

**Litigation Section Executive Committee  
Meeting Minutes September 13, 2017**

Present: Dallas Young, James McConkie, Michael Stahler, Judge Andrew Stone, Rod Andreason, Sarah Hafen, Heather Sneddon, Jenifer Tomchak, Judge Glen Dawson, Jim Magleby, Keith Call, Jason Green, John Hurst, Jon Hafen, Megan Garrett, Jess Kranich, Cameron Sabin, Kim Neville, Jeremy Adamson, Judge Jill Pohlman

Excused: Commissioner Christina Wilson, Mathew G. Coyle, Anthony Loubet, Melanie Vartabedian, Joe Amadon, Phillip Lott, Tom W. Seiler.

**Welcome and Chair's Report (Michael Stahler)**

Michael welcomed the committee.

a. Approved August Meeting Minutes:

Judge Stone noted that we should change "older women" to "more experienced" women in the bar in last month's minutes. Heather Sneddon made a motion to approve the amended minutes. Judge Stone seconded the motion. The minutes were approved.

b. Judicial Reimbursement:

Michael Stahler explained that what the Committee had done in the past is we have helped the bar out with the cost of having judges present at the Bar meeting. We had 7 judges who presented in our CLE panels that Jon Hafen organized.

In past years, the Litigation Section paid for ½ of their costs. The request from the Bar this year is for the Litigation Section to pay for one night of lodging expenses. The Litigation Section also previously had approved \$600 to sponsor the judicial reception. Adding those items together, the Litigation Section contribution is \$2200.

The Bar has put in a request for \$1622.79 for reimbursement of the 7 judges expenses for one night of lodging.

James Magleby said he thought there was room in the budget for the expenditure. Heather Sneddon indicated that she is in favor of approving it and anticipated future years, and suggested that we budget for the anticipated expense in future years. A motion to approve was made by Heather Sneddon. A second by Rod Andreason. After a vote, the resolution passed.

c. Nomination of new members of Executive Committee:

Michael Stahler reported the nomination to make John Hurst, Michele Anderson, and Melanie Vartabedian formal members of the Litigation Executive Committee. After a second and a vote, the resolution passed.

d. Committee assignments:

Michael Stahler will circulate the list of proposed members of committees and subcommittees. Michael will reach out to chairs about goals and if you need help. Our Litigation Section committees are well staffed. We've had lots of great events. Keith Call said he needed to know who is on the Public Service Committee.

Michael Stahler reported that there is a tradition to recognize the past Chair of the Committee. We are recognized Rod Andreason for his excellent work. The Committee appreciates his hard work. The Litigation Section had a rebuilding period. Rod capitalized on that rebuilding. The Section had a special award made up for Rod. Michael thanked Rod for his service and for coming back and staying with us. Rod was the impetus for the reformatting of the *Zealous Advocate*. The award states: "Presented to Rod A., Chair of Litigation. For careful stewardship and dedication. We thank you."

**President Elect's Report:**

Nothing to report.

**Treasurer Report.**

Jenifer Tomchak reported that the Committee has \$92,359 in its account, which is a healthy balance. That balance is before membership dues hit. Last year, dues were \$44,000. Last month, we had a balance of \$88,000. Most of the last month's revenue is video/CLE revenue. Last September, we had a balance of \$44,000. We have not finalized our budget yet for this fiscal year. Our proposed annual budget v. last year: our budget will be around \$126,000, including a hold back buffer for new projects. Even with our budget, we will not be able to spend all of the funds without additional work. If you have new ideas for great projects, this is the year to ask.

Heather Sneddon stated that she asked the Bar about the source of the video rental revenue to determine how much comes from litigation section members. She believes that about 1/3rd is from Litigation Section members and 2/3rds are from other members of the Bar. Heather is considering making a future proposal about allocation of that video rental.

