

Litigation Section Executive Committee Meeting Minutes

September 10, 2014

Present: David Castleberry, Kent Holmberg, Tim Pack, Michael Stahler, George Burbidge, Rod Andreason, Greg Gunn, Christian Kesselring, Robert Wing, Judge Roth, Christian Kesselring, Heather Sneddon

By Phone:

Excused: Keith Call, Heather Thuet, Jon Hafen, Sade Turner, Jen Tomchak, Ryan Frazier, Judge Toomey, Jess Krannich, Dan Steel

1. **Secretary's Report** (Michael Stahler, Secretary): Noted that there were some omissions because of leaving. Budget information, list of information, agenda.
2. **Treasurer's Report** (Rod Andreason, Treasurer): Rod commented that they do not like to do July and August budgeting. Claim auditing and licensing issues. Hopes that we will have information next month. Not very many expenses because quiet time of year. Very odd that CLE runs through other channels and not treasurer. George noted that the money from annual registrations usually post in September or October.
 - a. **Chair's Report** (David Castleberry, Chair): David noted that last month we went over each of the committee reports and had each committee come up with goals. David said that he wanted to refine the goals and discuss how to proceed.
3. **Committee Reports**
 - a. **Membership** (Holmberg). Kent noted that he got a list late last night and will review it to see where we stand. He would like to ask about demographics of the group and trends. David would like to know this information so that we know how to target our work. Discuss who is on the committee—the current list of members are Kent, Tim Pack, and Michael Stahler. Kent said that we are putting a flier in the new admittees packets and will send out a push Email to the Bar. Kent would like to push out to the whole bar and even send a newsletter.
 - b. **Newsletter:** Rod commented that in the previous years it was very well done with pictures and content, but nobody read it. Rod commented that Chairs used similar messages every year. Considering these facts, Rod wants to streamline it and have useful information. He is thinking of using hyperlinks and bullet points to easily convey information. The newsletter needs to be reliable. He wants to see it more regular—perhaps once a month right after the meeting. Rod presented a hard copy draft of a sample newsletter that was well received. A copy will be circulated with the minutes. The sample included “quick hits”, news, events, and names of folks who are involved in the Section. Michael said that we do have a logo that could be used and will follow up with the Bar. Rod said he could use existing graphics and text style from the previous versions of the newsletter. Kent said it was great. Judge Roth said that traditionally the newsletter was “too involved” and folks set it aside and don't read it. Rod proposes to send this out in Email. David asked that we add pricing and other information for CLE's. He thinks that is a huge selling point. David suggested that we send out a general Email to the Bar regarding our events and benefits. With regards to content, Rod asked the committee if he should present all highlights of membership benefits in a single issue. The committee urged him to spread out those benefits into multiple issues. George reminded him that a big problem is that Rod will probably have too much to fit into the newsletter, so try to keep it manageable. David asked if the newsletter will have hyperlinks in it and Rod said yes. The Committee discussed when to circulate the newsletter and Michael suggested after each monthly meeting—perhaps on that following Friday. Rod said a couple days would be good. Wants to keep it simple. David thanked Rod for his work. Finally, Rod asked for input as to graphic design and resources to set up a template that he could use each month. David

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suggested talking to Summer Shumway. Heather asked if we want to get the prior template from Nicole. David suggested that Rod contact Nicole and get that information. Rod said that next month he will. Kent moved to approve funding for the newsletter that would be used for graphic design expenses for the initial template. Michael said he would second. The committee discussed the amount that was needed to accomplish this, and Kent suggested \$500. Judge Roth amended the pending motion to appropriate \$350 for Rod to use for the newsletter development. Michael seconded. The committee unanimously approved the \$350 for the newsletter.

- c. **Technology** (Kesselring). Christian talked with Michael yesterday regarding goals for the Committee. Christian explained that the next step regarding website is to determine its scope based on our needs and what exists. He noted that a lot of things have not been maintained or populated. The subcommittee will decide what the scope will be and then go from there. Christian said that the CLE was streamed to 29 people. Michael said that he was very happy to hear that 29 people had signed up—it was \$8.00 per person. Michael said that there were some initial problems with the broadcast, but that the issues were initially resolved. Lincoln sent out survey to those participants and George explained that he wanted input as to this effort. George read the preliminary results. Nine responded – two from second district, 6 from third, 1 from fourth. In terms of specific feedback, six out of nine said it was very simple to enroll and use the CLE webcast. The Committee was very happy to hear that all nine said they would do it again. In terms of ideas for other CLE topics, the respondents suggested trial management skills and legal writing. One person said that they would like all Litigation CLE's to be offered on video for \$8.00. David asked if this qualified for live credit. Michael replied that Jon Hafen was going to discuss this with the Bar and change the rules to allow this to be live credit. Kent explained that the issue is that the Bar wants to ensure that there is some level of interactivity with the participants. George said that with the webcast the Bar can tell when people log in and out, and that gives them a sense as to if people are paying attention. Last, Christian discussed the goal videos on the website free to our members behind a “paywall”. Michael had previously reported that the CLE Director was opposed to this idea. Considering that concern, Christian said that this goal will be on the backburner for now.
4. **Dissecting Depositions Quarterly Luncheon:** Michael reported that we sold out a week before the event and that he encouraged Metra to have wait-list folks sign up for the video. The panel was very good and folks really liked the Judges. Judge Kelly will be presenting at the next CLE. Overall, the audience was very engaged and had a lot of questions. Judge Kimball enjoyed being on the panel. Michael said that Judge Kimball brought a lot of feedback from other federal judges to share with the audience. Heather Sneddon said that she thought that the presentation was very good and offered some good pointers. Keith Call Emailed to say that he enjoyed the CLE. Michael said that there was a different crowd of folks including some seasoned trial lawyers such as John Anderson and a contingent from the AG's office. Kent said that they had a good discussion at his office after the presentation and that one of the lawyers had a 30(b)(6) deposition with John Fay. Michael said that John was a good representative from the Plaintiff's Bar. Kent mentioned that this was the first time that he had heard about a survey for our events and that it would be a good idea because this is the most active part of our section. David endorsed this idea saying that we need to know what things members want to see so that we are not “caught in our own echo chamber”. George suggested two surveys—one for live audience members and one for the televised group. Kent suggested that the Committee send out a general feedback survey to folks to get idea. Michael said that Connie and the Bar does not really take the surveys too seriously because the feedback that they get is not helpful. David asked how we could do surveys for our CLE's and

