

**Utah State Bar Commission
Friday, November 17, 2017
Weber County Courthouse, Ogden**

Agenda

1. 9:00 a.m. President's Report: John Lund

- | | | |
|-----------------|-----|--|
| <i>10 Mins.</i> | 1.1 | Report on Firm Breakfasts |
| <i>05 Mins.</i> | 1.2 | Report on Practice Portal and Web Site Roll Outs |
| <i>05 Mins.</i> | 1.3 | Report on Access to Justice Coordinating Committee |

2. 9:30 a.m. Action Items

- | | | |
|-----------------|-----|--|
| <i>15 Mins.</i> | 2.1 | Client Security Fund Report: Hon. David Hamilton (Tab 1, Page 3) |
| <i>05 Mins.</i> | 2.2 | Client Security Fund Chair Appointment |
| <i>10 Mins.</i> | 2.3 | Client Security Fund Rule Amendments (Tab 2, Page 10) |
| <i>15 Mins.</i> | 2.4 | Approve Survey of Clients' Views on Services (Tab 3, Page 14) |
| <i>15 Mins.</i> | 2.5 | Approve Policy on ABA Delegates' Selection Process (Tab 4, Page 52) |
| <i>15 Mins.</i> | 2.6 | Select Bar ABA Delegate (Tab 5, Page 56) |
| <i>15 Mins.</i> | 2.7 | Select Bar YLD ABA Delegate (Tab 6, Page 84) |

3. 11:00 a.m. Discussion Items

- | | | |
|-----------------|-----|--|
| <i>10 Mins.</i> | 3.1 | Bar Awards Process: Heather Farnsworth, Herm Olsen |
| <i>10 Mins.</i> | 3.2 | ABA OPC Review Committee Recommendations |

4. 11:20 a.m. Other Business

5. 11:30 a.m. Executive Session

6. 11:50 a.m. Break to Lunch with Weber County Bar

1:00 p.m. Adjourn

Consent Agenda (Tab 7, Page 94)

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

1. Approve minutes of October 6, 2017 Commission Meeting

Attachments (Tab 8, Page 99)

1. October Financials
2. *Salt Lake Tribune* Article on Judicial Selections

(Over)

Calendar

December 1	Executive Committee	12:00 Noon	Utah State Bar
December 8	Commission Meeting	9:00 a.m.	Utah State Bar

2018

January 2	Election Notices Due		
January 5	Executive Committee	12:00 Noon	
January 12	Commission Meeting	9:00 a.m.	Utah State Bar
January 30	Conference Call Re: Legislature	4:00 p.m.	
February 1	Commission Election - Petitions, Statements, Photos Due		
February 6	Conference Call Re: Legislature	4:00 p.m.	
February 1-3	ABA Mid-Year Meeting/NABE/NCBP		Vancouver, Canada
February 13	Conference Call Re: Legislature	4:00 p.m.	
February 20	Conference Call Re: Legislature	4:00 p.m.	
February 22	Breakfast of Champions	8:00 a.m.	Alta Club
February 27	Conference Call Re: Legislature	4:00 p.m.	
February 27-28	Bar Examination	8:00 a.m.	Utah State Bar
March 2	Executive Committee	12:00 Noon	
March 6	Conference Call Re: Legislature	4:00 p.m.	
March 8	SUBA Luncheon	12:00 Noon	St. George, Utah
March 8	Commission Meeting	1:00 p.m.	St. George, Utah
March 8-10	Spring Convention		St. George, Utah
March 20	Election Email Message Due		
March 21-24	Western States Bar Conference		Santa Barbara, Calif.
April 1	Election-Online Balloting Begins		
April 6	Executive Committee	12:00 Noon	
April 10-12	ABA Day in Washington		Washington, D.C.
April 13	Commission Meeting	9:00 a.m.	Utah State Bar
April 15	Election-Online Balloting Ends		
May 4	Executive Committee	12:00 Noon	
May 11	Commission Meeting	9:00 a.m.	Utah State Bar
May 17	Admission Ceremony	12:00 Noon	State Capitol
July 17	Executive Committee	12:00 Noon	Utah State Bar
July 25	Commission Meeting	1:00 p.m.	Sun Valley, Idaho
July 25-28	Summer Convention		Sun Valley, Idaho

TAB
1

October 3, 2017

Christine Critchley
Utah State Bar
645 South 200 East
Salt Lake City, UT 84111-3834

RE: *Client Security Fund Meeting September 15, 2017*

Dear Christine:

Enclosed is my report on the referenced meeting. Get this on the schedule with the Bar Commission.

Please fill in the blank for the Fund balance at the bottom of the report before you send to the Board of Bar Commissioners and provide a copy of the report to those Committee members who attended. Committee members should forward any corrections by October 9th.
Thanks for all your help.

Sincerely,

/s/ Dave

Honorable David R. Hamilton

DRH/erc
encl.

October 3, 2017

Board of Bar Commissioners
 Attention: John R. Lund, 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 15, 2017***

Dear President Lund:

The following is a report of the meeting of the Fund for Client Protection a/k/a Client Security Fund which was held September 15, 2017 at the Law and Justice Center. The members of the Committee that were present are Committee Chair Hon. David Hamilton, Stephen Farr, James Hunnicutt, Kathleen Jeffery, Miles Jensen, Mickell Jimenez, and Linda Barclay Mount. 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: Involved Attorney: Disciplinary Status:	Demeata Robinson Benjamin R. Horton 3-year suspension
----	--	--

FACTS: Attorney functioned in largest part as a figurehead with entities operated by non-lawyers, essentially through a call center, under the names Preferred Law, American Home Loan Counselors and Compass Law and Modification Review Board. The entities advertised an ability to obtain loan modifications. Claimant is from North Carolina and sought assistance to avoid foreclosure and modify her loan. She paid \$2,922 and received no meaningful services. The North Carolina Department of Justice and North Carolina Bar became involved in this and other cases. Attorney Horton appeared in person and suggested that work was done.

RECOMMENDATION: The Committee recommends an award of \$2,922.

B.	Claimant: Involved Attorney: Disciplinary Status:	Susan Oliff Benjamin R. Horton 3-year suspension
----	--	---

FACTS: Claimant is deceased and pursuant to R 14-910(d)(6), losses will not be reimbursed to "heirs or estates of deceased claimants".

RECOMMENDATION: The Committee recommends the claim be denied pursuant to the referenced rule.

October 3, 2017

Page 2

C. **Claimant:** **John R. Clark**
 Involved Attorney: **Benjamin R. Horton**
 Disciplinary Status: **3-year suspension**

FACTS: Claimant is a Georgia resident and hired Preferred Law to seek HAMP type relief. Claimant never had contact with a lawyer, but spoke to several representatives, some of whom informed him that Preferred Law (Attorney Horton) could not help unless Claimant became delinquent on his mortgage obligations. Claimant paid \$4,791 and received no meaningful services. Attorney Horton appeared in person and suggested that work was done.

RECOMMENDATION: The Committee recommends an award of \$4,791.

D. **Claimants:** **Debra J. Barber and Craig Barber**
 Involved Attorney: **Benjamin R. Horton**
 Disciplinary Status: **3-year suspension**

FACTS: Claimants are Washington residents and hired Preferred Law (Attorney Horton) for loan modification services. There was work done; however, in each circumstance the efforts were incomplete or with stale and erroneous information. Despite involvement over several years, at no time did Claimants have contact with an attorney from Preferred Law. The total sum paid by the Claimants was subject to correction. Attorney Horton appeared in person and suggested that work was done.

RECOMMENDATION: The Committee recommends an award of \$9,394.

E. **Claimants:** **Gert Lindner and Helen Lindner**
 Involved Attorney: **Benjamin R. Horton**
 Disciplinary Status: **3-year suspension**

FACTS: Claimants are California residents and hired Preferred Law (Attorney Horton) for a loan modification with their lender Wells Fargo and paid \$3,896. No contact occurred with an attorney. Claimants were directed to stop payments on the second mortgage. This caused a substantial increase in the sum ultimately paid to Wells Fargo as part of a modification that the Claimants obtained through their own efforts. Attorney Horton appeared in person and suggested that work was done.

RECOMMENDATION: The Committee recommends an award of \$3,896.

F. **Claimant:** **Valerie Dewulf**
 Involved Attorney: **Benjamin R. Horton**
 Disciplinary Status: **3-year suspension**

FACTS: Claimant is a New Mexico resident and hired Preferred Law (Attorney Horton). Claimants paid \$3,900 and received no meaningful services. Claimant hired replacement counsel who successfully completed a loan modification. Attorney Horton appeared in person and suggested that work was done.

RECOMMENDATION: The Committee recommends an award of \$3,900.

G.	Claimant: Sean Brogna Involved Attorney: Kelly Ann Booth Disciplinary Status: 1-year supervised suspension
----	---

FACTS: Claimant hired Attorney to represent him on criminal charges in Cedar City and paid \$10,000. The case had a protracted history with trial dates being set and canceled ten times. There were multiple motions and court appearances. Attorney withdrew and Claimant hired new counsel and a plea arrangement was completed. Attorney Booth and her counsel, Mary Corporon, appeared telephonically.

The Committee concluded that substantial work was performed and the matter did not involve dishonesty. This is a fee dispute.

RECOMMENDATION: The Committee recommends the claim be denied as a fee dispute, not dishonest conduct.

H.	Claimant:	Raphael Njoku
	Involved Attorney:	Paul Remy
	Disciplinary Status:	Public reprimand

FACTS: Claimant hired Attorney to pursue a claim about a false odometer setting in a car purchase transaction and paid \$2,287.50. Attorney prepared and filed a Complaint, but never completed service. An administrative dismissal occurred for failure to prosecute. Claimant indicated that Attorney made multiple misrepresentations about the status of the case. Claimant also indicated that after the disciplinary hearing, Attorney stated he would pay the money back to Claimant. No payment was made.

RECOMMENDATION: The Committee recommends an award of \$2,287.50 as no meaningful work was done.

I. Claimants: Enrique Medina and Miriam Medina
Involved Attorney: S. Austin Johnson
Disciplinary Status: Suspended

FACTS: Attorney was hired to do work related to immigration matters for both Claimants, although at different times. A total of \$3,300 was paid, including \$1,300 after Attorney's license was suspended. The Committee concluded that some work was done on a historical basis. Attorney appeared in person and discussed the claim. David Hamilton recused himself on this claim.

RECOMMENDATION: The Committee recommends an award of \$2,500.

J. Claimant:	Jose Luis Sauz Verdin
Involved Attorney:	S. Austin Johnson
Disciplinary Status:	Suspended

October 3, 2017

Page 4

FACTS: Claimant was available only by telephone and a Spanish interpreter was needed, but not available.

RECOMMENDATION: The Committee recommends the claim be continued to a later date and utilize an interpreter.

K.	Claimant: Involved Attorney: Disciplinary Status:	Mark Abney S. Austin Johnson Suspended
----	--	---

FACTS: It was determined that the actual claimant is Phoenix Renewable Technologies, Inc. Claimant Abney appeared by telephone. Rob Bennett and Dane Parker appeared in person on behalf of the corporation. This matter involved a transaction wherein the corporation deposited \$150,000 into Attorney's trust account. There is uncertainty whether the money represented an "investment opportunity". In any event, the money was transferred to a third party and lost to the corporation. Attorney previously had an attorney/client relationship with Claimant Abney. The Committee was not provided a copy of the underlying contract that set out the specifics of the total transaction and concluded that the claim should be deferred for future consideration when more information is available. Attorney appeared in person and discussed the claim.

RECOMMENDATION: The Committee recommends the claim be deferred for future hearing and consideration.

L.	Claimant: Involved Attorney: Disciplinary Status:	Heidi Keilbaugh Andrew Stewart Interim suspension
----	--	--

FACTS: Claimant hired Attorney to pursue a common law marriage claim after the death of her partner. A lawsuit was filed in Third District and some work was done. There was also a companion probate matter. The common law marriage action was administratively dismissed for failure to advance the case. Attorney misrepresented the status of the case on multiple occasions and apparently forged Judge Faust's signature on an Order. Mary Corporon has filed a new action on behalf of Claimant. The Committee calculated that payments from Claimant and her parents totaling \$8,150 were made to Attorney.

RECOMMENDATION: The Committee recommends an award of \$8,150 as an unearned fee payable jointly to Heidi Keilbaugh and William Keilbaugh.

M.	Claimant: Involved Attorney: Disciplinary Status:	Artemio Chavez Andrew Stewart Interim suspension
----	--	---

FACTS: Claimant hired Attorney to pursue a divorce action and paid \$2,500. No work was done.

RECOMMENDATION: The Committee recommends an award of \$2,500.

October 3, 2017

Page 5

N. **Claimant:** **Wayne Pascoe**
 Involved Attorney: **Spencer Couch**
 Disciplinary Status: **Disbarred**

FACTS: Claimant hired Attorney to undertake work on an eviction, water issue with Woods Cross City and an estate plan review, and paid \$1,000. No work was done.

RECOMMENDATION: The Committee recommends an award of \$1,000.

O. **Claimant:** **Harley Hyde, a minor, by Holly Ann Wilmot**
 Involved Attorney: **JD Poorman**
 Disciplinary Status: **Deceased**

FACTS: Attorney was appointed as Conservator for the minor and settlement money for the minor was deposited into the Attorney's trust account. Yearly reports were made by the Attorney as Conservator with the Second District Court (Case 073900081). The last report filed by Attorney prior to his death showed a balance of \$1,975 for the minor. The minor lives with her grandmother, although her mother appeared at the committee hearing. There is conflict in the relationship.

Attorney's trust account was administered through Todd Sessions as Receiver and all proceeds have previously been paid into the Client Security Fund account. The conservatorship was terminated, although Todd Sessions indicated a willingness to reinstate the case and coordinate payment into a federally insured account on behalf of the minor until she is eighteen when it would be available to her. Relevant addresses for notice would be Harley Hyde through Cheryl Wilmot (grandmother), 350 East 4500 South, Washington Terrace, UT 84405 and Holly Wilmot, 6648 Cottonwood Street, Salt Lake City, UT 84107.

RECOMMENDATION: The Committee recommends an award of \$1,975 to the minor Claimant Harley Hyde to be handled as noted above.

The Committee has made recommendations that \$43,315.50 be paid out as compensation for the above-referenced claims. With these payments, the Fund's balance would be approximately \$ 269,000. Please contact me with any comments or questions.

Sincerely,

FUND FOR CLIENT PROTECTION

/s/ David R. Hamilton

Honorable David R. Hamilton
 Committee Chair

DRH/erc

cc: Committee Members in Attendance

TAB
2

Utah State Bar®

M E M O R A N D U M

TO: The Commission

FROM: Elizabeth A. Wright

RE: Amendments to Fund for Client Protection Rule 14-904

DATE: November 1, 2017

Attached is a redlined version of Rule 14-904 with changes in section (e)(1) to make clear that all lawyers who fail to reimburse the Fund for claims paid on their behalf remain administratively suspended. The Fund for Client Protection Committee unanimously approved the changes to this rule at a regularly scheduled meeting on September 15, 2017.

SUMMARY OF CHANGES

Changes to the rule clarify that a lawyer who fails to repay the Fund for monies paid out on his or her behalf shall be administratively suspended until repayment is made to the Fund. Section (e) of the rule requires any lawyer whose actions result in a payment by the Fund must repay the Fund. Section (e)(1) goes on to say “where a lawyer receives a public reprimand and the Fund pays an eligible claim, the lawyer’s license shall be administratively suspended for non-payment until reimbursement to the Fund has been made by the lawyer.” The use of the language “where a lawyer receives a public reprimand” is confusing because the rule applies to all discipline that results in payment from the Fund, not just public reprimands.

The change is also needed to insure that lawyers whose discipline includes a six month suspension can be administratively suspended for non-payment until the Fund is reimbursed. A

lawyer suspended for six months can be reenrolled after six months even though an injured client has made a claim to the Fund. By the time the Fund hears the claim and makes payment, the lawyer is reenrolled and practicing law. The lawyer can be reenrolled after the six month suspension, but if the Fund pays a claim as a result of the lawyer's actions after reenrollment and the lawyer refuses to reimburse the Fund, the lawyer should be administratively suspended until he or she satisfies the requirement to reimburse the Fund.

Rule 14-904. Funding.

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

(b) All determinations with regards to funding shall be within the discretion of the Board, subject to approval of the Supreme Court.

(c) The Bar shall have the authority to assess its members for purposes of maintaining the Fund at sufficient levels to pay eligible claims in accordance with these rules. The Committee shall report annually to the Commission on a timely basis as to known prospective claims as well as total claims paid to date so that an appropriate assessment can be made for the upcoming fiscal year. After the assessment at the beginning of the fiscal year is determined, the Fund balance shall be set in an amount of not less than \$200,000. The Bar shall then report to the Supreme Court as to known prospective claims as well as total claims paid to date after which the final assessment and fund balance shall be set with the Court's approval.

(d) A lawyer's failure to pay any fee assessed under paragraph (c) shall be cause for administrative suspension from practice until payment has been made.

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

(e)(1) In lawyer discipline cases for which ~~where a lawyer receives a public reprimand and~~ the Fund pays an eligible claim, the lawyer's license to practice shall be administratively suspended for non-payment until reimbursement to the Fund has been made by the lawyer.

TAB
3

**UTAH BAR COMMISSION MEETING
AGENDA ITEM**

Title: Retreat Follow Up: Connecting with Clients

Item # 2.4

Submitted by: John Baldwin

Meeting Date: November 17, 2017

ITEM/ISSUE:

We sent out Requests for Proposals for survey information on client expectations to four groups; Lighthouse, Qualtrics, Redirect Digital, and Dr. Ken Foster at the University of Utah. We received responses from Lighthouse and Qualtrics and had originally received a proposal from Cisero. We received no response from Redirect Digital or Dr. Ken Foster.

The Executive Committee has reviewed the three attached proposals and believes that the services provided by Lighthouse are best suited to our needs and will more appropriately and thoroughly provide the information that the Bar is hoping to get.

The Executive Committee proposes that the Commission engage Lighthouse and asks that the Bar authorize the Executive Committee to contract with Lighthouse and have them conduct surveys of either two or three focus groups of clients and small business entities according to their bid.

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X

October 24, 2017

FIRM
ADDRESS
CITY, STATE ZIP

Re: Request for Survey Proposal

To Whom It May Concern,

The Utah State Bar is currently seeking proposals for a survey of individuals and small business entities in Utah to understand what they expect from lawyers and how lawyers might improve services.

Background and General Information

The Utah State Bar is a 501(c)(6) private non-profit Utah corporation to which the Utah Supreme Court has delegated the responsibility of regulating the practice of law in Utah through the testing, admission, licensing, education and discipline of lawyers. In order to practice law in the state a lawyer must be licensed by the Bar and in good standing. Lawyers licensed to practice law in Utah are referred to as "members" of the Bar. There are currently over 12,000 lawyers licensed in Utah.

Included in the delegated duties are the creation of certain programs to make legal services more available to the public; the education of the public about the system of justice; the continuing education of lawyers and the provision to lawyers of various appropriate group benefit plans.

The mission of the Utah State Bar is to represent lawyers in the State of Utah and to serve the public and the legal profession by promoting justice, professional excellence, civility, ethics, respect for and understanding of the law. The vision of the Utah State Bar is to lead society in the creation of a justice system that is understood, valued, respect and accessible to all.

Scope of Service

The Bar wishes to gather information from you or your organization relative to the scope of services you could provide and based upon the key selection criteria listed below. Applicants selected as finalists may be expected to address more detailed issues regarding financial and other specifics of their organization and operations. These same finalists may be expected to participate in interviews with Bar representatives.

The Bar is interested in obtaining the following survey services as part of the contract:

1. Determine how and why individuals and businesses decide whether a circumstance they face is one involving legal issues;
2. Determine why individuals and businesses do or do not use lawyers;
3. Determine why individuals and business use resources other than lawyers and what obstacles or attitudes prevent them from using lawyers;
4. Discover what legal services have value to clients; and,
5. Determine what a client is willing to pay for legal services to meets their needs.

Proposal Evaluation Criteria

The Bar will evaluate proposals based on the needs of the Bar and its members. The following criteria will be used in evaluating each of the responses:

1. Compliance with specifications;
2. Ability to offer a comprehensive set of core services and benefits. Providers are encouraged, however, to describe options (including costs) for it to provide less than all services described above;
3. Competitive fees;
4. Understanding of the culture of the legal profession in Utah; and
5. Any other criteria identified by the Bar as important in evaluation of submitted proposals.

The Bar will choose the proposals that best fits its needs and the needs of its members. The Bar is not obligated to award the contract based on cost alone.

Conditions and Stipulations

You are invited to ask questions during the proposal process and to seek additional information, if needed. We want this to be an interactive process and will make every effort to provide sufficient data for your response.

Copies of your Proposal should be forwarded to the Bar: c/o John C. Baldwin, Executive Director, at jbaldwin@utahbar.org. Inquiries or requests for information or clarification should be directed by e-mail to Mr. Baldwin. Proposals must be received no later than Tuesday, November 7, 2017 at 5:00 p.m.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "John Lund". The signature is written in a cursive, flowing style.

President

Lighthouse Research and Development, Inc.

1292 West 12700 South · Riverton, Utah 84065
Phone: (801) 446-4000 · Fax: (801) 254-0224



LIGHTHOUSE
R E S E A R C H



*Impulse Rated TOP FACILITY
7 Years of Excellence*

OBJECTIVES, RECOMMENDED METHODOLOGY AND SCOPE OF WORK

OBJECTIVES

Lighthouse Research & Development, Inc. will conduct research on behalf of the Utah State Bar. The research will explore attitudes and perceptions of individuals and businesses throughout Utah regarding legal services. The main purpose of the research will be to gather insight on how individuals and businesses perceive and make decisions regarding legal services. More specific project objectives include:

- Determine how and why individuals and businesses decide whether a circumstance they face is one involving legal issues.
- Determine why individuals and businesses do or do not use lawyers.
- Determine why individuals and businesses use resources other than lawyers and what obstacles or attitudes prevent them from using lawyers.
- Discover what legal services have value to clients.
- Determine what a client is willing to pay for legal services to meet their needs.

Further specific objectives will be identified during initial project consultation following award of the contract.

RECOMMENDED METHODOLOGY AND PROJECT SCOPE

Based upon the objectives outlined in the request for proposal, also listed in the above section, Lighthouse Research recommends the completion of a two-phase research project. Phase One will consist of a telephone survey of individuals and businesses throughout Utah; Phase Two will consist of four to six focus groups with the target audiences. Telephone surveys are one of the best tools for collecting statistically valid information that can provide results that are very likely to accurately represent the opinions of the entire target audience. Focus groups are an excellent tool that provides in-depth information regarding the attitudes and feelings that drive behavior; it helps to obtain the “how” and the “why.” Each of these phases are outlined in further detail below, including the further explanation of the merits of conducting both each type of research.

PHASE ONE: TELEPHONE SURVEY

Telephone surveys are one of the best tools for collecting information that is statistically valid. Statistical validity refers to whether a study is able to draw conclusions that are in agreement with statistical and scientific laws. Properly conducted telephone surveys utilize a scientifically proven formula for gathering accurate, relevant, valid data that is representative of the entire target audience, and therefore on which important decisions can reliably be based. The telephone survey portion of the research will include two parts: adult residents and small business entities. These surveys will be similar in design, and will be completed concurrently.

Adult Resident Survey

Lighthouse Research recommends that a total of 800 telephone surveys be conducted with adult residents throughout Utah. A total of 800 surveys would provide a 95% confidence level, with an approximate $\pm 3.46\%$ margin of error. The survey will be an estimated 5 to 6 minutes in length and will include up to two open-ended questions. Survey calls will be conducted using general public lists that include both cellular and landline phone numbers.

Lighthouse Research recommends collecting this large number of completed surveys (800) within the general public in order to provide sufficient data to identify unique segments within the population. These segments may then be further examined and analyzed to provide greater insight into attitudes and behaviors regarding usage of legal services.

Small Business Entity Survey

Lighthouse Research recommends that a total of 200 telephone surveys be conducted with small business entities throughout Utah. A total of 200 surveys would provide a 95% confidence level, with an approximate $\pm 6.93\%$ margin of error. The survey will be an estimated 5 to 6 minutes in length and will include up to two open-ended questions. Survey calls will be conducted using public business listings.

Telephone Survey Target Objectives

The primary objectives from the request for proposal that may be addressed with the telephone survey include:

- Determine why individuals and businesses do or do not use lawyers
- Determine what obstacles or attitudes prevent individuals from using lawyers
- Discover what legal services have value to clients
- Determine what a client is willing to pay for legal services to meet their needs

Additional objectives that may be considered include:

- Identify whether individuals and businesses have or have not used legal services
- Evaluate perceptions of the value of obtaining legal services based on past experiences
- Discover what information resources individuals and businesses use for legal services
- Compare responses among segments identified in the research, such as comparing the responses from individuals who have used legal services to the responses from individuals who have not used legal services

Telephone Survey Procedure

The following table includes an outline of the proposed work process for Phase One of the project, and the section below the table contains details about each of the steps in the process.

Telephone Survey
Consultation
Questionnaire Design and Programming
Sample Preparation
Pre-Test
Data Collection
Data Preparation and Analysis
Final Deliverables

Consultation

At the convenience of the client and Lighthouse Research, a project launch meeting will be scheduled. The meeting may be held via conference call, or in person at either of the Lighthouse Research facilities in Riverton or Salt Lake City, Utah, the client's offices, or any other location selected by the client within the Wasatch Front area of Utah. A minimum of two chief Lighthouse Research staff members will be in attendance to ensure that all needs and objectives will be recorded and addressed correctly during project design.

Questionnaire Design and Programming

Following consultation with the client, the Lighthouse Research team will design an interview questionnaire and full data collection plan. Each survey questionnaire will be approximately 6 to 8 minutes long, and will include two open-ended questions. Upon client approval of the survey questionnaires, Lighthouse Research will program the instruments into a Computer-Assisted Telephone Interviewing (CATI) format. The CATI system will provide the necessary tools to administer each call, as well as schedule any necessary callbacks.

Sample Preparation

Lighthouse Research will acquire sample records to complete this project. Lighthouse Research specializes in acquiring sample lists, and will obtain a representative sample of the target audiences. Both landline and cell phone numbers will be included in the resident survey sample, enabling a proper representation of the population. This database will be loaded into the CATI system, which will automatically randomize the records, ensuring that all individuals within the sample universe will have an equal chance of receiving an invitation to participate.

