

**Utah State Bar Commission
Friday, October 4, 2019
Law & Justice Center
9:00 am**

Agenda

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

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|-----------------|-----|---|
| <i>02 Mins.</i> | 1.1 | Welcome and Introductions as Needed |
| <i>03 Mins.</i> | 1.2 | Admissions Ceremony (also with New LPP's) October 15th - Noon |
| <i>05 Mins.</i> | 1.3 | Lawyer-Legislator Breakfast October 16th - 7:30 am |
| <i>05 Mins.</i> | 1.4 | UMBA Scholarship & Awards Banquet October 24th - 5:30 pm |
| <i>30 Mins.</i> | 1.5 | Update on Regulatory Reform (Tab 1, Page 3) |
| <i>15 Mins.</i> | 1.6 | Update on Tax Reform Legislative Study |
| <i>10 Mins.</i> | 1.7 | Park City Summer Convention Survey Report (Tab 2, Page 57) |

2. 10:10 a.m. Action Items

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|-----------------|-----|---|
| <i>10 Mins.</i> | 2.1 | Approve Bar Survey Funding: John Baldwin (Tab 3, Page 66) |
| <i>20 Mins.</i> | 2.2 | Select Award Recipients: Michelle Quist (Tab 4, Page 78) |
| | A. | Mentoring Awards |
| | B. | Professionalism Award |
| | C. | Community Member Award |
| | D. | Pro Bono Award |
| <i>30 Mins.</i> | 2.3 | Approve 2018-19 Audit Report: Mary Kay Griffin (Tab 5, Page 110) |
| <i>20 Mins.</i> | 2.4 | Selection of ABA Delegates (Tab 6, Page 139) |
| | A. | Bar Representative |
| | B. | Bar YLD Representative |
| <i>05 Mins.</i> | 2.5 | Licensed Lawyer Marketing Committee |
| <i>05 Mins.</i> | 2.6 | Approve Lawyer and LPP Applicants for Admission (To Distribute) |

3. 11:40 a.m. Discussion Items

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| <i>05 Mins.</i> | 3.1 | Paralegal Division Request to Waive Revenue Sharing |
| <i>05 Mins.</i> | 3.2 | Review Income Splits with Sections |

4. 11:50 a.m. Information Items

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| <i>03 Mins.</i> | 4.1 | Policies & Procedures Clean Up: John Baldwin (Tab 7, Page 175) |
| <i>02 Mins.</i> | 4.2 | Ethics Hotline Staffing: Elizabeth Wright |

5. 11:55 a.m. Executive Session

12:25 p.m. Adjourn

Consent Agenda (Tab 8, Page 272)

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

1. Approve minutes of August 16, 2019 Commission Meeting

Attachments (Tab 9, Page 278)

1. August Financials

Calendar

October 15	Admissions Ceremony	12:00 Noon	Capitol Building
October 16	Breakfast with Lawyer Legislators		State Capitol Boardroom
October 24	UMBA Awards Banquet		Marriott at City Creek
October 20-26	Pro Bono Celebration Week		
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

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| January 1 | Election Notices Due |
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TAB 1

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approach to regulating work and how people can access legal help. Time to build a regulatory approach that puts the who need help first, and that encourages innovation and brings law into the 21st century where

In Utah the leadership for change has come from the Utah Supreme Court and key leaders of the Utah Bar. We hope the tide is turning. It needs to. For either the access-to-justice gap will continue to grow, or we can seize the momentum for change. We stand for change and equal access to justice for all.

Deno Himonas is a justice of the Supreme Court of Utah and co-chair of the Utah Work Group. **Gillian Hadfield** is professor of law and of strategic management at the University of Toronto and author of "Rules for a Flat World: Why Humans Invented Law and How to Reinvent it for a Complex Global Economy," and a member of the Utah Work Group. **John Lund** is a past president of the Utah Bar and co-chair of the Utah Work Group.

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The Salt Lake Tribune

Utah's top judges say the legal system isn't working right. Here's how they are encouraging change.



(Francisco Kjolseth | The Salt Lake Tribune) Supreme Court justices Thomas R. Lee, Constandinos Himonas, John A. Pearce and Paige Petersen, from left, listen to Chief Justice Matthew B. Durrant give the state of the judiciary speech to the legislature in the House chamber on the first day of the 2018 legislative session at the Utah Capitol on Monday, Jan. 22, 2018.



By Jessica Miller • Published: 5 hours ago
Updated: 5 hours ago

Utah's court system is flawed in a fundamental way.

When residents find themselves in a civil dispute — think a debt issue or a divorce — most are not represented by an attorney. They go it alone or they don't know how to get into the courtroom to begin with.

The Utah Supreme Court recently signed off on an experiment that hopes to level the playing field for people who can't afford a lawyer or are confused by the complicated civil system. It would allow nonlawyers and tech entrepreneurs to bring innovations to a legal profession often mired in detailed rules.

This stems from a report created by a joint Supreme Court and Utah Bar Association working group, which highlights recent data that shows that in 93% of all civil cases filed in Utah's 3rd District Courts — which cover Salt Lake and Summit counties — at least one party went without an attorney.

This data was not all that surprising to Utah Supreme Court Justice Deno Himonas, who has worked in the courts system for years. But he does find it troubling.

Himonas said the courts are supposed to be the branch of government where all people can come to peacefully resolve their disputes. But, as it stands now, not everyone gets a fair chance.

“If all we're doing is giving the wealthiest of society [a place] to solve their disputes,” he said, “then as a branch, we are failing.”

For years, lawyers have reacted to statistics like this by donating their time or money to help people who can't afford legal assistance. But Himonas said these efforts are clearly not enough — more serious reforms are needed.

Utah's courts have taken steps in recent years toward making the law more accessible. That included creating an online program where people can settle small claims cases, a pilot program currently being offered in West Valley and Orem cities and the Carbon County justice court. And in 2015, the courts

created a new legal profession — limited paralegal practitioners — to bring a more affordable option to Utahns navigating divorces, settling a debt or resolving an eviction issue.

But Himonas said this new experiment is bigger than all of that. It's a "game-changer."

"All of these [past efforts] are important," he said. "But none of them has the potential to make the difference the way this does."

So what exactly is this reform and how will it affect Utahns?

The biggest proposed change is creating a "sandbox" where legal providers and even nonlawyers can bring ideas and test a product that they think can help bring Utahns better access to legal services. With oversight from the courts, an applicant can test their product without worrying about the strict rules that attorneys have been forced to follow for years.

This approach has been used in other areas of government and business, including the financial industry grappling with new technology such as blockchain. The Libertas Institute, a Libertarian-leaning Utah think tank, pushed for a regulatory sandbox in that industry during the last legislative session, and applauded the Utah courts for making similar moves. Libertas Policy Director Michael Melendez said it's a bit unusual for the regulatory body like the courts and the Utah State Bar to be the driving force behind industry reform. There's often more hesitation, or playing catch-up as new businesses push the boundaries of what is acceptable, like when Uber and Lyft innovated the ride-hailing industry.

"That's what excites us," he said, "to see regulatory bodies embrace these kinds of innovation."

Court officials haven't boxed themselves in to a certain idea or placed limits of what could be created in the sandbox, they say. Maybe someone will come up with a way to better automate the creation of court documents. Perhaps someone could create an algorithm that would help people assess risk or impact when filing for divorce or considering child custody issues. Or maybe someone can develop a product that scans eviction notices and tells a renter if there's any issues they can challenge in court.

That kind of tech innovations in the legal industry is what Utah attorney Tsutomu Johnson has been working toward for the past year or so after he helped create Parsons Behle Lab, a subsidiary of Salt Lake City-headquartered law firm Parsons Behle Latimer.

Johnson said the goal is to use technology to streamline services so they are more affordable to people who can't pay hundreds of dollars an hour for an attorney. He noted that the rules and regulations in the legal world haven't changed much in the past 100 years or so — but technology has changed the world.

People need legal help, he said, but it needs to match what they can afford to pay. He thinks the changes that the Utah court system is proposing will help.

"The legal field has benefited from having a monopoly on our services," he said. "Sometimes that monopoly can prevent change. But ultimately that change is going to happen one way or another. We should embrace that change and adapt with that."

Another proposal that the Utah courts are considering would help subsidiaries like Johnson's. The Utah Supreme Court may relax the rules to allow people who aren't lawyers to invest in and own law firms.

This means that companies like Johnson's could become integrated into law firms instead of being subsidiaries. They are considered separate, Johnson said, because of the limitations in the law industry which prohibits certain kinds of marketing and partnerships.

That part of the reform is what's exciting to Andrew Perlman, the dean of Suffolk University's law school, whose work focuses on the future of law.

Perlman said the strict rules in the legal industry have stifled innovation, and limiting who can own a piece of a law firm has contributed to that. If that rule is lifted, he said, it would allow people with a background in technology to partner with lawyers and create new products.

And all of this will help with bringing more affordable and accessible legal services to Utahns, possibly even other states.

"Our system is broken in a very fundamental way," Perlman said. "Traditional services are not working. The way we are going to unlock those innovations are through regulatory reform. What Utah is getting right is attempting to loosen up those restrictions to allow for more innovation."

Perlman said there are some in the legal field who are apprehensive. There's worry that if outsiders are allowed to own a piece of a law firm, that it could influence an attorney's work. And there's concern that if the legal field is opened to nonlawyers, that it could put attorneys out of work.

But he said the concern should be about whether the reform will help regular Utahns.

“Front and center in our minds need to be, ‘Will this improve the public’s access to legal services?’ by ” he said. “If it will, and if it happens to have an adverse impact on lawyers, that can’t be what drives us. It has to be about the public.”

The Utah Supreme Court has already adopted the recommendations of the working group, and Himonas estimates that the sandbox could start accepting applicants within a few months.

The other changes involving loosening attorney rules will be voted on individually after the public has the chance to comment.

Editor’s note • *Utah Supreme Court Justice John Pearce is the husband of Salt Lake Tribune Editor Jennifer Napier-Pearce.*



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Jayne Reardon, executive director of the [Illinois Supreme Court Commission](#) on Professionalism, speaks in May about the evolving legal landscape at a conference in Chicago. Reardon is among those working to examine how reforming attorney regulations could improve access to justice.

Illinois is poised to launch an official exploration into opening up the legal profession to nonlawyers, in what some say could be a "tipping point" for such efforts to increase access to legal help, despite heated attorney opposition in places like California.

Just how heated is that opposition?

"A catastrophe waiting to happen" that would "completely destroy the practice of law" and "erode the quality of legal services." That's what some attorneys have told the California bar task force on allowing more nonlawyer participation in the state's legal sector. A public comment period on the proposal is drawing to a close on Monday.

And yet the number of states considering similar reforms continues to grow. Law360 has learned that the Chicago Bar Foundation and [Chicago Bar Association](#) plan to launch a joint task force Oct. 7 to explore how state attorney regulations could be modified to encourage more innovation in the legal sector and ultimately increase access to justice.

That was the stated goal of California, Utah, Arizona and New Mexico when they made moves, all within the last year, to open up the legal industry to greater participation from non-traditional players such as legal technology companies. So far the reforms are in the proposal phase, except in Utah, where the state Supreme Court voted to pursue changes to its regulatory structure last month.

STATES TAKING ACTION ON NONLAWYER REFORMS

States across the country are considering changes to attorney regulations, or have made changes, that would open up the legal sector to more participation from nonlawyers.

Arizona

Arizona's Supreme Court in 2018 set up a task force to examine how the state can change attorney regulation to improve access to justice. In October, the task force is expected to bring a proposal to the Arizona Judicial Council, including suggested amendments to the state's attorney ethics rules to allow lawyers and nonlawyers to join together to form legal service businesses. The AJC will then make its own recommendation to the state's Supreme Court.

California

Now that its public comment period has drawn to a close, the [California State Bar](#) task force charged with exploring new regulatory options will fine-tune its recommendations and submit them to the bar's board of trustees for a vote early next year.

The tentative proposed changes include creating exceptions to restrictions preventing the unauthorized practice of law and making changes to the state's rules of professional conduct to allow nonlawyers to engage in financial arrangements with lawyers.

District of Columbia

In the District of Columbia, nonlawyers are permitted to hold an ownership interest in law firms, as long as they provide professional services that assist in the firm's delivery of legal services and abide by all attorney ethics rules. D.C.'s rules of professional conduct have permitted such an arrangement since the 1990s.

Illinois

The Illinois Supreme Court is considering loosening regulations on attorneys' ability to pay for recommendations for their services.

The state high court is also expected to set up a task force in the next month or two that will look at how additional changes to attorney ethics regulations can spur innovation in the legal sector and potentially create greater access to justice.

New Mexico

The New Mexico Supreme Court formed a working group earlier this year to explore whether to allow limited license legal technicians to practice in the state. The working group is expected to produce a final report by Jan. 1.

Utah

Utah's reforms are a little further along. Its Supreme Court unanimously voted Aug. 30 to move forward with an experimental "sandbox" in which legal service providers will propose and execute new business structures and methods of

service delivery that are currently illegal or deemed unethical, while under the watchful eye of regulators.

Washington

Since 2012, nonlawyer paraprofessionals have been permitted to provide specific legal help to consumers on family law matters in the state without the supervision of a lawyer. These paraprofessionals, called limited license legal technicians, are trained and complete continuing legal education. They typically charge less per hour than a lawyer.

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Under Utah's newly approved plan, an accounting firm could soon offer legal services in the state alongside its accounting services, a technology company could use artificial intelligence to help consumers complete legal documents, or a nonprofit could allow a paralegal to offer limited legal advice to clients without lawyer supervision.

The tentative recommendations in California picture a similar legal landscape where, for example, law firms could be owned in part by nonlawyers such as legal technologists or managerial staff, and nonlawyers could serve clients alongside lawyers in an environment where fees are shared.

The changes would mean a consumer looking for help with a civil legal problem such as a divorce or landlord-tenant dispute would have several new options for how to deal with the matter, rather than relying solely on a lawyer or traditional law firm.

Jordan Furlong, a legal market analyst and author of several books on the legal sector, said that if Illinois becomes the next state to look at opening up the profession by loosening regulations on fee-sharing and the unauthorized practice of law, the U.S. will likely have reached a "tipping point."

"I think that's the point it becomes a trend and a movement that starts to sweep across jurisdictions," Furlong said.

The idea behind the reforms is that more robust competition in the sector could help close the country's access to justice gap by lowering costs and increasing options for consumers.

But there are those who argue that opening up attorney regulations would not do much to improve access to justice. Some worry loosened regulations could even put consumers in harm's way if unscrupulous business interests go unchecked under the guise of offering a new type of legal service.

According to the Legal Services Corp., 86% of low-income Americans' civil legal needs are not being met, including problems with health care, housing conditions, disability access, veterans' benefits and domestic violence.

Others say even middle-income Americans have become reluctant to hire a lawyer when faced with a civil legal challenge, and so often forgo legal help.

A 2015 study by the National Center for State Courts found that of all civil matters disposed of in 10 large, urban counties over the course of a year, 76% involved at least one litigant who was self-represented.

That's approximately double the number of self-represented litigants found in a comparable study conducted 20 years earlier, according to a report compiled for the California task force by Indiana University Maurer School of Law professor Bill Henderson.

The NCSC found that in many civil cases the cost of hiring a lawyer is often more expensive than the value of the amount in dispute, as three-quarters of all judgments in the state courts during the year were less than \$5,100.

"What we're seeing is people are now willing to go on the internet to search for answers to their legal questions, but they're not so willing to pay for a lawyer to solve their legal problems," said Jayne

Reardon, the executive director of the Illinois Supreme Court Commission on Professionalism. "It's the perfect storm of opportunity to recreate a legal services industry geared to what the consumers want."

When you still regulate an industry, but open it up so that competition is present, that spurs everyone to now become very creative and innovative and look for better ways to do things that satisfy their customers.



Kenneth Grady

professor, Michigan State University College of Law's Center For Legal Innovation

The Illinois Supreme Court is considering a proposal to loosen regulations on attorneys' ability to pay for recommendations for their services. The change, if enacted, would allow for attorney-client matchmaking services or platforms that pair lawyers looking for work and consumers looking for legal help.

Kenneth Grady, a professor at Michigan State University College of Law's Center for Legal Innovation, says he believes reforms like the ones happening out West are likely to spread across the U.S. quickly.

Still, the legal industry tends to be averse to big changes, and the comments California received on its reforms demonstrate the kind of opposition that other states can expect to face.

"As a whole, [the proposals] are reflective of what appears to be an intent to completely destroy the practice of law as we know it," one commenter said, adding that nonlawyer ownership of law firms and the provision of technology-driven legal advice is likely driven by a desire on the part of big business to control the practice of law.

"The proposal is a catastrophe waiting to happen intended to line the pockets of those who wish to exploit those most in need of legal services," said another.

Some expressed fear that the quality of legal services will decline or that lawyers will be out of a job. Others complained that they had shouldered massive student debt in order to attend law school and because of that don't think it's fair for nonlawyers to be granted more involvement in the profession.

"This is going to erode the quality of legal services in the state by allowing unlicensed individuals to give legal advice and own law firms. It is going to devalue my license and hurt the public," said Michael Cefali, a personal injury lawyer in Newport Beach, California.

Naturally, increased competition may sound scary to lawyers. But Furlong and Grady, both lawyers themselves, say it doesn't need to.

Grady says he sees the proposed changes as a positive for the industry and for consumers. Under the current regulatory structure, lawyers are permitted to maintain a monopoly on the provision of legal services, he said.

The reform efforts aim to open up the profession in a way that would target consumers who currently are not, for the most part, being served by lawyers — small businesses and middle-income and low-income Americans, Furlong said.

Some of the alternatives proposed by the states, such as lower cost paraprofessionals who can help with less complex legal matters, or a technology-driven tool that helps consumers with their legal challenges, are meant to address that gap.

"When you still regulate an industry, but open it up so that competition is present, that spurs everyone to now become very creative and innovative and look for better ways to do things that satisfy their customers," Grady said.

While many legal industry experts see the potential for increased innovation and improved access to justice in the reforms, others say the changes are unlikely to be that momentous.

In a public comment submitted in California, U.K.-based legal industry consultant and author Richard Tromans said he believes, based on what has happened in the U.K., that both sides of the debate are overestimating the effects of the proposed changes.

What we're seeing is people are now willing to go on the internet to search for answers to their legal questions, but they're not so willing to pay for a lawyer to solve their legal problems.



Jayne Reardon

executive director, Illinois Supreme Court Commission on Professionalism

The U.K.'s Legal Services Act of 2007 allowed nonlawyers there to take an ownership stake in law firms through what are called alternative business structures, both as partners and as institutional investors.

"Different ownership models alone do not drive innovation nor improve access to justice," Tromans wrote in his comment on the California proposals. "What drives innovation is a willingness of the owners to make it happen, and that can be driven by all-lawyer partnerships, a mix of lawyers and other professionals, or even a law firm 100% owned by institutional investors."

An interim study on the effectiveness of the law released last week by University College London

found that while the changes "heralded a more modern and liberal approach to the regulation of legal services," they have not sufficiently addressed consumer needs or improved access to justice.

The report suggested further tweaks should be made to make room for the wider array of legal provider models — many of which are technology-based — that have hit the market in recent years, rather than focusing on lawyer regulations.

The deregulation of the legal services market in the U.K. neither caused a revolution, nor a rash of ethical issues, Tromans said in his written comment.

"It simply didn't change things half as much as many expected," he said. "There is more diversity of ownership and some new business models, but that in itself has not meant more innovation."

Still, experts like Furlong say there are major differences between the U.K. and U.S. legal markets, and in the ways U.S. regulators have approached reform that they believe will spur more change in the access to justice arena than the industry has seen across the Atlantic.

States such as California have a long entrepreneurial tradition, and much of the reform in the U.S. is being overseen by access to justice task forces and commissions that are pushing for change with everyday consumers in mind, he said.

"I think events could unfold very differently," Furlong said.

--Editing by Kelly Duncan.

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Bloomberg Law Analysis

ANALYSIS: The Big 4 Is Knocking—Are State Bars Answering?

By Meg McEvoy

Sept. 18, 2019, 3:01 AM

Mentioning “the Big Four” is a great way to pique people’s interest in business-of-law circles. Want someone to stand with you around a cocktail table at a legal conference? Have something to say about how or when the large accounting firms—Deloitte, EY, KPMG, and PwC—will make a formal entry into U.S. legal practice.

U.S. law firms are still somewhat insulated from competition from the Big Four by attorney ethics rules that, in theory, bar them from practicing U.S. law. When and how the large accounting firms will enter the practice of U.S. law is one of the biggest debates in the legal industry today.

Meanwhile, as the buzz over the legal tech sector reaches a din, state bars are being called on to reform their ethics rules to allow more leeway to startups that provide legal services to the public.

Companies like LegalZoom, Divorceify, and parking ticket app DoNotPay offer consumers low-cost solutions to common legal issues. The U.S.’s relatively poor rating for access to justice (ATJ) has helped feed the market; according to the World Justice Project, the United States ranks thirtieth (tied with Romania and Poland) of 126 countries in the accessibility and affordability of civil justice. Of those who had a legal problem between 2017 and 2019, only 38% were able to access the services of a lawyer, the World Justice Project found.

States like California are looking seriously at their ethics rules to allow more direct-to-consumer startups and law companies to provide legal services to under-served groups.

What do these two things—the Big Four’s business plans and access to justice initiatives—have to do with each other? If states reform their ethics rules to open the door for ATJ companies to practice law, they let the Big Four in too.

The fact that ethics rules reforms would largely operate in one broad stroke is concerning for some.

PREVIOUS STORY[**< ANALYSIS: PROPOSED CFIUS REFORM
REGULATIONS: A FIRST LOOK**](#)**NEXT STORY**[**ANALYSIS: NELL MINOW—ONLY CORP GOV
CAN SAVE THE WORLD \(PODCAST\) >**](#)

"To use the fundamental challenge in the United States, which is access to justice, as an entry point without a legitimate conversation of whether [the Big Four] should or should not be in [the market], to me is particularly troubling," Joe Andrew, chairman of Dentons, told me. "You're taking advantage of impoverished people in order to promote the goals and interests of some of the biggest professional service organizations in the world."

Andrew, the former chair of the Democratic National Committee, thinks a better solution is more public funding for access to legal services.

This isn't the first time the debate over ethics reform has arisen. The ABA's Commission on Multidisciplinary Practice (the bar's term for attorneys practicing in non-lawyer-owned entities) recommended in 1999 that the model rules be amended "to permit a lawyer to partner with a nonlawyer even if the activities of the enterprise consisted of the practice of law and to share legal fees with a nonlawyer." The ABA House of Delegates rejected the proposals. And the large accounting firms backed off of their legal services initiatives following accounting scandals in the early 2000s.

Today, the movement toward attorney ethics reform is again reaching critical mass.

"The train has left the station with a lot of implications for how courts and legal service providers of routine services need to respond," Deborah L. Rhode, a professor at Stanford Law School and director of the Stanford Center on the Legal Profession, told me. "More people are going to see ways to deliver services more efficiently and effectively with enough quality control so that the bar's stated concerns of protecting the consumers just seem unfounded."

As these shifts occur, waiting in the wings are the Big Four.

"There are good reasons to believe that the Big Four will be even more successful in penetrating the corporate legal services market in the decades to come," wrote David B. Wilkins and Maria J. Esteban Ferrer, in their July 2017 piece in *Law & Social Inquiry* on the Big Four's market penetration.

The Rules & the Modern Legal Market

Given the barriers they present to legal startups and the Big Four alike, it's worth looking at which ethics rules, exactly, are most at play in today's legal market.

"The ethics rules, particularly those pertaining to the prohibition on nonlawyer ownership (Rule 5.4) and the unauthorized practice of law (Rule 5.5), are the primary determinants of how the current legal market is structured," William Henderson, law professor and legal industry commentator, wrote in his July 2018 *Legal Market Landscape Report* to the California bar.

This table is based on the ABA's Model Rules of Professional Conduct. For states' variations, see the ABA's Legal Innovation Regulatory Survey, which details differences in states' versions of the model rules.

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REGULATIONS: A FIRST LOOK**

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Attorney Ethics Rules and Their Market Effects

Rules are summarized from the ABA's Model Rules of Professional Conduct, state rules vary

Rule	Summary	Market Effect
5.4(a)	Lawyer or law firm shall not share fees with a nonlawyer.	Potentially bars lawyer referral services from taking a share of attorney fees for cases referred. Bars lawyers from engaging in profit sharing or fee sharing with non-lawyers in startups or alternative business structures that provide legal services.
5.4(b)	No partnerships with non-lawyers if partnership practices law.	Lawyers cannot be partners in accounting firms or other "multi-disciplinary practices."
5.4(c)	Lawyers can't let their independent judgment be affected by those who recommend, employ, or pay them to render legal services for another.	Considered to be the "heart" of rule 5.4, potentially problematic—though perhaps not insurmountable—for any lawyer practicing in an alternative business structure.
5.4(d)	No non-lawyer ownership or non-lawyer directors or officers in professional corporations or associations that practice law. Lawyers cannot practice in a PC or association if a non-lawyer has the right to direct their professional judgment.	Bars lawyers from practicing law in startup entities or ALSPs that are owned by any non-lawyers, effectively barring ALSPs from traditional legal practice. Bars lawyers from practicing law in accounting firms (because they have non-lawyer partners, directors or officers). Bars publicly traded law firms (because it would entail non-lawyer ownership).
5.5	A lawyer may not practice law in a jurisdiction in violation of that jurisdiction's ethical rules. "Practice of law" defined by states.	Potentially bars lawyers in accounting firms from practicing law in U.S. jurisdictions. Depending on how broadly states interpret "practice of law," can restrict operation of ALSPs.
5.7	Allows lawyers to provide "law-related services," defines when lawyers are bound by full "practice of law" ethics in providing these services.	Enables law firms to operate ancillary businesses like legal managed services or technology consulting businesses that employ non-lawyers.
7.2	Lawyers may communicate through media about their services, but may not compensate anyone for recommending them. Lawyers may not hold themselves out as specialists unless they are. Ads must contain responsible lawyer's name and contact info.	Potentially bars lawyers from paying a fee to companies that refer clients or generate leads, except for reasonable advertising fees.
7.3(e)	An exception to the rules prohibiting solicitation of clients that allows lawyers to participate with referral services that may use direct contact to enroll members in a group or prepaid legal services plan.	Allows lawyers to participate with prepaid legal plans through companies like LegalZoom and LegalShield.

Bloomberg Law

Proposed Rule Changes

When the door to new types of legal practice does open in the U.S., it will be slow and piecemeal.

In August, the ABA released a survey of states' proposed changes to the attorney ethics rules.

"The new survey provides state-by-state information of known efforts to reform the regulation of legal service delivery while also providing access to relevant case law," the ABA said in a statement.

The ABA highlights "state innovations of note," such as the District of Columbia allowing limited non-lawyer ownership of law firms and Washington's creation of LLLTs, or limited license legal technicians.

The ABA says that 47.1% of states have already adopted "significant" changes to Model Rule 5.4(b)-(d).

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Some of the changes the ABA notes as “significant” don’t necessarily seem so in terms of market impact. In Utah, the state’s reforms to 5.4 allow lawyers to practice in non-profit corporations owned by non-lawyers, provided they maintain their independent judgment. In Washington, a “significant” change to 5.4(d) is that lawyers may practice in a for-profit corporation if non-lawyers serve as the secretary or treasurer, but not as other corporate directors.

These alterations might seem significant from a regulator’s standpoint, but they are unlikely to impact the bulk of for-profit startups. Nor would they enable legal practice inside an accounting firm in these jurisdictions.

States currently considering notable reforms, according to the ABA, are: Arizona, California, Florida, New Mexico and Utah.

Some of these reforms would empower both consumer-aimed legal startups and the Big Four, while others are purely focused on ATJ. Arizona, California, and Utah’s proposals include both ATJ initiatives and changes that would potentially enable corporate, non-lawyer-owned legal practice. New Mexico is only considering allowing licensed legal technicians, placing its reforms firmly in the ATJ camp.

Florida, whose bar is notably conservative with respect to non-traditional service providers, is considering an initiative that would allow companies that are providing online legal advice to the public to register voluntarily with the bar. Florida’s special committee website refers to legal technologies as “generally unregulated (or under regulated).” Some states, similarly, may be considering restrictions along with reforms.

The Florida Bar is involved in litigation against legal startup TIKD, which charges users a flat fee to connect them with attorneys who will fight their traffic tickets. The bar won dismissal of TIKD’s federal antitrust claims in December 2018; the state case is still pending before the Florida Supreme Court.

“It’s not just out of the kindness of their hearts” that state bars are considering reform, Rhode said. “Some of it is because they’ve been sued. And some of it is also because several of the online providers like LegalZoom have fought back and successfully.”

LegalZoom won a series of victories against state bars over unauthorized practice of law charges.

Rhode is optimistic about the ability of for-profit startups to help with the access to justice problem and has written that state bars should liberalize.

“More power to them,” Rhode said. “More competition is what we need. But I’m not somebody who wants a wild west out there. And there are certain areas—for example, immigration—where there’s huge potential for abuse. There are some sectors where you really need vigorous oversight. But there are other sectors where sophisticated consumers can make their own judgments about what appropriate services look like.”

But, as legal startups and ATJ companies push for access to the legal markets, it may provide an opportunity for accounting firms that serve large corporate clients to expand their businesses.

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Life in a Changed Universe

It seems clear that U.S. regulatory reform would dictate further changes in the shape and appearance of legal services.

For example, PwC opened ILC Legal in 2017 in Washington, DC, the one U.S. jurisdiction with looser rules governing corporate ownership of law firms. ILC Legal, according to its website, is “an independent law firm that is part of the PwC network,” and “is a firm of international lawyers who are authorized by the District of Columbia to practice non-U.S. law as Special Legal Consultants.”

Changes to the rules in any given jurisdiction would prompt similar shape-shifting in terms of entities and their legal services functions.

In a 2010 piece about the potential for outside investment in law firms—which would require significant Rule 5.4 revisions—Nick Baughan, a managing member of investment banking firm Marks Baughan & Co., told the ABA Journal, “If the law firms themselves can’t have outside investors, the market will continue to chip away at every part of a law firm that is not the pure provision of legal advice. Anything that can be provided legally by a third party will be.”

ALSPs and legal start-ups will continue to wend through any emerging gaps in the regulatory structure. Call it the Jurassic Park theory: innovation will find a way.

Another result of regulatory reform is that the Big Four may be permitted to fully engage in U.S. legal practice. But whether that will really hurt Big Law is another question, for several reasons.

First, the large accounting firms are already occupying a significant share of the increasingly global legal services market. As of 2015, PwC was offering full legal services in 85 countries, Deloitte was in 69 countries, KPMG in 53 countries, and EY in 69 countries, according to Wilkins and Esteban Ferrer, based on their survey of the Big Four’s websites, which includes a detailed discussion of the rise of the Big Four in global legal markets.

“For more than 70% of the countries we’re in, [the Big Four] already practice law. They’re some of our biggest best clients as well as our competitors, so it’s not a new thing for us,” Dentons chairman Andrew said. “So whether they practice law in the United States for us is just not that big a deal because as a global law firm we already deal with it all the time.”

Second, on the U.S. practice front, the Big Four get a lot of leeway from state bars, according to Rhode.

“[State bars have] come up with truces for the Big Four who can afford to fight back. So there’s doctrine out there that allows them essentially to do what tax lawyers do, and defines that as not practicing law, although it’s pretty clear that there’s quite an overlap [with traditional legal practice],” Rhode said.

