

## UTAH STATE BAR COMMISSION MEETING

**October 15, 2021**

**Zoom:** <https://us02web.zoom.us/j/86872323990>

### **AGENDA**

**1. 9:00 a.m. President's Report: Heather Thuet**

- 02 Mins.* 1.1 Admissions Ceremony **October 19<sup>th</sup>** - Noon
- 03 Mins.* 1.2 Lawyer-Legislator Breakfast **November 17<sup>th</sup>** - 7:30 am
- 03 Mins.* 1.3 Jackrabbit Bar Meeting Report: **Katie Woods**
- 03 Mins.* 1.4 Northwestern Bars Meeting Report: **Katie Woods**
- 03 Mins.* 1.5 Meeting with Court Report: **Heather Thuet**

**2. 9:15 a.m. Information Items**

- 10 Mins.* 2.1 Reimagining the Bar Committee: **Katie Woods**

**3. 9:30 Discussion Items**

- 05 Mins.* 3.1 West High Mock Trial Funding Request [\(Tab 1, Page 3\)](#)
- 05 Mins.* 3.2 Pro Bono CLE Credit and License Fees: **Heather Thuet**

**4. 9:45 a.m. Action Items**

- 02 Mins.* 4.1 Approve Fall Forum Co-Chairs
- 02 Mins.* 4.2 Approve Summer Convention Co-Chairs
- 20 Mins.* 4.3 Select Award Recipients: **Michelle Quist** [\(Tab 2, Page 9\)](#)
  - A. Mentoring Awards
  - B. Professionalism Award
  - C. Community Member Award
- 10 Mins.* 4.4 6th District Judicial Nominating Commission [\(Tab 3, Page 38\)](#)
- 10 Mins.* 4.5 Section Policies & Procedures Amendments: [\(Tab 4, Page 45\)](#)  
**Nancy Sylvester**

**10:45 a.m. Adjourn**

### **CONSENT AGENDA**

[\(Tab 5, Page 61\)](#)

(Approved without discussion if no objection is raised)

1. Approve minutes of August 26, 2021 Commission Meeting
2. Approve Legal Services Corporation Appointments
3. Approve Amendments to YLD Bylaws
4. Paralegal Division Rule Amendments

## **ATTACHMENTS**

(Tab 6, Page 97)

1. September 2021 Financials
2. 2021 New Lawyers and Judges Reception Invitation

## **CALENDAR**

<b>October 19</b>	Bar Admissions Ceremony	Noon	Virtual
<b>October 21</b>	New Lawyers and Judges Reception	5:00 p.m.	SpyHop Rooftop Patio
<b>November 12</b>	Executive Committee	Noon	Telephone/Video Conference
<b>November 17</b>	Breakfast with Lawyer Legislators	7:30 a.m.	State Capitol Boardroom
<b>November 18</b>	Commission Meeting	9:00 a.m.	Law & Justice Center
<b>November 19</b>	Fall Forum		Little America Hotel, SLC
<b>December 10</b>	Executive Committee	Noon	Telephone/Video Conference
<b>December 17</b>	Commission Meeting	9:00 a.m.	Law & Justice Center

## **2022**

**January 1** President-elect Election Notices Due

### ***Looking ahead:***

April 6-7, 2022 - ABA Day, Washington D.C.

June 2-4, 2022 – Jackrabbit Bar in South Dakota

# TAB 1



### **Ronak Agarwal**

My name is Ronak Agarwal, and I am currently a 16-year-old junior at West High School. My parents are originally from India, but I have lived in Utah my whole life. My first year at West was in the eighth grade, and my eyes were

opened to a whole new world. Before West, I attended a very small school with little diversity and in which I did not have the opportunity to meet new people. Moving to West was an amazing learning experience because of the unlimited freedom to excel and meet dozens of new and interesting people. Additionally, the environment of a high school allowed me to join Mock Trial in the eighth grade. Competing in Mock Trial has been incredibly fun for me because of the intricateness of the cases and the thrill of thinking on the spot. Additionally, being the captain of our team has given me the opportunity to develop leadership skills. My experience in Mock Trial has opened up a whole new field for me; beforehand, I was only interested in STEM, but now I am engrossed by law as well. Some extracurriculars other than Mock Trial that I enjoy include mathematics, debate, research, MUN, and HOSA. Additionally, I enjoy climbing, cooking, reading, playing ultimate, playing the violin and piano, and taking online courses.



### **Sharayu Senthilkumar**

My name is Sharayu Senthilkumar and I'm a Junior at West High school. I was born in India and I moved to the US when I was 4. Both my parents are from Tamil

Nadu, in India and we speak Tamil at home. We also recently received our US citizenship in April of 2021. I have been at West for almost four and a half years now, as I started here in 7th grade. West High has been a wonderful place for me to grow and learn because I have access to a diverse set of opportunities, allowing me to pursue challenging classes and activities. Mock Trial has been one of my

favorite activities since I joined the team just over a year ago. The environment is engaging and challenging, and similar to my classes at West, as I am surrounded by amazing coaches and team members. The critical thinking skills and practice for public speaking that I have learned from competing in Mock Trial have been proven to be invaluable outside of the club. I also compete on the West debate team, HOSA, and Model UN. I work two jobs: I teach young kids math and reading and I research epilepsy treatments at a lab in the University of Utah. I am interested in going to college and potentially law school in the future.



### **Brendon Young**

My name is Brendon Young. I am currently a junior at West High School. My father is from China and my mother is from Taiwan. I was born in California before I moved to Utah at the age of 5. In school, I always looked forward to

my math and science classes as numbers correlating with the world around me always intrigued me. Solving those types of problems made me realize how much I enjoy critical thinking applied at every level, especially in Mock Trial. Every time I go to Mock Trial practices, I am surrounded by wonderful coaches and peers who make practices very engaging and meaningful while allowing all of us to have fun. Mock Trial not only trains my speaking and thinking skills, but also gives me confidence as an individual as I present my case and ideas in a real court environment. It taught me that the presentation and argumentation of connecting the dots for others to easily follow along substantially has more weight than being right or wrong in the real world. These experiences have made me very interested in the intricacies and practice of law. In my opinion, the skills, teamwork, and experience obtained through Mock Trial cannot be simply described in words in how much it elevates an individual. Outside of Mock Trial, I fence, participate in Model United Nations, Debate, Health Occupations Students of America, Science Fair, Science Olympiad, and work as a research volunteer in a genetics cancer lab.



### **Tanvi Bandiatmakur**

My name is Tanvi Bandiatmakur. I am a sophomore at West High School and I went to elementary school at Challenger School. Both of my parents were born and raised in India and moved to Salt Lake City where my brother and I were born. Apart from

Mock Trial, I do Health Occupations Students of America, which is a competition with medical-based events, Science Olympiad, Model United Nations, Environment Club, Key Club, and Ethics Bowl. I am also a trained Indian classical dancer and have been learning the art for over a decade. I find Mock Trial extremely interesting especially because it is a simulation of what happens in the real world and how people are defended in a court of law. I also love being on a team with diverse yet like-minded people who are able to understand each other and prepare for our trials.



### **Sofia Moretti**

My name is Sofia Moretti. I moved to Utah in sixth grade from Houston, Texas. Moving from Houston to Salt Lake was a big shift, but I like Utah more, because of all the mountain activities available. My dad immigrated from Italy to the US

to pursue a career in the medical field, and my mom grew up in Utah. I'm a sophomore at West High School in the pre-IB program. On the weekends, I'm usually working or studying. I work at a cookie shop in Sugarhouse, as a baker. My hobbies include skiing, hiking, dance, weightlifting, reading, crocheting, and talking to my friends. I am currently looking to go into the medical field like my parents, probably something to do with neurology, but I really enjoy studying law as well, so that might change. I may also apply my knowledge and experience in law to stand out in the medical field. I have been doing Mock Trial since 7th grade, and when I first joined, I never thought I would enjoy it as much as I did. I love Mock Trial because it has given me opportunities to learn different rules, terms, and laws

I never thought I would need or want to know, along with getting to feel a strong sense of community.



### **Chaithra Duggineni**

Hi, my name is Chaithra, and I am a sophomore at West High School! My parents are both from South India, but I was born and raised in Utah. I went to Challenger School up until 7th grade when I moved to West for their ELP program. I am on the West Tennis team and

really enjoy playing. Tennis is one of my favorite sports because it is incredibly fun and I get to play with my friends, which is part of the reason why I got into Mock Trial. All my friends started in 7th grade, but I started in 8th grade because they had told me all about the fun competitions and how amazing it was to be on a team with incredible and intelligent people. I also wanted to explore other pathways and see what I liked. I really enjoy Mock Trial, as all the people that are a part of it make it truly amazing. Currently, I am thinking about going into the medical field, but I would much prefer it if I were armed with the experiences and knowledge that Mock Trial provides.



### **Amrita Krishna**

My name is Amrita Krishna, and I'm a Junior at West High. I've been attending West since 7th grade, and I love it. Our school is filled with smart, ambitious, incredible people, who all make the experience of going

to school so much more enjoyable than it should be. Attending West has also allowed me to be part of Mock Trial. I joined Mock Trial this past year, and it has taught me so much about law and cooperation. Additionally, it's been extremely fun to learn about things that are regularly practiced in real life in an educational manner. Other than Mock Trial, I enjoy debate, cross country running, going to the library and watching television.





### **Caroline Cooper**

My name is Caroline Cooper. I'm 16-years-old and a junior at West High School. Before West, I went to Emerson Elementary School in Salt Lake City and was in a Spanish dual immersion program. So even though I am half white, half

Korean, I'm fluent in Spanish. In addition to Mock Trial, I participate in Ethics Bowl and swim competitively. In my free time, I love getting outdoors to canyoneer, hike, and ski. This is my first year in Mock Trial, and I have loved learning about court and studying the case. It has given me the opportunity to practice communicating efficiently, formulating arguments, thinking on my feet, and working with others. I can learn a lot not only from our great coaches but also my impressive teammates. Aside from preparing for the trial, it is also a lot of fun spending time with the team at our meetings.



### **Lasya**

### **Jonnalagedda**

My name is Lasya Jonnalagedda. My family comes from India but I was born in America. I live in Utah. Previously I went to Challenger School, but now I am in the pre International-Baccalaureate

program at West High school. I'm currently a part of Mock Trial, Future Business Leaders of America, Health Occupations Students of America, and Model United Nations. In my spare time, I train with a triathlon team and enjoy cooking. I enjoy Mock Trial because it has allowed me to grow in multiple ways such as speaking, accepting criticism, and as a person as I have learned to think from more than one perspective.



### **Lydia May**

My name is Lydia May. I'm a Junior at West High School and a fifth generation Utahn. As a long time fan of legal tv shows, I was very excited when I heard that West High School had a

Mock Trial team. Although I now realize there are several key differences (no surprise witnesses) I am still extremely glad I joined Mock Trial because it is actually more interesting than legal TV. I enjoy Mock Trial because it offers me a chance to practice critical thinking skills, improving public speaking and persuasion abilities, and meet new interesting people. Outside of Mock Trial, I am involved in Debate, FBLA, and Model United Nations.



### **Diya Oommen**

My name is Diya Oommen, and I am a 15-year-old sophomore at West High School. I own a small business that I've been running for the past 5 years, and I sell both online and in storefronts around

Salt Lake City. As suppliers and customers bring in their various viewpoints, it's instilled in me the passion to be understanding of their position and evaluate the pros and cons to bring a resolution to the issue at hand. It's this same passion that's helped me improve and apply my skills from Mock Trial to my real-world experiences. This year I was elected Sophomore Vice President at West High School, which has given me the chance to practice the community building I've learned from Mock Trial to help build connections among my peers. My experience in applying the skills I've learned from Mock Trial to other parts of my life has made me very interested in potentially pursuing law in the future. Mock trial has brought me so much excitement by giving me the opportunity to work with my peers and apply law to bring cases to a close!



## Fact Summary

BY COLLIN TIERNEY  
CASE COMMITTEE CO-CHAIR

### Introduction

On December 11, 2019, the United States Department of Justice sent shockwaves around the world when it charged dozens of wealthy elites in an unprecedented college admissions fraud scandal. Celebrities and prestigious universities, once revered for their reputations, found themselves staring down the barrel of overwhelming negative public opinion and outrage.

*The Chronicle Tides*, a news publication on the island of Empirion, caught several lucky breaks during this scandal. Chief among which was the discovery that one of Empirion's very own celebrities, world-famous golf pro, Rob Nicholson, was caught up in the scandal too.

It appeared that Nicholson had hired the central figure in the college admissions scandal, a consultant named Joseph Carr. Mysteriously, Nicholson's child, the somewhat reclusive, very-much-not-a-golfer Randi Nicholson, had somehow secured admission to the elite University of Manhattan. Further investigation by *The Chronicle Tides* suggested that Randi Nicholson may have only secured their acceptance using a fraudulent golfing background and some expensive pulled strings.

All of these facts connected Rob Nicholson, a hardworking athlete and a beloved public figure, to a scandal big enough to bring him down. Much like the other elites facing federal indictments, it appeared that Nicholson's child had only been admitted to college by forging a history of athletic achievements.

The Department of Justice had promised additional federal charges. Was the Nicholson family next? That was the question *The Chronicle Tides* posed in an article they published just 48 hours later, on December 13, 2019, laying bare the fruits of their investigation.

There was just one problem: *The Chronicle Tides* was wrong. The Nicholsons weren't facing criminal charges. That's because the Nicholson family had never hired a college admissions consultant in the first place. Nor had University of Manhattan freshman, Randi Nicholson, ever tried to use athletics as a basis to earn admission there.

Unfortunately, the truth took more time to explain than the story did. The facts were not enough to stop the public outrage.

Randi Nicholson had worked hard to build an individual brand separated from Rob Nicholson's name or reputation. Randi wasn't much with a golf club, but when it came to cooking Randi was an artist—a renowned one, with millions of followers on social media. For years, Randi Nicholson had worked behind the scenes on their very own YouTube, Twitter, and Instagram accounts to create a culinary empire. Randi

## FACT SUMMARY

successfully secured sponsorships, a book deal, and even had their own brand of coffee in the works, all before starting college at the University of Manhattan. In December 2019, just five months into their first year at college, Randi watched their sponsorships dry up and social media followers dissolve in the wake of *The Chronicle Tides'* hit piece..

Now, in this trial, Randi Nicholson wants justice. The Nicholson family has filed a lawsuit alleging defamation because *The Chronicle Tides*, in their haste to get a quick click from a sensational headline, defamed Randi Nicholson's reputation by alleging Rob and Randi Nicholson were criminals. *The Chronicle Tides*, it is alleged, did only cursory research for this story and failed to check the sources that mattered most.

### Why Defamation?

As you know, Empire feels it's important to develop fact patterns that are topical. There is certainly nothing more topical than COVID-19; however, the tragedy of the pandemic has dominated our lives for the past 18 months. So, we decided to create a case that doesn't discuss COVID directly, but still addresses a relevant issue during the pandemic: truth and the news.

We hear the term 'fake news' used often in today's discourse. What does 'fake news' actually mean? What does it take to investigate a story and cover an issue responsibly? Whose rights are impacted when a story unfolds, and what steps can a reader take to consume the news with a critical eye? How has social media impacted journalistic ethics?

This is becoming more important than ever before in the age of internet news and social media influence. Today, anyone can find themselves a celebrity if they create content that is enjoyable to others online. It's easy to find news that suits your individual preferences and interests and content creators can accidentally become the center of attention due to developments both within and outside of their control. The case this year presents a combination of these new problems for the students to tackle.

Key to these lessons is the Pre-Trial Oral Argument itself, which this year presents possibly the biggest change in the case of any POA argument before now: changes to the law itself. Our POA argument this year is about the core of defamation law—America's controversial public/private figure status, and the burden of proof that changes depending on which label the court places on Randi Nicholson the Plaintiff. Nicholson has filed a motion *in limine* asking to be treated as a private figure. *The Chronicle Tides*, quick to point out Nicholson's millions of followers on social media, wants Nicholson to be treated as a public figure. Which standard will apply, and what elements will the jury be instructed on? That's up to the presiding judge of each different trial the students will try this season.

We hope you enjoy *Nicholson v. The Chronicle Tides*.

**Collin Tierney**

2021 Case Committee Co-Chair



# TAB 2

## UTAH STATE BAR AWARDS COMMITTEE AWARD RECOMMENDATION

**TO:** Utah State Bar Commission

**DATE:** October 15, 2021

**RE:** **AWARD RECOMMENDATION – 2021 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. Ann Marie Taliaferro
2. Ed Wall
3. Kent B. Scott (2020 Nominee)

**RECOMMENDATION:**

The Utah State Bar Awards Committee met on October 11, 2021 to review and discuss the nominations and voted to recommend awards to the following:

The James Lee Mentoring Award -	Kent B. Scott
The Charlotte Miller Mentoring Award -	Ann Marie Taliaferro
The Paul Moxley Mentoring Award -	Ed Wall

**PREVIOUS RECIPIENTS:**

**LEE AWARD:**

2016	Rodney G. Snow
2017	Joseph O. Walkowski
2018	Cheryl M. Mori
2019	Walter A. Romney, Jr.
2020	Hon. Laura Scott

**MILLER AWARD:**

2016	Jonathan O. Hafen
2017	Patricia W. Christensen
2018	William F. Atkin
2019	Kathleen McConkie
2020	Nicholas Mills

**MOXLEY AWARD**

2016	K. Dawn Atkin
2017	Troy L. Booher
2018	Shawn McGarry
2019	Susan Peterson
2020	Bruce Dobb



**Christy Abad**

---

**From:** John Baldwin  
**Sent:** Thursday, February 25, 2021 2:21 PM  
**To:** Christy Abad  
**Subject:** Fwd: Outstanding Mentor Award.

Sent from my iPhone

Begin forwarded message:

**From:** Judge Royal Hansen <rhansen@utcourts.gov>  
**Date:** February 25, 2021 at 2:01:46 PM MST  
**To:** John Baldwin <john.baldwin@utahbar.org>  
**Subject:** Outstanding Mentor Award.

This is a nomination for Kent B. Scott for one of the three named Outstanding Mentor Awards. Kent has made it a practice to always have a new law school graduate as someone he can mentor. These include new associates in his firm and young lawyers who would benefit from some additional training.

Kent made it a practice to visit my court during his tour of the Matheson Courthouse and Judge Benson at the Federal District Court. He made sure the new lawyers not only met the judges but he also made arrangements for the mentees to become acquainted with the clerical staff. Kent would supervise and schedule court appearances, review of pleadings and case strategy for all matters assigned to the new layers. Kent also reviewed ADR possibilities with each new lawyer and their assigned cases. He introduced the new lawyers to the mediation Best Practises Guide, so they were familiar with the ADR process.

After mentoring these new layers, Kent would then meet with each of them to discuss possible employment opportunities.

Kent would be an ideal candidate for the award of Outstanding Mentor . Please let me know if you need additional information regarding Mr. Scott.

Judge Royal Hansen



**Christy Abad**

---

**From:** WordPress <Nominations@utahbar.org>  
**Sent:** Friday, September 24, 2021 12:02 AM  
**To:** Christy Abad  
**Subject:** New submission from Nomination Bar Awards

**Nominator Name**

Jenifer Tomchak

Utah State Bar Member

**Nominee's Name**

Ann Marie Taliaferro

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

On behalf of the Women Lawyers of Utah, I write to nominate Ann Marie "Annie" Taliaferro for the Fall Forum Mentorship Awards. As demonstrated by the attached letters of support, Ms. Taliaferro is a mentor who has gone above and beyond in her efforts to mentor young attorneys.

Ms. Taliaferro has been a criminal defense lawyer for the law firm of Brown Moffatt & Bradshaw since she began practicing in 2000. She was a natural mentor, having served as a coach and teacher in her pre-law life. She has mentored, officially and unofficially, hundreds of students, new lawyers, and colleagues. Her mentees describe her as "generous," always "willing to volunteer her time and expertise," "sharp," "thoughtful," dedicated, "passionate," and "welcoming." "She embodies everything that is good in the practice of law and makes sure to instill that same passion in her mentees."

In addition to her individual mentorship work, Ms. Taliaferro also seeks to mentor attorneys through her leadership. She serves on the case oversight committee for the Rocky Mountain Innocence Center. She is on the CJA Standing Committee and the CJA Panel Attorney since 2009 and 2007, respectively. Altogether, she had donated hundreds of hours of her time and expertise to improving the quality of practice and life for those around her.

We appreciate your time and careful consideration of this nomination.

**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**

Jenifer Tomchak

**Bar Number**

10127

**Email address**

[jen.tomchak@tomchaklaw.com](mailto:jen.tomchak@tomchaklaw.com)

**Date**

9/23/2021



## WOMEN LAWYERS of UTAH

### 2020-2021 Board

**Beth Kennedy,**  
President

**Amy Oliver,**  
President Elect

**Kimberly Neville,**  
Past President

**Evangeline Burbidge,**  
Treasurer

**Jenifer Tomchak,**  
Secretary

**Lauren Shurman,**  
Career Advancement  
Committee Chair

**Taylor Webb &  
Katie Hudman,**  
CLE Committee Chairs

**Grace Pusavat,**  
Community Outreach  
Committee Chair

**Allison Phillips Belnap,**  
Wellness Committee Chair

**Holly Nelson,**  
Judicial Mentoring  
Committee Chair

**Anne Freeland,**  
Membership &  
Publicity Chair

**Scarlet Smith &  
Mica McKinney,**  
Special Projects  
Committee Chairs

**Emily Tabak,**  
Retreat Chair

**Sarah Hafen,**  
Partnership Mentoring Chair

**Brit Merrill,**  
Historian

**Naz Scott,**  
In-House Attorney Liaison

**Rachel Terry,**  
Government Attorney Liaison

**Pat Christensen,**  
WLU Advisor

**Judge Laura Scott &  
Judge Denise Porter,**  
Judicial Representatives

September 23, 2021

Dear Commissioners:

On behalf of the Women Lawyers of Utah, I write to nominate Ann Marie "Annie" Taliaferro for the Fall Forum Mentorship Awards. As demonstrated by the attached letters of support, Ms. Taliaferro is a mentor who has gone above and beyond in her efforts to mentor young attorneys.

