



# JOURNAL

THE AMERICAN COLLEGE OF TRIAL LAWYERS

ISSUE 100 | FALL | 2022

## INCOMING PRESIDENT SUSAN HARRIMAN HAS REAL MOXIE

Page 17



**CHANCELLOR-FOUNDER**  
**HON. EMIL GUMPERT** (1895-1982)

#### OFFICERS

**MICHAEL L. O'DONNELL** President  
**SUSAN J. HARRIMAN** President-Elect  
**WILLIAM J. MURPHY** Treasurer  
**RICHARD H. DEANE, JR.** Secretary  
**RODNEY ACKER** Immediate Past President

#### BOARD OF REGENTS

<b>RODNEY ACKER</b> Dallas, Texas	<b>ROBERT P. MACKENZIE III</b> Birmingham, Alabama
<b>PETER AKMAJIAN</b> Tucson, Arizona	<b>CAREY E. MATOVICH</b> Billings, Montana
<b>CHERYL A. BUSH</b> Troy, Michigan	<b>WILLIAM J. MURPHY</b> Baltimore, Maryland
<b>JOE R. CALDWELL, JR.</b> Washington, D.C.	<b>MICHAEL L. O'DONNELL</b> Denver, Colorado
<b>RICHARD H. DEANE, JR.</b> Atlanta, Georgia	<b>G. MARK PHILLIPS</b> Charleston, South Carolina
<b>DAN S. FOLLUO</b> Tulsa, Oklahoma	<b>LYN P. PRUITT</b> Little Rock, Arkansas
<b>SANDRA A. FORBES</b> Toronto, Ontario	<b>CATHERINE M. RECKER</b> Philadelphia, Pennsylvania
<b>SUSAN J. HARRIMAN</b> San Francisco, California	<b>JEFFREY E. STONE</b> Chicago, Illinois
<b>LARRY H. KRANTZ</b> Cedar Rapids, Iowa	<b>MICHAEL J. SHEPARD</b> San Francisco, California
<b>GREGORY M. LEDERER</b> Cedar Rapids, Iowa	<b>MICHELE C. AWAD, Q.C.</b> Halifax, Nova Scotia

#### EDITORIAL BOARD

**Robert L. Byman (Editor)** Chicago, Illinois  
**Elizabeth K. Ainslie** Philadelphia, Pennsylvania  
**Lisa G. Arrowood** Boston, Massachusetts  
**Carol Elder Bruce** Washington, District of Columbia  
**Brian J. Gover** Toronto, Ontario  
**David G. Hanrahan** Boston, Massachusetts  
**Lynne D. Kassie, Ad. E.** Montréal, Québec  
**David N. Kitner** Dallas, Texas  
**Kevin J. Kuhn** Denver, Colorado  
**Carey E. Matovich** Billings, Montana  
**Lorna S. McClusky** Memphis, Tennessee  
**Clarence L. Pozza, Jr.** Detroit, Michigan  
**Paul Mark Sandler** Baltimore, Maryland  
**Stephen G. Schwarz** Rochester, New York  
**J. Walter Sinclair** Boise, Idaho  
**Dennis R. Suplee** Philadelphia, Pennsylvania  
**Mark C. Surprenant** New Orleans, Louisiana  
**Chilton Davis Varner** Atlanta, Georgia  
**Sylvia H. Walbolt** Tampa, Florida  
**E. Osborne Ayscue, Jr. (Editor Emeritus)** Chapel Hill, North Carolina

American College of Trial Lawyers

## JOURNAL

**THE NATIONAL OFFICE** ACTLJOURNAL@gmail.com  
For all comments, inquiries, and submissions

**MANAGING EDITOR** Sarah Stokes

**DESIGN DIRECTOR** Liz Doten

**EXECUTIVE DIRECTOR** Dennis J. Maggi, CAE

American College of Trial Lawyers  
1300 Dove Street, Suite 150, Newport Beach, California 92660  
949.752.1801 | www.actl.com

Copyright ©2022

# contents

## FEATURES

From the Editor	2
President's Perspective	5
Incoming President - Susan Harriman	17
Region XIII Meeting	21
Region VI Meeting	23
Region VII Tri-State Meeting	25
Rule of Law Forum	27
Diversity in the Courtroom	31
Career Evolution - Steve Patton	33
Medal of Freedom - Fred Gray	38
Judicial Training	39
Book Review: Business and Commercial Litigation in Federal Courts	41

## IN (ALMOST) EVERY ISSUE

All In The Family	45
Heritage of the College	49
Heroes Among Us	53
Fellows to the Bench	57
Foundation Update	59
War Stories & Quips	61
In Memoriam	65

## ANNOUNCEMENTS

Next Meeting Announcement	4
Upcoming Events	86



CONTRIBUTIONS OR SUGGESTIONS TO ACTLJOURNAL@GMAIL.COM

# LETTER FROM THE EDITOR

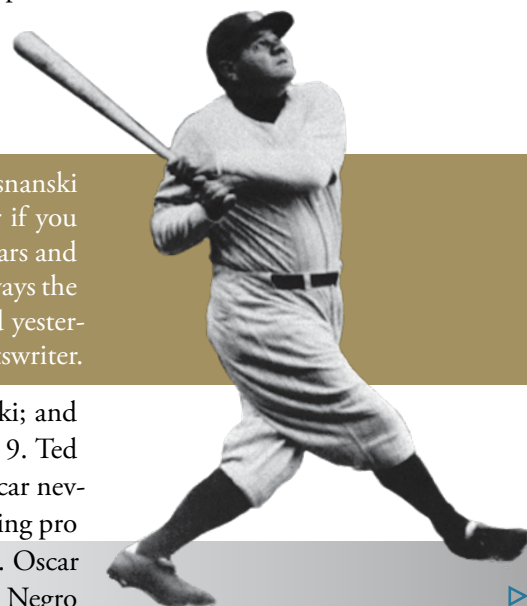
AS I COMPOSE THIS, IT'S THE END OF JUNE 2022. UKRAINE IS STILL VALIANTLY FIGHTING RUSSIA. I'D LIKE TO WRITE ABOUT THAT. BUT BY THE TIME YOU READ THIS IN SEPTEMBER, WILL UKRAINE STILL EXIST? HOW CAN I WRITE ABOUT IT WITHOUT A WINDOW INTO THE FUTURE?

The Supreme Court has just issued *Dobbs v. Jackson Women's Health*, erasing the right to abortion that has been recognized for more than five decades. I'd like to write about that. But the author of that opinion, and the Justices who joined it, are all now or will soon be Fellows of the College. I suspect that we have many Fellows who are thoroughly elated, and an equal number who are utterly appalled, by the opinion. So how can I, in the *Journal*, express my personal opinion without trampling our core value of collegiality? The Court has also just issued *New York State Rifle & Pistol Association, Inc., et al. v. Bruen*, overturning a century-old law requiring a license to carry a handgun in public in Manhattan. Boy, I'd like to write about that. But nothing screams "POLITICAL" quite like guns and gun rights. So how can I, in the *Journal*, express my personal opinion without trampling our core value of being non-political?

What *can* I write about? Hmm, how about baseball? Can I write about baseball without offending all that is dear to the College? Let me try.

I just finished reading *The Baseball 100* by Joe Posnanski, in which Posnanski ranks the 100 greatest ball players of all time. If you like baseball, or if you simply like good writing, and if you need a break from fretting over wars and constitutional controversies, I commend it to you. Sportswriters are always the best writers. They have to be, since their job is to make a game played yesterday come explosively alive today. And Posnanski is an exceptional sportswriter.

By Posnanski's reckoning, the 100th best player of all time was Ichiro Suzuki; and the Number One player was Willie Mays. Ruth was number 2. Musial was 9. Ted Williams 6. Satchel Paige 10. Number 5 – Oscar Charleston. Wait, who? Oscar never played a day in the Major Leagues. Oscar and Babe Ruth both started playing pro ball in 1914. Babe played in Boston and New York in the American League. Oscar was black and thus not allowed in that league at that time; he played in the Negro





Leagues. But Oscar posted an OPS+ over 250 (100 is average) twice in his career; Babe Ruth only once, Willie Mays never. Ruth's lifetime batting average was .342; Mays' was .301; Oscar's was .364. Do the math.

If you are wondering why the Say Hey Kid beat out the Babe for first place, don't sweat it. Posnanski finally explains that a number of his rankings are arbitrary and capricious. Joe DiMaggio is ranked 56, not because fifty-five players were better than him but because 56 was his hitting streak number. Jackie Robinson was ranked 42 because his uniform number, maybe the most famous number in sports history, was 42. Two players tied for 20th so that 19 could be skipped and left blank in dark homage to the 1919 Black Sox scandal.

The book is filled with wonderful memories it helped me recall, and gems I never knew. Like that Yogi Berra, before he ever played, was at Utah Beach on D-Day. Like that Ted Williams missed five seasons in his prime flying fighter planes in two wars.

Like the Honus Wagner baseball card. I have always known, vaguely, that the Wagner card is the *sine qua non* of rarity, of baseball trivia. And thanks to Posnanski, I finally now know why.

Wagner played professional ball for twenty-one years, mostly for Pittsburgh, mostly as a shortstop. His lifetime batting average was .328. He had 3420 lifetime hits. And he was, unlike Ty Cobb or Rogers Hornsby who were considered terrible human beings, a sweetheart of a person who never once turned away a kid for an autograph. He was the best known and best liked player of his time. So, of course, his baseball card would have been something to collect.

Now, I did not know this. When I grew up, I got my baseball cards by buying Topps Chewing Gum – a slab of gum roughly the same shape and about as tasty as the five trading cards it was packaged with. Until I read Posnanski's book, I thought trading cards always came with gum. But trading cards, it turns out, have been around almost as long as baseball, and in Wagner's day, chewing gum had not yet been invented. If you wanted to chew, it was tobacco. So trading cards were packaged with cigarettes and openly marketed to teenagers. In 1909, the American Tobacco Company came out with a set of 524 cards, now known as the T206 series. It is unclear whether the Company was scrupulous about getting the legal rights to use likenesses of all 524 players, but Wagner was too important



a player not to try. So the Company gave a Pittsburgh sportswriter, John Gruber, \$10 – which in 1909 was about a weekly wage for most families – to ask Wagner for permission. Honus responded “I don't want my picture in cigars” and refused to give permission. But he was a sweetheart; he sent a check for \$10 to Gruber so that he wouldn't be out the money. Gruber never cashed the check; he framed it. By that time, the Company had already printed something like 50 – 200 Wagner cards; the few that had been printed remained in circulation. When the T206 program ended in 1911, a total of 370 million cards – roughly 700,000 per player – had been sold. So a Wagner card was rare indeed. Two have commanded prices over \$3 million at auctions. But the \$10 check proves that Wagner was more rare than his card.

Back to Number One. Willie Mays played twenty-three seasons in the Majors – it would have been twenty-four but for his Korean War service. He had 3293 hits and 660 homers. He was Rookie of the Year, a two-time MVP and an MVP contender thirteen other times. He was selected to the All-Star team twenty-two of his

twenty-three seasons. But maybe more important, Willie played with infectious joy and enthusiasm. Posnanski explains “When a magician performs magic, it doesn't mean anything unless there is someone at the other end feeling wonder.” Willie is Number One because of “say hey,” because of *the catch*, because he “has always made kids feel like grown-ups and grown-ups feel like kids. In the end, isn't that the whole point of baseball?”

So, I would have preferred to have written about guns, war and abortion, but failing that, baseball isn't bad. After all, it's still America's pastime. And when we think about guns, war and abortion, a pastime is exactly what we need.

\* \* \* \* \*

We have another great issue for you. We welcome a new President. We recount a slew of Regional Meetings. We share a few war stories and tell the story of a Fellow who served in the biggest battles of two separate wars. We say farewell to nearly one hundred Fellows. And more.

**Bob Byman**

# 2023



# Spring Meeting

**THE RITZ-CARLTON | KEY BISCAYNE | MIAMI, FLORIDA**

The College is proud to showcase distinguished speakers and an outstanding CLE program.

*Save the Date*


## FEBRUARY 23-26



# PRESIDENT'S PERSPECTIVE

THIS REPORT MARKS THE END OF THE 2022 PRESIDENTIAL TERM REPRESENTING THE COLLEGE'S 72ND ANNIVERSARY AS THE LEADING ORGANIZATION OF TRIAL LAWYERS IN NORTH AMERICA. THIS YEAR HAS SEEN THE EBB AND FLOW OF THE PANDEMIC, ECONOMIC CONCERNS, MASS SHOOTINGS, WAR IN UKRAINE, AND ATTACKS ON THE RULE OF LAW. THESE ISSUES HAVE PRESENTED CHALLENGES FOR MANY AMERICAN AND CANADIAN FAMILIES, INCLUDING MEMBERS OF OUR OWN COLLEGE FAMILY. THROUGH THE EFFORTS OF OUR NATIONAL OFFICE STAFF, EXECUTIVE COMMITTEE, BOARD OF REGENTS, AND FORTY GENERAL AND SIXTY-TWO STATE/PROVINCE COMMITTEES, THE WORK OF THE COLLEGE HAS CONTINUED.

---



Our last two Presidents, Doug Young and Rodney Acker, along with their spouses, Terry and Judy, dealt with the worst of the pandemic. After the Tucson meeting in March 2020, travel became difficult with in-person meetings cancelled. College meetings were operated on virtual platforms. The 2020 Annual Meeting was conducted by President Young and President-Elect Acker via Zoom from a studio in California. Shortly thereafter, President Acker and I conducted the Leadership Workshop from the same studio in California with all Regents, Chairs, and staff participating remotely. President Acker and I repeated the virtual platform for the 2021 Spring Meeting, which had been scheduled for Maui, Hawaii. Not only did Doug and Rodney continue the important work of the College

remotely, in many ways it flourished under their leadership. I thank them and the leaders we have served with on the Executive Committee (Past Presidents Sam Franklin and Jeff Leon, President-Elect Susan Harriman, Treasurer Bill Murphy, Secretary Rick Deane, and Secretary-Designate John Day) for their selfless service to our beloved College. Fortunately, Rodney was able to lead us at the Chicago meeting in the Fall of 2021, our first in-person national meeting since March of 2020.

Recalling the final reports of my predecessors, we are struck by how many of them have used "Gratitude" as the theme of their final reports. There is no better word to express our own feelings about this past year. Brett and I are grateful to Doug, Rodney and the Executive Committee members and their spouses who have been an extraordinary source of counsel, support, and friendship. Despite the lack of in-person gatherings for about fifteen months in 2020 and 2021,

we met virtually throughout the pandemic. I can't recall a single occasion when the Executive Committee made any decision without unanimous consent and every discussion was collegial, respectful, and consistent with College values. The College is in great hands with President-Elect Susan Harriman. Our Fellows will appreciate and embrace Susan's joyful outlook along with her energy and passion for the College.

We are grateful for the work and support of the Regents and Past Presidents who comprise the Board of Regents. We will miss outgoing Regents Michael Shepard, Joe Caldwell, Larry Krantz, and Sandy Forbes, and welcome their successors Bill Keane, Greg Wells, Richard Strassberg, and Bernard Amyot. Thank you for your past and future service to the College.

We lost Rita Silverman, wife of Past President Leon Silverman, and Morgan Varner, husband of Past President Chilton Davis Varner. They will be missed.

We are grateful for the General Committee Chairs, Vice-Chairs, and Fellows whose work on committees helped achieve the goals and mission of the College. We are grateful to the State/Province Chairs, Vice-Chairs, and Fellows who welcomed us with open arms to the thirty-five locations in the United States and Canada we travelled to this year. Each stop presented special memories which we will never forget. Because Past President Doug Young and Terry and Past President Rodney Acker and Judy had very few opportunities for travel during their tenures, they joined us for a few trips. The generosity and kindness of our Fellows at each stop was remarkable. The lunch and dinner meetings, speakers, museums, and sights created a lifetime of special memories for us.

## EXECUTIVE COMMITTEE AT RETREAT



Executive Committee at Retreat

We are grateful for our National Office staff which skillfully transitioned us from in-person to remote to hybrid meeting formats. Our staff is dedicated to the mission and goals of the College. We thank Dennis Maggi (Executive Director); Amy Mrugalski (Senior Strategic Initiatives Manager), Suzanne Alsnauer (Senior Meetings and Conference Manager), Geri Frankenstein (Senior Manager, Membership), Sarah Stokes (Senior Communications Manager), Kim Klingaman (Meeting Project Coordinator), and Cheryl Castillo (Office Administrator and Accounting), for their support and dedication throughout this year.



Serenaded by a bagpiper at Michigan Fellows Dinner at Crystal Downs

I am grateful for having had extraordinary mentors. In the last *Journal*, Past President and Editor of the *Journal* Bob Byman emphasized the importance of having mentors: "There is always time until there isn't. Mentors are important. Important to have them, important to be them. Important to remember them." I acknowledge my four primary mentors with my gratitude and love. My father was my first mentor. He was an architect, a Fellow of the American Institute of Architects, and a man of great integrity and thoughtfulness. "What would Dad do?" is the right question whenever I am faced with an ethical dilemma. My first professional mentor was my former partner Bill Steele, a Fellow and Former Regent of the College. He exuded professionalism. My final two mentors have been my partners Mal Wheeler and Jack Trigg, both Fellows of the College and men of great skill and judgment. Their moral compasses point due north...always. As you can see, the mentorship of "Fellows" has significantly impacted the arch of my life and career. I hope all of us have mentors and are mentors. ▶

Finally, I am grateful for the love and support of my partners and colleagues at Wheeler Trigg O'Donnell, my executive assistant Jenny Pointer, and my family. I used the word “we” in the above paragraphs because Brett is an integral part of every aspect of my personal and professional lives. She is a lawyer by education and training, but voluntarily gave up her career to support and raise our family, including me in many respects! She is unfailingly positive, kind, gracious, patient, and supportive as she guides and counsels me. She has represented the College with grace and dignity. She is the love of my life.

The College has been very active this year. The following summarizes the activities of some of our General Committees:

- Access to Justice and Legal Services — Chair Mark Surprenant and his committee are working on a Pro Bono CLE program for November 2022. The committee also collaborates with the Distinguished Pro Bono Fellows Committee.
- Adjunct Fellowship — Chair Adam Peck and the committee continue to work within their mandate to investigate candidates. Please let Adam know if you are aware of a worthy candidate who primarily practices outside of his or her State or Province so this committee can investigate them.
- Advocacy in the 21st Century — Chair John Day and the committee continue to be one of the most active committees in the College. Past President Doug Young created this task force shortly after the beginning of the pandemic. It was later made into a standing General committee. It has authored a number of papers, prepared by distinguished Fellows and Judicial Fellows from both the U.S. and Canada, which are posted on the College website.
- Boot Camp Trial Training Programs — Chair Paul Mark Sandler and the committee continue with its active Boot Camp program schedule. It conducted the first international virtual College training program in London in December, 2021. It has conducted multiple programs in the United States this year and is planning multiple additional programs in Canada and internationally.
- Canada-United States — Chair Paul Le Vay and the committee are working on a white paper on cross-border evidence collection.
- Communications — Chair Frederick Straub and the committee continue their work with our Senior Communications Manager Sarah Stokes on the six bi-monthly issues of the eBulletin and continue to produce the terrific podcast interviews of prominent individuals.
- Complex Litigation — Chair Douglas Dalglish and the committee published a treatise on electronic evidence through Bloomberg. The committee is working with the Federal Judicial Center to make it widely-known and available. Currently the committee is considering CLEs to be presented by committee members regarding electronic evidence.
- Distinguished Pro Bono Fellows — Chair Kimball Anderson and the committee have released articles about various Pro Bono Fellows. The committee continues to collaborate with the Access to Justice and Legal Services Committees.
- Emil Gumpert Award — Chair Kathryn Snapka and the committee thoroughly reviewed all the submitted applications and recommended the award which was presented to Clean Slate Utah's First Step Expungement Program.
- Federal Civil Procedure — Chair Thomas Green and the committee continue to monitor review of proposed rule changes with the Civil Rules Advisory Committee.
- Federal Criminal Procedure — Chair Sharon McCarthy and the committee released the Brady/Giglio Guide for Prosecutors in the fall of 2021. The committee is considering a white paper on diversion courts and another on bench trials.
- Federal Rules of Evidence — Chair Mark Cohen and the committee continued attending meetings of the Judicial Conference Advisory Committee on Federal Rules of Evidence. It is continuing work on a white paper regarding areas in which the Courts and parties have attempted to streamline trials, focusing on the consequences of those approaches.
- Gale Cup — Chair Brian Gover and the committee are working on plans to complete a name change to “Abella-Gale Cup Moot” and relocate it from Toronto to Ottawa. The Cup is co-sponsored by the Criminal Lawyers' Association.



- Griffin Bell Award for Courageous Advocacy — Chair Stuart Miller and the committee continue to seek nominations to consider for this award.
- Heritage — Chair Kent Hyde and the committee continue to interview senior Fellows to preserve their thoughts and perspectives for future generations.
- Honorary Fellowship — Chair and Past President Chilton Davis Varner and the committee have put forward for Honorary Fellowship Canadian Supreme Court Justice Mahmud Jamal and U.S. Supreme Court Justice Brett Kavanaugh. Both have been invited to accept Honorary Fellowship at a future College meeting. U.S. Supreme Court Justice Amy Coney Barrett will accept Honorary Fellowship at the Annual Meeting in Rome. New Supreme Court Justice Ketanji Brown Jackson will be put forward soon.
- International — Chair Robert Goodin and the committee, along with the Teaching Abroad Subcommittee, are very active in preparing for programs to be held in Poland, Africa, and Guam/Palau.
- Judicial Independence — Chair John Robbins Wester and the committee are working with the Judiciary Committee to make recommendations for improving the process by the U.S. Senate for confirming judges, particularly U.S. Supreme Court Justices.
- Judiciary — Chair Mark Anderson and the committee are working with the Judicial Independence Committee on a project. See above under Judicial Independence.
- Jury Committee — Chair Ralph Weber and the committee are seeking state and federal court adoption of Model Jury Instructions.
- Lewis F. Powell, Jr Lectures — Chair and Past President David Beck and his committee are considering various individuals to give the next Lewis F. Powell, Jr. Lecture. Former Secretary of State James Baker provided the most recent lecture at the Annual Meeting in Chicago in October 2021.
- Mentoring — Chair John Siffert and his committee launched the Just The Beginning Internship Project in June 2022. The project pairs financially challenged interns with Judicial Fellows and other Judges in combination with mentoring from local Fellows. The College contributed \$100,000 towards this initial project.
- National Moot Court Competition — Chair David Ackerman and his committee worked with the New York City Bar to conduct another successful competition virtually in 2022.
- National Trial Competition — Chair Hon. Karen Townsend and her committee worked with the Texas Young Lawyers Association to conduct another successful competition in person in Fort Worth, Texas in 2022.
- Online Advisory — Chair Suzanne Helene Pringle and her committee provided input regarding setup of our new Learning and Resource Center. The committee will also be advising on the website redesign.
- Outreach — Chair Thomas Hoopes and his committee continue to encourage and track state and province sponsored CLE and outreach programs and collaborate with the Communications Committee on the podcast project.
- Public Defenders — Chair Leigh Skipper and the committee collaborated with the Federal Criminal Procedure Committee on a white paper “The Effective Use of Pretrial Diversion in Criminal Cases.” They are working to publicize the paper.
- Samuel E. Gates Litigation Award — Chair and former Regent Paul Hickey and his committee are discussing several nominations for this award.
- Sandra Day O’Connor Jurist Award — Chair Todd Thompson and his committee are accepting nominations for this award.
- Sopinka Cup — Chair Christine Glazer and her committee worked with The Advocates’ Society to sponsor another successful virtual Sopinka Cup competition in 2022.
- Special Problems in the Administration of Justice (U.S.) — Chair Stephen Raber and his committee are investigating whether there are states that have not implemented a Veterans Court System to handle certain criminal offenses. The committee is working with State Chairs to identify channels for establishing such Courts. The committee is also discussing options to address unique problems faced by foster children who age out of care and find themselves in legal trouble due to lack of support in the legal system.
- Task Force on Fellow Engagement — Chair Cal Mayo and the Task Force are working on a program to help the College better welcome new Fellows.

## STATE AND PROVINCE MEETING

As our society learned to live with the pandemic, the number of scheduled College events increased beginning the summer of 2021 and grew throughout 2022. Brett and I had the pleasure of attending twenty-four state and province meetings and four regional meetings during the course of this year. We were met at each location with generosity and kindness. The dinners were often in extraordinary locations and most included exceptional keynote speakers. There are far too many special memories to recount here but I list a few of them below:

- Traveling across Arkansas, Mississippi, and Louisiana with Regent Lyn Pruitt and her husband Chip. Not every meal was formal but every one included good food and company. In the evenings, we shared dinner with the Fellows from each of these states.
- Past President Tom Tongue gave us a special guided tour of Portland, Oregon followed by dinner with the Oregon Fellows.
- Enjoying lunch with Past President Doug Young and his wife Terry at their beautiful home overlooking San Francisco Bay, followed by my first experience riding Doug's cutter horse named Will. Will and I both survived a few "cutting" maneuvers. We then met the Youngs and Ackers for a tour of a nearby Redwood forest followed by a dinner with the Northern California Fellows and listened to a Nobel Prize winning astrophysicist and astronomer who demonstrated his skill with his traveling telescope after the dinner.
- Joining Past President Mike Stout and the Kansas Fellows for dinner in Wichita, Kansas. Unfortunately, Brett and I were unable to join for the annual trip to Mike's ranch in the beautiful Flint Hills due to a College conflict but Past President Doug Young and his wife Terry and Regent Dan Fulluo and his wife Sally were able to enjoy Mike's hospitality.
- Sharing St. Patrick's Day with the North Carolina Fellows in Charleston, South Carolina.
- Enjoying Big Cedar Lodge outside of Springfield, Missouri with Past President Rodney Acker, his wife Judy, and the Missouri Fellows. The Fellows particularly remembered their devoted Chair Monte Clithero who passed away during his term this year. The dinner with the Missouri Fellows was in a room overlooking the famous Trail of Tears statue.
- Winning Team at the National Trial Competition
- Spending time with Michigan State Chair Dan Scully and his wife Peggy, who kindly drove us over 100 miles so we wouldn't get lost in the wilds of northern Michigan.
- Our trip to Canada this year started with a lobster feast at the beautiful "cabin" of Regent Michelle Awad and her husband Jack, followed by separate dinners with the Fellows of New Brunswick, Nova Scotia, and Newfoundland. The Newfoundland Fellows made the Youngs, Ackers, and O'Donnells Honorary Newfoundlanders in a "screeching-in" ceremony which involves a shot of rum followed by kissing a cold, dead cod fish. Newfoundland Vice-Chair Dan Simmons gave us a memorable tour of the easternmost point of North America.



Of course, the above stories represent just a few of the extraordinary events we shared with Fellows and the warmth we experienced at every meeting from our Fellows and their spouses/guests. Due to several trial and College conflicts, Brett and I were unable to attend a few of the local meetings. We very much appreciate our colleagues on the Executive Committee who covered these meetings for us. We are hopeful that our States and Provinces will continue to schedule more local meetings as our world continues to reopen.

## REGIONAL MEETINGS

We also attended four regional meetings---the 3rd Circuit Regional Meeting in Philadelphia (Delaware, New Jersey, and Pennsylvania); Region 6 Meeting in New Orleans (Arkansas, Louisiana, Mississippi, and Texas); the Tri-State Meeting also in New Orleans (Alabama, Florida, and Georgia); and the Northwest Regional Meeting in Girdwood, Alaska (Albera, Alaska, British Columbia, Idaho, Montana, Oregon, Washington). Our regional meetings continue to be a great way for Fellows to gather with colleagues from their region without the additional expense of a national meeting. As you can see from the below summaries, regional meetings occur at world-class locations with the quality of the speakers rivaling those at the ACTL national meetings.

The 3rd Circuit Regional Meeting began with a Friday night reception followed by dinner hosted by Regent Katie Recker and her husband Matt. The program was held in the beautiful Masonic Temple. Delaware State Chair David Ross, New Jersey State Chair Ed Kole, and Pennsylvania State Chair John Conti hosted the meeting. The speakers included Delaware U.S. Senator Chris Coons, Chief Judge Michael A. Chagares of the 3rd U.S. Circuit Court of Appeals, Judge Karen M. Williams of the U.S. District Court of New Jersey, and Maurice Q. Jones who is the Founder of PAR Recycle Program which salvages electronic parts and mines them for valuable minerals, supporting 112 employees who are ex-convicts. The program reduces recidivism and provides parolees with employment, housing, and other support. Additional speakers were William Markham, a highly decorated Air Force veteran and Executive Director of Project One Vet At A Time (POVAT), who helps veterans receive the benefits to which they are entitled on a pro bono legal basis. Fellow Jeff O'Hara was instrumental in founding this program. Dean Amy J. Wildermuth of the University of Pittsburgh School of Law, and Judge Nelson C. Johnson, author of the "Boardwalk Empire" (HBO series) were the final speakers of the day.

New Jersey State Chair Ed Kole is part owner of a horse, Mo Donegal, who finished 5th in the Kentucky Derby. Mo ended up winning the final Triple Crown race, the Belmont Stakes. The College has, to my knowledge, its first winner of a Triple Crown race!

