



April 30, 2008

Dear Litigation Section Members:

It has been six months since our last Litigation Section newsletter. During that period of time, the Litigation Section has remained one of the Utah State Bar's most active sections, sponsoring numerous CLEs and other events, and pursuing a wide variety of initiatives. This newsletter summarizes our activities over the past six months, lists information about upcoming events and initiatives, and provides useful links and services for our members.

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1. New Executive Committee Members

The Litigation Section is pleased to announce that Gary Anderson joined the Executive Committee earlier this year. Mr. Anderson is a named shareholder at Hilliard Anderson Olsen, PC in Logan, and will serve as the Executive Committee's only Cache County representative. We look forward to having Mr. Anderson serve on the Executive Committee, and hope he will act as a liaison between the Executive Committee and all of our Litigation Section members in Northern Utah. The Litigation Section is very lucky to have the support of Mr. Anderson and looks forward to working with him for years to come.

For a full list of current Executive Committee members see the Section's website: http://www.utahbar.org/sections/litigation/executive_committee.html. If you are interested in joining the Executive Committee, or would like to nominate someone else to serve, please contact me at mpetrogeorge@parsonsbehle.com or (801) 536-6899.

2. Upcoming Events and CLEs

* The Section's next **Quarterly Luncheon** will be held in June 2008, and will feature a panel on judicial evaluation and retention featuring panelist from all three branches of state government. Look for more information on this CLE presentation in the coming weeks.

* The **Annual Meeting** of the Utah State Bar will be held in Sun Valley, Idaho, July 16-19, 2008. The Litigation Section is proud to co-sponsor a keynote address by Steve Wozniak, founder of Apple. In addition, the Litigation Section will sponsor three breakout sessions. The first two sessions will be held on Thursday, July 17, 2008, and will feature a two part panel discussion focusing on the recent revisions to the Model Utah Jury Instructions ("MUJI").



Part I of the MUJI seminar will focus on revisions to the civil instructions, while Part II will focus on revisions to the criminal instructions. To date, Frank Carney, John Young, Third District Court Judge Denise Lindberg and Sixth Circuit Judge David Mower have committed to attend and serve on the panel. The remaining panelists are to be determined and will be announced at a later date. The third breakout session will be presented by Lynn S. Davies from Richards, Brandt, Miller & Nelson. The topic is mediation, and it is an encore presentation from the Litigation Section's second annual Utah County Golf & CLE event held last September. Chair-Elect Sammi Anderson has done a fantastic job as the Litigation Section's designated liaison to the Annual Meeting Committee, and we thank her for her efforts.

* The Utah State Bar's annual **Fall Forum** is scheduled for November 2008. Jon Hafen has agreed to serve as the Litigation Section's liaison to the Fall Forum Committee. The Litigation Section plans to sponsor an entire litigation series consisting of five separate breakout sessions on a wide array of topics designed to provide training for lawyers at all levels of practice on basic trial and trial preparation skills. If you have any suggestions or would like to assist with the Fall Forum, please contact Jon Hafen at (801) 532-1940 or joh@pwlaw.com.



* The Utah State Bar is sponsoring a six part series entitled "Mechanics of Trial" featuring Frank Carney. The first session was held in March. The next session is scheduled for May 14, 2008. Although the Litigation Section is not a financial sponsor, the Executive Committee encourages all members to consider attending this worthwhile and practically useful CLE. The Litigation Section has already provided \$3,800 in scholarships for lawyers affiliated with the Utah Disability Law Center and Utah Legal Services, Inc. to attend the series, and will consider other scholarship requests on a case by case basis. If you are interested in attending the "Mechanics of Trial" series, and in need of a scholarship, please contact Dan Steele at (801) 438-2000 or dstele@btjd.com.

3. New Initiatives: October 2007 – April 2008

The Executive Committee is currently working on a number of new and ongoing initiatives.

