

# THE BULLETIN

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## Challenges and Goals For The Future

by The Honorable Stephen Breyer, Chief Judge, United States Court of Appeals for the First Circuit

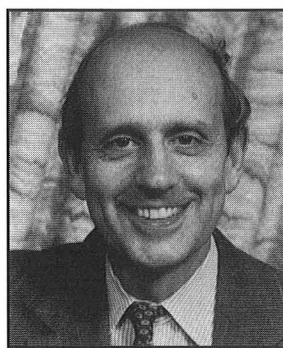
*This article is the verbatim unedited text of the address of the Honorable Stephen Breyer at the 1994 American College of Trial Lawyers Spring Meeting.*

**T**hank you very much, Ralph Lancaster. That was a very nice introduction. It is true that I was involved with airline deregulation, and with the sentencing guidelines. I was once introduced by Judge Hill, actually about 1987. Do you remember 1987? It was just after the stock market crash in October. I was in the Eleventh Circuit, I think, giving a talk about the guidelines or something similar in November, and Judge Hill (who was very nice) wanted to make conversation. He said, "Well, what did you do before you were a judge?" I said, "Well, one of the things I was involved in was airline deregulation." "Oh," he said, "you were involved in airline deregulation, were you?" I said "yes." "And now you've helped write these sentencing guidelines, have you?" I said "yes." He then said, "They didn't just put you in charge of the stock market, did they?" That was right....

What I thought we might do, I might do, particularly if there are questions, is to talk a little bit about a grand topic, with a grand title — "The Future," the future of our basic rights, what you can do, what we can do. I really just use this topic as an excuse. And the excuse I want to use it for is to talk about three challenges that I think you have, that I think we have, and that are related to basic human rights, and to our fundamental freedoms. And by "we," I mean you and me.

The future . . . the future . . . . Yogi Berra once said, "I never make predictions, especially not about the future." That's correct. But nonetheless, Daniel Bell once said something that made an impression on me, and I'll tell you what it was. He said, "All right, we try to predict. Can you predict anything about what, institutionally or otherwise, life will be like a hundred years from now? It's pretty hard . . . 100 years. Think about that for a minute. But I'll make a prediction: a hundred years from now, there will be an election for Congress in the United States of America, and two years

after that there will be an election for President of the United States." Now we're not certain, actually. We can't be certain. But it's interesting, because we do think, well, probably. Probably. And think of the number of countries in the world ever about which one could have made such a prediction. And just thinking about



**The Honorable Stephen Breyer, Chief Judge, United States Court of Appeals for the First Circuit, Boston, Massachusetts addressed the Fellows at the 1994 Spring Meeting in Scottsdale, Arizona. The verbatim text of his address is reprinted in this issue. On May 13, 1994, President Clinton nominated Judge Stephen Breyer to the Supreme Court of the United States.**

that prediction suggests that we may have something. We may have something that you've helped to produce, that I've helped to produce, that we as a country have helped to produce over a period of 200 years.

And so, the three challenges that I want to bring up for discussion, for thought, and for elaboration are related to that special "thing" that we have. And when I call them "challenges," it seems to me that they are goals that we will have to rise to meet (as our successors will in the next 10, 20, 30, 40, 50 years) in order to maintain that

special "thing" that has allowed us to make the prediction I just told you about.

Let me put the first challenge this way. I'd say the first challenge is "maintaining the institution." What's the institution? The institution that protects our rights — the courts, the Bar, the very fact that you, as members of the Bar, will look me in the eye, or the trial judge, and politely say, "Judge, you're wrong. My client is not a popular human being. But I represent him. And you're wrong." All right, but what do I mean by this? Let me illustrate this first challenge a little bit more. To me, it means something personal and emotional.

It means something to me because of the following context: a year ago last October in Russia, Mr. Yeltsin and his Minister of Justice were having a meeting of 500 Russian judges. They were going to announce all kinds of reform, and they needed some observers. They brought in five outside observers, and I was very lucky and happened to be invited as one of them. They had interpreters with head sets and it was a big room, just like this one, and there were 500 judges sitting there from all over Russia. And my goodness, I didn't realize what a diverse place Russia is! I mean, they came from Kamchatka, Siberia, and from places where there are whole Buddhist republics inside Russia. I didn't know that. It was a very diverse-looking group. And Yeltsin spoke to them, and it sounded terrific, actually, to them and to me. And you know what, he said, "We're going to have lawyers, and the prosecutor isn't always going to win. And defendants are going to have defense attorneys, and we're going to have habeas corpus. And we're going to keep your pay steady and we're going to give you the Russian Communist Party Headquarters all over the country. They'll belong to the judiciary."

The speech was pretty good, and was well received. I rather liked it myself. And then I listened for two days as the Russian judges

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talked about it. That, too, was pretty interesting. The first thing they started to talk about was their pay: how are they really going to get more . . . yes, I thought I was at an American judicial meeting! They started to talk about pay, and then they went on, saying "Oh, yeah, yeah, Yeltsin says he's going to give us the Communist Party Headquarters. But I went over to the Headquarters that he said is supposed to be my office. And they said, 'Get the hell out of here.' They said, 'Who are you?' They wouldn't give it to me." Then the group of judges began to get serious. They said, "We all know what's been going on. We all know. We call it 'telephone justice.'" "Telephone justice" — they began to talk about that. They said, "Will it ever really change? We should never have been doing this!" What is "telephone justice"? Well, the party boss calls up, and tells you how to decide. By the way, interestingly enough, there were a lot of women in the audience, too. I said, "Gee, you have a lot of women judges here." They said, "Yes, it's a very badly paid profession." Uh huh. That's true. That's true.

What were they talking about when they talked about this "telephone justice"? "We should never . . . well how could we avoid it?" they said. "We needed the money. Where do we get a house, an apartment, our education for our children," and on and on and on. "Will it end, won't it end?" And, of course, I got involved. I couldn't help but getting drawn into this. And they were interested about the United States. They said, "Well, if you could have one thing, what would you have?" I said, "Well, in my own opinion, if I could have only one thing for the criminal defendant, I'd have habeas corpus. Why? Because the root of habeas corpus is that any one of 500 or 10,000 judges can say to an official: bring that human being in front of me, not some paper, not some piece of paper — who knows who wrote it? — but bring that person. And then the judge can look that human being in the eyes, and ask 'What are they doing to you?'" Okay. You got the story. So we talked about that for a while.

Then they got to what was really interesting for them — back to "telephone justice." They said, "Well . . . is there telephone justice in the United States?" I said "no." They said, "Well, who appointed you? How did you get your job?" I said, "Well, President Carter." They said, "President Carter, why did he appoint you?" I said, "He appointed me, I guess . . . well, Senator Kennedy recommended me, actually." They said, "Well, suppose President Carter called you. Suppose Senator Kennedy called you." I said, "But they wouldn't call me. That's out of the question. It doesn't happen."

They said, "Oh . . . ?" I said, "Oh, I see. You think that even if it did happen, that's what I'd say." "Right," they said, "that's right, that's right." I said, "But it really doesn't happen." But they . . . hey, you think I'd say that too? Yes . . . exactly . . . exactly. I said, "Well, how can I explain this? How can I explain?" I said, "Look, they'd be crazy to call me. They would be crazy. It would be such a scandal. They'd end up in jail. I would lose my job. I'd be able to . . . I mean, my God, I'd have a weapon over them. It's crazy in our country for them to do that. A newspaper would find out, somebody would find out, we'd be prosecuted, there's nothing that would make it worth it for them to run such a risk." And I began making a little headway on that one. I began to make a little headway.

But all of this began to get me thinking about something I don't normally think about. "Telephone justice" doesn't happen. I mean, maybe it happens sometimes — sometimes, not in federal court, but sometimes, and then the person's in jail . . . But you see, it just doesn't happen. That it doesn't happen is probably the best guarantee that all those rights we read in the First, Fourth, Fifth, and Sixth Amendments, all those rights, are things that we really enforce, and not just words on paper. And the enforcement doesn't just "happen." Rather, it's a function of the fact that judges are independent, and this independence itself is a function of the fact that all of you look the judge in the eye and say, "Judge, you're wrong. You're wrong," and that you go out there and represent the client who is unpopular and give that client your best. Judicial independence is a function, not of any words on paper, but of 150 or 200 years, of an entire history. And nothing that any of us can write, and nothing that any of us can change on paper, can protect that independence better than our history and our mores can. And so, that's why I say that it is a challenge when you come under attack for representing people who are the dregs of the earth. Let people understand — and you will have to explain it to them — that those rights that they are concerned about, and that affect 99.99999 percent of the country that are not the dregs of the earth, are dependent on the institution as a whole being strong enough for you to come in and say, "No!" and for me to know and for you to know that there is no phone call. And that's what I mean by "the challenge." It isn't words on paper, nor is it something that you can take as absolutely guaranteed for the next 50 or 100 or 200 years. It's something that has to be worked out.