Keith Call asked whether there has been a shift in video revenues. He noted that the Litigation Section puts on great programs. We are being revenue neutral on CLEs. Keith asked whether it was time to reduce program costs. Michael Stahler stated that 3 or 4 years ago, the Section was in a similar position. As a result, we found that we had a lot of extra food and many no shows when we lowered the price. We want to keep the \$10 for individual events to encourage people to actually show up. This year, we have big events that are going to cost money, including Moab and Trial Academy. We will be hearing from Katie ? (Is this a reference to Katy Strand?) about other events as well.

Heather Sneddon noted that the Litigation Section did have an issue with no shows when it offered free CLEs, which had a negative impact on people on the wait list, who were left out in the cold.

Keith Call responded that if we don't reduce our budget, we should perhaps reduce membership fees.

Michael Stahler noted that during the first year, we have historically comped first year lawyers. The bar charges our section \$7 for every membership, regardless of whether it is complimentary or not. That is another discussion to talk about in the next few weeks. We are just circulating this today, and we will discuss next month, on up or down, to changing program or membership costs. Amounts will be amended as the year goes on. This is the second year that we can give you a budget. We are in a good position to do events, and forecast where we want to be. Some expenses from summer also will be hitting, which will reduce available funds. If you sponsor events and you work with the bar, trust and verify funding requests so there is a good due diligence and audit trail. Michael noted that when he looks at receipts, it was not always what was requested. He encouraged members to review expenses. If you have any questions, please ask. The Bar is a partner with our Litigation Section. If you don't feel comfortable, reach out to one of the officers.

Jenifer Tomchak asked if there were any questions about the upcoming budget. If you want more money or think you won't use it, please let Jenifer know.

### **Recently Completed Events:**

Megan Garrett indicated that there had been a CLE event on August 21, 2017 entitled "The Accidental Appellate Attorney" co-sponsored with the Appellate Section. Speakers included Grace Acosta, Stephen Traynor, and Judge Toomey. The event was videotaped. Probably 45-50 or people showed up, which was great considering the event was the same date as the eclipse.

Michael Stahler reported on the two golf events:

Cache Golf CLE County — 50 people registered and 47 attended. Revenue will probably make it break event. Christian Hansen spoke at the CLE on trial events.

Utah County: September 29 — Wally Bugden, Judge Ryan Harris, and Dennis Ferguson will be speaking on expert witnesses. The event will be at the Hobble Creek Golf Course.

There will be a CLE on October 20 called "The Art of Negotiation."

Jess Krannich reported on the September 8 CLE, which discussed high profile jury trials. Scott Williams and Cara Tangaro spoke, and Jess moderated. Scott Williams

and Cara Tangaro were the trial team for former Attorney General John Swallow. It was a really interesting and fun CLE. There was a lot of commentary — exclusionary evidence issues; how to deal with the Press; the way Press coverage can impact cases—all through the lens of the Swallow trial. The defense team put up on the screen their closing slide deck. The defense team gave the audience a snapshot of their closing strategy. 50 people attended. It was a great success. It was videotaped.

### **Committee Reports:**

Fall Forum: Jon Hafen reported that there will be a deposition boot camp. Two federal judges and a state court judge will participate, as well as some amazing practitioners. The date is November 10. Heather Sneddon will help with moderating panels.

Spring Convention: Cameron Sabin and Brian Pattison are assigned to Spring Convention. The Committee has not yet met.

#### Annual Meeting:

Jenifer Tomchak will be Co-Chair of the Bar Convention with Justice Thomas Lee.

Law Student relations. James McConkie reported that we are set for November 2 at 12:15 to 1:15 pm at the U. at the S.J. Quinney Moot Court room. The University's professional development office reached out this month to collaborate. The topic will be "Careers in Litigation". Mike Harmond and James McConkie met and put together a list of potential panelists — civil, criminal, government, big firm, small firms. They will be sending out invitations to participation. This is for students. Mike Harmon is the student representative from the U. Look for an event at BYU next semester.

Quarterly CLEs: Jess Krannich had nothing further to report, other than the events listed on the calendar. Next task is to get together with committee members.

