

November 8, 2017 Litigation Section Meeting Minutes

Present: Heather Sneddon, Mike Stahler, Jenifer L. Tomchak, Erik A. Christiansen, Mike Harmond, Judge Dawson, Judge Stone, Keith Call, Sarah Hafen, Christian Hansen, Matt Orme, Cameron Sabin, Kim Neville, Dan Steele, Jeremy Adamson, Hon. Andrew Stone, James McConkie, Judge Pohlman, Jon Hafen, Melanie Vartabedian. Rod Andreason. Jess Kranich. Megan Garrett, James Magleby and Katy Strand.

Excused: Joe Amadon, Heather Thuet, Anthony Loubet and Doug Farr.

1. Welcome and Chairs Report: by Mike Stahler

Michael discussed adding a list of events for next month's Agenda

It was a good month.

We had a presentation at the U of U law school. We have some great photos for the Zealous Advocate.

We have some events coming up — the Moab and Fall Forum events.

a. Approval of Minutes:

Heather Sneddon moved to approve the minutes. Jenifer Tomchak seconded. The meeting minutes were approved.

b. Sponsorship Requests:

We have two outstanding sponsorship requests. The first one is not a full sponsorship request. One of our members — John Hurst — is involved in LALU. He was hoping for LGBTQ lawyers to present. They have an upcoming gala. LALU wants the Litigation section to co-sponsor the event. The total cost is \$2000 for a speaker -- Shannon Mintor for the LALU event. LALU also wants to let our members know about the event. They are requesting \$1000 to help defray the cost of the speaker. People who have spent time with Shannon Mintor speak highly of him. Other groups also are sponsoring -- LGBT and Allied Lawyer of Utah. They have an event in May called "Gaylaw". Shannon Mintor is the legal director for Lesbian rights and handles high profile cases. Mintor argued against Proposition 8 and is deeply involved in transgender issues. Jennifer Tomchak noted that the Section has \$7000 available in other sponsorships. We have \$8000 for new projects. Historically, we have asked for a discount rate for litigation section members in return for sponsorships. In return, we offer man power and financial resources. We have asked for board members to attend for free. They are interested in our mailing list, our money and assistance. Jennifer Tomchak has the gala before and it is great. This will have a CLE component. We want the following for a sponsorship: five people attend for free. Litigation section discount for members. The consensus was to further explore the request. Jennifer

Tomchak suggested that we should table the request for the next meeting. Mike Stahler agreed and wants to table for the next meeting until John Hurst can be here to present. We need to find out if they are receptive to our conditions. Heather Sneddon noted that it is not a big request, so maybe we should only ask for a discount. Kim Neville noted that this is a really well publicized event. It has a strong demographic. Heather Sneddon moved that we approve at \$1000 and request a discount for Litigation members who attend. Melanie Vartabedian seconded. The motion passed.

Next sponsorship item is the Homeless Shelter Law Program Youth Clinic done by Volunteers of America and the Utah Street Legal Clinic. They are asking for \$2500 or a lesser amount. There are volunteer opportunities for attorneys to provide pro bono opportunities as well. We have a large homeless problem. James McConkie Sr. is doing a refugee program. This seems to be another initiative that we could take up. There is a request for a monetary sponsorship, and for some help. It looks like some of the money will be used for staffing. We circulated their sponsorship request form in advance of the meeting. The request was very thorough. They sent us their budget as well. Jon Hafen noted that James Magleby supports the request and pledged a match of \$1000 to match whatever amount the Litigation Section provides. Other community donors include: Ballard Spahr is giving \$1000. Law offices of solo practitioners have stepped up. This is a good issue to help with. Keith Call said it is great. A valuable thing to do down the road in terms of pro bono as well. We might want to push out manpower help. It is great organization. We don't have resources to help now. Heather Sneddon suggested that maybe we give \$1500 and Jim Magleby will give \$1000. Judge Stone wondered if we should give the \$2500, rather than make up the difference with Jim Magleby. Last month, a judge from Logan and a judge from St. George noted to Judge Stone that there is a statewide problem. Judge Stone recommended approval of \$2500. It is one of the more pressing issues right now. Keith Call said if they want to put together a CLE, we should buy lunch and promote it. Jennifer Tomchak noted that we have \$7000 set aside in the budget. We have \$2400 left in sponsorship requests. We would have to revise the budget if we wanted to do the entire \$2500. We also have \$7000 in new projects budget. We could move that around. Keith Call noted that there is a broad policy issue. Administratively the public service committee has no idea how it is going to spend \$6000 this year. That is another source of funds. Heather Sneddon said that she thinks we have the money. She said that she knows we are careful, but the reality is that we have had a significant excess recently. Rod Andreason noted this has a wide ranging impact on a fundamental level. We should reallocate the budget and give them the full sponsorship. Dan Steele made a motion to approve. Jon Hafen seconded the motion for a \$2500 contribution. The motion passed. Jon Hafen said he would get in touch with Jim Magleby as well. Keith Call said if they want to do a CLE and have us pay for lunch, we will do that as well.