Ms. Taliaferro has been a criminal defense lawyer for the law firm of Brown Moffatt & Bradshaw since she began practicing in 2000. She was a natural mentor, having served as a coach and teacher in her pre-law life. She has mentored, officially and unofficially, hundreds of students, new lawyers, and colleagues. Her mentees describe her as "generous," always "willing to volunteer her time and expertise," "sharp," "thoughtful," dedicated, "passionate," and "welcoming." "She embodies everything that is good in the practice of law and makes sure to instill that same passion in her mentees."

In addition to her individual mentorship work, Ms. Taliaferro also seeks to mentor attorneys through her leadership. She serves on the case oversight committee for the Rocky Mountain Innocence Center. She is on the CJA Standing Committee and the CJA Panel Attorney since 2009 and 2007, respectively. Altogether, she had donated hundreds of hours of her time and expertise to improving the quality of practice and life for those around her.

We appreciate your time and careful consideration of this nomination.

Sincerely,

/s/ Jenifer L. Tomchak  
Secretary, 2021-2021

**BUGDEN & ISAACSON, LLC**  
Trial Lawyers

445 EAST 200 SOUTH  
SUITE 150  
SALT LAKE CITY, UT 84111  
PHONE 801-467-1700  
FAX 801-746-8600  
[WALLY@BILAW.NET](mailto:WALLY@BILAW.NET)  
[TARA@BILAW.NET](mailto:TARA@BILAW.NET)

**WALTER F. BUGDEN, JR.**  
**TARA L. ISAACSON**

September 23, 2021

**Re: Ann Marie Taliaferro**

To Whom it May Concern:

I am writing to support the nomination of Ann Marie Taliaferro "Annie" for the Fall Forum Mentor Award.

I am a criminal defense attorney and I have been practicing in the trial courts for 25 years. Annie was an attorney you could always turn to for help with a preservation or appellate issue.

She was also the kind of friend you could text in the middle of trial. I remember vividly getting an adverse ruling in an intense felony trial. I texted Annie asking for feedback and she immediately reminded me to proffer all of the evidence that was being excluded. That advice saved the case on appeal.

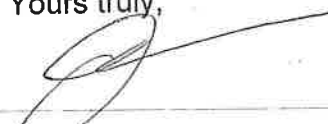
Annie is always generous with sharing briefs, research and ideas. She is always willing to brainstorm a thorny legal issue.

She is always willing to lecture and teach younger lawyers. I've attended many of her presentations. Her willingness to volunteer her time to help young lawyers is so valuable.

Annie is such a zealous advocate for her clients. She lives and breathes her cases.

I can't think of anyone more deserving of this award.

Yours truly,

  
Tara L. Isaacson

TLI:sm



September 23, 2021

**RE: WOMEN LAWYERS OF UTAH MENTOR AWARD  
NOMINATION OF ANN TALIAFERRO**

To Whom It May Concern at the Women Lawyers of Utah,

I've known Annie for almost a decade, since I sublet an office from her firm early in my career. I still haven't left--and Annie's office is right across the hall.

It was a lucky break for me. Once she learned of my interest in appellate work, she's been gradually but consistently integrating me into that world, where she is well-established and widely-respected. She's helped me progress from copy-editing her work, to ghost-writing individual sections of briefs, to entering as co-counsel on her cases, to taking on my own cases.

Because of her, I'm on the appellate roster of the Utah Indigent Appellate Defense Division, and on the 10th Circuit bar (where she's preparing me to get on the CJA panel). And when I say *because* of her, I mean it literally. It's hard to imagine how I would have gotten to this place without her mentorship. She *made* me apply. She became the "supervisor" of my work (a necessity for appellate roster appointees who have less experience), though she was under no practical and certainly no financial motivation to do so. I'm not part of her firm, and she has no direct benefit from helping me like she does. But she does.

She's quick to share credit (often undeservedly) for her successes, and quick to take responsibility (often undeservedly) for losses. Quick to call her understudies colleagues.

I could say more--about the generosity and humanity she shows her clients, about her disarmingly casual but extremely sharp oral arguments, about her many impressive wins--but I understand this to be an award for mentorship, so I will leave it to my experience as her unofficial mentee, and I could not support her nomination more highly.

Sincerely,



September 23, 2021

To Whom It May Concern,

I write to support WLU's nomination of Ann Taliaferro for the Fall Forum Mentor Award. I met Annie as a 2L at the University of Utah College of Law when she was a member of the Rocky Mountain Innocence Center's case oversight committee and I was an intern with the organization. In 2018, as a graduate, I asked Annie to be my mentor in the New Lawyer Training Program. While she was my mentor Annie invited me to multiple hearings and lunches, all the while reaching out via email and text to see if I had any questions or concerns as a new lawyer. Annie helped me feel very welcomed in my new community, and I will forever be thankful for her support as she is so well-respected in the community. Although she is deeply busy, she always makes time for her mentees.

Thank you for your consideration,

Josie Hall



358 South 700 East B235  
Salt Lake City, Utah 84102  
801-355-1888  
www.rminnocence.org

#### BOARD OF DIRECTORS

**Kate Conyers**  
*President*

**David Kelley**  
*Vice President*

**Lisa Bell**  
*Treasurer*

Jensie L. Anderson  
Anne Freeland  
Matt Germane  
Carl Hernandez  
David Kelley  
Aaron J. Lyttle  
Lauren McLane  
Sammi Anderson

#### STAFF

**Blair Hodson**  
*Executive Director*

**Jennifer Springer**  
*Managing Attorney*

**Josie Hall**  
*Staff Attorney*

September 22, 2021

Utah State Bar  
Utah Law & Justice Center  
645 South 200 East  
Salt Lake City, UT 84111

Dear State Bar Leadership:

I write in support of the Women Lawyers of Utah nomination of Ann Marie Tailaferro for a mentoring award at the 2021 Utah State Bar Fall Forum. For more than five years, Ann has served on the Rocky Mountain Innocence Center (RMIC) Case Oversight Committee. In her capacity as a committee member, Ann has worked with more than fifty law students in the S.J. Quinney College of Law Innocence Clinic. Per clinic requirements, these students conduct a thorough review of new claims of post-conviction innocence by prospective RMIC clients. When prepared, students present their findings to the oversight committee for consideration and instruction.

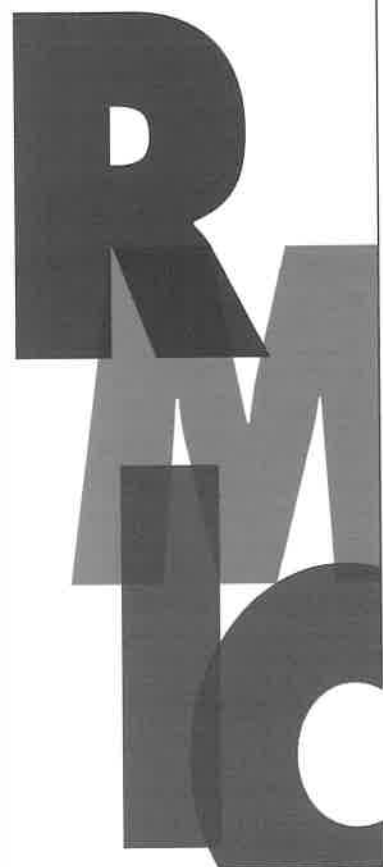
Ann has generously given hundreds of hours of her time and expertise to innocence clinic students. The practical instruction in legal procedure and case strategy Ann has provided to second- and third-year clinic students is mentorship that allows them to enter the practice of law with confidence and competence.

Additionally, I consider Ann to be a lawyer of the highest order. Her commitment to Justice is evident in all of her work. If she were to receive a mentorship award from the Utah State Bar, I am positive it would be deserved and well received. Please contact me anytime to discuss my unreserved support of her award nomination.

Sincerely,

*S. Blair Hodson*

Blair Hodson  
Executive Director, RMIC



**BROWN, BRADSHAW & MOFFAT, L.L.P.**

ATTORNEYS AT LAW  
422 NORTH 300 WEST  
SALT LAKE CITY, UTAH 84103  
WWW.BROWNBADSHAW.COM

TELEPHONE  
(801) 532-5297

FACSIMILE  
(801) 532-5298

KENNETH R. BROWN  
JAMES C. BRADSHAW  
MARK R. MOFFAT  
ANN MARIE TALIAFERRO  
MICHAEL T. HOLJE  
KRISTIN G. WILSON

September 23, 2021

**RE: Fall Forum Mentor Award**

To Whom it May Concern,

I am writing this letter in support of Ann Marie Taliaferro's nomination for the Fall Forum Mentor award.

Ann Marie Taliaferro, or Annie as most affectionately call her, has been a pivotal and influential mentor to me since I was in my third year of law school. While she was an adjunct professor at the University of Utah S.J. Quinney College of Law, she began mentoring me and teaching me how to navigate the practice of law.

Annie has always taken the time to thoughtfully review my written work or to sit down and discuss case strategies. She has always pushed me to write better, to advocate better, and to be creative in solutions for the client. These are all things one would expect from a great mentor. However, Annie has also taught me how to hold my ground, how to zealously advocate for your client, and how to infuse passion into your legal work. She has taught me to continue to fight for justice and fairness, despite the fact that sometimes the criminal justice system can seem unfair and hopeless in some situations.

She has also taught me how to be professional and civil in my relationships with other attorneys. And that a system can be at its best when you are able to honestly converse and collaborate with those on the other side of the table.

Watching Annie everyday tirelessly fight for her clients inspires me to not only be a better attorney, but be a better person who can make a real positive impact in the world.

Sincerely,

  
Kristin G. Wilson



September 23, 2021

To Whom It May Concern,

I write to enthusiastically support WLU's nomination of Annie Taliaferro for the fall forum mentor award. Annie is an incredible mentor and colleague of mine as a valued member of the Rocky Mountain Innocence Center Case Oversight Committee. I have also personally witnessed her remarkable dedication to and mentorship of several law students and young lawyers over the years. Annie is a brilliant and passionate criminal defense attorney who contributes countless pro bono hours to help those in need. She embodies everything that is good in the practice of law and makes sure to instill that same passion in her mentees. I cannot think of another person more deserving of the fall forum mentor award. The legal community is so fortunate to have her.

Jennifer Springer  
Managing Attorney  
Rocky Mountain Innocence Center

Callen Aten  
J.D. Candidate, Class of 2023  
University of Utah, S.J. Quinney College of Law  
callen.aten@law.utah.edu  
775-315-2409

September 23, 2021

Women Lawyers of Utah  
341 South Main St  
Salt Lake City, UT 84111

To Whom It May Concern:

I am writing to offer my sincerest support for Annie Taliaferro to receive this year's fall Forum Mentor Support Award. From the time that I joined the team at Brown, Bradshaw, and Moffat as a law clerk after my 1L year, Annie took me under her wing. Throughout the summer, and even now, Annie has supported my career goals, professional development, and personal growth.

Knowing that I am interested in both criminal trial work and appeals, she made sure I had the opportunity to work on both. She also took me to meet clients and practice my interviewing skills. Annie continues to help me become a better writer by asking me to write portions of briefs and motions and following up those assignments with detailed feedback. In addition to coaching me through the beginning of my legal career, Annie takes the time to meet other law students to provide encouragement and support. For example, she, along with other attorneys in the community, took some 1L students to lunch and quickly reminded us all that though the legal profession seems daunting, it is possible to succeed and enjoy your work.

Annie has provided me with guidance and support throughout law school career thus far. I feel lucky to be mentored by someone so widely recognized as an expert and who cares so deeply about the people she mentors. Annie is deserving of the fall Forum Mentor Support Award. Please feel free to contact me with any further questions.

Sincerely,

Callen Aten

**Christy Abad**

---

**From:** WordPress <Nominations@utahbar.org>  
**Sent:** Monday, September 20, 2021 11:11 AM  
**To:** Christy Abad  
**Subject:** New submission from Nomination Bar Awards

**Nominator Name**

Matthew Schiffgen

Utah State Bar Member

**Nominee's Name**

Edwin Wall

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

The first thing Mr. Wall said to me when I was a young new attorney was, "You are going to be a great lawyer, you already are." I remember the confidence and hope that he filled me with and I wondered what he saw. I carried his faith in me forward through the struggles of solo practice.

Since that day, years ago, I have been mentored and guided and inspired by Mr. Wall. I have watched him do the same for so many other young attorneys. I have seen the care and pride that he takes in coaching the West High mock trial team. His investment in the youth is the epitome of what this award means.

**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**

William Schiffgen

**Bar Number**

15252

**Christy Abad**

---

**From:** WordPress <Nominations@utahbar.org>  
**Sent:** Monday, September 20, 2021 11:48 AM  
**To:** Christy Abad  
**Subject:** New submission from Nomination Bar Awards

**Nominator Name**

Kate Conyers

Utah State Bar Member

**Nominee's Name**

Edwin Wall

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

I highly recommend Ed for this award, which frankly, is long overdue.

Ed has been one of my greatest champions since I first met him when I was a young lawyer. He has gone out of his way to mentor me since beginning my time at Salt Lake Legal Defenders as a public defender and now as a private criminal defense attorney. Ed is a solo criminal practitioner, yet he has spent valuable time talking to me and other newer lawyers at court, CLEs, social events, etc about legal concepts and court cases. I learn something new with every conversation we have.

He has also offered me and countless others pleadings, motions, jury instructions and other important resources. He helps make me the best possible advocate.

Ed regularly asks me how my cases are going and is available to help me with case strategy, recommending experts, and dealing with difficult clients. He has added me as a chair to a few cases, including a capital case we are currently handling so that I can become capital certified. He also agreed to take on a federal criminal case representing the husband to my client so he could offer me training and mentorship on handling federal cases.

One of my favorite stories about Ed involves him taking over an attempted homicide case I was on because of a conflict. The defendant stabbed his roommate over 17 times and had no injuries himself, but was claiming self defense. It was a difficult case and an even more difficult client. During and after the trial, I was able to observe Ed and ask him questions about his strategy and practice that were instrumental in my learning. He was also helpful in discussing with me the great work I had done on the case and giving me tips on how he may have done things differently. Ultimately, the case went to trial and after three days, the jury returned a verdict of not



guilty.

I have seen Ed mentor and champion so many others, from mock trial students, to law students, to new lawyers, and even seasoned lawyers. He really is one of the best criminal defense attorneys in our state, so its even more impressive and commendable that he spends so much time educating and mentoring scores of others.

**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**

Kate Conyers

**Bar Number**

12063

**Email address**

[kate@conyersnix.com](mailto:kate@conyersnix.com)

**Date**

9/20/2021

Nanette Pawelek  
205 E. 2<sup>nd</sup> Ave., Apt 11  
Salt Lake City, Utah 84103

September 21, 2021

Dear Award Selection Committee,

After fourteen years of teaching, I opted for a career change in 2020 and decided to attend law school. My curiosity in criminal law increased exponentially after spending early 2021 talking about the law with Ed Wall. Although I felt like a baby giraffe with new legs in my new course of study, my interest in the law was met with several helpful opportunities to understand the wide range of variables and possibilities in the world of criminal defense. Ed could have suggested a book to read, but he didn't. Instead, he entertained my questions, and no matter how many questions I asked, each was processed with patience and a clarifying explanation. In his answers, I could hear his love for the law. His passion for the law was infectious and he left no important detail out. He relished in the details and urged me to look for them because sometimes, he said, a case could turn on those details.

Beyond the theoretical, Ed also furnished me with a window into the world of criminal law. He invited me to the jail to visit a client who was anxious about his case. Other invitations were extended for discussing and problematizing seminal cases, which culminated into highlighting practical advice of linking cases to concepts and embracing the intellectual rigor law school offered. Ed also invited me to sit in on meetings with clients and I observed his calm but candid approach with many whose lives were tangled and complex. His clients looked to him for legal advice and a way forward. On one particular day, I accompanied Ed to federal court. The hearing was short but poignant. Filled with legal jargon, I remember feeling a semblance of pride that in my first year of law school and under Ed's tutelage, I understood the content and overall procedure within the larger schema of the federal court system. The larger lesson of the day, however, came after we exited the court room.

The defendant's girlfriend left the court room and waited outside the court room as our paths crossed. She looked sleep deprived and troubled. "What just happened in there?" she asked. Ed verbally sketched out a digestible version of the hearing. He explained what led up to the hearing, its contents, and what steps could reasonably follow. He encouraged patience, self-care, and support, explaining that support from family or a significant other often played a positive role. She disclosed that she was homeless and living in her car but that she felt more at ease understanding more of the process. I relayed information I had about a women's shelter she could contact for a shower, a meal, and a proper bed. Her initial shortness of breath calmed to longer, extended breaths after Ed's explanation. Overall, by the end of the conversation, she seemed more calm and even hopeful. Altogether, what Ed taught me was clear: take time for a human moment. He had a busy schedule that day and though he could have rushed off to next task, but he didn't. That day, I saw firsthand more of the day-to-day impact that lawyers can make when they break down dense legal lingo and demystify procedural processes. This

showed me that even small moments have empowering effects on the lives of others. He wasn't too busy to exercise compassion and extend understanding.

I am immensely grateful for Ed Wall's mentorship and for the doors he has opened as I pursue this new career in law. I appreciate that he enjoys sharing his wealth of knowledge. I value and respect that he meets a person's curiosity and desire to learn with options to engage in valuable life lessons. Ed is a creator of opportunities and I sincerely admire his selfless passion for catapulting people's lives and careers forward in more successful directions. There's not a thank you that seems enough for that kind of generosity, but an award of this caliber would be a fine start to echo the many voices that share my sentiments of gratitude. I can't think of a more perfect fit for this honor than Ed Wall.

Sincerely,

A handwritten signature in black ink, reading "Nanette Pawelek". The signature is fluid and cursive, with the first name "Nanette" being more prominent and the last name "Pawelek" following in a similar style.

Nanette Pawelek  
University of Utah | S.J. Quinney College of Law  
J.D. Candidate, Class of 2023

---

**Sachin Sundar**

New York, New York  
(801) 608-1550  
sms10035@nyu.edu

**Utah State Bar**

Salt Lake City, Utah

To the Utah State Bar,

My name is Sachin Sundar and I am currently a student at New York University. I am writing to recommend Edwin Wall for The Charlotte Miller, James Lee and Paul Moxley Mentor Awards. Ed was our coach for the West High School Mock Trial team and I consider him a teacher, mentor and dear friend. Ed has provided excellent guidance for our mock trial team and has taught us how to understand the law and Rules of Evidence and use them while presenting our case. Thanks to Ed, our team is one of the few mock trial teams in the state (and the nation) that is well-versed in the Federal Rules of Evidence and knows them by rote. Furthermore, Ed has guided us in all aspects of constructing our cases from helping us deliver compelling opening and closing statements, riveting directs and potent cross examinations.

However, beyond his coaching, Ed has also served as a mentor to me. Working with Ed has not only led me to want to pursue a career in law but I also hope to become as great an attorney as Ed. Ed has provided me with academic and career guidance and is always available to talk. Any conversation with Ed whether it is deeply intellectual or just about school has always left me more happy. I felt that Ed knew me enough to write my college recommendation letter.

I believe that Ed goes above and beyond in meeting the qualifications of the mentor awards. He has provided intellectual leadership that propelled our varsity mock trial team to national competitions, created a supportive environment, acted as an advocate for myself and my teammates and promoted the rich diversity and inclusiveness within our multiracial and multi gender team. He is selflessly training a new generation of attorneys and giving us the inspiration to pursue our dreams.

Sincerely,

**Sachin Sundar**

Utah State Bar,

I am writing this letter to support Edwin Wall's nomination for the Charlotte-Miller, James Lee, and Paul Mosley Mentor Award. I have known Mr. Wall for about three years now.

I first got to know Mr. Wall in court when I was a brand-new attorney. He remembered me from an event I attended as a law student. Since that time, he's been willing to give professional advice and shows genuine caring for my development as an attorney. Specifically, he's given me advice about prepping an appellate argument I did. He showed me his process to prepare for an appellate argument. He also read my briefs and gave advice on what to focus on and what I should anticipate. He's always been helpful when I have legal questions, small and large.

About two years ago Mr. Wall invited me to attend West High School's Mock trial team's practice to assist in teaching the team. This led me to co-coaching with him since then. He volunteers his time and provides a space for them to practice. He makes efforts to get to know each student. He continues to mentor them through their high school and college experiences, regardless, if they go into a legal field.

In one conversation with Mr. Wall, I expressed my difficulty in finding a supportive group of people of color (POC). I had been a part of a POC group for therapists in Utah and it ended. During this conversation Mr. Wall disclosed some discrimination issues that the mock trial team faced in their own community. West High is the only inner-city school in the area. He coached this mock trial team for quite a few years. I realized that one reason Mr. Wall continues to coach and mentor these students is because he recognizes the unique issues that inner-city students face and wants to provide a safe space for them to grow.

I hope you will grant Mr. Wall this mentorship award. He's been helpful to me and other attorneys, in addition to the mock trial students.

