

LITIGATION SECTION EXECUTIVE COMMITTEE

Meeting Minutes – February 10, 2016

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Present: Heather Thuet, Michael Stahler, Jon Hafen, Cameron Sabin, Matt Orme, Phil Lott, Sarah Hafen, Ben Harmon, Dan Steele, Judge Roth, Judge Dawson, Erik Christiansen, Judge Stone, Rod Andreason, George Burbidge, Tim Pack, Jess Krannich, Amber Masters, Andrew Roth, Megan Garrett

By Phone: Jen Tomchak, Amy Wildermuth

Excused: Keith Call, Bryan Pattison, Tom Seiler, Sade Turner

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**1. Welcome, Chair's Report and Meeting Minutes**

Heather Thuet welcomed the committee and invited a motion to approve the meeting minutes from December. With one change, Michael Stahler moved to approve the minutes. The motion was seconded and carried.

Heather T. raised the topic of the luncheon with Tom Langhorn to discuss the development of a curriculum for the district court judges, which was scheduled for that afternoon. She asked who from the committee could attend, and many responded that they would.

**2. Treasurer's Report**

Michael welcomed Kate Abke from Strong & Hanni, who attended the meeting and is interested in potentially joining the executive committee. He also reported on the Section's financials. As of the close of January, the Section's account balance is over \$58,000. Roughly \$2,000 in expenses has not yet posted to the account.

Heather T. congratulated Jen Tomchak on planning and pricing the Bar Review event, which had a revenue surplus that the Section will be able to use for another event. Rod Andreason asked how three mailings came to a total of only \$1.47. Michael believes it was simply the cost to mail three checks. Rod also reported that the \$847 yoga expense is for a three-month period.

Heather T. commented that the Section is realizing additional revenue from CLE in the form of re-broadcasts. Michael explained that the Bar is videotaping our CLEs, posting them to the website and re-broadcasting them for a fee. The Section is now receiving that revenue. He encouraged those who are planning CLEs to consider phone and live video options.

**3. Judicial Receptions**

- a. Second District: George Burbidge reported that the Second District Judicial Reception is scheduled for February 25 at the Farmington courthouse. Refreshments and socializing will begin at 5:30, with a 1 hour CLE offered thereafter. Emails have been sent to the Litigation Section, the Davis County Bar, the Salt Lake County Bar and the Weber County Bar. The Davis County Bar is co-sponsoring the event and paying half of the costs, including for

security. The event will be free for Davis County Bar and Litigation Section members; yet another reason to join our Section.

#### 4. Continuing Legal Education

##### a. Recently Completed Events

1. *Bar review*: Jen Tomchak reported that this event was very successful. They bought twice as much wine as they thought they'd need, and it ran out in the first hour. She was able to negotiate a lower price at the Alta Club, and the Alta Club was great to work with. She also did some fundraising for the event, which resulted in having some money left over that she would like to use for an additional bar review event. Given how successful it was, plans are in the works to make it a monthly event, alternating between afternoons and evenings. Although some of the expenses are still coming in, she and Michael believe that roughly \$900 will be left over from her budget. She moved to use the extra money for future bar review events. George Burbidge seconded the motion and it carried.
2. *Intro to the Matheson*: Jen reported that this event also went incredibly well, and received great feedback. A lot of court staff came, and roughly 20 judges participated. She thanked the board for their attendance and for getting colleagues to come. She also relayed what a great presentation Justice Himonas gave during the courthouse tours. Five hours of CLE credit were approved, including one for professionalism and civility. She intends to send thank you cards to the court staff and judges, and will bring them to the next meeting for the committee to sign. Heather T. thanked Jen for putting together these great events.

##### b. Quarterly Lunches

1. First Quarter 2016: Jon Hafen is looking at dates in late March after the Spring Convention. He'd like to offer a similar presentation to Judge Roth's at BYU with a twist, perhaps with two litigators and two judges. He is working on a panel, and is considering whether to have the event at the Law and Justice Center or the federal courthouse. Several committee members offered their opinions on that issue.
2. Second Quarter 2016: Cameron Sabin is working on dates for the event, trying to work around Memorial Day and school graduations. Several committee members suggested that he consider the first week of May or May 23. While he may still plan the CLE on summary judgment motions, he invited comments on another CLE idea: He would solicit anonymous comments from attorneys and judges about what "drives them crazy," and then have a panel of litigators and judges respond to those comments for the CLE. Heather T. said it could be a fun format and noted that the Bar has used a text messaging service which might be available to obtain the comments and questions beforehand. Judge Dawson commented that it was an excellent idea. Michael also said that having judges would be a huge draw. Cameron noted that he thought it would solicit interest from members who might not otherwise attend our CLEs, and he would be careful in determining what questions he would allow the panel to field to ensure that they were productive. Judge Roth commented that it would be a terrific way for judges to hear from lawyers on how to make life in the courtroom easier and more efficient. Cameron is going to consider the committee's ideas on the topic.