Now, the second challenge. The second challenge, I would say, is this: it's again to have

# PRESIDENT'S MESSAGE

I want to report on three subjects that I hope will be of interest to you.

## STRUCTURAL CHANGES

Beginning this year, the Board of Regents will follow the policy of considering about one-half of the candidates for membership at each of the Spring and Annual Meetings (rather than virtually all candidates at the Spring Meeting as in the past). The candidates from a given state or province will normally be considered in their entirety at one meeting or the other. This change will have a number of desirable effects, including helping to even out the lengths of the Board of Regents meetings and the overall attendance at the two national meetings. The deadlines for state and province committees to submit nominations will be March 15 for the following Annual Meeting, and September 15 for the following Spring Meeting; and while the College office will conduct two state and province polls, only one such poll will take place annually in each jurisdiction.

The Board of Regents has approved the following additional changes:

(a) The terms of state and province chairs, and committee members, will hereafter commence immediately upon the conclusion of the Annual Meeting, rather than as of the following January 1, thereby coinciding with the terms of officers, Regents and general committee chairs. The change will be effective this year;

(b) The Workshops that have taken place in January in the past will be rescheduled to take place during the fall, within a period of approximately 30-45 days after the end of the Annual Meeting, also effective this year; and

(c) So that there will be a better basis for the year-to-year comparisons of revenues and expenditures, and for other reasons, the College's fiscal year has been changed to July 1-June 30, effective July 1, 1994.

## COMMITTEE ACTIVITIES

Twenty-five of the twenty-eight general committees had meetings at Scottsdale, Arizona in conjunction with the recently concluded Spring Meeting (and the other three are committees that had no real need to meet). This reflects commendable interest on the part of the chairs and committee members.

Many of the committee activities are reported on in this issue of the Bulletin. Four committees are responsible for particularly important writings, as follows:

(a) Acting at the request of the Federal Judicial Center, the Complex Litigation Committee (Robert G. Stachler, Chair) recently completed a line-by-line review and suggested revision of the Manual for Complex Litigation, together with several new sections on RICO Litigation, Environmental Law Litigation, and Accountants' Liability Litigation;

(b) The Board of Regents approved an analysis by the Federal Rules of Evidence Committee (Michael A. Cooper, Chair) of the Supreme Court's opinion last term in *Daubert v. Merrill Dow Pharmaceuticals, Inc.*, and authorized publication and distribution of this report to all Fellows and to various other recipients;

(c) A revision of the Code of Trial Conduct, which is the result of about two years work by the Legal Ethics Committee (Charles C. Hileman, Chair), was approved by the Board of Regents and will be printed in next year's Roster. It will be widely distributed throughout the profession, and the state and province committees will be asked to play a particularly active role in this connection; and

(d) The Special Problems in the Administration of Justice Committee (John T. Marshall, Chair) recently completed a Report on Vicarious Liability under RICO that was approved by the Board of Regents, and has now been distributed to all Fellows and to other recipients. This has been favorably received by the bench and bar.

## ANNUAL MEETING IN OTTAWA

The 44th Annual Meeting of the College will be held in Ottawa, Ontario, Canada on September 22-25. Responding to the requests of many of you, this and all future national meetings will have a Thursday evening through Saturday evening format, thereby permitting savings in airfare as a result of a Saturday night stayover and also allowing return trips home on Sunday (rather than on a Wednesday as in the past). The Ottawa meeting promises to be as outstanding as any in our history. Every indication is that it will be exceptionally well attended, and I urge you to act quickly after you receive notice of the meeting in July.

The headquarters hotel will be the Chateau Laurier, which has magnificent public spaces. There will be an opening reception on Thursday evening, September 22, in the Centre Block of the Houses of Parliament; on Friday evening, the College members and their spouses will have the exclusive use of two outstanding museums



FRANK C. JONES

in Ottawa, the Canadian Museum of Civilization and the National Gallery of Canada, with docents on hand to conduct tours and with shuttle buses operating between the two museums; and our concluding banquet on Saturday evening will be at the Palais des Congres in Hull, which lies just across the Ottawa River in the province of Quebec.

President-Elect Lively Wilson is putting together a truly outstanding program. Among those who have already accepted invitations to speak are the Rt. Hon. Antonio Lamer, the Chief Justice of Canada, and an Honorary Fellow; the Rt. Hon. Sir Peter Taylor, The Lord Chief Justice of England, who will be introduced as an Honorary Fellow; and Honorable Allan M. Rock, Q.C., Minister of Justice of Canada, and a Fellow of the College. Invitations have been issued to a number of other outstanding speakers in Canada and the United States. The Award for Courageous Advocacy will be presented to Julius L. Chambers, a Fellow who is now Chancellor of North Carolina Central University. There will be a panel discussion program on free speech and the law of libel that will be moderated by Patrick Watson, Chairman of the Board of Directors of the Canadian Broadcasting Corporation, and that will include Fellows from Canada and the United States. Further details will be provided in the announcement of the meeting.

A committee of Ottawa Fellows and their spouses, chaired by David Scott, is busily at work putting together a booklet about things to do in Ottawa and Ontario, and other parts of Canada, and the members of this committee will staff an information desk during the first two days of the meeting so as to answer questions and provide other information.

I look forward to seeing many of you at Ottawa.



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all of us understand that the social understandings — those very things, often unspoken, that we're all agreed upon and that allow us to have this independent institution and all of the Bill of Rights, etc. — that those social understandings, at least in my own view, in the next 10, 20, and 30 years, will come under siege on a battleground that is likely to be not so much within the courts, as outside them. Well, perhaps the battleground will be between the two, maybe both inside and outside the courts.

Now, what do I mean by that? I'll give you a case that illustrates what I'm trying to say. Vanessa Redgrave was supposed to read something at Christmas, I think at the Boston Symphony Orchestra, and the BSO came under a lot of political pressure, such that they cancelled her performance, probably because of her political views. And she brought a suit which then went over to the Massachusetts State Court, and back and forth between us, and eventually the state court held that the BSO had to pay her her contract. But, they also held that she didn't have a civil rights claim.

And why not? She didn't have a civil rights claim because the Constitution doesn't protect her against the actions of a private actor. And the Boston Symphony Orchestra is a private actor, not a public body. And one can understand that. I mean, you can understand the difficulty of getting the First Amendment to apply to the acts of private persons. What about me? I talk to my children at the dinner table. I say, "Don't say that." Are they going to sue me? Of course, they talk anyway, no matter what I tell them, so it doesn't make any difference. But nonetheless, what about the right of the newspaper editor? The Wall Street Journal, for example, doesn't want a very liberal person, perhaps, or maybe they do want one, or whatever, or the liberal paper doesn't want a conservative person. You say, "Oh well, my God, they can't censor that person." But what about the rights of the editor? Do they commit censorship when they tell the editor which persons he has to take and which not? You see, as soon as you begin to move the First Amendment into the area of one private person against another, you can understand the decision of the Massachusetts court to say, "Our civil rights statute doesn't cover this."

But wait, there's more. Just because there is a legal right to do something doesn't mean you should do it. Just because you have a legal right doesn't mean you have to or should exercise it. I mean, even if the First Amendment legally doesn't apply to private institutions in the same way as it applies to public institutions, that doesn't mean that private institutions can't respect the principles underlying the First Amendment, even though what it means to

respect the underlying principles is complex, and not at all the same as in the public area.

