

THE BULLETIN

NUMBER 25

FALL

1996

IN THIS ISSUE

Feature Article	Page 1
Fellows Appointed to the Bench	Page 2
President's Report	Page 3
Report of the Immediate Past President	Page 7
New Fellows Inducted	Page 9
ACTL Calendar of Events	Page 10
Standing Committee Reports	Page 13
State and Province Committee Reports	Page 16

*Season's
Greetings*

*Happy
New Year*

ACTL in Tunisia – Phase II

By Edward R. Slaughter, Jr.*

At the Spring Meeting of the College in 1995, Edward Brodsky, then Chairman of the International Committee and now Treasurer of the College, gave a report on a trip he had taken to Tunisia under the sponsorship of the United States Information Service (USIS). He explained that the purpose of his visit was to meet with Tunisian judges, lawyers and other public officials to attempt to develop a program which ultimately would involve a fruitful exchange of views about the respective judicial systems of Tunisia and the United States — 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 guaranteed to all.

Ed went on to describe a fascinating week in which he met with the leadership of the Ministry of Justice, the top law schools and the bar. At the end of his report, he stated that the people to whom he had talked were interested in further lectures by members of the College on the American legal system and the leaders of the bar association were particularly interested in how American law partnerships functioned, since they do not have that concept in Tunisia.

At the end of his report, Ed noted a proposal of Jim Bullock, then head of the USIS in Tunis, that a member of the College who speaks French might go to Tunisia as a "scholar in residence" for approximately one month. In that connection, "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."

In attempting to locate members of the College who speak French, Ed spoke to Charlie Renfrew, the current President of the College, under whom I had served when Charlie was Deputy Attorney General in the Carter administration. Charlie remembered that I speak French, in part as a result of a year's study in Belgium on a Rotary Foundation Fellowship some forty years ago. He also remembered that my wife, Anne, whom I met during that year, is Belgian and her native language is French. While other French-speaking Fellows were considered, I was honored to have been chosen for the mission.

The program for Anne's and my visit

evolved over the next year, and there were many changes along the way. Because the USIS is now required to seek funding from within the host country on as many programs as possible, the USIS, through its Cultural Affairs Officer in Tunis, Vivian Walker, made contact with the Dean of one of the two law schools there, Yadh Ben Achour. Dean Ben Achour presides over the newer of the two law schools in Tunis, the name of which is best translated as the School of Juridical, Political and Social Sciences. Founded in the late 1980's with rigorous standards of scholarship, its nickname in French and in English is the "University of Tunis II" or just "Tunis II." After considering the matter, Dean Ben Achour told Vivian that "Tunis II" would co-sponsor my visit.

It was agreed that I would prepare five lectures in French which would be given to students at Tunis II and that I might repeat one or more of them either in other classes or outside. Little did I suspect that my five lectures (subsequently increased to six) would expand to 17 separate appearances.

I tried to select topics for my lectures which would give my audiences a sense of how litigation is conducted in our country and a sampling of topics on matters of current interest. Thus, the first two lectures were on Civil Litigation in the United States as practiced in the Federal Courts. The third was entitled "A Plaintiff's Dream — A Defendant's Nightmare: Disproportionately High Awards in American Litigation." I reasoned that any lawyer practicing in the tort field in Tunisia should have some knowledge of that situation.

In an effort to explain that the United States has not always been a giant unified economic power but started as a group of squabbling colonies, my fourth lecture was on "Article IV and the Commerce Clause of the Constitution of the United States—Forging One Nation From Thirteen Colonies." In other words, I was attempting to demonstrate in very broad strokes how a common market evolved in the United States. Finally, and fifth, the title of my lecture was "Arbitration — Forum of the Future?" In that lecture, however, I dealt with other alternative dispute resolution techniques as well—including mediation-arbitration, the mini-trial, the summary jury trial, arbitration ordered by a court, private judging, and even the multi-doors courthouse, a concept which I feel virtually certain I still do not understand.

CONTINUED ON PAGE 4

American College of Trial Lawyers
THE BULLETIN

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ACTL NEWS UPDATE

Fellows Appointed to the Bench

We are pleased to announce that the following Fellows have gone to the Bench.

Arnold F. Blockman, of Urbana, Illinois was recently appointed as Circuit Judge, Sixth Judicial Circuit, Champaign County Courthouse.

Candace J. Fabri, of Chicago, Illinois was recently appointed as Judge, Circuit Court of Cook County.

James P. Jones, of Abingdon, Virginia was recently appointed as United States District Judge, United States District Court, Western District of Virginia.

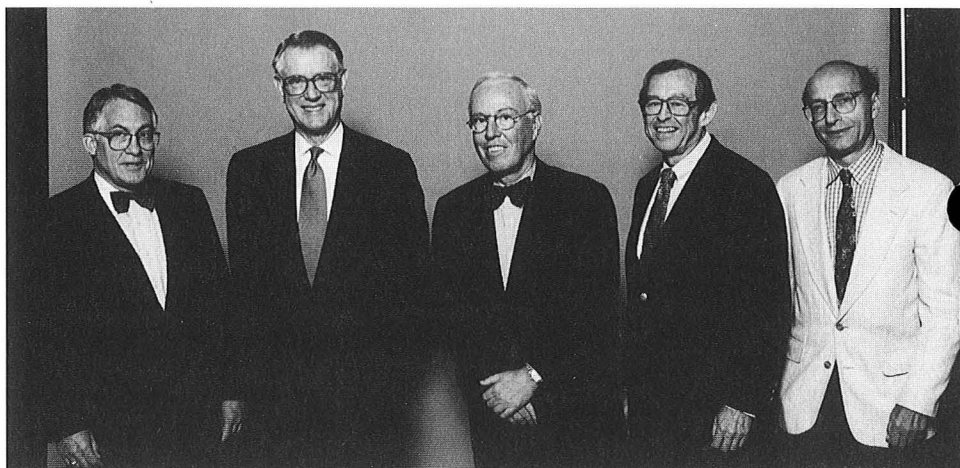
Donald W. Molloy, of Missoula, Montana was recently appointed as United States Federal District Judge of District of Montana.

Frank Plaut, of Golden, Colorado, was recently appointed as Colorado District Court Judge.

Allan van Gestel, of Boston, Massachusetts was recently appointed as Associate Justice, The Superior Court, Commonwealth of Massachusetts.

Herbert P. Wilkins, of Boston, Massachusetts was recently appointed as Chief Justice of the Massachusetts Supreme Judicial Court.

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.



Officers of the College are pictured after the Annual Meeting (L to R): E. Osborne Ayscue, Secretary; Charles B. Renfrew, Immediate Past President; Andrew M. Coats; President; Edward Brodsky, President-Elect; Earl Silbert, Treasurer.

MARK YOUR CALENDAR!

1997 SPRING MEETING
MARCH 20-23, 1997



BOCA RATON RESORT AND CLUB
BOCA RATON, FLORIDA

Materials were mailed in mid-December

PRESIDENT'S REPORT

46th Annual Meeting

The 46th Annual Meeting of the College at San Diego was a great meeting. I have had so many letters and comments from Fellows who were there. The new Hyatt on San Diego Bay was a delightful venue. Bob Young and the College staff did their usual excellent job in planning, organizing and helping us conduct the meeting. President Renfrew presided with his usual grace and charm. Our speakers, Senator Bradley, Judge Hoeveler, Lord Browne-Wilkinson, Sir Andrew Leggatt, Canadian Humorist Dalton Camp, were all entertaining, inspiring and informative. As always, the Fellowship of the College was the special ingredient which raise College Meetings above all others. If you weren't there, you missed a great occasion.

Of course, it was a very special meeting for me since I was installed as President. Being able to present my immediate family to my extended family was a wonderful experience and one that Linda and I will always cherish.

Upon being installed, I told those assembled at the banquet that becoming President of the College was the second greatest professional honor that I had ever received. The greatest honor was, of course, becoming a Fellow of the College which I did in 1979. Being accepted as a Fellow of the College is among the highest honors any trial lawyer can receive.

Renfrew Praised

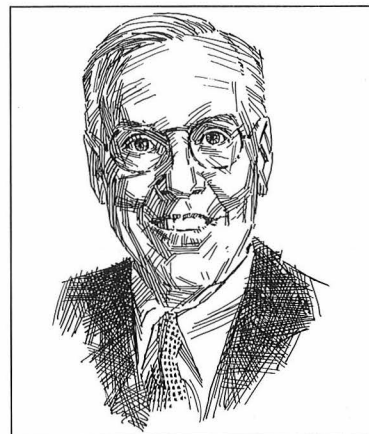
Following my good friend Charlie Renfrew as President is an honor and a challenge. Charlie did a great job as President of the College. I am indeed fortunate to have the opportunity to continue and hopefully complete many of the fine programs started during his Presidency.

"On the Road Again"

In the immortal words of Willie Nelson, Linda and I are "On the Road Again." We were in San Francisco for the Northern California Dinner at the St. Francis Yacht Club. (What a splendid location for a College dinner.) Then on to Portland for the Oregon Fellows Dinner. (The view from Regent Mike King's front porch is breathtaking.) Our evening in New York at "21" with the Downstate New York Fellows and Justice Anthony Kennedy was truly delightful. In Jackson, Mississippi, we stayed at a beautiful Bed and Breakfast Inn. The Millsaps Buie House and the Fellows black tie dinner was in keeping with the finest tradition of the old South. The next evening the Louisiana Fellows Dinner in New Orleans was equally as splendid. On to Princeton, New Jersey for the New Jersey Fellows black tie dinner. A great group of Fellows – a great evening. And so it goes...each meeting very special in its own way, but every one filled with the warmth of great fellowship.

Workshops Successful

Our Chairman's Workshops this year were quite successful. The Eastern Chairs Workshop in Asheville, North Carolina, and the Western Chairs Workshop in Napa, California, were well attended and productive.



ANDREW M. COATS

All of us in the leadership of the College came away from the meetings energized and with a new dedication to continuing the great work of the College.

The Executive Committee Meeting in New Orleans on December 8 was very productive. We approved a number of projects and worked on the budget for 1997. The College is in good financial condition and we make every effort to control expenses and spend the dollars of the College wisely and well.

Regional Meetings

There are some wonderful National, Regional and State Meetings planned for 1997. I hope that each of you will make arrangements to attend one or more of those meetings. These days when our profession is being assailed from all directions, the fellowship of other Trial Lawyers who are the best of the Trial Bar and who share our views on courtesy, civility and professionalism becomes even more meaningful.

The work of the College in improving the administration of justice and the standards of trial practice is certainly important. Our voice is being heard by important decision makers at the highest levels of our country. Enjoying the very special fellowship that only the College can provide is equally as important. You owe it to yourself to make the effort to come to the meetings. You will always be glad that you did and your presence enriches the experience for all of us.

You will be hearing from me in these reports during the year. We hope to make the Bulletin better, more informative and more regular in its production. I look forward to seeing you in your State or wherever our paths may cross.

