



The Bulletin

Number 42, Summer 2002



*Robbie and
Warren
Lightfoot
want to meet
more College
people*

New President And Spouse Planning To Be Airborne, page 3

American College of Trial Lawyers

The Bulletin

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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

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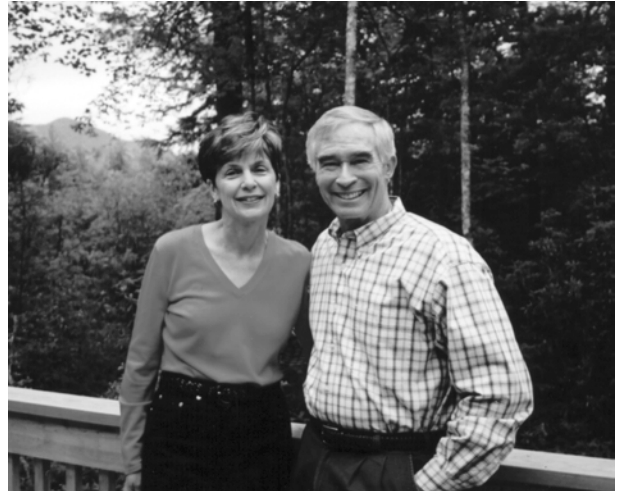
In this issue, we profile your President-Elect, Warren E. Lightfoot of Birmingham, Alabama. The next issue, which will report on the Annual Meeting, scheduled for New York City in October, will profile the other officers and the new Regents elected at that meeting.

We solicit your opinions on one inno-

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PROFILE: THE PRESIDENT-ELECT WARREN B. LIGHTFOOT

WARREN LIGHTFOOT SOUGHT BIGGER ARENA AND FOUND IT



Robbie and Warren Lightfoot

Warren Lightfoot's introduction to the legal profession was anything but glamorous.

Growing up as the son of a small-town lawyer in Alabama, one of Lightfoot's duties when he was still in high school was searching titles in the basement of the courthouse.

"You would have to pick up these huge books and blow the dust off them to find out who had sold the property to whom," Lightfoot recalls. "It was deadly boring. I was pretty sure then that I didn't want to be in real estate law, but trying lawsuits looked pretty fascinating."

Lightfoot's father, Benjamin, was an Atticus Finch-type lawyer in the town of Luverne, a cotton and peanut farming community of 2,200 about 50 miles south of Montgomery, the state capital. Lightfoot

often saw his father in action handling all types of cases, criminal and civil, sometimes receiving his fee in goods such as chickens or sausages.

"My dad's office was right across the street from the courthouse," says Lightfoot, who was born on Aug. 21, 1938. "That was the same office where my great-grandfather, Ben Bricken (Bricken is Lightfoot's middle name), had practiced and each generation since him."

Lightfoot, who takes over as president of the College from Stuart Shanor at the upcoming Annual Meeting in New York City, always assumed he would become a lawyer in the family tradition. "But it was more than that," he said. "I liked to read and liked to write and there was something about the competition. I was always competitive and it looked to me like trial work had some winners and losers."

Lightfoot also liked the independent

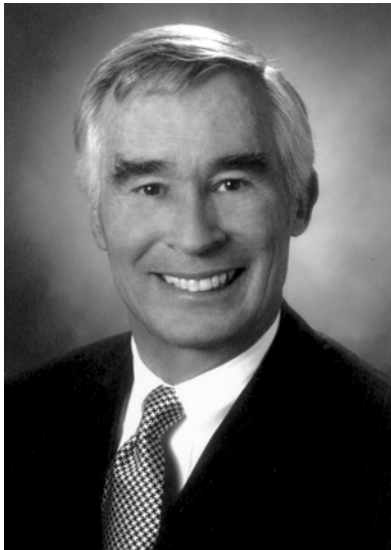
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PRESIDENT-ELECT LIGHTFOOT

(Continued from page 2)

lifestyle that being a lawyer seemed to present. "You could work where you wanted to, sort of when you wanted to, for whom you wanted to, and nobody was your boss. Certainly, you had to answer to clients and judges, but, by golly, you stood on your own, for better or for worse."

When his schedule allowed it, Lightfoot continued working for his father while he attended The Citadel and then



Warren B. Lightfoot

the University of Alabama, graduating Phi Beta Kappa in 1960. He then served in the Army as an infantry officer and paratrooper before going on to the University of Alabama Law School, where he finished in 1964.

"I had planned to go back to Luverne in that same fourth-generation law office, but I married a Birmingham girl and you know how that goes," Lightfoot says. He and Robbie Cox were married in August 1963.

"When we got engaged, I said, 'You're supposed to say like Ruth did in the Bible "Whither thou goest."' She never did say she wouldn't go, but as things developed I decided I wanted a bigger arena, so I ended up going with the biggest firm in Alabama (Bradley, Arant, Rose and White of Birmingham)." His current firm, Lightfoot, Franklin and White, a 45-lawyer litigation firm in Birmingham, was established in 1990.

Lightfoot built a reputation in corporate and product liability litigation, attracting such clients as General Electric, General Motors and J P Morgan Chase, but he also became an expert in libel law.

"John Morrow (also a Fellow of the College) and I defended the *Birmingham Post Herald* in 1982 after it was sued in Huntsville for a series of articles accusing a high school principal of paying off a basketball player to stay in his school rather than transfer," Lightfoot recalls. "The player had gone on to be an All-American at the University of Alabama.

*"Lightfoot,
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activities."*

The trial was conducted under huge public disapproval in Huntsville. Feelings ran high against our client." The case went to trial and the jury ruled in favor of Lightfoot's client.

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PRESIDENT-ELECT LIGHTFOOT

(Continued from page 4)

In 1986, Lightfoot successfully represented the manufacturers of the Humminbird brand liquid crystal fish finder in Birmingham, who had been sued by a group of investors. "That was the only time my son had come to watch me in court during the closing arguments," Lightfoot said. Warren B. Lightfoot, Jr. went on to graduate from the University of Virginia and then receive his law degree from the Vanderbilt University Law School. He now practices in Birmingham, but with another firm, since Warren Sr.'s firm has a no-nepotism rule. Lightfoot's daughter Ashley Evans of Richmond, Va., now a homemaker, was formerly a bank vice president.

Lightfoot, whose family name stems from English forebears, has always been active in bar activities. He served as president of the Birmingham Bar Association in 1990-91 and of the Alabama State Bar Association in 1996-97.

"I knew about the College because my two mentors at Bradley Arant were Hobart McWhorter and John Morrow," Lightfoot says. "Those are the guys who taught me everything about trying lawsuits, and they were both Fellows of the College. It seemed to me, just from looking at their roster when I could get my hands on it, that it was a pretty good organization which took only the very top courtroom lawyers, and it seemed to be a good thing to aspire to."

When Lightfoot became a Fellow at the age of 45 in 1984, he was impressed with the quality of the members he met.

"These lawyers were not just at the top of their craft, but they were extraordinarily congenial," he recalls. "You could talk to them just like you had known them for

years and years. We had so much common ground; I was fairly astounded at that."

He made up his mind to attend as many national meetings as he could and become involved in the College. He started by serving on the Admission to Fellowship Committee, was named a Regent in 1996 and elected Treasurer in 1998.

