

**Utah State Bar Commission
Friday, November 16, 2018
Utah Law & Justice Center**

Agenda

1. 9:00 a.m. President's Report: Dickson Burton

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|-----------------|-----|---|
| <i>05 Mins.</i> | 1.1 | Welcome |
| <i>05 Mins.</i> | 1.2 | Presentation of NLTP Mentoring Award to Denise Dragoo |
| <i>05 Mins.</i> | 1.3 | Legislative Breakfast Follow-Up |
| <i>05 Mins.</i> | 1.4 | Report on Access to Justice Summit: John Lund |
| <i>05 Mins.</i> | 1.5 | Report on Fall Forum |
| <i>20 Mins.</i> | 1.6 | Report on Professional Sales Tax Proposals |

2. 9:45 a.m. Action Items

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|-----------------|-----|---|
| <i>10 Mins.</i> | 2.1 | Lobbying Rebate Process & Calculation (For Action) (Tab 1, Page 3) |
| <i>20 Mins.</i> | 2.2 | Select Bar ABA Delegate (For Action) (Tab 2, Page 8) |
| <i>15 Mins.</i> | 2.3 | Client Security Fund Committee Report (For Action) (Tab 3, Page 72) |

3. 10:30 a.m. Information Items

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|-----------------|-----|---|
| <i>15 Mins.</i> | 3.1 | UCLI Report: Kate Conyers |
| <i>15 Mins.</i> | 3.2 | Innovation in Law Practice Committee Report: Heather White & Greg Hoole (Tab 4, Page 77) |
| <i>15 Mins.</i> | 3.3 | Disaster Legal Response Committee: Tracy Olson (Tab 5, Page 98) |

4. 11:15 a.m. Discussion Items

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| <i>10 Mins.</i> | 4.1 | Discipline Notice in Bar Journal: Herm Olsen |
| <i>20 Mins.</i> | 4.2 | Adding Public Members to Bar Commission (Tab 6, Page 100) |

5. 11:45 a.m. Executive Session

12:30 noon Adjourn

Consent Agenda (Tab 7, Page 102)

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

1. Minutes of October 12, 2018 Commission Meeting
2. Military Law Section By-Laws
3. \$100 Practice Pending Admission Application Fee

(Over)

Attachments (Tab 8, Page 117)

1. October Financials
2. Newspaper Articles

Calendar

2018

December 7	Executive Committee	12:00 Noon	
December 14	Commission Meeting	9:00 a.m.	Law & Justice Center

2019

January 2	President-elect Election Notices Due		
January 11	Executive Committee	12:00 Noon	
January 18	Commission Meeting	9:00 a.m.	Utah State Bar
January 23-28	ABA Mid-Year Meeting/NABE/NCBP		Las Vegas, Nevada
January 29	Conference Call Re: Legislature	4:00 p.m.	
February 1	Commission Election - Petitions, Statements, Photos Due		
February 5	Conference Call Re: Legislature	4:00 p.m.	
February 12	Conference Call Re: Legislature	4:00 p.m.	
February 19	Conference Call Re: Legislature	4:00 p.m.	
February 26	Conference Call Re: Legislature	4:00 p.m.	
February 26	Executive Committee	12:00 Noon	
February 26-27	Bar Examination	8:00 a.m.	Utah State Bar
March 5	Conference Call Re: Legislature	4:00 p.m.	
March 7	SUBA Luncheon	12:00 Noon	St. George, Utah
March 7	Commission Meeting	1:00 p.m.	St. George, Utah
March 7-9	Spring Convention		St. George, Utah
March 20	Election Email Message Due		
March 27-30	Western States Bar Conference		Lihue, Hawaii
April 1	Election-Online Balloting Begins		
April 5	Executive Committee	12:00 Noon	
April 9-11	ABA Day in Washington		Washington, D.C.
April 12	Commission Meeting	9:00 a.m.	?
April 15	Election-Online Balloting Ends		
May 10	Executive Committee	12:00 Noon	
May 17	Commission Meeting	9:00 a.m.	Utah State Bar
May ?	Admission Ceremony	12:00 Noon	State Capitol
July 12	Executive Committee	12:00 Noon	Utah State Bar
July 18	Commission Meeting	1:00 p.m.	Park City, Utah
July 18-20	Summer Convention		Park City, Utah

TAB
1

Utah State Bar®

MEMORANDUM

TO: Utah State Bar Board of Bar Commissioners

FROM: Elizabeth A. Wright

DATE: October 22, 2018

RE: Amendments to Legislative Rebate Rule 14-106

Attached for approval by the Commission are proposed changes to Rule 14-106 to make it consistent with the method the Bar uses to calculate the rebate the Bar offers to lawyers for money spent on legislative activities. Rule 14-106 resulted from December 1989 order of the Utah Supreme Court implementing a rebate procedure after a lawyer objected to the Bar's use of license fees for legislative activities.

CHANGES TO 14-106

The Bar proposes changes to Rule 14-106(c) to accurately describe how the Bar has historically calculated the rebate given to lawyers for the percentage of license fees used for lobbying. The current rule incorrectly describes a rebate based on the amount budgeted for legislative activity. In practice, the Bar calculates how much of each lawyer's license fees were actually spent on lobbying for the preceding 12-month period. In 1990 the Bar's switched accounting periods from a calendar year to a fiscal year and began a rebate based on actual as opposed to budgeted amounts. Rule 14-106 was not changed to reflect the new, more accurate rebate calculation method.

In addition to correctly describing the Bar's process, the proposed changes are fairer because, in theory, the Bar could budget an amount for lobbying and spend less. The Bar also proposes changes to the language in section (a)(4) to include Licensed Paralegal Practitioners.

KELLER BACKGROUND

The 1989 objection to Utah Bar legislative activity was one of many cases across the country in which mandatory bar members objected to the use of membership dues to finance certain ideological or political activities to which they were opposed claiming use of mandatory fees for lobbying the legislature, filing *amicus curiae* briefs, adopting resolutions on current issues and offering educational programs to non-lawyers violated their First Amendment rights to freedom of speech and association.

The United States Supreme Court settled the issue in *Keller v. State Bar of California*, 496 U.S. 1 (1990), when it held that integrated bars could constitutionally expend compulsory fees on activities reasonably related to the goals of regulating the legal profession and improving the quality of legal services. These activities were deemed "chargeable." The Court in *Keller* went on to hold that matters beyond the core purposes of the bar such as adopting resolutions opposing or supporting various political issues, although legitimate, would qualify as "non-chargeable." Under *Keller*, integrated bars can lawfully engage in non-chargeable activities if they offer members a rebate for the portion of license fees spent on non-chargeable activities.

BAR'S POLICY AND PROCEDURES

To comply with *Keller*, the Bar offers lawyers a rebate based on the percentage of the lawyer's licensing fees spent on *all* legislative activity. At the end of the Utah general legislative

session each year, the Board calculates all reasonable administrative expenses attributable to the Bar's legislative activities for the preceding 12-month period and identifies each lawyer's pro rata portion of the amount of license fees for the preceding 12-month period spent for legislative activities. The Bar then puts a notice in the *Bar Journal* notifying lawyers they can claim their rebate. The rebate is typically one or two dollars per year.

Rule 14-106. Authority to engage in legislative activities.

Pursuant to Article VIII, Section 4 of the Utah Constitution, the Supreme Court hereby authorizes and directs the Board to engage in legislative activities.

(a) The Board is authorized and directed to study and provide assistance on public policy issues and to adopt positions on behalf of the Board on public policy issues. The Board is authorized to review and analyze pending legislation, to provide technical assistance to the Utah Legislature, the Governor of Utah, the Utah Judicial Council and other public bodies upon request, and to adopt a position in support of or in opposition to a policy initiative, to adopt no position on a policy initiative, or to remain silent on a policy initiative. The position of the Board shall not be construed as the position of the Court or binding on the Court in any way.

(a)(1) The Board's consideration of public policy issues shall be limited to those issues concerning the courts of Utah, procedure and evidence in the courts, the administration of justice, the practice of law, and matters of substantive law on which the collective expertise of lawyers has special relevance and/or which may affect an individual's ability to access legal services or the legal system.

(a)(2) Public policy issues may be submitted to the Board for consideration in accordance with written procedures established by the Board.

(a)(3) The adoption of a Board position shall be in accordance with written procedures established by the Board.

(a)(4) The Board shall prepare and maintain a written record of the Board's positions on public policy issues and shall ensure reasonable notice and distribution to the Bar's members-licensed legal professionals. of the Bar.

(b) Governmental Relations Committee. The Board may establish a Governmental Relations Committee to assist in carrying out its responsibilities as set forth above. The committee's membership and procedures shall encourage broad participation and input and compliance with this policy.

(c) Legislative budget, rebates. ~~The Board shall establish, as part of its annual budget, a legislative budget which shall include all reasonable administrative expenses attributable to the Bar's legislative activities. At the end of the Utah general legislative session each year, The the Board shall calculate all reasonable administrative expenses attributable to the Bar's legislative activities for the preceding 12 month period, identify each member's licensed legal professional's -pro rata portion of the amount of license fees for the preceding 12 month period budgeted spent for legislative activities and establish a fair and equitable rebate procedure of that amount for any licensed legal professional Bar members who objects to any legislative position taken by the Board.~~

TAB
2

UTAH BAR COMMISSION MEETING AGENDA ITEM

Title: Select Bar Delegate to the ABA

Item # 2.2

Submitted by: John Baldwin

Meeting Date: November 16, 2018

ITEM/ISSUE:

The Utah State Bar Commission is seeking applicants to serve a two-year term as one of the Bar's two representatives in the American Bar Association's (ABA) House of Delegates for a term to run through the August 2020 ABA Annual Meeting. The Bar has one other representatives in the House of Delegates, as well as a representative from the Young Lawyers Division. The ABA Members in Utah also have an elected delegate.

The delegate is expected to attend the ABA's Midyear and Annual meetings and to participate in appropriate interim meetings and in conference calls as needed. There will also be some preparation work to review issues and communicate with and report to the Bar Commission on a regular basis. The delegate also serves as an *ex-officio* member of the Bar Commission and would be expected to attend regular Commission Meetings.

The delegate must be an active member in good standing of the Utah State Bar and a member in good standing of the ABA and meet all eligibility requirements set forth by the ABA.

APPLICANTS:

1. Nathan D. Alder
2. Mark Bettilyon
3. Brett Coombs
4. Kim Cordova
5. Brad DeHaan
6. David Hirschi
7. Catherine Hoskins
8. Joanna Landau
9. Russell K. Smith
10. Lloyd Waldan
11. Daniel Young

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X



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Nathan D. Alder
nathan.alder@chrisjen.com

November 8, 2018

President H. Dickson Burton
Utah State Bar Commission
Utah State Bar
645 South 200 East
Salt Lake City, UT 84111

Re: Appointment to the ABA House of Delegates – Representing the Commission

Dear President Burton and Members of the Utah State Bar Commission:

I am writing to indicate my desire to continue serving as the Utah State Bar Commission's representative to the ABA House of Delegates. I hope to be able to communicate reasons for your positive consideration.

1. **Leadership in the ABA.** I was humbled when Hilarie Bass, president-elect at the time, asked me to serve on her presidential appointments committee in early 2017. I did not know her well but was quite excited to serve. I learned so much from her and from the ABA's deliberative process of appointing thousands of lawyers to important positions. Truly, Hilarie's contributions to the profession are monumental. I assumed my service on appointments would be a once-in-a-career opportunity, i.e., the chance to see inside ABA presidential politics. I did not think the ABA would need me again, but then a few weeks ago I received a call from president-elect Judy Perry Martinez asking me to help her this year. Of course, I immediately accepted. I have worked closely with Judy on the ABA Center for Innovation, which she helped create in August 2016. I am in awe of her dedication to the future of the legal profession. I am in my last year of service as a charter member of the Center's governing board. I feel grateful to be closely associated with so many ABA presidents and those who are gearing up to serve. My service in the House has put me shoulder-to-shoulder with inspiring leaders. I have tried to benefit Utah through my work and associations. I was so delighted when Judy positively responded to my request that she deliver the keynote speech at last week's Fall Forum. It is energizing to be so engaged.
2. **Utah's Delegation to the House.** Our delegation is excellent. We enjoy working with one another. I learn so much from Margaret Plane, Erik Christiansen and Bebe Vanek. Each is engaged and serving well. A few years back, I chose not to run for State Delegate because I was quite pleased to see that Margaret wanted the position. She is a tremendous leader; we are in her debt. As you may recall, I was centrally involved in discussions and

decisions regarding an expansion of the House to include young lawyer representatives; I am quite delighted by Bebe's appointment in that capacity. Likewise, Erik is a strong and experienced ABA member and is doing impressive work. I hope to be able to continue to be someone who can lend experience, insights, connections and institutional memory to our delegation; I am in a unique position to help across the board. Margaret and I, together and separately, have worked for many years now to make the most of our networks and friendships in the House. Erik and Bebe are doing the same now. For a small delegation (compared to big states), I think you would be impressed to see how many people we know, collectively and individually. The person who fills this delegate spot must (1) get out of their comfort zone and get to know people, (2) be informed on issues before the House, and (3) become significantly involved. The work of the House – studying, collaborating, discussing, debating, listening, envisioning, and positively engaging in our collective purpose, our problems and solutions – is something to behold. I marvel at it; it is comprehensive and exhaustive. At these meetings and beyond, we are engaged in substantive discussions to accomplish real outcomes. As an example, for years we have “talked about change” regarding the ABA's declining membership footprint; we are now implementing those membership changes. To that end, I was asked to speak to the House on the proposed membership changes; the sponsor committee knew to ask me because I have been a strong advocate for change, and I represent a major component of the House – state bars. I was honored to be asked. Our many relationships and interests should boost us to the center of House activities and issues.

3. **Stature in the House.** I have achieved, perhaps, a larger-than-deserved stature in the House. I owe it to timing. After finishing as president of the Western States Bar Conference (2013), I was asked to serve as president of the National Caucus of State Bar Associations. I did not realize it at the time but I was accepting a position that would soon be in the eye of the political storm in the House. Indeed, the decennial review of governance was about to come during my year as NCSBA president. With regard to votes and nominations, state bars typically become pitted against powerful sections and divisions (and other interested groups). No doubt, the sections do incredible work in the House, bringing resolution after resolution to the floor. Indeed, since my first House meeting, I have consistently attended section delegate prep meetings – Litigation and TTIPS – where I am able to learn “that much more” about issues. States assert themselves in the ten-year governance reviews in order to maintain power. As a result of being NCSBA president that year, everyone wanted to share a thought or two, get my attention, press a point, have a meeting, or get a commitment from me and our caucus. While flattering to have so many people want my undivided attention, it was also a hard job, and in the end it was a contentious House meeting that spilled over to the next House meeting six months later. The ABA's top brass split over the recommendations. Politics were in play. The state bar caucus was caught in the cross hairs; even a few affected states

squared off against one another. Throughout this process, however, I got to know dozens of major players in the House and Board of Governors, and was able to develop meaningful relationships. It is heart-warming to see “opponents” year after year, extend generous handshakes, engage in conversation, and know we treated each other fairly and professionally; we can and will work together again for good outcomes. I cherish this experience. Indeed, I continue to attend NCSBA meetings on Sunday mornings before the House’s start on Monday. It is an honor to be able to say, like ABA past president Linda Klein does, “I’m proud to be a past president of the state bar caucus.” It is to Utah’s credit to have had one of our own at the helm.

4. **Opportunities in the House.** During the decennial review, I got to know Bill Bay of St. Louis; Bill was an important leader on governance. He is now chair of the House and has asked that I serve on a House committee. I have attached the appointment letter; I am particularly pleased to serve with Kate Madigan whom I have known for several years through NCBP. She is a tremendous leader. It is an honor to serve the House; it is also an opportunity to improve the work of the House. I have also taken it upon myself to get involved in the regular business of the House – elections, appointments, resolutions, debates, outcomes. My interest in various issues naturally elevates my involvement at our meetings, particularly with friends and colleagues who are sponsoring/opposing resolutions, and with related opportunities. For example, as a result of speaking, presenting, participating in and leading organizations and committees over the years, members of the House generally know that I am interested in many issues, including law students, legal education and legal ed reform, young lawyers, better introductions to the profession, pipeline issues, mentoring, student debt, attrition rates among lawyers, wellness, civility, professionalism, public education, civic understanding of democracy and the rule of law, public interest law, access to justice, access to legal services, DIY law issues, pro bono, pro se litigation, futures commissions, #futurelaw (and a movement we now describe as #makelawbetter, a combination of innovation and wellness for legal providers), lawyer discipline, ethics, regulatory reform, military spouse lawyers, admissions issues, reciprocity, multi-jurisdictional practice, LSAT/GRE issues, law school barriers to entry, the balance of consumer protection and service delivery, non-lawyer providers in the market, professional responsibility, diversity, inclusion, advancement within law firms/employers, legal trends, trial experience for new lawyers, juries, ADR, online ADR (ODR), technology, innovation in law practice management, independence of courts, judicial retention, judicial performance evaluations, a fair and impartial judiciary, the Missouri plan for state court judiciaries, youth issues in court, youth in crisis, money bail, fines & fees, court and sentencing reform, and disproportionate sentencing and outcomes, among other topics. I love these discussions, in part because I love the passion people bring to their work. I have been attending ABA meetings since I was a leader in Utah’s YLD, and I cannot imagine how my career would

have developed had I not had this exposure to the broad range of issues we discuss at the ABA. Truly, I love the opportunity.

5. **Points of Pride.** I am grateful to have had a hand in many developments in the House. Here is a sampling of where I had extended and deeper involvement: (1) guidance in “regulatory objectives” to state supreme courts as they approach important changes to the profession; (2) RPC 1.1 definition of competence to now include one’s understanding of technology; (3) responses to countries that neglect or abandon altogether the rule of law, even imprisoning lawyers and judges for political reasons; (4) numerous legal ed efforts over the years, including assisting law student and young lawyer divisions in reform efforts, including immigration status requirements to take the bar exam, and mental health (e.g., therapy for depression) reporting obligations during law school; (5) numeric expansion of the House to benefit young lawyer leaders and to bring young lawyer issues to the core of the House; (6) RPC 8.4(g) re: harassment; and (7) our recent effort to change ABA membership -- dues/levels/incentives. I love the work of the House; I have learned so much there. In particular, I believe the following are vital to one’s success in the House -- transparency, notice, well-crafted language, genuine approach, civility, professionalism, expertise, balanced effort, collaboration, compromise, deliberation, calmness, long-standing relationships and openness to new ones, tone and purpose.
6. **National Conference of Bar Presidents.** Although a separate legal entity, the NCBP is a powerhouse connected to its sister organization -- the ABA. It is particularly relevant to the House of Delegates and Board of Governors where you find NCBP members and alumni. NCBP finishes on Saturday at 11:30 a.m. and House committees and caucuses start thereafter. It is a natural connection; NCBP relationships translate over to the House. NCBP creates bonds of friendship. NCBP members are people who “get” the issues in the House, and are all about leadership solutions. I am deeply honored by the opportunity to be NCBP president in August 2019. It is a singular honor. Paul Moxley is the only other Utahn to have received this opportunity, I believe. I am excited, and I want to use this opportunity to both improve our nation and directly benefit my home state. In fact, in September I am hosting the Executive Council of NCBP in Utah, and I very much want you to meet my colleagues. During Paul’s presidency, at a dinner at Snowbird, I was able to meet NCBP leaders for the very first time. It had an impact on me. Utah has an opportunity here to have one of its delegates be the president of NCBP.
7. **Utah State Bar Commission.** As you can see, I love representing the Utah State Bar Commission in the House of Delegates. I love bringing information, ideas, programs and connections back to Utah. We are not like many bars in the east, close to one another, naturally connected by geography and overlap of members. We are not like big bars – California, Texas, Florida, New York, Illinois, Pennsylvania, Georgia – that are

enormous entities unto themselves, powerful just because of who they are. In Utah, we benefit from seeing others in action, staying abreast with their progress, partnering, sharing, and occasionally leading on our own. For example, we benefit from a friendship with the Michigan delegation which has forward-looking law schools, good bar data, an active futures commission, and leaders throughout the ABA. It is helpful to be connected to the New Hampshire delegation, for its leadership on women's issues, legal ed reform, and membership issues, and the Arizona delegation for its innovations with students and attention to membership issues (as well as governance reforms). The list goes on and on. When I meet someone in the House, one of my first thoughts is "how can you benefit my state?" I enjoy that experience of connecting.

Charlotte Miller once told the Commission to find someone to serve as delegate who really enjoyed this work and who would make it his or her "thing." I am that person, and "this is my thing." I hope to continue to be of service to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nathan D. Alder', with a long horizontal flourish extending to the right.

Nathan D. Alder

Nathan D. Alder -- References for ABA House of Delegates

Linda Klein, former Chair of the House of Delegates, Past President, ABA

404-221-6350

llklein@bakerdonelson.com

William C. Hubbard, former Chair of the House of Delegates, Past President, ABA

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Jim Dimos, Deputy Director, ABA

312-988-5193

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Bill Bay, Chair of the House of Delegates

314-552-6008

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Fred Ury, past member, ABA Task Force on the Future of Legal Services

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Gene Vance, Chair, Litigation Section, ABA

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ADVISORY COMMITTEE
TO THE CHAIR OF THE
HOUSE OF DELEGATES

CREDENTIALS AND
ADMISSIONS

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AND PROCEDURES

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RULES AND CALENDAR

SELECT COMMITTEE

STEERING COMMITTEE
OF THE NOMINATING
COMMITTEE

TECHNOLOGY AND
COMMUNICATIONS

TELLERS

AMERICAN BAR ASSOCIATION

Committees of the
House of Delegates
321 North Clark Street
Chicago, Illinois 60654-7598
(312) 988-5157
Fax: (312) 988-5153

August 1, 2018

Mr. Nathan D. Alder
Christensen & Jensen PC
257 E 200 S Ste 1100
Salt Lake City, UT 84111-2047

Sent via email: nathan.alder@chrisjen.com

Dear Nate:

I am pleased to appoint you to serve as a member of the Resolution and Impact Review Committee for a one-year term, effective at the conclusion of the 2018 Annual Meeting. This appointment may be subject to reappointment for a second term. The Committee will be chaired by Kathryn Grant Madigan.

The Committee's jurisdictional statement and proposed roster will be forwarded shortly. Please confirm your acceptance of this appointment by sending an email to Adrienne Barney at adrienne.barney@americanbar.org, in the ABA Policy and Planning Division, by Friday, August 10, 2018.

I appreciate your willingness to serve the House by accepting this appointment, and I look forward to working with you.

Sincerely,

William R. Bay, Chair-Nominee
House of Delegates

WRB:apb
Enclosures

cc: Kathryn Grant Madigan
Janae LeFlore
Leticia Spencer
Kathryn Jones

Nathan D. Alder

Christensen & Jensen, P.C.

257 East 200 South, Suite 1100

Salt Lake City, UT 84111

Tel: 801-323-5000

Fax: 801-355-3472

Email: nathan.alder@chrisjen.com

Education

Indiana University Maurer School of Law, Doctor of Jurisprudence (JD), 1995, Bloomington, Indiana

Indiana University School of Public & Environmental Affairs (SPEA), Master of Public Affairs (MPA), 1995

Utah State University, Bachelor of Arts, history (BA), cum laude, University Honors, 1991, Logan, Utah

Dixie State University, Associate of Arts (AA), 1989, summa cum laude, St. George, Utah

Professional Practice Admissions

Utah, 1995

U.S. District Court, District of Utah, 1995

U.S. District Court, District of Colorado, 2013

Tenth Circuit Court of Appeals, 1998

U.S. Supreme Court, 2009

Professional Practice Areas:

Commercial litigation, business negotiations, administrative & regulatory matters, products liability, professional liability, motor vehicle accidents, general accidents, catastrophic personal injury, wrongful death, insurance, nonprofit corporations, health care, crisis management, rights litigation, dispute resolution (mediation, special master)

Professional Associations

Utah State Bar

President (2008-2009); Past-President (2009-2010); President-Elect (2007-2008); elected member of the Board of Bar Commissioners, representing Third Division (2003-2007); Bar's Executive Committee (2004-2006; 2007-2009); Budget & Finance Committee (2007-2009); ex-officio member of Bar Commission, representing young lawyers/as YLD president (2001-2002), as Delegate to the American Bar Association House of Delegates (2012-2018); Bar Commission's Subcommittee on Self Representation, Chair (2006-2007); Bar Commission's Subcommittee on Bar Operations Review

	(2005-2007); Bar Journal Committee (2006-2009); Bar Examiner (2003-2007); Bar Exam's Performance Test Grading Committee, Co-Chair (2004-2007); Admissions Committee (2001-2006); Bar's Legislative Affairs (Government Relations) Committee, (1997-2002, 2004-2007); Special Task Force on Legislative Appropriation for Judicial Compensation (2002); Legislative Outreach Committee (2004, 2005); Legislative Task Force, Coordinator (2004); Special Projects Review Committee (2004-2005); New Lawyer Training Program (NLTP) Organizing Committee (2006-2008); NLTP Implementation Committee (2008-2009); New Lawyer Training Program Committee (2014-present); NLTP Operations Review Committee (2014-2015); Senior Lawyers Division (Liaison, 2006-2008); organizer and presenter of Utah State Bar CLEs (1997-present); Co-chair, Commission on the Future of Legal Services in Utah (2014-2015) ("Report and Recommendations on the Future of Legal Services in Utah" issued July 29, 2015)
Antitrust Section	Member (2005-present); Bar Commission Liaison to Executive Committee (2005-2008, 2012-2017)
Dispute Resolution Section	Co-Founder (1998-1999); Chair (2003-2004); Past Chair (2004-2005); Chair-Elect (2002-2003); Executive Committee (1999-2005); ADR Academy Faculty (2002, 2004, 2006, 2010); Member (1999-present); Bar Commission's Liaison to Executive Committee (2003-2005); Pre-Section "ADR Committee" (1998-1999); Committee's Governmental Affairs Liaison (1998-1999)
Litigation Section	Member (1996-present); Executive Committee Liaison (2005-2007); Faculty, Trial Skills Academy (2013, 2018)
Paralegal Division	Advisor (2005-2010); Co-Founder, Heather Johnson Finch Memorial Endowment at Utah Valley University (created by the Executive Board of the Paralegal Division in 2010); CLE organizer and presenter for the Division; Bar Commission's Liaison to Division (2013-2017)
Young Lawyers Division (YLD)	President (2001-2002); President-Elect (2000-2001); Past President (2002-2003); Executive Committee (1998-2003); CLE Chair (1998-2000); Law Day Committee (2001, 2002, 2003); Rocky Mountain Regional Young Lawyers Conference Organizing Committee, Host Committee (2001-2002); Utah's Delegate to several ABA YLD meetings; Member (1995-2004); YLD CLE presenter (2001, 2002, 20003, 2004, 2005)
American Bar Association	Presidential Appointments Committee (for president-elect Hilarie Bass) 2017, (for president-elect Judy Perry Martinez), 2019; Governing Council, ABA Center for Innovation (2016-2019), Co-Chair, Center's Committee on Programs and Outreach (2016-2017); Center's ODR Committee (2018-2019); Chair, Center's 2017 Annual Meeting Program (nine individual presentations on innovation); Member, ABA House of

	<p>Delegates, representing the Utah State Bar Commission (2012-2018); House Committees -- Emerging Issues (2016-2017); Promoting House Accomplishments (2018-2019); Member, ABA Standing Committee on Professionalism (appointed by ABA President Bill Robinson, 2011-2014); Member, ABA's Center for Professional Responsibility, Outreach Planning Group (2012-2014), Aging Lawyers Study Committee (2013-2014); Steering Committee (addressing lawyer wellness, etc.) to produce inaugural "The Lawyer Retreat" (Vail, CO, 2017-2018); Member, National Caucus of State Bar Associations; ABA Member (1996-present); Member of Sections – Litigation; Dispute Resolution; Tort Trial & Insurance Practice (TTIPS); attended numerous annual, mid-year and other leadership meetings, including Los Angeles, 1999; Phoenix, 2000; Las Vegas, 2000; Chicago, 2001; Boston, 2001; Washington, D.C., 2002; Seattle, 2003; Salt Lake City, 2005; San Francisco, 2007; Los Angeles, 2009; New York City, 2008; Boston, 2009; Chicago, 2012; Dallas, 2013; San Francisco, 2013; Chicago, 2014; Boston, 2014; Houston, 2015; Chicago, 2015; San Diego, 2016; San Francisco, 2016; Miami, 2017; New York City, 2017; Vancouver, 2018; Chicago, 2018; Las Vegas, 2019; San Francisco, 2019;</p>
National Caucus of State Bar Associations	President (2014-2015); President-Elect (2013-2014), Executive Committee (2014 – present)
National Conference of Bar Presidents	<p>Sustaining Life Fellow (2016-present); Secretary (2016-2017); Treasurer (2017-2018); President-Elect (2018-2019); President (2019-2020); Past-President (2020-2021); Executive Council (2013-2021); Chair, 21st Century Lawyer Committee (2015-2016); Chair, Diversity & Inclusion Committee (2014-2015); Diversity & Inclusion Committee (2014-2016); Program Committee (2013-2016); Membership Committee (2013-2016); NCBP Leadership Advisory Board (2014-2018); Strategic Planning Advisory Committee (2015); Chair, Program Committee (2018-2019); Member of NCBP (2007-present)</p>
National Consortium on Legal Mentoring	<p>President (2017-2018); Board (2015-2019); Chair, Membership Committee (2015-2017); Sponsorship Committee (2015-2017); attended NLMC conventions (Columbus, Ohio 2014; Denver, Colorado 2016; Columbia, South Carolina, 2018)</p>
Litigation Section (ABA)	Member (1996-1999, 2011-present)
Dispute Resolution Section (ABA)	Member (2009-present)
Tort Trial & Insurance Practice (ABA)	<p>Member (1996-present); Automobile Law Committee (2000-2003, 2012-2014); Products Liability Committee; Task Force on Plaintiff's Involvement (1999-2004); Task Force on Federal Rules (1999-2000); Insurance Coverage Litigation Committee (1999-2001); Nonprofit Organization Committee (1999); Professionalism Committee (2003-2005)</p>

ALFA International	Professional Liability Practice Group (2010-present); Professional Liability Practice Group's Steering Committee (2010-2011); Product Liability Practice Group (2007-present)
American Law Institute	Member (2008-2009)
American Inns of Court	Barrister, Aldon J. Anderson Inn of Court (1998-2000)
Utah ADR Services	Mediator, Special Master (since 2009) utahadrservices.com
Utah Supreme Court	Advisory Committee on Professionalism (2002-2015); Advisory Committee on New Lawyer Training (2010-2015); Mentor (appointed by the Court in 2009; several mentees during 2009-2018); Supreme Court Task Force to Examine Limited Legal Licensing (2015)
Utah State Courts	Court Roster of Mediators (2011-present); designated as Master Mediator (2018); ADR Committee of the Courts (2003-2004)
Judicial Performance Evaluation Commission	Member (appointed to Commission by Utah Governor Gary R. Herbert, April 2012-2018); Rules Subcommittee (2012-2018); Chair, Legislative Task Force (2013-2014); Attorney Survey Research Subcommittee (2016)
Western States Bar Conference	President (2012-2013); President-Elect (2011-2012); attended annual meetings – 2005, Maui; 2006, San Diego; 2008, Tucson; 2009, Oahu; 2010, San Antonio; 2011, Maui; 2012, Las Vegas; 2013, Kauai; 2014, Palm Desert
J. Reuben Clark Law Society	Chair, Personal Injury Section (2010-2012); JRCLS Member (2009-present); JRCLS Leadership Conference, attended 2010, 2011, Aspen Grove; JRCLS Annual Meeting, speaker, 2009, Salt Lake City; speaker, 2010, Dallas, TX
Federal Bar Association (Utah)	Member
Salt Lake County Bar Association	Member (1996-present)
Utah Council on Conflict Resolution	Chair (2010-2011); Chair-Elect (2009-2010); Past Chair (2011-2012); Board (2004-2012); Symposium Committee (2009-2012); Symposium Co-Chair (2012); Board Executive Committee (2009-2012); UCCR Member (2002-present); Summer CLE Chair (2010-present)
Utah Civility Initiative	Facilitator, Kick-Off Event (2011); Advisory Committee (2011-2013)
Utah Civil & Compassionate Communities	Advisory Board Member (2015 – present)
Utah Access to Justice Commission	Member (2007-2008)
Utah Defense Lawyers Association	Member; CLE presenter
Utah Association of Justice	Member; Bronze Eagle (2013-present); Legislative Committee (2012, 2015); CLE presenter