ACTL in Tunisia

CONTINUED FROM PAGE 1

The time of our visit also evolved. While Anne and I had hoped to go in the fall of 1995, too many conflicting engagements had already been scheduled by us here and by those involved in Tunisia. Then the diverse cultures of the two countries got in the way. We were going to sandwich the visit in between our Christmas season and the celebration of the festival of Ramadan in Tunisia, but Ramadan began in late January this year and effectively we would have had fewer than three weeks for our visit. Finally, it was settled that we would be in Tunisia for the month of April—a fine time from the point of view of the weather but really too close to exams for a visiting lecturer to have the students' undivided attention.

The source of funding for the project also changed. While the cost of my visit was included in the USIS budget, it is well-known that funds for USIS were cut drastically this year—resulting in the necessity of the USIS office in Tunis having to cut expenses to the bone. Therefore, it was suggested that I apply for a Fulbright Grant, which ultimately came through. The arrangement was thus a very happy one finally, except for the fact that the description of my sponsorships became a little ponderous. I visited Tunisia as a "Distinguished Lecturer under a Fulbright Grant sponsored by the American College of Trial Lawyers, the United States Information Service, and the School of Juridical, Political and Social Sciences in Tunis."

With the dates, the funding, and the lectures all in place, Anne and I duly arrived in Tunis on Sunday evening, March 31, 1996.

We were met at the airport by Vivian Walker herself and were whisked directly from the airport to a small reception given by Dean Ben Achour. Meeting us was only the first of a great many kindnesses shown us by Vivian as well as everyone else involved at USIS headquarters (known as the American Center) and the American Embassy.

The USIS personnel had duly warned me about their methods and how the pace of our activities might pick up. For example, they told me that my schedule would be light for the first several days, in order to give me a chance to get settled in and a little more rested, but that it would then become far more crowded. Thus, the first two days I called on the appropriate people at "Tunis II" and the American Embassy. The third day was full with a long call on the Director of Judiciary Services in the Tunisian Ministry of Justice, a meeting with the Director General of the Center for Legal and Judicial Studies accompanied by several of her assistants, a long formal lunch given by the Director of Judiciary Studies, and finally in the evening a piano recital at the Residence of the American Ambassador. The next three days really constituted my baptism of fire, however. I lectured each morning and Anne and I were

honored guests at dinners on two of the three nights.

The lectures were interesting to me both for the positive and the negative feedback which I received. On the first day I lectured in a large lecture hall with approximately 125 students in attendance. I told the students at the outset that I was anxious to have questions and could be interrupted. Questioning the *ex cathedra* presentation of a professor is not at all in the Tunisian or French tradition, and the idea of interrupting a professor in the middle of his lecture is totally beyond the realm of the imagination. Thus, I went through my lecture maintaining, I thought, good eye contact with the students but receiving, in old southern parlance, "nary a question." At the end of my lecture, the professor in charge summarized it for the students in, I would certainly acknowledge, brilliant fashion. He then prevailed on one student to ask a question which I thought I had answered about five times when the class ended. However, because of the complete difference in our two systems, at the sounding of the bell neither the student asking the question nor the professor thought I had come anywhere near answering it. The professor, Vivian

more numerous and the students who were there showed genuine interest in the lecture, the questions, and the answers.

On the next day my lecture period to a different class was two hours long and thus I did a synopsis of the Civil Procedure lectures given during the previous two days along with the lecture which I had planned to give that day on the United States as a magnet country for foreign litigation. It must be admitted that the number of students at that lecture was again not large. However, the vast majority stayed through the whole two-hour session and were still eagerly trying to ask questions when the professor ended the queries about one-half hour late at 1:00 p.m. on a Saturday. Needless to say, I considered that lecture the most successful, at least in terms of direct contact with the students, which I had at Tunis II.

For those of us not involved in the diplomatic world, we only know vaguely that much diplomatic business is conducted "on the cocktail party circuit" or at social affairs. This truism was demonstrated to me graphically at dinners given by Vivian Walker and Robert (Bob) Blake, the Political Counselor at the Embassy, at their respective homes on the

"...all but two of the 2,700 lawyers in Tunisia (a country with a population of approximately 9 million people) practice as solo practitioners."

Walker who was accompanying me, and I repaired to the Dean's office to continue our discussion, and by the next day an answer "of sorts" had been pieced together.

The next morning when I arrived in the same lecture hall to give the same students the second of my two lectures on Civil Procedure in the United States, I was dismayed that a minor fraction of those in attendance the day before was there. It was obvious that class attendance is not required in Tunisia, and it was explained to me that many students had not returned because 1) the subject matter would not pertain to anything on their exams; 2) the exams were so close that it was necessary for the students to prepare for them; and 3) many students returned to their homes in other parts of the country on weekends and thus routinely did not attend class on Fridays. Whether any of these explanations bore any relationship to the truth or whether the reduced attendance simply reflected on the quality of the lecture the previous day, I did not have time to decide but merely proceeded once again. With a smaller group (who almost by definition were more interested in what I had to say simply by virtue of the fact that they were there), the questions that day were much

Friday and Saturday evenings of our first week in Tunis. Vivian's invitation list (all such lists were printed for me in advance) concentrated on outstanding law professors from the two law schools in Tunis. Bob, on the other hand, concentrated on outstanding members of the bar. At each of these dinners, which were lovely occasions, Anne and I were confronted by people who were, for the most part, total strangers to us and whose names, even when written out in Roman script, were not ones which we could remember by any previous association. My immediate reaction was that I would never, in the short time available to me, be able even to identify most of them, much less develop any relationship of substance or meaning.

To skip ahead somewhat, I was proven wrong and the professionals at the Embassy and the American Center proven right. After I had gotten back to the United States and finally had dug out from under the avalanche of matters which had accumulated over the course of thirty days, I wrote letters to those in Tunisia with whom I had come in contact at least enough to exchange cards. While some I could barely remember, I clearly recalled most of them and some I would now count as

ACTL in Tunisia

CONTINUED FROM PAGE 4

ends. Altogether, they numbered nearly 50 people.

At the beginning of the second week, my "handlers" at the American Center began introducing me to leaders of the Tunisian bar. Thus on Monday I was taken to call on various leading lawyers including the President of the Bar Association of the City of Tunis. Again, the conversation was a serious one and went on for some time. There, I came to understand in depth the phenomenon mentioned in Ed Brodsky's report of which I had only been slightly aware before that time – namely, that all but two of the 2,700 lawyers in Tunisia (a country with a population of approximately 9 million people) practice as solo practitioners. When I was there, a proposed change in the law was being hotly debated in which not only would law firms be permitted (as they already are), but law firms could be owned by non-lawyers, a concept only now being tested even in the United States.

Discovering that I had practiced law for over 35 years successively in a partnership, a professional corporation, and a professional

In many respects, the visit to Mahdia was the high point of our trip, because it served to bring into focus the enormous similarities between lawyers in Tunisia and lawyers in the United States. I must confess, however, that since my first visit to Japan in 1953, I have always been struck by the fact that people and institutions all over the world are fundamentally more similar than dissimilar. In brief, I was asked to extend my "official" visit by one day and come to Mahdia in order to address a large national meeting of Tunisian lawyers and apprentice lawyers. As I understand it, the primary purpose of the meeting was to provide continuing legal education for young lawyers who must undergo an apprenticeship between the time when they complete their law studies and the beginning of their practice as fully qualified members of the bar. However, there were many older lawyers there as well – made up, as I inferred, of the leaders of the bar. Thus the atmosphere resembled so strongly that of any meeting of a bar organization in the United States at a seaside resort that it was hard to imagine I was in a different country on a dif-

from the President of the National Bar Association, referred to as Le Batonnier and addressed uniformly as Monsieur Le Batonnier much as we refer to the President of the United States as "Mr. President." He is an impressive gentleman and obviously a person who carries great authority. He has not had the reputation in Tunisia of feeling particularly friendly toward Americans, and my American hosts were somewhat surprised that he accepted an invitation at the beginning of our stay to a dinner in honor of Anne and me. Over the course of three weeks he had received me very graciously, had arranged for, or at least acquiesced in, my giving one lecture, had attended another dinner, and as a final honor had invited me to attend the meeting at Mahdia and to give a lecture on American practice (including our method of charging fees) to the approximately 300 lawyers and apprentice lawyers in attendance. While I was delighted that Le Batonnier and I were developing an increasingly cordial relationship, he on the other hand remained his inimitable self with a puckish sense of humor, and I never knew what he would do next.

When all was ready for my lecture, I went to the podium and stood while Le Batonnier introduced me in Arabic, the universal language of the courts in Tunisia since independence from the French in 1956. At the conclusion of his remarks, although he and I normally spoke in French, he turned to me and said in English, "Mr. Slaughter, you may speak now." Never before having been introduced in a language I could not understand, I managed to respond by saying that I certainly appreciated the introduction which I hoped he had given me.

While waiting for my lecture to begin (the time had never been certain and there were several postponements to accommodate the schedules of those giving the CLE presentations), I had looked toward the back of the room and noted large banners with inscriptions on them. That on the left was in French, which I could read, and that on the right in Arabic, which of course I could not. It appeared that both conveyed the same message.

Translated from French to English, the French inscription was as follows:

"The legal profession is a liberal independent profession having for its purpose to help in the promotion of justice."

During my three weeks of lecturing to judges, lawyers, law professors and law students in Tunisia, questions had been raised from time to time about whether the American judicial system is concerned at all with justice, particularly for "widows and orphans" (as several questioners put it), or only money for lawyers and the privileged few. While I did not have at hand any of the statements of purpose of bar organizations in the United States, I opened my lecture by reading the inscription set out above, which I gathered to be the purpose

"Discovering that I had practiced law for over 35 years successively in a partnership, a professional corporation and a professional liability company, the leaders of the bar wanted to hear more about those structures with which they had had no experience."

liability company, the leaders of the bar wanted to hear more about those structures with which they had had no experience. Moreover, as Tunisians interpret (correctly, I am told) the latest version of the General Agreement on Tariffs and Trade (GATT), foreign lawyers will in the future be free to practice in Tunisia and other countries even if they are nonresidents, provided they fulfill all other requirements. Thus, Tunisian lawyers want to develop structures which will better prepare them to meet foreign competition.

As a result, three additional appearances were added during my last week on the different structures within which law is practiced in the United States. The first was given at the Ministry of Justice to members of the highest courts in the country (including the Supreme Court of Cour de Cassation) and senior members of the bar. The second was given for younger members of the bar at the large courthouse (Palais de Justice) in Tunis and the third lecture was at Mahdia, a seaside resort on the Mediterranean coast approximately three hours south of Tunis.

ferent continent among a people with radically different cultural backgrounds.

