

# JOHN H. REES

## Present Employment

Shareholder  
Callister Nebeker & McCullough  
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## Professional Experience

Legal practice: Internet law; Intellectual property, including advising clients on electronic commerce and doing business on the Internet; trademark prosecution, licensing, and advising clients on infringement and other trademark matters; copyright prosecution, licensing, and advising clients on infringement and other copyright matters; and licenses and other contracts; Business transactions, including real estate financing; business formation; negotiating and preparing contracts; due diligence; and low-income housing financing transactions; corporate law and business transactions, including business formation, acquisitions, and negotiating and preparing contracts.

Chair, Technology Committee, Callister Nebeker & McCullough (2013 to present, and prior years)

Member, Board of Directors, Callister Nebeker & McCullough (2005 to 2012)

Founder and Chair, Utah State Bar Cyberlaw Section (2004 to 2005)

Co-Chair, Annual Meeting for the Utah State Bar, Jackson Hole, Wyoming (2002 to 2003)

Member, Salt Lake Chamber of Commerce Technology Committee (2003 to 2004)

Member, Technology Committee, Salt Lake Area Chamber of Commerce (2002 to present)

Member, American Bar Association Cyberspace Committee Task Force for Electronic Security and Privacy (2002 to present)

Member, Cyberspace Law Committee of the American Bar Association (2002 to present)

Chair, Electronic Commerce and Intellectual Property Practice Group, Callister Nebeker & McCullough (1998 to present)

Chair, Technology and Electronic Commerce Practice Group, Callister Nebeker & McCullough (2001 to present)

Chair, Banking and Finance Practice Group, Callister Nebeker & McCullough (1997 to 1999)

Adjunct Assistant Professor of Management, University of Utah (July, 1993 to 1999).

Member, Intellectual Property Section of the American Bar Association (1993 to present)

Member, Utah Technologies Finance Corporation Mentoring Group (1993 to 1997)

Associate Instructor, University of Utah, Department of Management (Summer, 1992 to 1993).

Member, Board of Directors, University of Utah Business Alumni Association (1992 to 1995)

Member, Utah Technologies Finance Corporation Mentoring Group (1993 to 1997)

Chair, Alumni Cultivation Committee of the University of Utah Business Alumni Association (1994 to 1995)

Representative of Callister Nebeker & McCullough for Utah Information Technologies Association (1991 to 1995)

Chair, Business Law Section of the Utah State Bar (1989-1990).

Member, Small Business Committee of the American Bar Association (1987 to present)

Member, Corporations and Commercial Code Advisory Board (1989 to 1992)

Member, Utah Business Corporation Act Revision Committee (1989 to 1991)

Member, American Inn of Court II (1983 to 1984)

Research Assistant, Governor's Securities Fraud Task Force (1983 to 1984)

Staff Member, Journal of Contemporary Law, University of Utah College of Law (1982 to 1983)

## **Education**

University of Utah, Masters of Business Administration, 1991, J.D., 1984, and Bachelor of University Studies, Emphasis Pre-law, 1981.

## **Community Service, Honors, and Awards**

Chair, Crohn's & Colitis Foundation of America Walk Committee, (2009-2010)

Named in *Best Lawyers in America*® for Information Technology Law (2007 to 2013)

Named in *Utah Business Magazine* Legal Elite (2008 to 2011)

Member, board of directors, New Haven Homeowner's Association, Inc. (1999 to 2001)

President, New Haven Homeowner's Association, Inc. (1999 to 2000)

Jr. Jazz Basketball Coach (1997 to 1999)

Outstanding Young Man of America (1996)

Soccer coach, South Davis Soccer Association (1993 to 1995)

Who's Who Among Rising Young Americans (1991)

Dean's Scholar (1991)

Phi Kappa Phi (1991)

Beta Gamma Sigma (1991)

Outstanding Young Man of America (1986)

Leary Scholar (1984)

Cum laude graduation (1981)

Studentbody Vice President, University of Utah (1980-1981)

Beehive Honor Society (1981)

Who's Who Among Students in American Universities and Colleges (1981)

Owl and Key Honor Society (1981)

Chair, Student Assembly, University of Utah (1980-1981)

Ex-officio member, University of Utah Alumni Board (1980-1981)

Vice President, Latter-day Saint Student Association, University of Utah (1979-1980)

Vice Chair, Inter-Faith Council, University of Utah (1979-1980)

Volunteer missionary, Church of Jesus Christ of Latter-day Saints (1976-1978)

### **Professional Papers and Publications:**

Article, *Copyright it!*, published in Realtor Magazine New Jersey, April, 2008, p. 18-19.

