

# Utah State Bar

## LEADERSHIP CONFERENCE

Little America  
October 21, 2009

### AGENDA

11:30 a.m.	Registration Lunch Served	
11:50 p.m.	Welcome Introductions	<i>Rob Jeffs, President-elect</i>
12:05 p.m.	Bar Staff and Services	<i>John Baldwin, Executive Director</i>
12:20 p.m.	Utah State Bar Overview	<i>Rob Jeffs, President-elect</i>
12:30 p.m.	Bar Commission Priorities	<i>Stephen W. Owens, President</i>
12:40 p.m.	Governmental Relations Governmental Affairs Appearing on the Hill - Do's and Don'ts	<i>Scott Sabey, 3<sup>rd</sup> Division Commissioner and Chairman, Governmental Relations Committee</i>
12:55 p.m.	E-filing in State Court	<i>Lincoln Mead, IT Director</i>
1:15 p.m.	What Can the Bar Do For Your Association Questions and Answers	<i>Richard Dibblee, Asst. Executive Director; and Rob Jeffs, President-elect</i>
1:30 p.m.	Closing Remarks and Adjournment:	<i>Rob Jeffs, President-elect</i>

Utah State Bar

LEADERSHIP CONFERENCE

Little America Conference Center

October 21, 2009

TABLE OF CONTENTS

TAB 1	<b>DIRECTORIES</b> <ul style="list-style-type: none"><li>- Utah State Board of Bar Commissioners</li><li>- Directory of Bar Staff</li><li>- Utah State Bar Organizational Chart</li></ul>
TAB 2	<b>SECTIONS</b> <ul style="list-style-type: none"><li>- 2009-2010 Utah State Bar Sections</li><li>- Utah State Bar Section Policies and Procedures</li><li>- Utah State Bar *MODEL* Section Bylaws</li></ul>
TAB 3	<b>COMMITTEES</b> <ul style="list-style-type: none"><li>- 2009-2010 Utah State Bar Committees</li><li>- Utah State Bar Committee Policies and Procedures</li><li>- Utah State Bar Committee Planning Guidelines</li></ul>
TAB 4	<b>REGIONAL AND SPECIALTY BARS</b> <ul style="list-style-type: none"><li>- 2009-2010 Regional and Specialty Bars</li></ul>
TAB 5	<b>UTAH STATE BAR AWARDS</b> <ul style="list-style-type: none"><li>- Award Listing, Timetable and Criteria</li></ul>
TAB 6	<b>SECTION SUPPORT INFORMATION</b>
TAB 7	<b>LEGISLATIVE REPRESENTATION</b> <ul style="list-style-type: none"><li>- Utah State Bar Policies on Legislative Representation</li></ul>

1

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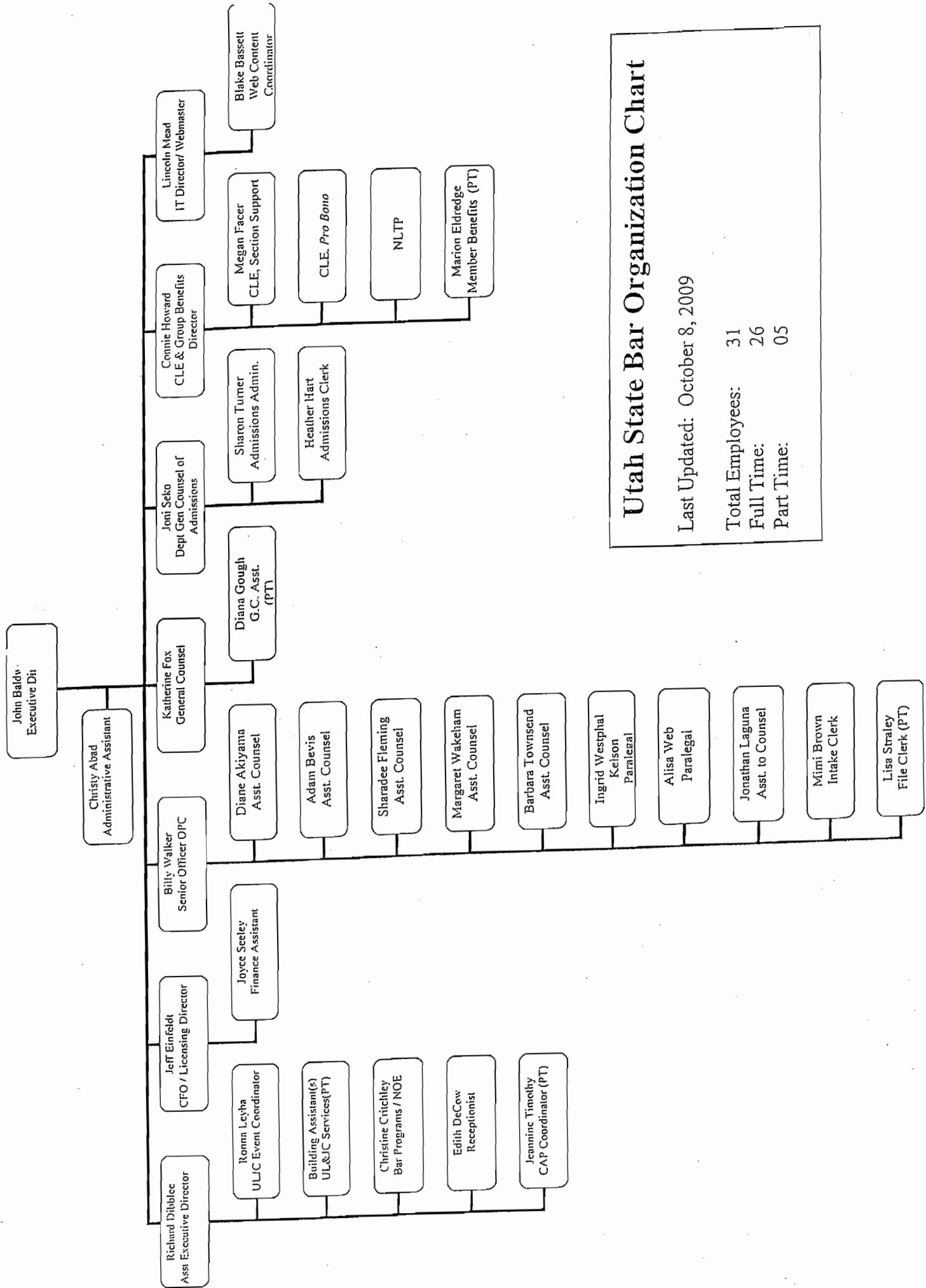
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**Utah State Bar Organization Chart**

Last Updated: October 8, 2009

Total Employees: 31  
 Full Time: 26  
 Part Time: 05

2

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# Utah State Bar Section Policies and Procedures

October 2006

1. Creation, Organization and Duration.

Sections of the Bar may be formed upon application to and approval of the Board, and consistent with the purposes and objectives of the Bar. The application shall identify the purposes of the proposed section, justify its creation, propose dues and be signed by those seeking approval.

Each section shall adopt and operate under bylaws approved by the Board, modeled as nearly as possible on the form of bylaws prescribed by the Board for all sections of the Bar. A written application shall be filed with the Board and contain the following:

- a. signatures of at least 25 members of the Bar indicating intent to become charter members of the section;
- b. initial start-up fund of \$500;
- c. copy of proposed by laws, modeled after the form prescribed by the Board for all sections. Submission of bylaws may be deferred for 3 months from the date Board grants approval;
- d. proposed dues schedule for membership and statement of purpose and objectives for all such dues collected and retained; and
- e. identification of initial officers who will act until official elections

can be held, including President, Vice-President and Secretary-Treasurer with statement from each indicating willingness to serve.

Following the approved creation and organization of the section, the section shall thereafter be responsible for its own membership and operations, subject at all times to the overall authority of the Board. The Board reserves the right to grant provisional recognition for one year with full recognition thereafter and upon review of the section activities and member participation during the provisional period. There shall be a minimum number of 25 members to maintain section status. Once organized, a section shall continue in existence until dissolved by action of the Board.

2. Membership.

Section membership shall be limited to members of the Bar unless provisions in the section's bylaws have been approved by the Board and provide for a process to permit non-Bar members to be section members and the section has followed those procedures.

