

2006

Mark F. Leppert v. Catherine L. Leppert : Brief of Appellee

Utah Court of Appeals

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Recommended Citation

Brief of Appellee, *Leppert v. Leppert*, No. 20060872 (Utah Court of Appeals, 2006).
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IN THE UTAH COURT OF APPEALS

MARK F. LEPPERT,

Petitioner, Appellee
and Cross-appellant,

v.

CATHERINE L. LEPPERT,

Respondent, Appellant
and Cross-appellee.

**BRIEF OF APPELLEE AND
CROSS-APPELLANT**

Appellate Case No. 20060872

Lower Court No. 044904145

**Appeal from Judgment of the Third Judicial District Court, Salt Lake County,
State of Utah, the Honorable L. A. Dever, Presiding**

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**Appeal from Judgment of the Third Judicial District Court, Salt Lake County,
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Appellee / Cross-Appellant, Mark F. Leppert (herein “Mark”), by and through counsel,
submits the following as his Brief in the above matter.

**STATEMENT OF GROUNDS IN WHICH JURISDICTION OF THE
COURT OF APPEALS IS INVOKED**

Jurisdiction is vested in the Utah Court of Appeals pursuant to the Utah Rules of
Appellant Procedure, Rules 3 and 4, and Utah Code Ann. §78-2a-3(2)(h).

STATEMENT OF ISSUES PRESENTED FOR REVIEW

Mark disagrees with the standard of review stated in the brief of Appellant (herein “Catherine”). Accordingly, Mark will restate the issues and the applicable standard of review. Mark asserts that some of the issues present fact issues that require a clearly erroneous standard as opposed to the abuse of discretion standard referenced in Catherine’s brief. Issues 1 through 8 are those of Catherine’s appeal. Issues 9 through 11 are the issues Mark raises on his cross-appeal. If Mark agrees with the standard of review contained in Catherine’s brief, it has not been restated.

Issue 1: Did the trial court err in imputing income to Catherine?

Standard of Review. This is a mixed question of law and fact. The fact elements must be resolved under a clearly erroneous standard. Davis v. Davis, 76 P.3d 716, 718 (Utah App. 2003). The legal conclusion is decided using an abuse of discretion standard. *See*, Griffith v. Griffith, 985 P.2d 255 (Utah 1999), Breinholt v. Breinholt, 905 p.2d 877, 879 (Utah App. 1996), Childs v. Childs, 967 P.2d 942, 944 (Utah Ct App 1998) and Watson v. Watson, 837, P.2d 1, 3 (Utah App. 1992) (citing Schindler v. Schindler, 776 P.2d 84, 90 (Utah App. 1989)).

Issue 2: Did the trial court err in the amount of alimony awarded?

Standard of Review. This is a mixed question of law and fact. The fact elements must be resolved under a clearly erroneous standard. Davis v. Davis, 76 P.3d 716, 718 (Utah App. 2003). The legal conclusion is decided using an abuse of discretion standard. *See*, Griffith v. Griffith, 985 P.2d 255 (Utah 1999), Breinholt v. Breinholt, 905 p.2d 877, 879 (Utah App. 1996), Childs v. Childs, 967 P.2d 942, 944 (Utah Ct App 1998) and Watson v. Watson, 837, P.2d 1, 3 (Utah App. 1992) (citing Schindler v. Schindler, 776 P.2d 84, 90 (Utah App. 1989)).

Issue 3: Did the trial court err in its reduction of alimony based upon future events, such as Mark's retirement, Catherine's receipt of retirement and receipt of social security and in failing to clarify what it considered retirement for purposes of the reduction of alimony?

Standard of Review. This is a mixed question of law and fact. The fact elements must be resolved under a clearly erroneous standard. Davis v. Davis, 76 P.3d 716, 718 (Utah App. 2003). The legal conclusion is decided using an abuse of discretion standard. *See*, Griffith v. Griffith, 985 P.2d 255 (Utah 1999), Breinholt v. Breinholt, 905 p.2d 877, 879 (Utah App. 1996), Childs v. Childs, 967 P.2d 942, 944 (Utah Ct App 1998) and Watson v. Watson, 837, P.2d 1, 3 (Utah App. 1992) (citing Schindler v. Schindler, 776 P.2d 84, 90 (Utah App. 1989)).

Issue 4: Are the trial court's findings sufficient to support the trial court's conclusions regarding the amount and duration of alimony awarded to Catherine?

Standard of Review. This is a mixed question of law and fact. The fact elements must be resolved under a clearly erroneous standard. Davis v. Davis, 76 P.3d 716, 718 (Utah App. 2003). The legal conclusion is decided using an abuse of discretion standard. *See*, Griffith v. Griffith, 985 P.2d 255 (Utah 1999), Breinholt v. Breinholt, 905 p.2d 877, 879 (Utah App. 1996), Childs v. Childs, 967 P.2d 942, 944 (Utah Ct App 1998) and Watson v. Watson, 837, P.2d 1, 3 (Utah App. 1992) (citing Schindler v. Schindler, 776 P.2d 84, 90 (Utah App. 1989)).

Issue 5: Did the trial court err in failing to clarify the award of alimony in its order of November 20, 2006, as requested by Catherine in her Motion to Clarify and Amend Order?

Standard of Review. This is a mixed question of law and fact. The fact elements must be resolved under a clearly erroneous standard. Davis v. Davis, 76 P.3d 716, 718 (Utah App. 2003). The legal conclusion is decided using an abuse of discretion standard. *See*, Griffith v. Griffith, 985 P.2d 255 (Utah 1999), Breinholt v. Breinholt, 905 p.2d 877, 879 (Utah App. 1996), Childs v.

Childs, 967 P.2d 942, 944 (Utah Ct App 1998) and Watson v. Watson, 837, P.2d 1, 3 (Utah App. 1992) (citing Schindler v. Schindler, 776 P.2d 84, 90 (Utah App. 1989)).

Issue 6: Did the trial court err in its division of patents or royalties?

Issue 7: Did the trial court err in ordering Catherine to pay certain debts use [sic] of the parties' only savings account and tax refund to pay alleged marital debt?

Standard of Review. This is a mixed question of law and fact. The fact elements must be resolved under a clearly erroneous standard. Davis v. Davis, 76 P.3d 716, 718 (Utah App. 2003). The legal conclusion is decided using an abuse of discretion standard. *See*, Griffith v. Griffith, 985 P.2d 255 (Utah 1999), Breinholt v. Breinholt, 905 p.2d 877, 879 (Utah App. 1996), Childs v. Childs, 967 P.2d 942, 944 (Utah Ct App 1998) and Watson v. Watson, 837, P.2d 1, 3 (Utah App. 1992) (citing Schindler v. Schindler, 776 P.2d 84, 90 (Utah App. 1989)).

Issue 8: Did the trial court err in its division and characterization of personal property?

Standard of Review. This is a mixed question of law and fact. The fact elements must be resolved under a clearly erroneous standard. Davis v. Davis, 76 P.3d 716, 718 (Utah App. 2003). The legal conclusion is decided using an abuse of discretion standard. *See*, Griffith v. Griffith, 985 P.2d 255 (Utah 1999), Breinholt v. Breinholt, 905 p.2d 877, 879 (Utah App. 1996), Childs v. Childs, 967 P.2d 942, 944 (Utah Ct App 1998) and Watson v. Watson, 837, P.2d 1, 3 (Utah App. 1992) (citing Schindler v. Schindler, 776 P.2d 84, 90 (Utah App. 1989)).

Issue 9: Did the trial court err in its failure to award costs to Catherine and in its award of attorney fees?

Standard of Review. This is a mixed question of law and fact. The fact elements must be resolved under a clearly erroneous standard. Davis v. Davis, 76 P.3d 716, 718 (Utah App. 2003). The legal conclusion is decided using an abuse of discretion standard. *See*, Griffith v. Griffith,

985 P.2d 255 (Utah 1999), Breinholt v. Breinholt, 905 p.2d 877, 879 (Utah App. 1996), Childs v. Childs, 967 P.2d 942, 944 (Utah Ct App 1998) and Watson v. Watson, 837, P.2d 1, 3 (Utah App. 1992) (citing Schindler v. Schindler, 776 P.2d 84, 90 (Utah App. 1989)).

Issue 10: Did the Trial Court err in awarding Catherine one-half of the interest Mark is entitled to receive for patents or royalties awarded for a two year period after the date of the order entered September 21, 2006. Mark does not contest the Trial Court's equal division of patents and royalties as of the date of entry of the order.

Standard of Review. This is a mixed question of law and fact. The fact elements must be resolved under a clearly erroneous standard. Davis v. Davis, 76 P.3d 716, 718 (Utah App. 2003). The legal conclusion is decided using an abuse of discretion standard. *See, Griffith v. Griffith*, 985 P.2d 255 (Utah 1999), Breinholt v. Breinholt, 905 p.2d 877, 879 (Utah App. 1996), Childs v. Childs, 967 P.2d 942, 944 (Utah Ct App 1998) and Watson v. Watson, 837, P.2d 1, 3 (Utah App. 1992) (citing Schindler v. Schindler, 776 P.2d 84, 90 (Utah App. 1989)). This issue was preserved by Mark's testimony on June 12 and 14.

Issue 11: Did the Trial Court err in awarding Catherine \$8,000 toward her attorney's fees.

Standard of Review. This is a mixed question of law and fact. The fact elements must be resolved under a clearly erroneous standard. Davis v. Davis, 76 P.3d 716, 718 (Utah App. 2003). The legal conclusion is decided using an abuse of discretion standard. *See, Griffith v. Griffith*, 985 P.2d 255 (Utah 1999), Breinholt v. Breinholt, 905 p.2d 877, 879 (Utah App. 1996). This issue was preserved by Mark's testimony on June 12 and 14 and Plaintiff's Memorandum in Opposition to Defendant's Motion to Clarify and Amend Order and Judgment.

Issue 12: Did the Trial Court err in its amended ruling fixing the date for establishing marital debt as of September 2003, the date of separation, as contained in its Order dated November 20, 2006, Addendum 3, the Amended Findings of Fact and Conclusions of Law, Addendum 4, and the Amended Order and Judgment Supplementing Decree of Divorce, Addendum 5, as opposed to its earlier determination in the Order entered August 25, 2006, Addendum 1, which fixed the date to have been October 2004.

Standard of Review. This is a mixed question of law and fact. The fact elements must be resolved under a clearly erroneous standard. Davis v. Davis, 76 P.3d 716, 718 (Utah App. 2003). The legal conclusion is decided using an abuse of discretion standard. *See*, Griffith v. Griffith, 985 P.2d 255 (Utah 1999), Breinholt v. Breinholt, 905 p.2d 877, 879 (Utah App. 1996), Childs v. Childs, 967 P.2d 942, 944 (Utah Ct App 1998) and Watson v. Watson, 837, P.2d 1, 3 (Utah App. 1992) (citing Schindler v. Schindler, 776 P.2d 84, 90 (Utah App. 1989)). This was preserved by Mark's testimony on June 12 and 14 and Plaintiff's Memorandum in Opposition to Defendant's Motion to Clarify and Amend Order and Judgment.

DETERMINATIVE PROVISIONS, STATUTES AND RULES

There is no case law, statutory authority or rules believed by Mark to be wholly dispositive of the issues raised on appeal. Relevant statutes are Utah Code Ann. §30-3-3 and §30-3-35.

STATEMENT OF THE CASE

This is a divorce proceeding between the parties who were married for 31 years. A Bifurcated Decree of Divorce was entered October 29, 2004 and the case was tried June 12, 14 and 16, 2006. At the time of trial, Mark Leppert was 65 years 2 months of age and Catherine

Leppert was 61 years 11 months. The parties have two adult daughters. Mark received a Ph.D. in Genetics/Zoology prior to the marriage and has worked in an academic environment at all times during the marriage. He contemplates retirement in two or three years from date of trial when he is 67 or 68. Catherine was employed during the early years of the marriage. She later performed volunteer work and part-time work and has not worked for some years, although she has testified at trial that she desires to return to work if she is able. The Court was asked to determine alimony, termination of alimony, division of assets (including the retirement interest, marital residence, personal property), payment of debts and attorney's fees.

PROCEDURAL HISTORY

This appeal results from a trial held in the Third District Court, in and for Salt Lake County, before the Honorable L.A. Dever, on June 12th, 14th and 16, 2006. The Trial Court prepared its own detailed and extensive Findings of Fact and Conclusions of Law in its initial Order signed August 24, 2006 (R. 571-583, Addendum 1). The Trial Court provided a second detailed Order dated November 20, 2006, ruling on Catherine's Motion to Clarify and Amend the Order issued by the court on August 24, 2006. (R. 719-724, Addendum 3). These two detailed orders were essentially adopted in the Amended Findings of Fact and Conclusions of Law (R. 750-765, Addendum 4) and the Amended Order and Judgment Supplementing Decree of Divorce (R. 766-780, Addendum 5), both entered February 7, 2007.

The parties married on November 11, 1972 and were divorced by a Bifurcated Divorce dated October 29, 2004. At trial, Mark Leppert was 65 years of age and Catherine Leppert was almost 62 years of age and receiving temporary alimony.

On August 25, 2006, the Trial Court signed an Order, which included findings and the ruling of the court. See, Addendum 1 to Appellant's Brief. Note all references to addendums will be to those attached to Appellant's Brief unless specifically referenced as addendums to this brief. On September 12, 2006, Catherine filed a Motion to Clarify and Amend Order and Judgment and Appellee filed Plaintiff's Memorandum in Opposition to Defendant's Motion to Clarify and Amend Order and Judgment. The Trial Court signed Findings of Fact and Conclusions of Law and an Order and Judgment Supplementing Decree of Divorce on September 20, 2006. On September 25, 2006, Catherine Leppert filed a timely Notice of Appeal and Mark Leppert timely filed on October 18, 2006, a Notice of Cross-Appeal.

On November 20, 2006, the Trial Court entered an Order in response to Catherine Leppert's Motion to Clarify and Amend Order and Judgment. See, Addendum 3. A Notice of Appeal was timely filed on December 20, 2006.

The Trial Court entered Amended Findings of Fact and Conclusions of Law and an Amended Order and Judgment Supplementing Decree of Divorce on February 7, 2007. See, Addendums 4 and 5. A timely Notice of Appeal was filed February 23, 2007 and Mark Leppert timely filed on February 26, 2007, a Notice of Cross-Appeal.

On March 6, 2007, this Court consolidated the appeals for a single determination pursuant to the stipulation of the parties.

It is from the orders of the court culminating in the Amended Findings of Fact and Conclusions of Law and Amended Order and Judgment Supplementing Decree of Divorce that Catherine has brought her appeal and Mark has pursued his Cross-Appeal.

There are no further motions pending in the Trial Court pursuant to Rule 50(a) or 50(b), 52(b), 54(b) or 59 of the Utah Rules of Civil Procedure.

STATEMENT OF FACTS

1. Marital Facts: The parties were married November 11, 1972, separated on or about September 10, 2003 and were divorced October 29, 2004. The duration of the marriage was in excess of 31 years. At trial, Mark was 65 years of age (date of birth April 6, 1941) and Catherine was 61 years of age (date of birth July 13, 1944).

2. Education/Employment:

a. Mark received his Ph.D. immediately prior to the marriage. At all times during the marriage, including times when he received post-doctoral training, he received either earned income or grants. In the early years Catherine was also employed but ceased any significant employment in 1981 by agreement to care for the parties' children. Mark has at all times been employed in the academic environment and has risen to the position of Co-chair of the Department of Human Genetics of the University of Utah, College of Medicine. His five-year contract terminates effective July 1, 2007 (Ex. P-19; R.741 p.23:2-5)

b. Mark has testified that it is his belief that he will continue to be employed full-time, or nearly full-time, for the next two to three years, when he intends to retire at age 67 or 68. He anticipates scaling back during that time period. If he continued thereafter it would be in an emeritus capacity. His benefits available through the University of Utah will cease when he works less than half-time (R.741 p.88:13-25; p.89:1-20).

c. Mark is receiving, as part of his regular salary, an additional \$25,000 for his position as Co-chair, which would cease when he is no longer in that position (Ex. P-19; R.741 p.23:8-11).

d. Each of the parties has presented expert testimony as to Catherine's employability. Catherine has represented that she would like to work but has reservations as to her ability and/or capacity (R. 742 p.357:15-16).

e. Mark has no consulting income and his only income is that through the University of Utah with a gross income of \$15,697.92 and a net monthly income of \$9,880.88 (see Ex. P-10 and Ex D-2). There is a modest amount of royalty/patent income that is discussed below and is subject to equal division between the parties. The monthly average has been \$748.92; one-half would be \$374.46. See Catherine's Financial Declaration, Exhibit P-10, p. 6.

3. Party's health:

a. Mark has hypertension, which is being treated by two (2) medications, and appears somewhat controlled (R.741 p.77:17-25; p.78: 1-18). Mark also has prostate cancer and, at the time, of trial he was continuing to evaluate treatment options with his physicians. It appears that treatment will be required in the immediate future since his condition has worsened (R. 741 p. 78:19-25; p.79- 80:1-22). His expected rate of recovery is 80-85%, which conversely represents a fatality risk of 15-20% (R.741 p.81:3-9). It is his expectation that even while undergoing treatment he should be able to work most of the time. However it is impossible to know the outcome of the treatments or how well he will tolerate them.

b. Catherine has a long list of conditions according to her testimony. She is taking thyroid medication and also a multitude of non-prescribed supplements which she believes are helpful, if not essential, for her welfare (R.742 p.330:22-25; p.331-338:1-17). Some of her reported conditions are not recognized syndromes by the American Medical Association (R742 p.396:17-25; p.397:1-9, R.743 p. 517:14-24). Further, there appears to be a dispute as to whether

she suffers from fibromyalgia and other conditions (R.742 p.396:23-25; p.397:1-6, R.743 p.517:14-24).

4. Real property: The parties have only one (1) parcel of real property, the only property owned during the marriage, which is the residence at 1466 E. Westminster Ave., Salt Lake City, Utah. The residence was awarded to Catherine consistent with her request subject to payment of one-half (1/2) of the equity as determined by the Trial Court. She had the obligation of removing Mark's name off the loan or refinancing the loans. The disposition of the residence is not an issue of this appeal. A portion of the second trust deed note was determined to be a joint marital debt, and the balance of that Catherine's. The most recent refinance was March 17, 2003 at which time, in addition to payment of the first trust deed, it paid a second trust deed a line of credit of \$62,198.88 and all of the parties' five credit cards, approximately \$32,000. See Catherine's Financial Declaration (Exhibit P-10 p.4). After the refinance, the next month the parties secured a line of credit from Key Bank in the sum of \$30,000. Catherine admits to unilaterally withdrawing, without consulting Mark, all of the funds from this line of credit, approximately \$30,000, and, during the course of this case, withdrawing two (2) additional sums which totaled \$2,075. She had complete control of the loan proceeds and identifies the use of the funds which were for her legal, accounting and appraisal expense arising from this case (\$20,468), the purchase of a computer (\$1,800), and payment on one of her credit cards (\$2,000), her club membership (\$260), with the only payment being arguably used for marital purposes, the replacement of a furnace and the installation of air conditioning of \$5,452. None of the expenditures were discussed in advance with the Mark nor had he agreed and understood that this was the use of the funds since it had been secured only for repairs and improvements to the

residence. He disputes that the furnace needed to be replaced and believes that Catherine wanted to install air-conditioning which was not previously in the home (R.741 p.63:1-24).

5. Automobiles: Mark has a 2004 Toyota 4 Runner, which is valued at \$24,300 subject to a loan solely in his name of \$24,924.91 (Ex. P-73). Essentially there is no equity. This was caused, in part, because the vehicle he had been driving, a 1997 Ford Explorer, was gifted to the party's daughter rather than trade the vehicle in on his present car by agreement with Catherine. Catherine is driving a 2000 Honda Accord with a value of \$11,365, subject to a loan with a present balance of \$4,912.02 (Ex. D-26). This loan should be paid in full by November 2007. Mark's loan will be paid in slightly less than four years. The disposition of the vehicles and payment of these debts is not an issue of the appeal, other than as to the expenses of each party.

6. Retirement Interest: The only retirement interest that has accrued is a TIAA CREF account valued at approximately \$713,000. This asset was equally divided consistent with the prior agreement of the parties and the order of the Trial Court. Upon division, Catherine has access to her interest and, if paid in a lifetime annuity, would be approximately \$2,111 per month (Ex. P-22 and Ex. P-24; R.741 p.124:7-25; p.125- 126:1-13). If the court divides this account, Catherine would have immediate access to her portion, with a variety of options open to her including withdrawing some funds at the present time and having the remainder of the funds paid out on an annuity. This would be subject to her sole determination. Mark cannot withdraw funds or receive annuity payments until he is no longer employed by the University of Utah pertaining to those contributions. He has already borrowed the maximum amount permitted, using the account as security, and is solely responsible for repayment of this debt. The division of this asset and Mark's repayment of the loan is not an issue on appeal..

7. Social Security: Mark had not applied for Social Security benefits at time of trial.

Since it is assumed that he will continue to work, a significant portion of his Social Security benefits will be treated as taxable earned income. Catherine can apply for benefits at age 62 (fall of 2006).

8. 2005 Income Tax: The parties have stipulated that the Court may enter an order *nunc pro tunc* to permit all payments made to, or for the benefit of, Catherine by Mark in year 2005 to be treated as alimony for tax reporting purposes. The expense of preparing amended tax returns, which have been prepared for the parties, will be borne by the Mark. The Trial Court directed that the net tax refund (after paying the tax, interest and penalties arising from Catherine's amended return) and the tax preparation costs should be used to pay marital debt. This is not an issue on appeal.