Of course, if you are talking about the First Amendment, you say, "My goodness, everyone knows that the First Amendment is there to protect the right of the person whom you don't like to speak his mind." Everybody says this, that is, until they find somebody whom they really don't like. Then they say, "Oh no, not that. We can't allow that." And one should remind people of this inconsistency, as well as of the fact that underlying not just the First Amendment, but perhaps each of the first Ten Amendments, is an element of respect for other persons. And this seems more and more true to me the older I get. For instance, I actually got a compliment from one of my children (which I actually wrote down secretly in my drawer) when my son, Michael, who's now in his first year at Stanford, said to me, "You know, we did have a lot of discussion at the dinner table, and I

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**"Listening to people is  
important, and that's  
as true in court as  
anywhere else."**

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did feel that you actually listened to what I was saying, even though I didn't always agree with you." You see, listening to people is important, and that's as true in court as anywhere else. Maybe I shouldn't tell you this, but I find that sometimes, if you briefly repeat back to one side the argument the other side has made, at least they know you've taken it in. Now I don't know how much credence you put in that, but it seems to me in the court room that you're listening to the other lawyer, or the other lawyer is listening to you, or you're trying to get the witnesses to take in what you are saying, and so forth. And I say to myself, "Well, Michael at least appreciates that I'm taking it in. Why does he appreciate it? Well, maybe there's something that has to do with respect for him as a person. And maybe something of that perspective underlies some of these rights."

But the battlefield for these things is in the schools, universities, symphony orchestras, newspapers, and all kinds of other fora outside the court room.

I'd like to give you another example, one that seems much more directly related to us and that comes from Pierre Leval, who's now on the Second Circuit. I heard him give a very interesting talk in which he said, "You know,

these things are balances — the First Amendment, the Sixth Amendment, the right of privacy; they're balances. Now the press, of course, is nonstop, interested in coming right into the court room and hearing everything." He then gave us a couple of examples, not just the Pizza Connection case, which I'll come to, but the example of Mr. Friedman, who was a party leader and involved in a very hotly contested corruption case. And at one point in the robing room, they were talking about a witness coming in and there'd been a press representative (worked out under some negotiation) in that robing room. I think that it was a question of a collateral witness coming in, and Judge Leval said, "Well, there has been doubt cast on the truth of what Mr. Friedman is saying, and it's legitimate under these circumstances to bring in this witness who might otherwise be kept out because it is a collateral matter."

The next day, the headline in the newspaper ran, "Judge Says Friedman A Liar." Then, the Times people were caught with a problem; the jury might read that. Indeed. The press then said to the judge, "Well, you shouldn't have said what your reason was." And Judge Leval responded, "I shouldn't have given my reason? I shouldn't have given my reason as to why I was admitting this evidence over objection? I thought judges were there to give reasons. Isn't that part of the judicial system. What? I shouldn't have given my reason?"

And then they said, "Well, you should lock up the jury." That's why I think of the Pizza Connection case. How long was the jury locked up in the Pizza Connection case? Lock them up so they can't read the paper? Seventeen months? They were locked up seventeen months, I think. A long time to be locked up! Locked up as a juror, where you can't even see your family? I mean, even prisoners aren't treated that way. Is there a solution to this problem?

Now, why do I bring up a tough problem like that, with right pitted against right? Because I want you to see both that it is a tough problem, and also that the answer doesn't necessarily lie in telling the courts to tell the newspapers not to print what they know. There are other institutions in society, and other ways of getting acceptable results. Perhaps, for example, it's worthwhile for the press to begin to think about not necessarily printing everything they have the right to print, or for the Bar to try to explain what the rights are on both sides of the issues. And, if there is such communication through the informal institutional mechanism of intelligent trial lawyers who understand the situation and the importance of protecting the rights of the



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defendant, as well as the importance of maintaining the free press, it's not obvious to me that there will be no progress. It's not obvious to me that there are monsters on either side. There aren't. And so, obviously, given what I think of the potential process of communication between the Trial Bar and the press, it's possible that progress can be made and that the public can be brought to understand something that is even more important, namely, that just because you represent a client who is unpopular and you give it your all does not mean that you have done the things that your client may have done. All right. So that informal kind of educational process between institutions — which are made up for the most part of decent people who don't necessarily see how these great rights clash — is important. And to organize that process seems to me to be a great challenge.

The third, and I'd say final, challenge (if, that is, I can indulge in a little bit of self-pleading) has to do with the federal courts. God doesn't tell us that you have to have a system of federal courts. There may be other ways of protecting people's human rights, but nonetheless we have had a system of federal courts for quite a while. I think there is going to be a challenge in trying to protect and to maintain what I call our system of generalist judges and generalist lawyers. That system is now under attack. It's true, of course, that if you have 50,000 cases in the Courts of Appeals, and 255,000 cases in the Federal District Courts, there are going to be tremendous pressures to close doors, to remove jurisdiction, to create a specialized kind of law. You see those pressures all the time — the drive to restrict diversity jurisdiction is one. And I could give other examples, as could each of you. And there are good arguments on both sides.

My own view is that I don't want diversity jurisdiction to leave the federal court. I want it to stay. Why? I'll first give you a small reason, a rather ad hoc reason. People all over the place tell us, "Look, diversity jurisdiction once had a rationale, but that rationale is long gone; and because the theory behind diversity jurisdiction is gone, it's not needed anymore. So let's get rid of it."

To which I respond: "Yes, yes, but remember, T.H. Huxley said, 'You know, many an idea has long survived well after its brains have been blown out.'" The reason I think of that in connection with diversity jurisdiction is a practical one. If you get rid of diversity jurisdiction in Massachusetts in the First Circuit, a lot of people have to go to some other court. Are the Massachusetts courts so free of congestion that they can absorb these people? They certainly are not. They are just as

congested as our federal court. If you begin to start thinking that there are human beings out there who have problems, that these problems call for a lawyer's attention, that the people couldn't care less whether their problems are solved in a federal court or in a state court, and you focus on their problems, you'll begin to say, when people come in and tell you that the theory behind diversity jurisdiction is dead, so what? So what!

We have now a system in which diversity is in the federal court. Will we make the human beings whom that court now serves better off, or worse off, if we remove diversity? To my mind, the answer is clear: worse off. But this is the ad hoc reason against removing diversity jurisdiction.

The other, more general, reason is that diversity promotes the breadth of our legal knowledge. It requires us to be generalist judges and lawyers. I think back to a time — perhaps

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**"Retain generalism at the bench and enough simplicity and communicability in the law so that people understand what law is like and how it works for them."**

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not my father's generation, but maybe the generation before — when students in law school studied tort, contract, procedure, property, the common law, etc. And we, the people of my generation, learned them, even later.

Law students of my father's generation, and of mine, learned these subjects, and there were a few, indeed, a couple of years' worth of principles that we could take in and learn. We grasped that there were certain principles that underlay the length and breadth of the law and we were able to apply them in a lot of different circumstances.

In my generation, we also learned particular subcontexts of the law, like the New Deal agencies, tax law, etc. But although administrative law is more complex, there are a number of administrative law principles, and a few other principles, that we took in that, while harder to apply across the board, can still be stretched quite far.

What worries me today, as I look at my children's generation in law school, is where the law is being created. The law is being created in 30, 50, 100, 1,000 different agencies; created by people who are writing regulations, who are

writing books and books of regulations, which the practicing lawyer must then know . . . otherwise, we call in somebody else. But where's the overarching principle in all of this? Where is the simplicity? Where is that breadth of principle that used to so characterize the law? That the law today is being created in the federal government and agencies and state governments and agencies is nobody's fault. It arises, rather, out of the kind of society we live in, out of the kind of technological change that brings us closer all over the world, etc. I don't have to go into that, since you no doubt understand what I mean by it.

But what I'm saying is important, and what becomes more important as the specialization progresses is your ability — the trial lawyer's ability and strength — to dive into a complex matter, simplify it, and then communicate it. And the law has to be such that across these tremendously wide-ranging, detailed, specialized areas, written by regulation-writers and so forth, there can be simplifying principles, simplifying approaches, ways of looking at things, making it comprehensible, and making it communicable. And why do I say that this must happen? It must happen because otherwise the people in this country won't understand the law; it will get away from them, out of their control. You won't understand it, I won't understand it. While the administrator's task is to produce a set of rules, complex regulations, etc., these must ultimately serve people in a way that they can understand makes society better rather than worse. And that's my plea — for a little bit of an effort to retain generalism at the bench and enough simplicity and communicability in the law so that people understand what law is like and how it works for them. And, of course, we must maintain generalism at the Bar as well. Indeed, the brunt of the effort will have to come through the trial courts.