The ABA in 1999 noted the “paucity of enforcement actions” against the large accounting firms as “partially attributed to a lack of regulatory resources and to the failure of the courts and regulatory authorities to formulate a workable definition of the practice of law and to a lack of regulatory resources.”

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Finally, due to how legal consulting services are currently being delivered, the Big Four may already be operating under a large loophole to the U.S. ethics rules.

William Henderson details what he calls a “functional exception” in his Legal Market Landscape report to the California bar. Henderson’s explanation is worth a long excerpt:

“In 2008, the ABA issued Formal ABA Ethics Opinion 08-451, which effectively provided [alternative legal services providers] and their clients with a roadmap for compliance with ethics rules. This roadmap, however, is somewhat counterintuitive. Despite the fact that most ALSPs employ legions of licensed lawyers, the work of ALSPs is typically characterized as paraprofessional work that must to be supervised by licensed lawyers. This duty, typically memorialized in the engagement letter, assigns supervisor duties to corporate in-house lawyers or outside counsel. This is how ALSPs, many of which are owned and controlled by private equity and venture capital investors, avoid charges of unauthorized practice of law (Rule 5.5) and thus nonlawyer ownership of law firms (Rule 5.4).

Yet this construction of the ethics rules provides a functional exception to Rule 5.4 for nonlawyer-owned companies serving large organizational clients. This is because the majority of legal services in the U.S. are bought by corporations with one or more in-house lawyers. Thus, companies such as Axiom, UnitedLex, Integreon, Pangea3, Elevate and many others have become “lawyer to lawyer” businesses. Likewise, the Big Four accounting firms now routinely suppl[y] legal services to major corporations, albeit under the supervision of the companies’ legal departments.”

I reached out to the Big Four to get details on their approach to legal consulting in the U.S. Deloitte, EY, and PwC did not respond to requests for comment for this piece. A spokesperson for KPMG U.S. wrote “KPMG U.S. does not provide legal services.”

Looking to Britain

In gauging the impact of regulatory reform at home, large U.S. law firms are no doubt looking to the impacts of the Legal Services Act in the U.K.

The LSA, enacted in 2007, enabled law firms to be owned by non-lawyers in ABSs, or alternative business structures. The act also created regulatory oversight in the form of the Legal Services Board, which began issuing licenses in 2011. In 2015, the U.K. saw its first law firm IPO when Gateley PLC became publicly listed.

As of April 2019, the LSB had issued 1,306 ABS licenses. The Big Four are all licensed to practice law as ABSs in the U.K. Deloitte was the last of the Big Four to obtain its license, in June 2018.

The Lawyer, in October 2018, confirmed a U.K. legal market that “remains in rude health”—a good thing in English parlance. “The UK’s 100 largest law firms billed a record £24.1bn in 2017/18, the largest revenue ever achieved by the group and a rise of almost 10 per cent on 2016/17,” according to The Lawyer.

So, it’s possible the narrative of “Big Law versus the Big Four” is flawed. If the U.S. ethics rules are changed, it may be law’s already-struggling small and middle market firms that are impacted most.

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"As the world's largest law firm, our reaction is a little bit, 'So what?'" Andrew said. "We compete with [the Big Four] every single day, we refer work back and forth, they represent us, we represent them. The real world is not one where we're antagonistic to each other, we work with each other every day."

"I don't think it's as much Big Law that's scared as the rank and file of the bar," Rhode said. "If you look at where most of the opposition to changes in rules governing unauthorized practice and cross-disciplinary providers is, it's not Big Law. I think the people who perceive economic threat and the people who are already at lower profit margins are the ones who are supplying individual consumers."

(A previous version of this story indicated that the Florida Bar proposal would make it a requirement for online legal service providers to register with the bar. The analysis piece has been corrected to indicate that the proposal would make it voluntary.)

To contact the reporter on this story: Meg McEvoy in Washington at mmcevoy@bloomberglaw.com

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What's A Lawyer Now? Law's Shift From Practice To Skill



Mark A. Cohen Contributor o
Policy



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During a recent visit to the National University of Singapore Law School (NUS), I asked a first-year student what being a lawyer meant to him. His response was thoughtful and prescient: “I regard law as a skill. I plan to leverage my legal training and meld it with my passion for business, technology, and policy. For me, law is not about practice.” Out of the mouths of babes!

Why The Practice/Skill Distinction Matters

The distinction between practicing law and engaging in the delivery of legal services—the business of law—is critically important to a wide range of existing and prospective legal industry stakeholders. That list includes: those contemplating a legal career (not necessarily licensure); law students; the legal Academy; allied professional programs (e.g. business, engineering, computer science); practicing lawyers; legal providers; legal consumers; and the broader society.

Why does this distinction matter? Because law—like so many industries—is undergoing a tectonic shift. It is morphing from a lawyer dominated, practice-centric, labor-intensive guild to a tech-enabled, process and data-driven, multi disciplinary global industry. The career paths, skills, and expectations of lawyers are changing. So too are how, when, and on what financial terms they are engaged; with whom and from what delivery models they work; their performance metrics, and the resources—human and machine—they collaborate with. Legal practice is shrinking and the business of delivering legal services is expanding rapidly.

Today In: Business



Law is no longer the exclusive province of lawyers. Legal knowledge is not the sole element of legal delivery—business and technological competencies are equally important. It's a new ballgame—one that most lawyers are unprepared for. Law schools continue to focus on doctrinal law even as traditional practice positions are harder to come by—especially for newly-minted grads.

Law firms have yet to materially change hiring criteria or to accord equal status and compensation to allied legal professionals. Several large firms have recently announced the launch of ancillary business of law offerings. That requires different workforces, processes, technology platforms, reward systems, organizational structures, capital and capabilities from traditional law firms. It

also requires client-centricity and an alignment with business that is generally lacking among law firms. Translation: it's easier announced than delivered, especially when the law companies are led by law firm partners whose careers have been forged in different structural and economic models.

Lawyers in the early and middle-stages of their careers are caught in the shift currents of law's transformation. Legal knowledge is becoming a skill to be leveraged with new competencies. It is no longer, by itself, sufficient to forge a successful legal career. Most mid-career lawyers tend to be resistant to change even as the necessity to do so becomes more acute by the day. Older lawyers are riding out the change storm and banking they will make it until retirement.

How did we get here and are legal careers for most a dead end? Spoiler alert: there's tremendous opportunity in the legal industry. The caveat: all lawyers must have basic business and technological competency whether they pursue practice careers or leverage their legal knowledge as a skill in legal delivery and/or allied professional careers.

Legal Practice: Back To Basics

What is legal practice? It is rendering service to clients competently, zealously and within legal and ethical boundaries. Lawyers make this compact not only with clients that retain them but also with society for whom they serve as the ultimate defenders of the rule of law. There are three main elements of practice: legal expertise, judgment, and persuasion. Practicing attorneys are in the persuasion business whether they engage in trials or transactions. Persuasion has several elements: emotional intelligence, credibility, command of the legal craft, and earning trust—of the client, opposing counsel, and the trier of fact in contested matters.

Legal practice was the presumptive career path of most lawyers for generations. As law firms grew—especially from the 1970's—the global financial crisis of 2007--fewer lawyers had direct client interaction. Client skills eroded, and the

legal *zeitgeist* turned inward. The attorney's supervisor(s) became the client proxy. Most lawyers were unaware of the clients' objectives, risk tolerance, and business challenges. Legal practice, especially for younger lawyers, often involved tedious, repetitious, high-volume/low-value work. Many lawyers became bored, disillusioned, and unaware of what legal practice means from the client perspective.

Generations of lawyers—especially those in large law firms—were high-priced, well-paid cogs in the law firm wheel. Their principal mission was to satisfy billing and realization goals in pursuit of the partnership gold ring. It was not for them to question the materiality of their work or to assess its value relative to cost or outcome. High salaries created a false positive measure of their client value. They were far removed from the client and worked on discrete slivers of matters. This was their “practice.” The firm—not the client—was the entity to serve and to satisfy. Firms focused on profit-per-partner (PPP), not net-promoter score (NPS).

Legal practice for many lawyers has been diluted. That's not an indictment of attorneys or a slight to their intelligence, diligence, and ability to make better use of their licenses. Susan Hackett and Karl Chapman describe this underutilization as working “at the bottom of the license.” Too many lawyers are doing just that, and that's one reason why legal buyers are migrating work once performed by law firms to new provider sources. Optimization of value—deploying the right resource to the appropriate task—is a foundational element of business in the digital age. The legal industry is lagging.

Clients continue to pay a premium for those lawyers—and a handful of firms—with differentiated practice skills. This is a narrow band of practitioners that work “at the top of their license” on the highest-value client matters. Legal buyers are increasingly balking at paying such a premium to others. The universe of high-value, “bet the company” work is a small fraction of legal work.

This diverges from law's go-go decades when lawyers and firms perpetuated the myth that all work they performed was "bespoke."

Regulators in the UK and a handful of other jurisdictions have opened the door to other professionals ("non-lawyers" in legal parlance) handling many tasks once performed exclusively by lawyers. The Solicitors Regulatory Authority (SRA) has winnowed down the list of "regulated activities" —those requiring licensed attorneys-- from a far broader range of lawyer/law firm activities. In the U.S., corporate clients are narrowing that list on their own. The myth of legal exceptionalism has been debunked.

The Business of Law Is a Response to Practice Inflation and The Need For New Skills

Corporate clients, not lawyers, now determine what's "legal" and when license attorneys are required (it's a different but changing story in the retail legal segment). That's why legal practice is compressing and the business of delivering legal services—the business of law—is expanding. It's also why so much capital is being pumped into "alternative legal service providers" and why their market share is increasingly briskly. The 2019 Georgetown/Thomson Reuters Report on the State of the Legal Market (The Georgetown Report) chronicles the migration of work from firms and highlights several of its causes. The Report calls for "rebuilding the law firm model." Law firms continue to be practice-centric and inward-focused (to maximize PPP) in a marketplace that is becoming customer-centric, digital, data-based, tech-enabled, diverse, agile, multidisciplinary, and cost-effective.

Where does this leave lawyers? We are, paradoxically, returning to what it meant to be a lawyer before the ranks of the profession swelled and law firms became highly profitable, undifferentiated big box stores. Practice is once again becoming the province of those lawyers best equipped to engage in it. For the larger universe of the profession, their careers will take a different turn. Most practice careers will morph into delivering legal services—the business of law--

and/or to allied professions and businesses. For most lawyers, legal expertise will become a skill, not a practice.

The new legal career paths—and there are many-- require new skillsets, mindsets, and a focus on serving clients/customers. Upskilling the legal profession is already a key issue, a requisite for career success. Lawyers must learn new skills like project management, data analytics, deployment of technology, and process design to leverage their legal knowledge. Simply knowing the law will not cut it anymore. The good news is that many lawyers will be liberated from the drudgery of *faux* practice careers. Armed with new skills, they will have a plethora of career paths.

Practice in the Age of End-to-End Solutions

The distinction clients draw between high-value legal expertise and everything else in their portfolios explains the marked divide between approximately twenty elite firms and the pack. This small cadre of firms handle a disproportionate percentage of premium “bet-the-company” work and are paid commensurately. It also explains the ascendancy of the alternative legal service providers that now handle more and increasingly complex work once sourced solely to law firms. These providers are not yet vying for premium legal work, but they are in the hunt for everything else. They hold a distinct edge over law firms because of their customer-centricity, alignment with business, DNA, structural organization, economic model, technology platforms, capital, multidisciplinary, agile, diverse workforces, delivery capability, scalability, and cost-predictability and efficiency.

Companies like the Big Four, UnitedLex, Axiom, and Burford Capital are already home to thousands of attorneys-- as well as engineers, data analysts, consultants, technologists, and other allied legal professionals. Their attorney headcount will increase in the coming years due to client demand and heightening pressure on the non-elite partnership model law firms. For most attorneys that work in these companies, law will be a skill, not practice. That

why legal knowledge must be augmented by other competencies to enable lawyers to make the transition from firms. There is also a cultural component to the transformation: success is measured by results and client satisfaction, not hours billed.

Conclusion

The new legal career is about melding legal knowledge with other competencies to better serve clients and to solve problems. Whether that's termed practice or delivery, the client is once again the focus. Law is returning to its service roots and that's a good thing.

What does this mean to those contemplating becoming a lawyer? The decision to attend three years of law school, incur six-figure debt (it's different outside the U.S.), and secure licensure is a personal one that involves many variables. Other paths to a meaningful legal career exist and more will be available in the near future.



Mark A. Cohen

I am the CEO of Legal Mosaic, a legal business consultancy; speaker; author; and Distinguished Fellow at Northwestern University Pritzker School of Law. I was recently a...

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Proposed Changes to Utah Rules of Professional Responsibility

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The Good News

Best Jobs

Select an occupation in the dropdown for employment projections and median salaries.

Lawyers

< **#5**

Lawyers rank **#5** in the most promising jobs of the next decade.



lower rank higher rank

#30

2018 median salary

\$120,910

#99

Projected annual openings until 2028

45,700

Other Factors

Employment in 2018

823,900

Projected employment in 2028

874,000

Projected change by 2028

50,100

Projected growth rate by 2028

6.1%

Typical education needed

Doctoral or professional degree

Methodology: The Wall Street Journal's ranking is based on two attributes: annual occupational openings projected until 2028 and median salaries for 2018. Occupations were scored by the highest average ranking among both attributes. Broad groups, such as medical doctors or management jobs, are broken up into specialties.

* The Wall Street Journal Says:
“Lawyers rank #5 in the most promising jobs of the next decade.”*

* Published 9/9/19

The Bad News

- * Digital Technology Will Disrupt the Legal Profession in the Coming Decade
- * The Scale & Scope of Disruption are TBD

Operative Terms

- * Artificial Intelligence
- * Machine Learning
- * Deep Learning
- * Neural Networks
- * Knowledge Engineering
- * Natural Language Processing
- * Intelligent Retrieval
- * Thinking Computer Systems

Some Examples in Other Professions*

* This is just a very small sampling.

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Why buying and selling a house could soon be as simple as trading stocks

Published: Sept 16, 2019 4:41 p.m. ET



Aa

Artificial intelligence in housing could completely change the way we buy, sell and live



- * Zillow
- * Knock
- * Opendoor
- * Offerpad
- * Homelight
- * Redfin

Real Estate Appraisers

Emerging Tech

The house appraiser of the future is probably an A.I. algorithm

By Luke Dormehl August 27, 2019 1:11PM PST

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FDIC and OCC have already approved rule change, awaiting sign-off from Fed

August 23, 2019 Ben Lane

Orthodontists

smile by orthodontists

How it works: aligners, braces, retainers, appliances, adjustments

AM I A CANDIDATE?
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ASK A SMILE DIRECT CLUB SPECIALIST

SMILE DIRECT CLUB

A man with dark hair and a beard, wearing a blue t-shirt, is smiling and holding a clear aligner in his hand. The background is a soft, out-of-focus pinkish-white.

Candid vs. competitors

Straightening your teeth with Candid costs 65% less than braces or other clear aligner options on average.

	OUR PRICE	BRACES	INVISALIGN
	\$1,900 or as low as \$88/month	\$5,000+	\$5,500+

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Radiologists



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Artificial intelligence in radiology

Abstract

Artificial intelligence (AI) algorithms, particularly deep learning, have demonstrated remarkable progress in image-recognition tasks. Methods ranging from convolutional neural networks to variational autoencoders have found myriad applications in the medical image analysis field, propelling it forward at a rapid pace. Historically, in radiology practice, trained physicians visually assessed medical images for the detection, characterization and monitoring of diseases. AI methods excel at automatically recognizing complex patterns in imaging data and providing quantitative, rather than qualitative, assessments of radiographic characteristics. In this Opinion article, we establish a general understanding of AI methods, particularly those pertaining to image-based tasks. We explore how these methods could impact multiple facets of radiology, with a general focus on applications in oncology, and demonstrate ways in which these methods are advancing the field. Finally, we discuss the challenges facing clinical implementation and provide our perspective on how the domain could be advanced.

Pathologists

Format: Abstract

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J Pathol Transl Med. 2019 Jan;53(1):1-12. doi: 10.4132/jptm.2018.12.16. Epub 2019 Jan 1. [PMc Full text](#)

Artificial Intelligence in Pathology.

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- 2 Department of Hospital Pathology, College of Medicine, The Catholic University of Korea, Seoul, Korea.

Abstract

As in other domains, artificial intelligence is becoming increasingly important in medicine. In particular, deep learning-based pattern recognition methods can advance the field of pathology by incorporating clinical, radiologic, and genomic data to accurately diagnose diseases and predict patient prognoses. In this review, we present an overview of artificial intelligence, the brief history of artificial intelligence in the medical domain, recent advances in artificial intelligence applied to pathology, and future prospects of pathology driven by artificial intelligence.

KEYWORDS: Artificial intelligence; Deep learning; Image analysis; Pathology

Optometrists

How artificial intelligence may transform optometry

By Thomas A. Wong, OD

January 22, 2018

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Online Legal Services

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UTAH COURTS

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Online Court Assistance Program (OCAP)

The Utah Online Court Assistance Program (OCAP) is the official State of Utah website for assistance in preparing court documents if you do not have legal assistance to draft them for you

- Choose the interview to complete your documents.
- Complete an interview to gather information.
- Review the documents created and make adjustments as needed.
- Print documents to file at the courthouse and serve on the other party as needed. (OCAP does not electronically file and serve documents.)
- Watch the video on [how to use an OCAP interview](#) (4:48).

Using an OCAP Interview

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When you file a case using OCAP documents, a \$20.00 document preparation fee will be added to the court filing fees. This program is a service of the Utah Courts and State Legislature.

An account is required to prepare documents using the Online Court Assistance Program.

I need to log in to my OCAP account

I need an OCAP account

- [OCAP Program Requirements](#)

Utah Supreme Court Regulates the Practice of Law

*** Article VIII, Section 4. [Rulemaking power of Supreme Court -- Judges pro tempore -- Regulation of practice of law.]**

The Supreme Court shall adopt rules of procedure and evidence to be used in the courts of the state and shall by rule manage the appellate process. The Legislature may amend the Rules of Procedure and Evidence adopted by the Supreme Court upon a vote of two-thirds of all members of both houses of the Legislature. Except as otherwise provided by this constitution, the Supreme Court by rule may authorize retired justices and judges and judges pro tempore to perform any judicial duties. Judges pro tempore shall be citizens of the United States, Utah residents, and admitted to practice law in Utah. The Supreme Court by rule shall govern the practice of law, including admission to practice law and the conduct and discipline of persons admitted to practice law.

Utah State Bar Commission: Where the Rubber Meets the Road

Utah Sup.Ct.R.Prof.Prac. 14-102:

(a) Vesting of authority.

(a)(1) Under the power vested to it by the Constitution of Utah, the Supreme Court hereby authorizes and designates the Bar to administer rules and regulations which govern the practice of law in Utah, including legal representation by Licensed Paralegal Practitioners.

(a)(2) The Supreme Court recognizes a compelling state interest in its use of the Bar to assist the Court in governing admission to the practice of law, the conduct and discipline of persons admitted to practice law, and to improve the quality of legal services in the state.



Narrowing the Access-to-Justice Gap by Reimagining Regulation

Report and Recommendations from

THE UTAH WORK GROUP ON REGULATORY REFORM

August 2019

Work Group Recommendations

Track A

Revise Rules of Professional Conduct related to:

- ❖ Lawyer Advertising
- ❖ Lawyer Referral Fees
- ❖ Ownership of Law Firms & Sharing Legal Fees with Non-lawyers

Work Group Recommendations

Track B

The Creation of a New Regulatory Body

The proposed regulator will implement a regulatory system:

1. Driven by clearly articulated policy objectives and regulatory principles (objectives-based regulation);
2. Using appropriate and state-of-the-art regulatory tools (licensing, data gathering, monitoring, enforcement, etc.); and
3. Guided by the assessment, analysis, and mitigation of consumer risk (risk-based regulation).

Solution Example: Fintech

Technology

No Banking Charter? No Problem. Fintechs Team Up With Small-Town Banks

By [Julie Verhage](#)

September 23, 2019, 5:00 AM MDT Updated on September 23, 2019, 11:39 AM MDT

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Customers of Square Inc., the Silicon Valley payments behemoth, might assume that the cash they send to friends on the platform is housed in a glassy building in Silicon Valley, tended to by hoodie-clad tech workers.

Actually, that money is more likely to be sitting in a 117-year-old community bank in Iowa.

Partnerships between high-flying tech companies and traditional banks, many of them tiny by comparison, are a key force behind the financial technology boom. Because virtually no tech companies have the license required to perform banking services, many of them partner with existing banks to offer a suite of services including checking accounts, credit cards and the back-end and regulatory work the tech companies aren't equipped—or allowed—to handle.



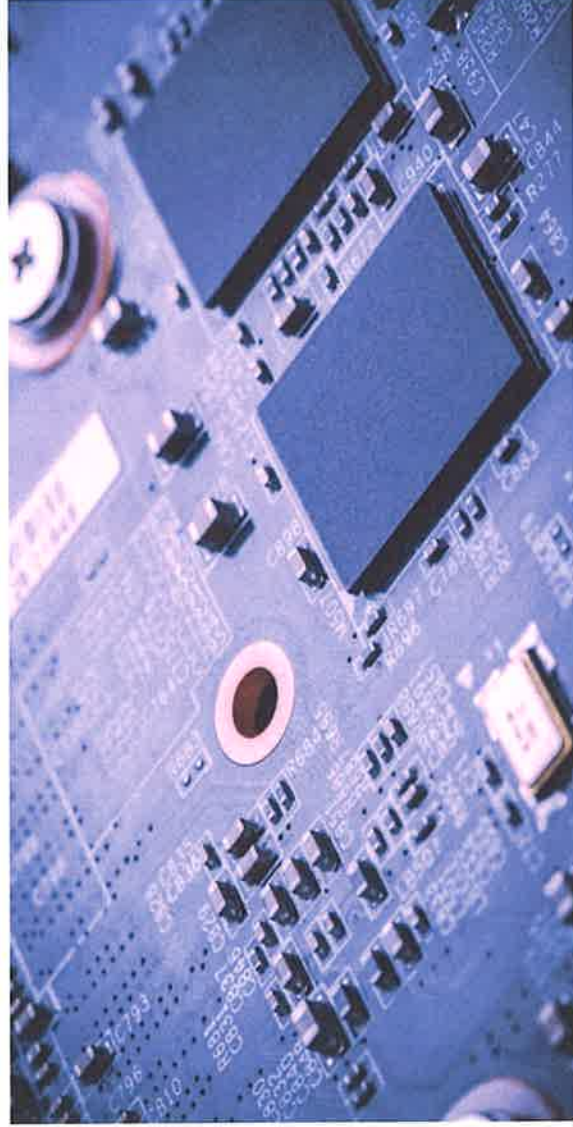
Solution Example: Medicine

POLITICS

STAT+

**FDA developing new rules for
artificial intelligence in medicine**

By CASEY ROSS @caseymross / APRIL 2, 2019



It Is Certain That:

- * The provision of legal services will change significantly/dramatically/massively in the 2020s . . . and beyond. Whether we like it or not!

Questions



TAB 2



MEMBERSHIP SATISFACTION/FEEDBACK SURVEY

Summer Convention 2019

98 Responded (Please note not all participants answered every question)

1. Please mark all that apply. I am a _____
 - 9 Young lawyer (age 35 and under; less than 5 years in practice)
 - 9 Mid-career practitioner (between 5 and 10 years in practice)
 - 67 Veteran practitioner (10 years + Bar member)
 - 20 Large or mid-size firm practitioner
 - 27 Small firm practitioner / Solo practitioner
 - 11 Government attorney
 - 23 First time attendee of the convention
 - 30 Multi-year attendee of the convention
 - 26 Litigator
 - 16 Transactional attorney
 - 4 General/in-house counsel
 - 2 Law professor
 - 6 Judge
 - 16 Registrant whose fees were self-paid
 - 17 Registrant whose fees were employer-paid
 - 9 Other
 - Presenter whose fees were Bar-paid
 - Registration was comped
 - Non-profit
 - Bar Commission
 - Bar-paid
 - Speaker
 - Real Estate
 - Legal Services Attorney
 - Leadership Academy

2. I liked the 2019 Summer Convention venue. **88 Yes / 6 No**
3. I thought the plenary rooms (Kokopelli Grand Ballroom) suited our needs. **87 Yes / 3No**
4. I thought the breakout rooms suited our needs.
- | | |
|----------------------|----------------------|
| White Pine Ballroom | 57 Yes / 0 No |
| Painted Horse I & II | 48 Yes / 1 No |
| Cabin I & II | 50 Yes / 2 No |
| Sundial Pavilion | 30 Yes/ 28 No |

Issues/Feedback with room space:

Sundial Noisy and hard to hear

Too warm in Sundial

Prefer Sun Valley

- **The Sundial Pavilion was too loud and also got very warm when the air wasn't working.**
 - **I generally prefer conference rooms set up classroom style with tables, but that might be difficult given the number of attendees. At the very least, a room with tables would be nice for the lunch sessions. However, I thought the box lunches worked very well in a pinch!**
 - **The cabriolet was a disaster for women. The open bottoms of the carriage meant that high heels were slipping through and skirts were flying up (not to mention that anyone looking up could have gotten a show.) There needs to be alternate parking.**
 - **Chairs too close together in Kokopelli.**
 - **The exhibitors were really out of the way. I appreciate having those display tables in an area where there is room and regular traffic - I'm lazy and don't want to have to seek them out :)**
 - **Yeow! That outdoor pavilion where the cable cars swopped by LOUDLY every 15 seconds was just crazy-making! The poor speakers! It drove them bonkers. And the audience suffered as well. Please NEVER use that space again if you are going to have speakers or verbal presentations. If you are having a drunken bar brawl, it probably wouldn't matter.**
5. The A/V worked by and large in the rooms I was in. **37 Yes / 4 No**
- A/V Feedback:
 - Sound in Sundial terrible, went to overflow to hear better.
 - Mics at Sundial bad.
 - Tuminez sound and slideshow issues.
 - Good job.
6. I enjoyed the food at the 2019 Summer Convention venue. **87 Yes/ 7 No**

Feedback on Convention Food:

- **Food was just fine!**

- Would have liked sandwiches one day and sometime different the next day for the box lunches.
- There were no vegan options.
- Some of the lunches were better than others.
- The boxed lunches have to go. There has to be a better way. These options were not great and the paper and plastic waste was extensive.
- I don't drink soft drinks that have caffeine in them and not once during the convention could I get a soft drink that didn't have caffeine. That means that none were provided or that many others were also scrambling for drinks without caffeine and not enough were provided.
- Boxed lunches--had to ask for vegetarian option. they should be available on equal basis--people will eat them if offered. also, the lunches had a lot of waste--most people won't eat a whole apple during a meeting. those should be separate and boxed lunch provider should reduce waste.
- Need a hot meal.
- Tent food was very good.
- Boxed Lunches well done.
- Need variety for lunch.
- Prefer plated meal with tables.
- Great food.
- Wonderful veggie options.

7. I attended the opening reception. **86 Yes / 12 No**
 I liked having the opening reception at the Sundial Pavilion. **37 Yes / 10 No**

8. I attended the Family Picnic. **19 Yes / 83 No**
 I liked the Family Picnic and events at the Sundial Pavilion and Canyons Village lawn. **18 Yes / 6 No**

Feedback on Opening Reception and Family Picnic:

Better in Sun Valley

- Opening reception lovely.
- The pavilion was dark and not really a very pleasant space.
- One of the highlights of the whole convention.
- Family picnic expensive.
- Opening reception fabulous – great chance to meet old & new friends.
- I'm partial to having the convention out of the state. I particularly enjoy the Sun Valley venue and hope it returns there.
- Great kickoff!
- Some parties complained that there was no wine or beer at the venue for the family picnic. In years past, YLD did carnival activities that were enjoyed by the kids. They did not have that this year. The balloon person and face painters did a great job.
- Food was great at both.
- Bounce house, and more activities which might have attracted more kids.

9. I stayed overnight at the Convention venue. **29 Yes / 61 No**
- 20** Grand Summit
 - 5** Silverado
 - 3** Sundial
 - 11** Other property
 - 11** I stayed myself/or with spouse/partner alone.
 - 14** I stayed with my family/children.
 - I thought the event was family friendly. **51 Yes / 4 No**

Feedback on Lodging Accommodations / Family Events (Picnic, Outdoor games, Children's movie, Face Painting & Balloon Art):

- **It's no Sun Valley, but it's fine.**
- **Great Venue.**
- **Great food and events for all – adults & kids.**
- **Amazing events.**
- **YLD could use sitters.**
- **Put a bounce house at picnic.**
- **Loved balloon and face artists.**
- **Loved rides and games for kids.**
- **Excellent.**
- **The venue wasn't very fun for kids. I don't think I'll bring my kids next year and will probably drive in every morning. Sun Valley is much more family friendly.**
- **Really liked the music at the family picnic.**
- **I liked the lodging very much.**
- **The parking for those not staying at the resort was not good. It took an extra 20-30 minutes each way to ride the gondola. The gondola is not ideal for women in skirts and heels, given the floor is a see-through grate. Warning should probably have been given about the parking so that attendees could allow for extra time to park and get to the event on time. I missed one of the sessions I wanted to attend because the parking situation was so bad, and I didn't know we could not park at the resort. It was also 100 degrees out, so riding up the gondola in the heat was more than I wanted to do. I did not go to the opening reception because of the parking situation. Other than that, great venue!**

10. I thought the plenary session topics were meaningful and the speakers well-suited to our group.

Utah Supreme Court dialogue **74 Yes/ 1 No**

Federal Bench panel **73 Yes/ 2 No**

Local Journalism panel **59 Yes/ 7 No**

Antonia Hernandez **63 Yes/ 2 No**

Andrew McKenna **16 Yes/ 48 No**

Dr. Astrid Tuminez

51 Yes/ 4 No

Feedback on plenary speakers and topics:

- Excellent.
- I only attended Dr. Tuminez' session and I thought it was interesting.
- Truthfully, I found them unhelpful. The judge's panel - - Pretty much the same information you hear from other past CLE when they appear. I did find the local journalism panel interesting, because it was new information. Did not find the other speakers to be more appropriate for breakout session. Just not that interesting. also, in my opinion, the bar should find speakers that maintain political neutral tone. The CLE should not be a tool to air political opinions.
- All the sessions were good except for McKenna. That was really bad. The Slants were great and probably should have been a keynote. Their presentation was really well done and interesting.
- The condition of Mr. McKenna and the quality of his presentation was unfortunate. Sadly, a member of CLE Advisory Committee raised the possibility back in May that Mr. McKenna might have fallen off the wagon and that it might embarrass the Bar to have him speak. I wish we had listened! I'm not sure what should have been done, given that he was already confirmed at that point, but we may want to rethink how we respond to warnings like that in the future. On the bright side, the remaining plenary sessions were - without exception - outstanding! Some of the best I've ever attended! I especially enjoyed the Supreme Court Panel and Antonia Hernandez, but all were fantastic!
- Utah Supreme court and Hernandez were outstanding.
- To me these sessions were the highlight of the convention. I loved every one of them. They taught me and inspired me.
- Local journalism panel was exceptional - best panel of the entire convention.
- Dr. Astrid Tuminez was excellent! Andrew McKenna, not so great.
- Informative and great.
- McKenna unprofessional, under the influence is an irony. This reflects on him though and not the Bar.

11. I thought the breakout sessions were insightful and diverse in subject matter. **78 Yes/ 9 No**

12. I thought the breakout sessions represented a cross-section of our Bar in faculty and in topic.
72 Yes / 9 No

Feedback on breakout sessions:

- Excellent.
- I actually only found 2 of the breakout sessions I attended to be interesting. And, one of them (The Slants) would be easily been better as one of the plenary sessions. The marijuana session was timely and relevant.