9. Patent/IP Interest: Pursuant to Paragraph 7 of the agreement of the Stipulation for Bifurcated Decree of Divorce signed in October, 2004 and as recognized by the present order of the Court, "...any and all assets at the time of the entry of the Decree or future income from the intellectual property, patents, etc. accrued during the marriage shall continue as marital." The division of these assets as of September 20, 2006 was part of the final order and is not subject to appeal. Those interests have been identified by the University of Utah (Ex. D-6 and Ex. D-14). The future expected amount, according to Mark's testimony, would be best estimated on the yearly average received over the last nine years as identified in Catherine's Financial Declaration, which results in \$374 each. The records disclose that there were no patents or disclosure dates pertaining to possible patents presently excising which postdated the date of divorce. The Trial Court ordered that any new patents or royalties that come into existence within two years from September 20, 2006 will be equally divided. This provision is an issue in this appeal by Mark.

10. COBRA Insurance: Mark is maintaining insurance pursuant to COBRA, which will continue until November 2007. Catherine will not be eligible for Medicare until July 2009. The present expense is \$551. Presently, the University of Utah permits the conversion at the end of the COBRA period so that a party may continue to participate in the insurance program after COBRA rights cease. This cost of insurance is to be paid by Mark and is part of the Catherine's needs determined by the court.

11. Catherine's Employability:

a. Mark retained Dr. Kristy Farnsworth to perform an employment evaluation. Dr. Farnsworth has asserted that the reasonable range of expected full time income is more reasonable under her second proposed category (the lower category), which is \$18,720 - \$19,522 per year or \$1,560 - \$1,626 per month. She concedes that Catherine has a rather involved daily food preparation schedule which Catherine has testified takes two-and-three-quarter ($2\frac{3}{4}$) hours and in another document represented it takes three (3) hours. Because of the schedule, Dr. Farnsworth asserted it might be more reasonable to expect that she work later in the day, or perhaps from home, to better accommodate this schedule. Judge Dever also asked about computer work at home (R.742 p.409:24-25; p.410:1-24).

b. Dr. Gregory believes that it may be unreasonable to expect Catherine to be employed based upon what she determined to be an obsessive/compulsive disorder. However, it appeared to Dr. Gregory, based upon inquiry from the Court, that it would not be likely that Catherine could do computer work from home based, in part, upon statements that Catherine did not have internet skills adequate to e-mail information to Dr. Gregory. These conclusions may not be justified since Catherine appears not to have been forthright in terms of her use of the computer, including regularly e-mailing her daughters and taking three (3) computer classes at

the University of Utah. She also maintains two (2) separate internet providers for her personal use and high-speed internet access. She indicates daily use, the ability to find information on the internet and participates in a chat room.

12. Parties' Financial Needs:

a. The Temporary Order in 2004 was entered based upon the agreement of the parties that Mark would pay the marital debt, including the first and second trust deeds, Catherine's car payment, Catherine's other defined expenses and \$1100 per month for other expenses including food.

b. The average paid by Mark in 2005 was \$4,596.18. At trial the Court found that Catherine's needs were \$4,293 per month. The Trial Court specifically addressed expenses claimed by Catherine and made reductions for the reasons contained in the Amended Findings.

c. Catherine's claimed needs, to a very large extent, arise from her belief in alternative medicine and treatment using supplements. The Trial Court provided adequate funds to cover her supplements as part of her food, as well as provided funds for her health insurance and payments to medical providers.

d. The Trial Court determined that Catherine can work. The Trial Court correctly imputed income to her at the lowest rate proposed by Dr. Farnsworth, the only party that testified as to specific amounts that were presented at trial.

e. Catherine claims credit card debt since separation. She represents that a significant portion of this debt, \$15,000, is for their adult daughter Anne. The parties both testified that they agreed in October 2004 that Mark should contribute for the next year \$1,100 per month for Anne's benefit. Each testified that they made additional contributions.

f. At most, in 2005 Mark had approximately \$1,800 to use for his own care and support. His monthly expenses are \$7,068.59 (Ex. P-82).

g. Mark asserts that marital debt, not including the first mortgage, to be \$36,890 plus \$5,424 of the second mortgage (furnace) (R.741 p.114:16-25; p.115:1-3).

h. Catherine will be entitled to receive an annuity payment immediately, assuming the TIAA-CREFF account is equally divided of \$2,100, as well as Social Security of \$734 in November 2007.

i. Mark's needs are correctly stated in Ex. P-83, of \$7,068.59.

13. Payment of Separate Debt: Mark claims separate debt of \$55,228.45, which must be repaid prior to his retirement in the next two (2) to three (3) years. Assuming an average interest rate of 10% a three year payment would be \$1,782.07 with a two (2) year repayment requiring \$2,548.51. Catherine has access to her TIAA CREFF account while Mark does not, and will not until retirement.

14. Attorney's Fees: Assuming the fee request is reasonable, Catherine has at least an equal capacity to pay her own attorney's fees. Catherine also has the capacity to work and pay her own attorney and costs. She also has access to the TIAA CREFF account, and Mark does not. She has the ability to earn and access to funds which will provide her the ability to pay. Mark does not have the capacity to pay.

SUMMARY OF ARGUMENT

Appeal.

Catherine has used the wrong standard of review for the fact issues presented on appeal as discussed in detail below. She should have used a clearly erroneous standard as to the fact issues.

As a consequence she has failed to adequately marshal the evidence in support of Judge Dever's findings. The Trial Court carefully considered the evidence in making its detailed and lengthy factual determination. Certainly the findings were supported by the evidence, hence could not be clearly erroneous. The Trial Court's ruling on these issues was appropriate, with no abuse of discretion. Catherine reargues the points she lost at trial.

Judge Dever carefully authored the orders that were the basis for the final orders that are subject to appeal. His findings relating to imputing income to Catherine are extensive, as are the findings pertaining to her needs that support the alimony analysis and determination.

The request for additional attorney fees, costs or expert witness fees cannot be supported by the facts as determined by Judge Dever. His decisions that are subject to Catherine's appeal are appropriate and are not an abuse of discretion. Mark believe that Catherine will not substantially prevail on this appeal. Should that occur, she will not be entitled to fees on appeal, even though she received a partial fee recovery at trial.

Cross Appeal.

The essential elements of this case were properly determined by Judge Dever. The few areas of disagreement are the inadequacy of findings pertaining to the partial attorney fee award for Catherine. Mark also asserts that since they have essentially equal assets she is in the same position as him to pay her own attorney fees. Both had extensive unpaid fees through trial. Neither has excess income for payment of fees.

Judge Dever also erroneously made a division of future royalty and patents that is not permissible under this court's decision.

Lastly, Judge Dever erred in altering the date of fixing the determination of marital debt. He used date of divorce in 2004 in his initial written order. Later, in ruling on Catherine's motion to amend he change the date to date of separation. Mark believes that it was error to revise this date since he was paying all of the expenses for both residences during that time period.

ARGUMENT

POINT I. The Trial Court Did Not Err in Imputing Income to Catherine.

The Trial Court did not abuse its discretion in its determination of imputing income of \$1,560.00 per month to Catherine. Catherine requested alimony. The Trial Court represented as one of the three elements it was examining in determining the request for alimony, "2. the ability of the wife to produce a sufficient income for herself, and" (R. 577, ¶19.1.2. of the Order dated August 25, 2006, Addendum 1.) The Trial Court cited Jones v. Jones, 700 P.2d 1072 (Utah 1985) and U.C.A. §36[30]- 3-5.

The Trial Court's determination should not be disturbed so long as the court, "exercises its discretion within the bounds and under the standards we have set and has supported its decision with adequate findings and conclusions." Naranjo v. Naranjo, 751 P.2d 1144; Utah (Utah Ct. App. 1988) (quoting Davis v. Davis, 749 P.2d 647, 649 (Utah 1988)). "[i]mputing income to an unemployed or underemployed spouse when setting an alimony award is conceptually appropriate as part of the determination of that spouse's ability to produce a sufficient income. However, it cannot be premised upon mere conjecture; instead, it demands a careful and precise assessment requiring detailed findings." Willey v. Willey, 866 P.2d 547, 554 (Utah Ct. App. 1993).

The standard of review of the factual predicate findings is a clearly erroneous standard in alimony cases. Davis v. Davis, 76 P.3d 716, 718 (Utah App. 2003). In Paragraph 3 of the Amended Findings of Fact (R. 750-752) Addendum 4, the Trial Court carefully analyzes the facts relating to the employability of Catherine. Paragraph 3 contains seven (7) separate paragraphs. The findings are detailed and discuss each of the expert witnesses called by the parties and other relevant facts. Catherine's experts included Dr. Todd Magnum, who has treated her since 1998 (R.743 p.488:25; p.489:1-3). He did not prepare a report. Catherine presents in her brief that the Trial Court was in error when it mentioned this witness addressed ADHD and depression with respect to Catherine. The witness did specifically used the term ADD with reference to Catherine when he responded to a question posed by Catherine's attorney regarding whether he agreed or disagreed with Vickie Gregory, Ph.D., the psychologist called as an expert by Catherine:

“Q Did you attempt to make any kind of medical judgment or, as to whether you agreed or disagreed with her findings?

A Well, I do. It's interesting because, I mean I agree there is a definite component of, you know, the, in the case of O.C.D. there would definitely be a component that, which, which in some case I would almost call over focused rather than the obsessive compulsive in one avenue. But I would really call it an over focused, almost a form of A.D.D. where her ability to, like I said again, distinguish what are important facts out of the enormity of information she knows, and so that, you know, being one of the most important and, you know, but once again it's that, it's that case where people are thrown into the do we have an organic cause for what's going on and it's real, or do we have the psychiatric cause, then it's needing Zoloft and I believe there have been introduced prior, you know, this is the third chemical, I think it's the central sensitivity syndrome which really puts an umbrella over all of these problems, which does say that if anybody tries to pigeon hole them in either psychiatric or completely organic does the patient's a disservice, on which I completely agree.” (R.743 p.510:10-25; p.511:1-6).

Catherine represented in cross examination that she was depressed in 2004. (R.743 p.588:19-23). Dr. Magnum, in cross examination, later agreed that multiple chemical sensitivity and central sensitivity syndrome were not syndromes recognized by the American Medical Association. (R743 p.517:14-24). Mark's medical expert, Daniel O. Clegg, M.D., Professor of

Internal Medicine and Chief of the Department of Rheumatology, University of Utah School of Medicine, presented his written report (R. 353-388, Addendum 10) and testified that he found that Catherine was not suffering fibromyalgia, based on his examination (R.741 p.189:3-14). Catherine reported exercising 45 minutes a day for the majority of the days of the week. (R.741 p.190:3-6; R. 355, Addendum 10) which would have been difficult with a person with fibromyalgia. He determined that she has no physical disabilities and as referenced by the Trial Court, “that she takes numerous supplements every day but he sees no basis for their use.” (R.752, ¶3, Addendum 4).

Catherine testified that her daily routine of meal preparation and supplements requires between two and three-quarter ($2\frac{3}{4}$) and three (3) hours. (R.742 p.303:9-18). She confirmed that she regularly exercised and regularly used her car to run errands (R.741 p.250:21-22).

The only employment evaluation was performed by Dr. Kristy Farnsworth, a psychologist, called by Mark. Her report and resume is attached as Addendum A to this brief (Ex. P-21). This was the only specific information as to the range of income Catherine may expect from types of work she may qualify for. She presented several scenarios with each having a range of expected income (Ex. P-21). The Trial Court accepted the lowest income expected using the least skilled position of \$1,560 per month. (R.752, ¶3 of Findings of Fact, Addendum 4).

The Trial Court made detailed findings to support the imputation of income to Catherine (¶3 of its Findings of Fact (R. 751, 752, Addendum 2 to Appellant’s Brief)). The Court referenced specific testimony from each of the expert witnesses. The experts may have disagreed on some points, but the Trial Court’s findings cannot be considered to be clearly erroneous.

Catherine had not attempted to secure employment for many years and at no time since separation (R.742 p.329:22-25; p.330:1-5). Catherine did not offer her own employment evaluation, which would have provided specific detail, but relied upon a psychological evaluation and an osteopathic physician, which treated her for specific maladies, and her primary physician. The Court obviously took a balanced approach in reaching his determination as to the rate of income to impute since he adopted the lowest range of values proposed by Dr. Farnsworth

By contrast the facts found by the Court based upon the testimony of the vocational evaluator and other experts are adequately supported. In Willey the Court had no similar evidence to support its determination of imputed income.

Dr. Gregory found Catherine's IQ to be in the 97th percentile. (R.742 p.389:3-9).

Catherine had not applied for a Social Security disability rating. Dr. Gregory did not do any independent testing of Catherine's computer skills and relied upon statements made by Catherine (R. 742 p.410:3-11). Catherine used some of the funds from the Key Bank loan to replace the parties' old computer (R. 743 p.589:4-8). She took three computer classes in 2004 from the University of Utah (R.743 p.590:3-6). She maintained during the case two separate internet providers. (R. 742 p.301:2-19). Dr. Gregory's impressions was that the computer skills "were not very good... and she's not very up to date on computer skills, so that would be problematic." (R. 742 p.410:3-11). The Court made direct inquiry of Dr. Gregory concerning her capacity of answering the phone to provide information in a work environment. Dr. Gregory testified "If her computer skills – if it was pretty limited, and she didn't have to do a lot of thinking on her feet – if it was more rote and if her computer skills – I didn't have the sense that she was that computer savvy, because I think I suggested that she e-mail me something, and she said she didn't know how do that..." (R.742 p.410:19-24). Dr. Gregory based her opinion, in part, as reference in her

testimony “She couldn’t go to work and maintain the regimen that she’s got going, because it takes most of her day to do all of the things she needs to do that she believes she needs to do in order to stay healthy.” (R.742 p.393:17-20). This is contrasted with the testimony of Catherine in which she indicated that the time required for her meal preparation and supplement regimen is approximately three hours per day (R.742 p.303:9-18). Contrast this with the determination that Dr. Farnsworth made that while her lack of recent experience or training may reduce her rate of compensation and the type of job she would qualify for, they are not bars to becoming employed. (R.742 p.262-263)

The Trial Court, in its findings, provided the detailed facts that were the basis for his conclusion of the income to be imputed to Catherine for alimony purposes. The approach was thoughtful, careful and logical. The court did not accept the high end of the possible income that Dr. Kristy presented; rather it accepted the lowest projection of income. This indicates a balancing of the facts as presented, certainly not clearly erroneous. There is no evidence of an abuse of discretion by the Trial Court in reaching its conclusions of law.

Catherine in addressing Point I has failed to marshal the evidence.

“When challenging a finding, Appellant ‘must first marshal all [of] the evidence that supports the finding and then demonstrate that despite this evidence the finding is so lacking in support as to be ‘against the clear weight of the evidence.’ The marshaling requirement is a prerequisite to our examination of the findings. ‘If the appellant fails to marshal the evidence, the appellate court assume that the record supports the findings[] of the trial court....’” Davis v. Davis, 76 P.3d 716, 719 (Utah App. 2003) quoting Wilde v. Wilde, 2001 UT App 381, ¶ 29, 35 P.3d 341 (alterations in original).

In Davis the husband simply reargues the evidence he presented at trial and ignored the factual support for the trial court’s decision. The appellate court ruled because of his failure to marshal the evidence it assumed the record supports the trial court’s finding. Likewise, since Catherine has failed to adequately marshal the facts supporting the findings of the Trial Court on

this appeal, it must be concluded that the record supports the findings and Point I must be denied. By not dealing with the factual underpinning of the decision, Catherine has utterly failed to marshal the evidence below which supports these crucial findings. That failure alone, justifies affirmance of Judge Dever's ruling on the imputation of income. A.K. & R. Whipple plumbing & Heating v. Aspen Const., 977 P.2d 518, 524-25 (Utah App. 1999). Johnson v. Higley, 977 P.2d 1209, 1214 (Utah App.1999). The findings are correct and are supported by substantial evidence

POINT II. The Trial Court Erred in the Amount of Alimony Awarded to Catherine.

The Trial Courts determination as to the amount of alimony awarded is appropriate and based upon adequate findings and conclusions.

(A) The Trial Court's Alimony Award Was Not an Abuse of Discretion.

The standard of review of the factual predicate findings is a clearly erroneous standard in alimony cases. Davis v. Davis, 76 P.3d 716, 718 (Utah App. 2003).

The Court, in Paragraph 10 of the Amended Findings (R. 754-758, Addendum 4), carefully addressed the three relevant factors contained in Jones v. Jones, 700 P.2d 1072 (Utah 1985) and specifically referenced "and which have been expanded by Utah Code Ann. §36[30]-3-35". The relevant factors in this case are:

1. The financial conditions and needs of the wife;
2. The ability of the wife to produce a sufficient income for herself; and
3. The ability of the husband to provide support.

The Court continued in its findings to address each of the three numbered items. Not only are the findings detailed but specifically state facts and the determination made by the Trial Court using its sound discretion together with the ultimate conclusions as to the award of alimony. Paragraph 10 of the Trial Court's findings occupy four and one-half (4½) pages.

Catherine has made no adequate attempt to marshal the evidence that supports the Trial Court's findings. As discussed in Point I, by not dealing with the factual underpinning of the decision, Catherine has utterly failed to marshal the evidence below which supports these crucial findings. That failure alone, justifies affirmance of Judge Dever's ruling on the determination of alimony. A.K. & R. Whipple plumbing & Heating v. Aspen Const., 977 P.2d 518, 524-25 (Utah App. 1999). Nevertheless, the findings are correct and are supported by substantial evidence.

The Court made adjustments in Catherine's claimed budget items setting forth the reasons for the adjustments. The Trial Court indicated the specific reasons for the adjustments in Catherine's claimed monthly expenses. The Trial Court accepted some values without adjustment. The Court's determination of these monthly expenses was:

Maintenance	\$200
Food/Supplements	\$567
Phone service	\$125
Medical	\$634
Entertainment	\$100
Gifts	\$50
Travel	\$200
Auto	\$223
Installment payments	\$748
Other	<u>\$157</u>
TOTAL	\$3,004

The area that the Court did not specifically address was essentially housing costs and utility expense. The difference between the itemized line items, which total \$3,004, and the final

determination of Catherine's need, which was \$4,293, is \$1,289. These funds would then be available to pay for housing costs and utilities. Catherine desired to receive the award of the parties' marital residence. The Court in its sound discretion, Paragraph 10 of the Amended Order and Judgment Supplementing Decree of Divorce, (Record 771, Addendum 10), awarded the residence to her subject to the indebtedness thereon. It also determined the fair value and equally divided the equity. The court granted Catherine options to either refinance the property, remove Mark's name from the obligation on the mortgage within 90 days of the order or the property was to be sold. Since the court provided the option to Catherine, it would be impossible for the Court to anticipate whether the property would be sold or Catherine would refinance the home mortgage. She was awarded other assets, which she could have used to fully pay the mortgage since the TIAA-CREF claim exceeded \$700,000 (Exhibits P-22) and by stipulation it was to be equally divided. She could also elect to partially pay the loan from these assets and secure a new loan in part or in full. The property could also have been sold and she could have purchased another residence or elected to rent a residence. These were all her options and the Court rightfully could not anticipate her decision. The Court properly provided a reasonable amount of funds to pay for housing including utilities of approximately \$1,300 per month. This is not an abuse of discretion. Catherine did not appeal the portion of the Court's order that awarded the residence to her subject to the conditions reference above. She does not object to the right of making decisions on the residence but, apparently, then chooses to criticize the court for providing a reasonable amount of housing expense, approximately \$1,300.

The Trial Court could not anticipate what decisions she would make relative to the residence. The Trial Court made a detailed factual determination of Catherine's needs to be \$4,293. The housing component could not be detailed since Catherine had yet to determine what

she would do with the residence. The Court was very thorough in the analysis of the items changed in her requested budget and set forth the basis for the adjustments. Its factual determination certainly was not clearly erroneous. Again, Catherine elected not to make an organized marshalling of the evidence supporting the Trial Court's findings on this issue.

Had Catherine marshaled the evidence to support the findings, they may have included by way of example, she had three telephone providers, one which included one cellular service, while she was not working and spending most of her time at home. During the marriage Mark testified they had a single telephone provider. Additionally, she had two separate internet providers, which did not exist when they lived together according to Mark's testimony. She claims escrow payments twice. A careful reading of the Court's findings clearly contained the Court's reasoned good judgment in making a factual determination of Catherine's needs.

Catherine did not attempt to provide testimony as to the specific standard of living in existence at the time the parties separated or when they were divorced but offered testimony relative to conditions that existed at time of trial, practically two years after divorce and practically three years after separation, some of which had changed as partially referenced above. The Trial Court was right in its adjustments in terms of reasonable needs of Catherine. Catherine revisits her arguments made at trial without first marshalling the evidence. That failure alone, justifies affirmance of Judge Dever's ruling on alimony. A.K. & R. Whipple plumbing & Heating v. Aspen Const., 977 P.2d 518, 524-25 (Utah App. 1999). Nevertheless, the findings are correct and are supported by substantial evidence.

