

THE BULLETIN

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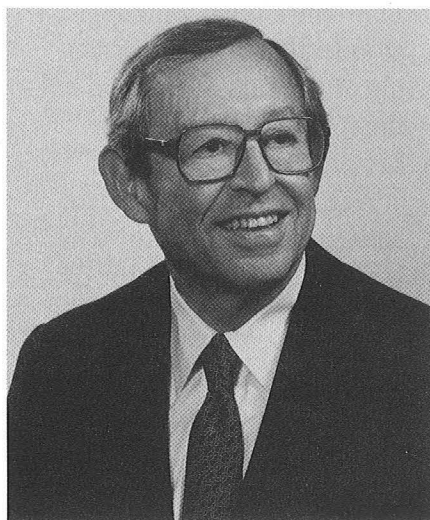
The President's Report

by

Edward Brodsky

This is the first time I have had an opportunity to communicate with all of you since my inauguration as President of the College. First, let me repeat what I said at our Annual Meeting in September. You have entrusted me with a singular honor and responsibility. Now it is for me to demonstrate through my concerted efforts on behalf of the College that I am a worthy recipient of that trust. I dedicate my next year to that effort.

Those of you who could not attend the Annual Meeting have missed a special occasion. Quite aside from



*Edward Brodsky
President
American College of Trial
Lawyers
1997-1998*

the professional programs,

Vancouver and Seattle are extraordinary places to visit. The weather was picture perfect, the scenery beautiful and, while Seattle has a reputation for being rainy, we were fortunate to have sun for most of our visit. Vancouver is quite idyllic with water views everywhere and interesting places to visit either by boat or car. Seattle is larger, but a walk along the wharf by itself is worth the trip.

The meeting this year was unusual in that not only was it our first meeting in the Northwest, but we visited two cities and had two

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American College of Trial Lawyers
THE BULLETIN

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separate professional programs. In Vancouver we had an all-Canadian panel of speakers which I believe is a first for the College. The speakers were prestigious, interesting, provocative, thoughtful and even funny.

In Canada we admitted into Honorary Fellowship the Honorable Madam Justice Beverley McLachlin, a Justice of the Canadian Supreme Court, who spoke eloquently about the principle of the rule of law and the role of women in our society.

The Honorable Madam Justice Louise Arbour, who is now Chief Prosecutor of the International Criminal Tribunals for the former Yugoslavia and for Rwanda at The Hague, spoke about the extraordinary work being done by the Tribunals. Justice Arbour told us that she was looking for senior litigators to help her prosecute war crimes cases — some of which may be getting close to trial — and that she would be delighted to have members of the College on her litigating team. Accordingly, I am using this space as a solicitation for Justice Arbour and anyone interested should contact me or Justice Arbour.

W. Glen How was a well-deserved recipient of our Courageous Advocacy Award for his extraordinary efforts over many years on behalf of Jehovah's Witnesses in Canada.

Mr. How showed some of his courage at our meeting because the night before he was to receive the Award he injured his knee quite badly, and was taken to the hospital. He, nevertheless, appeared the next day in a wheelchair and was a gracious speaker and recipient of the Award.

Peter Gzowski, a Canadian broadcaster, made a home-spun speech about Canada, and Eddie Greenspan, a member of the College, was hilarious in his introductory remarks and serious in a brilliant speech about the role of lawyers in our society.

The Honorable Allan McEachern, Chief Justice, Court of Appeals of British Columbia, talked about trying cases as distinguished from alternative dispute resolution techniques and The Honorable Justice John Charles Major delivered a scholarly talk about the differences between free speech in Canada and the United States.

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The Honorable Justice Bryan Williams, Chief Justice of the Supreme Court of British Columbia, spoke about the aborigine problem in Canada, comparing it to issues involving Native Americans in the United States. All in all, our Canadian brethren acquitted themselves superbly, making for a brilliant program.

The program in Seattle was equally stimulating. Phillip Condit, the Chairman of the Board and CEO of Boeing, spoke about how things change and, in particular, how things change in a huge company like Boeing. William Neukom, the General Counsel of Microsoft, talked about his difficult role in one of the most extraordinary companies in this country and how he, as general counsel, must constantly adapt to the revolution in communications for which Microsoft is in large measure responsible.

Dean John Sexton of New York University Law School made a heroic effort to speak at our meeting. The planes flying out of New York were delayed and the only way to get to Seattle was to fly all night, which he did. He arrived in Seattle early in the morning and went right to his place on the podium to make a brilliant

speech about his vision of the future of legal education.

Dr. Robert McAfee, former President of the American Medical Association, gave a humorous, but thought-provoking speech, about the change in medical practice due to the growth of managed care insurance programs. The Honorable Patrick Higginbotham, United States Circuit Judge for the Fifth Circuit, U.S. Court of Appeals, was a deserving recipient of the Samuel E. Gates Litigation Award and the Honorable Marvin Aspen, Chief Judge, United States District Court, Chicago, Illinois, spoke about the serious problem of civility among lawyers, and what we should be doing about it.

One of the highlights of the Seattle meeting was a provocative panel discussion about the limits of free speech in the United States. The discussion was led by The Honorable William Bauer of the United States Court of Appeals for the Seventh Circuit and it included a distinguished panel of articulate experts in the field. It would have been worth coming to Seattle just for that panel discussion.

I have outlined these

two meetings not just to tell you what we did but more importantly, to entice those of you who were not there to attend our meetings next year in California in the spring and London and Rome in the fall.

Cynthia and I have started traveling across the country, attending as many of the state and regional meetings as possible and we hope to see many of you before the year is out. Our first trip was an attempt — and I emphasize the word attempt — to attend the Illinois State dinner on September 19, but our maiden voyage was aborted. There was a storm in Chicago and our plane was stalled on the runway at LaGuardia for four hours. By that time we knew we had missed the dinner but the airline personnel would not let us leave the plane because it was parked on an active runway. So we flew to Chicago in time to talk on the telephone to Bruce Hoff, the Illinois Regent who told us that the dinner was concluding and we were an hour away.

We are sorry to have missed seeing our friends in Illinois, but the next day we flew to Kansas City for the

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In Memoriam

FULTON (BILL) HAIGHT



1923-1997

On July 25, 1997, the American College of Trial Lawyers lost one of its most enthusiastic and energetic leaders. Bill Haight was a visionary, an innovator, a leader of extraordinary talent. He was also a man of great passion. He was passionate about the College and its ideals. He was passionate (read that also competitive) about his golf game. Seldom did the words, "that's good" ever cross his lips. He was passionate about his family and was able to achieve a

rare balance in dividing his time and energy between them and his profession.

Bill Haight was a fifth generation Californian. His success was predictable from the fact that Henry Huntley Haight was the first federal judge of California and Fletcher M. Haight was governor of California from 1867-1871.

Bill enlisted in the U.S. Army Air Corps in April of 1943, where he served until 1945. On his discharge, he entered Univer-

sity of Southern California Law School, receiving his degree in 1948. After a brief stint as a deputy county attorney, he joined the firm that bears his name, Haight, Brown & Bonesteel.

