

THE BULLETIN

NUMBER 20

SPRING

1995

IN THIS ISSUE

President's Report	Page 1
Project Tunisia	Pages 2 & 3
Committee News Update	
Standing Committees	Pages 4 - 6
State & Province Committees	Pages 6 - 9
Annual Meeting	Page 9
Calendar of Events	Page 10

1995 Annual Meeting

September 21-24, 1995
San Antonio, Texas

Mark Your Calendar.

"The Times They Are A Changin'"

It may be time for a reprise of the old Bob Dylan song from the 60's. Changes are coming at such a fast clip that it is hard to keep up. Some are the result of normal evolutionary changes in our legal system, others are media driven, still others are coming as a result of an unprecedented number of bills now pending in the 104th Congress. Some of the pending bills deal with products liability reform, fee-shifting and procedural and evidentiary rules changes, i.e. H.R. 10, H.R. 917, S. 243. H.R. 10 and a companion Senate bill deal extensively with securities litigation. S. 3 would allow the Attorney General to establish ethical standards for prosecutors in federal courts. While no bill is yet pending, funding for the Legal Services Corporation is certainly under review.

I call these matters to your attention not to suggest that the College should take a position on any given issue or what that position should be. The tradition of the College, one that has served us well, is that we speak with one voice and only on issues that are vital to the goals and purposes of the College. To find that one voice, particularly on contentious issues, requires careful consideration of many points of view. The Ethics Committee, the committee on Special Problems in the Administration of Justice, the Access to Legal Services Committee, and the Federal Judiciary Committee are all considering issues raised by the current spate of legislation. Once those committees have reached a conclusion, the matter will come to the Board of Regents for its consideration. The Access to Legal Services Committee has already recommended that the College take a position in support of continued funding for the Legal Services Corporation, and that will be considered by the Board of Regents at its meeting this Spring at Amelia Island. In addition, the College has previously taken a position with respect to FRCP 11 (whether sanctions should be mandatory or discretionary) and FRE 702 (admissibility of scientific evidence) both of which are proposed to be changed in H.R. 10. At the direction of the

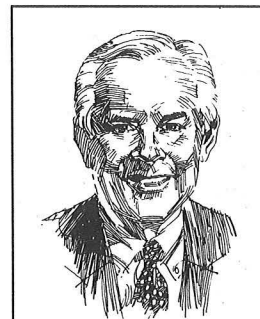
Executive Committee, the College's position on those two rules has been communicated to the House Judiciary Committee.

As a member of the College and a member of the larger profession, I invite your careful consideration of these issues.

One of the projects which the College has undertaken this year is the widest possible dissemination of the revised Code of Trial Conduct. That project, while far from complete, has been enormously successful. The Supreme Courts in Florida, Arizona and Nebraska have made copies available to all their state judges. Chief Judge Veasey of Delaware, a Judicial Fellow of the College, provides copies to all new lawyers in Delaware. Other states are following suit. A number of state committees have made copies available to law schools for use in classes in ethics and procedure. The Code, with proper attribution to the College, has been reprinted in several textbooks on ethics and procedure. To date, we have responded to requests for over 3500 copies. We need to stay the course. It can make a significant contribution to the restoration of civility in our profession.

On a final note, the American College of Trial Lawyers Foundation is now a legal entity. The purpose of the Foundation is to fund those projects that are consistent with the goals and purposes of the College. The Foundation will ensure that the work of the College will be adequately funded in the future and that it will be able to continue to have an impact on the administration of justice, improvements in trial advocacy, and the ethics of our profession.

I hope to see all of you at Amelia Island on April 6-9, 1995.



LIVELY M. WILSON

American College of Trial Lawyers
THE BULLETIN

CHANCELLOR-FOUNDER

Hon. Emil Gumpert
(1895-1982)

OFFICERS

LIVELY M. WILSON, *President*
CHARLES B. RENFREW, *President-Elect*
THOMAS J. GREENAN, *Secretary*
EDWARD BRODSKY, *Treasurer*
FRANK C. JONES, *Immediate Past President*

BOARD OF REGENTS

E. OSBORNE AYSCUE, JR. Charlotte, North Carolina	THOMAS J. GREENAN Seattle, Washington
EDWARD BRODSKY New York, New York	WM. BRUCE HOFF, JR. Chicago, Illinois
SPENCER J. BROWN Kansas City, Missouri	FRANK C. JONES Atlanta, Georgia
ROBERT R. CAMPBELL Knoxville, Tennessee	JOHN S. MARTEL San Francisco, California
ANDREW M. COATS Oklahoma City, Oklahoma	CHARLES B. RENFREW San Francisco, California
C. HARRIS DITTMAR Jacksonville, Florida	EARL J. SILBERT Washington, District of Columbia
WAYNE FISHER Houston, Texas	JOHN H. STENGER Buffalo, New York
L. YVES FORTIER, C.C., Q.C. Montreal, Quebec	WILLIAM W. VAUGHN Los Angeles, California
JEROME J. GRAHAM Morristown, New Jersey	LIVELY M. WILSON Louisville, Kentucky

Robert A. Young
Executive Director

American College of Trial Lawyers



8001 Irvine Center Dr., Suite 960
Irvine, California 92718
Telephone: (714) 727-3194
Fax: (714) 727-3894

COPYRIGHT 1994

Project Tunisia

An ACTL International Committee Project

By Edward Brodsky

I recently spent a week in Tunisia on behalf of our International Committee on a trip sponsored by and paid for by the United States Information Service (USIS). The purpose of the visit was to meet with Tunisian judges, lawyers and other public officials to attempt to develop a program which ultimately will involve a fruitful exchange of views about our respective judicial systems, including the independence of the bar and judiciary, trial practice, court backlogs, alternative dispute resolution and broadly speaking how, in each country, the rule of law is enforced and basic human rights are guaranteed to all.

