

THE BULLETIN

NUMBER 21

SPRING

1995

Associate Justice Ruth Bader Ginsburg
Addresses Fellows at Spring Meeting

Below is a reprint of the address presented by Justice Ginsburg to the Fellows of the College at the 45th Spring Meeting which was held in Amelia Island, Florida in April.

Thank you for an honorary membership I am proud to receive, and cheers to all those who have earned election to this distinguished College.

Charles Renfrew said I should speak — not too long — on anything you might find engaging, so may I spend some minutes answering a question many people have put to me:

"Has becoming a Supreme Court Justice changed your life?" The answer is "Yes, indubitably yes!" True, a large part of the work routine was already familiar to me, from my thirteen years as a judge on the U.S. Court of Appeals for the District of Columbia Circuit. In the Supreme Court as in the D.C. Circuit, we have regular rounds each month starting with preparation for the oral argument of cases, then the mornings (and sometimes afternoons) in Court, after that, the conference among the Justices to reach decisions, next the writing and circulation of opinions.

But, as the character Bunthorne sings in Gilbert and Sullivan's *Patience*, when I go out of doors, things are not the same. I have compared the change to the one writer Virginia Woolf described in her novel, *Orlando*. The central character in *Orlando* lived for a few centuries as a man, then woke up one morning to find an overnight transformation: the man had become a woman. Looking at herself in the mirror, Orlando says, "Same person, just another sex!" But her life becomes distinctly different, the world treats her differently because she's a woman, although inside, she's the same person.

In my case, a private life has become a public one. I was accustomed to going about my business sans spotlights, as a law teacher, even as an advocate (in court and other places) urging the equal stature of men and women, and as a federal appellate court judge. Now, I rarely escape constant notice. In the same month last year, I made the style page of the *New York Times* and the *People's* Magazine list of America's worst-dressed. When the press reported that I read mail by flashlight during cinema previews, I received a half dozen pocket lights from caring people. The photograph of my debut, along with Justice Scalia,

as a super at the Washington Opera appeared in newspapers from her to Australia.

Two books at the second grade level have been written about my life, both without my prior knowledge, neither notable for its accuracy. (A book for sixth graders, on the other hand, is remarkably error free.) I could fill all the hours of the day, and then some, attending breakfasts, lunches, teas, dinners, seminars, sessions with students from pre-school to post-graduate level, fora, symposia to which Justices are invited, seldom just to come, almost always to present a talk, often called a keynote. (I have been thinking of responding, can't manage G, but might make middle C.)

I get lots of advice, both nasty and nice. Here's a sample of "nasty," from a Hickory, North Carolina citizen, whose source is Thomas Jefferson:

[T]he germ of dissolution of our federal government is in ... the federal judiciary; an irresponsible body, ... working like gravity by night and by day, gaining a little to-day and a little to-morrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped*

"Nice" generally runs along these lines:

I have followed your career for years and admire your hard work and dedication. Please send me a signed photograph. Say "Best Wishes to Jim," so my friends will be impressed, and thank you for not using an autopen.

(I'm not making that up!)

In an effort to help out, my ever-supportive spouse looked through a few days' mail and composed an all purpose response. I will read just a few portions of the letter he drafted for my Secretaries' signature:

You recently wrote Justice Ginsburg. She would respond personally if she could, but (as Frederick told Mabel in *Pirates of Penzance*) she is not able. Incoming mail reached flood level months ago and shows no sign of subsiding.

To help the Justice stay above water, we have endeavored to explain why she cannot do what you have asked her to do. Please

refer to the paragraph with the caption that best fits your request.

Fundraising. If you have asked Justice Ginsburg to participate in a fundraising event or campaign, or in any fashion lend her name or offer her property to attract donations, she must say "No," however worthy the cause. For her to say "Yes" would be inconsistent with the Code of Judicial Conduct for United States Judges, thank goodness.

Favorite Recipe. The Justice was expelled from the kitchen a quarter century ago by her food-loving children. She no longer cooks and the one recipe from her youth, tuna fish casserole, is nobody's favorite.

Photograph. Justice Ginsburg is flattered, indeed amazed, by the number of requests for her photograph. She is now 62 and, understandably, keeps no supply.

Are We Related? The birth names of the Justice's parents are Bader and Amster. Many who bear those names have written, giving details of origin and immigration. The information is engrossing, but you and she probably are not related within any reasonable degree of consanguinity. Justice Ginsburg knows, or knew, all of the issue of all in her family fortunate enough to make their way to the United States.

I will skip over the headings, School Projects, Congratulatory Letters, Document Requests, Sundry Invitations, and proceed to one last category:

May I Visit? If you are either of the Justice's grandchildren and wish to visit, she will be overjoyed. If you are a writer or researcher or student and have asked to visit in order to observe the work of Chambers, the answer must be "No."

Confidentiality is essential in this workplace. My Secretaries, you will not be surprised to learn, vetoed the letter, and somehow manage to cope, for which they have my abiding appreciation.

Since my appointment, I am often asked whether having two women on the Court, first Sandra Day O'Connor, then me, makes a

American College of Trial Lawyers
THE BULLETIN

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PRESIDENT'S MESSAGE

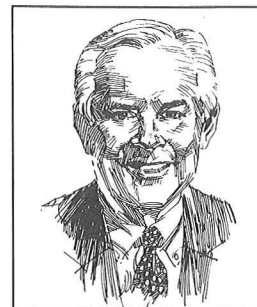
The commitment of the College to improvement in the ethics of our profession and in the administration of justice often demand that we take positions on difficult and contentious issues. Such a commitment resulted in a position on punitive damages and Rule 11. Sometimes, albeit very infrequently, it requires us to discipline Fellows who, for whatever reason, have strayed a bit from the qualities of character and fitness which allowed them to become Fellows in the first instance, but we can demand no less of ourselves than we do of others.