Pre-test

A pre-test of approximately 20 interviews will be conducted on each survey at the beginning of data collection. The pre-test is highly monitored by management staff, and will identify any need for modifications to the survey questionnaire, programming, or data collection procedures. If, at the close of the pretest, any modifications are necessary, they will be submitted to the client for approval. Once approved, modifications will be implemented the following day, and interviews will commence.

Data Collection

Our team of experienced interviewers will conduct the data collection. All staff members will be briefed thoroughly on the project objectives and the survey questionnaires prior to data collection. Available calling hours for the resident survey will be between 9:00 AM and 9:00 PM on weekdays and between 9:00 AM and 4:00 PM on Saturdays, with higher call concentrations taking place during the peak evening and weekend hours. Available calling hours for the small business entity survey will be between 9:00 AM and 5:00 PM on weekdays, with the possibility of scheduling callbacks outside those hours. All Lighthouse Research interviews are digitally recorded, providing the capability of 100% data validation, if needed.

Data Preparation and Analysis

At the conclusion of data collection, all data collected will be compiled, reviewed, and checked. The Lighthouse Research statistics team will then conduct cross tabular analyses on the data to identify any significant differences among demographic, geographic, and other segments.

Final Deliverables

These final deliverables will be prepared and presented to the client for *each* the resident and business surveys:

- Complete written report of findings, provided electronically in PDF format. The report will include:
 - Overview of the objectives and processes used to complete the project
 - Detailed results of the findings, including tables and charts
 - Segment analysis (resident survey only)
 - Cross tabular analyses
 - Conclusions drawn from the research
 - Recommendations based on the findings
- Power Point presentation of the survey results

Other report formats, such as hardcopies, may be available upon request.

PHASE TWO: FOCUS GROUPS

In order to satisfy the project objectives as outlined in the request for proposal, Lighthouse Research strongly suggests completing a series of focus groups. Focus group research allows for the exploration of deeper thoughts, feelings, and attitudes that drive behavior. Focus groups also provide the unique opportunity for focus group members to collaborate and brainstorm to produce new ideas and insight. In a focus group, an experienced Lighthouse Research moderator leads qualified participants through a series of discussions and activities that explore the selected topic; participants will have open discussions about legal services.

For this project, Lighthouse Research recommends conducting a total of either four or six focus groups, half with Utah residents and half with small business entities. Lighthouse Research always recommends conducting a minimum of two focus groups with each target audience, as it provides the opportunity to compare main ideas and confirm the most important things discussed in the groups. If only one focus group is conducted, a disparity of views within the group could raise doubts in the findings. To obtain a better feel and counter the possibility of a rogue response, it is therefore advisable to conduct two or more groups per audience segment. For example, if you are conducting separate groups with men and women, you would need to conduct *at least* four groups – two with men and two with women. For this project, it means conducting *at least* four total focus groups, two with small businesses two with residents.

For each resident focus group, a total of twelve individuals will be recruited, with the anticipation that eight to ten will attend. For each business focus group, a total of eight individuals will be recruited, with

the anticipation that five or six will attend. Each group will last approximately 90 minutes, and participants will receive a cash honorarium as a thank you for his or her participation. The groups will be held at either of the Lighthouse Research focus group facilities located in Salt Lake City or Riverton, Utah.

Focus Group Target Objectives

The primary objectives from the request for proposal that may be addressed with the focus groups include:

- Determine how and why individuals and businesses decide whether a circumstance they face is one involving legal issues
- Determine why individuals and businesses do or do not use lawyers
- Determine why individuals and businesses use resources other than lawyers and what obstacles or attitudes prevent individuals from using lawyers
- Discover what legal services have value to clients
- Determine what a client is willing to pay for legal services to meet their needs

Additional objectives that may be considered include:

- Explore, in-depth, the decision-making processes used when deciding whether or not to use legal services
- Explore attitudes and perceptions of lawyers
- Examine the influence cost of legal services has on decision factors and how cost is weighed against the risks of hiring or not hiring legal counsel
- Discuss pricing structures and possible ways of overcoming the cost barrier of using legal services
- Evaluate and gather feedback regarding potential promotional messaging

Focus Group Procedure

The following table includes an outline of the proposed work process for Phase Two of the project, and the section below the table contains details about each of the steps in the process.

Focus Groups
Consultation
Screening Development
Participant Recruiting
Participant Confirmations
Moderator's Guide Development
Focus Group Facilitation
Final Deliverables

Consultation

At the convenience of the client and Lighthouse Research, a project launch meeting will be scheduled. The meeting may be held via conference call, or in person at either of the Lighthouse Research facilities in Riverton or Salt Lake City, Utah, the client's offices, or any other location selected by the client within the

Wasatch Front area of Utah. A minimum of two chief Lighthouse Research staff members will be in attendance to ensure that all needs and objectives will be recorded and addressed correctly during project design.

Screening Development

Following consultation with the client, the Lighthouse Research team will design a participant screener. The screener will consist of a series of questions that recruiters will ask each participant during the recruiting process. Responses to these questions will assist the recruiters in identifying which individuals qualify to participate in the research study, and to ensure that focus groups have appropriate demographic and geographic representation.

Participant Recruiting

Lighthouse Research will recruit participants from general public lists of Utah residents and public Utah small business lists. The general public lists will include both landline and cell phone numbers. Recruiting hours for this project will be from 9:00 AM to 9:00 PM on weekdays, and 9:00 AM to 4:00 PM on Saturdays. Lighthouse Research will provide regular updates to the client as the project progresses.

Participant Confirmations

Each recruited individual will be sent an email within a few days of being recruited. The email confirms their focus group appointment and provides any necessary detailed instructions for participating. Additionally, each participant will be called one to two days prior to the scheduled focus group to verify that they received the email, to remind them of their focus group time, and to verify their responses to the screener questions. This process ensures that each participant qualifies for the group to which they are assigned and ensure they have been given clear instructions prior to participation.

Moderator's Guide Development

In cooperation with the client, Lighthouse Research will develop a detailed moderator's guide. The guide will outline the project objectives and specific questions to be asked and activities to be completed throughout the focus groups. Lighthouse Research will submit the guide to the client for review and revision.

Focus Group Facilitation

The focus groups may be held at either of the Lighthouse Research focus group facilities – Salt Lake City or Riverton, Utah. It is also possible to split the groups between facilities if desired. An experienced Lighthouse Research moderator will facilitate the focus groups. The groups will each last approximately 90 minutes, and participants will receive a cash honorarium of at the conclusion of the group as a thank you for their participation.

Final Deliverables

These final deliverables will be prepared and presented to the client in an electronic format:

- A final report of results. The report will include:
 - Overview of the objectives and processes used to complete the project
 - Detailed results of the findings, including tables, charts, and direct quotes from participants
 - Conclusions drawn from the research
 - Recommendations based on the findings
- Power Point presentation of the focus group findings

Other report formats, such as hardcopies, may be available upon request.

PROJECT TIMELINE

Lighthouse Research is available to begin project development upon approval of this proposal. Phase One will take approximately six weeks to complete, and Phase Two will take approximately four weeks to complete. A full detailed timeline will be defined at project launch.

PROPOSED PROJECT BUDGET

The pricing listed below are flat, all-inclusive fees for the services described in this proposal.

PHASE ONE: TELEPHONE SURVEYS		
Project Administration Consultation & Survey Design Survey Programming & Setup Sample Preparation Data Collection, 5 to 6 Minute Survey Coding of Responses for Two Open-ended Questions Data Analysis Full Report of Results Presentation of Results		
Utah Residents, n=800		\$17,750.00
Utah Small Businesses, n=200		\$9,850.00

PHASE TWO: 90-MINUTE FOCUS GROUPS		
Project Administration Screener Development Recruiting <ul style="list-style-type: none"> Residents: 12 for 8-10 to show Businesses: 8 for 5-6 to show Development of Moderator's Materials Lighthouse Research Facility Rental Moderation Services Audio/Video Recording Light Participant Refreshments Participant Incentives Full Report of Results Presentation of Results		
	Two Groups	Three Groups
Utah Residents	\$11,400.00	\$14,975.00
Utah Small Businesses	\$11,280.00	\$14,795.00

*Client meals ordered while observing the focus groups will be billed separately, at cost plus twenty percent and an additional \$20.00 delivery charge.

QUALIFICATIONS AND EXPERIENCE

Lighthouse Research is qualified and able to successfully complete this research project.

Lighthouse Research & Development, Inc. is a local, Utah marketing research firm that has been in existence since 1992. With over 25 years of research experience in both qualitative and quantitative research for a wide variety of companies and organizations, Lighthouse Research has the capability of successfully completing these research projects. Because the vast majority of the work Lighthouse Research does is customized research that has been tailored to specific client needs, Lighthouse Research staff is highly experienced in being able to create and implement specialized research solutions successfully. All staff members, from bottom to top, are capable and flexible to adapt to unique situations.

Lighthouse Research has experience conducting research in a wide variety of industries and regarding a wide variety of topics. Many of these research projects have been of similar design or objective, and several have been within the legal industry. A few of the more recent similar projects include:

- Telephone survey of lawyers regarding Judicial Performance Evaluations
- General public telephone survey regarding a large natural resources case to evaluate the need for a change of venue and to gather perceptions of settlement amounts
- Online survey regarding trademark infringement for a running event company
- A variety of mock jury projects for multiple companies, including:
 - Bloom Strategic Consulting, Inc.
 - Clarity Partners
 - Jury Impact
 - JuryScope, Inc.
 - Litigation Insights
 - Litigation Strategies
 - Magna Legal Services
 - National Jury Project
 - Trial Partners
 - Varinsky & Associates
- Focus groups in urban and rural Utah areas regarding suicide prevention
- Focus groups throughout Utah regarding narcotics abuse and the availability of Narcan
- Focus groups throughout Utah regarding traumatic brain injuries
- Focus groups of Salt Lake area residents regarding the prison relocation
- Cache Valley Water Conservancy District Survey
- West Valley City Storm Water Protection Survey
- Lehi City Citizen Telephone Surveys
- Riverton City Public Opinion Surveys
- Salt Lake City Downtown Alliance Surveys
- Davis School District Resident Surveys
- Park City School District Bond Surveys and Focus Groups
- Jordan School District Bond Surveys

Lighthouse Research has two facilities in Northern Utah. The main offices are located in Riverton, Utah, and the facility contains two focus group suites, one large multi-purpose room, and an on-site data collection center with 40 computer-assisted interviewing stations. The other Lighthouse Research facility is located in downtown Salt Lake City, and features three focus group suites, a full kitchen, and state-of-the-art audio-visual equipment.

Company Approach

Lighthouse Research has extensive experience in conducting public research work. Our main focus is to provide accurate research results for reasonable prices in a timely manner. There are several aspects to our approach to conducting this type of research:

- **Knowledgeable Staff** – Lighthouse Research will always conduct a consultation meeting, either over the telephone or in-person with the client. The purpose of the meeting is to learn as much as possible about the research topic and the background driving the need for research. Lighthouse Research staff will also seek other knowledge about the topic by conducting in-house research on the topic prior to project design.
- **Proper Sampling and Representation** – Lighthouse Research has vast experience with sample handling and design to ensure proper population representation and valid, accurate data.
- **Proper Data Collection** – Lighthouse Research is experienced in all aspects of data collection. Staff members are careful to make sure that data is valid and unbiased. Data collection personnel are thoroughly trained on each individual project, and also participate in frequent trainings to ensure that proper questioning and probing techniques are used. It is also important to note that Lighthouse Research records all telephone calls, and therefore can provide 100% data validation if necessary.
- **Thorough Results** – Lighthouse Research specializes in providing detailed research reports. These reports outline project objectives, methodologies, conclusions and recommendations, as well as charts and tables of the research results. Lighthouse Research can dig as deep into the data as is necessary to obtain the information outlined in the project objectives.

Lighthouse Research views its clients as a partner in the research process. It is our policy to keep the client informed throughout the research process, and discusses all major decisions with the client prior to implementation. Our clients can be as involved as they desire to be, including being on-site to participate in project training for the staff members and to observe data collection (upon request).

Core Competencies

Lighthouse Research understands each organization has unique challenges and opportunities, and therefore individualized information needs. As such, all services are custom-tailored to meet specific objectives. Lighthouse Research will utilize the most appropriate researching methodologies for each project and organization.

The experienced Lighthouse Research team conducts every phase of the research study. From survey design and data collection to custom analysis and reporting, Lighthouse Research creates a partnership with the client to build an effective and comprehensive research strategy.

Lighthouse Research has extensive experience and proven expertise providing results in the following types of studies:

- Advertising campaign evaluation
- Brand and product equity (awareness & positioning)
- Community polling
- Customer profiling and segmentation
- Customer migration studies
- Customer satisfaction and awareness
- Market feasibility studies

- New product development
- Pricing research
- On-site intercepts
- Tracking studies (benchmark, ongoing, comparative, pre/post campaign, etc.)
- Automotive and financial industry
- City, county, state, federal financial impact studies
- Bond surveys

Quantitative Services

Lighthouse Research helps identify the variables that really matter by measuring quantifiable changes in such factors as sales, brand awareness, loyalty, profit, perceptions, and satisfaction. The focus is to provide the client with the most convenient, accurate and detailed results. Lighthouse Research provides up-to-date effective services for each of the following types of research methods:

- Telephone Surveys
- Direct Mail Surveys
- Internet/Online Surveys
- Intercept Surveys
- Employee Audits
- Database Analysis and Segmentation

Qualitative Services

When uncovering underlying reasons for attitudes, opinions and behaviors, qualitative research data is invaluable. Lighthouse Research has extensive experience in providing qualitative research services including:

- Focus groups
- Mini-groups
- Mock juries
- Web and app user tests
- Online discussion groups
- One-on-one in-depth interviews
- Auditorium studies
- User tests
- Music studies
- Mystery shopping
- Persona research and development

Quality Services in a Timely Manner

Lighthouse Research works hard to provide each client with timely results. A timeline for an average research study at Lighthouse Research is outlined in the table below:

Task	Average Time
Design and Setup	1 Week
Recruiting (2 groups)/Data Collection (up to 800 surveys)	2 to 3 Weeks
Analysis & Reporting	2 Weeks

Memberships & Certifications

Lighthouse Research has membership and certification with several marketing research organizations. This commitment to excellence is part of the Lighthouse Research commitment to maintain the highest level of service and current knowledge of industry standards through ongoing training, member networking, and access to expert staff and specialized resources. These organizations and institutions include:



Marketing Research Association



Qualitative Research Consultants Association



Council for Marketing and Opinion Research



The Professional Researcher Certification (PRC) was developed by the MRA to distinguish those individuals who demonstrate ongoing professional commitment to the field through knowledge and proficiency in their specific discipline. To obtain PRC status, applicants must meet all requirements designated by the Certification Workgroup and must demonstrate an acceptable understanding and knowledge in their desired area and level of Certification. Lighthouse Research PRC status member is Joseph Anderson.



Impulse Survey of Focus Facilities

Lighthouse Research is an *Impulse* Top Rated Facility & Seven Year Honor Roll Member

Lighthouse Research has been recognized by *Impulse Survey of Focus Facilities* as one of the **Top Rated** full-service research firms in the world. With the survey containing ratings for the top 800 facilities meeting stringent criteria to qualify (including those in the US, Canada, Latin American, United Kingdom, Europe, Middle East, Asia, Australia, Africa, and the British West Indies), Lighthouse Research is pleased to announce this prestigious honor, as less than 2% of research firms receive the rank of being a Top Rated firm.

JOSEPH W. ANDERSON – OWNER/PRESIDENT

Mr. Anderson is the President of Lighthouse Research & Development, Inc. He heads a research team of 50 individuals to complete full-spectrum research projects. Joe ensures projects are developed using the most effective, cost efficient methods. He coordinates the entire planning and set-up process for over 300 research projects annually, including telephone surveys, online surveys, onsite surveys, focus groups, ethnoscience, in-depth interviews, mock juries, etc., in a wide variety of industries and topics. Some of the more recent projects were in industries and topics including education, political polling, finance, economic issues, technology, hospitality, construction, health care, advertising, legal, etc.

Joe worked in the marketing industry, as an end-user of research, for over six years; he personally managed the collection and reporting of over 500 survey projects. For the past fifteen years he has worked in research, personally assisting clients in meeting specific objectives.

Joe specializes in the innovation of meeting unique client needs. Joe is an out-of-the-box thinker and a believer that anything can be done. He is PRC certified, and holds a Bachelor of Arts degree in Marketing from the University of Utah.

Joe Anderson has been a part of the Lighthouse Research management team for over 15 years.

Professional Experience

Owner/President, Lighthouse Research & Development, Inc.

2013–Present

CEO, Lighthouse Research & Development, Inc.

2003–2013

Works with clients by providing progress updates, answering questions, and resolving concerns; Manages the internal progress of all research projects; Provides marketing insight and recommendations to research clients.

Director of Marketing, Rastar Digital Marketing

1997–2004

Developed and implemented One-To-One marketing campaigns utilizing in-depth market research and database segmentation; Developed and presented database lifestyle analysis that aided local and national companies in targeting prospects with best customer attributes; Managed and directed a team of Professional Account Managers, a Creative Team, and oversaw all aspects of product development and fulfillment; Responsible for keeping all Account Executives current in the area of product knowledge

Education

- B.A., Marketing – 1998 *University of Utah, Salt Lake City, Utah*

JOHN W. WALD – DIRECTOR OF RESEARCH

Mr. Wald manages the research projects, ensures objectives are met effectively, develops and designs methodologies and survey instruments, and conducts the statistical analysis of the research results. During his 10 years at Lighthouse Research he has had the opportunity to work closely on developing and overseeing many research projects of various topics, types, and sizes. With this experience and his knowledge of statistics, he plays a vital role in ensuring the research designed and conducted by Lighthouse Research is accurate and valid. Mr. Wald is careful particular in his work of overseeing projects throughout all stages to make sure they are conducted using the best methodologies and techniques and completed on time. He has a B.S. in Statistics from Brigham Young University.

John Wald has been a part of the Lighthouse Research management team for 10 years.

Professional Experience

Director of Research, Lighthouse Research & Development, Inc.

2013-Present

Project Analyst, Lighthouse Research & Development, Inc.

2007-2013

Responsible for conducting all the statistical analysis of qualitative and quantitative research project results. Statistical analyses methods used include: Cross Tabs, Frequencies, ANOVA, Chi-Square Test, Nonparametric Tests. Mr. Wald is also responsible for writing the significant differences and analysis sections of research reports, creating tables and banners representing the results, recoding and cleaning open-ended and other responses, and administering statistical and banner software.

Data Processor, Western Watts

2005-2007

Responsible for cleaning data files and coding open-ended responses; convert data into tables, banner, SPSS files, and other formats; compiled statistical summaries and ran significance testing and data weighting; new-hire training in data processing responsibilities.

Education

- B.S., Statistics 2007 Brigham Young University, Provo, UT

CHRISTIE M. LEAKE – FOCUS GROUP MODERATOR/TECHNICAL WRITER

Ms. Leake has worked in various aspects of marketing research since 1998. She has spent time learning each of the different roles that take part in completing a research project from start to finish. This experience, coupled with her involvement in hundreds of research projects over the last 18 years gives her a unique ability to provide insight on the best methods to achieve specific project objectives. Additionally, Christie's vast experience in market research and technical writing serve her well as she is responsible to organize the research findings and compile all relevant data into a concise, accurate, and easy-to-understand research report. She has a B.S. in English Education from Utah Valley University.

Christie Leake has been a part of the Lighthouse Research management team for 18 years.

Professional Experience

Technical Writer/Focus Group Moderator, Lighthouse Research & Development, Inc.

2001-Present

Supervisor/Project Manager, Lighthouse Research & Development, Inc.

1999-2000

Research Interviewer, Lighthouse Research & Development, Inc.

1998-1999

Having worked for Lighthouse Research for nearly twenty years, Christie Leake has extensive knowledge and experience with marketing research. Beginning as a research interviewer, she gained an understanding of telephone research techniques and perspective on how respondents react to survey questions. She later assumed roles in call center supervision and project management, and learned about call center operations and efficiency. She had opportunity to pass her knowledge of research technique on to the research interviewers and taught them proper methods of conducting surveys and recruiting research participants. As her knowledge of research grew, she began taking on roles in research design and reporting, and has become an excellent focus group moderator and technical writer. She has experience in moderating focus groups of all kinds of topics, and is especially skilled with groups regarding more sensitive topics. She participates in all aspects of the research; her insight and understanding of nearly twenty years has given her a broad understanding of all types of marketing research.

Education

- B.S., English Education 2003 Utah Valley State College, UT

LINDSAY C. RODGERS – SENIOR ACCOUNT MANAGER/PROJECT EDITOR

Ms. Rodgers serves as a client contact and account executive. Lindsay's experience in public relations has given her a special ability to take care of all of the details involved in putting together a research project, make sure that nothing is left undone, and that all of the individuals involved are kept up to date on the progress of the research project. She also has experience in public relations and assists in the organization and compilation of the research findings and the editing of the research reports and presentations. Ms. Thomson has a B.S. in Journalism and Communications from Utah State University.

Lindsay Rodgers has been a part of the Lighthouse Research management team for 7 years.

Professional Experience

Senior Account Manager, Lighthouse Research & Development, Inc.

2010-Present

Manages all phases of qualitative and quantitative research projects, including cost proposals, research design, client relations, and on-site project management. Works directly with President, Director of Research, and Production Manager to execute project specifications and deliver quality results to clients. Assist in all aspects of research writing and editing of survey questionnaires, qualitative focus group discussion guides, coding of open-ended responses, and research reports. Manage quantitative research results and online research projects, utilizing IMB SPSS Statistics and WinCati. Moderate face-to-face and telephone in-depth interviews.

Assistant Account Executive, Politis Communications & SOAR Communications

2007-2009

Wrote and distributed press releases to local and national outlets, successfully pitched client news that result in national coverage in *Forbes*, *WallSt.net*, *FoxBusiness*, etc. Wrote web site, brochure, fact sheet, product slick, company backgrounder, and advertising copy. Created and managed social media accounts (Twitter, blogs). Researched and built 75+ targeted local, state, and national media lists. Co-managed up to 500+ members of media for Nielsen Sports Group tradeshow Interbike an Outdoor Retailer. Created and implemented public relations and marketing communications campaigns.

Publicity and Media Relations Specialist, Rock Star Shows

2008

Wrote and distributed press releases and news briefs announcing concerts and events. Pitched media on high profile events, resulted in coverage in 100+ print and broadcast outlets including *Newsweek*, *MSNBC*, *Rolling Stone*, *Salt Lake Tribune*, and local network affiliate news programs. Managed on-site photographers, local and national media, and cable television production crews at events. Worked directly with talent and managers for interviews. Scheduled, invited press to and conducted press conferences with talent.

Education

- B.S., Journalism & Communications 2006 Utah State University, Logan, UT

CHARLOTTE D. DAVIS – RESEARCH ASSOCIATE

Ms. Davis has worked with Lighthouse Research for over 14 years. Her role began primarily in the call center, and putting in some time learning about the various aspects of marketing research. As she moved through learning different tasks and techniques, her love for marketing research was born. Charlotte's ability to learn quickly has enabled her to learn how to successfully complete the various tasks required during a research project. She has spent many hours learning the data collection software used at Lighthouse Research, and has gained extensive computer-assisted telephone survey programming experience.

Charlotte Davis has been a part of the Lighthouse Research management team for 14 years.

Professional Experience

Research Associate, Lighthouse Research & Development, Inc.

2004-Present

Assists in project design and development, project management, technical writing, copyediting, proofreading, data entry, quality control, simple statistical analysis, layout editing, printing and publishing, proposal creation, computer-assisted interviewing programming, PowerPoint presentation design

Call Center Manager, Lighthouse Research & Development, Inc.

2003-2004

Managed a call center of 15 employees, trained interviewers and recruiters on proper marketing research techniques, tracked productivity and reported project progress, ensured projects were completed accurately and on time

Administrative Assistant, Fun For Less Travel

2002-2003

Assisted in organizing major tours, aided in accounting department with accounts receivable, answered phones, filed documents, client service, and other general clerical duties

CHARLES ANDERSON – PROJECT COORDINATOR

Mr. Anderson works as the project coordinator at Lighthouse Research. It is his responsibility to make sure that call center operations are working smoothly and according to plan. He is the guy that takes the marketing research concepts and puts them into action. He oversees the training and management of call center employees to ensure they are using the proper procedures and techniques that will produce reliable, timely results. Charles is responsible for making sure that surveys are completed on schedule, and that focus groups are all recruited and ready on time. Mr. Anderson has a B.S. in Sociology from San Diego State University, with a minor in Communications.

Charles Anderson has been a part of the Lighthouse Research management team for 4 years.

Professional Experience

Project Coordinator, Lighthouse Research & Development, Inc.

2013-Present

Responsible for managing the call center, including hiring, training, scheduling, monitoring, etc., labor forecasting, problem resolution, proposal writing, coordination between management and call center operations, client services, facilitation and management of qualitative projects at both the Salt Lake and Riverton facilities.

Education

- B.S., Sociology 2009 San Diego State University, San Diego, California

REFERENCES

Jennifer Yim

Judicial Performance Evaluation Commission

Senate Building, Suite 330

PO Box 142330

Salt Lake City, Utah 84114

(801) 538-1652

Lighthouse Research conducted a survey of Utah lawyers to learn more regarding their experiences with the Judicial Performance Evaluation Surveys. Lighthouse Research completed all aspects of this survey project, from consultation and design to final report and presentation of results.

Mike Brian

Penna Powers

1706 South Major Street

Salt Lake City, Utah 84115

(801) 487-4800

Lighthouse Research has completed more than 30 projects for Penna Powers, all of various types and subjects. Projects included telephone surveys, focus groups, and in-depth interviews. Many of the projects were regarding public safety, public awareness, transportation, and often involved evaluating the effectiveness of advertising campaigns.

Mark Stevenett

Love Communications

546 South 200 West

Salt Lake City, Utah 84101

(801) 519-8880

Lighthouse Research has partnered with Love Communications on several types of research projects, both qualitative and quantitative. Many of these projects were state-funded evaluations of advertising campaigns for cancer prevention efforts.

Joshua King

The Langdon Group

466 North 900 West

Kaysville, Utah 84037

(801) 419-8786

Lighthouse Research has conducted multiple research projects for The Langdon Group. These projects include both quantitative and qualitative work regarding topic areas such as city services, public transportation services, water conservancy, and storm water protection. Deliverables for these projects included full reports of results, including cross-tabular analysis (quantitative).