Why Tunisia? Tunisia was suggested by USIS because it is a country which has made substantial advances, beyond those of some of its neighbors, in reducing discrimination against women, protecting children against oppressive working conditions, guarantying medical care for all, and in educating its people. In addition, Tunisia is one of the most economically advanced of the Arab countries and has achieved a relatively high standard of living although its oil supplies are small compared with its Arab neighbors. The idea of the USIS is that if we can establish a successful program in Tunisia, we may later expand it to other countries in that part of the world. The USIS understands, however, that in this sort of undertaking progress is made slowly.

The USIS scheduled a busy round of meetings for me with, among others, the Chief Justice of Tunisia, the Chief Prosecutor, the Minister of Justice and his Chief of Staff, the national and regional presidents of the Tunisian Bar Association, the Dean of one of the Law Schools, the American Ambassador to Tunisia, the President of the Constitutional Council (a group which reviews proposed legislation for constitutionality) and several human rights organizations based in Tunisia.

The USIS also arranged an evening reception for me attended by about sixty prominent judges, lawyers and other public officials. The little free time on the USIS schedule was quickly filled with more interviews and with invitations for dinner from the Chief Judge, the Chief Prosecutor, the Chief of Staff of the Minister of Justice and the President of the Bar Association. It was indeed, a busy week.

I was accompanied on substantially all of these meetings by Jim Bullock, the head of USIS in Tunisia, his assistant, and an interpreter retained by USIS. The Tunisians mainly speak French and Arabic.

The general pattern of the meetings was the same. After very cordial and somewhat

lengthy introductions, as I now understand the custom in Tunisia, I told each of the Tunisians about the College. The Tunisians were interested in qualifications for membership and what the College has been doing to improve the administration of justice. The Tunisians also were interested in other foreign projects of the College – the Ethiopian assignment and the judicial exchanges with England, Canada and India.

After I talked about the College, I discussed a host of subjects with the people with whom I met. The talks ranged from the operations of the Tunisian Court system, the method of trying cases in Tunisia, differences between the common law and civil law systems, backlogs in the Courts, alternative dispute resolution techniques being used in Tunisia and how human rights are protected in Tunisia.

The President and Vice-President of the Tunisian Bar Association escorted me to several trials and appeals and translated for me. The differences between our systems are startling.

Tunisia is a civil law country with a judiciary patterned after the French. There are jury trials. Cases are presided over by three judges, except for the most minor matters in which one judge presides. There is no self-incrimination privilege so that a person accused of a crime is questioned by the Court about the crime and has no privilege to remain silent. In both civil and criminal cases witnesses are examined solely by one of the judges. Lawyers may submit questions to the Court which, in its discretion, may put them to the witness.

Witnesses often do not appear in Court and their testimony is summarized in writing. In criminal cases, in the course of the investigation, the lawyer for the defendant may have an opportunity to question witnesses through the judge who is conducting the investigation. There is nothing like the penetrating cross examination common in this country.

Lawyers wear robes in Tunisia and it was evident from walking around the crowded courthouse that many lawyers are women – as are many judges.

One of the differences between our systems is the way the Tunisians deal with the constitutionality of legislation. Tunisia has a constitution but its courts have no power to declare laws unconstitutional. Instead a Constitutional Council has been created to examine proposed legislation and comment on its constitutionality. If, in the opinion of the Council, any proposed legislation is unconstitutional, the Commission so states in a reasoned written

opinion which is not made public but is sent to the President of Tunisia and parliament. The Council's recommendations are not binding although I was not given any statistics, the president of the Council told me that its recommendations have been, for the most part, accepted in the approximate five years since the Council has been in existence.

The Council, which meets every Friday afternoon to discuss proposed legislation consists of the President of the Council, the Chief Justice, one high Magistrate, a former Minister of Justice and four law professors. Changes are being recommended to the Constitutional Council which would require their reports to be made public. Changes also are being discussed which, in addition to the Constitutional Council, would permit courts to declare statutes unconstitutional.

Human rights was one of the subjects talked about, not only by the human rights organizations with whom I met, but also with several of the public officials. Under Tunisian law, under a widely criticized procedure called "garde à vue", a person who is suspected of committing a crime may be held for ten days, without counsel, without being accused of a crime and without being required to appear before a Court to be arraigned. This is a procedure which is foreign to our system which requires speedy arraignment before a Court to insure that the rights of the accused are protected from the outset.

There also was some discussion with human rights organizations of reports of people, particularly Islamic fundamentalists who are perceived to be terrorists, being held for even longer than ten days or being held for political reasons. The Tunisian Government officials I met say that any human rights violations which may have been committed are acts of individual police and do not reflect Government policy. This report is not the place for a detailed discussion of these issues, but the Tunisians have said that they welcome a free exchange of views with American lawyers and judges on the enforcement of the rule of law, the independence of the bar and judiciary and methods used by both systems to achieve equal justice and basic human rights for all.

The Tunisians are in the early states of developing alternative dispute resolution techniques. Recently they started a conciliation program to resolve minor criminal matters. There is no plea bargaining in the Tunisian courts and indeed, even if a person confesses to a crime, a trial is necessary. Under the conciliation program, there may be a resolution without trial of charges of crimes such as domestic violence or petty theft. The victim must, at the conclusion, be satisfied that the resolution is just.

The Tunisians also have recently adopted a code of arbitration and they hope that many commercial disputes will be arbitrated rather than litigated at substantial savings in cost and time to the parties.

The systems for choosing judges in Tunisia

and the United States is very different. In Tunisia fifty law school graduates, who achieve the highest marks on certain tests, are chosen each year to go on a "judge track". More than one thousand graduates apply each year.

The fifty graduates who are selected attend a two year training program. During the first year there are formal courses and individual lectures by law school professors, judges and practicing lawyers. In the second year, the prospective judges train with other judges. They sit in on cases in Court and help to draft opinions.

After successfully completing the two year program, the students become judges who start in the lowest courts and gradually work themselves up to higher courts. The judges on the highest Court decide on promotions in the lower courts and the President of Tunisia promotes judges to the highest Court.