Recently, the Legal Ethics Committee has been considering the ethical issues involved in trial and pretrial publicity. While many thought the issues fairly simple and straightforward, events of the last several months have cast them in an entirely new light. We have seen lawyers use the media in almost brazen attempts to influence public opinion and ultimately the jury. We have seen the media exploit the legal process in ways that clearly could prevent the parties from receiving a fair trial. We have seen witnesses corrupted by selling their story to the media before it is ever told from the witness stand. A new phenomenon is the professional kibitzer who looks over the shoulders of trial counsel and then sells his opinions and observations to the media. All of this under the general rubric of trial and pretrial publicity has had a tendency to bring the trial process and the administration of justice into disrepute.

These imperfections in the system are magnified out of all proportion when covered gavel to gavel and beyond by the television cameras. Thus, the whole question of cameras in the courtroom has come back into play. Marshall McLuhan was right. The medium is the message.

Even as we consider the excesses of lawyers and the media, we realize that the administration of justice requires an open forum. We can tolerate no star chamber proceedings.

Having stated the two extremes, the question is how can the College contribute to a process that will find the correct balance



LIVELY M. WILSON

between the First Amendment right of freedom of speech and freedom of the press and the Sixth Amendment right to a fair trial? We have asked an expanded LEC to try to find that balance. It will build on its very excellent report on trial and practice publicity with a view toward publication of a document that could serve as a guide to courts, counsel and the media. While the problem is a vexing one and clearly not one of easy solution, we have asked the committee to have a progress report for the Fellows at the meeting of the College at LaPaloma, Tucson, Arizona in March of 1996. If you have thoughts on this matter that would contribute to a solution, I am sure the committee would be glad to have them.

Now let me turn to a lighter fare. I hope you are making your plans to attend the Annual Meeting of the College in San Antonio. President Elect Charles Renfrew has arranged a varied and informative program. Billy Payne, the Chairman of the 1996 Olympic Committee that brought the Olympics to Atlanta; Reginald Murphy, a former editor of the Atlantic Constitution, and currently Vice President of the National Geographic Society, have both accepted invitations to speak. Chief Judge Richard Arnold from the Seventh Circuit and Phillip Howard, the author of *The Death of Common Sense* are also on the program. When you couple that spicy program with San Antonio's spicy cuisine, it promises to produce an exciting and entertaining event. I hope to see you there.

1995 Annual Meeting San Antonio, Texas

Materials will be mailed early July.

COMMITTEE NEWS UPDATE

STANDING COMMITTEES

Adjunct State Committee

In accordance with our By-Laws, your Adjunct State Committee is charged with the responsibility to consider and make recommendations with respect to nominations of lawyers whose trial experience and trial activities are not known to the State Committee of a particular state. Please be on the alert for any prospective candidate who might have recently transferred into your state and your State Committee may not have been able to develop sufficient information about him or her. It will be helpful to the Adjunct Committee for you to be on the watch for such prospective candidates and forward their names to the College Headquarters, Attn: Alex Newton, Adjunct State Committee.

Submitted by:
Alex W. Newton

Admission to Fellowship Committee

At our meeting on Amelia Island, we discussed issues that have been the topic of previous committee meetings concerning the need for the College to continue to recognize, investigate, and where appropriate, induct women and minorities into the College.

In general, the Committee felt that the College was doing well, considering that the 15-year rule often puts us in a foot race with the judicial appointing authority in the respective states and provinces. The Committee's members expressed the view that the College leadership should continue to stress at the organizational meeting in the fall for new state chairs the necessity of being pro-active in the identification of appropriate candidates, not only amongst women and minorities, but among lawyers who practice as trial lawyers in specialties that have not traditionally been represented in the College.

Alan Levine of New York raised the issue that there were very active trial lawyers who, because they were practicing in a specialty area that was under represented either on the state committee or the present College membership, simply did not come to the attention of the respective state and province committees. It is our experience that the Massachusetts committee's work improved when younger and more diverse people began to serve on the committee in the last ten years. There was a general belief that the critical element in the recruitment of some constituencies in the College was at the level of the state committee and that the President Elect who selects the state committee should look carefully at its composition because that is important in diversifying while at the same time keeping the College's standards high. The Committee would be willing, if the President Elect wishes our assistance, to survey and coordinate with the state committees in reviewing the selection procedures and heightening conscientiousness of diversity factors. One member of the Committee said it is very helpful in identifying very well qualified women if there is a woman fellow sitting at the table during the discussion.

Another issue that was raised was the concern over the long range implications for the College of the change in nature in trial practice. The Committee is concerned that criteria that have proved to be very valuable, in defining the level of experience that is required for the admission of a trial lawyer may, given the present nature of practice and the limitation of actual trial work no longer serve the College's purpose. This is, of course, a long range policy issue that is for the leadership of the College and the Admissions to Fellowship Committee would be pleased to contribute its input to the issue of membership criteria and quality. This is ultimately a policy issue which perhaps should be subject to the same kind of long range planning that happens in any organization in a changing environment. We do not want, as one member of the Committee said, "for the last 'trial lawyer' in America to put out the light he leaves."

Submitted by:
Michael E. Mone

Alternatives for Dispute Resolution Committee

The ADR Committee met in advance of the spring meeting at Amelia Island to discuss the Long-Range Planning Committee's report and possible future projects. It was tentatively agreed that the Committee would consider the development of national standards for mediation programs.

Submitted by:
Shaun S. Sullivan

Federal Judiciary Committee

The newly created Federal Judiciary Committee held its first meeting in conjunction with the Spring Meeting of the College at Amelia Island.

The Committee agreed upon the general scope of the activities it wished to be involved on for the next year:

Diversity Jurisdiction:

Generally, the Committee felt that diversity jurisdiction was working well as it is, but that some modifications would be helpful. Three areas were discussed for possible action for modification:

1. Imposing a higher amount-in-controversy requirement.
2. Indexing the amount-in-controversy requirement to inflation.
3. Eliminating diversity jurisdiction for cases in which the plaintiff is a citizen of the state in which the federal district court is located.