Thank you,

Melinda Dee, LCSW, JD





**UTAH STATE BAR AWARDS COMMITTEE  
AWARD RECOMMENDATION**

**TO:** Utah State Bar Commission  
**DATE:** October 15, 2021  
**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. Juliette White

**RECOMMENDATION:**

The Utah State Bar Awards Committee met on October 11, 2021 to review and discuss the nominations and voted to recommend the following:

Juliette White

**PREVIOUS RECIPIENTS:**

2004	HON. GORDON J. LOW	2011	T. RICHARD DAVIS
2004	RICHARD W. CAMPBELL	2012	PAUL M. DURHAM
2004	STEPHEN B. NEBEKER	2013	WILLIAM S. BRITT
2004	M. DAYLE JEFFS	2014	LAURA S. SCOTT
2004	KEN CHAMBERLAIN	2018	TARA ISAACSON
2005	HON. RICHARD C. HOWE	2016	PATRICK L. ANDERSON
2006	BERT L. DART, JR.	2017	LINDA M. JONES
2007	FRANCIS J. CARNEY	2018	TERRY L. WADE
2008	ELLEN MAYCOCK	2019	HON. EVELYN J. FURSE
	DON WINDER	2020	MARGARET D. PLANE
2009	CRAIG R. MARIGER		
2010	TIMOTHY B. ANDERSON		

## Christy Abad

---

**From:** WordPress <Nominations@utahbar.org>  
**Sent:** Friday, September 24, 2021 12:04 AM  
**To:** Christy Abad  
**Subject:** New submission from Nomination Bar Awards

Utah State Bar Member

### Nominee's Name

Jenifer Tomchak

Professionalism Award (Fall Forum)

On behalf of the Women Lawyers of Utah, I write to nominate Juliette White for the Fall Forum Professionalism. As demonstrated by her experience, detailed below, Ms. White is a skilled practitioner who embodies the highest standards of fairness, integrity, and civility. Ms. White graduated with her J.D. from the University of North Carolina at the same time that she received her Masters of Public Policy from Duke University. She has since developed an impressive intellectual property practice. She has been recognized by Chambers USA for her IP practice and as an "IP Star" by the Managing Intellectual Property Magazine. She represents and advises clients throughout the country. She is polished and collegial in court and in her interactions with others. Her courtroom demeanor has earned her a spot in the Top 50 Women Lawyers from Superlawyers.

In addition to her busy practice, Ms. White also makes time to serve our legal community. She regularly serves as a faculty member and presenter for the Utah State Bar's Trial Skills Academy. She is the past president of the Federal Bar Association, the Board of Trustees for the Disability Law Center, the David K. Watkiss-Sutherland II Inn of Court, and the Utah State Bar's Antitrust and Unfair Competition Section. In each of these positions, she works to improve the skills and experiences of other lawyers practicing in our community. She is the current president of the Board of Trustees for And Justice for All and the Chairperson of the Board of Trustees for the Tenth Circuit Historical Society.

I had the pleasure of serving with Ms. White on the Board of the Federal Bar Association. I was impressed with how effortlessly she

managed to plan and host the Annual Convention for the National Federal Bar Association. She exemplifies professionalism in all that she does. We appreciate your time and careful consideration of this nomination.

**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**

Jenifer Tomchak

**Bar Number**

10127

**Email address**

[jen.tomchak@tomchaklaw.com](mailto:jen.tomchak@tomchaklaw.com)

**Date**

9/23/2021



## WOMEN LAWYERS of UTAH

### 2020-2021 Board

**Beth Kennedy,**  
President

**Amy Oliver,**  
President Elect

**Kimberly Neville,**  
Past President

**Evangeline Burbidge,**  
Treasurer

**Jenifer Tomchak,**  
Secretary

**Lauren Shurman,**  
Career Advancement  
Committee Chair

**Taylor Webb &  
Katie Hudman,**  
CLE Committee Chairs

**Grace Pusavat,**  
Community Outreach  
Committee Chair

**Allison Phillips Belnap,**  
Wellness Committee Chair

**Holly Nelson,**  
Judicial Mentoring  
Committee Chair

**Anne Freeland,**  
Membership &  
Publicity Chair

**Scarlet Smith &  
Mica McKinney,**  
Special Projects  
Committee Chairs

**Emily Tabak,**  
Retreat Chair

**Sarah Hafen,**  
Partnership Mentoring Chair

**Brit Merrill,**  
Historian

**Naz Scott,**  
In-House Attorney Liaison

**Rachel Terry,**  
Government Attorney Liaison

**Pat Christensen,**  
WLU Advisor

**Judge Laura Scott &  
Judge Denise Porter,**  
Judicial Representatives

September 23, 2021

Dear Commissioners:

On behalf of the Women Lawyers of Utah, I write to nominate Juliette White for the Fall Forum Professionalism. As demonstrated by her experience, detailed below, Ms. White is a skilled practitioner who embodies the highest standards of fairness, integrity, and civility.

Ms. White graduated with her J.D. from the University of North Carolina at the same time that she received her Masters of Public Policy from Duke University. She has since developed an impressive intellectual property practice. She has been recognized by *Chambers USA* for her IP practice and as an "IP Star" by the *Managing Intellectual Property Magazine*. She represents and advises clients throughout the country. She is polished and collegial in court and in her interactions with others. Her courtroom demeanor has earned her a spot in the Top 50 Women Lawyers from *Superlawyers*.

In addition to her busy practice, Ms. White also makes time to serve our legal community. She regularly serves as a faculty member and presenter for the Utah State Bar's Trial Skills Academy. She is the past president of the Federal Bar Association, the Board of Trustees for the Disability Law Center, the David K. Watkiss-Sutherland II Inn of Court, and the Utah State Bar's Antitrust and Unfair Competition Section. In each of these positions, she works to improve the skills and experiences of other lawyers practicing in our community. She is the current president of the Board of Trustees for And Justice for All and the Chairperson of the Board of Trustees for the Tenth Circuit Historical Society.

I had the pleasure of serving with Ms. White on the Board of the Federal Bar Association. I was impressed with how effortlessly she managed to plan and host the Annual Convention for the National Federal Bar Association. She exemplifies professionalism in all that she does.

We appreciate your time and careful consideration of this nomination.

Sincerely,

/s/ Jenifer L. Tomchak  
Secretary, 2021-2021



**UTAH STATE BAR AWARDS COMMITTEE  
AWARD RECOMMENDATION**

**TO:** Utah State Bar Commission  
**DATE:** October 15, 2021  
**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. Bertie Kee-Lopez

**RECOMMENDATION:**

The Utah State Bar Awards Committee met on October 11, 2021 to review and discuss the nominations and voted to recommend the following:

Bertie Kee-Lopez

**PREVIOUS RECIPIENTS:**

1986	BONNIE MILLER	2015	ANNE BURKHOLDER
1987	BRYON HARWARD	2016	JO LYNN SPRUANCE
1988	STANFORD P. DARGER	2017	MARIANNA DI PAOLO
1989	ROBERT L. STAYNER	2018	KAI WILSON
1990	KSL	2019	DET. GREG SMITH
1991	NORMA W. MATHESON		
1992	STANLEY B. BONHAM		
1993	LYLE K. CAMPBELL		
1994	RAY O. WESTERGARD		
1996	SHERIANNE S. COTTERELL		
1997	MARGARET R. BIRD		
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		
2008	CARMA J. HARPER		
2009	KAREN HALE		
2010	LINDA SAPPINGTON		
2011	ROBERT MYRICK		
2012	MARY KAY GRIFFIN		
2013	ROBERT AUSTIN		
2014	STEVEN R. BURT		



**Christy Abad**

---

**From:** WordPress <Nominations@utahbar.org>  
**Sent:** Thursday, December 17, 2020 12:25 PM  
**To:** Christy Abad  
**Subject:** New submission from Nomination Bar Awards

**Nominator Name**

Brian Davis

Utah Legal Community Member or Organization

**Nominee's Name**

Bertie Kee-Lopez

Community Member of the Year Award (Fall Forum)

Bertie Kee-Lopez has worked for Utah Legal Services for over 20 years. She has been the mainstay in the Native American Unit and has kept the unit afloat during times of transition. She has tirelessly worked to advance justice in state and tribal courts while also caring for the Native American community. Bertie selflessly delivered COVID-19 supplies on behalf of the Indian Law Section to the tribes in Utah. This involved loading, driving 3-5 hours one way, and unloading the supplies on arrival. Bertie is so well known in the Native American community that when someone has a legal problem, the response is almost always to call Bertie. Bertie has given her life to serving the Native American community. Bertie puts on programs for tribal members, speaks on panels, and provides care and support to the Native Community. She has made the community a better place while also advancing access to justice for Native Americans. I proudly nominate Bertie Kee-Lopez for Community Member of the Year.

**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**

Brian Davis

**Bar Number**

# TAB 3

## UTAH BAR COMMISSION MEETING AGENDA ITEM

**Title:** Sixth Judicial Court Nominating Commission Nominees  
**Item:** 4.4  
**Submitted by:** Elizabeth Wright  
**Meeting Date:** October 15, 2021

### ITEM/ISSUE:

To select four nominees for the Sixth Judicial Court Nominating Commission.

### SUMMARY:

The Bar is seeking applications from lawyers to serve on the Sixth District Trial Court Nominating Commission. The Commission nominates judges to fill vacancies on the district court and the juvenile court within the Sixth Judicial District. Two lawyers are appointed by the Governor from a list of four nominees provided by the Bar.

Commissioners must be citizens of the United States and residents of the Sixth District (Sanpete, Sevier, Piute, Wayne, Garfield and Kane Counties). Commissioners are appointed for one term of four years and may not serve successive terms. No more than four of the seven members of the nominating commission may be of the same political party.

**INFO ONLY:**

**DISCUSSION:**

**ACTION NEEDED: X**

### CANDIDATES:

#### INDEPENDENT:

1. Douglas L. Neeley

#### REPUBLICAN:

1. Chad Funk



**DOUGLAS L. NEELEY**  
**Attorney at Law**  
**501 South Main**  
**Ephraim UT 84627**  
**(435) 283-5055 Telephone**  
**(435) 283-5057 Facsimile**  
**neeleylaw5055@gmail.com**

**EDUCATION:**

University of Utah School of Law (Juris Doctorate)	May, 1992
Utah Teaching Certificate	June, 1978
University of Utah (Bachelors Degree- cum laude)	June, 1978
Snow College (Associates Degree – Dean’s List)	June, 1974
Manti High School	May, 1970

**LAW EXPERIENCE:**

<b>Private Practice</b>	October, 1992 – Present
<b>Public Defender</b>	
Sevier County	1998 – 1999, 2006 - 2021
Sanpete County	2004 - 2005
Juab County (conflicts)	1995, 2012
Wayne County	1998 - 1999, 2006 - 2007
Piute County	1998 - 1999
<b>Guardian ad Litem</b>	1993 – 1994
<b>Manti City Attorney</b>	2000 - 2006
<b>Deputy County Attorney</b>	
Sevier County	1999 - 2000
<b>City Prosecutor</b>	
Ephraim City	1998, 2000
Fairview City	1998, 2000
Fountain Green City	1998, 2000
Manti City	1998, 2000
Mt. Pleasant City	1998, 2000
Spring City	1998, 2000

**FIELDS OF PRACTICE:**

Criminal Law (including Capital Defense)  
Domestic Law (divorce, adoption, guardianships)  
Real Property  
Personal Injury  
Probate  
Formerly held Title Insurance, Abstractors, and Escrow Licenses

**PROFESSIONAL AFFILIATIONS:**

Utah State Bar  
 Utah Legal Defenders  
 National Criminal Defense Association  
 American Trial Lawyers Association  
 American Civil Liberties Union

**TEACHING EXPERIENCE:**

<b>Physical Education Teacher</b> Dixie Junior High School St. George, UT Assistant Basketball Coach	August, 1980 – May, 1981
<b>Social Studies Teacher</b> North Sevier High School Salina, UT Assistant Basketball Coach	August, 1979 – May, 1980
<b>Social Studies Teacher</b> St. Johns, AZ Head Basketball Coach Voted “Coach of the Year” (by fellow coaches)	August, 1978 – May, 1979

**HONORS:**

- \* Nationally ranked Top Ten Attorney on Utah's National Academy of Criminal Defense Attorneys (NACDA) three years in a row
- \* Top ten Trial Lawyer since 2013 from the National Trial Lawyers
- \* 10 Best Attorneys from the American Institute of Criminal Law Attorneys



# CHAD FUNK

funk.chad@gmail.com • 999 E. 960 S., Ephraim, UT 84627 • 801-850-8507

---

## EDUCATION AND LICENSURE

<b>Juris Doctorate</b> , J. Reuben Clark Law School, Brigham Young University, Provo, UT	2010
<b>B.S. in Finance; Minor Asian Studies</b> , Brigham Young University, Provo, UT	2002
<b>Licensed attorney in State of Utah</b>	
<b>Languages:</b> Mandarin Chinese	

## EXPERIENCE

### **DMBA**

#### **Senior Legal Counsel and Privacy Officer (2019-present)**

- Manage corporate privacy matters, including HIPAA, GDPR, and other privacy regulations. Analyze changing regulatory landscape and educate internal stakeholders as needed. Collaborate with security officer to ensure data security requirements are met.
- Review contracts DMBA has with vendors, service providers, and hospital facility providers. Support contract negotiations as needed.
- Support various corporate departments on a variety of legal issues (including ERISA, pension, and health and welfare) with focus on providing practical solutions.

### **INTERMOUNTAIN HEALTHCARE**

#### **Compliance Partner/Contract Manager (2015-2019)**

- Analyzed statutes and regulations related to Medicare, Medicaid, or other third-party payer billing requirements. Advised clinical departments on new statutory and regulatory requirements and ensure the implementation of appropriate processes and procedures.
- Drafted and negotiated contracts and contract amendments with insurance payers for facility, professional, and ancillary services. Analyzed financial impact of proposals; served as primary liaison to payer partners; developed internal and external relationships to solve operational and contracting issues.

### **RICHARDS BRANDT MILLER NELSON**

#### **Shareholder (2010-2015); Law Clerk (2009-2010)**

- Litigated and negotiated businesses matters, including contracts, health care supplier agreements, real estate issues, and SEC clawback actions.
- Prepared transactional documents including software licensing agreements, trust deeds, promissory notes, lease agreements, noncompetition agreements, and corporate formation documents.
- Advised clients on wide range of business matters, including contracts, medical-device-manufacturing contract disputes, employment law, anti-trust, and software licensing.

### **CIVILIAN BOARD OF CONTRACT APPEALS**

#### **Judicial Intern (2008)**

- Performed legal research and analysis on issues related to disputes between government contractors and various agencies of the United States.

**PNC BANK****Commercial Portfolio Manager (2007)**

- Evaluated the financial risk of commercial loan requests and managed loan portfolio.

**ZIONS BANK****Commercial Loan Underwriter (2005-2006)**

- Underwrote and structured commercial credits, including real estate acquisition, business acquisition, and lines of credit.

**OSTEO PRO****Manager (2004-2005)**

- Provided post-surgical DME products; marketed product and services to physicians; and educated physicians on clinical research.

# TAB 4

# Utah State Bar®

## M E M O R A N D U M

**TO:** Utah State Bar Board of Commissioners

**FROM:** Nancy Sylvester

**RE:** Policy on Bar Sections Taking Positions on Proposed Legislation

**DATE:** September 27, 2021

---

Attached are proposed amendments to the Bar Commission's policies on legislative positions. The amendments provide that Bar sections may not take official positions on substantive legislation except to the extent that the legislation affects the practice of law or the administration of justice, as provided in *Keller v. State Bar of California*, 496 U.S. 1 (1990), and the Board has taken a position.

This proposal is designed to ensure that the Bar's legislative activities continue to be germane to regulating the legal profession and improving the quality of legal services. See *McDonald et al v. Longley*, No. 20-50448 (5th Cir. 2021) (discussing both germane and non-germane legislative activities of the Texas State Bar). Although this proposal may appear to our Bar sections to be a dramatic departure from what is currently allowed,<sup>1</sup> it would actually codify what is mostly current practice.

---

<sup>1</sup> The current policies read as follows:

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. Sections and committees must have 60% or more approval from their entire polled membership who respond to adopt a legislative position. 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 and the

Our Bar licensees' practices and clients are diverse. So unless a Bar section represents only one side of the v. in a given case type, it is already difficult to reach consensus on substantive legislative policy. This is evidenced by the fact that, over the past several years, sections have taken few official positions on legislation with the blessing of the Governmental Relations Committee or the Board. As such, when legislation arises that affects a lawyer's practice, the lawyer tends to speak on that bill in their individual capacity.

If the Commission adopts this proposal, the Government Relations Committee will continue to provide the same invaluable service it always does for our licensees: culling through proposed legislation and circulating it to the affected sections for review by their membership. Neither the Board nor the Committee will bless, however, a section's efforts to take an official position.

Section members who desire to present organized feedback on legislation may still do so, so long as they do not represent that they are taking an official Bar or section position (except to the extent that an official position *has* been taken under *Keller*). To the extent that they would like to mention the section's involvement, they may simply state that members of the section have been involved in the effort to address the legislation.

---

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.

Following discussion, the Commission should vote on whether to adopt this policy. If the Commission adopts this policy, Elizabeth and I will train the Government Relations committee and section leadership prior to the 2022 Legislative Session.



## 7. Representation of the Bar and Policy Formation.

### a. The Board.

The Board must formulate and express the policy of the Bar, subject to the limitations of Keller v. State Bar of California, 496 U.S. 1 (1990), and the scope of issues set forth in these Policies. Except as provided by policy or specifically authorized by the Board, no other member or employee of the Bar may represent the Bar.

### b. Sections and committees.

Sections and committees of the Bar may not take official positions on substantive legislation except to the extent that the legislation affects the practice of law or the administration of justice, as provided in Keller v. State Bar of California, 496 U.S. 1 (1990) and the Board has taken an official position.

i. Unless specifically authorized by the Board to appear on behalf of the Bar before the public or before any legislative body, a member of a section or committee shall make clear that he or she does not represent the Bar and is appearing in a personal capacity.

ii. If the member of a section or committee permits him or herself to be identified as having an official connection with the Bar or one of its committees or sections when appearing before the public or before a legislative body, such member shall fairly state the policy of the Bar on the matter in question if a policy has been adopted.

iii. 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.

iv. Members of a section or committee may meet to propose changes in the law or to propose changes to legislation. In presenting those changes to a legislative body, the member may state that members of the section or committee have been involved in the effort to address the legislation but may not state that the person is presenting the official position of the section or committee. The member must state that they are presenting their personal views.

## **H. Legislative and Public Policy Activity.**

It is the policy of the Bar to carry out legislative activities and public policy actions related to the practice of law and the administration of justice as authorized by Keller v. State Bar of California, 496 U.S. 1 (1990). The Utah Supreme Court also authorizes the Bar to engage in legislative activities in the Rules for Integration and Management.

### **1. Scope of Issues for Committee Consideration.**

The Board may take a position on policies or legislation concerning the regulation of the practice of law, the administration of justice and access to the courts. Examples of areas on which the Board may take a position include, but are not limited to:

#### **a. The 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. The Courts.**

- (1) Issues involving the organization or re-organization of the courts of this state.
- (2) Issues involving resources for the courts.
- (3) Issues affecting the administration of justice.

#### **c. Access.**

Issues affecting an individual's right to seek legal or judicial redress.

d. Practice of Law.

- (1) Issues involving the qualifications of those authorized to provide legal services in the State and the public's access to legal services.
- (2) Issues involving the regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

2. Governmental Relations Committee.

The Governmental Relations Committee is established to assist the Bar in carrying out its legislative activities, to review and analyze pending legislation and to provide content-neutral technical assistance to legislators.

3. Role of Governmental Relations Committee.

Recommendations for positions on legislation will be presented to the Board through its Governmental Relations Committee and other interested committees and sections of the Bar.

4. Weekly Telephonic Meetings During Session.

During the legislative session, the Board will hold regularly scheduled weekly conference calls to discuss issues and take positions on legislation.

5. Supermajority Voting Requirement.

The Board will not take a position on legislation unless it is supported by a two-thirds vote of those present. Board positions must also be consistent with Keller v. State Bar of California, 496 U.S. 1 (1990).

6. 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. Those positions will be reported immediately by e-mail to all Board members.

7. Representation of the Bar and Policy Formation.

a. The Board.

\_\_\_\_\_ The Board must formulate and express the policy of the Bar, subject to the limitations of Keller v. State Bar of California, 496 U.S. 1 (1990), and the scope of issues set forth in these Policies. Except as provided by policy or specifically authorized by the Board, no other member or employee of the Bar may represent the Bar.

b. Sections and committees.

\_\_\_\_\_ Sections and committees of the Bar may not take official positions on substantive legislation except to the extent that the legislation affects the practice of law or the administration of justice, as provided in Keller v. State Bar of California, 496 U.S. 1 (1990) and the Board has taken an official position. 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.

i. Unless specifically authorized by the Board to appear on behalf of the Bar before the public or before any legislative body, the a member of a section or committee shall make clear that he or she does not represent the Bar and is appearing in a personal capacity. Sections and committees must have 60% or more approval from their entire polled membership who respond to adopt a legislative position. 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 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.

ii. If a the 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, when appearing before the public or before a



legislative body. such member shall fairly state the policy of the Bar on the matter in question if a policy has been adopted.

iii. ~~and, if~~ 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.

iv. Members of a section or committee may meet to propose changes in the law or to propose changes to legislation. In presenting those changes to a legislative body, the member may state that members of the section or committee have been involved in the effort to address the legislation but may not state that the person is presenting the official position of the section or committee. The member must state that they are presenting their personal views. ~~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 and is appearing in a personal capacity.~~

8. Rebate of Licensing Fees Allocated to Legislative Activities and Public Policy Actions Related to the Practice of Law and the Administration of Justice.

- a. Notice of Expenditures and Availability of Rebate



At the end of each annual legislative session the Bar will place a notice in the next Bar Journal giving licensees notice of the availability of a rebate for legislative and public policy expenditures as determined by the Board and instructions for claiming the rebate. Positions taken by the Bar will also be available on the Bar's website.

b. Calculation of Rebate

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 is 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. Applications for a rebate must be made in writing to the Executive Director following annual publication of a notice of rebate in the *Utah Bar Journal*.

c. ABA Delegates

The Utah State Bar pays for both the State and Bar ABA Delegates to travel to ABA meetings to report to the Bar on issues relevant to the Utah State Bar. Bar expenditures for the Utah and the Utah State Bar American Bar Association (ABA) Delegates' activities in the ABA House of Delegates are 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. Objections

### a. Written Notice

A Bar licensee who objects to the use of any portion of the licensee's license fees for activities he or she considers promotes or opposes political or ideological causes which are not already included in the rebate may request the Board to review the licensee's objections. Licensee objections must be in writing and submitted by mail to the Executive Director of the Bar within 45 days of the Bar giving notice of the rebate in the *Bar Journal*. The Board will review each written objection received by the Executive Director at its next regularly scheduled board meeting following receipt of the objection. The Board will respond through the Executive Director in writing to each objection. The Board's response will include an explanation of the Board's reasoning in agreeing or disagreeing with each objection.

