

VISION OF THE UTAH STATE BAR

Lawyers creating a justice system that is understood, valued, respected, and accessible to all.

MISSION OF THE UTAH STATE BAR

To lead Utah lawyers in serving the public and the legal profession by promoting justice, professional excellence, civility, ethics, and respect for and understanding of the law.

2013 – 2014 COMMISSION PRIORITIES

1. Promoting public and lawyer education;
2. Promoting a fair and impartial judiciary;
3. Promoting access to justice and affordable legal services;
4. Studying the future of the practice of law in Utah and how it will be affected in the coming years by technology, market conditions, age, diversity, law school policies, etc., and how the Bar can provide additional technology training and career development for our membership;
5. Providing greater group benefits to members.

(over)

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 AWARDS

<u>AWARD</u>	<u>CHOSEN</u>	<u>PRESENTED</u>
1. Dorathy Merrill Brothers Award Advancement of Women in the Law	January/February	Spring Convention
2. Raymond S. Uno Award Advancement of Minorities in the Law	January/February	Spring Convention
3. Pro Bono Lawyer of the Year	April	Law Day
4. Distinguished Judge of the Year	June	Summer Convention
5. Distinguished Lawyer of the Year	June	Summer Convention
6. Distinguished Section of the Year	June	Summer Convention
7. Distinguished Committee of the Year	June	Summer Convention
8. Outstanding Pro Bono Service	September	Fall Forum
9. Distinguished Community Member	September	Fall Forum
10. Professionalism Award	September	Fall Forum
11. Outstanding Mentor	September	Fall Forum
12. Heart & Hands Award	October	Utah Philanthropy Day
13. Distinguished Service Award		As Needed
14. Special Service Award		As Needed
15. Lifetime Service Award		On Occasion

Utah State Bar Commission

Friday, September 27, 2013

Law & Justice Center

Salt Lake City, Utah

Agenda

1. 9:15 a.m. President's Report: Curtis Jensen

- | | | |
|-----------------|------|--|
| <i>05 mins.</i> | 1.1 | Presentation of Gambrell Award Plaque to NLTP |
| <i>10 mins.</i> | 1.2 | Report on Meeting with Chief Justice Durrant |
| <i>05 mins.</i> | 1.3 | Report on SJ Quinney College of Law Dinner |
| <i>10 mins.</i> | 1.4 | Report on Bar Leadership Luncheon October 17th |
| <i>05 mins.</i> | 1.5 | Report on UMBA Dinner |
| <i>15 mins.</i> | 1.6 | Executive Committee Report |
| <i>05 mins.</i> | 1.7 | Report on 3 rd Division Commission Election |
| <i>05 mins.</i> | 1.8 | Appointment of Susanne Gustin to Pro Bono Commission |
| <i>10 mins.</i> | 1.9 | Follow up on Study of the Future of Practice of Law |
| <i>05 mins.</i> | 1.10 | Discuss "Heart and Hands" Award Recipient |
| <i>10 mins.</i> | 1.11 | Discuss Civics Education Outreach Committee |
| <i>10 mins.</i> | 1.12 | Discuss Law Practice Exit Strategies Committee |

2. 10:50 a.m. Action Items

- | | | |
|-----------------|-----|--|
| <i>10 mins.</i> | 2.1 | Select Professionalism Award Recipient (Tab 1) |
| <i>10 mins.</i> | 2.2 | Select Pro Bono Award Recipient (Tab 2) |
| <i>10 mins.</i> | 2.3 | Select Community Member Award Recipient (Tab 3) |
| <i>10 mins.</i> | 2.4 | Select Outstanding Mentor Award Recipient (Tab 4) |

3. 11:30 a.m. Information Items

- | | | |
|-----------------|-----|---|
| <i>15 mins.</i> | 3.1 | Report on Constitution Day / Civics Education: Angelina Tsu |
| <i>15 mins.</i> | 3.2 | Pro Bono Commission Report: Rob Rice |

12:00 n. Break for Lunch

- | | | |
|-----------------|-----|--|
| <i>10 mins.</i> | 3.3 | Report on Public Education: Sean Toomey (Tab 5) |
| <i>10 mins.</i> | 3.4 | Report on Group Benefits Project: John Baldwin |

1:00 pm Adjourn

(Over)

Consent Agenda (Tab 6)

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

1. Approve minutes of August 23rd and 24th Commission Meeting
2. Approve Motion for Admission of Bar Applicants
3. UPL Request for Formal Action

Attachments (Tab 7)

1. August Financial Statements

Enclosures

1. 2013 Utah State Bar Fall Forum Brochure
2. Office of Professional Conduct 2012-2013 Annual Report to Utah Supreme Court
3. Utah State Bar Summary of Operations 2012-2013
4. 2013 Constitution Day media coverage.

Calendar

2013

October 11	Special 3 rd Division Commissioner Election Ends		
October 17	Leadership Conference	9:00 a.m.	Little America
October 18	Executive Committee	12:00 Noon	Law & Justice Center
October 21-25	Pro Bono Celebration Week		
	October 21 Awards Luncheon	12:00 noon	S.J. Quinney College of Law
	October 22 Street Law Legal Clinic	5 p.m.	
	Tuesday Night Bar	5:30 p.m.	Law and Justice Center, Salt Lake City
	Tuesday Night Bar and Reception	5:30 p.m.	Utah Valley University, Orem, Utah
	October 23 Special Screening and Panel	7 p.m.	The City Library, Salt Lake City
	Crime After Crime: The Battle to Free Debbie Peagler		
	October 24 Debtor's Counseling Clinic	6 p.m.	The City Library, Salt Lake City
October 22	Admissions Ceremony	12:00 Noon	Abravanel Hall
October 25	Commission Meeting	9:00 a.m.	J. Reuben Clark Law School
November 14-15	Fall Forum		Little America
November 27	Executive Committee	12:00 Noon	Law & Justice Center
December 6	Commission Meeting	9:00 a.m.	Law & Justice Center

2014

January 2 Election Notices Due

Tab 1

**UTAH BAR COMMISSION MEETING
AGENDA ITEM**

Title: Professionalism Award Selection

Item # 2.1

Submitted by: John Baldwin

Meeting Date: September 27, 2013

ITEM/ISSUE:

To select the Professionalism Award recipient.

CRITERIA:

Given to a lawyer or judge whose actions and deportment represent the highest standards of courtesy, fairness and civility.

NOMINEES:

1. Greg Bell

PAST RECIPIENTS AND NOMINEES:

Past Recipients		Other Nominations That Year
2013		
2012	Paul M. Durham	
2011	T. Richard Davis	T. Richard Davis Judge Glenn K. Iwasaki Sean Reyes
2010	Timothy B. Anderson	Richard Gunnarson
2009	Craig Mariger	Timothy B. Anderson T. Richard Davis
2008	Ellen Maycock Don Winder	
2007	Francis J. Carney	
2006	Bert L. Dart, Jr.	Victoria Kidman
2005	Hon. Richard C. Howe	Ray R. Christensen
2004	Ken Chamberlain M. Dayle Jeffs Stephen B. Nebeker Richard W. Campbell Hon. Gordon J. Low	Gary N. Anderson Carol Clawson Ray R. Christensen Ken Anderton Bill Schultz George Hammond Gayle McKeachnie

INFO ONLY:

DISCUSSION:

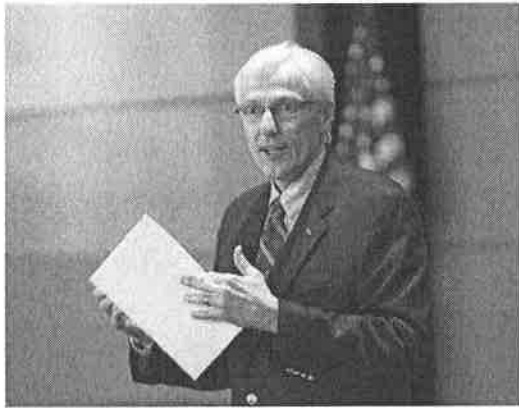
ACTION NEEDED: X

Deseret News

In our opinion: Utahns should wish Greg Bell well

Deseret News editorial

Published: Wednesday, Sept. 18 2013 12:00 a.m. MDT



Greg Bell (Tom Smart, Deseret News)

Generally, no one is surprised when people who thrive on attention run for elected office. Indeed, it's usually the "public" element of public service that appeals to self-aggrandizing personalities. Rare is the politician who chooses to serve without seeking the limelight and doesn't jump at every chance to get his face in front of a camera.

That's one of the primary reasons why Utah will miss Lt. Gov. Greg Bell when he steps down from office later this year.

From his first term on the Farmington City Council, through his tenure in the Utah State

House of Representatives, and all during his time as second-in-command of Utah state government, Bell's service has been marked by humility, self-effacing dignity and quiet competence. Those are not adjectives typically applied to elected officials, but it would be hard to find anyone in any party who would object to using them to describe Bell.

Even those who oppose him on the issues still respect him immensely. That kind of comity between ideological opponents is a necessary element in forging compromise through the combative legislative process. Bell's ability to disagree without being disagreeable is a trait that is in woefully short supply in both state and national politics.

That's not to say Bell was a stranger to controversy. Anyone in the public eye has to endure a high level of scrutiny, and Bell found himself facing allegations of misconduct that later proved to be baseless. What's remarkable, however, is that the lieutenant governor endured this ordeal in the same soft-spoken manner with which he approached every challenge he faced in his professional life. There was no aggrieved sense of martyrdom and no fiery denunciations of his accusers. There was only the patient assurance that the process would clear him in time, which was ultimately what happened. Any officeholder facing scandal in the future ought to follow Bell's stellar example of calm in the face of adversity.

Bell has said he will stay in office until Gov. Gary Herbert chooses his successor, whoever that may be. We hope it will be someone who brings the same level of courtesy and restraint that have made Bell such an effective leader. That's going to be hard to find.

In any case, Utahns should wish the lieutenant governor well in his future endeavors and thank him for his service.

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Tab 2

**UTAH BAR COMMISSION MEETING
AGENDA ITEM**

Title: Outstanding Pro Bono Service Award

Item # 2.2

Submitted by: John Baldwin

Meeting Date: September 27, 2013

ITEM/ISSUE:

To select the Outstanding Pro Bono Service Award recipient.

CRITERIA:

This is a new award category created in 2010 and designed to highlight the many attorneys donating significant time and resource to community service. Presented to an attorney/law firm who has made an exemplary contribution of time & effort, without compensation, to provide legal assistance to people who could not afford the assistance of any attorney. Designed to reflect contributions during the past year as well as over an attorney's career. Service to low-income people encompasses both aggressive advocacy on behalf of individuals in extreme need as well as impact advocacy designed to address systemic issues affecting significant numbers of low-income people.

NOMINEES:

1.

PAST RECIPIENTS AND NOMINEES:

Past Recipients		Other Nominations That Year
2013		
2012	William Morrison	Donald J. Winder and Laura Tanner William Morrison
2011	Steven H. Stewart	Danny Quintana Steven H. Stewart
2010	Kyle Hoskins	Kyle Hoskins Troy Booher (<i>see note, above</i>) James Spendlove Robert R. Brown

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X

Tab 3

**UTAH BAR COMMISSION MEETING
AGENDA ITEM**

Title: Community Member of the Year Award Selection

Item # 2.3

Submitted by: John Baldwin

Meeting Date: September 27, 2013

ITEM/ISSUE:

To select the Community Member of the Year Award recipient.

CRITERIA:

Presented to a community member to recognize outstanding service toward the creation of a better public understanding of the legal profession and the administration of justice, the judiciary or the legislative process. To recognize a community member who over a period of time have served or assisted the legal profession in a significant way - has offered outstanding contributions of their time and talents to bar activities.

NOMINEES:

1.

PAST RECIPIENTS AND NOMINEES:

Past Recipients	Other Nominations That Year
2013	
2012 Mary Kay Griffin	Prof. Marianna Di Paolo Robert Austin
2011 Robert Myrick	Third Judicial Nominating Commission
2010 Linda Sappington	
2009 Karen Hale	
2008 Carma J. Harper	
2007 Daniel J. Becker	
2006 Donna K. W. Johnson	Dominique Meier
2005 Rev. Mr. France A. Davis	
2004 Peggi Lowden	
2003 Fraser Nelson	Bonnie Miller
2002 Sylvia Bennion	
2001 Jo Brandt	Sherrie Hayashi; Ethics Advisory Opinion Committee <i>Individual</i> Members
2000 Jennifer Yim	
1999 Ray O. Westergard	
1998 John Florez	
1997 Margaret R. Bird	
1996 Sherianne S. Cotterell	
1994 Ray O. Westergard	
1993 Lyle K. Campbell	
1992 Stanley B. Bonham	
1991 Norma W. Matheson	
1990 KSL	

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X

Tab 4

**UTAH BAR COMMISSION MEETING
AGENDA ITEM**

Title: Outstanding Mentor Award Selection

Item: #2.4

Submitted by: John Baldwin

Meeting Date: September 27, 2013

ITEM/ISSUE:

To select the 2013 Outstanding Mentor Award recipient.

CRITERIA:

Outstanding Mentor will have been a valued guide who helped the new lawyer understand the rules of professionalism and civility and how adherence to them benefits clients and the profession as a whole.

NOMINEES:

1. S.Grace Acosta
2. Brent Bartholomew
3. Hugh Cawthorne
4. Roger Griffin
5. Ann Tailaferro
6. Padma Veeru-Collings
7. Don Winder

PAST RECIPIENTS AND NOMINEES:

Past Recipients		Other Nominations That Year
2013		
2012	R. Josh Player Sharon A. Donovan David E. Leta Thomas R. Vaughn	

INFO ONLY:

DISCUSSION:

ACTION NEEDED: X

Utah State Bar®

M E M O R A N D U M

TO: Board of Bar Commissioners
FROM: Elizabeth A. Wright *gkw*
Coordinator, New Lawyer Training Program
RE: Outstanding Mentor
DATE: September 20, 2013

The Supreme Court Committee on New Lawyer Training considered 7 nominations for the Outstanding Mentor Award to be given at the November 2013 Fall Forum. All of the nominees mentored a new lawyer in 2012.

The Committee voted by email. Seven of the twelve Committee members voted. **Brent Bartholomew** received 5 votes and **Ann Taliaferro** received 3 votes. Padma Veeru-Collings and Hugh Cawthorne tied for third with two votes. Don Winder received one vote.

The Bar Commission should select two recipients for the Outstanding Mentor Award.

Outstanding Mentor Nominees from the January and July 2012 Mentoring Terms

Award to Be Presented in November 2013

1. **S. Grace Acosta.** Scalley Reading Bates Hansen & Rasmussen, P.C., Salt Lake City
Mentee: Dustin D. Gibb. Scalley Reading Bates Hansen & Rasmussen, P.C., Salt Lake City
Inside Mentor
2. **Brent Bartholomew.** Office of the Guardian ad Litem, 4th District, Provo
Mentee: Daniel R. Gubler. Office of the Guardian ad Litem, 4th District, Provo
Inside Mentor
3. **Hugh Cawthorne.** Attorney and Counselor at Law, Sandy
Mentee: Julie Hibbert. Salt Lake City
Outside Mentee
4. **Roger Griffin.** Craig Swapp & Associates, American Fork
Mentee: Bobby Udall, Sandy
5. **Ann Taliaferro.** Brown, Bradshaw and Moffat
Mentee: Danielle Hawkes, Hawkes Legal Services, PLLC, Salt Lake City
Outside Mentor
6. **Padma Veeru-Collings.** Salt Lake City Prosecutor's Office, Salt Lake City
Mentee: Anne Richman. Select Portfolio Servicing, Inc., Salt Lake City
Circle Mentor
7. **Don Winder.** Winder & Counsel, P.C., Salt Lake City
Mentee: Laura Tanner, Winder & Counsel, P.C., Salt Lake City
Inside Mentee

Elizabeth Wright

From: Dustin Gibb [dgibb@scalleyreading.net]
Sent: Wednesday, July 10, 2013 9:07 AM
To: Mentoring
Subject: Outstanding Mentor Nomination

I would like to nominate my mentor, S. Grace Acosta, for the Outstanding Mentor Award. Grace was amazing to work with over the last year. Luckily for me, I will have the opportunity to work with her for years to come. Grace spends an enormous amount of personal time helping the local legal community through service and volunteer opportunities. She is a fierce advocate for her clients and works diligently with opposing counsel to reach resolutions that will promote justice for all sides. Grace has taught me the importance of conducting yourself in a professional manner and ensuring that every move I make as an attorney will improve my reputation in the local legal community. I feel fortunate to have had the opportunity to learn from her experience and remarkable legal skills.

Future mentees would be well served to have Grace as their mentor.

Dustin D. Gibb*

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Sara Lucas
Cristie Roach
T. McKay Stirland

CASA Coordinator
Jennie Best

Office Manager
Lesleigh Ashby

To whom it may concern,

I am writing to nominate my mentor, Brent Bartholomew, for the Outstanding Mentor Award. Brent embodies everything this award represents. Brent has had a large impact on both my professional and personal life. Over the course of the past year, I have discovered that Brent is the type of attorney I want to become.

Brent's commitment to my progress as an attorney has been very impressive. I am an employee of the Office of Guardian ad Litem and spent my first year as a GAL working in Cedar City. Our office wanted me to be mentored by one of the best GALs in the state and asked Brent to mentor me from his office in Provo. As a brand new attorney, I was working as the managing attorney and only GAL for Iron and Beaver Counties. This presented many challenges. There were many times I was clueless and there were no other attorneys in my office to ask for advice. Brent quickly became my lifeline. At our first meeting, Brent gave me his home and cell phone numbers. I always knew I could call Brent about anything that came up day or night. I knew that Brent cared and that he would always be there to help me with my questions. He was very patient as I repeatedly asked him for advice.

Brent did not let the three hours between our offices interfere with him being an effective mentor. He made sure that we had a face-to-face meeting every month. Brent even visited me in southern Utah. Brent took a trip to Beaver where he observed me in court for the entire morning calendar. He then took me to lunch. He had taken notes on each of my hearings, and for each he complimented me on things I did well and gave me feedback on what I could do differently. This was typical of Brent. He has consistently given me very specific feedback on ways I can improve.

I transferred from our Cedar City office to Provo in March 2013. Prior to my transfer to Brent's office, he had introduced me to everyone in the office. Brent also explained many things about how this specific office ran. My first week in Provo Brent invited me to attend an evening CLE

event with the judges from the 4th District. At that event, Brent personally introduced me to all of the judges I would be working with as well as many of the attorneys in attendance. Brent talked me up to these individuals and said many very kind things about me. It was very helpful to be introduced to so many important people in my new legal community my very first week in Provo. Brent did many things to help make my transition to a new office and court district easier.

My meetings with Brent were always helpful in a very practical way. We spent a considerable amount of time discussing my cases. When we covered specific things from my mentoring plan Brent always gave me very practical advice. Brent also reviewed many pleadings I drafted and gave me feedback on my writing as well as the content of the documents.