3. Biannual Reports to Board

Section leadership shall prepare and submit to the Board on a biannual basis, a report of its activity and membership. The report shall include the following information:

- a. A list of current membership;
- b. Schedule of meetings, CLE or other activities of the section conducted during the preceding two-year period;
- c. Schedule of section funds collected and all expenditures;
- d. Schedule of anticipated activities for the upcoming period; and

e. Any other information regarding actions of the section to meet its objectives.

4. *Amicus Curiae* Briefs.

It is general policy of the Bar to authorize the filing of briefs *amicus curiae* sparingly and only in appropriate case. Briefs *amicus curiae* shall be authorized for filing on behalf of the Bar only by the Board, and then only after a further determination has been made that the brief to be filed is of high professional quality, and in furtherance of the purposes and objectives of the Bar. Briefs *amicus curiae* may be filed by any section, but only after authorization by the Board with any other restrictions or limitations deemed necessary to be imposed.

5. Co-sponsorships with Other Organizations.

Co-sponsorship of programs and activities with other organizations may be permitted with Board approval. Co-sponsorship of programs and activities with other organizations will be approved only if:

(a) Bar participation is an actual partnership, with planning, member participation, and sharing of expenses and profits on an equitable basis with the other organization;

(b) The Bar has at least equal responsibility for the program and any resultant publications;

(c) The proposed activity will not result in policy statements that could possibly be attributed to the Bar without prior approval of the Board;

(d) Participation of another organization is essential to the success of the program because of its members' special expertise; and

(e) The program budget is sound, and is not likely to leave the Bar liable for unanticipated expenses.

6. Finances.

Sections of the Bar sustain their operations by dues separately paid by members of the section. All section dues collected are maintained in an independent account which is not available for disbursement by the Bar other than at the request of a particular section. Sections are not required to adopt budgets, but financial accountability shall be maintained on an ongoing basis. Section dues are collected by and maintained in the custody of the Bar and are disbursed to sections as needed for proper section purposes upon properly submitted request. Section requests for appropriation or disbursement of section funds maintained by the Bar shall be made to the Bar's Financial Administrator upon such procedures as may be established by the Board from time to time. Detailed financial statements shall be provided to the chair of each section on a monthly basis, showing income, expenses and the section's account balance. Bar sections are encouraged to expend section funds for travel by appropriate representatives to useful educational seminars and are responsible for establishing their own internal reimbursement policies and procedures.

7. Reserve Funds.

Reserve funds of sections are composed of dues paid by section members collected and maintained by the Bar to provide proper financial controls and insure disbursements only for proper section purposes. Reserve funds are accumulated when the section's income exceeds its annual expenditures. Sections have traditionally accumulated and maintained reserve funds with the Bar which are carried from year to

year. The amount of such reserve fund, if any is shown on the monthly and annual financial statements of the Bar. Interest earned on reserve funds may, at the discretion of the Board, be used for general Bar purposes as part of the general fund.

8. Section Dues.

All changes in dues charged by sections should be submitted to the Bar's Financial Administrator no later than April 15 of each year to be effective for the succeeding year. Once established, section dues are automatically collected by the Bar as part of the annual licensing statement sent to all members of the Bar, and collected dues are credited to the appropriate sections.

Because original and follow-up notices for fees, assessments and dues are issued by the Bar, and all financial records are maintained by the Bar, including records with respect to reserve and designated funds of sections, sections may not send either initial billings for dues or delinquency notices to section members.

9. Reimbursement Authorization.

No member of the Bar should incur expenses for which reimbursement is expected from the Bar without prior authorization from the Board, President, or Executive Director, according to approved budget lines. All requests for reimbursement shall be in accordance with these rules and policies and are subject to final approval after submission, and modification where necessary, to conform with these rules, policies and guidelines. Permissible expenditures of funds are largely confined to direct and actual costs of appropriate section activities and projects. Reimbursable expenses of officers and members are expected to be relatively minor in amount, consistent with the by-laws of the section and approved by the section officers.

10. Contract Prohibition.

No section of the Bar may obligate the Bar on any contract or with respect to any expenses.

11. Travel Expenditures.

The Board recognizes the benefits which can be derived by permitting travel to suitable events and understands the importance of spending Bar funds prudently and only for carefully selected travel to worthwhile educational opportunities by appropriate representatives, including Bar officers, Board members, staff, and section representatives.

12. Reimbursement Request Procedure.

Each request for reimbursement shall be submitted in writing on forms prescribed by the Bar, shall be signed and dated by the person submitting it and shall be accompanied by supporting vouchers for any expenditures exceeding \$25.00.

Reimbursement shall not be made unless the request is submitted within 60 days after expenses were incurred. Bar reimbursement forms are available from the Bar office. The Board may, from time to time, prescribe procedures for approval of reimbursement requests. These general provisions shall apply to all reimbursement of officers, Board members, section members, and others as may be authorized from time to time.

13. Contributions and Memberships.

It is generally not appropriate for the Bar, or any section of the Bar, to contribute funds to other organizations or causes.

14. Stationery.

In general, sections of the Bar are not provided with separate stationery. The use of Bar stationery in appropriate circumstances may be approved by the Board or by the

Executive Director, upon specific request by the chair. Bar stationery is for official Bar business only. It may not be used for letters to public officials, members of Congress or the state legislature, to the general public, or to members of the Bar without express prior permission of the Board or by the Executive Director under delegation of authority by the Board.

15. Retention of Consultants.

Sections may not enter into employment relationships with consultants or others without specific prior approval of the Board.

16. Programs and Projects.

Sections of the Bar shall accept such projects, programs and assignments as the Board may direct. Sections may also initiate and carry out programs, projects and activities on the section's own initiative, but only insofar as they are consistent with the purposes and objectives of the Bar. The Board retains ultimate authority to approve or disapprove section programs, projects and activities.

17. CLE Programs.

(a) Program Preparation.

Whenever a section decides to develop a CLE program, section representatives shall promptly meet with the CLE Administrator to develop a program plan consistent with the policy provisions which are herein set forth. The section develops program content, speakers and target audience subject to final approval by the CLE Administrator.

(b) Scheduling.

Scheduling of an event by section and staff shall not conflict with other Bar programs and is scheduled with adequate lead time for program development and marketing.

(c) Expenses.

Expenses to be paid or reimbursed are subject to Bar policies and the event budget must be approved by the CLE Administrator. Expenses not thus payable or reimbursable by the Bar, or as an advance against anticipated proceeds, may be incurred and paid by the section as additional support of the event with prior approval by the CLE Administrator.

(d) Bar Staff Duties.

The Bar staff will coordinate all hotel or other site arrangements including but not limited to meals, meeting rooms and sleeping rooms, on-site technical support, all travel arrangements for speakers or guests; develop, produce, distribute and coordinate all marketing and registration materials and collections; reproduce all included papers, articles, outlines or other handouts for registrants according to a timetable to be established when the event is scheduled; make all disbursements and reimbursements as authorized by the Executive Director; provide regular reports to the section representative regarding production, marketing, site planning and registration; provide an accounting of all revenues and expenses attributable to the event to the section; make all decisions regarding fees, complimentary or reduced rate registrations and other special arrangements in consultation with the section representative.

(e) Contracts.

All contracts involved are to be signed by the Executive Director.

(f) Section Duties.

The section will provide a section representative to assume primary responsibility for arranging the program and speakers, and to liaison with Bar staff; develop the program, including speakers and publications or handout materials, according to a timetable to be established at the time the event is scheduled; provide all information requested by Bar staff relevant to the speakers and materials; promote registration among its members and cooperate with Bar staff in identifying all target groups for special marketing, if appropriate; incur no obligation on behalf of the Bar or the event without the approval of the Executive Director and meet calendar deadlines for all items. No member of the section may sign any contract on behalf of the section or the Bar.

(g) Revenue Accounting.

Unless as otherwise agreed upon by the sponsors and the Bar, net revenue for seminars held in the Law & Justice Center with food and beverages provided by the Center shall be split 75% to the Bar and 25% to the section.

Unless as otherwise agreed upon by the sponsors and the Bar, net revenue for seminars held in the Law & Justice Center with food and beverages not provided by the Center shall be split 90% to the Bar and 10% to the section.

Unless as otherwise agreed upon by the sponsors and the Bar, net revenue for seminars held in a location other than the Law & Justice Center shall be split with 90% to the Bar and 10% to the section.

