawyers
Step 6	Schedule consultations with each lawyer
Step 7	Interview lawyers <ul style="list-style-type: none"> • “They have to be engaged and interested in my case and what I need. I’m not just another case on their desk.” • “Their experience of what cases have been worked that are similar to what they have.” • “Some indication that your business is something they want.”
Step 8	Choose a lawyer

Important Factors in Choosing a Lawyer

When asked to identify the top factors they would consider before choosing a lawyer, participants most frequently said they would consider 1) knowledge and specialized experience, followed by 2) cost. Participants also felt that being a leader in their field and recommendations from others would be highly important in selecting a lawyer. For details, please see Table 3.

Table 3
What are the top factors you would consider before choosing a lawyer?

	Most	Second	Third	Overall
Knowledge, specialized experience	5	6	3	14
Cost, Billing	0	1	10	11
Leader in their field	3	3	2	8
Referrals	6	2	0	8
Respect for client, treatment, friendliness	4	1	0	5
Way they present information, passion	0	1	3	4
Reputation, credibility	0	4	0	4
If they are moral	3	0	1	4
Professionalism	0	3	0	3
Listen to clients	1	1	0	2
Adequate support system and resources	0	0	2	2
If they're successful	0	0	1	1
Where they graduated	0	0	1	1
Number of years of experience	0	1	0	1
If you trust them	1	0	0	1
If they are aggressive	0	1	0	1
Time management	0	0	1	1
Good communication	1	0	0	1

When asked how they know if an attorney is the right one for them, participants mentioned the following:

- “When I interview them, I want to know their philosophy, their experience, I even want to know what cases they’ve won that relate to my case.”
- “You need one with goals that are compatible with your own.”
- “I think I want to know their connection with the firm because there are a lot of resources and they can bounce ideas off them.”
- “You have to know and feel that they’re going to go to bat for you. You just have to feel it. You can usually tell when talking to someone if they’re interested and if they’re going to put in the effort you want.”

Discover the Barriers Preventing Individuals from Using Legal Services

Top Barriers

In general, participants identified three main barriers that prevent individuals from using a lawyer’s services: 1) cost, 2) fear, and 3) not knowing how to engage a lawyer.

Cost is the number one barrier preventing individuals from engaging legal counsel. One participant said, “I think a lot of it is cost, first and foremost. Is it worth the amount of time and money and effort to go through this?”

Multiple participants said they choose not to engage legal counsel as a result of fear. Specifically, participants are fearful of not knowing how much money they will end up paying for legal services and are fearful of the risks involved in securing legal counsel. Participants are also fearful of escalating their issues “to the next level.”

A handful of participants said they aren’t quite sure how to engage a lawyer. Specifically, participants questioned how to know if they need a lawyer, how to know which lawyer to go, and how to start the process of finding a lawyer.

A couple of participants mentioned that sometimes it is easier to handle a matter themselves, rather than securing the services of a lawyer.

Cost Barrier

When asked why cost is such a barrier to engaging a lawyer, participants generally mentioned one of two things: 1) they perceive they can’t afford a lawyer and 2) they are intimidated by an hourly cost and not knowing what a final cost will be.

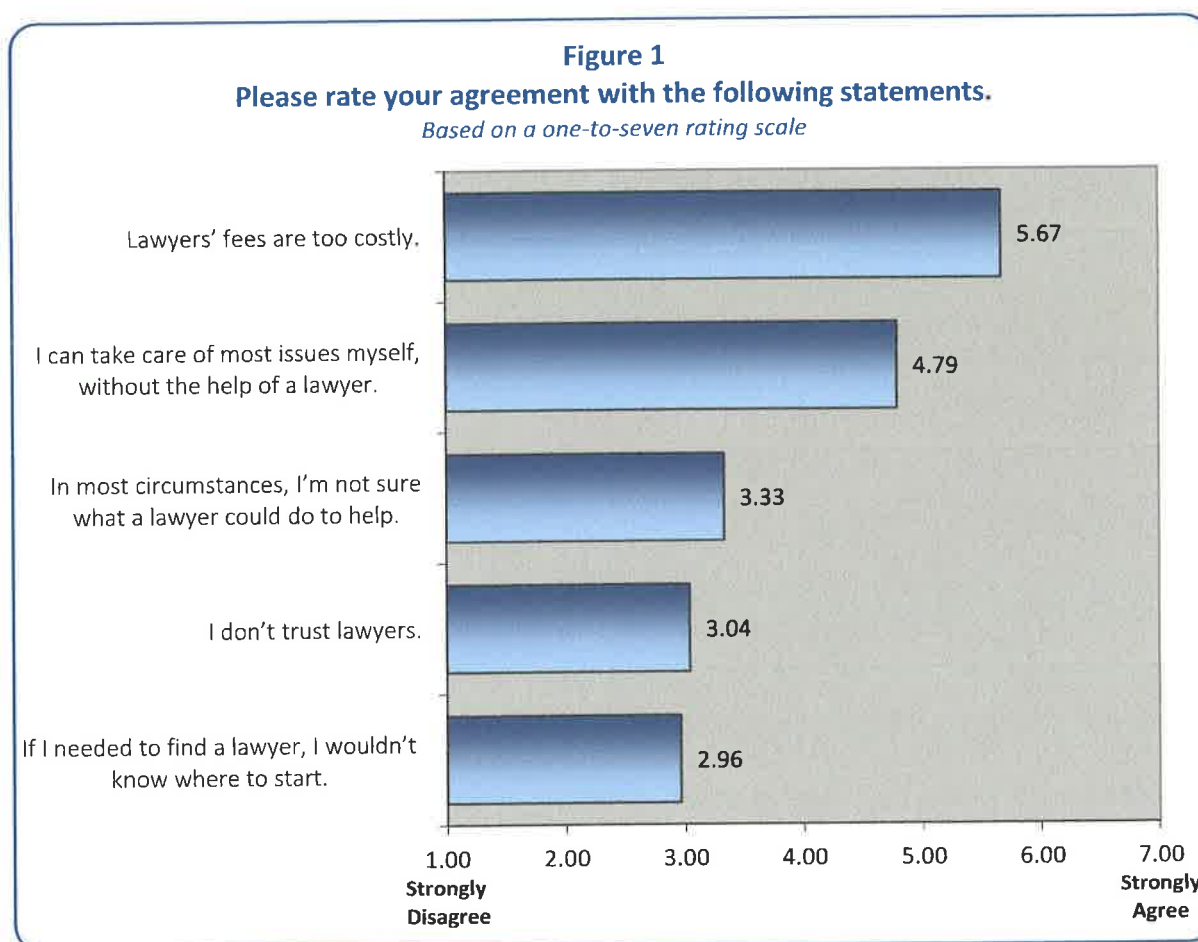
Multiple participants said they can’t afford the services provided by an attorney. One participant said, “We don’t all have money,” while another said, “I don’t have a lot of money to throw around.” One participant said, “Most of them want a retainer, at least two to five thousand, before they’ll even talk to you.” One more participant said, “I don’t know if I have a misconception, but my perception is that it’s always expensive. I don’t make near that much.” A couple of participants indicated that they would have hired an attorney in the past, except for the fact that they felt they couldn’t afford their services. One participant said, “If it wasn’t for the fact that it would cost me so much, I probably would have gotten a lawyer.”

Participants are also fearful of engaging a lawyer because they don't know what the final cost of their services will be. One participant said, "We have a fear of it skyrocketing beyond something you're capable of," while another said, "My assumption is that it's not going to be a flat rate, that it will be an hourly thing, and I have no idea how many hours it's going to take them. They might say they charge only \$25 an hour, but then it will take them 50,000 hours." One more participant said, "It's a fear of when is it going to stop? You're in a commitment, once you sign up for this, you're going to owe for something."

One participant who had used mediation for her divorce instead of a lawyer indicated that she avoided using a lawyer, as she perceived she couldn't afford one. However, when asked if she would pay a flat rate of \$300 for her divorce, she immediately answered, "Yes." She said, "We probably paid that for the arbitration anyway. If it was that relatively low in cost, absolutely, I didn't do research. I was just thinking it would be ten, fifteen, twenty thousand."

Barrier Ratings

When asked to rate their agreement with various statements relating to potential barriers that may prevent individuals from seeking a lawyer, participants, on average, gave the highest rating to "lawyers' fees are too costly," indicating that this is the statement they agree with most. The statement receiving the second highest average mean rating was "I can take care of most issues myself without the help of a lawyer." See Figure 1 for details



Determine Fee Preference

Awareness of What Lawyers Do

Participants, in general, demonstrated only a basic knowledge of what lawyers do. When asked what lawyers do, participants indicated that lawyers conduct research, file paperwork, advise their clients, negotiate, and represent people in court.

Awareness of How Lawyers Charge

When asked if they are aware of how lawyers bill, multiple others said lawyers charge “by the hour” or “by the minute.”

However, multiple participants said they are unsure of how lawyers charge, which is a barrier to them engaging the services of a lawyer. One participant said, “The understanding of billing is one of my biggest fears. The whole idea of all the different ways I could be charged, I’m almost afraid to ask what it’s going to cost me. They almost look down on me like, ‘If you have to ask how much, you can’t afford it.’ I feel like asking how much they’re going to charge almost puts me at a disadvantage.”

