

Litigation Section Executive Committee Meeting Minutes

June 10, 2015

Present: Michael Stahler, David Castleberry, Heather Thuet, Erik Christiansen, Judge Dawson, Wayne Klein, Joe Amadon, George Burbidge, Heather Sneddon, Cameron Sabin, Jon Hafen, Judge Roth, Mark Wallace

By Phone: Dan Steele, Judge Stone, Tim Pack, Matt Koyle, Christian Kesselring, Kara Kulesza

Excused: Phil Lott, Sade Turner

1. **Secretary's Report** (Michael Stahler, Secretary): Michael reviewed the minutes from the May meeting and the material that was attached to the Email to the Committee. We also had one request for sponsorship. Heather moved to accept minutes, Erik seconded. The motion passed unanimously.
2. **Treasurer's Report** (Rod Andreason, Treasurer): Rod said that he had a lot of information to cover. He had just received the financial reports for April and May. He will be following up on some questionable line items that have appeared. Heather and Rod have asked Jeff Einfeldt to meet to discuss our concerns about expenses and accounting. One issue is the amount the Section is charged for the assistance of bar staff on our events. We need that information in order to accurately budget and plan. That said, we have more information now than we have had before. Rod noted that our food and beverage costs have decreased thanks to the \$10 fee while attendance has not declined. Rod suggested that we may consider increasing this fee if needed. However, the Bar continues to order too much food for our events, usually 10% more than needed. Despite Metra's assurance that she would cut back, someone filling in for her disregarded our direction and ordered too much for the last event. Rod told the Bar that if they do not follow our direction that we will request a refund for the overage. Heather stated that the Leadership Team had put out an RFP for an executive director who we would hire and who would handle our logistics. We have one applicant, the UDLA administrator, who charges \$25 per hour. This might be a consideration seeing that we paid \$16,000 for the Bar's annual "administration fee" in addition to \$3,000 in overages for the Golf and CLE events last year. Heather has also suggested that we directly hire caterers for our events in order to save money. Jon Hafen said he does not understand what is going on with the Bar and wants to hear back about our meeting in July. Wayne Klein discussed the history of issues he had with the Bar including the 2005 accounting change in which the Bar began charging the Sections for support at events. Jon said he is concerned because we are now cutting back on events as a result of these increased fees. Heather said that she is very concerned about charges that appeared in our financial reports for \$3,500 in food for the Annual Convention that the Section did not approve in addition to travel expenses for a presenter that we did not know of or approve. This is in addition to us providing speakers and presenters for events gratis. Jon suggested that we have someone from the Bar Executive Office come to our meeting to hear our concerns. Wayne said that this is a Bar Commission issue. Michael Stahler said that this issue came up at the Fall Forum meeting when Michael asked about the profit from the 2014 Fall Forum that does not appear to have been carried forward for the event. He also said that Angelina Tsu had raised the concern about the rate for staff to work the Fall Forum. Heather Sneddon said that we need more transparency. Dan Steele asked what the hourly rate is for their assistance. He is also curious as to what the Bar is doing with our money. Jon said that the Bar lost a lot of money from the 2014 Annual Convention and is perhaps an issue. Michael invited the Committee to provide feedback as to what the Leadership Team should do. Rod reported that, year to date, we had \$19,000 remaining from 2013-2014 and about \$10,000 in revenue. Our administrative fee will be about \$16,500.

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3. **Chair Elect:** (Heather Thuet): Heather reported that we got an excellent response to our Judicial Awards program. The recipients were notified. Thanks to the program we got six judges to register for the Annual Convention who would not otherwise have attended. We got 300 votes which was a success for the first year of the program.

4. **Committee Reports**
 - a. **Membership.** Tim Pack reported that our fliers were included with the new lawyer packets. A mass email also went out to past and current members to encourage registration.
 - b. **Technology.** Christian reported that he has looked at the site and plans on fixing some “dead links.” He also needs some more content for the site. Finally, he invited Board members to join him on the Committee.
 - c. **Newsletter.** Rod reported that things are going well and that he has a very well operating system in place. The format works very well. He wants to continue what he has started.
 - d. **Law Student Relations.** Jen was not present, but Jon reported that the BYU event went very well and that the students appreciated the panel and sandwiches (instead of pizza). Jon asked that he have permission to sponsor an event at BYU on legal writing with Judge Roth. Jon reported that we had 90-100 in attendance and that most of the attendees were students (about 15 were lawyers). Jon moved that he receive approval to plan this event at BYU; Michael seconded. The motion was unanimously approved.
 - e. **Bench Books.** N/A

5. **Sponsorship Request.** Michael reported that YLD is seeking \$500 for a high school debate as well as volunteers. Heather reported that we have sponsored this event for a few years. The question was raised as to what schools attended. They want the money by October; the event is on October 2nd and 3rd. Michael suggested that we table it; David said we needed more information. Cameron said that he thought it was a good program and would be a great outreach effort. Michael will get more information on the event.