Net revenue shall be defined as gross revenue less all program expenses,

including room rental, food and beverages, equipment rental, speakers' fees, printing, copying, postage, mailing and other incidental costs; personnel costs directly related to the seminar, including salaries, benefits and payroll taxes and overhead charges for the employee's space allocated to the seminar; and charges for room utilization, including the scheduled room rental rate, food and beverage set-up charges at cost plus 15% and charges for all no-shows. If the expenses exceed revenues, the section shall reimburse the Bar for its expenses.

(h) Diversity Requirements.

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

18. Solicitation or Acceptance of Contributions.

Sections of the Bar may not solicit or accept contributions, entertainment or gifts from organizations, commercial or noncommercial, including free printing, prizes, souvenirs or meeting space without prior approval of the Board or the CLE Administrator in the case of seminars. The only authorized fund raising activity of sections of the Bar is the imposition of dues upon members of sections in amounts approved by the Board.

19. Reports, Studies and Other Findings of Sections.

No report, study, finding or other written material by a section of the Bar shall

purport to express an official position or policy of the Bar without prior specific approval of the Board and no report, study, finding or other written material shall be prepared for or disseminated to the public or any legislative body, and no distribution shall be made thereof without prior approval of the Board. The Board may also allow a report, recommendation, program or other matter coming from a section or committee to be so disseminated, provided that it states prominently at the outset that it represents the opinion of that particular section and not the opinion of the Bar.

20. Conflicts of Interest.

There shall be disclosed by any section member, any material interest in the subject matter of a proposed recommendation, study, or finding on the part of the section by reason of specific employment or representation of clients at the time of its submission to the Board.

21. Communications.

The Bar's primary contact with its members is through its publications and web site. These communications constitute a record of the Bar's continuing activities and aspirations. The communications of the Bar are primarily intended to provide a means of information and dialogue by and among members of the Bar and are not intended to be a forum for the general public. Editorial policy with respect to each Bar publication and web site resides in the Board. Publication responsibility may be delegated by the Board to the Executive Director or to sections as the Board may deem desirable.

22. Public Information Activities.

If a member of a section appears before the public or engages in any public information activity, and permits himself or herself to be identified as having an official connection with the Bar or one of its sections, such member shall fairly state the policy of the Bar on the matter in question if a policy has been adopted. If the Bar has not formulated a policy on the matter in question or if the member has no knowledge of any such policy, the member shall identify his view on the subject as his or her personal views only and not representative of the Bar.

23. Representation of the Bar and Policy Formation

- (a) The Board shall formulate and express the policy of the Bar, subject to the Bar's grant of authority from the Utah Supreme Court and continuing jurisdictional authority and supervisory control of the Utah Supreme Court.
- (b) Except as provided herein or specifically authorized by the Board no other member or employee of the Bar may represent the Bar. A section or may represent itself and take a position on legislative matters according to procedures which have been adopted by the section and approved by the Board as long as that position is not in conflict with the position taken by the Board. Any position taken by a section must be reviewed with the chair of the Governmental Relations Committee, the Bar's Governmental Relations Representative and the Executive Director. Frequently, sections of the Bar develop or propose changes in the law or positions with respect to pending or proposed legislation. Generally, such proposals

or proposed changes are not presented as actions of the Bar.

Members of sections duly designated by officers of the section may present such proposals or proposed changes as recommendations of that section of the Bar and may appear and testify before legislative committees under their restricted grant of authority and within the restrictions listed above. If a member of a section appears before the public or before a legislative body and permits himself or herself to be identified as having an official connection with the Bar or one of its sections, such member shall fairly state the policy of the Bar on the matter in question if a policy has been adopted and, if the member expresses views at variance with any such policy, the member shall clearly identify the variance as the member's personal views only. If the Bar has not formulated a policy on the matter in question, or if the member has no knowledge of any such policy, the member shall nevertheless identify utterances on the subject as the member's personal views. In any event, unless specifically authorized by the Board to appear on behalf of the Bar before the public or before any legislative body, the member shall make it clear that he or she does not represent the Bar, or necessarily represent the views of the Bar, and is appearing only in a personal capacity.

UTAH STATE BAR

\*MODEL\* SECTION BYLAWS

ARTICLE 1  
ORGANIZATION

1.1 Creation. The [ ] Section (hereinafter "Section") was established pursuant to the Bylaws of the Utah State Bar (sometimes referred to as the "Bar") to accomplish the purposes set forth therein.

1.2 Purpose. The purpose of the Section shall be to assist its members and all interested members of the Bar:

- a. By providing high quality continuing legal education ("CLE") opportunities which will satisfy all of the Utah State Bar Mandatory Continuing Legal Education requirements;
- b. By sponsoring periodic CLE luncheons with topics selected by Section officers (after considering input from Section members);
- c. By holding an annual Section meeting (typically a half-day seminar with an update of case law from the Utah Supreme Court and Utah Court of Appeals, legislation and other topics);
- d. By sponsoring break-out session(s) at the Utah State Bar mid-year and annual meetings;
- e. By providing opportunities and forums for real property lawyers to network and exchange ideas regarding the practice of [ ] law;
- f. By periodically publishing a newsletter advising Section Members of upcoming events, legislation and other matters pertinent to real property lawyers;
- g. By monitoring legal and political issues relevant to [ ] lawyers and to make recommendations to the Bar with respect thereto including without limitation participation on the Utah State Bar Governmental Relations Committee;
- h. If applicable, by forming ad hoc committees to address legislation of general interest to [ ] practitioners; and
- i. To undertake such other service as may be of benefit to the Section's members, the legal profession and the public.

1.3 Limitations. These Bylaws are adopted subject to the applicable Utah Statutes and the Bylaws of the Utah State Bar, and supersede any existing Bylaws of the Section.

1.4 Principal Office. The principal office of the Section shall be maintained in the offices of the Utah State Bar.

- 1.5 Fiscal Year. The fiscal year of the Section shall coincide with that of the Utah State Bar.

## **ARTICLE 2** **MEMBERSHIP**

- 2.1 Enrollment. Any member of the Utah State Bar in good standing with the Bar shall, upon request to the Executive Director of the Bar, be enrolled as a member of the Section by the payment of annual Section dues in an amount and for the purpose approved by the Board of Commissioners of the Utah State Bar.

### **[Associate Members (Industry/Vendors/Staff)]**

Enrollment of Associate Members. The members of the Section may include persons who are not attorney members of the Utah State Bar, and shall be known as "Associate Members". It is the policy of this Section to involve Associate Members for the limited purpose of advancing the Section's principal objectives that are set forth in these Bylaws. As a specific condition for membership in the Section, Associate Members shall take all precautions to assure that they do not hold themselves out as being members of the Utah State Bar, and fill follow all guidelines and directives from the Section Chair in connection with the implementation of this requirement. Membership as an Associate Member shall be at the absolute and sole discretion of the majority of the members of the Executive Committee. Associate Members may not hold office in the Section, but are otherwise entitled to all of the privileges and benefits of Section membership. Associate Members shall pay annual Section dues equivalent to the amount paid by regular members of the Section.

### **[Student Section]**

Enrollment of Student Members. The Associate Members of the Section may include degree or certificate seeking students, subject to their showing evidence of current enrollment at an institution of higher education. Student Members are subject to the limitations, requirement, and benefits of other Associate Members pursuant to Article 2. Student Members shall pay annual Section dues.

- 2.2 The Membership. Members enrolled as provided in Section 2.1 shall constitute the membership of the Section.
- 2.3 Dues. The Section officers shall set the dues for Section members. The dues shall be [\$\_\_0.00] for each member per year unless the Section officers determine an adjustment should be made.

**ARTICLE 3**  
**MEETINGS**

- 3.1 Annual Meeting. The annual meeting of the Section shall be held at a place determined by the officers on the third (3rd) Thursday in the month of April in each year or such other date as designated by the Section Officers unless that day is a legal holiday, and if a legal holiday, on the following Thursday which is not a legal holiday.
- 3.2 Quorum. Those Section members present at any duly called Section meeting shall constitute a quorum for the transaction of business.
- 3.3 Controlling Vote. Action of the Section shall be by majority vote of the members present and voting at any meeting of the Section.
- 3.4 Agenda. At the annual meeting of the Section members, Officers of the Section shall be elected and other business may be discussed and voted upon as determined to be appropriate by the Officers.
- 3.5 Special Meetings. Special meetings of the membership of the Section may be called by the Section Chairperson at such time and place as he or she may determine.
- 3.6 Notice of Meetings. Written, printed, or electronic notice shall be given to all Section members stating the date, hour and place of all meetings of members, and in the case of all special meetings the purpose or purposes for which the meeting is called. Notice shall be delivered by hand, U.S. mail or e-mail at least five (5) days prior to the date of the meeting to each member of the Section. If mailed, notice shall be deemed delivered when deposited in the United States mail addressed to the member at his or her address as it appears on the records of the Utah State Bar, with postage thereon prepaid.