Brent Bartholomew is the embodiment of professionalism and civility. We obviously discussed the Rules of Professionalism and Civility, but I learned much more about the subject through Brent's example. I cannot imagine Brent ever doing anything that could be considered unprofessional or uncivil. He is one of the kindest, most good-hearted people I know. He has a character like very few in this day and age. I recently learned that Brent hasn't eaten a popsicle or piece of chocolate in years. Brent made a deal with one individual that if they quit smoking he would never eat another popsicle. He told someone else that if they gave up tobacco and marijuana he would give up chocolate. I expect that Brent will die without ever eating another popsicle or piece of chocolate. That is just the type of person Brent is. Brent is honest, trustworthy, kind, and respectful. Brent's example inspires me to not only be a better attorney but also a better person.

Brent has become a good friend. Our mentoring period has come to an end and we will no longer be having our official monthly mentoring sessions. Yet, I have no doubt that I will continue to learn from Brent for years to come. I know that he will never be more than a phone call away. If I ever have questions with difficult cases or situations I know Brent will be there with good advice if I just swing by his office or give him a call.

I could not have asked for a better mentor than Brent Bartholomew. He has been very committed to my development as a young attorney. He has been very encouraging and has built my confidence while consistently giving me ways to improve. The things Brent has taught me have given me a strong foundation to build on over the course of my legal career. I am a better attorney because of the time and energy Brent invested into me over the past year.

Brent has done so much for me as his mentee. If there were more mentors like Brent we would have a much stronger Bar. I believe he is very deserving of the Outstanding Mentor Award.

Sincerely,



Daniel R. Gubler

OUTSTANDING MENTOR NOMINATION

August 28, 2013

I am more than happy to nominate HUGH CAWTHORNE, who mentored me in the New Lawyer Training Program, for the award to be given at the Fall Forum in November.

Since Hugh's move to Salt Lake from Tucson less than ten years ago, he has continued to demonstrate his lifetime passion for helping the next generation of law students and young lawyers. Himself a successful product of the English system of practical apprenticeship to an experienced lawyer known as Articles of Clerkship, he developed the practical training exercises which are now an integral part of legal training and qualification in the United Kingdom. He has naturally therefore been an enthusiastic supporter of the NLTP from its inception here in Utah.

As his attached resume indicates, he has pursued an academic and professional career in parallel in both countries. I can confirm from personal experience that his heart for students has always been paramount. Although retiring from full-time teaching in England to relocate to Arizona, Hugh nevertheless taught International Law at the University of Arizona while at the same time developing a major Estate Planning practice. Unable to completely stop as originally intended when he came to Sandy with a new wife, he has once again taught as an Adjunct Professor at the S.J. Quinney College of Law, taken the Bar exams, thrown himself into community work, and developed another growing practice, principally in Estate Planning.

I understand that I am about the sixth in line locally to benefit from his continued enthusiasm and commitment. Hugh's previous mentees, male and female, have successfully launched their professional careers both locally and nationally. The one after me persuaded him to take him on even though he graduated from BYU and Hugh had previously indicated his wish to retire from this demanding unpaid position! This is characteristic, as was the fact that we originally met by chance at a community volunteer event, when he promptly took me under his wing. He would go out of his way to take my calls, answer questions, and even visit at my workplace when it was not always possible for me to get away from my demanding and responsible first employment.

It almost goes without saying that Hugh excels in teaching law students and new lawyers the skills needed to be a good lawyer. I have been fortunate indeed, as have the others to whom he has introduced me, to have him as an Outstanding Mentor, a valued guide who has introduced me to the local legal community, helped me understand the rules of professionalism and civility and generally to get my feet on the ground in a way otherwise not possible during the academic stage of American legal training. I spent a semester in London before graduation from law school in this country, so this mentorship was a natural progression in understanding and development. We continue to this day to have a close and cordial professional relationship.

Sincerely,

JULIE HIBBERT

Elizabeth Wright

From: Bobby Udall [bobbyu@craigswapp.com]
Sent: Tuesday, July 02, 2013 10:58 AM
To: Mentoring
Subject: Nomination

Dear Board of Bar Commissioners:

The determination of this award (singular), "Outstanding Mentor", obviously assumes that only one mentor can "outstand" the rest. In deciding this, I write this letter consciously aware that there is quite a field of candidates. Luckily, the Board has outlined certain criteria to analyze:

"The award will go to a mentor (1) who mentored a new lawyer in the NLTP and (2) who excelled in teaching the new lawyer the skills needed to be a good lawyer. An Outstanding Mentor will have been (3) a valued guide who helped introduce the new lawyer to the local legal community and (4) understand[s] the rules of professionalism and civility and how adherence to the rules benefits clients and the profession as a whole."

In establishing the foregoing, you have requested that I "(a) submit a statement naming your mentor; (b) explain ... why he or she deserves the award; [and] (c) ... provide specific examples of how your mentor went the extra mile in helping you during your first year of practice.

(1) With regard to the first element, my mentor was Roger Griffin with Craig Swapp & Associates.

(2) As far as the second element, Roger excelled in teaching me the skills needed to be a good lawyer. Obviously defining a "good lawyer" can be quite subjective, so my analysis, at this point, will inevitably convey a subjective opinion. A good lawyer, to me, is one who obeys the rules and is a zealous advocate for his/her client. Obeying the rules means being persistently honest with the letter and spirit of the rules of professional conduct. Roger, from day one, has always stressed this principle. One particular example, among many that I could provide, is an issue that came up regarding a potential subrogation right with Medicare. Under the Medicare statute, an attorney who represents a bodily injury claimant who has been treated for injuries and is a Medicare recipient, must put Medicare on notice of the pending claim. At that point, Medicare, allotted with much time, is supposed to provide notice of its lien associated with payments that has been made for the underlying treatment. In one such case, my client, upon reviewing the records and the ledger (having put Medicare on notice many months ago), seemed to have received payments from Medicare for treatment, but Medicare, upon its "evaluation of the claim", sent me notice that it has not paid anything and was "closing out" its file. I let Roger know of this, and his first reaction was, "be careful. It's always better to be safe than sorry." From there we took a look at, not only the Medicare statute, but Rule 1.15(d) of the Utah Rules of Professional Conduct, which deals with third parties who may have rights to funds. It was decided to keep money in trust for the amount Medicare MAY HAVE paid, until the issue was fully resolved upon further evaluation. Nobody would have made a stink about this, especially since it was Medicare's screw up, but Roger did the right thing anyway. I definitely consider this to be persistently honest.

As far as being a zealous advocate, I again believe that my personal opinion is required to answer this question, since such a determination inherently stems from a subjective analysis. In my opinion, a zealous advocate, not only is thorough in his/her work (e.g., reviewing all the medical records before an arbitration, anticipating the defense's argument, etc.), but has courage to put up a fight for his/her client, instead of just settling a case out of convenience and avoiding confrontation. Roger Griffin, having observed him many times during my mentorship, was the personification of thoroughness. About two weeks into my employment, Roger had a 3-panel arbitration for a client with all kinds of injuries, those we were alleging were due to an underlying tort, and those that the defense was alleging was preexisting. Roger prepared three binders for each arbitrator and went through every single pertinent document, deciphering what was related, with medical objective findings, and then what was aggravated by his client's preexisting condition. He knew the case front and back, which is to say he knew his client, her history, her symptoms, and her personality front and back. Furthermore, his thoroughness, provided the fact that it

ultimately ended in a result from a 3-panel arbitration, means that Roger was not afraid to fight for his client in litigation and confront the insurance company funding the defense. In the end, the award was much larger than what was offered pre-litigation; a product of a zealous advocate.

(3) Roger was a valued guide, who spent time with me each day in learning what they didn't teach me in law school: how to be a lawyer (see the above again for an example). As far as introducing me to the legal community, Roger immediately enrolled me into UAJ and allowed me to go to the conference, before I was even sworn in, so that I could get to know the other lawyers. Another reason Roger is outstanding, is that most plaintiff lawyers that I have met, don't take the time to get to know the defense lawyers. Roger does. He has had them in his office, has joked with them, gone out to eat with them, got to know their families, and has their personal numbers in his cell phone. One such example of this is when I had a small claims trial that was appealed de novo in front of Judge Stone (appealed by defense counsel). When we got there, defense counsel was nowhere to be found and I was inclined to ask for a default judgment. Roger, however, knew the defense lawyer well, and was perplexed as to his absence. He stepped out into the hall, called him, and quickly learned that the defense lawyer was not provided notice by the court of the de novo date. With that information, he told me to let the judge know and to ask for a continuance, which I did. Suffice it to say, defense counsel was very gracious, we built some great rapport with him and his firm, and I ended up winning the jurisdictional cap once we finally tried the case anyway.

(4) This fourth element, one who understands the rules and how adherence to those rules benefits the client and profession as a whole, Roger again, as explained in the analysis of element (2), fits this description. To take this analysis a step further, however, and speak about the professionalism and civility requirement, which, per my observations, a lot of lawyers either tend to forget or neglect, Roger also typifies this attribute. One such example happened about 8 months ago when Roger and I were working on a complex case with a defense lawyer who was not friendly at all. In fact, this defense lawyer, years ago, according to Roger, had denied him a request for a continuance on a certain discovery hearing when Roger had a family vacation approaching (one that he simply forgot he had when the hearing was scheduled). Because counsel would not extend Roger the courtesy of the extension (which Roger requested weeks in advance of the hearing), Roger had to miss the vacation as planned in order to accommodate that hearing. Well, years later, Roger found himself working with counsel again, on a different matter. And as the fates would have it, this same defense lawyer needed an extension on a discovery matter, and asked Roger for it. When I found out about it, I was surprised to learn that Roger had already politely granted the extension. There was no grudge, but a lesson learned: it's hard to forget history, when people are not civil, but be nice to them anyway and good things will likely happen to you and your client.

The examples provided above, surely attest to Roger's character and his willingness to go the extra mile. Even when he likely didn't know he was mentoring me, he was, through his actions and the way he treated people. I am very grateful to have had the opportunity to watch this outstanding lawyer in action, and it is for this reason, as well as the reasons listed above, that I urge the Board to award Roger with the award for Outstanding Mentor. If you have any further questions, please email or call me: 801-990-1919.

Thanks,

Bobby Udall
Bar # 13886

Danielle Hawkes
Hawkes Legal Services, PLLC

July 9, 2013

Elizabeth Wright
New Lawyer Training Program Coordinator
645 South 200 East
Salt Lake City, UT 84111

RE: Outstanding Mentor of the Year

Dear Ms. Wright:

I nominate Ann Taliaferro from Brown, Bradshaw, and Moffat to be the Outstanding Mentor of the Year for 2013. Ann has done an excellent job at launching me into practice. Ann and the firm she belongs to, Brown, Bradshaw, and Moffat, have taken me under their wing and offered me advice, cases to work on, and a space to work. Each attorney at the firm had an open door policy for me, and when I needed more information, Ann was willing to dive into the complicated details and teach me exactly how to handle each situation.

Ann often encouraged me to sit and talk completely through legal issues and how to handle them in a professional and ethical manner. In addition, as Ann's mentee, I was completely integrated into the Brown, Bradshaw, and Moffat team. When possible, Ann and other lawyers from the firm encouraged me to work with them on cases ranging from simple misdemeanors to complex federal felonies. Because of this integration, each attorney at the firm played a part in my mentoring. For example, before I went to a simple misdemeanor hearing, Jim Bradshaw met with me and explained courtroom etiquette. He explained the need to balance the client's budget by getting in and out quickly with the need to give deference to other attorneys and the prosecution. He then went into detail about many of the different courts around the state and how each runs. This is one of the many examples of the type of detailed mentoring Ann and the attorneys at Brown, Bradshaw, and Moffat have given me the entire year.

Ann has included me on client interviews, hearings in justice and state court, networking events where I met other attorneys and judges, working with an investigator to interview witnesses, and motion practice. During our year as a team, she invited me to shadow her on a very complicated post-conviction appeal where my participation was certainly more work for her than help to the case. On other cases, she stepped me through the complications of the federal sentencing guidelines. I now understand the guidelines well and feel confident creating accurate calculations on my own. In

10 East Exchange Place, Suite 622, Salt Lake city, Utah 84111

Office: (801) 243-5669
danielle@hawkesjustice.com

Danielle Hawkes
Hawkes Legal Services, PLLC

addition, during our year, Ann would invite me to get coffee at least once a week so we could chat about any issues that had come up in my practice. She continues to invite me for coffee with her and other attorneys, even though our official mentoring period is over.

With other attorneys at Brown, Bradshaw, and Moffat I have attended complicated federal hearings, watched a lengthy jury trial, discussed case strategy daily, learned about appellate procedure and strategy, discussed rules of professional conduct, and learned from office support staff about filing pleadings and the best way to maintain complex discovery files.

Although Ann and the firm focus solely on criminal law, they have supported me in my interest in other areas by offering advice about my non-criminal cases and referring me to attorneys who work on non-criminal issues. In addition, the firm has referred great criminal and non-criminal cases to me, all while continuing to mentor me through each case. I know that the firm supports a culture of mentorship because aside from me, there were at least two others who were being mentored last year (one officially and one unofficially) by the attorneys at Brown, Bradshaw, and Moffat.

Lastly, Ann and the firm provided me a sense of community and belonging during my first year of practice. For example, during our mentorship year, Ann gave me a card with Super Woman on the front and words of encouragement inside. For my birthday, the office's support staff decorated my office. Regularly, Ann and the other attorneys in the firm invited me to get together with other attorneys in town. By doing this, they gave my first year as a solo practicing attorney a sense of collegiality and belonging in the bigger legal community that I appreciated immensely.

As a new attorney, the guidance that Ann and her firm offered has been invaluable. With their support I have been able to grow my solo practice to offer reliable, experienced, and ethical service. I have grown out of the office they offered me, but I continue to feel support from them in my new location. I cannot imagine that any other attorney has spent so much time and effort in their mentoring or has incorporated their mentee so completely into their firm's culture. For this, I feel that Ann deserves to be named as the Outstanding Mentor of the Year.

Sincerely,


Danielle Hawkes, Esq.

Elizabeth Wright

From: Anne Richman [Anne.Richman@spservicing.com]
Sent: Tuesday, July 02, 2013 3:37 PM
To: Mentoring
Subject: nomination

I am nominating Padma Veeru-Collings for the mentor award. She went out of her way to make sure she knew each of her mentees. I was unemployed initially, and she helped me network and find contract work. She took the position very seriously and made sure we each held a presentation and completed all of the activities.

Annie Richman
Change Management Specialist
(801) 594-6199
Anne.richman@spservicing.com

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Please access the attached hyperlink for an important electronic communications disclaimer:
http://www.spservicing.com/legal/email_disclaimer.htm

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Elizabeth Wright

From: Laura Tanner [ltanner@WINDERFIRM.COM]
Sent: Tuesday, July 02, 2013 10:15 AM
To: Mentoring
Subject: Mentor nomination

Elizabeth:

I would like to nominate my mentor, Don Winder, for this award. He not only involved me in many cases over the course of my first year, he insists on civility in every aspect of every case. In addition to exposure to the legal aspects of the cases, he had introduced me to many of his contacts in the local legal community, and to Primerus members nationwide. He encouraged me to participate in organizations, allowed me the opportunity to represent a pro bono client in a jury trial.

If you would like me to expand or have any questions, please call me.

Best Regards,

Laura Tanner

Attorney at Law

WINDER & COUNSEL PC
BUSINESS AND TRIAL ATTORNEYS

460 South 400 East
Salt Lake City, UT 84111
Phone: 801-322-2222
Fax: 801-322-2282
www.winderfirm.com
ltanner@winderfirm.com

WINDER & COUNSEL PC



For more information regarding Winder & Counsel, please visit our website at www.winderfirm.com. Winder & Counsel is a Charter Member of the International Society of Primerus Law Firms (www.primerus.com), a nationwide alliance of attorneys and law firms, pre-screened for – and sworn to uphold – the highest standards for integrity, civility and other qualities people long for in attorneys.

This e-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. § 2510-2521, is confidential and may contain attorney-client materials and/or attorney work product, legally privileged and protected from disclosure. This e-mail is intended only for the addressee(s) named above. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution or copying of this communication is strictly prohibited. Please reply to the sender if you have received the message in error, then delete it and any and all copies. Thank you.

Tab 5



Billboards

UTAH STATE BAR®



- Recent radio campaign:
 - \$25,000
 - Cost to reach a thousand people was \$7.98
- Proposed billboard campaign:
 - \$64,000
 - Cost to reach a thousand people is \$2.84
 - 92.7% of population, 27 views per person

UTAH STATE BAR.



BILLBOARDS - Standard Sizes

Bulletins



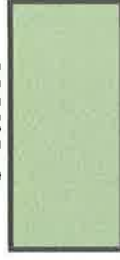
14' x 48'
Eco Flex Vinyl

30 Sheet



10.5' x 22.75'
One-Sheet Polyethylene

8 Sheet



5' x 11'
Traditional Paper
8-Sheet

UTAH STATE BAR®





- Large Bulletin Board on I-15 (48' by 14'):
 - South facing right side at 1500 South (minimum 2 months)
 - Bonus 3rd month
 - “No accident” creative (note following is rough concept)
 - Will review with PI firms prior to commitment

UTAH STATE BAR®

Mediation & Arbitration Constitutional Securities Antitrust & Unfair Competition Health
Intellectual Property Tax Estate Planning Corporate
Education Construction Environmental Criminal
Business Government
Franchise Juvenile
International Administrative
Labor & Employment Bankruptcy Litigation Elder Non-Profit Real Property Securities
Banking & Finance Appellate www.utahbar.org Family Military Health

No accident? Lawyers help you avoid bumps on life's road.





- Large Posters (23' by 10.5')
 - 9 boards per month (new locations each month)
 - Oct & Dec paid, left up if not sold
 - 9 extra boards printed; bonus coverage of dated boards (political boards on Nov. 7, etc.)
 - Includes 1-15 locations

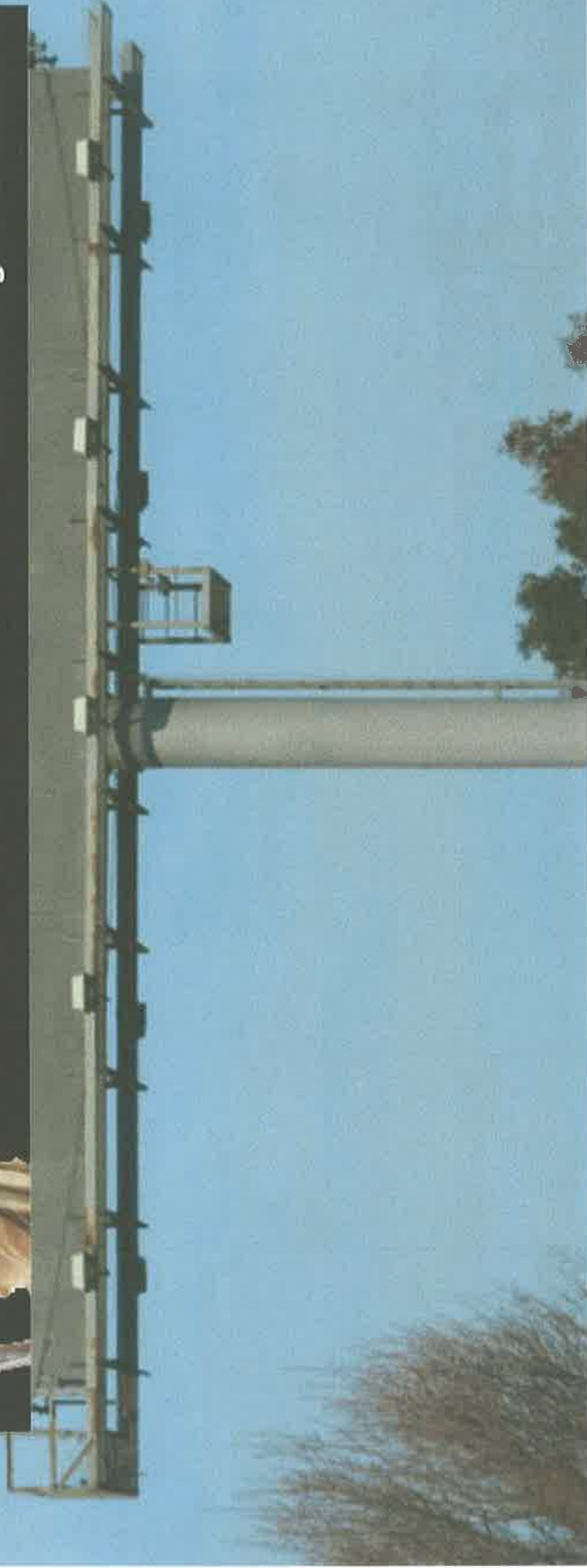
UTAH STATE BAR.