The hotel was large and white. The lobby was equally white and very elaborate. It differed from the lobby of American resort hotels in that, like other Tunisian luxury hotels which I saw, almost the only visible material in the lobby was marble. There was the inevitable reception desk with the harried bar official in charge who could not resolve one problem before he was interrupted and asked to resolve another. Lawyers gathered in groups discussing, I suppose, the program, the law, or the latest news of friends. I use the expression "I suppose," because most of the conversation was in Arabic. When I was invited to join a group, the language would very kindly be switched to French. In many respects, I felt completely at home, just as I had come to feel at social gatherings, lecturing in classrooms, meeting with members of the bench and bar, and even lecturing to judges of all levels from the highest court to the lowest during my stay in Tunisia.

The invitation to speak at Mahdia had come

ACTL in Tunisia

CONTINUED FROM PAGE 5

of the Conseil de l'Ordre des Avocats (translated loosely as the "National Bar Association") of Tunisia, and emphasized at the outset that any such statement of purpose here in the United States would contain almost identical sentiments.

On returning home, I opened the most recent American College of Trial Lawyers'

Given the quality of the visitors they have had, they have found that ideas for "next steps" are best left to those who have come before. As Ed Brodsky and I have represented the College, it is the College through its International Committee and Board of Regents which must decide how next to proceed. I shall mention one idea below, however.

"We would learn a great deal about the values which members of the Tunisian Bar cherish, such as helping widows and orphans and giving representation which clients can afford. It is my observation that the basic tenets of the two systems are much the same in that regard."

Roster, Bylaws, and Code of Trial Conduct. Article 1, Section 1.1 of the Bylaws reads as follows:

1. THE COLLEGE AND ITS PURPOSES

SECTION 1.1 The American College of Trial Lawyers is a professional association of lawyers skilled and experienced in the trial of cases and dedicated to maintaining and improving the standards of trial practice, the administration of justice, and the ethics of the profession. It brings together members of the profession who are thus qualified and who, by reason of probity and ability, will contribute to the accomplishments and good fellowship of the College.

While of course the purposes of our organization reflect the fact that we are trial lawyers, they clearly embody the purpose of the National Bar Association of Tunisia. Again, the similarities always seem to outweigh the dissimilarities.

Before leaving Tunisia, after a short but fascinating "private visit," Anne and I had dinner with Jim Bullock and Vivian Walker. Other than to thank them for their incredible hospitality and efforts, I wanted to discuss the entire mission with them while we were still together and events were still fresh in our minds. I was fascinated to see that, while they were very much open to my ideas, they had no rigid thoughts as to "next steps" or plans for the future. According to Jim, USIS Tunis has simply attempted to bring to Tunisia people expert in their fields who can expose different aspects of the United States to the Tunisian people.

Toward the end of our "official" stay, the President of the Bar Association of the City of Tunis gave a dinner in our honor. An interesting group of lawyers was in attendance including a substantial number of young lawyers. During the course of the evening, while we were discussing the structure of American law practice, someone suggested that a group of Tunisian lawyers should come to the United States and study the way in which American law firms operate. The idea struck me as a good one and Jim and Vivian agreed.

Apparently, even in this period of austerity the American government has programs which could give some supplementary financial assistance by way of travel funds while a delegation is here, fees for translators, etc. Since Vivian and Jim thought the idea was a useful one, with permission and authorization from the appropriate bodies of the College, I am anxious to go forward and explore the possibility of such a trip. In that way, other members of the College could meet at least a representative sampling of Tunisian lawyers and we in the College could be of material and continuing assistance toward helping Tunisian lawyers update the manner in which they conduct their practices.

Correspondingly, we would learn a great deal about the values which members of the Tunisian Bar cherish, such as helping widows and orphans and giving representation which clients can afford. It is my observation that the basic tenets of the two systems are much the same in that regard. However, it can be argued that in many ways we in the United States have strayed too far from them and that it is the Tunisians who follow these tenets more faithfully in their daily lives and practices. Thus, I am certain that further contact between members of our College and the Tunisian Bar would be mutually beneficial.

**Edward R. Slaughter, Jr. currently serves on the International Committee of ACTL. He is a principal with the Virginia firm of Woods, Rogers & Hazlegrove, P.L.C. and is located in the firm's Charlottesville office.*

FEATURED STATE PROJECT

MISSOURI FELLOWS ARE FACULTY FOR CLE PROGRAM

The **Missouri Fellows** of the College have presented and are presenting a Continuing Legal Education Program sponsored by The Missouri Bar. The planning committee, program moderators, and 28 Missouri Fellows participated in presenting this program in three major cities: St. Louis, Kansas City and Springfield. The program has been well attended at St. Louis and Kansas City.

Further information on this most successful project by the Missouri Fellows can be obtained from Missouri State Chair, Michael D. O'Keefe.

REPORT OF THE IMMEDIATE PAST PRESIDENT

Following the precedent established by Past Presidents Frank C. Jones and Lively M. Wilson, this report is submitted for distribution at the Annual Meeting.

In some ways, as one looks over the past year, it recalls the dramatic opening of Charles Dickens' *A Tale of Two Cities* — "It was the best of times, it was the worst of times."

For the College, this has been an extraordinary year. Our finances, following the first dues increase since 1990, are in splendid shape and should remain so for the remainder of the decade. Our State and Province Committees are continuing to submit outstanding candidates to the Board of Regents for their consideration. The Standing Committees are working on a larger number of significant projects than ever before. Our national meetings are widely attended. Indeed, we had to turn away over 100 Fellows at our Spring Meeting in Tucson earlier this year, and we expect over 1,000 persons to attend our Annual Meeting in San Diego on October 17-20, 1996.

Yet, we are not only Fellows of the College, we are also members of the legal profession and are not immune to or above the problems and difficulties which the profession faces. From many perspectives, the legal profession is at a low point. In the aftermath of several high profile cases, sadly some of them from California, the public opinion of lawyers appears to be at an all-time low. Law school enrollments have fallen off as has membership in the American Bar Association. Many states have either enacted legislation or have pending ballot propositions designed to correct the perceived over-reaching and greed of lawyers. Lawyer advertising continues unabated and increasingly panders to the public and engages in shameless self-promotion.

There is a decline in civility and professionalism in the practice which has adversely affected many at the bar. A recent California poll showed that a startling number of lawyers would not enter the profession if they had to start all over again.

The continued and ever-growing emphasis of the bottom line is disturbing. As professionals, we need to be reminded of John Ruskin's observation, that the profit for our labor is not what we get for it, but what we become by it.

There is a malaise within the profession — a sense of discontent and unhappiness which affects us all. As you will read further in this report, a number of the Standing Committees are working on projects which address specific concerns affecting the profession. The College essentially provides a leadership role for our profession in these troubling times. A leadership role by example: 23,766 copies of our *Code of Trial Conduct* have been distributed to law schools and courts throughout the country. Each of you, in your daily practice and in your court appearances, are setting the standards by which the profession can be measured. Learned Hand, over 50 years ago, urged a group of lawyers before whom he was speaking to remember their professional obligations and to recommit themselves to the profession: "*Descended to us, in part molded by our hands, passed on to succeeding generations with reverence and with pride, we, at once its servants and its masters, renew our fealty to the law.*" If each of us can take that pledge and continue our practices as true professionals, we can make a difference, and making a difference is what the law and life are all about.

Committees of the College

The work of the College is carried out by the State and Province Committees and the Standing and Special Committees. Because one of the strengths of the College is that it speaks with a single voice, each committee is comprised of members of different practice areas and different perspectives so that the work product of the committee is balanced and is accepted by the broader legal community.

The following is a brief summary of some of the major activities of the committees:

Access to Justice and Legal Services

(John J. Bouma, Chair)

There are now nine individuals serving as Chairs of the Committee on Access to Justice and Legal Services in their respective states: Jim Teilborg, Phoenix, Arizona; Don Ribble, Cedar Rapids, Iowa; Jack Focht, Wichita, Kansas; Paul Felt, Salt Lake City, Utah; Dan McKinnon, Albuquerque, New Mexico; Bill Crow, Portland, Oregon; Fred Tausend, Seattle, Washington; Mark Alcott, New York; Peter J. DeTroy, III, Portland, Maine.

The state chairs in Mississippi, Oklahoma and Tennessee have been asked to appoint chairs and committees in their respective states. The Committee and a number of the chairs listed above, participated in a telephonic conference call in July. It is anticipated that another such meeting by conference call will occur. A report on the organization and operation of the successful program of the Downstate New York Fellows has been distributed to the members of the Standing Committee, the individuals listed above, and to three State Committee chairs who have been asked to consider starting pilot programs. The individuals chairing the committees in each state are called by the undersigned from time to time to determine progress and provide encouragement.

Adjunct State

(Alex W. Newton, Chair)

This Committee has been relatively inactive because it has not been asked this year to consider any candidates for membership.

Admission to Fellowship

(Alan Levine, Chair)

This Committee continues to stress the necessity for State and Province Committees to be proactive in the identification of qualified women and minority candidates, as well as lawyers whose practice as trial lawyers is in specialties that have not traditionally been represented in the College. The Committee has urged the State and Province Committees to diversify as a means of identifying qualified candidates.

Alternatives for Dispute Resolution

(Shaun S. Sullivan, Chair)

The Committee is undertaking to prepare a proposed set of standards for lawyers engaged in mediation which will be submitted to the Board of Regents for their approval, and if approved, for dissemination. At the present time, key issues such as *ex parte* conferences, confidentiality, qualifications of mediators, conflicts of interest, etc. go unaddressed and leave the parties in the dark as to how these issues would and should be dealt with by the various providers of mediation services.

Attorney-Client Relationships

(Raymond J. Turner, Chair)

At the request of the Regents, the Committee prepared a position paper outlining the concern of the College with respect to two provisions contained in a 1995 Department of Justice ("DOJ") policy guideline setting out procedures to be followed with respect to search warrants of offices of attorneys who are the *subject* of an investigation and who also are or may be engaged in the practice of law in behalf of clients. The first concern is with the permissive use of a prosecutorial "privilege team" of government lawyers not involved in the underlying investigation rather than a magistrate or judge, to examine seized documents to ascertain the existence or validity of a claim of attorney-client privilege. The second concern is the delegation of power to ninety-three separate United States Attorneys to apply to federal courts for search warrants to seize lawyers files. This power is contrasted with an earlier 1981 Guideline which prohibited the issuance of a search warrant of a law office without the express authorization of a deputy assistant attorney general in the Criminal Division of the DOJ, after receipt of a written recommendation

of a U.S. Attorney or other supervising attorney at the local level.

This paper has been submitted to the DOJ and a meeting with the DOJ to discuss these concerns was held on October 2, 1996.

Award for Courageous Advocacy

(David C. Hilliard, Chair)

This committee is investigating three candidates in preparation for the next meeting of the Committee, to be held in conjunction with the Annual Meeting in San Diego.

Canada-United States

(David W. Scott, Q.C., Chair)

The Committee had two projects and the steps taken with respect to each are outlined hereunder.

1. **Conforming the College's Code of Trial Conduct to Canadian practice.** The Committee has now met and, with a specific contribution of Fellow Earl Cherniak, made the requisite changes in the code. The Chair has circulated the changes to the Fellows in the Provinces and outlined the proposed changes to achieve conformity to Canadian practice. They are now in condition to be approved by the Committee for submission to the Regents.

