### VISION OF THE UTAH STATE BAR

A just legal system that is understood, valued, and accessible to all.

### MISSION OF THE UTAH STATE BAR

Lawyers serving the public and legal profession with excellence, civility, and integrity.

### **UTAH STATE BAR STATEMENT ON DIVERSITY AND INCLUSION**

The Bar values engaging all persons fully, including persons of different ages, disabilities, economic status, ethnicities, genders, geographic regions, national origins, sexual orientations, practice settings and areas, and races and religions. Inclusion is critical to the success of the Bar, the legal profession and the judicial system.

#### The Bar shall strive to:

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

# Utah State Bar Commission Policies and Procedures

### Page 40

## (g) Diversity Requirements.

Providers of continuing education programs sponsored or co-sponsored by the Bar are asked to ensure that program presenters reasonably reflect the diversity of firms, geography and gender within the Bar membership. CLE program proposals may not inappropriately promote individual law firms. If the CLE Administrator is of the opinion that a program violates this prohibition, the matter shall be referred to the Executive Director for decision and any appropriate recommendation to the program provider.

#### **BAR AWARDS**

AWAR	RD	<u>DUE</u>	<b>CHOSEN</b>	PRESENTED
1.	Dorathy Merrill Brothers Award Advancement of Women in the Law	Mid-January	January	Spring Convention
2.	Ray Uno Award Advancement of Minorities in the Law	Mid-January	January	Spring Convention
3.	Judge of the Year	Mid-April	June	Annual Convention
4.	Distinguished Lawyer of the Year	Mid-April	June	Annual Convention
5.	Distinguished Section of the Year	Mid-April	June	Annual Convention
6.	Distinguished Committee of the Year	Mid-April	June	Annual Convention
7.	Outstanding Pro Bono Service (Selected by the Pro Bono Commission)	Mid-March	September	Fall Forum
8.	Distinguished Community Member	Mid-September	September	Fall Forum
9.	Pro Bono Lawyer of the Year	Mid-September	September	Fall Forum
10.	Professionalism Award	Mid-September	September	Fall Forum
11.	Outstanding Mentor Award	Mid-September	September	Fall Forum
12.	Heart and Hands Award	Mid-September	November	Utah Philanthropy Day
13.	Distinguished Service Award			As Needed
14.	Special Service Award			As Needed

(Distinguished Young Lawyer of the Year) Law Day

(ABOTA) Fall Forum

#### Points From Charlotte Miller's Bar Commission Leadership Workshop (August 23, 2014)

- 1. Remember why you joined the Commission what are your goals?
- 2. Remember your goals are probably the same and/or similar to your colleagues on the Commission, even if you think you come from a different perspective than everybody else.
- 3. Being on the Commission is a privilege not a chore. Develop a mindset of "I *get* to do X" instead of "I *have* to do X."
- 4. Attend all Commissions meetings; study the materials beforehand. Focus 100% of your attention while there. Do not text, or do other work during Commission meetings. Be engaged. Listen carefully. Offer thoughtful comments that are in the best interest of the Bar. Follow through. Make a difference.
- 5. Your time on the Commission is short, especially ex-officio members. Make the most of it.
- 6. Remember your role: Bar staff can handle the day —to-day operations of the Bar. Your job is big picture and oversight.
- 7. Charlotte encouraged the Commissioners to think about what consensus means to each of them and how they should not try to undermine a decision after it is made.
- 8. If you do not like someone you have to work with, use strategies to get to know the person that will enable you to better work with the person or even begin to like her or him. Charlotte gave an example of making a point to speak every day with a co-worker she thought was difficult.
- 9. Encourage and mentor others along in Bar leadership. Remember your Bar story, which probably included an invitation from a Bar leader to help.
- 10. Talk often about the Bar's Vision and Mission statement, to focus your work in a way that is consistent with those statements.
- 11. Charlotte conducted exercises that encouraged Commissioners to think about the decision making process. Groups were given scenarios with different difficult decisions to make and asked to reach decisions while considering the following factors:
  - a. What facts do they need? Data is very important to good decision making
  - b. What should the process be?
  - c. What unwritten Bar traditions impact the final decision?
  - d. How does the culture of the Bar impact the decision?
  - e. What items in Bar governance materials are relevant to the process?

Two most important responsibilities of a Bar Commissioner

Represent the interests of the attorneys we represent; voice for division

Bar activities and initiatives be consistent with the Bar's purpose and mission.

Help fulfill vision by devoting time and intellect

Contribute ideas and work

Serve lawyers of Utah

Help accomplish goals of the commission

Represent my division and my liaison groups

Make the Bar meaningful to lawyers

Speak honestly

Contribute with ideas and feedback

Fiduciary

Forward thinking visionary

Communicate with Bar members

Have programs that assist all attorneys and advance the profession

Protect core functions

Promote access to justice and diversity

Know concerns of membership

Speak for membership

Take action on members' needs

Be conservative with bar dues

Attend the meetings

Use sound judgment

Serve community

Represent the unrepresented

Access to Justice

Work together to assist sections of the Bar

Support Rule of Law and integrity of legal system

Listen and participate

#### **Utah State Bar Commission**

### Friday, September 16, 2016 Utah Law & Justice Center Salt Lake City, Utah

## Agenda

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1.	9:00 a.m.	Presid	dent's Report: Rob Rice
	10 Mins.	1.1	Discussion on Mark Britton Presentation
	10 Mins.	1.2	AAA Task Force Report
	05 Mins.	1.3	Commission Policy on CLE Comps
2.	9:30 a.m.	Discu	ssion Items
	10 Mins.	2.1	Social Media Presence Follow-up: Sean Toomey
	10 Mins.	2.2	Member Centric Website: John Lund/Cara Tangero
	15 Mins.	2.3	Small Firm Membership Services Tour: Grace Acosta
	15 mins.	2.4	Bar Committee Succession Planning: John Bradley/Katie Woods
	10 Mins.	2.5	Pro Bono Commission/freelegalanswers.org: Kate Conyers
	10:30 a.m.	Break	
	15 Mins.	2.6	Leadership Academy: Liisa Hancock
	10 Mins.	2.7	50 Year Pins: Herm Olsen
	15 Mins.	2.8	Report on Proposed Rule 8.4 (g): (Tab 1, Page 8)
	10 Mins.	2.9	Futures Commission: Rural CLE Report: Katie Woods
	10 Mins.	2.10	Futures Commission: LicensedLawyer Promotion: Sean Toomey
	10 Mins.	2.11	Futures Commission: Access to Justice Council
	10 Mins.	2.12	Futures Commission: Increased Judicial Case Management
			and Simplification of Court Processes
	12:00 n.	Break	for Lunch
3.	12:20 p.m.	Actio	n Item
	10 Mins.	3.1	Bar Services to Non-profits Policy (Tab 2, Page 10): Elizabeth Wright
4.	12:30 p.m.	Infori	mation Item
	10 Mins.	4.1	"Mobile Lawyer" Program: Grace Acosta
	1:00 p.m.	Adjou	ırn

(Over)

#### Consent Agenda (Tab 3, Page 12)

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

- 1. Approve minutes of August 26<sup>th</sup> & 27<sup>th</sup> Commission Meeting
- 2. Approve Policy Change to Permit Inactive Lawyers to Serve on Committees
- 3. Formalize Policy on Back Fees Paid by Inactive Lawyers who wish to Activate License

#### Attachments (Tab 4, Page 25)

- 1. Judicial Conduct Commission 2015-2016 Annual Report
- 2. Utah State Bar 2015-2016 Summary of Operations
- 3. Fall Forum Brochure
- 4. Futures Commission Report

#### Calendar

September 17	Constitution Day – Teach a class!	Visit: http://civics.u	ıtahbar.org/
October 13 October 17-21	Executive Committee Pro Bono Celebration Week	12:00 Noon	Utah State Bar
October 18 October 21	Admissions Ceremony Commission Meeting	12:00 Noon 9:00 a.m.	Capitol Building Utah State Bar
November 17 November 17-18 November 29	UMBA Awards Banquet Fall Forum Executive Committee	12:00 Noon	Grand America Grand America Utah State Bar
December 9	Commission Meeting	9:00 a.m.	Utah State Bar

2017

January 2 Election Notices Due

TAB 



<u>Home</u>><u>ABA Groups</u>><u>Center for Professional Responsibility</u>><u>Publications</u>><u>Model Rules of Professional</u> Conduct>Rule 8.4: <u>Misconduct</u>

#### Rule 8.4: Misconduct

# Maintaining The Integrity Of The Profession Rule 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;
- (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;
- (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or
- (g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.

Comment | Table of Contents | Next Rule

TAB 

#### INCLUSION OF CHARITIABLE ORGANIZATIONS ON ANNUAL LICENSING FORM

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

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

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

TAB 

# UTAH STATE BAR BOARD OF BAR COMMISSIONERS MINUTES

#### **AUGUST 26, 2016**

#### **DEER VALLEY, UTAH**

In Attendance: President Rob Rice, President-elect John Lund, Commissioners: Grace

Acosta, John Bradley, Steven Burt, H. Dickson Burton, Kate Conyers, Heather Farnsworth, Mary Kay Griffin, Liisa Hancock, Michelle Mumford,

Herm Olsen, Heather Thuet and Katie Woods.

**Ex-Officio Members:** Dean Robert Adler, Nate Alder; Julie Emery, Amy Fowler, Jaelynn Jenkins,

Jamie Sorenson, Margaret Plane, Diana Hagen and Chris Wharton.

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

Also in Attendance: Executive Director John C. Baldwin, Assistant Executive Director Richard

Dibblee and General Counsel Elizabeth A. Wright.

Minutes: 12:25 p.m. start

#### 1. President's Report – 2016-2017 Initiatives: Rob Rice

- 1.1 Member Centric Website. Rob Rice is interested in ways to make the Bar website easier to navigate and more member centric. John Lund and Cara Tangaro will head up an effort to investigate possible ways to accomplish these goals.
  - **1.2** Increasing Bar's Social Media Presence. A goal for the year is to increase the Bar's presence on social media.
  - **1.3 Wipfli Review.** The Commission has hired Wipfli to review the Bar's budget and cost effectiveness.
  - **1.4 ABA OPC Review.** We are still waiting for the ABA's final report and recommendations.
  - **1.5 Five-Year Convention Plan.** Dickson Burton will reconvene his Summer Convention review committee in order to develop a five-year plan for the summer convention.
  - 1.6 Small Firm Membership Services Tour. Grace Acosta will organize an effort to encourage Commissioners to visit small firms in their districts in order to explain what the Bar and the Commissioners do.

- 1.7 Bar Committee Succession Planning. John Bradley and Katie Woods will develop a policy that will lead to more turnover on Bar committees. Liisa Hancock will coordinate the efforts of the Leadership Academy to get new lawyers involved in committees.
- **1.8 UMBA Diversity Initiative.** Rob recommends supporting UMBAs creation of the Center for Legal Inclusion.
- 1.9 Pro Bono Commission/onlinejustice.org. Onlinejustice is a service created by the Georgia Bar as an online resource for pro bono attorneys and public interest advocates providing civil representation throughout Georgia. The service provides law practice management support on pro bono issues, professional liability insurance coverage, free or reduced-cost CLE programs and webinars and training and support for pro bono cases. Kate Conyers will investigate onlinejustice.org to see if a similar service is needed in Utah or if it is duplicative of other services we offer.
- **1.10** Past Presidents Committee. Angelina Tsu will head up the Past Presidents Committee.
- **1.11 Unconscious Bias Training in New Lawyer Training Program.** Heather Thuet will lead the effort to incorporate unconscious bias training into the New Lawyer Training Program curriculum.

#### 1.12 Preserving New Programs.

- a. Leadership Academy. Liisa Hancock will report on the Leadership Academy at the September 16, 2016 Commission meeting regarding the curriculum, selection process, the current membership and leadership track.
- **b. Breakfast of Champions.** Michelle Mumford will organize breakfast and mentoring awards.
- c. Bar Review. Jenifer Tomchak will organize the every-other-month Bar Review socials.
  - d. 50 Year Pins. Herm Olsen will head up the 50 year pin project.

#### 2. Action Items

- 2.1 Nonprofit Legal Services Support. Open Legal Services asked to be listed on the Bar's annual licensing form as one of the legal services organizations to which members can make voluntary donations during the licensing process. Dickson Burton moved that Bar staff draft a policy establishing guidelines for which types of organizations can be on the licensing form before the Commission adds any other organizations. Grace Acosta seconded the motion which passed unopposed.
- 2.2 Approve Committee Chairs. Kaye Conyers moved to approve the 2016-2017 Committee Chairs. Mary Kaye Griffin seconded the motion which passed unopposed.

- 2.3 Approve Commission Liaisons. John Lund moved to approve the 2016-2017 Commission Liaisons. Grace Acosta seconded the motion which passed unopposed.
- 2.4 Licensed Paralegal Practitioner Program. James Ishida updated the Commission on the status of the development of the rules for licensing Paralegal Practitioners. After Mr. Ishida's presentation, Grace Acosta moved that LPPs be allowed to participate in Blomquist Hale, Lawyers Helping Lawyers and be on a Bar sponsored referral service. Heather Farnsworth seconded the motion which passed unopposed. The issue of contingency fees was tabled until a later date.
- 2.5 Seed Funding for Utah Center for Legal Inclusion. Kate Conyers moved to approve a one-time donation of \$1500 in seed funding for the Utah Center for Legal Inclusion. Dickson Burton seconded the motion which passed unopposed.
- 2.6 Letter to Senate Encouraging Action on Judicial Vacancies. Herm Olsen moved to approve the proposed letter to Utah's two Senators with an added sentence asking them to take action on filling federal judicial vacancies. Dickson Burton seconded the motion which passed with Michelle Mumford opposed. Liisa Hancock recused herself from the vote.
- 2.7 Appointment of ABA Delegate for 2016-2018 Term. John Lund moved to appoint Nate Alder as the Bar Commission's ABA Delegate for the 2016-2018 term. Herm Olsen seconded the motion which passed unopposed. Mary Kay Griffin recused herself from the vote.

#### 3. Discussion Items

- 3.1 Member Centric Website ("LawHub"). Lincoln Mead presented on a New York State Bar Initiative called LawHub. LawHub is a one-stop-shopping program for members to login and see all licensing and practice tools within "cards" on the webpage. The cost and other details of the program are not available but Lincoln and the committee headed by John Lund and Cara Tangaro will continue to investigate the option.
- **3.2** Increasing Bar's Social Media Presence. Sean Toomey reported on his planned efforts to increase the Bar's presence on social media.
- **3.3** Access to Justice Council. Rob hopes to form a council of all committees and groups working on access to justice issues so they can get together to update and share ideas.

#### 4. Information Items

**4.1. ABA Delegate's Report.** Margaret Plane reported that the ABA Standing Committee on Ethics and Professionalism passed a resolution amending Rule 8.4 to add

stronger anti-discrimination language. The Commission then discussed how to go about amending Utah Rule 8.4 to add the stronger language. Usually changes to the Rules of Professional Conduct go through the Supreme Court Committee on the Rules of Professional Conduct.

- **4.2 Judicial Performance Evaluation Commission**. JPEC Executive Director Jennifer Yim reported on the need for JPEC to boost the number of completed surveys. The Commission discussed possible ways to boost attorney participation in the judicial survey process.
- 5. Executive Session.

The meeting adjourned at 4:33 pm.

#### **Consent Agenda**

- 1. Approve Minutes from the July 6, 2016 Commission Meeting.
- 2. Appointment of Adam Richards to Judicial Council Technology Committee.
- 3. Approve Amendments to Environmental Law Section Bylaws.

#### **Handouts:**

- 1. External Media Campaign Budget Proposals.
- 2. Summary of 2015 Futures Commission Report Recommendations.

# Utah State Bar<sub>®</sub> MEMORANDUM

TO:

Commission

FROM:

Elizabeth A. Wright

DATE:

August 10, 2016

RE:

Clean-up of Rules Regarding Inactive Members Serving on Committees

Attached for approval by the Commission are proposed changes to Rule 14-110 to make it consistent with Rule 14-203(a)(4). The latter rule allows inactive members to serve on Bar committees. Rule 14-110 prohibits inactive members from serving on discipline or admission committees.