Affordable legal help
for people with modest means.

Money shouldn't tip the scales.

utahbar.org/affordable





- Also received bid from YESCO:
 - Doesn't offer posters
 - Bulletins are less expensive, but locations aren't as good
- At conclusion of presentation, would like:
 - Direction for budget: \$45K, \$55K, \$65K
 - Will get final approval from Board

UTAH STATE BAR.

#133 · 1501 S. I-15, Salt Lake City

Facing Direction: South

Size: 14x48

Illuminated: Yes

D.E.C. 168,770

EOI: 567,069

Latitude: 40.737021

Longitude: -111.903775



These photographs are for demonstration purposes only and may not represent the actual condition of the board at this time.

Tab 6

UTAH STATE BAR
BOARD OF BAR COMMISSIONERS
MINUTES

AUGUST 23, 2013

PARK CITY HOTEL
PARK CITY, UTAH

In Attendance: President Curtis M Jensen and Commissioners: Stephen Burt, Kenyon Dove, Hon. Evelyn Furse, James D. Gilson, Mary Kay Griffin, Susanne Gustin, Michael Leavitt, John Lund, Herm Olsen, Rob Rice, and Tom Seiler.

Ex-Officio Members: Robert Adler, Nate Alder, Danielle Davis, Heather Farnsworth, Lori Nelson, Margaret Plane, Lawrence Stevens and Gabe White. Executive Director John C. Baldwin; Assistant Executive Director Richard Dibblee; General Counsel Katherine A. Fox; and Supreme Court Liaison Diane Abegglen.

Not in Attendance: Commissioners: H. Dickson Burton and Angelina Tsu. Ex-Officio Members: Jesse Nix and James Rasband.

Minutes:

1. President's Report: Curtis Jensen

NEW: Eve Furse advised John Baldwin that Commission meeting materials were difficult to locate on the Bar's website if one did not have a direct link. She asked if this issue could be addressed.

1.1 Report from Judicial Performance Evaluation Committee: Joanne Slotnik & John Ashton

Joanne Slotnik (Executive Director) and John Ashton (Commissioner) of the Judicial Performance Evaluation Committee (JPEC or Committee) paid a courtesy call on the Bar Commission to help explain some new developments with the judicial performance evaluation process. They began by describing JPEC's purpose. The legislature wanted to remove some aspects of the evaluation process from lawyers' and judges' hands to better address public concerns and make the process more transparent as well as easier to understand. Mr. Ashton said that more lay people were now on the Committee since the statute had been enacted. He also explained that they favored a process to increase the questionnaire responses from a larger number of lawyers.

Ms. Slotnik continued to report that JPEC wanted to “level the playing field” with no deference to judges or the legislature while tweaking the process. In fact, all substantive issues were handled by the 13 member Committee as a whole with no “side groups.” She observed that a tremendous amount of work went into revising the evaluation process. Mr. Ashton added that court staff and courtroom observers now give input on judges in addition to lawyers, but that jury comments no longer count. He said that while the cutting edge changes have been somewhat controversial, the changes have been valuable tools. Midterm reports are now issued so that judges have opportunities to improve their performance before the retention elections. The changes also include revisions to the evaluation scale where a score of “3” is no longer sufficient to retain a judge. Both Ms. Slotnik and Mr. Ashton admitted that the changes were novel among jurisdictions.

The Commission discussed some issues relating to the presentation and asked some questions. Ms. Slotnik and Mr. Ashton offered to attend a Commission meeting annually to report on their activities and respond to questions. Rob Rice suggested that the Bar’s Governmental Affairs Committee be asked for their recommendation on how to follow-up with the offer.

1.2 Report on National Conference of Bar Presidents Meeting

Curtis Jensen and Jim Gilson provided an overview of the recent ABA National Conference of Bar Presidents. Curtis reported on the ABA award given to our NLTP program and Jim said that there were interesting issues relating to the practice of law and law schools. John Baldwin continued that Margaret Plane, Rod Snow and Jim Backman were largely responsible for launching the NLTP. He also explained that Washington had just approved a Limited License Technician rule which allows certain qualified non-lawyers to fill out family law related forms for clients in order to increase access to justice. Gabe White added that the YLD’s new federal court program “Help Rise” also received an ABA award.

1.3 Review Commission Meeting Locations

John Baldwin noted that the October 25th Commission meeting had been to the J. Reuben Clark School of Law building instead of the Law & Justice Center. He asked Commissioners to please revise their calendars accordingly.

1.4 Executive Committee Report

The Commission approved the following members of the new Executive Committee: John Lund, Rob Rice, Lori Nelson (past president), Jim Gilson (President-elect), Curtis Jensen (President), Dickson Burton, and John Baldwin (non-voting member).

1.5 Introduction to Bar Mission & Vision Plans

John Lund distributed a new handout containing Sean Toomey's memo on proposed changes to the Bar's Mission and Vision Statements. John proceeded to highlight some of the concepts but said that the topic would be addressed more fully in Saturday's session.

2. Executive Director's Report

2.1 Review Unaudited Year-end Financial (Tab 1)

John Baldwin reviewed the year end financial summary with Commissioners. We brought in a lot more licensing and CLE revenue than we expected and expended \$17,000 less than anticipated. We are approximately \$573,563 to the good. Jeff Einfeldt is very concerned about maintaining sufficient reserves which is a good thing. We currently have 4 months of reserves; Jeff would be more comfortable with 6 months. There are drawbacks to having that much in reserves, however. Jeff forecasts a dues increase in 3-5 years depending, of course, on our expenditures. Lori Nelson observed that most bars do annual licensing increases. Mary Kay Griffin added that 4 months of reserves is sufficient in light of mandatory licensing fees and that the Bar is on solid footing.

2.2 Report on Fall Forum

John reviewed the draft Fall Forum brochure which was distributed at the meeting.

2.3 Report on Database Review

John reported that there are considerable changes afoot with Bar Alliance. They will be exiting the bar database business within the next 2 years. That development will mean that we need to find an alternative to our current arrangement. While they have not decided for sure, they may decide to offer to sell the current system codes necessary to us. This would mean something less than an entirely new database system but result in something we could presumably revise. It would be a lot less expensive to maintain and fix up our current system but we would need to hire some programmers part time to accomplish that. BarAllance has provided 3 or 4 other bars with a similar system, but have not informed those entities of their plans at this point.

John Lund expressed reservations about buying our current system and trying to fix it. In response to his questions, John Baldwin replied that we are just starting to get a

handle on things and that this option had not yet been fully examined. John Lund opined that we need an outside, independent, and knowledgeable evaluation of what to do, rather than just relying on staff analysis and recommendations. Jim Gilson voiced his support for this approach. John Baldwin responded that he is currently looking for an individual to do just that. There was further discussion on this issue. A committee is being put together in order to move forward.

2.4 Report on Bar Benefits

John Baldwin reported that Rob Jeffs is still reviewing the possibility of bringing on the Texas bar benefit provider. We are also making sure that the new provider does not conflict with any contractual arrangement we currently have in place.

2.5 Report on Advertising Rule

Katherine Fox reported that we are in a holding pattern with the proposed revisions to the advertising rules. While the court wants the normal public comment analysis and Bar responses, it does not want our response before their Advisory Committee on the Rules of Professional Conduct issues its commentary. That group will have its first meeting on this issue in mid-September and issue a report with the next few months. Katherine will draft the response to all the comments and provide it to Rob Jeffs for his input before it is submitted to the court. Commissioners asked that Katherine send them scanned copies of the public comments as well as a link to the petition and supporting documentation.

3. Action Items

3.1 Select 2014 Summer Convention Site (Tab 2)

Curtis began the discussion by noting that over all, Snowmass was a successful venue although some aspects need improvement. He said that his preference was to return to Snowmass next year. Lori Nelson added that the convention was great and feedback indicated that those who didn't attend were sorry to have missed it. The CLE was top notch as well. The downside was the weather and a lack of duck pond like Sun Valley. Curtis said that we need more places for teenagers to "hang out" like the duck pond location and that we did not provide information on available activities for inactive middle-aged attendees.

Jim said that the CLE was awesome and that he and his family really liked the location. One drawback was that it was hard to reach the reception site and the reception was expensive to host. He also said that overall, Snowmass was not a cost savings as anticipated. However, Snowmass has indicated how we can reduce expenses. We can mitigate a lot of the negative factors except for the 2-1/2 hour increased driving time as compared to Sun Valley.

Herm Olsen opined that we should give Snowmass a chance for 2-3 years as a summer convention site before moving it. Tom Seiler said that facilitating small bus transportation might be added value and Lori said that those who traveled by train loved it. Mike Leavitt said that we should do something locally every 3 years and Kenyon Dove agreed. More discussion took place. **Commissioners voted unanimously to hold the summer convention next year in Snowmass.**

3.2 Commission Liaisons: Assignments/Goals/Reporting (Handout)

Curtis distributed handouts on Commission liaison assignments. He asked Commissioners to become familiar with their sections and committee chairs. John helped facilitate discussion with a power point. Lori added that she would like to see an “end of law practice” committee and wondered if Benson Hathaway would chair that group. Tom inquired about adding Inns of Courts to the list. Curtis closed the discussion by stating that he would like selected Commissioners to report on their assignments periodically at Commission meeting.

4. Information Items

4.1 Pro Bono Program Report: Rob Rice

Rob announced that the Pro Bono Program was up and running in all the judicial districts now with the 8th District being the last one onboard. He observed that pro bono needs were different in different areas of the state. They have placed 185 cases to date. The 4 “signature programs” (e.g., debt collection, the A.G.’s office, etc.) have been successful in the 3rd District on the motion calendars. The committee was in the process at looking at other district calendars as well. The 3rd and 2nd districts are interested in the Office of Recovery cases. Dean Adler asked if 3rd year law students could be useful in this program and Rob responded in the affirmative. They are making presentations at the annual Judicial Council Meeting in September. The program is nearly at capacity to place cases based on the number of volunteer lawyers as well as Bar resources (staff and the current database).

4.2 Modest Means Program Report: John Lund

John reported that the Modest Means Program continues to move ahead. They have 131 lawyers signed up and one or 2 prospective clients per day sign up. They have made 185 referrals so far. The \$25 client sign up fee mechanism is now working and their goal is to hold 4 CLE’s a year for training purposes. The Litigation Section is planning a presentation in the fall and the federal bankruptcy judges have expressed interest in light of their *pro se* concerns. The judges expressed a concern that pro se filers do not experience good results with their cases and a second concern is that unapproved bankruptcy preparers – who are not authorized to give legal advice – are taking up the slack that modest means could fill.

4.3 Judicial Council Report: John Lund

John said that the Judicial Council recently had its budget planning meeting which went smoothly. The AOC seems to be doing a very effective job and the number of cases are stabilizing. The district bench judges have asked for 6 permanent law clerks. John Becker has decided they can fund 4 of those slots and do it with the savings that they have generated through e-filing. Larry Stevens interjected that the ABA House of Delegates has several resolutions related to limited pro se litigants which might be helpful for the Council to review.

4.4 ABA Delegates Report: Nate Alder, Margaret Plane & Larry Stevens

Both Larry Stevens and Margaret Plane reported. Larry began by noting that Nate Alder had been elected to the National Caucus of State Bar Associations and the National Conference of Bar Presidents. Margaret Plane reported that there was a great deal of discussion pertaining to legal education, the legal profession and law schools. On a final note, Margaret has been elected to the Standing Committee on Lawyer Discipline.

5. Commission Governance (For Action)

5.1 Select Process to Fill 3rd Division Commission Vacancy (Tab 3)

Curtis began the discussion by stating that certain decisions had already been made by the Commission and this discussion was limited to procedure only. The Commission needs to decide one of 3 options: (1) leave the open position open until the next regular election; (2) make an appointment to fill the slot; or (3) hold an election to fill the remainder of Jim's vacated 3rd judicial division seat. John Baldwin explained that in option 3, we would hold a special election with a 90 day notice for the balance of Jim's 2013-4 term. The 2014-5 term would be filled in regular fashion.

Eve Furse asked that if there is a special election, could we decide the parameters. Steven Burt observed that if we appoint, the non-lawyer public members have no real input into the process. Mike Leavitt interjected that he leans towards just leaving the slot open until the next election cycle. He sees no sense of urgency to fill a 3rd division seat since it is already well represented. Eve said that we could do an email notice with a 2 week ballot period under new special election Commission policies. She believes that it's important to hold an election rather than appoint under an "inside old club" system.

Tom agreed with Eve and asked if we need to change the bylaws and provide for special election details. Katherine opined that because the bylaws are silent and we enacted a policy filling in the gaps, amending the bylaws would not be necessary. Rob Rice favors an election option but Margaret agreed with Eve and Mike. Jesse Nix distributed a handout from the Utah Minority Bar expressing its dismay with an

appointment process and advocating for the “next highest vote” method used in the past.

Eve Furse moved to hold a special election and John Lund seconded that motion. More discussion ensued. Lori suggested we include language for details on the special election procedure and do it as fast as possible with the blessing of the court. **The motion passed with Mike Leavitt opposed.**

6. Executive Session

HANDOUTS DISTRIBUTED AT MEETING:

1. Proposed Changes to Bar’s Mission and Vision Statements.
2. Fall Forum Draft Brochure.
3. 2013-4 Committee and Project Chairs, Committee Membership and Commission Liaisons to Bar Committees, Sections and Local Bar Associations.
4. Utah Minority Bar Association Letter re Process to Fill 3rd Division Commission Vacancy.

ADJOURNED: 5 p.m.

CONSENT CALENDAR

1. Approved July 17, 2013 Commission Meeting Minutes
2. Approved Committee Charges

UTAH STATE BAR
BOARD OF BAR COMMISSIONERS
MINUTES

AUGUST 24, 2013

PARK CITY HOTEL
PARK CITY, UTAH

In Attendance: President Curtis M Jensen and Commissioners: Stephen Burt, Kenyon Dove, Hon. Evelyn Furse, James D. Gilson, Mary Kay Griffin, Susanne Gustin, Michael Leavitt, John Lund, Herm Olsen, Rob Rice, and Tom Seiler.

Ex-Officio Members: Robert Adler, Nate Alder, Danielle Davis, Heather Farnsworth, Lori Nelson, Margaret Plane, James Rasband, Lawrence Stevens, Angelina Tsu and Gabe White. Executive Director John C. Baldwin; Assistant Executive Director Richard Dibblee;

Not in Attendance: Commissioner: H. Dickson Burton. Ex-Officio Member: Jesse Nix. General Counsel Katherine A. Fox; and Supreme Court Liaison Diane Abegglen.

Minutes:

1. Commission Photograph

Bar Commission had its annual photo taken.

2. Mission/Vision/Public Relations: Sean Toomey

The Commissioners had a lively discussion of the mission and vision of the Bar, with a focus on the mission describing the journey and the vision describing the destination of the organization. Discussions included the Bar's core professional functions, such as admissions and CLE, to broader goals such as access to justice, and from results within the scope of lawyer's actions to influences on the entire law and justice system. A smaller, as yet undefined, group will develop some wording to take back to the larger group.

3. Commission Priorities

Commissioners discussed the priorities for the 2013-2013 year and decided upon the following:

1. Promoting public and lawyer education;
2. Promoting a fair and impartial judiciary;
3. Promoting access to justice and affordable legal services;
4. Studying the future of the practice of law in Utah and how it will be affected in the coming years by technology, market conditions, age, diversity, law school policies, etc., and how the Bar can provide additional technology training and career development for our membership;
5. Providing greater group benefits to members.

4. Law & Justice Center HVAC: Steve Burt

Steve Burt led a discussion on the state of the HVAC system construction and design. He also indicated the boiler will need to be replaced sooner rather than later. Eve Furse **moved** to replace the boiler pursuant to Steve's proposal. Mary Kay Griffin **seconded** the motion. The motion **passed** unanimously.

5. Civics Education Report/Constitution Day: Angelina Tsu

Angelina Tsu reported on the scheduling of schools and volunteer attorneys for the September 17, 2013 Constitution Day. She asked Commissioners to please review the list of available classes and to ask colleagues to help fill the vacancies. Angelina also discussed other events similar to Constitution Day where attorneys are being asked to participate, i.e., Getty Ready to celebrate the 150th anniversary of the Gettysburg Address. Angelina **moved** that the Commission create a Utah State Bar Outreach Committee be created to administer public education opportunities. Tom Seiler **seconded** the motion. The motion **passed** unanimously.

6. Law School Reports

Deans Adler and Rasband reported on actions at the S.J. Quinney College of Law and the J. Reuben Clark Law School. The Commission engaged in a healthy discussion on how the Bar and the law schools could work together on what the profession would look like in the future and how to prepare law students and lawyers for changes in the market.

7. Break for Lunch / Continued Discussion/Other Business & Planning

ADJOURNED: 1:00 p.m.

Utah State Bar
MEMORANDUM

TO: The Utah State Board of Bar Commissioners

FROM: Joni Dickson Seko / Deputy General Counsel for Admissions

DATE: September 23, 2013

RE: October 2013 Applicants Qualified for Admission to the Utah State Bar

Rule 14-702(a) of the Rules Governing Admissions to the Utah State Bar (“the Rules”) requires that prior to admission to the Bar, the Utah State Board of Bar Commissioners (“the Board”) recommend and certify to the Supreme Court those persons “who fulfill the requirements for admission” as provided by the Rules. The attached list of applicants comprises those individuals who meet the qualifications for admission. Accordingly, these applicants are presented to the Board for approval for admission to the Utah State Bar.