Utah Minority Bar Association	Member; Advisory Board (2003-2013); Fundraising and Planning Committees for UMBA's "First Fifty" Celebration
Utah Legal Employers & Educators Council	Member (2013-2014)
Women Lawyers of Utah	Advisory Board, Initiative on the Advancement and Retention of Women in Law Firms (2008-2010)
Brain Injury Alliance of Utah	Member (1999-present)
<i>Indiana Journal of Global Legal Studies</i>	Articles Editor (1993-1994); Member (1992-1995); Founding Board (1992-1993)
Utah Center for Legal Inclusion	Member, Founding Board, Executive Committee (2017-2018)

Professional Experience (Employment/Engagements)

Shareholder, Christensen & Jensen, P.C., January 1, 2002 to present, Salt Lake City

Vice President, Christensen & Jensen, P.C., January 2016 to present, Salt Lake City

Associate, Christensen & Jensen, P.C., October 1996 to December 31, 2001, Salt Lake City

Judicial Clerk, Hon. J. Thomas Greene, U.S. Dist. Court Judge, Dist. of Utah, September 1995 to September 1996, Salt Lake City

Law Clerk, Jardine, Linebaugh & Dunn, summer 1995, Salt Lake City

Associate Instructor (Japanese), Department of East Asian Languages & Cultures, 1992-1995, Bloomington, IN

Law Clerk, Indiana University Foundation, Office of General Counsel, 1994-1995, Bloomington, IN

Law Clerk, Snow Jensen & Reece, summer 1994, St. George, UT

Law Clerk, City of St. George, Office of City Attorney, summer 1994, St. George, UT

Judicial Extern, U.S. District Court, Northern District of Indiana, Hon. William C. Lee, Hon. Roger B. Cosby, summer 1993, Fort Wayne, IN

Pro Tem Judge, Salt Lake City Justice Court, 2002-2008 (volunteer service)

Recognition

"The Top 100" Lawyers in the Intermountain West, 2012-2017 (ID, MT, NV, UT, WY), Super Lawyers (Thomson Reuters)

Alumnus of the Year, Utah State University, 2014

Community Member of the Year, Utah State University - Salt Lake City Campus, 2014

"The Top 25" Lawyers in Salt Lake City, 2012, 2013, Super Lawyers (Thomson Reuters)

Top 25 Lawyers, Salt Lake Magazine, 2012, 2013

E. Smythe Gambrell Professionalism Award, 2013, American Bar Association (received by the Utah State Bar for its New Lawyer Training Program launched in 2008-2009 while serving as president of the Utah State Bar)

Peter W. Billings, Sr. Award for Excellence in Dispute Resolution, 2012, Utah State Bar

Named one of seven top mediators in Utah by Utah Business Magazine, 2012, 2016 ("Legal Elite" Awards)
 "10.0," "Superb" and "Clients' Choice" ratings by AVVO, 2012-present
 "The Top 75" Lawyers in the Intermountain West (ID, MT, NV, UT, WY), 2011, Super Lawyers (Thomson Reuters)
 Raymond S. Uno Award for the Advancement of Minorities in the Legal Profession, 2011, Utah State Bar
 Friend of the College, 2011, Utah State University College of Humanities & Social Sciences
 Outstanding Service Award, 2010, Lawyers Helping Lawyers (Utah)
 Super Lawyer, 2007 - 2018
 Super Lawyers "Business Edition" (formerly "Corporate Counsel Edition"), 2009 - 2014
 AV Rating, 2005-present, Martindale-Hubbell
 Utah's "Legal Elite," 2005-2012, 2014-2018, Utah Business magazine
 Distinguished Alumni Speaker, 2009, Utah State University
 Alumni Merit Citation, 2007, Utah State University
 Irene Fisher Engaged Citizen Award, 2005, Utah Campus Compact
 Distinguished Section of the Year, 2002, Utah State Bar (received as Pres. of Young Lawyers Division)
 Heart & Hands Award, 2000, Utah Nonprofits Association
 Fellowship, Foreign Language Area Studies (FLAS), 1992, U.S. Department of Education
 Most Valuable Student, 1992, East Asian Summer Language Institute, Indiana University-Bloomington
 Man of the Year, 1991, Utah State University
 Honors Graduate, 1991, Utah State University Honors Program
 Distinguished Service Award, 1989, Dixie College
 Honor Societies: Phi Kappa Phi, Phi Theta Kappa

Community Service

Salt Lake City Police Foundation	Board (2012-2018); Secretary (2012-2017); Executive Committee (2012-2017); Development Committee (2012-2016), Co-Chair (2014-2016); Board and Leadership Development Committee (2012-2016); Public Safety Building Grand Opening Event Committee, Co-Chair (2013); Concert Committee (2014);
Intermountain Concours d' Elegance "and Justice for all"	Advisory Board (2010-2012); founding committee (2010) CLC Fundraising Committee (2002-2003); Table Captain (2009-2016)
Utah Minority Bar Association	Advisory Board (2003-2013)
Utah Nonprofits Association	General Counsel (pro bono) (1997-2002); Annual Conference Committee (1998); Health Insurance &

	Benefits Committee (1998-1999); co-founder of UNA's insurance benefits/products for members
Utah Philanthropy Day	Inaugural Planning Committee (1999); Awards Committee (1999)
Boy Scouts of America	Utah Varsity Strategic Planning Committee (2010-2011); Troop 710, Great Salt Lake Council, volunteer leader (2003-present); troop committee chair (2014-2015); youth instructor (2003-2018); Varsity Coach (2015-2018)
Utah Council for Citizen Diplomacy	Member (since 2010)
Voices for Utah Children	Advisory Board Member, Friends of Utah Children (1999-2001)
Friends of Utah's Children's Justice Centers	Board Member (2005-2007)
Youth For Understanding	Volunteer (since 1994, interviewing prospective exchange students on occasion)(former Japan U.S. Senate exchange student, 1984, Tokyo, Japan)
Sons of Utah Pioneers	Member (2000-2002)
Sierra Club	Chair, Cache Valley Chapter (1989-1991)
Dixie State University	Sophomore Vice President (1988-1989); member, Student Council (1988-1989); "D-Week" Committee, Co-Chair (1988-1989) Board, Alumni Association (1988-1989) Advisor, Service Learning Committee (2005)
Utah State University	Faculty Senate (1990-1991); President's Council (1990-1991); Library Acquisition Committee, Chair (1990-1991); Student Computers Committee, Chair (1990-1991); Honors Council (1989-1990); Honors Forums, Chair (1989-1990); Lifetime Sustaining Member (2002-present); Advisor to Honors Program (2003-present) Academic Vice President, Associated Students of Utah State University (1990-1991); Member, ASUSU Student Council (1990-1991) Board Member, Alumni Association, Salt Lake Chapter (1998-2000); Downtown Luncheon Chair (1998-2003) Dean's Advisory Council, College of Humanities & Social Sciences (2010-present); Arrington Council (2015-2018) Advisory Board/Working Group, SLCC/USU Collaboration Project, steering committee and outreach subcommittee (2012-2015)

Salt Lake Community College	Board, Thayne Center for Service & Learning (2003-2008) Advisory Board/Working Group, SLCC/USU Collaboration Project, Chair (2012-2014)
University of Utah	Hinckley Institute of Politics (summer internship, 1989); Member, Participant, Pro Bono Initiative, S. J. Quinney College of Law (2006-2008); Mentor, law student mentoring program, S. J. Quinney College of Law (2008-2013)
Indiana University-Bloomington	Maurer School of Law Capital Campaign Committee (1992-1994); International Law Forums Committee, Coordinator (1992-1993); Mentor, Job Shadow Program, School of Law (2006-present); Utah recruiter for student prospects to Maurer School of Law (2005-present)
Utah System of Higher Education	Selection Committee (Director Position), Utah Campus Compact (2006); Utah Scholars program volunteer (2007-2009)
Utah Campus Compact	Speaker, mentor to student leaders, advisor (2004-2007)
Utah Leadership Academy	Keynote Speaker (2010), Cedar City, UT
William Penn Community Council	Chair (2006-2008); Member (2004-2008); Spanish Dual-Immersion Program Committee (2007-2008)
Logan High School Class of '85	Co-Chair, 30 th Year Reunion Committee (July 2015)
Parleys Rails Tunnels & Trails (PRATT)	Incorporator, Co-Founder, Board Member
Bonneville Resource Conservation & Development Council	Board Member, Executive Committee

Presentations / Publications

"When is Mediation Useful; How to Make It Most Effective," Utah Association of Justice, 2018 Nuts & Bolts Seminar, April 20, 2018, Salt Lake City

"Dealing with Difficult People," Community Association Institute (CAI), April 19, 2018, Salt Lake City

"Mentoring: Meeting the Challenges of a Changing Legal Profession," Chair, National Legal Mentoring Consortium, NLMC's national conference, April 12-14, 2018, Columbia, South Carolina (University of South Carolina School of Law)

"Cross Examination," Utah Trial Academy, Litigation Section, Utah State Bar, March 22, 2018, Salt Lake City

"Direct Examination," Utah Trial Academy, Litigation Section, Utah State Bar, March 21, 2018, Salt Lake City

"Choosing Law as a Career," Utah State University, Huntsman School of Business, Nov. 8, 2017, Logan, UT

"Innovation in the Profession," NCBP Annual Meeting, August 2017, New York City

"The Future of ADR in Utah," ADR Academy, Utah State Bar, October 14, 2016, Salt Lake City

"Getting to Resolution: Techniques to Identify and Overcome Challenges in Mediation," BYU Law School, BYU Education Week, August 18, 2016, Provo, UT

"Screening and Investigating Personal Injury Cases," National Business Institute (NBI), April 21, 2016, Salt Lake City

"Insights To Negotiation and Mediation," BYU Law School, March 29, 2016, Provo, Utah

"Innovation: An Essential Tool For Bar Leaders," Bar Leadership Institute, American Bar Association, March 17, 2016, Chicago

"Mediation for Business Executives," University of Utah MBA Program, Feb. 10, 2016, Salt Lake City

"Future of Legal Services in Utah," Utah Judicial Institute, District Court Judges, Nov. 20, 2015, Salt Lake City

"Future of Legal Services in Utah," J. Reuben Clark Law Society, Salt Lake Chapter, Nov. 12, 2015, Salt Lake City

"Mentoring Young Lawyers," July 9, 2015, C4CM (national teleseminar)

"Civility & Professionalism for In-House Counsel," Zions Bank, May 28, 2015, Salt Lake City

"Ethics Considerations in Conduct, Combating Rambo Tactics," NBI, April 15, 2015, Salt Lake City

"What Goes on Behind the Scene in Mediation," Utah State Bar Spring Convention, March 13, 2015, St. George, UT

"Social Media & Its Impact on Mediation," Utah Council on Conflict Resolution, Dispute Resolution Section, Utah State Bar, August 27, 2014, Salt Lake City

"Social Media & Its Impact on Mediation," Professional Mediation Institute, Annual Conference (PMI, WCI), August 20, 2014, Orlando, FL

"What Goes on Behind the Scenes in Mediation," Utah State Bar, Annual Convention, July 17, Snowmass, CO

"The Bar Situation Room, Part II," National Council of Bar Presidents, NCBP Annual Convention, August 10, 2014, Boston, MA

"Starting, Strengthening and Expanding Mentoring Programs for Young and New Lawyers," national teleconference seminar, American Bar Association, Young Lawyers Division, April 28, 2014

"A Lawyer at Home on the Range: Reflections on Professionalism in the West," The Professional Lawyer, Vol. 22, Issue 2, April 2014, American Bar Association

"The Future of the Practice of Law," Utah State Bar Spring Convention, March 15, 2014, St. George, UT

"The Bar Situation Room," National Council of Bar Presidents, Mid-Year Convention, February 8, 2014, Chicago, IL

"Leadership Opportunities and Career Advancement," American Bar Association Young Lawyers Division, February 8, 2014, Chicago, IL

"Crossing Ethical Lines: Manipulation and Deception in Negotiations," ADR Academy, Faculty, Dispute Resolution Section, Utah State Bar, October 4, 2013, Salt Lake City, UT

"Evidence Seminar: Experts," National Business Institute (NBI), September 25, 2013, Salt Lake City, UT

"Professionalism, Ethics and Civility in Conflict Resolution," Utah State Bar, June 25, 2013, Salt Lake City

"Ethically Handling Uncivil Behavior and Tactics," ABA's Premier Series, nationwide, June 17, 2013

"Dirty Litigation Tactics Seminar: Ethics, Violations, Questionable Practices," NBI, May 23, 2013, SLC, UT
 "Jury Instructions," Trial Skills Academy Faculty, USB Litigation Section, May 17, 2013, Salt Lake City, UT
 "Direct Examination," Trial Skills Academy Faculty, USB Litigation Section, May 16, 2013, Salt Lake City
 "Professionalism and Civility," co-presented with Judge Ryan Harris, UDLA Annual Mtg., May 10, 2013, Salt Lake City, UT
 "Spoliation of Evidence," Christensen & Jensen Training Seminar, May 9, 2013, Salt Lake City, UT
 "Pillars of a Professional Lawyer: New Lawyer Training," Utah State Bar, April 18, 2013, Salt Lake City, UT
 "Lawyer Mentoring Workshop: Introduction to the Profession," Utah State Bar, April 15, 2013, SLC, UT
 "Court Observer Training for Judicial Performance Evaluations," JPEC, March 28, 2013, Salt Lake City, UT
 "Ten Mistakes Plaintiffs Lawyers Make," Utah Association of Justice, November 7, 2012, SLC, UT
 "Legal Landscape for the Neuroscientist," Brigham Young University, Chapter of the Neuroscience Students Association, October 25, 2012, Provo, UT
 "Convocation on the Courts: Court Funding Crisis," American Bar Association Annual Meeting, Judicial Division, Chicago, IL, August 4, 2012 (presented on behalf of the ABA Standing Committee on Professionalism)
 "Steering Clear of Prohibited Statements at Trial," Utah Trial Journal, April 2012
 "Negotiations: Why the Deal is the Real Deal," Utah Council on Conflict Resolution Annual Symposium, May 18, 2012, Salt Lake City, UT
 "Deposing a Brain Injured Plaintiff," Brain Injury Conference, Brain Injury Association of Utah, Utah Association of Justice, April 2012, Salt Lake City, UT
 "New Lawyer Training," Western States Bar Conference, March 2011, Maui, HI; March 2012, Las Vegas, NV
 "Evidence Seminar: Experts," National Business Institute (NBI), March 2012, Salt Lake City, UT
 "Personal Injury 101: Damages, Liens, Insurance," National Business Institute (NBI), 2012, Salt Lake City, UT
 "Anatomy and Physiology for Attorneys," National Business Institute, 2011, Salt Lake City, UT
 "Professional Practice Pointers," Utah State Bar, 2011, 2012, Salt Lake City, UT
 "Civility in Litigation," Utah Defense Lawyers Association, 2011, Salt Lake City, UT
 "Be Ethical, Be Professional, Be Wise," Dispute Resolution Section, Utah State Bar, June 2010, June 2011, June 2012, Salt Lake City, UT
 "Access to Justice, Lawyer Engagement," J. Reuben Clark Law Society Annual Convention, SMU Law School, February 2011, Dallas, TX
 "Civility in Litigation," Utah State Bar, 2010, Salt Lake City, UT
 "Legal Writing: Legal Citation in Utah," Utah State Bar, "Persuasive Advocacy Series" for litigators, 2010, Salt Lake City, UT
 "Utah's New Lawyer Training Program," Oregon State Bar, June 2010, Lake Oswego, OR
 "Oral Persuasion for Lawyers," Utah State Bar, ongoing series, 2010, Salt Lake City, UT
 "Brain Injury: View From Both Sides of the Fence," Brain Injury Conference, BIAU, 2010, Salt Lake City

- "Professionalism in Practice," J. Reuben Clark Law Society Annual Convention, Feb. 2010, Salt Lake City
- "Running Your Bar During a Financial Crisis," Western States Bar Conference, 2010, San Antonio, TX
- "Model Dispute Resolution," Utah Council on Conflict Resolution, May 2010, Salt Lake City, UT
- "ADR Systems for Institutions," Utah Council on Conflict Resolution, November 2010, Salt Lake City, UT
- "State of the Profession: Prospects and Issues for Utah's Lawyers," Utah Defense Lawyers Association Annual Convention, September 18, 2009, Salt Lake City, UT
- "Looking Back, Looking Forward," Utah Bar Journal, June/July, Volume 22, No. 4, 2009
- "Judicial Selection in Utah," Constitutional Law Section, Utah State Bar, 2009, Salt Lake City, UT
- "Introduction to the Practice of Law," Utah State Bar New Lawyer Ethics Program, June 12, 2009, Salt Lake City, UT
- "Engage in Mentoring," Utah Bar Journal, May/June, Volume 22, No. 3, 2009
- "Lincoln left an invaluable legal legacy," Op-Ed, Salt Lake Tribune, May 1, 2009
- "Traumatic Brain Injury Litigation: Titans of the Defense Bar (insights from defense lawyers)," Brain Injury Conference, April 10, 2009, Salt Lake City, UT
- "Change," Utah Bar Journal, March/April, Volume 22, No. 2, 2009
- "Challenging Times," Utah Bar Journal, January/February, Volume 22, No. 1, 2009
- "Written Persuasion: Increasing the Power of Your Advocacy," Utah State Bar, October 15, 2009, Salt Lake City, UT
- "People with limited resources need access to the civil courts," Op-Ed, Salt Lake Tribune, December 3, 2008
- "The Bar Is Looking For A Few Good Mentors," Utah Bar Journal, November/December, Volume 21, No. 6, 2008
- "Keeping Professionalism in Your Practice, Utah Association of Justice Annual Convention, September 19, 2008, Salt Lake City, UT
- "State of the Bar," Utah Judicial Conference, September 2008, Park City, UT
- "Professional Relationships," Utah Bar Journal, September/October, Volume 21, No.5, 2008
- "Wills For Heroes: a State Bar Perspective," National Council of Bar Presidents Annual Convention, August 2008, New York City, NY
- "The \$\$\$ and Sense of Utilizing Paralegals," Utah State Bar Annual Convention, July 2008, Sun Valley, ID
- "Standards of Professionalism and Civility, Standard #10," Utah Bar Journal, Mar/April 2007, Vol. 20, No.2
- "Mediation Musings: Stories, Tips, Trends," Utah State Bar, July 2007, Sun Valley, ID
- "Professionalism in the Courtroom," Utah Judicial Conference, September 2006, Snowbird, UT
- "Are 'Peace of Mind' Letters Discoverable After Green v. Louder," Utah Trial Journal, Fall 2005, Vol. 28, No. 4
- "Arbitrating Auto Accident Injury Cases," Utah State Bar, 2005, 2006, Salt Lake City, UT
- "Fundamentals of a Personal Injury Case," Utah State Bar, 2006, Salt Lake City, UT
- "New Professionalism Standards," Utah State Bar, 2005, 2006, Salt Lake City, UT

"Ethical Issues in Mediation," Utah State Bar, 2004, Salt Lake City, UT
 "Rule 35 Medical Exams," Utah Association of Justice, 2003, Salt Lake City, UT
 "Direct Examination of a Neuropsychologist," Annual Brain Injury Conference, 2003, Salt Lake City, UT
 "Nonprofit Risk Management," Utah Nonprofits Association, 2003, Salt Lake City, UT
 "ADR Academy," faculty, various topics, Dispute Resolution Section, Utah State Bar, 2002, 2004, 2006, 2010, Salt Lake City, UT
 "Nonprofit Legal Issues," University of Utah Professional Education Course Series, 2001, Salt Lake City
 "Preparing Your Client For Mediation," Utah State Bar Annual Convention, 2002, Sun Valley, ID
 "Utah Public Charities," National Business Institute, 2001, Salt Lake City, UT
 "Utah Nonprofit Law," Lorman Education, 2000, Salt Lake City, UT
 "Ethics and Nonprofit Decision Making," Nonprofit Risk Management Center, 1998, Washington, D.C.
 "Nonprofit Risk Management Through Strategic Action," Utah Nonprofits Association, 1998, 1999, 2001
 "Do Volunteer Immunity Laws Really Immunize Volunteers and Nonprofits from Liability?" Utah Nonprofits Association, 1998, Salt Lake City, UT

Internships / Fellowships

Intern, Monroe Housing Solutions Inc., Land Trust Committee, Bloomington, IN (1994)
 Intern, Cache Chamber of Commerce, Logan, UT (1989-1990)
 Intern, Department of Community & Economic Development (now Governor's Office of Economic Development - GOED), State of Utah, Salt Lake City (Summer 1989, Hinckley Institute of Politics, University of Utah)
 Fellowship, Foreign Language Area Studies, U.S. Dept. of Education, Indiana University (1992)
 Conference Fellowship, Conference Delegate, Foundation for Student Communication, Princeton University, New York City (1988, international trade, Pacific Rim)
 Conference Fellowship, Conference Delegate, Conference on the Pacific Rim, Texas A&M University, Bryan/College Station, TX (1989, international trade, Pacific Rim)

Select Professional Trainings

International Association of Defense Counsel ("IADC"), Trial Academy, Certificate, seven days, July 2000, Boulder, CO
 Pepperdine University, Straus Institute for Dispute Resolution, "Mediating the Litigated Case," Formal Mediator Training, Certificate, six days, August 2008, Malibu, CA

Select Student Writing

"Japan's Manchukuo: Economic Development or Radical Militarism," USU Honors Thesis (1991)

"Where Do We Go From Here? Alternative Dispute Resolution and the Courts, Lawyers, and Disputants," IU SPEA (1995)

Personal References

Available upon request

Information Regarding Litigated Cases

Available upon request

Product Liability: automotive, component parts, braking systems, roof structures, restraint systems, safety designs and systems, asbestos, appliances, machines, fixtures, agricultural products, equipment and tools, recreational products, manufacturing processes, quality control, warnings, design

Professional Liability: professional malpractice, D&O, E&O, fiduciary claims, DOPL and OPC investigations, disciplinary matters, licensing, administrative hearings

Motor Vehicle: motor vehicle accidents, auto arbitrations under Utah Code 31A-22-321, underinsured motorist, uninsured motorist claims, trucking

General Accidents: watercraft, aircraft, premises, construction, animals, skiing

Personal Injury: all types of injuries, including traumatic brain injury, spinal cord injury, orthopedic, limb, eye, psychological, and other significant injuries

Wrongful Death: wrongful death arising from motor vehicle and other types of accidents, exposures

Insurance: coverage, insurance bad faith, excess policy limit disputes, professional occupation disability insurance, flood, fire, subrogated claims, ERISA liens/claims, broker, agent, fiduciary, D&O, E&O, casualty

Corporate: negotiations, agreements, contract formation/review, business partnership disputes, risk management consulting, governmental regulation of business ventures, joint ventures, insurance review, executive matters (packages, compensation, agreements, and separation), wage & hour, non-compete & non-solicitation agreements, business development

Nonprofit: incorporation, formation, board development, executive engagement, corporate decision making, risk management, insurance, volunteer immunity, conflicts of interest, policy development and implementation, charitable solicitation, fundraising, transparency, professional engagements (including auditors), nonprofit corporate matters, board conflicts, conflict resolution, legal representations

Health Care: QIOs (quality improvement organizations for health care professionals); HIEs (health information exchanges); HIPAA compliance; data security, data breach; medical credentialing; medical privileges

Mining counsel to international mining company and its subsidiary organizations; gold refining; gold repositories

Commercial Litigation: contracts (interference, breach, performance, collection), misrepresentation, fraud, partnership and joint venture disputes, co-manager disputes, LLC dissolution, board and internal disputes, nonprofit organizations, commercial property, lease, purchase, real estate and association (condominium/homeowner) disputes, trademark, trade dress, anti-competitive/antitrust, franchising, administrative hearings

Crisis Management: incident response, internal investigations, emergencies, executive decisions, TROs, preliminary hearings, media, resolution of high-stakes matters on immediate basis, preventing breach, evidence preservation, handling cases in place of conflicted counsel, appeal preparations

Rights Litigation: parental and civil rights, claims related to government (access, records, benefits)

Dispute Resolution: mediation, special master

THORPE • NORTH
• WESTERN •

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F 801.566.0750

8180 S 700 E, STE 350
SANDY, UT 84070

175 S MAIN ST, STE 900
SALT LAKE CITY, UT 84111

November 8, 2018

SENT VIA EMAIL (christy.abad@utahbar.org)

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

Re: Application House of Delegates

Dear Christy:

Please find enclosed my resume and consider this my letter of interest in serving as Utah's representative to the House of Delegates of the American Bar Association.

I would consider it a great honor to serve in this capacity. I am also at a point in my career where I have the time and the ability to serve. I would be happy to meet with the Bar Commission to further discuss this opportunity.

Kind regards,

THORPE NORTH & WESTERN, LLP



Mark Bettilyon

BE/ai

Mark Bettilyon

Address: 175 South Main Street, Suite 900, Salt Lake City, UT 84111

Phone: (801)-566-6633

Email: mark.bettilyon@tnw.com

Objective

To serve in the ABA House of Delegates as a representative from Utah.

Experience

CHAIR, LITIGATION SECTION | THORPE, NORTH & WESTERN LLP | 2015 - PRESENT

- Head of TNW's 10 person litigation section
- Also serve as TNW's in-house counsel

SHAREHOLDER | RAY, QUINNEY & NEBEKER | 1993 - 2015

- Served as the chair of RQN's IP Section

ASSOCIATE | PARSONS BEHLE LATIMER | 1987 - 1993

LAW CLERK | LAW CLERK | 1986 - 1987

- Honorable David K. Winder

Education

UNIVERSITY OF UTAH | S J QUINNEY COLLEGE OF LAW | 1986

- Law Review
- magna cum laude

UNIVERSITY OF UTAH | 1983

- Bachelor of Arts, Accounting
- magna cum laude

HONORS

- Litigated matters in courts across the country.
- Recognized by my peers in Chambers, Super Lawyers, and other similar publications.

Personal

- Married
- 3 children and 3 step-children
- 1 grandchild

Christy Abad

From: Brett Coombs <bcoombs@grantsvilleut.gov>
Sent: Friday, November 02, 2018 4:30 PM
To: Christy Abad
Subject: Letter of Interest -- ABA Delegate
Attachments: Resume 2018.pdf

Dear Christy,

Please accept this as my letter of interest to serve as one of the Bar's ABA Delegates. I have attached my resume for your review. I believe my experience in both private practice and public service makes me uniquely qualified to represent a large percentage of the Utah bar. Moreover, I will commit to work hard on behalf of the Utah Bar to ensure our voices are heard at the ABA. I will draft quarterly updates that can be distributed to Utah Bar members which will provide valuable information about what work we are accomplishing on their behalf. I will also commit to seek input and feedback from members of the bar.

I would love the opportunity to represent my profession and my home bar organization. Please consider my application.

Thank you,

Brett M. Coombs
City Attorney
Grantsville City
429 East Main Street
Grantsville, Utah 84029

Office: (435) 884-4635
Fax: (435) 884-0426

BRETT M. COOMBS, ESQ.

362 West 2030 North • Tooele, UT 84074

Tel: 435.840.3652 • Email: brett_coombs@yahoo.com

**WORK
EXPERIENCE****Grantsville City, Utah** (Grantsville, Utah)*City Attorney/Chief Prosecutor*, March 2017 - Present

- Prosecute all misdemeanor offenses including drug and domestic violence.
- Represent Grantsville City in all criminal and civil court matters.
- Sit on board for Children's Justice Center (protecting child victims).
- Advise the City Council and Mayor on all legal matters.

Smith Hartvigsen, PLLC (Salt Lake City, UT)*Associate Attorney*, May 2013 – March 2017

- Complex commercial litigation practice including contract and real property disputes, shareholder representation, corporate formation/dissolution, and other general civil litigation matters.
- Experience taking and defending depositions, drafting and managing discovery, drafting and arguing motions, and assisting in all aspects of litigation (including trial and appeal).
- Successfully defended corporation and investors in a multi-million dollar lawsuit.
- Extensive practice before state and federal trial and appellate courts, including the Utah Federal District Court, the Tenth Circuit Court of Appeal, and the U.S. Supreme Court.

Justice Law Center (Las Vegas, NV)*Attorney/Law Clerk*, February 2010 – December 2012

- Practice focused on all aspects of litigation.
- Helped manage a caseload of ~400 open civil, criminal, and corporate cases.
- Two jury trials (both criminal).

Nevada Supreme Court (Las Vegas, NV)*Judicial Extern to Chief Justice Kristina Pickering*, Summer 2010

- Researched and drafted bench memoranda, orders, and case briefs.
- Analyzed legal issues under consideration by the court.

**BAR
ADMISSIONS**

Nevada State Bar (Licensed in U.S. District Court, District of Nevada)

Utah State Bar (Licensed in U.S. District Court, District of Utah; and Tenth Circuit Court of Appeals)

EDUCATION**William S. Boyd School of Law, University of Nevada, Las Vegas**

Juris Doctor, Deans List

Honors: Academic Scholarship; Moot Court

Activities: *International Journal of Not-For-Profit Law*, Articles Editor
 Moot Court Team, Kaufman Securities Litigation Competition
 J. Reuben Clark Law Society, National Publicity Chair
 International Law Society, Vice-President

Utah Valley University (Orem, UT)Bachelor of Arts, *cum laude*, in Criminal Justice/Legal Studies

Honors: Full Academic Scholarship; Dean's List

Activities: Habitat For Humanity, Service Leader
Mock Trial Team, Captain

**LANGUAGES,
SKILLS, &
INTERSTS**

Hungarian, conversational
High School Basketball & Soccer Referee
Hiking; Golfing; and Traveling with family

KIM CORDOVA
8018793339/kimcordova@utah.gov
12501 South Fox Run Way
Draper, UT 84020

November 5, 2018

Dear Mr. Burton,

I am writing to express my interest to serve as Utah's representative in the American Bar Association's House of Delegates. I have been a practicing attorney since 2001. I am in good standing with the Bar. I am a member of several legal associations. I served two terms on the ethics committee for the Office of Professional Conduct. I was a trial attorney for seventeen years. I am currently the criminal justice policy advisor for the Governor of Utah.

My background gives me the experience to be effective in representing the interests of our State on a national level and understanding the necessity of partnering and collaboration. I have worked both in the government and private sectors. I have daily interactions with stakeholders across the State on issues surrounding the courts and the criminal justice system. I have a unique perspective of both a practicing attorney and a policy maker. My skills would be an asset to both the Utah State Bar and the American Bar Association.

Our legal community is filled with incredibly talented, smart, generous, innovative, committed and hard working individuals. I am quite proud to be a lawyer in this state. From the commissioners to the programs to the diverse legal associations, our Bar is exemplary and I would love the opportunity to contribute to our legal community in any way I can serve. I would like to serve as Utah's representative in the American Bar Association's House of Delegates. I thank you for your time and consideration.

With Gratitude,

Kim Cordova

KIM CORDOVA

(801) 879-3339 • kimcordova@utah.gov

12501 South Fox Run Way

Draper, UT 84020

SUMMARY

Criminal Justice Policy Advisor to the Governor of Utah. Thrives in dynamic environments and quickly adapts to the ever-changing demands of the legal field. Manages a department with several employees and a budget. Exemplifies personal drive, integrity and resilience under difficult circumstances, while cultivating personal and professional relationships throughout State and local government as well as the private sector.

LEGAL EXPERIENCE

Governor's Office

Executive Director for the Commission on Criminal And Juvenile Justice

1/4/2018 -

Salt Lake City, UT

- Criminal Justice Policy Advisor to the Governor of Utah.
- Visionary leader of an agency with several directors that deals with all aspects of the criminal justice system including Indigent Defense, Sentencing Commission, Judicial Performance Evaluations, Judicial Nominating Commissions, Substance Use and Mental Health, Sexual Assault, Domestic Violence, Juvenile Justice, and Research.
- Skilled negotiator who works with leaders from all parts of State and local government,
- Dynamic presenter at seminars, CLE's, and trainings for stakeholders throughout the State of Utah.
- Excellent communicator who collaborates with agencies in all parts of government, the community, the Courts and the Legislature.
- Outstanding Public Speaker.
- Proficient drafter of bills.

Edward K. Brass, PC

dba Brass&Cordova

01/2010 to 12/31/17

Salt Lake City, UT

- Trusted leader who manages this firm.
- Skilled trial attorney with a high caseload of criminal defense cases.
- Diligently represents clients throughout the State of Utah in State and Federal court.
- Extensive trial experience from misdemeanor cases to rape and child sex cases to capital murder.
- Proficient legal research skills on Westlaw.
- Skilled negotiator who appears in court on a daily basis.
- Excellent writer with experience in legal writing and research on numerous issues related to criminal law.
- Tailors representation to each individual client while having the experience and reputation to effectively negotiate with prosecutors and deal with court personnel.
- Mentored by Edward Brass.
- Skilled presenter at seminars.

Adjunct Professor

SJ Quinney College of Law

University of Utah

08/2017 to current

Salt Lake City, UT

- Developed challenging and interesting curriculum for second and third year law students in order for them to gain practical motion experience. No current assigned classes.