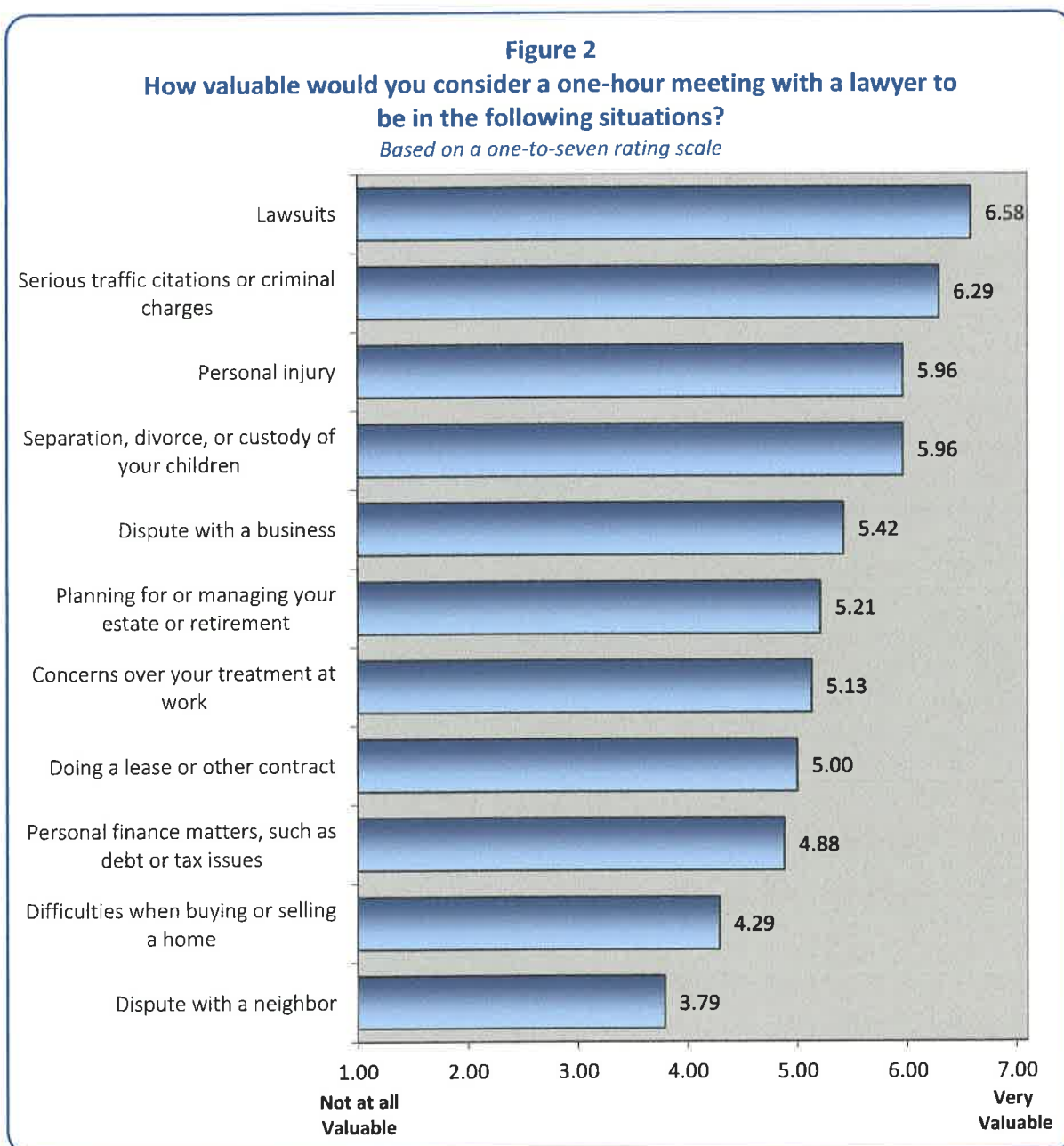
Other participants said it is difficult to know what lawyers charge, as their fees can vary from one lawyer to the next. One participant said, “Your question is do we know how they charge? Any way they want to. They’re all entrepreneurs running their own business. They set their pricing. That doesn’t mean they’re going to price everyone the same way. They may tell one person a flat fee, the other person will be 10% of whatever we get, and someone else \$250 an hour.”

Willingness to Pay

When asked to indicate what they would be willing to pay for legal services if they needed to use a lawyer today, most participants said they don’t know what they would pay or that cost is dependent upon services provided. Of those who identified prices, participants’ responses ranged from \$50 an hour to \$25,000; however, most participants said they would be willing to pay between \$100 and \$200 an hour for legal services.

Value of One-hour Meetings

When asked how valuable they would consider a one-hour meeting with a lawyer to be in various situations, participants gave the highest average mean rating to “lawsuits” and the second highest rating to “serious traffic citations or criminal charges,” indicating these are the situations where participants consider a consult with a lawyer to be most valuable. Participants gave the lowest rating to “dispute with a neighbor,” indicating this is the situation participants feel a consult with a lawyer would be less valuable. For further details, please see Figure 2.



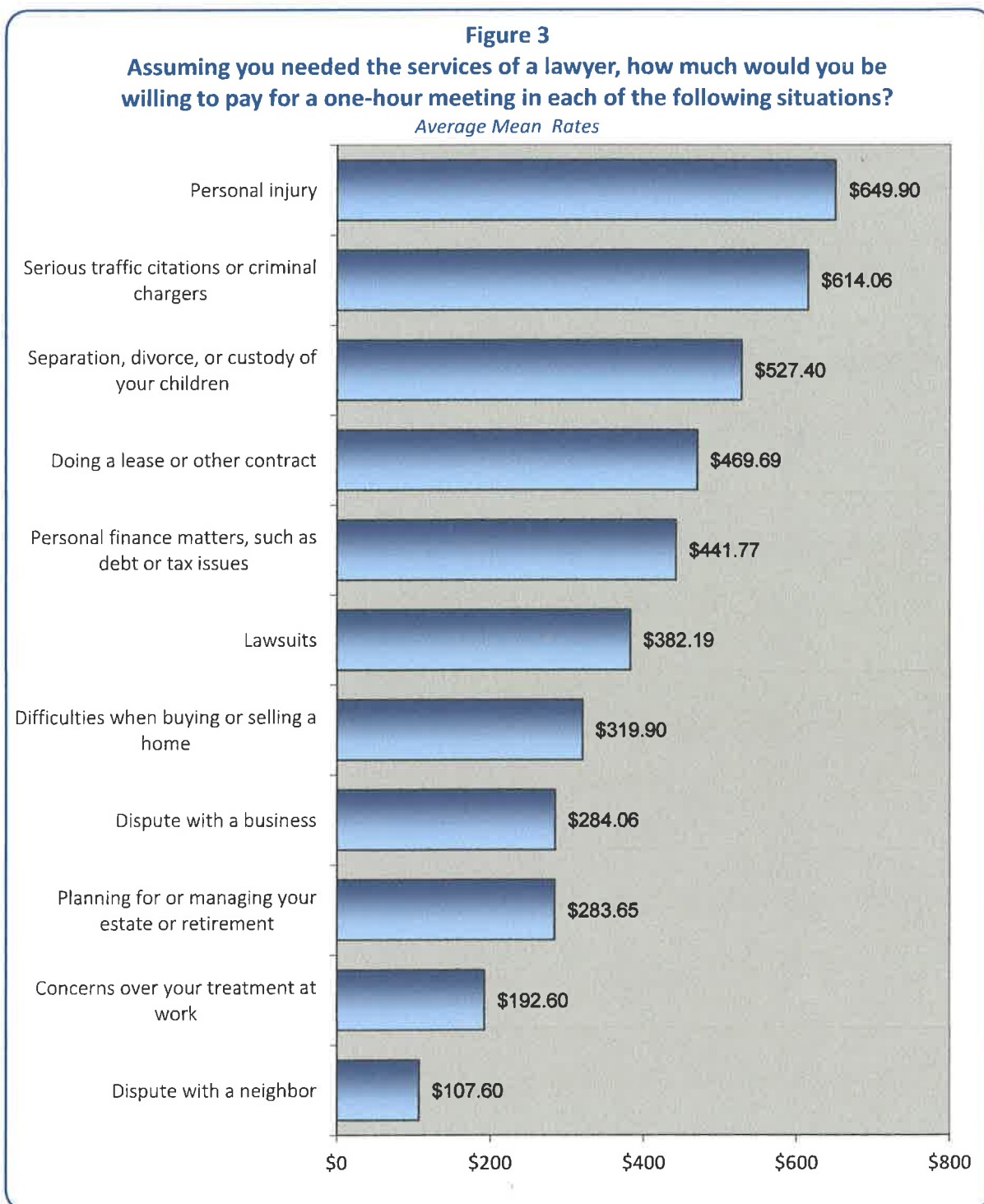
Participants, in general, indicated there are some situations they would be more likely to use a lawyer in than others. Specifically, participants mentioned the following:

- [Divorce or custody] “My lawyer when I was doing my divorce told me he makes more money fixing online divorces than he did in just regular divorces.”
- [Personal injury] “Whether it’s true or not, I’ve been trained by commercials that the longer you wait after an injury, the worse off it’s going to be for an attorney to come in and try to save you. So go to the attorney right off the bat.”
- [Personal injury] When you’re injured you need to focus on your injury and getting better, and it “is helpful to have someone else dealing with the stress of figuring out who’s going to pay for the injury.”

Participants indicated they would not be likely to seek legal counsel for certain situations. For these situations, participant explained:

- [Real estate] “I would look at other channels first. I just don’t think of a lawyer. I mean, you’d have to tell me what the difficulties were before I go to a lawyer. Otherwise, I’d talk to a realtor or title person.”
- [Dispute with neighbor] “I don’t want to live next door to someone I have had to have a lawsuit with. I’d try to solve it in some other way first.”
- [Dispute with neighbor] “Avoid lawyers when dealing with neighbors unless they lawyered up first or there was some extenuating circumstance.”
- [Lease or contract] “You can get those off the internet.”
- [Lease or contract] “I have enough copies of leases from places I’ve rented, I’d just use one of those.”
- [Personal injury] “My thought is that for most injuries there is a set amount that you can get, and I would go after that myself. If I couldn’t get it, then I would go for the attorney.”

When asked how much they would be willing to pay for a one-hour meeting in each of the aforementioned situations, participants, on average, said they would pay the most for personal injury cases and the least for a dispute with a neighbor. Figure 3 illustrates the average amounts participants would be willing to pay for a one-hour meeting in each of the following situations.



Fee Preference

Participants were asked to indicate if they would prefer paying 1) a flat fee with all legal services provided in one lump sum or 2) an income-based sliding fee where they pay for services based on what they can afford. In response, nearly three-fifths of participants (14) said they would prefer to pay an income-based sliding fee, while two-fifths (10) said they would prefer to pay a flat fee.

Participants who said they would prefer a flat fee see this fee structure to be an advantage in that they know what their costs will be from the very beginning of the process. One participant said, "It's a known cost," while another said, "With a flat amount, I can budget for that. It's a fixed cost, a known cost."

Participants who would prefer an income-based sliding scale said they see this fee structure as more affordable for them. One participant said, "In most cases where I can see myself really needing an attorney, it's probably going to be something where I need it to be income based." Another participant said, "I think for me it just makes it seem more accessible, more as an option sooner that I would look at."

A couple of participants expressed concerns with an income-based sliding fee. One participant said, "With the sliding it sounds like it comes from subsidy, which means they will give me a cheaper price, but they're going to give me the crappiest lawyer." Another participant said, "I wouldn't want my fees to go up and down every year depending on what I'm making." One more participant said, "I have a pretty big income I don't want to pay a higher percentage."

Participants, in general, don't feel it necessary to have a lawyer on retainer. One participant said, "For my situation, I can't see buying a lawyer on retainer. Unless I had a business or something where I needed a lawyer on a regular basis."

Conclusion

As a concluding question, participants were asked:

"Imagine you were part of a creative team tasked with increasing usage of legal services at a law firm. What three things would you do to overcome the barriers preventing individuals from using legal services and motivate them to use your firm?"