### b. Refund

If the Board agrees with the licensee's objection, it will immediately refund the portion of the licensee's dues that are attributable to the activity, with interest paid on that sum of money from the date the licensee's fees were received to the date of the refund. The statutory rate of interest will be used. If the Board disagrees with the licensee's objection, it will immediately offer the licensee the opportunity to submit the matter to binding arbitration between the Bar and

objecting licensee. The licensee must submit a letter agreeing to arbitration within 30 days of the Board's offer to submit the matter to binding arbitration. Delivery may be made in person, email to the Executive Director or by first class mail and mailed demands will be deemed delivered upon mailing. The Executive Director and the member must sign an arbitration agreement approved as to form by the Board. The matter must be submitted to an arbitrator within 60 days after the arbitration agreement is signed.

c. Arbitration

If an objecting licensee agrees to binding arbitration, the parties will select an arbitrator from the list of court approved arbitrators for the United States District Court for the District of Utah. The Bar and the objecting licensee may each strike one name and then rank the remaining arbitrator candidates in order of preference with one (1) being the first preference. The arbitrator candidate with the highest composite ranking will be appointed to arbitrate. If the arbitrator selected is unable to fulfill the arbitrator's duties, the arbitrator from the list with the second highest composite ranking will be chosen as arbitrator.

Similar or related objections to Bar expenditures on legislative or public policy issues, by agreement of the parties, may be consolidated for hearing before one arbitrator. The arbitrator will be compensated at an hourly rate established pursuant to Utah State Bar policy for the hearing, preparation, and study time, and will be reimbursed for all necessary expenses of the arbitration. The Bar will pay for the arbitrator's services.

d. The Hearing

The arbitrator will promptly arrange for an informal hearing on the objection, which may be held at the Law and Justice Center or at another location in Utah that is acceptable to the parties and the arbitrator. The hearing will be limited to the presentation of written information and oral argument by the Bar and the objecting licensee. The arbitrator will not be bound by the rules of evidence. The presentation of witnesses will not be part of the hearing process, although the arbitrator may ask the Bar representative and the objecting licensee and his or her lawyer, if any, questions. The hearing may be reported, but the expense of reporting must be borne by the party requesting it. The Bar and the objecting licensee may submit written material and a legal memorandum to the arbitrator no later than seven days before the hearing date. The arbitrator may request additional written material or memoranda from the parties. All written material and memoranda must be provided to the other party at the same time it is submitted to the arbitrator.

e. The Decision

The arbitrator will promptly decide the matter applying the standard set forth in Keller v. State Bar of California, 496 U.S. 1 (1990), to the expenditures to which the licensee objected. The scope of the arbitrator's review must solely be to determine whether the matters at issue are acceptable activities for which compulsory fees may be used under applicable constitutional law. In making his

or her decision, the arbitrator must apply the substantive law of Utah and the United States Federal Courts.

The arbitrator must file a written decision with the Executive Director within 14 days after the hearing. The arbitrator's decision will be final and binding on the parties. If the arbitrator agrees with the licensee's objection, the Bar will immediately refund the portion of the licensee's fees that are reasonably attributable to the activity, with interest paid at the statutory rate paid on the amount from the date of the licensee's fees were received to the date of the Bar's refund. If the arbitrator agrees with the Bar, the licensee's objection is denied, and the matter is closed.

# TAB 5

# UTAH STATE BAR COMMISSION

August 27, 2021

## MEETING AND RETREAT

**In Attendance:** President Heather Thuet and President-elect Kristin “Katie” Woods.

Commissioners: John Bradley, Traci Gunderson, Rick Hoffman, Greg Hoole, Chrystal Mancuso-Smith, Marty Moore, Mark Morris, Andrew Morse, Shawn Newell, Michelle Quist, and Tyler Young.

**Ex-Officio Members:** Past-President Heather Farnsworth, Nate Alder, Erik Christiansen, Kim Cordova, Beth Kennedy (for Kim Neville), Brandon J. Mark, Grant Miller, Camila Moreno (via Zoom), Tonya Wright, and Dean Elizabeth Kronk-Warner.

**Not in Attendance:** Ex-Officio Members: Ramzi Hamady, Margaret Plane, and Dean Gordon Smith.

**Also in Attendance:** Executive Director Elizabeth A. Wright, General Counsel Nancy J. Sylvester, Supreme Court Liaison Nick Stiles, Troy Booher, Supreme Court Justice Deno Himonas, Courts Finance Director Karl Sweeney, Bar Finance Director Lauren Stout, Bar IT Director David Clark, Blomquist Hale representative Cameron McBride (via Zoom), and Michigan State Bar Executive Director Janet Welch (via Zoom).

### Minutes:

**1. President’s Welcome and Report: Heather Thuet.** The meeting commenced at 10:00 a.m. Ms. Thuet welcomed Commission members and guests to the meeting. She noted the agenda and retreat events. She then turned to the action items.

### 2. Action items

**2.1 Select YLD ABA Delegate: Heather Thuet.** Ms. Thuet called for discussion and a motion regarding the appointment of the YLD ABA delegate. Mr. Miller noted that the YLD Board had recommended that Camila Moreno be reappointed. Ms. Quist moved to reappoint Ms. Moreno as the YLD ABA Delegate. Mr. Morse seconded. The motion carried.



**2.2 Appoint Ex Officio Members: Heather Thuet.** Ms. Thuet called for discussion and a motion regarding the appointment of Commission ex officio members. Marty Moore moved to appoint the ex officio members listed in the materials. Mr. Bradley seconded. The motion carried.

**2.3 Appoint Committee Chairs: Heather Thuet.** Ms. Thuet called for discussion and a motion regarding the appointment of Commission Committee chairs. Ms. Wright noted that Michael Menssen should be added to the committee chair appointment list. The UPL Committee requested that he be made co-chair. The Commission then discussed adding Rick Hoffman as co-chair of the Budget and Finance Committee. Mr. Hoffman agreed to serve in that capacity. Mr. Moore moved to approve the committee chair and co-chair appointments as listed in the materials and in the discussion. Ms. Woods seconded. The motion carried.

**2.4 Appoint Commission Liaisons: Heather Thuet.** Ms. Thuet called for discussion and a motion regarding the Commission liaison assignments, as provided in the materials. Ms. Quist moved to approve the assignments. Mr. Young seconded. The motion carried.

### 3. Discussion Items

**3.1 Bar Organization Rules: Nancy Sylvester.** Ms. Sylvester reviewed with the Commission the rules that govern the Bar. She explained the Utah Supreme Court's constitutional power to regulate the practice of law and its authorization to the Bar to administer its rules and regulations regarding the practice of law. Ms. Sylvester recited the Bar's purposes, duties, and responsibilities as follows: (1) advancing the administration of justice according to law; (2) aiding the courts in the administration of justice; (3) regulating the admission of persons seeking to practice law; (4) fostering and maintaining integrity, learning competence, public service, and high standards of conduct among those practicing law; (5) representing the Bar before legislative, administrative, and judicial bodies; (6) preventing the unauthorized practice of law; (7) promoting professionalism, competence, and excellence through continuing legal education and other means; (8) providing a service to the public, the judicial system, and Bar members; (9) educating the public about the rule of law and responsibilities under the law; and (10) assisting Bar members in improving the quality and efficiency of their practice. She then noted that the Bar's budget is an integral part of how the Bar effectuates its purposes.

**3.2 Keller Case Law Recap and Update: Troy Booher.** Mr. Booher reviewed the current case law around *Keller v. State Bar of California*. He noted that *Keller* and its germaneness standard remain good law.

**3.3 Utah Supreme Court: Justice Deno Himonas.** Justice Himonas discussed a State Bar reimagined that is largely supported by data to best serve the public good. He noted that it should have the regulatory goal of meeting the legal needs of the public. He also noted that he thought the Supreme Court would consider ultimately expanding the Bar, not shrinking it. The Bar would include lawyers, licensed paralegal practitioners, and those in the sandbox who are not lawyers. The Commission discussed the pros and cons of this and what the future could look like. Justice Himonas noted that Bars across the nation tend to not like the idea of the Sandbox but the public – by a wide margin – does. He suggested that the Bar Commission should include more public members to help inform this future.

### **3.4 The Future of the Bar from the Perspective of affinity bars.**

Tonya Wright updated the Commission on the Paralegal Division. She said the division has worked hard to give value to its members for the dues they pay, including offering regular CLE and networking opportunities. She also noted that there are discussions about the gender makeup of the paralegal profession.

Grant Miller updated the Commission on the Young Lawyers Division. He noted that the YLD has many pro bono services that it offers, including Wills for Heroes, Senior Services, the VA project, and Cinderella prom. Mr. Miller noted several other programs including Fit to Practice, socials, CLE's, and scholarships that the division offers to its members. He expressed appreciation for the Commission's support.

Beth Kennedy updated the Commission on Women Lawyers of Utah (WLU). She highlighted the group's popular retreat in November, which attracts judges and lawyers across the legal spectrum. Ms. Kennedy noted that WLU's banter with the bench, fireside chats, free monthly CLE's, judge mentoring, and partner mentoring are popular programs. She said WLU has a chapters chair who reaches out to remote lawyers and Zoom CLE's have been helpful in engaging women lawyers across the state.

Brandon J. Mark updated the Commission on the LGBTQ & Allied Lawyers Division. He noted that his division is also seeking to reach lawyers outside the Wasatch Front. Mr. Mark said they are working on a remote Rainbow Law clinic – offering services for name and gender changes for transgender people in light of the Utah Supreme Court's ruling this year.

**3.5 Blomquist Hale Report: Cameron McBride - via Zoom.** Mr. McBride provided a report on the Bar's use of Blomquist Hale services. In the past 12 months, 180 licensees and 137 dependents used Blomquist Hale services. Service usage distributed across all categories as follows: mental health (47.47%), marital (22.60%), drug and alcohol (1.69%), workshops (2.82%), personal (3.39%), family problems

(20.06%), suicidal (0.28%), wellness (0.85%), legal (0.56%), financial (0%), senior care (0%), online resources (0%), instant communication (0%).

#### **4. Working Lunch and Presentation: Janet Welch, Executive Director**

**State Bar of Michigan - via Zoom.** Ms. Welch discussed Michigan's operations and the history of integrated Bars. She observed that there are many good reasons for having integrated bars. Ms. Welch noted that Michigan is moving forward with its integrated bar despite the nationwide challenges because it has a clean appellate decision that allows for its current organizational composition. She said there is a working group of Bar executive directors that discusses how integrated bars can better serve the lawyers and public than non-integrated bars.

**5. Budget Deep Dive: Rick Hoffman.** Mr. Hoffman reviewed the Bar's budget numbers. He observed that Projects and Services are where the Bar should be placing its attention since this was where the Bar's purposes and responsibilities were seen in action. He noted that CLE is a growth opportunity.

**6. Discussion of Current Spend & Priorities for Future: Marty Moore.** Mr. Moore discussed the budget and made recommendations for improvement, including hiring an hourly investment advisor rather than having Zions Bank continue to manage the Bar's investments. Mr. Moore noted that individual bonds are too risky but there are several on the Bar's books. Mr. Sweeney noted that the Bar could do the same thing with its investments that the court does. Mr. Moore moved that the commission find an hourly-based advisor. Ms. Quist seconded. Mr. Morse made a friendly amendment that the Budget Committee interview potential advisors in the next 60 days. The motion carried.

Ms. Woods then moved the Commission to create a committee for the purpose of better engaging non-Wasatch Front lawyers. Mr. Christiansen noted that this should be broadened to encompass more initiatives. Mr. Hoffman proposed that the Bar hire a surveyor to determine how it can better serve lawyers in the state. Both suggestions were construed as friendly amendments. Ms. Quist seconded the motion. The motion carried. Ms. Woods was asked to head up the committee. Multiple members of the Commission enthusiastically volunteered to join.

**7. Approve support of the Executive and Judicial Compensation Committee's efforts during the 2022 legislative session to obtain judicial pay raises. Heather Thuet.** Ms. Thuet noted that supporting the judiciary is a primary function of the Bar and

enthusiastically recommended that the Commission support efforts to obtain judicial pay raises. Mr. Moore made the motion. Mr. Newell seconded. The motion carried.

**8. Approve 2021-2022 Budget for Action. Lauren Stout.** Ms. Stout noted that the Bar's proposed budget is balanced, with a \$1,000 net profit. Ms. Thuet observed that it would be helpful to have an all-day budget meeting and that commissioners should expect a proposed budget in April so that the budget discussion could happen earlier. She noted that the budget before the Commission reflected many hours of work. But, she said, she felt that the Commission should have more information from years past.

Ms. Woods noted that the Budget and Finance Committee had approved the budget with a majority vote. Mr. Hoffman observed that to the extent that there were any concerns about some of the numbers before the Commission, some of them could be explained by employee turnover. Ms. Wright noted that the budgeting process starts in January when the executive director begins meeting with each department to assess needs.

Mr. Moore said he approved the budget but noted that the Commission should discuss its budget planning throughout the year. Mr. Newell observed that the Commission should have a strategic plan to go along with the budget. Commission members then commented that a strategic plan could be developed in Ms. Woods' new committee.

Mr. Sweeney commented that the judiciary has a strategic planning budget meeting in which it discusses the funding requests it will make to the Legislature, the projects it will defer pending study, and the projects it will fund with one-time money. He also noted that it may be helpful to add 5-year averages to the Bar's budget discussion.

Committee members then commented that the budget did not contain PPP funds and discussed a plan to vote separately on any PPP fund expenditures.

Ms. Quist moved to approve the proposed budget, to vote separately on the expenditure of any PPP funds, and to start the budgeting process earlier in the year. Mr. Bradley seconded the motion. The motion carried with Ms. Thuet dissenting with respect to passing the proposed budget.

**9. Executive Session.** No executive session was held.

**10. Minutes.** The Commission approved the July 28, 2021 Commission meeting minutes by consent with one amendment reflecting that John Bradley was in attendance.

11. **Adjourn.** The Bar Commission meeting adjourned at 4:00 p.m.







# UTAH LEGAL SERVICES

*Committed to Equal Justice*

205 NORTH 400 WEST, SALT LAKE CITY, UTAH 84103 \* 801-924-3381 \* FAX: 801-924-3194 \*

[WWW.UTAHLEGALSERVICES.ORG](http://WWW.UTAHLEGALSERVICES.ORG)  
 AMILNE@UTAHLEGALSERVICES.ORG

September 27, 2021

Elizabeth Wright, Executive Director  
 Utah State Bar  
 645 South 200 East  
 Salt Lake City, Utah 84111

Dear Ms. Wright:

The Legal Services Corporation requires at least 60% of Utah Legal Services' Board be attorneys appointed by a bar association, the membership of which represents most attorneys practicing law in the localities in which the recipient provides legal assistance. The ULS Board asks the Utah State Bar to re-appoint these current Board members for a 3-year term beginning January 1, 2022:

Jody K. Burnett, Retired, Snow Christensen & Martineau  
 Jugraj Dhaliwal, Ray Quinney & Nebeker  
 Kathryn Harstad, Strindberg Scholnick Birch Hallam Harstad Thorne  
 Bart J. Johnsen, Parsons Behle & Latimer  
 Adelaide Maudsley, Altabank, American Fork  
 Carlos Navarro, Stowell Crayk  
 Thomas Roberts, Retired, Utah Attorney General's Office  
 Roland F. Uresk, Basinlaw, Roosevelt  
 Tracey Watson, Utah Education Association

Also, please consider for a 3-year term new member Janet E. (Betsy) Haws, Backcountry.com.

ULS strives for a Board representative of the Bar (type of practice; big firm, small firm, solo or government; geographical; historical connections to ULS). Not included in the reappointments are two board members from Davis and Utah Counties and one from St. George. Each has a demonstrated interest in delivering legal services to low-income Utahns, has consented, and is committed to serve and be actively involved in the oversight and governance of ULS. Please let me know if you have any questions or would like additional information. We appreciate all the support the Utah State Bar gives to us and our clients.

Sincerely,

*Anne Milne*

Anne Milne,  
 Executive Director

**Ogden**  
 298 24<sup>th</sup> St., #110  
 84401  
 801-394-9431  
 Fax: 801-827-0420

**Salt Lake City**  
 205 N. 400 W.  
 84103  
 801-328-8891  
 Fax: 801-328-8898

**Provo**  
 455 N. University  
 #100 84601  
 801-374-6766  
 Fax: 801-655-5350

**St. George**  
 229 E. St. George Blvd.  
 #103  
 84770  
 435-628-1604  
 Fax: 435-986-7163



Toll Free Within Utah 800-662-4245





**UTAH STATE BAR  
YOUNG LAWYERS DIVISION**

**BYLAWS**

(Amended and restated \_\_\_\_\_, \_\_\_\_\_)

**ARTICLE I  
Name and Purpose**

- 1.1 Name.** This organization shall be named the Young Lawyers Division of the Utah State Bar.
- 1.2 Purpose.** The primary purpose of the Division shall be to further the mission of the Utah State Bar, particularly among younger and newer members, through continued education, professional development, leadership training, social activities, public service, and take such other functions deemed appropriate by Division members. The Division shall also serve as an affiliate of the American Bar Association Young Lawyer Division and any other affiliate organizations.

**ARTICLE II  
Members**

- 2.1 Eligibility for Membership.** Membership in the Division shall consist of all members of the Utah State Bar in good standing who are under thirty-six (36) years of age, or have been admitted to the practice of law in any state less than ~~five (5)~~ ten (10) years.
- 2.2 Termination of Membership.** Membership shall terminate automatically on June 30 after a member attains thirty-six (36) years of age, or ~~five (5)~~ ten (10) years after admission to the practice of law in any state, whichever occurs last, except as set forth herein. This definition shall not affect the Utah Bar Commission's determination and fixation of annual license fees.
- 2.3 Voting.** Each member of the Division in good standing shall be entitled to one (1) vote on each matter put to a vote of the members.
- 2.4 Meeting of the Members.** A meeting of the membership of the Division may be called by the President, upon approval of the Executive Council, at such time and place as the Executive Council may determine. or upon the written petition of not less than ten members of the Division which meetings, when called, shall be held at such time and place as the Executive Council may determine.
- 2.5 Quorum for Meeting of the Members.** Ten (10) percent of the current total members of the Division shall constitute a quorum of any meeting of the Division. All binding action of the Division shall be by a majority vote of the members present at any such meeting

**Commented [GM1]:** Formally memorializes changes ratified in 2019

where a quorum is in attendance. Roberts Rules of Order shall guide the meeting but shall not be binding.

- 2.6 Action of Members Without Meeting.** Any action that may be taken at a meeting of the Division members may be taken without a meeting if a majority of the Division members entitled to vote consent to such action in writing. The procedures for such action shall be such as the Executive Council may establish from time to time, subject to applicable law.
- 2.7 Proxy Voting.** Proxy voting shall not be allowed at Division meetings.

### **ARTICLE III Board of Directors**

- 3.1 Governance.** The main governing body of the Division shall be the Board of Directors ("the Board"), which shall consist of not less than fifteen (15) or more than thirty (30) members, not including the Executive Council. Except as otherwise provided by these Bylaws, all policymaking authority within the Division resides in the Board.
- 3.2 Board Members.** Except as otherwise provided herein, members of the Board shall be appointed by the President with the advice and consent of the Executive Council. All Board members shall be designated as a director of a program ("Director") or a liaison to another program or association related to the mission of the Division ("Liaison"). Officers may hold more than one position at a time but no more than one person may occupy the same office or offices at the same time.
- 3.3 Eligibility for Board Membership.** No person shall be eligible for appointment to the Board unless he or she is a member in good standing of the Division and can continue as a member of the Division without "ag in g-out" during his or her term. If a Board member "ages -out" during his or her term, he or she may continue to serve until a replacement is appointed.
- 3.4 Term of Office.** The term of office for a Director or Liaison shall run from the time of appointment until June 30 or until a replacement is appointed.
- 3.5 Powers and Duties.** Board members shall have general supervision of the affairs of the Division, subject to the provisions of the Bylaws of the Utah State Bar. All members of the Board shall attend all regular Board meetings. In the event that a Board member cannot attend a regularly scheduled board meeting, he or she shall communicate the reason for his or her absence to the President in advance of the meeting. All Board members shall be entitled to one (1) vote on each matter put to a vote of the Board.
- 3.5.1 Powers and Duties of Directors.** In addition to the general powers and duties set forth herein, a Director shall have the power to direct one or more programs of the Division. A Director shall also have the power to appoint a committee of qualified individuals to support him or her in the coordination of the program or programs he or she directs.

**3.5.2 Powers and Duties of Liaisons.** In addition to the general powers and duties set forth herein, a Liaison shall have the power to represent the Division to one or more other programs or associations related to the mission of the Division.

- 3.6 Regular Meetings.** The Board shall hold at least nine (9) regular meetings each year at such time and place as set by the President. All regular meetings shall be open to Division members and to the public.
- 3.7 Special Meetings.** Special meetings of the Board may be called by the President or any three Executive Cabinet officers and held at such place as the President or Executive Council may determine. Reasonable notice of a special meeting shall be given by email, telephone, and any other means as the Executive Council may determine. All special meetings shall be open to public unless otherwise specified. No members of the Division may be denied entry to any Board meeting.
- 3.8 Quorum for Board Meetings.** A majority of the Board shall constitute a quorum for the transaction of business at any meeting of the Board; but if less than a majority of the Board members is present at any meeting, a majority of the Board members present may adjourn the meeting.
- 3.9 Vacancies on the Board.** A vacancy in a Director or Liaison position occurs when a director resigns or is dismissed by the President with the advice and consent of the Executive Council. A Vacancy may be filled by appointment by the President with the advice and consent of the Executive Council.

