

Association

OF DEFENSE TRIAL ATTORNEYS

The History (1941-2008)



Introduction

The Association of Defense Trial Attorneys (ADTA) is comprised of some of the finest trial attorneys in the various states of the United States, the District of Columbia, Puerto Rico and the provinces of Canada. Founded as the Association of Insurance Attorneys (AIA) in 1941, it has established itself as one of the major defense trial attorney organizations in the legal profession.

The Association counts among its present and past members lawyers who have served as President of the American Bar Association, presidents of state bar associations, and leaders of many national, state and local defense associations. Many of its members have moved from private practice to serve in the judiciary. The ADTA proudly champions the jury trial system as being essential to our American system of juris prudence.

A look back at its history provides not only a fascinating view of one aspect of the legal profession, but demonstrates the commitment of many lawyers to better serve their clients, community and the law.

The Formative Years, the 1940s and 1950s

The Association of Insurance Attorneys, predecessor of the Association of Defense Trial Attorneys, had its origins in a suitcase or, more accurately, a number of them. All of the founding fathers were Midwesterners. Clarence Heyl of Peoria, Illinois; Howard Kopf of Davenport, Iowa; Bert Strubinger of St. Louis, Missouri; Roy Mordaunt of Minneapolis, Minnesota; and Glenn Dougherty of Milwaukee, Wisconsin, all practiced law within a relatively close relationship to Chicago. Each year the Chicago Insurance Adjusters Associ-



L-R: Howard and Loretta Kopf (Founder), Roy J. Mordaunt (Founder), Mrs. Moeller and Bert Strubinger (Founder) in Chicago in September, 1944.

ation held a Christmas party at the old Morrison Hotel. The Morrison was for many years the world's tallest and probably the coldest hotel. It had a huge dining room with a theater type atmosphere in the basement, and it was then the largest hotel in Chicago and could accommodate the dinner party of the insurance adjusters. Most of the founders of the Association hosted cocktail parties in suites in the hotel. The organization grew out of an attempt to put together the efforts of the several firms and individuals to jointly entertain insurance company clients.

All of the founding members were trial attorneys who specialized in the defense of personal injury claims and who provided investigative and adjusting services to the insurance carriers in their area. All of them had found that the investigations provided to them by the insurance carrier were inadequate for the preparation of trial. Accordingly, they undertook to provide a service to give a better type of investigation to the lawyer who was expected to try the case. Also, many insurance companies did not have local adjusters in

the more rural areas of the Midwest so many AIA members fulfilled that function as well. Since extensive discovery practice as we know it today had not yet developed, investigations and efforts to adjust a claim before suit was not only a tool being utilized for the carriers, it proved to be an excellent training ground for attorneys who were expected to try the case if the claim was not settled. This aspect of handling investigations and adjustments was considered so important that in 1954, an amendment to the AIA membership requirement was added that stated “no member is entitled to further membership in the Association once he discontinues facilities for handling investigations and adjustments of claims for insurance companies.”

The first meeting of the Association as a group was in 1941, at which time Bert Strubinger of St. Louis became the first president. The Association met in Chicago from 1941 through 1949 as evidence of its strong Midwestern influence and close association with the Chicago insurance industry. Bert Strubinger served until the end of the war in 1945 where



L-R: Roy J. Mordaunt (Founder), Glen Daugherty (Founder), Past President Henry W. Buck, Past President H. Beale Rollins, Clarence Heyl (Founder), William Porteous, Jr., and Past President Frank C. Mann.

upon Roy J. Mordaunt became president for three years and then Glenn Dougherty of Milwaukee served for two years until 1950. Interestingly, the first meeting to be held outside of Chicago was in Des Moines, Iowa which just happened to have a strong insurance company presence from which the members received business. The Des Moines meeting was attended by 41 members, 10 wives and 66 guests. The guests were the insurance clients so highly prized by the Association.

Glenn Dougherty was followed by H. Beall Rollins of Baltimore and then Henry Buck of Kansas City. While the geographic area of the members seemed to be expanding, the annual meetings continued to be held in the Midwest with Indianapolis in 1951, Kansas City in 1952 and Milwaukee in 1953. Membership numbers also grew but more slowly. The Association emphasized that they sacrificed growth to a desire to select only the most qualified individuals to become members. The membership roster went from 109 in 1949 to 146 in 1953.

