

Utah State Bar Commission
Friday, November 8, 2019
Utah Law & Justice Center

Agenda

1. 9:00 a.m. President's Report: Herm Olsen

- | | | |
|-----------------|-----|---|
| <i>05 Mins.</i> | 1.1 | Welcome |
| <i>10 Mins.</i> | 1.2 | Legislative Breakfast/Tax Reform Follow-Up & Planning |
| <i>05 Mins.</i> | 1.3 | Report on Fall Forum |
| <i>05 Mins.</i> | 1.4 | April Commission Meeting Date & Location |
| <i>05 Mins.</i> | 1.5 | Ratify Executive Committee Approval of NLTP Awards (Tab 1, Page 3) |

2. 9:40 a.m. Action Items

- | | | |
|-----------------|-----|---|
| <i>15 Mins.</i> | 2.1 | Approve LPP Administrator & Ethics Hotline Counsel Staff Position |
| <i>15 Mins.</i> | 2.2 | Approve Commission Policies & Procedures (Tab 2, Page 8) |

3. 10:10 a.m. Discussion Items

- | | | |
|-----------------|-----|---|
| <i>15 Mins.</i> | 3.1 | 2021 Summer Convention Site (Tab 3, Page 105) |
| <i>05 Mins.</i> | 3.2 | Report on Access to Justice Summit: Heather Farnsworth |
| <i>10 Mins.</i> | 3.3 | Access to Justice Commission Charge (Tab 4, Page 107) |
| <i>05 Mins.</i> | 3.4 | Update on Creation of Shared Calendar: John Baldwin |

4. 10:45 a.m. Information Items

- | | | |
|-----------------|-----|--|
| <i>10 Mins.</i> | 4.1 | Report on Bar Survey: Mark Morris |
| <i>05 Mins.</i> | 4.2 | Request to form Cannabis Law Section: (Tab 5, Page 109) |

5. 11:00 a.m. Regulatory Reform Task Force Report & Discussion

- | | | |
|-----------------|-----|---|
| <i>30 Mins.</i> | 5.1 | Presentation: Hon. Dino Himonas, Hon. Christine Durham & John Lund |
| <i>30 Mins.</i> | 5.2 | Create Commission Committee on Regulatory Reform (Tab 6, Page 118) |

6. 12:00 N. Lunch & Executive Session

12:30 p.m. Adjourn

Consent Agenda (Tab 7, Page 120)

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

1. Minutes of October 4, 2019 Commission Meeting

Attachments (Tab 8, Page 125)

1. September 2019 Financials

Calendar

November 14-15	Fall Forum		Law & Justice Center, and Little America Hotel
November 1	Executive Committee	12:00 Noon	Teleconference
November 8	Commission Meeting	9:00 a.m.	Law & Justice Center
December 13	Executive Committee	12:00 Noon	Teleconference
December 20	Commission Meeting	9:00 a.m.	Law & Justice Center

2020

January 1 Election Notices Due

TAB 1

Utah State Bar®

M E M O R A N D U M

TO: Board of Bar Commissioners
FROM: Carrie T. Boren, Esq.
Administrator, New Lawyer Training Program
RE: Outstanding Mentor
DATE: October 29, 2019

The Utah State Bar Committee on New Lawyer Training considered 17 nominations for the Outstanding Mentor Award to be given at the November 2019 Fall Forum. All the nominees mentored a new lawyer in 2018.

The Committee voted to choose an award member from each term. For the January 2018 term, **Kyle Leishman** received the most votes and Sophia Moore received the second most. For the July 2018 term, **Brady Brammer** received the most votes and Tim Larsen received the second most.

The Utah State Bar Committee on New Lawyer Training recommends that **Kyle Leishman** and **Brady Brammer** receive the 2018 Outstanding Mentor Award.

Sincerely,



Carrie T. Boren

Mentor: Kyle Leishman
New Lawyer: Courtney Neves
Term: January 2018

Kyle Leishman excelled in teaching me skills necessary to be a good lawyer. Whether that teaching stuck is yet to be seen; however, it would not be due to the lack of excellent instruction. Though Kyle employed several different skills in his mentoring efforts throughout the year, example was, by far, Kyle's most effective mentoring tool.

Often, our meetings were during the lunch hour. I would meet Kyle at his office and we would walk to the designated lunch location. It was common to meet many of Kyle's colleagues, friends, and clients while walking to our destination. He seemed to know everyone, and everyone liked and respected him.

I wondered how one came by such respect. As we went through the NLTP materials and requirements, it became obvious that Kyle knew the rules and had wide experience with effectively maneuvering ethical situations. We spoke of ethics, rules of professionalism, and being civil in the practice of law. I realized, however, that besides being knowledgeable of the rules in this area, one must live it to garner the respect that Kyle received from others.

Kyle lived it.

Towards the end of the program, I caught a glimpse of why those around him showed him so much respect. During the time I was mentored by Kyle, his son had a serious accident, which required a substantial amount of time from him and his family. At nearly the same time, Kyle experienced a health concern of his own, the details of which Kyle shared very little except that it was serious but treatable. However, I could see the physical effects in his features. These events combined with the stresses of his legal career made for a serious amount of pressure and responsibility. Now, I think quite highly of myself, but in the line-up of priorities in Kyle's life at that time, I may not have ranked very high. It would have been understandable for him to shuffle the mentoring and training responsibility, delay meetings, or start taking shortcuts. However, he always responded to my requests, made meetings a priority, and provided the necessary training required of the program. He showed me that I was important to him through his actions.

His respect for the mantle that comes with being an attorney was solidified when we spent a few hours doing pro bono work at Tuesday Night Bar Clinic. There he treated those there seeking legal advice the same as he did his friends, co-workers, clients, and mentees. His example made me realize the importance of respect to all clients and the significance of what it means to be a respectable attorney. His example infused in me the desire to do the work to become an esteemed member of society, a professional, and an attorney of honor and character.

Kyle and I have spoken only a few times since we completed the New Lawyer Training Program. Nevertheless, I have referenced his example many times when faced with the many different situations a practicing attorney experiences. For me, his example speaks volumes without him saying a word and, because of this, I believe Kyle Leishman should receive the Mentor of the Year award.

Mentor: Brady Brammer
New Lawyer: Anthony Loubet
Term: July 2018

As a member of the Utah bar that has recently completed the New Lawyer Training Program, I can't think of a more outstanding mentor than Brady Brammer.

In 2016, during my first year attending the Inns of Court in Provo as an attorney, I met Brady Brammer. Although I attended the Inn during my years at law school, Brady and I had never met. During our conversations we discovered that we shared similar contacts and that are personalities were compatible. I was serving as a law clerk for Judge Lynn Davis at the time and had the opportunity to see the skills of various attorneys. It was immediately clear from my courtroom observations that passing the bar alone was not an indicator on how proficient an attorney would be. Yet, while only a few years older, it was apparent from Brady's demeanor and presentations at the Inn that Brady commanded a mastery of courtroom presentation and performance skills that were well above many lawyers I had observed in court. At that time, he had almost been practicing for a decade and it was clear a good portion of that time was in the courtroom and litigating for clients.

While most of my clerking experience had been positive, I had a bad experience that left me feeling insecure in my skills. I also had untrue rumors begin to circulate about me to potential employers. Despite my love of the law and my hard work, I became emotionally exhausted and disheartened about the legal profession. As part of the New Lawyer Training Program, I reached out to Brady to see if he would be willing to be my mentor. Although he was running for an open state house of representative's seat—which he would later win—as well as managing his own law firm, he was willing to mentor me.

Brady exceeded my expectations. He brought me on as junior counsel for some of his cases so that I could gain experience and he could observe my research and writing firsthand and provide applicable comments and feedback. He listened and valued my insights and suggestions. He helped me regain confidence in my skills and restored my belief in the legal field. He was a zealous advocate for me in my search for employment, helping dispel myths or misconceptions.

During our scheduled meetings, he not only professed adherence to the rules of professional conduct, but he also practiced what he preached. By discussing the rules and hypothetical situations, and then observing his behavior, I was able to see how to zealously represent my clients while honoring the rules of professional conduct. I also learned the importance of personally reading and learning the rules of civil procedure, understanding my clients' cases, and to use game theory to anticipate multiple outcomes in order to anticipate opposing counsel as well as evaluate settlement offers. The month following the conclusion of the program, Brady still scheduled a lunch appointment with me to see how I was doing and to talk. Even though I completed the program, I know I can count on Brady to answer my questions to the best of his ability and to continue to be a mentor to me throughout my career.

TAB 2

Utah State Bar®

M E M O R A N D U M

TO: Utah State Bar Board of Bar Commissioners

FROM: Elizabeth A. Wright

RE: Update of the Bar's Policies and Procedures

DATE: September 30, 2019

John Baldwin and I have updated the Bar's Policies and Procedures to include technology and data security policies, remove or update policies that have been modified by practice or new technology or that merely restate the Rules of Integration and Management or the Bylaws contained in the Supreme Court Rules of Professional Practice.

A redlined copy of the proposed changes is attached for your approval. I apologize for the formatting and spacing. The original document was ancient. It may have been drafted in Word Perfect. Inserting large new sections like data security and attempts to make the document work with an automatic table of contents have resulted in this inconsistent formatting. Once the Commission approves a final version, a new document will be created with consistent formatting.

Below is a list of the substantive changes. I am happy to answer any questions you may have about any of the proposed changes.

- LPPs have been added everywhere appropriate.
- Notice or mailings by regular mail have been replaced with email.
- Employee titles updated where needed. For instance, Financial Administrator changed to Financial Director.
- Policies specific to the Office of Professional Conduct have been removed because OPC is now under the supervision and management of a Court committee.
- Authority for endorsed products or programs to use the Bar logo was given to the Executive Director because of the volume of products available through Beneplace. (pg. 2)

- There were two updates to the policies for Bar programs on page 5. We added the Court's 1992 requirement that ongoing programs costing \$50,000 or more be reviewed by the Court. We also added a policy requiring a review of every new non-regulatory program to insure it fits within the mission of the Bar. The Commission adopted this policy and it was not formally put into the Policies and Procedures until now.
- Policies that were internal were put into the Policies and Procedures. (For instance, inclusion of charitable organizations on licensing forms page 8.)
- The Bar's annual proposed budget or a petition for a fee increase (pp. 20-21) are now listed as being available online. Previously they were listed as being available at the Law and Justice Center.
- Reenrollment and resignation (pages 23-25) removed because it restates rule 14 – 508(d).
- Description of checking account updated page 26. We do not have the checking accounts described in the old version.
- Member data policies updated beginning on page 50.
- Confidentiality of Admissions records removed because it is covered by Rule 14-720 (pg. 65).
- Character and fitness committee removed on page 79. This policy was a relic from the past when the Board heard admissions appeals.
- Executive Director review removed from pages 82-83 because it is covered by the Executive Director's employment contract.
- ABA Delegate policies added beginning on page 83.
- The list of appendices has been updated to include the changes: The attorney mail list policy is in the Policies and Procedures. Programs and products endorsed change frequently through Beneplace and are on the Bar's website. The Employee Handbook is no longer attached because it is updated more frequently. All employees have a copy and there is a copy available from the General Counsel or Executive Director. Reimbursement to the Fund for Client Protection has been removed because it is now included in rule 14-904(e) and (e)(1) (see also the removal on page 17).

Utah State Bar Commission

Policies and Procedures

~~January 2019~~ October 2019

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LIST OF APPENDICES

~~“A” Attorney Mail List Policy~~

~~“B” Programs, Products and Services Endorsed~~

“~~CA~~” Ethics Advisory Opinion Committee Rules of Procedure

~~“B” Tuesday Night Bar Policy and Supporting Information Guidelines~~

“~~DC~~” Bar’s Document and Record Retention Policies

“~~ED~~” Financial Department Policy and Procedures

“~~FE~~” Budget Preparation Timetable

“~~GF~~” Licensing Fees

~~“G” Bar’s Investment Policy~~

“H” Summary of the Commissioner Reimbursement Policy

~~“I” Utah Bar Journal Advertising Policies and Rates~~

“~~JI~~” Utah Bar Journal Letters to the Editor Policies

“~~KJ~~” Utah State Bar Program for Addressing Criticism of Courts and Judges

“~~LK~~” Utah Supreme Court Order on Legislative Activities (Rule 14-106)

“~~ML~~” Timetables for Election of Board Members and Selection of the President-elect

“~~NM~~” Commission Conflict of Interest Policy

~~“O” Employee Handbook~~

“P” ~~Tuesday Night Bar Policy and Supporting Information Guidelines~~

~~“Q” Reimbursements to Client Security Fund~~

NOTE: These documents may be modified from time to time. For instance, the Bar's Employee Handbook is generally revised on an annual basis in September.

Utah State Bar Commission Policies and Procedures

A. General

1. ~~Mailing Lists.~~ Moved to page 51

~~The Utah State Bar has determined that its membership lists can be sold to parties who wish to communicate via mail about products, services, causes or other matters. The amount charged by the Bar for the mailing lists will be determined by the Executive Director. At least annually, the Executive Director shall notify those on the lists that the lists are being sold and that anyone on the list who wishes to have his or her name removed may do so by submitting a written request. A listing of amounts charged for the lists is attached as Appendix "A".~~

21. *Amicus Curiae* Briefs.

It is general policy of the Bar to authorize the filing of briefs *amicus curiae* sparingly and only in appropriate cases. Briefs *amicus curiae* shall be authorized for filing on behalf of the Bar only by the Board, and then only after a further determination has been made that the brief to be filed is of high professional quality, and in furtherance of the purposes and objectives of the Bar. Briefs *amicus curiae* may be filed by any section, but only after authorization by the Board with any other restrictions or limitations deemed necessary to be imposed.

32. Co-sponsorships with Other Organizations.

Co-sponsorship of programs and activities with other organizations may be permitted with ~~Board~~ Executive Director approval. Co-sponsorship of programs and activities with other organizations will be approved only if:

~~(a) — Bar participation is an actual partnership, with planning, member participation, and sharing of expenses and profits on an equitable basis with the other organization;~~

(ba) The Bar has ~~at least equal~~ appropriate responsibility for the program and any resultant publications;

(eb) The proposed activity will not result in policy statements that could possibly be attributed to the Bar without prior approval; ~~and of the Board;~~

(d) ~~Participation of another organization is essential to the success of the program because of its members' special expertise; and~~

(ec) The program budget is sound; and ~~is will~~ not likely to leave the Bar liable for unanticipated expenses.

4.3. Endorsements of Products or Publications of Other Organizations.

Generally, the Bar does not endorse the products or publications of other organizations, whether these organizations are nonprofit or for profit, and the "logo" of the Bar may not be used by a non bar-related person or group for any purposes without prior approval of the ~~Board~~ Executive Director. However, the Bar may support or endorse products (such as films or educational materials) and publications and participate in programs of other organizations which are intended to:

- (a) Improve the administration of justice, or
- (b) Increase public respect for an understanding of the justice system, the work of lawyers, and the role of Bar, or
- (c) Assist the public through improving the delivery of quality legal services at an affordable price and the profession through the betterment of law office practices and attorney competence, or

(d) Provide access to certain economic benefit programs which are designed to provide a savings or other such benefit to Bar members.

(1) Through such benefit programs, certain products or services may be offered to members at a discount. However, providing such access implies no Bar endorsement or warranty of the quality of such products or services over similar products or services offered by others.

(2) The Executive Director may review vendor partner proposals, negotiate deals and sign contracts to effect such arrangements. These deals should generally benefit members in the form of pricing discounts; benefit the Bar in the form of revenue sharing; and benefit vendors through co-branded marketing access to lawyers. When the Executive Director deems it appropriate, he or she may refer proposals to the Member Benefits Committee for its review and recommendation.

(3) The Board may appoint a Member Benefits Committee to review and recommend ~~to the Board for approval such traditional association benefit programs as health, life, disability, dental and professional liability insurance; and~~ other programs such as discount purchasing programs which have potential benefit to members which can be provided with little or no cost to the Bar or with potential revenue to the Bar and which is disclosed generally to Bar membership. ~~A copy of the programs, products and services currently endorsed is attached as Appendix "B".~~

54.. “Good Standing.”

(a) Defined.

For purposes of confirming that a lawyer on Active or Inactive Status, or a House Counsel-~~or~~, Foreign Legal Consultant or Licensed Paralegal Practitioner is currently licensed by the Bar and to permit reasonable public disclosure regarding his or her current disciplinary status, “good standing” shall be defined as that person, “being current in the payment of all Bar licensing fees, has met mandatory continuing legal education requirements, if applicable, and is not disbarred, presently on probation, suspended, or has not resigned with discipline pending, from the practice of law in this state.”

(b) Issuance of Certificate.

Certificates of Good Standing may be issued to qualified lawyers, House Counsel, ~~and Foreign Legal Consultants~~ and Licensed Paralegal Practitioners ~~so qualified upon~~ payment of a fee ~~of \$20.00 per certificate~~. Unless there are demonstrable, bona fide reasons for issuing these certificates to third parties such as to employers for professional malpractice insurance or other licensing or investigative agencies, or the attorney in question authorizes the certificate be sent to someone other than him or herself, certificates will not be issued to those other than the licensed attorney or Licensed Paralegal Practitioner.

6.5. Ethics Advisory Opinion Approval Procedures.

Ethics Advisory Opinions shall be approved according to the Rules of Procedure for the Ethics Advisory Opinion Committee. A copy of the Rules of Procedure adopted by the Ethics Advisory Opinion Committee and approved by the Board is attached as Appendix “CA”.

76.. Bar Programs. Sunset Reviews.

(a) By Utah Supreme Court letter dated May 8, 1992 adopting the November 1, 1991 recommendations of the Court's Special Task Force, the Court must review a Commission debt or obligation of more than \$50,000 for a period longer than a fiscal year.

(b) Evaluation of Proposed Non-Regulatory Events and Programs.

Any proposed new non-regulatory event or program should be evaluated to assure that it is within the mission of the Bar. A strategy should then be developed to carry out the event or program which includes a realistic understanding of the demands on existing or needed Bar staff and the financial resources which would need to be reallocated or generated to appropriately accomplish the event or program.

Each non-regulatory program or service provided by the Bar and supported by staff shall be subject to a regular review to determine its continued viability, including a cost analysis and justification for continuation, with notice to Bar members. Such review shall be performed every four years on a rotating basis to be determined by the Board.

87.. Annual Report.

The Bar shall publish online an annual report of activities for the previous year, including financial information, ~~to the Utah Supreme Court and to the Bar's membership.~~

98.. Tuesday Night Bar.

The Utah State Bar's Young Lawyers Division maintains a pro bono legal information service entitled the Tuesday Night BarProgram. The program will provide an initial assessment of each individual's legal problems. The program is designed to provide preliminary counseling

and general legal information and may provide a referral service for consumers. It is not intended to create an ongoing attorney-client relationship between the participants.

After a consultation, the volunteer attorney should have no further obligation to the participant. Attorneys shall not take clients and/or cases from the program unless the attorney does so on a pro bono basis only. An attorney who takes a client and/or case pro bono from the program will not be covered by the Bar's professional liability insurance. Attorneys also shall not refer consumers to other lawyers for representation. Attorneys shall ask each consumer whether or not they are represented by counsel on the matter brought to the program. If the consumer is already represented, the volunteer attorney shall refer the consumer to his or her own counsel. See Appendix "P". A copy of the Tuesday Night Bar Policy and Supporting Information is attached as Appendix "B."

109. Awards and Other Recognition.

The Board annually recognizes the contributions of various members of the Bar and non-lawyers on the basis of achievement, professional service to clients, the public, courts and the Bar, and exemplification of the highest standards of professionalism. Awards may include the Judge of the Year Award, ~~the Distinguished~~ Lawyer of the Year Award, ~~the Distinguished~~ Section of the Year Award, ~~the Distinguished~~ Committee of the Year Award, ~~the Distinguished~~ Young Lawyer of the Year Award, ~~the Distinguished~~ Service to the Profession by a Community Member Award, ~~the Pro Bono~~ Lawyer of the Year Award, NLTP Outstanding Mentor Awards, the Raymond S. Uno Award for Advancement of Minorities in the Legal Profession, the Dorothy Merrill Brothers Award for the Advancement of Women in the Legal Profession ~~and~~, the Professionalism Award, the Charlotte Miller Mentoring Award, the Paul Moxley Mentoring

Award and the James Lee Mentoring Award. From time to time the Board recognizes significant contributions and service in furtherance of the interests of the Bar, the profession and the administration of justice through a variety of measures, including Special Service Awards and the Christine Durham Distinguished Service Awards, ~~such as and~~ the Lifetime Service to the Bar Award.

~~1110.~~ Licensing Form Information.

(a) General.

Pursuant to ~~Rule 14-507 of the Rules of Lawyer Discipline and Disability (Roster of Lawyers and Current Record Information)~~, the Licensed Paralegal Practitioner Rules of Discipline and Disability, and the Bar's bylaws, ~~Rule 14-203 subsection (c) (Register of Members to be Kept) and subsection (d) (Information Required of Members)~~, every member shall furnish to the Bar required information, ~~indicating: full name, date of birth, current physical addresses, and current telephone numbers for law office and residence, current e-mail address, date of admission, date of transfer to or from inactive status, all specialties in which certified, other jurisdictions in which the lawyer is admitted and date of admission and the nature, date, and place of any discipline imposed and any reinstatements.~~ Full-time judges are exempt from providing residential addresses and telephone numbers. Active status members or Licensed Paralegal Practitioners who have circumstances that warrant keeping their current physical address private may ask the Executive Director for a waiver of the requirement that a lawyer's current physical address be publicly listed. ~~Each member shall also furnish information as to the status of any professional liability insurance pursuant to questions on the annual licensing form.~~

~~This information is required by the Board so the Bar can evaluate trends in the profession and can understand the extent to which lawyers are protecting themselves and the public.~~

This information and other information as designated in the applicable rules or by order of the Supreme Court, shall be furnished as part of the lawyer's and Licensed Paralegal Practitioner's admission and thereafter on the annual licensing form ~~if required~~.