Asked what he plans to focus on during his year as President, Lightfoot said, "I have done a fair amount of traveling already as President-Elect and Treasurer. I believe we ought to encourage more local activities, social functions, as well as special projects. Some states are researching the history of the College in their state. We ought to be supporting law school activities as Fellows of the College. A project started by Terry Tottenham of Texas has gotten a lot of recognition and is catching on. Terry's Committee on the Teaching of Trial and Appellate Advocacy is instructing public interest lawyers on how to try lawsuits."

Robbie Lightfoot has accompanied her husband on several trips and intends to continue. "I enjoy people in general and especially enjoy meeting the extraordinary people of the College," she said, "and I am looking forward to going to places I haven't been before."

Lightfoot is also concerned with the future of the profession. Lawyers are trying fewer cases because of massive discovery and mandatory mediation, he says. "It's a rare lawyer now who tries more than two or three cases a year. That's not many for young folks to sink their teeth into, so the College, without formally changing any policy, has recognized that and we require fewer trials than we did 20 years ago. We are adjusting and we have to keep looking at that. We are continuing to try to induct the superstars who

(Continued on page 26)

AWARDS, HONORS, ELECTIONS

ARIZONA BAR HONORS SCHMIDT

The State Bar of Arizona has honored **Ted A. Schmidt** of Tucson as its 2002 Member of the Year for extraordinary contributions to the profession.

Schmidt, who is a former two-time ACTL State Committee Chair, founded the Arizona College of Trial Advocacy. He is co-chair of the Arizona State Bar Commission for Wrongful Death/Bodily Injury Certification and the recipient of numerous other legal awards.

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SULLIVAN AUTHORS ARTICLE

Thomas P. Sullivan of Chicago has authored "Repair or Repeal—Report of the Governor's Commission on Capital Punishment," which was published in the *Illinois Bar Journal* in its June issue and in the July issue of *The Champion*, the publication of the National Association of Criminal Defense Lawyers.

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WEAVER ELECTED PRESIDENT OF CLEVELAND BAR ASSOCIATION

Robin Weaver was installed as the new president of the Cleveland Bar Association on June 20. One of the oldest bar associations in the nation and the largest in Ohio, the Cleveland Bar has more than 5,000 members.

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GILLIS RECEIVES DEGREE

Donald M. Gillis of Saint John, New Brunswick was awarded a Doctor of Civil Law degree (DCL) by Acadia University,

Wolfville, Nova Scotia, and he delivered the address to the graduating class at the annual convocation on May 13, 2002.

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MARTHA A. MILLS HONORED BY CHICAGO BAR

Martha A. Mills received the 2002 Chicago Bar Association, Alliance for Women Founders Award for her consistent demonstration of leadership and vision and her support of others. She was honored for using her legal education to fight racism and lack of equal opportunity from her days as a civil rights lawyer in Mississippi in the 1960s, which included being jailed for contempt when she moved to recuse a notorious Ku Klux Klan judge. Now chief legal counsel to the Cook County Treasurer in Chicago, Martha also formed a not-for-profit corporation called Transforming Communities, which promotes and teaches the value of restorative justice.

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Martha A.
Mills

JACK OLENDER RECEIVES NATIONAL AWARD

At the National Bar Association's mid-year conference on April 12, **Jack Olender** of

AWARDS, HONORS, ELECTIONS

(Continued from page 6)

Washington, D.C., was presented with the organization's Presidential Award by President Kim Keenan Solomon. Olender was recognized for his demonstrated leadership, legal excellence and concern for human and civil rights.

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MICHAEL A. POPE **ELECTED NJC CHAIRMAN**

Michael A. Pope of Chicago has been elected Chairman of the Board of Trustees of the National Judicial College in Reno, Nevada. He is only the second layman to chair the board of this prestigious organization, which educates more than 2000 judges each year. Located on the campus of the University of Nevada, the National Judicial College is the leading judicial education and training institution in the United States. Founded in 1963, it has awarded more than 60,000 certificates of course completion to judges from all 50 states and 150 foreign countries.

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LARRY STEWART **RECEIVES AWARD IN FLORIDA**

Larry S. Stewart of Miami was awarded the Florida Bar's 2002 G. Kirk Hass Humanitarian Award on June 21 for his work as President of Trial Lawyers Care, a national lawyer pro bono program established to aid victims and the families of victims of the September 11, 2001 terrorist attacks. It is the largest private pro bono undertaking in history with more than 1,100 victims or family members having been provided with free legal services so far. Stewart also received the Association of Trial Lawyers of America 2002 Leonard M. Ring Champion Award on July 21 for a lifetime of commitment to civil

Larry
Stewart



service and in his life work, specifically in the legal profession.

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MADEIRA NAMED **ABA COMMISSION CHAIR**

Edward W. Madeira, Jr. of Philadelphia has been appointed chair of the American Bar Association's Commission on the 21st Century by ABA President Alfred P. Carlton, Jr. The commission is charged with identifying methods to diffuse the increasing partisan efforts to control state court judiciaries. Madeira, who served as chair of the College's Judiciary Committee, will preside at public hearings in Detroit, Philadelphia, Portland, Oregon, and Austin, Texas, to gather comments from the public for the Commission.

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Edward W.
Madeira, Jr.

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The College encourages news items and photographs of Fellows and their activities. ✧

COMMITTEE MONITORS FEDERAL RULES OF CIVIL PROCEDURE

The Committee on the Federal Rules of Civil Procedure is charged by the College with monitoring the operation of the Federal Rules of Civil Procedure and other civil procedural developments, to determine the adequacy of the operation of the rules and procedure in federal civil cases, and to evaluate proposed changes. The Committee has a distinguished history and has developed a close working relationship with the Advisory Committee on the Federal Rules of Civil Procedure of the United States Judicial Conference. A member of the Committee is usually in attendance at Advisory Committee meetings, affording the College the opportunity to have real-time input into the deliberations concerning possible amendments to the Federal Rules of Civil Procedure.

In the early 1990s, the Committee, on behalf of the College, played a significant role in the 1993 amendment of Rule 11, which resulted in a dramatic diminution in the number of sanctions motions brought and sanctions orders entered. In the mid-90s, the Committee proposed to the Advisory Committee (ultimately unsuccessfully) an amendment to Rule 47, which would have preserved the right of lawyers to participate in voir dire.

In the late 1990s, the Committee was instrumental in urging the Advisory Committee to reconsider, and narrow, the scope of discovery in Rule 26(b)(1). The amend-

ment to that Rule which took effect on December 1, 2000, reflected the position urged by the Committee in a published monograph endorsed by the Board of Regents. In 2000, the Committee completed a lengthy *Report on the Importance of the Twelve-Member Civil Jury in the Federal Courts*, recommending that the traditional twelve-member civil jury be reinstated in federal court. This *Report* was distributed to all Fellows, to the federal judiciary, to the Chief Justices of the Supreme Courts of all states and, with the approval of the Board of Regents, this *Report* was recently published in *Federal Rules Decisions*, 205 F.R.D. 247 (2002).