The first meeting of the Association for which minutes are available was in 1954 in Columbus, Ohio when Melvin T. (Ted) Woods of Sioux Falls, South Dakota was President. The Columbus meeting was followed by a meeting at the Hotel Adolphus in Dallas in March of 1955 again under the gavel of Ted Woods. Two day meetings were the norm in the 1940s and 1950s. Normally a business meeting was conducted on the first morning and extended into the afternoon if necessary. A ladies luncheon and perhaps a ladies sightseeing trip was included. The annual meeting concluded with a grand dinner for members and their ladies. A cocktail party and buffet for members and insurance guests and their ladies was held in the afternoon and evening of the first day. Personal invitations to guests were extended by members who had

clients or had friends in claims departments in the particular area where the convention was to be held. This event was frequently referred to as “Industry Night.”

In 1955, a discussion was held as to whether they wanted to hold a “trial panel” in connection with the annual meeting. The minutes reflect, “It was the sense of the discussion that we were developed for another purpose, and at this point, we still do not wish to undertake this responsibility.” In 1955, marketing won out over CLE. The business meetings included the usual matters of reports and recommendations, as well as frequent discussions of appropriate fees to be charged for both investigation



Past President Edward W. Kuhn and Mrs. Kuhn.

and adjustment work, as well as legal fees. Such discussions for the setting of fees would be unheard of today.

In 1955, an initiation fee of \$25 was charged for a new prime member and \$15 for an associate member. Dues were \$5 annually. In 1955, the Treasurer, Howard Kopf, was able to report that the Association had a credit at the Depository Bank of \$1,613.67 after all of the expenses of the meeting had been paid. In March of 1956, the Association met at the Hotel Henry Grady in Atlanta. The treasury had fallen to \$1,217.95. That meeting was followed by one at the Sheraton Fontenelle in Omaha in 1957 and the Radisson Hotel in Minneapolis in 1958. By that time, the Association treasury had ballooned to \$1,933.47.

By the late 1950s, the Association was beginning to enter the “educational era” with various panel discussions. In 1959, representatives from Michigan Mutual Liability Company, Standard Accident Insurance Company, and Citizens Mutual Insurance Company gave a presentation on “Fee Discussion - What the Company Expects for the Fee.” In that year, the membership included 285 prime members and 64 associate members.

Gaining business from insurance clients was the principal purpose of the early meetings. The members were not interested in competing with others from their geographical practice areas so membership rules limited only one member from any city. This “exclusivity rule” meant that a lawyer from Davenport or Indianapolis knew he would not have his competitor from his city schmoozing the clients and he could solidify his contacts with confidence. This unique access to substantial potential clients attracted many lawyers from smaller communities who could not afford to entertain as eloquently as the Association could on Industry Night. In 1958, the exclusivity rule was modified to permit cities with population in excess of one million to have two prime members.

Another tradition in the 1950s that was continually discussed was a cocktail party hosted by the AIA each year at the American Bar Association meeting. The party was for AIA members and guests. In 1956, in a letter to members, the secretary wrote that many claims superintendents and other high ranking claim department officials of the casualty insurance industry came to the annual ABA meeting. He noted, “So that we will not miss any of the friends we have in the claims departments over the country, we are asking that you submit a list of those you want invited.”

In 1957, the cocktail party format was revised to consist of a hospitality room open from Monday to Wednesday in the afternoon and evening and staffed by volunteers of the membership in attendance. Once again, the Association's emphasis on marketing was well established. However, in 1959, when the ABA was scheduled to meet in Miami, a vote was held to discontinue the ABA party because it was felt the location would limit the number of insurance representatives being present, and even the AIA members would be more interested in "tourist type activities" as opposed to business opportunities. Nevertheless, the party was reconvened in 1960 at the ABA meeting in St. Louis.

A significant event in the history of the Association occurred at the meeting at the Sheraton Cadillac Hotel in Detroit in March of 1959.



Loretta and Howard E. Kopf (Founder).

At the close of the Detroit meeting and on the motion of Jim Dempsey of New York, Emerson Logee, then a relatively new member from Wooster, Ohio, was elected *Poet Laurette* of the Association and he served in the capacity until the early 2000 era.

Emerson's poems became legendary and gave a humorous accounting of the social happenings at the annual meetings, sometimes to the consternation and even embarrassment of attending members. In 1976, and again in 1988, his poems were memorialized in booklet form, published and distributed to the membership. Still today, the poems bring back fond memories of past meetings and members affectionately remembered.