#### Committees:

Law Student Relations Committee: will be James McConkie, Kristie Ingle, Tom Seiler, Mike Harmond, Sarah Hafen and Joe Amadon

The CLE Committee: will be Jess Krannich, Sade Turner, Katy Strand, Kim Neville, and Heather Sneddon.

Megan Garrett reported that she is working on a CLE with corporate counsel as a co-sponsor. The topic will be internal investigations.

Membership Committee: will be Megan Garrett, Dallas Young, Whitney Krogue, Bryan Pattison, Tim Pack and Jason Green.

Professor Terrell Event: Jenifer Tomchak noted that right after the event is a “Bar Review” reception at the law school. The Bar Review will be the kick off bar review event following the all-day CLE. The Bar has not given numbers on sign up as well. If you cannot make it to event, come anyway to the Bar Review reception. It is a nice space. The patio and deck is lovely.

Michael Stahler reported that the e-mail blast he did was well received, and noted that the Off road event in Moab will be November 10-11. If you have not booked the event, do it fast. The rooms are going fast.

Members social: report next month.

Bench books: Sarah Hafen will take over that Committee.

Judge Stone noted that if the Section could get you on the agenda of the board of the district judges, they could help fill in any gaps in the Bench Books. The board gives statewide coverage. First district needs help. Third district has some new judges to add. Fourth judges — need to fill some gaps. We need help in the 5th district and 6th district and 7th district and 8th district. Jenifer Tomchak noted that Sarah Hafen is going to meet with Judge Nuffer and Judge Skanchy to discuss these and other issues.

Publicity: Cameron Sabin will be taking over the *Zealous Advocate*. Other members of publicity committee include Erik Christiansen, Kim Neville, Rob Crockett, John Hurst and Jason Greene.

Public Service Committee: will include Keith Call, Christina Micken, Peter Strand, Cameron Sabin, Joe Amadon and Melanie Vartabedian.

Keith Call noted that Jess Krannich and he have been talking to people at Salt Lake County about homeless issues. Our focal point is going to come down to expungement issue. They are easy to learn. Easy to do. Do some clinics and CLEs to help people get back on feet and establish themselves in society. Keith Call has reached out to James McConkie, Sr., about a refugee project. He and Brad Parker are doing a CLE about that issue. That is another area where we can get involved and make a difference. Michael Stahler noted that James McConkie Sr. spoke at the Summer Convention, and the comments in support were overwhelming. They need help organizing the volunteers on refugees. Keith Call noted that we need a coordinator to meet needs and match with resources.

The Health and Wellness Committee: will be Heather Thuet, Tim Pack, Michele Anderson-West and John Hurst. Yoga on Friday is still going. Weekly running group will meet on Wednesday nights at 6 pm at City Creek trailhead.

Please note that even though the Litigation Section sponsors Yoga on Fridays, ZJB also sponsors yoga on Wednesday.

Mike Mensson said running is through the end of November. Stoel Rives is helping with the running event.

Jenifer Tomchak noted that last year, we discussed having a team for the law day run — talk to them about being our team for law day run in May. Get some branding out of it.

Cameron Sabin reported that the running group is good.

#### Trial Academy:

Trial Academy will be March 21-23, 2017. Michael Stahler is working on that event. Jim Magleby, Judge Dawson, Jon Hafen, Jess Krannich, Whitney Krogue, Heather Sneddon and Sarah Hafen will work on that event as well. Jon Hafen noted that we need judges to help the folks that are doing the hands-on trial academy. It is nice to have it this far away. We need to have a much bigger group than last time. It is Spring Break at the U. We plan to do it at the Law School at the U. Cameron Sabin wondered if it would help to hit up new admittees and Young Lawyers Division. We should start doing that now to publicize the event. We should get a flyer put together, and put a save the date note in the Zealous Advocate. Jon Hafen noted that we can get firms to sponsor and get some free registration for young lawyers. We plan to publicize the event as well at the Fall Forum. Jon Hafen said that maybe we can get a list of new admits and perhaps offer special pricing for new admittees. Michael Stahler noted that in 2013 — we sold out quickly. In 2015, in contrast, the Litigation Section was in the middle of financial issues with the Bar. Attendance was lower. With financial resources now, we should be able to set a good price point to break even or lose a little money.

