

Utah State Bar

2007-2008

Program Reviews

- ◆ Management and Technology
- ◆ Communications
- ◆ Admissions
- ◆ Access to Justice
- ◆ Group Benefits

UTAH STATE BAR
OPERATIONS REVIEW

Management and Technology Review Subcommittee

Committee Members: Robert J. Jeffs, Lowry Snow, Lori Nelson, Steven Burt

Management Structure: Pursuant to the Rules of Integration and Management of the Utah State Bar, the Board of Bar Commissioners is granted all powers necessary and proper to carry out the duties and responsibilities of the Bar and the purposes of the Rules of Integration, except for those powers and duties specifically reserved to the Supreme Court. Pursuant to the Bylaws adopted by the Board of Bar Commissioners, John Baldwin has been hired by the Board of Bar Commissioners as the chief executive and administrative officer of the Bar.

John Baldwin is responsible for the overall administration of the Bar and the Law and Justice Center, for the implementation of policies and programs as approved by the Board, and for the fiscal management of the Bar consistent with the budget and policies approved by the Board. In his role as executive director, John Baldwin establishes the Bar's organizational structure and has authority to hire and terminate all staff. The basic organizational structure adopted by John Baldwin as executive director is illustrated in the Organizational Chart attached as Appendix A to this report. The Bar's organizational structure generally consists of department heads with defined areas of responsibilities. Those department heads include Richard Dibblee, assistant executive director; Jeff Einfeldt, CFO; Billie Walker, senior officer, OPC; Katherine Fox, general counsel; Joni Seko, deputy general counsel of admissions; Connie Howard, CLE and group benefits director; Lincoln Mead, IP director/webmaster. Staff consists of a total of 30 employees, 25 full-time and five part-time.

Projects and services administered by Bar staff can be divided into four general categories: (a) *regulatory services*, such as admissions, special admissions, professional conduct enforcement; (b) *member services*, such as conventions, forums, and continuing legal education seminars, group benefits, committee, section and division support, and

member communications; (c) *public services*, including *access to justice* programs, client security fund, regulation of the unauthorized practice of law, etc.; and (d) *joint member and public services*, such as the consumer assistance program, fee arbitration, public education, and governmental relations. Attached as Appendix B is a summary of the Bar's programs, services and projects and the staff members responsible to oversee, coordinate, and administer those programs and services.

Scope of Review. In order to audit and review the management and staff of the Utah State Bar, the Committee reviewed the Rules of Integration and Management of the Utah State Bar, the Bylaws of the Utah State Bar, the Policies and Procedures adopted by the Utah State Bar Commission, the Utah State Bar Employee Handbook, Accounting Department Policies and Procedures Manual, and various other management processes and procedures adopted by the Executive Director for his administration and management of the Bar. Job Descriptions for key employees are attached as Appendix C.

Committee members conducted employee evaluations and personal interviews with virtually every employee or staff member of the Utah State Bar. Employee evaluation forms explored the individual responsibilities, performance, time allocations, and reviewed future projected needs, challenges, and staffing requirements of the various departments of the Bar. A copy of the employee evaluation form is attached as Appendix D.

The Committee reviewed the salary, wages, and benefits provided to each of the employees and staff members of the Utah State Bar. For reasons of personal privacy and confidentiality, the salary and wage information is not included as part of this report. The Committee also reviewed the evaluation process of the executive directors of neighboring bar associations as a comparison to the process currently used by the Utah State Bar.

Evaluation.

Controls and Security. The Executive Director has adopted and implemented comprehensive policies and procedures to maintain the control and

security of the organization, its resources, assets, employees, and to secure the financial management of the Bar.

Each employee is required to read and approve the Employee Handbook and acknowledge receipt of a copy of it. That handbook and the policies and procedures of the Utah State Bar include, among other things, appropriate policies to prevent sexual harassment in the workplace including a formal discipline process, compliance with the Americans with Disabilities Act and accommodations for employees with disabilities, adoption of diversity in employment practices, control of electronic communications, and adoption of a conflict of interest policy.

The Bar staff has a formal grievance policy with clear lines of communication for accessing grievance procedures. Monthly staff meetings include departmental reports, calendars, agendas, and assignments so that the Bar staff works together as a team and is aware of issues facing the staff. With the exception of the potential loss of Lincoln Mead or John Baldwin, John Baldwin, together with other staff members, are abreast of issues facing each department and have a working knowledge of the responsibilities, functions, and duties of each of the other staff members so that a timely and orderly interim response can be made to provide for the continued operation of those programs during an unexpected absence of a staff member. In addition, the Executive Director has each of the department heads prepare a "manual" that outlines their essential functions and procedures as a resource in the event of their sudden absence. Passwords and other critical information are stored off-site in a secure safety deposit box location and is available in case of a catastrophe.

While Richard Dibblee, Katherine Fox, and other staff members have a working knowledge of many of the operations performed by the Executive Director, none of those employees could perform all of the responsibilities and functions of John Baldwin in the event of his sudden or extended absence.

Likewise, the Bar would have a difficult time responding to the loss of the institutional knowledge and skill of Lincoln Mead.

Performance. The Executive Director's management style and the low turnover rate of staff members that it engenders have combined to form a cohesive team approach to the performance of the day-to-day functioning of the Bar. The Executive Director's management style includes providing general direction and oversight to department heads and other staff members while imparting them with considerable freedom as to how they accomplish the tasks and the areas of responsibility assigned to them. John Baldwin encourages his staff to use their own initiative and he fosters their creativity to more effectively accomplish those tasks. The department heads Richard Dibblee, Katherine Fox, Connie Howard, Joni Seko, Billie Walker, and Lincoln Mead are all dedicated, hard-working professionals that recognize they have significant fiduciary duties to the Bar and the Judicial System. The Executive Director performs annual evaluations of each employee's performance and provides them specific and continual feedback as to how to improve their performance.

John Baldwin has been effective in managing the Bar staff to meet budget constraints. With the pressures of growth in wage rates and the limits associated with a lack of a dues increase in over 18 years, John Baldwin has reassigned duties and responsibilities among staff members as opposed to simply replacing employees that have been lost through attrition in recent years. During the same time period, the programs and services provided by the Bar and the number of members it serves have continued to grow.

As a result, while the existing staff is currently able to meet the needs of the Bar in its core functions, staff members are required to prioritize their activities and areas of responsibility. Many tasks with lower priority are unable to be accomplished. For instance, the Bar staff previously had a pro bono director

whose primary function included the organization and direction of pro bono services by Bar members. When that employee terminated his employment, a pro bono director was not hired. While some of his responsibilities and functions were assigned to other staff members some of those services were curtailed. In addition, several departments will be unable to handle future expected growth and expansion of services. The Member Benefits and Information Technology departments are operating at capacity, or over the limits of their capacity to provide all of the services the Bar demands. With the addition of the new Lawyer referral service and the Mentoring program, the existing staff will be unable to meet the Bar's needs.

The Executive Director's performance is reviewed annually on an informal basis by the Bar Commission as part of the process to determine his compensation. The Committee reviewed the performance evaluation process of the executive directors of other bar associations as a comparison to the process followed by Utah. Those processes vary substantially in scope and formality.

Compensation. The Committee reviewed the complete compensation package of all employees and staff of the Utah State Bar. Wages and salaries are reviewed annually by John Baldwin. Increases in wages and salaries each year generally exceed cost of living increases and reflect quality of job performance. For purposes of comparison, the Committee reviewed the wage and salary ranges of similar job functions as adopted by the State of Utah, Department of Human Resources. The Utah State Bar has specific job descriptions for most of its staff positions, but it does not have similar criteria for salary ranges for the various jobs.

With a few exceptions, the compensation received by the Bar's staff is commensurate with similar jobs within the criteria established for employees of the State of Utah. As a result of some employees continuing their employment with the Utah State Bar for an extended period of time, the staff member's wage

or salary rate appears to have crept up to levels that may exceed the salary or wage of similar positions available with the State of Utah.

Technology. The IT Department of the Utah State Bar is becoming increasingly more important and permeates all of the functions and services provided by the Bar. Lincoln Mead is the IT Director performs most of the administration and management of the internal network and data processing together with the Utah State Bar's website and outside access to various web-based services. Brook Bruno assists Lincoln Mead with management of the website's content and, to a limited extent, some of the other IT information processing for the Bar. A roadmap of the technology systems are attached as Appendix E.

The Utah State Bar runs a local area network in a configuration that allows the Law and Justice Center to provide network services and internet access without allowing outside access to the Utah State Bar network. The system has in place appropriate internal security, anti-spam, and firewall protections to prevent unauthorized access to the network and confidential member information. The Bar also has a server that hosts a number of websites for the Bar and some of the sections or divisions of the Bar.

The member management system is a web-base application that is hosted off-site by the Bar Alliance System. That system was created through a partnership between Manexa and the Utah State Bar. The Utah State Bar support staff provides first-line support for Bar members and the public on website services and applications provided through the Bar. The IT Manager, on a daily basis, generates performance reports and is notified of any attacks or attempts to infiltrate the network's systems. The IT Manager performs quarterly vulnerability and external penetration testing, together with a security audit to verify the integrity of the IT systems. The Bar Alliance program, hosted off-site by Manexa and has in place significant security measures to protect the membership

management applications used by the Bar. That program includes sensitive member records, discipline information, admissions information, etc. It also provides portals for access to member services such as Case Maker, the on-line license renewal process, membership address and record information, etc.

As part of the audit and review process, the Bar commissioned an external audit of the security of the network's systems. The external audit process is an essential mechanism for the Bar to verify the security of network and its sensitive information and records. As vendors and operating systems are added or upgraded, new vulnerabilities emerge that must be identified and remedied. While that external audit identified some potential vulnerabilities, those potential security issues were corrected and the security of the system was enhanced. A copy of that report is attached as Appendix F.

Many state Bars rely upon outside IT management services rather than in-house IT management. The Utah State Bar enjoys the reduced costs and accessibility of an experienced on-site IT manager. There are some disadvantages associated with a single on-site IT manager, including (a) as the demand for IT services continues to grow and expand, the IT manager will have difficulties meeting all of those needs and requirements; (b) the Bar has some vulnerability in the event the IT manager had an extended illness or left employment with the Utah State Bar, difficulties may be encountered in the functioning of the various services provided by the Bar during his absence.

Conclusions and Recommendations. John Baldwin does a superior job administering and managing the Bar. The Bar is responsive to member needs and works within the budget established each year by the Bar Commission. Nevertheless, most of the staff members are working to the limits of their capacity to meet the needs of the Bar. As programs, services, and the number of Bar members continues to expand (for instance, with the addition of the mentoring program, the new lawyer referral program, expansion of IT services such as web-casting), it is anticipated that the current employees

and staff will be unable to meet those needs without the addition of more staff members and resources..

The assistant executive director, Richard Dibblee, functions more as a department head with specific areas of responsibility and less as an assistant executive director with more generalized involvement with the tasks and areas of responsibility administered by John Baldwin, the Executive Director. As such, there is some potential that if John Baldwin were unable to perform his duties as Executive Director, such as in the case of an extended illness or termination of his employment, it would be difficult for the staff to fulfill his duties in his absence. The Bar would benefit from the expansion of the role and responsibilities of the assistant executive director so that he is better prepared to administer the Bar in the absence of the executive director. The Bar staff should continue to formulate plans, "cross-train" staff members, and coordinate information resources to assure that critical Bar services are not compromised in the event of a sudden loss of any staff member.

With budget limits, the Bar should consider accessing local paralegals and/or educational programs for paralegals to augment the Bar staff for services that have previously been curtailed, such as lawyer referral service calls, pro bono services, and other growing needs. The Executive Director would benefit from a more formalized annual evaluation process, similar to the procedure used by the Idaho State Bar. See Appendix G. The Bar should adopt salary and wage guidelines for each staff position and a policy that those salary and wage guidelines not be exceeded without Bar Commission approval.

Most importantly, the Bar will need to look toward hiring additional personnel particularly in the member benefits and services, the IT department and potentially contracting out a portion of its IT services to meet the increasing demands. The Bar should perform internal and outside audits of its computer network on a regular basis, preferably quarterly to verify the security of the system.

The Utah State Bar's management, staff, and technology systems are healthy and operate smoothly and efficiently. As the Bar continues to grow and the services to the public and the Bar's members are expanded, the Bar will face significant challenges. Additional staff, resources, and facilities will necessarily need to be budgeted for to meet that growing need. As those expenses increase, the Bar will necessarily have to increase revenues. The options for increasing revenues are fairly limited, such as dues increase, increase CLE revenues, or increase admission fees. The Bar Commission should request the finance committee to review and make recommendations for increasing revenues to meet the needs of the expanding membership and services.

Appendix A: Organizational chart

Appendix B: Summary of the Bar's program services and projects and the staff members responsible for same

Appendix C: Job Descriptions

Appendix D: Employee evaluation form

Appendix E: Roadmap of the technology systems

Appendix F: External audit report of the security of the network's systems

Appendix G: Executive Director Review- Idaho State Bar

Summary of Bar Programs, Services and Projects
2007-2008

Vision

To lead society in the creation of a justice system that is understood, valued, respected and accessible to all.

Mission

To represent lawyers in the State of Utah and to serve the public and the legal profession by promoting justice, professional excellence, civility, ethics and respect for and understanding of the law.

Bar Programs

A. Regulatory Services

1. Admissions (Joni Seko)

Admission by Bar Examination Applications
House Counsel Applications
Reciprocal Application
Character and Fitness Review
Bar Examination Preparation and Administration
Bar Examination Grading
Admission Ceremonies

Admissions Committee
Character and Fitness Committee
Bar Examiner Committee
Bar Exam Administration Committee

2. Special Admissions (Katherine Fox)

Pro Hoc Vice
Military
Law School Faculty

3. Professional Conduct Enforcement (Billy Walker)

Ethics Education
Formal and Informal Advisory Opinions
Process Complaints
Investigate, Present to Panels
Resolve/Try Cases
Diversion Program

Ethics and Discipline Committee (Hearing Panels)
Ethics Advisory Opinion Committee
Supreme Court Rules of Professional Conduct Committee
Supreme Court Professionalism Committee

4. Continuing Legal Education Seminars (Connie Howard)

New Lawyer CLE Committee

5. Management and Operations (John Baldwin, Jeff Einfeldt, Lincoln Mead, Katherine Fox)

Licensing
Databases
Personnel, Financial Controls
Inventory, Equipment
Bar Governance, General Counsel
Long Range Planning

Bar Commission
Bar Commission Executive Committee
Bar Commission Budget & Finance Committee
Other Ad Hoc Committees

B. "Member" Services

6. Annual & Spring Conventions & Fall Forum (Richard Dibblee, Connie Howard)

Annual Convention Committee
Spring Convention Committee
Fall Forum Committee

7. Group Benefit Programs (Connie Howard, Lincoln Mead)

47 Affinity Partners

Lawyer Benefits Committee

8. Committee Support (Unrelated to other programs) (Richard Dibblee)

Courts and Judges Committee
Law and Technology Committee
Committee on Law and Aging

9. Section & Division Support (Connie Howard, Jeff Einfeldt)

Meetings and Luncheons
Dues Collections
Administrative
Financial
Sections' Web Sites Support

34 Sections and Divisions

10. Communications Programs (Lincoln Mead, Christine Critchley, Christy Abad)

Bar Journal
Web Site
E-bulletins
Regular Mailings
Building Posters and Banners

Bar Journal Committee

C. Public Services

11. Access to Justice Programs (Connie Howard, Richard Dibblee, Brooke Sidle)

Pro Bono Program
Senior Citizen Center Seminars
"and Justice for all" Support
Statewide Justice Commission

12. Client Security Fund (Christine Critchley)

Client Security Fund Committee

13. Unauthorized Practice of Law Enforcement (Katherine Fox)

Unauthorized Practice of Law Committee

14. Tuesday Night Bar (Young Lawyers Division)

15. Young Lawyers Division (Stephanie Pugsley, Chair)

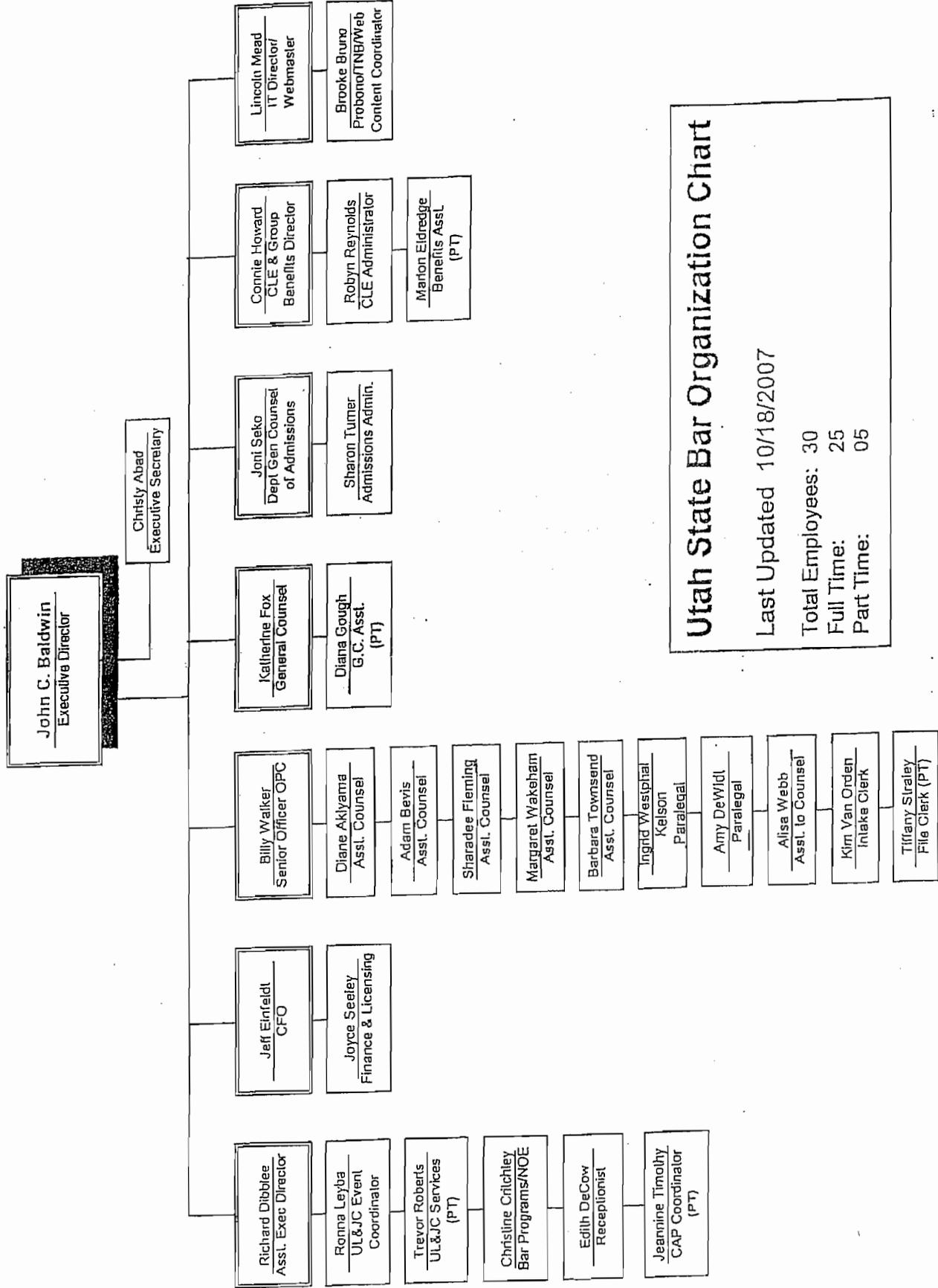
Video Mentoring
Law Day Activities
Service Projects

D. Joint "Member"& Public Services

16. Consumer Assistance Program (Jeannine Timothy)

17. Fee Arbitration (Christine Critchley)
Fee Arbitration Committee (Hearing Panels)
18. Law & Justice Center Operations (John Baldwin, Ronna Leyba, Richard Dibblee)
Low Cost Room Rental, Preparation, Food Services
Low Cost Leases and Tenant Support
Interior and Grounds Maintenance and Security
19. Public Education, Services and Special Projects (John Baldwin, Richard Dibblee)
Public, Member and Other Bar Relations
American Bar Association Participation
Appointments to Utah State Boards and Committees
Law Related Education Support
Law Day Celebration
"Rights, Responsibilities and Relationships" School Seminars
"Dialogue on Freedom" Discussions in Jr. and High Schools
Marbury v. Madison Discussions in High Schools
Brown v. Board of Education Discussions in High Schools
"Have You Heard the One About the Lawyer" Marketing
Publications, Brochures
Racial and Ethnic Fairness Task Force
Utah Dispute Resolution Contributions
Delivery of Legal Services Study

Law Day Committee
20. Governmental Relations (John Baldwin, Richard Dibblee)
Governmental Relations Committee



Utah State Bar Organization Chart

Last Updated 10/18/2007

Total Employees: 30
Full Time: 25
Part Time: 05

POSITION DESCRIPTION

JOB TITLE: Executive Director of the Utah State Bar
REPORTS TO: President and Board of Bar Commissioners
STATUS: Exempt/Management
EFFECTIVE: July 1, 1993

Basic Function and Scope of Authority

The Executive Director is the principal administrative and operations officer of the Bar and is responsible for the supervision of the day-to-day operations of the Bar and the Law & Justice Center, all employees and other administrative affairs, implementing board-approved policies; administering Bar programs and activities; drafting proposed annual budgets; and serving as a resource persons.

The Executive Director is authorized to employ and discharge all Bar employees in accordance with board-approved annual budgets; to implement and enforce administrative and personnel policies and procedures; and has such further authority as defined in the by laws or policies of the Bar or which may from time to time be delegated by the Board. The Executive Director is authorized to undertake the responsibilities set forth below including other responsibilities reasonably related thereto. The Executive Director is also authorized to administer the various bar programs, services and functions according to adopted annual operations and capital budgets.

Term and Compensation

The Executive Director's compensation arrangements shall be outlined from time to time by the Board. The term of office of the Executive Director shall be for one year unless otherwise defined by a memorandum of agreement or written employment contract.

Responsibilities

A. Board of Bar Commissioners:

Serves as general secretary to the Board of Bar Commissioners, attends all meetings of the Board and of the Executive Committee, prepares agendas in consultation with the President and keeps minutes of meetings of the Board and of the Executive Committee. Advises the Board of the administrative and financial affairs of the Bar and provides information and/or reports on appropriate agenda items. Coordinates scheduling and arrangements of Board and Executive Committee meetings. Maintains Board Policies and Procedures, Bar By-Laws and Supreme Court orders directed to the Bar.

Serves as primary staff person in assisting the President, President-elect and Board members in fulfilling their duties and with special projects and programs of the Board.

Coordinates communications, activities and events involving the Board and the judiciary.

Assists the Board in long-range planning.

Responds to public inquiries and complaints which are not otherwise handled by the President. Serves as official spokesperson for the Bar in the absence of the President or by delegation from the President, including public speaking on behalf of the Bar.

Negotiates and insures continuation of appropriate levels of insurance policies for officers and directors liability, building insurance, and other insurance as may be appropriate.

Oversees the administration of the Bar Commissioner elections and orientation.

B. General Management Responsibilities:

Serves as Chief Operations Officer for day-to-day operations of the Bar. Maintains corporate files. Handles or oversees the hiring and termination of all Bar employees, implements personnel policies as approved by the Board. Provides or oversees appropriate staff training and performance review procedures. Maintains employee personnel files.

Formulates and recommends rule and policy changes for approval of the Board.

Authorizes and executes such contracts and commitments as may be authorized by the Board, either by expressed action or within the approved annual budget of the Bar.

Implements policies and procedures related to committees and sections as approved by the Board, coordinates appointments to all committees, promotes active participation by members in committee and section activities and assists committees and sections in the development of appropriate programs, projects and activities.

Coordinates Board appointments to statutory committees and commissions as well as other appointments for which the Board is responsible.

Produces an annual report of Bar activities and operations.

C. Financial Management:

Prepares annual budgets with staff and the President-Elect. Serves as chief fiscal officer of the Bar and oversees the implementation of the budget and day-to-day financial management of the Bar. The Executive Director is also authorized to administer the various bar programs, services and functions within and according to the adopted annual operations and capital budget. Assists in the financial evaluation of proposed Bar programs and member benefit programs. Coordinates the long-range financial planning.

Oversees or directly negotiates auditing and banking services as approved by the Board.

Oversees the financial relationship between the Bar and local or specialty bar associations and financial administration and support of committees and sections of the Bar.

Recommends to the Board a lump sum figure for annual executive staff salaries during the regular budget process provided that no staff member receive over a 10 percent salary increase without Board approval.

D. Admissions:

Responsible for the admissions rules, policies and procedures, including processing of applications for admission, character and fitness investigations evaluations and reports, development of appropriate bar examinations, the administration of the bar examination, certification for admission of successful applicants, and coordination of the admissions ceremonies with the Supreme Court and the U.S. District Court for Utah. Oversees the Bar examination and character & fitness review and appeals process.

E. Bar Programs and Services:

Oversees, coordinates and assists as appropriate in day-to-day operations and promotion of effective programs, services and projects of the Bar, its standing committees and sections. Oversees staff support for the State Board of Continuing Legal Education.

Assists in the coordination of the annual appointment process for volunteer participation in committees, sections and programs and assists the President and President-Elect in developing annual charges for each standing committee of the Bar.

F. Public Information and Public Relations:

Serves as chief spokesperson for the Bar in the absence of the President. Receives inquiries from news media and members of the public concerning Bar operations or events which concern the Bar, issues statements when appropriate and consistent with Board policy and undertakes public speaking activities for the Bar when appropriate.

Coordinates with public information consultants on matters of press relations.

G. Legal Profession:

Represents the Bar in various capacities with the American Bar Association, Western States Bar Conference, National Association of Bar Executives, and other national and regional organizations within the legal profession.

Promotes and maintains positive relationships with local and specialty bar associations, the judiciary and in-state law schools.

Coordinates dissemination of information from national and regional legal organizations to committees and sections of the Bar.

H. Utah Law & Justice Center:

Serves at the discretion of the Board of Trustees of the Utah Law & Justice Center, Inc., responsible for day-to-day management of the Center, including serving as agent in the negotiation and management of leasehold arrangements, and accommodation of appropriate tenant needs. Assists in the development of charitable and educational public service programs and activities which will produce revenue and/or promote the philosophical objectives of the Center, including appropriate ADR programs. Responsible for the management of the building facilities and services of the Utah Law & Justice Center, oversight of the incidental construction activities, and maintenance repair as needed. Develops or oversees marketing activities to promote the public recognition and use of the Law & Justice Center, its facilities and programs.

Implements the purchase and lease agreement between the Utah State Bar and the Utah Law & Justice Center.

Publishes an annual report of the programs and services of the Utah Law & Justice Center.

JCB|ExDirJob.doc

POSITION DESCRIPTION

JOB TITLE: Assistant Executive Director
REPORTS TO: Executive Director
STATUS: Exempt
EFFECTIVE DATE: April 2000

Basic Function

Handle all responsibilities associated with the Law and Justice Center including property management, facilities coordination for tenants and all meetings held within the Center.

Works closely with the Executive Director to direct the day-to-day operations of the Bar. Assumes full responsibility in the absence of the Executive Director.

Attends monthly Board meetings and assists Executive Secretary with minutes of those meetings.

Serves as liaison and counsel to staff to ensure that correct policies, guidelines and procedures are followed in the performance of their duties.

Recruits, hires, trains and supervises the following support personnel: Bar Programs, Consumer Assistance Program, LJC Coordinator, LJC Services Assistant, Lawyer Referral Services Administrator, Pro Bono Project Coordinator and Receptionist.

Monitors the performance of all staff.

Continuing Legal Education Department

Assists with Bar related CLE activities including Annual and Mid-Year Meetings.

Law & Justice Center Services

Manage all building services through supervision of LJC Coordinator, LJC Services Assistant, Lawyer Referral Services Administrator, Bar Programs, and Receptionist.

Works closely with the Executive Director to offer necessary input regarding promotions, salary structures and terminations of staff.

Obtains maximum utilization of support staff by assigning tasks and responsibilities, defining duties and performing periodic performance reviews. Conducts corrective interviews when needed.

Periodically reviews and updates Employee Manual to ensure accuracy, compliance and competitiveness.

Oversees utilization, scheduling and maintenance of Law and Justice Center. Responsible for evaluating general condition of physical plant to ensure that the image of the Bar is upheld. Oversees maintenance of facilities with Law and Justice Coordinator. Oversees utilization of Law and Justice Center by outside organizations.

Assists Executive Director as liaison for the Law & Justice Center tenants: (American Arbitration Association, Attorneys Title Guaranty Fund, "and Justice for all", Judicial Conduct Commission, Law Related Education, Utah Bar Foundation, Utah State Board of Continuing Legal Education and Utah Trial Lawyers Association). Assists with handling of all day-to-day situations involving tenants.

Oversees marketing activities to promote usage of the Law and Justice Center by Bar, bar-related and commercial entities.

Supervises master calendaring system for space use planning and management. Long-range marketing and image plan.

Implements Law & Justice Center meeting facilities policies per Board of Trustees direction.

Assists in planning and administration of Mid-Year and Annual Meetings. Works closely with Special Programs Coordinator and others to ensure meaningful, well-organized and professional events.

Approves Law & Justice Center payables. Provides cross-check on finances to ensure payables are charged to correct account and that no double payments are made.

Represents the Bar within the National Association of Bar Executives.

Security System controller and operator, distribution and ordering of all keys, maintenance of issuance register.

Coordinates building signage.

Back-up security officer for main system computer needs.

Audio/Visual Systems and Movable Partition Systems.

Assists Bar members and members of the general public with special questions, problems, and requests or refers them to the appropriate source.

Collection of Account Receivables: LJC room rentals, Lexis-Nexis, return checks, AirTouch Cellular, Bar Journal advertisements, etc.

Carries out other duties and responsibilities which may be assigned by the Executive Director, the Executive Committee or the Board of Bar Commissioners.

Job_Desc\Assist.ExD

POSITION DESCRIPTION

JOB TITLE: Executive Secretary
REPORTS TO: Executive Director
STATUS: Non-Exempt
EFFECTIVE DATE: February, 2002

Basic Functions:

Provide primary secretarial and administrative support to Executive Director, act as Office Manager and oversee Bar Commission election process.

Secretarial

Dictation tapes/letters, daily correspondence, filing, faxing, scheduling of meetings, set up phone conference calls and occasional errands.

Administrative/Office Manager

Update and maintain master calendar of pertinent Bar management dates.

Assist staff with office equipment use, maintenance and repair.

Conduct new staff orientation on Bar policies, all forms, procedures, benefits, copiers, telephone, etc., and introduce new staff.

Conduct exits interviews with staff leaving the Bar and collect all keys.

Coordinate all air travel needs for staff.

Prepare quarterly reports to staff on leave balances.

Maintain and update staff organizational chart and master calendar as needed.

Coordinate monthly staff meetings and keep a record of minutes.

Order Bar supplies, special letterheads, envelopes, etc.

Assists with Annual and Mid-Year Meetings.

Send detailed letter to Commissioners 3 months prior to event requesting attendance as well as spouse attendance. Send invite letter 2 months prior to event requesting RSVP by 2 weeks prior to event, inform visiting presidents, chair of meeting, past bar commissioners and new bar commissioners of dinner also. Give guarantees to Richard 72 hours before event.

Send invite letters to visiting presidents 3 months prior to event, request info on travel/attendance 1 month prior to event. Notify hosts, invite to Past Presidents dinner & send packet for registration. Send letter including itinerary, hosts name, etc.