APPROVED

John Baldwin
Executive Director, for the Board

Attachment

JULY 2013 BAR EXAMINATION RESULTS

Total Number: 364

Total Pass: 304

Total Fail: 60

Pass Rate: 84%

Retakes

Total Retakes: 37
Total Pass: 27
Pass Rate: 73%

First Time

First Time Applicants: 327
First Time Passers: 277
Pass Rate: 85%

Attorneys

Attorney Applicants: 31
Attorney Passers: 27
Pass rate: 87%

Essay Scores

50 Points Possible
Varied from 15 to 42
Average Score: 29.70

Multistate Scores (MBE)

200 Possible
Varied from 99.7 to 181.2
Utah Average: 147
National Average: 144
(53,706 tested)

Combined Scores

Highest Exam Score: 354
Lowest Exam Score: 202
Mean Score: 286.2
Passing Score: 270

SUMMARY OF PAST RESULTS

February 2013	77%	July 2013	84%
February 2012	72%	July 2012	80%
February 2011	81%	July 2011	86%
February 2010	69%	July 2010	86%
February 2009	73%	July 2009	86%
February 2008	76%	July 2008	87%
February 2007	77.4%	July 2007	83%
February 2006	80%	July 2006	84.4%
February 2005	84.9%	July 2005	87.5%

BOARD OF BAR COMMISSIONERS
APPLICANTS ELIGIBLE FOR ADMISSION
OCTOBER 2013

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Utah State Bar

MEMORANDUM

TO: Board of Bar Commissioners
FROM: Katherine A. Fox
DATE: September 3, 2013
RE: UPL Request for Formal Action

Please find attached materials underlying the Bar's UPL Committee's request to file formal action for a civil injunction against a paralegal who is advertising and at least appears to be engaging in the unauthorized practice of law. While we do not yet have a 'victim', we do have troubling advertising and the individual's defiant refusal to engage in a dialogue with us about what she is actually doing. In her latest communication, she indicated that we should just "bring it on" because she isn't going to stop.

Exhibit A:

Advertising card which states "affordable attorney service." Ms. Hoffer, a purported paralegal, was handing her business card out at the Murray library, annoying patrons and soliciting business. Attorney Frank Nakamura, Murray City Attorney, reported her activities to us.

No Attorneys Involved in Business:

Prior to being contacted by Sarah Spencer, Co-chair of the UPL Committee, Ms. Hoffer's website (www.prose-legalservices.com) listed 3 attorneys with whom she was allegedly associated. Sarah spoke with all 3 attorneys. The first one was upset that he was listed, and said he has nothing to do with her. He has had to threaten her with legal action to have his name removed. The second attorney was surprised to learn he was listed, and said that he had only agreed to handle unbundled legal services for any client she referred to him. The third said that she had helped one client appear in court who was referred to her but that was all. **All three of these attorneys indicated that they believed Ms. Hoffer was working independently and that no lawyer was overseeing her work.**

Exhibit B:

This is Ms. Hoffer's written response to Sarah Spencer's initial communication to discuss what Hoffer was doing. Much of the response focuses on Pro Se Legal Services' business model and the 1099's they apparently issue to lawyers. She says she is basing her business model on a California model, which of course allows paralegals to do certain things we do not permit here in Utah. She closes with "*I desire no further indirect contact from you...I will pursue any and all legal methods available to me should you choose to engage in contact again.*"

Exhibit C:

After Sarah's unsuccessful attempt to engage in discussion with Ms. Hoffer, Greg Sanders (outside UPL counsel) wrote to Hoffer pursuant to my request. Sometimes, a letter from him will produce better results than a committee member contact without the need for formal action.

Exhibit D:

This is Hoffer's response to Greg's letter. She is defiant and angry. She mentions that Alicia Memmott, "general counsel" is telling her that she does not need to release any information to us. Ms. Memmott, however, tells us that she does *not* represent Hoffer or her business, and is adamant about this. Hoffer refuses to give us any real information about what she is doing, and says to "bring it on."

Exhibit E:

Greg's explanatory letter to me is Exhibit E. It outlines that we are simply trying to gather information about what Hoffer is doing, and she refuses to cooperate. It also provides two primary reasons why we should move forward this matter. First, it's not good policy to just back off from this situation. Second, there is enough information to file for an injunction just based on the evidence that we do have, which is Hoffer holding herself forth as someone who can perform the calling of an attorney without any indication that an attorney is overseeing her work.



Debby Hoffer, A.A.S., Paralegal Studies &
Head Paralegal
Phone: (801)696-9905

Pro Se Legal Services

An Affordable Attorney Service
www.prose-legalservices.com



4619 S. Quail Vista Lane, Unit D
Salt Lake City, UT 84117-5626
paraecagle42@gmail.com

Main Phone: (801) 323-5000
Direct Phone: (801) 524-9381
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Sarah.Spencer@chrisjen.com
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From: Debby Hoffer [mailto:paraeeagle42@gmail.com]
Sent: Friday, August 02, 2013 11:17 AM
To: Sarah Elizabeth Spencer
Subject: Re: Unauthorized Practice of Law Complaint

Ms. Spencer,

Thank you for your inquiry. As the authorized representative for Pro Se Legal Services and under the advisement of our contracted General Counsel, I would like to release to you the following information with regard to your inquiry:

1. A great deal of information about how we operate can be obtained on our website at www.prose-legalservices.com.
2. Our relationship with attorneys is outlined by a 1099 independent contractual agreement (which is available for review on our website) between the client, Pro Se Legal Services and the contracted attorney.
3. We do not split fees with attorneys as per the ABA Model Rules of Professional Conduct. Our 1099 contracted attorneys receive a paycheck for all of the Pro Se matters as to which they are assigned to oversee. It is a 1099 contract between us and the attorney.
4. The attorney does not apply their bar license to any Pro Se pleading nor is their bar license attached to any such pleading for our Pro Se clients. The client is made aware that the attorney is not directly representing the client, the attorney is, instead, just overseeing the Pro Se pleading work.
5. For any unbundled legal service where an attorney's bar license would be attached, such as one courtroom appearance on A Limited Notice of Appearance, the attorney negotiates that pre-paid unbundled legal service fee directly with the client or gives written and/or verbal instruction to a paralegal/legal secretary directly about the fee which they have set for such service. The client then makes that payment directly to the attorney prior to actually providing the unbundled legal service.
6. Our Pro Se clients are made aware that they can transition to a full-service Retainer Agreement with any one of our attorneys or with an attorney of their own choosing at any given time during the litigation process. Our attorneys highly encourage our Pro Clients to do so if it appears that the matter will go to a civil bench or jury trial.
7. We do not accept retainers or a even a down payment amount. We do pay our attorneys to consult initially with our Pro Se clients and we charge that fee back to the Pro Se client so that we can pay our contracted attorneys directly for such service. We target the low to middle income populations of each state in our marketing efforts and we offer no interest, monthly payment plans so that everyone might be able to have equal access to professional, quality and reasonably priced legal services under the color of

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the law.

I would like to also add that our business model has been reviewed and approved by more than one attorney to include all of the attorneys that are listed as contracted and supervising support staff attorneys on our website. Our business model is also similar to a business model put together by two California Bar Licensed attorneys located out of Santa Barbara, CA who sit as the General Counsel for Family Legal Resources. They also act and function as a Pro Se Legal Agency, providing Pro Se family law services for the underprivileged population of that area, in the same capacity as we do. Our goal is to give our Pro Se client's a step up from the Utah State Bar's Modest Means program and the Utah State's Online Court Assistance Program.

Our goal is to assist as many individuals as we can in representing their inherent civil right to represent their own best legal interest in a court of law. I might also add that a portion of our clients have some difficulty with their communication skills, to include both reading and writing. We assist them so that they can present their Pro Se matter before the court through Pro Se pleadings drafted by qualified paralegals which are overseen by a qualified and experienced attorney. This enables the court to be able to actually address the matter on its own terms (which is the court's expectation) and it further enables the court to understand each clients unique and individual legal situation.

It is my hope that this resolves all of your concerns and/or questions. I have nothing to hide and yet, given your legal experience over mine, I prefer not to meet with you in person unless my retained attorney is present with me (and right now, it is an extra expense that I would rather not pay). Should any one representative from the Utah State Bar, to include any one judicial committee decide to pursue civil action against Pro Se Legal Services, we look forward to meeting them in any one federal or state court of law. If fact, I desire no further indirect contact from you as an official representative of the Utah State Bar and I will pursue any and all legal methods available to me should you choose to engage in such indirect contact with me again. Thank you for contacting us here at Pro Se Legal Services. Have a pleasant day.

Sincerely,

Debby Hoffer

Debby Hoffer, A.A.S., Paralegal Studies
Pro Se Legal Services
Head Paralegal
 4619 S. Quail Vista Lane, Unit D
 Salt Lake City, UT 84117
Phone: (801)696-9905
Email: paralegal@prosc-legalservices.com

"The Court should be a place, where anybody can come- whatever they have in their pocket, and be able to file a complaint in simple fashion, and at least have somebody give consideration to it and give them an opportunity to be heard."

Thomas T. Curtain, Judge, U.S. District Court, New

York Times, Oct. 7, 1971.

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On Thu, Aug 1, 2013 at 5:00 PM, Sarah Elizabeth Spencer <Sarah.Spencer@chrisjen.com> wrote:
Hi Debby,

I am writing you as the Co-Chair of the Utah State Bar Unauthorized Practice of Law Committee. The Committee received a complaint regarding the nature of the legal services advertised on your website. I am investigating that complaint on behalf of the UPL Committee. I am interested in meeting with you to discuss the kind of work that you do, as well as the details regarding your relationships with supervising attorneys.

Do you have any time next week to come downtown to my office for a meeting?

Thanks. I look forward to speaking with you.

Sincerely,

Sarah

Sarah Elizabeth Spencer
Attorney at Law
Admitted to Practice in Utah & Colorado
Christensen & Jensen, P.C.
15 W. South Temple, Suite 800
Salt Lake City, Utah 84101
Main Phone: [\(801\) 323-5000](tel:(801)323-5000)
Direct Phone: [\(801\) 524-9381](tel:(801)524-9381)
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10 EXCHANGE PLACE • FOURTH FLOOR • SALT LAKE CITY • UTAH 84111 801-521-3773 FAX 801-359-9004
ATTORNEYS AT LAW ESTABLISHED 1950
WWW.KIPPANDCHRISTIAN.COM

Gregory J. Sanders

gjsanders@kipbandchristian.com

August 7, 2013

Debby Hoffer
Pro Se Legal Service
4619 Suth Quail Vista Lane, Unit D
Salt Lake City, Utah 84117-5629

Re: Unauthorized Practice of Law

Dear Ms. Hoffer:

I am outside counsel to the Utah State Bar. My understanding is that your interaction with representatives of the Unauthorized Practice of Law committee has not resolved the issues informally. Matters not resolved through discussion are referred to me for legal action.

My practice has long been to invite one more opportunity for discussion before everybody starts incurring significant expense. In looking at your last email to Sarah Spencer, you suggest that you may have legal representation in connection with the Bar inquiry. If that is so, please refer this letter to that counsel and have him or her contact me.

Please understand that this will not just go away. I look forward to talking with your counsel or you, if you do not have one, shortly.

Thank you for your consideration.

Very truly yours,

KIPP AND CHRISTIAN, P.C.

A handwritten signature in dark ink, appearing to be 'GJS', is written over the printed name of Gregory J. Sanders.

Gregory J. Sanders

GJS/cb

PRO SE LEGAL SERVICES®



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www.prose-legalservices.com
debbyhoffer@prose-legalservices.com

August 8, 2013

Kipp and Christian, P.C.
Attn: Gregory J. Sanders
10 Exchange Place, Fourth Floor
Salt Lake City, UT 84111

Re: False Accusations of the Unauthorized Practice of Law

Mr. Sanders,

Thank you for your informative letter and your informal inquiry into the business model behind Pro Se Legal Services. Your letter indicated that you have reviewed my e-mail to Ms. Sarah Spencer; however, you must not have read it in its entirety. I will therefore repeat what I have stated before to Ms. Spencer for your particular benefit. It is my hope that by repeating myself, once again, that you might obtain a full understanding of my informal position at this time.

We here at Pro Se Legal Services, do not have any proof at this time, other than what both you and Ms. Spencer have purported to be in your relationship with the Utah State Bar, that you are who you actually say you are. I would have already done some research into this, however, my professional and personal responsibilities at this time have prevented me from doing so, as of yet. I also informed Ms. Spencer, that all of the information that was included in our e-mail to her is all of the information, per the direction of our currently contracted General Counsel, Ms. Alicia M. Memmott, that I am authorized to release at this time. You can find a great deal of information about us on our website.

Your letter posed an underlying element of threat that "this will not just go away." Please be aware that I have dealt with this type of inquiry before and empty civil threats do not intimidate me. Both I and my General Counsel will not meet with you at this time. As I informed Ms. Spencer, it is not convenient for us (Ms. Memmott is due to have a child very soon) and I am not into the habit of paying my General Counsel their hourly billable rate for the pleasure of sitting down to a lunch meeting with an attorney from the Utah State Bar. It is currently not in my overhead. I do not appreciate your inappropriate insistence nor will I be intimidated to the point that actually I bend to it.

I understand that no one enjoys incurring great expense and I, to say the least, do not enjoy such; however, I do not bend to inappropriate and unlawful demands from anyone, including someone who purports to hold such a prestigious position as yourself. That being said, I am confident enough in my contracted legal staff's abilities to repeat what I have already stated to Ms. Spencer with, perhaps, a slight revision for your particular benefit: we look forward to meeting with with a representative from the Utah State Bar in any court of law. Or, in other words, feel free to bring it on. Thank you again for contacting us here at Pro Se Legal Services. We look forward to assisting you.

Sincerely,

Debby Hoffer, A.A.S., Paralegal Studies
Owner/Operator and Head Paralegal, Pro Se Legal Services



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Gregory J. Sanders

gjsanders@kippandchristian.com

August 14, 2013

Katherine A. Fox
General Counsel
Utah State Bar
645 South 200 East, Suite 310
Salt Lake City, Utah 84111-3434

VIA EMAIL

Sarah Spencer
Christensen & Jensen
15 West South Temple, Suite 800
Salt Lake City, Utah 84101

VIA EMAIL

Re: Pro Se Legal Services

Dear Counsel:

I have enclosed with this letter a copy of the response of Ms. Hoffer to my letter of August 7, 2013 to her. I have to say that in the many years I have done this work this is one of the most confrontive letters we have received in response to an inquiry I have sent. There appears to be no room for discussion or negotiation at this point and the Bar needs to decide if it is going to bring legal action.

My recommendation is that you authorize me to file suit for an injunction against the unauthorized practice of law and include a request for restitution for any client that she has served while committing unauthorized practice of law.

My reasoning is based on two points. First, I don't think it is good policy for someone to be so confrontive and then have the Bar just disappear. She claims to be a paralegal integrated into the legal system and if the Bar just goes away now she is in the position of encouraging others to engage in the unauthorized practice of law by saying that she rebuffed the Bar and they did nothing.

Second, my view is that while we are hampered by not having a complaining client of hers she still held herself out as someone who can perform the calling of an attorney. I give the following examples from her website:

1. The name of the business is "Pro Se Legal Services".
2. The banner motto is "An Affordable Attorney Service".
3. On the welcome page it states "our business model is designed so that you can pick and choose what legal services you actually need to resolve your legal issue". That appears to be a solicitation for giving legal advice if there ever was one.
4. The welcome page has a number of statements such as "we also assist individuals in more complex legal situations . . ."
5. One of the website pages has a draft decree of divorce whereby they are telling subscribers how to draft their pleadings and what to include in them.
6. One of the pages refers to "supervising support staff attorneys". That suggests that the paralegal is supervising the attorney. The website describes how legal work is reviewed by an attorney but makes very clear that the attorney takes no responsibility for the legal work and, in fact, there is a disclaimer in the client contract to that effect.

Pro Se Legal Services does not appear to be one of the form completion assistance services that we see from time to time. This very much looks on the website like somebody who is trying to perform legal work and attempting to evade the restriction on non attorneys by saying they involve attorneys who take no responsibility for the client material. My opinion is that an enforcement action can be brought in good faith in this circumstance.

With the door slammed shut on us by Pro Se Legal Services I suggest that the only additional informal investigation that could be done would be to contact the few listed attorneys and ask them what they are doing for this company.

Finally, I note from the website that Pro Se is doing business in Colorado and Arizona. You might want to use your channels to check with those other states to see if they are taking a look at this.

Katherine A. Fox
Sarah Spencer
August 14, 2013
Page 3

I will be taking no further action on this until directed to do so by you.

Very truly yours,

KIPP AND CHRISTIAN, P.C.

A handwritten signature in black ink, appearing to read "G. Sanders", written over the printed name.

Gregory J. Sanders

GJS/cb
Enclosure

Tab 7

UTAH STATE BAR
Budget and Finance Committee
Highlights of the May 2013 Financial Statements (Unaudited)

I. FINANCIAL STATEMENT HIGHLIGHTS

1. **Licensing:** Licensing revenue is at 100% of the year to date budget with revenues totaling \$3,649,544 representing \$181 over budget. Costs are under budget by \$14,879. A comparison of the membership statistics by status is attached. We suspended approx. 323 attorneys for failure to renew, an increase from last year of 177.
2. **Admissions:** Revenue totals \$20,802 representing \$16,877 over budget. Expenses are \$1,189 over budget.
3. **NLTP:** Revenue for NLTP is \$17,100 which is \$1,907 over budget. Year to date expenses total \$15,948 which is \$345 over budget. NLTP net revenue is \$1,152 which is favorably over budget by \$1,562.
4. **Gain/(Loss) on Investments and Interest Income:** Combined year to date gains, losses and interest income is \$6,111 which is \$4,092 over budget. Current purchases in the investment account are yielding between .1% and .5%. Expected interest income and gain on investments for the coming year are still expected to be negligible
5. **Property Management:** Rent and other revenue totals \$36,380 which is \$12,099 over budget. Expenses are \$365 under budget. The net loss year to date is \$24,494 which is favorably under budget by 12,465.
6. **CLE:** Continuing Legal Education revenue totals \$64,092 which is \$27,710 over budget. Expenses are \$12,024 over budget. CLE department net revenue year to date is favorably over budget by \$15,686.
7. **Summer Convention:** The net revenue year to date is \$147,172 and is unfavorably under budget by \$37,036. Expenses are unfavorably over budget by \$321. The financials currently show a net loss of \$77,416 which exceeds the budgeted loss by approximately \$37,400.
8. **Bar Journal:** Bar Journal revenue is \$696 under budget. Expenses are \$1,973 over budget. Expenses exceed revenues by \$10,860 representing an unfavorable budget variance of \$2,669.
9. **Member Benefits:** Member Benefits revenue is \$4,675 over budget. Expenses are \$12,198 under budget.
10. **Access to Justice:** Expenses total \$28,433 year to date and are over budget by \$9,487.

UTAH STATE BAR
Budget and Finance Committee
Highlights of the May 2013 Financial Statements (Unaudited)

11. **Total Revenue and Expenses - Accrual Basis:** Revenue year to date totals \$3,972,596 and exceeds the budget by \$28,914. Expenses year to date total \$1,085,455 which is over budget by \$199,761. Net revenue year to date is \$2,877,141 which is \$170,847 unfavorably under budget.
12. **Total Revenue Over Expenses - Cash Basis:** By adding depreciation of \$7,814 revenue exceeds expenses on a cash basis by \$2,894,955 which is \$169,719 unfavorably under budget. This also represents our year to date net change in cash from operations.

II. ADDITIONAL COMMENTS

1. **Lehman Brothers Bonds:** The Bar received distributions totaling \$29,470 from the Lehman Bros bankruptcy through October 2012 and will continue to receive distributions semi-annually for the next several years. The initial bankruptcy claim on behalf of the Bar is \$300,000. The current market value of the remaining claim is listed at \$76,140.
2. **Board Designated Reserves:** In consultation with Bar management and the Budget and Finance Committee, the Commission targeted the following reserve amounts.

