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ADTA Austin

Thomas Hurney

Mark your Calendars for April 18 - 22, 2018, when we Keep the ADTA Weird in Austin, Texas for our 77th Annual Meeting.

The ADTA Nation will stay at the brand spanking new Fairmont Austin Hotel. The Fairmont opens this fall, so they should have all the kinks worked out by the time we roll in. And we do intend to roll in.

Perhaps we'll Rock and Roll in, as Austin is the Live Music Capital of the World where you can always find a band on the stage and music playing on every street corner. Home of South by Southwest and Austin City Limits, "Austin has a vibe that few cities can match."

President Elect James Holland and his *CLE Committee* are working on a "Lawyer of the Future" program that will encompass both law and life lessons and feature Joseph F. Coughlin who runs the AgeLab, here at MIT. Joe's spouse, Emily, is one of our great members from Boston. Get to Austin so we can prepare you for the future. More to come on our innovative CLE Program!

We'll also build in some fun (past, present and future), starting with the President's Reception at the Fairmont on Wednesday evening. Thursday night we'll roll over to the Bullock Museum and listen (and probably dance) to the Jazz Pharaohs, personally endorsed by our Austin Host, David Chamberlain. Friday, we let the ADTA Nation loose for Dine Arounds and maybe some runarounds. Austin has some great restaurants ranging from the legendary Salt Lick Barbecue to J.T. Youngbloods Steakhouse to the punk rock inspired Holy Roller. (We're sure we've missed a bunch).

Saturday, we'll have an ADTA Dance with the Mars Hill Band (which has a full horn section... need we say more?). We'll go Modified Texas Style, so you

men can wear your tux jackets and blue jeans. The Women of the ADTA Nation can wear jeans and whatever sparkly top you want.

For more fun, courtesy of our Excellent Director Peggy Schultz, we'll sprinkle in activities on Lady Bird Lake, the LBJ Museum, Deep Eddy's Vodka (and maybe Tito's Vodka too), and a Capitol tour which may feature a talk by a Texas Supreme Court Justice.

So, mark those calendars, ADTA Nation and get ready for Austin.

Austin CLE

James Holland

ADTA Skills Lab and Practice Forward Program

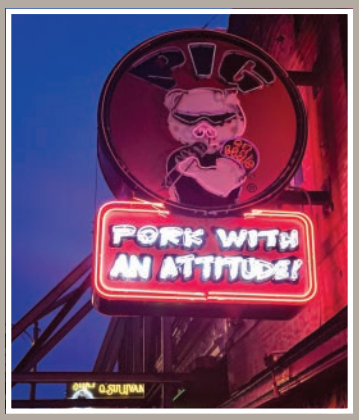
Work is underway for the 2019 ADTA Annual Meeting in Austin. Our excellent program includes continuing education for all who attend. Our recent Annual Meeting programs have been exceptional. This meeting will continue that tradition.

The ADTA Skills Lab. The ADTA invites its membership to be the best and the brightest in the legal profession. How do we become even better attorneys? How do we polish our existing skills and learn new ones? Pulling from our membership, we are presenting programs surely to improve our skills and create new ones in this fun, in-depth program.

ADTA Practice Forward. We will be looking at changes in the legal profession and society in general, looking at the impact of artificial intelligence and new ways to access traditional legal services. For our more senior members, we will be addressing issues affecting our practice and life ahead. We will have the foremost experts on our changing world and work life as we explore both where we are headed in a how to manage it all when we do get there.

In Review: The Delta Blues and Literary Tour

James Holland



It was barely dark when we walked across the deserted rail road tracks. The street lights stuttered on. The music climbing the river bank grew louder. We could just make out the shadows. There were folks sitting on cars and talking in the street all framed by the thin smoke from the pork laden grill next door. It was a Sunday night after the four day Juke Joint Festival. We knew Red's Juke Joint would be the place to be.

Different languages, rarely heard in the Mississippi Delta, sang through the crowd, as did the rich smell of barbeque ribs, long, tender, and juicy. All of it was drawing us in. Those who had not already left the Delta for their homes for work the next week found themselves savoring the last notes of the Blues.

Pearl's Oyster House

I am convinced that if I looked, I would discover a little known exception in the fire codes of the rich Delta that allowed the large number of people to cram into such a small space. The only place, the only square inch of open space that I could find, was at the base of the second microphone. A place left as sacred, but open to me. I sat cross legged at its base in reverence to the rhythm, the sad cry of the guitars around me.

Complete strangers from around the world were speaking the same strange language, the universal language of the Blues. As the first song ended, the man in charge climbed over us to the mike and invited four more to the front. None of the musician had met, much less played together, before this moment. They had added their names to the crinkled list

at the front door in hopes of a chance to play. Four strangers crawled from the crowd, each grabbing an instrument. One of them simply whispered "G" and they all fell in key and in glorious rhythm. A drum, a guitar, a harmonica, a singer.

That is how we began our tour of the Mississippi Delta; a journey that would end three days later in the lobby of the Peabody Hotel in Memphis. As all Delta trips must. The next day, after a hardy breakfast, we digested the Delta Blues Museum, a bohemian Delta Tour of the area and the Mississippi River levee. As Tennessee Williams had spent his childhood in Clarksdale, we were ready to try our own cry for "Stella! Stellaaaa" As we moved north into Memphis proper we came upon Sun Recording Studio featuring the million dollar quartet, Beale Street, the Gibson Guitar Factory, the Memphis Civil Rights Museum and even the land of the late King, Graceland.

We give a special thanks to our wonderful hosts. To the Tyner's and the Wallis': you are the best. As Eric Clapton wrote: "For me there is something primitively soothing about this music, and it went straught to my nervous system, making me feel ten feet tall."

President's Report

Thomas J. Hurney, Jr.

Greetings, ADTA Nation!

Thank you for giving me the opportunity to serve as your President. The Officers, Executives, and I are committed to continuing the service leadership exhibited by our past Presidents, most recently Fred Raschke, and Matt Bailey. In short, we work for the ADTA.

Congratulations to Gino and Jeanne Marchetti on an outstanding Annual Meeting in Nashville. Thanks to the CLE Committee, Tim Agajanian's Annual Meeting Committee, Julia Hurney's Red Carpet Committee, Steve Pennell's Mentor Committee and, of course, our Excellent Director, Peggy Schultz, for pulling off another great one.

We continue to embrace and celebrate diversity in the ADTA, and Kasey Townsend's Diversity Committee was a critical part of our meeting planning. Our CLE and speakers continue to mix it up between the practical, the theoretical, and the fun (can you say "Tequila?"). Our Saturday speakers, author Hubert Crouch and Country Music Association President Sarah Trahern, finished the program on a bang! On a personal note, to watch the Forever Country video featuring Country Roads was special to me, a West Virginian, on the day of my election as President.

Congratulations to those elected: James Holland, President Elect, Lori Berke, Vice President, Dyan Ebert, Secretary, Ed Birk as Treasurer and to Buzzy Riis, Kasey Townsend, and Brooks Magratten, who join the Executive

Council. Much thanks to Evelyn Davis, Pierre Belanger, and Lori (Class of 2017) for their service on the Executive Council and to Pam Treadwell-Rubin for her service as Secretary. The ADTA is better as a result of your efforts.