Do RSVP list and name tags

Coordinate Committee membership renewals and prepare letters to Bar members being appointed to each committee.

Bar Commission

Prepare meeting agendas (organize exhibits, copy and distribute).

Contact Commissioners regarding attendance for guarantee purposes.

Update Bar Commission roster lists and Commission liaison lists and distributes as changes dictate.

Update and maintain Board Appointment Books, track term expiration for the various Boards and committees, and prepare appropriate letters as necessary.

Update and prepare new Commissioner Orientation materials.

Bar Commissioner Election Process

Prepare Commission election notice for Bar Journal publication.

Collect Commissioner petitions and communicate with candidates regarding Bar election services and procedures.

Prepare, proof and order balloting materials and oversee mailing.

Collect candidate's biographical information for publicity purposes.

Oversee ballot-counting process.

Prepare election results.

Coordinate election process with the Young Lawyers Division president if the division holds its election in conjunction with the Bar Commission election.

Administrative Support to Executive Committee and Budget & Finance Committee

Prepare meeting agendas, mailings (organize exhibits, copy and distribute), as needed.

Contact committee members regarding attendance.

Admissions Support

Assist with Bar examinations as needed (check in, errands as they come up during the days of the exam etc.).

Run the statistical data survey form on the voluntary ethnic backgrounds of those taking the Bar examination.

Building

Do scheduling of subs on phone for lunch, breaks, sick & vacation times.

Building Mgt. Keep Mgrs. Handbook updated, be contact point for all building maintenance: alarms, carpet, concrete, contractor, drinks & candy machines, electrical, elevators, fire alarm systems, heating & air conditioning, lighting, paint, pest control, parking lot, plants, plumbing, outdoor maintenance etc.

Job_Desc\Exec_Sec

POSITION DESCRIPTION

JOB TITLE: General Counsel
REPORTS TO: Executive Director
STATUS: Exempt
EFFECTIVE DATE: January 1, 2003

Basic Functions

Provide for legal needs of Board of Bar Commissioners and the Bar; attend Bar Commission meetings, draft and finalize minutes and assist Executive Committee as requested.

Administrative Responsibilities

1. Supervise and assist in defense of civil lawsuits filed against the Bar through the appeal stage; direct responsibility for defense in selected lawsuits as time permits.
2. Respond to subpoenas issued for Bar records, co-coordinating with Office of Professional Conduct and other departments where appropriate.
3. Representation before the Bar Commission and the Utah Supreme Court on administrative matters which may be challenged through an administrative remedies procedure which was proposed several years ago to enable lawyers to review Bar Commission decisions without going to court.
4. General review and updating of all corporate documents, including Rules for Integration and Management, Bylaws, all policies and procedures including personnel-related documents such as the Employee Handbook, and the Bar's and the Law & Justice Center's leases and contracts.
5. Preparation of petitions creating new rules and addressing rule changes; representation before and interaction with the Utah Supreme Court as necessary and appropriate.
6. Personnel issues including compliance with COBRA and FLSA and other employment laws; review and assist in personnel procedures and policies as needed including dismissals, workers' compensation matters, insurance issues, and similar matters.
7. Regular review and updating of all insurance policies, including professional liability, director and officer coverage, commercial liability and worker compensation. Assist Financial Administration re compliance with federal law and regulations pertaining to 125(c) and 401(K) plans.
8. Assistance to Executive Director as requested and to staff as needed.

9. Provide legal assistance as needed to Fee Arbitration Committee, Lawyer Referral Service, Tuesday Night Bar, Character and Fitness Committee, Admissions Committee and Client Security Fund Committee, e.g., advice, policies, surveys and rule changes.

Unauthorized Practice of Law

Supervision of unauthorized practice of law (UPL) matters. Screen all UPL complaints, coordinate with the Office of Professional Conduct as necessary, and work with General Counsel Assistant to maintain pertinent information entered on database to track progress. Handle some matters in house, decide which matters go to the UPL Committee and which need to go directly to outside counsel, securing necessary approval through the Bar Commission for formal UPL matters. Attend all UPL Committee meetings, work with chair and serve as liaison.

Admissions

1. Represent Bar before the Utah Supreme Court and other courts on Character and Fitness and Bar examination appeals.
2. Assistance to Deputy General Counsel in Charge of Admissions in the admissions process as is necessary, appropriate or requested, including reviewing selected bar examination questions, special accommodation requests, compliance with Americans with Disabilities Act requirements and other, mostly legally-related assistance.

Licensing

1. Interact with licensing personnel and OPC and advise where necessary or desirable on licensing, policy and legal issues.

Pro Hac Vice

1. Work with General Counsel Assistant to track documentation on all pro hac vice submissions; review selected or problematic applications and motions for qualifications, appropriateness and completeness; work with General Counsel Assistant to maintain database of information for statistical purposes; file objections and litigate when necessary (where informal methods to resolve inappropriate appearances have been unsuccessful).

POSITION DESCRIPTION

JOB TITLE: Financial Administrator
REPORTS TO: Executive Director
STATUS: Exempt
EFFECTIVE DATE: March, 1999

Basic Functions:

The Financial Administrator is responsible for all accounting functions and assists with computer functions for the Bar and Law and Justice Center. Provide timely and accurate financial information on a monthly or as-needed basis. Meet with the Executive Director, Executive Committee and others as need to review the monthly financial results. Supervise the Financial Assistant.

Financial Statements

The Financial Administrator prepares monthly financial statements on a timely basis. The deadline as set by the Executive Director is the 15th of the following month which allows the information to be mailed to the Executive Committee and Commissioners prior to their monthly meetings. In addition, financial statements for each Section are prepared and mailed to the Section President or designee.

Budgets

The Financial Administrator under the direction of the Executive Director prepares the annual budgets for the Bar and Law and Justice Center. Major deviations from the budget are analyzed for their cause and effect and corrective action recommended if needed.

Yearly Audit

The Financial Administrator coordinates the yearly audit with the outside auditors and prepares the requested information needed to complete the audit on a timely basis.

Tax Returns

The Financial Administrator prepares all necessary tax returns for the Bar and the Law and Justice Center. These returns include the quarterly payroll tax returns and yearly tax and information returns.

A. Financial Statements

1. Prepare monthly financial statements by the 15th of the month.
2. Review monthly results with the Executive Director.
3. Prepare monthly operational analysis for Executive Director, Department Administrators, Commissioners, and the Executive Committee.

B. Budgets

1. Prepare yearly budget under the direction of the Executive Director in concert with Department Administrators.
2. Prepare monthly budget analysis and analyze major deviations from budget. Recommend corrective action if needed.

C. Accounting Functions

1. Review and approve entries into the General Ledger.
2. Review and approve journal entries to the General Ledger.
3. Reconcile all bank accounts on a monthly basis.
4. Review and approve coding of all invoices before input and payment.
5. Review and reconcile all balance sheet account balances monthly.
6. Audit unusual entries to accounts.
7. Maintain fixed asset and depreciation Ledgers.
8. Review month-end cut-off to see that revenue and expenditures are recorded in the correct accounting period.
9. Perform any other function required to provide timely and accurate financial information in accordance with generally accepted accounting principles.

D. Computer Functions

1. Assist the MIS manager in the operation of the computer system for accounting and membership.
2. Provide information and direction to the Executive Director concerning software and computer operations so that timely and meaningful information is provided as described above.
3. Provide for adequate backup of computer data.

E. Quarterly

1. Prepare all necessary tax returns and file on a timely basis.
2. Review actual results with budgeted results and prepare quarterly budget revision if necessary.

F. Year End Procedures

1. Coordinate yearly audit with outside auditors.
2. Prepare schedules as requested by outside auditors to control audit costs and to facilitate timely completion of audit.
3. Prepare and file all necessary tax and information returns.
4. Run and keep hard copies of financial information and file in folders in an orderly manner.

G. Other

1. Prepare financial information upon request as directed by the Executive Director.
2. Provide adequate computer and financial training to the staff members of the Bar and Law and Justice Center.
3. Recommend changes in accounting procedures that will improve internal controls, accounting, and provide more accurate and timely information.
4. Provide accurate and meaningful information to the general Bar membership so that their confidence in the Bar is warranted and justified.

H. Mailing List & Label Orders, Address Updates

1. Input change of address and other membership maintenance as required.
2. Process label printout and mailing lists' requests for in-house use or outside sale requests.

I. Licensing

1. Coordinate annual licensing cycle.
2. Supervise and train licensing staff on licensing process including computer payment input, corrections, inquiries, etc.
3. Annual Billings - meet with printers, update proof, verify changes, order stickers, order bar cards, order voluntary bars cards each year. Bill judges for license fees.
4. Provide information to members regarding payments, membership, reinstatement, suspensions, and correspondence regarding such matters.

POSITION DESCRIPTION

JOB TITLE: Financial Assistant
REPORTS TO: Financial Administrator
STATUS: Non-Exempt
EFFECTIVE DATE: April 1997

Basic Functions:

Assist in maintaining financial records for accounts payable, accounts receivable, payroll, employee benefits, Bar Journal, general income, and special events. Assist the Financial Administrator in preparing month-end financial statements, Law & Justice Center requirements, and track department finances.

Accounts Payable

1. Code invoices for payment for approval by Executive Director
2. Prepare batch sheet and input vouchers for payment, process checks ready for signature, mail checks to vendors.
3. Process hand-pay checks as needed.
4. Process all hand-pay checks on computer for month-end.

Payroll and Employee Benefits

1. Update and monitor employee receivable accounts.
2. Process quarterly payments to ABRA for employees in plan.
3. Submit claims to insurance carrier and disburse payments to staff.

Bar Journal

1. Prepare invoices for advertisers, monitor unpaid balances and prepare past due billings.
2. Post input for all paid invoices.
3. Prepare commission check for Shelly Hutchinson for advertising sold each month.

Accounts Receivable

1. Prepare invoices for charges of mailing labels, bar journals and misc. items sent out.
2. Prepare invoices for Section Luncheons, etc.
3. Monitor payments received and prepare past due notices.

General Income

1. Verify batch sheets prepared by front desk.
2. List checks on spread sheet and make bank deposits.
3. Post payments made.
4. Post to General Ledger accounts for the month-end report.

Special Events (CLE, ANNUAL & MID YEAR MEETINGS)

1. Prepare codes and post input of paid registrations to event report
2. Prepare deposits for paid events.

Other Duties and Responsibilities

1. Track monthly postage, supplies and telephone for all departments.
2. Monitor petty cash balance, prepare report, journal entries and transfers, verify back-up and receipts for all monies disbursed.
3. Monitor current available balance in bulk and postage meter accounts and prepare transfer checks.
4. Assist Financial Administrator with preparation of month-end financial statement process as needed.

Utah Law & Justice Center

1. Prepare invoices for facility use.
2. Post payments received and make bank deposits.
3. Report past due accounts to the L&JC Administrator.

Licensing Cycle

1. Assign control numbers and prepare batches for entry into the membership system.
2. Input and update member records for all dues payments, including input of statistical and other information reported with the dues payment process.
3. Mail out all renewal stickers.

Director of Information Technology

General Position Description:

Reporting to the Executive Director, the Director of Information Technology is responsible for the direction, management and integrity of Utah State Bar's data, phone and video network, applications and web environments. This position is responsible for information technology infrastructure and services to support staff, the public, the membership and regulatory functions.

Departmental Administration

- Oversee the direction, management and integrity of the Utah State Bar's data systems, communications systems, phone and video networks, applications, software, hardware and web environments.
- Recommend, develop, and administer information technology policies and procedures to support the Utah State Bar's short- and long-term information technology needs and to support technology services essential to administrative processes.
- Develop, manage and monitor departmental operating and capital project budgets. Develop budgetary proposals that are consistent with the Utah State Bar's operational requirements and technology standards for networking infrastructure, systems, telecommunications and applications development.
- Serve as liaison to the Utah State Bar Law & Technology Committee, Utah Administrative Office of the Courts MIS Division, and the Utah Government Department of IT Services, and other professional organizations as directed by the Executive Director of the Utah State Bar.
- Serve as Utah State Bar Information Technology Security Officer.
- Provide technology support for instructional activities including course design, development and delivery, evaluation and tracking, etc.

Planning and Evaluation

- Participate in and contribute to the Utah State Bar Strategic Planning Process.
- Develop, manage and update Utah State Bar Information Technology Strategic Plan.
- Prepare annual plans for the information technology department identifying goals, operational objectives, priorities, strategic approach, and budget requirements.
- Ensure accountability for overall implementation of plans and strategies, and evaluate IT services and progress on strategic plans and goals.
- Develop and maintain maintenance plan for all IT systems and components.
- Develop and maintain replacement plan for all IT software and hardware.
- With input from Utah State Bar administration manage and prioritize the development of Utah State Bar applications and databases.
- Consult with other Utah State Bar administrators, translating individual department needs, and Utah State Bar mission into technologically specific plans.
- Communicate with senior management to help define technology support required for major program initiatives.
- Develop, implement and assess performance standards for Utah State Bar IT services.

Technical

- Ensure effective and appropriate use of IT resources throughout the Utah State Bar.
- Independently manage highly complex IT projects and initiatives.
- Define, prioritize, schedule, and monitor multiple IT projects, developing and maintaining comprehensive project plans/schedules.
- Provide IT consultation with Utah State Bar staff, and outside contractors in the design, development and execution of construction and remodel projects.
- Ensure technological currency and effective use of information technologies among Utah State Bar employees by developing and coordinating comprehensive in-service training and support programs.
- Provide senior management with accurate and complete information on IT project status and priorities.
- Orchestrate the negotiation and implementation of support contracts, licenses maintenance agreements and upgrades for the campus data network, telecommunications network and all associated systems.
- Develop and administer a comprehensive security program to protect information integrity and implement a security awareness program to assure campus security standards are known and implemented.

Supervision

- Complete a thorough technology orientation for new employees;
- Assign employee work hours, job responsibilities and as necessary for specific job tasks;
- Arrange for job-specific employee training as appropriate;
- Appropriately delegate tasks;
- Create and maintain a job description for each employee;
- Complete performance evaluations annually, and on schedule;

IT Director Job Description

- Assist bar staff and leadership in developing relevant and feasible technology plans and goals;
- Provide additional one on one training to staff as necessary;
- Provide for appropriate discipline as necessary;
- Complete hires for IT employees within Utah State Bar policy and procedure;
- Adhere to all policies and laws regarding employee work conditions.
- Effectively manage employee relations within the department, including facilitation of conflict resolution and the handling of formal or informal grievances as necessary;
- Maintain a working knowledge of policy basics such as overtime rules, leave policies, payroll procedures, etc;
- Provide employees with clear and effective guidance on work priorities and workplace issues;
- Include employees in department decision-making as appropriate.

UTAH STATE BAR

EMPLOYEE EVALUATION FORM

Employee: _____

Supervisor: _____

We have set the date of _____, 200__ at _____ am/pm for your review. Please complete this form and give the original to Robert L. Jeffs. Make a copy for yourself and bring it with you to your evaluation. At the conclusion of the meeting, the original will be kept in your personnel file. Please respond to all the following inquires with as much detail as is necessary.

A. **Responsibilities:** List your primary responsibilities with the highest priority listed first:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

B. **Performance Evaluation:** Briefly assess your overall job performance as to each of the foregoing responsibilities you have listed.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

C. **Time Allocation:** Assess the percentage of time each you spend accomplishing each of the foregoing responsibilities (may be allocated on a monthly/weekly/daily basis).

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

D. *Office Environment:* Please rate your adherence to the following. Please respond in the blank provided with one of the following: Always, Mostly, Sometimes, Never.

1. I am courteous towards clients and the public. _____
2. I am courteous towards my co-workers. _____
3. I maintain strict confidentiality of all sensitive USB information. _____
4. I am punctual to work and when returning after lunch. _____
5. I take my lunch at 12:00 noon for one-hour. _____
6. I do not leave work early at the end of the day _____
7. I strive to be productive during work hours. _____
8. I do not work on personal matters during work hours. _____
9. I do not use office equipment and office materials for my own use. _____
10. I adhere to workspace guidelines
(i.e. personal use of public equipment, keeping station clean, restriction of personal items) _____
11. I present a professional appearance in my appearance and dress. _____
12. I contribute to a positive and professional office atmosphere _____

E. *Personal and Professional Development:* Are you pleased with your personal and professional development at USB-office? Please explain.

F. *Performance Goals:* Please list at least three major goals and objectives you would like to set for yourself during the upcoming year that will enhance your personal and professional development and improve your productivity and effectiveness.

G. *Work environment.* Please comment on the environment of the work place. (i.e. Are you comfortable working at USB? Are you experiencing any situation that causes you undue stress? Are you being subjected to any harassment or other objectionable behavior by anyone?)

H. *Future Needs.* Please describe the future needs, challenges, staffing requirements, or expansion of responsibilities that you expect your position or department will face in the next

EXECUTIVE DIRECTOR EVALUATION TIMELINE
(Fiscal year, July 1 through June 30)

1. Following the election of the President-Elect for the coming year and prior to the July Bar Commission Meeting, the outgoing President, the incoming President and the newly-elected President-Elect shall meet with the Executive Director and establish written goals and objectives for the coming fiscal year.

2. Periodically during the fiscal year, the President, President-Elect, and Executive Director shall meet to discuss progress on the goals and objectives. Prior to May 1, the President shall circulate the "Executive Director Written Evaluation Form" and "Goals and Objectives Listing" to the Bar Commission for completion. On May 1, the Executive Director shall circulate to the Bar staff the "Staff Performance Evaluation Form for the Executive Director" for completion. The completed evaluation forms shall be returned to the President no later than May 15. The President shall compile the results for review by the Bar Commission in Executive Session in conjunction with the May Bar Commission Meeting.

3. The President shall meet with the Executive Director to discuss the evaluation and salary recommendation no later than June 5.

Utah State Bar Technology RoadMap

| | |
|---|---|
| | Membership Secure Login |
| <p style="text-align: center;">Utah State Bar Website - Public</p> <ul style="list-style-type: none"> • Lawyer Status and Public Address Lookup • Lawyer Referral Service • Reduced Fee & Pro Bono Services • Admissions Application, Status, and Process Management • Pro Hac Vice Application(fee) • Consumer Assistance Application • Fee Arbitration Application • Client Security Fund Application • Probate Forms Download (fee) • Room Reservation System (fee) • MCLE Application & Process Management | <p style="text-align: center;">Utah State Bar Website - Members</p> <ul style="list-style-type: none"> • Membership Record Access and Modification • Licence Renewal • CLE Reports and Status • CLE Registration & Confirmation • MCLE Certification & Reporting • IOLTA Self Reporting • Section and Committee Membership Sign - up • Member Benefit Access • CaseMaker Access • Bar Journal & Ebulletin Access (Casemaker) • Email Broadcast Services Services |
| Web Server Content Management and Publication System | |
| Rim Firewall, Internet access, Local Networks, and Servers | |
| Transaction Reporting and Management (HOSTED) | |
| <p>Membership Management System (HOSTED)</p> <p>CORE MODULES: Membership; Admissions; CLE Event Management System; MCLE Compliance Management; Report Generator; OPC Case Management; System Administration</p> <p>OPTIONAL MODULES: IOLTA; Lawyer Referral & ProBono/Reduced Fee Services; Publication Management; Mass Communications</p> | |
| Transaction Reporting and Management | |
| Accounting Systems | |
| Internal Bar Management: Phone & Voice Mail Systems; Email System; Time and Billing; Staff & Bar Event Calendaring; File Management; Forms Library | |

Utah State Bar Network Security Audit

This document is intended as a final report outlining the finding of the network and systems security audit performed by EmpowerIT Consulting between the dates of April 30th and May 21st 2008.

The document will begin with an executive summary of what the audit process consists of, the methodologies used to measure the security level in given areas was, and the overall findings and conclusions were to the given methodologies. Next, it will give a technical assessment based on the testing methodologies used to assess the Utah State Bar's network. These will include any recommendations that are deemed appropriate for the given host. Following the technical assessment we will include any technical reports or supporting documentation for the technical assessment. Finally, the document will end with some overall suggestions and recommendations to maintain a secure network moving forward.

Executive Summary:

Status of Utah State Bar network

I found the overall status of the network security at the Utah State Bar to be good. It appears that security patches and updates are for the most part up to date. I find the security policies that are in place are strong and well thought out. There are a few minor issues but overall the security environment is above average. I feel that on the whole the Utah State Bar has taken the reasonable precautions and measures to keep a secure and functioning network.

Overview of the Audit Process

Network Security:

The audit process in its essence is a process intended to assess the current state of security on the overall corporate IT network. The audit intends to uncover and address any potential vulnerabilities introduced by any and all devices (Printer, PC, Server, Switch, etc.) that are connected to the network, either with a wired (Ethernet) or wireless (WiFi) connection. It is also critical that the audit determine any point at which a transient network device such as a wireless laptop or mobile device may enter the network. Since these devices are often not managed by the Utah State Bar they are considered to be of particularly high interest.

Due to the nature and purpose of computer networks, especially with the presence of the Internet, they are an ever-present and ever-changing threat to a company's information security. In the course of this Audit, as with any audit we have found many different services and applications that are open to communication from other networked devices. Again, this is the nature and purpose of computer networks.

The determination that ultimately has to be made is whether or not the given application or service is installed and enabled to serve a purpose or if it is an oversight or otherwise unnecessary point of exposure to the network security. This is done using an internal network scan (internal meaning; run on the private corporate LAN on a trusted networked computer, in this case the Utah State Bar's Primary Domain Controller was used). The report generated by this scan is used to find applications and services that are listening on the network. From there one must assess the results on a case by case basis.

One final area that is critical to the outcome of a network audit is that any applications and services that are exposed to the network are built in a secure manner utilizing periodic security and stability updates. It is very critical to security that the given applications and services are running the latest security patches that are available. This is determined using the aforementioned internal network scan.

Security Policies:

Most security policies consist of IT Administration level policies, such as routine backups, disaster recovery policies, network equipment maintenance policies and procedures. During the audit most of the policies are reviewed with the onsite admin. Many times the cause of a network compromise will come down to a simple user mistake. Many of the security measures and tests described above will help to mitigate these vulnerabilities.

The access to most network applications is controlled by username and password authentication. This is a commonly overlooked aspect to network security. However, it is one of the most important factors. Passwords should be rotated at least every 90 days and should be at least 6 characters using a combination of alpha numeric characters including punctuation. Furthermore access to network resources should be controlled at a centrally managed point. In the audit we determine the policies in place and make recommendations as needed to improve the Security Policies that are used.

Methodologies Used

Network Penetration scan:

The primary tool used to determine network security is Nessus. Nessus is a network security and vulnerability scanner released by Tenable Networks. Tenable is an industry leader in network security scanning and reporting. They maintain an extensive database that utilizes 21835 different plug-ins to assess any threats.

First, we conducted an **external network penetration scan**. With this scan as well as our internal security scan we used Nessus introduced above. The external scan is used to determine what an internet based would-be attacker will be able to exploit on your network. It is called a penetration scan since the tests are designed to determine what level of penetration into the core network an attacker could attain. This scan uses the same technique that is used on the internal network scan, which is to scan each external IP address on your network for any applications or services that are communicating or accepting connections with/from the network. This type of scan is what a potential attacker would use to determine what vulnerabilities a network may have before launching an attack.

Next, we conducted an **internal network security scan**. This scan is intended to determine the security of the network in the event of an internal attack, such as that from a virus or worm that had gained access to an internal trusted machine. This scan is the most revealing since it is run from a trusted local network machine. In our case we ran this scan from the primary domain controller that controls authentication for all machines. We also provided Nessus with administrative authentication credentials for all machines and network devices. This helped to ensure that we gathered the maximum degree of information for our audit.

For the internal audit we ran an initial scan to determine what settings we needed to adjust on both the scanning server as well as the clients. This scan was based on a small subset of computers that would be unaffected by a mid day scan. Based on the information obtained from the initial scan we adjusted some of the settings on the scanning server. Next we ran a second tuning scan against a larger pool of computers to help us further tune the settings on the server to give us the most accurate results possible. From there we had determined the final configuration needed for the best results. The final scan was run against the Utah State Bar's full IP block. The range we scanned was the range that contains all of the office computers and servers. The scan was run on a Friday night with all machines running.

Interview onsite admin:

An interview was conducted with the onsite admin, Lincoln Mead, to determine the security policies that were in place and how they were being enforced. This is intended to determine any potential holes in the policies and to determine what can be improved upon. Much of the questions that are part of this interview process were covered in the Utah State Bar IT and Web Services Review 2008 report.

Overview of findings

External penetration scan:

I found the overall state of the Utah State Bar network to be very good when compared to the networks of other companies I have worked with. The external scan revealed nothing of concern. All reported listening applications were of no or very low risk. I will explain more in the Technical Assessment section how to determine the severity of a reported exploit. Many of the listed items on the report are not vulnerabilities at all but are simply there to report an application that is listening. The reason for these types of items being on the report is so the admin is aware of the listening applications and can disable any that are not needed.

Overview of network security:

Internally the scans reported a couple of smaller issues and one possibly urgent issue. Before we get into the meaning and reasons for these issues I wanted to discuss the Utah State Bar's multi layer security environment. The first layer of security that an attacker would have to get through is the firewall. The firewall is up to date on its firmware release and utilized all of the latest technologies to filter incoming and monitor outgoing traffic. The firewall is also equipped with Intrusion Detection and Prevention (IDP).

This means that it will alert the admin upon recognizing any traffic as a common intrusion to the network. It will also block the traffic by enabling a dynamic rule to block the intruder. The second layer of security consists of various techniques to isolate internal Utah State Bar employees from users of the various Utah State Bar tenants that utilize the same switching infrastructure. This is currently handled using a technology called VLANs (Virtual Local Area Networks).

With this technology the users on one VLAN can't see the users on the other without passing through a router. In this case the router contains rules to block communication from one network to the other. Access to a given VLAN is controlled by the IT administrator. The internet connection used by the Tenants is physically a separate DSL line to provide one more layer of separation.

Thirdly, access to any of the given machines is filtered and restricted using Symantec Endpoint Security, which is a security suite consisting of Antivirus, Antispyware, Firewall, IDP and Browser protection. This suite is the latest enterprise level antivirus software that Symantec has out.

Symantec is also a market leader in this type of software. Symantec utilized routine updates to its software and virus definitions that are rolled out on a daily basis as needed to the clients.

The reason I mentioned the layered security model is to introduce a topic related to assessing network security called Temporal Metrics. In a nutshell, the term refers to several variables that influence just how dangerous a given exploit is at any given point in your network. Some of these factors are external such as the passing of time since the exploit was released, the availability of exploits or code that has been written or how popular it is among hackers. Internally however and a major contributor to the Temporal Metric is the environment that the condition exists within.

When considering network security it is important to look at the big picture. The key question that needs to be answered is whether or not an individual or software attack could exploit your network. The primary factors to consider are the different avenues an attacker could use to penetrate the network, if an attacker were able to take control of an internal machine what would be the exposure, the disaster recovery procedure to recover should data loss occur in for any reason.

With the external scan we have a good snapshot at this point in time of what is visible to the outside world (Internet). This shows us what immediate avenues are available for penetrating your external defenses. Based on our external scan the Utah State Bar is very secure on its external interfaces. The internal scan shows what a hacker or exploit would have access to if they were to take control of an internal machine. However based on our external scan and our internal Symantec Endpoint protection the likely hood of an internal compromise is greatly diminished. That is the underlying premise of the Temporal Metric as it applies to internally controllable factors.

Internal security scan:

As I mentioned above the internal environment is also exceptionally secure. I attribute much of this security to the Symantec Endpoint Security suite that all of the workstations are running. However there are many different network devices that are not Microsoft workstations, such as Servers, Printers, Security Cameras and various pieces of network equipment.

Technical Assessment:

External penetration scan;

With this scan I saw only one real issue. The issue is related to a Linux based server that is used to host external Mitel IP telephones. The issue is a minor issue but due to the nature of the product it can only be updated by first updating the phone system then the software version on the Mitel server. However, it appears there are no known exploits for this warning. The vulnerability that does exist is only useful if you have other exploitable software running on the same server. Which as of this scan none is reported.

Recommendations: Upgrade 3300 software to newest version and upgrade the teleworker to its newest software release as well.

Internal security scan:

The internal scan was supplied credentials to log into the machines on the internal network. So many of the exploits are due to the scan being able to authenticate and get information about the machine. This is the case with most of the general TCP errors relating to user accounts on the systems. Hosts reviewed in order they appear on the report below.

10.0.12.7 is reporting a vulnerability that is labeled as a High Risk exploit. I have discussed this issue with Lincoln Mead and he informs me that this system, which is the Utah State Bar database server, is slated to be decommissioned in June or July of this year. He also mentioned that the original vendor of the Legacy system warned him that upgrading the MS SQL server will cause problems with the application. The IDP component of the firewall presumably should catch this worm and shut it down if it gets in somehow.

Other than that there are a handful of medium and low risk warnings. There are a number of these that are related to being able to view certain types of user accounts. Such as disabled accounts or accounts that the password never expires. As I mentioned above, this information was mined due to the scanner having credentials to be able to log into the system while scanning. However, it's probably a good idea to go through the system and disable or change the settings that have generated the errors.

Recommendations: It appears that this system also could use a Visual Basic upgrade along with some security patches for Microsoft Office.

10.0.12.2 is reporting a few medium risk issues. They are all related to the scan coming from the internal network since the firewall scanned clean externally with the same scanner. It's also reporting an issue with the https "leaking" its private IP address. This is only happening internally thus is a non issue.

Recommendations: Disable SNMP until when or if it is needed for monitoring, disable telnet on the internal interface, it is disabled on the external.

10.0.12.254, 10.0.12.253, 10.0.12.252, 10.0.12.249 are all the network switches. These are all reporting the same set of minor errors. The first warning is stating telnet is running and that telnet doesn't use encryption so passwords are visible clear text. The switches primary interface is through telnet. In the software load that is running on these switches SSH (secure shell) isn't supported. It may be on a newer release. Again with this warning the exposure is minimal with access only being available on the private LAN.

Recommendations: Disable SNMP for these hosts as it's not being used and does introduce a very minimal threat.

10.0.12.251 (USBSTORE1) is reporting a buggy version of NetBios. This is the technical bit from Microsoft describing this alert. This is an Information Disclosure vulnerability that could enable an attacker to receive arbitrary or random data from the memory of another computer system that is on a network. Under certain conditions, the response to a NetBT Name Service query may, in addition to the normal reply, contain random data from the target system's memory. This data could, for example, be a

segment of HTML if the user on the target system were using an Internet browser at the time that the target system responds to the NetBT Name Service query. It could also contain other types of data, depending on what data exists in memory at the time that the target system responds to the NetBT Name Service query. To exploit the vulnerability, the attacker must be able to access the target system over NetBT.

Recommendations: Determine if the manufacturer has an upgrade for the firmware/software load on this appliance that will fix this vulnerability.

10.0.12.250 (Lobby Webcam) is reporting some issues with the DNS server that it is apparently running. This is not super critical with the web camera only available on the private LAN.

Recommendations: Check with manufacturer and see if firmware upgrade will fix this issue.

10.0.12.1 (Cisco router) is reporting that a telnet server is running. This is the routers primary interface thus needs to be enabled. It too is only accessible from the private network.

Recommendations: offload VLAN routing to another machine and decommission this older router.

10.0.12.18; 10.0.12.19 (Sharp printers) are both reporting some issues with SNMP, FTP and telnet. It is my understanding that these systems are managed by the vendor and has been secured as much as possible. The alerts that are reporting are also very minor is threat level especially on the private LAN.