President Elect Report:

Heather Sneddon indicated that she will talk about Fall Forum.

Treasurer's Report: (Jenifer Tomchak)

Jenifer Tomchak noted that the Bar has not gotten us our financials for this month. We are going to have a conversation. Our MOU is that we are supposed to get financials one week before this meeting. The report listed on the Agenda is from last month. It has a comparison of 2016 v. 2017. What we actually have is about \$123,000, but we will need to review updated financials to know for sure. Two other things: we had an issue the last two months with reimbursement requests being not paid timely by the Bar. There has been some Bar staff turnover. The Bar only cuts checks on the 10th and 24th/25th. So, if you have a reimbursement request, Jenifer said she cannot guarantee that you will get it paid back by a certain time. We give requests to Lexi. It depends on when they cut checks. Please keep that timing in mind. If you need it paid more urgently, let Jenifer Tomchak know.

- a. Bar Review: Jennifer Tomchak noted that the Bar Review event would be next Thursday at Rose Wagner. The co-sponsor is YLD. They have Kid Curry Vodka sponsoring the event. They will have a VIP section. There is a performance after that you can get discount tickets to attend. Jennifer encouraged everyone to come to the Bar Review.
- b. Casino Night: Jenifer Tomchak noted that we are moving forward with the member social — Casino Night — in February or March. It will probably be at the Publik Coffee house. It will have a mardi gras theme. Heather Sneddon noted that Katy and Peter Strand are planning a member special event. At least a half day and they have set aside February 15 or 16th. The suggestion was that maybe the Casino Night should be in March instead of February because of this member special event.

Recently Completed Events:

James McConkie noted that we recently did an event with career services entitled “what does it mean to be a litigator.” We did a panel to meet litigators. We had 10 people on the panel. We had government attorneys. We had a cross-section of lawyers. Civil litigators. Juvenile Judge Susan Eisenman. We had a family law person. A big firm representative. An IP litigator. A construction and personal injury lawyer. An insurance defense lawyer. A great cross-section. The panel discussed their day-to-day life. Most of the panel stuck around and did a lot of one-on-one conversations after the event. There was a great turnout. The food went really fast. We will try to do the same thing next semester at BYU. Mike Harmond was fantastic at the U of U. Do we have a representative at BYU? Sarah Hafen said she would reach out and see if there is a student who wants to do it. We sent thank you notes out.

Dan Steel reported on the Golf CLE. St. George. We had 42 registered and 38 people showed up. Lynn Davies and Mike Mormon did a presentation on the art of mediation. They have funny video clips. Jess Krannich is coordinating another event with Davies and Mormon up in Salt Lake. Their presentation is great. Dan Steel said they did four golf tournaments, plus the FBA golf tournament as well, this year. It is more and more a St. George crowd for the St. George Golf CLE. The entire golf program probably involves a couple hundred people and is a great program.

Committee Reports:

Fall Forum: Heather Sneddon and Jon Hafén will be attending the event. Jon Hafén reported that the Litigation Section is doing a deposition boot camp. Jon also reported on the upcoming trial academy. He said he is lining up great faculty and a scenario around an MLM company. We have people coming from Denver. We have a jury consultant. She is a great consultant. It will be five strong CLE hours. The MLM fact pattern can we use it in March for the Trial Academy. The name is Forever Jung. It comes from Carl Jung's unconsciousness.

Spring Convention: Cameron Sabin reported that he had a meeting with the Committee organizing the Spring convention. We are trying to set up the presentations for the convention. The Committee asked the Litigation Section to assist. We often do one or two. They were hoping for one or two. What do we want to do? We also need to figure out what we want the presentation to be about? Mike Stahler said that in addition to the number, the concern we have is what slots we get and what days they are on. It is a Friday/Saturday event. We want slots on Friday. The Saturday morning slots — people disappear. That makes it harder to present. Keith Call suggested that we should do slots. Jon Hafén noted that we typically do two. We don't want to be on Saturday. Can we get back-to-back on Friday morning? We would be happy to do two. Both sessions on Friday. One in the morning. One in the afternoon.

Let Cameron Sabin know for any of us that are going to be down there. It makes a difference. Erik Christiansen volunteer to organize a panel to speak about recent developments in personal jurisdiction.