Looking forward, you'll find James Holland and his crew are already busy putting together the CLE Program for next year's meeting in Austin. I've asked the *External Marketing Committee*, with Chair Evelyn Davis and Vice Chair Doug Dooley, to take on the task of increasing and coordinating our external communications, with a focus on our social media presence so we can provide more exposure to the ADTA and more exposure for and about our members. We hope to be Facebooking, Tweeting, Instagraming and whatever else is out there to celebrate and communicate with the ADTA Nation.

As an ADTA member, you can also expect timely webinars and interesting ADTA Talks topics, which bring CLE and interesting information to you at no cost. Members attending the DRI Annual Meeting – and this year looks really good – will gather for an ADTA dinner on October 4, 2017 in The Beach Room, cocktails at 7:30 and dinner at 8:00. The Officers and Executive Council will have our fall meeting in Austin on November 9 – 11, 2017. We will have an Officers' meeting the day before, which will allow us to continue with maintaining consistency among "administrations", but will not add much in the way of cost.

Looking further down the road, make sure to mark your calendars for Scotland from April 30 - May 4, 2019. St. Andrews, here we come!

If you love the ADTA, and I know you do, please take it upon yourselves to find new members. These can be great lawyers you meet in cities and towns where we don't have a member or additional associate members in your own firms. If you think a lawyer would be great in the ADTA, let's get them.

I am looking forward to this year, and would be remiss in not giving a last shout out to Fred and Kim Raschke for their fine year leading the ADTA. Thank you Fred, for your leadership and devotion to the ADTA.

Restating Coverage? The New Restatement of Liability Insurance Law

Michael Aylward

In 2010, the American Law Institute embarked on its first effort to codify the law of liability insurance. Seven years on, the *Restatement of Law, Liability Insurance* is nearing completion. Despite its potential significance for the future evolution of insurance law, this project has received little attention from defense lawyers and is often misunderstood.

The ALI is a Philadelphia-based organization of lawyers, legal scholars, and judges who are devoted to maintaining and advancing the law. Over the past century, the ALI has had a profound impact on American law through model statutes such as the Uniform Commercial and Penal Codes as well as its various Restatements of the Law in areas as diverse as torts, conflicts of law and the law of lawyering.

The *Restatement of Law, Liability Insurance* contains four chapters: Chapter One addresses basic principles of insurance contract interpretation, the doctrines of waiver and estoppel, and the effect of misrepresentations made

by policyholders during the application process; Chapter Two focuses on the obligation of a liability insurer to defend (or pay defense costs), as well as the duty to settle, and cooperation issues; Chapter Three addresses the scope of insured risks and topics such as trigger, allocation, and issues related to exclusions and conditions; while Chapter Four covers remedies, bad faith, and enforceability.

Here is a brief overview of this *Restatement's* most important sections:

Section 3 is perhaps the most controversial part of this Restatement. Instead of adopting "plain meaning" as a fixed rule, it proposes a *presumption* of plain meaning that can be refuted by extrinsic evidence of contractual intent. Furthermore, even if a policy term is unambiguous on its face, that plain meaning can be overcome if a judge "determines that a reasonable person would clearly give the term a different meaning in light of extrinsic evidence."

Section 4 revises the analysis of claimed ambiguities in policy wordings. In most states, when standard-form policy language is involved, a finding of ambiguity automatically results in coverage ("tie goes to the insured"). Thus, even if an insurer's proposed interpretation is demonstrably reasonable, ambiguity (and coverage) will be found so long as the insured's proposed interpretation is also reasonable. As set forth in Comment j., Section 4 rejects the standard "tie breaker" rule followed in many jurisdictions and instead declares that coverage should be found only if a court is otherwise unable to determine meaning "using all other permissible sources of meaning, including extrinsic evidence." Section 4 is much more liberal with respect to the sorts of evidence that policyholders may rely on and rather restrictive with respect to the ability of insurers to present extrinsic sources of meaning.

Sections 10-23 analyze the right and duty of insurers to defend. **Section 13** proposes a "four corners plus" approach to the duty to defend that would require insurers to consider not only the facts alleged but also facts that become known through the insurer's investigation. However, extrinsic facts will only defeat a duty to defend that otherwise exists where the issue concerns whether the claimant is an insured or whether a vehicle is covered under an auto policy.

Text in **Section 12** that would have declared insurers vicariously liable for the conduct of defense counsel was shed in the metamorphosis of this project from a *Principles*

to a *Restatement*. However, insurers may still be liable for the acts of their employees, an issue that may arguably create liability for the conduct of staff counsel.

Insurers may also be liable for negligence in the selection or supervision of defense counsel or if they fail to ensure that defense counsel have adequate malpractice insurance. It was this provision that drew the ire of the DRI and many defense counsel who wrote to the ALI in advance of the 2017 Annual Meeting. Given the volume of these complaints, there is good reason to believe that the Reporters will further amend Section 12 to make clear that insurers are only liable where they are complicit in the misconduct of defense counsel and not merely for a negligent failure to oversee their actions.

Section 16 addresses the circumstances in which an insured may insist on its own defense counsel. It largely adopts the California *Cumis* approach wherein independent counsel is only required if the insurer is raising a coverage defense that could affect how the case is defended to the prejudice of the insured.

Section 17 states that an insurer's determination of the hourly rate for independent counsel may not be determined solely based on what the insurer pays to its panel counsel. An earlier provision requiring the insurer to front the full amount charged subject to a right to sue defense counsel at the conclusion of the litigation to recoup excessive fees has been eliminated.

Section 24 defines a "reasonable settlement decision" as "one that would be made by a reasonable person that bears the sole financial responsibility for the full amount of the potential judgment and the costs of defending a claim." Subsection (3) provides that this duty extends to accepting reasonable settlement demands made by plaintiffs with a proviso that the insurer's liability is "never greater than policy limits." The duty also includes the "duty to contribute its policy limits. . . if that settlement exceeds those policy limits."

While the amelioration of the standards of liability have been welcomed by insurer advocates, concerns remain that insurers will face increased liability for failing to accept a "reasonable" settlement offer even where their efforts to settle have otherwise been reasonable. Additionally, although the Reporters are at pains to distinguish such claims from bad faith litigation, the inclusion of "procedural factors" as a basis for imposing liability muddies the waters and certainly introduces bad faith evidentiary elements into failure to settle litigation. Finally, while the revised text of Section 24 omits prior language imposing an affirmative duty to make settlement offers, echoes of this earlier language continue to resonate in the Comments to this Section.

Section 33 describes the role that "trigger" clauses play in liability insurance, whether in the context of "occurrence"-based policies or "claims made" policies. Comment f. adopts the "injury in fact" approach as the default solution, for long-tail claims, while acknowledging that "injury in fact" may implicate multiple years of coverage depending on the causal circumstances of loss. Comment g. assigns the burden of proof in such cases to insureds, although the burden appears to be light and an insured may be able to compel coverage based on mere evidence of exposure, subject to each insurer's ability to show that no harm actually occurred in its policy period.