Trial Attorney**Salt Lake County District Attorney's Office****11/2001 to 12/2009****Salt Lake City, Utah**

- Managed caseload of between 80-120 active clients. Worked exclusively on child sex crimes and homicides from 2005-2009.
- Worked closely with law enforcement, victim counselors and medical professionals.
- Experienced in legal research and writing.
- Represented clients in over 50 jury trials.
- Participated in all specialty teams within the office including juvenile, drugs, and general felonies.

Law Clerk**Salt Lake County District Attorney's Office****03/1999 to 10/2001****Salt Lake City, Utah**

- Reviewed discovery, wrote briefs and memoranda in all areas of criminal law including search and seizure, dog sniff, illegal traffic stops, pat downs, Miranda, validity of search warrants, Utah Rules of Evidence 404b issues, child testimony through videos, Confrontation Clause, Miranda, Daubert, Bruton, Giglio, discovery, ex post facto applicability to newly passed laws, eyewitness identification, memory, statute of limitations, severance, motions to quash bind overs after the preliminary hearing, reliability of child witnesses, jury instructions and responses to motions for new trials.

Graduate Assistant**05/2001****University of Utah College of Law
Utah****09/1999 to****Salt Lake City,**

- Mentored first year law students in a program designed to assist students acclimate and succeed in law school.
- Met with students weekly.
- Worked closely with law school advisor.

EDUCATION**Juris Doctor****University of Utah College of Law****05/2001****Salt Lake City, UT**

- Graduate Assistant
- Moot Court
- Trial Advocacy Group
- Minority Law Caucus
- Women's Law Caucus

**Bachelor of Science: Psychology/English
Double Major****Westminster College****05/1995****Salt Lake City, UT**

- Summa Cum Laude
- Numerous Academic Scholarships

BAR STATUS

Admitted to Utah Bar (9100)

Admitted to US District Court, Utah

PROFESSIONAL AFFILIATIONS

Board of Directors for Utah Criminal Justice Center at the University of Utah 2018

Fellow: Prosecutor Impact: Philadelphia, PA 2018-present.

Board of Trustees - The Waterford School

Salt Lake County Bar Association

Women Lawyers of Utah

Utah Minority Bar Association
 Aldon J. Anderson American Inn of Court
 Utah Association of Criminal Defense Lawyer
 National Association of Criminal Defense Lawyers
 Death Penalty Certified
 CJA Panel member for the United States District Court 2011-2018
 Third District Court Nominating Commission. Term 2015-2018
 Panel Member of the Ethics Committee for the Utah State Bar. Term 2011-2017
 Board of Trustees - Neighborhood House 2015-2018
 Board Member - Housing Authority of Salt Lake County. Term 2017-2018
 Presenter: How to Try a Sex Case from S to Z. SLLDA 2017
 Presenter: Juvenile Justice Reform – implantation of HB239/132 - 10 presentations throughout the State 2018
 Presenter: Criminal Justice Reform in Utah – BYU Criminal Justice Forum September 2018
 Presenter: Guide through the Judicial Application Process – Utah State Bar October 2018
 Presenter: CCJJ 101 to the Sheriffs Association and Utah Association of Counties – November 2016.

SKILLS

Criminal Justice, Juvenile Justice, Drafting Statutes, Testifying in Legislative Hearings, Policy Making, Criminal law, family law, trial lawyer, discovery, document review, manage client caseload, courtroom experience, legal writing, legal research, subpoenas, negotiation, evidentiary hearings, jury trials, bench trials, motion practice, Rules of Evidence, Rules of Criminal Procedure, Rules of Civil Procedure, presenting at seminars, teaching to law enforcement, medical personnel, and young lawyers.

Christy Abad

From: Brad.Dehaan@cognizant.com
Sent: Thursday, November 08, 2018 11:38 AM
To: Christy Abad
Subject: RE: Seeking ABA Delegate
Attachments: SKMBT_C35181108122200.pdf; 2018-11-07 Resume.pdf

Christy,

Please find my letter of interest and resume for consideration as an ABA delegate.

Should you need anything more or have questions, please do not hesitate to contact me further.

Thank you,
 Brad

Brad G. DeHaan
 AD & Senior Counsel | Mortgage Services Regulatory
 Cognizant Technology Solutions U. S. Corporation
 M:+1 385-270-1094
brad.dehaan@cognizant.com

Cognizant

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From: Christy Abad <christy.abad@utahbar.org>
Sent: Thursday, November 1, 2018 1:21 PM
To: Dehaan, Brad (Cognizant) <Brad.Dehaan@cognizant.com>
Subject: RE: Seeking ABA Delegate

Hello Brad –

I have attached the Bar's policy regarding the ABA Delegate position. Perhaps the information may give you an idea of what to put into your letter of interest.

You do need to be a member of the ABA in good standing and, the Bar does not cover the membership fee.

If you have any other questions, please let me know. 😊

Regards,
 Christy

From: Brad.Dehaan@cognizant.com <Brad.Dehaan@cognizant.com>
Sent: Thursday, November 01, 2018 12:42 PM

To: Christy Abad <christy.abad@utahbar.org>

Subject: FW: Seeking ABA Delegate

Sorry, please indulge another question –

Do I have to be an ABA member to submit my name to be a delegate? Or can I become a member, and pay the annual fee, if selected as a delegate?

Thank you,

Brad G. DeHaan

AD & Senior Counsel | Mortgage Services Regulatory

Cognizant Technology Solutions U. S. Corporation

M:+1 385-270-1094

brad.dehaan@cognizant.com

Cognizant

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From: Dehaan, Brad (Cognizant)

Sent: Thursday, November 1, 2018 11:36 AM

To: 'christy.abad@utahbar.org' <christy.abad@utahbar.org>

Subject: RE: Seeking ABA Delegate

Ms. Abad,

I am interested in being an ABA delegage, can you tell me more about what the Bar is looking for in a letter of interest?

Thank you,

Brad G. DeHaan

AD & Senior Counsel | Mortgage Services Regulatory

Cognizant Technology Solutions U. S. Corporation

M:+1 385-270-1094

brad.dehaan@cognizant.com

Cognizant

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From: CLE <CLE@utahbar.org>

Sent: Tuesday, October 9, 2018 3:12 PM

To: Dehaan, Brad (Cognizant) <Brad.Dehaan@cognizant.com>

Subject: Seeking ABA Delegate

American Bar Association Delegate

The Utah State Bar Commission is seeking applicants to serve a two-year term as one of the Bar's two representatives in the American Bar Association's (ABA) House of Delegates for a term to run through the August 2020 ABA Annual Meeting. The Bar has one other representatives in the House of Delegates, as well as a representative from the Young Lawyers Division. The ABA Members in Utah also have an elected delegate.

The delegate is expected to attend the ABA's Midyear and Annual meetings and to participate in appropriate interim meetings and in conference calls as needed. There will also be some preparation work to review issues and communicate with and report to the Bar Commission on a regular basis. The delegate also serves as an *ex-officio* member of the Bar Commission and would be expected to attend regular Commission Meetings.

The delegate must be an active member in good standing of the Utah State Bar and a member in good standing of the ABA and meet all eligibility requirements set forth by the ABA.

Please send your letter of interest and resume no later than 5:00 pm, Thursday, November 8, 2018 to Christy Abad, Utah State Bar Executive Assistant, christy.abad@utahbar.org.

November 8, 2018

Utah State Bar
645 South 200 East
Salt Lake City, Utah 84111
Attn. Utah State Bar Commission

Re: American Bar Association Delegate

Dear Utah State Bar Commission:

Please consider this letter as my formal expression of interest in serving as an American Bar Association (ABA) delegate for the Utah State Bar.

I am interested in serving as an ABA delegate for the Utah State Bar not only because I enjoy being involved with the Utah State Bar specifically, but enjoy volunteer and service work, especially for such an organization, with its core values and missions, as the ABA.

With four (4) years of experience as a former executive officer and chair of the Real Property Section of the Utah State Bar, I believe I would be an ideal ABA delegate. During this time, I sat on different Bar committees, attended meetings, and generally represented the Utah State Bar's Real Property Section, tasks which appear similar to the tasks associated with being an ABA delegate.

Additionally, with my current position, I will have the time, support, and resources to fulfill all duties and responsibilities of an ABA delegate.

Should you have questions, please do not hesitate to contact me.

Sincerely,



Brad G. DeHaan
Tel: 801-557-6434
brad.dehaan@cognizant.com

Brad G. DeHaan

4324 S. Winderbrook Court, Salt Lake City, Utah 84124
801.557.6434
braddehaan1@gmail.com

PROFILE

Senior level litigation attorney with more than 19 years of experience, with an expertise in consumer finance law, mortgage banking and servicing, banking litigation, regulatory compliance, landlord/tenant, and real estate. Strong leader, innovative problem solver, and critical thinker with excellent personal and communication skills.

AREAS OF EXPERTISE

Consumer Finance Law | Mortgage Banking and Servicing | Mortgage Banking Litigation | Regulatory Compliance | Landlord/Tenant Law | Real Estate Law

PROFESSIONAL EXPERIENCE

Cognizant Technology Services, Salt Lake City, Utah.

June 2018 – Present

- Advise banking and financial line of business in areas of mortgage origination, mortgage servicing, regulatory compliance, and customer service for new mortgage venture.

Shareholder, Lundberg & Associates, Salt Lake City, Utah.

2006 – 2007; April 2010 – June 2018

- Senior litigation attorney and chair of firm's financial services and litigation departments.
- Represent national financial institutions in litigated matters related to consumer finance law, mortgage servicing, and mortgage banking litigation, including cases involving alleged claims for violations of the Truth-in-Lending Act (TILA), Fair Debt Collection Practices Act (FDCPA), Real Estate Settlement Practices Act (RESPA), Fair Credit Reporting Act (FCRA), and Unfair Deceptive Abusive Acts or Practices (UDAAP), and Servicemembers Civil Relief Act (SCRA), among other federal and state consumer finance law claims.
- Represent national financial institutions in litigated matters related to foreclosure and default servicing, regulatory and lending compliance, landlord/tenant, collections, and real estate.
- Advise national financial institutional clients in compliance with federal investor guidelines, including guidelines for VA, FHA, Freddie Mac, and Fannie Mae mortgage loans.
- Advise and represent national financial institutions in matters related to Uniform Commercial Code (UCC).
- Review and analyze all real estate issues, including reviewing title reports, title insurance policies, surveys, vesting deeds, clouds on title, boundary conflict issues, and enforcement of real estate title documents.
- Monitor and review new and pending real estate and consumer finance laws and regulations, and implement compliance policies and procedures regarding such legislation.
- Review all applicable loan documents, disclosures, and origination documents in defense of claims for violations of consumer finance laws and statutes.
- Directly manage all aspects of complex litigation, including drafting motions and memoranda, conducting discovery, drafting appellate briefs, and appearing for hearings and trials before federal and state court judges.
- Negotiate, draft and review all legal documents, including commercial agreements, appellate briefs, settlement documents, and general pleadings.
- Train, manage, and supervise junior attorneys and paralegal staff.
- Manage case workload of more than 70+ cases in areas of mortgage servicing and banking litigation, collections, eviction, and title curative actions.
- Build and maintain strong relationships with national clients and industry stakeholders.
- Participate in mortgage servicing, mortgage banking, and regulatory audits.
- Give presentations in areas of real estate, consumer finance law, mortgage servicing, mortgage banking litigation, and banking regulatory compliance.

- General Counsel for real estate development company.
- Drafted, reviewed and negotiated all commercial contracts and agreements for the company, including real estate purchase and sale agreements, development agreements, and corporate operating agreements.
- Advised principal on all legal matters, including litigation, and real estate purchase and sale related issues, land use and entitlement issues, and real estate financing.
- Oversaw and managed outside counsel on litigation matters.
- Worked with local government entities regarding land-use issues, and compliance with state, county, and municipal codes.
- Drafted and reviewed municipal agreements, including town code, general plan, resolutions and ordinances for newly incorporated town council and mayor.
- Advised founding town council and mayor on compliance with municipal laws, including compliance with open-meeting and town resolution laws.
- With principal, and through litigation, was catalyst behind creation of newly incorporated Town of Hideout, Utah, despite strong political and legislative opposition.

OTHER PROFESSIONAL EXPERIENCE

Scalley Reading Bates Hansen and Rasmussen, Salt Lake City, Utah.
Law Office of Brad G. DeHaan, Salt Lake City, Utah.

August 2009 – April 2010
October 1998 - September 2006

PRESENTATIONS/AWARDS

- Legal Elite, *Utah Business Magazine: The Magazine for Decision Makers.*
- *Presenter*, Utah State Bar, “2013: Utah Foreclosure Laws and Related Real Estate Litigation,” sponsored by Real Property Section of the Utah State Bar, Salt Lake City, Utah.
- *Presenter*, National Business Institute, “FDCPA Compliance in Utah,” Salt Lake City, Utah.

COMMUNITY INVOLVEMENT

- Chair, Real Property Section, Utah State Bar *2015 – 2016*
 - Arrange and coordinate legal training, seminars, and annual meetings and conventions for 600 + attorney membership.
 - Manage and control Section Budget.
- Governmental Relations Committee, Utah State Bar *2016*
- Executive Officer of Real Property Section, Utah State Bar *2011 - 2015*
- National Eviction Committee member, United States Foreclosure Network (USFN) *2015 - Present*

EDUCATION

- University of Utah, S.J. Quinney College of Law, Salt Lake City, Utah.
 Juris Doctor *May 1998*
 First-year Scholarship Class Representative.
- University of Utah, Salt Lake City, Utah.
 Bachelor of Arts, Political Science. *June 1994*

PERSONAL

- Interests include family, traveling, reading, cycling, poker, and participating in an occasional triathlon.

HIRSCHI BAER & CLAYTON^{PLLC}

ATTORNEYS AT LAW

DAVID P. HIRSCHI, ESQ.
dave@hbcfirm.com

A PRACTICE DIVISION OF:
 **Davis Miles**
McGuire Gardner

October 11, 2018

Ms. Christy Abad
Utah State Bar Executive Assistant
christy.abad@utahbar.org

Re: Application for Consideration for Appointment to ABA House of Delegates

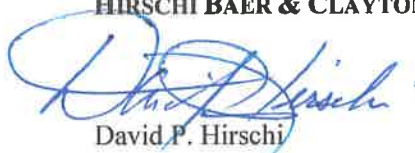
Dear Ms. Abad:

Please accept this letter as my application for consideration by the Utah State Bar Commission for the position as the Utah State Bar Representative to the ABA House of Delegates. I have been active in both the Utah State Bar and American Bar Association for many years and have a good relationship with many senior members in leadership in the ABA Business Law Section. I also have a personal acquaintance with the current President of the ABA, who was the keynote speaker at our ABA State and Local Business Bar Leadership Conference in Chicago last Spring. I am the current Chair of the Business Bar Leadership Conference, which brings together the Chairs or Vice-Chairs from state, local and affinity bar associations throughout the country for leadership training. I have served in this position for several years and am prepared to resign from this activity should it conflict with the House of Delegates appointment.

I do not think that my service on the House of Delegates will adversely affect my ability to continue to serve on the MCLE Board or other activities associated my family, firm, church or community commitments.

I would be happy to serve and will appreciate the Commission's consideration of this application. I have attached a copy of my current resume as part of this application.

Very truly yours,
HIRSCHI BAER & CLAYTON, PLLC



David P. Hirschi

Enclosure

DAVID P. HIRSCHI

Home Address:
1074 North 300 East
Centerville, Utah 84014
(801) 990-0500 – Office
(801) 573-4120 - Cell
E-mail – dave@hbcfirm.com

EMPLOYMENT EXPERIENCE**2009-Present**

Hirschi Baer & Clayton, PLLC
136 East South Temple, Suite 1400
Salt Lake City, Utah 84111

I am the cofounder and co-owner of this law firm. The firm consists of five attorneys with practices concentrating in the areas of business organizations, business transactions, business finance, business litigation, real property transactions, foreclosures and loan workouts, land use planning and litigation, title insurance defense, utility law and estate planning.

2002-2009

Hirschi Christensen, PLLC
136 East South Temple, Suite 850
Salt Lake City, Utah 84111

I was the co-founder and co-owner of this law firm. The firm consisted of nine attorneys specializing in the areas of business transactions, real property, title insurance coverage and litigation, business litigation, family law, personal injury law, business organizations, utility law and estate planning.

1999-2002:

Hirschi Law Office, L.C.
10 West Broadway, Suite 210
Salt Lake City, Utah 84101

Hirschi Law Office, L.C., was the registered name for my private practice of law which concentrates in the areas of real property (transactional and litigation), title insurance defense, general contract and commercial, environmental, business organization (corporations, partnerships, and limited liability companies), financial transactions, and utility law.

1990—2001: Vice President and General Counsel

Kelmarc Corporation
2224 North 640 West
West Bountiful, Utah 94087

I was responsible for all legal or law related aspects of the management, consulting, equity and debt placement, contract negotiations and general advisory activities in this financial consulting and development firm. I participated in the formation of Kelmarc Corporation and my family holds a significant ownership position in this company. From 1990 through 2000, I assisted Kelmarc in placing approximately \$50 million in debt financing on hydroelectric projects located in Idaho.

1991—1995: Owner, Developer, and Retained Counsel

Horseshoe Bend Hydroelectric Company
1401 Shoreline Drive
Boise, Idaho 83702

While serving as retained counsel, I was responsible for certain legal and regulatory aspects of this hydroelectric development company. Prior to April, 1994, I served as Executive Vice President, Secretary, General Counsel, and as a member of the company's Board of Directors. While serving as an officer of this company, I assisted in the placement of construction and permanent debt and equity financing for a \$35 million hydroelectric generating facility located near Boise, Idaho, constructed and currently operated by this company. While serving as General Counsel, I secured all of the environmental and other governmental permits (state and federal) for the Project and gained substantial experience in federal trial practice, both at the District and Appellate Court levels.

1986—1990: Vice President, Secretary, and General Counsel

Bonneville Pacific Corporation
257 East 200 South, Suite 800
Salt Lake City, Utah 84111

While at Bonneville, I gained experience in general corporate law, labor relations, complex financing and real estate transactions, general utility and alternative energy law, regulatory law, and general commercial transactions. I participated as transactional counsel in the development and financing of 23 qualifying facility (PURPA) projects ranging in size from 300 kilowatts to 80 megawatts, utilizing various resources including water, wood wastes, and natural gas.

1982—1986: Shareholder (Partner) Attorney

Parsons, Behle & Latimer
 201 South Main, Suite 1800
 Salt Lake City, Utah 84111

While at Parsons, Behle & Latimer I gained extensive experience with complex commercial real estate and lending transactions, real estate development, administrative law and general corporate law. I also obtained substantial experience in natural resource and environmental law areas, including acquisition and syndication of natural resources and the obtaining of environmental permits and authorizations. As a member of the Firm's Board of Directors I participated in the administration of this law firm. I also served on the Management, Compensation, Placement and Pension/Profit Sharing Committees of the Firm.

1978—1982: Associate Attorney

Parsons, Behle & Latimer
 201 South Main, Suite 1800
 Salt Lake City, Utah 84111

While an Associate with Parson, Behle & Latimer I gained experience with litigation and litigation appeals preparation and practice, product and personal liability, domestic affairs, and general commercial transactions and litigation.

EDUCATION

Brigham Young University
 J. Reuben Clark Law School
 Juris Doctor (*cum laude*)—April 1978

Utah State University
 Bachelor of Arts (*magna cum laude*)—June 1975
 Major: English
 Minors: Political Science and German

PROFESSIONAL ASSOCIATIONS

Admitted to Practice:

Utah Supreme Court and U.S. District Court for the District of Utah, 1978;
 Idaho Supreme Court and U.S. District Court for the District of Idaho, 1992;
 Washington Supreme Court and U.S. District Court for District of Washington, 2004
 Ninth Circuit Court of Appeals, 1992;
 United States Supreme Court, 1994.

Member:

Utah State Bar
Idaho State Bar Association
Washington State Bar Association
American Bar Association
ABA Business Section State and Local Bar Relations Committee
ABA Business Bar Leaders Conference (Current Chair)
Utah MCLE Board (Current Chair)
Utah Land Use Institute (Current Chair)
Business Law Section of the Utah State Bar (Former Chair)
Real Property Section of Utah State Bar (Former Chair)
Centerville City Board of Adjustment

PERSONAL

Age: 67

Health: Excellent

Marital Status: Married (45 years)

Spouse: Pamela B. Hirschi

Activities: Time with family, scuba diving, snow skiing, traveling, fishing and reading.

REFERENCES available upon request.

Hoskins Legal Solutions

471 West Heritage Park Blvd, Suite 1
Layton, Utah 84041
Phone: 801-593-1065

Catherine Hoskins

Attorney at Law

Christy Abad
Utah State Bar

November 7th, 2018

RE: ABA

To Whom It May Concern,

This letter is a formal request to be considered for the open ABA position. I am currently an active member of the Utah State Bar and the ABA. I have been a practicing attorney since 2002. In 2014 I was appointed as a Justice Court Judge for Syracuse City, nine months later I was appointed to the Clinton City justice court. I currently spend two days a week as a justice court judge and the rest of the week doing family law and general practice. As a divorce attorney I am actively litigating and regularly in front of the trial courts. In the last couple of years, I have realized that we need to be involved on both a national level and a local level. On the local level I have been the Davis County Bar President and since 2013 I have served as the co-chair of the Second District Pro Bono Committee. I participate in the Divorce Sub-Committee Procedure because the family law landscape is constantly changing. I have been a certified mediator since graduating from law school and in addition to doing divorce mediations, regularly do pro bono mediations on a variety of issues. Two years ago I performed truancy mediations once a month or a local junior high.

After becoming a justice court judge I joined the National and International Association of Women Judges("NAWJ and IAWJ). I have loved having the opportunity to see what is happening across the nation and the world. This year the IAWJ bi-annual meeting was in Buenos Aires, Argentina. I was one of a handful of judges that spoke from the United States. On my panel I was able to share about technology and the Utah Courts. Numerous judges approached me to learn more about what we are doing so they could implement our techniques in their courts.

At the IAWJ conference in Washington D.C. in 2016 they had a panel about natural disasters and steps to take in case of these types of calamities. One judge had maintained court during Hurricane Katrina another judge from New Zealand talked about the Christchurch earth quake. As a result I came back and taught principles to other justice court judges and to a local Inns of the Court meeting about what I had learned and how we could be more prepared. I have not been very involved with the ABA during my career because I have focused more locally. Only recently, after meeting with other judges on a

national level have I realized the important and valuable role the ABA plays in our legal processes and that I need to be involved there as well.

As quaint as it sounds I am proud to be from Utah. There have been very limited occasions that I have felt that Utah is far behind the curve. However just because we are good does not mean that we need to stop trying to improve. On the one hand I would love to just get to work on committees all day, but part of what makes me a good participant is that I am in the trenches day in and day out and I understand the struggles to the current legal community. I know how hard it is to maintain a solo practice and balancing billing, pro bono, clients and family life. I am not independently wealthy so time on these committees takes away from my practice and my family, but they are important and so I continue to serve. We have the best legal system in the world and I want to continue to make sure that Utah is at the forefront.

I am sure that you will have many qualified applicants for this position and I thank you for considering mine.

Sincerely,

Catherine J. Hoskins
Attorney at Law

Catherine J. Hoskins, J.D.

471 West Heritage Park Blvd, Suite 1
Layton, UT 84041

Phone: 801-593-1065
Email: catherine@hoskinslegal.com

Education

University of Oregon College of Law – Juris Doctorate December, 2001
University of Utah University BA Major History, May, 1999
Brigham Young University Idaho, Associates Degree, December, 1996

Employment

Clinton Justice Court Judge:
July 2015-present

Syracuse Justice Court Judge:
September 2014- present

Hoskins Legal Solutions PLLC.
January 2003- to present

- Domestic practice
 - o Defend and prosecute all areas of domestic practice to include adoption, divorce, paternity, and guardianship.
 - o Consult for other attorneys regarding custody dispute matters, and what community resources are available.
- Special Master and Guardian ad Litem
 - o Work with high conflict parents to find and implement what is in the best interest of their children.
 - o Work to keep high conflict court cases out of court and help parents develop skills needed to be successful as a co-parent.
 - o Job requires the ability to deal with a lot of different personalities in high conflict situations. Have to address highly emotional feelings and concerns in order to work toward a common goal, and preventing people from becoming positional to settle.
- Small business and civil litigation matters
 - o Small business consulting on legal issues, corporate formation, tax planning, and marketing strategies, and general business planning.
- Mediator
 - o Mediate domestic, landlord tenant, real estate, probate and small claims matters
 - o Certified on the Utah Court's Roster

Law Office of Pattie S. Christensen
November 2002 to November 2003

- Worked as an associate attorney in an estate planning firm.
- Provided estate planning for individuals and other attorneys.
- Set up small business, and consulted with businesses on a wide range of issues, such as tax planning, asset protection and compliance issues.

Wingo, Rinehart and McConkie
April 2002- November 2002

- Served as an associate attorney while waiting to be admitted to the bar.
- Primarily did divorce and family law work,

- Researched and wrote appellate briefs, and managed personal injury cases.

University of Oregon

Office of Student Affairs

- Represented students before the Judicial Affairs for violations of the student conduct code.
- Assisted students with formal complaints against professors and the University
- Attended legislative meetings with the University that affected the students

Heritage Foundation, Washington D.C.

August 1998-December 1998

- Intern for the President
- Helped research and prepared the Index of Economic Freedom
- Assisted in organizing and planning annual shareholders meeting

Lin Lyn Trading, North Salt Lake Office, Bangladesh Office

January 1996-June 1999, January 1998-May 1998

- Coordinated international shipments
- Drafted requests for variances to U.S. Customs Regulations
- Managed overseas operations
- Located items to be imported overseas for local customers

Pro Bono Services

- Farmington Legal Aid Clinic
- Protective Orders, Farmington
- Family Law Clinic
- Safe Harbor Domestic Cases
- Small Claims Mediation, Justice Court
- Participated in Wills for Heroes in Davis County
- Mentor for the students at the University of Utah School of Law
- Mentor for new lawyers to the Utah State Bar, currently on 4th lawyer
- Participated in Utah Bar Law Day, teaching about the legal system to local schools

Community Involvement

- Written funding grants for elementary schools in Davis County
- Assist Safe Harbor in locating grants for funding
- Community Council Creekside Elementary, 2012-2014
- AYSO certified Coach, 2005-present
- BSA Merit Badge Counselor

Additional Trainings and Certifications

- University of Oregon, Mediator- 2001
- Private Guardian ad Litem Training and Certification-2006
- Domestic Mediation Training- 2007
- Taught CLE on Family Law Practice for the Utah Bar- 2008
- Legal Elite, Family Law: 2012, 2013, 2014
- Truancy Mediation Certified- 2013

Committees and Organizations

- Davis County Bar President, 2011-2014
- Co-Chair Second District Pro Bono Committee 2013-
- Second District Judicial Nominating Committee 2012-2016
- Member of the Rex E. Lee Inns of the Court 2009-
- Divorce Procedures Subcommittee Member, 2013-
- Davis County Bar Member 2010-
- Justice Court Board of Public Trust and Confidence 2015-
- Small Claims Committee 2016-
- Justice Court Education Training Committee-2016-
- Self-Represented Litigants- 2018-

Speaking Engagements

- RISE Training Basics of Family Law November 2016
- Justice Courts and Litigation November 2016
- Meet and Greet with Utah Women Judges December 2016
- Changes with Justice Courts March 2017
- Technology and Criminal Law April 2017
- Justice Courts Fall Forum 2016
- Small Claims Summer Bar 2017
- Basics of Alimony March 2018
- International Association of Women Judges, Argentina May 2018



DURHAM JONES & PINEGAR, P.C.
 111 South Main Street, Suite 2400
 Salt Lake City, Utah 84111
 801.415.3000
 801.415.3500 Fax
 www.djplaw.com

Russell K. Smith
 Attorney at Law
 rsmith@djplaw.com

November 8, 2018

VIA ELECTRONIC MAIL (christy.abad@utahbar.org.)

Christy Abad
 Executive Assistant
 Utah State Bar
 645 South 200 East
 Salt Lake City, Utah 84111

Re: American Bar Association Delegate

Dear Christy:

I am interested in serving as a representative of the Utah State Bar Commission in the American Bar Association's (ABA) House of Delegates. I have been an active member in good standing of the Utah State Bar since 1993 (*i.e.*, 25 years). I have also been a member in good standing of the ABA for approximately 10 years.

I am a shareholder at Durham Jones Pinegar where I have served as Chair of the firm's Business & Finance Section since 2009. As a practitioner, I am a business attorney representing private companies from a variety of industries throughout the Western United States.

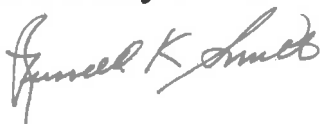
Over the years, I have been involved in numerous California and Utah Bar association committees and sections. In Utah, I was an officer of the Business Section of the Bar from 2005-2009, for which I eventually served as its Chair during its fiscal 2008-2009 year. From 2009 until the 2013, I worked extensively with the Utah State Bar, the Utah legislature and The Uniform Law Commission (ULC, also called the National Conference of Commissioners on Uniform State Laws) to pass Utah's version of the Revised Uniform Limited Liability Company Act. I continue to give assistance to the Business Section's legislative committee. For my service to the Business Section of the Bar, I was recognized as the 2012-2013 Distinguished Business Law Practitioner of the Year.

Christy Abad
November 8, 2018
Page 2

I welcome the opportunity to represent the Utah State Bar with the ABA and would like to thank you in advance for your consideration. Please find enclosed a copy of my resume and firm bio. If there are any questions, please feel free to call me at (801) 297-1171.

Very truly yours,

DURHAM JONES & PINEGAR, P.C.

A handwritten signature in dark ink, appearing to read "Russell K. Smith". The signature is fluid and cursive, with the first name "Russell" and last name "Smith" clearly distinguishable.

Russell K. Smith
Attorney at Law

RKS:cn
Enclosure



RUSSELL K. SMITH

Shareholder

Salt Lake City

Email: rsmith@djplaw.com

Main: 801.415.3000 | 801.297.1171

PRACTICE AREAS

- Corporate/Business Law
- Commercial Transactions
- Securities
- Start-up & Early Stage Companies
- Mergers & Acquisitions
- Tax

ADMITTED TO PRACTICE

- California
- Colorado
- Texas
- Utah

DURHAM
JONES &
PINEGAR

ATTORNEYS AT LAW

Russell K. Smith is a shareholder and chair of the firm's Business & Finance Section. Mr. Smith represents private companies in a broad range of industries and sectors, including venture capital, life sciences, software, internet, real estate, manufacturing, retail, telecommunications and energy (including oil and gas).

Mr. Smith regularly advises start-up and emerging-growth companies from formation through liquidity in matters including governance, debt and equity financing, equity-based compensation, and mergers and acquisitions. Mr. Smith provides similar advice to more established companies and investors, including VC firms, strategic corporate investors and angel investors. Many of his clients are partnership and LLCs for whom he provides sophisticated management, capital strategy and partnership tax advice.

Mr. Smith started his career in the San Francisco Bay Area where, during the dot-com boom, he worked for a prominent multi-national law firm. In 2001 at the commencement of San Diego's biotech boom, he helped open the same multi-national law firm's San Diego office. Mr. Smith moved to Utah and joined DJP in 2004. Having worked and trained at a large firm, Mr. Smith provides big-firm expertise with the client-centered approach of a smaller firm.

Mr. Smith has been involved with LLC and partnership legislation in California and Utah. Most recently, Mr. Smith played a prominent role drafting and helping to pass Utah's version of the Revised Uniform Limited Liability Company Act.

The Business Section of the Utah Bar Associate honored Mr. Smith as the 2012 - 2013 Distinguished Business Law Practitioner of the Year.

