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Colors of the Southwest Greet Phoenix Attendees

Rain Fails To Dampen Spring Meeting

Attendees at the Spring meeting of the College at the Marriott Desert Ridge Resort and Spa in Phoenix were treated to some unseasonably chilly and rainy weather which, however, did not significantly dampen the spirits of the Fellows and their guests.

The former Regents and state, province and general committee chairs were honored at a dinner on Wednesday night, thanking them for their service to the College. The over 900 arriving Fellows, inductees and their guests were greeted at a welcoming reception on Thursday night.

Against a colorful southwestern backdrop in the Grand Sonoran Ballroom, the opening session on Friday was preceded by a dramatic dance exhibition by local Native Americans in full tribal regalia, accompanied by traditional native musical instruments.

Arizona Governor Janet Napolitano, herself a lawyer and a former United States Attorney, welcomed the attendees to Phoenix. She ended her remarks with a plea that lawyers rethink the role of the judiciary and become advocates for its continued independence.

She was followed by Deputy Attorney General James B. Comey of the United States

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Fellows, Spouses and Guests Enjoy Traditional Singalong at Phoenix Meeting

In This Issue

A current calendar of College events is posted on the College Website at www.actl.com, as are a current compendium of the ongoing projects of the College's National Committees.

From The Editorial Board

In this issue, in addition to an in-depth report on the Spring Meeting and our usual features, we institute what we hope will become a regular part of the *Bulletin.* We are including two contributions, one from Pete Vaira of Philadelphia on a current matter of criminal procedure, the other by Alan Kohn of St. Louis about an article published in a national legal journal encouraging what he—and we—consider to be skating over the line that separates ethical professional conduct from unethical conduct.

We solicit similar articles from any of you who may feel inclined to submit them. If you contemplate submitting such a contribution, we suggest that you may wish to communicate with us in advance. In general, we prefer not to publish things that have been published elsewhere, and we remind you that the audience the *Bulletin* addresses is essentially confined to the Fellows of the College.

We continue to solicit—and we appreciate—your comments on how we can make the *Bulletin* better serve the College.

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Letter to the Editorial Board:

I read with interest the article on (new College President) David Scott, with whom I am pleased to say I am slightly acquainted.

Though your article referred to the litigation involving Conrad Black, it missed a related event demonstrating curriculum vitae material that must be unique to Mr. Scott. Later the same day (in November 1999) on which Mr. Scott argued a motion in that case, in which he had been retained to represent the Prime Minister, he also argued a motion in another case [Edwards v. Canada (Attorney General), 46 O.R. (3d) 447], in which he had been retained to represent the Chief Justice of Canada. Most litigators would consider representing either the leader of the country or its Chief Justice as the pinnacle of an exemplary career, but to do both on the same day must surely be unprecedented.

Frederick (Rick) B. Woyiwada, Senior Counsel, Civil Litigation Section Department of Justice, Ottawa, Ontario

President's Report: College's Role Important To Future of Judicial Process

Your President continues his forays into the States and Provinces. The experience is exceptionally rewarding. My travels provide me with a special opportunity to take the pulse, not only as to the College's well-being, but also of the administration of justice in terms of trial practice generally. In exchanges with Fellows across North America, particularly Judicial Fellows, the current conditions in the third, or judicial, branch of government are the subject of intense debate, much of it troubling.

As everyone engaged in the process has noted, in many jurisdictions there is an extraordinary reduction in the utilization of the civil trial as a method of resolving disputes. The reasons are many, varied and complex, as are the ramifications of this development. As Alexis de Tocqueville noted in the middle of the 19th century, in his extraordinary work *Democracy in America*, the development of the law in a democracy depends upon the submission of disputes to the courts, since it is in adversarial proceedings that the judicial branch of government interpretively speaks as to the scope and meaning of the law. As he wrote, "the second characteristic of judicial power is to pronounce upon individual cases not general principles . . . by its nature it is devoid of action; it must be put in motion in order to produce a result." Our system does not contemplate judicial pronouncements on the meaning of the law in the absence of such disputes. What, therefore, does the future of interpretive growth hold if disputes are settled otherwise than in the courts?

As a distinguished federal judge noted in a panel discussion during the Texas State meeting in April, the current climate has led, or appears to be leading, into separation of powers issues. Is the administration of justice by judges in our countries being marginalized? Are the legislatures demonstrating aggression in their attempts to control the judiciary? Are the cutbacks in budgets underpinning the administration of justice a reflection of legislative cynicism about the needs of the judicial branch and its fundamental importance in a free and democratic society? Obviously the Bar is implicated in this discussion, not only in terms of its obligation to defend and protect the system as contemplated in our democracies, but also in terms of our own independence.

David W. Scott

The causes for the quite startling alteration in the profile of judicial dockets are many and varied, including the high cost of litigation, the intensification of the use of summary judgments, economic risk and, perhaps most troubling, the mantra that mediation must settle everything and that the necessity for a civil trial is an expression of the failure of the system. Many judges despair that their dockets in the future will be characterized almost entirely by the sentencing of criminals in accordance with "strait-jacketed" guidelines together with a variety of forms of judicial review.

The role of the College in this respect has never been more important. Resort to the courts for the resolution of civil disputes must be accommodated in contemporary terms. To

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Opinion: Playing According To The Rules

Every week tens of thousands of trial lawyers trudge to court and try cases for their clients. They know the rules and they try in good faith to comply with them:

(1) in voir dire, just ask questions; do not try to obtain a commitment from the jury to reach a certain result if the facts turn out in a certain way;

(2) in opening statement, tell the jury what the evidence will be without argument, without histrionics and without commenting on matters not admissible in evidence;

(3) on direct examination, do not lead the witness;

(4) on cross-examination, lead the witness, if you wish, but do not argue with the witness; and

(5) in closing argument, argue your case forcefully for your client but stay within the evidence.

Repetitive or premeditated violations of these rules can result in a contempt citation or even a reprimand from the governing bar committee for violation of the Rules of Professional Conduct. Indeed, ABA Rule 3.4 provides: "A lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists"; and ABA Rule 8.4 goes on to say: "It is professional misconduct for a lawyer to: (a) violate . . . the Rules of Professional Conduct; [or] (d) engage in conduct that is prejudicial to the administration of justice".

These trial lawyers, whether they represent the plaintiff or the defendant, fully understand that their duty is to argue their case zealously on behalf of their client. They are aware of the excesses that have been spread across the front pages of the newspapers, noting examples of business leaders and, sometimes, professionals, who violate the trust owed to their shareholders, or to their clients. They are aware of their duty to avoid arrogance, to act ethically and professionally and not to be driven by feelings of greed. They know that lawyers and judges meet frequently for the purpose of upgrading the standards found in the Canons of Ethics and, indeed, of going even further by adopting Codes of Civility requiring courteous behavior among judges and lawyers. And the trial lawyers welcome these efforts and in good faith try to abide by the rules of ethical and civil behavior.

What a shock, then, it was to read in a national law publication an article in which two individuals, one of whom is a lawyer and the other a "trial consultant," advise the faithful that they have it all wrong. The illuminating title of the article, "Streetwise Litigation: 'Legitimate Tactics' for Operating Outside the Rules," was an accurate forecast of what was to come.

Yes, these self-appointed experts tell us, a good trial lawyer should not obey the rules; we should "bend the rules," "cross the line," use "guerilla tactics" and do "anything you can get away with" to win our cases. The authors lead off with what they believe is a salutary example of appropriate practice: a lawyer knows the rules for making an opening statement but he apparently deliberately violates them by "rais[ing] his hands in the air and shout[ing]" that the plaintiffs have not one employee from the thousands of defendant's employees to support their theory of recovery which "is fantasy. It's just fantasy."

Plaintiff's counsel's objection is sustained but, say the authors, the damage has been done. In post-trial interviews, it is

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According To The Rules

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discovered that this rule violation helped secure a victory for the defendant. This is a tactic, the authors say, which every good lawyer should emulate. The lawyer got away with it and won his case. He is to be congratulated, not reprimanded by the appropriate court or bar committee.

After this example, the authors proceed to give other examples of how to operate "outside" the rules. Then they go on to opine that plaintiffs' lawyers serve only one master, their client, while defendants' lawyers have a conflict of interest because they feel constrained to comply with the court's view of proper discovery, court decisions on the use of peremptory strikes, and the duty to avoid any "appearance of impropriety." Plaintiffs' lawyers concentrate on "winning" in the courtroom "jungle," while defendants' lawyers concentrate on "not losing" by protecting their record for the inevitable appeal.

What pure, unadulterated poppycock! I have tried cases for over forty-five years, representing both plaintiffs and defendants. Never did I believe that I should act differently depending on what side I was on. Defendants' lawyers, not just plaintiffs' lawyers, want to win the "hearts and souls" of the jurors, as the authors have put it. The many reputable lawyers from across the country that I have known over the years, and with whom I have tried cases, obey the rules. Whether they are engaged in the criminal practice or the civil practice, whether they represent plaintiffs or defendants or both, they represent their clients with competence, diligence and zeal, but also with the appropriate regard for the rules of conduct and civility. They do not "bend the rules," "cross the line" or do "anything [they] can get away with." Nor do they have a conflict of interest in doing so.

Furthermore, it is respectfully submitted that reprehensible conduct encouraged by the authors is counter-productive. Judges will not tolerate it and juries will not be fooled by it. In the long run, it is axiomatic that the facts and the law, not misbehavior by lawyers, win cases. It is the competent, able, ethical and civil lawyer who marshals the facts and the law and presents the evidence in a compelling and persuasive manner who will be successful. Persons who want to be trial lawyers must have faith in the system or they will not be able to continue for long. The experience of the vast majority of trial lawyers is that, indeed, the system works and that faith in that system is justified.