6. **Trial Academy.** Michael said that we got some good feedback and thanked the sponsors who provided \$3,200 in funding for the event. Michael reported that the revenue for the event came in at \$10,950 in tuition (plus one additional \$575). He said that the Bar did follow our directive regarding food and logistics, but there were issues with distributing materials to the participants. The feedback was that the faculty were amazing. The upside of lower attendance was a better faculty to student ratio. Unfortunately, the attendance was very low due perhaps to late advertisement and the date of the event. Michael said that he is concerned about the financial situation of the Section if we cannot adequately fund our own events. Jon reported on an issue with NITA concerned about marketing of our event and that we called it a “NITA Style Event”. NITA objected to this line. NITA also submitted a late \$3,100 bill for the 2013 event that Connie is disputing. Jon thanked the committee for their hard work. Jon reported that Judge Dawson and Judge Toomey gave us some good feedback and ideas for the 2017 Event. Jon said that he and Michael want to do a mini-trial academy in the even years of the Fall Forum as a “teaser” for the main Trial Academy. Michael reported that Judge Dawson suggested that we have the event at the University of Utah Law School. Cameron said that he thought that the role play segment was awesome. Cameron also suggested that we move the reception to the end of the first day. He thought that the panel was awesome. Eric said that the program was a wonderful public service. Heather commented that the timing was off as well; Michael said that the event was bumped from the dates we had set it for. Tim suggested that we do a deposition academy. Judge Roth asked if we could still use the Lubet Text; Michael confirmed that we can.

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7. **Quarterly Lunch: June 1st.** David reported that the lunch was excellent. The panel included Judges Shelby, Durham, and Royal Hansen. Rod added that the material was excellent and suggested that if folks are going to do a Quarterly Luncheon that you please look at what he did. The Judges commented that they thought that our Section did an excellent job with the event and with CLE's in general.
8. **Quarterly Lunch: Third Quarter.** Eric reported that he will be having Judges Blanch, Scott, and Gardner discuss what criminal lawyers can learn about civil practice and vice versa.
9. **Rise and Shine: Third Quarter.** Cameron will report back in August as to his CLE. He is planning on doing a presentation on recent case law in Utah (an appellate law update). Michael suggested Linda Jones as a possible presenter. If anyone has any other ideas please let Cameron know. He also suggested that we make this an annual event.
10. **Golf and CLE.** Dan reported that the Cache County Event is planned and his panel will discuss what every civil litigator needs to know about criminal law. Dan also discussed how he is going to reconsider his fees for the event in order to cover the costs. He is proposing a \$65 for Section Members and \$90 for non-members. \$1,200 of the costs for these events are the postcard and the other \$1,000 is for Bar expenses. He also discussed that there is a nominal MCLE fee for this event. In terms of saving costs, he is proposing eliminating the postcards and increasing the fee in order to bring the loss to \$1,000 per event. He said that outsourcing the postcard printing would save about \$400. George asked if we could target the postcard marketing to only those who are likely to attend based on their geography. David, Jon, and Cameron spoke in support of this targeted marketing. Dan said that his attendance is about half from local and the other half are not local. He has some regulars that attend all events. Dan said that the postcard marketing is usually effective outside of Cache County for that event. He will also look into email marketing for the event. David suggested that we not use postcards for the Cache County event and see what happens. Dan agreed. He said that the St. George event is planned; the Utah County one is not quite planned. Dan wants to do Golf CLE in Salt Lake County on collections and asked for input as to presenters. Jon and David will offer suggestions.
11. **Fall Forum.** Michael reported that it will be November 19th-20th. Dewsnap King & Olson is sponsoring the event (\$10,000). Our Section is sponsoring an afternoon track on openings and closings. The second day will feature Roger Dodd. Michael reported that the panel had 25 responses to the request for presentation. Michael rated the presentations and said that he was impressed with the variety of the topics. Cameron said that the one-day option should remain.
12. **Elections.**
 - a. **Chair Elect.** Rod filed a notice of his intent to run for this office. There were no other interested individuals. George moved that nominations be closed; Michael seconded. Rod was unanimously elected.
 - b. **Treasurer.** Michael filed a notice of intent to run for this office. There were no other interested individuals. George moved that nominations be closed; Jon and Eric seconded. Michael was unanimously elected.
 - c. **Secretary.** Rod nominated Heather Sneddon; Jon and Michael seconded. Heather Sneddon accepted the nomination. Michael moved that nominations be closed; Rod seconded. Heather was unanimously elected.

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13. **Other Business.** Judge Roth thanked the members for their hard work, time, and commitment to the Section. Jon added that 2014-2015 was a fantastic year and thanked David for his hard work and leadership.

The meeting adjourned at 9:21 am. The next meeting will be at 8:00 am on Wednesday, August 12th.

Respectfully submitted,

Secretary for the Executive Committee