Article, *Copyright it!*, published in Realtor Magazine, November 2006, p. 28-29.

Article, *Tighten it up*, published in Realtor Magazine, June 2005, p. 30-31.

Article, *Traps to Avoid on the Internet*, published in Utah Realtor, First Quarter Magazine, 2004, p. 24-26.

Article, *Ten Traps to Avoid on the Internet*, published in the Utah Bar Journal, October 2003, p. 20.

Article, *Title Company Web Sites . . . Does Yours Pass the Test?*, published in Title News, September/October 2004, p. 20-21.

### **Presentations:**

Webcast, “Five Things Every Business Should Know About Copyright Law” (Callister Nebeker & McCullough), January 19, 2011

Webcast, “Developing Powerful Brands Through Appropriate Application Of Trademark Law” (Callister Nebeker & McCullough), November 16, 2010

Presentation, “Small Business and the Legal Environment” (Northfront Pro Series for Northfront Business Resource Center), September 21 and 23, 2010. Contact: Brent Meikle (801) 593-2202.

Webcast, “An Overview of Copyright Law” (Zions First National Bank, and its affiliates), September 9, 2010.

Webcast, “Branding and Trademarks” (Zions First National Bank, and its affiliates), July 28, 2010.

Presentation, “Social Networking and Working in an Online Environment” (hosted by CEO Builder), December 10, 2009. Contact: Rich Tyson (801) 224-2490.

Presentation, “New Legal Issues for Bloggers” (hosted by Bank of American Fork), December 1, 2009. Contact: Christopher Liechty (801) 642-3094.

Presentation, “Navigating a Complex Legal Environment and Avoiding Litigation” (2009 Women Entrepreneurs Conference hosted by Davis Applied Technology College), October 21, 2009. Contact: Hailee Long (801) 593-2359.

Presentation, “Blogs, forums, and social networking: avoiding liability as a service provider” (Davis Applied Technology College), June 19, 2009. Contact: Hailee Long (801) 593-2359.

Presentation, “*DOJ/NAR Settlement; Modified VOW Policy*” (Wyoming MLS, Inc., Casper, Wyoming), April 22, 2009. Contact: Bobbie Iiams (307) 237-1670.

Presentation, “*DOJ/NAR Settlement; Modified VOW Policy*” (Montana Association of Realtors, Helena, Montana), January 29, 2009. Contact: Peggy Trenk (406) 443-4032.

Presentation, “*DOJ/NAR Settlement; Modified VOW Policy*” (SIR/MLS, Inc. in Collinsville, Illinois), January 16, 2009. Contact: Deb Frazier, (618) 343-3030.

Presentation, *“DOJ/NAR Settlement; Modified VOW Policy”* (Egyptian Board of REALTORS, Inc., Mt. Vernon, Illinois), January 16, 2009. Contact: Dorothy Hamson (618) 244-3301.

Presentation, *“DOJ/NAR Settlement; Modified VOW Policy”* (CIO/CTO for MLSListings, Inc. for Santa Clara County Association of Realtors (“AOR”), Silicon Valley AOR, San Benito County AOR, Santa Cruz AOR, Monterey County AOR, San Mateo County AOR, and Central Valley AOR), November 17-20, 2008. Contact: Jim Harrison/Anne O’Callahan (408) 874-0242.

Presentation, *“DOJ/NAR Settlement; Modified VOW Policy”* (So. Cal MLS in La Jolla, California), October 28, 2008. Contact: Russ Bergeron (714) 517-2626.

Presentation, *“Data privacy and security – the Search for a Test Case”* (NATPPM), September 10, 2008. Contact: Andrew J. McDevitt (202) 484-1526.

Presentation, *“DOJ/NAR Settlement; Modified VOW Policy”* (CIO/CTO for MLSListings, Inc. in San Jose, California), September 3, 2008. Contact: Jim Harrison/Anne O’Callahan (408) 874-0242.

Presentation, *“Sales and Marketing in an Online Environment”* (Utah Manufacturers Association), June 12, 2008. Contact: Tom Bingham (801) 363-3885

Presentation, *“MLS Legal Counsel Seminar”* (Connection 2008 hosted by TREND), April 14, 2008. Contact: Cheri Andrews

Presentation, *“Intellectual Property in an Online Environment, Utah State Bar, CyberLaw CLE*, February 28, 2008. Contact Robyn Reynolds (801) 531-9077.