It is distressing that the kind of palaver found in this article can receive third-party credibility through publication in an influential and widely read national legal journal. Young lawyers and young would-be lawyers, and even clients, may read this odious material and believe it. Such an article is destructive of all the good and hard work performed by the bench and bar to uphold and improve the standards of professional conduct of practicing lawyers.

Freedom of speech and press is guaranteed by the Constitution and protects the right to publish even the most vile and reprehensible trash. But do reputable organizations have a duty to disseminate it? I do not think so.

Trial lawyers are honorable persons engaged in an honorable profession. They have faith in our system of justice and in the need to practice law with civility and in accordance with ethical rules. Fortunately, advocates of policies of debasement will fail. Their arguments will be rejected by the bench and bar, not only because the tactics they recommend do not work, but also because they are wrong. To paraphrase Justice Holmes, the hallmark of the life of a trial lawyer is not bending the rules; it is upholding cherished rules of professionalism and civility.

[Alan C. Kohn, FACTL, a civil trial lawyer, is a partner in the St. Louis, Missouri firm of Kohn, Shands, Elbert, Gianoulakis and Giljum, LLP.] ◆

Opinion: Videotaping Interrogations of Criminal Suspects

In April 2002, the Illinois governor's Commission on Capital Punishment published an extensive report on the investigation and trial of capital cases. Among its recommendations was a proposal that all interrogations of homicide suspects in custody or in a place of detention should be videotaped or audiotaped from their inception.

On July 17, 2003, the governor of Illinois signed a new law that requires police to record by videotape or audiotape all interrogations of anyone who is in custody in a police station or other place of detention. The legislation requires videotaping of an interrogation only when it occurs in a place of detention. If the procedure is not followed, the confession will be deemed inadmissible. The law also has a savings provision for admitting a statement if there are exceptional circumstances for not recording.

Although the legislation was initially opposed by law enforcement in Illinois, the police throughout the state generally have received it with favor. An informal survey by the co-chairman of the governor's Commission on Capital Punishment has revealed that many police departments across the country have adopted similar measures as a matter of internal practice. The Supreme Courts of Alaska and Minnesota, and the Federal District Court for South Dakota, by supervisory rule, require mandatory recordings of all custodial interrogations.

On February 10, 2004, the American Bar Association passed a resolution urging all law enforcement agencies to videotape entirely all custodial interrogations. In the United Kingdom, the Police and Criminal Evidence Act, 1984, requires police officers in England and Wales to audio record entirely interrogations in police stations of all suspects of indictable offenses.

On October 13, 2003, *The Legal Intelligencer*, the daily legal journal of Philadelphia, published an editorial urging that the Supreme Court of Pennsylvania adopt a similar supervisory rule.

Many police departments record a suspect's statement only after the individual has confessed and agreed to make a videotaped confession. This practice omits the most crucial period of the interrogation, which runs from the time the interrogation starts until the subject has agreed to confess. Starting to record at the end of that process, at the time of the confession, would not capture the period in which most of the common bases for challenging the legitimacy of the confession (allegations of threats, promises of leniency, or other unprofessional conduct) might arise. Recording the interrogation from the start would go a long way to reducing these issues at suppression hearings, at trial and in civil rights suits. Police often claim that state law requires that the suspect must also agree to the videotaping process. Handled improperly, this requirement opens the door to allegations of manipulation. Interrogators who do not want the confession taped can easily convince the suspect that it is not in his best interests to agree to a videotaped recording.

I do not mean to suggest that police interrogation is easy or that the accused's attorney is often simply looking for a technicality to avoid the consequences of a valid confession. I recognize that individuals who have committed a crime are often less than truthful when confronted by the police. I recognize that an interrogation is something more than asking a suspect his or her version of an event. Good interrogators have valuable

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Judge Decries Dying Jury System

"The American jury system is dying. It is dying faster in the Federal courts than in the State courts. It is dying faster on the civil side than on the criminal, but it is dying nonetheless."

These words of warning from Chief Judge William G. Young of the United States Court for the District of Massachusetts launched a discussion entitled "The Vanishing Trial" at the Spring meeting of the College in Phoenix.

The defining aspects of our American legal system, explained Judge Young, are, first, the American jury and, second, that we entrust constitutional litigation in the first instance to trial judges.

As to the first of these, he noted that although English speaking people throughout the world have an adversary system that is as skilled and sophisticated as our own, nevertheless, virtually all the civil jury trials and ninety percent of the criminal trials on the planet take place in the United States of America.

As to the second, he observed that most countries have constitutional courts, either their Supreme Court or a special constitutional court, and below that, nobody challenges the Constitution. "In America, constitutional challenges are as close as your nearest Federal District Court, and I submit to you it is because of that that here our Constitution lives as a vital expression of our rights and liberties. The two points are inextricably intertwined."

Referring to the disappearing jury trial, he asked, "How can this be? How can this happen when the Sixth and Seventh Amendments to the Bill of Rights guarantee in both civil and criminal cases a jury of one's peers?"

On the criminal side, he observed, the so-called sentencing guidelines are now eviscerating the Sixth Amendment right to trial by jury. It has long been the case that the charging decision has been left to the Executive branch, "but today it [Congress] has committed the sentencing decision to the Executive. . . . with predictable results. Today's statistics tell us that while a defendant who pleads guilty and cooperates gets one sentence, a defendant who exercises his Sixth Amendment right to a trial by jury of his peers gets a sentence five hundred percent longer."

On the civil side, he pointed to a runaway preemption doctrine. "That great sucking sound you hear in the legal profession is the sucking up of civil common law jury trials out of our States and into our federal system," where, he observed, access to jury trial, if it exists, is restricted by various barriers to access, all in the name of "reform."

William G. Young

Pointing to symptoms such as the required surrender of the right to jury trial in favor of arbitration as a condition of entering into many economic relationships and the talk of using military tribunals as a parallel track if the District Courts do not handle prosecutions of alleged terrorists in a manner that satisfies the Executive, he asserted, "This marginalization of the jury is the most profound change in our jurisprudence in the history of the Republic and it should be a central matter for public debate."

That it is not, he suggested, is a "because we have largely deconstructed the role of the trial judge in our society. . . . The judiciary is riven with competing visions of what it means to be a trial judge." As a symptom of this, he noted that in 1980 the average District Judge

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Notable Quotes from Phoenix Meeting

Governor Defends the Judiciary

State legislatures are interesting institutions. The one thing most of them share is a lack of understanding and respect for the judicial branch of the government. . . .

[A]s you know, as trial lawyers and distinguished trial lawyers, having a judge on the bench in whom you have confidence that there is no outside influence and that decisions will be made on an impartial basis, is very, very important to retaining the integrity of our legal system. . . .

[O]ne of the things I would urge all of us to do as practicing members of the Bar, prestigious members of your own communities, is to speak out for our judges, because they really can't speak out for themselves. . . . I find it particularly ironic that this debate [about "activist" judges] is emerging in the year of the 50th anniversary of *Brown vs. Board of Education,* really one of the hallmarks of justice in the past century. We all know its meaning and the impact it has had, and I think we all understand how difficult that opinion would have been, and the decisions underlying that opinion to get to the Supreme Court, without impartial judges. . . . We wouldn't have those hallmarks of justice if we didn't have the judges and justices to render them. . . . I would call on the lawyers of the country to rethink the role of the judiciary and for ourselves to become their best advocates.

Janet Napolitano, Governor of Arizona

Deputy Attorney General Calls for More Informed Debate on Patriot Act Renewal

I think the Patriot Act, in fact, this whole debate—or what passes for debate—has been about bumper stickers, in fairness, by both sides. I think the people who have criticized things like the Patriot Act have bumper-stickered it and shorthanded it, but I also think that people on the government side of that debate have done the same, by impugning the motives of people who—or appearing to impugn the motives of people who—question what the government is doing. . . . Electing people to public office is incredibly important. Debating the civil liberties in this country is at least as important. And folks need to demand the details. . . .

The confusion over the Patriot Act, I think, can be divided into two categories: stuff that's not new and stuff that's not in the Patriot Act. . . .

The people in this room are the leaders in this legal profession in North America. I hope that you will help drive that debate, that you will demand those details. Good folks are always going to disagree about policy issues, particularly when they touch on the enforcement powers of the government. I believe that disagreement is healthy.

I believe sunshine is the world's best disinfectant. I believe that it's my obligation as the Deputy Attorney General of the United States to tell you what we're doing. If I can't tell you what we're doing, and defend it, I shouldn't be doing it.

But both sides of this issue . . . could use a little attitude adjustment. Would-be critics need to take a breath and demand the details. Defenders of the government need to take a breath and give space to that debate — allow the American people — we now have a year before the Patriot Act has to be renewed — allow them to debate this in a calm and informed way.

Nobody's a "commie" because they question the power of the government. Everyone should question the power of the government — Republicans, Democrats, Libertarians. It doesn't matter where you are, you need to care about how we're using the tools we have. And as we have that discussion, I hope that all of our fellow citizens will leave their minds open to the possibility that we can

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Notable Quotes

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have our cake in this country and eat it too, that we can have security and we can have our cherished civil liberties.

James B. Comey, Deputy Attorney General, United States Department of Justice

Muhammad Prosecutor Reflects on Death Penalty

Paul B. Ebert

I don't take any pleasure at all in asking anybody to vote a death penalty. I don't like to ask for the death penalty. But I think there are certain cases where the death penalty is indicated, and I believe this — if there ever was a case, this was one of them. . . . It's the type of case that I hope this country never sees again. And it's certainly a type of case that I hope I'm never called on to prosecute again. . . .

Paul B. Ebert, FACTL, Manassas, VA, Prosecutor of John Allen Muhammad

Pros and Cons of Pete Rose Case

Now the case of Pete Rose, ladies and gentlemen, is made more agonizing when you contrast how the media and major league baseball treated him during the 24 years he was a baseball player and how they treated him at the end of his playing days, when he could no longer profit major league baseball.

