

LITIGATION SECTION EXECUTIVE COMMITTEE

Meeting Minutes – December 9, 2015

Present: Heather Thuet, Michael Stahler, Judge Dawson, Tom Seiler, George Burbidge, Phil Lott, Cameron Sabin, Judge Stone, Judge Roth, Matt Orme, Erik Christiansen, Keith Call, Heather Sneddon, Rod Andreason, Prof. Wildermuth, Jon Hafen, Sade Turner

By Phone: Ben Harmon, Liisa Hancock

Excused: Bryan Pattison, Joe Amadon, Jess Krannich

1. Welcome, Chair's Report and Meeting Minutes

Heather Thuet welcomed the committee, new members Tom Seiler and Ben Harmon, and new executive director Michelle Barrus (not present). Michelle will handle all scheduling and logistics for CLEs over one hour. Heather T. suggested one small change to the meeting minutes from November. With that change, Erik Christiansen moved to approve the minutes, which motion was seconded. The motion carried unanimously.

Heather T. discussed the list of committee members and their current assignments, and invited members to volunteer for additional assignments.

Heather T. reported that Tom Langford has asked whether the Section would be interested in offering insight on curriculum changes for judges. He wants to attend a Section meeting, but Heather T. suggested a luncheon instead. Rod Andreason asked what new judges should learn, and whether this would be a recurring CLE for judges. Judge Stone also asked about the annual conference. Heather T. said that Mr. Langford is interested in both. She will work toward setting up a luncheon.

Heather T. further reported that the Bar is looking for a volunteer to join the CLE Advisory Committee. Jon Hafen said that he chairs that committee and it could use one more person. Rod asked what the goal of the committee is. Jon responded that committee members serve as liaisons to other sections and become ambassadors for those sections. They encourage sections to put on two to three events per year, show them how to do it, help them connect with good presenters, etc. It is an opportunity for the Litigation Section to share its knowledge with other sections. The committee also addresses issues concerning the annual conventions. Keith Call volunteered to join the committee. Michael Stahler noted that he had previously been assigned to the committee and is willing to join. Judge Dawson expressed is willingness to serve, too.

2. Treasurer's Report

Michael reported that November was not particularly active. Some expenditures have not yet hit our books. The checking account balance on November 30 was \$57,582. We experienced positive meeting revenue, and our library of CLE videos are now serving as an additional revenue stream. The total income for the month was \$1,345, and we should see additional income in December. Some expense reimbursements have been requested for Dan Steele, which will show up next month. Next month's report will probably have more activity. The Bar can be a little slow with reimbursements, so

Michael reminded members to get them in as soon as possible. The next step is for Michael and Heather T. to determine a budget for the rest of the year. Rod commented that we have a lot more money than we did at this time last year, so the Section can likely increase its budget to meet more sponsorship requests. Heather T. cautioned that we have a lot of other services we are planning for our members. Michael said that of the roughly \$57,000 in our account, only about \$40,000 belongs to the Section. The Bar will be taking its administrative fee of \$17,000. Heather T. also reported that the Bar's new CFO has started.

3. Judicial Receptions

- a. Second District: George Burbidge reported that he has been speaking with the Davis County Bar to set up a reception in February. The Davis County Bar elects a new president on a calendar year basis, so he will be working with the new president shortly.
- b. Fourth District: Given other events, Tom Seiler is thinking of scheduling the reception in May. He will speak further with Liisa Hancock.

