IN THE SUPREME COURT OF THE STATE OF UTAH

IN RE: MARY DOE and JANE DOE, Petitioners.	Case No. 20180806-SC

BRIEF OF *AMICUS CURIAE* PARR BROWN GEE & LOVELESS, P.C. IN SUPPORT OF PETITIONERS

Stephen E. W. Hale (5285)
David C. Reymann (8495)
Stephen C. Mouritsen (15623)
LaShel Shaw (13862)
Jason R. Perry (16926)
PARR BROWN GEE & LOVELESS, P.C.
101 South 200 East, Suite 700
Salt Lake City, Utah 84111
(801) 532-7840
shale@parrbrown.com
dreymann@parrbrown.com
lshaw@parrbrown.com
smouritsen@parrbrown.com
jperry@parrbrown.com

Attorneys for Amicus Curiae
Parr Brown Gee & Loveless, P.C.

LIST OF ALL PARTIES

1. Mary Doe and Jane Doe, Petitioners
2. Parr Brown Gee & Loveless, P.C., *Amicus Curiae*
3. Ad Hoc Coalition of Utah Law Professors, *Amicus Curiae*
4. Utah Minority Bar Association, *Amicus Curiae*
5. Latino-Justice Amici, *Amicus Curiae*
6. American Bar Association, *Amicus Curiae*
7. University of Utah, S.J. Quinney College of Law, *Amicus Curiae*
8. U.S. Department of Justice, *Amicus Curiae*
9. Office of the Utah Attorney General – *Amicus Curiae*
10. Utah State Office Legislative Research & General Counsel, *Amicus Curiae*
11. American Civil Liberties Union, *Amicus Curiae*

TABLE OF CONTENTS

INTRODUCTION 1

ARGUMENT 1

I. SECTION 1621 DOES NOT APPLY TO ADMISSION TO UTAH'S STATE BAR 3

II. EVEN IF SECTION 1621 DID APPLY TO UTAH LAW LICENSES, THIS COURT IS AUTHORIZED TO EXTEND BAR MEMBERSHIP BY ENACTMENT OF LAW. 7

III. A RESTRICTIVE READING OF SECTION 1621 WOULD RENDER IT UNCONSTITUTIONAL. 9

IV. DACA RECIPIENTS ARE AS QUALIFIED FOR ADMISSION TO THE UTAH BAR AS ANY OTHER UTAHNS, AND JUSTICE REQUIRES ALLOWING THEIR ADMISSION. 12

CONCLUSION 13

TABLE OF AUTHORITIES

Page(s)

Cases

Alden v. Maine, 527 U.S. 706 (1999) 10
Am. Milling Co. v. Brennan Marine, Inc., 623 F.3d 1221 (8th Cir.2010) 8
Barnard v. Utah State Bar, 804 P.2d 526 (Utah 1991) 5, 6
Buskirk v. Suddath, 400 So.2d 810 (Fla. 3d CDA 1981) 9
Byrd v. Delo, 917 F.2d 1037 (8th Cir. 1990) 8
Coyle v. Smith, 221 U.S. 559 (1911) 10
Due South, Inc. v. Dep't of Alcoholic Beverage, 2008 UT 71, 197 P.3d 82 9
Dugard v. United States, 835 F.3d 915 (9th Cir. 2016) 8
Grady v. United States, 269 F.3d 913 (8th Cir. 2001) 8
In re Arnovick, 2002 UT 71, 52 P.3d 1246 1
Marlette v. State Farm Mut. Auto. Ins. Co., 57 A.3d 1224 (Pa. 2012) 9
Northwest Austin Municipal Util. Dist. No. One. v. Holder, 557 U.S. 193 (2009) 11
Saenz v. Roe, 526 U.S. 489 (1999) 10
Shelby Cnty. v. Holder, 570 U.S. 529 (2013) 11
State v. Morrison, 2001 UT 73, 31 P.3d 547 10
State v. Thomas, 851 P.2d 673 (Wash. 1993) 9
Stewart-Warner Corp. v. Westinghouse Elec. Corp., 325 F.2d 822 (2d Cir. 1963) 9
T.C. v. Mac.M., 96 So.3d 115 (Ala. Civ. App. 2011) 9
Thompson v. Bell, 580 F.3d 423 (6th Cir. 2009) 8
Utah State Bar v. Summerhayes & Hayden, 905 P.2d 867 (Utah 1995) 1
Vallario v. Vandehey, 554 F.3d 1259 (10th Cir. 2009) 8
Warner Bros. Inc. v. Dae Rim Trading, Inc., 877 F.2d 1120 (2d Cir. 1989) 9