Robert G. Stachler, FACTL, arguing that Pete Rose should be eligible for the Baseball Hall of Fame

Today is a time of escalating problems with player conduct in sports. Gambling fortunately is not one of them. Let's keep it that way. In the 1920s gambling threatened to undermine public faith in the game. The lifetime ban was an effective deterrent. In the past 80 years only Pete Rose has believed he was above this cardinal law. Let the baseball writers vote him in or out. If character and integrity are still issues, and they are specific criteria in Rule 5 of the Hall of Fame rules, here is one vote for "out."

Edgar A. Strause, FACTL, arguing that Pete Rose should not be eligible for the Hall of Fame

Communicating With GenX Jurors

One, you can no longer not involve your jury. You can't talk at them. They have to stay with you, be part of it. They are accustomed to controlling information. You've got to make them question right along with you. Make them question, and then give them an answer. Two, they demand and expect, because of television, up-close and personal, informal, real close, open, as open as you can be, so that they can recognize you and as real people. Three, unless you support yourself visually, people can't remember. . . . So from now on, you're going to have to have ways to speak visually and show things visually to make the jury visualize.

Sonja Hamlin, Sonja Hamlin Communications, on communicating with GenXers

Role of Technology Before the Jury

Technology doesn't replace your storytelling ability; it enhances it.

Joseph W. Anthony, FACTL

Assistant Attorney General Discusses DOJ Response to Twin Problems of Terrorism and Corporate Crime, Solicits Bar's Voice

Over the past two years, the Department of Justice has undergone what some people have called a paradigm shift in our mission and in our methods. It started, obviously, in the Fall of 2001, which marked a historic turning point for the country. . . . [T]he

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Ninety-Eight Fellows Inducted at Phoenix

Arizona: Paul J. Giancola, Phoenix, Michael J. Rusing, Tucson, Lonnie J. Williams, Jr., Phoenix **Arkansas**: Overton S. Anderson, Little Rock, Eugene D. Bramblett, Camden, William Mell Griffin III, Little Rock, Philip E. Kaplan, Little Rock, Kent J. Rubens, West Memphis, Richard N. Watts, Little Rock **Northern California**: Donald W. Carlson, San Francisco, James D. Emerson, Fresno **Southern California**: James R. Asperger, Mark E. Beck and Christine Byrd, Los Angeles, Charles R. Grebing, Robert L. Grimes, Daniel G. Lamborn, San Diego, Mark E. Minyard, Orange, David G. Moore, Riverside, Robert A. Morgenstern, Woodland Hills, Pierce O'Donnell, Brian O'Neill, Los Angeles, Mark P. Robinson, Jr., Newport Beach **Colorado**: Frederick J. Baumann, Hugh Q. Gottschalk, Dale R. Harris, Michael S. McCarthy, Denver **Connecticut:** John R. Gulash, Jr., Frank J. Silvestri, Jr., Bridgeport **Delaware**: Stephen P. Casarino, Bartholomew J. Dalton, Wilmington **Florida**: J. Michael Burman, West Palm Beach, Henry M. Coxe, III, Jacksonville, Wm. Andrew Haggard, Coral Gables, C. Rufus Pennington, III, Jacksonville, Barry Richard, Tallahassee, Council Wooten, Jr., Orlando **Indiana**: D. Bruce Kehoe, Indianapolis **Kentucky**: Douglass Farnsley, Susan Daunhauer Phillips, Louisville **Maryland**: Michael F. Flynn, Jr., Rockville, George F. Pappas, Baltimore, Paul M. Vettori, Towson **Massachusetts**: Robert S. Frank, Jr., Boston **Minnesota**: Kathleen Flynn Peterson, Minneapolis **Mississippi**: William M. Rainey, Gulfport **Missouri**: David W. Ansley, Kent O. Hyde, Springfield **New Hampshire**: Philip R. Waystack, Jr., Colebrook **New Jersey**: Frank D. Allen, Michael S. Berger, Haddonfield, James H. Keale, Newark **New Mexico**: Nancy Hollander, Albuquerque, Richard E. Olson, Roswell **North Carolina**: Isaac Noyes Northrup, Jr., Asheville **Ohio**: James H. Scheper, Cincinnati, Kathleen M. Trafford, Columbus, Robert C. Tucker, Cleveland **Pennsylvania**: Edward A. Gray, Richard P. McElroy, Carolyn P. Short, Bernard W. Smalley, Philadelphia **Rhode Island**: John A. Tarantino, Providence **South Carolina**: Michael D. Glenn, Anderson, Wallace K. Lightsey, Greenville **South Dakota**: Robert B. Anderson, Pierre, Gregory A. Eiesland, Rapid City, Mark V. Meierhenry, Michael J. Schaffer, Sioux Falls **Texas**: William C. Book, Houston, George E. Bowles, Dallas, Larry P. Boyd, Houston, Cynthia Day Grimes, Lamont A. Jefferson, San Antonio, Alan Levy, Fort Worth, Michael B. McKinney, Midland, Eduardo Roberto Rodriguez, Brownsville **Utah**: Dennis C. Ferguson, Lisa J. Remal, David G. Williams, Salt Lake City **Vermont**: James W. Spink, Burlington **Washington**: Steven F. Fitzer, Tacoma, Robert M. Sulkin, Seattle, Jackson H. Welch, Vancouver, Jay H. Zulauf, Seattle **Wisconsin**: Emile H. Banks, Jr., Milwaukee, Michael L. Eckert, Rhinelander, Mary Lee Ratzel, Milwaukee, John W. Vaudreuil, Madison **Atlantic Provinces**: Craig M. Garson, Q.C., Halifax, Ian Francis Kelly, Q.C., St. John's **British Columbia**: Kenneth N. Affleck, Q.C., Patrick G. Foy, Q. C., Vancouver **Manitoba/Saskatchewan**: Maurice O. Laprairie, Q.C., Regina **Ontario**: Peter Griffin, Toronto, George D. Hunter, Ottawa, Dean D. Paquette, Hamilton, Douglas C. Shaw, Thunder Bay

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Lamont A. Jefferson of San Antonio gave the response on the behalf of the new inductees. ◆

Inductee Response

[Lamont A. Jefferson of Haynes and Boone in San Antonio delivered the inductee response at the 2004 Spring Meeting in Phoenix. A 1981 graduate of Rice University in Houston, where he played football, Jefferson graduated from the University of Texas School of Law in 1984. He has held numerous professional and civic offices, including being treasurer of the San Antonio Bar Association and a trustee of the Texas Bar Foundation.]

The only way to achieve greatness in the courtroom is through blood, sweat and toil, Lamont A. Jefferson said in his response for new inductees at the 2004 Spring Meeting in Phoenix on March 5.

"Pedigree does not matter, the prestige of your law school does not matter, your class standing does not matter," he said. "There is no affirmative action in the courtroom. All that matters are the skills that you display in persuasively advocating for your clients—examining and cross-examining witnesses, and talking to judges and to juries. And while we all know of lawyers who have temporarily won fame by winning cases through deception and trickery, those lawyers can never cultivate anything but a fleeting respect."

Jefferson said he realized that any one of the new inductees that night could have delivered the response. "*All* inductees in our class have unique and provocative stories that any one of them could effectively deliver from this same spot—stories of perseverance, sacrifice, and achieving success against great odds," he said. "All also have at least one special person in their lives—a wife, a husband, a role model—to whom they owe a debt they can never repay. For me, that is my friend, confidant, and source and object of my passion, my wife of twenty-one years, Patti."

Jefferson told the audience that his great-great-great-grandfather had been a slave named Shedrick Willis, who was once owned by a white man named Nicolas Battle, a district court judge.

After being freed in the Civil War, Willis served two terms as a councilman on the Waco City Council, although he was only a blacksmith. In a twist of fate, his most ardent supporter in his quest to serve in public office was his former owner, Judge Nicolas Battle, who had returned to his former office after serving in the Confederate armed forces.

"There was no law that required Judge Battle to support his former slave in his effort to become a public servant," Jefferson said. "And there was no law requiring Shedrick to accept that support. The relationship of these two men, following the Civil War was entirely voluntary and deeply genuine. What do you think Shedrick's reaction would be to seeing one of his descendants *invited* to become a member in the most esteemed trial lawyer organization on the planet?"

Lamont A. Jefferson

Jefferson noted that 2004 marked the fiftieth anniversary of *Brown v. Board of Education*. "In many ways . . . the induction of African Americans into this College is the mirror image of *Brown,"* he said. "While *Brown* was about the legality of forced segregation, this induction is about voluntary inclusiveness. While *Brown* involved the role of government in race relations, this induction is completely race neutral. And what if there had not been a *Brown* decision, would I still be addressing you today? I like to think that I would."

There had been successes in his family prior to the Brown decision, he said. "Had there not been a *Brown v. Board of Education,* I might have attended Morehouse University and Howard

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Inductee Response

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University law school, instead of Rice and UT," he said. "But I would have been just as committed to The Rule of Law, to the interests of my clients, and to the adversary system as I am today. And because the College holds excellence far above any other characteristic of happenstance, I like to think that I would be addressing you this evening, even had there never been a *Brown* case."

He closed his remarks by saying he spoke on behalf of all the inductees: "We are deeply honored for this magnificent recognition and we look forward to a long and rewarding relationship with the College. We all appreciate that with this recognition comes great responsibility, but believe me we are up for the challenge. This for me is the summit of my career, and I suspect for the careers of all other inductees. But while it may be a high point, it is truly just another beginning." ◆

Notes From the Spring Meeting of the Board of Regents

Vice-Chairs Approved

On recommendation of President David W. Scott, the Executive Committee has approved the appointment of vice-chairs to state and province committees to assist in the leadership of those committees and to improve continuity from year to year in the College's local activities.