#### **ARTICLE IV Executive Council**

- 4.1 Executive Council Officers.** The Executive Council shall consist of the President, President-Elect, Immediate Past President, Secretary, Treasurer, and Publicity Manager.
- 4.2 Eligibility for Executive Council Office.** No person shall be eligible for an Executive Council office unless he or she is a member in good standing of the Division and can continue as a member of the Division without "aging-out" during his or her term. The only exception shall be for the Immediate Past President who shall continue to serve until the end of his or her term despite having "aged-out" of the Division.
- 4.3 Term of Office.** The term of office shall for all Executive Council offices shall begin at the close of the Utah Bar Annual Summer Convention or July 1, whichever occurs later, and end at the close of the following Utah Bar Summer Convention or until June 30, whichever occurs later.
- 4.4 Election and Succession.** The President-Elect, Secretary, Treasurer, and Publicity Manager shall be elected annually by a majority vote of all ballots cast by members of the Division. On or before May 1, members of the Division shall be notified of Executive Council offices up for election. Declarations of candidacy for each elected office shall be

submitted on or before May 15. The time period for voting and the announcement of election results shall be determined by a majority vote of the Executive Council, so long as the results of the election are declared no later than May 31. The office of President shall devolve upon the President-Elect once his or her term of office ends. The office of Immediate Past President shall devolve upon the President once his or her term of office ends.

- 4.5 Powers and Duties.** Executive Council officers shall carry out the duties of his or her office as set forth herein. All Executive Council members shall be members of the Board. All Executive Council members shall be entitled to one (1) vote on each matter put to a vote of the Board and one (1) vote on each matter put to a vote of the Executive Council with the exception of the Immediate Past President, who shall be an ex officio member of the Board and the Executive Council.

**4.5.1 President.** The President has the chief executive powers of the Division. The President shall:

- a. Have general charge of the affairs and management of the Division;
- b. Preside at all meetings of the Division, Board, and Executive Council and shall determine the agenda and the order of business to be transacted at any meeting thereof;
- c. Provide a report to the Board and the Executive Council at all regular meetings;
- d. Appoint members of the Board as set forth herein;
- e. Represent the Division as an ex officio member of the Utah Bar Commissioners;
- f. Select from the members of the Division the delegation to any national or regional conferences in which the Young Lawyers Division is an affiliate member; and
- g. Perform any other duties incident to his or her office.

**4.5.2 President-Elect.** The President -Elect is the vice president of the Division. The President-Elect shall:

- a. Temporarily assume the duties of the president in the event of his or her absence, temporary disability, or failure to act until the President resumes his or her duties;
- b. In the event of a permanent vacancy, automatically succeed the President for the remainder of his or her term of office (early succession to the office

of the President shall have no effect on the term or regular succession of the President-Elect);

- c. Prepare and submit the Division's proposed budget for upcoming fiscal year by June 1;
- d. Obtain preliminary approval of proposed budget for the Division by a majority vote of the incoming Executive Council officers prior to submitting the same to the Utah Bar Commission for final approval at the Utah Bar Commission's next regular meeting; and
- e. Perform any other duties incident to his or her office.

**4.5.3 Immediate Past President.** The Immediate Past President is the individual who last served a full term as President. The Immediate Past President shall:

- a. Make himself or herself available to the Board and Executive Council for consultation regarding all matters concerning the Division;
- b. Perform such other duties as may be assigned to him or her by the President; and
- c. Perform any other duties incident to his or her office.

**4.5.4 Secretary.** The Secretary has the chief administrative powers of the Division. The Secretary shall:

- a. Maintain custody of all records of the Division;
- b. Provide a report to the Board and the Executive Council at all regular meetings;
- c. Compile, maintain, and distribute a contact list of all Executive Council officers and Board members to be distributed to the same;
- d. Distribute meeting materials to all Board members in advance of all Board and Executive Council meetings and keep the minutes of all Board and Executive Council meetings;
- e. Facilitate all elections of the Division, subject to the provisions herein;
- f. As needed, and upon the approval of Executive Council, establish record-keeping and elections policies on behalf of the Division; and
- g. Perform any other duties incident to his or her office.

**4.5.5 Treasurer.** The Treasurer has the financial control powers of the Division. The Treasurer shall:

- a. Maintain custody the budget and all financial records of the Division;
- b. Provide a report to the Board and the Executive Council at all regular meetings;
- c. Facilitate all financial transactions of the Division, with the approval of the President and subject to the provisions herein;
- d. As needed and upon the approval of Executive Council, establish expenditure and reimbursement policies on behalf of the Division; and
- e. Perform any other duties incident to his or her office.

**4.5.6 Publicity Manager.** The Publicity Manager has the chief communications powers of the Division. The Publicity Manager shall:

- a. Maintain all publications, web content, email accounts, social media accounts, and Utah Bar Journal submissions of the Division;
- b. Provide a report to the Board and the Executive Council at all regular meetings;
- c. Facilitate all external marketing and publicity on behalf of the Division;
- d. As needed and upon the approval of Executive Council, establish email and public relations policies on behalf of the Division; and
- e. Perform any other duties incident to his or her office.

**4.6 Executive Council Meetings.** Meetings of the Executive Council shall be called as needed by the President or by any three Executive Council officers and shall be held at such place as the President or Executive Council may determine. Reasonable notice must be given for all Executive Council meetings. All Executive Council Officers shall be entitled to one vote on each matter submitted to a vote. A majority vote of the Executive Officers is required on all actions taken on behalf of the Executive Council, unless otherwise specified.

**4.7 Removal of Executive Council Officers.** Any three Executive Council officers, may petition in writing for the removal of another Executive Council officer. The Petition for Removal shall set forth the reasons for the request of removal. Upon receipt of the Petition for Removal, the President shall send a written notice to the Board that removal of a particular Executive Council officer has been requested, along with a copy of the Petition for Removal. If the Petition for Removal contemplates removal of the President, the Immediate Past President shall assume such duties. Notice that an action to remove an Executive Council officer, along

**Commented [GM2]:** New language discourages a conflict of interest if a petition for removal contemplates removal of the president



with a copy of the Petition for Removal, must be provided to the Executive Council officer that is the subject of the Petition for Removal no less than thirty (30) days prior to the meeting at which such action will be considered by the Executive Council and the Board. The Executive Council officer that is the subject of the Petition for Removal must be given the opportunity to respond to the Petition for Removal prior to any vote on the matter. Other Executive Council officers and Board members may speak in favor of or against removal. At the conclusion of the discussion, a vote shall be taken by written ballot. The Executive Council officer that is the subject of the Petition for Removal shall be removed only upon a vote of good cause by a three-quarters (3/4) vote of the Executive Council and a simple majority vote of the Board. Removal is effective immediately.

- 4.8 Vacancies on the Executive Council.** A vacancy in an Executive Council office occurs when an officer resigns or is removed from office. A vacancy in the office of President shall be filled by the President-Elect, as set forth herein. A vacancy in the office of President-Elect shall be filled by any other member of the Executive Council appointed by the President; however, the appointed officer shall only assume the vice presidential duties of the position and shall not succeed the President as President-Elect. A vacancy in the office of Secretary, Treasurer, or Publicity Manager shall be filled by a majority of all ballots cast by members of the Division.

#### **ARTICLE V Affiliate Positions**

- 5.1 ABA District Representative.** Vacancies in the ABA District Representative for District 27 (Utah and Nevada) shall alternate each year between Utah and Nevada. In years in which Utah has the nomination, the ABA District Representative shall be nominated and selected in accordance with the requirements set forth in the Bylaws of the Young Lawyers Division of the American Bar Association. Nominees for this position shall meet all eligibility requirements set forth by the Young Lawyers Division of the American Bar Association.
- 5.2 ABA Young Lawyer Delegate.** Vacancies in the ABA Young Lawyer Delegate position shall be filled by the Board and the Utah Bar Commission. When a vacancy occurs, the Board shall solicit letters of interest in the position from members of the Division. The Board shall select from the letters submitted three (3) qualified nominees to the Utah Bar Commission for appointment to the ABA House of Delegates. Nominees for this position shall meet all eligibility requirements set forth by the American Bar Association.

#### **ARTICLE VI Miscellaneous Provisions**

- 6.1 Compensation.** No salary or compensation for services shall be paid to or by any Board member, Executive Counsel officer, or committee member, except as may be specifically authorized by the Utah Bar Commission. Nothing in this provision shall limit the ability of Board members, Executive Counsel officers, or committee members from receiving

**Commented [GM3]:** Fixes typographical error



reimbursement for valid, verified expenses incurred as part of his or her duties, subject to the provisions herein and in any subsequent policies of the Division or the Utah State Bar.

- 6.2 **Supplemental Authority.** The Division, through the procedures set forth herein, may make rules or adopt policies and procedures that supplement these Bylaws which shall be binding upon the division for the period specified by the same.
- 6.3 **Antidiscrimination.** The Division shall not discriminate, and shall actively oppose discrimination, on the basis of ancestry, color or race, cultural or ethnic background, national or regional origin, economic status, political affiliation, marital or parental status, physical disability, religion, sex, sexual orientation, gender identity or expression, and kind or size of legal practice.
- 6.4 **Division Activities and Events.** Reasonable efforts should be made to account for the geographical locations of the Division's various activities and events throughout the State of Utah to encourage participation by young lawyers in areas outside the Salt Lake Valley.

#### **ARTICLE VII Amendments**

- 7.1 **Preliminary Approval.** These Bylaws may be amended by a majority vote of the Executive Council and a majority vote of the Board.
- 7.2 **Final Approval.** Amendments to these Bylaws must be submitted for final approval to the Utah Bar Commissioners by the President within fourteen (14) working days of passage by the Executive Counsel and Board.

**Motion Amending and Restating the Bylaws of the Young Lawyers Division**

On the \_\_\_\_\_ day of June, 2016, at duly and properly scheduled meeting of the Board of Directors, wherein a quorum was present, a motion made to amend and restate the Bylaws of the Young Lawyers Division of the Utah State Bar, which passed by a vote of \_\_\_\_\_ aye votes, \_\_\_\_\_ nay votes, and abstentions. A complete and accurate copy of these amended and restated Bylaws are attached above.

**Certification by Officers**

We, the undersigned, President and Secretary of the Young Lawyers Division of the Utah State Bar, hereby certify that the foregoing amended and restated Bylaws were duly and adopted on the \_\_\_\_\_ day of September, 2021. Any previous Bylaws are repealed and replaced by these amended and restated Bylaws.

\_\_\_\_\_  
Grant Miller, President

\_\_\_\_\_  
Erika Larsen, Secretary

**UTAH STATE BAR  
YOUNG LAWYERS DIVISION**

**BYLAWS**

(Amended and restated September 21, 2021)

**ARTICLE I  
Name and Purpose**

- 1.1 Name.** This organization shall be named the Young Lawyers Division of the Utah State Bar.
- 1.2 Purpose.** The primary purpose of the Division shall be to further the mission of the Utah State Bar, particularly among younger and newer members, through continued education, professional development, leadership training, social activities, public service, and take such other functions deemed appropriate by Division members. The Division shall also serve as an affiliate of the American Bar Association Young Lawyer Division and any other affiliate organizations.

**ARTICLE II  
Members**

- 2.1 Eligibility for Membership.** Membership in the Division shall consist of all members of the Utah State Bar in good standing who are under thirty-six (36) years of age, or have been admitted to the practice of law in any state less than ten (10) years.
- 2.2 Termination of Membership.** Membership shall terminate automatically on June 30 after a member attains thirty-six (36) years of age, or ten (10) years after admission to the practice of law in any state, whichever occurs last, except as set forth herein. This definition shall not affect the Utah Bar Commission's determination and fixation of annual license fees.
- 2.3 Voting.** Each member of the Division in good standing shall be entitled to one (1) vote on each matter put to a vote of the members.
- 2.4 Meeting of the Members.** A meeting of the membership of the Division may be called by the President, upon approval of the Executive Council, at such time and place as the Executive Council may determine. or upon the written petition of not less than ten members of the Division which meetings, when called, shall be held at such time and place as the Executive Council may determine.
- 2.5 Quorum for Meeting of the Members.** Ten (10) percent of the current total members of the Division shall constitute a quorum of any meeting of the Division. All binding action of the Division shall be by a majority vote of the members present at any such meeting

where a quorum is in attendance. Roberts Rules of Order shall guide the meeting but shall not be binding.

- 2.6 Action of Members Without Meeting.** Any action that may be taken at a meeting of the Division members may be taken without a meeting if a majority of the Division members entitled to vote consent to such action in writing. The procedures for such action shall be such as the Executive Council may establish from time to time, subject to applicable law.
- 2.7 Proxy Voting.** Proxy voting shall not be allowed at Division meetings.

### **ARTICLE III Board of Directors**

- 3.1 Governance.** The main governing body of the Division shall be the Board of Directors ("the Board"), which shall consist of not less than fifteen (15) or more than thirty (30) members, not including the Executive Council. Except as otherwise provided by these Bylaws, all policymaking authority within the Division resides in the Board.
- 3.2 Board Members.** Except as otherwise provided herein, members of the Board shall be appointed by the President with the advice and consent of the Executive Council. All Board members shall be designated as a director of a program ("Director") or a liaison to another program or association related to the mission of the Division ("Liaison"). Officers may hold more than one position at a time but no more than one person may occupy the same office or offices at the same time.
- 3.3 Eligibility for Board Membership.** No person shall be eligible for appointment to the Board unless he or she is a member in good standing of the Division and can continue as a member of the Division without "ag in g-out" during his or her term. If a Board member "ages -out" during his or her term, he or she may continue to serve until a replacement is appointed.
- 3.4 Term of Office.** The term of office for a Director or Liaison shall run from the time of appointment until June 30 or until a replacement is appointed.
- 3.5 Powers and Duties.** Board members shall have general supervision of the affairs of the Division, subject to the provisions of the Bylaws of the Utah State Bar. All members of the Board shall attend all regular Board meetings. In the event that a Board member cannot attend a regularly scheduled board meeting, he or she shall communicate the reason for his or her absence to the President in advance of the meeting. All Board members shall be entitled to one (1) vote on each matter put to a vote of the Board.
- 3.5.1 Powers and Duties of Directors.** In addition to the general powers and duties set forth herein, a Director shall have the power to direct one or more programs of the Division. A Director shall also have the power to appoint a committee of qualified individuals to support him or her in the coordination of the program or programs he or she directs.

- 3.5.2 Powers and Duties of Liaisons.** In addition to the general powers and duties set forth herein, a Liaison shall have the power to represent the Division to one or more other programs or associations related to the mission of the Division.
- 3.6 Regular Meetings.** The Board shall hold at least nine (9) regular meetings each year at such time and place as set by the President. All regular meetings shall be open to Division members and to the public.
- 3.7 Special Meetings.** Special meetings of the Board may be called by the President or any three Executive Cabinet officers and held at such place as the President or Executive Council may determine. Reasonable notice of a special meeting shall be given by email, telephone, and any other means as the Executive Council may determine. All special meetings shall be open to public unless otherwise specified. No members of the Division may be denied entry to any Board meeting.
- 3.8 Quorum for Board Meetings.** A majority of the Board shall constitute a quorum for the transaction of business at any meeting of the Board; but if less than a majority of the Board members is present at any meeting, a majority of the Board members present may adjourn the meeting.
- 3.9 Vacancies on the Board.** A vacancy in a Director or Liaison position occurs when a director resigns or is dismissed by the President with the advice and consent of the Executive Council. A Vacancy may be filled by appointment by the President with the advice and consent of the Executive Council.

#### **ARTICLE IV Executive Council**

- 4.1 Executive Council Officers.** The Executive Council shall consist of the President, President-Elect, Immediate Past President, Secretary, Treasurer, and Publicity Manager.
- 4.2 Eligibility for Executive Council Office.** No person shall be eligible for an Executive Council office unless he or she is a member in good standing of the Division and can continue as a member of the Division without "aging-out" during his or her term. The only exception shall be for the Immediate Past President who shall continue to serve until the end of his or her term despite having "aged-out" of the Division.
- 4.3 Term of Office.** The term of office shall for all Executive Council offices shall begin at the close of the Utah Bar Annual Summer Convention or July 1, whichever occurs later, and end at the close of the following Utah Bar Summer Convention or until June 30, whichever occurs later.
- 4.4 Election and Succession.** The President-Elect, Secretary, Treasurer, and Publicity Manager shall be elected annually by a majority vote of all ballots cast by members of the Division. On or before May 1, members of the Division shall be notified of Executive Council offices up for election. Declarations of candidacy for each elected office shall be

submitted on or before May 15. The time period for voting and the announcement of election results shall be determined by a majority vote of the Executive Council, so long as the results of the election are declared no later than May 31. The office of President shall devolve upon the President-Elect once his or her term of office ends. The office of Immediate Past President shall devolve upon the President once his or her term of office ends.

- 4.5 Powers and Duties.** Executive Council officers shall carry out the duties of his or her office as set forth herein. All Executive Council members shall be members of the Board. All Executive Council members shall be entitled to one (1) vote on each matter put to a vote of the Board and one (1) vote on each matter put to a vote of the Executive Council with the exception of the Immediate Past President, who shall be an ex officio member of the Board and the Executive Council.

**4.5.1 President.** The President has the chief executive powers of the Division. The President shall:

- a. Have general charge of the affairs and management of the Division;
- b. Preside at all meetings of the Division, Board, and Executive Council and shall determine the agenda and the order of business to be transacted at any meeting thereof;
- c. Provide a report to the Board and the Executive Council at all regular meetings;
- d. Appoint members of the Board as set forth herein;
- e. Represent the Division as an ex officio member of the Utah Bar Commissioners;
- f. Select from the members of the Division the delegation to any national or regional conferences in which the Young Lawyers Division is an affiliate member; and
- g. Perform any other duties incident to his or her office.

**4.5.2 President-Elect.** The President -Elect is the vice president of the Division. The President-Elect shall:

- a. Temporarily assume the duties of the president in the event of his or her absence, temporary disability, or failure to act until the President resumes his or her duties;
- b. In the event of a permanent vacancy, automatically succeed the President for the remainder of his or her term of office (early succession to the office)

of the President shall have no effect on the term or regular succession of the President- Elect);

- c. Prepare and submit the Division's proposed budget for upcoming fiscal year by June 1;
- d. Obtain preliminary approval of proposed budget for the Division by a majority vote of the incoming Executive Council officers prior to submitting the same to the Utah Bar Commission for final approval at the Utah Bar Commission's next regular meeting; and
- e. Perform any other duties incident to his or her office.

**4.5.3 Immediate Past President.** The Immediate Past President is the individual who last served a full term as President. The Immediate Past President shall:

- a. Make himself or herself available to the Board and Executive Council for consultation regarding all matters concerning the Division;
- b. Perform such other duties as may be assigned to him or her by the President; and
- c. Perform any other duties incident to his or her office.

**4.5.4 Secretary.** The Secretary has the chief administrative powers of the Division . The Secretary shall:

- a. Maintain custody of all records of the Division;
- b. Provide a report to the Board and the Executive Council at all regular meetings;
- c. Compile, maintain, and distribute a contact list of all Executive Council officers and Board members to be distributed to the same;
- d. Distribute meeting materials to all Board members in advance of all Board and Executive Council meetings and keep the minutes of all Board and Executive Council meetings;
- e. Facilitate all elections of the Division, subject to the provisions herein;
- f. As needed, and upon the approval of Executive Council, establish record-keeping and elections policies on behalf of the Division; and
- g. Perform any other duties incident to his or her office.



**4.5.5 Treasurer.** The Treasurer has the financial control powers of the Division. The Treasurer shall:

- a. Maintain custody the budget and all financial records of the Division;
- b. Provide a report to the Board and the Executive Council at all regular meetings;
- c. Facilitate all financial transactions of the Division, with the approval of the President and subject to the provisions herein;
- d. As needed and upon the approval of Executive Council, establish expenditure and reimbursement policies on behalf of the Division; and
- e. Perform any other duties incident to his or her office.

**4.5.6 Publicity Manager.** The Publicity Manager has the chief communications powers of the Division. The Publicity Manager shall:

- a. Maintain all publications, web content, email accounts, social media accounts, and Utah Bar Journal submissions of the Division;
- b. Provide a report to the Board and the Executive Council at all regular meetings;
- c. Facilitate all external marketing and publicity on behalf of the Division;
- d. As needed and upon the approval of Executive Council, establish email and public relations policies on behalf of the Division; and
- e. Perform any other duties incident to his or her office.

**4.6 Executive Council Meetings.** Meetings of the Executive Council shall be called as needed by the President or by any three Executive Cabinet officers and shall be held at such place as the President or Executive Council may determine. Reasonable notice must be given for all Executive Council meetings. All Executive Council Officers shall be entitled to one vote on each matter submitted to a vote. A majority vote of the Executive Officers is required on all actions taken on behalf of the Executive Council, unless otherwise specified.

**4.7 Removal of Executive Council Officers.** Any three Executive Council officers, may petition in writing for the removal of another Executive Council officer. The Petition for Removal shall set forth the reasons for the request of removal. Upon receipt of the Petition for Removal, the President shall send a written notice to the Board that removal of a particular Executive Council officer has been requested, along with a copy of the Petition for Removal. If the Petition for Removal contemplates removal of the President, the Immediate Past President shall assume such duties. Notice that an action to remove an Executive Council officer, along

with a copy of the Petition for Removal, must be provided to the Executive Council officer that is the subject of the Petition for Removal no less than thirty (30) days prior to the meeting at which such action will be considered by the Executive Council and the Board. The Executive Council officer that is the subject of the Petition for Removal must be given the opportunity to respond to the Petition for Removal prior to any vote on the matter. Other Executive Council officers and Board members may speak in favor of or against removal. At the conclusion of the discussion, a vote shall be taken by written ballot. The Executive Council officer that is the subject of the Petition for Removal shall be removed only upon a vote of good cause by a three-quarters (3/4) vote of the Executive Council and a simple majority vote of the Board. Removal is effective immediately.