In response, participants offered the following recommendations:

- Advertise via social media
- Offer free initial consultations
- Offer clinics or classes on a specific service or area of expertise
- Provide clear pricing structures
- Present case scenarios similar to situations clients are facing, emphasizing how these individuals have been helped
- Offer a cap on pricing
- Make costs affordable
- Offer flat fee pricing when possible
- Offer payment plans with zero interest
- Include aforementioned information on a comprehensive website

Participants Demographics

There was an even distribution of male and female participants, as 12 participants were men and 12 participants were women.

Participants were representative of a variety of ages. The average age of participants was 44 (44.42 average mean, 44.00 median).

Most participants (17) reside within Salt Lake County, though some reside in Davis (5) or other (2) counties.

One-half of participants (12) are employed full-time, while the rest are homemakers (4), part-time employees (3), retired (2), and unemployed (3).

The majority of participants reported being married (17), though some reported being single (4) or divorced (3).

One-half of participants (12) reported having children under the age of 18.

All but one participant reported being White or of Caucasian descent.

More than one-third of participants (9) reported having some college or technical training, though nearly another one-third (7) reported being college graduates, and one-third (6) reported being post-college graduates.

Participants represented a range of annual household incomes. The average participant reported having an annual household income of \$50,000 to \$74,999 (3.33 average mean, 3.00 median).

APPENDIX A: PARTICIPANT SCREENER

Hello, this is _____ calling from Lighthouse Research. Our company is conducting a research discussion with residents in the Salt Lake City area. If you qualify, you will be invited to attend a discussion group, which will last no more than **90 minutes**. In appreciation for your help, you will receive **\$85.00 Cash** as a thank you for your time. I assure you that we are only interested in your opinions and you will not be asked to purchase anything. Do you mind if I ask you a few questions to see if you qualify?

1. Record gender by observation.

	Count
Male	12
Female	12

2. What is your age?

	Count
Younger than 25 [Terminate]	0
25 to 34	6
35 to 44	6
45 to 54	6
55 to 64	4
65 to 74	2
75 and older [Terminate]	0
<i>Average Mean</i>	<i>44.42</i>
<i>Median</i>	<i>44.00</i>

3. Have you or has anyone in your immediate family ever worked for a company in any of the following industries? [If any of the industries below, Thank & Terminate]
- ☐ Marketing
 - ☐ Research
 - ☐ Advertising
 - ☐ Media (television, newspaper, radio, etc.)
 - ☐ Legal sector (attorney, law, court system, etc.)
 - ☐ No, none of the above [Continue]

Note: This question asked for verification purposes only.

4. Have you participated in a focus group within the last 12 months?

Note: This question asked for verification purposes only.

5. In which county do you live?

	Count
Salt Lake	17
Davis	5
Other	2

6. What is your current employment status?

	Count
Full-time employed	12
Homemaker	4
Part-time employed	3
Retired	2
Student	0
Unemployed	3

7. What is your marital status?

	Count
Single, Never Married	4
Married	17
Divorced / Separated	3
Widowed	0
Other	0

8. Do you have children under the age of 18?

	Count
Yes	12
No	12

9. Which of the following best describes your ethnicity?

	Count
White, Caucasian	23
Hispanic, Latino	0
Black, African-American	0
Asian, Pacific Islander	0
Native American	0
Other	1

Other

- White / Hispanic

10. Which of the following categories best describes the highest level of education you have completed?

	Count
Less than High School Graduate	0
High School Graduate	2
Some College / Technical School	9
College Graduate	7
Post-college Graduate	6

11. Which of the following ranges best describes your annual household income?

	Count
1 = Less than \$30,000	5
2 = \$30,000 to \$49,999	2
3 = \$50,000 to \$74,999	7
4 = \$75,000 to \$99,999	3
5 = \$100,000 to \$149,999	4
6 = \$150,000 or more	3
<i>Average Mean</i>	<i>3.33</i>
<i>Median</i>	<i>3.00</i>

12. If you could have a meal with anyone in history, who would it be? Why?

Note: This question asked for articulation screening only.

INVITATION [FOR THOSE WHO QUALIFY]:

We would like to invite you to participate in a group discussion that will take place on **Tuesday, February 6th, 2018 at the Lighthouse Research facility located at 375 East 500 South, Salt Lake City.**

Again, I assure you we are not selling anything and you will not be asked to share any personal information, only your opinions and ideas. As we mentioned earlier, you will receive **\$85.00** at the conclusion of the first **90-minute** discussion group. Would you be willing to participate?

☐ Group 1 – Tuesday, February 6th @ 5:00 PM

☐ Group 2 – Tuesday, February 6th @ 6:30 PM

Great! We would like to be able to send you directions and a reminder before the group. Can you please confirm your name, address, and contact information? **(Collect participant contact information below)**

CONTACT INFORMATION

NAME _____

MAILING ADDRESS _____

CITY _____ **ZIPCODE** _____

HOME PHONE _____ **ALT. PHONE** _____

E-MAIL ADDRESS _____

RECRUITED BY _____ **DATE RECRUITED** _____

SOURCE OF RECRUIT _____

**If you have any questions or find that you can't attend, please call us right away at 801-446-4000 so we can find a replacement. We will be giving you a reminder call prior to the group. If you care for children, please do not bring them with you because we are unable to provide child-care at our facility. Thank you for your time and for agreeing to participate in the discussion.*

APPENDIX B: MODERATOR'S DISCUSSION GUIDE

Objectives

The main objective of this research project is to discover participants' perceptions and usage of legal services. To accomplish the project objectives, participants will be guided through a discussion that encompasses the following topics and themes:

Identify Usage of and Perceptions of Legal Services

- Identify professionals participants would use in various situations
- Gather general perceptions of lawyers
- Identify the perceived value of lawyers, according to participants
- Identify situations in which participants would consider using a lawyer
- Determine the point at which participants would consider using a lawyer

Discover the Barriers Preventing Individuals from Using Legal Services

- Identify the barriers preventing individuals from using the services provided by a lawyer
- Determine if participants agree or disagree with possible barriers for using legal services

Understanding the Selection Process

- Determine if participants have used a lawyer's services in the past
- Discover how participants have found lawyers in the past
- Identify participants' reasons for choosing a particular lawyer
- Identify the resources participants would rely on to find a lawyer
- Identify factors that are important to participants in choosing a lawyer
- Discover the process participants would go through to select the right lawyer for them

Determine Fee Preferences

- Determine why cost is such a barrier to using a lawyer's services (i.e. up-front cost, hourly cost, and cost vs. benefit)
- Discover whether participants prefer a flat fee or an income-based fee when paying for legal services
- Determine the reason for participants' preferences

Part One: **Introduction and Greeting**

10 Minutes

Moderator Introduction

- Moderator introduction
- Ask participants to turn off cell phones
- Advise participants of video and audio taping
- Inform participants there is someone viewing the group to take notes and ensure participant ideas and opinions are recorded correctly

Purpose of Focus Group

“The reason we are here today is to gather your impressions about professional services you may or may not use. I will be leading you through some discussion questions and activities to help us learn more about what you think. We are very interested in each of your personal thoughts and opinions.”

Moderator Role

- To introduce the discussion topics, ask probing questions, and guide the discussion through each of the relevant issues
- The moderator is not to guide the participants’ responses or give advice

Discussion Rules

- Speak one at a time; we want to hear all of your ideas.
- Everyone needs to participate; we need everyone’s ideas and comments.
- There are no wrong or right answers; we invited each of you here so we could understand what you know and how you feel about these topics.
- It is likely that your opinions will differ from someone else’s in the room; as such, please be respectful of others and their opinions.
- Your comments and responses will remain confidential.
- I am not an expert on the topic we will discuss. You are the experts, so please speak freely.

Participant Icebreaker

Participants will be asked to introduce themselves, including the following items in their introductions:

- Name
- Occupation
- Number of people in the family
- Favorite hobby or activity

Part Two: Identify Usage of and Perceptions of Legal Services

10 Minutes

- Q1.** What words, thoughts, or phrases come to your mind when you hear the word, “lawyers”?

The moderator will capture participants’ responses on the flipchart.

The moderator will ask participants to complete **Page 1** in their handouts.

- Q2.** Using a one-to-seven rating scale where one is “very negative” and seven is “very positive,” please rate your perception of lawyers. Explain.
- Q3.** What value do lawyers provide?
- Prompt: What are the benefits of using a lawyer?
- Q4.** In what situations would you personally use a lawyer?
- Q5.** At what point would you decide that it’s time to engage the services of a lawyer? Explain.
- Prompt: At the onset of an issues, after receiving advice from others, when you can’t handle an issue yourself, as a last resort

Part Three: Understanding the Selection Process

15 Minutes

- Q6.** If you needed the services of a lawyer today, which resources would you turn to?
- Q7.** If you needed to find a lawyer today, what steps would you go through before choosing a lawyer?
- Prompt: Step 1...
 - Prompt: Step 2...
 - Prompt: Step 3...
- Q8.** How do you determine if a lawyer is the right lawyer for you?

The moderator will capture participants’ resources on the flipchart.

- Q9.** Imagine you needed to use the services of a lawyer. What factors would you consider before deciding which lawyer to use? Explain.

The moderator will capture each response on a separate index card.

- Q10.** Which three factors are **MOST** important to you in selecting a lawyer?
- **Green = Most important**
 - **Yellow = Second most important**
 - **Red = Third most important**

Part Four:

Discover the Barriers Preventing Individuals from Using Legal Services

15 Minutes

- Q11.** What barriers might prevent someone from using the services of a lawyer? Explain.

The moderator will capture participants' responses on the flipchart.

- Q12.** Of the barriers listed, which are the top three biggest barriers to using a lawyer? Explain.

The moderator will label these barriers on the flipchart.

The moderator will ask participants to complete **Page 2** in their handouts.

- Q13.** Using a one-to-seven scale where one is "strongly disagree" and seven is "strongly agree," please rate your agreement with the following statements. Explain.
- Lawyers' fees are too costly.
 - If I needed to find a lawyer, I wouldn't know where to start.
 - In most circumstances, I'm not sure what a lawyer could do to help.
 - I don't trust lawyers.
 - I can take care of most issues myself, without the help of a lawyer.

The moderator will use this time to briefly consult with the client.

The moderator will ask participants to display their rating cards and explain.

- Q14.** Which of these statements do you agree with **MOST**?
- Prompt if "cost" is mentioned: Aside from cost, which statement do you agree with most?

- Q15.** Which of these statements do you **LEAST** agree with?

