

# The Association Press

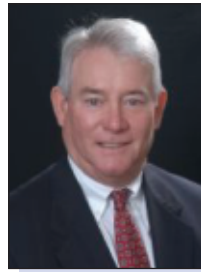
WINTER 2012 VOL. 18 NO. 1

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## PRESIDENT'S REPORT TO MEMBERS

GEORGE WALKER - MOBILE, AL



If you have been reading my monthly President's Messages to the ADTA membership, then you have a pretty good idea of what I have been doing on our behalf since the membership was kind enough to elect me to the position of President. This is my second and last President's Report for the *Association Press*, and I decided that it would be of some interest to many of you to learn exactly what it is that your ADTA President does over the course of his one year term. I have four months remaining, but here is what I did over the first eight months since my election to the Presidency of the ADTA in April of 2011 at the Maui annual meeting:

1. I appointed the standing committees previously approved by the Executive Council.
2. I conducted an electronic meeting of the Executive Council during which the EC approved a \$1,000 contribution by the ADTA to ABOTA's Civility Matters Project. As a result of the contribution, ADTA will receive an acknowledgement (logo placement) in the ABOTA publication.
3. I appointed an ad hoc committee on Vendor Programs, consisting of David Zizik (Chairman), Tom Hurney, Bruce Walker, and Mike Kronlund, and charged them with assessing whether ADTA should now or in the future invite vendors to the annual meeting as a way to supplement the Association's revenues. After the Committee reported with its recommendations, I appointed a Finance Committee consisting of Matt Bailey (Chairman), Steve Heine, Leon Beukman, Fred Raschke, and Bob Tait, to assess the need for additional revenue and to address other matters bearing upon the financial vitality of the ADTA, short-term and long-term. You will probably hear more about the committee's report and recommendations at or before the annual meeting in New Orleans.
4. I authorized modification of the ADTA handbook back to its original format, which will have the members from a particular firm listed together, as well as members from a particular city.
5. Bob Tait, Frankie Colon-Pagan, and I attended the DRI Spring Board of Directors meeting in Napa, CA, as ADTA's representatives on the DRI Board.
6. I consulted with Steve Pennell regarding the work of his committee relative to production of a series of Webinars for ADTA members, and I approved the roll-out of the program in June 2011. We have since completed five webinars and the endeavor seems to have achieved great acceptance among ADTA member firms.

7. I appointed Frankie Colon-Pagan, our Past President, to attend the DRI Insurance Counsel Roundtable in Washington, D.C., in June 2011 as ADTA's representative to the Roundtable.
8. I prepared and disseminated a monthly President's message, designed to keep members informed of the ongoing activities of the ADTA.
9. Steve Heine and I attended the annual meeting of the International Association of Defense Counsel in Whistler, British Columbia. Bill Perry of London, England, was installed as IADC President for 2011-12. Bill and his wife Jane will be with us as special friends at our New Orleans meeting, along with new IADC President-Elect Quentin Urquhart and his wife Anne from New Orleans.
10. Steve and I also attended the annual meeting of the Federation of Defense and Corporate Counsel in Williamsburg, Virginia. Mike Neil of San Diego was installed as President of FDCC for 2011-2012, and Ed Kaplan of Concord, New Hampshire was elevated to President-Elect. Mike and his wife Jan, and Ed and his wife Maddy, will be with us as special friends in New Orleans.
11. Steve and I attended the American Civil Trial Bar Roundtable in Washington, D.C., in September. There were two proposed resolutions announced and discussed at the Roundtable that I presented to the Executive Council for review and approval at the Fall Management Meeting in New Orleans.
12. Steve and I attended the annual meeting of the International Association of Claims Professionals in Napa, California in late September. In connection with this, I authored a short article for IACP's *Declarations* magazine regarding the effects of 9-11 on ADTA and its membership. Stuart Willoughby was elected President of IACP for the coming year, and I invited him to attend our annual meeting in New Orleans as a special guest.
13. Steve, Frankie, and I attended the annual DRI meeting in Washington, D.C. as ADTA's DRI Board members. Steve hosted the annual ADTA Dinner at Old Ebbitt Grill, which was well-attended and enjoyed by all. We will be joined at our annual meeting in New Orleans by new DRI President Henry Sneath and his wife Geralyn, and President-Elect Mary Massaron Ross and her husband Larry.
14. I prepared a draft budget for 2012 and submitted it for review and discussion by the Finance Committee. The Executive Council was presented with the proposed budget during our Fall Management meeting in New Orleans.
15. I presided over the Fall Management Meeting of the ADTA Executive Council in New Orleans November 17-20, 2011. This meeting allows us to plan in some detail the annual meeting for the following spring, as well as to take care of pending ADTA business. I am writing this before the November meeting due to a deadline, but you can get a report on that meeting by reviewing my December 1, 2011 President's Message.
16. I attended the first day of the Lawyers for Civil Justice meeting in New York November 30-December 1, 2011. ADTA is not a member of LCJ, but the Presidents of the sister organizations concluded that it would be a good idea to have a joint meeting of our respective Executive Directors, and that meeting was held during the LCJ meeting. I attended to meet with the other Presidents and Executive Directors.

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## INTERNET & TECHNOLOGY COMMITTEE

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CATHRYN SPAULDING - WESTWOOD, MA

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The Internet & Technology Committee is evaluating the utilization of various types of social media such as Facebook, LinkedIn and Twitter to benefit the membership. We are hopeful that the use of social media will increase the interaction among the members during the year between the Annual Meetings. This could be a great opportunity to strengthen those bonds made at the Annual Meeting. We will keep you updated on our progress.

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## THE ASSOCIATION PRESS

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## 2012 - NEW ORLEANS, LOUISIANA ADTA's 71st ANNUAL MEETING APRIL 18-22, 2012

MATTHEW W. BAILEY - BATON ROUGE, LA



Our 71st Annual Meeting will take place at the Royal Sonesta Hotel located on Bourbon Street in the heart of the French Quarter. Many times referred to as the “Jewel of the French

Quarter” the Royal Sonesta is distinctively European, but unmistakably New Orleans. Its French doors and wrought-iron laced balconies are usually the center of any picture depicting Bourbon Street. Within steps of the doors to the hotel, you will find antique shops, art galleries, boutiques, bistros, live entertainment and the best food in the world.

The meeting will kick off with the President’s Reception, which will take place on Wednesday night in the tropical courtyard of the Royal Sonesta. The CLE sessions will follow on Thursday and Friday mornings. President Elect Steve Heine and his committee have put together an outstanding cast of CLE speakers.