Bill perceived the law as a service profession. In addition to serving his clients well, he also understood that lawyers have a duty to the profession and to society. His professional life was filled with activities that undertook to improve his profession and to find better ways for us to resolve our disputes. Bill served on the Board of Governors of the California State Bar and was elected Vice-President in 1978 and 1981. He chaired a California Legislative Task Force on trial skills and was also active in the Los Angeles Bar, as well as other professional organizations. He was co-chair of the Los Angeles Attorney special Arbitration Plan that ultimately was legislatively mandated by the state in 1980.

Bill's consuming interest was the American College of Trial Lawyers, for which he provided visionary leadership as President in 1992-93. Bill understood the synergism involved in bringing the talents of the members of the College to bear on the problems confronting the judicial system and our profession. He led the Board and Past Presidents in a retreat in Washington in April 1993, and out of that retreat — and the Long-Range Planning Committee that followed — came new initiatives in providing access to the justice system, in alternative dispute resolution techniques, and in dealing with science and technology in the courtroom. The entire process was one that re-energized the College, reaffirming its original purpose, but also reaching beyond that to new levels of service.

In 1992, at the suggestion of President

Jimmy Carter, Bill and Past President Phil Tone went to Ethiopia at the request of that government to help that country rebuild a legal system that had been seriously damaged by a recently defeated dictatorship. The trip required a period of intense preparation and came at a time that followed by only days the tragic death of Bill and Dodie's daughter, Hilliary. To continue with the project as he did, in the face of that tragedy, required a person of uncommon strength and courage — qualities which few of us possess to that degree. Bill and Phil Tone spent over a week in Addis Ababa conferring with the President and members of their justice system. In the end, they recommended procedures that helped that country restart its judicial system, provide for an independent judiciary, and establish some critical due process procedures for the trial of members of the former repressive government. It was a significant achievement by any measure.

Retirement did not come easy for Bill. His energy had to be dissipated somewhere. He assumed the National Membership Chair of the Supreme Court Historical Society and served in that capacity for three years, as well as being a member of the Executive Committee. In pursuit of his passion for golf, he even undertook a redesign of the Los Angeles Country Club golf course. Bill also worked diligently on his handicap, but — alas, like so many of us — to little avail.

Bill was a devoted husband, father and grandfather. He and Dodie were often seen at College meetings walking hand in hand. Throughout his illustrious career, she has been with him every step of the way.

We shall miss him.

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Set Your Calendars NOW

March 19 — 22, 1998

ACTL Spring Meeting
Marriott Desert Springs
Palm Desert, California

October 29 — November 1, 1998

ACTL Annual Meeting
London, England

November 2 — 4, 1998

Rome Conference
Rome, Italy

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Kansas State Dinner. That afternoon we were treated to a tour of some of the beautiful sights in Kansas City by Past President Tom Deacey and his wife Jean, who were most gracious hosts. We attended the Kansas State banquet that evening, saw some of our old friends and made some new friends in Kansas City. The weekend, which started out as a disaster, was more than saved by our Kansas City hosts.

I will finish this report by telling you about some of the exciting things that are being done by the College and encourage those of you who are not working on one of our committees to do so because there is plenty of work to go around.

For example, under the leadership of Dan Kolb, there is a successful pro bono project being done by the Fellows from Downstate New York. Dan's committee will take only large cases — usually class actions — or cases involving important issues of law. There is a careful screening process before any case is accepted, and I am told by Dan that there are more lawyers seeking cases than cases to be assigned.

This is a wonderful commentary on behalf of the Fellows working on that project. We are trying to duplicate what is being done in New York all over the country and, at the moment, several states are attempting to emulate the New York initiative.

I have appointed a special committee for the year 2000, which happens to be the fiftieth anniversary of the College. The committee consists of Past Presidents Frank Jone (Chair), Robert Clare, Ralph Lancaster, Leon Silverman, and Charles Renfrew. The committee will be planning what will be a most extraordinary Annual Meeting of the College in Washington, D.C., celebrating this important milestone in our history.

We hope to soon complete a report on fair trials in high profile cases and the Alternative Dispute Resolution Committee is working on a code of conduct for arbitrators which we hope will be comparable to our Code of Trial Conduct which is being used all over the country.

We have been making a major effort to get Congress to de-link the salaries of federal judges from the salaries of congressmen. As

you know, by statute the salaries of judges and congressmen are tied together and that is an inhibition to the raising of judges' salaries. Fellows from all over the country have been writing to their congressmen explaining why this system, which interferes with raising salaries of judges and interferes with getting the best people to serve on the Judiciary, should be changed.

We continue to wrestle with the question of what the College's role should be in attempting to deal with lawyers who are uncivil, and I hope that before long we will have a program that will attempt to make some inroads into that problem. The College Foundation is sponsoring an essay contest and will give a cash award to the law student who writes the best essay on civility.

These are just a few of the projects on the Colleges' menu. Space does not permit me to mention all the things that we are doing, but they are exciting, challenging and stimulating and we will continue to do our share to help improve the administration of justice in the United States. □

"IT WAS A VERY GOOD YEAR"

BY

ANDREW M. COATS

Immediate Past President's Report

I

THE STATE OF THE COLLEGE

As I finish my year as President of the American College of Trial Lawyers, I am proud to say that the College is alive and well and is contributing in so many significant ways to the trial practice and to the administration of justice. One of the great things about serving as President is that you have a unique opportunity to observe the work of the College and, at the same time, to really appreciate the warmth of the fellowship that exists throughout the United States and Canada.

We now number almost 5,000 Fellows and are well represented in every state and province across the United States and Canada. It is quite remarkable to realize that each Fellow is a splendid trial lawyer and a person of the highest ethical standards whose professional activities are marked with unfailing courtesy and civility. We know this because each person elected to Fellowship has been carefully investigated, and his or her entire professional career has been carefully evaluated and found to be of the highest quality. I know of no other organization which takes such great care selecting its members as do we. When I accepted the Presidency of the College in San Diego last fall I said that it was the second highest honor I had ever received. The highest honor was being elected as a Fellow of the College.

Because of the training Regents and State Chairs receive at the Annual Workshops, the quality of the nomination process continues to improve and more of those who are not qualified are discarded early in the proceedings. As a result, a larger percentage of the nominations considered by the Board of Regents at the Spring and Annual Meetings are approved for fellowship. At the Spring Meeting in Boca Raton, for example, approximately 70% of those persons nominated were taken into fellowship.

We have had a slight increase in the number of Fellows in the College over the last few years and that trend continued this year. As more of our members achieve Emeritus Status, however, we must continue to search for those who are exceptionally fine trial lawyers and who also possess the other qualities required for Fellowship, so as to ensure that the College remains strong in the years ahead.

We continue to be in a strong financial posture with adequate reserves and a carefully designed operating budget. Our funds are spent wisely and well, and it is my belief that we can continue this financial strength well into the next century.

By early negotiation of a new five year lease for the College headquarters in Irvine California and an additional five year option, we have assured that the College has a home for the next 12 years. We have increased the size of the office to give our excellent staff sufficient space to perform the myriad support functions required of them. Over the years, I have been quite impressed with the quality of our staff

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and the amazing amount of work which is accomplished in our office.