10.0.12.11 (USBA-DC) is reporting a few low to medium warnings. This is the Utah State Bar's domain controller and also was the scanning server for the scan. First is 3389 (RDP), the threat for this is very low since the firewall is blocking access to this port from all but two IP addresses. It may be worth addressing down the road if the remote access to the server increases.

Next, there is a report about the DNS server replying to anonymous requests. This service is not allowed through the firewall so it is a nonissue. The same is also the case with the second DNS server warning about recursive lookups. This is to be expected for this server as it is the DNS server for the LAN.

Also it reports that the web server is "leaking" the private IP. However this is not the case from externally and is a normal event when querying against the private IP. The two issues regarding HTTPS (443) using weak ciphers for encryption and an outdated ssl version may be good to address. Especially if the Utah State Bar users use the webmail feature or any of the other web based applications that require an encrypted connection. Finally for this host it has two warnings related to the LDAP server. Neither gives a link on resolution. However, the solution seems relatively easy. In both cases it suggests disabling the NULL queries that are exploitable in LDAP.

Recommendations: Upgrade SSL to 3.0 and reconfigure IIS to not use weak ciphers. Reconfigure LDAP to no allow NULL BINDs and disable NULL BASE queries. Consider configuring RDP to force SSL on connections.

10.0.12.10 (PTR_MBMRSHIP) is warning about a flaw with the network card or driver that allows for potentially sensitive information about the OS to leak out. It recommends contacting the vendor to address this issue. The link doesn't work and I'm not familiar with this issue. This is a very minor issue based on the machine being located on the private LAN.

Final Recommendations:

Quarterly Audits of external and Internal networks - Network security is, by the very nature of networks and the fast moving pace of technology, a moving target. The only way to stay on-top of security is to stay vigilant and use these types of scans on an ongoing basis. Currently the Utah State Bar performs a quarterly external penetration test and audit of its external network services and utilizes Microsoft Baseline Security Analyzer to review the internal status of their machines. My recommendation is to use the now installed Nessus security analysis tool on the internal network alongside the external network review.

Centralize update services for software - Another thing that I believe will help the Utah State Bar is to setup Windows Server Update Services on the domain controller. This will allow for the administrator to manage approve and verify that windows updates are taking place. Another recommendation along this same vein is to setup an enterprise management interface for Symantec. For the same reasons I'm recommending the Windows update service. It will help to see who is up to date and track any sort of outbreak that may hit the network.

Complete installation of internal IDP System to monitor internal LAN traffic - Finally I understand this project is underway, but I thought I would mention it here. Having an internal IDS system on the network will be a very valuable tool for early detection and isolation of any network intrusions.

PERFORMANCE EVALUATION OF
EXECUTIVE DIRECTOR

For Period: _____

Please evaluate the Executive Director's overall performance for the period using the following scale:

- 0 = Unable to Evaluate
- 1 = Unsatisfactory
- 2 = Needs Improvement
- 3 = Meets Expectations
- 4 = Exceeds Expectations

1. OFFICER, BOARD AND MEMBER RELATIONS RANKING

- A. Effectively advises and assists the officers and other bar leaders in the discharge of their duties. _____
- B. Resourcefulness _____
- C. Approachable and easy to work with. _____
- D. Encourages communication and consensus building _____
- E. Effectively manages the association. _____
- F. Keeps officers and Board advised of events affecting policy, budget and office operations. _____
- G. Coordinates meetings, agendas, minutes and plans for execution. _____
- H. Keeps the leadership informed of developments and issues affecting the legal profession and the association. _____

2. MANAGEMENT AND ADMINISTRATION OF STAFF RANKING

Please evaluate the Executive Director's performance in the following areas of management and administration of staff:

- A. Recruiting, training and hiring _____
- B. Leadership/Motivation _____
- C. Promotion and compensation _____
- D. Supervision _____
- E. Communications _____

Comments: _____

- 0 = Unable to Evaluate
- 1 = Unsatisfactory
- 2 = Needs Improvement
- 3 = Meets Expectations
- 4 = Exceeds Expectations

3. FINANCIAL MANAGEMENT & BUDGET CONTROL RANKING

Please evaluate the Executive Director's performance in the following Areas of financial management:

- A. Oversees development of budget _____
- B. Supervises accounting and financial reporting _____
- C. Exhibits concern for and addresses financial health of the association _____
- D. Engages in long-range financial planning _____

4. ASSOCIATION ACTIVITIES AND PLANNING RANKING

- A. Effectively oversees the association's programs _____
- B. Effectively identifies major issues affecting the Association. _____
- C. Plans and accomplishes short-term goals _____
- D. Plans and accomplishes long-term goals. _____
- E. Encourages planning by departments, officers and the association in general. _____
- F. Participates in state and national professional organizations. _____

5. PERSONAL PERFORMANCE ISSUES RANKING

- A. Achieving results. _____
- B. Adequate attendance at meetings. _____
- C. Openness and willingness to take on additional duties. _____
- D. Exhibits enthusiasm, energy and commitment to the association and her job. _____
- E. Balances the need to make decisions for the association with the need to follow appropriate organizational decision-making procedures. _____
- F. Is willing to make decisions. _____
- G. Decisions are well thought out and based on appropriate research. _____

Comments: _____

- 0 = Unable to Evaluate
- 1 = Unsatisfactory
- 2 = Needs Improvement
- 3 = Meets Expectations
- 4 = Exceeds Expectations

5. PERSONAL PERFORMANCE ISSUES – Cont'd. RANKING

- H. Tasks are accomplished in a timely manner. _____
- I. Are projects and meetings well planned? _____
- J. Do officers receive assistance in organizing their agenda and projects? _____
- K. Are staff resources efficiently managed? _____
- L. Does the Executive Director receive the respect of officers? _____
- M. Does the Executive Director receive the respect of staff? _____

6. COMMUNICATION SKILLS RANKING

ORAL SKILLS

- A. Skilled in giving impromptu as well as prepared Presentations. _____
- B. Presentations are organized and professional. _____
- C. Capable of speaking to large and small groups. _____
- D. Can be relied upon to be a spokesperson for the association when appropriate. _____

WRITTEN SKILLS

- A. All forms of materials are well written (i.e., general correspondence, Board/Committee reports and outlines of association policies and procedures). _____

Comments: _____

7. OVERALL EVALUATION

A. Has the Executive Director had any special achievements this year?

B. What most impressed you about the Executive Director's performance this past year? _____

C. How do you evaluate the Executive Director's performance overall?

D. What compensation increase do you recommend for the Executive Director next year based on this year's performance? _____

E. Areas of improvement that would best enhance the Executive Director's performance for the ABA and/or person development (include specific actions, assignments, training, etc.)?

F. Executive Director Comments on the composite evaluation.

(Established goals shall be attached to the document before distribution.)

STAFF PERFORMANCE EVALUATION FORM
for
Executive Director

All responses on this form will be kept confidential, and you need not sign your name to the form. The Executive Director will be given a summary of the results.

This evaluation addresses various areas of responsibility of the Executive Director. Please address all of the areas below in which you have some knowledge, and give appropriate comments and recommendations. A rating of less than "3" in any area indicates you believe improvement is needed in that area.

Thank you for taking the time to fill out this form.

The rating scale is as follows:

| | | |
|----|---|-------------------------------|
| NA | = | Not Applicable or Don't Know |
| 1 | = | Poor/Unacceptable |
| 2 | = | Fair/Improvement Needed |
| 3 | = | Satisfactory/Minimum Standard |
| 4 | = | Good/Above Average |
| 5 | = | Outstanding/Excellent |

A. LEADERSHIP:

Assess the Executive Director as a professional including her knowledge of the Bar Association, ethical leadership and willingness to support for the staff.

1. Understands and communicates the Bar's purposes:
Rating: N/A 1 2 3 4 5

2. Provides or facilitates necessary training for the staff:
Rating: N/A 1 2 3 4 5

3. Provides reinforcement and recognition for quality work.
Rating: N/A 1 2 3 4 5

COMMENTS/RECOMMENDATIONS/EXAMPLES on any of the matters covered above:

B. STAFF RELATIONS: Please assess whether the Executive Director:

4. Administers personnel policies in a fair and even-handed manner.
Rating: N/A 1 2 3 4 5
5. Maintains open and effective communication with the staff.
Rating: N/A 1 2 3 4 5
6. Maintains a cooperative, pleasant and considerate work atmosphere:
Rating: N/A 1 2 3 4 5
7. Mediates and resolves staff conflict appropriately:
Rating: N/A 1 2 3 4 5
8. Actively encourages staff initiative, growth opportunities and development of staff potential:
Rating: N/A 1 2 3 4 5
9. Is the Executive Director approachable and easy to work with?
Rating: N/A 1 2 3 4 5
10. Does the Executive Director encourage communication and allow for input and consensus building?
Rating: N/A 1 2 3 4 5
11. Overall, do you view the Executive Director as an effective manager of the Bar?
Rating: N/A 1 2 3 4 5

12. Do you believe the Executive Director has been open and listened to concerns?

Rating: N/A 1 2 3 4 5

COMMENTS/RECOMMENDATIONS/EXAMPLES on any of the matters covered above:

COMMENTS ABOUT OVERALL PERFORMANCE:

UTAH BAR COMMUNICATIONS
PROGRAM REVIEW MARCH 2008

Committee

1. Steve Owens – Chair
2. Christian Clinger
3. Mary Kay Griffin
4. Karthik Nadesan
5. Charlotte Miller
6. John Baldwin

Our committee met four times, informally surveyed colleagues, met twice with John Becker (our Bar PR representative), and interviewed (among others) Christine Critchley (Bar staff member who oversees the Utah Bar Journal) and Bill Holyoak (Editor of Utah Bar Journal).

Overview:

Our committee felt that the different communication programs were generally serving their stated purposes with the exception of public relations and public education, which has been recently addressed by separate motion.

Some relatively new communication efforts such as the monthly E-bulletins and real-time, computerized surveys have efficiently and effectively revolutionized how we communicate with our members.

Recent Public Relations/Education Focus

The Bar Commission recently passed a motion implementing this committee's recommended "ramp-up" of these areas. These findings and recommendations are attached to this document. We are pleased that the recommendations are already being implemented, with noticeable changes in just the last three months.

- * Big roll out of referral service, provide info and tools
- * Promote fair and independent judiciaries, enforcing your rights, problem-solvers, standing up for freedom
- * Consider co-sponsoring an Ethics Summit with other professions, including accountants, bankers, and business leaders, to denounce false ideas about what it takes to get ahead. Make it a big press event with high profile speakers.

Website

- Most significant communication tool available to different constituencies.
- Crowded: Consider fewer, simpler, broader links, all on 1 page, streamline, less cluttered, currently too many choices, users have short attention span
- Keep current: Bar Journals, leadership, materials—constant upkeep
- Needs basic referral service for public, specifying who has agreed to accept reduced hourly rates; info on how to hire a lawyer (Being implemented)
- Retain independent designer to evaluate site with ideas to simplify it (James Roberts? U of U grad students?).
- Slow, error-prone searching of past Bar Journals—needs to be quick and seamless.

Bar Journal

- Effective, 6 is the right number, needed as tangible connection to members
- Better searchability on Web: See above
- Highlight/profile members involved in their community, Bar Commissioners, Section Chairs, new judges: "5 Questions For [Member]" with photo or "Lawyers in the News"
- Place current Bar Commission photo once/year to let lawyers get to know them.
- Perhaps survey other states' Bar Journals and include great articles from them.
- Promote website
- Keep practical, not law review
- On specialized articles, have short executive summary
- Send copies to all legislators, members of the Press, the Governor's office?
- Blog where members can comment on articles.

E-Bulletins

- Effective: Last bulletin, 1800 opened it, 200 clicked on a link, others scrolled down
- Consider it all on one page, with quick message from President and links to other texts/areas of interest
- Have it be from Bar President (already implemented)
- Have reply email a click away for feedback (already implemented).
- Personally write to active lawyers for whom the Bar has no email, indicating that essentially all Bar communications except for the Bar

Journal and licensing forms will now be sent electronically, and requesting an email address with a postage-paid reply envelope. (10-15%)

- Reference new Ethics & Advisory Opinions in one sentence, w/ click to full opinion
- Link to recent favorable newspaper articles: "Lawyers in the News"

Surveys

- Survey monkeys have been extremely effective; recent survey of group benefits had 550 replies with 657 individual comments for almost no cost.
- Consider extremely short email surveys every other month (2-3 questions, with opportunity to add comments) on various matters such as, "Do you find the Bar Journal helpful? Yes/No. If not, how can it be improved?"
- Bar President lunches once per month, with random invitations to 15-20 lawyers.

Government Relations

- Current breakfast, class with legislators, meeting with governor and legislative leadership all effective
- Letters to legislators from individual Bar members that are ready to print on letterhead. (Implemented)
- Have John T. Nielsen groom/train a replacement for when he retires (in next 2-3 years?)
- More casual communication with legislators outside of the legislative session, including email and phone calls from Bar Commissioners.
- Involve division/section heads and local leaders in developing relationships

Other Constituencies

- Supreme Court lunch with Bar Commission once/year.
- Monthly Bar Commission lunches with different sections/divisions/counties
- Roll out new referral service: "Need a lawyer? Go to utahbar.org."

UTAH BAR
PUBLIC EDUCATION COMMITTEE REPORT 11/07

I. Committee

1. Steve Owens – Chair
2. Christian Clinger
3. Mary Kay Griffin
4. Laurie Gilliland
5. John Becker (Bar's PR)
6. John Baldwin (Staff)

II. Impressions

1. Our public education efforts for the last several years have been minimal, sporadic, and reactionary.
2. We need to be consistent, integrated, and proactive. Our members' good work does not get told unless we do the telling. We need to engage the public to let them know how lawyers can help them and promote the good things the Bar is doing.
3. Our members expect the Bar to stand up for lawyers and help establish a good impression and image of lawyers.
4. Public Education efforts are consistent with our Vision and Mission.

III. Recommendations

1. Implement Communications Planning Guide with a \$25,000 line item in annual budget.
2. Help roll out the Bar Website's Referral Service that goes into effect on July 1. (Need a lawyer in your area and specialty? Go to utahbar.org.)
3. Promote
 - i. a fair and independent judiciary,
 - ii. the role of lawyers as problem-solvers,
 - iii. helping the public find legal sources, and
 - iv. standing up for your freedoms.

RECEIVED

OCT 18 2007

EPPERSON RENCHER & OWENS

500 Tomahawk Drive
Salt Lake City, Utah 84103
Telephone: (801) 359-0246
FAX: (801) 359-0248

October 15, 2007

Mr. Stephen W. Owens
Commissioner
Utah State Bar
c/o Epperson Rencher & Owens
The Crandall Building
10 West 100 South
Suite 500
Salt Lake City, UT 84101

Dear Steve:

It was a pleasure to talk with you and the members of your committee about public opinion regarding attorneys, the profession and the Bar. As we discussed, we have assisted the Bar over the years with public and media relations, some years aggressively and during some periods without much activity. In past years, we have implemented a number of communication programs (Children's Guide to Justice, Marbury vs Madison, Dialogue on Freedom, "Did You Hear the One About the Lawyer?" and Brown vs The Board of Education).

Since our meeting, I've had time to review the Dan Jones analysis of the focus groups they conducted for the Bar in 2002, as well as the ABA report of the public perception of lawyers. The two reports essentially make the same point: The legal profession does not get high marks. This is nothing new and we don't need to dwell on the rankings or the reasons. But I do believe that the good work done by members of the Bar does not get told unless we do the telling.

The Bar is the primary source for information about lawyers and can convey constructive information and positive consumer education on a consistent, long-term basis which will go a long way in offsetting negative perceptions. I think it is important to continue publicizing Bar Awards, Annual Elections, Law Day, Pro Bono Awards, Minority Bar Activities and Young Lawyer Section Events, but there needs to be a component which clearly serves the public interest.

Steve Owens, page 2

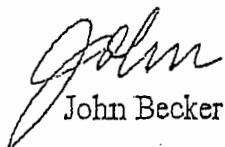
The best results will come from publicizing good programs designed to help the public with access to justice. I would recommend you direct your PR resources to telling Utahns how they can locate an attorney in their area with the expertise required. Hopefully, this will be easily done on-line and would include suggestions on how to work effectively and efficiently with legal counsel. Secondly, I think it is important to tell the public about the pro bono service provided by individual lawyers, by law firms and by the Bar and its committees and sections. There are abundant examples but they are seldom told.

The Courts have a stake in this, too, and I would encourage the Bar to work cooperatively with them and others who will benefit from an improved perception of the legal system. A unified communication program is in the best interest of lawyers and the public.

I have developed and attached a Communication Planning Guide which we could use to begin our discussion. Please let me know if you'd like to meet prior to the November Commission meeting to make revisions.

With clear goals, long-term objectives, and consistent messages, I think we can improve the public perception of Utah attorneys and the Utah State Bar. I look forward to working with you and the Bar staff.

Sincerely,


John Becker

Utah State Bar
Communication Planning Guide

| | |
|--------------------|---|
| December - January | Meet with Owens Committee and Bar staff to determine and refine message, target audience, & budget |
| January | Research and develop positive stories regarding the Bar's outreach into underserved populations and attorneys who are doing extraordinary volunteer/pro bono work; develop press interest in Tuesday Night Bars and new Southern Utah Community Legal Center |
| February -- March | Work with Mid-year Committee to determine newsworthy elements of Mid-year meeting; prepare releases on mid-year awards |
| April | Create press attention for Law Day and Mock Trials Coordinate press on the anniversary of 'and justice for all' campaign, demonstrating Bar's support of pro bono and low cost services for underserved |
| May - August | Develop consumer information on locating and working with an attorney, including information on low cost legal services Plan a series of statewide meetings with Bar leaders and members of the media, along with discussion of forthcoming Op Ed on access to justice |
| July | Statewide release of new commissioners and officers |
| August-September | Write series of Op-Eds for papers around the state regarding Bar's commitment to providing access to justice for everyone |
| October - November | Publicize the activities of the Minority Bar Association Work with SLC Community Legal Center to "burn their mortgage five years after occupancy |

Utah State Bar Operations Review, Admissions Subcommittee

Subcommittee Members: N. Alder, S. Sabey, S. Pugsley, K. Worthen, H. Chodosh

May 1, 2008

Conclusions

From Our 2007-2008 Admissions Operations Review

Written by N. Alder

Contributed to by all Subcommittee Members

Submitted to the Board of Bar Commissions on May 30, 2008

The notes, observations and discussion from the Admissions Operations Review Subcommittee are attached to this report. Additional work (that does not appear in the notes) and conversations, interviews, and observances, also took place. The subcommittee met, interviewed staff, directors, Bar Commissioners, admissions committee members, exam graders, recent admittees, volunteers, and leaders. We also observed the February '08 Bar Exam.

Admissions receives an A grade. It is in excellent shape and under very good leadership at the present time.

The following conclusions are areas that the subcommittee felt needed to be addressed. We recognize that the Admissions Department, the Admissions Committee, and the Bar Commission are continuing to address many of the concerns and issues that have been documented in our committee's notes.

This report is intended as final conclusions to our work.

1. Tremendous Strides in Admissions: The Utah Supreme Court governs the practice of law, including admission to the practice of law. Therefore, all admissions policies of the USB are approved by the Utah Supreme Court. Admissions Department employees are running the admissions program for the Utah Supreme Court. If it chose to do so, the Supreme Court could administer the admissions program as a function of the Administrative Office of the Courts. Some states do it that way. However, to achieve efficiencies in administration, and for other reasons, the Supreme Court has designated admissions as a program that the USB is to administer. The USB has done so for a very long time and is presently in the best position that it has ever been in with regard to admissions policies, programs, administration, volunteers, and program efficiencies. Recent changes to admissions policies, notably an increase in the passing score requirement and the adoption of two MPT questions in place of some essay questions, are evidence of the Court's intimate involvement in and understanding

of the Utah Bar admissions policies and operations. Without doubt, the admission policies, program and administration are vastly improved over the previous decade. Tremendous improvements have occurred over the last seven years, in particular, a direct result of Supreme Court leadership, Bar Commission efforts, decisions, and proposals to the Court, the Admissions Committee's vision and direction in bringing about proposals, and also because of bar staff's daily endeavors, administration, and operations. In particular, the work of Joni Seko, the first attorney director of admissions at the Utah State Bar, is a significant reason why the admissions program has vastly improved. Ms. Seko has sought out opportunities to reform and improve admissions policy, programs, and efficiencies. She has directed an improvement agenda the last seven years and is to be commended for her work.

Recommendation No. 1: Continue to strive to maintain all of the current strengths and positive aspects of the program while also finding ways to improve the overall admissions program. Recognize the tremendous effort of leaders, volunteers, staff, administrators, and the Court in improving the overall program improvement over the last seven years.

2. **Strong Status Quo, Potential for Additional Improvement:** While tremendous strides have been made over the last seven years, and great credit is given to the admissions program, its director, and the volunteers who serve on the Admissions Committee and who help administer admissions programs, including character and fitness reviews and bar exam grading, among other areas, this review subcommittee found areas where additional improvement can occur. The Admissions Department and the Admissions Committee are seeking improvement on their own, and finding ways, without necessarily being asked or directed, to enhance their admissions operations. Ms. Seko and bar volunteers involved in admissions have become well acquainted with national efforts, particularly effective state bar initiatives, national trends and reform agendas, studies, experts, papers, and other work in the field of admissions. The Admissions Committee is fully functioning, has top lawyers as members, meets regularly, has excellent leadership, and is jointly seeking improvements to the programs it helps direct. The relationship between the Committee and the admissions staff is excellent. Two voting Bar Commissioners sit on the Admissions Committee and are able to coordinate and communicate efforts between the Committee and the Commission. The review subcommittee encourages all of the positive aspects of the status quo to continue. We encourage staff and volunteers to continue their excellent working relationship, their reform agenda, and their sensitive yet professional approach to working with student applicants, including those who miss deadlines, come in for character and fitness, appeal, and who otherwise fall outside the norm. Professionalism at every level of the admissions program is expected, and, we believe, generally achieved.

Recommendation No. 2: Continue to appoint two voting Commissioners to the Admissions Committee to enhance the effectiveness of the Admissions

Committee and ensure close coordination between the Committee and the Commission. The Admissions Committee and Admissions Director should continue to seek ways to improve the overall admissions program, the appeals and review processes, as well as other areas to improve, and continue to meet regularly as a committee of the whole, continue to learn of efficiencies in other state bars and admissions programs, as well as national offerings, and continue to find ways to enhance the volunteer experience for Utah graders and committee members, and explore ways to enhance Utah admissions policies and practices. Admissions Committee and Staff should continue to be experts in the field of admissions in order to be in a position to advise decision makers on best practices, best policy, and best programs.

3. Grading: Grading the exam is an area where improvement can occur, particularly in recruiting, retaining, motivating and honoring experienced and valuable graders. Unfortunately, there is an accepted practice of allowing a substitute grader to take a regular grader's place if that regular grader is unable to attend. The consistent, committed and experienced grader is what the Admissions Department and Admissions Committee want (and need) to achieve. The office does the best it can to motivate, encourage and retain its regular graders. This task falls to Ms. Seko, generally, as she ultimately selects and retains graders. USB graders are volunteers. Currently there is no recognition for graders from the Utah Supreme Court. Little recognition (meal during grading, hand shake, pat on the back, verbal thanks) comes from the USB. No CLE is given for grading. Those who grade do it purely as a way to contribute to the profession. The Court has expressed some interest in becoming involved in the appointment of graders (for three year terms) and in honoring USB graders as a means of assisting in the recruitment, retention, and motivation for experienced graders to grade. The thought is that if the Court is more involved in the appointment of graders, that it will be more prestigious to be a grader, and that fewer graders will be inclined to skip a grading opportunity or send a substitute. The Court's involvement could be as simple as a letter of appointment. The Court would not be involved in any administration, but the letter of appointment would go a long way in enhancing the stature of bar examiner and we believe would help motivate graders to take their commitment seriously and thus not send substitute graders. Admissions could also stop allowing substitute graders. This is an area that can be studied and proposed. The Admissions Committee can, if interested, send this proposal to the Commission and then to the Supreme Court. Other states pay graders. It was not felt that this would be necessary or practical in Utah at this time. The volunteer spirit is strong in Utah, however, the realities of the practice of law make it such that certain bar members are burdened when it comes to providing volunteer hours year after year. Standards are also needed for when substitute graders are appropriate, and how many years in practice are acceptable for a substitute grader. In general, we want top members of the bar, who are interested in volunteering their time and who will commit to being a grader, to grade for as many years as they can afford. An increase in the Admissions Department budget would help to send graders to national conferences on

grading, to bring in grading experts/consultants, to educate local graders, and to upgrade the image and professional experience of being an admissions volunteer. Additional funding to admissions could allow for more Court involvement or coordination, including recognition by the Court, certifications, appointment letters, and the like. It may be necessary in future years to adjust the exam fee, and other fees, to pay for improvements to grading.

Recommendation No. 3: Enhance the stature of Utah's Bar Examiners. Eliminate the use of unqualified and inexperienced substitute graders. Establish guidelines for when a substitute is allowed. Formulate a roster of approved, Court-appointed Bar Examiners. Find additional ways to recognize, motivate and cultivate experienced and valuable graders. Improve the quality of bar examination grading through the use of volunteers before recommending a budget increase as a means of compensating and motivating graders.

4. **Late Fees:** Exam applicants continue to pay late fees and penalties, much to the admissions office's surprise and confusion. Tremendous efforts are made by the admissions office to educate students at the U and the Y (as well as to applicants over the phone, via correspondence and the website), the strict nature of exam application deadlines. The Committee felt that the two area law schools need to better educate and encourage their students to make earlier and more cost effective decisions. Much of the staff's time is taken up by applicants calling for extensions. The staff cannot give extensions, but applicants try and try to find ways to obtain these. Law schools must educate students that the exam process is one in which no extensions are allowed. Efficiencies need to be realized in this area. Students paying late fees become discouraged, spend time complaining or asking for waivers, and may become affected by a negative experience with the Bar.

Recommendation No. 4: Find ways to help applicants reduce their recent dependence on late fee payments.

5. **Increased Office Work, Potential Need for Additional Staff:** There is little doubt that the admissions program of today is much busier than the office of seven years ago. More applicants are taking the exam. The July exam has moved off site due to the large numbers of exam takers which brings its own unique set of work, coordination, and problems. The February exam may someday be moved off site, as well. Much of the director's time is consumed with legal-related issues, writing letters to applicants, explaining decisions, preparing notices, listening to requests by applicants, explaining admissions processes, preparing committee reviews and materials, making legal decisions related to applications. The director has a full time staff assistant. Recently, the program took on a part time clerical assistant, as well. In order to respond to the increased work load, the Admissions Department is considering expanding the role of the part time assistant. It would also be helpful if a part time lawyer (perhaps shared with another department) could assist the director and develop expertise in certain

areas (i.e., bar exam administration, etc.) and allow her to handle legal matters at the director level. In other words, the program continues to grow. The Bar's Executive Director and the Admissions Director need to monitor, manage, and direct the program's growth and administrative staff needs. It is important that the quality of the office's work not suffer under the growth of applicants and exam takers. Again, efficiencies need to be realized in this area. Decisions need to be made about how much time-consuming interaction with applicants/appellants is appropriate, whether Ms. Seko must handle all or most of the communications, whether standard responses are appropriate, or whether tailored communications continue to be the most appropriate way to handle matters. With technology and internet/email communications the norm, it is possible that this is an area where efficiencies can be realized.

Recommendation No. 5: Admissions needs to continue to find ways to be cost-effective, efficient, and proficient at its complicated and multi-layered web of important work, from administration, to mass communication, to individual circumstances communication (both written and verbal), to review of different requests, to character & fitness review, to appeals and procedural review, to policy making and committee work, to motivating volunteers, to maintaining its programmatic efforts, to improving its operations, and ultimately to an ever-in-demand bar examination and admission, among other things. In an era where funding is limited but demand for services is high, we recommend that continued effort be made to seek incremental and overall improvement to the delivery of service and the staffing of said delivery. Admissions is the front door to the Bar and the profession. Admittees will likely embrace the profession in a positive way if their first experience with the Bar is a professional, well-communicated and sophisticated one.

6. **Financial Issues:** Fees for the bar exam and other application-related items have not been increased in several years. The Admissions Committee has considered proposing fee increases in several categories, i.e., bar exam application fee, attorney exam application fee, disbarred attorney reinstatement fee, and other fees. The Admissions Director (frequently) and the Admissions Committee (regularly) analyze the Admissions Budget. The Bar's Executive Director and the Admissions Director work together on the financial aspects of running the Admissions Department. Likewise, the Bar Commission regularly analyzes the Admissions budget. The admissions operations and other financial information is made available on the Bar's website. While it has been anticipated that a request to the Supreme Court was likely to occur on various fees, the admissions budget has remained in the black the last several years, particularly due to an increase in the number of late fees paid by applicants, as well as an increase in the number of applicants altogether. The Admissions Program has been directed to be self-sufficient. It must support itself from its own revenue, namely admissions fees. The admissions operations may not take money from other sources within the Bar, i.e., licensing fees, CLE revenue, or other generated income. In order to improve its operations, additional revenue may only be sought through higher fees

for the bar exam and for late fees, etc. The last few years have been such that the admissions program has held off making a request for increased fees. Such a request may come in future years, however. The Admissions Committee and the Admissions Department are encouraged to closely study these issues, monitor financial needs, and make appropriate requests that will improve the long term function of the admissions operation.

Recommendation No. 6: In understanding its overall budgetary needs and with consideration for the improvements and costs that are necessary to achieve its goals, Admissions should examine its overall approach to all fees and assessments, and prepare a report to the Commission about each fee and assessment, and thereby recommend to the Commission which fees and assessments should be increased. The Commission should then present to the Court the fees and assessments that it proposes to increase and to what amount.

7. **Character & Fitness:** This is an area where great improvement has taken place. The Bar has an excellent C&F Committee. This Committee sees little turnover among its volunteer members and has attracted superb lawyers who take the C&F role very seriously. The Admissions Office spends a lot of effort preparing materials for C&F review, thus allowing these volunteers to focus on the task at hand. C&F is chaired by two excellent, and long-running leaders in the bar and admissions policy. One issue that continues to somewhat puzzle the Admissions Department is the issue of law school/bar relations. For example, C&F believes that law schools have a responsibility to inform C&F of problematic behavior, ethical lapses or infractions that reflect on C&F's consideration for character and fitness to practice law. Law schools look at the relationship differently, and approach giving out information with some amount of caution. For example, each bar applicant needs a Dean's Certificate in order to apply to the bar. This is usually one of the last items to appear in the process of applying to the bar. The Admissions Director is trying to find ways to obtain these certificates earlier in the process, and also to obtain information as to why certificates may be reluctantly given. Law schools can (and should) do a better job of educating their students on the need for moral character and fitness during law school. Law schools do not screen students for character and fitness. For example, law schools should tell first year students to resolve potential character and fitness issues now, as opposed to later. One such issue is unpaid debt. Students may not know that unpaid medical bills, consumer debt or other obligations (not student loans, however) may trigger a C&F review. If not resolved early, the unpaid debt red flag may distract an exam taker from studying effectively for the exam. These kinds of issues need to be fully presented to students early on in their legal education.

Recommendation No. 7: Work with the two area law schools to educate deans, advisors, school leaders, and students on the rigor of character and fitness so that students, in particular, learn earlier in their legal careers the importance of this aspect of admission. Advertise this fact in all related communications. Provide

specific examples of problem areas (i.e., unpaid debt) and ways to avoid or alleviate review. Help applicants gain a greater appreciation for the scope, purpose and importance of Character & Fitness. Work with law schools to gain better access to information they hold regarding problems presented by certain applicants. Continue to improve and strengthen the Character & Fitness experience. Continue to maintain the strong Character & Fitness Committee.