Also, on Thursday morning the spouses will walk to Jax Brewery for the spouses’ brunch. Jax was constructed in 1891 and was the largest independent brewery in the South at one time. It is now a unique shopping venue on the banks of the Mississippi River. The brunch will include a presentation and session put on by the New Orleans School of Cooking.



Thursday evening the group will depart the hotel and take a very short bus ride to the World War II museum for cocktails, food and dancing as well as a private showing of “Beyond all Boundaries”. This is a very powerful 4-D cinematic experience which will capture your attention and take your breath away. The Victory Bells Trio and the Victory Six Group will entertain the group following the movie presentation.

Friday evening will be our traditional reception in the hospitality room followed by a dine around allowing you to experience one of the many fine restaurants in the area.

Saturday morning will be our general session which will include our guest speaker, Chef John Besh. He is native to Southern Louisiana and has set the bench mark for fine dining in New Orleans with seven unique dining experi-



ences, including one within the World War II museum. Interestingly, he is a former U.S. Marine and has created high quality ready to eat meals for distribution to thousands of emergency response teams throughout the world.

Rockin’ Dopsie and The Zydeco Twisters will entertain Saturday night and offer a performance you

will not soon forget. This will be a rockin’ good traditional black tie dinner dance at the Royal Sonesta.

The most sought out balcony on Bourbon Street will be home to our very own hospitality suite. This will allow us to “rise above” the sometimes hectic street below and enjoy the sights, sounds and activities while we catch up with old friends and meet new friends.

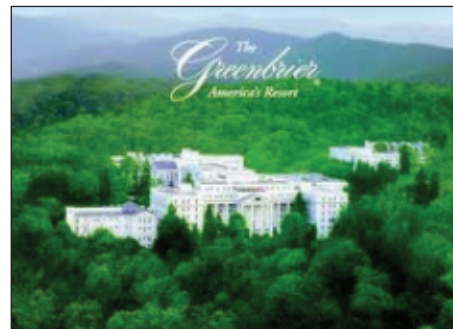
Optional events throughout the week will include a walking tour in the French Quarter, a plantation tour and a swamp tour.

***Laissez les bons temps rouler!***

## 2013 - ADTA ANNUAL MEETING

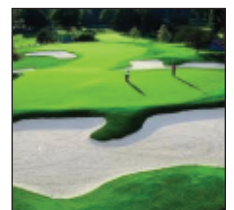
TOM & JULIA HURNEY - CHARLESTON, WV

### Country Roads, Take Me Home



While New Orleans is just around the corner, don’t forget that our 2013 ADTA annual meeting will be held at the Greenbrier Resort just outside White Sulphur Springs, West Virginia from April 17-21, 2013. The West Virginia ADTA members are excited for our colleagues to see this beautiful resort nestled in the hills of Greenbrier County.

A little history. As early as 1778, people “took the waters” at White Sulphur Springs as a cure for rheumatism and other maladies. Fast forward to today. With new owner Jim Justice, the Greenbrier is a wonderful all seasons resort with a new casino, excellent dining and many activities



ranging from golf at top rated courses to skeet shooting to horseback riding to a spa second to none. You will enjoy the relaxing atmosphere at the Greenbrier, which still observes the tradition of afternoon tea in the main lobby each day. Take a look at the resort website ([www.greenbrier.com](http://www.greenbrier.com).) Take a ten minute drive and you are in Lewisburg, voted in 2011 as America's Coolest Small Town. Lewisburg has great antique, clothing and arts shops, and if you tire of fantastic food at the Greenbrier, some great restaurants (<http://www.lewisburg-wv.com>.)



The Greenbrier is *accessible* to our members. Drive! Many of you will be able to drive within 5-6 hours. For example, in less than four and a half hours, you can get to the Greenbrier from Washington, D.C., Charlotte, North Carolina and Pitts-

burgh, Pennsylvania. The drive is gorgeous.

Take a minute and calculate your drive time: at Google Maps

(<http://maps.google.com/maps?saddr=&daddr=300+W+Main+St.+White+Sulphur+Springs%2C+WV&x=34&y=10/>.)

Fly! You can fly to the Greenbrier. There are daily direct flights from New York and Atlanta, and the resort is also accessible with a pretty drive of two hours from Charleston, West Virginia and Roanoke, Virginia and four hours from Charlotte, North Carolina.



Take the Train! Some of you will be able to take a train to the Greenbrier. Starting in July 2012, a luxury train will travel from Washington, D.C., to the Greenbrier, leaving on Wednesday and returning Sunday (<http://wvgazette.com/News/201106221220>.) Get ahead of the game and make a trip of it, plan to fly to D.C., and take a relaxing train ride to the Greenbrier.

Contracts are signed. Your committee and Peggy Schultz and are working hard on this meeting. We have already made arrangements for some ADTA caliber events and continue to work the details to make this a great meeting. Stay tuned.

**Get this meeting on your calendar:** April 17 - April 21, 2013. In fact, block your trials from the week prior and the week after, so you can truly enjoy this outstanding resort. You won't regret it and you will have an understanding of why West Virginia is "almost heaven....."

## MEMBERSHIP REPORT

WILLIAM H. STAPLES - WALNUT CREEK, CA

When was the last time you thought about your ADTA membership? When you got your bill for your annual dues? When you got the follow up notice that you hadn't paid your dues? Did you think why do I continue as a member of this organization; what do I get out of it? Well, remember the old adage; you only get out of it what you put into it!

You were accepted into ADTA because you are one of the best defense trial attorneys in your community. You are in a select group. Take advantage of it! What other organization do you belong to or know of where you can call anywhere in the U.S., Canada or Puerto Rico to get some information or ask a favor? You call a member you don't know and say "hi, I'm an ADTA member" and the person on the other end of the line will drop everything and talk with you like you're an old friend. Better yet, when your client needs representation in another locale, you can comfortably refer him/her to any ADTA member, whether you know the person or not, because we are the best trial attorneys in our communities.

Still, you say to yourself, I've belonged to ADTA for ten years and never received a referral call. Again, you only get out of it what you put into it. Have you ever been to an annual meeting? Have you ever met an ADTA member outside of your own State or Province? Have you ever referred a client to another ADTA member? Have you ever read "A Word From Lou"? Are you just a name in a book? Well, maybe you have your answer.

You are a member of a special organization; don't let it go to waste. Meet your colleagues, your peers. Exchange ideas, socialize and maybe even consider participating or at least reading "A Word From Lou." Maybe you still won't get that referral or maybe you will, but you will be a better lawyer, a better defense trial attorney.