- 4.8 Vacancies on the Executive Council.** A vacancy in an Executive Council office occurs when an officer resigns or is removed from office. A vacancy in the office of President shall be filled by the President-Elect, as set forth herein. A vacancy in the office of President-Elect shall be filled by any other member of the Executive Council appointed by the President; however, the appointed officer shall only assume the vice presidential duties of the position and shall not succeed the President as President-Elect. A vacancy in the office of Secretary, Treasurer, or Publicity Manager shall be filled by a majority of all ballots cast by members of the Division.

## **ARTICLE V**

### **Affiliate Positions**

- 5.1 ABA District Representative.** Vacancies in the ABA District Representative for District 27 (Utah and Nevada) shall alternate each year between Utah and Nevada. In years in which Utah has the nomination, the ABA District Representative shall be nominated and selected in accordance with the requirements set forth in the Bylaws of the Young Lawyers Division of the American Bar Association. Nominees for this position shall meet all eligibility requirements set forth by the Young Lawyers Division of the American Bar Association.
- 5.2 ABA Young Lawyer Delegate.** Vacancies in the ABA Young Lawyer Delegate position shall be filled by the Board and the Utah Bar Commission. When a vacancy occurs, the Board shall solicit letters of interest in the position from members of the Division. The Board shall select from the letters submitted three (3) qualified nominees to the Utah Bar Commission for appointment to the ABA House of Delegates. Nominees for this position shall meet all eligibility requirements set forth by the American Bar Association.

## **ARTICLE VI**

### **Miscellaneous Provisions**

- 6.1 Compensation.** No salary or compensation for services shall be paid to or by any Board member, Executive Counsel officer, or committee member, except as may be specifically authorized by the Utah Bar Commission. Nothing in this provision shall limit the ability of Board members, Executive Counsel officers, or committee members from receiving

reimbursement for valid, verified expenses incurred as part of his or her duties, subject to the provisions herein and in any subsequent policies of the Division or the Utah State Bar.

- 6.2 Supplemental Authority.** The Division, through the procedures set forth herein, may make rules or adopt policies and procedures that supplement these Bylaws which shall be binding upon the division for the period specified by the same.
- 6.3 Antidiscrimination.** The Division shall not discriminate, and shall actively oppose discrimination, on the basis of ancestry, color or race, cultural or ethnic background, national or regional origin, economic status, political affiliation, marital or parental status, physical disability, religion, sex, sexual orientation, gender identity or expression, and kind or size of legal practice.
- 6.4 Division Activities and Events.** Reasonable efforts should be made to account for the geographical locations of the Division's various activities and events throughout the State of Utah to encourage participation by young lawyers in areas outside the Salt Lake Valley.

## **ARTICLE VII**

### **Amendments**

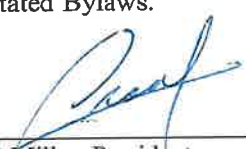
- 7.1 Preliminary Approval.** These Bylaws may be amended by a majority vote of the Executive Council and a majority vote of the Board.
- 7.2 Final Approval.** Amendments to these Bylaws must be submitted for final approval to the Utah Bar Commissioners by the President within fourteen (14) working days of passage by the Executive Counsel and Board.

### **Motion Amending and Restating the Bylaws of the Young Lawyers Division**

On the 21<sup>st</sup> of September, 2021, at duly and properly scheduled meeting of the Board of Directors, wherein a quorum was present, a motion made to amend and restate the Bylaws of the Young Lawyers Division of the Utah State Bar, which passed by a vote of 22 aye votes, 0 nay votes, and abstentions. A complete and accurate copy of these amended and restated Bylaws are attached above.

### **Certification by Officers**

We, the undersigned, President and Secretary of the Young Lawyers Division of the Utah State Bar, hereby certify that the foregoing amended and restated Bylaws were duly and adopted on the 21<sup>st</sup> day of September, 2021. Any previous Bylaws are repealed and replaced by these amended and restated Bylaws.

  
\_\_\_\_\_  
Grant Miller, President  
\_\_\_\_\_  
Erika Larsen, Secretary



# Utah State Bar®

## M E M O R A N D U M

**TO:** Utah State Bar Board of Commissioners

**FROM:** Nancy Sylvester

**RE:** Amendments to Rule 14-113 (Paralegal Division)

**DATE:** September 27, 2021

---

Together with the Paralegal Division and Scotti Hill,<sup>1</sup> I recommend that Rule 14-113 be amended. The following is a summary of the proposed amendments:

- A paralegal may also include a Licensed Paralegal Practitioner (LPP) as defined in Rule 14-101;
- The certification and fee requirements are waived for LPP's joining the paralegal division;
- The term "bar licensee" refers to both a lawyer and an LPP; and
- An LPP may be a sponsor of a paralegal affiliate in the paralegal division.

Redline and clean versions of the proposed amendments are attached to this memorandum. Following discussion, the Commission should vote on whether to recommend the amendments to the Utah Supreme Court.

---

<sup>1</sup> Scotti Hill oversees the Utah State Bar's Licensed Paralegal Practitioner program.

1 **Rule 14-113. ~~Creation of p~~Paralegal division.**

2 **(a) Paralegal defined.**

3 (1) A paralegal is a person qualified through education, training, or work  
4 experience, who ~~is~~

5 (A) ~~is~~ employed or retained ~~in Utah~~ by a ~~lawyer~~licensee of the Utah  
6 State Bar or the bar of another jurisdiction ("bar licensee"), a law office,  
7 a governmental agency, or ~~the another~~ entity;

8 (B) ~~in the capacity of function which involves the performance, under~~  
9 ~~the works under the~~ ultimate direction and supervision of a ~~bar licensee~~  
10 ~~attorney; and~~

11 (C) ~~, of specifically delegated performs~~ substantive legal work ~~that,~~  
12 ~~which work,~~ for the most part, requires a sufficient knowledge of legal  
13 concepts ~~and~~ that, absent such assistance, the ~~attorney bar licensee~~  
14 would perform.

15 (2) A paralegal includes a ~~Utah~~ paralegal on a contract or free-lance basis  
16 who works under the supervision of a ~~lawyer bar licensee~~ or who produces  
17 work directly for a ~~lawyer bar licensee~~ for which a ~~lawyer bar licensee~~ is  
18 accountable.

19 (3) A paralegal may also include a Licensed Paralegal Practitioner as  
20 defined in Rule 14-101. The term "bar licensee" refers to both a lawyer and  
21 a Licensed Paralegal Practitioner.

22 **(b) Membership and structure of paralegal division.**

23 (1) A paralegal may ~~Qualified individuals can~~ become a "paralegal  
24 affiliates" of the Bar upon ~~submitting an~~ application to the ~~Bar's~~ paralegal  
25 division ~~of the Bar.~~

26 (2) ~~In addition to the application, a paralegal must also submit the~~  
27 ~~following to the paralegal division: and fulfilling the following:~~



(1A) an initial and annual certification of continuous sponsorship of a paralegal affiliate by an employer who is a member bar licensee of the Bar;

(2B) a certification by the attorney bar licensee and paralegal affiliate that the paralegal undertakes no legal work outside the attorney's bar licensee's supervision or the supervision of attorney bar licensee members of the firm, wherein except that joint sponsorship by joint employers would is be permitted;

(3C) an assumption of responsibility by the attorney bar licensee for the compliance of the paralegal with all applicable rules of the Bar;

(4D) the paralegal affiliate's parallel commitment that the attorney bar licensee and paralegal affiliate will notify the Bar of any change of employment of the paralegal affiliate; The paralegal affiliate's authority to function as a paralegal affiliate will terminate concurrent with employment by the sponsor unless sponsorship is accepted by another employer member of the Bar;

(E) evidence of compliance with the CLE requirements as reflected on the membership application; and

(5FE) an appropriate fee.

The paralegal affiliate's authority to function as a paralegal affiliate will terminate concurrent with employment by the sponsor unless sponsorship is accepted by another employer-licensee of the Bar.

(3) The membership requirements in paragraph (b)(2) are waived if the applicant is an active member of the Bar as a Licensed Paralegal Practitioner.

(c) **Officers of paralegal division and ex officio membership on the Board.**  
The paralegal division may appoint officers a (president, vice president, treasurer, and secretary Chair, Chair-Elect, Finance Officer, and Secretary) on an annual basis. The division may also appoint directors, and an ex officio,

57 non-voting member of the Board who ~~shall~~will report regularly to the  
58 division's membership regarding the overall activities of the Bar.

59 (d) Paralegal division membership.

60 (1) Paralegal affiliates are eligible to receive the Utah Bar Journal, notices of  
61 Bar functions, and bar-~~member~~licensee rates at seminars and meetings.  
62 Paralegal affiliates are not eligible for office within the Bar.

63 (2) Except for Licensed Paralegal Practitioners, ~~P~~paralegal affiliates ~~shall~~  
64 ~~not be~~are not ~~directly~~ subject to discipline by the ~~Bar~~Office of Professional  
65 Conduct. However, under Rule 5.3 of the Utah Rules of Professional  
66 Conduct, supervising or responsible ~~attorneys~~bar licensees are responsible  
67 for all work undertaken by paralegal affiliates for or on their behalf.

68

**Rule 14-113. Paralegal division.**

**(a) Paralegal defined.**

(1) A paralegal is a person qualified through education, training, or work experience, who

(A) is employed or retained in Utah by a licensee of the Utah State Bar or the bar of another jurisdiction ("bar licensee"), a law office, a governmental agency, or another entity;

(B) works under the ultimate direction and supervision of a bar licensee; and

(C) performs substantive legal work that, for the most part, requires a sufficient knowledge of legal concepts and that, absent such assistance, the bar licensee would perform.

(2) A paralegal includes a Utah paralegal on a contract or freelance basis who works under the supervision of a bar licensee or who produces work directly for a bar licensee for which a bar licensee is accountable.

(3) A paralegal may also include a Licensed Paralegal Practitioner as defined in Rule 14-101. The term "bar licensee" refers to both a lawyer and a Licensed Paralegal Practitioner.

**(b) Membership and structure of paralegal division.**

(1) A paralegal may become a "paralegal affiliate" of the Bar upon application to the Bar's paralegal division.

(2) In addition to the application, a paralegal must also submit the following to the paralegal division:

(A) an initial and annual certification of continuous sponsorship of a paralegal affiliate by an employer who is a bar licensee;

(B) a certification by the bar licensee and paralegal that the paralegal undertakes no legal work outside the bar licensee's supervision or the

supervision of bar licensee members of the firm, except that joint sponsorship by joint employers is permitted;

(C) an assumption of responsibility by the bar licensee for the compliance of the paralegal with all applicable rules of the Bar;

(D) the paralegal affiliate's parallel commitment that the bar licensee and paralegal affiliate will notify the Bar of any change of employment of the paralegal affiliate;

(E) evidence of compliance with the CLE requirements as reflected on the membership application; and

(F) an appropriate fee.

The paralegal affiliate's authority to function as a paralegal affiliate will terminate concurrent with employment by the sponsor unless sponsorship is accepted by another employer-licensee of the Bar.

(3) The membership requirements in paragraph (b)(2) are waived if the applicant is an active member of the Bar as a Licensed Paralegal Practitioner.

**(c) Officers of paralegal division and ex officio membership on the Board.**

The paralegal division may appoint a Chair, Chair-Elect, Finance Officer, and Secretary on an annual basis. The division may also appoint directors, and an ex officio, non-voting member of the Board who will report regularly to the division's membership regarding the overall activities of the Bar.

**(d) Paralegal division membership.**

(1) Paralegal affiliates are eligible to receive the Utah Bar Journal, notices of Bar functions, and bar-licensee rates at seminars and meetings. Paralegal affiliates are not eligible for office within the Bar.

(2) Except for Licensed Paralegal Practitioners, paralegal affiliates are not subject to discipline by the Office of Professional Conduct. However, under Rule 5.3 of the Utah Rules of Professional Conduct, supervising or

56        responsible bar licensees are responsible for all work undertaken by  
57        paralegal affiliates for or on their behalf.

58

# TAB 6

## FINANCIAL STATEMENT HIGHLIGHTS

### Notable Trends:

- The results of the financials for the first quarter of the fiscal year show total revenues overreported compared to the budget, while expenses are underreported, thus resulting in a favorable variance of \$374,000 compared to the budget.
  - Licensing department reported \$358,000 more revenues than budgeted.
  - Total expenses underreported as a result of the FY21/22 budget's approval delay until the end of August, and therefore some spending was also delayed until budget approval.

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

	Actual	Budget	Fav(unfav) \$ Variance	Fav(unfav) % Variance
YTD revenue	5,004,865	4,781,672	223,193	5%
YTD expenses	1,649,757	1,763,486	113,729	6%
<b>YTD net profit/(loss)</b>	<b>3,355,108</b>	<b>3,018,187</b>	<b>336,921</b>	<b>11%</b>

YTD net income is \$3,355,108 and is \$336,921 over budget.

**YTD Net Profit –Cash Basis:** Adding back year-to-date depreciation expense of \$34,000 and deducting capital expenditures of \$11,000, the cash basis year-to-date net profit is approximately \$23,000 lower.

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

**Licensing:** YTD Licensing revenue for the first quarter of fiscal year 21/22 was \$4,482,000, which was \$357,000 (9%) over budget and \$451,000 more than last year's revenue, at this time. The higher-than-expected revenues is due to more attorneys renewing their licenses during the first 3 months of the license renewal period compared to last year. Last year's licensing revenues for the first three months of the renewal period were unusually low due to the extension of the licensing period without late fees, thereby extending licensing renewals well into October and November 2020.

**CLE:** For the first quarter of fiscal 21/22, The CLE department's revenue underreported \$86,000 (47%) compared to the budget and expenses also underreported by more than \$38,000 (32%) compared to the budget. CLE Registrations is the most significant revenue item for this department, which underreported by \$64,000 compared to the budget. In-person CLE events continue to mostly be held virtually due to COVID pandemic and therefore are priced slightly lower than an in-person CLE price. The CLE department continues to hold events virtually and evaluate appropriate registration prices that promote attendance while also adequately providing a CLE-benefit to attending members.

**Summer Convention:** The Summer Convention held in July 2021 in Sun Valley, Idaho was projected to break-even, thereby having attendance revenues and sponsorships revenues cover all expenses. The current financials for the first quarter of fiscal 21/22 show that the Summer Convention is currently reporting a \$685 loss. While some additional small expenses may be recorded in future months, the small



loss of \$685 closely matches the breakeven budget for the event.

**Fall Forum:** The Fall Forum 2021 is a virtual series with eight sessions beginning November 18<sup>th</sup> and is budgeted to breakeven. For the first quarter of the fiscal year, registrations underreported by \$34,000 and expenses also are underreported by \$16,000, which is due to the fact that the prior year's Fall Forum began accepting registrations in September 2020 because the event began October 1<sup>st</sup>, which is six weeks earlier than the current year's Fall Forum start date. Therefore, it is not unusual that the current year Fall Forum actual revenue and expenses do not line up with the budget, however we expect the overall amounts to catch up once registration begins for the event.

**Member Services:** Member Services YTD net profit for the first quarter of the fiscal year was \$6,000 compared to budgeted net spending of \$31,000, a difference of \$37,000. The reason for the variance is mostly due to lower-than-budgeted spending, most likely the result of the delayed budget approval and therefore limited spending in July and August; and also Member Services revenues are overreporting due to higher than budgeted advertising revenue and higher than budgeted Section/Local Bar Support Fees (more attorneys licensing during the renewal period, and therefore more attorneys signing up for Sections and Local Bars or Associations wherein the Bar is paid \$7/member). We expect expenses to even out as the fiscal year progresses.

#### **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)	\$1,639,219
Capital Replacement Reserve (equipment)	200,000
Capital Replacement Reserve (building)*	<u>372,930</u>
Total	\$2,212,149
Estimated cash reserve at September 30, 2021	<u>\$5,206,618</u>
Excess of current cash reserve over board-designated reserve	<u>\$2,994,469</u>

**Utah State Bar  
Income Statement  
September 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
<b>Revenue</b>							
Licensing	4,042,428	4,481,808	4,123,187	358,621	109%	4,728,378	95%
Admissions	65,236	67,265	66,538	727	101%	438,901	15%
NLTP	16,369	24,150	16,521	7,629	146%	57,154	42%
OPC	1,303	634	2,366	(1,732)	27%	50,893	1%
CLE	110,286	75,883	161,646	(85,763)	47%	407,317	19%
Summer Convention	-	185,725	141,640	44,085	131%	141,640	131%
Fall Forum	27,375	1,000	34,558	(33,558)	3%	75,724	1%
Spring Convention	-	-	-	-	#DIV/0!	124,252	0%
Member Services	139,171	146,175	139,170	7,005	105%	293,977	50%
Public Services	13,653	2,360	24,913	(22,553)	9%	36,898	6%
Bar Operations	29,749	5,126	29,725	(24,599)	17%	67,285	8%
Facilities	10,567	14,739	41,408	(26,669)	36%	135,457	11%
Total Revenue	4,456,136	5,004,865	4,781,672	223,193	105%	6,557,876	76%
<b>Expenses</b>							
Licensing	63,118	50,933	43,408	(7,525)	117%	155,055	33%
Admissions	117,673	105,860	107,574	1,715	98%	478,263	22%
NLTP	26,632	21,856	9,231	(12,625)	237%	32,806	67%
OPC	377,089	371,323	392,533	21,210	95%	1,517,546	24%
CLE	79,218	80,794	119,259	38,465	68%	462,515	17%
Summer Convention	1,447	186,410	122,378	(64,032)	152%	141,640	132%
Fall Forum	1,236	2	16,415	16,413	0%	75,724	0%
Spring Convention	-	125	-	(125)	#DIV/0!	124,252	0%
Member Services	146,747	140,446	170,336	29,890	82%	684,547	21%
Public Services	183,356	170,265	199,333	29,068	85%	599,077	28%
Bar Operations	420,446	443,705	479,713	36,008	92%	1,832,725	24%
Facilities	92,596	78,039	103,306	25,267	76%	452,726	17%
Total Expenses	1,509,557	1,649,757	1,763,486	113,729	94%	6,556,876	25%
<b>Net Profit (Loss)</b>	<b>\$ 2,946,578</b>	<b>\$ 3,355,108</b>	<b>\$ 3,018,187</b>	<b>\$ 336,921</b>	<b>111%</b>	<b>\$ 1,000</b>	<b>335511%</b>
Depreciation	38,247	34,432	39,577	5,145	87%	169,056	
Cash increase (decrease) from operations	2,984,826	3,389,540	3,057,764	331,776	111%	170,056	
Changes in operating assets/liabilities	(2,140,476)	(2,941,803)	(2,941,803)	-	100%	20,000	
Capital expenditures	38,247	(11,070)	(25,000)	13,930	44%	(157,000)	
<b>Net change in cash</b>	<b>\$ 882,597</b>	<b>\$ 436,667</b>	<b>\$ 90,961</b>	<b>\$ 345,706</b>	<b>480%</b>	<b>\$ 33,056</b>	<b>1321%</b>

**Utah State Bar  
Licensing  
September 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
<b>Revenue</b>							
4010 - Section/Local Bar Support fees	1,048	-	1,069	(1,069)	0%	17,638	0%
4004 - Admissions - Laptop Fees	575	288	587	(300)	49%	587	49%
4006 - Transfer App Fees	-	-	-	-	#DIV/0!	-	#DIV/0!
4011 - Admissions LPP	925	400	925	(525)	43%	2,738	15%
4021 - Lic Fees > 3 Years	3,453,140	3,772,040	3,522,202	249,838	107%	3,832,047	98%
4020 - NLTP Fees	300	-	306	(306)	0%	765	0%
4022 - Lic Fees < 3 Years	171,900	192,500	175,338	17,162	110%	209,498	92%
4023 - Lic Fees - House Counsel	42,275	48,330	43,121	5,209	112%	48,766	99%
4025 - Pro Hac Vice Fees	63,150	58,700	64,413	(5,713)	91%	219,173	27%
4024 - Lic Fees LPP	1,950	3,600	1,989	1,611	181%	2,193	164%
4026 - Lic Fees - Inactive/FS	107,860	121,500	110,017	11,483	110%	118,891	102%
4027 - Lic Fees - Inactive/NS	191,205	219,240	195,029	24,211	112%	224,375	98%
4029 - Prior Year Lic Fees	-	-	-	-	#DIV/0!	-	#DIV/0!
4030 - Certs of Good Standing	4,520	4,720	4,610	110	102%	18,340	26%
4061 - Advertising Revenue	-	-	-	-	#DIV/0!	122	0%
4095 - Miscellaneous Income	85	40	86	(46)	47%	250	16%
4096 - Late Fees	3,495	60,450	3,495	56,955	1730%	32,995	183%
<b>Total Revenue</b>	<b>4,042,428</b>	<b>4,481,808</b>	<b>4,123,187</b>	<b>358,621</b>	<b>109%</b>	<b>4,728,378</b>	<b>95%</b>
<b>Expenses</b>							
Program Services	18,098	205	9,323	9,118	2%	37,138	-
Salaries & Benefits	33,719	36,248	36,030	(218)	101%	123,279	29%
General & Administrative	8,974	12,006	(4,332)	(16,338)	-277%	(15,080)	-80%
Building Overhead	2,328	2,474	2,387	(87)	104%	9,718	25%
<b>Total Expenses</b>	<b>63,118</b>	<b>50,933</b>	<b>43,408</b>	<b>(7,525)</b>	<b>117%</b>	<b>155,055</b>	<b>33%</b>
<b>Net Profit (Loss)</b>	<b>\$ 3,979,310</b>	<b>\$ 4,430,875</b>	<b>\$ 4,079,779</b>	<b>\$ 351,096</b>	<b>109%</b>	<b>\$ 4,573,323</b>	<b>97%</b>

