



December 15, 2006

Dear Litigation Section Members:

The Litigation Section had an active fall, sponsoring numerous CLEs and other events. This e-mail will summarize our activities this past quarter, list information about upcoming events, and provide useful links and services for our members.

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#### **1. UPCOMING EVENTS AND CLEs**

\* The Section's next **Quarterly Lunch** will be held on a date to be announced in February 2007 at the Law and Justice Center. We are working on getting a panel of Third District Court in-court clerks to participate in a panel discussion about litigation from the perspective of the in-court clerk. This will be an excellent opportunity for section members to learn about the inner workings of the Third District Court, and to hear an important perspective on what is effective in the courtroom. As always, these quarterly luncheons will be over the noon hour at the Law and Justice Center and are free of charge to section members who sign up in advance.

\* The **Spring Convention** will take place March 8-10, 2007 in St. George. The Litigation Section will be sponsoring at least one breakout session there. Look for more information to follow. The Litigation Section liaison for the Spring Convention is Ryan Frazier. To sign up for the Spring Convention, visit [www.utahbar.org/cle](http://www.utahbar.org/cle) or call 297-7032 or 297-7036.





\* The Section will once again sponsor the popular **NITA Trial Seminar**, planned for May 16-19, 2007 here in Salt Lake City. This represents a special opportunity to participate in a NITA seminar without having to travel out-of-state. We are planning on bringing eight out-of-state NITA faculty and complementing them with eight top-notch local faculty. We sponsored a similar seminar in 2005 which was a smashing success. The Section's liaison for this event is Ryan Harris. Watch for more details about this event, and hold the dates on your calendar.

\* The **2007 Annual Convention** will take place July 18-21, 2007 in Sun Valley, Idaho. The Litigation Section will be sponsoring several breakout sessions there. The Litigation Section liaison for the 2007 Annual Convention is Jonathan Hafen. Look for more information to follow. To sign up for the Mid-Year Convention, visit [www.utahbar.org/cle](http://www.utahbar.org/cle) or call 297-7032 or 297-7036.



For a calendar of events sponsored by the Litigation Section, visit:  
<http://www.utahbar.org/sections/litigation/events.html>

## **2. ACTIVITIES OCTOBER-DECEMBER 2006**

\* The Section's **Latest Quarterly Luncheon** took place on in St. George on October 20, 2006. The Section is trying to emphasize and coordinate CLE events outside of Salt Lake County once in a while, and this was our latest effort toward this end. This event was co-sponsored by the Southern Utah Bar Association. This was a Golf & CLE event at The Ledges Golf Club, a newly-built and quite scenic layout just north of St. George. In the morning, Mike Leavitt of Durham, Jones & Pinegar and Kent Scott and Bob Babcock of Babcock, Scott & Babcock presented "A Primer on Utah Construction Law: Perfecting and Litigating Mechanics Liens, Bond Claims, and Construction Defect Claims." Following the CLE presentation, those interested in the golf portion of the event played a round of golf at the Ledges. Approximately 50 people attended the event, with 37 sticking around to play golf. We intend to make this an annual event, and look forward to next fall in St. George. Thanks to Dan Steele and Bryan Pattison for their hard work in making this event a great success.

\* The Litigation Section and the Appellate Section co-sponsored a **CLE** on briefwriting on October 11, 2006 featuring Patricia Millett of the U.S. Solicitor General's Office. Ms. Millett is an exceptional brief writer and appellate advocate who has briefed and argued dozens of cases before the U.S. Supreme Court, including assisting with one recent case of local interest, Brigham City v. Stuart.



\* The **Fall Forum** took place on November 3, 2006. The Litigation Section sponsored two breakout sessions at this full-day event. The first was entitled "Writing Summary Judgment Briefs to Win," and was presented by Lisa R. Petersen of Parsons Kinghorn Harris. The second was

themed around “Organizing a Case,” and was a panel discussion regarding the many different aspects of putting together and organizing a case from beginning to end. The panelists were L. Rich Humpherys of Christensen & Jensen; Daniel S. McConkie of Kirton & McConkie; and Jeffrey D. Eisenberg of Eisenberg, Gilchrist & Morton. Both of these sessions were very well attended. Thanks to Ryan Frazier for coordinating these breakout sessions and helping make the Fall Forum a successful event.

