

LITIGATION SECTION EXECUTIVE COMMITTEE

Meeting Minutes – January 13, 2016

Present: Heather Thuet, Michael Stahler, Judge Stone, Rod Andreason, Heather Sneddon, Tim Pack, Keith Call, Sade Turner, Angelina Tsu, Jen Tomchak, Judge Roth, Amy Wildermuth, Erik Christiansen, Ben Harmon, Sarah Hafen

By Phone: Christian Kesselring, Jonathan Hafen, Andrew Roth

Excused: Daniel Steele, Tom Seiler, Cameron Sabin, Judge Dawson, Matt Orme, Bryan Pattison, George Burbidge, Liisa Hancock

1. Welcome, Chair's Report and Meeting Minutes

Heather Thuet welcomed the committee and invited a motion concerning the meeting minutes from December. Judge Stone moved to approve them and Tim Pack seconded. All voted in favor and the motion carried.

Heather T. invited the committee to attend a lunch with Tom Langhorn on February 10, 2016 to discuss the curriculum for judges. She also welcomed Sarah Hafen to the committee.

2. Treasurer's Report

Michael Stahler reported that overall, he is quite happy with the Section's financial standing. He encouraged those who are planning CLEs to get expense reports in ASAP. December was a good month with roughly \$2,800 in income from great CLEs. Some of last month's CLEs have not yet hit our bottom line, however, and will be reflected next month. There is still a significant lag with respect to certain expenses showing up on our account, which we may need to discuss with the Bar.

Michael also reported that he and Heather T. met to discuss and prepare the Section's budget now that we have a better grasp of the Section's finances and the Bar's charges. Michael discussed the proposed budget's various line items including, for example, a budget of \$5,000 for all four quarterly lunches and \$1,500 for contribution/sponsorship requests. Our costs are higher this year, but that is because we have added quite a few more events. Michael mentioned certain items that need to be added to the budget. For example, Heather T. would like to add a litigator award program, similar to our yearly Judicial Excellence award. In addition, the Bar has historically asked the Section to help sponsor the Federal Law Symposium and Spring Convention. Our new policy is that we will assist in producing the CLEs, but we will no longer be giving cash contributions to the Bar. Michael explained that, at the end of the year, he and Heather T. hoped to have a buffer of approximately \$10,000 to start the next year, plus \$3,000 for the anticipated trial academy.

Heather S. noted that the Chocolate & CLE event needs to be added and committed to get Michael some numbers for that event. Michael noted that PGAL is budgeted to have \$500. Keith Call said that might be a little light and suggested the budget be increased to \$750 for now until he has firmer numbers. Jen Tomchak asked whether the law student relations budget covers all networking events. Michael said that was the intent, knowing that some of those events generate revenue while

others do not. He and Heather T. invited Jen to provide further information on those events and the budget needed, if necessary.

Rod Andreason commented that the budget reflects a \$13,000 loss over the year and asked where that leaves the Section in terms of cash. Michael responded that he has had a hard time figuring out the original number, but believes that it was around \$50,000. With the money that Heather T. has been able to recoup from the Bar over the year, he believes we have enough money to meet our budget and to keep a \$13,000 buffer.

4. Continuing Legal Education

a. Quarterly Lunches

- (1) “Professionalism and Civility: You Don’t Have to Be a Jerk to Be a Good Litigator,” by Judge Roth, March 3, 2016 at BYU law school. Jonathan Hafen reported that Andrew Roth and Sarah Hafen have been very helpful in getting this event set up. Judge Roth came up with the topic for the event, and Jon wonders whether it would also be a good concept for a quarterly lunch. If it works to do this event as a quarterly lunch, Jon would suggest moving the “Deposition Bootcamp” quarterly lunch to the Annual Meeting because that topic will take more than an hour. Judge Roth explained that his idea for the topic is to discuss gentleness as a lawyer. In his practice, he learned that he did not want his life to be governed by meanness. He found that gentleness produced strength in litigation rather than weakness, and that his enjoyment of the profession went up. Jon will talk to Judge Roth about the timing for a quarterly lunch.
- (2) Third Quarter 2016: Erik Christiansen is still planning a CLE to discuss handling large, complex cases in state court. Of interest, he said that Judge Scott sent out a notice last week inviting applicants from the Bar to serve as a special master in a large case on water rights. He is curious to know how that came about and is not sure whether it will tie into the CLE, but he is very intrigued and may approach Judge Scott about it. He was unaware that any procedure like that existed. Keith mentioned that water rights matters are quite different than your average commercial case, but Erik clarified that it is the procedure that he is interested in as it may tie into his topic. He does not yet have a date.