First, we are looking for ways in which we, as a Litigation Section, can provide more support and assistance to the judiciary. We have been working with Chief Justice Christine M. Durham and the Administrative Office of the Courts to identify potential initiatives the Litigation Section could pursue. If you have any thoughts or suggestions, please contact me at mpetrogeorge@parsonsbehle.com or (801) 536-6899 or Jon Hafen at (801) 532-1940 or joh@pwlaw.com.

Second, we are continuing to look for ways to work with the University of Utah S.J. Quinney College of Law and the Brigham Young University J. Reuben Clark Law School to increase law student awareness of and involvement in the Utah State Bar and the Section. As part of that initiative, Latetia “Tish” Toombs (2L – U of U) and Sarah Gubler (2L – BYU) have been serving as *ex officio* members of the Executive Committee. We have been working with Professor Amy Wildermouth of the University of Utah – S.J. Quinney School of Law on a program where practitioners and law students can work together to research and write articles on Utah legal issues for submission to the Utah Bar Journal or other appropriate publications. If you are interested in working with a law student on a Utah law-related article please contact me at (801) 536-6899 or mpetrogeorge@parsonsbehle.com. The Section also recently co-sponsored with the Securities Law Section a lunch hour CLE presentation on securities fraud at the University of Utah – S.J. Quinney College of Law featuring U of U 2L Mike Power. Mr. Power did a fantastic job presenting this seminar, and we hope to sponsor similar student presented CLE seminars in the fall, both at the University of Utah and Brigham Young University.

As always, we welcome your thoughts and suggestions on ways in which the Section can better serve and benefit its members. If you have any thoughts or wish to become more involved in the Executive Committee or any of the Section’s programs please do not hesitate to contact me or any of the other Executive Committee members.

4. Recent Activities: October 2007 – April 2008

* On Wednesday, October 10, 2007, the Section co-sponsored a CLE seminar with the Appellate Section, the Criminal Law Section and the Constitutional Law Section entitled **“Sentencing After Booker.”** The seminar was presented by Judge Michael McConnell from the Tenth Circuit United States Circuit Court of Appeals.

* The Section has held three **Quarterly Luncheons** since our last newsletter. The first was the Section’s third annual **Southern Utah Golf & CLE** event held on October 19, 2007, at The Ledges Golf Course in St. George. The event was co-sponsored by the Southern Utah Bar Association (“SUBA”), and included a 3-hour CLE presentation on E-Discovery by David K. Isom of Greenberg Traurig (Denver, Colorado). The second took place on December 12, 2007, at the Law & Justice Center. Mark Glick from North Harvard Group and Magistrate Judge David Nuffer presented on the issue of expert discovery. Professor Amy Wildermouth of the University of Utah S.J. Quinney College of Law spoke about the recently initiated program to connect law students with practitioners to write Utah law related articles for potential submission to the Utah Bar Journal or other legal publications. The third was held on March 5, 2008, at the Law & Justice Center. Tim Shea, Senior Staff Attorney for the Administrative Office of the Courts, and Ron Bowmaster, Director of Information Technologies for the Administrative Office of the Courts, spoke about the anticipated roll out of state court e-filing

during the next year. Magistrate Judge David Nuffer spoke about lessons learned from federal e-filing and how they can guide us in the transition to e-filing in state court. A special thanks to Jon Hafen for chairing the Section's Quarterly Lunch Committee, to Dan Steele and Brian Pattison for chairing the Southern Utah Golf & CLE event, and to all of our presenters for donating their time and providing fantastic CLE presentations.

* The **2007 Fall Forum** was held November 16, 2007 at the Salt Palace Convention Center. The Section sponsored one breakout session entitled "Judges Panel: Tips and Pointers from the Bench," featuring Third District Court Judges Lee Dever, Randall Skanchy, Kate Toomey, and Vernice Trease. We would like to thank all of the judges for their participation, as well as Executive Committee member George Burbidge for stepping in at the last minute to make this session possible.