- If you want more attendance from government attorneys (and to justify government funds being used to send those government attorneys to this conference), more sessions that would relate to a government attorney's areas of practice should be planned.
- Would like to see a few in depth discussions for more experienced practitioners.
- Need mainstream topics.
- Could use more transactional topics.
- Jury Consultant Wowed.

13. I attended some of the alternative sessions.

Geocaching	4 Yes/ 32 No
CLE Film "The Post" & Panel	36 Yes/ 22 No
Law School socials	7 Yes/ 26 No
Golf Tournament	2 Yes/ 31 No

Feedback on alternative events:

- We should have a tennis tournament next year.
- Post film and panel were great.
- Geocaching Rocked!
- YLD bowling fun.
- Geocaching so great- even is a bit older.
- Film inaccurate & discussion too political.
- Movie and panel amazing.

14. I thought the online registration process for the 2019 Summer Convention was effective.

75 Yes/ 4 No

15. I thought the registration room at the Convention (Arrowhead Room) provided good service to members in a punctual and courteous manner.

83 Yes/ 2 No

Feedback on registration/staffing:

- Good help in follow through.
- Bar Staff were fantastic before, during and after the session
- I was a bit awkward to not have the registration when you walked in but understand that space was needed for vendors. The signage to the correct location was pretty good.
- Just was really out of the way and hard to find initially.
- Excellent service.
- Very helpful.
- Well done!

16. I have a suggested topic or speaker for 2020 and beyond:

- **Storytelling and the law.**
- **Legal writing.**
- **Get a neutral newspearson or political pundit.**
- **Michelle Obama.**
- **U.S Supreme Court Justice.**
- **Simon Tam as Keynote.**
- **Civics for young people and outreach by Bar.**
- **Lack of diversity on State bench.**
- **Access to Justice.**
- **Land management.**
- **Heirs.**
- **More tax topics.**
- **Getting the Olympics in Utah and Lawyers role in this**
- **Balance out liberals with more conservative speakers.**
- **Yes - wellness, but actual wellness. Not just playing Brene Brown videos over and over, quoting authors who write about ADR, and talking about tips to survive in a relationship with a lawyer.**

17. I would be willing to serve on a future convention planning committee:

- **Susan Mehregan**
- **Honorable Augustus Chin**
- **Chase Ames**
- **Phillips Belnapa**
- **Stephanie Large**
- **Adam Dayton**
- **La Shel Shaw**

Additional comments or suggestions:

- **Sun Valley is still my favorite place for the summer conventions!**
- **Keep it in Park City.**
- **The convention was excellent, and I think it's wonderful to hold the summer Convention in our state! I noticed many new faces at this year's convention, and I hope that's because the proximity made it more accessible to small firm practitioners and public attorneys who wouldn't have to foot the bill for travel. I think the "experiment" was a great success!**
- **I hope it returns to Sun Valley. I think SV draws a crowd of judges and attorneys who increase the desirability of the event.**
- **Positive and proud to be a lawyer in Utah**
- **Appreciate all the work.**
- **Like traveling out of state too.**
- **Parking was an issue but OK.**
- **Like Sun Valley.**
- **Thank you for all the work of the Bar staff.**

- Great topics.
- Liked the two judges' panel.
- Looking forward to this tradition every year.
- Chief Justice Durrant's remarks exceptional.
- Need to improve "Utah State Bar" signage at venue and outside.
- Have not attended previously. This was very, very good and manageable cost.
- Fantastic convention.
- Appreciate all that you do!

TAB 3



Redirect

PROPOSAL PREPARED FOR

Utah State Bar

July 17, 2019

03 | ABOUT REDIRECT 06 | PROPOSED APPROACH 09 | PRICING PROPOSAL

Mark O. Morris
3rd Division Commissioner
Utah State Bar
c/o Snell & Wilmer
Gateway Tower West
15 West South Temple, Suite 1200
Salt Lake City, UT 84101-1547

Dear Mark:

The Utah State Bar's vision to create a justice system that is understood, valued, respected and accessible to all members of the public include those who practice as members of the association. Your request to conduct a survey of the Bar's 10,000 active members of the association will provide demographic and economic makeup as well as paint a picture of how members practice, experience, and can improve the profession. The following proposal outlines the experience of the Redirect team as well as our recommended approach to accomplishing the survey.

Our team has a great deal of relevant experience that can be applied to your project-- specifically our strong, Utah-centric, research-based, strategic marketing communications work. Through our work on other projects of similar scope, we have learned valuable communications lessons that we can apply to our efforts with the Bar including the importance of research.

Our team is committed to using methods and materials that are proven to be successful, accurate and honest. We stay in close contact with our client partners through regular meetings, checkpoints and other evaluative dialogue. We look forward to the possibility of working with you to help you achieve your objectives.



James Roberts
Managing Partner

CHAPTER ONE

Meet Redirect

Crafting Marketing Solutions for a Digital World.

Our team consists of strategists, research professionals and smart, creative idea generators with more than 20 years of experience positioning and thoughtfully promoting organizations, business and worthy causes in Utah. Our work is rooted in research, opinion leadership, brand building and marketing strategies that provide results for our clients.

We have partnered with amazing clients including Salt Lake County Library Services, Peace House, Rural Utah Project, Clark Planetarium, the George S. and Dolores Doré Eccles Theater, and Spike 150 helping them craft brand personas and grow credibility through research, interactive elements, events and marketing communications. Smartly using “what is known” to help unearth brand gaps, needs and opportunities is at the core of our best client partnerships.

The Company We Keep

We're proud that we've worked with, and continue to provide impactful and strategic creative solutions to a wide variety of national and local clients, both past and present.



CHAPTER TWO

Proposed Approach

The Utah State Bar's goal is to conduct an assessment of the Bar's membership to respond to concerns and changing demographics within the legal practice as well as to utilize that information to facilitate conversations with the broader public and policy makers.

PART I: SURVEY DEVELOPMENT

We begin our survey development by listening to those who are most familiar with the organization – employees and board members. We will convene a meeting to get a sense of the analysis needed from those who will utilize the information, review 2011 results, and discuss any additional issues or questions that the group seeks to analyze.

We anticipate creating branches within the survey for specific types of members to answer such as shareholders, who may have more perspective on attorney compensation, economics, and insurance. We will also review the 2011 survey to take into consideration those questions that we would like to get identical answers to for comparative purposes.

PART II: SURVEY IMPLEMENTATION

We will work with the Bar to gain access to assets for survey implementation including a membership list, logo and brand guidelines, and existing messaging or collateral materials. We anticipate that the survey will be sent via email to members and will also be promoted through the Bar's website and email lists.

The Bar is willing to devote some money for incentives for people to participate in the survey, potentially up to \$5,000 in total prizes. Our recommendation is to provide more opportunities to win, and thus a lower prize of between \$100-\$150/completed survey, to approximately 30 people.

We will create reminder emails to encourage as much participation as possible from the membership. The 2011 results indicate an approximately 40% response to the demographic questions, and we anticipate a similar response rate for our 2019 survey.

PART III: SEEK INPUT FROM MEMBERSHIP

While not specifically part of the quantitative survey, we would recommend two focus groups to gather qualitative information that could be used to tease out specific concerns or perspectives from members and external stakeholders such as community, business and other institutional leaders. It is through this type of qualitative research that we can hear the actual words people use to describe their work, the role of the Utah State Bar and how attorneys are perceived in the community. We believe that asking for input creates trust and inspires confidence and credibility.

PART IV: SYNTHESIS & RESEARCH REPORT

Using our survey and focus group research, we can then begin to refine and amplify the key ideas and findings of our research. Particularly where the survey results and what we see and hear from focus groups “overlap” is the real, believable and current perception of the Bar. Finally, we will synthesize the details and key themes heard and extracted from the research and develop a final report to use and leverage in the recommendations for the organization.

PART IV: MESSAGING AND POSITIONING POINTS

Our team takes satisfaction in the projects we develop, but we never lose sight of the fact that they are our clients’ projects. We believe the role of our team will be to probe and sometimes (gently) challenge assumptions to enlarge the range of viable options and “push the envelope” to its logical and practicable extent. Our role is to effectively raise management’s consciousness, if called for, to strategic possibilities not previously seen. Our disciplined approach brings a strong analytic component to the creative process. Beyond the rational messages our designs must deliver, we demand that they also convey powerful emotional interactions with our client’s unique brand personality.

While we don’t foresee changes to the brand story or vision of the Utah State Bar, we believe that some additional messages that describe the survey results and/or how the organization is uniquely positioned within Utah may be helpful in reaching out to the public and policy makers. We will create 3-5 messaging points in a bulleted, concise format. These will be key talking points for use both inside and outside of the organization.

CHAPTER THREE

Pricing Proposal

Pricing Proposal

PART I: SURVEY DEVELOPMENT

\$6,000

PART II: SURVEY IMPLEMENTATION

\$3,750

plus \$5,000 for participation incentives

PART III: SEEK INPUT FROM MEMBERSHIP

\$5,000

PART IV: SYNTHESIS & RESEARCH REPORT

\$5,250

PART IV: MESSAGING AND POSITIONING POINTS

\$2,500

TOTAL PROPOSED COST

\$27,500

Redirect

Our Headquarters - The Glass Barn
1336 South 1100 East
Salt Lake City, Utah 84105

801.453.0100

www.redirectdigital.com

TAB

4

UTAH STATE BAR AWARDS COMMITTEE AWARD RECOMMENDATION

TO: Utah State Bar Commission

DATE: October 2019

RE: AWARD RECOMMENDATION – James Lee, Charlotte Miller, Paul Moxley Mentoring Awards.

CRITERIA:

Awarded to three individual attorneys who have demonstrated exceptional commitment to the mentorship of Utah lawyers, generally. These individuals have guided lawyers throughout their professional training in a continuing, multifaceted partnership sustained by mutual respect and concern. These mentors make a broad impact on mentorship by facilitating communities or building infrastructure. They have provided intellectual leadership, created a supportive environment, have acted as advocates, and promoted diversity and inclusiveness.

NOMINEES:

1. Dara Rosen Cohen
2. Ian A. Forrest
3. Barton Giddings
4. Kathleen McConkie
5. Susan Peterson (2008 Recipient – Dorathy Merrill Brothers Award)
6. Walter A. Romney, Jr.
7. Gregory Wall

RECOMMENDATION:

The Utah State Bar Awards Committee met on September 30, 2019 to review and discuss the nominations and voted to recommend awards to the following:

The James Lee Mentoring Award -	Walter A. Romney, Jr.
The Charlotte Miller Mentoring Award -	Kathleen McConkie
The Paul Moxley Mentoring Award -	Susan Peterson

PREVIOUS YEAR NOMINEES:

- | | |
|----------------------------|--------------------------|
| 1. K. Dawn Atkin | 13. Kristina Kindl |
| 2. Catherine L. Brabson | 14. Mona Lyman Burton |
| 3. Bradley R. Cahoon | 15. Hon. Michael D. Lyon |
| 4. Dominica De La Cruz | 16. Carlos Navarro |
| 5. Abby Dizon-Maughan | 17. Steven D. Person |
| 6. Gary E. Doctorman | 18. Randall R. Smart |
| 7. David R. Hall | 19. Jeremy J. Stewart |
| 8. Danielle Hawkes | 20. Ann Marie Taliaferro |
| 9. Christopher R. Hogle | 21. Jenifer Tomchak |
| 10. W. Kevin Jackson | 22. Angelina Tsu |
| 11. Paul Johnson | 23. Stewart C. Walz |
| 12. Remington Jiro Johnson | |

PREVIOUS RECIPIENTS:**LEE AWARD:**

2016 Rodney G. Snow
2017 Joseph O. Walkowski
2018 Cheryl M. Mori

MILLER AWARD:

2016 Jonathan O. Hafen
2017 Patricia W. Christensen
2018 William F. Atkin

MOXLEY AWARD

2016 K. Dawn Atkin
2017 Troy L. Booher
2018 Shawn McGarry

NOMINATION FOR UTAH STATE BAR AWARD

Nominations should be substantive, and include details describing how the attorney meets and/or exceeds the criteria set forth in the [award description](#). Nominations are limited to 400 words. Nominations may include up to two attachments (i.e., magazine/newspaper articles, letters of support for the nomination, etc.). Self-nominations are encouraged.

1. I, Trent Lowe, desire to nominate the following

- ☐ Utah State Bar Member
- ☐ Utah State Bar Section
- ☐ Utah State Bar Committee
- ☐ Utah Legal Community Member or Organization

Walter A. Romney, Jr.

(NAME)

for the following:

2.

- ☐ Dorothy Merrill Brothers Award
- ☐ Raymond S. Uno Award
- ☐ Judge of the Year Award
- ☐ Lawyer of the Year Award
- ☐ Section of the Year Award
- ☐ Committee of the Year Award
- ☐ Heart and Hands Award
- ☐ Community Member of the Year Award
- ☐ Pro Bono Service of the Year Award
- ☐ Professionalism Award
- ☒ Charlotte L. Miller Mentoring Award
- ☒ James B. Lee Mentoring Award
- ☒ Paul T. Moxley Mentoring Award
- ☐ Lifetime Service Award
- ☐ Special Service Award

PRESENTED AT –

Spring Convention
 Spring Convention
 Summer Convention
 Summer Convention
 Summer Convention
 Summer Convention
 Summer Convention
 Utah Philanthropy Day
 Fall Forum
 Fall Forum
 Fall Forum
 Breakfast of Champions
 Breakfast of Champions
 Breakfast of Champions
 When Warranted
 When Warranted

3. Referring to the award criteria, in 400 words or less, please state the reasons for the nomination, i.e. the nominee should receive this nomination for the following reasons or based upon the following facts or events:

Walt has been an incredible mentor to me since I was a law student. When I met Walt, he was the managing partner of Clyde Snow and had plenty on his plate, yet he still took the time to personally mentor me. Since I began at the firm, Walt has taken a personal interest in seeing me succeed, whether that's pulling me onto a big case with him, or soliciting work for me, or teaching me the ins and outs of what it means to be an attorney that they don't teach you in law school. His door is never closed and he welcomes all to discuss matters or to simply talk and de-stress. Not only has Walt mentored me in the firm, but he has gone to great lengths to make me and my family feel welcomed and appreciated. He regularly invites me, my wife, and my kids to his home and we even have seats next to his at all Real Salt Lake games.

A perfect example of Walt's mentorship is taking on a pro-bono case while I was a summer associate because he knew that I would greatly benefit from the opportunity. The case is still being litigated four years later and in those four years, I have had the opportunity to perform tasks that I never would have had he not provided me with the chance to do so. Yes, I've done all of these things in other cases, but this has allowed me to take the lead on the case and gain valuable experience of what it is like to take a case from beginning to end, including a trial. This has come at a cost to him personally as this is a pro-bono case, but he still pushes forward because he knows how much it means to the client and to me as a practitioner.

Additionally, as managing partner, Walt was instrumental in growing the number of female attorneys within our firm, which has added valuable perspective as we move into the future.

I cannot sing Walt's praises enough. Whenever I tell someone where I practice, the usual response is to ask me if I work with Walt and then to tell me a personal story about how he has helped them in the past. His long history of mentoring young attorneys is more than deserving of this award.

I have read the Schedule and Criteria regarding and relating to Utah State Bar Awards.

Nominator Name: <u>Trent Lowe</u>	Nominator Bar No. <u>16091</u>
Nominator Email: <u>tll@clydesnow.com</u>	Date Submitted: <u>9/20/2019</u>

Email Your Nomination To: **adminasst@utahbar.org**

or,

Mail Your Nomination To: **Utah State Bar Awards Committee
645 South 200 East
Salt Lake City, UT 84111
ATTN: Executive Secretary**

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Monday, September 16, 2019 5:48 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Dean Collinwood

Utah State Bar Member

Nominee's Name

KATHLEEN MCCONKIE

James B. Lee, Charlotte L. Miller, Paul T. Moxley Mentoring Awards (Fall Forum)

Kathleen McConkie has been practicing law in Utah for 36 years. During that time, she has tirelessly assisted green, new attorneys to get their feet on the ground. After service in several Salt Lake City law firms, including Kelser & Rust, Kathleen established her own law firm in Davis County in 1999, now the McConkie | Collinwood Law Offices. Into that firm she brought many newly minted law school graduates and then spent hours of her time tirelessly teaching them how to be lawyers. For example, to name just a few, there were the three new lawyers from her own alma mater, Hamline University Law School in Minnesota, to whom she introduced the practice of family law; there was the graduate of Suffolk University Law School in Massachusetts who came in brand new and then chose to remain with Kathleen for some 15 years; there was the new lawyer from the University of Utah who quickly learned from Kathleen that the law was a different animal from anything he had experienced before.

Each of these, and many more, made regular treks to Kathleen's office with questions: "Would a motion in limine be appropriate in this matter?" "Would you advise me to tell my client to comply with or object to the subpoena duces tecum?" "Do you think this is a fair settlement under the circumstances?"

After graduating from Hamline (with additional study at Oxford University), Kathleen began her practice of law at a time when women were still not allowed to enter the Alta Club in Salt Lake except as guests of a male member. In those years, Kathleen occasionally heard insinuations from the bench with regard to her gender. Rather than raise an angry voice against these attitudes, she just quietly and firmly proceeded to practice excellent law, letting her expertise and her many, many courtroom wins convince the bar that gender was irrelevant and that women could be fine lawyers and tough competitors.

She has shown this spirit in other ways as well, challenging Rep. Jim Hansen for his seat in Congress and also running for Davis County Commissioner. In the midst of all this, she raised a family of high-achieving children. So influential has she been that two of her sons, one of her daughters, two of her daughters-in-law, and even her husband have joined the legal profession. She continues to practice law and has been bringing in new associates as her practice expands.

Known state-wide for her excellence as a litigator, especially in family law, Kathleen is an outstanding mentor to new lawyers and is deserving of this honor.

Please select one:

My nomination is private and should not be shared with the nominee or published, whole or in part, by the Utah State Bar.

Nominator Name

Dean Collinwood

Bar Number

16424

Email address

dean@kmclaw.net

Date

9/16/2019

Christy Abad

From: John Baldwin
Sent: Tuesday, September 24, 2019 9:58 AM
To: Christy Abad
Subject: Kathleen McConkie

Kay is my sister and is an excellent practitioner. She is remarkable for her patience, willingness to explain the law and help those around her. I am sure that anyone that she mentors would be enriched by her association with Kathleen. Over the years Kathleen has selflessly jumped in and helped us a number of times on projects.

Jim McConkie

Christy Abad

From: WordPress <Nominations@utahbar.org>
Sent: Wednesday, September 25, 2019 4:49 PM
To: Christy Abad
Subject: New submission from Nomination Bar Awards

Nominator Name

Adam Bondy

Utah State Bar Member

Nominee's Name

Susan Peterson

James B. Lee, Charlotte L. Miller, Paul T. Moxley Mentoring Awards (Fall Forum)

Susan was my mentor during the New Lawyer Training Program and did an exemplary job. Not only did she make sure that each of the topics we selected was thoroughly covered, she also set up meetings for me with other people who specialized in those areas. Thanks to her, I was able to talk with hands-on practitioners in many different areas outside of her specialty. She also ensured that I heard from both new lawyers, mid-career, and near-retirement lawyers, so that different perspectives and viewpoints were explored.

More importantly, in the years since we finished the NLTP meetings, Susan has kept in touch with me and continued to be a valuable resource. She has assisted me in career planning and practice growth. Sometimes, when I get buried in work and haven't talked to her in a while, she'll reach out to me to touch base and remind me of life outside of work. When we have lunch, we'll talk about the law a bit but also about professional life and growth and all the things that need to be kept in perspective and balance.

Susan is a great mentor, not just for lawyering, but also life in general.

Please select one:

My nomination is public and I give permission for my nomination to be shared with the nominee and published, whole or in part, by the Utah State Bar.

Nominator Name

Adam Bondy

Bar Number

14423

Email address

adambondy@gmail.com

Date

9/25/2019

UTAH STATE BAR AWARDS COMMITTEE AWARD RECOMMENDATION

TO: Utah State Bar Commission

DATE: October 2019

RE: AWARD RECOMMENDATION – Professionalism Award

CRITERIA:

Awarded to a lawyer or judge whose deportment in the practice of law represents the highest standards of fairness, integrity, and civility.

NOMINEES:

1. Hon. Evelyn J. Furse (2010 Recipient – Dorathy Merrill Brothers Award)
2. Ralph Mabey

RECOMMENDATION:

The Utah State Bar Awards Committee met on September 30, 2019 to review and discuss the nominations and voted to recommend the following:

Hon. Evelyn J. Furse

PREVIOUS YEAR NOMINEES:

1. Clark Fetzer
2. Ralph Mabey
3. Amy Sorenson

PREVIOUS RECIPIENTS:

2004	HON. GORDON J. LOW	2009	CRAIG R. MARIGER
2004	RICHARD W. CAMPBELL	2010	TIMOTHY B. ANDERSON
2004	STEPHEN B. NEBEKER	2011	T. RICHARD DAVIS
2004	M. DAYLE JEFFS	2012	PAUL M. DURHAM
2004	KEN CHAMBERLAIN	2013	WILLIAM S. BRITT
2005	HON. RICHARD C. HOWE	2014	LAURA S. SCOTT
2006	BERT L. DART, JR.	2018	TARA ISAACSON
2007	FRANCIS J. CARNEY	2016	PATRICK L. ANDERSON
2008	ELLEN MAYCOCK	2017	LINDA M. JONES
	DON WINDER	2018	TERRY L. WADE

3. Referring to the award criteria, in 400 words or less, please state the reasons for the nomination, i.e. the nominee should receive this nomination for the following reasons or based upon the following facts or events:

Women Lawyers of Utah submits this nomination of the Honorable Evelyn J. Furse for the Utah State Bar Professionalism Award. To prepare this nomination, Women Lawyers of Utah collected information from attorneys and others who are personally and professionally familiar with Judge Furse.

Judge Furse has demonstrated her commitment to the judicial system and to fairness. She is highly visible in the legal community, volunteering her time and service to educate lawyers practicing before her and to promote professionalism and civility in the legal profession. She shows a true concern for all walks of society and take care to make sure that all parties appearing before her feel respected and heard. It is clear that Judge Furse cares deeply about justice and ensuring that our judicial process serves the needs of the community.

Judge Furse's leadership and mentoring activities extend beyond her official roles, whether in private or government practice or as a magistrate judge. She is very active and well liked in the bar community. She has served on and is a former President of the Women Lawyers of Utah, the Utah Minority Bar Association, the Utah Women's Forum, and the Federal Bar Association's Utah Chapter. Judge Furse has also worked on several occasions as both a member of the Planning Committee for the Utah Annual Bar Convention and as Co-Chair. Judge Furse was previously honored with the Dorothy Merrill Brothers Award for the Advancement of Women in the Legal Profession. Simply put, she is an asset to the legal community who is dedicated to improving the professionalism of the bar.

Women Lawyers of Utah believes that Judge Furse is very deserving of the Utah State Bar Professionalism Award.

I have read the Schedule and Criteria regarding and relating to Utah State Bar Awards.

Nominator Name: Amy J. Oliver, Secretary, Women Lawyers of Utah Nominator Bar No. 8785

Nominator Email: olivera@sec.gov Date Submitted: 9/24/2019

Email Your Nomination To: **or,**
adminasst@utahbar.org

Mail Your Nomination To: Utah State Bar Awards Committee
645 South 200 East
Salt Lake City, UT 84111
ATTN: Executive Secretary

NOMINATION FOR UTAH STATE BAR AWARD

Nominations should be substantive, and include details describing how the attorney meets and/or exceeds the criteria set forth in the award description. Nominations are limited to 400 words. Nominations may include up to two attachments (i.e., magazine/newspaper articles, letters of support for the nomination, etc.). Self-nominations are encouraged.

1. I, Jenifer Tomchak and Nicole Skolout, desire to nominate the following

- ☒ Utah State Bar Member
- ☐ Utah State Bar Section
- ☐ Utah State Bar Committee
- ☐ Utah Legal Community Member or Organization

(NAME)

for the following:

2.

- ☐ Dorothy Merrill Brothers Award
- ☐ Raymond S. Uno Award
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3. Referring to the award criteria, in 400 words or less, please state the reasons for the nomination, i.e. the nominee should receive this nomination for the following reasons or based upon the following facts or events:

I am writing to support the nomination of Magistrate Judge Evelyn Furse for the Fall Forum Professionalism Award. Judge Furse is a shining example of everything a mentor, lawyer, and judge could be. Judge Furse has been a part of our legal community for two decades. In 1997, she clerked for Justice Christine Durham on the Utah Supreme Court. In 2000, Judge Furse accepted a position with a boutique law firm in Salt Lake City, where she quickly made partner. In 2006, Judge Furse went to Salt Lake City Corporation to work as a Senior City Attorney. Then, in 2012, she was appointed as a Magistrate Judge for the District of Utah.

I know Judge Furse best as a mentor. From early in our career when Judge Furse was in private practice through today, she has gone out of her way to mentor us and countless other lawyers, male and female. After sitting together at a CLE presentation when I (Jen) was a junior lawyer, Judge Furse pulled me aside to talk to me about my career and steps I could take to improve my oral advocacy skills. She followed up by sending me helpful materials. I was astonished that she barely knew me and yet she was taking an interest and time out of her busy schedule to help guide me. Since then, she has always made herself available to me for questions and advice. Also, for me (Nicole) who worked with her both in private practice and as a judge. Judge Furse has been my most important mentor. Judge Furse helped guide me early in my career and we remain close to this day. We know that our experience with Judge Furse is not isolated. We have often seen her going out of her way to provide advice to junior lawyers and help them improve their skills.

Judge Furse is also an active member of the Utah and national legal communities. She serves as the Chair on the Magistrate Judges Education Advisory Committee for the Federal Judicial Center, where she teaches and trains new federal magistrate judges. She has also taught CLEs on a variety of topics both locally and nationally on the topics of ethics, diversity and inclusion, and criminal justice reform. And she was the co-chair of the last Annual Bar Convention, which received record attendance. Judge Furse spearheaded and chaired the highly successful Initiative on the Advancement and Retention of Women. In 2010, along with two other attorneys, Judge Furse received the Dorothy Merrill Brothers Award for the Advancement of Women in the Legal Profession for her work on the Initiative.

As a judge, Judge Furse is fair, even-handed, and thoughtful. She treats those appearing before her with respect and kindness, regardless of their circumstances. On a personal note, Judge Furse is a truly wonderful human being. She is funny and kind. She cares deeply about her friends and our community. She deserves to be recognized for her valuable contribution to Utah and the legal community. I believe this is particularly true given the recent news that she will not be reappointed for another term as a Magistrate Judge for the District of Utah. She deserves recognition for her significant contributions to our legal community over the years, and given the circumstances, this would be the best year to show how truly appreciated she is and to thank her for all that she has done for our community.

I have read the Schedule and Criteria regarding and relating to Utah State Bar Awards.

Nominator Name: Jenifer Tomchak and Nicole Skolout Nominator Bar No. 10127

Nominator Email: jen.tomchak@tomchaklaw.com Date Submitted: 9/27/2019

Email Your Nomination To: or,
adminasst@utahbar.org

Mail Your Nomination To: Utah State Bar Awards Committee
645 South 200 East
Salt Lake City, UT 84111
ATTN: Executive Secretary

September 27, 2019

VIA EMAIL

adminasst@utahbar.org

Utah State Bar

To the Members of the Nominating Committee:

We are writing to support the nomination of Magistrate Judge Evelyn Furse for the Fall Forum Professionalism Award. Judge Furse is a shining example of everything a mentor, lawyer, and judge should be. Judge Furse has been a part of our legal community for two decades. In 1997, she clerked for Justice Christine Durham on the Utah Supreme Court and fell in love with Utah at that time. After her clerkship, she went to Washington, D.C., where among other things, she prosecuted child abuse and neglect cases for the District of Columbia's Office of Corporation Counsel. However, wanting to return to Utah, in 2000, Judge Furse accepted a position with a boutique law firm in Salt Lake City, where she quickly made partner. In 2006, Judge Furse went to Salt Lake City Corporation to work as a Senior City Attorney. Then, in 2012, she was appointed as a Magistrate Judge for the District of Utah.

We know Judge Furse best as a mentor. From early in our career when Judge Furse was in private practice through today, she has gone out of her way to mentor us and countless other lawyers, male and female. After sitting together at a CLE presentation when I (Jen) was a junior lawyer, Judge Furse pulled me aside to talk to me about my career and steps I could take to improve my oral advocacy skills. She followed up by sending me helpful materials. I was astonished that she barely knew me and yet she was taking an interest and time out of her busy schedule to help guide me. Since then, she has always made herself available to me for questions and advice. Also, for me (Nicole) has worked with her both in private practice and as a judge. Judge Furse has been my most important mentor. Judge Furse helped guide me early in my career and we remain close to this day. We know that our experience with Judge Furse is not isolated. We have often seen her going out of her way to provide advice to junior lawyers and help them improve their skills.

Judge Furse is also an active member of the Utah and national legal communities. She serves at the Chair on the Magistrate Judges Education Advisory Committee for the Federal Judicial Center, where she teaches and trains new federal magistrate judges. She has also taught CLEs on a variety of topics both locally and nationally. She recently presented for the Federal Bar Association on the topic of ethics. Her answers were thoughtful and engaging. Judge Furse also presents locally and nationally on the topics of diversity and inclusion and criminal justice reform. And she was the co-chair of the last Annual Bar Convention, which received record attendance. Judge Furse is a past president of WLU. She spearheaded and chaired the highly successful Initiative on the Advancement and Retention of Women. In 2010, along with two other attorneys, Judge Furse received the Dorothy Merrill Brothers Award for the Advancement of Women in the Legal Profession for her work on the Initiative.

As a judge, Judge Furse is fair, even-handed, and thoughtful. She treats those appearing before her with respect and kindness, regardless of their circumstances.

On a personal note, Judge Furse is a truly wonderful human being. She is funny and kind. She cares deeply about her friends and our community. She deserves to be recognized for her valuable contribution to Utah and the legal community. I believe this is particularly true given the recent upsetting news that she will not be reappointed for another term as a Magistrate Judge for the District of Utah. She deserves recognition for her significant contributions to our legal community over the years, and given the circumstances, this would be the best year to show her how truly appreciated she is and to thank her for all that she has done for our community.

Thank you for your consideration,

/s/ Jenifer L. Tomchak
Jenifer L. Tomchak

/s/ Nicole Skolout
Nicole Skolout

EVELYN J. FURSE

P.O. Box 2413, Park City, Utah 84060

Cell: (801) 554-4672 E-mail: evelfurse@yahoo.com**EXPERIENCE****UNITED STATES DISTRICT COURT, DISTRICT OF UTAH****Magistrate Judge**, Salt Lake City, UT

May 2012 – Present

Handles pre-trial matters in civil and criminal cases. Presides over civil cases with consent of the parties.
Conducts settlement conferences/mediations.

THE FEDERAL JUDICIAL CENTER**Magistrate Judges Education Advisory Committee, Chair**

April 2017—Present

Magistrate Judges Education Advisory Committee, Member

August 2016—Present

Advises on, conducts, and promotes orientation, continuing education, and training for federal magistrate judges.

SALT LAKE CITY CORPORATION**Senior City Attorney**, Salt Lake City, UT

Sept. 2006 – April 2012

Pursued civil litigation from initiation through appeal in State and Federal Court involving eminent domain, quiet title, contract disputes, personal injury, state constitutional claims, federal civil rights suits, appeals of administrative decisions regarding business licenses, land use decisions, GRAMA, and employment actions. Advised City Council, Mayor, and department heads regarding potential and ongoing litigation.