(b) Timely Updating Required.

Members are required to inform the Bar as soon as practicable of any changes in the information furnished on the annual licensing form, ~~such as work and home addresses, work and home telephone numbers and the like.~~ Under Section B(1)(h)(4) (Billing and Notice of Delinquency), late notices will be sent to the attorney's last known and previously provided preferred mailing address.

(c) Inclusion of Charitable Organizations on annual licensing form.

In furtherance of its commitment to access to justice for underserved members of our community and the promotion of a legal system that is understood, valued, and accessible to all, the Utah State Bar includes organizations on its annual licensing form to which lawyers can voluntarily make a charitable donation during the licensing process. In order to be included on the annual licensing form an organization must be a 501(c)(3) non-profit, charitable organization that does one or more of the following:

1. Provides free or reduced rate legal services to individuals or organizations that cannot pay for legal services or that are underserved within the legal system.

2. Provides monetary donations to organizations that provide free or reduced rate legal services to individuals or organizations that cannot pay for legal services or that are underserved within the legal system.
3. Promotes understanding of the legal system by offering free classes or programs to students in Utah.

Inclusion on the licensing form is discretionary and is subject to limitations on space and programming expenses associated with listing an organization on the licensing form. Requests to be included on the licensing form must be made by March 1 of the calendar year in which the organization wishes to be included. Once an organization is listed on the licensing form, the organization will automatically be included on the form in subsequent years unless inclusion is no longer deemed appropriate.

~~(c) — Other Information Required.~~

~~Under Rule 14-203 (c) of the Bar's bylaws, the Board may require "other information" as it may determine necessary or desirable by means of the annual licensing form.~~

~~—— 12. — Supreme Court's Ethics and Discipline Committee/OPC Reporting to Board.~~

~~—— Pursuant to the Rules of Lawyer Discipline and Disability, Senior Counsel shall prepare and submit an annual report to the Supreme Court and the Board~~

encompassing the scope and nature of the Ethics and Discipline Committee work. The chair of the Ethics and Discipline Committee and the Senior Counsel shall also annually consult with the Board and the Supreme Court regarding the level of activity and general standing of disciplinary matters and procedures.

~~13. Law Student Affiliates.~~

(a) ~~Students currently enrolled at ABA approved in-state law schools shall automatically become Law Student Affiliates of the Utah State Bar. Students currently enrolled in ABA approved out-of-state law schools shall become Law Student Affiliates upon written request and with current verification from their school.~~

(b) ~~Law Student Affiliates will be included in such group communications from the Bar and benefit programs as are determined by the Board from time to time, which may include receiving the *Utah Bar Journal*, regular e-bulletins, discounts to CLE programs and conventions, the opportunity to join sections and committees and participation in approved group discount services.~~

~~(c) There shall be no fee for Law Student Affiliate status.~~

(d) ~~The Bar shall request a listing of students from the approved in-state law schools regularly, including current mailing and e-mail addresses.~~

~~1411.~~ Bar's Document and Record Retention Policies.

~~Various~~ Bar ~~offices~~ departments have individual document and record retention policies.

Copies of ~~such~~ the policies are attached at Appendix "DC".

~~15. MOVED TO NO. 7 ON PAGE 5. Evaluation of Proposed Non-Regulatory Events and Programs.~~

~~Any proposed new non-regulatory event or program should be evaluated to assure that it is within the mission of the Bar. A strategy should then be developed to carry out the event or program which includes a realistic understanding of the demands on existing or needed Bar staff and the financial resources which would need to be reallocated or generated to appropriately accomplish the event or program.~~

~~16~~12. Whistle-Blower Policy.

Bar Commissioners, Bar staff and any member of the Bar may anonymously report concerns regarding fraud, violations of law, conflicts of interest, other breakdown in internal controls, financial reporting issues, and other areas of major governance concern to the Chief Justice of the Utah Supreme Court for investigation and action as is deemed by the Chief Justice to be appropriate. The Bar may not discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee or any person acting pursuant to a request of the employee has reported concerns about operations, management or governance issues of the Bar; testified or is about to testify in any investigation or proceeding dealing with such concerns; or assisted or participated or is about to assist or participate in any manner in such investigation or proceeding.

~~17~~13. Limitations on Uses of the Law and Justice Center.

Uses of the Utah Law and Justice Center may include events and activities which, in the discretion of the Executive Director, are not in conflict with law, the Bar's mission, or limitations imposed by the Utah Supreme Court.

B. Financial

1. General.

(a) Method of Accounting and Fiscal Year.

The financial records of the Bar are maintained on an accrual method of accounting and on a fiscal year basis from July 1 to June 30. Budgeting and budget appropriations are made on the basis of the fiscal year. Expenditures should be charged to the fiscal year in which the liability is incurred. The financial records of the Bar are closed as of June 30 each year and all bills and accounts should be received by and paid or accrued as of that date. ~~If the annual an expense relating to that meeting which have not previously been accrued and accounted for in the June 30 year end, and any other major item of expense properly charged to the previous fiscal year, should end should subsequently be accounted for and charged to the appropriate fiscal year by adjusting accounting entries as soon as may be practicable.~~ All other items accounted for after June 30 will be charged to the fiscal year in which received. The Bar's Financial ~~Administrator~~ Director shall establish financial policy and procedures which are consistent with generally accepted accounting principles and standards. A copy is attached as Appendix "ED".

(b) Bar Commission Budget Resolution as approved on July 14, 2004.

The Commission finds that future budgets show a probable diminishment of reserves and the possibility of future deficit budgets; and, licensing fees have remained fixed while Bar costs and expenses have increased; and, the general level of expenditures remains necessary to the accomplishment of the Bar's mission; and, that a method of obtaining discretionary authority for the indexing of licensing fees is appropriate and

necessary; and, certain financial principles should be made a matter of record for the guidance of future Commissions and for the understanding of Utah lawyers.

(1) The Commission on an annual basis will develop its budget and programs to operate within the projected revenue available, including maintenance of the reserves as described herein.

(2) It is appropriate and necessary that the Commission maintain and establish a reasonable level of financial reserves. After due consideration the Commission has determined that level to be approximately one-third of its annual operating budget. It is expected that there will be fluctuations as a result of each year's operations.

(3) Certain Bar programs are budgeted on a basis that they will cover the expenses attributed to their operation. The Commission, as a matter of principle, has determined that the following programs should be budgeted in this manner: (1) Annual Conventions; (2) Spring Conventions; (3) Fall Forum; and (4) Bar Admissions.

(4) The Commission receives numerous requests for donations from a variety of worthy causes both related and unrelated to its mission. The Commission has for some time considered what should be the appropriate methodology for responding to such requests. The number of worthy requests always exceeds the funds available. The Commission believes that these principles should guide its response to these requests. First, all requests for donations, except extra-ordinary requests, should be received no later than May

1st, and evaluated simultaneously during preparation of the annual budget.

Second, licensing fees are mandatory. Third, the Commission encourages donations by its members to the Utah Bar Foundation and other organizations which use voluntarily collected funds to assist worthy causes. Fourth, multiple year commitments are generally inappropriate. Fifth, donations should be limited to those programs which assist in the accomplishment of the mission of the Bar.

(c) Budget and Appropriations.

The budget shall be prepared and submitted by the Executive Director and approved by the Board annually. Adjustments to the budget and determinations as to the expenditure of funds may be made during the fiscal year by the Board as the Board may deem it necessary or advisable. The Executive Director shall be responsible to administer the Bar programs and services within the approved operations and capital budget. Staff positions shall be designated in each annual budget proposal. Additional staff positions which are not included in the current budget may be created with the approval of the Board. Additions to staff, temporary labor, or realignment of staff positions which do not require amendment of the budget may be approved by the Executive Director. As part of the next year's budget approval, the Executive Director shall propose a lump sum figure for salaries to be paid to staff, provided that no staff member would receive over a ~~ten~~ five percent salary increase without specific Board approval. ~~The Board shall petition the Court with notice to the membership for approval of any new program, debt or obligation supported by licensing fees which would be in excess of \$50,000, or which is not to be completed or retired within the fiscal year from budgeted revenues~~ (moved to page 5).

(1) Procedure.

For at least 30 days prior to its adoption, A a copy of the most current proposed budget will be online maintained at the Law and Justice Center for at least 30 days prior to its adoption. During that period, the proposed budget will be available for inspection and comment by any member of the Bar. -Comments should be directed to the Executive Director. This procedure will be published annually in the edition of the *Bar Journal* published immediately prior to the commencement of the 30-day period. A copy of the budget preparation timetable is attached as Appendix "FE."

(2) Sections.

Sections of the Bar sustain their operations by dues paid by members of the section. Sections are not required to adopt budgets, but ongoing financial accountability is expected. Section dues are collected by and maintained in the custody of the Bar and are disbursed to sections only as needed for proper section purposes upon properly submitted requests. Section requests to the Bar for appropriation or disbursement of section funds are made to the Bar's Financial Administrator-Director pursuant to procedures established by the Board. Bar sections are encouraged to expend section funds for appropriate activities, speakers, travel, contributions or scholarships, events, and seminars consistent with the mission of the Bar. for travel by appropriate representatives to useful educational seminars. The section executive committee is responsible for establishing criteria for section expenditures.

(d) Carry Over Balances.

Detailed financial statements will be provided to the chair of each section on a monthly basis showing income, expenses, and the section's account balance. —Funds not spent during the fiscal year carry over to the following year. Interest earned on carry over balances is used for general Bar purposes as part of the general fund.

(3) Committees.

Committees of the Bar do not, ~~as a general rule,~~ have separate budgets or operating funds. Revenues necessary for the operation of Bar committees are included in the general Bar budget. Special requests by committees for funds, either for committee operations or for special projects, should be made to the Executive Director or the Board.

(e) Financial Statements.

Detailed financial statements will be provided on a monthly basis by the Financial ~~Administrator~~ Director to the Board and its Budget and Finance Committee. As soon as practicable following the close of each fiscal year, the financial records of the Bar will be audited by a certified public accounting firm approved by the Board and certified financial statements based on the audit will be prepared. The certified financial statements are available online for ~~open to~~ inspection by members of the Bar, at ~~reasonable times and during normal business hours.~~ Copies of such statements will be ~~made available to members of the Bar upon request, at reasonable times, and upon~~

~~payment of charges for copying and handling as reasonably determined by the Executive Director.~~

(f) ~~Client Security Fund~~ Fund for Client Protection.

The ~~Client Security Fund of the Bar~~ Fund for Client Protection is established and funded by order of the Utah Supreme Court. Funds collected or set aside for the ~~Client Security Fund~~ Fund for Client Protection are maintained in a separate designated or reserve account, ~~the amount of which is shown on the monthly and annual financial statements of the Bar. Such funds are to be used only for designated purposes and in accordance with the Court approved rules governing the Fund.~~

~~1. — Reimbursement to Fund.~~

~~Any lawyer whose actions have caused payment of funds to a claimant shall reimburse the Fund for all monies paid. Failure to reimburse the Fund will result in an Administrative Suspension. A copy of the policy is attached at Appendix "Q."~~

(g) Other Reserve or Designated Funds.

The Board may establish other reserve funds which, when so designated, will be separately accounted for on the monthly and annual financial statements of the Bar and are maintained and used only for the purposes for which the funds are established.

(h) Bar Licensing Fees, Status and Renewals.

The Utah Supreme Court has established licensing fees for each licensing status available to Bar members and those with limited licenses such as Licensed Paralegal

Practitioners, House Counsel and Foreign Legal Consultants. A copy of fees is attached as Appendix “GF”. The description of each status is as follows:

(1) Licensing Status.

(1.1) Active.

A lawyer who is practicing law generally and not necessarily for a fee, giving legal advice or counsel, examining or passing upon the legal effect of an act, document or law, or representing clients, not necessarily in a judicial setting, must be licensed on Active Status. Lawyers on Active Status must pay the current active licensing fee plus the required annual Client Security Fund assessment and satisfy Continuing Legal Education requirements.

(1.2) Active, Under Three.

A lawyer on Active Status who ~~has taken the Student Bar Examination and~~ has not been admitted to practice for more than three years in any jurisdiction qualifies for a reduced fee. ~~Lawyers who~~

~~took the Attorney Bar Examination do not qualify.~~ Lawyers on Active

Under Three status must pay the appropriate licensing fee plus the required Client Security Fund assessment and satisfy, when applicable, New Lawyer Training Program requirements.

(1.3) Active Emeritus.

A lawyer who has been a member of the Bar for 50 years or is 75 years old as of July 1 of the current year qualifies for Emeritus Status and is not required to pay a licensing fee or the Client Security Fund assessment. Lawyers practicing law while on Emeritus Status are considered Active Emeritus and must meet Continuing Legal Education requirements.

(1.4) Inactive.

A lawyer on Inactive Status is considered to be “in good standing” but may not practice law. Lawyers on Inactive Status must pay the appropriate licensing fee but are not required to meet Continuing Legal Education requirements. ~~Inactive Lawyers~~ lawyers who want to receive the *Utah Bar Journal* must pay an ~~increased licensing~~ additional fee. To be placed on Inactive Status, lawyers shall pay the inactive fee when renewing through the annual licensing form or make a request to the Licensing Department. ~~request the status by letter.~~ Lawyers will not automatically receive Inactive Status by not paying the annual licensing fee.

(1.5) Inactive Emeritus.

A lawyer who has been a member of the Bar for 50 years or is 75 years old as of July 1 of the current year and who wishes to be on Inactive Status is not required to pay a licensing fee, the Client Security Fund assessment or meet Continuing Legal Education requirements.

(1.6) Current.

A House Counsel, Foreign Legal Consultant or Military Lawyer who has been admitted and qualifies for limited licensures is considered “Current” if all respective requirements, including all applicable fees, have been met.

(1.7) Not Current.

A House Counsel, Foreign Legal Consultant or Military Lawyer who has been admitted and qualified for limited licensure is considered “Not Current” if all respective requirements, including all applicable fees, have not been met.

(1.8) Licensed Paralegal Practitioners

Licensed Paralegal Practitioners may be licensed to engage in the limited practice of law in the area or areas of (1) temporary separation, divorce, parentage, cohabitant abuse, civil stalking, and custody and support; (2) forcible entry and detainer and unlawful detainer; or (3) debt collection matters in which the dollar amount in issue does not exceed the statutory limit for small claims cases.

(i) Active Licensed Paralegal Practitioners are eligible to practice law as defined by Rule 14-802. An active Licensed Paralegal Practitioner must maintain an active license.

(ii) Inactive Licensed Paralegal Practitioners are those licensees who have retired from or for other reasons are not engaged in the practice of law as defined by the Rule 14-802. An inactive Licensed Paralegal Practitioners must maintain an inactive license.

(2) Notice of Pctition for License Fee Increase.

In the event the Board determines to petition the Utah Supreme Court for a ~~dues-license fee~~ increase, a copy of the petition shall be available online ~~continuously maintained at the Law and Justice Center~~ for a period of at least 30 days next prior to its submission to the court. ~~During that period, the petition shall be available for inspection and comment by any member of the Bar.~~ Comments regarding the license fee increase should be directed to the Executive Director. The ~~fact of a~~ determination to seek a ~~dues-license fee~~ increase, ~~shall together with this policy shall, if possible,~~ be published in the *Utah Bar Journal* and in the e-bulletin. ~~edition published next prior to the commencement of the aforesaid 30-day period. If Utah Bar Journal publication is not feasible, the Board may determine the method of notification of members.~~

(3) Due Date, Failure to Renew and Delinquency.

As provided by rule, licensing fees, assessments and section dues are due on July 1 of each year and become delinquent on August 1. Once paid, licensing fees will not be refunded after July 1. If all appropriate fees and assessments are not paid by September 1, the license of the lawyer or Foreign Legal Consultant shall ~~expire~~ be administratively suspended. If the annual licensing form is not completed in conformance with Section A.11(a), the license shall also expire. ~~be administratively suspended.~~ License renewal forms received by the Bar which do not include all the correct amounts due and owed or do not include all information required under either the Rules of Lawyer Discipline and Disability, Rules for

Integration, Bar bylaws or as required herein shall not constitute proper license renewal. Information required shall also include trust account certification information.

~~If the annual licensing form is not completed in conformance with Section A.11(a), the license shall also expire. Such expiration for failure to renew shall result in administrative suspension. As approved by the Bar's Commission Executive Committee on November 30, 2005 and as provided by rule, notice~~
Notice of the suspensions ~~should~~ shall be sent to all courts except for those lawyers on inactive status or those licensed as House Counsel and Foreign Legal Consultants.

(4) Billing and Notice of Delinquency.

Renewal notices for licensing fees, including all mandatory assessments and section dues are emailed during the month of June. The licensing form shall clearly state that if all fees and assessments have not been paid by September 1 that the license shall ~~expire~~ be administratively suspended. The lawyer, Licensed Paralegal Practitioner or Foreign Legal Consultant shall be notified of such expiration at his or her last known preferred mailing address on record with the Bar.

(5) ~~Incomplete renewal forms.~~

~~License renewal forms received by the Bar which do not include all the correct amounts due and owed or do not include all information required under either the Rules of Lawyer Discipline and Disability, Rules for Integration, Bar~~

~~by laws or as required herein shall not constitute proper license renewal.~~

~~Information required shall also include trust account certification information.~~

~~(6)(5)~~ Late Fees and Re-enrollment Fees.

License renewal forms, fees and assessments received on or after August 1 will not be accepted by the Bar unless accompanied by a late payment fee in an amount determined by the Utah Supreme Court. In the event that a lawyer has failed to renew his or her license, any request for re-enrollment shall be accompanied by re-enrollment fees in amounts determined by the Utah Supreme Court.

~~(6.1) — Removed because in Rule 14-508. Re-enrollment after~~

~~Expiration for Failure to Renew~~^[EW1].

~~A lawyer whose license has expired for failure to renew may be re-enrolled under the Rules of Lawyer Discipline and Disability. A lawyer who is administratively suspended for failure to pay licensing fees for three years or less may apply in writing for reenrollment. The request should be made to the Utah State Bar Licensing Department and include payment equal to the amount of fees the lawyer would have been required to pay had the lawyer remained an inactive member to the date of the request for reenrollment and a \$200 reinstatement fee. Upon receiving the same, the Bar shall order reenrollment and so notify the courts. Re-enrollment based on failure to renew does not negate any orders of discipline.~~

~~A lawyer who is administratively suspended for three years or more for failure to pay license fees will be deemed to have resigned and shall comply with the~~

admissions requirements set forth in the Supreme Court Rules of Professional Practice governing admission for lawyers who have resigned.

~~(6.2) — Resignation from the Bar.~~

~~If there are no disciplinary matters outstanding or pending and he or she is not currently suspended from the practice of law, a lawyer may resign from the Bar by submitting a written notification of resignation. If there are disciplinary matters outstanding or pending or he or she is currently suspended from the practice of law, a lawyer may submit a written notification of resignation, which will not be effective unless approved by the Office of Professional Conduct.~~

~~(6.3) — Readmission after Resignation without Discipline Pending.~~

~~Pursuant to the Rules Governing Admission to the Utah State Bar, readmission subsequent to the resignation without discipline pending of a member of the Bar who resigned after September 15, 2003, requires a new application, payment of fees, and a character and fitness investigation. An Applicant is not required to retake the Bar Examination but must fully comply with the requirements of all applicable Rules Governing Admission including the payment of required fees. Readmission subsequent to the resignation without discipline pending of a member of the Bar who resigned on or prior to September 15, 2003, requires the filing of a verified petition for readmission, addressed to the Bar Commission~~

~~and filed with the Executive Director, identifying the lawyer's name, age, past and current residences and business addresses, all occupations during the period subsequent to resignation and the reason for resignation. The lawyer must also pay a \$200 filing fee.~~

~~(7) — House Counsel licensing requirements may differ from licensing provision as set forth above in sections (3) through (6.3). The provisions in House Counsel Rule 14-720 pre-empt sections (3) through (6.3) above where there is a conflict.~~

(86.) A lawyer who seeks re-enrollment after being administratively suspended for both failure to pay licensing fees and failure to meet MCLE requirements is required to pay one \$200 reinstatement fee. The MCLE Board and the Bar will each receive \$100 of the \$200 reinstatement fee.

~~(7.)~~ Section Dues.

All changes in dues charged by sections should be submitted to the Bar's Financial ~~Administrator~~ Director no later than April 15 of each year to be effective for the succeeding year. Once established, section dues are ~~automatically~~ collected by the Bar as part of the annual licensing statement sent to all members of the Bar and collected dues are credited to the appropriate sections. The Bar maintains all financial records, including records of reserve and designated funds of sections, and issues original and follow-up notices for fees, assessments and dues. Therefore, sections may not send either initial billings for dues or delinquency notices to section members.

~~(j)~~(8) Investment of Funds and Signatures on Checks.

To the extent feasible, all funds of the Bar not currently in use for the day-to-day operations of the Bar will be placed in accounts according to the Bar's Investment Policy. The Policy is attached as Appendix G. an interest bearing time certificate of deposit or similar instruments or accounts. Authorized signatures are those of the Executive Director, the President, the President-elect, and ~~such~~ other ~~person or~~ persons authorized by the Board.