* The Section's bi-annual and always informative "**Evening with the Third District Judges**" was held on Tuesday, October 30, 2007 at the Law & Justice Center. Special thanks to Third District Judges Robert Hilder, Deno Himonas, Mark Kouris and Denise Lindberg and for their involvement as panelists, and to Executive Committee Member George Burbidge for spearheading this event.

* The Utah State Bar's **2008 Mid-Year Meeting** was held March 13-15, 2008, in St. George. The Section sponsored two breakout sessions. The first was entitled "Rational Skeptics at the Gate: The Recent Amendments to URE 702" and was presented by Keith A. Kelly of Ray Quinney & Nebeker and John R. Lund of Snow Christensen & Martineau. The second was entitled "Health Privileges Law: Evolving Implications for Criminal, Regulatory and Civil Practice," and was presented by Robert R. Harrison of Snow Christensen & Martineau. Thanks to Executive Committee member Keith A. Call for serving as the Section's liaison to the 2008 Mid-Year Meeting Planning Committee and organizing these breakout sessions.

* The Section sponsored a CLE lunch at the University of Utah S.J. Quinney College of Law on April 14, 2008, entitled "***Stoneridge v. Scientific Atlanta, Inc. et al.: The Current State of Aider/Abettor Liability in Federal Securities Litigation.***" The CLE was presented by 2L Mike Power, who did a fantastic job. A special thanks to Tish Toombs and the staff at the University of Utah for making this event happen.

5. Community Involvement: October 2007 – April 2008

* In August 2007 the Section donated \$5,000 to the Access to Justice Center for Southern Utah, a project spearheaded by And Justice For All and the Utah State Bar.

* In September 2007, and at the request of the Young Lawyers' Division, the Section donated \$750 to the annual Highland High Debate Tournament.

* The Section donated \$500 to the Minority Bar Association Annual Scholarship Dinner held October 19, 2007, at Rice Eccles Stadium, and members of the Executive Committee attended the event on behalf of the Section.

* In November 2007 the Section presented four \$500 scholarships to each of the University of Utah law students participating in the National Trial Advocacy Competition. Scholarships in the same amount were awarded to four law students from Brigham Young University in March 2008.

6. Website Updates

The Executive Committee is currently looking at options for updating its website and making it more attractive and user friendly. Chair-Elect Sammi Anderson and Treasurer Dan Steele have graciously agreed to spearhead this effort. If you have any feedback or suggestions, please contact Sammi at (801) 363-5678 or sanderson@mc2b.com, or Dan at (801) 438-2000 or dsteale@btjd.com.

We also continue to build our Judges' Benchbook, which contains very useful information about state and federal judges. The Benchbook is continually being updated as new judges take the bench and agree to participate, and we reach out to other judges who have not yet had the opportunity to participate. The feedback that we get from both judges and practitioners about the Benchbook has been uniformly and overwhelmingly positive, as both judges and lawyers consider the Benchbook a useful tool that makes court appearances run more smoothly. To make the Benchbook more accessible, the Bar has created a direct link on the Utah Bar's homepage. Visit www.utahbar.org and similarly scroll down until you reach the link on the lower right-hand side of the page.

7. Annual Meeting and Officer Elections

The Annual Meeting of the Litigation Section will be held on Wednesday, June 11, 2008, at 8:00 a.m. in the Board Room at the Utah Law and Justice Center (645 South 200 East, Salt Lake City, Utah). The Litigation Section officers for 2008-09 will be elected at this meeting. Open positions are Chair-Elect, Secretary and Treasurer. We will also accept nominations for new members to the Executive Committee at this time. If you have any questions, or wish to nominate anyone in advance of the meeting, please contact Ryan Frazier at (801) 328-3600 or rfrazier@kmclaw.com.

For more information, please visit our website at www.utahbar.org/litigation/welcome or, even more conveniently, www.utlitsec.org. As always, it is my great pleasure to serve the Section, and I look forward to a successful final few months as your Chair.

Sincerely,

Michael P. Petrogeorge
Chair, Litigation Section
2007-2008