Statutes

5 U.S.C. 551 3
8 U.S.C. 1601 11
8 U.S.C. 1621 ..... Passim
Utah Code § 63G-4-103 4

Other Authorities

Budget of the State of Utah and Related Appropriations 2018–2019, OFFICE OF THE LEGISLATIVE FISCAL ANALYST 7
Chief Justice Matthew Durrant, 2019 State of the Judiciary (Jan. 28, 2019) 13

History and Purpose, Utah State Bar, http://www.utahbar.org/about/utah-bar-history-and-purpose/ (last visited February 26, 2019) 3
Michael D. Zimmerman, *It Is Time to Burn the Boats: "Twin Crises in the Law" Keynote Address*, 2014 UTLRON 97 2
Second Amended Petition to Allow Bar Admission for Undocumented Immigrants, *In re: Utah State Bar*, No. 20160318-SC (July 5, 2016) 2
Utah Const. art VIII 1
Utah State Bar Final Budget FY 2018/19, UTAH STATE BAR (May 11, 2018) 7
Webster's Third New International Dictionary (1975) 8

Rules

Rule 28, Ala. R. Juv. P 9
Utah R. Governing Utah State Bar 14-102(a)(2) 2

Treatises

Black's Law Dictionary (10th ed. 2014) 4, 8
John R. Firth, A Synopsis of Linguistic Theory, 1930-1955, in Studies in Linguistic Analysis 1 (1957) 5
Susan Hunston, Corpora in Applied Linguistics (2002) 5

INTRODUCTION

All lawyers are enriched when qualified applicants join the ranks of the Utah State Bar. The Petition furthers that goal by permitting otherwise qualified individuals who are beneficiaries of Deferred Action for Childhood Arrivals (DACA) to gain admission to the Utah State Bar and practice law in this state. DACA permits certain immigrants who were brought to the United States as children but who do not have lawful status to remain in this country without threat of removal action and to obtain work authorization. As a collection of lawyers and fellow members of the bar, we believe qualified DACA recipients should be permitted to practice law in this jurisdiction.

Section 1621 of Title 8 of the United States Code is not a bar to such action by the Court. While that statute prohibits "public benefits" from being accorded to DACA recipients unless the state affirmatively "enact[s]" a "law" to the contrary, a Utah state bar license is not a public benefit, and even if it were, this Court could enact a rule extending licensure. A restrictive interpretation of the statute would infringe impermissibly on state sovereignty and state equality in violation of the United States Constitution. As a result, the Petition should be granted.

ARGUMENT

Pursuant to the Utah Constitution, this Court has the exclusive authority to regulate the practice of law in the state, including admission to practice. Utah Const. art VIII, § 4; *In re Arnovick*, 2002 UT 71, ¶ 5, 52 P.3d 1246; *Utah State Bar v. Summerhayes*

& Hayden, 905 P.2d 867 (Utah 1995); *see also* Michael D. Zimmerman, *It Is Time to Burn the Boats: "Twin Crises in the Law" Keynote Address*, 2014 UTLRON 97, 107 ("Given the breadth and exclusivity of this power, the Utah Supreme Court is the only entity in the state that has the comprehensive capacity to determine what training is required to be admitted to practice, what constitutes the practice of law, and what other requirements there are for the practice.").