Chris Williams

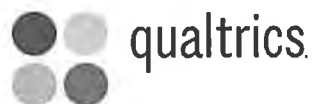
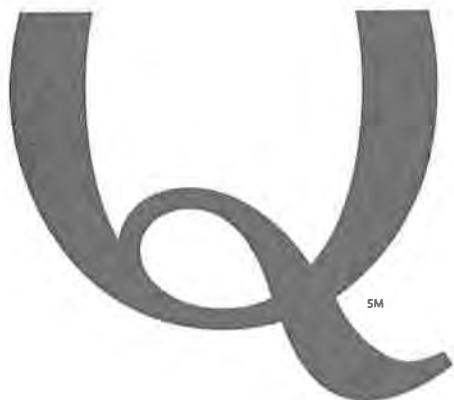
Davis School District

P.O. Box 588

Farmington, Utah 84025

(801) 402-5260

Lighthouse Research has conducted multiple telephone surveys on behalf of Davis School District. The surveys were designed to gather public perception of the District and its services and performance.



Chase Winder
Account Executive

333 W River Park Dr.
Provo, UT 84604

Cell: 801.243.9028
Email: cwinder@qualtrics.com



Executive Summary

THE CHALLENGE

Over the last decade, web and mobile technology have advanced rapidly, making it faster and easier to gather, analyze, and act on feedback. This means infusing pragmatic, scientific thinking into day-to-day operations, as well as informing long-term planning. However, this creates several challenges:

- How to turn feedback into evidence-based policy and decision-making
- Addressing IT governance and data security issues
- Determining how to measure and improve program efficiency

The Utah State Bar needs a technology partner that can provide an out-of-the-box solution its officials and employees can use to drive meaningful improvements through better data-driven decision-making.

THE SOLUTION

Through partnering with Qualtrics, the Utah State Bar will have fast, easy-to-use, and secure technology that can be used to create an insight-centered response to feedback.

- Voice of Customer – Capture feedback from individuals and small business entities using multiple channels, at every touch point of their journey with Bar members. Leverage role-based dashboards, case management, closed-loop feedback, key driver analysis, automated actions, and flexible integrations with your existing systems.
- Ongoing Satisfaction – Combine in-moment and long-term feedback to accurately measure and improve programs and make them better for those you serve.
- Ad-Hoc Customer Research – Rapidly conduct field research and uncover insights on program effectiveness, training, forums, events, and more. Quickly and easily analyze robust data, text, and mobile feedback to discover real-time, actionable insights.
- Digitize Form Processes – Automate even the most complex form processes to improve completion rates and compliance with simple, easy to use guides and validations.

We look forward to having further discussions with The Utah State Bar about our research solution. To help you in this process, we have provided next steps so you know how to engage with our teams and resources to ensure we are a fit for The Utah State Bar's present and future initiatives.

Sincerely,

Chase Winder
Qualtrics Account Executive

Solution Overview

INTRODUCTION

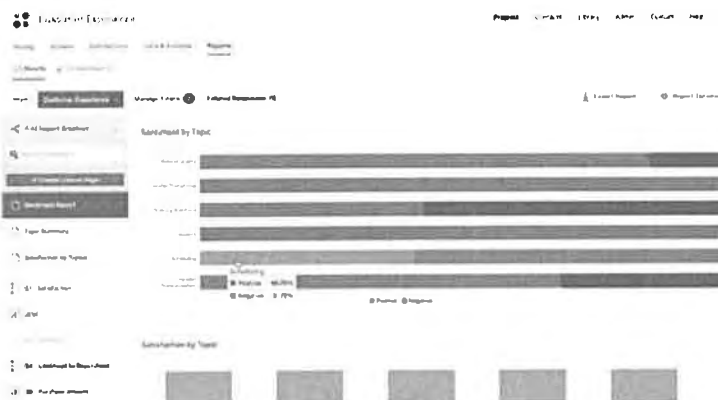
In our discussions with The Utah State Bar, we have found that you face several research challenges:

- **Services** - Determine why individuals and business use resources other than lawyers and what obstacles prevent them from using lawyers.
- **Value & Perception** - Discover what legal services have value to clients and how they perceive using a lawyer.
- **Pricing** - Determine a price point the client is willing to pay for a legal package that meets their needs.

Qualtrics provides solutions to these challenges through flexibility, ease-of-use, and unified research technology that helps you improve the quality, speed, and quantity of research and action.

FACING THE UTAH STATE BAR'S CHALLENGES

With Qualtrics, the Utah State Bar can have the ability to to manage its research in one single platform. Additionally, custom real-time reporting can give your researchers a hub for all analysis, as illustrated below, if the Utah State Bar prefers to conduct analysis in-house.



KEY QUALTRICS BENEFIT 1: Quickly understand reasoning and sentiment of respondents using Qualtrics text and sentiment analysis, including data dashboards and visualizations.

KEY QUALTRICS BENEFIT 2: Compare legal services and identify perceived value by running regressions and analysis using Qualtrics IQ software.

KEY QUALTRICS BENEFIT 3: Easily identify price points using advanced question types and backend analytics to determine willingness to pay and perceived value.



1. Qualtrics Approach

We propose administering an online survey among individuals and small business entities in Utah, designed to gauge their perception of and expectations from lawyers and how lawyers might improve services provided to them. Our goal is to help the Utah State Bar gain a better understanding of its public perception in order to better shape future decision-making.

Qualtrics intends to take the lead in developing a survey instrument based on the given research objectives, and manage rounds of edits to ensure the Utah State Bar is comfortable with the questionnaire. We recommend a survey length of a maximum 12 minutes, preferably in an 8-10-minute range to maximize survey response rate and feasibility. Qualtrics plans to hold an implementation kickoff meeting to further detail the Utah State Bar's requirements.

Once we have a finalized survey instrument, Qualtrics will code it into the online platform, and prepare for fielding. Once the survey is ready for fielding, Qualtrics will also manage all aspects of sample sourcing and management, including list acquisition (in collaboration with the Utah State Bar), management, email invites, reminders, and link attachment. During field, Qualtrics will monitor results, ensure response quality, manage field reporting, and incentive management and fulfillment, on behalf of the Utah State Bar.

Once fielding is complete, Qualtrics will perform any data cleaning steps required before performing the conjoint analysis and behavioral and demographic modeling to make benefits package recommendations.

Deliverables are reports detailing the analysis performed, including topline responses, open-ended coding, cross tabulations, and full recommendations. We anticipate delivering this report in the form of an executive summary with recommendations in addition to a detailed presentation, unless the Utah State Bar requests otherwise.

The previously outlined requirements are reflected in the bundled offering investment plan below. However, all pricing is modular and can be listed item by item based on the needs and requirements of the Utah State Bar. Specific services can be opted in or out.



2. Sampling Plan

Sample Source:

Sample will be citizens of Utah, whether through Bar email lists, online samples, or door-to-door sampling methods. Qualtrics will work with the Utah State Bar to ensure that the sample in terms of coverage represents the overall Utah population. Qualtrics will carry-out door-to-door sampling where the appropriate online sample is not feasible.

Sample Size and Response Rate:

Recommended sample size will be determined upon this proposal being awarded to Qualtrics and following an implementation kickoff meeting involving representatives from Qualtrics and the Utah State Bar.

Incentives:

If needed, for emails provided by the Utah State Bar, the Utah State Bar will need to provide an incentive to reach the final completes, such as a sweepstakes (incentive managed by Qualtrics) or \$10 Amazon cards for each qualified complete. For sweepstakes, the recommended incentive is 8 Amazon gift cards of \$500, as a sweepstakes offering. These incentives are not listed in the pricing quoted in this response.



3. Investment

Methodology

Survey Design
Survey Programming | Testing
Project Management

Sample

Sample representative based on to-be-determined specifications
Business, representing a makeup of the State of Utah's landscape

Analysis & Reporting

Holistic presentation of key findings and recommendations

Technology

Qualtrics Research Platform

TOTAL \$39,900

*Incentives not included in price, no other deliverables for reporting except for what is listed above.

*Implementation and methodology is intended to be designed at implementation kickoff meeting to better understand specific needs and deliverables of the Bar.

*This pricing structure reflects a bundled offering. However, pricing can be modularly adjusted item by item as indicated in above summary.

4. Project Management and Recommended Schedule

The timeline for delivery is based on the requirements of the Utah State Bar, and offers the following timeline as an example only, for understanding of a timeline that meets the Utah State Bar's deadlines.

Immediate Next Steps:

- Kick-off meeting involving Qualtrics and the Utah State Bar to align on the research objectives and approach
- Bring together all current expertise and knowledge related to this project
- Review and signoff on both overall approach and timeline

Resulting from Kickoff Meeting:

- Key milestones in detail form
- Operational plan of the research design
- Skeleton analysis plan

Overall Timeframe (example):

First Week

- Qualtrics will draft an initial questionnaire
- Utah State Bar will review survey, suggest edits, and sign off for programming after edit rounds
- Utah State Bar will provide driver lists with relevant internal data for analysis

Second Week

- Qualtrics will program survey plus rest of collateral for launch
- Qualtrics & Utah State Bar will do final testing and signoff of programmed survey
- Qualtrics will translate survey
- Qualtrics will manage customer lists and panel

Third Week

- Qualtrics will launch survey into field and do a soft launch
- Qualtrics & Utah State Bar will review a soft launch and give feedback
- Qualtrics will perform full launch, monitor survey in field

Fifth-Sixth Week

- Qualtrics will deliver full report



5. Your Account Team

Account Manager (Chase Winder):

Winder will help facilitate any custom project needs. A client success manager will help facilitate the onboarding process, be available for contractual questions, and assist with any resourcing needs around research process or delivery.

Survey Methodologist and Subject Matter Expert (Steven Snell, Ph.D):

Steven will oversee the research as a program director. He will organize any required internal and external meetings to discuss program strategies, methodological questionnaire review, implementation strategies, and cluster analysis. Steven collaborates with our clients to scope all research deliverables to meet the client's objectives. All deliverables will be developed by Steven or someone from his team, with full oversight by Steven.

Research Services Account Manager: (Andrew Gardiner)

A Research Services account manager is available to offer consulting and support with any projects requiring full-service or custom project management. Andrew will coordinate the full-project scope and pricing.

Phone Support: (800.340.9194)

All Qualtrics users will have access to live support and training, available throughout the week at no additional costs. We keep call logs to give context for any recurring issues and immediate help. Our live support is one of our key differentiators as a company, additionally, clients may email and get a response to questions at any time of the day or night. Most support calls are answered on the first try. Our callback time is typically under five minutes.



Appendix - Staff Bios

Carol Haney, MA – Senior Research and Data Scientist, Market Research

Carol has more than 20 years of quantitative survey research experience, including market research and social (government) research. Her principal research areas are online quantitative research and textual analysis, specifically with social media data. Some of Carol's current clients include Oakley, Google, BMW, Volkswagen, and Procter & Gamble. In addition to her work at Qualtrics, she leads all the formative research for the CDC's anti-smoking ads. These ads are created by collaboration between Arnold Worldwide, the Plowshare Group, Golin (a PR agency), Battelle Memorial Institute, and Qualtrics. Carol has worked for the full-service market research agencies Harris Interactive and TNS Global, social research organization NORC, as well as for SPSS (as part of the team that created the Dimensions product line). She holds a master's degree from The University of Chicago.

Steven Snell, Ph.D. – Research Methodologist, Survey and Quantitative Methods

Steven brings more than 10 years of survey research experience to Qualtrics, ranging from market research to political polling and our work with the CDC. Steven provides methodological guidance to all large tracker studies at Qualtrics and ensures that programs conform to best practices in survey methodology and market research. Some of his current customers include Tailored Brands, Belk, J Jill, Nike, Amazon Video, Google Fiber, and State of Utah. His core areas of expertise include longitudinal research methods, survey sampling, and nonresponse bias. He holds a PhD in Politics from Princeton University and completed a two-year postdoctoral fellowship in survey methodology at the Initiative on Survey Methodology at Duke University.

Craig Lutz, BS – Principal Data Architect

Craig Lutz graduated from Brigham Young University with a degree Actuarial Science. He has been working at Qualtrics for 8 years and during that time he has primarily focused on conjoint analysis, data science initiatives and web application development. He has provided software and services for thousands of Qualtrics customers and ran over 125 conjoint analysis projects in the last year. He is a frequent presenter at conjoint analysis and advanced marketing analytics forums. He really enjoys working at Qualtrics and feels privileged to see the growth of the company and partner with so many incredible organizations.



David L. Vannette, Ph.D – Principal Research Strategist

David will finish his Ph.D. this year from Stanford University focused on survey research, survey methodology, public opinion, and political communication.

Juliana Smith Holterhaus, Ph.D. – Principal Research Strategist

Juliana received her Ph.D. from Columbia University and is a Decision scientist with a unique combination of strategic business experience and a deep understanding of human behavior as applied to mobile technology and consumer choice. She is a Principal Research Strategist on Qualtrics' Subject Matter Expert Team and has been nominated for ESOMAR Young Researcher of the Year Award 2014.

35 N Rio Grande
Salt Lake City, UT 84101
801-456-6700
www.cicerogroup.com

Client: John R. Lund
Client: Utah Bar Association
Phone: 801-536-6872

Date: July 11, 2017
Project Title: Services Research
E-mail: jlund@parsonsbehle.com

Services Research

BACKGROUND

The Utah Bar Association would like to provide its members with insights related to better designing and providing service offerings to individuals and small businesses in Utah who are likely underleveraging the professional expertise of lawyers. Specifically, the Utah Bar Association would like to better understand:

1. How individuals and small businesses perceive using a lawyer
2. When and how individuals utilize services of lawyers and what obstacles/perceptions prevent them from utilizing lawyers more effectively
3. What would cause individuals and small businesses to hire attorneys more often
4. How to innovate lawyers' service offerings

RESEARCH OBJECTIVES

Cicero will use the background as a backdrop to primary research – insights and final deliverables will be designed in a manner that enables the Utah Bar Association to inform its members regarding these key questions.

1. General Market Perceptions
 - a. Why do/don't people use lawyers?
 - b. What alternatives do people use if they choose not to use a lawyer?
 - c. How do people perceive lawyer engagement? Expensive, complicated, etc.?
2. Service Offerings
 - a. What packages are attractive to individuals and small businesses?
 - b. What about current offerings could be improved?
 - c. How would the market react to unique and innovative offerings (e.g., subscription services, etc.)?
 - d. What do people want from a lawyer?
 - e. What do they value the most?

RECOMMENDED APPROACH

Cicero recommends designing a sophisticated survey instrument to appropriately delve into the desired questions of interest. It is also recommended to sample a high number of Utah residents and small business decision makers so that various sub-segments will be reliably represented in the overall sample.

Methodology: Online Survey

1. Target samples:
 - a. General population: n=1,600
 - b. Small business decision makers: n=300
*Goal is to reach 50% of the sample via email only, and the other 50% via postcard
2. Recruit via online, mail and telephone
 - a. Online: participants will be emailed a personalized invitation to participate in the survey
 - b. Mail: participants will be mailed a personalized postcard invitation with instructions to access the survey online
 - c. Telephone: reminder telephone calls will be pursued for individuals not completing the survey with their initial email or postcard invitations

Survey Design and Programming: Cicero will implement an iterative process with the Utah Bar Association working team for feedback and insight regarding the development of the survey. The iterative process with the Utah Bar Association team will also be structured to ensure the answering of all research objectives.

Upon final approval of the survey questionnaire, Cicero will program the survey for online distribution. Prior to the launching of the survey, a series of pilot tests will be conducted to ensure all components of the survey are functioning properly. During this time, the Utah Bar Association working team will have ample opportunity to review the survey via a test link.

Survey Launch: Concluding the pilot tests, Cicero will conduct a soft-launch of the survey. The soft-launch will be sent to approximately 5% of the total sample. The soft-launch allows Cicero to fine tune specific aspects of the survey (e.g. flow, vocabulary, screening criteria, etc.) before being sent to all participants.

After confirming the survey is fully functional, Cicero will send an initial invitation to the entire sample. During this time, Cicero will monitor the progress of those responding to the survey and provide regular updates to the Utah Bar Association working team.

Output:

- a. A PowerPoint report presenting the insights and providing detailed answers to the research objectives, including the hypothetical market share of varying product combinations

PROJECT COSTS

The following project costs have been calculated assuming the project scope and methodology described in the proposal. If Utah Bar Association wishes to revise details of the proposal (e.g., sample size, types of analysis, recruiting or other considerations), Cicero Group reserves the right to adjust costs as needed – fees would not exceed the Total Project Fees described below unless the scope of the project is revised.

Project includes	Fee Description	Total
<ul style="list-style-type: none"> ▪ Project management <ul style="list-style-type: none"> ○ Ongoing collaboration with Utah Bar Association ○ Coordination of all logistics related to phase ▪ Strategic thought leadership throughout the project (including Cicero team members being available for conference meetings throughout the project) ▪ Survey questionnaire design ▪ Post-card invitation costs (printing and mailing) ▪ Telephone reminders ▪ Data collection, cleaning, and preparation ▪ Report development ▪ Team presentation 	Professional Services Survey design, programming, monitoring, analysis, and telephone reminders	\$35,000
	Survey Incentives Email Only Survey Participants n=800 general population (\$10 per) n=150 small business (\$30 per)	\$12,500
	Survey Incentives Postcard Participants (drawing for gift cards) n=800 general population (two \$100 gift cards) n=150 small business (two \$100 gift cards)	\$400
	Postcard Printing and Mailing Costs	\$7,000
	TOTAL	\$54,900

TIMELINE

Overall project	
Survey design and respondent logistics (Weeks 1-3)	<ul style="list-style-type: none"> Project kick-off with the Utah Bar Association team Identification of respondent pool Survey programming and logistics Pilot launch Assessment of pilot launch
Survey in field (Weeks 4-6)	<ul style="list-style-type: none"> Survey is fully launched Quantitative analysis and report development
Reporting & data analysis (Week 7-8)	<ul style="list-style-type: none"> Report on logistical outcomes of report Draft final report Data cleaning, preparing, analysis Report creation
Delivery (Week 9)	<ul style="list-style-type: none"> Final deliverables and presentation to Utah Bar Association

PROFESSIONAL ARRANGEMENTS

The project will be charged on Net-30 day terms. 50% of the project will be invoiced up-front and 50% of the project will be invoiced at the delivery of the final report.

Payment should be mailed to the following address:

Cicero Research, LLC
Accounts Receivable Department
35 N Rio Grande
Salt Lake City, UT 84101
Federal Tax ID#: 26-1190513

Additional Provisions

The parties agree to hold each other's Proprietary or Confidential Information in strict confidence. For purposes of this Contract, Proprietary or Confidential Information shall include all information or material which (i) is not publicly available; (ii) gives the owner of the information some competitive business advantage or opportunity of obtaining such advantage or disclosure of which could be detrimental to the interests of that party; and (iii) is marked "Confidential," "Restricted," or "Proprietary Information" or other similar marking or known by the parties to be considered confidential and proprietary. The parties agree not to make each other's Proprietary or Confidential Information available in any form to any third party or to use each other's Proprietary or Confidential Information for any purpose other than as specified in this Contract. Each party's Proprietary or Confidential Information shall remain the sole and exclusive property of that party. Notwithstanding the foregoing, Cicero shall maintain and have access to all data for normative and internal business purposes. Additionally, Cicero reserves the right to invite all study participants to volunteer their e-mail address in order to participate in future studies or focus groups.

Each party hereto shall indemnify and hold the other party harmless against any and all liabilities, losses, damages, judgments, claims, causes of action, and costs (including attorney fees and disbursements) which the other party may hereafter incur, suffer, or be required to pay, defend, settle, or satisfy as a result of the party's breach of any terms of this Contract or the party's violation of applicable law.

This Contract shall be deemed executed in and performable primarily in Salt Lake County, Utah. This Contract shall be governed by, and construed in accordance with, the substantive laws of the State of Utah, exclusive of the choice of law rules of that state.

Any suit between the parties that arises from this Contract or relates to the subject matter of this Contract must be filed in a state or federal court in Salt Lake County, Utah. The parties expressly submit to the jurisdiction of said courts for purposes of any litigation arising from or related to the Contract and expressly waive any rights they may have for venue to

lie elsewhere. If a party files suit in violation of this paragraph, the opposing party shall, upon motion to the court, be entitled to dismissal of the suit, and shall further be entitled to recover its reasonable attorneys' fees incurred in connection with the motion.

The parties shall submit any dispute between or among them to mediation with a mutually agreeable mediator at a mutually agreeable time and place. The parties will negotiate in good faith to choose a mediator and a time and place for the mediation, and will pay equal shares of the mediator's fee. Absent an emergency or other compelling circumstances, such mediation must be completed before, and as a condition precedent to, filing of any lawsuit that arises from this Contract or relates to the subject matter of this Contract.

In the event any party files a lawsuit against another party that arises from this Contract or relates to the subject matter of this Contract, the prevailing party in such action shall be entitled to recover, in addition to damages or other forms of relief, its reasonable attorneys' fees and costs incurred in connection therewith.

The foregoing paragraphs survive termination of this Contract.

This Contract and any amendment thereto may be executed in any number of counterparts and transmitted by facsimile or e-mail, and each counterpart executed and transmitted in such way shall be considered an original for all purposes and shall together constitute one and the same instrument.

The State of Utah does not require that this contract be signed by the Company in order for the terms of the contract to be effective. We will consider the terms in this letter to constitute the agreement between the Company and Cicero unless amended in writing by the Company.

TAB
4

Policy for Appointments of State Bar Delegates to the ABA House of Delegates and Reimbursement Policy

The control and administration of the ABA is vested in the House of Delegates, the policy-making body of the association. Pursuant to the ABA Constitution, the Utah State Bar appoints 3 "State Bar Association Delegates."¹ The ABA requires that one of the three State Bar Association Delegates be a representative of the Young Lawyers Division ("YLD").

TERM: The term of State Bar delegates is two years. It is the policy of the Utah State Bar Board of Bar Commissioners ("the Bar Commission") that Bar delegates may serve up to _____ consecutive two-year terms, or a maximum of _____ years. Former delegates may apply again for appointment after two years from the expiration of their last term.

REQUIREMENTS: State Bar delegates are expected to attend the ABA's Midyear and Annual meetings, and on occasion, to participate in conference calls. The delegates are also expected to report to the Commission regarding the work of the House of Delegates and highlights of the meetings.

State Bar delegates and the State delegate (together, "delegates") are expected to serve as *ex officio* members of the Bar Commission and attend Bar Commission meetings.

Delegates must be active members in good standing of the Utah State Bar.

Delegates must be members in good standing of the ABA and meet all eligibility requirements set forth by the ABA.

SELECTION PROCESS FOR THE TWO NON-YLD DELEGATES: The **August** before the end of a Bar delegate's term, the Bar Commission will solicit applications to fill the expiring delegate term by sending out a public notice to all members.

By **September 1** of the year in which there is an expiring term, interested Bar members must submit to the Bar Commission a letter expressing interest in and qualifications for serving as a Bar delegate.

At the **September or October** regularly scheduled Bar Commission meeting, the Bar Commission will review the letter submissions and select a Bar delegate by a majority vote of voting Commissioners. When selecting candidates for Bar delegate, the Bar Commission will consider all relevant factors including, but not limited to, a candidate's past service as a Bar Delegate in the interest of fostering continuity and experience, and an open application process that will encourage participation by a broad spectrum of eligible Bar members and foster a sense of transparency and fairness in the selection process.

¹ Utah also has one State Delegate who is elected by the state's ABA members.

SELECTION PROCESS FOR THE ABA YLD DELEGATE: Vacancies in the ABA Young Lawyer delegate position shall be filled by the YLD Board and the Utah Bar Commission. When a vacancy occurs, the YLD Board shall solicit letters of interest in the position from members of the Division. The YLD Board shall select from the letters submitted three (3) qualified nominees to the Utah Bar Commission for appointment to the ABA House of Delegates. Nominees for this position shall meet all eligibility requirements set forth by the American Bar Association.

The **August** before the end of the ABA Young Lawyer delegate's term, the YLD shall solicit applications from its members to fill the vacant YLD delegate seat by sending out a public notice to all YLD members.

By **September 1** of the year in which there is an YLD delegate vacancy, interested Bar members may submit to the YLD Board a letter expressing interest in and qualifications for serving as delegate. The YLD Board will select three candidates to forward to the Commission for final selection.

At the **September or October** regularly scheduled Commission meeting, the Commission will review the YLD's Board recommendations for the ABA Young Lawyer delegate position and approve the candidate by a majority vote of voting Commissioners.

ALTERNATE DELEGATES: If a State Bar delegate is unable to attend a meeting of the ABA House of Delegates, the Commission may certify an alternate delegate to serve for the one meeting the regular Bar delegate will be absent. As soon as the Commission becomes aware of the need for an alternate, it will solicit applications to serve as an alternate by sending out a public notice to all members. Interested candidates should submit a letter expressing interest in and qualifications for serving as an alternate. At the next regularly scheduled Commission meeting, or if necessary, by phone, the Bar Commission will review the letter submissions and select an alternate by a majority vote of voting Commissioners.

ABA rules for alternate delegates provide that "[e]ach state, territorial and local bar association, section and affiliated organization represented in the House may certify an alternate delegate to serve during the absence of any of its delegates at a meeting of the House. The alternate delegate's service is: (1) limited to that meeting of the House for which certified; (2) not counted in determining length of service in the House; and (3) not considered a lapse in service for the elected delegate." Certification of the alternate delegate must be completed before the roster is approved by the House. Once the roster is approved, no additional changes may be made.

REIMBURSEMENT FOR ALL DELEGATES: The Utah State Bar will reimburse delegates for travel expenses to ABA meetings or conferences only if those expenses are not covered by the ABA. Reimbursable expenses include:

1. Early, basic registration fees

2. Coach airfare purchased at least three weeks in advance of event
3. Lodging at meeting hotel or, if necessary, other reasonable lodging
4. Ground transportation to and from terminals and
5. A per diem for meals at the federal rate for the event city, less any per diem provided by the ABA.

Lodging will be reimbursed only for the days delegates must attend ABA meetings. Unless the delegate is required to attend additional days of meetings, lodging reimbursement is capped at 4 nights for the annual meeting and 3 nights for the midyear meeting.

Procedure for requesting reimbursement:

1. All requests for reimbursement must include a receipt.
2. All receipts should be submitted to the Bar's Finance Department within 60 days of the event.

TAB
5

**UTAH BAR COMMISSION MEETING
AGENDA ITEM**

Title: Select Bar Delegate to the ABA

Item # 2.6

Submitted by: John Baldwin

Meeting Date: November 16, 2017

ITEM/ISSUE:

The Bar Commission is seeking applicants to serve as one of the Bar's two representatives in the American Bar Association's House of Delegates. The term would run through the August 2019 ABA Annual Meeting.