Well, that's my idea of the three challenges that we face over the next 10 or 20 or 30 years. Everything I've pressed for here today is geared toward making certain that people understand some of the pressures that you feel, that, in many instances, it's right against right, and that there is a need for institutions other than the court to handle these conflicts sensibly and to make balances that aren't just the product of a judge saying "do this or do that." And I think that if these challenges are met, it may be possible to maintain the legal institution called the Bar, so that the unpopular client is represented, so that the judicial institution works in principle and, more importantly, in practice, and so that those rights that are on paper exist in reality for the next 100 years. That's the challenge. Thank you.

# COMMITTEE NEWS UPDATE

## STANDING COMMITTEES

### ADJUNCT STATE COMMITTEE REPORT

State Chairmen Please Take Note: This is a reminder that the Adjunct State Committee stands ready to investigate and process any prospective candidate who might have transferred into your state too recently for you to be able to develop sufficiently complete information about him or her. The Adjunct State Committee will track his or her history prior to entering your jurisdiction to see if he or she warrants further consideration. Please be on the alert for such people and forward their names to College headquarters, attention John S. Martel, Chairman, Adjunct State Committee.

Submitted by:  
John S. Martel

### ADMISSION TO FELLOWSHIP COMMITTEE

The Admission to Fellowship Committee met in conjunction with the Spring Meeting at the Hyatt Regency Hotel in Scottsdale, Arizona, on April 18, 1994.

Officially, the Committee considered the recommendations drafted by William Taylor of Washington, D.C., for improving the College's ability to recognize, investigate and, where appropriate, induct more women and minorities into the fellowship. The discussion list supplied by Mr. Taylor was the product of a review of responses to a questionnaire, earlier generated by the Committee, from a majority of state and province chairs.

The suggestions and the general subject were discussed in a meaningful way and recommendations made for changes prior to submission of our report to the officers and regents. Post meeting correspondence allowed for further polishing of these suggestions.

Submitted by:  
James W. Morris II

### ALTERNATIVES FOR DISPUTE RESOLUTION COMMITTEE

The Alternatives for Dispute Resolution Committee met in connection with the Spring Meeting of the College. The Committee discussed the activities in which it will be involved if the report of the Ad Hoc Task Force on the adversary system is adopted when the Regents decide on a long range plan for the College. The Task Force's proposals include the preparation of written reports pertaining to the Massachusetts Mediation Program, the Pennsylvania Judge Pro Tem Program, and the Connecticut "Trial Referee" Program. In addition, the Task Force has proposed that the Committee make a comprehensive study of all ADR procedures being used throughout the country (as well as any other procedures whether ADR related or not) to reduce docket backlogs. If the study is made, the Committee is to be assisted by state and province subcommittees in obtaining detailed information from each state and province.

Committee member Ed Klett and former Committee member

Dick Rosenbleeth reported on the Pennsylvania Judge Pro Tem Program. Committee member Shaun Sullivan reported on the Connecticut "Trial Referee" Program. The Committee unanimously concluded that any activities in which it is engaged in the future should emphasize the importance of maintaining the right of trial by jury and the fact that parties should not be denied access to the court system because of ADR. Further discussions regarding activities of the Committee will take place after the Board of Regents decides on the College's Long Range Plan.

Submitted by:  
Frank G. Jones

### COMPLEX LITIGATION COMMITTEE

The Complex Litigation Committee prepared suggested revisions of the *Manual for Complex Litigation, Second*, and the addition of several new sections, including RICO Litigation, Environmental Litigation and Accountant's Liability Litigation to supplement the Manual. The reports of the Committee were approved by the Executive Committee and ratified by the Board of Regents at the Spring Meeting in Scottsdale, Arizona. The reports were transmitted to Judge William Schwarzer of the Federal Judicial Center who is supervising this work.

Submitted by:  
Robert G. Stachler

### FEDERAL RULES OF CIVIL PROCEDURE COMMITTEE

The Committee had a breakfast meeting on April 18 at the College's Spring Meeting in Scottsdale, Arizona. Although largely social, the meeting also included updates on the present status of proposed new Rule 26(C)(3) dealing with modification of protective orders, the progress among the 94 Federal Districts in adapting to the mandatory disclosure provision in the new Rule 26(a)(1), recent Federal Circuit Court decisions applying new Rule 11 to pre-December, 1993, conduct and a discussion of proposed modifications to Rule 23 on class actions and Rule 68 on offers of judgement, likely to take place at the then upcoming meeting of the Advisory Committee on Civil Rules in Washington, D.C.

The Chair attended the Advisory Committee's April 28 and 29 meetings in Washington, D.C. and reported to the members of the Committee that the Advisory Committee has forwarded to the Standing Committee proposed revisions only as to Rules 50, 52 and 59 (amending each of them so that motions for judgment NOV, amended findings and new trial would be uniform in requiring that all three such motions be served and filed not later than 10 days after judgment) and Rule 83 (dealing with local rules). The Chair also reported that the Advisory Committee is being somewhat cautious given the considerable stir in Congress last year primarily involving mandatory disclosure. Other items of interest reported after the Advisory Committee meeting related to the Advisory Committee's tabling of the proposed new Rule 26(C)(3) as to protective orders, establishing a separate subcommittee to study possible revisions to Rule 23 and deciding after all not to amend Rule 43(a) dealing with trial testimony by electronic means. It was

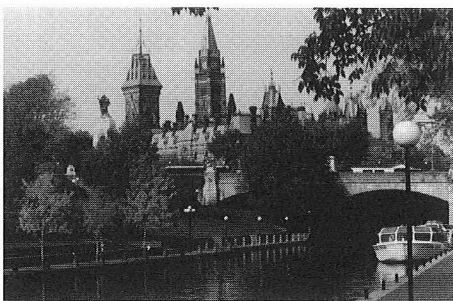
# Canada's Capital Ottawa La capitale du Canada

## Annual Meeting Visits Ottawa, Canada

The 1994 Annual Meeting of the American College of Trial Lawyers is scheduled for Ottawa, Canada September 22-25, 1994.

The headquarters hotel is the Chateau Laurier with the Westin and Hilton hotels for overflow rooms. President Frank C. Jones, appointed a local committee for the College's first major meeting of its own in Canada.

The committee has prepared an Ottawa Guidebook that will be sent to all who register.



Parliament Hill

## ADVANCE PROGRAM INFORMATION

Invited Speakers and Distinguished Guests  
Presiding:

**Frank C. Jones, President**  
Atlanta, Georgia

INVITED PROGRAM SPEAKERS AND  
DISTINGUISHED GUESTS: (Tentative at print date,  
listed in alphabetical order. Other participants will be listed  
in the final Program.)

**Julius L. Chambers, FACTL**  
Chancellor, North Carolina Central University  
Durham, North Carolina  
Recipient of Courageous Advocacy Award

**Hon. J. C. Kriegler**  
Supreme Court of South Africa  
Bloemfontein, South Africa

**The Rt. Hon. Antonio Lamer, P.C.**  
Chief Justice  
Supreme Court of Canada  
and Honorary Fellow, ACTL  
Ottawa, Canada

**Martin London**  
Paul, Weiss, Rifkin, Wharton & Garrison  
New York, New York

**Hon. Allan M. Rock, Q.C., FACTL**  
Canadian Minister of Justice  
Ottawa, Ontario

**The Rt. Hon. Sir Peter (Murray) Taylor**  
Lord Chief Justice of England  
London, England

**Patrick Watson**  
Chairman of the Board of Directors  
Canadian Broadcasting Corporation  
Ottawa, Ontario

Please note that the above speakers have been invited to the Annual Meeting. Final program is subject to change.



Chateau Laurier

## OPTIONAL TOURS

### Friday Tours September 23, 1994

#### DISCOVER CANADA'S CAPITOL

(\$38.00 per person) 1:30 p.m. - 4:30 p.m.

A wonderful riding tour serves as a perfect introduction to Ottawa. You will see the Parliament Buildings, Rideau Hall - the home of the Governor General of Canada, the Supreme Court of Canada, and Embassy Row in the village of Rockcliffe, and more! Many galleries and museums will be highlighted on this tour. An inside visit to Parliament Hill is included.

#### LAURIER HOUSE & WALKING TOUR OF SANDY HILL

(\$48.00 per person) 1:30 p.m. - 4:00 p.m.