The Region 6 Meeting started with a cocktail reception followed by remarks by Louisiana Governor John Bel Edwards who discussed economic challenges and opportunities, the effects of climate change, and the polarization existing in America today. The General Session was opened by former New Orleans Mayor and current National Coordinator of Infrastructure Implementation Mayor Mitch Landrieu who summarized the national infrastructure plan and the need to rebuild roads and bridges in the United States in order to compete with the rest of the world. Damon Hewitt, President and Executive Director of Lawyers' Committee for Civil Rights Under Law, summarized the Lawyers' Committee's efforts in justice reform, digital justice, prevention of hate crimes, and election rights and reforms. Former Director of the United States Marshals Service Don Washington spoke about our oldest federal law enforcement agency founded under Article II in 1789. The Marshals Service retains final authority regarding security requirements for the judicial branch of the federal government and is sworn to protect the rule of law. Finally, Past President Rodney Acker, Fellow Mark Surprenant and I presented the 2020 Emil Gumpert Award to Professor Becki Kondkar, who is Co-Director of the Tulane Law School Women's Prison Project. Due to the pandemic, there had not previously been an in-person formal ceremony. Professor Kondkar shared the story of Sandra, a woman who was convicted of second-degree murder in 1995 by a divided 10-2 jury. She was sentenced to life without the possibility of parole for killing her abusive, estranged boyfriend after he entered her home uninvited and tried to strangle her. The Women's Prison Project helps women like Sandra to end the practice of punishing and incarcerating domestic violence, sexual assault, and trafficking survivors through law reform, training, and education.





That evening, Louisiana State Chair James Brown hosted a cocktail reception at the hotel including strolling around the event skillfully playing his violin. He even serenaded us with his version of “Danny Boy.”

The Tri-State Regional Meeting also took place in New Orleans. We joined Past President Sam Franklin and his wife Betty, and Past President Rodney Acker and his wife Judy for dinner with a number of Fellows Friday night. Rodney and I took an early morning flight to Houston, Texas to join the Texas Fellows and Past Presidents David Beck and Doug Young for the Annual Texas Fellows Luncheon. Past Presidents Beck, Young, Acker, and I awarded the National Moot Court Competition award to the Texas Tech Law School team which was present along with the Dean of the law school and several administrators and professors from the school.

We returned in time for the Friday night reception which featured the Muscle Shoals All Star Band. Muscle Shoals, much like California’s Wrecking Crew, consisted of talented studio musicians who supported stars like Aretha Franklin, the Rolling Stones, Alicia Keys, and Gregg Allman out of the Fame Recording Studios in Muscle Shoals, Alabama. It was one of the finest musical events we have ever attended. Fellow Rick Hall’s father was one of the original members of Muscle Shoals.

The General Session was opened by thoughtful comments from Alabama State Chair Gaynor St. John, Regent Bob MacKenzie, and Secretary Rick Deane. Alabama Tourism Director Lee Sentell spoke about tourism in the South and the Civil Rights movement. CEO of the 2022 World Games Nick Sellers spoke about the 2022 World Games this summer in Birmingham, Alabama. It is an 11-day multi-sport event organized with the help of the International Olympic Committee. Author, chef, and owner of Highlands Bar and Grill Frank Stitt of Birmingham, Alabama spoke about his restaurant which was named the James Beard 2018 Best Restaurant in the United States.

The first speakers the next day were a panel consisting of Fellow Chris King; Fellow Finis St. John, Chancellor of the University of Alabama System; Deputy Director of Athletics at University of Alabama, Matt Self; and Executive Associate Athletics Director at Auburn University, Rich McGlynn, who discussed the name, image, and licensing (NIL) issues facing collegiate sports and the future of paying college athletes. Documentary filmmaker, author and professor at Dillard University, Zella Palmer, spoke about the evolution of Louisiana Creole Cuisine followed by former U.S. Senator from Alabama, Doug Jones, who spoke about guiding the White House through the U.S. Senate confirmation process.

Past Presidents Doug Young and Rodney Acker and their wives Terry and Judy, joined us for the final regional meeting in beautiful Alaska. We all very much enjoyed our time with Regent Carey Matovich, Alaska State Chair Neil O’Donnell, and our Fellows and their spouses/guests. The speakers at the General Session were Major General Randy “Church” Kee, U. S. Air Force (Ret.) who served as Senior Advisor on Arctic Security Affairs to the Ted Stevens Center for Arctic Security Affairs. He addressed global security issues in the Arctic in light of major power rivalries, climate change, and the recent Russian invasion of Ukraine. Former Alaska Supreme Court Chief Justice Dana Fabe and former Alaska Judge Elaine Andrews provided tips on resolving difficult cases through mediation. Dr. Caroline Van Hemert is an Alaska-based writer and wildlife biologist. For six months, she and her husband traveled by row boat, ski, foot, raft, and canoe across some of the wildest land in North America. Journalist Larry Persily operates the Wrangell Sentinel weekly newspaper in Southeast Alaska and addressed Alaska’s oil-driven politics, its unique position without a state sales or income tax while distributing oil-wealth savings dividends to the public every year, and the inevitability that nothing good can last forever. Executive Director of the Berkeley Judicial Institute Judge Jeremy Fogel addressed the future of virtual proceedings and cameras in the courtroom in light of the pandemic. The final speaker was Jeff King who has won the 1,049 mile Iditarod Trail Sled Dog Race four times. Jeff addressed the lessons he has learned about determination, competitiveness, empathy, and sportsmanship from more than 150,000 miles on a dogsled over the past thirty-five years.

## WHITE PAPERS

Thanks to all the Fellows who gave their time, talent and energy in drafting various white papers. The Board of Regents approved the following White Papers at the 2022 Spring meeting:

- Statement on Virtual Proceedings in the Civil Justice System by the Advocacy in the 21st Century Committee
- Remote Proceeding Advocacy by the Advocacy in the 21st Century Committee
- Treatise on Electronic Evidence available for purchase through Bloomberg by the Complex Litigation Committee

# TRAINING PROGRAMS

## Boot Camp Trial Training Program

- First international training program occurred virtually in December 2021 with barristers in London
- Several boot camps were held throughout the United States, including events in Houston, Miami, Denver and Orlando---and several more are on the calendar
- Launched a test case, virtual one year/once a month lunchtime Boot Camp in association with six bar associations in Maryland

## Teaching Of Trial And Appellate Advocacy

- The first Diversity in the Courtroom program occurred May 20-22 in Chicago and involved about fifty diverse lawyers and twelve Fellows from around the United States, including Past President Doug Young. The program took the students through the trial process ending with a mock trial on the final day. The success of this inaugural training program was the result of the collaborative efforts of Chair Tom Heiden, Immediate Past Chair Joe Crawford, and the members of their committee. Our courtrooms are diverse---judges, jurors, court personnel, and witnesses. The emergence of a broader group of talented, diverse lawyers will benefit clients in particular and our system of justice in general. This program will help bring even more talented and diverse advocates of excellence to our courtrooms while building faith, trust, and belief in our justice system. We anticipate this program becoming an annual event.

## Mentoring Committee

- Launched the Just The Beginning Internship Program to offer paid internships (with financial support from the Foundation and the College) for law students of moderate means during the summer of 2022. The students will be mentored by a Judicial Fellow and a local fellow from that city.

Jere White Trial Advocacy Program was originally scheduled for November, 2021, but has been rescheduled to November 2022 due to the pandemic.

Additional training programs were presented throughout the year, both virtually and in person, by various State and Province Committees in their local jurisdictions.

# LEADERSHIP WORKSHOP

The leadership workshop was held in Tucson, Arizona over the Halloween weekend. The Executive Committee provided training for our Regents, State and Province Chairs, and General Committee Chairs to help them fulfill their duties this year. These leaders of the College have shown great commitment and passion for their roles. Secretary-Designate and Advocacy in the 21st Century Committee Chair John Day moderated a spirited panel discussion about the pandemic and the impact on our Courts. The Judicial panel included U.S. District Court for the Northern District of Texas Chief Judge Barbara Lynn; Ontario Superior Court of Justice Darla Wilson; and Michigan Supreme Court Chief Justice Bridget McCormack. The panel sought to outline the best court and technology practices going forward. The Judges described the crown jewel of our system of government as the Rule of Law. They encouraged the Fellows to take lessons learned from the challenges of the pandemic and improve the administration of justice and access to justice going forward. Innovation, creativity, and collaboration will be essential tools.

Past President David Beck spoke to the Workshop leaders about engagement and the responsibilities of leadership. David quoted Nelson Mandela: "It always seems impossible, until it is done." Regent Joe Caldwell addressed diversity in the College. Joe, along with Secretary Rick Deane, have been instrumental in the implementation and advancement of our diversity initiatives, and they joined me in meetings with all state and province diversity liaisons. The Workshop concluded with Regent Greg Lederer updating our leadership about the Task Force on Fellow Engagement chaired by Fellow Cal Mayo.

# COMPETITIONS

The College sponsors four moot and mock trial competitions every year. The Gale Cup, Sopinka Cup, and National Moot Court Competition were held virtually. The National Trial Competition was held in person in Fort Worth, Texas. Past Presidents Doug Young and Rodney Acker had the honor of judging the semi-finals and I had the privilege of judging the finals of the competition. The talent of the students in all of these competitions was amazing as was the dedication of the Fellows who support these competitions. The winners of this year's competitions are below:

COMPETITION	WINNER
GALE CUP	UNIVERSITÉ DE MONTREAL
SOPINKA CUP	UNIVERSITY OF OTTAWA
NATIONAL MOOT COURT COMPETITION	TEXAS TECH
NATIONAL TRIAL COMPETITION	UCLA

## THE JOURNAL

Past President Bob Byman, his committee, and other contributing Fellows continue to inform and entertain us with wonderful articles in this *Journal*.

## AWARDS



The 2022 Emil Gumpert Award was presented to the Clean Slate Utah's First Step Expungement Program. Past President Fran Wikstrom, Amy Mrugalski, and I attended the event at the Eccles Theater in Salt Lake City, Utah. The Committee received a total of twenty-two applications from various law schools and

legal service organizations. The winner, Clean Slate Utah, was announced in March 2022 following approval by the Board of Regents. The PEW Charitable Trust reports that nearly one in three U.S. adults, about 70 million people, have a criminal record, including those who were arrested but not convicted. That includes about 800,000 people from Utah alone. In March 2019, Utah became the second state in the nation to automate the criminal record expungement process for most misdemeanor offenses. These records have long lasting consequences that can hinder a person's access to employment, housing, or a professional license. Our country is awakening to the need to expunge certain criminal records to allow people with criminal records to get jobs, educational opportunities, and housing and move forward with their lives and the lives of their children. In addition, expungement has a positive impact against recidivism. Furthermore, bipartisan support is strong---how often can we say that in these times? Past President Fran Wikstrom and I presented the award and it was announced at that time that Destiny Garcia would become their new Executive Director. Ms. Garcia is a woman in long-term recovery and a survivor of domestic violence. She has been through the process of expungement herself and is determined to show her children and others that your past mistakes do not define you. The Emil Gumpert Award, an Award of the College, is funded by a grant from the Foundation. The Trustees of the Foundation recently approved increasing the amount of the Award from \$100,000 to \$150,000, effective for the 2023 Award.

The Sandra Day O'Connor Jurist Award was presented to Judge Barry Williams for the courage he displayed in the multiple trials of the Baltimore police officers who were involved in the death of Freddie Gray.

The Beverly McLachlin Access to Justice Award was presented to Patricia Hebert for her work. Ms. Hebert practices family law with a focus on children. She is a leader in Canada on reforming and improving best practices in family law cases.

The Samuel E. Gates Litigation Award was presented to Texas U. S. District Court Chief Judge and Fellow Barbara Lynn who was a national leader in devising protocols permitting trials to go forward during the pandemic. Her work became a model for other courts throughout the country.

Last year, the first Thurgood Marshall Award for Equality and Justice was presented posthumously to the family of Congressman John Lewis and was accepted by his son John Miles Lewis.

## UNITED STATES AND CANADIAN FOUNDATIONS

Due to the efforts of U.S. Foundation President Joan Lukey and the Trustees, the Foundation has distributed \$690,000 this year. The Canadian Foundation Directors, formerly led by President Trisha Jackson and now led by President Jeff Leon, continues to grow its monetary corpus and distributed \$11,000.00 this year. Thank you for your continued support of our Foundations.

## FORUM ON THE RULE OF LAW

One of the most significant events this year was our co-sponsorship with the Association of Marshall Scholars of the Forum on the Rule of Law at the Supreme Court of the United States from May 3-5, 2022. Marshall Scholarships have been awarded since WWII as an expression of appreciation from Britain for U.S. support in WWII, particularly for the Marshall Plan developed by General George Marshall, who acted as Secretary of State and Secretary of Defense under President Truman. The Forum had been delayed due to the pandemic and Brett and I were delighted that Past Presidents Doug Young and Rodney Acker, along with their wives Terry and Judy, were able to join for this event. The first evening we met with the delegates and spouses/guests at a reception in the East Conference Room of the Supreme Court. We then had dinner in the West Conference Room with Chief Justice Roberts and his wife Jane, along with Chief Justice Wagner of the Supreme Court of Canada, and Supreme Court Justices Breyer and Gorsuch.



The meetings the next day were conducted in the East Conference Room. The first panel was about Free Speech and the Internet/Copyright and New Technologies and included contributions from Justice Kagan, as well as Former Regent and First Circuit Judge William Kayatta and Secretary Rick Deane. The next panel discussed the Rule of Law and Global Security moderated by Past President Doug Young. His panel included Justice Breyer. The group then toured the Capitol which had just reopened to public tours since being closed as a result of the January 6, 2021 riot. Dinner was served in the Library of Congress where we were greeted by Aslihan Bulut, Law Librarian of Congress.

The next day we initially gathered in the Great Hall of the U.S. Supreme Court for opening remarks on the Rule of Law and an Independent Judiciary delivered by Justice Breyer and Deputy President of the United Kingdom Supreme Court Lord Hodge, the leader of the delegation from the United Kingdom. We then moved back to the East Conference Room for a panel on Human Rights and Civil Liberties moderated by Marshall Scholar Lady Arden, Retired Justice of the United Kingdom Supreme Court. The next panel was on Climate and the Courts and was moderated by Fellow Adam Peck. Secretary-Designate John Day then moderated a panel on Virtual Justice and Jurisprudence Post-COVID which included Justice Sotomayor. The final panel discussed the Separation of Powers and was moderated by Marshal Scholar Kannon Shanmugam with participation from Justice Gorsuch. This was our first Forum with the Association of Marshall Scholars and provided great exposure for the College with some of the leading jurists and lawyers from the United States, Canada, and the United Kingdom.



*Canadian Chief Justice Wagner, UK Supreme Court Lord Hodge, U.S. Supreme Court Chief Justice Roberts, and Chief Justice of Northern Ireland Siobhan Keegan enjoying dinner in the U.S. Supreme Court*

## JUDICIAL INDEPENDENCE

Defending judicial independence has been a core value of the College. Attacks by politicians and the public on judges have become increasingly commonplace. The College's policy on public statements cautions restraint when making any statement that could affect the collegiality of the College. The ACTL Guidelines for Public Statements states:

"Although not included among our core missions, collegiality is as important as any of those missions, and no statements should be made which unduly threaten our collegiality by taking a position on one side of a matter of genuine and divisive controversy."

For this reason, our Executive Committee and the Board of Regents is reluctant to weigh in with official positions of the College concerning matters which are reasonably in dispute. We recognize some Fellows believe we are saying too much on the rare occasions we do weigh in on an issue, and other Fellows believe we aren't saying enough on some of the important issues of the day. As many Past Presidents have said, the American College of Trial Lawyers is not a bar association. We are a collection of the finest trial lawyers in the United States and Canada who enjoy each other's company and camaraderie.

However, I did feel compelled to express my personal opinion on two subjects this year. First, in the June 2022 *eBulletin*, I expressed my concerns about the illegal protests and picketing at home locations of U.S. Supreme Court Justices as a result of the leak of the *Dobbs* draft opinion. These protests were designed to intimidate the Justices to rule in a certain way on a particular issue and also threaten the independence of the Judiciary. The Rule of Law requires judges to exercise independent judgment based on the facts and legal arguments presented to them without undue influence or apparent efforts to intimidate them. There are criminal statutes in place limiting the free speech rights of protesters that target judges in the vicinities of their courthouses or homes. These statutes are consistent with fundamental First Amendment principles. Such protests are not consistent with the principles of judicial independence that are central to the core mission of the College. Full opportunity can and should exist for the exercise of our rights to freedom of speech and expression and everyone has a right for their views to be heard in an appropriate manner. Shortly after I wrote my article in the *eBulletin*, a potential assassin who indicated an intent to harm Justice Kavanaugh was found outside his home with a gun and a knife. Thankfully, the potential assassin was apprehended before he was able to commit any deadly crimes. It is my hope that we can find ways to engage in robust debate on the important issues of our day without resorting to inappropriate attempts to intimidate the judiciary.

Second, in the summer 2022 edition of the *Journal*, I shared my personal opinion about the inappropriate questioning of Judge Ketanji Brown Jackson, now Justice Jackson, as “soft on terrorism” because of her role as a public defender and later as a private attorney representing a few Guantanamo detainees who were never convicted of a crime. I believe it was unfair and inappropriate for Senators to question her fitness to serve on the Supreme Court of the United States because of these representations, just as it was unfair and inappropriate for Senators to question Justice Amy Coney Barrett about her faith and religious beliefs during her confirmation hearing. The circus atmosphere at recent U.S. Senate confirmation hearings, particularly for Supreme Court Justices, has negatively impacted the public’s confidence in the Rule of Law and our system of justice. Senators who mislead the public with their questioning are seeking votes, not trying to uphold and instill confidence in our Rule of Law.

The Executive Committee has asked Chair John Wester of our Judicial Independence Committee and Chair Mark Anderson of our Judiciary Committee to jointly analyze potential reforms to improve confirmation hearings of judicial nominees by the Senate Judiciary Committee. The goal is to improve civility and accountability of Senators’ behavior in confirmation hearings. The Joint Committee has examined the creation of a code of conduct and standards/questioning guidelines for the Senate Judiciary Committee. They have explored whether the best method is a position paper or an open letter to the Senate Judiciary Committee. The College can play an important role in educating our students, lawyers, politicians, and fellow citizens to embrace, not attack or undermine, some of our cherished ideals such as the right of an accused to an attorney or the right to religious beliefs. The Mission Statement of our Judiciary Committee includes efforts to “analyze and seek to ameliorate barriers to the attraction and retention of highly qualified judges.” Many highly qualified lawyers who would otherwise want to be considered for a federal judgeship would view the unprofessional and unproductive behavior of both political parties during confirmation hearings, which have become progressively worse over the last thirty years, as a significant barrier to their judicial intentions. We hope to offer concrete suggestions to reaffirm the importance of civility to these hearings.



Thank you for tolerating my personal perspective on these issues. Of course, any final recommendations will be subject to review and approval by our Board of Regents.

During our many trips, I developed a pattern of walking around the city we found ourselves in at dawn each morning. I have always enjoyed sunrises and wanted to experience as much of each city as I could. Of course, these walks revealed troubling truths about the impact of the pandemic on our cities. However, the morning after the Southern California meeting I walked around the hills of downtown LA and noticed a homeless woman sleeping on a bus bench. On my return to the hotel, I passed the homeless woman again. As I was about to pass her, an unmarked private car stopped and a man exited from the car. I slowed down my walk and intently watched to make sure nothing inappropriate was going to happen to this poor woman. I then noticed the man gently touch the woman on the arm to ask if she would like breakfast. The man then went to his trunk and offered her a bag of breakfast items. The man left and the woman had what was probably her first meal in a while. I was humbled and grateful.

During our travels this year, Brett and I have seen many acts of kindness, most of them to us. I hope we all have the opportunity to slow down enough in our fast worlds to see what is there to be seen even when it is cloaked in misery---hope and kindness. Thanks again for the incredible privilege you provided Brett and me to serve the College this year. We look forward to the terrific speakers President-Elect Susan Harriman has assembled, the special events our National Staff has organized, and seeing many friends at the Annual Meeting in Rome, Italy. ■

# TRIAL TESTED

A PODCAST BY THE AMERICAN COLLEGE OF TRIAL LAWYERS



## TUNE IN TO SEASON 4 LAUNCHING THIS FALL

Hosted by Fellows: **Amy Gunn, Michael Herring and Dave Paul**, *Trial Tested* aims to inspire trial attorneys to maintain and improve the standards of trial practice, professionalism, ethics and the administration of justice. Listen in to enjoy enlightening discussions about life and law through interviews with prominent trial lawyers and significant figures in the world of trial law.

**Seasons 1,2 & 3 available now  
on your favorite podcast app**







# INCOMING PRESIDENT SUSAN J. HARRIMAN

IN THE 1960'S, PSYCHOANALYST ALFRED ADLER POSITED WHAT HE CALLED "MIDDLE-CHILD SYNDROME," THE THEORY THAT HOLDS THAT BECAUSE MIDDLE CHILDREN GET LESS ATTENTION FROM THEIR PARENTS THEY FEEL CAUGHT IN THE MIDDLE AND DEVELOP DISTINCT PERSONALITY TRAITS THAT ARE DIFFERENT FROM THEIR OLDER AND YOUNGER SIBLINGS.

---

You can't get more middle child than our incoming President, Susan Harriman. One of nine, well . . . no . . . *five* of nine, Susan has four older and four younger siblings.

Middle-child syndrome isn't recognized as an official condition. But researchers who believe – well, they believe that middle-children are more rebellious, less conscientious, and demonstrate lower school performance than their firstborn siblings (Eickstein, 2000; Saroglou & Fiasse, 2003). A quantitative study by Gfroerer, Gfroerer, Curlette, White, & Kern (2003) found that middle siblings have more difficulty getting along or working with others. Middle children, they say, have low self-esteem, feelings of inferiority and diminished need for

achievement (Ashby, LoCicero, & Kenny, 2003). Middle children usually foster more and stronger relationships *outside* of their family circle.

Bosh. These eggheads never met Susan Harriman. She is none of those things. Our new President had stellar school performance; she is highly conscientious. Her self-esteem is just fine, thank you, without being bragg. But if she did brag (she does not) she would be entitled.

Dr. Adler would have predicted that middle-child Susan would have difficulty getting along with others. Susan's family lived in Providence, RI. Susan's father was in the Navy and served as a radioman on a destroyer during the Battle of Okinawa. Susan's mother had started out as a nun (eighteen months in the convent), but apparently celibacy was not her thing. There is a fifteen-year span from oldest to youngest for Susan and her eight siblings. Susan's brother Corky was two years older than Susan; unfortunately, he passed when he was only twenty, Susan only eighteen. Susan's oldest sister, the first-born, Janis, died in a car accident twenty years ago. But Susan still enjoys a close relationship with her brother Billy and her sisters Joy, Kathy, Lori, Anne and Jill.

Susan's father sold insurance to members of the Knights of Columbus, but he didn't sell enough to keep the family from scrimping. The family was living in a trailer when Susan's sister Kathy was born a year before Susan's birth. By

the time Susan arrived, the family was living in an apartment in a housing project. In 1962, the family managed to buy a house in South Providence for \$10,000. Not big enough for her own bedroom. The first time Susan ever had a room of her own was as a junior in College. And the first time she had her own private bathroom was as a Peace Corps volunteer in Zaire. The Harrimans sold that house for a whopping \$13,500 about the time Susan started high school in 1968. Crowded conditions. Thirteen people - including both grandmothers - under one roof. Susan got along just fine.

Dr. Adler would have predicted that middle-child Susan would struggle in school. But Susan excelled. She earned a scholarship to Brown.

After graduation in 1976, Susan volunteered for the Peace Corps and spent two years in Zaire, teaching English and also teaching other Peace Corps volunteers to teach English to Zairians. Susan's students consistently had the highest achievement scores in the country.

In 1978, Susan took a job on Capitol Hill with the House Information Service, teaching computer research. Then, in 1980, based upon her record at Brown, Susan entered UC Hastings Law School with a fellowship. She graduated *magna cum laude* in 1983 and took a clerkship with Judge Robert F. Peckham.



Well, no, this isn't actually Susan's family; one too few kids and not enough sisters here. But this is a photo of an actual family who lived in the Projects, and this must be close to depicting family dinners.





Judge Peckham had been appointed to the California State bench in 1959 and became a Judge of the U.S. District Court for Northern District of California in 1966; he was Chief Judge from 1976 through 1988. Because she worked for the Chief, Susan got to know pretty much everyone in the courthouse. And because she got along, because she excelled, it paid off. Shortly after Susan began private practice, maybe a few minutes after she had begun, Susan and a client she had just met had to go to Court. As they walked through the halls and into a courtroom, Susan was warmly greeted by name by judges and court personnel. It made a pretty nice impression on the client.

Dr. Adler would have predicted that middle-child Susan would have diminished need for achievement. Need or not, Susan achieved mightily. That first job turned out to be her last. In 1978, John Keker and his law school classmate Bill Brockett formed their own firm, Keker & Brockett. In 1979, they hired Bob Van Nest as a new associate. Susan was hired in 1985. The firm's name eventually became Keker, Van Nest & Peters. John Keker was inducted as a Fellow of the College in 1982. Bob Van Nest in 2006. Elliot Peters in 2011. And Susan Harriman in 2010.

There were ten lawyers in the firm when Susan arrived; it has grown to over one hundred. Susan now serves as General Counsel to the firm. Her practice includes Contracts, Commercial Litigation, Intellectual Property, Professional Liability, Securities, and White-Collar Criminal.



Susan has first-chaired an incredible variety of cases to successful conclusion. She represented six of the seven-member board of a large charitable foundation when the seventh member, the wife of the founder, sought to remove the others so she could take control; the founder's wife was removed instead. The original programmer of the John Madden Football video games alleged that he was owed royalties on all Madden Football video games sold over a twenty-two-year period because they were derivatives of his work; the programmer got nothing. Televisa, a Mexican multimedia conglomerate which supplied popular Spanish language programs, attempted to terminate its long-term exclusive licensing agreement with Univision and sought more than \$100 million in damages; Univision sought declaratory judgment to prevent Televisa from broadcasting the licensed programs over the Internet; complete victory for Susan's client Univision. Susan won a \$5.5 million jury verdict against Chevron for wrongfully terminating and retaliating against a female petroleum engineer. Susan successfully defended an individual in an ERISA when her deceased husband's employer sought to recoup \$10 million in insurance proceeds paid to her client.

When not working, her website proclaims, Susan enjoys walking her dog Moxie (of course her dog would be named Moxie), rowing on San Francisco Bay, kayaking on Narragansett Bay, and playing pickleball (whatever that is).

Pickleball. I had to look it up. In 1965 Joel Pritchard, a Washington Congressman, and a friend looked for badminton equipment and could not find a full set of rackets. They improvised and started playing with ping-pong paddles and a perforated plastic ball. There is no explanation for why they named it pickleball but it is now the official game of Washington and apparently is becoming highly popular with people who play a racket or two short of a full set.



Dr. Adler would have predicted that middle-child Susan would foster most of her relationships outside of her family circle. Nonsense. When Susan began coming to Board of Regents and other meetings, she always brought a family member with her. Over the past eight years or so, we have met all six of Susan's siblings and a not insignificant number of nieces and other relatives. The plan is that at least three sisters and a niece will be in Rome to see Susan inducted as President.

They aren't just in it for the travel. Susan has thirty-two nieces, nephews, and great nieces and nephews. Not all of them have needed help with college, but at least ten have – and Susan has provided that help. Her deal – she will pay for college if they maintain at least a B average. That has worked.

Susan works. I need to put a personal observation here. I was President of the College in 2014 when Susan was nominated to become a Regent. When I got the report from the nominating Committee and saw Susan's name, I was slightly taken aback. Susan had never chaired a College Committee. She had only been a Fellow for four years. So I did a little additional research on my own. I called half a dozen San Francisco Fellows in whom I had total confidence. They all said the same thing. Susan is the best. Susan is the right choice. So I shut up and Susan became a Regent and I watched her. And now I know first-hand. Susan is the best. She shined in a remarkably talented class of Regents. Susan was the right choice. And she is right for our next President.

Pretty good, considering that she's a middle child.



April 8 to 9, 2022

The Masonic Temple

Philadelphia, Pennsylvania

# REGION XIII: 3d CIRCUIT MEETING



ON APRIL 8TH AND 9TH, 2022 NEARLY ONE HUNDRED FELLOWS, SPOUSES AND AND SIGNIFICANT OTHERS ATTENDED THE REGION XIII MEETING IN PHILADELPHIA. THE EVENT KICKED OFF WITH A WELCOME RECEPTION ON FRIDAY NIGHT, WHERE GUESTS CONNECTED WITH OLD FRIENDS AND MADE NEW ONES WHILE ENJOYING THE SOUNDS OF FELLOW RALPH WELLINGTON'S STANDARD TIME JAZZ BAND.

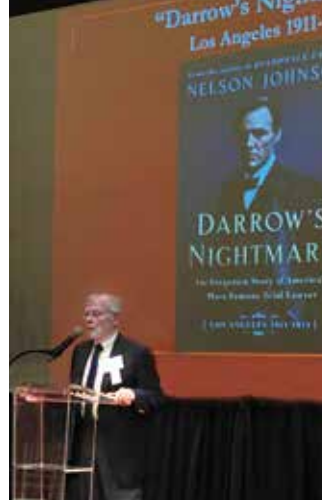
Saturday morning's program in the magnificent Masonic Temple began with a warm welcome from President Mike O'Donnell. An incredible lineup of speakers then provided various perspectives on critical issues facing the country. Each speaker emphasized themes that are central to the College.

United States Senator Chris Coons spoke candidly about pressing issues, both domestic and international, including attacks on the rule of law. He ended by emphasizing that lawyers "should, and must, be a critical part of the defense of the rule of law and democracy itself."

The Chief Judge of the Third Circuit, Michael Chagares, discussed the challenges presented by COVID-19, as well as the Court's responses to ensure that its litigants continue to enjoy access to justice. Among other things, Judge Chagares discussed the assignment of circuit judges to sit as district court judges in order to alleviate some of the backlog at the trial court level. Chief Judge Chagares also discussed the Court's community education initiatives, with a particular focus on the rule of law.

Fellow Ed Kole interviewed New Jersey District Court Judge Karen Williams and Maurice Jones concerning the Court's reentry program for previously incarcerated individuals. Mr. Jones spoke candidly about how his own experience following incarceration led him to establish PAR-Recycle Works, a non-profit electronics recycler that provides transitional employment to previously incarcerated individuals. In six years, PAR has helped 110 individuals—only two of whom have returned to jail. To put that into perspective, a 2018 report by the Department of Justice's Bureau of Justice Statistics indicated that 79% of prisoners are arrested again within six years.