This Court has found that "governing the admission to the practice of law" is a "compelling state interest" best served through assistance from the Utah State Bar. Utah R. Governing Utah State Bar 14-102(a)(2). The Utah State Bar supports allowing inclined, competent, qualified candidates to engage in the practice of law, including DACA recipients who otherwise meet the qualifications for admittance established by this Court. *See* Second Amended Petition to Allow Bar Admission for Undocumented Immigrants, *In re: Utah State Bar*, No. 20160318-SC (July 5, 2016); *History and Purpose*, Utah State Bar, http://www.utahbar.org/about/utah-bar-history-and-purpose/ (last visited February 26, 2019). We share this position, as our profession and community are enhanced when candidates who meet the qualifications for admission are permitted to work in the jobs for which they have trained and been educated, rather than seeking other professions or moving to other states.

For these reasons, we support the Petition. As set forth below, the Court has the authority to do so and thereby extend admission to practice law to DACA recipients who otherwise meet the necessary qualifications.

I. SECTION 1621 DOES NOT APPLY TO ADMISSION TO UTAH'S STATE BAR.

Federal law provides that, with a few exceptions not relevant to DACA recipients, undocumented immigrants are "not eligible for any State or local public benefit." 8 U.S.C. § 1621(a). A "state or local public benefit" is defined, in relevant part, as "any . . . professional license . . . provided by an agency of a State or local government or by appropriated funds of a State or local government." *Id.* at 1621(c)(1). But the professional licenses granted to authorize attorneys to practice law in this state are not provided by an agency—but by this Court—nor sustained by appropriated funds—but by licensure dues and application fees. Accordingly, section 1621 has no bearing on admission to the Utah State Bar.

First, a license to practice law in Utah is not a "professional license . . . provided by an agency of a State or local government" because the Utah Supreme Court, which issues the license in connection with the Utah State Bar, is not an "agency of a State or local government." 8 U.S.C. § 1621(c)(A). The federal Administrative Procedures Act and its Utah state law equivalent both expressly exclude courts from the definition of "agency." *See* 5 U.S.C. § 551 (defining "agency" as "each authority of the Government of the United States," but excluding "Congress" and "the courts of the United States,"

etc.); *see also* Utah Code § 63G-4-103(1)(b) (defining "agency" as "a board, commission, department, division, officer, council, office, committee, bureau, or other administrative unit of this state . . . but *does not mean* the Legislature, *the courts*, the governor, any political subdivision of the state, or any administrative unit of a political subdivision of the state.") (emphasis added). This understanding of the term agency is also reflected in *Black's Law Dictionary*, which defines the related term "federal agency" as "[a] department or other instrumentality of the *executive branch* of the federal government . . . ." *Black's Law Dictionary* 75 (10th ed. 2014) (emphasis added). *Black's* continues by noting that "[t]he Administrative Procedure Act defines the term *agency* negatively as being any U.S. governmental authority that does not include Congress, the courts, [etc.]" and that "[o]ther federal statutes define agency to include any executive department, . . . or other establishment in the executive branch . . . ." *Id.*

Additional evidence for this executive-branch usage of the term "agency" can be found in the Corpus of Contemporary American English ("COCA"). The COCA is the "largest freely-available corpus of English, and the only large and balanced corpus of American English. COCA is probably the most widely-used corpus of English . . . ."[1] It is an empirical sample of the way American English has actually been used from the

[1] *See* https://corpus.byu.edu/coca/ (last visited February 15, 2019). The COCA "contains more than 560 million words of text (20 million words each year 1990-2017) and it is equally divided among spoken, fiction, popular magazines, newspapers, and academic texts." *Id.*

1990s to today. Because section 1621 was first enacted in 1996, the COCA can provide evidence of the way in which the term "agency" was used during the relevant time period.

Evidence from the COCA demonstrates that "agency" very commonly appears in contexts that are associated with the executive branch of government, and that "agency" does not appear to be used with reference to the judicial branch or the bar. The word "agency" commonly appears in close proximity to words relating to the Environmental Protection Agency, the Central Intelligence Agency, the National Security Agency, and Federal Emergency Management Agency—all executive branch agencies. Tellingly, none of the top 200 words that most frequently co-occur with "agency" makes any reference to courts, judges, or the bar.[2]

Furthermore, in a related context, this Court has held that the Utah State Bar is not a "state agency." From its founding in 1931, the Utah Supreme Court has "regulated the practice of law through its inherent judicial power, in addition to the statutory authority conferred on it" prior to 1985. *Barnard v. Utah State Bar*, 804 P.2d 526, 528 (Utah 1991). In 1985, Article VIII of the Utah Constitution was amended to expand the power