**ARTICLE 4**  
**OFFICERS**

- 4.1 Officers. The Officers of the Section shall be a Chairperson, a Vice Chairperson, a Secretary, and a Treasurer, chosen from the membership of the Section. The Officers shall establish the rates for Section dues, CLE presentations (monthly lunches and the annual Section meeting), as well as approve expenditures for special projects, donations, reimbursements and lodging and meals for guest speakers at Section-sponsored events. Specific duties of those officers related to administration and operation of the Section shall be as follows:

Chairperson

General oversight of Section  
Liaison with Utah State Bar  
Represent Section at Utah State Bar Commission meetings, as invited  
Respond to inquiries made to Section  
Oversee Distinguished [ ] Practitioner award  
Supervise and prepare agenda for Section Officer meetings  
Communications to Section officers  
Oversee monthly CLE presentations  
Coordinate/oversee matters assigned by Section Officers  
CLE presentations, special ad hoc projects

Vice Chairperson

Serve on Utah State Bar Governmental Relations Committee  
Canvas Section Officers for position on pending legislation  
Serve on Utah State Bar Annual Meeting Committee  
Host Section breakfast at Utah State Bar Annual Meeting (if breakfast is held)  
Arrange for Section-sponsored speakers at Annual Meeting  
Attend Annual Meeting and introduce Section-sponsored speaker(s)  
Provide plaque for outgoing Section Chairperson  
Provide plaque for Distinguished [ ] Practitioner award  
Coordinate/oversee matters assigned by Section Officers  
CLE presentations, special ad hoc projects

Secretary

Serve on Utah State Bar Mid-Year meeting committee  
Arrange for Section-sponsored CLE session or sessions at mid-year meeting  
Attend mid-year meeting and introduce Section-sponsored speaker(s)  
Supervise preparation and mailing of newsletter  
Maintain records (historical listing of CLE, Officers, Section rules, etc.)  
Reserve facilities for CLE meetings and select menus  
Coordinate/oversee matters assigned by Section Officers  
CLE presentations, special ad hoc projects

Treasurer

Analyze regular financial reports

Make recommendations on rates for dues, CLE charges, etc.

Monitor self-sufficiency of regular functions

Prepare annual budget / estimates of expenditures

Process reimbursements with Utah State Bar

Send out "dunning" letters for no shows at CLE presentations

Coordinate annual Section meeting in April, including arranging for speakers and preparing brochure, introducing speakers and conducting election of new Section Officer(s)

Coordinate/oversee matters assigned by Section Officers

Organize new lawyer CLE

CLE presentations, special ad hoc projects

**ARTICLE 5**  
**ELECTIONS**

- 5.1 Succession to Offices. The Treasurer shall automatically succeed to the office of Secretary. The Secretary shall automatically succeed to the Office of Vice Chairperson. The Vice Chairperson shall automatically succeed to the Office of Section Chairperson.
- 5.2 Elections. A new Treasurer shall be elected each year at the Section's annual meeting by majority vote of the members then in attendance. If for lack of nominations or any other reason no Treasurer is elected, the position may be filled pursuant to Section 5.3, below.
- 5.3 Vacancies. If at any time an office shall become vacant for any reason, then the remaining Section Officers may appoint any member of the Section to fill the vacancy for the balance of the unexpired term. Such appointed person shall not succeed automatically to another Section Office as provided in Section 5.1, above, but shall be subject to elections as provided in Section 5.2, above.
- 5.4 Term of Office. The term of office shall begin May 1 and shall end on April 30 of each year.

**ARTICLE 6**  
**COMMITTEES**

- 6.1 Committees. The Section shall have such committees as may from time to time be appointed by the Officers to perform such duties and exercise such powers as the Officers may direct.
- 6.2 Committee Chairperson. Each Committee shall have a Chairperson to be appointed by the Officers who will then regularly report to the Officers.

- 6.3 Duties of Committees. Each Committee shall have the responsibilities which are delegated to it by the Officers, which may include the following:
- a. To plan and implement Section projects including but not limited to Section meetings and continuing legal education seminars.
  - b. To analyze issues and make recommendations to the Officers on matters referred to the Committee or on its own initiation.
- 6.4 Membership of Committees. Upon request, any member of the Section may be a member of one or more Committees.
- 6.5 Duties of Members of Committee. A Section member shall become a member of a Committee with the understanding he or she will devote sufficient time to assist the Chairperson of the Committee in performing the duties of the Committee.
- 6.6 Meetings. The Committees may act by correspondence or at meetings separate from the Section. Section members may but need not be given notice of Committee meetings and all Committee meetings may but need not be open to all Section members.

**ARTICLE 7**  
**AMENDMENTS**

- 7.1 These Bylaws may be amended at any meeting of the Section by a majority vote of the members of the Section present and voting.

**CERTIFICATION OF ADOPTION**

I CERTIFY THAT THE FOREGOING BYLAWS WERE ADOPTED BY VOTE OF THE SECTION MEMBERSHIP OF THE [ ] SECTION OF THE UTAH STATE BAR AT A MEETING, DULY CALLED, ON THE [ ] DAY OF [ ], [ ].

BY: \_\_\_\_\_  
\*, SECTION CHAIR

3

## 2009-2010 Utah State Bar Committees

### Admissions Committee

Co-chair: Steven T. Waterman  
Address: Dorsey & Whitney, LLP  
136 S. Main Street, Suite 1000  
Salt Lake City, UT 84101  
Telephone: 801-933-7365  
Email Address: waterman.steven@dorsey.com  
Commission Liaison: Rob L. Jeffs  
Felshaw King

Co-chair: Hon. James Z. Davis  
Address: Utah Court of Appeals  
450 S. State Street  
P.O. Box 140230  
Salt Lake City, UT 84111-0230  
Telephone: 801-578-3900  
Email Address: Private

### Bar Examiner Committee

Co-chair: M. David Eckersley  
Address: Prince, Yeates, & Geldzahler  
175 E. 400 S., Suite 900  
Salt Lake City, UT 84111  
Telephone: 801-524-1000  
Email Address: Private  
Commission Liaison: Rob L. Jeffs  
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Co-chair: Russell C. Fericks  
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Email Address: russell-fericks@rbmn.com

**Bar Examination Administration Committee**

Chair: Michele Ballantyne  
Address: University Of Utah, Office of General Counsel  
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Email Address: Private  
Commission Liaison: Rob L. Jeffs  
Felshaw King

**Bar Journal Committee**

Co-chair: William D. Holyoak  
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Telephone: 801-532-1234  
Email Address: Private  
Commission Liaison: Rob L. Jeffs

Co-chair: John T. Zagorec  
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8 E. Broadway, Suite 613  
Salt Lake City, UT 84111  
Telephone: 801-433-2142  
Email Address: todd.zagorec@arystalifescience.com

**Budget & Finance Committee**

Chair: Ray Westergard  
Address: 596 S. Woodland Hills Drive  
Bountiful, UT 84010  
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Commission Liaison: Rob L. Jeffs  
Stephen W. Owens

Character & Fitness Committee

Co-chair: Bryon Benevento  
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15 W. South Temple, Suite 1200  
Salt Lake City, UT 84101  
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Email Address: bbenevento@swlaw.com  
Commission Liaison: Rob L. Jeffs  
Felshaw King

Co-chair: Frank J. Carney  
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50 W. Broadway Suite 700  
Salt Lake City, UT 84101-2006  
Telephone: 801-534-1700  
Email Address: Private

CLE Advisory Committee

Chair:: Nanci S. Bockelie  
Address: Bockelie Law Office, L.C  
261 East 300 South, Suite 300  
Salt Lake City, UT 84111  
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Ethics Advisory Opinion Committee

Chair: Maxwell A. Miller  
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Salt Lake City, UT 84145-0898  
Telephone: 801-536-6790  
Email Address: MMiller@parsonsbehle.com  
Commission Liaison: Curtis M. Jensen

