

Litigation Section Executive Committee Meeting Minutes

March 11, 2015

Present: Erik Christiansen, David, Castleberry, Jess Krannich, Jen Tomchak, Keith Call, Judge Roth, Judge Roth, Judge Dawson, Phil Lott, Robert Wing, Rod Andreason, Heather Thuet, Michael Stahler.

By Phone: Cameron Sabin

Excused: Dan Steele, Jon Hafen, Matthew Orme, Patrick Burt, George Burbidge, Christian Kesselring

1. **Secretary's Report** (Michael Stahler, Secretary): Michael discussed the minutes and other items sent to the Committee. With no changes, Michael asked that they be accepted. Jess Krannich so moved, Rod Andreason seconded. The February 2015 Minutes were unanimously accepted.
2. **Treasurer's Report** (Rod Andreason, Treasurer): Rod discussed the latest financials that he had received from the Bar that he had just received right before the meeting. He said that he wished that we had an idea as to what the costs were for each event instead of a block "food and beverage" line item. He often cannot tell what seminars cost. Financially, we are still doing well. We have about \$36,700 in cash on hand. We still need to track big expenses including the administrative expenses for the Bar. We will have to keep tabs on expenses for requests, events, and CLE's. He believes that the \$10 fee for meals at CLE's will help.
3. **Chair's Report** (David Castleberry, Chair): David said that the Introduction to the Courts Event went very well. He thanked Jen for her work and circulated a set of Thank You cards for the Committee to sign.
4. **Chair Elect:** Heather reported that she had followed several bills at the State Capital with the Governmental Committee. The Governmental Committee took a position on one of the bills for access to justice (a non-political bill) as well as two others. She said that the Governmental Committee did not take a position on the arbitration bill.
5. **Committee Reports**
 - a. **Membership.** No report.
 - b. **Technology.** No report.
 - c. **Newsletter.** Rod reported that the Newsletter went out and that there were some minor bugs. The Bar sends out the final version and has control over who gets it. There were some formatting problems including that Michael Stahler's name was omitted and the margins were off. Rod thanked folks for contributing better articles and links. He thinks it is getting better. David agreed.
 - d. **Law Student Relations.** Jen said that she was very pleased with the event—her goal was 30-50 people and we got 29 attendees. We have 15 staff members and 15 judges in attendance. We also had David, Judge Roth, Judge Dawson, and Christian representing our Committee. Jen said that she got very good feedback. The event was \$100 in the black. She asked the Committee to approve \$10 gift cards for the staff who attended and help (\$150 total). She so moved; Heather Thuet and Michael Stahler seconded. All approved. Jen also reported that she is working with Jon Hafen and the BYU Student Rep to plan the April 2nd BYU Lunch Event. Judge Pullan will present. Jon Hafen is approaching Judge Mortensen to be on the panel. The final presenter on the panel will be Lisa Hancock. Jen said there may be one more presenter to discuss how to be a good trial lawyer. David said that this was a nice idea but that we should try to get something other than pizza for the event (BYU requested sandwiches).
 - e. **Bench Books.** Jess thanked Judge Roth for allowing him and Sade for speaking to the new judges. He said that they were very receptive and he hopes that the Bench Book Committee will continue to present at future orientations. Judge Roth said that the presentation went very well. Sade said that they got Judge Dawson's updated Bench Book

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and have just uploaded it. Jess said that they met some brand new judges and this will help them keep current. They have also sent out additional surveys and letters to other judges. Jess thinks that the new judges will be very responsive. David said that this will be helpful since we have so many new judges.

6. **Magna Carta Sponsorship Request:** David said that we received two completed forms for requests that were ready for discussion. The first was for the Bar's Magna Carta Event. The Bar has asked for \$2,250 for the event. Members will get a discounted \$75 ticket fee (down from \$125) and we would get four free tickets. The Bar said that the event would promote understanding of the "rule of law." Rod expressed reservations over the large request but felt it was a good event. David said we were open to determine what was appropriate. Michael also expressed concern, in particular over the fact that the Bar commented that this request only represented 12% of our carryover from last year. Michael said that he thought \$1,000 was more appropriate and that our goal is to create good programming rather than give away money. Erik Christensen asked why this cost so much and Michael said that lately the Bar has had a lot of problems getting enough money for bigger events. Jen pointed out that the event is \$22,000; it appeared that \$6,000 was earmarked for scholarships; \$7,500 was reserved for the reception. Rod said that his understanding that the exhibit was going to move around the State. Venues included Logan, Ogden, St. George, the Bar Center, and the SLC Library. Heather said that UDLA contributed \$500 and that she'd like to see us do at least the same. Rod said that he would be comfortable with \$1,000. Michael reviewed the previous approved requests—the U Constitutional Debate Team and East High School's event. Rod said that we usually spent \$1,000 for sponsorships and \$1,500 for "awards". Returning to the request, Michael pointed out that the event does reach out to different parts of the state. Heather suggested that we have our Section Banner on display and/or have some exposure. Heather moved for \$500; Rod moved for \$1,000. Michael said that we need to have our logo and/or banner at the event for visibility. Keith Call seconded the \$1,000 with a discount for members and with the condition of the logo/banner present. Rod amended his amount to \$1,500. Michael joined the motion for \$1,000. Erik Christensen said that he felt more comfortable with the \$1,000 because it is not much of a benefit. The \$1,000 expenditure was unanimously approved.
7. **BYU Sponsorship Request.** David then moved to the request from the BYU Event. They requested \$1,500 in total for the event. Heather said that this was more than previously; Keith Call said he recalled it being \$1,000. The event was on March 19th. Keith asked why the amount was increased over the past. Sade said that the money funds scholarships for students and that this was a well-attended event. The awards are merit-based. Sade said she thought that maybe they were trying to get more money for more awards for this event. Rod said that this was a trial advocacy competition so that met our Section's goals. Keith moved for \$1,000; Jen seconded. Michael said that this was a good event for us because we are trying to get more events in Provo. The request also included the plaques and Sade said that these were inexpensive. Keith amended his motion to include the plaques; Michael seconded. The motion unanimously passed. David volunteered to present the awards on behalf of the Section. Michael will notify the representative of our decision and connect her with David to coordinate the plaques.
8. **Other Sponsorship Requests.** Michael said that the Law Day Run did not respond with their form. "And Justice for All" also did not return their form.
9. **Recently Completed CLEs.** Michael reported that the Ski CLE went very well with 45-50 people in attendance. The Real Property Section has asked that we join them in the event next year. Michael said that he'd like to get a Judge there next year. He also said that more than half of the attendees said that they were primarily litigators. He also reported that one participant Emailed the Bar to say how much he enjoyed the Litigation Section's CLE on ethics ("It's All Downhill From Here"). Michael explained the CLE and said that the event was meant to be interactive and different from