The Chair, Marna S. Tucker, appointed a subcommittee of Gael Mahony, J. Owen Todd, Francis Fox and Bill Schwarzer to circulate a discussion on these issues to all of the Committee members, to survey their views and to draft a proposed resolution to present for discussion at the San Antonio meeting.

Judicial Compensation:

The Committee discussed taking steps to raise judicial compensation. While there was sentiment favoring an increase, there was general agreement that now was not the time to take any action.

The Committee agreed that the following issues should be supported:

1. Eliminate Section 140 of Pub. L. No. 97-92 which excepts the federal judiciary from receiving salary increases automatically when Congress authorizes an increase unless Congress specifically authorizes the increases for the judiciary.
2. Automatic cost-of-living increases to keep up with inflation.
3. Modify the prohibition against the acceptance of honoraria to allow for compensation for teaching.

Marna Tucker appointed Bruce Kauffman and Frank McGarr to a Subcommittee on Judicial Compensation to develop a position for the Committee to present to the Regents.

Support of the Canadian Judiciary:

The Committee discussed how we can give support to the Canadian judiciary in a manner similar to what we do for the United States judiciary. Judge Sopinka indicated that he is working with the Canadian Fellows to develop a similar approach.

Line Item Veto:

The Committee discussed the possible impact of the recently approved line item veto on the independence of the judiciary. This is being watched carefully, but agreed that no immediate action was called for.

All of these issues will be discussed at the San Antonio meeting in September.

Submitted by:
Marna S. Tucker

Federal Rules of Civil Procedure Committee

In October, 1994 the Committee met in Boston and again in April, 1995 at the Spring meeting in Amelia Island, Florida.

Significant amendments on which the Committee has had direct input with, and favorable responses from, the Advisory Committee on Civil

Rules include:

1. Rule 26(c) dealing with the modification of protective orders, the Committee having considerable input into the proposed amendment and having registered its strong, and unanimous, objection to a recent Standing Committee proposal which would delete a proposed addition to the rule (designed to clarify existing practice) allowing protective orders to be issued on stipulation of the parties;
2. Rule 43(a), the Advisory Committee adopting our Committee's cautions that remote video testimony in trial ought not to be allowed except for good cause shown, in "compelling circumstances", under appropriate safeguards and only when the need for such could not have been reasonably foreseen by the proffering party;
3. Rule 47(a) which in its present proposed amended form would now make lawyer participation in jury voir dire mandatory if requested (something the Committee had strongly suggested); and
4. Rule 48 marking the return to 12 person juries with the unanimity requirement intact.

Ongoing work of the Committee in interfacing with the Advisory Committee includes proposed amendments to Rules 5(e) allowing electronic filing, 15(a) which would preclude amendments as a matter of right after the filing of either a responsive pleading or a motion to dismiss, 56(c) to conform the rule with existing practice provided in local rules to preclude the filing of last day affidavits and 68 on offers of judgment.

Committee member Dave Ryan attended a "Summit on the Federal Rules" held at Southern Methodist University, March 30-31, 1995. The chair attended a January 13-14, 1995 meeting of ABA Leadership Forum meeting in Dallas dealing with the Common Sense Legal Reforms Act of 1995. This Act, introduced as H.R. 10 on January 4, 1995 as part of the "Contract with America", would emasculate the 1993 revisions to Rule 11 which the College had been instrumental in bringing about. It would also make significant and, in the opinion of the College, detrimental revisions to Rule 702, Federal Rules of Evidence, contrary to the actual holdings in *Daubert v. Merrell Dow Pharmaceutical, Inc.* The chair, working with Michael Cooper, chair of the College's Committee on the Federal Rules of Evidence, assisted in the preparation of a February, 1995 statement to the House Judiciary Committee by our president, Lively Wilson, opposing the proposed congressional direct amendments of Rules 11 and 702.

Most recently, April, 1995, the Committee's liaison to the Advisory Committee, Bob Campbell, attended the Advisory Committee meeting in New York City in April, 1995 held in conjunction with a symposium devoted to class actions (Rule 23). Also on the subject of Rule 23 Committee member Evan Schwab is serving as liaison between the Committee and the Complex Litigation Committee which is spearheading a study of possible changes in class actions as they involve mass torts.

Submitted by:
Ken J. Sherk

Federal Rules of Evidence Committee

The Committee continues to monitor proposals to amend the Federal Rules of Evidence and, in that connection, assisted in the preparation of a statement by the College to the House Judiciary Committee opposing an amendment to Rule 702 proposed by H.R. 988. The Committee is considering preparation of a report on the applicability of the Federal Rules of Evidence to criminal sentencing proceedings.

Submitted by:
Michael A. Cooper

International Committee

Indo-American Exchange.

The Indo-American Exchange resumed activity from May 15 through May 26 when the Indian delegation visited the United States. The delegation included the Chief Justice of India along with other Justices from

the Supreme Court of India and several Indian lawyers and spouses. The trip started in Washington and concluded in New York. Some of the planned activities in Washington included lectures and round table discussions at the Federal Judicial Center, dinner at the home of the Indian Ambassador, dinner at the Supreme Court of the United States and a reception at the White House. In New York the members of the delegation visited with Court of Appeals and District Court Judges and observed arguments in those Courts. They also were guests at receptions and dinners at New York University Law School and the Association of the Bar of the City of New York.

Russia.

We are working on a possible program for Russia which may involve, among other things, assisting Russian lawyers in developing advocacy skills appropriate to their forums. We understand that Russian lawyers and judges may be interested in the use of written precedent in their decisional process and we would be prepared to provide develop a program in that area.

There are several other projects in the development stage and we continue to explore new avenues for possible initiatives for our Committee.

Submitted by:
Edward Brodsky



President Wilson addressing the Gale Cup Moot Competition which was held in the Great Hall at Osgoode Hall in Toronto Canada.