[2] These results can be viewed at the following link: https://corpus.byu.edu/coca/?c=coca&q=73188125 (last visited February 15, 2019). This search shows the words that are statistically most likely to appear in the same environment as the word "agency." This phenomenon is known as "collocation." *See* Susan Hunston, Corpora in Applied Linguistics 68 (2002); *see also* John R. Firth, A Synopsis of Linguistic Theory, 1930-1955, in Studies in Linguistic Analysis 1, 14 (1957) ("Collocations are actual words in habitual company.").

of the Court and make explicit its power to regulate the "practice of law." *Id.* The current version of Article VIII, section 4 states: "[t]he supreme court by rule shall govern the practice of law, including admission to practice law and the conduct and discipline of persons admitted to practice law." *Id.* (quoting Utah Const. art. VIII, § 4). Because the Utah State Bar is a private, nongovernmental organization that assists this Court in its inherent constitutional power to regulate the practice of law, "it is not a 'state agency.'" *Id.* at 530 (holding the Bar was not required to disclose detailed salary and benefit information under public records and freedom of information laws).

Second, the system that administers law licenses is supported through member dues and fees, not "through appropriated funds of a State or local government." 8 U.S.C. 1621(c)(1)(A). While the budget set by the Utah State Legislature designates money for various state-licensure programs, including to the Cosmetologist/Barber, Esthetician, Electrologist Fund, the Physicians Education Fund, and the Real Estate Education, Research, and Recovery Fund, no money is set aside for the legal profession.[3] Instead, the Utah State Bar is independently funded through revenues generated from a variety of sources, notably from licensing fees, admissions fees, continuing legal education, and

[3] *See* Budget of the State of Utah and Related Appropriations 2018–2019, OFFICE OF THE LEGISLATIVE FISCAL ANALYST, available at https://le.utah.gov/interim/2018/pdf/00002208.pdf (last accessed February 26, 2019). Monies are designated to specifically fund the courts, the Attorney General's office, and the Guardian ad Litem's Office.

conventions.[4] Even though the regulation of the practice of law is administered by the Supreme Court, the financial support for membership admission is funded through the Utah State Bar licensing and admission fees. As a result, the mere fact that this Court (as opposed to the Bar) is generally supported by appropriated funds is not a sufficient nexus to conclude that bar licensure is supported by those funds.

Thus, because neither the Utah Supreme Court nor the Utah State Bar is a state agency, a license to practice law in the State of Utah is not a "professional license . . . provided by an agency of a State or local government." 8 U.S.C. § 1621(c)(1). And because attorney admissions are administered by the Utah State Bar, which is self-funded, licenses are not provided "by appropriated funds of a State or local government." *Id.* Accordingly, section 1621 does not prohibit this Court from allowing qualified applicants who are DACA recipients to practice law in this state.

II. EVEN IF SECTION 1621 DID APPLY TO UTAH LAW LICENSES, THIS COURT IS AUTHORIZED TO EXTEND BAR MEMBERSHIP BY ENACTMENT OF LAW.

Even if this Court were a public agency, and even if bar licenses were supported by appropriated funds, this Court would still have the power to promulgate rules allowing undocumented immigrants who otherwise meet the Utah standards for admission to become members of the bar. Section 1621(d) makes clear that even where a license is a

[4] Utah State Bar Final Budget FY 2018/19, UTAH STATE BAR (May 11, 2018), available at http://www.utahbar.org/wp-content/uploads/2018/06/2018-19-Budget-FINAL-website.pdf (last accessed February 26, 2019).

public benefit awarded by a state agency or supported by appropriated funds, states may make undocumented immigrants eligible for that benefit through "the enactment of a State law." 8 U.S.C. § 1621(d) ("A state may provide that an alien who is not lawfully present in the United States is eligible for any State or local public benefit for which such alien would otherwise be ineligible under subsection (a) only through the enactment of a State law after August 22, 1996, which affirmatively provides for such eligibility.").