Last but not least, don't keep ADTA a secret! Tell your partners about it. Tell your worthy colleagues in other communities about it. In other words, help us find new members!

Send any ADTA related photographs to  
Editor Linda Hay at [lhay@illinois-law.com](mailto:lhay@illinois-law.com).

## NEW MEMBERS



**Tim M. Agajanian**  
Murchison & Cumming, LLP  
Los Angeles, California

Tim M. Agajanian practices with Murchison & Cumming in Los Angeles. Tim attended Southwestern School of Law and graduated in 1986. Tim's wife, Deborah, is a dental hygienist and Tim and Deborah have four children: Jake, 17; Jordan, 15; Charlie, 11; and Thomas, 8. Tim focuses his practice in the areas of general civil litigation, commercial litigation, business law, general liability and construction defect litigation. In his spare time, Tim enjoys golf, the Indy Racing League, fishing and water sports.



**M. Charles Collins**  
Eastman & Smith, Ltd.  
Toledo, Ohio

Chuck Collins practices with the firm of Eastman & Smith, Ltd. in Toledo, Ohio. Chuck, a widower, has two children: David, 17 and Stephen, 14. Chuck attended the University of Toledo, and obtained his Juris Doctor, Magna Cum Laude, in 1995. Chuck was also a member of the Order of the Coif and the Law Review at the University of Toledo School of Law. Prior to law school, Chuck obtained his M.B.A. from Mankato State University in Minnesota, and worked as a financial analyst (and overseas consultant to Asian operations) with a large computer services firm. Chuck practices in the area of civil defense litigation with an emphasis on legal malpractice, probate, personal injury, and commercial claims. In his free time, Chuck enjoys running, playing tennis, bicycling, Biblical studies and teaching.



**Sandra L. Corbett**  
Field Law  
Edmonton, Alberta, Canada

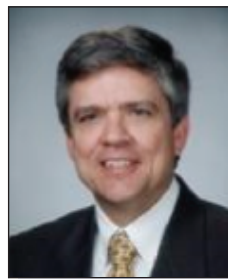
Sandra L. Corbett practices with Field Law in Edmonton, AB, Canada. Sandra is married to Brian J. Olson, an IT specialist. Sandra attended the University of Alberta, Canada law school and graduated in 1989. Sandra and Brian have a son, Benjamin, age 5. Sandra's practice focuses on resolution of complex tort and liability matters in the civil litigation area. She has defended serious personal injury claims arising from products liability, municipal and school liability, and from

serious motor vehicle accidents. Sandra concentrates her practice in civil and commercial litigation, insurance defense, and products liability. Sandra is active in many professional associations and is a Board member for DRI (through October 2011), and a Board member for the Canadian Defense Lawyers (past President for the years 2008-2009). Sandra is involved in community work and, in particular, is on the Board of Directors of Compassion House Foundation, a foundation which operates Sorrentino's Compassion House, a facility providing a warm and supportive home for women from northern Alberta who receive treatment in Edmonton for breast cancer. In the past, she has been involved in the Danish Canadian Society, the United Way and L.E.A.F. (Women's Legal Education Action Fund).



**Harry M. Moffett, IV**  
Hayes, Harkey, Smith & Cascio,  
LLP  
Monroe, Louisiana

Harry M. Moffett, IV practices with the firm of Hayes, Harkey, Smith & Cascio, LLP in Monroe, Louisiana. Hal obtained his B.A. from Tulane in 1990. He worked for Tulane as an Admission Counselor for two years, and then went to Tulane Law, where he obtained his J.D. in 1995. Hal's wife, Deirdre McGlinchey, is an attorney as well. Hal and Deirdre have two children: Claire, 9 and Colin, 4. Hal's practice is concentrated in the areas of insurance defense (commercial, auto and trucking) and medical malpractice defense. He is a member of the Louisiana Hospital Association, Louisiana Association of Defense Counsel, Defense Research Institute, Louisiana State Bar Association, American Bar Association, and Fourth Judicial District Bar Association. In his spare time, Hal enjoys fishing and hunting.



**Rick G. Strange**  
Cotton, Bledsoe, Tighe & Dawson  
Midland, Texas

Rick Strange practices with the firm of Cotton, Bledsoe, Tighe & Dawson in Midland, Texas. Rick attended the University of Texas and obtained his J.D. in 1985. Rick's wife, Carole, is a high school math teacher. Rick and Carole have two children: Katy, 24 and Susan, 22. Rick concentrates his practice in oil and gas, as well as commercial litigation. Rick was honored as the Midland County Young Lawyer of the Year, 1993, he was elected twice as Justice to the Texas 11th Court of Appeals, and he has authored several publications ranging from local newspaper stories to law review articles. Rick

has held numerous leadership positions with the Midland County Bar Association, the Texas Bar and Texas Young Lawyers Association, was director for the Texas Judicial Council, and is currently a council member for the State of Texas Oil and Gas Section. Rick enjoys competing with radio controlled aircraft, and participates in ultra marathons, in his free time.



**W. Stacy Trotter**

Shafer, Davis, O'Leary & Stoker,  
P.C.  
Odessa, Texas

W. Stacy Trotter is a partner at Shafer, Davis, O'Leary & Stoker, P.C. in Odessa, Texas. Stacy attended Texas Tech School of Law, and obtained his J.D. in 1984.

Stacy's wife, Teresa Lee Gray Trotter, is Vice-President and Part Owner of Gemstar, Inc., an oilfield fabrication business. Stacy and Teresa have two children, Sean (23) who graduated from Texas Tech with a B.S. in chemical engineering, and Noelle (20), who is a junior mechanical engineering student at Texas Tech as well. Stacy concentrates his practices in many areas of litigation including civil trials, insurance defense, governmental entity, healthcare civil rights, employment, bad faith, products liability, professional malpractice, and oil and gas, as well as in the areas of family law and appellate practice. Stacy is a former judge of Ector County, Texas, was a local administrative judge for Ector County District Court, and is a mediator also. Stacy is involved in numerous professional associations, and was President of the American Board of Trial Advocates, on the Board of Directors for the Texas Association of Defense Counsel, and is a member of the Local Court Rules Committee for the U.S. District Court in the Western District of Texas. Stacy is involved with many community groups supporting local schools such as Permian High School and Texas Tech, as well as those that support other athletic groups in his community. Stacy enjoys golf, skiing, travel, basketball, fishing and spending time with family and friends.