2. **The National Trial Competition.** This has been a particularly difficult initiative. With the help of the committee, the Committee has now entered into formal communications with the Conference of Law Deans of Canada. Their response is positive. They would support an ACTL National Trial Competition to be held at the University of Ottawa Law School annually. This would be a final competition in the form of a run-off from regional competitions held in Western Canada, Ontario and the Maritimes.

The Conference of Law Deans has indicated that it is not confident that this could be organized and achieved, even with the support of the College, in time to conduct a competition next Spring. They have asked whether or not the intended support of the College for the conduct of the national finals (\$25,000) could be used for one year to support the regional finals with the intent that it then be utilized thereafter for the national finals. This needs careful consideration by the committee because it would be undesirable for the College, in view of the Chairman, to embark on an interim step which might not provide a final solution. Nonetheless, this is a question which needs to be answered. In the meantime, the Conference of Law Deans has invited a representative of the College to its annual meeting in November so that this subject can be further discussed. The Chair will be recommending that his successor attend such a conference.

Canadian Judiciary Committee

(Thomas G. Heintzman, Q.C., Chair)

The Committee has been preparing and reviewing the questionnaire to be submitted to the Canadian Fellows of the American College of Trial Lawyers with respect to the recommendations contained in the Friedland Report. That Report to the Canadian Judicial Council makes recommendations concerning the status, independence, salaries and administrative responsibilities of Judges. The proposed questionnaire will be discussed by the Committee at its meeting in San Diego.

Complex Litigation

(Edward W. Madeira, Jr., Chair)

The primary activity of the Complex Litigation Committee has been its Ad Hoc committee on Mass Health Effects Litigation Project. In June of this year, a letter was sent to each U.S. Fellow of the College asking if they would share with the Committee their experiences in various aspects of mass tort litigation. We received over 130 responses, as well as letters and articles published by Fellows of the College on the subject. The Committee is presently in the process of contacting each of the respondents to elicit details of their experiences, as well as comments on various aspects of this type of litigation. The Committee hopes to complete this process prior to the Annual Meeting in San Diego.

Federal Civil Procedure

(Kenneth J. Sherk, Chair)

Nineteen Committee Members, including Regent Tony Murray, met in Seattle on March 26, 1996 to discuss the pending proposed changes to Rule 23 on class actions. This day-long meeting resulted in the Chair's April 12, 1996 letter to the Honorable Patrick Higginbotham, Chair of the Advisory Committee on Civil Rules, setting forth the Committee's recommendations on the Rule 23 changes.

Then, on April 18 and 19, the Chair attended the Washington, D.C. meeting of the Advisory Committee on Civil Rules, all of which resulted in the Chair's April 24, 1996 report to the Committee. This report summarized the Advisory Committee's recommendations on Rule 23, reported that the Committee's support for mandatory lawyer voir dire under Rule 47(a) had been unavailing, noted the recommendation by the Advisory Committee to the Standing Committee that Rule 48 be amended to return us to 12 person juries and, of perhaps greatest significance, advised that the Advisory Committee, at its October 1996 meeting, will take up the Committee's recommendation that the basic scope of discovery in Rule 26(b)(1) be limited to matters "relevant to the claim or defense of the party seeking discovery or to the claim or defense of any other party" by way of substitution for the current broad formulation of "subject matter involved in the pending action." Thereafter, the President, by letter of May 30, 1996, advised that the Committee was authorized to speak on behalf of the Board of Regents on the proposed restriction in the scope of discovery.

Finally, committee member Bill Goodman of Jackson, Mississippi, attended a conference in Washington, D.C. on June 18 and 19, 1996 concerning the possibility of uniform federal local rules on attorney conduct, a project that is just underway and one which the Committee will monitor and make recommendations upon as necessary.

Federal Criminal Procedure

(Plato Cachieris, Chair)

The Committee had recommended to the Board of Regents that a limited study of the sentencing guidelines be undertaken. The Committee had recommended that a study be undertaken by Diane Weeks, Esq. of New Jersey and her proposal was submitted to the Board of Regents in September, 1996.

Federal Judiciary

(Marna S. Tucker, Chair)

The Committee has undertaken a host of activities performed by each of its five Subcommittees:

1. **Diversity Jurisdiction:** The Committee has made several recommendations related to diversity jurisdiction to the Board of Regents for Consideration.

2. **Judicial Compensation:** This Subcommittee is working on seeking repeal of Section 140 of Public Law 97-92 which prohibits federal judges from receiving automatic COLAs.

3. **Federal Judicial Center:** Several College members have assisted in the Federal Judicial Center's training programs for newly appointed trial judges. Judge Rya Zobel has worked closely with the Committee in securing trial attorneys for two training programs, one held in May, the other to be held in October. The reports of the content of the training programs and the performance of the attorneys have been excellent. The Committee anticipates developing a videotape training program to train both attorneys and judges on special issues that would improve the level of practice in federal courts.

4. **Independence of the Judiciary:** This Subcommittee is working on issues affecting the independence of the Judiciary, such as questionnaires sent to federal judges by the Senate Subcommittee on Administrative Oversight and the separation of the Judiciary's budget from the comprehensive appropriations for other federal entities. It is keeping tabs on new legislation being proposed in this Congress.

The members of the Committee also reviewed and revised a statement on the Independence of the Judiciary circulated to them by the

NEW FELLOWS INDUCTED AT 1996 ANNUAL MEETING IN SAN DIEGO, CALIFORNIA

The College welcomes the following Fellows who were inducted into Fellowship at the 1996 Annual Meeting in San Diego, California.

ALABAMA

James W. Gewin
Birmingham
Clarence M. Small, Jr.
Birmingham

ALASKA

Robert B. Baker
Anchorage

ARIZONA

Ted Allen Schmidt
Tucson

ARKANSAS

Frederick S. Ursery
Little Rock

CALIFORNIA

Don Mike Anthony
Pasadena
Clyde M. Blackmon
Sacramento
Chester Morris
Marysville
Allen J. Ruby
San Jose
Milton J. Silverman
San Diego
John L. Williams
San Jose

COLORADO

Lewis M. Quigg
Pueblo
Craig L. Truman
Denver

DISTRICT OF COLUMBIA

Richard W. Beckler
Washington
Richard L. Beizer
Washington
Theodore B. Olson
Washington
Lawrence H. Wechsler
Washington

FLORIDA

D. Culver Smith, III
West Palm Beach

GEORGIA

Darryll Love
Atlanta
Hugh B. McNatt
Vidalia
Philip Raymond Taylor
Brunswick

IDAHO

Kenneth B. Howard, Jr.
Coeur d'Alene
John T. Lezamiz
Twin Falls
J. Walter Sinclair
Twin Falls

ILLINOIS

William C. Anderson, III
Chicago

Richard A. Cary

Centralia
James R. Epstein
Chicago
Candace Jean Fabri
Chicago
Tyrone C. Fahner
Chicago
Walter Jones, Jr.
Chicago
Joseph Michael Laraia
Wheaton
Murvel D. Pretorius, Jr.
Peoria
William J. Rogers
Chicago
Rudolf G. Schade, Jr.
Chicago

INDIANA

Donald L. Dawson
Indianapolis
Patrick A. Shoulders
Evansville

IOWA

David L. Brown
Des Moines
Joseph L. Fitzgibbons
Estherville
Jeff H. Jeffries
Des Moines

KENTUCKY

Mark G. Arnzen
Covington
Grover A. Carrington
Mt. Sterling
Robert Lloyd Elliott
Lexington
John G. Prather, Jr.
Somerset

LOUISIANA

Robert M. Contois, Jr.
New Orleans
W. Gerald Gaudet
Lafayette
James B. Irwin
New Orleans
Colvin G. Norwood, Jr.
New Orleans

MAINE

Terrence D. Garmey
Portland

MARYLAND

E. Dale Adkins, III
Baltimore
Francis J. Gorman
Baltimore
Walter H. Madden
Rockville

MASSACHUSETTS

J. W. Carney, Jr.
Boston
John P. Fitzgerald
Boston
Lawrence J. McGuire
Salem
Stephanie Page
Cambridge

Walter B. Prince

Boston
Kevin J. Reddington
Brockton
Thomas J. Sartory
Boston
John Wall
Boston

MICHIGAN

W. Mack Faison
Detroit
Philip J. Kessler
Detroit
Bruce W. Neckers
Grand Rapids

MISSISSIPPI

E. Brooke Ferris, III
Laurel
Jon Mark Weathers
Hattiesburg

MISSOURI

Michael L. Boicourt
Jefferson City

MONTANA

Donald C. Robinson
Butte

NEVADA

J. Bruce Alverson
Las Vegas
Philip W. Bartlett
Reno
Walter R. Cannon
Las Vegas

NEW MEXICO

Robert E. Sabin
Roswell

NEW YORK

Edward J. Burns
Rochester
Michael A. Cerussi, Jr.
White Plains
Brian P. Crosby
Buffalo
Robert J. Jossen
New York
Herbert F. Schwartz
New York
John S. Siffert
New York
Robert S. Smith
New York
Robert F. Wise, Jr.
New York

NORTH CAROLINA

Locke Turner Clifford
Greensboro
Richard W. Ellis
Raleigh
D. Clark Smith, Jr.
Lexington

OHIO

Mathias H. Heck, Jr.
Dayton
Frank A. Ray
Columbus
Thomas J. Wilson
Youngstown

OKLAHOMA

Guy P. Clark
Ponca City
Duke Halley
Woodward
W. G. "Gil" Steidley, Jr.
McAlester
Terry W. West
Shawnee

OREGON

Richard A. Roseta
Eugene

PENNSYLVANIA

Carl A. Eck
Pittsburgh
Joseph P. Hafer
Harrisburg
Gregory M. Harvey
Philadelphia
Deborah D. Olszewski
Pittsburgh
William D. Phillips
Washington

PUERTO RICO

Jose M. Biaggi Junquera
Mayaguez

TENNESSEE

John W. Nolan, III
Nashville
J. Stanley Rogers
Manchester

TEXAS

David H. Burrow
Houston

VERMONT

John T. Sartore
Burlington

VIRGINIA

Hunter W. Sims, Jr.
Norfolk
Franklin A. Swartz
Norfolk

WASHINGTON

Anthony Savage
Seattle

WEST VIRGINIA

Robert B. King
Charleston

WISCONSIN

Brian E. Butler
Madison
Dennis P. Coffey
Milwaukee

ONTARIO

Earl J. Levy, Q.C.
Toronto
W. T. McGrenere
Toronto
Barry A. Percival
Toronto

QUEBEC

Allan R. Hilton
Montreal

ACTL CALENDAR OF EVENTS

STATE MEETINGS

1996

December 20, 1996
WASHINGTON Fellows Annual Dinner
Seattle, WA

1997

January 31, 1997
DISTRICT OF COLUMBIA Fellows Dinner
Cosmos Club
Washington, D.C.