Note: Includes LPP staff time and exam expense

451,564.72

**Utah State Bar  
Admissions  
September 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
<b>Revenue</b>							
4001 - Admissions - Student Exam Fees	5,500	7,700	5,610	2,090	137%	105,162	7%
4002 - Admissions - Attorney Exam Fees	12,200	10,500	12,444	(1,944)	84%	58,191	18%
4003 - Admissions - Retake Fees	4,200	3,600	4,284	(684)	84%	33,456	11%
4004 - Admissions - Laptop Fees	4,650	5,600	4,743	857	118%	63,444	9%
4005 - Admissions - Application Forms	1,000	-	1,020	(1,020)	-	8,364	-
4006 - Transfer App Fees	15,550	11,750	15,861	(4,111)	74%	46,002	26%
4008 - Attorney - Motion	17,850	22,100	18,207	3,893	121%	83,232	27%
4009 - House Counsel	2,550	4,250	2,601	1,649	163%	15,606	27%
4011 - Admissions LPP	-	-	-	-	#DIV/0!	200	0%
4095 - Miscellaneous Income	1,636	1,765	1,668	97	106%	4,244	42%
4096 - Late Fees	100	-	100	(100)	0%	21,000	0%
<b>Total Revenue</b>	<b>65,236</b>	<b>67,265</b>	<b>66,538</b>	<b>727</b>	<b>101%</b>	<b>438,901</b>	<b>15%</b>
<b>Expenses</b>							
Program Services	6,400	32,838	8,460	(24,379)	388%	64,003	51%
Salaries & Benefits	87,111	52,469	73,993	21,523	71%	318,584	16%
General & Administrative	20,034	16,165	20,882	4,717	77%	78,443	21%
Building Overhead	4,129	4,387	4,240	(147)	103%	17,233	25%
<b>Total Expenses</b>	<b>117,673</b>	<b>105,860</b>	<b>107,574</b>	<b>1,715</b>	<b>98%</b>	<b>478,263</b>	<b>22%</b>
<b>Net Profit (Loss)</b>	<b>\$ (52,438)</b>	<b>\$ (38,595)</b>	<b>\$ (41,036)</b>	<b>\$ 2,442</b>	<b>-6%</b>	<b>\$ (39,362)</b>	<b>98%</b>

**Utah State Bar  
NLTP  
September 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
<b>Revenue</b>							
4020 - NLTP Fees	15,750	24,150	16,065	8,085	150%	57,222	42%
4081 - CLE - Registrations	619	-	631	(631)	0%	631	0%
4200 - Seminar Profit/Loss	-	-	(175)	175	0%	(699)	-
<b>Total Revenue</b>	<b>16,369</b>	<b>24,150</b>	<b>16,521</b>	<b>7,629</b>	<b>146%</b>	<b>57,154</b>	<b>42%</b>
<b>Expenses</b>							
Program Services	-	-	663	663	0%	2,652	0%
Salaries & Benefits	20,115	14,003	1,607	(12,396)	871%	6,850	204%
General & Administrative	5,636	6,918	6,063	(855)	114%	19,630	35%
Building Overhead	880	935	898	(37)	104%	3,674	25%
<b>Total Expenses</b>	<b>26,632</b>	<b>21,856</b>	<b>9,231</b>	<b>(12,625)</b>	<b>237%</b>	<b>32,806</b>	<b>67%</b>
<b>Net Profit (Loss)</b>	<b>\$ (10,263)</b>	<b>\$ 2,294</b>	<b>\$ 7,290</b>	<b>\$ (4,996)</b>	<b>31%</b>	<b>\$ 24,348</b>	<b>9%</b>

**Utah State Bar  
OPC  
September 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
<b>Revenue</b>							
4095 - Miscellaneous Income	1,303	634	2,366	(1,732)	27%	4,000	16%
4200 - Seminar Profit/Loss	-	-	-	-	#DIV/0!	46,893	0%
<b>Total Revenue</b>	<b>1,303</b>	<b>634</b>	<b>2,366</b>	<b>(1,732)</b>	<b>27%</b>	<b>50,893</b>	<b>1%</b>
<b>Expenses</b>							
Program Services	531	367	3,363	2,996	11%	14,285	3%
Salaries & Benefits	329,974	324,687	340,467	15,780	95%	1,308,094	25%
General & Administrative	31,279	30,007	32,657	2,650	92%	130,074	23%
Building Overhead	15,304	16,262	16,046	(216)	101%	65,093	25%
<b>Total Expenses</b>	<b>377,089</b>	<b>371,323</b>	<b>392,533</b>	<b>21,210</b>	<b>95%</b>	<b>1,517,546</b>	<b>24%</b>
<b>Net Profit (Loss)</b>	<b>\$ (375,785)</b>	<b>\$ (370,689)</b>	<b>\$ (390,167)</b>	<b>\$ 19,478</b>	<b>95%</b>	<b>\$ (1,466,653)</b>	<b>25%</b>

**Utah State Bar  
CLE  
September 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
<b>Revenue</b>							
4052 · Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!	15,000	0%
4053 · Meeting - Vendor Revenue	-	-	-	-	#DIV/0!	-	-
4054 · Meeting - Material Sales	-	-	-	-	#DIV/0!	-	-
4081 · CLE - Registrations	62,039	50,105	114,093	(63,988)	44%	315,000	16%
4082 · CLE - Video Library Sales	48,247	25,778	47,553	(21,775)	54%	173,085	15%
4084 · Business Law Book Sales	-	-	-	-	#DIV/0!	-	-
4095 · Miscellaneous Income	-	-	-	-	#DIV/0!	-	-
4200 · Seminar Profit/Loss	-	-	-	-	#DIV/0!	(95,768)	0%
Total Revenue	110,286	75,883	161,646	(85,763)	47%	407,317	19%
<b>Expenses</b>							
Program Services	31,771	24,302	56,537	32,234	43%	202,596	12%
Salaries & Benefits	30,861	39,329	48,771	9,442	81%	211,664	19%
General & Administrative	12,895	13,448	10,159	(3,289)	132%	33,093	41%
Building Overhead	3,690	3,715	3,792	77	98%	15,162	25%
Total Expenses	79,218	80,794	119,259	38,465	68%	462,515	17%
<b>Net Profit (Loss)</b>	<b>\$ 31,068</b>	<b>\$ (4,911)</b>	<b>\$ 42,387</b>	<b>\$ (47,298)</b>	<b>-12%</b>	<b>\$ (55,198)</b>	<b>9%</b>



**Utah State Bar  
Summer Convention  
September 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
<b>Revenue</b>							
4051 - Meeting - Registration	-	130,748	117,410	13,338	111%	117,410	111%
4052 - Meeting - Sponsor Revenue	-	14,750	10,275	4,475	144%	10,275	144%
4053 - Meeting - Vendor Revenue	-	13,800	6,550	7,250	211%	6,550	211%
4055 - Meeting - Sp Ev Registration	-	13,235	7,405	5,830	179%	7,405	179%
4095 - Miscellaneous Income	-	13,192	-	13,192	-	-	-
<b>Total Revenue</b>	-	185,725	141,640	44,085	131%	141,640	131%
<b>Expenses</b>							
Program Services	-	165,545	118,388	(47,157)	140%	118,388	140%
Salaries & Benefits	1,447	15,956	2,074	(13,882)	769%	12,154	131%
General & Administrative	-	4,909	1,916	(2,993)	256%	11,098	44%
Building Overhead	-	-	-	-	#DIV/0!	-	-
<b>Total Expenses</b>	1,447	186,410	122,378	(64,032)	152%	141,640	132%
<b>Net Profit (Loss)</b>	\$ (1,447)	\$ (685)	\$ 19,262	\$ (19,947)	-4%	\$ -	#DIV/0!

**Utah State Bar  
Fall Forum  
September 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
<b>Revenue</b>							
4051 · Meeting - Registration	27,375	-	34,114	(34,114)	0%	68,999	0%
4052 · Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!	-	-
4053 · Meeting - Vendor Revenue	-	1,000	-	1,000	#DIV/0!	4,950	20%
4055 · Meeting - Sp Ev Registration	-	-	444	(444)	0%	1,775	-
<b>Total Revenue</b>	<b>27,375</b>	<b>1,000</b>	<b>34,558</b>	<b>(33,558)</b>	<b>3%</b>	<b>75,724</b>	<b>1%</b>
<b>Expenses</b>							
Program Services	-	-	11,643	11,643	0%	64,464	0%
Salaries & Benefits	302	-	687	687	0%	4,160	0%
General & Administrative	934	2	4,085	4,083	0%	7,100	0%
Building Overhead	-	-	-	-	#DIV/0!	-	-
<b>Total Expenses</b>	<b>1,236</b>	<b>2</b>	<b>16,415</b>	<b>16,413</b>	<b>0%</b>	<b>75,724</b>	<b>0%</b>
<b>Net Profit (Loss)</b>	<b>\$ 26,139</b>	<b>\$ 998</b>	<b>\$ 18,143</b>	<b>\$ (17,145)</b>	<b>6%</b>	<b>\$ -</b>	<b>#DIV/0!</b>

**Utah State Bar  
Spring Convention  
September 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
<b>Revenue</b>							
4051 - Meeting - Registration	-	-	-	-	#DIV/0!	97,895	0%
4052 - Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!	13,500	0%
4053 - Meeting - Vendor Revenue	-	-	-	-	#DIV/0!	10,950	0%
4055 - Meeting - Sp Ev Registration	-	-	-	-	#DIV/0!	1,907	0%
Total Revenue	-	-	-	-	#DIV/0!	124,252	0%
<b>Expenses</b>							
Program Services	-	-	-	-	#DIV/0!	94,989	0%
Salaries & Benefits	-	-	-	-	#DIV/0!	16,256	0%
General & Administrative	-	125	-	(125)	#DIV/0!	13,007	1%
Building Overhead	-	-	-	-	#DIV/0!	-	-
Total Expenses	-	125	-	(125)	#DIV/0!	124,252	0%
<b>Net Profit (Loss)</b>	<b>\$ -</b>	<b>\$ (125)</b>	<b>\$ -</b>	<b>\$ (125)</b>	<b>#DIV/0!</b>	<b>\$ -</b>	<b>#DIV/0!</b>

**Utah State Bar  
Member Services  
September 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
<b>Revenue</b>							
4010 - Section/Local Bar Support fees	77,717	83,594	77,717	5,877	108%	82,904	101%
4052 - Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!	-	#DIV/0!
4061 - Advertising Revenue	57,553	58,664	57,553	1,111	102%	195,858	30%
4062 - Subscriptions	-	30	-	30	#DIV/0!	30	100%
4071 - Mem Benefits - Lexis	300	328	300	28	109%	1,200	-
4072 - Royalty Inc - Bar J, MBNA, LM, M	3,601	3,559	3,600	(41)	99%	8,175	44%
Total Revenue	139,171	146,175	139,170	7,005	105%	293,977	50%
<b>Expenses</b>							
Program Services	53,642	54,467	63,113	8,646	86%	303,951	18%
Salaries & Benefits	47,750	37,249	49,390	12,141	75%	181,447	21%
General & Administrative	40,786	44,081	53,145	9,064	83%	180,318	24%
Building Overhead	4,569	4,649	4,688	39	99%	18,831	25%
Total Expenses	146,747	140,446	170,336	29,890	82%	684,547	21%
<b>Net Profit (Loss)</b>	<b>\$ (7,576)</b>	<b>\$ 5,730</b>	<b>\$ (31,166)</b>	<b>\$ 36,895</b>	<b>-18%</b>	<b>\$ (390,570)</b>	<b>-1%</b>

**Utah State Bar  
Public Services  
September 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
<b>Revenue</b>							
4063 - Modest Means revenue	2,900	2,350	3,040	(690)	77%	13,000	18%
4093 - Law Day Revenue	-	-	675	(675)	0%	2,700	0%
4095 - Miscellaneous Income	20	10	20	(10)	50%	20	50%
4120 - Grant Income	10,733	-	21,178	(21,178)	0%	21,178	0%
4200 - Seminar Profit/Loss	-	-	-	-	#DIV/0!	-	-
<b>Total Revenue</b>	<b>13,653</b>	<b>2,360</b>	<b>24,913</b>	<b>(22,553)</b>	<b>9%</b>	<b>36,898</b>	<b>6%</b>
<b>Expenses</b>							
Program Services	77,517	78,909	94,832	15,923	83%	174,038	45%
Salaries & Benefits	82,111	74,269	88,021	13,752	84%	362,748	20%
General & Administrative	20,926	14,109	13,609	(500)	104%	50,593	28%
Building Overhead	2,803	2,978	2,871	(107)	104%	11,698	25%
<b>Total Expenses</b>	<b>183,356</b>	<b>170,265</b>	<b>199,333</b>	<b>29,068</b>	<b>85%</b>	<b>599,077</b>	<b>28%</b>
<b>Net Profit (Loss)</b>	<b>\$ (169,703)</b>	<b>\$ (167,905)</b>	<b>\$ (174,420)</b>	<b>\$ 6,515</b>	<b>96%</b>	<b>\$ (562,179)</b>	<b>30%</b>

**Utah State Bar  
Bar Operations  
September 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
<b>Revenue</b>							
4031 - Enhanced Web Revenue	-	-	-	-	-	-	-
4052 - Meeting - Sponsor Revenue	-	-	-	-	#DIV/0!	-	#DIV/0!
4053 - Meeting - Vendor Revenue	-	-	-	-	#DIV/0!	-	#DIV/0!
4060 - E-Filing Revenue	15,614	-	15,614	(15,614)	0%	24,853	0%
4103 - In - Kind Revenue - UDR	23	-	(2)	2	0%	-	#DIV/0!
4095 - Miscellaneous Income	140	70	141	(71)	50%	20,956	0%
4200 - Seminar Profit/Loss	-	-	-	-	#DIV/0!	-	-
Investment Income	13,972	5,056	13,972	(8,916)	36%	21,476	65%
Total Revenue	29,749	5,126	29,725	(24,599)	17%	67,285	44%
<b>Expenses</b>							
Program Services	5,046	66,305	41,892	(24,413)	158%	178,877	37%
Salaries & Benefits	324,731	306,145	332,287	26,142	92%	1,304,037	23%
General & Administrative	79,034	58,947	93,602	34,655	63%	298,000	20%
In Kind	517	494	518	24	95%	5,404	9%
Building Overhead	11,118	11,814	11,414	(400)	104%	46,407	25%
Total Expenses	420,446	443,705	479,713	36,008	92%	1,832,725	24%
<b>Net Profit (Loss)</b>	<b>\$ (390,697)</b>	<b>\$ (438,579)</b>	<b>\$ (449,988)</b>	<b>\$ 11,409</b>	<b>97%</b>	<b>\$ (1,765,440)</b>	<b>25%</b>

**Utah State Bar  
Facilities  
September 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
<b>Revenue</b>							
4039 · Room Rental-All parties	3,863	6,238	16,082	(9,844)	39%	51,386	12%
4042 · Food & Beverage Rev-All Parties	1,802	4,329	20,383	(16,054)	21%	62,654	7%
4043 · Setup & A/V charges-All parties	-	-	175	(175)	0%	701	0%
4090 · Tenant Rent	4,832	4,172	4,698	(526)	89%	20,646	20%
4095 · Miscellaneous Income	70	-	70	(70)	0%	70	0%
4103 · In - Kind Revenue - UDR	-	-	-	-	#DIV/0!	-	#DIV/0!
<b>Total Revenue</b>	<b>10,567</b>	<b>14,739</b>	<b>41,408</b>	<b>(26,669)</b>	<b>36%</b>	<b>135,457</b>	<b>11%</b>
<b>Expenses</b>							
Program Services	1,652	4,576	3,976	(600)	115%	60,835	8%
Salaries & Benefits	49,124	36,720	55,263	18,543	66%	185,606	20%
General & Administrative	(3,473)	(12,351)	(1,351)	11,000	914%	17,470	-71%
In Kind	95	1,341	94	(1,247)	1427%	475	282%
Building Overhead	45,198	47,753	45,324	(2,429)	105%	188,340	25%
<b>Total Expenses</b>	<b>92,596</b>	<b>78,039</b>	<b>103,306</b>	<b>25,267</b>	<b>76%</b>	<b>452,726</b>	<b>17%</b>
<b>Net Profit (Loss)</b>	<b>\$ (82,030)</b>	<b>\$ (63,299)</b>	<b>\$ (61,898)</b>	<b>\$ (1,402)</b>	<b>102%</b>	<b>\$ (317,269)</b>	<b>20%</b>



**Utah State Bar**  
**Income Statement - Consolidated By Account**  
**September 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
<b>Revenue</b>							
4001 - Admissions - Student Exam Fees	5,500	7,700	5,610	2,090	137%	105,162	7%
4002 - Admissions - Attorney Exam Fees	12,200	10,500	12,444	(1,944)	84%	58,191	18%
4003 - Admissions - Retake Fees	4,200	3,600	4,284	(684)	84%	33,456	11%
4004 - Admissions - Laptop Fees	5,225	5,888	5,330	558	110%	64,031	9%
4005 - Admissions - Application Forms	1,000	-	1,020	(1,020)	0%	8,364	-
4006 - Transfer App Fees	15,550	11,750	15,861	(4,111)	74%	46,002	26%
4008 - Attorney - Motion	17,850	22,100	18,207	3,893	121%	83,232	27%
4009 - House Counsel	2,550	4,250	2,601	1,649	163%	15,606	27%
4010 - Section/Local Bar Support fees	78,765	83,594	78,786	4,808	106%	100,542	83%
4011 - Admissions LPP	925	400	925	(525)	43%	2,938	14%
4012 - Admissions Military Spouse	-	-	-	-	#DIV/0!	-	-
4020 - NLTP Fees	16,050	24,150	16,371	7,779	148%	57,987	42%
4021 - Lic Fees > 3 Years	3,453,140	3,772,040	3,522,202	249,838	107%	3,832,047	98%
4022 - Lic Fees < 3 Years	171,900	192,500	175,338	17,162	110%	209,498	92%
4023 - Lic Fees - House Counsel	42,275	48,330	43,121	5,209	112%	48,766	99%
4024 - Lic Fees LPP	1,950	3,600	1,989	1,611	181%	2,193	164%
4025 - Pro Hac Vice Fees	63,150	58,700	64,413	(5,713)	81%	219,173	27%
4026 - Lic Fees - Inactive/FS	107,860	121,500	110,017	11,483	110%	118,891	102%
4027 - Lic Fees - Inactive/NS	191,205	219,240	195,029	24,211	112%	224,375	98%
4029 - Prior Year Lic Fees	-	-	-	-	#DIV/0!	-	-
4030 - Certs of Good Standing	4,520	4,720	4,610	110	102%	18,340	26%
4039 - Room Rental-All parties	3,863	6,238	16,082	(9,844)	39%	51,386	12%
4042 - Food & Beverage Rev-All Parties	1,802	4,329	20,383	(16,054)	21%	62,654	7%
4043 - Setup & A/V charges-All parties	-	-	175	(175)	0%	701	0%
4051 - Meeting - Registration	27,375	130,748	151,524	(20,776)	86%	284,304	46%
4052 - Meeting - Sponsor Revenue	-	14,750	10,275	4,475	144%	38,775	38%
4053 - Meeting - Vendor Revenue	-	14,800	6,550	8,250	226%	22,450	66%
4054 - Meeting - Material Sales	-	-	-	-	#DIV/0!	-	-
4055 - Meeting - Sp Ev Registration	-	13,235	7,849	5,386	169%	11,087	119%
4060 - E-Filing Revenue	15,614	-	15,614	(15,614)	0%	24,853	0%
4061 - Advertising Revenue	57,553	58,664	57,553	1,111	102%	195,980	30%
4062 - Subscriptions	-	30	-	30	#DIV/0!	30	100%
4063 - Modest Means revenue	2,900	2,350	3,040	(690)	77%	13,000	18%
4071 - Mem Benefits - Lexis	300	328	300	28	109%	1,200	-
4072 - Royalty Inc - Bar J, MBNA, LM,M	3,601	3,559	3,600	(41)	99%	8,175	44%
4081 - CLE - Registrations	62,658	50,105	114,724	(64,619)	44%	315,631	16%
4082 - CLE - Video Library Sales	48,247	25,778	47,553	(21,775)	54%	173,085	15%
4090 - Tenant Rent	4,832	4,172	4,698	(526)	89%	20,646	20%
4093 - Law Day Revenue	-	-	675	(675)	0%	2,700	0%
4095 - Miscellaneous Income	3,254	15,711	4,351	11,360	361%	29,550	53%
4096 - Late Fees	3,595	60,450	3,595	56,855	1682%	53,995	112%
4103 - In - Kind Revenue - UDR	23	-	(2)	2	0%	-	#DIV/0!
4200 - Seminar Profit/Loss	-	-	(175)	175	0%	(43,774)	0%
Investment income	13,972	5,056	13,972	(8,916)	36%	21,476	24%
<b>Total Revenue</b>	<b>4,445,403</b>	<b>5,004,865</b>	<b>4,760,494</b>	<b>244,371</b>	<b>105%</b>	<b>6,536,698</b>	<b>77%</b>
<b>Program Service Expenses</b>							
5001 - Meeting Facility-external only	-	25,346	6,104	(19,242)	415%	25,726	99%
5002 - Meeting facility-internal only	3,768	4,713	6,803	2,090	69%	28,034	17%
5013 - ExamSoft	-	-	-	-	#DIV/0!	15,490	0%
5014 - Questions	17,588	27,692	8,802	(18,890)	315%	52,750	52%
5015 - Investigations	351	300	414	114	72%	1,137	26%
5016 - Credit Checks	305	410	305	(105)	134%	2,534	16%
5017 - Medical Exam	-	-	-	-	#DIV/0!	320	-
5020 - Exam Scoring	-	-	-	-	#DIV/0!	-	-
5025 - Temp Labor/Proctors	-	-	-	-	#DIV/0!	-	#DIV/0!
5030 - Speaker Fees & Expenses	6,500	7,059	10,232	3,173	69%	10,232	69%
5031 - Speaker Reimb. - Receipt Req'd	-	-	1,099	1,099	0%	5,824	0%
5035 - Awards	2,279	1,181	302	(879)	391%	3,358	35%
5037 - Grants/ contributions - general	-	-	2,997	2,997	0%	17,500	0%
5040 - Witness & Hearing Expense	(45)	(30)	6	36	-500%	766	-4%
5041 - Process Serving	158	78	339	261	23%	605	13%
5046 - Court Reporting	1,111	-	1,143	1,143	0%	1,596	0%
5047 - Casemaker	13,237	13,585	12,258	(1,327)	111%	50,000	27%
5055 - Legislative Expense	15,000	15,000	15,000	-	100%	60,000	25%
5060 - Program Special Activities	-	981	-	(981)	#DIV/0!	-	-
5061 - LRE - Bar Support	60,000	64,182	60,000	(4,182)	107%	64,182	100%
5062 - Law Day	-	-	2,685	2,685	0%	11,653	0%
5063 - Special Event Expense	-	6,642	26,208	19,566	25%	40,603	16%
5064 - MCLE Fees Paid	5,270	7,331	8,765	1,435	84%	38,050	19%
5070 - Equipment Rental	-	5,369	8,600	3,231	62%	23,894	22%
5075 - Food & Bev-external costs only	2,514	107,574	80,902	(26,673)	133%	292,249	37%
5076 - Food & beverage - internal only	1,891	5,024	9,725	4,700	52%	33,395	15%
5079 - Soft Drinks	741	1,090	1,489	399	73%	5,348	20%
5085 - Misc. Program Expense	1,105	401	4,344	3,943	9%	13,961	3%
5090 - Commission Expense	5,535	2,135	5,341	3,206	40%	37,404	6%
5095 - Wills for Heroes	-	152	150	(2)	101%	1,767	9%
5096 - UDR Support	-	-	-	-	#DIV/0!	-	-
5099 - Blomquist Hale	18,432	22,405	21,586	(819)	104%	91,041	25%
5702 - Travel - Lodging	-	35,408	15,093	(20,315)	235%	39,520	90%
5703 - Travel - Transportation/Parking	-	2,611	3,231	620	81%	13,376	20%
5704 - Travel - Mileage Reimbursement	-	11,410	2,664	(8,745)	428%	9,477	120%
5705 - Travel - Per Diems	-	6,060	573	(5,487)	1057%	2,868	211%
5706 - Travel - Meals	-	-	277	277	0%	1,054	0%
5707 - Travel - Commission Mtgs	-	-	9,624	9,624	0%	38,500	0%
5805 - ABA Annual Meeting	-	300	1,289	989	23%	5,171	6%
5810 - ABA Mid Year Meeting	-	-	1,931	1,931	0%	11,233	0%
5815 - Commission/Education	-	-	4,511	4,511	0%	20,550	0%
5820 - ABA Annual Delegate	-	1,234	1,263	29	98%	5,069	24%
5830 - Western States Bar Conference	-	-	3,320	3,320	0%	13,278	0%
5840 - President's Expense	4,663	4,500	4,542	42	99%	20,000	23%
5841 - President's Reimbursement	-	-	-	-	#DIV/0!	-	#DIV/0!
5845 - Reg Reform Task Force	-	-	-	-	#DIV/0!	-	-
5850 - Leadership Academy	-	-	2,499	2,499	0%	10,200	0%
5855 - Bar Review	-	964	1,500	536	64%	6,000	16%
5865 - Retreat	-	21,944	8,325	(13,619)	264%	33,300	66%
5866 - Wellbeing Committee	17,167	13,575	23,741	10,166	57%	70,000	19%