Section 34 deals with policy conditions and stipulates that a failure to satisfy a condition will generally only defeat coverage if it results in prejudice to the insurer.

Section 39 adopts a "cause" approach for determining whether multiple claims or injured persons trigger one or separate "occurrence" limits. It further states that "cause" means the source of the insured's liability and not the physical cause of each claimant's injuries.

Section 42 favors a "time on the risk" approach to allocation for long-tail claims, such as asbestos or pollution. Although policyholder advocates filed a Motion at the 2016 Annual Meeting to reinstate "all sums" language, they pulled back from this strategy at the 2017 Annual Meeting and instead have merely urged the Reporters to adopt an

exception to "pro rata" allocation in cases where industry-wide policy exclusions rendered insurance unavailable.

Section 46 (formerly Section 34) was among the more controversial provisions at the May 2016 Annual Meeting. As originally drafted, it declared that it is not against public policy for insurers to pay to defend cases involving aggravated fault, as where an insured acted with intent to cause injury, nor are insurers precluded from paying judgments or settlements in such cases. Insofar as the law forbids insurers from indemnifying cases of aggravated fault, this Section proposed that insurers pay such losses in the first instance but be allowed to obtain reimbursement from their policyholders.

In the face of harsh criticism from insurer advocates, the Reporters walked back this construction of this Section prior to the 2016 Annual Meeting. The proposed "claw back" provision was eliminated after counsel pointed out that it was inconsistent with other sections of the Restatement that prohibit recoupment. Finally, the Reporters agreed to re-write this Section so that coverage for punitive damages is not allowed if "contrary to public policy."

In the months leading up to the release of Chapter 4 in September 2016, there was great uncertainty and anticipation with respect to the approach that the Reporters would follow in addressing bad faith law. Given the ambitious innovations that Professors Baker and Logue had experimented with during the *Principles* phase of this project and the broad scope of the project as a whole, insurers feared, with some justice, that Chapter 4 would set forth broad and controversial rules seeking to transform the terrain upon which bad faith claims would be litigated in the years to come.

In the event, the discussion of bad faith in Chapter 4 is something of an anti-climax, consisting of only Section 50 (bad faith) and Section 51 (bad faith damages). The brevity of this analysis may reflect *Restatement* fatigue on the part of the Reporters after seven years of labor on this project. It may also have resulted from the Reporters' sense that some of the more complex issues presented by extra-contractual liability claims are not susceptible to a *Restatement*. For instance, this *Restatement* does not address the nature of the duty that liability insurers owe to their policyholders and whether there is some sort of actual or quasi-fiduciary obligation that insurers take on.

The *Restatement of Law, Liability Insurance* was due to be debated and approved by the ALI on May 23. In the weeks leading up to the scheduled vote, however, the ALI was deluged with objections and letters of concern from a broad spectrum of institutions and individuals who stood to be affected by its provisions, including state insurance commissioners, insurers, trade industry groups, bar associations and lawyers in private practice. The common theme among these letters was an expression of concern that this Restatement was straying far from the common law and, far from "restating" the common law, was rewriting it. Groups such as DRI and the Illinois Defense Lawyers Association also expressed concern that various sections of the Restatement would impair the ability of defense counsel to effectively represent insureds pursuant to insurer retentions. A letter signed by the General Counsel for nine major non-insurer corporations, including Eli Lilly, J&J, Novartis and Shell Oil, separately expressed concern that the Reporters were "creating separate 'consumer contracts' rules that are not grounded in existing case law."

In the face of this firestorm of criticism, the ALI deferred a final vote on this *Restatement* until its next Annual Meeting May 2018. In the interim, the Reporters have been asked to reconsider their existing text in light of the comments expressed by ALI members at the 2017 Annual Meeting and the criticisms leveled by outsiders in the weeks leading up to the meeting. While it is likely that a few changes may be effected, it seems unlikely that the most controversial sections (e.g. Sections 3 and 4) will see major revisions before this project finally goes into the books.

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New Member Profiles

Bonnie J. Badgewick, Vermont

Bonnie is a graduate of Suffolk University Law School. She is a named partner at Hayes, Windish & Badgewick in Woodstock, Vermont, where she practices in all state courts, federal court, in front of administrative agencies and acts as a mediator.

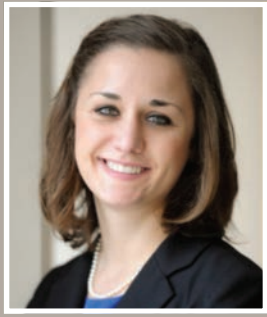
She is a dedicated member of the American Bar Association, DRI, Tri-State Defense Lawyers Association, Vermont Bar Association, New Hampshire Bar Association, the Joan Loring Wing Chapter of American Inns of Court and a member of the Advisory Committee on Rules of Civil Procedure. She is married to Jacob McGrath and the two are parents to Sophia and Colin. Bonnie is a dedicated marathon runner and also teaches indoor cycling.

Bradley H. Bains, Texas

Bradley is a graduate of St. Mary's University School of Law. He currently is a member of Cotton, Bledsoe, Tighe & Dawson, P.C., in Midland, Texas, where he practices in the areas of Energy and Real Property, Personal Injury, and Commercial Litigation.

He is a member of the Midland County Bar Association and State Bar of Texas, and has been named a life Fellow of the Texas Bar Foundation. He is an active speaker for various CLEs and is a member of the Litigation Section and Oil, Gas & Energy Resources Law Section of the State Bar.

Rachel Hovarth, Virginia

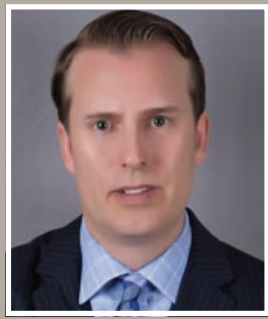


Rachel is a graduate of the University of Virginia School of Law. She currently works for Morin & Berkley, L.L.P., where she focuses on Medical Malpractice Defense, Motor Vehicle Litigation, Trucking, Insurance Coverage and general Civil Litigation.

Rachel has been honored as a Super Lawyers Rising Star (2016-present) and by Virginia Business Magazine as a Legal Elite of 2015. In addition, Rachel is a member of the Virginia Association of Defense Attorneys where she serves on the Long Range Planning Committee and Website Committee.

Rachel is married to Christopher LeBlanc, a construction manager, and the two dote on their 18-month-old son, Noah. Rachel and her family love traveling in their spare time.

Christopher P. Malone, Minnesota

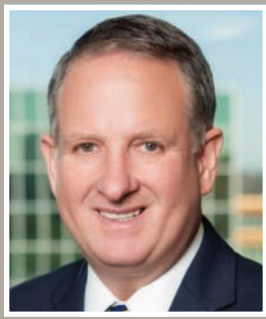


Christopher is a graduate of the William Mitchell College of Law. He is a named partner at Cousineau, Van Bergen, McNee & Malone in Minnetonka, Minnesota, where he focuses on General Liability, Motor Vehicle Liability, Premises Liability, Product Liability and Trucking and Transportation Litigation.