HOWREY LLP**Partner**, Salt Lake City, UT

Oct. 2005 - Aug. 2006

Howrey acquired Bendering, Crockett in October 1, 2005. The job responsibilities and areas of practice remained the same.

BENDERING, CROCKETT, PETERSON, GREENWOOD & CASEY PC**Shareholder**, Salt Lake City, UT

Jan. 2003 - Sept. 2005

Associate, Salt Lake City, UT

June 2000 - Dec. 2002

Practiced complex corporate litigation managing cases involving securities defense, in private and governmental actions, products liability defense, professional malpractice, land development disputes, and antitrust litigation. Included extensive motion practice, broad discovery experience, preparation and examination of expert witnesses, mediation, arbitration, and all aspects of trial preparation. Managed paralegal staff of six, including training both in substantive areas and in usage of case management and trial presentation software. Pro bono work comprised of post-conviction relief, First Amendment litigation, and child custody disputes.

COVINGTON & BURLING**Associate**, Washington, D.C.

Mar. 1998 - May 2000

Practiced in litigation and regulatory antitrust groups. Participated in extensive document review for health care fraud case resulting in dismissal of the matter. Worked with team to obtain governmental approval of various mergers both domestically and abroad. Drafted motions in directors and officers' liability and Medicaid disallowance cases. Took depositions in patent infringement case aiding in settlement of the matter. Pro bono work included post-conviction relief for prisoners facing the death penalty.

Special Assistant Corporation Counsel, Washington, D.C.

June 1999 - Dec. 1999

Six-month rotation to the District of Columbia's Office of Corporation Counsel. Prosecuted child physical/sexual abuse and child neglect matters. Pursued cases from petitioning complaints, conducting discovery, preparing and responding to motions, negotiating settlements, to trying cases and post-adjudication monitoring. In court every day for six months.

JUSTICE CHRISTINE M. DURHAM, Supreme Court of Utah

Law Clerk, Salt Lake City, UT

Jan. 1997 - Jan. 1998

Performed legal analysis of pending cases and prepared bench memoranda to aid in disposition of civil and criminal appeals. Attended oral argument and conferences in chambers. Researched, drafted, and edited opinions.

BAR ADMISSIONS

Utah State Bar, 2001;
California State Bar, 1999 (inactive);
Washington, D.C. Bar, 1998 (judicial status)

PROFESSIONAL AWARDS AND ACTIVITIES

Federal Magistrate Judges Association, Member
Federal Bar Association, Member
National Association of Women Judges, Member
American Bar Foundation, Lifetime Fellow; **American Bar Association**, Member
Women Lawyers of Utah, Member and Past President
Utah Minority Bar Association, Member
Utah Women's Forum, Member
Tenth Circuit Historical Society, Lifetime Member, Director 2012-2019
2019 Utah Annual Bar Convention, Co-Chair
Local Rules Committee, District of Utah, Member 2012-2019
2017 10th Circuit Bench Conference, Planning Committee Member
2016 Utah Annual Bar Convention, Planning Committee Member
Advisory Committee on the Rules of Civil Procedure, Utah Supreme Court, Former Member
Dorothy Merrill Brothers Award for the Advancement of Women in the Legal Profession
David K. Winder IP Inn of Court, Former Master
Aldon J. Anderson Inn of Court, Former Master
Utah Bar Commission, former 3d Division Commissioner 2011-2014
Ethics & Discipline Committee of the Utah Supreme Court, Former Screening Panel A Vice Chair
Utah's Legal Elite

PRESENTATIONS

Managing Your Warrant Docket, panel member, Federal Judicial Center, Search and Surveillance Warrants in the Digital Age, 9/2019
Cultivating a Culture of Release: Refocusing on Pretrial "Services", presenter, 47th National Association of Pretrial Services Agencies Annual Conference, 9/2019
Understanding Implicit Attitudes to Foster an Inclusive Firm, presenter, Durham Jones & Pinegar Firm Retreat, 8/2019
"How To": State Constitutional Exposition, presenter, Northern District of Ohio, Federal Bar Association, 6/2019
Judicial Ethics: The Principles that Underlie the Rules, panelist, Federal Judicial Center, Mid-Career Seminar for Magistrate Judges, 5/2019
Judicial Curriculum Development, co-presenter, Regional Dialogue, Uzbekistan Higher Judicial School for Judges, 5/2019
Initial Disclosures . . . 25, 25, 25, . . . Expert Discovery . . . Blah, Blah, Blah: Rule 26 Conferences, Southern Utah Federal Law Symposium, 5/2019
World Café: Bail and Detention Considerations, co-facilitator, Federal Judicial Center, National Workshop for U.S. Magistrate Judges, 4/2019 & 7/2019
Understanding Implicit Attitudes to Enable Inclusive Leadership, presenter, Federal Bar Association Leadership Conference, 3/2019
New Scheduling Procedures, presenter, Utah Federal Bar Association, Boyce Seminar, 10/2018

Ethical & Discovery Considerations for Preserving Messaging Application Data, panelist, Utah State Bar Litigation Section, 10/2018

Working Towards Diversity, panelist, Tri-State Seminar, Federal Bar Association, 9/2018

Diversity in the Judiciary—Part I: The Process of Selecting Federal District and Magistrate Judges, panelist, Utah Minority Bar Association, 9/2018

Courageous Pretrial, co-presenter, United States Administrative Office of the Courts, Pretrial Services Conference, 8/2018

Federal Pretrial Release and Detention, Northern District of California, Pretrial Services Retreat, 5/2018

In Search of a Meaningful Meet and Confer, Part II, Southern Utah Federal Law Symposium, 5/2018

Implicit Attitudes—World Café, co-facilitator, Federal Judicial Center, National Workshop for U.S. Magistrate Judges, 4/2018 & 8/2018

Electronically Stored Information in Criminal Cases, co-presenter, Federal Judicial Center, National Workshop for U.S. Magistrate Judges, 4/2018 & 8/2018

Federal Pretrial Release and Detention, Eastern District of Louisiana, Criminal Pretrial Conference, 2/2018

Electronically Stored Information in Criminal Cases, co-presenter, Federal Judicial Center, Magistrate Judge Orientation, 10/2017, 2018, 2019

Writing an Unobjectionable Objection, presenter, Utah Federal Bar Association, Boyce Seminar, 10/2017

In Search of a Meaningful Meet and Confer, Part I, Southern Utah Federal Law Symposium, 5/2017

Pretrial Release/ Detention Decision Making, co-presenter, Federal Judicial Center, National Workshop for U.S. Magistrate Judges, 4/2017 & 8/2017

Probation & Pretrial Services Issues: “How Pretrial Services Can Help YOU”, panelist, Federal Judicial Center, Magistrate Judge Orientation, 10/2016

Scope of Discovery Under the New Rules, panelist, Tri-State Seminar, Federal Bar Association, 9/2016

Protecting Your Electronic Data Blindside—Why “Information Governance” Offense is the Best “eDiscovery” Defense, panelist, telephonic CLE, 8/2016

Federal Pretrial Release and Detention, co-presenter, Federal Judicial Center, Magistrate Judge Orientation, 8/2016, 3 & 8/2017 & 3 & 8/2018, 3 & 8/2019

Detention Reduction Outreach Program, presenter, United States Administrative Office of the Courts, in-district, 2016-present

Federal Pretrial Release and Detention, co-presenter, Federal Judicial Center, in-district, 2015-present

Pretrial Release and Detention Decision Making for U.S. Magistrate Judges, co-presenter, Federal Judicial Center, National Workshop for U.S. Magistrate Judges, 4/2015 & 7/2015

Inviting Scrutiny: How Digital Age Innovations are Eroding the Attorney-Client Privilege, panelist, Utah State Bar Annual Convention, 7/2014

Best Practices of Oral Advocacy: A Judicial Perspective, panelist, Utah State Bar Annual Convention, 7/2014

Civility in Court, Ethics in Sentencing, panelist, Utah Chapter Federal Bar Association, 6/2014

Magistrate Judges Panel: Who We Are, What We Do, and How to Impress Us, panelist, Southern Utah Federal Law Symposium, 5/2014

Hazardous Attitudes: How to identify and neutralize them, thus staying on the ethical side of the law, speaker, Paralegal Day Luncheon, 5/2014

5 Things I have Learned about the Practice of Law since Taking the Bench, speaker, Aldon J. Anderson Inn of Court, 9/2013

Best Discovery Practices, panelist, Southern Utah Federal Law Symposium, 5/2013

Perspectives from the Bench, presenter, Utah Chapter Federal Bar Association, 1/2013

Amendments to the Local Rules, panelist, Utah Chapter Federal Bar Association, 10/2012

Practical E-discovery for the Government Attorney, presenter, Utah Prosecution Council, 10/2012

Legal Ethics: Hot Topics and Current Events, presenter, National Business Institute, 12/2011

Are We There Yet? Affirmative Action Considered, panelist, Utah Women’s Alliance for Building Community, 2/2011

The Final Report for the Initiative on the Advancement and Retention of Women Lawyers, panelist, Utah State Bar Annual Convention, 7/2010

City of Ontario v. Quon—City Property, Privacy, Public Records, Employee Management, the Stored Communications Act, and other yummy goodness rolled into one Supreme Court Case, speaker, Utah Municipal Attorneys Association, 5/2010

Initiative on the Retention and Advancement of Women: Survey Results and Suggestions for Improvement, panelist, Women's Law Caucus, Univ. of Utah, 4/2010; panelist, J. Reuben Clark Law Society, 4/2010

Step through the Process: E-Discovery, co-presenter, Salt Lake Chapter of the American Records Management Association, 3/2010

Retaining Good Lawyers: Lifestyle & Generational Issues, panelist, Utah State Bar Fall Forum, 11/2009

Initiative on the Retention and Advancement of Women: Survey Results and Suggestions for Improvement, panelist, Utah State Bar Annual Convention, 7/2009

Developments in Electronic Discovery Obligations, speaker, Electronic Records Management Conf., 6/2009

Ethical Issues in Recent Utah Appellate Decisions, panelist, Utah State Bar Annual Convention, 7/2008

Managing Electronic Records—Legal Responsibilities, speaker, Electronic Records Management Conf., 4/2008

Computer Forensics: Real World Cases, co-presenter, Salt Lake Chapter of the American Records Management Association, 3/2008

Ignore Now, Pay Later: Understanding the Duty to Preserve Electronically Stored Information (ESI) Under the New Federal Rules, speaker Employer's Council, 12/2007

Effective Use of Paralegals, panelist, Utah State Bar Fall Forum, 11/2007

Mandatory Mentoring, Recent Trends, panelist, Utah State Bar Annual Convention, 7/2007

Zoo-Boo-lake, Federal Court Expectations of Your Client and the Proposed State Analog . . . the E-discovery Morass, speaker, Labor and Employment Section of the Utah Bar, 6/2007

Completing Emergency Report Forms, presenter, Salt Lake City Fire Department, 1/2007

PUBLICATIONS

JOHN L. WEINBERG & EVELYN J. FURSE, *FEDERAL BAIL AND DETENTION HANDBOOK*, (PLI 2019).

Evelyn J. Furse, *The Successful Creation of a Platform for Debate: Utah Chief Justice Christine M. Durham's Legacy Embodied in American Bush v. City of South Salt Lake*, 75 Alb. L. Rev. 1643 (2012)

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, J.D., *cum laude*, May 1996

Honors: *Journal of International Law and Politics*, Staff Editor

Activities: Research Education & Advocacy to Combat Homelessness-Clinic Coordinator,
Treasurer
Alumni Task Force on the Future of the Law School
Constitutional Law Tutor

Teaching Assistant: President John Sexton-Religion and the Law
Alan Morrison-Civil Procedure

Research Assistant: Lea Brillmayer-Eritrean Legal Clinic
Harvey Dale & Jill Manny-Nat'l Center on Philanthropy & the Law

UNIVERSITY OF AMSTERDAM, *Erasmus Program*, January - April 1996

UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, B.A., *cum laude* and with Honors, May 1993

Public Policy Analysis Major, concentrating in Third World Economic Development

Honors: Phi Beta Kappa

Honors Thesis: "Cuba's Economic Plan for Survival Since the Fall of the Soviet Union"

INTERESTS

Skiing, Film, Gardening, Hiking, Dance, Mountain Biking, Traveling

UTAH STATE BAR AWARDS COMMITTEE AWARD RECOMMENDATION

TO: Utah State Bar Commission

DATE: October 2019

RE: AWARD RECOMMENDATION – Community Member Award

CRITERIA:

Awarded to a non-lawyer member of the community who demonstrates outstanding service toward the creation of a better public understanding of the legal profession and the administration of justice, the judiciary or the legislative process.

NOMINEES:

1. David McNeill
2. Det. Greg Smith

RECOMMENDATION:

The Utah State Bar Awards Committee met on September 30, 2019 to review and discuss the nominations and voted to recommend the following:

Det. Greg Smith

PREVIOUS YEAR NOMINEES:

1. Kai Wilson

PREVIOUS RECIPIENTS:

1986	BONNIE MILLER	2008	CARMA J. HARPER
1987	BRYON HARWARD	2009	KAREN HALE
1988	STANFORD P. DARGER	2010	LINDA SAPPINGTON
1989	ROBERT L. STAYNER	2011	ROBERT MYRICK
1990	KSL	2012	MARY KAY GRIFFIN
1991	NORMA W. MATHESON	2013	ROBERT AUSTIN
1992	STANLEY B. BONHAM	2014	STEVEN R. BURT
1993	LYLE K. CAMPBELL	2015	ANNE BURKHOLDER
1994	RAY O. WESTERGARD	2016	JO LYNN SPRUANCE
1996	SHERIANNE S. COTTERELL	2017	MARIANNA DI PAOLO
1997	MARGARET R. BIRD	2018	KAI WILSON
1998	JOHN FLOREZ		
1999	RAY O. WESTERGARD		
2000	JENNIFER YIM		
2001	JO BRANDT		
2002	SYLVIA BENNION		
2003	FRASER NELSON		
2004	PEGGI LOWDEN		
2005	REV. FRANCE A. DAVIS		
2006	DONNA K.W. JOHNSON		
2007	DANIEL J. BECKER		

NOMINATION FOR UTAH STATE BAR AWARD

Nominations should be substantive, and include details describing how the attorney meets and/or exceeds the criteria set forth in the award description. Nominations are limited to 400 words. Nominations may include up to two attachments (i.e., magazine/newspaper articles, letters of support for the nomination, etc.) Self-nominations are encouraged.

1. I, Judge Royal I. Hansen, desire to nominate the following:

- ☐ Utah State Bar Member
- ☐ Utah State Bar Section
- ☐ Utah State Bar Committee
- ☒ Utah Legal Community Member or Organization

Detective Greg Smith

[Name]

for the following:

PRESENTED AT:

- | | |
|---|--|
| <p>2. <input type="checkbox"/> Dorathy Merrill Brothers Award</p> <p><input type="checkbox"/> Raymond S. Uno Award</p> <p><input type="checkbox"/> Judge of the Year Award</p> <p><input type="checkbox"/> Lawyer of the Year Award</p> <p><input type="checkbox"/> Section of the Year Award</p> <p><input type="checkbox"/> Committee of the Year Award</p> <p><input type="checkbox"/> Heart and Hands Award</p> <p><input checked="" type="checkbox"/> Community Member of the Year Award</p> <p><input type="checkbox"/> Pro Bono Service of the Year Award</p> <p><input type="checkbox"/> Professionalism Award</p> <p><input type="checkbox"/> Charlotte L. Miller Mentoring Award</p> <p><input type="checkbox"/> James B. Lee Mentoring Award</p> <p><input type="checkbox"/> Paul T. Moxley Mentoring Award</p> <p><input type="checkbox"/> Lifetime Service Award</p> <p><input type="checkbox"/> Special Service Award</p> | <p>Spring Convention</p> <p>Spring Convention</p> <p>Summer Convention</p> <p>Summer Convention</p> <p>Summer Convention</p> <p>Summer Convention</p> <p>Utah Philanthropy Day</p> <p>Fall Forum</p> <p>Fall Forum</p> <p>Fall Forum</p> <p>Breakfast of Champions</p> <p>Breakfast of Champions</p> <p>Breakfast of Champions</p> <p>When Warranted</p> <p>When Warranted</p> |
|---|--|

3. Referring to the award criteria, in 400 words or less, please state the reasons for the nomination, i.e., the nominee should receive this nomination for the following reasons or based upon the following facts or events:

Detective Greg Smith is a compliance officer for the Third District Veterans Court in Salt Lake County. Detective Smith has more than forty years of law enforcement experience. He is a county hostage negotiator and has been involved in eight live firearm encounters. Equally important to these heroics as a detective with the Unified Police Department is the service that he renders to our military veterans.

Detective Smith meets with each new court veterans when he picks them up at the Adult Detention Center. He arranges for a pancake breakfast and delivers the veterans to their assigned treatment center under the supervisions of the Veterans Administration Hospital.

He visits the veterans at their homes to ensure that they are residing in crime free and drug free environment. Some veterans are assigned to report daily to Detective Smith on their current progress. When veterans relapse or commit new crimes, Detective Smith is the contact to triage the immediate problem. One of the veterans in our Court had a felony warrant in Idaho. The State of Idaho wanted to extradite the veteran back to Idaho for prosecution. In lieu of extradition, Detective Smith transported the veteran from the Salt Lake County Jail to the Idaho Court judge. Detective Smith reported to the Idaho judge that he had, at his own time and expense, transported the Utah veteran to Idaho in response to the Court warrant. Detective Smith reported to the Idaho trial court and explained to the judge that the veteran was part of the Utah Veteran's Treatment Court in Salt Lake City, Utah. The Idaho judge was so impressed that he recalled the bench warrant and returned the veteran to the custody of Detective Smith for purposes of transportation back to the Veteran's Treatment Court in Salt Lake County.

Detective Smith entertains calls throughout the day and night. He has developed a relationship with each veteran and serves as a surrogate parent. He is the first person that veterans call when they are in trouble, and the last person they thank and hug when they are successful in the program.

I have been associated with the Court for sixteen years and find that the service of Detective Smith is truly extraordinary. Detective Smith has been recognized for his outstanding work by the NADCP at their national convention in Houston, Texas. The entire Veteran's Court team, including the veteran mentors, joins in this nomination.

I have read the Schedule and Criteria regarding and relating to Utah State Bar Awards.

Nominator Name: Royal Hansen

Nominator Bar No. 01346

Nominator Email: rhansen@utcourts.gov

Date Submitted: 9/25/19

Email your Nomination to:

adminasst@utahbar.org

OR Mail to:

Utah State Bar Awards Committee

645 South 200 East

Salt Lake City UT 84111

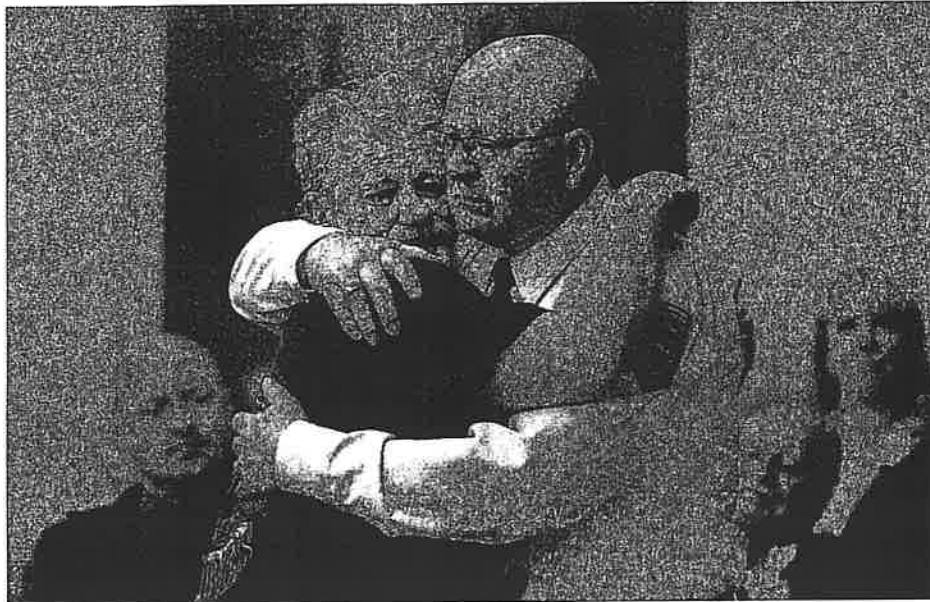
ATTN: Executive Secretary

UTAH OPINION POLITICS

About Utah: A court of redemption for vets

By Lee Benson, Columnist | Mar 19, 2017, 5:15pm MDT

GRID VIEW



Graduate Reed Jensen, left, gets a congratulatory hug from United police detective Greg Smith during the Salt Lake County 3rd District Veterans Court graduation ceremony Thursday, March 16, 2017, in Salt Lake City, Utah. | Tom Smart

1 of 9



SALT LAKE CITY — It's not every day in 3rd District Court that you see defendants rise up and hug the judge.

Then again, every day isn't graduation day in Judge Royal Hansen's Veterans Court.

It's been two years now since Hansen, who's been on the state bench since being appointed in 2003 by then-Gov. Michael Leavitt, launched a specialty court open

exclusively to veterans of the armed forces who find themselves on the wrong side of the law.

Believing the vets' problems are almost universally the result of addictions or mental health issues — and usually a combination of both — the judge felt the best way to help them, and still satisfy the demands of justice, was to show them a way out of the hole they'd dug themselves into, not a way further in.

His plan: offer the veterans an alternative to incarceration that involves a court-monitored commitment to report to the judge every week, stay clean and sober, see their therapists without fail, interact with mentors and course managers and regularly provide community service.

Put another way: they served us, let's serve them.

Two years ago it was merely a theory.

Thursday on the occasion of the court's fourth graduation day, it was hugs, tears — good tears — and, without a bailiff telling them they had to do it, a standing ovation for the judge who got it all started.

Four former servicemen — Reed Jensen, David Romero, Eli Archuleta and Lacy Black — got their diplomas. Two had their records wiped clean. Two more had felonies reduced to misdemeanors.

The happiest person in the room, apart from the graduates, was Jeff Hall of the Salt Lake County District Attorney's office — and he stood up and agreed with the judge's order to dismiss or reduce the charges.

"Not a great day for a prosecutor," Hall told the court cheerfully, "but it's an honor and privilege to be a part of the tremendous success of these men and this program."

Unified police detective Greg Smith, one of Veterans Court's course managers, addressed the courtroom in praise of a judge and a plan that, in addition to steering veterans back on the right path, has helped restore his hope for humanity.

"There was a time in my life when I thought no one could change; the only thing that could change someone was death, that would solve the problem," he said.

Then the officer put his arm around Eli Archuleta, a man who two years ago was a felony waiting to happen and now is a paragon of living by the rules.

"To see what Eli has done, how he's changed, it gives me hope," the detective said. Turning his attention to the veterans in the courtroom watching the proceedings, he added, "You might think nothing will ever be OK again. To that, I give you Eli. Let Eli be your example. What he's done, worked."

Wearing the policeman's praise like a new coat, Eli said of Veterans Court, "I never felt threatened here; this court was never a threat to me."

That was Hansen's intention all along.

"The conventional court system uses punishment to alter behavior," the judge said. "This is an alternative to that."

"It's not the easy way out. There are quicker ways to do your time and work through the system. But this is the way that will save your life."

Of the 2.6 million soldiers who have returned from Iraq and Afghanistan over the past 14 years, the judge pointed out, half have mental and physical impairments to deal with and one-fifth of them have PTSD.

Carrying such baggage is no easy thing.

"This court is designed to give vets who have lost their way a second chance," said the judge.

Four who took him and the system up on that second chance couldn't wait to hug everyone in sight last Thursday and move on to the next phase of their lives.

"I love you all," said Reed Jensen as he looked around the courtroom he has visited weekly and thanked all those who made his graduation day possible. "I hope to see you around ... but not here."



**VETERAN
RESPONSE
TEAMS**

Law Enforcement Officers Respecting Service, Restoring Honor for Vets in Crisis



I SPEAK FLUENT PTSD*

I AM A DETECTIVE with the United Police Department in Great Salt Lake, and I'm assigned to the 3rd District Court, the veterans treatment court. My grandfather was a police officer, my father was a soldier, and my son was a soldier. So, I come from a long history of service. That was the way I was raised. I have family members, uncles, cousins, who were involved in the military, but I chose to serve here. You know, some of the guys, they talk about, "We didn't know who the enemy was because they weren't wearing uniforms." Well, the people who have tried to kill me weren't wearing uniforms either.



DETECTIVE
GREGORY SMITH

I have worked a multitude of detective assignments, financial crimes, domestic violence, burglary, larcenies. I spent years on the SWAT team. I've been assigned to vice – public-order crimes like gambling, narcotics, prostitution, and illegal sales of alcohol a couple of times. I've also worked a lot of patrol assignments where I learned about human nature. I interacted with homeless veterans on the streets downtown. I learned that I could trust them and they trusted me because I respected what they had done, the personal sacrifice that they had made. I showed them that respect. I showed them that dignity. And always, I was able to have a really good rapport.

I've been a hostage negotiator for over 20 years and have negotiated with people, including vets, to help them not to end their lives. One of the concerns I have is that 18 to 20 vets across our nation end their lives each day. And so I choose to extend my hand not as a threat, but as a friend, to try to help them find a better way than what they're choosing at that moment.

I've seen some things that help me to relate to the folks in vet court. I spent four years taking pictures of crime scenes. I've taken pictures of hundreds of dead people [to document] bullet or stab wounds. I quit counting at 200. I've seen people who were laying there [and wondered], *Why are you dead?*; then others who are laying there, wondering, *How are you still alive?*

I LEARNED THAT I COULD TRUST HOMELESS VETS AND THEY TRUSTED ME BECAUSE I RESPECTED WHAT THEY HAD DONE, THE PERSONAL SACRIFICE THAT THEY HAD MADE. I SHOWED THEM THAT DIGNITY.

I personally [always wanted] to help, even as I was going through some of the most traumatic events in my life, not just in my professional life, but in my personal life. I have a divorce in my background probably because of a lot of reasons and reasons I don't even understand. I sought out a Navy psychologist. He was a Navy corpsman

during Vietnam who was assigned to a Marine battalion. He saved a lot of lives. I spoke to him every week for two years, and so, I speak fluent PTSD. I refer to veteran court guys as "my guys."

*The views expressed here are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

THE ONLY HONEST WAY THROUGH PTSD IS TALKING THROUGH IT, BUT YOU HAVE TO FIND SOMEONE YOU CAN TALK TO, THAT YOU CAN UNBURDEN YOURSELF WITH.

When I talk to my guys, I tell them that the only way through PTSD is not in a bottle, it's not in a needle, it's not in a straw up your nose, and it is not in a pill. The only honest way through it is talking through it, but you have to find someone you can talk to, that you can unburden yourself with. So every one of my guys, I tell them the truth: that the only way through this is finding somebody who specializes in PTSD and talk to them.

The way I see it in Veterans Treatment Court, I'm kind of like the camp counselor, because a lot of what they've seen and a lot of what they've experienced are similar to things that I have seen and experienced. What I try to do is give them hope every single day, with every single phone call. I don't put my knee in their neck, I don't force them, I don't make excuses for them, but I do help them make decisions that can turn out the best for them. And most of my guys, are pretty reasonable. Some of them are fighting some pretty nasty demons, and when you add addiction on top of PTSD, it complicates the underlying problem of PTSD. I try to give them hope that there is a better tomorrow if you just don't quit. I invite them, "If you're going to use, first call me."

IN VETERANS TREATMENT COURT, I'M KIND OF LIKE THE CAMP COUNSELOR, BECAUSE A LOT OF WHAT THEY'VE SEEN AND EXPERIENCED ARE SIMILAR TO THINGS THAT I'VE SEEN AND EXPERIENCED.

I work for a department that has given me amazing latitude. My clock starts whenever it starts, and some days are 19-hour shifts. Most days are not, but they always get more than their fair share of time out of me. And they do call me. Guys

will call me one, two, three, four o'clock in the morning when they're struggling. We'll talk, and if that's not good enough, then I'll go and meet them. We'll sit and eat. It's hard to be mad at somebody or not trust somebody who's willing to get up in the middle of the night and come and sit with you and eat breakfast. And then, I either take them back home, or to a hospital, or a detox center.

My advice to another jurisdiction planning to do work like this is: First off, don't be afraid to be involved. Don't be afraid to extend yourself, even make yourself vulnerable. Don't be afraid to expose yourself. Don't be afraid to show them that you honestly care, because if you don't, they can tell. If you're faking, they'll know it. There are a lot of people with the best of intentions who are pretty timid about stepping up. And I'll ask guys straight up, Are you thinking of hurting yourself? Do you see a way out of your situation? How do you think this is going to turn out? And most people, most warriors, will tell you pretty bluntly where they are, what they're thinking, what they see the future as.

UTAH STATE BAR ACCESS TO JUSTICE AWARD RECOMMENDATION

TO: Utah State Bar Commission

DATE: October 2019

RE: AWARD RECOMMENDATIONS – Pro Bono Attorney

RECOMMENDATIONS:

1. Brian M. Rothschild, Shareholder at Parsons, Behle & Latimer

Volunteer Achievement

- Lead volunteer attorney at our with PBI's Debtor's Legal Clinic
- Attends PBI's Community Legal Clinic in Salt Lake and Sugarhouse
- Parsons Behle and Latimer "Team Lead" for Wednesday Pro Se Debt Collection Calendar
- Volunteer at Tuesday Night Bar
- Frequently takes on pro bono cases from the clinics and provides full representation, often mentoring law students to help him with the processes
- President of J. Rueben Clark Law Society and past Pro Bono Chair

2. George Sutton, Of Counsel Jones Waldo, Financial Services & Regulatory Compliance

Volunteer/Pro Bono Work

- Salt Lake City Pro Bono Debt Collection/Evictions Calendar, regular volunteer (once monthly);
- Took a pro bono case (continued from his limited representation at the evictions calendar) that led to a successful dismissal;
- Regular attendance at Tuesday Night Bar;
- Consistent "backup" volunteer for low turnout for pro bono events

Awards/Recognition

- Best Lawyers in America, "Banking Lawyer of the Year in Utah." 2009;
- Best Lawyers in America, "Salt Lake City Banking Regulation Lawyer of the Year," 2012;
- Best Lawyers in America, "Salt Lake City Financial Services Lawyer of the Year," 2016;
- Best Lawyers in America, Banking Law, 1995-2015;
- Utah Business Magazine, Legal Elite, 2004-2011, 2013-2014

PREVIOUS RECIPIENTS:

1986	DONALD W. HEMINGWAY	2003	MARK C. ALVAREZ
1987	ROBERT B. DENTON	2004	LAUREN I. SCHOLNICK
1987	JONES, WALDO. HOLBROOK & MCDONOUGH	2005	SU J. CHON
1988	DAVID L. DISLEY	2006	JENSIE L. ANDERSON
1988	EDWARDS & MCCOY	2007	KELLY J. LATIMER
1989	WALKER KENNEDY, III		CHRISTINA L. MICKEN
1989	FABIAN & CLENDENIN	2008	MATTHEW D. WRIDE
1990	CHARLOTTE L. MILLER		RUTH LYBBERT
1990	PARSONS BEHLE & LATIMER		PAUL SIMMONS
1991	JAMES R. HAISLEY	2004	DAVID OLSEN
1991	ROGER A. MOFFITT	2005	SCOTT H. MARTIN
1992	BETSY L. ROSS		JONNY BENSON
1993	JAMES C. LEWIS	2011	SCOTT R. JENKINS
1993	L. JOHN LEWIS		ALAN L. SULLIVAN
1994	NELDA M. BISHOP	2012	CHRIS J. MARTINEZ
1995	VINH K. LY	2013	PAUL C. BURKE
1996	MARY MARGARET (PEGGY) HUNT	2014	ELIZABETH ELON THOMPSON
1997	MARY JANE CICCARELLO	2015	CHAD McKAY
1998	HERM OLSEN	2016	McKETTE H. ALLRED
1998	SNOW & JENSEN	2017	GREGORY G. SKORDAS
1999	RICHARD F. BOJANOWSKI		ROBERT O. RICE
2001	MITCHELL R. BAKER	2018	RODNEY G. SNOW
2002	WAINE C. RICHES		KEIL MYERS

TAB 5

September 25, 2019

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

Dear Board Members:

We have audited the financial statements of the Utah State Bar (the Bar) as of June 30, 2019 and for the year then ended (fiscal year 2019), together with summarized financial information as of and for the year ended June 30, 2018, and have issued our report thereon dated September 25, 2019. Professional standards require that we provide you with information about our responsibilities under auditing standards generally accepted in the United States of America, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated August 20, 2019. Professional standards also require that we communicate to you the following information related to our audit.