Legal Ethics Committee

At its meeting on Amelia Island in April, the Legal Ethics Committee approved a detailed report to the Board of Regents on the subject of pre-trial and trial publicity by lawyers, with recommendations, and that report has been submitted to the Board of Regents.

Currently the committee has a subcommittee reviewing existing procedures of the College for dealing with the termination of suspension of fellowship for misconduct, to determine whether changes are needed. Also, a subcommittee has been appointed to work with the Teaching of Trial and Appellate Advocacy Committee in the preparation of a syllabus or lesson plan that can be used as a teaching aid for the College's Code of Trial Conduct.

Submitted by:
Charles C. Hileman

Mexico Committee

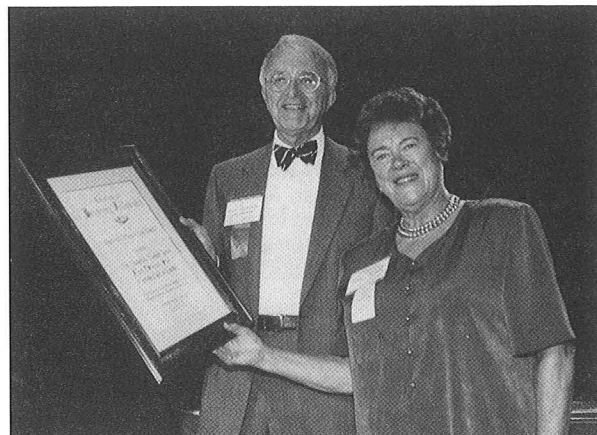
Since its inception in 1993, the Mexico Committee's efforts to get on the ground have been showed by a series of negative events in Mexico, including assassinations, the Chiapas uprisings, the peso devaluation,

Honorary Fellowship

The American College of Trial Lawyers was privileged to present two Honorary Fellowships at the 1995 Spring Meeting in Amelia Island, Florida. On the left Past President Robert L. Clare, Jr. presents an Honorary Fellowship award to Associate Justice Ruth Bader Ginsburg, Supreme Court of the United States. On the right Past President Ralph I. Lancaster, Jr. presents an Honorary Fellowship award to Madame Justice Claire L'Heureux-Dubé, Supreme Court of Canada.



Associate Justice, Supreme Court of the United States
Ruth Bader Ginsburg



The Honourable Madame Justice
Claire L'Heureux-Dubé

and finally a general economic crisis. But, with a resilience not surprising to those of us having a long familiarity with our neighbor to the south, Mexico has begun to show indications of survival and eventual recovery.

The Mexico Committee is presently assisting the College in identifying a speaker from Mexico for the Annual Meeting at San Antonio. The possible list of interesting and timely topics is endless, including President Zedillo's call for an overhaul of the Mexican judicial system.

The relationship between our country and Mexico will be increasingly important over the long run. Lawyers and judges will play a vital role. We view the Mexico Committee's role as also being a long term proposition.

Ultimately we hope to establish contacts with outstanding Mexican lawyers and judges who share the aspiration and ideals of College members. In the meantime, we will continue to go slow as we seek to identify potential contacts in Mexico with whom to develop a solid long term relationship.

Several College members have expressed an interest in the Mexico Committee in response to our invitation in the last Bulletin. We welcome the participation of College members with interest or expertise in this area.

Submitted by:
Philip A. Robbins

National College of District Attorneys Committee

At the end of the first four months of 1995, the National College of District Attorneys had held training sessions for some 681 prosecutors at the following places:

Location	Date	Topic
Las Vegas, NV	01/22/95	Criminal Investigators Course
New Orleans, LA	02/12/95	Trial Advocacy Program
Santa Fe, NM	02/26/95	Strategic Criminal Litigation
San Diego, CA	03/12/95	Evidence for Prosecutors
Orlando, FL	03/19/95	Office Administration
Flagstaff, AZ	03/26/95	Experienced Prosecutor Course
South Lake Tahoe, CA	04/23/95	Government Civil Practice
San Francisco, CA	04/30/95	Prosecuting Drug Cases

Some twelve seminars on varying topics are planned for the remainder of the year throughout the United States. Morris Harrell and Beale Dean continue to serve as Regents of the National College of District Attorneys.

Submitted by:
Carol Vance

Professionalism Committee

At its meeting held on Saturday, April 8th, the Committee unanimously adopted the Canons of Professionalism which, if further adopted by the Regents, will provide guidance not only to current Fellows of the College, but also to those who hope one day to join them. The Committee has recommended to the Regents that a candidate's observance of the standards of professional conduct reflected in the Canons (if adopted) and Code should become a significant criterion to guide the decisions of the several state committees and regents respectively to recommend and to elect him or her to Fellowship.

By design, there is nothing new in the Canons, which merely distill and emphasize the substance of the Code of Trial Conduct which, in its various iterations, has been with the College for nearly forty years. Indeed, in a very real sense, the Code of Trial Conduct is the progenitor of the hundreds of professionalism codes which have been adopted by virtually every bar association across the country.

Submitted by:
William J. Brennan, III

Publications Committee

The Publications Committee wishes to take this opportunity to thank the Chairpersons of those State and General Committees who have continued to report the activities of their committees for dissemination to the College through this newsletter.

Our next *BULLETIN* will be printed in the Fall, and we would appreciate hearing from those State and/or Committee chairmen who have not recently furnished us with information on the activities or plans.

Any photographs which any Fellow may have of past or current College functions would be greatly appreciated.

If any Fellow wishes to submit an article on an issue such as ethics or professionalism, we would be pleased to consider it for publication.

Submitted by:
Edward J. Rice, Jr.

Science and Technology Committee in the Courts

We have been asked by the President to monitor developments in the fields of science and technology in the courtroom and to monitor their effects on trial advocacy. We met at Amelia Island and decided to defer any action with regard to post-Daubert decisions, pending the presentation that was to be given to the College the next day.