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## NATIONAL ISSUES REPORT

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THOMAS J. HURNEY, JR. - CHARLESTON, WV

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What's up nationally that concerns us? It is tough at times to identify trends, so perhaps this report should be called, "National and Other Stuff that Either Concerns or Interests Us."

I would report on the continuing evolution of the preemption doctrine, but my pal Ed Birk advises that we are wearing it out. So, if you (unlike Ed) are interested in

preemption, as George Walker and I are, here is a pretty good summary of what is going on with generic drug prevention post *PLIVA v. Mensing* at the Drug and Device Blog, one of my favorites and a must read for those doing drug and device work. <http://druganddeviceblog.blogspot.com/2011/09/generic-drug-preemption-scorecard.html>. Some of my JK pals wrote a nice summary of the last few Supreme Court opinions, which you can check out at <http://www.jacksonkelly.com/jk/pdf/Law360%20Product%20Liability%20March%202011%20Guest%20Column,%20Callas.pdf>. Enough preemption.

Sanctions are an issue of concern. While your national issues elves are not sure this is a trend, please take a look at *Hershberger v. Ethicon* (S.D. W.Va. Sept. 23, 2011, link below) in which the magistrate judge recommended monetary sanctions against the defendant and its counsel, including an adverse jury instruction, for discovery violations. This opinion is of concern because sanctions were imposed for a series of discovery violations under Rule 26(g) of the Federal Rules of Civil Procedure with no motion to compel filed, no violation of any prior discovery order, and no requirement that the parties meet and confer. Hopefully, this won't become a "national issue," because the opinion shows what could be a routine discovery dispute as to what was or wasn't discoverable. Pending are the defendants' objections to the magistrate judge's recommendation, so stay tuned. We deal with some firms who refer to themselves as being in the "sanctions" practice, and you might, too. Definitely worth a read [http://www.wvsc.uscourts.gov/district/opinions/pdf/Hershberger%20v.%20Ethicon%2010-837%20\(Amended%20Mem%20Op%20&%20Order%20on%20motion%20for%20sanctions\).pdf](http://www.wvsc.uscourts.gov/district/opinions/pdf/Hershberger%20v.%20Ethicon%2010-837%20(Amended%20Mem%20Op%20&%20Order%20on%20motion%20for%20sanctions).pdf).

Electronic discovery remains an evolving and expensive part of our practice, with courts paying increasing attention to the adequacy of compliance with hold letters and imposing sanctions for violations. A recent and widely reported case. *Green v. Blitz U.S.A., Inc.* (E.D. Tex. Mar. 1, 2011, link below) imposed sanctions for E Discovery violations a year after the case concluded, finding systematic destruction of evidence in the defense of product liability actions. The court's order states:

The Court holds that Blitz is subject to sanctions for various discovery violations as described below in this Memorandum Opinion & Order. The Court orders Blitz to pay \$250,000.00 in civil contempt sanctions to the plaintiff in this case. The Court additionally orders that Blitz has thirty (30) days from the date of this Memorandum Opinion & Order to furnish a copy of this Memorandum Opinion & Order to every Plaintiff in every lawsuit it has had proceeding against it, or is currently proceeding against it, for the past two years. The Court issues an additional \$500,000.00 sanction that will be tolled for thirty (30) days from the date of this Memorandum Opinion & Order. At the end of that time period, if Blitz has certified with this Court that it has complied with the Court's order, the

\$500,000.00 sanction will be extinguished. Finally, for the next five years, Blitz is ordered that in every new lawsuit it participates in as a party, whether plaintiff, defendant, or in another official capacity, it must file a copy of this Memorandum Opinion and Order with its first pleading or filing in that particular court. This Court expresses no opinion as to the manner in which a particular court may use or not use such copy.

The case resulted in a defense verdict after the parties reached a “high-low” agreement. Over a year later, based on documents discovered in litigation over the same product, a gas can, plaintiffs sought to re-open the case, arguing defendant failed to produce critical documents which would have altered the result of the trial. The court reviews in detail the defendant’s efforts at discovery compliance and wilful failure to produce “indisputably relevant” documents, including email and electronically stored materials.

The opinion is worth a read and can be found at <http://www.iediscovery.com/files/GreenVBlitz.pdf>.

The Medicare, Medicaid and S-Chip Extension Act withholding and reporting requirements continue to be delayed and confusing, even though some courts are enforcing the provisions against counsel. A leading case is *USA v. Harris* (N.D.W.V., 2009)(available online at [https://ecf.wvnd.uscourts.gov/cgi-bin/show\\_public\\_doc?2008cv0102-16](https://ecf.wvnd.uscourts.gov/cgi-bin/show_public_doc?2008cv0102-16)), in which the court granted summary judgment finding plaintiff’s counsel personally liable for failure to satisfy the Medicaid lien. DRI has some great resources on this at <http://www.dri.org/News/MSP>.

Of interest is Fulbright & Jaworski’s annual litigation trends report, a survey of General Counsel, which shows most believe regulatory investigations and litigation will increase, particularly in labor and employment, with increased costs across the board for electronic discovery. Most are interested in “alternative fee” arrangements. This is an interesting read which you can download, with registration, at [http://www.fulbright.com/index.cfm?fuse-action=news.detail&site\\_id=286&article\\_id=9902](http://www.fulbright.com/index.cfm?fuse-action=news.detail&site_id=286&article_id=9902).

Please keep your committee in mind for trends and other “national issues stuff” we can share with the members.

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## A WORD FROM LOU

LOUIS M. SCOFIELD, JR. - BEAUMONT, TX

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I do not watch shows or movies about courtroom lawyers. I have watched enough of them in the past to know that, with only three notable exceptions, they are all crap. The exceptions are movies, all in black and white. We courtroom lawyers don’t look right in Technicolor. All of you know which movies are the three exceptions. Hint: One starred James Stewart, another Gregory Peck and the third, Charles Laughton.

Now to the point: Unless you can look and act like one of those three characters (and you can’t), you have no business ever showing up on the TV screen. More generally, you have no business showing up in any form of the news or entertainment media.

And when dealing with the media on a high profile case, don’t.

Whenever I see a trial lawyer mugging it up for the cameras on some “fifteen minutes of fame” case, I am reminded of someone’s observation about UFOs: The samples of humanity the space aliens choose to capture and “probe” always seem to be folks with marginal brainpower and a limited number of teeth. If aliens form their impressions of us from this sampling, we are all in trouble. Likewise for the image of lawyers as publicity hunters.