One of the primary tasks of the Committee is to comment on proposed amendments to the Federal Rules of Civil Procedure that are published for public comment. In February 2001, for example, the Committee delivered a comment letter to the Committee on Rules of Practice and Procedure concerning proposed new rules to be added to both the Federal Rules of Civil Procedure and the Federal Rules of Appellate Procedure requiring the filing of disclosure statements (of corporate affiliation) by non-governmental litigants in all civil actions. As originally proposed, these new provisions (Fed.R.Civ.P. 7.1 and Fed.R.App.P. 26.1) would have required disclosure not only of information specifically called for in the Rules but also any *additional* "information that may be required by the Judicial Conference of the United States." The Committee viewed this as a trap for the unwary, particularly since there was no place identified in either of the

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COMMITTEE ON FEDERAL RULES

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Rules (or in their respective Committee Notes) for lawyers or litigants to look to find this mandatory, but unspecified, additional information. As adopted, this provision has been eliminated from these new Rules, which are scheduled to go into effect Decem-



Gregory P. Joseph
Committee Chair

ber 1, 2002, barring Congressional action.

Also in early 2001, the Committee responded to a Request for Comments on Privacy and Public Access to Electronic Case Files issued by the U.S. Judicial Conference. The issue was whether electronic court records should be treated differently—in terms of public access—than traditional paper records. The Committee expressed the view that, as a general matter, in setting policy for public access to judicial records, there did not appear to be any compelling reason to distinguish between electronic and paper files. The Committee acknowledged that the advent of electronic filing may make records more available, but considered that this was not undesirable—rather, it would appear to level the playing field, so that parties with fewer resources could have the access to filed documents that parties with significant resources already enjoy. The Committee added that, as the veil of practical obscurity is lifted by electronic access, Rule 26(c) protective orders may be deemed insufficiently protective—or so essential in virtually every case that indi-

vidual orders might become impractical. These underlying privacy concerns, however, seemed to the Committee to be equally applicable to paper *and* electronic information, in light of the rapid technological advances being made in scanning technology. This led the Committee to the conclusion that no distinction ought to be drawn between electronic and paper records as regards public access.

In 2002, the Committee evaluated extensive proposed amendments to the rules governing Class Actions, Instructions, Special Masters, Judgments and Condemnation. The Committee's comment letter on the proposed rules—in which almost every Committee member actively participated—focused on the proposed amendments to Rules 23 (Class Actions) and 51 (Instructions). The Committee largely looked with favor on the proposals, offering both analysis of the language of the proposals and substantive views on various alternative formulations put forth by the Advisory Committee. Also in 2002, the Committee has been following activity in the Judicial Conference relating to diversity jurisdiction and future proposed rule amendments. Members of the Committee in addition to the Chair Gregory P. Joseph of New York, New York, are: Robert L. Byman of Chicago, Francis H. Fox of Boston, Robert C. Heim of Philadelphia, Hon. Susan Illston of San Francisco, Chris Kitchel of Portland, Oregon, John M. Kobayashi of Denver, William A. McCormack of Boston, Barry F. McNeil of Dallas, James F. Moseley of Jacksonville, Anthony Murray of Los Angeles, Charles E. Patterson of Los Angeles, David Thomas Ryan of Hartford, James P. Schaller of Washington, D.C., Evan L. Schwab of Seattle, Hon. Edward F. Shea of Richland, Washington, William C. Slusser of Houston, Richard B. Solum

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COMMITTEE ON FEDERAL RULES

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of Minneapolis, W. Stancil Starnes of Birmingham, Alabama, and Roger D. Stanton of Prairie Village, Kansas. David J. Beck of Houston is the Regent liaison.

The Honorable Paul V. Niemeyer, Judge of the United States Court of Appeals Fourth Circuit in Baltimore, who is also a Judicial Fellow of the College, has

lauded the committee for its work saying, "The informed advice that the Civil Rules Committee has received from the American College of Trial Lawyers over the years has proved to be both persuasive and useful. This is, in large part, due to the thorough investigation that the College conducts into the issues on which it chooses to comment and the balance and common sense position that it takes based on its investigation. The Record of the College's success speaks for itself." □

IN MEMORIAM

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

Morris B. Abram, Geneva, Switzerland; William H. Bellingham, Billings, Montana; Frederick V. Betts, Seattle, Washington; Albert E. Brault, Thurmont, Maryland; Chester A. Brewer, Bartlesville, Oklahoma; Don C. Brown, Riverside, California; Joseph D. Bulman, Bethesda, Maryland; H. R. Burnham, Anniston, Alabama; William H. Clarke, Arnold, Maryland; Howard W. Clement, Leesburg, Florida; Harrison K. Dano, Moses Lake, Washington; Douglas Dennis, Atlanta, Georgia; R. James Diepenbrock, Sacramento, California; Stephen P. Duggan, Jr., Cornwall-on-Hudson, New York; George M. Gibson, Buffalo, New York; Robert B. Gosline, Toledo, Ohio; Albert Graves, Sr., Hope, Arkansas; James O. Haley, Birmingham, Alabama; The Rt. Hon. Lord Hailsham of

Saint Marylebone, London, England; Wallace A. Hunter, Weyanoke, Louisiana; Robert D. Johns, Palm Beach, Florida; Hayden W. Kane II, Colorado Springs, Colorado; Allen Kirkpatrick, Washington, District of Columbia; Marvin E. Klitsner, Milwaukee, Wisconsin; Sidney L. Krawitz, Milford, Pennsylvania; J. Thomas Lenga, Detroit, Michigan; Arthur A. May, Granger, Indiana; Harry McCall, Jr., New Orleans, Louisiana; Robert D. Mullin, Sr., Omaha, Nebraska; Irving Olds Murphy, Erie, Pennsylvania; Bernard I. Nordlinger, Bethesda, Maryland; J. Lee Purcell, Poplar Bluff, Missouri; Tom H. Rogan, Rogersville, Tennessee; Gerald S. Rufer, Fergus Falls, Minnesota; Thomas M. Scanlon, Indianapolis, Indiana; Alan C. Sundberg, Tallahassee, Florida; Cyrus R. Vance, New York, New York; Robert L. Trescher, Gladwyne, Pennsylvania; William J. Weinstein, Bloomfield Hills, Michigan; Hon. Louis C. Wyman, Manchester, New Hampshire. □

COLLEGE WEBSITE IS WORTH A VISIT

The College's retooled Website, www.actl.com, contains a wealth of information for Internet visitors.

"We have had quite a few positive comments," says Robert A. Young, the College's executive director.

When you click onto the site, you will find a brief description of the College and, on the Menu Bar, both a more detailed introduction to the College, entitled "About Us," and a "Site Map" that lists in detail the categories of information available on the website. In addition, the Menu Bar contains entries labeled "History," "Publications," "Leadership," "Awards," "Membership" and "Event Calendar." Each of these categories leads you to further details. For instance, if you click on "Publications," you will find a list of the College's publications sorted by the year they were issued. The entire text of

many of these reports, such as the 2001 Report of the Legal Ethics Committee on Duties of Confidentiality, can be accessed in PDF format and printed.

Facts about current College leaders, descriptions of the various awards given by the College, a brief description of membership qualifications and a full calendar of coming events are also available on-line. Full electronic versions of recent issues of *The Bulletin* are also posted.

The enhanced website is a part of a major effort of the College to improve its communication with both its members and the public.

A newly-created website Consulting Subcommittee of the Communications Committee, chaired by John M. Anderson, San Francisco, California; Dugan Barr, Redding, CA, has assumed responsibility to improving the accessibility and usefulness of the website. The committee welcomes your comments and suggestions. ✧

NOMINATIONS SET FOR ANNUAL MEETING

The following Fellows will be nominated for vacant seats on the Board of Regents at the Annual Meeting in New York:

Albert D. Brault, Rockville, Maryland, John L. Cooper, San Francisco, California, Brian P. Crosby, Buffalo, New York, Gregory P. Joseph, New York, New York,

Joan A. Lukey, Boston, Massachusetts, Richard G. Santi, Des Moines, Iowa.