New Fellows Encouraged To Participate

The College has begun to send questionnaires asking each new inductee to identify a committee on which he or she would like to serve. State and province chairs have also been urged to invite new inductees to participate in College events and activities.

Adjunct State Committee Active

The Adjunct State Committee, which has been relatively inactive in recent years, has under consideration over twenty candidates for admission, most of whom practice in multiple jurisdictions or have moved their practice from place to place. Under the College bylaws, each such candidate must be included on the poll of nominees in the state or province where he or she principally practices.

Fees and Dues Reduced For Fellows In Public Service

In order to make Fellowship financially feasible for them, the Board of Regents has made downward adjustments in the induction fees, annual dues and registration fees Fellows and prospective Fellows in public service.

Website Upgrade in the Works

Plans are underway to significantly improve the College's website, including upgrading the software program so that registration for meetings can be done online.

Foundation Reports Grants

The Foundation of the College currently has $1.3 million in corpus, $135,000 in unpaid pledges. Through January 31, it had received $142,000 in contributions in the current fiscal year. It has approved grants of $10,000 each to the National College of District Attorneys and to the National College of Defense Counsel. These grants have historically been used principally to fund scholarships for counsel who would otherwise be unable to attend the training sessions conducted by these two organizations. The Foundation has also made a major contribution to the American Constitutional Center and has awarded a grant to the College's Complex Litigation Committee to help underwrite its effort to produce a Manual for Complex Litigation, which is nearing completion. ◆

In Memoriam—Alston Jennings

Alston Jennings, the 32nd President of the College, died on January 19, 2004.

Alston was born in West Helena, Arkansas on October 30, 1917. Graduating from Columbia University in 1938, he enrolled in Northwestern University and was graduated with a J.D. degree in 1941. He immediately joined the Navy, where he served from 1941 to 1945 as a naval aviator and a flight instructor.

In 1943, he married Dorothy Jones of Little Rock. He and Dorothy had three children—Alston, Jr., Eugene, and Ann Jennings Shackelford. After his stint in the Navy, he worked as a "T Man" special agent for the Internal Revenue Service and as Deputy Prosecuting Attorney for Pulaski County.

In 1949, he joined the Little Rock firm of Wright, Harrison, Lindsey and Upton and became a litigation lawyer which earned him the Arkansas Bar Association award of "Outstanding Lawyer" in 1972. Alston was a brilliant golfer, extraordinarily lucky gin rummy player, and a superb litigator.

As one of his adversaries put it, "Alston Jennings is one of the true master defense attorneys for the second half of the 20th century." Admirers said of him, "I think you will find general agreement that he is the best trial lawyer in Arkansas and on most people's list of the 10 top lawyers in America." U.S. District Judge James M. Moody called Alston his "mentor." "He was a trial lawyer of the first order . . . . He was remarkable in his ability to try a case . . . . He had that rare talent of being able to control a trial by his mere presence."

A consummate trial lawyer, Jennings once said: "I would rather be in the courtroom than anywhere else. I'll try whatever somebody wants me to try. I'm competitive, and I think I have a little bit of ham in me. If you don't want the judge and all the jurors and spectators watching you perform, then I think you have got a great handicap. I think all trial lawyers are frustrated actors."

Alston was also an inveterate swimmer, having been a member of the Columbia swimming team. He was All American swimmer, the highest honor a college swimmer could obtain. He swam every day until he was well into his eighties.

He was a partner and friend of President Clinton. In the well-connected world of Arkansas politics, Jennings had taken in an ex-governor Bill Clinton in 1980 after Clinton had lost his first bid for re-election as governor of Arkansas. "He didn't want to work for the same law firm as his wife, Hillary," Jennings explained. . . . Jennings later testified before the Senate in support of the President in connection with the Whitewater investigation.

Alston always described himself as lucky all his life, particularly in connection with his role as a litigator. He often said he would rather spend ten days in the courtroom rather than one day in the office.

He was elected to Fellowship in the College in 1959 and served as Regent, Treasurer, and President-Elect before his election to the Presidency in 1981.

He presided over the College with grace and tact. He was formidable in intellect and modest in speech. In all, he managed the affairs of the College superbly and enhanced its reputation in the legal community. ◆

In Memoriam

The College has been notified of the death of the following Fellows:

Eugene E. Andereck, Springfield, Missouri; Cleve Bachman, Beaumont, Texas; George O. Benton, Memphis, Tennessee; Warner M. Bouck, Albany, New York; William J. Brennan, III, Princeton, New Jersey; Milton W. Bush, Sr., Port Huron, Michigan; Arthur G. Connolly, Sr., Wilmington, Delaware; A. C. Epps, Richmond, Virginia, John Phelps Hammond, New Orleans, Louisiana; Maxey B. Harlin, Bowling Green, Kentucky; Robert L. Jones, Jr., Fort Smith, Arkansas; Thomas A. Keegan, Rockford, Illinois; Ralph G. Langley, San Antonio, Texas; Raymond C. Lewis, Jr., Columbia, Missouri; Joseph L. Lyle, Jr., Norfolk, Virginia, Douglas B. McDonald, Sacramento, California; Frank J. Martell, St. Leonard, Maryland; John R. Matthews, Jr., Montgomery, Alabama; Sidney S. McMath, Little Rock, Arkansas; Russell Moore, Albuquerque, New Mexico; George D. Reycraft, New York, New York; E. A. (Bud) Simpson, Jr., Atlanta, Georgia; Joe Stamper, Antlers, Oklahoma; former Regent Ralph M. Stockton, Jr., Winston-Salem, North Carolina; Jim Sullivan, San Diego, California; Christopher C. Walthour, Jr., Greensburg, Pennsylvania; Lee R. Wills, Colorado Springs, Colorado. ◆

College Publishes Codes For Distribution

The College has printed and made available under one cover its Codes of Trial Conduct and Pretrial Conduct applicable to practice in the United States.

The original Code of Trial Conduct, drafted in 1956 in response to a perceived need in the profession, was the College's first effort at reaching beyond its own membership to the trial bar as a whole. It was revised and updated in the early nineties. It has been frequently cited by courts on the issues it addresses.

Published by the Board of Regents in 2003, the Code of Pretrial Conduct was added to address problems that had arisen under the Federal Rules of Civil Procedure, particularly in the area of discovery.

The versions of these codes applicable to practice in the United States have been endorsed by Chief Justice William H. Rehnquist.

A version of the Code of Trial Conduct adapted to the Canadian practice, written in both French and English and endorsed by its then Chief Justice Antonio Lamer, was published in 1999.

The College has printed 9,000 copies of the combined United States Codes. Bound in a letter-size pamphlet, copies are available from the College office upon request to State and Province committees, to individual Fellows who wish to distribute them to groups to whom they speak, to lawyers in their own firms and to anyone who may wish to cite them to a court.

All three of these Codes are also posted on the College website, www.actl.com, from which they can be downloaded. ◆

Spring Meeting

(Continued from page 1)

Department of Justice, who called on the Fellows of the College, as leaders of the profession, to study and understand the contents of the Patriot Act and to help to channel the debate about it from emotional reaction to one based on fact.

Sonya Hamlin

Veteran Virginia Commonwealth Attorney Paul B. Ebert, FACTL, of Manassas, Virginia delivered a gripping account of the investigation and one of two ensuing trials arising out of the Muhammad/ Malvo sniper attacks that had terrorized the area around the nation's capital. Using exhibits from the trial of Muhammad, whom Ebert prosecuted on behalf of the State of Virginia, he led the audience through the nationwide pursuit of clues that had enabled law enforcement officers to unravel a saga of crime that stretched all the way from the West coast to the Washington, DC area.

Fellows Robert G. Stachler of Cincinnati, a former Regent, and Edgar A Strause of Columbus then engaged in a passionate, and frequently humorous debate, about whether Pete Rose, suspended from baseball in the wake of revelations about his chronic gambling, should be considered for the Baseball Hall of Fame.

Sonya Hamlin, a nationally-known communications consultant, delivered a spirited presentation on working to persuade juries in a world increasingly populated by GenXers, whose attention spans are conditioned by television and by instant personal access to information from the internet and by persons of mixed ethnicity who bring to the jury box different sets of cultural values.

The Friday program ended with practical demonstrations of the use of technology in the courtroom by Fellows David L. Grove, Joseph W. Anthony and Michael O. Warnecke.

Friday evening saw the assembled group clad in western attire, dining on western food and demonstrating a wide variety of levels of expertise in western dancing.

The Saturday program commenced with the awarding of the Samuel E, Gates Litigation Award to Professor Garry D. Watson. Q.C., who was described in the citation that accompanied the award as the father of trial advocacy training in Canada.

Christopher A. Wray, Assistant Attorney General in charge of the Criminal Division of the United States Department of Justice (and, coincidentally, a grandson of Samuel E. Gates), described the department's dual themes of "real-time" enforcement against both terrorists and perpetrators of corporate fraud and its attempts to enlist the private sector and the public generally in those efforts.

Peterson Zah

Peterson Zah, the first president of the Navajo Indian Nation and advisor on Indian affairs to the president of Arizona State University, who has devoted his life to the service of the Navajo people, spoke eloquently of the plight of his people and of efforts to bring them into the main stream of modern life.

Canadian Bar President F. William Johnson, Q.C., a former Rhodes Scholar and professor and a practicing trial lawyer in Regina, Saskatoon spoke next. He chose as the title for his remarks on the role of lawyers in a democracy in preserving the independence of the profession and the rule of law in trying times.

Chief Judge William G. Young of the United States Court for the District of Massachusetts delivered a stirring call to preserve the jury system as the centerpiece of our jurisprudence. [His remarks are noted elsewhere in this issue.] He was followed by a panel of speakers

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Spring Meeting

(Continued from page 16)

moderated by Past President Leon Silverman, who spoke on the decline of jury trials.

