

## Litigation Section Executive Committee Meeting Minutes

May 14, 2014

Present: George Burbidge, David Castleberry, Heather Thuet, Rod Andreason, Ryan Frazier, Shane Gosdis, Gregory Gunn, Jon Hafen, Jess Krannich, Heather Sneddon, Michael Stahler, and Tim Pack.

By Phone: Keith Call, Kent Holmberg, Jenifer Tomchak, and Sade' Turner.

Excused: Hon. Stephen Roth, Hon. Kate Toomey, Patrick Burt, Christian Kesselring, Kelly Nash, and Dan Steele.

1. **Secretary's Report:** In advance of the Meeting, Secretary Rod Andreason sent to the Executive Committee his draft minutes from the Committee's meeting held on April 9, 2014, which was circulated for review. Comments made to the draft were incorporated prior to this meeting. Michael Stahler moved to approve the minutes for that meeting, seconded by David Castleberry. The Executive Committee unanimously approved the draft minutes from the April 9, 2014 meeting.
2. **Treasurer's Report:** In advance of the Meeting, Treasurer Heather Thuet provided financial information for the Section through March 2014, as well as recently-submitted receipts and a statement of past income and expenses. Heather noted that the Section had a couple of expenses during the month of March, that there was a sufficient balance to pay for expected upcoming events, and that we will have several expenses that we have budgeted for in the next two months, including multiple presentations at the Annual Convention.
3. **Chair's Report:** Chair George Burbidge indicated that he did not have a particular report at this time.
4. **Chair-Elect's Report:** David Castleberry welcomed and recognized Tim Pack at the Meeting as someone who has expressed an interest in joining the Executive Committee.
5. **Committee Reports**
  - a. **Membership:** George Burbidge noted that the Chairman of this Committee, Kent Holmberg, had arranged to provide new Bar admittees with information about the Section and the benefits of their free initial membership therein. Kent later joined the Meeting via telephone and confirmed that he had done this.
  - b. **Technology:** Shane Gosdis reported that he is planning to review the web site and determine its current status, then email the Committee his findings. Following up from his and Michael Stahler's prior discussion with Connie, the Bar really wants the Section to use the Bar's own system for streaming video for CLEs. The Bar does not want us to use an outside vendor. The cost per person is \$7.95 for video streaming and \$2.15 for audio. However, due to that cost, the Section can't subsidize participation by an unlimited number of attendees, although perhaps for the first 40 or so. George asked if we have priced this with an outside vendor. Shane said that this has not been done yet. Michael asked what the cost would be if there was an interactive site where this could be hosted and numerous people gather for the event. Sade Turner said that having such a location set up could be free of charge under certain conditions. The Committee discussed whether Section members would be willing to come to a central location, and whether such would count as live CLE as opposed to self-study CLE. Shane recommended obtaining quotes from various vendors for video and audio streaming, so that the Executive Committee can make a head-to-head comparison. He also said that Summer Shumway has some templates that she will provide us containing additional

information. David Castleberry asked whether we have done surveys to know how many Section members would want to use this service that are outside of Salt Lake County in particular. Shane agreed that perhaps it was worth sending out a survey to find out what was wanted. Ryan Frazier said that the availability of the tool could drive membership interest, as opposed to the membership interest driving the use of the tool. Heather Sneddon asked if we should set up the video streaming capability after we have had an event sell out. Michael said that he believed more people would respond better to a prior announcement of the availability of video streaming. Ryan Frazier said that we could have members register in advance to confirm who would be in attendance. Heather Thuet suggested that we put a test case out to do this and see how it works. Kent Holmberg stated that we had over 2,000 members who could access this tool, and reported that another Section member from the Uintah Basin said that a televised CLE would have strong popularity in his area. George suggested that we advertise a test case well in advance of the date so that others could prepare for the streaming option. The Committee discussed doing this for the September 3, 2014 CLE regarding methods for Rule 30(b)(6) depositions. The Committee felt that this would be a good CLE for this test case. Shane asked whether we should do audio as well as video. George and Rod Andreason felt that it would help make this a more helpful test case if both methods were used, and we could then determine what the members of the Section preferred. Michael asked if we should set a limit to the persons that would do this via video so as not to exhaust Section funds. Heather Thuet suggested that we use Sade's method of hosting the presentation at a central location to save costs. Michael said that we could work through the leadership of local bar associations. Jon Hafen said that getting more representation from other geographic regions in the Committee has always been a goal, and this could help meet that goal. Heather Thuet moved that Michael Stahler and Shane complete the research regarding rates and contacts and present a proposal to have a test case done. There was no second to the motion, but Michael said that he would do this and return and report his findings to the Committee.