**Fee Dispute Resolution Committee**

Chair: Steven G. Johnson  
Address: 5336 W. Earl Place  
Highland, UT 84003  
Telephone: 801-432-9224  
Email Address: stevejohnson5336@comcast.net  
Commission Liaison: Herm Olsen

**Fund for Client Protection Committee**

Chair: David R. Hamilton  
Address: 3434 Washington Blvd., Suite 202  
Ogden, UT 84401  
Telephone: 801-436-0001  
Email Address: david@drhpc.com  
Commission Liaison: Yvette Donosso

**Governmental Relations Committee**

Chair: Scott R. Sabey  
Address: Fabian & Clendenin  
215 S. State Street, Suite 1200  
Salt Lake City, UT 84111  
Telephone: 801-531-8900  
Email Address: Private

Vice Chair: Michelle Allred  
Address: Ballard Spahr Andrews & Ingersoll  
One Utah Center  
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Salt Lake City, UT 84111-2221  
Telephone: 801-517-6877  
Email Address: allredm@ballardspahr.com

**Lawyers Helping Lawyers**

Chair: S. Brook Millard  
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Email: [bmillard@mortonmillard.com](mailto:bmillard@mortonmillard.com)

Member Resource Committee

Chair: Matthew L. Anderson  
Address: Fabian & Clendenin  
215 S. State Street, Suite 1200  
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Telephone: 801-531-8900  
Email Address: Private

Mentor Training and Resource Committee

Co-chair: Annette W. Jarvis  
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Salt Lake City, UT 84101  
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Commission Liaison:

Co-chair: Jeffrey J. Hunt  
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New Lawyer Training Program Committee

Co-chair: Rod G. Snow  
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Commission Liaison: Rod G. Snow

Co-chair: Margaret Plane  
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Co-chair: James Backman  
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Email Address: Private

Co-chair: Matty Branch  
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450 S. State Street, Floor 5  
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Unauthorized Practice of Law Committee

Chair: Dan Larsen  
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15 W. South Temple, Suite 1200  
Salt Lake City, UT 84101  
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Commission Liaison: Yvette Donosso

2010 Spring Convention Committee

Chair: LaMar J. Winward  
Address: 150 North 200 East, Suite 204  
St. George, UT 84770  
Telephone: 435-628-1191  
Email Address: Private  
Commission Liaison: Rob L. Jeffs

2010 Summer Convention Committee

Co-chair: Scott K. Mayeda  
Address: Sinclair Oil Corporation  
Legal Department  
550 E. South Temple  
Salt Lake City, UT 84102  
Telephone: 801-524-2752  
Email Address: smayeda@sinclairoil.com  
Commission Liaison: Stephen W. Owens

Co-chair: Sammi V. Anderson  
Address: Manning Curtis Bradshaw & Bednar  
170 S Main St Ste 900  
Salt Lake City Ut 84101  
Telephone: 801-363-5678  
Email Address: sanderson@mc2b.com

# Utah State Bar Committee Policies and Procedures

October 2006

## 1. Membership.

Matters concerning committee membership and committee chairs are governed by the bylaws of the Utah State Bar. It is the policy of the Bar to make committee and other Bar assignments available to as many members of the Bar as possible. Consequently, as a general rule, members should be restricted to membership on one committee at a time. Solicitations of interest in committee assignments should be made on at least an annual basis to members of the Bar, and expressions of interest taken into account when composing committee membership rosters. Chairs of committees are selected and approved by the Board, upon recommendation of the President.

## 2. Funding.

Committees of the Bar do not, as a general rule, have separate budgets or operating funds. Revenues necessary for the operation of Bar committees are included in the general Bar budget. Special requests by committees for funds, either for committee operations or for special projects, should be made to the Executive Director or the Board.

## 3. Reimbursement Authorization.

The Bar relies heavily on the voluntary nature of service provided by members of committees. Reimbursable expenses of committees are expected to be relatively minor in nature. An amount for anticipated committee expenses, for all purposes, is included in the

budget of the Bar at the beginning of each fiscal year. No committee member should incur expenses for which reimbursement is expected from the Bar without prior authorization from the Board, President, or Executive Director, according to approved budget lines. All requests for reimbursement shall be in accordance with these rules and policies and are subject to final approval after submission, and modification where necessary, to conform with these rules, policies and guidelines.

4. Travel Expenditures.

The Board recognizes the benefits which can be derived by permitting travel to suitable events and understands the importance of spending Bar funds prudently and only for carefully selected travel to worthwhile educational opportunities by appropriate representatives, including Bar officers, Board members, staff, and committee representatives.

5. Reimbursement Request Procedure.

Each request for reimbursement shall be submitted in writing on forms prescribed by the Bar, shall be signed and dated by the person submitting it and shall be accompanied by supporting vouchers for any expenditures exceeding \$25.

Reimbursement shall not be made unless the request is submitted within 60 days after expenses were incurred. Bar reimbursement forms are available from the Bar office. The Board may, from time to time, prescribe procedures for approval of reimbursement requests. These general provisions shall apply to all reimbursement of officers, Board members, committee members, and others as may be authorized from time to time.

6. Contract Prohibition.

No committee of the Bar may obligate the Bar on any contract or with respect to

any expenses.

7. Contributions and Memberships.

It is generally not appropriate for a committee of the Bar to contribute funds to other organizations or causes. Licensing fees paid by requirement of the Utah Supreme Court are to be retained and expended by the Bar for direct functions of the Bar as outlined in the bylaws and should not be redistributed. A project or program involving a contribution of staff or voluntary services may be approved by the Board when it believes collaboration would be in the best interests and would serve the purpose and objectives of the Bar.

8. Stationery.

In general, committees of the Bar are not provided with separate stationery. The use of Bar stationery in appropriate circumstances may be approved by the Board or by the Executive Director, upon specific request by the chair. Bar stationery is for official Bar business only. It may not be used for letters to public officials, members of Congress or the state legislature, to the general public, or to members of the Bar without express prior permission of the Board or by the Executive Director under a delegation of authority by the Board.

9. Retention of Consultants.

Committees may not enter into employment relationships with consultants or others without specific prior approval of the Board.

10. Programs and Projects.

In general, all activities, programs and projects of committees of the Bar are by direct assignment from the Board on an annual basis. Committees may initiate programs and projects only after approval by the Board upon report from the committee chair or the Commission liaison to the committee.

11. CLE Programs.

(a) Program Preparation.

Whenever a committee decides to develop a CLE program, committee representatives shall promptly meet with the CLE Administrator to develop a program plan consistent with the policy provisions which are herein set forth. The committee develops program content, speakers and target audience subject to final approval by the CLE Administrator.

(b) Scheduling.

Scheduling of an event by a committee and staff shall not conflict with other Bar programs and is scheduled with adequate lead time for program development and marketing.

(c) Expenses.

Expenses to be paid or reimbursed are subject to Bar policies and the event budget must be approved by the CLE Administrator. Expenses not thus payable or reimbursable by the Bar, or as an advance against anticipated proceeds, may be incurred and paid by the section as additional support of the event with prior approval by the CLE Administrator.

(d) Bar Staff Duties.

The Bar staff will coordinate all hotel or other site arrangements including but not limited to meals, meeting rooms and sleeping rooms, on-site technical support, all travel arrangements for speakers or guests; develop, produce, distribute and coordinate all marketing and registration materials and collections; reproduce all included papers, articles, outlines or other handouts for registrants according to a timetable to be established when the event is scheduled; make all disbursements and reimbursements as authorized by the Executive Director; provide regular reports to the section representative regarding production, marketing, site planning and registration; provide an accounting of all revenues and expenses attributable to the event to the section; make all decisions regarding fees, complimentary or reduced rate registrations and other special arrangements in consultation with the section representative.

(e) Contracts.

All contracts involved are to be signed by the Executive Director.

(f) Committee Duties.

The committee will provide a representative to assume primary responsibility for arranging the program and speakers, and to liaison with Bar staff; develop the program, including speakers and publications or handout materials, according to a timetable to be established at the time the event is scheduled; provide all information requested by Bar staff relevant to the speakers and materials; promote registration among its members and cooperate with Bar staff in identifying all target groups for special marketing, if appropriate; incur no obligation on behalf of the Bar or the event without the approval of the Executive

Director and meet calendar deadlines for all items. No member of the committee may sign any contract on behalf of the committee or the Bar.