He spreads his time with various memberships including the Trucking Industry Defense Trial Attorneys, Minnesota Trucking Association, Wisconsin Motor Carriers Association, Minnesota State Bar Association, Wisconsin State Bar Association, and the Minnesota Defense Lawyers Association.

He has been recognized as a Minnesota Super Lawyer (2014, 2015), was listed in Minnesota Rising Stars (2004-2012), and recently was selected as a Top 100 Litigation Attorney by the American Society of Legal Advocates. He is a writer and presenter, authoring Basic Concepts of Liability and Damages, in the Motor Vehicle Deskbook (4th-5th ed.) and presenting *Wrongful Death Claims from a Defense Perspective, Trucking Accident Cases,* and *Underinsured Motorist Coverage,* for a variety of audiences.

Stuart P. Miller, Arkansas



Stuart is a graduate of the William H. Bowen School of Law at the University of Arkansas at Little Rock. He is a member of Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C. in Rogers, Arkansas, where he practices in a variety of areas including Product Liability and Mass Torts, Complex Commercial Litigation, Class Action Defense, Transportation Defense, Insurance Defense and Coverage, Health Care Litigation, Profession and Medical Liability Defense, Nursing Home Defense, and general Litigation.

He is a fellow of the American College of Trial Lawyers and a member of the American Board of Trial Advocates, International Association of Defense Counsel, Claim and Litigation Alliance, Arkansas Association of Defense Counsel, DRI, Transportation Lawyers Association, Arkansas Bar Executive Council, and Arkansas Bar House of Delegates, and a former Chairman of the Arkansas Bar Association, as well as a Chair of the Editorial Advisory Board for the Arkansas Lawyer.

Stuart has been recognized as a Best Lawyer for Personal Injury Litigation (Defendants, 2011-2016), a Best Lawyer in Little Rock (since 2007), Mid-South Super Lawyer (2006-2015), an Arkansas Business 40 Under 40 (2000-2001), and is the recipient of the Frank C. Elcan II Award and Golden Gavel Award presented by the Arkansas Bar Association.

Norman K. Odani, Hawaii

Norman is a graduate of the University of California and the McGeorge School of Law. He is a member of the California State Bar and the Hawaii State Bar Association.

He is currently practicing with Roeca, Luria, Shin, L.L.P. in Honolulu, Hawaii, in the areas of Civil Litigation, Construction Defect Litigation, Insurance Defense, Personal Injury and Premises Liability, though he has had great success in the arena of Legal Malpractice.

John R. Owen, Virginia

John is a Washington & Lee Law School graduate. He currently practices with Harman, Clayton, Corrigan & Wellman in Richmond, Virginia, where he works in Commercial, Product Liability, Transportation, and Construction Litigation.

He has been recognized by Virginia Lawyers Weekly as a Leader in the Law (2015), as one of the Best Lawyers in America (2013-present), a Top 100 Lawyer in Virginia (2013-2017), a Virginia Super Lawyer (Products Liability, 2010-2017), and a Virginia Business Legal Elite (2008-2016).

He has served as the President of the Virginia Association of Defense Attorneys (2013-2014), on the DRI Board of Directors (2016-present), as Virginia Chapter President of the American Board of Trial Attorneys (2015-2016), the Richmond Chapter Board of the Federal Bar Association (2009-2015), and the Lewis Powell Inn of Court Board of Directors (2011-present).

He is married to Jennifer Owen, a Speech Pathologist, and the two have a son, Nicholas (13). In his spare time, John enjoys golf, cooking, tennis, and travel.

Leslie C. Packer, North Carolina

Leslie attended law school at University of North Carolina at Chapel Hill. She currently works for Ellis & Winters, L.L.P. in Raleigh, North Carolina, and practices in Product Liability, Medical Malpractice Defense, and Commercial Litigation.

She has been honored with the J. Robert Elster Award for Professional Excellence (NCADA 2017), recognized as one of the Benchmark Top 250 Women in Litigation and a Chamber USA Leader in the Field (litigation). She is a past President of the North Carolina Association of Defense Attorneys, as well as a past member of the FDCC Board of Directors, and treasurer of the Eastern North Carolina ABOTA Chapter.

She is married to Tom Packer, an attorney, and she has two children, Liam O'Toole (28) and Caitlin O'Toole (25). When she does get a break, Leslie enjoys traveling, reading, cooking, and walking her dog.

Benjamin T. Reese, Tennessee

Benjamin is a graduate of the University of Memphis, Cecil C. Humphreys School of Law. He currently works for Leitner, Williams, Dooley & Napolitan, P.L.L.C. in Chattanooga, Tennessee, where he practices in Transportation, FELA, Premises Liability, Worker's Compensation, and Construction Litigation.

He serves as the Retail & Hospitality Chair for DRI, and has served as the ALFA Transportation Mini Seminar Coordinator. Benjamin is a former treasurer of the Chattanooga Bar Association, YLD and the Publications Chair for the Tennessee Bar Association, YLD.

He is married to Kelley Reese, a clothing retailer and the couple have two children, Mary Blake (10) and McLaine (7). In his free time, he enjoys golfing, snow skiing, rafting and fly fishing.

Scott J. Seagle, Florida

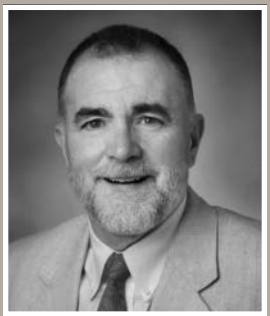
Scott is a graduate of The Florida State University College of Law. He works for Coppins Monroe, P.A. where he represents private and governmental clients in all areas of civil litigation in both federal and state courts, with emphasis in the areas of civil rights and constitutional law, employment discrimination and retaliation, and other tort actions of all kinds.

He has appeared in many forums, including the Eleventh Circuit Court of Appeals, Florida District Courts of Appeal, and the Supreme Court of Florida. He provides both lectures and training to clients on issues involving employment/human resources issues, tort liability, sovereign immunity, and constitutional law.

Scott has been a featured speaker for the Florida League of Cities 2014 Risk Management Seminar, and the Florida Association of County Attorneys, Continuing Legal Education Program. He also writes, including *Navigating Reductions in Force in a Turbulent Economy*, H.R. Issues & Insight, Spring Edition (2008). He is a Member of the William H. Stafford American Inn of Court and the Tallahassee Network of Young Professionals.

Scott is married to Carol E. Seagle, who is a Forensic Toxicologist with the Florida Department of Law Enforcement, and the two cherish the time they get to spend together and with their two children, four-year-old Aryana and three-year-old Lucas. When he finds himself with any spare time, Scott enjoys biking and pursuing projects in his work shop.

Yeulin V. Willett, Colorado



Yeulin is of counsel at Wegener, Scarborough, Younge & Hockensmith, L.L.P. in Grand Junction Colorado. Yeulin graduated magna cum laude from the University of Colorado, earning a B.S. degree in Business-Finance in 1980 and gaining membership in Beta Gamma Sigma, an honorary organization recognizing academic achievement in the study of business. He then received his Juris Doctor degree from C.U.'s School of Law in 1984, graduating in the top 20% of his class.