Attendees then heard from William Markham, who, following his own challenges upon leaving the Air Force after more than three decades of service, founded *Project One Vet @ A Time* to assist veterans in navigating the Veterans Administration disability programs.

Amy Wildermuth, Dean of the University of Pittsburgh School of Law, shared some of her unique programs to help develop happier, healthier, more resilient—and, as a result, more successful—lawyers. A trained engineer (with bachelor's and master's degrees in environmental engineering), Dean Wildermuth discussed the law school's use of data analytics in evaluating students. In addition, Dean Wildermuth shared how some of the lessons that she has learned from her experiences can be applied to lawyers and law firms.

Finally, former New Jersey Superior Court Judge Nelson Johnson, the author of *Boardwalk Empire: The Birth, High Times, and Corruption of Atlantic City* (which served as the basis for the Emmy Award-winning HBO series *Boardwalk Empire*), discussed his most recent book. *Darrow's Nightmare* tells the story of the infamous *McNamara* case, in which the defendants were charged with bombing the *Los Angeles Times* headquarters, resulting in twenty fatalities. Darrow negotiated a plea deal for his clients. But then he was indicted in two separate cases for attempted bribery of jurors. Darrow delivered the closing argument in both tri-

als, with a not guilty in the first trial and a hung jury in the second. The prosecutor agreed not to retry him only after Darrow agreed to never again practice in California.

Saturday evening's banquet featured the presentation of a Regional Award to Fellow Joe Tate in recognition of his commitment to pro bono service, including his membership in the inaugural class of the College's Distinguished Pro Bono Fellows program. Former Regent Dennis Suplee's introduction of Joe went far beyond cataloging Joe's extensive accomplishments, which included guiding Philadelphia's Community Legal Services during the time it secured two grants from the Foundation of the American College of Trial Lawyers. Dennis's introduction provided a touching and fitting tribute, on a personal level, to a remarkable lawyer and an even more impressive human being.

Special thanks to Regent Katie Recker, whose work as Pennsylvania State Chair before the pandemic laid the foundation for much of the event, and to current Pennsylvania State Chair John Conti, whose tireless efforts made the event a tremendous success.

The next Regional Meeting will be held in New Jersey.

**David E. Ross**  
**Wilmington, DE**



August 22 to 24, 2022  
Windsor Court Hotel  
New Orleans, Louisiana

## REGION VI MEETING



DURING THE WEEKEND OF APRIL 22-24, NEW ORLEANS HOSTED AN NBA PLAY-OFF GAME, A PGA GOLF TOURNAMENT, FRENCH QUARTER FEST AND THE AMERICAN COLLEGE OF TRIAL LAWYERS REGION VI MEETING – ARKANSAS, LOUISIANA, MISSISSIPPI AND TEXAS. ORIGINALLY SCHEDULED FOR APRIL 2020, APPROXIMATELY 90 ATTENDEES MET AT LAST IN THE TRUE TRADITION OF THE COLLEGE – COLLEGIALLY, FUN AND AN EXCELLENT PROGRAM.

Those in attendance included President Michael O'Donnell, Immediate Past President Rodney Acker and Regent Lyn Pruitt. Special mention also should go to Louisiana State Chair James Brown who was primarily responsible for organizing the meeting and putting together the program.

The meeting started Friday evening at the Windsor Court Hotel with a reception and dinner. The keynote speaker was Louisiana Governor John Bel Edwards, who is that rarest of politicians these days – a Democratic governor in a southern state. Governor Edwards' talk left little doubt how he has been able to be effective in getting things done in today's polarizing climate. More than one non-Louisiana lawyer was heard to say, "I wish he were our governor." The evening concluded with music and dancing to the tunes of Kermit Ruffin and the Barbeque Swingers.



Saturday morning's program began with a talk from Mitch Landrieu, former Mayor of New Orleans and currently Senior Advisor to the President and Infrastructure Implementation Coordinator – which means that he is in charge of figuring out how to distribute 1.2 trillion dollars authorized by the Infrastructure Bill. No small task, but by the end of his presentation there was no doubt the President had tapped the right person for the job.

The next speaker was Damon Hewitt, civil rights lawyer and current President and Executive Director of the Lawyers' Committee for Civil Rights Under Law. Mr. Hewitt spoke about the beginning of the Committee in 1963, its mission and the work it is doing in such areas as election law, gerrymandering, discrimination and the January 6 insurrection.

Don Washington, the former Director of the United States Marshal's Service, spoke about the origin and history of the Service (first established in 1789), how the 5,500 U.S. marshals and deputy marshals are organized, interactions with the federal judiciary and its roles including witness protection, fugitive apprehension, protection of the courts and protection details such as that provided to Dr. Fauci during the pandemic when he received death threats.

The final speaker was Professor Becki Kondkar of Tulane Law School. Kondkar is also the Director of the Women's Prison Project, the recipient of the 2020 Emil Gumpert Award. President O'Donnell introduced Professor Kondkar and "presented" her with a \$100,000 check (actually paid two years ago but this was the first opportunity for an in-person recognition). The mission of the Women's Prison Project is to seek freedom for women incarcerated in Louisiana prisons for killing an abusive husband or partner in self-defense. Many of these women have been in prison for more than twenty years. The project has so far been able to secure the release of seven women, but more than 140 women remain imprisoned for such crimes. Professor Kondkar's talk was inspiring and validation, if any was ever needed, for the Project being the recipient of the Emil Gumpert Award.

The meeting ended with a Saturday reception highlighted by a strolling musician – the College's very own James Brown – playing the violin. Everyone then went out on their own to enjoy the finest in dining offered by New Orleans. The meeting was truly in the tradition of our host city, as everyone "let the good times roll."

**David N. Kitner**  
**Dallas, TX**



June 9 to 11, 2022  
Windsor Court Hotel  
New Orleans, Louisiana

## REGION VII: TRI-STATE MEETING



ON JUNE 9-11, 2022, ALABAMA, GEORGIA AND FLORIDA FELLOWS AND GUESTS GATHERED IN NEW ORLEANS FOR THE TRI-STATE (REGION VII) MEETING.

The program organized by Alabama State Chair Gaynor St. John and Co-Chair Frank Stakely featured an array of topics including food, music, travel, sports and politics. The Fellows were especially pleased to welcome President Michael O'Donnell and his wife Brett, Immediate Past-President Rodney Acker and his wife Judy, Past-President Sam Franklin and his wife Betty, Past-President Chilton Varner, current Secretary Rick Deane and Dennis Maggi, Executive Director.

Thursday night, the Fellows and guests enjoyed a cocktail reception at the Windsor Court followed by dine-arounds among the many fine New Orleans restaurants. Friday's program began with welcoming comments by Gaynor St. John and Rick Deane. The Fellows then heard from Lee Sentell, Alabama Tourism Director. Mr. Sentell is the author of the *Civil Rights Trail*, which describes the historical events that occurred in the South during the Civil Rights Movement of the 1960's. Following Mr. Sentell, Nick Sellers, the Chief Executive Officer of the 2022 World Games, described the international sports event to be held this Summer in Birmingham. Over 3,600 athletes from one hundred plus countries will be competing for medals in thirty-two events. After presentations on travel and sports, the attendees were introduced to Frank Stitt, a Birmingham restaurateur. Mr. Stitt has been recognized for the success of his four restaurants including Highlands Bar & Grill, which was named in 2018 by the James Beard Foundation as the best restaurant in the United States. Mr. Stitt shared his experiences working and traveling around the world as a young chef; he named his favorite restaurants and what made each special. Friday's session concluded with a cocktail reception and entertainment by the Muscle Shoals Review. This group of twelve musicians includes several of the original





Muscle Shoals Swampers from Fame Studio in Muscle Shoals. The group and their predecessors have partnered with the likes of Aretha Franklin, The Allman Brothers, and The Rolling Stones to record some of the world's best known music. The Fellows enjoyed the music and hearing the “behind the scenes stories” of the sessions.

Saturday's program opened with thoughtful remarks by President O'Donnell as to the state and mission of the College. President O'Donnell emphasized the need to protect the independence of the judiciary. Zella Palmer, author and professor at Dillard University, then spoke on the evolution of creole cuisine and the impact creole cuisine has had on the culture of the state. Following Ms. Palmer, the topic shifted from food to college sports. A panel, moderated by Fellow Chris King, included Fellow Finis St. John, Chancellor of the University, of Alabama Systems, Matt Self, Assistant Athletics Director, Compliance, University of Alabama, and Rich McGlynn, Executive Associate Athletics Director, Compliance, Auburn University. The panel provided candid insight into the impact of the rule changes by the NCAA for name, likeness and image of a college athlete. The discussion raised many questions from the audience regarding potential booster influence, financial disparity

among institutions to support college athletics, and lack of uniform rules of enforcement. The panel also addressed the impact of conference realignment and expansion of the College Football Playoffs. Fortunately, the discussion did not address Georgia's win over Alabama, despite prodding from the Georgia Fellows.

Saturday's program ended with comments by former United States Senator Doug Jones. Senator Jones was named by the Biden administration to act as the Sherpa for the Supreme Court nomination of the Honorable Ketanji Brown Jackson. Senator Jones provided a detailed insight to the nomination process, his introduction of Judge Jackson to the members of the Senate, and ultimately, Senator Jones' description of the successful vote in favor of Judge Jackson. Senator Jones' thoughts ended with the observation of the need for members of Congress to work together. The Tri-State program concluded with Gaynor St. John thanking all those attending and reminding everyone of the 2024 Tri-State Meeting to be hosted by the Georgia Fellows.

The Alabama Fellows appreciate the help of the College Administrative Staff and particularly, Suzanne Alsnauer.

***Robert P. Mackenzie III***  
***Birmingham, AL***



# COLLEGE CO-SPONSORS FORUM ON THE RULE OF LAW

AS PART OF ITS MISSION TO SUPPORT “THE INDEPENDENCE OF THE JUDICIARY . . . [AND] RESPECT FOR THE RULE OF LAW,” THE COLLEGE HAS SPONSORED SEVERAL FORMAL LEGAL EXCHANGES AMONG SENIOR JURISTS AND ATTORNEYS FROM THE UNITED STATES AND THE UNITED KINGDOM. RECENT EXCHANGES OCCURRED IN 2015 (IN GREAT BRITAIN, TO COINCIDE WITH THE CELEBRATION OF THE 800TH ANNIVERSARY OF THE MAGNA CARTA) AND IN 2016 (WHEN THE 2015 EXCHANGE GROUP GATHERED IN THE UNITED STATES FOR A FOLLOW-UP FORMAL PROGRAM). SUPREME COURT JUSTICES AND OTHER JUDICIAL OFFICERS FROM EACH COUNTRY (AS WELL AS COLLEGE FELLOWS) PARTICIPATED IN EACH EXCHANGE, AND THE PARTICIPANTS JOINTLY PREPARED SUBSTANTIVE SCHOLARLY PAPERS TO ASSIST IN GUIDING THEIR DISCUSSIONS.

---

In September 2021 the College and the Association of Marshall Scholars co-sponsored a virtual forum on the Rule of Law. Although the virtual format was necessarily less formal than earlier exchanges, it was modeled on the format of earlier exchanges and included members of the United States Supreme Court, other distinguished federal and state court judges from the United States, members of the Supreme Courts of the United Kingdom and Northern Ireland, the High Courts of England and Wales, College Fellows, current and former Marshall Scholars, and an English barrister. The forum was so enthusiastically received that, as the pandemic began to show signs of waning in parts of the world, the College and the Association of Marshall Scholars were encouraged to continue it by co-sponsoring an in-person meeting – the “Forum on the Rule of Law: Legal Issues in a Post-Pandemic Society” — which was held over a three-day period in early May 2022 at the United States Supreme Court.



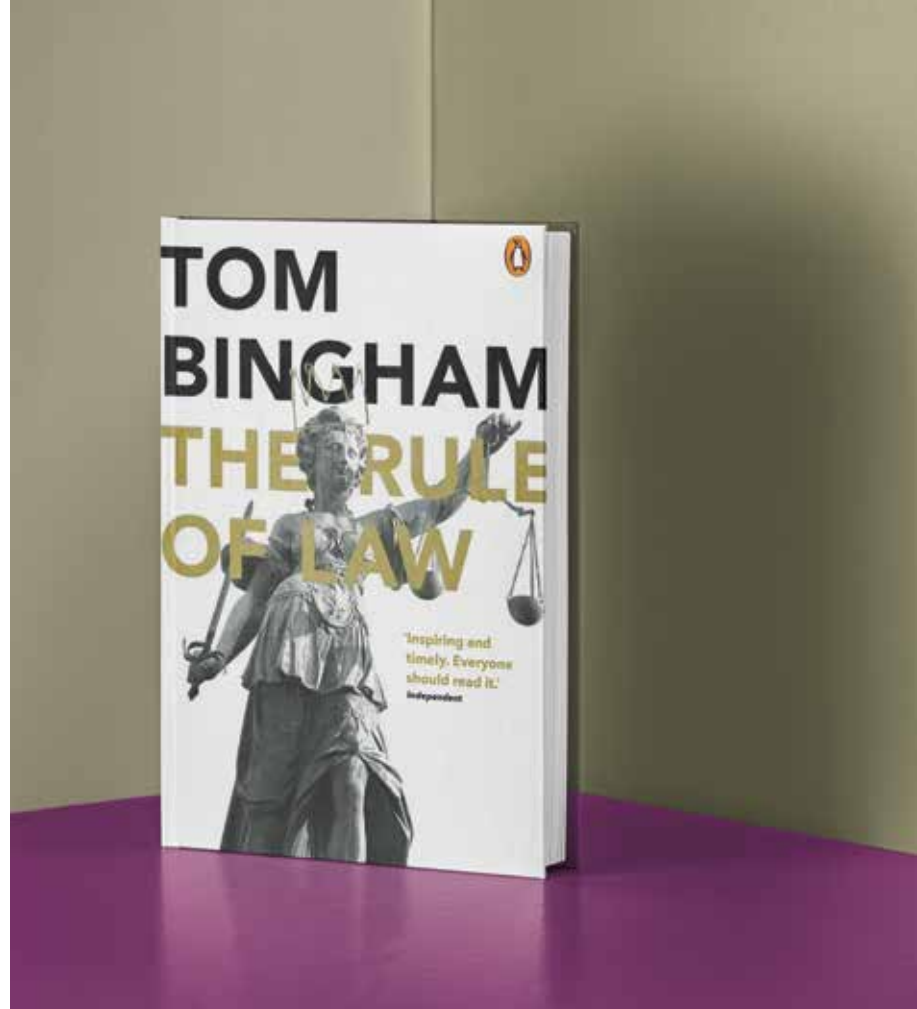


Approximately thirty persons were invited as formal delegates to the Forum. From the United States, they included Chief Justice John Roberts (who delivered extended remarks at an opening dinner); Associate Justices Stephen Breyer, Elena Kagan, Brett Kavanaugh, Neil Gorsuch, and Sonia Sotomayor (each of whom attended and contributed to substantive discussion sessions); Judge William Kayatta (former ACTL Regent, from the First Circuit Court of Appeals), Judge Diane Wood (from the Seventh Circuit Court of Appeals), Judge Jesse Furman (from the District Court for the Southern District of New York), Judge Barbara M. G. Lynn (Chief District Judge for the Northern





District of Texas); and Fellows John Day (ACTL Secretary-Designate), Richard Deane, Jr. (ACTL Secretary), Andrea La'Verne Edney, Adam Peck, Ashok Ramani, and Douglas Young (ACTL Past-President). The United Kingdom was represented by The Right Hon. Lord Hodge (Deputy President of the Supreme Court), The Right Hon. Lord Briggs of Westbourne (Justice of the Supreme Court), The Right Hon. Lady Arden of Heswall DBE (Justice of the Supreme Court, ret.), The Rt Hon. The Lord Mance PC (Justice of the Supreme Court, ret), The Right Hon. Dame Siobhan Keegan (Chief Justice of Northern Ireland), The Right Hon. Sir Geoffrey Vos MR (Master of the Rolls), The Hon. Dame Karen Steyn DBE (Judge of the High Court of England and Wales), The Hon. Dame Justine Thornton DBE (Judge of the High Court of England and Wales), and Helen Davies QC. Invited former Marshall Scholars who attended included Cinnamon Pinon Carlarne, Sheryll Cashin, Samuel Rascoff, Jeffrey Rosen, Andrew Shapiro, and Kannon Shanmugam. Legal scholar Jonathan Zittrain was also an invited expert and presenter. The Right Hon. Richard Wagner PC (Chief Justice of Canada) attended as a special guest along with Scott Grinsell (President of the Association of Marshall Scholars), Vicky Fox (Chief Executive for the Supreme Court of the United Kingdom), Michael O'Donnell (ACTL President) and Rodney Acker (ACTL Immediate Past President.)



The Forum proceeded in two parts. On Wednesday, May 4, the delegates met at the Supreme Court for a full day of discussion, followed by a tour of the United States Capitol, a viewing of curated items from the Law Library collection at the Library of Congress, and a reception and dinner at the Library of Congress. The dinner featured remarks by Aslihan Bulut, Law Librarian of Congress. On Thursday, May 5, the formal delegates and additional invited guests and spouses met at the Supreme Court for further discussions and questions from the floor. The commentary each day – lively and informative – followed “Chatham House Rules,” meaning that comments made during the meetings could not be attributed to any particular speaker.

In preparing for the Forum, the delegates authored and distributed substantive “executive summaries” on the topics to be discussed, typically at least two for each topic – one addressing issues from the UK perspective and one addressing issues from the US perspective.

The “Rule of Law” was a key underlying theme; and it was interesting to observe how, over time, legal commentators and scholars from both the United States and the United Kingdom have attempted to identify the key elements of the “Rule.” For example, United States legal philosopher and professor Lon Fuller, who helped frame the modern philosophical conflict between “legal positivism” and “natural law theory,” famously identified a set fundamental elements in his 1964 book *The Morality of Law*.

These elements, which he urged tend to guarantee that the law will represent certain moral standards of respect, fairness, and predictability, have been broadly summarized as “generality,” “publicity,” “non-retroactivity,” “clarity,” “non-contradiction,” “constancy,” and “congruity.” Lord Bingham identified his own eight characteristics of the Rule in his 2010 book *The Rule of Law* in which he advocated that laws should be accessible, intelligible, clear and predictable; questions of legal right and liability ordinarily should be resolved by application of law, not discretion; laws should apply equally to all unless objective differences justify differentiation; ministers and public officials should exercise their powers in good faith, fairly, for the purposes for which the powers have been conferred without exceeding the limits of the powers; laws should protect fundamental human rights; means must be provided for resolving civil disputes that cannot be settled without inordinate cost or delay; legal procedures must be fair; and the state must comply with its obligations in international law as in national law.

***Commitment to the rule of law provides a basic assurance that people can know what to expect whether what they do is popular or unpopular at the time.***

— Sandra Day O'Connor



Each discussion session was moderated by one of the invited delegates, and the sessions covered a wide range of topics including “Free Speech and the Internet,” “Copyright and New Technologies,” “The Rule of Law and Global Security,” “The Rule of Law and an Independent Judiciary,” “Human Rights and Civil Liberties,” “Climate and the Courts,” “Virtual Justice and Jurisprudence Post-Covid,” and “Separation of Powers.” The discussions addressed such questions as the extent to which courts may impose limitations in the name of privacy (recognizing that free speech is variously protected by the common law, article 10 of the European Convention on Human Rights and, in the U.S., by the First Amendment), when and how government can control speech on the internet, whether social media platforms are public forums in all cases, whether the common law is capable of dealing with issues created by new technologies, secrecy and the treatment of classified information in the courts, human rights and diplomacy, the treatment of issues when human rights may conflict (e.g., rights against discrimination and rights to freedom of speech, conscience, or religion), litigation regarding climate change (a comparative view of how climate issues are dealt with in the U.K., Europe, and the U.S.), and evolving means by which courts in the U.K. and the U.S. have been operating during the pandemic.

The final day was adjourned following closing remarks by Marshall Scholars President Scott Grinsell and ACTL President Michael O'Donnell, after which the delegates departed for a closing dinner at the home of the Deputy British Ambassador to the United States.

The Forum offered a welcome opportunity for in-person dialogue regarding timely and significant issues affecting societies throughout the world, particularly in the West. It also provided a unique platform for continued discussions among opinion leaders who provided thoughtful and creative insights into how currently developing issues may be resolved in the future. Most significant, the days of discussion reaffirmed the importance of the Rule of Law, whether in a society defined by a constitution or one that functions within a parliamentary monarchy.

***Douglas R. Young***  
***San Francisco, CA***



# DIVERSITY TRIAL ADVOCACY PROGRAM

TWO-AND-HALF YEARS AGO, THE COLLEGE WAS PRESENTED WITH A PROPOSITION AND A CHALLENGE. AFTER ALMOST-HEROIC EFFORT AND CONSTANT COVID-INTERFERENCE, THE COLLEGE FINALLY HOSTED ITS FIRST ACTL DIVERSITY TRIAL ADVOCACY PROGRAM IN CHICAGO ON MAY 20-22, 2022.

---



Our society is diverse. Our courthouses are diverse. The lawyers trying cases in those courtrooms ought to better mirror the diversity in our society. And they ought to be excellent advocates in the tradition of the ACTL. The College is best equipped to help that next generation of outstanding trial lawyers. Tom Heiden first brought the proposition and challenge to the College. Leadership enthusiastically agreed and asked Tom to chair the program.

Fifty diverse lawyers from around the country met. The participants included lawyers from Equal Justice Works, Catholic Charities Community Services, the American Civil Liberties Union, public defender offices in Delaware and New York, and lawyers in private practice.

assigned the Director of its trial training programs and two supporting staff, and provided its facilities and food and drink for the three days.

The American Lawyer headlined its coverage of the program as “Kudos and ‘C’mon!: ACTL Just Pulled Off an Impressive Program to Diversify the Trial Bar. Again, Please.” AmLaw implored the College to make it an annual event.

Many of these young diverse lawyers are already in courtrooms doing real cases. Hopefully, the College has helped them toward excellent, principled advocacy.

Joe Crawford and Joe Caldwell helped from the outset. College staff lent their support. Fellows chipped in to help with the participant and faculty recruiting. The faculty were: Sergio Acosta, Anita Alvarez, Joe Caldwell, Jack Carriglio,



*The excellence of the program and the importance of the experiences are best captured by the participants' comments:*

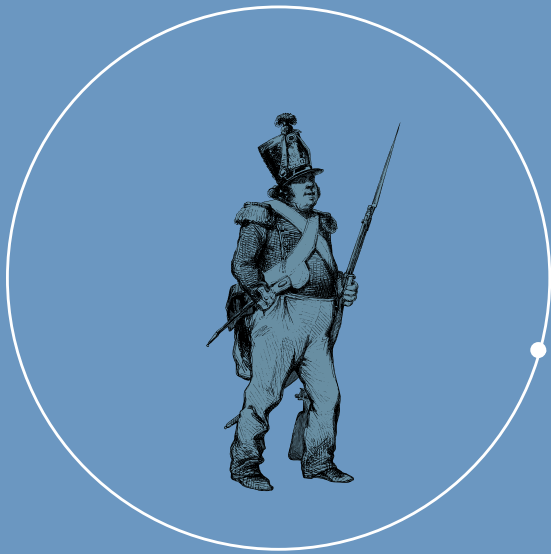
Eighteen diverse Fellows from New York to San Francisco donated their time to serve as hands-on faculty. Each segment of a trial was divided into discussion, faculty demonstration, participant exercises, and faculty review – direct and cross-examination, fact witnesses and experts, opening statements and closing arguments. The program culminated in 5 parallel trials of a pharma death case file. Both current President Mike O'Donnell and Past President Doug Young served on the faculty.

Latham & Watkins' Women Enriching Business and Diversity Leadership Committee sponsored the program. Latham

Jan Conlin, Joe Crawford, Judge Thomas Durkin, Gerald Ivey, Maurice Jenkins, Mike O'Donnell, Maria McCarthy, Lynn Murray, Joe Serino, Diane MacArthur, Kathy Nestor, Kimball Anderson, Gary Elder, Doug Young, Mary Rose Alexander, and Tom Heiden.

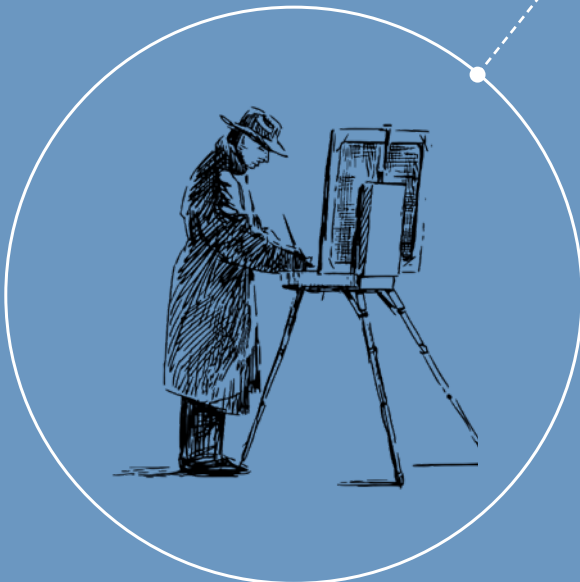
The need to help equip young diverse trial lawyers to mirror the diversity in our society remains. This program has barely scratched the surface. We hope – with your help – to continue and expand this effort.

**Tom Heiden**  
**Chicago, IL**



# FROM WAR TO COMMERCE TO ART

## THE EVOLUTION OF A CAREER



JOHN QUINCY ADAMS FAMOUSLY MUSED “I HAVE TO STUDY POLITICS AND WAR SO THAT MY SONS CAN STUDY MATHEMATICS, COMMERCE AND AGRICULTURE, SO THEIR SONS CAN STUDY POETRY, PAINTING AND MUSIC.” WHAT A THOUGHT. IN THREE GENERATIONS, HE HOPED, A FAMILY CAN EVOLVE FROM WAR TO COMMERCE TO ART.<sup>1</sup>

BUT OUR FELLOW, STEVE PATTON, HAS MANAGED TO ACCOMPLISH ALL THREE STAGES IN A SINGLE LIFETIME. IN HIS FIRST CHAPTER, STEVE WAS A WARRIOR, A TRIAL LAWYER, AN EXCEPTIONAL TRIAL LAWYER. IN HIS SECOND CHAPTER, STEVE SERVED COMMERCE IN THE PUBLIC SECTOR. AND IN HIS THIRD CHAPTER, HE HAS BECOME A PRO BONO ARTISAN, ENRICHING AND IMPROVING THE LIVES OF THOUSANDS.

---

## CHAPTER ONE – WAR

Steve Patton graduated from Indiana University in 1975. He earned his JD from Georgetown University Law Center, *magna cum laude*, in 1978; he was an Editor of the *Georgetown Law Journal*. Steve joined Kirkland & Ellis in 1978 and, during his thirty-three-year stint running up to 2011, became Chairman of Kirkland’s Firmwide Litigation Management Committee and its Firmwide Client Development Committee. Steve was the lead lawyer in jury and bench trials in federal and state courts and arbitration proceedings throughout the country, including large-dollar and high-profile cases in Atlanta; Cheyenne, Wyoming; Chicago; Cleveland; Miami; Tampa; Texarkana, Texas; and Washington, D.C.

Steve came of age in what he calls the “old days” – what some call the “good old days” – when the lawyer who tried the case also handled the appeal. So Steve also argued appeals in federal and state appellate courts throughout the country. This included, in one particularly active two-year period, twenty appeals before the highest courts of Connecticut, Delaware, Maine, Massachusetts, Nebraska, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Vermont and West Virginia, and appellate courts in Kentucky, Louisiana, Maryland, Michigan, New York, North Carolina and Ohio. Steve also advised senior management in connection with a number of “bet the company” exposures and was the lead negotiator in several large and complex settlements, one of which was the \$206 billion tobacco industry settlement with forty-six State Attorney Generals.

Steve was inducted as a Fellow of the American College of Trial Lawyers at the 2003 Annual Meeting in Montreal.

An admirable career. But what makes Steve’s story a bit out of the ordinary is that it is merely Chapter One.

---



<sup>1</sup> Adams’ quote is timeless, but his real-life family did not exactly achieve his dreams. John and Abigail Adams had six children, four of whom survived to adulthood, three sons and a daughter. The only acknowledged success among them was our sixth President, John Quincy Adams. John Quincy himself had four children, three sons and a daughter, and only one became successful, Charles Francis Adams, 1807-1886. Charles served in the Massachusetts legislature from 1840-45; in 1848, he was the Vice-Presidential candidate of the Free Soil Party, running with Martin Van Buren. He served in the U.S. House of Representatives from 1859-1861, when President Lincoln appointed him U.S. Minister to the Court of St. James (England). Charles’ sons, John Quincy’s grandsons, were highly successful. Charles Francis Adams, Jr. (1835-1915), president of the Union Pacific Railroad. Henry Adams (1838-1918) was a professor of history at Harvard and editor of the *North American Review*. Brooks Adams (1848-1927) wrote many works on the economy and correctly predicted that by 1950 the United States and Russia would be the two major powers in the world. So unlike his quote’s aspiration, John Quincy’s sons did not study commerce; they stayed in family business of politics. His grandsons finally got to commerce, but they did not become artists. Well, no matter. The quote remains remarkable as an ideal; and the Adams’ family remains extraordinary.