Enjoy a comfortable walking tour of Sandy Hill, a picturesque and historic section of Ottawa and tour Laurier House, the home of two Canadian Prime Ministers, Sir Wilfrid Laurier (from 1897 to 1919) and William Lyon Mackenzie King (from 1923 to 1950).

#### GATINEAU PARK & MACKENZIE KING ESTATE

(\$24.00 per person) 1:30 p.m. - 4:30 p.m.

Enjoy the beautiful fall foliage at Gatineau Park and tour the Mackenzie King Estate, the summer retreat of Canada's tenth and longest governing Prime Minister. William Lyon Mackenzie King.

#### RIDEAU CANAL CRUISE

(\$24.00 per person) 3:00 p.m. - 4:15 p.m.

Enjoy a guided cruise along the historic Rideau Canal, which adds to the beauty of Ottawa. Built between 1826 and 1832, the canal is a linked system of navigable lakes, rivers and man-made channels which runs between the Ottawa River and Lake Ontario. The canal is the center year-round activity and adds to the visual beauty of Ottawa.

### Saturday Tours September 24, 1994

#### DISCOVER CANADA'S CAPITOL

(\$38.00 per person) 1:30 p.m. - 4:30 p.m.

A wonderful riding tour serves as a perfect introduction to Ottawa. You will see the Parliament Buildings, Rideau Hall - the home of the Governor General of Canada, the Supreme Court of Canada, and Embassy Row in the village of Rockcliffe, and more! Many galleries and museums will be highlighted on this tour. An inside visit to Parliament Hill is included.

#### RIDEAU CANAL CRUISE

(\$24.00 per person) 3:00 p.m. - 4:15 p.m.

Enjoy a guided cruise along the historic Rideau Canal, which adds to the beauty of Ottawa. Built between 1826 and 1832, the canal is a linked system of navigable lakes, rivers and man-made channels which runs between the Ottawa River and Lake Ontario. The canal is the center year-round activity and adds to the visual beauty of Ottawa.

Please complete the Tour Registration Form that will be provided upon your registration.

# 44th Annual Meeting

## SCHEDULE OF EVENTS

### American College of Trial Lawyers 1994 Annual Meeting Schedule of Events

#### Thursday, September 22, 1994

1:00 p.m. - 7:00 p.m. Registration/Information

7:00 p.m. - 9:00 p.m. Welcoming Reception &

Hors d'oeuvre Buffet.

Center Block, Houses of Parliament.

#### Friday, September 23, 1994

7:00 a.m. - 8:30 a.m. General Committee Meetings

8:00 a.m. - 5:00 p.m. Registration/Information

8:00 a.m. - 8:30 a.m. Continental Breakfast

8:30 a.m. - 11:30 a.m. General Session

1:00 p.m. - 5:00 p.m. Optional Tours

7:00 p.m. - 11:00 p.m. An Evening of Canadian Art and History.

Cocktails and Buffet Dinner

National Gallery of Canada

Canadian Museum of Civilization

#### Saturday, September 24, 1994

7:00 a.m. - 8:30 a.m. General Committee Meetings

8:00 a.m. - 5:00 p.m. Registration/Information

8:00 a.m. - 8:30 a.m. Continental Breakfast

8:30 a.m. - 11:30 a.m. General Session

11:30 a.m. - 12 Noon. ACTL Annual Business Meeting

ACTL Reorganization

Meeting of the Board of

Regents and Installation of New Officers

12:30 p.m. - 2:30 p.m. Inductee/Spouse Luncheon (By Invitation Only)

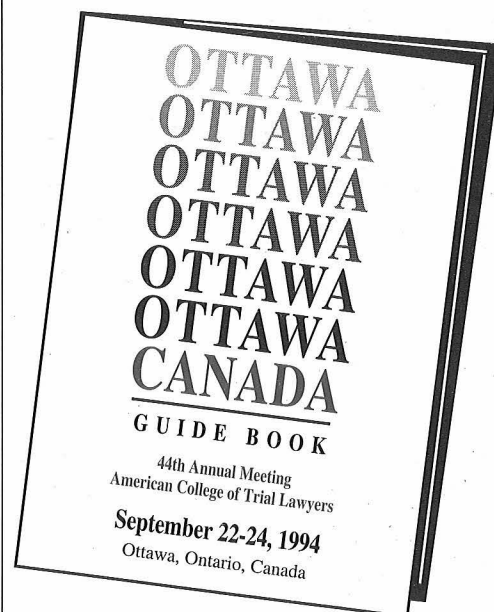
1:00 p.m. - 5:00 p.m. Optional Tours

7:00 p.m. - 7:45 p.m. Reception

7:45 p.m. - 11:00 p.m. Induction of New Fellows

Formal Banquet

Palais des Congrès





REPRINTED FOR YOUR CONVENIENCE

AMERICAN COLLEGE OF TRIAL LAWYERS

# 1994 ANNUAL MEETING REGISTRATION FORM

September 22-25, 1994

Chateau Laurier Hotel

Ottawa, Ontario, Canada

(NOT for hotel registration)

PLEASE TYPE TO IMPRINT ALL COPIES

(Information below will be used for confirmation and name badges)

FELLOW \_\_\_\_\_ SPOUSE/GUEST (if attending) \_\_\_\_\_

Names for badges, if different \_\_\_\_\_

FIRM NAME \_\_\_\_\_ TELEPHONE (\_\_\_\_) \_\_\_\_\_

OFFICE ADDRESS \_\_\_\_\_ FAX (\_\_\_\_) \_\_\_\_\_

CITY \_\_\_\_\_ STATE/PROVINCE \_\_\_\_\_ ZIP \_\_\_\_\_

## MEETING REGISTRATION FEES

Please register early as space is limited. Capacity attendance may be reached at any time. **Please be sure you are registered and confirmed with the ACTL prior to purchasing air tickets.** Registration and tickets are limited to Fellows, Inductees and a spouse or a guest. Fees include Welcome Reception on Thursday; Reception, Buffet and Dance on Friday; Continental Breakfast on Friday and Saturday; professional programs on Friday and Saturday.

Fellow or Inductee @ \$475.00 (U.S. currency) \$ \_\_\_\_\_

Spouse/Guest @ \$250.00 (U.S. currency) \$ \_\_\_\_\_

## SPECIAL EVENT FEES

A special Formal Attire Reception and Banquet is planned for Saturday, September 24. You must be registered for above meeting fees to purchase tickets to this event.

Saturday, September 24 — Banquet (Formal Attire) \_\_\_\_\_ @ \$125.00 per person \$ \_\_\_\_\_  
(U.S. currency)

Space is limited for this special event. Reservations are on a first come first served basis.

**TOTAL FEES ENCLOSED**  
(U.S. currency)

\$ \_\_\_\_\_

REFUNDS WILL BE GIVEN ONLY ON WRITTEN CANCELLATION REQUESTS RECEIVED IN THIS OFFICE PRIOR TO WEDNESDAY, SEPTEMBER 14, 1994. ALL CANCELLATIONS ARE SUBJECT TO A \$50.00 ADMINISTRATIVE CHARGE. NO REFUNDS CAN BE ISSUED AFTER SEPTEMBER 14, 1994.

Please return the original white copy with your check to:

OFFICE USE ONLY	
ID #	_____
CK #	_____
CEC	_____
BDG	_____
IKS	_____
OTHER	_____

**American College of Trial Lawyers**  
**8001 Irvine Center Drive, Suite 960**  
**Irvine, California 92718**

PLEASE MAKE A COPY FOR YOUR RECORDS

## COMMITTEE NEWS

CONTINUED FROM PAGE 6

Also reported that the Advisory Committee has determined not to amend Rule 84 having to do with so-called technical amendments because of concerns over the Rules Enabling Act and to more or less do nothing on the proposed revisions to Rule 68 on offers of judgment.

The next meeting of the full committee will be on October 11, 1994, in Boston, Massachusetts.

Submitted by:  
Kenneth J. Sherk

## FEDERAL RULES OF EVIDENCE COMMITTEE

The Board of Regents has approved the Committee's report, *Standards and Procedures for Determining the Admissibility of Expert Evidence after Daubert*, and has authorized publication and distribution of the report to all Fellows and to others. The report has been accepted by West Publishing Company for publication this coming fall in *Federal Rules Decisions*.

The Committee convened during the Spring Meeting in Scottsdale and continues to monitor developments in the law of evidence as applied in the federal courts, including proposed or potential amendments to the Federal Rules of Evidence.