Catherine also suggests that she should receive a windfall in the amount of \$551 per month representing the cost of health insurance. Paragraphs 2, 3 and 4 of the Order Regarding Bifurcation dated October 27, 2004 (Record 68-70, Addendum 6) clearly provided that Mark

would maintain health insurance for the benefit of Catherine for a period equal to the time period between the entry of the Bifurcated Decree of Divorce and the final Decree. It did not provide that providing this insurance would be separate and not considered as part of the Court's reasonable determination of the needs in fixing alimony. The Trial Court properly included the medical insurance cost in her needs and properly provided that the obligation to maintain the insurance would continue for a specific time period, but the expense of the insurance policy is only a portion of her needs and would not be in addition to those needs. The Trial Court in its findings specifically mentioned the insurance cost of \$551 as a component of the monthly medical expenses which totaled \$634 (Record 556, ¶10 of Amended Findings).

It is also interesting to note, for the purpose of appeal, that the royalty payments received by Mark were calculated and relied upon by both parties as disclosed and provided in Catherine's Financial Declaration on Page 8(f)(2) where she presented the nine (9) year average earnings was \$8,987. The Court merely divided that number by 12 and gave her 50% as an anticipated additional income item since the parties had stipulated to the division of these interests that accrued through date of trial. Since there was a record of royalty payments coming for years, this asset, which was divided by agreement, could not be overlooked as an income item available to Catherine. She wants the income but she doesn't not want to claim the use of the income toward her living expenses. This is not only illogical, it's unreasonable.

The Trial Court supported its conclusions with detailed findings based upon the evidence. The findings must stand since they are not clearly erroneous and Catherine has not marshaled the evidence supporting the Trial Court's findings. Johnson v. Higley, 977 P.2d 1209, 1214 (Utah App.1999). The Trial Court's conclusions are reasonable and are not an abuse of discretion since they are based upon its findings in a careful and reasoned manner.

(B) The Trial Court's Alimony Award Should Not be Modified by This Court.

Since the Trial Court's determination of alimony is based upon sound reasoning, supported by specific factual findings; and there appears no abuse of discretion, it would be improper for this Court to consider modification. It would be error for this Court to consider modifying the alimony award determined at the trial level unless there had been stipulated facts pertaining to the expenses which was not the case. Willey v. Willey, 951 P.2d 226, 230, 231 (Utah 1997).

POINT III. The Trial Court Did Not Err in Reducing and Eliminating Alimony Based Upon Future Events.

The Trial Court did not abuse its discretion in its determination of the reduction of alimony and eventual elimination of alimony. Catherine had requested alimony while Mark had income from working. At Trial Mark was 65 years-of-age and intended to retire in two (2) to three (3) years. His position as Co-Chair of the Department of Human Genetics by its present contract terminates July 1, 2007, and there had been no discussions whether he would be offered a continuation of this role. Should it cease his income would be reduced by \$25,000 per year.

The Trial Court represented as two of the three elements it was examining in determining the request for alimony, "1... the financial conditions and needs of the wife;....3. the ability of the husband to provide support." (R. 577, ¶19.1.2. of the Order dated August 25, 2006, Addendum 1.) The Trial Court cited Jones v. Jones, 700 P.2d 1072 (Utah 1985) and U.C.A. §36[30]- 3-5.

The Trial Court's determination should not be disturbed so long as the court, "exercises its discretion within the bounds and under the standards we have set and has supported its

decision with adequate findings and conclusions.” Naranjo v. Naranjo, 751 P.2d 1144; Utah (Utah Ct. App. 1988) (quoting Davis v. Davis, 749 P.2d 647, 649 (Utah 1988)).

The standard of review of the factual predicate findings is a clearly erroneous standard in alimony cases. Davis v. Davis, 76 P.3d 716, 718 (Utah App. 2003). Facts in the record that should have been marshaled by Catherine that support the Trial Court’s factual determination and support its conclusions include:

A. The TIAA-CREF account had a value of \$713,000 (R.741 p.120:20-25; p.212-122:1-17).

B. The TIAA-CREF account if converted to an annuity would produce income of \$4,222. Since the account was to be equally divided, each party would receive \$2,111 monthly (Ex. P-22; R.741 p.124:7-25; p.125:1-13).

C. Mark’s present position as Co-Chair of the Department of Human Genetics cease as of July 1, 2007 (Ex. P-19; R.741 p.23:2-5). It is unknown if an extension will be offered since there has not been any conversation about an extension. If offered he had not as of trial determined whether to continue in that position. He receives an additional \$25,000 each year so long as he is Co-Chair of the Department (Ex. P-19; R.741 p.23:8-11).

D. Mark desires to retire in two to three years (R.741 p.88:11-25; p.89:1-13).

E. At trial Mark was 65 and Catherine was 61(R.741 p.11: 15-21).

F. At trial Mark had not applied for Social Security benefits.

G. Catherine could apply for reduced Social Security benefits when 62, in November 2006.

H. Catherine will be entitled to full Social Security benefits at age 66, and at that time Mark will be age 69.

I. Mark believes that he will continue to be employed as a professor by the University of Utah until retirement (R.741 p.88:13-25; p. 89:1-20).

J. The Social Security benefits to each party were known at trial, Catherine anticipated receiving at age 66, \$914 per month (R.742 p.480 p.23-25; p.481: 1-17). This would be reduced if she elected to commence receiving benefits earlier.

K. The Trial Court's alimony award was based in part on Catherine's car loan of \$308 per month that is to be paid off in November 2007 (See Catherine's Financial Declaration, Ex. P-10).

L. The Trial Court's alimony award included \$748 for installment debt that would of necessity be paid off if the payments continue at this rate over the next few years (See Catherine's Financial Declaration, Ex. P-10).

At the time of trial Mark had already reached the age of 65. The Trial Court determined facts relative to the parties' present situation and the foreseeable future based upon the facts. Catherine testified in response to a question from her counsel that she thought alimony should cease when Mark no longer had income from working. The Trial Court properly addressed this issue since it was addressed by each of the parties. The funds available to Catherine from TIAA-CREF of \$2,111 per month was known at trial, if she commenced drawing them immediately. The amount of Social Security she could receive at age 66 was known at trial.

Catherine did not request the award of alimony after Mark ceased working. The Trial Court did not need to speculate about the amount of retirement income.. As a consequence it was proper for the Trial Court to rule on retirement issues. Termination of alimony because of retirement was presented by both parties in this case.

The Trial Court's order was reasoned and based upon a logical analysis and its factual determination. Catherine's needs as of trial were determined at \$4,293 per month. Her expense

for the car loan (\$308 per month) ceases in November 2007, freeing additional funds to pay on her installment debt, which the Court included in her monthly needs at her requested amount of \$748 (See Catherine's Financial Declaration, Ex. P-10). Even if none of the \$308 were not used to retire the installment debt it would ultimately be paid through the \$748 per month payments. If the \$308 were used, that would accelerate the payoff of those debts. The ultimate time of termination of alimony was when Catherine became age 66, more than four years after the trial.

The Trial Court did not need to speculate in reaching its decision concerning the reduction in alimony and its ultimate termination.

The standard of review of the factual predicate findings is a clearly erroneous standard in alimony cases. Davis v. Davis, 76 P.3d 716, 718 (Utah App. 2003). Since Catherine has failed to properly marshal the evidence that supports Judge Dever's factual findings, this Court assumes them to be correct. Davis, id. 719. A.K. & R. Whipple plumbing & Heating v. Aspen Const., 977 P.2d 518, 524-25 (Utah App. 1999). Johnson v. Higley, 977 P.2d 1209, 1214 (Utah App. 1999). Catherine has not demonstrated that the Trial Court was clearly erroneous in its factual determination. The findings are correct and are supported by substantial evidence. The Trial Court's conclusions were based upon these facts and reflect its reasoned judgment and they are certainly within its sound discretion. Judge Dever's ruling on the reduction and ultimate termination of alimony should stand.

POINT IV. The Trial Court Did Not Err in its Award of Royalty and Patent Income to Catherine.

The Trial Court's Amended Order (R. 766–780, Addendum p.4, ¶5) pertaining to royalty and patents is clear. Any patents and royalties in existence as of the date of divorce, September 20, 2006, are divided 50% to each party. Each of them would have a right in the future to receive

50% of any patents or royalties from those existing as of September 20, 2006. Patents or royalties that come into existence within two years after September 20, 2006 would be divided between the parties using a “Woodward” styled analysis. The Court presents the formula and the concept in a reasonable manner that is not confusing or subject to multiple interpretations. Catherine is attempting to make an order that is clear on its face into something that it is not. Mark, has raised in his cross-appeal, Point IX below, that the division of future patents or royalties is improper.

POINT V. The Trial Court Did Not Abuse its Discretion in its Division of Debts.

The standard of review of the factual predicate findings is a clearly erroneous standard. Davis v. Davis, 76 P.3d 716, 718 (Utah App. 2003). The Court properly determined that Catherine unilaterally secured all of the proceeds from the Key Bank line of credit that the parties had intended to use for home improvements for such purposes as she elected without any consultation of Mark. Catherine has again failed to marshal the evidence that would support the Trial Court’s finding on this issue (R.741 p.63:1-24; p.96:9-25; p.97-98:1-18).

The evidence that supports the Trial Court’s findings includes:

A. The loan was taken out for repairs and improvements on the residence (R.741 p.63:1-24; p.96:9-25; p.97-98:1-18).

B. Without the knowledge or consent of Mark, Catherine transferred the entire \$30,000 proceeds from the line of credit to an account under her sole control (R.741 p.63:1-24; p.96:9-25; p.97-98:1-18). There were two transfers, one approximately \$20,000, the other \$10,000.

C. Catherine did not discuss the use of any of these funds with Mark (R.741 p.63:1-24; p.96:9-25; p.97-98:1-18).

D. Catherine used the funds for her personal expenses including attorney's fees, except for the purchase of a new furnace and installing an air conditioning unit (the home had never been air conditioned). The cost of the furnace and air conditioner was determined to be a marital debt. The remainder of the Key Bank Account of \$24,548 was determined to be Catherine's separate debt.

E. She also purchased a club membership for her use, her computer and paid on her personal credit card (R.743 p.572:14-23).

F. Under the temporary order Mark made the monthly payment (R.741 p.96:9-25; p.97-98:1-18), and as the loan was paid down through the monthly payments some additional funds in the line of credit accumulated. Catherine, on two separate occasions, transferred those funds for her personal use without Mark's prior knowledge or consent. Each transfer was approximately \$1,000 (R.741 p.98:19-25; p.99:1-22)

G. Catherine secured without Mark's consent an appraisal of some of the personal property in the home. Catherine misstates that use of the Penny Appraisal. The values of the appraisal were not considered, nor argued, by either party. The appraisal did contain a list of some of the marital items of property and some reference was made to the listing for convenience purposes, but not to any values (R.741 p.110:24-25; p.111:1-13). Since the appraisal was not used as an appraisal, the recovery of costs associated with it would have been improper should the Court have considered it.

H. Mark had agreed to pay Catherine's legal expense in the collaborative law process if she participated in good faith. He paid the initial cost of her lawyer. When she failed to

produce documents and respond to proposals on the agreed upon time line, failed to attend meetings and arrived very late for other meetings, Mark refused to pay her legal expenses since they were essentially wasted because of her conduct and refusal to participate in good faith R.741 p.168:19-25; p.169:1-9). He also essentially wasted his time and the money he paid his lawyer that assisted him in that process.

Again, since Catherine has failed to properly marshal the evidence below that supports these crucial findings, that failure alone, justifies affirmance of Judge Dever's ruling on the allocation of \$24,548 of the Key Bank line of credit as her debt. A.K. & R. Whipple plumbing & Heating v. Aspen Const., 977 P.2d 518, 524-25 (Utah App. 1999).

All of the use of the proceeds was done by Catherine after separation and, essentially, for her own benefit, other than the furnace. The Trial Court's determination of facts were reasonable, hence they were not clearly erroneous. Based upon the facts the allocation of payment of debt was reasonable using the Trial Court's sound discretion.

POINT VI. The Trial Court Did Not Abuse its Discretion in Ordering that the Sole Savings Account and Tax Refund [to] be Used to Pay Marital Debt.

The parties had only one stock interest of any value (R.741 p52:18-25; p.53:1-21) which was sold, converted to cash and maintained in the Smith Barney account with a balance of approximately \$22,000 (R.741 p.58:19-22). The tax refund had not been received as of trial. Catherine represents in her brief that, essentially, she was left penniless when, in fact, the Court, consistent with the parties' agreement, divided the TIAA-CREF account, and her portion was in excess of \$350,000. She was also awarded one-half of the proceeds from the sale of a valuable vase together with half of the proceeds from the royalties and patents, the residence (subject to

paying Mark one-half of the equity) and other assets. Alimony continued to be paid. At the time that the Amended Order was entered she could also have elected to commence securing Social Security benefits since she had reached 62 years-of-age. Catherine has not attempted to marshal the evidence to support the Court's findings.

The Trial Court's order of the use of these marital assets to retire marital debt certainly is common and makes sense since the continuing monthly expenses of Catherine were to be funded from alimony and other sources, not even taking into consideration her ability to secure Social Security payments if she desired or convert part, or all, of the TIAA-CREF asset to an annuity or cash. Using a joint asset to pay joint debt is not unreasonable or an abuse of discretion by the Trial Court. The Trial Court determination of use of these funds for payment of marital debt should not be reversed so long as it is equitable.

"We afford the trial court 'considerable latitude in adjusting financial and property interests, and its actions are entitled to a presumption of validity.' Accordingly, changes will be made in a trial court's property division determination in a divorce action 'only if there was a misunderstanding or misapplication of the law resulting in substantial and prejudicial error, the evidence clearly preponderated against the findings, or such a serious inequity has resulted as to manifest a clear abuse of discretion.'" *Thomas v. Thomas*, 375 Utah Adv. Rep. 23, 25, 987 P.2d 603, 609 (Utah Ct.App.1999) (quoting *Watson v. Watson*, 837 P.2d 1, 5 (Utah Ct.App.1992) (quoting *Naranjo v. Naranjo*, 751 P.2d 1144, 1146 (Utah Ct.App.1988))).

The Trial Court's order was based upon a reasoned approach and was not an abuse of discretion. Catherine's request for relief must be denied.

POINT VII. The Trial Court Did Not Err in its Division of Personal Property.

The standard of review of the factual predicate findings is a clearly erroneous standard. *Davis v. Davis*, 76 P.3d 716, 718 (Utah App. 2003). Catherine has made no attempt to marshal

the evidence that supports the Trial Court's findings. As discussed in Point I, by not dealing with the factual underpinning of the decision, Catherine has utterly failed to marshal the evidence below which supports these crucial findings. That failure alone, justifies affirmance of Judge Dever's ruling on the division of personal property. A.K. & R. Whipple plumbing & Heating v. Aspen Const., 977 P.2d 518, 524-25 (Utah App. 1999). Nevertheless, the findings are correct and are supported by substantial evidence.

There was conflicting testimony between the parties as to the gifting of items from Mark's family. Mark's sister, Phyllis Leppert, who gifted a significant number of items also provided testimony. The Court is charged with finding facts and is in the best position to determine those facts, especially contested issues. The Court's order dealt with those items which Mark claims as family heirlooms. Certain items were conceded as belonging to Catherine or their daughter Anne. If one reviews the division under the Courts' order Catherine certainly received more of the specific numbered items than Mark in Paragraph 12 of the Amended Findings. (R 759, Addendum 4 page 10). A fair reading of the Court's award of personal property would indicate a balanced approach based upon logical analysis. The Court, in Paragraph 9 of the Amended Order, indicates that as to other items the parties shall divide them using alternate selections following a coin toss. This hardly would deprive Catherine of a reasonable portion of the property and would have a sense of fairness since it was an alternating selection process.

Catherine asserts in her brief that the Trial Court left her with a large empty house. She had her premarital bedroom furniture set, furniture, china and other heirlooms gifted from her family, Anne's bedroom furniture remained at the residence, the dining room had a table and chairs, the living room had a sofa, chair, tables, lamps and large rug. The Trial Court was much

more patient and careful in the division than is typical. Catherine's brief does not provide the marshaling of evidence necessary to provide the basis of asserting that the Trial Court was clearly erroneous in its fact determination. The division of personal property was far and certainly within the sound discretion of the Trial Court.

POINT VIII. The Trial Court's Award of Attorney's Fees is Not Inadequate and Costs Should Not be Awarded to Appellant.

(A) The Trial Court Should Have Not Awarded Catherine Her Attorney's Fees.

Mark disagrees with Catherine's assertion that the awarding Catherine \$8,000 in attorney's fees is inadequate. He contests any award to her as improper, as contained in his cross-appeal, Point X below. The parties agree that the Trial Court failed to make adequate findings pertaining to the consideration of Catherine's request for attorney's fees. The Court divided the most valuable marital assets, including the TIAA-CREF account, valued in excess of \$700,000, the equity in the marital residence, the vase valued at \$13,000, the royalties and patents that existed as of September 20, 2006. It also directed that the Smith Barney account and tax refund be used to pay marital debt. Each of the parties had arguably \$400,000 in net assets. Each of the parties had equivalent sums from these assets to pay attorney's fees, costs and expert witnesses. Mark assert that based upon his claimed needs, payment of significant separate debt and payment of alimony as ordered, he would not have any excess funds to assist with payment of the Catherine's attorney's fees, costs or expert witnesses. The Trial Court made no findings pertaining to Mark's capacity to assist with payment of Catherine's fees or costs. Catherine cannot make the assertion that she does not have adequate assets to pay her attorney's fees, costs

and expert witnesses. Each of the parties incurred significant attorney's fees and other costs in this case that were not paid as of date of trial.

The Trial Court failed to make finding concerning Catherine's capacity to pay her attorney's fees. Mark asserts that the award of assets must be considered. The second requirement for such an award is the reasonableness of the fees. The Trial Court did not make such a determination. The third prong of the analysis is Mark's ability to pay. Again the Trial Court did not make the required finding or analysis. Crouse v. Crouse, 817 P.2d 836, 840 (Utah App. 1991). The assertion of each party is that they did not have any extra income to pay attorney's fees. Since it was an abuse of discretion to make any attorney fee award in favor of Catherine, the concept of requesting an additional award is tantamount to a greater abuse of discretion should it be considered.

(B) The Trial Court's Failure to Award Costs is Not an Abuse of Discretion.

Based upon the division of assets and the award of alimony, the Court made a proper determination that each party should be responsible for payment of their costs and expert witnesses.

(C) Catherine is Not Entitled to Attorney's Fees and Costs on Appeal.

Since the Court erred in awarding Catherine \$8,000 at trial, neither party should be entitled the recovery of any attorney's fees of other costs on appeal. Catherine's request for recovery of attorney's fees and costs on appeal must be denied.

Even if the Trial Court's award of \$8,000 is not reversed, Catherine must prevail on appeal in order to assert a recovery of attorney's fees on appeal. This court denied the wife recovery of attorney fees on appeal even though she received a partial fee award at trial because

she failed to prevail on the main issues on appeal. *Oliekan v. Oliekan*, 147 P.3d 464, 471 (Utah App. 2006).

POINT IX: Did the Trial Court Err in Awarding Catherine an Interest in Future Patents and Royalties Awarded to Mark after September 21, 2006?

Mark and Catherine agreed that patents and royalties that existed as of trial should be equally divided. The Trial Court fixed the date to be September 20, 2006. Mark raises as an issue of this cross-appeal only the portion of the order pertaining to the division of future patents or royalties. The Trial Court in its Amended Order of February 7, 2007 (R.766-780, p.4, Addendum 5, ¶5) also provided that any patents or royalties that come into existence within two years from September 20, 2006 shall be divided using a “Woodward” styled analysis. This division of future patents or royalties is objectionable and must be reversed. As indicated below, the standard of review is that of clearly erroneous. The facts that are relevant are:

A. Since Mark is an employee of the University of Utah, any patents or other types of research that results in royalty payments are the property of the institution (R. 743 p.533:21-25; p.534-540:1-8).

B. Possible patentable ideas, inventions or concepts are presented to the University’s Technology Department. That entity determines which may be patentable and whether to proceed. It also is involved with marketing, receiving funds and distributing the funds. Some of the distribution would be to those who assisted in the creation of the concept or patent, such as Mark (R. 743 p.533:21-25; p.534-540:1-8).

C. A significant amount of Mark’s time is consumed with administrative matters as Co-Chair of the Department of Human Genetics. He performs less research than in the past (R. 743 p.533:21-25; p.534-540:1-8).

D. Projects that Mark works on are collaborative. Should any lead to patents or produce royalties, those would be shared with others. The status of any projects could only be determined by examining the work of all those who collaborate on the project—examining their notebooks (R. 743 p.533:21-25; p.534-540:1-8).

E. Mark has already commenced transfer of his role as primary investigator on some projects to others because of his anticipated retirement. The projects need to be maintained in an orderly manner to best achieve funding from year to year (R.741 p.88:11-25; p.89:1-4).

F. There is nothing in the record of the trial that could support any specific division of any possible patent or concept that may result in royalties after September 20, 2006.

G. Mark continues to work on projects and will continue to work on projects while employed by the University of Utah. Some of this work may assist in patents or projects that may result in royalties, but that is not possible to know at the time of trial (R. 741 p.88:13-19).

This Court has found that the division of royalties that result from patents existing at trial was proper. However, the division of payments under a contract that contains royalties for existing patents and also provides for required future services was error. On remand the trial court was to determine the value of the future services and then make an appropriate reduction in the distribution under the contract, so that the payment for future services would not be divided. Dunn v. Dunn, 802 P.2d 1314, 1319 (Utah App. 1990). In that case the time required by Dr. Dunn to perform services in the future had been quantified by the specific number of days each year. No such quantification is possible in this case. Whether any work will result in royalty payments is unknown. If royalties are received for future patents or concepts, how they will be divided and those who will share in the division is unknown. The entire concept was not defined

in the record, nor could it have been. Any patent or royalty payments for future work, should there be any, are not subject to division. Dunn., id 1319.