Operations Reserve (4 months' operations)	\$1,833,000
Capital Replacement Reserve (equipment)	200,000
Capital Replacement Reserve (building)	300,000 470,000
Total	<u>\$2,333,000</u>

The reserve at June 30, 2012 was approximately \$2,556,000.

UTAH STATE BAR
Membership Statistics
August 31, 2013

<u>STATUS</u>	<u>05/31/13</u>	<u>08/31/13</u>	<u>Change</u>
Active	7,601	7,453	(148)
Active under 3 years	974	962	(12)
Active Emeritus	167	157	(10)
In House Counsel	43	43	0
Subtotal - Active	8,785	8,615	(170)
Inactive - Full Service	718	738	20
Inactive - No Service	1,499	1,668	169
Inactive Emeritus	262	268	6
Subtotal - Inactive	2,479	2,674	195
Total Active and Inactive	11,264	11,289	25
 <u>Supplemental Information</u>			
Paralegals	136	127	(9)
Associate Section Members	72	72	0
Journal Subscribers	94	94	0
 <u>Active Attorneys by Region</u>			
Logan - Brigham	148	141	(7)
Davis - Weber	684	659	(25)
Salt Lake	4,767	4,391	(376)
Provo	786	702	(84)
Southern Utah	390	421	31
Out of State	770	723	(47)
Out of Country	6	2	(4)
No region designated	1,234	1,576	342
Total Active Attorneys	8,785	8,615	(170)

10:28 AM

09/21/13

Accrual Basis

Utah State Bar Balance Sheet As of August 31, 2013

	<u>Aug 31, 13</u>	<u>Jul 31, 13</u>	<u>Aug 31, 12</u>
ASSETS			
Current Assets			
Checking/Savings			
1010 · Petty Cash	625	625	625
1011 · Cash in Bank	168,339	290,886	182,951
1060 · ILM Invested Funds Market Value	6,069,965	5,883,426	5,849,016
Total Checking/Savings	6,238,928	6,174,937	6,032,591
Accounts Receivable			
1071 · Accounts receivable	17,177	33,326	(7,560)
Total Accounts Receivable	17,177	33,326	(7,560)
Other Current Assets			
1070a · Other Accounts Receivable	103	(38)	38
1089 · Unbilled tenant costs	39	1,055	20,977
1100 · Prepaid Expense	77,773	83,075	84,635
1919 · Section ILM net earn recvble	4,283	4,230	3,968
1920 · A/R - Section Funds	8,288	1,483	101,244
Total Other Current Assets	90,485	89,805	210,861
Total Current Assets	6,346,590	6,298,068	6,235,893
Fixed Assets			
1500 · Property & Equipment	3,568,261	3,568,261	3,183,556
1550 · Accumulated Depreciation	(3,056,822)	(3,052,915)	(3,005,552)
1600 · Land	633,142	633,142	633,142
Total Fixed Assets	1,144,581	1,148,488	811,146
TOTAL ASSETS	<u>7,491,171</u>	<u>7,446,555</u>	<u>7,047,039</u>
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
2001 · A/P - Trade		(216,808)	660
Total Accounts Payable		(216,808)	660
Other Current Liabilities			
2010 · Other Accounts Payable	303,956	284,619	290,821
2100 · Accrued Payables	340,711	336,737	343,812
2350 · Capital Lease Obligations-ST	2,710	2,710	1,844
2920 · A/P - Section Funds	248,580	236,600	264,795
Total Other Current Liabilities	895,957	860,666	901,272
Total Current Liabilities	895,957	643,859	901,932
Long Term Liabilities			
2400 · Capital lease obligations	9,446	9,446	12,156
3000 · Deferred Revenues/Expenses			1,055
Total Long Term Liabilities	9,446	9,446	13,211
Total Liabilities	905,404	653,305	915,143
Equity			
3500 · Unrestricted Net Assets (R/E)	3,698,625	3,698,625	2,955,918
3510 · Fund Balance - Beginning			36,591
Net Income	2,887,142	3,094,625	3,139,387
Total Equity	6,585,767	6,793,250	6,131,896
TOTAL LIABILITIES & EQUITY	<u>7,491,171</u>	<u>7,446,555</u>	<u>7,047,039</u>

Utah State Bar
Summary Income Statement
August 31, 2013

	Year to Date			YTD %	2013/14
	Actual	Budget	Variance Fav/(Unfav)	of Ttl Bdgt	Total Budget
<u>Revenue</u>					
Licensing	\$ 3,649,725	\$ 3,649,544	\$ 181	93.9	\$ 3,886,900
Admissions	20,802	3,925	16,877	4.4	473,060
NLTP	17,100	15,193	1,907	21.2	80,600
Mgt - Service	140	4,324	(4,184)	0.8	17,400
In Kind Revenue	386	229	157	12.1	3,200
Mgt - Interest & Gain	6,111	2,019	4,092	40.5	15,100
Property Mgt	36,380	24,281	12,099	12.3	295,100
OPC	450	577	(127)	3.6	12,500
CMIS/Internet	200	416	(216)	6.7	3,000
CLE	64,092	36,382	27,710	16.7	383,000
Summer Convention	147,172	184,208	(37,036)	79.9	184,200
Fall Forum	-	-	-	-	89,100
Spring Convention	875	-	875	0.7	128,700
Bar Journal	19,626	20,322	(696)	14.9	132,100
Committees	-	-	-	-	100
Member Benefits	6,937	2,262	4,675	100.5	6,900
Section Support	-	-	-	-	84,348
Access to Justice	2,550	-	2,550	-	-
Young Lawyers Division	50	-	50	-	-
Total Revenue	\$ 3,972,596	\$ 3,943,682	\$ 28,914	68.5	\$ 5,795,308
<u>Expenses</u>					
			(Fav)/Unfav		
Licensing	31,303	46,182	(14,879)	18.3	170,683
Admissions	80,472	79,283	1,189	17.9	450,698
NLTP	15,948	15,603	345	16.2	98,632
Bar Mgt	128,062	141,719	(13,657)	19.5	655,721
Property Mgt	60,875	61,240	(365)	12.3	496,767
OPC	199,463	206,468	(7,005)	16.9	1,178,401
General Counsel	36,613	47,807	(11,194)	12.2	300,039
Computer/MIS/Internet	33,023	31,828	1,195	16.5	200,265
CLE	42,375	30,351	12,024	11.5	369,805
Summer Convention	224,588	62,389	162,199	100.1	224,267
Fall Forum	21,309	1,923	19,386	24.3	87,761
Spring Convention	2,651	2,030	621	3.2	81,975
Bar Journal	30,486	28,513	1,973	16.8	181,418
Committees	5,522	6,730	(1,208)	4.6	119,017
Member Benefits	18,427	30,625	(12,198)	10.4	177,155
Section Support	16,996	11,598	5,398	20.1	84,348
Consumer Assistance	12,322	8,167	4,155	19.9	61,858
Access to Justice	28,433	18,946	9,487	15.4	184,884
Tuesday Night Bar	5,421	1,202	4,219	41.5	13,070
Legislative	-	288	(288)	-	64,405
Commission/Sp. Proj	65,340	42,286	23,054	39.3	166,167
Public Education	24,814	2,512	22,302	16.9	146,922
Young Lawyers Division	1,012	8,004	(6,992)	2.1	48,000
Total Expenses	\$ 1,085,455	\$ 885,694	\$ 199,761	19.5	\$ 5,562,258
Net Revenue/(Expense)	\$ 2,887,141	\$ 3,057,988	\$ (170,847)		\$ 233,050
Add: Depreciation	7,814	6,686	1,128		55,363
Cash Increase/(Decrease) from Operations	\$ 2,894,955	\$ 3,064,674	\$ (169,719)		\$ 288,413
Other Uses of Cash					
Change in Assets/Liabilities	252,716	252,716	-		
Capital Expenditures	902	550,000	(549,098)		550,000
Net Change in Cash	\$ 3,146,769	\$ 2,767,390	\$ 379,379		\$ (261,587)

Enclosures

UTAH STATE BAR
2013

Fall Forum

November 14-15

Little America Hotel
SALT LAKE CITY

Up to

8 HRS.

CLE Credit*

*Including up to 2 hours Ethics.

Schedule & Registration Materials Inside →

Fall Forum Schedule of Events

THURSDAY, NOVEMBER 14

5:30 pm –
6:30 pm

Reception: Light refreshments served

6:30 pm –
7:30 pm

Multitasking Gone Mad: How to Practice Effectively in a Wired, Distracting, Demanding World

Attorneys must cope with a wired, demanding, distracting world in order to practice law effectively and ethically. Mr. Karp will address the emotional and physiological consequences of always being connected and the potential negative impact on legal work. He will explore the impact of multitasking, ways to overcome it, and how to stay focused on what matters most.



Irwin Karp is a productivity consultant with Productive Time in Sacramento, California. He is also an attorney with 30+ years of experience. Mr. Karp presents seminars around the country in the areas of time management, personal and team productivity, project management, organization, overcoming procrastination, e-mail management, communications, and workflow.

FRIDAY, NOVEMBER 15

8:00 am –
8:30 am

Welcome & Awards

8:30 am –
9:30 am

Our Crisis of Overconfidence

Attorneys and clients often lose settlement opportunities because they are mistakenly overconfident in case evaluations and settlement positions. Mr. Kiser has studied the frequency, costs and predictors of legal decision-making errors and teaches how clients, attorneys and neutrals can improve decision-making made under conflict. He will share the results of his extensive research into more than 12,000 legal settlement decisions and outline specific ways to obtain much more accurate decision-making competence.



Randy Kiser is the Principal Analyst at DecisionSet in Palo Alto, California, and an international authority on legal decision making. He teaches Advanced Decision Analysis at the Straus Institute for Dispute Resolution at Pepperdine University, and his extensive research has been featured in a broad range of publications from the *New York Times* to U.S. Supreme Court briefs.

9:30 am –
9:45 am

BREAK

SESSION 1

Litigation

General

Hot Topics

Transactional

Technology

9:45 am –
10:45 am

How Leading Lawyers Think: Case Evaluation and Strategy

Hon. Kate A. Toomey –
Third District Court
Hon. William B. Bohling,
ret. – Bohling Mediation
Hon. David M. Connors
– Second District Court,
Randy Kiser – DecisionSet
Jonathan O. Hafen – Parr
Brown Gee & Loveless

How to Become Involved With the Community as a Lawyer/Leader

Rep. Derek E. Brown –
District 49
Sen. Todd Weiler –
District 23
Peggy M. Hunt – Dorsey

Being Prepared for a Short Term and a Long Term Absence from the Law Office

Lloyd D. Cohen – Cohen Law
Offices, Columbus Ohio

Clear and Effective Communications

Irwin Karp – Productive
Time

eFiling – the Aftermath

Debra J. Moore – Utah District
Court Administrator

10:45 am –
11:00 am

BREAK

SESSION 2

Litigation

General

Hot Topics

Transactional

Technology

11:00 am –
12:00 pm

We're Off to See the Wizard! Technology in Federal Court

Hon. David Nuffer – U.S.
Federal District Court
Hon. Clark Waddoups –
U.S. Federal District Court

Understanding and Capitalizing on Very Real Generational Gaps

Kari Ellison – Associate
Vice President for Student
Development, University
of Utah

Immigration Consequences of Criminal Conduct Under the Immigration and Nationality Act

Magistrate Judge Dustin B.
Peard, U.S. Federal
District Court

Overcoming Procrastination – How to Kick the Habit

Irwin Karp – Productive
Time

What Happens To Your
Digital Assets (Or Your
Client's) When You (Or
Your Client) Kicks the
Bucket (Or Gets Fired)?
Randy L. Dryer – Parsons
Behle & Latimer
ETHICS CREDIT

12:00 pm –
12:30 pm

Lunch & Awards

12:30 pm –
1:30 pm

The Art & Science of Changing Minds

How would you like to have clients and juries accept your position? You can dramatically improve your odds by understanding how people make decisions and what causes them to act. This dynamic program draws on the latest psychological research to illustrate how you can influence clients, prospects, juries and colleagues to change their minds and effect real change. It isn't just the soundness of your position, it is the persuasiveness of your approach. Learn how to persuade.



Steve Hughes is the founder and president of Hit Your Stride, LLC, a communications consultancy that helps attorneys look and sound smart when they talk. He is the author of the upcoming book *Dazzle Me* and his seminars have been featured on NPR, BBC Radio, and BusinessWeek. Steve is also the proud creator of "International Be Kind To Lawyers Day" (celebrated annually on the 2nd Tuesday in April).

1:30 pm –
1:45 pm

BREAK

SESSION 3

Litigation

The Clock is Ticking! Using Limited Deposition Time Wisely, Part 1

Hon. Andrew H. Stone – Third District Court
Hon. Thomas L. Kay – Second District Court
James S. Jardine – Ray Quinney & Nebeker
Justin T. Toth – Ray Quinney & Nebeker
Bryon J. Benevento – Dorsey
Kimberly A. Neville – Dorsey

General

Making a Great and Lasting First Impression

Steve Hughes – Hit Your Stride, LLC

Hot Topics

Handling Cases Involving Weapons, Litigation

Rep. Curt Oda – District 14
Mitch D. Vilos – Attorney
Michael S. Steck – Attorney

Transactional

It is what it is, but what is it? 2012 Tax Law Highlights

Gail Anger, CPA – Professional Business Advisors

Technology

Technology to Rival the NSA: Making Your Target Transparent

Rick Memmott – Manager of Decalogic

1:45 pm –
2:45 pm

2:45 pm –
3:00 pm

BREAK

SESSION 4

Litigation

The Clock is Ticking! Using Limited Deposition Time Wisely, Part 2

Hon. Andrew H. Stone – Third District Court
Hon. Thomas L. Kay – Second District Court
James S. Jardine – Ray Quinney & Nebeker
Justin T. Toth – Ray Quinney & Nebeker
Bryon J. Benevento – Dorsey
Kimberly A. Neville – Dorsey

General

Violence and Threats Against the Utah Legal Profession: What is Occurring and How to Respond

Stephen D. Kelson – Christensen & Jensen
Carol Price – Court Security Director, State of Utah

Hot Topics

What You May Not Know, But Should Know, in the Practice of Family Law

Comm. Joshua Faulkner – Fourth District Court

Transactional

Representing Buyers & Sellers in Residential Real Estate Transactions: What You Need to Know

Tyler Stoeher – Law Clerk, Chief Justice Matthew B. Durrant, Utah Supreme Court, and licensed Utah real estate agent

Technology

Ethics in the Clouds

Blair E. Janis – WealthCounsel

ETHICS CREDIT

3:00 pm –
4:00 pm

4:00 pm –
4:15 pm

BREAK

SESSION 5

Litigation

Is Facebook Your Friend? Using Social Media to Build Your Case

Hon. James T. Blanch – Third District Court
Alan Mortensen – Dewsnup King & Olsen

General

Drafting & Defending Confidentiality, Non-compete and Non-solicitation Agreements

Katherine E. Judd – Clyde Snow & Sessions
T. Mickell Jimenez – Clyde Snow & Sessions

Hot Topics

Keeping Emotionally Balanced Despite the Rigors of Family Law

Dr. Matthew V. Davis, Ph.D. – Private Practice, Family, Adolescent, Child Treatment Services, Salt Lake City

Transactional

Utah's New Asset Protection Trust Statute: How Does It Stack Up?

Rust Tippett – Bennett Tueller Johnson & Deere

Technology

Client Management Tools for Dummies

Lincoln Mead – Webmaster, Utah State Bar

4:15 pm –
5:15 pm

Fall Forum Committee: Co-Chairs Denver Snuffer & Cathleen Gilbert with Irshad Aadil, Doug Adair, Sara Bouley, Jon Hafen, Katherine Judd, Steve Kelson, Joyce Maughan, RobRoy Platt, Virginia Sudbury, and Gabriel White

Fall Forum Sponsors & Exhibitors

ALPS

Aptegra

Attorneys Title

AVLAW Depot

C J Kofoed & Associates

CLIO Practice Management

Green Filing

Jos. A. Bank

Marsh

MediaOne of Utah

Orange Legal Technologies

Sage Forensic Accounting

Statewide Process Servers

Thomson Reuters

Utah Association for Justice

Utah State Law Library

Fall Forum Registration

Pre-registration is recommended, as space is limited. Door registrations are accepted on a first come, first served basis. Please fill out and return this registration form by fax (801-531-0660) or by mail (Utah State Bar, CLE, 645 South 200 East, Salt Lake City, UT 84111). You may also register on-line at www.utahbar.org/cle. Questions: call (801) 297-7036.

Name: _____ Bar #: _____

Address: _____

City/State/Zip: _____

Email: _____ Telephone: _____

Payment: ☐ Check ☐ VISA ☐ MasterCard ☐ AMEX Amount \$: _____

Card #: _____ Exp. Date: _____

Discount Registration if postmarked by November 1.

Lawyers: \$235 before November 1, \$260 after

Active under three years: \$160 before November 1, \$185 after

Non-lawyer assistants: \$160 before November 1, \$185 after

Paralegal Division Members: \$135 before November 1, \$160 after



Utah State Bar

Office of Professional Conduct

645 South 200 East, Suite 205 • Salt Lake City, Utah 84111-3834

Telephone: (801) 531-9110 • FAX: (801) 531-9912

E-mail: opc@utahbar.org

August 30, 2013

Billy L. Walker

Senior Counsel

Todd Wahlquist

Deputy Senior Counsel

Diane Akiyama

Assistant Counsel

Adam C. Bevis

Assistant Counsel

Sharadee Fleming

Assistant Counsel

Barbara L. Townsend

Assistant Counsel

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

Re: Annual Report – July 1, 2012 through June 30, 2013

Dear Commissioners:

Pursuant to Rule 14-503(i) of the Rules of Lawyer Discipline and Disability, adopted July 1, 1993, Senior Counsel of the Utah State Bar, Office of Professional Conduct respectfully submits the following report on the state of the work of the Office of Professional Conduct and the Ethics and Discipline Committee. This report is submitted for the period July 1, 2012 through June 30, 2013.

Sincerely,

Billy L. Walker
Senior Counsel
Office of Professional Conduct

BLW:isw

Enclosure

cc: John C. Baldwin, Esq.
Executive Director
Utah State Bar (w/encl.)

**UTAH STATE BAR
OFFICE OF PROFESSIONAL CONDUCT**

**ANNUAL REPORT
August 2013**

INTRODUCTION

This report on the Office of Professional Conduct ("OPC") will focus on six areas: (I) staff composition; (II) attorney misconduct case process and procedure; (III) statistics for fiscal year 2012-2013; (IV) progress and goals on cases; (V) the Consumer Assistance Program ("CAP"); ^A and (VI) goals for fiscal year 2013-2014.

I. STAFF COMPOSITION

The staff for fiscal year 2012-2013 consisted of ten (10) full-time employees and one part-time file clerk. These ten (10) full-time employees include Senior Counsel, a Deputy Senior Counsel, four Assistant Counsels, two Paralegals, one Legal Secretary/Assistant to Counsel, and one Intake Clerk.

II. ATTORNEY MISCONDUCT CASE PROCESS AND PROCEDURE

A) Rules

The Rules of Lawyer Discipline and Disability ("RLDD") are in Chapter 14, Article 5, of the Utah Supreme Court Rules of Professional Practice. The RLDD are the authority for the attorney misconduct process and procedure. Rule 14-504 of the RLDD is the overall authority for the OPC and Senior Counsel as head of the OPC.