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OPC's CLE events. Michael said that the venue was very nice. He thanked the Committee for their support.

10. **Upcoming CLE's.** Jess reported on his plans for his CLE on the do's and don'ts of effective advocacy in Utah Courts. He will focus on the District and Appellate Court Benches. Justice Durham and Judge Shelby have spoken with him about presenting. He is looking at June. Erik is thinking that he might have a CLE featuring the newly appointed judges. That was well received. Justice Himonas is very interested in participating in a CLE. Michael said that he may be a member of our Trial Academy in May. Christian's Rise and Shine Event is scheduled and will cover Cognitive Bias and Mediation.
11. **Trial Academy.** Michael discussed the event and handed out proposed pricing and a schedule. Michael said that the event will be three days and will include videotaping and critique of the participants. In 2013 most of the attendees were section members. Michael said that 48 people will do the full event; we will sell 80 seats for the morning lectures; we will sell live video feeds of the morning lectures as well. The 80 seats and live video fees will help subsidize the event. Michael said that the event previously cost about \$20,000 for two days. The Section had provided \$5,000 for the event in 2013. Michael also said that the Planning Committee wanted to offer two complimentary seats to public service attorneys (legal aid, etc.) for outreach. The flash drives for the video portion will also add expenses. The reception may include guests from sponsoring firms for the event. Michael said that they would like to reach out to firms for sponsorship. Michael said that he would like \$6,000-\$7,500 for the event. Jen said it was the best CLE she had attended and that it was a great event. Heather said that this is a keystone event for our Section and has given us a very good reputation. She added that we have been saving our money for this. Michael also reported that UDLA will provide \$500 for the event. UDLA will also provide volunteers. Rod asked when pricing would be final. Michael said that he was hoping for that by the next meeting. Michael also discussed the text that was used for the course (Stephen Lubet, 4th Ed.). Speakers will receive complimentary copy of the text. The largest expense was for NITA licensing (for the text and role plays). Rod said that we need to frame out our annual budget before we make a final decision as to funding. Heather said that she had spoken with Connie Howard regarding what we will sponsor/finance at the Annual Meeting. We will be helping to pay for half of our expenses. She anticipates that we will probably pay \$1,000 for these expenses at most. Additional expenses for the year will be about \$3,000 for postage, \$8,000 for food and beverage, and \$16,000 for Bar administrative fees. We currently have about \$29,500 in earmarked funds with about \$7,500 left for the year. Heather again said she would like us to use our funds for this event. Michael tabled the request for now.
12. **Budget.** Heather reviewed the financials and that the Bar's Administrative Fee has climbed from \$12,000 to an estimated \$16,500 for this year. Nobody understands the basis for this fee.
13. **Annual Convention.** Heather reiterated that the Section will not be offering much money for the event. As a result of funding issues, we will not be paying for one speaker to come from Minnesota. We will, instead, be relying upon our judges to present at the event. Invitations are out for speakers. Heather also said that there is pressure to increase attendance or the event will end. Right now the 2016 event will be in San Diego and the 2017 event will be in Sun Valley. Judge Dawson said that the Judicial Council will not hold their meeting during the Annual Convention due to budget concerns. This concerned many members because this was a major draw for Section Members at the annual convention. Michael said that he read a lot of positive feedback about the reception; Heather said that one attendee slept in his car so that he could pay to attend the reception. Judge Dawson said that traditionally they always tried to coordinate with the annual convention. Judge Dawson said that each judge has a \$900 fund for events like this. Justice Roth said that we should reach out to the judges to invite them to the annual convention and let them

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know that their attendance is much appreciated and a draw. Judge Dawson will discuss ideas with Heather about ideas to reach out to judges.

14. **PGAL.** Keith has said it is time to get things organized and asked for the Committee to support the event with funding for food at their CLEs. The Committee agreed and thanked Keith for his help. PGALs and Section Members can attend the events for free.
15. **Fall Forum.** Michael reported that the initial meeting discussed extending the event to two-full days. The first day will feature a professional speaker that he anticipates that the Section will be asked to fund. Michael said that there are some ambitious plans. He invited the Committee to provide him with ideas for CLEs and events.

Adjourned at 9:19 am. The next meeting will be at 8:00 am on Wednesday, April 8th.

Respectfully submitted,

/S/ Michael A. Stahler

Secretary for the Executive Committee