Part Five: Determine Fee Preference

25 Minutes

- Q16.** Do you know what lawyers do?
- Prompt: Please explain what you know.
 - Prompt: What interaction have you had with lawyers that has formed your perception of what they do (i.e. personal interaction, word of mouth, media portrayal, etc.)?
- Q17.** Do you think lawyers are portrayed accurately in the media? Explain.
- Prompt: How does the media portrayal of lawyers impact the general public's perception of lawyers?
 - Prompt: Does the media's portrayal of lawyers impact the general public's willingness to use a lawyer? Explain.
- Q18.** Are you aware of how lawyers charge for their services?
- Prompt: What do you know about how lawyers charge for services?

The moderator will ask participants to complete **Pages 3 and 4** in their handouts.

- Q19.** If you needed to use the services of a lawyer, what would you be willing to pay for legal services?
- Q20.** **[HANDOUT ONLY]** Using a one-to-seven rating scale where one is "not at all valuable" and seven is "very valuable," how valuable would you consider a one-hour meeting with a lawyer to be in the following situations?
- Dispute with a business
 - Dispute with a neighbor
 - Difficulties when buying or selling a home
 - Concerns over your treatment at work
 - Doing a lease or other contract
 - Lawsuits
 - Separation, divorce, or custody of your children
 - Personal finance matters, such as debt or tax issues
 - Personal injury
 - Planning for or managing your estate or retirement
 - Serious traffic citations or criminal charges

The moderator will use this time to briefly consult with the client.

- Q21.** In which situations would a one-hour consultation with a lawyer be **MOST** valuable?
- Q22.** In which situations would a one-hour consultation with a lawyer be **LEAST** valuable?

- Q23.** Assuming you needed the services of a lawyer, how much would you be willing to pay for a one-hour meeting in each of the following situations?
- Dispute with a business
 - Dispute with a neighbor
 - Difficulties when buying or selling a home
 - Concerns over your treatment at work
 - Doing a lease or other contract
 - Lawsuits
 - Separation, divorce, or custody of your children
 - Personal finance matters, such as debt or tax issues
 - Personal injury
 - Planning for or managing your estate or retirement
 - Serious traffic citations or criminal charges
- Q24.** Some individuals consider cost as a barrier to using a lawyer's services.
- Prompt: **Why** is using a lawyer so cost prohibitive to some?
 - Prompt: **How**, exactly, is cost a barrier to using legal services? (i.e. What is it about cost that is such a barrier? Up-front costs, hourly costs, cost vs. benefit, etc.)
- Q25.** Which of the following would you prefer? Explain.
- A flat fee, with all legal services provided for one lump sum
 - An income-based sliding fee, where you pay for services based on what you can afford
- Q26.** Why would a flat fee be appealing to some?

Part Six: Conclusion

10 Minutes

Small Group Activity

The moderator will divide participants into small groups and ask them to complete Page 5 in their handouts and answer the following question.

- Q1.** Imagine you were part of a creative team tasked with increasing usage of legal services at a law firm. What three things would you do to overcome the barriers preventing individuals from using legal services and motivate them to use your firm?

The moderator will use this time to briefly consult with the client.

Moderator will ask participants if they have any additional comments. Moderator will also thank participants for their participation and remind them to pick up incentive envelopes.

APPENDIX C: PARTICIPANT HANDOUT

- Using a one-to-seven rating scale where one is “very negative” and seven is “very positive,” please rate your perception of lawyers.

	Count
1 = Very negative	0
2	3
3	2
4	2
5	7
6	7
7 = Very positive	3
<i>Average Mean</i>	4.92
<i>Median</i>	5.00

- Using a one-to-seven scale where one is “strongly disagree” and seven is “strongly agree,” please rate your agreement with the following statements.

Lawyers’ fees are too costly.

	Count
1 = Strongly disagree	0
2	1
3	2
4	1
5	5
6	6
7 = Strongly agree	9
<i>Average Mean</i>	5.67
<i>Median</i>	6.00

If I needed to find a lawyer, I wouldn't know where to start.

	Count
1 = Strongly disagree	8
2	4
3	3
4	3
5	2
6	4
7 = Strongly agree	0
<i>Average Mean</i>	2.96
<i>Median</i>	2.50

In most circumstances, I'm not sure what a lawyer could do to help.

	Count
1 = Strongly disagree	4
2	4
3	5
4	5
5	3
6	3
7 = Strongly agree	0
<i>Average Mean</i>	3.33
<i>Median</i>	3.00

I don't trust lawyers.

	Count
1 = Strongly disagree	2
2	10
3	4
4	4
5	2
6	1
7 = Strongly agree	1
<i>Average Mean</i>	3.04
<i>Median</i>	2.50

I can take care of most issues myself, without the help of a lawyer.

	Count
1 = Strongly disagree	0
2	2
3	4
4	3
5	5
6	8
7 = Strongly agree	2
<i>Average Mean</i>	4.79
<i>Median</i>	5.00

3. If you needed to use the services of a lawyer, what would you be willing to pay for legal services?

- As much as it takes
- Depends on what they are doing
- Depends on what is at stake
- Depends on the cost of me losing whatever case I want their assistance on
- I have no idea
- I am not sure. It would be situation-specific.
- It depends on what services I need.
- Depending on what it is for; if it is for a life-altering circumstance, more, but no more than \$3,000.
- It depends on the services needed
- I don't know. It depends.
- As much as it takes
- \$50 an hour
- \$100 per hour
- \$100 an hour with a guaranteed maximum
- \$150
- \$75 to \$100 per hour (2)
- Up to \$200 per hour, depending on the specialty
- \$200 per hour
- \$300 for legal paperwork, \$20 an hour for all other cases
- Depends on what's at stake, \$500
- \$1,000
- \$200 for simple contracts, \$2500 for divorce, \$10,000 for PI
- If it was for services I personally want, probably \$25,000, but for services I need, probably less, like \$5,000

4. Using a one-to-seven rating scale where one is “not at all valuable” and seven is “very valuable,” how valuable would you consider a one-hour meeting with a lawyer to be in the following situations?

Dispute with a business

	Count
1 = Not at all valuable	0
2	1
3	3
4	2
5	5
6	5
7 = Very valuable	8
<i>Average Mean</i>	5.42
<i>Median</i>	6.00

Dispute with a neighbor

	Count
1 = Not at all valuable	1
2	5
3	7
4	3
5	2
6	5
7 = Very valuable	1
<i>Average Mean</i>	3.79
<i>Median</i>	3.00

Difficulties when buying or selling a home

	Count
1 = Not at all valuable	1
2	4
3	2
4	6
5	5
6	3
7 = Very valuable	3
<i>Average Mean</i>	4.29
<i>Median</i>	4.00

Concerns over your treatment at work

	Count
1 = Not at all valuable	0
2	3
3	0
4	4
5	7
6	4
7 = Very valuable	6
<i>Average Mean</i>	5.13
<i>Median</i>	5.00

Doing a lease or other contract

	Count
1 = Not at all valuable	1
2	1
3	4
4	1
5	6
6	6
7 = Very valuable	5
<i>Average Mean</i>	5.00
<i>Median</i>	5.00

Lawsuits

	Count
1 = Not at all valuable	0
2	0
3	0
4	1
5	2
6	3
7 = Very valuable	18
<i>Average Mean</i>	6.58
<i>Median</i>	7.00

Separation, divorce, or custody of your children

	Count
1 = Not at all valuable	0
2	0
3	0
4	3
5	5
6	6
7 = Very valuable	10
<i>Average Mean</i>	5.96
<i>Median</i>	6.00

Personal finance matters, such as debt or tax issues

	Count
1 = Not at all valuable	1
2	1
3	2
4	4
5	8
6	4
7 = Very valuable	4
<i>Average Mean</i>	4.88
<i>Median</i>	5.00

Personal injury

	Count
1 = Not at all valuable	0
2	0
3	1
4	2
5	5
6	5
7 = Very valuable	11
<i>Average Mean</i>	5.96
<i>Median</i>	6.00

Planning for or managing your estate or retirement

	Count
1 = Not at all valuable	0
2	4
3	2
4	1
5	4
6	4
7 = Very valuable	9
<i>Average Mean</i>	5.21
<i>Median</i>	6.00

Serious traffic citations or criminal charges

	Count
1 = Not at all valuable	0
2	0
3	1
4	2
5	1
6	5
7 = Very valuable	15
<i>Average Mean</i>	<i>6.29</i>
<i>Median</i>	<i>7.00</i>

5. Assuming you needed the services of a lawyer, how much would you be willing to pay for a one-hour meeting in each of the following situations?

Dispute with a business

Average Mean: \$284.06, Median: \$100.00

- \$30 (2)
- \$50 (5)
- \$70
- \$75 to \$100
- \$100 (6)
- \$150
- \$200 (3)
- \$300
- \$500 (2)
- \$1,200
- \$2,500

Dispute with a neighbor*Average Mean: \$107.60, Median: \$50.00*

- \$0 (3)
- \$20
- \$25 (2)
- \$30 (2)
- \$40
- \$50 (5)
- \$75
- \$75 to \$100
- \$100 (3)
- \$150 (2)
- \$200
- \$1,000

Difficulties when buying or selling a home*Average Mean: \$319.90, Median: \$93.75*

- \$0
- \$30 (3)
- \$40
- \$50 (5)
- \$60
- \$75 to \$100
- \$100 (6)
- \$150
- \$200 (2)
- \$500 (2)
- \$5,000

Concerns over your treatment at work*Average Mean: \$192.60, Median: \$81.25*

- \$0
- \$25
- \$30
- \$45
- \$50 (6)
- \$60
- \$75
- \$75 to \$100
- \$100 (5)
- \$200 (5)
- \$2,500

Doing a lease or other contract*Average Mean: \$469.69, Median: \$93.75*

- \$30 (2)
- \$50 (8)
- \$75
- \$75 to \$100
- \$100 (4)
- \$200 (4)
- \$250
- \$800
- \$900
- \$5,000 to \$10,000

Lawsuits*Average Mean: \$382.19, Median: \$175.00*

- \$30
- \$50
- \$60
- \$70
- \$75
- \$75 to \$100
- \$100 (5)
- \$150
- \$200 (3)
- \$250
- \$300 (2)
- \$350
- \$500
- \$850
- \$1,000
- \$1,500
- \$2,500

Separation, divorce, or custody of your children*Average Mean: \$527.40, Median: \$100.00*

- \$30
- \$50
- \$70 (2)
- \$75 (2)
- \$75 to \$100
- \$100 (6)
- \$150 (2)
- \$200 (4)
- \$500
- \$1,000 (2)
- \$2,000
- \$5,000 to \$7,000

Personal finance matters, such as debt or tax issues*Average Mean: \$441.77, Median: \$81.25*

- \$30
- \$50 (7)
- \$60
- \$75 (3)
- \$75 to \$100
- \$100 (4)
- \$200 (2)
- \$300
- \$750
- \$1,000 (2)
- \$5,000 to \$7,000

Personal injury*Average Mean: \$649.90, Median: \$100.00*

- \$0
- \$30
- \$50 (2)
- \$60
- \$70
- \$75 to \$100
- \$100 (9)
- \$150
- \$200 (2)
- \$300
- \$500
- \$1,000
- \$2,000
- \$10,000

Planning for or managing your estate or retirement*Average Mean: \$283.65, Median: \$100.00*

- \$0 (2)
- \$20
- \$30
- \$50 (2)
- \$60 (2)
- \$75 to \$100
- \$100 (7)
- \$150
- \$200 (3)
- \$500
- \$1,000 (2)
- \$2,500

Serious traffic citations or criminal charges*Average Mean: \$614.06, Median: \$100.00*

- \$30
- \$50 (3)
- \$60 (2)
- \$75 (2)
- \$75 to \$100
- \$100 (5)
- \$150 (2)
- \$200 (2)
- \$300
- \$400
- \$500
- \$800
- \$1,000
- \$10,000

6. Which of the following would you prefer?

	Count
A flat fee, with all legal services provided for one lump sum	10
An income-based sliding fee, where you pay for services based on what you can afford	14

7. Imagine you were part of a creative team tasked with increasing usage of legal services at a law firm. What three things would you do to overcome the barriers preventing individuals from using legal services and motivate them to use your firm?