REPRESENTATIVE CASES/DEALS

- Represented Alder Holdings, LLC in connection with amending its \$60M credit facility. (July 2018)
- Represented ARM Energy Holdings, LLC and its affiliated entities in connection with the business combination of Silver Run Acquisition Corporation II with Alta Mesa Holdings, LP and Kingfisher Midstream, LLC. Combined company valued at \$1.55 billion (February 2018)
- Served as legal advisor to Kingfisher Midstream, LLC in Assisted in securing inaugural \$200 million credit facility. (August 2017)
- Represented Woodbury Corporation in connection with formation of real estate fund (Fund III and Fund II) and sale of limited partnership interests in the fund (each valued at \$75M), including structuring fund for regulatory purposes and tax efficiencies, securities compliance. Negotiated and drafted necessary entity and investment/transaction documents. (May 2017 and May 2015 respectively)
- Represented Alder Holdings, LLC in connection with a \$55M recapitalization of the company and adoption of its equity incentive plans (April 2017)
- Represented Asset Risk Management, LLC in connection with amending its \$25M credit facility (Sept. 2016)

AWARDS

- Chambers USA (2017 - 2018)
- *Utah Business* Legal Elite (2015, 2018)
- Recipient, Business Law Practitioner of the Year, Utah Bar Association (2012 - 2013)

PUBLICATIONS & PRESENTATIONS

- "Utah Should Adopt a Modified Version of the Revised Uniform Limited Liability Company Act", Utah OnLaw (2013)
- "Utah LLCs vx. Other State LLCs: When Should Attorneys Consider Forming LLCs Outside Utah?", Utah Bar Journal (Sept. / Oct. 2009)
- "Due diligence: Now is the time for biotech companies to prepare", San Diego Daily Transcript, Russell K. Smith (June 2002)
- Oral Operating Agreements & Fiduciary Duties Issues, Utah State Bar Fall Convention 2014 (Nov. 2014)
- Proposed Revision to the Utah LLC Act, 2010 Spring Convention of the Utah State Bar, Mar. 2010)
- Problems with forming LLCs in Utah (Oct. 2009)
- Utah's Proposed Adoption of the RULLCA – What Lawyers Should Know!, Business Law Section, Utah State Bar (Dec. 2008)
- 10 Pitfalls That Can Kill a VC Deal (2004)
- Working with Angel Investors. Biotech Breakfast Briefing (Nov. 2001)

PROFESSIONAL & CIVIC ACTIVITIES

- Chair, Durham Jones & Pinegar Business & Finance Section

- Chair, Business Section, Utah State Bar (2008 - 2009); Officer (2005 – 2009)
- Member, San Diego Venture Group (2001 – 2003)
- Member, San Diego County Bar Association (2001 – 2003)
- Chairman, Young Tax Lawyers Committee – South Bay Chapter (1996 – 1997)
- Member, California State Bar Tax Section Pass-Through and Real Estate Committee (1996 – 1997)
- Executive Committee, Tax Section, Santa Clara County Bar Association (1994 – 1998)
- Member, Santa Clara County Bar Association (1992 – 2001)

EDUCATION

Brigham Young University, J. Reuben Clark Law School – J.D., cum laude (1992)

- Member, Moot Court Board
- Member, Brigham Young University Journal of Law and Education

Brigham Young University – B.S., Business Finance, cum laude (1989)

LANGUAGE

- French



STATE OF UTAH
Indigent Defense Commission

370 East South Temple, Suite 500
Salt Lake City, UT 84111
Phone: (801) 532-4818
idc.utah.gov

Michael Zimmerman
Commission Chair
Joanna Landau
Director

Dear Utah State Bar Commissioners,

I write to express my interest in becoming one of the Utah State Bar's representatives in the American Bar Association's House of Delegates.

I am deeply grateful to the ABA for its leadership in national indigent defense reform through its Standing Committee on Legal Aid and Indigent Defense. In my efforts to lead Utah along the path to indigent defense reform, SCLAI D has been a tremendous resource for policies, materials, connections, and trainings. I would relish this opportunity to give back to the ABA.

I will effectively represent Utah in the House of Delegates. As the Director of Utah's Indigent Defense Commission, I frequently speak for Utah in national meetings on best policies and practices for indigent defense, and I know how important it is to be informed and experienced to best represent Utah outside the state. I work with attorneys and politicians in Utah's 29 counties, which has given me a thorough understanding of the diverse politics, urban and rural populations, legal practices, and employment opportunities in Utah. I bring that experience into the legislature each year, where I have helped reform Utah's indigent defense laws, and achieved increased state funding for local government indigent defense services. I have also practiced law in a variety of areas, and my criminal law experience will bring an underrepresented perspective to the House of Delegates.

I will bring my legal and policy experience and thorough understanding of the state to meaningfully represent Utah on the range of issues addressed in the House of Delegates. I am available to attend both the 2019 Midyear and Annual ABA meetings. I look forward to discussing this opportunity.

Sincerely,



Joanna Landau

Director, Utah Indigent Defense Commission

Oct. 2016 – Present

- Report to the Commissioners and oversee staff, as we all work to help the state improve the constitutionality of Utah's indigent defense services.
- Advise Utah's three branches of government and other state and local agencies about constitutional indigent defense requirements and practices.
- Manage a nearly \$4 million budget, and administer state grant program to local governments to improve indigent defense.
- Collaborate with the Commission on Criminal and Juvenile Justice in statewide criminal justice policy and advocacy.
- Commentary: Indigent defense is improving in Utah.

<https://www.sltrib.com/opinion/commentary/2018/02/02/commentary-indigent-defense-is-improving-in-utah/>

Appellate Attorney, Salt Lake Legal Defender Association.

2012 – 2016

- Represented indigent defendants convicted of felony offenses, on appeal to the Utah Supreme Court and Utah Court of Appeals.
- Presented legal updates and education to trial attorneys, and supervised law clerks.

Attorney Law Clerk, Third District Court, Salt Lake and Summit Counties

2009 – 2012

- Advised trial court judges in court hearings and rulings.
- Assisted judges on efforts to reform Utah's Adoption Code.
- Coauthor, *Statements of Material Fact: Improving Effectiveness and Avoiding Pitfalls*, Utah Bar J., Sept./Oct. 2008, Judge Anthony B. Quinn.

2007 – 2009

Associate Attorney, Kruse, Landa, Maycock & Ricks.

2009 – 2010

- Represented parties in domestic mediations, negotiations, and court hearings.

Law Clerk, Children's Justice Division of the Utah Attorney General.

2004 – 2006

- Research and legal advice to prosecuting attorneys.

PRESENTATIONS

Lieutenant Governor Spencer Cox, Senator Todd Weiler, and Director Joanna Landau. July, 2016
Is 7 minutes enough? Why you should care about public defense reform in Utah.
 Utah State Bar Summer Convention, Sun Valley, Idaho.

Introduction to and Updates about, The Utah Indigent Defense Commission. Oct. 2016 – Present
 Local governments throughout the state, UAC Managers and Annual Conferences,
 ULCT Annual Conference, UMAA, Statewide Association of Prosecutors, and UACDL Conferences.

EDUCATION

University of Utah, S.J. Quinney College of Law, Salt Lake City, Utah. J.D. 2006

Articles Editor, *Journal of Land, Resources, and Environmental Law*. Published article.
 Faculty Research Assistant, Property Law Teaching Assistant.
 Women's Law Caucus President, Inaugural Student Commencement Speaker.

Wellesley College, Wellesley, Massachusetts

B.A. 1998

Art History major, English language and literature minor, Cum Laude Graduation Honors.

COMMITTEES, BOARDS, & MEMBERSHIPS

National Association of Criminal Defense Lawyers, Rural Defenders Steering Committee	2018 – Present
National Association for Public Defense, Steering Committee	2017 – Present
David K. Watkiss Sutherland II Inns of Court	2009 – Present
▪ Programming Committee (2016-2017), Group Leader (2015, 2016, 2017)	
▪ Write, manage, and direct legal professionalism and skills programming	
American Bar Association Member	2017 – Present
Appellate Practice Section of the Utah State Bar	
▪ Chair (2015-2016), Vice Chair (2014-2015), Secretary (2012-2014), Current Member	
University of Utah College of Law Young Alumni Board, Vice President and Board Member	2013 – 2016
University of Utah. Law Student Mentor	2015 – Present
Utah Minority Bar Association. Member	2006 – Present
Women Lawyers of Utah. Board (2007-10) and Member	2005 – Present
Young Lawyer's Division. Executive Board (2011-2012) and Member	2006 – 2012

Christy Abad

From: Lloyd, W. Waldan <wwlloyd@djplaw.com>
Sent: Tuesday, November 06, 2018 4:14 PM
To: Christy Abad
Subject: Resume for American Bar Association Delegate
Attachments: WWL Resume Summary.pdf

Ms. Abad

This email responds to the Utah State Bar Commission's request for applicants to be a 2-year term ABA Delegate, representing Utah, as copied in part below.

American Bar Association Delegate

The Utah State Bar Commission is seeking applicants to serve a two-year term as one of the Bar's two representatives in the American Bar Association's (ABA) House of Delegates for a term to run through the August 2020 ABA Annual Meeting. The Bar has one other representatives in the House of Delegates, as well as a representative from the Young Lawyers Division. The ABA Members in Utah also have an elected delegate.

The delegate is expected to attend the ABA's Midyear and Annual meetings and to participate in appropriate interim meetings and in conference calls as needed. There will also be some preparation work to review issues and communicate with and report to the Bar Commission on a regular basis. The delegate also serves as an *ex-officio* member of the Bar Commission and would be expected to attend regular Commission Meetings.

Please consider this email to be my application for the advertised delegate position. I have copied below a link to my resume as published on my firm's website.

<https://www.djplaw.com/wp-content/uploads/2016/10/Lloyd-Wally.pdf>

In addition to the information contained in the website I have taken the liberty to prepare a more detailed explanation of my extensive ABA activities, as well as a description of some of my other activities and memberships. That explanation is attached to this email in .pdf format. Please feel free to contact me with questions, or if you or the Commission would like additional information. Thank you in advance for your consideration.

W. Waldan Lloyd
 Utah Bar #1985

W. Waldan Lloyd | Attorney at Law

Durham Jones & Pinegar, P.C.
 111 S. Main Street, Suite 2400 | Salt Lake City, UT 84111
 Phone: 801.415.3000 | Fax: 801.415.3500
www.djplaw.com | wwlloyd@djplaw.com



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W. Waldan Lloyd - Utah Bar #1985

Application for position as American Bar Association Delegate from Utah

The following provides more detail and explanation of my ABA service and other activities.

ABA

I have been an active member of the ABA Sections of Taxation and Labor for over 25 years. I have attended Tax Section meetings regularly and occasionally Labor Section meetings for more than 20 years.

I have been active in leadership positions within the Employee Benefits Committee of the Taxation Section, serving as Vice Chair of the ESOP Sub-Committee for 3 years (2006-2008) and then as Chair of the ESOP Sub-Committee from 2008-2011. While Chair of the ESOP Sub-Committee I also served as Co-Chair of the Sub-Committee on Fiduciary Responsibility and Litigation. I was appointed Vice-Chair of the Taxation Section Employee Benefits Committee in 2012 and served as a Vice Chair until I was appointed Chair of the Committee in 2016. My responsibilities as Chair and Immediate Past Chair of the Taxation Section Employee Benefits Committee ended July 31 of this year.

As Vice Chair, then Chair and Co-Chair of the ESOP and Fiduciary Responsibility and Litigation sub-committees my responsibilities included preparation of materials and presentations for the thrice-yearly Taxation Section meetings. That involved obtaining and following through on presentation commitments from practitioners in the private sector and coordinating attendance and commitments from federal government representatives from IRS, Treasury and the Department of Labor.

As a Vice-Chair for the Taxation Section Employee Benefits Committee I had the responsibility to participate in planning and overseeing all programs presented by the Employee Benefits Committee at all Section of Taxation meetings, including oversight for each of the 14 sub-committees within the Employee Benefits Committee.

During my term as Vice Chair I was also a Taxation Section representative to the ABA Joint Committee on Employee Benefits (JCEB), an educational and liaison arm of the ABA made up of members from six different ABA Sections. Those sections are – Taxation; Real Property, Trusts and Estate Law; (RPTE); Labor and Employment Law; Business Law; Tort, Trial and Insurance Practice (TTIPs); and Health Law. The JCEB sponsors seminars and webinars on topics of interest to practitioners in the employee benefits area, and also coordinates programs and meetings with government officials from IRS, Treasury, Department of Labor and the Pension Benefit Guaranty Corporation (PBGC).

As noted above, I continued as a Vice-Chair of the Employee Benefits Committee until 2016, when I was appointed Chair. My responsibilities as Chair included overseeing all activities of the Employee Benefits Committee, coordinating with the Section of Taxation Leadership, planning and coordinating all Employee Benefit Committee and sub-committee activities at all Section of Taxation meetings (held three times each year), and overseeing the preparation and

submission of formal comments on behalf of the ABA with respect to newly issued or proposed guidance from IRS, Treasury, DOL and the PBGC on matters involving employee benefits.

My role during my time as Chair of the Employee Benefits Committee also included a separate appointment as Chair of the JCEB Technical Sessions Sub-Committee. That Sub-Committee is responsible for arranging and coordinating meetings which are held during the first or second week of May each year between practitioners from the private sector and representatives from each of the following agencies: Treasury, the Internal Revenue Service, the Department of Labor, the PBGC, Health and Human Services (HHS), the Securities and Exchange Commission (SEC) and the Equal Employment Opportunity Commission (EEOC). At these meetings topics of current interest relative to employee benefits matters are discussed. Practitioners present various topics for discussion while government representatives are free to respond and participate in discussing and questioning the issues raised. The intention of all such meetings is to provide input to assist those in government whose role is regulation and oversight of employee benefits to better understand the current concerns and issues facing the private sector. My responsibility as Chair of the JCEB Technical Sessions Sub-Committee was to arrange each of the May meetings and coordinate with the proper government officials to insure the meetings occurred as planned.

As part of my appointment as vice chair, chair and my role thereafter as immediate past chair, I have continued close involvement in the activities of the ABA Taxation Section and the Employee Benefits Committee. This also includes ongoing participation in the "Government Invitational," a two-day annual program sponsored by the JCEB each spring at which government representatives and practitioners meet to discuss and analyze trends and developments in employee benefits and consider proposals for the future of employee benefits in the areas of retirement plans, health care and executive compensation. I have been an active participant in the Government Invitational during my term as Vice Chair and Chair of the Employee Benefits Committee and will continue involvement with that program going forward.

OTHER ORGANIZATIONS

In addition to the foregoing activities directly involving the ABA, I have also been active in other organizations that have a close involvement with employee benefits issues. I am a charter fellow in the American College of Employee Benefits Counsel (website here: <https://www.acebc.com/>). Membership in the ACEBC is available only to employee benefits attorneys who have been nominated for that honor and recommended for consideration by the Board's Membership Committee after considering the recommendations of regional screening committees. Fellows must have a minimum of 20 years' experience in the employee benefits field. Selection as a Fellow reflects the Board's judgment that a nominee has made significant contributions to the advancement of the employee benefits field and is recognized by his or her peers for expertise in the field and intellectual excellence. I am currently active in the ACEBC and serve as a member of its Long Range Planning Committee.

Around twenty years ago I and three other benefits lawyers in the western United States, with the cooperation of the Internal Revenue Service, established a liaison group (Pacific Coast Area TE/GE Council) that meets at various intervals throughout each year with representatives from the Pacific Coast Area TE/GE group of the IRS for the purpose of interacting on matters

involving employee benefits. These informal meetings offer an opportunity for members of the practitioner community and IRS officials in the Pacific Coast Area to meet and discuss issues of mutual interest that impact employee benefits. The Pacific Coast Area TE/GE Council has members from each of the states subject to the jurisdiction of the IRS Pacific Coast Area.

Each February the Pacific Coast Area TE/GE Council meets with similar Councils from the Gulf Coast, Great Lakes, Mid-Atlantic and North East Areas of the IRS for two days of meetings with IRS and Treasury officials and occasionally, representatives from the DOL. I have been closely involved with the Pacific Coast Area TE/GE Council, both in its formation and as its Chair for a number of years. I am now a past year of the Council, but still an active participant in its operations and meetings with the IRS.

PLANT
CHRISTENSEN &
KANELL ATTORNEYS AT LAW

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

DANIEL E. YOUNG
dyoung@pckutah.com

November 7, 2018

Utah State Bar Commission
c/o Christy Abad
christy.abad@utahbar.org

Dear Bar Commissioners:

I am interested in serving as a representative of the Utah State Bar in the American Bar Association's House of Delegates. I am an active member of the ABA, currently serving as the vice-chair of communications for the Northeast Asia Committee in the Section of International Law of the ABA. I have enjoyed working with this committee and getting to know many other attorneys from around the country and the world. I am currently in line to become the ABA's liason with the Japan Federation of Bar Associations when the current liason decides to step away. I would love to broaden my connections with more within the ABA and represent the Utah Bar's interests within the ABA.

As the vice-chair of communications for the Northeast Asia Committee I have participated in many trainings on ABA governance and committee work. I have also learned about Utah Bar operations through the Utah Bar Leadership Academy and serving with the Disaster Relief Committee. I would love to get more involved in the process of setting policy for the ABA.

I am aware of the time commitment and am willing to put in the time necessary to be prepared for the work of being a representative.

Please let me know if you have any questions about my qualifications for this position.

Best regards,



DANIEL E. YOUNG

Daniel E. Young

(801) 232-3528 • 2271 East Lambourne Ave., Millcreek, UT 84109 • dyoung@pckutah.com

Professional Experience

Plant, Christensen & Kanell, Salt Lake City, Utah

Associate, April 2010–Present

- Participate in all aspects of civil litigation in state and federal courts and administrative agencies, including drafting motions and appellate briefs, appearing at jury trials, oral arguments, mediation, and arbitration.
- Main practice areas include insurance defense, personal injury, workers' compensation, construction defect, premises liability, and subrogation actions.

Japan Federation of Bar Associations, Tokyo, Japan, but currently working remotely from Salt Lake City, Utah

English Editor, September 2008–Present

- Researched human rights treaties.
- Edit and provide some translation for statements and other documents produced by the JFBA for publication on its English website and communications with other bar associations and the U.N.
- Started Meiseki Legal Editing, LLC in 2018 to expand legal editing work for the JFBA and other international clients.

IP Division, LDS Church, Salt Lake City, Utah

Intern, September 2009–April 2010

- Assisted in reviewing of contracts and documents in preparation for intellectual property transfer.

Conan Grames & Associates, Salt Lake City, Utah

Part-time Associate, June 2009–July 2009

- Assisted with drafting of crisis management plan and international gold transaction.

Bateman IP Law Group, Salt Lake City, Utah

Law Clerk, December 2008–June 2009

- Assisted with litigation involving patents, trademarks, copyrights, and trade dress infringement.

Kamiyacho International Law Offices, Tokyo, Japan

Law Clerk, Spring 2008

- Translated, edited, and performed due diligence for international contracts.

U.S. Magistrate Judge David Nuffer, Salt Lake City, Utah

Extern, Summer 2007

- Drafted opinions and orders and researched legal issues.

Community Involvement

University of Utah Young Alumni Board

Member, 2017–Present

- Raise money for Alumni Association Scholarships and other activities.

Northeast Asia Committee, Section of International Law, ABA

Vice Chair of Communications, 2017–Present

- Assist with planning and implementing CLE presentations for ABA meetings.

Utah State Bar Disaster Legal Response Committee

Member, 2017–Present

- Plan CLEs and prepare Utah Bar to respond to legal issues raised during natural disasters.

Utah State Bar Leadership Academy

Inaugural Class, 2016

- Participated in the inaugural Utah State Bar Leadership Academy with Joshua Figueira. Received training on leadership, bar service, public speaking, networking, and other topics.

Salt Lake Choral Artists*Chairman of the Board*, June 2014–May 2015*Board Member*, June 2010–May 2014

- Led capital campaign effort to purchase a building for SLCA. Raised over \$400,000 to meet challenge grant.
- Managed human resource issues for such as discrimination and harassment claims, instituting relevant policies.

Boy Scout Leader*Various Positions at Various Times*

- Lead young men in scouting activities and rank advancement

Church Service*Various Positions at Various Times*

- Served as missionary in the Japan Sendai Mission under mission presidents Conan Grames and Alan Bird.
- Leadership positions in young men's, men's, and Sunday school organizations, currently play the organ.

Education

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

- *Juris Doctor, with honors*, May 2009
- Project Manager for Global Justice Think Tank, Fall 2007–Spring 2009.
- Received Pro Bono Initiative Certificate, volunteered with Family Law Clinic.
- Semester abroad in Tokyo, Japan, earned Dean's List Honors, Spring 2008.
- CALI award (highest grade in course) Arbitration and Legal Professions and Skills (tied)
- Earned Williams Company Foundation and Leadership Scholarships, Fall 2006–Spring 2009
- President, LDS Law Student Association, Member JRCLS and SIPLA, Fall 2008–Spring 2009

University of Utah, Salt Lake City, Utah

- *Honors B.A.*, Japanese, minor in Business, *magna cum laude*, August 2006.
- Presidential Scholarship, Dean's List every semester.
- Assistant to the Program Director for study abroad program at Shinshu University in Nagano, Japan.
- Presidential Intern for President Michael K. Young, August 2005–August 2006. Assisted President Young with research on international religious freedom.
- Won first place in the All-Utah Japanese Speech Contest–2005.
- One of 14 students to participate in the first U of U Honors Think Tank.
- Member of Phi Kappa Phi, Golden Key, Phi Beta Kappa, and Beehive Honor Societies.

Bar Membership, Language, and Interests

- Utah State Bar, admitted October 2009
- Licensed to practice before all state and federal courts in Utah.
- U.S. Court of International Trade, admitted 2017
- U.S. Court of Appeals for the Federal Circuit, admitted 2017
- Proficient in Japanese
- Enjoy sports and music, play classical guitar.
- Married to Leah Young and have four children, William, Annie, Emmett, and Charlie

Publications and Awards

- Utah's Legal Elite, Up and Coming 2017
- TOP TEN GLOBAL JUSTICE LAW REVIEW ARTICLES 2008, edited and selected by Amos N. Guiora (Oxford University Press, 2009). Assisted in compiling and ranking the articles as part of the Global Justice Think Tank.
- Translated Japanese court case in PLEA BARGAINING ACROSS BORDERS by Jenia Turner (Aspen Publishers, 2009).
- "Power and Solidarity in Japanese and English Political Speeches and Stand-up Comedy," Honors Thesis, Department of Japanese, University of Utah, 2006.

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November 7, 2018

Board of Bar Commissioners
 Attention: H. Dickson Burton, Bar President
 Utah State Bar
 645 South 200 East, Suite 310
 Salt Lake City, Utah 84111-3834

Re: ***Fund for Client Protection
 Meeting of September 21, 2018***

Dear President Burton:

The following is a report of the meeting of the Fund for Client Protection a/k/a Client Security Fund which was held September 21, 2018 at the Law and Justice Center. The members of the Committee that were present are Committee Chair Stephen Farr, Bradley Mumford, Linda Barclay, Kim Colton, Mickell Jimenez, James Hunnicutt, Joanna Bell, Smith Monson and Kathleen Jeffrey. Also present were Barbara Townsend and Diane Akiyama from the Office of Professional Conduct and Staff Liaison Christine Critchley. The Committee considered various claims and makes the following factual analysis and recommendations:

A.	Claimant:	Brian Jackson
	Involved Attorney:	Suzanne Marychild (deceased)
	Disciplinary Status:	Deceased

FACTS: The claimant retained the services of attorney Suzanne Marychild for the purpose of creating a guardianship for his 18-year-old special needs son. Claimant paid to Mrs. Marychild the sum of \$300 to perform those services. Attorney Marychild passed away before she had the opportunity to perform any meaningful services for the claimant. Attorney Kevin Fife was appointed by the Utah State Bar to act as the Trustee for closing up the affairs of attorney Marychild. In his trustees report, Mr. Fife states that unearned funds from clients had not been always segregated into a separate trust account. Accordingly, there was not sufficient money in the trust account of Mrs. Marychild to repay the claimant. The claimant stated and provided proof that he had in fact paid \$300 to Mrs. Marychild and it appeared to the committee that no meaningful services have been provided.

RECOMMENDATION: The Committee recommends an award of \$300.

B.	Claimant:	Kate Hansen
	Involved Attorney:	Suzanne Marychild (deceased)
	Disciplinary Status:	Deceased

FACTS: The claimant retained the services of attorney Suzanne Marychild for the purpose of creating a legal separation. Claimant paid to Mrs. Marychild the sum of \$535 to perform those services. The claimant agreed that Mrs. Marychild had earned \$235 of the fee and was seeking reimbursement in the amount of \$300. Attorney Kevin Fife was appointed by the

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Utah State Bar to act as the Trustee for closing up the affairs of attorney Marychild. In his trustees report, Mr. Fife states that unearned funds from clients had not been always segregated into a separate trust account. Accordingly, there was not sufficient money in the trust account of Mrs. Marychild to repay the claimant. The claimant stated and provided proof that she had in fact paid \$535 to Mrs. Marychild. The value of the services actually earned was \$235.

RECOMMENDATION: The Committee recommends an award in the amount of \$300 which was the amount sought by the Claimant.

C.	Claimant: Involved Attorney: Disciplinary Status:	Colby Rose Christensen Suzanne Marychild (deceased) Deceased
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FACTS: The claimant retained the services of attorney Suzanne Marychild for the purpose of filing a divorce action. Claimant paid to Mrs. Marychild the sum of \$2,368 to perform those services. She agreed that Mrs. Marychild had earned \$968. This amount was reflected on the time billings of Mrs. Marychild. Claimant requested that she be repaid the sum of \$1,400 as the unearned portion of her retainer fee. Attorney Kevin Fife was appointed by the Utah State Bar to act as the Trustee for closing up the affairs of attorney Marychild. In his trustees report, Mr. Fife states that unearned funds from clients had not been always segregated into a separate trust account. Accordingly, there was not sufficient money in the trust account of Mrs. Marychild to repay the claimant. The claimant stated and provided proof that she had in fact paid \$2368 to Mrs. Marychild. The value of the services actually earned was \$968.

RECOMMENDATION: The Committee recommends an award of \$1,400.

D.	Claimants: Involved Attorney: Disciplinary Status:	Shannon Smith Suzanne Marychild (deceased) Deceased
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FACTS: The claimant retained the services of attorney Suzanne Marychild for the purpose of commencing a divorce action. Claimant paid to Mrs. Marychild the sum of \$1,030 to perform those services. The account records of Mrs. Marychild indicated that she had earned \$250 leaving a claim in the amount of \$780 for attorney's fees paid but not earned. Attorney Kevin Fife was appointed by the Utah State Bar to act as the Trustee for closing up the affairs of attorney Marychild. In his trustees report, Mr. Fife states that unearned funds from clients had not been always segregated into a separate trust account. Accordingly, there was not sufficient money in the trust account of Mrs. Marychild to repay the claimant. The claimant stated and provided proof that she had in fact paid \$1030 to Mrs. Marychild. The value of the services actually earned was \$250.

RECOMMENDATION: The Committee recommends an award of \$780.

E.	Claimants: Involved Attorney: Disciplinary Status:	Julie and Terrell Shumway Suzanne Marychild (deceased) Deceased
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FACTS: The claimants retained the services of attorney Suzanne Marychild for the purpose of an initial consultation and for setting up a guardianship for their son. Claimants paid to Mrs. Marychild the sum of \$285 to perform those services. Mrs. Marychild died the day following the retainer fee and before she had the opportunity to perform any meaningful services. Attorney Kevin Fife was appointed by the Utah State Bar to act as the Trustee for closing up the affairs of attorney Marychild. In his trustees report. Mr. Fife states that unearned funds from clients had not been always segregated into a separate trust account. Accordingly, there was not sufficient money in the trust account of Mrs. Marychild to repay the claimants. The claimants stated and provided proof that they had in fact paid \$285 to Mrs. Marychild and it appeared to the committee that no meaningful services have been provided.

RECOMMENDATION: The Committee recommends an award of \$285.

F.	Claimant:	Jose Luis Sauz Verdin
	Involved Attorney:	S. Austin Johnson
	Disciplinary Status:	2 year suspension

FACTS: Testimony was taken in this matter. It became evident during the course of the testimony, that additional facts would be needed. Accordingly, the members of the committee voted to take this matter under consideration, to reschedule an additional hearing on the 9th day of November 2018, and to make a recommendation following the presentation of additional evidence which will be provided at the November 9, 2018 hearing.

RECOMMENDATION: The Committee recommends that this matter be scheduled forward for additional hearing on November 9, 2018.

G.	Claimant:	Dane Parker (CFO prof. Services)
	Involved Attorney:	S. Austin Johnson
	Disciplinary Status:	2 year suspension

FACTS: Testimony was taken in this matter. It became evident during the course of the testimony, that additional facts would be needed. Accordingly, the members of the committee voted to take this matter under consideration, to reschedule an additional hearing on the 9th day of November 2018, and to make a recommendation following the presentation of additional evidence which will be provided at the November 9, 2018 hearing.

RECOMMENDATION: The Committee recommends that this matter be scheduled forward for additional hearing on November 9, 2018.

H.	Claimant:	Scott Firestone
	Involved Attorney:	Stanford Graham
	Disciplinary Status:	6 month suspension

FACTS: Mr. Firestone testified before the panel at the time and place of the hearing. Mr. Graham was either not available or could not be contacted and was not present at the hearing. Mr. Firestone testified that he had paid to Mr. Graham the sum of \$15,000 for attorneys services and had failed to receive any meaningful services. Upon confronting Mr. Graham,

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claimant was advised that Mr. Graham had a family emergency, that he had a brother dying of cancer, and other personal reasons which prohibited him from performing the services that he was contracted to perform. The parties discussed a repayment of the attorneys fees paid, but Mr. Graham failed to meet the terms of that agreement.

RECOMMENDATION: The Committee recommends an award of \$15,000 as no meaningful work was done.

I.	Claimant:	Lance Miller
	Involved Attorney:	Stanford Graham
	Disciplinary Status:	6 months suspension

FACTS: Mr. Miller testified before the panel at the time and place of the hearing. Mr. Graham was either not available or could not be contacted and was not present at the hearing. Mr. Miller testified that he had paid to Mr. Graham the sum of \$10,000 for attorneys services and had failed to receive any meaningful services. Upon confronting Mr. Graham, claimant was advised that Mr. Graham had a family emergency, that he had a brother dying of cancer, and other personal reasons which prohibited him from performing the services that he was contracted to perform. The parties discussed a repayment of the attorneys fees paid, but Mr. Graham failed to meet the terms of that agreement.

RECOMMENDATION: The Committee recommends an award of \$10,000 as no meaningful work was done.

The Committee has made recommendations that \$28,065 be paid out as compensation for the above-referenced claims. With these payments, the Fund's balance would be approximately \$296,000. Please contact me with any comments or questions.

Sincerely,

FUND FOR CLIENT PROTECTION

/s/ Stephen W. Farr

Stephen W. Farr
Committee Chair

SWF/nh

cc: Committee Members in Attendance

TAB
4

MEMORANDUM

To: MCLE Committee

From: Innovation in Law Practice Committee

RE: Request for six additional hours for live CLE credit for “Virtual Learning”

Date: 09/05/18

Dear MCLE Committee:

Like other businesses and professions, the practice of law has changed dramatically in recent years. The technology revolution that has swept the business world has also impacted the legal profession, including not only the way lawyers practice, but also the ways in which lawyers interact and connect with their clients and other lawyers. The technology revolution has also been paired with changing demographics among lawyers, which has seen more lawyers move away from larger firms in the city to small and solo practices in more suburban or rural areas. In recognizing those trends across the lawyer world, and specifically those in the State of Utah, the Innovation in Law Practice Committee proposes amending the MCLE Rules to allow for an additional six hours of live CLE credit for webinars and other online presentations.

Currently, the MCLE rules provide that active status lawyers:

[M]ust complete, during each two fiscal year period (July 1 through June 30), a minimum of 24 hours of Utah accredited CLE which must include a minimum of three hours of accredited ethics or professional responsibility. One of the three hours of ethics or professional responsibility must be in the area of professionalism and civility.

Supreme Court Rules of Professional Practice (“S.C.R.P.”), Rule 14-404(a).

Of the required 24 hours of Utah accredited CLE, only 12 of those hours may be completed through what the rules term as “self-study.” See S.C.R.P. 14-413(a)(2). A “self-study CLE program” is defined as “a program presented in a suitable setting where the lawyer can view approved self-study activities.” S.C.R.P. 14-402(j)(3). Included among those approved self-study

activities are “Board accredited audio and video presentations, webcasts or computer interactive telephonic programs.” S.C.R.P. 14-413(a). “One hour of self-study credit will be allowed for viewing and/or listening to 60 minutes of video presentations, webcasts or computer telephonic programs,” and “[n]o other credit is allowed for self-study programs except as expressly permitted under” Rule 14-413(a). S.C.R.P. 14-413(a)(1), (g).

As situated, active status attorneys must complete half of their required MCLE credits through in-person CLE presentations. As the Committee will note, outside of Salt Lake City and St. George, the number of in-person CLEs offered to active status lawyers is relatively small. This means that those lawyers practicing in rural areas, or lawyers practicing law from a home office or outside the traditional firm setting may have to commute several hours to attend a live CLE event, or those lawyers may have to choose more time consuming and/or more expensive CLEs to meet their 12-hour live CLE requirement. We as the Innovation in Law Practice Committee believe that this requirement should be changed to recognize the changing demographics across the legal profession, and to better align the CLE requirements with the new realities sweeping across the practice of law.