The ABA House of Delegates meets two times a year during the ABA conventions. There will be some preparation work to review issues and communicate with the Bar Commission. The delegate is also an Ex-officio member of the Utah State Bar Commission.

APPLICANTS:

1. Erik A. Christiansen
2. Joshua Decker
3. Steven G. Jones
4. Megan M. Mustoe
5. Emily Sharp Rains

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X

Christy Abad

From: Erik A. Christiansen <EChristiansen@parsonsbehle.com>
Sent: Monday, October 23, 2017 3:47 PM
To: Christy Abad
Subject: ABA Delegate to House of Delegates
Attachments: Current Resume 4833-1259-4723 v.1.DOC

Dear Christy:

I would like to apply to serve as the Utah representative to the American Bar Association's House of Delegates. I will commit to attend the ABA's Midyear and Annual meetings and will participate in appropriate interim meetings and conference calls as needed.

I also will commit to communicate with and report to the Bar Commission and Bar on a regular basis, as well as attend regular Commission Meetings.

I have been very active in the ABA and understand the dynamics, functions and organization of the ABA. I understand that the most important function of the ABA is to further the interests of the profession.

I recently served as the Utah State Bar Alternate Delegate to the ABA House of Delegates in August 2017 at the Annual Meeting in New York City.

I am a Fellow of the American Bar Association Foundation, and was appointed to the ABA Fellows by the current national President of the ABA Fellows, Rew Goodenow.

I was appointed in October 2017 as a Contributing Editor of *Litigation News*, published by the Litigation Section of the American Bar Association, which reflects the more than 15-years of service I have provided to the ABA.

I have been actively engaged in the ABA Litigation Section since 2002, and have held the following leadership positions:

- Editor-in-Chief, *Coverage* magazine, published by the Insurance Coverage Litigation Committee of the ABA's Litigation Section (2007 to 2015).
- Co-Chair, Insurance Coverage Litigation Committee of the American Bar Association's Annual CLE Seminar in Tucson, Arizona, which more than 400 lawyers attended (2007).

I also have held the following leadership positions in the Utah State Bar:

- Secretary, Litigation Section of the Utah State Bar (2017-present)
- Chair, Utah Chapter, Federal Bar Association (2008-09)
- Chair, Utah State Bar, Securities Section, (2005-06)
- Executive Committee, Utah State Bar, Young Lawyers Division, 1996 - 1998
- Co-Chairman, Utah Bar Journal Committee, Utah State Bar, Young Lawyers Division, 1996 - 1997
- Voting Delegate, House of Delegates, American Bar Association Annual Meeting, Young Lawyers Division, August 1997

I also have spoken at many ABA meetings, including:

"Ten Things I Love & Hate About Insurance Companies and Insureds: The Latest On Coverage Dynamics", at the A.B.A. Section of Litigation's Annual Conference in Phoenix, Arizona on May 7, 2004.

I would consider it a great honor to represent the Utah State Bar in the ABA House of Delegates. I would work diligently to advance the interests of the profession and the Utah State Bar.

Thank you for your consideration.



A Professional
Law Corporation

Erik A. Christiansen • Shareholder

Parsons Behle & Latimer

201 South Main Street, Suite 1800 • Salt Lake City, Utah 84111
Main 801.532.1234 • Direct 801.536.6719 • Fax 801.536.6111

parsonsbehle.com • EChristiansen@parsonsbehle.com • vCard

CONFIDENTIALITY NOTICE:

This electronic mail message and any attachment(s) are confidential and may also contain privileged attorney-client information or work product. The message is intended only for the use of the addressee. If you are not the intended recipient, or the person responsible to deliver it to the intended recipient, you may not use, distribute, or copy this communication. If you have received the message in error, please immediately notify us by reply electronic mail or by telephone at 801.532.1234, and delete this original message.

ERIK ANTHONY CHRISTIANSEN

(801) 536-6719 (w)
 1825 Hubbard Avenue
 Salt Lake City, Utah 84108
echristiansen@parsonsbehle.com

PARSONS BEHLE & LATIMER

Shareholder
 Chair of Securities Litigation Practice Group
 February 1996 to Present
 One Utah Center
 201 South Main Street, Suite 1800
 P.O. Box 45898
 Salt Lake City, Utah 84145-0898
 Commercial litigation and securities litigation

STROOCK & STROOCK & LAVAN

Associate - November 1993 to December 1995
 2029 Century Park East
 Suite 1800
 Los Angeles, California 90067-3086
 Banking and securities litigation

MILBANK, TWEED, HADLEY & McCLOY

Associate - October 1990 to November 1993
 Summer Associate, Summer 1989
 601 South Figueroa Street
 Los Angeles, California 90017
 Banking and securities litigation

EDUCATION**University of Utah College Of Law**

Juris Doctor Degree, May 1990
 Articles Editor and Member of Editorial Board, Utah Law Review, 1989-90

University of Utah College of Humanities

M.A. English Candidate, August 1986-December 1989

University of Utah College of Social and Behavioral Sciences

B.A. Political Science, August 1987
 Minor: Philosophy

University of Utah College of Humanities

B.A. English, June 1986

LEGAL SERVICE

Contributing Editor, *Litigation News*, American Bar Association (2017-Present)

Utah State Bar, Litigation Section, Executive Committee, 2015-Present (Secretary, 2017-18)

Adjunct Professor of Law, S.J. Quinney College of Law, University of Utah, Spring 2016; Spring 2017 (Teaching Business Organizations, a 4-hour credit hour class).

Fellow, American Bar Foundation (2015-present)

Chair of the Utah State Securities Commission, 2009 to 2017 (appointed by Gov. Huntsman in 2009 and re-appointed by Gov. Herbert in 2013).

Utah State Bar, Litigation Section, Executive Committee, 2015-Present (Secretary, 2017-18)

Alternate Representative, ABA House of Delegates, selected by the Utah Bar Commission, ABA Annual Meeting, August 2017.

Editor-in-Chief, *Coverage* magazine, published by the ABA's Insurance Coverage Litigation Committee, 2007 to 2015

President, Utah Chapter, Federal Bar Association, 2008-09

Chair, University of Utah Board of Advisors for Undergraduate Education, 2009-11

Member, Constitution, Bylaws and Rules Committee of the National Chapter of the Federal Bar Association, 2006-09

Utah State Bar, Securities Section, Chair, 2005-06

President, University of Utah Young Alumni Board, 2000-02

Member, University of Utah College of Law, Board of Trustees, 1996-99

Martindale-Hubbell AV Preeminent Rating

Recognized in The Best Lawyers in America, Securities Litigation, since 2010

Recognized in Mountain States Super lawyers, Securities Litigation, since 2009

Recognized in Legal Elite, Utah Business magazine, various years.

Chair, Insurance Coverage Litigation Committee of the American Bar Association's 2007 CLE Seminar.

Board of Trustees, Utah Legal Aid Society, 2003-07

Regional Representative, Insurance Coverage Litigation Committee of the Section of Litigation of the American Bar Association, 2003-2004.

Co-Chair, Bad Faith Subcommittee of the Insurance Coverage Litigation Committee of the Section of Litigation, American Bar Association, 2002-2004.

Represented Sandis Prusis and the Latvian Olympic Committee in a case before the Court of Arbitration for Sport against the International Olympic Committee, where I overturned the decision of the IOC and was able to get Mr. Prusis reinstated so that he was able to compete in the 2002 Winter Olympic Games in Salt Lake City, Utah.

Represented Marie-Reine Le Gougne, the French Judge involved in the Pairs Figure Skating controversy during the 2002 Winter Olympic Games, in her disciplinary proceeding before the International Skating Union in Lausanne, Switzerland.

Selected as Olympic Pro Bono Counsel to represent athletes during the Salt Lake City Winter Olympic Games in February 2002 before the Court of Arbitration for Sport and the United States Olympic Committee.

Volunteer Special Counsel to the Salt Lake Olympic Organizing Committee for the 2002 Winter Olympic Games ("SLOC") in connection with media requests by *City Weekly* reporter Lynn Packer under SLOC's Open Records Policy.

Member, Convention Committee, Utah State Bar Annual Convention, Sun Valley, Idaho (2001).

Instructor, Institute for Paralegal Education, Effective Legal Writing For Paralegals, 1997 - 1999.

Member, Executive Committee, Utah State Bar Association, Young Lawyers Division, 1996 - 1998

Co-Chairman, Utah Bar Journal Committee, Utah State Bar Association, Young Lawyers Division, 1996 - 1997

Co-Chairman, Membership Support Network, Utah State Bar Association, Young Lawyers Division, 1997 - 1998

Voting Delegate, American Bar Association Annual Meeting, Young Lawyers Division, August 1997

Volunteer Staff Attorney on the Webster Commission, which was charged by the Los Angeles Police Commission with investigating the LAPD's response to the 1991 civil disturbance in Los Angeles.

COMMUNITY SERVICE

Board of Trustees, Utah Film Center, 2017-Present

President, Board of Trustees, UMOCA, 2006-09

President, Board of Trustees, Visit Salt Lake, 2013-14

CUAC, Board of Trustees, 2015-2017

Member, KRCL Board of Trustees, 2006-11

Member, KRCL Community Advisory Board, 2015-current

Member, Board of Trustees, International Sculpture Center, 2006-11

Gala Committee, Utah Arthritis Foundation, 2002 and 2003

Judge, The 2002 Philip C. Jessup International Law Moot Court Competition.

Member, Friends of the University of Utah English Department Committee, 1997 - 1998

PROFESSIONAL CERTIFICATIONS AND ORGANIZATIONS

Admitted to practice to the State Bar of California (1990) and to the State Bar of Utah (1996), as well as to the United States District Courts for the Central District of California, the Eastern District of California, the Southern District of California, the Northern District of California, the United States Court Of Appeals For The Ninth Circuit, the United States Court Of Appeals For The Tenth Circuit, the District of Arizona, the District of Utah and the United States Supreme Court. Member of the Salt Lake County Bar Association, the American Bar Association (Litigation, Administrative Law and Securities Litigation Sections) and the Securities and Litigation Sections of the Utah State Bar.

RECENT PUBLICATIONS

Author, Chapter on Common State and Federal Securities Law Violations, Utah Business Law for Entrepreneurs & Managers (Read, Dumke, Bartholomew and Clayton, Editors) and member of editorial board (book published by the Business Law Section of the Utah State Bar).

Utah Chapter, Insurance Bad Faith; A Compendium of State Law, published by the DRI Defense Library Series, in May 2004 and May 2011.

Technicolor Hats: The Dangers of Relying Solely on D&O Insurance to Protect In-House Counsel in Securities Litigation, January/February 2006, Coverage magazine, Vol. 16, No. 1.

Constitutional Limitations on Litigating Bad Faith Claims After State Farm Mutual Automobile Insurance Co. v. Campbell, May/June issue of the American Bar Association's Coverage

magazine (Vol. 13, No. 3). *Coverage* magazine is published by the ABA's Committee On Insurance Coverage Litigation.

Notable Rulings, Federal Bar Association Utah Chapter Newsletter, Vol. 4, Issue 2 (Oct. 2003).

SPEECHES

Speaker, "How to Develop Clients Starting Now: Tips for Lifelong Client Development And The Myriad of Career Opportunities for Business Law Lawyers" at the S.J. Quinney College of Law, Business Law Society, October 3, 2017.

Speaker, "Securities Litigation Update" at the Securities Section Annual Conference of the Securities Section of the Utah State Bar, at Little America, August 4, 2017.

Speaker, "A Carrot, A Stick & A Choice: Federal v. State Trade Secret Litigation," at the Utah Law & Justice Center, for the Utah State Bar Labor & Employment Section, May 25, 2017.

Speaker, What to Do With Big, Complex Cases? The New Third District Court Pilot Program for Tier 3 Cases, with Judges Ryan M. Harris, Barry G. Lawrence, and Andrew H. Stone at the Federal Courthouse, Utah State Bar Litigation Section, September 20, 2016.

Speaker, Shh! Don't Tell! The Federal Defend Trade Secrets Act, USA Power, and Other Major Developments in Trade Secret Law, with Timothy Conde and James Magleby, at the Federal Courthouse, Utah State Bar Litigation Section, August 3, 2016.

Speaker, To Compete or Not Compete. . . That Is The Question, Utah State Bar Litigation Section Breakfast Briefing, May 26, 2016.

Speaker, Update on Securities Litigation, Utah State Bar Securities Section Annual CLE, August 7, 2015.

Speaker, Trial Skills Academy, Faculty, Utah State Bar, Utah State Bar Litigation Section, May 26-27, 2015

Speaker, Ethical Considerations in Securities Enforcement, Utah State Bar Business Law Seminar, May 22, 2015

Speaker, Trial Academy, Faculty, Utah State Bar, Fall Forum, November 21, 2014

Speaker, Modern Securities Litigation and Halliburton, S.J. Quinney College of Law, March 17, 2014

Speaker, Securities Litigation Update, Utah State Bar Securities Section, February 21, 2014

Speaker, Best and Worst Discovery Practices, Utah State Bar, Litigation Section, October 7, 2011

Speaker, Update on Recent Significant Securities Decisions, Utah State Bar Securities Law Section, May 7, 2011

Speaker, Generating Content and Soliciting Authors, ABA Editor's Symposium, October 1, 2010

Speaker, Update on Recent Significant Securities Decisions, Utah State Bar Securities Law Section, August 20, 2010.

Speaker, Common Markers of Fraud, Fraud College, June 30, 2010.

Speaker, Developments in Federal Securities Fraud Litigation, Federal Bar Association, Southern Utah Event, October 23, 2009

Speaker, Pro Bono Service in the Federal Courts, Federal Bar Association's Tri-State Conference, October 10, 2009

Speaker, Recent Developments in Securities Litigation, Utah State Bar Securities Section, August 15, 2009

Speaker, Spoliation of Evidence in the Electronic World, Intermountain eDiscovery Conference, May 28, 2009

Speaker, Update on Recent Significant Securities Decisions, Utah State Bar, August 22, 2008

Speaker, Spoliation of Evidence, Lorman seminar, May 16, 2008

Speaker, Do's and Don'ts of Deals in Utah, Mountain West Capital Network lunch, December 13, 2007

Speaker, Discovery in Bad Faith Cases, Ethical Issues and the Tripartite Relationship, Lorman, September 19, 2007

Speaker, Private Securities Litigation in Utah, Utah State Bar, August 11, 2007

Speaker, Update on Recent Significant Securities Decisions, Utah State Bar, August 25, 2006

Speaker, First Party Bad Faith Claims, Lorman seminar, February 23, 2006

Speaker, D&O Coverage for In-House Counsel of Issuers of Securities, Utah State Bar, May 5, 2005

Speaker, Mold & Bad Faith Litigation, at the A.B.A.'s 2005 Insurance Coverage Litigation CLE Seminar in Tucson, Arizona on March 4, 2005.

Speaker, To Restate or Not to Restate: Handling A Disclosure Crisis, at the 27th Annual Securities Law Workshop of the Utah State Bar Association's Securities Section in Sun Valley, Idaho, on August 21, 2004.

Speaker, Ten Things I Love & Hate About Insurance Companies and Insureds: The Latest On Coverage Dynamics, at the A.B.A. Section of Litigation's Annual Conference in Phoenix, Arizona on May 7, 2004.

Speaker, Bad Faith Claims And ERISA: What's Next?, at the A.B.A.'s Insurance Coverage Litigation Committee's annual CLE Seminar in Tucson, Arizona on March 6, 2004.

Tool Box Lunch Discussion Leader, Bad Faith Claims, at the A.B.A.'s Tort Trial and Insurance Practice Section's 12th Annual Insurance Coverage Litigation Committee Midyear Program at the Fairmont Miramar Hotel, February 20, 2004, in Santa Monica, California.

Speaker, The Basics of Federal And State Securities Litigation, New Lawyer CLE, Utah State Bar Law & Justice Center, October 30, 2003.

Speaker, Recent Developments in Securities Litigation in the 9th and 10th Circuits, Utah State Bar Securities Section Annual Meeting, Jackson Hole, Wyoming, August 16, 2003.

Panelist, Plenary Session: Bad Faith Litigation After Campbell vs. State Farm Mutual Auto Insurance, presented at the American Bar Association's 2003 Insurance Coverage Litigation CLE Seminar in Tucson, Arizona on March 7, 2003.

Discussion Leader, Punitive Damages After White vs. Ford Motor Company, presented at the American Bar Association's 2003 Insurance Coverage Litigation CLE Seminar in Tucson, Arizona on March 7, 2003.

The Document Retention Requirements of the Sarbanes-Oxley Act of 2002, the Health Insurance Portability and Accountability Act, and Rule 26 of the Federal Rules of Civil Procedure, presented to 1100 people at the National Meeting of Iron Mountain Incorporated on February 6, 2003 in Orlando, Florida.

The Document Retention Requirements of the Sarbanes-Oxley Act of 2002, presented at the "Best of the West" regional meeting of Iron Mountain Records Management Corporation, a division of Iron Mountain Incorporated, on November 19, 2002 in Las Vegas, Nevada.

Recent Developments in Securities Class Action Litigation in the United States – Western Region, at the Center for International Legal Studies, Salzburg, Austria, October 11, 2002.

Legal Ethics of Olympic Proportion: Athlete Arbitrations at the Salt Lake 2002 Olympics, at Utah Valley State College on September 24, 2002.

Recent Developments In Securities Litigation In the Ninth and Tenth Circuits, Utah State Bar Securities Section Annual Meeting, Sun Valley, Idaho, August 2002.

D&O Lawsuits: Stories from the Trenches, T2M Technology To Market Summit 2001 Conference held at the Chateaux at Silver Lake at Deer Valley Ski Resort on December 6, 2001.

Recent Developments In Securities Litigation In the Ninth and Tenth Circuits, Utah State Bar Securities Section Annual Meeting, Jackson Hole, Wyoming, August 2001.

Recent Developments In Securities Litigation In the Ninth and Tenth Circuits, Utah State Bar Securities Section Annual Meeting, Sun Valley, Idaho, August 2000.

PERSONAL

Born July 31, 1963 in Iwakuni, Japan. Married to Christina Marie Jepson. Daughters, Adison Marie Christiansen (18), Kyra Marie Schmutz (18), Cate Olivia Christiansen (15), and Morgan Alexa Schmutz (7).

Joshua Decker

Address: 257 Nectar Way, Saratoga Springs, UT
Tel: (801) 473-6281 **E-mail:** joshd1978@hotmail.com

October 24, 2017

RE: American Bar Association Delegate

I am interested in the opportunity to serve as Utah's representative. My experience as an Administrative Law Judge has increased my skills conducting organized meetings, reaching logical conclusions, and considering the needs and concerns of opposing viewpoints. Much of the work I do each day is complicated and requires not only knowable of the law but sound logical reasoning. I would be a great representative for Utah to work with the ABA to ensure Utah's voice is heard.

In addition, from my past experience in both private practice and as government trial attorney, I understand the concerns of the parties as they navigate the court system and their daily business concerns.

Additionally, I have previous experience working with various stakeholders in creating and establishing specialty courts. For example, as a prosecutor in Idaho, I worked closely with other team members of the drug courts and mental health courts.

I enjoy the work I am doing and I am looking for an opportunity to use my leadership skills and expand my own development and this looks like a great fit with my many years of experience.

I look forward to the opportunity to candidly discuss how I can best assist the Utah State Bar in its mission.

Sincerely,

Joshua Decker

Joshua Decker

Address: 257 Nectar Way, Saratoga Springs, UT • **Tel:** (801) 473-6281
E-mail: joshd1978@hotmail.com

EXPERIENCE

Administrative Law Judge, Utah Labor Commission, July '16 to Present

STATE OF UTAH, Salt Lake City, Utah

- Preside over formal and complex litigation
- Rule on evidentiary issues and pretrial motions
- Issue subpoenas, conduct hearings, prepare written findings of fact and conclusions of law
- Member in good standing of the Utah State Bar
- Inactive status with the Idaho State Bar (Active status can be acquired by paying filing fee)

Associate Attorney, Myler Disability, Dec '10 to July '16

MYLER DISABILITY, American Fork, Utah

- Managed a caseload of up to 35 clients per month and evaluated the client's application for disability benefits. Presented and argued the case at an administrative hearing.
- Increased my ability to elicit testimony from witnesses including cross examination of medical and vocational experts.

Deputy Prosecutor, Bonneville County Prosecutor's Office, October '08 to Dec '10

BONNEVILLE COUNTY, Idaho Falls, Idaho

- Ability to communicate effectively, both orally and in writing, for purposes of advocating, persuading, negotiating, and counseling for or on behalf of the County.
- Extensive jury trial experience in preparation and presentation of witnesses, evidence, and persuasive arguments.

Deputy Prosecutor, Bingham County Prosecutor's Office, March '07 to October '08

BINGHAM COUNTY, Blackfoot, Idaho

- Similar duties and responsibilities as outlined above.
- Recommend appropriate sentences for juveniles in order to help them become accountable for their actions and work on their development.
- Effectively handled a large weekly caseload.

Intern, Senator Mike Crapo, Winter 2001

UNITED STATES SENATE, Washington D.C.

- Provided support research for the legislative staff.
- Drafted letters sent to Idaho constituents
- Conducted historical tours of the U.S. Capitol

EDUCATION

Juris Doctorate, May 2006

University of Idaho School of Law, Moscow, Idaho

- Member of the Federalist Society
- LexisNexis and Westlaw Certified
- Participant in the McNichols Appellate Advocacy Competition (Fall 2004)
- Participant in the Duberstein Bankruptcy Moot Court Competition (Spring 2006)

Bachelor of Arts, Political Science, April 2003

Brigham Young University, Provo, Utah

Associates of Arts, Criminal Justice, April 2000

Ricks College, Rexburg, Idaho

Continuing Education

- Computer Forensics, National Computer Forensic Institute, Hoover, AL
- Electronic Discovery and Traps for the Transactional Lawyer, Boise, ID
- Forensic Interviewing, Child Advocacy Center, Pocatello, ID
- Trial Advocacy, National Advocacy Center, Columbia, SC
- National Conference on Juvenile Justice, St. Louis, MO
- National Drug Court Institute, New Orleans, LA
- National Association of Admin Law Judiciary Conference, Salt Lake City, UT

VOLUNTEER EXPERIENCE

Volunteer Representative, 1997-1999,

CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, Calgary, Canada

- Expanded leadership, teamwork and communication skills.

Member, IOLTA Grant Committee, 2008-2010

IDAHO LAW FOUNDATION, BOISE, IDAHO

- Review grant proposals and recommend grant distribution.

Chartered Organization Representative (COR), 2009-2010

BOY SCOUTS OF AMERICA, GRAND TETON COUNCIL, IDAHO FALLS, IDAHO

- Adult leader over Cub Scout and Boy Scout local organization.
- Lead, train and conduct meetings for participating Scoutmaster and assistants, Pack leader and Den leaders.
- Represent the organization at the council level and determine budget and sign off on all expenditures.

INTERESTS

Auto Racing, Basketball, Running, Travel, Public Speaking, Religion, Politics, and Family



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

November 10, 2017

VIA E-MAIL AND U.S. MAIL

Christy Abad
 Executive Secretary
 UTAH STATE BAR
 645 South, 200 East
 Salt Lake City, Utah 84111

Re: Application for Utah State Bar Representative to ABA House of Delegates

Dear Ms. Abad:

This letter and the enclosed resume constitutes my application to serve as one of the Utah State Bar's representatives to the ABA House of Delegates. This is my second application for this position, having previously applied in July 2016 to fill the remaining term of Margaret Plane.

While I grew up in Logan and graduated with two degrees from Utah State University, I left Utah in 1985 for law school and spent the majority of my legal career in Seattle. I returned to Utah in 2013 to accept a position at Holland & Hart and became a member of the Utah Bar in 2014. In addition to my membership in the Utah Bar, I am also a member of the Washington (1990), Hawaii (1990) and Oregon (1992) bars and have been a member of the ABA since 1990.

I have been active in the ABA's Section on Energy, Environment and Natural Resources, having presented at the ABA's Annual Conference on Environmental Law in 2007, where I received the award for having prepared the Best Paper at the Conference. Prior to moving to Utah, I was active in the Washington State Bar, serving as both a member and the Chair of the Executive Committee of the Environmental and Land Use Section. I have been continuously listed in the Best Lawyers in America in both Environmental Law and Environmental Litigation since 2010, and in 2016 was named the Best Lawyers Lawyer of the Year in Environmental Law for the State of Utah.

I am currently an Adjunct Professor at the S.J. Quinney College of Law at the University of Utah, teaching Environmental Practice. Since joining the Utah Bar, I have provided pro bono service, actively participating in the Bar's Tuesday Night Bar program and am currently one of the named counsel representing the ACLU in a case filed in Third District Court seeking reform of the indigent defense system in the State of Utah.

Based on my past work in the ABA's SEER Section and my leadership positions in the Washington State Bar, I know that being effective as a member of the House of Delegates will entail a commitment far beyond attending the required meetings, and I am committed to expend the time and resources necessary to work with other Delegates and ABA representatives to advance the position of the Utah Bar within the national organization.

Holland & Hart LLP

Phone [801] 799-5800 **Fax** [801] 799-5700 www.hollandhart.com

222 South Main Street Suite 2200 Salt Lake City, UT 84101

Aspen Boulder Carson City Colorado Springs Denver Denver Tech Center Billings Boise Cheyenne Jackson Hole Las Vegas Reno Salt Lake City Santa Fe Washington, D.C. ☐



I would welcome the opportunity to speak with you about my interest in the position as a member of the House of Delegates. Please contact me if you have any questions about any of the information in this letter or my resume.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Steven G. Jones", with a long horizontal flourish extending to the right.

Steven G. Jones

Enclosures



Steven Jones

Of Counsel

222 South Main Street, Suite 2200, Salt Lake City, UT 84101

P 801.799.5828

sgjones@hollandhart.com

Steve has over 25 years of experience advising both companies and government agencies on a broad range of energy, environmental, and natural resources matters.

He is an Adjunct Professor at the University of Utah S.J. Quinney College of Law, where he teaches Environmental Practice.

Guidance in Environmental Matters: Steve assists public and private companies, including energy producers, both downstream and midstream oil & gas companies, municipalities, and mining companies with environmental compliance and permitting, the investigation and remediation of contaminated property, cost recovery, and insurance coverage for environmental issues.