Zealous Advocate: Cameron Sabin thanked people for sending materials. If you have anything you want in the next issue, please forward it to Cameron. There is a little bit in October. If you have pictures you want posted, please let Cameron know. Mike Stahler noted that as publicity chair, Cameron needed to do something about the website. We need to meet with Lincoln Mead and Katie Cooper to discuss the website. The new rules of appellate procedure would be good on the website.

Annual Convention: Jenifer Tomchak noted that the next meeting of the Summer Convention Committee is next Monday. We will probably tie down most of the CLE presentations in the near future. We have had some great ideas for keynote speakers. If you have any ideas, provide them to Jenifer. The Annual Convention is July 25-29. This is the last one in Sun Valley for a while. We are trying really hard to get good

numbers at this one so we can get back to Sun Valley as soon as possible. It will be easier to convince the Bar. Bar President John Lund has promised that it will be bigger and better. It should be a great event.

Quarterly CLE planning: With respect to the 4th Quarter, Jess Kranich said that we are in process of nailing events down. We are going to do a Salt Lake version of the CLE done in St. George by Lynn Davies and Mike Mormon that was done in connection with the Golf CLE. The event got rave reviews. There were practical pointers on high stakes mediation. It is a 3-hour presentation. We may add another person to the panel. We are looking at December 12, 13 or 14th. We may add Jim Holbrook to the panel. The other Q4 event is a CLE on a wrongful conviction case. This was in the press in Chicago. The Chicago five were wrongfully convicted. Mr. Krannich's former firm led the team that got the convictions reversed. There was a get-away car stolen used in murder. Someone pulled it off and left thumb prints. That evidence was missed in trial. They got the convictions reversed. Jess's former partner is going to give a presentation at BYU. So, we should do a CLE, with the Rocky Mountain Innocence Center. Jess is working with Jensie Anderson on it. We may bump into Q1 a do it at the federal courthouse.

In Q1 of 2018, on January 8, Keith Call is coordinating a courthouse series, which will be done at the Bar with live streaming. We are coordinating with the Bar on that. It will be an immigration topic: the international immigration crisis and how it is impacting Utah. Ways to get involved on a pro bono basis. Keith Call indicated that James McConkie and Brad Parker will be the presenters. They are very compelling.

Jess Krannich is working on a February date for a AAA panel on landlord-tenant training for pro bono help. The give training in law firms. It is to help put pro bono lawyers down there one day a month. Many people at Rio Grande shelters have landlord-tenant issues, and wind up homeless.

Membership: Megan Garrett is working on membership. Flyers went out to new admittees. If you have a new attorney, encourage them to join.

Special Events: Nothing more to report. Mike Stahler said he is working on details on Heather. They are presenting the Litigator's Cup -- the Stanley Cup of the Section. Her name is on it forever.

Bench books: Sarah Hafen reported that we made some good progress this month in terms of updating. We have a form ready and a questionnaire ready. We are getting going on the third district.

Public Service: Keith Call reiterated that there is January 8 CLE. This week Melanie Vartabedian will be getting human trafficking training. This is a good cause as well. We will look to see if there are ways to support them. Joe Amadon looked into the expungement clinic at U of U. They have plenty of volunteers and the clinic is not full.

Health and Wellness: The running group has ended for the year. Yoga is still going.

Trial Academy: The trial academy will be March 21-23rd. Please set aside these dates. We do CLE presentations in morning. We do “hands on” in the afternoon. If we can have judges there to give feedback, that is great. If any of you are available, if you could possibly put on calendar, that would be great. We are going to be looking for sponsorships, witnesses, etc... It is a labor intensive event during the day. We do a judicial reception one night as well.

Judicial Reception: Judge Dawson reported that the committee is working hard. January 18 is Introduction to Matheson event. Judge Pohlman is working with appellate section for 2nd quarter.

We still want to do a third-district reception. Jennifer Tomchak reported that it will be part of the Introduction to Matheson event this year. We are combining the breakfast Bar review before the Introduction to the Matheson. The Breakfast Bar Review was in the Rotunda last year. Let’s keep the momentum from last year. A great way to kick off the Matheson event. It is great. Starting at 8 am on the 18th.

Mike Stahler reported that we have one other event being done by the Strands. Katy Strand reported that we are having an evening reception. Professor Rosenberg is going to speak on Litigating for Social Change. We are finding our presenters for the next day: litigating a case from trial to the Supreme Court. We also are working on nuts & bolts CLEs. We want one on the business of running a firm. We are doing publicity this week. We are finalizing where we are going to have it. It will be exciting and great.

Jon Hafen reported that Michele Oldroyd is the new Connie Howard. She is awesome. She is a lawyer. Jon Hafen was part of the interview process. She is looking to our section for leadership.

Adjourned.