8. Communications: The Admissions Department is trying to find ways to better communicate with applicants. Much of the staff's time is spent answering questions on the phone. For example, applicants will call to find out if the staff has received their release (to use a computer during the exam) that hopefully arrived in the mail. The Admissions staff is looking into an automatic notification system, an email, or a web posting, that will show the applicant where its application is in the process. There is so much anxiety tied up with the application process and the exam itself. Anything that can educate, calm, and relax the applicants will go a long way in building confidence and helping the staff perform its work more efficiently.

Recommendation No. 8: Find ways to make communications more efficient from a staff point of reference while maintaining the importance and dignity of individual response and the professional handling of each case. Admissions should focus on educating applicants and potential applicants of the myriad of questions and problems ahead of time, thus relieving staff of some of the need to respond later on. Having said that, this will likely continue to be an area of effort even if communications are improved. The application process will continue to be a source of stress and anxiety. Find ways to build bridges between bar members and applicants so as to alleviate the simple stress created by just having to take the bar exam.

9. Survey: The review subcommittee believes that a survey to bar applicants, exam takers and others who have interaction with the admissions programs (i.e., graders), if narrowly tailored and succinctly written, could be a very useful tool for improvement. Recently, the Bar sent an electronic survey to member relating to member benefits, technology, insurance matters, and other issues. The information received from members who have filled out those surveys is valuable. This kind of information will only help leaders in the admissions arena achieve even more success.

Recommendation No. 9: Implement a simple online survey (i.e., SurveyMonkey) to bar exam applicants and takers to elicit productive and insightful comments and responses about how to further improve the bar application and examination experience. Member Benefits recently did a survey such as this. Other Bar departments have utilized this service to more effectively understand their work as perceived by members. Include in the survey pool those who go through appeals or C&F reviews.

10. Leadership: The review subcommittee commends the Court for its leadership in the area of admissions, as well as the Admissions Director, Ms. Seko, her staff, the Admissions Committee, admissions volunteers, and the Bar Commission and its Executive Director and General Counsel for showing leadership in the area of admissions. The successes of the last seven years are exciting. However, there remains room for improvement. Everyone involved in admissions needs to refocus their efforts to further improve the admissions experience for volunteers, applicants, appellants, staff and leaders. Excellent admissions must remain a relevant and important aspect of bar operations and priorities. The Commission is encouraged to review this important core function of its mission every other year. The Commission should encourage the Admissions Committee to generate new proposals and monitor financial and operational needs on a continual basis. The Bar President should always appoint two voting Commissioners to the Admissions Committee to further enhance the stature and effectiveness of the Admissions Committee. Bar leaders should help recruit and retain graders. The Court is encouraged to become further identified with admissions as one of its areas of interest in regulating the practice of law, and likewise encouraging the Admissions Committee and Department to bring proposals to it through the Bar Commission and the Bar's General Counsel. Incremental change leads to monumental change. Admissions is not broke, so there is no reason for monumental "fixing," however, there are many areas of opportunity (i.e., technology, communications, etc.) and need (volunteer grader improvements) that admissions leaders can focus and propose smaller-scale changes.

Recommendation No. 10: Make admissions a constant priority, via reviews, appeals, agenda items, proposals, recruitment, enhancement, financial commitment, and overall effort, for Bar and Court leadership.

Utah State Bar Pro Bono Program

The Utah State Bar's Pro Bono Program has within the last few years changed its focus. The new focus of the Pro Bono Program is to Recruit, Retain and Reward attorneys for their pro bono efforts. **Recruiting** is the effort to build and maintain a vibrant list of volunteer attorneys. A number of ongoing efforts occur in this area including use of the website, mailings, phone calls and sign-up sheets at the Bar offices and Bar events. **Retain** is the efforts to help support pro bono lawyers with CLE, legal forms and other resources to simplify their efforts in providing direct service to clients. **Reward** is the efforts to recognize pro bono lawyers for their contributions. These efforts come in many ways, including our annual Pro Bono Lawyer of the Year Award presented at the Fall Forum each year. Additionally, those recognized pro bono attorneys are extended a ½ price discount registration to the Fall Forum.

These modifications shift resources towards pro bono lawyers, while transitioning case placement and direct client interaction back to the legal service agencies. The Bar made the decision to shift focus for a number of reasons, the primary reason being that we have much more expertise on the lawyer side of pro bono than on the client side. Placing cases and dealing with clients drained the pro bono resources meant for assisting lawyers. The result was a stale list of volunteers and an inefficient approach to handling clients.

In part, these changes are tied to the Pro Bono Peer Review conducted by the ABA in early 2005. This review was requested in partnership with Utah Legal Services, following an audit from their primary funding source, Legal Services Corporation.

The second and probably most significant reason for increased emphasis/focus on pro bono is the recent formation of the Access to Justice Council. The Utah State Bar has long been involved in encouraging access to justice activities throughout the state. In 1996 the Utah State Bar Access to Justice Task Force produced a report that examined the access landscape, reviewed the resources, defined the needs and issued a number of recommendations. Over the past decade, most of those recommendations have been implemented to some degree by the various entities involved. The Access to Justice Council appointed by the Utah Supreme Court is charged with ensuring long-term involvement by the Bar and the various involved entities. The Bar has assisted in defining this group made up of judges, lawyers, and lay members of the community and driving its creation. One of the defined roles of the Council is reserved for the President-Elect of the Bar on an ongoing basis. In addition the Bar plays a direct role in the general access to justice initiatives via the Pro Bono Project.

I. Pro Bono Projects

Pro bono cases the Bar still places:

- Habeas Corpus Petitions: These cases are referred to the Bar by judges.

- Judge Advocate General (JAG): This program is designed to assist military members who are on active duty to keep them from having default judgment entered against them.
- Individuals who are conflicted out of Utah Legal Services, Legal Aid Society of Salt Lake or Disability Law Center. Usually deals with cases where abuse is present.

Tuesday Night Bar

The Young Lawyers Division of the Utah State Bar sponsors a free legal clinic called Tuesday Night Bar. Volunteer attorneys give one-on-one consultations to individuals. Individuals come to the program with a variety of assistance needs. Some only need questions answered about their issues, some need guidance on how to proceed while others may need further assistance and be referred to an attorney on the Tuesday Night Bar Referral List. The attorneys on the Referral List have agreed to do an initial 30 minute consultation for \$30.00.

There are numerous additional Tuesday Night Bar efforts across the state. Please refer to the list attached.

Elder Law

The Committee on Law & Aging sponsors lunch hour consultations to senior centers around the valley staffed by volunteer attorneys.

Clinics

There are many clinics around the state for individuals to receive assistance. You can find them on the Courts website at <http://www.utcourts.gov/howto/legalassist/>.

The Bar in partnership with ULS is pursuing and building more practice-specific clinics for delivering pro bono services. The clinic model offers a desirable pro bono opportunity for lawyers and a means for helping a greater number of clients with the same amount of resources and volunteers.

Website

The Bar's website has a pro bono section with expanding information for lawyers and clients. This can be found at <http://www.utahabar.org/probono/Welcome.html>.

Attorneys may sign up to volunteer online at http://www.utahabar.org/probono/volunteer_form.html

Records from 2001-2002 indicate that 72,245 pro bono hours were contributed by members of the Utah State Bar, with additional financial contributions totaling \$104,497. The latest figures for 2007 show that Bar members donated 150,844 hours of pro bono time, more than doubling the reported numbers from six years earlier. The financial contributions also increased in 2007 to \$144,626.

A. Program Resources

1. Personnel

The program includes (approximately) 2 Part-time employees. Duties are shared between the Director of Group Services who sits on the Access to Justice Commission and the Pro Bono Coordinator who handles Tuesday Night Bar and any day to day items.

2. Budget / Revenue

This program has a \$45,073.00 budget, \$5,621 to cover costs for Tuesday Night Bar and the remainder for the Pro Bono Department and Access to Justice to cover staff time, other direct costs and overhead.

B. Policies & Procedures

With a few defined exceptions (Conflicts, habeas, etc.), case placement is handled by the partner legal service agencies. Clients who make direct requests for pro bono lawyers are referred to these agencies for proper financial and case screening.

C. Pro Bono Award

Annually the Bar gives a Pro Bono Lawyer of the Year Award at the Fall Forum convention.

II. Access to Justice Council

This section defines the organizational structure for the Utah Access to Justice Council, a joint effort of the Utah Supreme Court, "AND JUSTICE FOR ALL," and the Utah Bar Foundation. Information about the Council follows below:

Organization: The Council is a dba of "and Justice for all."

Purpose: The Utah Access to Justice Council is a group of community members who are committed to identifying gaps in legal services, prioritizing the needs throughout the state and locating funding to help fill the needs of legal services for the poor and disabled.

Charge: The Council is established in recognition of the need to expand access to civil legal representation for people of low to modest means. There is a specific focus on barriers faced by individuals with disabilities, ethnic and racial minorities, rural residents and the elderly.

The Council is charged with the following goals, purposes and responsibilities:

- 1) Identify and assess current and future civil legal needs, existing programs and gaps in service.
- 2) Foster coordination within the civil legal services delivery system and between legal aid organizations.
- 3) Review service delivery methods, policies, and court rules as they pertain to access to justice issues.
- 4) Educate the community regarding identified gaps in equal access to the legal system.
- 5) Monitor the effectiveness of the statewide legal service delivery system, as well as periodically evaluate the progress made by the Council in increasing access to justice.
- 6) Review existing resources for access to justice, including both funding and volunteer efforts. Explore new resource options and ideas and help coordinate efforts to secure new resources. Recommend priorities to appropriate entities for allocation of resources.

Officers: The Utah Supreme Court, Utah State Bar, and legal service providers jointly appoint the Council's members. An Executive Committee governs the Council.

Membership: Council members serve staggered terms of one or three-year terms. The Council's membership is broadly representative of various stakeholders in the "access to justice" community; including bar leaders, legal services providers, judges; executive branch officials, legislators, law school faculty, representatives of local government, foundation and corporate representatives, and religious leaders.

Meetings: The full Council will meet monthly with the exception of February, July, and December. Meetings will be held the 3rd Thursday of the month at the Utah Law & Justice Center. Meetings for the whole year are scheduled at the beginning of the year.

Committees: The Council will focus on three priority areas for improving access to justice for Utahans. Each of these broad areas will be addressed by a committee that is supported by a staff person (see below). Committee meetings will occur as often as deemed necessary by the Chair of that committee. Committees may include both Council members and non-members, with the Chair of each committee to be appointed by the Council Co-Chairs. Chairs of the committees may appoint the individual members of the committees at his or her discretion. The initial committees include:

Resource Development: To work with the Bar Foundation, "and Justice for all," and legal service providers to determine various funding opportunities for legal aid services in Utah.

Pro Bono: To promote, coordinate and improve the efforts of the many persons and entities who are working to increase the participation of volunteer attorneys in the delivery of legal services to low-income and disadvantaged residents of Utah.

Education/Public Relations/Communications: To work with the legal aid service providers and other related organizations to educate low-income individuals about the legal aid service programs provided as well as promote these programs to the overall community as a whole.

Staff Support: The Council will have one full-time staff person to coordinate committee projects, oversee communication, scheduling and administration. The staff person will be funded by Utah State Bar Commission, The Utah Bar Foundation, and "AND JUSTICE FOR ALL." Each committee will be supported by a staff person who has expertise on the particular subject area that the working group has been charged with addressing. Staff will spend an estimated average of one to five hours per week supporting the committees.

Fiscal Agent: "AND JUSTICE FOR ALL" will serve as the fiscal agent of the Council.

Conclusions

The goals of the Pro Bono department are directly expressed in both the Vision and Mission statements of the Utah State Bar. Pro Bono goals to increase access to justice for citizens are met through projects and through continued participation and coordination with the efforts of the Access to Justice Council. There is an ongoing effort to encourage increased pro bono efforts by members of the Utah State Bar.

ATTACHMENT

LEGAL ASSISTANTS IN UTAH

| Legal Aid | Utah Legal Services | Disability Law Center | Multi-Cultural Legal Center | University of Utah Pro Bono Initiative |
|--|--|---|---|--|
| Annual Budget | \$1,000,000 | \$2,700,000 | \$1,200,000 | \$15,000 |
| F.T.E. | 23 | 57 | 28 | 1.5 |
| Volunteers | 2 | 12 | 0 | 1 |
| Funding | United Way, Utah Bar Foundation, "And Justice For All" | Department of Justice, Legal Services Corp., "And Justice For All", Utah Bar Foundation | Health & Human Services, Department of Education, "And Justice For All" | The Michael Foundation, Barbara L. Tanner, William K. Reagan |
| Groups Served | Domestic Cases within SL County | Statewide Civil Legal Services for low income individuals | Individuals with disabilities statewide | Minority communities and individuals statewide |
| Types of Service | Representation | Representation and advice | Representation | Representation and advice |
| Total Number of People Served Annually | 4,700 | 18,000 | 4,800 | 120 |
| Annual Budget | \$110,000 | \$40,000 | \$50,000 | \$10,000 |
| F.T.E. | 2 | 1.5 | 1.1 | 1 |
| Volunteers | 0 | 215 | 250 | 80 |
| Funding | Holly Cross Ministries | BYU Pro Bono Program | Access to Justice Program | Tuesday Night Bar |
| Groups Served | Immigration problems state wide | Central Utah emphasis Utah County | Legal advice and representation statewide | Open to all |
| Types of Service | Representation and advice | Advice | Representation and advice | Advice and referrals |
| Total Number of People Served Annually | 1,800 | 900 | 1,600 | 1,100 |

**Program Review
2007-2008**

**Prepared for:
President V. Lowry Snow & Utah State Bar Commissioners**

**MEMBER BENEFITS
Blomquist Hale
Casemaker
Lawyers Helping Lawyers
Malpractice Insurance –Marsh Affinity Group**

Marsh 13, 2008

**Prepared by:
Member Benefits Sub-Committee**

**Curtis M Jensen, Chairman
Rodney G. Snow
Felshaw King
Sharon Andersen
Connie Howard**

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COMMITTEE ASSIGNMENT:

In March of 2003 the Bar Commission performed a Sunset review on the Member Benefits Program. At the conclusion of their review it was the Commission's recommendation that Member Benefits should focus on valuable services from committed vendors, enhance revenue opportunities and increase members awareness of the available benefits. On a case-by-case basis, the Commission has funded programs they feel are important in accomplishing the mission and purpose of the Bar.

Our Committee's task was to review the following Member Benefits programs, *Blomquist Hale, Case Maker, Lawyers Helping Lawyers and Marsh Affinity Group Services*, and then to provide an assessment as to the effectiveness of these programs in accomplishing their objectives and any suggestions for improvement of the same. In conducting our review and assessment of these programs we focused on the following:

- How does the program work?
- What are the program goals?
- How does the program fit within the Court's Rules for Integration and Management and the Mission of the Bar?
- Is the program accomplishing its goals?
- Is the program operation efficient?
- How can the Program be improved.

As part of our review and assessment process, we interviewed the following individuals: Brooke Millard, Chair, LHL & Shannon Johnson, LHL Coordinator; Grant Clayton, Blake Miller & Denise Forsman, Professional Liability Insurance Benefit; Sean Morris, Blomquist Hale; Lincoln Mead and Connie Howard, Casemaker. In addition, the committee also reviewed supplementary materials provided by the program administrators, which included: (1) details as to the program's operations, programs goals and objectives, (2) stats and data as to bar membership usage, and (3) The programs self assessment as to performance and any assistance they would request from the Bar. Finally, our review was assisted by the Bar's *2008 Utah State Bar Survey of Group Benefits*. A full copy of this survey and the applicable responses have been included as part of this report.

This report is submitted to the Bar President and Commissioners to assist them in

Blomquist
Hale

BLOMQUIST HALE CONSULTING

Quick Facts:

| | |
|--|--|
| Cost to USB (2006-2007 Financial Statement): | \$106,677.00 |
| U.S.B. Survey: (Response Count 408) | 74.9% Aware of B.H. 25.1% Unaware of B.H. |
| U.S.B. Continue to Fund Service: | 54.3% Yes 16.9% No 28.8% Undecided |
| B.H. (March 1, 2006 to March 1, 2008) (Response of 519 individuals treated) | 99% received treatment by B.H. 515 Solution-focused therapy 232 Psychological /emotional 7 Alcohol & Drug |
| Post Treatment Survey by B.H. | 68.75% Excellent Treatment 21.88% Good Treatment 6.25% Fair Treatment 3.13% Poor Treatment |
| Treatment Sessions (Bar Clients) Most Clinically Based Cases | 41.26% Received 10 + Sessions 6 – 10 Sessions are sufficient |
| Treatment Services (2008) | |
| January | 26 |
| February | 21 |

Interview:

Sean M. Morris, MS, LMFT

PROGRAM OVERVIEW

The Utah State Bar, at the urging of the ABA Commission on Lawyer Assistance Programs (L.A.P.), to reach out to lawyers, judges and their dependents who are struggling with personal difficulties that may be causing distress or related problems. Effective on March 1, 2006, the USB contracted with Blomquist Hale Consulting, to provide members with these counseling services. These counseling services were provided free of charge to members of the bar to address an impressive range of personal difficulties.

CONCERNS VOICED BY THE COMMITTEE

The committee expressed its concern that some of the very real problems facing attorneys are not included in the Blomquist Hale's program services. For instance, assistance with addictive disorders i.e. alcohol dependence, substance dependence as well as variations of depression and anxiety are generally referred out. However, Sean assured the committee that when an evaluation reveals a need for more intense immediate assistance for a client, they will facilitate the move to an inpatient facility.

Blomquist Hale's goals versus the Bar's initial goals for the program differ. Blomquist Hale provides what they describe as a solution-focused therapy model. It offers clients face-to-face, short-term therapy to address a broad range of day-to-day difficulties. Therapists are to use solution-focused therapy approaches in order to achieve significant symptom resolution in a relatively brief time-frame.

The committee inquired about limits on the number of visits. Sean indicated that there is not a set limit on the number of visits provided by Blomquist Hale. However, some bar members who have used the service indicate otherwise.

In discussing how follow up is handled, Sean indicated that at the beginning of each counseling session, the patient fills out an intake sheet that asks if they would like a follow-up letter sent to their home. If they mark "yes" then a follow up letter is sent to the patient. Sean personally

reviews the letters when they come into the office and attempts to address any problems with the clinician/ therapist as well as following up with the patient, if needed.

Bar member use of Blomquist Hale services in 2006 were 147 people including dependents. In 2007, only 115 members used the service with participation at 1.9%. Sean indicated that the original projection for use of the services when the contract began a higher percentage of participation in the program. However, it was noted that after Blomquist Hale sent out the post card early in the year, there has been increased interest with 47 members (20 were dependents) using the service in January and February 2008. Participation since inception of the program including 2006, 2007, and 2008 totals 309 members and/or dependents.

The committee discussed the possibility of changing the services from a yearly flat fee to tracking the hours actually used by our members or possibly some other method that would be more cost effective to the Bar. Sean indicated that Brent Hale would have to review the contract and make those changes.

Suggestions given to improve the program included educating members about how the program works, addressing real lawyer issues such as depression, anxiety, as well as addiction, substance and alcohol abuse, and training Blomquist Hale therapists/ clinicians on how to effectively deal with the needs of Bar members, and coordinating efforts with LHL.

COORDINATION OF SERVICES WITH LHL.

Blomquist Hale is willing to work with LHL and believed that coordination could improve between the two organizations. Sean indicated he would arrange a meeting with LHL. The committee suggested referring attorneys to LHL if during the course of an evaluation, Blomquist Hale determines that an attorney is at risk, and thus needs help with his/her practice. Blomquist Hale's acknowledged the need to inform its therapists/ clinicians of this possibility and train them accordingly.

March 7, 2008

Curtis Jensen
Snow Jensen & Reece
912 West 1600 South, Suite 200
St. George, Utah 84770

912 West 1600 South, Suite 200
St. George, Utah 84770

Re: Utah State Bar Commission Review of LAP Services

Dear Curtis,

Thank you for giving us the opportunity to provide input into the evaluation of the services rendered by Blomquist Hale Consulting as part of the Lawyer's Assistance Program. I would like to add just a few comments that might be useful in your evaluation.

1. There seems to be some concern that Blomquist Hale refers difficult cases (i.e. addictive disorders, depression and anxiety) into more intensive levels of care rather than provide services directly within the LAP. Unfortunately, the summary of your discussions with Sean Morris still left important misunderstandings about the intensity of counseling services provided in-house by Blomquist Hale therapists. Thus far, (March 1, 2006 to March 1, 2008) ninety-nine percent (99%) of the five hundred and nineteen (519) individuals we have served have received all their counseling within the LAP. Only three attorneys and one dependent have been referred to other levels of care for more intensive forms of therapy. Five hundred and fifteen (515) had problems where the solution-focused model of therapy was appropriate and sufficient. Two hundred and thirty two (232) of these individuals had psychological/emotional problems such as depression and anxiety. Seven (7) were assessed with alcohol or drug issues. Those LAP clients, assessed as needing a referral into a structured, intensive outpatient drug/alcohol treatment program, first received from Blomquist Hale an in-depth, face-to-face assessment and then were assisted in connecting with the level of care that was necessary for their success. The Blomquist Hale therapist helped each attorney to become willing to actually enter treatment, called the IOP treatment program to schedule a meeting to start treatment, provided the treatment team with the necessary clinical information, and followed up on treatment success with the treatment team and the attorney receiving treatment.
2. The best way to get attorneys to address depression, anxiety, and substance abuse is for the LAP to offer professional counseling for all sorts of problems. For example, an attorney may not be ready to acknowledge he has a drinking problem, but that drinking problem may well cause difficulties such as a marital distress for which the spouse requests couples therapy. Getting that attorney face-to-face with a licensed therapist to address the marital problem may be the best opportunity to begin the discussion about how the drinking is impacting the marriage and the steps necessary to create successful resolution. The same holds true for depression and anxiety (almost all of which are treated within Blomquist Hale). Those rare cases that need addition levels of treatment beyond Blomquist Hale are helped to access the best providers of inpatient stabilization or long-term, developmental therapy. Attorneys generally have healthcare coverage to help cover the cost of these services. The key is to get them to be willing to access the help they might otherwise avoid. That's what the Blomquist Hale approach is designed to do.
3. There has been a concern that the number of attorney's accessing Blomquist Hale has been fewer than anticipated. We at Blomquist Hale have shared this concern. Although in the first twelve months, Blomquist Hale served about a two hundred and fifty three percent (253%) more attorneys than did the previous LAP model the previous year; overall, the number of attorney's (and their families) accessing the

service overall has been about one half the anticipated number. Working together with the Bar, Blomquist Hale has adjusted its financial relationship so that we are funding additional outreach efforts to attorneys and their families. This expensive effort has already yielded the desired results. Annualized utilization rates for attorneys thus far this year have been in excess of 5% (up from about 2% the previous year). Additionally, our efforts to be in front of attorney groups with helpful presentations have been quite successful. In the past several months, we have had multiple opportunities to make presentations to these groups. In addition, Blomquist Hale has agreed to fund our travel expenses for our participation in the Bar's conventions. Combined with the article in the Bar Journal and the support of the Bar, the Lawyers Assistance Program appears to be hitting full stride. Blomquist Hale is fully committed to continuing these types of efforts in the future.

4. Blomquist Hale has been well received by the attorneys and their families. You will find attached a copy of the Client Satisfaction report for Utah State Bar members who accessed Blomquist Hale (and who agreed to let us send them a customized client satisfaction letter). 90.6% of those returning the survey rated the program as excellent or good. The return rate for Bar Members was 13.44%, more than twice as high as the national average for these types of surveys.
5. There was also some question about the number of sessions Bar members are receiving when they access Blomquist Hale services. We ran reports to provide you with accurate data on the number of sessions your people have received. Thus far 41.26% of our clinical time has been with Bar clients who have received 10 or more sessions. There are currently over 70 active cases that will be adding to this number prior to their case being closed. Please keep in mind that there is conclusive empirical evidence that patients treated using solution-focused therapy achieve symptom resolution in significantly fewer sessions than with traditional therapy models. For most clinically based cases, 6 - 10 sessions are sufficient to address the problem. However, as demonstrated by the report just presented, many clients require more than 10 sessions to achieve problem resolution. Some types of difficulties are more easily addressed and require fewer than 6 sessions. Candidly, there are some clients who decide that they are not ready to work hard on addressing the problem and choose to terminate care. Remember that solution-focused therapy intensely engages the client to take steps to resolve their difficulties. This makes it less expensive to treat each case and allows the Bar to help more members while still keeping the cost affordable. Blomquist Hale therapists are some of the most seasoned, clinically effective therapists available anywhere.
6. Our coordination with the Lawyers Helping Lawyers is moving forward. We have already met with our clinical staff to review the types of cases where their involvement can be extremely helpful. Sean recently invited Brook Millard, the chair of Lawyers Helping Lawyers, to come to our office and explore ways for our two organizations to work together for the good of the attorneys. The meeting was very helpful.

I hope this additional information is helpful. We value our relationship with the Utah State Bar and want to continue as your partner to assist troubled attorneys and their families. Please don't hesitate to contact me if you have any further questions.

Sincerely,

Brent Hale, Ph.D.
Blomquist Hale Consulting

CLIENT SATISFACTION LETTERS SENT FOR Utah State Bar

| | | | | | | | | |
|------------------------------|-------------------------|--------|---------------------|----|---------------|-----|----|--------|
| Client Satisfaction Letter | #Sent | 253 | #Returned | 34 | 13.44% | #ND | 0 | .00% |
| Overall Rating Question | Number of Reponses for: | | Therapist | | Support-Staff | | | |
| Excellent | 22 | 68.75% | Strongly Agree | 90 | - | 100 | 27 | 79.41% |
| Good | 7 | 21.88% | Agree | 80 | - | 89 | 3 | 8.82% |
| Fair | 2 | 6.25% | Neutral | 70 | - | 79 | 0 | .00% |
| Poor | 1 | 3.13% | Disagree | 0 | - | 69 | 3 | 8.82% |
| Not Answered | 2 | | No Answer on Survey | 1 | | | 1 | |
| Letters Rated Good-Excellent | 90.63% | | Average Score | | 90 | | 89 | |

* Questions not answered are not used in the calculation of averages or percentages.

*** It should be noted that the number of letters #SENT reflect all cases closed from 01-01-97 to 03-07-08, while #RETURNED reflect letters received and entered from the same time period.

However there is a time lag for responses to be sent back of approximately one to two months. Which means that while Percent of Return is the current Year To Date figure, it does not reflect those letters still in transit.

#ND represents letters returned as non deliverable and is not used in the #RETURNED calculations

The Utah State Bar Rolls Out the New Lawyers Assistance Program (LAP)

"One of every four lawyers suffers from stress, and out of 105 occupations, lawyers rank first in depression. In addition, a disproportionate number of lawyers commit suicide."

ABA JOURNAL, June 2005

The Utah State Bar, at the urging of the ABA Commission on Lawyer Assistance Programs, has taken the lead in an extensive effort to reach out to lawyers and judges who are struggling with personal difficulties. The new LAP will not be limited to alcohol/drug abuse and offers help for a full spectrum of personal and professional dilemmas. Too often, lawyers, comfortable in the role of trained helper and problem solver, tend to ignore their own personal and family distress, until small problems become major threats to their careers and well-being. These problems can affect their work, leading to professional difficulties and, sometimes, to ethical lapses.

Effective March 1, 2006, the Utah State Bar has contracted with Blomquist Hale Consulting, an industry leader with an excellent reputation, to provide members with face-to-face counseling services. These counseling services are provided free of charge to members of the bar to address an impressive range of personal difficulties.

What is the Lawyers' Assistance Program (LAP) The Lawyers Assistance Program is a counseling resource funded by the Utah State Bar to assist lawyers and their dependents address a broad range of personal difficulties that may be causing them distress. It provides face-to-face counseling to help resolve such concerns as: marital difficulties, family problems, stress, depression, anxiety, personal cash flow management difficulties, elder care challenges, and assessment for drug/alcohol dependence.

Why is the Utah State Bar offering this program to all its lawyers? Encouraging lawyers to address personal problems effectively is one of the best ways to prevent ethical violations, to reduce disciplinary actions among lawyers and to protect the public. Although some lawyers have access to an employee assistance program (EAP) through their employer, the vast majority do not. Even those currently covered by traditional EAP's have limited resources that frequently fall short of the intensive, solution-focused problem-solving services offered through Blomquist Hale Consulting by the Utah State Bar's Lawyers Assistance Program.

Can staff members other than attorneys use this program? Only members of the Utah State Bar and their household dependents are eligible for these services. However, the Bar has negotiated a special arrangement with Blomquist Hale Consulting to allow lawyers to purchase, as a group, a staff assistance program for their non-attorney staff members at a discounted rate.

To obtain more information about offering a staff assistance program to your staff members, contact Blomquist Hale Consulting at 1-800-926-9619.

Can family members of attorneys access this assistance free of charge? Absolutely! Dependents living in the same household and children living away to attend school are covered by the LAP. Be sure to inform them of this new resource.

What does it cost members to use this program? All LAP services are free of charge to the Utah State Bar and their eligible dependants. There are no co-pays or deductibles for LAP services. The Utah State Bar pays a set, capitated fee each month to cover the cost of all LAP services. However, the LAP is not an insurance program. It may refer clients to outside resources, but does not cover the cost of any referred services.

What services are provided? The LAP offers face-to-face, short-term, counseling to address a broad range of difficulties. The LAP counselors use an approach called solution-focused therapy. Unlike more traditional therapy approaches which seek primarily to help clients achieve insight, solution-focused therapy assists the client to develop the strategies and skills to successfully address the problem themselves. Using this supportive approach, clients are encouraged to take the steps necessary to effectively resolve their difficulty.

There is no set limit on the number of sessions provided through the LAP. Most problems are addressed in just a few sessions over a couple of months. However, some types of problems are not appropriately treated by short-term therapy and are referred to appropriate community providers. Over 80% of all cases are handled within the LAP with no referrals made to outside providers.

The LAP is available 24/7 to help with crisis and emergency situations. They will also conduct critical incident stress debriefings where appropriate.

In some of their offices, Blomquist Hale Consulting also offers free multi-week groups that focus on relationship skills, parenting, and personal growth.

Are LAP services confidential? Yes! Blomquist Hale Consulting strictly adheres to all professional, state and federal confidentiality guidelines. The HIPAA confidentiality rules govern the practice of the LAP. Disclosure of information is governed by Notice of Privacy Practices for Blomquist Hale Consulting. Unless a client requests that information be disclosed by executing an authorization to release information, the LAP will not disclose any personally identifiable information to the Utah State Bar. Utah's Rules of Professional Conduct expressly provide confidentiality during participation in an approved lawyers assistance program (Rule 8.3).

How is the LAP different from the Lawyers Helping Lawyers Program? The primary focus of the Utah Lawyers Helping Lawyers (LHL) has been to provide lawyer to lawyer assistance through peer counseling. The LAP is designed to offer a much broader range of resources to lawyers. As in the past, the ULHL is still available to members of the Utah State Bar. Where appropriate, the LAP will refer lawyers to the help provided by the ULHL.

What are the credentials of the LAP counselors? Each of the counselors providing services for the LAP has at least a masters degree and is licensed by the state as a Clinical Social Worker, Marriage and Family Therapist, Licensed Professional Counselor or Psychologist. You can access pictures and credentials for the Blomquist Hale Clinical Staff at www.blomquisthale.com in the "bios of clinicians" section.