We did, however discuss whether the College would benefit from a program on technology in the presentation of evidence. We recommended that such a program be considered by the Board of Regents, and if it is approved, our committee will arrange for the latest technology to be demonstrated in a portion of the program for one of the College's upcoming meetings. Ric Gass, Judge Richard Bilby and Bob Walker of our committee will be involved in developing this presentation.

Submitted by:
Warren B. Lightfoot

Special Problems in the Administration of Justice Committee

In February, the Executive Committee asked the Special Problems Committee to review the provisions of House Bill HR10, commonly referred to as the "Common Sense Legal Reforms Act of 1995." Information was obtained and reviewed by Committee Members, and the Committee submitted its comments and recommendations on the provisions of the Bill to the Executive Committee. Just before the spring meeting in Amelia Island, Florida, the Committee was asked to prepare a position paper on the provision of the Bill proposing a "loser pays" rule for all diversity cases filed in Federal Court. The Committee came to the conclusion that the College should oppose the proposed legislation because the impact of "loser pays" had not been adequately studied or debated by Congress, and without careful study Congress could not weigh the purported benefits of the legislation against the impact on American taxpayers seeking access to the Federal Courts.

The Committee prepared a position paper which was submitted by President Lively Wilson and Fellow Robert S. Campbell, Jr. of Salt Lake City, Utah to Senator Hatch and the Chief Counsel of the Senate Judiciary Committee on April 24, 1995 in Washington, D.C. President Wilson reported that Senator Hatch was receptive to the position stated by the College.

The Special Problems Committee continues to be active in its liaison role with the American Law Institute and with its Committee to monitor developments in the jury system. The Committee will meet again at the annual meeting in San Antonio, Texas.

Submitted by:
Garr M. (Mike) King

State Judiciary Committee

The Committee on State Judiciary held its organizational meeting at Amelia Island. As a matter of concept, the Committee concluded it should undertake its support for merit selection and adequate compensation of state judges separately with respect to separate states because of the observation that procedures, needs, and progress with respect to these issues vary so widely from state to state. Accordingly, the Committee determined to communicate with each state chair for evaluation of the status of the judiciary in each state in this regard. Similarly, the Committee is contacting Chief Judges of certain trial and appellate courts in selected states, to ascertain their perspective on the most pressing of the problems facing their state judiciaries. The Committee expects later to encourage the Fellows in the respective states to take an active role in encouraging improvement in their jurisdictions.

Submitted by:
Jervis S. Finney

STATE AND PROVINCE COMMITTEES

NORTHERN CALIFORNIA

The Northern California Committee met on May 8, 1995, to discuss candidates for fellowship, social functions and the placement of the College Code of Trial Conduct in the courts and law schools. Loyd McCormick and I will be responsible for placement of the Code.

Six new Fellows from Northern California were inducted at the spring meeting.

We are presently planning our fall dinner for the Fellows and their guests.

On May 16, 1995, we held a Northern California luncheon and more than 50 Fellows attended.

Submitted by:
David O. Larson

SOUTHERN CALIFORNIA

The Southern California State Committee held its annual black tie dinner at the California Club in Los Angeles on March 26, 1995. President Lively M. Wilson and his wife Frances attended and President Wilson addressed the guests. The dinner was attended by approximately 125 Fellows and guests. Everyone agreed it was a delightful evening.

The Southern California State Committee held meetings to consider reports on candidates for admission to the College on December 1, 1994 and February 16, 1995. A final meeting for this year will be held some time in June.

Submitted by:
Anthony Murray

COLORADO

From August 17 to 20, 1995, the Fellows of the Tenth Circuit will meet at Vail. The rugged Gore Range will be the setting for camaraderi (including swapping war stories and other lies), outdoor alpine activities, and a stimulating set of educational programs. Former Federal Special Prosecutors, targets, defense counsel and media observers will share their thoughts on the strengths and weaknesses of the system. NPR's Nina Totenberg, Fellows and Special Prosecutors Ed Walsh and Bob Fiske, and President Reagan's lawyer and himself a one-time target, Ted Olson, will make up our panel. The next day many of the same panelists and D.C.'s Dick Schmidt will work hard to avoid taking cheap shots at the O.J. quagmire while providing their commentary on the impact on society of television in the courtroom. President Lively Wilson will share the news of the College with us and Regent Andy Coats may share what it was like to be across the street from the Alfred Murrah Office Building at 9:00 a.m. on April 19. Finally, teacher and criminal defense advocate par excellence, Ted Borrillo, will give us insight into the roots of advocacy drawn from the life of Cicero. If the snow has melted by then, we should all have a great time!

Submitted by:
Richard P. Holme

CONNECTICUT

The Connecticut Fellows held a very successful Spring Get-Away and Annual Banquet in Newport, RI on the weekend of April 29-30, 1995. The Annual Banquet was held on Saturday evening at The Castle Hill Inn, with a Sunday brunch at The Clambake Club. Approximately 30 Fellows and guests attended, including our President, Lively Wilson, and his wife Frances, along with Regent Ed Brodsky and his wife Cynthia. Fellows and guests had a wonderful opportunity to spend time with, and get to know, our guests and each other in a relaxed and casual atmosphere. A good time was had by all.

Submitted by:
James F. Stapleton

GEORGIA

At the request of the Georgia State Committee, Honorable Harold G. Clarke, a Fellow of the College and former Chief Justice of the Georgia Supreme Court, is acting as liaison with the Georgia Supreme Court in an effort to disseminate the Code of Trial Conduct. At its regular summer meeting in Savannah on June 15, 1995, the Georgia State Committee will consider plans to expand the activities of Georgia Fellows by instituting workshops and an additional outing during the winter months.

Submitted by:
Robert E. Hicks

IDAHO STATE

The Idaho State Committee has been busy formulating plans for the Northwest Region meeting on August 6, 7, and 8, in Coeur d'Alene, Idaho. A terrific program has been worked out.