B) Ethics and Discipline Committee

Pursuant to Rule 14-503 of the RLDD, twenty-seven (27) volunteer attorneys and eight (8) volunteer non-attorneys are appointed by the Utah Supreme Court to serve on an administrative body called the Ethics and Discipline Committee ("Committee"). The Committee's function is to consider attorney discipline cases that are appropriately referred to it under the RLDD.

^A CAP is a program at the Utah Bar separate from the OPC and manned by a part-time attorney to handle minor disputes between consumers (i.e., clients) and attorneys.

Phyllis Vetter, Office of General Counsel, University of Utah
Rosemary J. Beless, Fabian & Clendenin
Shawn McMillen, Public Member
Alexis Cairo, Public Member

Panel D

Vernon L. Hopkinson, Cohne, Rappaport & Segal, P.C. - Chair
Colin Winchester, Judicial Conduct Commission - Vice-Chair
Victoria Cramer, Cramer & Cramer LLC
Laura K. Thompson, Utah Attorney General's Office
Trystan B. Smith, Trystan Smith & Associates
Howard C. Nielson, Jr., Cooper & Kirk
Shari D. Faulkner, Public Member
Fred Fairclough, Public Member

The majority of Screening Panel work is done by conducting hearings. The Screening Panel work must be presided over by either the Screening Panel Chair or the Screening Panel Vice-Chair, and must have a quorum consisting of two attorneys and one non-attorney.

The OPC has the duty to be the secretary of the Committee and handle the Committee's administrative affairs. These OPC duties include, among other responsibilities, the scheduling of the hearings of the Committee and sending notices to the participants of these hearings.

C) How the OPC Addresses Information That Comes to Its Attention

Specifically addressing the processing of cases, the pertinent provisions of Rule 14-504(b) of the RLDD state that Senior Counsel and the OPC have the power and duty to:

- (1) Screen all information coming to the attention of the OPC to determine whether it is within the jurisdiction of the OPC in that it relates to misconduct by a lawyer or to the incapacity of a lawyer;
- (2) Investigate all information coming to the attention of the Office which, if true, would be grounds for discipline or transfer to disability status and investigate all facts pertaining to petitions for reinstatement or readmission;

1) Central Intake System

The OPC's Central Intake System is staffed by three attorneys^B who are assigned to review all initial information received (Requests for Assistance and informal complaints) to determine whether the matter should be appropriately closed by a declination to prosecute or a dismissal, or whether the matter should be processed further for referral to a Screening Panel. These decisions are made jointly by the intake attorneys and the other staff attorneys at weekly case status meetings.^C

As part of this system, at the weekly attorney staff meetings the OPC reviews all written Requests for Assistance that it receives, or that are made directly to CAP. The OPC determines whether the Request for Assistance is appropriate to be handled through CAP (i.e., minor attorney concerns that most likely do not rise to the level of Rule of Professional Conduct violations), or whether the Request for Assistance should be resubmitted as an informal complaint and addressed by the OPC (i.e., serious attorney concerns or matters involving attorneys who are already under investigation by the OPC on the basis of other informal complaints alleging similar concerns). Within those parameters, when appropriate, Requests for Assistance are sent to CAP and there is OPC case closure. The OPC may also close the case by a determination of declination

^B Two are on a regular rotation of intake case assignments and one is on a partial rotation of intake case assignments.

^C As part of the Board of Bar Commissioners' Review mentioned in the 2009-2010 Annual Report, the Commission recommended that the OPC utilize assistance from experienced attorneys as consultants at these weekly meetings. Thus, as of August 2010, the 6 member OPC consultant group has rotated in attendance. During the past fiscal year, the consultant group consisted of: Francis J. Carney (Attorney At Law); Clark W. Sessions (Clyde Snow & Sessions); Patricia W. Christensen (Parr, Brown, Gee & Loveless); Honorable Pamela T. Greenwood; and Lawrence E. Stevens (Parsons, Behle & Latimer). This consultant group completed its work by the end of the last fiscal year (2011-2012).

information that the OPC has received from the Complainant. The NOIC will also identify with particularity the possible violations of the Rules of Professional Conduct raised by the informal complaint as preliminarily determined by the OPC. The attorney has 20 days after service of the NOIC to file with the OPC a written and signed answer setting forth in full an explanation of the facts surrounding the informal complaint, together with all defenses and responses to the claims of possible misconduct.

The OPC sends the Complainant a copy of the attorney's response to the NOIC and, in most cases, continues its investigation by obtaining a reply from the Complainant to the attorney's response. Further, where necessary and appropriate to ascertain the facts necessary to assess the charges, the OPC will seek additional responses and/or contact witnesses. The OPC always examines all documents submitted by all participants. At any point during the investigation, the OPC is willing to conduct settlement discussions with the attorney. Upon completion of the investigation as outlined above, the OPC determines whether the informal complaint sets forth facts which by their very nature should be brought before a Screening Panel or if good cause otherwise exists to bring the matter before a Screening Panel. These are "non-frivolous" and "substantial" informal complaints within the meaning of RLDD 14-504(b)(3) and are required to be presented to Screening Panels consistent with RLDD 14-510(a)(5).

If upon completion of this investigation the OPC determines that the case is not substantial or is frivolous (i.e., the factual allegations made by the Complainant that can be proven do not constitute a violation of the Rules of Professional Conduct or the evidence is insufficient to establish probable cause that the attorney violated the Rules of Professional Conduct), the OPC dismisses the informal complaint consistent with

It should be noted that if the OPC declines to prosecute a case and a court subsequently makes findings that could be the basis for a finding of misconduct under the Rules of Professional Conduct, the OPC may re-open the case and address the findings.

3) Diversions

Diversion is an alternative to discipline that is entered into by agreement in attorney discipline cases. Pursuant to Rule 14-533 of the RLDD, the Utah Supreme Court created a Diversion Committee; if the attorney consents to a Diversion Agreement that is subsequently approved by the Diversion Committee, either a Screening Panel or the OPC may dismiss cases involving minor violations of the Rules of Professional Conduct. The specific types of cases that are not appropriate for diversion are: when the attorney is accused of misappropriating client funds; the attorney's behavior will, or is likely to, result in substantial prejudice to a client or other person absent adequate provisions for restitution; the attorney has previously been sanctioned in the immediately preceding three years; the current misconduct is of the same type for which the attorney has previously been sanctioned; the misconduct involved dishonesty, deceit, fraud, or misrepresentation; the misconduct constitutes a substantial threat of irreparable harm to the public; the misconduct is a felony; a misdemeanor that reflects adversely on the respondent's honesty, trustworthiness, or fitness as a lawyer; or, the attorney has engaged in a pattern of similar misconduct.

To be eligible for diversion, the presumptive sanction must not be more severe than a public reprimand or private admonition. Further, all involved must make an assessment of whether or not participation in diversion is likely to improve the attorney's

Professionalism Counseling Board. When the OPC dismisses an informal complaint after investigation or declines to prosecute an informal complaint, it gives notice to the Complainant of the language in Rule 14-510(a)(7) of the RLDD and allows the Complainant the opportunity to appeal the decision. If the Complainant files an appeal, the Committee Chair conducts a de novo review of the OPC file and either affirms the dismissal or directs the OPC to prepare the informal complaint for a Screening Panel hearing.

5) Screening Panel

If after investigation, the OPC determines that the allegations of the informal complaint are non-frivolous and substantial, or if the Chair or Vice-Chair of the Committee remands a case after an appeal, the OPC refers the informal complaint to a Screening Panel. The NOIC described in section 2 above is the official notice that is required for the OPC to bring the case before a Screening Panel.

A Screening Panel reviews all the facts developed by the informal complaint, the Respondent's answer, the OPC's investigation and the Screening Panel hearing. After this review, the Screening Panel may make any of the following determinations or recommendations:

- Dismissal for lack of merit;
- Dismissal with a letter of caution;
- Dismissal by referral to Diversion Committee;
- Dismissal by referral to Professionalism Counseling Board;
- Recommendation that the attorney be (privately) admonished or publicly reprimanded;

portion of which involves the adjudication of misconduct (i.e., Rules of Professional Conduct violations). If the judge does not dismiss the case and finds misconduct, the second stage of the trial is a sanctions hearing. At the end of the sanctions hearing, the judge can order sanctions and remedies that may include, but are not limited to, the following dispositions:

- | | |
|------------------------|--------------|
| ➤ Admonition | ➤ Probation |
| ➤ CLE or Ethics School | ➤ Suspension |
| ➤ Public Reprimand | ➤ Disbarment |
| ➤ Restitution | |

7) Formal Appeals

All appeals from District Court orders are directed to the Utah Supreme Court. Only the Respondent attorney or the OPC can appeal from the District Court order. The Utah Supreme Court under its constitutional authority to regulate the practice of law has the discretion to consider appeals of all attorney discipline cases.

8) Monitored Cases

Monitored cases include probation cases, disability cases and trusteeship cases. Where appropriate, probation cases require someone to docket reminder dates, and follow-up to ensure that the attorney meets the probation requirements. Disability cases generally require someone to investigate the extent of the disability, to process the case through District Court, and to monitor the continuing status of the attorney. Trusteeship cases generally require that someone inventory the attorney's files, notify the attorney's clients of the trusteeship, and assist with distribution of client files to the clients. Additionally, trusteeship cases require someone to inventory unclaimed files, prepare a notice for publication of potential destruction of the files, prepare a request to the District Court to approve destruction of unclaimed files, and ultimately to destroy the files.

When the OPC has to undertake a trusteeship, it takes a significant amount of

11) Final Dispositions

Until a case reaches a "final" disposition, the OPC considers it an active case. Final dispositions are cases where the result has been determined to be dismissal, dismissal with caution, admonition, public reprimand, disbarment, time-specified suspension, trusteeship where OPC is not the trustee, probation, resignation pending discipline, and cases in which no appeal is pending.

III. STATISTICS – Fiscal Year 2012-2013 (July 1, 2012 to June 30, 2013)

A) Case Activity

Active cases reported as of 7/1/12389

1) Cases opened

Informal Complaints	289
Requests for Assistance	622
Reinstatements	6
Reciprocals	3
Disability	1
Trusteeship	5
Total	926

Total cases processed during period:1315

2) Informal Complaints Closed

By Declination to Prosecute (declination)	46
By Summary Dismissal (summary)	124
By Dismissal After Investigation (standard)	55
By Dismissal After Screening Panel	9
Total	234

3) Requests for Assistance Closed

By Sending to CAP	39
By Return for Notarization	116
By Declination to Prosecute	371
Total	526

4) Cases Closed With Orders of:

		<u># of attys</u>
Admonition	14	(10)
Resignation With Discipline Pending	1	(1)

Formal cases filed with the District Court 14
 (Representing 23 underlying informal complaints)

<u>Screening Panel outcomes were as follows:</u>		<u>(# of attys)</u>
Cases voted formal.....	23	(17)
Cases voted public reprimand	7	(7)
Cases voted admonition	8	(7)
Cases dismissed	2	(2)
Cases dismissed with a caution	6	(6)
Total Screening Panel Case Outcomes	46	(39)

7) Stipulations

Resignation with Discipline Pending.....	1	(1)
Suspensions.....	3	(2)
Admonitions.....	1	(1)
Public Reprimands	6	(6)
Disability	1	(1)
Total Stipulations	12^E	(11)

8) Notice of Insufficient Funds

As part of the OPC case activity, Rule 1.15(a) of the Rules of Professional Conduct requires that attorneys maintain their trust accounts in financial institutions that agree to report to the OPC "in the event any instrument in properly payable form is presented against an attorney trust account containing insufficient funds (NSF), irrespective of whether or not the instrument is honored." Pursuant to this rule the OPC opened 107 NSF cases, and dismissed 91 NSF cases in fiscal year 2012-2013. The usual reasons for dismissals of NSF cases are accounting errors, bank errors, depositing errors, or drawing on the account before a deposit clears.

^E All stipulations were post-Screening Panel at the District Court level except for one Admonition, one Public Reprimand, and one Disability.

Informal Appeal Remanded	1
	(underlying informal complaints)
Formal Filed	38
Formal Filed Abeyance.....	2
Reinstatements	3
Trusteeships.....	21
Reciprocals.....	1

B) Miscellaneous

1) Ethics Hotline and CLE

Rule 14-504(b)(13) of the RLDD requires that the OPC provide informal guidance to promote ethical conduct by Bar members. In compliance with this rule, the OPC has an Ethics Hotline where the OPC attorneys give Bar members informal guidance by telephone.⁶ During fiscal year 2012-2013, the OPC rendered 685 informal ethics opinions by telephone.

Additionally, the OPC attorneys make Continuing Legal Education (“CLE”) ethics presentations. During fiscal year 2012-2013, the OPC’s CLE presentations totaled 47.5 hours. Two of the CLE presentations were at the Ethics School conducted by the OPC. The OPC titles the Ethics School “What You Didn’t Learn in Law School.” Some attorneys are required to be there as a condition of a disciplinary case, but the OPC usually opens it to the entire Bar. At the school, the OPC covers a number of topics, including the lawyer discipline process, engaging and terminating the attorney-client

⁶ The OPC also takes Ethics Hotline “calls” as posted to the Bar’s website. These website requests are responded to by telephone.

Percentage ^H	Rule	
61.29%	1.4	(Communication)
38.71%	1.15	(Safekeeping Property)
38.71%	1.3	(Diligence)
38.71%	1.16	(Declining or Terminating Representation)
32.26%	8.4d	(Misconduct Prejudicial to the Administration of Justice)
25.81%	8.1b	(Bar Admission and Disciplinary Matters)
25.81%	1.5	(Fees)
19.35%	8.4c	(Misconduct – Deceit, Fraud, Misrepresentation)
16.13%	1.1	(Misconduct – Deceit, Fraud, Misrepresentation)
12.90%	1.2	(Scope of Representation and Allocation of Authority Between Client and Lawyer)
9.68%	5.1	(Responsibilities of Partners, Managers, and Supervisory Lawyers)
9.68%	3.2	(Expediting Litigation)
9.68%	1.8	(Conflict of Interest: Current Clients: Specific Rules)
6.45%	8.4b	(Misconduct – Criminal Act)
6.45%	3.3	(Candor Toward the Tribunal)
3.23%	4.2	(Communication with Persons Represented by Counsel)
3.23%	5.5	(Unauthorized Practice of Law; Multijurisdictional Practice of Law)
3.23%	3.4	(Fairness to Opposing Party and Counsel)
3.23%	5.3	(Responsibilities Regarding Nonlawyer Assistants)
3.23%	4.1	(Truthfulness in Statements to Others)
3.23%	7.5	(Firm Names and Letterheads)

The OPC's impression is that violations of Rule 1.1 (Competence) commonly derive from attorneys missing court appearances; that violations of Rule 1.5 (Fees) commonly arise from attorneys collecting fees without performing meaningful work; that violations of Rule 1.15 (Safekeeping Property) often arise from attorneys failing to promptly provide an accounting of how fees were used; that violations of Rule 1.16 (Declining or Terminating Representation) commonly result from attorneys withholding the client file upon termination of the representation; and violations of Rule 8.1(b) (Bar Admission and Disciplinary Matters) usually are based upon attorneys failing to respond to the OPC's lawful

^H The total percentages of actual rule violations exceed 100% because each order of discipline generally includes multiple Rule of Professional Conduct violations.

other non-central intake attorneys as part of an up front CAP review to determine if some of the Requests for Assistance can be sent to CAP without the need for further OPC review and the utilization of OPC resources (this should result in more cases reviewed by CAP); and

- (3) The OPC will hire an Intake Paralegal to replace the Assistant to Counsel position to help with intake case management and investigations.

Hopefully these changes will help to resolve this issue and result in the overall expeditious processing of cases.

Finally, the OPC has the goal of bringing the majority of all its cases to final resolution in a current fiscal year. In this fiscal year, the OPC brought approximately 62% of the cases it processed to a final disposition; this included bringing informal and post-informal stage cases to final dispositions. Based upon this fact, the OPC accomplished this goal. It should also be noted that while accomplishing this goal, the OPC also filed a significant number of new formal cases. In this respect, in addition to handling 12 new cases in the areas of reinstatement/trusteeship/disability/reciprocal, the OPC filed 14 new formal cases with the District Court (the 14 formal cases represent 23 underlying informal complaints).

The OPC does not simply concentrate its efforts on older cases: it attempts to provide expedited and efficient work on all cases, new and old. This work method is intended to keep cases progressing.

The Central Intake System greatly aids case processing goals. Central Intake enables the OPC to address all information coming to its attention (both notarized and non-notarized) and to quickly and efficiently determine the appropriate track for the

VI. GOALS FOR FISCAL YEAR 2012-2013

The OPC will continue to work toward the goals outlined in this report. Specifically, the OPC has a responsibility to resolve disciplinary complaints in a uniform; expeditious; professional; civil and systematic way to protect the public, clients, and the legal profession from the professional misconduct of attorneys. The overriding goal is to continue to develop the OPC case processing system to ensure that the majority of resources are utilized to more quickly prosecute those cases where it is appropriate to file formal complaints with the District Court.

CONCLUSION

The OPC staff is excellent and continues its hard work. The OPC will continue its efforts towards efficiency in the expedition of cases. The OPC looks forward to another productive year.



Billy L. Walker
Senior Counsel
Office of Professional Conduct
Utah State Bar

Utah State Bar

Lawyers working for justice.



JUSTICE

2012–2013

Summary of Operations

Vision of the Utah State Bar

Lawyers creating a justice system that is understood, valued, respected, and accessible to all.



Mission of the Utah State Bar

To lead Utah lawyers in serving the public and the legal profession by promoting justice, professional excellence, civility, ethics, and respect for and understanding of the law.

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;

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;

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 www.utahbar.org.

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 ten 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 twenty-seven full-time and six part-time employees.

