

American College of Trial Lawyers

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1986

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College Honors Canadian Chief Justice

The following is the address delivered by THE RIGHT HON-
OURABLE CHIEF JUSTICE R.G. BRIAN DICKSON, P.C.,
to the Fellows and guests at the 1986 Annual Banquet in
the Grand Ballroom of the Waldorf=Astoria, New York,
New York, on the occasion of his induction as an Honorary
Fellow of the American College of Trial Lawyers.

Judge Bell, President Chappell, distinguished members of the College,
other eminent guests. Since our arrival in New York, Barbara and I have been
treated to three wonderful days of activities and to a truly memorable dinner
this evening. It is perhaps not quite as memorable as a dinner which took place
in London about 20 years ago. The star at that dinner was George Brown, a
member of the Cabinet of Harold Wilson. He was a brilliant man but inclined
to drink too much. He attended a dinner at the Hungarian Embassy in London
and, as usual, over-imbibed. At the end of the dinner everyone retired to the
ballroom. He went up to one of the guests and said: "My lovely lady in red will
you do me the honour of dancing this waltz?" to which came the reply "No,
first of all you are drunk, second it is not a waltz, it is the Hungarian National
Anthem, and third, I am not your lovely lady in red, I am the Papal Nuncio,
Archbishop Mancini".

I want to begin by thanking the College most sincerely for the great honour
it has bestowed upon me this evening. Many of the leading figures of the Cana-
dian Bar are members of the American College of Trial Lawyers. It is a great
personal honour for me to be associated with them and with all of the American
members of the College.

The honour which you have granted me is made even more memorable by
the fact that my judicial colleague and good friend, Chief Justice Burger, has
come to New York to present it to me. Chief Justice Burger has had a great
career as Chief Justice of the United States Supreme Court. I can well remem-
ber the announcement of his appointment to that great office in 1969. Barbara
and I were attending an Appellate Judges' Seminar at New York University.
During our stay there, Neil Armstrong became the first man to set foot on the
moon, and Warren Burger became Chief Justice of the United States. They
were exciting days to be in the United States. One of the striking features
about Chief Justice Burger is that, while admirably filling his judicial duties, he
has nevertheless managed to maintain a profound interest in the legal profes-
sion and in legal process. There is perhaps no other Chief Justice in American

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American College of Trial Lawyers

BULLETIN

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1895 - 1982

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history who has taken such a deep and personal interest in so many aspects of the legal profession and process. He has worked extensively and creatively to improve court administration throughout the United States; he has constantly called on the profession to deal effectively with the practical side of people's problems, and to do so in a timely and cost-conscious fashion, he has taken a substantial interest in advocacy and in ethics and in the improvement of both; and he has been a creative and powerful advocate of prison reform.

I might also mention that my colleagues on the Supreme Court of Canada are especially fond of Chief Justice Burger because, last September, he became the first chief justice of the United States Supreme Court to pay a visit to our Court. On that occasion we honoured Chief Justice Burger by inviting him to join us on our bench for the delivery of judgments. I have been reading his judgments on the United States Supreme Court since his return to Washington and am happy to report that he does not appear to have overruled any of the Canadian judgments he assisted in delivering in Ottawa on that memorable day!

As a result of Chief Justice Burger's visit and the earlier efforts of the College, I am hopeful that by the latter part of 1987 there will be inaugurated an American/Canadian legal exchange along the lines of the American/British exchange which has been attended with such success over the years.

Stories about judges and lawyers are plentiful. A typical one involved a lawyer who was applying for insurance. Among the many questions on the application was the one that asked, "Is your father still alive? If deceased, please state the cause of death." Unwilling to reveal that his dad had been hanged for cattle-stealing, he answered, "deceased. He died while taking part in a public ceremony when the platform gave way." There is another version of this story. It involved a biographer who was writing a history of the family. He asked about Uncle Willie, who was the black sheep of the family and had gone to the chair for murder. The resourceful biographer was an ex-lawyer. He said, "I'll handle it. I'll just say that Willie occupied a chair of applied electronics at one of our leading governmental institutions. He was attached to his position by the strongest ties. His death came as a true shock."

Many of the stories about lawyers involve their conduct in the courtroom. Two stories indicate that the lawyer does not always come out on top. In the first, the lawyer was arguing a case involving the interpretation of a statute that had been amended many times. The lawyer began at the beginning, tediously detailing the steps leading to each amendment. When about halfway through he looked up from his notes and asked, "Does Your Honour follow me?" "Yes, I follow you," said the weary judge, "But if I knew my way back I would not proceed another step." The second involved the lawyer who had tried several times to make a point and been overruled and thought he would give it one more whirl. Noting the pained expression on the judge's face, he began, "I don't want to butt my head against a stone wall, but —" "But," said the judge, interrupting, "I don't know of anyone who could do it with less risk of personal injury."

But enough of this banter. I do want to say a few serious words this evening. Those words are simply that, although I have been a judge for many years, I maintain a deep and even profound respect for the practicing Bar. At the heart of the legal system, especially the trial process, lies the practicing Bar. The role of the trial lawyer, whether it be a presentation of the government's case or the vigorous defense of a client in a criminal or civil trial, is essential to western legal systems.

The institutional bulwark for this important role is, of course, independence. There is in Canada a good deal of talk and some litigation about judicial independence, both the personal independence of individual judges and the institutional independence (especially the administrative independence) of the courts. Independence is, however, a central characteristic of the Bar as well. It is, moreover, a characteristic which must be maintained with vigilance and passion. We

must ever assert the dignity, independence, and integrity of the Bar, without which impartial justice, the most valuable part of the constitution, can have no existence.