Certain other states have approved CLE credit for what they term as “distance learning.” Distance learning has been differentiated somewhat from the self-study activities described above. For instance, in Pennsylvania, the Pennsylvania Continuing Legal Education Board announced in February 2014 changes to its “Rules and Regulations that ... permit[ted] more credits to be earned via distance learning,” which allowed lawyers to obtain up to 6 of their required 12 hours of CLE credit via distance learning offered through preapproved interactive based CLE programs. *See* https://www.pacle.org/distance_learning/press_release.asp. As the Pennsylvania CLE Board recognized, “These updates to the Rules and Regulations for CLE in Pennsylvania recognize the

changing needs and realities of modern law practice,” and “[w]e hope that these changes will help lawyers to better serve their clients and the administration of justice in our Commonwealth.” *Id.*

As it related specifically to distance learning, the Board stated:

This is even more so with the increase in the amount of credits that can be earned through distance learning programs. Participation through distance learning has been an option for Pennsylvania lawyers since 2003. Since then the Board has received feedback from attorneys to consider increasing the amount of distance learning credits that may apply to the CLE requirement. The Supreme Court's decision to amend this rule responds to these requests and recognizes evolving comfort levels with the online delivery of professional education.

Id.

Under Pennsylvania's CLE rules, distance learning is limited to preapproved interactive based CLE programs. See <https://www.pacle.org/about/rulesregs.asp>.¹ However, the list of distance learning providers supplied by the Pennsylvania CLE Board is quite lengthy, and includes such providers as the American Bar Association (“ABA”), American Association for Justice (“AAJ”), Lexis Nexis, and West LegalEdcenter. See https://www.pacle.org/distance_learning/DL_providers.asp#. What the Pennsylvania CLE Board

¹ Pennsylvania's MCLE Rules and Regulations (Section 13) set forth:

(n) Distance Learning Computer based and teleconference programs may be approved for credit in accordance with standards determined by the Board.

1. Only distance learning courses pre-approved for credit or conducted by Accredited Providers may be taken for credit.
2. Courses must provide mechanisms to ensure interactivity and/or monitor course participation.
3. Participants must complete the program in such a manner that certification of attendance is controlled by the provider.
4. Course providers shall report course attendance and evaluation data in a format determined by the Board.
5. Credits earned via distance learning in excess of the annual credit limit, will not carry over into subsequent compliance periods.

See <https://www.pacle.org/about/rulesregs.asp>.

Distance learning is further defined in Pennsylvania as “an opportunity for lawyers for lawyers to meet a portion of their annual CLE requirement by participating in preapproved interactive computer based CLE programs or teleconferences.” See https://www.pacle.org/distance_learning/DL_Lawyer_QA.asp.

has seemed to pick up on, and rightfully so, is that interactive webinars and other computer-based programs have become akin to in-person CLE activities. Pennsylvania has moved further toward allowing their attorneys to complete more of their CLE requirements through an online program.

In 2012, the Illinois Supreme Court Commission on Professionalism, released a report regarding lawyer feedback as it related to CLEs. See <https://www.2civility.org/wp-content/uploads/2014/02/Lawyer-Feedback-on-CLE-2012.pdf>. When asked specifically about online learning, more than half of the lawyers participating in the survey set forth they preferred to acquire their CLE online rather than through live presentation. *Id.* The Commission also solicited comments from lawyers participating in the survey. Among these comments were:

- “The constantly increasing hours of required CLE are quickly becoming a real burden. Non-online courses require travel time which often is the same as the course credit hours ... In this economy the impact on earnings is both real and significant.”
- “As a parent with a first grader, it is unbelievably helpful to be able to do CLE online.”
- “I can’t stress enough the importance of being able to take courses remotely. I do not believe that people get any more out of a course simply by attending in person – you only have to be an instructor once to know that physical presence does not necessarily signal mental presence!”
- “Online courses are more practical as they require less time out of the work day. In addition, I have found them to be more informative.”
- “I have really appreciated the on-line webinars, but I always prefer to interact 1:1. However, if it weren’t for on-line courses I probably wouldn’t be able to fulfill my requirements. Since travel money is almost non-existent, the on-line courses are almost a necessity.”

Id.

From the above, several lawyers in Illinois recognize the value and practicality of online CLE opportunities, and that, at least for some, there is no difference between live in-person CLE and online CLE courses. And even for those lawyers that prefer one-on-one interaction, those lawyers acknowledge how the costs associated with travel to live CLE activities can be prohibitive.

Beyond Pennsylvania and Illinois, several other states allow lawyers to complete a substantial portion of their CLE requirements through distance learning, or other non- in-person settings. See https://www.healthlawyers.org/Events/Documents/CLE_State_Chart.pdf. Chief among these states are states like Alaska, Arizona, Arkansas, California, Colorado, Florida, Hawaii, Illinois, Iowa, Kentucky, Minnesota, Missouri, Montana, Nevada, New Mexico, New York, North Dakota, Oklahoma, Oregon, and Virginia, which all have no limitations as it relates to CLE credits that may be earned through distance learning. *Id.* Of those listed, Alaska, Arizona, Colorado, Hawaii, Nevada, New York, and Oregon require no interactivity as part of their distance learning opportunities. *Id.* However, the other states listed require some interactivity as part of their distance learning rules and regulations.² *Id.*

Even in those states like Indiana, where lawyers may complete only six hours of distance learning as part of their overall three-year, 36-hour CLE requirements, lawyers are becoming increasingly keen on online CLE opportunities. Even as far back as 2013, Indiana lawyers were

² The key to distinguishing “distance learning” from other CLE activities appears to be interactivity, but, as noted, not all states follow that requirement. For instance Arizona differentiates between “Interactive CLE,” which it defines as: (i) attendance at a CLE program administered by live faculty; (ii) attendance at a CLE program sponsored by a single private law firm, a single corporate law department, or a single department or office of a federal, state, or local government entity, attended by no fewer than five attorneys, including the instructor, who are active bar members in any jurisdiction; and (iii) a computer-based or on-line CLE program where the order of presentation or the content of the course material is dependent on the member’s response and the member has an opportunity to respond to prompts initiated by the faculty or placed within the course material,” and “self-study,” which it defines as: “any course of legal study meeting the standards of Regulation 104 undertaken by an Active member for the member’s own benefit, and may include listening to audio reproductions or viewing video reproductions of course materials, but does not include reading.”

clarifying that they were turning more and more to online programming for CLE credit. *See* <https://www.theindianalawyer.com/articles/31822-more-attorneys-are-turning-to-online-programming-to-get-cle-credit>. Scott King, who was then Director of Indiana's Continuing Legal Education Forum, said the following about online CLE programming, "I think it will evolve in some ways but it's certainly here to stay. I think it's proven to be an effective and convenient way for attorneys to get information." *Id.* An Indiana lawyer who, without the aid of online CLE opportunities said he would have to take an entire day off work and drive to Indianapolis to attend a live, in-person CLE event, stated in the article, "As long as you don't mind not being in the same room as the speaker in the CLE, I think it's a great way to get credit. It's got ultimate flexibility and convenience. This is extremely valuable to today's busy attorneys." *Id.*

In February 2017, the ABA's House of Delegates adopted the ABA Model Rule for Minimum Continuing Legal Education. *See* https://www.americanbar.org/cle/aba-cle-blog/2017/07/the_aba_s_mcle_model.html. As the ABA's blog article reporting the passage of the final rule reported, the newly minted "MCLE Model Rule represents the culmination of more than two years of work by the ABA's Standing Committee on Continuing Legal Education ... in conjunction with more than 50 volunteers, including individual lawyers, ABA leaders, CLE regulators, CLE providers, judges, academics, law firm professional development coordinators, and state/local/specialty bar association leaders. *Id.* Among the key components of the rule is the accreditation of CLE formats that include distance learning. *See* https://www.americanbar.org/content/dam/aba/directories/policy/2017_hod_midyear_106.authcheckdam.pdf. Furthermore, the rule does not limit the amount of CLE credit that can be earned via distance learning or any other particular format. *Id.*

In a report to the ABA's House of Delegates, the Standing Committee on Continuing Legal Education, explained:

[T]he continuing education needs of lawyers vary based on the lawyer's length of experience, practice setting, and area of practice. For instance, an introduction to an individual state's laws of intestacy will be helpful to a newer lawyer engaging in general practice in a single state, but of little use to a lawyer with twenty years of experience practicing products liability law in federal courts in six Jurisdictions. It is imperative that lawyers have access to high-quality CLE that most meets their educational needs. One way to achieve that goal is to allow lawyers to access CLE in person or using technology-based delivery methods such as teleconferences and webinars. This Model Rule addresses that goal by recommending that Jurisdictions allow lawyers to choose CLE offered in a variety of program delivery formats and not limit the number of credits that can be earned using a particular delivery format.

...

This Model Rule addresses that goal by recommending that Jurisdictions accredit substantive law programs, law practice programs, and technology programs, and further recommending that Jurisdictions not limit the number of credits that can be earned in a particular subject area.

Id.

In keeping in line with the ABA's new model MCLE rule, and the 20 states who have placed no limits on the CLE credit that may be earned through distance learning, our Committee believes it prudent to increase the number of hours that may be earned outside of traditional live-CLE settings. Currently, Utah's CLE rules do not differentiate between self-study and distance learning opportunities, but, there appears to be a definite distinction between the two as recognized by many states around the country. For several states that do not limit the credit that may be earned through distance learning, a distinction exists in their CLE rules for self-study and distance learning. In many states, like Utah, the CLE rules allow for only a certain amount of self-study CLE hours. However, unlike Utah, those states provide no limitation on interactive CLE programming, including webinars, live teleconferences, and otherwise.

As the world continues to connect more and more via computers and other electronic devices, and as more and more lawyers are practicing law in rural, or other non-traditional settings, it only seems to make sense to allow for greater flexibility in the way lawyers obtain their continuing legal education. Our Committee thinks it is in the best interests of our fellow members within the bar to earn additional live CLE credits through online opportunities. We respectfully request the MCLE committee to consider an amendment to our MCLE rules to allow Utah lawyers to obtain an additional CLE credits through online programming or other programming that may qualify.

Considering the above, we propose re-defining self-study under Utah's MCLE rules to exclude "distance learning" type activities, and to create a new category of CLE credit for "Virtual Learning" that will allow a lawyer to complete up to six (6) of his or her CLE credits through online or other technology-based learning opportunities. Included with this memo is a proposed amended version of Utah's MCLE rules, which excludes reference to virtual learning opportunities. *See* Amended S.C.R.P. 14-402, 14-409, 14-410, and 14-413. In conjunction with the amended self-study and other rules, we have drafted a proposed MCLE rule for "Virtual Learning" that allows Utah lawyers to complete up to six (6) hours of the lawyer's MCLE requirements through such learning opportunities. *See* Proposed MCLE Rule for "Virtual Learning." The proposed rule tracks in part the ABA's recently adopted "Model Rule for Continuing Legal Education." *See* https://www.americanbar.org/content/dam/aba/directories/policy/2017_hod_midyear_106.authcheckdam.pdf.

By creating a new category of CLE credit for "Virtual Learning," Utah, as many other states have already done, would recognize the difference between "self-study" and "distance learning," and would allow lawyers to earn additional live CLE credit through technology-based

delivery methods such as teleconferences, video conferences, webinars, or other online presentations. By making such changes to our MCLE Rules, Utah would be in line with many other states that allow for distance learning, whether or not distinct from self-study. Our committee believes it is important to continue moving the practice of law in a more effective and efficient direction, and by allowing for more CLE credit to be earned through distance learning, the Utah State Bar would be recognizing that the way lawyers connect with the world is changing and would further recognize the ever-changing balance of lawyer demographics.

Rule 14-410. Accreditation of MCLE; attendance; undue hardship and special accreditation.

(a) Accredited CLE activities provided by this article must:

(a)(1) have as their primary objective to increase lawyers' professional competency;

(a)(2) be comprised of subject matter directly related to the practice of law; and

(a)(3) comply with the specific requirements set forth in this article with respect to each activity.

(b) The Board shall assign an appropriate number of credit hours to each accredited CLE activity.

(c) Attendance. A lawyer may attend a course in person or by live, interactive audio-video communication from a Utah state courthouse to another Utah state courthouse or from the Law and Justice Center to a Utah state courthouse or remotely (in a group setting or individually).

(c)(1) The total of all hours allowable for live, interactive webcasts that are broadcast from a Utah state courthouse to another Utah state courthouse or from the Law and Justice Center to a Utah state courthouse must be authorized by the Board.

(d) Ethics and professional responsibility courses. All courses or components of courses offered to fulfill the ethics and professional responsibility requirement under 14-404(a) must be specifically accredited by the Board.

(d)(1) Professionalism and Civility. All courses or components of courses offered to fulfill the professionalism and civility requirement under 14-404(a) must be specifically accredited by the Board.

(e) Undue hardship; special accreditation. Formal instruction or educational seminars which meet the requirements of paragraph (a) lend themselves well to the fulfillment of the educational requirement imposed by this article and will be readily accredited by the Board. It is not intended that compliance with this article will impose any undue hardship upon any lawyer because the lawyer may find it difficult to attend such activities because of health or other special reasons. In addition to accrediting formal instruction at centralized locations, the Board, in its discretion, may accredit such educational activities including, but not limited to, audio and video presentations, webcast, computer interactive telephonic programs, teaching, preparation of articles and other meritorious learning experiences as provided in this article.

Rule 14-413. MCLE credit for qualified audio and video presentations without interactivity built into the presentations; webcasts; ~~computer interactive telephonic programs~~; writing; lecturing; teaching; live attendance.

(a) Credit will be allowed for self-study with Board accredited audio and video presentations without interactivity built into the presentations, ~~webcasts or computer interactive telephonic programs~~ in accordance with the following.

(a)(1) One hour of self-study credit will be allowed for viewing and/or listening to 60 minutes of audio or video presentations without interactivity built into the presentations, ~~webcasts or computer interactive telephonic programs~~ in accordance with Rule 14-408(a).

(a)(2) No more than 12 hours of credit may be obtained through self-study with audio or video presentations without interactivity built into the presentations, ~~webcasts or computer interactive telephonic programs~~. Upon application to the Board, the Board may grant a waiver, permitting a lawyer on active status to obtain all required hours of credit through self-study, if the lawyer:

(a)(2)(A) does not reside in Utah; and

(a)(2)(B) is engaged in full-time volunteer work for a religious or charitable organization.

(b) Credit will be allowed for writing and publishing an article in a legal periodical in accordance with the following.

(b)(1) To be eligible for any credit, an article must:

(b)(1)(A) be written to address a lawyer audience;

(b)(1)(B) be at least 3,000 words in length;

(b)(1)(C) be published by a recognized publisher of legal material; and

(b)(1)(D) not be used in conjunction with a seminar.

(b)(2) Three credit hours will be allowed for each 3,000 words in the article. An application for accreditation of the article must be submitted at least 60 days prior to reporting the activity for credit. Two or more authors may share credit obtained pursuant to this paragraph in proportion to their contribution to the article. No more than 12 hours of credit may be obtained through writing and publishing an article or articles.

(c) Credit will be allowed for lecturing in an accredited CLE program, part-time teaching by a lawyer in an approved law school, or delivering a paper or speech on a professional subject at a meeting primarily attended by lawyers, legal assistants or law students in accordance with the following.

(c)(1) Lecturers in an accredited CLE program and part-time teachers may receive three hours of credit for each hour spent in lecturing or teaching as provided in Rule 14-408(a).

(c)(2) No lecturing or teaching credit is available for participation in a panel discussion.

(c)(3) No more than 12 hours of credit may be obtained through lecturing and part-time teaching.

(d) Credit will be allowed for lecturing and teaching by full-time law school faculty members in accordance with the following.

(d)(1) Full-time law school faculty members may receive credit for lecturing and teaching but only for lecturing and teaching accredited CLE courses.

(d)(2) No lecturing or teaching credit is available for participation in panel discussions.

(d)(3) No more than 12 hours of credit may be obtained through lecturing and teaching by full-time law school faculty members.

(e) Credit will be allowed for attendance at an accredited CLE program in accordance with the following.

(e)(1) Credit is allowed for attendance at an accredited CLE program in accordance with Rule 14-408(a).

(e)(2) A minimum of 12 CLE hours, with no maximum restriction, must be obtained through attendance at live in-person CLE programs.

(f) The total of all hours allowable under paragraphs (a), (b), (c), and (d) of this rule may not exceed 12 hours during a reporting period.

(g) No credit is allowed for self-study programs except as expressly permitted under paragraph (a).

Rule 14-413.1. MCLE credit for qualified interactive satellite/groupcast; teleseminar; video replay; webcast/webinar; webcast/webinar replay; recorded on demand online; video or audio file; video or audio tape.

(a) Credit will be allowed for virtual learning with Board accredited interactive satellite/groupcast, teleseminar, video replay, webcast/webinar, webcast/webinar replay, recorded on demand online, video or audio file, video or audio tape in accordance with the following:

(a)(1) One hour of virtual learning credit will be allowed for watching or listening to the following virtual learning activities in accordance with Rule 14-408(a):

(a)(1)(A) "Satellite/Groupcast" – a CLE program that is live broadcasted via technology to remote locations (*i.e.*, a classroom setting or a central viewing or listening location).

Attendees participate in the program in a group setting, and may interact in real time with the program faculty, commentators, or other attendees;

(a)(1)(B) "Teleseminar" – a CLE program that is live broadcasted via telephonic means to remote locations or to individual attendee telephone lines. Attendees may participate in the program in a group setting or individually, and may interact in real time with the program faculty, commentators, or other attendees;

(a)(1)(C) "Video Replay" – a CLE program that is recorded and presented in a group setting that is dedicated to the program with a qualified commentator answering questions before, during, or after the presentation. Attendees may interact in real time with the commentator or other attendees;

(a)(1)(d) "Webcast/Webinar" – a CLE program that is live broadcasted or recorded and broadcast online to remote locations or to individual attendees. Attendees may participate in the program in a group setting or individually, and may interact, whether in real time or otherwise, with the program faculty, commentators, or other attendees;

(a)(1)(e) "Online On Demand" – a CLE program that is recorded and delivered online to an attendee's desktop/laptop computer or other electronic device on demand where interactivity is built into the program;

(a)(1)(f) "Video or Audio File/Tape" – a CLE program delivered through a downloadable video or audio file or delivered via a hard copy video or audio source (tape, DVD, DVR, or other formats) with interactivity built into the program.

(a)(2) No more than 6 hours of credit may be obtained through virtual learning. Upon application to the Board, the Board may grant a waiver, permitting a lawyer on active status to obtain all required hours of credit through self-study, if the lawyer:

(a)(2)(A) does not reside in Utah; and

(a)(2)(B) is engaged in full-time volunteer work for a religious or charitable organization.

Rule 14-402. Definitions.

As used in this article:

(a) "Active emeritus" or "active emeritus lawyer" means a lawyer who has been a member of the Bar for 50 years or who is 75 years of age as of July 1 of the current year and who qualifies for active emeritus status as defined under the Bar's rules, regulations and policies;

(b) "Active status" or "active status lawyer" means a lawyer who has elected to be on active status as defined under the Bar's rules, regulations and policies; state judges, federal judges and magistrates, court commissioners, active senior judges and active justice court judges, both full and part time, meet CLE requirements through the Administrative office of the Courts;

(c) "Admission on motion applicant or lawyer" means a lawyer who has applied for reciprocal admission as defined under Rule 14-705 or has been admitted as such;

(d) "Approved law school" means an ABA approved law school as defined under Rule 14-701;

(e) "Bar" means the Utah State Bar;

(f) "Bar Examination" means the Bar Examination as defined in Rules 14-710 and 14-711 and includes the UBE, regardless of where the UBE was taken;

(g) "Board" means the Utah State Board of Mandatory Continuing Legal Education as set forth in Rule 14-403;

(h) "Board of Bar Commissioners" means the governing board of the Bar;

(i) "Certificate of Compliance" means a written report evidencing a lawyer's completion of accredited CLE as required and defined under Rule 14-414;

(j) "CLE" means continuing legal education;

(j)(1) "Live CLE" means a CLE program presented in a classroom setting where the lawyer is in the same room as the presenter;

(j)(2) "Live Attendance" means in person attendance at a Utah state courthouse where a course is streamed by live audio-visual communication from another Utah state courthouse or from the Law and Justice Center;

(j)(3) "Self-Study CLE Program" means a program presented in a suitable setting where the lawyer can view approved self-study activities;

(j)(4) "Virtual Learning" means a CLE program that is presented in a group or individual setting where the lawyer can participate in approved virtual learning activities that allow the lawyer to interact, whether in real time or otherwise, with the program, faculty,

commentator (who is available to offer comments and answer oral or written questions), or other attendees;

(k) "Comity Certificate" is a Certificate that is filed to show MCLE compliance with a reciprocal jurisdiction;

(l) "Compliance Cycle"- means the period of 2 years beginning July 1 through June 30;

(m) "Ethics" means standards set by the Utah Rules of Professional Conduct with which a lawyer must comply to remain authorized to practice law in Utah and remain in good standing;

(n) "Full exam" means all components of the Bar Examination as defined under Rule 14-710;_

(o) "House Counsel" means a lawyer admitted with a restricted House Counsel license as defined in Rule 14-719, which is required and limits his or her practice of law to the business of his or her employer;

(p) "Inactive status" or "inactive status lawyer" means a lawyer who has elected to be on inactive status as defined under the Bar's rules, regulations and policies;

(q) "MCLE" means mandatory continuing legal education as defined under this article;

(r) "Multi-State Compliance Reciprocity" means Utah has established that MCLE compliance in certain states (Idaho, Oregon, Washington) may be used as MCLE compliance in Utah by an active lawyer whose principal practice is in one of the established reciprocal states;

(s) "New admittee" means a lawyer newly admitted to the Utah State Bar;

(t) "NLTP" means the New Lawyer Training Program as set forth in Rule 14-404 and Rule 14-808;

(u) "Presumptively approved sponsor" means those CLE sponsors or providers who qualify under the standards set forth in Rule 14-412;

(v) "Presumptive CLE accreditation" means those CLE courses or activities that qualify under the standards set forth in Rule 14-412;

(w) "Professionalism and Civility" means conduct consistent with the tenets of the legal profession by which a lawyer demonstrates civility, honesty, integrity, character, fairness, competence, ethical conduct, public service, and respect for the rules of law, the courts, clients, other lawyers, witnesses and unrepresented parties;

(x) "OPC" means the Bar's Office of Professional Conduct;

(y) "OPC ethics school" means the OPC biannual seminar on the Utah Rules of Professional Conduct which provides six CLE credit hours;

(z) "Supreme Court" means the Utah Supreme Court; and

(aa) "UBE Transfers" means applicants who gain admission by transferring a uniform bar exam score;

Rule 14-404. Active status lawyers: MCLE, NLTP, admission on motion, multi-state compliance reciprocity, house counsel and UBE requirements.

(a) Active status lawyers. Commencing with calendar year 2012, each lawyer admitted to practice in Utah must complete, during each two fiscal year period (July 1 through June 30), a minimum of 24 hours of Utah accredited CLE which must include a minimum of three hours of accredited ethics or professional responsibility. One of the three hours of ethics or professional responsibility must be in the area of professionalism and civility. Lawyers on inactive status are not subject to the requirements of this rule, or the NLTP requirements.

(a)(1) Lawyers on active status who reside in Utah and who are subject to the NLTP under Rule 14-808 must complete the NLTP requirements before the end of their first compliance cycle.

(b) NLTP. A lawyer who is obligated to and who successfully fulfills the requirements of the NLTP will receive 12 accredited MCLE hours for the reporting period ending June 30 of the second complete fiscal year following the lawyer's year of admission to the Bar. Twelve additional MCLE hours must also be completed during the lawyer's first compliance cycle, not including the New Lawyer Ethics program.

(b)(1) New Lawyer Ethics Program. New lawyers are required to attend the New Lawyer Ethics Program. This program satisfies the ethics requirement for the new lawyer's first compliance cycle.

(c) Admission on motion. A lawyer who fulfills the requirements of admission on motion as prescribed in Rule 14-705 satisfies the accredited MCLE requirements of this rule for the reporting cycle ending June 30 of the second complete fiscal year following the lawyer's year of admission. In addition, the admission on motion lawyer must pay the designated filing fee and must complete and certify no later than six months following the lawyer's admission that he or she has attended at least 15 hours of accredited CLE hours on Utah practice and procedure and ethics requirements as follows:

(c)(1) Nine credit hours must be comprised of accredited CLE courses on Utah practice and procedure.

(c)(2) Six credit hours must be comprised of the professional ethics course presented in OPC's ethics school.

(c)(3) Twelve of the 15 hours may be completed through self-study through the Bar's online CLE system. The 15 hours from (c)(1) and (c)(2) will apply towards the 24 hours required per two-year compliance cycle.

(d) Multi-State Reciprocity Compliance. An active lawyer whose principal practice of law is in a Multi-State Compliance Reciprocity State may elect to meet the MCLE requirements in that other state and use that state's MCLE compliance as compliance in Utah by filing a "Comity Certificate" for Utah CLE compliance.

(e) House Counsel lawyers. House Counsel lawyers must pay the designated filing fee and file with the MCLE Board by July 31 of each year a House Counsel Certificate signed by the jurisdiction where House Counsel maintains an active license evidencing that the lawyer has completed the hours of continuing legal education required of active lawyers in the jurisdiction where House Counsel is licensed. House Counsel lawyers that do not have a CLE requirement from the jurisdiction where House Counsel maintains an active license must complete 12 hours annually (July 1 – June 30) of Utah approved CLE to include 1 hour of legal ethics and 1 hour of professionalism/civility. At least half of the hours must be completed by attending live, in-person CLE.

(f) UBE Applicants. A lawyer who gains admission by transferring a UBE score and has less than two years of legal practice will comply with the New Lawyer Training Program. If the lawyer gains admission by transferring a UBE score and has less than two years of legal practice and receives a waiver of the New Lawyer Training Program because the lawyer lives out of the state, the lawyer will comply with the same rules as admission on motion lawyers. A lawyer who gains admission by transferring a UBE score and has more than 2 years of active practice will comply with the same rules as admission on motion lawyers. These lawyers must pay the designated filing fee and are required to complete and certify no later than six months following the lawyer's admission that he or she has attended at least 15 hours of accredited CLE hours on Utah practice and procedure and ethics requirements including the OPC's ethics school.

(g) Out-of-state CLE activities. CLE credit may be awarded for out-of-state activities that the Board determines meet standards in furthering a lawyer's legal education. The Board determines whether to accredit the activities and, if accredited, the number of hours of credit to allow for such activities. Out-of-state activities cannot substitute for the 15 mandatory CLE hours described in paragraph (c) and Rules 14-705(b) and 14-705(b)(1).

(h) Activities that may be regarded as equivalent to state-sponsored self-study CLE may include, but are not limited to, viewing of approved CLE audio and video, ~~and webcast presentations, computer interactive telephonic programs,~~ writing and publishing an article in a legal periodical, part-time teaching in an approved law school, or delivering a paper or speech on a professional subject at a meeting primarily attended by lawyers, legal assistants, or law school students.

(i) A lawyer's application for accreditation of a CLE activity must be submitted in writing to the Board if the activity has not been previously approved for CLE credit in Utah.

Proposed Change to Rule 6.5

Purpose: to Better Accommodate Brief Pro Bono Representation

The following proposed rule change to Rule 6.5 of the Rules of Professional Conduct contains changes marked in bold text. Additions are in underlined text and deletions are in strikethrough text.

Rule 6.5. ~~Short-term Limited Legal Services Nonprofit and Court-Annexed Limited Legal Services Programs:~~

(a) A lawyer who, ~~under the auspices of a program sponsored by a nonprofit organization or court,~~ provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will receive compensation ~~or~~ provide continuing representation in the matter:

(a)(1) is subject to Rule 1.7 and 1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest; and

(a)(2) is subject to Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter.

(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.

(c) Notwithstanding the above, other lawyers in a firm are not disqualified from representing clients adverse to a client who received free short-term limited legal advice from a lawyer in the firm, if the lawyer who provided the free short-term limited legal advice is timely screened from any participation in the adverse clients' matters and is apportioned no part of the fees therefrom.

Alternative 6.5(a)(2) instead of 6.5(c):

(a)(2) is not subject to Rule 1.10, nor is any other lawyer at the lawyer's firm, only if neither the lawyer nor the other lawyer knows that ~~another lawyer associated with the lawyer in a law firm~~ the lawyer is disqualified by Rule 1.7 or 1.9(a) with respect to the matter or if the lawyer is timely screened from any participation in the matter and is apportioned no part of the fees therefrom.

Links to existing rules:

- [Rule 6.5](#)
- [Rule 1.7](#)
- [Rule 1.9](#)
- [Rule 1.10](#)
- [Rule 1.18](#)

Scenarios to consider:

- 1. A non-profit or court-sponsored program provides free short-term limited legal services.**
 - a. Nothing changes other than the clients of the program must not be charged for the rule to now apply. Not charging the client was not an explicit condition of the previous version of the rule (6.5(a)).
- 2. A person asks a lawyer a question for which the lawyer would like to provide free short-term limited legal services.**
 - a. The lawyer need not perform a conflict check (6.5(a)(1)), but if the lawyer knows of a conflict (6.5(a)(1)) (for example, the lawyer's firm has a client who would be adversely affected by rendering the free short-term limited legal services involved in answering the question), then the lawyer should explain to the person that answering the question would cause a conflict of interest and the lawyer must terminate all conversation about the matter immediately after recognizing the conflict.
 - b. If the lawyer does not know of a conflict and wishes to proceed, the lawyer should explain to the person, who is now a client, that the lawyer is only providing free short-term limited legal services and that doing so does not establish an ongoing attorney-client relationship, so as to avoid any misunderstanding that the attorney is representing the client on an ongoing basis and that no compensation is expected (6.5(a)). The lawyer must secure the client's informed consent to these conditions before proceeding (6.5 [2]).
 - c. Then the lawyer may render the free short-term limited legal services.
 - d. No entry need be made in any firm-wide conflict-check system.
- 3. A lawyer's firm takes on a new client that is adverse to a client who received free short-term limited legal services from a lawyer at the firm.**
 - a. No action need be taken unless and until the lawyer who rendered the free short-term limited legal services recognizes the conflict.
 - b. When the conflicted lawyer recognizes the conflict the firm must timely screen the conflicted lawyer and apportion no part of the fee therefrom to the conflicted lawyer (6.5(c), see also 1.18(d)(2)(1)).
- 4. A lawyer is asked to provide free short-term limited legal services for a question which the lawyer recognizes would likely cause a future conflict with potential paying clients.**
 - a. The lawyer is, of course, under no obligation to render the advice.
 - b. If the lawyer decides not to provide the advice, the lawyer should explain to the potential client that doing so could potentially cause significant future conflicts of interest, and therefore declines to engage in the matter.
- 5. A lawyer unscrupulously offers free short-term limited legal services to a client in order to gain confidential information to aid an existing or potential paying client.**

- a. Since the lawyer knows of the conflict, there would be no exemption under rule 6.5(a)(1).
 - b. In the case of an existing client, this would be an immediate violation of 1.7.
 - c. It would be a violation of rule 1.9 if and when the lawyer engaged the paying client (see rule 6.5(a)(1)).
- 6. A lawyer provides free short-term limited legal services to a client and later agrees to provide more substantial legal advice to the client for a fee.**
- a. Rule 6.5 no longer applies once the legal assistance is not "short-term limited legal services" or once there is an expectation by the lawyer or the client that the lawyer will be compensated for the legal assistance.
 - b. The lawyer should first conduct a conflict check with the lawyer's firm and the matter is subject to the normal conflict of interest rules.

TAB
5

CHARGE TO STANDING COMMITTEE

TO: Tracy Olson, Chair, Disaster Legal Resources Committee

FROM: H. Dickson Burton, President

DATE: August 2018

PURPOSE OF COMMITTEE: To respond and particularly to provide resources to support the delivery of legal services to those who cannot pay for them in the event of a disaster and to help the lawyers affected.

The committee shall consist of its chair(s) and any at-large members appointed by the Utah State Bar Commission.

SPECIFIC OBJECTIVES:

The committee chair(s) shall identify and train eventual successive chairperson(s).

Additionally, the Committee shall engage all persons fully, including persons of different ages, disabilities, economic status, ethnicities, genders, geographic regions, national origins, sexual orientations, practice settings and areas, and races and religions. Inclusion is critical to the success of the Bar, the legal profession, and the judicial system. Report annually to the Bar Commission on the Committee's diversity and inclusion successes.