How do I access the LAP? Access is as simple as calling the LAP and scheduling an appointment. No paperwork or approval is needed. If you live along the Wasatch Front, call directly to the Blomquist Hale office listed below that is nearest you. If you live outside the Wasatch Front, you access the LAP by calling 1-800-926-9619.

| | |
|----------------|----------------|
| Salt Lake City | (801) 262-9619 |
| Ogden | (801) 392-6833 |
| Orem | (801) 225-9222 |
| Logan | (435) 752-3241 |
| Brigham City | (435) 752-3241 |

What service is available to those outside the Wasatch Front? When you call the toll-free number (1-800-926-9619), you will speak to the LAP staff in Salt Lake City who will connect you with a contracted affiliate therapist in your area. You will be invited to schedule face-to-face

counseling with an affiliate therapist within a reasonable distance from you. If you prefer, the LAP can also schedule telephone consults to help you address your difficulty.

Where can I get more information about the LAP provided by Blomquist Hale Consulting? There is a link on the Utah State Bar website that takes you to the information provided by Blomquist Hale at www.blomquisthale.com. This resource contains more detailed descriptions of services as well as useful articles and links to a vast array of helpful information and services.

Look for the representative from Blomquist Hale Consulting at the Utah State Bar's spring convention in St George and the annual convention in Newport Beach.

Blomquist Hale Consulting Therapist Policy Protocols

(Comprising pages 17- 20 of the BHC therapist handbook)

Confidential to Blomquist Hale Consulting

Do not copy or redistribute.

Assessment During the Intake Process

It is the responsibility of every BHC therapist to determine if the client's issues are appropriate for short-term, solution-focused treatment within Blomquist Hale or if the nature of the client's difficulty requires a referral into a more intensive level of care. The decision to refer out of Blomquist Hale treatment into an outside provider is made when, in the judgement of the BHC therapist, solution-focused approaches are not sufficient to keep the client safe or are not sufficiently intense for the client to make meaningful progress towards resolving the presenting problem. This decision is generally (but not always) made during the first session. Over the past 20 years, more than 85% of our cases have been considered appropriate for solution-focused therapy within the Blomquist Hale model.

In addition to the counseling provided by Blomquist Hale therapists, some clients will also benefit from a prescription for psycho-tropic medication. If, in the judgement of the BHC therapist, the client will benefit from such medication, the BHC therapist is responsible to follow BHC protocols to refer the client to an appropriate medical provider to manage the medical treatment. However, in most cases, the BHC therapist will continue to provide solution-focused therapy to ensure that the client is learning and applying appropriate cognitive behavioral approaches in order to achieve rapid resolution of symptoms. (Please see the medication management section of this manual to identify coordination issues with the medical professional.)

The Blomquist Hale Solution-Focused Therapy Model

Blomquist Hale Consulting offers its clients face-to-face, short-term therapy to address a broad range of difficulties. Therapists are to use solution-focused therapy approaches in order to achieve significant symptom resolution in a relatively brief time frame. As any licensed clinician is aware, unlike more traditional therapy approaches (which seek primarily to help clients achieve insight), solution-focused therapy assists the client to develop the strategies and skills to successfully address the problem themselves. Cognitive-behavioral strategies are an important skill set for solution-focused therapy. However, the primary difference has to do with the specific strategies employed by the therapist to define the nature of the problem in ways that engage the client to modify their own behavior. Using this supportive approach, clients are encouraged to take the steps necessary to effectively resolve their difficulty.

There is no set limit on the number of sessions provided by Blomquist Hale Therapists. However, using a solution-focused approach allows most problems to be addressed in just a few sessions over just two or three months. It is

possible for clinicians to schedule clients weekly for several weeks at the onset of treatment. This may be necessary to stabilize some acute but transitory state of reactivity, (i.e. where the level of client distress is acute, or a case where rapid initial progress is necessary to keep the client safe.) Using the solution-focused model, the therapist may use his/her professional judgement to define the interval of time between any session so as to allow the client to complete the assignments given by the therapist to assure progress. Specific number of sessions may vary from 1 or 2 to more than 10. This is determined on a case by case basis. A specific number of sessions should not be quoted in the initial session. Individual sessions may be supplemented by attending one of our weekly groups.

When a Referral to More Intensive Care is Appropriate

If, in the judgment of the Blomquist Hale Therapist, the client's problem can be reasonably addressed using solution-focused therapy, the therapist should assist in resolving the problem. However, when problem resolution requires more intensive levels of treatment (i.e. hospitalization for stabilization or detoxification, day treatment, Intensive Outpatient programs, or long-term, developmental counseling), a referral to an outside resource is appropriate. It may also be appropriate for the EAP counselor to refer to another therapist within our system. A list of our clinicians and their practice specialties is available. (See "Counselor Specialties" in the appendix) Deciding whether to refer outside our system or to treat within can be challenging. The general rule is that if the client can be reasonably expected to benefit from intensive, brief, solution-focused therapy, we provide that service free of charge within Blomquist Hale Consulting. The following is a guideline which clinicians may find useful.

There are a number of disorders (defined in the DSM IV) that are rarely treated within Blomquist Hale and are generally referred to more intensive levels of care for treatment. These disorders generally do not respond to solution-focused treatment. However, occasionally individuals manifesting even these more serious disorders can benefit from a clearly focused round of solution-focused therapy and make meaningful progress in some aspect of their everyday functioning. In these cases, it is important that clear, specific clinical goals be established to clarify the scope of therapy.

The disorders we generally refer into more intensive levels of treatment include:

1. Unsafe suicidal or homicidal, or self mutilation risk
2. Medical detoxification for addictive substances
3. Mood disorders involving significant psychotic features
4. Any disorder presenting with features of significantly impaired reality testing which would interfere with the client's capacity to benefit from solution-focused therapy
5. Organic disorders such as dementia, or autism
6. Chronic post-traumatic stress disorders requiring a long-term, developmental relationship

7. Tic disorders
8. Schizophrenia and other psychotic disorders
9. Eating disorders other than counseling to assist clients and their families to overcome obstacles that would otherwise prevent them from engaging in the treatment process
10. Treatment of personality disorders other than to provide therapy for situational difficulties that might benefit from solution-focused therapy
11. Addictive disorders - alcohol dependence, substance dependence
12. Somatoform disorders
13. Sleep disorders that will not respond to solution-focused approaches
14. Paraphilias
15. Significant conduct disorders
16. Multiple personality disorders

Our staff almost always retains other conditions. They are as follows:

1. Adjustment disorders
2. Relational problems
3. Bereavement
4. Identity problems
5. Phase-of-life problems
6. Child or adolescent acting-out behavior

Extreme cases of the above may be referred out if the following are present:

1. Suicidal or aggressive assault threat
2. Thought disorders, significant loss of basic life functions, or lack of ability to manage the basics of self-care.
3. Court ordered treatment that is inconsistent with genuine clinical needs.
4. Child custody evaluations
5. In general, any situation wherein the safety of the client is in question and a referral is deemed to decrease that risk.

These disorders are evaluated on a case by case basis. Here comes the subjective clinical judgment! These disorders include:

1. Mood disorders
2. Anxiety disorders
3. Dissociative disorders

In most of these cases, solution-focused therapy at Blomquist Hale consulting is the appropriate action. However, there are a number of factors a clinician must take into account in making the determination to treat within Blomquist Hale. The therapist must rule out the threat of suicide, homicide, or self-mutilation. The client must be able to conduct basic life functions. Past history of success and comfort with psychotherapy as well as familial support must be considered. If the client has a history of sexual abuse or physical abuse as a child, the prognosis

for short-term therapy is very guarded. All in all, each case is unique and the final decision is an educated judgment call by the evaluating clinician.

Referral Process

As stated above, a referral may be necessary when a participant's problem is of a type that will not reasonably respond to short-term, solution-focused therapy. It is the responsibility of the EAP counselor to know referral sources in their community. Our database includes lists of community resources, specialties of private practitioners and PPO listings. This information allows us to provide expert guidance and recommendations to clients that we must refer outside our center. It is unacceptable to simply print out a client's PPO list and advise them to choose a provider. We should make specific recommendations based on our information about therapist specialties and reputation. This information is available under the heading "Resources" in the database commands. Your director will provide you with training on utilization of these resources. If a participant's problem is presented for which there is no known referral source, the EAP counselor must research the community. The development of a resource network requires time, energy and a commitment to service and quality assurance. This is accomplished best by referring to individual therapists rather than to agencies or organizations.

When making a referral, the counselor should be sensitive to the client's geographical proximity to the provider, personality of provider and client, provider's area of specialization and therapeutic strengths, general business hours of the provider (accessibility), provider's fee structure, and client's financial resources. One major goal of Blomquist Hale Consulting is to reduce insurance costs through appropriate referral and service monitoring. The counselor should assist the client in making sense of their insurance coverage as it relates to the referral.

Professional and Peer Counseling Services

Lawyers encountering family problems, stress, depression, anxiety, personal cash management difficulties, elder care challenges, assessment of drug/alcohol dependence, and any other issues impairing your work or personal lives may receive free professional counseling from *Blomquist Hale Consulting* or peer counseling from Utah Lawyers Helping Lawyers. You may phone *Blomquist Hale* at 1-800-926-9619 and Lawyers Helping Lawyers at 1-800-530-3743

PAGE 1 ALL UTAH STATE BAR CASES MONTH AND YEAR OF INDATE

Case#... YEAR MTH. Cntr..

JAN 1
 FEB 1
 MAR 22
 APR 21
 MAY 14
 JUN 10
 JUL 11
 AUG 13
 SEP 11
 OCT 21
 NOV 19
 DEC 3

2006 147

JAN 10
 FEB 17
 MAR 11
 APR 13
 MAY 6
 JUN 8
 JUL 4
 AUG 7
 SEP 6
 OCT 15
 NOV 8
 DEC 10

2007 115

JAN 26 Jan 1-15 3 cases SLC 18 OGDEN 2 OREM 6
 FEB 21 SLC 20 OGDEN 1

2008 47

20 defaults

TOTAL 309

309 Records Processed

Blomquist Hale Consulting

Third Quarter Report/Year to Date
March 1, 2006 - September 30, 2006

| 1. | <u>Presenting Problems</u> | <u>Lawyers</u> | <u>Dependents</u> |
|----|--|----------------|-------------------|
| | Family | 12 | 36 |
| | Alcohol / Drug | 02 | 00 |
| | Marital | 21 | 21 |
| | Psycho / Emotional | 42 | 22 |
| | Suicidal | 00 | 00 |
| | Financial | 01 | 00 |
| | Medical | 00 | 00 |
| | Legal | 00 | 00 |
| | Personal | 16 | 00 |
| | Totals | 94 | 79 |
| | Total Individuals | | 173 |
| | Total Cases (Households) | | 114 |
| 2. | <u>Cases (Households)</u> | 114 | |
| | <u>Referral Type:</u> | | |
| | Self | 114 | |
| | Supervisor | 00 | |
| | DFW - Referrals | 00 | |
| | <u>Status:</u> | | |
| | Currently Active | 30 | |
| | Inactive | 84 | |
| 3. | <u>Therapist Referral Actions</u> | <u>Lawyers</u> | <u>Dependents</u> |
| | In House EAP Counseling | 98 | 85 |
| | In House Group | 17 | 15 |
| | RX for Psych Meds - Primary Care Physician | 00 | 01 |
| | RX for Psych Meds - Psychiatrist | 00 | 00 |
| | Outpatient Psychiatric | 00 | 00 |
| | Inpatient A & D | 00 | 00 |
| | Financial | 00 | 00 |
| | Attorney | 00 | 00 |
| | Self Help Group (AA, CA, CoDA) | 00 | 00 |
| | Totals | 115 | 101 |

Blomquist Hale Consulting

Fourth Quarter Report/Year to Date/Third Report to Bar October 1, 2006 - December 31, 2006

| | | | |
|-----------|--|----------------|-------------------|
| 1. | <u>Presenting Problems</u> | <u>Lawyers</u> | <u>Dependents</u> |
| | Family | 17 | 50 |
| | Alcohol / Drug | 04 | 01 |
| | Marital | 26 | 37 |
| | Psycho / Emotional | 66 | 30 |
| | Suicidal | 00 | 00 |
| | Financial | 01 | 00 |
| | Medical | 00 | 00 |
| | Legal | 00 | 00 |
| | Personal | 22 | 00 |
| | Totals | <u>136</u> | <u>108</u> |
| | Total Individuals | | 244 |
| | Total Cases (Households) | | 165 |
| 2. | <u>Cases (Households)</u> | 165 | |
| | <u>Referral Type:</u> | | |
| | Self | 165 | |
| | Supervisor | 00 | |
| | DFW - Referrals | 00 | |
| | <u>Status:</u> | | |
| | Currently Active | 34 | |
| | Inactive | 131 | |
| 3. | <u>Therapist Referral Actions</u> | <u>Lawyers</u> | <u>Dependents</u> |
| | In House EAP Counseling | 143 | 118 |
| | In House Group | 23 | 21 |
| | RX for Psych Meds - Primary Care Physician | 00 | 01 |
| | RX for Psych Meds - Psychiatrist | 00 | 00 |
| | Outpatient Psychiatric | 00 | 00 |
| | Inpatient A & D | 00 | 00 |
| | Financial | 00 | 00 |
| | Attorney | 00 | 00 |
| | Self Help Group (AA, CA, CoDA) | 00 | 00 |
| | Totals | <u>166</u> | <u>140</u> |

Blomquist Hale Consulting

Second Quarter Report/Year to Date
January 1, 2007 - June 30, 2007

| 1. | <u>Presenting Problems</u> | <u>Lawyers</u> | <u>Dependents</u> |
|----|--|----------------|-------------------|
| | Family | 09 | 19 |
| | Alcohol / Drug | 00 | 01 |
| | Marital | 12 | 11 |
| | Psycho / Emotional | 32 | 15 |
| | Suicidal | 00 | 00 |
| | Financial | 00 | 00 |
| | Medical | 00 | 00 |
| | Legal | 00 | 00 |
| | Personal | 16 | 00 |
| | Totals | <u>69</u> | <u>46</u> |
| | Total Individuals | | 115 |
| | Total Cases (Households) | | 81 |
| 2. | <u>Cases (Households)</u> | | |
| | <u>Referral Type:</u> | | |
| | Self | 81 | |
| | Supervisor | 00 | |
| | DFW - Referrals | 00 | |
| | <u>Status:</u> | | |
| | Currently Active | 18 | |
| | Inactive | 63 | |
| 3. | <u>Therapist Referral Actions</u> | <u>Lawyers</u> | <u>Dependents</u> |
| | In House EAP Counseling | 73 | 46 |
| | In House Group | 07 | 06 |
| | RX for Psych Meds - Primary Care Physician | 01 | 00 |
| | RX for Psych Meds - Psychiatrist | 00 | 00 |
| | Outpatient Psychiatric | 01 | 00 |
| | Inpatient A & D | 00 | 00 |
| | Financial | 00 | 00 |
| | Attorney | 00 | 00 |
| | Self Help Group (AA, CA, CoDA) | 01 | 00 |
| | Totals | <u>83</u> | <u>52</u> |

Blomquist Hale Consulting
March 31, 2007

| 1. Presenting Problems | <u>April to December 2006</u> | | <u>January to March 2007</u> | |
|------------------------|-------------------------------|-------------------|------------------------------|-------------------|
| | <u>Lawyers</u> | <u>Dependents</u> | <u>Lawyers</u> | <u>Dependents</u> |
| Family | 17 | 50 | 04 | 15 |
| Alcohol / Drug | 04 | 01 | 00 | 01 |
| Marital | 26 | 37 | 07 | 08 |
| Psycho / Emotional | 66 | 30 | 19 | 06 |
| Suicidal | 00 | 00 | 00 | 00 |
| Financial | 01 | 00 | 00 | 00 |
| Medical | 00 | 00 | 00 | 00 |
| Legal | 00 | 00 | 00 | 00 |
| Personal | 22 | 00 | 11 | 00 |
| Totals | <u>136</u> | <u>108</u> | <u>41</u> | <u>30</u> |

Total Individuals 244 71
Total Cases (Households) 165 49

2. Cases (Households)

Referral Type:

| | | |
|-----------------|-----|----|
| Self | 165 | 49 |
| Supervisor | 00 | 00 |
| DFW - Referrals | 00 | 00 |

Status:

| | | |
|------------------|-----|----|
| Currently Active | 34 | 24 |
| Inactive | 131 | 25 |

3. Therapist Referral

| | <u>Lawyers</u> | <u>Dependents</u> | <u>Lawyers</u> | <u>Dependents</u> |
|--------------------------------|----------------|-------------------|----------------|-------------------|
| In House EAP Counseling | 143 | 118 | 45 | 31 |
| In House Group | 23 | 21 | 06 | 05 |
| RX for Psych Meds | 00 | 01 | 00 | 00 |
| - Primary Care Physician | | | | |
| RX for Psych Meds | 00 | 00 | 00 | 00 |
| - Psychiatrist | | | | |
| Outpatient Psychiatric | 00 | 00 | 00 | 00 |
| Inpatient A & D | 00 | 00 | 00 | 00 |
| Financial | 00 | 00 | 00 | 00 |
| Attorney | 00 | 00 | 00 | 00 |
| Self Help Group (AA, CA, CoDA) | 00 | 00 | 00 | 00 |
| Totals | <u>166</u> | <u>140</u> | <u>51</u> | <u>36</u> |

Blomquist Hale Consulting Group, Inc.
Employee Assistance Program
860 East 4500 South Suite 202
Salt Lake City, Utah 84107

INVOICE

Service Month: SEPTEMBER 2007

John Baldwin
Utah State Bar 10294
645 South 200 East
Salt Lake City, UT 84111

Detail Section:

| Employee Group | # Covered | Rate | Due |
|----------------|-----------|--------|------------|
| ALL | 7185 | \$1.25 | \$8,981.25 |

TOTAL AMOUNT DUE: \$8,981.25

Please indicate any changes to number of covered lives and recalculate amount due.

| Employee Group | # Covered | Rate | Due |
|----------------|-----------|--------|-----|
| ALL | [] X | \$1.25 | [] |

New amount due: []

Please make checks payable to BLOMQUIST HALE CONSULTING GROUP

**Blomquist Hale Consulting
Summary of EAP Benefits and Features**

Re-cap

1. No specific limit on *sessions* for all employees and their immediate family
2. *Immediate emergency access* to qualified and certified clinicians.
3. *Face to face* assistance, by appointment.
4. Total *confidentiality*.
5. 85 % of EAP clients are successfully treated within the EAP program without being referred into the Behavioral health plan at a much higher cost.
6. *No Co-Pay, No Set Up Fees*.
7. Unlimited wellness *workshops/seminars* for qualifying groups.
8. *Management training* and consulting to help managers to handle tough situations with employees.
9. *Quarterly reporting* as to the usage and standing of employee work force.
10. Month to month contracts.
11. Five Blomquist Hale offices along the Wasatch Front , one in Las Vegas. Capability anywhere in the US.
12. National locations for contracted clinician availability.

Work-Life Issues resolved:

Marriage

Parenting

Stress

Depression

Substance abuse

Anger management

Communication difficulties

Child and Teen Care

Return on Investment:

Increase productivity

Reduce turnover

Reduce absenteeism

Reduce healthcare costs

Reduce unemployment claims

Increase morale

Reduce liability

Changed lives

Barbara Severnak

From: Darol Wintle [dwintle@blomquisthale.com]

Sent: Friday, November 09, 2007 2:53 PM

To: Barbara Severnak

Subject: Lowery referred

Attachments: BHC EAP Summary Benefits 03-15-05.doc

Barbara, Lowery extended your name to me for contact concerning an Employee Assistance Program. You may be aware that the Bar has elected to contract with Blomquist Hale for the Attorneys only. Due to the size of that contract we are offering the staffs of the attorneys a preferential rate of \$3.00 per person per month. The normal rate for your office size is \$6.50, so it is a nice arrangement. Lowery is totally familiar with Bloomquist Hale but should you need any additional information please contact me at this email or at 801-558-6769. We currently have as clients, the City of St George, Dixie College, Washington County and others as well. I have attached a copy of the Features and Benefits of our EAP. Thank you, and I hope that we can serve Snow, Jensen & Reece with a quality EAP.

Darol Wintle
Dir. Bus. Development
Bloomquist Hale
860 East 4500 South
Salt Lake City, Utah 84107

Teach Info West Spam Trap if this mail is spam:

Spam

Not spam

Forget previous vote

AGREEMENT FOR BLOMQUIST HALE CONSULTING GROUP
TO PROVIDE AN
EMPLOYEE ASSISTANCE PROGRAM
FOR
Snow, Jensen & Reece, P.C.

I. INTRODUCTION:

This agreement is for Blomquist Hale Consulting Group, a Utah Corporation, dba Employee Assistance Program, 3761 So. 700 East, Suite 100, Salt Lake City, Utah, hereinafter referred to as "EAP" to provide an Employee Assistance Program to SNOW, JENSEN & REECE a Utah Corporation, hereinafter referred to as "SNOW", and it's employees.

II. CONSULTATION AND COUNSELING SERVICES FOR EMPLOYEES AND THEIR FAMILIES:

A. Task: With the assistance of a trained professional counselor, the employee and/or family member(s) determine the nature of a personal concern or problem and decide upon an effective course of action.

B. Responsibilities of EAP:

1. Basic Commitment: The commitment of EAP is to meet the needs of those requesting services to the extent necessary to gain positive appreciation by the employees of this service as a benefit and to facilitate a return to satisfactory job performance when performance has been affected by personal concerns.

When short-term individual, marital or family counseling is appropriate, that counseling will be provided as a part of this contract using a brief therapy model. In cases of chemical dependency and other long-term cases, assessment and referral and coordination of treatment services are provided through this contract.

A professional commitment and loyalty is extended by EAP to all employees and family members. Employees and family members, rather than the employer as an organization, are considered the primary clients of this contract.

EAP will do what is necessary to each situation to:

- A. Work with the client(s) to develop an accurate and mutual perception of the problem.
- B. Work with the client(s) to enhance an accurate perception of their situation, resolve communication skills, and affirm positive actions to resolve the problem.

- C. When a client is referred, to confirm with the client(s) and resource(s) that a satisfactory connection has been made and the client has found help.
- D. Provide appropriate feedback to the supervisor when there was a supervisory referral. The type of documentation that will be shared with the supervisor will consist of whether the employee initiated services at the EAP as well as documentation of client's follow through along with the EAP counselor's recommendations. EAP will request a Release of Information to communicate with the supervisor when documentation of work performance or relationships seems important in making an accurate assessment or to insure appropriate action on the part of the employee or supervisor in solving the problem. EAP will not communicate with the supervisor if a Release of Information is not obtained.

2. Timing and Location of Appointments

An appointment within a reasonable time will be offered to all initial interview requests. More prompt action will be taken when the client's concerns are of a crisis nature.

Historically, we would expect fifteen percent (15%) of EAP clients to be seen outside of regular business hours. EAP will offer services to people in a crisis situation and offer emergency services. The EAP telephone is covered 24 hours-a-day, 7 days-a-week.

Five office locations are available to employees who live along the Wasatch Front in Utah. The address of our Salt Lake City office is 3761 South 700 East Suite 100, Salt Lake City, Utah. The Ogden office is located at 1140 36th St. Suite 111, Ogden, Utah. The Orem office is located at 891 West Center Street, Orem, Utah. The Logan office is located at 550 North Main, Suite 112, Logan, Utah and the Brigham City office is located at 118 East 100 North, Brigham City, Utah.

3. Remote Locations

Clients in locations that are distant from an EAP office will access the EAP by calling our 800 number. Assistance will be provided by our subcontracted therapist in the client's community.

4. Staffing

With the approval of SNOW, EAP will assign to this contract one specific staff person who will serve as coordinator. Any changes in that assignment will be made with SNOW approval. This coordinator will be the person SNOW staff comes to know, trust and work with. Most services to individuals referred by SNOW will be delivered by this coordinator.

5. Benefits Cost Control

As the broker representing SNOW employees and families in finding appropriate resources, EAP will be cost conscious in the use of medical benefits. EAP will report to SNOW as to the experiences SNOW families have with the benefits provided to employees of SNOW.

6. Eligibility

Services provided by EAP shall be provided to all employees and their eligible dependents.

7. Voluntary and Confidential

Participation by SNOW employees is voluntary. Those employees who are encouraged to seek EAP assistance and refuse will be subject to the SNOW's standard performance and disciplinary procedures. On the other hand, with cooperation from the employee, the EAP counselor may be able to give the SNOW supervisor reason to suspend disciplinary action.

8. Objective

The objective for this contract is that an annual rate of twelve percent (12%) of employees utilize the EAP.

III. SERVICES TO THE EMPLOYER AND PROGRAM RESPONSIBILITIES:

A. Promoting the Program and Orientation as to How to Use the Program

1. Training for Management and Supervisors:

Task: All persons with supervisory responsibility need to understand the need for the Employee Assistance Program, know how to work effectively with the EAP resource, develop referral skills, believe in the program and have confidence in the resource so that the program is utilized effectively.

Every supervisor should have continuing training on an annual basis. Training may be part of a larger comprehensive supervisory training program, or may be scheduled independently.

EAP will staff and conduct all training sessions for all supervisors. SNOW will schedule the training, introduce the program, present policy and be available for answering questions.

2. Training for Employees:

Task: Departmental meetings explaining the program allows the employee to hear about the program, ask questions and feel more comfortable calling on a known person. Training sessions for employees promote more self referrals which produces greater penetration and higher level of prevention.

EAP will provide for each employee some wallet cards for the employee and family members.

SNOW will schedule training, introduce the program, present the policy and be available for answering questions.

Every SNOW employee should have review training on an annual basis to remind them of when and how to utilize the EAP.

3. Posters and Written Announcement:

Directed to Employees and their Families.

Task: Posters depicting the EAP program help promote utilization. With SNOW approval, posters depicting the EAP program will be placed in strategic locations at the SNOW work site.

A written announcement to the home encourages family utilization in situations where an employee may not initiate contact. Such letters, signed by an employer senior executive, give credibility to the program.

* EAP will review and edit such letters.

SNOW will mail an annual letter on its stationary.

4. Prevention Seminars

Tasks: Seminars for employees and families help present the program as a positive resource, as well as promoting problem prevention. Any single session presentation is best viewed as a promotional measure for gaining visibility of the EAP. These may be after work hours, or during work hours.

A list of the topics for these workshops and seminars is attached at the end of this agreement. All seminar requests will be conducted and coordinated according to the seminar/workshop policy based on the number of employees covered. EAP will provide copy material for promotion and masters of any handout materials, scheduling room accommodations and promotion will otherwise be the responsibility of SNOW.

B. Consultation Services:

Task: Supervisors may contact the EAP to confer regarding if, when and how to refer particular individuals. EAP will provide by telephone conference supervisory, consultation and feedback regarding:

- * Whether a referral is appropriate.
- * How in each instance the referral might be done most effectively.
- * How to manage the employee on the job in view of the personal factors affecting performance or attendance.
- * The probable duration of defective performance.
- * Time off the job that is necessary for treatment for an employee.
- * General cooperativeness of the employee with the referral.
- * How to reintegrate an employee back into the work setting after time off for treatment.

EAP will provide as part of this contract unlimited consultation to management staff and/or employees in area of on-the-job problems related to interpersonal relationships, over stressful situations or policy issues as they relate to individual employee cases.

C. Program Administration:

1. Program Coordinator:

A coordinator will be appointed by SNOW to act as a liaison with EAP and with the cooperation of the EAP direct, plan, monitor and implement the EAP.

2. Quarterly Statistical Information:

Statistical information, excluding client identity, will be provided quarterly regarding client usage. The following will be reported:

- A. Quarterly number reflecting employee utilization.
- B. Quarterly number reflecting dependent utilization.
- C. Referral sources, ie; self, supervisor, family, friend, etc.
- D. Work location.
- E. Primary problem.
- F. Referral action, ie; EAP, Outpatient treatment, Inpatient treatment, Mental Health Clinic, Lawyer, Consumer Credit Counseling etc.
- G. Status of employee in the EAP, ie; Active, Inactive, Terminated.
- H. Number of therapy hours spent.
- I. Number of follow-up hours spent.
- J. Number of training hours spent.
- K. Brief narrative reflecting EAP activities and any important trends observed by EAP staff.

3. Monitoring and Correcting Usage Variances:

- A. EAP will monitor usage statistics to determine if usage is representative of the various sectors within the employee population.
- B. If supervisory referrals are few or non-existent in significant parts of the organization, EAP will review the program at appropriate management meetings and/or provide specialized training.

4. Upon SNOW 's request and if the needed data is confidentially obtainable from SNOW 's records, EAP will conduct an annual cost effectiveness study that will examine the monetary impact of the EAP.

5. Confidential Client Evaluation Forms:

The EAP will mail evaluation forms to each client in a timely manner, which the client will mail anonymously to the EAP office.

6. SNOW will provide to EAP the following:
- A. An initial number reflecting the employees eligible for services at the time of program implementation.
 - B. A monthly number reflecting the employees eligible for services.

IV. TERM, CANCELLATION, INDEMNITY

A. Term of this Agreement

The term of this agreement shall be one (1) year commencing on the 1st day of DECEMBER 2007 and concluding on the 30 day of NOVEMBER, 2008. It shall be automatically renewed at the end of each twelve (12) month period thereafter unless either party gives a thirty (30) day written notice of its intention to terminate this agreement. This agreement may be canceled at anytime during its original (1) year term or any twelve (12) month renewal period thereafter by either party giving the other party ninety (90) days written notice of such cancellation.

B. Indemnity

EAP agrees that it will hold SNOW and its officers and employees harmless from any claims, suits or damages resulting from or caused by any act or omission of EAP, its staff, agents, contractors, or employees in the performance of the services provided by this contract.

If the utilization rate should run less than the projected 12% an equivalent amount of EAP time will be spent in program services in order to increase utilization.

V. PAYMENT

Payment for each service month will be made in advance and will be due monthly no later than seven (7) working days following receipt of the bill for that service month. Each payment for EAP services will be \$3.00 per employee based on the employee monthly roles of that service month. A service charge of 1.75% will be added to all statements not paid in full by the last business day of the current month, service charges are to be paid with the next remittance.

A. Items Included and Excluded:

1. Referred to Resources

Services provided by resources to which employees and family members are referred through this contract are not paid for by EAP.

2. Any space at the work site will be provided by SNOW on a casual basis at no cost.

* This contract replaces any previously binding agreements that may have existed between SNOW and EAP.