(g) Revenue Accounting.

Unless as otherwise agreed upon by the sponsors and the Bar, net revenue for seminars held in the Law & Justice Center with food and beverages provided by the Center shall be split 75% to the Bar and 25% to the committee.

Unless as otherwise agreed upon by the sponsors and the Bar, net revenue for seminars held in the Law & Justice Center with food and beverages not provided by the Center shall be split 90% to the Bar and 10% to the committee.

Unless as otherwise agreed upon by the sponsors and the Bar, net revenue for seminars held in a location other than the Law & Justice Center shall be split with 90% to the Bar and 10% to the committee.

Net revenue shall be defined as gross revenue less all program expenses, including room rental, food and beverages, equipment rental, speakers' fees, printing, copying, postage, mailing and other incidental costs; personnel costs directly related to the seminar, including salaries, benefits and payroll taxes and overhead charges for the employee's space allocated to the seminar; and charges for room utilization, including the scheduled room rental rate, food and beverage set-up charges at cost plus 15% and charges for all no-shows. If the expenses exceed revenues, the committee shall reimburse the Bar for its expenses.

(h) Diversity Requirements.

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

12. Solicitation or Acceptance of Contributions.

Committees of the Bar may not solicit or accept contributions, entertainment or gifts from organizations, commercial or noncommercial, including free printing, prizes, souvenirs or meeting space without prior approval of the Board or the CLE Administrator in the case of seminars.

13. Reports, Studies and Other Findings of Committees.

Pursuant to the bylaws of the Utah State Bar, committees may submit regular or periodic reports to the Board. No report, study, finding or other written material by a committee of the Bar shall purport to express an official position or policy of the Bar without prior specific approval of the Board and no report, study, finding or other written material shall be prepared for or disseminated to the public or any legislative body, and no distribution shall be made thereof without prior approval of the Board. The Board may also allow a report, recommendation, program or other matter coming from a committee to be so disseminated, provided that it states prominently at the outset that it represents the opinion of that particular committee and not the opinion of the Bar.

14. Conflict of Interest.

There shall be disclosed by any committee members, any material interest in the subject matter of a proposed recommendation, study, or finding on the part of the committee by reason of specific employment or representation of clients at the time of its submission to the Board.

15. Communications.

The Bar's primary contact with its members is through its publications and web site. These communications constitute a record of the Bar's continuing activities and aspirations. The communications of the Bar are primarily intended to provide a means of information and dialogue by and among members of the Bar and are not intended to be a forum for the general public. Editorial policy with respect to each Bar publication and web site resides in the Board. Publication responsibility may be delegated by the Board to the Executive Director or to committees as the Board may deem desirable.

16. Public Information Activities.

If a member of a committee appears before the public or engages in any public information activity, and permits himself or herself to be identified as having an official connection with the Bar or one of its committees, such member shall fairly state the policy of the Bar on the matter in question if a policy has been adopted. If the Bar has not formulated a policy on the matter in question or if the member has no knowledge of any such policy, the member shall identify his view on the subject as his or her personal views only and not representative of the Bar.

17. Representation of the Bar and Policy Formation.

- (a) The Board shall formulate and express the policy of the Bar, subject to the Bar's grant of authority from the Utah Supreme Court and

continuing jurisdictional authority and supervisory control of the Utah Supreme Court.

- (b) Except as provided herein or specifically authorized by the Board no other member or employee of the Bar may represent the Bar. A committee may represent itself and take a position on legislative matters according to procedures which have been adopted by the committee and approved by the Board as long as that position is not in conflict with the position taken by the Board. Any position taken by a committee must be reviewed with the chair of the Governmental Relations Committee, the Bar's Governmental Relations representative and the Executive Director. Sometimes, committees of the Bar develop or propose changes in the law or positions with respect to pending or proposed legislation. Generally, such proposals or proposed changes are not presented as actions of the Bar. Members of committees duly designated by officers of the committee may present such proposals or proposed changes as recommendations of that section of the Bar and may appear and testify before legislative committees under their restricted grant of authority and within the restrictions listed above. If a member of a committee appears before the public or before a legislative body and permits himself or herself to be identified as having an official connection with the Bar or one of its committees, such member shall fairly state the policy of the Bar on the matter in question if a policy has been adopted and, if the member

expresses views at variance with any such policy, the member shall clearly identify the variance as the member's personal views only. If the Bar has not formulated a policy on the matter in question, or if the member has no knowledge of any such policy, the member shall nevertheless identify utterances on the subject as the member's personal views. In any event, unless specifically authorized by the Board to appear on behalf of the Bar before the public or before any legislative body, the member shall make it clear that he or she does not represent the Bar, or necessarily represent the views of the Bar, and is appearing only in a personal capacity.

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## Utah State Bar Committee Planning Guidelines

### 1. Purpose

To provide a guide which will assist committee chairs and members in organizing activities and accomplishing their mission.

### 2. Mission Statement

A. Bar Mission. The Utah State Bar is a non-profit corporation to which the Utah Supreme Court by virtue of the Rule for Integration and Management has delegated certain regulatory, member services and public services. The Bar Commission has adopted a statement which provides that the mission of the Bar is:

"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."

B. Committee Mission. Each committee of the Bar has been charged to accomplish certain tasks within a particular mission as adopted by the Bar Commission. This mission should be outlined in the Committee Charges which should have been circulated to each committee chair at the time of his or her appointment. The committee should be able to provide some input to the Bar Commission in defining or clarifying its mission, the mission should fit within the Bar's Mission Statement and should be the focus of the committee's organization and activities.

### 3. Duties/Responsibilities

A. Committee Chair. The committee chair is responsible for working with committee members in reviewing the committee's annual mission, developing annual goals, creating a specific workplan and then in assuring completion of the workplan. The chair should organize activities with the committee, plan meetings as are needed to review and carry out the plan, and report to the Commission on the committee's accomplishments.

B. Commission – Commission Liaison. The Commission is responsible for providing a mandate for the committee, assigning a liaison, providing Bar support staff and the necessary resources which will assist the committee in accomplishing its established annual goals.

C. Bar Staff. A member of the Bar staff will be assigned to the committee to assist it in scheduling and announcing meetings, reserving meeting space and in carrying out its specific charge and tasks at the direction of the committee chair.

#### 4. Getting Started

A. What Do We Want To Accomplish? The committee chair should have a clear idea of what the Commission hopes to have the committee accomplish during the year. If clarity is lacking, the committee chair should spend time with the Commission liaison to review the stated charges and mission and to focus on what resources the Bar may have to assist in performing certain activities to accomplish the mission.

B. Review The Committee's Mission. The committee should meet at the beginning of the year to make sure that all committee members understand the Bar's mission and understand how the committee's mission promotes the overall mission of the Bar. The committee's first meeting should be spent in planning activities and delegating responsibilities to perform tasks to accomplish the committee's mission. The chair should lead a discussion regarding what the committee is set up to do and then gain members' consensus and support for the mission and necessary tasks.

C. What Are The Critical Issues? The committee should identify the critical issues/problems which are keeping the committee from accomplishing its purpose. As an exercise, the committee should "brainstorm" and list the problems which are keeping committee members from accomplishing the committee's mission. List them in priority order and then discuss which are ones which can be resolved within the year and which ones should be dealt with on a long term basis.

D. Set Annual Committee Goals. List the goals you can realistically accomplish within the year based on the resources available to the committee and the time needed to get the goals done.

E. Develop A Committee Workplan. Outline the committee mission, list the critical issues identified, and develop a strategic plan of what you want to accomplish, how you are going to proceed, who is going to do what, and when each component of the plan will be completed. The committee plan should have reasonable goals and should list the resources needed to accomplish each goal. The plan should also identify specific activities which need to be performed in order that particular goals will be accomplished. Target dates should be selected to assure timely progress. The plan should be reviewed at each committee meeting and evaluate periodically with progress reported to the Commission liaison.

F. Getting Bar Commission Support. At times certain goals or projects in a developed plan may require approval by the Bar Commission and even financial support from the Bar's general funds. Suggestions from your support staff and contact with the Commission liaison will usually provide the needed direction on how to get the necessary approval or support.

