

Litigation Section Executive Committee Meeting Minutes

November 12, 2014

Present: David Castleberry, Michael Stahler, Rod Andreason, Heather Thuet, Tim Pack, Heather Sneddon, Keith Call, George Burbidge, Christian Kesselring, Greg Gunn, Robert Wing, Matthew Koyle, Dan Steele, Matthew Orme

By Phone: Kelly Nash, Evan Schmutz, Bryan Pattison, Sade Turner,

Excused: Jon Hafen, Jess Krannich, Kent Holmberg, Jen Tomchak

1. **Secretary's Report** (Michael Stahler, Secretary): Minutes need to be amended to November 12th. George moved; Dan seconded.
2. **Treasurer's Report** (Rod Andreason, Treasurer): Rod went over financials including comparison of the Section's revenue for the year--\$19,000 spent in year. Annual meeting expenses were added. Foot and beverage is in line with the core CLE's. Not everything we have in our expenses are transparent. Everything else seems to be on line and accurate. Dan asked if we can get the financials regarding the Golf and CLE—it is never been too transparent
3. **Chair's Report** (David Castleberry, Chair): David introduced two individuals interested in joining the Committee. The first was Matt Orme at DJP's SLC Office. David is 2010 Graduate of UNLV Law School. The second is Evan Schumtz at DJP's Lehi Office. Kelly Nash encouraged Evan to join. David announced that Kent has resigned from the position and moved that we present him with a pen to thank him for his efforts. Michael seconded. The Committee voted unanimously to approve this expense. George reported that Judge Toomey resigned and pointed out that we have to be careful regarding what we provide to her because of ethics concerns. David will call Judge Toomey and ask if she would be interested in a gift thanking her for her work. The Committee discussed possible replacements. Kent suggested that we invite Phil Lott from the AG's office. After discussion, the Committee agreed. David will contact Phil and invite him. The Committee had previously decided to invite Judges Stone and Dawson to join and David will extend invitations to those individuals. Kent will stay involved with the Committee when he is able to do so.
4. **Chair Elect:** Nothing.
5. **Committee Reports**
 - a. **Membership** (Holmberg). No report. We will need a new Chair
 - b. **Technology.** Nothing further reported. Christian will work with his subcommittee to move the agenda forward.
 - c. **Newsletter.** Rod updated the Committee with regards to his efforts. The first issue that we have is our Section Website that has to be updated and kept current. With regards to the Newsletter, he has made progress, but he is having difficulty finding a designer who can format an "HTML" Email. Not everyone has this skill. After trying a couple options, he has asked his firm's IT person to help and the gentleman has said that he will do it for free. The downside is that because it is voluntary he has not been able to get it done as fast as Rod wanted. Rod will send it out to the membership once it is completed. Problem is that he cannot get folks to help with formatting-his IT person would do it for free. Rod commented that the Committee had authorized \$1,500 for the project and he had not spent anything. He is trying to get it done without any expense. Please remember that if you are organizing an event you need to Email Rod AND Summer so that they can promote the event on our site and in the Newsletter.
 - d. **Law Student Relations.** Michael reported on behalf of Jen. Jen is considering January 8th or 15th for the Law Student Reception at Squatters. She is working on a date that will work with the students because the previous date was too early. She also reported that the "Introduction to Courts" day will likely be in February or March and that Judge Hanson is very excited about the event. She would like to have the event in November annually after

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the new bar member inductions. Michael discussed the schedule—the event will include a donut reception, workshop on pet peeves by the clerks, introduction to court resources, introduction to clerk’s office (electronic filing), lunch and courthouse tour, and the day will close with a tour.

- e. **Bench Books.** Sade Turner reported that they got one or two updated and that they have gotten a good response. Sade believes that the reason for the interest was thanks to Judge Toomey who had encouraged judges to complete their updates at a recent Judicial Conference. Sade and Jess are going to meet and discuss progress before the December meeting in order to determine how to proceed. So far they have exceeded their annual goal of ten updated biography.

- 6. **Sponsorship Requests Framework.** David discussed the overall concerns and the idea that the Committee have an application process for funding requests and a specific framework for consideration. Michael had set forth three factors for consideration and the Committee discussed those points and “wordsmithed” the factors so that they are: **(1) Provides a direct benefit to the members of the Litigation Section; (2) Promote professional and ethical litigation practice in Utah; (3) Advances the Litigation Section’s involvement and recognition in the community.** The applicants will have to address each of these factors and explain on the application form how their event will meet these factors. The form will also make it clear that the event will have to provide recognition to the Section. David will provide the form to people contacting the Section for money. After discussion, Michael renewed his motion that the Committee accept these three re-worded factors. George seconded and the Committee unanimously approved. Heather said that the Budget has a line item for awards and grants and contribution in the amount of \$3,500. She also said that we should discuss our CLE expenses and possibly reevaluate the “free food” policy we adopted for our events because of the expense. In 2013 we spent \$23,000 on food and beverage. Heather thinks that we need to also discuss other budget issues and suggested that we continue this discussion in December. We also need to review our expenses and accounting in order to have a more meaningful Michael said that Connie has told him that a lot of our food is wasted and whenever we have an event the real benefit goes to the Bar Staff who get free meals at our expense.