The following Regents will be nominated as officers:

Warren B. Lightfoot, Birmingham, Alabama, President; David W. Scott, Q.C., Ottawa, Canada, President-Elect; Michael A. Cooper, New York, New York, Secretary James W. Morris, III, Richmond, Virginia, Treasurer. ✧

THE PRESIDENT'S REPORT



Stuart Shanor,
President

As I began to contemplate the content of this message to you, the Fellows of the College, I realized that this will be my last formal communication with you in the *College Bulletin* as the President of the College. Since my installation as your President last October, I have had the opportunity to see the College from a perspective and with an intimacy that few experience. It would truly be impossible to describe to you how my view of the College has been broadened and how my appreciation of what the College is and what it represents has been enhanced.

Too often, we take for granted the uniqueness of this wonderful organization. From rather humble beginnings in 1950, the College has grown, gradually, to an international organization of about 5,000 Fellows. With fellowship and the improvement of the administration of justice as our goals, the College has managed, successfully, during its existence to draw its fellowship from the

ranks of the defense bar, the plaintiffs' bar, the criminal prosecution bar and the criminal defense bar. The College has purposely avoided involvement in controversial political and social issues and has kept its focus on its principal purposes.

Having traveled the United States and Canada as your President, I am convinced, more than ever, that we have succeeded in creating and maintaining the premier lawyer organization in the world. At every stop on our travels, Ellen and I have seen and enjoyed the fellowship that abounds in the states and provinces, and we have come to recognize the quality of the leadership of the College that evolves, year to year, without the intervention of an overriding influence of politics. The Fellows of the College enjoy the company of one another, regardless of age or type of practice, and continue to experience the pride and sense of recognition and professional accomplishment that made their induction such a special event in their careers.

I feel very fortunate to have served as President during this particular year in the life of the College, for it has been during this year that the Board of Regents convened a Retreat, only the third such event since the founding of the College. This Retreat assembled the members of the Board of Regents, the Past Presidents and a broad cross section of Fellows to examine the state of the College, to turn a critical eye to its organization and management and to develop recommendations for the future. The Retreat was a very issue-specific exercise, a healthy endeavor for the College leadership that will give

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THE PRESIDENT'S REPORT

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direction to the future course of the College.

The conclusions from the Retreat will lead to some subtle changes in the focus of the College but will not result in any dramatic or drastic change in what the College is or in what the College does. The matters on which consensus was reached by those attending the Retreat and the recommendations that were the product of the deliberations will be considered and acted upon by the Board of Regents at the Annual Meeting in New York. A full report to the Fellows will, thereafter, be included in the next issue of this *Bulletin*.

There was, however, one issue that was discussed at length and as to which there was immediate consensus. That issue is the widespread failure of the College to identify and to bring into our midst deserving trial lawyers who are in the most energetic, active years of their trial prac-

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tice. This is a problem that must be addressed immediately in every state and province. While there was not necessarily a consensus among the Retreat participants about how to solve the problem, many ideas were debated. There was, nonetheless, a strong consensus that the

consequences of not recognizing the problem and not solving the problem could result in dwindling membership in, and loss of reputation by, the College.

Recognition of the fact that the College rarely considers a lawyer for nomination until the candidate has been practicing 20 to 25 years precipitated a debate about whether the requirement for admission to fellowship of 15 years in active practice of trial advocacy should be revised downward to 10 years or 12 years. A close scrutiny of the facts, however, revealed that the 15-year age limit is not really the problem.

The problem is two-fold. First, we do not begin to look at possible candidates until they have reached the 15-year level or beyond. There is an inevitable time lag involved in the exacting process of identifying, collecting information on, investigating and processing a nomination of a possible candidate. By the time this very important process is concluded, several years may have elapsed. This is not a theoretical problem. At the last meeting of the Regents, the average nominee for fellowship had been practicing over twenty-seven years! Only a handful had been practicing less than twenty years. We saw repeated comments on the polls such as, “She should have been in years ago” and “I thought he was already a Fellow.” In some cases, worthy candidates have been lost to the judiciary, have moved to important public positions or have assumed positions in corporate America. Since our bylaws require that an inductee be a practicing trial lawyer at the time of induction, we have lost potential members whose presence in our ranks would have enhanced our fellowship had they been inducted at an earlier age.

Secondly, the active trial practice of

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today is being carried on in areas of practice with which many of us have no current contact. As a consequence, the State Committees and the general fellowship may not observe those who are actually trying many of the important cases in our courts.

There is a third, but lesser, problem and that has to do with what I call "turf protection," namely, a reluctance on the part of some Fellows actively to embrace the addition of new Fellows in their area.

What does this suggest to the Fellows of this College? It suggests that our beloved institution is in danger of being weakened, and its stature in the profession diminished, by an increasingly aging membership, compounded by early retirements, and by the absence from our ranks of those known in the courts and litigation circles as the best young trial lawyers.

What can we do to solve this problem? We must infuse our State Committees with younger trial lawyers and with those who are more in touch with the areas of specialty in which the bulk of litigation takes place today. We must begin to investigate potential candidates as soon as they are identified, even those who have not yet practiced 15 years. As you observe younger lawyers who are the emerging bright stars of the trial bar, each of you should think about the College and suggest their names to our State or Province Committees. For candidates who have already been in practice for 15 years, you can solicit seconding letters from other Fellows and send forth the names as your personal nominations. As the opportunity is presented, you should inquire discreetly of members of the judiciary to find out

who they regard as the best trial lawyers that appear before them. Additionally, you should make sure that you inform yourself about those who are nominated for fellowship, not relying on hearsay, but on your own observations, before you respond neutrally or negatively to the confidential poll.

Above all, remember that the vitality of the College is dependent upon the regular infusion of new Fellows into our organization as early in their careers as they become eligible and worthy of fellowship. Be willing to recognize that the landscape of the trial practice is changing, that great advocacy skills can be demonstrated in a number of different forums and that such advocacy is worthy of recognition by admission to fellowship in the College. It is important that each one of us takes a vital interest in the future of the College by participating actively in the process of identifying and nominating new Fellows.

On a different subject, I alert you to the fact that profound changes in our profession have been suggested by the ABA Task Force on Corporate Governance and by the adoption by the ABA House of Delegates of the proposed rules for Multi-Jurisdictional Practice. For those of you in the United States, these will be considered by many of your state bars for possible adoption as a part of, or as amendments to, your Rules of Professional Responsibility.

The Enron-Arthur Andersen episodes have given new life to efforts to change the traditional relationship of a lawyer with his client. These proposed amendments have serious implications for the attorney-client privilege and the work product exclusion. You, as trial lawyers and as guardians of the privileges so important to our profession, need to make sure that you

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THE PRESIDENT'S REPORT

(Continued from page 14)

become informed about the proposals being considered in your jurisdiction and that you make an effort to be heard on these important issues. The College has published an important work on this subject through its Ethics Committee. It is available on the College website published in 2001 and entitled *Report of the Legal Ethics Committee of the American College of Trial Lawyers on Duties of Confidentiality*. A new paper on the subject of the erosion of the privilege in the context of criminal litigation is included with this *Bulletin*. Be informed and be heard. If the College, through its committees, can be of help in your jurisdiction, do not hesitate to seek that help.