DATED THIS _____ DAY OF _____, 20____

BLOMQUIST HALE CONSULTING GROUP

By: _____

Title: _____

SNOW, JENSEN & REECE

By: _____

Title: _____

BLOMQUIST HALE COMMENTS

Positive: 55

Negative: 26

Indifferent: 44

| POSITIVE COMMENTS | NEGATIVE COMMENTS | INDIFFERENT/SUGGESTIONS |
|--|---|---|
| A counseling arrangement such as this is a tremendous benefit and vital to maintaining a competent bar. | My dependent used it once. The therapist was incompetent | I have heard that in practice there are limits on the number of sessions provided. |
| I think I should really use this service. | Isn't easy to get appointment and public info about credentials could be more informative. | Depending on usage and cost paid by bar. |
| My family and I use Blomquist Hale services. The funding is accessed through spouse's employer, but I understand I could access the Bar funding. We have received great help from Blomquist. | I attempted to use them once. They were not helpful. | I think discounted rates should be funded by Bar. Not all bar members will need the services. Those who need them should bear some of the cost. |
| The variety of problems facing lawyers is tremendous; this kind of professional help is welcome, and much-needed. | Only benefits the SLC fat cats. | Tried accessing counseling through Blomquist- counselor I ended up with didn't impress me and I didn't return. In general, I think it's a very valuable service to lawyers. |
| I think everyone should have access to mental health care and hope members of the Bar understand how important mental health care is to everyone now that they've been given access. | Should be privately funded, or optionally available. This is like another tax for health care. | Hourly rate only- not flat fee. |
| Important resource for members of Bar. Haven't used services (yet) but take comfort in knowing they're available. | Services should be responsibility of users or their health insurer. | Not unless they can demonstrate that BH or similar employee assistance program has gained wide acceptance among lawyers and their families in other markets. Peer assistance is a proven approach. |
| I think this is the best idea for a service that the bar should sponsor. | Services are too brief to really be worthwhile. Especially if person doesn't have insurance coverage to continue seeing counselor after brief service by BH. | If the Bar funds this service I can see benefit to the attorney that is in need.. however, who will foot the bill ultimately- other members of the bar? I think a sliding scale would be nice, where attorney's that really need financial assistance could be given help while others that can afford it pay their own ways. |
| Been favorably impressed with Bar's commitment to mental/emotional health of its members and their families. | Lawyers Helping Lawyers seems to have been relegated to lesser status when it was working well in my opinion. Why the change? | Have used service for family member. Although folks at BH were not overly helpful (seemed quite amateur) it's nice to know the service is available. |
| Good to know there is something there to help attorneys and families. Not sure of costs to Bar assoc. - so really can't evaluate value we receive. | Appear to be nothing other than referral service for emotional counseling. Most attorneys know how to find a counselor. The service is not worth the cost. | At least for a while longer. If more people don't start using it, however, I think it should be cancelled. |
| Have used this service and find it very valuable. | BHC only provides two visits (although the claim is that there is not limits on # of sessions- simply not true) and then you're left to fend for yourself. Not a good model if the Bar is truly | Does one have to go to designated therapist by service for it to be covered? Don't most attorneys have financial ability to pay for own counseling costs, through their own counseling costs, through own insurance or otherwise? |

| | | |
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| | trying to help its members. More than one person has told me the same thing. | |
| Keep it going. We need all the help we can get | In my opinion, it is not the role of the State Bar to fund services that are business-related. | Like that it's available but have not used it. Wonder if better to limit number of sessions to make it more cost effective and let person using service pay for additional and perhaps discounted sessions. |
| Excellent idea... helps with personal and practice problems that are inter-related. Please continue the program. | Almost everyone has coverage through their health insurance. This service is duplicative. | Would prefer some sort of group med. plan for sole practitioners or dental plan, something of that nature. |
| Attorneys have problems with addiction and mental health. I think this would be a great service. | I used it for stress, anxiety and depression advice. Particular counselor not helpful. Is it possible to hook us up with psychologists? | Used BH for short time last year. Service is helpful but Health Insurance should cover this service. |
| Used services when confronted employees with mental health or honesty issues; personal or professional problems. Good service that bar should sponsor. | I don't understand why my bar dues are to be used for this service. The bar dues are extremely high. | After a year, I'd like to know how much use it gets. |
| Access to BH, or similar service, is essential for any group of working professionals. | I think providing counseling services is not a function that the bar should be involved in. Moreover, I don't believe the bar has any right to require me to help fund such a program. | Having counseling services available is important. Not sure that BH is right company, but Bar should continue to have this type of service available. It's a stressful profession. |
| I would love to hear more about this. | Let attorneys and their families pay for their own problems. | Don't know enough about BH services, costs and usage by USB members to be able to accurately answer Q#5. |
| I've taken my daughter to Blomquist and was pleased with the service. | If it really helps someone, fine. I would NEVER tell my troubles to strangers paid by an organization of any kind. | Haven't used them, but I believe it addresses a serious problem with attorneys. |
| This is one of the only programs supported by the Bar that can help reduce discipline actions. Benefits both Bar members and public. View it as one of the most important services Bar can provide. | BH services seem improperly excessive scope of benefits to be funded w/mandatory bar dues. Covers wide range of personal counseling for lawyers and family. Seems unjustified, unfair to offer benefit from my mandatory dues. Can see limited program that solely assists addicted attorneys w/shifting case loads & not leaving clients in lurch. Not family counseling! | It depends on the cost. Don't know what that is. Also don't know how much it has been accessed, or if we pay a flat fee, or per visit. |
| Have used this service and have been very impressed with it. | Don't think bar should fund one provider. If service is to be available, it should be the choice of the bar member. | Nice service, but Bar should go further. Why not provide full health ins. Benefits to all active members (and immediate family members) willing to participate as a group and pay the premium, deductibles, etc? Consulting service could be included as part of overall plan. |
| Given traditional burnout, divorce and substance abuse stats for attorneys, I | Find us some health insurance then I'll be impressed about how | How much per bar member does it cost??????????? TELL US!!!!!!!!!!!! |

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| think the bar should provide this service. | my bar dues are spent. | |
| Husband and I currently going through counseling at Blomquist. If it weren't for the free service we wouldn't be able to afford counseling our marriage desperately needs. And our counselor is AWESOME! | Went there once and was not impressed. Think service should be funded but w/someone specifically prepared to help attorneys. | Because it is a confidential service, I really don't know the extent of usage and cost to the Bar. In theory, I approve of having assistance for significant emotional issues members and their families may be having. |
| Good use of Bar funds. If attorneys aren't using it doesn't mean it shouldn't be funded. It may take awhile to "catch on." | Used BH once. Wasn't particularly happy with specific therapist I was referred to. | Understand that legal profession can be more stressful than other careers. But I don't think that is an expense that should be paid for by all members of the bar, when only few use it. |
| Very pleased to hear that services are available. | If people are using, great. If not, the Bar is probably wasting its money. | Could be part of group health insurance package if Bar would make such available for participation. |
| If it will help lawyers professionally, it seems like a good service. | I will never use. | How can I say if the Bar should or should not offer a service without knowing the cost of that service? |
| I'm grateful for this service is available. | If people chose to drink or stress themselves out, they should pay for the lifestyle they choose. | It should certainly consider funding. |
| Help with assisting lawyers with counseling in various types of impairment issues. | | There may be a stigma attached to a Bar sponsored counseling service and many rather seek private providers. |
| Available- definitely. Fully fund- absolutely. | | My opinion might change if I knew how much it was costing the bar. |
| We use them for our companies EAP & they've been excellent and we have received very good feedback. Helped a number of our employees stay productive. | | I wish there were a way of referring lawyers and judges- kind of like in Wyoming were referrals can be made and followed up on. |
| I think it's a very nice service. | | Don't know cost/benefit. |
| It is an excellent service. Thank you. | | Bar should determine its cost vs. benefits. |
| My impression that there's a significant need for this service. | | Again, a service that is of no use to me. |
| As a young lawyer, I have found this profession to be much more stressful on my personal life than anticipated. My wife and I are looking in to taking advantage of this benefit soon. | | I have some concerns about funding. I'd like to know the cost to the bar, before I answer. |
| This may be very valuable. | | I don't know how effective program is. Wonder how many attorneys actually use Lawyers Helping Lawyers & what the professional repercussions are. |
| I have used and found helpful. I believe that individuals that normally would not get help are using the service b/c it's available. | | I live in a rural community. Don't think I can access services in the local community. |
| Support systems are significant in high-stress occupations like ours. | | Depends on the cost. |
| W/stress and rigors placed on attorneys, especially younger ones and their families, invaluable service. I know some members are upset that this is | | I would like to see how much of our bar dues go toward funding the program and how those funds are used/benefits derived from the program. |

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| funded through the bar, but a mentally and emotionally strong bar serves the community best. | | |
| Very necessary service for high-pressure profession. I support the Bar paying for this. | | I only wonder how much overlap there may be between a lawyer's personal insurance and this serv. |
| By far the best bar service ever heard of! Thrilled to get announcement letter and really proud of our board of Bar commissioners for sticking necks out to fund this service. | | Not sure about this one. Do we really need it? |
| Sounds like great service! | | Sessions or cost should be limited for acute counseling and refer out. |
| Considered contacting BH. Sure it's a good service when person feels like they have nowhere to turn. | | Service seems like good way for BH to market their services. As I understand, it's available only for very limited counseling. After, each bar member must pay own. Seems like Bar members are able to locate counselor of their own. |
| Great service and benefit to bar members. Thanks. | | I knew there was counseling but not who provided it. |
| Keep this at all costs. Lawyers often think they have nowhere to turn, especially their partners and families. Very good option. | | People have not been aware of what the service provides. |
| Excellent service. Very critical we keep for Bar members. Had family members greatly benefit from this service. Do not cancel this service. | | Prefer Lawyers helping Lawyers. |
| Great benefit. Thank you. | | Normally this sort of service would be part of an insured medical plan so there could be some duplication. |
| I'm not sure if this is the program for mental health, addiction, etc. If it is, I think Bar should fund it. | | |
| Absolutely! Please keep this service. It's a great asset to the legal community. | | |
| With bar funding such a program, adds to confidentiality and will allow/encourage more lawyers to seek any necessary or needed help. | | |
| Haven't used yet but I think this is needed and valuable. | | |
| Bar is visionary for doing this. As long as people use the BH service, we as members should fund. We need to have an outlet/option for help. | | |
| Definitely service that is needed by lawyers. Whether or not it should be funded depends on whether or not it is actually used. | | |
| Planning to have them visit with our firm within next several weeks. | | |
| Bar doing a good thing by offering services since we seem to have a | | |

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| number of problems. | | |
| I would not have gone to pay for counseling but b/c this free service was available, I got help. | | |
| Haven't used but believe this is very important service that our attorney's need. May use in future. This months bar journal articles and direct letter from President, has helped great deal and make me feel that I could use the consulting services. | | |



Casemaker

CASEMAKER

Quick Facts:

| | |
|--|--|
| Cost to USB (2006-2007 Financial Statement): | \$59,979.00 |
| U.S.B. Survey: (Response Count 414) | 75.3% Aware of Casemaker 24.7% Unaware of Casemaker |
| U.S.B. Continue to Fund Service: | 54.3% Yes 16.9% No 28.8% Undecided |
| Access Usage: | |
| Daily | 2.4% (Response 11) |
| Weekly | 13.9% (Response 64) |
| Monthly | 20.4% (Response 94) |
| Never | 63.3% (Response 292) |
| Usage Attorneys and Paralegals: | 8000+ |
| Weekly Casemaker Support Requests | 45+ |
| Website visits per day | 600+ |

Assessment of the Program's success and satisfaction of its Goals.

Casemaker is a tool needed by every practicing Utah attorney. 36% of those answering the Group Benefit Survey use the tool. Of those who answered that they Never use the tool (63%) the majority of those individuals work for a large firm or the government who provide the employees with online legal research.

Program's analysis for efficiency and improvement. The company was recently purchased by a online medical research company. This company is able to take Casemaker to a level of performance comparable to Lexis or West. The concerns expressed in the Group Benefits Survey are concerns that are being addressed by Casemaker and are upgrades in progress for the tool.

Interview:

Connie Howard

PROGRAM OVERVIEW

Casemaker is an online legal resource tool which provide an internet law library which provides members of the Utah State Bar with free access to the legal research materials to serve clients.

The Casemaker Web Library provides a comprehensive search engine system with many of the features that you have come to expect from online legal research.

Search Logic - You can connect key words and phrases using the Casemaker Web Library's search logic. This search logic allows you to narrow your search so that you get the results that most closely fit with the issue you are researching.

Natural Language - Simply type your question containing the key words into the basic search query box and the search engine will use its own intelligence to find the results that match the terms in your query.

Database Fields - Using the advanced search screen template, you can enter specific information into fields such as citation, date, attorney, and more. Utilizing the fields will allow you to find specific information very quickly.

Program Goals

To give Utah State Bar attorneys and paralegals access to online legal research which under the Utah Rules of Integration 14-202(e) foster and maintain integrity, learning, competence, public service and high standards of conduct among those practicing law and thereby increase the value of legal services to the public

Program's fit within the Court's Integration Rules and Mission of Bar: Yes, under 14-202(h) which states, "promote professionalism, competence and excellence in those practicing law through continuing legal education and by other means".

Casemaker Program

A. Summary Description

Casemaker is an online legal research service provided as a free member benefit to all active members of the Bar. This service includes libraries that focus on primary Utah law and are available via the web with only a browser. Casemaker includes a consortium of 20+ state bars, such that all content is shared among consortium members. The provider is a company called Lawriter. Lawriter, in combination with the Ohio State Bar Association pioneered the development of this service. Casemaker is accessed via a login and link from the Bar's web site.

B. Goal Statement

Casemaker was implemented as a service to provide members with a free alternative for online legal research. Legal Research is a core function of all lawyers and online services have proven to be expensive. A free online alternative for members enables solo/small firm practitioners access to such a resource. Larger law firm members, government lawyers, corporate counsel and others can better manage their legal research costs due to access to Casemaker.

C. Program Resources

1. Personnel

The CD Serves as the primary contact with Lawriter for managing the Casemaker service. The IT and Member Benefits Directors also assist in the management of this service. The IT Director assists with presenting Casemaker training sessions for the membership. Casemaker training sessions are offered regularly at the Law & Justice Center and at Bar events, conferences and CLE programs. The Web Coordinator responds to login and password requests via e-mail.

2. Budget / Revenue

The contract cost for Casemaker is approximately \$65,000 annually. Staff time is generally accounted for under the member benefits program. Staff time goes towards first tier support and training. Support consists almost exclusively of providing logins and passwords.

3. Volunteers / Partners

Lawriter is the vendor, based in Ohio, which provides and updates the Casemaker service.

D. Outcomes (deliverables)

A reliable, easy to use online legal research service containing primary law. This is available via a web browser free of charge to all active members. Training for the service is to be provided on a regular basis, to enable any interested members in receiving training.

E. Policies & Procedures

The Service includes a standard EULA. Logins and Passwords are provided to members only via the e-mail address of record with the Bar. At this time, policy is to make this available to only active status members, to encourage lawyers to maintain and active status membership and find value in Bar membership.

F. Calendar

1. Events, Deadlines, Schedules

Twice annually the CD attends Casemaker consortium meetings. At these meetings feedback is given on the service and information about future service improvements is received. When available the IT and Executive Directors attend as well.

Casemaker Stats:

We have over 8000 Attorneys and Paralegals with account access to Casemaker

We are averaging 45 Casemaker support requests per week.

Our website is currently averaging 600 visits per day.

CASEMAKER[®]

Federal Library Nationwide Collections

Alabama Library
Colorado Library
Connecticut Library
Delaware Library-NEW
Florida Library-NEW
Georgia Library
Idaho Library
Indiana Library
Kansas Library-Summer '06
Kentucky Library-June '06
Maine Library
Massachusetts Library
Michigan Library
Missouri Library-NEW
Mississippi Library
Nebraska Library
New Hampshire Library
New Mexico Library
-Summer '06
North Carolina Library
Ohio Library
Oregon Library
Rhode Island Library
South Carolina Library
Texas Library
Utah Library
Vermont Library
Virginia Library-NEW
Washington Library
West Virginia Library
-Spring '06

... with more
soon to come!

SuperCODE Now Active on Federal Library

On February 20th, Casemaker activated the SuperCODE feature in the U.S. Code. As experienced Casemaker users already know, this handy tool automatically displays a listing of all session laws that have been enacted since the legislature's last unification of the code.

Because amendments, repeals, and new statutory laws are not codified by the government for some time, the SuperCODE system allows users to see statutes as they were last codified in the large screen on the left. Enacted session laws that affect the last codified versions are listed in the smaller screen on the right. Listed session law enactments are available to help the user determine whether the later enactments alter the applicable law, depending on the date of the enactment.

Casemaker users have found SuperCODE in the state codes to be extremely effective in ensuring that they have the evolution of a statute while having the most up-to-date legal research available.

ALSO NEW IN THE FEDERAL LIBRARY

Casemaker users can now search by individual circuit courts. Simply go to the drop-down menu and select the specific circuit you wish to search. We are also in the process of adding West citations to our current circuit court decisions.

Moving On-Moving In

The Commonwealth of Kentucky has claimed a Casemaker employee as their one of their own. Katy Taylor has been the Casemaker Membership Coordinator for about two years. She has recently accepted a position with the Juvenile Services Department of Kentucky as a Court Designated Worker. Katy says that she has enjoyed the interaction with all of the bars and will miss hearing from you. We wish Katy well as she moves on to her new endeavor.

To fill the void, Karen Gossage, Casemaker Librarian, has agreed to take on the additional mantle of Membership Coordinator. Karen is a certified paralegal with a Master's degree in Library Sciences from the University of Kentucky. We feel that Karen's work ethic and attention to detail makes her the perfect choice to move into this role. She looks forward to using this opportunity to assist you in any way possible.

Karen can be reached at our NEW TOLL-FREE NUMBER: 877-659-0801.

MISSOURI CASEMAKER LIBRARY

Casemaker Codes and Rules Division has added statutes and session laws from the state of Missouri to the group.

CASEMAKER®

Newsletter
February

NABE Mid-Winter Meeting Recap

Federal Library
Nationwide Collections

Alabama Library
Colorado Library
Connecticut Library
Delaware Library-NEW*
Florida Library-NEW*
Georgia Library
Idaho Library
Indiana Library
Kansas Library-Summer '06
Kentucky Library-June '06
Maine Library
Massachusetts Library
Michigan Library
Mississippi Library
Nebraska Library
New Hampshire Library
New Mexico Library
-Summer '06
North Carolina Library
Ohio Library
Oregon Library
Rhode Island Library
South Carolina Library
Texas Library
Utah Library
Vermont Library
Virginia Library-NEW*
Washington Library
West Virginia Library
-Spring '06

... with more
soon to come!

*Delaware, Florida, and Virginia
are not currently Consortium
members.

ABA Announces On-line Access of ABA Print Materials Exclusively through Casemaker

Bryan Kay, Director of ABA Publishing, appeared at the NABE Mid-Winter meeting to announce its newly formed partnership with Casemaker Print Publishing. All ABA print (non-CLE) books will be available on the Casemaker website. The books may be purchased in their entirety or on a chapter-by-chapter basis. *State bars will share in the profits from all book sales emanating from their members.*

The ABA has made this partnership exclusively with Casemaker and announced that it will not team with any other publisher. We are extremely proud to be the ABA's on-line publisher of choice.

Results of NABE / Casemaker Mid-Winter Survey

Your input is critical to Casemaker's success. As a result of your feedback, Casemaker will implement 8 of the top 10 results of the NABE 2006 Mid-Winter Survey. Here is what you voted for:

1. Ability to search multi-books within your state simultaneously
We are working to have both caselaw and statutes searchable simultaneously. This should be accomplished sometime in May.
2. Ability to search by federal citation
Federal citations are currently being converted and should be finished by summer.
3. Additions of libraries of non-Consortium states such as Delaware, Florida, and Virginia
We are currently working to add other state libraries, per your requests.
4. Report state citations by regional reporter
This can be added to your site if so desired. Please contact Katy Taylor at ktaylor@lawriter.net or at 513.621.8149.
5. Tables of contents with links to state forms
We are beginning to place state form links in your library.
This will not happen overnight, but they are coming.
Please contact Katy Taylor if there are specific forms that your state desires and we will make sure that you have access to them.
6. Ability to search by federal circuit
Already in progress and will be available within the month.
7. Table of contents with links to federal forms
Already in progress and will be available within the month.
8. More drop-down menus with increased number of choices
Will be completed as part of Casemaker Search Engine refurbishment later in the year.

Casemaker Website to Undergo Design Change Enhancement

Casemaker is in the process of redesigning its website in order to enhance your search options. Not only will the changes make searching more efficient, but *it will allow your members to enter directly to your website's front page.* It will retain your bar logo on all pages, regardless of what library is selected. This will ensure that your branding is maintained at all times.

The redesigned site will be available "before the leaves turn," but we will provide you with a 60-day notice before its launch. The Casemaker Learning Center will be updated and a new tutorial will be available to get members up-to-speed seamlessly.

We will also revamp the Casemaker User Guide and provide you with an electronic copy. This will occur well in advance of the launch of the new site to allow you time to personalize it for your members.

HeinOnline Ohio FREE Trial Library

The HeinOnline Ohio library is up and running on Casemaker. Access is FREE to all Casemaker members until May 1, 2006.

In addition to the Ohio-specific law reviews, the library contains some of the most-cited law reviews in the country and the top thirty law journals from schools such as Harvard, Columbia, Yale, and Duke.

The Federal Library includes the Federal Register from its inception in 1936 as well as a weekly compilation of Presidential documents and more. A complete listing of HeinOnline titles is also available

If you wish to build your own state-specific library and make it available to your membership, please contact the Casemaker Librarian, Karen Gossage at kgossage@lawriter.net or at 513.621.8418.

Memberships will also be available to individual law firms for states that choose not to participate. Rates will be dependent on firm size.

Other New Features Recently Added to Casemaker

Since our last meeting, Casemaker has added some new features at absolutely no additional cost to Casemaker users.

1. SuperCODE now appears on 26 of the 28 State Statutory Codes.
2. Thirty states' ethics opinions are available in one searchable file located in the Nationwide collection library. More opinions will be added in the near future.
3. New currency pages are now on every state library to ensure that you have the most current information available.
4. All state case law includes a short summary of the text surrounding your search terms so that you can pre-select cases that you desire to review first.

Coming to a Mailbox Near You!

Joe Shea's complete PowerPoint presentation from the 2006 NABE Mid-Winter meeting is on its way to all Executive Directors!

Casemaker strives to exceed your expectations.

If you have any ideas for articles you would like to see incorporated in the next Casemaker e-Newsletter, please contact our editor, Craig Slanker, at 513-621-8148 or e-mail him at cslanker@lawriter.net.

If you have any suggestions to enhance your Casemaker library or our service, please contact Karen Gossage at 513-621-8148 or e-mail her at kgossage@lawriter.net.

CASEMAKER Comments

Positive: 53

Negative: 31

Indifferent: 69

| POSITIVE COMMENTS | NEGATIVE COMMENTS | INDIFFERENT |
|---|---|---|
| Although I only use Casemaker about once a month, it is a valuable service to me. Please keep offering it. Thanks. | Wish there were annotations, and more secondary sources. Search feature doesn't work well. | Although I haven't used it yet (since I have Lexis access), I very likely will in the future and may not renew a research subscription if Casemaker works well. |
| A great help to a sole practitioner who does limited litigation | It is not up to date. The field of decisions is not broad enough. It would be perilous to rely on. | I have only accessed it twice since its inception. |
| Great | Doesn't provide enough. | Occasionally access, but not on a regular basis. |
| Would use it more if I could remember my dang login information | Too difficult to search compared to other products. | Benefit should not be funded but I plan on using the benefit. |
| I'm in management and I find Casemaker to be a great resource to answer the questions that arise even though I don't actively practice anymore. As other attorneys ask for advice, I refer them to Casemaker as well. | It is not very good. | I used it very rarely. I always forget about it. |
| Wonderful service. So glad you can do multiple state searches now | Not much information in the bankruptcy area. Not as complete and user friendly as other research services. | I would probably use Casemaker more if I were in a small private practice |
| Casemaker is great for quick research and looking up cases. | Ok, but the search engines are very weak. | I don't use it because the firm I work for uses another system that I know how to use. |
| Its great | I used this a few years ago. It was terrible. Search function was virtually worthless. Cases were difficult to find. I finally got a subscription through fastcase.com | Has potential, but needs broader scope. With time at a premium, it is hard to justify consulting two search services. |
| Good to know. | It is unreliable and apparently not updated regularly. It is a waste of Bar funds and if some Bar members want to use it, they should pay for it. I'd be surprised if more than 5 percent of the bar uses it. I don't have confidence in it and will only use Westlaw or Lexis. Accuracy is too important to risk even when it is free. | Currently not involved in litigation matters |
| Please continue | Needs more access to other states' case law as well as periodicals. | N/A |
| I am a govt. lawyer and currently don't need to access this service, but believe it is an important benefit. | Cannot seek a specific case. | Use Westlaw. |
| This is one benefit I feel I get for my yearly dues. Thank you, this really helps us little guys. | A service that is of no value to me. | My computer provides me unlimited access to Westlaw |

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| Works great | Takes too long to get into Casemaker. You have to work through too many windows to get to the point where you can find the law. Compare to other sites where single click can take you right to code or rules. | I think I have used it once or twice |
| I find Casemaker to be a very useful and helpful supplement to other research options- I'm fortunate to be with a firm that has 'brand name' computer research programs available, but I often prefer to access Casemaker first. | Search logic is still quite rough. | The pagination could be better and there are many cases that are listed twice without cause. |
| Keep it going. | I found the search feature did not work as well as I'd hoped. | I'd like to learn more! |
| Excellent resource and especially for the medium, small and solo practitioners. Please keep it going. | Stopped using b/c search engine was difficult to use & doesn't give relevant results. | I've never used Casemaker because I forgot we have it. |
| This is an excellent service | My firm uses Westlaw and I've compare to Casemaker. Search engine in Westlaw finds much better results than Casemaker. | Smoke but no fire. |
| I have used it once or twice, but not regularly. When I worked for a firm that did not do as much litigation, it was very nice to have. | I liked it but the features are limited. | I actually use Casemaker about twice a year. I use Lexis regularly- better searching and grouping (library) capabilities. |
| I have found it very helpful at times. | Waste of members' money. | I have access to a flat rate contract for Lexis. |
| I do not use it as often as Westlaw but I do use it regularly and like having access to it. | Last time I used it, search engine was TERRIBLE and there was no way to check subsequent history, so stopped using it. | Have not figured out how to use it |
| I like Casemaker. It could have more features and searching federal cases is difficult. It meets my research needs about 85-90% of the time. | The concept of a low cost alternative to West/Lexis is good, but the user interface is too awkward for occasional use. | I need to check it out |
| I think it is the best service offered by the bar. | Have tried it and found it inadequate. I can make Westlaw fun and I've never found a thing on Casemaker. | My employer provides Nexis and Westlaw. |
| I think this is a great service. I currently work for LexisNexis, so do not need to use the service, but should I change jobs I would use it. | Every time I'm inclined to use it, don't have password and username handy. Your IT guys are going to have to make it easier for me. I don't want to have to call a phone number to get it when I want to access it after hours or otherwise. | I have other research tools available to me through my employment. |
| I really appreciate the service. | Does not include comprehensive state libraries so I have to go to other paid services anyway and what it does have I can generally get from google searches or findlaw. | I like the free service. I wish it shepardized better. Doesn't always pick up other cases that make reference to the case or statute at hand. |
| I would love to figure out how to use I but have not yet had time. | I have Lexis which I think is easier to use than Casemaker. So I don't | Just heard about it. I will use it! |

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| | use it much. | |
| It's great. | It's better than nothing, but a far cry from Lexis or Westlaw. | Generally, I stick to Westlaw. |
| Although I don't use it, glad it's available to me. | Hard to use. Lack of training. No support with problems. | We have legal research service at work so I haven't had to use it. |
| Inactive in Utah. If I start actively practicing in Utah I anticipate using it on regular, probably daily basis | Becomes unavailable to me for some electronic reason. Never been able to get someone to call me back on the phone to help in this regard. They emailed me but could never get communication in a way that helped me to get onto the site. | I don't know much about it. |
| Periodically use it. Do find it valuable and would like to know more about how up-to-date it is. | It's not complete. You don't have the Rules of appellate procedure for example. | Lexis available to me at new firm. I used is previously at prior firm. |
| I truly appreciate this service! | Never received information on how to access the system. | I use the firm's service. |
| Excellent research tool | For a long time the Utah Code was not up to date on Casemaker making it unreliable. | Additional features could be added. Why accessible to inactive bar members? |
| Thanks. | | Our corporate counsel uses it, I guess about once a week. |
| Excellent. Please keep it available to us. | | I have been using other computer search services both through fixed media and internet. Willing to invest time to learn the Casemaker service. |
| Casemaker is a great service. | | Utah litigation not principle part of practice. |
| I just learned of it and now plan to use it quite a bit. | | Probably a good service, but haven't needed it due to our firm's Lexis contract. |
| I like the service. I only wish it had a better search engine. | | Haven't used enough to really comment. Seems useful. |
| I believe this is a valuable service. | | I use Lexis but Casemaker is a nice feature. |
| It is a very valuable service. | | Work for state government & we have unlimited Westlaw contract. Also use Utah Law on disc frequently. |
| Please continue to provide this valuable service. | | Once or twice only. I never remember to use it. |
| While I haven't used this benefit, I think it is a valuable tool. | | Without the annotations you still much have access to another service. Often times I just use that other service. |
| Helpful. | | I have used it once. |
| I do believe it is a good service. | | There are times I wish that I could do a search by statute and case name rather than by topic. |
| Great service. | | Less than monthly. |
| It's extremely beneficial. | | Good service but search functions are very limited. |

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| Keep it, it's great. | | I'm grateful for it but didn't find it too helpful the few times I have used it. |
| I appreciate it. Would like to see document examples donated by attorney's for new practitioners as an added feature. Some areas of law cases are difficult to find info on; I do very much appreciate the service. | | Not currently functioning in legal capacity. |
| Really glad to have access to it. Since I don't need to research cases very often, it would not make sense to subscribe to paid service. Casemaker is convenient, easy to use and very valuable service in my practice. | | When will older cases be reported on Casemaker? |
| This is the greatest service by far, offered by the State Bar. I love it. | | Helpful, but doesn't provide near as much info as Westlaw or Lexis. I'm not sure if it has case annotations (which, in my opinion, is the most important aspect of a research database. |
| I appreciate this service. It is a valuable tool in my practice. | | In-house counsel; do not litigate. |
| Not practicing law as actively as I would like. As legal practice slowly expands, I anticipate that my use of Bar's excellent Casemaker benefit will also expand. | | Heard about it but not really understood it is a free available service. |
| GOOD DEAL+ | | Would be nice if there was clear and easy way to check if the case is good law. Search functions need a little refining. Good service though! |
| I sometimes have to call the Bar for my password/username. Thanks for helping me in that way. | | Have a paid service that is flat cost per month for unlimited usage. Better search service (Westlaw). If I didn't have access to it, would use Casemaker. |
| It's great. This is the best thing the bar does. | | Have used Loislaw instead. I don't have all the Casemaker info, but would like it. |
| | | Just learned about it. Will use it when necessary. |
| | | Not necessary to have "basic" v. "advanced." Combine the two. |
| | | Have not tried to use the service yet but will soon as it looks like a useful tool. |
| | | Don't know how to access Casemaker service. |
| | | Partly retired so I don't use Casemaker that much. |
| | | Use Westlaw. |
| | | Have full Westlaw subscription so I haven't paid attention to Casemaker. |

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| | | Rarely do research that would lead me to Casemaker. |
| | | Haven't ever heard of it; what does it do? |
| | | I was govt. attorney- now retired. |
| | | Have had Westlaw and now FastCase, with specialty area of bankruptcy needed. Don't believe Casemaker has BK cases and federal code/rules. |
| | | Can't ever remember my password- my fault. |
| | | Not familiar with service. |
| | | Our firm has complete access to Lexis/Nexis. |
| | | I will look at this. My non-participation should NOT be taken as disapproval. |
| | | Office provides Westlaw and we have not been directed or encouraged to use Casemaker. |

Lawyers
Helping
Lawyers

LAWYERS HELPING LAWYERS

Quick Facts:

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| Cost to USB (2006-2007 Financial Statement): <i>(Includes \$13,869 Royalty from Marsh Affinity Group)</i> | \$31,111.00* |
| U.S.B. Survey: (Response Count 522) | 96.0% Aware of L.H.L. 4.0% Unaware of L.H.L. |
| U.S.B. Continue Funding: | 75.7% Yes (Response 414) 8.6% No (Response 47) 15.7% Undecided (Response 86) |
| Total Contacts (2007) | 37 |
| New Contacts | 29 |
| Past Contacts (Still Receiving LHL) | 8 |
| Contact Referrals: | |
| Self | 25 |
| Legal Acquaintance: | 9 |
| Non-Legal Friend / Family | 4 |
| Cross-referrals to Blomquist Hale Consulting | 6 |
| Issues Reported by Category | |
| Depression / Emotional Health | 17 |
| Legal Practice Questions | 9 |
| Work-related Stress | 8 |
| Substance Abuse | 7 |
| Request for Assistance with Cases | 7 |
| Request for Mentor | 7 |
| General health problems | 6 |
| Interest in Support Group | 4 |

Interview:

S. Brook Millard – LHL Chair

Shannon Johnson – Part time employee of LHL

PROGRAM OVERVIEW

The LHL program provides resources for attorneys who need and seek help. The LHL program assists attorneys suffering from a variety of issues including depression, anxiety, and other stressors interfering with an attorney's ability to maintain a functional law practice. LHL's help is not limited to those with problems with drug and alcohol addiction, but also includes recourses to assist lawyers who become impaired from stress, other health related issues, retirement, burnout and etc. Clarification should be given that LHL are not mental health professionals and they do not evaluate attorneys/lawyers. LHL is more in line with mentoring.