Submitted by:  
Michael A. Cooper

## LEGAL ETHICS COMMITTEE

The Board of Regents approved the *Revised Code of Trial Conduct* submitted by the Legal Ethics Committee. This is a major revision, which will be included in the 1995 edition of the College Roster. Plans are underway for a broad distribution of the new Code among courts, law libraries and other places throughout the United States and Canada.

Subcommittees have been formed and are working on three new projects: (1) consideration of action by the College on the subjects of lawyer advertising; (2) media publicity in ongoing litigation; and (3) review of procedures for dealing with charges or complaints regarding possible unethical conduct by members of the College.

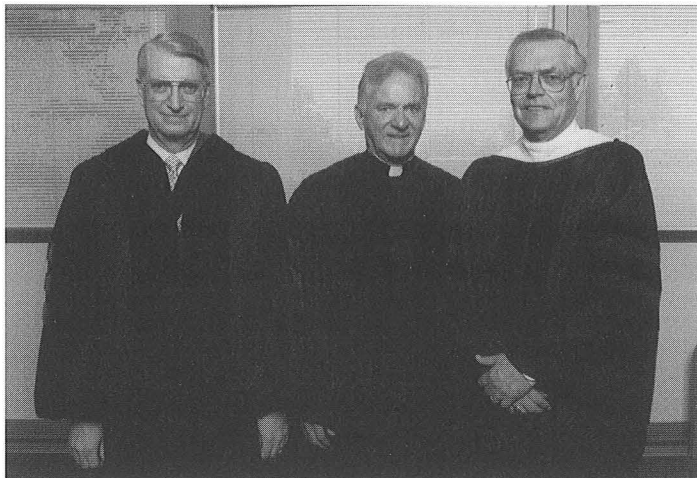
Submitted by:  
Charles C. Hileman

## SAMUEL E. GATES LITIGATION AWARD COMMITTEE

The Samuel E. Gates Litigation Award Committee met at the Spring Meeting followed by further deliberations and a conference call meeting on May 19, 1994. After a thorough discussion and thoughtful deliberation, the Committee made a unanimous recommendation to the Board of Regents of the individual proposed to be the recipient of the Samuel E. Gates Litigation Award.

Submitted by:  
Don Paul Badgley

## THE EMIL GUMPERT AWARD COMMITTEE



**Thomas J. Greenan, Secretary for the American College of Trial Lawyers (Right) congratulates John E. Clute, Dean of the School of Law at Gonzaga University and Bernard J. Coughlin, S.J., President of Gonzaga University on receiving the 1994 Emil Gumpert Award. Mr. Greenan made the presentation of a plaque and a \$25,000 Grant on behalf of the Board of Regents and the Fellows of the College.**

The Emil Gumpert Award Committee met in New Orleans on Saturday, February 5, to consider the applications of the University of Tennessee College of Law, the University of Oregon Law School, Gonzaga University School of Law, University of Idaho College of Law, Northwestern School of Law of Lewis & Clark College, and University of Notre Dame Law School. The meeting was chaired by Payton Smith and was attended by Regent, Dennis Shackelford, in addition to the other committee members. With perhaps one exception, all applicants were viable candidates for the Award. Consequently, the Committee was challenged with the strongest field of applicants to be presented in recent years. In its deliberations, the Committee benefitted from a series of oral reports by designated committee members summarizing the voluminous written material submitted in connection with the application.

This year the Award was given to Gonzaga University School of Law. Although Gonzaga did not have the high profile enjoyed by some of the other applicants, its trial advocacy program equaled or exceeded the competition in all respects. This year's results once again demonstrated that the Committee's deliberations are completely unbiased and that smaller, lesser-known schools have an equal opportunity to win the Award. The Award was presented on Saturday, May 14, by Regent Thomas J. Greenan from Seattle, Washington.

Three of this year's applicants were carried over for further consideration next year. They are Notre Dame, the University of Tennessee and the University of Idaho. The Committee expects other applications, and is looking forward to another strong field of applicants from which to select next year's winner.

Of special interest was the participation on the Committee of the Honorable Ronald N. Pugsley from Nova Scotia. It is hoped that beginning with next year the Committee will receive applications from Canadian law schools. In addition, the State Committee Chairs will be encouraged to generate applications from their jurisdictions.

**COMMITTEE NEWS**

CONTINUED FROM PAGE 7

It is believed that the number of strong applicants seen this year signals both a growing awareness of the Award, and increasing development of trial advocacy curricula in the Nation's law schools. To maintain this momentum, it was the unanimous view of the Committee that it would be desirable to increase the dollar amount of the Award, which is now \$25,000.

Submitted by:  
William B. Campbell

**THE INTERNATIONAL COMMITTEE**

In January of this year we participated along with two Supreme Court Justices and four Chief Judges of different Courts of Appeals in the first part of an Indo-American Judicial Exchange. Next year an Indian delegation will come to the United States to complete the Exchange. In the interim, we have been in touch with various Indian representatives about the possibility of doing something with them on the subjects of alternative dispute resolution and judicial backlog.

In addition, our Committee has arranged for the College to be the principal source of lawyers for the Federal Judicial Center when it institutes foreign projects. We also have begun to work with the newly formed Judicial Conference of the United States Committee on International Judicial relations. We will be attending a meeting in Washington with that group at the end of June.

We also are in touch with the Carter Center in an effort to identify projects in which it may be interested. We are talking to the United States Information Service about doing a project for them in Tunisia. We have been invited by them to travel to Tunisia toward the end of this year to attempt to develop a program in that country. We also are in contact with the Asia Foundation in an attempt to determine whether we can develop a project with them. We recently made contact with the Executive Director of the International Technical Assistance Program for Transforming Economics which is affiliated with Columbia University. They have expressed an interest in participating with us in a possible project in one or more of the former Russian countries.

We are studying the question of how we can support the activities of the United Nations War Crimes Commission. We also are working on the possibility of doing one or more projects with the Lawyers' Committee on Human Rights including being part of a corps of international trial observers of war crimes trials when they take place. We also are studying the question of the right of American lawyers to appear in the courts of certain foreign countries.

Submitted by:  
Edward Brodsky

**NATIONAL MOOT COURT COMPETITION COMMITTEE**

The National Moot Court Competition Committee was pleased to welcome to the Spring Meeting in Scottsdale members of the winning moot court team from South Texas College of Law, Mary-Olga Ferguson, Sheila P. Haddock and Gary R. McClaren. We also welcomed John C. Rogers of Southwestern University School of Law who won the award for the best individual oral argument in the finals for the competition in 1994.

In addition to the presentation of formal awards, the team members attended our breakfast meeting and reported with enthusiasm on the value of their experience in the competition. They were also extremely complimentary of the administration of the competition and noted in particular the outstanding job done by the Young Lawyer's Committee of the Association of the Bar of the City of New York in administering the final rounds of the competition in New York City.

At the Committee Meeting we explored the possibility of establishing a mentor program for the finalists in the competition. We are in the process of developing that idea, leading towards a formal recommendation to be submitted to the Board of Regents for approval and implementation.

Submitted by:  
Bettina B. Plevan

**NATIONAL COLLEGE OF DISTRICT ATTORNEYS COMMITTEE**

The National College of District Attorneys Committee met in Scottsdale, Arizona on April 19, 1994 and reviewed the accomplishments of the National College of District Attorneys. Our Committee believes there is a real need to continue scholarship funding for the National College of District Attorneys from the American College of Trial Lawyers. The American College of Trial Lawyers' contribution is used for scholarships where state and county funds are not available. Last year the National College of District Attorneys was able to provide 61 scholarships to prosecutors from approximately 28 states. These prosecutors could not otherwise receive this essential training without the assistance of the American College of Trial Lawyers.

The National College of District Attorneys is still going strong after over 20 years of operation.

Robert S. Fertitta, the first Dean in 20 years, took over in early 1994.

Preparations are in the final stages for the National College of District Attorneys to move into new office space in the University of Houston Law Center. It is hoped that the move will take place in August. Funds from the U.S. Department of Justice and the John O'Quinn Foundation have been transferred to the University of Houston to facilitate the move.

So far this year, course attendance is generally keeping pace with last year even though most jurisdictions are still showing no positive impact from the slowly improving national economy. Several courses have been presented this year.