In the Tunisian judicial system, there is a trial in the lower Court, an appeal to an inter-

**ANY U.S. FELLOW WHO
SPEAKS FLUENT
FRENCH WHO WOULD
BE INTERESTED IN THE
TUNISIA PROJECT
PLEASE CONTACT
EDWARD BRODSKY AT
(212) 969-3745.**

mediate Court and a right to a second appeal to the Supreme Court of Tunisia. The highest Court must hear all cases which are appealed. The Chief Judge of Tunisia told me that he and the other members of the Supreme Court would prefer a certiorari court so that they would not be required to deal with so many relatively trivial cases which present no substantial issues of law.

One of the striking things that I found in Tunisia was how judges move in and out of different Government positions. A judge can accept a Government position in Tunisia without resigning from the bench. Thus, for example, the Chief of Staff of the Minister of Justice is a judge who one day expects to return to judging. A research assistant in the education department of the Minister of Justice is a judge. Prosecutors whom I met are judges although they do not sit on the same case which they have investigated. None of these judges are required to resign when they assume different posts and many, if not all, expect to resume their positions as judges.

The Tunisian judges, lawyers, educators

and other public officials are anxious for more knowledge about the American system, particularly from people like members of the College with our particular expertise in the American judiciary system. The Minister of Justice suggested lectures on specific subjects to be developed by us, the USIS, and his educational department. The leaders of the bar association suggested that we lecture to them about all aspects of the American system and they also were interested in how American law partnerships function since they do not yet have that concept in Tunisia.

The Dean of the Law School I visited believes the students at the school would greatly benefit from a series of lectures from one of our members. The Chief Justice of the Supreme Court thought an exchange of views between judges and lawyers of our respective countries would be extremely useful. The human rights groups suggested discussions with our members about alleged human rights violations in Tunisia.

All of this leads to the proposed next step in the process which has been started. The head of the USIS suggests that we attempt to identify a member of the College who speaks French who would be willing to become a "scholar in residence" for approximately one month in Tunisia. Air fare, a per diem rate for expenses and an honorarium would be financed by the USIS. That person would work with the people referred to in this memorandum and others on specific subjects in which those people are interested. A program would be developed by the USIS and the Tunisians before the visit which would involve lecturing on particular subjects and an exchange of views with members of the bench and bar in Tunisia.

Upon the conclusion of that program and based upon what develops from it, other initiatives may be created, all with the same goals — to advance the rule of law, to promote an independent bar and judiciary and to work on other issues such as alternative dispute resolution techniques which will help improve the administration of justice.

My visit to Tunisia was announced to the Tunisian press and was reported in French and Arabic in several newspapers. In addition, at the request of the Minister of Justice and the USIS, I was briefly interviewed on Tunisian television and by a reporter for one of the leading Tunisian newspapers.

While the trip was hectic, I am pleased to say that it was not all work. On the Saturday before my early evening flight to Paris on the first leg of the trip home, I had an opportunity to see some of the Tunisian sights. I visited the Bardo, a museum filled with exquisite well-preserved mosaics created as long ago as 100 A.D. I also visited Sidi Boa Said, a small old seaside village just outside of Tunis. Lastly, I spent a few hours at the Carthage museum, which is close to Tunis and which contains artifacts of the Carthaginian era.

It was a fruitful trip. I hope that the next stage will be equally successful.

COMMITTEE NEWS UPDATE

STANDING COMMITTEES

Attorney-Client Relationships Committee

The President has asked the Committee to study two issues developed by the long-range planning committee report. They are as follows:

1. Given the nature of today's trial practice, are the current rules of conduct governing conflicts of interest appropriate? What are the ethical considerations that impact conflicts? Should the College propose new rules that would be aspirational or should it propose amendments to existing mandatory codes of conduct on this subject?

2. What effects do the current developments in law firm structure and malpractice have on the duties which we owe our clients? Is there an ethical component of this subject on which the College should take a position?

At the Spring committee meeting we hope to develop a method for studying these issues.

Submitted by:
Raymond J. Turner

Emil Gumpert Committee

Following the custom of prior years, the Emil Gumpert Committee assembled in New Orleans on Saturday, January 14, to consider its recommendation for the Emil Gumpert Award. Established in 1975, the purpose of the award is to sponsor a competition among law schools for the applicant determined to have the best overall trial advocacy teaching program. Currently, the winning applicant is awarded \$25,000, although the Committee resolved at its meeting to recommend to the Regents that the amount of the award be increased.

Typically, the Committee considers applications of law schools from not only prominent, national schools, but regional and local law schools as well. Each applicant is required to submit detailed information concerning its program and during the year the Committee assigns two on-sight evaluators to visit the campus and render written reports for the Committee's consideration. To assist the Committee in its deliberations, one of its members is assigned as the presenter for each application.

The Committee considers such statistical data as the ratio of credit hours of trial advocacy related courses to the total number of credit hours required for graduation; student-teacher ratios; the percentage of students who take one or more of the trial advocacy courses offered; the average number of trial advocacy credit hours taken by each student; the number of full-time professors devoted to the teaching of trial advocacy; the number and quality of the adjunct teaching staff and other related data. The quality and character of the courses offered are studied through detailed descriptions of the course work as provided by the schools and a more subjective evaluation made available to the Committee through the reports of the on-sight evaluators. The Committee further considers such things as the school's involvement in interscholastic moot court and simulated trial competitions, legal aid clinics staffed by the schools and physical facilities (such as fully equipped, high-tech courtrooms).

Once again this year, the Committee was confronted with a perplexing array of difficult choices. Applications from the University of Notre Dame, the University of Tennessee and the University of Idaho were evaluated and considered. In addition, it was determined that due to the timing of its receipt the application of Stetson College of Law should be deferred until next year. In that regard, Committee member, the

Honorable Ronald Pugsley from Nova Scotia, reported that for consideration next year the Committee can expect to receive applications from two of the leading Canadian law schools: Dalhousie University located in Nova Scotia and Osgoode Hall located in North York, Ontario.

The Committee will submit its recommendations to the Regents who will announce the winner later this year.