January 31-February 1, 1997
VIRGINIA Annual Black Tie Dinner/Brunch
Commonwealth Club
Richmond, VA

February 14-15, 1997
ARKANSAS Fellows Annual Meeting
TBD
Fayetteville, AR

February 27-March 2, 1997
NORTH & SOUTH CAROLINA Fellows
Annual Meeting
The Cloister
Sea Island, GA

May 9-11, 1997
ARIZONA Fellows Spring Meeting
El Conquistador
Tucson, AZ

June 27, 1997
FLORIDA Fellows Banquet
TBD

REGIONAL MEETINGS

1997

January 17, 1997
NORTHEAST Regional Annual Dinner
Four Seasons Hotel
Boston, MA

January 24, 1997
NEW YORK Fellows Breakfast
Rainbow Room
New York, NY

April 17-20, 1997
MICHIGAN, OHIO, KENTUCKY AND
TENNESSEE Regional Meeting
Hyatt Regency Hotel
Lexington, KY

April 24-27, 1997
SOUTHWEST Regional Meeting
Spanish Bay
Pebble Beach, CA

June 5-7, 1997
10TH CIRCUIT Regional Meeting
Doubletree Hotel
Tulsa, OK

June 13-14, 1997
NORTHEAST Regional Meeting
Black Point Inn
Maine

July 31-August 3, 1997
NORTHWEST Regional Meeting
Jasper Park Lodge
Jasper, Alberta, Canada

1998

July 19-21, 1998
NORTHWEST Regional Meeting
Salishan Lodge
Gleneden Beach, OR

1999

August 1-5, 1999
NORTHWEST Regional Meeting
Coeur d'Alene Resort
Coeur d'Alene, ID

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

(714) 727-3194



NATIONAL MEETINGS

1997

March 20-23, 1997
ACTL SPRING Meeting
Boca Raton Resort & Club
Boca Raton, FL

September 7-10, 1997
Optional Pre-Meeting Conference
Hyatt Regency
Vancouver, British Columbia
Canada

September 11-14, 1997
ACTL ANNUAL Meeting
The Westin Hotel
Seattle, WA

1998

March 19-22, 1998
ACTL SPRING Meeting
Marriott Desert Springs
Palm Desert, CA

October 29 - November 1, 1998
ACTL Annual Meeting
London, England

November 2-4, 1998
Optional Post Meeting Conference
Rome, Italy

1999

March 11-14, 1999
ACTL SPRING Meeting
The Ritz-Carlton
Naples, FL

October 28-31, 1999
ACTL ANNUAL Meeting
Philadelphia Marriott
Philadelphia, PA

2000

March 16-19, 2000
ACTL SPRING Meeting
The Ritz-Carlton
Kapalua, Maui, Hawaii

October 26-29, 2000
ACTL ANNUAL Meeting
JW Marriott
Washington, DC

OTHER MEETINGS

1997

January 17-18, 1997
EMIL GUMPERT AWARD Committee Meeting
Windsor Court Hotel
New Orleans, LA

January 27-30, 1997
ANNUAL NATIONAL MOOT COURT
COMPETITION
The House of the Association of the Bar of the
City of New York
New York, NY

March 16-20, 1997
Board of Regents Meeting
Boca Raton Resort & Club
Boca Raton, FL

April 2-6, 1997
1997 NATIONAL TRIAL COMPETITION
Four Seasons Hotel
Houston, TX

August 23-27, 1997
CANADIAN BAR ASSOCIATION
Ottawa Congress Centre
Ottawa, Canada

1998

March 15-19, 1998
Board of Regents Meeting
La Quinta Resort and Club
La Quinta, CA

1999

March 7-11, 1999
Board of Regents Meeting
The Ritz-Carlton
Naples, FL

October 24-28, 1999
Board of Regents Meeting
Philadelphia Marriott
Philadelphia, PA

2000

March 12-16, 2000
Board of Regents Meeting
The Ritz-Carlton
Kapalua, Maui, Hawaii

October 22-26, 2000
Board of Regents Meeting
JW Marriott
Washington, DC

President and is awaiting further action by the Board of Regents.

5. Judicial Qualifications: The Committee intends to become more active in assuring that significant trial experience is included as a critical qualification in the consideration of any person for appointment to the federal bench.

Federal Rules of Evidence

(Michael A. Cooper, Chair)

The Committee is in the process of revising a proposed report on the law of evidence in federal sentencing proceedings. The committee continues to monitor the work of the Advisory Committee on evidence rules of the United States Judicial Conference.

Samuel E. Gates Litigation Award

(Thomas D. Barr, Chair)

The Committee continues to actively consider candidates for the award, but there is no recommendation to be made before the meeting of the College in San Diego.

Emil Gumpert Award

(Louis W. Fryman, Chair)

As a result of the selection of the University of Tennessee, College of Law, as this year's recipient of the Emil Gumpert Award, the President presented a handsome plaque with accompanying recognition and, most importantly, \$50,000 to the Dean of the Law School on October 4, 1996 at the campus in Knoxville, Tennessee.

The Committee has received applications from 9 law schools for consideration for the 1997 Award. In addition, the Committee intends to reevaluate 7 other advocacy programs that have previously been submitted.

During the next few months, members of the Committee will appoint on-site evaluators from members of the College in order to prepare their reports to be submitted to the Committee. On January 18, 1997, the Committee will meet in New Orleans, Louisiana, to receive reports and recommendations concerning submissions by the law schools and make the selection for the 1997 recipient of the prestigious Emil Gumpert Award.

History Committee

(John C. Elam, Chair)

This Committee is supervising the development of the comprehensive history of the College. The Committee contracted with Covington Ellis & Associates to research and write the history. It is anticipated it will be completed and be part of the College's 50th Anniversary celebration at the Annual Meeting in Washington, D.C. in the year 2000. This project is being undertaken with generous support of West Publishing Company.

Committee on Honorary Fellowship

(Robert L. Clare, Jr., Chair)

This Committee is considering a number of recommendations which it will make to the Board of Regents at a future meeting.

International Committee

(James G. Apple, Chair)

The major development among the activities of this Committee relates to a legal exchange program with South Africa. A proposal for such an exchange was submitted to the United States Information Agency (USIA) in the spring, which was forwarded to the U.S. Embassy in South Africa and to the South African Ministry of Justice. In early August, a USIA representative in Washington advised that two legal exchanges had been approved. The first exchange may take place as early as October or November of this year, and the second will occur sometime in 1997. The second exchange will definitely involve several members of the College, although the selection process for team membership has yet to be worked out.

These two exchanges will be similar to the one in which the College

participated in 1994 and 1995 with India. Groups of American judges, lawyers and possibly court administrators will visit South Africa for two weeks, and the United States in the following year will in turn receive a team of South African judges and lawyers.

The Committee also received confirmation that the article on "*The Art of Advocacy*" for Russian lawyers, prepared by Committee members Thomas D. Allen and James G. Apple, had been translated into Russian and would be printed in one or possibly two Russian magazines. The article was also distributed to a group of high-ranking judges from Russia attending a seminar at the Federal Judicial Center in Washington in September.

Legal Ethics

(Charles C. Hileman, Chair)

A 16-member subcommittee has been working since March on a report prompted largely by the O.J. Simpson trial, on the subject of media-related problems of the high-profile case. A report, which is expected to be ready by the time of the Annual Meeting in San Diego, will deal with such things as cameras in the courtroom, out of court statements by trial counsel, comments by media pundits, volunteering bar press guidelines, and judicial control of the courtroom.

Mexico Committee

(Philip A. Robbins, Chair)

A draft copy of a document entitled "*The U.S. Trial Lawyers' Brief Guide to U.S.-Mexico Cross-Border Dispute Resolution in Civil Cases*" was prepared and sent to the Executive Committee for its review. It was returned to get the comments of the full Committee on the draft, after obtaining those comments, it will be submitted to the Board of Regents for its approval and possible distribution to the membership.

National College of District Attorneys

(John L. Hill, Jr., Chair)

For a number of years, the College has provided financial support to the National College of District Attorneys, located in Houston, Texas. Members of the College serve on the Board of that organization and play an active role in its affairs. The funds provided by the College have made it possible for prosecutors from many states to attend the career prosecutor course, trial advocacy courses, the strategic criminal litigation course, and courses dealing with violent assaults and prosecution of drug cases. These courses include instruction in the role of the prosecutor and ethical duties, as well as enhancement of trial skills.

National Moot Court Competition

(Sheldon H. Elsen, Chair)

The National Moot Court Competition continues to be well run by the Young Lawyers Committee of the Association of the Bar of the City of New York. It has become a tradition that the President of the College serve as a member of the court in the final round of the competition held in New York City in January. In accordance with the long-standing custom, the winners of the 1995 competition were invited to attend the Spring Meeting at Tucson. The winning team was from the Emory University School of Law.

National Trial Competition

(David S. Cupps, Chair)

The College served again this year as the co-sponsor of the National Trial Competition, the finals of which were held in Houston, Texas in March. Over 200 teams from over 100 law schools participated in the competition. The competition was won by Loyola University and its participants have been invited to attend the Annual Meeting in San Diego, at which time the Kraft W. Eidman Award, including a monetary award of \$5,000 and a silver bowl, will be presented to the winning team, and the George A. Spiegelberg Award plaque will be presented to the best oral advocate.

Lewis F. Powell, Jr. Lectures

(Morris Harrell, Chair)

The Committee is considering another person to be asked to speak at a future national meeting.

Professionalism Committee

(William J. Brennan, III, Chair)

The Committee is exploring a potential relationship with the Center on Professionalism at the University of Pennsylvania Law School. Representatives of the Committee met with representatives of the school to discuss the prospect of a joint project.

Publications Committee

(L. F. Samms, Jr., Chair)

The Chair has met with the Executive Director and President-Elect concerning collection of sufficient articles of interest for future publications. The Committee has also been revising and editing the American College Brochure and the prior committee reports published in the Summer of 1996.

Science and Technology in the Courts

(Warren B. Lightfoot, Chair)

This Committee presented the CLE program in Tucson in March, 1996. It continues to monitor developments in the field of science and technology in the courtroom and to monitor their effects on trial advocacy.

Special Problems in the Administration of Justice

(Richard C. Hite, Chair)

The Committee, through appointed liaisons, continues to monitor the projects of the American Law Institute to draft a Restatement of the Law of Torts: Apportionment of Liability, and a Restatement of Torts: Products Liability. The Committee completed its work of monitoring the drafting of a Model Punitive Damages Act by the National Conference of Commissioners on Uniform State Laws when an act was approved by the Commissioners in August. The Committee is also compiling information about changes and proposed changes in jury practices in state courts. This information will be reviewed by the Committee at the Annual Meeting in San Diego. Consideration will be given to whether or not the College should take a position on jury practice issues.

State Judiciary Committee

(Jervis Spencer Finney, Chair)

The Committee is considering mechanisms for assembling and analyzing materials on merit selection of state judges.

Teaching of Trial and Appellate Advocacy

(Michael B. Keating, Chair)

The Committee has completed written materials and a videotape on civility, which it submitted to the Board of Regents for its consideration at the Annual Meeting in San Diego.