I want to mention one other matter. It is the enactment four years ago of the *Canadian Charter of Rights and Freedoms* which, among other things, will almost certainly contribute to closer relations between Canadian lawyers and judges and their American counterparts. The jurisprudence which has developed under the *Bill of Rights* in the United States Constitution is also certain to be of assistance. There are a number of similarities and differences between the *Charter* and the American *Bill of Rights*. The paramount similarity is that both documents protect those rights and freedoms considered fundamental in a free and democratic society. Protection of the individual from arbitrary treatment in the criminal process, freedom of expression and religion, and protection against unreasonable search and seizure, are just a few of the guarantees afforded by both documents.

There are, however, considerable differences between your *Bill of Rights* and our *Charter*. Most striking is the inclusion in the *Charter* of certain rights which do not exist in the American *Bill of Rights*, and the exclusion of some that do. For example, the second Amendment right to bear arms and the fifth and fourteenth Amendment guarantees of property rights are absent from the *Charter*.

Included in the *Charter* without any parallel in the American *Bill of Rights* are provisions relating to mobility rights, language rights and minority education rights, the rights of aboriginal people, equality of the sexes, and a general recognition of Canada's multicultural heritage. These provisions manifest a distinctively Canadian social experience, one marked by a recognition of cultural identity, as well as an awareness of the importance of equality in a multicultural confederation.

"... THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS... WILL CONTRIBUTE TO CLOSER RELATIONS BETWEEN CANADIAN LAWYERS AND JUDGES AND THEIR AMERICAN COUNTERPARTS."

Differences between the *Canadian Charter of Rights and Freedoms* and the American *Bill of Rights* are not confined to the relative inclusion and exclusion of particular rights and freedoms. There are also, of course, differences in the wording of provisions that deal with the same general subject matter. Our *Charter* refers to "freedom of religion", for example; while the American *Bill of Rights* prohibits Congress from making laws "respecting an establishment of religion, or prohibiting the free exercise

thereof".

In addition, there are in the Canadian *Charter* three provisions of general application which have no parallel in the American *Bill of Rights*. There is a specific provision dealing with the exclusion of evidence in the event of constitutional violations, where . . . a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by the *Charter*, the evidence must be excluded but only if it is established that having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.

There is also a section which makes the *Charter* rights and freedoms subject to "such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society". *Charter* rights are therefore not absolute. Finally, many of the rights and freedoms are subject to a legislative override or opting out provision.

"AMERICAN JURISPRUDENCE WILL UNDOUBTEDLY BE HELPFUL IN INTERPRETING THE SCOPE OF THE CANADIAN CHARTER."

Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature that the Act shall operate notwithstanding the *Charter*. The effect is to permit government to limit *Charter* protected rights provided, in the first place, the legislature can be persuaded expressly to do so, or in the second place that the Courts can be persuaded that the limit is reasonable and demonstrably justified in a free and democratic society.

In spite of differences between the *Bill of Rights* and the *Charter*, American jurisprudence will undoubtedly be helpful in interpreting the scope of the Canadian *Charter*. I believe it will almost always be useful to review American decisions on a *Charter* point. At the very least, they provide food for thought, a place to begin forming ideas. We may not always agree with the approach taken by the American courts or feel that their conclusions are applicable in the different social and historical context of Canada. Nonetheless, there is, for us, much to be learned from the jurisprudence and the academic writing that has developed under the American *Bill of Rights* over the past 200 years.

May I, Mr. President, on behalf of all of your guests, thank you for this magnificent evening. You have indicated that a number of your guests are from France and others from Mexico. Perhaps you will permit me to say a few words in French and in Spanish on their behalf.

Avant de conclure si vous me permettez je voudrais dire quelques mots dans l'autre langue de mon pays. Je vous remercie, Monsieur le president, infiniment de votre accueil si chaleureux, de votre hospitalite et de votre gentillesse. Formidable!

Con permiso, quisiera decir algunas palabras, dos o tres, en español. Gracias, muchimas gracias. Estamos muy contentos estar aqui esta noche con ustedes, los miembros del collegio del abogados los mas importantes de los Estados Unidos.

I conclude where I began. I thank you all for the hospitality you have extended to Barbara and me during these three days in New York. In particular, I thank Ann and Harvey Chappell for their many kindnesses to us and for their friendship. I thank Judge Bell and our hosts and

hostesses of last evening and the evening before for their great and gracious hospitality and again I say thanks for the honour bestowed upon me this evening. Membership in the American College of Trial Lawyers is something that I will cherish all of my life. ■

(Chief Justice Dickson was called to the Bar of Manitoba in 1940 where he practiced until his appointment to the Court of Queen's Bench, Manitoba in 1963. In 1967 Chief Justice Dickson was appointed to the Court of Appeal upon which he served until his elevation to the Supreme Court of Canada in 1973. He has served as Chief Justice of Canada since 1984, and was inducted as an Honorary Fellow in the College by Chief Justice Warren E. Burger at the 1986 Annual Banquet in New York.)

American College of Trial Lawyers

Spring Meeting

***March 8-11, 1987
Boca Raton Hotel & Club
Boca Raton, Florida***

***Meeting registration and hotel reservation
forms will be mailed to all Fellows in December***

Annual Report of the Immediate Past President



Griffin
Bell

My term of office began a month earlier than usual because of the Annual Meeting in London in 1985 taking place in July rather than in August as was the case in 1986. I am glad to report that very little damage was done to the College by one President serving a thirteen-month term.