Recognizing the need for better communications between the leadership of the College and the Fellows spread out across the continent, we are making concerted efforts to improve the quality and the regularity of *The Bulletin*. We have now employed an outside consultant to help us generate an excellent publication on a regular quarterly basis. It is important that all Fellows have the opportunity to be apprised of the accomplishments of the College and our many and varied meetings and activities.

Earlier this year, Marna Tucker, of Washington, D. C., the Chair of our Federal Judiciary Committee, and I appeared before the ABA Commission on Separation of Powers and Judicial Independence on behalf of the College. These are issues which are close to the heart of every trial lawyer. The commission was chaired by our Fellow, Edward W. Madeira, Jr., of Philadelphia and has now completed its deliberations and submitted its final report. Before my testimony, I contacted many Fellows of the College across the country to get their views and ideas on these problems. I believe the final report is excellent and was shaped by the observations and insights suggested to me by the Fellows of the College. Their ideas and suggestions contributed significantly to the commission's understanding of the present day problems confronting the federal judges and affecting judicial independence.

One of the most significant issues which was identified during our preparations for that testimony was the question of Congressional "de-linkage." As most of you will know, the Federal Judges compensation, including cost-of-living increases, is linked with that of Senators and Members of Congress. At the 1997 Spring Meeting, the Past Presidents and the Board of Regents passed a unanimous resolution urging support of legislative "de-linking" of the judges from the Congress. The issue becomes important because Congress doesn't have political courage to raise its own compensation,

even through cost-of-living increases — and thus, the federal judiciary — is denied such increases. Consequently, the income of the federal judiciary has been decreasing at the rate of 4% or 5% a year (in terms of real dollars) for the past several years.

FEDERAL JUDICIARY COMMITTEE

As you will see from the report of the Federal Judiciary Committee set forth in the Committee Reports, the College is making a nation-wide effort to contact Senators and Members of Congress to urge passage of the appropriate legislation. We have received wonderful support from Fellows all across the United States who have spoken to, or written members of Congress and Senators in support of this effort. The legislation is pending, but I have every hope that it will pass this session.

Monographs and other statements of the College on important legal issues have been widely disseminated and have become widely accepted. Because we choose our issues carefully and speak with a balanced voice, judges and legislators pay a great deal of attention to our pronouncements. For example, our monograph containing our analysis of the *Daubert* decision which was published several years ago has now been cited with approval in nearly all the Federal Circuits and has been quoted with approval in many law review articles. Our Code of Trial Conduct has become the standard for trial lawyers in many Jurisdictions. It is widely used as a teaching device in Inns of Court and by the trial bench. I expect that our report on the use of the Federal Rules of Evidence in Sentencing Procedures, which was issued earlier this year, will have a significant impact in bringing fundamental fairness to the pronouncement of sentences in criminal cases.

I have established a Committee of Past Presidents to review existing issues in litigation and trial practice. This committee will make recommendations to the Board of Regents concerning these issues, and which items would be appropriate for a position paper from the College. By choosing our issues carefully and by

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"taking out" a measured, balanced and carefully delineated position, we can continue to have significant impact on the trial practice and the administration of justice. I have asked R. Harvey Chappell, Jr., of Richmond, Virginia, to Chair the Committee and Morris Harrell of Dallas, Texas; Frank C. Jones of Atlanta, Georgia; Gael Mahony of Boston, Massachusetts and Tom Deacy, Jr. of Kansas City, Missouri to serve as members.

The ABA Task Force on Civil Trial Practice Standards issued its Public Comment Draft in May of 1997. The Task Force is being lead by Gregory P. Joseph, Chairman Elect of the ABA Section of Litigation. He is also the Chair of the Downstate New York Committee of the College. Michael Cooper of New York has been our representative on this task force. The standards have been circulated to our committees of the College on Special Problems in the Administration of Justice; Science and Technology in the Courts; Federal Civil Procedure and Complex Litigation. Comments from these Committees will be received by Michael Cooper and transmitted to the task force.

The Foundation of the American College of Trial Lawyers is becoming much more active. This year the Board of the Foundation approved a National Essay Contest on Civility for Law Students. I join Foundation President, Lively Wilson of Louisville, Kentucky — a distinguished Past President of the College — in urging all Fellows to make the Foundation a part of their charitable giving each year. There are many worthwhile projects which can be accomplished through the Foundation to further the aims of the College.

II

THE WORK OF THE COLLEGE

Most of the work of the College is done through the various standing committees. While I will not attempt to describe all of the work

of all the committees, I do want to highlight some of the more productive.

ALTERNATIVE FOR DISPUTE RESOLUTION COMMITTEE

Under the leadership of Chair Shaun S. Sullivan of Hartford, Connecticut, the ADR Committee continues to work on its ongoing project to develop standards for lawyers engaged in arbitration and mediation. The committee has completed its literature survey — as well as its survey of individuals and organizations with mediation experience — to identify subjects to be addressed by the project. The committee hopes to produce an outline for the second phase of the project soon.

ATTORNEY-CLIENT RELATIONSHIPS COMMITTEE

Chair Carman E. Kipp of Salt Lake City, Utah, reports that the committee continues to be active in monitoring the ongoing problems in the area of attorney-client relationships. Specifically, we are sensitive to the questions raised concerning attorney-client privilege and the confidentiality of attorney files, and to the subject of what rules of conduct are applicable to attorneys practicing in more than one jurisdiction.

AWARD FOR COURAGEOUS ADVOCACY COMMITTEE

This committee designated W. Glen How, of Ontario, Canada, for a Courageous Advocacy Award to be presented at the Vancouver portion of the 1997 Annual Meeting. Mr. How represented controversial clients under very difficult circumstances throughout Canada and is well respected by the Canadian Bench and Bar. The Board of Regents approved the presentation of the award and we thank Chair David C. Hilliard and members of his committee for their diligent investigation leading to Mr. How's eligibility for this prestigious award.

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CANADA - UNITED STATES COMMITTEE

The Canada - United States Committee, which deals with issues of special importance to Canadian Fellows, was lead this year by Jack Giles of Vancouver. The committee is involved with three important issues. First, the committee is well along the way to establishing a Canadian National Trial Competition, similar to the one we have in the United States. I believe this competition could be very important in the training of Canadian law students who aspire to become trial lawyers.

Second, the committee has completed the "Canadianization" of the Code of Trial Conduct. It is hoped that this code will have as much impact in Canada as our Code of Trial Conduct has had in the United States.

Finally, the committee has drafted a convention for the reciprocal enforcement of judgments. This is an important effort in attempting to bring recognition to Canadian Judgments in the United States and visa versa. It is an important step in the relationship between the United States and Canada and it is fully appropriate that the Fellows of the ACTL are working to bring this about.

CANADIAN JUDICIARY COMMITTEE

This newly formed committee, under the leadership of Chair Thomas G. Heintzman, Q.C. of Toronto, Ontario, Canada, completed its survey of issues affecting the Canadian judiciary and is continuing to analyze the results. The results of the survey have been authorized for limited distribution to persons working with the Canadian judiciary, for whom the results are meaningful.