The Trial Court erred in awarding any portion of patent or royalty income arising from future work. That portion of the order must be reversed.

POINT X: Did the Trial Court err in awarding Catherine \$8,000 toward her attorney's fees.

Mark's argument on this point is contained as part of his response to Catherine's Point VIII, above.

POINT XI: Did The Trial Court Err in its Amended Ruling Which Changed the Date for Establishing Marital Debt as of September 2003 as Opposed to its Earlier Determination in the Original Order Supplementing Decree of Divorce, Which Fixed the Date to Have Been October 2004.

The parties were divorced October 24, 2004. Until 2004 all of the obligations of the parties were paid through the earned income and royalty income of Mark. The parties accumulated additional debt through October 2004 when the Bifurcated Decree was entered.

Pursuant to the parties' stipulation, an Order re: Temporary Matters was signed and entered November 1, 2004, Addendum 7 to Catherine's brief. Pursuant to that Order, Mark paid for Catherine's benefit the mortgage payment on the marital home in which she continued to reside, maintenance up to \$250 per month, her cell phone, landline and long distance, newspaper, cable tv, internet, life insurance, all utilities, her car loan, her car insurance, Catherine's Providian Visa so long as it did not exceed the limit, the Key Bank equity line of credit and additionally provided \$1,100 per month to her.

Each of the parties accumulated some debt between separation and the date of the entry of the Decree of Divorce and approximately 10 days thereafter the Order on Temporary Matters was

entered. Mark testified that during this time when he set up his independent household through a rented apartment incurring expenses therefore he was also maintaining all of the normal household expenses where Catherine lived including her car payment and providing additional sums for other expenses.

During the time the parties were separated, by agreement Mark paid the expenses for the marital residence and provided \$800 per month for Catherine's personal needs. The Trial Court's determination in its order of August 25, 2006, Addendum A, was correct and supported by the evidence as to the amount of marital debt was \$36,890. Since Mark was paying for Catherine's expenses plus providing her \$800 per month as well as paying for his own living expenses, he incurred the referenced marital debt of \$36,890.

The Trial Court abused its discretion in changing the date of fixing marital debt, not the date of divorce, but rather a year earlier. The facts supported its determination contained in its order of August 25, 2006. By disregarding those facts the Trial Court is causing Mark to be solely responsible for the funds he was forced to borrow to support the two households during separation.

CONCLUSION

The failure of Catherine to marshal the evidence and successfully attack critical factual findings of the Trial Court respecting (1) imputation of income, (2) determination of needs and alimony, (3) reduction and ultimate termination of alimony, (4) the division of debt, (5) the use of the parties' savings and tax return to pay marital debt and (7) the award of attorney fees, are fatal to her appeal on these issues. The Trial Court made extensive findings which were supported by the evidence on these issues. There is no showing that they are clearly erroneous based upon the evidence. The lower court's conclusions based upon these findings and the evidence is reasoned

and is not an abuse of discretion. Catherine's request for attorney fees on appeal must be denied since she should not substantially prevail on appeal.

The portion of the lower court's order pertaining to division of future royalty or patents must be reversed. This is an impermissible division of unknown assets, that if they ever exist, will result through the Mark's future work. The award of a partial amount of the requested attorney fees for Catherine is not adequately supported and should be reversed. The lower court's initial determination following trial of the date for valuating marital debt should be adopted together with its value.

Mark respectfully requests that the judgment of the lower court be affirmed expect for the relief he requests in this cross-appeal.

Dated this 29 day of June 2007.

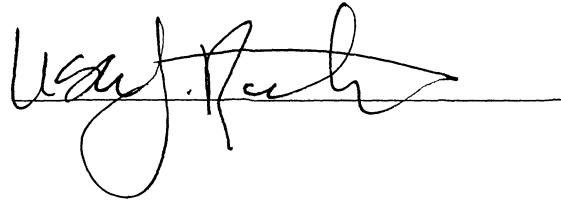
A handwritten signature in black ink, appearing to read 'D. Anderson', written over a horizontal line.

David C. Anderson
Attorney for Mark Leppert

CERTIFICATE OF DELIVERY

I hereby certify that I caused to be [] mailed, postage prepaid, ~~[]~~ hand delivered, []
transmitted via facsimile, two true and correct copies of the foregoing **BRIEF OF APPELLEE**
AND CROSS-APPELLANT to the following at the address indicated, postage prepaid, this
29 day of June 2007.

Kellie F. Williams
Jared T. Hales
CORPORON & WILLIAMS, P.C.
405 South Main Street, Suite 700
Salt Lake City, UT 84111

A handwritten signature in black ink, appearing to read "Jared T. Hales", is written over a horizontal line.

Tab A

ANALYSIS OF EMPLOYABILITY

For

Catherine Leppert

Prepared by

Kristy Farnsworth, Ph.D.
FARNSWORTH & ASSOCIATES
9557 South 700 East, #100
Sandy, UT 84070
(801) 572-5633

EXHIBIT

tabbles

P-21

ANALYSIS OF EMPLOYABILITY

CLIENT: Catherine Leppert

EVALUATED BY: Kristy Farnsworth, Ph.D.
Vocational Specialist

DATE: October 28, 2005

I have had an opportunity to complete a labor market survey and analysis of employability based on information provided by Ms. Leppert during the interview of October 18, 2005.

Based on her education, past work experience and the current labor market, Ms. Leppert's starting salary in a professional position could be expected to range from \$22,880 (entry wage for Advertising Sales Agents) up to \$39,104 (entry wage for Sales Representatives, Technical products) in the Salt Lake/Ogden area.

Starting salary in an unskilled or semi-skilled job would range from \$19,552 (entry level Customer Service Representative) to \$18,720 (entry level Order Clerk).

CURRENT VOCATIONAL OPTIONS

1. Obtain other employment as a Public Relations Specialist (entry salary \$29,744), Sales Representative (entry salary \$31,408), Sales Representative Technical sales (entry salary \$39,104) or Advertising Sales Agent (entry salary \$22,880) (using the college degree to meet the employers' minimum qualifications).
2. Obtain employment in a semi-skilled job with entry level earnings ranging from \$18,720 (entry level order clerk) up to \$19,552 (entry level customer service representative).

METHODOLOGY

The following steps were completed to determine Ms. Leppert's employability:

1. Interview with Ms. Leppert to obtain background information
2. Identification of Ms. Leppert's skills and abilities
3. Identification of jobs where skills and abilities could be used
4. Identification of the frequency of job openings
5. Identification of current openings listed with the Department of Workforce Services
6. Identification of potential barriers to employment
7. Establishment of capacity to produce income based on current skill level and job opportunities
8. Estimation of annual earnings

REFERRAL INFORMATION

Ms. Catherine Leppert was referred for an evaluation of employability to identify vocational options available to her in the local labor force. Information for this analysis was obtained from Ms. Leppert during an interview held on October 18, 2005, an analysis of her skills and abilities and local labor market research.

IDENTIFYING INFORMATION

Ms. Leppert is a 61-year-old woman who currently resides in Salt Lake City Utah. There are no dependent children.

ACADEMIC ACHIEVEMENT

Bachelor of Arts degree, Zoology 1966

Graduate classes, molecular biology University of Minnesota 1967-1968

LICENSES/CERTIFICATIONS

Ms. Leppert possesses a valid drivers' license. She does not have any other professional license or certificate.

VOCATIONAL HISTORY

The following employment history was obtained from a resume Ms. Leppert provided at the time of the interview.

At the present time, Ms. Leppert is not working, nor is she seeking employment.

1988 Salt Lake School District, Resource Aide.

February 1978 – June 1981 Management Analyst, Utah Department of Social Services. She was responsible for program planning, budget and evaluation of models of management. She indicated she had various committee assignments and worked for fifty five directors. At some point, her employment became part time.

She reported she tended her grandchildren for approximately six months in 2001.

She indicated she worked as a volunteer with the PTA when her children were attending school, volunteered as a tour guide for the Governor's mansion and had been a volunteer on numerous committees.

MEDICAL HISTORY

No medical records were provided for review.

Ms. Leppert reported she was exposed to epoxy hardener more than twenty years ago that caused her to develop multiple chemical sensitivities. She was diagnosed with Fibromyalgia around 1988 and underwent a successful back surgery in 1997. She said she did not have any medical condition that would prevent her from working, however discussed at length the routine she follows to prepare meals.

KNOWLEDGE, SKILLS AND ABILITIES

Ms. Leppert obtained specialized knowledge from studies in zoology and work as a management analyst and resource aid.

Knowledge

Biology — Knowledge of plant and animal organisms, their tissues, cells, functions, interdependencies, and interactions with each other and the environment.

English Language — Knowledge of the structure and content of the English language including the meaning and spelling of words, rules of composition, and grammar.

Mathematics — Knowledge of arithmetic, algebra, geometry, calculus, statistics, and their applications.

Law and Government — Knowledge of laws, legal codes, court procedures, precedents, government regulations, executive orders, agency rules, and the democratic political process.

Skills

Science — Using scientific rules and methods to solve problems.

Writing — Communicating effectively in writing as appropriate for the needs of the audience.

Reading Comprehension — Understanding written sentences and paragraphs in work related documents.

Active Listening — Giving full attention to what other people are saying, taking time to understand the points being made, asking questions as appropriate, and not interrupting at inappropriate times.

Active Learning — Understanding the implications of new information for both current and future problem-solving and decision-making.

Coordination — Adjusting actions in relation to others' actions.

Judgment and Decision Making — Considering the relative costs and benefits of potential actions to choose the most appropriate one.

Complex Problem Solving — Identifying complex problems and reviewing related information to develop and evaluate options and implement solutions.

Critical Thinking — Using logic and reasoning to identify the strengths and weaknesses of alternative solutions, conclusions or approaches to problems.

Time Management — Managing one's own time and the time of others.

Abilities

Oral Expression — The ability to communicate information and ideas in speaking so others will understand.

Deductive Reasoning — The ability to apply general rules to specific problems to produce answers that make sense.

Inductive Reasoning — The ability to combine pieces of information to form general rules or conclusions (includes finding a relationship among seemingly unrelated events).

Information Ordering — The ability to arrange things or actions in a certain order or pattern according to a specific rule or set of rules (e.g., patterns of numbers, letters, words, pictures, mathematical operations).

Oral Comprehension — The ability to listen to and understand information and ideas presented through spoken words and sentences.

Written Comprehension — The ability to read and understand information and ideas presented in writing.

Written Expression — The ability to communicate information and ideas in writing so others will understand.

Speech Clarity — The ability to speak clearly so others can understand you.

Category Flexibility — The ability to generate or use different sets of rules for combining or grouping things in different ways.

Near Vision — The ability to see details at close range (within a few feet of the observer).

Although she does not have current technical skills to market to an employer, she has demonstrated a high level of communication skills, interpersonal skills, motivation and initiative, analytical skills, flexibility, adaptability, detail oriented skills, organizational skills and the ability to meet deadlines through her past work and academic achievement.

EMPLOYMENT OPPORTUNITIES

Although Ms. Leppert's technical skills are outdated, there are a number of jobs she would be able to consider using her college degree. Possible job alternatives were identified in the Utah Metro Occupational Projections 2002 – 2012 publication of the Utah Department of Workforce Services. This publication presents the official State of Utah projections of industry and occupational employment and provides labor market information in the form of labor demand, labor supply and occupational characteristics. This was published in August 2004 and reports 2003 wages. Relevant information for Utah Metro areas follows:

JOB	Annual Openings	Entry Wages	Average Wage	2004 ¹ Wages
Public Relations Specialists	40	\$14.10	\$29,328	\$29,744
Advertising Sales Agent	70	\$11.00	\$22,880	\$22,880
Sales Representative Technical	210	\$18.40	\$38,272	\$39,104
Sales Representative	610	\$13.80	\$28,704	\$31,408
Customer Service Repr	1130	\$9.10	\$18,928	\$19,552
Order Clerk	100	\$9.20	\$19,136	\$18,720

Copies of the pages containing this data are provided in Section One.

Bureau of Labor Statistics, Office of Employment Projections and Utah Department of Workforce Services labor market information was obtained related to wages paid in 2004. The wage ranges for these positions in the Salt Lake City/Ogden areas are presented on the following page.

¹ Salt Lake City-Ogden Occupational Wage Table Published January 2005.

Utah Occupational Wages Published June 2005 Annual					
Occupation Title	Entry Wage	Average	Median	Middle Range	Training
Public Relations Specialists	30,440	47,080	41,930	34160 to 52880	Bachelor's degree
Advertising Sales Agents	23,980	42,770	40,410	27040 to 51900	Moderate-term OJT (1-12 months)
Sales Representatives, Wholesale and Manufacturing, Except Technical and Scientific Products	31,600	52,250	47,670	36350 to 64130	Moderate-term OJT (1-12 months)
Sales Representatives, Wholesale and Manufacturing, Technical and Scientific Products	36,210	61,930	59,340	42350 to 76050	Moderate-term OJT (1-12 months)
Customer Service Representatives	18,740	25,140	23,500	20120 to 27980	Moderate-term OJT (1-12 months)
Order Clerks	17,890	28,970	23,160	19240 to 35210	Short-term on-the-job training

Copies of the Occupational Reports for these jobs are provided in Section Two following this report.

CURRENT EMPLOYMENT OPPORTUNITIES

Examples of the current job openings listed with the Department of Workforce Services Ms. Leppert could consider based on her demonstrated skills and abilities include:

JOB TITLE	ANNUAL WAGE OFFERED	ENTRY WAGE ²
Public Relations Specialist	Not provided	\$29,744
Advertising Sales	\$50K +	\$50K +
Account Executive	Not provided	\$21,408
Advertising Sales	Not provided	\$22,880
Advertising Sales	\$50K+	\$50K+
Customer Service	\$13-\$15	\$13-\$15
Customer Service	\$12-\$14	\$12-\$14
Call Center Rep	Not provided	\$19,552
Customer Care	Not provided	\$19,552
Customer Care Representative	Not provided	\$19,552
Customer Service Expert	\$10.00	\$10.00
Customer Service Representative	\$9.5 – \$12.5	
Customer Service Representative	\$10-\$11	

² Salt Lake City-Ogden Occupational Wage Table Published January 2005

Customer Service Representative	\$10-\$12	
Customer Service/Order Entry Rep	Not provided	\$19,552
Inbound Order Entry Clerk/CSR	\$8.00	
Customer Service Technician	Not provided	\$19,552

Copies of these job openings are attached in Section Three.

Classified ads in the recent Salt Lake Tribune were reviewed. There were many ads for Customer Service Representatives and Sales Representatives. Copies of representative ads are also included.

MARKETABILITY

Based on the local job market and Ms. Leppert's education and work experience, she could be considered for non technical jobs such as Account Manager, Manger Trainee and Public Relations Specialist, Advertising Sales Agent, and Sales Representative (Account Manager). Ms. Leppert has demonstrated communication skills, interpersonal skills, motivation and initiative, analytical skills, flexibility, adaptability, detail oriented skills, organizational skills and the ability to meet deadlines in her previous work performance and by her ability to complete the requirements for a college degree.

The ability to market ones self successfully depends on a variety of factors, including employment outlook. The Department of Work Force Services has rated the outlook for employment in the various occupations based on employment, the demand for workers and wages paid. Occupations are assigned a star rank based on the projected number of Utah job openings between 2002 and 2012, how fast the occupation is expected to grow over that time period and the median annual wages.

The rating for Advertising Sales Agent and Sales Representative is **five** stars-representing strong outlook and high wages.

The job of Public Relations Specialist and Customer Service Representative is rated **three** stars representing a moderate to strong employment outlook and low to moderate wages.

Order Clerk is rated **one** star. One-Star occupations have a limited employment outlook and low wages.

Labor market research results indicate there are currently a moderate number of advertised job openings that Ms. Leppert could pursue relying on her education

and work experience. Additionally, there are a significant number of employment opportunities in unskilled or semi skilled jobs. Typically the starting salaries are lower in these types of jobs than she could earn in the skilled jobs noted above.

POTENTIAL BARRIERS TO EMPLOYMENT

- Ms. Leppert is not currently seeking employment
- She has been out of the workforce for a number of years
- Although she is 61 years of age, she has six years until she reaches retirement age.
- Her health routine appears to consume large amounts of time during which she could otherwise be employed.
-

JOB SEARCH EFFORT

Ms. Leppert is not currently seeking employment.

An efficient job search/effort would include the following:

- Contact and register for assistance with a placement agency (head hunter) to locate job openings consistent with her education and experience.
- Register for work with Department of Work Force Services
- Attend free workshops sponsored by the Department of Work Force Services to refresh job seeking, resume writing and interview skills.
- Attend job fairs sponsored through the Department of Work Force Services to meet with potential employers.
- Contact Career Services at the University of Utah regarding the availability of placement services for alumna.
- Consider finding a job a job, devoting six to eight hours each day to job seeking activities.

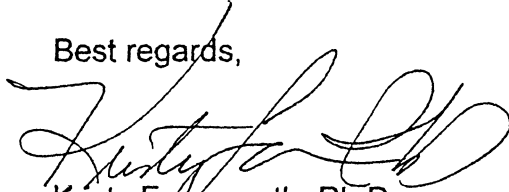
SUMMARY AND CONCLUSIONS

Based on her education, current work experience and the labor market, Ms. Leppert's starting salary in a professional position could be expected to range from \$22,880 (entry wage for Advertising Sales Agents) up to \$39,104 (entry wage for Sales Representatives, Technical products) in the Salt Lake/Ogden area.

Starting salary in unskilled or semi-skilled jobs identified would range from \$19,552 (entry level customer service representative) to \$18,720 (entry level order clerk).

If you have any question regarding this analysis, please let me know.

Best regards,

A handwritten signature in black ink, appearing to read 'Kristy Farnsworth', with a large, stylized flourish at the end.

Kristy Farnsworth, Ph.D.
Diplomate, ABVE
CRC, CVE, CDMS

KF:me

Attachments:

- Section One—Utah Metro Occupational Projections 2002-2012
Salt Lake City-Ogden Hourly Wage Information
- Section Two – Utah Occupational Reports
- Section Three – Workforce Services Job Orders and Salt Lake Tribune Ads
- Section Four – Current Resume and List of Cases

SECTION ONE

UTAH METRO OCCUPATIONAL PROJECTIONS

Utah Metro Occupational Projections 2002 - 2012

SOC Code	Stars	Employment		Annual Openings			Hourly Wage		Training Level
		2002	2012	Growth	Replace-ments	Total	Entry	Average	
27-0000 Arts, Design, Entertainment, Sports, and Media Occupations		19,720	25,130	550	380	920			
27-1000 Art and Design Workers		6,240	8,040	180	100	280			
27-1011 Art Directors	2	300	370	10	10	10	\$16.10	\$27.90	Experience plus Degree
27-1013 Fine Artists, Including Painters, Sculptors, and Illustrators	3	340	460	10	10	20	\$8.50	\$14.50	Long-term on-the-job training
27-1014 Multi-Media Artists and Animators	3	1,260	1,560	30	30	60	\$10.30	\$19.00	Bachelor's degree
27-1021 Commercial and Industrial Designers	1	570	780	20	10	30	\$14.50	\$23.40	Bachelor's degree
27-1023 Floral Designers	1	600	720	10	10	20	\$7.40	\$9.50	Moderate-term on-the-job training
27-1024 Graphic Designers	2	1,530	2,030	50	20	70	\$11.00	\$17.00	Bachelor's degree
27-1025 Interior Designers	2	340	450	10	10	20	\$11.10	\$17.60	Bachelor's degree
27-1026 Merchandise Displayers and Window Trimmers	1	620	790	20	10	30	\$7.60	\$10.50	Moderate-term on-the-job training
27-1027 Set and Exhibit Designers	0	90	120	0	0	0	\$11.00	\$19.40	Bachelor's degree
27-1099 Art and Design Workers, All Other (DES Only)	1	560	730	20	10	30	\$8.10	\$13.10	Bachelor's degree
27-2000 Entertainers, and Performers, Sports, and Related Workers		4,980	6,240	130	100	230			
27-2011 Actors	2	1,140	1,440	30	20	40	\$12,500	\$29,700 *	Long-term on-the-job training
27-2012 Producers and Directors	4	800	770	20	10	30	\$25,900	\$60,900 *	Experience plus Degree
27-2021 Athletes and Sports Competitors	4	230	310	10	0	10	\$23,900	\$56,400 *	Long-term on-the-job training
27-2022 Coaches and Scouts	4	380	530	20	10	20	\$15,700	\$30,300 *	Long-term on-the-job training
27-2023 Umpires, Referees, and Other Sports Officials	1	80	110	0	0	0	\$13,500	\$15,500 *	Long-term on-the-job training
27-2031 Dancers	1	270	320	10	20	20	\$5.80	\$8.90	Long-term on-the-job training
27-2032 Choreographers	4	280	370	10	20	30	\$10.80	\$18.10	Related Work Experience
27-2041 Music Directors and Composers	0	80	100	0	0	0	\$25,300	\$39,700 *	Experience plus Degree
27-2042 Musicians and Singers	3	410	490	10	10	20	\$12,700	\$38,700 *	Long-term on-the-job training
27-2099 Entertainers and Performers, Sports and Related Workers, All Other	2	1,500	1,810	30	20	50	\$12,800	\$16,100 *	Long-term on-the-job training
27-3000 Media and Communication Workers		5,490	7,050	160	110	260			
27-3010 Announcers	1	460	460	0	10	10	\$7.20	\$18.10	Long-term on-the-job training
27-3020 News Analysts, Reporters and Correspondents	1	340	360	0	10	10	\$12.10	\$18.40	Experience plus Degree
27-3031 Public Relations Specialists	1	820	1,140	30	10	40	\$14.10	\$22.00	Bachelor's degree
27-3041 Editors	1	750	970	20	20	40	\$11.50	\$19.20	Bachelor's degree
27-3042 Technical Writers	3	440	580	10	10	30	\$16.30	\$24.80	Bachelor's degree
27-3043 Writers and Authors	0	1,930	2,570	60	30	100	\$9.70	\$16.40	Bachelor's degree
27-3091 Interpreters and Translators	3	380	500	10	10	20	\$10.10	\$14.10	Long-term on-the-job training
27-3099 Media and Communication Workers, All Other	4	380	480	10	10	10	\$9.80	\$16.60	Long-term on-the-job training
27-4000 Media and Communication Equipment Workers		3,010	3,790	80	70	150			
27-4011 Audio and Video Equipment Technicians	4	810	1,120	30	20	50	\$9.70	\$14.00	Long-term on-the-job training
27-4012 Broadcast Technicians	2	340	400	10	10	10	\$9.80	\$17.60	Associate degree
27-4014 Sound Engineering Technicians	0	320	410	10	10	20	\$7.40	\$18.90	Postsecondary vocational training
27-4021 Photographers	3	750	910	20	20	30	\$8.20	\$14.10	Long-term on-the-job training
27-4031 Camera Operators, Television, Video, and Motion Picture	4	540	650	10	10	20	\$10.50	\$24.90	Moderate-term on-the-job training
27-4032 Film and Video Editors	4	80	100	0	0	0	\$14.20	\$27.50	Bachelor's degree
27-4099 Media and Communication Equipment Workers, All Other	1	180	210	0	0	10	\$7.30	\$16.00	Moderate-term on-the-job training

* Annual Wages.