To "enact" means simply "to establish by legal and authoritative act" or to "make into law." *See* Webster's Third New International Dictionary 744 (1975) (second definition); s*ee also* Black's Law Dictionary 75 (10th ed. 2014) (defining "enact" as "[t]o make into law by authoritative act") (first definition). While it is true that "enact" is often used in reference to legislation, it is also true that courts "enact" rules and decisions that have the force of law.[5] This is true whether the verb "enact" or the noun

[5] *See, e.g., Dugard v. United States*, 835 F.3d 915 (9th Cir. 2016) ("In the decisions that followed, the courts enacted a judicially created immunity for private rehabilitation facilities and similar programs based on important public policy considerations (an exception to the exception, so to speak)."); *Am. Milling Co. v. Brennan Marine, Inc.*, 623 F.3d 1221, 1224 (8th Cir.2010) (internal citations omitted) ("[T]he Supreme Court enacted rules to establish a uniform judicial procedure by which a vessel owner could seek to limit its liability under the Limitation Act. Over time, these rules were amended and relabeled, and Rule F was eventually adopted as part of the Federal Rules of Civil Procedure."); *Thompson v. Bell*, 580 F.3d 423, 444 (6th Cir. 2009) ("[T]he Tennessee Supreme Court enacted TSCR 39 on June 2001 . . . ."); *Vallario v. Vandehey*, 554 F.3d 1259, 1263 (10th Cir. 2009) ("Indeed, the Supreme Court enacted Rule 23(f) specifically to permit such appeals, pursuant to an 'express grant of authority by Congress to create appellate jurisdiction over non-final judgments.'"); *Grady v. United States*, 269 F.3d 913, 917 (8th Cir. 2001) ("The Court enacted what is now codified as Supreme Court Rule 29.2 . . . ."); *Byrd v. Delo*, 917 F.2d 1037, 1049 (8th Cir. 1990) ("As the Missouri courts enacted both Rule 27.26 and Rule 91, they should decide the proper relationship between

"enactment" is used.[6] Moreover, under the Utah Constitution, this Court is the only body authorized to enact laws determining who is admitted to the bar. Thus, even if section 1621 applied to the Utah Supreme Court and to the Utah State Bar (which it does not), this Court would be permitted to enact the "State law" necessary to permit undocumented immigrants to become members of the bar.

III. A RESTRICTIVE READING OF SECTION 1621 WOULD RENDER IT UNCONSTITUTIONAL.

Interpreting section 1621 as applying to admission to the bar and limiting the opt-out provision to legislative action would render it unconstitutional. Such a statute would violate the principles of state sovereignty and state equality at the foundation of our federalist system of government. This is a compelling reason not to interpret section 1621 in that way. *See Due South, Inc. v. Dep't of Alcoholic Beverage Ctrl.*, 2008 UT 71,

---

these two rules."); *Warner Bros. Inc. v. Dae Rim Trading, Inc.*, 877 F.2d 1120, 1124 (2d Cir. 1989) ('It is not surprising, therefore, that, when the Supreme Court enacted a set of copyright rules . . . it provided . . . that a writ for seizure of infringing articles should be directed to the marshal.").

[6] *See, e.g.*, *Marlette v. State Farm Mut. Auto. Ins. Co.*, 57 A.3d 1224, 1227 (Pa. 2012) ("Finally, the majority concluded its holding was supported by the policy considerations underlying this Court's enactment of Rule 238, namely, to encourage settlements."); *T.C. v. Mac.M.*, 96 So.3d 115, 121 (Ala. Civ. App. 2011) ("The legislature is presumed to know of the supreme court's enactment of Rule 28, Ala. R. Juv. P. . . ."); *State v. Thomas*, 851 P.2d 673, 676 (Wash. 1993) (en banc) (discussing "this court's enactment of CrR 2.3 in 1973"); *Buskirk v. Suddath*, 400 So.2d 810, 811 (Fla. 3d CDA 1981) ("No clear intent mandating retroactive application appears in the Florida Supreme Court's enactment of the Rules of Judicial Administration."); *Stewart-Warner Corp. v. Westinghouse Elec. Corp.*, 325 F.2d 822, 827 (2d Cir. 1963) ("[T]he decision in that case was rendered prior to the Supreme Court's enactment in 1938 of the Federal Rules.").