## CHAPTER TWO – COMMERCE

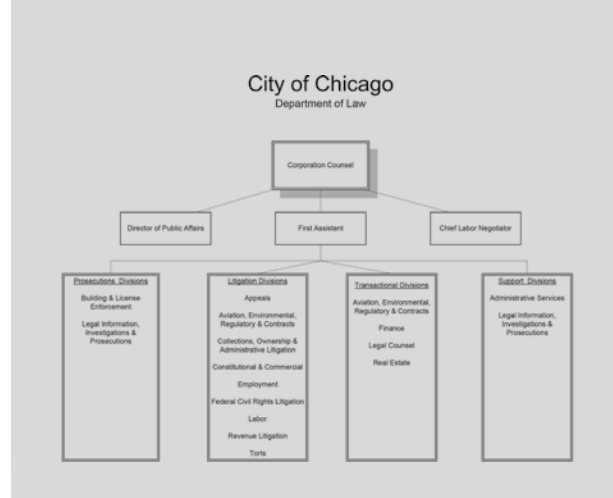
When Rahm Emanuel was elected Mayor of Chicago in 2011, he needed a lawyer.

The City's Law Department employs approximately 270 lawyers and scores of support personnel, managed by the Chicago Corporation Counsel. Mayor Emanuel needed to fill that top slot. Among the people that he trusted to suggest candidates was Steve Patton's partner, Bill Singer. Singer had been an independent Chicago Alderman in the early 70's who had the temerity to mount an election challenge to Mayor Richard J. Daley, the father of Mayor Richard M. Daley, who was Emanuel's immediate predecessor in office. Singer approached Steve and asked whether Steve might be interested in the job.

Steve *was* interested, simply because public service had always interested him. He was fifty-eight. The window for public service opportunities was closing. So he was interested. But he was leery. He had some questions. Is Emanuel as abrasive and as hard to work for as his reputation? Will the role be meaningful? Will he actually listen to advice?

An interview was arranged. Mayor Emanuel, not surprisingly, thought he was the interviewer. And some discomfort arose when it developed that Steve was asking questions too. But Steve's questions were real, they were important. If he took this job, he and Linda (luckily, the kids were grown) would have to move from their home in Evanston (the suburb immediately north of the City) to establish Chicago residency. He would have to take a gigantic pay cut. He needed answers.

The answers were satisfactory. Steve took the job, which he describes as "jumping off the high board in the very deep end." Steve recalls that he worked harder and longer hours for the City than he had at Kirkland, and if you know anything about big firms, that would be hard indeed.



The Law Department is responsible for providing legal counsel and representation for the Mayor, but also to more than forty City Departments, Boards, Commissioners, and the City Council – fifty Aldermen. Cats? That's easy. This was like herding eels.

In his first days on the job, Mayor Emanuel told Steve that he needed to attend to a little personnel issue. One of the longest serving, most powerful Aldermen had somehow managed to have a police bodyguard detail personally assigned to him; the Mayor wanted it eliminated. So Steve eliminated it. Cold Turkey. Steve doesn't remember the exact conversation when the Mayor found out, so I'm making this up, but it likely went something like "What the [expletive]!?" "What the [expletive] were you thinking? I didn't mean just [expletive] cutting it off! I meant, give him some [expletive] notice, let him [expletive] negotiate a [expletive] transition. [Expletive]!!!"

But Steve did plenty of real work, important work, too.

In 1969, there were almost 40,000 public jobs in Chicago and Cook County that were filled on the basis of Democratic political patronage. Anyone who wanted a job had to apply to an Alderman or Committeeman. Job openings were not posted; they were kept secret, so that the candymen knew how much candy they had to dole out. It was simple – there was only one qualification for these 40,000 jobs: if the Committeeman sponsored the applicant, the applicant got the job. But in return the new employee often had to pay part of his or her salary

back to the Committeeman and had to do election work for the candidates supported by the Committeeman — in perpetuity. Commerce? The cost of patronage to the City and its citizens was literally billions of dollars.

A series of lawsuits were filed which led to the entry of consent orders in 1972, collectively known as the "Shakman Decree," which outlawed this patronage. Yet when Mayor Emanuel and Corporation Counsel Patton assumed their offices almost forty years later, patronage remained a problem and the City's efforts to achieve substantial compliance with the Decree were at an impasse. Under Steve's guidance, they changed that, fixed it. With the implementation of strict hiring restrictions and automatic involvement of an Inspector General in case of deviation, the City is finally in full compliance with the Shakman Decree; patronage in Chicago is dead.



During his six years as Corporation Counsel, Steve played a lead role advising the Mayor and working on myriad other issues, including:

- Renegotiating the City's parking meters concession agreement to eliminate a \$1 billion past liability
- Negotiating a landmark reparations agreement resolving thirty-year-old claims of torture and coerced confessions by more than seventy African-American men
- Quarterbacking the City's cooperation with, and various reforms in response to, the U.S. Department of Justice's civil rights investigation of the Chicago Police Department
- Successfully defending, against union challenges, Chicago Public School's (CPS's) lengthening of its school day by almost two hours, resulting in students receiving the equivalent of two full academic years of education
- Negotiating a landmark agreement with the ACLU in which the City agreed to cease illegal stop and frisks
- Investigating and filing the first suit filed by a City against the pharmaceutical companies that manufacture and sell OxyContin and other opioids; negotiating a landmark settlement with one of the largest pharma companies

Steve had planned to take the City job only for a couple of years. He tried to leave three times, and each time, Mayor Emanuel persuaded him to stay, to work on the crisis *de jour*. Two years became six. But Steve made a real difference in those years. The commerce of Chicago thrived.

## CHAPTER THREE – PRO BONO AS ART

Steve has been an adjunct professor at the University of Chicago Law School since 2017, teaching courses on Law and Public Policy, Appellate Advocacy and Advanced Evidence. And when Steve returned to Kirkland a few months after he had left the City job in 2017, there was no thought about whether or how much Steve might do pro bono work. It just sort of happened. But in the five years since he rejoined the firm, he has spent 90% of his time on pro bono matters, *important* pro bono matters.

Wilmer Garcia Ramirez started working in the coffee fields of Guatemala when he was six. Facing extreme poverty, he risked his life to come to the United States for a better life. He arrived in the US at age seventeen, was identified as an unaccompanied alien child (UAC), and was placed in a shelter by the Department of Health and Human Services (HHS), the agency with jurisdiction over alien minors. When Garcia turned eighteen, jurisdiction was assumed by US Immigration and Customs Enforcement (ICE), which immediately took him into custody at an ICE adult detention facility – a prison.

Sulma Hernandez Alfaro came to the United States at the age of sixteen to escape severe violence and abuse in Honduras, was identified as an UAC, and placed in a shelter. On her 18th birthday, she was transferred from the shelter to an ICE adult detention center.

The Trafficking Victims Protection Reauthorization Act of 2013 states that when unaccompanied immigrant children turn eighteen, ICE “shall consider placement in the least restrictive setting available after taking into account the [individual’s] danger to self, danger to the community, and risk of flight.” But ICE had routinely and systematically failed to comply with the law and simply locked up people like Garcia and Sulma. Partnering with the National Immigrant Justice Center, Steve brought a class action. After an eighteen-day trial in 2020, a federal district court in D.C. issued a 170-page decision which ruled in the class’s favor on all liability issues. After fourteen months of further proceedings, the Court granted the relief sought by the class, including a nationwide injunction permanently barring illegal detentions. The case continues, but to date Steve has devoted more than 4,000 hours of his time; Kirkland has devoted more than 17,000 hours.

And here’s a little bonus. Steve and his team have done meaningful and impactful work which has freed thousands of young people from illegal detention. And in doing it, Steve was able to use the trials to give five different young lawyers the opportunity to examine their first witness in a trial.



Steve's other pro bono activities have covered a vast range of causes. Since 2018, he has served as chairman of the board of the Illinois Gun Violence Prevention Action Committee (GPAC), the leading advocate and sponsor of state legislation to stem the flow of illegal guns flooding the City and to keep guns out of the hands of criminals and others who should not have them. He is also one of the founders and the Chairman of the Founders Circle, a group of thirty civic leaders who have each committed to contribute at least \$10,000 per year to fund GPAC's legislative efforts. During his tenure, GPAC has led successful efforts to enact the 2019 Gun Store Licensing and Straw Purchaser Act, which includes a number of common-sense reforms to prevent straw purchases and reduce the sale of illegal guns. In 2021 GPAC helped pass the Fix the FOID/Ban Illegal Ownership Act, which requires universal background searches with respect to all gun sales in Illinois. In the most recent legislative session, GPAC quarterbacked efforts to enact legislation banning "ghost guns" and other untraceable firearms in Illinois.



Steve led a team in a nationwide suit on behalf of current and prospective transgender service members challenging a 2017 ban on transgender persons serving in the military. After three years of hard-fought litigation, the ban was reversed last year by the new Administration.

Steve was a member of the board and Chairman of the Chicago Bar Foundation, the leading funder of pro bono organizations in the City. He also served for more than two decades as a volunteer attorney at a neighborhood legal clinic sponsored by the Chicago Volunteer Legal Services Foundation (CVLS), as a member of CVLS's board, and for many years, chairman of its Advisory Board. CVLS is the largest volunteer pro bono organization in the City.

Since 2018, Steve has worked with Three Angels, a faith-based orphanage and grammar school in Port-au-Prince, Haiti. In 2019, he solicited the donation of a shipping container load of perlite, a soil supplement needed by Three Angel's farm on the outskirts of Port-au-Prince, and then paid for the shipping container and its transportation to Port-au-Prince. But Steve doesn't just give time and money. During a 2018 trip, he got his hands dirty installing a water purification system which his church paid for.

Trial lawyer, public servant, pro bono – for the good of – the many. War, commerce, art. A nice evolution, in a single lifetime. Hopefully, Steve has a fourth chapter ahead.

**EDITOR'S NOTE:** Steve's life work is remarkable, but not all that much more so than pretty much every Fellow of this College. We have all had remarkable careers; we would not be Fellows if that were not so. And many of us have started in, or took time out for, or ended up in public service. And many – most – of us have done significant pro bono work. So why single Steve out for recognition?

And then there is the firm thing. The careful reader of the *Journal* will have observed that we go to some lengths not to mention a Fellow's firm by name. Fellowship is an individual accomplishment and the *Journal* tries not to be caught up in firm marketing. So why so strongly identify Kirkland by name?

Good questions. [Thanks, Bob, I thought so too.]

Kirkland? My own firm has a pretty impressive pro bono program, but I'm not going to publish its name. Here's my rule. When a firm doesn't simply give its time away, when it gives up significant revenues it has earned, that deserves a shout-out. In our last issue, we highlighted Mike Jones, Steve's partner, who won a half-billion-dollar settlement for his pro bono clients after twelve years of litigation. The settlement came with \$12.5 million in statutory fees. Kirkland *earned* those fees. But the firm gave the fees to a group of charitable organizations to continue the work. Steve's immigrant rights case is now in the stage of determining statutory fees, and it is likely that Kirkland will be awarded something substantial. Nothing is definite yet, but it is Steve's expectation that whatever fee is awarded will be donated back to immigrant rights organizations.

That deserves a shout-out.

Steve? Why did we tell his story as opposed to any of the thousands of others we could have told? C'mon. Could you have read his story without thinking "Hmmm. Have I done enough good in my career? Should I do another pro bono case? Should I think about public service?" We told Steve's story simply because it's a good one. And if it inspires any of you to do a little more, then it's a great one.





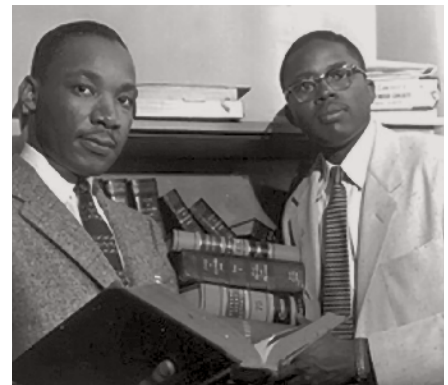
## PRESIDENTIAL MEDAL OF FREEDOM AWARDED TO FRED DAVID GRAY

PRESIDENT JOE BIDEN BESTOWED THE PRESIDENTIAL MEDAL OF FREEDOM UPON FELLOW FRED DAVID GRAY AT A WHITE HOUSE CEREMONY ON THURSDAY, JULY 7, 2022. THE PRESIDENTIAL MEDAL OF FREEDOM IS THE NATION'S HIGHEST CIVILIAN HONOR, PRESENTED TO INDIVIDUALS WHO HAVE MADE EXEMPLARY CONTRIBUTIONS TO THE PROSPERITY, VALUES, OR SECURITY OF THE UNITED STATES, WORLD PEACE, OR OTHER SIGNIFICANT ENDEAVORS THAT BENEFIT SOCIETY.

Born and raised in Montgomery, Alabama, Fred was ordained a Christian minister as a teenager and, following high school, he received a BS from Alabama State College for Negroes (1951) and an LLB from Case Western Reserve University in Cleveland, Ohio (1954) - at the time, there were no law schools in Alabama that accepted African-Americans. Fred returned to Montgomery to open his private law practice while also serving as minister to the Holt Street Church of Christ. Fred went on to become one of the first African-American members of the Alabama State Legislature and was the first African-American President of the Alabama State Bar. Fred became a Fellow in the College in 1999.

Fred has spent his life and career fighting for the civil rights of all Americans, successfully arguing some of the most significant cases in U.S. history against racial segregation and discrimination. As a young attorney, Fred represented Rosa Parks, Dr. Martin Luther King, Jr. and Claudette Colvin, as well as the NAACP. He also successfully represented plaintiffs in the class-action lawsuit involving the Tuskegee Syphilis Study, later writing a book about the both the study and his journey to providing restitution for the families of the study's participants.

Another book, *Martin v King: Martin Luther King Jr. and the Criminal Trial That Launched the Civil Rights Movement*, was released this past May. Co-authored by Fred along with Dan Abrams and David Fisher, the book provides personal insight into that landmark criminal trial. Fred became Dr. King's defense attorney at just twenty-four years old and would later be described by Dr. King as "the brilliant young leader who later became the chief counsel for the protest movement."



Making it his life's mission to advocate for the rights of the underserved, Fred has been pursuing civil rights over a career spanning nearly seven decades. Despite the threat of personal harm, to both himself and his family, Fred has remained stalwart in his commitment to social justice. His work is not only the finest representation of the College's mission, his personal dedication to providing access to justice for all Americans has earned him the respect of our nation.

**Sarah Stokes**

# WHY DON'T YOU TEACH JUDGES?

AT THE WESTERN PENNSYLVANIA FELLOWS HOLIDAY DINNER IN DECEMBER 2018 AT THE DUQUESNE CLUB IN PITTSBURGH, CURRENT STATE CHAIR JOHN C. CONTI WAS SEATED NEXT TO JUDICIAL FELLOW JUSTICE CHRISTINE L. DONOHUE OF THE SUPREME COURT OF PENNSYLVANIA. CONTI SUGGESTED THAT THE COLLEGE ORGANIZE A CONTINUING LEGAL EDUCATION PROGRAM AT UNIVERSITY OF PITTSBURGH OR DUQUESNE UNIVERSITY SIMILAR TO THE COLLEGE'S ANNUAL PROGRAM AT TEMPLE UNIVERSITY IN PHILADELPHIA. JUSTICE DONOHUE RESPONDED, "WHY DON'T YOU TEACH JUDGES?" SHE WENT ON TO DESCRIBE A RECENTLY CREATED PROGRAM OF CONTINUING JUDICIAL EDUCATION AND THE REQUIREMENT THAT ALL TRIAL AND APPELLATE JUDGES PARTICIPATE IN TWELVE HOURS OF ANNUAL CONTINUING JUDICIAL EDUCATION.

John jumped on the idea and enlisted the services of Fellow John P. Gismondi because of his experience in CLE programing; together they presented a program on medical malpractice to sitting Pennsylvania state court judges. A partnership was born.

Pennsylvania's continuing judicial education program is operated under the aegis of the Judicial Education Department of the Administrative Office of Pennsylvania Courts, which provides continuing education to more than 1,000 jurists through programs, conferences and symposia. Starting in 2017, state law has required trial and appellate judges to participate in three hours of judicial ethics training and nine hours of substantive judicial education annually, according to Director Stephen M. Feiler, Ph.D. who is a criminologist.

It has been important for Dr. Feiler's office to partner with other organizations. At the outset, Chief Justice Thomas Saylor reached out to all nine law schools in Pennsylvania to enlist their participation and all nine remain involved to varying degrees. It was this model that prompted Justice Donohue to suggest a partnership with the College.

Since 2018, the College has partnered with the Administrative Office of Pennsylvania Courts to present on various topics, including privileges in civil and criminal cases, eminent domain and land valuation and most recently,

digital evidence in court. Dr. Feiler says "Our relationship with the College is developing into a productive, fruitful partnership and we could not be more pleased. This type of collaboration allows us to offer a greater number of learning opportunities in a broader array of legal inquiry."

All fifty states and most provinces have a judicial education program of some kind, although the formats vary.

The Pennsylvania program has been entirely virtual during the pandemic. Previous programs were a combination of in-person and virtual, allowing judges to gather together or participate from their chambers. Dr. Feiler concludes that many judges have found it particularly appealing when they could gather in one or more locations in Pennsylvania, because it added to a sense of camaraderie and invited more questions and participation by the audience.

Dr. Feiler notes that while they are required to do twelve hours of training, most actually participate in eighteen hours of programing, demonstrating tremendous professionalism. While some judges have specialized dockets, judges are the only general practitioners left in an era in which the bar is increasingly specialized.

In May and early June of this year, College fellows organized and presented the most recent program. *Digital Evidence in Court* was presented in two, three-hour sessions using a



multi-disciplinary approach. In the first session, Fellow Michael L. Levy, a retired federal prosecutor, and Justin Price, a former FBI computer forensic expert now in the private sector, presented on the technical subjects of how computer and handheld devices store and transmit various kinds of information and how that information can be retrieved, using as its “hypothetical” the Boston Marathon Bombing investigation in which Price participated when with the FBI. The program then addressed constitutional implications of the manner in which evidence is gathered and its admission under the rules of evidence.

In the second three-hour session, the presentation focused on judicial management of digital evidence primarily in civil cases. An expert in data hosting and retrieval and a lawyer expert in handling of such evidence in large-scale MDL proceedings, addressed the means by which judges can control and regulate the handling of digital evidence. Notably, a portion of the presentation focused on the manner in which counsel collect, maintain, search and disclose what can be vast volumes of digital data.

At the start of each session, Dr. Feiler explained the role of the College and expressed his appreciation for the College’s willingness to partner with his office in presenting interesting and informative content to the judges who appreciate the opportunity to learn from lawyers skilled at the tasks in question.



Justice Donahue’s casual remark has led to a tremendous partnership with measurable success. Additional programs in partnership with the College are planned beginning this Fall, including commercial litigation and valuation litigation in tax and eminent domain litigation. Fellows in all states and Provinces should consider whether the judges of their jurisdictions might welcome similar programs.

***Robert E. Welsh, Jr.***  
***Philadelphia, PA***



# BOOK REVIEW:

## ***BUSINESS AND COMMERCIAL LITIGATION IN FEDERAL COURTS 5TH EDITION***

**(ROBERT HAIG, EDITOR-IN-CHIEF,  
AMERICAN BAR ASSOCIATION, 2021 )**

TO BEHOLD THE NEW REVISED TREATISE *BUSINESS AND COMMERCIAL LITIGATION*, PUBLISHED BY THE AMERICAN BAR ASSOCIATION (2021), IS LIKE SITTING ON A HIGH MOUNTAIN TOP, LOOKING DOWN AT MANY BEAUTIFUL SITES, THEN GOING TO VISIT, STUDY, AND LEARN ABOUT EACH ONE MORE CLOSELY. THIS SUPERB TREATISE WAS CREATED BY EDITOR-IN-CHIEF ROBERT HAIG IN 1998. IT THEN CONSUMED SIX VOLUMES. THIS FIFTH EDITION IS COMPRISED OF *EIGHTEEN* VOLUMES, CONTAINING 180 CHAPTERS AUTHORED BY 373 EXPERIENCED TRIAL LAWYERS AND JUDGES. IT IS TRULY THE ENCYCLOPEDIA OF COMMERCIAL LITIGATION, AND MORE.

While readers of this work have much to absorb, they will have the benefit of receiving excellent guidance for providing effective representation of clients on the many topics and types of litigation included in this valuable resource. The writing is clear and comprehensive. Each chapter presents guidelines, forms, and checklists for discovery and trial. While the treatise focuses on commercial litigation, it has value for all types of cases.

Consider what this unique resource offers:

**VOLUME 1** includes discussions on subject matter jurisdiction, personal jurisdiction, service of process, venue, forum selection, complaints, responses to the complaint, and third-party practice.

**VOLUME 2** considers joinder, severance, and consolidation, as well as multi-district litigation.

**VOLUME 3** focuses on class actions, derivative actions by stockholders, privileges, and depositions.

**VOLUME 4** treats document discovery, selection of experts, summary judgment, and declaratory judgment.

**VOLUME 5** includes trial practice, including such subjects as opening statements, direct and cross-examination, and compensatory and punitive damages.

**VOLUME 6** includes chapters on alternative dispute resolution, including arbitration and mediation, and the impact of the bankruptcy code on civil litigation in federal courts.

**VOLUME 7** includes chapters on appeals, pro bono, civility, litigation technology, and social media, including techniques on authentication of social media evidence.



**VOLUME 8** contains chapters on antitrust, securities, and director and officer liability.

**VOLUME 9** focuses on medical malpractice, mergers and acquisitions, as well as contracts and insurance.

**VOLUME 10** presents chapters on banking, consumer protection, patents, and trademarks.

**VOLUME 11** invites the reader to gain insight into labor law, employment discrimination, and ERISA.

**VOLUME 12** includes products liability, aviation, mass torts, joint ventures, fiduciary duty litigation, and warranties.

**VOLUME 13** presents discussion on commercial defamation, disparagement, and theft or loss of business opportunities, as well as claims based on land use regulation and misappropriation of trade secrets.

**VOLUME 14** presents discussion on franchising, fraud, white-collar crimes, and international trade.

**VOLUME 15** includes chapters on tax, administrative agencies, and government contracts.

**VOLUME 16** includes chapters on e-commerce, energy, sports and entertainment law, and environmental claims.

**VOLUMES 17 AND 18** include a table of more than 50,000 pertinent cases as well as tables of jury instructions and forms, and the Index.

This treatise is truly remarkable for being comprehensive and incisive. For example, many chapters present guidelines for pleadings and discovery, including managing discovery in all of its various phases. Motion practice is discussed, as too is dealing with witnesses. Forms are included for many phases of trial practice.

This work is invaluable for new lawyers and seasoned practitioners as well. It really does provide answers to almost any question one can ask about the nuances of every topic discussed relating to litigating commercial cases and beyond. Take, for example, chapter 36. It discusses the role



of experts including discovery, opinions, as well as the content of expert reports and the expert at trial. Another example is chapter 148, which examines types of real estate cases in federal courts. Foreclosure actions, zoning disputes, and landlord/tenant disputes are discussed—with practice suggestions.

If you are interested in ERISA (Employee Retirement Income Security Act of 1974), chapter 124 delves into all phases of ERISA litigation, including issues of jurisdiction, motion practice, and applicable law. If you are uncertain about working with expert witnesses at trial, take a look at chapter 51, which covers the topic thoroughly, discussing the use of demonstratives and including them in the text.

Consider class actions. The 408-page chapter 25 on class actions covers strategic considerations for the practitioner, the requirements of Federal Rule 23, defendant class actions, due process issues, subject matter jurisdiction, class certification, standing and mootness, statute of limitations, arbitration and class action waivers, choice of law, ethics considerations, and more.

The writing is comprehensive, lucid, and substantive as demonstrated throughout. For example:

If you are interested in acquiring this watershed resource and are wondering how you can deal with an eighteen-volume treatise on your bookshelf, the good news is that there is an e-book version, and the entire treatise is also available on Westlaw. Thank you, post-modern world.

## **C. ELEMENTS OF TORTIOUS INTERFERENCE WITH A CONTRACT**

### **§138:28 Existence of a contract**

At a minimum, to establish liability for tortious interference with a contract, the plaintiff must prove the existence of the contract. In most cases, this requires that the plaintiff prove that there was a *valid* contract. Where the contract provided by the plaintiff is unenforceable (because of the statute of frauds, ambiguous terms, lack of consideration, etc.), the courts deal with the problem in different ways. Some courts treat this as a business relationship without a contract, and therefore afford the relationship less protection and require proof of the elements described elsewhere in this chapter.

\* \* \*

### **§138:29 Knowledge of the contract**

To establish a claim for tortious interference with a contract, the plaintiff must show that the defendant had knowledge of the contract to which the plaintiff was a party. However, the plaintiff need not show that the defendant had complete knowledge of the contract or precise knowledge of its terms and conditions. Thus, in *Union Carbide Corp v. Montell N.V.*, one of several defendants moved to dismiss the plaintiff's claim for tortious interference on the ground that the plaintiff did not allege that the defendant knew the details of the contract between the plaintiff and the third party. The court brushed aside this argument, noting that a plaintiff "is not required to allege" that the defendant had "full knowledge of the contract." It is sufficient that the defendant who interfered had "[k]nowledge of the existence of the contract."

\* \* \*

### **§138:30 Intent**

A plaintiff must show that the defendant in an action for tortious interference with a contract intentionally induced the breach of contract. As opposed to actions for tortious interference with relationships that do not have a contract, a plaintiff may be able to recover for interference with a contract even if the defendant's conduct was otherwise lawful. . . . This element requires a balancing of the circumstances surrounding the breach to determine whether the defendant's actions were justified. In this way, the element of intent mirrors the affirmative defense of justification, which can lead to confusion regarding which party has the burden of proof. In the case of *Roy v. Coyne*, in fact, the Illinois Supreme Court held that while intent is an element of tortious interference with a contract, it is the defendant that must plead and prove justification.

[Footnotes deleted.]



For those whose interest in this treatise is piqued and want more detail, here is a very small sample of the robust table of contents, which demonstrates why trial lawyers should have this treatise in their libraries.

### **XIII. PARTICULAR TYPES OF ACTIONS**

#### **A. ANTITRUST ACTIONS**

- § 25:86 Overview of antitrust actions
- § 25:87 “Adequacy” and “typicality” of proposed class representatives
- § 25:88 Proving “fact of injury” on a class-wide basis
- § 25:89 Proving amount of damages for individual class members
- § 25:90 Specifying or describing members of the class to be included in the judgment

#### **B. SECURITIES ACTIONS**

- § 25:91 Requirements imposed by the Private Securities Litigation Reform Act of 1995
- § 25:92 Satisfying the requirements of Rule 23(a)
- § 25:93 Satisfying the requirements of Rule 23(b)(3)
- § 25:94 Discovery stay
- § 25:95 Removal and dismissal under the Securities Litigation Uniform Standards Act of 1998

#### **C. MASS TORT AND PRODUCT LIABILITY ACTIONS**

- § 25:96 Introduction
- § 25:97 Historical perspective
- § 25:98 “Typicality” and “adequacy” of proposed class representatives
- § 25:99 Satisfying the requirements of Rule 23(b)(3)—Trends in considering the predominance of common questions
- § 25:100 Trends in considering superiority
- § 25:101 Factors to be considered by practitioners in determining the utility of a mass tort or product liability class action
- § 25:102 The core issues for trial

- § 25:103 The use and advisability of subclasses

- § 25:104 Efforts to settle mass tort and product liability class actions

#### **D. CONSUMER FRAUD ACTIONS**

- § 25:105 Consumer fraud class actions, generally

#### **E. PATENT ACTIONS**

- § 25:106 Patent actions, generally
- § 25:107 Utility of defendant class actions in patent cases after *Blonder-Tongue*
- § 25:108 Availability of defendant class actions in patent cases
- § 25:109 Impracticability of joinder
- § 25:110 Differences among potential class members

#### **F. COPYRIGHT AND TRADEMARK ACTIONS**

- § 25:111 Copyright and trademark actions, generally

#### **G. EMPLOYMENT CLASS ACTIONS**

- § 25:112 Employment class actions, generally
- § 25:113 Rule 23 employment class actions
- § 25:114 Administrative charges and the single-filing rule
- § 25:115 Statutory defenses and strategies
- § 25:116 Rule 23(a) defenses and strategies
- § 25:117 Use of statistics
- § 25:118 Impact of the Civil Rights Act of 1991
- § 25:119 Opt-in collective actions
- § 25:120 Differences between collective actions and Rule 23 class actions
- § 25:121 Two-step certification process
- § 25:122 The “similarly situated” requirement

- § 25:123 Strategies in litigating collective actions

#### **H. ERISA CLASS ACTIONS**

- § 25:124 Introduction
- § 25:125 ERISA class actions – Imprudent management of plan assets
- § 25:126 Misrepresentation and nondisclosure
- § 25:127 Claims alleging anti-cut-back or other statutory violations
- § 25:128 Claims for benefits

#### **I. PRIVACY AND CYBERSECURITY ACTIONS**

- § 25:129 Privacy and cybersecurity class actions, generally

Truly, poet John Keats’ statement, “A thing of beauty is a joy forever,” applies to this grand accomplishment, and hopefully the editor-in-chief will continue to update the treatise when appropriate.

*Paul Mark Sandler  
Baltimore, MD*

**EDITOR’S NOTE:** The *Journal* maintains a black and white policy to not do reviews of works written by Fellows, for two reasons. First, our Fellows are prolific writers, and there would simply be too much to review. Second, and perhaps more important, we fear that a Fellow might write something that we could not bring ourselves to honestly review favorably, and our core tenet of collegiality might be put to task. This treatise has 373 authors, at least two dozen of whom are Fellows, so one might detect some grey in our black and white policy. But the scope of this treatise, and the fact that its authors are overwhelmingly not Fellows, makes us comfortable with publishing this review.



# ALL IN THE COLLEGE FAMILY

a series

THE AMERICAN COLLEGE OF TRIAL LAWYERS IS A RELATIVELY SMALL GROUP, AND IT IS ALWAYS ENTERTAINING TO MEET FELLOWS WHO ARE RELATED BY BLOOD OR MARRIAGE TO OTHER FELLOWS. THE JOURNAL STARTED TO TALK TO THOSE FELLOWS AND FOUND SOME WHO ARE PARENT/CHILD, AND OTHERS WHO ARE MARRIED TO EACH OTHER. PERHAPS THERE ARE OTHERS OUT THERE? IF SO, THE JOURNAL WOULD LIKE TO KNOW OF ANY SPECIAL RELATIONSHIPS WITH OTHER FELLOWS, AS THIS IS A CONTINUING SERIES.