COMPLEX LITIGATION COMMITTEE

Chair Edward W. Madeira, Jr. has completed two important reports this year. The ABA Commission on Separation of Powers and Judicial Independence, which he chaired, completed an and extensive report, and he was also able to lead this committee in completing its report on College

involvement in Mass Tort Litigation. The report is the conclusion of several years of study and an extensive survey of the Fellows of the College regarding their experiences in Mass Torts. The report was submitted to the Board of Regents for action at the 1997 Annual Meeting.

EMIL-GUMPERT AWARDS COMMITTEE

One of the hardest working committees in the College is the Emil-Gumpert Awards Committee. This year, under Chair Louis W. Fryman of Philadelphia, Pennsylvania, the award was presented to Stetson University College of Law. Since the Board of Regents raised the amount of the award from \$25,000 to \$50,000 there has been a significant increase in the number of applications for the award filed by law schools around the country. This significantly increases the committee work load. Regent Warren Lightfoot and Chair Fryman attended the Award Ceremony at Stetson University.

FEDERAL RULES OF CIVIL PROCEDURE COMMITTEE

No one has worked harder this year on important College related matters than this committee and its Chair, Robert S. Campbell, Jr. of Salt Lake City, Utah. As Bob noted in the committee's report when I was able to get him to agree to serve as committee chair, I failed to tell him that it was "damn near a full time job," and it has been.

FEDERAL CRIMINAL PROCEDURES COMMITTEE

The Federal Criminal Procedures Committee, led by Robert W. Ritchie of Knoxville, Tennessee — an outstanding criminal defense lawyer — is continuing to review certain aspects of the United States Sentencing Guidelines. Members of the committee are interviewing federal judges in their respective jurisdictions to obtain information and grievances.

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FEDERAL RULES OF EVIDENCE COMMITTEE

Chair Michael A. Cooper of New York had an extremely busy year. His committee completed, "The Law of Evidence in Federal Sentencing Proceedings." This important monograph urges that some of the rules of evidence be applied in certain aspects of sentencing hearings. The report is being circulated to judges, public defenders and prosecutors. In addition, the committee continues to monitor the work of the Judicial Conference Advisory Committee on Evidence Rules.

In addition, of course, Michael Cooper has acted as the point man for the College in reviewing and working on the ABA task force, drafting standards for civil litigation, which I have previously discussed.

FEDERAL JUDICIARY COMMITTEE

Chair Marna Tucker has done a splendid job this year in shepherding the Federal Judiciary Committee through important projects. Her report presents the work on the de-linkage issue and other aspects of the independence of the judiciary linkage issue I discussed above.

FEDERAL JUDICIARY COMMITTEE REPORT

The Federal Judiciary Committee has taken the lead in developing a strategy for the College to help secure cost-of-living increases for federal judges through pending federal legislation. Currently, legislation is pending in Congress which would de-link cost-of-living adjustments for federal salaries from congressional salaries. Action is imminent.

By refusing to raise their own salaries, members of Congress effectively have placed a ceiling on federal judicial salaries because the raises have been linked legislatively. Congress' failure to give cost-of-living increases to federal judges has amounted to a decrease in the judicial salary of \$31,000.

All College members have been alerted to contact their congressional representatives to

support the pending de-linkage legislation. Each State Chair has been provided background information on the legislation and is keeping track of congressional contacts in their state. Those contacts are reported to the staff at ACTL. The Federal Judiciary Committee is also keeping abreast of the continuing congressional movement and is in regular contact with the Administrative Office of the U. S. Courts Judicial Pay Group.

The committee has just completed its position paper on "The Independence of the Judiciary," which has been circulated to the Board of Regents for its review and recommendation. The paper studies the problem of unwarranted attacks on judges and their impact on the independence of the judiciary. The paper provides Regents with a statement and background for responding to attacks as they occur across the country. The committee feels that trial lawyers cannot stand silent as these attacks occur. Numerous professional organizations across the country have taken a formal position on this issue and the College must be among them.

Work also continues with the Federal Judicial Center in assisting in the training of new judges.

HISTORY COMMITTEE

Thanks to Past President and Committee Chair John C. Elam of Columbus, Ohio — and with the help of President Elect E. Osborne Ayscue, Jr. of Charlotte, North Carolina — the History Committee continues its efforts to complete the history of the College by our Semi-Centennial in the year 2000. The writers continue their research and have completed two chapters of the history of the College and are in the process of completing a third.

HONORARY FELLOWSHIP COMMITTEE

Thanks to this committee and the leadership of Past President and Committee Chair Robert L. Clare, Jr. of New York, we took into fellowship two outstanding English Jurists at the Spring Meeting. Lord Browne-Wilkinson and Sir Andrew Leggatt

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add luster to our already quite remarkable list of Honorary Fellows. We also received into Honorary Fellowship Honorable Madam Justice Beverly McLachlin, a Justice of the Supreme Court of Canada, at the Annual Meeting in Vancouver.

LEGAL ETHICS COMMITTEE

Chaired by Murray E. Abowitz of Oklahoma City, Oklahoma, this committee completed a mammoth two-year task and submitted for approval its report on "Fair Trial of the High Profile Case." It is comprehensive and extremely well put together. A dissent by some of the members of the committee has been filed along with the committee report and both have been submitted to the Board of Regents for appropriate action.

MEXICO COMMITTEE

The Mexico Committee, chaired by Philip A. Robbins of Phoenix, Arizona, is in the process of identifying a small group of Mexican lawyers who are considered to be Mexico's best in handling significant criminal and civil dispute in court, or by arbitration. The committee is working on a plan for meeting with this counterpart group to establish informal contacts to develop informational and educational exchanges on cross-border legal issues of interest to U. S., Canadian and Mexican lawyers. Input is invited from any ACTL Fellow who has business or legal contacts in Mexico, or who can assist in identifying Mexican counterparts. The committee continues to get and fulfill requests for the "U.S. Trial Lawyers Brief Guide to U.S.-Mexico Cross-Border Dispute Resolution in Civil Cases."

NATIONAL COLLEGE OF DISTRICT ATTORNEYS

Chaired by John L. Hill, Jr. of Houston, Texas, the committee continues to monitor the College support of the National College of District Attorneys. We provide scholarships for prosecutors to attend the College. The legal and skills training

for NCDL prosecutors is very important in our efforts to improve the criminal justice system.

NATIONAL MOOT COURT COMPETITION

I was pleased to sit as a judge in the finals of the Moot Court Competition, held at the Bar of the City of New York in January. This is a splendid competition with teams from law schools all across the country competing. It is a great experience for participants and certainly has improved the advocacy skills of several generations of lawyers. I am very proud of the work of the College in the important effort of this committee, chaired by Sheldon H. Elsen of New York.

PUBLICATIONS COMMITTEE

The Publications Committee, under the leadership of L.F. Sams, Jr., of Tupelo, Mississippi, continues supervising publication of *The Bulletin*. This year the format was improved and, hopefully, with the addition of expert help, the quality and regularity of *The Bulletin* will continue to improve.