Qualitative Aspects of Accounting Policies and Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Bar are described in Note 1 to the financial statements. No new accounting policies were adopted that had a significant impact on financial reporting and the application of existing policies was not changed during fiscal year 2019, except that the Bar adopted Accounting Standards Update No. 2016-14, *Not-for-Profit Entities (Topic 958): Presentation of Financial Statements of Not-for-Profit Entities*. The adoption of this standard caused the following changes in the Bar's financial statements and related notes to the financial statements:

- The Bar's net asset classifications of unrestricted, temporarily restricted and permanently restricted on the statements of financial position were regrouped into two net asset classifications, net assets without donor restrictions and net assets with donor restrictions. The notes to the financial statements disclose information about those net asset classifications.
- The notes to the financial statements disclose information about the Bar's exposure to certain risks, including liquidity risk and availability of financial assets to meet cash flow needs within one year of the date of the statement of financial position.
- The financial statements include information about the Bar's expenses by both function and natural categories (i.e. salaries, rent, etc.).
- Investment income is presented net of external and direct internal investment expenses.

We noted no transactions entered into by the Bar during fiscal year 2019 for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper year.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the financial statements are as follows:

Management estimates the economic useful lives of property and equipment based on the expected number of years the assets will be used. Management revisits these assumptions annually and adjusts the economic useful lives if warranted.

We evaluated the key factors and assumptions used to develop the estimates above in determining that they are reasonable in relation to the financial statements as a whole.

The financial statement disclosures are neutral, consistent and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in performing and completing the audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. We identified one adjustment to reclassify \$55,219 of grant revenue as 'donor restricted.' There were no other adjustments proposed by us during the audit.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditors' report. No such disagreements arose during the course of the audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated September 25, 2019. A copy of that letter has been provided to you.

Management Consultations with Other Independent Accountants

Management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" in certain situations. If a consultation involves application of an accounting principle to the Bar's financial statements or a determination of the type of auditors' opinion that may be expressed on those financial statements, professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management prior to retention as the Bar's auditors. These discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Independence

Independence is crucial to the performance of audit services. We are subject to the independence standards of the American Institute of Certified Public Accountants.

All partners and employees of our firm are provided access to our policies and procedures relating to independence and conflicts of interest. Annually, we obtain written confirmation from partners and employees about their adherence to these policies.

There are no relationships between Tanner LLC and the Bar that in our professional judgment may reasonably be thought to impair our independence.

Other Information in Documents Containing Audited Financial Statements

We are not aware of any other documents containing the audited financial statements. Our responsibility for other information included in documents containing the Organization's audited financial statements and auditors' report does not extend beyond the financial information identified in the report. We have no responsibility for determining whether such other information is properly stated. However, if such documents were to be published, we would have a responsibility to determine that such financial information was not materially inconsistent with information, or the manner of its presentation, appearing in the financial statements.

Other Matter

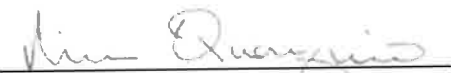
With respect to the supplemental schedules accompanying the financial statements, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior year, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplemental schedules to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We will be pleased to respond to any questions you have about the foregoing. We appreciate the opportunity to continue to be of service to the Bar.

This information is intended solely for the use of the Board of Commissioners, and is not intended to be and should not be used by anyone else.

Sincerely,

Tanner LLC

By: 
Nina Quarequio, Partner



TANNER

BUSINESS ADVISORS AND
CERTIFIED PUBLIC ACCOUNTANTS

114

CRITICAL KNOWLEDGE



PROACTIVE INSIGHT

Utah State Bar

**Financial Statements and Supplemental Schedules
As of and for the Year Ended June 30, 2019
(with Summarized Financial Information
as of and for the Year Ended June 30, 2018)**

Together with Independent Auditors' Report

Member of
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An association of legally independent firms



TANNER
BUSINESS ADVISORS AND
CERTIFIED PUBLIC ACCOUNTANTS

115
Tanner LLC
Key Bank Tower at City Creek
36 South State Street, Suite 600
Salt Lake City, Utah 84111-1400
Telephone 801.532.7444
www.tannerco.com

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INDEPENDENT AUDITORS' REPORT

To the Board of Commissioners of the Utah State Bar

Report on the Financial Statements

We have audited the accompanying financial statements of the Utah State Bar (a nonprofit organization) (the Bar), which comprise the statement of financial position as of June 30, 2019, the related statements of activities and cash flows for the year then ended, and the related notes to financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to error or fraud.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to error or fraud. In making those risk assessments, the auditors consider internal control relevant to the Bar's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Bar's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Bar as of June 30, 2019, and the changes in its net assets and its cash flows for the year then ended, in accordance with accounting principles generally accepted in the United States of America.

Report on Summarized Comparative Information

We have previously audited the Utah State Bar's 2018 financial statements and we expressed an unmodified opinion on those financial statements in our report dated October 12, 2018. In our opinion, the summarized comparative information presented herein as of June 30, 2018 and for the year then ended is consistent, in all material respects, with the audited financial statements from which it was derived.

Report on Supplemental Schedules

Our audit was conducted for the purpose of forming an opinion on the financial statements as a whole. The supplemental schedules of continuing legal education and conferences, member services revenues and expenses, public services revenues and expenses, bar sections revenues and expenses, mandatory continuing education advisory board, and facilities revenues and expenses are presented for the purpose of additional analysis and are not a required part of the financial statements. These schedules are the responsibility of the Bar's management and are derived from and relate directly to the underlying accounting and other records used to prepare the financial statements. Such schedules have been subjected to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such schedules directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, in accordance with auditing standards generally accepted in the United States of America. In our opinion, such schedules are fairly stated in all material respects in relation to the financial statements as a whole.

Adoption of New Accounting Standard

As further described in Note 1 to the financial statements, during the year ended June 30, 2019, the Bar adopted Accounting Standards Update 2016-14, *Not-for-Profit Entities (Topic 958): Presentation of Financial Statements of Not-for-Profit Entities*. Our opinion is not modified with respect to this matter.

Tanner LLC

September 25, 2019

UTAH STATE BAR
Statement of Financial Position

As of June 30, 2019
(with Summarized Financial Information as of June 30, 2018)

	Bar Operations	Bar Sections	Client Security Fund	Mandatory Continuing Legal Education Fund	Total 2019	Total 2018
Assets						
Current assets:						
Cash and cash equivalents	\$ 4,209,738	\$ 631,520	\$ 254,077	\$ 594,980	\$ 5,690,315	\$ 4,173,589
Investments, at fair value	3,524,884	100,685	20,199	120,539	3,766,307	4,694,781
Receivables	42,186	-	-	-	42,186	11,796
Prepaid expenses	167,371	-	-	-	167,371	96,732
Total current assets	7,944,179	732,205	274,276	715,519	9,666,179	8,976,898
Property and equipment, net	1,405,411	-	-	19,763	1,425,174	1,502,797
Total assets	\$ 9,349,590	\$ 732,205	\$ 274,276	\$ 735,282	\$11,091,353	\$10,479,695
Liabilities and Net Assets						
Current liabilities:						
Accounts payable and accrued liabilities	\$ 686,473	\$ -	\$ -	\$ 5,020	\$ 691,493	\$ 591,146
Deferred revenue	2,846,714	-	-	-	2,846,714	2,824,642
Current portion of capital lease obligation	3,683	-	-	-	3,683	3,485
Interfund advance	(49,130)	25,995	-	23,135	-	-
Total current liabilities	3,487,740	25,995	-	28,155	3,541,890	3,419,273
Capital lease obligation, net of current portion	8,003	-	-	-	8,003	11,686
Total liabilities	3,495,743	25,995	-	28,155	3,549,893	3,430,959
Commitments and contingencies (Notes 6, 8, 9 and 11)						
Net assets:						
Net assets without donor restrictions - undesignated	3,211,628	-	-	-	3,211,628	2,956,275
Net assets without donor restrictions - board designated	2,587,000	706,210	274,276	707,127	4,274,613	4,092,461
Total net assets without donor restrictions	5,798,628	706,210	274,276	707,127	7,486,241	7,048,736
Net assets with donor restrictions	55,219	-	-	-	55,219	-
Total net assets	5,853,847	706,210	274,276	707,127	7,541,460	7,048,736
Total liabilities and net assets	\$ 9,349,590	\$ 732,205	\$ 274,276	\$ 735,282	\$11,091,353	\$10,479,695

See accompanying notes to financial statements.

UTAH STATE BAR
Statement of Activities

For the Year Ended June 30, 2019
(with Summarized Financial Information for the Year Ended June 30, 2018)

	Bar Operations	Bar Sections	Client Security Fund	Mandatory Continuing Legal Education Fund	Total 2019	Total 2018
Changes in net assets without donor restrictions:						
Revenues:						
Licensing	\$4,391,838	\$ -	\$ -	-	\$4,391,838	\$4,334,919
Admissions	416,220	-	-	-	416,220	434,620
New lawyer training program	66,349	-	-	-	66,349	62,017
Office of Professional Conduct	33,333	-	-	-	33,333	21,288
Continuing legal education and conferences	1,044,783	-	-	-	1,044,783	1,056,114
Member services	257,330	-	-	-	257,330	183,554
Public services	13,435	-	-	-	13,435	14,323
Bar sections	-	425,142	-	-	425,142	411,606
Client Security Fund	-	-	47,313	-	47,313	58,568
Mandatory Continuing Legal Education Fund	-	-	-	332,117	332,117	350,288
Facilities	103,425	(66,693)	-	(6,456)	30,276	28,357
In-kind and interfund	22,322	66,693	-	6,456	95,471	86,004
Net investment income	185,750	-	6,312	17,513	209,575	124,428
Total revenues	\$6,534,785	\$425,142	\$ 53,625	\$ 349,630	\$7,363,182	\$7,166,086

See accompanying notes to financial statements.

UTAH STATE BAR
Statement of Activities

For the Year Ended June 30, 2019
(with Summarized Financial Information for the Year Ended June 30, 2018)
Continued

	Bar Operations	Bar Sections	Client Security Fund	Mandatory Continuing Legal Education Fund	Total 2019	Total 2018
Changes in net assets without donor restrictions (continued):						
Expenses:						
Licensing	\$ 101,711	\$ -	\$ -	\$ -	\$ 101,711	\$ 157,183
Admissions	480,120	-	-	-	480,120	465,885
New lawyer training program	47,233	-	-	-	47,233	62,554
Office of Professional Conduct	1,425,811	-	-	-	1,425,811	1,323,166
Continuing legal education and conferences	905,571	-	-	-	905,571	1,015,755
Member services	608,086	-	-	-	608,086	605,717
Public services	440,404	-	-	-	440,404	413,404
Bar sections	-	266,924	-	-	266,924	250,264
Client Security Fund	-	-	55,252	-	55,252	-
Mandatory Continuing Legal Education Fund	-	-	-	326,922	326,922	328,139
Bar operations	1,660,618	-	-	-	1,660,618	1,631,264
Facilities	511,556	-	-	-	511,556	496,872
In-kind and interfund	22,322	66,692	-	6,455	95,469	86,004
Total expenses	6,203,432	333,616	55,252	333,377	6,925,677	6,836,207
Increase (decrease) in net assets without donor restrictions	331,353	91,526	(1,627)	16,253	437,505	329,879
Change in net assets with donor restrictions:						
Grant revenue	55,219	-	-	-	55,219	-
Increase in net assets	386,572	91,526	(1,627)	16,253	492,724	329,879
Net assets:						
Beginning of the year	5,467,275	614,684	275,903	690,874	7,048,736	6,718,857
End of the year	\$5,853,847	\$706,210	\$274,276	\$ 707,127	\$7,541,460	\$7,048,736

See accompanying notes to financial statements.

UTAH STATE BAR
Statement of Cash Flows

For the Year Ended June 30, 2019
(with Summarized Financial Information for the Year Ended June 30, 2018)

	Bar Operations	Bar Sections	Client Security Fund	Mandatory Continuing Legal Education Fund	Total 2019	Total 2018
Cash flows from operating activities:						
Change in net assets	\$ 386,572	\$ 91,526	\$ (1,627)	\$ 16,253	\$ 492,724	\$ 329,879
Adjustments to reconcile change in net assets to net cash provided by operating activities:						
Depreciation and amortization	241,734	-	-	4,314	246,048	244,565
Net unrealized (gains) losses on investments	(35,871)	2,642	670	5,160	(27,399)	75,778
Changes in assets and liabilities:						
Prepaid expenses	(70,639)	-	-	-	(70,639)	4,400
Receivables	(31,449)	969	-	90	(30,390)	2,740
Accounts payable and accrued liabilities	96,954	-	-	3,392	100,346	(54,946)
Deferred revenue	22,072	-	-	-	22,072	(82,457)
Client Security Fund claims payable	-	-	-	-	-	(3,196)
Interfund advance	(11,066)	7,826	-	3,240	-	-
Net cash provided by (used in) operating activities	598,307	102,963	(957)	32,449	732,762	516,763
Cash flows from investing activities:						
Purchases of property and equipment	(146,953)	-	-	(21,472)	(168,425)	(118,676)
Purchases of investments	(4,887,953)	(84,882)	(30,088)	(60,779)	(5,063,702)	(4,929,695)
Proceeds from sale of investments and reinvested income	4,981,576	452,000	130,000	456,000	6,019,576	6,703,267
Net cash provided by (used in) investing activities	(53,330)	367,118	99,912	373,749	787,449	1,654,896
Cash flows from financing activities:						
Payments on capital lease obligation	(3,485)	-	-	-	(3,485)	(2,354)
Net increase in cash and cash equivalents	541,492	470,081	98,955	406,198	1,516,726	2,169,305
Cash and cash equivalents as of beginning of the year	3,668,246	161,439	155,122	188,782	4,173,589	2,004,284
Cash and cash equivalents as of end of the year	\$4,209,738	\$ 631,520	\$ 254,077	\$ 594,980	\$5,690,315	\$4,173,589

See accompanying notes to financial statements.

UTAH STATE BAR
Statement of Cash Flows

For the Year Ended June 30, 2019
(with Summarized Financial Information for the Year Ended June 30, 2018)
Continued

	Bar Operations	Bar Sections	Client Security Fund	Mandatory Continuing Legal Education Fund	Total 2019	Total 2018
	\$ 573	\$ -	\$ -	\$ -	\$ 573	\$ 701

Supplemental disclosure of cash flow information:

Cash paid for interest

See accompanying notes to financial statements.



UTAH STATE BAR

Notes to Financial Statements

June 30, 2019

1. Description of Organization and Summary of Significant Accounting Policies

Description of Organization

The Utah State Bar (the Bar) is an organization created by statute in 1931 under the laws of the state of Utah. The Bar's purpose was amended and clarified by the Utah State Constitution and by court order on June 30, 1981, and the Bar was incorporated as a 501(c)(6) organization on June 24, 1991. All attorneys licensed under the laws of the state of Utah, which approximate 12,900, are considered members of the Bar.

Adoption of New Accounting Standard

On August 18, 2016, the Financial Accounting Standards Board issued Accounting Standards Update (ASU) No. 2016-14, *Not-for-Profit Entities (Topic 958): Presentation of Financial Statements of Not-for-Profit Entities*. This ASU primarily addresses the complexity and understandability of net asset classification, deficiencies in information about liquidity and availability of resources, and the lack of consistency in the type of information provided about expenses and investment return. The ASU has been applied retrospectively to each year presented. The adoption of this ASU primarily resulted in presenting net assets according to the new classifications described in the "Basis of Presentation and Fund Accounting" section below, adding disclosures about the liquidity and availability of the Bar's financial assets (Note 2), and expanded information regarding the Bar's expenses by natural and functional classification (Note 10).

Basis of Presentation and Fund Accounting

The assets, liabilities and net assets of the Bar have been prepared in accordance with accounting principles generally accepted in the United States of America (US GAAP), which require the Bar to report information regarding its financial position and activities according to the following net asset classifications, as applicable:

Net assets without donor restrictions: Net assets that are not subject to donor-imposed restrictions and may be expended for any purpose in performing the primary objectives of the Bar. These net assets may be used at the discretion of the Bar's management and Board of Directors.

Net assets with donor restrictions: Net assets subject to restrictions imposed by donors and grantors. Some donor restrictions are temporary in nature; those restrictions will be met by actions of the Bar or by the passage of time. Other donor restrictions are perpetual in nature, where the donor stipulates the funds be maintained in perpetuity.



1. Description of Organization and Summary of Significant Accounting Policies *Basis of Presentation and Fund Accounting - Continued*

Continued
 Net assets without donor restrictions is presented as designated or undesignated. The undesignated fund is used for the general operations of the Bar. The designated funds are used for activities of the various Bar sections, the Client Security Fund, and the Mandatory Continuing Legal Education Fund (MCLE Fund), including overhead charges to defray the costs of administering those funds.

The financial statements include the prior-year summarized comparative information in total but not by net asset class. Such information does not include sufficient detail to constitute a presentation in accordance with US GAAP. Accordingly, such information should be read in conjunction with the Bar's financial statements as of and for the year ended June 30, 2018, from which the summarized information was derived.

Concentrations of Risk

The Bar maintains cash in bank deposit accounts which, at times, exceed federally insured limits. As of June 30, 2019, the Bar had \$873,607 of cash that exceeded federally insured limits. Additionally, as of June 30, 2019, the Bar maintained cash and cash equivalents of \$4,683,791 in an institutional investment account which is not federally insured. To date, the Bar has not experienced a loss or lack of access to its invested cash and cash equivalents; however, no assurance can be provided that access to the Bar's invested cash and cash equivalents will not be impacted by adverse conditions in the financial markets.

Use of Estimates in Preparing Financial Statements

The preparation of financial statements in accordance with US GAAP requires management to make estimates and assumptions that affect the reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Cash Equivalents

The Bar considers all highly liquid investments purchased with original maturities to the Bar of three months or less to be cash equivalents. As of June 30, 2019, these cash equivalents consisted of money market accounts totaling \$4,566,708.

Investments

Investments consist primarily of corporate bonds. Investments are reported at their fair values in the statement of financial position. Realized and unrealized gains or losses are reflected currently in the statement of activities.



1. Description of *Property and Equipment*

**Organization
and Summary
of Significant
Accounting
Policies**

Continued

Property and equipment are stated at cost less accumulated depreciation and amortization. Depreciation and amortization are calculated using the straight-line method over the estimated economic useful lives of the assets or over the related lease terms (if shorter), as follows:

Building	25 years
Building improvements	10-25 years
Computers and computer software	3-5 years
Office furniture, equipment and leased equipment	3-7 years

Expenditures for routine maintenance and repairs are charged to operating expenses as incurred. Major renewals and betterments are capitalized and depreciated over their estimated useful lives. Upon retirement or other disposition of property and equipment, the cost and accumulated depreciation and amortization are removed from the accounts and any gain or loss is recorded as income or expense in the statement of activities.

Revenue Recognition and Deferred Revenue

The Bar recognizes revenue from services and programs, conventions, bar examinations, room rental and catering and other services at the time of sale or at the time services are provided. Licensing fees are assessed in June for the following fiscal year. All fees collected prior to the current fiscal year-end are recorded as deferred revenue. Deferred revenue is recognized as income in the year in which it is earned (i.e., benefits provided to members).

Income Taxes

On June 24, 1991, the Bar was incorporated as a 501(c)(6) organization and has received a determination letter from the Internal Revenue Service exempting the Bar from federal income taxes. Management believes that the Bar is designed and operated in compliance with the applicable requirements of the Internal Revenue Code and, accordingly, no provision for federal and state income taxes has been provided for in the accompanying statement of activities.

The Bar is subject to income tax at current corporate rates on net income from unrelated business activities. Income taxes on unrelated business activities have not been significant. The Bar paid no income taxes for the year ended June 30, 2019.



UTAH STATE BAR
Notes to Financial Statements
Continued
June 30, 2019

1. Description of *Income Taxes - Continued*

**Organization
and Summary
of Significant
Accounting
Policies
*Continued***

A liability for uncertain tax positions is recognized in the financial statements when it is more likely than not the position will not be sustained upon examination by the tax authorities. As of June 30, 2019, the Bar had no uncertain tax positions that qualified for either recognition or disclosure in the financial statements. The Bar is subject to routine audits by tax jurisdictions; however, there are no audits for any tax periods in progress.

Subsequent Events

Management has evaluated events occurring subsequent to June 30, 2019 through September 25, 2019 (the date the financial statements were available to be issued) for possible disclosures or accounting impact.

**2. Liquidity and
Availability**

Financial assets available for general expenditure, that is, without donor or other restrictions limiting their use, within one year of the date of the statement of financial position, comprise the following as of June 30, 2019:

Cash and cash equivalents	\$ 5,690,315
Investments	3,766,307
Receivables	42,186
	<u>9,498,808</u>
Less amounts not available to be used within one year or otherwise restricted:	
Board designated funds	(4,274,613)
Donor restricted funds	<u>(55,219)</u>
	<u>\$ 5,168,976</u>

The Bar regularly monitors liquidity required to meet its operating needs and other contractual commitments using budgets and cash flow projections, while also striving to maximize the investment of its available funds. The Bar's excess cash is invested in a portfolio of corporate bonds. Additionally, the Bar's governing board has designated a portion of its unrestricted resources for contingencies, which is identified as board-designated in the table above (Note 8).



UTAH STATE BAR
Notes to Financial Statements
Continued
June 30, 2019

3. **Investments and Net Investment Income** Investments consisted of the following as of June 30, 2019:

		Amortized Cost		Net Unrealized Gains		Fair Value
Corporate bonds	\$	3,731,907	\$	34,400	\$	3,766,307

Investment income related to investments for the year ended June 30, 2019, consisted of the following:

	Undesignated		Designated		Total	
Net investment income and interest	\$	221,621	\$	15,353	\$	236,974
Net unrealized gain/(loss)		(35,871)		8,472		(27,399)
	\$	185,750	\$	23,825	\$	209,575

4. **Fair Value Measurements** The Bar's financial instruments consist of investments as of June 30, 2019. Management believes that the recorded value of each financial instrument approximates its fair value.

Fair value is defined as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. To increase the comparability of fair value measures, the following hierarchy prioritizes the inputs to valuation methodologies used to measure fair value:

Level 1	Valuations based on quoted prices for identical assets or liabilities in active markets
Level 2	Valuations based on observable inputs other than quoted prices included in Level 1, such as quoted prices for similar assets or liabilities in active markets, quoted prices for identical or similar assets and liabilities in markets that are not active, or other inputs that are observable or can be corroborated by observable market data.
Level 3	Valuations based on unobservable inputs reflecting the Bar's own assumptions, applied consistently with reasonably available assumptions made by other market participants. These valuations require significant judgment.

The Bar's investments are considered Level 1 assets under the fair value hierarchy and are measured on a recurring basis. Bar management obtains valuation data for the corporate bonds from third-party sources, which determine the net asset values for the Bar's accounts using quoted market prices and reportable trades.



UTAH STATE BAR
Notes to Financial Statements
Continued
June 30, 2019

- 5. Property and Equipment** Property and equipment consisted of the following as of June 30, 2019:

Building and building improvements	\$ 3,035,850
Computers and computer software	929,365
Office furniture, equipment and leased equipment	874,520
Land	633,142
	<u>5,472,877</u>
Less accumulated depreciation and amortization	<u>(4,047,703)</u>
Property and equipment, net	<u>\$ 1,425,174</u>

Depreciation and amortization expense for property and equipment totaled \$246,048 for the year ended June 30, 2019.

- 6. Lease Obligation**

The Bar leases certain equipment under a capital lease obligation. The lease requires quarterly payments of \$1,064, has an effective interest rate of 16.6%, and is secured by the equipment being leased. As of June 30, 2019, equipment held under the capital lease had a cost of approximately \$18,000 and accumulated amortization of \$9,000. As of June 30, 2019, future minimum lease payments under the capital lease were as follows:

Year Ending June 30:

2020	\$ 4,255
2021	4,255
2022	4,256
Total	<u>12,766</u>
Less amount representing interest	<u>(1,080)</u>
	11,686
Less current portion	<u>(3,683)</u>
	<u>\$ 8,003</u>



UTAH STATE BAR
Notes to Financial Statements
Continued
June 30, 2019

- 7. Employee Benefit Plans** The Bar sponsors a defined contribution 401(k) plan (the Plan). Employees who have completed one year of service with the Bar and have attained the age of 21 or older are eligible to participate, and may elect to contribute a portion of their compensation, subject to Internal Revenue Code limitations, to the Plan. The Bar contributes to the Plan an amount equal to 10% of the compensation of all Plan participants. Contributions to the Plan were \$278,974 for the year ended June 30, 2019.

The Bar sponsors a Section 125 cafeteria plan. All contributions to this plan are made by the participants.

- 8. Board Designated Net Assets Without Donor Restrictions** Board designated net assets without donor restrictions consist of the Bar operation's reserves for potential future liabilities and assets designated for Bar sections, client security fund, and the mandatory continuing legal education fund. Board designated net assets without donor restrictions consisted of the following as of June 30, 2019:

Bar operations reserves:	
Three-month operating expense reserve	\$ 1,737,000
Capital replacement reserve – building	650,000
Capital replacement reserve – equipment	200,000
Total Bar operations reserves	2,587,000
Bar sections	706,210
Client security fund	274,276
Mandatory continuing legal education fund	707,127
	<u>\$ 4,274,613</u>

- 9. Client Security Fund** On October 30, 1983, the Bar received approval from the Utah Supreme Court (USC) to collect up to \$20 per attorney per year to accumulate a client security fund (the Fund) in the base amount of \$200,000. The Fund was created to partially indemnify the public against losses incurred as a result of lawyers' misappropriation of clients' funds. Claims against the Fund are limited to \$20,000 per claimant. On April 20, 2015, the USC approved the reduction of the fee paid to the Fund by each member attorney from \$20 to \$5.

Cases must be reviewed and approved by the Fund Committee of the Bar and also by the Board of Commissioners of the Bar before they are considered to be claims payable by the Fund. The Fund Committee routinely reviews open matters. In the Fund Committee's opinion, these open matters will not have a material adverse effect on the financial position, results of activities, or liquidity of the Bar.



UTAH STATE BAR
Notes to Financial Statements
Continued
June 30, 2019

**10. Expenses
By Nature
and Function**

The accompanying financial statements include certain expenses that are attributable to both program and supporting functions of the Bar. These expenses include salaries and wages, employee benefits, and supplies and other office expenses, which are allocated based on head count; and depreciation, utilities, and maintenance, which are allocated based on estimated square footage.

Expenses by natural classification for the year ended June 30, 2019 are as follows:

	Program Services									Support Services	Total
	Regulatory	Member Services	Public Services	Education	Building Usage	MCLE	CSF	Sections	In-kind	General & Administrative	
Program	149,545	305,069	149,992	658,212	115,142	-	54,610	266,923	-	248,533	1,948,026
Salaries and benefits	1,626,345	127,263	281,928	169,338	150,527	247,447	-	-	-	1,115,240	3,718,088
General and administrative	177,077	177,148	38,240	96,408	8,153	35,847	642	-	-	256,538	790,053
Overhead and depreciation	120,926	7,829	15,386	14,948	237,734	43,628	-	-	-	60,704	501,155
In-kind and Interfund facilities	(19,018)	(9,223)	(45,142)	(33,335)	-	6,455	-	66,693	22,322	(20,397)	(31,645)
	2,054,875	608,086	440,404	905,571	511,556	333,377	55,252	333,616	22,322	1,660,618	6,925,677

11. Contingencies The Bar may, from time to time, be subject to legal proceedings arising in the normal course of business. Management does not believe the outcome of any matters currently pending will have a material impact on the financial position, results of activities, or liquidity of the Bar.

12. Related Parties The primary purpose of the Bar is to perform services on behalf of its members, which may result in related-party transactions arising through its regular activities.

SUPPLEMENTAL SCHEDULES

UTAH STATE BAR
Schedule of Continuing Legal Education and Conferences
Revenues and Expenses

For the Year Ended June 30, 2019

	Summer Convention	Fall Forum	Spring Convention	CLE Events	Total
Revenues	\$ 250,465	\$ 78,760	\$ 154,252	\$ 561,306	\$ 1,044,783
Expenses:					
Program	225,105	64,583	82,892	285,632	658,212
Salaries and benefits	22,341	8,263	16,256	122,478	169,338
General and administrative	22,834	11,371	13,007	64,144	111,356
Interfund facilities	(3,019)	-	(1,290)	(29,026)	(33,335)
Total expenses	267,261	84,217	110,865	443,228	905,571
Excess (deficiency) of revenues over expenses	\$ (16,796)	\$ (5,457)	\$ 43,387	\$ 118,078	\$ 139,212

See Independent Auditors' Report.

UTAH STATE BAR
Schedule of Member Services Revenues and Expenses

For the Year Ended June 30, 2019

	Bar Journal	Member Services	Legislative	Public Education	Young Lawyers Division	Total
Revenues	\$ 193,588	\$ 54,835	\$ -	\$ -	\$ 8,907	\$ 257,330
Expenses:						
Program	37,021	148,946	58,298	5,950	54,854	305,069
Salaries and benefits	35,889	340	8,624	82,355	55	127,263
General and administrative	111,788	-	260	68,272	4,657	184,977
Interfund facilities	(4,124)	-	(4,689)	-	(410)	(9,223)
Total expenses	180,574	149,286	62,493	156,577	59,156	608,086
Excess (deficiency) of revenues over expenses	\$ 13,014	\$ (94,451)	\$ (62,493)	\$ (156,577)	\$ (50,249)	\$ (350,756)

See Independent Auditors' Report.

UTAH STATE BAR
Schedule of Public Services Revenues and Expenses

For the Year Ended June 30, 2019

	Committees	Consumer Assistance	Access to Justice	Tuesday Night Bar	Total
Revenues	\$ 2,710	\$ -	\$ 10,725	\$ -	\$ 13,435
Expenses:					
Salaries and benefits	101,753	17	17,371	30,851	149,992
Program	30,547	121,764	126,842	2,775	281,928
General and administrative	5,986	8,104	38,788	748	53,626
Interfund facilities	(9,688)	-	(9,833)	(25,621)	(45,142)
Total expenses	128,598	129,885	173,168	8,753	440,404
Deficiency of revenues over expenses	\$ (125,888)	\$ (129,885)	\$ (162,443)	\$ (8,753)	\$ (426,969)

See Independent Auditors' Report.