The National College of District Attorneys is the official training arm of prosecutors throughout the U.S. and is sponsored by the National District Attorneys Association and the American Bar Association in addition to the American College of Trial Lawyers.

Submitted by:  
Carol Vance



## COMMITTEE NEWS

CONTINUED FROM PAGE 8

### AD HOC LONG RANGE PLANNING COMMITTEE

The LRPC understands that its sole functions are (1) to act as a think tank, (2) thoroughly to investigate the assigned areas, and (3) to make recommendations to the Board of Regents and Past Presidents as to what, if any, action the College should take to investigate further and/or implement proposed programs which it concludes would advance the College's stated purposes of improvement and enhancement of the standards of trial practice, administration of justice, and the ethics of the profession.

The Committee met during the Spring Meeting in Phoenix. It anticipates that it will be able to meet its projected schedule and submit its complete report for consideration at the Annual Meeting In Ottawa.

Submitted by:  
Ralph I. Lancaster, Jr.

### NATIONAL TRIAL COMPETITION COMMITTEE



Pictured above from Stetson University are the first and second place team winners of The 1994 National Trial Competition held in Dallas, Texas. Pictured are from (L to R) Frederick Schaub, Coach; David Paul, Member (2nd Place Team) and Best Advocate; Shirin Mohammadbhoy, Member (2nd Place Team); Professor William Eleazer, Faculty Advisor; Karen Williams, Member (1st Place Team); Angelo Patacca, Member (1st Place Team); Marie DeMarco, Assistant Coach. Frank C. Jones, President, served as the Presiding Judge in the final round which was the conclusion of the 122 school competition.

The National Trial Competition was held this year in Dallas, Texas on March 16-20. Approximately 122 law schools from throughout the United States participated in the Competition. At the end of the Final Rounds, Stetson University College of Law was named National Champion. That result was assured because Stetson University ended up with two teams in the Championship Round.

President Frank Jones served as the Presiding Judge for the Championship Round Judge of the Competition. Eighteen (18) Fellows served as presiding judges during the preliminary rounds and as jurors during the championship round. Those Fellows participation

were: David J. Beck, Reid Bridges, Raymond L. Brown, Thomas M. Crishan, David S. Cupps, Devin J. Dunne, Hubert W. Green, Leo A. Hughes, Jr., Andrew J. Kilcarr, Stuart Lefstein, Robert J. Muldoon, Jr., Richard E. Rassel, Edward J. Rice, Jr., Shulamith Simon, James J. Virtel, Michael A. Williams and Regent Liaison, Thomas J. Greenan.

122 school participated in the eleven regional competitions. There were 22 teams at the National Competition, but only 20 law schools were represented because two schools (Syracuse University College of Law and Stetson University College of Law) had two teams qualify for the Final Rounds.

Next year's Competition will again be held in Dallas, Texas in March.

Submitted by:  
David J. Beck

### TEACHING OF TRIAL AND APPELLATE ADVOCACY COMMITTEE

Our Committee took the lead in organizing and sponsoring the panel discussion on Professionalism that was held on April 19, 1994 at the Spring Meeting in Scottsdale. The moderator was Professor Charles R. Nessen of the Harvard Law School. The distinguished panel consisted of an Associate Justice of the Supreme Court of Canada, a United States District Judge, the Chief Judge of the Supreme Court of Delaware, three Fellows in the College, two Young Women Trial Lawyers, the best Oral Advocate from the National Moot Court Competition, the Executive Director of the *Arizona Republic* and the *Phoenix Gazette* and a Professor of Law. The program was videotaped and arrangements are being made to make copies available to Law Schools, Bar Associations and law firms.

Submitted by:  
Frank N. Gundlach

## STATE AND PROVINCE COMMITTEES

### SOUTHERN CALIFORNIA

The Southern California State Committee held its Annual Black Tie Dinner at the City Club on Bunker Hill in Los Angeles on March 11, 1994. The dinner was a great success. Over 125 Fellows and their guests were present. Special guests included President Frank C. Jones and Past President Fulton (Bill) Haight, both of whom addressed the group on recent College activities. Also present as special guests were Regents William W. Vaughn and Charles B. Renfrew.

Submitted by:  
Anthony Murray

## COMMITTEE NEWS

CONTINUED FROM PAGE 9

## NORTHERN CALIFORNIA

A luncheon for the Northern California Fellows was held on May 27, 1994.

We had 50 people in attendance, including past president Charles Hanger and past American Bar President Bob Raven.

Treasurer/President-Elect Charlie Renfrew gave a nice talk on the present activities of the College, service on various committees and generally the state of the College.

Past President Charles Hanger gave an inside view of the current role of the past presidents.

Submitted by:  
David O. Larson



Northern California Chair, David O. Larson (L) greets Fellows Robert Dryden (Ctr) and Dave Freitas (R) to Northern California Fellows luncheon held recently in San Francisco and attended by 43 Fellows.

## GEORGIA

A Tri-State meeting for the Alabama, Florida and Georgia Fellows will be held at the Cloister Hotel at Sea Island, Georgia, during the weekend of November 17-20. Social gatherings are planned as well as CLE programs for Friday and Saturday. Georgia Fellow Albert Fendig, Jr. of Brunswick, Georgia is Chairman of the meeting.

Submitted by:  
Manley F. Brown

## W A N T E D

Materials that may be of historic significance to the College, particularly from its early days. The files of early members of the College are particularly important. If you have, or have access to such materials that might be made available to the History Committee or to which a historian might be given access, please write to Robert A. Young, Executive Director, describing them.

## IDAHO

In addition to the handling of membership proposals, the Committee has begun planning for the 1995 Pacific Northwest Regional Meeting, which it will host August 6-9, 1995, at the Coeur d'Alene Resort, in Coeur d'Alene, Idaho. An informal meeting of the Idaho Fellows and guests is to be held this year (July 23, 1994) at the Stagecoach Inn in West Yellowstone, MT, en route to the 1994 Regional Meeting at Big Sky.

Submitted by:  
Richard C. Fields

## IOWA

The State Committee for Iowa continues to identify and obtain information concerning possible nominees for membership in the College so that when Iowa falls below its limit, informed decisions can be made.

Plans are progressing for the summer outing of the Iowa members of the College, which outing will be held August 12 and 13, 1994, at Lake Okoboji, Iowa.

Efforts are being made to identify advocacy programs within the state that the College can assist with, or to identify the need for new programs.

Submitted by:  
H. Richard Smith

## OKLAHOMA

On May 6 and 7, 1994, the Oklahoma Fellows held their Spring Meeting in Oklahoma City. Federal District Judge Tom Brett of Tulsa moderated a program dealing with the recent amendments to the Federal Rules of Civil Procedure. President Frank Jones and his wife, Annie, were our guests.

The Oklahoma State Committee has established a subcommittee to assist the three law schools in Oklahoma with advocacy training. Sam Daniel of Tulsa is Chairman of the subcommittee.

We are also in the process of preparing a membership brochure containing pertinent information about each of the Fellows in Oklahoma. We plan to publish the brochure during the Fall of this year.

Submitted by:  
Burck Bailey

## OHIO

The Ohio State Committee held a meeting in Columbus, Ohio, on May 14, 1994. The following projects are either under consideration or proceeding:

1. Meeting in conjunction with Michigan, Tennessee, Ohio and Kentucky Fellows August 25, 26 and 27 in Boyne, Michigan.
2. Possibility of putting on a Continuing Legal Education Program in 1995 wherein the faculty would be Fellows of the College and attendance would be open to all Lawyers in Ohio.