# JOHN AND TOM DRENDEL

John Squire Drendel ('81) was just fourteen when he decided he wanted to become a lawyer. His mother had taken him to a movie, *The Letter*, set in Singapore and starring Bette Davis. Davis' character shot and killed a man, but then claimed he had tried to take advantage of her. She was arrested and her husband hired an attorney to defend her. During the trial, her attorney discovered a letter that incriminated her but she was freed nevertheless, returning to her poor husband, who knows she doesn't love him and that she had killed the man she loved. John saw the barristers wearing wigs during the trial and decided "that's what I want to do." And in fact, his career started with criminal defense.

Tom E. Drendel ('13) was only twelve when he decided to be a lawyer. But instead of a movie, he went to watch a real live trial that starred his dad, John, who was representing a person injured by an exploding gas tank manufactured by Ford Motor Company. John did not prevail in that case, but he set the groundwork for subsequent plaintiffs and later lawsuits against the automobile manufacturer, which had a different result. Perhaps the impression that John made in that trial is what led Tom's career to the representation of folks who were injured in all sorts of ways.

Now, father and son each lay valid claim to successful trial careers, both successfully representing injured plaintiffs in Nevada and both Fellows in the American College of Trial Lawyers. They were also law partners through the years; both were active, until the date that John decided to retire.

Tom's choice to become a trial attorney was reinforced (again by his father) when he was sitting in a study hall during high school. One of his instructors stopped and handed him a *Time* magazine article from December 7, 1970, which featured his dad and two co-counsel. The article

was about the trial of *Bush v. General Electric*, 88 Nev. 360, 498 P.2d 366 (1968). Mineworker Keith Bush had suffered a serious brain injury when a bolt snapped, dropping 1,250 pounds of electrical equipment on him. The jury gave him all he requested - \$3 million for himself (half of which was for projected cost of care for his forty-year life expectancy), \$500,000 for his wife, and \$150,000 for his three children. At the time, it was the single largest verdict for an injured plaintiff in U.S. history. It also established two major legal precedents in Nevada products liability and damage law, rejecting the defense of assumption of the risk and contributory negligence in strict products liability cases, and allowing damages for loss of consortium for a spouse and children.





John, born on August 4, 1923, grew up in Carson Valley, Nevada, at a time when the open range was dotted with cattle and sheep ranches. Game was plentiful, and John's father taught John and his brother how to fly fish and hunt when they were children. They were dirt poor in those years, so dinner often included the fish and game they had harvested. John carried this tradition down to the next generation and on summer and fall weekends, he would take Tom and his older brother to the Sierra or Nevada deserts to hunt and fish, sports that Tom still enjoys. John also introduced Tom and his siblings to skiing, and Tom has spent all of his winters since childhood on as many ski slopes as he could find.

John says he went to college at Notre Dame by accident. As noted, money was scarce, but his mother worked as a clerk in a dress shop frequented by a woman who was the administrative aide to the Nevada governor. They became friends, and the administrative aide told John's mother that the governor was a Notre Dame graduate, and that he liked to help students get to college. She asked whether John would be willing to go to Notre Dame if he could go on a scholarship. His mother said yes, and that's what John ended up doing. WWII interrupted his education at Notre Dame. John enlisted in the Marine Corps, then transferred to the Navy where he would earn a commission and serve in the Pacific as a landing craft skipper on an LCT. He spent the war landing troops, tanks and equipment on the beaches of Saipan, Guam, Iwo Jima and Okinawa. [Maybe he ferried our Hero, Joe Reynolds – see p. 53.]

John got out of the service in 1946, and thanks to the G.I. Bill, was able to go directly to law school at the University of Colorado, graduating in 1949. As soon as he finished, he returned to Nevada and took the bar exam, then opened a solo practice in Reno. At that time, there were no public defenders, so John handled a lot of murder case assignments for the county and the state. After a few years, he and attorney Bud Bradley decided to form a plaintiff's personal injury firm in Reno and their practice changed to primarily focus on serious injury cases. Bradley, Drendel & Jeanney is still in the same business today.

Tom grew up in Reno and left the state only for Catholic (Jesuit) high school boarding school, college and then law school at the McGeorge School of Law at the University of the Pacific in Sacramento, California (at that time, Nevada still didn't have its own law school).



When he finished in 1983, he immediately joined his dad's firm. He continued to follow in his dad's footsteps, trying serious injury and insurance bad faith cases. And his success rate was similar: he settled one case on the eve of trial for a (confidential) amount that John says was the biggest settlement in the firm and in the state for years and years. John says Tom is one of the best lawyers in the state because he can do everything – Tom knows how to relate to people and builds a special relationship with the jurors. John concedes that it is tough to be objective about your own son, "but he is a top-drawer lawyer, honorable, decent and well respected by others in the firm, the community, and the state."

Tom says the only reason he was any good at trial work was because he was able to try cases with his dad for ten years, trying at least six or seven cases as a team. "Dad was a great mentor," he says, and that experience was invaluable. What did you learn from John? "Honesty, integrity, hard work, and most importantly that you can't listen yourself into trouble. So keep your mouth shut, especially when the judge is going your way."

John was also active in the political arena. As a staunch Democrat, he was a delegate to the national conventions in 1956 and 1960 and was a candidate for Nevada Lieutenant Governor in 1956. He was also a great friend of former Nevada Senator and Majority Leader of the U.S. Senate Harry Reid, who came to the Drendel's law firm office for a birthday luncheon for John's 90th birthday.

Tom recalls that when he was a young lawyer, John would ask him every few years what his next five-year plan would be, as he knew there was far more to life than the stress and hard work of a successful trial lawyer.

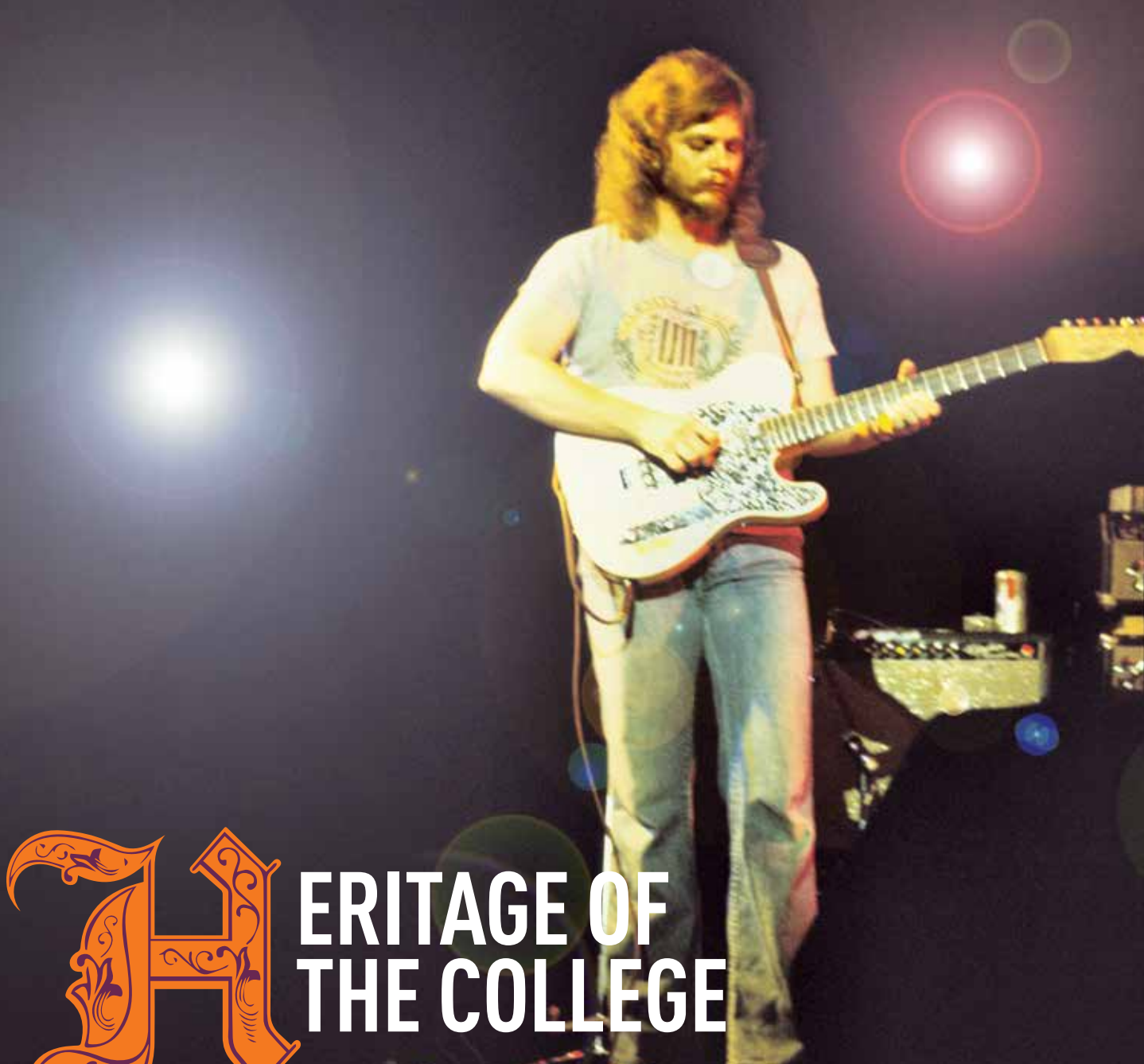
Tom took his advice seriously and his primary passions have been fishing, skiing and whitewater adventures all over the west and the world. He has fished not only the rivers in the west, but also destinations in Alaska, Russia, Bolivia, Brazil, the Bahamas, Florida, The Cook Islands and Africa. He has also spent over thirty years skiing and heli-skiing in Alaska, Canada and everywhere else in the western United States.

The father-son pair are now both retired. Tom claims it's nice to have a travel calendar instead of a trial calendar. They do go into the office every three to four months to meet with colleagues, including partner and Fellow Bill Jeanney ('08). And despite being retired, and just one year short of 100 years of age, John has continued to donate time to his profession, serving as an ombudsman for the elderly residents of a long-term care facility in Arizona.

John believes that if he hadn't become a lawyer, he might have gone into medicine. Tom said he might have become a musician, playing acoustic guitar. But he muses that he might also have chosen a career as a fly fishing, river or heli-skiing guide. Any of those choices would have been satisfying, though perhaps not financially successful. In hindsight, he says he made the right choice and was able to fulfill his goal to be a trial lawyer and also balance that career with the outdoor pursuits he enjoys today. While we are certain that both of them would have been successful in any career they might have chosen, we are glad that they both chose the law, and that they are both part of the American College of Trial Lawyers.

**Carey E. Matovich**  
**Billings, MT**





# HERITAGE OF THE COLLEGE

**Bob Warford**

IT WAS THE FALL OF 1973 AND LINDA RONSTADT AND JAMES TAYLOR WERE ON NATIONAL TOUR. PLAYING GUITAR FOR LINDA RONSTADT'S BAND WAS OUR VERY OWN BOB WARFORD.

Bob was twenty-seven years old at the time and determined to have a career beyond rock guitarist. The Saturday morning after a concert, a limousine collected Bob from the hotel and drove him to the University of Pittsburgh campus to take the LSAT Exam. Bob suggests picturing the look of a typical 1973 rock guitarist to get an idea of how he appeared the morning of his exam. As Bob walked into the exam room, his long hair and t-shirt were in stark contrast to the styles of the other examinees. Everyone, other than Bob, had a very distinct “prep school” look. Bob recalls the other examinees must have looked at him and wondered “what just walked in?” After taking the test, a limousine took Bob to the airport and he performed the next night with Linda Ronstadt in Toronto.



## BLUE GRASS BEGINNINGS

Bob was born July 18, 1946 in Pasadena, California. His father was an engineer and his mother a legal secretary. Early on, the family lived in various locations in the Los Angeles area, but Bob primarily grew up in the Eastern Suburbs of Los Angeles, known as “the inland empire.” Bob attended the Webb school in Claremont, California, the home to five undergraduate colleges and two graduate programs.

At a time when folk and bluegrass was very popular, Bob began his musical training in classical piano. As a teenager, he developed a keen interest in the banjo and the dobro (an acoustic guitar with a metal resonator built into its body). Claremont had a little guitar store, that still exists today, called the Folk Music Center. Bob loved to hang out there. The owners encouraged customers to pick up instruments and take them to play. Early on, American singer-songwriter Margarita Mimi Baez Fariña (the younger sister of Joan Baez) approached Bob at the Folk Music Center and asked if he would like to learn how to play the guitar in a finger picking fashion like the great blues folk singer, Elizabeth Cotton. He did.

In high school, Bob was smitten with bluegrass music. The first band he joined was the Mad Mountain Ramblers. The band included David Lindley, who has had a long career associated with Jackson Brown. Bob played the banjo, the dobro, and sang back up vocals. Simultaneously, he joined another band, the Reorganized Dry City Players, which got its name from the fact that Claremont was an alcohol-free city.

After high school Bob continued his musical career with the Golden State Boys. They had regular appearances on a local Southern California television show called Cal’s Corral. At that time, many thought that the Golden State boys were the premier bluegrass band in Southern California. Country star Marty Robbins learned of the Golden State Boys and asked them to tour with him as his back-up band. Bob recalls that tour as being nothing close to glamorous. They were not an electric band and crammed their instruments into the back of the station wagon. The bass wouldn’t fit inside and was tied to the roof of the loaded wagon.

## ROCK & ROLL & PHYSIOLOGICAL PSYCHOLOGY

During his bluegrass years, Bob came to know Clarence White, who later became a member of the Byrds. Bob began to sense that folk and bluegrass music was losing popularity. In 1967, White encouraged Bob to move from the banjo and dobro to an electric guitar. A possible underlying factor for this encouragement was that Bob had a custom-made dobro that White badly wanted. And White happened to have a white Fender Telecaster electric guitar he was willing to part with. A trade was made.

Bob’s first tour as an electric guitar player was with the country & western singer Freddy Weller. He next toured western Canada from Winnipeg to Victoria with Roy Orbison. In Bob’s view, Roy Orbison not only had the most stunning voice he had ever heard, he was also one of the nicest human beings he had ever met.

Things were not quite as pleasant on his next tour with the Everly Brothers. The Brothers despised one another. They often traveled separately, took different flights, stayed in different hotels, ate at different restaurants, and never spoke to one another. The only regular contact they had was on stage. At the Beverly Hills Theater in Toronto, the concert started with the bass player, drummer and Bob coming on stage before the Everly Brothers. Suddenly, Bob noticed the bass player and the drummer were banging their instruments and making noise. The drummer shouted to Bob, “Kick your amp!” Bob soon realized what they were up to. As he looked to his side, he saw Phil and Don, just off stage, engaged in an actual fist fight, pushing each other against the wall. The band members thought it best to make noise as a diversion. Finally, things settled down and Phil and Don came out. Ironically, one said to the other, “should we open with a ballad?” They sang like birds, Bob recalls. ▶

In the early 1970s Bob and his wife were invited to a double wedding involving Dallas Taylor, the drummer with Crosby Stills Nash & Young, and Al Perkins, a pedal steel guitar player with the Flying Burrito Brothers. By chance, Linda Ronstadt was also at the wedding and was seated at Bob's table. She announced she was trying to put together a band. Ronstadt was well aware of Bob's reputation and invited him to join her band, which he did.

Bob describes Ronstadt as a true professional in addition to having a great voice. Touring with Ronstadt was hectic. On one tour, they played sixty-five shows in sixty-six days.

Ronstadt always opened her concerts by greeting the people of the city she was in and identifying that city by name. Near the end of the tour, she asked the audience which city she was in. The crowd assumed it was just a joke. But neither Linda nor anyone in the band were certain which city they were in. Bob said he felt exactly like Ronstadt. He didn't know the date, the day of the week, and wasn't even sure which month it was.



Bob announced to Peter Asher, Linda Ronstadt's manager, that he planned to leave the band and go to law school. Asher urged him to rethink his position. He told Bob he could offer him a percentage interest in Ronstadt's next album, which Asher claimed would be a great big hit. Her next album, "Heart Like a Wheel" was a great big hit. Bob finished the tour, but remained committed to change the focus in his life.

Even after he left the rock and roll touring world, he remained an occasional studio guitarist. One writer described him as being "one of the handful of top-notch country-rock guitarists in Southern California."

Despite being a touring rock and roll musician in the late 60's and early 70's, Bob earned an undergraduate degree from the University of California, Riverside in 1967 and went on to work towards a Ph.D. His area of study was in biochemistry and physiological psychology, which Wikipedia® defines as:

a subdivision of behavioral neuroscience that studies the neural mechanisms of perception and behavior through direct manipulation of the brains of nonhuman animal subjects in controlled experiments.

By 1972, the only portion of the Ph.D. program that he had left to complete was the final draft of his dissertation. Bob had planned to do that and do a post-doctoral fellowship in neuropathology, which he had been offered at the University of California, Los Angeles. But then the UCLA program lost half its funding, the fellowship was cancelled, and Bob needed another plan.

## OPPORTUNITIES IN THE LAW

Bob's mother worked for Schessler & Tribbey, a two-person law firm focusing on tax law and business law. After completing a long tour with Linda Ronstadt and Jackson Brown in March 1974, Bob was visiting his mother at her work one day and contemplating what he should do next in life. Walter Tribbey greeted him and, within a few minutes, invited Bob to lunch. Tribbey told Bob that, no matter where his interests lay, the law could be part of his future. Tribbey maintained that Bob could build a law practice around the area that most interested him. Bob went to the public library after lunch, checked out Louis Nizer's book, *My Life in Court* and decided to give law a try.

Bob applied to a number of local law schools and ultimately enrolled at the University of La Verne Law School in La Verne, California. Bob graduated and was admitted to the California Bar in 1977. He worked at Schessler & Tribbey as their only associate until 1980, when he received and accepted an offer to join a plaintiffs' medical malpractice firm, Mallery & Stern. With his graduate school science background, medically-related law practice interested Bob. Bob stayed with Mallery & Stern until 2006, when the California Supreme Court found the 1975 tort reform system to be constitutional, thereby making plaintiffs' medical malpractice work economically difficult.

As it turned out, one of the premier medical malpractice defense firms in California, Bonne, Jones, Bridges, Mueller & O'Keefe was losing a partner in their Orange County office and needed someone to come in and take over that partner's caseload. Bob accepted that position and has been primarily a defense lawyer ever since.



## AMERICAN COLLEGE OF TRIAL LAWYERS

In 2001, Bob was invited to become a member of the American College of Trial Lawyers. Bob knew nothing about the College. When he opened the College's invitation, he wondered what it was. He did some investigation into the College and was left with two feelings: interest and intimidation. In fact, when his wife was driving them to the La Quinta induction ceremony, he told her to turn around because he didn't think he belonged in an organization of this quality. He said, "Let's just go home." She refused and told him, "You are full of it." They drove on and Bob was inducted in 2002.

Bob served on the Southern California State Committee as a member, Vice-Chair and, ultimately, Chair. He was elected a Regent in 2015 and served through 2019. Throughout his years as a leader of the College Bob has never met any Fellow who did not richly deserve the honor. Bob considers his work with the College to have been both important and fun. Maybe not as important or fun as being a rock star, but fun nonetheless. And he still plays guitar live and in the studio as time and opportunities permit.

**Ron McLean**  
**Fargo, ND**



# HEROES AMONG US JOE HUNTER REYNOLDS



*It has become a regular Journal feature to tell the stories of the heroes among us, the stories of Fellows who wore the uniform, who fought and bled to keep us all safe. This is one of those stories. If you have one, please share it with us . . .*



Wars have often interrupted the careers of Fellows in the College, particularly those from the greatest generation. But rarely has that occurred to a Fellow twice. Yet when duty called Texas legal legend Joe H. Reynolds of Houston, Texas, he answered the call, not once but twice.

Joe Reynolds was born on November 21, 1921, in Commerce, Texas, a small town northeast of Dallas. He was one of six children in his family. Joe grew up in East Texas – Tyler and then Waco. He worked his way through Tyler Junior College, Baylor University and Baylor Law School. But like many in those days, his education was not a straight line. World War II intervened. During his second year in law school Joe attended a presentation by a U.S. Marine Corps recruiting officer who had fought in the Guadalcanal Campaign. That did it for Joe. He and several of his classmates enlisted in the Marine Corps in the fall of 1942.

Joe's first action was on Guam in July, 1944, as a member of the 12th Regiment of the 3rd Marine Division, which recaptured the island from the Japanese, who had held it since 1941.

On February 19, 1945, Joe, an artillery officer who directed artillery fire, landed with the Division on Iwo Jima, which soon became the site of what many consider the fiercest fighting in the war and the largest battle in Marine Corps history. The battle of Iwo Jima lasted thirty-six days – from February 19, 1945 until March 26, 1945 – and involved 70,000 Marines, 20,000 of whom were in the 3rd Division. More than 7,000 Marines were killed and 20,000 were wounded. The 3rd Division alone suffered more than 1,100 killed and over 4,400 wounded. Twenty-seven Marines and sailors were awarded the Medal of Honor for their heroic acts.

During the battle, Joe was hit by a mortar shell and suffered a serious leg injury. But before the fighting had ended, he returned to the battlefield as an artillery forward observer searching for enemy positions in a small plane. Joe earned a Purple Heart.

Most Americans know of Iwo Jima because of the raising of the American flag over Mt. Suribachi, famously captured by journalist Joe Rosenthal of the Associated Press in a photograph and now cast in bronze at the Marine Corps War Memorial in Washington D.C. (The Memorial is dedicated to all Marines who have died in service since 1775.) Joe was actually there to see it. Years later he recalled “I had been slightly wounded and was under the wing of a plane at the airfield. It had been raining. Suddenly, the clouds parted, the rain stopped and the sun came out. At that point I stood up and watched several Marines push up an American flag at the top of a hill. It was an awesome sight.”

The flag was raised on February 23, 1945. The fighting continued for another thirty-one days. Six Marines helped raise that flag. Only three survived the battle.

Joe was a First Lieutenant when the war ended. He returned to Baylor Law School and graduated in 1947. His first legal job was working for the Attorney General of Texas. During that time he was part of the legal team that opposed Thurgood Marshall in the landmark U.S. Supreme Court case of *Sweatt v. Painter*, which dealt with the desegregation of the University of Texas Law School.



On June 25, 1950, 75,000 North Korean troops poured across the 38th Parallel. US troops entered the war in July. Joe was recalled to military service and reported to Camp Pendleton, where he was reunited with several of his fellow Marine officers from World War II, including one of his battalion commanders. One of the first of these veterans to greet him said, “Joe, did you think we would go to Korea without you?” Of course, they did not.

There is no good place to fight a war, but Korea was an especially hostile arena. “If the best minds in the world had set out to find us the worst possible location in the world to fight this damnable war,” U.S. Secretary of State Dean Acheson (1893-1971) once said, “the unanimous choice would have been Korea.”

Joe’s first action in Korea was as part of the amphibious landing at Inchon on September 10, 1950, led by General MacArthur, which resulted in a decisive victory and ultimately led to the recapture of the South Korean capital of Seoul. More than 75,000 troops were involved.

Just two months later, on November 27, 1950, Joe was with the 1st Marine Division, which was part of 30,000 United Nations troops located at the Chosin Reservoir. They were surrounded and significantly outnumbered by 120,000 Chinese soldiers who had suddenly crossed the Yalu River. For seventeen days there was fierce fighting in bitter cold weather before the Americans could fight their way out of the entrapment to the port of Hungnam, while still inflicting heavy casualties on the Chinese. Temperatures dropped to 40 degrees below zero. At one point Joe’s carbine froze. More seriously for him, however, his feet also froze and he suffered severe frostbite. Of the 30,000 UN troops, there were nearly 18,000 casualties. The Chosin Reservoir Battle is often referred to as the “Frozen Chosin,” and the veterans of the battle are referred to as the “Chosin Few.” Joe spent almost a year in the hospital recovering from his injuries.



Fellow Joe Jamail once remarked, “Joe was a hero in World War II and again in Korea. He was lucky to have his feet left after all he went through.”

For his service, Joe was awarded the Marine Commendation Ribbon with a Combat V, which recognizes individuals who display valor during direct participation in combat operations. Joe’s citation states “while serving with a Marine artillery battalion during operations in KOREA from 2 November to 10 December 1950 . . . [Joe Reynolds] displayed great skill, courage and confidence . . . worked long tedious hours under adverse weather conditions . . . constantly exposed himself to accurate small arms, mortar and machine gun fire in order to direct the fire of his battalion on numerous enemy emplacements . . . with complete disregard for his own personal safety.”

Joe wrote a poem regarding a personal experience that occurred to him during the Chosin Reservoir battle. The poem became legend in the Marine Corps and he was often asked about it by fellow Marines:

“One bitter night near Koto-Ri,  
I captured one of the enemy.  
He read my eyes and knew the deal –  
He knew at once I had to kill.  
In broken English, he made request  
To see the picture in his vest.  
I nodded ‘Yes’ above battle noise,  
And stared with him at wife and boys.  
‘Go’ I screamed – ‘Get out of here!’  
He turned and ran and disappeared.  
Oft I’ve wondered if he made it home –  
Or is he buried in Korea’s loam?  
Did he ever again his family see?  
But I’ve wondered most,  
Were roles reversed,  
How he would have treated me.”



The Commandant of the Marine Corps called the Battles of Iwo Jima and Chosin Reservoir two of the bloodiest battles in Marine Corp history. Joe was one of the few to serve in, be wounded in, and survive both.

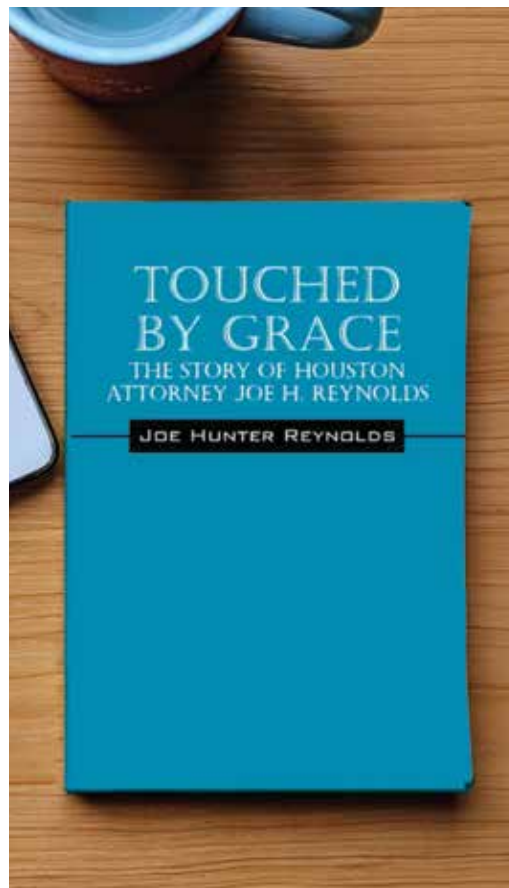


Joe was discharged from military service in February 1952 as a Captain. He returned to Texas and began a remarkable sixty-year career during which he was universally regarded as one of the best trial lawyers in the state. Joe was like many of the lawyers of his generation. His word was his bond. Confirming letters were unnecessary. If Joe said it, you knew it was true.

Joe was a staunch advocate of the jury system. For many years he had a sign over his office door that read, “He who does not try his case to a jury is a coward.” As might be imagined, no one ever accused Joe of being a coward.

While Joe was known throughout Texas as a great trial lawyer, he was also a giant outside the legal profession. In 1972 Governor Preston Smith appointed him to the Texas A&M Board of Regents (quite





an accomplishment for a Baylor Bear). Even more impressive, three other governors subsequently reappointed him to the Board. He served as a Regent for an unprecedented sixteen years. In recognition of his contribution to the University, a building on the Texas A&M College of Medicine Campus was named the Joe H. Reynolds Medical Building. Joe also organized the Board of Visitors at Texas Southern University in Houston (HBCU) and served on its Board for ten years.

In 2010 the Texas State Committee of the College established the Joe H. Reynolds Award. This is not an annual award but instead is reserved only for rare occasions of exemplary merit. Criteria for the award mirrors the career of Joe Reynolds – extraordinary achievement and demonstrated excellence in trial advocacy and a positive impact on the community and society which accomplishments have stood the test of time and reflect the highest credit on the College. To date, only four Fellows have received this honor. No other award has ever been established by the Texas Fellows to honor one of their own.

Lawyers in Houston were well aware that Joe was a true American hero. For many years a group of Houston lawyers would annually organize a day trip to New Orleans to visit the World War II Museum. Joe and other veterans often went on the trip. If Joe went, the Museum was always alerted. To no one's surprise the Museum staff treated the visit as if they

were in the presence of living history, which, of course, they were.

Joe passed away on December 19, 2009, at the age of eighty-eight. He was survived at that time by Susie, his wife of sixty-one years (who died in 2021), two sons, four grandchildren and two great grandchildren.

Joe wrote a book entitled *Touched by Grace – The Story of Houston Attorney Joe H. Reynolds* which was published in 2010 about a year after his death. The book has more details about his war experience and is sometimes available on Amazon.

Joe Reynolds answered the call of his country not just once but twice. He served in what were difficult, dangerous and history making battles. If anyone should be considered a *Hero Among Us* it is Joe Reynolds.

**David N. Kitner**  
**Dallas, TX**

## FELLOWS TO THE BENCH



**KAREN FRINK WOLF** was selected to serve as U.S. Magistrate Judge for the District of Maine and sworn into office on April 1, 2022. Judge Wolf has been an active Fellow in the College since her induction in 2012, serving on multiple committees, including as State Committee Chair on two separate occasions. Prior to her appointment, Judge Wolf was a partner at Verrill Law in Portland, Maine and has been recognized for her extensive pro bono work. She also served as the Region 12 Regent for exactly 23 days before her elevation to the bench.