¶ 39, 197 P.3d 82 ("We will construe a statute as constitutional wherever possible, resolving any reasonable doubt in favor of constitutionality."); *State v. Morrison*, 2001 UT 73, ¶ 12, 31 P.3d 547 ("[T]his court has a duty to construe a statute whenever possible so as to save it from constitutional conflicts or infirmities.") (internal quotation and alteration marks omitted).

"By splitting the atom of sovereignty, the Founders established two orders of government, each with its own direct relationship, its own privity, its own set of mutual rights and obligations to the people who sustain it and are governed by it"—the state and the federal. *Alden v. Maine*, 527 U.S. 706, 751 (1999) (quoting *Saenz v. Roe*, 526 U.S. 489, 504 n.17 (1999)) (internal quotation and alteration marks omitted). To preserve this balance of power, the federal government is prohibited by the United States Constitution from dictating "the internal policy of the state." *Coyle v. Smith*, 221 U.S. 559, 565 (1911). Any reading of section 1621 that would allow states to grant bar licenses to undocumented immigrants by legislative processes but not through court rules would violate this fundamental proscription. *See Alden*, 527 U.S. at 750 ("When the Federal Government asserts authority over a State's most fundamental political processes, it strikes at the heart of the political accountability so essential to our liberty and republican form of government . . . . A state is entitled to order the processes of its own governance" by deciding what it "assign[s] to the political branches [or to] the courts . . . .").

Not only would such a reading of section 1621 unconstitutionally infringe on the internal structure of governance of the states, it would also violate the equal sovereignty or "equality of states" principle. *See Shelby Cnty. v. Holder*, 570 U.S. 529 (2013). In *Shelby County*, the Supreme Court struck down portions of the Voting Rights Act that limited the ability of certain states to enact their own election laws on the basis that the statute unconstitutionally accorded some states more sovereignty than others. *Id.* at 544. Any federal statute with a "disparate geographic coverage," the Court explained, must discriminate in a way that "is sufficiently related to the problem that it targets." *Id.* at 542 (quoting *Northwest Austin Municipal Util. Dist. No. One. v. Holder*, 557 U.S. 193, 203 (2009)).

If section 1621 prevented this Court from permitting undocumented immigrants to become members of the bar simply because Utah delegates the regulation of legal practitioners to the judiciary, as opposed to the legislature, the law would discriminate against some states but not others based solely on their internal structure of governance. There is no relation between the purposes of the statute and the internal delegation of state sovereignty that justifies such disparate treatment.[7]

[7] Indeed, the stated purpose of section 1621 is "self-sufficiency" and to encourage "aliens within the Nation's borders [to] rely on their own capabilities" to meet their needs. 8 U.S.C. § 1601. Admitting otherwise-qualified DACA recipients to practice law in Utah as members of the Utah State Bar does not undermine these policies; it fortifies them.

IV. DACA RECIPIENTS ARE AS QUALIFIED FOR ADMISSION TO THE UTAH BAR AS ANY OTHER UTAHNS, AND JUSTICE REQUIRES ALLOWING THEIR ADMISSION.

DACA recipients are Utahns. They grew up here. They are our friends, our neighbors, our colleagues, and our coworkers. The only difference between DACA recipients and other bar applicants is immigration status. But that is not a good reason to deny them admission because DACA recipients are not responsible for their immigration status. They were brought to the United States as minors. Penalizing DACA recipients for this history punishes them for the acts of their parents, which is fundamentally unjust and contrary to Utah values.

In fact, being a DACA recipient is evidence in favor of character and fitness to practice law. Individuals may only request DACA status if they have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.[8]

Denying DACA recipients admission to the Utah Bar hurts the legal community. Pushing DACA recipients to live and practice law in other states removes highly-qualified, hard-working lawyers from Utah so that they can serve the legal needs of

[8] To the extent there is any concern about character and fitness of particular DACA recipients, that issue is better addressed through the ordinary character and fitness review, not through a blanket prohibition.

clients in other states. Not only does this harm clients in Utah, it slows the development of the law by depriving the state of excellent advocates.[9]

CONCLUSION

For all the reasons set forth above, section 1621 does not, and indeed could not, prohibit this Court from allowing otherwise qualified DACA recipients to be admitted to practice law in Utah. Accordingly, and given the strong policy interests favoring such a rule, we respectfully request that the Petition be granted.

