

## Litigation Section Executive Committee Meeting Minutes

October 8, 2014

Present: David Castleberry, Kent Holmberg, Michael Stahler, Rod Andreason, Keith Call, Judge Roth, Heather Thuet, Kent Holmberg, Jen Tomchak, Heather Sneddon

By Phone:

Excused: Tim Pack, Sade Turner, Jon Hafen, Jess Krannich, Christian Kesselring, Jon Hafen, Sade Turner, Jess Krannich, Dan Steele, Bryan Pattison

- 1. Secretary's Report** (Michael Stahler, Secretary): The Board reviewed the minutes from the last meeting and approved them. The first items were to sponsorship requests—one from the YLD asking that we spend \$500 to pay for trophies for the East High School Debate Tournament and the second was for \$1,000 for the University of Utah's new Constitutional Debate Team Trip to Michigan for a tournament. Both were considered via online voting and both passed (12-1 and 6-1 respectively). Michael asked if folks wanted to reconsider because of the low voter participation. The Committee accepted both as approved. The Committee then discussed sponsorships in general. Both Heather and David mentioned that groups have, historically, just assumed that we would provide money for events but that we had no real process or guidelines in place for considering such requests. The Committee discussed what criteria should be considered when the Committee reviews requests. Jen Tomchak said that her firm uses a paper application process for proposals and that applicants have to explain how their proposal meets the set criteria and urged the Committee to consider that approach. Michael Stahler made an initial motion with a list of factors for considering requests. After further discussion, Michael amended his motion such that in the future the Committee will use these factors to review requests: (1) If the request furthers or promotes litigation practice or trial law; (2) If the request will serve a public relations purpose for the Section; and (3) If the Section Membership will receive a direct benefit from the request. Applicants would have to complete a formal application addressing each point. Considering the low meeting turnout, Michael tabled the motion until the next meeting for further discussion and consideration and agreed to Email the other Committee members regarding the idea. The Committee then discussed if there should be an earmark in the Budget for such requests. Keith Call said that this would make the process easier because when the funds were gone they were gone. There was a suggestion that we should also have a hard deadline for all requests for a year. One suggestion was that we set aside either a set amount of our funds, or a set percentage of our annual revenue. Traditionally our revenues has been \$50-70k per year.
- 2. Treasurer's Report** (Rod Andreason, Treasurer): Rod commented that he noticed some odd expenses from the Bar and that there are some things that we cannot control regarding fees and expenses for our operations. One expense, the annual meeting, seemed very reasonable. The Section helped sponsor Jerry Gardner. With regards to other expenses, Rod pointed out that we pay a fee for the conference room and conference line service. Michael Stahler pointed out that the phone did not work for the August meeting and that the Bar should credit us (\$40 fee). Rod agreed to look into this. Considering the expense, as well as the fact that we pay about \$150.00 per month for the Board Room (that we rent for five hours even though we only need it for one hour), the Committee discussed if meetings should be held at another location. Kent Holmberg said that as long as he had been involved that there had not been any other location. Heather Thuet mentioned that there have been meetings at other firms, such as last year when we had a meeting at Kirton McConkie when the Bar Center was under renovation. Jen Tomchak raised a concern that members probably prefer knowing ahead of time where the meetings would be and did not want to be driving around Salt Lake City looking for an early morning meeting. Rod expressed concern that maybe we are overcharged. Judge Roth suggested that we negotiate lower prices and say that we want to be able to use our money to help the membership. Kent pointed out that the Bar does provide a lot of good services for the Section and does a lot of "thankless" work. Michael said that

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one example was the video streaming of our CLE's that worked out quite well, but that we had considered other vendors. We will consider meeting at another firm or negotiating prices next month.

3. **Chair's Report** (David Castleberry, Chair): David reported that Judge Toomey tendered her resignation effective immediately because of her appointment to the Court of Appeals. David asked if we should give her a gift for her work on the Committee. Heather said that we gave Judge Lindberg a pen for her service. Jen moved for the Committee to provide Judge Toomey a gift; Kent seconded. All approved. Kent further moved that we purchase a custom pen for her services; MAS seconded. The Committee unanimously approved. David will also draft a formal thank you note for her. Heather Thuet later suggested that we recognize Judge Toomey in our newsletter. David reported that Judge Toomey had urged him to invite another trial judge to replace her on the Committee. There was a discussion about specific judges; Judge Lawrence, Stone, and Harris were all suggested. The Committee liked these suggestions. Rod said that Judge Ryan Harris used to be on the Committee and later on David mentioned that Judge Harris had said that he would like to remain on the Committee because he likes to follow what is happening (and he has served as a panelist at several of our events). Michael Stahler suggested Judge Dawson as a possible suggestion because he appreciated our invitation to serve on the Economic Loss Rule Panel. Both Heather Thuet and Judge Roth spoke highly of Judge Dawson saying that he was funny. Judge Roth suggested that the Committee have someone from outside Salt Lake County. David moved for the Committee to extend an offer to Judges Dawson and Stone; Michael Stahler seconded. The Committee unanimously approved extending invitations to these Judges.
4. **Committee Reports**
  - a. **Membership** (Holmberg). Kent received the spread sheet from the Bar and is making an analysis about trends for demographics. He has three years data and will send that information out via Email before the next meeting so that we know how to proceed. Will present that information at the next meeting.
  - b. **Technology**. No report.
  - c. **Newsletter**. Rod said that he had a couple good suggestions for designers. One was the designer that Nicole had used. Summer has suggested someone else. Rod said that he approached his firm's IT director for now. Rod explained that what we would need is an HTML Email and produced a sample to the Committee. In his review, Rod said that the primary design would feature hyperlinks that are easy to implement. It is important that we make sure that we have information to put in the links. Looking at it, some members noticed that the formatting was appearing odd on the iPad and iPhone. Kent suggested that Rod get it out each month and not worry about perfection or waiting for information. The Committee liked the format. David asked if we could get this out in October. Rod said he would need about two weeks lead time to be safe. Michael pointed out that there might be a concern regarding posting actual Email addresses for personal security reasons and that the list be consistent and culled down to our current membership. Jen said that the BYU representative asked to remain on our Committee. The Committee reviewed the names to be sure that the list that Rod had was current.
  - d. **Law Student Relations**. Jen said that she is working on an "Introduction to Utah State Court" at a half-day CLE event. She is working with the Third District Court on the formalities and will set a date with them soon. She is also working on the final format. Right now she is considering a half-day program that will begin with a morning "Donuts and Judges" reception before proceeding into the CLE program. The entire Litigation Section Committee is invited to the reception. The first CLE will be from the Law Clerks that will address pet peeves and ideal practices for new attorneys. The next CLE will be an