## 5. Now That We're Organized

A. Program Implementation. Assignments must be made and duties delegated so that the plan will be carried out according to target dates. The chair should follow up with committee members to provide any necessary guidance and instruction and assure that duties are being performed as necessary. The chair may also assign certain responsibilities to the committee's support staff and seek input and help from other committee members.

B. Why Committee Meetings? Committee meetings should be held as needed to have members report on assignments, answer questions, resolve problems, collect research data, organize next activities and take any official actions requiring votes. The workplan should be monitored and deadlines should be set and met.

## 6. Keeping Bar Commission Support

A. Commission Briefing. Your liaison should be current on committee activities and should have a place in organizing the workplan. It is helpful for the committee to occasionally appear at the scheduled Commission meeting and report on activities. The invitation will come from the Commission but a committee may request an opportunity to report if activities require support or input.

B. Reports. Each committee should provide periodic reports to the Commission to identify tasks accomplished and show how the committee is accomplishing its mission.

## 7. Reporting On The Committee's Success

A. Annual Report To The Commission. Each committee should provide a written annual report to the Commission to list the committee's accomplishments for the year, show how the mission has been furthered, and to provide guidance for the following year's activities.

B. Acknowledging Committee Members' Contributions. The vitality of the Bar is dependent on the individual efforts and talents of its volunteers. Efforts to serve the profession and benefit the public through committee work should be acknowledged by the committee chair and recommendations for commendations from the Bar Commission would be welcomed.

4

## 2009-2010 Local and Specialty Bar Associations

### Box Elder Bar Association

President: Stephen R. Hadfield  
Address: 98 North Main Street  
P.O. Box 876  
Brigham City, Utah 84302  
Telephone: 435-723-3404  
Email Address: stephenh@favorites.com  
Commission Liaison: Herm Olsen

### Cache County Bar Association

President: Angela F. Fønnesbeck  
Address: 265 North 100 West  
Logan, UT 84321  
Telephone: 435-294-2424  
Email Address: angela@afflaw.com  
Commission Liaison: Herm Olsen

### Central Utah Bar Association

President: Morgan T. Fife  
Address: Robinson, Seiler & Anderson, LC  
2500 N University Avenue  
P. O. Box 1266  
Provo UT 84603  
Telephone: 801-375-1920  
Email Address: mfife@rsalawyers.com  
Commission Liaison: Thomas W. Seiler

### Davis County Bar Association

President: D. Michael Nielsen  
Address: 505 South Main Street  
Bountiful, UT 84010  
Telephone: 801-292-1818  
Email Address: dmnlaw@msn.com  
Commission Liaison: Felshaw King

Eastern Utah Bar Association

President: McKette Allred  
Address: 26 E. Main Street  
P.O. Box 575  
Castledale, Utah 84513  
Telephone: 435-381-5326  
Email Address: mallredlaw@etv.net  
Commission Liaison: Curtis M. Jensen

Federal Bar Association

President: Jonathan Hafen  
Address: Parr Waddoups Brown Gee & Loveless  
185 South State Street, Suite 1300  
Salt Lake City, Utah 84111  
Telephone: 801-532-7840  
Email Address: joh@pwlaw.com  
Commission Liaison: James D. Gilson

Garfield County Bar Association

President: Stephen H. Schwartz  
Address: 350 N. Wanderings End Lane  
P.O. Box 446  
Hatch, UT 84735-0446  
Telephone: 435-682-2845  
Email Address: stephenschwartz@earthlink.net  
Commission Liaison: Curtis M. Jensen

Hellenic Bar Association

President: Paul Laipis  
Address: 175 W. 200 S. Suite 2004  
Salt Lake City, UT 84101  
Telephone: 801-532--6996  
Email Address: paulliapis@integra.net  
Commission Liaison: Steve W. Owens

Minority Bar Association

President: Chrystal Mancuso-Smith  
Address: Dunn & Dunn  
505 East 200 South, 2nd Floor  
Salt Lake City, Utah 84102  
Telephone: 801-521-6677  
Email Address: cmancuso@dunndunn.com  
Commission Liaison: Christian W. Clinger

Park City Bar Association

President: Edward J. Stone  
Address: The Stone Law Offices  
5532 Lillehammer Lane, Suite 100  
Park City, UT 84098  
Telephone: 435-658-3366  
Email Address: edward@stonelaw.net  
Commission Liaison: Rod G. Snow

Salt Lake County Bar Association

President: Diana Hagen  
Address: United States Attorney's Office  
185 South State Street, Suite 400  
Salt Lake City, Utah 84111  
Telephone: 801-325-3322  
Email Address: diana.hagen@usdoj.gov  
Commission Liaison: Lori W. Nelson

Sixth District Bar Association

President: Ross C. Blackham  
Address: 160 North Main Street, Suite 2  
Manti, Utah 84642  
Telephone: 435-835-6380  
Email Address: ross@manti.com  
Commission Liaison: Curtis M. Jensen

Southern Utah Bar Association

President: Mike Leavitt  
Address: Durham Jones & Pinegar, PC  
192 East 200 North, 3rd Floor  
St. George, UT 84770  
Telephone: (435) 674-0400  
Email Address: Private  
Commission Liaison: Curtis M. Jensen

Tooele County Bar Association

President: Frank Mohlman  
Address: Schmutz & Mohlman  
493 West 400 North  
Tooele, Utah 84074  
Telephone: 435-882-4800  
Email Address: franktmohlman@msn.com  
Commission Liaison: Rod G. Snow

Uintah Basin Bar Association

President: D. Karl Mangum  
Address: 251 West Main Street  
Vernal, Utah 84078  
Telephone: 435-789-3535  
Email Address: karlmangum@ubtanet.com  
Commission Liaison: Curtis M. Jensen

Utah Association of Criminal Defense Lawyers

President: Richard P. Gale  
Address: Utah Federal Defenders  
51 S. University Avenue, Suite 206  
Provo, UT 84601  
Telephone: 801-852-1070  
Email Address: Private  
Commission Liaison: Herm Olsen

Utah Employment Lawyers Association

President: Bruce M. Franson  
Address: 935 E. South Union Avenue, #D-102  
Salt Lake City, Utah 84121  
Telephone: (801) 255-4774  
Email Address: [brucefranson@qwestoffice.net](mailto:brucefranson@qwestoffice.net)  
Commission Liaison: Charlotte Miller

Utah Association of Criminal Defense Lawyers

President: Tawni Hanseen  
Address: Salt Lake Legal Defenders Association  
Felony Division  
424 East 500 South, Suite 300  
Salt Lake City, UT 84111  
Telephone: 801-532-5444  
Email Address: Private  
Commission Liaison: Nathan D. Alder

Utah Prosecution Counsel

President: Mark W. Nash  
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Salt Lake City, Utah 84114-0841  
Telephone: 801-366-0202  
Email Address: [mnash@utah.gov](mailto:mnash@utah.gov)  
Commission Liaison: Jim Gilson

Utah Association for Justice

President: Brian S. King  
Address: 336 South 300 East, Suite 200  
Salt Lake City, Utah 84111  
Telephone: 801-532-1735  
Email Address: [brian@briansking.com](mailto:brian@briansking.com)  
Commission Liaison: Thomas W. Seiler

Wasatch County Bar

President: Corbin B. Gordon  
Address: 345 West 600 South, Suite 108  
Heber City, UT 84032  
Telephone: 801-394-5526  
Email Address: lmr\_law@hotmail.com  
Commission Liaison: Thomas W. Seiler

Weber County Bar Association

President: Laura Rasmussen  
Address: Farr Kaufman Sullivan Jensen Medsker  
Olds & Nichols, LLC  
205 26th Street, Suite 34  
Ogden UT 84401  
Telephone: 801-476-0303  
Email Address: webercba@yahoo.com  
Commission Liaison: Felshaw King

Women Lawyers of Utah

President: Lisa Yerkovich  
Address: Ray Quinney & Nebeker  
36 South State Street  
Salt Lake City, Utah 84111  
Telephone: 801-532-1500  
Email Address: lyerkovich@rqn.com  
Commission Liaison: Mary Kay Griffin

