

## Litigation Section Committee Meeting Minutes

December 12, 2012

The executive committee members who were present or participating by telephone were: George Burbidge, David Castleberry, Heather Thuet, Judge Roth, Judge Toomey, Rod Andreason, Patrick Burt, Keith Call, Shane Gosdis, Jon Hafen, Christian Kesselring, Isaac Paxman, Heather Sneddon, Michael Stahler, and Jenifer Tomchak. Christian Hansen appeared by phone.

The Executive Committee members who were excused were: Ryan Frazier, Judge Lindberg, Kent Holmberg and Patrick Tanner.

- 1. Secretary's Report:** Heather Thuet, Secretary, presented the minutes from the November meeting. A motion was made to approve the minutes without changes by Michael Stahler that was seconded by David Castleberry. The minutes were unanimously approved.
- 2. Treasurer's Report:** David Castleberry, Treasurer, reported that section dues of \$40,644.33 have been added to the account and, as of October 31, 2012, the section has \$84,670.31 in assets. David is working closely with the Bar and has been told that expenses sometimes take 6 months before they appear on the account. From this point forward, the treasurer is to be advised of all expenses, reimbursements or other disbursements and David suggests that he be cc'd on all such correspondence. He has finalized the budget of \$55,000. David Castleberry made a motion that the budget be adopted and approved for the 2012-2013 year which was seconded by Patrick Burt. The motion was unanimously approved.
- 3. Chair's Report:** George Burbidge, Pretender to the Throne, aka Chair Elect (assumed the robes of the chair, Ryan Frazier, who had a scheduling conflict). On the topic of Litigation Assistance for the Judiciary, J. Toomey reports that she has made multiple attempts to invite various judges and the Board of District Court Judges to provide input on ways that the Litigation Section can assist the judiciary. Judge Toomey, who has been chair of the District Court Board of Judges, has relinquished reigns to the new chair, Judge Scott Hadley from the Second District. J. Hadley and the state judiciary are receptive to assistance and invite the Litigation Section to make proposals of the assistance it is willing to provide.

Jon Hafen suggests that a probono wheel could be established by which volunteers agree to represent pro se parties in state court akin to the Federal Court probono wheel. J. Toomey regularly has pro se parties appear before her who need representation but thinks that there is such a large need for probono that it may be an overwhelming demand. Jen Tomchak established the program for the federal courts. J. Toomey inquires if this is like the Bar's probono initiative. Jen Tomchak advised she did not know enough about the Bar's initiative to respond. Accordingly, a Judiciary Assistance Sub-committee was established to develop proposals of ways that the section can assist the judiciary and will present these at the January meeting: Keith Call, Jen Tomchak (chair), Jon Hafen, J. Toomey, and Patrick Burt.

- 4. Law Student Relations Committee:** Isaac: Nic Caine is proposing that University of Utah students be allowed to attend section events at no charge. He suggests that section set permitted number of students. George Burbidge wants students to register so section knows number of students that are coming and suggests opening registration to members first and then after a period of time allowing students to register. David Castleberry inquires about level of student interest in attending section events. Keith Call said we could allow 5 slots per school and the reps could designate and coordinate representative and suggests attendance at Rise & Shine. Jon agrees that Rise & Shine would be a good pilot program to allow attendance. Heather Sneddon suggests that U of U career development professional, Jess Hoffberger, could coordinate student attendance. Michael Stahler spoke to a student at YLD event who was interested in attending events if free of charge. Isaac will contact the school career development office and allow 5 students per school per Rise & Shine. School reps can attend and introduce students.

Pizza Party: Kate Conyers (new YLD president) and Jen Tomchak can coordinate with Elizabeth Wright at the state courts. Isaac Paxman supports coordinating with YLD, State Court, to put on student Pizza party at courts.

- 5. Technology/Website:** Shane Gosdis reports that section's website had 721 visits in November, and consistently has 700 visitors a month. Bench Books is the top resource on site.

Shane suggests the following recommendations for updating the website:

(1) Limit access to section members. J. Toomey is concerned because judges are willing to provide information to make their lives easier and if access was restricted, the judges may not be as willing to provide information. Patrick is concerned about having another password to remember. Michael suggested that some content may be able to be put behind a password.