Presentation, *“Managing Listing Content”*, New Jersey Association of REALTORS<sup>®</sup>, October 25, 2007, Toms River, New Jersey. Contact: Mary Ann Wissel (732) 244-8111.

Presentation, *“MLS Issues You Cannot Ignore”*, The Realty Alliance General Membership Meeting, April 3, 2007, Las Vegas, Nevada. Contact: Craig Chetham or Gail Wagner (972) 385-6055.

Presentation, *“Managing Listing Content”*, Pensacola Association of REALTORS<sup>®</sup>, March 15, 2006, Pensacola, Florida. Contact: Juli Pleitner 850.434.5507.

Webcast presentation, *“Creating a Chain of Ownership: Managing Listing Content”*, National Association of REALTORS<sup>®</sup>, October 5, 2006, Chicago, Illinois. Contact: Laurie Janik (312) 329-8371.

Workshop presentation, *“Creating a Chain of Ownership: Managing Listing Content”*, CMLS Conference, September 21, 2006, Park City, Utah. Contact: Laurie Janik (312) 329-8371.

Workshop presentation, *“Managing Listing Content”*, Northeast Regional Association Executives Seminar, National Association of REALTORS<sup>®</sup>, July 20, 2006, Cooperstown, New York. Contact: Laurie Janik (312) 329-8371.

Workshop presentation, “*Managing Listing Content*”, National Association of REALTORS<sup>®</sup>, July 18, 2006, Hilton Head, South Carolina. Contact: Laurie Janik (312) 329-8371.

Workshop presentation, “*Managing Listing Content*”, Connection 2006 Conference, April 21, 2006, San Diego, California. Contact: Laurie Janik (312) 329-8371.

Presentation, “*Landmines on the Internet*”, presented to Utah Association of CPAs, May 6, 2005, Salt Lake City, Utah. Contact: Michelle McGaughey (801) 466-8022

Presentation, “*Safe Tech: Managing Today’s Title Operation on the Right Side of the Law*” presented at American Land Title Association, April 19, 2005, Orlando, Florida. Contact: Kelly Romeo (202) 296-3671

Presentation, “*How Multiple Listing Services and Brokers Can Protect Data Ownership Rights*” presented to Connection 2005, March 31, 2005, Hilton Head Island, South Carolina. Contact: Yvette Acuff (843) 785-9696 ext. 5

Instructor, “*The Joy of Litigation*” taught as a real estate continuing education course sponsored by the Greater Las Vegas Association of REALTORS<sup>®</sup>, March 24, 2005, Las Vegas Nevada. Contact: Wendy DiVecchio (702) 784-5000

Presentation, “*Landmines on the Internet*”, presented to Utah Advertising Federation, February 16, 2005, Salt Lake City, Utah. Contact: Shelley Storey (801) 596-9000.

Facilitated several breakout sessions at the MLS Data Topics in the Tropics sponsored by The Realtor<sup>®</sup> Association of Greater Fort Lauderdale, February 2-4, 2005, Ft. Lauderdale, Florida.

Presentation, “*Landmines on the Internet*”, presented at Utah Association of CPAs, Winter Conference, December 9, 2004, Salt Lake City, Utah. Contact: Monica Yamaski (801) 466-8022.

Presentation, “*Technology Security: A Management Perspective (Privacy)*,” presented at the National Association of Realtors<sup>®</sup> 2004 Conference & Expo, November 7, 2004.

Panelist, *Licensing of MLS Data*, presented on a legal panel at CMLS Annual Meeting, October 8, 2004, Portland, Oregon. Contact: Kathy Ragsdale (503) 872-8052.

Presentation, *The Search for a Privacy Test Case*, presented at American Land Title Association annual convention, October 7, 2004, Boston, Massachusetts. Contact: Ann Vom Eigen (202) 296-3671.

Presentation, *Landmines on the Internet*, presented to members of Realtors<sup>®</sup> Association of Maui, Inc., April 30, 2004, Kahului Maui, Hawaii. Contact: Terry Tolman (808) 269-4646.

Presentation, *Doing Business on the Internet: Make It Legal and Minimize the Risks*”, presented at American Land Title Association Tech Forum 2004, March 16, 2004, New Orleans, Louisiana. Contact: Kelly Romeo (202) 296-3671.

Presentation, *“Avoiding Intellectual Property Infringement on the Internet”*, presented at the Utah State Bar Mid-Year Convention, March 13, 2004, St. George, Utah. Contact: Connie S. Howard (801) 531-9077.