- c. **Newsletter:** There was no particular report for this committee provided at the Meeting.
- d. **Bench Books:** Jess Krannich stated that Sade Turner and he were receiving responses to questionnaires and processing them. He is receiving approximately two responses per week, and Sade is receiving responses for the other half of the judges. David Castleberry said that in his experience, this was a good number of responses. Jess and Sade continue to follow up with judges who have not yet sent back responses. (The day after this Meeting, Patrick Burt notified George Burbidge that he would no longer be able to participate on the Executive Committee or this Committee, but he has asked Sade to find a replacement for him to work on this Committee).
- e. **Law Student Relations:** Jenifer Tomchak said that since law school is out of session, there is less to report, but that the Student Litigation Society at the S.J. Quinney College of Law was happy with the Committee's responses to its requests, although a mentoring program per se is not being separately advanced by the Section. Jenifer is considering having an event with the students that takes place at the end of August.

## 6. CLE Reports

### a. Recently-Completed CLEs and Sponsorships:

- i. **Q2 Luncheon:** Kent Holmberg reported that this went very well. The event was sold out. He wished that we could have had larger venue, and noted that this had been tentatively set to take place at the Marriott Hotel, but that the Bar did

not confirm this reservation in time. In any event, the event was well-presented and went well.

**b. Quarterly Lunches:**

- i. **2014 Q3:** Michael Stahler stated that this event was set for September 3, 2014. He is seeking a defense attorney to participate as well as the plaintiff's attorney he had secured, along with either Judge Kelly or a federal judge. Jon Hafen said that Judges Shelby and Benson would be good to speak on Rule 30(b)(6) depositions. Heather Sneddon suggested Judge Nuffer. Jon said that he will be speaking with these judges this week. Michael said that he would contact Jon regarding this.

**c. Rise & Shine**

- i. **2014 Q2:** Ryan Frazier reported that he is following up with Wayne Klein regarding this event. Wayne has suggested a CLE on confidentiality provisions in settlement agreements and how certain provisions can violate attorneys' ethical duties. Ryan is considering June 19 as a date for this event and checking with the Bar for any conflicts.
- ii. **2014 Q3:** No discussion was held regarding this event.

- d. Modest Means Committee:** Jenifer Tomchak reported that the family law seminar on May 21, 2014 was coming along well. There will be two panels, one of which Jenifer will moderate. All information regarding this event has been sent out to modest means volunteer attorneys. There will be an additional fee for attorneys who participate who are not registered as modest means attorneys. The Modest Means Committee is very grateful for the Section's support. The Committee would like us to sponsor a small pizza dinner, which she believes would cost at most \$500. Jenifer made a motion that we provide a sponsorship up to that amount. Michael Stahler seconded the motion. Heather Thuet asked how many people have registered. Jenifer said that the Bar was tracking this, but they were expecting around 50 people. Michael asked if we could have our banner put up at this event. Jenifer said that we would do so. Voting on the motion was unanimous in favor.

- a. CLE Advisory Committee:** Jon Hafen stated that this committee expected the Bar Commission to consider using Park City as the venue for the Bar's convention in a couple of years.

- b. Southern Utah Federal Law Symposium:** Jon Hafen reported that 11 federal judges will be attending, around 100 have registered, there are good written materials, and this event should be excellent.

- c. Annual Convention 2014:** Heather Thuet stated that everything was set for this convention and they were looking forward to this event.