The Committee is working with the Idaho Supreme Court on a program to circulate the Code of Trial Conduct released by the American College of Trial Lawyers.

The Committee is also in the process of working on several new applicants for proposal for admission to the College.

Submitted by:
William A. Parsons

IOWA

Four Iowa Fellows attended the Spring Meeting in Amelia Island, Florida — Robert M. Bertsch, Dubuque, Edward N. Wehr, Davenport, David E. Funkhouser, Mason City, and David J. Dutton, Waterloo. On April 8, 1995, Maurice B. Nieland, FACTL, Sioux City, participated in a discussion with students and faculty at the Iowa Law School concerning a draft of a Model Expert Witness Act which was prepared as a class project. Preliminary discussions have begun with the Iowa Supreme Court concerning the role of the Iowa Fellows in the Supreme Court Commission studying the Iowa Courts in the 21st Century.

Submitted by:
David J. Dutton

INDIANA

The Indiana Fellows Annual Reception and Dinner will be held in Indianapolis on October 13, 1995.

Distribution of the Code of Trial Conduct is a priority item for the Indiana State Committee. Chief Justice Randall T. Shepard arranged for approximately 250 copies of the Code of Trial Conduct to be distributed to judges and attorneys at the 1995 Bench/Bar Conference on Civility in the Legal Profession which was held in May. Chief Justice Shepard has offered to distribute the Code to judges who did not attend the Conference. The State Committee is also planning to distribute the Code to law schools to be used in trial practice courses.

Submitted by:
Robert P. Johnstone

LOUISIANA

The Fellows of the College from the State of Louisiana are pleased to congratulate Eldon E. Fallon who has recently been confirmed as Judge for the United States District Court for the Eastern District of Louisiana.

The Fellows of Louisiana have recently hosted a Regional Meeting in Lafayette, Louisiana. President, Lively Wilson, and his wife, Frances, were guests at the Regional Meeting. The Region is comprised of Mississippi, Arkansas, Texas, and Louisiana. The meeting included four educational programs on topics such as the Trial Notebook, Cross Examining the Economic Expert, Technology in Federal Court, and Problems in Mass Tort Liability.

Social activities included a crawfish boil with a Cajun band, a couchon d'lait (pig roast), golf tournament, several tours, and a night at the races. Jack Caldwell and his Committee certainly made everyone feel at home and those of us who were present look forward to a quick return to

"Cajun" hospitality.

Each of the State Committees had the opportunity to meet on an individual basis to discuss ways in which the Fellows of each state could participate in programs approved by the Board of Regents of the College.

Submitted by:
Edward J. Rice, Jr.

OHIO

The Ohio Fellows will sponsor a seminar on trial practice and ethics of advocacy in Columbus, Ohio on November 17, 1995. This seminar will be open to all attorneys in Ohio and will include references to The American College of Trial Lawyers Code of Trial Conduct.

Submitted by:
Robert L. Davis

OREGON

The Oregon Chapter distributed the ACTL booklet on Trial Conduct to the three Oregon law schools for use in their trial practice courses. In addition, copies were provided to the Chief Justice of the Oregon Supreme Court and the Presiding Judge of Multnomah County Circuit Court which is the largest county in the state. We have recommended to the Supreme Court that the Court adopt these as part of Oregon's guidelines for professionalism.

The Oregon Chapter's Annual Dinner will be held on November 17, 1995 at the Benson Hotel in Portland. Many of us look forward to the Northwest Regional Meeting this year, to be held at Coeur d'Alene, Idaho August 6-8, 1995.

Submitted by:
Thomas E. Cooney

PUERTO RICO

On Saturday, March 12 the Fellows from Puerto Rico hosted a beach outing and barbecue at Rafael Vizcarrondo's house in Dorado in honor of the Honorable Roberto L. Córdova, recently appointed to the Court of Appeals. Judge Córdova is the first Judicial Fellow from Puerto Rico and will continue to be active in the ACTL.

Submitted by:
Herman W. Colberg

MANITOBA / SASKATCHEWAN

The writer has only recently been appointed Provincial Chair of this committee. Manitoba and Saskatchewan are two large prairie provinces with eight members in Manitoba and eight in Saskatchewan. It is my goal to increase to a meaningful number of members in the College, assuming the necessary qualified nominees can be found. Distance and time precludes provincial meetings.

These circumstances do not suggest that membership in the College by Canadians in prairie provinces is not highly desirable, useful and of great assistance.

Submitted by:
R. H. McKercher, Q.C.

QUEBEC

The only activities that the Quebec Province Committee has in store at this time are as follows:

June 1995	Meeting of the members of the selection committee.
January 17, 1996	Annual dinner of the members of the Quebec Province.

Submitted by:
Gabriel Lapointe

COLLEGE WELCOMES NEW FELLOWS

The College welcomes the following Fellows who were inducted into Fellowship at the 1995 Spring Meeting in Amelia Island, Florida.

ARKANSAS

Robert M. Cearley, Jr.
Little Rock
Floyd M. Thomas, Jr.
El Dorado

CALIFORNIA

Paul Alexander
Palo Alto
Daniel H. Bookin
San Francisco
Kimberly R. Clement
Santa Rosa
Richard G. Duncan, Jr.
Irvine
Peter Q. Ezzell
Santa Monica
Robert A. Goodin
San Francisco
John J. Hennelly, Jr.
Los Angeles
Cary W. Miller
San Diego
Donald L. Morrow
Costa Mesa
Ronald H. Rouda
San Francisco
Jack Charles Sevey
Sacramento
John A. Sturgeon
Los Angeles
Frank E. Sundstedt
Los Angeles

COLORADO

J. Lawrence Hamil
Denver
Peter A. Hofstrom
Boulder

CONNECTICUT

Joseph A. Moniz
Hartford

DISTRICT OF COLUMBIA

Donald R. Dunner
Washington

FLORIDA

John R. Beranek
Tallahassee
Ben H. Hill III
Tampa
Henry Latimer
Fort Lauderdale
Daniel S. Pearson
Miami