Yeulin has focused his practice on litigation and trial work since January of 1984. He became associated with the Firm in 1987, became a shareholder in 1990, and has served as the Firm's managing shareholder. In 2010, Yeulin received the highest possible attorney Peer Review Rating from Martindale-Hubbell "AV Preeminent".

Richard J. Windish, Vermont

Richard is a graduate of the Vermont Law School. He is a named partner at Hayes, Windish & Badgewick in Woodstock, Vermont, where he practices in Insurance Defense, Coverage, Family Law, and general Civil Litigation.

Richard is lucky to be married to a chef, Pamela Goldman, and the two have three children: Kelsey (21), Emma (13) and Vera (11). When they have free time, the couple love to hike and preserve their ability to do so in the future by working on land conservation and stewardship, and trail maintenance.

Michael H. Bassett, Texas

Mike is a graduate of St. Mary's University School of Law. He currently owns and operates his own firm, the Bassett Firm, in Dallas, Texas. For his practice, Mike focuses on Transportation, Auto and General Liability defense work. He is a Texas Super Lawyer (2006), and currently is the Committee Chair for the DRI Trucking Committee, and has served on the Board of Directors for the Texas Association of Defense Counsel.

Mike is married to Elizabeth, who also serves as the CFO of the Bassett Firm, and the couple have two children, C.J. (30) and Kyle (28).

Patrick G. Heaney, Wisconsin

Patrick is a graduate of the University of St. Thomas School of Law. He currently works for Thrasher Pelish & Heaney, Ltd., in Rice Lake, Wisconsin. Patrick concentrates on Insurance Defense work and has a civil appeals practice. He has been recognized as a Wisconsin Super Lawyer Rising Star and Wisconsin Defense Counsel Advocate of the Year (2016).

Patrick currently serves in the Wisconsin Defense Counsel Board of Directors. Patrick's spare time is spent with his wife, Karen, who works as a physical therapist. The two enjoy fishing, hunting, traveling, boating and skiing.

Christopher J. Pyles, New Hampshire

Christopher is a graduate of West Virginia University College of Law. He currently works as Sulloway & Hollis, in Concord, New Hampshire, where he focuses in Employment and Probate Law. He is the President of the New Hampshire Chapter of the Federal Bar Association, and has been President of the New Hampshire Chapter of the Tri-State Defense Lawyers Association, as well as acted as State Representative for the Defense Research Institute.

Christopher's wife, Gretchen, is the Executive Director of the New Hampshire Women's Bar Association and the two have three children: Emma (14), Audrey (9) and Declan (9). Christopher enjoys Mid-Life Crises Obstacle Course Racing, scouting, and running in his spare time.

Allen E. Eraut, Oregon

Allen Eraut is a graduate of the University of Oregon School of Law. He currently enjoys his work at Rizzo Mattingly Bosworth, PC in Portland, Oregon, where he focuses generally on Civil Litigation, but also Casualty, Construction Defect, Product Liability and Asbestos Litigation, specifically.

Allen is proud to tout that his firm is rated one of 100 Best Workplaces and 100 Best Green Workplaces in Oregon, and he often contributes articles and CLE presentations on defense litigation issues for local and national industry organizations.

He stands behind what his firm preaches and rides his bike to work each day, and even married an Environmental Program Director for the Federal Highway Administration: his wife, Michelle. The Erauts have a daughter, Poppy (5). Allen loves to participate in outdoor recreation of all kinds, but more importantly, his self-advertised best skill is his ability to make eight soft serve ice cream cones on one hand at one time.

Anthony Novak, Minnesota

Tony is a graduate of the University of Minnesota Law School. He currently works for Larson King, L.L.P. in St. Paul, Minnesota, in the areas of Products Liability, Transportation and Professional Liability.

He is an eight-time recipient of the Minnesota Super Lawyer's Rising Star recognition and is currently a member of the Products Liability Steering Committee for DRI and the Minnesota Defense Lawyers Association, where he has served on the Board of Directors and as Chair of the Products Liability Section.

He is married to Julia Novak, a Senior Account Manager for the Target Corporation and the two have three children, Abby (6), Connor (4), and Paige (4). When he gets a break from work, Tony likes to fish, golf and coach youth sports, though most of those activities have taken a back seat to spending time chasing his children around and trying to prevent them from injuring themselves.

ADTA Nation Is Everywhere

Donald L. Myles, Jr.
Jones, Skelton & Hochuli
Phoenix, AZ

FDCC Officers

James Holland and Tom Hurney attended the Federation of Defense and Corporate Counsel meetings and want to share the current slate of Officers and Board of Directors for the FDCC.

The next President will be Don Myles from Jones, Skelton & Hochuli, P.L.C., in Phoenix!

Along with being an ADTA Members, Mr. Myles was "Best Lawyers" Insurance Lawyer of the Year for 2016 and 2018, and in addition to publishing numerous articles, he is a sought after speaker on issues of Trial Strategy, Insurance and Professional Liability. He has spoken at seminar in numerous states across the country for DRI, CLM, FDCC, and the USLAW Network.

Additionally, ADTA Members Todd Roberts, Bob Christie, Victor Anderson, III, and Heidi Goebel were all elected to the FDCC Board!

Todd A. Roberts
Ropers Majeski
Kohn Bentley
Redwood City, CA

Todd A. Roberts
Ropers Majeski
Kohn Bentley
Redwood City, CA

Victor R. Anderson, III
Haight Brown &
Bonesteel LLP
Los Angeles, CA

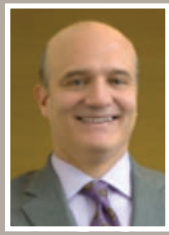
Heidi G. Goebel
Goebel Anderson, PC
Salt Lake City, UT

IADC Officers

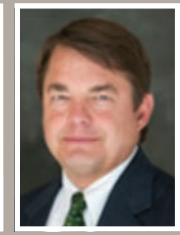
The new Officers and Directors of the IADC have been announces and the next President will be Craig A. Thompson who will succeed Andy Kopon.

ADTA members are Immediate Past President John T. Lay and Board members Andrew Chamberlin, Michael Crim and Spencer Silverglate. Mollie Nolan Werwin, an ADTA Member from Chicago, is with Andy Kopon's firm, Kopon Airdo, Inc.

The ties between the ADTA and the other defense groups remain strong!



John T. Lay, Jr.
Gallivan, White
& Boyd, P.A.
Columbia, SC USA



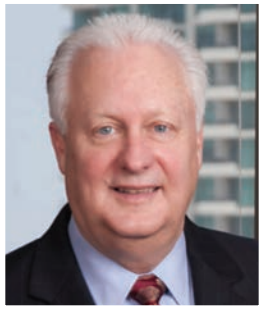
Andrew S. Chamberlin
Ellis & Winters LLP
Greensboro, NC USA

Michael D. Crim
McNeer, Highland,
McMunn & Varner, LC
Clarksburg, WV USA

Spence H. Silverglate
Clarke Silverglate, P.A.
Miami, FL USA

Out of the Box

Robert W. Harrison



The following is in part derived from Wikipedia. "Thinking outside the box" entails a thinking process, which comprehends the implementation of an *unusual* approach to the logical thinking structure. It's a procedure, which aims to escape relational reasoning and thinking.