NOTE: Detail may not add to totals due to rounding and the exclusion of small occupations.

Source: Utah Department of Workforce Services, Aug 2004.

Utah Metro Occupational Projections 2002 - 2012

SOC Code	Stars	Employment		Annual Openings		Hourly Wage		Training Level		
		2002	2012	Growth	Replace-ments	Total	Entry		Average	
41-0000 Sales and Related Occupations			111,730	142,780	3,110	3,480	6,580			
41-1000 Supervisors, Sales Workers			18,580	21,410	480	300	780			
41-1011 First-Line Supervisors/Managers of Retail Sales Workers		5	12,380	16,100	370	220	590	\$10.00	\$15.80	Related Work Experience
41-1012 First-Line Supervisors/Managers of Non-Retail Sales Workers		5	4,200	5,310	110	80	190	\$13.20	\$24.70	Related Work Experience
41-2000 Retail Sales Workers			57,450	74,310	1,690	2,350	4,040			
41-2011 Cashiers		2	21,990	28,820	680	1,070	1,750	\$6.20	\$8.10	Short-term on-the-job training
41-2021 Counter and Rental Clerks		2	2,770	3,860	110	110	220	\$6.50	\$9.30	Short-term on-the-job training
41-2022 Parts Salespersons		3	1,630	1,800	20	50	60	\$9.30	\$13.80	Moderate-term on-the-job training
41-2031 Retail Salespersons		2	31,050	39,830	880	1,130	2,010	\$6.90	\$10.30	Short-term on-the-job training
41-3000 Sales Representatives, Services			6,580	8,280	170	130	300			
41-3011 Advertising Sales Agents		5	1,370	1,650	30	30	50	\$9.90	\$17.40	Moderate-term on-the-job training
41-3021 Insurance Sales Agents		1	2,580	3,530	100	60	160	\$11.10	\$24.50	Bachelor's degree
41-3031 Securities, Commodities, and Financial Services Sales Agents		0	2,020	2,500	50	20	70	\$16.70	\$36.10	Bachelor's degree
41-3041 Travel Agents		0	610	600	0	10	10	\$8.40	\$12.80	Postsecondary vocational training
41-4000 Sales Representatives, Wholesale and Manufacturing			14,520	18,910	440	380	820			
41-4011 Sales Representatives, Wholesale and Manufacturing, Technical and Scientific Products		5	3,820	4,950	110	100	210	\$18.40	\$29.80	Moderate-term on-the-job training
41-4012 Sales Representatives, Wholesale and Manufacturing, Except Technical and Scientific Products		5	10,700	13,960	330	280	610	\$13.80	\$25.30	Moderate-term on-the-job training
41-9000 Other Sales and Related Workers			18,610	19,870	330	320	640			
41-9011 Demonstrators and Product Promoters		2	1,140	1,590	50	30	70	\$7.60	\$10.60	Moderate-term on-the-job training
41-9021 Real Estate Brokers		4	260	340	10	10	10	\$14.40	\$40.10	Related Work Experience
41-9022 Real Estate Sales Agents		5	790	1,070	30	20	40	\$10.00	\$23.50	Postsecondary vocational training
41-9031 Sales Engineers		5	1,280	1,550	30	40	70	\$20.20	\$34.20	Bachelor's degree
41-9041 Telemarketers		3	7,360	7,540	20	120	140	\$8.00	\$10.90	Short-term on-the-job training
41-9091 Door-To-Door Sales Workers, News and Street Vendors, and Related Workers		0	350	400	10	10	10	\$8.00	\$12.10	Short-term on-the-job training
41-9099 Sales and Related Workers, All Other		5	5,420	7,390	200	100	300	\$9.70	\$18.10	Moderate-term on-the-job training

* Annual Wages.

NOTE: Detail may not add to totals due to rounding and the exclusion of small occupations.

Source: Utah Department of Workforce Services, Aug 2004.

Utah Metro Occupational Projections 2002 - 2012

SOC Code	Stars	Employment		Growth	Annual Openings Replace- ments		Hourly Wage		Training Level
		2002	2012		Total		Entry	Average	
19-0000 Life, Physical, and Social Science Occupations		9,940	12,930	300	230	530			
19-1000 Life Scientists		2,000	2,630	60	40	110			
19-1010 Agricultural and Food Scientists	3	230	290	10	0	10	\$20.50	\$25.30	Bachelor's degree
19-1021 Biochemists and Biophysicists	3	180	280	10	10	20	\$17.30	\$23.80	Doctoral degree
19-1022 Microbiologists	0	90	130	0	0	10	\$16.80	\$22.40	Doctoral degree
19-1023 Zoologists and Wildlife Biologists	0	100	110	0	0	0	\$15.60	\$21.30	Bachelor's degree
19-1031 Conservation Scientists	2	50	60	0	0	0	\$19.70	\$27.20	Bachelor's degree
19-1032 Foresters	1	100	110	0	0	0	\$14.40	\$21.60	Bachelor's degree
19-1042 Medical Scientists, Except Epidemiologists	1	370	560	20	10	30	\$16.00	\$22.10	Doctoral degree
19-1099 Life Scientists, All Other	0	860	1,060	20	20	40	\$12.00	\$19.40	Bachelor's degree
19-2000 Physical Scientists		1,340	1,690	40	30	70			
19-2021 Atmospheric and Space Scientists	4	50	50	0	0	0	\$30.00	\$36.00	Bachelor's degree
19-2031 Chemists	1	430	570	10	10	30	\$16.40	\$25.20	Bachelor's degree
19-2041 Environmental Scientists and Specialists, Including Health	4	400	520	10	10	20	\$19.30	\$25.10	Master's degree
19-2042 Geoscientists, Except Hydrologists and Geographers	2	130	150	0	0	0	\$19.70	\$26.70	Master's degree
19-2043 Hydrologists	3	100	140	0	0	10	\$22.80	\$32.70	Master's degree
19-2099 Physical Scientists, All Other	1	190	210	0	0	10	\$14.60	\$25.90	Bachelor's degree
19-3000 Social Scientists and Related Workers		3,590	4,870	130	90	220			
19-3011 Economists	2	90	120	0	0	10	\$19.20	\$38.20	Master's degree
19-3021 Market Research Analysts	1	1,020	1,400	40	30	60	\$15.50	\$25.80	Master's degree
19-3022 Survey Researchers	1	430	570	10	10	30	\$10.20	\$10.70	Master's degree
19-3031 Clinical, Counseling, and School Psychologists	4	1,450	2,060	60	30	90	\$16.00	\$30.50	Doctoral degree
19-3051 Urban and Regional Planners	1	130	170	0	0	10	\$17.30	\$23.80	Master's degree
19-3099 Social Scientists and Related Workers, All Other	3	370	430	10	10	10	\$12.10	\$21.20	Master's degree
19-4000 Life, Physical, and Social Science Technicians		3,020	3,740	70	70	140			
19-4021 Biological Technicians	0	240	310	10	0	10	\$9.50	\$13.20	Associate degree
19-4031 Chemical Technicians	0	240	300	10	10	10	\$10.50	\$15.00	Associate degree
19-4091 Environmental Science and Protection Technicians, Including Health	4	170	230	10	0	10	\$10.60	\$17.00	Associate degree
19-4092 Forensic Science Technicians	2	70	90	0	0	0	\$13.90	\$16.70	Associate degree
19-4093 Forest and Conservation Technicians	0	210	230	0	10	10	\$10.40	\$12.80	Associate degree
19-4099 Life, Physical, and Social Science Technicians, All Other	2	2,020	2,510	50	50	100	\$7.70	\$12.30	Associate degree

* Annual Wages.

NOTE: Detail may not add to totals due to rounding and the exclusion of small occupations.

Source: Utah Department of Workforce Services, Aug 2004.

Utah Metro Occupational Projections 2002 - 2012

SOC Code	Stars	Employment		Annual Openings		Hourly Wage		Training Level	
		2002	2012	Growth	Replace-ments	Total	Entry		Average
43-0000 Office and Administrative Support Occupations			188,990	203,140	3,490	3,820	7,310		
43-1000 Supervisors, Office and Administrative Support Workers			8,410	9,850	150	180	330		
43-1011 First-Line Supervisors/Managers of Office and Administrative Support Workers	5	8,410	9,850	150	180	330	\$12.50	\$18.90	Related Work Experience
43-2000 Communications Equipment Operators			1,880	1,930	20	50	70		
43-2011 Switchboard Operators Including Answering Service	1	1,570	1,760	20	40	60	\$8.40	\$10.20	Short-term on-the-job training
43-2021 Telephone Operators	0	280	140	0	10	10	\$9.50	\$11.70	Short-term on the job training
43-3000 Financial Clerks			27,740	34,120	640	650	1,290		
43-3011 Bill and Account Collectors	4	8,420	9,050	260	120	380	\$9.80	\$13.10	Short-term on-the-job training
43-3021 Billing and Posting Clerks and Machine Operators	4	3,750	4,410	70	60	130	\$9.60	\$12.30	Moderate-term on-the-job training
43-3031 Bookkeeping Accounting and Auditing Clerks	4	11,900	13,760	190	220	410	\$8.90	\$12.60	Moderate-term on-the-job training
43-3051 Payroll and Timekeeping Clerks	4	910	1,070	20	20	40	\$10.60	\$14.40	Moderate-term on-the-job training
43-3061 Procurement Clerks	2	650	630	0	20	20	\$10.80	\$15.40	Short-term on-the-job training
43-3071 Tellers	3	4,110	5,210	110	200	310	\$8.00	\$9.60	Short-term on-the-job training
43-4000 Information and Record Clerks			50,760	65,550	1,480	1,040	2,520		
43-4011 Brokerage Clerks	2	300	250	0	0	0	\$12.40	\$15.30	Moderate-term on-the-job training
43-4021 Correspondence Clerks	1	90	90	0	0	0	\$10.00	\$12.90	Short-term on-the-job training
43-4031 Court Municipal and License Clerks	3	650	820	20	10	30	\$9.30	\$12.30	Short-term on-the-job training
43-4041 Credit Authorizers Checkers and Clerks	1	1,560	1,610	10	30	40	\$9.80	\$15.20	Short-term on-the-job training
✓ 43-4051 Customer Service Representatives	3	20,460	28,670	820	300	1,130	\$9.10	\$12.00	Moderate-term on-the-job training
43-4061 Eligibility Interviewers Government Programs	1	260	310	10	10	10	\$12.10	\$12.80	Moderate-term on-the-job training
43-4071 File Clerks	1	1,680	1,830	20	50	70	\$7.50	\$9.80	Short-term on-the-job training
43-4081 Hotel Motel and Resort Desk Clerks	2	1,070	1,630	60	50	100	\$7.70	\$9.10	Short-term on-the-job training
43-4111 Interviewers Except Eligibility and Loan	2	2,320	3,140	80	60	140	\$6.30	\$8.70	Short-term on-the-job training
43-4121 Library Assistants Clerical	2	780	980	20	30	50	\$6.50	\$8.50	Short-term on-the-job training
43-4131 Loan Interviewers and Clerks	1	1,370	1,390	0	20	20	\$10.70	\$13.80	Short-term on-the-job training
43-4141 New Accounts Clerks	1	460	590	10	10	30	\$10.00	\$11.40	Related Work Experience
✓ 43-4151 Order Clerks	4	3,980	4,050	10	90	100	\$9.20	\$14.00	Short-term on-the-job training
43-4161 Human Resources Assistants Except Payroll and Timekeeping	5	1,070	1,360	30	20	50	\$10.30	\$14.60	Short term on-the-job training
43-4171 Receptionists and Information Clerks	3	8,650	11,970	330	210	540	\$7.70	\$9.80	Short-term on-the-job training
43-4181 Reservation and Transportation Ticket Agents and Travel Clerks	4	3,650	4,420	80	100	170	\$9.20	\$15.10	Short-term on-the-job training
43-4999 Financial Information and Record Clerks All Other (OES Only)	1	2,420	2,450	0	40	40	\$10.30	\$15.70	Short-term on-the-job training
43-5000 Material Recording, Scheduling, Dispatching, and Distributing Workers			25,320	29,060	370	730	1,110		
43-5011 Cargo and Freight Agents	1	610	720	10	10	20	\$8.90	\$12.90	Moderate-term on-the-job training
43-5021 Couriers and Messengers	0	1,170	1,260	10	30	40	\$6.70	\$9.00	Short-term on-the-job training
43-5031 Police Fire and Ambulance Dispatchers	3	380	490	10	10	20	\$11.80	\$14.00	Moderate-term on-the-job training
43-5032 Dispatchers Except Police Fire and Ambulance	4	1,470	1,720	20	30	60	\$10.90	\$16.60	Moderate-term on-the-job training
43-5041 Meter Readers Utilities	1	210	240	0	10	10	\$9.80	\$13.20	Short-term on-the-job training
43-5051 Postal Service Clerks	5	430	600	20	10	30	\$18.30	\$18.80	Short term on-the-job training
43-5052 Postal Service Mail Carriers	5	1,570	2,190	60	50	110	\$16.90	\$18.80	Short term on-the-job training
43-5053 Postal Service Mail Sorters Processors and Processing Machine Operators	5	930	1,180	20	30	50	\$14.60	\$17.50	Short-term on-the-job training
43-5061 Production Planning and Expediting Clerks	5	2,080	2,650	60	50	110	\$11.90	\$17.40	Short term on-the-job training
43-5071 Shipping Receiving and Traffic Clerks	3	5,560	6,320	80	110	190	\$8.60	\$11.70	Short-term on-the-job training
43-5081 Stock Clerks and Order Fillers	3	10,250	10,900	70	380	440	\$7.60	\$10.50	Short term on-the-job training
43-5111 Weighers Measurers Checkers and Samplers Recordkeeping	3	550	710	20	10	30	\$9.60	\$12.70	Short-term on-the-job training
43-5199 Material Recording Scheduling Dispatching and Distributing Workers All Other (OES Only)	2	90	100	0	0	0	\$11.00	\$14.60	Short-term on-the-job training

* Annual Wages

NOTE Detail may not add to totals due to rounding and the exclusion of small occupations.

Source Utah Department of Workforce Services, Aug 2004



SALT LAKE CITY - OGDEN

HOURLY WAGE INFORMATION BY OCCUPATIONAL TITLE Published January 2005

Below is a summary of the latest wage information available for the Salt Lake City–Ogden MSA (Metropolitan Statistical Area). The occupations are listed alphabetically along with the "Occupation Code", which is a unique number assigned to each of the occupations in the survey. The data was collected during the period November 2003 – May 2004. Wages presented include the Entry Wage (the average of the bottom-third of all wages collected), Average Wage, Median Wage (which is the wage of the middle worker in the survey where half of the workers earned wages below the median and half above the median), and the Middle Range (which represents the wages of the middle fifty percent of workers. One-fourth of the workers earned wages below the low end of the middle range, and one-fourth of the workers earned wages above the high end of the middle range).

A complete list of wage information for the entire state is available by accessing the Utah Economic Data Viewer on the Web at: <http://jobs.utah.gov/jsp/wi/utalmis/wageDefault.jsp>.

Questions may be addressed to Jim Robson (801) 526-9626, or Michael Hanni (801) 526-9403, economic specialists for the Utah Department of Workforce Services. Comments about this summary flyer are encouraged, and can be directed to the above individuals.

Code	Title	Entry	Average	Median	Middle Range	
					From	To
13-2011	Accountants and auditors	15.50	23.60	21.70	17.20	28.60
11-3011	Administrative services managers	15.70	28.80	27.80	18.10	34.00
11-2011	Advertising and promotions managers	14.80	27.20	21.30	16.50	32.60
✓ 41-3011	Advertising sales agents	11.00	19.60	17.00	12.30	22.30
17-2011	Aerospace engineers	27.90	34.40	35.60	30.30	40.00
49-3011	Aircraft mechanics and service technicians	16.50	22.00	21.10	18.30	25.50
39-3091	Amusement and recreation attendants	6.10	7.40	7.00	6.20	8.00
27-3010	Announcers	8.70	19.90	13.80	9.70	23.80
17-3011	Architectural and civil drafters	11.20	16.00	15.40	12.60	19.20
27-4011	Audio and video equipment technicians	9.40	13.80	14.60	10.50	16.00
29-1121	Audiologists	19.90	24.80	24.90	21.60	28.20
49-3021	Automotive body and related repairers	11.00	20.70	18.10	12.60	25.10
49-3023	Automotive service technicians and mechanics	8.50	16.10	13.90	9.60	20.60
39-6011	Baggage porters and bellhops	6.00	10.70	9.30	6.40	13.00
51-3011	Bakers	8.50	11.70	11.40	9.30	13.50
35-3011	Bartenders	6.00	8.60	7.20	6.20	11.50
43-3011	Bill and account collectors	9.90	13.00	11.80	10.30	14.20
43-3021	Billing and posting clerks and machine operators	9.80	12.50	12.40	10.50	14.10
51-5011	Bindery workers	6.50	12.30	11.10	7.00	16.60
43-3031	Bookkeeping, accounting, and auditing clerks	9.30	12.90	12.60	10.50	14.80
47-2021	Brickmasons and blockmasons	18.70	23.00	21.40	19.40	24.30

22,880



Economic and Data Collection and Analysis Unit

For Wage Information: <http://jobs.utah.gov/wi/regions/local.asp>

For Economic Information: <http://jobs.utah.gov/wi>

Department of Workforce Services

140 East 300 South Salt Lake City, Utah 84111 1-888-920-WORK jobs.utah.gov

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SALT LAKE CITY – OGDEN OCCUPATIONAL WAGE TABLE
Published January 2005

Code	Title	Entry	Average	Median	Middle Range	
					From	To
25-2011	Preschool teachers, except special education	7.70	9.60	8.80	7.90	11.00
51-6021	Pressers, textile, garment, and related materials	6.20	7.40	7.10	6.30	8.50
51-5023	Printing machine operators	9.50	16.20	14.70	10.90	18.50
43-3061	Procurement clerks	10.90	15.40	15.60	12.50	18.60
43-5061	Production, planning, and expediting clerks	11.40	17.70	17.20	13.00	21.70
11-9141	Property, real estate, and community association managers	9.20	16.50	15.40	11.90	17.90
29-2053	Psychiatric technicians	9.70	12.50	11.90	10.20	13.90
11-2031	Public relations managers	22.10	38.00	34.50	24.70	48.80
27-3031	Public relations specialists	14.30	21.60	20.00	16.20	25.00
13-1023	Purchasing agents, except wholesale, retail, and farm products	16.00	23.60	23.10	18.10	28.50
11-3061	Purchasing managers	19.00	33.30	29.80	22.00	40.20
43-4171	Receptionists and information clerks	7.90	10.10	10.00	8.60	11.40
39-9032	Recreation workers	6.10	8.60	7.80	6.60	9.60
53-7081	Reuse and recyclable material collectors	7.80	13.00	12.10	8.40	15.20
29-1111	Registered nurses	18.80	24.40	24.10	20.50	27.80
43-4181	Reservation and transportation ticket agents and travel clerks	9.20	15.40	13.20	10.20	21.40
41-2031	Retail salespersons	7.10	10.80	9.20	7.70	11.90
47-2181	Roofers	9.50	14.50	14.60	10.70	18.20
11-2022	Sales managers	18.90	37.00	32.60	21.80	48.00
41-4012	Sales representatives, wholesale and manufacturing, except technical and scientific products	15.10	26.00	22.70	17.30	31.90
41-4011	Sales representatives, wholesale and manufacturing, technical and scientific products	18.80	32.30	30.00	21.70	37.90
51-7041	Sawing machine setters, operators, and tenders, wood	7.60	10.20	10.00	8.30	11.80
43-6014	Secretaries, except legal, medical, and executive	9.20	12.30	11.90	10.10	14.20
49-2098	Security and fire alarm systems installers	11.90	18.20	18.30	13.10	21.10
33-9032	Security guards	8.00	11.20	10.10	8.60	12.60
25-3021	Self-enrichment education teachers	9.10	12.80	12.40	10.20	14.80
51-9012	Separating, filtering, clarifying, precipitating, and still machine setters, operators, and tenders	11.50	18.30	17.30	13.20	24.30
53-6031	Service station attendants	7.70	10.00	9.00	8.00	10.90
51-6031	Sewing machine operators	7.50	9.70	9.40	8.00	11.30
47-2211	Sheet metal workers	11.30	18.10	18.40	13.20	23.30
43-5071	Shipping, receiving, and traffic clerks	9.00	12.10	11.40	9.70	13.80
11-9151	Social and community service managers	15.70	24.30	24.10	17.90	29.70
21-1093	Social and human service assistants	7.70	11.00	9.80	8.00	13.10
25-1060	Social Sciences Teachers, Postsecondary	18.10	26.70	24.90	20.30	32.10
27-4014	Sound engineering technicians	12.20	17.10	16.40	13.40	20.40