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introduction to resources from the clerk's office so that new lawyers know how to file a case. She may also have a CLE on e-filing in matter. They are also considering a presentation by the Judges. The event will conclude with a tour of courthouse and an opportunity for new admittees to observe an event in the Courthouse. One question is when—if Jen cannot get a date soon then she will push it into January. Her goal is mid-November but if there is no date she will look into January. She is also looking for a good name for the event. Kent will provide Jen with a list of new admittees for the event. Second, Jen has already been in contact with Squatters regarding event. They are available on January 8<sup>th</sup> and January 15<sup>th</sup>. Michael Stahler asked if they will be back in School—Jen said she thinks that they begin on the 5<sup>th</sup>. The minimum is \$1,300 for the event, but Jen asked for about \$1,500 before gratuity. Jen moved for \$1,800 and Michael Stahler seconded. Both Rod and Michael said it was a great event. The proposal was unanimously approved and the event will be on January 8<sup>th</sup>.

- e. **Bench Books.** Jess Krannich reported via Email that they have completed a dozen new bench books since August and they are on the Section website. The Committee expressed great satisfaction with their work.
  
5. **Dissecting Depositions Quarterly Luncheon:** Michael reported on the results of the survey that he sent out. This feedback overall was good to very good. Very few people had some specific gripes and one of those people reviewed the wrong CLE. One concern is that the registration has changed—it used to be Email but now you have to use your account. Members like hands-on skills workshops. One person suggested an event for seasoned practitioners. The panelists got good comments. The handouts were good. Attendees were interested in using webcasts in the future, but the concern was that it was not fair to have the lunch free for members while the webcast was a fee-service. The food got good reviews but there were some concerns about dietary needs. People were interested in having our CLE's available on our site. Members ranked our events highly and said that they would recommend them to others. In terms of advertisement and promotion, 27 out of 42 attendees said that they responded because of the postcard that they received, while 0 said that they saw the event on our website. Judge Roth, David, and others said that the postcard has been very effective for them. 26 out of 42 respondents said that they also saw the CLE Email. Heather Thuet looked at our website during the meeting and saw that there was nothing on it. Kent said that he normally responds to push notifications and does not visit websites in general. Judge Roth said, again, that our postcards are very easy and effective for notifying folks of our events. Heather Sneddon said that the postcard and Emails together are effective. Kent suggested that we continue to survey folks from time-to-time.
6. **Kent's Rise and Shine CLE.** Judge Ryan Harris and Keith Kelly said that they enjoyed the event and were shocked that the event was sold out. This was probably the best Rise and Shine event in recent history in terms of attendance. The 7:45am start time worked well overall and people were seated and ready to proceed.
7. **Fall Forum.** Michael reported that the information went out and that Jon Hafen and he will be meeting with presenters. The event is November 20-21<sup>st</sup>.
8. **PGAL.** Keith reported that there will be a PGAL training and they will do it at the Courthouse. Keith said that he would like to televise the event for folks in Logan. Michael reminded folks that it is very easy for us to offer televised CLE's and to just ask the Bar when you plan your event. The event will be free for members and PGAL. Keith asked what to charge for non-members and what to do with revenues. The Committee expressed no opinion and left it to Keith. There was a discussion about how funds are dispersed and David said that the Bar does all the financial arrangements. Keith would prefer to donate the money to the GAL program; Jen suggested that he

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confirm that this was fine with the Bar. Keith said that the event will be at least six weeks out due to scheduling.

9. **Third District Judicial Reception.** There is no date for this event.
10. **Ski CLE.** Michael reported that Connie Howard suggested that the Section sponsor another Ski CLE event and that we might team up with the Real Estate Section and/or Park City Bar for their ski event. Michael said that he will report back when there is more information. Keith Call said that he had been to the Park City Bar event that took place at Deer Valley and that it was a very nice event.

Adjourned at 9:10am. The next meeting will be at 8:00 am on Wednesday, November 9<sup>th</sup>.

*Respectfully submitted,*

*/s/ Michael A. Stahler*

*Secretary for the Executive Committee*