

Litigation Section Executive Committee Meeting Minutes

February 11, 2015

Present: David Castleberry, Rod Andreason, Judge Roth, Judge Stone, Erik Christiansen, Jess Krannich, Cameron Saban, Matt Orme, Jen Tomchak, Christian Kesselring, Judge Dawson, Sade Turner, Jon Hafen (record late appearance at 8:41!).

By Phone: Matthew Koyle, Bryan Pattison, Michael Stahler

Excused: Heather Sneddon, Phil Lott, Heather Thuet, Dan Steele, George Burbidge.

1. **Secretary's Report** (Michael Stahler, Secretary): Michael reported on the phone from Park City, Utah. After discussing the minutes and the attached documentation for the Committee's consideration, he moved that the minutes be accepted. Tim Pack seconded; the motion unanimously passed. He reported that the Section received a request to co-sponsor a Ski CLE and that the Committee, by a 9-1 vote, approved spending up to \$1,500 on the event. He thanked the Committee for their support and said that 45 people had signed up for the event. Michael also noted that the new telephone conference service was very good.
2. **Treasurer's Report** (Rod Andreason, Treasurer): Rod went over financials and expenses. We got the December and January Statements. We did not have much for expenditures in December and January except for the December CLE. The Squatters event was not reflected in the statements. We are looking at a very solid financial situation for the Section. Rod said that the form for sponsorship requests will be helpful in considering future requests.
3. **Chair's Report** (David Castleberry, Chair): David introduced old and new members to the Board. David discussed the new Sponsorship Request form and asked the Committee for suggestions or changes. Hearing none, the form that Michael drafted was accepted. Future requesting parties will have to complete the form for consideration.
4. **Sponsorship Requests:** Jim Gilson has asked that the Section donate \$2,250 to the Magna Carta event that is happening in April. Section members will get a discounted rate for the event (\$75 vs. \$125). David suggested that the Section give him the form to complete for consideration. Both Michael and Rod felt that the request was too much. Michael said that we might consider \$1,000. Rod said that \$1,000 is the most we ever give. Rod thought that having them complete the form was important before further consideration. Rod said that in the past we have done about \$1,500 in total for sponsorships in the past but we have not formally adopted this limit. David also said that "And Justice for All" has asked for a donation and he will send them the form.
5. **Chair Elect:** No new information to report.
6. **Committee Reports**
 - a. **Membership** (Pack). Tim had reviewed the information from the Bar and said that our membership stands at about 2,100-2,200 members, which is down about 200 from the last year we had on record (2013). A lot of this is due to people leaving Utah and ending their membership. We have a list of people who have left and Tim thought it might be good to reach out to these folks to ask if they would renew their membership (perhaps with a special rate). He also suggested a possible survey. Michael said that he can help with a survey if needed. Rod liked the idea of an Email going to folks reminding them of the value of membership. Rod thought that a survey would be a good second step. Tim offered to draft a sample Email. Judge Roth suggested that we focus on reaching out to people outside of Salt Lake County. David would like to see what percentage of people we have that are outside of the Wasatch Front. Bryan Pattison said that folks in Southern Utah look forward to the Golf and CLE in the Fall and that is cosponsored with the Southern Utah Bar Association (SUBA). He does not know if SUBA or our Section drives folks to that event. He thinks that people in Southern Utah have a broad practice and that it is likely that folks, seeing that the events are in Salt Lake, just join SUBA. Michael asked if having more local events and televised CLE's would increase membership. Bryan said that the televised CLE

Litigation Section Committee Meeting Minutes (cont.)

February 11, 2015

might help increase interest. He said that having events in Cedar City or St. George might be a good idea. David asked if a “Night with the Courts” event in Southern Utah would help increase interest. Bryan said that SUBA is quite active and have a lot of influence with the Judges. He suggested that we partner with SUBA on events. Rod wants the Emails to members to remind them of the benefits to those outside of Salt Lake (televised CLE’s, etc.) Judge Roth said that he would like to see more co-sponsoring of events and to use our resources to network with these organizations to be useful instead of a new layer of bureaucracy. Bryan said they need some new ideas and new people to present CLE’s and that the Section could help with that. Matthew Koyle suggested that we sponsor “gatherings” for folks to view CLE’s and that we have food at the events. Judge Roth thinks that cooperation is key; these local associations are strong. David said he would reach out to the local bars and try to develop a relationship to provide services to these areas. Christian suggested that we stream our CLE’s to these groups and that they have gatherings. Rod said it is important that we gradually distinguish ourselves from the local groups. Judge Roth suggested that we market together with local groups to have joint-memberships. Tim suggested that we consider lowering the membership rates for people in other areas.