COMMISSION LIAISON:

Steve Burt

BAR STAFF LIAISON:

Nicholas Stiles

TAB
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Board of Governors	Alaska	Arizona	Florida	Texas	Oregon	Washington	Wisconsin	Utah
<i>Size</i>	12	30	51	60	19	17	55	27
<i>Lawyer Members</i>	9	26	49	40	15	15	48	25
<i>Non-Lawyer Members</i>	3 appointed by Gov. and approved by Leg.	4 appointed by Board	2 appointed by Sup. Ct.	6	4 appointed by Board.	2	3 appointed by Sup. Ct.	2 appointed by Sup. Ct.
<i>Ex Officio</i>	0	4	n/a	14	n/a	n/a	4	12
<i>Non-Resident</i>			4		1		5	
<i>Additional Notes</i>	none	<u>Beginning In 2019</u> <ul style="list-style-type: none"> 30 Total Members <ul style="list-style-type: none"> 15 elected 4 Public (appointed by Court) 3 At Large (Appointed by Court. Can be lawyers or non-lawyers) 4 Ex-Officio 3 District Governors (Appointed by Court) 1 YLD Pres. 	none	<ul style="list-style-type: none"> 3 Officers elected statewide 30 Attorneys from geographical districts 6 Public 4 At Large appointed by Bar President. 3 elected statewide by Y.L.D. members 	Also has a House of Delegates with over 200 members, most of whom are elected. 7 are public members appointed by Board. Delegates vote on issues like changes to rules and fees.	none	none	none

TAB
7

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

OCTOBER 12, 2018

OAKRIDGE COUNTRY CLUB - FARMINGTON, UTAH

Bar Commission Members in Attendance: President H. Dickson Burton and President-elect Herm Olsen. Commissioners: Grace Acosta, John Bradley, Steven Burt, Heather Farnsworth, Mary Kay Griffin, Chrystal Mancuso-Smith, Cara Tangaro (via telephone for part), and Katie Woods.

Ex-Officio Members in Attendance: Erik Christiansen, Abby Dizon-Maughan, John Lund, and Lorraine Wardle.

Others in Attendance: Executive Director John C. Baldwin, Assistant Executive Director Richard Dibblee, and Kate Conyers (WLU).

Not in Attendance: Mark Morris, Mark Pugsley, Tom Seiler, Heather Thuet, and Ex-Officio Members: Dean Robert Adler, Nate Alder, Amy Fowler, Margaret Plane, Rob Rice, Dean Gordon Smith, Sarah Starkey, Bebe Vanek, and General Counsel Elizabeth A. Wright.

9:05 a.m. Start

Minutes:

1. President's Report: H. Dickson Burton

- 1.1 Welcome and Review Schedule.** Dickson Burton welcomed the group to the meeting and announced that the Leadership Academy is now accepting applications and would appreciate Commissioners soliciting appropriate applicants from their area of the state. Dickson reported on the recent National Conference of Bar Presidents which he attended with Herm Olsen and John Baldwin. He also reminded Commissioners to attend the Fall Forum on November 2nd at the Little America.
- 1.2 Present Commission Plaque to Kate Conyers.** On behalf of the Bar Commission and Past President John Lund, Dickson presented Kate Conyers with a commemorative plaque and thanked her for her years of service on the Bar Commission.
- 1.3 Task Force Review of Legal Market Reforms.** John Lund reported on the creation of a joint committee to evaluate legal market reforms, including possible changes in advertising and ownership of law firms. He also reminded Commissioners of the Access to Justice Summit at the end of this month and invited them to attend.

- 1.4 **Report on Executive and Judicial Compensation Commission.** Dickson reported on his appearance before the Utah Executive Judicial Compensation Commission on behalf of the Bar. He had encouraged appropriate compensation for judges with cost of living increases and salaries necessary to attract and retain qualified judges.
- 1.5 **UMBA Dinner Reminder.** Dickson reminded the group of the Utah Minority Bar Association dinner on November 1st and to please RSVP to Christy Abad.
- 1.6 **Legislative Breakfast November 14 – 7:30 am, State Capitol.** Dickson announced the breakfast with lawyer/legislators to be held on November 14th at the Capitol prior to the regular legislative season later in January and what might be a special session that day in order to encourage better attendance.

2. Action Items

- 2.1 **LPP Client Security Fund.** Dickson introduced the issue of the creation of a client security fund for the new Limited Practice Paralegals. John Baldwin mentioned the Supreme Court LPP Committee had approved the concept and was interested in the Bar's thoughts on how to initially fund this account. After discussion about either having LPP's fund and maintain their own account or initially having the Bar fund a separate account or allocate a separate fund within the existing Client Security Fund, **Heather Farnsworth moved** and **Herm Olsen seconded** that LPPs be included in the Bar's current Client Security Fund and that the issue be revised in 5 years. **The motion passed.**
- 2.2 **Mentoring, Professionalism, Community and Pro Bono Awards.**

The Bar Commission followed the recommendation of the Bar Awards Committee and approved **Terry Wade** to receive the Bar's Professionalism Award.

The Bar Commission followed the recommendation of the Bar Awards Committee and approved **Kai Wilson** to receive the Bar's Community Member Award.

The Bar Commission followed the recommendation of the Bar Awards Committee and approved **Cheryl Mori** to receive the James B. Lee Mentoring Award.

The Bar Commission followed the recommendation of the Bar Awards Committee and approved **Bill Atkin** to receive the Charlotte L. Miller Mentoring Award.

The Bar Commission followed the recommendation of the Bar Awards Committee and approved **Shawn McGarry** to receive the Paul T. Moxley Mentoring Award.

The Bar Commission followed the recommendation of the New Lawyer Training Program Committee and approved **Denise Dragoo** and **Jess Krannich** to receive the NLTP Outstanding Mentor Awards.

The Bar Commission followed the recommendation of the Pro Bono Commission and approved **Keil Myers** to receive the Outstanding Pro Bono Service Award.

- 2.3 Approve 2018-18 Audit Report.** Mary Kay Griffin reviewed the audit report for the Bar Commission. Following some discussion, **John Bradley moved** and **Herm Olsen seconded** that the audit report be accepted as written. **The motion passed.**
- 2.4 Approve Licensed Lawyer Marketing.** Matt Page, Bar Communications Director, made a presentation on the success of Licensed Lawyer marketing last year and after describing the various advertising means used, Matt was able to encourage attorneys to sign up and participate. **Herm Olsen moved** to approve an additional \$29,000 to increase Licensed Lawyer advertising in the 2018-2019 year. **Grace Acosta seconded.** **The motion passed.** The Commission also asked that the Executive Committee review the program in December.

3. Information Items

- 3.1 Discipline Notice in Bar Journal.** Elizabeth Bowman appeared to discuss *The Utah Bar Journal* policy of not publishing information in the Discipline Column when an attorney had successfully defended their behavior in a complaint brought by the Office of Professional Conduct. After some discussion about the purpose for publishing discipline information and the need for transparency and consistency in reporting the activities of OPC and the Bar, the Commission thanked Ms. Bowman and committed to review the matter further at the November Commission Meeting.

4. Adjourn to Executive Session. Luncheon/CLE with Weber and Davis County Bars.

The meeting adjourned at 1:30 p.m.

Consent Agenda.

1. Approved Minutes from the August 17, 2018 Commission Meeting without discussion.
2. Approved the Solo and Small Firm Section name change without discussion.



DEPARTMENT OF THE AIR FORCE
151ST AIR REFUELING WING (AMC)
UTAH AIR NATIONAL GUARD

21 October 2018

Board of Bar Commissioners and Management
Utah State Bar
645 South 200 East, Suite 310
Salt Lake City, Utah 84111

Dear Ladies and Gentlemen,

Please see the attached draft by-laws for the military law section. Our section has been hibernating for some time and I would like to do my best to help wake it up. I have spoken with a few previous members who remember the "good ole days" when the military law section met nearly once a month for a luncheon and had regular CLE. I believe there are those within our section who would meet again and have a lot to contribute in the way of ideas and efforts to help further not only Utah but also National military law issues.

I had the great opportunity to serve on the Government Relations Committee this past general legislative session and I felt a little disingenuous representing my section's interests when our section hasn't met since I joined the Utah bar over a year ago. The section's bylaws are not on the Bar's website and could not be located. We request that you approve the attached bylaws.

With your help, I believe we can do something great to give back to the Utah bar and our community. I plan to have a meeting as soon as practicable to hold elections and get the section up and running.

I welcome your comments and guidance as we work through this process. Thank you for all you do!

Sincerely,

Jeffery B. Waddell, Major, ANG
Staff Judge Advocate
151st Air Refueling Wing

Attachment:

1. Draft By-Laws for the Military Law Section

UTAH STATE BAR MILITARY LAW SECTION BYLAWS

ARTICLE 1 ORGANIZATION

1.1 Creation. The Military Law Section (hereinafter "Section") was established pursuant to the Bylaws of the Utah State Bar (sometimes referred to as the "Bar") to accomplish the purposes set forth therein.

1.2 Purpose. The purpose of the Section shall be to assist its members and all interested members of the Bar:

- a. By providing opportunities and forums for military practice lawyers to network and exchange ideas regarding the practice of military law;
- b. By sponsoring periodic CLE luncheons with topics selected by Section officers (after considering input from Section members);
- c. By monitoring legal and political issues relevant to military practice lawyers and to make recommendations to the Bar with respect thereto including without limitation participation on the Utah State Bar Governmental Relations Committee;
- d. If applicable, by forming ad hoc committees to address legislation of general interest to military law practitioners; and
- e. To undertake such other service as may be of benefit to the Section's members, the legal profession and the public.

1.3 Limitations. These Bylaws are adopted subject to the applicable Utah Statutes and the Bylaws of the Utah State Bar, and supersede any existing Bylaws of the Section.

1.4 Principal Office. The principal office of the Section shall be maintained in the offices of the Utah State Bar.

1.5 Fiscal Year. The fiscal year of the Section shall coincide with that of the Utah State Bar.

ARTICLE 2 MEMBERSHIP

2.1 Enrollment. Any member of the Utah State Bar in good standing with the Bar shall, upon request to the Executive Director of the Bar, be enrolled as a member of the Section by the payment of annual Section dues in an amount and for the purpose approved by the Board of Commissioners of the Utah State Bar.

[Associate Members (Industry/Vendors/Staff)]

Enrollment of Associate Members. The members of the Section may include persons who are not attorney members of the Utah State Bar, and shall be known as "Associate Members". It is

the policy of this Section to involve Associate Members for the limited purpose of advancing the Section's principal objectives that are set forth in these Bylaws. As a specific condition for membership in the Section, Associate Members shall take all precautions to assure that they do not hold themselves out as being members of the Utah State Bar, and fill follow all guidelines and directives from the Section Chair in connection with the implementation of this requirement. Membership as an Associate Member shall be at the absolute and sole discretion of the majority of the members of the Executive Committee. Associate Members may not hold office in the Section, but are otherwise entitled to all of the privileges and benefits of Section membership. Associate Members shall pay annual Section dues equivalent to the amount paid by regular members of the Section.

[Student Section]

Enrollment of Student Members. The Associate Members of the Section may include degree or certificate seeking students, subject to their showing evidence of current enrollment at an institution of higher education. Student Members are subject to the limitations, requirement, and benefits of other Associate Members pursuant to Article 2. Student Members shall pay annual Section dues.

2.2 The Membership. Members enrolled as provided in Section 2.1 shall constitute the membership of the Section.

2.3 Dues. The Section officers shall set the dues for Section members. The dues shall be **[\$20.00]** for each member per year unless the Section officers determine an adjustment should be made.

ARTICLE 3 MEETINGS

3.1 Annual Meeting. The annual meeting of the Section shall be held at a place determined by the officers on the **third (3rd) Friday** in the month of **April** in each year or such other date as designated by the Section Officers unless that day is a legal holiday, and if a legal holiday, on the following Thursday which is not a legal holiday.

3.2 Quorum. Those Section members present at any duly called Section meeting shall constitute a quorum for the transaction of business.

3.3 Controlling Vote. Action of the Section shall be by majority vote of the members present and voting at any meeting of the Section.

3.4 Agenda. At the annual meeting of the Section members, Officers of the Section shall be elected and other business may be discussed and voted upon as determined to be appropriate by the Officers.

3.5 Special Meetings. Special meetings of the membership of the Section may be called by the Section Chairperson at such time and place as he or she may determine.

3.6 Notice of Meetings. Written, printed, or electronic notice shall be given to all Section members stating the date, hour and place of all meetings of members, and in the case of all special meetings the purpose or purposes for which the meeting is called. Notice shall be delivered by hand, U.S. mail or e-mail at least five (5) days prior to the date of the meeting to each member of the Section. If mailed, notice shall be deemed delivered when deposited in the United States mail addressed to the member at his or her address as it appears on the records of the Utah State Bar, with postage thereon prepaid.

ARTICLE 4 OFFICERS

4.1 Officers. The Officers of the Section shall be a Chairperson, a Vice Chairperson, a Secretary, and a Treasurer, chosen from the membership of the Section. The Officers shall establish the rates for Section dues, CLE presentations (monthly lunches and the annual Section meeting), as well as approve expenditures for special projects, donations, reimbursements and lodging and meals for guest speakers at Section-sponsored events. Specific duties of those officers related to administration and operation of the Section shall be as follows:

Chairperson

- General oversight of Section
- Liaison with Utah State Bar
- Represent Section at Utah State Bar Commission meetings, as invited
- Respond to inquiries made to Section
- Oversee Distinguished Military Law Practitioner award
- Supervise and prepare agenda for Section Officer meetings
- Communications to Section officers
- Oversee monthly CLE presentations
- Coordinate/oversee matters assigned by Section Officers
- CLE presentations, special ad hoc projects

Vice Chairperson

- Serve on Utah State Bar Governmental Relations Committee
- Canvas Section Officers for position on pending legislation
- Serve on Utah State Bar Annual Meeting Committee
- Host Section breakfast at Utah State Bar Annual Meeting (if breakfast is held)
- Arrange for Section-sponsored speakers at Annual Meeting
- Attend Annual Meeting and introduce Section-sponsored speaker(s)
- Provide plaque for outgoing Section Chairperson
- Provide plaque for Distinguished Military Law Practitioner award
- Coordinate/oversee matters assigned by Section Officers
- CLE presentations, special ad hoc projects

Secretary

- Serve on Utah State Bar Mid-Year meeting committee

- Arrange for Section-sponsored CLE session or sessions at mid-year meeting
- Attend mid-year meeting and introduce Section-sponsored speaker(s)
- Supervise preparation and mailing of newsletter
- Maintain records (historical listing of CLE, Officers, Section rules, etc.)
- Reserve facilities for CLE meetings and select menus
- Coordinate/oversee matters assigned by Section Officers
- CLE presentations, special ad hoc projects

Treasurer

- Analyze regular financial reports
- Make recommendations on rates for dues, CLE charges, etc.
- Monitor self-sufficiency of regular functions
- Prepare annual budget / estimates of expenditures
- Process reimbursements with Utah State Bar
- Send out "dunning" letters for no shows at CLE presentations
- Coordinate annual Section meeting in April, including arranging for speakers and preparing
- brochure, introducing speakers and conducting election of new Section Officer(s)
- Coordinate/oversee matters assigned by Section Officers
- Organize new lawyer CLE
- CLE presentations, special ad hoc projects

ARTICLE 5 ELECTIONS

5.1 Succession to Offices. The Treasurer shall automatically succeed to the office of Secretary. The Secretary shall automatically succeed to the Office of Vice Chairperson. The Vice Chairperson shall automatically succeed to the Office of Section Chairperson.

5.2 Elections. A new Treasurer shall be elected each year at the Section's annual meeting by majority vote of the members then in attendance. If for lack of nominations or any other reason no Treasurer is elected, the position may be filled pursuant to Section 5.3, below.

5.3 Vacancies. If at any time an office shall become vacant for any reason, then the remaining Section Officers may appoint any member of the Section to fill the vacancy for the balance of the unexpired term. Such appointed person shall not succeed automatically to another Section Office as provided in Section 5.1, above, but shall be subject to elections as provided in Section 5.2, above.

5.4 Term of Office. The term of office shall begin May 1 and shall end on April 30 of each year.

ARTICLE 6 COMMITTEES

6.1 Committees. The Section shall have such committees as may from time to time be appointed by the Officers to perform such duties and exercise such powers as the Officers may direct.

6.2 Committee Chairperson. Each Committee shall have a Chairperson to be appointed by the Officers who will then regularly report to the Officers.

6.3 Duties of Committees. Each Committee shall have the responsibilities which are delegated to it by the Officers, which may include the following:

- a. To plan and implement Section projects including but not limited to Section meetings and continuing legal education seminars.
- b. To analyze issues and make recommendations to the Officers on matters referred to the Committee or on its own initiation.

6.4 Membership of Committees. Upon request, any member of the Section may be a member of one or more Committees.

6.5 Duties of Members of Committee. A Section member shall become a member of a Committee with the understanding he or she will devote sufficient time to assist the Chairperson of the Committee in performing the duties of the Committee.

6.6 Meetings. The Committees may act by correspondence or at meetings separate from the Section. Section members may but need not be given notice of Committee meetings and all Committee meetings may but need not be open to all Section members.

ARTICLE 7 AMENDMENTS

7.1 These Bylaws may be amended at any meeting of the Section by a majority vote of the members of the Section present and voting.

CERTIFICATION OF ADOPTION

I CERTIFY THAT THE FOREGOING BYLAWS WERE ADOPTED BY VOTE OF THE SECTION MEMBERSHIP OF THE MILITARY LAW SECTION OF THE UTAH STATE BAR AT A MEETING, DULY CALLED, ON THE __TH DAY OF NOVEMBER, 2018.

BY: _____

* _____, SECTION CHAIR

Utah State Bar

MEMORANDUM

TO: Utah State Board of Bar Commissioners

FROM: Admissions Committee of the Utah State Bar

DATE: November 9, 2018

RE: Practice Pending Admission Fee

On May 1, 2018, the Practice Pending Admission Rule (14-809) became effective. This rule allows out-of-state attorneys who meet certain requirements to practice in Utah for up to one year while their application for admission is pending. Subsection (c)(5) imposes a fee on those who file a request to practice under the rule. This fee covers the administrative costs associated with quickly processing the application and completing a preliminary character and fitness review prior to issuing the Practice Pending Admission Certificate (Certificate). The Admissions Committee requests that the Bar Commission approve a fee of \$100.

ANALYSIS

1. The costs and benefits associated with Rule 14-809 warrant charging a small fee.

Requiring a filing fee was incorporated into the rule for several reasons. First, expediting the processing and review of these applications brings with it extra costs. Prior to issuing the Certificate, the Admissions staff must conduct a preliminary character and fitness review of each of these applicants to immediately identify any red flags that may result in the application being denied or indications that the attorney could pose a risk to the public. In addition, after the review is completed, there are costs to create and issue the Practice Pending Admission Certificate, alert the attorney that practice may begin, and develop and maintain a monitoring system to track these attorneys to ensure that they continue to meet requirements, and if not, notify them that permission to practice has been revoked.

Second, to save on unnecessary expenditure of time and resources, charging a fee will discourage those who do not intend to practice from applying. Charging a minimal fee ensures that those who apply are doing so in earnest and need to practice while their application is pending. The need to charge a reasonable fee to cover the costs of this temporary practice option is required given the decline in Admissions revenue over the past decade. For example, 135 fewer exam applications were filed in 2018 compared to 2008, and this 34% drop resulted in the 2019 Utah State Bar budget projecting a \$56,000 shortfall for Admissions this year.

2. Utah's *pro hac vice* and annual licensing fees and the fees charged by other jurisdictions support the proposed fee.

The Admissions Committee looked at several factors to determine the fee and although there is some justification for charging a higher fee, the Admissions Committee proposes a fee of \$100. In addition to the cost of staff time to administer the program, the Admissions Committee looked at Utah's *pro hac vice* fee as a guideline. At the time, under Rule 14-806, out-of-state attorneys paid \$250 for permission "to appear in a particular case," and the Court recently approved a fee increase to \$425, the annual licensing fee paid by Utah attorneys. Moreover, Rule 14-809 offers significantly greater benefits to attorneys than *pro hac vice admission*. The practice pending admission option applies to both transactional and litigation practice, and is not limited to one case, but allows the attorney to handle multiple legal matters for up to one year.

The Admissions Committee also looked at the fees charged by the handful of states that allow practice pending admission, and as part of this analysis, considered the fact that most jurisdictions charge significantly higher attorney application fees than Utah. For instance, Arizona limits pending practice to motion applicants and its application fee for motion admission is \$1,800, \$950 more than motion applicants pay in Utah. Of the jurisdictions surveyed by the Committee, the average charge is \$238, including a \$400 fee in the District of Columbia, \$390 in Missouri, \$200 in Colorado, and \$100 in Kansas and North Dakota.

Based on the above, the Admissions Committee asks the Bar Commission to approve a fee of \$100 for attorneys requesting to practice pending admission under Rule 14-809.

Rule 14-809. Practice Pending Admission

(a) For purposes of this rule:

(a)(1) "Active supervision" means:

(a)(1)(A) participating in and sharing responsibility for the representation of the client;

(a)(1)(B) ensuring that the lawyer being supervised conforms to the Rules of Professional Conduct and the Standards of Professionalism and Civility and assuming responsibility for any violation of the Rules of Professional Conduct by the lawyer being supervised; and

(a)(1)(C) making sufficient efforts to prevent any errors or misconduct on the part of the lawyer being supervised and taking immediate action to avoid or mitigate the consequences of any errors or misconduct that occur;

(a)(2) "Bar" means the Utah State Bar;

(a)(3) "Unlicensed lawyer" means a lawyer not licensed in Utah but licensed and in good standing in another United States jurisdiction; and

(a)(4) "Utah law firm" means an entity with an office in Utah consisting of one or more Utah licensed lawyers lawfully engaged in the practice of law.

(b) An unlicensed lawyer with a pending application to the Bar may provide legal services in Utah through an office or other systematic and continuous presence provided that he or she meets the requirements of this rule.

(c) To practice under this rule an unlicensed lawyer must:

(c)(1) reasonably expect to satisfy each requirement for admission by clear and convincing evidence as an Attorney Examination Applicant under Rule 14-704 or as a Motion Applicant under Rule 14-705;

(c)(2) have submitted to the Bar a complete application as defined in Rule 14-701(l) to sit for the Utah Bar Examination or to be admitted by motion;

(c)(3) have practiced law full-time in a jurisdiction where licensed for 60 of the 84 months immediately preceding the filing of the application for admission;

(c)(4) have graduated from an ABA-approved law school;

(c)(5) have submitted a Practice Pending Admission Request Form to the Bar with the appropriate fee;

(c)(6) have passed a preliminary character and fitness review as prescribed by

the Character and Fitness Committee;

(c)(7) have received from the Bar a Practice Pending Admission Certificate;

(c)(8) have an active law license in a U.S. jurisdiction;

(c)(9) be in good standing in all courts and jurisdictions in which he or she is admitted to practice;

(c)(10) be affiliated with a Utah law firm and actively supervised by a licensed Utah lawyer affiliated with the same law firm;

(c)(11) not have been subject to an order of attorney discipline within the preceding 84 months and not be subject to a pending grievance, complaint, disciplinary or disability investigation in any jurisdiction;

(c)(12) not have been previously denied admission to practice law on character and fitness grounds in any jurisdiction; and

(c)(13) inform all clients that the unlicensed lawyer is not licensed in Utah and affirmatively state in all written communications with the public, clients and other attorneys the following language: "Practice in Utah authorized from [date] to [date] under Rule 14-809 of the Rules Governing the Utah State Bar. Supervised by [name of Utah attorney], a member of the Utah State Bar".

(d) Eligibility to practice under this rule terminates upon the earlier occurrence of:

(d)(1) the Bar's admissions office's or character and fitness committee's decision to defer or not to approve the unlicensed lawyer's application;

(d)(2) the lapse of one year from the issuance of the Practice Pending Admission Certificate;

(d)(3) the unlicensed lawyer failing the Utah Bar Examination;

(d)(4) the unlicensed lawyer withdrawing his or her application for admission; or

(d)(5) the unlicensed lawyer failing to remain in compliance with subsections (c)(8) through (c)(13).

(e) Upon the termination of eligibility under (d), the unlicensed lawyer must immediately cease practicing law in Utah, and within ten days must:

(e)(1) provide written notice to the Bar's admissions office of the circumstances causing the termination of eligibility;

(e)(2) provide written notice to all courts, clients and opposing counsel in pending matters of the unlicensed lawyer's termination of authority to practice law in Utah; and

(e)(3) in order to protect the interest of his or her clients, transfer all files to the supervising attorney or other Utah licensed lawyer.

(f) The Bar does not have the authority to waive, modify, or extend any of the requirements or time limitations in this rule.

Effective May 1, 2018

TAB
8

UTAH STATE BAR
Budget and Finance Committee
Highlights of the October 2018 Financial Statements

FINANCIAL STATEMENT HIGHLIGHTS

Notable Trends:

- The results of the first four months of the fiscal year were, for the most part, as expected. Both Admissions and Licensing revenue are running slightly under budget, but lower than expected overall expenses resulted in higher than budgeted net profit. Declining applicants and admittees to the Bar continue to impact Admissions revenue, the NLTP and Licensing.

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

	Actual	Budget	Fav(unfav) \$ Variance	Fav(unfav) % Variance
YTD revenue	5,196,835	5,208,378	(11,542)	0%
YTD expenses	2,326,564	2,406,693	80,129	3%
YTD net profit	2,870,271	2,801,685	68,586	2%

YTD net profit is \$2.9 million, which is \$69,000 (2%) ahead of budget. YTD revenue is \$12,000 under budget mainly due to lower than budgeted Licensing, CLE and Summer Convention revenue offset by higher than budgeted Bar Journal revenue and interest income. YTD expenses are under budget mainly due to lower than budgeted staff and outside consulting/counsel expenses.

YTD Net Profit –Cash Basis: Adding back year-to-date depreciation expense of \$74,000 and deducting capital expenditures of \$18,000, the cash basis year-to-date net profit is approximately \$56,000 higher.

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

Admissions: YTD Admissions revenue is \$140,000, which is \$6k (4%) below budget but about the same as last year's revenue at this time. Admissions expenses are \$203,000, or \$8,000 (4%) over budget and \$10k over last year's expenses at this time due to higher than budgeted staff and overhead expenses, some of which is timing related.

OPC: OPC YTD net expenditures are \$460,000, which is \$47k (9%) under budget. The main reason for the favorable variance is lower than budgeted staff-related expenses. It is anticipated that the net profit will align more closely to budget as the year progresses.

CLE: CLE YTD net loss is \$10,000, which is \$35,000 (35%) below budget. While CLE registration revenue is ahead of budget, online video revenue is running considerably under budget and last year's revenue. This could be a function of fewer online CLE

UTAH STATE BAR
Budget and Finance Committee
Highlights of the October 2018 Financial Statements

courses being available. Program expenses are running over budget, but this is largely a timing issue and will likely resolve itself as the year progresses.

Summer Convention: With all known revenue and expenses booked for the July 2018 Summer Convention in Sun Valley, the YTD net loss is \$2,400 which is approximately \$11k below budget. Revenue from the convention was \$25k lower than budgeted due to lower than expected attendance which also resulted in expenses being under budget by \$13k. It is estimated that an additional \$10,000 in staff expenses will be incurred throughout the remainder of the fiscal year bringing the total net loss for the fiscal year closer to \$12,000.

Member Services: Member Services YTD net spending is \$59k vs. budgeted net spending of \$68k. Lower net spending is due to higher than budgeted Bar Journal advertising revenue. It is anticipated that the net profit will align more closely to budget as the year progresses.

Bar Operations: Bar Operations (Management, Finance, General Counsel, IT, and Commission/Special Projects) generated net expenditures of \$525k YTD compared to YTD budgeted net spending of \$596k. The lower than projected net spending is mainly due to higher than budgeted interest income and lower than budgeted expenses for outside consulting and legal counsel.

ADDITIONAL COMMENTS

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

Operations Reserve (3 months' operations)	\$1,661,000
Capital Replacement Reserve (equipment)	200,000
Capital Replacement Reserve (building)	<u>650,000</u>
Total	\$2,511,000
Estimated cash reserve at October 30, 2018	<u>\$3,900,000</u>
Excess of current cash reserve over board-designated reserve	<u>\$1,389,000</u>

Utah State Bar
Income Statement
October 31, 2018

	Actual Oct-17	Actual Oct-18	Budget Oct-18	Fav (Unfav) variance	% of Budget	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue												
Licensing	27,255	27,050	26,493	557	102%	4,199,815	4,237,046	4,275,623	(38,577)	99%	4,413,162	96%
Admissions	70,650	73,225	72,012	1,213	102%	140,695	140,290	145,897	(5,607)	96%	428,260	33%
NLTP	600	-	679	(679)	0%	25,350	25,950	28,677	(2,727)	90%	70,400	37%
OPC	300	7,854	178	7,676	4412%	1,454	9,504	863	8,641	1101%	19,000	50%
CLE	27,829	11,176	25,986	(14,810)	43%	166,560	152,755	164,739	(11,984)	93%	590,000	26%
Summer Convention	110	275	104	171	264%	282,740	250,465	275,000	(24,535)	91%	275,000	91%
Fall Forum	43,635	54,475	49,918	4,557	109%	59,090	74,430	67,248	7,182	111%	95,000	78%
Spring Convention	-	-	-	-	-	-	537	-	537	-	147,200	0%
Member Services	2,177	5,734	1,440	4,294	398%	133,567	154,193	129,321	24,872	119%	227,160	68%
Public Services	1,210	1,000	1,299	(299)	77%	4,830	3,675	5,181	(1,506)	71%	16,050	23%
Bar Operations	15,533	22,099	11,805	10,294	187%	52,317	82,157	43,112	39,045	191%	120,444	68%
Facilities	21,870	20,824	22,224	(1,400)	94%	71,522	65,833	72,717	(6,884)	91%	252,823	26%
Total Revenue	211,169	223,712	212,138	11,574	105%	5,137,940	5,196,835	5,208,378	(11,542)	100%	6,654,499	78%
Expenses												
Licensing	7,589	7,677	8,343	666	92%	38,749	34,874	40,174	5,300	87%	117,203	30%
Admissions	34,196	38,091	35,701	(2,390)	107%	192,725	203,452	195,818	(7,634)	104%	484,243	42%
NLTP	3,784	4,665	4,727	62	99%	24,077	16,383	26,232	9,849	62%	74,939	22%
OPC	106,755	113,336	121,148	7,812	94%	450,477	469,464	507,726	38,262	92%	1,491,840	31%
CLE	49,122	89,496	51,848	(37,648)	173%	135,556	162,564	139,844	(22,720)	116%	533,380	30%
Summer Convention	738	18	523	505	3%	274,745	252,868	266,092	13,224	95%	274,749	92%
Fall Forum	7,850	6,435	7,618	1,183	84%	20,010	12,956	21,218	8,262	61%	95,011	14%
Spring Convention	2,060	687	2,707	2,020	25%	5,756	5,168	5,924	756	87%	133,872	4%
Member Services	44,769	51,804	44,374	(7,430)	117%	184,150	213,037	197,546	(15,491)	108%	643,721	33%
Public Services	31,542	36,029	33,193	(2,836)	109%	193,302	195,539	201,913	6,374	97%	474,239	41%
Bar Operations	125,052	123,384	135,675	12,291	91%	615,721	607,110	638,839	31,729	95%	1,781,209	34%
Facilities	39,276	35,599	44,579	8,980	80%	158,220	153,150	165,367	12,217	93%	537,927	28%
Total Expenses	452,732	507,221	490,436	(16,785)	103%	2,293,489	2,326,564	2,406,693	80,129	97%	6,642,333	35%
Net Profit (Loss)	\$ (241,563)	\$ (283,509)	\$ (278,298)	\$ (5,211)	102%	\$ 2,844,452	\$ 2,870,271	\$ 2,801,685	\$ 68,586	102%	\$ 12,166	23593%
Depreciation	19,741	18,648	19,981	1,333	93%	78,305	73,943	79,250	5,307	93%	246,984	
Cash increase (decrease) from operations	(221,822)	(264,861)	(258,317)	(6,544)	86%	2,922,757	2,944,214	2,880,935	63,279	102%	259,150	
Changes in operating assets/liabilities	187,375	(166,701)	(166,701)	-	-112%	3,079,434	(2,936,868)	(2,936,868)	-	100%	20,000	
Capital expenditures	(6,024)	(12,966)	(8,833)	(4,133)	68%	(44,811)	(18,002)	(35,333)	17,331	51%	(106,000)	
Net change in cash	\$ (40,471)	\$ (444,528)	\$ (433,851)	\$ (10,677)	102%	\$ 5,957,380	\$ (10,656)	\$ (91,266)	\$ 80,610	12%	\$ 173,150	-6%