UTAH STATE BAR
Schedule of Bar Sections Revenues and Expenses
For the Year Ended June 30, 2019

	Balance June 30, 2018	Revenues	Expenses	Balance June 30, 2019	Net Increase (Decrease)
Bar Section Funds:					
Antitrust/Unfair Competition	\$ 9,575	\$ 1,150	\$ 409	\$ 10,316	\$ 741
Appellate Practice	13,196	7,515	6,045	14,666	1,470
Banking and Finance	4,682	5,796	3,772	6,706	2,024
Bankruptcy	8,174	8,768	6,916	10,026	1,852
Business Law	30,709	25,642	12,908	43,443	12,734
Collection Law	22,025	3,900	1,092	24,833	2,808
Communications Law	3,000	960	161	3,799	799
Constitutional Law	4,230	3,455	1,491	6,194	1,964
Construction Law	3,864	6,951	3,561	7,254	3,390
Corporate Counsel	19,938	24,537	6,098	38,377	18,439
Criminal Law	12,313	16,165	7,714	20,764	8,451
Cyber Law	21,503	11,801	5,186	28,118	6,615
Community Association Law	2,649	2,270	864	4,055	1,406
Dispute Resolution	24,530	2,150	9,880	16,800	(7,730)
Education Law	5,013	2,410	2,025	5,398	385
Elder Law	7,472	11,510	12,231	6,751	(721)
Entertainment Law	389	11,560	11,711	238	(151)
Environmental Law	11,136	4,485	2,438	13,183	2,047
Family Law	88,380	28,610	35,015	81,975	(6,405)
Franchise Law	3,485	1,170	273	4,382	897
Government/Administrative Law	17,623	8,785	9,820	16,588	(1,035)
Health Law	12,247	6,895	2,215	16,927	4,680
Intellectual Property	74,314	33,528	37,682	70,160	(4,154)
International Law	2,542	2,200	1,078	3,664	1,122
Indian Law	2,438	1,955	1,323	3,070	632
Juvenile Law	3,374	2,940	3,029	3,285	(89)
Labor and Employment Law	13,991	16,198	11,568	18,621	4,630
Legal Entrepreneurs	500	500	140	860	360
Litigation	80,685	56,911	51,395	86,201	5,516
Limited Scope	800	2,400	1,088	2,112	1,312
Military Law	2,342	1,310	1,090	2,562	220
Non-profit/Charitable Law	3,501	2,425	679	5,247	1,746
Probate/Estate Planning	16,357	28,003	21,346	23,014	6,657
Real Property	14,271	38,510	26,201	26,580	12,309
Securities	39,574	(4,453)	1,883	33,238	(6,336)
Senior Lawyers	-	580	55	525	525
Solo, Small Firm, Rural Practice	7,031	8,854	4,392	11,493	4,462
Tax	13,235	17,599	14,609	16,225	2,990
Total Bar Section Funds	601,088	405,945	319,383	687,650	86,562
Paralegal Division	13,596	19,197	14,233	18,560	4,964
	\$ 614,684	\$ 425,142	\$ 333,616	\$ 706,210	\$ 91,526

UTAH STATE BAR
Schedule of Mandatory Continuing Education Advisory Board

For the Year Ended June 30, 2019

Revenues:	
Compliance fees from attorneys	\$ 179,510
Continuing Legal Education (provider attendance fees)	152,607
Investment income	<u>17,513</u>
Total revenues	<u>349,630</u>
Expenses:	
Salaries, payroll taxes, and benefits	247,447
Office overhead	43,628
Interfund facilities	6,455
Travel	20,247
Board meetings	<u>15,600</u>
Total expenses	<u>333,377</u>
Excess of revenues over expenses	<u>\$ 16,253</u>

UTAH STATE BAR
Schedule of Facilities Revenues and Expenses

For the Year Ended June 30, 2019

Revenues:	
Outside parties	\$ 30,276
In-kind and interfund revenues:	
Interdepartmental charges	127,210
Sections	66,693
Utah Dispute Resolution and other in-kind	20,004
MCLE	6,456
Total in-kind and interfund revenues	220,363
Total revenues	250,639
Expenses:	
Building overhead	237,734
Food, beverage and AV costs	115,142
Salaries and benefits	150,527
General and administrative	8,153
	511,556
In-kind expenses	22,322
Total expenses	533,878
Deficiency of revenues over expenses	\$ (283,239)

September 25, 2019

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

Ladies/Gentlemen:

In planning and performing our audit of the financial statements of the Utah State Bar (the Bar) as of June 30, 2019 and for the year then ended, in accordance with auditing standards generally accepted in the United States of America, we considered the Bar's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing an opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Bar's internal control. Accordingly, we do not express an opinion on the effectiveness of the Bar's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and, therefore, material weaknesses or significant deficiencies may exist that were not identified. In addition, because of inherent limitations in internal control, including the possibility of management override of controls, misstatements due to error or fraud may occur and not be detected by such controls.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis.

A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the Bar's financial statements will not be prevented, or detected and corrected, on a timely basis.

A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

We consider the following deficiency to be a material weakness:

Segregation of Incompatible Duties in Accounting and Financial Reporting Functions

Internal controls should be designed to safeguard assets and help prevent losses, errors, or fraudulent acts. A fundamental concept in an adequate system of internal control is the segregation of incompatible duties. Proper segregation of incompatible duties dictates that the same individual should be involved in only one of the following functions: authorization, recording, asset custody, and control activities related to a transaction. Finance department users of Clear Vantage, the Company's membership database, have the ability to make and adjust invoices as well as collect cash payments. Additionally, the Financial Administrator has the ability to create journal entries without formal review or approval. We recommend that the Bar review its procedures to ensure that duties are properly segregated between individuals and implement mitigating controls over processes where segregation is not possible.

The following deficiency should be considered as part of the ongoing process of modifying and improving the Bar's internal control practices and procedures over accounting and financial reporting:

Third-Party SOC 1 Reports

The third-party payroll processing company, Intuit, does not have a SOC 1 report. A SOC 1 report provides reasonable assurance that transactions with the third party are captured completely, accurately, and timely. We suggest that management take into consideration whether a third-party provider obtains a SOC 1 report as a criterion in the Bar's selection process for such third-party providers.

This communication is intended solely for the information and use of the Board of Commissioners and management, and is not intended to be and should not be used by anyone other than these specified parties.

Sincerely,

Tanner LLC

By:


Nina Quarequio, Partner

TAB 6

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

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

TERM: The term of State Bar delegates is two years. It is the policy of the Utah State Bar Board of Bar Commissioners (“the Bar Commission”) that 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.

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

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

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

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

SELECTION PROCESS FOR THE 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, 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

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

that will encourage participation by a broad spectrum of eligible Bar members and foster transparency and fairness in the selection process.

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.

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

ABA rules for alternate delegates provide that "[e]ach state, territorial and local bar association, section and affiliated organization represented in the House may certify an alternate delegate to serve during the absence of any of its delegates at a meeting of the House. The alternate delegate's service is: (1) limited to that meeting of the House for which certified; (2) not counted in determining length of service in the House; and (3) not considered a lapse in service for the elected delegate." Certification of the alternate delegate must be completed before the

roster is approved by the House. Once the roster is approved, no additional changes may be made.

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

Reimbursable expenses include:

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

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.

UTAH BAR COMMISSION MEETING AGENDA ITEM

Title: Select Bar Delegate to the ABA

Item # 2.4 A

Submitted by: John Baldwin

Meeting Date: October 4, 2019

ITEM/ISSUE:

The Utah State Bar Commission is seeking applicants to serve a two-year term as one of the Bar's two representatives in the American Bar Association's (ABA) House of Delegates for a term to run through the August 2022 ABA Annual Meeting. The Bar has one other representative in the House of Delegates, as well as a representative from the Young Lawyers Division. The ABA Members in Utah also have an elected delegate.

The delegate is expected to attend the ABA's Midyear and Annual meetings and to participate in appropriate interim meetings and in conference calls as needed. There will also be some preparation work to review issues and communicate with and report to the Bar Commission on a regular basis. The delegate also serves as an *ex-officio* member of the Bar Commission and would be expected to attend regular Commission Meetings. The delegate must be an active member in good standing of the Utah State Bar and a member in good standing of the ABA and meet all eligibility requirements set forth by the ABA.

APPLICANTS:

1. R. Steven Chambers
2. Erik Christiansen

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X



Mailing Address
P.O. Box 711522
Salt Lake City, UT 84171

Telephone (801) 413-3708
(435) 753-7400
steve@schamberslaw.com

August 21, 2019

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

RE: Application for ABA delegate

Dear Bar Commission:

On September 21 of this year I will celebrate 43 years of continuous practice as an attorney in Utah. Massive changes in the practice of law have taken place since 1976. More than ever, the legal profession needs to find ways to provide access to legal services to millions of people who need them but can't get them, either because of cost, or distance, or simple lack of knowledge of where to look. Increasingly lawyers are under pressure from non-lawyer, legal service providers. As a profession we need to find ways to address the challenges ahead.

I am now at a point in my career where I have the time and the desire to give back. I'm a member in good standing of the American Bar Association, and a member of the General Practice and Solo section. I serve on the Utah State Bar's Innovation in Law Committee and have been active in bar committees and sections for over 20 years.

Attached is my resume in application for one of the positions as a delegate to the ABA House of Delegates. Thank you for your consideration of my application.

Very truly yours,

R. Steven Chambers

R. Steven Chambers

260 East 800 North
Logan, UT 84321

Phone 801 718-8252
Work 801 413-3708
steve@schamberslaw.com

JD/MBA

Accomplished and experienced ATTORNEY WITH MBA helping clients achieve their financial goals through estate planning and execution; and debt resolution through the Bankruptcy Code. Active in Utah State Bar Association committees and sections. Serve on Utah State University's Planned Giving Advisory Board since inception. Board member of Utah Planned Giving Roundtable. Helped formulate and implement the strategic plans for both organizations. Knowledgeable about giving techniques and their legal implication. Over 30 years' experience working with volunteers.

PROFESSIONAL EXPERIENCE

R. STEVEN CHAMBERS PLLC (2012 – PRESENT) General civil practice with emphasis on estate planning and consumer bankruptcy.

S.J. QUINNEY COLLEGE OF LAW (2012) Adjunct professor of law. Taught Law Practice Management. Developed course curriculum and materials.

NIELSEN & SENIOR, P.C., SALT LAKE CITY, UT (2007 – 2012) Of counsel to full-service law firm. Representation of several national and regional banks in liquidation of commercial, SBA and residential consumer loans and resolution of title issues regarding real estate. General civil practice, consumer bankruptcy, estate planning, civil litigation.

- Known as the "go to" guy for quick and accurate legal research
- Represented FDIC in a variety of matters involving financial institutions
- Experienced in administrative law as co-counsel to various special districts
- Presenter at Utah State Bar convention, 2008 and 2010
- Administrative law practice before Labor and Tax Commissions and Utah Department of Water Quality

ZIONS FIRST NATIONAL BANK, SALT LAKE CITY, UT (1998 – 2007)

VICE PRESIDENT, CREDIT MANAGEMENT DEPARTMENT

Managed portfolio of commercial loans, real estate, SBA, agricultural and asset-backed. Oversaw bank's portfolio of residential mortgage loans (over \$400 million).

- Reviewed appraisals and EPA reports and made recommendations based thereon
- Analyzed complex credits and made recommendations to senior management
- Reduced time for resolution of defaulted mortgage loans by over 30%
- Received "Credit Hero" award for excellence in managing portfolio

R. STEVEN CHAMBERS -- Page 2

MANAGER, BANKRUPTCY UNIT

Managed team that oversaw all aspects of bankruptcies filed by consumer customers of the bank, over 2500 at any given time. Represented bank in all bankruptcies in Utah. Managed outside counsel for all out-of-state bankruptcies

- Increased recovery to bank by over \$21,000 per month
- Updated, revised and streamlined all bankruptcy forms

ATTORNEY AT LAW, SALT LAKE CITY, UT

Owned general practice law firm in Salt Lake City. Civil and criminal law. Jury trials in state and federal court and appeals to Utah Supreme Court and Tenth Circuit Court of Appeals.

- Owner and manager of title insurance company
- Member, Criminal Justice Act Panel for 19 years
- Instructor at private business college in real estate and bankruptcy law

EDUCATION AND TRAINING

- **Master of Business Administration** University of Utah
- **Juris Doctor** University of Utah
- **Bachelor of Science** physics, Utah State University

PROFESSIONAL AND CIVIC ACTIVITIES

Utah State Bar Association: Current member, Innovation in Law Committee; past chairman, Banking & Finance Section; served as CLE Director, Solo and Small Firm Section and as a member of Government Relations Committee). Frequent presenter at Utah State Bar Association Conventions (Fall Forum and Spring Convention). Past co-chairman of Fall Forum Convention.

Member, USU Planned Giving Advisory Board (2012-present); Utah Planned Giving Roundtable Board (2015-present); Rotary International (2018-present); Murray Area Chamber of Commerce Board of Directors (2010-2012). Former volunteer with Boy Scouts of America (recipient of Silver Beaver Award) and American Youth Soccer Organization. Have held leadership positions managing over 500 volunteers across a geographic area that spanned the state of Utah from Salt Lake City south to Arizona. Trained volunteers.

Participant in Utah State Bar Association's Modest Means program since inception



**PARSONS
BEHLE &
LATIMER**

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Law Corporation

Erik A. Christiansen
Shareholder
Direct 801.536.6719
EChristiansen@parsonsbehle.com

August 27, 2019

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

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

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

I am writing to indicate my desire to continue serving as one of the Utah State Bar Commission's representatives to the American Bar Association ("ABA") House of Delegates. Please consider the following as you consider my re-appointment.

1. Leadership in the ABA.

From August 19-23, 2019, I was honored to volunteer with the ABA's Immigration Justice Project ("IJP") at the Otay Mesa Detention Center in San Diego, California, and to assist IJP and the ABA's ProBar project (which operates in Texas) in serving asylum seekers with legal representation issues. I was one of 10 lawyers chosen from more than 300 applicants to spend a week serving the IJP and working with IJP staff attorneys to assist asylum seekers with legal representation issues. Bob Carlson, the outgoing President of the ABA, was instrumental in arranging for my participation in the IJP. Bob was a great advocate for immigrants and from our many discussions on the subject, Bob provided me an incredible opportunity to be of service. Working for a week to help asylum seekers in San Diego was one of the most meaningful pro bono experiences of my life and taught me so much about the legal needs and daunting legal circumstances facing individuals seeking asylum in the United States. The experience has turned me into a life-long advocate for immigrants seeking asylum in the United States and has made me a better advocate for the ABA's IJP and ProBar initiatives.

In August 2019, my law partner Rew Goodenow and I convinced the Board of Directors of Parsons Behle & Latimer to purchase a full law firm membership in the ABA, which made each and every lawyer in all of PB&L's offices members of the ABA. At a time when ABA membership is on the decline, our law firm has stepped up to bring more of our lawyers into the ABA and to help increase membership. I also volunteered to serve as the ABA Membership

President Herm Olsen
 August 27, 2019
 Page Two

Representative in Utah, and I understand from Margaret Plane, that I will shortly receive that appointment.

On June 21, 2019, I was honored to be appointed by Barbara J. Dawson, the Chair of the ABA Section of Litigation, to serve as an Associate Editor of *Litigation News* for the 2019-2020 bar year. (See attached). Previously, I had served as a Contributing Editor of *Litigation News*, after being appointed by Gene Vance, the prior Chair of the ABA Section of Litigation, in October 2017.

On June 11, 2019, I was honored to be asked to host Gene Vance, the then Chair of the ABA Section of Litigation, for dinner with Nate Alder and H. Dickson Burton. The next day, on June 12, 2019, I was honored to arrange for and accompany Gene Vance in visits to four local law firms, (a) Dorsey & Whitney; (b) Ray Quinney & Nebeker; (c) Parr Brown; and (d) Parsons Behle & Latimer, to increase membership in the ABA. On June 12, 2019, I was honored to arrange for Parsons Behle & Latimer to host a reception for Gene Vance and national members of the ABA Children's' Rights Committee. On June 14, 2019, I was honored to be asked to moderate a panel at the ABA Litigation Section Leadership retreat at Deer Valley. I moderated a panel with Mayor Jackie Biskupski (SLC Mayor), Sam Harkness (the General Counsel for the Jazz), and Onye Ikwuakor (in-house counsel with the U.S. Olympic Committee) on sports law issues arising out of Salt Lake City's efforts to re-host the Olympic Games.

I also have published the following articles in ABA publications since being appointed to serve as a delegate to the ABA House of Delegates.

Articles Printed in ABA Periodicals

- Author, *Family Members Can Recover For Asbestos Exposure At Home*, *Litigation News*, August 1, 2019, web version.
- Author, *Preliminary Injunctions: Live or Die on Powerful Evidence of Wrongdoing*, *Litigation*, the Journal of the Section of Litigation, Vol. 45, No. 2, Winter 2019, at 14.
- Author, *Circuit Split Widens In Tolling False Claims Act Cases*, *ABA's Litigation News*, web version, January 29, 2019.
- Author, *Supreme Court ALJ Appointment Procedure at SEC Unconstitutional*, *ABA's Litigation News*, Volume 44 Number 1, Fall 2018, at 22.
- Author, *New Materiality Standard for Civil False Claims*, *ABA's Litigation News*, Volume 43 Number 4, Summer 2018, at 24.

President Herm Olsen
August 27, 2019
Page Three

2. Utah's Delegation to the House.

It is a great honor to serve with Margaret Plane, Nate Alder and Bebe Vanek in the House. It is a privilege to learn from Nate, Margaret and Bebe, and Utah should be incredibly proud of its leadership in its ABA delegation. If you want to accomplish something in the ABA, ask a member of the Utah delegation. Nate is the current President of the National Conference of Bar Presidents, and Margaret and Bebe serve on numerous ABA-appointed committees.

On a personal level, I very much enjoy the ABA House, and believe that Utah's delegation has a large voice for its small size. Many states have much larger delegations but are not as well equipped or connected as the Utah delegation. The Bar Commission should be incredibly proud of the hard work and diligent effort made by its members.

In addition to attending all ABA House meetings since appointment to the House of Delegates, I also have attended the following ABA meetings as well.

- ABA Annual Meeting, House of Delegates, Alternate Utah State Bar Representative, New York, NY August 2017
- ABA Mid-Year Meeting, House of Delegates, Utah State Bar Representative, Vancouver, BC February 2018
- ABA Insurance Coverage Litigation Committee, Annual Meeting, Tucson, Arizona March 2018
- ABA Litigation News and Litigation Journal Spring Meeting, New Orleans, LA March 2018
- ABA Annual Meeting, House of Delegates, Utah State Bar Representative, Chicago, IL August 2018
- ABA Litigation News Editorial and Leadership Meeting, Louisville, KY September 2018
- ABA Insurance Coverage Litigation Committee, Annual Meeting, Tucson, Arizona February 2019

President Herm Olsen
 August 27, 2019
 Page Four

- ABA Mid-Year Meeting, House of Delegates, Utah State Bar Representative, Las Vegas, NV February 2019
- ABA Business Law, Annual Meeting, Vancouver, BC March 2019
- ABA Litigation News, Litigation News and Litigation Journal Spring Meeting, Seattle, Washington March 2019
- ABA Annual Meeting, House of Delegates, Utah State Bar Representative, San Francisco, California August 2019
- ABA Litigation News Editorial and Leadership Meeting, Scottsdale, AZ October 2019

ABA Meetings Attended Since Appointment to the House

In addition to attending the above-listed ABA meetings since appointment to the ABA House, I also have been asked to present and speak at the following events.

ABA Speeches

- Speaker, “*Conducting an Effective Internal Investigation – One chance to Get it Right*” an ABA Business Law Section webinar, September 10, 2019.
- Speaker, “*Faster, Higher, Stronger: Complex Legal Issues in the Multi-Billion Dollar Sports Industry*,” with the Honorable Mayor Jackie M. Biskupski, Sam Harkness, the General Counsel for the Larry H. Miller Sports & Entertainment, and Onye Ikwuakor, Associate General Counsel of the United States Olympic Committee, at the ABA Section of Litigation, 2019 Spring Council and Planning Meeting, June 14, 2019 at the Stein Eriksen Lodge, Park City, Utah.

President Herm Olsen
August 27, 2019
Page Five

- Speaker, “*Conducting an Effective Internal Investigation – One Chance to Get it Right*” at the ABA Business Law Section Spring Meeting in Vancouver, British Columbia, March 28, 2019.
- Speaker, “*Whither the ALJs? Will the SEC’s Recent Ratification of ALJs End The Constitutional Question of SEC ALJ Appointments?*” at the ABA’s 12th Annual National Institute on Securities Fraud, January 11, 2018.

3. Utah State Bar Commission

One of the things I enjoy the most about serving as a Utah State Bar Delegate to the ABA House of Delegates is that I get to serve as an *ex officio* member of the Utah Bar Commission. I have attended most of the Bar Commission’s meetings (but missed the retreat while volunteering with the ABA Immigration Justice Project in San Diego). This last year, I worked hard to assist H. Dickson Burton with opposition to the tax legislation in 2019, and when asked, chaired a committee that evaluated whether to expand and add more public members to the Bar Commission.

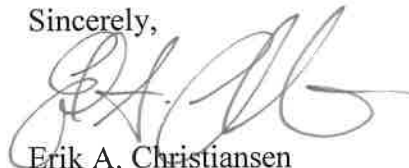
I very much enjoy Bar Commission meetings and enjoy the dialogue and professional relationships fostered by our integrated and collegial bar.

In short, I love serving as a delegate in the ABA House of Delegates and would like to continue to build upon and foster the great relationships that Utah’s delegation has within the ABA. I’ve attached my CV as well so you can consider my other Bar and community service that I have given over the last two years since appointment to the House.

I believe that lawyers have a special responsibility to protect the rule of law, to create opportunities for diversity in the legal profession, and to work hard to address the unmet legal needs of the community. The House of Delegates gives me a great opportunity to give back to a profession that has given me so very much.

Thank you for your consideration.

Sincerely,



Erik A. Christiansen

Enclosures

Carola M. Groos

From: Erik A. Christiansen
Sent: Friday, June 21, 2019 10:38 AM
To: Carola M. Groos
Subject: FW: Section of Litigation Leadership Appointments

Please print and put in my in box.



A Professional
Law Corporation

Erik A. Christiansen • Shareholder
Parsons Behle & Latimer
 201 South Main Street, Suite 1800 • Salt Lake City, Utah 84111
 Main 801.532.1234 • Direct 801.536.6719 • Fax 801.536.6111

parsonsbehle.com • EChristiansen@parsonsbehle.com • vCard

From: Barbara J. Dawson <ltserve@americanbar.org>
Sent: Friday, June 21, 2019 10:35 AM
To: Erik A. Christiansen <EChristiansen@parsonsbehle.com>
Subject: Section of Litigation Leadership Appointments

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Section of Litigation

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Dear Erik,

Thank you for your application for a leadership position in the American Bar Association Section of Litigation. It is my pleasure to appoint you to serve as a Associate Editor for the Litigation News Committee for the 2019-2020 bar year. Managing Directors Hon. Victor Bolden, Janice Mitrius, Anne Marie Seibel, and I look forward to serving with you, as the Section of Litigation seeks to increase membership, deliver meaningful benefits to members, and implement the goals and strategies of the Section's Strategic Plan. A copy of the Strategic Plan can be found [here](#). As Leaders within one of the largest sections of the American Bar Association, we value your energy and unique contributions to advancing the

Section's work.

Your active attendance and participation at our Leadership meetings is critical to the success of this coming year and to your leadership of the Litigation News. Our meetings are structured so that each of you will have ample opportunity to plan, brainstorm, and collaborate with other Leaders in furtherance of the Section's mission and goals. This year's Leadership meeting schedule for your position is as follows:

- **Fall Leadership Meeting**, October 3-5, 2019, Scottsdale, AZ (Mandatory)
- **Joints Publications Meeting**, March 26-28, 2020, Austin, TX (Mandatory)
- **Section Annual Conference**, May 6-8, 2020, Washington, D.C. (Mandatory)
- **ABA Annual Meeting**, July 30-August 4, 2020, Chicago, IL (Strongly Encouraged)

Our team understands that you are volunteering your valuable time to serve in Leadership. To that end, we intend to make our Leadership meetings not only productive and efficient but also fulfilling and fun. The programming at all meetings promises to be excellent and in the best tradition of the Section of Litigation. We also have enjoyable networking events planned for each meeting.

We have historically expected all Leaders to attend the ABA Annual Meeting. Continuing the change in procedure in recent years and to give you more flexibility, we encourage you to attend that meeting but also request that you commit to attend at least one of the following multi-day Section meetings:

- **Women in Litigation Joint CLE Conference**, November 13-15, 2019, Chicago, IL
- **Corporate Counsel CLE Seminar**, February 13-15, 2020, Carlsbad, CA
- **Insurance Coverage Litigation CLE Seminar**, March 4-7, 2020, Tucson, AZ

Before accepting your Leadership appointment, we encourage you to consider whether you are able to fulfill the commitment to attend all mandatory meetings as well as at least one of the other meetings identified above. Please also review the Section's travel and expense reimbursement guidelines, available [here](#), to determine if you are eligible for limited reimbursement. To ensure that we meet our budget, we will adhere strictly to these reimbursement guidelines.*

To accept or decline this appointment, please click the button below and answer the questions on the linked form ASAP, and no later than July 10, 2019. Your prompt response will allow us to begin reaching out to you concerning the Fall Leadership Meeting, which all appointed leaders attend.

As a final and very important note, if you are not already planning to do so, we strongly encourage you to attend the upcoming **2019 ABA Annual Meeting** in San Francisco. On **Friday, August 9 at 3:30 PM**, we will hold a kickoff meeting for all new and experienced Leaders, to welcome you and share more with you about our

initiatives and plans for the Section - and about your important role as a Leader - for the 2019-2020 bar year.

If you have any questions, please contact Committees Manager **Heather Nichols**.

We look forward to working with you during the upcoming bar year. We intend to have fun, work hard, and, most importantly, advance and grow the Section of Litigation. Thank you for your continuing commitment and service.

With best wishes,

Barbara J. Dawson
2019-2020 Section Chair

*Please note: If the reimbursement policy will create a hardship for a particular leadership meeting, please send a written request in advance of making your travel arrangements for the meeting to the Section Director and Budget Officer Larry Kristinik, with the accommodation that you are requesting.

Accept Your Appointment

Connect with us.



You were sent this email because you are a member of this Committee.



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ERIK ANTHONY CHRISTIANSEN

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

PARSONS BEHLE & LATIMER

Shareholder & Chair of Securities Litigation Practice Group
 Resident in Salt Lake City and Lehi offices
 Managing Shareholder of Lehi Office (June 1, 2018-present)
 February 1996 to Present
 Commercial litigation and securities litigation

SLC Office

One Utah Center
 201 South Main Street, Suite 1800
 P.O. Box 45898
 Salt Lake City, Utah 84145-0898

Lehi Office

2901 Ashton Boulevard, Suite 210
 Lehi, Utah 84043

STROOCK & STROOCK & LAVAN

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

MILBANK, TWEED, HADLEY & McCLOY

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

EDUCATION**University of Utah College Of Law**

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

University of Utah College of Humanities

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

University of Utah College of Social and Behavioral Sciences

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

University of Utah College of Humanities

B.A. English, June 1986

LEGAL SERVICE

Utah State Bar	Practitioner of the Year, Business Law Section, Utah State Bar, 2018
	Delegate, ABA House of Delegates, appointed by Utah Bar Commission, 2018-present
	Ex Officio Member of Utah Bar Commission, 2018-present
	Utah State Bar, Litigation Section, Executive Committee, 2015-Present (Chair Elect, 2019-Present) (Treasurer 2018-19) (Secretary, 2017-18)
	Chair, Utah State Bar Securities Section, 2005-06
	Member, Convention Committee, Utah State Bar Annual Convention, Sun Valley, Idaho (2001 and 2018).
	Member, Executive Committee, Utah State Bar Association, Young Lawyers Division, 1996 - 1998
	Co-Chair, Utah Bar Journal Committee, Utah State Bar Association, Young Lawyers Division, 1996 - 1997
	Co-Chair, Membership Support Network, Utah State Bar Association, Young Lawyers Division, 1997 - 1998

Legal Recognition	Alumnus of the Year, 2019, honored by the S.J. Quinney College of Law at the University of Utah
	Lawyer of the Year in Litigation-Securities, Best Lawyers of America, 2013 and 2019
	Martindale-Hubbell AV Preeminent Rating
	Recognized in The Best Lawyers in America, Securities Litigation, since 2010
	Recognized in Mountain States Super lawyers, Securities Litigation, since 2009
	Recognized in Legal Elite, Utah Business magazine, various years.

American Bar Association	Volunteer, ABA Immigration Justice Project, August 19-23, 2019 in San Diego, California, assisting with legal representation for asylum seekers at the California border.
	Utah Bar Delegate, ABA House of Delegates, selected by Utah Bar Commission, 2018-present
	Associate Editor, <i>Litigation News</i> , published by American Bar Association (July 2019-present)
	Contributing Editor, <i>Litigation News</i> , published by American Bar Association (Oct. 2017-2019)
	Alternate Utah State Bar Delegate, ABA House of Delegates, selected by the Utah Bar Commission, ABA Annual Meeting, August 2017.
	Fellow, American Bar Foundation (2015-present)
	Editor-in-Chief, <i>Coverage</i> magazine, published by the ABA's Insurance Coverage Litigation Committee, in the Litigation Section, 2007 to 2015

	Managing Editor, <i>Coverage</i> magazine, published by the ABA's Insurance Coverage Litigation Committee, in the Litigation Section, 2004-07.
	Co-Chair, Insurance Coverage Litigation Committee of the Litigation Section of the American Bar Association, 2007 CLE Seminar.
	Regional Representative, Insurance Coverage Litigation Committee of the Litigation Section of the American Bar Association, 2003-2004.
	Co-Chair, Bad Faith Subcommittee of the Insurance Coverage Litigation Committee of the Section of Litigation, American Bar Association, 2002-2004.
	Delegate to Young Lawyers House of Delegates, American Bar Association Annual Meeting, Young Lawyers Division, August 1997.

Federal Bar Association	Chair, Utah Chapter, Federal Bar Association, 2008-09
	Member, Constitution, Bylaws and Rules Committee of the National Chapter of the Federal Bar Association, 2006-09

Teaching	Adjunct Professor of Law, S.J. Quinney College of Law, University of Utah,
	<ul style="list-style-type: none"> Teaching Business Organizations Law 7050-001: (i) Spring 2016; (ii) Spring 2017; (iii) Fall 2018; and (v) Fall 2019 (a 4-hour credit hour class).
	<ul style="list-style-type: none"> Teaching Procuring and Managing Legal Services, Masters of Legal Services program, Spring 2019 and Summer 2020.

	Legal Writing Instructor, S.J. Quinney College of Law, University of Utah, 1989-90
	Teaching Assistant, Professor Edwin Firmage, 1989-90
	Tutor, Property Law, Nontraditional Student Assistance Program, 1989-90

Political Appointments	Chair of the Utah State Securities Commission, 2009 to 2017 (appointed by Gov. Huntsman in 2009 and re-appointed by Gov. Herbert in 2013).
	Member, Salt Lake County Arts & Culture Advisory Board, 2018-present (appointed by Salt Lake County Mayor, Ben McAdams and confirmed by the County Council).
	<ul style="list-style-type: none"> Chair, Salt Lake County, Fine Art Collection Committee, 2018-present
	Member, Convention Center Hotel Selection Committee, 2015-18 (appointed by Salt Lake County Mayor, Ben McAdams).