#### Sponsorship Request:

Jenifer Tomchak presented a sponsorship request. The one we got from Kate Conyers yesterday. It is related to Trial Academy. The West High mock trial team needs \$6500 sponsorship. Jenifer Tomchak talked to Kate Conyers and she said if we give a sponsorship, they will act as witnesses at trial academies. There are 9 members of the team. All minorities and most from lower economic households. The team was invited to participate in a once a year, invite-only competition. They got an invitation to San Francisco. It is called “Battle by the Bay” and takes place October 5-9. They have no financial assistance from school. No academic credit. It is very exclusive invite only competition. UMBA gave them \$2000. Women Lawyers \$500. FBA \$750. We need witnesses for trial academy, it is a good opportunity to use sponsorship dollars, but to get witnesses to help our own trial academy as well. I think they are turning over every rock they can. They got a scholarship to attend.

Proposal: we fund \$1000 or \$3000 if they serve as witnesses. We could adjust the budget to accommodate.

This helps attract minorities to the profession and litigation. They are future litigators.

Motion by Jenifer Tomchak was made that we approve \$1000; and \$3000, if they act as witnesses for the trial academy. Cameron seconded. The motion passed.

Jon Hafen is supportive of getting the witnesses.

Question: what happens if they need \$6500, and they don't reach the number? If they don't go, we won't sponsor them.

Keith Call: maybe we could encourage them to come to a lunch.

Michael Stahler: maybe write something up for *Zealous Advocate*. Jenifer Tomchak: I will ask Kate Conyers for a commitment today.

Jon Hafen noted that it would be great if we could have a representative report at this meeting after the event.

Cameron Sabin noted that every year, the High Schools send a group. Maybe we organize an event from Litigation Section with High School kids in some capacity.

Jenifer Tomchak noted that she would e-mail Kate Conyers and see what other opportunities are available.

Judicial Reception: Judge Dawson is having car troubles. His car died as he pulled into the parking garage. Judge Dawson, James McConkie, Jim Magleby, Judge Stone, Judge Pohlman, Anthony Loubet, Dallas Young, Jenifer Tomchak, Matt Koyle and Commissioner Wilson are coordinating judicial receptions. For the Third District, we typically start the "Introduction to the Matheson Courthouse" with a donut reception. This year, we want to do a Breakfast Bar Review Event as the kick off instead of the donut reception. In years past, the donut reception was well attended by Judges, but not well attended by new admittees. We would like to combine the Third District reception to make it a breakfast bar review combined event and then do the Matheson Event after that. We are looking for another person to help. Judge Dawson had a great idea. We have not done a reception for the appellate courts — any interest? We have a former Chair and a Current Board member on the Court of Appeals. It is a great idea. Anyone interested in being a point person? Perhaps Judge Pohlman?

CLE Committee: Jon Hafen reported that Connie Howard is moving on. The Bar is in the process of hiring her replacement. Our section is the flagship section for all bar conventions.

The Utah State Bar CLE Committee: it is a bar committee. We have representation on the Committee. The commission asked that committee focus on conventions. We are waiting for new person to show up to see what will happen with it.

Other sponsorship request: Homeless Legal Clinic. Michael Stahler made motion to table the request for the next meeting.

YWCA: Jenifer Tomchak reported that the YWCA has an over the edge fundraising event — if you raise \$1000 — you rappel over the edge of the Maverick Base Camp. Not made a request for us. We could sponsor. We could say this is our person.

Do you want a plug in the Zealous Advocate? October 27 is the event. Jenifer Tomchak will be in Russia. If you are interested, speak up now. Last year, they raised \$90,000.

Motion made and the meeting was adjourned at 9:13 am.