b. Rise & Shines

- (1) First Quarter 2016: “Opening Statements,” by Andrew Deiss. Sade Turner reported that Andy is with NITA and will be a great presenter. Sade plans to discuss a date with Connie Howard, but is thinking sometime during March. Heather T. suggested that Sade consider using the federal jury room, and to reach out to the federal courthouse about March dates that might be available.
- (2) Second Quarter 2016: “Bankruptcy, Now What?” Ben Harmon reported that he has been talking with the federal court and believes the event will likely be scheduled on April 20, 2016. He has identified his panel targets and plans to reach out. He asked about the logistics of having food brought in, and many on the committee recommended using Reula’s. Rod also commented that Café Rio worked well for a past event and didn’t have any trouble getting through security.

- c. Legal Writing CLE w/ the Courts: Heather T. reported that she is still in the discussion phase of this CLE, but does not plan to schedule it on May 12-13, 2016.
- d. CLE Advisory Committee on CLEs: Jonathan Hafen reported that this committee has a kick-off meeting coming up and that it has great representation from our committee, including Michael Stahler, Judge Dawson, Keith Call and Joe Stultz. Our committee members have learned through experience how to plan successful CLEs and will be able to offer that experience to help other sections improve the quality of their CLEs.
- e. Bar Conventions: Angelina Tsu reported that the 2016 Summer Convention will be in San Diego. Sun Valley has been booked for 2017 and 2018. She would prefer to schedule out-of-town conventions in conjunction with UEA and then have the summer and fall conventions in Park City, but the Bar has decided to stick with what it has been doing because the conventions are at a break even.
- f. Annual Convention: July 6-9, 2016. Heather T. reported that the committee meeting to discuss presentations would be that afternoon. There are several interesting and different presentations proposed this year, including one on Uber. She encouraged committee members to make their reservations.
- g. Spring Convention: March 10-12, 2016. Heather T. expressed her thanks to Judge Stone and Tom Seiler for putting together the Litigation Section presentations for the Spring Convention. Judge Scott will be presenting on motion practice on Saturday morning, and Juli Blanch, Mary Corporon, etc., will be presenting along with others as "Lions of the Law."
- h. Federal Law Symposium: May 12-14, 2016. Jon Hafen said that he expects around 100 people, and that the Litigation Section will be sponsoring the event by sending out the postcard. He is working on exciting keynote speakers, and anticipates that he will have more information at the next meeting. He encouraged committee members to attend, as it is a great opportunity to rub shoulders with federal judges, almost all of whom attend.
- i. Chocolate & CLE: May 19, 2016. Heather S. did not have more to report on this event, but Erik said that Overstock's prior general counsel would be a great panel member, as would Overstock's new general counsel.
- j. "Myths of Arbitration." The AAA has proposed a 1-hour CLE for a quarterly lunch.
- k. PGAL: Keith reported that the northern districts have a new coordinator, Dixie. Keith sat down with her, but believes she is still getting her bearings. She will want our support for additional training, but she is not yet sure whether we need to recruit. Keith asked for Judge Stone's perspective on whether the PGAL initiative has been helpful to the judiciary. Judge Stone said that whenever he requests private guardians ad litem, he gets them. It is a significant commitment where they are involved, and Judge Stone appreciates their service. Perhaps some are taking on more than they should, but he said he hasn't had a problem getting private guardians ad litem when requested. He tries to bifurcate his cases to make sure that private guardians ad litem aren't sitting through a 4 day trial and not getting paid.

