4th Quarter 2012 A Newsletter of the Litigation Section of the Utah State Bar

The Zealous Advocate

President's Message

By
Ryan B. Frazier

Worthwhile Opportunities

It has been said that the law is a noble calling. As trite as this statement may seem, its realization depends on whether we capitalize on the marvelous opportunities that are set before us as attorneys. Both lawyers and non-lawyers may see these opportunities as including above average earning potential, prestige, and privileges. We may have even started our legal careers with the view that the law would be an excellent way to earn a living. All of this may be true, but there are other opportunities that are much greater – and more worthwhile.

These include opportunities of service, growth, and learning. There are possibilities all around us that merit our attention. We need to be watching for them if we are to take advantage of them. Typically, this requires focusing on others and their needs rather than on ourselves and our needs. We must look to how we can employ the law for others. Our training and licensure allows us to serve; in return, we can grow, learn, and find satisfaction in our careers.

Recently, civil rights attorney Brian Barnard passed away. Brian was an example of an attorney who recognized and availed himself of the opportunities that the law afforded him. Throughout his career, he saw the need to give a voice to individuals, activists, and groups whose voice struggled to be heard. He often attended to clients who did not fit the mold in a largely homogenous society. He was not afraid to champion causes and issues that were unpopular. Regardless of how you viewed his stances on legal issues and civil rights, there was no room to doubt where he stood. He was a man of principle, and he advanced the rights of others. Brian's passing will certainly leave a void both in our legal community and in society.

Like Brian, we can all make the most of the chances the law affords. That does not mean that we have to become civil rights attorneys or practice exactly as he did. Rather, we need to discover what prospects for service, learning, and growth are available to us and then determine how best to make the most of them. As litigators, we have specialized training and skills that allow us the ability to serve in ways that are not available to others – including to other attorneys.

Notably, litigators are uniquely positioned to assist others in wending their way through a complex and intimidating legal system. Many would not be able to navigate the court system on their own. Without the proper training and experience, the procedures and rules associated with the court system can act as a barricade to justice.

This is particularly true for those in society who do not have the resources to steer through the court system. This is where litigators can help. We can give a clear

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and audible voice to those who are drowned out by themyriad voices competing to be heard in society. This includes speaking for those who have difficulty speaking for themselves. Often those without money or political clout tend to be unable to be heard.

One obvious way that we can help is by providing pro bono assistance and legal services to those who do not have the resources to navigate the court system on their own. Significant legal fees and litigation costs close the door to legal redress to a significant segment of society. This segment includes low-income individuals and some non-profit entities. Unless we are willing to take up their causes without receiving fees or accepting reduced fees, their legal needs could go unaddressed and, in many cases, completely unmet.

There are other things that we can do to increase the access to justice for those who are underprivileged and legally underserved. We can support legal aid and other organizations affording legal services to those who cannot otherwise afford the cost of legal services. We can contribute to "And Justice for All," which is the fund-raising arm of many Utah legal aid organizations. In the Spring 2012 "And Justice for All" Update, Richard A. Rappaport wrote, "It is only because of you – because of your generosity, because of your commitment to the ideal of justice for all – that 'And Justice for All' has been able to increase access to justice for disadvantaged Utahns."

More than ever before there is a need for our contributions to "And Justice for All." In May, I received a letter from Rodney Snow, the President of the Utah State Bar at the time, regarding the situation confronting Utah legal aid. He wrote, "Due to the congressional funding cuts to the National Legal Services Corporation, the budget of the ULS[, which includes Utah Legal Services, the Legal Aid Society, the Disability Law Center, and other similar organizations,] has been cut dramatically and critical staff has been laid off. The ability of ULS to perform their core and essential functions is now in jeopardy." It is projected that the funding cuts could result in a loss of $600,000. A shortfall of that magnitude would mean that approximately 3,500 fewer disadvantaged Utahns would not receive the legal aid services available to them in the past. I encourage you all to contribute generously to this vital organization.

Further, to fully avail ourselves of the great opportunities that are ours, we must do a few other things to learn and grow. Foremost, we must strive to become a skilled and proficient lawyer. In addition, we need to become well versed in the areas in which we practice. Regardless of how experienced we may be, there is always room for improvement. As litigators, we must at a minimum, develop the skills that are essential to our practices. The Litigation Section offers numerous continuing legal education courses throughout the year. Many of these courses are directed to skills training. For example, the litigation track during the Fall Forum focused on trial skills. In addition, the section offers quarterly luncheons and periodic Rise and Shine Breakfasts that cover topics relevant to litigators. The Litigation Section also offers other chances for continuing legal education statewide, including Golf and CLE events, presentations at the Midyear and Summer Conventions, and trial skills academies. The continuing legal education events sponsored by the section are listed on the section's website at http://litigation.utahbar.org/event-calendar.html.