The catchphrase, or cliché, has become widely used in business environments, especially by management consultants and executive coaches, and has been referenced in a number of advertising slogans. To think outside the box is to look further and to try not thinking of the obvious things, but to try thinking of the things beyond them.

Fundamentally, thinking "outside the box" involves being creative or original. Much easier said than done! We who comprise the Out of the Box Committee solicit and invite the comments and suggestions of the membership at large to identify ways in which the organization can better serve its members. Obviously, we are encouraging ideas and concepts that are beyond the conventional considerations that compel someone to join and participate in an organization.

Perhaps, in our midst, there is a Steve Jobs or a Thomas Edison who can suggest approaches to expand and better serve our membership that have not been considered or attempted before? Indeed, our illustrious immediate Past President, Fred Raschke was thinking out of the box when he created this committee. Somewhere in our midst there are apt to be some really far out ideas that will move us forward.

While our committee includes some "original" thinkers, we are very much in need of ideas and concepts that can be considered and evaluated to make the ADTA better tomorrow than it is today. There are no "dumb" ideas or dumb questions

as we endeavor to identify ways to improve our already great association. Please send your ideas, suggestions including "crazy" off the wall concepts to me at robert.harrison@wilsonelser.com.

I ask that you also copy the committee members listed below:

Mike Kronlund	mkronlund@quinnlaw.net
Sanrda Corbett	scorbett@fieldlaw.com
Leon Beukman	lbeukman@blg.com
Michelle Smith	michellesmith@mehaffyweber.com
Judd Uhl	jud.uhl@lewisbrisbois.com
Monté Williams	monte.williams@steptoe-johnson.com

A Word From Lou

Lou Scofield

"Impostor's Syndrome" is a condition suffered by some very competent high-achieving individuals who are marked by an inability to internalize their skills and accomplishments, and suffer from a persistent irrational fear of being exposed as a "fraud." (Definition mostly stolen from *Wikipedia* 2017). As members of the most prestigious defense trial organization in the country, all of you are high-achievers...so many of you may have suffered from this syndrome for a moment or two in your careers.

I, fortunately, do not suffer from this malady owing to three things: 1. As a law student, when I had some time to kill, I would occasionally ease on down to the courthouse and watch some trials. It took little time to realize that even I (a mere student) could do a better job than some of the talent I observed there.

2. I adhere to the lesson in the tale of the two hikers who came upon an angry Grizzly bear preparing to charge; as one quickly shed his boots and donned his tennis shoes, the other said "You can't out run that bear." "You're right" replied the first, "but I only have to out run you." The point being, we don't have to be perfect, just better than our opponent.

3. I saw a psychiatrist/author on CSPAN (I learn all of my psychiatry and medicine on CSPAN, don't you?) who spoke of a study which showed that people most sure of their own opinions are often the most ignorant, and since they also do not engage in reflective thinking, they are less apt to question their own thoughts or abilities. It is a gift with which we ignorant-shallow thinkers are blessed, and which graces me with the ability to avoid lots of "syndromes" suffered by you high-achievers.

It is from this perspective of myself that I can have the unmitigated gall to think that I, twice a year in this column, have something useful to say to you, my dear readership. So here we go again; this time, some random (truly unrelated) tidbits of advice on life and sometimes law (be advised, I have stolen every one of these.):

A. Always treat everyone with decency and respect: lawyers, judges, jurors, parties, clerks, clients and witnesses (except for an "expert" witness who is testifying falsely for money, such are fair game). God expects us to treat each other well.

B. Never run for political office, you might win.

C. If you wonder if it is ethical, don't do it.

D. Don't ever start believing your own B.S.

E. Attack "Reptile" sweetly and with humor.

F. Never do anything solely for the money.

G. Never eat more than you can lift. *Miss Piggy*

H. At the very beginning of every case, identify and write out the jury questions (issues) under the law governing your case, long before you start advising your client or slinging discovery at the other side.

I. Never press deadlines, complete everything a week before it is due.

J. Repeat yourself. Repeat yourself.

K. Ask only leading questions . . .ever. Especially at cocktail parties.

L. Plaintiffs never "suffer" an injury, they only "sustain" them (unless it is your injury, or you represent the injured plaintiff).

M. Always try to come up with something new to use in every case.

N. If called by a panther, don't anther. *Ogden Nash*

Upcoming Events

April 18-22, 2018
ADTA Annual Meeting, Austin, Texas
April 30-May 4, 2019
ADTA Annual Meeting, St. Andrews, Scotland

O. Have a hard copy backup ready for failed courtroom technology. (Example: poster boards of power points at the ready in case the "system" crashes, and it will. Plus have a tech-person handy for the jury to hate instead of you when the system crashes, and it will).

P. If you want to stay happy, do not read *The Love Song of J. Alfred Prufrock* by T. S. Eliot

Q. Last thing: When all else is done, and you think you are ready (for anything: trial, appellate argument, marriage proposal) take a moment and ask yourself: What is *not* there, what is missing? It always helps to identify what was not said or done, but which should have been. When you do, there is always gold when you figure out why.

So there you have it, with the advice above, coupled with all of the information from my prior columns, you now know everything you need to know to become a sparkling lawyer who will never suffer (or suffer *again*) from an "imposter syndrome."

In view of this, and since I have written all that can be written, this is my last installment of "A Word from Lou." Over these years you have dragged yourself through almost 30 columns (I lost count) on topics ranging from how to be a boss, jury selection, mugging it up to the press, war stories, closing argument, giving a seminar presentation, and "The Bear Story." It has been great fun.

Thank you for reading them.

Diversity Committee

Monté Williams

After the April Annual Meeting in Nashville, there were a few changes to the *Diversity Committee* ("DC") membership. Kasey Townsend, the former chairperson of the DC, was elevated to ADTA's *Executive Council*. The selection was well deserved – under Kasey's direction the DC was focused, always moved in the right direction, and kept in line with the stated goals of ADTA leadership. There is no doubt she'll continue doing a great job on the EC. Congratulations to Kasey.

Given Kasey's new assignment, Monté Williams moved from vice-chairperson to chairperson of the DC. Heidi Ruckman is now vice-chairperson. Although Monté and Heidi have big shoes to fill, they look to continue the momentum generated under Kasey's leadership.

Specifically, and not surprisingly, the DC will continue

its charge of increasing the number of diverse attorneys in ADTA. For example, last year, at the request of the EC, the DC investigated the steps that could/should be taken to increase diversity within ADTA. After acknowledging the importance of the question, the fact that there are no simple solutions, and the reality of the long term commitment required to achieve success, the DC sent a proposal to the EC.

The DC proposed that ADTA take a visible step in the direction of promoting diversity in the organization. The proposal, which was accepted shortly after being introduced, was to ensure that ADTA's commitment to diversity was reflected in its selection of CLE programming. Suffice it to say that through the efforts and recommendations of the DC, and the approval of the EC, ADTA added language to its Annual Meeting Handbook setting forth an aspirational goal designed to ensure that diverse presenters will have an opportunity to speak at all future CLE events. The specific goal is 30%. That is, ADTA's current goal is to have at least 30% of the CLE programming either dedicated to diverse attorney speakers or programming.