I propose making the rules consistent to allow inactive members to serve on any committee the Board determines appropriate. For instance, the Board may want to retain a long-serving and experienced committee member who decides to go on inactive status. Also, there may be other situations in which an inactive member has experience or qualities the Board determines would be beneficial to a committee.

#### Rule 14-110. Active and inactive members of the Bar.

- (a) Any member of the Bar, who has retired from the practice of law, or who is not engaged in the practice of law, except for foreign legal consultants, may upon request be enrolled as an inactive member. There shall be no rebate of any license fee upon transfer from active to inactive membership. An inactive member may attend the annual and special meetings, and participate in any debates or discussions at such meetings, but shall not be entitled to vote in any election or upon any question. An inactive member may provide pro bono legal services for or on behalf of a legal services organization approved by the Bar, upon meeting certification and performance standards, conditions and rules established by the Board.
- (b) The Board may appoint inactive members to committees. An inactive member may be appointed by the Board to special committees, other than committees for examination or qualification for admission to practice and disciplinary committees. The annual fee for an inactive member shall be payable before the first day of July of each year, in an amount fixed by the Board, with the approval of the Supreme Court to effectuate the purpose of this chapter. An inactive member, if in good standing, may request to be enrolled as an active member. Upon such request and the payment of the full annual license fee for the current fiscal year and any other fees authorized by the Court, less any fee paid as an inactive member for such fiscal year, the applicant shall be immediately transferred from the inactive roll to the active roll.

#### Rule 14-203. License categories.

- (a) Lawyers licensed by the Bar shall be divided into the following licensure categories:
- (a)(1) Active. Active members are those lawyers eligible to practice law as defined by Rule 14-802. An active member must maintain an active license.
- (a)(2) Active, under three. Active under three lawyers are those persons who took the student Bar Examination as defined in Rule 14-710 and have not been admitted to practice for more than three years in any jurisdiction.
- (a)(3) Active emeritus. Active emeritus lawyers are those lawyers who have been a member of the Bar for 50 years or are 75 years of age as of July 1 of the current year and who are engaged in the practice of law.
- (a)(4) Inactive. Inactive members are those lawyers who have retired from or for other reasons are not engaged in the practice of law as defined by the Rule 14-802. An inactive member must maintain an inactive license. They shall have the right to attend meetings of the Bar but shall not have a vote. They may serve on Bar committees and be members of sections of the Bar.
- (a)(5) Inactive emeritus. Inactive emeritus lawyers are those lawyers who have been a member of the Bar for 50 years or are 75 years of age as of July 1 of the current year and who are not engaged in the practice of law.
- (a)(6) Other limited practice licenses. As authorized by the Supreme Court, the Bar may develop other limited license categories.
- (b) Transfer from inactive to active status. An inactive member may become an active member upon request and by paying the licensing fees which would have been payable July 1 had the member then been active. A lawyer who transfers must also pay the Lawyer's Fund for Client Protection assessment for the licensure cycle when assessed.
- (c) Register of members to be kept. The executive director shall maintain a register of lawyers which shall contain a designation as to their licensing status and such other information as the Board may determine to be necessary or desirable or as required by rule.
- (d) Information required of members. Each member of the Bar shall furnish the executive director information indicating his or her date and the place of birth, dates of admission in other jurisdictions, and concerning such other matters as the Board may from time to time prescribe. This information shall be furnished by each member as a part of, or as a supplement to, the annual licensing form required by the rules or upon inquiry at any time by the executive director.

- (e) Membership licensure card. Each member shall be furnished with a current licensure card.
- (f) Professional misconduct. If an inactive member, or active member while suspended, shall practice law, he or she shall be subject to the disciplinary process as in cases of other professional misconduct under the Utah Rules of Professional Conduct and Article 5, Lawyer Discipline and Disability.

# Utah State Bar®

TO:

The Commission

FROM:

Elizabeth A. Wright

RE:

Amendment of Rule 14-508 to Address Reenrollment for Lawyers Who Are

Administratively Suspended For Failure to Pay License Fees.

DATE:

September 7, 2016

Attached is a redlined version of Rule 14-508 with changes to address lawyers who are suspended for failure to pay license fees.

#### HISTORY OF PROPOSED CHANGES

The need for these proposed changes was presented to the Commission at its March 20, 2016 meeting in St. George. After discussing the issue, the Commission unanimously voted to have Bar staff draft a reinstatement policy for lawyers who fail to pay licensing fees for three years or more.

#### **BACKGROUND**

The proposed changes to Rule 14-508 are necessary for two reasons. First, the requirement that lawyers seeking reinstatement after suspension pay all licensing fees in arrears is not, according to some lawyers, clearly stated in the rule and is occasionally disputed. Changes to the rule unambiguously say that fees in arrears are due when an administratively suspended lawyer seeks reenrollment.

Second, the current rule does not require lawyers seeking reinstatement after three years of administrative suspension to prove competence or character and fitness. Utah lawyers can go years without paying any licensing fees and then be readmitted solely by paying the \$200 reinstatement fee and license fees in arrears. We do not require those lawyers to certify competence or, as is the case in other jurisdictions, pass a character and fitness review and petition the Court or Board with an explanation of why they should be readmitted after multiple years of non-payment.

#### SUMMARY OF PROPOSED CHANGES

Section (c) has been added the language that payment "equal to the amount of fees the lawyer would have been required to pay had the lawyer remained an inactive member to the date of reinstatement" is necessary for reinstatement.

The payment of fees in arrears is consistent with those of other bars. Additionally, without the requirement of fees in arrears the inactive license status becomes meaningless. Inactive status is important because it allows lawyers who are not practicing law to maintain a law license at a reduced cost and without having to meet MCLE compliance. Even though the lawyer is not practicing, he or she has an inactive law license that is proof of Bar exam passage and admission and demonstrates the member is in good standing with the Bar. "Good standing" means the member has paid all fees and has not been disciplined.

Lawyers who take advantage of inactive status include members living and practicing in other jurisdictions, law professors, judges, law clerks and law librarians. There are also inactive members who are not in law-related fields who switch to inactive status while raising children or working in a non-legal business. By paying fees and keeping their license active, these individuals can switch to active status when their job situation requires. Members who switch from inactive to active status have one year to earn 24 CLE credit hours.

Section (d) is added to require lawyers who fail to pay for three years or more reapply for admission according to the rules for lawyers who have resigned. Lawyers who have resigned must submit an application and a character and fitness application. The Bar examination is not required. A copy of Rule 14-717(a) regarding readmission after resignation is attached as Exhibit C.

Section (e) is added to require lawyers who have not been on active status in any jurisdiction to complete the 24 hour MCLE requirement by June 30 of the fiscal year following reenrollment. This is consistent with the rule for lawyers who switch from inactive to active status. Lawyers who switch from inactive to active must complete 24 hours of CLE credit within one year of returning to active status. Rule 12-405.

#### **OTHER JURISDICTIONS**

These proposed changes are consistent with the policies of neighboring states.

Idaho: A lawyers who fails to pay licensing fees has *one year* to seek reinstatement. Reinstatement requires paying fees required at the time suspended and a petition to the Supreme Court for readmission. An attorney who fails to pay for *more than one year* is deemed to have resigned and has to reapply for bar admission.

**Arizona:** An attorney suspended for more than 6 months must petition the Court for reinstatement, pay penalties and a \$1000.00 investigative fee for a character and fitness review.

**New Mexico:** A member suspended for nonpayment of license fees has to petition the Board of Bar Examiners for reinstatement and pay a reinstatement fee of twice the member's then license fee, fees in arrears and accrued late penalty payments.

Wyoming: The suspended member may be reinstated upon the filing of a petition for reinstatement with the Wyoming Supreme Court within one (1) year of the date of the order of suspension. The petition shall include copies of the records required by subsection (j) and shall be supported by an affidavit which shows: (1) that all past annual license fees, the current year's annual license fee and any late charges have been paid in full, in addition to all past and current annual fees for continuing legal education; (2) that the attorney is current on all mandatory continuing legal education requirements; (3) that there have been no claims or awards made in regard to an attorney on the clients' security fund for which the fund has not been reimbursed; and (4) the attorney has complied with all other applicable conditions for reinstatement. The petition shall be accompanied by all appropriate fees for applicants for admission on motion.

If an attorney who is suspended from the practice of law for non-payment of the annual license fee has not petitioned for reinstatement within one (1) year of the date of the order of suspension, such attorney's membership in the Wyoming State Bar shall be terminated by order of the Wyoming Supreme Court. Such attorney who thereafter seeks admission to the Wyoming State Bar shall comply with the admissions requirements set forth in the Wyoming Rules and Procedures Governing Admission to the Practice of Law.

Nevada: A late fee is added to the amount a member owes after midnight on March 1. If a member is suspended for failure to pay, the amount owed is doubled. That amount then accumulates annually for each year the suspension continues. For example, a member who has belonged to any state bar for 5 or more years, pays an annual fee of \$450.00. If they do not pay by midnight March 1, the amount they owe includes a \$100.00 penalty. They now owe \$550.00. If they do not pay the \$550.00 by the time the State Bar Board of Governors signs the suspension order (typically in July), the fine of \$550.00 is added so they now owe \$1,100.00 in order to be reinstated. If it takes a member 5 years to decide to be reinstated, they will owe \$1,100.00 x 5.

**Oregon**: All applicants for reinstatement must pay the applicable reinstatement fee, membership dues for the year in which the application is filed, and all fees, assessments and penalties that are owed to the Bar at the time the reinstatement application. The application will not be approved until the applicant passes a character and fitness review which can take 2-3 months.

Washington State: A member who seeks reinstatement in the same calendar year pays twice the license fee and a reinstatement fee. A member who seeks reinstatement subsequent to the calendar year of suspension pays two times the license fee, reinstatement fee and the license fee for the current year.

## Rule 14-508. Periodic assessment of lawyers.

- (a) Annual licensing fee. Every lawyer admitted to practice in Utah shall pay to the Bar on or before July 1 of each year an annual license fee for each fiscal year to be fixed by the Board from time to time and approved by the Supreme Court. The fee shall be sufficient to pay the costs of disciplinary administration and enforcement under this article.
- (b) Failure to renew annual license. Failure to pay the annual licensing fee or provide the required annual licensing information shall result in administrative suspension. Any lawyer who practices law after failure to renew his or her license violates the Rules of Professional Conduct and may be disciplined. The executive director or his or her designee shall give notice of such removal from the rolls to such non-complying member at the designated mailing address on record at the Bar and to the state and federal courts in Utah. The non-complying member may apply in writing for reenrollment by tendering the license fees and/or the required information and an additional \$200 reinstatement fee. Upon receiving the same, the Bar shall order reenrollment and so notify the courts. Re-enrollment based on failure to renew does not negate any orders of discipline.
- (c) Reinstatement within three years of administrative suspension. A lawyer who is administratively suspended for failure to pay licensing fees for three years or less may apply in writing for reinstatement. The request should be made to the Utah State Bar Licensing Department and include payment equal to the amount of fees the lawyer would have been required to pay had the lawyer remained an inactive member to the date of the request for reinstatement and a \$200 reinstatement fee. Upon receiving the same, the Bar shall order re-enrollment and so notify the courts. Re-enrollment based on failure to renew does not negate any orders of discipline.
- (d) Reinstatement after three years of administrative suspension. A lawyer who is administratively suspended for three years or more for failure to pay license fees will be deemed to have resigned and shall comply with the admissions requirements set forth in the Supreme Court Rules of Professional Practice governing admission for lawyers who have resigned.
- (e) If the lawyer has not been on active status in any jurisdiction during the administrative suspension, the lawyer must complete the 24 hour MCLE requirement by June 30 of the fiscal year following his or her reenrollment. The lawyer may use CLE hours completed prior to reenrollment to satisfy part or the entire MCLE requirement if those hours were completed within one year of activation.

TAB 



# UTAH JUDICIAL CONDUCT COMMISSION ANNUAL REPORT

FY 2016

2540 Washington Blvd., Suite 703 Ogden, Utah 84401 Telephone: (801) 626-3369 www.jcc.utah.gov

#### Creation and Authority of the Judicial Conduct Commission

Although it existed previously as a legislatively created body, Utah's Judicial Conduct Commission (JCC) was constitutionally established in 1984. Constitution of Utah, Article VIII, Section 13. The constitution authorizes the Legislature to statutorily establish the composition and procedures of the JCC. Those provisions are found in Utah Code Ann., Title 78A, Chapter 11.

The JCC is empowered to investigate and conduct confidential hearings regarding complaints against state, county and municipal judges throughout the state. The JCC may recommend the reprimand, censure, suspension, removal, or involuntary retirement of a judge for any of the following reasons:

- action which constitutes willful misconduct in office;
- final conviction of a crime punishable as a felony under state or federal law;
- willful and persistent failure to perform judicial duties;
- disability that seriously interferes with the performance of judicial duties; or
- conduct prejudicial to the administration of justice which brings a judicial office into disrepute.

Prior to the implementation of any such JCC recommendation, the Utah Supreme Court reviews the JCC's proceedings as to both law and fact. The Supreme Court then issues an order implementing, rejecting, or modifying the JCC's recommendation.

#### Number of Complaints Received in FY 2016

Of the 85 complaints received in FY 2016, 79 have been resolved and 6 are still pending.

Complaints Received in FY 2016						
Judge Type	Number of Judges	Number of Complaints Received	Number of Judges Named in Complaints			
Supreme Court	5	1	1			
Court of Appeals	7		0			
District	72	51	42			
Juvenile	30	10	6			
Justice Court	98	21	16			
Pro Tempore	60	2	1			
Active Senior	39	0	0			
Total	311	85	66			

# Confidentiality of JCC Records and Proceedings

Except in certain limited circumstances specified by statute, all complaints, papers and testimony received or maintained by the JCC, and the record of any confidential hearings conducted by the JCC, are confidential, and cannot be disclosed.

#### Sanctions and Other Resolutions

# Sanctions Implemented by the Utah Supreme Court

There were no public sanctions implemented by the Utah Supreme Court during FY 2016.

# Dismissals with Warnings Issued by the Judicial Conduct Commission

There were no dismissals with warnings issued by the Judicial Conduct Commission during FY 2016.

#### **Administrative Affairs**

#### Meetings

The JCC meets as needed on the third Tuesday of each month at the Utah Law & Justice Center in Salt Lake City. The JCC met seven times during FY 2016.

#### **Administrative Rules**

The JCC's administrative rules are available online at www.rules.utah.gov.

#### **JCC Commissioners**

Robert Behunin
James Jardine
Rep. Brian King, Chair
Tami King
Sen. Karen Mayne
Rep. Kraig Powell
Lois Richins, Vice-Chair
Hon. Stephen Roth
Hon. Todd Shaughnessy
Sen. Stephen Urquhart
Terry Welch

Public member Robert Behunin resigned during FY 2016 due to continually increasing responsibilities at Utah State University where he serves as Vice-President for Commercialization and Regional Development.

Public member Lois Richins completed her eight years of JCC eligibility at the conclusion of FY 2016.

#### Website

The JCC's website, <a href="www.jcc.utah.gov">www.jcc.utah.gov</a>, contains indepth information, links to related sites, annual reports, copies of public discipline documents, and downloadable complaint forms.

#### **JCC Statutes**

The statutes governing the JCC are located in Utah Code Ann., Title 78A, Chapter 11.

#### **Budget**

Most of the JCC's budget is appropriated annually by the Legislature. For FY 2016, the legislative appropriation was \$251,800. The JCC had non-lapsing savings from FY 2015 in the amount of \$3,507, and the Division of Finance provided a one-time contribution of \$25,000, resulting in total available funds in the amount of \$280,307. JCC expenses for FY 2016 were \$256,432, leaving a balance of \$23,875.