(2) Update photographs and improve visual content. Heather Sneddon suggests photos and event write ups for newsletter also be added to the website. Jon agrees. Shane would like video content to be added. J. Toomey inquires if this would be problematic for the Bar who sells CLE. Connie Howard would know about it. Patrick recommended putting a link to the CLE videos on the Bar's website. Jon has a meeting with CLE committee tomorrow and will inquire and report at next meeting. Jon suggests that section could purchase a nice camera and put the CLE's on the website. Isaac suggests that section could charge for CLE's. Jon agrees. Shane likes the idea of establishing an archive of CLE's. Rod Andreason recommends keeping a list of past CLE's. David recommends involving the Lincoln at the Bar to ensure space/technology is available.

(3) Adding committee member bios.

(4) Adding link to newsletter.

(5) Enable website to be viewed on mobile devices: Lincoln can make adaptation to make website mobile friendly.

(6) Social media – Linked-In account to inform members of upcoming events.

(7) Blog of real time news.

(8) Open Forum for members to post questions and discuss issues. Patrick raised the issue of monitoring content. Shane thinks that if forum is not anonymous, then it limits issues.

**6. Spring Convention:** Christian Kesselring is finalizing Panel – J. Lee and J. Shumate are interested.

**7. CLE:** CLE's date and topics should be emailed to [webmaster@utahbar.org](mailto:webmaster@utahbar.org).

a. Q4 bumped to Q1: Patrick is waiting to hear back from possible presenters on the selected topic: What I wish the other side understood. Date in January is tbd.

b. Q1: Rod: February 6: The Foundations and the Forecast: Reasons for shifts and what is upcoming.

c. Q2: Michael is looking for ideas – thinking about effectiveness of written discovery as opposed to boiler plate. Interested in potential speakers. J. Toomey recommends contacting new rules committee for names of good litigators. Tristan Smith at State Farm is potential speaker on the defense side, and Frank Carney is potential source for willing plaintiff practitioners. Jon Hafen also recommends adding a Judge on the panel. J. Quinn, J. Blanch or J. Shaughnessy are potential panelists.

**8. Trial Academy Update:** Jon Hafen spoke to Frank Carney about section's idea of a trial academy. He has a number of concerns about expense, time, etc. Thursday or Friday in May are potential dates for Trial Academy. Participants could sign up for one or both. The first day would be Building Trial Skills and would be NITA style with attendance capped at 24-36. With video etc. Day 2 would be more advanced – UT Advanced Advocates – Jon would like to use Frank's materials for day 2, that is lecture based, with open enrollment. Rod likes the hands-on, as opposed to lecture, format. Jon anticipates the presentation will be revenue neutral with local practitioners (possibly a key note speaker). George recommends putting video on section's website.

Michael Stahler made a motion for trial academy to be presented over 2 days in May. Motion seconded by Jon Hafen. Unanimously approved.

**9. Membership Report YLD Section Night:** Michael Stahler attended the event as the section representative and set up a presentation table with the litigation section banner, the movie "My Cousin Vinny" playing, and section newsletters, CLE postcards and other section propaganda on display. He spoke to the majority of the 30 attendees about the value they receive as members of the section, many of whom were not aware of all the benefits they receive from the section. He has a list of individuals interested in joining the section which he will give to Membership Committee Chair, Kent Holmberg. Jon Hafen recommends that section continue to use the

presentation table set up created by Michael and have the section set up the table at the conventions.

**10. Summer Convention:** Next meeting January 18 – panel set Phil Fabio and J. Pullan for Proportionality presentation: Writing J. Waddoups and J. Roth, and ?tbd state or Federal judge.

**11. Bench Books:** J. Dale and J. Lee are new bench books up.

**12. Non-lawyer joining section and executive committee:** Tabled for next meeting.

Adjourned at 9:13 am

Meeting minutes approved January 9, 2013.

For the Executive Committee

*/s/ Heather L. Thuet* \_\_\_\_\_  
Secretary