- Advertising, seminars, word of mouth, community service. Invite people to be educated. Do a good honest job and people will talk about it.
- Advertising to promote our firm; it should include our firm's specialty and different ways to contact the firm, including social media. Reach out to the public; have a free consult and clinic or classes where you share your services or expertise.
- Bold, a very specific and clear pricing structure. Transparency; make fee structure and explanations of which fees would apply to you and your situation open and available to the public in an easy to access and understand manner. Make use case scenarios available for a broad range of situations and potential clients.
- Case studies of how we helped individuals. Outside reviews from clients and observers. Prices clearly listed and future rates.
- Cost effective. Social media advertising. Easily accessible.
- Cost visibility based on historical costs, with a possible cap, or a flat fee when possible. Show actual cost examples. Free consultations, social media. Detailed professional experience, brochures. Olive Garden experience ("You're family").
- Free seminar or class. Free brief consultation. Pro bono mentorship a percentage of their work time. Provide free services to low income clients or a percentage of workload.
- Information hotline or website. Bidding service. Payment plans with zero interest.
- Multiple access points, like a phone, in person, and online. Help line for knowledge. No interest payment plans, based on income. Clear pricing of services.
- Positive advertising, not negative. Go to website for services and fees listed. Know what you are getting. All-encompassing form.
- Promotional seminars on specialized topics. Informative webpage. Downloadable book. Partner with someone or a business I know (referral).
- We would offer a free consultation to ALL potential clients. We would also offer upfront, flat rate pricing for specific services.

APPENDIX A: SURVEY RESULTS

Preliminary Results – February 1, 2018

Hello, my name is _____, calling with Lighthouse Research. We're conducting a survey with residents in the area about their perceptions and usage of various local services. May I ask you some questions?

1. I first need to verify that you live in the state of Utah. Is that correct?

	Count	%
Yes	533	100%
No	0	0%

2. What county do you LIVE in?

	Count	%
Beaver	5	1%
Box Elder	9	2%
Cache	28	5%
Carbon	5	1%
Daggett	0	0%
Davis	62	12%
Duchesne	7	1%
Emery	6	1%
Garfield	2	0%
Grand	1	0%
Iron	9	2%
Juab	2	0%
Kane	1	0%
Millard	1	0%
Morgan	2	0%

	Count	%
Piute	0	0%
Rich	1	0%
Salt Lake	165	31%
San Juan	2	0%
Sanpete	6	1%
Sevier	5	1%
Summit	7	1%
Tooele	11	2%
Uintah	6	1%
Utah	111	21%
Wasatch	3	1%
Washington	33	6%
Wayne	1	0%
Weber	37	7%

3. Record gender by observation.

	Count	%
Male	259	49%
Female	274	51%

4. Which of the following ranges includes your age?

	Count	%
0 = Younger than 18	0	0%
1 = 18 to 24	70	13%
2 = 25 to 34	144	27%
3 = 35 to 44	87	16%
4 = 45 to 54	70	13%
5 = 55 to 64	58	11%
6 = 65 and Over	102	19%
<i>Average Mean</i>	3.39	
<i>Median</i>	3.00	

5. First, I would like to ask you where or who would you go to if you needed assistance with each of the following? Where or who would you go to if you needed assistance with...

Difficulties When Buying or Selling a Home

	Count	%
Accountant / Tax Advisor	1	0%
Friend, Family Member, Coworker	90	17%
Financial Advisor	6	1%
Lawyer	17	3%
Internet (specify)	6	1%
Real Estate Agent	258	48%
Other (Specify)	80	15%
I Would NOT Seek Advice / I Would Deal with It Myself	29	5%
Don't Know	78	15%

(For a list of verbatim 'other' responses, see Appendix E.)

Separation, Divorce, or Custody of your Children

	Count	%
Accountant / Tax Advisor	1	0%
Friend, Family Member, Coworker	41	8%
Financial Advisor	0	0%
Lawyer	306	57%
Internet (specify)	7	1%
Real Estate Agent	0	0%
Other (Specify)	50	9%
I Would NOT Seek Advice / I Would Deal with It Myself	25	5%
Don't Know	90	17%

(For a list of verbatim 'other' responses, see Appendix E.)

Personal Finance Matters, such as Bankruptcy or Tax Issues

	Count	%
Accountant / Tax Advisor	148	28%
Friend, Family Member, Coworker	91	17%
Financial Advisor	79	15%
Lawyer	42	8%
Internet (specify)	14	3%
Real Estate Agent	1	0%
Other (Specify)	105	20%
I Would NOT Seek Advice / I Would Deal with It Myself	28	5%
Don't Know	58	11%

(For a list of verbatim 'other' responses, see Appendix E.)

Planning for or Managing Your Estate or Retirement

	Count	%
Accountant / Tax Advisor	22	4%
Friend, Family Member, Coworker	68	13%
Financial Advisor	106	20%
Lawyer	113	21%
Internet (specify)	6	1%
Real Estate Agent	4	1%
Other (Specify)	103	19%
I Would NOT Seek Advice / I Would Deal with It Myself	32	6%
Don't Know	88	17%

(For a list of verbatim 'other' responses, see Appendix E.)

Serious Traffic Citation or a Criminal Charge

	Count	%
Accountant / Tax Advisor	1	0%
Friend, Family Member, Coworker	60	11%
Financial Advisor	2	0%
Lawyer	300	56%
Internet (specify)	8	2%
Real Estate Agent	0	0%
Other (Specify)	80	15%
I Would NOT Seek Advice / I Would Deal with It Myself	12	2%
Don't Know	75	14%

(For a list of verbatim 'other' responses, see Appendix E.)

6. For what situations might you personally use a lawyer?

	Count	%
A Dispute with a Business	10	2%
A Dispute with a Neighbor	8	2%
Difficulties when Buying or Selling a Home	12	2%
Concerns over Your Treatment at Work	5	1%
Doing a Lease or Other Contract	9	2%
Lawsuits	115	22%
Personal Finance Matters, such as Debt or Tax Issues	29	5%
Personal Injury (Car Accidents, Workers Comp, Medical Malpractice)	50	9%
Planning for or Managing Your Estate or Retirement	65	12%
Separation, Divorce, or Custody of Children	138	26%
Serious Traffic Citation or a Criminal Charge	79	15%
Other (Specify)	177	33%
Don't Know	81	15%

7. Have you ever used the services of a lawyer before?

	Count	%
Yes	252	47%
No	281	53%
Don't Remember	0	0%

8. If "Yes" in Q7: Where or how did you find that lawyer?

	Count	%
Advertising (TV, Radio, Newspaper, Billboards, etc.)	10	4%
Internet Search / Google	21	8%
Word of Mouth (Friend, Family, Co-worker)	141	56%
I Personally Know the Lawyer	38	15%
Through Another Business (Realtor, Broker, Financial Advisor, etc.)	5	2%
They Were Assigned to Me by the Court	8	3%
I've Used This Lawyer or Law Firm Before	2	1%
Other (Specify)	39	16%
Don't Remember	6	2%

9. If "Yes" in Q11: What was the situation you used a lawyer for most recently?

	Count	%
A Dispute with a Business	4	2%
A Dispute with a Neighbor	0	0%
Difficulties when Buying or Selling a Home	6	3%
Concerns over Your Treatment at Work	0	0%
Doing a Lease or Other Contract	10	4%
Lawsuits	7	3%
Personal Finance Matters, such as Debt or Tax Issues	15	6%
Personal Injury (Car Accidents, Workers Comp, Medical Malpractice)	12	5%
Planning for or Managing Your Estate or Retirement	30	13%
Separation, Divorce, or Custody of Children	46	19%
Serious Traffic Citation or a Criminal Charge	14	6%
Other (Specify)	92	39%
Don't Know	3	1%

10. Using a one-to-seven rating scale where one is "strongly disagree" and seven is "strongly agree," please tell me how much you agree or disagree with the following statements.

Lawyers provide assistance to issues I cannot handle on my own.

	Count	%
1 = Strongly Disagree	12	2%
2	3	1%
3	8	2%
4	23	4%
5	79	15%
6	113	21%
7 = Strongly Agree	293	55%
Average Mean	6.14	
Median	7.00	
Don't Know	1	0%

Lawyers act in the best interest of their clients.

	Count	%
1 = Strongly Disagree	12	2%
2	18	3%
3	37	7%
4	71	13%
5	163	31%
6	120	23%
7 = Strongly Agree	100	19%
Average Mean	5.14	
Median	5.00	
Don't Know	9	2%

Lawyers maintain strict confidentiality.

	Count	%
1 = Strongly Disagree	12	2%
2	3	1%
3	19	4%
4	22	4%
5	74	14%
6	143	27%
7 = Strongly Agree	248	47%
Average Mean	6.00	
Median	6.00	
Don't Know	10	2%

A lawyer can be a confidant, or someone I can trust.

	Count	%
1 = Strongly Disagree	16	3%
2	15	3%
3	32	6%
4	46	9%
5	117	22%
6	133	25%
7 = Strongly Agree	170	32%
Average Mean	5.48	
Median	6.00	
Don't Know	4	1%

11. Imagine you needed the assistance of a lawyer today. Where would you go to find a lawyer?

	Count	%
I Already Have a Lawyer	60	11%
I Personally Know a Lawyer	75	14%
Internet Search / Google	149	28%
Referral / Word of Mouth (Friend, Family, Coworker)	229	43%
Rating or Review Website	16	3%
Other (Specify)	74	14%
Don't Know	20	4%

12. Using a one-to-seven rating scale where one is "very negative," seven is "very positive," and four is "neutral," please rate your impression of lawyers.