~~(k)~~(9) Checking Accounts.

Sufficient funds will be deposited in the ~~following~~ accounts to meet the operating needs of the Utah State Bar:

(1) General Fund Account

~~The General Fund Account is an interest bearing checking account established to fund substantial and/or general ongoing and regular expenses of the Bar.~~ Disbursement of funds from the General Fund Account must be by check bearing two signatures if the amount of the check is over \$1000. Authorized signatures shall be those of the Executive Director, the President, the President-elect, and such other person or persons authorized by the Board.

~~(2)~~ — Operating Fund Account

~~There shall be established an Operating Fund Checking account which may or may not be interest bearing for the purpose of providing funds for "day-to-day" and ad hoc expenditures. Disbursement of funds from the Operating Fund Checking Account shall be by check bearing one signature. Authorized~~

~~signatures shall be those of the Executive Director, the President, the President-elect, and such other person or persons authorized by the Board.~~

~~(3) — Other Accounts.~~

~~Such other~~

~~(2) Other~~ checking accounts ~~as~~ may be authorized by the Board as ~~may be~~ necessary ~~, without limitation, to the maintenance and servicing of lines of credit, loans and employees' pension and profit sharing funds.~~

210. Authorized Expenditures and Procedures for Reimbursement.

(a) ~~General.~~

~~(1) —~~ General Policy with Respect to All Expenditures.

Expenditures of Bar funds are restricted to the goals, purposes, and duties of the Bar. The Bar has traditionally relied upon voluntary, uncompensated services by member lawyers for the accomplishment of many Bar services, activities and projects. The Bar's policy with respect to authorized expenditures of funds will continue to be guided by those dual standards of careful use on a restricted basis and reliance, where possible, on voluntary services of members.

~~(2)(b.)~~ Prior Authorization.

No officer, Board or committee member, or other member of the Bar should incur expenses for which reimbursement is expected from the Bar without prior authorization from the Board, President, or Executive Director, according to approved budget lines. All requests for reimbursement shall be in accordance with these rules and policies and are subject to final approval after submission,

and modification where necessary, to conform with these rules, policies and guidelines.

~~(3)~~(c) Prudent Travel

The Board recognizes the benefits which can be derived by permitting travel to suitable events and understands the importance of spending Bar funds prudently and only for carefully selected travel to worthwhile educational opportunities by appropriate Bar representatives, including Bar officers, Board members, staff, and committee and section representatives.

~~(4)~~(c) Credit Cards.

The Board may establish credit card accounts necessary to facilitate and expedite the business of the Bar. Credit card accounts shall be in the name of the Bar, and cards issued shall bear the name of the individual authorized to use the card. Statements from the credit card company shall be evaluated by the Financial ~~Administrator~~Director. Credit card receipts, together with explanatory comments, shall be provided to the Bar's Financial ~~Administrator~~Director for attachment to the statements and forwarding, and after the Financial ~~Administrator's~~Director's evaluation, to the Executive Director for final payment approval. Credit card receipts should also be attached to invoices, statements and receipts connected to the transaction. All requests for reimbursement must include specific receipts showing that an expense is Bar-related and be approved by the appropriate person including pre-authorization where appropriate. Credit card statements showing only an expense amount will not be accepted.

Under no circumstances will credit card charges or any other expenditure of Bar funds be made in amounts exceeding applicable budget line items, for purposes not authorized by the Board. Bar credit cards may not be used for any personal expenses. Bar staff may use a Bar credit card for hotel reservations and conference registrations for volunteers and Bar staff, but all other travel expenses, including travel, food, transfers, appropriate incidentals and rental cars should be paid for by volunteers and staff, who should then seek reimbursement according to Bar policies.

The Bar will continue to use a hotel master account at conventions for speakers and presenters, but it will not be available for volunteers or staff. The Bar staff will continue to help volunteers and staff with sufficient notice and contact information so that they may secure the best rates on the convention hotels in ample time to prepare and plan.

~~(5)~~(4) Commissioner Convention and Bar-Sponsored CLE Waiver.

Registration fees to Bar Conventions and all Bar-sponsored CLE events shall be waived for Commissioners in order to encourage visibility, participation and access for our membership.

~~(6)~~(5) Interpretation of Rules and Policies.

Questions of interpretation of ~~these~~ expenditure and reimbursement rules and policies shall be resolved by the Board which may, in appropriate instances, delegate its authority to the Executive Director, the Executive Committee, or to the Board's Budget and Finance Committee.

~~(b)~~(6) General Reimbursement Procedures.

Each request for reimbursement shall be submitted in writing on forms prescribed by the Bar, shall be signed and dated by the person submitting it and shall be accompanied by supporting ~~vouchers~~ documentation ~~for any expenditures exceeding \$25.~~ Reimbursement shall not be made unless the request is submitted within 60 days after expenses were incurred. Staff should remind volunteers as much as necessary that they should submit their requests for reimbursement within 60 days of expenditures and that they must include proper documentation according to current policy.

Bar reimbursement forms are available from the Bar office. The Board may, from time to time, prescribe procedures for approval of reimbursements. These general provisions shall apply to all reimbursement of officers, Board members, committees, and others as may be authorized from time to time with the sole exception of Commissioner attendance at the Annual and Spring Conventions. In these two instances, the Bar's Executive Secretary will send an e-mail after these two meetings inquiring if the Commissioner wishes to be reimbursed. If a Commissioner indicates that he or she wishes to be reimbursed, supporting documentation will not be required to be submitted and reimbursement shall be made at the allowable per diem rates in conjunction with section (c)(5).

~~(e)~~(7) General Reimbursable Travel Expenses.

Reimbursable expenses for travel by appropriate Bar representatives shall be at the discretion of the President or authorized by the Board according to approved budget lines. Examples of approved travel includes, but is not limited to, meetings of the Board,

the Annual Bar Convention, the Spring Bar Convention, meetings of the American Bar Association and the National Conference of Bar Presidents, the Western States Bar Conference, the Jack Rabbit Bar Conference, meetings of other state bars, and other meetings of the Utah State Bar and its sections and committees. Bar staff may use a Bar credit card for hotel reservations and conference registrations for volunteers and Bar staff, but all other travel expenses, including travel, food, transfers, appropriate incidentals and rental cars should be paid for by volunteers and staff, who should then seek reimbursement according to Bar policies.

There will be no *per diem* expenses paid to employees prior to travel except as specifically approved by the Executive Director upon the request of an employee's supervisor. *Per diem* expenses are available for the portion of days needed to travel to and from approved out-of-town meetings based upon the times of departure to and from the meeting. Requests for reimbursements for expenses associated with approved meetings must be accompanied by the meeting agenda listing the meals provided so *per diem* expenses may be calculated correctly.

Reimbursable expenses shall include the following:

~~(1)~~(a) Transportation.

All necessary local and long-distance transportation on the basis of coach class air fare rates for long distance transportation, and at the current standard allowable mileage rate set by the IRS annually, plus tolls and parking, for local transportation. That portion of charges for rental automobiles reasonably allocable to Bar business is also included.

~~(2)~~(b) Lodging and Meals.

Hotel or motel sleeping room accommodations and meals.

~~(3)~~(c) Incidentals.

Gratuities and other miscellaneous items

~~(4)~~(d) Bar President and Bar President-elect Stipend.

During their terms in office, the President shall be paid a stipend in the sum of \$1000.00 per month, and the President-elect paid a stipend in the sum of \$500.00 per month.

~~(5)~~(8) Meetings of the Board.

All persons designated by the Rules for Integration and Management of the Utah State Bar as members of the Board, including ex-officio members, and the President and President-elect may be reimbursed for all reasonable travel expenses incurred in attending Board meetings, including transportation, lodging, meals and incidentals, except that expenses for lodging shall be reimbursed only to Board members whose residences are of such distance that overnight accommodations are reasonably necessary. For purposes of Board meetings held in conjunction with the Annual and Spring Conventions, "reasonable travel expenses" shall include transportation at coach class air fare rates for long distance transportation, and at the current standard allowable mileage rate set by the IRS annually, plus tolls and parking for transportation by car, three day's meals and incidentals and three night's lodging in a standard room at the Annual Convention hotel and two day's meals and incidentals and two night's lodging in

a standard room at the Spring Convention hotel. No other expenses of commissioners are reimbursable except as authorized by the President in each instance.

~~(6)(9)~~ Other Commissioner Expenses.

The following expenses incurred in the commissioner's own office in connection with Bar business may be reimbursed: telephone, postage, supplies, copying, and other similar expenses, but not expenses for secretarial or clerical assistance. Advance approval by the President is required for all expenses which are or have the prospect of exceeding nominal amounts. Board members should consult with the Executive Director with respect to the use of postage, stationery, supplies, and, other such items for the purpose of being supplied ~~out of~~ from the Bar ~~office~~ whenever possible. ~~Use of approved long distance telephone lines or credit cards should be made by commissioners in consultation with the Executive Director.~~ Whenever possible, commissioners are expected to absorb relatively minor expenditures for secretarial help, postage, and similar expenses. Activities requiring unusual or heavy expenses should be routed through and performed by the Bar office and Bar staff whenever feasible. Reimbursements will not be made unless the request is submitted with 60 days of the expenditures and the request must include proper receipts and documentation. (See page 6 for full reimbursement policy).

(d) Executive Director

Meetings specifically authorized by the Board for travel by the Executive Director for which reimbursement of expenses will be provided include: the Annual and Mid-Year Meetings of the National Association of Bar Executives and National Conference of Bar Presidents, the Western States Bar Conference, and the American Bar Association Bar Leadership Institute.

(e) Reimbursement for Bar Staff Travel.

Staff travel shall be to further the mission of the Bar and effective administration of Bar programs and services. Reimbursable expenses for travel, appropriate meetings, for staff training and educational purposes shall be authorized approved by the President for the Executive Director and by Executive Director for staff according to approved budget lines as follows.:

(1) Transportation.

All necessary ~~local and long distance~~ transportation on the basis of coach class air fare, ~~rates for long distance transportation, and~~ Local Transportation at the current standard allowable mileage rate set by the IRS annually, plus tolls and parking, for local transportation. That portion of charges for rental automobiles reasonably allocable to Bar business is also included.

(2) Lodging and Meals.

Authorized hotel and motel sleeping room accommodations and meals.

(3) Incidentals.

Authorized gratuities and other miscellaneous items.

(hg) Summary of Commissioner Reimbursement Policies

Attached at Appendix "H" is a Summary of the Commissioner Reimbursement Policy for meeting and travel expenditures.

(fh) Sections and Committees.

The Bar relies heavily on the voluntary nature of service provided by members of committees and sections. Reimbursable expenses of officers and members are expected to be relatively minor in amount, consistent with the bylaws of the section and approved by the section officers. An amount for anticipated committee expenses, for all purposes, is included in the budget of the Bar at the beginning of each fiscal year. Although sections raise money through the imposition of dues, and those funds are maintained as designated reserve accounts by the Bar, permissible expenditures of such funds are largely confined to direct and actual costs of appropriate section activities and projects. Reimbursable expenses of officers and members are expected to be relatively minor in amount, consistent with the bylaws of the section and approved by the section officers. No committee or section of the Bar may obligate the Bar on any contract or with respect to any expenses.

(g) Young Lawyers Division.

An annual, detailed line item budget for the Young Lawyers Division of the Bar

is established out of the general fund of the Bar as part of the Bar's budget approved by the Board. Officers of the Division are authorized to draw upon such fund for ongoing, appropriate expenditures.

~~(h) Summary of Commissioner Reimbursement Policies~~

~~Attached at Appendix "II" is a Summary of the Commissioner Reimbursement Policy for meeting and travel expenditures.~~

(i) Contributions and Memberships.

It is generally not appropriate for the Bar, or any section or committee of the Bar, to contribute funds to other organizations or causes. Licensing fees paid by requirement of the Utah Supreme Court are to be retained and expended by the Bar for direct functions of the Bar as outlined in the bylaws and should not be redistributed. A project or program involving a contribution of staff or voluntary services may be approved by the Board when it believes collaboration would be in the best interests and would serve the purpose and objectives of the Bar. The purposes and objectives of the Bar are served by Bar or executive memberships in certain organizations including, but not limited to, the American Bar Association and, Western States Bar Conference, ~~local chambers of commerce, and the like~~, whose purposes include the exchange of information about the law and the practice of law, and the community; and when such membership otherwise directly serves the purposes and objectives of the Bar as determined by the Board.

C. Fall Forum, Annual and Spring Convention Expenses.

1. Visiting Bar Presidents.

Visiting bar presidents and their guest shall receive reimbursement for expenses in attending the ~~Annual Summer~~ and Spring Conventions when those same expenses are

reimbursed to the Bar when the Utah State Bar President visits that president's bar convention. These expenses may include a full registration package including all meal functions, and room accommodations up to and including four nights. Each visiting bar president shall pay for his or her accommodations and request reimbursement in accordance with the provisions above.

2. Fall Forum, ~~Annual~~Summer and Spring Convention Chairs.

Complimentary convention registration will be provided for the Fall Forum, ~~Annual~~Summer and Spring Convention Chairs. Mileage reimbursement and lodging at the convention hotel shall be provided for the chairs of the ~~Annual~~Summer and Spring Conventions.

~~accommodations and request reimbursement in accordance with the provisions above.~~

3. Convention Committee Members. ✓

~~Annual~~Summer, Fall and Spring Convention Committee members receive a 50% registration discount for those conventions.

4. Utah State Bar President and President-elect.

A full complimentary registration package, including lodging and all meal functions shall be provided for the President and his or her guest for the ~~Annual~~Summer, Fall and Spring Conventions. A full complimentary registration package, including lodging and all meal functions shall be provided for the President-elect and his or her guest for the Spring Convention.

5. Speakers and Panel Members.

Speakers and panelists who are members of the Bar participating at the Fall Forum, ~~Annual~~Summer or Spring Conventions shall be provided with a 50% convention registration discount.

6. Awards Recipients.

Award recipients shall be provided with two complimentary tickets to an awards luncheon if one is held, and complimentary convention registration for the Fall Forum, ~~Annual~~ Summer and Spring Conventions. Award recipients will be provided with one night lodging at the convention hotel and mileage reimbursement at the ~~Annual~~ Summer and Spring Conventions. Fall Forum award recipients will be provided with one night lodging at the convention hotel and mileage reimbursement if they live more than 50 miles outside of Salt Lake City.

7. Judges.

~~State Judges-judges~~ shall be provided with complimentary convention registration to the ~~Annual~~Summer, Fall Forum and Spring Conventions. Pursuant to federal court policy, federal judges in Utah must pay for convention registration. Under this federal policy, the Utah federal courts will make a contribution to the Bar and the Bar will use the contributed money to reimburse the Utah federal judges the amount of their convention registration.

D. Sections and Committees

1. General.

(a) Creation, Organization and Duration.

(1) Sections.

(1.1) New sections will be considered for formation by written applications submitted to the Board. A new section application will identify the purposes of the proposed section, justify its creation and indicate why its objectives cannot be met by existing sections.

(1.2) The application will include the following:

- (i) Signatures of at least 25 members of the Bar indicating intent to become charter members of the section.
- (ii) Initial start-up fund of \$500.
- (iii) Copy of proposed bylaws, modeled after the form prescribed by the Board for all sections. Submission of bylaws may be deferred for 3 months from the date Board grants approval.
- (iv) Proposed dues schedule for membership and statement of purpose and objectives for collected dues.
- (v) Identification of initial officers who will act until official elections can be held, including President, Vice-President and Secretary-Treasurer with statement from each indicating willingness to serve.

(1.3) The Board will receive and act on the application at a regular convened Commission Meeting.

(1.4) The Board reserves the right to grant provisional recognition for one year with full recognition upon review of the section activities and member participation during the provisional period.

(1.5) Following approval, the section will be responsible for its own membership and operations, subject at all times to the overall authority of the Board.

(1.6) Once organized, the section will continue until dissolved by action of the Board.

(1.7) Section leadership must submit an annual written report to the Board describing all section meetings and events that occurred the previous year.

(1.8) There must be a minimum number of twenty-five members to maintain section status.

(1.9) Sections which fail to meet the purpose and objectives for which they were created, fail to meet the purposes, objectives and mission of the Bar, or whose membership drops below the required number of twenty-five members, may be dissolved by the Board after notice and opportunity to be heard by the Board. In the event any section is dissolved, all funds held by the section may be transferred to the general Bar fund.

(2) Committees.

Matters concerning committee membership and committee chairs are governed by the bylaws of the Utah State Bar.

(b) Membership.

(1) Sections.

Section membership shall be limited to members of the Bar unless provisions in the section's bylaws which have been approved by the Board provide for a process to permit non-Bar members to be section members and the section has followed those procedures.

(2) Committees.

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

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

requirements of this policy. Committee Chairs must report to the Commission on an annual basis regarding efforts to foster diverse membership and leadership.

(2)(a) Committee Leadership Succession

It is the policy of the Utah State Bar that Bar Committees provide regular, ongoing leadership opportunities for its committee members. Committees shall have a succession plan which may be unique to that committee, but shall address leadership and succession. Suggested guidelines are that each committee should have a chair and a chair-elect. A committee chair should serve a term to be approved by the Commission, but should not exceed three (3) years. The chair-elect should be nominated by the committee membership as a whole and approved by the Commission. The chair-elect should automatically become chair of the committee upon the end of the chair's term. Committees may propose a deviation from these guidelines if factors unique to that committee justify a deviation and the basis for the deviation is set forth in the committee succession plan. Any deviations must be approved by the Commission.

(c) Stationery.

In general, sections and committees of the Bar are not provided with separate stationery. The use of Bar stationery in appropriate circumstances may be approved by the Board or by the Executive Director, upon specific request by the chair. Bar stationery is for official Bar business only. It may not be used for letters to public officials, members of Congress or the state legislature, to the general public, or to members of the

Bar without express prior permission of the Board or by the Executive Director under a delegation of authority by the Board.

(d) Retention of Consultants.

Neither sections nor committees may enter into employment relationships with consultants or others without specific prior approval of the Board.

(e) Programs and Projects.

(1) Sections.

Sections of the Bar must accept such projects, programs, and assignments as the Board may direct. Sections may also initiate and carry out programs, projects and activities on the section's own initiative, but only if they are consistent with the purposes and objectives of the Bar. The Board retains ultimate authority to approve or disapprove section programs, projects and activities.

(2) Committees.

In general, all activities, programs and projects of Bar committees are directly assigned by the Board on an annual basis. Committees may initiate programs and projects only after approval by the Board upon report from the committee chair or the Commission liaison to the committee.

(f) CLE Programs.

(1) Program Preparation.

Whenever a section or committee decides to develop a CLE program, section representatives must promptly meet with the CLE Director to develop a

program plan consistent with Bar policy. The section develops program content, speakers and target audience subject to final approval by the CLE Director.

(2) Scheduling.

Scheduling of an event by section and staff cannot conflict with other Bar programs and must be scheduled with adequate lead time for program development and marketing.

(3) Expenses.

Expenses and reimbursements for CLE programs are subject to Bar policies and the event budget must be approved by the CLE Director. Expenses not payable or reimbursable by the Bar, or as an advance against anticipated proceeds, may be incurred and paid by the section with prior approval by the CLE Director. All registrants for CLE programs must pay for the CLE program at the time of registration. No one may attend a CLE program with a promise to pay at a later date.

(4) Bar Staff Duties.

The Bar staff will:

- i. coordinate all hotel or other site arrangements including, but not limited to, meals, meeting rooms and sleeping rooms, on-site technical support, all travel arrangements for speakers or guests;
- ii. develop, produce, distribute and coordinate all marketing and registration materials and reproduce all included papers,

articles, outlines or other handouts for registrants according to a timetable established when the event is scheduled;

- iii. make all disbursements and reimbursements authorized by the Executive Director;
- iv. provide regular reports to the section representative regarding production, marketing, site planning and registration;
- v. provide an accounting to the section of all revenues and expenses attributable to the event;
- vi. make all decisions regarding fees, complimentary or reduced rate registrations and other special arrangements in consultation with the section representative.

(5) Contracts.

All contracts must be signed by the Executive Director.

(6) Section and Committee Duties.

The section will provide a section representative to assume primary responsibility for arranging the program and speakers, and to liaison with Bar staff to:

- i. develop the program, including speakers and publications or handout materials, according to a timetable established at the time the event is scheduled;
- ii. provide all information requested by Bar staff relevant to the speakers and materials;

ii. promote registration among its members and cooperate with Bar staff in identifying all target groups for special marketing, if appropriate;

iv. incur no obligation on behalf of the Bar or the event without the approval of the Executive Director and meet calendar deadlines for all items. No member of the section or committee may sign any contract on behalf of the section, committee or the Bar.

(7) Revenue Accounting.

Unless otherwise agreed upon by the sponsors and the Bar, net revenue for seminars ~~held in the Law & Justice Center~~ with food and beverages provided or not provided by the Law and Justice Center shall be split 50% to the Bar and 50% to the section or committee. ~~Unless otherwise agreed upon by the sponsors and the Bar, net revenue for seminars held in a location other than the Law & Justice Center shall be split with 50% to the Bar and 50% to the section or committee.~~

(7.-2) Net revenue is defined as gross revenue less all program expenses, including room rental, food and beverages, equipment rental, speakers' fees, printing, copying, postage, mailing and other incidental costs; personnel costs directly related to the seminar, including salaries, benefits and payroll taxes and overhead charges for the employee's space allocated to the seminar.