Submitted by:
William B. Campbell

Federal Rules of Evidence Committee

On October 5, 1994, the Committee sent to the Judicial Conference Advisory Committee on Evidence Rules a letter of comment on Rules 413-415, which govern the admissibility of "other acts" evidence in sexual assault and child molestation cases and which was enacted by the Violent Crime Control and Law Enforcement Act of 1994.

At the 1995 Spring Meeting, the Committee will put on a program on the admissibility of scientific expert evidence following the Supreme Court's *Daubert* decision, which was the subject of a Committee report approved by the Board of Regents in April 1994 and thereafter widely distributed.

Submitted by:
Michael A. Cooper

Honorary Fellowship Committee

The Committee of Honorary Fellowship consisting of The Rt. Hon. Lord Griffiths, the Hon. Philip Tone and Yves Fortier, C.C., Q.C. and the undersigned as Chair, recommended and the Board approved the election of The Hon. Justice Ginsburg and The Hon. L'Heureux-Dubé as Honorary Fellows to be inducted at our Spring Meeting.

We have received two recommendations from Fellows which will be considered along with committee recommendations at the next meeting of the Committee to be held at the Spring Meeting.

For the guidance of the Fellows the present policy of this Committee as approved by the board of trustees is that sitting U.S. Judges below the rank of the Supreme Court will normally not be considered for Honorary Fellowship.

Submitted by:
Robert L. Clare, Jr.

International Committee

Tunisian Trip.

I spent a week in Tunisia – from January 14 to January 21, 1995 – on a trip sponsored by the United States Information Service. I met with Tunisian judges, lawyers and other public officials to attempt to develop a program which ultimately will involve a fruitful exchange of views about our respective judicial systems, including the independence of the bar and judiciary, trial practice, court backlogs, alternative dispute resolution and broadly speaking how, in each country, the rule of law is enforced and basic human rights are guaranteed to all.

At the suggestion of the USIS, the next step in this process will be for us to identify one of our members who speaks French and who would be willing to spend a month in Tunisia as a "scholar in residence". That person would lecture to various groups in Tunisia and engage in discussion with Tunisian officials about our respective legal systems. Travel and per diem expenses along with an honorarium would be paid for by the USIS.

Indo-American Exchange.

The Indo-American Exchange will resume in May 1995 when judges and lawyers from India will visit the United States for approximately two weeks. The itinerary is being planned under the supervision of Robb Jones formerly the Administrative Assistant to Chief Justice Rehnquist and now with the Federal Judicial Center. We will be working with Robb as we get closer to the time when the delegation will visit the United States.

Russia.

Through Committee member Weyman I. Lundquist, we are attempting to develop a project for Russia. Weyman spends a fair amount of time with the Dartmouth College's Dickey Center's collaborative study endeavors with the Institute of the United States and Canada in Moscow. He is working on putting together a specific program for our Committee for Russia which may involve, among other things, assisting Russian lawyers in developing advocacy skills appropriate to their forums. Weyman also believes that the Russian courts may be interested in the use or written precedent in their decisional process and we would be prepared to provide training in that area.

Committee on International Judicial Relations.

We have made contact with the Judicial Conference of the United States Committee on International Judicial Relations and visited with them in Washington at their organizational meeting. There is nothing definitive yet, but they now know the work that we are doing, they say they are impressed with the efforts that we have made so far, and I am hopeful that we can participate in a project with them.

Columbia University.

We have started discussions with the School of International and Public Affairs of Columbia University and more particularly with the Executive Director of its International Technical Assistance Program for Transforming Economies. Those discussions may lead to a project involving certain of the former Russian countries.

Right of American Counsel to Represent Clients in Foreign Courts.

Little attention has been given to the right of American lawyers to appear in foreign courts, as distinguished from their right to give legal advice in foreign countries. Through Committee member Paul Bschorr we are examining that problem to determine whether we may make a contribution in that field.

We continue to attempt to explore new avenues for possible projects for our Committee.

Submitted by:

Edward Brodsky

Mexico Committee

As one of the newest ACTL committees, the Mexico Committee is still in an exploratory phase, proceeding with caution. Its membership is geographically diverse, (from coast to coast in the U.S. plus one Canadian member). The Committee was formed in recognition of the rapidly increasing commercial and personal contacts between the U.S. and Mexico and the resulting increase in contacts between the legal systems of the two countries.

In spite of recent economic setbacks, Mexico will remain a vitally important neighbor, with whom there will be an increasing need for resolving legal disputes. Yet, most U.S. trial lawyers have little knowledge of the Mexican system and little personal acquaintance with Mexican lawyers and judges.

Enormous changes are taking place in the Mexican economic, political and judicial systems. President Zedillo has called for an overhaul of the entire Mexican judicial system. There are lawyers and judges in Mexico who share the same ideals as members of this College. Because the judicial systems and procedures are so different, our committee does not foresee any present move toward membership in the College on the

part of colleagues south of the border, but we believe that some contacts would be beneficial. This is an opportune time to identify and support those lawyers and judges who are dedicated to improving the Mexican legal and judicial process, just as we are dedicated to improving our own.

With this in mind, we hope to identify a small, carefully screened group of the best Mexican lawyers who handle cases in court and international arbitrations. (Several members of the College now have partners in Mexico). We are seeking informal and non-binding contracts to explore areas of mutual interest and possible cooperation. U.S. Supreme Court Justice Anthony Kennedy has expressed support for this project.

If there members of the College who have some interest or expertise in this area, the Mexico Committee would welcome their involvement.

Submitted by:

Philip A. Robbins

National Moot Court Competition – 1995



Associate Justice Ruth Bader Ginsburg is shown presenting the award to the winning team of the 45th Annual National Moot Court Competition – 1995. From Fordham University School of Law are (left to right) Edward D. Hassi, Best Oral Advocate, Michael S. Cryan and James R. Bliss.

National College of District Attorneys

The National College of District Attorneys Board of Regents held its annual meeting this past December. Beale Dean, one of the representatives of the American College of Trial Lawyers on the Board of Regents, as Carol Vance and Michael R. Cappizzi, both members of the American College of Trial Lawyers, also attended.