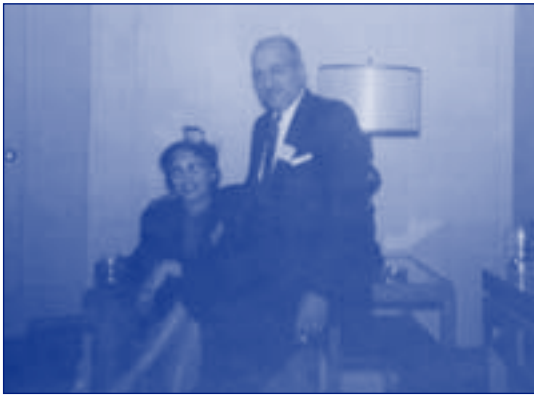
In the 1940s and 1950s, several members played significant roles in the organization, along with the various presidents. While John Randall, served as Secretary/Treasurer from 1941 to 1950, Howard Kopf, one of the founders of the AIA, served as Treasurer from 1950 until his death in 1960. Howard was succeeded by his law partner, Clarence Christensen, but much of the work of the Treasurer's office was carried on by Howard's widow, Loretta, who served as Treasurer Assistant and later as Treasurer Emeritus until her health failed in 1988. Loretta was a fountain of knowledge about the organization. She not only knew the history of the Association, she also knew its membership like no one else. She attended the Executive Council meetings and served as the *ex officio* host at all annual meetings manning the registration desk and available to do anything asked of her. Her death in 1998 was a true loss.

Another significant and long-serving member for the Association was Hans Holtorf of Gering, Nebraska. In 1950, the offices of Secretary and Treasurer were separated. Founder Roy Mordaunt served as Secretary from 1950 to 1955 when he was succeeded by Hans who held that position until 1968. In 1969, Hans served as President and later served as Membership Chairman for many years. Hans wrote detailed minutes during his time as Secretary and much of the information about the 40s and 50s recounted in this history came from his pen. He vigorously recruited members throughout the country and remained a loyal advocate for the Association until his death in 1992.

It is not possible to recount all the stories and contributions by the officers and members in those two decades. Needless to say, those formative years laid the foundation for the Association as we know it even today.

Years of Growth and Change - The 1960s and 1970s.

The governance of the Association was originally granted to a group known as the “Board of Governors.” This group consisted of representatives of each state who were elected and met at each annual meeting to legislate policy issues. As the group grew in size, it became more difficult to



Julia and Past President Alfred E. Celantano.

assemble at annual meetings. By 1962, it was determined that 14 governors present would constitute a quorum. In 1969, the Board of Governors was replaced by state chairmen, not elected, but appointed by the incoming President.

The state chairmen were not charged with policy legislation but with a duty to oversee membership.

In the 1960s, changes in governance also occurred with the creation of an “Executive Council.” Its purpose was to manage the affairs of the Association between annual meetings. The council consisted of the retiring President, officers of the organization and four members elected at large. One to serve for four years, one for three, one for two and one for a one-year term.

Another major change was a Constitutional Amendment to incorporate the AIA as a not-for-profit organization under the laws of the State of Nebraska. Selection of Nebraska was

no doubt the choice of long-term Secretary, Hans Holtorf of Gering, Nebraska. The amendment was passed at the St. Louis convention in 1960.

The Association meetings in the 1960s followed a traditional format. In New York, in 1962, the meeting started with an Executive Council session at Noon on Thursday followed that evening by a welcome cocktail party for members and their ladies. On Friday, a business session commenced at 9:00 a.m. and continued until a lunch break at Noon. At 1:30, the members reconvened for a program on various insurance coverage issues. That evening, industry night featured a cocktail party from 5:00 p.m. to 7:00 p.m. followed by a buffet dinner for members, ladies and 100 guests. Entertainment was provided from 6:30 to 9:30 p.m. by an “orchestra of three, a pianist and two violinists.” On Saturday, the business meeting was reconvened until Noon. Members then had a choice of a theater matinee performance of *Camelot*, *Carnival*, *Milk & Honey* or *A Shot in the Dark*. On Saturday evening, the traditional banquet and dance was held featuring entertainment by a lady harpist and vocalist, a dance team and a magic act reported to have been featured on the Jack Parr Show.