#### **JCC Staff**

Colin Winchester, Executive Director Aimee Thoman, Investigative Counsel Sara Sherman, Office Technician

ОТАН	JUDICIAL CONDUCT C	UTAH JUDICIAL CONDUCT COMMISSION - COMPLAINT RESOLUTION PROCESS	INT RESOLUTION PRO	CESS
INITIAL	PRELIMINARY INVESTIGATION	FULL INVESTIGATION	FORMAL	SUPREME
Executive Director reviews each "complaint" to determine whether it is a complaint within the JCC's jurisdiction.  Staff returns non-JCC complaints against bar members or court employees) to complainant with appropriate instructions.  For JCC complaints, staff prepares electronic and hard-copy files, sends acknowledgment letter to complainant, and returns hard-copy file to Executive Director.  Executive Director assigns investigator.  Note: Anonymous complaints are submitted directly to JCC members, who review and discuss the complaint and vote to either take no action or to have staff conduct a preliminary investigation.	Investigator conducts preliminary investigation, writes preliminary investigation, investigation report, and recommends whether to dismiss or to proceed to full investigation as to some or all allegations.  Executive Director reviews preliminary investigation report and recommendation, and may revise either.  Staff distributes preliminary investigation report and recommendation, along with pertinent materials, to JCC members.  JCC meets, reviews and discusses preliminary investigation and recommendation, and votes to dismiss, to have staff conduct additional preliminary investigation, or to proceed to full investigation as to some or all allegations.	Staff provides judge with copy of complaint and other pertinent materials and asks judge to respond in writing to identified allegations.  Investigator conducts additional investigation, if necessary, as to issues raised in judge's response. Investigator may write supplemental investigation report and may make recommendation whether to dismiss or to proceed to formal proceedings.  Staff distributes judge's response and any supplemental investigation report and recommendation, along with pertinent materials, to JCC members.  JCC meets, reviews and discusses judge's response and any supplemental investigation report and recommendation, and votes to dismiss, to have staff conduct additional investigation, or to proceed to formal proceedings as to some or all allegations.	Staff prepares formal complaint and serves same upon judge via certified mail.  Judge may file written response.  Matter may be resolved by dismissal, stipulated resolution or confidential hearing.  A stipulated resolution may recommend: Reprimand Censure Suspension Removal from Office Involuntary Retirement After a confidential hearing, the JCC may dismiss the matter or may recommend: Reprimand Censure Suspension Removal from Office Involuntary Retirement Involuntary Retirement	Staff files JCC's findings of fact, recommendation and other statutorily required materials with Supreme Court.  JCC's recommendation become public upon filing. All other materials become public only upon Supreme Court order.  Supreme Court reviews JCC's proceedings as to both law and fact, and implements, modifies or rejects JCC's recommendation.  Note: JCC dismissals are not reviewed by the Supreme Court.

Utah State Bar.

Summary of Operations

2015-2016

# Vision of the Utah State Bar

A just legal system that is understood, valued, and accessible to all.

# Utah State Bar Statement on Diversity & Inclusion

The Bar values engaging all persons fully, including persons of different ages, disabilities, economic status, ethnicities, genders, geographic regions, national origins, sexual orientations, practice settings and areas, races and religions. Inclusion is critical to the success of the Bar, the legal profession and the judicial system.

#### The Bar shall strive to:

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

# Mission of the Utah State Bar

Lawyers serving the public and legal profession with excellence, civility, and integrity.

# **Introduction & Grants of Authority**

The Utah State Bar operates under authority granted by the Utah Supreme Court through orders which restate the Court's inherent authority under the Utah Constitution to regulate the practice of law. Those orders confirm the specific purposes, duties and responsibilities of the Utah State Bar as:

- ▲ Advancing the administration of justice according to law;
- ▲ Aiding the courts in carrying on the administration of justice;
- A Regulating the admission of persons seeking to practice law;
- Regulating and disciplining persons practicing law;
- ▲ Fostering and maintaining integrity, competence and public service among those practicing law;
- A Representing the Bar before legislative, administrative and judicial bodies;
- ▲ Preventing the unauthorized practice of law;
- Promoting professionalism, competence and excellence in those practicing law through continuing legal education and by other means;
- ▲ Providing service to the public, to the judicial system and to members of the Bar;
- ▲ Educating the public about the rule of law and their responsibilities under the law; and
- Assisting members of the Bar in improving the quality and efficiency of their practice.

The Board of Bar Commissioners has been granted all powers necessary and proper to carry out the duties and responsibilities of the Bar and the purposes of the Rules and has all authority not specifically reserved to the Court.

The Bar's internal operations are governed by By-laws and through the establishment of a variety of administrative policies and procedures. Other rules necessary to regulate and manage the practice of law have been promulgated by the Bar and approved by the Court and have been amended from time to time as needs have changed and demands have increased. These other rules include the Rules Governing Admission, Rules of Lawyer Discipline and Disability, Rules of Professional Conduct, Rules for Lawyers' Fund for Client Protection, the Law Student Assistance Rule and the Rules of the Utah State Bar Dispute Resolution Committee. The Court has also established rules governing mandatory continuing legal education. These rules may be found at <a href="https://www.utahbar.org">www.utahbar.org</a>.

# **Bar Leadership**

The Bar is a 501 (c) (6) non-profit Utah corporation governed by a fifteen-member Board of Bar Commissioners, which includes eleven elected lawyer representatives, two elected officers and two court-appointed public members. The Commission also includes eleven non-voting ex officio members. The Commission hires an Executive Director to carry out the operations of the Bar and the policies of the Commission. The Executive Director employs and supervises the activities of operations staff, which numbers thirty-four full-time and five part-time employees.

During the 2015–2016 year, the Bar Commission included the following:

# Elected Officers:

#### Angelina Tsu, President

Zions Management Services Corporation – Salt Lake City

#### Robert O. Rice, President-elect

Ray Quinney & Nebeker – Salt Lake City

### Elected Lawyers and Geographic Area:

#### Herm Olsen, 1st Division

Box Elder, Cache and Rich Counties Hillyard Anderson & Olsen – Logan

#### Kenyon D. Dove, 2nd Division

Weber, Morgan and Davis Counties Smith Knowles – Ogden

#### H. Dickson Burton, 3rd Division

Tooele, Salt Lake and Summit Counties TraskBritt – Salt Lake City

#### Kate A. Conyers, 3rd Division

Tooele, Salt Lake and Summit Counties Salt Lake Legal Defenders Association – Salt Lake City

#### Heather Farnsworth, 3rd Division

Tooele, Salt Lake and Summit Counties Match & Farnsworth – Salt Lake City

#### Susanne Gustin, 3rd Division

Tooele, Salt Lake and Summit Counties Attorney at Law – Salt Lake City

#### John R. Lund, 3rd Division

Tooele, Salt Lake and Summit Counties Parsons Behle & Latimer – Salt Lake City

#### Michelle Mumford, 3rd Division

Tooele, Salt Lake and Summit Counties Attorney at Law – Salt Lake City

#### Liisa Hancock, 4th Division

Millard, Juab, Utah and Wasatch Counties Jeffs & Jeffs, PC – Provo

#### Kristin "Katie" Woods, 5th Division

Washington, Iron, Beaver, Sanpete, Sevier, Piute, Wayne, Garfield, and Kane Counties Attorney at Law – St. George

## Public Members Appointed by the Supreme Court:

#### Steven R. Burt, AIA

Entelen Design-Build - Salt Lake City

#### Mary Kay Griffin, CPA

Mayer Hoffman McCann – Salt Lake City



# Ex Officio Members:

James D. Gilson, Immediate Past Bar President Callister Nebeker & McCullough – Salt Lake City

Robert Adler, Dean, S. J. Quinney College of Law – Salt Lake City

Nathan D. Alder, Utah ABA Members' Delegate Christensen & Jensen, PC – Salt Lake City

Heather Allen, Paralegal Division Representative 1–800 Contacts, Inc. – Salt Lake City

Melinda Bowen, Minority Bar Association Representative

10th Circuit Court of Appeals - Salt Lake City

Susan Motschiedler, Women Lawyers of Utah Representative

Parsons Behle & Latimer – Salt Lake City

Margaret D. Plane, Utah State Bar Delegate to the ABA

Salt Lake City Attorney's Office - Salt Lake City

Lawrence E. Stevens, Utah State Bar Delegate to the ABA

Parsons Behle & Latimer - Salt Lake City

James R. Rasband, Dean, J. Reuben Clark School of Law – Provo

Timothy M. Shea, Utah Supreme Court Liaison

T. Christopher Wharton, Young Lawyers Division Representative

Clyde Snow & Sessions – Salt Lake City

# 2015-2016 Commission Priorities

The Bar Commission annually reviews its long-range planning objectives and sets specific goals for the upcoming year within the plan. For the 2015–2016 year, those goals included:

### Attorney Recognition:

- Creation of the Breakfast of Champions to Recognize Outstanding Mentors. These new awards were named after three outstanding mentors in the Utah legal community; Charlotte L. Miller, James B. Lee, and Paul T. Moxley.
- ▲ Creation of the 50 years of Practice Awards
- ▲ Celebrating the Utah State Bar 85th Anniversary
- ▲ Creation of the Presidents of the Utah State Bar Book

# CLE Scholarship Program

▲ Low or No Cost CLE Attendance for Solo and Small Firm Practitioners

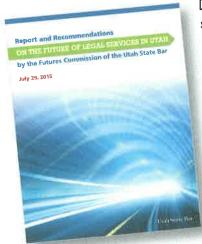
### Attorney Networking

▲ Creation of "Bar Review" – a social gathering and networking event held quarterly.

# Enhancing Bar Leadership Opportunities

▲ Creation of the Leadership Academy; a program to foster future Bar leaders.

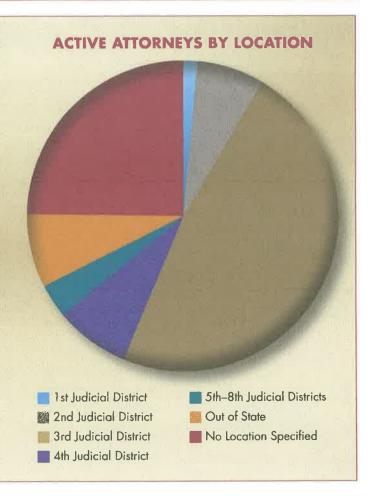
Implementation of the Recommendations made by the Futures Commission of the Utah State Bar in their Report: "Report and Recommendations on the Future of Legal Services in Utah."



Details of how the Commission conducted its work, what it has done, and who has served on the Commission, as well as the final report of the Commission can be found at <a href="http://www.utahbar.org/members/futures/">http://www.utahbar.org/members/futures/</a>. The Bar Commission then created the AAA Task Force to find long term solutions to the issues raised by the Futures Commission report. The AAA Task force is working on bringing needed legal services to the middle class which includes promoting non-profit law firms, access to lawyers in courthouse settings, the creation of a lawyer referral directory and consumer-focused website as well as seeking to increase jurisdictional limits for small claims court and modest means services. The AAA Task Force is led by 2016–2017 Bar President, Robert O. Rice.

# **Licensing Statistics**

1 T T W. 41	2014-15	2015-16	Change
ACTIVE STATUS	9,148	9,234	86
Active Lawyers	7,762	7,937	175
Active, Under 3 Years	1,192	1,104	(88)
Active, Emeritus	144	136	(8)
House Counsel	50	57	7
ACTIVE STATUS BY L	OCATION		
1st Judicial District	145	139	(6)
2nd Judicial District	666	647	(19
3rd Judicial District	4,560	4,416	(144)
4th Judicial District	732	714	(18
5th-8th Judicial Districts	330	322	(8)
Out of State	739	707	(32
No Location Designated	1,976	2,289	313
	9,148	9,234	86
INACTIVE LAWYERS	2,690	2,635	(55)
Inactive, Full Service	737	735	(2
Inactive, No Service	1,678	1,780	102
Inactive, Emeritus	275	120	(155
TOTAL INACTIVE & ACTIVE	11,838	11,869	31



# **Bar Programs and Services**

### Regulatory Services

#### **SPECIAL ADMISSIONS**

Special admissions include reviewing and processing Military Lawyers, House Counsel, Admission on Motion and *Pro Hac Vice* applications. During the Fiscal 2015–2016 year, we had the following special admissions applications:

September 1	Applications	Admitted	Pending	Denied	Withdrawn
Military	0				
House Counsel	18	17	9 - 10	1	0
Motion	70	54	43	1	1
Uniform Bar Transfers	56	47	22	0	1
Pro Hac Vice	302		*		

#### **ADMISSIONS**

Admissions includes the application process, character and fitness file reviews and hearings, Bar exam question drafting and selection, preparation and administration, grading essay exams, and all reciprocal admissions. Committees include the Admissions Committee (Steven T. Waterman, Chair), Character and Fitness Committee (Kimberly A. Neville and Andrew M. Morse, Co-chairs), Bar Examiner Committee (Tanya N. Peters, Chair), and the Test Accommodation Committee (Joan M. Andrews, Chair).

#### **JULY 2015 BAR EXAMINATION STATISTICS**

285 Took the July Bar Exam. 211 Passed the July Bar Exam. Pass Rate for the July 2015 Bar Exam: 74%

### **Essay Scores**

50 Points Possible Average Score: 30

### **Multistate Scores**

200 Points Possible Utah Average: 143 National Average: 140 (48,384 tested)

#### **Combined Scores**

Utah Mean Score: 285 Passing Score: 270

### **FEBRUARY 2016 BAR EXAMINATION STATISTICS**

152 Took the February Bar Exam. 100 Passed the February Bar Exam. Pass Rate for the February 2016 Bar Exam: 66%

#### **Essay Scores**

50 Points Possible Average Score: 29

#### **Multistate Scores**

200 Points Possible Utah Average: 141 National Average: 135 (23,324 tested)

#### **Combined Scores**

Utah Mean Score: 281 Passing Score: 270

#### PROFESSIONAL CONDUCT ENFORCEMENT

The Office of Professional Conduct investigates complaints of unethical conduct, provides ethics education seminars, provides informal ethics guidance by telephone, and either resolves or prosecutes cases before hearing panels, the district courts and the Utah Supreme Court. Committees that the Office of Professional Conduct interacts with include the Ethics and Discipline Committee of the Utah Supreme Court (Terri T. McIntosh, Chair), the Utah Bar's Ethics Advisory Opinion Committee (John A. Snow, Chair), the Supreme Court Rules of Professional Conduct Committee (Stephen G. Johnson, Chair), and the Supreme Court Diversion Committee (Derek J. Williams, Chair). The office has prepared a separate report on its operations, which is available at <a href="https://www.utahbar.org/opc/">www.utahbar.org/opc/</a>.

#### **CONTINUING LEGAL EDUCATION**

In the past year, the CLE Department coordinated or presented 252 events (115 luncheons and 137 seminars) in 39 general practice areas. Sixty-seven of these events were web offerings. Attorneys can participate via teleconference in any CLE seminar held at the Law & Justice Center. A total of 4,104.50 hours of video replays and podcasts were completed online. The CLE Department coordinates with the CLE Advisory Board (Jonathan O. Hafen, Chair).

#### **GENERAL BAR MANAGEMENT AND OPERATIONS**

General Bar management includes annual licensing, maintenance of databases, personnel, financial controls, inventory, equipment, governance organization and support, long range and planning. Bar staff manages policy implementation and operations through various voluntary leadership committees, including: Bar Commission, Bar Commission Executive Committee, and the Bar Commission Budget & Finance Committee (Ray O. Westergard, CPA, Chair). A copy of the 2015–2016 audit by Tanner, LLC is available at <a href="https://www.utahbar.org/bar-operations/">www.utahbar.org/bar-operations/</a>.

### **FALL FORUM, SUMMER & SPRING CONVENTIONS**

Conventions provide opportunities for lawyers to network in congenial, social and informal settings to renew friendships, to learn and to facilitate the administration of justice, foster professionalism and engender a collective identity through familiarity with fellow professionals. These events provide unique seminars and speakers, educate lawyers about issues facing the Bar, the profession and the judiciary, permit interaction with judges, and are budgeted to break even.

Events were coordinated by the Fall Forum Committee (**Gabe White** and **Amy Fowler**, Co-chairs), the Summer Convention Committee (**Hon. Dee V. Benson** and **Hon. Paul M. Warner**, Co-chairs), and the Spring Convention Committee (**Trystan Smith**, Chair).



357 judges, lawyers, and paralegal attended.

14 hours of CLE available.



348 judges, lawyers and paralegals attended.

11 hours of CLE available.



432 judges, lawyers and paralegals attended.