ILLINOIS

James B. Burns
Chicago

INDIANA

James E. Bourne
New Albany
Jay A. Charon
Merrillville
Charles F. Leonard
Fort Wayne
David H. Miller
Fort Wayne

LOUISIANA

Edward F. Kohnke, IV
New Orleans

MICHIGAN

David F. DuMouchel
Detroit

MISSOURI

Mark T. Kempton
Sedalia
Wendell E. Koerner, Jr.
St. Joseph
Thomas G. Kokoruda
Kansas City
Paul E. Kovacs
St. Louis
Stephen H. Rovak
St. Louis
Charles A. Weiss
St. Louis

NEVADA

James R. Olson
Las Vegas
Harold B. Thompson
Reno

NEW HAMPSHIRE

Russell F. Hilliard
Concord

NEW JERSEY

Timothy E. Annin
Mount Laurel
William C. Carey
Morristown
Michael Critchley
West Orange
Edward N. Fitzpatrick
Teaweck

NEW YORK

Emmet J. Agolia
Mineola
James W. B. Benkard
New York
John P. Cooney, Jr.
New York
Gregory L. Diskant
New York
Linda A. Fairstein
New York

NORTH CAROLINA

Larry B. Sitton
Greensboro

OHIO

Neil F. Freund
Dayton
Niki Z. Schwartz
Cleveland
Jack Zouhary
Toledo

OREGON

Roland F. (Jerry) Banks
Portland

PENNSYLVANIA

Mark A. Aronchick
Philadelphia
Robert St. Leger Goggin
Philadelphia
William F. Manifesto
Pittsburgh
William M. Wycoff
Pittsburgh

RHODE ISLAND

Dennis J. McCarten
Providence

TENNESSEE

L. Anderson Galyon, III
Knoxville
Gayle I. Malone, Jr.
Nashville
Clifford D. Pierce, Jr.
Memphis
David Wade
Memphis

TEXAS

Don L. Davis
Austin
Otway B. Denny, Jr.
Houston
H. Dustin Fillmore
Fort Worth
H. Lee Godfrey
Houston
Don W. Griffis
San Angelo
Donald B. McFall
Houston
Knox D. Nunnally
Houston
Michael W. Perrin
Houston

UTAH

David W. Slagle
Salt Lake City
Francis M. Wikstrom
Salt Lake City

VIRGINIA

M. Bruce Wallinger
Harrisonburg

WASHINGTON

Paul N. Daigle
Seattle
David D. Hoff
Seattle
Roger J. Peven
Spokane
James L. Robart
Seattle

WISCONSIN

Wayne E. Babler, Jr.
Milwaukee
Donald H. Carlson
Milwaukee
Richard G. Niess
Madison
Thomas L. Shriner, Jr.
Milwaukee

CANADA

ALBERTA

E. David D. Tavender, Q.C.
Calgary

ATLANTIC PROVINCES

Joel E. Pink, Q.C.
Halifax, Nova Scotia

ONTARIO

Eleanor Ann Cronk
Toronto
Stephen T. Goudge, Q.C.
Toronto
David Stockwood, Q.C.
Toronto

QUEBEC

William Hesler, Q.C.
Montreal
Alain Letourneau
Montreal



Fellows Appointed to the Bench

We are pleased to announce that the following Fellows have gone to the Bench since January 1, 1995.

The Honorable William M. Connolly, who has been a member of Nebraska Court of Appeals, has been recently appointed to the Nebraska Supreme Court.

Roberto L. Cordova, San Juan, Puerto Rico, was nominated by the Governor to the Court of Appeals and confirmed by the Commonwealth Senate. He has taken the oath of office and is the first Judicial Fellow from Puerto Rico.

William J. Coyne formally of Coyne, Gravens & Franey Co., L.P.A., Cleveland, Ohio was sworn in as Judge, Court of Common Pleas, Cuyahoga County, Ohio.

E. J. Flinn, Q.C. formally of Flinn Merrick, Halifax, Nova Scotia Canada has been appointed to the Court of Appeal of Nova Scotia.

Susan Illston formally of Cotchett, Illston & Pitre, Burlingame, California, has been appointed to the United States District Court for the Northern District of California.

Jack L. Lively formally of Hall, Levy, Lively DeVore & Bell, P.A., Coffeyville, Kansas became District Court Judge of the 14th Judicial District in Kansas in January 1995.

Joseph R. Nuss, Q.C. formally of Ahern, Lalonde, Nuss, Drymer, Quebec Canada has been appointed to the Quebec Court of Appeals.

J. J. Michel Robert, Q.C. formally of Langlois Robert of Quebec, Canada has been appointed to the Quebec Court of Appeals.

The Honorable James P. Salmon, a judge of the Circuit Court for Prince George's Country, Maryland, has been named a Judge of the Maryland Court of Special Appeals.

In the future the College will make announcement of the Fellows who go to the bench. Please forward such information to the national office of the College in Irvine, California

Anth Bader Ginsberg Address

CONTINUED FROM PAGE 1

difference. And lately, since Stephen Breyer's appointment, some have asked whether the presence of two Jews on a Court of nine has any significance.

Justice O'Connor called to my attention the sage reply of Minnesota Supreme Court Justice Jeanne Coyne, who said: "A wise old man and a wise old woman reach the same conclusion." But I am also convinced that women, like persons of different racial groups and ethnic origins, contribute to the judiciary what a great jurist, the late Fifth Circuit Judge Alvin Rubin, described as "a distinctive medley of views influenced by differences in biology, cultural impact and life experience." In a similar sense, Jewish judges too are among the men and women who enrich our system of justice. That system is the richer for diversity of background and experience. It is the poorer, in terms of appreciation of what is at stake and the impact of its judgments, if all of its members are cast from the same mold.