With this issue of the *Bulletin*, you are receiving two terrific papers on very timely topics. We congratulate and thank the committees of the College and the princi-

pal authors for these fine contributions to the growing list of College publications. The Executive Committee has determined that the "Blue Book," historically used for College papers, is no longer a preferred format. Thus, beginning with the current papers, our contributions to the literature of the profession will be distributed in a size and binding that will be more readily adaptable to a place on library shelves or in a standard notebook for future reference. As they become available, they will be mailed to you along with the *Bulletin*. They will also be available on the College website. If history is any indication, many of them will be picked up and reprinted in professional reporters or journals, where they can be cited. We hope that this new format for College publications will be well received.

Ellen and I look forward to seeing many of you in New York for the Annual Meeting.

Stuart Shanor, President ✧

FELLOWS TO THE BENCH

The College is pleased to announce the following judicial appointments of Fellows:

David C. Bury to United States District Court for District of Arizona, Tucson.

Michelle Fuerst to Superior Court of Justice, Newmarket, Ontario.

David R. Gienapp to Circuit Court, Madison, South Dakota.

Callie V. S. Granade to United States District Court, Southern District of Alabama, Mobile, Alabama.

J. J. Michel Robert, Q. C., to Chief Justice of Quebec. ✧

LAW BUILDING AT UNIVERSITY OF OKLAHOMA NAMED FOR PAST PRESIDENT ANDREW M. COATS



(Photo courtesy of *The Norman Oklahoman*).

Supreme Court of the United States Associate Justice

Sandra Day O'Connor was among those cutting the ribbon to open Andrew M. Coats Hall at the University of Oklahoma's College of Law on April 30 at Norman. In the accompanying photo, Coats, who has been dean of the law school there since 1996, is on O'Connor's right. Others (L to R) are:

Governor Frank Keating and University of Oklahoma President David Boren. "The naming of Andrew M. Coats Hall was a complete surprise to Andy," said his wife Linda. "Andy's faculty and staff presented him with 'The Andrew M. Coats Scholarship' in recognition and appreciation of his outstanding leadership and dedication."

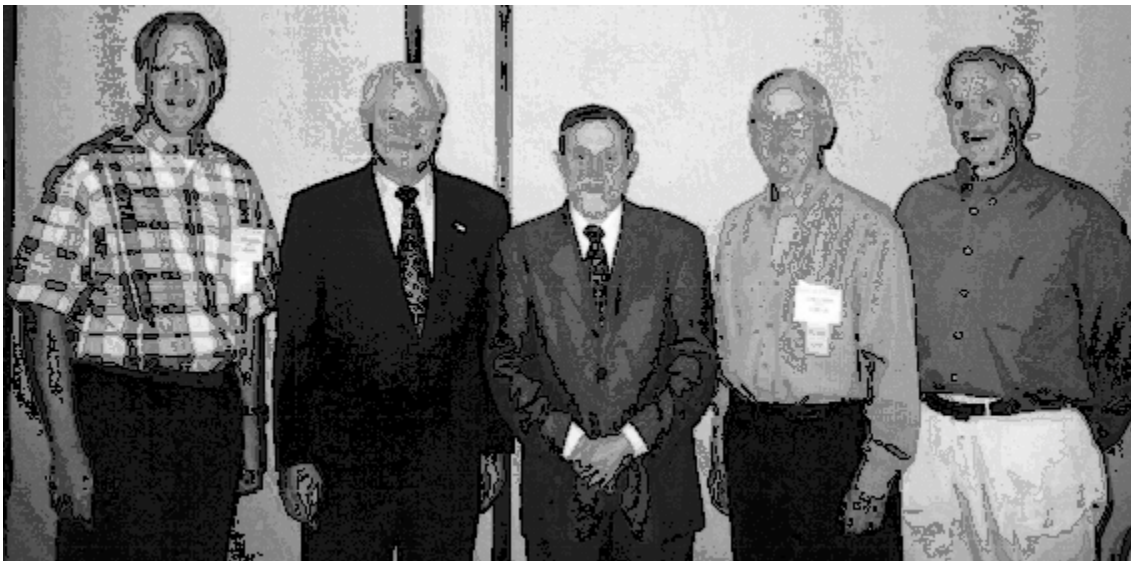
Coats became dean of the Oklahoma law school six years ago. He served as President of the American College of Trial Lawyers in 1996-97 after a distinguished career in private practice and in public service. A native of Oklahoma, he was editor of the law review and the outstanding law graduate of 1963 at Oklahoma law school. After being in private practice with the Oklahoma City firm of Crowe and Dunlevy, Coats became state's district attorney in

Oklahoma City in 1976 and served for four years. He ran unsuccessfully as the Democratic candidate for the U.S. Senate in 1980, then returned to private practice. He was elected mayor of Oklahoma City in 1983 and served until 1987, again entering private practice. A passionate amateur golfer, who almost turned professional, Coats has been outstanding as a law school dean. Since his appointment, endowed faculty positions have increased from four to 17 and six presidential professorships were added this year. ✧

NORTHWEST FELLOWS GATHER IN SEATTLE

William Haglund, Ph.D., director of the International Forensic Program for Physicians for Human Rights in Boston, and Charles Armstrong, president of the Seattle Mariners, were featured speakers at a gathering of Fellows at a late July Northwest Regional Meeting in

Seattle. Haglund spoke on the “Promise of Nuremberg: A Historical Perspective” and Armstrong on “The Business of Baseball.” In the photo below are: (L-R) Charles C. Gordon, Washington State Chair; Armstrong; Haglund; College President Stuart D. Shanor and Regent Payton Smith. ✕



FELLOWS IN PRINT

Regent Dennis R. Suplee of Philadelphia is co-author with Diana S. Donaldson of *The Deposition Handbook, Fourth*

Edition by Aspen Publishers, Inc. Suplee is a partner in the Philadelphia office of Schnader Harrison Segal and Lewis. Ms. Donaldson is managing partner of the firm’s Philadelphia office. ✕

FROM THE EDITORIAL BOARD

(Continued from page 2)

vation. The College has traditionally discouraged the use of one's membership in the organization as a means of tooting one's own horn. On the other hand, the College has an incredible wealth of talent among its members. We are trying to walk the fine line between those sometimes conflicting considerations. We have progressively enhanced existing features or added new ones - Fellows in Print, Awards, Honors and Elections, Fellows in the News and Fellows to the Bench - as well as publishing more feature articles about various Fellows, to help you, as Fellows of the College, to appreciate the rich diversity and the accomplishments of our membership. We welcome your comments about these features. We also welcome news clippings and articles by and about Fellows. We will use our discretion in using them in *The Bulletin*, and we welcome your reactions to them.

Continuing our series on the College's committees, in this issue we profile the Federal Civil Rules Committee. This committee has long been one of the College's most active and most influential.

Getting reports of the activities of Fellows in their regions, states and provinces continues to be a struggle. At the Chairs' Workshops this fall, we will make a special plea that the chair of each state, province or regional meeting appoint someone to send us a report of the meeting, so that we can consider publishing it in *The Bulletin*.