10 Hrs. CLE available.

#### MEMBER BENEFIT PROGRAMS

The Utah State Bar has contracted with benefits administrator Beneplace to radically expand offerings and services to bar members at no cost to Bar members. Beneplace, in partnership with the Bar, researches and recruits benefits providers and places them in the Utah State Bar benefits catalog <a href="http://www.beneplace.com/utahbar">http://www.beneplace.com/utahbar</a>. Programs range from office supplies, to discounted membership programs, to vacation planning, to legal specific vendors, to ticket offers for sports and recreational opportunities. New vendors and discounts arrive each month with a summary of recent additions provided online at <a href="http://communications.beneplace.com/utahstatebar/">http://communications.beneplace.com/utahstatebar/</a>.

Utah Lawyers Helping Lawyers renders confidential assistance to any member of the Bar whose professional performance is or may be impaired because of mental illness, emotional distress, substance abuse or any other disabling condition or circumstance and Blomquist Hale provides trained counselors for face-to-face help with family problems, stress, depression, anxiety, personal cash management difficulties, elder care challenges, assessment of drug/alcohol dependence, and any other issues impairing work or personal lives. Information about Utah Lawyers Helping Lawyers and Blomquist Hale may be found at: <a href="http://www.utahbar.org/members/lhl-blomquist-hale/">http://www.utahbar.org/members/lhl-blomquist-hale/</a>. Utah State Bar member benefits are overseen by the Member Resource Committee which is chaired by former Bar President, Robert L. Jeffs.

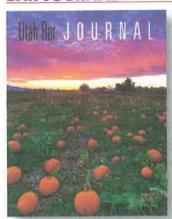
### **COMMITTEE SUPPORT - Unrelated to other Programs**

Stand-alone committees have been charged to provide professional leadership and study of designated issues. A current listing of all Bar committees can be found at www.utahbar.org/bar-operations/.

#### **SECTION & DIVISION SUPPORT**

Staff provides support services to 34 Sections and 2 Divisions which are independent and financially self-sustaining. Activities include section meetings, CLE luncheons, social events, dues collection, general administrative and financial services, email and newsletter communications, and the maintenance of websites and blogs. A listing of all Bar sections and divisions can be found at <a href="http://www.utahbar.org/bar-operations/leadership/">http://www.utahbar.org/bar-operations/leadership/</a>.

#### **BAR JOURNAL**



The Utah Bar Journal provides information on professional issues, law office management, legal education and law related opportunities. The Utah Bar Journal, which was published six times this past year by the Bar Journal Committee (William D. Holyoak, Chair) was provided to members and subscribers. The Utah Bar Journal is available online in e-book formats with fully searchable text and clickable links. Access to past issues of the Utah Bar Journal can be found at www.utahbar.org.

#### PUBLIC OUTREACH

Judges, lawyers, law students, and law school staff participated in the fourth annual Constitution Day Teach-in in hundreds of classrooms throughout Utah; Civics Education Committee (Gabe White, Chair).

For Law Day, the Bar celebrated the 50th anniversary of Miranda v. Arizona and the Miranda warnings, the required notification of rights from the Constitution, <a href="http://lawday.utahbar.org/">http://lawday.utahbar.org/</a>. The Communication Director joined the Court's Community Relations Subcommittee for coordinated efforts between the two entities.

Affordable Attorneys for All projects were promoted, including Courthouse Steps and LicensedLawyer, the new online directory. For the latter, an internal campaign was launched to encourage attorneys to participate, and the beginnings of a public campaign were planned, including an extensive social media component.



### NEW LAWYER TRAINING PROGRAM

New Lawyer NLTP participants work with a Utah State Bar approved mentor during their first year of practice. The mentor and new lawyer are required to meet at least once a month for twelve months to discuss the new lawyer's legal work, professional development and adjustment to the practice of law. They are also required to discuss the Rules of Professional Conduct as a means of more effectively teaching and fostering professionalism, ethics and civility.

As of July 31, 2016, there are 1035 approved mentors. As of July 31, 2016, 1720 new lawyers have completed the NLTP since the Program's inception in 2009. There are 152 new lawyers participating in the January 2016 mentoring term and 98 participating in the July 2016 mentoring term for a total of 250 current participants.

Events: At the 2015 Fall Forum, the Outstanding Mentor Award went to two NLTP mentors: Scott Hansen and Mark Tolman. Two of our NLTP mentors also received awards at the Bar's annual Breakfast of Champions - Jonathan Hafen and Rodney G. Snow.



### Public Services

#### **ACCESS TO JUSTICE PROGRAMS**

In the 2015–2016 fiscal year, the Bar sustained existing programs and established new projects to provide greater access to justice for those in Utah. The Access to Justice department continued to assist the Utah State Bar Pro Bono Commission (Judge Michele M. Christiansen and Judge Royal I. Hansen, Co-Chairs), the Modest Means Lawyer Referral Program (Judge Su Chon and David J. Williams, Co-Chairs), the Senior Center Clinics started by the Elder Law Section in 2010, the Tuesday Night Bar Program put on by the Young Lawyer Division of the Bar, the Debtor's Counseling Clinic put on in conjunction with the University of Útah Pro Bono Initiative, and the Disaster Legal Response Committee (Tracy Olsen, Chair).



The Utah State Bar Pro Bono Commission placed cases in different areas of the law including domestic, consumer, post conviction and probate law. The Pro Bono Commission currently has a roster of over 1,200 active attorneys to provide *pro bono* services.

In addition to the placement of cases, the Pro Bono Commission has expanded its signature projects with the goal of representing more people through limited scope assistance. The current

signature projects include: The Adoption and Termination of Parental Rights Project; the Guardian ad Litem Project; the Adult Guardianship and Conservatorship Project; the ORS Contempt Hearing Calendars in the First, Second, and Third Districts; the Debt Collection and Eviction Calendars in the Second and Third Districts; and the Pro Se Family Law Calendars in the Third District and Fourth Districts. In all eight judicial districts, the Pro Bono Commission established Committees co-chaired by a district court judge and a local attorney.

The Modest Means Lawyer Referral Program provides the average Utahn with the opportunity to acquire affordable legal assistance and connects Utah attorneys to new clients through a referral service by agreeing to provide services at a lower cost. In the 2015–2016 fiscal year, over 620 clients were placed with approximately 150 attorneys through the Modest Means Lawyer Referral Program.

620
Clients were placed through the Modest Means Lawyer Referral Program

The Disaster Legal Response Committee made significant strides in organizing a strategy to coordinate services and materials to provide pro bono legal assistance to victims in the event of a disaster. The Committee is also working diligently on preparing members of the Utah State Bar to provide service in the event of a disaster.

### Fund for Client Protection

The Fund for Client Protection Committee (**Hon. David R. Hamilton**, Chair) has 13 attorney members. There were 10 claims made to the Utah State Bar Fund for Client Protection against 6 attorneys during the 2015–2016 fiscal year totaling \$47,726. Of these claims, 9 were approved for awards totaling \$31,140.

### Unauthorized Practice of Law Committee

During the 2015–2016 fiscal year, the Unauthorized Practice of Law Committee (Ben Harmon, Committee Chair) and staff received thirty-two (32) new complaints. One (1) complaint was assigned to outside counsel for formal legal action in District Court. Ten (10) of the complaints were against attorneys licensed in Utah or other jurisdictions and were transferred to OPC. The Committee is actively investigating twenty (20) matters.

### Tuesday Night Bar

Tuesday Night Bar is a free legal clinic in Salt Lake City hosted by volunteers from the Utah State Bar's Young Lawyers Division. The clinic is held in the Utah Law and Justice Center approximately 40 weeks of the year. Clients call in to make appointments and on average 25 people are helped during each clinic session by volunteer attorneys. There are other Tuesday Night Bars held in locations throughout the state which are usually sponsored by the local bar association.

### Young Lawyers Division

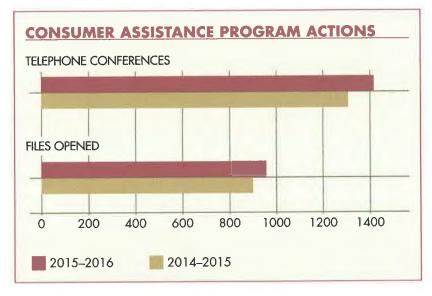
The Young Lawyers Division produces video mentoring on their web site, promotes Law Day Activities, and provides numerous service projects, including Wills for Heroes. Their web site is <a href="http://younglawyers.utahbar.org/">http://younglawyers.utahbar.org/</a>.



## Joint "Group" & Public Services

### **CONSUMER ASSISTANCE PROGRAM**

Through the informal process of the Consumer Assistance Program (CAP), the Utah State Bar offers support to both consumers and attorneys who request assistance in their communication with each other. The CAP attorney addresses consumers' questions regarding the management of their legal matters and concerns about their lawyers and then strives to facilitate communication between consumers and their lawyers so that minor issues can be resolved. The CAP attorney also offers guidance to consumers to help them understand what they may reasonably expect from their counsel and the legal process. Occasionally attorneys contact the CAP attorney to explain issues regarding consumers who might reach out to CAP.



CAP eases the load for the Office of Professional Conduct (OPC) by dealing with minor complaints submitted by consumers whose concerns usually include wanting timely return calls from their attorneys, routine updates about their cases, regular billing statements, and copies of their client files. Complaints which rise to the level of ethical concerns are handled exclusively by OPC.

During the 2015–2016 fiscal year, the CAP attorney handled 1411 telephone conferences and opened 963 files. This is an increase of 105 phone conferences and 85 files from the previous fiscal year.

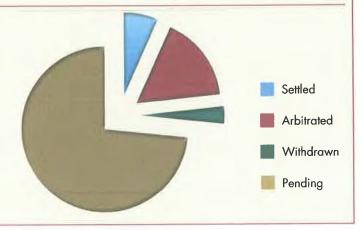
#### **DISCIPLINARY PROCESS INFORMATION OFFICE**

The Disciplinary Process Information Office (DPIO) is designed to assist those attorneys who find themselves the subject of Bar complaints. The DPIO attorney is able to answer questions about the complaint process, refer attorneys to the appropriate procedural rules at various stages of the process, and inform them about the progress of their individual cases with the Office of Professional Conduct.



#### FEE DISPUTE RESOLUTION PROGRAM

In the last fiscal year the Fee Dispute Resolution Committee (William M. Jeffs, Chair) and staff prepared and conducted hearings with a volunteer lawyer or panels of volunteer lawyers, judges and lay people to resolve disputes about legal fees in a process through which parties voluntarily agree to be bound. Last year, the committee opened 30 cases, settled 2, and arbitrated 5. One case was withdrawn by the claimant. A link to more information may be found at <a href="http://www.utahbar.org/public/fee\_arbitration\_service.html">http://www.utahbar.org/public/fee\_arbitration\_service.html</a>.

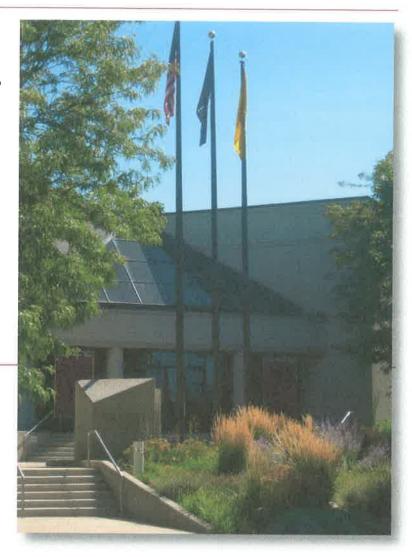


#### LAW & JUSTICE CENTER OPERATIONS

The Utah State Bar owns and operates the 33,000 square foot building known as the Utah State Bar Law & Justice Center, The Center provides low cost meeting room space and, in probono cases, no cost meeting room space. Services by the Center staff include organization of events, audio-visual rental, catering, low cost leases, tenant support, interior and exterior grounds maintenance and security. During the 2015-2016 fiscal year, the building rented space for over 660 meetings. Groups using the meeting space included Bar Committees, Bar Section Continuing Legal Education luncheons and seminars, mediations, arbitrations, charitable and non-profit entities, educational organizations, public interest groups, and association trainings.

## PUBLIC EDUCATION, SERVICES AND SPECIAL PROJECTS

The Bar Commission regularly provides public education projects including participation with the American Bar Association, makes appointments to Utah State Boards and Committees, helps to fund the Law Related Education Project, and sponsors the Law Day Celebration with the Law Day Committee (Young Lawyers Division), among other things.



#### **GOVERNMENTAL RELATIONS**

The Bar hires a legislative representative and supports the activities of the Governmental Relations Committee (John H. Bogart, Cameron Beech, and Jaqualin Friend Peterson, Co-chairs) which makes recommendations for action on bills and provides assistance to legislators with specific questions on legislation.



## 2015-2016 Section Leadership

Cory A. Talbot

Chair, Antitrust & Unfair Competition Section

Joanna E. Landau

Chair, Appellate Practice Section

Lawrence R. Dingivan

Chair, Banking & Finance Section

Darwin H. Bingham

Chair, Bankruptcy Section

Kenneth-Claude A. Ashton

Chair, Business Law Section

G. Scott Jensen

Chair, Collection Law Section

Sharon M. Bertelsen

Communications Law Section

Lori J. Seppi

Chair, Constitutional Law Section

D. Scott DeGraffenried

Chair, Construction Law Section

Richard S. Montierth

Chair, Corporate Counsel Section

Colleen K. Magee

Chair, Criminal Law Section

C. Mathew Sorensen

Chair, Cyber Law Section

Benjamin W. Liebermann

Chair, Dispute Resolution Section

Douglas R. Larson

Chair, Education Law Section

Penniann J. Schumann

Chair, Elder Law Section

Elizabeth A. Schulte

Chair, Environmental Law Section

**Andrew L. Howell** 

Chair, Estate Planning Law Section

N. Adam Caldwell

Chair, Family Law Section

Joshua S. Stanley

Chair, Franchise Law Section

James L. Ahlstrom

Chair, Government Law Section

**Timothy B. Anderson** 

Chair, Health Law Section

Paul N. Taylor

Chair, Intellectual Property Section

Casey W. Jones

Chair, International Law Section

David L. Johnson

Chair, Juvenile Law Section

**Jaqualin Friend Peterson** 

Chair, Labor & Employment Law Section

Heather L. Thuet

Chair, Litigation Section

Ezra T. Glanzer

Chair, Military Law Section

Samuel A. Lambert

Chair, Non-Profit/Charitable Law Section

Brad G. DeHaan

Chair, Real Property Law Section

Alexander N. Pearson

Chair, Securities Law Section

**Douglas R. Short** 

Chair, Solo, Small Firm & Rural Law Practice Section

Mark L. Astling

Chair, Tax Law Section

### 2015–2016 Division Leadership

T. Christopher Wharton

Chair, Young Lawyers Division

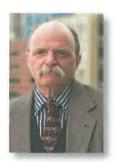
Heather J. Allen

Chair, Paralegal Division

## 2015-2016 Awards



Judge of the Year **Hon. Claudia Laycock** 



Lawyer of the Year Ronald J. Yengich



Section of the Year
Young Lawyers Division





Dorathy Merrill Brothers Award for the Advancement of Women in the Legal Profession Barbara G. Hjelle





Raymond S. Uno Award for the Advancement of Minorities in the Legal Profession Reyes Aguilar, Jr. & Carl Hernandez, III



Pro Bono Lawyer of the Year

Chad McKay





Outstanding Mentor Award Scott D. Hansen & Mark D. Tolman



Charlotte L. Miller Mentoring Award **Jonathan O. Hafen** 



James B. Lee Mentoring Award Rodney G. Snow



Paul T. Moxley Mentoring Award **K. Dawn Atkin** 

## **KEYNOTES**



### **ERIN BROCKOVICH**

It's been 16 years since Julia Roberts starred in the Oscar-winning tour de force *Erin Brockovich*. The film turned an unknown legal researcher into a 20th century icon by showcasing how her dogged persistence was the impelling force behind the largest medical settlement lawsuit in history, exposing PG & E for leaking toxic Chromium 6 into ground water for 30 years; *Anderson v. PG&E*. As President of Brockovich Research & Consulting, she is currently involved in numerous environmental projects worldwide. Brockovich has had requests for her help in ground water contamination complaints in every state of the US, Australia, and other international hot spots. She is currently working on cases in California, Texas, Florida, Michigan, Illinois, and Missouri.