29,744

3,408

39,107



SALT LAKE CITY – OGDEN OCCUPATIONAL WAGE TABLE
 Published January 2005

Code	Title	Entry	Average	Median	Middle Range	
					From	To
53-7011	Conveyor operators and tenders	10.50	13.20	13.40	11.40	15.10
35-2011	Cooks, fast food	6.10	7.20	7.10	6.20	8.20
35-2012	Cooks, institution and cafeteria	6.60	9.10	9.40	7.40	10.60
35-2014	Cooks, restaurant	7.60	9.80	9.30	8.10	10.70
35-2015	Cooks, short order	7.40	8.50	8.40	7.60	9.60
33-3012	Correctional officers and jailers	11.60	15.00	15.10	12.80	16.90
13-1051	Cost estimators	14.90	23.40	21.70	17.10	28.80
41-2021	Counter and rental clerks	6.30	9.10	8.50	6.90	10.40
35-3022	Counter attendants, cafeteria, food concession, and coffee shop	6.00	7.40	7.30	6.30	8.20
43-5021	Couriers and messengers	6.60	8.80	8.50	7.10	10.10
53-7021	Crane and tower operators	14.80	18.70	18.60	15.90	21.70
13-2041	Credit analysts	11.20	19.30	15.10	11.90	23.50
43-4041	Credit authorizers, checkers, and clerks	9.90	14.60	12.60	10.50	18.70
33-9091	Crossing guards	6.10	8.00	7.90	6.60	9.40
51-9021	Crushing, grinding, and polishing machine setters, operators, and tenders	11.10	15.20	15.60	13.00	17.50
43-4051	Customer service representatives	9.40	12.20	11.30	9.90	13.50
51-9032	Cutting and slicing machine setters, operators, and tenders	8.90	13.20	12.40	9.50	15.60
51-4031	Cutting, punching, and press machine setters, operators, and tenders, metal and plastic	9.20	11.70	11.70	10.00	13.40
43-9021	Data entry keyers	8.60	11.50	11.30	9.60	13.00
15-1061	Database administrators	21.10	30.40	29.90	24.20	37.60
41-9011	Demonstrators and product promoters	7.80	10.40	9.10	8.00	11.00
31-9091	Dental assistants	7.90	11.00	11.00	8.30	12.50
33-3021	Detectives and criminal investigators	18.20	25.40	23.10	19.30	31.40
29-2032	Diagnostic medical sonographers	19.40	23.40	23.30	20.20	26.40
29-2051	Dietetic technicians	9.30	11.90	11.70	10.00	13.50
29-1031	Dietitians and nutritionists	15.10	20.10	19.50	16.60	22.40
35-9011	Dining room and cafeteria attendants and bartender helpers	6.00	7.10	7.10	6.10	8.20
35-9021	Dishwashers	6.00	7.20	7.40	6.40	8.20
43-5032	Dispatchers, except police, fire, and ambulance	10.70	17.10	18.00	12.20	21.10
53-3031	Driver/sales workers	6.30	11.70	10.60	6.80	15.70
47-2081	Drywall, and ceiling tile installers	9.40	13.80	12.80	9.90	17.40
27-3041	Editors	11.70	21.40	19.30	13.60	26.80
21-1012	Educational, vocational, and school counselors	13.20	19.30	19.50	15.40	23.70
17-3023	Electrical and electronic engineering technicians	16.00	23.20	22.60	18.40	26.30
51-2022	Electrical and electronic equipment assemblers	7.90	10.60	10.20	8.40	11.90
17-3012	Electrical and electronics drafters	14.10	20.70	19.60	15.60	24.60
49-2094	Electrical and electronics repairers, commercial and industrial equipment	17.70	21.40	21.40	18.80	24.50
17-2071	Electrical engineers	25.80	36.10	36.70	29.40	42.20

19552



SALT LAKE CITY – OGDEN OCCUPATIONAL WAGE TABLE
 Published January 2005

Code	Title	Entry	Average	Median	Middle Range	
					10th	90th
Operating engineers and other construction						
47-2073	equipment operators	13.30	17.70	17.50	14.60	20.90
29-2081	Opticians, dispensing	9.10	12.90	12.70	10.20	15.40
43-4151	Order clerks	9.00	14.50	12.30	9.80	18.60
Packaging and filling machine operators and						
51-9111	tenders	7.90	10.60	10.30	8.80	12.30
53-7064	Packers and packagers, hand	6.00	7.90	6.90	6.10	9.40
47-2141	Painters, construction and maintenance	10.40	14.40	13.80	11.40	17.20
51-9122	Painters, transportation equipment	11.40	17.00	15.20	12.30	21.20
51-9123	Painting, coating, and decorating workers	7.80	10.10	9.40	8.20	11.50
Paper goods machine setters, operators, and						
51-9196	tenders	10.30	13.60	13.30	11.40	16.00
23-2011	Paralegals and legal assistants	14.70	19.20	19.30	16.20	21.70
53-6021	Parking lot attendants	6.20	7.60	7.50	6.50	8.40
41-2022	Parts salespersons	10.30	14.90	13.10	11.20	16.80
Paving, surfacing, and tamping equipment						
47-2071	operators	13.60	15.90	15.80	14.40	17.30
43-3051	Payroll and timekeeping clerks	10.60	14.40	14.00	11.80	16.80
39-9021	Personal and home care aides	7.20	8.40	8.20	7.50	9.00
Petroleum pump system operators, refinery						
51-8093	operators, and gaugers	20.50	23.80	24.80	22.80	26.80
29-1051	Pharmacists	32.20	38.20	39.80	36.50	43.00
31-9095	Pharmacy aides	8.40	11.40	10.80	9.10	13.70
29-2052	Pharmacy technicians	11.10	13.10	13.00	11.70	14.60
27-4021	Photographers	8.40	16.10	15.10	9.40	20.90
51-9131	Photographic process workers	9.00	10.90	10.80	9.40	12.40
51-9132	Photographic processing machine operators	7.80	10.60	10.90	8.50	12.40
31-2022	Physical therapist aides	7.80	9.70	9.60	8.30	10.90
31-2021	Physical therapist assistants	13.70	16.50	16.50	14.50	19.00
29-1123	Physical therapists	20.20	28.00	27.20	22.90	31.70
29-1071	Physician assistants	26.80	34.90	33.50	29.60	41.60
29-1060	Physicians and Surgeons	49.80	77.00	n.a.	60.90	n.a.
47-2151	Pipelayers	10.00	14.60	13.30	11.00	16.70
Plating and coating machine setters, operators, and						
51-4193	tenders, metal and plastic	9.30	13.60	12.20	10.10	17.90
47-2152	Plumbers, pipefitters, and steamfitters	15.10	20.60	21.00	17.20	25.00
33-3051	Police and sheriff's patrol officers	15.00	18.80	18.70	16.10	21.40
43-5031	Police, fire, and ambulance dispatchers	11.70	14.40	13.80	12.10	16.50
43-5051	Postal service clerks	18.70	19.50	19.50	18.20	20.80
43-5052	Postal service mail carriers	17.60	21.00	21.20	18.50	24.20
Postal service mail sorters, processors, and						
43-5053	processing machine operators	13.30	17.60	18.90	17.20	20.50
51-5022	Prepress technicians and workers	9.10	14.50	13.10	10.30	17.90

18720

SECTION TWO

UTAH OCCUPATIONAL REPORTS

UTAH OCCUPATIONAL PROFILE FOR

PUBLIC RELATIONS SPECIALISTS

Occupational Profile - Utah Statewide

Description

Engage in promoting or creating good will for individuals, groups, or organizations by writing or selecting favorable publicity material and releasing it through various communications media. May prepare and arrange displays, and make speeches.

Utah Occupational Wages - Published June 2005

Median Hourly Wage
\$19.90

Median Annual Wage
\$41,330

Employment Outlook 2002 - 2012

Public Relations Specialists have been selected as one of Utah's Three Star occupations. Actual growth in the demand for this occupation will make up the majority of the new job openings.

Top 3 Skills for Public Relations Specialists

Importance	Skill	Description
97	Speaking	Talking to others to convey information effectively
97	Writing	Communicating effectively in writing as appropriate for the needs of the audience
93	Persuasion	Persuading others to change their minds or behavior

*Importance is on a scale of 1 - 100. See <http://online.onetcenter.org> for further information.

Utah State License

License information is not available for this occupation.

Top 3 Current Job Openings for Public Relations Specialists

Job Title	Date Posted	Location	Minimum Salary	Maximum Salary
Customer Service Specialist	10/19/2005	Salt Lake		
Development Director	09/29/2005	Salt Lake	\$50000.00	\$50000.00
Development Director	11/01/2005	Salt Lake	\$45000.00	\$52000.00

See <http://jobs.utah.gov/jobseeker/jsservices.asp> for further job opportunities

Mon Nov 07 14:10:08 MST 2005

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UTAH OCCUPATIONAL PROFILE FOR

ADVERTISING SALES AGENTS

Occupational Profile - Utah Statewide

Description

Sell or solicit advertising, including graphic art, advertising space in publications, custom made signs, or TV and radio advertising time. May obtain leases for outdoor advertising sites or persuade retailer to use sales promotion display items.

Utah Occupational Wages - Published June 2005

Median Hourly Wage
\$17.10

Median Annual Wage
\$35,560

Employment Outlook 2002 - 2012

Advertising Sales Agents have been selected as one of Utah's Five Star occupations. Actual growth in the demand for this occupation will make up the majority of the new job openings. Employment opportunities and earnings in this occupation may fluctuate from year-to-year. In addition, many jobs are commission-based requiring workers to have the personal traits necessary for successful selling.

Top 3 Skills for Advertising Sales Agents

Importance	Skill	Description
90	Persuasion	Persuading others to change their minds or behavior
87	Speaking	Talking to others to convey information effectively
80	Active Listening	Giving full attention to what other people are saying, taking time to understand the points being made, asking questions as appropriate, and not interrupting at inappropriate times

*Importance is on a scale of 1 - 100. See <http://online.onetcenter.org> for further information.

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Top 3 Current Job Openings for Advertising Sales Agents

Job Title	Date Posted	Location	Minimum Salary	Maximum Salary
Account Executive	09/22/2005	Salt Lake		
Account Manager/Sales Rep	10/26/2005	Salt Lake	\$1500.00	\$1500.00
Advertising Agent	08/08/2005	Salt Lake		

See <http://jobs.utah.gov/jobseeker/jsservices.asp> for further job opportunities

Fri Oct 28 12:23:24 MDT 2005

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UTAH OCCUPATIONAL PROFILE FOR

SALES REPRESENTATIVES, WHOLESALE AND MANUFACTURING, TECHNICAL AND SCIENTIFIC PRODUCTS

Occupational Profile - Utah Statewide

Description

Sell goods for wholesalers or manufacturers where technical or scientific knowledge is required in such areas as biology, engineering, chemistry, and electronics, normally obtained from at least 2 years of post-secondary education.

Utah Occupational Wages - Published June 2005

Median Hourly Wage
\$27.00

Median Annual Wage
\$56,140

Employment Outlook 2002 - 2012

Sales Representatives, Wholesale and Manufacturing, Technical and Scientific Products have been selected as one of Utah's Five Star occupations. Actual growth in the demand for this occupation will make up the majority of the new job openings. With a projected 32 percent increase over the decade, this occupation will grow faster than average. Employment opportunities and earnings may fluctuate from year to year because sales are affected by changing economic conditions and the worker's ability to successfully sell the product.

Top 3 Skills for Sales Representatives, Wholesale and Manufacturing, Technical and Scientific Products

Importance	Skill	Description
80	Speaking	Talking to others to convey information effectively
73	Persuasion	Persuading others to change their minds or behavior
73	Writing	Communicating effectively in writing as appropriate for the needs of the audience

*Importance is on a scale of 1 - 100. See <http://online.onetcenter.org> for further information.

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Top 3 Current Job Openings for Sales Representatives, Wholesale and Manufacturing, Technical and Scientific Products

Job Title	Date Posted	Location	Minimum Salary	Maximum Salary
Account Executive	09/01/2005	Salt Lake		
Administrative Sales Assistant	10/11/2005	Salt Lake	\$9.00	
Area Representative	10/19/2005	Salt Lake		

See <http://jobs.utah.gov/jobseeker/jsservices.asp> for further job opportunities

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UTAH OCCUPATIONAL PROFILE FOR

SALES REPRESENTATIVES, WHOLESALE AND MANUFACTURING, EXCEPT TECHNICAL AND SCIENTIFIC PRODUCTS

Occupational Profile - Utah Statewide

Description

Sell goods for wholesalers or manufacturers to businesses or groups of individuals. Work requires substantial knowledge of items sold.

Utah Occupational Wages - Published June 2005

Median Hourly Wage
\$21.90

Median Annual Wage
\$45,560

Employment Outlook 2002 - 2012

Sales Representatives, Wholesale and Manufacturing, Except Technical and Scientific Products have been selected as one of Utah's Five Star occupations. Actual growth in the demand for this occupation will make up the majority of the new job openings. With a projected 32 percent increase over the decade, this occupation will grow faster than average. Employment opportunities and earnings may fluctuate from year to year because sales are affected by changing economic conditions and the worker's ability to sell successfully.

Top 3 Skills for Sales Representatives, Wholesale and Manufacturing, Except Technical and Scientific Products

Importance	Skill	Description
93	Speaking	Talking to others to convey information effectively
87	Persuasion	Persuading others to change their minds or behavior
87	Service Orientation	Actively looking for ways to help people

*Importance is on a scale of 1 - 100. See <http://online.onetcenter.org> for further information.

Utah State License

License information is not available for this occupation.

Top 3 Current Job Openings for Sales Representatives, Wholesale and Manufacturing, Except Technical and Scientific Products

Job Title	Date Posted	Location	Minimum Salary	Maximum Salary
Account Manager	09/29/2005	Utah		
Corporate Outbound Sales	10/10/2005	Utah		
Grocery Wholesale Sales Representative	10/14/2005	Salt Lake		

See <http://jobs.utah.gov/jobseeker/jsservices.asp> for further job opportunities

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UTAH OCCUPATIONAL PROFILE FOR

CUSTOMER SERVICE REPRESENTATIVES

Occupational Profile - Utah Statewide

Description

Interact with customers to provide information in response to inquiries about products and services and to handle and resolve complaints. Exclude individuals whose duties are primarily sales or repair.

Utah Occupational Wages - Published June 2005

Median Hourly Wage

\$11.10

Median Annual Wage

\$23,060

Employment Outlook 2002 - 2012

Customer Service Representatives have been selected as one of Utah's Three Star occupations. Actual growth in the demand for this occupation will make up the majority of the new job openings. With a projected 42 percent increase over the decade, this occupation will grow much faster than average.

Top 3 Skills for Customer Service Representatives

Importance	Skill	Description
88	Active Listening	Giving full attention to what other people are saying, taking time to understand the points being made, asking questions as appropriate, and not interrupting at inappropriate times
76	Writing	Communicating effectively in writing as appropriate for the needs of the audience
72	Reading Comprehension	Understanding written sentences and paragraphs in work related documents

*Importance is on a scale of 1 - 100. See <http://online.onetcenter.org> for further information.

Utah State License

License information is not available for this occupation.

Top 3 Current Job Openings for Customer Service Representatives

Job Title	Date Posted	Location	Minimum Salary	Maximum Salary
#164 Customer Service Technician	10/18/2005	Weber		
#235 Customer Service Representative	10/17/2005	Weber		
3rd Party Verification Agent (Bi-lingual)	10/12/2005	Salt Lake	\$7.50	

See <http://jobs.utah.gov/jobseeker/jsservices.asp> for further job opportunities

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UTAH OCCUPATIONAL PROFILE FOR

ORDER CLERKS

Occupational Profile - Utah Statewide

Description

Receive and process incoming orders for materials, merchandise, classified ads, or services such as repairs, installations, or rental of facilities. Duties include informing customers of receipt, prices, shipping dates, and delays; preparing contracts; and handling complaints. Exclude "Dispatchers, Except Police, Fire, and Ambulance" (43-5032) who both dispatch and take orders for services.

Utah Occupational Wages - Published June 2005

Median Hourly Wage

\$10.20

Median Annual Wage

\$21,170

Employment Outlook 2002 - 2012

Order Clerks have been selected as one of Utah's One Star occupations. The need for replacements, rather than growth in numbers, will make up the majority of job openings for this occupation.

Top 3 Skills for Order Clerks

Importance	Skill	Description
84	Service Orientation	Actively looking for ways to help people
80	Active Listening	Giving full attention to what other people are saying, taking time to understand the points being made, asking questions as appropriate, and not interrupting at inappropriate times
76	Writing	Communicating effectively in writing as appropriate for the needs of the audience

*Importance is on a scale of 1 - 100. See <http://online.onetcenter.org> for further information.

Utah State License

License information is not available for this occupation.

Top 3 Current Job Openings for Order Clerks

Job Title	Date Posted	Location	Minimum Salary	Maximum Salary
Driver/ Warehouse	10/19/2005	Salt Lake		
Order Desk/Distribution Center	10/17/2005	Salt Lake	\$9.00	\$10.00

See <http://jobs.utah.gov/jobseeker/jsservices.asp> for further job opportunities

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SECTION THREE

WORKFORCE SERVICES JOB ORDERS

Job Search: Results

Job Search Results for: customer service representative

Your search returned 397 jobs by the Date Posted.

To view a job, click on the Job Title of the specific job you wish to view. If you'd like to save the search criteria used to produce these results, click on the 'SAVE SEARCH' button and the system will automatically save your search criteria as a job scout. You are allowed to store ten job scouts.

Sort by Relevancy

Display the jobs that best match your criteria first.

Click on the button below to sort by relevancy.

SORT NOW

Click on a column heading to sort items in that column (e.g., clicking on 'Location' sorts the jobs by the Country, State and City where the job is located). Click on a company name to view jobs for that company.

16 p 1 2 3 4 5 next 5 pag				
Job Title	Company	Location	Salary	Post/
Customer Care Representatives	Utah Department Of Workforce Services	US - UT, SALT LAKE CITY	\$7-10/per hour	09/21,
Customer Care Supervisor ♦	ACS	US - UT, Sandy	Not Provided	09/23,
Customer Care Supervisor - N ♦	ACS	US - UT, Sandy	Not Provided	09/22,
Customer Care Supervisor -S ♦	ACS	US - UT, Sandy	Not Provided	10/12,
Customer Development Representative H	Adecco	US - UT, Salt Lake City	Not Provided	11/05,
Customer Service ♦	OfficeTeam	US - UT, Salt Lake City	\$10-10/per hour	11/03,
Customer Service ♦	Kelly Services	US - UT, Salt Lake City	\$8-9/per hour	11/02,
Customer Service +	Mentor 4, Inc.	US - UT, Salt Lake City	Not Provided	10/25,
Customer Service	Utah Department Of Workforce Services	US - UT, SALT LAKE CITY	Not Provided	10/20,
Customer Service ♦	OfficeTeam	US - UT, Salt Lake City	\$12-12/per hour	10/19,
Customer Service	Utah Department Of Workforce Services	US - UT, OGDEN	Not Provided	10/13,
Customer Service	Utah Department Of Workforce Services	US - UT, OGDEN	Not Provided	09/14,
Customer Service QA Representative	Utah Department Of Workforce Services	US - UT, PLEASANT GRV	Not Provided	11/04,
Customer Service Rep	Utah Department Of Workforce Services	US - UT, SALT LAKE CITY	Not Provided	10/25,
Customer Service Rep ♦	OfficeTeam	US - UT, Salt Lake City	\$10/per hour	10/19,
Customer Service Rep	Utah Department Of Workforce Services	US - UT, SALT LAKE CITY	\$9.26-14.81/per hour	10/08,
Customer Service Rep	Utah Department Of Workforce Services	US - UT, SALT LAKE CITY	\$9.26-14.81/per hour	09/20,
Customer Service Rep (Call Center)	Utah Department Of Workforce Services	US - UT, SALT LAKE CITY	Not Provided	10/07,
Customer Service Rep.	Utah Department Of Workforce Services	US - UT, DRAPER	Not Provided	09/08,
Customer Service	Utah Department Of	US - UT, WEST	\$9.50-12.50/per	11/07,

Job Summary

State Job ID: UT8257868
Job Title: Public Relations Specialist #1759
Company: Utah Department Of Workforce Services
Location: US - UT, SALT LAKE CITY, 84119
AJB Reference Number: 23999669
Job Start/End Date: not provided
Job Type: Regular
Job Classification : Full Time
Hours/Week: not provided
Salary Range: not provided
Education: Bachelors Degree
Required Degree/ Formal Training: not provided
Required Licenses/ Certificates : not provided
Experience: 5 months
Company Homepage: not provided

More Information

America's Career InfoNet has information about jobs at the national level:

General Outlook on the U.S. Job Market
Additional Career Resources
Wage and Trend information related to this type of job
Profile of Utah

Job Description

Public Relations Specialist needed for the Salt Lake area: Plans and conducts press conferences and other public activities for the dissemination of public information. Writes and distributes press releases, speeches, media plans and other public information. Supervises the Speakers' Bureau and provides support for outreach to public officials and business groups. Participates in national transit marketing events. Supports various public relations and marketing programs and initiatives for business units. Bachelor's Degree in Public Relations, Journalism, Communications, Public Administration or related field. Three to five years related work experience with demonstrated competency in public relations, public participation, written and oral communications, and government, media and press relations. -OR- An equivalent combination of relevant education and work experience. Job closes 11-14-05

Job Benefits

A benefit package may or may not be available. Request specific information from the employer.