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Michael said Metra/Connie could send one out. Michael agreed to send a survey out to participants and to report back on the findings. George suggested that CLE organizers send out a survey after their respective events.

5. **Brighton Ski CLE:** Michael presented Kent a Brighton Resort Mug for his help with the CLE event (not a ski season pass as some had wished).
6. **Golf and CLE:** Dan will report in October.
7. **Upcoming Quarterly Lunch—Q4.** Robert Wing said that Judge Voros from the Court of Appeals would like to present on the limits of originalism. Robert said that he would like to work with the Appellate Section to co-sponsor the event. David encouraged Robert to contact the Appellate Section Chair. The event will be on November 5th at 12:00pm.
8. **Upcoming Rise and Shine—Q3.** Kent reported that his panel on out of state discovery—Judge Harris and Judge Kelly—will be on Wednesday, October 1st and that the postcards went out. The event will cover out of state depositions, subpoenas, discovery, and other related issues.
9. **Rise and Shine—Q4.** Tim Pack asked the Committee if they thought a presentation on witness preparation for trial and deposition would be a good topic. He would like to cover some of the ethics of preparation. He thought it would be an interesting topic and would be fun to do it with role playing using a simple set of facts. The Committee liked the idea. David suggested that couple attorneys and a judge be in the presentation. Michael suggested reaching out to other people outside the Committee and Judge Nuffer or one of the magistrate judges. Kent suggested Judge Waddops. Heather suggested Bryan Benevento. The Committee suggested that the event be at least one hour, but that Tim should encourage people to arrive early for breakfast to avoid problems with timing. George suggested that the event open at 7:45 for breakfast and the presentation start at 8:00am. In terms of ethical issues, Tim suggested Keith Call. Michael suggested that they reach out to OPC as a last resort.
10. **CLE Handout:** As discussed at the June Leadership Meeting, George has agreed to draft a “how to run a CLE” handout and he reported that he hopes to circulate a draft for people to review.
11. **Annual Convention.** Michael reported that the presenters and Committee members received the survey results. Generally, our CLE’s got very good reviews. The Economic Loss Rule was one of the most positively reviewed. Some of the comments reflected that the Mediation Panel was luke warm. Michael said that the audience was a tough crowd and not very engaged—lots of jokes were not received well. People did not like Jerry Gardner overall. They felt that it was not well planned out and that his topic was not keyed into the practice of law. Michael said that he liked Jerry’s presentation and that he had a time slot. In terms of the venue, the food was better but folks were not happy with the cost of the lodging. There has been some discussion about moving the event to Park City to get a different crowd. Otherwise, the Judicial Mixers were very well received and the family events were well rated. David and Kelly Nash will serve on the planning committee next year. Next year’s event will be in Sun Valley.
12. **2015 Spring Convention.** Christian Kesselring will serve as our representative on that planning committee.
13. **Fall Forum.** Michael showed the handout for the event. Michael and Jon will be organizing the Litigation Section track that will feature trial skills and techniques. The Thursday Night event is a Judicial Mixer with judges from all over the State including the Eighth District, Second District, etc. Normally our attendance is on the order of 600-700.
14. **PGAL.** Keith Emailed that he will organize another round of GAL training.
15. **Women and Law Conference.** Heather Sneddon reported that the conference that she attended in Washington, DC on behalf of the Section was awesome. Federal Bar Association has good resources that made the event really nice. She said that she heard from a lot of incredible women at the event—one was a Canadian Supreme Court Justice. Jen Tomchak and her got some good

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ideas as to what worked and what did not work. Jen and Jon Hafen are going to meet with Federal Bar Association members in a week over dinner to discuss some ideas of how we can network with them. David asked if Heather would like to sponsor another CLE in addition to the cooking event that we had at Caputos. Heather said that she hoped to do so but it will depend on the timing of other events. She does hope to have another event at Caputo's. George and David said that the event should be an annual event. The social aspect of the event was very appealing. Judge Roth said that he heard a woman exclaim that the Caputo's event was one of the highlights of her year. Rod suggested that there be a formal and informal event for women. George thanked Heather for her work and that it should be easier to repeat the event. George thought that having more events for women would be a good idea. David asked Heather to consider timing for these events and to report back to the Committee.

16. **Judicial Receptions:** Devin and Joe were not present to speak. George offered to help out where needed and Jen Tomchak is available to help as well.
17. **Trial Skills Academy:** Michael invited people to join the planning committee.

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

Respectfully submitted,

/s/ Michael A. Stahler

Secretary for the Executive Committee