(7.3) If the expenses exceed revenues, the section or committee shall reimburse the Bar for its expenses.

(g) CLE Presenter Diversity Requirements.

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

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

(h) Solicitation or Acceptance of Contributions.

Sections and committees of the Bar may not solicit or accept contributions, entertainment or gifts from organizations, commercial or noncommercial, including free printing, prizes, souvenirs or meeting space without prior approval of the Board or, in the

case of seminars, the CLE Director. The only authorized fund raising activity of committees or sections of the Bar is the imposition of dues upon members of sections in amounts approved by the Board.

(i) Reports, Studies and Other Findings of Sections and Committees.

Pursuant to the bylaws of the Utah State Bar, sections and committees may submit regular or periodic reports to the Board. No report, study, finding or other written material by a section or committee of the Bar shall purport to express an official position or policy of the Bar without prior specific approval of the Board. No report, study, finding or other written material shall be prepared for or disseminated or distributed to the public or any legislative body without prior approval of the Board. The Board may allow a report, recommendation, program or other matter coming from a section or committee to be disseminated, provided that it states prominently at the outset that it represents the opinion of that particular section or committee and not the opinion of the Bar.

(j) Conflict of Interest.

Section or committee members must disclose any material interest in the subject matter of a proposed recommendation, study, or finding on the part of the section or committee because of specific employment or representation of clients at the time of its submission to the Board.

(k) Legal Defense for Bar Volunteers

(1) Bar member volunteers who are sued in direct connection with authorized Bar duties will have legal defense under the provisions of the Bar's

professional liability and commercial liability insurance policies if the Bar volunteer was acting in good faith either:

- i. at the authorized request of a Bar Commissioner or Bar employee;
 - ii. in the regular course of volunteer work including, but not limited to, The Unauthorized Practice of Law Committee, the Ethics and Discipline Committee, Tuesday Night Bar, and the Character and Fitness Committee; and
 - iii. If the member requests defense under the Bar's policies and there is no opposition from the Bar's professional liability carrier.
- If requested, the Bar will provide a legal defense under the provisions of its professional liability and commercial liability policies if a member of the Bar, who is asked by an authorized representative of the Bar to serve as a witness in a Bar legal or quasi-legal proceeding, is sued by one of the parties to the lawsuit in direct connection to the proposed or actual testimony.

E. Communications

1. General.

The Bar's primary contact with its members is through its publications and web site. These communications constitute a record of the Bar's continuing activities and aspirations. The communications of the Bar are primarily intended to provide a means of information and dialogue by and among members of the Bar and are not intended to be a forum for the general

public. Editorial policy with respect to each Bar publication and web site resides in the Board. Publication responsibility may be delegated by the Board to the Executive Director or to committees as the Board may deem desirable.

2. Member Data and Contact Information Policy

A. Collection of Identifying Information

As the licensing agent for Utah lawyers, and as required by the Supreme Court Rule of Professional Practice 14-507(c) and (d) and 14-203(c) and (d), the USB must have a mailing address, telephone number and email address for each member. The member's business address appears on the public directory of lawyers. If a member is on active status, the member's residence address will be the business address if no other address is provided. No address is listed for members on inactive status.

B. Notice of how the information will be treated and disseminated is included on licensing forms used to collect the information.

Public Disclosure of Membership Information

The USB will provide membership data to the Utah Supreme Court.

The USB will provide membership data to the Judicial Performance and Evaluation Commission.

The following member data is public record: name, USB number, business address, telephone number, email address, fax number, membership status (both current and historical), date(s) and jurisdictions of admission, and USB committee

and section membership. If provided by the member, practice area and languages spoken are also public. This information, except historical information about status, is published on various USB websites. In addition, this information can be obtained by calling the USB office. All other member demographic information maintained by the USB is confidential.

B. Dissemination of Member Contact Information

It is the general policy of the USB to be restrictive in the distribution or sale of contact information of its members. This policy is intended to balance the member-service aspect of receiving information with the inconvenience of receiving too much information.

Member Mailing Addresses: Mailing Lists.

The Utah State Bar has determined that its membership lists can be sold to parties who wish to communicate via mail about products, services, causes or other matters. The amount charged by the Bar for the mailing lists will be determined by the Executive Director. The USB reserves the right to inspect the actual contents of any proposed mailing prior to providing mailing labels or lists for the purpose of determining the category of user and to apply the terms and prohibitions of this policy.:

All sales are on a one-time only basis for the requested purpose. Purchasers are not authorized to duplicate, reuse, or re-market USB labels or lists, whether in hard

copy or electronic format. If provided in electronic format, data must be destroyed or returned to the USB after the one-time use.

The request to purchase mailing labels or lists must be in writing, along with a copy of the material to be mailed. A sales agreement must be executed by each purchaser, and by the mailing house, if one is used by the purchaser, prior to delivery of the requested labels or lists. Payment shall be required prior to delivery of requested labels or lists.

The sale of mailing labels and lists for commercial purposes is a discretionary act. All sales of mailing labels or lists in this category must be approved by the Executive Director or his or her designee. The Executive Director is authorized to reject requests for mailing labels or lists related to the sale of products and services that are not directly related to the practice of law or that conflict with the goals and purposes of the USB. The Executive Director is also authorized to provide mailing labels or lists to others not specified above.

The Executive Director shall publish a fee schedule from time to time.

Mailing labels or lists shall not be provided for:

(1) Partisan or nonpartisan political mailings at any level.

(2) Solicitations for contributions by any organization not specifically approved by the Executive Director or the Board of Bar Commissioners.

(3) Any members whose primary address is in the European Union.

Member Email Addresses:

All members are required to provide the USB with a valid email address. Members can designate an email address as private on their USB portal account. Private designation means that the email address will not be displayed as part of the member online public record or provided to third parties, but will be provided to: (1) the Utah Supreme Court; (2) the Judicial Performance and Evaluation Commission; (3) candidates for the Board of Bar Commissioners; and (4) USB sections, committees, specialty and regional bars to which the member belongs.

By Commission Policy adopted March 10, 2016, members may not opt out of receiving emails from the Bar. The Bar send emails to its members to assist with licensing, compliance support and to provide information about the operation of the Bar. Email from the Bar to its members is not covered by the Can-Spam Act because it falls under the transactional and relationship exceptions to the Act.

Categorization of User Types

USB Sections: Mailing labels or lists and preferred email addresses of section members will be provided to USB Sections of USB members at no charge to further the USB's goal of providing support to USB Sections.

Local bar associations that use the USB to process membership payments: Mailing labels or lists and preferred email addresses will be provided to local bar associations of USB members in their respective counties at no charge, to further the USB's goal of providing support to local bar associations.

Specialty bar associations that use the USB to process membership payments: Mailing labels or lists and preferred email addresses of USB members will be provided to specialty bar

associations at no charge, to further the USB's goal of providing support to specialty bar associations.

Candidates for the Board of Bar Commissioners: One set of mailing labels and a one-time email list for USB members in a candidate's district will be provided to each candidate at no charge.

USB commercial partners: The USB will provide mailing labels, lists and public email addresses to commercial partners with which the USB has a contractual relationship to provide benefits and services to members.

——Third party vendors: Mailing labels or lists will be provided at commercial prices to vendors of law-related products and services approved by the Executive Director. The purpose of selling or providing mailing labels and lists to entities in this category is to inform the membership of products and services related to the practice of law. Email addresses are not provided to third party vendors, but the USB may, at the discretion of the Executive Director, send an email to members -on behalf of a ~~third party~~third-party vendor or may permit a third party vendor or partner to send direct emails to members. -

Exceptions to this policy may be authorized by the Executive Director.

2.3. Social Media Policy Introduction

The Utah State Bar recognizes that online services and social media platforms can be effective tools for sharing ideas, exchanging information and the promotion of Bar programs, services and goods. While implementing these technologies, the Utah State Bar seeks to ensure

that use of online services meets the needs of the Bar to maintain its core values, mission statement, and unique identity. The Utah State Bar also strives to be aware of and work to minimize the actual or potential legal risks that can be caused by these services. The Utah State Bar therefore establishes the following rules and guidelines for communicating information via online platforms by Bar staff, sections, committees, Bar Commissioners, and designated agents. Violation of this policy may lead to disciplinary action up to and including termination of employment or in the case of section, committee, Bar Commissioners, and agents, removal of access privileges to Bar resources.

(a) Utah State Bar Social Policy

The Utah State Bar defines “social media” broadly to include online platforms that facilitate activities such as professional or social networking, posting commentary or opinions, and sharing pictures, audio, video, or other content.

“Social media” includes, but is not limited to, personal websites and all types of online communities and communications services (e.g., Facebook, Instagram, LinkedIn, Pinterest, SnapChat, Twitter, Vine, Yelp, YouTube, blogs, message boards, and chat rooms).

(b) Staff use of Bar social media services and platforms is covered by all Utah State Bar policies including, among others, the Utah State Bar’s Equal Employment Opportunity, No Harassment, Diversity, Confidentiality, internet, and technology use policies as found in the Utah State Bar Employee Handbook. Bar staff shall not post content on social media that violates the Utah State Bar’s discrimination or harassment policies or that is threatening or obscene. As a

unified bar with mandatory membership, the Utah State Bar cannot take positions on political or social issues that do not relate to or affect the practice of law or the administration of justice. Social media platforms should not be used to endorse any candidates for political office or to advocate for a political point of view that is not consistent with the Bar's mission or approved by the Board of Bar Commissioners.

3. Bar staff may not use social media for non-business purposes while at work. Bar staff that violate Bar social media policies may be disciplined or terminated. The Bar will delete or remove content employees post on Bar social media platforms that is not legally protected and violates Bar policies.

4. Bar staff shall not represent that the Utah State Bar has authorized them to speak on behalf of the Utah State Bar or that the Utah State Bar has approved the message unless they have received prior ~~written~~ authorization to do so from the Executive Director of the Utah State Bar. Bar staff that have not received this authorization are required to state explicitly, clearly, and in a prominent place on the site or in the post that views expressed are the employee's own and not those of the Utah State Bar or of any person or organization affiliated or doing business with the Utah State Bar.

5. Bar staff shall not illegally disparage the Utah State Bar's products or services, or the Utah State Bar's members, vendors' or partners' products or services. Bar staff shall not intentionally make maliciously false statements that denigrate the Utah State Bar's products or services, or the Utah State Bar's vendors' or partners' products or services.

6. Bar staff are encouraged to use social media and online platforms to promote departmental activities, goods, or services that are sponsored by the Bar. Bar staff shall not advertise or sell third party products or services via social media or online platforms without the prior written approval from the Executive Director of the Utah State Bar.

7. The Utah State Bar protects its copyrights, trademarks, and logos. Bar staff shall respect the laws regarding copyrights, trademarks, rights of publicity, and other third-party rights. To minimize the risk of a copyright violation, Bar staff shall reference to the source(s) of information uses and accurately cite copyrighted works that are identified in any online communications.

8. Bar staff shall not infringe on Utah State Bar logos, brand names, taglines, slogans, or other trademarks. Bar staff may not use the Utah State Bar's (or any of its affiliated entities') logos, brand names, taglines, slogans, or other trademarks or other protected proprietary information or property for any business or commercial venture without the review of Utah State Bar's Office of General Counsel and the written permission of the Executive Director of the Utah State Bar.

9. The Utah State Bar protects its premises and processes. Bar staff shall not record audio or video or take pictures of non-public areas of the Utah State Bar's premises or of the Utah State Bar's processes and display such content through social media without prior written approval from the Executive Director of the Utah State Bar. Exceptions to this rule would be to engage in activity protected by the National Labor Relations Act including, for example, taking pictures or making recordings of health, safety, and/or working condition concerns, or work-related issues, or other protected concerted activities.

(a) Bar staff shall not display or post video or other images of, or material about, the Utah State Bar's employees that are slanderous, proprietary, harassing, bullying, discriminatory, retaliatory, or that can create an unlawful hostile work environment. This conduct, which would not be permissible in the workplace is not permissible between or among employees online, even if done during non-work hours and away from the workplace on personal devices or home computers.

(b) Bar staff shall not display or post video or other images of, or material about, the Utah State Bar's partners, vendors, or members without prior written approval from the Executive Director of the Utah State Bar. Under no circumstances may staff post the Utah State Bar's partners', vendors', or members personally identifying information, such as social security numbers, credit card numbers, or phone numbers. Exemptions to this rule will be to comply with Utah Court rules mandating that:

- attorney public address be made available to the public; that
- formal attorney disciplinary actions be made public; and that
- attorney licenses status information be made public.

(c) Utah State Bar Social Section, Committee, Bar Commissioner, or Agents use of Social Media

- i. Sections, committees, Utah State Bar Commissioners and designated agents are held to the same standards and policies as members of the Bar Staff.
- ii. Utah State Bar section, committee, Bar Commissioner and agent use of Bar social media services and platforms is covered by all Utah State Bar

policies including, among others, the Utah State Bar's Equal Employment Opportunity, No Harassment, Diversity, Confidentiality, Internet, and technology use policies as found in the Utah State Bar Employee Handbook.

- iii. Utah State Bar section, committee, Bar Commissioner, and designated agents shall not post content on social media that violates the Utah State Bar's discrimination or harassment policies, or that is threatening or obscene.
- iv. Sections, committees, Utah State Bar Commissioners and designated agents must maintain transparency by declaring their name when using Bar social media platforms.
- v. Individuals and organizations may not use Bar social media to link to private law firm websites.

(d) Utah State Bar Section, Committee and Commissioner Use of Social Media for Legislative Activity

The Utah State Bar is tasked by Utah Court rule to engage in legislative activity through the administration of the Governmental Relations Committee. Sections and committees are forbidden to engage in legislative activity or legislative advocacy without the express written permission of the Utah State Bar Board of Bar Commissioners.

Members of sections and committees are free, and encouraged, as private citizens to participate in the political or legislative process but shall not represent

that the Utah State Bar has provided any authorization to speak on behalf of the Utah State Bar or that the Utah State Bar has approved message or position.

Sections and committee members are strongly encouraged to state that they are speaking as private citizens and to avoid statements implying that the Utah State Bar endorses or opposes a legislative or political position.

(e) Utah State Bar Monitoring of Social Media Platforms

The Utah State Bar reserves the right to (and does) use software and search tools to monitor comments or discussions about it, its representatives, its products, its vendors and its partners that are posted anywhere on the internet, including social media.

Content posted or transmitted via the Bar's social media platforms by Sections, committees, Utah State Bar Commissioners and designated agents that violates Bar policies will be removed. Sections, committees, Utah State Bar Commissioners and designated agents who violate Bar policies for the use of social media platforms will be denied access and rights to use the Bar's social media platforms.

(f) Policy for Responding to Inappropriate, Unfair, Harmful or Inflammatory Statements About the Bar, its Members, Leadership, Services or Employees.

The Utah State Bar President (or his or her designee), the Executive Director and the Communications Director should be made aware of the inappropriate, unfair, harmful or inflammatory statements or communication about the Bar. The Executive Director should take steps immediately to gather all pertinent background and factual information, including a copy of the text (whether in live or print media) of the criticism.

If after reviewing all of the background and factual information, the Executive Director and the President determine that a response is warranted, the Communications Director should draft a response for approval to the President and the Executive Director of the Utah State Bar. The form and manner of the response should be such that it will receive the same exposure and publicity as the criticism.

10. Advertising.

It is the policy of the Bar to allow paid advertising in the *Utah Bar Journal* and on the web site. The Board reserves the right to reject for publication any advertising which it reasonably believes is susceptible of a defamatory meaning or which may violate, or which advocates others to violate, any federal, state or local law, regulation, rule or ordinance, including any ethical or professional rule. Except as provided above, advertising shall not be rejected on the basis of the subject matter or the content of the advertisement or on the basis of who submits the advertisement. A current schedule of rates shall be approved by the Board and shall be utilized in accepting advertisements, subject to periodic, prospective revisions, ~~and attached as Appendix "I".~~ *Utah Bar Journal* advertising rates and policies are available on the Bar's website.

(a) *Utah Bar Journal*.

(1) Publication.

The Bar publishes the *Utah Bar Journal*, a publication including substantive and informative legal articles, news of Bar events and programs, Young Lawyers Division news, Utah Bar Foundation news, notices of Continuing

Legal Education programs sponsored by the Bar and other items at the discretion of the Board, or by delegation of the Executive Director.

(2) Letters to the Editor.

The Board shall adopt specific policies regarding the publication of letters to the editor in the *Utah Bar Journal*. A copy of the current policy shall be attached as Appendix “J”.

(b) e-Bulletin

(1) Publication.

The Bar electronically publishes an *e-Bulletin* generally on a monthly basis to all Bar members who have provided an e-mail address. The purpose of the *e-Bulletin* is to provide a timely and efficient means of communication with Bar members and is a tool for the courts of Utah to publish new rules and proposed rule revisions. The *e-Bulletin* is designed to be a relatively short, bullet-point type notice of Bar and other legally-related news, events and programs. Content of the *e-Bulletin* is discretionary and will be determined by the Executive Director or his or her designee in accordance with this policy.

(2) Submission and Content.

The Bar accepts submission of content for inclusion in the *e-Bulletin* from Bar-related as well as outside legally-related parties. Submissions will be run on a space-available basis in the next available edition at the discretion of the Executive Director. Content must be relevant to Bar membership. No

commercial content will be published except approved member benefit notices in the highlight section.

(3) Publication Priority.

After Bar-related information, priority will be given to the courts and other legally-related government entities, and then to Bar-related entities such as sections, committees and local bar associations, and then to all other legally-related submissions.

(4) Special *e-Bulletins*.

From time to time on an infrequent basis, the Bar may publish more than one edition within a 30-day period. These special editions will be published for time sensitive Utah State Bar and court contents only.

~~(5) — Format.~~

~~All *e-Bulletins* will conform to the following format:~~

~~(5.1) — headline;~~

~~(5.2) — short description (generally 50-75 words); and~~

~~(5.3) — optional internet link for additional information.~~

~~Due to security and spam concerns, electronic attachments shall not be included.~~

11. Publicity.

(a) Section and Committee Public Information Activities.

If a member of a section or committee appears before the public or engages in any public information activity, and permits him or herself to be identified as having an

official connection with the Bar or one of its committees or sections, such member shall fairly state the policy of the Bar on the matter in question if a policy has been adopted. If the Bar has not formulated a policy on the matter in question or if the member has no knowledge of any such policy, the member shall identify his view on the subject as his or her personal views only and not representative of the Bar.

(b) News Releases and News Conferences.

The President and the Executive Director are authorized to issue news releases which are informational in nature. New releases which purport to state a policy or position of the Bar which have not previously been approved by the Board shall require prior approval of the Board.

~~(e) — Discipline [EW2].~~

~~—Office of Professional Conduct ("OPC") policy for drafting Utah Bar Journal notices of discipline.~~

~~(1) — Notices of discipline will reflect the duty to educate members and the public as set forth in Rule of Lawyer Discipline and Disability Rule 14-504(b)(13) and 14-516(b).~~

~~(1.2) — Notices will summarize or report the facts as set forth by court order and findings of fact or by the Ethics and Discipline Committee order and findings of fact.~~

~~(1.3) — A court's conclusions of law, or the Ethics and Discipline Committee's conclusions of law will be reported or summarized as set forth.~~

~~(1.4) — OPC will not opine as to the degree of misconduct or the character of the attorney outside of what is stated by a court or the Ethics and Discipline Committee.~~

~~(1.5) — OPC will not state its personal views regarding the attorney misconduct and the subsequent sanction(s).~~

~~(1.6) — In cases where there is private discipline, OPC will not report names of respondents or parties and no identifying markers (e.g., he or she) will be used.~~

~~(1.7) — Unless necessary to the reporting of the severity of the misconduct, or to reflect a court's or the Ethics and Discipline Committee's order or findings of fact relating to restitution, dollar amounts will not be used in the notice.~~

~~(dc)~~ Procedures for Addressing Judicial Criticism

Because of the restraints placed on judges by both tradition and the Utah Code of Judicial Conduct and ethical obligations imposed by the Utah Rules of Professional Conduct for lawyers, the Utah State Bar has adopted a policy and program to provide for appropriate and timely response to unfair, inaccurate, serious or harmful criticism of judges and courts. A copy of the current policy is attached as Appendix "K".

F. Confidentiality

~~1. — Admissions.~~

~~Confirmation that an applicant has applied for admission, all documents, information contained in or relating to applications, investigative, character and fitness reports, files, orders,~~

~~appeals and grievances concerning applications to take the Bar examination, and for readmission or reinstatement to the Bar, shall be confidential. All proceedings pertaining to such applications, whether before a Bar committee, the Board or committee of the Board, shall be kept confidential until and unless the applicant waives his or her right to confidentiality either by written waiver or conduct. This policy shall not be interpreted as to otherwise restrict the scope of confidentiality provided in the Rules of Admission as adopted by the Utah Supreme Court.~~

~~2. — Discipline.~~

~~The confidentiality of all disciplinary proceedings shall be governed by the provisions of the Rules of Lawyer Discipline and Disability as adopted by the Utah Supreme Court.~~

~~31.~~ Licensing Records.

(a) Confirmation that a lawyer on Active Status, a House Counsel or a Foreign Legal Consultant is licensed, his or her licensing status, business address, business phone, public email address, and date of admission to the Utah Bar, the law school from which the lawyer graduated, and confirmation of “good standing”,[”] including current public discipline and public disciplinary history, is public information. All other information is confidential.