President Stu Shanor's letter addresses a subject that is vital to the College's continued well-being. The average age of candidates considered at the Spring meeting was 53. The average College Fellow is

in the early 60's. Invitation to Fellowship is intended to recognize achievement in the profession, but it should not come in the form of a gold watch at the end of a long career. Early recognition of the emerging leaders of the trial bar provides new, younger Fellows an incentive and a challenge to live up to the College's standards and ideals as they approach and live through the peak of their careers. Their presence at an earlier stage of their careers enhances the stature and relevance of the College. Stu's message is one we should all read and ponder.

In this issue you will find a list of those persons who will be nominated as officers and as new members of the Board of Regents at the Annual Meeting.

The College's selection process for new members is designed to be carried out without compromising the confidentiality of our inquiry. Unfortunately, for too many Fellows, the way the College functions and the way its leaders are selected also remains too much a mystery. Successive Presidents have told us that they are frequently asked how one can become more involved in the College and how its leadership is chosen. We have undertaken to address how the College functions, both in successive President's letters and in a series of articles. In this issue you will find an article that explains how the College's leaders are selected. We hope that you will find it informative.

As always, we welcome your suggestions and your criticisms as we endeavor to bring *The Bulletin* up to the high standards you are entitled to expect of every aspect of the College's activities. □



MANUAL BEING REVISED

A committee chaired by College Treasurer James W. Morris, III, Richmond, Virginia, is in the process of revising the College's Manual for State and Province Chairs. The Manual, which outlines

the duties of these committees and the procedures they are expected to follow, is scheduled to be completed in time for approval by the Board of Regents at its Annual Meeting and for distribution at the Chairs' Workshops later this fall. ✧

IN THE NEWS

College Fellows are nearly always in the news and recent events have proved no exception.

The *New York Times* profiled Fellow Peter E. Fleming, Jr. of New York City in its August 11 edition. He is representing John J. Rigas, the founder of Adelphia Communications whom the newspaper said has been "charged with looting the company of more than \$1 billion." The *Times* headline called Fleming, "The Rich Man's Clarence Darrow." High praise indeed.

Fellow Thomas R. Mulroy, Jr. of Chicago is representing the retired partners of Arthur Andersen in litigation to protect their retirement rights.

Fellow Plato Cacheris, former State Chair for the District of Columbia, is representing Robert P. Hanssen, former FBI agent convicted of espionage. Cacheris was successful in avoiding the death penalty for Hanssen.

Fellow James J. Brosnahan's defense of accused "American Taliban," John Walker Lindh, has occupied a prominent place in the news for several months. Brosnahan, of San Francisco, was the winner of the Samuel E. Gates Litigation Award in 2000.

Another Fellow regularly in the news is U. S. Senator John R. Edwards, Raleigh, North Carolina, the only Fellow of the College in the Congress. Edwards sits on both the Senate Judiciary Committee and the Senate Intelligence Committee. A runner-up for the Democratic vice-presidential nomination in 2000, he is widely regarded as a potential presidential candidate in 2004.

(If you have news of Fellows in action that you think should be included in future issues of The Bulletin, please email them to: Marion A. Ellis, Editor. His email address is: mae6825@bellsouth.net.) ✧

CALENDAR

NOTE: Dates should be checked with ACTL office before scheduling events.

2002

<p>September 14 DC and Maryland Fellows Joint Meeting Great Hall, United States Supreme Court Washington, DC</p> <p>September 19 Vancouver Fellows Annual Black Tie Dinner Vancouver, BC</p> <p>September 19 Vermont Fellows Dinner Shelburne Farms Shelburne, VT</p> <p>September 19 Quebec Fellows Annual Dinner Mount Royal club Montreal, QU</p> <p>September 20 Indiana Fellows Annual Dinner Woodstock Country Club Indianapolis, IN</p>	<p>September 21 Michigan Fellows Annual Black Tie Dinner Ritz-Carlton Hotel Dearborn, MI</p> <p>September 27-28 Wisconsin Fellows Annual Meeting and Banquet Fluno Center Madison, WI</p> <p>October 5-6 Kansas Fellows Annual Fall Meeting Fairmont Hotel Kansas City, MO</p> <p>October 13 Executive Committee Meeting The Waldorf-Astoria New York, NY</p> <p>October 14-16 Board of Regents Meeting The Waldorf-Astoria New York, NY</p>	<p>October 17-20 Annual Meeting The Waldorf-Astoria New York, NY</p> <p>October 31-November 3 Eastern Chairs Workshop Colonial Williamsburg Williamsburg, VA</p> <p>November 9 Ohio Fellows Annual Dinner Columbus Art Museum Columbus, OH</p> <p>November 21-24 Western Chairs Workshop Hotel Del Coronado Coronado, CA</p> <p>December 2 Southwest Pennsylvania Fellows Holiday Dinner Carlton Restaurant Pittsburgh, PA</p>	<p>December 4 Washington State Fellows Annual Christmas Dinner Broadmoor Golf Club Seattle, WA</p> <p>December 5 Oregon State Fellows Annual Dinner Heathman Hotel Portland, OR</p> <p>December 6 Mississippi Fellows Annual Black Tie Dinner TBD</p> <p>December 7 Louisiana Fellows Annual Dinner TBD</p>
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2003 & 2004

<p>February 7 Virginia Fellows Annual Meeting TBD</p> <p>February 20-23 North Carolina and South Carolina Annual Meeting The Cloister Sea Island, GA</p>	<p>March 16-19 Board of Regents Meeting Boca Raton Resort and Club Boca Raton, FL</p> <p>March 20-23 Spring Meeting Boca Raton Resort and Club Boca Raton, FL</p>	<p>July 31-August 3 Northwest Regional Meeting Fairmont Jasper Park Lodge Edmonton, Alberta, Canada</p> <p>October 26-29 Board of Regents Meeting Montreal, Canada</p>	<p>October 29-November 1 Annual Meeting Fairmont Hotel Montreal, Canada</p> <p>2004</p> <p>March 4-7 Spring Meeting Marriott Desert Ridge Resort & Spa Phoenix, AZ</p>
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FORMAT FOR COLLEGE MONOGRAPHS CHANGED

For many years the College has published position papers on subjects of major interest to the profession. Some of these have been statements of College policy on important issues. Recent monographs on the twelve-person jury and on problems arising under the Federal sentencing guidelines are examples. Other papers, such as the 1991 monograph on the then-emerging forms of Alternative Dispute Resolution, have made a valuable body of research available to the profession.

These papers have contributed to the literature of the profession and are frequently cited by writers and courts. The 1994 monograph on the standards and procedures for determining the admissibility of expert testimony in light of the *Daubert* decision is a notable example.

Some of these papers have been republished with the College's permission in national reporters and professional journals.

These monographs have traditionally been published in a distinctive pamphlet form with a blue cover and gold lettering. They have been distributed to Fellows of the College and, when appropriate, to members of the judiciary and others.

The process of producing these papers and of obtaining the approval of the Board of Regents to publish them has proved to be a time-consuming task. Occasionally, a valuable paper has come disturbingly close to being obsolete before it could be published.

The increased level of activity of our committees has begun to turn out a steady flow of such papers.

After long consideration, the Executive Committee has decided to change the way the College goes about making its publications available to a wider audience and on a more timely basis.

Along with this issue of *The Bulletin*, you will receive two monographs approved for publication by the Board of Regents. They are printed in standard 8 x 11 inch format that will be easier to reproduce and to file. These papers will also be posted on the College's website, where they will be available to the public. We also expect both papers to be republished by national reporters or journals, so that they will receive wider distribution and can be more readily cited by others.