- 7. **Expenses Reports.** Michael reminded the Committee that we had asked Rod to get information on our expenses. Rod said that he’d prefer to discuss these expense issues after getting two years of records from Jeff Einfeldt. Dan commented about the difficulty in understanding what our “real” expenses are for events because of their odd accounting.

- 8. **Recently Completed CLE’s**
 - a. Judge Voros: Robert Wing said that the event was a success with about 130 people in attendance and that he thought it was interesting. He did offer a free webcast but did not know how many folks attended online.
 - b. Tim Pack: Tim said that postcards for the event went out. He is going to offer a CLE on Advance Witness Preparation and has retained a good panel including Sam Alba, Bryan Benevento, and James Magelby. The event will be in the new federal courthouse and we got the room for free. They are going to be giving us free AV support. The room will hold 90 people. Dan suggested a free tour of the Courthouse at the end of the CLE.
 - c. Christian Kesselring had nothing to report for his Rise and Shine.

- 9. **CLE Handout.** George said that he is putting it together and wanted to use a former Bar handout that provided guidance but he could not find it. When he spoke with Connie her advice was that planners “call her”. They will help coordinate and plan the event. Metra or Connie are to be the point people for the events. Based on this the checklist will be very short. Dan said that Connie and Metra are very helpful. Remember to get written materials to Metra or Connie BEFORE your

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event. Dan said to be careful because a lot of presenters don't think of this until the last minute. George said that the list will include: (1) decide your topic; (2) identify a speaker(s); and (3) work with the Bar. Heather said that members need to remember alternative venues.

10. **Fall Forum.** Michael reported that the Fall Forum only had 200 people signed up as of the date of the meeting. The Section is running a five-hour track that will feature a trial skills track using a great list of presenters. Jon did a great job getting the presenters. The Judicial Reception had 40 judges registered and only 75 attorneys registered. Out-of-town judges are getting a room compliments of the Bar. Heather commented that the pricing and registration was confusing—the reception is a SEPARATE event for registration. George asked why registration is down and Michael believes that the late date may be a part of the issue.
11. **Spring Convention.** Christian Kesselring said that we have two slots. One topic he is going to cover class action lawsuits. Connie told Christian Kesselring that one of our Friday slots was “bumped” to Saturday due to a scheduling conflict. Topics are due before Thanksgiving. Christian said that we should have a rotating “bank” of CLE topics for future reference.
12. **Summer Convention.** Heather reported that Former Chief Justice of Minnesota will be a presenter at the Convention. Heather saw him at DRI and invited him to speak on effective appellate practice or effective electronic briefs for the federal courts. Kelly Nash and Evan Schmutz reported that they were not able to attend the last meeting and that there was some discussion about breakouts focusing on discovery disputes and resolving those issues. David suggested that they have further discussions regarding planning.
13. **Golf and CLE.** Dan said that the three events in 2014 were the best that he has seen. Dino Himonas and Sam Alba were presenters at one event on what civil lawyers need to know about criminal law. This was well done and well attended. The Cache Valley event was a “bifurcated event” and held at Birch Creek. The Third event was the Utah County event that was very well attended (50 attend, 33 played golf). Dan was surprised that he had to wait 1:20 to tee off. This event featured Barney Manson on presentation techniques in court (keep it simple). Clay Stucki spoke on 18 day trial in closely-held entities. Bryan had some scheduling issues and made switch in firm so sadly the St George event will not happen.
14. **PGAL.** Keith reported a lot of new private members signed up. PGAL is sponsoring a CLE on December 4th from 3-5pm that will feature Jennifer Spangler discussing how to hand your first case. Kim Loon will likely present as a commissioner. This event will be free to Litigation Section members and PGAL. Keith will try to have it webcast. The section will likely be asked for light refreshments and postcards.
15. **Judicial Receptions.** George had nothing new to report. Devin Emailed that it was in process.
16. **Trial Skills Academy.** Michael said he will confirm the dates and the team will begin planning soon.
17. Congrats to Keith Call for recognition for his *pro bono* efforts from the Federal Bar Association.

Adjourned at 9:11 am. The next meeting will be at 8:00 am on Wednesday, December 10th.

Respectfully submitted,

/S/ Michael A. Stahler

Secretary for the Executive Committee