As the organization grew more national in scope, an issue developed concerning the longstanding requirement that members provide investigative and adjusting services. In 1963, efforts were made to remove that requirement largely on the basis that western and southwestern lawyers rarely provided such services for insurance clients. The argument was made that in an organization that was national in scope, and with lawyers of high principles and ethics, such services were not essential. Spirited discussion resulted with many of the older members insisting this was a fundamental aspect for founding the group. This was countered by mem-

bers calling for more growth and greater emphasis on trial skills. As was so often the case, a committee was formed to study the issue. Eventually, a compromise was suggested whereby members need only “have available the facilities for providing investigative services.” In 1965, that committee recommended to the Executive Council that the requirement for providing investigation services should not be further changed. However, in 1967, President



L-R: Past Presidents John M. Mordaunt and Reid A. Curtis.

Russell Talbott appointed another three person committee to analyze the organization’s Constitution and By-Laws. That committee reported back with a revised Article II of the Constitution. That changed the “Object” Article to become the “Purposes” Article of the Constitution. The new Article II deleted all reference to the handling of claims, thus ending one of the major tenants for the founding of the organization.

Other issues before the organization persisted throughout the 1960s. The question of insurance carriers using “house counsel” was considered a major threat. At the annual meeting in 1960, the members considered it a major ethical issue and hoped to enlist help from the American Bar Association to address the problem. Again, a committee was formed to investigate the problem. By 1962, it was still a

topic of spirited discussion. Despite efforts to stop the trend to house counsel, the concept survives even today.

Membership numbers grew substantially in the 1960s. Membership in 1960 totaled 367, but grew to 556 by 1969. The group was growing nationwide and a proposal was made in 1966 to change the name to the Association of Insurance Attorneys of North America. This suggestion was intended to indicate the national scope of the AIA and distinguish it as something much more than a regional or local organization. When that proposal was presented in 1966, President Lyle Allen used his presidential power to table the motion. It was never revisited, and in 1969, the Executive Committee recommended against a name change. That issue did not surface again seriously until the 1980s.

At the 1963 mid-year Executive Council meeting in Chicago, the Association minutes reflect the earliest discussions concerning support of the Defense Research Institute (DRI). President Peter McAtee reported on discussions he had with representatives of the International Association of Insurance Attorneys (now known as IADC) and the Federation of Insurance Counsel (now known as FDCC) wherein they all agreed the three organizations should lend active support to the DRI. At that meeting, the Executive Council voted to give full support to the DRI and that DRI be requested to put a representative from each defense group on the DRI board. Also, at the meeting, it was voted that all three groups: the International, the Federation and DRI be invited to AIA annual meetings. In 1967, President Russell Talbott opened a discussion on requiring all AIA members be a member of DRI. He noted the Executive Council voted 8 to 2 to require DRI membership. In a vote to give guidance to the incoming Executive Council, a majority voted to require prime members to be a member of DRI but not associate members.

In the 1960s, several significant changes in Association leadership occurred. A new Treasurer was elected in 1967 when John Mordaunt of Minneapolis, Minnesota replaced Clarence Christiansen. In 1969, Mr. Mordaunt was elected Vice President and Harrison Smith of Garden City, Kansas became Treasurer. He served until 1978 when he graduated to the bench and was replaced by Paul Gibbs. Harrison Smith had an interesting contact with fame when he was involved in a much publicized murder trial in Kansas. That trial later became the subject of Truman Capote's famous novel, *In Cold Blood*. When the book was made into a movie, Harrison had the honor of playing himself in the movie to his everlasting pride and a topic of great interest to the AIA.

In 1968, longtime Secretary, Hans Holtorf, was elected President-Elect requiring his relinquishing his position of Secretary. Succeeding Hans was J. Lloyd Wion who served until 1986.



L-R: Past Secretary and President Hans J. Holtorf, Jr., Howard E. Kopf (Founder), Past President R.E. Lee Field and Past President and Past President of American Bar Association Edward W. Kuhn at Annual Meeting in Detroit, Michigan in 1959.

The decade of the 70s saw the membership continue to grow from 585 members in 1970 to 725 members in 1979. Some change occurred but far less than in the 1960s. Unfortunately, with changes in leadership, particularly a new Secretary in 1968, records were kept in a different style and some minutes were lost from the record books. In place of the extensive minutes reported by Hans Holtorf, Secretary Lloyd Wion reported events by means of annual newsletters, a Secretary's Report, and concise executive minutes. Nevertheless, some significant events were recorded and can be recounted.