University of Utah	Alumnus of the Year, 2019, honored by the S.J. Quinney College of Law at the University of Utah
	Chair, University of Utah Board of Advisors for Undergraduate Education, 2009-11
	Chair, University of Utah Young Alumni Board, 2000-02
	Member, University of Utah College of Law, Board of Trustees, 1996-99

Other Interesting Community Legal Projects	Represented USA swimming coach in litigation arising out of an alleged improper relationship between another USA swimming coach and an alleged underage athlete, 2017-18
	Represented Sandis Prusis and the Latvian Olympic Committee in a case before the Court of Arbitration for Sport against the International Olympic Committee, where I overturned the decision of the IOC and was able to get Mr. Prusis reinstated so that he was able to compete in the 2002 Winter Olympic Games in Salt Lake City, Utah.
	Represented Marie-Reine Le Gougne, the French Judge involved in the Pairs Figure Skating controversy during the 2002 Winter Olympic Games, in her disciplinary proceeding before the International Skating Union in Lausanne, Switzerland.
	Selected as Olympic Pro Bono Counsel to represent athletes during the Salt Lake City Winter Olympic Games in February 2002 before the Court of Arbitration for Sport and the United States Olympic Committee.
	Volunteer Special Counsel to the Salt Lake Olympic Organizing Committee for the 2002 Winter Olympic Games ("SLOC") in connection with media requests by <i>City Weekly</i> reporter Lynn Packer under SLOC's Open Records Policy.
	Volunteer Staff Attorney on the Webster Commission, which was charged by the Los Angeles Police Commission with investigating the LAPD's response to the 1991 civil disturbance in Los Angeles.
	Board of Trustees, Utah Legal Aid Society, 2003-07

EXPERT WITNESS MATTERS

<u>Case</u>	<u>Work</u>
<i>State of Utah v Jeril Winget and Mark Winget</i>	Hired by the State of Utah in criminal prosecution. Expert witness for the State of Utah on securities issues. Issued an expert report. Case resolved before trial.
<i>Robert Wing v. Woodbury & Kesler (In re Vescor)</i>	Hired by Woodbury & Kesler <u><i>Robert Wing v. Woodbury & Kesler, P.C.</i></u> Expert witness for law firm on securities issues. Issued expert report and was deposed. Case resolved before trial.

COMMUNITY SERVICE

Member, Board of Trustees and Executive Committee, Utah Film Center, 2017-Present

Member, KRCL Community Advisory Board, 2015-current

Member, CUAC, Board of Trustees, 2015-2017

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

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

Member, KRCL Board of Trustees, 2006-11

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

Chair, Board of Trustees, UMOCA, 2006-09

Gala Committee, Utah Arthritis Foundation, 2002 and 2003

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

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

PROFESSIONAL CERTIFICATIONS AND ORGANIZATIONS

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

RECENT PUBLICATIONS

Author, Family Members Can Recover For Asbestos Exposure At Home, ABA's *Litigation News*, web version, August 1, 2019.

Author, Preliminary Injunctions: Live or Die on Powerful Evidence of Wrongdoing, *Litigation*, the Journal of the Section of Litigation, Vol. 45, No. 2, Winter 2019, at 14.

Author, Circuit Split Widens In Tolling False Claims Act Cases, ABA's *Litigation News*, web version, January 29, 2019.

Author, Supreme Court ALJ Appointment Procedure at SEC Unconstitutional, ABA's *Litigation News*, Volume 44 Number 1, Fall 2018, at 22.

Author, New Materiality Standard for Civil False Claims, ABA's *Litigation News*, Volume 43 Number 4, Summer 2018, at 24.

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

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

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

Constitutional Limitations on Litigating Bad Faith Claims After State Farm Mutual Automobile Insurance Co. v. Campbell, May/June issue of the American Bar Association's Coverage magazine (Vol. 13, No. 3). Coverage magazine is published by the ABA's Committee On Insurance Coverage Litigation.

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

SPEECHES

Speaker, “Faster, Higher, Stronger: Complex Legal Issues in the Multi-Billion Dollar Sports Industry,” with the Honorable Mayor Jackie M. Biskupski, Sam Harkness, the General Counsel for the Larry H. Miller Sports & Entertainment, and Onye Ikwuakor, Associate General Counsel of the United States Olympic Committee, at the ABA Section of Litigation, 2019 Spring Council and Planning Meeting, June 14, 2019 at the Stein Eriksen Lodge, Park City, Utah.

Speaker, “Conducting an Effective Internal Investigation – One Chance to Get it Right” at the ABA Business Law Section Spring Meeting in Vancouver, British Columbia, March 28, 2019.

Speaker, “Law School to Lawyer: Insights from Hiring Partners,” Utah State Bar Young Lawyer’s Division, Adobe Campus, January 9, 2019.

Speaker, “What to Do When Your Key Employee Walks Out the Door With Your Company’s Trade Secrets,” presented at Silicon Slopes, December 6, 2018.

Speaker, “Practical Ethical Concerns for Securities Regulators” at the North American State Securities Administrators’ Annual Training Conference, Deer Valley, Utah, July 18, 2018.

Speaker, “When the Government Comes Knocking . . . How to Respond to Governmental Investigations,” Utah State Bar Litigation and Corporate Counsel Sections, June 20, 2018.

Speaker, “The Future of the Legal Profession” at the Utah State Bar Innovation & Law Committee Conference, May 31, 2018.

Speaker, “What to Do When Your Key Employee Walks Out the Door With Your Company’s Trade Secrets,” presented at the Parsons Behle & Latimer 30th Annual Employment Law Seminar, at the Grand America Hotel, May 22, 2018.

Speaker & Faculty, Utah State Bar Litigation Section Trial Academy, March 22, 2018, at S.J. Quinney College of Law.

Speaker, “Home Alone and the Death of Mass Torts: Recent Developments in General and Specific Jurisdiction,” with Justice Paige Peterson and Judge Diana Hagen, at the Utah State Bar Spring Convention in St. George, Utah on March 9, 2018.

Speaker, “Did the SEC’s Recent Ratification of ALJ Appointments End The Constitutional Question of Agency ALJ Appointments,” at the Utah State Bar Securities and Business Law Joint CLE, February 7, 2018.

Speaker, “Whither the ALJs? Will the SEC’s Recent Ratification of ALJs End The Constitutional Question of SEC ALJ Appointments?” at the ABA’s 12th Annual National Institute on Securities Fraud, January 11, 2018.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PERSONAL

Born July 31, 1963 in Iwakuni, Japan. Married to Christina Marie Jepson. Daughters, Adison Marie Christiansen (20), Kyra Marie Schmutz (20), Cate Olivia Christiansen (17), and Morgan Alexa Schmutz (10). Chevalier, Chaine Des Rotisseurs, Utah Chapter.

**UTAH BAR COMMISSION MEETING
AGENDA ITEM**

Title: Select YLD Delegate to the ABA

Item # 2.4 B

Submitted by: John Baldwin

Meeting Date: October 4, 2019

ITEM/ISSUE:

The Young Lawyers Division of the Utah State Bar is seeking applicants to serve a two-year term as the Bar's YLD representative in the American Bar Association's (ABA) House of Delegates for a term to run through the August 2022 ABA Annual Meeting. The Bar two other representatives in the House of Delegates in addition to the representative from the Young Lawyers Division. The ABA Members in Utah also have an elected delegate.

The delegate is expected to attend the ABA's Midyear and Annual meetings and to participate in appropriate interim meetings and in conference calls as needed. There will also be some preparation work to review issues and communicate with and report to the Bar Commission on a regular basis. The delegate also serves as an *ex-officio* member of the Bar Commission and would be expected to attend regular Commission Meetings. The delegate must be an active member in good standing of the Utah State Bar and a member in good standing of the ABA and meet all eligibility requirements set forth by the ABA.

APPLICANTS:

1. Camila Moreno
2. Tyler Needham

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X

Camila V. Moreno

650 N. 300 W. #201 Salt Lake City, Utah
camilavictoriamoreno@gmail.com – 909-680-2487

Torie Finlinson
Utah State Bar
Young Lawyers Division
645 South 200 East
SLC, UT 84111

Ms. Finlinson:

I recently became aware of the YLD's search for an ABA Delegate. I am writing to express my interest in the position.

Since moving to Utah, YLD has been the most welcoming and inviting resource for me as a young attorney. I had the incredible opportunity of representing Utah at the YLD Western States Regional Conference this last Spring and returned with invaluable resources and a new network of young lawyers. Prior to that, I developed my lawyering skills as an attendee of the ABA Alternative Dispute Resolution Conference in Washington, D.C. There, I gained insight on the fantastic work the ABA does to train, mentor, and develop its members. After the Spring 2018 Conference, I joined the ABA YLD Diversity Committee as a team member and assisted in the coordinating and review of YLD diversity initiatives across the United States.

The Young Lawyers Division and the American Bar Association are crucial tools for the development for younger members of the bar, and I would be thrilled to be able to represent Utah as the YLD ABA Delegate. I have always been active and engaged in various leadership positions throughout my career, and feel I am well suited for this position. As the composition of the Utah Bar continues to change, it is important the ABA Delegate reflect the diversity of the Beehive State's YLD. Further and fortunately, my current position affords me the flexibility and time to actively participate within the Bar.

My background, experience, and training make me an ideal candidate for the YLD ABA Delegate position. Thank you for your consideration.

Sincerely,
/s
Camila Moreno

Camila Moreno, Esq.

(909) 680-2487 – camilavictoriamoreno@gmail.com

ADMISSIONS AND AFFILIATIONS

California State Bar #317549

Utah State Bar #16709

American Bar Association Young Lawyers Division: Diversity and Inclusion Leadership Team

PROFESSIONAL EXPERIENCE

United States District Court, District of UtahSalt Lake City, UT: Sept. 2019- Present
Judicial Law Clerk to United States Magistrate Judge Cecilia M. Romero

- Research and draft opinions, orders, and report and recommendations in a variety of criminal and civil matters.

Utah Labor Commission, Anti-Discrimination and Labor Division.....Salt Lake City, UT: Sept. 2017- Sept. 2019
Attorney Mediator

- Facilitated resolution and counseled parties in administrative claims brought under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act, Workers Compensation Act and related state and federal laws.
- Regularly review and analyze workplace complaints and grievances in a broad range of employment matters, including wage and hour claims, FMLA disputes, and EEO/discrimination charges.
- Prepare settlement/resolution agreements, dismissal forms, and agency orders on appeal and administrative reconsideration.

California Court of Appeal Fourth District, Division One.....San Diego, CA: August-December 2016
Judicial Extern to the Honorable Alex McDonald and Honorable Richard Huffman

- Drafted judicial opinions in both civil and criminal matters.
- Researched, analyzed, and summarized state code and case law on complex and novel issues of law for chambers' review.

United States District Court, Southern District of California.....San Diego, CA: June-Aug. 2016
Judicial Extern to the Honorable Ruben B. Brooks

- Conducted legal research, and prepared bench memoranda and judicial report and recommendations in civil and criminal matters.
- Supported chamber's clerk in preparation for motions hearings in intellectual property disputes, employment discrimination suits, habeas corpus petitions, and 1983 civil rights claims.

Cozen O'Connor.....San Diego, CA: May 2015- June 2016
Law Clerk

- Briefed motions, conducted research, and assisted in mediations and trials.
- Handled subrogation and insurance defense claims in jurisdictions across the Southwestern United States including California, Arizona, Utah, New Mexico, and Nevada.

EDUCATION

Juris Doctor, cum laude, 2017

California Western School of Law, San Diego, CA

- Class Rank: 32/190
- Teaching Assistant, Legal Research and Writing
- Moot Court Honors Board, Trial Chair
- Dean's Diversity Scholar

Bachelor of the Arts: Political Science, Minor: Spanish, 2013

San Diego State University, San Diego, CA

- **University of Amsterdam:** Amsterdam, Holland
 Social Policy and Pragmatic Tolerance Summer Program, 2013
- **P.S. Govindaswamy Naidu Institute of Management:** Coimbatore, India
 Social and Religious History Winter Program, 2012

ABA YLD Delegate Position
Letter of Interest

Hello,

I am interested in applying for the ABA YLD Delegate Position. I believe I would be an excellent advocate to represent Utah's YLD at the ABA.

From 2015-2017, I worked as the Access to Justice Director for the Utah State Bar. Through that work, I interacted regularly with various Utah Bar Committees and the Bar Commission. I was frequently involved with And Justice for All and other legal organizations working to improve access to justice. I attended the ABA's Equal Justice Conference and worked with national leaders on pressing issues.

In 2017 I had the honor of receiving the Young Lawyer of the Year award from the Utah YLD. I worked frequently with YLD to promote and populate pro bono programs, such as the Landlord Tenant Pro Se Calendar, Wills for Heroes, and Tuesday Night Bar.

From 2017 to 2019, I worked as a prosecutor in the Salt Lake City Prosecutor's Office and the Salt Lake County District Attorney's Office. I gained valuable skills and insight into the world of criminal law from the perspective of the state, and now I'm opening my own firm to provide criminal defense services.

I have significant experience advocating for access to justice and I understand the issues that people of our community face, as well as the issues that attorneys face in how to create a legal marketplace that serves everyone.

Thank you for your consideration,
Tyler Needham

Tyler W. Needham

5638 South Justice Howe Lane #3 - Murray, UT 84107
Phone: (435) 640-6830 E-Mail: needham.tyler@gmail.com

EXPERIENCE

Salt Lake County District Attorney, Salt Lake City, Utah

Deputy District Attorney, January 2019 - August 2019

- Prosecutor on the Major Crimes Unit. Handled misdemeanor and felony cases at all stages of litigation.

Office of the Salt Lake City Prosecutor, Salt Lake City, Utah

Assistant City Prosecutor, November 2017 - January 2019

- Prosecuted misdemeanors at all stages of litigation. 15 first chair jury trials, 15 first chair bench trials, and 16 first chair motion hearings.
- Attended the 2018 Utah Prosecution Council Basic Prosecutor Course

Utah State Bar, Salt Lake City, Utah

Director, Access to Justice Department, July 2015 – November 2017

- Responsible for managing, supporting and growing the Utah State Bar's Access to Justice Programs. This includes placing over 250 cases per year with volunteer attorneys and overseeing numerous pro bono legal programs assisting over 2,000 needy clients per year.
- Making regular appearances in court for pro bono landlord tenant cases and debt collection cases.
- Young Lawyer of the Year Award (May 2017): Young Lawyers Division of the Utah State Bar.

Salt Lake County District Attorney, Salt Lake City, Utah

Law Clerk, April 2014 – June 2015

- Performing research and writing motions for the trial and appellate attorneys in the criminal division.
- Work product has included responses to motions to suppress, dismiss, 404(b)'s, motions in limine, etc.

3rd Year Practice Intern, August 2014 – May 2015

- Prosecuted misdemeanors; conducted a jury trial in district court and about 15 bench trials in justice court.
- Work has included motions, subpoenas, witness preparation, plea negotiations, and trial advocacy.

Guardian Ad Litem, Salt Lake City, Utah

Law Clerk, January 2014 – May 2014

- Attended hearings, assisted with investigations, writing, and research, conducted interviews of children represented by the office, and helped prepare case strategy.

Utah Legal Services, Salt Lake City, Utah

Law Clerk, August 2013 – December 2013

- Drafted briefs, objections, and memoranda relating to housing issues; interviewed and counseled clients.

EDUCATION

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

Juris Doctor, May 2015

- GPA: 3.4, graduated with honors
- Trial Advocacy (A), Spring 2014; National Trial Advocacy Team, Spring 2015
- Criminal Law Coursework: Advanced Criminal Procedure (A), Criminal Law (A-), Preparing, Examining, and Cross Examining Witnesses (A-), Evidence (A-)
- Scholarships: Academic Merit Scholarship (2012-2013); Minority Law Caucus Scholarship (2014); Rocky Rognlie Memorial Scholarship (2015)

Pro Bono Initiative, Salt Lake City, Utah

Fellow, August 2014 – May 2015

- Working as a liaison between the PBI Office, law students, and the legal community by developing clinics, assisting in donor relations, meeting with students regarding pro bono projects, and other duties.

Student Director - Street Law Clinic, July 2013–May 2014; *Student Director - Special Projects*, March 2013 – June 2013

- Director of a weekly free legal advice clinic primarily dealing with consumer, employment, and housing law.

University of Utah, Salt Lake City, Utah

Bachelor of Science, Political Science and Campaign Management, August 2011

BAR AND COURT ADMISSIONS

Utah State Bar

U.S. District Court, District of Utah (currently inactive)

INTERESTS

- Skiing, camping, running, rock climbing, & reading, particularly John Steinbeck and Cormac McCarthy.

TAB 7

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 “EA”.

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.

~~1410.~~ 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 (e) (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 licensingadditional 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 Licensening 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 Petition 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.

~~(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.

~~(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:

(+)(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 partythird-party vendor or may permit a third party vendor or partner to send direct emails to members. 7

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.

~~(c) — 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.~~

~~(d)~~ 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";

(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";

(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

8

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

AUGUST 16, 2019

SILVER BARON LODGE, DEER VALLEY

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

Minutes: 1:20 p.m. start

1. President's Report: Herm Olsen

- 1.1 Report from the MCLE Board.** David Hirschi, Chair of the MCLE Board and Sydnie Kuhre, Director of MCLE, presented to the Commission regarding changes to the continuing education requirements that the MCLE Board will be proposing to the Court. Changes are prompted by recent recommendations from the ABA and to better meet the needs of modern legal practice.

The MCLE Board is considering switching from a two-year to a one-year compliance cycle to mirror annual licensing because some lawyers confuse the annual and semiannual requirements. Allowing live credit for more types of remote presentations, simulation programming and credit for new topics such as well-being, technology, diversity, workplace harassment, and substance abuse are all being considered.

- 1.2 Report on National Conference of Bar Presidents Meeting.** Heather Farnsworth and Herm Olsen reported on the conference that took place in San Francisco on August 8th and 9th. Both reported the meeting was productive and provided them with inspiring Bar leadership ideas.

- 1.3 Report on Park City Convention.** Tabled to tomorrow's meeting. See below.

1.4 Announcement of ABA Delegates Selection Process. Commissioners reviewed the ABA Delegate selection process in advance of two selections that will be made in October.

1.5 Propose Continuation of Small Firm Tour. Heather Farnsworth proposed reviving the small firm tour in which Bar Commissioners visited small law firms to get to know the members and to educate them about Bar programs and services. Heather Thuet agreed to head up the project.

2. Action Items.

2.1 Appoint Committee Chairs. After a discussion of the length of service for some chairs and the need for more frequent turnover and succession planning, **Michelle Quist moved to appoint the proposed Chairs and Co-chairs. Marty Moore seconded the motion which passed unopposed.**

2.2 Approve Committee Charges. John Bradley moved to approve the Committee Charges and to appoint Commission Liaisons to the Bar Committees. **Cara Tangaro seconded the motion which passed unopposed.**

2.3 Appoint Commission Liaisons. See 2.2 above.

2.4 Bar Foundation Request to Lease Employee. Elizabeth Wright reported that the Bar Foundation would like to lease its Executive Director from the Bar. Under the lease agreement, the Executive Director will be a Bar employee and entitled to all Bar employee benefits. The Foundation will reimburse the Bar for all wages, benefits and costs associated with employing the Executive Director. This arrangement will enable the Foundation to offer benefits to its employee. This is the arrangement the Bar has with the MCLE Board and it is appropriate because both the MCLE employees and the Bar Foundation employee work under Court rules as part of attorney regulation. **Cara Tangaro moved to approve the employee lease arrangement. Michelle Quist seconded the motion which passed unopposed.**

2.5 Request to Fund Licensed Lawyer Advertising. Bar Communications Director Matt Page presented a proposed budget of \$54,000 for the 2019-2020 fiscal year to promote Licensed Lawyer. After discussing concerns that lawyers do not know about Licensed Lawyer and questions about search results, **Tom Seiler moved to approve the \$54,000 budget and the creation of a sub-committee to study Licensed Lawyer and how to address some of the Commission's concerns with the service. Marty Moore seconded the motion which passed unopposed.**

2.6 Move October Commission Meeting to the 18th in Moab. The Commission discussed moving its October meeting to Moab to coincide with a Litigation Section CLE taking place there. Commissioners felt there was not enough time to move the meeting this year, but that it should consider having the meeting next year in conjunction with the

Litigation Section CLE. **Tom Seiler moved to have the October meeting in Moab in 2020. Cara Tangaro seconded the motion which passed unopposed.**

3. Discussion Items.

3.1 Community Education and Outreach Committee. Tabled until next meeting.

3.2 Paralegal Division Request to Waive Revenue Sharing. Tom Seiler moved to table this proposal and discussion to the next meeting so the Commission can consider the revenue sharing policy. Marty Moore seconded the motion which passed unopposed.

4. Information Items.

4.1 Bar Survey Report. John Baldwin reported that the Survey Committee was close to selecting a company to conduct the survey.

4.2 Report and Review of Commission Policies and Procedures. Elizabeth Wright reported that she and John Baldwin have updated the Bar's Policies and Procedures and that they will be presented to the Commission for approval at the next meeting.

The meeting adjourned for the day at 4:05 p.m.

Meeting resumed at 9:05 a.m. on Saturday, August 17, 2019

In Attendance: President-elect Heather Farnsworth. Commissioners: John Bradley, Steven Burt, Mary Kay Griffin, Marty Moore, Mark Pugsley, Michelle Quist, Tom Seiler, Cara Tangaro, and Heather Thuet.

Ex-Officio Members: Nate Alder, H. Dickson Burton, Kate Conyers, Amy Fowler, Candace Glead, and Margaret Plane.

Not in Attendance: President Herm Olsen. Commissioners Chrystal Mancuso-Smith, Mark Morris and Katie Woods. Ex-Officio Members: Erik Christiansen, Torie Finlinson, Rob Rice, Bebe Vanek, and Dean Gordon Smith.

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

4.3 ABA Delegates' Report. Margaret Plane and Nate Alder reported on the August 2019 meeting of the ABA House of Delegates. Highlights included suggestions for achieving pay equity and new methods of lawyer regulation such as those being considered by the Utah's Task Force on Regulatory Reform. Nate also noted ABA Delegate Erik Christiansen's work with the ABA Boarder project. Commissioners noted that Erik's

work should be publicized by the Bar as part of a greater effort to inform the public about the good lawyers do in the community.

- 4.4 Licensing Fee Reduction Request for Senior Lawyers.** The Commission discussed and rejected a proposal from a member to lower the age from 75 to 65 for eligibility for reduced annual licensing fees. The Commission noted that many 65-year-old lawyers still have very active law practices.
- 4.5 Report on Ethics Hotline.** Elizabeth Wright reported that OPC has stopped offering the Ethics Hotline. This is a service the Bar would like to continue offering to members. Until the Commission determines how it will staff the Hotline, Elizabeth Wright and Jeannine Timothy will answer Hotline questions.
- 4.6 Report on Interest on Lawyer Trust Accounts.** John Baldwin described the Utah Bar Foundation, the court rule regarding IOLTA accounts and organizations funded by the Foundation.

OUT OF ORDER

1.3 Report on Park City Convention. Richard Dibblee distributed the survey of those who attended the 2019 Summer Convention in Park City. The survey results are very positive. A record 556 lawyers attended the convention. The Commission discussed the pros and cons of a local vs. out-of-state annual meeting and the importance of having a rotating schedule for the meeting to achieve all the goals of the meeting.

Dickson Burton reported on the status of the sales tax on professional services. A tax on legal services is still very much on the table. The Legislative Tax Restructuring and Equalization Task Force will have its first meeting on August 19th. Over the summer the Task Force held town hall meetings that many Utah lawyers attended. The Bar will continue to monitor the Task Force and any legislation it may propose.

John Lund reported on the work of the Task Force on Legal Reform. The Task Force will be presenting its report and recommendations to the Court at the end of August. The proposed changes are sweeping and include allowing non-lawyer ownership of law firms, relaxation of advertising rules and a regulatory sandbox in which legal innovators can propose legal products within an environment of relaxed restrictions.

Consent Agenda

1. Approved Minutes from the July 18, 2019 Commission Meeting.
2. Approve Client Security Fund Report.

Handouts:

1. Commissioner Conflict of Interest Policy and waivers.
2. Bar Committee Chair Appointments.
3. Commission Liaison assignments.
4. Request from the Paralegal Division.

5. IOLTA rule and Bar Foundation Brochure.
6. 2019 Summer Convention Survey results.

TAB 9

UTAH STATE BAR
Budget and Finance Committee
Highlights of the August 2019 Financial Statements

FINANCIAL STATEMENT HIGHLIGHTS

Notable Trends:

- The results of the first two months 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 remains over budget by \$58,000, which appears mostly related to the expenses coming in under budget. We expect additional expenses to come in for the Summer Convention in the coming months, but ultimately still expect net income for the event to remain higher than budgeted.

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

	Actual	Budget	Fav(unfav) \$ Variance	Fav(unfav) % Variance
YTD revenue	4,638,386	4,778,398	(140,012)	-3%
YTD expenses	1,306,909	1,450,516	143,608	10%
YTD net profit	3,331,477	3,327,882	3,596	0%

YTD net profit is \$3.3 million, which is just \$4,000 over budget. YTD revenue is \$140,000 under budget mainly due to lower than budgeted Licensing, CLE and Interest Income. These lower-than-budgeted revenues are offset by the fact that Summer Convention expenses are significantly under budget, while in general most other expenses are also running under budget.

YTD Net Profit –Cash Basis: Adding back year-to-date depreciation expense of \$33,000 and adding back in capital expenditures of \$13,000, the cash basis year-to-date net profit is approximately \$20,000 higher.

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

Admissions: YTD Admissions revenue is \$30,000, which is \$4k under budget and is \$1,000 less than last year's revenue at this time. Admissions expenses are \$87,000, or \$22,000 (20%) under budget and \$21,000 less than last year's expenses at this time due to lower than budgeted program expenses and staff expenses, some of which is timing related.

CLE: CLE YTD net profit is \$27,000, which is \$12,000 (30%) 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.

Summer Convention: With most revenue and expenses booked for the July 2019 Summer Convention in Park City, the YTD net income is \$74,000 which is approximately \$58,000 over budget. Revenue from the convention was \$47,000 lower than budgeted and expenses are currently \$105,000 under budget.

UTAH STATE BAR
Budget and Finance Committee
Highlights of the August 2019 Financial Statements

We expect additional expenses may come in over the coming months, but ultimately expect the Summer Convention to report a net income over budget.

Member Services: Member Services YTD net spending is \$66,000 vs. budgeted net spending of \$86,000. Lower net spending is due to lower than budgeted program, staff-related and administrative expenses, which have been offset by lower than budgeted advertising revenue. It is anticipated that the net profit will align more closely to budget as the year progresses.