"Regardless of how experienced we may be, there is always room for improvement."

The opportunity to be an attorney is more than simply earning a living or an income source. Great benefits and privileges accompany the profession. But always remember, with great benefits come great responsibilities. Let us all once again commit ourselves to the ideal that the law is a noble calling. Only we can make it so. May we seize the opportunities that we have in this fine profession each day.

By
Zack Winzeler

Approved Amendments to the Local Rules of Practice in the United States District Court for the District of Utah

The following amendments to the local rules of practice were published for comment in August 2012. After the expiration of the comment period, the amendments were approved by the federal district court judges on November 9, 2012. The amended local rules summarized below **became effective on December 1, 2012.** Redline versions of the approved amendments can be found at http://www.utd.uscourts.gov/documents/local_amendments.html.

The amended local rules summarized here became effective on December 1, 2012.

DUCivR 5-2 – Filing Cases and Documents Under Court Seal

- In order to prevent overdesignation of sealed materials, the court is now requiring counsel to be highly selective in filing documents under seal. DUCivR 5-2(a).
- Counsel shall:
  - o Refrain from filing memoranda under seal merely because the attached exhibits contain confidential information;
  - o Redact personal identifiers, and not use the presence of personal identifiers as a basis for sealing an entire document; and
  - o Redact documents when the confidential portions are not directly pertinent to the issues before the court and publicly file the documents.
- An entire case may be sealed at the time it is filed only upon ex parte motion and in extraordinary circumstances. DUCivR 5-2(b)(1).
- The amendment also contains new instructions for filing sealed material, including filing the original document in an envelope with the document's cover page affixed to the outside of the envelope, and a notation on the cover page providing the reason the document is being filed under seal. The sealed filing also must be accompanied by a CD-ROM containing a PDF version of each document filed. DUCivR 5-2(d).

DUCivR 7-1 – Motions and Memoranda

- The motion and any supporting memorandum must now be contained in one document, which includes:
  - o An initial section stating succinctly the precise relief sought and the specific grounds for the motion;
  - o One or more additional sections including a recitation of relevant facts, supporting authority, and argument.
- Failure to comply may result in sanctions, including (i) returning the motion to counsel for resubmission, (ii) denial of the motion, or (iii) any other sanction deemed appropriate by the court. DUCivR 7-1(a)(1).
- Length of Motions:
  - o Motions filed pursuant to Fed. R. Civ. P. 12(b), 12(c), 56, and 65 are still limited to twenty-five pages, but the statement of precise relief sought and the statement of elements and undisputed material facts are now excluded from the page count. DUCivR 7-1(a)(3).
  - o All other motions are still limited to ten pages, with the same exclusions stated above.
- Motion cannot be made in response or reply memoranda, but must be made in a separate document. DUCivR 7-1(b)(1)(A).
- The court prefers that evidentiary objections be included in the response memorandum. In exceptional cases, a party may file evidentiary objections as a separate document, but it must be filed at the same time as that party's response or reply memorandum. DUCivR 7-1(b)(1)(B).

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- Motions to strike evidence are no longer appropriate and should not be filed. The proper procedure is to make an objection. DUCivR 7-1(b)(1)(B).

- Length of Response and Reply Memoranda:

  o Memoranda in opposition to motions made pursuant Fed. R. Civ. P. 12(b), 12(c), 56, and 65 are limited to twenty-five pages, and reply memoranda are limited to ten pages (with the same exclusions for certain sections stated above). DUCivR 7-1(b)(2)(A).

  o Response and reply memoranda related to all other motions not listed above are limited to ten pages. DUCivR 7-1(b)(2)(B).

DUCivR 56-1 – Motions and Supporting Memoranda

- Motion for summary judgment must include the following sections (DUCivR 56-1(b)):

  o An introduction summarizing why summary judgment should be granted;

  o A section entitled "Statement of Elements and Undisputed Material Facts" that contains the following:

    • Each legal element required to prevail on the motion;

    • Citation to legal authority supporting each stated element (without argument);

    • Under each element, a concise statement of the material facts necessary to meet that element as to which the moving party contends no genuine issue exists. Each asserted fact must be presented in an individually numbered paragraph that cites with particularity the evidence in the record supporting each factual assertion.

  o An argument section explaining why under the applicable legal principles the asserted undisputed facts entitled the party to summary judgment.

