

Katherine A. Fox (5278)  
General Counsel  
Utah State Bar  
645 South 200 East  
Salt Lake City, Utah 84111  
Telephone: (801) 297-7047  
Fax: (801) 531-0660

---

IN THE SUPREME COURT OF THE STATE OF UTAH

---

IN RE:	)	
	)	
UTAH STATE BAR	)	PETITION TO AMEND RLDD
	)	14-507 TO PROVIDE
	)	MANDATORY COLLECTION OF
Petitioner.	)	LAWYERS' EMAIL ADDRESSES
	)	

---

The UTAH STATE BAR (the “Bar”), by and through its General Counsel, files this Petition to Amend the Rules of Lawyer Discipline and Disability to Provide Mandatory Collection of Lawyer’s Email Addresses. The Bar currently asks for lawyers to voluntarily disclose their email addresses on the annual licensing form.<sup>1</sup> The Board of Bar Commissioners (the “Commission”) during a regularly scheduled meeting on October 24, 2008, unanimously approved a motion to begin collecting this information on a mandatory basis.

A copy of Rule 14-507 (Roster of Lawyers and Current Record Information) is attached as Exhibit “1”. This rule enables the Bar to collect certain mandatory information on the annual licensing form.<sup>2</sup> (A copy of the current

---

<sup>1</sup> In addition to the fact that email address disclosure is voluntary, we ask lawyers who disclose to designate whether they want this information to remain private (in which case only the Bar can use the information for selected communication purposes) or public.

<sup>2</sup> In addition to enabling the Bar to collect current physical addresses and telephone numbers and the like, Rule 14-507 also enables the Bar to maintain certain admission information such as the lawyer’s date of birth and the like in our database.

licensing form portion referencing email disclosure is attached as Exhibit “2”.) Although a number of lawyers already provide their email addresses voluntarily, we would like to increase that number. As the Court is well aware, the cost of sending mail is high (including the cost of postage, envelopes, stationery, etc.) and the Bar would like to avoid these increasing costs and shift emphasis to an inexpensive mode of communication. In these financially distressing times, making email address disclosure mandatory goes a long way towards this goal. For instance, we estimate that email facilitated online for the annual Bar election for President-elect and Commissioners alone could save \$5,000-\$6,000.

Another benefit of communicating with our members via email is that sometimes an issue arises where notification (or response time) is of the essence. Sending email versus traditional “snail mail” obviously is a much more efficient means of communication when these occasions arise. Again, the cost savings associated with email versus traditional mailing is significant.

The Commission is fully cognizant of the fact that not every member wants his or her email addresses to be public information. Therefore, although the mandatory change would allow the *Bar* to use the member’s email address, the lawyer would still be able to designate whether or not this information should be public. We also realize that not all lawyers have an email address or use email for a variety of reasons. For some, but not all of our older members, for example, this mode of communication may be difficult or virtually impossible. If this change is approved, the Bar would devise a short form for a lawyer to complete in writing (along with the annual licensing form) setting forth the reason(s) constituting “good cause” or a “hardship exemption” which would exempt a lawyer from

complying with disclosure. Such reasons could include the aforementioned facts that the lawyer does not have an email address or does not use email. There may be other reasons that we have not anticipated, but we intend to readily accommodate those who would find this mode of communication ineffective or burdensome.

In order to make email disclosure mandatory, Rule 14-507 needs to be amended. A copy of the proposed revision is attached as Exhibit "3". The Bar respectfully requests that the Court approve this proposal for the reasons outlined above.

Dated this \_\_\_\_ day of March, 2009.

---

Katherine A. Fox  
Utah State Bar General Counsel