The scene moved quickly from Britain to the USA and the press of fall activities of the College. The dormant period of the fall, as was the case a few years ago, has now turned into a rush of events for your Officers. This to some extent is the result of the workshops given for state and province chairmen, a very worthwhile development of recent years. Finding three such meetings to create a burdensome schedule for the Officers, it was decided for 1986 to reduce the number to two, and that was the case this fall. The first was held at The Greenbrier in West Virginia and the second at Silverado Country Club in California.

This will make room for the very important Williamsburg Conference of the Officers, Regents and Past Presidents in November. A first of its kind, this meeting will consist of a wide-ranging study of the College, its past, present and future, and particularly its role in enhancing the administration of justice through the trial and appellate practice and in ethics and professionalism.

The 1985 fall workshops were at The Greenbrier, Laguna Niguel, and Sea Island. In addition, we had the usual meeting of the Regents and

Past Presidents in March, 1986 at Laguna Niguel and the Annual Meeting in San Diego in early April.

The Board meeting resulted in 207 new members being selected for invitation to fellowship. There were reports from many of the College committees and a good deal of discussion concerning the great public concern over the tort system and tort reform generally. It was decided that a Task Force on Litigation Issues should be constituted and that was done with Harvey Chappell serving as Chairman and the following as members: R. Byron Attridge, David E. Beckwith, Thomas E. Deacy, Jr., Wayne Fisher, Erwin N. Griswold, David R. Gross, John M. Harrington, Jr., Wm. Bruce Hoff, Jr., Ronald L. Olson, Charles C. Parlin, Jr., Charles B. Renfrew and Julian O. von Kalinowski.

The Task Force reported to the Board of Regents at the 1986 meeting in New York with recommendations for the short term. The Task Force was kept in place for long term considerations and will continue to be staffed by Professor Stephen A. Saltzburg of the University of Virginia School of Law, assisted by Professor Charles J. Goetz, an economist, also of the University of Virginia. This Task Force is made up of members from the College committees more closely associated with the tort reform issues: Alternative Dispute Resolution, Complex Litigation and Special Problems in the Administration of Justice.

Near the end of the 1985-86 year, a new committee on the Federal Rules of Evidence was appointed to work with Judge Edward T. Gignoux and the Standing Committee on Federal Rules as suggested changes evolve in the rules of evidence. This Committee is chaired by John T. Marshall and the following are members: Thomas D. Allen, John S. Battle, Jr., David J. Beck, Michael A. Cooper, Jack Francis Dunbar, Francis H. Fox, Arthur L. Liman, John S. Martel, William G. Paul and Harvey M.

Silets.

The San Diego meeting was a huge success from a program standpoint, although we were disappointed we could not accommodate a larger attendance. The problem was that not all who wished to attend could do so, given the size of the hotel and meeting rooms. The College is growing; its meetings are different in that the programs continue to be excellent, but the advent of Continuing Legal Education requirements and the CLE programs offered as a part of the meetings add much to the popularity of the meetings. Your Officers and Board are taking care to find adequate meeting places in the future.

We were favored at the San Diego meeting with marvelous addresses by Sir Tasker Watkins, V.C., an Honorary Fellow, on human rights in Britain; by Norman Augustine, President of Martin Marietta Corporation, on Star Wars; and by Lawrence Eagleburger, President of Kissinger Associates, on foreign policy. We were also favored by a most stimulating address by Robert Wells, President of the Canadian Bar. The CLE sessions featured an in-depth seminar on RICO as well as Complex Litigation in the Mass Tort Field.

Also in connection with CLE requirements and simply for reasons of good fellowship, regional meetings are becoming very much a part of College activities. From August, 1985 and through July, 1986, regional meetings for three or more states were held in Pebble Beach, California (Southwest Regional Meeting), Santa Fe, New Mexico (Rocky Mountain States Regional Meeting), Sea Island, Georgia (for the Fellows of Alabama, Florida, Georgia and Puerto Rico), Cromwell, Connecticut (for the New England states and Maritime Provinces of Canada), Port Ludlow, Washington (Northwest Regional Meeting), and Lake Okoboji, Iowa (for the Fellows of Iowa, Minnesota, Nebraska, North Dakota, and South Dakota). This portends very

well indeed for the future of the College as we seek to promote the aims of the College as they are stated in Section 2.1 of Bylaw II of the College:

The College is a professional association of lawyers skilled and experienced in the trial of cases and dedicated to improvement and enhancement of the standards of trial practice, the administration of justice and the ethics of the profession. It brings together members of the profession thus qualified, who, by reason of their character, and ability, will contribute to the accomplishments and good fellowship of the College.

The year ended on a resounding note with the Annual Meeting and Banquet in New York in August. Frank C. Jones, Terrell L. Glenn, Robert B. Fiske, Jr., and F. Lee Campbell were elected to serve as Regents. Harvey

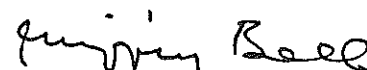
Chappell became President, Morris Harrell our President-Elect. Ralph Lancaster continues to serve as Treasurer and Marvin Schwartz became our Secretary. The thanks of all of us go to retiring Secretary and Regent Robert V.P. Waterman, and to retiring Regent Jess B. Hawley, Jr.

Our new Board of Regents is constituted on a Federal circuit basis with Canada being a part of the 1st, 2nd, and 9th Circuits. The Canadian representation question will be considered at the Williamsburg meeting.