SAMUEL E. GATES LITIGATION AWARD

For the first time in some years, the College presented a Samuel E. Gates Litigation Award. Under the leadership of Beale Dean of Fort Worth, Texas — and after an extensive investigation — the committee unanimously voted to recommend to the Board of Regents that the award be presented to Judge Patrick E. Higginbotham of the United States Court of Appeals, 5th Circuit. The Board of Regents agreed.

SCIENCE AND TECHNOLOGY IN THE COURTS COMMITTEE

The Science and Technology in the Courts Committee works on presentations of visual technique information for the judiciary. Committee Chair J. Ric Gass, of Milwaukee, Wisconsin, made a presentation to the Federal Judicial Center at its National Workshop for Federal Judges.

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SPECIAL PROBLEMS OF THE ADMINISTRATION OF JUSTICE COMMITTEE

Under the leadership of Richard C. Hite, of Wichita, Kansas, the committee continues to monitor the American Law Institute's efforts to draft the Apportionment of Liability Section of the restatement of Law of Torts. The committee is considering whether the College Monograph on Punitive Damages should be revised.

TEACHING OF TRIAL AND APPELLATE ADVOCACY COMMITTEE

Chair Michael B. Keating of Boston, Massachusetts, has worked diligently with this committee to develop a program on "civility" to be used in our Law Schools. Written material and a video depicting the evils of incivility were prepared and submitted to the Regents for approval. After a number of screenings of the video before the Board of Regents, selected groups of Fellows and the state and standing chairs at the Annual Workshops, it was felt that the video was somewhat too draconian and revisions were needed. We are grateful for the work of the committee and we hope that the committee can find a more acceptable video which can be produced to accompany the written materials.

HAIL AND FAREWELL

As you can see from the above, we have accomplished a lot this year and there is still much to do. Projects were completed during my term of office that had been started under previous administrations. Many of the projects that were started during my term of office will be finished in other years. The important work of the College is a continuum which extends well past the term of any President. I am proud of the good things which happened during my term and look forward to the great accomplishments of the College in later years.

It is not, however, the work of the College which I will remember most. What I will remember most

fondly from my year as President is the wonderful friends that I have made from the best of the trial bar all across the country.

During my time as President-Elect Designee, President Elect, and now as President, my wife Linda and I have traveled to almost every State in the Union and to many Canadian Provinces. We were always delighted with the warmth of the hospitality and the friendship extended to us by Fellows of the College and their spouses from all parts of the country. The fellowship among great trial lawyers is a precious commodity. The comradery existing among those lawyers tempered in the fires of adversity and — with courtesy, civility and anchored by a strong sense of ethics — have fought their way to the top of our perilous profession, is very special. They are bound together in ways that are unique. I consider myself extremely fortunate to have been able to partake of that fellowship all across the U. S. and Canada.

I was blessed with a splendid Executive Committee whose guidance and support made the burdens of being President much lighter and contributed in no small part to our success this year. The Committee was composed of Past President Charles Renfrew, President-Elect Ed Brodsky, Secretary and now President-Elect Designee Ozzie Ayscue and our Treasurer Earl Silbert. These are all great men, great lawyers and great friends. I was privileged to work with each of them.

On a sad note, the College lost two of its most beloved Fellows this year.

Past President Bernard Segal died in June. Bernard, who was also a Past President of the ABA, was the quintessential Philadelphia lawyer. He was a warm and wonderful man with a great sense of humor. Although poor health limited his participation in College activities in recent years, he made a great contribution during 1964-65, his Presidential years, and for many years thereafter.

The death of Past President Bill Haight in July of this year came as a terrible shock. Bill had

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apparently been in good health when Linda and I stayed with him and Dodie at their beautiful Santa Monica home at the time of the Southern California Fellows Dinner in late May. Bill gave so much of himself to the College over many years of leadership. No one traveled more widely or was a better ambassador for the College than Bill Haight. Bill was a splendid lawyer and a delightful companion.

Both Bernie and Bill will be sorely missed.

I do not believe it is possible to appreciate fully the quality of service rendered to the American College of Trial Lawyers by Robert Young, our Executive Director, unless you have had the privilege of walking beside him for a year as have I. He is invariably cheerful and great fun to work with. He throws himself into his work with an energy and a dedication which is truly remarkable. His entire being is dedicated to the success of the College. Personal considerations always come second. He works nights and weekends and travels the better part of every month, always on College business. He never failed to return a phone call to me within a matter of 15 minutes, no matter where he was. He has infinite patience and does his best work in times of crisis. He puts our meetings together the way an artist puts together a great work of art, with creative flair and painstaking detail.

Another legal group met in Boca Raton shortly before we did last Spring. They had almost exactly the same number of attendees at their meeting. The only difference was that they had a staff of 26 preparing and carrying out their meeting, while our staff of six — under Bob Young's direction — put on a much better and more detailed meeting. The fact that our national meetings are so well attended is a tribute to the quality of the meetings, which is in great part due to the work of Bob Young.

I am honored to have had the opportunity to work with him during my four years as a Regent and my years as President-Elect and President. He has my deepest gratitude for his help, for his wise counsel and his unfailing support.

I cannot step down as President without saying a proper thank you to Linda. When I became President-Elect Designee, after the Spring Meeting at Amelia Island two and a half years ago, we started traveling extensively to attend College meetings. In that two and a half year period, we have been to some College function at least once every month and sometimes two and three times a month. Linda organized all of our travel and got us to the places we were supposed to be at the times we were supposed to be there. She packed and unpacked for both of us hundreds of times, and I nearly always had what I needed. Although the speaker's platform is not her natural habitat, she made several speeches and did them very well. She listened to the same speeches from me over and over again and heard lots of the same jokes. She always laughed at the right time. She was always positive and upbeat and wonderfully supportive. She loved the fellowship of the College and the people who extended warm hospitality to us as much as I. She did all this, and at the same time became a Dean's wife with all of the faculty and student entertaining that position requires. Thank you Linda. It was a grueling two and a half years. It was wonderful and terrible. I wouldn't have made it without you.

And so I say, "Hail and Farewell." We will miss being at the various meetings of the College across the U.S. and Canada next year, but we will be glad to spend a little more time at home. I look forward to passing into the ranks of the Past Presidents and, hopefully, being able to contribute to the great work of the College and its wonderful fellowship in the years ahead.

The College is in very capable hands with Ed Brodsky as your next President and I wish him every success and offer my full and unqualified support as he leads the College during 1997-98.

Respectfully submitted,

ANDREW M. COATS
President, 1996-1997

Committee News Reports

Attorney-Client Relationships

The ongoing and growing problem of attacks on the time honored lawyer-client privilege and on related rules applying to this relationship were discussed in detail during the meeting in Seattle. Regent Earl Silbert addressed the committee on this subject and a decision concerning the matter is being circulated to committee members for comment, evaluation and response.

President Andy Coats was asked about the subject by a lawyer involved in national litigation. Additional specific information has been requested from counsel involved for distribution to the committee for member's evaluation, input, comments and suggestions.