Bar Operations: Bar Operations (Management, Finance, General Counsel, IT, and Commission/Special Projects) generated net expenditures of \$364,000 YTD compared to YTD budgeted net spending of \$328,000. 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 August 31, 2019	<u>\$4,319,053</u>
Excess of current cash reserve over board-designated reserve	<u>\$1,732,335</u>

**Utah State Bar
Income Statement
August 31, 2019**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
Licensing	4,111,815	4,194,505	4,228,179	(33,674)	99%	4,525,292	93%
Admissions	31,390	30,375	34,417	(4,042)	88%	424,535	7%
NLTP	7,500	5,850	7,500	(1,650)	78%	65,250	9%
OPC	1,200	750	1,280	(530)	59%	26,687	3%
CLE	109,789	93,217	109,926	(16,709)	85%	566,000	16%
Summer Convention	250,190	218,490	265,704	(47,214)	82%	266,000	82%
Fall Forum	2,350	850	2,350	(1,500)	36%	80,400	1%
Spring Convention	387	-	310	(310)	0%	123,000	0%
Member Services	32,551	27,771	32,182	(4,411)	86%	283,247	10%
Public Services	1,725	4,560	1,673	2,887	273%	14,297	32%
Bar Operations	48,587	34,406	68,137	(33,731)	50%	210,561	16%
Facilities	26,647	27,612	26,740	872	103%	248,600	11%
Total Revenue	4,624,131	4,638,386	4,778,398	(140,012)	97%	6,833,869	68%
Expenses							
Licensing	16,425	20,039	23,038	3,000	87%	157,495	13%
Admissions	105,737	86,623	108,452	21,829	80%	516,992	17%
NLTP	8,190	8,288	9,241	953	90%	54,898	15%
OPC	248,939	264,869	256,366	(8,503)	103%	1,495,540	18%
CLE	55,462	66,228	71,422	5,194	93%	568,972	12%
Summer Convention	252,595	144,040	249,350	105,310	58%	265,605	54%
Fall Forum	1,831	31	2,109	2,078	1%	80,738	0%
Spring Convention	141	4,115	660	(3,455)	623%	123,448	3%
Member Services	102,955	93,576	118,613	25,037	79%	809,044	12%
Public Services	125,036	145,023	140,009	(5,014)	104%	560,910	26%
Bar Operations	351,646	398,237	395,920	(2,317)	101%	1,772,110	22%
Facilities	76,361	75,840	75,336	(504)	101%	541,122	14%
Total Expenses	1,345,320	1,306,909	1,450,516	143,608	90%	6,946,874	19%
Net Profit (Loss)	\$ 3,278,810	\$ 3,331,477	\$ 3,327,882	\$ 3,596	100%	\$ (113,005)	-2948%
Depreciation	36,584	32,754	38,008	5,254	86%	251,412	
Cash increase (decrease) from operations	3,315,394	3,364,231	3,365,890	(1,658)	100%	138,407	
Changes in operating assets/liabilities	2,201,971	(2,530,132)	(2,530,132)	-	100%	20,000	
Capital expenditures	-	(12,749)	(26,167)	13,418	49%	(157,000)	
Net change in cash	\$ 5,517,365	\$ 821,351	\$ 809,591	\$ 11,760	101%	\$ 1,407	58376%

Utah State Bar Licensing

August 31, 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	45	-	-	-	#DIV/0!	18,237	0%
4011 · Admissions LPP	-	200	-	200	#DIV/0!	-	#DIV/0!
4021 · Lic Fees > 3 Years	3,557,995	3,608,250	3,627,818	(19,568)	99%	3,732,582	97%
4022 · Lic Fees < 3 Years	169,750	154,750	184,200	(29,450)	84%	239,045	65%
4023 · Lic Fees - House Counsel	34,000	38,880	38,083	797	102%	43,012	90%
4025 · Pro Hac Vice Fees	8,750	20,900	11,940	8,960	175%	82,639	25%
4026 · Lic Fees - Inactive/FS	117,600	121,455	121,397	58	100%	120,305	101%
4027 · Lic Fees - Inactive/NS	204,810	209,370	216,522	(7,152)	97%	218,187	96%
4029 · Prior Year Lic Fees	1,275	-	1,627	(1,627)	0%	3,432	0%
4030 · Certs of Good Standing	4,200	4,570	4,809	(239)	95%	34,058	13%
4095 · Miscellaneous Income	90	330	403	(73)	82%	962	34%
4096 · Late Fees	13,300	35,800	21,380	14,420	167%	32,833	109%
Total Revenue	4,111,815	4,194,505	4,228,179	(33,674)	99%	4,525,292	93%
Expenses							
Program Services	-	-	6,172	6,172	0%	37,028	-
Salaries & Benefits	14,452	18,828	13,207	(5,621)	143%	61,896	30%
General & Administrative	552	(104)	2,485	2,589	-4%	49,161	0%
Building Overhead	1,421	1,314	1,175	(139)	112%	9,410	14%
Total Expenses	16,425	20,039	23,038	3,000	87%	157,495	13%
Net Profit (Loss)	\$ 4,095,390	\$ 4,174,466	\$ 4,205,141	\$ (30,674)	99%	\$ 4,367,797	96%

Note: Includes LPP staff time and exam expense

Utah State Bar Admissions

August 31, 2019

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4001 · Admissions - Student Exam Fees	550	-	535	(535)	0%	120,725	0%
4002 · Admissions - Attorney Exam Fees	1,700	425	1,709	(1,284)	25%	45,725	1%
4003 · Admissions - Retake Fees	1,100	-	1,245	(1,245)	0%	46,700	0%
4004 · Admissions - Laptop Fees	750	300	778	(478)	39%	53,850	1%
4006 · Transfer App Fees	6,900	14,550	6,892	7,658	211%	44,950	32%
4008 · Attorney - Motion	12,750	7,650	13,909	(6,259)	55%	51,000	15%
4009 · House Counsel	5,100	5,100	5,525	(425)	92%	22,100	23%
4095 · Miscellaneous Income	540	350	546	(196)	64%	7,235	5%
4096 · Late Fees	-	-	2,278	(2,278)	0%	30,200	0%
Total Revenue	31,390	30,375	34,417	(4,042)	88%	424,485	7%
Expenses							
Program Services	34,065	15,396	32,680	17,284	47%	115,838	13%
Salaries & Benefits	63,200	63,798	66,929	3,131	95%	339,263	19%
General & Administrative	4,828	4,058	5,128	1,070	79%	37,779	11%
Building Overhead	3,644	3,371	3,715	344	91%	24,112	14%
Total Expenses	105,737	86,623	108,452	21,829	80%	516,992	17%
Net Profit (Loss)	\$ (74,347)	\$ (56,248)	\$ (74,035)	\$ 17,787	-24%	\$ (92,507)	61%

**Utah State Bar
NLTP**

August 31, 2019

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4020 · NLTP Fees	7,500	5,850	7,500	(1,650)	78%	65,250	9%
4200 · Seminar Profit/Loss	-	-	-	-	#DIV/0!	-	-
Total Revenue	7,500	5,850	7,500	(1,650)	78%	65,250	9%
Expenses							
Program Services	331	356	800	444	44%	5,146	7%
Salaries & Benefits	5,951	6,080	6,640	561	92%	38,996	16%
General & Administrative	1,106	1,111	979	(132)	113%	5,447	20%
Building Overhead	802	742	822	80	90%	5,309	14%
Total Expenses	8,190	8,288	9,241	953	90%	54,898	15%
Net Profit (Loss)	\$ (690)	\$ (2,438)	\$ (1,741)	\$ (697)	140%	\$ 10,352	-24%

**Utah State Bar
OPC**

August 31, 2019

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4095 · Miscellaneous Income	1,200	750	1,280	(530)	59%	6,687	11%
4200 · Seminar Profit/Loss	-	-	-	-	#DIV/0!	20,000	0%
Total Revenue	1,200	750	1,280	(530)	59%	26,687	3%
Expenses							
Program Services	11,589	7,434	11,887	4,453	63%	29,581	25%
Salaries & Benefits	208,429	227,373	217,254	(10,119)	105%	1,252,244	18%
General & Administrative	16,200	18,296	14,239	(4,057)	128%	129,546	14%
Building Overhead	12,721	11,767	12,986	1,219	91%	84,169	14%
Total Expenses	248,939	264,869	256,366	(8,503)	103%	1,495,540	18%
Net Profit (Loss)	\$ (247,739)	\$ (264,119)	\$ (255,086)	\$ (9,033)	104%	\$ (1,468,853)	18%

**Utah State Bar
CLE**

August 31, 2019

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4052 · Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!	15,000	0%
4053 · Meeting - Vendor Revenue	-	1,000	-	1,000	#DIV/0!	1,000	-
4054 · Meeting - Material Sales	-	-	-	-	#DIV/0!	-	-
4081 · CLE - Registrations	60,890	55,853	61,389	(5,536)	91%	470,000	12%
4082 · CLE - Video Library Sales	45,584	45,264	48,537	(3,273)	93%	90,000	50%
4084 · Business Law Book Sales	3,315	-	-	-	#DIV/0!	-	-
4095 · Miscellaneous Income	-	-	-	-	#DIV/0!	-	-
4200 · Seminar Profit/Loss	-	(8,900)	-	(8,900)	#DIV/0!	(10,000)	89%
Total Revenue	109,789	93,217	109,926	(16,709)	85%	566,000	16%
Expenses							
Program Services	28,711	32,432	41,963	9,531	77%	359,405	9%
Salaries & Benefits	17,468	21,413	19,157	(2,256)	112%	132,750	16%
General & Administrative	6,564	10,250	7,344	(2,906)	140%	60,693	17%
Building Overhead	2,719	2,134	2,958	824	72%	16,124	13%
Total Expenses	55,462	66,228	71,422	5,194	93%	568,972	12%
Net Profit (Loss)	\$ 54,326	\$ 26,989	\$ 38,504	\$ (11,515)	70%	\$ (2,972)	-908%

Utah State Bar Summer Convention

August 31, 2019

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	199,420	182,105	214,704	(32,599)	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	5,085	15,500	(10,415)	33%	15,500	33%
Total Revenue	250,190	218,490	265,704	(47,214)	82%	266,000	82%
Expenses							
Program Services	221,530	110,555	221,140	110,585	50%	224,000	49%
Salaries & Benefits	14,498	19,114	14,180	(4,934)	135%	21,845	87%
General & Administrative	16,568	14,371	13,568	(803)	106%	16,993	85%
Building Overhead	-	-	462	462	0%	2,767	-
Total Expenses	252,595	144,040	249,350	105,310	58%	265,605	54%
Net Profit (Loss)	\$ (2,405)	\$ 74,450	\$ 16,354	\$ 58,096	455%	\$ 395	18848%

Utah State Bar Fall Forum

August 31, 2019

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	-	-	-	-	#DIV/0!	74,000	0%
4052 · Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!	-	-
4053 · Meeting - Vendor Revenue	2,350	850	2,350	(1,500)	36%	6,400	13%
4055 · Meeting - Sp Ev Registration	-	-	-	-	#DIV/0!	-	-
Total Revenue	2,350	850	2,350	(1,500)	36%	80,400	1%
Expenses							
Program Services	-	-	-	-	#DIV/0!	59,466	0%
Salaries & Benefits	743	-	795	795	0%	8,827	0%
General & Administrative	1,088	31	1,082	1,051	3%	11,062	0%
Building Overhead	-	-	232	232	0%	1,383	-
Total Expenses	1,831	31	2,109	2,078	1%	80,738	0%
Net Profit (Loss)	\$ 519	\$ 819	\$ 241	\$ 578	340%	\$ (338)	-242%

Utah State Bar Spring Convention

August 31, 2019

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	330	-	250	(250)	0%	97,000	0%
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	387	-	310	(310)	0%	123,000	0%
Expenses							
Program Services	-	4,090	-	(4,090)	#DIV/0!	83,500	5%
Salaries & Benefits	141	-	198	198	0%	23,054	0%
General & Administrative	-	25	-	(25)	#DIV/0!	14,128	0%
Building Overhead	-	-	462	462	0%	2,766	-
Total Expenses	141	4,115	660	(3,455)	623%	123,448	3%
Net Profit (Loss)	\$ 246	\$ (4,115)	\$ (350)	\$ (3,765)	1176%	\$ (448)	919%

**Utah State Bar
Member Services
(Bar Journal, Member Benefits, Section Support, Legislative, Public Education & YLD)
August 31, 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	-	-	-	-	#DIV/0!	82,600	0%
4052 · Meeting - Sponsor Revenue	200	-	607	(607)	0%	1,790	0%
4061 · Advertising Revenue	31,904	27,247	31,146	(3,899)	87%	181,492	15%
4062 · Subscriptions	-	-	-	-	#DIV/0!	90	0%
4071 · Mem Benefits - Lexis	356	334	352	(18)	95%	1,455	-
4072 · Royalty Inc - Bar J, MBNA, LM,M	91	191	73	118	261%	6,680	3%
Total Revenue	32,551	27,771	32,178	(4,407)	86%	283,222	10%
Expenses							
Program Services	47,183	33,939	47,684	13,745	71%	308,514	11%
Salaries & Benefits	28,381	28,677	30,860	2,183	93%	202,067	14%
General & Administrative	23,835	28,052	36,258	8,206	77%	276,801	10%
Building Overhead	3,556	2,908	3,811	903	76%	21,662	13%
Total Expenses	102,955	93,576	118,613	25,037	79%	809,044	12%
Net Profit (Loss)	\$ (70,404)	\$ (65,805)	\$ (86,435)	\$ 20,630	76%	\$ (525,822)	13%

**Utah State Bar
Public Services
August 31, 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	1,725	1,550	1,755	(205)	88%	10,914	14%
4093 · Law Day Revenue	-	-	-	-	#DIV/0!	3,870	0%
4095 · Miscellaneous Income	-	10	-	10	#DIV/0!	10	100%
4120 · Grant Income	-	3,000	-	3,000	#DIV/0!	-	#DIV/0!
4200 · Seminar Profit/Loss	-	-	(82)	82	0%	(497)	-
Total Revenue	1,725	4,560	1,673	2,887	273%	14,297	32%
Expenses							
Program Services	73,066	81,661	81,745	84	100%	182,335	45%
Salaries & Benefits	43,449	53,374	49,664	(3,710)	107%	321,605	17%
General & Administrative	6,156	7,800	6,187	(1,613)	126%	41,321	19%
Building Overhead	2,365	2,188	2,413	225	91%	15,649	14%
Total Expenses	125,036	145,023	140,009	(5,014)	104%	560,910	26%
Net Profit (Loss)	\$ (123,311)	\$ (140,463)	\$ (138,336)	\$ (2,127)	102%	\$ (546,613)	26%

**Utah State Bar
Bar Operations
August 31, 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	391	487	393	94	124%	1,330	37%
4095 · Miscellaneous Income	163	163	254	(92)	64%	1,335	12%
4200 · Seminar Profit/Loss	-	-	-	-	#DIV/0!	-	-
Investment Income	35,529	33,756	57,616	(23,860)	59%	174,274	20%
Total Revenue	48,587	34,406	68,137	(33,731)	50%	210,561	23%
Expenses							
Program Services	91,704	123,388	127,977	4,589	96%	329,876	37%
Salaries & Benefits	198,800	212,260	205,597	(6,663)	103%	1,124,353	19%
General & Administrative	51,105	53,140	51,987	(1,153)	102%	251,140	21%
In Kind	705	817	837	20	98%	5,000	16%
Building Overhead	9,332	8,632	9,522	891	91%	61,741	14%
Total Expenses	351,646	398,237	395,920	(2,317)	101%	1,772,110	22%
Net Profit (Loss)	\$ (303,060)	\$ (363,831)	\$ (327,783)	\$ (36,048)	111%	\$ (1,561,549)	23%

**Utah State Bar
Facilities
August 31, 2019**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4039 · Room Rental-All parties	12,349	12,797	13,219	(422)	97%	110,000	12%
4042 · Food & Beverage Rev-All Parties	11,161	11,195	10,314	881	109%	115,800	10%
4043 · Setup & A/V charges-All parties	95	-	68	(68)	0%	1,000	0%
4090 · Tenant Rent	3,026	3,612	3,115	497	116%	21,700	17%
4095 · Miscellaneous Income	16	8	24	(16)	32%	100	8%
Total Revenue	26,647	27,612	26,740	872	103%	248,600	11%
Expenses							
Program Services	10,908	12,110	10,221	(1,889)	118%	114,184	11%
Salaries & Benefits	22,975	26,413	23,526	(2,887)	112%	153,764	17%
General & Administrative	4,021	1,408	2,170	762	65%	14,875	9%
In Kind	1,350	2,095	1,306	(789)	160%	15,277	14%
Building Overhead	37,107	33,814	38,113	4,299	89%	243,022	14%
Total Expenses	76,361	75,840	75,336	(504)	101%	541,122	14%
Net Profit (Loss)	\$ (49,714)	\$ (48,229)	\$ (48,596)	\$ 367	99%	\$ (292,522)	16%

Utah State Bar
Income Statement - Consolidated By Account
August 31, 2019

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4001 · Admissions - Student Exam Fees	550	-	535	(535)	0%	120,725	0%
4002 · Admissions - Attorney Exam Fees	1,700	425	1,709	(1,284)	25%	45,725	1%
4003 · Admissions - Retake Fees	1,100	-	1,245	(1,245)	0%	46,700	0%
4004 · Admissions - Laptop Fees	750	300	778	(478)	39%	53,850	1%
4006 · Transfer App Fees	6,900	14,550	6,892	7,658	211%	44,950	32%
4008 · Attorney - Motion	12,750	7,650	13,909	(6,259)	55%	51,000	15%
4009 · House Counsel	5,100	5,100	5,525	(425)	92%	22,100	23%
4010 · Section/Local Bar Support fees	45	-	-	-	#DIV/0!	100,837	0%
4011 · Admissions LPP	-	200	-	200	#DIV/0!	-	#DIV/0!
4020 · NLTP Fees	7,500	5,850	7,500	(1,650)	78%	65,250	9%
4021 · Lic Fees > 3 Years	3,557,995	3,608,250	3,627,818	(19,568)	99%	3,732,582	97%
4022 · Lic Fees < 3 Years	169,750	154,750	184,200	(29,450)	84%	239,045	65%
4023 · Lic Fees - House Counsel	34,000	38,880	38,083	797	102%	43,012	90%
4025 · Pro Hac Vice Fees	8,750	20,900	11,940	8,960	175%	82,689	25%
4026 · Lic Fees - Inactive/FS	117,600	121,455	121,397	58	100%	120,305	101%
4027 · Lic Fees - Inactive/NS	204,810	209,370	216,522	(7,152)	97%	218,187	96%
4029 · Prior Year Lic Fees	1,275	-	1,627	(1,627)	0%	3,432	0%
4030 · Certs of Good Standing	4,200	4,570	4,809	(239)	95%	34,058	13%
4039 · Room Rental-All parties	12,349	12,797	13,219	(422)	97%	110,000	12%
4042 · Food & Beverage Rev-All Parties	11,161	11,195	10,314	881	109%	115,800	10%
4043 · Setup & A/V charges-All parties	95	-	68	(68)	0%	1,000	0%
4051 · Meeting - Registration	199,750	182,105	214,954	(32,849)	85%	386,000	47%
4052 · Meeting - Sponsor Revenue	25,700	19,500	26,107	(6,607)	75%	57,290	34%
4053 · Meeting - Vendor Revenue	12,150	13,650	12,350	1,300	111%	26,400	52%
4054 · Meeting - Material Sales	-	-	-	-	#DIV/0!	-	-
4055 · Meeting - Sp Ev Registration	15,527	5,085	15,560	(10,475)	33%	17,500	29%
4060 · E-Filing Revenue	12,504	-	9,874	(9,874)	0%	33,622	0%
4061 · Advertising Revenue	31,904	27,247	31,146	(3,899)	87%	181,492	15%
4062 · Subscriptions	-	-	-	-	#DIV/0!	90	0%
4063 · Modest Means revenue	1,725	1,550	1,759	(209)	88%	10,939	14%
4071 · Mem Benefits - Lexis	356	334	352	(18)	95%	1,455	-
4072 · Royalty Inc - Bar J, MBNA, LM,M	91	191	73	118	261%	6,680	3%
4081 · CLE - Registrations	60,890	55,853	61,389	(5,536)	91%	470,218	12%
4082 · CLE - Video Library Sales	45,584	45,264	48,537	(3,273)	93%	90,000	50%
4084 · Business Law Book Sales	3,315	-	-	-	#DIV/0!	-	-
4090 · Tenant Rent	3,026	3,612	3,115	497	116%	21,700	17%
4093 · Law Day Revenue	-	-	-	-	#DIV/0!	3,870	0%
4095 · Miscellaneous Income	2,009	1,610	2,507	(897)	64%	21,329	8%
4096 · Late Fees	13,300	35,800	23,658	12,142	151%	63,033	57%
4103 · In - Kind Revenue - UDR	391	487	393	94	124%	1,330	37%
4120 · Grant Income	-	3,000	-	3,000	#DIV/0!	-	#DIV/0!
4200 · Seminar Profit/Loss	-	(8,900)	(82)	(8,818)	10853%	13,400	-66%
Investment income	35,529	33,756	57,616	(23,860)	59%	174,274	19%
Total Revenue	4,624,131	4,638,386	4,778,398	(140,012)	97%	6,833,869	68%
Program Service Expenses							
5001 · Meeting Facility-external only	16,156	69,616	14,657	(54,959)	475%	42,400	164%
5002 · Meeting facility-internal only	7,833	8,777	8,276	(501)	106%	62,208	14%
5013 · ExamSoft	14,998	-	15,567	15,567	0%	21,000	0%
5014 · Questions	171	110	6,265	6,155	2%	79,500	0%
5015 · Investigations	50	100	41	(59)	244%	352	28%
5016 · Credit Checks	27	59	29	(30)	202%	2,200	3%
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	505	5,000	4,495	10%	24,850	2%
5031 · Speaker Reimb. - Receipt Req'd	368	1,465	400	(1,065)	366%	18,266	8%

Utah State Bar
Income Statement - Consolidated By Account
August 31, 2019

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
5035 · Awards	694	801	897	96	89%	5,087	16%
5037 · Grants/ contributions - general	-	3,000	-	(3,000)	#DIV/0!	6,400	47%
5040 · Witness & Hearing Expense	77	19	191	173	10%	4,464	0%
5041 · Process Serving	417	83	513	430	16%	1,491	6%
5046 · Court Reporting	-	-	-	-	#DIV/0!	920	0%
5047 · Casemaker	11,944	6,103	12,144	6,041	50%	73,800	8%
5055 · Legislative Expense	7,000	7,000	8,840	1,840	79%	60,110	12%
5060 · Program Special Activities	-	-	-	-	#DIV/0!	-	-
5061 · LRE - Bar Support	65,000	65,000	65,000	-	100%	65,000	100%
5062 · Law Day	-	-	-	-	#DIV/0!	8,715	0%
5063 · Special Event Expense	67,674	16,552	64,057	47,505	26%	89,750	18%
5064 · MCLE Fees Paid	7,212	2,599	9,433	6,834	28%	44,000	6%
5070 · Equipment Rental	16,877	32,730	12,450	(20,280)	263%	44,756	73%
5075 · Food & Bev-external costs only	133,126	16,333	137,302	120,969	12%	452,082	4%
5076 · Food & beverage - internal only	4,972	7,578	5,206	(2,372)	146%	66,908	11%
5079 · Soft Drinks	1,449	1,022	1,425	403	72%	10,334	10%
5085 · Misc. Program Expense	1,257	5,818	1,236	(4,582)	471%	10,344	56%
5090 · Commission Expense	7,008	4,081	5,687	1,606	72%	27,176	15%
5095 · Wills for Heroes	21	82	40	(42)	206%	856	10%
5096 · UDR Support	-	-	-	-	#DIV/0!	-	-
5099 · Blomquist Hale	12,322	12,288	12,330	42	100%	73,881	17%
5702 · Travel - Lodging	18,272	10,168	17,103	6,935	59%	55,147	18%
5703 · Travel - Transportation/Parking	1,467	5,764	1,511	(4,253)	381%	19,672	29%
5704 · Travel - Mileage Reimbursement	8,074	2,134	3,834	1,700	56%	13,433	16%
5705 · Travel - Per Diems	1,662	1,437	1,067	(370)	135%	4,523	32%
5706 · Travel - Meals	37	-	48	48	0%	958	0%
5707 · Travel - Commission Mtgs	41,599	11,286	29,878	18,592	38%	39,202	29%
5805 · ABA Annual Meeting	18,418	7,163	19,126	11,963	37%	23,727	30%
5810 · ABA Mid Year Meeting	-	-	-	-	#DIV/0!	19,930	0%
5815 · Commission/Education	17,199	12,750	16,807	4,057	76%	25,423	50%
5820 · ABA Annual Delegate	5,272	4,818	6,319	1,501	76%	11,938	40%
5830 · Western States Bar Conference	1,740	-	1,076	1,076	0%	17,146	0%
5840 · President's Expense	4,578	3,770	4,486	716	84%	20,000	19%
5841 · President's Reimbursement	-	2,754	80	(2,674)	3443%	1,441	191%
5845 · Reg Reform Task Force	-	-	-	-	#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	7,679	20,100	6,850	(13,250)	293%	30,000	67%
5866 · Well-Being Committee	-	8,433	8,334	(99)	101%	50,000	17%
5867 · Bar Membership Survey	-	-	-	-	#DIV/0!	50,000	0%
5868 · UCLl Support	-	50,000	50,000	-	100%	50,000	100%
5960 · Overhead Allocation - Seminars	-	-	4,901	4,901	0%	10,750	0%
5970 · Event Revenue Sharing - 3rd Pty	10,493	14,917	19,943	5,026	75%	71,000	21%
Total Program Service Expenses	519,088	421,361	582,269	160,908	72%	1,848,873	23%
Salaries & Benefit Expenses							
5510 · Salaries/Wages	495,537	533,228	516,287	(16,941)	103%	2,881,554	19%
5605 · Payroll Taxes	36,417	40,013	37,513	(2,500)	107%	213,905	19%
5610 · Health Insurance	36,684	43,683	38,138	(5,545)	115%	256,314	17%
5620 · Health Ins/Medical Reimb	1,196	675	1,906	1,231	35%	8,362	8%
5630 · Dental Insurance	2,295	2,582	2,346	(236)	110%	15,373	17%
5640 · Life & LTD Insurance	2,672	2,958	2,696	(262)	110%	17,616	17%
5645 · Workman's Comp Insurance	437	438	466	28	94%	2,650	17%
5650 · Retirement Plan Contributions	41,382	44,043	45,419	1,376	97%	242,708	18%
5655 · Retirement Plan Fees & Costs	-	-	(1)	(1)	0%	15,397	0%
5660 · Training/Development	1,869	9,710	3,237	(6,473)	300%	26,785	36%
Total Salaries & Benefit Expenses	618,489	677,330	648,007	(29,323)	105%	3,680,664	17%

Utah State Bar
Income Statement - Consolidated By Account
August 31, 2019

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
General & Administrative Expenses							
7025 · Office Supplies	6,816	4,312	7,128	2,816	60%	24,870	17%
7033 · Operating Meeting Supplies	4,026	3,672	4,026	354	91%	23,155	16%
7035 · Postage/Mailing, net	14,063	12,365	12,307	(58)	100%	61,456	20%
7040 · Copy/Printing Expense	28,896	24,682	27,423	2,741	90%	158,848	16%
7041 · Copy/Print revenue	(3,933)	(1,022)	(4,088)	(3,066)	25%	(26,249)	4%
7045 · Internet Service	2,376	786	4,146	3,360	19%	14,467	5%
7050 · Computer Maintenance	4,552	5,495	4,327	(1,168)	127%	38,275	14%
7055 · Computer Supplies & Small Equip	1,787	2,217	1,826	(391)	121%	14,078	16%
7089 · Membership Database Fees	4,000	4,000	4,150	150	96%	41,382	10%
7100 · Telephone	7,878	6,566	7,146	580	92%	47,750	14%
7105 · Advertising	2,250	5,700	5,634	(66)	101%	106,318	5%
7106 · Public Notification	-	-	-	-	#DIV/0!	1,225	0%
7110 · Publications/Subscriptions	1,547	5,136	1,327	(3,809)	387%	19,323	27%
7115 · Public Relations	-	-	8,334	8,334	0%	50,000	0%
7120 · Membership/Dues	5,945	7,839	6,660	(1,179)	118%	12,133	65%
7135 · Bank Service Charges	359	382	359	(23)	106%	1,257	30%
7136 · ILM Service Charges	2,786	2,809	2,566	(243)	109%	16,298	17%
7138 · Bad debt expense	-	-	-	-	#DIV/0!	-	-
7140 · Credit Card Merchant Fees	20,791	22,883	19,027	(3,856)	120%	109,834	21%
7141 · Credit Card surcharge	(14,998)	(18,629)	(14,132)	4,497	132%	(59,836)	31%
7145 · Commission Election Expense	-	-	-	-	#DIV/0!	3,250	0%
7150 · E&O/Off & Dir Insurance	8,587	8,659	8,712	53	99%	52,267	17%
7160 · Audit Expense	25,656	10,000	26,003	16,003	38%	34,000	29%
7170 · Lobbying Rebates	111	119	70	(49)	171%	114	105%
7175 · O/S Consultants	6,353	11,525	4,852	(6,674)	238%	112,742	10%
7176 · Bar Litigation	667	361	2,617	2,257	14%	25,000	1%
7177 · UPL	138	15,422	66	(15,356)	23367%	3,960	389%
7178 · Offsite Storage/Backup	741	343	298	(45)	115%	4,681	7%
7179 · Payroll Adm Fees	477	503	471	(32)	107%	2,853	18%
7180 · Administrative Fee Expense	152	161	172	11	94%	877	18%
7190 · Lease Interest Expense	-	-	-	-	#DIV/0!	701	0%
7191 · Lease Sales Tax Expense	-	-	-	-	#DIV/0!	-	#DIV/0!
7195 · Other Gen & Adm Expense	-	2,152	-	(2,152)	#DIV/0!	13,914	15%
Total General & Administrative Expenses	132,021	138,438	141,427	2,989	98%	908,946	15%
In Kind Expenses							
7103 · InKind Contrib-UDR & all other	2,055	2,912	2,143	(769)	136%	20,277	14%
Total In Kind Expenses	2,055	2,912	2,143	(769)	136%	20,277	10%
Building Overhead Expenses							
6015 · Janitorial Expense	4,447	5,086	4,675	(411)	109%	31,209	16%
6020 · Heat	1,957	1,179	2,128	949	55%	22,437	5%
6025 · Electricity	10,345	9,868	10,726	858	92%	47,638	21%
6030 · Water/Sewer	2,536	2,639	2,556	(83)	103%	7,627	35%
6035 · Outside Maintenance	1,538	834	1,629	795	51%	14,124	6%
6040 · Building Repairs	1,742	1,574	1,563	(11)	101%	20,969	8%
6045 · Bldg Mtnce Contracts	5,517	5,516	5,581	65	99%	36,050	15%
6050 · Bldg Mtnce Supplies	62	-	61	61	0%	4,611	0%
6055 · Real Property Taxes	6,035	4,310	6,752	2,442	64%	33,743	13%
6060 · Personal Property Taxes	74	70	80	10	88%	460	15%
6065 · Bldg Insurance/Fees	2,831	3,040	2,912	(128)	104%	17,834	17%
6070 · Building & Improvements Depre	8,464	9,002	8,559	(443)	105%	54,832	16%
6075 · Furniture & Fixtures Depre	2,264	1,435	2,466	1,031	58%	14,857	10%
7065 · Computers, Equip & Sftwre Depr	25,856	22,317	26,983	4,666	83%	181,723	12%
Total Building Overhead Expenses	73,668	66,869	76,671	9,802	87%	488,114	15%
Total Expenses	1,345,320	1,306,909	1,450,516	143,608	90%	6,946,874	19%

Utah State Bar
Income Statement - Consolidated By Account
August 31, 2019

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Net Profit (Loss)	\$ 3,278,810	\$ 3,331,477	\$ 3,327,882	\$ 3,596	100%	\$ (113,005)	

Utah State Bar Balance Sheets

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

UTAH STATE BAR
Membership Statistics
August 31, 2019

<u>STATUS</u>	<u>08/31/18</u>	<u>08/31/19</u>	<u>Change</u>
Active	8,415	8,499	84
Active under 3 years	712	671	(41)
Active Emeritus	219	224	5
In House Counsel	87	98	11
Foreign Legal Counsel	2	2	-
Subtotal - Active	9,435	9,494	59
Inactive - Full Service	787	813	26
Inactive - No Service	1,944	1,962	18
Inactive Emeritus	312	206	(106)
Inactive House Counsel	-	6	6
Subtotal - Inactive	3,043	2,987	(56)
Total Active and Inactive	12,478	12,481	3
<u>Supplemental Information</u>			
Paralegals	144	165	21
Associate Section Members	117	119	2
Journal Subscribers	125	125	-
<u>Active Attorneys by Region</u>			
1st Division (Logan - Brigham)	171	178	7
2nd Division (Davis - Weber)	868	883	15
3rd Division (Salt Lake)	5,461	5,469	8
4th Division (Utah)	1,205	1,208	3
5th Division (Southern Utah)	489	486	(3)
Out of State	1,241	1,270	29
Total Active Attorneys	9,435	9,494	59

INSTITUTIONAL LIQUIDITY MANAGEMENT

Balance Sheet Classification

ILM-UT ST BAR (3176)

Base Currency: USD As of 08/31/2019

Dated: 09/25/2019

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	5,818,840.81	AAA	2.230	08/31/2019	2.240	2.240	5,820,328.03	2.88	1.0006	0.00	5,620,330.91
CCYUSD	Cash	10,319.92	AAA	0.000	08/31/2019	0.000	0.000	10,319.92	0.00	1.0000	0.00	10,319.92
---	---	5,827,160.73	AAA	---	08/31/2019	2.236	2.236	5,830,647.95	2.88	---	0.00	5,630,650.83

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
13607RAB6	CANADIAN IMPERIAL BANK OF COMMERCE	220,000.00	AA	1.600	09/09/2019	2.858	1.933	218,962.93	24.31	99.9942	1,711.11	221,698.35
65557CAV5	NORDEA BANK AB	200,000.00	AA-	1.625	09/30/2019	3.039	2.418	199,780.52	84.88	99.9327	1,363.19	201,228.59
20271RAH3	COMMONWEALTH BANK OF AUSTRALIA	300,000.00	AA-	2.300	09/09/2019	2.868	2.370	299,977.29	17.94	99.9984	3,354.17	303,348.37
17325FAF5	CITIBANK NA	250,000.00	AA-	1.850	09/18/2019	2.873	2.188	249,883.55	72.20	99.9823	2,094.10	252,049.85
74153WCK3	PRICOA GLOBAL FUNDING I	300,000.00	AA-	1.450	09/13/2019	2.865	2.206	289,863.52	53.08	99.9722	2,030.00	301,846.60
00182EBE8	ANZ NEW ZEALAND (INTL) LTD	200,000.00	AA-	2.200	07/17/2020	3.297	1.988	198,124.29	2,242.31	100.1833	537.78	200,904.38
48127HAA7	JPMORGAN CHASE & CO	350,000.00	A	2.200	10/22/2019	2.807	2.275	348,707.99	245.11	99.9868	2,759.17	352,712.27
94988JSL7	WELLS FARGO BANK NA	350,000.00	AA	2.400	01/15/2020	2.898	2.128	348,387.15	978.30	100.0987	1,073.33	351,418.78
---	---	2,170,000.00	AA-	---	11/07/2019	2.916	2.197	2,186,887.22	3,716.12	---	14,922.85	2,185,308.19

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	4,050.00	1.3500	0.00	4,050.00
525ESC1Y5	LEHMAN ESCROW	300,000.00	NA	0.000	01/01/2049	0.000	---	0.00	4,050.00	1.3500	0.00	4,050.00

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
---	---	8,297,160.73	AA+	---	09/24/2019	2.421	2.225	7,997,315.17	7,771.00	---	14,922.85	8,020,009.02

* 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