TO: Nova Dubovik
Executive Secretary
Utah State Records Committee
346 South Rio Grande
Salt Lake City, Utah 84101-1106
Phone: 801.531.3834
Email: dubovik@utah.gov

FROM: C. Edward Bennion
Appellant
[redacted]

RE: GRAMA APPEAL
Utah Attorney General's Office

DATE: April 11, 2018

Dear Ms. Dubovik and Records Committee Members,

I am timely appealing the decision of the Mr. Tyler Green from the Utah Attorney General's Office ("UAGO") issued on March 12, 2018, regarding my GRAMA Request of January 22, 2018. To date, the UAGO has provided a total of only 12 pages in response to my request, eight pages with the initial response of February 2, 2018, and four "additional" pages that were "inadvertently overlooked in [the UAGO] original search." It is not reasonable to believe that the UAGO only has 12 pages responsive to the GRAMA Request, particularly given the subject matter of the request.

The Utah Rules of Professional Conduct (governing lawyers in Utah), Rule1.5 Fees, outlines expected conduct by lawyers regarding fees. Subsection (b) states:

> "The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation, except when the lawyer will charge a regularly represented client on the same basis or rate. Any changes in the basis or rate of the fee or expenses shall also be communicated to the client."

Reasonably, lawyers in Utah are expected to reasonably account for their time on a matter, "communicat[ing] to the client preferably in writing, before or within a reasonable time after commencing the representation[.]" As the UAGO is a governmental subdivision of the state, if

they are asserting representation of a “regularly represented client” that does not absolve them of the requirement to communicate the amount(s) “basis or rate of the fee or expense” to the client or any “changes in the basis or rate of the fee or expenses. In this instance we are talking about the expenditure of public monies, tax dollars, by the UAGO regarding a specific piece of legislation/law impacting the elections process, with massive media and public attention, with apparent continuing litigation. It is not reasonable or appropriate for the UAGO, “the largest law firm in the state” as our current Attorney General is fond of saying, to not account for fees as other lawyers are required? Further, given the lawyers and staff involved, meetings, litigation, appeals, etc., it is not reasonable that there would not be other records that are responsive to the request(s). While I assert the above argument here, I reserve the right to make other arguments or to expand on this argument, before the State Records Committee. There are additional records which are responsive that demonstrate time, costs or expenditures that the UAGO has not provided. I request that all records responsive to my GRAMA Request of January 22, 2018, be immediately made available for review and/or copying, or provided electronically. Thank you for your time and attention in this matter.

Sincerely,

/s/ C. Edward Bennion

C. Edward Bennion
Appellant