First, Regent Gregory P. Joseph, chair of a newly created task Force on the Declining Jury Trial, set the stage by giving a statistical analysis of the problem and suggested what might be some of the causes. Patricia Refo, Chair of the Litigation Section of the American Bar Association from Phoenix, reported on a recent vanishing trial conference sponsored by the ABA and outlined some of the consequences of the decline of such trials.

Former Chief Justice Thomas A. Zlaket, FACTL, of the Arizona Supreme Court, described some of the innovations that his state had adopted to make jury duty more inviting and to assist jurors in their work. Fellow J. Donald Cowan closed out the presentation by summarizing the results of the College's survey of innovative jury practices in various jurisdictions. [A report on that survey was recently published in *Judicature*, the magazine of the American Judicature Society.]

Inductees and their spouses and guests were entertained at a Saturday reception and lunch at which Past President Warren B. Lightfoot reflected on his experience in the College.

At the Annual Banquet, 98 new Fellows were inducted into the College's ranks. The response of their behalf was made by Lamont A. Jefferson of San Antonio. [His remarks are noted elsewhere in this issue.]

The next national meeting of the College is the 2004 Annual Meeting in St. Louis, Missouri October 21-24. ◆

Dying Jury System

(Continued from page 8)

was on the bench for 790 hours a year, while today that figure is 490 hours.

He decried observations from some of his fellows on the bench that the cost of trial outweighs the benefits, that trials have become a societal luxury and that the principal job of judges is now "managing litigation." This, he suggested, is hardly a shining vision, surely not one that our people would support and surely not a vision of courts to which we should entrust the first-line constitutional interpretation on which all our liberties rest.

He closed by making a suggestion to the College "that is tailored to your specific skills and status. I ask you to convene a symposium of forty or fifty District Judges, District Judges who are interested in trying cases, in restoring that to the centrality of what it means to be a judicial officer in the United States. . . ."

He suggested that the College seek the Federal Judicial Center's cooperation, but if that was not forthcoming, to convene the symposium anyway.

He continued, "There are judges more passionate than I and far more skilled than I, who see things clearer than I, and are bound up with this idea that we ought really be talking together about how to manage more trials."

After the best ideas for managing for trials have been pulled together, Young suggested that the College lobby, both nationally with the Federal Judicial Center and locally with District Courts, and through them to the various State courts, "to implement those management choices that fairly open up avenues to our people so they can come before a jury of their peers."

[The College has already created a special Task Force on Civil Trials to study and report on the phenomenon of the disappearing civil trial, its causes, and possible strategies to combat this trend. The Task force is chaired by Regent Gregory P. Joseph of New York. The College, through its Federal Criminal Procedure Committee, currently chaired by Robert W. Tarun of Chicago, and other appropriate committees has continued to study the Federal Sentencing Guidelines and to suggest problems with the guidelines that need to be addressed.] ◆

A Year In Review

In June I celebrate my first year with the American College of Trial Lawyers and what a year it has been. During this time I have had the opportunity to meet some incredibly talented individuals while renewing some acquaintances with Fellows that I had the opportunity to meet when I was first on staff in 1995. Through it all I am very grateful for the opportunity to serve as your Executive Director.

In this first year I have traveled to four regional meetings, attended the National Trial Competition in Austin, Texas, hosted one Annual Meeting in Montreal, one Spring Meeting in Phoenix and two General, State and Province Chairs Workshops. Most of this occurred in the first six months of being on staff. Throughout all of the visits and meetings I continue to be impressed by the dedication of Fellows and volunteers who contribute significant time and energy to the work of the College.

The College currently has 29 standing committees and five ad hoc committees working on the behalf of the College and its Fellows. For a more detailed listing of what these committees are doing you can go to the ACTL website and click on leadership to find more information. Tangible products that you have seen this year are: three issues of *The Bulletin*, summer, fall and winter; the *Report on Military Commissions for the Trial of Terrorists*; *Proposed Codification of Disclosure of Favorable Information Under Federal Rules of Criminal Procedure 11 & 16*. In addition, new items on the ACTL website under publications are; *Code of Pretrial and Trial Conduct*, *Trial Ethics Teaching Program* and the responses to the *Alternative Dispute Resolution Survey* that was conducted last year. Soon to be released is the *Code of Trial Conduct Teaching Manual.* The Trial Ethics Teaching Program and Code of Trial Conduct Teaching Manual are two publications that President Scott has encouraged the State and Province Chairs to use in conducting local projects with law schools and new associates in law firms.

With 61 State and Province Committees there are a number of local projects occurring throughout North America. Some of the most notable ones are local Access to Justice activities, trial advocacy training programs, public interest lawyers CLE sessions, mock trial competitions, state history projects and state social functions. If you are interested in the activities of your state or province, please check the ACTL website under leaderships then state and province committees.

Soon you will be receiving information on the College's 54th Annual Meeting which will be held this year in St. Louis, October 21 – 24. I hope you will consider attending, especially if you haven't attended a meeting since your induction. You can read more about the Annual Meeting in this copy of *The Bulletin*, but suffice it to say, it will be an exciting meeting filled with incredible speakers and a look back at some of the historic events that occurred in St. Louis.

In closing, I would just like to thank those who contributed to a successful year for the College. It goes without saying that the Board of Regents, Past Presidents, State, Province and General Chairs and volunteers have contributed significantly to this success. However, as to the day-to-day operations, I owe a significant debt of thanks to the ACTL staff; Kathy, Suzanne, Natalie, Leslie and Tammi, for without their hard work and dedication we would not have been able to accomplish all that we have.

With that, I look forward to seeing you all in St. Louis in October and best wishes for an enjoyable summer.

Dennis J. Maggi, CAE ◆

Use of Technology Permeates College Spring Meeting

The use of technology in the courtroom was the subject of several presentations at the Spring Meeting of the College in Phoenix, but its effective use was perhaps most graphically illustrated by an early speaker in describing a recent celebrated trial.

Sonja Hamlin, a nationally-known consultant on communication titled her remarks "What Makes Juries Listen Today."

In a panel presentation entitled "Lights, Camera, Action: Technology in the Courtroom" Fellows Joseph W. Anthony of Minneapolis and Michael O. Warnecke of Chicago demonstrated innovative uses of technology to communicate difficult concepts to a jury. The panel was sponsored by the College's Science and Technology in the Courts Committee, chaired by David L. Grove of Philadelphia, who introduced the presentation.

John Muhammad Trial

But it was Paul. B. Ebert, FACTL, the Commonwealth Attorney for Prince William County, Virginia and the prosecutor of sniper John Allen Muhammad, who set the stage for these later presentations. Using the exhibits he had utilized at Muhammad's trial, Ebert walked a fascinated audience through the development of the case against John Muhammad and Lee Boyd Malvo, who were convicted in separate trials of the string of murders that terrorized Northern Virginia and Maryland.

Faced with the need to prove multiple murders within a given time frame and killings in the context of terrorism in order to invoke the death penalty, Ebert's task was complicated by the difficulty of proving that both Muhammad and Malvo were perpetrators, when no one could testify directly that either had been the triggerman.

To establish the multiple murders, Ebert using the exhibits he had used at trial projected on a screen walked the audience through a description of each of the victims and the circumstances of their deaths. He then used photos of the stolen vehicle whose trunk had been modified to create a sniper's nest and the items found in the car at the time of defendants' arrest to tie Muhammad and Malvo to the vehicle and the murder weapons.

To establish that they were engaged in an act of terrorism, Ebert then switched to the notes left at the scenes of the shootings and transcripts of telephone conversations between Muhammad and Malvo and law enforcement officers, in which they attempted to extort money through the threat of more killings.

Through an expert, he established that a sniping operation requires two active participants, the sniper and an observer-spotter, illustrating with visual aids the role of each defendant and of each of the items found in their vehicle. Finally, he showed a videotaped reenactment, using police officers, of how the car had been used as a platform for the sniper.

Ebert ended his presentation with a chilling tape recording of the 911 call of the terrified husband of one of the victims, while displaying a GPS map used by the police to locate the crime scene.

The use of these graphic exhibits brought across the reality of the bizarre set of facts he was relating. As a later speaker described it, Ebert "gave a powerful demonstration of the use of technology to place a juror intimately in the center of [the] story . . ."

That they were so effectively used by one described by his introducer as a "Virginia country gentleman," one who has been Commonwealth Attorney for 35 years and who turns 67 this year, was not lost on the audience.

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Use of Technology

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What Makes Juries Listen

Sonya Hamlin began her presentation standing behind the podium looking out from between two microphones that formed an arch over her head. Laughingly admonishing the audience not to forget that image, she spent the rest of her time walking back and forth across the stage armed with a lavalier mike and a remote to control the slides with which she illustrated her points, infusing her presentation with her personal presence and energy, as well as with graphic images.

She forthrightly challenged the resistance of successful lawyers to change, pointing out that the world has changed. She focused on the changes that most affect lawyers: the emergence of the GenXers, the speed and ease with which they are accustomed to acquire information through the use of computers, the rise of communities with multiple cultural heritages and the shrinking attention spans and the dependence on visual reinforcement produced by television.

Noting that people listen to those to whom they relate, that the brain demands logic, order and chronology and that words must be supported visually, she demonstrated with visual exhibits that worked (and some illustrative ones that did not) how to build a simple, logical, step-by-step argument, laying it out with both words and visuals that moved quickly from point to point, involving the audience and holding its attention.

Practical Applications

In the panel presentation that followed, Joseph W. Anthony, FACTL of Minneapolis, demonstrated the effective use of a sequence from a videotaped deposition to communicate a witness' uncertainty and lack of conviction about what he was testifying to that a written transcript alone would never have gotten across.