The Annual Banquet in New York was festive in nature with more than eleven hundred in attendance. Chief Justice Burger and Justices Brennan and Powell were in attendance, along with a number of guests from many other countries. Chief Justice Brian Dickson of Canada was inducted as an Honorary Fellow and rendered an

inspiring address in responding. A total of 174 new Fellows were inducted, and the evening ended by my transferring the maul of the College to R. Harvey Chappell, Jr., who will serve as the thirty-seventh President of the College. The maul and the College will be in good, strong and able hands.

It was a privilege to serve as your President and an honor I shall always cherish. ■



Griffin Bell

Calendar of Events

Special Meetings

1986

- **Nov. 13:** Wyoming/Colorado Dinner: Denver, Colorado
- **Nov. 15:** Delaware Annual Dinner: Wilmington, Delaware
- **Nov. 20-23:** Board of Regents Meeting: Williamsburg, Virginia
- **Dec. 5:** Mississippi Black Tie Dinner: Jackson, Mississippi
- **Dec. 6:** Louisiana Annual Dinner: New Orleans, Louisiana

1987

- **Jan. 29:** Moot Court Finals: New York City

- **Feb. 13:** Virginia Annual Black Tie Dinner: Richmond, Virginia

- **Mar. 2-6:** Board of Regents Meeting: Boca Raton, Florida

- **Mar. 8-11:** 1987 Annual Spring Meeting: Boca Raton, Florida

- **June 5-8:** Northeast States Regional Meeting: Bald Peak Colony, New Hampshire

- **Aug. 7:** Board of Regents Meeting: San Francisco, California

- **Aug. 8:** 1987 Annual Meeting and Banquet: San Francisco, California

- **Oct. 30 - Nov. 1:** District of Columbia/Maryland Fellows Meeting: Williamsburg, Virginia

- **Nov. 19-22:** Southwest States Regional Meeting: Tucson, Arizona

Spring & Annual Meetings

1987

- **March 8-11:** Spring Meeting - Boca Raton, Florida
- **August 8:** Annual Meeting - San Francisco, California

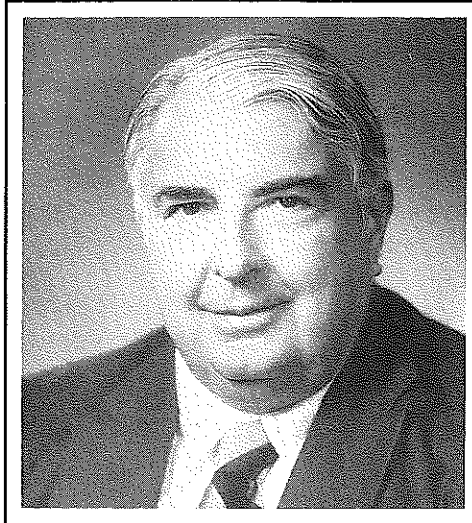
1988

- **March 6-9:** Spring Meeting - Palm Springs, California
- **August 6:** Annual Meeting - (Tentative) Toronto, Ontario

1989

- **March 5-8:** Spring Meeting - Boca Raton, Florida
- **August 5:** Annual Meeting - (Tentative) Honolulu, Hawaii

**In Memoriam
KRAFT W. EIDMAN**



(1912 - 1986)

In a few sentences it is difficult to recognize the many accomplishments of our departed friend.

Born in Liberty Hill, Texas, he became an outstanding trial attorney, a leader in his profession and a substantial contributor to the welfare of his university and his community.

His years at the University of Texas foretold his future. While a student he engaged in such diverse activities as student manager of the football team and a member of the Friar (the University's highest student award).

Graduating from the University of Texas Law School in 1935 he joined the Houston law firm which is now Fulbright & Jaworski, becoming a partner in that firm in 1947, later head of its litigation section and from 1973 to 1979 its managing partner. His success in the firm was matched by his outstanding accomplishments outside the firm.

Blessed with a lovely and loving wife Kiddie and three sons, his was a happy home life.

In his profession he was honored in many ways, as Vice-Chairman of the Trial Tactics Committee of the American Bar Association, Chairman of the Tort and Compensation Committee of the Texas State Bar and President of the Houston Bar Association.

He served the College well as a Regent from 1972 to 1976, President-Elect, 1976-77 and President, 1977-78 and in many other ways advanced the causes of the College.

Among his other many honors was President of the International Association of Insurance Counsel in 1964-65.

An avid golfer, outside his love for his family and his practice, his outside activities in the enhancement of the University of Texas and the City of Houston took a great deal of his time. At the University of Texas he was designated a 1978 Distinguished Alumni. He was Past President and Life Trustee of the University of Texas Law School Foundation, Trustee and Chairman of the University of Texas Health Science Center Foundation, member of the Executive Committee of the University Chancellor's Council and Past President of the Law School Alumni Association.

In his City, Houston, he was a trustee of the M.D. Anderson Foundation, one of the major foundations devoted to cancer research and treatment, and other philanthropic activities.

Loving to his family, loyal to his friends and modest in his accomplishments, his life will stand as the record of a good and faithful servant. He will be sorely missed by his friends in the College and his legion of friends throughout the State of Texas and elsewhere.

American College of Trial Lawyers

Induction Charge

Today (tonight) the portals of the American College of Trial Lawyers are again opened to receive into Fellowship a group of distinguished barristers. None who fails to justly merit that worthy title may enter here, for we recognize not only the distinction between the two branches of our profession, but the varying standards, as well, of the individuals within each.