Edwin L. Miller, longtime District Attorney of San Diego and a member of the Board since 1983, resigned from the Board and was named Regent Emeritus.

The next meeting of the Board will be held in Houston on June 24, 1995. The location of the meeting will permit the members of the Board to visit the new offices of the College at the University of Houston Law Center. Any member of the American College of Trial Lawyers is welcome to drop by for a visit to these new offices at this campus.

The College is progressing right along. The total number of prosecutors that attended the various National College of District Attorneys courses during 1994 was 2,241, an increase over 1993. Also, the total number of recipients of scholarship awards from the American College of Trial Lawyers' funds totalled 94 in 1994 and these prosecutors came from some 25 different states. A full schedule of courses are planned throughout the United States in 1995.

Submitted by:

Carol S. Vance

Professionalism Committee

The Professionalism Committee is working on a set of Canons of Professionalism which, if adopted by the Regents, will act to remind present Fellows, and alert lawyers who hope to join them, of the value which the College places upon professionalism. I don't think that we should go beyond that for now, since the Committee and the Regents have yet to act.

Submitted by:

William J. Brennan, III

Special Problems in the Administration of Justice Committee

The Special Problems Committee has been quite active. In June, 1994 the Committee was asked to establish liaison with the American Law Institute in order to provide input from the College to the various ALI projects. Contact was made with the American Law Institute who readily agreed to an appointment of liaison members who will monitor projects and communicate with the Committee, who will review the issues and consult with the Executive Committee. The College and the liaisons will then furnish input from the College to ALI. Henry Miller will act as general liaison and we have selected specific liaison members to both the ALI product liability project and the apportionment of liability project.

In December the Executive Committee referred to the Special Problems Committee the proposed long-range plan for the Federal Courts drafted by the Committee on Long Range Planning, Judicial Conference of the United States. This plan contained a number of significant proposals. The plan provided for public comment and hearings in the first part of December, 1994, however we did not receive the plan in time to respond at the scheduled public hearings. We received permission to file written comments and the Committee reviewed the plan and provided the Executive Committee with comments and recommendations. The Executive Committee used this input as a basis for their comments and recommendations regarding the plan which were submitted to the Judicial Conference on December 30, 1994.

The Executive Committee has asked the Special Problems Committee to monitor developments in the jury system. There have been a number of articles and discussions about proposed changes in the jury system and if the calls for change develop sufficient momentum, then the College may wish to publish a monograph on the subject. John Marshall has been appointed to chair a subcommittee to monitor developments and report to the Executive Committee.

Submitted by:

John T. Marshall

The Executive Committee has asked the Special Problems Committee to review the provisions of a proposed House Bill, HR10, which is commonly referred to as the "Common Sense Legal Reforms Act of 1995." The Bill contains a number of provisions which are of concern to trial lawyers, including a provision for fee shifting. The Committee is in the process of reviewing the proposed bill and obtaining information so as to formulate recommendations to the Board so the College can then determine whether it should take a position on various provisions of the Act.

Submitted by:

Garr M. King

Teaching of Trial Advocacy Committee

The Committee on the Teaching of Trial Advocacy has undertaken as a project the preparation of materials concerning "Civility in the Courtroom" to be used in law schools. The Committee is reviewing a video tape of a presentation by a panel on issues of civility which was presented at the Spring Meeting of the College in 1994.

The Committee is also gathering materials which have been prepared in various jurisdictions which deal with the issue of civility with the hope that these materials may become part of a curriculum on that subject which can be used in law schools and perhaps in law firms. The Committee plans to discuss this at the Spring Meeting.

Submitted by:

Michael Keating

STATE AND PROVINCE COMMITTEES

ALABAMA

The members of the American College in Alabama have presented to each trial and appellate judge in the State of Alabama a copy of the College's Code of Trial Conduct. The Code was approved by the Alabama Circuit Judges Association at the time of our distribution to the trial judges. The reactions which we have heard have been very favorable.

Submitted by:

Charles A. Stakely

NORTHERN CALIFORNIA

On November 18, 1994, Northern California Committee State Chairman David Larson and his wife Carol greeted more than 100 Fellows and guests at what is fast becoming an annual dinner. The affair was at the St. Francis Yacht Club in San Francisco.

In attendance were President-Elect Charles Renfrew and his wife Barbara, together with our new Regent, John Martel, and his wife Bonnie; Past President Charles Hanger, his wife Faye and daughter Julie; and Southern California Chairman Tony Murray and his wife Kathleen.

Among the judicial Fellows enjoying a magnificent San Francisco evening were Justice Clinton Peterson and his wife Pat; Federal Judge Charles Legge and his wife Janice; Federal Judge Paul Haerle and Michele Monson; and, Federal Judge Lowell Jensen and his wife Barbara.

The Northern California Committee is taking steps to have the American College of Trial Lawyers Code of Trial Conduct adapted as an inspirational code of conduct for the State Bar and/or the Supreme Court. Likewise, we are attempting to have the law schools use the code as an additional resource for classes in civil procedure and ethics.

Submitted by:

David O. Larson

COLORADO

Colorado is presently planning for the Biannual Tenth Circuit Meeting for the College Fellows from Kansas, Oklahoma, New Mexico, Utah, Wyoming and Colorado. It will be held at the Westin Resort in Vail, Colorado from August 17-20, 1995. Our first morning's program will be a discussion of the use and abuse of federal Special Prosecutors, and will feature FACTL Lawrence "Ed" Walsh, former Irangate Special Prosecutor; former College President Bob Fiske, initial Whitewater prosecutor; Ted Olson, counsel for Ronald Reagan in Irangate; and NPR

Legal Correspondent Nina Totenburg. The second morning's program will focus on the impact of televised trials on the public's perception of lawyers, the judicial system and the media. The same panelists will discuss that topic along with Dick Schmidt, a Washington, D.C. lawyer who has spent decades representing some of the nation's most important media associations. Finally, for inspiration, a role model, and a return to the basics of what makes a great advocate, FACTL Ted Borrillo will give us insight into the Advocacy of Cicero.