He followed this with a number of illustrations of the use of graphic reconstructions or overlays that communicated a picture that words alone could not have gotten across to a jury, both to demonstrate how an event occurred and the impact of a particular injury.

Michael O. Warnecke, FACTL of Chicago, demonstrated through the use of computer-generated working models of the key components of a printing press how in a civil case, even though law enforcement officers had lost the documents that had been pirated, he had persuaded a jury that the press built with the help of defendant had utilized pirated drawings of plaintiff's press. ◆

College's Role Important

(Continued from page 4)

achieve this, the relationship between Bench and Bar for the protection and enhancement of our institutions must be strengthened. The causes of the current malaise must be identified and addressed in effective terms. This cannot be achieved by a beleaguered judiciary alone. As Alexander Hamilton wrote in the *Federalist Papers*, ". . . the judiciary is beyond comparison, the weakest of the three departments of power . . . it can never attack with success either of the other two . . . all possible care is requisite to enable it to defend itself against their attacks." The administration of justice is a partnership of the officers of the courts and the public. Fortunately, the College has Committees currently at work in all of these areas. I firmly believe that we can anticipate making the contribution that is expected of us by the judiciary and required of us as members of an independent Bar in a free society.

L'honneur que j'ai à vous servir à titre de Président demeure tout aussi grand.

By David W. Scott, Q.C. ◆

David J. Beck Nominated Treasurer

David J. Beck, a founding partner in the Houston law firm of Beck, Redden & Secrest, has been nominated Treasurer of the College. The election of new officers is scheduled for the Annual Meeting on October 21-24 in St. Louis.

A native of Pittsburgh, Beck moved to Port Arthur, Texas in high school. He became the first person in his family to attend college, and he received his law degree from the University of Texas Law School in 1965. "I don't know why, but I always wanted to be a trial lawyer," Beck said. Formerly a senior partner of Fulbright & Jaworski in Houston, Beck founded his own firm, Beck, Redden & Secrest, LLP in 1992.

He learned of the College through Leon Jaworski and Kraft Eidman, both former presidents of the College and his former partners. "I admired them and they kept telling me that if I worked hard and was lucky, someday I might have the opportunity to become a Fellow," he said. Beck was inducted into the College in 1983 and became a Regent in 2000. He currently serves as Secretary of the College.

A member and leader in several legal organizations, Beck served as president of the State Bar of Texas in 1995-96. He was named by the National Law Journal as one of the top 10 trial lawyers in the United States for 1998 and one of the top trial lawyers in the Southwest in 1999. Currently president of the University of Texas Law School Foundation Board of Trustees, Beck has published numerous law journal articles and appeared as a lecturer on many bar association and law school continuing legal education programs.

He was Chair of the Texas Young Lawyers Committee that instituted the National Trial Competition, of which the College is a cosponsor. Although Beck has been successful in numerous high-stakes cases, two stand out in his memory: the successful defense of American Airlines in an antitrust predatory pricing case in 1994 and the successful defense of an alleged breach of contract and fraud case against Exxon Corp. in 1997 by former limited partners in an oil exploration venture in Alaska.

David J. Beck

"The American Airlines case was really a bet-the-company case. They wanted billions," Beck said. "On the other side was a really good group of trial lawyers—David Boies of New York, Joe Jamail and Steve Susman, both from Houston. My co-counsel were Finis Cowan and Bob Cooper, both of whom are Fellows. We tried it for a month and the jury found no liability."

In the Exxon matter, "What made the case particularly challenging is we were trying it in Judge Russell Holland's court," Beck said. "He's the judge who tried the Exxon Valdez case. What made it even more interesting was [that] on the day before we picked a jury, the front page of the Anchorage newspaper carried an article that the Exxon Valdez, the tanker which by then had been renamed, had returned to Alaskan waters. There was a lot of adverse publicity, and to make matters worse, there were two former Alaska attorneys general on the other side."

On the personal side, Beck and his wife Judy have been married 39 years and have three adult children. Daughter Lauren is a lawyer and son David is a recent law school graduate. Daughter Allison opted for an MBA instead.

Beck is a marathon runner and a voracious reader who favors history and historical

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David J. Beck Nominated

(Continued from page 21)

novels, along with mysteries when he's on long plane rides.

When possible, the Becks retreat to their 500-acre longhorn cattle ranch which is about a three hour drive from Houston in the Texas Hill Country, not far from Lyndon Johnson's old spread. ◆

Nominee Statistics Are Revealing

One hundred fifty seven nominees for Fellowship were presented to the College's Board of Regents at the recent Spring meeting in Phoenix, the largest group to be presented in some years. One fourth of those were declined or continued for further investigation. The remaining three-fourths have been informed that they are being considered for membership and have been requested to submit a detailed Statement of Qualifications.

Under the College's bylaws, a prospective Fellow must meet the College's requirements for Fellowship at the time of induction. One purpose of the questionnaire is to establish that eligibility, including that he or she is presently engaged in full-time trial practice and is not the subject of disqualifying disciplinary action.

If that statement establishes the nominee's eligibility for Fellowship, the Fellows in his or her state or province will then be informed that the invitation to Fellowship has been issued. The prospective member must then attend one of the next three national meetings for induction in order to become a Fellow. Under the College bylaws, one does not become a Fellow until that induction has taken place.

The median nominee was born in 1950 and will thus be fifty-four years old this year and was licensed in 1976 and thus has twenty-eight years of practice.

Only fourteen nominees had practiced twenty years or less. Only thirty-seven were fifty years of age or less. On the other hand, only eighteen were over sixty years of age and only fifteen had practiced more than thirty five years. The nominees included twenty women and four identifiable minority lawyers.

Since the bylaws require that an inductee have been engaged in trial practice for at least fifteen years, years spent in judicial clerkships or public service not involving trial practice do not count towards this requirement. Nevertheless, it is apparent that state and province committees may not be identifying potential candidates as early in their careers as the bylaws allow.

Since the College's rigorous standards require extensive investigation by state and province committees, aided by information furnished by nominators of prospective Fellows and others who support the nomination, the process of establishing the qualifications of a prospective nominee inevitably takes time and results in delays.

Analysis of the ages and years of practice of nominees indicates that they tend to vary rather widely from one state or province to the next, depending on how diligently the local committees have sought and established the qualifications of potential members.

State and province committee chairs have been encouraged at the Chairs Workshops to begin the process early by actively maintaining a "watch list" of younger lawyers who appear to be developing careers that may sooner or later qualify them for Fellowship.

"New members," observes President David Scott, "are the lifeblood of the organization. Every Fellow should feel an obligation to identify and bring into our ranks those people whose presence would enhance the College, and whose absence from its ranks diminishes it." ◆

Awards, Honors, and Elections

Past President (1973-74) Robert L. Clare, Jr.'s widow, Peggy, has donated her late husband's collection of more than 5,000 cookbooks to the Hudson County Community College Culinary Arts Institute in Jersey City, New Jersey. "My husband's great interest in cookery was exceeded only by his prowess as an international trial lawyer of repute," Mrs. Clare said in her donation letter. The acceptance note said that the collection will add to the college's "importance in the culinary arts field, and will give much opportunity to our future students and alumni." Clare, who was a gourmet chef with a professional-style kitchen in his Annandale, New Jersey home, put together a collection of recipes from the Fellows. All proceeds from that publication, "No Fault Cooking," accrued to the ACTL Foundation.

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On April 2, 2004, the University of Texas Law School at Austin dedicated the **John L. Hill, Jr.** Trial Advocacy Center. Judge Hill is a senior partner in Locke Liddell & Sapp with offices in Houston, Dallas, and New Orleans. A former Texas Secretary of State, Texas Attorney General and Chief Justice of the Texas Supreme Court, Hill is an honor graduate of the law school.

Larry S. Stewart

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Larry S. Stewart of Stewart Tilghman Fox & Bianchi, Miami, Florida has received the ATLA-NJ Gold Medal for Distinguished Service for his role as the founding President and driving force behind Trial Lawyers Care, the largest private pro bono organization in history. It was formed immediately following the September 11, 2001 terrorist attacks to provide free legal care to the victims of those attacks. More than 1,100 volunteer lawyers from all 50 states, Canada, England, Australia and Mexico represented more than 1,700 victims or family members.

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Past President (1998-99) **E. Osborne Ayscue, Jr.** of Charlotte, North Carolina, was honored with the Mecklenburg Bar Foundation's first Professionalism Award on March 5. In the future, the award will be called the Ayscue Professionalism Award and will be presented each year to a present or former member of the Mecklenburg County Bar. Ayscue is of counsel in Helms Mulliss and Wicker, PLLC.

E. Osborne Ayscue, Jr.

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Neil K. Quinn of Pretzel & Stouffer, Chicago, has been honored as one of twelve Illinois lawyers designated as Laureates of the Academy of Illinois Lawyers, established in 1999 by the 35,000-member Illinois State Bar Association. To be eligible for the award, candidates must have practiced law primarily in Illinois for 25 years, must be a member of the Illinois State Bar Association and must

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Awards, Honors, Elections

(Continued from page 23)

have demonstrated a commitment to the highest principles of the legal profession and to serving the public.

Neil K. Quinn

◆ ◆ ◆

James P. Cooney III of Womble Carlyle Sandridge and Rice, Charlotte, North Carolina, has been named to receive the prestigious William L. Thorp Pro Bono Award from the North Carolina Bar Association for his work to free a man who spent years on death row, but was acquitted in a retrial.