Utah State Bar
Licensing
October 31, 2018

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	Actual Oct-17	Actual Oct-18	Budget Oct-18	Fav (Unfav) variance	% of Budget
Revenue					
4010 · Section/Local Bar Support fees	-	-	-	-	-
4021 · Lic Fees > 3 Years	11,895	10,625	12,168	(1,543)	87%
4022 · Lic Fees < 3 Years	500	750	504	246	149%
4023 · Lic Fees - House Counsel	-	-	-	-	-
4025 · Pro Hac Vice Fees	7,000	5,000	7,639	(2,639)	65%
4026 · Lic Fees - Inactive/FS	(750)	(600)	(780)	180	77%
4027 · Lic Fees - Inactive/NS	525	2,415	540	1,875	447%
4029 · Prior Year Lic Fees	-	-	-	-	-
4030 · Certs of Good Standing	2,660	2,820	2,588	232	109%
4095 · Miscellaneous Income	25	40	37	3	108%
4096 · Late Fees	5,400	6,000	3,797	2,203	158%
Total Revenue	27,255	27,050	26,493	557	102%
Expenses					
Program Services	-	-	-	-	-
Salaries & Benefits	3,871	4,883	4,835	(48)	101%
General & Administrative	3,259	2,118	3,079	961	69%
Building Overhead	459	676	429	(247)	158%
Total Expenses	7,589	7,677	8,343	666	92%
Net Profit (Loss)	\$ 19,666	\$ 19,373	\$ 18,150	\$ 1,223	107%

Note: Includes LPP staff time and exam expense

Utah State Bar
Admissions
October 31, 2018

Revenue																	
Actual Oct-17	Actual Oct-18	Budget Oct-18	Fav (Unfav) variance	% of Budget													
4001 · Admissions - Student Exam Fees	10,300	7,150	10,151	(3,001)	70%												
4002 · Admissions - Attorney Exam Fees	12,500	16,575	12,954	3,621	128%												
4003 · Admissions - Retake Fees	13,500	20,175	12,108	8,067	167%												
4004 · Admissions - Laptop Fees	8,700	9,300	8,629	671	108%												
4006 · Transfer App Fees	-	4,500	-	4,500	-												
4008 · Attorney - Motion	12,550	4,250	14,738	(10,488)	29%												
4009 · House Counsel	4,250	2,550	4,402	(1,852)	58%												
4095 · Miscellaneous Income	100	325	76	249	428%												
4096 · Late Fees	8,750	8,400	8,954	(554)	94%												
Total Revenue	70,650	73,225	72,012	1,213	102%												
Expenses																	
Program Services	5,901	5,764	7,158	1,394	81%												
Salaries & Benefits	25,349	28,391	25,761	(2,630)	110%												
General & Administrative	2,164	2,202	2,141	(61)	103%												
Building Overhead	783	1,735	641	(1,094)	271%												
Total Expenses	34,196	38,091	35,701	(2,390)	107%												
Net Profit (Loss)																	
\$ 36,454					\$ 35,134	\$ 36,311	\$ (1,177)	97%									
					\$ (52,030)	\$ (63,162)	\$ (49,921)	\$ (13,241)	27%								
										\$ (55,983)	113%						

October 31, 2018

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	Actual Oct-17	Actual Oct-18	Budget Oct-18	Fav (Unfav) variance	% of Budget
Revenue					
4020 - NLTP Fees	600	-	679	(679)	0%
4200 - Seminar Profit/Loss	-	-	-	-	-
Total Revenue	600	-	679	(679)	0%
Expenses					
Program Services	-	865	-	(865)	-
Salaries & Benefits	3,079	3,198	3,455	257	93%
General & Administrative	225	221	747	526	30%
Building Overhead	479	382	525	143	73%
Total Expenses	3,784	4,665	4,727	62	99%
Net Profit (Loss)	\$ (3,184)	\$ (4,665)	\$ (4,048)	\$ (617)	115%

October 31, 2018

October 31, 2018

Net Profit (Loss)

Utah State Bar CLE

October 31, 2018

	Actual Oct-17	Actual Oct-18	Budget Oct-18	Fav (Unfav) variance	% of Budget	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue												
4052 · Meeting - Sponsor Revenue	-	-	-	-	-	-	-	-	-	-	20,000	0%
4081 · CLE - Registrations	19,917	16,818	21,081	(4,263)	80%	94,872	103,311	91,566	11,745	113%	475,000	22%
4082 · CLE - Video Library Sales	4,480	1,312	4,905	(3,593)	27%	68,070	51,265	73,173	(21,908)	70%	105,000	49%
4084 · Business Law Book Sales	3,432	-	-	-	-	3,619	3,315	-	3,315	-	-	-
4095 · Miscellaneous Income	-	-	-	-	-	-	-	-	-	-	-	-
4200 · Seminar Profit/Loss	-	(6,954)	-	(6,954)	-	-	(5,136)	-	(5,136)	-	(10,000)	51%
Total Revenue	27,829	11,176	25,986	(14,810)	43%	166,560	152,755	164,739	(11,984)	93%	590,000	26%
Expenses												
Program Services	26,450	75,825	28,342	(47,483)	268%	61,791	108,092	66,310	(41,782)	163%	312,434	35%
Salaries & Benefits	16,222	10,582	17,313	6,732	61%	45,996	38,475	49,361	10,886	78%	142,694	27%
General & Administrative	4,524	1,751	3,982	2,231	44%	20,026	10,581	15,313	4,732	69%	54,690	19%
Building Overhead	1,925	1,338	2,211	873	61%	7,744	5,416	8,860	3,444	61%	23,562	23%
Total Expenses	49,122	89,496	51,848	(37,648)	173%	135,556	162,564	139,844	(22,720)	116%	533,380	30%
Net Profit (Loss)	\$ (21,293)	\$ (78,320)	\$ (25,862)	\$ (52,458)	303%	\$ 31,004	\$ (9,809)	\$ 24,895	\$ (34,704)	-39%	\$ 56,620	-17%

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**Utah State Bar
Summer Convention
October 31, 2018**

		Actual Oct-17	Actual Oct-18	Budget Oct-18	Fav (Unfav) variance	% of Budget	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue													
4051 · Meeting - Registration		110	275	104	171	264%	234,820	199,695	222,000	(22,305)	90%	222,000	90%
4052 · Meeting - Sponsor Revenue		-	-	-	-	-	20,550	25,500	25,000	500	102%	25,000	102%
4053 · Meeting - Vendor Revenue		-	-	-	-	-	13,100	9,800	13,000	(3,200)	75%	13,000	75%
4055 · Meeting - Sp Ev Registration		-	-	-	-	-	14,270	15,470	15,000	470	103%	15,000	103%
Total Revenue		110	275	104	171	264%	282,740	250,465	275,000	(24,535)	91%	275,000	91%
Expenses													
Program Services		176	-	122	122	0%	238,439	221,625	232,079	10,454	95%	233,611	95%
Salaries & Benefits		325	-	366	366	0%	18,202	14,658	20,679	6,021	71%	27,600	53%
General & Administrative		46	18	35	17	50%	17,330	16,585	13,334	(3,251)	124%	13,538	123%
Building Overhead		192	-	-	-	-	775	-	-	-	-	-	-
Total Expenses		738	18	523	505	3%	274,745	252,868	266,092	13,224	95%	274,749	92%
Net Profit (Loss)		\$ (628)	\$ 257	\$ (419)	\$ 676	-61%	\$ 7,995	\$ (2,403)	\$ 8,908	\$ (11,311)	-27%	\$ 251	-957%

Utah State Bar Fall Forum October 31, 2018

	Actual Oct-17	Actual Oct-18	Budget Oct-18	Fav (Unfav) variance	% of Budget	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue												
4051 • Meeting - Registration	39,285	50,300	45,632	4,668	110%	51,215	67,905	59,489	8,416	-	85,000	80%
4052 • Meeting - Sponsor Revenue	-	-	-	-	-	-	-	-	-	-	-	-
4053 • Meeting - Vendor Revenue	4,350	4,175	4,286	(111)	97%	7,875	6,525	7,759	(1,234)	84%	10,000	65%
4055 • Meeting - Sp Ev Registration	-	-	-	-	-	-	-	-	-	-	-	-
Total Revenue	43,635	54,475	49,918	4,557	109%	59,090	74,430	67,248	7,182	111%	95,000	78%
Expenses												
Program Services	5,000	-	4,579	4,579	-	10,813	-	11,344	11,344	0%	70,261	0%
Salaries & Benefits	595	1,038	711	(327)	146%	3,110	2,916	3,788	872	77%	12,900	23%
General & Administrative	2,064	5,397	2,328	(3,069)	232%	5,313	10,039	6,086	(3,953)	165%	11,850	85%
Building Overhead	192	-	-	-	-	775	-	-	-	-	-	-
Total Expenses	7,850	6,435	7,618	1,183	84%	20,010	12,956	21,218	8,262	61%	95,011	14%
Net Profit (Loss)	\$ 35,785	\$ 48,040	\$ 42,300	\$ 5,740	114%	\$ 39,080	\$ 61,474	\$ 46,030	\$ 15,444	134%	\$ (11)	-558857%

**Utah State Bar
Spring Convention
October 31, 2018**

Revenue		Actual Oct-17	Actual Oct-18	Budget Oct-18	Fav (Unfav) variance	% of Budget	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
4051 · Meeting - Registration		-	-	-	-	-	-	480	-	480	-	115,000	0%
4052 · Meeting - Sponsor Revenue		-	-	-	-	-	-	-	-	-	-	17,000	0%
4053 · Meeting - Vendor Revenue		-	-	-	-	-	-	-	-	-	-	12,000	0%
4055 · Meeting - Sp Ev Registration		-	-	-	-	-	-	57	-	57	-	3,200	2%
Total Revenue		-	-	-	-	-	-	537	-	537	-	147,200	0%
Expenses													
Program Services		1,494	455	2,063	1,608	22%	4,342	4,534	4,824	290	94%	93,157	5%
Salaries & Benefits		325	232	576	344	40%	490	630	877	247	72%	26,008	2%
General & Administrative		50	-	68	68	0%	150	5	223	219	2%	14,707	0%
Building Overhead		192	-	-	-	-	775	-	-	-	-	-	#DIV/0!
Total Expenses		2,060	687	2,707	2,020	25%	5,756	5,168	5,924	756	87%	133,872	4%
Net Profit (Loss)		\$ (2,060)	\$ (687)	\$ (2,707)	\$ 2,020	25%	\$ (5,756)	\$ (4,631)	\$ (5,924)	\$ 1,293	78%	\$ 13,328	-35%

Utah State Bar
Member Services
(Bar Journal, Member Benefits, Section Support, Legislative, Public Education & YLD)
October 31, 2018

	Revenue				Expenses				Net Profit (Loss)			
	Actual Oct-17	Actual Oct-18	Budget Oct-18	Fav (Unfav) variance	% of Budget	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
4010 · Section/Local Bar Support fees	-	-	-	-	-	80,815	81,774	80,969	805	101%	82,000	100%
4052 · Meeting - Sponsor Revenue	1,000	-	467	(467)	0%	1,000	200	467	(267)	43%	1,050	19%
4061 · Advertising Revenue	640	5,060	652	4,408	776%	48,217	68,522	45,589	22,933	150%	140,000	49%
4062 · Subscriptions	-	-	-	-	-	-	30	-	30	-	110	27%
4071 · Mem Benefits - Lexis	-	-	-	-	-	-	356	-	356	-	-	-
4072 · Royalty Inc - Bar J, MBNA, LM,M	487	674	321	353	210%	3,485	3,311	2,296	1,015	144%	4,000	83%
Total Revenue	2,177	5,734	1,440	4,294	398%	133,567	154,193	129,321	24,872	119%	227,160	68%
Program Services	22,900	27,962	22,765	(5,197)	123%	93,371	97,573	94,416	(3,157)	103%	286,382	34%
Salaries & Benefits	14,672	17,866	15,873	(1,993)	113%	38,070	61,388	55,701	(5,687)	110%	185,274	33%
General & Administrative	5,430	4,239	4,045	(194)	105%	45,606	47,006	40,648	(6,358)	116%	150,572	31%
Building Overhead	1,767	1,737	1,691	(46)	103%	7,103	7,070	6,781	(289)	104%	21,493	33%
Total Expenses	44,769	51,804	44,374	(7,430)	117%	184,150	213,037	197,546	(15,491)	108%	643,721	33%
Net Profit (Loss)	\$ (42,592)	\$ (46,070)	\$ (42,934)	\$ (3,136)	107%	\$ (50,583)	\$ (58,844)	\$ (68,225)	\$ 9,381	86%	\$ (416,561)	14%

**Utah State Bar
Public Services
(Committees, Consumer Assistance, Access to Justice, Tuesday Night Bar)
October 31, 2018**

	Actual Oct-17				Budget Oct-18				Actual YTD				Budget YTD				Total Budget		YTD % of Tot Budget	
	Actual Oct-17			% of Budget	Actual Oct-18			% of Budget	Actual YTD			% of Budget	Actual YTD			% of Budget	Budget		YTD % of Tot Budget	
Revenue																				
4063 · Modest Means revenue	1,200			78%	1,000			78%	3,675			71%	5,143			71%	12,000		31%	
4093 · Law Day Revenue	-			-	-			-	-			-	-			-	4,000		0%	
4095 · Miscellaneous Income	10			0%	-			0%	-			0%	38			0%	50		0%	
4200 · Seminar Profit/Loss	-			-	-			-	-			-	-			-	-		-	
Total Revenue	1,210			77%	1,000			77%	3,675			71%	5,181			71%	16,050		23%	
Expenses																				
Program Services	4,747			176%	6,769			176%	86,090			105%	82,225			105%	124,468		69%	
Salaries & Benefits	22,004			97%	23,532			97%	90,611			94%	96,476			94%	288,078		31%	
General & Administrative	3,262			137%	4,602			137%	14,166			87%	16,221			87%	41,795		34%	
Building Overhead	1,529			65%	1,126			65%	4,672			67%	6,991			67%	19,898		23%	
Total Expenses	31,542			109%	36,029			109%	195,539			97%	201,913			97%	474,239		41%	
Net Profit (Loss)	\$ (30,332)			110%	\$ (35,029)			110%	\$ (191,864)			98%	\$ (196,732)			98%	\$ (458,189)		42%	

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Utah State Bar
Bar Operations
(Bar Management, General Counsel, IT, Commission/Special Projects)
October 31, 2018

	Actual Oct-17	Actual Oct-18	Budget Oct-18	Fav (Unfav) variance	% of Budget	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue												
4060 · E-Filing Revenue	3,617	9,391	3,678	5,713	255%	10,022	21,895	10,190	11,705	215%	22,174	99%
4103 · In - Kind Revenue - UDR	93	152	92	60	165%	769	682	759	(77)	90%	1,785	38%
4095 · Miscellaneous Income	70	270	100	170	270%	287	503	412	91	122%	1,188	42%
Investment Income	11,753	12,286	7,935	4,351	148%	41,239	59,077	31,751	27,327	186%	95,297	43%
Total Revenue	15,533	22,099	11,805	10,294	187%	52,317	82,157	43,112	39,045	191%	120,444	43%
Expenses												
Program Services	11,893	13,775	16,367	2,592	84%	151,202	134,410	148,137	13,727	91%	259,423	52%
Salaries & Benefits	87,876	91,499	93,968	2,469	97%	358,888	369,134	372,902	3,768	99%	1,215,983	30%
General & Administrative	21,172	13,359	21,045	7,686	63%	88,621	83,823	99,996	16,173	84%	246,139	34%
In Kind	250	309	339	30	91%	1,397	1,310	1,893	583	69%	5,000	26%
Building Overhead	3,861	4,442	3,956	(486)	112%	15,613	18,433	15,911	(2,522)	116%	54,664	34%
Total Expenses	125,052	123,384	135,675	12,291	91%	615,721	607,110	638,839	31,729	95%	1,781,209	34%
Net Profit (Loss)	\$ (109,519)	\$ (101,285)	\$ (123,870)	\$ 22,585	82%	\$ (563,404)	\$ (524,953)	\$ (595,727)	\$ 70,775	88%	\$ (1,660,765)	32%

**Utah State Bar
Facilities
October 31, 2018**

	Actual Oct-17	Actual Oct-18	Budget Oct-18	Fav (Unfav) variance	% of Budget	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue												
4039 - Room Rental-All parties	8,912	7,984	9,121	(1,138)	88%	34,268	28,843	35,070	(6,228)	82%	112,500	26%
4042 - Food & Beverage Rev-All Parties	11,135	11,020	11,275	(255)	98%	29,982	30,221	30,362	(141)	100%	117,254	26%
4043 - Setup & A/V charges-All parties	-	-	-	-	-	-	95	-	95	-	1,264	8%
4090 - Tenant Rent	1,806	1,806	1,806	-	100%	7,224	6,638	7,224	(586)	92%	21,672	31%
4095 - Miscellaneous Income	17	15	22	(7)	67%	48	37	61	(24)	61%	133	28%
Total Revenue	21,870	20,824	22,224	(1,400)	94%	71,522	65,833	72,717	(6,884)	91%	252,823	26%
Expenses												
Program Services	11,037	9,516	11,180	1,664	85%	29,443	27,991	29,678	1,687	94%	113,023	25%
Salaries & Benefits	11,997	13,312	12,667	(645)	105%	48,817	47,017	51,493	4,476	91%	156,275	30%
General & Administrative	(2,990)	(5,937)	635	6,572	-935%	2,031	728	3,098	2,370	24%	7,585	10%
In Kind	1,235	985	1,279	294	77%	5,185	4,055	5,368	1,313	76%	17,426	23%
Building Overhead	17,996	17,723	18,818	1,095	94%	72,744	73,359	75,730	2,371	97%	243,618	30%
Total Expenses	39,276	35,599	44,579	8,980	80%	158,220	153,150	165,367	12,217	93%	537,927	28%
Net Profit (Loss)	\$ (17,407)	\$ (14,775)	\$ (22,355)	\$ 7,580	66%	\$ (86,698)	\$ (87,317)	\$ (92,650)	\$ 5,333	94%	\$ (285,104)	31%

Utah State Bar
Income Statement - Consolidated By Account
October 31, 2018

	Actual Oct-17	Actual Oct-18	Budget Oct-18	Fav (Unfav) variance	% of Budget	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue												
4001 - Admissions - Student Exam Fees	10,300	7,150	10,151	(3,001)	70%	21,300	18,700	20,993	(2,293)	89%	128,150	15%
4002 - Admissions - Attorney Exam Fees	12,500	16,575	12,954	3,621	128%	23,125	26,775	23,965	2,810	112%	49,200	54%
4003 - Admissions - Retake Fees	13,500	20,175	12,108	8,067	167%	21,800	28,725	19,553	9,172	147%	36,975	78%
4004 - Admissions - Laptop Fees	8,700	9,300	8,629	671	108%	15,750	16,350	15,623	727	105%	54,950	30%
4006 - Transfer App Fees	-	4,500	-	4,500	-	400	12,800	209	12,591	6124%	17,250	74%
4008 - Attorney - Motion	12,550	4,250	14,738	(10,488)	29%	39,450	17,000	46,328	(29,328)	37%	89,250	19%
4009 - House Counsel	4,250	2,550	4,402	(1,852)	58%	9,350	8,500	9,684	(1,184)	88%	24,650	34%
4010 - Section/Local Bar Support fees	-	-	-	-	-	97,635	98,175	97,708	467	100%	98,957	99%
4020 - NLTP Fees	600	-	679	(679)	0%	25,350	25,950	28,677	(2,727)	90%	71,100	36%
4021 - Lic Fees > 3 Years	11,895	10,625	12,168	(1,543)	87%	3,519,770	3,592,035	3,600,608	(8,573)	100%	3,654,125	98%
4022 - Lic Fees < 3 Years	500	750	504	246	149%	209,650	203,870	211,490	(7,620)	96%	225,500	90%
4023 - Lic Fees - House Counsel	-	-	-	-	-	31,345	34,960	32,092	2,868	109%	35,875	97%
4025 - Pro Hac Vice Fees	7,000	5,000	7,639	(2,639)	69%	24,000	21,250	26,189	(4,939)	81%	71,750	30%
4026 - Lic Fees - Inactive/FS	(750)	(600)	(780)	180	77%	115,410	118,885	120,000	(1,115)	99%	116,850	102%
4027 - Lic Fees - Inactive/NS	525	2,415	540	1,875	447%	206,115	212,055	211,959	96	100%	212,175	100%
4029 - Prior Year Lic Fees	-	-	-	-	-	2,695	1,275	2,040	(765)	63%	4,305	30%
4030 - Certs of Good Standing	2,660	2,820	2,588	232	109%	8,030	9,360	7,813	1,547	120%	24,600	38%
4039 - Room Rental-All parties	8,912	7,984	9,121	(1,138)	88%	34,268	28,843	35,070	(6,228)	82%	112,500	26%
4042 - Food & Beverage Rev-All Parties	11,135	11,020	11,275	(255)	98%	29,982	30,221	30,362	(141)	100%	117,254	26%
4043 - Setup & A/V charges-All parties	-	-	-	-	-	-	95	95	-	-	1,264	8%
4051 - Meeting - Registration	39,395	50,575	45,736	4,839	111%	286,035	268,080	281,489	(13,409)	95%	422,000	64%
4052 - Meeting - Sponsor Revenue	1,000	-	467	(467)	-	21,550	25,700	25,467	233	101%	63,050	41%
4053 - Meeting - Vendor Revenue	4,350	4,175	4,286	(111)	97%	20,975	16,325	20,759	(4,434)	79%	35,000	47%
4054 - Meeting - Material Sales	-	-	-	-	-	-	-	-	-	-	-	-
4055 - Meeting - Sp Ev Registration	-	-	-	-	-	14,270	15,527	15,000	527	104%	18,200	85%
4060 - E-Filing Revenue	3,617	9,391	3,678	5,713	-	10,022	21,895	10,190	11,705	215%	22,174	99%
4061 - Advertising Revenue	640	5,060	652	4,408	776%	48,217	68,522	45,589	22,933	150%	140,000	49%
4062 - Subscriptions	-	-	-	-	-	-	30	-	30	-	110	27%
4063 - Modest Means revenue	1,200	1,000	1,286	(286)	78%	4,800	3,675	5,143	(1,468)	71%	12,000	31%
4071 - Mem Benefits - Lexis	-	-	-	-	-	-	356	-	356	-	-	-
4072 - Royalty Inc - Bar J, MBNA, LM, M	487	674	321	353	210%	3,485	3,311	2,296	1,015	144%	4,000	83%
4081 - CLE - Registrations	19,967	16,818	21,081	(4,263)	80%	94,922	103,311	91,566	11,745	113%	475,000	22%
4082 - CLE - Video Library Sales	4,480	1,312	4,905	(3,593)	27%	68,070	51,265	73,173	(21,908)	70%	105,000	49%
4084 - Business Law Book Sales	3,432	-	-	-	-	3,619	3,315	-	3,315	-	-	-
4090 - Tenant Rent	1,806	1,806	1,806	-	100%	7,224	6,638	7,224	(586)	92%	21,672	31%
4093 - Law Day Revenue	-	-	-	-	-	-	-	-	-	-	4,000	0%
4095 - Miscellaneous Income	522	1,550	426	1,124	364%	2,969	4,285	2,524	1,761	170%	6,881	62%
4096 - Late Fees	14,150	14,400	12,751	1,649	113%	74,350	35,200	55,085	(19,885)	64%	76,350	46%
4103 - In - Kind Revenue - UDR	93	152	92	60	165%	769	682	759	(77)	90%	1,785	38%
4200 - Seminar Profit/Loss	-	-	-	-	-	-	1,818	-	1,818	-	5,300	34%
Investment income	11,753	12,286	7,935	4,351	155%	41,239	59,077	31,751	27,327	186%	95,297	62%
Total Revenue	211,169	223,712	212,138	11,574	105%	5,137,940	5,196,835	5,208,378	(11,542)	100%	6,654,499	78%
Program Service Expenses												
5001 - Meeting Facility-external only	543	750	-	(750)	-	18,653	22,120	18,838	(3,282)	117%	46,512	48%
5002 - Meeting facility-internal only	5,448	5,448	6,281	834	87%	20,292	17,761	20,914	3,154	85%	69,566	26%
5013 - ExamSoft	-	-	-	-	-	14,623	14,998	15,120	122	99%	21,000	71%
5014 - Questions	-	-	-	-	-	31,058	29,355	31,250	1,895	94%	43,000	68%
5015 - Investigations	25	25	22	(3)	114%	100	100	102	2	98%	300	33%
5016 - Credit Checks	27	27	27	-	100%	230	150	224	74	67%	2,229	7%
5017 - Medical Exam	-	-	-	-	-	-	-	-	-	-	-	-
5025 - Temp Labor/Proctors	-	-	-	-	-	2,750	2,850	2,750	(100)	104%	4,300	66%
5030 - Speaker Fees & Expenses	11,000	5,750	21,968	16,218	26%	18,525	7,645	29,068	21,423	26%	38,100	20%
5031 - Speaker Reimb. - Receipt Req'd	824	349	583	234	-	2,497	717	2,011	1,294	36%	11,241	6%
5035 - Awards	66	1,392	58	(1,334)	-	1,840	2,086	1,546	(540)	135%	6,657	31%
5037 - Grants/ contributions - general	3,300	2,170	6,040	3,870	-	3,300	3,170	6,040	2,870	9%	12,500	25%
5040 - Witness & Hearing Expense	73	19	383	365	5%	255	96	1,084	989	9%	3,950	2%
5041 - Process Serving	-	288	-	(288)	-	91	706	167	(539)	423%	1,276	55%
5046 - Court Reporting	-	-	-	-	-	152	-	850	850	0%	2,417	0%
5047 - Casemaker	5,861	5,972	5,972	(0)	100%	23,443	23,888	23,888	(0)	100%	72,000	33%
5055 - Legislative Expense	3,500	4,042	3,503	(539)	115%	14,000	14,542	14,012	(530)	104%	44,158	33%
5060 - Program Special Activities	-	-	-	-	-	-	-	-	-	-	-	-
5061 - LRE - Bar Support	-	-	-	-	-	65,000	65,000	65,000	-	100%	65,000	100%
5062 - Law Day	-	763	-	(763)	-	-	1,263	-	(1,263)	-	10,000	13%
5063 - Special Event Expense	4,313	6,939	750	(6,189)	925%	70,590	74,991	69,276	(5,715)	108%	91,813	82%
5064 - MCLE Fees Paid	200	3,321	222	(3,099)	1496%	8,151	10,686	7,891	(2,795)	135%	38,500	28%
5070 - Equipment Rental	4,350	2,858	4,371	1,513	65%	17,896	19,734	18,133	(1,601)	109%	37,305	53%
5075 - Food & Bev-external costs only	26,542	45,727	22,358	(23,369)	205%	198,135	189,712	192,559	2,847	99%	467,204	41%
5076 - Food & beverage - Internal only	4,735	7,132	5,099	(2,033)	140%	16,490	16,945	17,348	403	98%	69,627	24%
5079 - Soft Drinks	1,611	448	1,784	1,336	25%	3,725	2,578	3,981	1,403	65%	10,492	25%
5085 - Misc. Program Expense	948	516	507	(9)	100%	2,634	2,128	2,160	32	99%	14,032	15%
5090 - Commission Expense	2,819	5,404	2,558	(2,846)	211%	8,415	13,353	7,634	(5,719)	175%	26,000	51%
5095 - Wills for Heroes	-	203	-	(203)	-	-	225	-	(225)	-	1,712	13%
5096 - UDR Support	-	-	-	-	-	-	-	-	-	-	-	-
5099 - Blomquist Hale	6,162	6,155	6,250	95	98%	24,653	24,634	25,006	372	99%	75,000	33%
5702 - Travel - Lodging	2,006	17,081	2,170	(14,911)	787%	37,090	36,049	33,920	(2,129)	106%	49,475	73%
5703 - Travel - Transportation/Parking	1,774	2,714	1,763	(951)	154%	5,322	4,947	6,188	1,241	80%	20,026	25%
5704 - Travel - Mileage Reimbursement	214	1,618	187	(1,431)	865%	6,918	10,183	5,572	(4,611)	183%	9,931	103%
5705 - Travel - Per Diems	117	777	-	(777)	-	3,564	2,604	4,689	2,085	56%	6,484	40%
5706 - Travel - Meals	-	213	-	(213)	-	424	251	314	63	80%	1,049	24%
5707 - Travel - Commission Mtgs	364	618	390	(228)	158%	28,558	42,217	30,580	(11,637)	138%	42,163	100%
5805 - ABA Annual Meeting	716	-	948	948	0%	19,910	18,418	21,138	2,720	87%	23,135	80%
5810 - ABA Mid Year Meeting	-	3,419	-	(3,419)	-	-	3,419	-	(3,419)	-	17,246	20%
5815 - Commission/Education	265	-	227	227	-	14,330	17,603	13,567	(4,036)	180%	23,450	75%
5820 - ABA Annual Delegate	40	-	38	38	-	8,273	7,214	7,862	648	92%	15,500	47%
5830 - Western States Bar Conference	-	-	-	-	-	-	1,740	-	(1,740)	-	25,353	7%
5840 - President's Expense	1,500	1,610	1,524	(86)	108%	6,937	7,688	7,048	(640)	109%	20,000	38%
5841 - President's Reimbursement	-	-	-	-	-	3,572	-	2,607	2,607	0%	4,000	0%
5850 - Leadership Academy	935	186	1,508	1,322	12%	2,601	228	4,193	3,965	5%	20,000	1%