#### JAN SCHLICHTMANN

Two years earlier on the silver screen, John Travolta portrayed Jan Schlichtmann in A Civil Action, highlighting another water contamination case (in Woburn, MA), this one against W. R. Grace and Beatrice Co.; Anderson v. Cryovac. Schlichtmann's pioneering work brought together leading experts in science, medicine, and engineering for the first time and used a novel multi-disciplinary approach to unravel the complex interaction between industrial activities and public health. This groundbreaking work has been the subject of a number of legal and scientific journals and books, television and radio shows, press reports, and magazine stories, as well as a national best seller and the film it was based upon. Schlichtmann believes that law and science that is collaborative and healing offers humankind its best hope for a safer, healthier, and better future.



### PROF. DANIEL S. MEDWED

Professor Medwed teaches Criminal Law, Evidence, and Advanced Criminal Procedure: Wrongful Convictions and Post-Conviction Remedies at Northeastern University School of Law. His research and pro bono activities revolve around the topic of wrongful convictions. His book, Prosecution Complex: America's Race to Convict and Its Impact on the Innocent (New York University Press, 2012), explores how even well-meaning prosecutors may contribute to wrongful convictions because of cognitive biases and an overly-deferential regime of legal and ethical rules. Prior to joining Northeastern in 2012, Professor Medwed was professor of law at the University of Utah and helped oversee the Brooklyn Law School's Second Look Program, where he worked with students to investigate and litigate innocence claims by New York state prisoners.



#### **GOVERNOR GARY R. HERBERT**

Governor Gary Richard Herbert has led Utah's recovery from the Great Recession to a position of national economic prominence. His unwavering focus on economic development includes attracting businesses and investment to the state while helping homegrown businesses flourish. The governor is focused on four cornerstones to strengthen Utah's economy: education, jobs, energy, and self-determination. As a result, Utah has become a premier destination for business, jobs, and an unsurpassed quality of life. As Utah's 17th governor, he took the oath of office on August 11, 2009. Prior to becoming the state's chief executive, Governor Herbert served as lieutenant governor for five years. He is the past chair of the Western Governors Association and National Governors Association.



#### JUSTICE CHRISTINE M. DURHAM

Justice Christine Durham has been on the Utah Supreme Court since 1982 and served as Chief Justice and Chair of the Utah Judicial Council from 2002–2012. She previously served on the state trial court after a number of years in private practice. She received her A.B. with honors from Wellesley College and a J.D. from Duke University, where she is an emeritus member of the Board of Trustees. She is a member of the Council of the American Law Institute, the Board of Overseers for the Rand Corporation's Institute for Civil Justice, and is a Fellow of the American Bar Association. Past professional service includes the governing boards of the American Inns of Court Foundation, the Appellate Judges Conference of the ABA, the ABA's Commission on Women in the Profession, and the Federal Judicial Conference's Advisory Committee on the Rules of Civil Procedure.



#### MELINDA K. BOWEN

Melinda Bowen is currently a judicial law clerk for the Honorable Carolyn B. McHugh on the Tenth Circuit Court of Appeals. When she completes her clerkship, she will return to Snow, Christensen & Martineau and resume her work in the white collar defense and commercial litigation practice groups. Melinda served as President of the Utah Minority Bar Association from 2013 to 2015 and currently serves on the Women Lawyers of Utah Special Projects Committee. She is also a member of the Executive Committee of the UCLI Board of Governors.

## 2016 FALL FORUM

## Wednesday, November 16

Broadway Theatre - 111 East Broadway, Salt Lake City

5:30—6:30 cm 6:30-9:00 cm

**Judges and Lawyers Reception** 

Film: Erin Brock ovich, followed by a panel discussion 2 CLE

## 2016 FALL FORUM Thursday, November 17 Little America Hotel - 500 South Main, Salt Lake City

	Little America Hotel – 50	00 South Main, Salt Lake	City			
7:30-8:15 am	Continental Breakfast					
8:15—8:30 am	Welcome & Introductions: Co-Chairs Gabe White – Christensen & Jensen; Amy Fowler – Salt Lake Legal Defenders Association					
8:30—9:30 am	1 Ethics Breakfast Session: Prof. Daniel S. Medwed - Northeastern University Prosecutorial Ethics in the Twenty-Erst Century					
9:309:40 am	Break					
	Trial Academy: The Art of Persuasion Cr	iminal Law	Transactional/Business			
9:40—10:40 am		rrent Ethical Issues in Criminal Law Practice	Collections for the Small Business			
1 CLE	Developing the Case Narrative Pro Trial Academy Faculty	f. Daniel S. Medwed – Northeastern University	Chip Shaner – Olson Shaner			
10:40—10:50 am	Break					
	Trial Academy: The Art of Persuasion		Transactional/Business			
10:50—11 50 am	Finding Compelling Experts		Employment Law for Dummies			
1 CLE	Trial Academy Faculty		Lauren I. Scholnick – Strindberg & Scholnick, LLC			
11:50 am—Noo18	Break					
12:00—1:00 gm	1 CLE Lunch Session: Jan Schlichtmann – What "A Civil Action" Taught Me About Power Law & Justice					
1:00—1:10 pg	Break	•				
	Trial Academy: The Art of Persuasion Fa	mily Law	New Practice Areas			
1:10 — 2:10 pm		nily Law Basics for New Lawyers	Entertainment Law:			
1 CLE	Persuasive Legal Writing Trial Academy Faculty Alli Cas	son R. Librett – Librett Law, PLLC ssie J. Medura – Jennings and Medura	New Legal Issues in the Digital Age Michelle C. Kennedy – Kennedy Art & Entertainment Law			
2:10—2:20 pm	Break					
TE TO	Trial Academy: The Art of Persuasion Fa	mily Law	New Practice Areas			
2:20—3:20 pm		t Mediation Practices for Attorneys	In This Corner: Trial and Appellate Counsel			
1 CLE	the Good, the Bad, the Ugly Trial Academy Faculty  Ma	rcella L. Keck – Accord Mediation helle M. Roybal-Oldroyd – Director of the Utah Commission on Civic and Character Education	Square Off Karra J. Porter – Christensen & Jensen Patricia C. Kuendig – Christensen & Jensen			
6:00—9:00 pm	UMBA Banquet: 6:00 pm - Cocktail Hour, 7:00 pm - Dinner; Little America Hotel  The Fall Forum is excited to partner again with the Utah Minority Bar Association's 2016 Scholarship and Awards Banquet. \$75/person or \$700/table of ten.  Additional banquet information available at <a href="www.utahminoritybar.org/banquet">www.utahminoritybar.org/banquet</a> .  Questions can be directed to Jamie Sorenson at (801) 323-3326, <a href="josepage: jsorenson@rqn.com">jsorenson@rqn.com</a> .					
0:30 1:00	After Double The Deet Hearted in the Dede-	on 201 Court Marin Care College	-L. etc.			

After Party: The Rest – located in the Bodega, 331 South Main Street, Salt Lake City

Admission included with registration.

## 2016 FALL FORUM

## Friday, November 18

Little America Hotel - 500 South Main, Salt Lake City

7:30-8:00 am	Continental Breakfast					
8:00—8:30am	Introductions & Awards: Co-Chairs Gabe White – Christensen & Jensen; Amy Fowler – Salt Lake Legal Defenders Association					
8:30—9:30 am	1 Prof/Civ Breakfast Session: A Diversity and Inclusion Initiative: Why It's Needed and How to Get Involved Governor Gary R. Herbert; Justice Christine M. Durham – Utah Supreme Court; Melinda K. Bowen – Past-President, Utah Minority Bar					
9:30—9:40 am	Break					
	Trial Academy: The Art of Persuasion	Criminal Law	Transactional/Business			
9:40—10:40 am  1 CLE	Dealing with Damages Trial Academy Faculty	Affirmative Defenses: Admissibility, Burdens, Scope & Practical Applications Wojciech S. Nitecki – Salt Lake Legal Defenders Assoc.	Nuts and Bolts of Business Formation Blake R. Voorhees – Ray Quinney & Nebeker			
10:40—10:50 am	Break					
	Trial Academy: The Art of Persuasion	Criminal Law	Transactional/Business			
10:5011:50 am	Testing the Waters: Mock Juries, Focus Groups Trial Academy Faculty	Law Firm Security: Why You Need It and How You Get It Dean Sapp, CISSP – Brain Trace  Drafting Asset Purchase Agre N. Todd Leishman – Durham Jon				
11:50 am-NooN	Break					
NeoN-1:00 pm	1 CLE Lunch Session: Erin Brockovich – The Power of One. The Power of One emphasizes the difference that one person or a small group of individuals can make through the law.					
1:00—1:10 pm	Break					
	Trial Academy: The Art of Persuasion	Family Law	New Practice Areas			
1:10 — 2:10 pm	Tips & Techniques to Persuade at Civil & Criminal Trials: Use of Technology and Demonstrative Exhibits Trial Academy Faculty	Juvenile Court for Family Law Practitioners Nicole A. Salazar-Hall – ClydeSnow Brent W. Salazar-Hall – Jennings & Medura	Antitrust Primer: 10 Things Every Non-Antitrust Attorney Should Know Jeremy J. Stewart – Snell & Wilmer			
2:102:20 pm	Break					
1000	Trial Academy: The Art of Persuasion	Family Law	New Practice Areas			
2:20—3:20 pm 1 CLE	Tips & Techniques to Persuade at Civil & Criminal Trials: Witness Examination Trial Academy Faculty	Effectively Using Mental Health Professionals in Family Law Matters Diana L. Telfer – ClydeSnow Dr. Natalie Malovich – Aspen Mediation	Effective Advocacy for Transgender Clients T. Christopher Wharton – Chris Wharton Law, LC			
3:20—3:30 pm	Break					
THE THE	Trial Academy: The Art of Persuasion	Family Law	New Practice Areas			
3:30—4:30 pm	Tips & Techniques to Persuade at Civil & Criminal Trials: Opening Statements and Closing Arguments Trial Academy Faculty	Divorce Financial Planning  Ryan A. Smith, CRPC – Rivettas Wealth  Strategies	Utah Limited Paralegal Practitioner Justice Deno G. Himonas – Utah Supreme Cour and Committee Chair, Supreme Court Task Force to Examine LLL			

### TRIAL ACADEMY FACULTY:

Hon. David M. Connors – Second District Court
Hon. Ryan M. Harris – Third District Court
Hon. Keith A. Kelly – Third District Court
Hon. Judge Laura S. Scott – Third District Court
Hon. Andrew H. Stone – Third District Court
Hon. Clark Waddoups – U.S. Federal District Court
Hon. Brooke C. Wells – Federal Magistrate Judge, U.S.
Federal District Court

Rod N. Andreason – Kirton McConkie Bruce S. Baird – Bruce S. Baird, PC Sharon A. Donovan – Dart, Adamson & Donovan Jeffrey D. Eisenberg – Eisenberg, Gilchrist & Cutt Amy N. Fowler – Salt Lake Legal Defenders Assoc. Jonathan O. Hafen – Parr Brown Gee & Loveless Paul H. Jepsen – DecisionQuest David J. Jordan – Stoel Rives, LLP Jordan P. Kendell – Eisenberg, Gilchrist & Cutt Matthew L. Lalli – Snell & Wilmer James E. Magleby – Magleby Cataxinos Greenwood MaryGrace J. Schaeffer – DecisionQuest Roger Smith – Lone Peak Valuation Group Amy F. Sorenson – Snell & Wilmer Jenifer L. Tomchak – Parr Brown Gee & Loveless Francis M. Wikstrom – Parsons Behle & Latimer

## 2016 FALL FORUM PRESENTERS



Julie M. Emery is a paralegal at Parsons Behle & Latimer with 26 years experience working on complex litigation, trial practice, electronic discovery and document management. She is currently the chair of the Utah State Bar Paralegal Division and sits on the Supreme Court of Utah's Paralegal Practitioner Steering Committee.



Amy N. Fowler graduated from S.J. Quinney College of Law in 2011. She has worked as a felony attorney at the Salt Lake Legal Defenders Association since 2014. She currently serves as the LGBT and Allied Lawyers Association of Utah representative to the Utah Bar Commission.



Justice Constandinos "Deno" Himonas was appointed to the Utah Supreme Court in February 2015. Prior to his appointment, he served as a trial court judge in the Third District Court for the State of Utah for over 10 years. Justice Himonas was the chair of the Supreme Court Task Force to Examine Limited Legal Licensing and is currently the chair of the Paralegal Practitioner Steering Committee.



Marcella L. "Marcie" Keck has been providing mediation services in Utah through Accord Mediation since 1989. She has trained many other mediators and is an adjunct faculty member at the University of Utah.



Michelle C. Kennedy focuses her entertainment law practice on representing talent, creators, and creative businesses in business entity planning and formation, intellectual property management, and commercial transactions. Her clients work in digital/social media, music, photography, and graphic design.



Patricia C. Kuendig litigates, tries, and resolves cases from complex civil matters to family law cases, criminal law proceedings and more. She is licensed in Utah, Florida and Georgia, but manages all cases out of Christensen & Jensen's Park City, Utah office.



N. Todd Leishman is a shareholder at Durham Jones & Pinegar where his practice concentrates on corporate and business law with emphasis on representing sellers in sales of privately owned companies to financial and strategic buyers, acquirers in mergers and acquisitions, and companies in debt and equity financing transactions.



**Emily E. Lewis** is an attorney with ClydeSnow. She advises and guides clients through the complexities of Utah water law before the Utah State Engineer, the management and protection of water rights portfolios, the corporate governance of water related entities, the drafting of water documents such as delivery agreements, and the general litigation process.



Allison R. Librett has experience with divorce, pre/ post nuptial agreements, custody, paternity, divorce modifications, enforcement of decrees, adoption, grandparent rights, guardianship and protective orders.



**Dr. Natalie Malovich** is a licensed psychologist specializing in high conflict divorce and custody issues. Dr. Malovich is trained in mediation and is on the Court approved roster of domestic mediators. She also provides co-parenting classes for parents involved in high conflict separation and divorce.



Cassie J. Medura has over sixteen years experience in family law and litigation at one of Utah's oldest and most prestigious law firms. She brings this experience, along with a commitment to providing quality and efficient legal services, to her practice at Jennings & Medura, LLC.



Wojciech S. Nitecki has been a trial attorney with the Salt Lake Legal Defender Association since 2008. He received his undergraduate degree from the University of Wisconsin, Madison, and the J.D. degree from the University of Utah S.J. Quinney College Of Law.



Karra J. Porter is an appellate lawyer with nearly 30 years experience. She has been lead or co-lead counsel in more than 150 civil and criminal appeals in Utah as well as several other state and federal appellate courts. She also regularly tries cases and has faced the same dilemmas as other trial counsel in deciding which issues to let go and which to fight.



Robert O. Rice is a shareholder at Ray Quinney & Nebeker and current President of the Utah State Bar. Mr. Rice practices in the areas of labor and employment law, commercial litigation and intellectual property law. Rob's employment practice focuses exclusively on defending employers and advising them on on-going personnel matters.



Michelle M. Roybal-Oldroyd is an attorney, mediator, and law professor. She is the Director of the Utah Commission on Civic and Character Education, working with the Lieutenant Governor and the Utah Legislature to improve and innovate classroom curriculum on social studies and character education. She brings expertise in dispute resolution, high conflict mediation, media relations, high profile trial management, professional development, and government relations to her roles as practitioner and teacher.



**Nicole A. Salazar-Hall** focuses her practice on civil litigation and family law, representing individuals in domestic and child welfare cases. Previously she represented indigent clients in the Third District Juvenile Court.



Brent W. Salazar-Hall served as a court-appointed parental rights defender in Salt Lake County for eight years. He previously served as a member of the Third District Drug Court Executive Management Committee and is currently serving on the Utah Supreme Court's Advisory Committee on the Rules of Juvenile Procedure. Brent is currently a partner at Jennings & Medura, LLC.



**Dean Sapp, CISSP** is a long-time security practitioner with 24 years of combined Information Security and IT experience, including 17 years working with AM 100 and 250 law firms. He has significant experience in developing, evangelizing, and implementing cost-effective and robust security programs. He is currently Chief Information Security Officer at Braintrace.com.



Lauren I. Scholnick has championed equal protection, civil rights, and due process for her entire life, beginning in elementary school when she organized her classmates against lunch room tyranny. For the last 11 years Lauren's practice has focused on reforming the law through individual and multi-plaintiff employment cases.