	Count	%
1 = Very Negative	11	2%
2	16	3%
3	32	6%
4 = Neutral	179	34%
5	146	28%
6	87	16%
7 = Very Positive	51	10%
Average Mean	4.72	
Median	5.00	
Don't Know	8	2%

13. I am now going to read you a list of various situations individuals may find themselves in, and I would like you to rate how likely you would be to use a lawyer if you were in each of those situations. Please use a one-to-seven scale where one is "not at all likely" and seven is "very likely."

A Dispute with a Business

	Count	%
1 = Not at all Likely	43	8%
2	35	7%
3	51	10%
4	99	19%
5	126	24%
6	82	15%
7 = Very Likely	91	17%
Average Mean	4.59	
Median	5.00	
Don't Know	4	1%

A Dispute with a Neighbor

	Count	%
1 = Not at all Likely	170	32%
2	101	19%
3	80	15%
4	86	16%
5	60	11%
6	16	3%
7 = Very Likely	16	3%
Average Mean	2.77	
Median	2.00	
Don't Know	1	0%

Difficulties with Buying or Selling a Home

	Count	%
1 = Not at all Likely	133	25%
2	111	21%
3	64	12%
4	96	18%
5	67	13%
6	22	4%
7 = Very Likely	33	6%
Average Mean	3.10	
Median	3.00	
Don't Know	2	0%

Concerns Over Your Treatment at Work

	Count	%
1 = Not at all Likely	100	19%
2	65	12%
3	76	15%
4	115	22%
5	89	17%
6	35	7%
7 = Very Likely	36	7%
Average Mean	3.54	
Median	4.00	
Don't Know	7	1%

Doing a Lease or Other Contract

	Count	%
1 = Not at all Likely	85	16%
2	72	14%
3	62	12%
4	93	18%
5	90	17%
6	57	11%
7 = Very Likely	71	13%
Average Mean	3.92	
Median	4.00	
Don't Know	2	0%

Lawsuits

	Count	%
1 = Not at all Likely	13	3%
2	4	1%
3	6	1%
4	13	3%
5	41	9%
6	76	16%
7 = Very Likely	327	68%
Average Mean	6.34	
Median	7.00	
Don't Know	2	0%

Separation, Divorce, or Custody of Children

	Count	%
1 = Not at all Likely	26	5%
2	13	3%
3	10	2%
4	33	6%
5	49	9%
6	96	18%
7 = Very Likely	298	56%
Average Mean	5.94	
Median	7.00	
Don't Know	5	1%

Personal Finance Matters, such as Debt or Tax Issues

	Count	%
1 = Not at all Likely	106	20%
2	80	15%
3	60	11%
4	88	17%
5	89	17%
6	48	9%
7 = Very Likely	54	10%
Average Mean	3.64	
Median	4.00	
Don't Know	4	1%

Personal Injury

	Count	%
1 = Not at all Likely	42	9%
2	25	5%
3	40	8%
4	80	17%
5	100	21%
6	78	16%
7 = Very Likely	114	24%
Average Mean	4.80	
Median	5.00	
Don't Know	3	1%

Planning for or Managing Your Estate or Retirement

	Count	%
1 = Not at all Likely	56	11%
2	46	9%
3	45	9%
4	87	16%
5	93	18%
6	78	15%
7 = Very Likely	123	23%
Average Mean	4.59	
Median	5.00	
Don't Know	1	0%

Serious Traffic Citation or a Criminal Charge

	Count	%
1 = Not at all Likely	26	5%
2	7	1%
3	17	3%
4	31	6%
5	76	14%
6	117	22%
7 = Very Likely	252	48%
Average Mean	5.82	
Median	6.00	
Don't Know	4	1%

14. What do you believe is the biggest barrier preventing individuals from using services provided by a lawyer?

	Count	%
Cost	405	76%
Not Knowing Where to Start	17	3%
Not Knowing How a Lawyer Can Help	16	3%
Lack of Trust	37	7%
Other (Specify)	38	7%
Don't Know	19	4%

(For a list of verbatim 'other' responses, see Appendix E.)

15. What do you believe is the NEXT biggest barrier?

	Count	%
Cost	59	12%
Not Knowing Where to Start	42	8%
Not Knowing How a Lawyer Can Help	54	11%
Lack of Trust	73	14%
Other (Specify)	174	34%
Don't Know / No Other Barriers	107	21%

(For a list of verbatim 'other' responses, see Appendix E.)

16. If you were to utilize the services provided by a lawyer, which of the following types of fee arrangements would you prefer? Would you prefer...

	Count	%
A Set Amount for a Specific Task or Service	116	22%
A Firm Quote for an Entire Case or Project	139	26%
An Hourly Rate	42	8%
A Fee That Depended on the Result, whether in Part or in Whole	129	24%
A Monthly Charge for Certain Ongoing Services	57	11%
Other (Specify)	33	6%
Don't Know	13	3%

(For a list of verbatim 'other' responses, see Appendix E.)

I just have a few more questions for statistical purposes.

17. What is your marital status?

	Count	%
Single, Never Married	108	21%
Married	358	68%
Divorced	35	7%
Separated	3	1%
Widowed	20	4%
Other (Specify)	2	0%

(For a list of verbatim 'other' responses, see Appendix E.)

18. Do you have children under the age of 18 in the home?

	Count	%
Yes	220	42%
No	306	58%

19. What is your race or ethnic background?

	Count	%
White, Caucasian	470	92%
Hispanic, Latino	16	3%
Black, African American	5	1%
Asian, Pacific Islander	8	2%
Native American, Alaska Native	2	0%
Other (Specify)	12	2%

20. Which of the following best describes your highest level of education?

	Count	%
Less than High School	4	1%
High School Graduate / GED	50	10%
Some College or Technical Training	192	37%
College Graduate	180	34%
Post-college Graduate	100	19%

21. Which of the following best describes your annual household income?

	Count	%
1 = Less than \$20,000	47	10%
2 = \$20,000 to \$34,999	53	11%
3 = \$35,000 to \$49,999	87	18%
4 = \$50,000 to \$74,999	108	23%
5 = \$75,000 to \$99,999	85	18%
6 = \$100,000 to \$149,999	66	14%
7 = \$150,000 or More	34	7%
<i>Average Mean</i>	3.97	
<i>Median</i>	4.00	

This concludes our survey. We thank you for your time and opinions.

TAB
2

Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

Richard H. Schwermer
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

February 13, 2018

Board of Bar Commissioners
Utah Law and Justice Center
645 South 200 East
Salt Lake City, UT 84111

Dear Board of Bar Commissioners,

In July 2015, the Utah State Bar's Futures Commission issued a Report on the Future of Legal Services in Utah. In the report, the Futures Commission stated:

We have concluded that to assure access to quality affordable legal services for all, there needs to be transformational change in the legal profession. (p1)

Part of the transformational change discussed by the Futures Commission was the efforts of the Supreme Court's Task Force on limited legal licensed technicians and the potential for people other than lawyers to meet some of the needs for access to justice. The report stated:

We recommend that the Bar Commission follow that effort and assist however it can to facilitate the provision of affordable legal services to the people of Utah. (p7)

The Utah Supreme Court recognizes and appreciates the dedicated work of many members of the Utah State Bar who served on the LPP Task Force, and then the Steering Committee. The Court's steering committee has completed most of the work to implement the new Licensed Paralegal Practitioner (LPP) program which will allow paralegals who have additional training to practice law on a limited basis in the areas of debt collection, family law, and eviction proceedings, using forms developed by a specially appointed committee and approved by the Judicial Council. Rules for the LPP program were approved by the Supreme Court for publication, including minimum education requirements, learning objectives and required curricula, licensing, mentoring, continuing education, service to the community, and rules of professional responsibility and discipline. We anticipate that courses will be offered in Fall 2018, with the first LPPs admitted as early as 2019. This will make Utah the second state in the country to embrace this new profession – a profession created with the goal of improving access to justice for all Utahns.

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


The LPP program is now ready for some assistance from the Board of Bar Commissioners. The LPP Steering Committee has two requests.

Our first request is for the Utah State Bar to include in its budget the expenses for regulating and licensing LPPs. We encourage the Bar to consider covering some of the expenses of regulation and licensing without seeking to recover all the cost from LPP licensing fees. The LPP Steering Committee believes that it is important to avoid creating barriers to entry into the profession.

Our second request is for the Bar to include in its budget the expense of hiring a professional test development service for the licensing test for LPPs. We need to develop a question bank with a minimum number of questions from which each exam can be randomly generated. Although individually generated for each test-taker, the exams must be of equal difficulty. After receiving training from a person with expertise in test development, the LPP Steering Committee attempted to draft one segment of the test and concluded that in addition to being time consuming, drafting a test in-house, as it were, would not likely generate a test that was fair for all test-takers. After consulting with the state of Washington's licensed paralegal program, the committee learned that a test development service is able to create test questions that can withstand legal challenges. The committee obtained a bid for a test development service, and that bid is attached for your review.

We appreciate the Board of Bar Commissioners' consideration of our requests for funding for parts of the LPP program.

Sincerely,

A handwritten signature in cursive script that reads "Catherine J. Dupont". The signature is written in dark ink and is positioned above the printed name and title.

Catherine J Dupont
Appellate Courts Administrator
Staff, LPP Steering Committee

**Cost Estimate to Provide Test
Development Services for the Licensed
Paralegal Practitioner**

Professional Responsibility Exam

Utah State Bar



ERGOMETRICS
& Applied Personnel
Research, Inc.

ERGOMETRICS

Utah State Bar

Test Development for Licensed Paralegal Practitioner Professional Responsibility Exam

Developed by:

Sarah Bowen, M.A.

Carl Swander, Ph.D.

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Email: proposals@ergometrics.org
www.ergometrics.org

Section

1

Profile and Experience

Ergometrics' 36 years of experience have been entirely focused on development and administration of high stakes, psychometrically valid professional examinations. We have more than 2,000 clients across the U.S. and Canada. Ergometrics' Professional Services Team currently has a dozen employees assigned to various aspects of serving our clients' needs.

Ergometrics provides licensing exam services that comply with all national standards, including National Council on Measurement in Education, the American Education Research Association, and the American Psychological Association. Ergometrics has experience developing and administering exams for limited licenses within the legal profession.

Our testing systems and validation research have been reviewed by the USDOJ and EEOC. We have provided expert testimony in superior and federal courts. We will bring all this experience and dedication to every aspect of our work with the Utah State Bar.

Nationally recognized in the field, our award-winning test developers are highly knowledgeable about all testing guidelines, including:

- the National Council on Measurement in Education,
- the American Education Research Association, and
- the American Psychological Association,
- the Americans with Disabilities Act,
- the Uniform Guidelines,
- and related case history.