5

## Utah State Bar Awards

- | <u>AWARD</u>  | <u>CHOSEN</u>    | <u>PRESENTED</u>         |
|---|------------------|--------------------------|
| <p>1. <b>Dorothy Merrill Brothers Award</b><br/> <b>Advancement of Women in the Law</b><br/> <i>Professionalism; Public Service; Public Dedication; Enhance Administration of Justice; Enhance the Delivery of Legal Services; Improve the Legal Profession; Used as an Incentive for Encouraging New Efforts; Engaged in Significant Activity on Behalf of the Advancement of Women.</i></p>   | <p>January</p>   | <p>Spring Convention</p> |
| <p>2. <b>Raymond S. Uno Award</b><br/> <b>Advancement of Minorities in the Law</b><br/> <i>Professionalism, Public Service, Public Dedication and Substantial Contributions to the Bar have Significantly Enhanced the Legal Profession, the Delivery of Legal Services, the Practice of Law and the Administration of Justice; Engaged in Significant Activity for the Advancements of Minorities in the Field of Law – not just Good Works; Active in the Minority Community; Active Role in the Minority Bar Association</i></p>   | <p>January</p>   | <p>Spring Convention</p> |
| <p>3. <b>Pro Bono Lawyer of the Year</b><br/> <i>Presented to an attorney/law firm who has made an exemplary contribution of time &amp; effort, without compensation, to provide legal assistance to people who could not afford the assistance of any attorney. Designed to reflect contributions during the past year as well as over an attorney's career. "Services to low-income people encompasses both aggressive advocacy on behalf of individuals in extreme need as well as impact advocacy designed to address systemic issues affecting significant numbers of low-income people.</i></p> | <p>April</p>     | <p>Law Day</p>           |
| <p>4. <b>Judge of the Year</b><br/> <i>Career exemplifies the highest standards of judicial conduct for integrity and independence; who is knowledgeable of the law and faithful to it; who is unswayed by partisan interests, public clamor or fear of criticism; patient, dignified and courteous to all who appear before the court; endeavors to improve the administration of justice and public understanding of, and respect for, the role of law in our society;</i></p>  | <p>June</p>      | <p>Annual Convention</p> |
| <p>5. <b>Distinguished Lawyer of the Year</b><br/> <i>Presented to a Utah State Bar member who, over a long and distinguished legal career, has by their ethical and personal conduct, commitment and activities, exemplified for their fellow attorneys the epitome of professionalism; who has also rendered extraordinary contributions to the programs and activities of the Utah State Bar in the prior year.</i></p>  | <p>June</p>      | <p>Annual Convention</p> |
| <p>6. <b>Distinguished Section of the Year</b><br/> <i>Presented to a section of the Utah State Bar that has made outstanding contributions of time and talents to Bar activities as well as provided outstanding services, programs and/or activities for Bar members and the public at large during the past year; "given annually to recognize programs of the bar that serve the mission of being a united, inclusive organization serving the legal profession and the public."</i></p>  | <p>June</p>      | <p>Annual Convention</p> |
| <p>7. <b>Distinguished Committee of the Year</b><br/> <i>Presented to the Committee of the Utah State Bar that has made outstanding contributions of time and talents to Bar activities as well as provide outstanding services, programs and/or activities for Bar members and the public at large during the past year.</i></p>   | <p>June</p>      | <p>Annual Convention</p> |
| <p>8. <b>Distinguished Community Member</b><br/> <i>Outstanding service toward the creation of a better public understanding of the legal profession and the administration of justice, the judiciary or the legislative process.</i></p>   | <p>September</p> | <p>Fall Forum</p>        |

**9. Professionalism Award**

**September**

**Fall Forum**

*"[during] their long and distinguished legal careers by their ethical and personal conduct exemplified for their fellow attorneys the epitome of professionalism" Peaceful; Candid; acts with Integrity; Cooperative; Treats other with Dignity; Accurate and Complete in Representations; Reasonable; Accommodating; Deals in Good Faith; and Professional*

**10. Heart & Hands Award**

**December**

**Utah Philanthropy Day**

*To acknowledge a Bar member who has made significant contributions to his/her cause through his/her philanthropic service.*

**11. Distinguished Service Award**

**As Needed**

*"outstanding service toward the creation of a better public understanding of the legal profession and the administration of justice, the judiciary or the legislative process."*

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6



# Memo

**To:** Utah State Bar Section  
**From:** Connie Howard, Director Group Services  
**CC:**  
**Date:** 10/16/2009  
**Re:** Section Funds

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The Commission is requesting that you review your section accounts to ensure that your section monies are being used appropriately and is suggesting that your balances do not exceed more than two years of operational expense.

The Utah State Bar is a nonprofit organization which under federal law cannot hold monies in certain accounts the IRS would define as excessive. Section funds, collectively, is considered such an account.

There are many opportunities in the legal community and elsewhere that would benefit from a donation to a service project, a scholarship fund or just a boost to their fund raising efforts.

Please feel free to call me at any time with questions or comments regarding your section. I appreciate all the effort you expend on your section functions.

## CONTACTS

Group Services Director	Connie Howard	801-297-7033 cle@utahbar.org
CLE Assistant/Section Support	Megan Facer	801-297-7032 sections@utahbar.org
Member Services Assistant/CLE Registrations	Marion Eldredge	801-297-7036 registrations@utahbar.org
MIS Manager/Webmaster	Lincoln Mead	801-297-7050 webmaster@utahbar.org
Webservices Coordinator & Casemaker/Portal Support	Blake Bassett	801-297-7051 webmaster@utahbar.org
Financial Administrator	Jeffrey S. Einfeldt	801-297-7020 cfo@utahbar.org
Financial Assistant	Joyce Seeley	801-297-7021 cfoasst@utahbar.org

7

## BAR POLICIES ON LEGISLATIVE REPRESENTATION

The Bar's Policies & Procedures provide that sections may take positions on legislative issues without specific authorization from the Bar Commission. Specifically, they provide that:

A section or committee may represent itself and take a position on legislative matters according to procedures which have been adopted by the section or committee and approved by the Board as long as that position is not in conflict with the position taken by the Board. In order for sections or committees to adopt a legislative position, they must have a strong consensus from the membership. A "strong consensus means that sections and committees must have a 60% or more approval from their entire polled membership who respond. Executive or management committee members may vote but their individual votes count as only one vote in the entire polled membership process. Any position taken by a section or a committee must be reviewed with the chair of the Governmental Relations Committee, the Bar's Legislative Relations Representative and the Executive Director of the Bar.

Frequently, sections of the Bar develop or propose changes in the law or positions with respect to pending or proposed legislation. Generally, such proposals or proposed changes are not presented as actions of the Bar. Members of sections duly designated by officers of the section may present such proposals or proposed changes as recommendations of that section of the Bar and may appear and testify before legislative committees under their restricted grant of authority and within the restrictions listed above.

If a member of a section or committee appears before the public or before a legislative body and permits himself or herself to be identified as having an official connection with the Bar or one of its committees or sections, such member shall fairly state the policy of the Bar on the matter in question if a policy has been adopted and, if the member expresses views at variance with such a policy, the members shall clearly identify the variance as the member's personal views only. If the Bar has not formulated a policy on the matter in question, or if the member has no knowledge of any such policy, the member shall nevertheless identify utterances on the subject as the member's personal views. In the event, unless specifically authorized by the Board to appear on behalf of the Bar before the public or before any legislative bodies, the member shall make it clear that he or she does not represent the Bar, or necessarily represent the views of the Bar, and is appearing only in a personal capacity.

It is the intention of the Bar Commission to provide sections freer reign to adopt positions and represent them as the positions of that section or committee as long as they make it clear that those positions are not those of the Bar or the Bar Commission. Before any such representations

are made, please inform Scott Sabey of the Governmental Relations Committee, and John T. Nielsen, the Bar's Governmental Relations Representative, and John Baldwin, the Bar's Executive Director, so that we can clarify that the Board does not have a contradictory position and so that our lobbying efforts otherwise might be informed and as consistent as possible.

Please also note that your section should adopt procedures to allow for a lobbying process or representation, and those procedures should be reviewed by the Board. Hopefully, this can be done by you prior to the session but should not be a complicated process. Several sections have adopted provisions in their by-laws allowing their executive committee to make decisions or receive votes from the sections or simply have delegated that authority to the current section chair.

The procedures should also require that positions taken fall within the Utah Supreme Court grant of authority to the Bar to engage in legislative activities which are limited to "those issues concerning the courts of the state, procedure and evidence in the courts, the administration of justice, the practice of law, and matters of substantive law on which the collective expertise of lawyers has special relevance and/or which may effect the individual's ability to access legal services or the legal system."

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