## 2016 FALL FORUM PRESENTERS



**Chip Shaner** is the Managing Partner for the law firm Olson Shaner. Chip's practice focuses on the recovery of unpaid consumer and commercial accounts.



Ryan A. Smith, CRPC is the founder/head financial planner at Rivettas Wealth Strategies. Ryan helps divorce attorneys map out and analyze the clients' financial situation, during the divorce process and long term, providing clients peace of mind and, in turn, reinforcing the client's confidence in their attorney.



Jeremy J. Stewart is a commercial litigator in the Salt Lake City office of Snell & Wilmer. Throughout his practice in Washington, D.C. and now in Utah, Jeremy's practice has focused on antitrust and competition matters ranging from small business disputes to international investigations and multi-district litigations.



**Diana L. Telfer** focuses her practice on representing individuals in all aspects of family law matters, estate planning, and small business consulting. She also is regularly appointed as a guardian ad litem representing the best interests of children.



Hon. Kate A. Toomey took the oath of office in September 2014 after her appointment to the Court of Appeals by Gov. Gary Herbert. Prior to her appointment, she was a Third District Court Judge for nearly eight years. Judge Toomey currently serves as a member of the Judicial Council and the Utah Supreme Court's Advisory Committee on the Rules of Civil Procedure.



**Blake R. Voorhees** is a member of the Ray Quinney & Nebeker's Tax, Trusts and Estate Planning Section. He focuses his practice in the areas of estate planning, estate and trust administration, nonprofit organizations, business planning and taxation.



T. Christopher Wharton is a Salt Lake City-based attorney focusing on family law, criminal defense, and LGBT advocacy. In 2015, he obtained the first same-sex common law marriage adjudication in Utah. Chris serves on the Utah Bar Commission as the young lawyer representative to the ABA House of Delegates. He is also a member and past chair of the Salt Lake City Human Rights Commission.

## 2016 FALL FORUM TRIAL ACADEMY FACULTY



Hon. David M. Connors was appointed to the Second District Court by Governor Jon M. Huntsman, Jr. and took office January 2008. He serves Davis, Morgan, and Weber counties. Prior to his appointment, Judge Connors was a partner in the Litigation Department of Chapman and Cutler LLP.



Hon. Ryan M. Harris was appointed to the Third District Court in August 2011 by Governor Gary Herbert. Prior to his appointment Judge Harris served as a small claims judge. He also practiced law at Jones, Waldo, Holbrook & McDonough and served on the firm's Board of Directors and Executive Committee. Judge Harris also worked as an Adjunct Professor at the University of Utah's S.J. Quinney College of Law.



Hon. Keith A. Kelly was appointed to the Third District Court 2009 by Gov. Gary R. Herbert. He serves Salt Lake, Summit, and Tooele counties. Prior to his appointment to the bench, Judge Kelly practiced at Ray Quinney & Nebeker for 23 years. He has served since 1998 as a member of the Utah Supreme Court's Advisory Committee on the Rules of Evidence and as chairman of the Utah Judicial Council's Oversight Committee for the Office of the Guardian Ad Litem.



Hon. Laura S. Scott was appointed to the Third District Court in October 2014 by Governor Gary R. Herbert. She serves Salt Lake, Summit, and Tooele counties. Prior to her appointment, Judge Scott maintained a commercial and real estate litigation practice at Parsons Behle & Latimer.



**Hon. Andrew H. Stone** was appointed to the Third District Court in October 2010 by Gov. Gary R. Herbert. He serves Salt Lake, Summit, and Tooele counties. Prior to his appointment he worked at the law firm of Jones, Waldo, Holbrook & McDonough, where he served on its Board and Executive Committee.



Hon. Clark Waddoups was appointed to the U.S. District Court for the District of Utah by President George W. Bush in 2008. Prior to his appointment he was an experienced trial lawyer representing clients in banking and finance, manufacturing, broadcasting, automotive, oil, and real estate.



**Hon. Brooke C. Wells** is a federal magistrate judge for the United States District Court for the District of Utah. She was appointed to this position on June 4, 2003.

## 2016 FALL FORUM TRIAL ACADEMY FACULTY



**Rod N. Andreason** is a member of Kirton McConkie's Litigation section. His practice emphasizes complex commercial and civil cases in areas such as partnership disputes, complex leasing arrangements, securities, contract breaches and intellectual property disputes. He is also active in Alternative Dispute Resolution, approved by Utah State Courts as a Qualified Arbitrator and representing clients in both arbitration and mediation.



**Bruce S. Baird** Bruce S. Baird, PC



**Sharon A. Donovan** is a partner at Dart, Adamson & Donovan where she practices primarily in the area of family law, litigation, and alternative dispute resolution. She is a strong advocate who uses sensitivity and empathy when helping families in transition and has extensive experience with large marital estates, complex custody issues, and all other aspects of divorce practice.



Jeffrey D. Eisenberg is the founding partner of Eisenberg, Gilchrist & Cutt. He handles tort, Qui Tam and insurance bad faith claims. Mr. Eisenberg has obtained approximately 100 seven figure recoveries for clients in a wide variety of tort and whistleblower cases and has conducted focus groups for nearly 20 years.



Jonathan O. Hafen is a shareholder at Parr Brown Gee & Loveless. He has extensive experience representing clients in federal and state courts handling a wide variety of litigation including securities and investment law, employment law, breach of contract, property disputes, intellectual property, and class actions.



**Paul H. Jepsen**, Senior Vice President of DecisionQuest, has provided jury research and trial consulting on several thousand civil and criminal cases in both state and federal courts with an expertise that includes overall trial strategy, opening statements, witness evaluation and preparation, demonstrative exhibits, voir dire, verdict and damages risk analysis, and juru questionnaires.



**David J. Jordan** is a partner at Stoel Rives, LLP concentrating his practice in commercial litigation. He has represented business and individuals in a wide variety of civil matters. He is the former U.S. Attorney for the District of Utah, and served from 1992–1993 as Vice-Chairman of the U.S. Attorney General's Advisory Committee.



**Jordan P. Kendell** is the managing partner of Eisenberg Gilchrist & Cutt and serves on the Board of the Utah Association for Justice. He has conducted dozens of focus groups in a variety of tort cases.



James E. Magleby practices in all areas of intellectual property and complex civil and commercial litigation. Mr. Magleby's litigation and trial experience includes cases involving trade secrets, patents, trademarks and unfair competition, the Lanham Act, trade dress, real property and real estate, construction, partnership and business dissolutions, commercial collections, securities, landlord-tenant disputes, and non-competition and non-circumvention agreements.



**Roger Smith** is a principal of the Lone Peak Valuation Group and is primarily involved with performing business and intellectual property valuations and computing commercial litigation and intellectual property damages. Roger has a masters degree in accounting and is a CPA, Accredited in Business Valuation.



**Matthew L. Lalli** is a trial and litigation attorney who has tried dozens of cases in courts and arbitration tribunals in Utah, California, and throughout the United States. He is the litigation practice group leader at Snell & Wilmer's Salt Lake City office, a member of the firm's ethics committee, and loss prevention counsel to the firm.



MaryGrace J. Schaeffer, Senior Vice President of DecisionQuest, has developed trial strategies from a social science perspective for over 25 years. Her expertise includes overall trial strategy and theme development, mock trials, voir dire and jury selection, witness evaluation and preparation, shadow juries, post-trial interviews and visual communications.



Amy F. Sorenson is a regional civil litigator, defending business litigation matters in Utah, Nevada and California courts. Her complex commercial litigation practice includes general business litigation, financial services litigation, intellectual property, professional liability, and business tort litigation in the federal and state courts, arbitration, and on appeal.



Jenifer L. Tomchak has extensive experience representing clients in a wide variety of commercial litigation matters, including professional and legal malpractice defense, commercial banking and equipment finance litigation, securities and investment litigation, and employment litigation.



Francis M. Wikstrom is a trial lawyer at Parsons Behle & Latimer. He is a Fellow of the American College of Trial Lawyers and currently serves as immediate past president. His practice consists of complex civil litigation and white collar criminal defense. He formerly served as an Assistant United States Attorney and as a U.S. Attorney for the District of Utah. He has been with Parsons Behle & Latimer since 1982.

## 2016 FALL FORUM SPONSORS



Bankruptcy Law Section



Collection Law Section
Estate Planning Law Section
Family Law Section

Government & Administrative Law Section

Litigation Section

Paralegal Division

Securities Law Section

Young Lawyers Division

## GET THE FALL FORUM APP

Available for both Android and Apple users in their respective app stores Release date: **September 1**.

All of the convention materials will be available on the app, but use of the app is completely optional. If you choose not to use the app you can find static versions of the information at fallforum.utahbar.org.

### FALL FORUM REGISTRATION

REGISTRATION PRICES:	Before 10/14/16	After 10/14/16		
Utah State Bar Members	\$299*	\$350		
<b>Utah State Bar Paralegal Division Members</b>	\$150*	\$199		
Video Streaming: \$150 \$150  Price includes all 9 hours of breakouts in the family law and criminal law track on Thursday and Friday. Does not include keynotes. Register online for this option.				
UMBA Banquet \$75/pers of For more information about the banquet visit: www.uta	n or \$700/t hminoritybar.c	rable of ten org/banquet		

Pre-registration is recommended as space is limited.

Door registrations are accepted on a first come, first served basis.

Register online with your login and password at:

https://services.utahbar.org

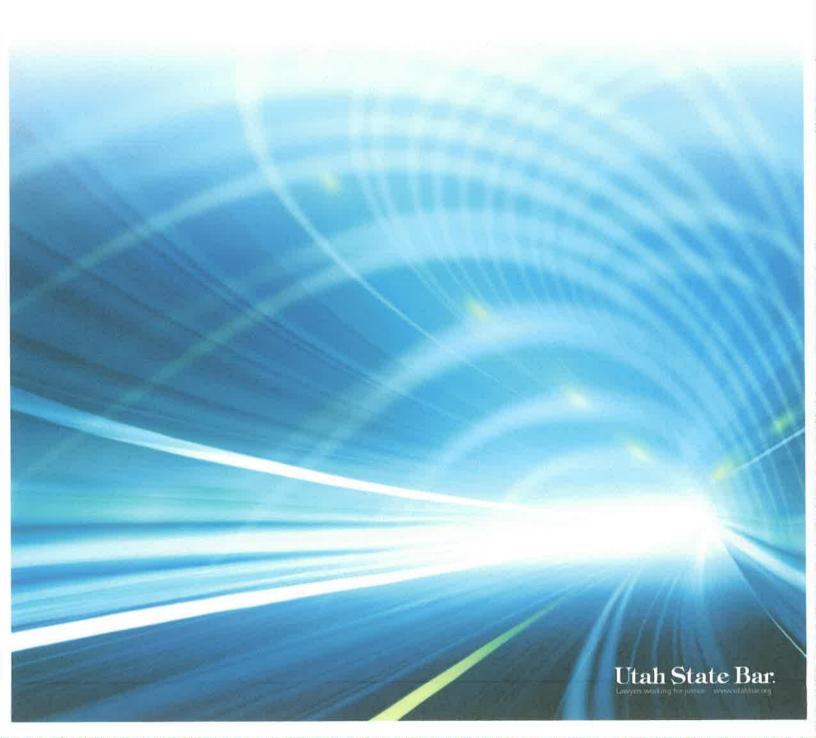
\*That is only \$19.93 per credit hour for attorneys and only \$10 per credit hour for Paralegal Division members!

## Report and Recommendations

## ON THE FUTURE OF LEGAL SERVICES IN UTAH

by the Futures Commission of the Utah State Bar

July 29, 2015





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## INTRODUCTION

George Bernard Shaw<sup>1</sup> said, "Progress is impossible without change, and those who cannot change their minds cannot change anything."

Fundamentally – to better meet the legal needs of individuals and small businesses in Utah – people are going to have to change their minds. The Utah State Bar will have to change its mind about how it connects lawyers with the people who need them. Lawyers will have to change their minds about how they package, price, and deliver their services. Legal educators and trainers will need to refocus their efforts on equipping their students with the basic business skills to successfully practice. And last, but certainly not least, people with legal needs will need to change their minds. They need to be shown much more convincingly that lawyers and other legal service providers are "worth it."

By any measure, progress is needed. The number of self-represented litigants in the courts is burgeoning, even as the number of case filings is dropping. People think they can and should handle a court case on their own and sometimes even think it's better to try to address their problem without taking their case to court at all. This Do-It-Yourself mentality can and often does lead to the legal equivalent of a slapdash basement remodel: It is done, but it is not done well; there might be safety issues; and it probably won't stand up to the test of time. Of course whether to do it yourself or hire it out is an individual's choice. However, in no small number, lawyers and the courts are being called upon to come in after such attempts to make repairs, often at greater expense than if they had been involved in the first place.

The Futures Commission was charged by the Utah State Bar to "gather input, study, and consider the ways current and future lawyers can provide better legal and law-related services to the public, especially to individuals and small businesses in Utah." A broad spectrum of well-qualified community and thought leaders, practicing lawyers, and Bar leaders have devoted substantial time and energy to meeting this charge. Details of how the Commission conducted its work, what it has done, and who has served on the Commission can be found below. We have concluded that to assure access to quality affordable legal services for all, there needs to be transformational change in the legal profession.<sup>2</sup>

The profession must adapt to the changed expectations of consumers of legal services and must meet the changing economic realities. If the profession does not adapt, lawyers will become less relevant to the day-to-day lives of ordinary citizens struggling with family issues, financial problems, routine disputes, and basic needs such as housing. If the profession does not adapt, lawyers will continue to drift away from the middle and find themselves relegated to either acting as the elite counselors of the wealthy and well-funded corporations or serving as the underpaid and underappreciated advocates of the poor and the accused, to the extent that such work is funded by government or provided by charity.

The United States of America proudly and properly proclaims itself to be a nation of laws. Lawyers are valuable and indeed critical to making that a reality for all. This Commission firmly believes that lawyers should continue to play a central role in our nation's legal system and do so for all segments of society, so that every individual truly has access to the protections and benefits of the rule of law. Toward that end, we respectfully submit our report to Utah's practicing lawyers, to Utah's law schools, to the Utah judiciary, to the Utah legislature and Governor Herbert and, most importantly, to all the people of Utah, who have every right to expect and to obtain affordable legal assistance from Utah's lawyers.

<sup>1.</sup> Irish playwright, noted essayist, co-founder of the London School of Economics and ardent advocate for the working class.

<sup>2.</sup> This Report reflects the collective views and recommendations of the majority of the Commission members. Not every Commission member necessarily agrees with everything in the Report.

## RECOMMENDATIONS



## Make Lawyers More Available and Much More Accessible

The Bar should proactively use its resources to make lawyers more accessible to the middle class and small businesses, to connect lawyers with those who need legal help, and to communicate with the public about the availability of affordable lawyers and their value. Specific action items for the Bar include:

- A. Develop and maintain a robust online lawyer referral directory that is easily available to the public. The directory should provide information about the lawyer's: contact information, geographical location and availability, practice areas, willingness to provide unbundled legal services, willingness to work on some basis other than hourly rate, or to discount rates for lower income clients, and the languages in which the lawyer is competent to provide legal services. If the lawyer will help with cases involving domestic violence or debt collection, then that should be shown in the directory. The online directory should be mobile friendly and use plain English. This should be done as soon as possible.
- B. Build and promote a consumer-focused website which, building on the online directory of lawyers, will become the key clearinghouse for dients in need of legal assistance. The website should function as a marketplace for those who need legal services to find appropriate and affordable help and for lawyers to present and promote the particular services they offer, pricing, payment options, and other specifics. See www.justiserv.com for such a website now serving clients in the Boston area. This website should also, in plain English, educate the public about how lawyers can help, how to select and retain a lawyer, what they can do to keep costs under control. To make the website succeed, the Bar should engage in "guerrilla marketing" through mass advertising and proactively reach out to community and civic organizations, employers, and faith-based and other organizations. This should be done as soon as possible. It might work best to combine this marketplace project with the online referral directory described in Paragraph A.