Job Summary

Company Job ID: 2440128.17215
Job Title: Advertising Sales to \$50k+
- Publishing
Company: AppleOne
Location: US - UT, Bountiful, 84010
AJB Reference Number: 23996678
Job Start/End Date: not provided
Job Type: Regular
Job Classification : Full Time
Hours/Week: not provided
Salary Range: \$ 35000 - 50000 per year
Education: not provided
Required Degree/ Formal Training: not provided
Required Licenses/ Certificates : df-aj
Experience: not provided
Company Homepage: not provided

Job Description

If you're looking for a exceptional commission program, fun working environment and the opportunity to work for a company which is invested in your success then this could be the position for you. Stable publishing company is aggressively seeking a advertising salesperson who demonstrates a desire to earn, professional attitude and who is a self starter. Will be responsible for recruiting new clients and accounts, selling to businesses and outside sales. Apply Today! Job Experience: call for details, Seeking very outgoing and upbeat people to sell advertising for a publishing company. Must have at least a years experience in the industry and the ability to sell and maintain preexisting client base.

Job Benefits

A benefit package may or may not be available. Request specific information from the employer.

More Information

America's Career InfoNet has information about jobs at the national level:

General Outlook on the U.S. Job Market
Additional Career Resources
Wage and Trend information related to this type of job
Profile of Utah

Job Summary

Company Job ID: J472962EE
Job Title: Account Executive
Company: TransWestern Publishing
Location: US - UT, Bountiful, 84010
AJB Reference Number: 19436197
Job Start/End Date: not provided
Job Type: Regular
Job Classification : Full Time
Hours/Week: not provided
Salary Range: not provided
Education: not provided
Required Degree/Formal Training: not provided
Required Licenses/Certificates : not provided
Experience: not provided
Company Homepage: not provided

More Information

America's Career InfoNet has information about jobs at the national level:

General Outlook on the U.S. Job Market
Additional Career Resources
Wage and Trend information related to this type of job
Profile of Utah

Job Description

...Yellow Pages Bring You the Green \$tuff!... Yellow Pages Bring You the Green \$tuff! ... Yellow Pages Bring You the Green \$tuff!

More than 230,000 advertisers already rely on TransWestern Publishing to help them make more money. Why not follow their lead? We're the nation's leading independent Yellow Pages publisher with over 330 directories in 25 states.

We're looking for highly-motivated self starters with outside sales experience to build business relationships, develop advertising campaigns, and grow revenues.

We offer a base salary; competitive commission plan; mileage reimbursement; a benefits package including medical, dental, vision and life insurance; flexible spending accounts; 83% matching 401(k) and profit sharing plan; tuition reimbursement; and more.

We'll give you the tools to succeed with an excellent two-week paid training program, continual management support, and ongoing advancement opportunities.

If you possess the following qualifications, we want to hear from you:

Outside sales experience
A proven track record in a challenging environment
Excellent verbal and written communication skills
Commitment to excellence and customer service
Qualified candidates, please apply online using the "Apply Now" button below.

Drug testing and verification of clean DMV record required.
EOE/ADA.

Visit our website at www.WorldPages.com

Job Benefits

A benefit package may or may not be available. Request specific information from the employer.

Job Summary

State Job ID: UT8235756
Job Title: Advertising Sales
Company: Utah Department Of Workforce Services
Location: US - UT, OGDEN, 84403
AJB Reference Number: 21985175
Job Start/End Date: not provided
Job Type: Regular
Job Classification : Full Time
Hours/Week: not provided
Salary Range: not provided
Education: High School Diploma or GED
Required Degree/ Formal Training: not provided
Required Licenses/ Certificates : not provided
Experience: 0 months
Company Homepage: not provided

Job Description

An Ogden business is looking for several representatives to do outside advertising sales. The company publishes hotel guest directories and print full color, magazine type advertising. Will stay at the hotel who's company is being represented and set appointments with local merchants such as; restaurants, golf courses, spa and beauty salons, entertainment venues, transportation and any services that would be required for a hotel guest. Position requires good phone skills, a self starter, with good public appearance, professional skills and conduct. Plus reliable transportation because travel is done using own transportation and ability to work independently and without supervision. The company will pay for the airfare (when flying), hotel and limited meals. The pay is straight commission % of the sells. Marketing skills would be valuable when helping and recommending an advertising layout and design for the client.

Job Benefits

A benefit package may or may not be available. Request specific information from the employer.

More Information

America's Career InfoNet has information about jobs at the national level:

General Outlook on the U.S. Job Market
Additional Career Resources
Wage and Trend information related to this type of job
Profile of Utah

Job Summary

Company Job ID: 6249154
Job Title: Advertising Sales to \$50k+
- Publishing
Company: AppleOne
Location: US - UT, Bountiful, 84010
AJB Reference Number: 24029989
Job Start/End Date: not provided
Job Type: Temporary
Job Classification : Full Time
Hours/Week: not provided
Salary Range: not provided
Education: not provided
Required Degree/ Formal Training: not provided
Required Licenses/ Certificates : not provided
Experience: not provided
Company Homepage: not provided

Job Description

If you're looking for a exceptional commission program, fun working environment and the opportunity to work for a company which is invested in your success then this could be the position for you. Stable publishing company is aggressively seeking a advertising salesperson who demonstrates a desire to earn, professional attitude and who is a self starter. Will be responsible for recruiting new clients and accounts, selling to businesses and outside sales. Apply Today!

Job Benefits

A benefit package may or may not be available. Request specific information from the employer.

More Information

America's Career InfoNet has information about jobs at the national level:

General Outlook on the U.S. Job Market
Additional Career Resources
Wage and Trend information related to this type of job
Profile of Utah

Job Summary

State Job ID: UT8255294
Job Title: Customer Service Rep
Company: Utah Department Of Workforce Services
Location: US - UT, SALT LAKE CITY, 84111
AJB Reference Number: 23702995
Job Start/End Date: not provided
Job Type: Regular
Job Classification : Full Time
Hours/Week: not provided
Salary Range: \$ 13 - 15 per hour
Education: High School Diploma or GED
Required Degree/ Formal Training: not provided
Required Licenses/ Certificates : not provided
Experience: 6 months
Company Homepage: not provided

More Information

America's Career InfoNet has information about jobs at the national level:

General Outlook on the U.S. Job Market
Additional Career Resources
Wage and Trend information related to this type of job
Profile of Utah

Job Description

Customer Service Rep for downtown Salt Lake employer. Will be assisting customers with their financial investments. Duties include protecting customer accounts. Ensures that the customer is fully verified. Resets PINS. Updates addresses on accounts. Will provide account information to customers such as portfolio and account level balances, account holdings, account history and statements and trade status. Provide quotes, news and fund information and explain investments. Must have 6 months customer service experience, basic computer experience, type 35 wpm and have a high school diploma. Flexibility is required as shifts will be determined during the training period and departmental need. Training classes are starting immediately. The length of the contract will run through the 2006 tax season. If the employee adheres to the full length of the contract, they will received a completion bonus that will equal one 40 hour week of pay. Jobs are through a private agency with no fees to the applicant.

Job Benefits

A benefit package may or may not be available. Request specific information from the employer.

Job Summary

Company Job ID: 2436880.1125
Job Title: Customer Service to \$29k+ - *
Company: AppleOne
Location: US - UT, Salt Lake City, 84107
AJB Reference Number: 23995759
Job Start/End Date: not provided
Job Type: Regular
Job Classification : Full Time
Hours/Week: not provided
Salary Range: \$ 11 - 14 per hour
Education: not provided
Required Degree/ Formal Training: not provided
Required Licenses/ Certificates : df-aj
Experience: not provided
Company Homepage: not provided

More Information

America's Career InfoNet has information about jobs at the national level:

General Outlook on the U.S. Job Market
Additional Career Resources
Wage and Trend information related to this type of job
Profile of Utah

Job Description

Terrific opportunity for a professional individual ready to move ahead in a great career. As a customer service representative for this growing, well known company, you will be responsible for working well under pressure, providing great customer service and light billing. Must be experienced and enjoy a fast paced environment, proficient in word, excel and detail orientation. This company offers top compensation and a rewarding work environment that offers a variety of duties, easy access off freeway and professional environment. Apply for this great position as a customer service representative today! Job Experience: call for details, Will be issuing certificates of insurance. Insurance experience preferred but not necessary.

Job Benefits

A benefit package may or may not be available. Request specific information from the employer.

Job Summary

Company Job ID: J3G84G5W812XR8Z5D1M
Job Title: Call Center Representative
Company: ACS
Location: US - UT, Draper, 84020
AJB Reference Number: 24001134
Job Start/End Date: not provided
Job Type: Regular
Job Classification : Full Time
Hours/Week: not provided
Salary Range: not provided
Education: High School Diploma or GED
Required Degree/ Formal Training: not provided
Required Licenses/ Certificates : not provided
Experience: Entry Level (0 - 2 years)
Company Homepage: <http://www.acs-i...>

More Information

America's Career InfoNet has information about jobs at the national level:

General Outlook on the U.S. Job Market
Additional Career Resources
Wage and Trend information related to this type of job
Profile of Utah

Job Description

We're consultants. We're motivators. We're educators.

We're Affiliated Computer Services, Inc. (ACS), a premier provider of diversified business process and information technology outsourcing solutions to commercial and government clients worldwide. We are a FORTUNE 500 company comprised of more than 47,000 people in multiple locations around the world.

ACS. We're leaders. We're thinkers. We're inventors. We're doers.

Description:
Under immediate supervision, the incumbent will respond to routine telephone inquiries in a customer-oriented call center operations environment by following standard scripts and procedures. The incumbent will perform routine tasks requiring working knowledge of the Company's products and services.

REPRESENTATIVE PRINCIPAL DUTIES AND RESPONSIBILITIES:

Responds to telephone inquiries using standard scripts and procedures. Places outbound calls to the United Kingdom.

Gathers information from the caller to properly resolve an application.

Communicates appropriate options for resolution.

Investigates and resolves complaints.

Refers non-routine inquiries and complaints to senior level Call Center Representatives.

Uses a computer system to research inquiries and log customer calls.

Requirements:
Education and Typical Years of Experience:
High School diploma and/or equivalent experience and/or training. No prior experience required.

Special Requirements:
Shift is 6am- 2pm M-F

Job Benefits

Dental Insurance	Flexible Benefits
Health Insurance	Holidays
Life Insurance	401K / Retirement Plan
Sick Leave	Vacation
Vision Insurance	

Job Summary

Company Job ID: J3F6D35VTMLDC7HN7M5
Job Title: Customer Care Assistant - S
Company: ACS
Location: US - UT, Sandy, 84070
AJB Reference Number: 23764944
Job Start/End Date: not provided
Job Type: Regular
Job Classification : Full Time
Hours/Week: not provided
Salary Range: not provided
Education: High School Diploma or GED
Required Degree/ Formal Training: not provided
Required Licenses/ Certificates : not provided
Experience: Entry Level (0 - 2 years)
Company Homepage: <http://www.acs-i...>

More Information

America's Career InfoNet has information about jobs at the national level:

General Outlook on the U.S. Job Market
Additional Career Resources
Wage and Trend information related to this type of job
Profile of Utah

Job Description

We're consultants. We're motivators. We're educators.

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Responds to telephone inquiries and complaints using standard scripts and procedures.

Gathers information from the caller to properly resolve the situation.

Communicates appropriate options for resolution.

Investigates and resolves complaints.

Refers non-routine inquiries and complaints to senior level Call Center Representatives.

Uses a computer system to research inquiries and log customer calls.

Requirements:

Education and Typical Years of Experience:

High School diploma and/or equivalent experience and/or training. No prior experience required.

Job Benefits

Dental Insurance	Flexible Benefits
Health Insurance	Holidays
Life Insurance	401K / Retirement Plan
Sick Leave	Vacation
Vision Insurance	

Job Summary

Company Job ID: J3F0HW764N8GNYVH6GX
Job Title: Customer Care Representative - B
Company: ACS
Location: US - UT, Sandy, 84070
AJB Reference Number: 24017650
Job Start/End Date: not provided
Job Type: Regular
Job Classification : Full Time
Hours/Week: not provided
Salary Range: not provided
Education: High School Diploma or GED
Required Degree/Formal Training: not provided
Required Licenses/Certificates : not provided
Experience: Entry Level (0 - 2 years)
Company Homepage: <http://www.acs-i...>

More Information

America's Career InfoNet has information about jobs at the national level:

General Outlook on the U.S. Job Market
Additional Career Resources
Wage and Trend information related to this type of job
Profile of Utah

Job Description

We're consultants. We're motivators. We're educators.

We're Affiliated Computer Services, Inc. (ACS), a premier provider of diversified business process and information technology outsourcing solutions to commercial and government clients worldwide. We are a FORTUNE 500 company comprised of more than 47,000 people in multiple locations around the world.

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Responds to telephone inquiries and complaints using standard scripts and procedures.

Gathers information from the caller to properly resolve the situation.

Communicates appropriate options for resolution.

Investigates and resolves complaints.

Refers non-routine inquiries and complaints to senior level Call Center Representatives.

Uses a computer system to research inquiries and log customer calls.

Benefits:

Full time morning and evening shifts available.

Requirements:

Education and Typical Years of Experience:
High School diploma and/or equivalent experience and/or training. No prior experience required.

Special Requirements:

Must be able to type 20 WPM

Job Benefits

Dental Insurance	Flexible Benefits
Health Insurance	Holidays
Life Insurance	401K / Retirement Plan
Sick Leave	Vacation
Vision Insurance	

Job Summary

Company Job ID: -34766077
Job Title: Customer Service Experts
Company: Kelly Services
Location: US - UT, Salt Lake City,
84119
AJB Reference Number: 22877003
Job Start/End Date: not provided
Job Type: Regular
Job Classification : Full Time
Hours/Week: not provided
Salary Range: \$ 10 per hour
Education: not provided
**Required Degree/
Formal Training:** not provided
**Required Licenses/
Certificates :** not provided
Experience: not provided
Company Homepage: <http://www.kelly...>

More Information

America's Career InfoNet has information about jobs at the national level:

General Outlook on the U.S. Job Market

Additional Career Resources

Wage and Trend information related to this type of job

Profile of Utah

Job Description

NOT YOUR TYPICAL CALL CENTER !!!

Kelly Services is now hiring inbound customer service reps for FRANKLIN COVEY. Qualified candidates should possess excellent verbal/communications skills, a minimum typing speed of 30 wpm and basic pc knowledge.

Shifts will range from 6am to 7pm MONDAY through FRIDAY. Pay per hour will start at \$9.00 per hour, with the opportunity for up to \$10.00 per hour and \$250 bonus.

Inbound calls for orders for day planners. Soft up-selling skills a plus. Perfect attendance and punctuality is a must!

Training hours will be 7:30am to 4:00pm for two weeks after which the schedule will be eight hour shifts between 6am and 7pm.

Job Benefits

A benefit package may or may not be available. Request specific information from the employer.

Job Summary

State Job ID: UT8257953
Job Title: Customer Service Representative
Company: Utah Department Of Workforce Services
Location: US - UT, WEST VALLEY CITY, 84120
AJB Reference Number: 24033855
Job Start/End Date: not provided
Job Type: Regular
Job Classification : Full Time
Hours/Week: not provided
Salary Range: \$ 9.50 - 12.50 per hour
Education: High School Diploma or GED
Required Degree/ Formal Training: not provided
Required Licenses/ Certificates : not provided
Experience: 6 months
Company Homepage: not provided

Job Description

PRINCIPLE RESPONSIBILITIES AND DUTIES In this position, you will be taking incoming calls from existing and potential cardholders. You will answer questions regarding the cardholders' account or Discover Financial Services, as well as use your negotiation skills to retain product enrollments. There are product offer goal requirements, and you are required to be on the phone for the majority of your shift. Skills Required 1. Must have excellent verbal & communication skills. 2. Good decision making skills 3. Positive attitude and desire to provide service to others. 4. Must be a high school graduate or GED equivalent 5. Must have stable work history and excellent customer service skills

Job Benefits

A benefit package may or may not be available. Request specific information from the employer.

More Information

America's Career InfoNet has information about jobs at the national level:

General Outlook on the U.S. Job Market**Additional Career Resources**

Wage and Trend information related to this type of job
Profile of Utah

Job Summary

State Job ID: UT8256695
Job Title: Customer Service Representative
Company: Utah Department Of Workforce Services
Location: US - UT, SALT LAKE CITY, 84107
AJB Reference Number: 23870176
Job Start/End Date: not provided
Job Type: Regular
Job Classification : Full Time
Hours/Week: not provided
Salary Range: \$ 10 - 11 per hour
Education: None Selected
Required Degree/ Formal Training: not provided
Required Licenses/ Certificates : not provided
Experience: 24 months
Company Homepage: not provided

More Information

America's Career InfoNet has information about jobs at the national level:

General Outlook on the U.S. Job Market
Additional Career Resources
Wage and Trend information related to this type of job
Profile of Utah

Job Description

Great opportunity to work with a well established Salt Lake Company. Company offers competitive pay and a great benefits package. Position is an inbound CSR. Will be assisting patients with questions about their medical benefits. Strong customer service background is required. Call center experience is preferred. Willing to train the right person. Candidate must be have a great attention to detail, be dependable, and have a great attitude.

Job Benefits

A benefit package may or may not be available. Request specific information from the employer.

Job Summary

State Job ID: UT8257927
Job Title: Customer Service Specialist
Company: Utah Department Of Workforce Services
Location: US - UT, DRAPER, 84020
AJB Reference Number: 23999614
Job Start/End Date: not provided
Job Type: Regular
Job Classification : Full Time
Hours/Week: not provided
Salary Range: \$ 10 - 12 per hour
Education: High School Diploma or GED
Required Degree/ Formal Training: not provided
Required Licenses/ Certificates : not provided
Experience: 12 months
Company Homepage: not provided

Job Description

Answer inbound calls for coaching department; respond to emails, research and resolve customer service issues, assist Managers with administrative needs. Monday thru Fri 8:30 to 5:30

Job Benefits

A benefit package may or may not be available. Request specific information from the employer.

More Information

America's Career InfoNet has information about jobs at the national level:

General Outlook on the U.S. Job Market
Additional Career Resources
Wage and Trend information related to this type of job
Profile of Utah

Job Summary

State Job ID: UT8257371
Job Title: Customer Service/Order Entry Rep
Company: Utah Department Of Workforce Services
Location: US - UT, SALT LAKE CITY, 84118
AJB Reference Number: 23946860
Job Start/End Date: not provided
Job Type: Regular
Job Classification : Full Time
Hours/Week: not provided
Salary Range: not provided
Education: None Selected
Required Degree/ Formal Training: not provided
Required Licenses/ Certificates : not provided
Experience: 6 months
Company Homepage: not provided

Job Description

Customer Service/Order Entry Representative. Duties include order pricing review, order entry, customer service, communications, export compliance, documentation, order packet preparation, invoicing, and other office duties as assigned. Position requirements include oral and written communication skills, the use of Microsoft Office at an intermediate level. ACCPAC Oracle Business Systems experience is a plus. Jobs is through a private agency with no fees to the applicants.

Job Benefits

A benefit package may or may not be available. Request specific information from the employer.

More Information

America's Career InfoNet has information about jobs at the national level:

General Outlook on the U.S. Job Market
Additional Career Resources
Wage and Trend information related to this type of job
Profile of Utah

Job Summary

State Job ID: UT8256134
Job Title: Inbound Order Entry Clerk/CSR
Company: Utah Department Of Workforce Services
Location: US - UT, PROVO, 84604
AJB Reference Number: 23804853
Job Start/End Date: not provided
Job Type: Regular
Job Classification : Full Time
Hours/Week: not provided
Salary Range: not provided
Education: High School Diploma or GED
Required Degree/ Formal Training: not provided
Required Licenses/ Certificates : not provided
Experience: 0 months
Company Homepage: not provided

More Information

America's Career InfoNet has information about jobs at the national level:

General Outlook on the U.S. Job Market
Additional Career Resources
Wage and Trend information related to this type of job
Profile of Utah

Job Description

An employer in Utah County is looking to hire someone to work as an Inbound Order Entry/Customer Service Representative. All applicants must have outstanding customer service skills. The employer would really like 1 year customer service exp. Must be able to type 25-30 wpm. Knowledge of the internet & online shopping preferred. DAY SHIFT/NO SUNDAYS. The person selected will be taking inbound calls from customers purchasing products from online sales site. Great Holiday Money. \$8.00 per hour.