- The motion may, but need not, include a separate background section that contains a concise statement of facts, whether disputed or not, for the limited purpose of providing background and context for the case, dispute, and motion. This section may, but need not, cite to evidentiary support.

- Memorandum in opposition to a motion for summary judgment must include the following sections (DUCivR 56-1(c)):

  o An introduction summarizing why summary judgment should be denied;

  o A section entitled "Response to Statement of Elements and Undisputed Material Facts" that contains the following:

    • A concise response to each legal element stated by the moving party. If the non-moving party agrees with a stated element, state "agreed" for that element. If the party disagrees with a stated element, state what the party believes is the correct element and provide citation to legal authority supporting the party's contention.

  • A response to each stated material fact that is disputed.

  • A statement of any additional material facts, if applicable.

  • A statement of additional elements and material facts, if applicable.

  o An argument section explaining why, under the applicable legal principles, summary judgment should be denied.

- The opposition may, but need not, include a separate background section that contains a concise statement of facts, whether disputed or not, for the limited purpose of providing background and context for the case, dispute, and motion. This section may, but need not, cite to evidentiary support.

- All material facts will be deemed admitted unless specifically controverted by the opposing party.

- All evidence offered in support of or in opposition to motions for summary judgment must be submitted in a separately filed appendix with a cover page index. DUCivR 56-1(f).

Judicial Profile

Judge Vernice S. Trease

By Jenifer L. Tomchak

Although Judge Vernice S. Trease would neither confirm nor deny the popular rumor that she received the highest approval ratings of any judge in the last retention election, it is easy to see how the rumor got started. Stories abound about Judge Trease's calm, even-handed demeanor and integrity.

As an illustration of her compassion, her colleagues share the following story: Several years ago, Judge Trease spent more than a year traveling to Idaho on the weekends to build a cabin. Shortly before the cabin was completed, it was burned to the ground in a canyon fire. When Judge Trease learned that the fire was started by a homeless man who had been trying to cook hot dogs and that he was being charged with arson, she went to the local jail where the man was being held and placed money on the homeless man's books.

Judge Vernice S. Trease

Judge Trease's Path to the Bench

Judge Trease began her legal career at Utah Legal Services after earning her Bachelor of Arts degree in International Relations from Lewis and Clark College and her law degree from the University of Utah College of Law. Prior to taking the bench, she was a public defender with the Salt Lake Legal Defender Association. There she was a capital-qualified and senior trial attorney. She also held the positions of team leader and assistant director.

Judge Trease was appointed to the Third District Court in November 2006 by Gov. Jon M. Huntsman, Jr. She has presided over both criminal and civil matters in Salt Lake, Summit, and Tooele counties. Beginning in August 2012, Judge Trease transitioned to a full-time civil calendar.

Judge Trease is known by some of her colleagues as "The Girl Who Cannot Say No." In addition to her faithful and wise judicial service on the Third District Court bench, Judge Trease has an impressive history of serving the Bar and the community. She believes attorneys have a responsibility to make their voices heard and to speak for those who cannot.

Among her many commitments, Judge Trease has served as a member of the Utah Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System, the State of Utah Office on Domestic and Sexual Violence Justice Planning Group, and the Judicial Council's Fine/Bail Schedule Standing Committee. Judge Trease currently serves on the Supreme Court's Advisory Committee on the Rules of Criminal Procedure, is the chairperson of the Judicial Council's Court Interpreter Standing Committee, and is a member (former chair) of the Third District Court Administrative Committee. Judge Trease is also a very involved member of the Indigent Representation Task Force, whose main goal is to ensure that indigent parties receive adequate representation at both the trial and appellate levels.

Judge Trease has received many awards and recognitions for her service to the community and her outstanding performance as a judge, including the Christine M. Durham Woman Lawyer of the Year Award in 2012 and the Utah Minority Bar Association Community Service Award.

When she is not busy with her career and serving the public, Judge Trease likes spending time with her family and friends. She enjoys reading historical fiction, especially about famous women in history, and watercolor painting. Her favorite hobby is golfing, and she says that she is "okay, for a girl."

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Judicial Profile

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Judge Trease's Courtroom

When asked about the secret to her high approval ratings, Judge Trease responds that she always tries to remember what it was like to be on the other side of the bench. That philosophy is apparent to anyone observing her courtroom.