- b. **Technology.** Christian said he had nothing new to report.
- c. **Newsletter.** Rod said that the third edition came out and things are improving. This latest edition did have some broken links, but hopefully they will be fixed. He said that the layout has changed so that folks focus on different things. The newsletter is now in the body of the Email instead of an attachment. Things are very close to being done and perfect. The content deadlines worked great last month and folks did put content on the Section Website.
- d. **Law Student Relations.** Jen was happy to report that we doubled our attendance at the Squatters event. She said that we had a lot more law students attending the event. We were able to do the event for less money thanks to Jen’s work negotiating a lower price. She did say that we need more Committee Members. Next year we are going to do this as a two hour event that will start later in order to encourage more attendance. She thinks that it will start at 6pm next year instead of 5pm and that this focused time will keep people there. The Introduction to the Courts Event for February 27th is shaping up nicely. Unfortunately we do not have many people signed up. Jen was concerned that the Email announcement did not go out. The Bar was going to send out the announcement again; the New Lawyer Training Program will also help publicize the event. Our goal is for 30-50 people to attend the event. The next training will be in November. Jen said that this is a dry run before we do the November training. She will have an announcement go into the new admittees’ packets. The Donut Reception with the Judiciary, attendees, and Committee Members is set for 8:30am. Judge Hanson will have as many judges there as possible. After this will be a panel of court clerks discussing issues that a new lawyer needs to know (pet peeves). Maureen Vincent from the law library will then do a presentation on the resources that the library has that are free to the public. Finally there will be an eFiling and Clerk’s Office Introduction before lunch and a tour. Judges and mentors will lead the tour. Judge Hanson will encourage people to attend hearings or other events that afternoon. The Bar has approved this for 4 hours of CLE.
- e. **Bench Books.** Jess said that they are updating the website with new information and within the next week the updates should be done. Jess thanked Rod for giving the project some space in the newsletter. Jess said that they are going to follow up with Judges who are new or have not revised their bench books. Judge Roth has arranged for Jess and Sade

Litigation Section Committee Meeting Minutes (cont.)

February 11, 2015

to address the new judges at their training. Jess said that they are planning on updating the federal judicial listings. Rod and David thanked them for their work.

7. **Recently Completed CLEs.**
8. **Upcoming CLE's:** Michael reported that the Bar and Real Property Section request that we co-sponsor the SKI CLE Day at Park City. We had 43 people enrolled. Michael and Kent Holmberg coordinated and ran an interactive Ethics CLE entitled "It's All Downhill From Here." Adam Bevis attended from OPC; Michael and Kent recruited two U Law students to do the skits. Nicole Farrell is doing a Lunch CLE on April 3rd dealing with writing well for the trial court. She will have Judges Kay and Laycock on her panel. This will be our first lunch that will be \$10 per member. Jess is planning on doing his CLE on June 1st. He is planning on doing a presentation on "do's and don'ts" on ethical advocacy in courts and may ask the federal judiciary to present. However, he is concerned that this is too broad and wanted input from the Committee. He thought that having judges from different divisions might make this more appealing and offer a different perspective. Rod liked the idea of having the ethics CLE in June before the recertification. Jon asked if this would be professionalism or ethics. Jess said that this might fit as professionalism. Jon liked the idea of having different judges there. David encouraged him to reach out to the judges as soon as he can. Christian reported that the Q1 Rise and Shine on cognitive bias will be on March 20th and that he will promote the event. It will be at the Bar Center.
9. **Southern Utah Law Symposium.** Jon reported that the event is scheduled and usually draws 100-120 lawyers for the three day event. Mickey Edwards is Friday's keynote and will speak on constitutional law issues. The Federal Bar and Litigation Section are cosponsoring this event and we are only expected to promote the event using postcards and Emails (at a cost of \$600-700). The Reception on Friday Night is at the Entrada Country Club and Committee Members are invited to attend. The presenting judges will be at the reception. Jon added that this event corresponds with his 50th Birthday. Jon asked for the Committee to sponsor the event up to \$700.00. Jess so moved; Rod seconded. The motion unanimously passed.
10. **Trial Academy:** Michael reported that things are rolling along for the event, which will be May 26-28, 2015 at the Bar Center. It will be three days instead of 2 days that we did in 2013. The dates had to be moved because the Bar could not accommodate us. Jon reported that we have a very active committee working on the event. We will cap the afternoon participants to 48; we will open up the lectures to the capacity of the rooms and broadcast the event over the internet. Jon is really excited about this event and is looking forward to inviting our faculty. We do not have pricing set and we are hoping to ask for funding of \$5-7,000. David said that the last event was fantastic.
11. **Update on Spring Convention:** Christian reported that we have two CLE's sponsored for the event, but both are on Saturday. We do have some other CLE's on Friday. Jon thanked Christian for his hard work on this event. One panel is going to be Legal Writing that will feature Judge Roth and a BYU Professor on legal writing. The topic will be what trial lawyers can learn from appellate lawyers. The second panel will be about class action lawsuits and Christian took the lead in organizing that CLE. Christian asked if the Committee would pay for travel expenses for the presenters and organizers (hotel and mileage). Jon moved that authorize up to \$2,000 for these expenses to satisfy our presenters. Judge Roth suggested that we also reach out to the Judicial Council that is meeting down there at the same time because their expenses are already covered. Christian said that we have three speakers to cover for expenses. He has only received a request for lodging. The motion was approved unanimously.

Litigation Section Committee Meeting Minutes (cont.)

February 11, 2015

Adjourned at 9:06 am. The next meeting will be at 8:00 am on Wednesday, March 11th.

Respectfully submitted,

/S/ Michael A. Stahler

Secretary for the Executive Committee