Submitted by:  
Robert L. Davis

# ACTL CALENDAR OF EVENTS

## STATE MEETINGS

### 1994

- August 12-13 IOWA Meeting  
Village East Resort  
Lake Okoboji, IA
- September 9 ILLINOIS Dinner  
The Evanston Golf Club  
Skokie, IL
- September 30 -  
October 1 INDIANA  
Meeting  
The Pointe  
Bloomington, IN
- October 1 KANSAS  
Meeting  
Ritz Carlton  
Overland Park, KS
- November 18 NORTHERN  
CALIFORNIA  
Dinner  
St. Francis Yacht Club  
San Francisco, CA
- November 18 OREGON Dinner  
The Multnomah Club  
Portland, OR
- December 2 MISSISSIPPI Dinner  
Jackson Country Club  
Jackson, MS
- December 3 LOUISIANA  
Dinner  
Windsor Court Hotel  
New Orleans, LA

### 1995

- March 2-5 SOUTH CAROLINA  
Meeting  
TBD  
Sea Island, GA

## REGIONAL MEETINGS

### 1994

- July 24-26 NORTHWEST  
REGIONAL Meeting  
Huntley Lodge  
Big Sky, MT

- October 27-30 SOUTHWEST  
REGIONAL Meeting  
TBD  
Sedona, AZ

(1994 Continued)

- November 17-20 FLORIDA/GEORGIA/  
ALABAMA  
Tri-State Meeting  
The Cloister  
Sea Island, GA

### 1995

- May 25-27 TEXAS/LOUISIANA/  
MISSISSIPPI  
REGIONAL Meeting  
Lafayette Hilton and Towers  
Lafayette, LA
- June 16-18 NORTHEAST  
REGIONAL Meeting  
TBD  
Newport, RI
- August 6-9 PACIFIC  
NORTHWEST  
REGIONAL Meeting  
The Coeur d'Alene Resort  
Coeur d'Alene, ID



IF YOU WOULD LIKE  
MORE INFORMATION  
ABOUT ANY OF  
THESE MEETINGS  
PLEASE CALL THE  
ACTL NATIONAL  
OFFICE. (714) 727-3194

## NATIONAL MEETINGS

### 1994

- September 22-25 ACTL ANNUAL  
Meeting  
Chateau Laurier  
Ottawa, Canada

### 1995

- April 6-9 ACTL SPRING Meeting  
The Ritz Carlton  
Amelia Island, FL

- September 21-24 ACTL ANNUAL Meeting  
Marriott Rivercenter  
San Antonio, TX

### 1996

- March 7-10 ACTL SPRING  
Meeting  
Westin La Paloma  
Tucson, AZ
- October 17-20 ACTL ANNUAL Meeting  
Hyatt Regency  
San Diego, CA

## OTHER MEETINGS

### 1994

- August 19-24 CANADIAN BAR  
ASSOCIATION  
ANNUAL Meeting  
Toronto, Canada
- September 11-16 ANGLO-AMERICAN  
Exchange  
London, England
- September 18-21 BOARD OF REGENTS  
Meeting  
Chateau Laurier  
Ottawa, Canada
- October 20-23 EASTERN CHAIR  
WORKSHOP  
The Homestead  
Hot Springs, VA
- November 10-13 WESTERN CHAIR  
WORKSHOP  
Inn and Links at  
Spanish Bay  
Pebble Beach, CA

### 1995

- April 2-5 BOARD OF REGENTS  
Meeting  
The Ritz Carlton  
Amelia Island, FL
- September 17-20 BOARD OF REGENTS  
Meeting  
Hyatt Regency  
Hill Country  
San Antonio, TX
- October 19-22 WESTERN CHAIR  
WORKSHOP  
Ritz Carlton  
Laguna Niguel, CA
- November 2-5 EASTERN CHAIR  
WORKSHOP  
Ritz Carlton  
Palm Beach, FL

### 1996

- March 3-6 BOARD OF REGENTS  
Meeting  
Westin La Paloma  
Tucson, AZ
- October 13-16 BOARD OF REGENTS  
Meeting  
Hyatt Regency  
San Diego, CA



**COMMITTEE NEWS**

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**OREGON**

The Oregon State Committee has had a busy and interesting year. In addition to the usual time spent in identifying and determining the qualifications of potential nominees, we were hosts of the 1993 Northwest Regional Meeting of the Fellows from Idaho, Montana, Washington, Oregon and British Columbia. This was held in July, 1993 at Salishan Resort on the Oregon coast. Then-President Bill Haight and Regent Jerry Greenan attended. We also had the fall dinner that was attended by the Oregon Fellows and spouses in November, 1993. This is an annual event that invariably is well attended by the Oregon Fellows. President Frank Jones and Regent Jerry Greenan joined us for this event.

Finally, the state chair attended the final Northwest Regional Moot Court Competition in 1993 and presented the awards that were given by the College to the members of the successful team (The University of Washington) and the most outstanding advocate.

All of these activities will be repeated in 1994, except that the 1994 Northwest Regional Meeting will be hosted by the Montana State Committee in Big Sky.

Submitted by:  
John H. Kottkamp

**NEW MEXICO**

Please be advised that the New Mexico Section of the ACTL will hold its annual meeting July 21-23, 1994, in Santa Fe, New Mexico. Preliminary indications are that a good attendance is expected including Regent Andy Coats and his wife Linda.

Submitted by:  
Harold L. Hensley, Jr.

**PENNSYLVANIA**

The activities of the Pennsylvania State Committee have been as follows:

The Committee met on February 15, 1994 and April 14, 1994 to begin its consideration of nominees for 1994.

The Committee sponsored a reception for the Pennsylvania Fellows during the Pennsylvania Bar Association meeting on May 12, 1994, at the Ritz-Carlton Hotel. It was well attended and very enjoyable.

A Subcommittee of the Committee is considering a project under the Policy Guidelines of the College. When the Subcommittee reports, the details will be submitted to the College in accordance with the Guidelines.

The annual Regional Meeting of Fellows from Pennsylvania, New Jersey and Delaware was held Friday, June 10, through Sunday, June 12, 1994 at the Marriott Seaview in Absecon, New Jersey.

Submitted by:  
Richard M. Rosenbleeth

**TENNESSEE**

A business meeting of the Tennessee State Committee has been scheduled for June 25, 1994 in Nashville, Tennessee. A primary function of this meeting will be to discuss proposed nominees for membership. As a result of the recent questionnaire pertaining to participation in trial advocacy programs, it is anticipated that this subject will be addressed at the meeting.

The Tennessee State Committee also anticipates participating in the meeting of the Fellows of the Sixth Circuit to be hosted in late August by the State Committee of Michigan. While details of that meeting should come from the State Committee of Michigan, it is anticipated that the Fellows in Tennessee will be encouraged to attend the meeting as well as the Annual Meeting of the College in September in Ottawa, Canada.

Submitted by:  
Charles J. Gearhiser

### NEW FELLOWS INDUCTED AT SPRING 1994 MEETING IN SCOTTSDALE, ARIZONA

The College welcomes the following Fellows who were inducted into Fellowship at the 1994 Spring meeting in Scottsdale, Arizona.

<b>ALABAMA</b> Henry H. Self, Jr. Florence Ginny S. Granade Mobile	Charles D. Marshall, Jr. New Orleans	<b>PENNSYLVANIA</b> Edward S. G. Dennis, Jr. Joseph A. Tate Philadelphia David L. McClenahan Joseph Webster Montgomery, III Pittsburgh
<b>ARIZONA</b> Charles D. Roush Phoenix	<b>MASSACHUSETTS</b> Nancy Gertner Boston	<b>TENNESSEE</b> Glen Reid, Jr. Memphis
<b>GEORGIA</b> Lawrence Ashe, Jr. Atlanta James C. Whelchel Moultrie	<b>MICHIGAN</b> Robert P. Hurlbert Bloomfield Hills	<b>VERMONT</b> Peter B. Joslin Montpelier
<b>HAWAII</b> Bert T. Kobayashi, Jr. Honolulu	<b>MISSISSIPPI</b> Robert K. Upchurch Tupelo	<b>WASHINGTON</b> Diehl R. Rettig Kennewick
<b>ILLINOIS</b> Michael M. Conway Paul L. Price Chicago John F. (Jack) Donahue Lisle	<b>MISSOURI</b> Robert B. Hoemeke St. Louis	<b>CANADA</b>  <b>ALBERTA</b> Phyllis Anne Lowther Smith Edmonton
<b>KANSAS</b> Pedro L. Irigonegaray Topeka	<b>NEVADA</b> Frank J. Cremen Kirk B. Lenhard Las Vegas Don Nomura Reno	<b>ONTARIO</b> Peter Y. Atkinson Toronto
<b>LOUISIANA</b> Lawrence K. Burleigh, Sr. Lafayette Thomas W. Davenport, Jr. Monroe	<b>NEW YORK</b> Richard T. Horigan Amsterdam	<b>SASKATCHEWAN</b> Gordon J. Kuski, Q.C. Regina
	<b>OHIO</b> Thomas L. Eagen, Jr. Cincinnati	