3. Third Quarter 2016: Erik Christiansen is set with his topic and will start moving forward with a date and speakers in a couple of months.

c. Rise & Shines

1. First Quarter 2016: Sade was unable to attend, but reported via email that the First Quarter Rise & Shine is scheduled for March 24 at 8:00 a.m. at the federal courthouse. Andy Deiss will be providing a mini-NITA presentation on opening statements. She has informed Christian Kesselring of what she will need for technology. She just needs to get the CLE on the calendar and communicate with Roulas for catering. She is wondering how much food to order.
2. Second Quarter 2016: Ben Harmon reported that April 20 won't work for one of his panel members, so he is looking at April 19 or 21. Peggy Hunt has agreed to be on the panel, and he is trying to get Kevin Anderson and one other person. Judge Dawson suggested that he reach out to Noel Hyde from the Second District, who used to be a bankruptcy trustee.
3. Third Quarter 2016: Jon Hafen reported that he is considering a CLE on rule changes. Judge Dawson and Tom Langhorn have helped put a panel together to present on rule changes to the district court judges, and he'd like to do the same for our members. A bunch of the material will already be prepared. He is considering September 2016. Erik asked whether that will be too late to address the latest rule changes. Jon responded that he didn't think it would be, and Judge Dawson commented that repetition is helpful. In his experience, parties are struggling with the new rules. Jon said that the new pilot program could also be discussed. He'll come back with a date and a panel.

- d. Legal Writing CLE w/ the Courts: Judge Dawson reported that Tom Langhorn is still trying to coordinate this event.

- e. Spring Convention: Judge Stone reported that this event is all set and scheduled for March 10-12, 2016.

- f. Federal Law Symposium: May 12-14. Jon Hafen reported that this event will be great. Speakers include Amy Howe, Mark Curidon, and Sean Reyes, as well as several federal judges. A golf tournament will be held on Saturday, and he is hoping to add a reception on Friday night in Zion and a yoga event or something on Saturday (the Zen in Zion social).

Jen informed the committee that Jon Hafen received the first mentoring award given by the Utah State Bar and invited the committee to attend the breakfast on February 24 at which he will be honored. The committee congratulated Jon on his achievement.

- g. Zen in Zion: Jess Krannich reported that he is coordinating with the Federal Law Symposium committee to plan this social event, as it will be co-sponsored by the Federal Bar. It will be an alternative to the Saturday golf tournament. He is thinking of something in Springdale in the morning that would be family friendly. He is considering the Canyon Community Center, which would keep costs down. He is also considering other options, including Flannigan's. Cameron commented that Zion has an outdoor amphitheater in the park, and some group areas near the Visitor's Center. Jon reported that some firms have been asked to sponsor

the event, but recommended that we look at costs and pricing options, and then consider getting a subsidy so that the Litigation Section is not out any money.

- h. Fall Forum: From the CLE advisory committee, Michael reported that there were a lot of comments regarding the cost of this event and the fact that it was two full days. The event lost \$16,000, even though Colin King's firm sponsored it with a \$20,000 donation. The same chairs have been appointed to plan the event this year, but Michael has not yet heard that any planning meetings have been scheduled. He invited committee members to volunteer to represent the Section on the planning committee. Erik asked why the event lost so much money. Michael said that the Grand America was much more expensive, the food was much more expensive, and attendance was down significantly. Jon asked whether the event would be two days again this year; Michael suspects that it will be. George asked why attendance was low. Michael commented that a lot of the workshops did not get great reviews, but that the litigation track received great reviews. Heather S. asked whether the Section is still giving money to the Fall Forum. Michael said no. We told the Bar last year that we were no longer going to give cash sponsorships to the event; we only planned the litigation section track.
- i. Chocolate & CLE: Heather S. confirmed the date of the CLE as May 19, 2016, and informed the committee that she, Jen, and Jon would be meeting in the near future to discuss panel members.
- j. Dine & Wine: Erik reported that he spoke to Heather T. last time, and they decided that the Shakespeare Festival may not be a great venue for this event at this time. Therefore, he is considering approaching some restaurants to organize a wine dinner as a social event. Cameron Sabin said that he heard back from his partner who is on the board for the Shakespeare Festival. He indicated that the board could give us a significant break on costs. Heather T. asked him to get more details.

## 5. Committee Reports

- a. Judicial Outreach: Jess thanked Judge Stone for reaching out to the judges to complete their bench books, as his efforts were tremendously helpful. Jess reported that he and Sade have received five new bench books from the Third District since the last meeting.
- b. Government Relations: Rod reported that he has been attending the Government Relations committee meetings, which have been very interesting and educational. He explained that the committee goes through the Senate and House bills that could affect the Bar, and they determine, based upon a list of policies, whether or not to weigh in. Most of the time, the committee does not take a position. In situations where the committee chooses to support or not support a particular bill, the Bar Commission then takes a position on it. Rod raised a few of the bills before the committee, which addressed the interest rate post-judgment, attorney general conflicts, and banning non-competes in Utah. If anyone is interested in getting involved, Rod encouraged them to get in touch with him.

## 6. Miscellaneous

Heather T. reminded committee members to vote for the judicial award. She also reported that the overhead allocation issue with the Bar has finally been resolved. There will be a \$15/hour fee for

any Bar staff who participates in our events, which is a huge savings. Heather S. asked whether the new resolution meant that the Section no longer needs an executive director. Heather T. confirmed that we will no longer need the executive director; we will be using Bar staff to assist in planning our events.

The meeting adjourned at 9:05 a.m. The next meeting will be at 8:00 a.m. on Wednesday, March 9, 2016.

Respectfully submitted,

/s/ Heather M. Sneddon  
Executive Committee Secretary