Submitted by:
Richard P. Holme

DISTRICT OF COLUMBIA

Fall Cocktail Party, Washington, D.C., October 20, 1995.

Mid-Atlantic Fellows (MD, DC & VA) Fall Weekend, Williamsburg, Virginia, November 10-12, 1995.

Submitted by:
Robert S. Bennett

INDIANA

The Indiana Fellows held their annual meeting at The Pointe on Lake Monroe in September. Following a meeting of the State Committee and a golf outing, the Fellows enjoyed a dinner meeting. Lively Wilson addressed the Fellows and their spouses, remarking on new initiatives of the College. Robert J. Parrish was honored at the dinner for his years of achievement, and he shared his memories of past College meetings. During the breakfast meeting the next morning, the head of sports medicine for the Indiana Hoosiers presented an entertaining picture of the fast-paced medical practice involving college athletes.

Submitted by:
Robert P. Johnstone

IOWA

A meeting of the Iowa State Committee of the American College of Trial Lawyers was convened at the offices of Dick Smith in Des Moines on January 16, 1995.

1. Moot Court Competition: Dave Dutton reported on the excellent response and participation of College members in the regional Moot Court Competition sponsored by the American College of Trial Lawyers and held at the Iowa Law School in November of 1994. Several Fellows who participated in judging have commented on the excellent advocacy and competition.

2. Code of Trial Conduct: The letter from Lively Wilson of December 8, 1994 regarding the initiative of the College to cause the Code to be adopted by each state was discussed. Nick Critelli, who chairs the Iowa Bar Association Committee on Professionalism, agreed to present the Code to his committee, which will meet in the near future. If the committee approves the Code, as it will likely do, a recommendation will be made to the Board of Governors of the Iowa State Bar Association, which meets on March 3, 1995. The Board of Governors then can recommend to the Iowa Supreme Court that the Code be adopted as an aspirational guide to trial conduct. It was determined that once the Supreme Court has adopted the Code, the College will then undertake not only the physical distribution of copies of the Code, but also the teaching and explanation of the Code to the various trial organizations, law schools, and other organizations associated with the trial practice in Iowa. Don Ribble indicated that his Inn-of-Court has used the Code as the subject of a recent meeting.

3. Summer Meeting: It was announced that the summer meeting of the Iowa Fellows is set for the weekend of August 11-13 at Village East at Lake Okoboji. President Wilson and Regent Spencer Brown will be invited to attend.

4. Projects: A discussion regarding a variety of projects for the College occurred. Among the items were the need for additional judges and court personnel; developing the capability for the "paperless trial" and getting the College involved in planning for the courts and the justice system in the 21st century. Dave Dutton will contact Dwight James regarding the Iowa 2000 Committee to see if the College could play a role in the work that Committee has begun to undertake. It was felt that the adoption of the Code of Trial Conduct and getting involved in the planning efforts for the next century were worthwhile projects to pursue and would give expression to the College's concern to foster and improve the court system.

Submitted by:
David J. Dutton

KENTUCKY

The undersigned has now been Chairman of the Kentucky State Committee for the ACTL for more than one year. When I took over as Committee Chair it had been two or three years since any applications had been submitted for fellowship in the ACTL by Kentucky lawyers. In other words, we had gotten very, very far behind. Most of the Committee's work has been taken up in getting several applications for fellowship in the ACTL submitted. The Committee has been greatly pleased with the cooperation of everyone in getting this done.

The Committee recognizes that it needs purpose and that many states are doing a great work with the support of mock trials, etc. The Committee has been alerted that the possibility of the membership of the ACTL in Kentucky making a start at this time in formulating some worthwhile program will be discussed at our annual meeting on June 9, 1995. Frankly, the ACTL membership in Kentucky is predominantly older attorneys. They have not seemed too much interested in this project but, on the other hand, the younger members have seemed to embrace it with some enthusiasm. It is hoped that among the new applicants there are several younger lawyers who will be admitted and maybe we can get this underway.

There has been much discussion among the Committee as to how we could promote interest not only in an annual meeting, but perhaps one or two other meetings of the membership in Kentucky of the ACTL during each year. We did make considerable progress in that we had 54 lawyers and their spouses at the annual meeting last year.

There has also been a great deal of support in Kentucky for a regional meeting. A regional meeting has been set up for late July, 1995 by the Fellows in Michigan. It is hoped that this can be made an annual or biannual meeting.

The Committee is trying to encourage each member who is physically able to attend at least the Annual or the Spring Meeting of the ACTL each year.

At this point there is really nothing we can point to with pride by way of accomplishment, but we are beginning to stir things up.

This is in answer to your January 11, 1995 letter. I apologize for having my secretary sign my name, but thank goodness I am presently in Beaver Creek, Colorado, to ski for two weeks.

Submitted by:
F. C. Bryan

MARYLAND

The Maryland State Committee will hold an early March 1995 meeting with 13 candidates to consider.

There is a confirmed joint fun fall weekend in Williamsburg, Virginia on November 10-12, 1995, for the Fellows from Maryland, D.C., and Virginia. Maryland will continue with its tradition of a late spring cocktail and dinner party at a top location. Noteworthy information about the Fellows in Maryland is that all of the Fellows in Maryland are noteworthy!

Submitted by:

William J. Rowan, III

NORTH CAROLINA

We of North Carolina are proud that one of our Fellows, Julius Chambers of Durham, Chancellor of North Carolina Central University, was presented the Award for Courageous Advocacy by the College at the Annual Meeting in Ottawa. Julius was also honored last June by the North Carolina Bar Association. He then received the Judge John J. Parker Memorial Award, the highest honor bestowed by the Association, in recognition of his contribution to law and the administration of justice.

The North Carolina Fellows will conduct their first overnight meeting from March 2 through 5, 1995 at The Cloister in Sea Island, Georgia. At least 30 Fellows, with spouses, are expected to attend. We will enjoy fellowship with the South Carolina Fellows, who are then having their annual meeting at The Cloister. A reception is planned for both South and North Carolina Fellows at the Sea Island home of former President Griffin Bell. President Lively Wilson and Regent Ozzie Ayscue are speakers at one of our morning sessions. CLE will be provided on several timely subjects along with golf, tennis and numerous social functions.