Carmen E. Kipp, Chair

Access to Justice and Legal Services

During the past quarter, as a result of John's Bouma's work as outgoing Chair, President Coats wrote to all State Chairs in the College encouraging formation of individual Ac-

cess to Justice committees in each of their respective states. Following upon now former President Coats' letter, President Brodsky announced in his inaugural remarks in Seattle that he has made the development of the Access to Justice Committee program a priority during his administration.

Consistent with this support from the leadership of the College, progress has been made in a number of states. The Downstate New York Access to Justice Committee is either handling major active pro bono matters, or are continuing to participate in an instructional program for public interest lawyers, or both. New York Fellows involved in this effort are Walter Barthold, Jim Benkard, David Brodsky, Paul Bschorr, Rob Lankler, Alan Levine, John Siffert, Walter Stratton, Jim Tolan and Frank Wohl. Also, during the past year, New York Fellows Mel Cantor, Joe McCloughlin and Jerry Shapiro are committed to handling such matters.

New York cases include the representation of plaintiffs in a class action in the

Southern District of New York raising Constitutional challenges to the overcrowding and unsanitary conditions in the City's detention cells and court pens. Another case involves the representation of the Center on Social Welfare Policy and Law in a class action pending in the Eastern District of New York. This action was brought on behalf of welfare recipients requesting a timely resolution of fair hearings commenced by them to challenge the termination of their social security benefits. Representation of tenants in a large federally funded housing project in which important issues pertaining to the enforcement powers of HUD are another example of New York cases. Another case involves the representation of the Legal Services Corporation in one of two test cases to determine the constitutionality of the nationwide reduction and funding for the Corporation. Representing a class of welfare recipients in a challenge to New York City's method of calculating hours of workfare required to earn welfare

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benefits is another example of action. Another class action seeks reform of New York City's child welfare system. The first program to instruct public service lawyers has also proved to be a great success.

In addition, without involvement of the New York Committee, College Fellows Tom Barr, David Boise, Torn Curnin, Jeremy Epstein and Dan Kolb, among others, have all personally participated recently in major pro bono efforts.

It has been important in New York that:

(1) cooperation continues to be good with the New York Legal Aid Society and other public interest organizations, each of which has been an important source for cases since the reduction in funding from Legal services Corporation, and

(2) the Committee persist in its bipartisan commitment so that it is not confined solely to legal service cases. Instead, the Committee's activities span the political spectrum.

In addition to the progress in New York, committees in numerous other states have taken important steps. In Arizona,

under the leadership of James Teilborg, discussions with the local bench have lead to the development of a training program for Legal Services lawyers and identification for the bench of the Arizona Committee as a source for referral of significant matters. The Committee in Utah has taken on its first case, with Fellows Paul Felt and Steve Crockett taking the lead. And in Kansas, under the leadership of Jack Focht, contacts have been made with the Kansas Legal Services Corporation. A plan is being developed there for the screening and staffing of cases.

The Florida report is that a committee is about to be formed with State Chair Murray Wadsworth, outgoing Chair Sylvia Walbolt, and Access to Justice Committee Chair Bob Feagin taking the lead. In Oregon, a committee is being formed with Fellows Bill Crow and Gary Kahn directing the effort. They have met with the Legal Services Corporation in Oregon and are working with that organization.

At the Annual Meeting in Seattle, the national committee resolved, among other things, to continue to directly encourage state chairs to form access to jus-

tice committees. The committee also offered to provide additional materials to those new state chairs who may not have them. The committee, working with Regent Stewart Shanor, will continue to encourage a broad-based commitment, and to approach especially new admittees to serve on state access to justice committees. The committee also hopes the Board of Regents will consider providing a national award to individual Fellows for outstanding public service in providing pro bono assistance.

Dan Kolb, Chair

Alternative Dispute Resolutions

Judge McGarr, Dean Hoefflich, Chair Shaun S. Sullivan and five other members of the ADR Committee participated in an October conference call to discuss proposed standards. Members of the McGarr Subcommittee will submit recommendations for proposed standards to Judge McGarr and additional conference calls will be scheduled as needed.

Shaun S. Sullivan, Chair

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Canda-U.S. Committee

A proposal for a form of convention for the reciprocal enforcement of money judgments obtained in civil actions in Canada and the United States — made unanimously by the previous committee — is being forwarded to the Regents.

A Canadian Code of Trial Conduct, drafted by Earl Cherniak, Q.C., is also being forwarded to the Regents for their approval.

A project to establish a national Moot Trial Competition in Canada paralleling the United States model was inherited from the previous committee. Robert Armstrong, Q.C. and Regent David Scott, Q.C. continue to steer this project on behalf of the committee.

The new committee is considering two new projects. The first is the formulation of a recommendation to the Regents concerning reciprocal admission of trial counsel *pro hac vice* in both countries. Second, the committee has undertaken the drafting of a form of convention between Canada and the United States providing for the adoption of reciprocal procedures for the gathering of evidence.

Jack Giles, Chair

Emil Gumpert Award Committee

The Emil Gumpert Award is presented annually to a law school in the United States or Canada which has achieved a level of excellence in the teaching of trial advocacy worthy of special recognition. In 1997 the Award was given to Stetson University.

Last year, the committee received 17 applications and has currently received eight for this year. Fellows should encourage law schools which they believe merit recognition to submit applications. The award includes a \$50,000 grant and further information can be obtained by contacting Executive Director Robert Young.

Federal Civil Procedure Committee

The Federal Civil Procedure Committee has a heavy agenda for the upcoming year. Proposed amendments to the federal class action Rule 23 are still being reviewed and recommendations will be made to the U.S. Judicial Conference Advisory Committee on the Federal Rules of Civil Procedure. The Committee will

attend several public hearings, scheduled by the Judicial Conference Standing Committee, before the proposed Rule 23 amendments go to the Judicial Conference itself.

The Committee will meet this fall in Richmond, Virginia, to review various proposals to amend the federal discovery rules in light of a report laid before Congress by the Rand Institute for Civil Justice under the Civil Justice Reform Act of 1990.

The College committee's proposal to amend federal Rule 26(b)(1) has received widespread attention and is presently under review by the Judicial Conference Advisory Committee. The committee is also in the midst of a study on the legal and social policy underpinning the 12-person jury practice in civil cases. A Report will be issued to the Regents in the course of the year's work project.