State and Province Committees

The principle role of the State and Province Committees continues to be the identification of outstanding trial lawyers who meet the standards of the College. At the meeting of the Board of Regents in Tucson this Spring, 138 candidates were considered for membership with the following results:

98	approved
31	declined
13	declined, file to be closed
9	continued

The percentage of approvals of approximately 70% is higher than in recent years. This is largely due to the careful work by the State and Province Committees in investigating candidates and in the written submissions in support of their nominations.

142 candidates, including those continued from the Spring, will be

considered by the Board of Regents at its meeting in San Diego on October 14-16, 1996. Those approved, assuming satisfactory completion of a Statement of Qualifications, will be eligible for induction at the Spring Meeting in 1997.

As of September 1, 1996, membership in the College was as follows:

Fellows	3,694
Judicial Fellows	311
Emeritus Fellows	883
Honorary Fellows	32
Total	4,920

142 persons are eligible for induction and most will be inducted in San Diego.

The Presidential Year

It was a rare privilege to represent the College at state, province and regional meetings throughout the United States and Canada. It was fascinating to observe the very different customs and traditions that exist. For example, the Georgia Fellows, at a black tie dinner, following grace, read the roll of the Georgia Fellows who had died during the year. A moving response then was made on their behalf. At the Northwest Regional Meeting, at the banquet, which was informal, there was an open mike to which a number of Fellows came and told what it meant to them to have been selected for Fellowship. While quite different, on each of these occasions, there was a shared respect for the law and a genuine affection for the College.

Barbara and I were unfailingly greeted with warmth and hospitality everywhere we went. We came away from each trip awed by the quality and caliber of the Fellows and their spouses. We met and became friends with Fellows and Spouses throughout the country, friendships that we are sure will continue in the years ahead.

Alexis de Tocqueville commented over 150 years ago that lawyers were the natural aristocracy of the United States. While that is no longer true of lawyers, I believe it can be still said today of the Fellows of the American College of Trial Lawyers.

There are so many to thank that made this such a special year. Barbara, for her company and support, my secretary, Joan Nazzal, whose enthusiasm never flagged and who helped so much in carrying out the duties of President, and, of course, our dedicated staff. One of the benefits of being President is getting to know the staff, particularly Bob Young, our Executive Director, whose efforts on behalf of the College are remarkable. It is not just that he does a superb job; each time he continues to surpass his past performance. The staff has supported and provided great help and assistance to Bob, — Suzanne Tavares, Natalie DeWitt, Susan Emens, Kathy Good and Carole Foster, who attend to the details and plain hard work that enables the College to run effectively and smoothly throughout the year and make our national meetings such exciting and memorable events.

I would also like to thank President-Elect Andy Coats who filled in for me so graciously and gave so willingly of his time during this year of transition for him — from active practitioner to Dean of the Oklahoma Law School. Also, the other members of the Executive Committee, Past-President Lively Wilson, Secretary Ozzie Ayscue, and Treasurer Ed Brodsky — they provided direction and support between the meetings of the Regents. Finally, my gratitude and appreciation to the Board of Regents and the Past Presidents whose dedication and wisdom have ensured that the College has continued on the course which was set some 46 years ago by its Chancellor and Founder, Emil Gumpert.

Charles M. Renfrew

COMMITTEE NEWS REPORTS

STANDING COMMITTEES

ALTERNATIVES FOR DISPUTE RESOLUTION

On October 18, 1996, the ADR Committee met in San Diego to discuss its proposed mediation project. At that meeting Garr M. King, Regent Liaison, reported that the College's Executive Committee had approved the project and authorized an initial budget of \$5,000. It was also reported that Dean Michael Hoefflich of the University of Kansas Law School would act as the project's reporter. Further, it was reported that Professor Robert Mnookin of Harvard Law School would participate in the project. The first phase of the project will be to create the necessary bibliography and abstracts dealing with professional norms for lawyers. It is anticipated that the first phase of the project will be completed in advance of the College's Spring Meeting. Following the completion of that phase of the project, the committee will address the precise scope of the project, e.g., mediation or arbitration or both, etc.

Shaun S. Sullivan, Chair

AWARD FOR COURAGEOUS ADVOCACY

The Courageous Advocacy Committee seeks recommendations and information relative to outstanding courage demonstrated by trial lawyers in unpopular or difficult causes. The award is not granted annually but is reserved for those occasions which demonstrate to the public the highest standards of ethical behavior within our profession. The committee welcomes and investigates all recommendations or suggestions from Fellows.

David C. Hilliard, Chair

FEDERAL CRIMINAL PROCEDURES

The Federal Criminal Procedures Committee has undertaken a study of the federal sentencing guidelines with particular emphasis on downward departures. The committee will hold a work session in Chicago on January 11, 1997, and plans to determine the scope of the study and establish a timetable for recommendations to the Board of Regents.

Robert W. Ritchie, Chair

FEDERAL JUDICIARY

The Federal Judiciary Committee's mandate is:

to identify and seek to ameliorate problems of the Federal Judiciary which hinder the attraction and retention of highly qualified judges, and to maintain liaison and cooperate with other agencies seeking to improve the Judiciary and to inform the Fellows of the College thereof.

The Committee has undertaken its work through various Subcommittees. Currently, several new projects have been launched.

1. Independence of the Judiciary Subcommittee.

This Subcommittee, chaired by Don Mullins, is actively involved in preparing a position paper for the College on issues affecting the independence of the judiciary from the trial lawyer's perspective. Specifically, the Subcommittee will be examining the impact of the Congressional surveys of federal judges and their law clerks on their independence; the Congressional treatment of the budget of the federal judiciary and cost-of-living increases for federal judges, among other issues.

On October 11, 1996, President Andrew Coats and Chairperson Marna Tucker appeared before the ABA Commission on Independence of the Judiciary, chaired by Edward Madeira (FACTL). President Coats

testified at these hearings and advised the Commission that the Federal Judiciary Committee had the matter under study and the College would submit a formal statement at a later date. President Coats discussed the concerns of the College about the congressional treatment of cost-of-living increases for federal judges.

2. Federal Judicial Center Subcommittee.

Judge Rya Zobel, Director of the Federal Judicial Center, has worked closely with the Committee in several projects.

a. Training of New Federal Judges.

The College has already provided several attorneys to assist in the video taped training programs for new Federal District Judges. This has been an enjoyable enterprise for the attorneys, whose role is to create difficult trial situations for the new Judges.

The Committee is developing a list of Fellows across the country who would be available for future training programs. The programs are video taped at the Federal Judicial Center in Washington, D.C. Any Fellow who is interested in participating in this program should contact the Subcommittee Chair, Robert M. Landis, at: Dechert, Price & Rhoads, 4000 Bell Atlantic Tower, 1717 Arch Street, Philadelphia, PA 19103-2793.

b. Trial Advocacy Video Tape.

The Committee is also studying the feasibility of the College and the Center developing a training video tape for bench and bar on the subject of trial advocacy.

c. ACTL Foundation Funding for Medina Seminar.

Judge Zobel, in her appearance before the College at the San Diego Annual Meeting, asked the College to assist in obtaining funds to support excellent training programs for federal judges, such as the Medina Seminar at Princeton. The Federal Judiciary Committee is assisting the Federal Judicial Center in making a formal application to the American College of Trial Lawyers Foundation for financial assistance.

d. Survey of Problems with Federal Judges.

The Committee is developing a survey for Fellows of the College about problems trial lawyers face with federal judges. The Subcommittee is in the process of developing both the content of the survey and a plan for distribution.

Marna S. Tucker, Chair

FEDERAL RULES OF CIVIL PROCEDURE

The Federal Rules of Civil Procedure Committee is a very active standing Committee of the College.

In addition to a meeting held during the College's Annual Meeting in San Diego on October 18, 1996, the full Committee will meet for a day and one-half in Dallas, Texas in mid-December to consider the committee's position regarding the proposed amendments of the Advisory Committee of the Judicial Conference of the United States to F.R.Civ.P. 23 involving Class Actions. Committee member Chuck Harvey of Portland, Maine represented the committee at two days of the Advisory Committee meetings in Washington, D.C. on October 18 and 19.

The committee is likely to meet again in February or March, 1997, to consider possible amendments to F.R.Civ.P. 5 on electronic filing; the ultimate effect of the voluntary disclosure provisions of 26(a) under the Civil Justice Reform Act of 1990; and further proposals before the Judicial Conference Advisory Committee to restrict the scope of discovery and require greater factual specificity in pleadings under F.R.Civ.P. 8 and 9.

Further, the Regents of the College have requested the Committee to analyze the competing policies favoring and opposing 12-person juries in federal court practice. The Regents' request comes in light of the September 1996 action of the United States Judicial Conference which rejected a proposed amendment to F.R.Div.F. 48 by the Advisory Committee mandating a federal jury to be comprised of not less than 12 persons. Our Committee had formerly spoken for the Committee, itself,

and in behalf of the entire College in support of proposed amendment to Rule 48 which presently provides that a federal jury may consist of not less than six and not more than 12 jurors.

Robert S. Campbell, Jr., Chair

FEDERAL RULES OF EVIDENCE

At its meeting in San Diego this past October, the Committee completed a report, *The Law of Evidence in Federal Sentencing Proceedings*, on which the Committee had been working on for more than a year.

The central thesis of the report is that evidentiary principles developed before adoption of the Federal Sentencing Guidelines should be modified to protect against the risk that significantly longer sentences prescribed by the guidelines may be imposed on the basis of unreliable evidence.

Specifically, the report proposes that defendants in federal sentencing proceedings be accorded a limited right of confrontation, that the hearsay rules in the Federal Rules of Evidence be applied in sentencing proceedings, and that the Government be required to prove facts by clear and convincing evidence, rather than a mere preponderance, when the establishment of those facts would substantially increase the sentence that would otherwise be imposed or when those facts concern related conduct of which the defendant has not been convicted (and may, indeed, have been acquitted.).

The Committee continues to monitor the activities of the Judicial Conference's Advisory Committee on Evidence Rules.

Michael A. Cooper, Chair

SAMUEL E. GATES LITIGATION AWARD

The Committee will entertain and consider suggestions for this Award's recipient prior to and at the Spring Meeting to be held in March 1997, at Boca Raton. We hope to be in a position to submit a proposed recipient's name to the Board of Regents for approval well in advance of the September 1997 Annual Meeting so that the Award may be made at that time to recognize a lawyer who has made a significant contribution to the improvement of the litigation process.

Beale Dean, Chair

EMIL GUMPERT AWARD

The members of the Emil Gumpert Award Committee are presently monitoring on-site evaluations of nineteen law schools that have applied for the 1997 Award for the outstanding advocacy program. This is by far the largest number of applications ever submitted to the Committee.

Members of the College are conducting the on-site evaluations of the law school, the advocacy curriculum, student participation and the effectiveness of the program in training trial lawyers.