4. Continuing Legal Education

a. Recently Completed CLEs and Sponsored Events

- (1) Fall Forum: Michael Stahler reported that, although he believes overall attendance for this year's Fall Forum was lower, the Litigation Section track was packed. Heather Sneddon commented on the strength of the Litigation Section panels, presentations and attendance. Jen Tomchak echoed that our Section's presentations were great. Heather T. relayed Judge Toomey's compliment that our Section's presentations were exceedingly well put together.
- (2) Rule Changes: Heather T. commended Rod Andreason on packing the house for this CLE. Rod reported that the federal court was great to work with, as were the presenters (Judges Toomey, Blanch and Anderson), who were all well prepared. The CLE moved a little quickly, but we received great questions from attendees. We had 168 signed up, which we were able to accommodate at the federal court. For comparison, the Bar maximum is 130. George mentioned his concern that the line for security would hold up the CLE, but it was fine. Likewise, parking was not really an issue. Michael mentioned that he had received all positive feedback on the event. Rod commented that the only negatives were that the federal court does not have tables for attendees, and too much food was ordered.
- (3) Avoiding Malpractice: Heather T. commended Phil Lott on a job well done. Phil reported that he appreciated the panel's willingness to serve. This event was also at the federal courthouse. There was some extra food, which an attendee offered to take to the homeless shelter. Catering was provided through Reulas, which was excellent, but we need to advise them that croissants do not need to be individually wrapped. Food cost was very low at only \$4.50/person. In addition, the advantage of Reulas is that it is just around the corner from the courthouse and easy to work with. Registration for the event was at 59, but attendance was slightly less.

b. Quarterly Lunches

- (1) First Quarter 2016: Jon Hafen reported that he would like to plan a deposition boot camp-style CLE, and is considering either the second or third week of February or the Annual Convention. He'll speak further with Heather T. about the Annual Convention.
- (2) Second Quarter 2016: Cameron Sabin is considering a CLE on summary judgment motions. In addition to the new rule change, he'd like to cover ways to make SJ motions better, to increase their chances of success, how to better defend against them, etc. Judge Stone mentioned that it sounded similar to a topic that will be presented at the Annual Convention, but Tom commented that the crowd will be different. Keith said that although we just covered rule changes, it was a bit rushed. Therefore, this could be a more in-depth subtopic on summary judgment motions and objections.
- (3) Third Quarter 2016: Erik Christiansen is planning a CLE on handling large, complex cases in state court. Judge Stone said that a new pilot program on this very issue will be rolled out soon. Therefore, by the third quarter, the pilot program should be underway and we may be able to get some judges to discuss it. Jon Hafen said he would be happy to hook Erik up with judges in the program (in addition to Judge Stone).

c. Rise & Shines

- (1) First Quarter 2016: Sade Turner agreed to plan this event, and commented that she will likely need until late February or March to schedule it.
- (2) Second Quarter 2016: Ben Harmon reported that he plans to schedule this event during the week of April 18. Between his two ideas, he favors the bankruptcy topic—a party opponent has filed bankruptcy, now what? He anticipates recruiting a panel, including a bankruptcy judge, a trustee or someone who represents trustees, and a creditor attorney. Judge Dawson suggested Judge Hyde from the Second District, who used to be a bankruptcy trustee and is very bright. He is presenting to judges in an upcoming conference on how to handle bankruptcy issues in state court.
- (3) Third Quarter 2016: Jon Hafen will work on a topic.

- d. Legal Writing CLE w/ the Courts: Heather T. is working with Judge Dawson on this event. The Appellate Section wants to bring Prof. Terrell to present on May 12 and 13. He has agreed to charge \$5,000—half of what he normally charges. The Appellate Section would like to split the cost with us. They are hoping the S.J. Quinney College of Law would like to participate as well. Heather T. invited Amy Wildermuth to assist with the event. George asked about anticipated attendance at the event. Heather T. responded that attendance would depend on where the event is held. Cameron suggested that a great location would be the new law school, in the new moot courtroom. George commented that he is fine with the event, even if expensive, if attendance will be high. The Section could charge just a small amount to offset costs, and we would be providing a benefit to a lot of people. Judges Dawson and Roth commented on Prof. Terrell's stellar reputation, and Judge Roth said he is among the best legal writing teachers out there. Amy noted that the U's law school graduation is on May 13, so that week may be bad altogether. Tom said another potential location is the BYU law school, which has its graduation around April 20. Judge Dawson will speak further with Langhorn about the date.