**CLAUDIA P. PREMONT** was named Madame Justice of the Superior Court of Quebec for the District of Quebec on March 6, 2020. She specialized in family, human rights and estate law with the firm she helped create: Brodeur, Prémont, Lavoie Avocats Inc., before her elevation to the bench. She is also widely published on these subjects and a sought-after speaker. Justice Prémont was inducted into the College in 2018.




**PETER J. OSBORNE** was appointed to the Superior Court of Justice of Ontario in Toronto, effective May 22, 2021. Prior to his appointment, Justice Osborne was a partner at Lenczner Slaght LLP with a broad advocacy practice. In addition to being a Fellow of the College (inducted in 2020), Justice Osborne has been a Director of the Advocates' Society and spent many years teaching trial advocacy at Osgoode Hall Law School and the University of Toronto.

## ERRATA

In Issue 99, we erroneously spelled the name of Judicial Fellow Judge Rachel T. McGuckian – and then we doubled, no, tripled down on the mistake. At pages 77, 84 and 98, we referred to her Honor as Rachel T. M. G.Ckian. There is no excuse, but there is an explanation. Judge Barbara Lynn was written up in that issue for receiving our Samuel Gates Award. And while Judge Lynn usually goes by “Barbara” or “Judge Lynn,” we wanted to use her proper name for this proper award. And the proper name is “Hon. Barbara M. G. Lynn.” With a space between the M. and the G. We got it wrong in the first four drafts – each of which had Judge McGuckian’s name spelled correctly – but someone noticed the lack of a space after the M. at the last minute before the final draft had to be submitted for printing. So someone did a find and replace on the entire issue. Ta-da. To correct a trivial error no one would likely have noticed (except maybe Judge Lynn), we mauled Judge McGuckian’s name beyond recognition. We have apologized to Judge McGuckian and we now apologize to you.



Original hermit and horse  
design created by  
Former Regent John S. Siffert

"We know that your attainment of the front ranks of the bar has not been without its costs, and we recognize that our specialty exacts much of those who win its favor. Truly, we are, in Lord Eldon's words, the hermit and the horse."

— from the College Induction Charge

# CELEBRATE YOUR FELLOWSHIP IN THE AMERICAN COLLEGE OF TRIAL LAWYERS

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State/Province

\_\_\_\_\_  
Postal Code

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email Address

*Prices include shipping and handling.*

\_\_\_\_ Check enclosed  
(payable to ACTL Foundation in U.S. Dollars)

\_\_\_\_ Visa \_\_\_\_ Amex \_\_\_\_ MasterCard

□ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □

□ □ / □ □

\_\_\_\_\_  
Name as it appears on card

\_\_\_\_\_  
Exp. Date

\_\_\_\_\_  
Signature

____ Blue Neck Tie	\$150 x ____ = \$ ____
____ Blue Bow Tie	\$90 x ____ = \$ ____
____ Red Neck Tie	\$150 x ____ = \$ ____
____ Red Bow Tie	\$90 x ____ = \$ ____
____ Scarf	\$250 x ____ = \$ ____
Total \$ ____	

**Send Payment by Email:** [nationaloffice@actl.com](mailto:nationaloffice@actl.com)  
**Send Payment by Fax:** 949-752-1674  
**Send Payment by Mail:** ACTL Foundation  
 1300 Dove Street, Suite 150, Newport Beach, CA 92660

With each purchase, the following contribution is made to the Foundation:  
 Bow Tie: \$25 Neck Tie: \$50 Scarf: \$25



# FOUNDATION UPDATE

## MORE THAN A SLOGAN

A YEAR OR SO AGO, THANKS TO THE CREATIVE MIND OF FACTL AND ACTL FOUNDATION OFFICER LIZ MULVEY OF BOSTON, THE FOUNDATION ADOPTED THE SLOGAN AND HASHTAG "... BECAUSE JUSTICE CAN'T WAIT." IN A BRAINSTORMING SESSION THAT HAD SEEMED TO THAT POINT TO BE GOING IN CIRCLES, LIZ THREW OUT THE SUGGESTION; THE TRUSTEES WERE IMMEDIATELY DRAWN TO IT. IT WAS SHORT, CATCHY, ON POINT; AND, TO ADOPT A FAVORITE PHRASE OF MY LATE LAW PARTNER, THE GREAT JAMES D. ST. CLAIR (A FELLOW, OF COURSE), "IT HAS THE BEAUTY OF BEING TRUE."

---



Around that same time, we were reviewing the Gumpert Award application of an organization that, while it did not win that award, drew the Foundation's attention – and a substantial grant. The grant was bestowed for a project called The Third Strike Campaign, under the auspices of a parent organization named The Decarceration Collective ("TDC"). TDC is an Illinois charity that self-describes as "a woman-powered law office fighting to free people sentenced to life in prison for drugs and to end the policies that put them there." In 2019, TDC launched the Third Strike Campaign to seek the release of non-violent drug offenders sentenced to a mandatory minimum sentence of life in prison under America's old Three Strikes Drug Law, which applied to every third drug conviction without regard to how trivial any of the offenses may have been. TDC has actually compiled a substantial compendium of the comments of judges, stripped of their discretion, who



had the courage to express their moral consternation. When recent changes in drug laws allowed judges to impose a sentence less than a mandatory minimum life sentence, the changes were – alas – not retroactive! TDC therefore turned the attention of the Third Strike Campaign to inmates who remained subject to life sentences, even though their offenses no longer called for such harsh sentences.

Recently, TDC provided the Foundation with a heartwarming update: “Your Foundation’s grant funded the legal fees of Tadd V., an individual sentenced to live his entire remaining life in prison for a nonviolent drug offense. Having already served twenty years, Tadd had no possibility of release, even though such a sentence was no longer required for his offenses. Thanks to the efforts of TDC, using your funding, Tadd walked out of prison in December of 2021 and into an inspiring new life dedicated to helping others. The Bronx Public Defenders

Office hired Tadd as a reentry counselor, where he develops educational programming and provides support for individuals preparing to reenter society. As if that were not enough, he has also led the effort to establish an electrical journeyman apprenticeship program to help ensure that those who have paid their debt to society can secure good employment with livable wages upon release.”

Your Foundation Board is incredibly moved by this story, not simply because of its effect on Tadd; but because we have little doubt that TDC will continue to effectuate such results with our grant and with the support of others.

MiAngel Cody, the incredible leader of TDC, quite aptly noted that the Foundation’s grant “didn’t just save Tadd’s life, it planted a seed so that he can help other human beings as well. This impact cannot be quantified.”

We agree, MiAngel. We hope that those of you who contribute to the Foundation will continue your generosity, and that those of you who are still on the cusp will be inspired to join our rank of donors.

Why? That’s an easy one to answer:

... Because justice can’t wait.

**Joan Lukey**  
**ACTL Foundation President**

# WAR STORIES & SNIPPETS

AFTER DECADES OF TRIALS, YOU COLLECT SOME INTERESTING STORIES AND SNIPPETS, IF NOT WISDOM. HERE ARE A FEW FAVORITES FROM FORMER REGENT DENNIS SUPLEE.

## TAKING OUR WORK HOME

Fellow Larry Hoyle recalled his grandfather who was a trial lawyer in Greensboro, North Carolina. After a rough morning in court one day, he began the walk home for his midday meal (which he called suppa, not lunch) in a sour mood. Along the way, a neighbor greeted him and inquired how he was doing. "I'll tell you how I'm doing," replied Larry's grandfather. "I'm heading home for suppa. And if it's not on the table when I arrive, I'm going to raise hell. And if it is, I'm not going to eat a bite." How do our families put up with us?

## THE CIVIL WAR AIN'T OVER

Larry ended up practicing law in Philadelphia but tried a number of cases in the South, where he on occasion sensed that the judge was irritated that this Southern lawyer had chosen to practice law in the North. So Larry would tell the judge, "My Granddaddy practiced law in Greensboro, North Carolina. My Daddy practiced law there. I was born and raised there. During the Spring of my third year of law school, I made a visit home. I was hoping that my Daddy would invite me to join his firm. After dinner, my Daddy and I went out on the porch and sat on the swing together. After a bit, we got around to talking about the practice of law. Finally, my Daddy put his arm around my shoulders and said, 'Larry, you're just too dumb. You'll have to go North.'" That brought the judge around every time.







## DUELING PROFESSORS

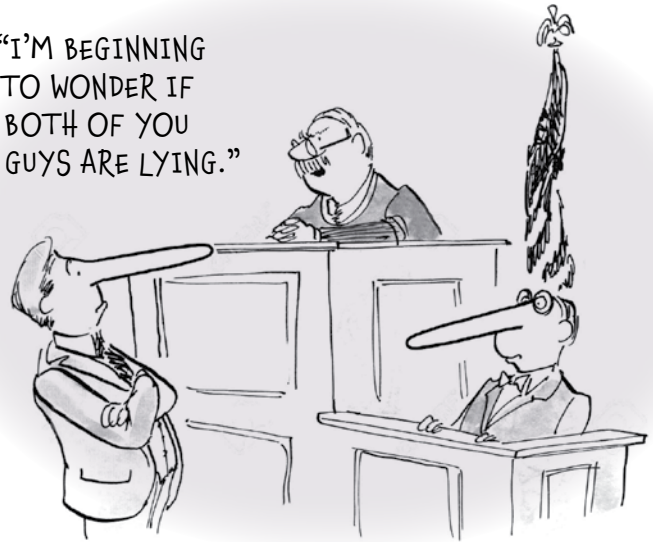
In the early 1980s, Larry represented one of the principal defendants in the school asbestos cases. At an important class certification argument in federal court in Philadelphia, the principal advocates on opposing sides were Harvard Law Professors Charles Alan Wright and Arthur R. Miller. After Professor Miller concluded his oral argument, Professor Wright stood by him, waiting to take over the podium. At that point, Judge James McGirr Kelly, puzzled at the disagreement between the two prominent professors, inquired, “Haven’t you two coauthored a famous treatise on federal practice?” Wright answered, “Arthur writes the first draft and then I correct him.”

Be that as it may, Miller won that day.

## WITNESS PREPARATION

One day after an excruciatingly difficult witness prep session, Fellow George P. Williams, III, remarked, “Just once I would like to say to my witness, ‘I want you to go in there and tell the truth in *my* own words.’”

“I’M BEGINNING  
TO WONDER IF  
BOTH OF YOU  
GUYS ARE LYING.”



## RESPECT FOR THE JUDICIARY

Chuck Peruto was the master of the irreverent one-liner. (His son of the same name still practices in Philadelphia.) One day Chuck was defending a case before a judge widely known to the defense bar as pro-prosecution. Every objection by the prosecutor was sustained; every objection by Chuck was overruled. At one point, the judge took the lawyers back to the robing room to discuss an objection by Chuck – which he once again overruled. As they were about to return to the courtroom, the judge remarked, “Chuck, you’re probably thinking that you’d like to piss on my grave.” “Not at all, Your Honor,” replied Chuck, “when I got out of the Army, I swore I’d never stand in line again.”

**EDITOR’S NOTE:** Okay, I’ll see your Peruto and raise you a Darrow. Once, after a heated exchange between Darrow and a judge over an objection, the judge asked, “Mr. Darrow, are you attempting to show your contempt for this court?” Without missing a beat, Darrow responded “Why, no, Your Honor. I’m attempting to conceal it.”

## CURMUDGEON

In his book, *Doing Justice* (p. 247), Preet Bharara tells a tale about Judge Kevin T. Duffy of the Southern District of New York, whom he describes as “curmudgeonly.” One day, Bharara relates, an AUSA was examining a witness and veered into a line of questioning that the judge believed violated one of his rulings. He erupted. “If you do that again, I’m going to have your balls.” The courtroom went silent. This was a peculiar threat, insofar as the prosecutor was female. The AUSA looked back at the judge and replied, “You know, Judge, if you can find ‘em, you can have ‘em.” The tension broke. The judge laughed. She became one of Judge Duffy’s favorites.

In another matter, Judge Duffy asked a defendant who his lawyer was and the answer came back, “Allah is my lawyer!” Duffy drolly asked, “Any local counsel?”



## THE POSSIBLY APOCRYPHAL RETAINER

Jake Kossman met with a new client and told him that he would need a \$500 retainer before they talked. The client wrote out a check for \$500. When they finished, Jake ran to the bank to cash the check. He returned to the office in an unhappy mood and told the lawyer with whom he shared space that the check was no good, that the client had only \$450 in his account. “Too bad,” said his colleague, “you’re out \$500.” “No,” said Jake, “only \$50. I deposited \$50 into his account and the bank cashed the check.” [Recently, I learned that Steve LaCheen, for whom Jake served as a mentor, wrote a more detailed and no doubt more accurate account of this episode in *Verdict*, January 2022, p. 35.]

## VOIR DIRE

Fellow Jim Leyden was an old-time accident defense lawyer, representing the local Yellow Cab Company. In voir dire, Jim would typically say something like, “Ladies and gentlemen, at the end of this trial, the judge will tell you that you cannot find in favor of Mrs. Murphy even though she was injured while a cab passenger unless you find that the cab driver was negligent. Is there anyone here who would have difficulty following that instruction?” Never had a hand gone up. Until one day, a little old guy at the back of the room raised his hand. The judge’s efforts to rehabilitate the prospective juror were unsuccessful. So the judge called counsel to sidebar and, before any of the lawyers got a chance to say a word, said, “Yes, yes, Mr. Leyden, your motion to strike for cause is granted,” and then added, “Isn’t it amazing, the only honest person in the courtroom and we won’t let him on the jury?”

## OPENING

For years, Jim walked from one courtroom to another at City Hall to defend another cab company case. On one occasion the jury came back with a verdict so fast that Jim had no time to review the file on the next case before it started trial. Jim listened closely to counsel for plaintiff’s opening as he laid out his version of the facts. With no idea what his defense was, Jim stood and said, “Ladies and gentlemen, if those were the facts, do you think I’d be here?” And sat down.



## APHORISMS

Jim had an aphorism for every occasion. One of my favorites was, “Don’t talk just because it’s your turn.” Good advice for inside the courtroom. And outside, too.

## THE JUDGE AS MEDIATOR

Judge John J. Kitchen told this story on himself. Before he became a Federal Judge in New Jersey, he was on the state bench, usually trying cases in the South Jersey counties. But he was assigned to one of the North Jersey counties for a couple of weeks and his first matter was a slip-and-fall case in which liability appeared to be very thin. Defendant was offering \$2,500. Plaintiff would not take it. A jury was impaneled and plaintiff put on her case. The judge took the lawyers to an anteroom and asked defense counsel whether the \$2,500 was still on the table. It was. The judge then urged counsel for plaintiff to persuade his client to take it. Counsel conferred and reported back that “She wants her day in court.” Judge Kitchen responded “She’s had her day in court and she did not do very well. Go out there and tell her that there’s a judge here from South Jersey who doesn’t know his ass from third base, and if she doesn’t take this offer, he’s going to throw her case out of court!” “Your Honor,” replied counsel, “I just told her that.” With no further qualms, the judge granted a directed verdict.

## UPS AND DOWNS

When I served on the Board of Regents, there was one meeting at which then Regent Ed Mullins was presenting and advocating for a candidate whose qualifications seemed dubious. In response to one skeptical question from a member of the Board, Ed ducked behind the podium, ostensibly to get some information from his notes. After he was down there for what seemed like a long time, Past President Harvey Chappell called out, “Ed, sooner or later, you have to come up.”

Ed came up. The candidate went down.



## THE VERDICT

For any trial lawyer, the four most electrifying words in the world are, “We have a verdict.” Often delivered by a telephone call from a court officer. It is then that you learn how many gallons of blood the human heart can pump per minute.

Fellow Bob Josefsberg tells the story of taking three verdicts in one day. As an AUSA at the beginning of his career, Bob was assigned to try three moonshine cases in Palm Beach. At the end of the first case, the judge sent the jurors out to deliberate. Bob started and finished the second trial. At the end of that trial, with Jury #1 still out, the judge sent Jury #2 out to deliberate. Bob started and concluded the third trial. With Juries #1 and #2 still deliberating, the judge sent Jury #3 out.

Then, in quick succession, the juries came back: Jury #1 — Not guilty. Jury #2 — Not guilty. Jury #3 — Not guilty.

Bob believes that he is the only lawyer in the history of Anglo-American Jurisprudence to have 36 jurors come back against him on a single day.

## RAVE REVIEWS

After publication of a book on depositions that I coauthored, Fellow Jerry Litvin sent me a note saying: “Once you put it down, you can’t pick it up.” Next came a note from Fellow Barney Smolens: “Better than two Seconal tablets.”

**EDITOR’S NOTE:** It could have been worse. Oscar Wilde was once asked to do a book review. “The covers of this book are too far apart,” he wrote.

## WHAT IS THE KEY TO EFFECTIVE ADVOCACY?

Stealing a line from comedian George Burns, **Fellow Arthur Raynes** always answered, “Sincerity. And once you learn to fake that, you’ve got it made.”

U.S.D.J. John F. Gerry’s answer was “Be yourself. Unless you’re an a – hole. In that event, pretend that you’re somebody else.”

*Dennis R. Suplee  
Philadelphia, PA*



# IN MEMORIAM

Since our last Issue, we have learned of the passing of ninety-one Fellows. You might notice that this is a significantly greater number than usual, and no, this is not cause for alarm. It is simply the result of diligence by the National Office to find Fellows whose deaths had not been reported.



We can only honor those we know have passed, when we know. We do not charge retired Fellows dues, so we don't think much about not hearing from them. But it occurred to the National Office Staff that we should do a little research on Fellows admitted to Fellowship thirty-five or more years ago from whom we haven't heard for a while – and that shook out seventy names of departed Fellows who passed as long ago as 2008 that we missed – because no one told us.



These seventy Fellows are a pretty amazing group. There is one who served as a Federal Judge for forty-four years. An amazing fifty of the seventy are vets, twenty-one of them having served in World War II; we have a vet who earned a bronze star, another who qualified to command destroyers and submarines. Three – three – who each managed thousand-lawyer firms, each of which have multiple Fellows – how could those active Fellows not have told us their former Chairmen had passed? One was a key advisor to the State Department in the resolution of the Iran Hostage Crisis. How could we have missed their passing?

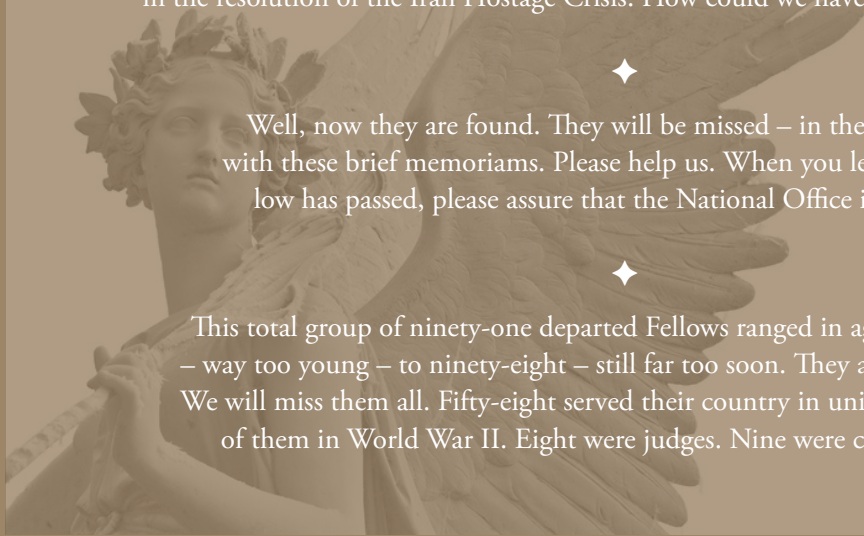


Well, now they are found. They will be missed – in the proper way, with these brief memoriams. Please help us. When you learn that a Fellow has passed, please assure that the National Office is informed.



This total group of ninety-one departed Fellows ranged in age from sixty-one – way too young – to ninety-eight – still far too soon. They all died too young. We will miss them all. Fifty-eight served their country in uniform, twenty-four of them in World War II. Eight were judges. Nine were college athletes.

These pieces are necessarily brief. We don't have space to list all surviving family members, so we name only spouses; we count but do not name children or grandchildren. Yet every one of our departed Fellows left scores of family and friends who will miss and remember them. Through those memories, these Fellows live on.



**Thomas Abbenante**, '10, passed away May 6, 2022 at the age of seventy-one. Tom received his bachelor's degree from American University and his law degree from Howard University. He married Donna Marie Lord Abbenante in 1974. Tom practiced criminal defense and litigation in the D.C. area. Tom was an excellent, discriminating and experimental cook and often enthusiastically hosted groups of friends, with whom he was endlessly generous. It was not surprising for Tom to show up at a friend's house with one of his discoveries from a local garden or gourmet shop, or his own kitchen. Tom was well-known for his sense of humor and could entertain friends with an endless collection of jokes and a contagious laugh and comedian's delivery. Tom was survived by his wife Donna Marie, his two sons and four grandchildren.

**Milton L. Bankston**, '80, was eighty-nine when he died on June 10, 2017 in Austin. Practicing for sixty-two years, he served as counsel in over fifty reported decisions of Texas appellate courts. Milt litigated one of the most complex fraud schemes in Texas history against Billy Sol Estes, the notorious con-artist who sold non-existent ammonia tanks to hundreds of Texas farmers. Milt played on a high school state championship football team in 1944, after which he joined the Navy at age sixteen. He was recalled at the start of the Korean War and was commissioned as an officer in the Army Corps of Engineers. After discharge, Milt earned his law



degree in 1956 from the University of Texas. Milt was a dedicated gardener, fisherman, and hunter. He was survived by his wife of fifty years, Carole Bankston, four children, six grandchildren and many great-grandchildren.

**Adrianne Irene Landry Baumgartner**, '11, died peacefully on June 22, 2022 of Acute Myeloid Lukemia at age sixty-nine, survived by her husband of forty-one years, Robert Prescott Baumgartner, four children, and five grandchildren; another child predeceased her, but another grandchild is on the way. Adrianne attended Tulane University and Tulane University School of Law, graduating Order of the Coif in 1978. Adrianne practiced her entire career in the firm she joined in 1978, becoming its first female partner in 1982 and first female managing partner in 2011. Adrianne was the first female President of the Louisiana Association of Defense Counsel and was Louisiana State Chair for the College. Adrianne was also active in business and legislative endeavors, and an active member of the Louisiana Association of Business and Industry, serving on its Board of Directors as well as the Board Executive Committee, and was the recipient of the 2020 Louisiana Association of Business and Industry's Lifetime Achievement Award.

**Henry Joseph Bogust**, '79,

died January 7, 2020 at the age of ninety-three. Bud graduated from high school in 1944 and enlisted in the Army Air Corps. After his military service, Bud returned to school



under the GI Bill, met and married Mary Bechely, and graduated from Loyola Law in June 1955. Bud was one of the earliest members of ABOTA, serving as its first National President in 1970. Bud and Mary raised fourteen children and travelled the world together, visiting nearly all fifty states and more than seventy countries. Bud coached countless sports teams and was a founding member of the Glendale Little League. He loved deep sea fishing with the kids, Dodger Baseball, traveling, cooking Sunday breakfast, attending Mass with the family, and taking care of the family pets.

**Larry P. Boyd**, '04, was only sixty-one when he passed on July 18, 2020. Larry earned both his undergraduate and law degrees from Baylor University. He graduated *summa cum laude* and first in his class of 124 students; he excelled in the Baylor Practice Court and was Editor in Chief of the Baylor Law Review. Upon graduation, Larry clerked on the U.S. Circuit Court of Appeals for the Fifth Circuit with the Honorable Sam Johnson. A man of many pleasures, Larry loved fast cars and Italian motorcycles, owning many makes and models. His children feigned displeasure but were secretly impressed when Larry popped wheelies, but the truth was that his hubris could at times exceed his skill on a bike. Larry was survived by his wife, Cheryl, and their two children.



**William A. Brace**, '86, passed peacefully on June 14, 2020 at the age of eighty-six. Bill attended Illinois College in Jacksonville, where he met and married his wife of sixty-six years, Mary Lou Neirman. After college, the U.S. Marine Corps and law school, the Braces settled in Santa Barbara, calling it home until his death. The Santa Barbara Zoo, and especially the train, became his charitable passion. Bill and his young family spent weekends laying track and were among the first to get a ride on the train that still circles the zoo grounds today. He served as President of the Santa Barbara Zoological Society from 1983 – 1985. Bill was pre-deceased by Mary Lou and survived by four children and ten grandchildren.

**Patrick Anthony Casey**, '05, a former New Mexico State Chair, died on April 5, 2022 two weeks shy of his seventy-eighth birthday. Pat was survived by his wife of fifty-one years, Gail, and their two sons. Pat received his B.A. degree from New Mexico State University and his law degree from University of Arizona. He was proud to have taken and passed the Arizona and New Mexico bar exams within three days of each other. Pat proudly served in the Navy in Vietnam. He was an advisor to the South Vietnamese Air Force and remained a member of different veteran's organizations until the time of his death. Pat's name might seem a touch Irish, but he was proud of his Spanish heritage and loved his first language, Spanish, especially the "dichos" of Northern New Mexico.

**James Edgar Cobb**, '81, died on December 31, 2018 the day before his eighty-ninth birthday. Jim swam as a walk-on for the University of Florida varsity swim team. After serving in the Air Force from 1952 to 1954, he spent several months in New York as a tour guide for NBC studios. On a blind date, he met his wife of sixty-four years, Virginia Wenz Cobb. After getting married, they returned to Gainesville and Jim graduated from the University of Florida Law School in 1958. Jim was past president of the Jacksonville Bar Association and a former President of the National Association of the Railroad Trial Counsel. Jim and Ginny enjoyed traveling all over the world to places like the Galapagos Islands, Australia, Egypt, and China. Jim was survived by Ginny, three children, eleven grandchildren and two great-grandchildren.

**Justice Michel Andre Coccia**, '72, age eighty-six, died on November 20, 2008. Mike served in the U.S. Navy during WWII. Upon retirement from his law firm in Chicago, Mike was appointed to the Illinois Appellate Court. When he left the bench in 1991, he and his wife Connie relocated to their beloved "North Woods" in Wisconsin, what Mike always called "God's Cathedral." Mike was survived by Connie, three sons and four grandsons.



**Justice Eugene A. Cook**, '85,

passed August 23, 2020 at age eighty-two. Justice Cook served on the Texas Supreme Court from September 1988 until the end of 1992. As chair of the Supreme Court's Committee on Professionalism, created at his urging in 1989, he led the drafting of the Texas Lawyer's Creed, adopted by the Supreme Court and Texas Court of Criminal Appeals in November 1989. Justice Cook earned a bachelor's degree in accounting in 1961 from the University of Houston and his law degree from the University of Houston Law Center in 1966. In 1992 he earned a master's degree in judicial process from the University of Virginia School of Law. Justice Cook's survivors include his wife and two children.



**Robert Driscoll Corette**, '84, passed peacefully on October 17, 2020 at the age of eighty. RD was a 3rd generation Butte lawyer. Born in Butte, RD's favorite memories were summers on the Corette Ranch south of Butte, mending fences, haying, riding and roping. After graduating from Butte High School in 1958, he joined the Marine Corps Reserves and then attended the University of Montana, where he was on the Rodeo Team. He graduated in 1963 with a B.S. degree in Business Management, and in 1966 earned his J.D. degree from UM Law School. RD was survived by his wife of forty-five years, Patty, and six children.

**Clinton Austin Curtis**, '78, eighty-three, passed away on September 21, 2015 after a long struggle with Parkinson's disease. Clint entered the U.S. Air Force after high school and met and married Florence Senn while he was stationed at Bartow Airfield for flight training. Clint earned his law degree in 1958 and settled in Bartow to practice law. In 1976 Clint argued the constitutionality of the death penalty before the United States Supreme Court. In 1981, Clint was called upon by the Governor to serve as a Circuit Judge. Clint is survived by Florence and their large family.

**Michael Peter DeFanti** '87, passed away on April 11, 2022 at age eighty. Mick graduated from the University of Rhode Island in 1965. He studied philosophy at Brown University and then received his J.D. from Boston University in 1969. Mick focused on corporate and commercial litigation. He retired in 2008. In 1960, Mick met his future wife, Anne, known to friends as "Chip." They married in 1967 and traveled the world during their fifty-three years of marriage. Mick was survived by his Chip, their sons, and four grandchildren.

**Ronald Conrad Dilthey** '88, was eighty-six when he passed on March 26, 2022. Born and raised in New York and Pennsylvania, Ron first saw North Carolina in 1953 when he arrived there for college. He never left. He met Shirley Ann Burrus and they were married in 1956, while he was in law school and she was a senior. Ron served two years as Vice President of the North Carolina Bar Association. Ron was a lecturer at the National Institute of Trial Advocacy at the University of North Carolina School of Law and for nearly thirty years he taught an annual course for the new North Carolina attorneys at the North Carolina Bar Association Skills Course. For ten years he was a judge for the National Moot Court Competition in Richmond, Virginia. In 1978 he offered to teach civil trial litigation for one year to assist Campbell University Law School in their accreditation, but the course was so popular that he continued teaching for thirty-five years as an adjunct professor. Ron served his country in the U.S. Army in the Military Police Corps. Ron was survived by his wife of sixty-five years, daughter and four grandchildren.