LHL attempts to determine the extent of the attorney / lawyer's affliction and provide assistance to maintain the attorney's law practice and clients. LHL attempts to assist and find referrals for cases in situations where an attorney may be unable to handle his caseload alone for whatever reason. LHL attempts to find other lawyers to assist the attorney at risk in his practice. The program also provides monthly support groups (although not always well attended). Monthly support groups are always attended by at least one board member. The program focuses on assisting the lawyer and his practice so as to minimize harm to clients and third parties. They simply provide the recourses, but do not engage in any clinical diagnosis, mental or physical health assessment, except to determine the areas of need to provide resources to assist the impaired lawyers practice and client needs.

LHL offers assistance to varying age groups and issues including new lawyers who feel unprepared for the legal profession as well as lawyers trying to determine whether they want to leave the profession all together.

COORDINATION OF SERVICES WITH BLOMQUIST HALE

LHL refers attorneys in need to Kelly McFarland who usually provides a free consultation. LHL will refer the impaired lawyers to specific counselors that have volunteered their services or will refer Blomquist Hale. However, they do feel they are much more aware of the services provided by Blomquist Hale than the latter is of them. They would like to see greater effort and commitment be made between the two organizations

to assess better coordination of their respective services to compliment and accomplish the objectives of the two programs.

There does not appear to be a problem with duplication of services with Blomquist Hale. However, LHL's client feedback concerning Blomquist Hale has been less than positive. Comments include concerns that counseling is too general in scope, individuals are only allowed a limited/ set number of visits, and therapists do not address the issues that the client would like to address. Additionally, if a client is allowed several visits they are still released too soon without feeling that their issues are resolved.

LHL CONCERNS, OBJECTIVES AND REQUESTS

LHL statistics have shown that not enough lawyers are getting the help that they need. Greater knowledge needs to be imparted to the membership about this service and what it provides. Simply put, not enough lawyers know about LHL or what service this organization provides. LHL provides education presentations to Young Lawyer Division and local law schools. LHL participates in a December Ethics Seminar which has been very well attended in the past, has booths and personnel at the semi-annual and annual conventions to answer and respond to questions. Still, LHL believes it is barely scratching the surface of what it could do to assist its Bar members.

LHL would like to increase exposure and educate attorneys about how the program can assist them in times of need by lifting some of the burdens while the attorney tries to figure out what direction they want to take in their lives. Shannon, the part time assistant fields all calls and follows-up with the lawyer/attorney. LHL is very concern about confidentiality and has taken steps to preserve and maintain confidential information between the impaired lawyer and his clients.

LHL would like to gain more exposure and provide more education. They would like the word out to members of the Bar that LHL is there to help during times of depression and anxiety as well as addiction and drug, alcohol, and substance abuse. LHL is also searching for ways to convince attorneys that it is okay to admit when they need help. Something needs to be done to inform attorneys that they can trust LHL's assurance of confidentiality, and that LHL will not report any information to the Bar.

Funding is very limited and, consequently, LHL has a very lean budget. It recruits volunteers everywhere possible and it tries to enlist as much free assistance and support as possible.

Additional funds for a 24-hour pager service and a full time employee would be ideal. Currently, Shannon Johnson works part-time answering telephone calls from 1:00 to 5:00, Monday through Friday. Consequently, a person only responds to telephone inquiries approximately 20 hours per week. The biggest percentage of the money that LHL receives pays Shannon's salary (approx. \$13,000.00/ year) and office supplies.

Utah Lawyers Helping Lawyers Semi-Annual Contact Report

January-December 2007

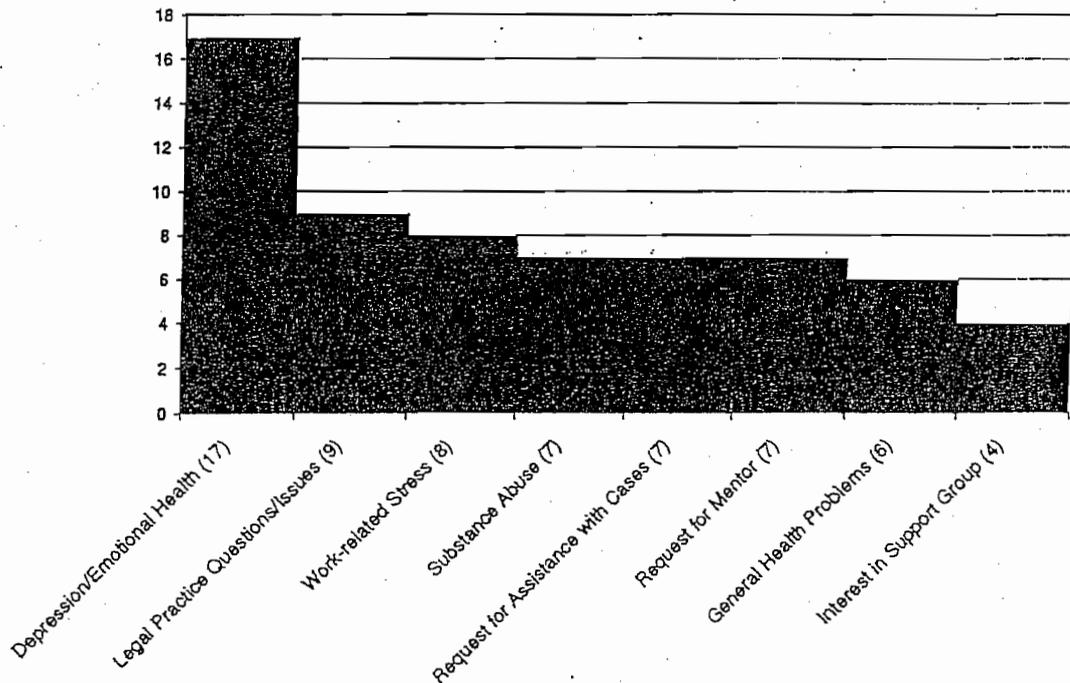
The Lawyers Helping Lawyers group submits the following report to the Bar President and the Commission.

A. Total Contacts for the reporting period: 37

1. New Contacts for the reporting period: 29
2. Past Contacts still receiving LHL services: 8

B. Reported Issues*

Issues Reported by category



*One contact may be represented more than once.

C. The following identifiers are the source of referrals to LHL*:

1. Self: 25 (66%)
2. Legal Acquaintance: 9 (24%)
3. Non-legal friend/family: 4 (10%)

*One contact represented twice.

D. Total Referrals made to Blomquist Hale Consulting: 6 (16%)

E. The following are selected confidential summaries of actual cases addressed by LHL. They demonstrate the seriousness and troubling types of problems faced by our fellow Bar members.*

1. A judge contacted LHL regarding an attorney in one of the cases the judge was overseeing who admitted to debilitating depression that had kept him/her from the office for weeks and caused him/her to miss important deadlines in the case. The judge said that the attorney had stated that he/she was on medication and doing well now, but he still hoped LHL could look into it and make sure that the attorney was safe and fully functioning in his/her practice. LHL Board made arrangements to contact and follow-up with the attorney.

2. Contact called stating he/she had been suffering from depression, especially severe during the past few months. Because of this the Contact missed important deadlines on a case that has now fallen into default judgment. He/she would appear before the judge the next day and explain the circumstances and that he/she had sought help from LHL. Contact wanted to meet with a counselor to receive treatment and LHL provided a few referrals to treatment providers.

3. An LHL volunteer referred an attorney friend who suffers from alcoholism, depression, has been suicidal. Contact is currently living with a friend and is not capable of practicing law but has a few open cases. Volunteer hoped LHL could assist in handling the cases, wanted contact to see a counselor regarding his/her substance abuse issues, and requested the attorney be provided with a supportive attorney mentor to follow-up with his/her progress. LHL made arrangements with a treatment provider who the Contact is currently working with. An LHL board member keeps in contact with the attorney regularly to provide support. Arrangements were made for the cases to be taken care of.

4. Attorney called and said that he/she believed another lawyer in his/her firm was suffering from depression, expressing lack of motivation and not accomplishing tasks. Contact later called in directly and was interested in receiving counseling. LHL provided the names of some treatment providers, as well as referring the attorney to Blomquist Hale. An LHL Board member followed up with the contact later to follow-up on his/her progress.

5. Contact called LHL requesting information on counseling services available for his/her family. LHL referred Contact to Blomquist Hale as it is a free service for bar members and their families.

6. Contact stated that work had become very stressful for him/her and remembered reading something about services LHL provides that may be useful. LHL's services were explained and the attorney was encouraged to attend the

monthly support group meetings which provide a community of support for attorneys. Contact was very interested and said he would attend soon.

*These individuals have been edited to render them anonymous. Nonetheless, please treat them confidentially.

F. Board Members/Volunteers:

Total # of active LHL Board Members: 12

Total # of LHL Volunteers (serve as needed): 30

G. Board Member Histories:

S. Brook Millard: Brook is currently the Chairman of Lawyers Helping Lawyers. He is the Managing Partner of a new firm, Morton and Millard PLLC, which he has recently opened with Jim Morton. He has been practicing law for over 11 years and his practice currently emphasizes catastrophic personal injury, wrongful death, personal injury and professional malpractice. Brook joined Lawyers Helping Lawyers in September 2005. His decision to volunteer to become part of LHL was based on a desire to help lawyers in need and his own experiences with a family member living with addiction.

Stanley S. Adams: Stan has been a member of the Lawyers Helping Lawyers board for several years. He became involved to help attorneys in need, which is still his main focus in serving.

David A. Bernstein: David Bernstein has been a member of the Utah Bar since 1998. During that time he has practiced in the fields of civil litigation, criminal defense and personal injury law.

Michael E. Bulson: Born January 18, 1949, Moorhead, Minnesota. Attended rural elementary schools and high school in North Dakota. Undergraduate degree from Carroll College, Helena, Montana. Graduate of the University of Denver College of Law: Juris Doctor and Masters Degree in International Studies, 1975. Admitted to the New York State Bar in 1976. Worked with Gilbert Segall and Young in NYC for three years before joining Utah Legal Services in 1978. Currently specializes in public benefits and consumer law.

Roberto G. Culas: Roberto has served on the Lawyers Helping Lawyers board for several years and continues to maintain active involvement in meeting with and assisting lawyers in need.

Roger F. Cutler: Roger Cutler graduated from the University of Utah Law School in 1967. He was in private practice and was the Salt Lake City Attorney for 28 years, until he retired. He is currently serving as the West Jordan City Attorney. Mr. Cutler served as President of National Institute of Municipal Law

Officers (now IMLA; a national association of municipal and county attorney). He is a member of the Utah Bar and admitted to all Utah Courts, the 10th Circuit Court of Appeals and the U.S. Supreme Court. Mr. Cutler has received various awards including receiving the State and Local Government Service Award from the Government and Politics Legal Society of the J. Reuben Clark Law School. He is a recipient of the Utah Municipal Attorneys Association "Municipal Attorney of the Year" award and the IMLA national award for "Outstanding Public Service by a Local Government Attorney."

Cheri K. Gochberg: Cheri has joined the Lawyers Helping Lawyers board within the past year out of a desire to reach out and help those who are struggling. She is an active member of the board who brings energy and enthusiasm to the group.

Marianne McGregor Guelker: Marianné joined the Lawyers Helping Lawyers board shortly after she became a member of the Utah Bar. Since then she has been one of the board's most active members, promoting awareness of Lawyers Helping Lawyers whenever she can.

Suzanne Marychild: Suzanne obtained a B.A. and M.A. in Sociology and then attended Golden Gate law School in San Francisco. During law school, she clerked for a civil rights law firm and received the Am Jur award for litigation. Following graduation, she served as Affirmative Action Manager, V.P., for the Bank of California in San Francisco before she entered private practice focusing on family law. She served for several years as a Judge pro tem in family law in Northern California. Ms. Marychild came to Utah in 1994, passed the Utah Bar and has practiced out of Brigham City and Logan offices since that time. Her recent community involvement includes the following: Cache County Bar (President), Cache Democrat Party (Co-chair), Hospice of Cache Valley (President of Board), and Lawyers Helping Lawyers (Chair). She was recognized as one of the Legal Elite in Family Law in 2004.

Anthony L. Rampton: Tony volunteered to join the Lawyers Helping Lawyers board last year, wanting to do what he could to help attorneys in need.

Hon. Kenneth Rigtrup: Judge Rigtrup has been a member of the Lawyers Helping Lawyers board for several years. During recent years as he has retired and his health has declined he has been less active on the board, but still remains a loyal friend to LHL.

Peter VanOrman: Peter graduated from Brigham Young University in 1968 with a degree in Business Management and Finance. He attended law school at Arizona State University and received his Juris Doctor in 1971. He became a member of the Arizona Bar in 1972. From 1972 to 1974 he was the Assistant Attorney General for the state of Arizona in the Criminal Division and the Department of Health Services. He then became a Deputy County Attorney of

Maricopa County, Phoenix, Arizona prosecuting criminal cases. In 1979 Peter returned to Utah and became a member of the Utah Bar in 1982. In 1988 Peter returned to Brigham Young University and completed all the requirements for admission to the Masters Program in the School of Social Work. This desire to help others came from his personal experience with mental illness during his divorce and career changes and the fact that he lost two close friends to mental illness and suicide. He was a member of the Advisory Council for the Protection and Advocacy for Individuals with Mental Illness (PAMI) in the Disability Law Center in Salt Lake from approximately 1990 to 2006. Peter does not currently practice law. He has been a licensed Real Estate Agent and Real Estate Investor since 1979.

Carolyn Zeuthen: Carolyn is a solo practitioner in Ogden where her primary practice is family law. She also arbitrates attorney-client fee disputes, is a small claims judge in Ogden, and acts as conflict and private Guardian ad Litem for the Second District. She has been involved with Lawyers Helping Lawyers for over five years.

Utah Lawyers Helping Lawyers

Semi-Annual Contact Report

July - December 2006

The Lawyers Helping Lawyers group submits the following report to the Bar President and the Commission.

A. Total New Contacts for reporting period: 22.

• For the 2006 calendar year there were: 50

B. Issues Reported by category.

1. Depression/Emotional Health: 11 (50% of the total for the reporting period.)
• For the 2006 calendar year there were 14 (28%)
2. Legal Practice Questions/Issues: 10 (45% of the total for the reporting period.)
• For the 2006 calendar year there were: 12 (24%)
3. Substance Abuse: 4 (18% of the total for the reporting period.)
• For the 2006 calendar year there were: 12 (24%)
4. Work-Related Stress: 4 (18% of the total for the reporting period.)
• For the 2006 calendar year there were: 8 (16%)
5. Unemployment: 4 (18% of the total for the reporting period.)
• For the 2006 calendar year there were: 5 (10%)
6. Request for Mentor: 3 (14% of the total for the reporting period.)
• For the 2006 calendar year there were: 4 (8%)
7. Interest in Support Group: 3 (14% of the total for the reporting period.)
• For the 2006 calendar year there were: 7 (14%)
8. Request for Possible Assistance with Cases: 2 (9% of the total for the reporting period.)
• For the 2006 calendar year there were: 3 (6%)
9. General Health Problems: 2 (9% of the total for the reporting period.)
• For the 2006 calendar year there were: 3 (6%)

¹ One contact may be represented more than once.

C. The following identifiers are the source of referrals to LHL:

1. Self: 18 (82% of reporting persons.)
 - For the 2006 calendar year there were: 36 (72 %)
2. Lawyer Acquaintance: 3 (14% of reporting persons.)
 - For the 2006 calendar year there were: 11 (22 %)
3. Non-lawyer friend/family: 1 (4% of reporting persons.)
 - For the 2006 calendar year there were: 3 (6 %)

D. The following are selected confidential summary of actual cases addressed by LHL. They demonstrate the seriousness and troubling types of problems faced by our fellow Bar members.²

1. Contact called regarding a partner in contact's firm who has a drug-addiction. The partner will be going to detox, but Contact thinks more help is in order and is concerned about how their firm can keep its bank accounts safe while still keeping the partner on with the firm. Contact requested advice from LHL regarding partner's treatment options and suggestions for keeping the firm accounts safe, dealing with this partner's addiction, and how their firm can approach the situation. LHL Board offered support and suggestions.
2. Contact called LHL, hesitant to disclose anything at first, because of concerns regarding confidentiality. Once these concerns were addressed, Contact admitted to depression due to extreme stress. Contact also sought representation in a couple of personal cases. LHL referred to a treatment provider regarding this depression and Contact has met with this provider. LHL also suggested an attorney who could provide Contact the requested legal representation.
3. Contact is a new lawyer who is often depressed and discouraged due to a solo practice that is overwhelming and feels out of control. Contact was looking for an organization that provides mentors to speak one-on-one with new lawyers and assist them with issues like client management, prioritization, and organization. LHL emailed Contact a description of the services provided and offered to help find an appropriate mentor. One of the board members volunteered and has been providing Contact the requested support.
4. Contact called LHL feeling overwhelmed by work-related stress. Contact sounded down but said that it was not a serious problem. Contact had seen the LHL ad for the Support Group Meeting and wanted more information about this and the other services LHL provides, specifically mentoring. LHL gave Contact information about the Support Group Meetings and looked into finding Contact a mentor. A volunteer agreed to act as a mentor for Contact, and they have been in touch.

² These individuals have been edited and scrubbed of gender and other identifiers to render them anonymous. Nonetheless, please treat them confidentially.

5. Contact, who is familiar with LHL because Contact has called in the past, complained of depression related to unemployment. Contact moved from another state and has had trouble finding work in Utah. Contact requested any possible employment opportunities and someone to speak with regarding this depression. Contact emailed LHL his resume which was forwarded to the board for possible employment recommendations. LHL also put Contact in touch with a treatment provider for Contact's depression.
6. Contact has called LHL in the past regarding treatment for alcoholism. Contact would like to join Alcoholics Anonymous, but needs a sponsor. Contact is also interested in attending the monthly Support Group Meetings. LHL gave him information about the Support Group Meetings and one of the board members agreed to be Contact's Alcoholics Anonymous sponsor.
7. Contact called requesting information about the monthly LHL Support Group Meetings. Contact did not disclose any other issues, so information was provided about the next meeting and Contact was added to the support group list in order to receive the mailed notices each month. Contact attended the support group meeting.
8. Contact, a sole practitioner, called LHL to talk to someone who has experience in family law, particularly with DCFS cases. One of the board members volunteered to speak with Contact and was able to assist.

LAWYERS HELPING LAWYERS COMMENTS

Positive: 25

Negative: 14

Indifferent: 13

| POSITIVE COMMENTS | NEGATIVE COMMENTS | INDIFFERENT/SUGGESTIONS |
|--|---|--|
| Nice to know there is a place to turn in an emergency. Called several years ago during very high stress time & found LHL helpful. Didn't need more than couple of phone conversations with them. Nice to know it's there when you need it. | Should be privately funded or optionally available. This is like another tax for health care. | Good idea, but probably should not continue in its current iteration. Should have director with experience in this type of program and should do more outreach. Discussions [about fee agreements, trust accounts, etc. could be discussed.] These discussions will more naturally lead to discussions of personal issues. |
| Service has greatly helped clients of particular attorney; nice to know it is there for my clients. | Since it's not necessarily confidential, my not be very effective. | Think it would be good service but each provider I've been referred to refers me to different provider. |
| LHL is unique peer group and I think has an important place in our Bar. | Volunteer supported program. Not seen general benefit to Bar to justify expenses. Much smaller amount would be more appropriate. | If it's really lawyers helping lawyers it should be pro bono and voluntary contributions. |
| Very important service. Having members of own professional organization who can identify w/your issues is vital. | The profession doesn't cause these problems. They exacerbate them, but sufferers should withdraw from profession. | Not sure another lawyer would be helpful for help with any of conditions described. |
| Most favorably impressed with Bar's commitment to mental/emotional health of its members. | Think it's less likely that an attorney would contact a fellow attorney, than contact a third party whose profession is counseling and helping. | I really don't know who much it costs, but does the entire membership of the Bar achieve any real benefit for helping just a few members? |
| Quite familiar, several conversations w/ those involved. Good empathy and people doing something that they are uniquely equipped to do. Please continue; it works! | I don't personally like peer assistance programs but that's just my opinion. | Nice project as a volunteer program but ought not to come out of bar dues. |
| LHL is vital and necessary. LHL is a first step to removing stigma of having fear or reprisal to admitting problem. Helps lawyers take advantage of it. | Does program work? Why should it be Bar funded and not just self funded by participating members? BH counseling should take care of these issues anyway. | I am guessing this is a less expensive program. I have no idea how many attorneys use it. |
| LHL is great service. Utah Bar must take care of its own. LHL does great job of helping us take care of each other. | Called. Referred to one individual who referred to another, who referred once again to another individual who game me three more names. Unable to discuss my issues after month of trying. | How much does it cost per member???????????? TELL US!!!!!! |
| Empathetically helps. Justified as public service to profession as a whole. | I would never tell my troubles to a LAWYER paid by an organization | Familiar with what it is. |
| Those with alcohol/drug dependence are afraid to seek professional help b/c of a paper trail LHL can get the person to an AA or NA meeting while assuring anonymity. | Most Utah lawyers don't use LHL if they feel they'll get in trouble by disclosing malpractice issues to someone in hopes of getting help they need. Has to be solid firewall between what is disclosed to LHL | Should be part pro-bono. |

| | | |
|---|--|--|
| | and Bar's Office of Professional Conduct. | |
| Service is as much for clients of attorneys that suddenly cannot function as it is for the attorney in need. | I don't think a person with serious substance abuse problems should be counseled by non professional mental health experts. | LHL should be from voluntary services. |
| I serve on the Client Security Fund Committee. Possible that some of our publicly disciplined employees might not have victimized some of their clients if they had gotten some help. | If mentally ill, person should not be practicing law- trying to help others. If substance abuse is problem, it is a voluntary lifestyle and should be funded by person who chooses to indulge. | Depends on how much funding is needed. |
| It might be good to have someone to talk to. | You have two that overlap. No need for both. | Don't know how much it costs. |
| Grateful this services is available. | | I would like LHL mentoring system to assist those in the practical matters of law practice. |
| They assist lawyers in mentoring and referrals to professionals with various types of issues. | | Assist in funding, I suppose, to a limited extent. Would hope that users of the service are required to pay what they can. If the MCLE Board must be self-supporting, why not this? |
| I think USB members may benefit from the USB funding LHL. | | Not sure what they'd fund. Important for the bar to support programs like AA, Alanon, NA, but don't know how bar could support them. |
| LHL is profession specific. I think that is a benefit all bar members should use. | | Could do it through good health insurance program. If big firms came on with all their employees it could be cheap. |
| Essential | | Uncertain what the funding requirement is. Thought that LHL was volunteer situation; is it not? If it is, why funding requirement? |
| Like BH, a very vital services. | | Too bad it didn't start many years ago- we lost some good souls b/c "no one cared." |
| Very necessary service for high-pressure profession. Support the bar paying for this. | | Believe emotional & mental health problems whether with addictions or not, is a massive problem with the bar members. Practice of law is getting harder and harder and is harder to make a living. |
| Another great benefit. Thank you. | | |
| Good peer-to-peer helping organization. As long as it is relevant to bar members, being utilized, etc., we should fund it or part of it. | | |
| LHL extremely valuable service. If necessary, would be willing to contribute more to the bar in order to keep the service available to those needing it. | | |
| This sort of service should be key to what the Bar provides to its members. | | |

Thank you for this service.

Malpractice
Insurance

Marsh
Affinity
Group

MARSH AFFINITY GROUP SERVICES—PROFESSIONAL LIABILITY INSURANCE

Quick Facts:

| | |
|--|---|
| Cost to USB (2006-2007 Financial Statement): | \$ --0-- |
| U.S.B. Survey: (Response Count 408) | 28.9% Aware of M.A.G.S. 71.1% Unaware of M.A.G.S. |
| Requested a Quote from M.A.G.S. | 20.6% Yes (Responded 111) 79.4% No (Responded 428) |
| Difficulty in Obtaining Liability Insurance: | |
| Easy | 24.2% (Responded 104) |
| Relatively Easy | 56.3% (Responded 242) |
| Difficult | 14.4% (Responded 62) |
| Extremely Difficult | 5.1% (Responded 22) |

Attorney Practice (2003)

| | |
|-----------------------|-----|
| Solo Practitioner | 20% |
| Government Practice | 19% |
| Firms of 2-5 Lawyers | 15% |
| Firms of 6-25 Lawyers | 13% |
| Firms of 26 or more | 11% |
| Corporate Counsel | 10% |
| Other | 12% |

Interview:

Grant R. Clayton – Lawyers Benefit Committee, Chair

Blake Miller – Lawyers Benefit Committee, Co-Chair

Denise N. Forsman – Marsh Affinity Group Services, Client Executive

PROGRAM HISTORY AND OVERVIEW

Marsh Affinity's partnership with the USB first began March 1, 2003. At this time the program was underwritten by Westport Insurance Company. In July of 2004, Westport provided written notice of termination of the contract; this decision was based on a non-profitable loss ration of 140%. On December 1, 2004, Marsh Affinity Group and the Utah State Bar negotiated a contract with Liberty Insurance Underwriters, Inc. This Lawyers Professional liability program was designed to serve the needs of State Bar members by providing them a financially strong partner. This partner is committed to maintaining a healthy profitable program on a long term basis. With its affiliation with Marsh Affinity, Liberty designed a starter package with policy limits as low as \$100,000/\$300,000 in order to encourage all lawyers to obtain liability insurance.

The MRC (Member Resources Committee) assists the bar in identifying and enhancing key services and benefits for members and publicize availability. While we recognize the function of the MRC is much broader than facilitating members obtaining and maintaining professional liability insurance coverage, this review will only focus only on the Malpractice Insurance endorsement of Marsh Affinity.

The intended purpose of the program was to provide stable, affordable professional liability insurance to all members at a reasonable cost. It is a Utah State Bar designed program meant to meet the specific and unique needs of Utah lawyers whose practices range from sole practitioners to large law firms as well as younger and aging attorneys. It is also the intent to educate members on the benefits and advantages of obtaining professional liability insurance coverage and to endorse a provider that has demonstrated a commitment to provide stable and reliable professional liability insurance and to make the same available to all members at a reasonable costs. The provider is also to assist in providing education to the membership on the benefits and advantages of obtaining professional liability insurance coverage.

In its efforts to endorse and select Marsh / Liberty Mutual as a preferred provider, Marsh / Liberty had to demonstrate that they were committed to providing quality insurance with top rated providers to members of the Utah State Bar at an affordable and costs. Marsh has also demonstrated strong and committed

leadership to the Utah market and diligently show that they will continue to provide and offer quality and affordable coverage so members can realize the best return on their insurance investment.

CONCERNS AND GOALS

The committee recognizes and incorporates as part of its review the written material submitted by Denise N. Forsman of Marsh Affinity Group Services, the documents submitted to the USB Commissioners dated January 25, 2008 at the past January Commission Meeting. In further supplementation of that report, the presenters further noted that although some members have found that the premiums are much higher than what they can obtain elsewhere. Denise commented that although these members may have lower premiums, they are not getting the best value and quality that Marsh and Liberty have always provided to the Bar. Denise stated that the goal is not for the cheapest premium; the goal is to provide the best value. She gave some background about other insurance companies who promise a lower premium. She indicated that many of them price irresponsibly low, and their programs are likely not as stable and do not have staying power. Consequently, the lower premium companies tend to drop clients once they make a claim. In addition, Denise notified the committee that she had worked hard and that Liberty approved a rate decrease in July 2007, and that the Bar members who thought their rates were too high should check the rates again. Marsh would like to circulate ads regarding the new rate decrease as well as post additional educational materials on the Bar's website.

Why Marsh? Denise further explained Marsh's committeemen and value to the Utah State Bar, by stating that "*When Don Roney made the decision to retire and sell the book of business; he put much thought into the best interest of the Bar. We had several discussions concerning the book and the horrendous loss ratio. He knew that West Port would eventually pull out of the state, leaving him the difficult challenge of placing this program as a stand alone. After several meetings with various markets and large agencies, he believed that Marsh would be the best fit. He knew that Marsh was committed to program business and he believed that they were capable of providing a solution for the Bar. As you are aware, West Port eventually pulled out of Utah. I don't know if you realize that in order for Liberty to consider the Utah Bar it was necessary for Marsh to give them three other states, Washington, Wisconsin and Minnesota. Given the profitability of these other regions, Liberty was able to justify the Utah book. I thought this was an important fact that the committee should know. I do realize the Bar's concerns with offering the lowest premium possible and have done everything in my power to address this issue. We have reduced premiums by more than 20% and have increased the amount we can credit from 15 - 25%. I have made additional requests to Liberty for more pricing relief and will keep you posted from that front. I also want to discuss with you our email blast. We are in the developmental process and should have something ready by the end of this month.*"

1. Why should the USB endorse Marsh as a preferred provider?

- Marsh is the leading insurance broker and risk advisor in the world.
- Marsh is capable of providing the following other programs Bar Members:
 1. Auto Insurance
 2. Homeowners Insurance
 3. Group Disability Insurance
 4. Employment Practices Liability (Sexual Harassment, Wrongful Termination, Discrimination, Defamation, Failure to Make Partner)
 5. Business Office Package
 6. Workers Comp
- Marsh has the market strength to combine programs to provide insurance options for otherwise uninsurable stand-alone risks, (Utah State Bar 140% loss ratio)
- Denise Forsman, Marsh Client Executive has over 13 years of lawyers professional liability experience and a total of 21 years in the insurance industry.
- Liberty Insurance Underwriters, Inc has a AM Best A (Excellent) XV (2 Billion or greater) Stable (Outlook)
- All malpractice claims are handled by attorneys who specialize in professional liability.
- Premium discounts of 30%, 20% and 10% for newly admitted attorneys.
- All clients have access to the resources of Hinshaw & Culbertson, the largest professional liability practice in America.
- Free Hot-line staffed by Hinshaw & Culbertson, for questions regarding possible malpractice issues.
- Liberty's broad policy form which includes coverage for work performed by a title insurance agent as well as an endorsement to include coverage for a Title Insurance Agency, cost (\$500.00)
- Access to Kroll OnTrack CLE programs, provided by Linda Sharp (a dedicated Utah representative) concerning electronic discovery law and technology, the use of electronic evidence at trial.