(b) Confirmation that a lawyer on Inactive Status is licensed, his or her licensing status and date of admission, the law school from which the lawyer graduated, and confirmation of “good standing”, including current public discipline and public disciplinary history, is public information. All other information is confidential.

(c) Confirmation that a legal assistant is a member of the Paralegals Division and date of membership is public. All other information is confidential.

4. Public Members.

Confirmation that a public member is a member of the Board, a section or committee and his or her business address and business phone is public. All other information is confidential.

5. Personnel Records.

All personnel records are confidential.

6. Fee Dispute Resolution.

All information regarding fee dispute resolution is confidential.

7. Client Security Fund.

Information regarding claims on the Client Security Fund may be provided to state and federal investigative and prosecutorial authorities at the discretion of the Executive Director. Awards made under the fund are public information. All other information regarding claims and deliberations of claims on the Client Security Fund is confidential.

8. Consumer Assistance Program.

All information regarding the Consumer Assistance Program is confidential.

9. Commission Executive Sessions.

The Board may meet in Executive Session at the discretion of the President or three or more members of the Board with no persons present except the President and members of the Board, when the matters under consideration or discussion involve discipline, admissions, litigation, personnel, reinstatement, individual character or fitness or other topics where the preservation might result in the violation of individual rights or in unwarranted or unjustified private or personal harm. Ex-officio members of the Board, the Executive Director, OPC Senior Counsel, or the General Counsel may be included at the discretion of the President.

G. Legislative Activity.

1. Utah Supreme Court Grant of Authority.

It is the policy of the Bar to carry out legislative activities authorized by the Rules for Integration and Management of the Utah State Bar as modified from time to time by the Utah Supreme Court, a copy of which is attached as Appendix “L”.

2. Scope of Bar Authority.

The scope of legislative activity of the Bar may be as broad as authorized under the Rules for Integration of the Utah State Bar.

3. Governmental Relations Committee.

The Bar has established a Governmental Relations Committee to assist in carrying out its responsibilities as set out in the Rules for Integration and Management.

4. Role of Governmental Relations Committee.

As a general rule, recommendations for positions on legislation shall be presented to the Board through its Governmental Relations Committee after consultation with the Governmental Relations Representative and other interested committees and sections of the Bar.

5. Weekly Telephonic Meetings During Session.

During the legislative session, the Board shall hold regularly scheduled weekly meetings by means of a conference call to discuss issues and take positions on legislation.

6. Supermajority Voting Requirement.

Except as provided in Paragraph 7 below, the Board shall not take a position on legislation unless it is supported by a two-thirds vote of those present.

7. Interim Positions by President or President-elect.

In the event that it is not reasonable and practical to wait for the next scheduled regular or telephonic Board Meeting, the President, or the President-elect in the President's absence, may, upon the recommendation of the chair of the Governmental Relations Committee and the Governmental Relations Representative, take a position on legislation on behalf of the Board. Such positions shall be reported immediately by fax or e-mail to all Board members.

8. Rebate of Licensing Fees Allocated to Legislative Activities.

Any member of the Bar who objects to the expenditure of funds by the Board may apply for a license fee rebate in an amount representing that member's *pro rata* portion of the amount of the lawyer's licensing fees spent on legislative activities, including reasonable administrative expenses, for the preceding 12-month period. That *pro rata* portion shall be determined by dividing the total amount spent on legislative activities into the total amount of license revenue collected to date and multiplying that dividend by the licensing fees paid by the member. Such application shall be made in writing to the Executive Director following annual publication of a notice of rebate in the *Utah Bar Journal*.

Bar expenditures for the Utah and the Utah State Bar American Bar Association (ABA) Delegates' activities in the ABA House of Delegates shall be included in the annual rebate amount. Members will also be offered a rebate for Bar expenditures for the annual ABA Day in Washington D.C. by ABA Delegates and Bar volunteers.

9. Scope of Issues for Committee Consideration.

Wherever any of the following issues are evident, the Governmental Affairs Committee may make recommendations to the Board for authority to engage in legislative activity.

(a) Judiciary.

- (1) Appointment of judges.
- (2) Judicial compensation.
- (3) Judicial oversight and qualification.
- (4) Legislative requests to add judges to districts or specific functions.
- (5) Independence of the judiciary.

(b) Courts.

- (1) Issues involving the organization or re-organization of the courts of this state.

- (2) Jury nullification.

(c) Procedures and Evidence.

- (1) Where legislation proposes substantial procedural changes from long standing statutory or judicial precedent.
- (2) Legislation initiatives to amend or propound evidentiary standards within the province of the Supreme Court.

(d) Constitutional Issues.

Where a constitutional infirmity is evident or strongly suggested.

(e) Access.

Legislation which may substantially impede an individual's right to seek judicial redress.

(f) Practice of Law.

Issues involving the continuing qualifications of those authorized to provide legal services in the State.

(g) Matters of Substantive Law.

(1) Where legislation attempts to alter long-standing statutory or judicial precedent in matters of substantive law.

(2) Where legislation appears frivolous or repugnant.

(3) Where legislation attempts to alter the established legal posture of litigants or appears to favor one position over another.

(h) Administration of Justice.

Any other issues affecting the administration of justice in the State or on which the Bar has special interest or expertise.

(i) Exceptions.

(1) The Bar will typically not take positions where significant numbers of Bar members practicing and competing in adverse specialties would have fundamental disagreement even where any of the above criteria would be met.

(2) The Bar may lend its expertise to explain or clarify issues where no official position is taken.

10. Representation of the Bar and Policy Formation.

(a) The Board shall formulate and express the policy of the Bar, subject to the Bar's grant of authority from the Utah Supreme Court and continuing jurisdictional authority and supervisory control of the Utah Supreme Court.

(b) Except as provided herein or specifically authorized by the Board no other member or employee of the Bar may represent the Bar. A section or committee may represent itself and take a position on legislative matters according to procedures which have been adopted by the section or committee and approved by the Board as long as that position is not in conflict with the position taken by the Board. In order for sections or committees to adopt a legislative position, they must have a strong consensus from the membership. A "strong consensus" means that sections and committees must have 60% or more approval from their entire polled membership who respond. Executive or management committee members may vote but their individual votes count as only one vote in the entire polled membership process. Any position taken by a section or a committee must be reviewed by the chair of the Governmental Relations Committee, the Bar's Governmental Relations Representative and the Executive Director of the Bar. Frequently, sections of the Bar develop or propose changes in the law or positions with respect to pending or proposed legislation. Generally, such proposals or proposed changes are not presented as actions of the Bar. Members of sections duly designated by officers of the section may present such proposals or proposed changes as recommendations of that section of the Bar and may appear and testify before legislative committees under their restricted grant of authority and within the restrictions listed above. If a member of a section or committee appears before the public or before a legislative body and permits him or herself to be identified as having an official connection with the Bar or one of its committees or sections, such member shall fairly state the policy of the Bar on the matter in question if a policy has been adopted and, if

the member expresses views at variance with any such policy, the member shall clearly identify the variance as the member's personal views only. If the Bar has not formulated a policy on the matter in question, or if the member has no knowledge of any such policy, the member shall nevertheless identify utterances on the subject as the member's personal views. In any event, unless specifically authorized by the Board to appear on behalf of the Bar before the public or before any legislative body, the member shall make it clear that he or she does not represent the Bar, or necessarily represent the views of the Bar, and is appearing only in a personal capacity.

H. Commission

1. Nomination of President-elect Candidate(s).

Balloting for nomination by the Board to run for the office of President-elect shall be by secret ballot except that Commissioners not in attendance at the meeting may submit their vote on the first round of balloting to the President or Executive Director. Any candidate receiving votes of a majority of the Commissioners casting ballots shall be nominated to run for the office of president-elect. Balloting shall continue until two nominees are selected except in cases where only one candidate is nominated by the Board.

Candidates for the office of Bar President-elect may not list the names of any current voting or ex-officio members of the Commission as supporting their candidacy in any written or electronic campaign materials. Commissioners are not otherwise restricted in their rights to express opinions about President-elect candidates.

(a) Initial Rounds.

Each Commissioner shall vote for two candidates on each round of balloting until at least one nominee is selected. In the event that three candidates in a round of balloting receive votes of a majority of the Commissioners casting ballots only the candidate receiving the highest number of votes shall be nominated and the two other candidates receiving a majority of the votes shall go to the second round of balloting.

(b) Subsequent Rounds.

In the rounds of balloting after one nominee has been selected, each Commissioner shall vote for one candidate.

2. Nomination and Election Timetables.

The nomination of President-elect candidates and the election of Board members and the President-elect shall follow timetables approved by the Board. A copy of the timetables is attached as Appendix “M”.

3. Current Commissioner Support for President-elect Candidates.

Candidates for the office of Bar President-elect may not list the names of any current voting or *ex-officio* members of the Commission as supporting their candidacy in any written or electronic campaign materials, including, but not limited to, any campaign materials inserted with the actual ballot; on the web site; in any e-mail sent for the purposes of campaigning by the candidate or by the Bar; or in any mailings sent out by the candidate or by the Bar. Commissioners are otherwise not restricted in their rights to express opinions about President-elect candidates. This policy shall be published in the *Utah Bar Journal* and any e-Bulletins announcing the election and may be referenced by the candidates.

4. Filling Un-Expired Board Terms.

(a) Commissioners' Unexpired Term.

) The un-expired term of a member of the Board of Bar Commissioners which is filled through a regular election in a division with multiple vacancies shall be filled by the Board member elected with the least number of votes. In the event that two or more un-expired terms are filled through a regular election in a division with multiple vacancies, the Board member with the least number of votes shall fill the shortest term, and the Board member with the next least number of votes filling the next shortest term, until all un-expired terms have been so filled.

(b) Procedure For Filling Vacancy

This policy sets forth the procedure to be followed by the Board of Bar Commissioners in the event the Board chooses to appoint a successor to fill a vacant Commission position pursuant to Utah Supreme Court Rule of Professional Practice 14-205 (b)(2) (Bylaws), including in the event a Commissioner voluntarily resigns his or her position as a result of election to the office of President-elect.

Before acting to fill the vacancy, the Board shall give notice of the vacancy by e-mail to all attorneys within the affected division at least two (2) weeks before the Board selects the person to fill the vacancy. The notice shall identify:

(i) the Commission seat being vacated;

(ii) that the term being filled by appointment by the Board shall run until the following annual election; and

(iii) the deadline for submitting an interested person's name and candidacy materials (such as a letter of interest and resume).

The Board or a designated committee thereof may interview all or any of the applicants as it may desire. An applicant from within the affected division shall be selected by a majority vote of voting members of the Board within sixty (60) days from the date of the notice of vacancy.

(c) President's Unexpired Commission Term.

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

5. Bar Services to Board and President-elect Candidates.

In order to reduce out-of-pocket costs and encourage candidates to run in Board and President-elect elections, the Bar will provide the following services at no cost:

(a) Space for up to a two-hundred word campaign message plus a photograph in the March/April issue of the *Utah Bar Journal*. The space may be used for biographical information, platform or other election promotion. Campaign messages for March/April *Utah Bar Journal* publication are due along with complete petitions, a photograph and short biographical summary no later than February 1st;

(b) Space for campaign statements, photographs and short biographical summaries for inclusion in the March and April E-bulletins. These materials are due at the Bar offices no later than February 1st;

(c) Space for up to 500 word campaign message plus a photograph for the Bar's website. It is due February 1st;

(d) A set of mailing labels for candidates who wish to send a personalized letter; and

(e) A one-time email campaign message to be sent by the Bar. The message is due at the Bar offices no later than March 20th. Campaign messages will be sent by the Bar within three business days of receipt from the candidates.

6. Board Appointments.

The Board makes appointments to various boards, committees, task forces and commissions when required by law or at its discretion when requested.

7. Bar Commission Position Description.

Effective August 27, 2004, the Bar Commission approved the following Bar Commissioner position description setting forth basic functions:

(a) serves as member of Board of Bar Commissioners in establishing policies to fulfill obligations of the Bar as indicated under the Utah Supreme Court's Rules for Integration and Management and under the Bar's bylaws and Commission's Policies and Procedures;

(b) with Bar Commission, adopts yearly budget for operations and capital;

(c) works towards fulfilling vision of the Bar, which is: "To lead society in the creation of a justice system that is understood, valued, respected and accessible to all^{22.1};"

(d) strives to uphold mission of the Bar, which 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^{22.1};"

(e) attends regularly scheduled Commission meetings, including those associated with ~~Annual~~ Summer and Spring Bar Conventions;

(f) serves on various Commission committees, which may include admission related reviews, *ad hoc* study or governance committees, long range planning, budget and finance, executive committee, program review committees, or others as assigned;

(g) services as liaison with sections, committees, and local bars as assigned by Bar President. In this capacity, each commissioner should: (a) call his or her assigned sections, committees and local bars at least once a month; (b) attend at least one meeting for each of his or her assigned sections, committees and local bars per quarter; and (c) provide a status report to the Commission as requested by the President;

(h) attends, if possible, admissions ceremonies and Bar socials;

(i) communicates with lawyers in division and reports on Bar activities and received input for communication to the Commission; and

(j) contacts local state senators and representatives on issues of Bar interests within legislative policies.

8. Commission Conflict of Interest Policy.

On March 9, 2006, and effective as of July 13, 2006, the Commission adopted a Conflict of Interest Policy to assure that the affairs of the Bar and the Commission are managed in an ethical manner. A copy of the full text of the Policy is attached as Appendix “N”.

9. Meeting with the Chief Justice.

The President of the Bar or his or her designee(s) shall meet with the Chief Justice or the Chief Justice’s designee on a regular basis to advise the Court on activities of the Bar.

~~10. — Appointment of Character and Fitness Review Panel and Policy Considerations.~~

~~— Appeals from the Character and Fitness Committee's decisions will be reviewed by a panel of three Board members. Panel members to the extent possible will consist of Board members appointed to the Admissions Committee or those with some experience with the admissions process or its related Bar committees and with varying expiration terms to ensure knowledge of the character and fitness process and to maintain consistency in decisions.~~

~~(a) — The panel members will be provided suitable materials by staff and the Character and Fitness Committee. Materials may include education on applicable admissions-related case law relating to admissions standards, due process, applicant rehabilitation and other issues particular to character and fitness cases as well as appropriate Bar rules and Commission policies governing the consideration of appeals from Character and Fitness Committee decisions. Materials should address, among other things, that:~~

~~(1) — Consistent with the Court-approved Rules Governing Admission, applicants must demonstrate that they possess the requisite character and fitness to practice law.~~

~~(2) — Applicants must demonstrate that any mistakes of procedure, interpretation of law or fact or rule resulted in actual prejudice and without which the applicant would have been approved. Otherwise, such mistakes shall be considered as "harmless error" and shall not be grounds to overturn any decision of the Character and Fitness Committee.~~

~~(3) — Consistent with the Court-approved Rules Governing Admission, the standard of review on appeal is that the Review Panel shall affirm the decision of the Character and Fitness Committee if the record reflects that there is substantial and credible evidence to support the decision.~~

~~(4) — Consistent with the Court-approved Rules Governing Admission, the applicant has the burden to establish that there is not substantial and credible evidence to support the Character and Fitness Committee's decision.~~

~~(5) — Accepted standards applied in general cases of administrative law do not apply because admission cases and character and fitness cases have their own distinct body of law and applicants are not entitled to the same due process as licensed attorneys.~~

~~(6) — The Utah Rules of Civil Procedure and Evidence do not apply.~~

~~(7) — The Court has approved a process to ensure fairness and efficiency. The process places the responsibility on the Character and Fitness Committee to examine the evidence and to hear, cross-examine and evaluate the demeanor of the applicant and witnesses.~~

~~(8) — Consistent with the Court-approved Rules Governing Admission, the applicant will be allowed to appear before the Panel only in extraordinary circumstances. It is not an extraordinary circumstance nor is a personal appearance necessary to the review process merely for the purpose of the applicant marshalling evidence or making oral argument.~~

1110. Commission Liaisons to Governmental Relations Committee and Judicial Council.

The Commission's liaison to the Governmental Relations Committee and the Commission's representative to the Judicial Council should interface regularly with the Executive Committee, beginning in November through March, to coordinate actions and activities involving the Bar and the courts in the legislative session and determine what issues, if any, needed follow-up and work.

I. Bar Employees

The Board shall adopt policies governing personnel practices and benefits for employees, which shall be published in an employee handbook and distributed to each employee. A copy of the current edition of the handbook is attached as Appendix "O" maintained by the General Counsel and Executive Director.

J. Executive Director

1. General Duties.

The Executive Director is hired by the Board as the chief staff executive and administrative officer of the Bar. The primary duties of the Executive Director are contained in the Executive Director's employment agreement between the Executive Director and the Board. The Executive Director is responsible for the overall administration and operation of the Bar and the Law and Justice Center, for the implementation of policies and programs approved by the Board and for the fiscal management of the Bar consistent with the budget and policies approved by the Board.

2. Other Duties.

The Executive Director shall also have and perform duties as secretary to the Board as provided by law and such other duties as shall be prescribed by the Board or delegated by the President, not inconsistent with law or these policies. In addition, the Executive Director shall have the authority to hire and terminate staff.

3. Compensation.

The ~~terms, conditions, compensation and benefits of the~~ Executive Director's compensation arrangements shall be outlined in the written employment agreement between the Board and Executive Director. The process to evaluate the performance of the Executive Director shall also be outlined in the Executive Director's employment agreement. from time to time by the Board. The term of office of the Executive Director shall be for one year unless otherwise defined by a written employment contract.

~~4. Evaluation.~~

~~Following the election of the President-Elect for the coming year and prior to the July Bar Commission Meeting, the outgoing President, the incoming President and the newly-elected President-Elect shall meet with the Executive Director and establish written goals and objectives for the coming fiscal year.~~

~~Periodically during the fiscal year, the President, President-Elect, and Executive Director shall meet to discuss progress on the goals and objectives. Prior to May 1, the President shall circulate the "Executive Director Written Evaluation Form" and "Goals and Objectives Listing" to the Bar Commission for completion. On May 1, the Executive Director shall circulate to the Bar staff the "Staff Performance Evaluation Form for the Executive Director" for completion.~~

~~The completed evaluation forms shall be returned to the President no later than May 15. The President shall compile the results for review by the Bar Commission in Executive Session in conjunction with the May Bar Commission Meeting.~~

~~The President shall meet with the Executive Director to discuss the evaluation and salary recommendation no later than June 5.~~

K. Utah State Bar Diversity and Inclusion Policy

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

The Bar shall strive to:

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

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

L. Policy for Appointments of State Bar Delegates to the ABA House of Delegates and Reimbursement Policy. (Approved November 20, 2017)

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”).

1. **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 each State Bar delegate and the YLD delegate may serve up to four (4) consecutive two-year terms, or a maximum of eight (8) years, regardless of whether the individual is serving as the State Bar delegate or the YLD delegate. Former delegates may apply again for appointment after two years from the expiration of their last term.
2. **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.
3. **SELECTION PROCESS FOR THE STATE BAR 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,

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

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 transparency and fairness in the selection process.

- 4. 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 applicants three (3) eligible nominees for submission to the Utah Bar Commission. The Utah Bar Commission will select one applicant for appointment to the ABA House of Delegates. In the event there are less than three eligible applicants, all applicants will be submitted to the Utah Bar Commission for consideration. 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.

5. 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.

6. 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.

(A) Reimbursable expenses include:

1. Early, basic registration fees
2. Coach airfare purchased at least three weeks in advance of event
3. Reasonable 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.

(B) Procedure for requesting reimbursement:

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

TAB

3

Convention Registration Totals by Year

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Spring Convention

Year	Location	Total Registration
1995	St George	429
1996	St George	461
1997	St George	501
1998	St George	501
1999	St George	472
2000	St George	435
2001	St George	499
2002	St George	406
2003	St George	434
2004	St George	470
2005	St George	420
2006	St George	426
2007	St George	443
2008	St George	492
2009	St George	431
2010	St George	430
2011	St George	449
2012	St George	420
2013	St George	430
2014	St George	480
2015	St George	432
2016	St George	397
2017	St George	511
2018	St George	377
2019	St George	470

Summer Convention

Year	Location	Total Registration
1995	Hotel Del Coronado	455
1996	Sun Valley	526
1997	Sun Valley	527
1998	Sun Valley	541
1999	Sun Valley	536
2000	Hotel Del Coronado	409
2001	Sun Valley	493
2002	Sun Valley	395
2003	Sun Valley	453
2004	Sun Valley	390
2005	Sun Valley	426
2006	Newport Beach	375
2007	Sun Valley	453
2008	Sun Valley	419
2009	Sun Valley	424
2010	Sun Valley	359
2011	San Diego	381
2012	Sun Valley	385
2013	Snowmass, CO	329
2014	Snowmass, CO	281
2015	Sun Valley	406
2016	San Diego	358
2017	Sun Valley	489
2018	Sun Valley	404
2019	Park City	524

Fall Forum

Year	Location	Total Registration
1995		
1996		
1997		
1998		
1999		
2000		
2001		
2002		
2003	University Park Hotel	388
2004	University Park Hotel	242
2005	Little America	506
2006	Little America	525
2007	Salt Palace	589
2008	Salt Palace	540
2009	Marriott	726
2010	Little America	514
2011	Little America	575
2012	Little America	479
2013	Little America	369
2014	Little America	473
2015	Grand America	384
2016	Little America	401
2017	Little America	358
2018	Little America	330
2019	Little America	

TAB**4**

CHARGE TO STANDING COMMITTEE

TO: Hon. Christine M. Durham, Co-chair, Access to Justice Coordinating Committee
Amy Sorenson, Co-chair, Access to Justice Coordinating Committee

FROM: Herm Olsen, President

DATE: September 2019

PURPOSE OF COMMITTEE:

To provide leadership the Bar's Access to Justice Programs and ensure greater communication among the various providers of legal services to the under-served populations in the state regarding the broad spectrum of judicial, court-related, administrative, educational, market-based, and consumer-oriented issues and to discuss the means of improving the services.