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William J. Sheppard of Jacksonville, Florida, has been selected as the attorney recipient of The Florida Bar Foundation's 2004 Medal of Honor Award. The award honors a member of the Florida Bar who has demonstrated his or her dedication "to inculcate in its members the principles of duty and service to the public, to improve the administration of justice and to advance the science of jurisprudence." ◆

College Adopts Protocol For Joint Activities With Other Organizations

Noting that the mandate of the College may be enhanced by local projects done in collaboration with other like-minded organizations in which the College's role is publicly recognized, the Board of Regents has departed from the College's longstanding policy of not co-sponsoring local projects at the state and local level.

At its Spring Meeting, the Board adopted a protocol that will allow such activities with the prior approval of the Executive Committee. The protocol provides that approval for such a project will require the local College committee to identify the group with which the activity is proposed, including a description of its activities, its geographical reach, the nature of its membership and the publications, if any, it generates.

It goes on to require a simple description of the public communications that are expected to be generated in the execution of any project in which the College would be identified as a joint sponsor.

This change arose out of a recognition that Fellows of the College are frequently called on to participate in educational programs and other activities in part because they are Fellows, but that the College gets no credit for their contributions.

The requirement that the Executive Committee approve such activities in advance if the College's name is to be used insures that any such activity is consistent with the traditional mandate of the College and that the College's integrity is not adversely affected by any resulting publicity.

A copy of the protocol has been distributed to State and Province chairs to guide them in undertaking such activities. ◆

Videotaping Interrogations

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skills and techniques in getting to the truth, and skillful interrogations should be encouraged. I simply propose that the entire process be videotaped for the protection of all persons involved.

Old procedures and habits die slowly, and many members of police departments oppose videotaping the entire interrogation. However, numerous police departments across the country have adopted the procedure voluntarily. Videotaping the entire interrogation process is good law enforcement. In addition to protecting the police from allegations of abuse, it will record the suspect's false exculpatory statements, denials and deliberate misstatements of fact, which are admissible as proof of guilt, or for impeachment on cross examination, even if the suspect does not confess. Videotaping the entire interrogation will limit the opportunity for unprofessional conduct, help deflate bogus allegations of coerced confessions, bring more credibility to the justice system, and will most likely result in more guilty pleas.

This is an innovation that recommends itself to every jurisdiction that values the rights of both victims of crime and those accused of crime.

[Peter Vaira, FACTL, is a former United States Attorney and a former chair of the College's Criminal Procedure Committee. He is a partner in the Philadephia firm of Vaira and Riley.] ◆

Robert W. Tarun Named New Regent

Robert W. Tarun of Latham & Watkins in Chicago has been named a new Regent in the region of Illinois, Indiana and Wisconsin. He will be serving out the unexpired term of Patricia Bobb of Chicago. Bobb was elected a Regent in 2001 at the Annual Meeting in New Orleans, but a crush of her law practice has forced her to step down.

Tarun received his undergraduate degree from Stanford University in 1971, his law degree from DePaul University in 1974 and his MBA from the University of Chicago in 1982. In addition to the College, he is a member of several other legal organizations and is a founding member of the Wong Sun Society of San Francisco. A former federal prosecutor in Illinois for nine years and as the Executive Assistant U.S. Attorney from 1982 to 1985, Tarun is the author of numerous legal articles and has served as an adjunct professor at Northwestern School of Law.

Robert W. Tarun

Elected a Fellow in 1992, Tarun has served on the Criminal Procedure Committee and the Admission to Fellowship Committee. He is currently chair of the Federal Criminal Procedure Committee.

He was the principal draftsman of the recently published College monograph entitled *Proposed Cofidication of Disclosure of Favorable Information Under Federal Rules of Criminal Procedure 11 and 16.*

His hobbies include courthouse architecture, motorcycles (Harley Davidson) and writing the "Great American Screenplay." He and his wife Helen have four children.

New officers and Regents will be elected at the Annual Meeting on Oct. 21-24 in St. Louis. ◆

Bon Mots From Phoenix Meeting

We are very happy to see all of you here in Arizona. And I am authorized also to say that the sunshine is on its way, perhaps by this afternoon, and certainly by July. . . .

Now, even Governors are permitted certain eccentric traits. It is fairly well known that our Governor favors cold pizza for breakfast, and it's rumored that she turned down our invitation to have breakfast here because this megastar hotel could not guarantee cold pizza, even for the Governor.

Philip A. Robbins, FACTL Phoenix, AZ, introducing the Governor of Arizona on a cold, rainy Friday

Janet Napolitano

I think the definition of activist judge is one who renders an opinion with which you do not agree.

Janet Napolitano, Governor of Arizona

I have modest proposal for you, and I'd like to ask you to open your minds to it just maybe for this morning. And my modest proposal is this, that you consider for a moment that both sides are wrong and that there has not been a tradeoff of civil liberties for security in this country as a result of the things I mentioned and that there need not be to make the American people safe. That's not an easy task for me. It's not really a modest proposal, because it has become such a part of our culture that there has been this tradeoff, and you're sitting there thinking I'm out of my mind — that I didn't have cold pizza for breakfast, I must have had Jack Daniels for breakfast.

James B. Comey, Deputy Attorney General of the United States, addressing the controversy over post 9/11 legislation

I got a court order from a federal judge in Richmond authorizing the DEA to enter that apartment, seize the drugs, take the stereo, take the TV and break a window, make it look like a burglary, approved by the judge, and 60-day nondisclosure. You have to return all that stuff, pay to fix the window, after it's over. So the DEA went in, executed that search. What happened? Bad guys came to the apartment, . . . and they called the cops. A "black and white" from the Henrico County Virginia police department shows up, a cop working with the DEA, but in uniform, and said, "Yes, sir, who are you sir?" They say, "I am so-and-so." "And this is your apartment?" "Yes." "Can I see your license?" "Okay." "And who's this man with you?" "Oh, he's my buddy. We live here together." "Oh, you do. Okay." "And what's been taken, sir?" "Well, they took our stereo, they took our TV." "Anything else?" No mention of the drugs, nothing.

There is one little sidebar here: It appeared that the agents, in an effort—all agents are frustrated actors—they had taken three beers from the fridge and poured the contents down the drain, and left the beers around, and so the drug dealer says, "And they drank our damn beer."

James B. Comey

Sixty days later, after we had identified the organization, everybody was locked up, the delayed notification search warrant was posted, the TV was returned, the stereo returned, window paid for. Lives had been saved, drugs had been recovered.

James B. Comey, discussing law enforcement tools available before 9/11

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Bon Mots

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I . . . have been a prosecutor since . . . Moby Dick was a minnow.

Paul B. Ebert, FACTL, for thirty-five years Commonwealth Attorney in Prince William County, VA

I found a fellow over in England . . . And I talked to him. And I always, of course, talk. You listen to me talk, and it's just the opposite of somebody who speaks the King's English. And I always like the way those folks talk, anyhow. They sound authoritative whether they are or not.

Paul B. Ebert, FACTL, Manassas, VA, describing his search for an expert witness on snipers

I would say that if Pete Rose could change the weather we are having here right now in Phoenix, I would probably vote him in.

Edgar A. Strause, FACTL, debating the proposed eligibility of Pete Rose for the Baseball Hall of Fame

Ladies and Gentlemen, very quickly, we are going to ask you to raise your hand in an advisory opinion to the Commissioner of Baseball on whether or not the best interests of baseball are served by lifting the suspension of Pete Rose, making him eligible for a vote on whether or not he should be admitted [to the Hall of Fame]. Will those of you who would support that resolution raise your hand now, please? Thank you. Those against? Thank you.

Mr. President, in the best interest of the American College of Trial Lawyers, I suggest we report to the Commissioner that we had a draw.

Regent John J. Dalton, at the end of a debate on the subject of Pete Rose

I went to an ATLA meeting some years ago, which is of course the plaintiff's bar, and I looked at the program and I discovered that one of the speakers on the ATLA program to this group of plaintiff lawyers was going to be an assertiveness trainer. And I looked at my fellow plaintiff lawyers, and I said, "Just what we need is someone to talk to us about assertiveness."

Past President Michael E. Mone, Boston

We're going to talk about technology today. Technology is anything other than your voice that you can use in the courtroom that helps you tell a better story. Well, let me show you. This [holding up a wooden box, then placing it behind the podium and stepping onto it, so that he could see the audience] is technology. It will help me tell a better a story.

Joseph W. Anthony, FACTL

I'm not vertically challenged, so I'm going to move this thing away.

Michael O. Warneke, FACTL, the next speaker, removing the box

We have the best storytellers in the world gathered in this room, in this organization. And if you don't believe it, just ask your spouses . . . .

Joseph W. Anthony, FACTL

One announcement: the professional at the golf pro shop called me and said there was a golf cart missing. And last night, a Fellow of the College who shall be nameless, gave me this yellow sheet of paper which is taken from the window of the missing golf cart. The missing golf cart was found this morning buried in the sand at the seventeenth tee. The yellow card is not circumstantial evidence; it is direct evidence, of the buriers of the cart. . . . Would you report to the pro shop please and explain yourselves.

President David W. Scott, Q.C., opening the Saturday session

[T]he irrepressible Pat Peacock . . . came here first as Vice President of the Canadian Bar Association and liked it so much he came back next year as the President to speak to us again, and he asked me, "Hey this is a pretty good organization. How does one become a member?" To which I answered, "You begin by not asking that question."

Past President Ralph I. Lancaster

"I don't make jokes, I just watch the government and report back."

F. William Johnson, Q.C., Canadian Bar President, quoting humorist Will Rogers

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Bon Mots

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It is a particular pleasure to be able to introduce a Federal Judge before whom you have nothing pending, nor any likelihood that you will ever have anything pending. . . .

Judge Young also uses the bench as a teaching tool, particularly in his sentencing hearings. [H]is most recent high profile case . . . is a classic case of making the punishment fit the crime. Judge Young sentenced . . . [the defendant] to three life terms to be served consecutively, I suppose in the event . . . [defendant] believes in reincarnation. He then gave him three terms of twenty years and another of thirty years, all to be served consecutively after he finishes his life terms, with the admonition, "Just do the best you can."