When appearing before Judge Trease, expect her to be well-prepared. Before each hearing, she carefully reads all filings and tries to narrow the issues by looking for common ground. At the hearing, she begins by setting the framework for the hearing by identifying what she believes to be the key issues and asking the parties to address them. This allows the parties to get to the heart of the issue more quickly.

Judge Trease is always respectful to those appearing before her and expects attorneys to treat each other and their clients with respect both in and out of the courtroom. She appreciates it when attorneys speak with each other before filing motions to see if there are any issues they can resolve without the court. She noted that, unlike most criminal practitioners, many civil practitioners are so concerned about documenting their communications with each other that they do not talk each other. The lack of direct oral communication can often escalate situations unnecessarily. As an aside, Judge Trease will not enter an unstipulated scheduling order unless the moving party has actually tried to have a conversation with the other attorney.

[R]eputation is everything. Treat others with respect, and always act with honesty and integrity.

Advice to Young Lawyers

Judge Trease had several pieces of advice for attorneys, the most important of which is to remember that reputation is everything. Treat others with respect, and always act with honesty and integrity.

She also suggested that lawyers spend time observing in the courtroom before appearing before a judge. It is helpful to not only see how other lawyers conduct themselves, but also how the courtroom is run and what practices are effective.

Finally, she cautioned trial attorneys to keep their audience—the jury—in mind. The most important aspect of any trial is figuring out what will be persuasive to the jury. One way to do that is to make an effort to talk to the jurors after a trial is complete. It is often eye-opening to see how jurors perceive lawyers and to hear what made a difference to the outcome of the case. Those reactions can be very informative when preparing for the next trial.

Practitioner Profile

Howard Lundgren

By
Alec J. McGinn

I first met Howard Lundgren a few weeks ago when he asked me to help him with a legal matter for Utah Legal Services. Howard is on the Board of Trustees for Utah Legal Services, and he explained that the organization provides legal representation for Utah's most vulnerable citizens. Utah Legal Services helps those who desperately need legal assistance, such as victims of domestic violence, but are not able to afford it. Attorneys, he explained, have an obligation to make sure these people have access to the justice system.

Howard's career exemplifies this commitment to helping those who are often outside the system. He always knew that he wanted to be a lawyer, but his decision was crystallized when, as an undergraduate at the University of Utah, he participated in a trial advocacy program sponsored by the university's law school. As an undergraduate, Howard also worked as an intern at Utah Legal Services and assisted attorneys working on public interest issues ranging from the juvenile justice system to prison reform. The idealism and enthusiasm of the attorneys at Utah Legal Services was contagious. He entered the Gonazaga University School of Law in 1976 determined to "change the world" and to be a lawyer who helps those in need.

Howard Lundgren

Howard started trying cases before he even graduated from Gonzaga. The last portion of his law school career was spent in a clinical program where he was trying cases largely on his own. He handled his first divorce case as a second year law student. After graduating in 1979, Howard received a Reginald Heber Smith Community Law Fellowship and went to Sioux Falls, South Dakota to work with the legal services program there. After a year in Sioux Falls, he moved back to Utah and worked at Utah Legal Services, where he met a fellow attorney, Andrea Alcabes, Esq. In 1983, Howard and Andrea left Utah Legal Services and started a general practice litigation firm in Salt Lake City. They married in 1984. Andrea began a new job in 1985, and Howard continued to practice at the firm they started for twenty years. In 2007, Howard joined Durham Jones & Pinegar, where he currently serves as chair of the firm's family law section.

Over the course of his career so far, Howard estimates that he's represented more than one thousand clients. While he has developed a specialty in family law, he has represented clients in a diverse range of cases. He has handled criminal defense matters, personal injury cases, construction cases, and various other matters. His diverse case load and the lawyers, clients, and judges he has met and worked with over the course of career have made his practice rewarding.

Howard is a fellow of the American Academy of Matrimonial Lawyers, maintains an AV rating with Martindale/Hubbell, and is named in The Best Lawyers in America and Utah Business Magazine's list of "Legal Elite." He has not forgotten that dedication to public service that motivated him to enter the legal profession; he has served on the Board of Trustees at Utah Legal Services since 2002. Howard has also served as a member of the executive committee of the Utah Bar's Family Law Section and on the Board of Trustees for the community radio station KRCL 90.9 FM. In 1998, Howard was awarded the ACLU of Utah's Adam M. Duncan Award.