**Charles Henry Duff**, '69, was ninety-five when he passed on February 7, 2020. He was a member of the Class of '45 at Virginia Military Institute, but had his college education interrupted in 1943 by World War II, becoming a commissioned officer in the United

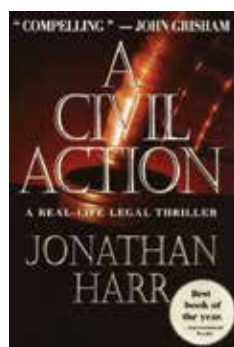


States Army stationed in the Philippines. Following the War, Charles completed his education at Georgetown University, where he continued on to obtain his law degree - but not before marrying his wife of sixty-seven years, Jean Marie Kelleher of Richmond. In 1972, he was appointed by Governor Linwood Holton to sit as a judge on the Arlington Circuit Court. In 1985, he was appointed by Governor Charles Robb to be one of the original ten judges of the newly-created Virginia Court of Appeals. Judge Duff continued to hear and decide appellate court cases until his retirement in 2000. Judge Duff was predeceased by his wife and a son and survived by three children, five grandchildren and two great-grandchildren.

**Maurice R. Dunie**, '80, who practiced in Rockville, Maryland, died December 4, 2018 at age ninety, survived by his wife of sixty years, three children and six grandchildren. We can't verify it, but he graduated from Georgetown in 1950 and from American University College of Law in 1958, so we believe it is fair to speculate that he served in the Korean War during that gap.

**W. Gus Elliott**, '75, died on August 1, 2020 at the age of eighty-nine, survived by his wife of sixty-four years, Walton Elliott, and their four children. Gus received his undergraduate degree from Emory University and went on to earn a J.D. from the University of Georgia School of Law. He was a former Superior Court Judge for the Southern Judicial Circuit.

**Jerome P. Facher**, '81, was ninety-three when he passed on September 19, 2019. Jerry graduated from Pennsylvania State College, where he majored in journalism, and in 1946 enlisted in the Army, serving a tour of duty in Korea. Following his military service, Jerry was accepted to Harvard Law School where he was an editor of the Law Review and graduated *magna cum laude* in 1951. After graduation, Jerry chose public service with the Department of the Army as part of a small cadre



of civilian lawyers recruited to form the Office of Department Counselor. In 1953, he joined the U.S. Delegation to NATO in Paris, dealing with the important issues of U.S. participation in the planning, construction and financing of military projects being built in various NATO countries, including airfields, naval bases, and secret war headquarters. He returned to Boston in 1955 for private practice, where he remained until his retirement in 2013. Jerry was appointed by President Carter as chairman of the First Circuit Judicial Nominating Commission. The Supreme Judicial Court twice appointed him as special counsel to the Judicial Conduct Commission to investigate instances of judicial misconduct. Jerry taught a section of Trial Practice at Harvard Law for twenty-nine years, was an instructor in Trial Advocacy Workshop and in 1999 was a Distinguished Alumni Speaker Series lecturer. Jerry successfully represented Beatrice Foods in the Woburn case in an eighty-six day trial, chronicled by Jonathan Harr in his best-selling book *A Civil Action*. Jerry was a lifelong Red Sox supporter and an ardent theatre fan.

**Henry A. Fischer**, '75, was eighty-seven when he died on January 2, 2011. Henry was an Army Air Corps veteran of World War II. A graduate with honors from Cornell Law School, Henry practiced law, twenty years as district attorney, in Malone, New York. Henry was survived by his wife, Nancy, three children, ten grandchildren and four great-grandchildren.

**James Tomlinson Fort**, '86, age ninety-two, passed away on December 31, 2020, predeceased by his wife of fifty years, Judith. James attended Allegheny College, majoring in economics, and Yale Law School. He was a board member of the Pittsburgh Dance Council, Pittsburgh Ballet, Pittsburgh Opera, Carnegie Mellon University, Allegheny College and the Dreyfus Corporation.

**Samuel Philip Gerace, Sr., '85**, passed away on January 25, 2021 at the age of eighty-four, survived by his wife Ann, four children and seven grandchildren. Sam graduated from Allegheny College and Albany Law School at Union University and practiced in Pittsburgh, where he served the community through St. Peter's Child Development Center and the Allegheny County Bar Association.

**Patrick Emmett Geraghty, Sr., '95**, passed on April 8, 2021 at age eighty-one. Patrick was a Florida All-State track and football athlete in high school and played football at Marquette University on its last ever football team, which has been "undefeated" since the program was ended. Patrick earned his law degree from the University of Florida College of Law in 1968, where he was a member of the Florida Law Review. Patrick's favorite pastime was holding court and entertaining legions with his legendary stories and encyclopedic knowledge of national, Florida and Ft. Myers history. Patrick did plaintiff's litigation, civil litigation, and criminal and insurance defense, handling many high-profile criminal cases in his early career. Patrick dedicated his free time to his Gators and Jimmy Buffet music. He served as a Commissioner of the Florida Marine Fisheries Commission, Chairman and Chairman *pro tem* of the Florida Fish & Wildlife Commission and Chairman of the Coastal Advisory Commission. Patrick was predeceased by a son and his wife Dena, and survived by his three daughters and six grandchildren.

**Oliver F. Green, Jr., '75**, was ninety-five when he passed on February 25, 2020. Ollie attended Harvard University, where his college years were interrupted by his two-year service as a Lieutenant in the U.S. Navy during WWII. After returning from duty, he completed his undergraduate degree at Harvard, then attended University of Pennsylvania Law School. Heading out West to California in 1952 in his broken down Fairlane, Ollie was fortunate enough to land a position as a temporary associate with three lawyers who had started a firm in 1951. Ollie became managing partner of the firm, which now has grown to nearly 1000 lawyers with offices throughout the world. From the time he was old enough to vote, Ollie was committed to the Democratic Party. As a California delegate, he attended the 1968 Democratic Convention in Chicago. Ollie was survived by his wife of sixty-five years, Gloria, their five children and four grandchildren.

**Laurence Cyril Hammond, Jr., '70**, was ninety-three when he died on November 21, 2020. Larry came of age in the waning days of World War II, drafted right out of high school and trained in the artillery. About to ship out with what was to have been the U.S. invasion force, he suddenly found his duty changed from combat to occupation and reconstruction in a Japan decimated by atomic bombs, a horror he never forgot. Larry returned home in 1947 and entered an accelerated pre-law program at Lawrence College. There he met Patricia Hammel and they wed in 1950. Larry started law school but was called back into service during the Korean War. Once home for good, he returned to the University of Wisconsin Law School and began practice in Milwaukee in 1955. Larry appeared before the U.S. Supreme Court twice and ably represented many of Wisconsin's most venerable companies, from Miller Brewing to American Motors. When asked by the CEO of one large client to represent his wife in their divorce, Larry agreed with a warning that he would have to zealously represent the wife's interests, and the ultimate settlement he negotiated caused the CEO to tell him, "I wanted you to represent her well, but not THAT well." As both a board member and lawyer, he was an integral part of Summerfest, and he was often confronted with unusual challenges. For example, he successfully sued the *Grateful Dead* for return of their contract deposit when they refused to step on stage in a thunderstorm; and he bailed out a Native maiden from the city jail each day so she could return to the grounds to perform her bare-breasted dance. Larry was predeceased by Pat and a daughter, and survived by four other children and ten grandchildren.





**David A. Handzo**, '09, died on June 15, 2022 after a short battle with cancer. He was sixty-eight. Dave graduated from Princeton University in 1976 and went on to receive his J.D. at the University of Michigan Law School in 1980. Dave served as lead counsel in dozens of jury and bench trials, securing important victories for clients in the media, entertainment, telecommunications, and hospitality industries, among others. He won victories over the years for the recording industry in numerous rate-setting proceedings before the Copyright Royalty Board, where he pioneered the litigation of royalty rates on behalf of recording artists and record companies to ensure they were fairly compensated for use of their works in new media like satellite radio and webcasting. Dave founded his firm's Hospitality Practice, winning numerous victories for Marriott in trials and arbitrations across the globe, including in Jamaica, Hawaii, Texas, New York, and Florida. He was also an early leader of his firm's Communications Practice, winning many different cases for MCI over the years. Dave taught many trial teams the importance of a solid team dinner at the end of each trial day and cookies at every meeting. Dave also tried many criminal cases pro bono. He was especially proud of his work on behalf of Neli Latson, a twenty-three-year-old man diagnosed with autism, intellectual disability, and psychiatric disorders who was convicted of assaulting a police officer and sentenced to more than ten years imprisonment. Dave and his team persuaded the court to reduce the sentence to a relatively short time in jail in addition to time already served. But Dave wasn't done. Four years later, Dave obtained a grant of clemency, Mr. Latson was moved into an appropriate treatment facility, and he has thrived.

**Joseph Lucien Hardig, Jr.**, '79, was ninety-two when he died on May 14, 2020, predeceased by his wife Carolyn and survived by five children and sixteen grandchildren. Joe was President of the State Bar of Michigan in 1977. He loved to dance, play the piano, and listen to Armstrong. He loved fishing, golf, tennis, skiing, cooking and traveling, fashion and literature. He loved a Dewar's and a can of suds. He loved corvettes. He loved the University of Michigan. He loved the practice of law.

**Hazen van den Berg Hatch**, '76, died October 11, 2013 at age eighty-one. Van attended Dartmouth College and earned his law degree, with distinction, from the University of Michigan Law School. Upon graduation, he joined the U.S. Army, serving in the Judge Advocate General's Corps at the Pentagon. He later served as a delegate to the Michigan Constitutional Convention in 1963 and was a third-generation partner in his family law firm in Kalamazoo. Van was survived by his wife, Mary Hatch, two children and five grandchildren.

**Kenneth Robert Heineman**, '99, passed away at age seventy-nine on September 12, 2021. Ken attended the University of Illinois as an undergraduate and received his law degree from Washington University School of Law with honors. Ken's first job in law was as an FBI agent, and later as a federal prosecutor. But he spent the majority of his career in civil litigation and late in his career he taught a course at the Washington University School of Law. Ken was married to his wife, Mary, for over fifty years. He was survived by Mary, two children, and three grandchildren.

**Derek James Hogan**, '21, died May 7, 2022 far too young at age sixty-six, after a short catastrophic illness while receiving treatment for throat cancer. Derek's wife preceded him in death just six months earlier. Derek attended Colby College in Maine and Carleton University in Ottawa. On his return to Halifax, Derek worked as a journalist (Chronicle Herald, Daily News), and drove a cab before going on to Dalhousie Law School. He was called to the bar in 1989. Derek practiced with the NL Legal Aid Commission for his entire career. Although erudite and encyclopaedic in his knowledge of criminal law, Derek was never "prolix or verbose," words he once used in an appeal to describe a judge's instructions to a jury. Derek was an avid sports fan and recreational athlete. For almost thirty years, he played pick-up hockey, golf, football, and softball with a group of friends.



**Cyrus D. Hogue, Jr.**, '70, died September 1, 2017; he was ninety-six. Cy attended the University of North Carolina at Chapel Hill where he ran cross country and was the manager of the football team. He finished Chapel Hill in 1942 and started law school there. He entered the U.S. Army Air Corp in January of 1943, trained in navigation, and served in Italy, Africa and France. He was discharged as a First Lieutenant in 1946 and re-entered Chapel Hill Law School where he was an editor of the Law Review and graduated in 1947. In 1949, Cy married Mary Ann Homes Dixon, who survived him along with three children, seven grandchildren and three great-grandchildren. Cy volunteered with the American Red Cross and, as Chairman of the Wilmington Chapter, directed disaster relief during hurricanes Hazel, Connie and Dianne. A lover of the outdoors, Cy fished and hunted duck and quail; he was an avid and intense golfer (though a friend remarked "I don't know why he plays this game, he does not seem to enjoy it.")

**B. Clyde Hutchinson, III**, '02, Amateur philatelist and professional train enthusiast, died at age eighty-one on April 12, 2022. Born on the family farm in Yuma, CO, Clyde graduated from the University of Colorado in 1962 and went on to UC Berkeley's Boalt Hall, earning his JD in 1965. Clyde was a history buff and family vacations often included historical sites. Clyde was survived by his wife of sixty-one years, Joan, his two children, and three grandchildren.

**Walter Jones, Jr.**, '96, former Upstate Illinois Chair, passed away on October 21, 2021 at the age of seventy-five. The son of a Chicago Police Sergeant, Walter started his career as a federal prosecutor in the U.S. Attorney's Office for the Northern District of Illinois where he rose to become the highest-ranking minority lawyer in the history of the office at that time as Chief of the Criminal Division and Special Litigation Counsel in charge of all litigation, both civil and criminal. Subsequently, he founded a firm which became one of the largest minority-owned and managed firms in the Midwest. Walter enjoyed a good game of golf with friends, a smooth cigar, and his trademark Jack Daniel's. He was a lifelong student of history (especially the Civil War and WW II), loved old time radio, the Chicago Cubs, classic black-and-white movies, and writing with antique fountain pens (affectionately called his "quills").

**William R. Jones**, '81, died on Monday, May 11, 2020 at age ninety-two. Bill attended the University of Wyoming College of Law, graduating in 1951. He married Jeannie Wilson Jones a few days later, on June 9, 1951, and took and passed the bar exam the day he returned from his honeymoon. Bill was President of the Wyoming State Bar in 1982 and was appointed to the University of Wyoming Board of Trustees in 1966. After his term, he was elected to the University of Wyoming Foundation Board of Directors and served twenty years, including as its President. Bill was a single engine pilot and flew from Canada to Cabo San Lucas to fish.

**Frederic S. Kendall**, '78, was ninety-one when he passed on February 17, 2015. Fred joined the U.S. Army Air Force in March 1943, serving in the southwest Pacific, New Guinea, and southern Philippines. He was an Enigma Cryptologist, helping to



break the Japanese code. He was honorably discharged as a Staff Sergeant on February 8, 1946 and went on to Cornell University and Syracuse University Law School. Fred was preceded in death by a son and grandson; he was survived by his wife of sixty-five years, Mimi, three children, five grandchildren and one great-grandchild.

**John L. Kirkland**, '77, died December 9, 2018 at the age of ninety-two, survived by his wife of sixty-eight years, Harriet, four children, eight grandchildren and one great-grandchild. Born and raised in Elgin, Illinois, John served in the U.S. Navy, and graduated from Lake Forest College and Chicago-Kent College of Law. John practiced in Chicago, serving two terms on the Board of Governors of the Illinois State Bar Association, as a past president of the Trial Lawyers Club of Chicago, and on the Cook County Zoning Board of Appeals.

**William E. Kunze**, '76, of Columbine County, Colorado, passed at the age of ninety-six on November 06, 2020. ▶

**Richard Gordon Lambert**, '85, was eighty-six on March 18, 2021 when he died at his home. Gordon was ordained at age seventeen as a lay minister and later served as pastor of his church for nearly two decades. Gordon was a stand-out athlete at Marion High School and was offered a free agent baseball contract by three Major League Baseball teams out of high school; instead, he chose to play basketball and baseball for the Salukis at Southern Illinois University. Gordon also played semi-pro baseball after college, his left-handed curve ball causing fits for hitters who faced him. After service in the U.S. Army in 1957-59, Gordon obtained his law degree from the University of Illinois. Gordon is survived by his wife Jo Ellen, five children and twelve grandchildren.

**F. Richard Lucas**, '84, passed away on June 26, 2012 at the age of seventy-six. Dick attended Santa Clara University, graduating *summa cum laude* in 1955. He spent the next two years in the U.S. Army stationed in Japan. Upon returning to the U.S., Dick attended Stanford Law School where he was on the Stanford Law Review, graduating in 1960. In 1959 he married Phyllis Anne Johnson. Dick began his legal career working as a deputy Attorney General from 1960 to 1963. In 1963, Dick moved his family to Fairfield, California, where he served as president and director of the Solano County Bar Association. Dick enjoyed travelling, reading, crossword puzzles, a game of cribbage and a good martini. He was survived by Phyllis, three children and eight grandchildren, to whom he was known as "Grumpy."

**John Dugald McAlpine, Q.C.**, '82, former CBABC Branch President from 1972-1973, died peacefully on March 23, 2022 at the age of ninety-one. John graduated from the University of British Columbia in 1950 and then attended Harvard University, where he obtained his LL.B in 1953. He returned to British Columbia and was called to the bar in 1954. He was Chair of Legal Aid Society of British Columbia from 1973-1975, and appointed Queen's Counsel in 1976. He and Sarah Jessie McAlpine were married for almost sixty years. One of Canada's leading barristers, his career spanned sixty years as he was involved in a number of high-profile cases, acting as counsel in major Aboriginal and public interest cases, and also representing high-ranking government officials in inquiries.

**Kenneth Nevelle McKinney**, '79, was eighty-two when he died on September 17, 2018, after a brief hospitalization. Ken attended the University of Oklahoma, where he was a swimmer; he graduated in 1959 with a Bachelor of Science in geology. Ken subsequently received a law degree from the University of Oklahoma in 1962, having married Jane Bowers in 1960. Ken served in the Judge Advocate General's (JAG) Corps as a member of the Army Reserve. Ken was a prominent leader in the Oklahoma City community, chairing the United Way campaign for Central Oklahoma. A huge fan of University of Oklahoma athletics, Ken was a long-time season ticket holder for both football and basketball games and rarely missed a home game. Ken was preceded in death by Jane but survived by two children and four grandchildren.

**John M. McLaughlin**, '79, died October 5, 2014 at the age of ninety-two. John received an A.B. from Georgetown University in 1943 and served in World War II from 1943 to 1945 in China as a crew member on a C-47. Upon return from the service, he attended Georgetown University Law School where he served on the Board of Editors of the Georgetown Law Review. From 1952 to 1962, he served as an Intelligence Officer in the United States Naval Reserve. In 1987, John served as President of the Erie County Bar Association; he was a member of the Judicial Conference for the Third Circuit Court of Appeals. John was preceded in death by his wife, Mary Lou Sitterle and two sons, survived by three other children and a grandchild.







**Timothy John McNamara**, '87, age eighty-four, died peacefully at home on May 4, 2022. Tim was a graduate of LSU in Baton Rouge for undergraduate and law school. While able, he attended every single football game in Tiger Stadium, no matter the weather, proclaiming, "it never rains in Tiger Stadium." Tim was survived by his wife of thirty-three years, Sarah Elizabeth McNamara, four children and six grandchildren. Tim practiced law for over half a century. His many years of insurance defense made him a risk expert but a fun-sucker at home to his children, regularly rejecting any pleas for trampolines, mini-bikes, swimming pools, or tree forts with the incredulous retort, "Do you know what the liability is on something like that?" As a native New Orleanian, Tim enjoyed Carnival season and was a member of the Krewe of Gabriel, serving as a Royal Duke, and riding Float #13 with his same group of friends for decades.

**Robert Friend Miller**, '72, passed on July 2, 2021 at the age of ninety-eight. Bob, a former Arizona State Chair, graduated from Dartmouth in 1944 and began law school in 1947. Given that he would have been twenty-two in 1944, we speculate that the three-year gap was for military service; but we have to guess. Bob began his career as a Deputy Pima County Attorney; by the time he filled out the College's Statement of Qualifications form in 1972, he estimated he had tried more than 230 jury trials.

**Arnold Morelli**, '83, age ninety-two, died October 19, 2020, ten months after his wife of sixty-two years, Gloria Keyes Morelli, preceded him. He was survived by two children and two grandchildren. Moose attended the University of Cincinnati, where he received a B.A. in Political Science in 1951. He received his LLB from Harvard Law School in 1955 after serving in the Korean conflict. During school vacations he worked on a fire suppression crew in Yosemite, California, and then as a smoke jumper in the state of Washington where he said he was "pushed" eight times. After service as an Assistant U.S. Attorney and First Assistant U.S. Attorney in Cincinnati, Moose practiced law and taught at the University of Cincinnati Law School and Chase Law School.

**James Davis Morton**, '83, died at age eighty-six on January 27, 2015. Jim graduated from high school in 1946 and served two years in the Navy before earning a degree in business administration from the University of Pittsburgh and then a law degree, graduating *summa cum laude* in 1954. In 1966, Jim was one of about twenty investors who put together \$2.5 million to create an expansion NHL team, the Pittsburgh Penguins. The group sold the franchise in 1970, a decision they likely regretted as sports team values skyrocketed, but they accomplished their goal of bringing the sport to Pittsburgh. Jim was survived by his wife of fifty-seven years, Bo, three children and four grandchildren.



**Raymond R. Murphy Jr.**, '85, died on December 30, 2012 at the age of seventy-six, survived by his wife of fifty-five years, Kathleen Darwin Murphy, three children, nine grandchildren and one great-grandchild. Ray graduated from the University of North Carolina and earned his law degree from the University of Michigan. He was a President and member of the Board of Governors of the Chattanooga Bar Association. He served many organizations including Teen Challenge, Inner-city Ministries, Senior Neighbors, and Turning Point Ministries. He also was on the organization committee for the incorporation of the City of Lookout Mountain, Georgia and served on the volunteer fire department.



**John Starr Neely, Jr.**, '85, was eighty-six when he passed on May 22, 2019. John attended Duke University undergraduate and Law School after winning the prestigious Angier Duke Scholarship. While in law school, he married Janet Griffin. After graduation, they moved to Ft. Lauderdale. John served two terms on the Florida Bar Board of Governors and as President of the International Academy of Trial Lawyers. After retiring from the practice of law, he attended the Harvard Kennedy School of Law where he received his Executive Certificate in Mediation. John was survived by his three children, six grandchildren and six great-grandchildren.

**C. Stanley Nelson**, '78, passed away May 31, 2021 shortly after his ninety-sixth birthday. C. Stanley graduated from the University of Kansas, interrupting his education after the first year to join the U.S. Marine Corps in 1943. He spent three years in the Pacific and returned to KU to finish his undergraduate degree and get his law degree. C. Stanley married Rosemary Gaines in 1949. In 1950 they moved to Salina where he spent over sixty years practicing law. C. Stanley was predeceased in death by Rosemary and survived by four sons and four grandchildren.

**Hon. Donald J. O'Brien, Jr.**, '80, was eighty-one when he passed on March 13, 2020. Judge O'Brien was a Circuit Court Judge in Cook County, as was his father and his son. And if that were not enough judges in one family, Judge O'Brien's life partner, Hon. Denise O'Malley, was an Appellate Justice until her retirement in 2009. When you had a case before Judge O'Brien, you didn't need to worry about getting breaks; a heavy smoker, Judge O'Brien frequently needed his own breaks to light up. But he was a fair and efficient jurist who gave good trials. Judge O'Brien was survived by Judge O'Malley, three children and four grandchildren.

**Dennis E. W. O'Connor Sr.**, '79, passed away on April 12, 2018 at the age of eighty-eight. O'Connor graduated from the Naval Academy in 1952 and the George Washington University School of Law in 1961. He was a retired Captain in the U.S. Naval Reserve, qualified to command submarines and destroyers. He served as a Hawaii State Representative and Senator, a Councilman for the Honolulu City Council, and was a past Chair of the Democratic Party for the State of Hawaii. He was a past State Chair for the College. Captain O'Connor is survived by his wife of sixty years, Mary Elizabeth, four children, six grandchildren and two great-grandchildren.



**Roberts B. Owen**, '83, who served as the State Department's legal adviser during the Iran hostage crisis and played a crucial role as a negotiator and arbitrator at the end of the Bosnian war, determining the future of one of Bosnia's most strategically important regions, died March 10, 2016, at his home. He was ninety. Bob was named the State Department's legal adviser — its chief legal officer and the head of a 120-person legal team — in late 1979, just a few weeks before a group of Iranian students seized the U.S. Embassy in Tehran, taking more than sixty Americans hostage. The diplomatic and economic maneuvering finally succeeded, and the hostages were released in January 1981. Bob returned to private practice but was asked back to the State Department in 1995 to serve as a senior adviser on Bosnia, where a civil war was raging among the nation's Croat, Serb and Muslim populations. The Dayton accords brought the war to an end in late 1995, but Mr. Owen remained involved in Bosnia for another four years as presiding arbitrator of a special International Court of Justice tribunal. Shortly after graduating from



high school, Bob persuaded his mother to sign a release allowing him to enlist in the Navy in 1943. He served for three years, then graduated from Harvard University in 1948 and Harvard Law School in 1951 before attending Queens College Cambridge on a Fulbright scholarship. Bob was survived by his wife of fifty years, Kathleen von Schrader Owen, three children and eight grandchildren.

**Donald Patterson**, '75, was ninety-five when he passed away on February 10, 2020. Don graduated Phi Beta Kappa from the University of Nebraska in 1947 and received his Juris Doctor degree from the University of Michigan in 1950. Don served in the United States Army on a medium tank crew as driver and gunner. Don was President of the Topeka Bar Association in 1974 and served on many professional committees. He was on the board of directors for the YMCA of the Rockies in Estes Park, Colorado for over twenty-five years. Don was survived by his wife of seventy-three years, Mary Verink, a daughter, six grandchildren and eight great-grandchildren; he was preceded in death by a son.

**Charles Paulson**, '83, died June 12, 2022 just a few days shy of his 91st birthday. Chuck began working summers at canneries as a freshman in high school, hauling 100-plus pound bags of sugar and salt and learning the value of hard work and education. Chuck enlisted during the Korean War and served as a paratrooper in the 82nd Airborne. After his service, Chuck and his wife Amy returned to Portland where he began night law school while working as a Portland police of-

ficer, selling insurance, and taking shifts in a cannery. Chuck graduated from Lewis & Clark Law School in 1958. He tried his first case the next day. Though his practice was primarily plaintiffs' personal injury, Chuck also took on criminal matters. His favorite was the fight to overturn the death row conviction of Teddy Jordan in 1965. Teddy had been wrongfully convicted of a Klamath Falls murder in 1932 and served three decades in prison. Teddy, a young black man, had been convicted solely based on his "confession" – made after investigators tortured him with electrical shocks to his testicles. Chuck picked up Teddy from prison on his own birthday in 1965. Chuck was a mentor to many young attorneys and spent the last twenty years of his long career in partnership with his daughter Jane. Fellow Bob Keating recalls that as a very young lawyer he was with Chuck as he reviewed a defendant physician's office record at the beginning of the doctor's deposition. Chuck grabbed a piece of paper from the file and handed it back to the physician saying "you do not want to give me this." It was the narrative the doctor had written to his lawyer. That spoke volumes to Bob – as it should to all of us. Amy passed in 2011 after fifty-nine years of marriage. Chuck remarried and was survived by Linda Mercado, in addition to four children, nine grandchildren, three great-grandchildren, four step-children, and four step-grandchildren.

**Eugene I. Pavalon**, '77, died on May 26, 2020 at age eighty-seven. Gene graduated from the University of Illinois at Navy Pier and from Northwestern University School of Law in 1956, after which he served in the United States Air Force as a JAG officer. He was President of the Illinois Trial Lawyers Association in 1980-81, President of the American Trial Lawyers Association in 1987-1988, and President of Trial Lawyers for Public Justice in 1993-94. Gene loved boating and fishing and classical music. He was an avid weightlifter. He was survived by his wife, Lois Pavalon nee Frenzel, three children and seven grandchildren.



**Thomas H. Peebles, III**, '82, died peacefully on May 9, 2015 at the age of eighty. Tom quarterbacked a Tennessee High School State Championship football team and went on to play at the University of the South, graduating in 1957. He taught and coached football at Columbia High School for a year before entering law school at Vanderbilt University, where he was a member of the Law Review. Tom served as president of the Nashville Bar Association in 1983. He loved to hunt and fish with his family and traveled to South America, Central America, and Africa on numerous occasions. He was survived by his wife of fifty-seven years, Katherine Kolb Peebles, his three sons and seven grandchildren.

**George Edwin Pletcher**, '70, age ninety-one, died peacefully on December 11, 2019. At age sixteen George left the family farm in the Texas panhandle and boarded a train for South Bend, Indiana. He studied at Notre Dame for two years before joining the United States Army. After a two-year hitch, he returned to the Golden Dome and graduated from the Law School in 1951. He returned to Texas – Houston – to practice law. George traveled the state of Texas trying lawsuits for over fifty years and served as President of the Houston Bar Association. George was survived by his wife of seventy-one years, Claudine, their eight children, sixteen grandchildren and twenty great-grandchildren.

**Thomas Ryan Prewitt, Sr.**, '67, passed away peacefully on July 18, 2018 at age ninety-five. Tom was at the University of Tennessee when the U.S. entered World War II in December 1941, and he immediately enlisted in the U.S. Army Air Corp. After training, he was assigned to the Fifteenth Air Force, deployed to engage in strategic bombardment operations from bases in southern Italy. Tom flew fifty bombing missions as navigator in a B-24 Liberator named "Lady Luck." For his distinguished and heroic service to his country, Tom was awarded the Distinguished Flying Cross and the Air Medal with three Oak Leaf Clusters. After the war, Tom enrolled in the University of Tennessee Law School where he was Editor of the Tennessee Law Review, won the Moot Court award, and was Order of the Coif. Tom served as President of the Memphis and Shelby County Bar Association



tion in 1979. Tom served as Assistant General Counsel to Ray Howard Jenkins in his role as special counsel to the Senate Subcommittee on Investigations during the 1954 Army-McCarthy Hearings. Following the assassination of Martin Luther King, Jr. in April 1968, he was retained by the City of Memphis to negotiate with Dr. King's attorneys and the U.S. Department of Justice to end the sanitation strike. Tom was survived by four children, six grandchildren and two great-grandchildren.

**Eugene M. Purcell**, '98, passed away on Monday, June 6, 2022 at age eighty-four. Judge Purcell, a former municipal court judge in Long Hill Township, Morris County, practiced in Bedminster and was a past President of the Trial Attorneys of New Jersey. Judge Purcell is survived by his wife, Diane Hailer, two children, a step-child, and four grandchildren.

**Daniel T. Rabbitt, Jr.**, '83, of St. Louis, was seventy-nine when he died on March 3, 2020 survived by his wife of fifty years, Susan Rabbitt nee Scherger, two children and a grandchild.

**James Edward Reeves**, '70, was just shy of his eighty-eighth birthday when he died on May 5, 2015. Jim Ed attended the University of Missouri and graduated from its law school in 1951. Jim Ed served in the United States Air Force as a JAG officer. He served in

the Office of Special Counsel for the Whitewater Investigation and as United States Attorney for Eastern District of Missouri. Jim Ed was predeceased by two wives and survived by three children and four grandchildren.



