

**Litigation Section Executive Committee  
Minutes for August 13, 2008**

The Executive Committee of the Litigation Section met on Wednesday, August 13, 2008, at 8:00 a.m. at the Utah Law & Justice Center in Salt Lake City.

Executive Committee members present or participating by telephone were:

- Gary Anderson
- Sammi Anderson
- Ryan Card (BYU Rep)
- David Castleberry
- Keith Call
- Ryan Frazier
- Jonathan Hafen
- Ryan Harris
- Wayne Klein
- Isaac Paxman
- Peter Schofield
- Dan Steele

Executive Committee members excused were:

- George Burbidge
- Elaina Maragakis
- Michael Petrogeorge
- R. Willis Orton

1. **Minutes.** The minutes of the June 11, 2008 meeting were reviewed and approved.
2. **Financial and Budget Report.** Dan Steele reported that we received the most detailed financial reports that we have received in quite some time. The Litigation Section is approaching revenue neutral. The Section can expect to get about a \$32,000 to \$35,000 increase when the dues are credited to the Section.
3. **New Members and Potential New Members.** Peter Schofield and David Castleberry were welcomed as new members of the Executive Committee. The Executive Committee also discussed possibly adding other new members. The Executive Committee also decided to add Kent Holmberg and Patrick Burt as members.
4. **Annual Convention.** Sammi Anderson reported that the presentations at the Annual Convention were very good, but they were not as well attended as she had hoped. She stated that the mediation presentation was condensed into 1 hour, but that it would make a very good 3-hour to half day presentation. Sammi was impressed about how many attended the Saturday afternoon breakout session.
5. **Last Quarterly Luncheon.** Jonathan Hafen reported that the last Quarterly Luncheon went really well, but he is not certain of the number that attended. Bob Yeates, Senator Bell, and Judge Bruce Mack participated on a panel.
6. **Upcoming CLE Events.**

- a. Northern Utah Golf and CLE. Dan Steele reported that this event is set for Friday, August 22, 2008. A panel presentation is set to discuss the Rules of Civil Procedure. He reported that the registration for the CLE is about 32, but only 9 have registered for golf. Dan reported that he cannot attend and asked if anyone can take his place.
- b. Utah County Golf and CLE. Dan Steele reported that this event is scheduled for September 12, 2008 at the Gladstan Golf Course in Payson. The topic for this event is juries. Tim Shea has agreed to participate. Wally Bugden has agreed to participate regarding voir dire and jury questionnaires. Judge Schofield will participate to bring his judicial perspective.
- c. Southern Utah Golf and CLE. Dan Steele reported that this event is scheduled for October 17, 2008 (which is UEA weekend) at The Ledges. Bryan Pattison is to formulate a topic. The Real Property Section wants to co-sponsor this event, but it can't offer as great of a discount to its members as the Litigation Section.
- d. Quarterly Luncheon. Jonathan Hafen explained that the next quarterly luncheon should be on ethics and civility. He explained that it will likely be scheduled for the second or last weeks in September.
- e. Annual Ethics Symposium. Jonathan Hafen reported that the Annual Ethics Symposium, which the Litigation Section is co-sponsoring with the BYU Law School is set. Approximately 50 people are registered. It will be 3-hours of ethics CLE credit.
- f. Fall Forum. Jonathan Hafen reported that there will be 5 sessions that will focus on developing a theme and case theory early and carrying it through to trial. So far, Judge Kay, Clark Waddoups, David Jordan, Brian Benavento, and Mark Glick will participate. In addition, he is trying to get Judge Benson to participate.
- g. Professor Rosen CLE. Professor Rosen is an expert on how Supreme Court decisions have affected the fabric of society. The Litigation Section has approved a co-sponsorship. It is scheduled for September 19 at noon.
- h. Twombly & Rule 12(b)(6) CLE. This CLE is scheduled for August 21. It is co-sponsored by the Antitrust Section. Notices have already been sent out. The cost will be minimal, and the Executive Committee approved covering up to half of the costs.
7. **Proposed Sponsorship of Clarence Darrow-Type CLE.** A discussion on this issue was tabled.
8. **Reception for Law Students.** A discussion on this issue was tabled.
9. **Ideas for Supporting State Court Judges.** Sammi Anderson reported that the

quarterly luncheon on retention of the state court judges was supporting of state court judges as it provides education. The Executive Committee discussed how there probably needs to be a follow up lunch to determine what else the Litigation Section can do to support state court judges. There was a suggestion that the Section could have a role in educating new legislators about the judiciary's role.

10. **Bench Books.** Ryan Harris reported that Judges Kouris and Shumate are now on the website.

11. **Section Website.** Dan Steele reported that a website designer by the name of Justin Wilde has been approached about putting together a proposal for a new website. Mr. Wilde had spoken with Lincoln about this issue. Mr. Wilde charges \$60 per hour and would revamp the website for a flat fee of \$6,200. Dan reported further that by the Executive Committee's next meeting the committee should be prepared to make a decision.

12. **Municipal Justice Courts.** A discussion on this issue was tabled.

13. **Section Leadership Training.** Sammi Anderson reported that Section Leadership Training is scheduled for the end of the month.

14. **Law Student Relations.** Ryan Card, the new BYU representative to the Executive Committee, was introduced to the Executive Committee.

The meeting adjourned at 9:00 a.m. The next meeting will be held on September 10, 2008.

Dated this \_\_\_ day of September, 2008.

For the Executive Committee

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Ryan B. Frazier  
Secretary