The North Carolina Fellows will gather again in June at the annual meeting of the North Carolina Bar Association in Asheville for our usual annual reception and dinner. Vice President Charles Renfrew will be guest of honor.

The North Carolina Fellows, through the leadership of Don Cowan of Greensboro, will seek the support of Chief Justice Mitchell of the North Carolina Supreme Court regarding the new ACTL Code of Trial Conduct. Don will also bring the Code before the necessary committees and leadership of the North Carolina Bar Association for consideration and possible adoption by it.

Submitted by:

Roy W. Davis, Jr.

OHIO

The Ohio Fellows have tentatively scheduled a seminar on Trial Practice for November 17, 1995 in Columbus, Ohio. The seminar, in conjunction with Ohio Continuing Legal Education Institute, will be conducted by the Ohio Fellows, with all members of the faculty being Ohio Fellows. The seminar will be open to all Ohio lawyers.

Submitted by:

Robert L. Davis

OKLAHOMA

The Oklahoma Fellows of the American College of Trial Lawyers met in conjunction with the annual meeting of the Oklahoma Bar Association in Tulsa, Oklahoma on November 17, 1994. At the meeting, Regent Andy Coats provided the Oklahoma Fellows with an update of the actions and activities of the American College. In addition, he reported on the need for us to continue to seek quality trial lawyers for membership into the College.

Fellow Michael Burrage was recently confirmed by the United States

Senate as United States District Judge for the Eastern District of Oklahoma. Judge Burrage assumed his duties in September, 1994.

Fellow J. Duke Logan of Vinita, Oklahoma assumed presidency of the Oklahoma Bar Association for a term of one year beginning January 1, 1995.

Submitted by:

John M. Nelson

OREGON

The Oregon Committee had its annual dinner in November 1994 at the Multnomah Athletic Club in Portland, Oregon. Approximately fifty Fellows and their spouses attended. Regent Thomas J. Greenan and his wife were also present.

The Oregon Committee has had its first meeting to review projects for the upcoming year, and is in the process of searching for and evaluating prospective candidates for possible induction into the College. To date, the paperwork on one potential candidate has been received by the Committee. The Committee is contacting judges throughout the state to gather recommendations for worthy candidates.

The Committee is also evaluating what assistance, if any, it may give to the three Oregon law schools' trial practice programs. The Committee has also provided the Code of Trial Conduct to the law schools to encourage the law schools to adopt these guidelines. The Committee has also sent the guidelines to the Chief Justice of the Oregon Supreme Court, urging the Court's adoption as part of the Oregon Supreme Court's philosophy on professionalism. The State Committee has also scheduled the next annual dinner of the Fellows in November 1995, at the Benson Hotel in Portland.

Submitted by:

Thomas E. Cooney, Sr.

RHODE ISLAND

Rhode Island is the host for the 1995 Northeast Regional Meeting which will take place at the Doubletree Hotel on Goat Island in Newport (June 16-18). An exciting and interesting program is being planned, including a visit to the Naval War College where the War College staff will put on a program on Saturday morning. (June 17).

The Committee is considering several proposals for fellowship, and a Rhode Island Fellow recently proposed a candidate for the Courageous Advocate Award. This has been forwarded to the appropriate committee of the College for consideration.

Submitted by:

Kenneth P. Borden

VERMONT

Initial discussions have been initiated with our Chief Justice Frederic W. Allen concerning the Supreme Court's consideration for adoption of the Code of Trial Conduct.

As you probably know, Justice Allen has been a member of the College for many years.

In our discussions he indicated clear willingness on behalf of the Supreme Court to consider our proposal.

The Committee is also considering the preparation of an application for membership of probably the top woman litigator in the State. Unfortunately at this time we are in direct competition with an opening on the Federal Trial Bench. Until our Senior Senator and the President make a decision, we will not be able to go forward with the matter.

Submitted by:

Douglas Richards

VIRGINIA

A large number of Virginia Fellows and their guests, College President Lively Wilson and Regent Ozzie Ayscue attended the Annual Black-Tie Dinner and the morning-after brunch in Richmond on January 27-28, 1995.

The Virginia Committee is considering ways to implement statewide adoption of the College's Code of Trial Conduct. A joint meeting with the Fellows from Virginia, Maryland, the District of Columbia and West Virginia is being planned for Williamsburg on November 10-12, 1995.

Submitted by:
Fred C. Alexander, Jr.

WASHINGTON STATE

The Washington State Fellows successfully completed a joint CLE seminar with the University of Washington Law School in December in which members of the College and Judicial fellows participated. The CLE was preceded by a Friday evening dinner attended by 80 members/significant others.

Submitted by:
Craig Campbell

WISCONSIN

Approximately 20 Wisconsin Fellows gathered for lunch on Saturday, January 28, 1995, at Middleton, Wisconsin, in connection with the Mid-Winter Convention of the State Bar of Wisconsin. Luncheon arrangements were made by Claude J. Covelli, ACTL, Madison. Wm. Bruce Hoff, Jr., Regent, drove from Chicago to attend the luncheon.

President Wilson's request for the distribution of the College's Code of Trial Conduct was explained in detail. John S. Skilton, ACTL and President-Elect of the Wisconsin State Bar Association, agreed to request the Chief Justice of Wisconsin and the Deans of the University of Wisconsin Law School and Marquette University Law School to utilize and distribute the Code in accordance with President Wilson's request.

The Wisconsin Fellows plan to hold a 1995 Fall meeting at the American Club, Kohler, Wisconsin, commencing on Friday evening, September 29, and concluding on Sunday, October 1. Details concerning this gathering will be sent to the Wisconsin Fellows as plans develop and Fellows from Northern Illinois will be invited to attend. The American Club is a 5-star resort offering many and varied activities for those attending. Plans include a professional program on Saturday morning.