All the evaluations will be distributed to the members of the Committee in December and the committee will meet in New Orleans in January to receive the formal presentations and choose the winner of the 1997, \$50,000 Award.

The 1996 recognition was given to the Law School of the University of Tennessee at a presentation made by President Renfrew and attended by Regent, Robert Campbell.

The Committee is also working on a method of communication among law schools that would strengthen the advocacy curriculum by taking advantage of the courses and activities that have proved successful at other institutions. In addition, we are encouraging civility in the practice of our profession and emphasizing the necessity of professionalism in the advocacy framework.

Louis Fryman, Chair

INTERNATIONAL

The Chair of the Committee is continuing the process of working out the details of an exchange with South Africa that will probably involve at least one member of the College in the first part of the exchange in the first quarter of next year, in which a six or eight member team, consisting of judges, court administrators, prosecutors and lawyers will visit South Africa for two weeks. The exchange will be a working exchange, involving visits to courts, discussions with judges and court officials, and visits with lawyers and prosecutors, to provide both assistance in specific areas and evaluations of future assistance. The exchange will be funded through the United States Information Agency.

James G. Apple, Chair

LEGAL ETHICS

The Legal Ethics Committee of the American College of Trial Lawyers is currently addressing two major projects:

1. **Media-Related Problems of the High Profile Case** which was occasioned by the *Simpson and Menendez* cases. A number of issues are being considered. They are, in part, the tension that exists between a fair trial and free press, the governance of out-of-court statements by gag rules, control of statements made by legal commentators, cameras in the courtroom and judicial selection. The Committee anticipates submitting a report to the Regents in 1997.
2. **Development of a Teaching Syllabus for the Code of Trial Conduct** which is a joint project with the Teaching of Trial and Appellate Advocacy Committee.

Murray E. Abowitz, Chair

MEXICO

The Mexico Committee hosted U.S. Ambassador to Mexico, James Jones, at its breakfast meeting during the San Diego Annual Meeting. The Ambassador stressed the importance of paying attention to U.S. - Mexico legal relationships and expressed satisfaction that the College was becoming involved.

U.S. Trial Lawyers Guide to U.S.-Mexico Cross Border Dispute Resolution in Civil Cases

is available from

ACTL National Office

Fax Your Written Request to
(714) 727 3894

The Committee has created an eight-page *U.S. Trial Lawyers Guide to U.S. - Mexico Cross Border Dispute Resolution in Civil Cases*. It is designed for College members with an interest in the structure and function of the Mexican system. It presents an overview of cross-border issues in discovery, evidence gathering, service of process, enforcement of arbitration clauses and awards, procedures in arbitration, and other practical problems likely to be encountered in litigation or arbitration in the U.S. involving Mexican parties, witnesses or documents. The *Guideline* is available by contacting the College office or the chair of the Mexico Committee.

The Committee recommends that the College continue to regularly present programs or speakers on Mexico, such as the speeches by Justice

Sanchez Cordero in Tucson and Ambassador Jones in San Diego, and will be happy to assist in this endeavor.

We will also continue our efforts to open informal dialogue with top Mexican trial lawyers.

Philip A. Robbins, Chair

NATIONAL COLLEGE OF DISTRICT ATTORNEYS

This will report on the Annual Meeting of the Board of Regents for the National College of District Attorneys (NCDA) which I attended at Naples, Florida on November 14, 1996.

The Board discussed the Memorandum of Understanding entered into on July 22, 1996 by the United States, through the U.S. Department of Justice (DOJ), and the National District Attorneys Association (NDAA) to provide legal education and training to federal, state, and local prosecutive and litigative personnel at the National Advocacy Center (NAC) being constructed on the University of South Carolina's Central Campus in Columbia. Federal funding will be the sole source of funding for providing such legal education and training, unless otherwise mutually agreed by those parties. The DOJ is to provide legal education and training for federal personnel, and the NDAA is to provide legal education and training for state and local personnel, at the NAC. The NDAA shall be a tenant of the DOJ and may make sub-awards under the agreement.

The NCDA Board of Regents approved at this meeting a contract with the NDAA defining the role of the NCDA as the official training arm of the NDAA which will make necessary academic and administrative decisions and provide the staff for trial advocacy training at the NAC. The NCDA will operate under the authority and within the provisions of the memorandum agreement between the DOJ and the NDAA and shall enjoy the same rights, privileges and obligations granted or imposed upon the NDAA in the memorandum agreement with the DOJ. The relationship of the NCDA to the NDAA is that of an independent contractor and not an employee or agent of the NDAA. Snapshots of the construction work as it has progressed were displayed to the NCDA Board.

NCDA Dean Robert Fertitta reported an attendance of 2067 at the fifteen seminars held in various locations throughout the country during the first 9-1/2 months of this year. Six additional seminars will be held during the remainder of 1996.

Thomas J. Charron, District Attorney at Marietta, Georgia, and I were reelected as President and Vice President respectively of the NCDA and were also reelected as Chairman and Vice Chairman respectively of the NCDA Board of Regents. Sandra A. O'Connor, State's Attorney of Baltimore County from Towson, Maryland, was elected Secretary/Treasurer of the NCDA and Secretary of the Board of Regents. Charron and O'Connor are Board Representatives of the NDAA, and they also sit with me on the Executive Committee of the NCDA Board.

Seventeen letters from prosecutors in various states expressing their appreciation for ACTL scholarships granted them to attend seminars of the NCDA have been received since August.

Beale Dean, Chair

NATIONAL MOOT COURT COMPETITION

The National Moot Court Competition continues to be well run by the Young Lawyers Committee of The Association of the Bar of the City of New York. We are available to them for such support as they want, but last year they did not call upon us. The Final Rounds will be held in New York City in January 1997.

Sheldon H. Elsen, Chair

SPECIAL PROBLEMS IN THE ADMINISTRATION OF JUSTICE

The Committee on Special Problems in the Administration of Justice, through appointed liaisons, continues to monitor the projects of the American Law Institute to draft a Restatement of the Law of Torts: Apportionment of Liability, and a Restatement of Torts: Products Liability. These projects involve issues which may have considerable importance to the College. Ultimately, the committee will formulate recommendations to the leadership of the College as to whether a position should be taken on any of the issues included in the projects.

The committee has compiled and reviewed recent actual and proposed changes in jury practices in state courts. The preliminary conclusion is that none of the actual or proposed changes are of the nature which would justify action by the College. The committee will continue to monitor developments.

Richard C. Hite, Chair

STATE JUDICIARY

The State Judiciary Committee is charged with responsibility for fostering merit selection and reasonable compensation of judges. In its prior effort, the Committee has determined that the perceived specifics of these noble principles – merit selection and reasonable compensation – vary significantly from state to state and sometimes within a particular state. The Committee in effect concluded that there is no single model to which the College could or should adhere and that any support as to any proposal in any state should be requested and initiated by individual State Committees.

During 1997, the Committee expects to catalogue those proposals and plans which have been adopted or which have received serious consideration in several states.

Finally, the Committee has discussed from time to time the various pressures upon the state judiciaries throughout the country in these modern times. The committee considered one specific proposal reflecting support for the independence of the judiciary. While a complex conceptual issue, effective support for the state judiciaries in the modern era remains a general goal of the Committee.

Jervis S. Finney, Chair



The 1996 Winning Team of the National Trial Competition from Loyola University School of Law, Chicago, Illinois, is congratulated at the Annual Meeting. Pictured are (L to R): Andrew M. Coats, President; Matt Miller, Team Member; Jeffrey A. Soble, Team Member; Garr King, Regent Liaison; Robert Sweeney, Team Member; Charles B. Renfrew, Immediate Past President.

STATE AND PROVINCE COMMITTEES

ATLANTIC PROVINCES

A meeting of a majority of the Members of the Atlantic Provinces Committee took place in Halifax, Nova Scotia on Sunday, November 17, 1996. Committee Members from Newfoundland, New Brunswick and Nova Scotia were in attendance.

The Committee Chair, Thomas J. O'Reilly, Q.C., reported that he had attended the Eastern Workshop in Asheville, North Carolina, and gave a brief report to the Members of the Workshop activities.

The Committee reviewed the present membership vacancies within the Atlantic Provinces. Plans were made to identify suitable candidates within the Atlantic Provinces with a view to submitting their names for nomination.

Thomas J. O'Reilly, Q.C., Chair

COLORADO

The State Committee met on November 4, 1996. Bob Montgomery reported that the dinner-dance was a great social success and a memorable event, particularly for recently retired ACTL member, Justice Bill Erickson. We lauded Bill for a lifetime of service to the profession and thanked him for making the rest of us look good. Justice Erickson now writes opinions for the Colorado Court of Appeals. We presented him with three gorgeous leather-bound books on the law and lawyers, selected by Judge Kapelke and by Ted Borrillo.

We plan to have a Committee meeting in January.

Robert R. Montgomery, Chair

DISTRICT OF COLUMBIA

The D.C. Fellows have scheduled their Annual Reception and Dinner for Friday evening, January 31, 1997, at the Cosmos Club, 2121 Massachusetts Avenue, N.W., Washington, D.C. The cocktail reception will begin at 6:00 p.m., followed by dinner at 8:00.

James P. Schaller, Chair

FLORIDA

The State Committee for Florida has established a Professionalism Committee, chaired by Murray Wadsworth, which is working closely with the Florida Supreme Court Commission on Professionalism. Florida Fellows are proud that 4 of the 8 lawyers who were nominated by The Florida Bar to serve as lawyer members of that Commission are Fellows of the College: Ed Moore, Sid Stubbs, Bob Parks, and George Moss. In addition, several Fellows attended and participated in the Professionalism Conclave that was recently sponsored by Stetson College of Law. That program was developed in large part by another Florida Fellow, Wm. Reece Smith, Jr.

The Committee is in the process of planning a dinner to honor its new Florida inductees at the Spring Meeting, and plans are likewise underway for the Florida Fellows' Annual Banquet at The Florida Bar Convention in June.

Sylvia H. Walbolt, Chair

INDIANA

On October 25, 1996, eighty-six Indiana Fellows and guests attended a reception and dinner at the Woodstock Country Club in Indianapolis to honor the newest Indiana Supreme Court Justice, Theodore R. Boehm. Justice Boehm delighted those attending the Fall Meeting with an after-dinner speech about life on the Indiana Supreme Court during his first month. The afternoon weather cooperated so that many Fellows could enjoy a round of golf on the last warm Friday in Indianapolis in 1996.

Sherrill Wm. Colvin, Chair

IOWA

The Iowa Fellows are involved principally in four activities as follows:

1. The participation in and presentation of the award during the final round of the National Moot Court Competition Regional held at the Drake Legal Clinic Courtroom, Drake Law School, Des Moines, Iowa, on November 23, 1996. Mr. Nick Critelli of Des Moines, Iowa, represented the American College and made the presentation. We also publicized the need for qualified judges and encouraged the Iowa Fellows to participate. Since I was in California at the time of the finals, I am not sure at this time as to the extent of participation by the Fellows at this event.