- e. Spring Convention: Tom reported that the Litigation Section has the 10:15 and 11:30 time slots on Saturday for the Spring Convention. Dan noted that we typically try to get Friday times, but Heather T. explained that our presenter had a conflict on Friday. Tom is working on speakers. Alan Sullivan has agreed to speak, but may have a trial conflict. Mary Corporon may be available. He would like to ensure that the presenters are diverse. Potential speakers on his list are Dick Burbidge, Don Winder, and Peggy Tomsic. Other members of the committee suggested Juli Blanch, Judge Rich McKelvie, and Elaina Maragakis. Heather T. also noted that we may want to modify the caption, which is currently "Lions in the Law," to be more inclusive of women.
- f. Federal Law Symposium: Jon Hafen reported that the Federal Law Symposium is set for May 12-14, and the Section generally co-sponsors it.
- g. Annual Convention: Heather T. had nothing to report on the Annual Convention.
- h. Chocolate & CLE: Heather S. reported that the event planning is coming along. It is tentatively scheduled for May 19, 2016, at Caputo's. She, Jen Tomchak and Jon Hafen would like to field a panel of local attorneys serving as general counsel to offer tips to attendees on how to obtain their business as outside counsel.
- i. Healthy Lifestyles for Litigators and Developing Collegial Relationships
 - (1) Tuesdays at 2: Heather T. reported that this yoga event will begin on January 5th and continue every Tuesday at Zimmerman Jones Booher. She encouraged committee members to attend.
 - (2) Annual Meeting, Rafting, Judicial Reception & CLE: Heather T. reported that this event is scheduled to begin Friday, June 10th at 12:30pm, with a judicial reception and the announcement of the recipients of the judicial excellence awards to follow. Surveys go out near the first of the year. Recreational activities will be scheduled on Saturday, which events are still being determined.
 - (3) Bike & CLE in Cache County: Heather T. sought volunteers for this event. Dan Steele recommended that we recruit a new committee member from Cache County and assign this event to that person. He also suggested that we reach out to the Cache County Bar president to assist in planning the event, and expressed his willingness to do so.
 - (4) Ski & CLE: Michael reported that the Real Property Section is interested in holding this event again this year. He sought volunteers to assist; Cameron and Erik offered. Dan suggested that we consider joining up with the Summit County Bar Association for this event.
 - (5) Cedar City Wine, CLE & Shakespeare: Erik reported that there is a great new winery in Cedar City and expressed his willingness to contact the winery to see about scheduling an event around the festival. Liisa Hancock suggested that Erik contact Katie Woods in St. George, who is pretty well connected in that area, as she could probably get a lot of attorneys on board with the event. Committee members had many suggestions for the event and lawyers who may be willing to participate and/or assist in planning. Michael, Erik and Tom commented that the event should be advertised in Las Vegas as well.

5. Committee Reports

a. Law Student Relations

(1) Mentoring Social / Bar Review: Jen Tomchak reported that the networking social had been scheduled for Jan. 14, but that she is looking at combining that with the first Bar Review, probably at the Alta Club.

(2) Introduction to Matheson Courthouse: Jen reported that this event is also coming together well with the panels of judges and judicial assistants. There may be enough CLE topics to do a full day CLE. She has not yet sent out registration, as she was waiting to learn whether our executive director would be handling this event or the Bar.

(3) Student/Mentoring Event at BYU: Judge Roth and Jon Hafen are coordinating.

b. Judicial Outreach: Sade reported that the website was updated this month, and one new bench book will be out next month.

c. Government Relations: Rod reported that the first meeting will be next week.

d. Membership: Heather T. asked for another volunteer for this committee, and emphasized the need to increase membership on our committee with lawyers from Cache County and St. George.

e. Newsletter: Rod reported that photos have been integrated and that the Bar has been much more responsive lately. He asked whether the Section website should include a tab for past CLE events. Committee members encouraged that addition to the website, particularly since we have a repository of materials.

6. Sponsorship Requests

Heather T. tabled all sponsorship requests pending the preparation of a budget.

The meeting adjourned at 9:16 a.m. The next meeting will be at 8:00 a.m. on Wednesday, January 13, 2016.

Respectfully submitted,

/s/ Heather M. Sneddon
Executive Committee Secretary