Environmental Compliance Advisor: Steve has particular skill in dealing with the investigation, defense, and mitigation of pipeline releases and responding to enforcement orders issued by regulatory agencies, including the EPA, Utah DEQ, and the Pipeline Hazardous Materials Safety Administration. He also has expertise in both negotiating permitting issues and in defense of citizens suits brought under both the Clean Water Act and the Clean Air Act.

Prior to joining Holland & Hart, Steve was a partner at Marten Law in Seattle, Washington.

Steve frequently works with [Craig Galli](#), [Emily Schilling](#), [Ashley Peck](#), and [Amanda Smith](#).

EXPERIENCE

Environment, Energy, and Natural Resources Law

Clients in the private and public sectors engage Steve for a variety of environmental needs:

- Regulatory compliance
- Natural resource concerns
- Investigation and remediation of contaminated property
- Defense and response to enforcement orders
- Defense of citizen suit litigation

Environmental Compliance Law

Steve has represented clients in regulatory negotiations, as well as in trial

PRACTICES

Environmental and Natural Resources
Environmental Compliance and Enforcement
Environmental and Natural Resources Litigation
Linear Infrastructure

EDUCATION

Harvard Law School, J.D., 1989

University of Wales, University College,
Cardiff, M.A., 1987
With Honors

Utah State University, B.A., 1985
summa cum laude

BAR ADMISSIONS

Utah
Washington
Oregon
Hawaii

COURT ADMISSIONS

U.S. Court of Appeals for the Ninth Circuit
U.S. District Court for the District of Utah
U.S. District Court for the District of Oregon
U.S. District Court for the Eastern District of Washington
U.S. District Court for the Western District of Washington

and appellate cases before a wide range of administrative tribunals and in all levels of the state and federal courts:

- Environmental assessments
- Ongoing compliance advice
- Enforcement action defense
- Citizen suit defense

CLIENT RESULTS

Environment, Energy, and Natural Resources

Defense of major oil and gas producer before both state and federal regulatory agencies following pipeline failure, including penalty, restoration, and mitigation claims.

Defense of CAA citizen suit brought against geothermal plant operator.

Defense of NOVs alleging permit violations under federal, California and Hawaii Clean Air Act.

Defense of alleged NPDES permit violations for TDS associated with mining operations, including negotiation of consent order resolving violations.

Defense of claims for UIC violations in connection with manufacturing processes.

Review and analysis of permitting strategy associated with proposed coal export terminals in Pacific Northwest.

PUBLICATIONS

"The More Things Change, the More They Stay the Same?," *Holland & Hart News Update*, 3/21/2017

"Ninth Circuit Holds that Dispersing Contaminants Into the Air Does Not Constitute 'Disposal' under CERCLA," *Holland & Hart News Update*, 9/22/2016

"USFWS Lists Gunnison Sage-Grouse as a "Threatened Species" Under ESA," *Holland & Hart News Update*, 12/11/2014

SPEAKING ENGAGEMENTS

"Public Outreach in the Pre-Permitting Stages of a Transmission Project," *EUCI 10th Annual Best Practices in Public Participation for Transmission Projects*, 2016

"Response to Catastrophic Environmental Events," *Wallace Stegner Center Conference*, 2014

"Redefining Waters of the U.S.," *International Minerals Association – North America Annual Meeting*, 2014

RECOGNITION

- *The Best Lawyers in America*® Environmental Law, Litigation – Environmental, 2010-2018
- *The Best Lawyers in America*® Lawyer of the Year, Litigation – Environmental – Salt Lake City, 2017
- *Washington Law & Politics Magazine*, Super Lawyer, Environmental Litigation, 2004-2013

PROFESSIONAL AND CIVIC AFFILIATIONS

- Washington State Bar Environmental and Land Use Section, Past Chair of Executive Board
- American Bar Association, Section of Litigation and Real Property, Probate, and Trust Law, Member

Megan M. Mustoe

635 North Main Suite 681, Richfield Utah 84701 • (435)610-1431 • megan@mustoelaw.com

October 25, 2017

Dear Utah State Bar,

I am applying for the American Bar Association Delegate position. Currently, I am a solo practitioner in Richfield, Utah. I run a general practice with a focus on natural resources and land-use law.

During law school, I facilitated multi-stakeholder collaborations and mediations and learned the value and ability to discuss potentially high-conflict issues in a neutral, kind, and fair manner while maintaining my neutrality. This skillset would be used to maintain the Utah Bar's interests in the ABA and build meaningful relationships with other ABA delegates and ABA leadership.

Law was not my first profession but built on my prior career as an industry forester. As a forester, I managed clients, projects, contractors, and certification standards for investment companies. With this business experience and constant communication with clients and contractors within the framework of client satisfaction, conservation ethics, and business success, I learned the value of ethical advocacy and maintaining my company's reputation for responsible management decisions. As a delegate, I would use this skillset to further Utah State Bar's goals as a participant in the American Bar Association.

Lastly, as a new and rural Utah bar member, the American Bar Association Delegate position is an opportunity for a rural voice in the Utah State Bar to represent the unique challenges faced by rural attorneys in the state. Additionally, representing the Utah State Bar and the State of Utah would be a privilege and honor.

If I am offered this position, I will be ready to serve and balance the Utah State Bar and American Bar Association's interests and values.

Sincerely,



Megan M. Mustoe

Attorney, Mustoe Law

Megan M. Mustoe

635 North Main Suite 681, Richfield Utah 84701 • (435)610-1431 • megan@mustoelaw.com

EDUCATION

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

Juris Doctor, Certificate in Environmental and Natural Resources Law

May 2017

- *Fellowship*: David C. Williams Memorial Graduate Fellow: researched best practices for state-mandated county management plans in conjunction with federal land management regulations, statutes, and best practices.
- *Mediator*: Utah Court-Rostered Mediator, Domestic Mediator
- *Certificate of Service*: Pro Bono Initiative Volunteer
- *Candidate*: Student Bar Association President
- *Courses of Interest*: Water, Natural Resources, Administrative, Indian, Energy, Family, Trusts and Estates, Estate Planning Law

UNIVERSITY OF MISSOURI, Columbia, Missouri

B.S., Forestry, *cum laude*

December 2011

- *National Science Foundation Funded Researcher*: researched dendrochronology in relation to climate change and drought resistance through genetic modification; presented poster at the 2010 Ecological Society of America meeting
- *Recipient*: Americorps Volunteer and Education Award, Outstanding Senior Award in the Department of Forestry
- *Study Abroad*: New Zealand: studied unsubsidized agricultural and national resource management systems and markets

EXPERIENCE

Attorney - Owner, Mustoe Law, Richfield, Utah

Fall 2017 to Present

Operating a solo law practice focusing on natural resources and land-use law as well as meeting the community's legal needs.

Facilitator, Utah Riparian Forest Restoration Initiative, Salt Lake City, Utah

Spring 2016 – Spring 2017

Facilitated and coordinated state-wide collaboration for riparian forest management recommendations. Conducted confidential interviews, planned and organized meeting agendas, information, and presentations. Provided members with skills to effectively communicate various viewpoints and goals while finding common interests between all stakeholders.

Mustoe Mediation, Richfield, Utah

Summer 2017 – Fall 2017

Neutral mediation for domestic, probate, and natural resources disputes.

Fellow, Environmental Dispute Resolution Program, Salt Lake City, Utah

Fall 2015 – Spring 2017

Documented collaborative resource management plan proposals with intense and varied stakeholders and researched and analyzed litigation risks for grazing collaborations.

Law Clerk, John Green, Attorney at Law and Kirk Bennett, Attorney at Law, Salt Lake City, Utah

Fall 2016

Researched and drafted domestic law and probate litigation proceedings, wrote client letters explaining legal concepts, provided memorandums about contract law, domestic law, probate law, and trust litigation.

Judicial Intern, Utah Sixth District, Richfield, Utah

Summer 2016

Conducted legal research and drafted judicial opinions for trial court proceedings under Honorable Judges Lee and Bagley.

Law Clerk, United States Attorney's Office, District of Utah, Salt Lake City, Utah

Fall 2015

Determined case statutory status based on evidence provided by federal investigative agencies, analyzed criminal procedure for attorney's rapidly changing caseloads and within short deadlines, and thoroughly reviewed opposing council's motions for legal accuracy.

Law Clerk, Orscheln Management Co., Moberly, Missouri

Summer 2015

Drafted rental agreement clauses, contracts, employee handbook clauses, and client memoranda and compiled 50-state surveys about auctions, service letters, and end-of-life healthcare directives.

OTHER EXPERIENCE

Human Resources Assistant, University of Missouri Student Auxiliary Services, Columbia, Missouri

2013 – 2014

Developed and implemented job-skill trainings for transitioning employees, conducted 12-14 interviews per day to fill biannual seasonal employment of 120 positions, union-eligible positions, and ongoing positions, and collaboratively worked with colleagues to provide resources for current employees.

Forester, Larson & McGowin, Inc., Monticello, Arkansas

2012 – 2013

Simultaneously managed multiple timber projects from conception to completion. Managed contractors, interns, and budgets for clients. Created long-term planning for 100,000 acres of privately owned bottomland hardwood forests.

INTERESTS

Interest based negotiations, access to justice, rural economic development, community involvement, and enjoying Utah's outdoors.

Involved in Rotary International and the Utah Council on Conflict Resolution.

New member of Women Lawyers of Utah, Energy and the Natural Resources & Environmental Law Section and Solo, Small Firm, and Rural Practice Sections of the Utah Bar.

FROM THE DESK OF
EMILY SHARP RAINS, ESQ PLLC
LL.M. OF TAXATION

4760 SOUTH HIGHLAND DRIVE, #402
SALT LAKE CITY, UTAH 84117
TELEPHONE: 206.778.1330
FACSIMILE: 206.260.3114
E-MAIL: MAIL@EMILYRAINS.COM

October 26, 2017

SENT VIA EMAIL

Utah State Bar Commission
Attn: Christy Abad
645 South 200 East
Suite 108
Salt Lake City, Utah 84111

Re: Appointment of the ABA Delegate & Ex-Officio Commissioner Position

Dear Utah Bar Commission:

I am writing this letter in response to the email that was sent by Christy Abad earlier this week calling for applications for the appointment of the ABA Delegate & Ex-Officio Commissioner position for the Utah Bar Association. Please accept this letter and the accompanying curriculum vitae as my application for this position.

I am a very member active of the Utah Bar and really enjoy service work. My service work includes service to the Utah Bar and my community. Presently, I am at the tail end of a four-year term for the Business Section. Now, that my section work is nearing an end, I am looking for another service project with the Utah Bar and the ABA Delegate position would be a great fit for me. Below, I will discuss only my Utah Bar and ABA service work.

During my tenure with the Business Section, I led a planning committee, composed of past chairs, to prepare a strategic plan for the section, designed to increase member engagement and provide greater member value. The section Board is now implementing the strategic plan, which includes an interactive website, newly designed CLEs to meet the needs of not just small or solo business practitioners, but also large firm attorneys, government attorneys, and in-house counsel, access to third party services that provide premium forms and checklists for business practitioners, and a section forum.

Additionally, last legislative session, a colleague, Rustin Diehl, and I, established a legislative committee for the Business Section. This committee focuses on improving existing legislation and recommending new legislation designed to promote Utah as a business-friendly jurisdiction. The committee has been very active working on legislation and meeting legislators since its inception. Once the section website is up, legislative updates will be pushed to the website, using a feed method, with links to related materials to keep interested members timely updated.

This past May, I participated in an ABA leadership conference and really enjoy learning from other section leaders and bringing that knowledge back to our section. When I was in law school, I was

FROM THE DESK OF
EMILY SHARP RAINS, ESQ PLLC
LL.M. OF TAXATION

October 26, 2017

Page 2

an ABA Lt. Governor for the 15th Circuit (includes Utah) and had the opportunity to work with the ABA Delegates. I have reviewed the responsibilities outlined in the ABA Delegate handbook and feel confident in my ability to successfully perform the responsibilities required for this role.

I am active member of the Utah Bar and the ABA.

Thank you for considering me for the ABA Delegate and Ex-Officio Commissioner position. If you have any questions or for me, I can be reached at 206-778-1330 or emailed at erains@westminstercollege.edu.

Respectfully submitted by,

/s/Emily Sharp Rains

Cc:

EMILY SHARP RAINS
Curriculum Vitae, October 2017

Seattle: 3213 W. Wheeler Street, #367, Seattle, Washington 98199
 SLC: 3267 East 3300 South, #306, Salt Lake City, Utah, 84109
 Tel 206-778-1330 - Fax 206-260-3114
mail@emilyrains.com

EMPLOYMENT

Westminster College Bill and Vieve Gore School of Business

Assistant Professor August 2013 – present
 • Course assignments in MAcc graduate program and undergraduate curricula
 • Oversee Pro Bono Clinic (1st year - spring 2015)

Scayl.com

Chief General Counsel December 2013 – December 2015
 • Advise Chief Executive Officer and Board of Directors on a variety of legal matters including corporate governance, securities, taxation, employment, mergers and acquisitions, contracts and corporate strategy

Emily Sharp Rains, Esq. PLLC

December 2011 – present

Attorney (Solo)
 • Tax practice limited to complex business transactions, employee benefits, tax exempt organizations, corporations and s-corporations, reorganizations
 • Corporate practice limited to corporate governance, securities, and mergers and acquisitions
 Both practice areas overlap significantly since most business transactions trigger tax implications.

Rains Law Group, PLLC

December 2004 – December 2011

Attorney (Boutique)
 • Tax practice limited to employer securities transactions (other employee benefit issues), and employee benefits complex business transactions (involving corporations and s-corporations), employee benefits, tax exempt organizations, reorganizations
 • Corporate practice limited to corporate governance, securities, and mergers and acquisitions
 Both practice areas overlapped significantly since most business transactions triggered tax, securities and corporate law implications.

EDUCATION

LL.M of Taxation

University of Washington College of Law, Seattle, Washington 2003

Juris Doctor

University of Utah, S.J. Quinney College of Law, Salt Lake City, Utah 2003

Bachelors Linguistics/English

University of Utah, College of Humanities, Salt Lake City, Utah 2000

BAR ADMISSIONS AND PROFESSIONAL ASSOCIATIONS

Idaho (2009, inactive) Oregon (2009, active) Utah (2009, active) Washington (2004, active)
 Association of Attorney- Certified Public Accountants, American Bar Association JCEB

TEACHING SUBJECTS

Courses in Taxation: Basic Federal Income Tax, Corporate Tax, S-Corporation Taxation, Partnerships, IRS Practice and Procedure, Tax Accounting, Taxation of Intellectual Property and Intangible Assets, Tax Ethics, Tax Clinic

Other Courses: Business Law (Agency, Business Organizations, Contracts, Employment), Business Regulations, Accounting Ethics, Business Ethics, Mediation and Conflict Resolution, Negotiation and Persuasion

SCHOLARSHIP

WORKS IN PROGRESS

Sharp Rains, Emily, Snarr, Hal. Does Taxation, Size of Government, and Labor, Regulations at the State Level Affect Interstate Migration. Manuscript in preparation. Anticipated completion Fall 2017.

Sharp Rains, Emily, Snarr, Hal. Gender Differences in Policy-Induced Interstate Migration. Manuscript in preparation. Anticipated completion Fall 2017.

Sharp Rains, Emily. Taxation and Qualified Employer Securities Transactions. Manuscript in preparation. Anticipated completion Spring 2018.

CONFERENCES & PRESENTATIONS

Does Taxation, Size of Government, and Labor, Regulations at the State Level Affect Interstate Migration. Hal Snarr and Emily Sharp Rains, 54th Annual Missouri Valley Economic Association, October 26, 2017, Marriot Country Club Plaza, Kansas City, Missouri.

Gender Differences in Policy-Induced Interstate Migration. Hal Snarr and Emily Sharp Rains, 54th Annual Missouri Valley Economic Association, October 26, 2017, Marriot Country Club Plaza, Kansas City, Missouri.

Tax Ethics. Emily Sharp Rains, 2016 Westminster Tax Institute for CPAs, December 16, 2016, Westminster College, Gore auditorium.

Women in Leadership. Emily Sharp Rains, UACPA and Westminster Accounting Club, November 30, 2016, Salt Lake City, Utah.

Accounting for Lawyers: Financial Statements and Key Concepts. Emily Sharp Rains, Association of Corporate Counsel, November 11, 2016, Salt Lake City, Utah.

Tax Ethics: Negligence and CPAs. Emily Sharp Rains, UACPA, February 3, 2016, Park City, Utah.

Tax Ethics: Negligence and CPAs. Emily Sharp Rains, 2015 Westminster Tax Institute for CPAs, December 11, 2015, Westminster College, Gore auditorium.

Planned Gifts & Taxation. Emily Sharp Rains, Utah Planned Giving Roundtable, September 2, 2015, Little America, Salt Lake City.

Qualified Employer Securities Transactions and IRS Scrutiny. Emily Sharp Rains, IMA, June 16, 2015, Lion House, Salt Lake City.

Securities Law, Litigation and State and Federal Enforcement. Emily Sharp Rains (moderator), Utah Bar Business Section, May 22, 2015, Utah Center for Law & Justice.

IRAs: The Good, the Bad & the Ugly. Emily Sharp Rains, 2014 Westminster Tax Institute for CPAs, December 12, 2014, Westminster College, Gore auditorium.

Understanding ESOPs. Emily Sharp Rains, Utah Bar Business Section, December 9, 2014, Utah Center for Law & Justice.

ONLINE PUBLICATIONS

Organizational Success and Ethics. Emily Sharp Rains. Huffington Post: HuffPost Business. Article in preparation, Great Work Cultures Blog.

Organizational Success and Culture. Emily Sharp Rains. Huffington Post: HuffPost Business. June 2, 2015, Great Work Cultures Blog.

PUBLISHED INTERVIEWS FROM PUBLICATIONS/RADIO

Sharp Rains, Emily. Interview with Jasen Lee. Business Leaders Oppose Non-Compete Bill. Desert News: Business Section. March 1, 2016.

Sharp Rains, Emily. Interview with Jasen Lee. Trump Tax Plan. Desert News: Business Section. September 29, 2015. Replayed by NPR on September 29, 2015.

TESTIMONY

Utah. Cong. House. General Assembly. *House Bill 251: Prohibitions on Restrictive Post-Employment Covenants*. Hearings, March 4, 2016. 61st Legislature. (testimony presented by House Representative Mike Schultz).

ACADEMIC SERVICE

Business School Committees

Program Redesign (MACC Tax Track) (Fall 2017)

Curriculum Redesign (Taxation of Corporations, Partnerships and S-Corporations; Business Regulations, Accounting Ethics and Business Law) (Fall 2015)

Grant Preparation for Pro Bono Clinic (Fall 2015) (grant recipient in 2016 for 2017 and out years)

Center for Entrepreneurship Mentor (Fall 2013 – current)

Center for Organizational Culture (Fall 2014)

Business School Dean Search Committee (Fall 2014)

College-Wide Committees

Senate (Fall 2015-current)

Faculty Advisory Committee (Fall 2014)(ad hoc drafting of faculty manual)

OUTSIDE SERVICE

Utah Bar Association Business Section Board Executive (May 2014 – current)

Utah Bar Business Section Legislation Committee Chair (August 2016 – current)

Pro Bono – tax and business law matters (December 2004 – current)

SERVICE AWARDS AND OTHER HONORS

Mayoral Proclamation by Salt Lake County Mayor. Community Tax Services for Salt Lake County. January to April 26, 2015.

TAB
6

**UTAH BAR COMMISSION MEETING
AGENDA ITEM**

Title: Select Young Lawyer Delegate to the ABA

Item # 2.7

Submitted by: John Baldwin

Meeting Date: November 16, 2017

ITEM/ISSUE:

The Young Lawyers Division and the Utah State Bar Commission are seeking applicants to serve as the Young Lawyers Delegate in the American Bar Association's House of Delegates. The term would run through the August 2019 ABA Annual Meeting.

The ABA House of Delegates meets two times a year during the ABA conventions. There will be some preparation work to review issues and communicate with the Bar Commission. The delegate is also an Ex-officio member of the Utah State Bar Commission.

APPLICANTS:

1. Megan Mustoe
2. Chelsey E. Phippen
3. Bebe G. Vanek

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X

Megan M. Mustoe

635 North Main Suite 681, Richfield Utah 84701 • (435)610-1431 • megan@mustoelaw.com

October 25, 2017

Dear Utah State Bar Young Lawyers Division,

I am applying for the American Bar Association Young Lawyers Delegate position. Currently, I am a solo practitioner in Richfield, Utah. I run a general practice with a focus on natural resources and land-use law.

During law school, I facilitated multi-stakeholder collaborations and mediations and learned the value and ability to discuss potentially high-conflict issues in a neutral, kind, and fair manner while maintaining my neutrality. This skillset would be used to maintain the Utah Bar's interests in the ABA and build meaningful relationships with other ABA delegates and ABA leadership.

Law was not my first profession but built on my prior career as an industry forester. As a forester, I managed clients, projects, contractors, and certification standards for investment companies. With this business experience and constant communication with clients and contractors within the framework of client satisfaction, conservation ethics, and business success, I learned the value of ethical advocacy and maintaining my company's reputation for responsible management decisions. As a delegate, I would use this skillset to further Utah State Bar's goals as a participant in the American Bar Association.

Lastly, as a new and rural Utah bar member, the American Bar Association Young Lawyers Delegate position is an opportunity for a rural voice in the Utah Bar to represent the unique challenges faced by young rural attorneys in the state. Additionally, representing the Young Lawyers Division of the State of Utah would be a privilege and honor to represent the great state of Utah.

If I am offered this position, I will be ready to serve and balance the Utah State Bar, and Utah State Bar Young Lawyers Division, and American Bar Association's interests and values.

Sincerely,



Megan M. Mustoe

Attorney, Mustoe Law

Megan M. Mustoe

635 North Main Suite 681, Richfield Utah 84701 • (435)610-1431 • megan@mustoelaw.com

EDUCATION

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

Juris Doctor, Certificate in Environmental and Natural Resources Law

May 2017

- *Fellowship*: David C. Williams Memorial Graduate Fellow: researched best practices for state-mandated county management plans in conjunction with federal land management regulations, statutes, and best practices.
- *Mediator*: Utah Court-Rostered Mediator, Domestic Mediator
- *Certificate of Service*: Pro Bono Initiative Volunteer
- *Candidate*: Student Bar Association President
- *Courses of Interest*: Water, Natural Resources, Administrative, Indian, Energy, Family, Trusts and Estates, Estate Planning Law

UNIVERSITY OF MISSOURI, Columbia, Missouri

B.S., Forestry, *cum laude*

December 2011

- *National Science Foundation Funded Researcher*: researched dendrochronology in relation to climate change and drought resistance through genetic modification; presented poster at the 2010 Ecological Society of America meeting
- *Recipient*: Americorps Volunteer and Education Award, Outstanding Senior Award in the Department of Forestry
- *Study Abroad*: New Zealand: studied unsubsidized agricultural and national resource management systems and markets

EXPERIENCE

Attorney - Owner, Mustoe Law, Richfield, Utah

Fall 2017 to Present

Operating a solo law practice focusing on natural resources and land-use law as well as meeting the community's legal needs.

Facilitator, Utah Riparian Forest Restoration Initiative, Salt Lake City, Utah

Spring 2016 – Spring 2017

Facilitated and coordinated state-wide collaboration for riparian forest management recommendations. Conducted confidential interviews, planned and organized meeting agendas, information, and presentations. Provided members with skills to effectively communicate various viewpoints and goals while finding common interests between all stakeholders.

Mustoe Mediation, Richfield, Utah

Summer 2017 – Fall 2017

Neutral mediation for domestic, probate, and natural resources disputes.

Fellow, Environmental Dispute Resolution Program, Salt Lake City, Utah

Fall 2015 – Spring 2017

Documented collaborative resource management plan proposals with intense and varied stakeholders and researched and analyzed litigation risks for grazing collaborations.

Law Clerk, John Green, Attorney at Law and Kirk Bennett, Attorney at Law, Salt Lake City, Utah

Fall 2016

Researched and drafted domestic law and probate litigation proceedings, wrote client letters explaining legal concepts, provided memorandums about contract law, domestic law, probate law, and trust litigation.

Judicial Intern, Utah Sixth District, Richfield, Utah

Summer 2016

Conducted legal research and drafted judicial opinions for trial court proceedings under Honorable Judges Lee and Bagley.

Law Clerk, United States Attorney's Office, District of Utah, Salt Lake City, Utah

Fall 2015

Determined case statutory status based on evidence provided by federal investigative agencies, analyzed criminal procedure for attorney's rapidly changing caseloads and within short deadlines, and thoroughly reviewed opposing council's motions for legal accuracy.

Law Clerk, Orscheln Management Co., Moberly, Missouri

Summer 2015

Drafted rental agreement clauses, contracts, employee handbook clauses, and client memoranda and compiled 50-state surveys about auctions, service letters, and end-of-life healthcare directives.

OTHER EXPERIENCE

Human Resources Assistant, University of Missouri Student Auxiliary Services, Columbia, Missouri

2013 – 2014

Developed and implemented job-skill trainings for transitioning employees, conducted 12-14 interviews per day to fill biannual seasonal employment of 120 positions, union-eligible positions, and ongoing positions, and collaboratively worked with colleagues to provide resources for current employees.

Forester, Larson & McGowin, Inc., Monticello, Arkansas

2012 – 2013

Simultaneously managed multiple timber projects from conception to completion. Managed contractors, interns, and budgets for clients. Created long-term planning for 100,000 acres of privately owned bottomland hardwood forests.

INTERESTS

Interest based negotiations, access to justice, rural economic development, community involvement, and enjoying Utah's outdoors.

Involved in Rotary International and the Utah Council on Conflict Resolution.

New member of Women Lawyers of Utah, Energy and the Natural Resources & Environmental Law Section and Solo, Small Firm, and Rural Practice Sections of the Utah Bar.



10 EXCHANGE PLACE · FOURTH FLOOR · SALT LAKE CITY · UTAH 84111

801-521-3773 FAX 801-359-9004

ATTORNEYS AT LAW ESTABLISHED 1950

WWW.KIPPANDCHRISTIAN.COM

Chelsey E. Phippen

cphippen@kippandchristian.com

November 10, 2017

Via Email

Dani Cepernich
President, Young Lawyers Division
dnc@scmlaw.com

RE: YLD Delegate to the ABA

Dear Dani:

I am glad that Sarah let me know about the recent opening on the YLD Board. Prior to joining the Board, I was unaware of the extensive good that YLD does in the community. So far, I have found it rewarding to be involved in the service and to be able to get to know other young lawyers who want to make a difference. I look forward to being involved for the foreseeable future and hope that we are able to continue to work together.