Submitted by:
R. C. Ninneman

WYOMING

The largest event of the Wyoming Fellows in 1995 will be the Tenth Circuit Regional Meeting to be held at the Westin Resort in Vail from August 17-20. This should be every bit as good as the Regional Meeting which the Wyoming Fellows hosted in Jackson in 1993. The substantive sessions of the Vail meeting will take place on Friday and Saturday mornings, August 18 and 19. A cocktail reception at the beginning of the meeting and a cook-out in the Gore Range are presently planned. The program planned for Friday morning is a discussion of the use and abuse of the Federal Special Prosecutors. The speakers will be Lawrence ("Ed") Walsh, Special Prosecutor for Irangate; Bob Fiske, initial Special Prosecutor for Whitewater; Ted Olson, attorney for former President Reagan in Irangate and himself a target of a special prosecution which was dismissed after five years; and Nina Totenberg, legal correspondent for National Public Radio. These same panelists will speak on Saturday, with others, to discuss the impact of television on the public's perception of the justice system, the news media and lawyers.

Submitted by:
Carl L. Lathrop

BRITISH COLUMBIA

The past year has been an active one in the Province, thanks almost entirely to the good work of my predecessor, David Roberts, Q.C.

Members of the College were circulated with material analyzing the various apparent reasons for congestion in our Supreme Trial Court. Our Fellows have indicated a willingness to assist, as we can, in exploring initiatives for procedural and structural reform. No doubt, we will be assisted in this process by many of the innovations that we notice in various jurisdictions in the United States.

The members of the College entertained separately at lunch two members of the Supreme Court of Canada who were visiting in Vancouver. Both Madame Justice Beverley McLachlin and Mr. Justice Frank Iacobucci have roots in British Columbia and many friends in the practice. The informal luncheons were arranged by David Roberts and afforded the Fellows a welcome opportunity to talk informally about the work of the Court in Ottawa.

Most recently, the members of the College entertained Lord Desmond Ackner, formerly a member of the House of Lords, who was visiting Vancouver in order to participate in a special ceremony to honour the contribution to the common law of the late Lord Denning.

Submitted by:
Paul D. K. Fraser


1995 ANNUAL MEETING

September 21-24, 1995
San Antonio, Texas

**MARK
YOUR
CALENDAR**

Registration materials will be mailed in early summer.
Be sure to register early. Space is limited.

ACTL CALENDAR OF EVENTS

STATE MEETINGS	REGIONAL MEETINGS	NATIONAL MEETINGS
<p>1995</p> <p>April 29-30 CONNECTICUT Fellows Black-Tie Dinner/Brunch The Inn at Castle Hill Newport, RI</p> <p>May 11 HAWAII Fellows Dinner Oahu Country Club Honolulu, HI</p> <p>June 15 TENNESSEE Annual Black-Tie Dinner Stouffers Hotel Nashville, TN</p> <p>June 16 NORTH CAROLINA Fellows Banquet Meeting TBD Ashville, NC</p> <p>June 23 FLORIDA FELLOWS Annual Reception and Dinner Marriott World Center Orlando, FL</p> <p>August 11-13 IOWA Fellows Meeting Village East Lake Okoboji, IA</p> <p>September 8-9 ILLINOIS Fellows Golf Outing and Dinner TBD</p> <p>September 29-October 1 WISCONSIN Fellows Fall Meeting American Club Kohler, WI</p> <p>October 7-8 KANSAS Fellows Meeting The Ritz-Carlton Kansas City, MO</p> <p>October 20 DISTRICT OF COLUMBIA Fall Cocktail Party TBD Washington, D.C.</p>	<p>1995</p> <p>May 25-27 TEXAS/LOUISIANA/MISSISSIPPI/ ARKANSAS Regional Meeting Lafayette Hilton and Towers Lafayette, LA</p> <p>June 9-11 DELAWARE/PENNSYLVANIA/ NEW JERSEY Regional Meeting The Hilton Hotel Pittsburgh, PA</p> <p>June 16-18 NORTHEAST REGIONAL Meeting Doubletree Hotel Newport, RI</p> <p>July 28-30 SIXTH CIRCUIT Regional Meeting Grand Traverse Resort Grand Traverse Village, MI</p> <p>August 6-8 PACIFIC NORTHWEST Regional Meeting The Coeur d'Alene Resort Coeur d'Alene, ID</p> <p>IF YOU WOULD LIKE MORE INFORMATION ABOUT ANY OF THESE MEETINGS PLEASE CALL THE ACTL NATIONAL OFFICE. (714) 727-3194</p>  <p>August 17-20 10TH CIRCUIT Regional Meeting Westin Resort Vail, CO</p> <p>November 10-12 MARYLAND/DISTRICT OF COLUMBIA/VIRGINIA Fun Fall Weekend Williamsburg Inn Williamsburg, VA</p>	<p>1995</p> <p>April 6-9 ACTL SPRING Meeting The Ritz-Carlton Hotel Amelia Island, FL</p> <p>September 21-24 ACTL ANNUAL Meeting Marriott Rivercenter San Antonio, TX</p> <p>1996</p> <p>March 7-10 ACTL SPRING Meeting Westin La Paloma Tucson, AZ</p> <p>October 17-20 ACTL ANNUAL Meeting Hyatt Regency San Diego, CA</p> <p>OTHER MEETINGS</p> <p>1995</p> <p>August 19-23 CANADIAN BAR ASSOCIATION Annual Meeting Winnipeg Convention Center Winnipeg, Manitoba, Canada</p> <p>September 9-12 ANGLO-AMERICAN EXCHANGE The Charles Hotel Cambridge, MA</p> <p>September 12-15 ANGLO-AMERICAN EXCHANGE The Willard Hotel Washington, D.C.</p> <p>October 19-22 WESTERN CHAIR WORKSHOP The Ritz-Carlton Hotel Laguna Niguel, CA</p> <p>November 2-5 EASTERN CHAIR WORKSHOP The Ritz-Carlton Hotel Palm Beach, FL</p>