2. What are Marsh's goals?

- Provide a long term partner in Liberty.
- A further review of Liberty's current rating structure..
- Provide further comprehensive professional liability CLE.
- To continue to participate in all conventions, including attendance by Liberty Insurance Underwriters personnel (claims, underwriting and upper management).
- Provide the Bar access to other programs we offer (see above 1-6)
- Provide Bar Members affordable malpractice insurance options.
- Increase the number of clients under the Bar endorsed plan. This is necessary to keep this program viable, a larger pool with help sustain the program overall.
- A Bar Journal article, scribed by Grant Clayton and Blake Miller, examining the benefits of the Liberty Insurance Underwriters policy form.

3. Is Marsh accomplishing its goals?

Marsh Affinity Group is constantly working on maintaining quality services for our Utah State Bar Members, we have taken under advisement the concerns of the Bar Commissioners and have expanded our goals to include these issues.

As we look to renew our Bar contract, it has proved an excellent time to assess the overall program, to re-group, if you will. As I mentioned above, there are many more products and services we can offer to our Bar members; we would be delighted to have the opportunity to present these for future consideration

I also wanted to take this juncture to relay some exciting news, in September of 2007, J.D. Power and Associates recognized Marsh Affinity Consumer, in Des Moines Iowa, as the first insurance broker in the United States to receive an award for customer service excellence. This call center is responsible for many of our association programs throughout the United States, including our own Utah State Bar.

4. What can Marsh as a preferred provider do to improve its services to the Bar Membership?

As I mentioned above, I am currently working with Liberty to further review their filed rates with the Utah Insurance Department, although my belief is that one should consider more than just price, one should also consider the benefits contained in the policy form, the broadness of the coverage, the manner in which claims are handled and most importantly, the financial strength of the company.

I hope I have provided a competent argument as to, "Why Marsh". We would be pleased to continue our relationship and would strive to meet the Bar's ultimate goal of having malpractice insurance for every Utah State Bar member.

Denise Forsman
Client Executive-Professional Liability
Marsh Affinity Group Services
15 West South Temple, Suite 700
SLC Utah 84101

801-533-3675 Office
801-533-3610 Fax
Denise.forsman@marshpm.com

Malpractice Insurance Information
2007-2008 Licensing Forms

| | | |
|----|--|-----|
| 1. | Active Lawyers Representing Public Clients | 32% |
| 2. | Active Lawyers Representing Private Clients | 68% |
| 3. | Active Lawyers with Private Clients with Insurance | 74% |
| 4. | Active Lawyers with Private Clients without Insurance | 26% |
| 5. | Maximum Listed Coverage for Active Lawyers with Private Clients with Insurance | |
| a. | Less than \$99,999 | <1% |
| b. | \$100,000 - \$499,999 | 9% |
| c. | \$500,000 - \$749,000 | 8% |
| d. | \$750,000 - \$999,000 | <1% |
| e. | \$1,000,000 or more | 82% |
| 6. | Size of Firm with Insurance | |
| a. | Solo | 14% |
| b. | 2-10 Lawyers | 35% |
| c. | 11-35 Lawyers | 15% |
| d. | 36 and more Lawyers | 32% |
| e. | No Size Listed | 4% |
| 7. | Reasons Lawyers are without Insurance | |
| a. | Difficult to get | 5% |
| b. | Practice Type | 21% |
| c. | Other | 22% |
| d. | Too Expensive | 51% |
| e. | No Reason Given | 1% |
| 8. | Size of Firm without Insurance | |
| a. | Solo | 69% |
| b. | 2-10 Lawyers | 22% |
| c. | 11-35 Lawyers | 1% |
| d. | 36 and more Lawyers | 1% |

Practice Types With Insurance

| Practice Type | Counts |
|---|--------|
| Administrative Law | 2 |
| Adoption | 4 |
| Appellate | 1 |
| Arbitration | 1 |
| Bankruptcy | 61 |
| Basic Wills | 1 |
| Business Law | 108 |
| Child Advocacy | 2 |
| Civil Defense | 26 |
| Civil Litigation | 206 |
| Civil Rights | 6 |
| Collections | 39 |
| Commercial Law | 18 |
| Commercial Litigation | 54 |
| Constitutional Law | 4 |
| Construction | 14 |
| Consumer | 5 |
| Contracts | 2 |
| Corporate | 90 |
| Criminal Justice Issues | 3 |
| Criminal Law | 83 |
| Disability Law | 8 |
| Divorce | 10 |
| Divorce Mediation | 1 |
| Domestic | 27 |
| DUI Defence | 1 |
| Elder Law | 1 |
| Employment | 24 |
| Employment Discrimination | 1 |
| Environmental Law | 25 |
| ERISA | 1 |
| Estate Planning | 97 |
| Evictions | 1 |
| Family Law | 92 |
| Finance | 21 |
| Foreclosure | 1 |
| General Litigation | 79 |
| General Practice | 317 |
| Guardian ad Litem Work | 4 |
| Guardianship | 1 |
| HOA | 1 |
| IDEAIA; Education Law; representing families with disabled children | 1 |
| Immigration | 23 |
| Indian Law | 1 |
| Insurance | 54 |

Practice Types Without Insurance

| | |
|--|-----|
| Administrative Law | 2 |
| Adoption | 6 |
| Arbitration | 2 |
| Bankruptcy | 23 |
| Basic Wills | 1 |
| Business Law | 43 |
| Civil Defense | 3 |
| Civil Litigation | 33 |
| Civil Rights | 1 |
| Collections | 8 |
| Commercial Law | 7 |
| Commercial Litigation | 5 |
| Construction | 5 |
| Consumer | 4 |
| Contracts | 8 |
| Corporate | 70 |
| Criminal Justice Issues | 7 |
| Criminal Law | 100 |
| Disability Law | 2 |
| Divorce | 12 |
| Domestic | 13 |
| DUI Defence | 1 |
| Elder Law | 1 |
| Employment | 4 |
| Environmental Law | 7 |
| ERISA | 1 |
| Estate Planning | 53 |
| Family Law | 52 |
| Federal | 2 |
| Finance | 2 |
| General Litigation | 24 |
| General Practice | 184 |
| Guardian ad Litem Work | 4 |
| IDEA/IA; Education Law; representing families with disabled children | 1 |
| Immigration | 15 |
| Indian Law | 3 |
| Insurance | 5 |
| Intellectual Property | 9 |
| International Law | 1 |
| Juvenile Justice | 1 |
| Labor & Employment | 3 |
| Landlord/Tenant | 2 |
| Legislation | 1 |
| Litigation | 31 |
| Mediation | 1 |
| Mining Law | 1 |

MARSH AFFINITY GROUP SERVICE COMMENTS

Positive: 10

Negative: 23

Indifferent: 34

| POSITIVE COMMENTS | NEGATIVE COMMENTS | INDIFFERENT |
|--|---|---|
| Good to know. | Used Marsh for years. Asked if any options to reduce cost. Didn't receive meaningful options & ended up getting quotes from other insurers that were less than 1/2 of than what I was paying w/Marsh. | Don't research it myself. Firm's managing partner seeks best insurance deal and tells me what it is. |
| We have always been insured through this group. | Rates appear higher than market. | Don't require professional liability insurance. |
| Always had liability ins. provided by employer. Take advantage when seeking own insurance. | Quotes aren't competitive w/equivalent coverage from other carriers. | Haven't requested quote b/c I don't I handle insurance issues for the firm. |
| Good starting point. Thank you. | Would rather see bar help ave. attorney get help in carrying on practice over helping those w/substance abuse problems. | Haven't used b/c associated with govt. work. |
| Couldn't afford a premium but they were very helpful in running several quotes for me. Just wish we had more providers in Utah. | Use competitor of Marsh, as do many attorneys. | In house counsel and don't have professional liability insurance. |
| Had malpractice insurance through MA for nearly 3 years. Very good experience. Denise Forsman w/MA has been very helpful. Highly recommend it. | Very unimpressed by Marsh's assistance. Called twice for quotes, went to another provider both times. Don't see why bar calls them our preferred provider. | Privately represent indigent & less affluent, I would be interested in professional liability rates that take such an orientation into account. |
| Good to know! | Called twice for quote, never received info or even a call back. Won't use them b/c of that. | No need- govt. agency |
| This is good to know, as I have solo practice and will need to obtain liability ins. soon. | Marsh's quotes were nearly 300% higher than other insurance that provides w/equivalent rating. | Waiting for quote. |
| Get insurance through Marsh/Liberty. Grateful for strength of Bar for being behind my liability carrier. | Still too expensive. | Excludes area of practice. |
| I would like to talk to them. | Still need to have best price which they often don't. | Work for state. No need. |
| | AOL had better price on more coverage. | Insurance provided by firm. I have no input. |
| | Disappointed in response of Marsh. Requested quotes for past 2 years and have not received any response. | Happy w/current policy. Never felt need to seek quote from Marsh. |
| | Way overpriced. | Give me some more information. |
| | More expensive than anyone else by a third or so. | Corporate attorney. |
| | Haven't requested a quote recently. Have found insurance for less. | I'll look in to this, thanks. |
| | Not the difficulty [of seeking] it's the cost. | Govt. attorney- no need. |
| | Really bothers me about Marsh is they jack up my fees 15-20% every | Wasn't one to hunt for insurance. Probably would have checked bar if I |

Group Benefits Recommendations - 164

1. I am on Blue Cross/Blue Shield and they do not cover routine exams and tests. (pay almost \$800 per month for my insurance. Who do I contact?
2. HSA qualifying medical which could be continued after retirement
3. Services/Products that solo or very small firms ordinarily cannot afford. Volume rates on software for legal organizations could be made available to Bar members who want them for a small fee (over & above the cost of the software). For instance, it is much less expensive to buy software licenses for 50 computers if they are bought under the same contract (all purchased separately by unaffiliated organizations) the price could be double, triple or more. Group rates also for research services - Lexis, Westlaw, etc. (again for a small fee for those interested members). Availability of these products/services to solo/small firms may keep those attys from getting into trouble financially, professionally with clients, etc.
4. More small business health insurance options and information
5. group health insurance for solo/small practice attorneys. I am unable to secure a group policy for my practice because I have a cancer survivor among my 3 fulltime employees. I would be grateful the solo attys could be classified as a group to obtain health insurance.
6. health insurance (professional associations in other industries offer small business owners group plans)
7. I would like to see a product or service where you can access legal forms such as wills and trusts not just the forms on the state court's website.
8. Health insurance
9. Medical and dental insurance for groups and individuals included in groups. Many small employers are having difficulty providing insurance, but might be able to if the Bar harnessed the size of the group. (And it would be possible as a person moved from firm to firm during career.)
10. None
11. some type of major medical health that will fill the gap between leaving the firm and becoming eligible for Medicare
12. Group health insurance for small firm/ sole practitioners not to be funded by the bar but providing the purchasing advantage of a large group for attorneys without insurance
13. low, low, low cost liability insurance if the Bar ends up requiring it for all attorneys.
14. group health insurance
15. Better group health insurance
16. Health Insurance
17. Medical & Dental Insurance
18. Health Insurance for sole practitioners.
19. hotels/accomodation group rates, personalized/qr providers (for advertising)
20. Some kind of discount on professional attire.
21. Willing to pay the next 5 years and would like to have the ability to group medical and dental health insurance.
22. Health Insurance offerings may be nice as it becomes more difficult to obtain individual and small business policies.
23. Give the full cost of health insurance. It would be nice to have explicit offers of a group health plan.
24. group health insurance for the bar as a group
25. health insurance, life insurance
26. health insurance
27. Group health insurance for sole practitioners and small firms.

28. Group health insurance, especially for solo and small firm practices
29. Free CLE
30. Health Insurance
31. Group Health Insurance. If the whole bar and employees of law firms had a single group policy, there would be large savings. Especially with smaller offices who often pay large amounts because of one employee with health issues.
32. Group health insurance, health reimbursement plans, HSA's, and retirement options.
33. Educational focused products
34. Health insurance options are small for solo practitioners and small firms.
35. This is more than enough.
36. Research tools.
37. group health insurance for members.
38. More insurance services.
39. Health insurance would be nice to see for health plus. The issue of whether small groups can be excluded to stand on their own. The counsel to do a few would be necessary. This is a MAJOR problem for small firms and solos.
40. How about "Group" benefits for insurances
41. health and dental insurance coverage for individuals and families. Subsidy or referral with the U.S. This is of course not addressing needs of bar members.
42. More health insurance options (at reasonable cost of course) for attorneys (and their families) who do not qualify for group plans.
43. Health insurance for sole practice attorney and family.
44. The more, the better.
45. access to affordable health insurance.
46. I didn't know we had those services.
47. Health insurance
48. Health Insurance is always an issue. It would be nice to have a good group plan available.
49. None that I can think of.
50. group health insurance
51. None that I can think of at the moment I'm writing this.
52. travel services for that always too far out of reach vacation we'd all like to be able to afford and take
53. Health Insurance (group coverage)
54. reasonably priced health insurance
55. group health insurance
56. group health insurance
57. Health and dental insurance!!!!
58. Time Management (Franklin Covey)
59. More legal research options, forms, checklists, etc.
60. Better, more cost-effective group health insurance. It seems that regardless of the higher stress and suicide rates, blah blah, with attorneys that with a healthier general population in Utah (but some higher medical costs) that Bar members should be able to get a more-competitive group rate for health insurance. There are many younger attorneys and when staff and other paraprofessionals are included (and should be included) the group rate should be offered, advertised and more cost-effective. That is really where I'd like to see these bar funds go. I believe the general membership of the Bar would use that benefit more than the other benefits.
61. Health insurance
62. group health
63. I think the health insurance offering is pretty poor. There is no advantage to being a member of

- the bar. There has been no effort to make the applicable pool all bar members needing health insurance. I can do better by shopping myself.
64. Group medical plan or dental plan.
65. HEALTH INSURANCE!!
66. None
67. Discount ski tickets and discount ski passes (to Snowbird and Alta, preferably).
68. Fashion? They only have stuff for men and it's not even nice quality fashion. Perhaps, discounts on concierge services (tasks, dry cleaning, tickets, etc.) for those of us that are busy and could use the help.
69. I can't think of any.
70. The best service the Bar had was the bar referral program which was shelved to allow a commercial group to take over what I understood my dues were paying for.
71. Dental care discount.
72. HEALTH INSURANCE GROUP PLAN AND RATES TO GET COVERAGE, BETTER QUALITY INSURANCE AND LOWER COSTS.
73. Group Health Insurance
74. unsure
75. Good range
76. Health Insurance is a joke.
77. I think everyone worries most about affordable health insurance.
78. Group health insurance.
79. Again, the bar should offer full health insurance benefits to all active members (and immediate family members) willing to participate as a group and pay the discounted costs. Get rid of all the other crap/leisure and fashion. Please.
80. Health insurance as a group.
81. REAL group benefits such as health insurance, dental insurance at rates which reflect the Bar as a group.
82. Lower dues. Have IOLTA fund the bar expenses, especially all services to public. Offer more low cost CLE. Make online CLE much cheaper than the ridiculous \$30/hr
83. Life insurance and group medical and dental are critical services to continue and enhance where possible.
84. Cell phone service. My cell phone bill still says "Utah State Bar" and I get like a 6% discount on my bill. But I think that is the only "service" I get for the affiliation.
85. The above list looks sufficient.
86. gym membership deals to more clubs than just the SportsMall.
87. I wish we had better health care options.
88. The bar needs to offer group health insurance, not individual policies at a discounted rate. If someone in your family has health problems, you are declined for the individual policies. It needs to be a group policy where everyone is accepted.
89. Health insurance group benefits
90. health insurance
91. What is the financial impact of the new dues on the Bar bill to our clubs? How are we to be able to pay the dues? The annual dues are our members.
92. Don't know
93. I rarely use the discount because I am not familiar with what the current benefits are.
94. None.
95. Products and benefits that can be provided through group buying but not Bar Dues (taxes)
96. None
97. none

98. I might would be interested in health insurance products through the bar, but I am not aware of anything being offered at this time.
99. Health insurance, Retirement health insurance/supplement
100. malpractice insurance for pro bono services

101. None

102. I would like to see a group health insurance plan offered through the bar.

103. Travel and lodging

104. I see no material benefit to any of these services. They appear to me just a way for the bar management to justify their existence, and get kickbacks from suppliers.

105. ACCOUNTING SERVICES

106. none

107. health insurance

108. Health insurance

109. For use in travel and lodging services. I would like to see that added back in again.

110. travel. I'm also a member in Michigan and they offer many travel/vacation discounts.

111. We'd like to see more work done on health insurance programs offered to small firms and businesses.

112. health benefits available to all. I can't get it

113. health insurance

114. medical insurance for small practice or solo practice offices

115. I'm resistant to solo practitioners joining one that actually works the other way around the bar. We're both now area sales. Usually find a job in what you are looking for and there is an external benefit.

116. Group Health Insurance!!! I am readying to contact the health benefits rep. It was only a few years ago that I was turned down for insurance because my husband was turned down. The reasons for turning him down were ridiculous. It was an incredible battle to get him the insurance he now has that is poor at best; overpriced and limited coverage; huge deductibles. Blue cross turned me down (twice, and I have kept the letters to document this). The first time because they said my husband did not and should have applied with me, even though we were separated. The second time after my husband did then apply with me and was turned down, they then turned me down because he was turned down!! I was told by various insurance companies that I could be turned down if I had a history of even having an ear infection, and a plethora of other minor medical problems. That was before law school. Having been a healthy person, I have not tried since, but am gearing up to do so. We will see. I am absolutely for national health care.

117. None

118. The Bar no longer provides health insurance, which is a huge problem.

119. Medical coverage options insurance, PPO plans, etc

- 120 Comprehensive Group Health Insurance. All Bar members should be a "group", for group health insurance purposes.
- 121 Health insurance if that is not already included.
- 122 travel discounts
- 123 EMPLOYMENT!!!
- 124 It would be extremely helpful if the Bar had a group medical insurance program for those attorneys who are in solo practice.
- 125 Health insurance if that is not already included.
- 126 health insurance
- 127 Medical Insurance
- 128 Discounted or competitive employer-type group insurance: health, dental, term-life, disability, etc. Many of us Utah lawyers are sole practitioners and cannot afford to go out and buy health insurance on our own for our families. Currently, I can only afford to buy catastrophic health insurance (which means I'm basically "self-insured") but if I ever make a claim, of course, they'll cancel me. I realize some lawyers belong to medium and large firms that already pay for the health insurance of their attorneys and that they would not want to subsidize us sole practitioners...but I'm not proposing that. The Bar just needs to go to IHC, Blue Cross, or other providers and negotiate a discounted group rate for those of us that want to buy into health insurance as if we all worked for a large employer. If Bar needs to charge us an optional fee with our bar dues for group health coverage, this would be fine too. Bottom line is that the Bar needs to start thinking outside the box when it comes to member benefits, similar to what the Bar is doing with Blomquist Hale or Casemaker. Those services normally would cost us but the Bar covers those valuable and much-needed services. I'm not asking for free health insurance, just for the 800-pound gorilla (the Bar) to use its influence to negotiate really good employer-type group health insurance coverage for us small, solo lawyers that have no desire to work for a large firm just to get health insurance. Makes a lot of sense to me and I hope the Bar will see this as a viable and valuable optional benefit for any Utah lawyer who wants to buy into the program.
- 129 Tech products (Phones, computers, pads) and travel offers, discounts, CLE travel/tours.
- 130 group Health Insurance
- 131 I don't know if the benefits group health insurance that covers same sex partners is available in Utah. I know that in some states, like California, it is available. I would like to see if the Bar could negotiate a group rate for this type of insurance. I know that in some states, like California, it is available. I would like to see if the Bar could negotiate a group rate for this type of insurance. I know that in some states, like California, it is available. I would like to see if the Bar could negotiate a group rate for this type of insurance.
- 132 Group health and dental
- 133 Medical insurance for solo practice small firms
- 134 None
- 135 Would like to see the Bar negotiate a group rate for a health insurance plan.

136 Group Health Insurance

137 Member benefits should include what lawyers need. Insurance products, technology solutions, etc. What other Bar provides. We should be just like other Bars in providing services or options to members of our Bar. We need bang for our buck.

138 Health Insurance

139 No opinion.

140 I would like to see some sort of health insurance benefits packages available for solo attorneys.

141 Health Insurance

142 Better group health insurance. I applied and was turned down because of gastric bypass surgery. I had to scramble to find coverage. It was stupid, and certainly something that I would have expected better of for a Bar program.

143 Access to health insurance on a group plan basis.

144 health insurance

145 Health and Disability Insurance

146 Health Insurance offered to Solo Practitioners

147 Health insurance, that is possible, I am apparently uninsured in this state except via the uninsured pool.

148 Group Health Insurance

149 was not aware of Bar Group Services where has this information been hidden?

150 Group Health Insurance

151 Health Insurance, dental insurance

152 More timely communications for all things- particularly to those outside "the valley" and "Zion"

153 Increased practice management & technology - we need a specialist that can come to our offices and live on our and train.

154 Travel

155 access to group healthcare insurance

156 Long term disability income insurance and low cost life insurance for those of us over 60.

157 Group Health Insurance

158 coordinate more diverse CLE topics.

159 Group Health Insurance Plan Please.

160 availability of group health insurance for solo practitioners/ small firms that can't otherwise afford/

qualify for it

161. [REDACTED]

162. gym membership, credit card with low fee, banking services with a credit union, more vacation-type savings

163. [REDACTED]

164. Group discounts

Additional Comments 41

1. Thanks for all you do for us!
2. I believe the USB provides many great services to lawyers. I appreciate the efforts made to provide a wide variety of services that may assist all attorneys in one or more ways.
3. The bar has strayed too far from its stated purpose.
4. Ability to sign up to be a mentor on line... I e-mailed former Bar President Gus Chin about it. I will forward my e-mail to current Bar President V. Lowry Snow for a more in depth understanding of what I mean.
5. I was unaware of all of the services offered by the bar. It would be nice to have CLE's not cost so much. Many of us sole practitioners barely get by on a yearly basis.
6. What most lawyers need is what most other people need - an affordable health care plan and a retirement plan for themselves and their employees. The Utah Bar could do better on both fronts.
7. I really don't know all of the services that are available. Can an email or some other communication be sent that lets us know what all of the services are that the Bar offers.
8. I don't use any of the services offered because I don't need them and/or they provide little or no financial benefit to me.
9. I'm very impressed with most of the group benefits that the Bar provides. I've used Scott & Jim, who's really good but I've wondered what payments these groups are making to the Bar to become preferred vendors. I'm pleased that the Bar is taking on that part of the cost to provide a benefit to my stage of my career. The Bar has really dropped the ball in this area.
10. I know it is not likely, but it would be great
11. I don't use any services provided by the Bar.
12. As a general proposition, the Bar should try to make life easier and less stressful for its members. The Bar can do this best by having less involvement in its members lives rather than more. There are already plenty of social programs in the various levels of government that already cost us plenty. The Bar should be viewed as a regulatory organization to regulate the practice of law rather than a service organization. Some services to members are justified, e.g., providing information such as available malpractice options, providing some free CLE occasionally (through volunteers by Bar members), or how about an email annually with legislative updates. These things are relatively inexpensive, can often be done with volunteer service from Bar members, and they foster legitimate goals of a bar association. Casemaker is probably justified too because it could be presumed that a sizable majority of the Bar would use it and the cost should be very minimal. But when the Bar starts getting into things like providing insurance for members and their children who need or desire counseling for psychological problems . . . we'll that's way out in left field (which should be obvious to anyone!). Not that it's bad to have such services available - but the Bar shouldn't be the one to do it. What the vast majority of our members really need is less stress and more freedom. Actually, when you think about it, the Bar can truly be said to be a good example of the proverbial "necessary evil", i.e., most of the members would get along just fine if there were no Bar, But it is necessary to regulate the profession and to have at least some protection in place for the benefit of the public - and so we have to have a Bar. But let's try to keep its affect on members lives to a minimum. Thanks.
13. Someday I might need group health insurance.
14. Generally, the Bar's benefits are not significantly substantial but they do try. The Bar tries to be flexible with the benefits offered and some of the benefits should be more gender-neutral.
15. None.
16. In their book In Search of Excellence, Peters and Waterman said successful organization "stick to the knitting". Just because some program or cause can attach the terms lawyer or attorney to what it is they do or propose doesn't mean that the Bar should be funding everything that comes down the pike. The Bar should be admitting, licensing, and monitoring lawyers and the rest should be left to the market place.

- 17. Essentially, I think that Blomquist and lawyers helping lawyers are duplicate services - stay with Blomquist and fund a better referral program. The current referral program is poor at best and does nothing to position the bar as a resource.
- 18. Go Jazz!
- 19. The benefits seem to be geared to generating money for the Bar. I have never found the benefits to be competitive and therefore have not used them.
- 20. Most law firms are of insufficient size to obtain group health insurance for its principals and employees. If some in the group have health issues, for example diabetes, they cannot obtain group health insurance coverage. The Utah State Bar previously has had a plan whereby its members could obtain group health insurance coverage through Blue Cross/Blue Shield. Now it is simply a referral whereby each firm or individual must qualify on its own resulting in exclusions.
- 21. Since membership in the Utah State Bar is mandatory, it should not be providing products or services. And I certainly should not be required to pay for products or services I do not use. The Utah State Bar's mission should be limited to licensing and discipline.
- 22. I tried to obtain health insurance through the bar. The agent I was referred to was unhelpful, slow to return calls and could not offer insurance for less money than I could get it myself. Health insurance seems like a basic item that could be offered at group rates. Why is this not the case?
- 23. The Bar needs to be the Bar, not a credit card provider.
- 24. I would like to see you conduct a similar survey regarding the Utah Bar Journal to inquire whether members of the Bar would like to see the number of issues increase over the current 6 per year. That is one of the few tangible things every member of the Bar receives for Bar dues paid.
- 25. I think it would be nice to have a document that sets forth all of the Bar services and benefits and a brief summary of each.
- 26. While the Utah State Bar endorses certain products, I don't find that it really benefits the membership. The prices are higher than what you can get elsewhere.
- 27. I've just completed a one year military tour in Afghanistan. I'll be home in a few months and I'm looking for a job. I'm a lawyer and I had a good idea of what I wanted to do. I'm looking for a job that will allow me to continue my education and I'm looking for a job that will allow me to continue my education. I'm looking for a job that will allow me to continue my education. I'm looking for a job that will allow me to continue my education.
- 28. We should take care of each other. Group Health Insurance!!
- 29. Government lawyers especially will have a hard time if the Bar is not to help them since they are not in the government.
- 30. In my limited experience, the Bar's sponsored programs do not afford any advantage to those in small practices. For example, they can tell you where to call for insurance, but so can the phone book. On the other hand, GROUP insurance through the Bar would save lots and lots of real money and would therefore probably make a big difference to small firms and help them retain better support people.
- 31. Thanks for listening to me.
- 32. Thank you for the benefits the Bar provides. I feel that my Bar dues are well-spent, and are accounted for in a responsible way. I also appreciate the Bar's financial transparency.
- 33. I believe the Bar should be a great benefit to all lawyers. I think the Bar should be a great benefit to all lawyers. I think the Bar should be a great benefit to all lawyers. I think the Bar should be a great benefit to all lawyers.
- 34. I'm glad to see that the Bar is concerned about members, our needs, services, etc. It is good to see this kind of interest in us. I generally feel that things are good. No problems so far. I get the feel that the Bar is trying. I need to get involved more, I need to find time to network, meet people, and it is hard to do--balancing all that I have on my plate. I appreciate those who do try to serve the profession.
- 35. Many of the services provided by the Bar are not being used by many lawyers. I think the Bar should be a great benefit to all lawyers. I think the Bar should be a great benefit to all lawyers.
- 36. I was unaware of many of these services. Perhaps I've just been inattentive.

- 37. ~~I would like E-mail information about the services available rather than discovering them for the first time filling out them on an internet survey.~~
- 38. not any more- I gave up
- 39. ~~You don't effectively advertise those items listed in #6.~~
- 40. Group Health Insurance.
- 41. ~~I'm in inactive status.~~



Conclusions
and
Recommendations

COMMITTEE CONCLUSIONS AND RECOMMENDATIONS:

BLOMQUIST HALE:

The committee recommends continuation of this program with funding, but only after due consideration of the following conditions:

1. Confusion still appears to exist as to the specific scope of benefits provided and how they are administered. Perhaps this is simply a communication issue and not a substantive one. B.H. should be clear with Bar Staff and Bar Membership about the specific scope of benefits they cover. Initial Screening should better identify whether the B.H. provides group can assist with the member's need or whether a referral at an early stage in the therapy is better for the long term care of the member. B.H. should better communicate with Bar Membership as a whole about the type of services available. B.H. should redefine its scope of services in its manual to clarify that it is willing to work with the bar members stress related issues including depression.
2. The Bar should explore and address with B.H. a more appropriate fee structure based upon historical usage and projected usage, with the possibility of considering an adjusting fee schedule (graduating or flat) based upon such usage. Concerns were raised regarding the percent of usage that was predicted (15%) verses actual usage (2.29-4.31%). The committee does recognize the recent efforts on behalf of the Bar and B.H., which have increased usage for 2008.
3. More frequent reviews with the principals of B.H. is needed to assist with interim monitoring of its program services, goals, and costs.
4. More effective communication is needed between B.H. and L.H.L so that both programs are running efficiently and utilizing cross referrals.

According to the Utah State Bar Group Benefit Survey, 75% of those surveyed were aware of B.H. and the majority of those responded that such services should continue. According to B.H. internal monitoring they show a 90.63% of those treated, who responded to the survey, indicated that the services provided by B.H. were Good-Excellent.

CASEMAKER:

This program meets the overall goals and continued funding is recommended. According to the Utah State Bar Group Benefit Survey, over 75% of those surveyed were aware of Casemaker with favorable responses nearly doubling unfavorable responses. Recent stats from the bar office reveal that over 8000 attorneys and paralegals have account access to Casemaker. The bar office is averaging over 45 Casemaker support requests per week. The website is averaging 600 visits per day. We were informed that Casemaker was recently purchased and it is the intent of the acquiring company to take Casemaker to a level of performance comparable to Lexis or West.

LAWYERS HELPING LAWYERS:

This program meets the overall goals and continued funding is recommended. According to the Utah State Bar Group Benefit Survey 95.9% of those surveyed were aware of this program, with 75.6% of those responding that the Bar should continue to assist with funding. This Committee recommends to the bar to continue working closely with LHL and assist them with communicating the availability of these services to those in need, by encouraging self referrals, colleague referrals and court referrals. However, the Committee recommends that more effective communication be implemented between B.H. and L.H.L. so as to utilize more cross referrals and so that both programs compliment each other's strengths. At a minimum, the Bar needs to monitor closely both LAPs to make sure each program is functioning efficiently and to assist where necessary in communicating to Bar Membership the availability of such programs and in coordinating efforts between the respective programs so duplication of services do not become an issue.

MARSH AFFINITY GROUP ENDORSEMENT:

This program meets the overall goals and continued endorsement is recommended based upon Marsh's maintaining the following:

1. Marsh and its underwriters continue to maintain its current high ratings and financial strength.
2. Marsh and its underwriters continue to offer competitive packages with affordable rates, broad benefit coverage, efficiency in which claims are handled and etc.
3. Marsh continues to work closely with the bar to target and market insurance coverage for every member of the bar and where possible, to provide appropriate discounts to newly admitted, solo practitioners and small firms.
4. Marsh provide full disclosures to the Bar regarding annual reports, gross and adjusted collected premiums, and losses paid and incurred.
5. Marsh continue to support and encourage where advisable insured members' utilization of the L.A.P. programs, thereby mitigating further loses and reducing O.P.C. referrals.
6. Marsh continue to maintain its web-site, risk analysis assessments, and other such services and marketing to assist the Bar and its Membership with communication about professional liability coverage questions and accessibility to information from persons who give a timely response.
7. To be the leader and standard bearer of all Liability Providers.