## C. Increase the use of discrete task representation and fixed fee pricing by

- (1) marketing the availability of "unbundling,"
- (2) educating lawyers and courts on best practices for implementing these approaches, and (3) establishing an "unbundled" section for the Bar with lawyers who are willing to help clients on a fee-per-task, limited scope basis.
- D. Promote fee-per-task delivery models in locations where lawyers can meet with dients for advice in public access points like courthouses, public libraries, and community centers. The Bar should address, internally and with the courts, adjustments to the rules of practice, administration, and professional responsibility to facilitate such models.
- E. Better promote, with both lawyers and those needing lawyers, the numerous pro bono and modest means offerings and programs already in place throughout Utah. Strengthen and expand the Bar's Modest Means Lawyer Referral Program, the statewide program already in place to serve middle class clientele.
- F. Investigate and promote providing incubators or other support for new lawyers who wish to establish practices, especially in the rural areas of Utah, to provide basic legal services to underserved clients. This should include seeking grants and other private funding, as well as exploring federal and state funding, for the specific purpose of helping lawyers establish viable practices.
- **G.** Investigate and promote changes to licensing requirements to reflect the economic realities of multistate practices and to accommodate lawyers who live in Utah but do legal work for clients outside of Utah.
- H. Investigate and consider the impact of changes to Rule 5.4 of the Rules of Professional Conduct to allow non-lawyers to share fees and partner with lawyers in order to increase innovation and encourage lawyers to be more client focused.

<sup>3.</sup> This is not meant to imply combative, just creative. https://en.wikipedia.org/wiki/Guerrilla\_marketing.

## **Better Educate and Train Lawyers and Law Students about Their Business**

Utah's law schools do a good job of teaching legal principles while also offering robust practical training and clinical experience for students. Yet many new lawyers feel poorly prepared for the marketplace and for the economic realities of practicing law. And many practicing lawyers have shown little aptitude or appetite for marketplace innovation.

## A. The Bar and the law schools should provide more business and entrepreneurial training.

The majority of Utah lawyers are running their own small businesses. They need to become more efficient in their delivery models and more effective in their marketing. Such training is especially needed for those who want to practice in solo or small firm settings, particularly in small towns, rural areas, and linguistically and culturally isolated communities where underserved populations exist.

# B. The "Third-Year Practice Rule" should be expanded and enhanced. This would permit more law students to provide limited advice and counsel in specific and innovative ways like issue spotting at legal clinics or courthouse consultations.

C. We considered whether to recommend administration of the Bar exam before graduation from law school, but the input was equivocal and the question requires more study of both the costs and benefits. While it might make the entry into practice more expedient, having students preparing for the Bar exam while still engaged in course work creates concerns. We recommend additional study and evaluation of this issue in the near future. We considered and do not recommend creating a "diploma privilege" by waiving the Bar exam for graduates of Utah law schools.

"This has been a tremendous process, and it has been a true pleasure to work with some of the most creative thinkers in the state on the most important issues facing the legal community today. Utah Law is deeply committed to providing our students with the best possible preparation for practicing law. Working with the Futures Commission has only inspired further innovation in how we train law students."



LINCOLN DAVIES, Associate Dean for Academic Affairs College of Law, University of Utah

### **Keep Improving Judicial Case Management**

Utah enjoys one of the finest run judiciaries in the nation. This is partly due to the effective leadership of the judiciary and to the unified court system created by Utah's Constitution. It is also due to positive collaboration among Utah's legislative, executive, and judicial branches in finding ways to make Utah courts part of the solution to problems experienced by people in Utah.

A. Because a major portion of the unmet legal need is in cases being processed by the courts, we recommend that the Bar Commission endorse and promote increased judicial case management oversight of dockets, especially in family law and debt collection cases. Such efforts are already underway by the Court's Standing Committee on Family Law, the Court's Standing Committee on Resources for Self-Represented Parties, the Legal Aid Society of Salt Lake, and the Bar's Family Law Section. Putting increased emphasis on active judge and commissioner case management, rather than attorney-driven case management, offers the potential for improved use of litigant, attorney, and court time, more productive calendars, greater predictability, and potentially reduced costs.

- B. We recommend that the Bar Commission endorse and promote simplification of court processes and redesign of court rules and procedures to better enable attorneys and clients to use limited scope representation. The bulk of the need is in family, housing, and debt collection matters so that is where such efforts should focus.
- C. We recommend legislation to increase the jurisdictional limit for small claims court. This change will facilitate greater access for many individuals and businesses to an efficient and low-cost dispute resolution process. We also recommend considering legislation to increase support for a companion piece to small claims mediators. Presently, Utah Dispute Resolution, a nonprofit organization, is conducting numerous free mediations at small claims courts and could conduct more of them with additional resources and volunteers.
- D. The Supreme Court's Task Force on limited legal license technicians is currently examining the potential for people other than lawyers to meet these needs. We recommend that the Bar Commission follow that effort and assist however it can to facilitate the provision of affordable legal services to the people of Utah.

"As we consider challenges to the delivery of legal services, it's important that the perspectives of both the profession and the courts be considered, but even more important, is the litigant's perspective."



DAN BECKER, Court Administrator Utah State Courts

## Take Control of Technology

As with almost every other facet of life in 2015, technology continues to drive changes and to create both risk and opportunities for lawyers. Now and on an ongoing basis, the Bar should help lawyers use technology to enhance the delivery of legal services and adapt its rules, practices, and policies to permit lawyers and clients to take the fullest possible benefit of new technologies. If lawyers don't take control of the technologies affecting the practice of law, those technologies could very well control what happens to lawyers. The list below is simply what is front and center today:

A. Promote and maintain online CLE sessions on the business of practicing of law, best uses of technology, unbundling legal services, effectively promoting services to prospective middle class and small business clients, and managing a virtual law practice.

B. Encourage lawyers to participate in established pro bono efforts that utilize remote services

delivery systems so that clients in geographically isolated areas can be helped.

- C. Make all of the Bar's CLE offerings available for remote attendance and participation.
- D. Promote Utah's "one stop" shop for small business registration. The state provides a "one stop" online site for registering small businesses. The Bar should link to and promote this website on its own website. The Bar should partner with the Utah Division of Corporations to determine other ways to promote the use of this website, and whether there are additional services to promote. The Bar should also study ways to refer the site's users to potential lawyers if they need additional assistance.
- E. Clarify who with the Bar, among both staff and lawyers, has the charge of leading and training Utah lawyers in the area of law practice technologies.

## Support Reestablishment of the Court's Access to Justice Commission

The Bar should discuss with the Utah Supreme Court the history of the court's Access to Justice Commission (which disbanded in 2008). For a time, the Utah Supreme Court led an impressive and active stakeholders' roundtable organization and could again engage in that effort, as many state supreme courts choose to do. The court's leadership in this area is essential to achieving results across a broad spectrum of concerns, not only

judicial and court-related, but also administrative, educational, market-based, and consumer-oriented, and for an array of legal service providers as well. The court's leadership of a community-wide, broad-based Access to Justice Commission could adapt best practices and solutions from other states and regions, as well as craft unique solutions for our state.

# THE REASONS FOR THESE RECOMMENDATIONS

The Futures Commission studied and discussed the legal profession and its service to individuals and small businesses from three different perspectives. One subgroup considered the perspective of clients and market dynamics. A second subgroup focused on the lawyers and the delivery of legal services. The third group focused on the education and training of lawyers, both in law school and thereafter. These groups worked independently, but the entire Commission also met regularly in plenary sessions to hear and discuss reports from the subgroups. Through this collaboration, the Commission found common themes and ultimately reached consensus about recommendations to make. What follows is a summary of the reasoning developed by the Commission's three subgroups and the Commission as a whole for its recommendations.

## 1

### There is an unmet need for legal services.

In 2014, there were 66,717 debt collection cases filed in the Utah courts. In 98% of those cases, the defendant was not represented by counsel and in 96% of the cases, the plaintiff had an attorney. That means more than 60,000 Utahns fended for themselves in court. In the 7,770 eviction cases filed that year, 97% of the people defended themselves. In the family law arena, out of the 14,088 divorce cases filed in 2014, there were attorneys for both parties in only 12% of the cases. In 29% of the cases, just one party had an attorney and in 60% of the cases, neither party had counsel. The number of people trying to represent themselves in the Utah courts is not only large, it is steadily increasing. The 2014 data mentioned above is generally higher than similar data for 2005. See Strategic Plan of the Committee on Resources for Self Represented Parties (see link in Resources section below).

We heard many reports from members of the bench and bar about how this not only impacts the litigants but also the courts and the lawyers opposing unrepresented parties. The litigants are in an unfamiliar system without an advocate, without a trained professional, and without someone they can trust. They use the forms that are available from the court's website, <a href="www.utcourts.gov/selfhelp">www.utcourts.gov/selfhelp</a>, as well as its Online Court Assistance Program, <a href="https://www.utcourts.gov/ocap/">https://www.utcourts.gov/ocap/</a>,

but they often don't know how to use the forms or have complications that require special treatment. The judges and court staff must remain impartial and cannot provide legal advice to a party. Maintaining that impartiality can be difficult when it is clear one of the parties has a lot of questions and really needs legal advice. This often results in many patient efforts to explain the process and to try to guide the party towards legal counsel who can advise them.

We learned that the price of legal services is not necessarily the determining factor in whether or not an individual or small business will engage a lawyer. While some may perceive legal services as too expensive or unaffordable, many individuals and businesses simply do not sense the need to involve a lawyer or do not understand that using lawyers early in their problem solving would benefit them. This increase in self-representation comes as legal issues are becoming more, not less, complex. The forms required to complete a divorce can be a challenge when there are children, real property, retirement plans, or foreign citizenship to consider.

Many potential clients do not know how to access lawyers, are not sure the lawyer will help matters or make matters worse, and are concerned about the cost, especially when quoted as an open-ended hourly rate. While some potential

clients perceive lawyers as inaccessible, they know information online is immediately accessible and turn to it. Doing so is the legal equivalent of diagnosing one's medical condition based on a review of the WebMD website or other online information. Often, these individuals will perceive lawyers as unnecessary and, thus, will attempt to "go it alone." Or they will be convinced that a form for a will, deed, or contract that can be purchased or even accessed for free online will be adequate.

There are also language barriers for the growing number of Utahns who have limited proficiency in the English language. While the courts provide interpreters for court hearings and processes, that service does not extend to the private consultations that clients need to have with their counsel. There is an increasing need for lawyers who can offer services in Spanish and other languages.

For victims of domestic violence in particular, there continues to be an acute need for legal services in these areas: family law (especially divorce and child custody issues), criminal law, and immigration. Also, in Utah's rural areas, there are overloaded attorneys, few pro bono services, and frequent conflicts of interest.

## Enough lawyers are being educated and licensed in Utah to meet the needs.

One of the more confounding aspects of this issue is that at the same time that there are clearly unmet legal needs and people who can and would pay something for some legal help, there is also a large number of under-employed lawyers, especially new lawyers. Utah currently has 9,148 active licensed lawyers, over 35% of who are in private practice on their own or in a firm with five or fewer lawyers. With a population approaching three million, that means there are about thirty lawyers for every 10,000 Utahns, placing Utah in the middle of the pack and slightly below average compared to other states. See <a href="http://www.americ.anbar.org/resources-for-lawyers/profession-statistics.html">http://www.americ.anbar.org/resources-for-lawyers/profession-statistics.html</a>.

Roughly 350 new lawyers are admitted to the Bar each year. These bright, ambitious people are coming out of law school with somewhat compromised dreams of working full time in the legal profession in what has turned out to be a very difficult employment market (and at the same time being saddled with large amounts of student loan debt). This particular group can help solve the unmet legal needs in our communities. Indeed, we hope they

will remain engaged in finding solutions. One example of this is Open Legal Services, an innovative non-profit law firm founded by two 2013 graduates of the University of Utah S.J. Quinney College of Law: Shantelle Argyle and Dan Spencer. http://openlegalservices.org/.

If there are many underemployed lawyers and much unmet legal need, then why doesn't the market work to bring them together? Basic economic theory teaches that, in a competitive market, price should move to the point where the demand equals supply. But that theory also assumes the participants in the market have perfect information about the price as well as perfect information about the usefulness and quality of the service in question. That is not a valid assumption in the legal market. The total price is not often provided, just the hourly rate for an indeterminate number of hours. And the value proposition is not well understood by consumers. Our recommendations for making lawyers more accessible and creating an online marketplace are intended to address these issues.

## People need a much better way to find lawyers who will help them.

People expect to find useful information quickly and easily on their mobile devices and computers. If information about finding lawyers, what they do, and what they cost is not readily available through the Bar's website, then people will search elsewhere. Their searches might find lawyers who pay for more advertising on Google or other search engines. Or people may simply decide to forego lawyers completely. The Bar can and should be a reliable source for the information people need about lawyers.

Little is currently known about how people try to find information about lawyers and how they try to connect with them. However, we do know the following: Two major focal points of information and referral in our state's legal landscape are Utah Legal Services (ULS) and the Self-Help Center (SHC) of the Utah State Courts. In their 2014 fiscal year, ULS provided legal advice and representation to 8,658 clients who met its income and other eligibility criteria. In free legal clinics staffed by ULS and based on the agency's eligibility criteria, another 145 people received brief advice. Pro bono lawyers handled 596 cases. While these numbers demonstrate the wide reach of services ULS provides, the agency also had to refer 6,498 people to other legal resources (including private attorneys) because they did not meet ULS's eligibility criteria for any number of reasons including they were over income, they were financially eligible but not within ULS case priorities, or they were non-citizens.

The SHC provides legal and procedural information and

help with forms, but not advice, in all Utah state courts. Services are virtual, provided by telephone, email, text, and the court's website. In fiscal year 2015 (July 2014 through June 2015), the SHC responded to 18,173 contacts. A staff survey is completed for each contact and, since November 2014, that survey has tracked whether the person contacting the SHC was referred to other legal resources. Such referrals are made after SHC staff assesses the person's situation and determines that the person needs legal advice or representation. Referrals to other legal resources are made in around 33% of all contacts. In only eight months of tracking referrals, the SHC made 3,883 referrals. Projecting for a full year, the SHC expects to make at least 6,000 referrals. So, from just ULS and the SHC, we can safely say that at least 12,000 referrals to legal resources are made each year. Many other non-profit agencies and government agencies, as well as libraries, schools, senior centers, churches, unions, and community centers need to have good referral sources available as well. Additionally, the courts and other agencies cannot make referrals to individual lawyers; they can only point to a list of potential lawyers or to a lawyer directory.

For all these thousands of potential referrals each year, there is not a good referral source or a simple source of contact information to connect a potential client with a lawyer. A reliable source – the Utah State Bar – can be that point of contact to the benefit of the public and lawyers alike.

"Our goal is to make sure no one in Utah is left behind when it comes to meeting their legal needs."



ERIC. G. MAXFIELD, Partner, Holland & Hart

### **Technology is constantly changing things.**

A thread running through all of our discussions was technology. Whether it is using social media for referrals, video-conferencing for court hearings, or online legal forms and services, the internet and other technologies are integral to the discussion. In this respect, it is important to realize that a consumer's decision process for purchasing legal services is not altogether different from how he or she might select an accountant or make a major purchase.

Further, people are increasingly comfortable with searching for and getting answers – for better or worse – to legal questions online. Individuals are willing to pay online vendors discrete sums if they perceive it might resolve their legal needs. This is the LegalZoom model. Social media is also providing access to information as people share their experiences and own advice, further reducing the perceived need to consult with lawyers. For example, Avvo offers clients both the opportunity to review and rate their lawyer and the opportunity to submit a question online and get it answered by a lawyer licensed in the jurisdiction in question. Such technological tools

certainly appear to be more accessible ways for consumers to get information from and about lawyers.

Researchers, entrepreneurs, and innovators are exploring ever more creative ways to use sophisticated software to deliver legal services more cheaply and more quickly wherever there is a need. Some rely heavily on technology to sell legal forms or help customers find lawyers. There are online mediation and settlement services for simple disputes. And there are even models for using artificial intelligence to conduct legal reasoning and make rulings.

It is simply not possible to catalog all of these new technologies and the changes they bring. And by the time that catalog is finished, it would be out of date. Suffice it to say that the legal profession will continue to be profoundly altered by technology and the Bar must be working to not only stay abreast of those technologies but to help Utah lawyers implement them for the benefit of their clients.

"The biggest expense in our law firm is our people, not glass and marble. 'Necessary' expenses are sometimes luxuries, and innovation can mean foregoing those luxuries to serve more clients for less money."