You, whose names are freshly inscribed upon our rolls, have, by your mastery of the art of advocacy, by your high degree of personal integrity, your maturity in practice and your signal triumphs at the bar of justice, earned the honor about to be conferred upon you. By your ability, learning and character you have added lustre to the legal and judicial annals of your state or province, and have helped to strengthen and to preserve the mighty fabric of our law.

We are confident that in the days to come, the lofty objects and purposes of this organization will be further advanced by the application of those rare qualities and virtues which nature, fortune and laborious days have bestowed upon you.

We know that your attainment of the front ranks of the bar has not been without its costs, and we recognize that our specialty exacts much of those who win its favor. Truly, we are, in Lord Eldon's words, the hermit and the horse.

And so, we like to look upon these gatherings, not only as regular meetings of the Fellows, striving to improve and to elevate the standards of trial practice, the administration of justice and the ethics of the trial branch of our profession, but also as meetings of regular fellows, where we may with utter freedom and equanimity, go from labor to repose. Here, we seek, for the moment, to obliterate the recollection of our distractions, our controversies and our trials, and to transport ourselves from the rush and tumult and uproar of our daily lives into the quiet fellowship and congenial society of our fellow leaders of the bar. 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.

You have all met all of our qualifications and have been duly elected to membership in the College, and so we welcome you into our Fellowship and, with pride, we now address you as Fellows of the American College of Trial Lawyers - as sages of our craft.

Long and happy may be our years together!

(The Induction Charge, written by the late Emil Gumpert, Chancellor-Founder of the College, was delivered at the 1986 Annual Banquet by Past President Simon H. Rifkind. In consideration of interest in obtaining a copy of the Induction Charge we have reprinted it in this issue of the Bulletin.)

“Atlanta Lawyer Gives Response for Inductees”

The response delivered by Charles M. Shaffer, Jr. on behalf of the new Fellows inducted at the 1986 Annual Banquet in New York is reprinted below.

Mr. President, Chief Justice Burger, Chief Justice Dickson, Mr. Justice Brennan, Mr. Justice Powell, members of The American College of Trial Lawyers, and guests:

In one sense, tonight marks the culmination of a journey that for the Inductees began many years ago, and we thank the members of the College for this honor. But most of all, we thank you for the high standards that you have set and for the role models that you have been. Since being notified of our election, I am sure that all of the Inductees have reflected on the lawyers who have taught us this profession. Many of them are here tonight . . . wise lawyers who have challenged, admonished and uplifted us along the way. While the egos of the Inductees undoubtedly swell to an all-time high tonight, we nonetheless share a common recognition of what a helpless feeling it would have been had we been set adrift in this competitive profession without stalwarts to buffer the hard learning of the trial practice . . . and so while we are most grateful for our election, we are even more thankful to you for your guidance during our journey.

While in one sense the Inductees have “arrived” tonight, in a deeper sense we start another journey with you. Every honor, particularly this one, carries with it a responsibility. If nature, fortune and laborious days have brought us here tonight, it is our responsibility now to be innovative and imaginative in using our position to improve the system that has nurtured us. Fredrick Buechner, a noted theologian, describes two kinds of laws: (1) one law that reflects the way things are, and (2) another law that reflects the way things ought to be. We live between these two laws . . . and if law, reflecting the way things are, means runaway verdicts in the name of punishing civil defendants, an insurance industry near disaster and a judicial system that allows discovery to dominate the litigation process, then all of our energy must be focused on the way law ought to be.

Thus, as strong as our legal system is, the Inductees have tonight been recognized at a time when our profession may need us the most.

How often have we achieved victory for our client by

availing ourselves of the excesses allowed by the system? How often do the best interests of our client coincide with the best interests of our profession? Can we as trial lawyers have any higher goal than merging the needs of our client with the needs of the profession?

There is an old story about the drunk who lost his house key and was down on his hands and knees at night looking for it under a lamppost. A friend came by and offered to help. When the key could not be found, the friend finally asked: “Where did you lose the key?” the drunk responded: “I lost it in that field over there.” “Then why are we searching for it over here?”, responded the friend, and the drunk answered: “Because there is more light over here.”

We must avoid the temptation to look for solutions to problems only under the lamppost. We must reach out and embrace new ideas to promote a streamlined system which resolves conflict in an expedient manner and affords relief in a fair way.

The Inductees therefore accept this election as a challenge to begin this new journey by working for law as it ought to be. In his novels, the distinguished southern author Walker Percy describes man’s search for truth and states:

“If I were offered the choice between having the truth and searching for it, I’d take the search”.

The Inductees now have the privilege of joining you in this search to eliminate unnecessary excesses from our legal system.

Walker Percy ends his novel *The Moviegoer* by concluding that during the search all a person can do is “plant a foot in the right place as the opportunity presents itself.”

Well, that opportunity presents itself now, and planting a foot in the right place means working for a system in which our client’s needs are met by the strengths of the system, not its weaknesses.

Tonight the Inductees pledge to you that as we maximize our energy to represent our clients, we will do the same for our profession . . . and it is our hope that in the years to come, we all may look back on tonight as an occasion of grand fellowship and a renewed commitment to cast our vision beyond the lamppost and to plant our feet in the right place as opportunities present themselves.

We thank you for this memorable evening, and we gladly join you on our new journey.

(Charles M. Shaffer, Jr. is a partner in the Atlanta firm of King & Spalding.)