My participation so far has made me realize that I would like to be further involved and contribute to YLD's impressive influence within the legal (and broader) community. As such, I would like to submit my name and resume for consideration for the YLD Delegate to the American Bar Association. My resume is attached here. I think that I would be able to contribute and provide excellent representation for the young lawyers of Utah.

Thank you for your work as President. I hope everything else is going well for you. As always, if you have any questions or concerns, please contact me.

Very truly yours,

KIPP AND CHRISTIAN, P.C.

A handwritten signature in black ink, appearing to read 'Chelsey E. Phippen', is written over the typed name.

Chelsey E. Phippen

CHELSEY E. PHIPPEN

cphippen@kippanandchristian.com · (801) 521.3773

PROFESSIONAL ASSOCIATIONS

Utah State Bar; Bar No. 13333

- Litigation, YLD and Tax Sections
- Fall Forum Planning Committee Member

Defense Research Institute

- Leadership and Promotion Committee Member

Utah Defense Lawyers Association; Member

EXPERIENCE

Kipp and Christian, P.C.; Salt Lake City, Utah; Associate Attorney**2015-Present**

- Acted as first chair jury trial to verdict.
- Appear for motion hearings and participate in oral argument.
- Conduct all facets of discovery and pleading phases of civil litigation.
- Participate in ADR and settlement negotiations.
- Acquisition of federal rehabilitation tax credits for historic buildings.

Huntsman Lofgran, PLLC; Salt Lake City, Utah; Associate Attorney**2012-2015**

- Acted as second chair in two full trials to verdict and evidentiary hearings.
- Awarded policy limits on MVA 3rd party and UIM policies.
- Participated in several mediations and settlement negotiations.
- Settled over \$3 million in taxes and administrative penalties.
- Acquisition of federal rehabilitation tax credits for historic buildings.

Bradley R. Helsten, P.C.; Salt Lake City, Utah; Associate Attorney**2010-2012**

- Entity formation and business contract drafting.
- Drafted purchase and sale agreements for commercial real estate transactions.
- Completed real estate contract due diligence including: survey, zoning and title policy acquisition.
- Created comprehensive estate plans.

Maersk Line, Limited; Norfolk, Virginia; Law Clerk**2008**

- Legal research and briefing for maritime and personal injury suits.

IRS, Enterprise Computing Center; Martinsburg, West Virginia; Intern**2006**

- Conducted monthly coordination and campus meetings.
- Facilitated emergency evacuation training.

United States Senate; Orrin G. Hatch; Washington D.C.; Intern**2005**

- Special assistant to the Judiciary Committee and Subcommittee on Intellectual Property.
- Attended and assisted in Senate confirmation hearings for Chief Justice John Roberts and Justice Samuel Alito.

EDUCATION

Regent University School of Law: Virginia Beach, Virginia**2010**

Juris Doctorate

- Student Ambassador
- Honor Council Member

Utah State University: Logan, Utah**2007**

Bachelor of Science: Law and Constitutional Studies

Minor: History

- Alumni Association Scholarship Recipient
- Student Alumni Association Executive Board
- Phi Alpha Theta History Honor Society and Pi Sigma Alpha Political Science Honor Society

Bebe Vanek

75 South 2000 East, RAB, Rm. 211, Salt Lake City, Utah 84112 – Cell: (909) 557-6417 – Email: bebevanek@ gmail.com

November 8, 2017

Executive Board
Young Lawyers Division
Attn: Dani Cepernich
Snow Christensen & Martineau
10 Exchange Place
Salt Lake City, UT 84111

Dear Executive Board:

I am writing to express my interest to serve as Utah's Young Lawyer Delegate ("Utah Delegate") to the American Bar Association House of Delegates. I am an ABA and Utah State Bar member in good standing and am currently President-Elect of the Utah Young Lawyers Division ("YLD"). Serving as YLD President and Utah Delegate concurrently will provide me the unique ability to represent the objectives and values of Utah YLD members and drive national ABA policy reflecting matters of local importance. I am interested in pursuing ABA leadership following my term as YLD President and am confident that serving in House of Delegates for the 2018-2020 Term will grant me the access and opportunity to build a network on a national level and become the first ABA Young Lawyers Division President from the State of Utah. Finally, my career as government attorney combined with my large professional network will enable me to maintain and build professional relationships with state bar leaders and fulfil the duties required by the House of Delegates.

During the YLD Assembly in August of this year, I watched the ABA Young Lawyers Division President express gratitude for the past year of hard work, personal, and professional fulfillment, as her term was coming to a close. I was inspired by the service projects she helped direct on a national scale and was moved by the mission she chose to advance through her presidency. I decided in that moment that I wanted to serve in ABA leadership and aspire to national leadership in the ABA. As the Utah Delegate, I will have exposure to other leaders and policy-makers in the ABA and can develop my foundation and network to pursue further ABA leadership. During my time in the YLD, I have served as Community Service Outreach Chair, Secretary and will become the President in July 2018. I have engaged Utah YLD members through planning a Fit2Practice CLE, Candy Cane Corner Service Project, judging the ABA Negotiation Competition, organizing the YLD Board Retreat, planning an intellectual property law CLE with WLU, and fundraising for the YWCA Over the Edge rappel. I plan to continue my commitment to leadership and service during my term as YLD President by maintaining our foundational programs, CLEs and networking opportunities offered by YLD, while developing a State-wide service project aimed at securing lactation rooms for women lawyers in Utah District courthouses. I hope to use the skills I have developed to serve young lawyers nationally and garner ABA support to promote the Courthouse Lactation Project on a national scale as ABA YLD President.

My role as YLD President will provide a unique opportunity to collect and represent values and objectives that are important to Utah YLD members. The ABA House of Delegates is responsible for establishing the ABA policy and position on professional and public issues. Serving concurrently as the YLD President and Utah Delegate will permit me to represent Utah's diverse young lawyers as a collective voice and drive change consistent with our shared goals. If selected, I would take a bi-annual survey of issues that are important to our members and use member responses to help shape the position I bring to the House of Delegates. I applied for a scholarship to attend the ABA Bar Leadership Institute in March 2018, and plan to

apply to the Utah State Bar Leadership Academy next year in an effort to continue to build my leadership skills and develop new ideas to engage YLD members. Additionally, I will have access to funding to attend the midyear and annual ABA conferences during my terms as YLD President and Immediate Past President, and if chosen to attend by the YLD Executive Board, I will not require additional funding from either YLD or Utah State Bar.

Finally, my legal career in government and public interest affords me a unique perspective of issues facing lawyers in these fields as well as a foundation to speak with people with diverse backgrounds and practice areas. My professional network includes a combination of public and private lawyers and I have maintained positive professional relationships with my colleagues, past and present. I value greatly the connections I have made through my past and current employment and professional activities and believe networking is key to professional success. Serving in the House of Delegates requires speaking to members of the Delegate's local state bar to educate members on the ABA's purpose and procedure, and Delegates are responsible for establishing and maintaining relationships with state bar leaders. I am capable of maintaining the professional relationships I have built and establishing new formal relationships with state bar leaders in furtherance of these goals.

In sum, I hope to receive your recommendation to be submitted for consideration to the Utah Bar Commission to serve as the Utah Young Lawyer Delegate to the ABA House of Delegates. I am uniquely qualified because of my professional experience, dedication to service, and aspiration to pursue national leadership in the ABA following my term as YLD President. Please do not hesitate to contact me if you have any questions or require additional information.

Kind regards,

A handwritten signature in black ink, appearing to read "BVanek". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Bebe Vanek

Bebe Vanek

75 South 2000 East, RAB, Rm. 211, Salt Lake City, Utah 84112 – Cell: (909) 557-6417 – Email: bebevanek@gmail.com

Bebe Vanek Platform Statement

As Utah's Young Lawyer Delegate to the ABA House of Delegates and YLD President I will collect and represent values and objectives that are important to Utah YLD members. Serving concurrently as the YLD President and Utah Delegate will permit me to represent Utah's young lawyers as a collective voice and drive change consistent with our shared goals. If selected, I would take a bi-annual survey of issues that are important to our members and use member responses to help shape the position I bring to the House of Delegates.

I have served as Community Service Outreach Chair, Secretary, President-Elect, and will lead as President of the YLD in July 2018. I will continue my dedication to leadership and service by maintaining YLD programs and CLEs while developing a special project aimed at securing lactation rooms for women lawyers in Utah District courthouses. I hope to serve young lawyers nationally and garner ABA support to promote the Courthouse Lactation Project as ABA YLD President.

My professional network includes a combination of public and private lawyers and I strive to maintain positive professional relationships with my colleagues, past and present. Serving in the House of Delegates requires speaking to members of the Delegate's local state bar to educate members on the ABA's purpose and procedure, and Delegates are responsible for establishing and maintaining relationships with state bar leaders. I am capable of maintaining the professional relationships I have built and establishing new formal relationships with state bar leaders in furtherance of these goals.

I hope to receive your support to serve as the Utah Young Lawyer Delegate to the ABA House of Delegates. I am uniquely qualified because of my professional experience, dedication to service, and aspiration to pursue national leadership in the ABA following my term as YLD President. Please do not hesitate to contact me if you have any questions or require additional information.

Bebe Grill Vanek

75 South 2000 East, RAB, Rm. 211, Salt Lake City, Utah 84112 – Cell: (909) 557-6417 – Email: bebevanek@gmail.com

PROFFESIONAL MEMBERSHIPS AND AFFILIATIONS

Utah State Bar, October 2013 – Present

Young Lawyers Division, President-Elect – Present; Secretary: 2016-2017

EDUCATION

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

J.D. May 2013, G.P.A.: 3.181

- ABA National Negotiation Competition Team, August 2012 – December 2012
- Women's Law Caucus, President, May 2011 – May 2012
- Minority Law Caucus, Coordinator: Kids' Court, May 2011 – May 2012
- CALI Award Recipient for Highest Grade in Estate Planning, Spring 2013

University of California, Santa Barbara, Santa Barbara, California

B.A., Black Studies, Highest Honors, June 2009; 4.0 GPA in Major

- Published in UCSB Journal for Black Studies: Grill, Bebe. "The Problem of Race and Pollution in the 21st Century: Environmental Racism in the Post-Fordist Regime." *Black Studies Review*, Fall 2009: 161-174. Print.
- UCDC Externship: National Fair Housing Alliance, 2008
- Reference Librarian Staff, UCSB Library, 2007-2009

PROFESSIONAL EXPERIENCE

University of Utah, Office of Sponsored Projects, Salt Lake City

Sponsored Projects Officer, Transactional Law, February 2017 – present

- Review, draft, and negotiate contracts for Clinical Trials to be conducted at the University of Utah

Utah Juvenile Defender Attorneys, Salt Lake City

Criminal Defense, Juvenile Justice, January 2016 – February 2017

- Provided legal services to indigent juveniles in delinquency proceedings

Office of the Guardian ad Litem, Matheson Courthouse, Salt Lake City, Utah; Salary: \$27.27/hour, 40 hours/week

Juvenile Justice, Child Welfare, October 2013 – January 2016

- Litigated family law and child welfare matters in court and mediation, and presented persuasive legal arguments

Utah Legal Clinic, Salt Lake City, Utah

Law Clerk, Civil Rights, Family Law and Estate Planning, August 2013 – October 2013

- Prepared documents for Federal and State Civil Rights litigation: deposition review, legal research and writing

Utah Attorney General's Office, State Agency Counsel, Salt Lake City, Utah

Law Clerk, May 2012 – September 2012

- Researched and drafted legal memoranda and legal documents for State Eminent Domain litigation

KUTV, Get Gephardt, Salt Lake City, Utah

Intern, Consumer Protection Division, May 2012 – August 2012

- Investigated consumer claims and produced television segments aimed to promote consumer awareness

Utah Legal Services, Community Legal Center, Salt Lake City, Utah

Civil Externship, Public Benefits, June 2011 – August 2011

- Drafted motions for appeal and supporting memoranda for Workforce Services disability and employment claims

INTERESTS

Vegetarian cooking, distance running, and my dogs: Panda Bear the pit bull mastiff and Hildy the blind dachshund

TAB
7

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

OCTOBER 6, 2017

LAW AND JUSTICE CENTER

In Attendance: President John Lund, President-elect H. Dickson Burton, Commissioners: Grace Acosta; John Bradley, Steven Burt, Kate Conyers, Heather Farnsworth, Mary Kay Griffin, Liisa Hancock, Michelle Mumford, Mark Morris, Herm Olsen, and Katie Woods.

Ex-Officio Members: Dean Robert Adler, Nate Alder, Julie Emery, Amy Fowler, Bebe Vanek, Sarah Starkey, Margaret Plane, Rob Rice, Jamie Sorenson, and Chris Wharton.

Not in Attendance: Cara Tangaro and Heather Thuet, Ex-Officio Members: Dean Gordon Smith and Angelina Tsu.

Also in Attendance: Executive Director John C. Baldwin, Assistant Executive Director Richard Dibblee and General Counsel Elizabeth A. Wright.

Minutes: 9:00 a.m. start

1. Focus Item.

1.1 Retreat Follow Up

- a. **Shelly Alcorn Post Event Report.** The Commission discussed the Commission retreat leader's report on the future of the practice of law. Among the topics discussed was how technology is and will continue to impact the delivery of legal services. John Baldwin provided a report on the steps involving technology and innovation that the Bar has already taken to meet the future of law practice.
- b. **Proposed Dan Jones Survey of Client's Views on Services.** The Commission discussed conducting a survey of clients to determine: (1) how individuals and small businesses perceive using a lawyer, (2) when and how clients utilize services of lawyers and what obstacles/perceptions prevent them from using lawyers more effectively, (3) what would cause individuals and small business to hire lawyers more often, and (4) how to innovate lawyer service offerings. **John Bradley moved that the Commission conduct the survey of legal clients after sending out an RFP for the survey. Grace Acosta seconded the motion which passed unopposed.**

2. President's Report

- 2.1 **Recognize Jeannine Timothy on 20 Year Employment Anniversary.** Bar staff joined the Commission in congratulating Jeannine for 20 years of employment with the Bar

providing consumers with assistance in resolving disputes with their attorneys and providing information to complainants and attorneys involved in the discipline process.

- 2.2 **Supreme Court Committee on ABA OPC Review.** John Lund explained the history of the ABA's review of and report on Utah's attorney discipline process. John Lund reported that the Supreme Court has established a committee to review the ABA's recommendations and to determine which are necessary and feasible to implement. Grace Acosta, Margaret Plane and Liisa Hancock volunteered to form a Bar Committee to review the ABA report to insure that the Bar is fully aware of the details of the report in order to be able to voice informed opinions regarding changes that may stem from the report. The Commission also decided to put a link to the ABA's report on the Bar's website.
- 2.3 **November 10th Fall Forum Report and Invitation.** John Lund reviewed the schedule for and highlights of the Fall Forum and encouraged Commissioners to register for the event.
- 2.4 **November 9th Utah Minority Bar Association Banquet Invitation.** Grace Acosta moved that the Bar sponsor a table at the UMBA Awards Banquet at the \$1600 scholarship level. Heather Farnsworth seconded the motion which passed unopposed.
- 2.5 **Retreat Follow Up on Assignments.**
 - a. **Awards Committee.** Heather Farnsworth reported that she and Herm Olsen will Co-Chair a committee to review all awards given by the Bar to make recommendations regarding the elimination of duplicative awards and standardize the process for nominations and selection. Heather and Herm will reach out to other Commission members to serve on the committee.
 - b. **Access to Justice Committee.** John Lund reported that he met with YLD President Dani Cepernich and NLTP Administrator Carrie Boren to make sure the Access to Justice Committee has new members who will continue to be dedicated to the important and good work of the Committee.
 - c. **New Employees.** John Baldwin introduced the Bar's new Communications Director Matthew Page and new Director of Professional Education Michelle Oldroyd.

3. Action Items

- 3.1 **Select Professionalism Award Recipient.** After a discussion of the nominees, Kate Conyers moved to select Linda Jones to receive the Professionalism award. Michelle Mumford seconded the motion which passed unopposed.

- 3.2 Select Community Member Award Recipient.** After a discussion of the nominees, **Mary Kay Griffin moved to select Marianna Di Paolo to receive the Community Member award. Heather Farnsworth seconded the motion which passed unopposed.**
- 3.3 Select Outstanding Mentor Award Recipients.** **Michelle Mumford moved to accept the NLTP Committee's recommendation that Julia Kyte and Leonor Perretta receive the Outstanding Mentor Award. Liisa Hancock seconded the motion which passed unopposed**
- 3.4 Select Outstanding Pro Bono Award Recipients.** **Kate Conyers moved to accept the Pro Bono Commission's recommendation that Rob Rice and Rod Snow receive the Outstanding Pro Bono Award. Heather Farnsworth seconded the motion which passed unopposed.**
- 3.5 Approve Audit Report.** Mary Kay Griffin explained relevant portions of the 2016-2017 fiscal year audit report to the Commission. **Grace Acosta moved to accept the auditor's report. Kate Conyers seconded the motion which passed unopposed. Grace Acosta moved that the Budget and Finance Committee study and report on designations for the Bar's undesignated funds. Mark Morris seconded the motion which passed unopposed.**
- 3.6 Approve Funding of Data Risk Assessment.** The Bar's auditors recommended that the Bar conduct a data risk assessment to determine vulnerability of the Bar's information systems and, if necessary, recommend enhancements to reduce the risk of losing critical data. The Bar's IT Director Lincoln Mead was present and reported on the Bar's current data security measures and additional measures scheduled to be implemented over the next three months. **Grace Acosta moved that the Bar hire a firm to conduct a data risk assessment. Mark Morris seconded the motion which passed unopposed.**
- 4. Information Item.**
- 4.1 Practice Portal and Web Site Report.** Rob Rice demonstrated the new Practice Portal that will be available for members to preview beginning October 16th. The new Bar website will also be available for preview that day. Members will be able to use "cards" in the Practice Portal to manage their membership obligations like licensing and CLE and to manage their practices with options like LawPay. Lincoln Mead will conduct a CLE at the Fall Forum to introduce the new service to members.
- 4.2 Report on Remote CLE.** Katie Woods reported on a year-long series of remote CLE's that will be presented by various sections on the first Monday of each month. The CLEs will be free and eligible for live CLE credit under Rule 14-410(c)(1) because they will be transmitted to attendees in courthouses across the state.
- 4.3 Report on New Education Director.** See 2.5c. above.

4.4 Report on Domestic Case Process Committee. Liisa Hancock reported on her work on a Court committee to streamline the domestic case process. The Committee made a number of proposals to the Judicial Council to make the process faster, easier and less expensive for those involved.

4.5 Announcement of Process to Select ABA Delegates. The Commission discussed the fact that two ABA Delegate positions are now available and the need for a written policy describing the application and selection process. Chris Wharton reported that the YLD Delegate is selected by YLD members who then recommend candidates to the Commission for a vote. General Counsel will draft a written policy describing both the YLD's selection procedures and those used by the Commission. Meanwhile, Both the Commission and the YLD will begin soliciting applications so Delegates can be chosen before the February ABA meeting.

5. Other Business.

6. Executive Session.

The meeting adjourned at 1:00 p.m.

Consent Agenda

1. Approved Minutes from the August 26, 2017 Commission Meeting.
2. Approve Admission of New Bar Applicants.

TAB
8

UTAH STATE BAR
Budget and Finance Committee
Highlights of the October 2017 Financial Statements

Member Services: Member Services YTD net spending is \$47k vs. budgeted net spending of \$71k. Lower net spending is due to higher than budgeted Bar Journal advertising revenue and lower than budgeted staff-related expenditures.

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 (6 months' operations)	\$3,200,000
Capital Replacement Reserve (equipment)	200,000
Capital Replacement Reserve (building)	<u>650,000</u>
Total	<u>\$4,050,000</u>
Estimated cash reserve at October 31, 2017	<u>\$3,800,000</u>

UTAH STATE BAR
Budget and Finance Committee
Highlights of the October 2017 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 Licensing late fees pushed Licensing revenue slightly over budget. Declining applicants to the Bar continue to impact Admissions revenue, the NLTP and now Licensing as well.

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

	Actual	Budget	Fav(unfav) \$ Variance	Fav(unfav) % Variance
YTD revenue	5,137,940	5,118,461	19,479	0%
YTD expenses	2,293,609	2,302,457	8,848	0%
YTD net profit	2,844,332	2,816,004	28,328	1%

YTD net profit is \$2.8 million, which is \$28,000 (1%) ahead of budget. YTD revenue is slightly ahead of budget mainly due to higher than budgeted Summer Convention revenue and interest income. YTD expenses are right at budget. Lower spending in OPC and Members Services is partially offset by over spending on the Summer Convention.

YTD Net Profit –Cash Basis: Adding back year-to-date depreciation expense of \$78,000 and deducting capital expenditures of \$45,000, the cash basis year-to-date net profit is approximately \$33,000 higher.

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

Admissions: YTD Admissions revenue is \$141,000, which is \$23k (14%) below budget due mainly to declining exam fees. Expenses are \$193,000, or \$4,000 (2%) under budget which is largely a timing issue.

Summer Convention: YTD net profit is \$8k which is approximately \$10k below budget. Though revenue from the convention was \$29k higher than budgeted due to higher than expected attendance, expenses also exceeded budget by roughly \$39k. It is estimated that an additional \$20,000 in staff and overhead expenses will be incurred throughout the remainder of the fiscal year bringing the total net loss for the fiscal year closer to \$12,000.

Fall Forum: Fall Forum's revenue is behind what was projected through October (71% of YTD budgeted revenue, 53% of the total budgeted revenue), but could be made up in November as the event approaches. Expenses are expected to end up close to budget.

Utah State Bar Income Statement October 31, 2017

	Actual Oct-16	Actual Oct-17	Budget Oct-17	Fav (Unfav) variance	% of Budget	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue												
Licensing	22,030	27,255	21,215	6,040	128%	4,088,103	4,199,815	4,183,902	15,913	100%	4,331,399	97%
Admissions	78,075	70,650	82,566	(11,916)	86%	156,851	140,695	163,699	(23,004)	86%	473,405	30%
NLTP	-	600	-	600	-	25,500	25,350	25,902	(552)	98%	72,434	35%
OPC	100	300	67	233	448%	1,080	1,454	724	730	201%	12,000	12%
CLE	49,539	27,829	36,973	(9,144)	75%	191,617	166,560	174,558	(7,998)	95%	570,000	29%
Summer Convention	1,100	110	1,513	(1,403)	-	187,315	282,740	253,618	29,122	111%	257,000	110%
Fall Forum	57,351	43,635	52,446	(8,811)	83%	90,681	59,090	83,235	(24,145)	71%	111,000	53%
Spring Convention	-	-	-	-	-	450	-	395	(395)	0%	147,200	0%
Member Services	1,515	2,177	1,554	623	140%	125,758	133,567	126,665	6,902	105%	226,798	59%
Public Services	725	1,210	799	411	151%	4,035	4,830	4,485	345	108%	17,336	28%
Bar Operations	6,348	15,533	9,278	6,255	167%	23,257	52,317	26,880	25,437	195%	85,569	61%
Facilities	26,881	21,870	26,450	(4,580)	83%	75,344	71,522	74,398	(2,876)	96%	257,979	28%
Total Revenue	243,663	211,169	232,861	(21,692)	91%	4,969,990	5,137,940	5,118,461	19,479	100%	6,562,120	78%
Expenses												
Licensing	8,351	7,589	9,762	2,173	78%	35,517	38,749	41,340	2,591	94%	114,999	34%
Admissions	61,797	34,196	28,636	(5,560)	119%	192,081	192,725	196,377	3,652	98%	490,501	39%
NLTP	6,262	3,784	5,340	1,556	71%	28,646	24,077	25,030	953	96%	78,015	31%
OPC	109,798	106,755	114,054	7,299	94%	447,973	450,477	468,897	18,420	96%	1,388,385	32%
CLE	35,668	49,122	41,680	(7,442)	118%	115,790	135,556	140,575	5,019	96%	552,826	25%
Summer Convention	1,145	738	1,339	601	55%	193,699	274,745	236,003	(38,742)	116%	257,201	107%
Fall Forum	50,713	7,850	15,127	7,277	52%	60,126	20,010	24,161	4,151	83%	111,312	18%
Spring Convention	1,079	2,060	1,185	(875)	174%	6,295	5,756	7,008	1,252	82%	129,439	4%
Member Services	45,420	43,770	49,501	5,731	88%	186,825	180,154	197,960	17,806	91%	657,325	27%
Public Services	31,942	31,542	35,000	3,458	90%	195,887	193,461	196,467	3,006	98%	471,416	41%
Bar Operations	116,205	126,051	121,934	(4,117)	103%	552,162	619,558	605,537	(14,021)	102%	1,627,662	38%
Facilities	50,567	39,276	45,163	5,887	87%	160,956	158,220	163,102	4,882	97%	548,265	29%
Total Expenses	518,947	452,732	468,721	15,989	97%	2,175,958	2,293,489	2,302,457	8,968	100%	6,427,346	36%
Net Profit (Loss)	\$ (275,284)	\$ (241,563)	\$ (235,860)	\$ (5,703)	102%	\$ 2,794,032	\$ 2,844,452	\$ 2,816,004	\$ 28,448	101%	\$ 134,774	2111%
Depreciation	18,978	19,741	20,317	576	97%	75,467	78,305	80,784	2,479	97%	250,930	
Cash increase (decrease) from operations	(256,306)	(221,822)	(215,543)	(6,279)	119%	2,869,499	2,922,757	2,896,788	25,969	101%	385,704	
Changes in operating assets/liabilities	(134,936)	(187,255)	(187,255)	-	72%	(2,351,147)	(3,079,314)	(3,079,314)	-	100%	20,000	
Capital expenditures	(2,115)	(6,024)	(11,000)	4,976	19%	(23,348)	(44,811)	(44,000)	(811)	102%	(132,000)	
Net change in cash	\$ (393,357)	\$ (415,102)	\$ (413,798)	\$ (1,303)	100%	\$ 495,003	\$ (201,368)	\$ (226,526)	\$ 25,158	89%	\$ 273,704	-74%