Past President Lively M. Wilson, Louisville, KY, introducing Chief Judge William G Young, Boston, MA

There's a State judge in Texas . . . I misremember her name, who says, "You know, some of them [judges] drink white wine and hold conferences. I drink whiskey and try cases."

Chief Judge William G. Young

I always worry about relentless moves, I remember when the Dow was relentlessly moving to 30,000.

Regent Gregory P. Joseph ◆

Emil Gumpert Committee Changes Are Approved

In 1976 the College presented its first Emil Gumpert Award to Cornell Law School. In 2003, the award was given to Arizona Law School. In the course of nearly three decades the College recognized many law schools, both in the United States and Canada, for excellence in the teaching of trial advocacy. In 2003, the Board of Regents recognized that the original objective of the committee, to foster and encourage law schools to recognize that trial advocacy should be an important part of legal education, had largely been satisfied. The board therefore voted to eliminate the award as it had been given in the past and asked the members of the committee to recommend a new direction that would continue to honor the founder of the College in a meaningful way.

At the Spring 2003 Meeting, the board approved a new mission for the committee. Beginning at the Fall 2005 Annual Meeting, and on a biannual basis thereafter, the College will present an award of up to $50,000 to a public or private program whose principal purpose is to maintain and improve the administration of justice. In considering applicants for the award, the committee will consider whether the program serves an important public need, whether it adheres to high ethical principles, and whether receipt of the award will be meaningful in terms of helping the program to accomplish its goals. Special consideration will be given to startup efforts and to programs engaging in innovative methods of advancing the administration of justice.

The success of this new mission will depend greatly on the support given by the Fellows of the College. The committee has begun an intensive promotional effort within the College. Any Fellow may nominate a program for the award, or programs may apply directly. All details, including application and nomination forms, can be found in the awards section of the College's website, www.actl.com. ◆

Courageous Advocacy Award Winner Dies

Judge Robert J. Lewis, Jr., who received the College's Courageous Advocacy Award in 1991, died May 3 in Topeka, Kansas. He was 64.

A 1961 graduate of the University of Kansas, Lewis received his law degree with highest distinction from the university's law school in 1963. He then served two terms assistant attorney general before entering private practice with his father in Atwood, Kansas. He was appointed to the Court of Appeals in January 1989.

The College honored Lewis with the Courageous Advocacy Award for his personal and professional sacrifice in defense of a young hitchhiker charged with murder and tried in 1985.

During the course of his research, Lewis concluded that the hitchhiker had been forced at gunpoint to participate in a string of crimes with three others. After two trials, the young man was found not guilty.

Lewis was only the seventh person to receive the Courageous Advocacy Award, which was created in 1964. ◆

Canadian Law Professor Is Gates Award Winner

Professor Garry D. Watson, Q. C., of Osgoode Hall Law School in Toronto, Ontario was honored with the Samuel E. Gates Award at the Spring meeting in Phoenix for his work in creating the Canadian equivalent of the National Institute of Trial Advocacy.

As a result of his efforts, Watson has seen more than two thousand law students and lawyers go through the Canadian NITA process at Osgoode Hall.

A native of Australia, Watson received his LL.B. in from the University of Melborne in 1962 and his LL. M. from Yale Law School in 1966.

He is currently also a consultant to Blake, Cassels & Graydon in Toronto.

The Gates Award was created in 1980 in memory of Samuel E. Gates of New York City, who was President-Elect of the College but died shortly before he could be sworn in. Funded by Gates' old firm, Debevoise and Plimpton of New York City, it is given to recognize a lawyer who has made a significant contribution to the improvement of the litigation process. ◆

Garry D. Watson

Notable Quotes

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attacks of September 11 took over three thousand innocent lives and forever changed the way that Americans think about security and the way that our government must ensure it. What some people don't remember is that only one month later is when Enron began to implode, and by December, Enron had filed for bankruptcy, jarring worldwide confidence in our markets, causing financial ruin to scores of Americans and delivering a serious blow to the economy. Those two events starkly demonstrated to all Americans the grave threats that terrorism and corporate fraud pose to our lives, our livelihoods and our way of life. . . .

At the Department, we've been emphasizing two themes in our efforts: First, we're pursuing what we call "real-time" enforcement against terrorists *and* perpetrators of corporate fraud. In other words, we're trying to play strong offense, and not just defense.

Christopher A. Wray

Second, we're trying to look for ways to enlist the private sector and the public generally in our efforts. Despite, obviously, huge differences between our top two priorities of terrorism and corporate fraud, our approach to each represents something of a sea change from the past and shares those same two fundamental features. . . .

I want to conclude by asking for your help in continuing to meet those challenges. After all, there is a degree to which we all share the same mission, whether we're on the government's side or the private side of the table. Lawyers, in a variety of roles, have always played an influential part in shaping our society, in ensuring our security and preserving our liberties. And, in our adversarial system, justice depends on effective advocacy, which I've always understood each of you to be providing in your own communities, as sort of the cream of the crop, as the leaders of the bar. So, in that sense, your voices and what you say about our efforts carry special weight in the public discourse. And, through the College, you provide a forum and encourage the discourse that is essential to a free, just and democratic society. And those are the very things that all the men and women that I work with every day at the Justice Department and the FBI and all the other agencies of government are trying to work so hard to preserve.

Christopher A. Wray, Assistant Attorney General, Criminal Division, U.S. Department of Justice

Canadian Bar President Calls for "Eternal Vigilance" in Defense of Liberty

It is not surprising in light of these tragedies to hear calls for government to heed the words of former Secretary of State John Foster Dulles. "Of all the tasks of government," he argued, "the most basic is to protect its citizens from violence." And so, this is indeed a difficult time for defenders of liberty, and we advocates have been left with trying to deal with the legal and social turmoil that has resulted: liberty on the one hand, security on the other.

Now, when the immediate shock of these attacks has worn off, and when the initial raft of anti-terrorist legislature has been enacted, we may have the uneasy feeling that the balance is off, that our liberty is being eroded, more slowly than in the immediate aftermath of September 11th, but perhaps just as surely. That is the dilemma we are facing: How do we respond as lawyers, as citizens . . . how do we respond to these recent events and their legal aftermath? Where do we draw the line between security measures that are necessary and those that are excessive?

I say we return to the two important principles . . . the Rule of Law and the independence of the bar. . . . We wage these

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Notable Quotes

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battles to hold the government back from undermining our crucial role in our democracy. We wage these battles so we can stand between our clients and the State.

F. William Johnson

In conclusion, to my mind your Thomas Jefferson caught it simply in these words: "Eternal vigilance is the price of liberty." Christopher Wray has this morning made the same kind of reference to our need as citizens, not just as lawyers, but as citizens, for eternal vigilance. We must not underestimate the significance of the threats to our societies and the need for governments to react. Our countries face tough issues. Governments must respond and must respond strongly. Still, we must never forget as advocates the central role that we play in our societies. Our duty as legal professionals is to evaluate the proposed measures fairly and with a long-term public interest in view, not defensively in what others may perceive to be our narrow self-interest. We of the profession must exercise collective vigilance, particularly when the liberties that form the essential foundations of our freedom are threatened. If we do not speak out for freedom, justice and the rule of law, if we do not guard our own independence, what will become of the rights and liberties that we all cherish?.

F. William Johnson, Q.C., President, Canadian Bar Association ◆

Fellows to Gather This Fall in St. Louis

"Meet Me in St. Louis" is the theme of the College's Annual Meeting on October 21-24.

Attendees will be witnessing part of the celebration of the 200th anniversary of the Lewis and Clark Expedition, the 100th anniversary of the St. Louis World's Fair and the 100th anniversary of the first Olympics held on American soil with St. Louis as the host city. It also marks the 100th anniversary of the Louisiana Purchase Exposition, which had been held in St. Louis to mark the centennial of the actual transfer of the territory from France in 1804.

President-Elect Jimmy Morris of Richmond, Virginia has arranged a stellar lineup of speakers, including a best-selling author of legal fiction whose name will be revealed later.

U.S. Supreme Court Associate Justice Sandra Day O'Connor is the legal headliner, giving the last of the Lewis F. Powell, Jr. Lecture series. Other speakers will include Robert R. Archibald, president of the Missouri Historical Society, who will speak on the Lewis and Clark Expedition; Dr. Joel Seligman, dean of the Washington University School of Law in St. Louis; the Honorable Donald W. Lemons, Justice of the Supreme Court of Virginia and a Marshall scholar; the St. Louis Mayor Francis Slay; and Robert J. Grey, Jr., the incoming president of the ABA.

The Courageous Advocacy Award will be presented to Bryan Stevenson, founder and executive director of the Equal Justice Initiative of Alabama. ◆

The Bulletin

of the
American College of Trial Lawyers
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Statement of Purpose

The American College of Trial Lawyers, founded in 1950, is composed of the best of the trial bar from the United States and Canada. Fellowship in the College is extended by invitation only, after careful investigation, to those experienced trial lawyers who have mastered the art of advocacy and those whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility and collegiality. Lawyers must have a minimum of 15 years' experience before they can be considered for Fellowship. Membership in the College cannot exceed 1% of the total lawyer population of any state or province. Fellows are carefully selected from among those who represent plaintiffs and those who represent defendants in civil cases; those who prosecute and those who defend persons accused of crime. The College is thus able to speak with a balanced voice on important issues affecting the administration of justice. The College strives to improve and elevate the standards of trial practice, the administration of justice and the ethics of the trial profession.

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"In this select circle, we find pleasure and charm in the illustrious company of our contemporaries and take the keenest delight in exalting our friendships."

—Hon. Emil Gumpert,
Chancellor-Founder, ACTL