During the 2012 – 2013 year, the Bar Commission included the following:

ELECTED OFFICERS:

Lori W. Nelson, President
Jones Waldo Holbrook & McDonough – Salt Lake City

Curtis M Jensen, President-elect
Snow Jensen & Reece – St. George

ELECTED LAWYERS AND GEOGRAPHIC AREA:

Herm Olsen, 1st Division
Box Elder, Cache and Rich Counties
Hillyard Anderson & Olsen – Logan

James D. Gilson, 3rd Division
Tooele, Salt Lake and Summit Counties
Callister Nebeker & McCullough – Salt Lake City

Felshaw Kings, 2nd Division
Weber, Morgan and Davis Counties
King & King – Farmington

John R. Lund, 3rd Division
Tooele, Salt Lake and Summit Counties
Snow Christensen & Martineau – Salt Lake City

H. Dickson Burton, 3rd Division
Tooele, Salt Lake and Summit Counties
TraskBritt – Salt Lake City

Robert O. Rice, 3rd Division
Tooele, Salt Lake and Summit Counties
Ray Quinney & Nebeker – Salt Lake City

Hon. Su J. Chon, 3rd Division
Tooele, Salt Lake and Summit Counties
Third District Court – Salt Lake City

Thomas W. Seiler, 4th Division
Millard, Juab, Utah and Wasatch Counties
Robinson Seiler & Anderson – Provo

Angelina Tsu, 3rd Division
Tooele, Salt Lake and Summit Counties
Zions Management Services Corp. – Salt Lake City

Michael Leavitt, 5th Division
Washington, Iron, Beaver, Sanpete, Sevier, Piute,
Wayne, Garfield, and Kane Counties
Durham Jones & Pinegar, PC – St. George

Hon. Evelyn J. Furse, 3rd Division
Tooele, Salt Lake and Summit Counties
United States District Court – Salt Lake City

2012-2013 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 2012 – 2013 year, those goals included:

- Public and Lawyer Education
- Fair and Impartial Judiciary
- Delivery of Affordable Legal Services
- Bar Building Review
- Implementation of Inclusion Policy
- Group Benefits

UTAH STATE BAR, 2012-2013 BOARD OF BAR COMMISSIONERS



PUBLIC MEMBERS APPOINTED BY THE SUPREME COURT:

Steven R. Burt, ALA, Public Member
Entelien Design-Build – Salt Lake City

Mary Kay Griffin, CPA, Public Member
Mayer Hoffman McCann – Salt Lake City

EX OFFICIO MEMBERS, APPOINTED BY THE COMMISSION FOR ONE-YEAR TERMS:

Robert L. Jeffs, Immediate Past Bar President
Jeffs & Jeffs – Provo

Lawrence E. Stevens, Utah State Bar Delegate to the ABA
Parsons Behle & Latimer – Salt Lake City

Hiram E. Chodosh, Dean, S. J. Quinney College of Law

Jenifer Tomchak, Young Lawyers Division
Parr Waddoups Brown Gee & Loveless

Danielle Davis, Paralegal Division Representative

Linh Tran-Layton, Minority Bar Association Rep.
JLJ Law Group, PLLC – Salt Lake City

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

Melanie Variabedian, Women Lawyers of Utah Rep.
Ballard Spahr, LLP – Salt Lake City

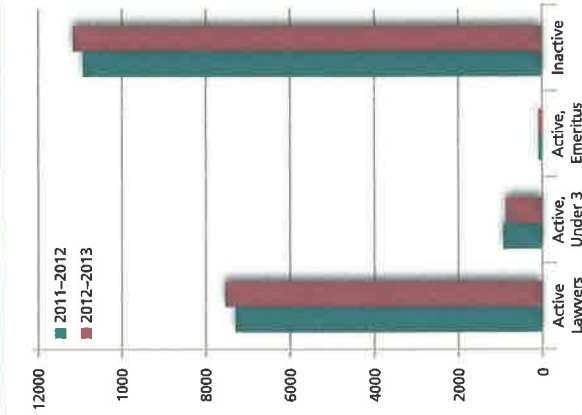
Margaret D. Plane, Utah State Bar Delegate to the ABA
Salt Lake City Attorney's Office – Salt Lake City

OTHER REPRESENTATIVES:

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

Diane Abegglen, Utah Supreme Court Liaison

Licensing Statistics



2011-2012 2012-2013 Change

ACTIVE STATUS		8,491	8,785	294
Active Lawyers		7,318	7,601	283
Active, Under 3 Years		989	974	(15)
Active, Emeritus		152	167	15
In House Counsel		32	43	11
ACTIVE STATUS BY LOCATION				
1st Judicial District		136	135	(1)
2nd Judicial District		615	619	4
3rd Judicial District		4,722	4,720	(2)
4th Judicial District		764	777	13
5th-8th Judicial Districts		401	393	(8)
Out of State		683	683	0
No Division Designated		902	1,161	259
		8,226	8,226	313
INACTIVE LAWYERS		2,428	2,479	51
Inactive, Full Service		702	718	16
Inactive, No Service		1,465	1,499	34
Inactive, Emeritus		261	262	1
TOTAL INACTIVE & ACTIVE		10,919	11,164	345

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 2012-2013 year, we had the following special admissions applications:

	Applications	Admitted	Pending	Denied	Withdrawn
Military					
House Counsel					0
Motion					0
Uniform Bar Transfers					
Pro Hac Vice	257				

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, the Admissions Ceremonies and all reciprocal admissions. Committees include the Admissions Committee (Steven T. Waterman and Judge James Z. Davis, Co-chairs), Character and Fitness Committee (Bryon J. Benevento and Andrew Morse, Co-chairs), Bar Examiner Committee (Tiffany Brown and David K. Broadbent, Co-chairs), and the Test Accommodation Committee (Michele Ballantyne, Chair).

JULY 2012 BAR EXAMINATION STATISTICS	
345 Took the July Bar Exam - 275 Passed	Pass Rate for the July 2012 Bar Exam: 80%
Essay Scores: 60 points possible	Average Score: 37
Multistate Scores: 200 points possible	Utah Average: 145
	National Average: 143
	(52,332 tested)
Combined Scores: Utah Median Score: 290	Passing Score: 270

FEBRUARY 2013 BAR EXAMINATION STATISTICS	
158 Took the February Bar Exam - 122 Passed	Pass Rate for the February 2013 Bar Exam: 77%
Essay Scores: 60 points possible	Average Score: 28
Multistate Scores: 200 points possible	Utah Average: 144
	National Average: 138
	(21,578 tested)
Combined Scores: Utah Median Score: 286	Passing Score: 270

PROFESSIONAL CONDUCT ENFORCEMENT

The Office of Professional Conduct investigates complaints of unethical conduct; provides ethics education seminars; provides informal advisory opinions; makes presentation to hearing panels; and either resolves or prosecutes cases. 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); the Supreme Court Advisory Committee on Professionalism (Justice Thomas R. Lee, Chair); and the Supreme Court Diversion Committee (Perri A. Babalis, Chair). The office has prepared a separate report on its operations, which is available at www.utahbar.org/opcl.

CONTINUING LEGAL EDUCATION

In the past year, the CLE Department coordinated or presented 221 events (136 luncheons and 85 seminars) in 42 general practice areas. Eighteen of these events were broadcast via the web and 48 seminars were available to participate by telephone. A total of 2,973 video replays and webcasts from other entities were viewed 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. Westergaard, CPA, Chair). A copy of the 2011-2012 audit by Deloitte and Touch is available at www.utahbar.org/bar-operations/.

"GROUP" SERVICES

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 (Susan Peterson and Rich Hartvigsen, Co-chairs), the Summer Convention Committee (Mitzi Collins and Mark Morris, Co-chairs), and the Spring Convention Committee (Keith Barnes, Chair).



2012 Summer Convention
in Sun Valley, Idaho
382 lawyers; 13 CLE hrs



2013 Spring Convention
in St. George
425 lawyers; 10 CLE hrs

MEMBER BENEFIT PROGRAMS

The Group Benefits department works with numerous companies to provide a list of goods and services to Utah State Bar lawyers and the legal community. The Bar has negotiated group benefit discounts with 32 different partners, including free legal research through Casemaker, free professional counseling through Blomquist Hale Consulting and peer-to-peer assistance through Lawyers Helping Lawyers. The Bar was able to add affordable group medical insurance to the list of benefits. The Member Resource Committee (Robert L. Jeffs, Chair) meets regularly to review and promote benefits. A link to group benefits is available at www.utahbar.org/members/.

COMMITTEE SUPPORT – UNRELATED TO OTHER PROGRAMS

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

SECTION & DIVISION SUPPORT

Staff provides support services to 33 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 www.utahbar.org/bar-operations/.

BAR JOURNAL

The Bar 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. This year, the *Bar Journal* was available online in e-book formats with fully searchable text and clickable links. Access to past issues of the *Bar Journal* can be found at www.utahbar.org.



COMMUNICATIONS

The external communications function of the Bar was brought in-house in early 2013. In the month of June, the Bar had two radio interviews, two print and online stories, two print-only articles, and two online-only features. In July, there was one TV program, one radio interview, one print and online stories, one print-only article, and three online-only features. An eight-page Law Day Insert was coordinated with *The Salt Lake Tribune* and *Deseret News* with extensive editorial content from the Bar. Radio spots were produced for about 10% of the cost incurred with the agency, and they had higher production values and were more relevant to the Bar's mission. Logos, slogans, the mission statement, and the vision statement have been updated with a focus on the lawyers of the Bar. The new director has also assisted with internal communications, including the E-Bulletin, a new monthly benefits e-mail, surveys, online strategies, and writing and editing for other departments.

NEW LAWYER TRAINING PROGRAM

In 2009 the Utah State Bar implemented a mandatory mentoring program for new admittees to the bar. The goal of the Utah State Bar's New Lawyer Training Program ("NLTP") is to train new lawyers during their first year of practice in professionalism, ethics and civility. The NLTP assists new lawyers in acquiring the practical skills and judgment necessary to practice in a highly competent manner. The NLTP is also a means for all Utah attorneys to learn the importance of organizational mentoring, including the building of developmental networks and long-term mentoring relationships.

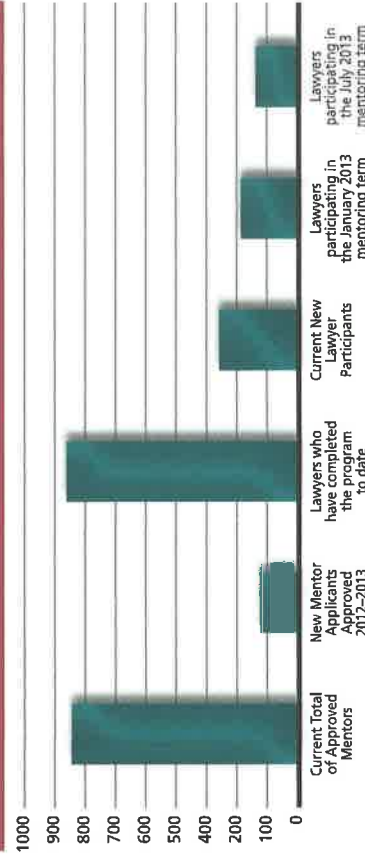
New Lawyer NLTP participants work with a Utah Supreme Court Approved mentor during their first year of practice. The mentor and new lawyer are required to meet at least once a month for twelve months to discuss the new lawyer's legal work, professional development and adjustment to the practice of law. 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, 2013 there are 839 approved mentors. Between July 2012 and June 2013, 104 new mentor applicants were approved by the Supreme Court Advisory Committee on Professionalism and three mentor applicants were not approved. Ten previously approved mentors asked to be removed from the list of available mentors.

As of July 31, 2013, 860 new lawyers have completed the NLTP since the Program's inception in 2009. There are 190 new lawyers participating in the January 2013 mentoring term and 127 participating in the July 2013 mentoring term for a total of 317 current participants.

NEW LAWYER TRAINING PROGRAM



PUBLIC SERVICES

ACCESS TO JUSTICE PROGRAMS

In the 2012/2013 fiscal year, the Bar has fostered existing programs and has moved forward developing new programs to provide greater Access to Justice for those in Utah. The Pro Bono Department was changed to the Access to Justice Department to encompass helping those in poverty as well as those in the middle class. The Bar has also continued to foster the Senior Center Clinics that were started by the Elder Law Section in 2010, the Tuesday Night Bar Program put on by the Young Lawyers Division of the Bar, the Debtor's Counseling Clinic put on in conjunction with the University of Utah Pro Bono Initiative and Utah Legal Services.



In addition to the sustaining of these long running programs the Bar has begun to grow the new Utah Pro Bono Commission (Judge Michele M. Christiansen and Judge Royal I. Hansen, Co-Chairs). The program places cases in different areas of the law including domestic, consumer, post conviction and probate law. The program has helped to recruit over 700 attorneys who are willing to provide pro bono services. The Pro Bono Commission has worked to place cases coming from Utah Legal Services and Judges and is working to broaden the number of organizations who can take part in the program. In seven of our eight judicial districts the Pro Bono Commission has set up Committees who are co-chaired by a district court judge and a local attorney. The Commission and the Committees work together to recruit and recognize attorneys, place cases for representation with volunteer attorneys and determine the legal needs of the local community. The committees have been a great success in bringing about case placements and programs that provide support and opportunities to the attorneys in their districts so that they can serve in the way that works best for their community. This program will be a beacon to other states on how the Bar and legal service providers throughout the state can work together to provide a wider variety of much needed legal services to the needy.



The Modest Means Lawyer Referral Program (Judge Su Choon and John Lund, Co-Chairs) provides the average Utahn the ability to obtain an attorney and gives attorneys the ability to obtain clients through a referral services by agreeing to provide services at a lower cost. The program began giving referrals in late February 2013 and has given a total of 116 referrals in the 2012/2013 fiscal year. Attorneys participating in the Modest Means Lawyer Referral Program recognize the benefits of their participation not only for the public but for themselves and their practices.

The Access to Justice Department in partnership with the CLE department has provided CLEs to give attorneys skills needed to provide *pro bono* and modest means services in much needed areas of law. The CLE programs provide attorneys the opportunity to take cases that may not be part of their normal practice.

The Disaster Legal Response Committee (Ed P. Rutan and Brooke Ashton, Co-Chairs) continues to organize the pro bono legal services to victims in the event of a disaster in Utah. The Committee has been active in developing strategy and organizing materials within the topic.

While working on these programs the department has continued to be a resource to the general public and attorneys throughout the state; providing information to those looking for legal advice through phone and email, as well as helping attorneys fulfill their desire to provide services to low and middle income Utahns.

FUND FOR CLIENT PROTECTION

The Fund for Client Protection Committee (Hon. David R. Hamilton, Chair) has 11 attorney members. There were 20 claims made to the Utah State Bar Fund for Client Protection against 10 attorneys during the 2012-2013 fiscal year totaling \$124,970. Of these claims, 18 were approved for awards totaling \$93,858. A large number of cases in fiscal 2011-2012 regarding one attorney had to be heard over a three-year period. It was known that the claims would likely total more than the rules permitted to be paid against any individual attorney. Accordingly, it was decided that none of the awards would be submitted to the Bar Commission for payout until all of the cases had been heard, so that disbursement of funds amongst the claimants would be as fair as possible. Ultimately, the \$425,000 lifetime cap on Fund payouts per attorney required that the claims against this attorney ("Attorney A") be reduced by 11.8%. The result was as follows:

THE FUND AT A GLANCE	
Claims made to the Fund	20
Claims approved	18
Attorneys with claims made against them	10
Amount of claims made to the Fund	\$124,970
Amount of awards that were approved	\$93,858

Original "Attorney A" clients' claims on the Fund = \$550,089. Claims approved by the Fund for Client Protection Committee = \$481,780. After the 11.8% reduction = \$425,000.

Due to the \$75,000 per year limit per attorney, the "Attorney A" cases cannot all be paid in one year. The Committee, therefore, recommended that the 24 claimants who were awarded amounts over \$5,000 should receive payments from the Fund each year for the next six years until their claims are satisfied. "Attorney A" claims paid to date total \$150,000.

UNAUTHORIZED PRACTICE OF LAW COMMITTEE

During the 2012-2013 fiscal year, the Unauthorized Practice of Law Committee (Jonathan Rupp and Sarah Spencer, Co-chairs) and staff received 52 complaints and 24 cases were carried over from the 2011-2012 fiscal year for further investigation. The Committee is actively investigating 20 cases.

The committee received 24 complaints that were transferred to the Office of Professional Conduct, seven cases that were immigration matters, one fraud/theft complaint, two bankruptcy cases, three advertising issues (with no victim), and 10 complaints that were considered general Unauthorized Practice of Law concerns. The committee has worked on four formal complaints, three of which were resolved this year.

TUESDAY NIGHT BAR

Each Tuesday night, lawyers organized by the Young Lawyers Division provide free legal advice to approximately 1,200 members of the public at the Law & Justice Center. Other Tuesday Night Bar activities occur each week in various other locations around the state. Utah State Bar staff makes Tuesday Night Bar appointments and staffs the desk.

YOUNG LAWYERS DIVISION

The Young Lawyers have produced video mentoring on their web site; promote Law Day Activities, and provide numerous service projects, including Wills for Heroes. Their web site is www.utahbar.org/sections/yld/welcome.html.



JOINT "GROUP" & PUBLIC SERVICES

CONSUMER ASSISTANCE PROGRAM

The Bar offers support to both consumers and attorneys who need assistance in their communication with each other. Work performed by CAP eases the load for the OPC by dealing with minor complaints submitted by consumers whose main concerns usually include wanting timely return calls from their attorneys, wanting regular updates about their cases, and wanting regular billing statements. Complaints which rise to the level of ethical concerns are handled exclusively by OPC.

The CAP attorney addresses consumers' questions regarding the management of their legal matters and concerns about their lawyers. Additionally, the CAP attorney offers guidance to consumers to help them understand what they may reasonably expect from their counsel. During the 2012-2013 fiscal year, the CAP attorney handled 1,129 telephone conferences and opened 658 files. The number of telephone conferences increased by 61 from the previous year. The total number of files opened, however, remained exactly the same. Perhaps due to this fact, the number of files in each category and how the cases were handled are very similar to the numbers of the previous year, as indicated below.

ACTION TAKEN BY CAP ATTORNEY:

2011-2012	2012-2013
189 files (29%) – lawyer involved was contacted about the client's concerns;	181 files (28%) – lawyer was contacted;
27 files (4%) – referred to Fee Dispute Resolution;	26 files (4%) – referred to Fee Dispute Resolution;
33 files (5%) – referred to Find a Utah Attorney online listing;	42 files (6%) – referred to Find UT Attorney;
14 files (2%) – referred to Tues Night Bar; 100 files (15%) – referred to OPC;	7 files (1%) – referred to Tues Night Bar; 111 files (17%) – referred to OPC;
126 files (19%) – CAP unable to assist.	127 files (19%) – CAP unable to assist.

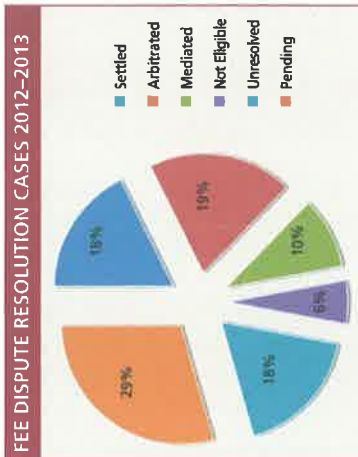
FILE CATEGORIES:

2011-2012	2012-2013
196 files (33%) – Family law cases;	207 files (36%) – Family law cases;
73 files (12%) – Contract law cases;	56 files (10%) – Contract law cases;
61 files (10%) – Personal injury cases;	47 files (8%) – Personal injury cases;
42 files (7%) – Bankruptcy cases;	41 files (7%) – Bankruptcy cases;
33 files (6%) – Real property cases;	13 files (13%) – Real property cases;
12 files (2%) – Landlord/Tenant cases;	11 files (2%) – Landlord/Tenant cases;
8 files (1%) – Social Security cases.	12 files (2%) – Social Security cases.

The CAP attorney communicated directly with every consumer involved in the 658 files except one. That consumer never responded to the CAP attorney's return phone and e-mail messages.

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 51 cases; settled nine; arbitrated 10 and mediated five. Three cases were deemed not eligible or were withdrawn by the claimant. The committee and staff were unable to resolve nine cases because parties refused to participate. Fifteen cases are still pending. A link to more information may be found at www.utahbar.org/public/fee-arbitration-service.html.