The simple truth is that a jury trial, while in progress (in the context of the law being applied, by a judge with a history, before a jury unique to the case, between personalities, varied legal talents and nuance), is much too complex, legally, factually, emotionally and contextually, to be accurately reported in an evening newscast, a newspaper column, or a rapid-fire tweet or blog. (Whew! Now THAT is a sentence! Did you get all that? Go back and read it again.)

So my advice is not to talk to the media. In the few “high profile” cases I have handled, I avoided the media entirely. Even then, on one occasion, I had statements attributed to me by a Wall Street Journal reporter which I had not made. (I considered chewing out the reporter then remembered the old saw: “Never get into an argument with someone who buys ink by the barrel.” I dropped it.)

There are several theories about why, in trial coverage, inaccurate reporting is the rule. One theory is expressed in the compound-run-on sentence, above, having to do with the complex nature of the jury trial itself. Another theory has to do with the widespread belief that objectivity in reporting is gone, and all reporters now have an agenda. I prefer a third theory embodied in another well known adage: “Never attribute to malice that which can be reasonably explained by stupidity.”

In my experience, inaccurate reporting springs from the fact that journalists for the most part are not the brightest Crayolas in the box. Most do not understand the law. Some do understand the process, but not the reasoning behind it. So when they report about it, they are to some degree always wrong. The result, regrettably, is that the impression the public comes away with is jaded.

Too critical of journalists? Well, when was the last time you heard a reporter caution his audience: “What the lawyers say about their case can’t be complete, because they, by rule, are precluded from telling the press information that is privileged, or information that the lawyer knows will harm his client. Such withheld information could drastically change your view of the case.”? When was the last time you heard a reporter explain to her audience: “The adversary system is the best to get to the

truth, and works best only if both sides cast the case in a light most favorable to his or her client.”? When was the last time you heard a reporter say: “Daily press coverage of a trial in process is irresponsible... You viewers should wait until each side has had its turn, and all of the evidence, argument and court rulings are in. Only then will this reporter finally have the full picture, and be able to fairly report on the matter.”? And when was the last time you heard a journalist begin a segment on some high profile case by reminding the audience of the latest half dozen times their speculations involving some other poor souls, turned out to be completely wrong?

You won’t ever hear reporters disclose such things. So the damage done to the public trust in jury trials will continue due to inaccurate reporting.

But journalists don’t deserve all of the blame. They have accomplices - lawyers. Shame on those publicity hounds who stand before the cameras trying to gain advantage through the media or to their own reputation, and spin the coverage. And shame on those who try to poison the jury pool with pretrial posturing and information “leaks.” Gag orders should never be necessary, but are, to control the media mouths of licensed lawyers. By contrast, I seem to recall a time when it was considered unethical for a lawyer to make a personal attestation of the guilt or innocence of a client. Now it’s common for the lawyers on both sides of criminal and civil cases to personally pitch for their clients, as though the lawyer’s personal beliefs should have any relevance at all.

Ah yes, dear readers, as you can see from the foregoing it has come to the point that your humble author has reached “geezer status,” ...lamenting the loss of the good old days.

Barring a return to such idyllic times, I have some advice for you on dealing with the press...other than “don’t”; if a statement is absolutely unavoidable, do it in the form of a press release, and run it by your partners before you send it out. In it, do not address the substance of the case. Instead remind the press that the judicial process is a serious and honored institution. Remind the reporters that they too would hope to be treated fairly if they, or their children, were involved. Remind them that in our free land neither the press, nor the public, can appoint themselves judge and jury. Instead, we have entrusted that solemn duty to the court and the chosen jury. Express confidence that if the press holds itself accountable to protect this precious truth, the case will run its course and both sides will have a chance at the fair trial both sides deserve. But if the press does not, and instead goes twisting off into Nancy Grace-land, you hope someday the same media feeding frenzy pecks out their...(er, better leave this last sentence out).

I must always remember that if the press were only free to write “approved” material, and were not free to be stupid, none of us would be free. Still and all, when it comes to courthouse coverage, I wish the media had better judgment, that the lawyers would gag themselves, and that all news clips on trials were required to be in black and white.

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## MARKETING ONE IN A MILLION

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EDWARD L. BIRK - JACKSONVILLE, FL

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No one would doubt that the ADTA is a One in a Million association of highly skilled trial lawyers from all over North America. So why don’t more people know about us?

The ADTA Marketing Committee is working to change that. Three initiatives are underway that will help raise the ADTA’s external brand awareness. We may not become as well known as the DRI, but we are going to do some serious consciousness raising (as we used to say in the 1970s), among the ranks of insurance adjusters and in-house counsel.

Our four newest members of the Marketing Committee are spearheading these efforts. They will work closely with Executive Director Peggy Schultz, who has executive-level marketing experience for multi-million dollar clients.

### 1. We Prefer to Refer Award:

Jamie Hood of Charleston and Jim Craig of Cedar Rapids are developing a more formalized ceremony for the annual presentation of the We Prefer to Refer Award. To date, our past two award ceremonies did not place adequate importance on the We Prefer to Refer Award as our flagship event to encourage internal client referrals among ADTA members. We have awarded beautiful crystal trophies to the first two recipients—Bobby Hood and Doug McIntosh. The quality of the trophy bespeaks the importance of We Prefer to Refer. In 2012, at our New Orleans meeting, the ceremony will do the same.

### 2. Promotional Materials:

Lori Berke of Phoenix is developing materials that will be available for prospective members, telling them the ADTA story and showing why we are One in a Million. So far, the best communication we have had for prospective members has been word of mouth and more recently our web page. With Lori’s work, we will have high-quality marketing materials to place in the hands of prospects.

### 3. Membership Directory:

Miles Dewhirst of Colorado Springs is developing materials for placing the ADTA directory and our brand on the desks of insurance adjusters and in-house counsel across the land. Our story is too good not to educate an entirely new generation of adjusters and in-house counsel about the ADTA.

Many thanks to Jamie, Jim, Lori and Miles. Stay tuned to this space for more details as these initiatives develop. If you see something the ADTA should be doing to develop our brand, send me an e-mail!

Now is the time also to remember our “internal branding” effort that we call We Prefer to Refer. Send in your nominees for the 2012 We Prefer to Refer Award.

The nominees for our first two awards have all been excellent examples of our philosophy of referring clients to one another. There’s no doubt the 2012 nominees will be the same.

Who has referred cases? Send me their names.