To expedite the process of producing such papers, members of the Communications Committee will act as an editorial board to work with College committees as they are preparing them, so that they will be presented to the Board of Regents or the Executive Committee in already publishable form. The Communications Committee is also working on a set of guidelines to assist committees of the College in producing timely papers of a quality that meets the College's high standards. ✧



ACTL COLLEGE LEADERSHIP

As they travel around the United States and Canada attending meetings of the Fellows, Presidents of the College are frequently asked questions such as: “How do I get involved in the College’s work?” “How is the College run?” “Where do the leaders of the College come from?” “How are they chosen?” “And who chooses them?”

The American College of Trial Lawyers is governed by a Board of Regents. The College functions through its sixty-one state and province committees, which are responsible for College activities in their respective geographic areas, and through its twenty-nine general committees.

The Board of Regents consists of the President, the President-Elect, the Immediate Past President, the Secretary, the Treasurer, and fifteen members selected by the Fellows. Regents are elected to four-year terms. In addition, the Past Presidents are Ex-Officio members of the Board, but do not have the right to vote. One of the traditions of the College is that they attend Board meetings. They are the repositories of the College history and the guardians of its traditions.

Regents are elected at a Fellows’ business meeting during the College’s annual meeting. A Regents’ Nominating Committee, composed of two Fellows at large, two Past Presidents and three Regents, including the Chair, appointed by the President, nominates a candidate for each vacancy on the Board of Regents. The Bylaws also provide a procedure for making other nominations to the Board.

The Board of Regents elects the officers

at an organizational meeting held immediately following the annual business meeting of the Fellows. The Past Presidents of the College are the nominating committee for officers.

The incoming President-Elect appoints state and province committees, including their chairs, for a one-year term, commencing at the conclusion of the Annual Meeting. The incoming President appoints the general committees and their chairs, likewise for one-year terms. Committee members are generally considered eligible for annual reappointment until they have served on a committee for five years, so long as they have continued to participate in the work of their committee. Committee chairs are normally chosen from incumbent members of the committee. Under normal circumstances they serve no more than two years.

Committee members are appointed from among those who have expressed an interest in participating in a particular committee and those recommended for appointment by other Fellows or by the committee chairs. In most years the President-Elect and President nominees have been able to find a committee assignment for every Fellow who has expressed an interest in serving.

SELECTION OF REGENTS

The bylaws prescribe no qualifications for serving as a Regent beyond providing that any Fellow in good standing at the time of the Annual Meeting is eligible for election to the Board of Regents, that a Regent is not eligible for re-election until two years after the expiration of a four-year elected term and that Past Presidents are not eligible for election as Regents.

The job of a Regent is demanding and

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ACTL COLLEGE LEADERSHIP

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time-consuming. The importance of the position is heightened by the fact that all the officers of the College must be selected from among those who have served as Regents.

A nominating committee is charged with the sole responsibility of nominating those Fellows it feels will best serve the needs of the College. Over the years, a set of informal criteria, passed along from each nominating committee to its successors, have come to be the accepted norm in the nominating of Regents.

Overall stature in the profession, such as will bring credit to the College, is a primary criterion for nomination. The Regents' nominating committee looks for Fellows who are widely recognized for their leadership, organizational ability and experience. This recognition can have been established through work in the College *or* in other organizations. It is, therefore, no accident that a number of Regents, many of whom have risen to the presidency of the College, have also served as presidents of the American Bar Association, as leaders of other legal organizations, as judges, as government officials or as independent counsel. One ultimately became a Justice of the United States Supreme Court. The history of the College is replete with examples of notable public service by those who rose to leadership positions in the College.

Demonstrated interest in the College and its work is also obviously important. This interest can have been demonstrated in a variety of ways, including through committee leadership, committee service and attendance at College meetings. On the other hand, the College, unlike many bar organizations, is not one in which one "earns" one's way onto the Board or into office through a series of "chairs."

Obviously, character and reputation are essential elements of stature in the profession. The Regents' Nominating Committee looks for those who are known to adhere to both the letter and the spirit of the Rules of Professional Responsibility and the principles of the profession articulated in the College's Code of Trial Conduct.

A reputation for diligence and thoroughness is important. A voluntary organization depends on leaders who are self-starters and who plow deeply.

Collegiality is also important. The Regent nominee must be someone who is generally known to and respected by the Fellows in his or her region, one who can move among them and relate as one of them.

A Regent nominee is normally someone at the peak of his or her professional career who thus commands widespread respect as a professional. Balanced against this required maturity are considerations of age and state of health. Some people age more quickly than others, and energy levels vary, so that calendar age is only one factor taken into consideration. Ideally, a nominee will be someone who appears to be capable of providing vigorous leadership in the College for a number of years.

Fellows nominated to the Board are for the most part those who appear to have the potential to serve as officers of the College if they are ultimately selected, since under the bylaws officers can be selected only from among those who have served as Regents.

Geography inside a region is a consideration. The College is aware that states and provinces that have never had a Regent become sensitive to that fact. Furthermore, a state or province from which a Regent has been selected tends to become energized by that selection. Thus, without subordinating the important personal qualifications required of a Regent, nominating committees

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ACTL COLLEGE LEADERSHIP

(Continued from page 23)

have traditionally been sensitive about looking for qualified persons in states and provinces that have never had a Regent, and geographic considerations are a factor, particularly when candidates from two or more states or provinces appear equally qualified.

The Nominating Committee has before it the long-term history of the succession of Regents in each region. Thus, letter-writing campaigns designed to pressure the committee into nominating a Regent from a particular state or province are neither necessary nor welcome.

The College also has a tradition of eschewing self-promotion and internal politics. The Regents Nominating Committee carefully examines the qualifications of each candidate suggested to it and makes its selections in the College's best interests. For that reason, a transparently organized letter-writing campaign on behalf of a potential nominee is unnecessary and, indeed, generally counterproductive, particularly if it appears that the candidate had a hand in it.

In the final analysis, however, the committee's duty to the College is to nominate the most qualified persons, those whose presence on the Board will best serve the College's interests.

SELECTION OF OFFICERS

The only stated requirement for nomination as an officer is that one must be a Fellow in good standing who has served as a Regent. Beyond that, there is neither a bylaw provision nor an established pattern.

Once one has become a member of the Board of Regents there is no "chairs" system leading to becoming an officer. The math is inescapable: there are always more Regents than there are officers' positions. Many

outstanding people are selected to serve on the Board of Regents. Only a few from among those can have the opportunity to go on to serve as an officer of the College.

The officers constitute the Executive Committee, which manages the College's affairs between meetings of the Board of Regents. The demands on their time are substantial. The past presidents, all of whom attend meetings of the Board of Regents, get to know all the Regents and to observe their performance. Each year they nominate those they deem best suited to serve the College as officers in the coming year.

For the year of his/her presidency the President is the spokesperson for the College. He/She must be capable both of carrying the heavy responsibility of leading the College and of being its public spokesperson while bearing up to a sometimes overwhelming schedule of meetings and the attendant travel. One recent past president logged in over 110,000 miles of air travel during his presidential cycle. The President-Elect is often called on to pinch-hit for the President, so that the demands of this office are, likewise, substantial.