Utah State Bar
Income Statement - Consolidated By Account
October 31, 2018

	Actual Oct-17	Actual Oct-18	Budget Oct-18	Fav (Unfav) variance	% of Budget	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
5855 - Bar Review	-	-	-	-	-	480	1,156	269	(887)	430%	2,083	55%
5865 - Retreat	-	(213)	-	213	-	37,428	31,413	26,000	(5,413)	141%	26,000	121%
5960 - Overhead Allocation - Seminars	-	-	(171)	(171)	0%	-	-	1,763	1,763	0%	(1,775)	0%
5970 - Event Revenue Sharing - 3rd Pty	756	12,226	750	(11,476)	1630%	15,275	22,928	15,160	(7,768)	151%	55,466	41%
Total Program Service Expenses	91,032	145,946	98,070	(47,876)	144%	758,177	769,487	757,722	(11,765)	102%	1,645,477	47%
Salaries & Benefit Expenses												
5510 - Salaries/Wages	221,672	227,235	240,088	12,853	95%	887,185	929,370	965,523	36,153	96%	2,943,600	32%
5605 - Payroll Taxes	14,732	15,607	16,178	571	96%	65,182	67,624	72,329	4,705	93%	220,616	31%
5610 - Health Insurance	20,362	21,077	24,379	3,302	86%	79,447	78,551	94,713	16,162	83%	279,723	28%
5620 - Health Ins/Medical Reimb	-	597	100	(497)	597%	-	2,393	400	(1,993)	598%	7,257	33%
5630 - Dental Insurance	-	1,218	118	(1,100)	1032%	3,885	4,731	4,090	(641)	116%	14,887	32%
5640 - Life & LTD Insurance	1,362	1,462	1,435	(27)	102%	5,268	5,580	5,557	(23)	100%	17,329	32%
5645 - Workman's Comp Insurance	221	218	212	(6)	103%	882	873	848	(25)	103%	2,439	36%
5650 - Retirement Plan Contributions	19,627	18,979	22,067	3,088	86%	82,385	78,427	89,774	11,347	87%	264,151	30%
5655 - Retirement Plan Fees & Costs	-	4,861	-	(4,861)	-	5,331	4,861	5,478	617	89%	21,212	23%
5660 - Training/Development	300	-	609	609	0%	7,070	2,864	6,562	3,698	44%	15,680	18%
Total Salaries & Benefit Expenses	278,276	291,254	305,186	13,932	95%	1,136,635	1,175,275	1,245,274	69,999	94%	3,786,894	30%
General & Administrative Expenses												
7025 - Office Supplies	2,337	1,237	2,158	921	57%	6,767	8,899	6,255	(2,644)	142%	20,932	43%
7033 - Operating Meeting Supplies	1,606	2,181	1,572	(609)	139%	6,853	7,671	6,710	(961)	114%	21,538	36%
7035 - Postage/Mailing, net	(2,246)	(5,337)	1,221	6,558	437%	20,693	18,416	18,563	147	99%	54,018	34%
7040 - Copy/Printing Expense	7,942	6,974	7,693	719	91%	60,579	53,476	55,788	2,312	96%	160,704	33%
7041 - Copy/Print revenue	(2,307)	(2,703)	(2,174)	529	124%	(8,554)	(8,779)	(8,061)	718	109%	(24,746)	35%
7045 - Internet Service	1,290	998	632	(366)	158%	5,059	4,772	2,088	(2,684)	229%	21,768	22%
7050 - Computer Maintenance	2,276	2,276	2,253	(23)	101%	9,104	9,104	9,012	(92)	101%	27,918	33%
7055 - Computer Supplies & Small Equip	577	1,225	886	(339)	138%	2,620	3,225	3,017	(208)	107%	6,909	47%
7089 - Membership Database Fees	-	4,000	-	(4,000)	-	7,957	8,000	8,947	947	89%	48,976	16%
7100 - Telephone	3,793	3,899	3,875	(24)	101%	18,096	17,150	18,524	1,374	93%	48,440	35%
7105 - Advertising	475	-	575	575	-	1,860	2,250	1,282	(968)	176%	21,860	10%
7106 - Public Notification	-	-	-	-	-	100	295	124	(171)	238%	753	39%
7110 - Publications/Subscriptions	5,769	4,686	5,538	852	85%	8,793	8,473	9,024	551	94%	18,964	45%
7115 - Public Relations	-	-	-	-	-	-	-	-	-	-	12,000	0%
7120 - Membership/Dues	385	63	321	258	20%	9,161	7,558	9,308	1,750	81%	11,399	66%
7135 - Bank Service Charges	97	66	109	43	61%	523	490	590	100	83%	1,331	37%
7136 - ILM Service Charges	1,696	1,750	1,674	(76)	105%	6,092	6,357	6,013	(343)	106%	16,670	38%
7138 - Bad debt expense	-	-	-	-	-	-	-	-	-	-	-	-
7140 - Credit Card Merchant Fees	5,491	4,587	5,381	794	85%	30,450	30,834	28,573	(2,261)	108%	103,275	30%
7141 - Credit Card surcharge	(252)	(255)	(244)	11	104%	(14,316)	(15,487)	(13,861)	1,626	112%	(55,075)	28%
7145 - Commission Election Expense	-	-	-	-	-	-	-	-	-	-	3,500	0%
7150 - E&O/Off & Dir Insurance	4,246	4,293	4,335	42	99%	16,983	17,173	17,342	169	99%	52,026	33%
7160 - Audit Expense	-	2,713	-	(2,713)	-	31,363	33,546	32,000	(1,546)	105%	32,000	105%
7170 - Lobbying Rebates	133	-	133	133	-	133	111	133	22	-	182	61%
7175 - O/S Consultants	5,485	-	6,167	6,167	0%	13,786	10,386	19,168	8,782	54%	60,500	17%
7176 - Bar Litigation	5,503	-	4,430	4,430	-	6,661	2,650	5,363	2,713	49%	18,000	15%
7177 - UPL	-	-	-	-	-	644	138	5,654	5,517	2%	10,000	1%
7178 - Offsite Storage/Backup	346	371	327	(44)	113%	1,385	1,483	1,308	(175)	113%	4,000	37%
7179 - Payroll Adm Fees	236	241	237	(4)	102%	948	956	952	(4)	100%	2,838	34%
7180 - Administrative Fee Expense	105	76	85	9	89%	420	304	340	36	89%	947	32%
7190 - Lease Interest Expense	-	-	-	-	-	-	-	-	-	-	209	0%
7191 - Lease Sales Tax Expense	-	-	-	-	-	88	-	167	167	0%	167	0%
7195 - Other Gen & Adm Expense	702	171	947	776	18%	1,357	1,315	1,583	268	83%	4,262	31%
Total General & Administrative Expenses	45,684	33,512	48,131	14,619	70%	245,604	230,766	245,906	15,140	94%	706,195	35%
In Kind Expenses												
7103 - InKind Contrib-UDR & all other	1,485	1,294	1,618	324	80%	6,582	5,365	7,261	1,896	74%	22,426	24%
Total In Kind Expenses	1,485	1,294	1,618	324	80%	6,582	5,365	7,261	1,896	74%	22,426	29%
Building Overhead Expenses												
6015 - Janitorial Expense	2,784	2,302	2,786	484	83%	10,548	9,679	10,550	871	92%	30,228	32%
6020 - Heat	1,166	1,272	1,149	(123)	111%	2,201	4,337	2,169	(2,168)	200%	21,297	20%
6025 - Electricity	3,515	3,989	3,622	(367)	110%	17,059	19,078	17,585	(1,493)	108%	45,574	42%
6030 - Water/Sewer	497	764	482	(282)	159%	2,812	4,489	2,712	(1,777)	166%	5,245	86%
6035 - Outside Maintenance	445	505	476	(29)	106%	1,680	2,604	1,795	(809)	145%	13,258	20%
6040 - Building Repairs	870	1,157	1,380	223	84%	1,922	3,890	3,049	(841)	128%	15,716	25%
6045 - Bldg Mtnc Contracts	2,451	1,993	2,606	614	76%	12,745	9,381	13,541	4,160	69%	41,300	23%
6050 - Bldg Mtnc Supplies	186	89	202	113	44%	821	337	892	555	38%	5,805	6%
6055 - Real Property Taxes	3,183	3,018	3,323	305	91%	12,734	12,071	13,292	1,221	91%	38,838	31%
6060 - Personal Property Taxes	42	37	46	9	81%	168	149	182	33	82%	520	29%
6065 - Bldg Insurance/Fees	1,374	1,442	1,378	(64)	105%	5,497	5,714	5,513	(201)	104%	16,576	34%
6070 - Building & Improvements Depre	4,277	4,448	4,336	(112)	103%	17,108	17,144	17,338	194	99%	52,513	33%
6075 - Furniture & Fixtures Depre	1,357	1,132	1,359	227	83%	5,168	4,528	5,179	651	87%	15,697	29%
7065 - Computers, Equip & Sftwre Depr	14,107	13,068	14,286	1,218	91%	56,029	52,271	56,733	4,462	92%	178,774	29%
Total Building Overhead Expenses	36,255	35,215	37,431	2,216	94%	146,491	145,671	150,530	4,859	97%	481,341	30%
Total Expenses	452,732	507,221	490,436	(16,785)	103%	2,293,489	2,326,564	2,406,693	80,129	97%	6,642,333	35%
Net Profit (Loss)	\$ (241,563)	\$ (283,509)	\$ (278,298)	\$ (5,211)	102%	\$ 2,844,452	\$ 2,870,271	\$ 2,801,685	\$ 68,586	102%	\$ 12,166	

Utah State Bar Balance Sheets

	<u>10/31/2018</u>	<u>6/30/2018</u>
ASSETS		
Current Assets		
Petty Cash	\$ 625	\$ 625
Cash in Bank	24,270	383,265
Invested Funds	7,215,330	6,866,991
Total Cash/Investments	<u>7,240,225</u>	<u>7,250,881</u>
Accounts Receivable	17,827	12,429
Prepaid Expenses	118,726	96,732
A/R - Sections	22,204	18,169
Total Other Current Assets	<u>158,758</u>	<u>127,330</u>
Total Current Assets	<u>7,398,982</u>	<u>7,378,211</u>
Fixed Assets		
Property & Equipment	4,872,939	4,854,937
Accumulated Depreciation	(4,061,829)	(3,987,886)
Land	633,142	633,142
Total Fixed Assets	<u>1,444,252</u>	<u>1,500,192</u>
TOTAL ASSETS	<u><u>\$ 8,843,234</u></u>	<u><u>\$ 8,878,404</u></u>
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
AP Trade	\$ 73,135	\$ 77,906
Other Accounts Payable	2,337	130,437
Accrued Payables	416,457	408,435
Cap Lease Oblig - ST	3,485	3,485
A/P - Sections	715	192,780
Deferred Revenue		2,586,400
Total Current Liabilities	<u>496,130</u>	<u>3,399,443</u>
Long Term Liabilities		
Capital Lease Oblig	9,558	11,686
Total Long Term Liabilities	<u>9,558</u>	<u>11,686</u>
Total Liabilities	<u>505,689</u>	<u>3,411,129</u>
Equity		
Unrestricted Net Assets (R/E)	5,467,275	5,327,916
Fund Balance - Current Year	2,870,271	139,359
Total Equity	<u>8,337,546</u>	<u>5,467,275</u>
TOTAL LIABILITIES & EQUITY	<u><u>\$ 8,843,234</u></u>	<u><u>\$ 8,878,404</u></u>

UTAH STATE BAR
Membership Statistics
October 31, 2018

<u>STATUS</u>	<u>10/31/17</u>	<u>10/31/18</u>	<u>Change</u>
Active	8,289	8,498	209
Active under 3 years	936	884	(52)
Active Emeritus	189	220	31
In House Counsel	80	88	8
Foreign Legal Counsel	2	2	-
Subtotal - Active	9,496	9,692	196
Inactive - Full Service	788	802	14
Inactive - No Service	1,939	1,962	23
Inactive Emeritus	286	311	25
Subtotal - Inactive	3,013	3,075	62
Total Active and Inactive	12,509	12,767	258
<u>Supplemental Information</u>			
Paralegals	135	150	15
Associate Section Members	116	119	3
Journal Subscribers	125	125	-
<u>Active Attorneys by Region</u>			
1st Division (Logan - Brigham)	177	178	1
2nd Division (Davis - Weber)	846	886	40
3rd Division (Salt Lake)	5,565	5,609	44
4th Division (Utah)	1,225	1,250	25
5th Division (Southern Utah)	470	494	24
Out of State	1,213	1,275	62
Total Active Attorneys	9,496	9,692	196

Balance Sheet Classification

Base Currency: USD As of 10/31/2018

ILM-UT ST BAR (3176)

Dated: 11/09/2018

CE	Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
	38141W232	GOLDMAN/FS MM INST	827,447.08	AAA	2.330	10/31/2018	2.310	2.310	827,629.56	-99.74	1.0001	0.00	827,529.82
	CCYUSD	Cash	1,608.99	AAA	0.000	10/31/2018	0.000	0.000	1,608.99	0.00	1.0000	0.00	1,608.99
	—	—	829,056.07	AAA	—	10/31/2018	2.306	2.306	829,238.55	-99.74	—	0.00	829,138.81

ST	Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
	06367VHL2	BANK OF MONTREAL	100,000.00	AA	2.375	01/25/2019	1.630	2.673	100,108.77	-181.77	99.9270	633.33	100,560.33
	06051GEX3	BANK OF AMERICA CORP	400,000.00	A-	2.600	01/15/2019	2.482	2.818	400,089.58	-285.58	99.9510	3,062.22	402,866.22
	654740AH2	NISSAN MOTOR ACCEPTANCE CORP	219,000.00	A	2.350	03/04/2019	2.004	2.910	219,254.83	-677.50	99.8070	814.86	219,392.19
	89236TBP9	TOYOTA MOTOR CREDIT CORP	300,000.00	AA-	2.125	07/18/2019	2.571	2.811	299,061.20	-510.20	99.5170	1,823.96	300,374.96
	20271RAH3	COMMONWEALTH BANK OF AUSTRALIA	300,000.00	AA-	2.300	09/06/2019	2.866	3.065	298,593.39	-504.39	99.3630	1,054.17	299,143.17
	48127HAA7	JPMORGAN CHASE & CO	350,000.00	A	2.200	10/22/2018	2.807	3.112	347,875.71	-1,020.71	99.1300	192.50	347,147.50
	44987CAJ7	ING BANK NV	340,000.00	AA-	2.000	11/26/2018	1.800	2.598	340,045.80	-192.00	99.9570	2,927.78	342,781.58
	59217GBQ1	METROPOLITAN LIFE GLOBAL FUNDING I	200,000.00	AA-	1.950	12/03/2018	1.772	2.617	200,030.87	-152.87	99.8390	1,603.33	201,481.33
	41283LAG0	HARLEY-DAVIDSON FINANCIAL SERVICES INC	170,000.00	A-	2.250	01/15/2019	1.820	2.780	170,147.64	-338.04	99.8880	1,126.25	170,935.85
	30231GAP7	EXXON MOBIL CORP	175,000.00	AAA	1.708	03/01/2019	2.380	2.630	174,615.01	-152.26	99.6930	498.17	174,960.92
	05565EAD7	BMW US CAPITAL LLC	250,000.00	A+	1.500	04/11/2019	2.480	2.874	248,929.62	-439.62	99.3960	208.33	248,698.33
	05565EAD7	BMW US CAPITAL LLC	100,000.00	A+	1.500	04/11/2019	2.595	2.874	99,522.07	-126.07	99.3960	83.33	99,479.33
	037833CB4	APPLE INC	280,000.00	AA+	1.100	08/02/2019	2.479	2.798	277,140.32	-659.92	98.7430	744.33	277,224.73
	30216BFA5	EXPORT DEVELOPMENT CANADA	350,000.00	AA	1.750	08/19/2019	2.595	2.764	347,678.47	-471.47	99.2020	1,225.00	348,432.00
	961214CY7	WESTPAC BANKING CORP	400,000.00	AA-	1.600	08/19/2019	2.668	3.000	396,650.22	-1,050.22	99.9000	1,280.00	396,880.00
	13607RAB6	CANADIAN IMPERIAL BANK OF COMMERCE	220,000.00	AA	1.600	08/09/2019	2.858	3.062	217,706.72	-378.72	98.7850	537.78	217,964.78
	74153WCK3	PRICOA GLOBAL FUNDING I	300,000.00	AA-	1.450	09/13/2019	2.865	3.079	296,402.77	-554.77	98.6160	590.00	296,428.00
	65557CAV5	NORDEA BANK AB	200,000.00	AA-	1.625	09/30/2019	3.039	3.106	197,478.23	-136.23	98.6710	278.86	197,621.86
	795450B53	Sallie Mae Bank	250,000.00	A-2	1.650	06/28/2019	1.701	1.698	249,918.04	0.00	99.9672	1,423.97	251,342.01
	02006L3L5	Ally Bank	250,000.00	NA	1.650	06/24/2019	1.701	1.698	249,919.63	0.00	99.9678	1,491.78	251,411.41
	58403B7B6	Medallion Bank	250,000.00	NA	1.550	01/14/2019	1.550	1.550	250,000.00	0.00	100.0000	191.10	250,191.10
	149159LG8	Cathay Bank	190,000.00	NA	1.700	03/07/2019	1.700	1.700	190,000.00	0.00	100.0000	221.23	190,221.23
	17325FAF5	CITIBANK NA	250,000.00	A+	1.850	09/18/2019	2.873	3.062	247,799.18	-414.18	98.9540	552.43	247,937.43
	—	—	5,844,000.00	AA-	—	05/30/2019	2.363	2.669	5,619,088.07	-8,247.63	—	22,555.72	5,833,376.27

LT	Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
	525ESC1V5	LEHMAN ESCROW	300,000.00	NA	0.000	01/01/2049	0.000	0.000	0.00	6,090.00	2.0300	0.00	6,090.00
	00182EBE8	ANZ NEW ZEALAND (INT'L) LTD	200,000.00	AA-	2.200	07/17/2020	3.297	3.424	196,381.43	-419.43	97.9810	1,271.11	197,233.11
	94988J5L7	WELLS FARGO BANK NA	350,000.00	AA	2.400	01/15/2020	2.896	3.124	347,957.47	-839.47	99.1480	2,473.33	348,491.33
	—	—	850,000.00	AA	—	07/15/2020	3.041	3.196	644,338.50	4,731.10	—	3,744.44	652,814.44

Summary	Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
	—	—	7,523,056.07	AA-	—	06/06/2019	2.408	2.684	7,192,646.52	-3,616.17	—	26,300.17	7,215,329.53

The Salt Lake Tribune

Holly Richardson: Vote no to retain Judge Christine Johnson for a 'concerning pattern of leniency on abusers'



(Rick Egan | The Salt Lake Tribune) Judge Christine S. Johnson listens to proceedings in the 4th District Court in Provo, Thursday, April 26, 2018.



By Holly Richardson • Published: October 20
Updated: 16 hours ago

Correction (Oct. 31 , 5:49 p.m.) » The Oct. 20 commentary by Tribune contributor Holly Richardson, which argued that voters should not retain Utah 4th District Court Judge Christine Johnson in office, contained factual errors:

- The column stated that Judge Johnson ordered that Porter Dale, who pleaded guilty to a charge of attempted aggravated sexual abuse of a child, “receive outpatient treatment and probation rather than jail time.” Judge Johnson did sentence Dale to one year in jail.

- The column stated that Judge Johnson “continues to release Ronald¹³⁹ Wolsey into the community on probation.” Judge Johnson put Ronald Wolsey on probation once in 2016.
- The column stated that Judge Johnson “failed to disclose” that she represented Shawn Michael Leonard 11 years prior to his appearance before her in an unrelated case. That is not required by law or the judicial code of conduct.
- The column incorrectly connected Judge Johnson’s sentencing of Shawn Michael Leonard with his subsequent criminal behavior.
- The column incorrectly connected Judge Johnson’s sentencing of Jose Baray with behavior he was charged with, but not convicted of.

“Shall (blank) be retained in the office of Judge of the District Court of (blank).”

Every Utah ballot this year asks that question, and for many (most? all?) voters, the answer is “How am I supposed to know?” That’s a good question and one that can be hard to answer.

You can take the approach that some do and vote no on all judges, or the opposite and vote yes on all judges, but the problem with that, of course, is that not all judges were created equal.

Good judges make some bad decisions and bad judges sometimes make good decisions. The question voters need to ask is “What is the pattern of decisions?” and “Should this judge continue on the bench, given that pattern?”

When it comes to Judge Christine Johnson in the Fourth Judicial Court, I believe the answer to the second question is no. Judge Johnson, who has made some good decisions, also has a deeply concerning pattern of leniency on abusers, especially, it seems, when she thinks they are “good guys.”

In 2009, Gary Wade Brown, a former Boy Scout leader, was given a slap on the wrist for multiple accounts of sexual abuse and sexual exploitation of a child, in spite of a statement from his then-wife, Sheri Brown. In the process of divorcing him, Sheri asked the judge to protect her and her children from Gary, who had shown zero interest in changing and no remorse.

“One day, his prison doors will open,” she said, “but his victim’s prison doors may not.”

Nonetheless, Johnson handed down the lightest sentence possible, saying Gary Brown may benefit from treatment as a free man during his 36 months on probation. “I think, in this case, that it is appropriate to consider probation for Mr. Brown,” she said.

In 2010, Shawn Michael Leonard was in a work release program approved by Johnson when he walked away from the work detail and subsequently attacked a woman, raped her and beat her with a rock and block of concrete. Johnson had been Leonard’s attorney in three previous cases, a relationship she failed to disclose.

In 2011, she refused to allow a prosecution witness in an assault case, ruling that the potential witness would be “unduly prejudicial” to the accused. That same year, she handed down a “ridiculously light” sentence to a man who impersonated a police officer, detained an innocent woman, brandished a real-looking gun at her and demanded she disrobe and urinate in front of him. Johnson gave him a 90-day sentence, with credit for 51 days of time served, promoting the Provo Daily Herald to award her a “buffalo chip.”

In 2016, she let 24-year-old Porter Dale, a child sexual predator, receive outpatient treatment and probation rather than jail time, even though there was testimony that the perpetrator had groomed his victim and had led her — a 9-

year-old child — to believe she was his girlfriend.

In 2018, Robert Byers Matthews, already a registered sex offender convicted of possessing child pornography, was in her courtroom for exposing himself to people on a hiking trail near Pleasant Grove. He was found guilty of lewdness by a jury in February but was not taken into custody. Instead, Johnson released him back into the community before sentencing, which occurred months later. He is currently on probation, living in the community.

Johnson is also the judge who continues to release Ronald Wolsey into the community on probation. Wolsey's ex-wife Heather has stacks of police reports and court documents showing a trail of violence in a 20-year marriage, including reports of her being choked, punched and threatened with death. He has also violated protective orders more than 40 times. In spite of that, Ronald Wolsey has served almost no jail time.

"As a victim in Judge Johnson's courtroom, I felt silenced," Heather Wolsey said. "I spoke the truth and expressed my well-placed fears to no avail. It's like she never heard me. The result was always the same — probation, my abuser going free and the cycle of stalking and abuse started all over again."

Heather Wolsey has started the Families for Judicial Reform PAC, urging voters in the Fourth Judicial District to vote no on retaining Judge Johnson. I will be one of those voting no.

Holly Richardson *is not OK with a courtroom where the "losers" continue to be the victims of abusive perpetrators.*



The Salt Lake Tribune

Commentary: Judges should not be judged on a few cases



Judge Christine Johnson speaks to the prosecuting attorney during Jerrod William Baum's special setting waiver hearing at the 4th District Court on Wednesday, Aug. 1, 2018, in Provo.

By H. Dickson Burton | For The Tribune • Published: 2 hours ago
Updated: 2 hours ago

Holly Richardson's column criticizing Judge Christine Johnson for "lenient" sentencing of abusers is a good example of the challenges facing voters as they consider retaining judges. Because of their position, judges are not free in this context to defend themselves or personally answer charges made against them or their decisions.

In her column, Richardson cites six cases over a nine year period in which, in Richardson's opinion, the sentences were too lenient. While I also cannot here address the specifics of any case, focusing on a limited number of cases in determining the retention of a judge disregards the judge's work in other similar situations and in hundreds of cases overall in her career.

This is why the Utah Legislature established the Judicial Performance Evaluation Commission (JPEC) in 2008. This commission consists of 13 members, including seven citizen members appointed by the governor, the Utah Supreme Court, the Utah House of Representatives and the Senate. No more than seven members can be attorneys.

The commission issues an evaluation based on not just six cases, but on the overall record of the judge. The commission receives information for its consideration from many lawyers, including prosecutors, who have appeared before each judge when they make their recommendations. Details of the evaluation process can be found at <https://judges.utah.gov/process/>. Voters should consider the evaluation process and the commission's recommendations when determining judicial retentions.

Addressing the facts of even just a few cases, as Richardson does, is also challenging because there are undoubtedly a multitude of facts and considerations of which Richardson and others may not be aware. It is important to remember that judges operate within laws written by the Legislature and there are prosecutors present at each case with sentencing recommendations.

Further, when it comes to sentencing, judges are assisted by the Utah State Sentencing Commission. This organization consists of 27 members representing all facets of the criminal justice system and an at-large citizen representative. They are all citizens, and include defense and prosecuting attorneys, judges, legislators, police officers and treatment professionals. The commission establishes sentencing guidelines for specific crimes focusing on the severity of the crime, restitution to victims of crime and their families, managing risk to society and reducing risk by helping offenders develop skills needed to become productive members of society as far as may be possible. The judge also receives a detailed pre-sentence report prepared by Adult Probation and Parole and considers their recommendations in sentencing.

An independent judiciary is established by both the federal and the Utah constitutions and is to be as free from the politics of the other branches of government as possible. That independence is critical to ensure the best opportunity for justice to be achieved for all parties. Utah's non-partisan retention process, which includes the judicial evaluation process described above, helps ensure judicial independence and is essential to protecting one of the country's most respected judiciaries.

Voters should carefully consider the recommendations of the JPEC Commission before they vote to determine which judges to retain. Those recommendations can be found at <https://judges.utah.gov>.

The Salt Lake Tribune

Commentary: Commentary was unfair to public and to judge



(Rick Egan | The Salt Lake Tribune) Judge Christine S. Johnson, listens to proceedings as Jerrod Baum appears for a hearing in front of in the 4th District Court, in Provo, Thursday, April 26, 2018. Baum is accused of killing 18-year-old Riley Powell and 17-year-old Brelynne "Breezy" Otteson in December and dumping their bodies into an abandoned mine shaft.

By Kate Conyers | For The Tribune • Published: 1 day ago
Updated: 16 hours ago

As president of Women Lawyers of Utah, I write in response to the Holly Richardson opinion pieces recently published in The Salt Lake Tribune criticizing Judge Christine Johnson for her sentencing and custody decisions in several cases involving sexual abuse and domestic violence in apparent support of a campaign against Judge Johnson's retention this election.

Richardson's most recent opinion piece criticizes the role of the Judicial Performance Evaluation Commission (JPEC) in providing information about Utah judges and urges voters to seek out media stories in order to better evaluate those judges.

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After the first opinion piece was published by The Tribune, WLU reviewed the public material available on the cases cited by Richardson, reviewed the reporting on the cases and spoke with many attorneys who appear before Judge Johnson. We agree with others who have tried to respond that many of the facts stated in that opinion piece are not correct or are taken out of context.

If, as Richardson suggests, more credible information on a judge's performance will come from media reports on that judge's decisions, the public deserves and demands that the information that is being provided by the media be accurate.

As a columnist for The Salt Lake Tribune, Richardson should be very careful about sharing her opinion attacking a judge's decisions before looking deeper into the underlying facts and circumstances of each of the cases on which she relies. For example, in her first opinion piece, Richardson cites to the case of Gary Wade Brown and asserts that the sentence imposed by Johnson was just a "slap on the wrist" for Brown's sexual offense.

A review of the sentencing decision in that case actually shows that the judge considered a recommendation that the defendant was a low risk to reoffend, the fact that the victim's family did not ask for the defendant to be imprisoned and the prosecutor's recommendation that the defendant not be sent to prison. In the end, Richardson fails to mention that the parties involved in the case were satisfied with the sentence imposed because the "sentence took into consideration all of the factors that we wanted the judge to consider."

WLU encourage the public to review the JPEC scores and evaluations related to every judge who is on the ballot this year. As participants in the JPEC process, we endorse that process and believe it provides accurate information on which the public can rely. Further, we encourage the public to speak to lawyers, other

judges and those involved in the legal system to determine the general reputation of each judge when making a decision about whether judges should be retained. 147

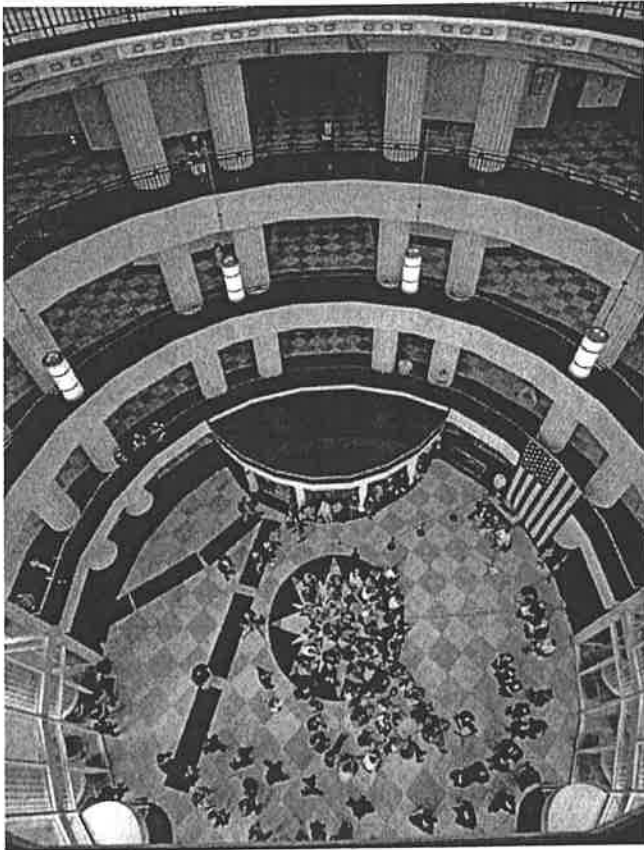
Finally, while we agree that the media can help provide information about judges and their decisions, we are disappointed that Richardson's opinion pieces contain inaccuracies that should have been easy to discover. The public and Utah's judges definitely deserve better.

Kate Conyers | Women Lawyers of Utah

Kate Conyers, *Salt Lake City, is president of Women Lawyers of Utah.*

The Salt Lake Tribune

Letter: To be informed about judges, an understanding of sentencing guidelines is essential



(Steve Griffin | The Salt Lake Tribune) Midvale Middle School children sit in the rotunda of the Matheson Courthouse as the Utah State Courts celebrate Constitution Day in Salt Lake City Friday September 15, 2017.

By Marshall Thompson | The Public Forum • Published: 2 hours ago
Updated: 2 hours ago

In addition to the excellent work of the Utah Judicial Performance Evaluation Commission, the media can be a good source of information about judges, as Holly Richardson wrote on Saturday. But this is only true if members of the

media have accurate information and a good understanding of the issues that judges face in criminal sentencing. ¹⁴⁹

Understanding the sentencing guidelines is a great place to start. The Utah Sentencing Commission, which is made up of 27 of the best and brightest minds from all areas of criminal justice, has been producing guidelines for decades. The guidelines create a more uniform, transparent, accountable and effective criminal sentencing system.

When sentences are too long, they can foster antisocial networks and disrupt families and communities in ways that actually promote crime. At the same time, a sentence that is too short might return someone to the community before it is reasonably safe. No one can tell the future, but the sentencing guidelines are based on the best available evidence to strike the right balance in the majority of cases.

When a judge follows the nonbinding guidelines, it shows that the judge is consistent and fair, not lenient or arbitrary.

Marshall Thompson, Director, Utah Sentencing Commission

Submit a letter to the editor

John Baldwin

From: e-Edition <noreply@newsmemory.com>
Sent: Tuesday, October 30, 2018 8:05 AM
To: John Baldwin; matt.page@utahbar.org
Subject: Salt Lake Tribune eEdition Article

elizannwright@gmail.com sent you this article.

Comment:

Tuesday, October 30, 2018

Criticism of judge was biased and inaccurate

Criticism of judge was biased and inaccurate

Earlier this month, a commentary by Holly Richardson was published purporting to give voters information to help them decide whether to retain Judge Christine Johnson in the Fourth Judicial District Court. What followed was a biased hit-piece riddled with legal and factual inaccuracies.

Less than a week later, in response to criticism from the Utah State Bar and suggestions that voters refer to Judicial Performance Evaluation Commission reports, Richardson doubled down, intimating that media accounts are as valuable, if not more valuable, than JPEC reports.

The irony of her position is, quite frankly, amazing. Within less than a week, Richardson both extolled the value of trusting the media and wrote an article that is full of inaccurate, incomplete and misleading information.

For readers to be able to evaluate Richardson's

ROBERT B. CUMMINGS

recommendation to trust the media and, therefore, her article about Judge Johnson, perhaps readers would be interested in seeing just a few of the things her article got wrong: In the case of State v. Porter Dale, the commentary stated that Dale received "treatment and probation rather than jail time." False. The court order and jail records confirm he was sentenced by Judge Johnson to 365 days in jail with no good time.

In the case of State v. Ronald Wolsey, the commentary claimed that Ronald Wolsey "has served almost no jail time." This appears to be an intentional or reckless misrepresentation. Johnson initially ordered six months of jail based on recommendations from both

DALLAS YOUNG

the prosecution and defense. After he violated his subsequent probation, the judge sentenced him to prison on Oct. 26, 2016.

The commentary blatantly leaves out the fact that once a judge orders prison, the case is taken out of her hands and the decision to parole him is completely in the hands of the Board of Pardons. A prison sentence is the most severe punishment the judge was legally allowed to impose.

In the case of State v. Gary Wade Brown, the commentary asserts that Brown, "was given a slap on the wrist for multiple accounts of sexual abuse and sexual exploitation of a child."

Richardson omitted fact that the prosecutor, "agreed to not actively seek a prison term," to avoid having the victim testify, and the fact that the prosecutor believed that the "sentence took into consideration all of the factors that we wanted the judge to consider."

Likewise, Johnson was presented with a psychosexual evaluation that placed Brown "a low to moderate risk for re-offending." Moreover, Johnson warned Brown that if he violated probation, he would be sent to prison. All of this information was fully detailed in the Daily Herald article linked in the commentary but was surprisingly missing from the article itself.

In the case of State v. Leonard, the commentary tacitly accuses Johnson of having a conflict" which she failed to disclose." Pursuant to state statute, a judge has a conflict of interest if she presides over the same case she handled as an attorney.

Public records show that Johnson, while working as a public defender and representing thousands of cases randomly assigned to her, represented Leonard well over a decade earlier in completely unrelated cases. It is clear Johnson would not have remembered Leonard, but nevertheless, she had no reason to disclose the representation. Moreover, the suggestion that Johnson's decision to place Leonard on work release for drug and property crimes is what caused Leonard to attack and rape a woman is absurd.

While that crime is atrocious, nothing about Johnson's handling of the Leonard matter shows a causal connection. Leonard was on work release stemming from a sentence in May 2010 for non-violent crimes convictions. The commentary fails to explain what information the judge had that would require a harsher sentence.

No doubt the public should be informed on what our judges do. And no doubt the media plays a crucial role in that. Because of that, we hope that before using the power of the pen to attack individual judges, writers will check their facts more closely. If so, the public will see that judges take criminal sentencings seriously.

As with all humans, judges can certainly make mistakes. But the original commentary's characterization of Johnson's "mistakes" was biased and inaccurate. Voting to not retain based upon a gross mischaracterization of the judge's work is incredibly problematic. *This commentary is from the board of directors of the Utah Association of Criminal Defense Lawyers, written by Robert B. Cummings and Dallas Young, and supported by attorneys Mary Corporon, Earl Xaiz, Wally Bugden, Tara Isaacson, Cara Tangaro, Scott Williams, Aric Cramer, Ann Marie Taliaferro, Jim Bradshaw, Mark Moffat, Mike Holje, Kyler Ovard, Jessica Peterson, Sam Goble, Logan Bushell, Ian Quiel, Kate Conyers, and Steve Burton.*