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## MESSAGE FROM THE PRESIDENT OF FDCC

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*MICHAEL I. NEIL  
PRESIDENT, FEDERATION OF DEFENSE AND CORPORATE COUNSEL*

As the President of the Federation of Defense and Corporate Counsel, I was invited to attend, along with my wife, your wonderful conference in Maui this year. You have a great group, and I noted the same camaraderie and sociability that exists within the FDCC. Francisco Colon, your then President, and his wife Martha, along with all of the members and spouses in attendance, made my wife and I feel most welcome. We appreciate the warmth and friendliness of the ADTA.

I have been asked to touch on the Federation and what we are all about. We limit ourselves to 1065 United States attorneys. We have Corporate Counsel members and Insurance Industry members. We also have International Members in all three categories. In total, we have close to 1400 members.

We have two general meetings a year. One in March, our winter meeting, and our annual meeting every July. This past July we met in Williamsburg. At that annual meeting, we formed a partnership with the Williamsburg Foundation. The purpose of the Williamsburg Foundation is to spread the lessons of our founding fathers throughout the land, through schools and teachers, by providing educational materials. We are joining with the Williamsburg Foundation in helping to educate our youth on their civic responsibilities.

Our next meeting will be in Phoenix at the Arizona Biltmore. The theme will be: “Spring Training: Get Your Game On”. As most people are aware, the Phoenix, Arizona area is home for more teams in spring training than any other location. Our keynote speaker will be George Will who is generally accepted today as the most widely read columnist. His newspaper column has been syndicated by the Washington Post since 1974.

Our annual meeting will be held in Whistler, north of Vancouver, British Columbia, Canada. This is the site of the last Canadian winter Olympics. Having recently visited

Whistler, and having zip lined for the first time, this old Marine would encourage all of you to make the trip to Whistler at some time in your life and take advantage of the beauty of that place as well as the sports activities available (including the death defying zip lining!)

Within the FDCC, we have twenty-four Substantive Law Sections. At both our winter and summer meetings, the Substantive Law Sections meet for CLE credit. We also have CLE plenary sessions during the meetings. We pride ourselves in the CLE that is offered at our two yearly meetings as satisfying, essentially, every state’s requirements for CLE. We also will have noted speakers at our meetings as well as a President’s reception, a theme party and a black tie ball. While the emphasis is on CLE in part, I can guarantee you we always have a good time, and we pride ourselves on the sociability of our group. There is always a golf tournament, a tennis tournament, a three mile run, side trips such as rafting or exploring, and numerous children’s activities as children are a big part of the FDCC family.

George and Caroline Walker have become good friends with my wife, Jan, and I. You are indeed fortunate to have such great leaders as Francisco and now George. Since I don’t play golf, I don’t have to worry about losing to him as he is, as most know, a superlative golfer. My wife and I look forward to joining all of you in New Orleans, our home away from home since our son went to Tulane and I was stationed there in the Marine Corps. I look forward to meeting all of you and having a drink or two or three in the many splendid restaurants and taverns available in that hospitable environment. You have a great group, super leadership, and I look forward to seeing all of you in NOLA in April, 2012.

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## WHAT’S NEW IN MY STATE

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*ROBERT N. WEBNER - OH*

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**Bonnie B. Shappy**  
Woodstock, Vermont

It’s not clear what has had a bigger impact on Bonnie B. Shappy’s practice – Hurricane Irene or mandatory mediation in Vermont courts. Both have significantly affected the practice of law in bucolic Woodstock, Vermont, where Bonnie maintains an active insurance defense practice as a partner with the Hayes & Windish firm.

Vermont isn’t usually considered to be in the path of hurricanes, but when Hurricane Irene slid up the Atlantic coast and dumped torrential rains on the state, the effect

was devastating. Roads and bridges throughout Vermont were washed away, resorts were closed for weeks as owners frantically attempted to repair the vast damage before the peak fall foliage tourist season, and many people sustained damage to their homes and property. In response, the Vermont bar mobilized an extensive pro bono effort to help Vermont residents navigate the FEMA and insurance application and claims processes and grapple with other legal problems – like what to do if you have no flood insurance, and how mortgage obligations are affected when a home becomes uninhabitable due to an unprecedented natural disaster.

The advent of mandatory mediation in Vermont courts has had a less obvious, but equally profound impact. The mediation process – coupled with budget cuts that have caused many state courts to close or consolidate – has led to a significant decline in trial work in Vermont. Bonnie notes that the focus on mediation has saved money, but it also has made civil trials a rarity. As a result, there are virtually no young lawyers with meaningful trial experience, and many young trial lawyers therefore have decided to practice elsewhere. A big topic of conversation in the Vermont bar and among Vermont judges is whether anything can be done to reverse this trend – and what will happen when the current generation of experienced trial lawyers retires with no generation of experienced younger trial lawyers to succeed to their practices.

Bonnie has been practicing in Vermont since 2001. She focuses on the defense of civil lawsuits, including workers compensation matters, general liability and coverage disputes. Bonnie is the current president of the Vermont chapter of the Tri-State Defense Lawyers Association, a DRI affiliate that covers Vermont, Maine, and New Hampshire, and is on the Executive Board for the Joan Loring Wing of the Inns of Court. She highly recommends the Inns of Court as an organization that can provide young lawyers with an opportunity for networking and personal interaction with both federal and state court judges, as well as fellow members of the bar.

A brand-new member of the ADTA, Bonnie was brought to the organization by a fellow Vermonter, and former partner with Bonnie's late father, Glenn Morgan. Bonnie looks forward to attending her first ADTA meeting.



**Sandra Corbett**  
Edmonton, Alberta

For Sandra Corbett and other members of the bar in Edmonton, Alberta, “gown” is a verb. Lawyers must wear gowns, with a wing-collared “barrister’s shirt,” for certain types of court appearances. Sandra’s busy civil and commercial litigation practice at the Field law

firm, therefore, routinely requires her to use the barrister’s changing room at courts to “gown.” Sandra’s practice,

like that of the Edmonton defence bar generally, is largely focused on insurance-related matters and has included product liability cases, municipal and school liability litigation, and other complex tort and liability matters.

Alberta is a common law jurisdiction, which distinguishes it from Quebec, which is a civil code jurisdiction. The province includes both superior courts and provincial courts that are presided over by judges who are appointed. In her 21 years of practice, Sandra has never had a civil jury trial. Although the prevailing approach is that a jury should decide civil lawsuits unless the case is complex or document-intensive, the former Chief Justice of the Alberta courts, who held that position for many years, did not allow many applications for civil jury trials, on the ground that the cases involved were too complex or document intensive. As a result, very few civil cases have been heard by juries in Alberta – although civil juries are more common in other Canadian jurisdictions.