I can report, concretely in this regard, that as of mid-March, President Clinton had nominated 146 individuals to federal district court, court of appeals, and Supreme Court vacancies. Nearly one-third of his nominees, 45 to be exact, are women. (Women and minorities together compose 55 percent of President Clinton's judicial nominations to date.) Concerning qualifications, the President's actions have indeed been affirmative: 65 percent

of the President's nominees have been rated "well qualified" by the ABA. In contrast, "well qualified" ratings for Bush, Reagan, and Carter appointees ranged from a low of 52 to a high of 57 percent. We are at last realizing the hope penned decades ago by a girl barely 15. Let me read you her words:

One of the many questions that have often bothered me is why women have been, and still are, thought to be so inferior to men. It's easy to say it's unfair, but that's not enough for me; I'd really like to know the reason for this great injustice!

Men presumably dominated women from the very beginning because of their greater physical strength; it's men who earn a living, beget children and do as they please ... Until recently, women silently went along with this, which was stupid, since the longer it's kept up, the more deeply entrenched it becomes. Fortunately, education, work and progress have opened women's eyes. In many countries they've been granted equal rights; many people, mainly women, but also men, now realize how wrong it was to tolerate this state of affairs for so long. Modern women want the right to be completely independent!

Yours,
Anne M. Frank

Finally, to sum up what I believe about life and work, I can do no better than to recall a passage Connecticut Supreme Court Chief Justice Ellen Ash Peters recently brought to my attention. It is the comment of a great lady in the medical profession, Rita Levi-Montalcini, 1986 Nobel Laureate from Italy, recipient the next year of the U.S. National Medal of Science. Levi-Montalcini was also caught up in the Fascists' evil kingdom. But unlike Anne Frank, she had the good fortune to survive.

In her autobiography, titled "In Praise of Imperfection," Levi-Montalcini wrote that she had tried to reconcile two aspirations the Irish poet William Butler Yeats thought irreconcilable: "perfection of the life and of the work." She acknowledged that, as Yeats predicted, she had not succeeded. She had achieved, instead, "imperfection of the life and of the work." But then, she said, the activities she had carried out in such imperfect ways had been and ever remained for her "a source of inexhaustible joy." So she had come to believe that "imperfection, rather than perfection, in the execution of our assigned or elected tasks is more in keeping with human nature."

However imperfect my own coming of age in life and in the law, my work as a lawyer, law teacher, and judge have brought to me, also, constant challenges, enduring satisfaction, and joy in collegial exchanges of the kind I am encountering this very weekend.

ACTL CALENDAR OF EVENTS

STATE MEETINGS 1995

June 14

GEORGIA State Meeting and Banquet
Savannah Golf Club
Savannah, GA

June 15

**TENNESSEE Fellows Annual
Black-Tie Dinner**
Belle Meade Country Club
Nashville, TN

June 16

**NORTH CAROLINA Fellows
Banquet Meeting**
TBD
Ashville, NC

June 23

**FLORIDA FELLOWS Annual
Reception and Dinner**
Marriott World Center
Orlando, FL

June 23-24

**NEW MEXICO Fellows Meeting,
Reception, Dinner & Golf**
TBD
Albuquerque, NM

August 11-13

IOWA Fellows Meeting
Village East
Lake Okoboji, IA

August 17-20

NEW MEXICO Fellows Meeting
Westin Resort
Vail, CO

August 17-20

OKLAHOMA Fellows Annual Meeting
Westin Resort
Vail, CO

September 8-9

**ILLINOIS Fellows
Golf Outing and Dinner**
TBD

September 29-October 1

**WISCONSIN Fellows
Fall Meeting**
American Club
Kohler, WI

October 7-8

KANSAS Fellows Meeting
The Ritz-Carlton
Kansas City, MO

October 13

INDIANA Fellows Meeting
Woodstock Club
Indianapolis, IN

October 20

**DISTRICT OF COLUMBIA
Fall Cocktail Party**
TBD
Washington, D.C.

October 21

MAINE Fellows Dinner
Portland Country Club
Portland, ME

November 17

OREGON Fellows Annual Dinner
Benson Hotel
Portland, OR

1996

January 17

QUEBEC Regional Dinner
TBD

REGIONAL MEETINGS 1995

June 9-11

**DELAWARE/PENNSYLVANIA/
NEW JERSEY Regional Meeting**
The Hilton Hotel
Pittsburgh, PA

June 16-18

NORTHEAST REGIONAL Meeting
Doubletree Hotel
Newport, RI

July 28-30

SIXTH CIRCUIT Regional Meeting
Grand Traverse Resort
Grand Traverse Village, MI

IF YOU WOULD LIKE MORE
INFORMATION ABOUT ANY OF
THESE MEETINGS PLEASE CALL
THE ACTL NATIONAL OFFICE.

(714) 727-3194



August 6-9

**PACIFIC NORTHWEST Regional
Meeting**
The Coeur d'Alene Resort
Coeur d'Alene, ID

August 17-20

10TH CIRCUIT Regional Meeting
Westin Resort
Vail, CO

November 10-12

**MARYLAND/DISTRICT OF
COLUMBIA/VIRGINIA
Fun Fall Weekend**
Williamsburg Inn
Williamsburg, VA

NATIONAL MEETINGS 1995

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

1997

October 17-20

ACTL ANNUAL Meeting
The Westin Hotel
Seattle, WA

OTHER MEETINGS 1995

August 19-23

**CANADIAN BAR ASSOCIATION
Annual Meeting**
Winnipeg Convention Center
Winnipeg, Manitoba, Canada

September 9-12

ANGLO-AMERICAN EXCHANGE
The Charles Hotel
Cambridge, MA

September 12-15

ANGLO-AMERICAN EXCHANGE
The Willard Hotel
Washington, D.C.

October 19-22

WESTERN CHAIRS WORKSHOP
The Ritz-Carlton Hotel
Laguna Niguel, CA

November 2-5

EASTERN CHAIRS WORKSHOP
The Ritz-Carlton Hotel
Palm Beach, FL