Robert S. Campbell, Jr.,
Chair

Federal Judiciary Committee

The Federal Judiciary Committee is embroiled in several issues that have been

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ACTL Calendar of Events

1997

November 12
Colorado Fellows-Only

November 14
Oregon Fellows Annual Meeting & Dinner
River Place Hotel
Portland, OR

December 5
Mississippi Fellows Dinner
Jackson Country Club
Jackson, MS

December 6
Louisiana Fellows Dinner
Windsor Court Hotel
New Orleans, LA

December 6-7
Executive Committee Meeting
Windsor Court Hotel
New Orleans, LA

1998

January 15
Quebec Province Black-Tie Dinner
St. James Club
Montreal, Quebec, Canada

January 23
Northern California Annual Dinner

January 26-29
National Moot Court
Final Rounds
TBD
New York, NY

January 30-31
Virginia Annual Black Tie
Dinner/Brunch
Commonwealth Club
Richmond, VA

February 26-March 1
South Carolina Annual Meeting
The Cloister
Sea Island, GA

March 5-7
National Trial Competition
TBD
San Antonio, TX

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

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

May 1-3
AR, MS, LA & TX
Regional Meeting
Lake Hamilton Resort
Hot Springs, AR

May 14-17
DNY-CT-VT Canada
Regional Meeting
Elbow Beach Hotel
Burmuda

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

August 14-15
Iowa Fellows Summer Meeting
Village East
Okoboji, IA

September 10-13
Eastern Chairs Workshop
The Greenbrier
White Sulphur Springs, WV

September 24-27
Western Chairs Workshop
The Inn at Spanish Bay
Pebble Beach, CA

October 24-28
Board of Regents Meeting
London, England

October 29-November 1
Annual Meeting
London, England

November 2-4
Rome Conference
Rome, Italy

November 19-21
Oregon Fellows Meeting
TBD

1999

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

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

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

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

October 28-31
ACTL Annual Meeting
Philadelphia, PA

2000

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

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high profile across the country.

De-linkage of Judicial and Congressional Salaries.

The College, on the Committee's recommendation, has organized a national effort to have Fellows contact members of Congress to gain passage of cost-of-living increases for federal judges and separate consideration of these raises from pay raises for Members of Congress.

Independence of the

Judiciary. The committee is developing a succinct statement that would allow the College to engage in future activities that would prevent threats to judicial independence, both at the state and federal level. The committee has prepared a lengthy statement that is being revised and coordinated with the State Judiciary Committee.

Questioning of Judicial Nominees in Confirmation Process. The Committee is concerned about a number of problems that have occurred in the federal judicial confirmation process that impact on the independence of the judiciary. These abuses are being reviewed and, hopefully, appropriate

standards for the confirmation process will be made to determine what steps the College should take.

Inaction on Judicial Nominees. The committee is concerned about the slow pace in filling federal judicial vacancies and is taking steps to assure that the existing vacancies are filled expeditiously. A statement is being drafted that will summarize the status of vacancies and their impact on the movement of cases through the courts.

Spirit of Ninth Circuit. The U.S. Senate attached a rider to an appropriations bill that would split the Ninth Circuit into two Circuits. No public hearing was held on the rider. Earlier, the House of Representatives passed a bill that would call for a bipartisan study of the Federal Courts that would include consideration of what should be done with the courts of appeals. The committee is reviewing what action the College can take to assure that reasoned deliberation takes place on such important issues.

Marna S. Tucker, Chair
International Committee
Through the United

States Information Agency and the U.S. Agency for International Development, the committee continues to explore the possibility of legal exchanges with other countries. Currently, South Africa is under consideration.

The committee is exploring the possibility of having short papers prepared on various aspects of the American legal system. These would be similar to "The Art of Advocacy" paper prepared by committee members for Russia several years ago. The papers would be translated and used by lawyers and judges from other countries. Papers are particularly needed for Latin American, African and Asian countries. A list of proposed topics will be circulated to committee members in the coming months.

The committee will also continue to work with the International Judicial Relations Committee of the Judicial Conference of the United States in support of its activities. That committee is currently planning to conduct several seminars for judges and legal officials from other countries. Various members of the College may be asked to participate

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by making presentations.

James G. Apple, Chair

National Trial Competition Committee

The National Trial Competition finals will be held in San Antonio, Texas on March 5, 6 and 7, 1998. As is customary, the College will sponsor a reception for the participants and their coaches on Thursday evening of the competition. The 19 members of the committee will serve as both presiding judges and jurors for the preliminary rounds, as well as for the quarterfinals, semifinals and finals of the competition. In keeping with recent tradition, it is anticipated that President Edward Brodsky will serve as the presiding judge for the finals competition to be held on Saturday afternoon, March 7, 1998.

The winning team in the 1996 National Trial Competition was from the law school at Northwestern University in Chicago, Illinois.

James J. Virtel, Chair

Legal Ethics Committee

The meeting of the sub-

committee for the development of a teaching syllabus for the Code of Trial Conduct was held in Seattle in September. As a result of that meeting, it was determined by the subcommittee that they would have a discussion draft of the teaching syllabus prepared for consideration of the entire committee at the Spring 1998 meeting.

A meeting of the full membership of the Legal Ethics Committee also took place during the Seattle meetings. Regent Stuart D. Shanor noted that the committee report on *Fair Trial of the High Profile Case*, and the minority report, were submitted to a committee of the Regents by President Brodsky for further review. Members are hopeful the conclusions of that committee will be available at the Spring 1998 meeting.

A discussion concerning the revision of Section 3.6 of the By-Laws occurred in which the revision, adopted by the Regents, regarding the obligation of self-reporting was identified. That revision resulted from a recommendation of the Legal Ethics Committee to revise that portion of the

By-Laws. That revision apparently has been little noticed and will be highlighted during the workshop sessions.

Murray E. Abowitz, Chair

Professionalism Committee

The first project of the Professionalism Committee for the coming year will be the publication of a handbook on the contributions of lawyers to American society. It will start with the founding of our country and will explore such items as the Declaration of Independence, in which 30 of the 56 individuals who signed the Declaration were lawyers. It will then shift in time to the Constitutional Convention in which 31 of the 55 delegates who met in Philadelphia were attorneys. The handbook will explore the contributions made by our nation's Presidents. Of the 42 Presidents, 25 were lawyers. It will discuss many aspects of our lives that have been significantly influenced by honorable men and women who served our society as lawyers.

It is an exciting project that the committee has al-

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ready started work on.

Eugene A. Cook, Chair

**Samuel E. Gates
Litigation Award
Committee**

Judge Patrick E. Higginbotham of the Fifth Circuit Court of Appeals received the Samuel E. Gates Litigation Award during the final day of the Annual Meeting in Seattle.

While there is no requirement that an award be made each year, the committee shall consider lawyers who have made a significant contribution to the improvement of the litigation process and who would be deserving recipients of the award. The committee invites suggestions for qualified awardees to be made substantially in advance of our meeting in March 1998 during the ACTL Spring Meeting at Marriott Desert Springs, Palm Desert, California. Nominations should include a summary of the work done by any proposed recipient qualifying them for the award. Although the recipient need not be a Fellow of ACTL, he or she must be a lawyer who has made a significant contribution to the

improvement of the litigation process.

Past recipients of the award are shown on page xv. of the 1997 ACTL roster, to which Judge Higginbotham's name will now be added.

Breale Dean, Chair

**State Judiciary
Committee**

The State Judiciary Committee's charge from the Board of Regents is, in conjunction with the State Committees, to:

- a. promote merit selection of judges;
- b. support reasonable salaries and sufficient court funding;
- c. support studies on the future of the courts in the various states and, where possible, cause members of the College to be appointed to the commissions carrying out such studies; and
- d. conduct such other activities as are assigned to it from time to time by the Board of Regents.