**Utah State Bar
Licensing
October 31, 2017**

	Actual Oct-16	Actual Oct-17	Budget Oct-17	Fav (Unfav) variance	% of Budget
Revenue					
4010 · Section/Local Bar Support fees	-	-	-	-	-
4021 · Lic Fees > 3 Years	8,925	11,895	9,160	2,735	130%
4022 · Lic Fees < 3 Years	1,000	500	1,028	(528)	49%
4023 · Lic Fees - House Counsel	425	-	436	(436)	0%
4025 · Pro Hac Vice Fees	2,750	7,000	3,003	3,997	233%
4026 · Lic Fees - Inactive/FS	(750)	(750)	(775)	25	97%
4027 · Lic Fees - Inactive/NS	1,575	525	1,609	(1,084)	33%
4029 · Prior Year Lic Fees	-	-	-	-	-
4030 · Certs of Good Standing	2,070	2,660	2,099	561	127%
4095 · Miscellaneous Income	35	25	32	(7)	78%
4096 · Late Fees	6,000	5,400	4,623	777	117%
Total Revenue	22,030	27,255	21,215	6,040	128%
Expenses					
Program Services	-	-	-	-	-
Salaries & Benefits	4,951	3,871	6,343	2,472	61%
General & Administrative	2,938	3,259	2,930	(329)	111%
Building Overhead	462	459	489	30	94%
Total Expenses	8,351	7,589	9,762	2,173	78%
Net Profit (Loss)	\$ 13,679	\$ 19,666	\$ 11,453	\$ 8,213	172%

**Utah State Bar
Admissions
October 31, 2017**

	Actual Oct-16	Actual Oct-17	Budget Oct-17	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	11,550	10,300	11,894	(1,594)	87%	27,800	21,300	28,628	(7,328)	74%	147,900	14%
4002 - Admissions - Attorney Exam Fees	17,700	12,500	19,951	(7,451)	63%	33,550	23,125	37,817	(14,692)	61%	65,433	35%
4003 - Admissions - Retake Fees	24,600	13,500	26,166	(12,666)	52%	34,300	21,800	36,484	(14,684)	60%	58,395	37%
4004 - Admissions - Laptop Fees	12,000	8,700	12,611	(3,911)	69%	19,950	15,750	20,966	(5,216)	75%	69,360	23%
4006 - Transfer App Fees	-	-	-	-	-	400	400	441	(41)	91%	2,040	20%
4008 - Attorney - Motion	1,700	12,550	1,631	10,919	769%	26,350	39,450	25,283	14,167	156%	76,806	51%
4009 - House Counsel	1,700	4,250	1,595	2,655	266%	5,100	9,350	4,785	4,565	195%	19,941	47%
4095 - Miscellaneous Income	125	100	125	(25)	80%	701	770	702	68	110%	1,530	50%
4096 - Late Fees	8,700	8,750	8,593	157	-	8,700	8,750	8,593	157	-	32,000	27%
Total Revenue	78,075	70,650	82,566	(11,916)	86%	156,851	140,695	163,699	(23,004)	86%	473,405	33%
Expenses												
Program Services	35,890	5,901	2,111	(3,790)	280%	77,627	72,585	78,828	6,243	92%	139,556	52%
Salaries & Benefits	22,637	25,349	23,497	(1,852)	108%	102,137	109,247	106,058	(3,189)	103%	308,650	35%
General & Administrative	2,482	2,164	2,192	28	99%	9,072	7,727	8,090	363	96%	31,480	25%
Building Overhead	787	783	836	53	94%	3,245	3,165	3,401	236	93%	10,815	29%
Total Expenses	61,797	34,196	28,636	(5,560)	119%	192,081	192,725	196,377	3,652	98%	490,501	39%
Net Profit (Loss)	\$ 16,278	\$ 36,454	\$ 53,930	\$ (17,476)	68%	\$ (35,230)	\$ (52,030)	\$ (32,678)	\$ (19,352)	159%	\$ (17,096)	304%

Utah State Bar

NLTP

October 31, 2017

Revenue		Actual Oct-16	Actual Oct-17	Budget Oct-17	Fav (Unfav) variance	% of Budget	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
4020 · NLTP Fees		-	600	-	600	-	25,500	25,350	25,902	(552)	98%	73,134	35%
4200 · Seminar Profit/Loss		-	-	-	-	-	25,500	25,350	25,902	(552)	98%	(700)	-
Total Revenue		-	600	-	600	-	25,500	25,350	25,902	(552)	98%	72,434	35%
Expenses		-	-	-	-	-	1,849	1,948	2,196	248	89%	8,669	22%
Program Services		-	-	-	-	-	22,699	18,014	18,829	815	96%	57,259	31%
Salaries & Benefits		5,521	3,079	4,617	1,538	67%	2,113	2,179	2,056	(123)	106%	5,880	37%
General & Administrative		260	225	244	19	92%	1,985	1,937	1,949	12	99%	6,207	31%
Building Overhead		482	479	479	0	100%	28,646	24,077	25,030	953	96%	78,015	31%
Total Expenses		6,262	3,784	5,340	1,556	71%	28,646	24,077	25,030	953	96%	78,015	31%
Net Profit (Loss)		\$ (6,262)	\$ (3,184)	\$ (5,340)	\$ 2,156	60%	\$ (3,146)	\$ 1,273	\$ 872	\$ 401	146%	\$ (5,581)	-23%

Utah State Bar

OPC

October 31, 2017

		Actual Oct-16	Actual Oct-17	Budget Oct-17	Fav (Unfav) variance	% of Budget	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue													
4095 · Miscellaneous Income	100	-	300	67	233	448%	1,080	1,454	724	730	201%	2,000	73%
4200 · Seminar Profit/Loss	-	-	-	-	-	-	-	-	-	-	-	10,000	0%
Total Revenue	100	100	300	67	233	448%	1,080	1,454	724	730	201%	12,000	12%
Expenses													
Program Services	8,547	1,435	8,074	6,639	18%		17,404	10,676	20,392	9,716	52%	32,119	33%
Salaries & Benefits	88,111	91,961	92,393	432	100%		373,433	382,816	390,090	7,274	98%	1,172,899	33%
General & Administrative	6,219	6,479	6,251	(228)	104%		28,615	29,164	28,528	(636)	102%	88,303	33%
Building Overhead	6,921	6,880	7,336	456	94%		28,522	27,821	29,887	2,066	93%	95,064	29%
Total Expenses	109,798	106,755	114,054	7,299	94%		447,973	450,477	468,897	18,420	96%	1,388,385	32%
Net Profit (Loss)													
							\$ (446,893)	\$ (449,023)	\$ (468,173)	\$ 19,150	96%	\$ (1,376,385)	33%

**Utah State Bar
CLE
October 31, 2017**

	Actual Oct-16	Actual Oct-17	Budget Oct-17	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	5,000	-	7,592	(7,692)	0%	6,000	-	8,461	(8,461)	0%	25,000	0%
4054 · Meeting - Material Sales	-	-	-	-	-	-	-	-	-	-	-	-
4081 · CLE - Registrations	37,733	19,917	22,548	(2,631)	88%	115,900	94,872	104,019	(9,148)	91%	450,000	21%
4082 · CLE - Video Library Sales	6,795	4,480	6,733	(2,253)	67%	63,360	68,070	62,078	5,992	110%	105,000	65%
4084 · Business Law Book Sales	(39)	3,432	-	3,432	-	4,956	3,619	-	3,619	-	-	-
4095 · Miscellaneous Income	50	-	-	-	-	50	-	-	-	-	-	-
4200 · Seminar Profit/Loss	-	-	-	-	-	1,350	-	-	-	-	(10,000)	0%
Total Revenue	49,539	27,829	36,973	(9,144)	75%	191,617	166,560	174,558	(7,998)	95%	570,000	29%
Expenses												
Program Services	19,525	26,450	22,417	(4,033)	118%	54,201	61,791	67,477	5,686	92%	316,615	20%
Salaries & Benefits	11,169	16,222	14,090	(2,132)	115%	37,596	45,996	50,621	4,625	91%	160,723	29%
General & Administrative	3,056	4,524	3,073	(1,451)	147%	16,202	20,026	13,999	(6,027)	143%	49,235	41%
Building Overhead	1,918	1,925	2,100	175	92%	7,791	7,744	8,478	734	91%	26,253	29%
Total Expenses	35,668	49,122	41,680	(7,442)	118%	115,790	135,556	140,575	5,019	96%	552,826	25%
Net Profit (Loss)	\$ 13,870	\$ (21,293)	\$ (4,707)	\$ (16,586)	452%	\$ 75,827	\$ 31,004	\$ 33,983	\$ (2,979)	91%	\$ 17,174	181%

**Utah State Bar
Summer Convention
October 31, 2017**

		Actual Oct-16	Actual Oct-17	Budget Oct-17	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		1,100	110	1,513	(1,403)	-	154,915	234,820	213,118	21,702	110%	216,500	108%
4052 · Meeting - Sponsor Revenue		-	-	-	-	-	20,000	20,550	25,000	(4,450)	82%	25,000	82%
4053 · Meeting - Vendor Revenue		-	-	-	-	-	10,600	13,100	12,000	1,100	109%	12,000	109%
4055 · Meeting - Sp Ev Registration		-	-	-	-	-	1,800	14,270	3,500	10,770	408%	3,500	408%
Total Revenue		1,100	110	1,513	(1,403)	-	187,315	282,740	253,618	29,122	111%	257,000	110%
Expenses													
Program Services		530	176	523	347	34%	166,494	238,439	203,759	(34,679)	117%	206,600	115%
Salaries & Benefits		364	325	565	240	58%	12,490	18,202	19,320	1,118	94%	35,200	52%
General & Administrative		58	46	48	2	95%	13,921	17,330	12,095	(5,235)	143%	12,754	136%
Building Overhead		193	192	203	11	94%	794	775	829	54	93%	2,647	29%
Total Expenses		1,145	738	1,339	601	55%	193,699	274,745	236,003	(38,742)	116%	257,201	107%
Net Profit (Loss)		\$ (45)	\$ (628)	\$ 174	\$ (802)	-361%	\$ (6,384)	\$ 7,995	\$ 17,615	\$ (9,620)	45%	\$ (201)	-3978%

**Utah State Bar
Fall Forum
October 31, 2017**

		Actual Oct-16	Actual Oct-17	Budget Oct-17	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		52,251	39,285	49,224	(9,939)	80%	81,181	51,215	76,478	(25,263)	67%	101,000	51%
4052 · Meeting - Sponsor Revenue		1,000	-	-	-	-	1,000	-	-	-	-	-	#DIV/0!
4053 · Meeting - Vendor Revenue		3,875	4,350	3,222	1,128	135%	8,125	7,875	6,757	1,118	117%	10,000	79%
4055 · Meeting - Sp Ev Registration		225	-	-	-	-	375	-	-	-	-	-	-
Total Revenue		57,351	43,635	52,446	(8,811)	83%	90,681	59,090	83,235	(24,145)	71%	111,000	53%
Expenses													
Program Services		44,094	5,000	9,000	4,000	-	44,094	10,813	9,000	(1,813)	-	83,715	13%
Salaries & Benefits		176	595	169	(426)	352%	3,559	3,110	3,453	343	90%	13,000	24%
General & Administrative		6,251	2,064	5,755	3,691	36%	11,680	5,313	10,879	5,566	49%	11,950	44%
Building Overhead		193	192	203	11	94%	794	775	829	54	93%	2,647	29%
Total Expenses		50,713	7,850	15,127	7,277	52%	60,126	20,010	24,161	4,151	83%	111,312	18%
Net Profit (Loss)		\$ 6,638	\$ 35,785	\$ 37,319	\$ (1,534)	96%	\$ 30,555	\$ 39,080	\$ 59,074	\$ (19,994)	66%	\$ (312)	-12526%

**Utah State Bar
Spring Convention
October 31, 2017**

		Actual Oct-16	Actual Oct-17	Budget Oct-17	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	-	-	-	-	-	450	-	395	(395)	0%	115,000	0%
	4052 • Meeting - Sponsor Revenue	-	-	-	-	-	-	-	-	-	-	17,000	0%
	4053 • Meeting - Vendor Revenue	-	-	-	-	-	-	-	-	-	-	12,000	0%
	4055 • Meeting - Sp Ev Registration	-	-	-	-	-	-	-	-	-	-	3,200	0%
	Total Revenue	-	-	-	-	-	450	-	395	(395)	0%	147,200	0%
Expenses													
	Program Services	352	1,494	422	(1,072)	354%	3,725	4,342	4,319	(23)	101%	92,550	5%
	Salaries & Benefits	503	325	529	204	61%	1,659	490	1,743	1,253	28%	22,943	2%
	General & Administrative	31	50	31	(19)	160%	118	150	117	(33)	129%	11,299	1%
	Building Overhead	193	192	203	11	94%	794	775	829	54	93%	2,647	29%
	Total Expenses	1,079	2,060	1,185	(875)	174%	6,295	5,756	7,008	1,252	82%	129,439	4%
Net Profit (Loss)		\$ (1,079)	\$ (2,060)	\$ (1,185)	\$ (875)	174%	\$ (5,845)	\$ (5,756)	\$ (6,613)	\$ 857	87%	\$ 17,761	-32%

**Utah State Bar
Member Services**
(Bar Journal, Member Benefits, Section Support, Legislative, Public Education & YLD)
October 31, 2017

																	Total Budget	YTD % of Tot Budget
																	84,000	96%
																	2,000	50%
																	134,573	36%
																	61	0%
																	1,163	0%
																	5,001	70%
																	226,798	59%
																	288,645	32%
																	201,463	19%
																	143,150	29%
																	24,067	30%
																	657,325	27%
																	\$ (430,527)	11%

	Actual		Budget	Fav (Unfav)	% of
	Oct-16	Oct-17	Oct-17	variance	Budget
Revenue					
4010 · Section/Local Bar Support fees	-	-	-	-	-
4052 · Meeting - Sponsor Revenue	-	1,000	-	1,000	-
4061 · Advertising Revenue	210	640	204	436	314%
4062 · Subscriptions	-	-	-	-	-
4071 · Mem Benefits - Lexis	833	-	1,000	(1,000)	0%
4072 · Royalty Inc - Bar J, MBNA, LM,M	471	487	350	137	139%
Total Revenue	1,515	2,177	1,554	623	140%
Expenses					
Program Services	24,569	22,900	26,604	3,704	86%
Salaries & Benefits	15,836	14,672	16,690	2,018	88%
General & Administrative	3,257	4,431	4,273	(158)	104%
Building Overhead	1,759	1,767	1,934	167	91%
Total Expenses	45,420	43,770	49,501	5,731	88%
Net Profit (Loss)	\$ (43,906)	\$ (41,593)	\$ (47,947)	\$ 6,354	87%

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget
	79,919	80,815	82,882	(2,067)	98%
	-	1,000	-	1,000	-
	41,300	48,217	40,031	8,186	120%
	-	-	-	-	-
	833	-	1,000	(1,000)	0%
	3,706	3,485	2,752	733	127%
	125,758	133,567	126,665	6,902	105%
	75,324	93,371	82,973	(10,398)	113%
	64,136	38,070	67,756	29,686	56%
	40,233	41,610	39,440	(2,170)	106%
	7,133	7,103	7,791	688	91%
	186,825	180,154	197,960	17,806	91%
	\$ (61,067)	\$ (46,587)	\$ (71,295)	\$ 24,708	65%

112

X:\DepartmentFiles\Kellie\Monthly FS\Monthly financial statement workbook FY18.xlsx, Public Services

**Utah State Bar
Bar Operations
(Bar Management, General Counsel, IT, Commission/Special Projects)
October 31, 2017**

	Actual Oct-16	Actual Oct-17	Budget Oct-17	Fav (Unfav) variance	% of Budget
Revenue					
4060 · E-Filing Revenue	-	3,617	-	3,617	-
4103 · In - Kind Revenue - UDR	118	93	114	(21)	82%
4095 · Miscellaneous Income	70	70	125	(55)	56%
Investment Income	6,160	11,753	9,039	2,714	68%
Total Revenue	6,348	15,533	9,278	6,255	167%
Expenses					
Program Services	11,432	11,893	10,364	(1,529)	115%
Salaries & Benefits	91,479	87,876	94,739	6,863	93%
General & Administrative	9,134	22,171	12,285	(9,886)	180%
In Kind	275	250	428	178	58%
Building Overhead	3,884	3,861	4,118	257	94%
Total Expenses	116,205	126,051	121,934	(4,117)	103%
Net Profit (Loss)	\$ (109,857)	\$ (110,518)	\$ (112,656)	\$ 2,138	98%

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget
		10,022	-	10,022	-
	448	769	431	338	178%
	295	287	500	(213)	57%
	22,514	41,239	25,949	15,290	159%
	23,257	52,317	26,880	25,437	195%
	115,787	151,095	142,057	(9,038)	106%
	343,197	358,888	353,386	(5,502)	102%
	76,096	92,566	91,652	(914)	101%
	1,075	1,397	1,673	276	83%
	16,007	15,613	16,769	1,156	93%
	552,162	619,558	605,537	(14,021)	102%
	\$ (528,906)	\$ (567,241)	\$ (578,657)	\$ 11,416	98%

	Total Budget	YTD % of Tot Budget
	13,211	76%
	1,277	60%
	2,593	11%
	68,488	33%
	85,569	27%
	259,313	58%
	1,074,911	33%
	235,086	39%
	5,000	28%
	53,352	29%
	1,627,662	38%
	\$ (1,542,093)	37%

**Utah State Bar
Facilities
October 31, 2017**

	Actual Oct-16	Actual Oct-17	Budget Oct-17	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	11,169	8,912	11,266	(2,355)	79%	34,798	34,268	35,102	(834)	98%	115,574	30%
4042 · Food & Beverage Rev-All Parties	13,788	11,135	13,254	(2,119)	84%	32,843	29,982	31,572	(1,590)	95%	118,222	25%
4043 · Setup & A/V charges-All parties	107	-	113	(113)	0%	427	-	452	(452)	0%	2,186	0%
4090 · Tenant Rent	1,806	1,806	1,806	-	100%	7,224	7,224	7,224	-	100%	21,672	33%
4095 · Miscellaneous Income	12	17	11	6	158%	51	48	48	0	101%	325	15%
Total Revenue	26,881	21,870	26,450	(4,580)	83%	75,344	71,522	74,398	(2,876)	96%	257,979	28%
Expenses												
Program Services	11,271	11,037	11,171	134	99%	28,257	29,443	28,023	(1,420)	105%	115,859	25%
Salaries & Benefits	13,089	11,997	13,815	1,818	87%	48,204	48,817	50,904	2,087	96%	159,094	31%
General & Administrative	7,160	(2,990)	(65)	2,925	4599%	4,366	2,031	(47)	(2,078)	-4322%	5,084	40%
In Kind	969	1,235	987	(248)	125%	5,779	5,185	5,884	699	88%	20,030	26%
Building Overhead	18,078	17,996	19,255	1,259	93%	74,350	72,744	78,338	5,594	93%	248,198	29%
Total Expenses	50,567	39,276	45,163	5,887	87%	160,956	158,220	163,102	4,882	97%	548,265	29%
Net Profit (Loss)	\$ (23,686)	\$ (17,407)	\$ (18,713)	\$ 1,306	93%	\$ (85,613)	\$ (86,698)	\$ (88,704)	\$ 2,006	98%	\$ (290,286)	30%

114

Utah State Bar
Income Statement - Consolidated By Account
October 31, 2017

	Actual Oct-16	Actual Oct-17	Budget Oct-17	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	11,550	10,300	11,894	(1,594)	87%	27,800	21,300	28,628	(7,328)	74%	147,900	14%
4002 - Admissions - Attorney Exam Fees	17,700	12,500	19,951	(7,451)	63%	33,550	23,125	37,817	(14,692)	61%	65,433	35%
4003 - Admissions - Retake Fees	24,600	13,500	26,166	(12,666)	52%	34,300	21,800	36,484	(14,684)	60%	58,395	37%
4004 - Admissions - Laptop Fees	12,000	8,700	12,611	(3,911)	69%	19,950	15,750	20,966	(5,216)	75%	69,630	23%
4005 - Transfer App Fees	-	-	-	-	-	400	400	441	(41)	91%	2,040	20%
4008 - Attorney - Motion	1,700	12,550	1,631	10,919	769%	26,350	39,450	25,283	14,167	156%	76,806	51%
4009 - House Counsel	1,700	4,250	1,595	2,655	266%	5,100	9,350	4,785	4,565	195%	19,941	47%
4010 - Section/Local Bar Support fees	-	-	-	-	-	96,447	97,635	99,802	(2,167)	98%	101,220	96%
4020 - NLTP Fees	-	600	-	600	-	25,500	25,350	25,902	(552)	98%	73,134	35%
4021 - Lic Fees > 3 Years	8,925	11,895	9,160	2,735	130%	3,420,335	3,519,770	3,510,345	9,425	100%	3,556,750	99%
4022 - Lic Fees < 3 Years	1,000	500	1,028	(528)	49%	226,730	209,650	233,138	(23,488)	90%	252,150	83%
4023 - Lic Fees - House Counsel	425	-	436	(436)	0%	25,075	31,345	25,702	5,643	122%	29,607	106%
4025 - Pro Hac Vice Fees	2,750	7,000	3,003	3,997	233%	20,500	24,000	22,386	1,614	107%	70,981	34%
4026 - Lic Fees - Inactive/FS	(750)	(750)	(775)	25	97%	112,605	115,410	116,356	(946)	99%	114,595	101%
4027 - Lic Fees - Inactive/NS	1,575	525	1,609	(1,084)	33%	205,835	206,115	210,338	(4,223)	98%	215,055	96%
4029 - Prior Year Lic Fees	-	-	-	-	-	-	2,695	-	2,695	-	3,778	71%
4030 - Certs of Good Standing	2,070	2,660	2,099	561	127%	8,140	8,030	8,253	(223)	97%	24,569	33%
4039 - Room Rental-All parties	11,169	8,912	11,266	(2,355)	79%	34,798	34,268	35,102	(834)	98%	115,574	30%
4042 - Food & Beverage Rev-All Parties	13,788	11,135	13,254	(2,119)	84%	32,843	29,982	31,572	(1,590)	95%	118,222	25%
4043 - Setup & A/V charges-All parties	107	-	113	(113)	0%	427	-	452	(452)	0%	2,186	0%
4051 - Meeting - Registration	53,351	39,395	50,737	(11,342)	78%	236,546	286,035	289,991	(3,956)	99%	432,500	66%
4052 - Meeting - Sponsor Revenue	6,000	1,000	7,692	(6,692)	13%	27,000	21,550	33,461	(11,911)	64%	69,000	31%
4053 - Meeting - Vendor Revenue	3,875	4,350	3,222	1,128	135%	18,725	20,975	22,187	(2,212)	112%	34,000	62%
4055 - Meeting - Sp Ev Registration	225	-	-	-	-	2,175	14,270	3,500	10,770	408%	6,700	213%
4060 - E-Filing Revenue	-	3,617	-	3,617	-	-	10,022	-	10,022	-	13,211	76%
4061 - Advertising Revenue	210	640	204	436	314%	41,300	48,217	40,031	8,186	120%	134,573	36%
4062 - Subscriptions	-	-	-	-	-	-	-	-	-	-	61	0%
4063 - Modest Means revenue	725	1,200	799	401	150%	4,025	4,800	4,435	365	108%	13,000	37%
4071 - Mem Benefits - Lexis	833	-	1,000	(1,000)	0%	833	-	1,000	(1,000)	-	1,163	0%
4072 - Royalty Inc - Bar J, MBNA, LM, M	471	487	350	137	139%	3,706	3,485	2,752	733	127%	5,001	70%
4081 - CLE - Registrations	37,733	19,967	22,548	(2,581)	89%	115,900	94,922	104,019	(9,098)	91%	450,000	21%
4082 - CLE - Video Library Sales	6,795	4,480	6,733	(2,253)	67%	63,360	68,070	62,078	5,992	110%	105,000	65%
4084 - Business Law Book Sales	(39)	3,432	-	3,432	-	4,956	3,619	-	3,619	-	-	-
4090 - Tenant Rent	1,806	1,806	1,806	-	100%	7,224	7,224	7,224	-	100%	21,672	33%
4093 - Law Day Revenue	-	-	-	-	-	-	-	-	-	-	4,000	0%
4095 - Miscellaneous Income	392	522	360	162	145%	3,042	2,969	2,806	163	106%	8,192	36%
4096 - Late Fees	14,700	14,150	13,216	934	107%	60,200	74,350	48,275	26,075	154%	77,000	97%
4103 - In - Kind Revenue - UDR	118	93	114	(21)	82%	448	769	431	338	178%	1,277	60%
4200 - Seminar Profit/Loss	-	-	-	-	-	1,350	-	-	-	-	(414)	0%
Investment Income	6,160	11,753	9,039	2,714	130%	22,514	41,239	25,949	15,290	159%	68,488	60%
Total Revenue	243,663	211,169	232,861	(21,692)	91%	4,969,990	5,137,940	5,118,461	19,479	100%	6,562,120	78%
Program Service Expenses												
5001 - Meeting Facility-external only	3,407	543	(5,169)	(5,712)	-11%	33,074	19,078	47,957	28,880	40%	67,489	28%
5002 - Meeting facility-internal only	7,388	5,448	7,610	2,163	72%	20,617	20,292	21,026	734	97%	69,110	29%
5013 - ExamSoft	-	-	-	-	-	16,148	14,623	16,745	2,122	67%	24,000	61%
5014 - Questions	33,630	-	-	-	-	33,725	31,058	32,099	1,041	97%	50,000	62%
5015 - Investigations	25	25	75	50	33%	75	100	162	62	62%	430	23%
5016 - Credit Checks	129	27	142	115	19%	185	230	203	(27)	113%	2,568	9%
5017 - Medical Exam	-	-	-	-	-	-	-	-	-	-	2,560	0%
5025 - Temp Labor/Proctors	-	-	-	-	-	3,300	2,750	3,300	550	83%	6,600	42%
5030 - Speaker Fees & Expenses	33,639	11,000	8,829	(2,171)	125%	34,857	18,525	16,578	(1,947)	112%	43,100	43%
5031 - Speaker Reimb. - Recelpt Req'd	336	824	624	(200)	132%	1,500	2,497	624	(1,873)	400%	10,500	24%
5035 - Awards	-	66	-	(66)	-	1,460	1,840	2,783	943	66%	5,467	34%
5037 - Grants/ contributions - general	800	3,300	1,270	(2,030)	260%	1,050	3,300	1,428	(1,872)	231%	9,500	35%
5040 - Witness & Hearing Expense	7,404	73	7,428	7,355	1%	9,174	255	9,270	9,015	3%	9,700	3%
5041 - Process Serving	-	-	-	-	-	287	91	227	136	40%	1,200	8%
5046 - Court Reporting	-	-	-	-	-	-	152	-	(152)	-	850	18%
5047 - Casemaker	5,837	5,861	5,945	84	99%	17,512	23,443	17,835	(5,608)	131%	70,000	33%
5055 - Legislative Expense	3,510	3,500	3,270	(230)	107%	14,010	14,000	13,053	(947)	107%	43,000	33%
5060 - Program Special Activities	-	-	-	-	-	75	-	5,000	5,000	0%	5,250	0%
5061 - LRE - Bar Support	-	-	-	-	-	65,000	65,000	65,000	-	100%	65,000	100%
5062 - Law Day	1,000	-	1,601	1,601	0%	1,000	-	1,601	1,601	0%	17,760	0%
5063 - Special Event Expense	7,599	4,313	7,268	2,955	59%	12,714	69,798	13,850	(55,948)	504%	27,379	255%
5064 - MCLE Fees Paid	1,046	200	1,098	898	18%	7,597	8,151	8,179	28	100%	38,000	21%
5070 - Equipment Rental	951	4,350	1,045	(3,305)	416%	32,413	17,896	12,689	(5,207)	141%	37,342	48%
5075 - Food & Bev-external costs only	25,336	26,542	29,055	2,513	91%	163,312	197,761	193,745	(4,016)	102%	491,714	40%
5076 - Food & beverage - internal only	7,634	4,735	7,636	2,901	62%	19,877	16,490	20,747	4,257	79%	70,452	23%
5079 - Soft Drinks	730	1,611	721	(890)	224%	2,438	3,725	2,404	(1,321)	155%	11,038	34%
5085 - Misc. Program Expense	336	948	302	(646)	314%	4,013	3,426	3,753	327	91%	16,540	21%
5090 - Commission Expense	4,007	2,819	3,703	884	76%	7,551	8,415	6,978	(1,437)	121%	23,856	35%
5096 - UDR Support	-	-	-	-	-	10,000	-	-	-	-	-	#DIV/0!
5099 - Blomquist Hale	6,163	6,162	6,250	88	99%	24,648	24,653	24,996	343	99%	75,000	33%
5702 - Travel - Lodging	2,026	2,006	1,488	(518)	133%	26,410	37,090	34,223	(2,867)	108%	55,600	67%
5703 - Travel - Transportation/Parking	3,255	1,774	3,182	1,408	56%	10,428	5,322	11,276	5,954	47%	24,899	21%
5704 - Travel - Mileage Reimbursement	177	214	169	(45)	126%	2,982	6,918	4,025	(2,893)	172%	10,878	64%
5705 - Travel - Per Diems	-	117	-	(117)	-	1,933	3,564	5,090	1,526	70%	8,434	42%
5706 - Travel - Meals	-	-	-	-	-	415	424	415	(9)	102%	1,185	36%
5707 - Travel - Commission Mtgs	143	364	150	(214)	243%	30,953	28,558	32,422	3,864	88%	46,000	62%
5805 - ABA Annual Meeting	1,609	716	-	(716)	-	3,928	19,910	18,814	(1,096)	106%	21,602	92%
5810 - ABA Mid Year Meeting	510	-	307	307	0%	510	-	307	307	0%	18,081	0%
5815 - Commission/Education	-	265	-	(265)	-	12,100	14,330	12,930	(1,400)	111%	26,000	55%
5820 - ABA Annual Delegate	-	40	-	(40)	-	6,769	8,273	7,742	(531)	107%	11,000	75%
5830 - Western States Bar Conference	-	-	-	-	-	1,409	-	751	751	0%	11,550	0%
5840 - President's Expense	1,664	1,500	1,575	75	95%	6,164	7,236	5,835	(1,401)	124%	18,000	40%
5841 - President's Reimbursement	-	-	-	-	-	94	3,273	1,077	(2,196)	304%	4,000	82%
5850 - Leadership Academy	-	935	-	(935)	-	-	2,601	-	(2,601)	-	20,000	13%
5855 - Bar Review	-	-	-	-	-	-	480	-	(480)	-	1,500	32%
5865 - Retreat	-	-	-	-	-	21,388	37,428	26,000	(11,428)	144%	26,000	144%