Instructor, *“The Joy of Litigation, or Do I Really Need to Know the Rules of E-Commerce?”*, taught as a real estate continuing education course at the Tech Rally sponsored by the Greater Las Vegas Association of Realtors<sup>®</sup>, September 5, 2003, Las Vegas, Nevada. Contact: Tina M. Tooley: (702) 732-8177.

Instructor, *“The Joy of Litigation, or Do I Really Need to Know the Rules of E-Commerce?”*, taught as a real estate continuing education course sponsored by the Salt Lake Board of Realtors<sup>®</sup>, August 4, 2003, Salt Lake City, Utah. Contact: Lynda Tassainer: (801) 486-4465 ext. 110.

Instructor, *“The Joy of Litigation, or Do I Really Need to Know the Rules of E-Commerce?”*, taught as a real estate continuing education course sponsored by the Washington County Board of Realtors<sup>®</sup>, June 7, 2003, Mesquite, Nevada. Contact: Linda Stuart (435) 628-7374.

Presentation, *“The Joy of Litigation, or Navigating Landmines on the Internet”*, presented to the Utah Association of REALTORS<sup>®</sup> conference, REALTOR<sup>®</sup> Day at the Legislature, February 21, 2003, Salt Lake City, Utah. Contacts: Pat Iannone (801) 268-4747 or Chris Kyler (801) 268.4747.

Instructor, *“The Joy of Litigation, or Do I Really Need to Know the Rules of E-Commerce?”*, taught as a real estate continuing education course co-sponsored by RMLS and Eugene Association of REALTORS<sup>®</sup>, February 7, 2003, Eugene, Oregon. Contacts: Mark Milligan of Eugene Association of REALTORS<sup>®</sup>, (541) 484-3043, and Beth Murphy of RMLS, (503) 872-8039.

Instructor, *“The Joy of Litigation, or Do I Really Need to Know the Rules of E-Commerce?”*, taught as a real estate continuing education course co-sponsored by RMLS and Portland Metropolitan Association of REALTORS<sup>®</sup>, February 6, 2003, Portland, Oregon. Contacts: Kathy Steiner of Portland Metropolitan Association of REALTORS<sup>®</sup>, (503) 228-6595, and Beth Murphy of RMLS, (503) 872-8039.

Instructor, *“The Joy of Litigation, or Do I Really Need to Know the Rules of E-Commerce?”*, taught as a real estate continuing education course co-sponsored by RMLS and East Metro Association of REALTORS<sup>®</sup>, February 5, 2003, Gresham, Oregon. Contacts: Beverly Lombardo of East Metro Association of REALTORS<sup>®</sup>, (503) 667-1211, and Beth Murphy of RMLS, (503) 872-8039.

Instructor, *“The Joy of Litigation, or Do I Really Need to Know the Rules of E-Commerce?”*, taught as a real estate continuing education course co-sponsored by RMLS and Clark County Board of REALTORS<sup>®</sup>, February 4, 2003, Vancouver, Washington. Contacts: Valerie Britt-Kalberg of Clark County Association of REALTORS<sup>®</sup>, (360) 695-5980, and Beth Murphy of RMLS, (503) 872-8039.

Instructor, *"The Joy of Litigation, or Security Do I Really Need to Know the Rules of E-Commerce?"*, taught as a real estate continuing education course sponsored by the Park City Board of REALTORS<sup>®</sup>, January 30, 2003, Park City, Utah. Contact: Sharon Woodbury (435) 649-4112.

Instructor, *"The Joy of Litigation, or Security Do I Really Need to Know the Rules of E-Commerce?"*, taught as a real estate continuing education course sponsored by the Utah County Board of REALTORS<sup>®</sup>, January 23, 2003, Provo, Utah. Contact: Sherry Talbot (801) 226-3777.

Presentation, *"Landmines on the Internet for Title Companies"*, presented at Utah Land Title Association Mid-Year Convention, January 17, 2003, Las Vegas, Nevada. Contact: Kirk Smith (801) 479-7911 or Sheri Olsen (801) 947-8453.

Instructor, *"The Joy of Litigation, or Security and Other Traps to Avoid When Using the Internet"*, taught as a real estate continuing education course sponsored by the Ogden Board of REALTORS<sup>®</sup>, September 26, 2002, Ogden, Utah. Contact: Nancy Kuen (801) 476-4216

Presentation, *"The Joy of Litigation, or Do I Really Need to Comply With the Rules of E-Commerce"*, presented to the Utah Association of REALTORS<sup>®</sup> Annual Convention, September 13, 2002, St. George, Utah. Contacts: Pat Iannone (801) 268-4747 or Chris Kyler (801) 268.4747.