SHANTELLE ARGYLE, co-founder, co-director, and attorney with Open Legal Services

## The marketplace for legal services is evolving.

Due in no small measure to the technologies discussed above, the traditional ways for lawyers and clients to find each other are becoming less the norm. Certainly it is still common for people with legal problems to go to their community and religious leaders or family and friends for suggestions about a lawyer to hire. Word of mouth still counts and so does reputation. However, word of mouth now also includes what a former client is willing to say in an online client review. And reputation could include how high someone lands on a Google search for "best Utah divorce lawyer in Utah," which likely has more to do with search algorithms and Google AdWords than with anything else.

Another aspect of the market is that lawyers in general have a perception problem. They are perceived as expensive, even by themselves. Many a lawyer has noted that he or she wouldn't be able to afford him- or herself. And, instead of perceiving lawyers as the problemsolvers and peacemakers that they often are, the public worries that the lawyer will be confrontational and drag things out, possibly due to a self interest in charging more fees. While this is certainly not accurate as to most lawyers, the perception does exist.

So if lawyers are going to be expensive and possibly not helpful, then where else might someone with a legal problem turn? The data for the SHC shows that many try to do it on their own. Others will turn to commercial online services. Latinos often will turn to "notarios" or "immigration consultants" who provide services that often become the practice of law without a license and at no true saving or benefit to the client. Similarly, in the bankruptcy courts, a market has developed for "bankruptcy petition preparers" who, under the guise of filling out forms, end up giving bad non-legal advice.

The Bar's response to this should be not only to work to protect consumers from illicit services, but to recognize that this is a symptom of the substantial unmet need for those in the middle class. If lawyers do not meet the demand for help with services that clients can afford, then others will continue to seek to fill the void. With their dignity and ethics preserved, lawyers need to be available for hire online where consumers are shopping for them.

"Even with more attorneys and newer technology, middle class families and local businesses are struggling to afford quality legal services. As a solo-practice attorney, I believe I have an obligation to my community and my clients to help make legal services more accessible to everyone. I was proud to be a part of this commission."



CHRISTOPHER WHARTON, Young Lawyers Division President, practicing attorney at Chris Wharton Law, LLC

## Law schools and traditional legal education model face specific challenges.

Nearly four out of every ten lawyers seeking admission to practice in Utah have attended law school out of state. So, the condition of legal education across the nation affects Utah, even though the BYU and U of U law schools have remained strong and economical.

Nationally, law schools in the United States face numerous challenges. According to the American Bar Association Task Force on the Future of the Legal Profession, these include declining number of applicants, declining enrollments for minority and diverse candidates, increases in the cost of tuition and associated expenses, the high cost of clinical education, limited salary expectations post-graduation, inadequate training of lawyers in the business of law practice, including the business of client development and retention, and quite simply, too few traditional jobs for law graduates. The Task Force concluded that, at a national level, the current means of financing legal education contributes to the steadily increasing price of legal education and tends to impede the growth of diversity in legal education and in the profession.

The Task Force further concluded that the current system of pricing and funding demands serious re-engineering. It also concluded that (1) the accreditation system should seek to facilitate innovation in law schools and programs and legal education, (2) the core purpose of all law schools is to prepare individuals to provide legal and related services in a professionally reasonable fashion, and (3) that fact should lead to more attention being given to skills training, experiential learning, and the development of practice-related competencies.

The Futures Commission's subgroup on education and training surveyed Utah lawyers concerning their experiences in this regard. One survey was administered to lawyers who entered the profession within the last ten years and the other survey targeted lawyers practicing longer than that. The combined number of responses exceeded 900. There was strong agreement that attorneys and firms need to innovate to respond to changing

markets and indeed many attorneys already have begun changing their billing and hiring practices. There was also strong agreement from lawyers practicing more than ten years, and in a position to employ younger lawyers, that they value the clinical experiences, substantive specialization, legal employment during law school, and skills courses that prepare students for practical application of legal concepts. Lastly, there was a consensus that law students are not well trained in practical legal skills and are not prepared for the business side of the legal profession. See link to survey in Resources below.

Many law schools have expanded practice preparation opportunities for students and also now offer courses about the business of law practice. The two law schools in Utah have already made significant efforts, especially in recent years, to innovate their curricular offerings and to better train students for law practice. Both schools offer extensive clinical programs, which afford students important opportunities for practical legal training. Both schools also have begun to offer more business-oriented courses; BYU offers two very popular courses in the first year of law school in this regard, for instance, and the U of U has for the last several years offered a course to train students how to run a solo or small practice. Further, both schools have initiated mentoring programs in which experienced lawyers can advise new lawyers during and immediately following law school. Compared to national averages, the cost of legal education at both of Utah's schools also is quite affordable.

Nonetheless, given the changes in the national and local legal markets, both Utah and BYU should continue to explore innovative ways to offer practical training to students and to respond to the evolving legal industry and market. Throughout the legal education system, more can be done to prepare students to represent middle class and low-income clients in innovative and cost-effective ways and also to help students interested in that kind of career keep the cost of their education manageable.

## Geographic barriers to the practice of law are fading.

Throughout the history of this country, as decisions were handed down by courts and statutes were passed by legislatures, those laws were printed in books. For decades, if information about the law of a certain state was needed, a person would invariably work with a lawyer in that state who had a library of the laws applicable in that state. And to this day lawyers often give media interviews with a backdrop of such dusty volumes of reported cases. But, that is no longer where lawyers go to find the law. They go to the internet, using online services or state-sponsored sites to access case decisions, court rules, and statutes. And there is no state boundary to such information. A lawyer, or for that matter anyone with an internet connection can instantly access the local rules of practice for the District of Guam, for example. See http://www.gud.uscourts.gov/?q=local\_rules.

Likewise, lawyers now work extensively with their clients, with each other, and even with the courts via email, telephone, and videoconferencing. Substantial practices can be conducted without being physically present at the courthouse, in the office or even in the state. Transactional lawyers edit in real time or shoot redlined drafts of complex agreements back and forth across the country as readily as teenagers text selfies to each other.

The regulatory lines have become less distinct as well.

Since 2013, the Utah Supreme Court has adopted the Uniform Bar Exam for admission to the Utah State Bar. This uniform exam is now used in sixteen states, including several other Western states, and scores are generally transferable from one state to the next. <a href="https://www.ncbex.org/exams/ube/">https://www.ncbex.org/exams/ube/</a>. In other words, applicants in all of these states are being tested on the same legal concepts and may be able to gain admission to various other states based on their performance on the test in their home state.

There is also common use, in state and federal courts in Utah and throughout the nation, of *pro hac vice* admissions that allow a lawyer licensed elsewhere to be admitted for a specific case. And Utah has a reciprocity rule that generally allows lawyers from other states to be admitted to the Utah Bar if their state allows Utah-licensed lawyers to be admitted in their state. See Utah Code of Judicial Administration, Rule 14-705.

We are at a point where there are lawyers living in Utah who exclusively represent non-Utah clients and there are no doubt lawyers living and licensed elsewhere who are providing legal services to clients based in Utah. The Bar should study these dynamics and address them in a way that facilitates both good service to Utah clients and good opportunities for Utah lawyers, while not unduly regulating lawyers not actually serving Utah clients.

"In today's globally competitive and technologically advanced world, every industry, every occupation and every job feel the impacts of disruption. Utah's legal services are no exception and the Futures Commission plotted a thoughtful path forward."



NATALIE GOCHNOUR, Associate Dean, David Eccles School of Business

## CONCLUSION

Mahatma Gandhi<sup>4</sup> said, "The future depends on what you do today." If access to legal services in Utah for individuals and small businesses is to be improved, it depends not on this report but rather on what actions flow from it. As such, we certainly hope the Bar's Affordable Attorneys for All (Triple A) Task Force, the courts, the law schools, our legislators and governor, and practicing lawyers will find value in our recommendations and work to implement them. We would also note and acknowledge that many other bar organizations are working on these same issues. We have relied in part on those efforts in doing our work. No doubt new and better ideas will come to the fore as the discussion continues.

For now, we believe we have identified specific steps that should be pursued to assure legal services be provided more efficiently and affordably to Utahns, by better connecting those who need lawyers with lawyers to serve

them. While there is momentum toward moving some elements of the practice of law to other licensed professionals, we would note much of the work can, and should, be performed only by lawyers. The practice of law is much more than filling out forms and citing rules. A good lawyer is a problem solver who has been trained to look deeply at the facts presented and then to help the client avoid more problems later. It is critical for clients seeking legal services to have access to lawyers who are qualified, thoughtful and ethical in how they serve their clients. And it is essential for Utah lawyers to make themselves available to serve those clients. Critically, more can be done to bring them together. The Futures Commission of the Utah State Bar hopes its recommendations will contribute to this effort. In the words of Mother Teresa,5 who accomplished more than a few things in her life, "Yesterday is gone. Tomorrow has not yet come. We have only today. Let us begin."

- 4. Lawyer and practitioner of non-violence.
- 5. Missionary and servant to the poorest of the poor.

"While the great majority of attorneys in the state practice along the Wasatch Front, the unique needs of those attorneys practicing in Utah's rural districts and counties should not be discounted in further addressing the issues discussed in this report."



MAYBELL ROMERO, Harris, Preston & Chambers, LLP Logan, Utah

## **FUTURES COMMISSION MEMBERS**

#### Co-Chairs of the Futures Commission:

**Nate Alder,** practicing lawyer, former President of the Bar, and current member of the ABA House of Delegates

**John Lund,** practicing lawyer, Bar Commissioner, and member of the Utah Judicial Council

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C. Scott Brown, retired executive, Questar Corporation

James Clarke, President, Clarke Capital Partners

Don Gale, President, Words Words Words

**Natalie Gochnour,** Salt Lake Chamber of Commerce, Eccles School of Business, University of Utah

#### Non-profit Representatives:

Anne Burkholder, Executive Director, YWCA of Utah

**Stewart P. Ralphs,** Executive Director, Attorney, Legal Aid Society of Salt Lake

**Shantelle Argyle,** Co-Founder, Co-Director, Attorney, Open Legal Services, Inc.

#### **Government and Court Representatives:**

Jacey Skinner, General Counsel, Office of Utah's Governor

**Honorable David Nuffer,** Presiding Judge of the U.S. District Court for the District of Utah

**Hon. Elizabeth A. Hruby-Mills,** District Court Judge, Third Judicial District Court, Utah State Courts

Daniel J. Becker, Court Administrator, Utah State Courts

Mary Jane Ciccarello, Director, Self-Help Center, Utah State Courts

#### **Utah's Two Law School Representatives:**

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## Utah's Small Firm Legal Community Representatives:

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Charles Stormont, Stormont Billings, Salt Lake City

## Utah's Large Firm Legal Community Representatives:

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**Scott Young, Stoel Rives, Salt Lake City** 

#### **Utah State Bar Leadership:**

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**Heather M. Farnsworth,** Match & Farnsworth, Bar Commissioner

John C. Baldwin, Executive Director, Utah State Bar

# RESOURCES, SOURCES, MATERIALS & FURTHER INFORMATION

All of the links below, as well as additional resources, can be found online at: <a href="www.utahbar.org/futures">www.utahbar.org/futures</a>. We recommend continued dialogue with community, business and thought leaders, clients and client organizations, government, judicial and legislative leaders, as well as attorneys working on these issues. To that end, the following materials, information and links may prove useful as the conversation continues.

#### **Utah Resources**

Open Legal Services: www.openlegalservices.org

State of Utah Division of Corporation's "One Stop" site for registering small businesses: <a href="https://secure.utah.gov/account/login.html?returnToUrl=https%3A%2F%2Fsecure.utah.gov%2Fosbr-user%2Fuii authentication">https://secure.utah.gov%2Fosbr-user%2Fuii authentication</a>

State of Utah's Small Business Health Insurance Marketplace: http://www.avenueh.com/

Utah State Bar and *Utah Law Review* OnLaw September 27, 2013 Symposium papers on the *Twin Crises in the Law:* <a href="http://epubs.utah.edu/index.php/utahonlaw/issue/view/88/showToc">http://epubs.utah.edu/index.php/utahonlaw/issue/view/88/showToc</a>

Utah State Bar survey to members regarding law students, law school issues (2015): <a href="https://www.utahbar.org/wp-content/uploads/2015/07/2015FuturesCommission\_Employers.pdf">https://www.utahbar.org/wp-content/uploads/2015/07/2015FuturesCommission\_Employers.pdf</a>

Utah State Bar survey to members of Young Lawyers Division (2015): https://www.utahbar.org/wp-content/uploads/2015/07/2015FuturesCommissionYoungLawyers.pdf

#### **Utah State Courts**

Online Court Assistance Program: www.utcourts.gov/ocap

Self-Help Resources: www.utcourts.gov/selfhelp

Utah Code of Iudicial Administration, Rule 14-705

Utah Judicial Council's Standing Committee on Resources for Self-Represented Parties (including information about the committee, surveys, reports, related articles, the 2007 Justice Gap report, and the committee's various strategic plans): <a href="http://www.utcourts.gov/committees/ProSe/">http://www.utcourts.gov/committees/ProSe/</a>

Utah Supreme Court Task Force to Study Limited Legal Licensing (including information about the task force, reports, related articles, and reports from Arizona, California, Colorado, Connecticut, New York, Oregon, and Washington): <a href="http://www.utcourts.gov/committees/limited\_legal/">http://www.utcourts.gov/committees/limited\_legal/</a>

Utah Rules of Professional Conduct

#### **Additional Resources**

Alaska State Bar Unbundled Section (example of bar site with unbundled resources): https://www.alaskabar.org/servlet/content/Unbundled\_Legal\_Services\_atty\_list.html

Arizona (The Judicial Branch of Arizona's mandatory arbitration program to reduce costs): www.superiorcourt.maricopa.gov/SuperiorCourt/CivilDepartment/Arbitration/Index.asp

American Bar Association Legal Profession Statistics: www.americanbar.org/resources for lawyers/profession statistics.html

American Bar Association Standing Committee on the Delivery of Legal Services Resource Center (a rich assembly of information on innovative practice models around the country): http://www.americanbar.org/groups/delivery\_legal\_services/resources.html

American Bar Association Standing Committee on the Delivery of Legal Services Year in Review 2014 (articles and other resources on legal services delivery models especially for unbundled practice and incubators): <a href="http://www.americanbar.org/content/dam/aba/administrative/delivery\_legal\_services/ls\_del\_2014\_year\_in\_review.authcheckdam.pdf">http://www.americanbar.org/content/dam/aba/administrative/delivery\_legal\_services/ls\_del\_2014\_year\_in\_review.authcheckdam.pdf</a>

American Bar Association Task Force on the Future of Legal Education Report and Recommendations: <a href="http://www.americanbar.org/content/dam/aba/administrative/professional\_responsibility/report\_and\_recommendations\_of\_aba\_task\_force.authcheekdam.pdf">http://www.americanbar.org/content/dam/aba/administrative/professional\_responsibility/report\_and\_recommendations\_of\_aba\_task\_force.authcheekdam.pdf</a>

Susan Beck, Emerging Technology Shapes Future of Law, The American Lawyer, August 4, 2014: <a href="http://www.neotalogic.com/assets/resources/American-Lawyer-The-Future-of-Law-August-2014-Neota-Logic.pdf">http://www.neotalogic.com/assets/resources/American-Lawyer-The-Future-of-Law-August-2014-Neota-Logic.pdf</a>

California Civil Justice Strategies Task Force Report and Recommendations: file:///C:/Documents/20and/20Settings/mary.ciccarello/My%20Documents/Downloads/California%20Task%20Force.pdf

Canadian Bar Association Futures Initiative (including reports and other materials): http://www.cbafutures.org/

JustiServ (commercial site; example of lawyer directory service): www.justiserv.com

Uniform Bar Exam: www.ncbex.org/exams/ube

Cary Spivak, Bankruptcy petition preparers running afoul of law, Journal Sentinel, August 5, 2013: <a href="http://www.jsonline.com/watchdog/watchdogreports/bankruptcy-petition-preparers-running-afoul-of-law-b9967467z1-218451771.html">http://www.jsonline.com/watchdog/watchdogreports/bankruptcy-petition-preparers-running-afoul-of-law-b9967467z1-218451771.html</a>

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