Utah State Bar
Income Statement - Consolidated By Account
October 31, 2017

	Actual Oct-16	Actual Oct-17	Budget Oct-17	Fav (Unfav) variance	% of Budget	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
5960 - Overhead Allocation - Seminars	-	-	(57)	(57)	0%	-	-	5,137	5,137	0%	1,261	0%
5970 - Event Revenue Sharing - 3rd Pty	1,610	756	1,693	937	45%	12,860	15,275	13,526	(1,749)	113%	70,000	22%
Total Program Service Expenses	161,899	91,032	97,210	6,178	94%	675,961	758,229	721,802	(36,427)	105%	1,671,395	45%
Salaries & Benefit Expenses												
5510 - Salaries/Wages	207,578	221,672	221,274	(398)	100%	864,836	887,185	926,537	39,352	96%	2,765,971	32%
5605 - Payroll Taxes	13,790	14,732	14,429	(303)	102%	63,521	65,182	66,332	1,150	98%	201,505	32%
5610 - Health Insurance	20,629	20,362	21,299	937	96%	80,373	79,447	82,928	3,481	96%	254,671	31%
5630 - Dental Insurance	1,330	-	1,389	1,389	0%	5,174	3,885	5,406	1,521	72%	16,914	23%
5640 - Life & LTD Insurance	1,073	1,362	947	(415)	144%	5,444	5,268	4,834	(434)	109%	15,875	33%
5645 - Workman's Comp Insurance	273	221	267	46	83%	1,091	882	1,068	186	83%	2,948	30%
5650 - Retirement Plan Contributions	18,997	19,627	19,905	278	99%	80,683	82,385	84,892	2,507	97%	254,737	32%
5655 - Retirement Plan Fees & Costs	5,871	-	6,033	6,033	0%	5,871	5,331	6,033	702	88%	22,393	24%
5660 - Training/Development	5,595	300	5,591	5,291	5%	9,779	7,070	7,809	739	91%	19,530	36%
Total Salaries & Benefit Expenses	275,137	278,276	291,134	12,858	96%	1,116,773	1,136,635	1,185,839	49,204	96%	3,554,544	31%
General & Administrative Expenses												
7025 - Office Supplies	867	2,337	788	(1,549)	297%	5,783	6,716	5,256	(1,460)	128%	23,888	28%
7033 - Operating Meeting Supplies	1,407	1,606	1,449	(157)	111%	6,491	6,853	6,685	(168)	103%	22,694	30%
7035 - Postage/Mailing, net	8,196	(2,246)	1,223	3,469	-184%	24,315	20,693	20,131	(562)	103%	49,085	42%
7040 - Copy/Printing Expense	6,367	7,942	6,695	(1,247)	119%	58,732	60,579	53,111	(7,468)	114%	158,170	38%
7041 - Copy/Print revenue	(1,819)	(2,307)	(1,910)	397	121%	(8,271)	(8,554)	(8,684)	(130)	99%	(26,036)	33%
7045 - Internet Service	704	1,290	642	(648)	201%	1,986	5,059	2,039	(3,020)	248%	15,469	33%
7050 - Computer Maintenance	2,276	2,276	5,366	3,090	42%	9,104	9,104	21,464	12,360	42%	65,135	14%
7055 - Computer Supplies & Small Equip	229	577	215	(362)	268%	2,499	2,620	2,949	329	89%	8,341	31%
7089 - Membership Database Fees	6,106	-	5,700	5,700	0%	11,257	7,957	10,787	2,830	74%	33,658	24%
7100 - Telephone	4,259	3,793	4,087	294	93%	16,872	18,096	16,218	(1,878)	112%	56,854	32%
7105 - Advertising	-	475	-	(475)	-	357	1,860	523	(1,337)	356%	20,650	9%
7106 - Public Notification	-	-	-	-	-	88	100	125	25	80%	1,158	9%
7110 - Publications/Subscriptions	1,932	5,769	1,851	(3,918)	312%	7,281	8,793	7,119	(1,674)	124%	16,340	54%
7115 - Public Relations	-	-	1,000	1,000	0%	2,368	-	1,000	1,000	0%	12,000	0%
7120 - Membership/Dues	1,080	385	1,065	680	36%	8,103	9,161	8,598	(563)	107%	11,096	83%
7135 - Bank Service Charges	91	97	91	(6)	106%	728	523	730	207	72%	1,662	31%
7136 - ILM Service Charges	1,117	1,696	1,096	(600)	155%	5,286	6,092	5,188	(904)	117%	15,009	41%
7138 - Bad debt expense	-	-	-	-	-	-	-	-	-	-	1,890	0%
7140 - Credit Card Merchant Fees	5,236	5,491	4,227	(1,264)	130%	13,322	30,450	30,308	(142)	100%	96,958	31%
7141 - Credit Card surcharge	(173)	(252)	(152)	100	166%	(17,690)	(14,316)	(15,495)	(1,179)	92%	(51,298)	28%
7145 - Commission Election Expense	-	-	-	-	-	-	-	-	-	-	3,500	0%
7150 - E&O/Off & Dir Insurance	4,100	4,246	4,048	(198)	105%	16,399	16,983	16,192	(791)	105%	48,576	35%
7160 - Audit Expense	-	-	-	-	-	29,539	31,363	30,000	(1,363)	105%	30,000	105%
7170 - Lobbying Rebates	-	133	-	(133)	-	7	133	14	(119)	950%	14	950%
7175 - O/S Consultants	188	5,485	955	(4,530)	574%	1,513	13,786	4,776	(9,010)	289%	21,200	65%
7176 - Bar Litigation	1,196	5,503	799	(4,704)	689%	1,850	6,661	1,236	(5,425)	539%	15,244	44%
7177 - UPL	243	-	293	293	0%	2,352	644	2,835	2,191	23%	10,000	6%
7178 - Offsite Storage/Backup	328	346	329	(17)	109%	1,314	1,385	1,316	(69)	105%	4,000	35%
7179 - Payroll Adm Fees	232	236	231	(5)	102%	942	948	938	(10)	101%	2,811	34%
7180 - Administrative Fee Expense	100	105	92	(13)	114%	315	420	289	(131)	145%	952	44%
7190 - Lease Interest Expense	-	-	-	-	-	-	-	-	-	-	185	0%
7191 - Lease Sales Tax Expense	-	-	-	-	-	71	88	124	36	71%	704	12%
7195 - Other Gen & Adm Expense	-	702	-	(702)	-	4,108	1,357	3,767	2,410	36%	7,098	19%
Total General & Administrative Expenses	44,259	45,684	40,180	(5,504)	114%	226,710	245,552	229,539	(16,013)	107%	677,007	33%
In Kind Expenses												
7103 - InKind Contrib-UDR & all other	1,244	1,485	1,415	(70)	105%	6,854	6,582	7,557	975	87%	25,030	26%
Total In Kind Expenses	1,244	1,485	1,415	(70)	105%	6,854	6,582	7,557	975	87%	25,030	27%
Building Overhead Expenses												
6015 - Janitorial Expense	2,832	2,784	2,984	200	93%	8,953	10,548	9,439	(1,109)	112%	31,783	33%
6020 - Heat	787	1,166	801	(365)	146%	2,318	2,201	2,354	153	93%	17,933	12%
6025 - Electricity	3,953	3,515	4,122	607	85%	19,332	17,059	20,156	3,097	85%	50,207	34%
6030 - Water/Sewer	688	497	691	194	72%	2,114	2,812	2,128	(684)	132%	5,195	54%
6035 - Outside Maintenance	910	445	859	414	52%	3,536	1,680	3,347	1,667	50%	13,050	13%
6040 - Building Repairs	653	870	546	(324)	159%	7,649	1,922	6,401	4,479	30%	27,216	7%
6045 - Bldg Mtnce Contracts	2,243	2,451	2,249	(202)	109%	10,922	12,745	10,949	(1,796)	116%	38,194	33%
6050 - Bldg Mtnce Supplies	843	186	1,083	897	17%	1,279	821	1,642	821	50%	3,082	27%
6055 - Real Property Taxes	3,116	3,183	3,524	341	90%	12,465	12,734	14,096	1,362	90%	42,597	30%
6060 - Personal Property Taxes	67	42	73	31	57%	267	168	292	124	57%	797	21%
6065 - Bldg Insurance/Fees	1,339	1,374	1,533	159	90%	5,357	5,497	6,132	635	90%	18,386	30%
6070 - Building & Improvements Depr	4,369	4,277	4,710	433	91%	17,474	17,108	18,840	1,732	91%	56,664	30%
6075 - Furniture & Fixtures Depr	1,278	1,357	1,375	18	99%	5,092	5,168	5,476	308	94%	16,532	31%
7065 - Computers, Equip & Sftwre Depr	13,332	14,107	14,232	125	99%	52,901	56,029	56,468	439	99%	177,734	32%
Total Building Overhead Expenses	36,408	36,255	38,782	2,527	93%	149,659	146,491	157,720	11,229	93%	499,370	30%
Total Expenses	518,947	452,732	468,721	15,989	97%	2,175,958	2,293,489	2,302,457	8,968	100%	6,427,346	34%
Net Profit (Loss)	\$ (275,284)	\$ (241,563)	\$ (235,860)	\$ (5,703)	102%	\$ 2,794,032	\$ 2,844,452	\$ 2,816,004	\$ 28,448	-9%	\$ 134,774	

Utah State Bar Balance Sheets

	10/31/2017	6/30/2017
ASSETS		
Current Assets		
Petty Cash	\$ 625	\$ 625
Cash in Bank	53,268	363,232
Invested Funds	6,861,980	6,753,504
Total Cash/Investments	6,915,873	7,117,361
Accounts Receivable	19,085	22,953
Prepaid Expenses	105,723	101,133
A/R - Sections	13,163	11,565
Total Other Current Assets	137,972	135,652
Total Current Assets	7,053,845	7,253,013
Fixed Assets		
Property & Equipment	4,783,816	4,739,005
Accumulated Depreciation	(3,822,603)	(3,744,298)
Land	633,142	633,142
Total Fixed Assets	1,594,354	1,627,849
TOTAL ASSETS	\$ 8,648,199	\$ 8,880,862
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
AP Trade	\$ 31,922	\$ 88,187
Other Accounts Payable	7,833	143,363
Accrued Payables	418,099	437,371
Cap Lease Oblig - ST	2,739	2,739
A/P - Sections	620	187,570
Deferred Revenue	30	2,678,930
Total Current Liabilities	461,243	3,538,160
Long Term Liabilities		
Capital Lease Oblig	14,709	14,786
Total Long Term Liabilities	14,709	14,786
Total Liabilities	475,951	3,552,946
Equity		
Unrestricted Net Assets (R/E)	5,327,916	5,029,507
Fund Balance - Current Year	2,844,332	298,408
Total Equity	8,172,247	5,327,916
TOTAL LIABILITIES & EQUITY	\$ 8,648,199	\$ 8,880,862

UTAH STATE BAR
Membership Statistics
October 31, 2017

<u>STATUS</u>	<u>10/31/16</u>	<u>10/31/17</u>	<u>Change</u>
Active	8,074	8,289	215
Active under 3 years	1,034	936	(98)
Active Emeritus	156	189	33
In House Counsel	63	80	17
Foreign Legal Counsel	-	2	2
Subtotal - Active	9,327	9,496	169
Inactive - Full Service	757	788	31
Inactive - No Service	1,872	1,939	67
Inactive Emeritus	146	286	140
Subtotal - Inactive	2,775	3,013	238
Total Active and Inactive	12,102	12,509	407
<u>Supplemental Information</u>			
Paralegals	129	135	6
Associate Section Members	113	116	3
Journal Subscribers	125	125	-
<u>Active Attorneys by Region</u>			
1st Division (Logan - Brigham)	136	177	41
2nd Division (Davis - Weber)	618	846	228
3rd Division (Salt Lake)	4,324	5,565	1,241
4th Division (Utah)	690	1,225	535
5th Division (Southern Utah)	314	470	156
Out of State	675	1,213	538
No region designated	2,570	-	(2,570)
Total Active Attorneys	9,327	9,496	169

Balance Sheet Classification

Base Currency: USD As of 10/31/2017

ILM-UT ST BAR (3176)

Dated: 11/03/2017

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	FINANCIAL SQUARE CL FST MMF	94,010.92	AAA	1.20	10/31/2017	1.20	1.20	94,037.71	-7.99	1.0002	0.00	94,029.72
CCYUSD	Receivable	158.63	AAA	0.00	10/31/2017	0.00	0.00	158.63	0.00	1.0000	0.00	158.63
--	--	94,169.55	AAA	--	10/31/2017	1.198	1.198	94,196.34	-7.99	--	0.00	94,188.35

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
46625HGY0	JPMORGAN CHASE & CO	380,000.00	A-	6.00	01/15/2018	1.512	1.599	383,461.45	-56.65	100.8960	6,713.33	390,118.13
41283DAB9	HARLEY-DAVIDSON FUNDING CORP	205,000.00	A-	6.80	06/15/2018	1.472	1.773	211,715.32	-372.62	103.0940	5,266.22	216,608.92
459200GM7	INTERNATIONAL BUSINESS MACHINES CORP	220,000.00	A+	7.625	10/15/2018	1.719	1.669	232,231.69	136.71	105.6220	745.56	233,113.96
665501AH5	NORTHERN NATURAL GAS CO	220,000.00	A	5.75	07/15/2018	1.712	1.681	226,183.84	61.96	102.8390	3,724.72	229,970.52
14916RAB0	CATHOLIC HEALTH INITIATIVES	260,000.00	BBB+	1.60	11/01/2017	1.599	0.00	280,000.00	0.00	100.0000	2,240.00	282,240.00
36966R5S1	GENERAL ELECTRIC CAPITAL CORPORATION	225,000.00	AA-	4.75	02/15/2018	1.415	1.567	227,146.26	-96.51	100.9110	2,256.25	229,306.00
585055BA3	MEDTRONIC INC	380,000.00	A	1.375	04/01/2018	1.441	1.649	379,896.87	-330.07	99.8860	435.42	380,002.22
055650CG1	BP CAPITAL MARKETS PLC	180,000.00	A+	2.241	09/26/2018	1.706	1.662	180,856.02	72.78	100.5160	392.18	181,320.98
45866FAB0	INTERCONTINENTALEXCHANGE INC	280,000.00	A	2.50	10/15/2018	1.657	4.663	282,222.95	-7,822.95	98.0000	311.11	274,711.11
91324PCF7	UNITEDHEALTH GROUP INC	270,000.00	A+	1.40	12/15/2017	1.369	1.384	270,009.92	-7.22	100.0010	1,428.00	271,430.70
89352HAN9	TRANSCANADA PIPELINES LTD	270,000.00	A-	1.875	01/12/2018	1.563	1.541	270,163.79	9.01	100.0640	1,532.81	271,705.61
2027A0HN2	COMMONWEALTH BANK OF AUSTRALIA	280,000.00	AA-	1.71	03/12/2018	1.631	1.447	280,085.68	269.92	100.1270	665.13	281,020.73
38141GNM2	GOLDMAN SACHS GROUP INC	340,000.00	A-	2.316	02/19/2018	1.738	2.248	340,587.00	-437.40	100.0440	1,531.39	341,680.99
22546QAW7	CREDIT SUISSE AG (NEW YORK BRANCH)	380,000.00	A+	2.054	04/27/2018	1.52	1.506	381,023.52	25.28	100.2760	108.43	381,157.23
78012KPY7	ROYAL BANK OF CANADA	300,000.00	AA-	1.50	06/07/2018	1.55	1.582	299,910.21	-57.21	99.9510	1,800.00	301,653.00
06387TJW1	BANK OF MONTREAL	270,000.00	A+	1.35	08/28/2018	1.677	1.654	269,261.44	66.26	99.7510	637.88	269,965.58
--	--	4,480,000.00	A	--	04/21/2018	1.574	1.724	4,514,755.95	-8,538.70	--	29,788.42	4,536,005.67

LT

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
525ESC1Y5	LEHMAN ESCROW	300,000.00	NA	0.00	01/01/2049	0.00	0.00	0.00	17,550.00	5.8500	0.00	17,550.00
06367VHL2	BANK OF MONTREAL	100,000.00	A+	2.375	12/25/2018	1.63	1.839	100,844.27	-237.27	100.6070	633.33	101,240.33
85771PAR3	STATOIL ASA	230,000.00	AA-	1.95	11/08/2018	1.64	1.721	230,717.62	-188.62	100.2300	2,155.29	232,684.29
654740AH2	NISSAN MOTOR ACCEPTANCE CORP	219,000.00	A	2.35	03/04/2019	2.004	1.999	219,996.07	13.52	100.4610	814.86	220,824.45
44987CAJ7	ING BANK NV	340,000.00	AA-	2.00	11/26/2018	1.80	1.915	340,715.57	-412.97	100.0890	2,927.78	343,230.38
59217GBQ1	METROPOLITAN LIFE GLOBAL FUNDING I	200,000.00	AA-	1.95	12/03/2018	1.772	1.783	200,381.84	-23.84	100.1790	1,603.33	201,961.33
41283LAG0	HARLEY-DAVIDSON FINANCIAL SERVICES INC	170,000.00	A-	2.25	01/15/2019	1.82	2.123	170,866.24	-612.94	100.1490	1,126.25	171,379.55
795450B53	Sallie Mae Bank	250,000.00	A-2	1.65	06/28/2019	1.701	1.70	249,792.87	0.00	99.9171	1,423.97	251,216.84
02006L3L5	Ally Bank	250,000.00	NA	1.65	06/24/2019	1.701	1.70	249,794.80	0.00	99.9179	1,491.78	251,286.58
59403B7B6	Medallion Bank	250,000.00	NA	1.55	01/14/2019	1.55	1.55	250,000.00	0.00	100.0000	191.10	250,191.10
149159LG8	Cathay Bank	190,000.00	NA	1.70	03/07/2019	1.70	1.70	190,000.00	0.00	100.0000	221.23	190,221.23
--	--	2,498,000.00	A+	--	05/07/2019	1.735	1.781	2,203,109.27	16,087.89	--	12,588.93	2,231,786.08

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
--	--	7,073,169.55	A	--	08/20/2018	1.621	1.735	6,812,061.56	7,641.20	--	42,377.35	6,861,980.11

The Salt Lake Tribune

Gehrke: Gov. Herbert's judicial nominees include some unexpected, yet consistently talented, picks



By Robert Gehrke • 1 day ago

I won't lie. I was a little disappointed I didn't make the cut to be Utah's next Supreme Court justice.

Then I looked at Judge Paige Petersen's bio and it made more sense. She's an Emery County kid who went to Yale Law School (which I hear has a decent program), then worked as an assistant U.S. attorney in New York and prosecuted war criminals in The Hague. All before she became a district judge in Utah.

So I suppose she's an OK pick, too.

I've been critical of Gov. Gary Herbert every now and then, but not now. Petersen is just the latest in a crop of distinguished nominees for a state bench that has been dramatically overhauled during his tenure.

Since taking office in 2009, Herbert has appointed two-thirds of the 116 state judges now serving, including six of the seven judges on the Court of Appeals and — assuming Petersen doesn't have some dark secret in her past that halts her confirmation process — four of the five Supreme Court justices.

But he's not just filling vacancies. The governor has nominated some outstanding jurists and quality people, like Appeals Court Judge Michele Christiansen and Supreme Court justices Deno Himonas and John Pearce (and I'm not just saying that because he's married to my boss).

"My perception, personally, from the various vantage points I've had, is it's something [the governor] takes seriously, and I don't think he always picks the obvious choice," said Utah State Bar President John Lund, who is married to a Herbert-appointed judge.

A big reason for the quality selections is Utah's vetting process.

In 2014, the Institute for the Advancement of the American Legal System and retired U.S. Supreme Court Justice Sandra Day O'Connor assembled a model nominating process and what they came up with uses a commission to screen applicants, a gubernatorial appointment, judicial performance evaluations and then retention elections for judges.

It turns out the model they prescribed is pretty much the exact system Utah has used for years — with the state Senate confirmation process providing yet one more check on nominees.

Because of that, applicants with the type of experience that might otherwise not fit the traditional mold — practicing corporate law at the big firms — get a shot. That means people like Linda Jones, who spent most of her career with the legal defenders office and served on the board of Habitat for Humanity;

or Patrick Corum, supervisor of the Salt Lake Legal Defenders Association, who also spent 18 years at the Viaduct/Pioneer Park Legal Clinic providing counsel to homeless clients.

Both were nominated last month and are awaiting confirmation hearings.

Contrast that with the haphazard patronage system for picking federal judges, where it often has more to do with being chummy with Sen. Orrin Hatch or Sen. Mike Lee and whether the president needs a favor rather than legal chops. It can lead to nominees who are more political and less uniformly qualified than we see in Utah.

Herbert says when he is screening candidates, he looks for people who are “smart, hardworking, thoughtful, careful, humble, unbiased and objective; someone who will listen to every argument with patience, treat parties and lawyers with respect,” and explain decisions in a clear manner.

“I do this without regard to politics. I look for people who are dedicated to the rule of law and who put that dedication above their own beliefs and sense of right and wrong,” Herbert said. “Above all, I am committed to appointing the best person for the job in every instance.”

There's one more area that Herbert deserves credit for, and that is standing up for the importance of judicial diversity.

Over the past couple of years, Rep. Merrill Nelson, R-Grantsville, has led an attack on diversity on the bench, sponsoring legislation that would have ended the Judicial Nominating Commission's practice of considering diversity as a tiebreaker between two otherwise qualified candidates.

Nelson disagrees with the notion that there is value in having the people wearing the robes be at least somewhat reflective of the people on the other side of the bench. And he's wrong.

Herbert and his staff have defended the value of all types of diversity — gender, ethnicity and legal background — and took the somewhat unusual step of testifying forcefully against Nelson's bill earlier this year when it was defeated in the Senate.

The governor has nominated 25 women to the bench, which represents nearly a third of his appointments, and while that is not representative of half the population that is female, it is more than reflective of the quarter of licensed attorneys in the state who are women.

Just four of his appointments have been minorities — compared to 9 percent of the state bar — so more can be done on that front, and part of that is being helped through programs to encourage ethnic minorities to pursue the law and build careers that could lead them to the bench.

Herbert, at the end of the day, has pulled off a remarkable feat, stacking the state courts with a qualified batch of judges that should give Utahns who might find themselves in the courtroom confidence in the process — and, no matter what else you think of the governor, that's not a bad legacy to have.

Editor's note: Supreme Court Justice John Pearce is married to Tribune Editor Jennifer Napier-Pearce.



gehrke@sltrib.com

 Follow @RobertGehrke