LAW & JUSTICE CENTER OPERATIONS

The Utah State Bar owns and operates the 33,000 square foot building known as The Utah Law & Justice Center. The Center provides low cost meeting room space and services for mediations, arbitrations, continuing education seminars and other charitable, non-profit, educational and public purposes. Services by the Center staff include audio-visual rental, catering, low cost leases, tenant support, interior and exterior grounds maintenance and security. There were 864 meetings in the building during the year. Bar-related sections, committees, divisions, seminars, and associated meetings constituted 528 of that total and 336 meetings were non-Bar related charitable, educational, public and commercial groups. This makes a total of 51% utilization of the building's meeting space.

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 (Scott R. Sabey and Paxton R. Guymon, Co-chairs) which makes recommendations for action on bills and provides assistance to legislators with specific questions on legislation.

2012-2013 Section Leadership

Yvonne Hogle, Chair Administrative Law Section	Scott McCullough, Chair Estate Planning Law Section
Juliette White, Chair Antitrust & Unfair Competition Section	Doug Adair, Chair Family Law Section
Jennifer K. Gowans-Vandenberg, Chair Appellate Practice Section	Manal Hall, Chair Franchise Law Section
Bradley Morris, Chair Banking & Finance Section	Thomas E. Patterson, Chair Government Law Section
Troy J. Aramburn, Chair Bankruptcy Section	Jarod Marrott, Chair Intellectual Property Section
Steve Clayton, Chair Business Law Section	Jared Turner, Chair International Law Section
Grady McNett, Chair Collection Law Section	Trent Nelson, Chair Juvenile Law Section
David Shaw Communications Law Section	Bruce Franson, Chair Labor & Employment Law Section
Alan Mouritsen, Chair Constitutional Law Section	Ryan Frazier, Chair Litigation Section
John Mann, Chair Construction Law Section	Ezra Glanzer, Chair Military Law Section
Lori D. Kirkham, Chair Corporate Counsel Section	Hugh Cawthorne, Chair Non-Profit/Charitable Law Section
Sam Goble, Chair Criminal Law Section	Jed K. Burton, Chair Real Property Law Section
Perry Clegg, Chair Cyber Law Section	Kevin Timken, Chair Securities Law Section
Stephen Kelson, Chair Dispute Resolution Section	J. Anthony Eyre, Chair Senior Lawyers Section
Daniel R. Harper, Chair Education Law Section	Cathleen Gilbert, Chair Solo, Small Firm & Rural Law Practice Section
Kathie Roberts, Chair Elder Law Section	Karen Kreeck, Chair Tax Law Section
Brian W. Burnett, Chair Environmental Law Section	

2012-2013 Division Leadership

Katherine Conyers, Chair
Young Lawyers Division

Thora Searle, Chair
Paralegal Division

2012-2013 Awards



Judge of the Year
Hon. Royal I. Hansen



Dorothy Merrill Brothers Award for
the Advancement of Women
in the Legal Profession
Charlotte L. Miller



Lawyer of the Year
Gary R. Crane



Raymond S. Uno Award for
the Advancement of Minorities
in the Legal Profession
Cecilia M. Romero



Community Member
Mary Kay Griffin

Pro Bono Lawyer of the Year
Paul C. Burke

Committee of the Year
Pro Bono Commission

Heart and Hands Award
Brent Johnson

Section of the Year
Estate Planning Section

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Media Coverage, August 31 to September 20, 2013

Print (copies follow):

9/13/13, *The Record*, YLD ABA & ABE Awards

9/18/13, *The Salt Lake Tribune*, Constitution Day

9/20/13, *The Record*, Constitution Day

Online (copies follow):

8/31/13, *The Spectrum*, Modest Means, Program offers legal assistance

9/3/13, *The Spectrum*, Curtis Jensen

9/17/13, *The Salt Lake Tribune*, Constitution Day, Utah students celebrate Constitution Day in court

The Record

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Utah State Bar Young Lawyers Division Receives ABA and ABE Awards. (Photo, left to right: YLD Board Member Michael Young, YLD President Gabe White, YLD Past-President Katherine Conyers, and YLD Board Member Ruth Anne Frost. For story see page A-17.

Utah State Bar Young Lawyers Division Receives ABA and ABE Awards

Help RISE pro bono project garners two public service awards.

By Sean Toomey, Communications Director, Utah State Bar

At its annual meeting, the American Bar Association recognized the Utah State Bar Young Lawyers Division for its Help RISE project with a First Place Award of Achievement for Outstanding Activities & Accomplishments in the Service to the Public category. The project also received an Outstanding Public Service Project Award from the American Bar Endowment—an award given to only one service project a year.

Help RISE is a new pro bono program (donated legal services) to assist participants in the United States District Court for the District of Utah's drug and mental health court reentry program. Reentry Independence through Sustainable Efforts (RISE). The RISE program assists federal defendants on supervised release/probation who struggle with drug addiction or mental health issues. The program reintegrates them into the community using a collaborative rather than a punitive approach.

RISE is one of the first federal re-entry courts in the nation. In both the mental health court and the drug court, participation is limited and participants are carefully screened. The participants are required to meet certain

expectations, such as attending treatment programs and submitting to weekly drug tests. The participants appear at weekly meetings before the judge assigned to their case to report on their progress. If the participant fails to meet his or her weekly requirements, they may be subject to immediate, temporary incarceration or other punishments. When participants successfully complete the RISE program, they receive a probation reduction of up to one year.

Because of the tenuous circumstances of many of the RISE participants, even the smallest of setbacks in their personal lives can derail their reentry progress. The Help RISE program helps participants succeed in their reentry efforts and avoid recidivism by providing free legal advice in the areas of law in three crucial areas: family law, bankruptcy, and landlord/tenant law.

The Help RISE program utilizes unemployed and underemployed young lawyers as its pro bono volunteers, with a secondary goal of assisting young lawyers who do not yet have established practices gain valuable training and experience in these three areas of law. In order to assist these young lawyers, the YLD organized an all-day continuing legal training program focusing on these three areas of law.

In addition, each young lawyer who takes on a pro bono case is assigned to a senior mentor attorney who practices in the area of law relevant to their assigned case and who is available to help answer procedural or substantive questions. Finally, all pro bono attorneys for the program are covered by the Utah State Bar's malpractice insurance policy and so do not have to have a policy of their own in order to volunteer for the program.

Help RISE was first conceived as a joint effort by Magistrate Judge Brooke Wells and the Utah Federal Bar Association (FBA), when Judge Wells raised her concerns about the civil legal needs of the RISE participants to Jennifer Tomchak, the Utah FBA's Community Service Chair at the time. Judge Wells and Ms. Tomchak solidified and refined the program after gathering input and meeting with various members of the U.S. Attorneys Office, the Federal Defenders Office, and Legal Aide. They then recruited Kelly Latimer and Christina Micken, co-chairs of the YLD Recession Response Committee, to bring the Help RISE concept to fruition.

Latimer, who is an Attorney-Advisor for the United States Department of the Interior Office of Hearings and Appeals, said "The pro bono assistance that the RISE participants re-

ceive really makes a difference in their lives and positively influences their recovery and reentry process. It is rewarding to be part of this process. You walk away feeling like you have helped change someone's life for the better."

Help RISE has been operating since October 2012. Since that time, 37 young lawyers and 18 senior attorneys have been recruited as volunteers. To date, 16 pro bono case placements have been made. If you have any questions about the program or are interested in volunteering, please call or email Kelly Latimer, 801-323-3966, kellylatimer@gmail.com.

With approximately 2,000 members, the Young Lawyers Division prides itself as being one of the most active organizations within the Bar, and includes members less than 36 years of age, as well as members who have been admitted to their first state bar for less than five years.

The Utah State Bar was established in 1931 and, under the authority of the Utah Supreme Court, regulates the practice of law. The lawyers of the Utah State Bar are working to create a justice system that is understood, valued, respected, and accessible to all. See more at utahbar.org.

Would you acquit the wicked step sisters?



The fifth graders at Boulton Elementary did as part of Constitution Day.

Role-playing will be an important part of the lesson plan as nearly 200 judges and lawyers of the Utah State Bar teach about the three independent branches of the government and the importance of an independent judiciary on September 17, the 226th anniversary of the signing of the Constitution.

In 2011, the American Bar Association co-authored a report which found that only 38% of Americans could name the legislative, executive and judiciary branches; 33% couldn't name any branch. That same year, the Utah State Bar Board of Commissioners created a Civics Committee which developed a one-hour course to be taught in elementary and middle schools.

Last year, 174 judges, lawyers and law school students went into 193 classrooms in 15 counties to teach. Kevin Bennett taught

250 students in eight sessions over two days at Hurricane Middle School. After teaching seven classes totaling 200 to 300 students, Gary Bell eagerly announced, "If you need any help like this in the future, let me know - I'd do it again."

Eric Bailey, social studies teacher at Bonneville Junior High, said, "I want to express my appreciation . . . we are very lucky as Americans to have different branches of government and laws that protect our freedoms. Thank you for coming prepared and sharing your experiences with my students."

Educators who have not registered, or volunteers who are willing to teach, should visit civics.utahbar.org. And if you can't imagine how the wicked step sisters were acquitted, you are welcome to review the elementary school lesson plan.

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U.S. CONSTITUTION DAY » 226TH ANNIVERSARY OF SIGNING



TRENT NELSON | The Salt Lake Tribune

A West High School color guard posts the state and U.S. flags Tuesday at the Scott M. Matheson Courthouse at a program to recognize the 226th anniversary of the signing of the U.S. Constitution.

As part of the seventh annual Constitution Day at the courthouse, dozens of Utah 5th- through 12th-graders joined judges and legal professionals to learn how courts operate under the Constitution — maintaining law, order and a government beholden to built-in checks and balances.

Utah State Bar President Curtis Jensen spoke, along with Judges Robin Reese and Lynn Davis, of the 3rd and 4th District courts, respectively.

The students then went into courtrooms where judges led lesson plans and answered questions.

Utah courts spokeswoman Nancy Volmer said the courts make an effort to emphasize the importance of the U.S. Constitution annually because of its cultural significance and lasting power.

— Marissa Lang

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Air quality »
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By BRIAN MAFFLY

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The Salt Lake Tribune

Utah students celebrate Constitution Day in court

Constitution Day • Tuesday marked the 226th anniversary of the signing of the U.S. Constitution.

BY MARISSA LANG

THE SALT LAKE TRIBUNE

PUBLISHED: SEPTEMBER 17, 2013 06:57PM

UPDATED: SEPTEMBER 17, 2013 05:23PM

On the 226th anniversary of the signing of the U.S. Constitution, 50 local school children gathered in the Scott M. Matheson Courthouse to pay tribute to the document and the society it created.

The seventh annual Constitution Day celebration at the courthouse brought together students from grades 5 through 12 with judges and legal professionals Tuesday afternoon to learn how courts operate and play into the goal of the Constitution — maintaining law, order and a government beholden to built-in checks and balances.

A color guard from West High School presented the flag and a student from Park City High School led the group in the pledge of allegiance.

Judges Robin Reese and Lynn Davis, from the 3rd and 4th District courts, respectively, gave speeches along with the president of the Utah State Bar, Curtis Jensen.

The students were then led into courtrooms, where several judges led lesson plans and answered questions.

Utah courts spokeswoman Nancy Volmer, who founded the state courts' Constitution Day celebration in 2006, said the courts make an effort to emphasize the importance of the country's constitution annually because of its cultural significance and lasting power — the constitution is the oldest written national constitution in continuous use worldwide.

mlang@sltrib.com

Twitter: @Marissa_Jae



Trent Nelson | The Salt Lake Tribune A color guard from West High School posts the colors at a program put on by the Utah State Courts recognizing the 226th anniversary of the signing of the U.S. Constitution on Tuesday at the Matheson Courthouse in Salt Lake City.

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UTAH STATE BAR / LAWYERS WORKING FOR JUSTICE

Utah State Bar takes the Constitution to the classroom

Lawyers, judges, and law students teach nearly 200 classes throughout Utah.

By Sean Toomey
Utah State Bar

Utah State Bar President Curtis Jensen joined Judge Robin Reese and Judge Lynn Davis at the podium at the Matheson Courthouse to mark the 226th Anniversary of the signing of the Constitution on Tuesday. Then his real work began in a courtroom with Judge Kim Hornak, and Judge Julie Lund as they led Karen McGrath's 5th grade class from Pacific Heritage on a mock trial of the Wicked Step Sisters (they were convicted).

Role-playing was an important part of the lesson plan as nearly 200 judges and lawyers of the Utah State Bar – and law students – taught classes in 11 counties across the state about the three independent branches of the government and the importance of an independent judiciary.

In 2011, the American Bar Association co-authored a report which found that only 38% of Americans could name the legislative, executive, and judiciary branches; 33% couldn't name any branch. That same year, the Utah State Bar Board of Commissioners created a Civics Committee which developed a one-hour course to be taught in elementary and middle schools.

Karen McGrath said her class, "loved seeing what the process is like, and I think being in the real setting with the real people who conduct these proceedings made a huge impact on these kids."

Andrea Harris's 5th graders learned about the constitution in Judge Su Chon's courtroom. Harris said "I think it added incredible value to have the lesson in a courtroom. It gave the students a real world experience and some practice of the U.S. government topics we have been studying in class. Having a tour of the

courtroom and then participating in a mock trial with real judges, lawyers, and clerks really brought the judicial system alive for our students in an authentic experience."

Jensen said he "commends the Bar's Civics Committee, especially Angelina Tsu and Ben Hathaway, for their work to make the constitu-

tion come alive for so many of Utah's students."

The Bar, established in 1931, regulates the practice of law under the authority of the Utah Supreme Court. The lawyers of the Bar are working to advance a justice system that is understood, valued, and accessible. See more at www.utahbat.org.



Fifth grade class from Pacific Heritage Elementary participates in role-play of the Wicked stepsisters court case, under the tutelage of their teacher Karen McGrath, Judge Kim Hornak, and Judge Julie Lund.

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Program offers legal assistance

'Modest Means' geared for people with limited finances

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OPEN

Jensen

Written by
Kevin Jenkins

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News
Local News

ST. GEORGE — Utah's legal community has introduced a program to help people who might try to represent themselves in court because they can't afford a lawyer.

The new program launched this year by the Utah State Bar offers discounted attorney rates for qualifying clients, and allows attorneys to work on a case on a limited basis without having to carry the entire matter.

The idea is to help people with limited finances gain legal assistance so they don't end up losing a court judgment unnecessarily and don't burden the court with their inexperience.

"Judges of both district and justice courts find consistent problems with self-represented parties expecting judges and court staff to provide legal advice, failing to understand rules of procedure and evidence, failing to bring necessary witnesses and evidence to court, and refusing to accept the court's rulings," a 2006 report by The Judicial Counsel's Committee on Resources for Self-

Represented Parties stated during a review of court self-help opportunities.

In his annual State of the Judiciary address in January, Utah Supreme Court Chief Justice Matthew Durrant said, "The number of litigants coming to court without an attorney has ... continued to rise. For example, this (past) year, in 56 percent of domestic cases, neither party had a lawyer."

Durrant said 70 percent of people who responded to a public opinion

survey reported the cost of hiring an attorney would be a barrier if they needed access to the courts.

On The Web

• www.utahbar.org

"And yet for many in today's YouTube society, do-it-yourself is always the first choice, even if cost is not the barrier, and even for something as complex as a court proceeding," he said.

The bar, which regulates the state's legal community, introduced its Modest Means Lawyer Referral plan on the heels of last year's Pro Bono Commission, which helps provide legal services for free to people near the federal poverty level.

Modest Means provides attorney services at a discounted rate to those who make too much to qualify for pro bono assistance but are still unable to afford a lawyer's standard rate.

The program also amends ethical rules so that attorneys now can provide limited representation such as coaching, reviewing select documents or appearing at a hearing without being bound to represent the client from beginning to end of the court case.

"In a divorce case, people come in with documents ... and there's a question like, 'How do you work out custody arrangements?' And it's just blank, because they don't know how to fill it out. With Modest Means, you can hire (attorneys) just to review the forms you come with," bar Communications Director Sean Toomey said.

"It's much more efficient for the court's procedure, and it protects the pro se (person who doesn't have an attorney who) ... may not be familiar with the legal procedure," said St. George attorney Curtis Jensen, who was named the state bar's president last month. "Even if the program just enables someone to hire an attorney to review self-prepared documents, everyone — the client, the attorney and the court — will benefit."

St. George attorney named Utah State Bar President

Sep. 3, 2013 | 0 Comments

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Curtis M. Jensen, one of the founding partners of Snow Jensen & Reece, P.C., is the 2013-14 Utah State Bar President.

The Utah State Bar was established in 1931 and, under the authority of the Utah Supreme Court, regulates the practice of law, including administering the Bar exam, staffing the Office of Professional Conduct and offering continuing legal education.

"Throughout this year we will continue to work to ensure everyone has an advocate or a voice in our law and justice system," Jensen says. "First, we are going to continue to improve our new lawyer training program ... and, second, we are going to ramp-up our pro-bono initiatives, especially our lawyer referral program ..."

The Bar's New Lawyer Training Program ensures that all new lawyers work with a Utah Supreme Court approved volunteer mentor to discuss the lawyer's legal work and adjustment to the practice of law. The mentor also reviews the Utah Supreme Court's Rules

of Professional Conduct with the new lawyer.

The Modest Means Lawyer Referral program provides discounted hourly rates for people with non-extensive assets and who make 125 to 300 percent of the Federal Poverty Guidelines. Visit utahbar.org/lawyer-referral for more information or to see if you

Jensen is a Bar Commissioner representing the division that includes Washington County, and the liaison to the Utah State Bar's Ethical Advisory Opinion Committee. He serves on the Character Fitness

Committee, Budget and Finance Committee, Lawyer Referral Service Committee as well as on several local boards and associations.

For more information about the Utah State Bar, visit www.utahbar.org.SGM

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Love of U.S. Constitution is contagious for Uintah County students

September 17, 2013



FORT DUCHESNE, Uintah County — Jeff Ross didn't really discover his love for the U.S. Constitution until he was in college.

"It's something I started to get excited about as an undergrad," Ross said.

Now an attorney practicing in Vernal, Ross is working with elementary-age students to help them develop a passion for one of the country's founding documents.

"There's value in having students gain that, I guess, excitement about (the Constitution) and understanding of it at a much younger age," he said.

On Tuesday, Ross spoke to the fifth-graders at Eagle View Elementary School in Fort Duchesne. The presentation was one of many made around the state and the country as part of the national observance of Constitution Day, which celebrates the document's signing by delegates to the Constitutional Convention on Sept. 17, 1787.

"The Constitution is 226 years old today," Ross told the students. "Pretty cool!"

His hour-long presentation touched largely on the separation of powers and the important role the Constitution plays in American government. He also helped the students hold a short mock trial for Cinderella's wicked stepsisters on charges of "meanness and cruelty."

Of course the trial drew laughter from the kids, but Ross said even the lighthearted role-play is a step toward helping students gain a basic understanding of the rights and responsibilities the Constitution provides.

"There's always more that you can learn in terms of the Constitution," he said. "It's important to know it and understand it, to know how our country works, how it ticks."

As part of Tuesday's lesson, all the fifth-graders at Eagle View took a quiz on the Constitution. If you'd like to test your constitutional knowledge, you can find that quiz here: <http://www.washingtonpost.com/blogs/answer-sheet/wp/2013/09/17/the-constitution-day-quiz-test-yourself/>