This committee continues to seek the guidance of, and offer our assistance to, all of the State Committees. Committee members have shared the notion that merit selection of judges is a sound idea. At the same

time, committee members recognize the view that there may be as many differing views of the definition of merit selection as there are states, taking into account their unique political histories and systems. Further, a few recent public instances of questionable judicial conduct, as well as unjustified attacks upon state judges, may suggest the wisdom of some ultimate control over state judges and their judicial appointees, at some point or points after selection. In any debate over varying state merit selection processes, the College's commitment to speak with one voice and its reticence to become involved in political matters are guideposts for the committee's work while it seeks to finalize the goal of merit selection of state judges.

While recognizing the variety of legitimate perceptions of merit selection, the committee nevertheless felt, as reflected by our charge, that merit selection is a worthy goal. The committee felt it could be of service to State Committees by assembling materials on judicial selection, particularly

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New Fellows Inducted During 1997 Annual Meeting in Seattle

The College welcomes the following Fellows who were inducted into Fellowship during the 1997 Annual Meeting in Seattle, Washington.

ALABAMA

Randy Beard
Guntersville

Michael A. Florie
Birmingham

ARIZONA

Michael L. Piccarreta
Tucson

NORTHERN CALIFORNIA

William B. Smith
San Francisco

Douglas R. Young
San Francisco

SOUTHERN CALIFORNIA

Frederick L. McKnight
Los Angeles

DELAWARE

Rudolf E. Hutz
Wilmington

Nicholas H. Rodriguez
Dover

WASHINGTON, D.C.

Vincent H. Cohen
Washington

Daniel G. Grove
Washington

David J. Hensler
Washington

Dwight D. Murray
Washington

Irvin B. Nathan
Washington

FLORIDA

L. Louis Mrachek
West Palm Beach

MASSACHUSETTS

Richard P. Campbell
Boston

Daniel J. Gleason
Boston

Oliver C. Mitchell, Jr.
Boston

MICHIGAN

Jeremiah J. Kenney
Detroit

MINNESOTA

R. Schott Davies
Minneapolis

Steven J. Kirsch
St. Paul

MISSISSIPPI

William M. Dalchite, Jr.
Jackson

James O. Dukes
Gulfport

P. N. Harkins, III
Jackson

Christy D. Jones
Jackson

Charles T. Ozier
Jackson

NEBRASKA

John P. Mullen
Omaha

NEVADA

J. Mitchell Cobeaga
Las Vegas

Gary Logan
Las Vegas

Robert H. Perry
Reno

Eric Zubel
Las Vegas

NEW JERSEY

Donald R. Belsole
Morristown

DOWNSTATE NEW YORK

Martin R. Gold
New York

Jesse J. Jenner
New York

John J. Tighe, Jr.
New York

NORTH CAROLINA

Joseph T. Carruthers
Winston-Salem

John D. Warlick, Jr.
Jacksonville

OHIO

Bruce B. McIntosh
Cincinnati

David Winchester Peck
Cincinnati

OKLAHOMA

Bob Rabon
Hugo

Stephen J. Rodolf
Tulsa

OREGON

Steven H. Pratt
Medford

PENNSYLVANIA

G. Daniel Carney
Pittsburgh

Daniel G. Flannery
Wilkes-Barre

Timothy E. Foley
Scranton

Philip B. Friedman
Erie

Lawrence T. Hoyle, Jr.
Philadelphia

T. M. Kittredge
Philadelphia

Samuel E. Klein
Philadelphia

Howard F. Messer
Pittsburgh

C. Edward S. Mitchell
Williamsport

Alfred W. Putnam, Jr.
Philadelphia

James J. Restivo, Jr.
Pittsburgh

Joseph F. Roda
Lancaster

Roger H. Taft
Erie

Ralph G. Wellington
Philadelphia

PUERTO RICO

Eugene F. Hestres-Velez
San Juan

Joaquin Monserrate-Matienzo
San Juan

SOUTH CAROLINA

Saunders M. Bridges, Jr.
Florence

Robert W. Dibble, Jr.
Columbia

Michael J. Giese
Greenville

SOUTH DAKOTA

Edward C. Carpenter
Rapid City

VERMONT

Karen McAndrew
Burlington

VIRGINIA

William D. Cremins
Fairfax

WASHINGTON

Mark S. Clark
Seattle

Judy Clarke
Spokane

WISCONSIN

Webster A. Hart
Eau Claire

John W. Markson
Madison

Michael L. Zaleski
Madison

BRITISH COLUMBIA

James S. Carfra, Q.C.
Victoria

ONTARIO

Michelle Fuerst
Toronto

**ACTL Fellows
Appointed
To The Bench**

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

Walter W. Bussart of Lewisburg, Tennessee, appointed to the Court of Appeals for the State of Tennessee.

William J. Cook of Haddonfield, New Jersey, appointed Judge of the Superior Court of the State of New Jersey.

Larry A. Burns of San Diego, California, appointed United States Magistrate Judge, United States District Court, Southern District of California.

Donald G. Jacobsen of Bartow, Florida, appointed Circuit Court Judge, 10th Judicial Circuit, Polk County Courthouse. □

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those related to judicial selection reform, from the several states. That process is underway but needs to be expanded in future committee work.

On particular occasions, the committee used the good offices of Chief Justice Norman Veasey of Delaware for identification of possible projects to support state judiciaries. Also, on occasion, the committee has been contacted to consider individual cases of a perceived act of judicial misconduct, or to take action to help assure the independence of the judiciary. Because there are many other arenas available for investigation or action on such issues, the committee has not actually involved itself in these issues at this time. The committee may well provide assistance in these areas should an appropriate situation be presented to it.

At the recommendation of Regent Jerome Graham, the committee will undertake — on an ongoing basis with the Committee on Legal Ethics — to distribute the College's Code of Trial Conduct to state judges. The Legal Ethics Commit-

tee Chair has accepted and endorsed this proposal.

During this upcoming year, the committee will put more effort into the goal of merit selection and also on steps that can be taken to assure the selection of quality and fair-minded state judges. Along with this ongoing plan, a survey of reasonable compensation goals for the state judiciary will also be pursued. Obviously, the committee welcomes any input or request for action from any Fellow and appropriate action will be taken on any request. Please do not hesitate to contact me with any of your thoughts, questions or suggestions. Further, there are a number of new committee members this year and Regent Thomas R. Lemon is the committee's new liaison with the Board of Regents. In the upcoming year, the committee will formulate a broader and more detailed plan for meeting the committee's purposes throughout the years.

George E. Feldmiller, Chair

Teaching of Trial and Appellate Advocacy

The charge of this committee is to involve the College in the teaching of trial and appellate advocacy, particularly in law schools. With the problems of professionalism and ci-

vility which exist throughout the country, this charge becomes a challenge. The predecessor committee worked very hard on a program to be presented by members of the College to law schools across the country. The subject of the program was civility and professionalism. While the concept for the program and the syllabus were well received, the accompanying videotape was felt by the Board of Regents to represent overly extreme examples of the problem, and the College was concerned that law students would be left with the impression that the conduct in the video represented the norm. The current committee will examine whether, and how, the proposed program might be reformatted to utilize the work of the prior committee. At the same time, we will look for new avenues to accomplish our charge. We will be calling upon members of the College through State Committees to assist in the implementation of the program, once it is established.

J. Robert Elster, Chair