RESPECTFULLY SUBMITTED this 14th day of March 2019.

PARR BROWN GEE & LOVELESS

/s/ Stephen E. W. Hale
Stephen E. W. Hale
David C. Reymann
Stephen C. Mouritsen
LaShel Shaw
Jason R. Perry

Attorneys for Amicus Curiae
Parr Brown Gee & Loveless, P.C.

[9] Narrowing the Utah legal community also drives up legal rates and decreases Utahns' access to affordable legal counsel, an area of increasing concern. *See* Chief Justice Matthew Durrant, 2019 State of the Judiciary at 5–6 (Jan. 28, 2019) ("[O]ne area in which our system lags dramatically is in the access to and affordability of civil justice."), available at https://www.utcourts.gov/resources/reports/statejudiciary/2019-StateOfTheJudiciary.pdf.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of March 2019, two true and correct copies each of the foregoing **BRIEF OF *AMICUS CURIAE* PARR BROWN GEE & LOVELESS, P.C. IN SUPPORT OF PETITIONERS** were served via U.S. Mail on the following:

Anthony C. Kaye
BALLARD SPAHR LLP
One Utah Center, Suite 800
201 South Main Street
Salt Lake City, Utah 84111-2221
Attorney for Petitioners

Kif Augustine-Adams
D. Caroline Nunez
BRIGHAM YOUNG UNIVERSITY J. REUBEN CLARK LAW SCHOOL
522 JRCB
341 East Campus Drive
Provo, Utah 84602
Attorneys for Ad Hoc Coalition of Utah Law Professors

Paul C. Burke
Brett L. Tolman
Brittany Merrill
Jugrai Dhaliwal
RAY QUINNEY & NEBEKER
36 South State Street, Suite 1400
Salt Lake City, Utah 84111
Attorneys for Utah Minority Bar Association

Alan L. Sullivan
William Daniel Green
SNELL & WILMER, L.L.P.
15 West South Temple, Suite 1200
Salt Lake City, Utah 84101
Attorneys for Latino-Justice Amici

Jose Perez, Latino Justice PRLDEF
99 Hudson Street
New York, New York 10013
Attorneys for Latino-Justice Amici

M. Peggy Hunt
Christopher Martinez
M. Benjamin Machlis
DORSEY & WHITNEY, LLP
111 South Main Street, Suite 2100
Salt Lake City, Utah 84111
Attorneys for American Bar Association

Troy L. Booher
Beth E. Kennedy
ZIMMERMAN BOOHER
341 South Main Street, 4th Floor
Salt Lake City, Utah 84111
Attorneys for University of Utah, S.J. Quinney College of Law

Daniel Tenny
Appellate Staff, Civil Division, Room 7256
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Attorneys for United States Department of Justice

Stanford E. Purser, Deputy Solicitor General
Civil Appeals Division
OFFICE OF THE UTAH ATTORNEY GENERAL
160 East 300 South, Suite 500
P. O. Box 140858
Salt Lake City, Utah 84114-0858
Attorneys for Office of Utah Attorney General

Robert H. Rees
UTAH STATE OFFICE LEGISLATIVE RESEARCH & GENERAL COUNSEL
210 House Building
Utah State Capitol, #W210
Salt Lake City, Utah 84114
Attorneys for Utah State Office of Legislative Research & General Counsel

John Mejia
ACLU FOUNDATION OF UTAH, INC.
355 North 300 West
Salt Lake City, Utah 84103
Attorneys for the American Civil Liberties Union

David Reymann
LaShel Shaw
PARR BROWN GEE & LOVELESS
101 South 200 East, Suite 700
Salt Lake City, Utah 84111
Attorneys for the American Civil Liberties Union

/s/ LaShel Shaw