Exam Development Experience

Ergometrics provides high stakes tests to public sector organizations for hiring police officers, firefighters and other critical public safety occupations. Our development team fully understands the consequences and impact of testing. We bring full professional knowledge and well-developed philosophy to exam development for the Utah State Bar.

We have developed hundreds of written exams for a wide variety of occupational areas including:

- | | |
|-------------------------------|------------------------------|
| ▪ Cosmetologists | ▪ Civil Engineer |
| ▪ Office Clerks | ▪ Administrative Technicians |
| ▪ Land Surveyors | ▪ Attorney General |
| ▪ Bank Tellers | ▪ Investigators |
| ▪ Federal Security Guard | ▪ Laboratory Assistants |
| ▪ Fire Fighters | ▪ Limited Legal Technicians |
| ▪ Law Enforcement Officers | ▪ Limited Practice Officers |
| ▪ Adult Correctional Officers | |
| ▪ Bus operators | |
| ▪ Dispatchers | |

Experience Providing Limited Legal License Services

We have specific experience in the development of limited legal licensure exams in the state of Washington. We have provided the following key services to each of those programs:

- Customized exam plan development
- Written and/or practical test development
- Comprehensive exam review with subject matter experts
- Ongoing review and revisions to item database
- Documentation of the test development process

Other Related Experience

There are many reasons for the Utah State Bar to use Ergometrics, including:

- Award winning exam developers and tests.
- Ergometrics' tests have been given to millions of applicants, often in highly litigious settings.
- Decades of experience managing hundreds of large and complex projects, including multi-jurisdictional test research and validation projects for states and large cities.
- Decades of experience developing customized, occupationally specific tests.
- Test developers highly sensitive to issues and parameters of testing, such as, adverse impact, the Americans with Disabilities Act, the Uniform Guidelines, the APA Standards and case history.
- Complete validity documentation that meets or exceeds legal and professional standards.
- Experience giving expert witness testimony services in superior court and in federal court on test validation and related areas.

Section

2

Scope of Work

Development of LPP Exam Components

The purpose of this project is for Ergometrics to work with the Utah State Bar and subject matter experts (SMEs) provided by the Utah State Bar to develop all content for a job-related licensing exam for Licensed Paralegal Practitioner (LPP). Currently, the Utah State Bar does not have a testing process for the LPP position, and is seeking to develop a testing process for assessing LPP candidates.

Ergometrics can provide testing services for the year 2018. In doing so, Ergometrics will work closely with the Utah State Bar and SMEs provided by the Utah State Bar to ensure the relevance of test content and validity of the examination. While the specifications and exam blueprint for the LPP exam is to-be-determined, the development costs are estimated as follows:

- Creation of exam content specifications (i.e. exam blueprint).
- Development of a 150-multiple-choice item database for the Ethics practice area based on source content or scenarios identified in conjunction with SMEs.
- Development of a 150-multiple-choice item database for the Domestic Relations practice area based on source content or scenarios identified in conjunction with SMEs.
- Development of a 75-multiple-choice item database for the Debtor/Creditor practice area based on source content or scenarios identified in conjunction with SMEs.
- Development of a 75-multiple-choice item database for the Landlord/Tenant practice area based on source content or scenarios identified in conjunction with SMEs.
- Review and approval of all multiple-choice items by SMEs.
- Development of two essay questions for the Domestic Relations exam (one to be more practical in nature and one to be more substantive in nature).
- Development of two practical essay questions, one for each practice area: Debtor/Creditor and Landlord/Tenant.
- Report documenting details of development process.

Item Development Procedures

Development procedures critically impact the entire exam process, including validity, reliability, item functioning, candidate protests and litigation. As selection consultants, we understand the legal parameters of testing and are aware of issues that arise in litigation. As such, we follow an extremely rigorous, scientific, and proven process to develop the highest quality items.

Ergometrics' staff are experts in item development, have taught professional classes on the subject, and have created thousands of items. Our test writing staff are extensively trained in proper test development techniques and develop tests solely for use in selection and promotion.

We are well versed in the generally understood rules for effective item writing, such as:

- ✓ Using appropriate Item style.
- ✓ Avoiding the use of pronouns such as he, she, her him, etc.
- ✓ Avoiding any language that could be construed as discriminatory in any way.
- ✓ Providing clear and concise stems.
- ✓ Simplicity of expression and appropriate reading level.
- ✓ Assuring stems are grammatically consistent with response choices.
- ✓ Keeping answers as short as possible and having answer choices of similar length.
- ✓ Avoiding negatively worded items.
- ✓ Having only one best answer, but all distracters plausible.
- ✓ Avoiding inadvertent tips in the wrong answers.
- ✓ Avoiding “none of the above” or “all of the above”.
- ✓ Avoiding dependent items.
- ✓ Avoiding distracters or combinations of distracters that tip the correct answer.
- ✓ Having answer choices that grammatically relate to the stem.
- ✓ Avoiding using less definite terms such as generally, often, etc.
- ✓ Avoiding overlapping responses, such as ranges.
- ✓ Having answer choices placed in a logical order such as ascending numbers.

Of even more importance is picking the right topics on which to write test items. All items are reviewed by our test writing experts for appropriateness of content, relevance to actual daily work practice and appropriateness for employment decision making. We strive for a mix of practical application, general job knowledge, problem solving and analysis questions.

All items developed for the exams will be new items that are created specifically for the department. Each item will have a stem and four answer choices (A, B, C and D). For each question there will be one correct answer choice and three incorrect answer choices.

Item Review Process

Each item will go through extensive evaluation by Ergometrics staff members. When looking at all test items we will review the following:

- ✓ The content to be sure it reflects important aspects of the referenced text most relevant to actual job performance.
- ✓ The item format to be sure it is written to reflect principles of good test items.
- ✓ The grammar of the entire question for inaccuracies and clarity of expression.
- ✓ The question content for accuracy in regard to the reference text.
- ✓ The question answers to ensure all options are accurate in regard to the text.
- ✓ No obvious signs of bias or potential for impact on different subgroups.

Department Review

Following Ergometrics’ in-house review of the exam items, Ergometrics will facilitate a review with SMEs from the Utah State Bar. These SMEs will review the questions to ensure their validity and relevancy to the LLP practice areas and they will have the option to revise or remove any unnecessary questions.

Section

3

Cost of Services

Provided below is an estimated cost of services to be provided as part of the development of the 2018 LPP exam, based on Ergometrics' current understanding of the services desired. Please note, prices are subject to change should the scope of the project change. Additionally, prices do not include any payment of SMEs – should the need arise to pay SMEs, the costs will need to be adjusted accordingly. To save on the cost of SMEs, Ergometrics recommends that the Utah State Bar provide internal SMEs for item development and review.

Services	Detailed Description of Services	Cost
Creation of Exam Blueprint/Specifications	Ergometrics will work with the Utah State Bar SMEs to develop an exam blueprint to identify which components should be included on the test and how the test content is assessed by the items.	\$2,200.00
Development of multiple-choice items	Ergometrics will work with subject matter experts (SMEs) to develop multiple-choice item databases and to determine the difficulty of each item and to make sure content is appropriate. Ergometrics will work with SMEs to ensure that the items are accurate as to statutory and case law during the review process. Items will also be reviewed for spelling, grammar, and formatting. Item databases will be developed as follows: <ul style="list-style-type: none"> ▪ Ethics: 150-multiple-choice items ▪ Domestic Relations: 150-multiple-choice items ▪ Debtor/Creditor: 75-multiple-choice items ▪ Landlord/Tenant: 75-multiple-choice items 	\$22,500.00 (Cost per item is \$50, with a minimum of 40 items)
Review and Approval of Multiple-choice Items	Ergometrics will submit final questions for approval by the Utah State Bar. Ergometrics will work with SMEs to make any final edits to the items.	\$4,800.00
Essay Development	Ergometrics will develop two essay questions for the Domestic Relations exam, as well as one essay question for both the Debtor/Creditor exam and the Landlord/Tenant exam. Ergometrics will develop scoring indicators for each essay question. Ergometrics will review questions and scoring indicators with SMEs.	\$4,800.00
Final Report and Documentation	Ergometrics will track development of items and provide a comprehensive item database. Ergometrics will provide a final report documenting the development of the entire process.	\$2,400.00
Estimated Total Cost:		\$36,700.00

TAB
3



The Downey Mansion
808 East South Temple Street
Salt Lake City, Utah 84102
801-538-5000
Fax: 801-538-5001
www.learlaw.com

VIA HAND DELIVERY
John Lund, President
John Baldwin
c/o Michelle Oldroyd
Utah State Bar
645 South 200 East
Salt Lake City, UT 84111

RE: Petition to Organize Legal Entrepreneurs Law Section of Utah State Bar

Dear John, John and Michelle:

Enclosed are signed copies of the petition to organize the Legal Entrepreneurs Law Section of the Utah State Bar, along with proposed Bylaws and the requisite signatures and a \$500 check written to the Utah State Bar. Thank you for your help along the way as we begin to organize this section. Please let us know if you have any other recommendations, instructions or questions.

Sincerely,

LEAR & LEAR, L.L.P.

A handwritten signature in dark ink, appearing to read "Ben Lear". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ben Lear

Encl: Petition, Bylaws, check

Petition to Organize Legal Entrepreneurs Section of Utah State Bar

This Petition requests organization of the Legal Entrepreneur Section of the Utah State Bar. This proposed Section of the Bar will serve to organize, educate, and unite lawyers seeking innovative and creative ways to leverage technology, organize their practices and build their firms to better serve the public.

This Petition includes the following:

1. Signatures of at least 25 members of the Utah State Bar indicating intent to become charter members of the section;
2. Initial Section start-up fund \$500;
3. Copy of proposed Section Bylaws, modeled generally after the form prescribed by the Board for all sections;
4. Proposed dues schedule of \$20 per month; we propose that dues will be used for section meetings and business, to sponsor legal-entrepreneur-related speakers (including, for example, travel-related expenses for speakers), and to foster education and promote professional networking opportunities;
5. Identification of initial officers who will act as Section Officers until official elections can be held, including Chair, Vice-Chair and Secretary-Treasurer.

It is our understanding that the Utah State Bar will receive and act on this Petition a regular convened Commission Meeting.

It is also our understanding that following approval, the Section will be responsible for its own membership and operations, subject at all times to the overall authority of the Utah State Bar. Once organized, the Section will continue in existence until dissolved by action of the Utah State Bar.

Signature

The required 25+ signatures are attached hereto

Initial Section Start-Up Fee of \$500

The required fee accompanies this Petition.