There is no set pattern leading to nomination as an officer. Some Presidents have served for four years as a Regent, then two or more years as Secretary or Treasurer, before becoming the President-Elect. Some Regents have been selected as Secretary or Treasurer, and a few even as President-Elect after fewer than four years as a Regent. Some have become the President-Elect without having held any other office other than Regent. Some, on the other hand, have served four years as a Regent, two or more years as Secretary or Treasurer and then rotated off the Board, only to be later brought back as the President-Elect nominee.

Clearly, then, the past presidents select the people who appear best suited to serve

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ACTL COLLEGE LEADERSHIP

(Continued from page 24)

the College's needs in a particular year, rather than following any set pattern, an approach that indeed reflects the College's approach to selecting leaders from the committee level on up to the presidency.

(This article, one of a series on how the College functions, is by E. Osborne Ayscue, Jr., a past president of the College who participated in the writing of Sages of Their Craft, the fifty-year history of the College, and who has also twice served on the Regents Nominating Committee.) ✧

STATE AND PROVINCE MEETINGS

DOWNSTATE NY FELLOWS HONOR CARDOZO

Fellow **Michael A. Cardozo** was the guest of honor at an annual dinner of the Downstate New York Fellows, according to Downstate New York Chair Betsy Plevan. Cardozo has accepted appointment as corporation counsel of the City of New York. The head of a firm of 600 lawyers, Cardozo was recently president of the Association of the Bar of the City of New York.

✧ ✧ ✧

ALBERTA FELLOWS INCREASE ACTIVITY IN PROVINCE

Alberta Province Committee Chair **Phyllis A. Smith** of Edmonton reports that most of the Fellows in the province attended a May 9, 2002 meeting. Smith, Fellow Alan Macleod and Judicial Fellow Neil Wittman are on the Steering Committee of an Alberta Law Reform Institute project to conduct a substantial review of the Rules of Court of the Province of Alberta. Several Fellows are involved in advocacy instructions at the University

Law Schools. The Alberta Committee is planning a 2003 Regional Meeting, to be held in Jasper in July 2003.

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SOUTH DAKOTA FELLOWS HONOR BUTLER

Fellow **Joe Butler** of Rapid City, who had the honor of having the Governor of South Dakota proclaim June 10th as Joe Butler Day, was the guest of honor at the Annual Meeting of the South Dakota Fellows on June 21-22 in Rapid City. The South Dakota Fellows were to support and attend the North Dakota Meeting in Minot in August.

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CANADIAN FELLOWS SALUTE ONE OF THEIR OWN

President-Elect nominee **David Scott**, who will become President of the College in 2003 at the Annual Meeting in Montreal, was honored at a dinner of the Ontario Fellows. Fellows from throughout Canada attended to honor Scott, who will be the first Canadian to head the College. ✧

PRESIDENT-ELECT LIGHTFOOT

(Continued from page 5)

meet our criteria of character and experience. It's a little bit harder to find them when there are not many cases being tried, but we're working on it."

The College itself is healthy and thriving, Lightfoot says, and should continue to be a leader in the profession.

"Our profession stands alone in the degree to which we police ourselves and monitor ourselves and insist on civility. We are the only profession that constantly harps on civility and treating our fellow human beings as we would like to be treated. I have often said that, at our best, our profession comes closest to the prophet Micah's admonition that we are to

do justice, love mercy and walk humbly with our God."

If the lawyering job doesn't work out for Lightfoot, he could always fall back on his skill as an artist and sculptor. As a young man, he once traveled around the beaches of Florida sketching caricatures of people for \$7.50 each, including the frame. "I made a good living at it," he says.

Lightfoot started taking art lessons when he was about ten years old and learned to perfect his drawing and sculpting. About two years ago, he started sculpting bronze portrait busts for \$5,000 each and has completed about a dozen so far, including one of the late former College President Fulton W. "Bill" Haight. □

COLLEGE RELEASES TWO RESEARCH PAPERS

The College has authorized the publication of two landmark papers. The first of these papers, entitled *Report on the Erosion of the Attorney-Client Privilege and Work Product Doctrine in Federal Criminal Investigations*, is the joint product of three College committees, Attorney-Client Relations, Federal Criminal Procedure and Federal Rules of Evidence. The drafting committee consisted of: John J. Kenney, New York, New York, the principal draftsman of the paper; Elkan Abramowitz, New York, New York; John P. Cooney, Jr., New York, New York; Alan J. Davis, Philadelphia, Pennsylvania; James L. Eisenbrandt, Prairie Village,

Kansas; Bruce I. Goldstein, Newark, New Jersey; and Thomas E. Holliday, Los Angeles, California. This report was approved for distribution by the Board of Regents at its Spring Meeting.

The second paper, entitled *Opinions Hidden, Citations Forbidden: A Report and Recommendations of the American College of Trial Lawyers on the Publication and Citation of Nonbinding Federal Circuit Court Opinions*, has been similarly approved for publication. Its principal draftsman was William T. Hangley, Philadelphia, Pennsylvania, Chair of the Federal Rules of Evidence Committee.

Copies of both of these papers accompany this issue of *The Bulletin*. □

MAYOR BLOOMBERG TO WELCOME COLLEGE

The Honorable Michael R. Bloomberg, Mayor of New York City, will welcome attendees at the 2002 Annual Meeting of the American College of Trial Lawyers, scheduled for October 17-20 at the Waldorf-Astoria in New York City.

□ Mary Jo White, FACTL, former United States Attorney for the Southern District of New York, will speak on the Criminal Justice Response to Terrorism. She will be followed by Robert S. Mueller, III, FACTL, Director of the Federal Bureau of Investigation and Phillip K. Howard, Author of *The Death of Common Sense* and *The Collapse of the Common Good*. Mr. Howard is head of the Washington, D.C. based Coalition for the Common Good.

□ The Right Honourable The Lord Phillips of Worth Matravers, Master of the Rolls, Royal Courts of Justice, London, will be inducted as an Honorary Fellow of the College. Winning teams from the National Trial Competitions in the United States and Canada, together with the best oral advocates from each of those competitions will be presented to the College.

□ On Friday evening the attendees will be treated to a reception and dinner-dance, the theme of which is "Salute to Broadway."

□ The Saturday session will feature John L. McGoldrick, FACTL, Executive Vice President of

Bristol-Myers Squibb Company; Henry G. Miller, FACTL, a past Regent and author of *On Trial: Lessons From a Lifetime in the Courtroom*; Bryan A. Stevenson, Executive Director of the Equal Justice Initiative of Alabama and the Honorable Stephen Breyer, JFACTL, Associate Justice of the Supreme Court of the United States.

□ The winning teams and the best oral advocates from both the United States and the Canadian Moot Court Competitions will also be recognized and presented to the College.

□ New Inductees to the College will attend an orientation breakfast and, with their spouses, a reception and luncheon given in their honor. Following a recently established tradition, the new Fellows will be inducted while facing the audience. Dean Andrew M. Coats, a Past President of the College, who will be flanked by all the attending Past Presidents of the College, will give the induction charge.

□ Seth P. Waxman, Washington, D.C., former Solicitor General of the United States, will respond on behalf of the new Inductees.

□ The College held its first Annual Meeting ever at the Waldorf-Astoria on September 19, 1951. Its last New York meeting was held in 1986, when the Annual Meeting was still being held in conjunction with the American Bar Association's annual convention. On that occasion, the annual banquet again took place at the Waldorf-Astoria. □

The Bulletin

of the
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