SPECIFIC OBJECTIVES:

1. To coordinate the Bar's Access to Justice programs, which currently includes the Modest Means and Pro Bono Programs as well as the AAA Task Force and the Licensed Lawyer directory site;
2. To regularly gather the various legal services providers in the state to share information, discuss improvements, review the extent to which this work is being accomplished and evaluate any gaps which may still exist; and,
3. To maintain comprehensive reports of the services.
4. To engage all persons fully, including persons of different ages, disabilities, economic status, ethnicities, genders, geographic regions, national origins, sexual orientations, practice settings and areas, and races and religions. Inclusion is critical to the success of the Bar, the legal profession, and the judicial system. Report annually to the Bar Commission on the Committee's diversity and inclusion successes.

TAB 5

Hannah B. Follender
Workman Nydegger
60 East South Temple, Suite 1000, Salt Lake City, Utah 84105 | 801-322-8406
HFollender@wnlaw.com

October 28, 2019

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

Dear Utah State Bar Commission:

In order to support the learning and advancement of attorneys in the State of Utah, I intend to form a new Cannabis Practice section of the Utah State Bar.

On December 3rd, 2018, Utah lawmakers passed House Bill 3001: Utah Medical Cannabis Act (UMCA). This legislation directs the Utah Department of Health to issue medical cannabis cards to patients, register medical providers who wish to recommend medical cannabis treatments for their patients, and license medical cannabis pharmacies. These activities must be implemented by March 2020. On September 16, 2019, the Utah Legislature passed changes to the UMCA to privatize medical cannabis pharmacies and expand the number of available pharmacy licenses in order to ensure patients are guaranteed adequate access by the March 2020 deadline. This effectively places the onus of pharmacy operation on private companies, who then must develop these businesses around evolving Utah regulatory standards.

Furthermore, December 20, 2018 marks the date that the U.S. Government passed the Agricultural Improvement Act of 2018 (the “Farm Bill”), which removed hemp from the Controlled Substance Act (CSA) and provided for the legal growth, processing, import and export of hemp and hemp-derived products.

As patients, medical providers, caregivers, pharmacy owners, and state agencies are faced with the challenges of navigating Utah’s new medical marijuana program, as well as the standards for growing and processing industrial hemp, members of Utah’s legal community will be relied upon to represent the rights and interests of all parties involved.

The cannabis sector of law is an emerging field, presently dubbed the “wild west” of law. Cannabis policy touches almost every law practice area, from employment, tax, and healthcare law to business and intellectual property law. Cannabis brings an added nuance to these practice areas and requires legal practitioners who are immersed in the constantly evolving practice of cannabis law to knowledgeably address client issues related to cannabis.

Utah State Bar Commission
October 28, 2019
Page 2

Many state bars have instituted “Cannabis” or “Marijuana” practice sections to facilitate the education of their respective state’s legal professionals so that they may serve parties in need of information and/or representation related to cannabis law.¹ The term “cannabis” is preferred to encompass both medical marijuana and industrial hemp as the two are derived from the same plant genus.

The American Bar Association has even begun to host multi-day CLE conferences on cannabis in order to educate practitioners in the field. In fact, Hannah Follender was invited to speak as an emerging expert in cannabis law within the scope of patent and trademark prosecution at the ABA’s “Regs To Riches” Cannabis Conference in Chicago this past September.

The value of the United States cannabis industry is expected to rise to as high as \$77 billion by 2022. An industry this large will significantly impact most, if not all, legal practice areas. Legal practitioners in Utah are in need of a forum in which they can learn and be kept up to date on evolving cannabis law and policy as it relates to their respective fields. Additionally, as members of the legal field, we abide by and uphold a professional code of ethics. Practitioners need to know how to advise and assist their cannabis clients in accordance with state ethics rules.

The Cannabis Section of the Utah State Bar will serve to educate members in Utah law and policy on hemp and medical marijuana. The Cannabis Section will host CLEs covering complex aspects of cannabis law and facilitate a dialogue between practitioners in this space.

A new cannabis section of the Utah bar is necessary to enable legal practitioners in Utah to provide high quality and well-informed legal guidance to all parties engaged in the Utah medical marijuana and hemp ecosystem.

Thank you for your thoughtful consideration of this proposal.

Sincerely,

Hannah B. Follender
Utah State Bar #16818

J.D. Lauritzen
Utah State Bar #14237

¹ The following states have established “Cannabis” or “Marijuana” law sections and/or advisory councils of their respective state bars: Washington, Colorado, New York, Oregon, New Mexico, Michigan, Ohio, Connecticut, New Jersey, Michigan, Arizona, Illinois, Pennsylvania.

**UTAH STATE BAR
CANNABIS SECTION
BYLAWS**

**ARTICLE 1
ORGANIZATION**

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

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

- a. By providing high quality continuing legal education ("CLE") opportunities which will satisfy all of the Utah State Bar Mandatory Continuing Legal Education requirements;
- b. By sponsoring periodic CLE luncheons with topics selected by Section officers (after considering input from Section members);
- c. By holding an annual Section meeting (typically a half-day seminar with an update of case law from the Utah Supreme Court and Utah Court of Appeals, legislation and other topics);
- d. By sponsoring break-out session(s) at the Utah State Bar mid-year and annual meetings;
- e. By providing opportunities and forums for lawyers to network and exchange ideas regarding the practice of cannabis law;
- f. By periodically publishing a newsletter advising Section Members of upcoming events, legislation and other matters pertinent to cannabis lawyers;
- g. By monitoring legal and political issues relevant to cannabis lawyers and to make recommendations to the Bar with respect thereto including without limitation participation on the Utah State Bar Governmental Relations Committee;
- h. If applicable, by forming ad hoc committees to address legislation of general interest to cannabis practitioners; and
- i. To undertake such other service as may be of benefit to the Section's members, the legal profession and the public.

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

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

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

ARTICLE 2 MEMBERSHIP

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

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

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

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

2.5 Dues. The Section officers shall set the dues for Section members. The dues shall be \$25.00 for each member per year unless the Section officers determine an adjustment should be made.

ARTICLE 3 OFFICERS

3.1 Officers. The Officers of the Section shall be a Chairperson, a Vice Chairperson, a Secretary, and a Treasurer, chosen from the membership of the Section.

3.2 Duties of Officers. The Officers shall generally supervise and control the affairs of the Section, subject to the rules and bylaws of the Utah State Bar, and shall establish and execute the general policy, programs, and activities of the Section.

3.3 Chair. The Chair shall preside at all meetings of the Section and shall perform such other duties and acts usually pertaining to this office. The Chair shall communicate with the Board of Commissioners of the Bar and others as may be necessary.

3.4 Vice Chair. The Vice Chair shall act as Chair in the absence of the Chair and shall perform other duties as appropriate.

3.5 Secretary. The Secretary shall keep a record of all proceedings of all meetings of the Section and of the Officers, whether assembled or pursuant to teleconference or other electronic communication. The Secretary shall work with the Bar's webmaster to keep the Section's website current. In conjunction with the Chair and Vice Chair, the Secretary shall attend generally to the business of the Section.

3.6 Treasurer. The Treasurer shall prepare and keep regular financial reports regarding Section budget use, dues, CLE charges, and any other use and collection of funds by the Section. The Treasurer shall prepare the annual budget and make recommendations on rates for dues, CLE charges, and special meetings and events. The Treasurer shall attend generally to the business of the Section.

ARTICLE 4 MEETINGS

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

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

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

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

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

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

the Utah State Bar, with postage thereon prepaid.

ARTICLE 5 ELECTIONS

5.1 Term and Succession to Offices. The term of office for each Officer will commence on July 1 following election and last for one year. On July 1 of the next year, the Treasurer shall automatically succeed to the office of Secretary. The Secretary shall automatically succeed to the Office of Vice Chairperson. The Vice Chairperson shall automatically succeed to the Office of Section Chairperson.

5.2 Elections. A new Treasurer shall be elected each year at the Section's annual meeting by majority vote of the members then in attendance. If for lack of nominations or any other reason no Treasurer is elected, the position may be filled pursuant to Section 5.5, below.

5.3 Nominations. Nominations for the office of Treasurer may be made in writing or electronically to any member of the Executive Committee before June 1 or, in the case of a special election to fill an unexpired term, within two weeks of the date set for the beginning of balloting. A person may nominate themselves, or may be nominated by another if the consent of the nominee is included with the nomination.

5.4 Voting. In the event that more than one person is nominated, the Treasurer will be elected by the greatest number of votes cast by members of the Section voting. Ballots shall be provided to all active members of the Section containing an alphabetized listing of names of those members who have been nominated. Said ballots shall be provided electronically, unless a member has no electronic (such as e-mail) address associated with his membership, in which case the ballot shall be mailed. Ballots shall be distributed at least 10 days prior to the date on which ballots will be counted. Ballots shall state the date upon which they are due and shall be returned so as to reach the Bar offices, whether by mail, in person, or electronically no later than 5:00 p.m. on the day prior to the date ballots will be counted. The Executive Committee shall designate the time, date and place for the counting of ballots, and shall arrange for the counting of those ballots not cast electronically. Balloting and vote counting shall be provided in such a way as to assure that voting is by secret ballot, although disinterested employees of the Bar may be used to collect electronically cast votes and verify that mailed ballots are from active members of the Section. Candidates shall be notified of the outcome of the vote by a member of the Executive committee as soon as reasonably possible after the votes are counted, and the Section membership shall be notified at their next meeting. If any day or date set forth above shall fall on a Saturday, Sunday or holiday, the act requires or time fixed shall occur on or run from the next working day.

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

Section 5.2, above.

ARTICLE 6 COMMITTEES

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

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

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

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

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

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

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

ARTICLE 7 AMENDMENTS

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

CERTIFICATION OF ADOPTION

I CERTIFY THAT THE FOREGOING BYLAWS WERE ADOPTED BY VOTE OF THE SECTION MEMBERSHIP OF THE CANNABIS SECTION OF THE UTAH STATE BAR AT A MEETING, DULY CALLED, ON THE ___TH DAY OF [Month, 20xx].

BY: _____

*, SECTION CHAIR

I fully support the creation of a Cannabis Law Section of the Utah State Bar and I intend on joining the Section once it has been approved by the Utah State Bar Commission.

<u>NAME</u>	<u>BAR NUMBER</u>
1. J. Paul Norton	16117
2. Paige Anderson	16772
3. Brian N. Platt	17099
4. Jens Jenkins	8871
5. Mark Tolman	10793
6. Daniel S. Daines	12484
7. J. D. Lauritzen	14237
8. Charles Meeker	14716
9. Emily E. Lewis	13281
10. Jonathan S. Clyde	12474
11. Neil A. Kaplan	3974
12. Megan Crenan	15803
13. Janelle Bauer	8801
14. John Guynn	6237
15. Katherine E. Pepin	16925
16. Walter A. Romney, Jr.	7975
17. Andres F. Morelli	16907
18. Jaime DuPratt	17057
19. Rebecca L. Hill	06246
20. Jeffrey Enquist	14634
21. Jeffrey Bramble	15548
22. Tanner S. Lenart	13876
23. Scotti Hill	17140
24. John Carpenter	14611
25. D. Zachary Wiseman	8361
26. Beth Ranschan	13846
27. Whitney Krogue	15184
28. Skye Lazaro	14701
29. Jascha Clark	16019
30. Hannah B. Follender	16818
31.	

TAB 6

CHARGE TO BAR COMMISSION COMMITTEE ON REGULATORY REFORM

TO: _____, Co-Chair
 _____, Co-Chair

FROM: Herm Olsen, President

DATE: November 2019

PURPOSE OF COMMITTEE:

To review the effects of the proposals in the Report of the Utah Work Group on Regulatory Reform and the recommendations of the new Regulatory Reform Implementation Task Force on the traditional practice of law in Utah; propose ways by which lawyers may appropriately incorporate changes into their services resulting from the recommendations of the Task Force; improve the delivery of legal services in the state by lawyers and study how the Bar might contribute to the effective implementation of new technologies and rule changes.

SPECIFIC OBJECTIVES:

Consider and recommend how the Utah State Bar may assist the Implementation Task Force;

Evaluate the effects of proposed changes to the Rules of Professional Conduct;

Educate lawyers about: (1) Innovation, new technology and investment sources considered by the Implementation Task Force; (2) Recommendations made to the Utah Supreme Court; and (3) How innovation, new technology and investment sources will affect their practices and assist them in providing legal services;

Provide a forum for information, dialogue and discussion regarding the proposed changes;

Review how the Bar will protect clients and assist lawyers to implement changes; and

Make recommendations regarding how the Bar may continue to protect and serve the public as it regulates the delivery of legal services by lawyers and engages in public services through lawyers in concert with the new body proposed to protect the public and regulate the delivery of legal services through non-lawyers.

COMMISSION LIAISON: Heather Farnsworth

BAR STAFF LIAISON: John Baldwin

TAB 7

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

OCTOBER 4, 2019

LAW AND JUSTICE CENTER

- In Attendance:** President Herm Olsen and President-elect Heather Farnsworth. Commissioners: John Bradley, Steven Burt, Mary Kay Griffin, Chrystal Mancusco-Smith, Marty Moore, Mark Pugsley, Michelle Quist, Tom Seiler, and Cara Tangaro.
- Ex-Officio Members:** Nate Alder, Erik Christiansen (by phone), Kate Conyers, Candace Gleed, Jiro Johnson, and Dean Gordon Smith.
- Not in Attendance:** Mark Morris, Heather Thuet and Katie Woods. Ex-Officio Members: H. Dickson Burton, Torie Finlinson, Amy Fowler, Margaret Plane, Rob Rice, Bebe Vanek, and Dean Elizabeth Kronk Warner.
- Also in Attendance:** Executive Director John C. Baldwin, Assistant Executive Director Richard Dibblee, General Counsel Elizabeth A. Wright, and Supreme Court Liaison Larissa Lee.

Minutes: 9:10 a.m. start

1. President's Report: Herm Olsen

- 1.1 Welcome and Introductions.** Mr. Olsen introduced Larissa Lee, the Appellate Court Administrator, who will serve as the Court's liaison to the Commission. Kate Conyers is the Ex Officio representative from Women Lawyers of Utah and Jiro Johnson is the Ex Officio representative for the Minority Bar.
- 1.2 Admissions Ceremony on October 15, 2019.** Mr. Olsen invited the Commission to attend the ceremony which will include the first class of Licensed Paralegal Practitioners. Four LPPs will be licensed.
- 1.3 Lawyer-Legislator Breakfast.** Commissioners were notified of and asked to attend the annual breakfast for legislators who are also lawyers on October 16, 2019 at 7:30 a.m.
- 1.4 UMBA Scholarship & Awards Banquet.** Mr. Olsen asked the Commissioners to attend the event on October 24, 2019. The Commission has purchased a table for Commissioners. Seats at the table will be available on a first-come basis.

- 1.5 Update on Regulatory Reform.** There was a discussion on the status of the Task Force Report and Recommendations, the creation of the Regulatory Reform Implementation Task Force, feedback regarding the proposals, and the uncertainty about the future of lawyer regulation in Utah. The Commission's position is that the Bar should be a forum for dialogue about the proposed changes and support the work of the Task Force. Mr. Olsen updated the Commission on the fact that the Access to Justice Co-Chair Christine Durham has been appointed to the Regulatory Reform Implementation Task Force. President-elect Heather Farnsworth will also serve. Dean Gordon Smith invited the Commissioners to BYU Law School on October 18, 2019, where Regulatory Reform Task Force members will be speaking.
- 1.6 Update on Tax Reform Legislative Study.** Mr. Olsen reported on the status of the tax on professional services and the work of the Legislative Committee. The Bar sees the issue as an Access to Justice issue if people must pay more for lawyers and will therefore follow any legislation closely.
- 1.7 Park City Summer Convention Survey Report.** Mr. Olsen reviewed the survey results with the Commission. There were minor complaints about use of some of the space, but overall, the feedback from the survey was very positive.

2. Action Items.

- 2.1 Approve Bar Survey Funding.** John Baldwin reported the Survey Subcommittee selected Redirect to conduct the survey of Bar members at a cost of \$21,500. In addition to the cost of the survey, the subcommittee will need money for prizes to incentivize members to complete the survey. **Marty Moore moved to approve paying Redirect \$21,500 and the cost of incentive prizes. Tom Seiler seconded the motion which passed unopposed.**
- 2.2 Select Award Recipients.** After discussing the recommendations of the Awards subcommittee and discussing the candidates, the Commission voted to select the following award recipients for the Fall Forum:
- Walter A. Romney, Jr.** to receive the James B. Lee Mentoring Award.
 - Kathleen McConkie** to receive the Charlotte L. Miller Mentoring Award.
 - Susan Peterson** to receive the Paul T. Moxley Mentoring Award.
 - Hon. Evelyn J. Furse** to receive the Bar's Professionalism Award.
 - Detective Greg Smith** to receive the Bar's Community Member Award.
 - Brian M. Rothschild and George Sutton** to receive the Outstanding Pro Bono Service Award.

- 2.3 Approve 2018-2019 Audit Report.** The Bar's Financial Director Lauren Stout joined the meeting for the discussion of the audit report. Mary Kay Griffin conducted a page-by-page review of the audit for the Commission. **After reviewing the audit, Mary Kay Griffin moved for the Commission to accept the audit report for the 2018-2019 fiscal year. John Bradley seconded the motion which passed unopposed.**

NEW ITEM

Kate Conyers pointed out that the UMBA awards dinner, the Salt Lake County Bar New Lawyer and Judges Reception and a Women lawyers sponsored event, Cancer Bites, had all been scheduled on the same October evening. Ms. Conyers proposed a master calendar for non-CLE events. **Heather Farnsworth moved to have Bar Staff create a master, non-CLE events calendar for legal event coordinators. Marty Moore seconded the motion which passed unopposed**

- 2.4 Selection of ABA Delegates.** After hearing from the candidates and discussion, by secret ballot the Commission selected **Erik Christiansen** to serve a second two-year term as the Bar's Delegate to the ABA.

After hearing from the candidate Camila Moreno, Cara Tangaro moved to appoint Ms. Moreno as the Bar's YLD Delegate to the ABA. Chrystal Mancusco-Smith seconded the motion which passed unopposed.

- 2.5 Licensed Lawyer Marketing Committee.** The Commission discussed the need for a Committee and decided the current marketing plan and budget were sufficient.

- 2.6 Approve Lawyer and LPP Applicants for Admission.** Marty Moore moved to approve the October 2019 lawyer and LPP admittees. Tom Seiler seconded the motion which passed unopposed.

3. Discussion Items.

- 3.1 Paralegal Division Request to Waive Revenue Sharing.** Paralegal Division Representative Candace Gleed explained the Division's unique situation as a division whose members are not required to join or complete CLE hours. This unique situation makes it very difficult for the Division to make any money on events. **Cara Tangaro moved to waive revenue sharing for the Division in light of its unique structure. Marty Moore seconded the motion which passed unopposed.**

- 3.2 Review Income Splits with Sections.** Tabled until a future meeting.

4. Information Items.

- 4.1 Policies and Procedures Clean Up.** John Baldwin reported that the Bar's Policies and Procedures had received a long overdue update. The updates were made to include references to modern technology practices, data security policies, LPPs and to generally

conform current practices with the policies. John Baldwin asked the Commissioners to review the redlined Policies carefully for approval at the November meeting.

- 4.2 Ethics Hotline Staffing.** Elizabeth Wright reported that she has been answering Ethics Hotline questions since OPC decided it was a conflict for it to field the questions. The Commission discussed whether the Bar should hire a part-time attorney to staff the Hotline. Elizabeth Wright will provide more information about the time required to staff to the Hotline before determining if additional staff is needed.

5. Executive Session

The meeting adjourned for the day at 12:25 p.m.

Consent Agenda

1. Approved Minutes from the August 16, 2019 Commission Meeting.

Handouts:

1. Young Lawyers Division Annual Report.

TAB

8

UTAH STATE BAR
Budget and Finance Committee
Financial Results as of September 30, 2019
and for the three month period then ended

FINANCIAL STATEMENT HIGHLIGHTS

Notable Trends:

- The results of the first quarter of the fiscal year was, for the most part, as expected. Licensing revenue, NLTP and admissions revenue are all reporting under budget. Declining applicants and admittees to the Bar continue to impact these revenue streams. Net income from the Summer Convention is currently reporting \$58,000 over-budget, which appears mostly related to the expenses coming in under budget. However, a large expense is still outstanding and once paid, will result in the Summer Convention reporting a loss.

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

	Actual	Budget	Fav(unfav) \$ Variance	Fav(unfav) % Variance
YTD revenue	4,959,507	5,155,575	(196,068)	-4%
YTD expenses	1,923,831	1,951,583	27,752	1%
YTD net profit	3,035,676	3,203,993	(168,316)	-5%

YTD net profit is \$3 million, which is \$168,000 under budget. YTD revenue is \$196,000 under budget mainly due to lower than budgeted Licensing, Summer Convention, CLE and Interest Income. These lower-than-budgeted revenues are offset by the fact that Summer Convention and Member Services expenses are significantly under budget.