2. The Iowa Fellows have been active in the mentor program sponsored by the Professionalism Committee of the Iowa State Bar Association. Due to our small numbers and the fact that we only have two law schools in the state of Iowa, we have elected to join with and participate in the Iowa State Bar Association program rather than establish a competing program.

3. The Iowa Fellows are working diligently to disseminate the *Code of Trial Conduct* of the American College of Trial Lawyers to both law schools and to provide assistance by way of speakers to talk about professionalism issues with students at the University of Iowa College of Law and Drake Law School. The Code of Trial Conduct has now been incorporated into the trial advocacy curriculums of both law schools, and we have volunteered to make presentations in order to further emphasize the Code.

4. The Iowa Fellows presently have under study the possibility of setting up a panel to screen cases that were formerly handled by Legal Services but cannot now be handled due to recent Congressional prohibitions concerning class action and other cases where attorney fees can be awarded. Contact is being made with Iowa Legal Services to identify the cases in question so that further consideration can be made as to whether the Fellows might be interested in pursuing those actions.

Thomas N. Kamp, Chair

KANSAS

The Kansas State Committee sponsored a dinner and meeting at the Ritz Carlton Hotel in Kansas City, Missouri, the weekend of October 5-6, 1996. In addition to 18 Kansas Fellows, we were joined by President Charles Renfrew and Barbara Renfrew, former President Tom Deacy and Regent Stuart Shanor and Ellen Shanor.

Regent 9 of the 47th Annual National Moot Court Competition was held at the University of Kansas School of Law and John Emerson of Lawrence, Kansas, made the presentation to the winners on November 23, 1996.

The State Committee will meet in January to plan for the coming year.

Wayne T. Stratton, Chair

MAINE

The Maine Committee is coordinating with the University of Maine School of Law in order to clarify the intent of the scholarship money which the Maine members of the College give each year. We will distribute the College's *Code of Trial Conduct* at bridging the gap and other appropriate places.

Peter J. Rubin, Chair

MASSACHUSETTS

The annual meeting of the Northeast Region was held in Chatham, Massachusetts, on Cape Cod on the weekend of June 7-9. Approximately 70 Fellows attended, and with spouses and guests, the total attendance was nearly 140.

Regent Mike Mone moderated a discussion entitled, "The Dilemma of Picking a Jury." Then we had a very interesting two-hour session on the subject of "Genetic Testing: The New Legal Frontier." The presenters:

David C. Page, M.D.

Associate Director, Whitehead/MIT Center
for Genome Research, Cambridge
and

Philip R. Reilly, J.D., M.D.

Executive Director, E. K. Shriver Center
for Mental Retardation, Waltham

provided case studies for everyone to review, and in each of those studies a lively discussion ensued in which many members of the College, and many spouses, actively participated.

Saturday evening, following the dinner, Dr. Mitchell T. Rabkin, President of Beth Israel Hospital in Boston, spoke on the subject, "Where is Health Care Turning at the Turn of the Century?" President Renfrew presented Dr. Rabkin with a plaque expressing our appreciation.

Joseph D. Steinfield, Chair

MISSOURI

The Missouri Fellows of the College have presented and are presenting a continuing legal education program sponsored by The Missouri Bar. The planning committee, program moderators, and 28 Missouri Fellows participated in presenting this program in three major cities, St. Louis, Kansas City and Springfield. The program has been well attended at St. Louis and Kansas City.

DOWNSTATE NEW YORK

The Committee met on November 18 and discussed avenues of recruiting women and minority candidates.

Dan Kolb reported on the pro bono project of the Downstate New York committee. He reported that the ten-member Pro Bono Committee has placed several major litigations with Fellows on the understanding that the Fellows themselves will be personally involved in the representations. He noted that the cases and clients span the spectrum, from the Legal Aid Society to the City of New York, and are not of any particular political persuasion. The Pro Bono Committee spends substantial time culling the cases to make sure that only appropriate matters are presented for Fellows consideration. Two other members of the Pro Bono Committee who were in attendance, Mark Alcott and Jeremy Epstein, echoed the enthusiasm with which this project has been received by the Downstate New York Fellows.

Alan Levine reported on his efforts, with the assistance of Jack Cooney, to arrange a Fellows weekend meeting. In lieu of the inability to attract sufficient Fellows from the Downstate New York area exclusively to the last such meeting attempted, he reported that he has sent letters to the Upstate New York and Connecticut Chairs, and will shortly be following up with a letter to the Vermont Chair, seeking to have a regional meeting. Various locations were discussed, including Bermuda and Cape Cod. Since the target months for such a meeting appear to be either June or October, it was thought that it may be too late to arrange such a weekend meeting for 1997 but that serious efforts would be made to arrange one for 1998.

The Annual Downstate Dinner was held on November 25, 1996, and the honored guest speaker was Justice Anthony M. Kennedy of the United States Supreme Court.

The meeting concluded with a Regents report from James F. Stapleton in which the process of review of candidates was discussed.

Greg Joseph, Chair

UPSTATE NEW YORK

The Upstate New York Committee met on November 26, 1996. We had a good turnout and our Regent, David Scott, was in attendance.

The Upstate Committee has under consideration six potential candidates and is actively seeking to identify others. The Toronto Chair and I

have each appointed sub-committees to work together to explore the possibility of a joint meeting of the Ontario and Upstate New York Fellows perhaps in May of 1997.

Philip J. Kramer, Chair

NORTH CAROLINA

Following two splendid years of leadership by Roy Davis, the North Carolina Chapter of the American College of Trial Lawyers is well organized and focused. We shall be continuing the important but not altogether easy task of considering the best of North Carolina's Trial Lawyers for membership. That will take most of our time and energy. There will be two general meetings, one in January 1997, and one in August 1997, which will be devoted to the consideration of nominees for membership. As an integral part of the selection process, the state committee will be especially careful to make sure that minority and women lawyers are considered.

In February 1997, the North Carolina Fellows will enjoy a joint meeting with the South Carolina Fellows at The Cloister in Sea Island, Georgia. The highlight of that meeting will be a first-rate continuing education legal seminar put on by the North Carolina Fellows. Last year's program, spearheaded by Don Cowan, was outstanding. Don will continue that tradition this year.

Last year the North Carolina Bar Foundation was presented a video taped seminar on expert trial advocacy. The video tape was created and produced by the North Carolina Fellows. In 1997, the North Carolina Bar Foundation will present the seminar statewide to all North Carolina attorneys. 50% of all profits will be donated to aid the poor under North Carolina's Access to Justice Campaign. The North Carolina Bar Foundation will retain the balance of any income. Though just coming to fruition, the project was inspired and implemented by Roy Davis, our former state chair.

We are also considering a special project, one that will bring the College special attention in North Carolina and at the same time prove meaningful to the profession.

In June, we will have our annual dinner meeting of North Carolina Fellows at the Grove Park Inn in Asheville, North Carolina.

Charles E. Burgin, Chair

PENNSYLVANIA

The Western Pennsylvania Fellows met for holiday cocktails and dinner on December 2, 1996, at the Carlton Restaurant in Pittsburgh. A similar annual gathering is in the process of being organized for Philadelphia in early 1997.

Edwin L. Klett, Chair

SOUTH CAROLINA

The South Carolina State Committee will meet during the South Carolina Fellows annual meeting at The Cloister from February 27 to March 2, 1997.

At this time the Fellows have established an ACTL Distinguished Lecturers Series for the winter and spring of 1997 with the University of South Carolina Law School. We are in the process of the creation of a new course at the University of South Carolina School of Law titled, "The Legal Profession."

In addition, the State Committee will, at its meeting in February, be in discussion with James B. Pressly, Jr. to discuss what, if any, activities the South Carolina Fellows might consider concerning a Committee on Access to Justice and Legal Services.

Jacob H. Jennings, Chair

SOUTH DAKOTA

The State Committee is currently going through the process for new members, and is attempting to arrive at a convenient date and location for a state fellows meeting. Winter having arrived, our current work of

the Fellows is indoors. We intend to have a picnic next summer if summer falls on a Sunday.

Charles M. Thompson, Chair

VIRGINIA

The Virginia Fellows will have their Annual Black Tie Reception and Dinner at the Commonwealth Club in Richmond on Friday, January 31, 1997. The Reception will begin at 7:00 p.m. with Dinner following. A Brunch is scheduled for Saturday morning, February 1, hosted by four Virginia Fellows.

John H. Obrion, Jr., Chair

WASHINGTON

The Washington Fellows of the College have made two presentations to different classes at Gonzaga University School of Law. The presentations focused on real-life examples involving ethics, civility and professionalism with lively discussions as to any limitations on zealous advocacy. Plans are being made to make similar presentations by Fellows to the University of Washington and Seattle University.

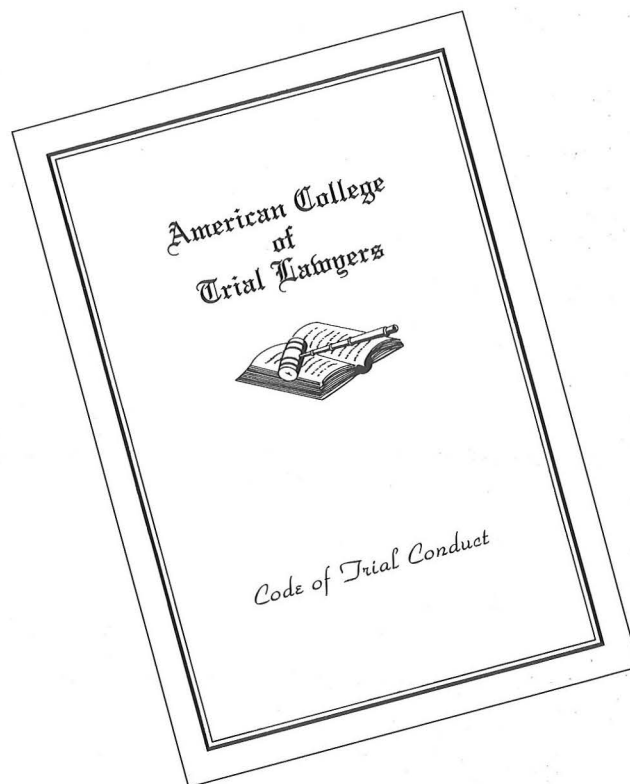
The fourth annual dinner of the Washington State Fellows will take place at Seattle on December 20, 1996.

J. Donald Curan, Chair

**The 1997
Annual Meeting
will be
in
Seattle, Washington
*September 11-14, 1997***

**with a
Pre-Meeting
Conference
in Vancouver, B.C.
*September 7-10, 1997***

**✓Mark Your Calendar
for this
Two-City, Two-Country
Special Meeting**



Copies of the *Code of Trial Conduct* of the American College of Trial Lawyers are available for complementary distribution in limited quantities. The *Code of Trial Conduct* was revised in 1994. Copies are available to State and Province Chairs and others who would like to distribute this important document. Please send your requests to the College office at 8001 Irvine Center Drive, Suite 960, Irvine, California 92618.