Proposed Bylaws

The proposed Bylaws are attached

Proposed Yearly Section Dues

\$20 per year per Section member

Identification of Initial Officers


The Undersigned hereby declare their intent to serve as the initial officers of the Legal Entrepreneur Section of the Utah State Bar until official section elections can be held:

Chair: Ben Lear, Esq.
Lear & Lear
The Downey Mansion
808 East South Temple Street
Salt Lake City, UT 84102

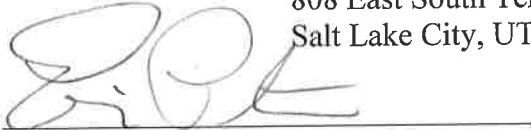


Ben Lear

Vice-Chair: Cathryn Graham, Esq.
Graham Law Group
1039 South 1200 East
Salt Lake City, UT 84105


Cathryn Graham

Treasurer-Secretary: Erin Preston, Esq.
Lear & Lear
Of counsel
The Downey Mansion
808 East South Temple Street
Salt Lake City, UT 84102

A handwritten signature in black ink, appearing to read 'Erin Preston', written over a horizontal line.

Erin Preston

TAB
4

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

**JANUARY 12, 2018
LAW AND JUSTICE CENTER**

- In Attendance:** President John Lund, President-elect H. Dickson Burton, Commissioners: John Bradley, Steven Burt, Kate Conyers, Heather Farnsworth, Mary Kay Griffin, Liisa Hancock, Mark Morris, Herm Olsen, Michelle Quist, Cara Tangaro, Heather Thuet, and Katie Woods.
- Ex-Officio Members:** Acting Dean Bob Keiter, Nate Adler, Erik Christiansen, Julie Emery, Dani Cepernich, Rob Rice, Dean Gordon Smith, Jamie Sorenson, and Bebe Vanek.
- Not in Attendance:** Grace Acosta, and Ex-Officio members Amy Fowler, Diana Hagen and Margaret Plane.
- Also in Attendance:** Executive Director John C. Baldwin, Assistant Executive Director Richard Dibblee, General Counsel Elizabeth A. Wright and Supreme Court Liaison Catherine Dupont.

Minutes: 9:08 a.m. start

1. President's Report: John Lund

- 1.1 Recognize Billy Walker's 20 Years of Service in OPC.** Billy Walker and the OPC staff joined the Commission to recognize Billy Walker for 20 years of service to the Bar.
- 1.2 Review Phone Conference Calendar & Legislative Breakfast.** John Lund explained the Governmental Relations weekly meetings and procedures for review of relevant legislation during the legislative session. He also explained that the Commission will be having weekly telephone meetings to discuss legislation considered by the Governmental Relations Committee. Court rules govern whether the Bar can take a position on legislation and the procedures for doing so.
- 1.3 Report on Diversity/Inclusion Post Meeting Actions.** John Lund reported on his outreach to affinity groups following the "Deep Dive" discussion at the December Commission meeting regarding efforts to improve diversity and inclusion within the Bar and the profession. Bar policies will be amended to require diversity and inclusion in committee appointments and CLE presenters.
- 1.4 Sun Valley Room Reservation Reminder.** Commissioners were reminded to make lodging arrangements as soon as possible.

- 1.5 Report on Practice Portal Focus Group.** A focus group will meet in January to discuss the pros and cons of the new Practice Portal and to provide feedback on its usefulness and possible improvements.
- 1.6 Report on Lighthouse Survey and Focus Groups.** Phone surveys are underway and focus groups will begin at the conclusion of the phone surveys. Mark Morris will make arrangements for those Commissioners who would like to observe the focus groups. Report on the findings is expected two to three weeks after focus groups are concluded.
- 1.7 Legislative Session Update.** The Commission discussed proposed legislation to amend the Utah Constitution to take away the Supreme's Court's authority to regulate lawyers who do not appear before the courts. Representative Norm Thurston is running the legislation out of frustration with lawyers who send fee demand letters along with demands to business to cure signs, ramps or other building components that violate the ADA. The letters demand fees that have not been earned. The businesses often pay the fees in order to avoid the larger cost of objecting to the demand. Representative Thurston believes the Bar and the courts have failed to stop these predatory fee demands. Rob Rice pointed out that there have been recent federal court rulings in Utah and other jurisdictions striking the fees and punishing lawyers for the fee demands. He also pointed out that some states have been successful in disbaring lawyers who send demands for unearned fees along with notices of ADA violations.

John Lund and Frank Pignanelli will meet with Representative Thurston to explain what the legal community has been and can be doing to lawyers who demand unearned fees.

2. Action Items

- 2.1 Nominate Bar President-Elect Candidates.** After a presentation from Herm Olsen, Heather Farnsworth moved to nominate Herm Olsen to run for Bar President-elect. Michelle Quist seconded the motion which passed unopposed.
- 2.2 Select Dorathy Merrill Brothers Award Recipient.** After a discussion of the nominees and a paper ballot vote, Kate Conyers moved to select Ellen Maycock to receive the award. Heather Farnsworth seconded the motion which passed unopposed. Mary Kay Griffin recused herself from the vote.
- 2.3 Select Raymond S. Uno Award Recipient.** Cara Tangaro moved to select Judge Augustus Chin for the award. Mark Morris seconded the motion which passed unopposed.
- 2.4 Approve Diversity Amendments to Commission Policies.** The Commission considered proposed changes to the Bar's Policies and Procedures to foster diversity and inclusion in CLE presentations and in Committee membership and leadership. Various Commissioners proposed small changes. The changes will be made and presented for a vote at the March Commission meeting.

- 2.5 Approve Ad Hoc Committee on Survey and Focus Groups.** The Commission skipped this item because it was discussed under item 1.6.
- 2.6 Approve Access to Justice Committee Chairs and Charge.** Liisa Hancock moved to approve the Charge to the Access to Justice Standing Committee and to appoint Retired Justice Christine Durham to Co-chair the Committee and to provisionally appoint a Co-Chair. Kate Conyers seconded the motion which passed unopposed.
- 2.7 Appoint Hon. Evelyn Furse as 2019 Summer Convention Co-chair.** Heather Farnsworth moved to appoint Judge Eve Furse as Co-Chair of the 2019 Summer Convention. Herm Olsen seconded the motion which passed unopposed.
- 2.8 Appoint Josh Player as NLTP Committee Vice-chair.** John Bradley moved to appoint Josh Player as Vice Chair of the NLTP Committee. Heather Farnsworth seconded the motion which passed unopposed.

Out of Order 4.2 Breakfast of Champions Report. Michelle Quist reported that the Breakfast will take place on February 22, 2018 at the Alta Club. A request for nominations will be going out soon.

- 2.9 Approve Licensed lawyer Marketing Proposal: Matt Page.** Bar Communications Director Matt Page presented various proposals and marketing budgets to promote LicensedLawyer to the public. The proposed budget would cover marketing expenses through the remainder of the fiscal year. **Heather Farnsworth moved to approve the \$39,000 marketing plan that will coincide with the results of the Lighthouse survey regarding individual and small business use of legal services.** Herm Olsen seconded the motion which passed unopposed.

3. Current Issue “Deep Dive”

- 3.1 Training Lawyers in Law School & Beyond.** The Commission heard presentations and discussed practical training for law students and new lawyers. Dean Smith gave a presentation on the multiple experiential learning opportunities to BYU law students. Lincoln Davies gave a similar report on the training and hands on learning opportunities available to U of U law students. NLTP Committee Chair Lesley Manley reported on the New Lawyer Training Program requirements. CLE Director Michelle Oldroyd reported on CLE opportunities and Chair of the Tech Committee, John Reese, reported on law school and Bar efforts to train lawyers in the use of technology.

4. Information Items

- 4.1 Spring Convention Report.** Dickson Burton reported on the keynote speakers for the March Convention.
- 4.2 Breakfast of Champions Report.** See above.

- 4.3 Awards Committee Report.** Heather Farnsworth reported that the Committee is being formed and will have its first meeting on February 12th.

The meeting adjourned at 12:45 p.m.

Consent Agenda

1. Approved Minutes from the December 8, 2017 Commission Meeting.
2. Approved Organization of Entertainment Law Section

Handouts

1. Charge to the Access to Justice Standing Committee
2. Dorathy Merrill Brothers Award nominations
3. December 2017 Financial Reports
4. Handout regarding Governmental Relations Committee meeting schedule, legislative calendar, useful legislative links and Rule 14-106

Utah State Bar Diversity and Inclusion Policy

The Bar values engaging all persons fully, including persons of different ages, disabilities, economic status, ethnicities, genders, geographic regions, national origins, sexual orientations, practice settings and areas, and races and religions. Not only is inclusion critical to the success of the Bar, the legal profession, and the judicial system, it is an essential component of a fair and equal justice system that should represent the growing diversity of our state

The Bar shall strive to:

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

The Bar shall include in its annual report its progress in meeting these diversity and inclusion goals.

(2) Committees.

In order to promote full and equal participation on Bar committees and to ensure that Bar committees are inclusive and that diverse perspectives are represented, the Bar President shall strive to recommend committee chairs and to appoint members who are diverse. Diverse means people who are different from each other because of age, race, ethnicity, gender, sexual orientation, gender identity, gender expression, and disability. The Bar should also strive to ensure that individuals from different geographical locations are represented on committees. As a general rule, members should only serve on one committee at a time. Solicitations of interest in committee assignments should be made on an annual basis to members of the Bar. Expressions of interest and diversity will be considered when composing committee membership rosters.

Chairs of committees are selected and approved by the Board, upon recommendation of the President. Each committee chair shall strive to recruit and foster diverse committee membership. Committee chairs shall also strive to recruit and prepare diverse members to attain leadership positions in the committee. The Bar President and Committee chairs should work with the Bar affinity groups and regional bars for outreach and recruitment in order to meet the requirements of this policy. Committee Chairs must report to the Commission on an annual basis regarding efforts to foster diverse membership and leadership.

(g) CLE Presenter Diversity Requirements.

In order to ensure that diverse perspectives are presented and that Utah State Bar CLE programs are inclusive, providers of continuing education programs sponsored or co-sponsored by the Bar must ensure that program presenters reasonably reflect the diversity of lawyers, geography of the state, employers and firms, within the Bar membership, and, to the extent possible, represent the diversity of the state. CLE program proposals may not inappropriately promote individual law firms. The CLE Director can assist providers in meeting this requirement by working with Bar affinity groups and regional bars to recruit presenters. This policy applies to all CLE programs whose faculty consists of three or more participants, including the moderator. “Diversity of lawyers” means people who are different from each other because of age, race, ethnicity, gender, sexual orientation, gender identity, disability and geographic location.

If the CLE Director believes a program does not meet this diversity requirement, the matter will be referred to the Executive Director for decision and an appropriate recommendation to the program provider. The CLE Director will report to the Executive Director on an annual basis regarding compliance with this diversity requirement.