Efforts to satisfy those objectives are already underway as planning continues for the 2018 Annual Meeting. Members of the DC are integrally involved in the CLE planning for the Annual Meeting and the names of diverse attorneys have already been provided. If you are aware of an individual worth considering, please contact a member of either the *CLE Committee* or the DC.

Finally, the DC also participated in an ADTA Talk in June. Kasey Townsend was one of several presenters who presented on "Discrimination in the Practice of Law: ABA Resolution 109. The presentation was timely, well received, and informative based on feedback obtained.

Independence of the Judiciary Committee

Jim Craig

Since the last issue of the Association Press, our Committee has participated in a presentation on Brooks Magratten's National Issues program regarding judicial merit selection and retention in a variety of states around the country.

Furthermore, the Committee assisted in drafting a press release outlining the importance of judicial independence and explaining the damage done by politicians

who personally target judges with criticism based upon partisan politics and public emotions.

The Committee remains on the lookout for opportunities to assist ADTA members in protecting the independence of the judiciary in their respective states. For Committee assistance on specific problems in your state, please contact Chair Gail Kelly at gkelly@conwayfarrell.com.

We Prefer to Refer

Jen Mitchell
Sam Anderson

If you have been to our annual meetings, you know our membership consists of genuinely friendly, collegial, and, most importantly, highly skilled defense counsel. When you have clients who have legal needs outside your scope of operations, these are the attorneys you want to refer them to in order to ensure that your client's needs are met with the same legal skill and tender loving care your clients deserve and expect from you.

The experience within the ADTA is that these well placed referrals provide the best legal work for your client giving them yet another reason to trust your judgment and to appreciate the scope of service you provide. If you have the need to refer work out, we encourage you to take advantage of the national and international reach of the ADTA membership.

If an ADTA member has already entrusted the care of one of their clients to you, you have experienced one of the great benefits of our organization. Whether you received a recent referral or were referred a case within the last 2 years, we encourage you to show your appreciation by nominating the referring attorney for the 2018 Strubinger award. In the spirit of our motto, "We Prefer to Refer," the Strubinger is the annual award given to the ADTA member who best exemplifies the ADTA membership's commitment to refer business to other ADTA members.

The criteria for the award are:

1. The number and quality of the referrals by the nominee;
2. The number and quality of attempted referrals by the nominee;
3. The number of ADTA members to whom business was referred by the nominee;
4. The nominee's emphasis on the ADTA relationship as the basis for the referral; and
5. The results of the referrals.

No referral is too small to merit a nomination. Appreciation is warranted whether the referral is across the country or across your state. The thing I have most enjoyed while serving on the *We Prefer to Refer* committee is reading the heartfelt nominations made by our members. The spirit of camaraderie among our members is very uplifting and makes me proud to be an ADTA member! Each year, the number of nominations has grown. Last year, the nominations were double the number from the year before! Let's keep the number of nominations growing!

Keep an eye out for reminders from us throughout the year and, if you receive an ADTA referral, please visit the ADTA website and submit a nomination at https://adtalaw.

com/Tools/We-Prefer-To-Refer/Prefer-to-Refer-Form. Our April 2018 annual meeting in Austin, Texas may seem a long way off but it is not too early to start submitting nominations for the 2018 Strubinger Award.

Nominations for the 2018 Strubinger award will be accepted through March 1, 2018, but no need to wait – submit your nominations online today while your gratitude is fresh and new!

The ADTA Point of View

Thomas J. Hurney, Jr.

We have three committees that have increased in importance in the last couple of years because of the need to respond and comment on issues of significance to defense lawyers and to raise our public profile.

Our *National Legal Issues Committee*, led by Mike Aylward and now chaired by Dan White, has, for several years, been a source of information for the ADTA about current trends in the law. More recently, the ADTA has joined with other defense groups in analyzing and commenting on issues of interest to defense lawyers and our clients. For example, the ADTA participated in an analysis of proposed revisions to the Restatement of the Law of Insurance which many believed did not restate the law, but offered changes that were not beneficial to the clients we represent.

The response of the Defense Bar played a role in delaying consideration of the changes. From time to time, issues arise from our participation in the American Civil Trial Bar Roundtable which requires input from our *National Legal Issues Committee*. This group of lawyers is a valuable resource to the ADTA. If you come upon an issue, whether it be related to the judicial system in general, rules of evidence or procedure, or anything of significance to the defense lawyer, please feel free to contact Dan White and his committee.

A newer committee is the ADTA's Committee on *Judicial Independence*. This year, the ADTA issued a statement expressing concern regarding the President's comments about the federal judge sitting on a case in which he was a private litigant. The *Executive Council* felt that while criticism of decisions is the right of every citizen, criticism that brings disrespect to the judiciary should be countered.

In issuing this statement, the ADTA joined the likes of the American College of Trial Lawyers, the American Board of Trial Advocates and the American Bar Association, and was the only defense bar group to comment. This Committee got off to a strong start under the leadership of Jim Craig and I am pleased that Gail Kelly has taken over as its chair. If you come across an issue of wrongful criticism or other issues of importance to an independent judiciary, please contact Gail Kelly.

Last, many of us have known for years that the ADTA is the best kept secret among the defense groups. I have asked our *External Marketing Committee*, chaired by Evelyn Davis, to look at our *Internet and Technology, Social Media* and *Publications* committee and recommend a unified approach to the ADTA's social media and public presence.

The Committee will examine ADTA's member communications, social media presence, and publications and make suggestions about how we can coordinate and improve in each area. This will allow us to publish, in a rapid fire manner, activities of the ADTA on behalf of its members; subjects of interest to ADTA members; and accolades and honors (which are many) earned by the ADTA nation. Evelyn and her committee will be working on this and we hope you will see results in the near term.

These three committees are an important part of the public face of the ADTA and the value that we bring to our members.

Committees Matter – Get Involved!