I. Healthy Lifestyles for Litigators and Developing Collegial Relationships

- (1) Tuesdays at 2: Heather T. reported that excitement is high for this event, but attendance is relatively low at 18. She commented that the instructor is exceptional and encouraged everyone to get the word out. There is a similar event on Wednesdays that is more highly attended. Erik commented that he does yoga in the federal jury room at noon on Tuesdays and Thursdays.
- (2) Annual Meeting, Rafting, Judicial Reception & CLE: June 10-12, 2016. Heather T. said that the judicial excellence award survey should be going out soon. Michael said that their idea is to pay for the recipients' hotel stays, which will also encourage attendance. He and Heather T. are also considering a "Stanley Cup" type of award for an attorney. It would more or less be an amusement-type award to be passed on each year to the next attorney. Heather T. is talking with trophy companies about cost, and will report further on ideas.
- (3) Bike & CLE in Cache County: Heather T. suggested that perhaps Dan Steele could assist with overseeing this event.
- (4) Zen in Zion Reception & CLE: Jess Krannich is looking to add this event to the end of the Federal Law Symposium on May 12-14, 2016.
- (5) Ski & CLE: Michael reported that he is working on this event with Erik and Cameron Sabin. The Real Property Section is interested in doing it again and wants to do it on February 17, 2016, whereas Michael had suggested the second week of March. They're going to see what they can do.
- (6) Cedar City Wine, CLE & Shakespeare: Erik doesn't have any updates on this event. Sade said that she spoke to Carson Bagley in St. George. Although he is interested, he is very busy right now. He said that there will be some local interest in the event, but for the most part, he believes Salt Lake folks will have to be the big draw. Heather T. suggested moving forward and seeing how it goes.

5. **Committee Reports**

- a. Membership: Michael said that Tim Pack needs help with this committee. The committee works to push membership by sending flyers in Bar materials, doing outreach to members and working with the Bar Commission. We try to recruit members who have left. The committee has done a good job on numbers. Jen said she has already been helping and is willing to assist with the committee. Ben Harmon also volunteered to help.
- b. Technology: Christian Kesselring reported that he is looking to see what he can do to increase the Section's effectiveness and to leverage the technology available to us. He'd like to get in touch with everyone both before and after CLEs to see how we can better use technology. He is getting in touch with Summer Shumway to get some analytics on our website to find out how people browse and where they most often go to make it more usable that way.

- c. Publicity/Newsletter: Rod reported that the newsletter is going out. This month there are no events with pictures. He noted that sometimes it gets caught in spam folders, but otherwise, it is going well. He asked that committee members please get information to him on events that are occurring in early February or March. Heather T. also encouraged committee members to take photos at events and to prepare short write-ups to go in the newsletter.

- d. Law Student Relations: Jen reported that tomorrow night is the annual kickoff for Bar Review at the Alta Club. As of this morning, they have 178 RSVPs. This is an event that the Bar is planning to do every two months. Angelina commented that the Bar wants this to be a networking social; an opportunity to grab a drink, network and say hello to friends. She is working to get in-house attorneys to attend as well—people who have work to give. Orange Legal is a big sponsor, giving \$2,500 for the event. They decided to have the kickoff event at the Alta Club with a big budget, but future events will be at different locations with different budgets. Angelina expressed her thanks for the Section’s sponsorship.

Jen reported that the next day is the Introduction to the Matheson event. This year is going to be even stronger than last year. We also have fantastic support from the Court. Jen reviewed the schedule with the committee, and explained how the event has been priced to encourage attendees to join our Section.

Jen also commented on the mentoring event at BYU and efforts to set up something similar at the U of U law school with Joe Amadon. She commented that our law student members have done a great job advertising events to the student bodies.

- e. Bench books: Sade reported that a new bench book has been received for Judge Bean. Because so many new judges have taken the bench, she is going to email the Third District judges to encourage the completion of the bench book questionnaires. Judge Stone commented that it is not a burden to prepare a bench book, it is simply a matter of getting around to it. In his experience, most judges are happy to have a bench book. Sade said that for federal judges, the website has been updated. She will have links to stock forms for those judges. Michael also commented on how often he hears from lawyers in his firm asking about particular judges, and encouraged the committee to tell their colleagues about our bench books.

- i. Government Relations: Rod reported that the government relations committee meetings start next Tuesday. They will be discussing the Legislature’s bills and what the Bar’s response should be. Erik asked how we track bills. Angelina responded that the Bar has a lobbyist. Chairs of the government relations committee read all of the bills and then circulate the relevant bills to the relevant sections to decide whether to take a position.

6. Sponsorship

Heather T. tabled the Volunteers for America sponsorship.

The meeting adjourned at 9:10 a.m. The next meeting will be at 8:00 a.m. on Wednesday, February 10, 2016.

Respectfully submitted,

/s/ Heather M. Sneddon
Executive Committee Secretary