**Utah State Bar**  
**Income Statement - Consolidated By Account**  
**September 30, 2021**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
5867 - Bar Membership Survey	-	-	-	-	#DIV/0!	-	#DIV/0!
5868 - UCLI Support	-	-	-	-	#DIV/0!	-	#DIV/0!
5960 - Overhead Allocation - Seminars	-	-	14,504	14,504	0%	18,835	0%
5970 - Event Revenue Sharing - 3rd Pty	17,087	10,889	17,705	6,816	62%	68,366	16%
<b>Total Program Service Expenses</b>	<b>194,656</b>	<b>427,514</b>	<b>412,189</b>	<b>(15,325)</b>	<b>104%</b>	<b>1,316,216</b>	<b>32%</b>
<b>Salaries &amp; Benefit Expenses</b>							
5510 - Salaries/Wages	802,729	730,866	816,302	85,435	90%	3,137,489	23%
5605 - Payroll Taxes	56,675	59,256	58,272	(984)	102%	243,400	24%
5610 - Health Insurance	69,887	69,678	75,766	6,088	92%	310,096	22%
5620 - Health Ins/Medical Reimb	1,500	1,800	1,405	(395)	128%	7,144	25%
5630 - Dental Insurance	3,322	3,403	3,103	(300)	110%	17,592	19%
5640 - Life & LTD Insurance	4,747	4,236	5,620	1,384	75%	23,275	18%
5645 - Workman's Comp Insurance	812	898	811	(87)	111%	2,733	33%
5650 - Retirement Plan Contributions	66,414	65,237	65,972	735	99%	270,528	24%
5655 - Retirement Plan Fees & Costs	-	-	-	-	#DIV/0!	17,300	0%
5660 - Training/Development	1,158	1,699	1,339	(360)	127%	5,322	32%
<b>Total Salaries &amp; Benefit Expenses</b>	<b>1,007,244</b>	<b>937,073</b>	<b>1,028,590</b>	<b>91,517</b>	<b>91%</b>	<b>4,034,879</b>	<b>25%</b>
<b>General &amp; Administrative Expenses</b>							
7025 - Office Supplies	3,661	4,438	3,970	(468)	112%	16,229	27%
7015 - Office Equip Repairs	-	-	-	-	#DIV/0!	-	#DIV/0!
7033 - Operating Meeting Supplies	131	1,401	819	(582)	171%	11,392	12%
7035 - Postage/Mailing, net	12,360	5,581	12,302	6,721	45%	59,248	9%
7040 - Copy/Printing Expense	32,878	34,448	36,544	2,096	94%	135,064	26%
7041 - Copy/Print revenue	(2,840)	(4,191)	(2,840)	1,351	108%	(16,766)	25%
7045 - Internet Service	5,299	6,357	6,167	(191)	109%	12,483	51%
7050 - Computer Maintenance	10,798	7,746	10,836	3,090	71%	40,670	19%
7055 - Computer Supplies & Small Equip	5,225	9,420	5,169	(4,251)	182%	14,525	65%
7089 - Membership Database Fees	12,000	13,952	13,078	(875)	107%	69,437	20%
7095 - Fax Equip & Supplies	-	(70)	-	70	#DIV/0!	(10)	-
7100 - Telephone	21,060	15,814	20,837	5,023	76%	65,109	24%
7105 - Advertising	2,598	220	12,614	12,394	2%	50,856	0%
7106 - Public Notification	277	-	723	723	0%	754	0%
7107 - Production Costs	-	-	-	-	#DIV/0!	-	#DIV/0!
7110 - Publications/Subscriptions	8,844	5,724	10,207	4,483	56%	30,350	19%
7115 - Public Relations	-	-	-	-	#DIV/0!	-	#DIV/0!
7120 - Membership/Dues	8,960	9,892	8,892	(1,000)	111%	10,830	91%
7135 - Bank Service Charges	477	400	477	77	84%	938	43%
7136 - ILM Service Charges	4,343	5,116	4,344	(772)	118%	17,944	29%
7138 - Bad debt expense	-	-	-	-	#DIV/0!	-	-
7140 - Credit Card Merchant Fees	25,095	33,408.58	12,018	(21,391)	278%	63,406	53%
7141 - Credit Card surcharge	(17,360)	(21,082)	(17,360)	3,722	121%	(68,872)	31%
7145 - Commission Election Expense	-	-	-	-	#DIV/0!	2,700	0%
7150 - E&O/Off & Dir Insurance	13,453	14,782	13,410	(1,372)	110%	53,637	28%
7160 - Audit Expense	32,635	10,000	32,635	22,635	31%	35,435	28%
7170 - Lobbying Rebates	-	7	-	(7)	#DIV/0!	232	3%
7175 - O/S Consultants	33,619	24,907	33,597	8,690	74%	178,979	14%
7176 - Bar Litigation	-	-	-	-	#DIV/0!	10,000	0%
7177 - UPL	1,564	-	10,000	10,000	0%	10,000	0%
7178 - Offsite Storage/Backup	-	-	-	-	#DIV/0!	-	#DIV/0!
7179 - Payroll Adm Fees	757	746	756	10	99%	3,126	24%
7180 - Administrative Fee Expense	288	474	288	(186)	165%	996	48%
7190 - Lease Interest Expense	-	-	-	-	#DIV/0!	-	#DIV/0!
7191 - Lease Sales Tax Expense	-	-	-	-	#DIV/0!	-	#DIV/0!
7195 - Other Gen & Adm Expense	903	8,875	953	(7,922)	931%	15,054	59%
<b>Total General &amp; Administrative Expenses</b>	<b>217,026</b>	<b>188,367</b>	<b>230,435</b>	<b>42,068</b>	<b>82%</b>	<b>823,746</b>	<b>26%</b>
<b>In Kind Expenses</b>							
7103 - InKind Contrib-UDR & all other	612	1,835	612	(1,223)	300%	5,879	31%
<b>Total In Kind Expenses</b>	<b>612</b>	<b>1,835</b>	<b>612</b>	<b>(1,223)</b>	<b>300%</b>	<b>5,879</b>	<b>10%</b>
<b>Building Overhead Expenses</b>							
6015 - Janitorial Expense	3,063	6,716	3,074	(3,642)	218%	17,062	39%
6020 - Heat	1,811	2,703	1,838	(865)	147%	21,605	13%
6025 - Electricity	13,758	14,632	13,999	(633)	105%	42,212	35%
6030 - Water/Sewer	2,275	2,147	2,351	204	91%	6,388	34%
6035 - Outside Maintenance	1,714	3,251	1,745	(1,506)	188%	14,343	23%
6040 - Building Repairs	8,063	11,092	7,252	(3,840)	153%	18,421	60%
6045 - Bldg Mtncn Contracts	7,360	6,140	7,705	1,565	80%	30,914	20%
6050 - Bldg Mtncn Supplies	-	-	-	-	#DIV/0!	-	#DIV/0!
6055 - Real Property Taxes	8,645	8,513	8,901	388	96%	35,300	24%
6060 - Personal Property Taxes	100	93	102	9	91%	410	23%
6065 - Bldg Insurance/Fees	4,983	5,250	5,116	(134)	105%	20,445	26%
6070 - Building & Improvements Depre	14,767	20,730	14,277	(6,453)	145%	65,918	31%
6075 - Furniture & Fixtures Depre	766	720	576	(144)	125%	3,375	21%
7065 - Computers, Equip & Sftwre Depre	22,715	12,983	24,724	11,741	53%	99,763	13%
<b>Total Building Overhead Expenses</b>	<b>90,019</b>	<b>94,968</b>	<b>91,660</b>	<b>(3,308)</b>	<b>104%</b>	<b>376,156</b>	<b>24%</b>
<b>Total Expenses</b>	<b>1,509,557</b>	<b>1,649,757</b>	<b>1,763,486</b>	<b>113,729</b>	<b>94%</b>	<b>6,556,876</b>	<b>23%</b>
<b>Other</b>							
4300 - Gain (Loss) - Disposal Of Assets	-	-	-	-	#DIV/0!	-	#DIV/0!
4120 - Grant Income	10,733	-	21,178	21,178	0%	21,178	0%
	10,733	-	21,178	21,178	0%	21,178	0%
<b>Net Profit (Loss)</b>	<b>\$ 2,946,578</b>	<b>\$ 3,355,108</b>	<b>\$ 3,018,187</b>	<b>\$ 336,921</b>	<b>111%</b>	<b>\$ 1,000</b>	<b>335511%</b>

## Utah State Bar Balance Sheets

	9/30/2021	6/30/2021
<b>ASSETS</b>		
Current Assets		
Petty Cash	\$ 625	\$ 625
Cash in Bank	153,501	1,466,786
Invested Funds	8,692,646	6,942,694
Total Cash/Investments	8,846,772	8,410,105
Accounts Receivable	61,377	25,924
Prepaid Expenses	268,218	134,036
A/R - Sections	49,591	49,354
Total Other Current Assets	379,186	209,313
Total Current Assets	9,225,957	8,619,418
Fixed Assets		
Property & Equipment	4,978,785	4,967,716
Accumulated Depreciation	(4,218,597)	(4,184,165)
Land	633,142	633,142
Total Fixed Assets	1,393,330	1,416,692
<b>TOTAL ASSETS</b>	<b>\$ 10,619,287</b>	<b>\$ 10,036,110</b>
<b>LIABILITIES &amp; EQUITY</b>		
Liabilities		
Current Liabilities		
AP Trade	\$ 40,794	\$ 147,410
Other Accounts Payable	217,433	119,207
Accrued Payables	472,573	543,060
Cap Lease Oblig - ST	4,112	4,112
A/P - Sections	-	191,515
Deferred Revenue	2,100	2,502,575
Total Current Liabilities	737,011	3,507,878
Long Term Liabilities		
Capital Lease Oblig	(1,064)	-
PPP Loan	-	-
Total Long Term Liabilities	(1,064)	-
Total Liabilities	735,947	3,507,878
Equity		
Unrestricted Net Assets (R/E)	6,528,232	5,503,712
Fund Balance - Current Year	3,355,108	1,024,520
Total Equity	9,883,340	6,528,232
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>\$ 10,619,287</b>	<b>\$ 10,036,110</b>

# INSTITUTIONAL LIQUIDITY MANAGEMENT

## Balance Sheet Classification

## ILM-UT ST BAR (3176)

Base Currency: USD As of 09/30/2021

Dated: 10/09/2021

### 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
38141W273	GOLDMAN:FS GOVT INST	3,046,566.46	AAA	0.030	09/30/2021	0.030	0.030	3,046,566.46	0.00	1.0000	0.00	3,046,566.46
CCYUSD	Payable	-249,755.14	AAA	0.000	09/30/2021	0.000	0.000	-249,755.14	0.00	1.0000	0.00	-249,755.14
CCYUSD	Cash	86.13	AAA	0.000	09/30/2021	0.000	0.000	86.13	0.00	1.0000	0.00	86.13
912828F96	UNITED STATES TREASURY	500,000.00	AAA	2.000	10/31/2021	0.162	0.144	500,736.18	45.07	100.1563	4,184.78	504,866.03
---	---	3,296,897.45	AAA	---	10/05/2021	0.057	0.050	3,297,833.63	45.07	---	4,184.78	3,301,883.48

### 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
22546QAR8	CREDIT SUISSE AG (NEW YORK BRANCH)	337,000.00	A+	3.000	10/29/2021	2.006	0.542	337,253.74	411.50	100.1974	4,268.67	341,933.90
46849L7E1	JACKSON NATIONAL LIFE GLOBAL FUNDING	250,000.00	A	3.300	02/01/2022	1.516	0.310	251,479.89	1,028.61	101.0034	1,375.00	253,883.50
084670BF4	BERKSHIRE HATHAWAY INC	250,000.00	AA	3.400	01/31/2022	0.142	0.247	252,698.68	-74.93	101.0495	1,440.28	254,064.03
69371RP75	PACCAR FINANCIAL CORP	186,000.00	A+	2.850	03/01/2022	2.022	0.274	186,636.23	1,370.34	101.0788	441.75	188,448.32
48246UAR7	KIW	250,000.00	A-1+	0.000	01/25/2022	0.200	0.198	249,838.89	0.00	99.9356	0.00	249,838.89
00182EBC2	ANZ NEW ZEALAND INTL LTD (LONDON BRANCH)	200,000.00	AA-	2.875	01/25/2022	0.218	0.248	201,673.00	3.00	100.8380	1,054.17	202,730.17
83051GAK4	SKANDINAVISKA ENSKILDA BANKEN AB	200,000.00	AA	3.050	03/25/2022	0.240	0.151	202,713.36	102.84	101.4081	101.67	202,917.87
78013X8D5	ROYAL BANK OF CANADA	250,000.00	A	2.800	04/29/2022	0.243	0.215	253,680.89	65.61	101.4986	2,955.56	256,702.06
61744YAH1	MORGAN STANLEY	250,000.00	A+	2.750	05/19/2022	0.174	0.252	254,075.51	-109.51	101.5864	2,520.83	256,486.83
2027A0JK6	COMMONWEALTH BANK OF AUSTRALIA	245,000.00	AA-	2.750	03/10/2022	0.178	0.243	247,782.77	-55.92	101.1130	393.02	248,119.67
57629WCK4	MASSMUTUAL GLOBAL FUNDING II	250,000.00	AA+	2.250	07/01/2022	0.202	0.214	253,834.11	-7.36	101.5307	1,406.25	255,233.00
136069TY7	CANADIAN IMPERIAL BANK OF COMMERCE	300,000.00	AA	2.550	06/16/2022	0.155	0.267	305,075.50	-213.10	101.6208	2,231.25	307,093.65
2027A0JK6	COMMONWEALTH BANK OF AUSTRALIA	50,000.00	AA-	2.750	03/10/2022	0.164	0.243	50,571.05	-14.55	101.1130	80.21	50,636.71
---	---	3,018,000.00	AA-	---	03/12/2022	0.615	0.273	3,047,313.62	2,506.52	---	18,268.65	3,068,088.79

### LT

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
525ESC1Y5	LEHMAN ESCROW	300,000.00	NA	0.000	01/01/2049	0.000	---	0.00	2,190.12	0.7300	0.00	2,190.12
064159VK9	BANK OF NOVA SCOTIA	164,000.00	A	1.625	05/01/2023	0.356	0.378	167,284.22	-53.25	101.9701	1,110.42	168,341.38
064159VK9	BANK OF NOVA SCOTIA	75,000.00	A	1.625	05/01/2023	0.351	0.378	76,508.54	-30.96	101.9701	507.81	76,985.39
06051GEU9	BANK OF AMERICA CORP	200,000.00	A	3.300	01/11/2023	0.321	0.381	207,586.88	-136.88	103.7250	1,466.67	208,916.67
89236THM0	TOYOTA MOTOR CREDIT CORP	200,000.00	A+	0.350	10/14/2022	0.187	0.230	200,337.51	-88.91	100.1243	324.72	200,573.32
74368CB89	PROTECTIVE LIFE GLOBAL FUNDING	167,000.00	AA-	0.502	04/12/2023	0.451	0.638	167,130.74	-477.43	99.7924	393.55	167,046.86
87165EUF2	Synchrony Bank	250,000.00	BBB	0.400	09/18/2023	0.450	0.450	249,753.78	0.00	99.9015	38.89	249,792.67
38149MZX4	Gokiman Sachs Bank USA	250,000.00	A+	0.350	09/22/2023	0.400	0.400	249,753.08	0.00	99.9012	21.58	249,774.66
05580AD92	BMW Bank of North America	250,000.00	AA-	0.350	09/25/2023	0.400	0.400	249,751.37	0.00	99.9005	16.78	249,768.15
795451AU7	Sallie Mae Bank	250,000.00	BBB+	0.350	09/22/2023	0.400	0.400	249,753.08	0.00	99.9012	21.58	249,774.66
90348JT34	UBS Bank USA	250,000.00	A+	0.350	09/22/2023	0.400	0.400	249,753.08	0.00	99.9012	21.58	249,774.66
538036SD7	Live Oak Banking Company	250,000.00	NA	0.250	10/02/2023	0.300	0.300	249,750.00	0.00	99.9000	5.14	249,755.14
---	---	2,606,000.00	A	---	07/14/2023	0.368	0.393	2,317,362.29	1,402.88	---	3,928.70	2,322,693.67

### 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
---	---	8,920,897.45	AA	---	05/22/2022	0.337	0.220	8,662,309.54	3,954.27	---	26,382.13	8,692,645.94

**UTAH STATE BAR**  
**Membership Statistics**  
**September 30, 2021**

<b><u>STATUS</u></b>	<b><u>09/30/20</u></b>	<b><u>09/30/21</u></b>	<b><u>Change</u></b>
Active	8,150	8,861	711
Active under 3 years	701	648	(53)
Active Emeritus	251	296	45
In House Counsel	102	108	6
Foreign Legal Counsel	1	4	3
LPP	3	13	10
Military Spouse	1	-	(1)
<b>Subtotal - Active</b>	<b>9,209</b>	<b>9,930</b>	<b>721</b>
Inactive - Full Service	723	805	82
Inactive - No Service	1,779	2,055	276
Inactive Emeritus	214	410	196
Inactive House Counsel	10	11	1
Inactive LPP	-	-	-
<b>Subtotal - Inactive</b>	<b>2,726</b>	<b>3,281</b>	<b>555</b>
<b>Total Active and Inactive</b>	<b>11,935</b>	<b>13,211</b>	<b>1,276</b>
<b><u>Supplemental Information</u></b>			
Paralegals	151	147	(4)
Associate Section Members	119	119	-
Journal Subscribers	125	125	-
<b><u>Active Attorneys by Region</u></b>			
1st Division (Logan - Brigham)	177	198	21
2nd Division (Davis - Weber)	852	971	119
3rd Division (Salt Lake)	5,269	5,467	198
4th Division (Utah)	1,181	1,324	143
5th Division (Southern Utah)	479	550	71
Out of State	1,251	1,420	169
<b>Total Active Attorneys</b>	<b>9,209</b>	<b>9,930</b>	<b>721</b>



The Salt Lake County Bar Association

Cordially Invites You to Attend Its

**2021 NEW LAWYERS AND JUDGES RECEPTION**

to welcome the 2021 admittees to the Utah State Bar and to celebrate those who  
took the bench this year

Thursday, October 21, 2021

On SpyHop's Rooftop Patio

At 208 West Harvey Milk Boulevard (900 South)

5:00-7:30 PM

**Business Attire**

There is no cost to attend.

Hors d'oeuvres and drinks will be served.

Bring a jacket as this venue is outdoors

RSVP to Kate Conyers by emailing [Staff@conyersnix.com](mailto:Staff@conyersnix.com)