YTD Net Profit –Cash Basis: Adding back year-to-date depreciation expense of \$49,000 and adding back in capital expenditures of \$13,000, the cash basis year-to-date net profit is approximately \$36,000 higher.

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

Admissions: YTD Admissions revenue is \$66,000, which is \$9,000 under budget and is \$1,000 less than last year's revenue at this time. Admissions expenses are \$213,000, or \$42,000 (24%) over budget and \$48,000 more than last year's expenses at this time due mostly to the purchase of the new admissions database, which is included in General & Administrative expenses. The higher than budgeted General & Administrative expense is offset by the other expenses all reporting under budget, which is most likely timing related and will even out in the coming months.

CLE: CLE YTD net loss is \$1,500, which is \$46,000 under budget. The main reasons for the unfavorable variance is the lower than budgeted YTD CLE registrations and video sales, as well as higher than budgeted staff-related and administrative expenses which are due to timing and will likely resolve themselves as the year progresses.

UTAH STATE BAR
Budget and Finance Committee
Financial Results as of September 30, 2019
and for the three month period then ended

Summer Convention: Currently the July 2019 Summer Convention in Park City, is reporting YTD net income of \$73,000. However, we are still awaiting a finalized bill from the host-vendor and anticipate that bill to be approximately \$125,000. Once that bill is processed and paid, it's expected that the Summer Convention will report total net spending (loss) of approximately \$51,000, compared to the budget that estimated \$16,000 net income, an unfavorable variance of approximately \$67,000. The unfavorable variance is due mostly to the unanticipated popularity of the event, which resulted in additional costs spent in order to accommodate higher attendance.

Member Services: Member Services YTD net spending is \$16,000 vs. budgeted net spending of \$36,000. Lower net spending is due to lower than budgeted program, staff-related and administrative expenses. Advertising revenue is also reporting under-budget by approximately \$12,000. It is anticipated that the net spending/profit will align more closely to budget as the year progresses.

Bar Operations: Bar Operations (Management, Finance, General Counsel, IT, and Commission/Special Projects) generated net expenditures of \$520,000 YTD compared to YTD budgeted net spending of \$437,000. The higher than projected net spending is mainly due to lower than budgeted interest income and higher than budgeted expenses for outside consulting services and staff-related expenses.

ADDITIONAL COMMENTS

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

Operations Reserve (3 months' operations)	\$1,736,718
Capital Replacement Reserve (equipment)	200,000
Capital Replacement Reserve (building)	<u>650,000</u>
Total	\$2,586,718
Estimated cash reserve at September 30, 2019	<u>\$4,139,136</u>
Excess of current cash reserve over board-designated reserve	<u><u>\$1,552,418</u></u>

**Utah State Bar
Income Statement
September 30, 2019**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
Licensing	4,209,996	4,294,650	4,345,909	(51,259)	99%	4,525,292	95%
Admissions	67,065	65,550	74,169	(8,619)	88%	424,535	15%
NLTP	25,950	23,700	25,950	(2,250)	91%	65,250	36%
OPC	1,650	1,500	1,760	(260)	85%	26,687	6%
CLE	141,580	109,792	133,354	(23,562)	82%	566,000	19%
Summer Convention	250,190	218,930	265,704	(46,774)	82%	266,000	82%
Fall Forum	19,955	17,485	20,354	(2,869)	86%	80,400	22%
Spring Convention	537	(1,210)	424	(1,634)	-285%	123,000	-1%
Member Services	148,458	134,961	148,132	(13,171)	91%	283,247	48%
Public Services	2,675	5,605	2,599	3,006	216%	14,297	39%
Bar Operations	60,058	39,490	92,075	(52,585)	43%	210,561	19%
Facilities	45,009	49,054	45,145	3,909	109%	248,600	20%
Total Revenue	4,973,124	4,959,507	5,155,575	(196,068)	96%	6,833,869	73%
Expenses							
Licensing	27,196	34,693	40,570	5,877	86%	157,495	22%
Admissions	165,360	212,928	171,046	(41,882)	124%	516,992	41%
NLTP	11,718	12,790	12,963	173	99%	54,898	23%
OPC	356,128	381,112	366,623	(14,489)	104%	1,495,540	25%
CLE	73,069	111,309	88,480	(22,829)	126%	568,972	20%
Summer Convention	252,851	145,477	249,829	104,352	58%	265,605	55%
Fall Forum	6,521	700	6,931	6,231	10%	80,738	1%
Spring Convention	4,481	4,165	5,622	1,457	74%	123,448	3%
Member Services	161,233	150,895	184,088	33,193	82%	809,044	19%
Public Services	159,510	185,172	181,869	(3,303)	102%	560,914	33%
Bar Operations	483,726	559,167	529,014	(30,153)	106%	1,772,110	32%
Facilities	117,552	125,422	114,548	(10,874)	109%	541,122	23%
Total Expenses	1,819,344	1,923,831	1,951,583	27,752	99%	6,946,878	28%
Net Profit (Loss)	\$ 3,153,780	\$ 3,035,676	\$ 3,203,993	\$ (168,316)	95%	\$ (113,009)	-2686%
Depreciation	55,295	49,172	57,434	8,262	86%	251,412	
Cash increase (decrease) from operations	3,209,075	3,084,848	3,261,427	(176,578)	95%	138,403	
Changes in operating assets/liabilities	2,770,167	(2,870,447)	(2,870,447)	-	100%	20,000	
Capital expenditures	(5,036)	(12,749)	(39,250)	26,501	32%	(157,000)	
Net change in cash	\$ 5,974,205	\$ 201,652	\$ 351,729	\$ (150,077)	57%	\$ 1,403	14373%

Utah State Bar Licensing

September 30, 2019

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4010 · Section/Local Bar Support fees	16,401	-	18,003	(18,003)	0%	18,237	0%
4011 · Admissions LPP	-	200	-	200	#DIV/0!	-	#DIV/0!
4021 · Lic Fees > 3 Years	3,581,410	3,641,535	3,665,488	(23,953)	99%	3,732,582	98%
4022 · Lic Fees < 3 Years	203,120	187,220	223,660	(36,440)	84%	239,045	78%
4023 · Lic Fees - House Counsel	34,960	41,440	38,476	2,964	108%	43,012	96%
4025 · Pro Hac Vice Fees	16,250	31,350	21,366	9,984	147%	82,639	38%
4026 · Lic Fees - Inactive/FS	119,485	122,890	124,352	(1,462)	99%	120,305	102%
4027 · Lic Fees - Inactive/NS	209,640	211,890	217,410	(5,520)	97%	218,187	97%
4029 · Prior Year Lic Fees	1,275	-	1,627	(1,627)	0%	3,432	0%
4030 · Certs of Good Standing	6,540	7,170	7,235	(65)	99%	34,058	21%
4095 · Miscellaneous Income	115	355	493	(138)	72%	962	37%
4096 · Late Fees	20,800	50,600	27,799	22,801	182%	32,833	154%
Total Revenue	4,209,996	4,294,650	4,345,909	(51,259)	99%	4,525,292	95%
Expenses							
Program Services	-	-	9,258	9,258	0%	37,028	-
Salaries & Benefits	19,980	25,924	20,217	(5,708)	128%	61,896	42%
General & Administrative	5,086	6,759	9,297	2,538	73%	49,161	14%
Building Overhead	2,131	2,010	1,798	(212)	112%	9,410	21%
Total Expenses	27,196	34,693	40,570	5,877	86%	157,495	22%
Net Profit (Loss)	\$ 4,182,800	\$ 4,259,957	\$ 4,305,340	\$ (45,382)	99%	\$ 4,367,797	98%

Note: Includes LPP staff time and exam expense

Utah State Bar Admissions

September 30, 2019

	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	9,350	11,242	(1,892)	83%	120,725	8%
4002 · Admissions - Attorney Exam Fees	10,200	7,775	10,256	(2,481)	76%	45,725	17%
4003 · Admissions - Retake Fees	8,550	6,950	9,679	(2,729)	72%	46,700	15%
4004 · Admissions - Laptop Fees	7,050	5,400	7,315	(1,915)	74%	53,850	10%
4006 · Transfer App Fees	8,300	17,350	8,290	9,060	209%	44,950	39%
4008 · Attorney - Motion	12,750	11,050	13,909	(2,859)	79%	51,000	22%
4009 · House Counsel	5,950	5,100	6,446	(1,346)	79%	22,100	23%
4095 · Miscellaneous Income	715	575	1,166	(591)	49%	7,235	8%
4096 · Late Fees	-	-	4,866	(4,866)	0%	30,200	0%
Total Revenue	67,065	65,550	74,169	(8,619)	88%	424,485	16%
Expenses							
Program Services	65,495	54,955	65,576	10,621	84%	115,838	47%
Salaries & Benefits	87,973	87,051	93,188	6,137	93%	339,263	26%
General & Administrative	6,429	65,766	6,710	(59,056)	980%	37,779	174%
Building Overhead	5,464	5,156	5,572	416	93%	24,112	21%
Total Expenses	165,360	212,928	171,046	(41,882)	124%	516,992	41%
Net Profit (Loss)	\$ (98,295)	\$ (147,378)	\$ (96,877)	\$ (50,501)	52%	\$ (92,507)	159%

**Utah State Bar
NLTP**

September 30, 2019

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4020 · NLTP Fees	25,950	23,700	25,950	(2,250)	91%	65,250	36%
4200 · Seminar Profit/Loss	-	-	-	-	#DIV/0!	-	-
Total Revenue	25,950	23,700	25,950	(2,250)	91%	65,250	36%
Expenses							
Program Services	416	356	887	531	40%	5,146	7%
Salaries & Benefits	8,257	9,422	9,212	(210)	102%	38,996	24%
General & Administrative	1,842	1,878	1,634	(244)	115%	5,447	34%
Building Overhead	1,203	1,135	1,230	95	92%	5,309	21%
Total Expenses	11,718	12,790	12,963	173	99%	54,898	23%
Net Profit (Loss)	\$ 14,232	\$ 10,910	\$ 12,987	\$ (2,077)	84%	\$ 10,352	105%

**Utah State Bar
OPC**

September 30, 2019

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4095 · Miscellaneous Income	1,650	1,500	1,760	(260)	85%	6,687	22%
4200 · Seminar Profit/Loss	-	-	-	-	#DIV/0!	20,000	0%
Total Revenue	1,650	1,500	1,760	(260)	85%	26,687	6%
Expenses							
Program Services	11,619	8,309	11,962	3,653	69%	29,581	28%
Salaries & Benefits	301,044	325,443	313,647	(11,796)	104%	1,252,244	26%
General & Administrative	24,392	29,363	21,547	(7,816)	136%	129,546	23%
Building Overhead	19,073	17,998	19,467	1,469	92%	84,169	21%
Total Expenses	356,128	381,112	366,623	(14,489)	104%	1,495,540	25%
Net Profit (Loss)	\$ (354,478)	\$ (379,612)	\$ (364,863)	\$ (14,749)	104%	\$ (1,468,853)	26%

**Utah State Bar
CLE**

September 30, 2019

Revenue

4052 · Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!
4053 · Meeting - Vendor Revenue	-	1,000	-	1,000	#DIV/0!
4054 · Meeting - Material Sales	-	-	-	-	#DIV/0!
4081 · CLE - Registrations	86,493	78,352	80,244	(1,892)	98%
4082 · CLE - Video Library Sales	49,953	46,260	51,746	(5,486)	89%
4084 · Business Law Book Sales	3,315	-	-	-	#DIV/0!
4095 · Miscellaneous Income	-	-	-	-	#DIV/0!
4200 · Seminar Profit/Loss	1,818	(15,821)	1,364	(17,185)	-1160%
Total Revenue	141,580	109,792	133,354	(23,562)	82%

Expenses

Program Services	32,267	62,303	45,173	(17,130)	138%
Salaries & Benefits	27,893	33,141	30,469	(2,672)	109%
General & Administrative	8,830	12,641	8,403	(4,238)	150%
Building Overhead	4,078	3,225	4,435	1,210	73%
Total Expenses	73,069	111,309	88,480	(22,829)	126%

Net Profit (Loss)

Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget
-	-	-	-	#DIV/0!
-	1,000	-	1,000	#DIV/0!
-	-	-	-	#DIV/0!
86,493	78,352	80,244	(1,892)	98%
49,953	46,260	51,746	(5,486)	89%
3,315	-	-	-	#DIV/0!
-	-	-	-	#DIV/0!
1,818	(15,821)	1,364	(17,185)	-1160%
141,580	109,792	133,354	(23,562)	82%
32,267	62,303	45,173	(17,130)	138%
27,893	33,141	30,469	(2,672)	109%
8,830	12,641	8,403	(4,238)	150%
4,078	3,225	4,435	1,210	73%
73,069	111,309	88,480	(22,829)	126%
\$ 68,511	\$ (1,518)	\$ 44,874	\$ (46,392)	-3%

Total Budget	YTD % of Tot Budget
15,000	0%
1,000	-
-	-
470,000	17%
90,000	51%
-	-
-	-
(10,000)	158%
566,000	19%
359,405	17%
132,750	25%
60,693	21%
16,124	20%
568,972	20%
\$ (2,972)	51%

Utah State Bar Summer Convention

September 30, 2019

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	199,420	182,470	214,704	(32,234)	85%	215,000	85%
4052 · Meeting - Sponsor Revenue	25,500	19,500	25,500	(6,000)	76%	25,500	76%
4053 · Meeting - Vendor Revenue	9,800	11,800	10,000	1,800	118%	10,000	118%
4055 · Meeting - Sp Ev Registration	15,470	5,160	15,500	(10,340)	33%	15,500	33%
Total Revenue	250,190	218,930	265,704	(46,774)	82%	266,000	82%
Expenses							
Program Services	221,625	111,435	221,229	109,794	50%	224,000	50%
Salaries & Benefits	14,658	19,630	14,339	(5,291)	137%	21,845	90%
General & Administrative	16,568	14,412	13,568	(844)	106%	16,993	85%
Building Overhead	-	-	693	693	0%	2,767	-
Total Expenses	252,851	145,477	249,829	104,352	58%	265,605	55%
Net Profit (Loss)	\$ (2,661)	\$ 73,453	\$ 15,875	\$ 57,578	463%	\$ 395	18596%

**Utah State Bar
Fall Forum**

September 30, 2019

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	17,605	14,210	18,004	(3,794)	79%	74,000	19%
4052 · Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!	-	-
4053 · Meeting - Vendor Revenue	2,350	3,000	2,350	650	128%	6,400	47%
4055 · Meeting - Sp Ev Registration	-	275	-	275	#DIV/0!	-	-
Total Revenue	19,955	17,485	20,354	(2,869)	86%	80,400	22%
Expenses							
Program Services	-	-	-	-	#DIV/0!	59,466	0%
Salaries & Benefits	1,878	89	2,007	1,918	4%	8,827	1%
General & Administrative	4,643	611	4,576	3,966	13%	11,062	6%
Building Overhead	-	-	348	348	0%	1,383	-
Total Expenses	6,521	700	6,931	6,231	10%	80,738	1%
Net Profit (Loss)	\$ 13,434	\$ 16,785	\$ 13,423	\$ 3,362	125%	\$ (338)	-4966%

Utah State Bar Spring Convention

September 30, 2019

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	480	(1,210)	364	(1,574)	-332%	97,000	-1%
4052 · Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!	15,000	0%
4053 · Meeting - Vendor Revenue	-	-	-	-	#DIV/0!	9,000	0%
4055 · Meeting - Sp Ev Registration	57	-	60	(60)	0%	2,000	0%
Total Revenue	537	(1,210)	424	(1,634)	-285%	123,000	-1%
Expenses							
Program Services	4,079	4,090	4,362	272	94%	83,500	5%
Salaries & Benefits	398	-	562	562	0%	23,054	0%
General & Administrative	5	75	5	(70)	1500%	14,128	1%
Building Overhead	-	-	693	693	0%	2,766	-
Total Expenses	4,481	4,165	5,622	1,457	74%	123,448	3%
Net Profit (Loss)	\$ (3,944)	\$ (5,375)	\$ (5,198)	\$ (177)	103%	\$ (448)	1200%

Utah State Bar
Member Services
(Bar Journal, Member Benefits, Section Support, Legislative, Public Education & YLD)
September 30, 2019

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4010 · Section/Local Bar Support fees	81,774	82,124	82,565	(441)	99%	82,600	99%
4052 · Meeting - Sponsor Revenue	200	-	607	(607)	0%	1,790	0%
4061 · Advertising Revenue	63,462	49,614	61,953	(12,339)	80%	181,492	27%
4062 · Subscriptions	30	30	30	-	100%	90	33%
4071 · Mem Benefits - Lexis	356	334	352	(18)	95%	1,455	-
4072 · Royalty Inc - Bar J, MBNA, LM,M	2,637	2,860	2,619	241	109%	6,680	43%
Total Revenue	148,458	134,961	148,126	(13,165)	91%	283,222	48%
Expenses							
Program Services	69,610	60,348	71,224	10,876	85%	308,514	20%
Salaries & Benefits	43,523	44,180	46,719	2,539	95%	202,067	22%
General & Administrative	42,766	41,958	60,433	18,475	69%	276,801	15%
Building Overhead	5,333	4,409	5,712	1,303	77%	21,662	20%
Total Expenses	161,233	150,895	184,088	33,194	82%	809,044	19%
Net Profit (Loss)	\$ (12,774)	\$ (15,933)	\$ (35,962)	\$ 20,029	44%	\$ (525,822)	3%

**Utah State Bar
Public Services
September 30, 2019
(Committees, Consumer Assistance, Access to Justice, Tuesday Night Bar)**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4063 · Modest Means revenue	2,675	2,575	2,722	(147)	95%	10,914	24%
4093 · Law Day Revenue	-	-	-	-	#DIV/0!	3,870	0%
4095 · Miscellaneous Income	-	30	-	30	#DIV/0!	10	300%
4120 · Grant Income	-	3,000	-	3,000	#DIV/0!	-	#DIV/0!
4200 · Seminar Profit/Loss	-	-	(123)	123	0%	(497)	-
Total Revenue	2,675	5,605	2,599	3,006	216%	14,297	39%
Expenses							
Program Services	79,321	89,932	92,150	2,218	98%	182,339	49%
Salaries & Benefits	67,079	80,336	76,526	(3,810)	105%	321,605	25%
General & Administrative	9,564	11,557	9,576	(1,981)	121%	41,321	28%
Building Overhead	3,546	3,346	3,617	271	93%	15,649	21%
Total Expenses	159,510	185,172	181,869	(3,303)	102%	560,914	33%
Net Profit (Loss)	\$ (156,835)	\$ (179,567)	\$ (179,270)	\$ (297)	100%	\$ (546,617)	33%

**Utah State Bar
Bar Operations
September 30, 2019
(Bar Management, General Counsel, IT, Commission/Special Projects)**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4060 · E-Filing Revenue	12,504	-	9,874	(9,874)	0%	33,622	0%
4103 · In - Kind Revenue - UDR	530	621	496	125	125%	1,330	47%
4095 · Miscellaneous Income	233	233	351	(119)	66%	1,335	17%
4200 · Seminar Profit/Loss	-	-	-	-	#DIV/0!	-	-
Investment Income	46,791	38,637	81,354	(42,717)	47%	174,274	27%
Total Revenue	60,058	39,490	92,075	(52,585)	43%	210,561	29%
Expenses							
Program Services	120,635	136,913	152,564	15,651	90%	329,876	42%
Salaries & Benefits	277,634	299,807	285,571	(14,236)	105%	1,124,353	27%
General & Administrative	70,464	108,130	75,416	(32,714)	143%	251,140	43%
In Kind	1,001	1,115	1,189	74	94%	5,000	22%
Building Overhead	13,991	13,202	14,274	1,072	92%	61,741	21%
Total Expenses	483,726	559,167	529,014	(30,153)	106%	1,772,110	32%
Net Profit (Loss)	\$ (423,667)	\$ (519,677)	\$ (436,939)	\$ (82,738)	119%	\$ (1,561,549)	33%

**Utah State Bar
Facilities
September 30, 2019**

Revenue

4039 · Room Rental-All parties	20,859	21,053	22,327	(1,274)	94%
4042 · Food & Beverage Rev-All Parties	19,201	22,669	17,744	4,925	128%
4043 · Setup & A/V charges-All parties	95	-	68	(68)	0%
4090 · Tenant Rent	4,832	5,418	4,974	444	109%
4095 · Miscellaneous Income	23	9	32	(23)	27%
4103 · In - Kind Revenue - UDR	-	(95)	-	(95)	#DIV/0!
Total Revenue	45,009	49,054	45,145	3,909	109%

Expenses

Program Services	18,475	22,354	17,313	(5,041)	129%
Salaries & Benefits	33,704	39,000	34,515	(4,485)	113%
General & Administrative	6,666	9,021	2,611	(6,410)	346%
In Kind	3,070	3,380	2,969	(411)	114%
Building Overhead	55,637	51,667	57,140	5,473	90%
Total Expenses	117,552	125,422	114,548	(10,874)	109%

Net Profit (Loss)

Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget
20,859	21,053	22,327	(1,274)	94%
19,201	22,669	17,744	4,925	128%
95	-	68	(68)	0%
4,832	5,418	4,974	444	109%
23	9	32	(23)	27%
-	(95)	-	(95)	#DIV/0!
45,009	49,054	45,145	3,909	109%
18,475	22,354	17,313	(5,041)	129%
33,704	39,000	34,515	(4,485)	113%
6,666	9,021	2,611	(6,410)	346%
3,070	3,380	2,969	(411)	114%
55,637	51,667	57,140	5,473	90%
117,552	125,422	114,548	(10,874)	109%
\$ (72,542)	\$ (76,369)	\$ (69,403)	\$ (6,966)	110%