**Daniel A. Rezneck**, '83, former senior assistant attorney general for the District of Columbia and fourth president of the D.C. Bar, passed away on February 23, 2021 at age eighty-five. Dan taught at Georgetown University Law Center for fifty-six years. From 1995 to 2001, he served as general counsel to the District of Columbia Financial Control Board, which took the city out of bankruptcy. After Harvard Law School in 1959, Dan clerked for U.S. Supreme Court Justice William J. Brennan from 1960 to 1961. He then became an assistant U.S. attorney for the District of Columbia, describing it in a 2007 interview as his "best job." After his three-year stint as an AUSA, Dan began private practice which included many high-profile cases, including a seminal U.S. Supreme Court decision that juveniles accused of crimes must be afforded many of the same due process rights as adults; in 1972, Dan argued *Shadwick v. City of Tampa*, which dealt with the question whether a municipal court clerk could issue a valid arrest warrant; in 1983 he argued on behalf of the petitioners in *District of Columbia Court of Appeals v. Feldman*, which became the basis for the *Rooker-Feldman Doctrine* prohibiting lower federal courts from reviewing state court civil judgments. Dan was survived by his wife, Beverly, two children, and four grandchildren.

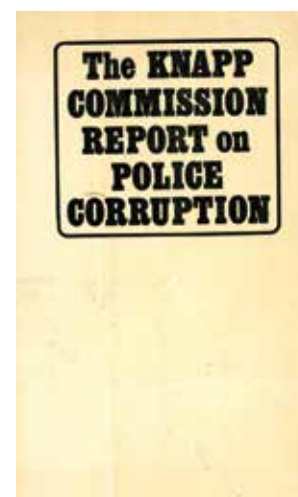
**Dean Allen Robb, Sr.**, '80, was ninety-four when he passed away on December 2, 2018. Dean interrupted his undergraduate education at the University of Illinois to serve in the U.S. Navy during World War II and earned his law degree from Wayne State in 1949. Dean was a founding member of the first interracial law firm in America and was a leading legal figure in the American Civil Rights Movement during the 1960's. He recruited and organized lawyers throughout the country to provide legal support to civil rights demonstrators. Dr. Martin Luther King Jr. acted as the keynote speaker at the conference Dean organized in Atlanta in 1963. Dean travelled to Danville, Virginia during the Civil Rights Movement to support the legal defense of over 700 non-violent voting rights demonstrators. He was the attorney for the family of Viola Liuzzo, a Detroit homemaker who was



tragically murdered in 1965 by the Ku Klux Klan in Alabama following the famous march from Selma to Montgomery. Throughout his career, Dean was an advocate for the bullied, the injured, the voiceless, the marginalized, and the dispossessed. He mentored and inspired young people to "be powerful," "get out of your comfort zone" and "say yes to people in need." Dean is survived by his wife Cindy Robb, five children, five grandchildren and two great-grandchildren.

**Stanley D. Robinson**, '75, died at home on December 6, 2020 at the age of ninety-four survived by his three children and granddaughter. Janet Robinson, his wife of sixty-four years, predeceased him. While serving as an Ensign in the Navy he attended Dartmouth College and Harvard Business School. A Phi Beta Kappa graduate of Columbia College and Columbia Law School, he was an editor of the Law Review. He commenced his legal career as an Assistant U.S. Attorney in the Southern District of New York. In private practice, he represented Xerox Corp in what was, at the time, the longest civil trial in the history of the federal courts. His passions included worldwide travel, wine collecting, baking bread, old movies, opera and the St. Louis Cardinals.

**Robert K. Ruskin**, '78, who as New York City's investigation commissioner in the early 1970s probed corruption among building inspectors, construction unions, police officers, parking ticket officials and peep-show operators, died on September 23, 2020. He was ninety-three. In 1970, after The New York Times reported allegations of widespread corruption in the New York City Police Department, Mayor



Lindsay named a panel of city officials, including Bob, to investigate. Recognizing the potential for conflicts, the panel asked the mayor to supersede it with an independent panel, a request that led to the Knapp Commission investigation, which would be fueled by stunning revelations by a pair of police force whistle-blowers, Frank Serpico and David Durk. While Bob later said that he believed that police corruption was isolated, his department arrested seven officers on corruption charges in 1970 and handled cases that resulted in charges against 61 officers. Bob earned a bachelor's degree in political science in 1948 from Franklin & Marshall College. He served as a Navy aviation cadet in 1945-1946 and in the Coast Guard during the Korean War. He received a law degree from New York Law School in 1953. Bob was survived by his wife, Susan Gale Ruskin, four children, ten grandchildren and two great-grandchildren.

**Robert G. Russell**, '97, died April 17, 2022 at the age of eighty-six. Growing up in an Army family, Bob delighted in the many moves around the US and world, with junior high in the Philippines and high school in Tokyo during the occupation. Bob went to Fresno State to play football as a freshman, garnering a 4.0 his first semester and (he says) a 0.0 the second. His father gave him two choices: get a job or join the army. He chose the latter and served two years. Bob then attended the University of Kansas, where he was a two-time All American in Men's Volleyball. Bob then attended the University of Missouri School of Law, where he found his calling and his life partner, Sandy Morris, who he married soon after graduation. In 1970, Bob was appointed as the then youngest Circuit Court Judge in Missouri. Judge Russell retired from the bench in 1986 and re-entered private practice, finally retiring from practice in August of 2021. Bob was predeceased by Sandy but survived by his three children and four grandchildren.



**Herschel J. Saperstein**, '84, died June 6, 2019. He was ninety. Hersh attended Weber College and graduated Phi Beta Kappa from the University of Utah in 1950. He graduated second in his class from the University of Utah Law School in 1952. He then served in the Judge Advocate General's Corps at the Pentagon, where he participated in the drafting of the Uniform Code of Military Justice. He married Sandra Morrison in 1960. Hersh was a Visiting Associate Professor of Law, Creditors Remedies, Bankruptcy and Insolvency at the University of Utah College of Law and President of the Board of Trustees of Utah Legal Services in the 1990s. Hersh loved fly fishing and golf. Upon retirement Hersh and Sandra relocated to San Diego for sea and warm weather. In addition to Sandra and three children, Hersh was survived by two granddaughters.

**Edward C. Schepp**, '86, passed away at age eighty-three on April 3, 2017. Ned served in the U.S. Army during the Korean War, albeit not in Korea; he was sent to Germany, where he played the piano at the Officers Club. Ned returned to graduate from Lemoyne College in 1959 and Catholic University Law School in 1962. Ned was an assistant State Attorney General from 1962-1966, a practicing Central New York Civil Trial Attorney from 1963-2003, and served as DeWitt Town Justice from 1968-1987. In retirement, Ned became a New York State Certified Ombudsman for residents of Onondaga County Long Term Care Facilities and he volunteered as Board President for Meals on Wheels Eastern Onondaga County. Ned was survived by his wife of thirty-seven years, Judy McKee Schepp, four children and nine grandchildren.

**Hon. J. Edgar Sexton, Q.C.**, '85, a former judge of the Federal Court of Appeal, died November 1, 2019 at the age of eighty-three. After obtaining an Engineering Degree at Queen's in 1958, Justice Sexton graduated in 1963 from the University of Western Ontario Faculty of Law. After a highly successful career as a litigator, Justice Sexton was appointed to the bench in 1998. In his thirteen years as a judge, Justice Sexton participated in more than 1,000 appeals in all types of federal cases on a wide variety of subjects. He had many hobbies and pastimes, including antique mahogany boats; he spent



many happy hours roaring around Charleston Lake in his 1941 Chris Craft named *After Taxes*. Predeceased by a son, Justice Sexton was survived by his wife of forty-one years, Rosemary, and four other children.



**Charles Milton Shaffer, Jr.**, '86, was seventy-nine when he died on March 18, 2021. Charlie attended the University of North Carolina-Chapel Hill on a football scholarship, where he graduated Phi Beta Kappa and was elected class president his junior and senior years. Despite a knee injury that ended his football career, he became co-captain of the varsity basketball and tennis teams and played during Coach Dean Smith's first three basketball seasons. During college, Charlie met and fell in love with Harriet Hayne Houston; they were married in 1964. He graduated from the UNC School of Law in 1967, where he was also the assistant freshman basketball coach for three years. Charlie and Harriet moved to Atlanta where he enjoyed a thirty-five-year career before accepting the position of president and CEO of The Marcus Institute, a center for children with developmental disabilities. Charlie was a President of the Atlanta Bar Association. His passion for athletics and community service led Charlie to take on numerous other leadership roles. He was a member of the "Atlanta Nine" which brought the 1996 Summer Olympics to Atlanta. He also served as president of the Atlanta Sports Council from 1996-2000, leading a successful bid that brought the Super Bowl to Atlanta in 2000. Seven years later, he participated in the successful effort for Atlanta to host the Men's Final Four Tournament in 2007. Charlie was survived by Harriet, their three children, and nine grandchildren.

**John E. Shannon Jr.**, '83, was ninety-two when he passed on October 4, 2019. Jack served as a radioman on a destroyer in the Pacific during World War II. After the War, Jack returned to the University of Wisconsin for undergrad and law school. Jack was a community leader and served on the Stevens Point City Council for two terms. He helped found the American Legion Baseball Program in Stevens Point, serving as its first President and helping bring the American Legion World Series to the City in 1987. Jack was preceded in death by his wife, Josette, and survived by his four children, eight grandchildren and three great-grandchildren.

**Glenn Lee Sharratt**, '82, passed on April 28, 2020 at age ninety-six. Glenn served in the U.S. Air Force during WWII, and continued in the USAF Reserve, retiring in 1984 as a Lt. Colonel. Glenn married Lora Jane Frank in August 1950. She preceded him in death in 2008, in the fifty-ninth year of their marriage. Following the War, Glenn attended the University of Wisconsin, where he received a B.A. in 1949 and a law degree in 1951. Glenn retired from active practice in 1988, and he and Jane enjoyed travel to New Zealand, Portugal and Vienna. Glenn was survived by his two children, two grandsons and two great-grandsons.

**William "Bill" Sheppard**, '99, passed away on April 9, 2022 at his home, age eighty. Bill was raised on a ranch in Burns, Oregon for the first sixteen years of his life. His family relocated to Orlando and Bill graduated from Florida State University, where he earned an ROTC Commission; After graduation, Bill served in the U.S. Army for two years in Korea. Upon his return, Bill attended the University of Florida College of Law, where he was the Executive Editor of the Law Review. Bill practiced law in Jacksonville for fifty-three years as one of the nation's preeminent civil rights and criminal attorneys. His cases legalized same-sex marriage in Florida, led to a federal takeover of state prisons, sparked the construction of a less crowded county jail and forced the city into a consent decree over its discrimination against Black firefighters. At one point while representing inmates suing over the Duval County jail's inhumane conditions, Bill's law office was riddled

with bullet holes. Bill was survived by his wife of thirty-five years, Elizabeth “Betsy” White, who was both his life and law partner. In addition, Bill was survived by six children and four grandchildren.

**Ernest T. Smith III**, ’81, known to his friends as “Skip” and his daughter’s boyfriends as “Mr. Smith,” passed away peacefully on May 27, 2020 at the age of eighty-seven. Skip attended the University of New Hampshire ever so briefly. His early college semesters were really more about skiing than studying, which lead him to abruptly join the Navy. While in the Navy, he served as a Pilot on the USS Bennington. After the Navy, Skip attended Middlebury College and Boston College of Law. In 1962 he and his family moved to Concord, NH where he began his career as a trial attorney, balanced with family camping trips to Cape Cod, ski trips EVERY weekend during the winter and spring months, and sailing off the coasts of Maine and Cape Cod. Surviving Skip was his daughter and son and two grandsons.



**Editor’s Note:** USS *Bennington* (CV/CVA/CVS-20) was an *Essex*-class aircraft carrier in service from 1944 to 1946 and from 1952 to 1970. She was sold for scrap in 1994. *Essex*-class carriers were the backbone of the U.S. Navy’s combat strength during World War II from mid-1943 on, and, along with the three *Midway*-class carriers added just after the war, continued to be the heart of U.S. naval strength until supercarriers came into the fleet in numbers during the 1960s and 1970s.

**Laurence F. Sovik**, ’81, died January 1, 2018 at the age of eighty-five. Fritz went to Notre Dame and practiced in Syracuse. His partners described him as “An avid reader and true Renaissance man, who loved history and Shakespeare; he loved sports, poetry and the theatre.”

**Robert Wallis Spangler**, ’76, who was born and worked on the family ranch and farm his entire eighty-seven years, died February 11, 2015. Bob took time off from the farm to serve in the U.S. Navy during World War II, to earn his A.B. from the University of Illinois in 1947 and his L.L.B. from the University of Missouri in 1949, and to practice law for fifty-five years. Bob was survived by his wife of over fifty-six years, Elizabeth Childs Spangler, and their son, two children from a previous marriage, three grandchildren and one great-grandchild.

**Jacob K. Stein**, ’73, completed his undergraduate degree at University of Chicago in 1950. After considering art school he went to law school, receiving his degree from the University of Cincinnati in 1953. Jacob passed on November 3, 2019 at the age of eighty-eight. After law school, Jacob served in the U.S. Army as a JAG officer. Jacob met and married his first wife, Iris Gershuny, in 1953; they had two children. Iris was diagnosed with cancer and passed away in 1965. He married Mary Magrish in 1966 and they had two children. Jacob was a collector of many things, such as antiques, jewelry and rugs. His collection of ancient coins and Asian art were displayed at the Cincinnati Art Museum. Jacob was a lecturer at University of Cincinnati, Chairman of the Jewish Welfare Fund, and a Trustee of the Cincinnati Jewish Hospital.

**Walter Love Stratton**, ’76, age ninety-three, died on March 1, 2020. Walter attended Williams College for one term and Yale for three before joining the United States Navy in January 1945. After the war, he returned to Yale, graduating in 1948. Walter graduated from Harvard Law School in 1951. Walter was a trial lawyer in New York City, first as an Assistant U.S. Attorney and later as a partner in a series of law firms. Walter enjoyed horseback riding, polo, skiing, and sailing. He served on the Executive Committee of the Greenwich Council of the Boy Scouts of America. Walter was predeceased by a son but survived by his wife, DeAnna, three children and seven grandchildren.

**Roger Michael Sullivan**, '86, died November 28, 2016 a month shy of his ninetieth birthday. Roger attended Occidental College as part of the Navy V-5 program and received his wings as a Naval Aviator in 1947. He earned his B.A. at Loyola University and his J.D. at Loyola Law School in 1952. Roger began his legal career as an attorney with the Pacific Electric Railway Company. Five years later he formed a firm with a friend. In 1959, Roger met and married Jayne Colgan, a TWA flight attendant; they were married fifty-six years, and she survived him, along with five daughters and fourteen grandchildren. Roger served as Chairman of the Los Angeles Bar Association, Chairman of the National Conference of Christians and Jews, President of Serra International (Los Angeles) and the Right to Life League. A highlight of his legal career as an eminent domain attorney was his front-page representation of the Gherini family, when in 1999 a federal jury awarded in their favor after the National Park Service had seized control of their 6,300 acres of Santa Cruz Island.

**Donald M. Tennant**, '83, was eighty-nine when he died on October 27, 2020. When his family moved from Wisconsin where he had been a star high school athlete, Don turned down a baseball scholarship to the University of Illinois and enlisted in the U.S. Army in 1950. He was stationed in Okinawa and volunteered to go to Korea to fight in the Korean War, where he earned a Bronze Star. Don returned home and received his law degree in 1958. He spent most of his career defending medical malpractice claims with his son, Todd, and they were an outstanding trial attorney team. Don taught trial advocacy for eighteen years at the Law School. He also served as president of the Champaign County Bar. Don was survived by his wife, Nancy, three children, fourteen grandchildren and eighteen great-grandchildren; his son Todd predeceased him. Don's greatest joy was the time spent watching his children and grandchildren in sports; he was able to watch his grandson win a gold medal at the 2012 Summer Olympics as a member of the 4 x 100 Men's Medley team.



**Paul T. Theisen**, '81, passed away on December 2, 2020 at the age of eighty-nine. Paul went to the University of Cincinnati on a football scholarship and was also a starting pitcher on its baseball team. He graduated in 1953 with an A.B. in political science and economics and was commissioned in the Army ROTC. After his second year of law school at the University of Cincinnati College of Law, Paul was ordered to active duty and reported to Ft. Bliss where he was trained as a NIKE surface-to-air guided missile battery commander. He served two years and returned to law school where he was Associate Editor of the Law Review and was elected to The Order of the Coif. Paul became a civil trial lawyer representing insurance companies and corporations. Paul also had a thirty-five-year career as a banker; he was a member of the Board of Directors of The Peoples Banking and Trust Company of Marietta, Ohio. Paul was survived by his wife of twenty-four years, Judith Carolyn, four children and eight grandchildren.

**John J. Thomason**, '83, died in the early morning hours of Christmas Eve, December 24, 2020 at the age of ninety-one. Buddy received his law degree from the University of Tennessee, College of Law in 1952, where he was a member of the Board of Editors of the Tennessee Law Review and President of the University of Tennessee graduating class of 1952. Buddy was commissioned in the U.S. Army Judge Advocate General's Corps and served for two years in Germany, where he met Sally Palmer, who was then an exchange student from Sweden. They were married in 1956. Buddy served for two years as the Assistant Public Defender for Shelby County and as an Assistant City Attorney for Memphis. He was president of the Young Lawyers of Memphis and of Tennessee, and Chairman of the 17,000-member General Practice Section of the American Bar Association. He was a visiting professor of advocacy at the University of Tennessee College of Law in Knoxville. In 1968, when Dr. Martin Luther King, Jr. was assassinated in Memphis, John joined with other influential Memphians to found the Counterpart Club of black and white community leaders. Buddy learned to fly and earned his pilot license in middle age and became





a master sailor in his retirement so that he, Sally, his family and friends could sail the world, taking trips to New Zealand, Australia, Tonga, the Mediterranean, the Caribbean, Brittany, Finland, and the British Isles. John shared his life with Sally for more than sixty-four years and was survived by three children and five grandchildren.

**Frank Edward Tolbert**, '79, age ninety-one, passed away peacefully on May 18, 2020, at Millers Merry Manor in Logansport, Indiana. Frank joined the army in 1946 after high school graduation and was deployed to South Korea as a lieutenant in the field artillery. Upon completion of his tour, he attended Indiana University and obtained his undergraduate degree in 1952 and his law degree in 1955. But Frank remained in the National Guard, later serving as Battalion Commander and retiring in 1967 as a Lt. Colonel in the 38th Infantry Division Artillery. In 1953, Frank married Sarah Leigh Wynne, who predeceased him, as did a son; he was survived by a daughter, two grandchildren and four great-grandchildren.

**Fred White Tyson, Sr.**, '09, a former Alabama State Chair, died at age sixty-five on June 7, 2022. A graduate of the University of Alabama and the Cumberland School of Law, Fred had a forty-year career in defense of doctors and hospitals. He also was a long-time board member of the Metro YMCA, Hospice of Montgomery, and the Montgomery Country Club; he served many years on the University of Alabama's President's Cabinet. Fred's survivors include his wife of fifty-three years, Florence Culver Tyson, three children and eight grandchildren. Fred most enjoyed spending time outdoors at his farm and Lake Martin with his many friends and large family, who are certain that he will be watching the Tide this fall from the good seats.



**Hon. Warren K. Urbom**, '70, died on July 28, 2017 at the age of ninety-one. Warren served as a sergeant in the U.S. Army during World War II. He graduated from Nebraska Wesleyan University with highest distinction in 1950, and his wife, Joyce, graduated in 1951. They were married in 1951; she passed in 2010. Warren, who briefly attended seminary before entering the University of Michigan Law School, served as a Federal District Court Judge for forty-four years. The Judge's love of the law was fully explored in his book *Called to Justice*. There one finds Warren Urbom, the humanitarian, respectfully treating the Native Americans in the Wounded Knee Trials and struggling with the rule of law in his storied opinion. As William Jay Riley of the Eighth Circuit Court of Appeals said in the foreword, "As a judge, he applied the law when required and common sense when discretion was appropriate."

**Thomas F. Weis**, '77, died August 20, 2018 at age ninety-three, survived by his wife, Teresa Prendergast Weis, three children and six grandchildren; a fourth child predeceased him. Tom served in General George Patton's Third Army during World War II and graduated from Duquesne University in 1949 and the University of Pittsburgh School of Law in 1952.



General G. S. Patton Jr.  
Commanding General Third US Army

**Steven Arthur Werber**, '84, was born in Austria in 1934 and died eighty-six years later in Florida on January 6, 2021. His family moved to Tampa in November 1938. Steve graduated from the University of Florida in 1956 and received his Juris Doctor from the University of Florida Law School in 1959. He was a member of the Florida National Guard. Steve was an avid reader with a particular interest in World War II history and Winston Churchill. Steve maintained a lifelong interest in swimming, tennis, and the company of a long line of over-indulged dogs. Steve was survived by his wife of forty-three years, Cecelia, four children and nine grandchildren.



**H. Blair White**, '75, an accomplished Chicago trial lawyer and law firm leader, died on November 29, 2013 when he was eighty-six. Blair was the forty-first lawyer when he joined his firm in 1951. By the time he retired in 1994, he had helped transform it into one of the largest and most distinguished law firms in the world. During his time as Chairman, the then Chicago-based office added locations in New York, Los Angeles, the Pacific Rim and the Middle East. Blair was very proud of his service as Chairman of the Board of now Lurie Children's Hospital of Chicago. But Blair White was first and foremost a trial lawyer and, despite his management responsibilities, he maintained an active practice that included more than one hundred trials, such as his representation of AT&T in its landmark antitrust litigation with MCI, widely viewed as an overwhelming victory for AT&T. Blair was born in Burlington, Iowa and received his undergraduate degree from the University of Iowa and his Juris Doctor from the University of Iowa College of Law. Blair met Joan Van Alstine while he was in law school and they were married in 1954. In addition to Joan, Blair was survived by two sons and two grandchildren.

**William Key Wilde**, '86, was two weeks shy of eighty-six when he passed on Easter Sunday, April 21, 2019. A life member of the Board of Goodwill Industries, Bill also served as a Trustee of Schreiner College in Texas and Montreat College in North Carolina. A graduate of the College of William and Mary in Virginia and the law school of The University of Texas at Austin, Bill has been President of the Houston Bar Association, a Director of the State Bar of Texas, and a Director of Texas Association of Defense Counsel. Bill was survived by his wife of sixty-two years, Ann Austin, their four children and eight grandchildren.

**Fred P. Wilson, Sr.**, '83, died peacefully on August 31, 2014 at the age of ninety-one. Fred's education at Memphis State College and Vanderbilt University Law School was interrupted by World War II. After graduating from Midshipmen's School at Columbia University, he served as a Naval Officer in the Pacific Theater. After the war and completion of law school, Fred practiced law in Memphis for fifty-four years. Fred is the widower of Helen Jean Carter Wilson and left two sons and a granddaughter.

**Harvey W. Yarosky**, '82, passed at the age of eighty-eight on April 15, 2022 survived by his three children, his long-time partner, Natalie Fochs Isaacs, and Natalie's children and grandchildren. Harvey earned his law degree from McGill University in 1961. Throughout his career, Harvey was involved in many high profile cases, including the representation of members of the RCMP and La Sûreté du Québec before federal and provincial commissions of inquiry, acting as special coroner to conduct an inquest into the shooting death of Marcellus François by the Montreal Urban Community police force, acting as special Crown prosecutor in charges of drug trafficking brought against the chief investigator of the RCMP drug section in Montreal, and representing the Hon. Brian Mulroney in proceedings against the Government of Canada and the RCMP in the "Airbus Affair." In addition to practicing law, Harvey was an adjunct professor at McGill University's Faculty of Law and taught at the University of Ottawa and the Université de Montréal.



**Irving W. Zirbel**, '81, died December 20, 2016, a few weeks before his eighty-ninth birthday. Irv and his brother Harold were All-State football players in high school, and both received scholarships to play at Marquette. Irv graduated from Marquette University with dual majors in philosophy and zoology in 1950. Two years later he graduated *magna cum laude* from Marquette Law School. Growing up during the Great Depression, Irv began working at a very young age. At age eight, Irv began selling magazines door to door. He then advanced to cemetery worker/grave-digger, to welder, to Harley Davidson assembler, to the high paying commis-

sion job of Canada Dry Beverages route driver. Irv married his high school sweetheart, Audrey Sandbecka, and they were together sixty-two years until her death in 2012. In his career, starting as a Judge Advocate in the United States Air Force, Irv tried over 400 cases to verdict. He argued more than 15 cases before the United States Supreme Court, Federal Court of Appeals, and the Wisconsin Supreme Court. Irv was not simply a JAG officer. He was a lecturer in law at the Air War College, and the Air Command & Staff College. He retired from the Air Force as a Major. Irv was survived by his two children and three grandchildren.

**Rita Silverman**, Past President (1982-83) Leon Silverman's wife of sixty-five years, passed away on June 9, 2022 at the age of ninety-four. Coincidentally, the date of her death was Leon's birthday – it would have been his one hundred and first had he not passed in 2015. But maybe not a total coincidence. Barbara Joseph believes that Rita let herself go that particular day so she could celebrate Leon's birthday with him. Rita was born in 1927 in Merthyr Tydfil, South Wales where she enjoyed a happy childhood surrounded by a large extended family. She met Leon when she was sixteen and he was stationed in South Wales, where the Army had sent him to learn Russian; the Jewish soldiers were invited to attend services and stay with local families for the Jewish holidays, and Leon luckily drew Rita's family. They stayed in touch as Leon went on to his further service as a member of the Greatest Generation and Rita went on to College in London. Rita and Leon were married in the historic Merthyr Tydfil Synagogue in Wales on August 14th, 1949. They moved to New York shortly after their marriage and began their journey together.

As Leon excelled in his practice, Rita earned her master's degree in American History at CW Post in 1978. She was involved with the League of Women Voters and her local synagogue, a devoted Mets fan, lover of music, theater, art, bourbon, and the New York Times. Rita loved everything to do with the Supreme Court Historical Society and the American College. Rita made sure her family celebrated all the holidays together, and she was a fearless host in her beloved Great Neck home of sixty-three years. Rita and Leon enjoyed many travels and cruises, often traveling with Rita's English cousins. Rita especially enjoyed all of the close friends she made at the College, many of whom she kept in touch with until her death. Jackie Lafite relates that "Rita and Leon were two of our favorite friends in the ACTL. They spent many fun weekends in our home in Metairie and in Mandeville. Rita and I played a lot of fun bad bridge together. Once we played at least six hands and finally realized we had played all six minus one card which was sitting on the floor under the table!!!! Not easy to play bridge minus a card." Well, if Rita was a card short of a full deck, no one ever noticed. She was a delight. She will be missed, by her daughters Susan (Michael Braun) and Jane (Daniel Hess) and her grandchildren Jonathan and William Braun and Emily and Jesse Hess. And she will be missed by her College family.





# UPCOMING EVENTS



Mark your calendar now to attend one of the College's upcoming gatherings. Events can also be viewed on the College website, [actl.com](http://actl.com), in the 'Events' section.

## NATIONAL MEETINGS



**2022 ANNUAL MEETING**  
**ROME CAVALIERI, A WALDORF**  
**ASTORIA RESORT**  
**ROME, ITALY**  
**SEPTEMBER 15 – 18, 2022**



**2023 SPRING MEETING**  
**THE RITZ CARLTON,**  
**KEY BISCAYNE**  
**MIAMI, FLORIDA**  
**FEBRUARY 23 – 26, 2023**

## STATE/PROVINCE MEETINGS

OCTOBER 1, 2022    **MICHIGAN FELLOWS GATHERING,**  
                                 **TRAVERSE CITY MI**

OCTOBER 14, 2022    **MONTANA FELLOWS DINNER, MISSOULA MT**

OCTOBER 18, 2022:    **BRITISH COLUMBIA FELLOWS DINNER,**  
                                 **VANCOUVER, BC**

NOVEMBER 3, 2022    **ALABAMA FELLOWS DINNER, BIRMINGHAM AL**

NOVEMBER 4, 2022    **NEBRASKA FELLOWS DINNER, OMAHA NE**

NOVEMBER 12, 2022:    **ARIZONA FELLOWS MEETING, PHOENIX AZ**

DECEMBER 2, 2022    **MISSISSIPPI FELLOWS EVENT**

DECEMBER 3, 2022:    **LOUISIANA FELLOWS DINNER**

DECEMBER 7, 2022    **OREGON FELLOWS HOLIDAY DINNER,**  
                                 **PORTLAND OR**

## OTHER EVENTS

NOVEMBER 10, 2022    **ACTL ACCESS TO JUSTICE AND LEGAL SERVICES CLE (MORE INFO COMING SOON)**

# JOURNAL

American College of Trial Lawyers  
1300 Dove Street, Suite 150  
Newport Beach, California 92660

PRSR STANDARD  
U.S. POSTAGE  
**PAID**  
SUNDANCE PRESS  
85719

## Statement of Purpose

The American College of Trial Lawyers, founded in 1950, is composed of the best of the trial bar from the United States and Canada. Fellowship in the College is extended by invitation only, after careful investigation, to those experienced trial lawyers who have mastered the art of advocacy and those whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility and collegiality. Lawyers must have a minimum of 15 years' experience before they can be considered for Fellowship. Membership in the College cannot exceed 1% of the total lawyer population of any state or province. Fellows are carefully selected from among those who represent plaintiffs and those who represent defendants in civil cases; those who prosecute and those who defend persons accused of crime. The College is thus able to speak with a balanced voice on important issues affecting the administration of justice. The College strives to improve and elevate the standards of trial practice, the administration of justice and the ethics of the trial profession.

"In this select circle, we find  
pleasure and charm in the illustrious  
company of our contemporaries  
and take the keenest delight  
in exalting our friendships."

*Hon. Emil Gumpert  
Chancellor-Founder  
American College of Trial Lawyers*