Lawyers in Alberta also are working with a new set of procedural rules that incorporate the first significant changes in 30 years. The new rules reflect a “lawyer-driven” approach, where lawyers will go to court when they believe they need help, rather than a “court-driven” model where the court sets the deadlines. The practicing bar is grappling with whether precedents established under the old rules – such as what may be “reasonable” – still govern under the new rules.

Sandra notes that ADTA members also may be interested in a pending Canadian Supreme Court decision in the *Van Breda* case that will address the exercise of jurisdiction by Canadian courts. The case involves individuals who took a holiday trip to Cuba marketed by an Ontario travel agent; one person was killed and another severely injured while in Cuba, and the question is whether Canadian courts have jurisdiction over the dispute. Sandra notes that Canadian courts often exercise jurisdiction over conduct that occurred outside Canada, even if the defendant had little or no connection with the Canadian province where the lawsuit is filed. The Canadian bar expects the *Van Breda* decision to set out the factors to be applied in such circumstances and how they should be weighed.

Sandra is a past President and current Board member for the Canadian Defense Lawyers and until October, 2011 was the Canadian Regional Director and a Board member of DRI. She is a new member of ADTA who was recruited to the organization by George Walker and Francisco J. Colon-Pagan.



**Mike Montgomery**  
Midlothian, Virginia

Mike Montgomery returned to Sinnott Nuckols & Logan in Midlothian, Virginia, 15 years after he began his practice there in 1996. During the intervening period, he developed a solid practice in the commercial

and construction litigation areas – with a few quirky cases thrown in for good measure.

Consider, for example, a current case in which Mike's client has been sued for attempting to enforce a no-pets rule against a couple who kept a small poodle in a mobile home park. One of the plaintiff residents had recent heart surgery. The lawsuit argues that the resident is disabled and the poodle is a companion animal whose presence alleviates stress, and that, therefore, Mike's client should allow the dog to continue to live in the mobile home park as a reasonable accommodation for the disability.

On another note, Mike relates that Virginia is one of only two states that do not have a state code of evidence. Accordingly, every evidentiary issue is decided solely on the common law, which keeps Virginia lawyers like Mike busy. For example, a dispute about whether evidence of subsequent remedial measures is admissible requires the parties and the court to delve into the accumulated case law of Virginia courts to resolve the issue. Recently, however, the Supreme Court of Virginia has approved "Virginia Rules of Evidence," finally clearing the way for enactment of a state code of evidence during the 2012 legislative session.

While handling his caseload and staying abreast of Virginia law, Mike also, because Midlothian is only a short distance away from downtown Richmond, stays an active member of the Richmond bar. He is a member of the Board of Directors of the Richmond Bar Association and also serves on the Administration of Justice Committee, where he periodically interviews local judges to get their perspective on how the local bar can improve. Not surprisingly, in Mike's opinion, the interviews are a good way to get to know local judges and their likes and dislikes.

Mike has been a member of the ADTA for several years and has served as the Virginia state chair and as a member of the Marketing Committee. He has enjoyed attending the annual meetings in Ireland, Charleston, South Carolina, Scottsdale, Arizona and Puerto Rico.

## RUMORS, GOSSIP AND INNUENDO

Pat Cullen of Rollins, Smalkin, Richards & Mackie, in Baltimore Maryland recently formed a non-profit charity called You Too Can, Inc, d/b/a U2CAN. The purpose is to go into Baltimore City Schools (for a start) and then other locations to do three things: (1) to make the case for the proposition that parents and guardians can help their

young ones learn to read; (2) to give those parents and guardians instruction in ways in which they can do the teaching; and (3) to provide books or magazine subscriptions consistent with the notion that reading is fun. If any ADTA member would like to start a chapter of U2CAN in his/her region, let me know. Give me a call at 410-727-2443 and we can discuss lesson plans, etc. Going national would be a real hoot. Pat Cullen

New member W. Stacey Trotter, of Shafer, Davis, O'Leary & Stoker, in Odessa, Texas is an alumnus of Texas Tech University, where he graduated Summa Cum Laude. Stacey's academic progress continues on with his children. Like his father, son Sean graduated from Texas Tech also Summa Cum Laude, with a B.S. in Chemical Engineering (a 4.0 cumulative GPA). Sean was also Valedictorian of his high school class at Permian High School. Not to be outdone, daughter Noelle, a junior in Mechanical Engineering at Texas Tech, has a cumulative 3.727 GPA, and was Salutatorian of her high school class at Permian. Congratulations to Stacey and his wife Teresa.



In June of this year, Anne Oldenburg of Alholm, Monahan, Klauke, Hay & Oldenburg, LLC in Chicago, Illinois, was installed as President of the Illinois Association of

Defense Trial Counsel (IDC). Anne's installation luncheon featured Illinois Supreme Court Justice Rita Garman, and other ADTA members, including past IDC President Ken Werts, were there for the festivities.

Jim Ryan of Pennsylvania, visited his daughter Meghan in Hollywood, California and drove up the coast with her to visit Steve and Teri Mitchell in Santa Rosa, California. The Mitchells were reported to be fabulous hosts and they toured some local wineries. Jim also got to connect with John and Pam Clifford, who were gracious enough to drive north from San Diego to see the East Coast visitor. Reports are no golf this trip!



## WEBINARS

STEPHEN PENNELL - LAFAYETTE, IN

The Long Range Plan which was approved by the Executive Council at its meeting in November 2010, provided that the ADTA would explore ways to provide new benefits to the members. At the Executive Council meeting in Maui in April 2011, the Council approved a plan to conduct a series of webinars. Following this meeting, the Long Range Planning Committee developed a plan to conduct a series of five webinars which would focus on practical tips and strategies for successful depositions. On June 15, ADTA made an announcement to its members that we would present a series of five webinars which would begin on August 17, 2011 and go to December 14, 2011. The following list provides information regarding the date, topic and presenters for each of the webinars:

- 08/17/2011 Deposing the Plaintiff  
Tom Hurney/Ed Birk
- 09/14/2011 Deposing the Treating Physician  
Sheila Trexler/Judd Uhl
- 10/19/2011 Deposing the Adverse Expert  
John Lay/Molly Craig
- 11/16/2011 Preparing the Corporate Representative  
for Deposition  
Philip Werner/Jeff Dillon
- 12/14/2011 Dealing with the Obstreperous Opposing  
Counsel  
Gino Marchetti/Kevin Kelly

Each of the webinars was scheduled to begin at 1:00 p.m. Eastern time. The webinars are scheduled to last about one hour.