Presentation, *"After GLBA . . . Then What?"*, presented to BISYS<sup>®</sup> 2002 Document Solutions Client Conference, March 20, 2002, Atlanta, Georgia.

Luncheon Speaker, *"Protecting Client Information"*, Intellectual Property Section Mid-Winter Institute, Utah State Bar, March 1, 2002, Salt Lake City, Utah

Presentation, *"Protecting Electronic Databases"*, presented to Utah State Bar Intellectual Property Section, January 24, 2002, Salt Lake City, Utah

Presentation, *"Securing Client Data"*, presented to Utah State Bar, November 7, 2001, Salt Lake City, Utah

Presentation, *"Avoiding Intellectual Property Land Mines"*, presentation to senior management of Zions Bank, August 15 and 21, 2001, Salt Lake City, Utah.

Presentation, *"Land Mines for the MLS Doing Business on the Internet"*, presentation at national conference sponsored by Connection 2001, March 13, 2001, West Palm Beach, Florida.

Presentation, *"Protecting Automated Databases"*, presentation at national conference sponsored by National Association of REALTORS<sup>®</sup>, November 10, 2000, San Francisco, California.



Presentation, "*Trademarks*", on Intellectual Property sponsored by Utah State Bar, June 4, 1998.

Instructor, University of Utah MBA class, "*Business Law*", Fall, 1997.

Presentation, "*Understanding Your Borrower*", Portfolio officers of Utah Technology Finance Corporation, Salt Lake City, Utah, August 20, 1997.

Instructor, University of Utah MBA class, "*Business Law*", Fall, 1996

Instructor, University of Utah MBA class, "*Business Law*", Fall, 1995

Instructor, University of Utah MBA class, "*Strategic Risk and Conflict Management*", Fall, 1993

Associate Instructor, University of Utah, Department of Management, Executive Bachelor of Business Administration class, "*The Regulatory Environment*", Summer, 1993.

Presentation, "*Avoiding Personal Liability in Corporations and Protecting Intellectual Property*", Customers of Zions First National Bank, Salt Lake City, Utah, October 26, 1992.

Associate Instructor, University of Utah, Department of Management, "*Strategic Risk and Conflict Management*", Fall, 1992.

Presentation, "*Living Wills, Guardianships, and Conservatorship*", Alzheimer's Association, Northern Utah Chapter, Salt Lake City, Utah, September 24, 1992.

Presentation, "*Strategic Risk Management: Avoiding Legal Pitfalls When Consulting With Students*", David Eccles School of Business, University of Utah, Salt Lake City, Utah, September 17, 1992.

Presentation, "*The Utah Revised Business Corporation Act*", Information Technology Summit, Fall '92, Sundance, Utah, August 31, 1992.

Presentation, "*Drug and Alcohol Testing in Utah*", Utah Information Technologies Association General Managers' Council, Salt Lake City, Utah, August 12, 1992.

Panelist, "*The Utah Revised Business Corporation Act*", Utah State Bar, Salt Lake City, Utah, June 26, 1992.

Associate Instructor, University of Utah, Department of Management, Executive Bachelor of Business Administration class, "*The Regulatory Environment*", Summer, 1992.

Presentation, "*What's In a Name? Understanding Who is Your Borrower?*", Zions First National Bank, Credit Management Department, Salt Lake City, Utah, May 21, 1992.

Presentation, "*Preventive Legal Risk Management and the Seven Deadly Business Sins*", Customers of Zions First National Bank, Salt Lake City, Utah, November 6, 1991.

Presentation, "*What Can You Do About the Possibility of Disability?*", Maple Ridge Support Group, Bountiful, Utah, November 14, 1991.

Presentation, "*Preventive Legal Risk Management*", Executive Roundtable of the Salt Lake Area Chamber of Commerce, Salt Lake City, Utah, January 30, 1992.

Presentation, "*Preventive Legal Risk Management for Small Business*", Executives Association of Salt Lake, Salt Lake City, Utah, 1991.

Presentation, "*Commercial Lending and Hazardous Waste*", Correspondent banks of Zions First National Bank, Salt Lake City, Utah.

Presentation, "*Lender Liability*", Zions First National Bank, Commercial Loan Officers, Salt Lake City, Utah, April 5, 1988.

Presentation, "*Commercial Loan Documentation*", Zions First National Bank, Commercial Loan Officers, Salt Lake City, Utah, November 3, 1987.

Author, "*How to Avoid Costly Legal Mistakes While Improving Your Bottom Line*" (Brochure).