\* On November 9, 2006, the Litigation Section co-sponsored the CLE event entitled “**Clarence Darrow: Crimes, Causes and the Courtroom.**” This event was held at the Masonic Temple.

### **3. SPONSORSHIPS AND COMMUNITY INVOLVEMENT**

\* The Litigation Section co-sponsored the **Highland High Debate Tournament**, which took place on October 20-21 at Highland High School in Salt Lake City. The tournament brought together more than 200 students from over 30 Utah high schools for two days of competition in Policy Debate, Lincoln-Douglas Debate, and Public Forum Debate. The tournament even received a write-up in *The Salt Lake Tribune*, as referenced on the Litigation Section’s website. The Section is proud to support this event, which no doubt involved many of Utah’s future litigators.



\* The Litigation Section recently contributed \$2,615.24 to the “**And Justice for All**” Campaign. This amount is the interest earned on the Litigation Section account for the year ending June 2006. “And Justice for All” serves as a collaborative partnership between Utah’s largest providers of civil legal aid—Utah Legal Services, Disability Law Center, and Legal Aid Society of Salt Lake. Programs address clients’ most basic needs: ensuring safety, stabilizing families, preventing homelessness, and fostering self-sufficiency. Last year, approximately 30,000 Utahns received legal services through the “And Justice for All” agencies. The Section is proud to support “And Justice for All” through the donation of its accrued interest.

### **4. UPCOMING AMENDMENTS TO THE SECTION BYLAWS**

As I mentioned in the last quarterly email, the Section’s Executive Committee has determined that the time has come to overhaul the Section’s bylaws. We are still in the process of having the new set of bylaws submitted to and approved by the Board of Bar Commissioners, and after that the new bylaws will need to be approved by the Section membership as a whole. As soon as the new bylaws are finalized and approved by the Bar Commission, we will forward the bylaws to you, and schedule a meeting to vote on the proposed changes. More information to follow.

### **5. ONLINE COURT ASSISTANCE POLICY BOARD**

The Litigation Section is empowered by statute to appoint one member to the Online Court Assistance Policy Board. See Utah Code Ann. § 78-28-2(2)(g). The Online Court

Assistance Program has been established by statute to “assist the public in preparing and filing civil pleadings and other papers” in such matters as uncontested divorces and landlord-tenant disputes. See Utah Code Ann. § 78-28-1(1). The Executive Committee of the Section recently re-appointed Eric Mittelstadt to the position. His term will expire in May 2009, and if any section member has interest in succeeding Eric please make your interest known.

#### **6. WEBSITE UPDATES**

\* We continue to build our Judges’ Benchbook, which contains very useful information about state and federal judges. Currently, information regarding more than 60 state district court judges is available through the Benchbook, and we hope to boost this number closer to 70 soon. The Benchbook is continually being updated as new judges take the bench and agree to participate, and as we reach out to other judges who have not yet had the opportunity to participate; indeed, information regarding one additional judges was recently added to the site. The feedback we get from both judges and practitioners about the Benchbook has been uniformly and overwhelmingly positive, as both judges and lawyers consider the Benchbook a useful tool that makes court appearances run more smoothly. Additionally, we are pleased to announce that to make the Benchbook more accessible, the Bar has created a direct link on the Utah Bar’s homepage. Visit [www.utahbar.org](http://www.utahbar.org) and scroll down until you reach the link on the right-hand side.

For more information, please visit our website at [www.utahbar.org/litigation/welcome](http://www.utahbar.org/litigation/welcome).

Happy Holidays,

Ryan M. Harris  
Chair, Litigation Section