- d. CLE/Social Event with Women Lawyers of Utah:** Heather Sneddon reported that this event was scheduled, post cards have gone out, and she recently had lunch with the speakers to discuss it. 44 people have registered so far, and she is hoping to have 50 attend. The Bar has been handling all reservations. Heather is working with Caputo's on logistics. George Burbidge thanked Heather for her efforts. Jon Hafen said that the FBA is seeking to pursue these types of events and we should consider doing a partnership with them for this. He will send Heather information regarding an event in July that will be discussing this. Jon recommended that the Committee consider providing Heather a sponsorship to attend this event.

- e. Golf & CLE:** Dan Steele was excused from the Meeting, but sent an email in advance, reporting that the Salt Lake County Golf & CLE was set for July 10 at Old Mill Golf

Course. The topic will be “What Every Civil Litigator Should Know About Criminal Law.” Presenters will be Sam Alba, Rick Van Wagoner, and Judge Deno Himonas. Sam Alba and Rick Van Wagoner presented on this topic at the Spring Convention. It yielded healthy discussion and in one hour they managed to get through one-fourth of their outline. Dan believes that 3 hours will let them accomplish much more of what they had prepared to present. The costs include breakfast at \$10.25 per person, golf at \$52 per person plus prizes, approximately \$350 to advertise, no charge for the meeting room, all for a grand total of an estimated \$3,680.94. Revenue at \$45 per head for CLE-only attendees will be \$1,935. Revenue for those who golf as well will be \$65 per head, or \$2,080. Total revenue is estimated at \$4,015, which more than offsets the cost. This event should be revenue neutral. For those that golf, \$65 for 3 hours of CLE, a hot breakfast and a round of golf with a cart and the chance to win prizes is a great deal. Dan believes that we can reduce the per-head cost of the CLE to \$30 and put the golf at an additional \$30 and the cost to the Section will be about \$400. Dan has yet to see financials for last year’s events but he thinks this event will be well attended and post a small loss. He will proceed to book this unless there are any objections at this Meeting. No objections were expressed at the Meeting. Dan also wrote that he is still working on presenters and topics for Cache County (August 22), Utah County (September 5), and St. George (date TBD).

- f. **Fall Forum:** Michael Stahler reported that the committee on the Fall Forum had met 2 weeks prior to the Meeting. They are getting speakers lined up and will have panel of judges, including both retired and current. He indicated that alternative billing arrangements will likely be discussed, since this is a hot topic in the industry. They are also looking at getting a couple of other speakers. He asked for any input as to what subjects attorneys are interested in hearing more about. Jon Hafen said that we should set a date for the NITA-styled Trial Academy in 2015, since other events are already being scheduled. Jon said that he would work with Michael to put this together. Michael said that an attendee last year asked if we could have a criminal track in the Trial Academy. This year’s Fall Forum will take place on November 20-21. It is typically attended by solo practitioners and small firm attorneys, but all are welcome.
  - g. **PGAL:** Keith Call reported that speakers were lined up for the PGAL CLE in Cache County, including the newest local judge and the Guardian Ad Litem’s office. Local bar associations are assisting in promoting this event. Keith is currently confirming a date and a venue for this. The Guardian Ad Litem’s office appreciates the Section’s support of this event.
  - h. **Women in the Law Conference:** (After this meeting took place, on May 20, 2014, George Burbidge sent an email to members of the Executive Committee, proposing that the Section reimburse Heather Sneddon’s costs up to \$1,500 to attend the Federal Bar Association’s Women in the Law Conference in Washington, D.C. Responses to George’s proposal were received via email. Dan Steele raised concerns regarding the value of this conference vis-à-vis the fees. Jon Hafen discussed the benefits of participation and bringing ideas and presenters back to the Utah Bar. The Executive Committee voted in favor of George’s proposal with one nay vote).
7. **Judicial Receptions:** There was no particular report regarding this subject.
8. **Future Committee Meetings:** The agenda noted that the next Executive Committee meeting will take place on June 11, 2014 at 8:00 am. George Burbidge noted that this meeting is the Committee’s annual meeting, and that anyone interested in either nominating someone or

being nominated for a particular position or task on the Executive Committee should let George know in advance, if possible.

*The Meeting adjourned at 9:01 a.m.*

For the Executive Committee

*/s/ Rod N. Andreason*

Secretary