College News

1987 ROSTER

The 1987 Roster of the College is now in preparation and scheduled for a late November release date. The College's Code of Trial Conduct, found at the back of the Roster, has recently been revised and will appear in its new form. As a reminder, your Regents' Regions of Jurisdiction and State and Province Committee Chairmen are now listed in the front text of the Roster

POLLS FOR NEW NOMINEES

Confidential polls for new nominees will be mailed in November. All Fellows receiving polls should return them as promptly as possible in order to expedite their Regent's investigation. Your candid comments regarding nominees are especially helpful in the election process. Please remember to sign your poll before returning it as anonymous polls are disregarded.

ELECTIONS

At the 1986 Annual Meeting in New York the Officers were elected: R. Harvey Chappell, Jr., President, Richmond, Virginia from the firm of Christian, Barton, Epps, Brent & Chappell; Morris Harrell, President-Elect, Dallas, Texas, from the firm of Rain, Harrell, Emery, Young & Doke; Marvin Schwartz, Secretary, New York, New York, of the Sullivan & Cromwell firm; and Ralph I. Lancaster, Jr., Treasurer, Portland, Maine, from the firm of Pierce, Atwood, Scribner, Allen, Smith & Lancaster.

Three new Regents were elected for four year terms. They are F. Lee Campbell from the firm of Karr, Tuttle, Koch, Campbell, Mawer & Morrow, Seattle, Washington; Robert B. Fiske, Jr., of the Davis, Polk & Wardwell firm, New York, New York; and Frank C. Jones, from the firm of King & Spalding, Atlanta, Georgia. Re-elected to serve a one-year term as Regent was Terrell L. Glenn of the firm of McNair, Glenn, Konduros, Corley, Singletary, Porter & Dibble, Columbia, South Carolina.

IN MEMORIAM

The College mourns the passing of its distinguished Honorary Fellow Justice Walter V. Schaefer, elected to Honorary Fellowship in 1967. JUSTICE WALTER V. SCHAEFER, 1904-1986.

Justice Schaefer died at the age of 81 on June 15, 1986 in Lake Forest, Illinois. He was recognized as one of the most outstanding state supreme court justices of the century.

Born on December 10, 1904 in Grand Rapids, Michigan, Justice Schaefer received a Bachelor of Philosophy degree in 1926 and a Juris Doctor degree in 1928 from the University of Chicago. He was admitted to the Illinois Bar in 1928 and was a professor of law at Northwestern University from 1940 to 1951. In 1951 Governor Adlia E. Stevenson appointed him to the Illinois Supreme Court and he was elected to the Supreme Court in 1951, again in 1960, and was retained in 1970. He served as Chief Justice of the Illinois Supreme Court twice.

Writing of him in a special 1979 edition of the Northwestern University Law Review which was dedicated to Justice Schaefer, U.S. Supreme Court Justice William J. Brennan described him as a judge of "prodigious intellect" and a "foremost legal scholar."

HONORARY FELLOWSHIP BESTOWED IN NEW YORK

The Right Honourable Chief Justice R.G. Brian Dickson, P.C. was inducted into Honorary Fellowship at the 1986 Annual Banquet at the Waldorf=Astoria, New York. Chief Justice Warren E. Burger, Chief Justice of the United States, presented the plaque of Honorary Fellowship to Chief Justice Dickson, whose address to the Fellows on this occasion appears on page one of this Bulletin.

Born in Yorkton, Saskatchewan, Mr. Justice Dickson took a law degree at the University of Manitoba in 1938 and

was shortly thereafter serving with the Royal Canadian Artillery. In 1944 he lost most of his right leg while fighting in the Falaise Gap. After the War, Mr. Justice Dickson returned to the practice of law in Winnipeg, practicing with the firm of Aikins, Macaulay. In 1953 he was appointed Queen's Counsel and then to the Court of Queen's Bench of Manitoba in 1963. This was followed by his appointment to the Court of Appeal for Manitoba in 1967 and finally his elevation to the Supreme Court of Canada in 1973.

On April 19, 1984, Mr. Justice Dickson became the Fifteenth Chief Justice of the Supreme Court of Canada, succeeding The Right Honourable Chief Justice Bora Laskin, who was also an Honory Fellow of the College.

Though his schedule is tedious, Mr. Justice Dickson rides his chestnut horse each morning at 7 a.m. alongside the Ottawa River.

WELCOME TO NEW FELLOWS

The College would like to welcome the following new Fellows who were inducted into Fellowship on Saturday, August 9, 1986 in the Grand Ballroom of the Waldorf=Astoria, New York, New York.

ALABAMA:

Andalusia
W. HAROLD ALBRITTON, III
Tuscaloosa
ROBERT B. HARWOOD, JR.

ALASKA:

Fairbanks
MARCUS R. CLAPP

ARIZONA:

Phoenix
RALPH E. HUNSAKER
TOM KARAS
Tucson
DAVID C. BURY
WILLIAM H. TINNEY

ARKANSAS:

Hope
JOHN ROBERT GRAVES
Searcy
ODELL POLLARD

CALIFORNIA:*Los Angeles*

RICHARD R. MAINLAND

DAVID J. O'KEEFE

MARK B. PEPYS

Monterey

LAURENCE P. HORAN

Newport Beach

THOMAS R. MALCOLM

Palo Alto

THOMAS ELKE

Sacramento

JOSEPH S. GENSHLEA

San Bernardino

RONALD A. BURFORD

San Diego

JAMES A. McINTYRE

San Francisco

JOHN M. ANDERSON

San Rafael

DAVID PRINCE FREITAS

Santa Ana

JOHN R. DiCARO

HON. GARY L. TAYLOR

Santa Barbara

WILLIAM A. BRACE

R. JAMES WESTWICK

Watsonville

FREDERICK H. EBey

COLORADO:*Denver*

DONALD K. BAIN

WILLIAM P. DeMOULIN

RICHARD W. LAUGESSEN

GERALD P. McDERMOTT

CONNECTICUT:*Bridgeport*

ROBERT J. COONEY

JACOB D. ZELDES

Bristol

MAXWELL HEIMAN

Hartford

LESLIE R. BRIMMER

MELVIN S. KATZ

F. TIMOTHY McNAMARA

HUBERT J. SANTOS

New Haven

ANTHONY M. FITZGERALD

JOHN R. McGRAIL

RICHARD P. SPERANDEO

SHAUN S. SULLIVAN

STEPHEN I. TRAUB

Stamford

JAMES F. STAPLETON

DELAWARE:*Wilmington*

WILLIAM PRICKETT

DISTRICT OF COLUMBIA:

RICHARD J. FLYNN

CHARLES A. MILLER

JACK H. OLENDER

FLORIDA:*Lakeland*

J. HARDIN PETERSON, JR.

Orlando

J. THOMAS CARDWELL

Sarasota

PATRICK H. DICKINSON

GEORGIA:*Atlanta*

CHARLES M. SHAFFER, JR

Marietta

G. CONLEY INGRAM

Valdosta

J. CONVERSE BRIGHT

IDAHO:*Twin Falls*

J. ROBERT ALEXANDER

THOMAS G. NELSON

ILLINOIS:*Chicago*

SHELDON KARON

GEORGE J. MURTAUGH, JR.

MICHAEL B. NASH

Mattoon

DALE A. CINI

INDIANA:*Carmel*

JOHN D. PROFFITT

Indianapolis

ROBERT P. JOHNSTONE

South Bend

THOMAS H. SINGER

IOWA:*Burlington*

GENE R. KREKEL

KENTUCKY:*Danville*

P. JOSEPH CLARKE

Frankfort

WILLIAM E. JOHNSON

Louisville

EDWARD H. STOPHER

Owensboro

MARVIN P. NUNLEY

LOUISIANA:*Baton Rouge*

HENRY D. SALASSI, JR.

Lafayette

PATRICK A. JUNEAU, JR.

Monroe

HAYNES L. HARKEY, JR.

WILLIAM G. KELLY, JR.

New Orleans

DANIEL LUND

JOHN R. MARTZELL

Shreveport

ROLAND J. ACHEE

MAINE:*Bangor*

LEWIS V. VAFIADES

MARYLAND:*Baltimore*

MANFRED W. LECKSZAS

ROBERT C. VERDERAIME

Rockville

JAMES L. THOMPSON

ROGER W. TITUS

MASSACHUSETTS:*Boston*

STEVEN J. COHEN

WILLIAM J. DAILEY, JR.

THOMAS E. DWYER, JR.

THOMAS D. EDWARDS

TERRY PHILIP SEGAL

MICHIGAN:*Detroit*

ROY H. CHRISTIANSEN

JOHN M. HEAPHY

Farmington Hills

WILLIAM P. HAMPTON

MISSISSIPPI:*Greenville*

PHILIP MANSOUR, SR.

Gulfport

GEORGE E. MORSE

MISSOURI:*Kansas City*

THOMAS O. BAKER

JAMES F. DUNCAN

St. Louis

BURTON M. GREENBERG

THEODORE H. HOFFMAN

JOSEPH H. MUELLER

NEBRASKA:*Lincoln*

KILE W. JOHNSON

Scottsbluff

ROBERT P. CHALOUPKA

NEW JERSEY:*Hackensack*

VICTOR C. HARWOOD, III

Newark

JOHN L. McGOLDRICK

Northfield

CARL J. VALORE

Woodbridge

MORRIS BROWN

NEW MEXICO:*Albuquerque*

FRANK H. ALLEN, JR.

WILLIAM K. STRATVERT

NEW YORK:*Albany*

DANIEL A. WHALEN

New York

SHELDON H. ELSEN

HON. JUDITH SMITH KAYE

ROBERT M. OSGOOD

CHARLES A. STILLMAN

GEORGE WEISZ

Rome

GERALD T. McDONALD

Syracuse

TAYLOR H. OBOLD

EDWARD C. SCHEPP

Utica

LEIGHTON R. BURNS

E. PORTER FELT

NORTH CAROLINA:*Asheville*

ROY W. DAVIS, JR.

Charlotte

E. OSBORNE AYSCUE, JR.

JAMES E. FERGUSON, II

CHARLES B. PARK, III

Elizabeth City

L.P. HORNTAL, JR.

Greensboro

STEPHEN PERRY MILLIKIN

High Point

FRANK BURKHEAD WYATT

Marion

CHARLES E. BURGIN

Raleigh

G. EUGENE BOYCE

Winston-Salem

WILLIAM KEARNS DAVIS

DANIEL W. DONAHUE

NORTH DAKOTA:*Minot*

ORLIN W. BACKES

OHIO:*Cincinnati*

ARTHUR M. NEY, JR.

Cleveland

C. REYNOLDS KELLER, JR.

Lorain

BENJAMIN F. BARRETT

OKLAHOMA:*Oklahoma City*

D.C. THOMAS

Tulsa

JOSEPH F. GLASS

JAMES E. POE

OREGON:*Portland*

CAROL A. HEWITT

GARRY L. KAHN

PENNSYLVANIA:*Erie*

ANDREW J. CONNER

Philadelphia

ALAN J. DAVIS

GEORGE J. LAVIN, JR.