Membership
Johnston Cox, Chair
jcox@gwblawfirm.com

Jennifer Mitchell, Vice Chair
jennifer.mitchell@dinsmore.com

Annual Meetings
Tim Agajanian, Chair
Tim.agajanian@rmkb.com

John Burke, Vice Chair
jjb@elamburke.com

Diversity
Monté Williams
monté.williams@steptoe-johnson.com

Finance
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mbailey@irwinllc.com

Internet and Technology
Jerry Fazio, Chair
jfazio@owenfazio.com

Amanda Cialkowski, Vice Chair
acialkowski@nilanjohnson.com

Insurance Committee
Michael Aylward, Chair
maylward@morrisonmahoney.com

Pierre Belanger, Vice Chair
pbelanger@belong.ca

CLE Compliance
Scott Blinks, Chair
scottblinks@vanderstoep.com

John Brown, Vice Chair
brown@ryanbrown.com

We Prefer to Refer
Jennifer Mitchell, Chair
jennifer.mitchell@dinsmore.com

Samuel Anderson, Vice Chair
sanderson@s-c-law.com

External Marketing
Evelyn Davis, Chair
edavis@hptylaw.com

Doug Dooley, Vice Chair
doug.dooley@leitnerfirm.com

Mentor
Clayton Hall, Chair
Hall@hhc-slo.com

Ron Austin, Vice Chair
raustin@grantlawllc.com

National Legal Issues
Daniel White, Chair
dwhite@gwblawfirm.com

Tom Kuzmanovic, Vice Chair
tkuzmanovic@hinshawlaw.com

CLE Program
James Holland, Chair
jholland@pagekruger.com)

Lori Berke, Vice Chair
lori@berkelawfirmcom

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Doug Dooley, Chair
doug.dooley@leitnerfirm.com

Elizabeth Fleming, Vice Chair
efleming@udalllaw.com

Red Carpet
Ouida Holland, Chair
ouidaholland@me.com

Julia Hurney, Vice Chair
hurndog@aol.com

Webinar
Heather Mills, Chair
hmills@murchisonlaw.com

Amanda Cialkowski, Vice Chair
acialkowski@nilanjohnson.com

Investment
John Clifford, Chair
john.clifford@wilsonelser.com

Matthew Bailey, Vice Chair
mbailey@irwinllc.com

Site Selection
David Zizik, Chair
dzizik@ziziklaw.com

Denise Anderson, Vice Chair
danderson@butler.legal

Out of Box
Robert Harrison, Chair
robert.harrison@wilsonelser.com

Mike Kronlund, Vice Chair
mkronlund@quinnlaw.net

Independence of Judicial Committee
Gail Kelly, Chair
gkelly@conwayfarrell.com

Mike Aylward, Vice Chair
maylward@morrisonmahoney.com

Past Presidents
Dan Balmert, Chair
fdbalmert@vorys.com

Steve Crislip, Vice Chair
scrislip@jacksonkelly.com

For more information on ADTA please contact:
Peggy Schultz, Executive Director
4135 Topsail Trail • New Port Richey, FL 34652
727.850.0350
pschultz@adtalaw.com

APPLICATION FOR MEMBERSHIP IN ASSOCIATION OF DEFENSE TRIAL ATTORNEYS
"An Association of Attorneys who Provide a Complete Legal Service to Persons or Companies who Require Defense"

Applying for _____ Prime Membership _____ Associate Membership (check one) DATE:_____

FULL NAME: _____ DATE OF BIRTH:_____

FIRM NAME: _____

SPOUSE/PARTNER'S NAME: _____

	OFFICE ADDRESS	**HOME ADDRESS**
P. O. Box/Street:	_____	_____
City/State Or Province/Zip:	_____	_____
Telephone:	_____	_____
Office Fax Number:	_____	_____
Email:	_____	

Spouse/Partner's Email_____

Firm Website: _____

How Many in Firm? _____ _____ **Partners** _____ **Associates**

ADTA is committed to the principle of diversity in its membership and leadership. Applicants are invited to indicate which one of the following my best describe them:
___African American, ___Native American, ___Asian American, ___Caucasian, ___Hispanic, ___Other

1. Give a brief biography of yourself, including education, honors, public and civic offices held, writings published, etc. (or attach resume)

2. Bar admissions with dates: _____
   List professional and civic organizations of which you are a member.

3. Describe briefly your firm and territory covered; summarize your experience in handling defense matters.

4. I am not an in-house counsel, insurance company employee, or member of an insurance company captive law firm.

SIGNATURE:_____ **RECOMMENDED BY:** _____
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Where space is inadequate, use extra sheet or reverse side. Please put ZIP or POSTAL CODE on all addresses and AREA CODE on all phone numbers (firm, home, and client).

5/12

ASSOCIATION OF DEFENSE TRIAL ATTORNEYS
INFORMATIONAL SHEET FOR MEMBERSHIP REQUIREMENTS

A trial lawyer handling principally defense of claims at the request of insurance companies and self-insurers, with more than five (5) years defense trial experience is eligible. Corporate counsel and employees of insurance companies or self-insureds are ineligible for membership.

Prime Members: The first lawyer member from a firm is the prime member. There can only be one Prime Member from any town, city, or metropolitan area of less than a million population. One additional Prime Member is allowed for each additional one million population, or portion thereof, for a city or metropolitan area.

Associate Members: Partners or associates of a Prime Member are eligible and encouraged for membership as Associate Members, at the will of the Prime Member.

Membership Dues: Prime Members' annual dues for the fiscal year beginning April 1st are $495, regardless of the size of the city. Associates' dues are $395. In addition,

(1) The Prime Member is expected to be a member of Defense Research Institute (DRI).

(2) Associate Membership terminates upon the death or disqualification for membership of the Prime Member. However, the Associate Member may then apply for the Prime Membership, if qualified.

Membership Term: The membership year for a Member (Prime or Associate) extends from April 1st to March 31st of the following year.

PLEASE NOTE, HOWEVER, that in the event that the Prime Member from a firm terminates his/her membership in the Association, all Associate Members from that firm will be terminated as of the same date as the Prime Member, no matter what the condition of their dues.

ADTA Membership Expectation: In the event a Prime member does not attend an annual meeting for four (4) consecutive years, an additional Prime member shall be allowed to join from that Prime member's city, town, municipality or metropolitan area. In computing the four year period, attendance of an Associate member of the Prime shall count as attendance by the Prime member. A Prime member who has not attended an annual meeting for four consecutive years due to health, hardship or other extenuating circumstances may petition the Executive Council not to allow an additional Prime member.

Membership Chairman:

A. Johnston Cox
Gallivan, White & Boyd, P.A.
1201 Main Street, Suite 29201
Columbia, SC 29201

Tel.: (803) 724-1728
Fax: (803) 779-1767
Email: jcox@gwblawfirm.cox

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Association of Defense Trial Attorneys (ADTA)
4135 Topsail Trail
New Port Richey, FL 35652

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MEMBERSHIP NOMINATION

I would like to nominate _____
(proposed member's name)
for (Prime)(Associate) membership in the Association of Defense Trial Attorneys (ADTA). Please send an application to
_____
(name of applicant)

Firm _____

at _____
(city) (state) (zip code)

Office telephone _____ Office Fax _____

Year admitted to practice in my state _____ Email _____

_____ _____
Name of Member (Print) Signature of Member

Name of applicant's spouse (if available) _____

Home Address (if available) _____

Return to: **William H. Staples, Suite 800, 2033 N. Main Street, P. O. Box 8035, Walnut Creek, CA 94596-8035**

Telephone: (925) 930-6600 Fax: (925) 930-6620 Email: wstaples@archernorris. com

Membership Requirements:

A trial lawyer doing principally civil defense work in insurance and self-insurance activities, with more than five (5) years defense trial experience is eligible.

Prime Members: The first lawyer member from a firm is the prime member. There can only be one Prime Member from any town, city or metropolitan area of less than a million population. One additional Prime Member is allowed for each addition one million population, or portion thereof, for a city or metropolitan area.

Association Member: Partners or associates of a Prime Member are eligible and encouraged for membership as Associate Members, at the will of the Prime Member.