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Practitioner Profile

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In his spare time, Howard enjoys listening to live music, and often travels to see his favorite bands perform. He keeps a framed poster in his office from a 1970 Grateful Dead concert—the first Grateful Dead concert he ever attended. He isn't sure exactly how many Grateful Dead concerts he has attended, but he assures me that he saw them many, many times. Whatever the number, it is large enough that, when Jerry Garcia died in 1995, KTVX interviewed Howard. He also enjoys cooking and spending time on the river. Howard believes that you only get so many fun tickets in life—you need to make sure you don't use them all too early, but you don't want any left when you're done.

"To be a good litigator, you need to be over-prepared."

Howard didn't need to think long when I asked him what advice he would give to young lawyers who wanted to try cases: "To be a good litigator, you need to be over-prepared." You should always feel some anxiety before you go to trial, he explains, but being over-prepared will keep the anxiety at an appropriate level.

I decided that the time I spent working with Howard in helping Utah Legal Services would be pro bono. It turns out that his passion and idealism are contagious.

Upcoming Events

"Benson & Mangrum on Utah Evidence," December 20, 2012, 8:15 a.m.-4:15 p.m., Law and Justice Center

Spring Convention, March 14-16, 2013

Southern Utah Federal Law Symposium, May 9-11, 2013

Summer Convention, Snowmass, Colorado, July 17-20, 2013

Opinion Watch

By
Heather Sneddon

By
Rick Kaplan

***State of Utah v. Apotex Corporation, et al.,* 2012 UT 36 (June 19, 2012)**

The Supreme Court reversed in part the district court's dismissal of the State's Complaint alleging that seventeen pharmaceutical companies sought to defraud Utah's Medicaid program by reporting inflated drug prices. What's notable about the Court's opinion is its announcement of a "relaxed" standard for assessing compliance with Rule 9(b)'s particularity requirement in cases where plaintiff "asserts a widespread fraudulent scheme that involves the submission of many false claims." 2012 UT 36 at ¶ 20. The Court followed the lead of two federal circuit courts of appeal in holding that "if [a plaintiff] cannot allege the details of an actually submitted false claim, [the plaintiff] may nevertheless survive [rule 9(b)] by alleging particular details of a scheme to submit false claims paired with reliable indicia that lead to a strong inference that claims were actually submitted by each defendant." Id. ¶ 29 (citations omitted). This approach appears to place predominant emphasis on the allegations respecting the scheme – "the fraud is often 'harbored in the scheme' itself …. Indeed, [i]t is the scheme in which particular circumstances constituting fraud may be found that make it highly likely the fraud was consummated." Id. ¶ 30 (citations omitted). As to "reliable indicia" that each particular defendant actually submitted false claims, the Court did not offer much clarification other than to identify several "factors" that might support a strong inference of fraud. These included "factual or statistical evidence," "representative examples" of alleged false claims, and "government investigations" of a defendant. Id. ¶ 35.

Click here for a link to the case.

***Barrientos v. Jones,* 2012 UT 33 (June 8, 2012)**

The judge who oversaw a five-day jury trial denied a Rule 59(a) motion for new trial, but a majority of the Supreme Court reversed on grounds that the defense lawyer's repeated questions to witnesses in violation of *in limine* orders served no purpose other than to create prejudice and therefore "affected the substantial rights of the parties" under Rule 61. 2012 UT 33 at ¶¶ 15 -19. On the one hand, the particular facts of the case so obviously disturbed the majority that in the end its opinion may be considered unique and thus enjoy little precedential value. On the other hand, the opinion supports the proposition that motions for new trials based on "irregularity in the proceedings . . . by which either party was prevented from having a fair trial," see Rule 59(a)(1), do not necessarily require the movant to demonstrate that the irregularity was outcome determinative. Justice Lee dissented on precisely that ground. In his view, while the Court purported to recognize the rule that "absent a showing by the appellant that the trial outcome would have differed, every reasonable presumption as to the validity of the verdict below must be taken as true upon appeal," the majority essentially ignored that standard. He also dissented on grounds that the trial judge's determination that the claimed irregularities resulted in "relatively minor" prejudice deserved deference and that the trial judge's denial of the new-trial motion was not an abuse of discretion.

Click here for a link to the case.