BARBARA W. MATHER

ARTHUR G. RAYNES

Pittsburgh

JOHN L. DOHERTY

J. TOMLINSON FORT

HERMAN C. KIMPEL

WILLIAM S. SCHWEERS, SR.

CHARLES WEISS

West Chester

WILLIAM H. LAMB

PUERTO RICO:*San Juan*

RAFAEL R. VIZCARRONDO

SOUTH CAROLINA:*Charleston*

JOSEPH R. YOUNG

Sumter

GEORGE C. JAMES

SOUTH DAKOTA:*Rapid City*

DON SHULTZ

TENNESSEE:*Knoxville*

ROBERT W. RITCHIE

Nashville

ROBERT J. WALKER

TEXAS:*Dallas*

ROBERT KEITH DRUMMOND

El Paso

CHARLES R. JONES

Fort Worth

R. DAVID BROILES

Houston

WILLIAM H. PAYNE

WILLIAM KEY WILDE

Longview

T. JOHN WARD

Tyler

HERSCHEL TRACY CRAWFORD

UTAH:*Salt Lake City*

P. KEITH NELSON

VIRGINIA:*Harrisonburg*

PHILLIP C. STONE

Martinsville

ROBERT W. MANN

DAVID B. WORTHY

Norfolk

EDWARD L. OAST, JR.

Richmond

EVERETTE G. ALLEN, JR.

EMANUEL EMROCH

JAMES E. FARNHAM

PHILIP B. MORRIS

WASHINGTON:*Renton*

ARTHUR DEAN SWANSON

Seattle

KEITH GERRARD

ARTHUR W. HARRIGAN, JR.

GEORGE KARGIANIS

Tacoma

JACK G. ROSENOW

WISCONSIN:*Milwaukee*

W. STUART PARSONS

DONALD R. PETERSON

BRITISH COLUMBIA:*Vancouver*

JAMES A. MACAULAY

ONTARIO:*Toronto*

P.S.A. LAMEK

President's Report



R. Harvey Chappell, Jr.

At the Annual Banquet of the Fellows held in New York City on Saturday, August 9, 1986, I was privileged to become the thirty-seventh President of the College, succeeding Griffin Bell. I take this opportunity to compliment Griffin for his outstanding leadership of the College and his Report as Immediate Past President appears elsewhere in this Bulletin.

College activities for the current year are in full swing. Ann and I have attended and will attend meetings of the Fellows throughout this country and in Canada. As to the latter, it was our distinct pleasure to attend the Annual Meeting of the Canadian Bar Association in Edmonton, Alberta, one of our first official duties. Not only has there been an increase in the activities of the State and Province Committees, but regional meetings have become even more important in the life of the growing College, allowing the Fellows to get together in smaller groups. Our national office staff will assist in establishing CLE credit in mandatory CLE states for the College's professional programs. In ever increasing numbers the Fellows' meetings include both social and professional programs.

This fall we continued the State and Province Chairmen workshops, one of which was held at The Greenbrier, White Sulphur Springs, West Virginia, and the other at Silverado, Napa, California. These workshops en-

abled the newly appointed State and Province Chairmen to review their duties and plan for the coming year. As has been stated many times, the State and Province Chairmen are vital to the life of the College and the success of its programs. The 1987 listing of Chairmen will appear in the Roster (the "Blue Book") which will be mailed to the Fellows later this fall.

The Report of the Task Force on Litigation Issues, approved by the Board of Regents at its meeting on August 8, 1986, is being distributed to the Fellows of the College and to other interested persons or groups. Although it was my pleasure to serve as Chairman of the Task Force as originally constituted, upon becoming President I have appointed John M. Harrington, Jr., the new Chairman. Mike is in the process of developing the program of the Task Force for the coming year.

For the first time in the history of the College, the Board of Regents and the Past Presidents will assemble in November in Williamsburg, Virginia, to review the growth of the College since its organization in 1950 and to address six basic areas of inquiry, namely, (1) Governance of the College, (2) College Headquarters and Staff (including College Publications), (3) Meetings and Relationship with the ABA and Other Professional Groups, (4) Finances, (5) Implementation of the College's Objectives As Set Out In Bylaw II and (6) The Fellows. In the next Bulletin I shall report to you concerning the decisions reached at this meeting.

Our Executive Director, Robert A. Young, continues to do an outstanding job, along with his skilled staff. Recently the National Association of Bar Executives presented the 1986 Communications Leadership Award to Bob, joining us in recognizing his many talents.

Appointments to all of the College Committees have been made and will

be published in the Blue Book. Review these carefully and if you have any suggestions concerning the membership of these Committees or if you wish to serve the College in any particular area, please let me know.

Largely through the efforts of Regent Robert G. Stachler the College's Code of Trial Conduct has been edited and it will appear in revised form in the new edition of the Blue Book.

The nominating process is now being conducted by the State and Province Committees and I urge you to participate fully, making known to these Committees the names of those persons whom you feel to be qualified for the College. We must remember that the College is measured not only by those who are Fellows but also by those who are not and yet are qualified for Fellowship. Each time I hear or read the Charge to Initiates, written by the late Emil Gumpert, I am impressed by what these extraordinary words say to us about our Fellowship and you will find the Charge printed in full in this Bulletin.

The 1987 Spring Meeting will be held at Boca Raton, Florida, March 8-11. President-Elect Morris Harrell is preparing an outstanding program and I urge you to attend. Registration information will be mailed to all Fellows later this fall.

Ann and I look forward with great pleasure to the College functions this year and we hope to meet and visit with many of you.

R. Harvey Chappell, Jr.