Total Budget	YTD % of Tot Budget
110,000	19%
115,800	20%
1,000	0%
21,700	25%
100	9%
-	#DIV/0!
248,600	20%
114,184	20%
153,764	25%
14,875	61%
15,277	22%
243,022	21%
541,122	23%
\$ (292,522)	26%

Utah State Bar
Income Statement - Consolidated By Account
September 30, 2019

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	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	9,350	11,242	(1,892)	83%	120,725	8%
4002 · Admissions - Attorney Exam Fees	10,200	7,775	10,256	(2,481)	76%	45,725	17%
4003 · Admissions - Retake Fees	8,550	6,950	9,679	(2,729)	72%	46,700	15%
4004 · Admissions - Laptop Fees	7,050	5,400	7,315	(1,915)	74%	53,850	10%
4006 · Transfer App Fees	8,300	17,350	8,290	9,060	209%	44,950	39%
4008 · Attorney - Motion	12,750	11,050	13,909	(2,859)	79%	51,000	22%
4009 · House Counsel	5,950	5,100	6,446	(1,346)	79%	22,100	23%
4010 · Section/Local Bar Support fees	98,175	82,124	100,568	(18,444)	82%	100,837	81%
4011 · Admissions LPP	-	200	-	200	#DIV/0!	-	#DIV/0!
4020 · NLTP Fees	25,950	23,700	25,950	(2,250)	91%	65,250	36%
4021 · Lic Fees > 3 Years	3,581,410	3,641,535	3,665,488	(23,953)	99%	3,732,582	98%
4022 · Lic Fees < 3 Years	203,120	187,220	223,660	(36,440)	84%	239,045	78%
4023 · Lic Fees - House Counsel	34,960	41,440	38,476	2,964	108%	43,012	96%
4025 · Pro Hac Vice Fees	16,250	31,350	21,366	9,984	147%	82,689	38%
4026 · Lic Fees - Inactive/FS	119,485	122,890	124,352	(1,462)	99%	120,305	102%
4027 · Lic Fees - Inactive/NS	209,640	211,890	217,410	(5,520)	97%	218,187	97%
4029 · Prior Year Lic Fees	1,275	-	1,627	(1,627)	0%	3,432	0%
4030 · Certs of Good Standing	6,540	7,170	7,235	(65)	99%	34,058	21%
4039 · Room Rental-All parties	20,859	21,053	22,327	(1,274)	94%	110,000	19%
4042 · Food & Beverage Rev-All Parties	19,201	22,669	17,744	4,925	128%	115,800	20%
4043 · Setup & A/V charges-All parties	95	-	68	(68)	0%	1,000	0%
4051 · Meeting - Registration	217,505	195,470	233,072	(37,602)	84%	386,000	51%
4052 · Meeting - Sponsor Revenue	25,700	19,500	26,107	(6,607)	75%	57,290	34%
4053 · Meeting - Vendor Revenue	12,150	15,800	12,350	3,450	128%	26,400	60%
4054 · Meeting - Material Sales	-	-	-	-	#DIV/0!	-	-
4055 · Meeting - Sp Ev Registration	15,527	5,435	15,560	(10,125)	35%	17,500	31%
4060 · E-Filing Revenue	12,504	-	9,874	(9,874)	0%	33,622	0%
4061 · Advertising Revenue	63,462	49,614	61,953	(12,339)	80%	181,492	27%
4062 · Subscriptions	30	30	30	-	100%	90	33%
4063 · Modest Means revenue	2,675	2,575	2,728	(153)	94%	10,939	24%
4071 · Mem Benefits - Lexis	356	334	352	(18)	95%	1,455	-
4072 · Royalty Inc - Bar J, MBNA, LM,M	2,637	2,860	2,619	241	109%	6,680	43%
4081 · CLE - Registrations	86,493	78,352	80,244	(1,892)	98%	470,218	17%
4082 · CLE - Video Library Sales	49,953	46,260	51,746	(5,486)	89%	90,000	51%
4084 · Business Law Book Sales	3,315	-	-	-	#DIV/0!	-	-
4090 · Tenant Rent	4,832	5,418	4,974	444	109%	21,700	25%
4093 · Law Day Revenue	-	-	-	-	#DIV/0!	3,870	0%
4095 · Miscellaneous Income	2,735	2,701	3,802	(1,101)	71%	21,329	13%
4096 · Late Fees	20,800	50,600	32,665	17,935	155%	63,033	80%
4103 · In - Kind Revenue - UDR	530	526	496	30	106%	1,330	40%
4120 · Grant Income	-	3,000	-	3,000	#DIV/0!	-	#DIV/0!
4200 · Seminar Profit/Loss	1,818	(15,821)	1,241	(17,062)	-1275%	13,400	-118%
Investment income	46,791	38,637	81,354	(42,717)	47%	174,274	22%
Total Revenue	4,973,124	4,959,507	5,155,575	(196,068)	96%	6,833,869	73%
Program Service Expenses							
5001 · Meeting Facility-external only	21,370	69,776	19,687	(50,089)	354%	42,400	165%
5002 · Meeting facility-internal only	12,313	13,888	13,065	(823)	106%	62,208	22%
5013 · ExamSoft	14,998	12,983	15,567	2,584	83%	21,000	62%
5014 · Questions	29,355	26,102	40,139	14,037	65%	79,500	33%
5015 · Investigations	75	150	60	(90)	250%	352	43%
5016 · Credit Checks	123	232	132	(100)	176%	2,200	11%
5017 · Medical Exam	-	-	-	-	#DIV/0!	240	-
5020 · Exam Scoring	-	1,045	-	(1,045)	#DIV/0!	-	-
5025 · Temp Labor/Proctors	2,850	3,100	2,850	(250)	109%	5,993	52%
5030 · Speaker Fees & Expenses	1,895	4,201	5,000	799	84%	24,850	17%
5031 · Speaker Reimb. - Receipt Req'd	368	1,465	400	(1,065)	366%	18,266	8%
5035 · Awards	694	801	942	141	85%	5,087	16%
5037 · Grants/ contributions - general	1,000	3,000	1,000	(2,000)	300%	6,400	47%
5040 · Witness & Hearing Expense	77	402	226	(176)	178%	4,464	9%

Utah State Bar
Income Statement - Consolidated By Account
September 30, 2019

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
5041 · Process Serving	417	202	513	311	39%	1,491	14%
5046 · Court Reporting	-	-	-	-	#DIV/0!	920	0%
5047 · Casemaker	17,916	10,458	18,216	7,758	57%	73,800	14%
5055 · Legislative Expense	10,500	12,000	13,260	1,260	90%	60,110	20%
5060 · Program Special Activities	-	2,595	-	(2,595)	#DIV/0!	-	-
5061 · LRE - Bar Support	65,000	65,000	65,000	-	100%	65,000	100%
5062 · Law Day	500	-	546	546	0%	8,715	0%
5063 · Special Event Expense	68,051	20,302	65,212	44,910	31%	89,750	23%
5064 · MCLE Fees Paid	7,365	3,541	9,628	6,087	37%	44,000	8%
5070 · Equipment Rental	16,877	32,730	12,450	(20,280)	263%	44,756	73%
5075 · Food & Bev-external costs only	143,985	40,760	146,617	105,857	28%	452,082	9%
5076 · Food & beverage - internal only	9,813	15,500	9,503	(5,997)	163%	66,908	23%
5079 · Soft Drinks	2,131	1,958	2,093	135	94%	10,334	19%
5085 · Misc. Program Expense	1,612	6,196	1,584	(4,612)	391%	10,344	60%
5090 · Commission Expense	7,948	4,694	6,450	1,756	73%	27,176	17%
5095 · Wills for Heroes	21	149	40	(109)	372%	856	17%
5096 · UDR Support	-	-	-	-	#DIV/0!	-	-
5099 · Blomquist Hale	18,478	18,432	18,490	58	100%	73,881	25%
5702 · Travel - Lodging	18,968	10,780	17,661	6,881	61%	55,147	20%
5703 · Travel - Transportation/Parking	2,234	6,056	2,590	(3,466)	234%	19,672	31%
5704 · Travel - Mileage Reimbursement	8,565	2,134	4,370	2,236	49%	13,433	16%
5705 · Travel - Per Diems	1,827	1,621	1,232	(389)	132%	4,523	36%
5706 · Travel - Meals	37	-	61	61	0%	958	0%
5707 · Travel - Commission Mtgs	41,599	11,986	29,878	17,892	40%	39,202	31%
5805 · ABA Annual Meeting	18,418	10,700	19,126	8,426	56%	23,727	45%
5810 · ABA Mid Year Meeting	-	-	-	-	#DIV/0!	19,930	0%
5815 · Commission/Education	17,603	12,750	17,143	4,393	74%	25,423	50%
5820 · ABA Annual Delegate	7,214	4,818	8,647	3,829	56%	11,938	40%
5830 · Western States Bar Conference	1,740	-	1,076	1,076	0%	17,146	0%
5840 · President's Expense	6,078	7,797	5,956	(1,841)	131%	20,000	39%
5841 · President's Reimbursement	-	2,754	80	(2,674)	3443%	1,441	191%
5845 · Reg Reform Task Force	-	4,477	-	(4,477)	#DIV/0!	10,000	-
5850 · Leadership Academy	42	-	67	67	0%	20,000	0%
5855 · Bar Review	1,156	-	1,003	1,003	0%	1,500	0%
5865 · Retreat	31,626	20,234	26,398	6,164	77%	30,000	67%
5866 · Well-Being Committee	-	12,600	12,501	(99)	101%	50,004	25%
5868 · UCLI Support	-	50,000	50,000	-	100%	50,000	100%
5960 · Overhead Allocation - Seminars	-	-	4,899	4,899	0%	10,750	0%
5970 · Event Revenue Sharing - 3rd Pty	10,702	20,631	20,340	(291)	101%	71,000	29%
Total Program Service Expenses	623,542	550,995	691,698	140,703	80%	1,798,877	31%
Salaries & Benefit Expenses							
5510 · Salaries/Wages	702,135	757,306	731,692	(25,614)	104%	2,881,554	26%
5605 · Payroll Taxes	52,017	56,591	53,758	(2,833)	105%	213,905	26%
5610 · Health Insurance	57,474	65,359	59,351	(6,008)	110%	256,314	25%
5620 · Health Ins/Medical Reimb	1,795	975	2,898	1,923	34%	8,362	12%
5630 · Dental Insurance	3,513	3,855	3,591	(264)	107%	15,373	25%
5640 · Life & LTD Insurance	4,118	4,419	4,142	(277)	107%	17,616	25%
5645 · Workman's Comp Insurance	655	645	699	55	92%	2,650	24%
5650 · Retirement Plan Contributions	59,449	64,464	65,925	1,461	98%	242,708	27%
5655 · Retirement Plan Fees & Costs	-	-	138	138	0%	15,397	0%
5660 · Training/Development	2,864	10,410	4,778	(5,632)	218%	26,785	39%
Total Salaries & Benefit Expenses	884,021	964,024	926,972	(37,052)	104%	3,680,664	24%
General & Administrative Expenses							
7025 · Office Supplies	7,662	5,902	7,774	1,872	76%	24,870	24%
7033 · Operating Meeting Supplies	5,490	5,697	5,489	(208)	104%	23,155	25%
7035 · Postage/Mailing, net	23,754	27,241	20,088	(7,153)	136%	61,456	44%
7040 · Copy/Printing Expense	46,502	29,303	44,231	14,928	66%	158,848	18%
7041 · Copy/Print revenue	(6,077)	(3,293)	(6,315)	(3,022)	52%	(26,249)	13%
7045 · Internet Service	3,774	1,883	6,340	4,457	30%	14,467	13%

Utah State Bar
Income Statement - Consolidated By Account
September 30, 2019

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
7050 · Computer Maintenance	6,828	9,904	6,492	(3,412)	153%	38,275	26%
7055 · Computer Supplies & Small Equip	2,001	2,217	2,211	(6)	100%	14,078	16%
7089 · Membership Database Fees	4,000	4,000	4,645	645	86%	41,382	10%
7100 · Telephone	13,251	9,444	11,893	2,449	79%	47,750	20%
7105 · Advertising	2,250	10,885	6,550	(4,335)	166%	106,318	10%
7106 · Public Notification	295	-	315	315	0%	1,225	0%
7110 · Publications/Subscriptions	3,787	7,891	3,287	(4,604)	240%	19,323	41%
7115 · Public Relations	-	-	12,501	12,501	0%	50,000	0%
7120 · Membership/Dues	7,495	9,039	8,236	(803)	110%	12,133	74%
7135 · Bank Service Charges	424	407	424	17	96%	1,257	32%
7136 · ILM Service Charges	4,607	4,621	4,243	(378)	109%	16,298	28%
7138 · Bad debt expense	-	-	-	-	#DIV/0!	-	-
7140 · Credit Card Merchant Fees	26,247	29,953	25,334	(4,619)	118%	109,834	27%
7141 · Credit Card surcharge	(15,232)	(19,276)	(14,794)	4,482	130%	(59,836)	32%
7145 · Commission Election Expense	-	-	-	-	#DIV/0!	3,250	0%
7150 · E&O/Off & Dir Insurance	12,880	12,988	13,068	80	99%	52,267	25%
7160 · Audit Expense	30,833	32,705	31,250	(1,455)	105%	34,000	96%
7170 · Lobbying Rebates	111	119	70	(49)	171%	114	105%
7175 · O/S Consultants	10,386	90,669	6,814	(83,855)	1331%	112,742	80%
7176 · Bar Litigation	2,650	9,389	10,396	1,008	90%	25,000	38%
7177 · UPL	138	15,422	66	(15,356)	23367%	3,960	389%
7178 · Offsite Storage/Backup	1,112	1,094	447	(647)	245%	4,681	23%
7179 · Payroll Adm Fees	715	748	706	(42)	106%	2,853	26%
7180 · Administrative Fee Expense	228	241	258	17	93%	877	27%
7190 · Lease Interest Expense	-	-	-	-	#DIV/0!	701	0%
7191 · Lease Sales Tax Expense	-	-	-	-	#DIV/0!	-	#DIV/0!
7195 · Other Gen & Adm Expense	1,144	2,977	1,757	(1,220)	169%	13,914	21%
Total General & Administrative Expenses	197,254	302,169	213,776	(88,393)	141%	908,946	22%
In Kind Expenses							
7103 · InKind Contrib-UDR & all other	4,071	4,495	4,158	(337)	108%	20,277	22%
Total In Kind Expenses	4,071	4,495	4,158	(337)	108%	20,277	20%
Building Overhead Expenses							
6015 · Janitorial Expense	7,377	8,039	7,713	(326)	104%	31,209	26%
6020 · Heat	3,065	2,054	3,333	1,279	62%	22,437	9%
6025 · Electricity	15,089	14,729	15,652	923	94%	47,638	31%
6030 · Water/Sewer	3,725	3,868	3,749	(119)	103%	7,627	51%
6035 · Outside Maintenance	2,099	1,354	2,229	875	61%	14,124	10%
6040 · Building Repairs	2,733	3,750	2,475	(1,275)	152%	20,969	18%
6045 · Bldg Mtnce Contracts	7,388	8,053	7,524	(529)	107%	36,050	22%
6050 · Bldg Mtnce Supplies	248	-	226	226	0%	4,611	0%
6055 · Real Property Taxes	9,053	6,464	10,128	3,664	64%	33,743	19%
6060 · Personal Property Taxes	112	105	120	15	88%	460	23%
6065 · Bldg Insurance/Fees	4,273	4,560	4,396	(164)	104%	17,834	26%
6070 · Building & Improvements Depr	12,696	13,503	12,840	(663)	105%	54,832	25%
6075 · Furniture & Fixtures Depr	3,396	2,152	3,698	1,546	58%	14,857	14%
7065 · Computers, Equip & Sftwre Depr	39,203	33,516	40,896	7,380	82%	181,723	18%
Total Building Overhead Expenses	110,456	102,148	114,979	12,831	89%	488,114	23%
Total Expenses	1,819,344	1,923,831	1,951,583	27,752	99%	6,896,878	26%
Net Profit (Loss)	\$ 3,153,780	\$ 3,035,676	\$ 3,203,993	\$ (168,316)	95%	\$ (63,009)	

Utah State Bar
Balance Sheets

144

	9/30/2019	8/31/2019	6/30/2019
ASSETS			
Current Assets			
Petty Cash	\$ 625	\$ 625	\$ 625
Cash in Bank	255,363	526,835	1,033,337
Invested Funds	7,671,853	8,020,009	6,692,156
Total Cash/Investments	7,927,840	8,547,469	7,726,118
Accounts Receivable	76,362	24,131	47,761
Prepaid Expenses	176,714	193,119	167,371
A/R - Sections	38,466	37,369	47,548
Total Other Current Assets	291,543	254,619	262,680
Total Current Assets	8,219,383	8,802,087	7,988,798
Fixed Assets			
Property & Equipment	4,822,828	4,822,828	4,810,080
Accumulated Depreciation	(4,086,982)	(4,070,564)	(4,037,810)
Land	633,142	633,142	633,142
Total Fixed Assets	1,368,988	1,385,406	1,405,411
TOTAL ASSETS	\$ 9,588,371	\$ 10,187,493	\$ 9,394,209
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
AP Trade	\$ 28,945	\$ 19,407	\$ 119,826
Other Accounts Payable	220,450	199,369	132,403
Accrued Payables	438,691	446,596	434,814
Cap Lease Oblig - ST	3,683	3,683	3,683
A/P - Sections	-	326,105	220,698
Deferred Revenue	-	-	2,620,865
Total Current Liabilities	691,768	995,160	3,532,289
Long Term Liabilities			
Capital Lease Oblig	6,939	6,939	8,003
Total Long Term Liabilities	6,939	6,939	8,003
Total Liabilities	698,707	1,002,099	3,540,292
Equity			
Unrestricted Net Assets (R/E)	5,853,987	5,853,917	5,467,275
Fund Balance - Current Year	3,035,676	3,331,477	386,643
Total Equity	8,889,663	9,185,395	5,853,917
TOTAL LIABILITIES & EQUITY	\$ 9,588,371	\$ 10,187,493	\$ 9,394,209

UTAH STATE BAR
Membership Statistics
September 30, 2019

<u>STATUS</u>	<u>09/30/18</u>	<u>09/03/19</u>	<u>Change</u>
Active	8,446	8,573	127
Active under 3 years	719	680	(39)
Active Emeritus	220	244	24
In House Counsel	88	98	10
Foreign Legal Counsel	2	3	1
Subtotal - Active	9,475	9,598	123
Inactive - Full Service	787	808	21
Inactive - No Service	1,956	1,994	38
Inactive Emeritus	311	327	16
Inactive House Counsel	-	6	6
Subtotal - Inactive	3,054	3,135	81
Total Active and Inactive	12,529	12,733	204
<u>Supplemental Information</u>			
Paralegals	146	165	19
Associate Section Members	117	119	2
Journal Subscribers	125	125	-
<u>Active Attorneys by Region</u>			
1st Division (Logan - Brigham)	173	180	7
2nd Division (Davis - Weber)	874	898	24
3rd Division (Salt Lake)	5,477	5,502	25
4th Division (Utah)	1,217	1,238	21
5th Division (Southern Utah)	487	491	4
Out of State	1,247	1,289	42
Total Active Attorneys	9,475	9,598	123

**INSTITUTIONAL LIQUIDITY
MANAGEMENT**
Balance Sheet Classification
ILM-UT ST BAR (3176)

Base Currency: USD As of 09/30/2019

Dated: 10/01/2019

CE

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
38141W232	GOLDMAN:FS MM INST	7,106,120.87	AAA	2.160	09/30/2019	2.100	2.100	7,110,306.75	-632.83	1.0005	0.00	7,109,673.93
CCYUSD	Receivable	11,953.71	AAA	0.000	09/30/2019	0.000	0.000	11,953.71	0.00	1.0000	0.00	11,953.71
---	---	7,118,074.58	AAA	---	09/30/2019	2.096	2.096	7,122,260.46	-632.83	---	0.00	7,121,627.64

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
00162EBE8	ANZ NEW ZEALAND (INT'L) LTD	200,000.00	AA-	2.200	07/17/2020	3.297	2.100	198,297.42	1,856.58	100.0770	904.44	201,058.44
48127HAA7	JPMORGAN CHASE & CO	350,000.00	A	2.200	10/22/2019	2.807	2.138	349,879.76	128.99	100.0025	3,400.83	353,409.58
94988JSL7	WELLS FARGO BANK NA	350,000.00	AA	2.400	01/15/2020	2.896	2.122	349,506.75	764.85	100.0776	1,773.33	352,044.93
---	---	900,000.00	AA-	---	01/23/2020	2.980	2.123	897,683.94	2,750.41	---	6,078.61	906,512.96

LT

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
525ESC1Y5	LEHMAN ESCROW	300,000.00	NA	0.000	01/01/2049	0.000	---	0.00	2,862.00	0.9540	0.00	2,862.00
626ESC1Y5	LEHMAN ESCROW	300,000.00	NA	0.000	01/01/2049	0.000	---	0.00	2,862.00	0.9540	0.00	2,862.00

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
---	---	8,318,074.58	AAA	---	10/17/2019	2.193	2.100	8,019,944.40	4,979.59	---	6,078.61	8,031,002.60

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