The first three webinars were very well received by the members. We have had an average of about 55 law firms with about 65 offices participate in each of the first three webinars. There has been an average participation of about 150 to 180 attorneys for each webinar. Approximately one-half of the attorneys who have participated are young lawyers or associates. Following each of the webinars, a survey was sent to each of the firms which participated to allow participants an opportunity to comment on the webinars. Some of the evaluation comments received were: "Really an excellent primer or refresher for anyone involved in litigation. Several of us will definitely want to attend future webinars." "The speakers both did a great job of boiling it down. Their common sense, straightforward approach was certainly helpful." "Well prepared and well presented. I think this is a great idea."

"Excellent work! Warmest congratulations to the speakers and all others who made this webinar possible."

The webinars are offered to ADTA members without any cost or charge to the members. Any member is welcome to register for any webinar. Once a member is registered, the member is provided with a toll free call in number. Any ADTA member who wishes to participate may invite any member of his or her firm to participate in the conference call. Thus, as a benefit to our members, any attorney or paralegal is welcome to participate in the call even if that person is not an ADTA member. There are opportunities before and during each webinar for participants to send questions to the presenters.

One of the strengths of the ADTA is the knowledge, experience and skill of our members. The webinar program provides an opportunity to our members to share their knowledge, skill and experience with the other members. The webinars provide useful and practical information not only to the young lawyers but also to the experienced attorneys as well. Webinars are an excellent resource to help train some of the associates or younger members in the firm.

The speakers at the webinars have done an excellent job in providing participants with useful and practical tips and strategies based upon their many years of practice and experience. The speakers take turns commenting upon the various issues which are relevant to their topic. The speakers also provide written information through a PowerPoint presentation throughout the webinar. The PowerPoint presentations are also available to be reviewed and downloaded by any ADTA member from the ADTA website. Although ADTA does not sponsor the webinar as an opportunity for participants to obtain CLE credit, these PowerPoint presentations may be used to help members in some states obtain CLE credit for attending the webinar.

Given the success of the first webinars, we are very pleased with the quality of the speakers and materials and response which we have received from the members. The webinars are an excellent resource and important benefit to our members. We are hopeful that many other members will choose to register for future webinars so they will also have the opportunity to participate in this important benefit. If any member has any thoughts or suggestions for topics for future webinars, or would like to volunteer to be a presenter at a future webinar, please feel free to contact Steve Pennell at [srp@stuartlaw.com](mailto:srp@stuartlaw.com).

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## AMENDMENT TO ADTA BY-LAWS

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F. DANIEL BALMART - AKRON, OH

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During the Annual Meeting of the Membership of the Association held on April 8, 2011, By-Law III of the By-Laws of the ADTA was amended following a report by then President Colón-Pagán on the need for greater ease in analyzing the Association's ongoing financial picture. To facilitate this clarity, the Executive Council recommended changing the start date of the fiscal year from April 1st to January 1st of each year.

The new By-Law III, which was passed unanimously by acclamation of the members in attendance, now provides, "The fiscal year of this Association shall begin on January 1st of each year."

Matt Bailey, the Association's Treasurer, irrational LSU zealot, and a long and strong advocate of the change applauded the decision of the membership commenting, "This revision will result in a more accurate reflection of the Association's income and expenses on a yearly basis, thereby making it possible for our Executive Council to be in the best position possible to prepare our annual budget."

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## BOOK REVIEW

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PATRICK G. CULLEN - BALTIMORE, MD

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**WINNING AT TRIAL** by D. Shane Read, National Institute for Trial Advocacy 2007, 425 pages and 2 DVD's, \$75.00. (You can deal with a real person at 800-533-1637 or try to order online at [www.lexisnexis.com/NITA](http://www.lexisnexis.com/NITA).)

This book can easily be recommended as a great trial practice manual. The author, with experience in the civil trial arena, prosecutorial combat and as law school professor, has put together a work that one can guarantee will improve your next opening and closing statements and trial presentation in general. It is recommended you read this book while facing a pending trial. As you read the book while facts from that case cram your head, ideas will hit you like rice after the wedding.

The author covers the fundamentals of introducing evidence a la Goldstein on Trial Technique. He also has lots of lists that will get your mental gears turning: eight qualities of great trial lawyers (such as they adopt an attitude that less is more (the rule of threes)), ten steps of preparing a powerful opening statement and the six don'ts of opening statements. His discussion on cross-examination includes how to prove the witness is lying. He demonstrates some good presentations and some not so good

presentations through quotations from the trial transcripts and DVD video pieces from three high profile cases: *U.S. v. McVeigh*, *People v. Simpson* and *Goldman v. Simpson*.

The DVD's contain approximately four hours of extracts from those cases, a focus group presentation (now there is a scary thing) and examples of animations. The names of the television "stars" in the Simpson criminal case (e.g., Clark, Darden, Scheck and Cochran) will take you back in time. The four minute clip of O.J. pretending he could not get the murder gloves on takes you back in time to the day you became certain that no jury trial is a slam dunk. The discussion about opening statements includes, as several of the steps, that one should create a theme and follow a specific process by which to arrive at a one page outline of your statement.

This book provides some ideas that are contrary to popular thought "back in the day" (whenever that was.) For example, the author promotes skating out where the ice is thin in opening statement by making it sound like an opening argument. (I have seen that done in the local trial of a politician. The defense lawyer spoke as though from the pulpit. It sure does catch your attention.) It continues on to a discussion about how to start your opening statement. He gives examples wherein the customary "May it please the Court" is not spoken, the jury is not addressed like a dignitary at graduation and the speech begins with words somewhat akin to "December 7, 1941 - a date which will live in infamy."

Mr. Read promotes not only these thoughts of near heresy, but he also further argues that the opening statement is a lot more important to the final outcome than most lawyers realize. After all, most of us have read more golf "how to" books than current books on trial practice.

So how invigorating to the jury is it to hear each sentence start with "the evidence will show"? Mr. Read says forget that and tell a good story. Start strong and end strong he says. Speech teachers have been advocating that for years. If you are up to speed on all his suggested preparation steps, then it would be a great idea to read the book anyhow, to highlight the parts you endorse and pass the book on to a junior in your firm. Placing your imprimatur on the words of this author will really make an impression. I guarantee that your opening and closing will be better after reading and applying the suggestions in *Winning at Trial*. If your experience is not up to what the guarantee promises, I will personally provide you with a refreshment at the ADTA hospitality suite in New Orleans during the period April 18, 2012 to April 22, 2012.

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