Job Benefits

A benefit package may or may not be available. Request specific information from the employer.

Job Summary

State Job ID: UT8252509
Job Title: #164 Customer Service Technician
Company: Utah Department Of Workforce Services
Location: US - UT, OGDEN, 84403
AJB Reference Number: 23414201
Job Start/End Date: not provided
Job Type: Regular
Job Classification : Full Time
Hours/Week: not provided
Salary Range: not provided
Education: None Selected
Required Degree/ Formal Training: not provided
Required Licenses/ Certificates : not provided
Experience: 3 months
Company Homepage: not provided

More Information

America's Career InfoNet has information about jobs at the national level.

General Outlook on the U.S. Job Market
Additional Career Resources
Wage and Trend information related to this type of job
Profile of Utah

Job Description

An Ogden employer in need of an insurance service representative. Basic knowledge of Microsoft Office desired. Applicant will be responsible for answering inbound calls and assisting customers with all types of requests and problems. Position requires phone etiquette and customer service skills. This is an entry-level position. TCH Customer Service is open 24 hours a day, 7 days a week. Company currently offers weekend shifts. Wage depends on experience. Benefits are available to full-time employees.

Job Benefits

A benefit package may or may not be available. Request specific information from the employer.

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Marriott Global Reservations Sales and Customer Care Center now has positions available for friendly, reliable, service oriented individuals. This person needs to be steady, accurate and a good listener who is truly interested in helping to provide outstanding customer service. If you like working in a stable environment with the best hospitality provider, please apply.

We Offer:

- \$8.75 per hour paid training
- \$9.25 per hour upon completion of 90 days
- Full and Part-time schedules
- \$2.00 differential on Sundays
- School schedules available after training
- Complete benefit package
- Performance incentives
- Excellent hotel discounts
- Outstanding management team

Applicants must be able to type 20 wpm

Apply online at <https://greatcareers.marriott.com>
Sunday, November 6 through Friday, November 18.

For more information please call our Job Hotline at 468-4129

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CUSTOMER SERVICE

eaSphere, formerly winlab, a leading nutraceutical Company, in American Fork is seeking a turnover Order Assistant. Our Inside Sales Department. In this capacity the Assistant will work closely with the Outside Sales team and a specific region, in order to effectively manage Turnover orders and tracking.

Requirements include: High School Diploma or Equivalent. Some college level coursework preferred. Minimum 2 years experience in a customer service environment.

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- No Sundays
- Full Benefits Available: Life, Health, Dental, 401k, 16 paid days off

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Full Time 1:45-9:15pm
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Call our employment line at 801-285-7251 between 9am and 8pm.
st11@UTapply.com

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- Teleperformance Offers:
- Variety of Schedules
 - Comprehensive medical, dental, and vision benefits in just 30 days
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 - Advancement Opportunities
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Teleperformance USA

EOE

Morning News

Sunday, November 6, 2005

100—Help Wanted

CREDIT

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CUSTOMER SERVICE

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START EARNING \$9.75/HR BASE PLUS LUCRATIVE INCENTIVES!

We are seeking driven individuals with an enthusiastic attitude, and competitive nature to assist their customers. Sales Associates will service accounts via incoming calls by not only addressing the cardholders' immediate questions / concerns but also looking for ways to enhance the relationship by way of up-selling value-added offerings.

- JOB REQUIREMENTS:**
- High School Diploma/GED
 - Steady, consistent work history
 - Sales experience preferred
 - Demonstrated computer proficiency (Assessment to be administered)
 - Basic knowledge of credit cards or financial institutions helpful
 - Available to work 5x8 shifts or 4x10 shifts with various days off, working one weekend day is req. (Operational Hours: 5am to 12am, 7 days a week)
 - Applicants must be agreeable to a thorough background check

You will receive \$9.25 per hour base wage to start (increase to \$9.75 upon eligibility) as well as an opportunity to earn lucrative incentives each month via a performance compensation plan (based on sales, attendance & tenure). We are also offering a \$100 attendance bonus! You will also receive great benefits including Medical/Dental/Vision, paid vacation and holidays, 401(k) and pension plan.

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Job code: GFL7

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 - Steady, consistent work history
 - Sales experience preferred
 - Demonstrated computer proficiency (Assessment to be administered)
 - Basic knowledge of credit cards or financial institutions helpful
 - Available to work 5x8 shifts or 4x10 shifts with various days off, working one weekend day is req. (Operational Hours: 5am to 12am, 7 days a week)
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SECTION FOUR

CURRENT RESUME

And

LIST OF CASES

KRISTY FARNSWORTH, PH.D.
9557 South 700 East, Suite 100
Sandy, UT 84070
(801) 572-5633

Summary of Work Experience
and Qualifications

Vocational Expert, since 1983. Provide an analysis of vocational implications of disability to attorneys, insurance companies and employers. Under contract with the Office of Hearings and Appeals, Social Security Administration, Salt Lake City, UT, to provide expert testimony on vocational issues of disability. Conduct labor market surveys to determine employability. Analyze medical information to determine vocational/functional limitations. Perform vocational disability evaluations for insurance companies and attorneys.

Licensed Psychologist, since 2001. Private practice in Idaho. Assessment of children, adults and seniors, including development of individual plans for cognitive rehabilitation, vocational rehabilitation, education and return to work. Subspecialty: Vocational issues and employability.

Medical Expert, Office of Hearings and Appeals, since 2001. Provide impartial expert opinion at the hearing level following assessment of medical information. Determine the degree of severity of a mental impairment, the residual mental functioning and work related limitations of mental illness.

Vocational Rehabilitation Specialist, since 1988. Farnsworth and Associates, Salt Lake City, Utah. Provide case management services with industrially injured clients to plan and coordinate rehabilitation services. Evaluate potential for successful rehabilitation. Assist clients with placement and conduct job and market analysis. Provide expert testimony and prepare Life Care Plans in legal cases. Administer, score and interpret vocational tests to determine vocational potential.

Rehabilitation Coordinator, 1987 - 1988. Intermountain Rehabilitation, Salt Lake City, Utah. Case management with industrially injured clients. Planned and coordinated rehabilitation services. Assessed transferable skills, provided labor market information. Assisted with job placement.

Program Coordinator, 1983 - 1987. Career Guidance Center, Salt Lake City, UT. Managed JTPA training program and budget of 1.6 million dollars. Developed training plans for economically disadvantaged individuals. Monitored and documented progress during training and assisted with placement upon completion.

Vocational Evaluation Supervisor, 1982 - 1983. Career Guidance Center, Salt Lake City, UT. Supervised vocational evaluation staff. Assessed work and training potential of clients. Performed disability evaluations.

Psychology Intern, 1981 - 1982. University Hospital, Drug and Alcohol Abuse Clinic. Administered, scored and interpreted psychological tests. Compiled information for treatment and rehabilitation programs.

PROFESSIONAL LICENSE

Psychologist (Idaho)

CERTIFICATIONS

Certified Rehabilitation Counselor #18058
Certified Disability Management Specialist #03189
Certified Vocational Evaluator #00623
Contractor, Department of Health and Human Services,
Social Security Administration
Diplomate, American Board of Vocational Experts
Rehabilitation Vendor, Union Pacific Railroad

EDUCATION

Ph.D. Human Development,
The Fielding Institute, 1996

Dissertation: Using Suggestive-Accelerative Learning and Teaching with survivors
of traumatic brain injury to stimulate higher mental functions.

Certificate in Advanced Case Management for Life Care Planning
University of Florida, May, 1995.

M.S. Educational Psychology, with emphasis in Rehabilitation Counseling,
University of Utah, 1984

B.S. Independent Studies. Brigham Young University, 1978

POST-DOCTORAL EDUCATION AND TRAINING

Neuropsychology
The Fielding Institute, 2001

MEMBERSHIPS

National Academy of Neuropsychology
International Neuropsychology Society
Brain Injury Association of Utah, Board Member 2000, 1999, 1998
International Association of Rehabilitation Professionals, Member,
past Board Member, and past Forensic Section Chair
American Board of Vocational Experts, Diplomate

RECOGNITION

Appointee to Intra Organizational O*NET Task Force 2002
Peer Reviewer, American Board of Vocational Experts 1999, 2000, 2001, 2002
Editorial Board, IARP Journal, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004
Commission for Counselor Certification, Item Writing Appointee, 1997
National Distinguished Registry: Medical and Rehabilitation, 1989
The National Rehabilitation Association, 1986-1987
Utah Rehabilitation Association, 1986
Great Plains Region, National Rehabilitation Association, 1986
Utah Rehabilitation Counseling Association, 1985

PUBLICATIONS

The Quick Desk Reference for Forensic Rehabilitation Consultants. (2005). Athens, GA: Elliott & Fitzpatrick, Inc.

Vocational concepts in personal injury. Intermountain Commercial Record & Salt Lake Times. May 1, 1998, pp. A-17.

Returning to work after brain injury. Making Headway, Brain Injury Association of Utah, Inc. Winter 1998.

CDMS. Study Guide for the Certified Disability Management Specialist Exam, revised edition. Member of the Revision Study Group. 1998. Athens, GA: E & F, Inc.

Forensic Section Newsletter. (1996). Forensic Section of the National Association of Rehabilitation Professionals in the Private Sector bi-monthly newsletter. Salt Lake City, UT: Farnsworth & Associates.

Forensic Section News. (1996). The Rehabilitation Professional, Newton, MA: National Association of Rehabilitation Professionals in the Private Sector.

St. Thomas Study Group. (1993) Resource on Certification, Ethics and Training for Private Sector Rehabilitation. Athens, GA: E & F Inc.

Cancun Study Group. (1992). The Cancun Study Guide for the CIRS Exam, Athens, GA: E & F Inc.

Challenging the Vocational Expert. Expert Witness Guide, Lawyers Weekly Publication, May 21, 1990.

Implications of Expert Vocational Testimony. Utah Lawyer Alert, 1988, Volume 7, p. 4.

PRESENTATIONS

Developing Personal Ethics. 6th Annual Life Care Planning Conference. University of Florida/Intelicus. New Orleans, LA. October 20, 2001.

WAIS subtest scores and employability. Tenth Circuit Social Security Seminar. Salt Lake City, UT. February 2, 2001.

Understanding the similarities and differences of the O Net and DOT. Tenth Circuit Social Security Seminar. Salt Lake City, UT. February 2, 2001.

Professional Ethics: Developing a Personal Model. Case Management Society of America. 12th Annual Medical Case Management Convention. New Orleans, LA. October 26-29, 2000.

Professional Ethics. Issues in Forensic Rehabilitation. National Seminar. New Orleans, LA. September 28 – 29, 2000.

Career Development Workshop. Alpine School District. Spring Quarter, 2000, 1999 and 1998.

Emerging Issues in Forensic Rehabilitation Panel Member. California Association of Rehabilitation Professionals in the Private Sector Convention XV - 1997. San Diego, CA. September 12, 1997.

Vocational Expert. California Association of Rehabilitation Professionals in the Private Sector Convention XV - 1997. San Diego, CA. September 14, 1997.

Critique of Opposing Expert's Work. American Rehabilitation Economics Association. Spring Conference. San Diego, CA. April 1997.

Vocational Testing. Panel Member. Vocational Rehabilitation Conference, Union Pacific Railroad. San Antonio, TX, January 1997.

Dissolution Evaluation. Presented at NARPPS Forensic Section Special Interest Seminar, Snowbird, UT, July, 1996.

Critique of the Opposing Expert's Work. Presented at 1996 NARPPS National Conference, Bal Harbor, FL April 30, 1996.

Panel Member, **Social Security Cases**, presented by Utah Legal Services in Salt Lake City, UT on September 19 and 20, 1991.

Panel Member, **Workers Compensation and Social Security Take a Hard Look at Minor to Moderate Brain Injury: Stingy or Generous?** Presented by Utah Head Injury and Utah State Bar on November 7-8, 1991.

CONTINUING EDUCATION

National Academy of Neuropsychology. 24th Annual Conference. Seattle, WA. November 17-20, 2004.

American Board of Vocational Experts. Fall Conference. Las Vegas, NV. October 1, 2004.

Seventh Annual Life Care Planning Conference. University of Florida. Reno, NV. October 19-20-2002.

Life Care Planning Summit 2002. University of Florida. Chicago, IL. May 8-19-2002.

Eighth Network VRC Conference. Union Pacific Health Services Department. Las Vegas, NV. April 28 – 30, 2002.

International Association of Rehabilitation Professionals 2002 National Conference. San Diego, CA. April 17 - 21, 2002.

American Board of Vocational Experts. Spring Conference. Las Vegas, NV. March 15 - 17, 2002.

6th Annual Life Care Planning Conference. University of Florida/Intelicus. New Orleans, LA. October, 2001.

International Association of Rehabilitation Professionals 2001 National Conference. Miami, FL May, 2001.

American Board of Vocational Experts. Spring Conference, San Diego, CA March, 2001.

Case Management Society of America. 12th Annual Medical Case Management Convention. October 26-29, 2000. New Orleans, LA.

National Seminar. Issues in Forensic Rehabilitation. New Orleans, LA. September 28 – 29, 2000.

Symptomatic Treatment of Neuropathic Pain. Post Graduate Institute for Medicine. Salt Lake City, UT. August, 2000.

Psychology Licensure Review. Association for Advanced Training in the Behavioral Sciences. San Francisco, CA. March, 2000.

2nd Annual National Academy of Neuropsychology Conference. November, 1999. San Antonio, TX.

Case Management Society of America. Annual Conference, San Diego, CA. September 22-25, 1999.

American Board of Vocational Experts. Spring Conference, San Francisco, CA. May 3-5, 1999.

Winning Brain Injury Cases: Medical, Legal and Technological Issues. Utah Trial Lawyers Association. Salt Lake City, UT. January 28-29, 1999.

Assessment of Emotional Factors In Brain Damaged Patients. The Fielding Institute, San Francisco, CA. January 23, 1999.

The Detection of Deception and Malingering in Forensic Neuropsychology. The Fielding Institute, San Francisco, CA. January 23, 1999.

Employment and Labor Law in Utah. Lorman Education Services. Salt Lake City, UT. January 12, 1999.

Brain Injury Association of Utah Family and Professional Conference. Park City, UT. October, 1998.

Disability Management. 1998 Spring Conference. Union Pacific Railroad. Scottsdale, AZ. March 3-5, 1998.

Trial Lawyer's Brain Injury Conference. February 5-6, 1998.

Introduction to Disability Management. National Association of Rehabilitation Professionals in the Private Sector. Lake Tahoe, CA. December 5-7, 1997

Bridges to Breakthroughs: A Pathway to the Future. Brain Injury Association of Utah Family and Professional Conference. Park City, UT. October, 1997.

California Association of Rehabilitation Professionals in the Private Sector Convention XV - 1997. San Diego, CA. September 12, 1997.

American Rehabilitation Economics Association. Spring Conference. San Diego, CA. April 1997.

American Board of Vocational Experts. Spring Conference 1997. Las Vegas, NV, March 10-12, 1997.

Vocational Rehabilitation Conference. Union Pacific Health Services Department. San Antonio, TX. January 1997

Courtroom Communications: Attorneys and Experts Working Toward a Common Goal. Testifying & Consulting Experts Third Annual Conference. San Francisco, CA, September 27-29, 1996

Getting Started as a Vocational Expert. NARPPS Forensic Section Seminar
Snowbird Conference Center, UT, July, 12-13, 1996

American Board of Vocational Experts. Annual Conference 1996. Run Away Bay, Jamaica,
March 3 - 6, 1996.

National Conference 1996 National Association of Rehabilitation Professionals in the Private
Sector. Bal Harbour, FL April 27 - 30, 1996.

National Conference 1995 National Association of Rehabilitation Professionals in the Private
Sector. San Francisco, CA April 6 - 8, 1995.

Rehabilitation Training Institute, University of Florida. Track 7: Multiple Disabilities. Orlando, FL,
May, 1995.

Rehabilitation Training Institute, University of Florida. Track 8: Professional and Operational Issues.
Orlando, FL. May, 1995.

Rehabilitation Training Institute, University of Florida. Track 6: Brain damage in infants; Pediatric
life expectancy and ventilator dependency. St. Louis, MO Jan - 95.

Managing the Personal Injury Case. Presented by National Association of Rehabilitation
Professionals in the Private Sector, in Las Vegas, NV, December 9-10, 1994.

Rehabilitation Training Institute, University of Florida. Track 2: Vocational assessment and testing
for all disabilities. San Francisco, CA, February 16 - 18, 1994.

Rehabilitation Training Institute, University of Florida. Track 3: Legal nurse consulting; Advanced
case management; collateral sources. San Francisco, CA May 5-7, 1994.

Rehabilitation Training Institute, University of Florida. Track 4: Rehabilitation testimony. Seattle,
WA. August 24-26, 1994.

Rehabilitation Training Institute, University of Florida. Track 5: Spinal Cord, TBI, Ventilator
Dependency. San Francisco, CA December 2-4, 1994.

American Board of Vocational Experts Fall Conference 1993. New Orleans, LA, October 1-2,
1993. Future Care and Earnings Capacity Analysis for Pediatric Clients Involved in Litigation

Individual Case Management Association. Medical Case Management Conference V,
Orlando, FL, September 15-18, 1993.

LEGAL EXPERIENCE

Expert testimony in Federal, District, and Circuit courts in cases involving personal injury,
employment discrimination, permanent-total disability, divorce, wrongful termination, ADA issues
and social security disability.

References available upon request

List of sworn cases for Kristy Farnsworth, Ph.D.
Sworn testimony as of 10-25-05

NAME OF CASE	YEAR	NAME OF CASE	YEAR
Sommer v Gange	2005	Bradley v. Carlo Link (Trial)	2003
Voitanik v Voitanik	2005	Weaver v. Weaver	2003
Mushrush v. Martel	2005	Rocky Nelson v. Nelmor Co.	2003
Knight v. Knight	2005	Deutsch v. UPRR	2003
Brochinsky v Brochinsky	2005	Bradley v Cargo Link (depo)	2003
Schoeck v. Brown	2005	Allington v Cunningham	2002
Anderson v Headd (trial)	2005	Worthington v Worthington	2002
Schild v. UWCF	2005	Spencer v. Spencer	2002
Pascoe v Pascoe	2005	Klockow v. WCFU	2002
Steve Wood v. Zeluff	2005	Lord v. Lord	2002
Lyon v Lyon	2005	Shaw v. Shaw	2002
Anderson v Headd	2004	Thomas v. WCFU	2002
Lyon v Lyon	2004	Gibbs v. Unum	2002
Hale v. Israelson	2004	Newman v. Newman	2002
Mott v. McManama	2004	Welling v. Welling	2002
McGee v. Jones, Lang Lasalle	2004	Butte v. Butte	

List of sworn cases for Kristy Farnsworth, Ph.D.
Sworn testimony as of 10-25-05

NAME OF CASE	YEAR	NAME OF CASE	YEAR
Sommer v Gange	2005	Bradley v. Carlo Link (Trial)	2003
Voitanik v Voitanik	2005	Weaver v. Weaver	2003
Mushrush v. Martel	2005	Rocky Nelson v. Nelmor Co.	2003
Knight v. Knight	2005	Deutsch v. UPRR	2003
Brochinsky v Brochinsky	2005	Bradley v Cargo Link (depo)	2003
Schoeck v. Brown	2005	Allington v Cunningham	2002
Anderson v Headd (trial)	2005	Worthington v Worthington	2002
Schild v. UWCF	2005	Spencer v. Spencer	2002
Pascoe v Pascoe	2005	Klockow v. WCFU	2002
Steve Wood v. Zeluff	2005	Lord v. Lord	2002
Lyon v Lyon	2005	Shaw v. Shaw	2002
Anderson v Headd	2004	Thomas v. WCFU	2002
Lyon v Lyon	2004	Gibbs v. Unum	2002
Hale v. Israelson	2004	Newman v. Newman	2002
Mott v. McManama	2004	Welling v. Welling	2002
McGee v. Jones, Lang Lasalle	2004	Butts v. Butts	2001
Steve Wood v. Zeluff	2004	McGuire v. McGuire	2001
Brown v. Gus Palos	2004	Kuntze v. Prudential Prestige	2001
Andersen v. Dee Warner	2004	Heil v. Mid-Century Ins.	2001
Chivers v. Moon Lake Electric	2004	Cox v Cox	2001
Vogel v Vogel	2004	Suthar v Suthar	2001
Williams v. Grundmann	2004	Racene v Decker	2001
Hewitt v Hewitt	2003	Radl v IHC	2001
Fladland v. Flying J	2003	Lathrop v Lathrop	2001
Olsen v. Olsen	2003	Johnson H. v Johnson E	2001
Ferner v. Ferner	2003	E. Martinez v. Paymasters	2001
Vom Dorp v. Vom Dorp	2003	Gallegos v. Dick Simon	2001
Drapers v. WSR, Inc. dba Redd's	2003	Herbas v. U.S. Postal Service	2001
Kingston v. EDO	2003	Hall v. Heritage Schools, Inc.	2001
Still v. Jack Roberts Co.	2003		
Powers v. Hawley	2003		

In addition to the cases listed above, I provide testimony in administrative hearings in the Denver Region for the Office of Hearings and Appeals as a Medical Expert from 10-20 times each month.