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***Thayer v. Washington County School District,* 2012 UT 31 (May 25, 2012)**

This opinion is notable for the majority's reliance on a relatively obscure canon of statutory construction, *noscitur a sociis*, to support its conclusion that informal authorization by school officials to bring a gun to school for a dramatic production was not the kind of authorization contemplated by the "licensing exception" to the statutory waiver of governmental immunity contained in Utah Code section 63G-7-201(1). Under the "licensing exception," the school district retained immunity if the injury at issue "ar[ose] out of, in connection with, or result[ed] from . . . the issuance, denial, suspension, or revocation of . . . any permit, license, certificate, approval, order, or similar authorization." Quoting *United States v. Williams*, 553 U.S. 285, 294 (2008), and citing *Salt Lake City v. Salt Lake County*, 568 P.2d 738, 741 (Utah 1977), in support of its use of *noscitur a sociis*, the majority pointed out that "a word is given more precise content by the neighboring words with which it is associated," and that "the terms surrounding 'approval' and 'authorization' have a common feature from which we may extrapolate meaning." 2012 UT 31, ¶ 15. The surrounding words, said the Court, "describe formal, official action," and on that basis "we conclude that the term 'approval' shares the same attribute." *Id.* ¶ 16. Thus, the Court reasoned, the legislature required formal, official "authorization"—meaning "to give legal authority; to empower" . . . and "the school district ha[d] failed to identify any enactments . . . [empowering it] to issue formal, official authorizations in that arena [i.e., to allow guns in school]." Justice Lee dissented.

Click here for a link to the case.

***Reighard v. Yates,* 2012 UT 45 (July 27, 2012)**

This opinion discusses the scope of the "economic loss" rule in a case in which the builder/seller of a house represented in the REPC that he had no "actual knowledge" of "moisture related damage . . . or mold" on the interior or exterior of the house. The Court held that insofar as claims of property damage were concerned, the contract was controlling and the economic loss rule applied – but not so as to claims for personal injury, that is, adverse effects on the health of the buyer's family members. It appears that the Court would, if necessary, have held that under the contract the risk that there were latent defects the builder/seller failed to discover was allocated to and fell on the buyer, but the Court did not go that far or make that clear. The Court was spared that decision because the jury was instructed on negligent misrepresentation (apparently on the theory that as a builder the defendant owed independent tort duties) and found no such negligence.

Click here for a link to the case.

By
Nicholas Caine

The week of June 25 marked an historic occasion in the construction of the University of Utah S.J. Quinney College of Law's new building. That's when general contractor Big-D Construction and its subcontractors began discovery for utilities in the College's existing parking lot for the new building site. This process, known as "pot-holing," involves hydro-evacuation of specific locations on the site, digging down through soil up to 15 feet in some locations.

On August 1, Dean Hiram Chodosh announced the selection of the SmithGroupJJR and VCBO as the design architects on the College of Law's new 155,000 gross-square-foot building. "SmithGroupJJR and VCBO will join general contractor Big-D Construction in building the most innovative law school in the nation, a facility that will provide a the first real teaching hospital for law: a student-centric environment for applied learning, collaboration between students and faculty, and service to the community." The College of Law anticipates groundbreaking on the new building in the spring of 2013, with a projected opening during the 2014-2015 school year.

The University of Utah S.J. Quinney College of Law is among the nation's most innovative law schools, according to a National Jurist article. The National Jurist invited all U.S. law schools to submit a nomination highlighting their curriculum innovations. According to the publication, the results demonstrate that "that schools are experimenting with boot camps, mentoring programs, technology and programs that mirror the medical school model." The College of Law is among 20 law schools selected for inclusion. Others include Stanford, New York, the University of Denver and Tulane. In late August, the National Jurist will publish all of the honorees in the Back to School issue of preLaw magazine.

The University of Utah S.J. Quinney College of Law is among the nation's most innovative law schools, according to a National Jurist article.

The University of Utah S.J. Quinney College of Law hired Melissa Bernstein as the college's new Law Library Director. Ms. Bernstein holds a B.A. in Economics from Wellesley College, a J.D. from Harvard Law School and a Master of Science in Library and Information Science from the Pratt Institute, School of Information and Library Science. Since 2006, she has served in various capacities, including Faculty Services Coordinator, Head of Student Services, and Reference Librarian, at the Tarlton Law Library, University of Texas School of Law.

For more information about the S.J. Quinney College of Law please visit: http://today.law.utah.edu/

Message from the Editor

Editor
Nicole G. Farrell

Do you have ideas, questions or comments about this newsletter? We want to hear from you, our members. Please send your questions or comments to editor Nicole Farrell at nfarrell@parsonsbehle.com.

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