At the 1971 annual meeting in St. Louis, President Reid Curtis addressed the continuing issue of interpreting the "over 1 million" membership rule. In that year, specific questions developed as how to interpret the rule as it related to the Boston, Massachusetts area. Once again, a committee was formed to explore the issue and directed to report back with possible solutions. Another issue addressed in St. Louis was a motion made to establish a permanent nominating committee to replace the committee for that purpose selected each year at the annual meeting. That motion was tabled and the records do not reflect that it was ever resurrected or passed. The St. Louis meeting was attended by 98 members, 82 wives and 40 guests.

The following year the Association met in Miami, Florida. 1972 was the beginning of the departure from insurance centers or big city destinations. Although not yet being a true "resort" destination, it drew a large attendance with 120 members, 93 wives and 84 guests. A significant constitutional change took place when the Executive Council was expanded to consist of the officers, plus 9 council members with three elected every year to serve a three-year term. The system exists to this day. Also, in the 1971-72 term, John Mordaunt, who was President-Elect, passed away and

Olin White moved up to President-Elect to fill out the term. In 1973, the group met in Las Vegas, Nevada. This was indeed a different venue and proved quite successful, although the original purpose of entertaining insurance clients was now a historical memory. This did not set well with some



Past Presidents Daniel J. Ryan and John C. Elam in 1968.

members as evidenced by Vice President Osmer Fitts walking out of a performance by comedian Alan King who made a disparaging remark about All-state Insurance Company by gesturing with his hands that you were “in good hands” and then signaling a drop as his hands suddenly parted.

San Antonio welcomed our members in 1974. No fault insurance was considered a major threat to the insurance defense industry. At the executive council meeting in Las Vegas prior to the San Antonio meeting, Paul Gibbs then President-Elect, was authorized to represent the Association and appear before a Congressional committee to outline our position in opposition to this proposed legislation. Paul reported at the annual meeting that our position agreed with that advanced by the DRI.

In 1975, the Association reverted back to its roots with an annual meeting in Hartford, Connecticut. A major push in advance of the meeting was made to include industry attendance by encouraging insurance personnel wives to attend and inviting 15 insurance executives to join the executive council for lunch on Thursday. The program mate-



Annual Meeting in 1959



9 in Detroit, Michigan.

rials were sent to insurance guests in advance to encourage attendance. “Industry Night” was again alive and well with an impressive party. On a more mundane topic, the Executive Council again confronted an ever existing problem of what to do about inactive or non-participating members. As so often in the past, a solution was sought by appointing a committee to study the problem.

The following year the organization returned to a more tourist-type venue, meeting in Denver, Colorado. Several members started the meeting early by assembling in Vail for several days of skiing. The historic Brown Palace Hotel hosted the group and several constitutional changes were made that year. A new class of membership known as “emeritus” was created for members who no longer actively practiced. Also, expulsion was to be the fate for those members disciplined by a state bar association or for those members not actively engaged in the defense practice. Attendance in Denver included 110 members, 98 wives but only 26 guests.

In 1977, San Francisco and the Stanford Court Hotel welcomed the AIA. President Jim Rinaman presided over a very successful meeting of 120 members, 101 wives and 24 guests. He reported the very active support of the AIA for DRI and noted how important it was for our President to attend DRI meetings. He hoped DRI would see fit to make our President an official board member just as the IADC and FICC Presidents were. Continuing legal education was beginning to grow in importance nationwide and Jim Garvey from Eau Claire, Wisconsin was appointed Chair of a committee to manage CLE for the Association, as well as the issue of practice specialization, another topic being discussed by DRI.

1977 also saw a change in leadership when Treasurer Harrison Smith resigned to become Judge Smith. He was suc-

ceeded by Past President Paul Gibbs who served as Treasurer until 1986.

1978 found the AIA in New Orleans and 1979 in Minneapolis, Minnesota. Unfortunately, no written minutes can be found concerning those two meetings. The only records that exist are newsletters from Secretary Wion that are sketchy on historical facts but replete with enthusiasm. President Bill Luckett and Host Bill Porteous praised New Orleans' reputation as a convention town. The CLE program dealt with "conflicts, loyalty and liabilities of the insurance defense attorney." The following year in Minnesota, the Marquette Inn was our hotel and President Charlie Smith and host John Quinlivan welcomed 104 members, 89 wives and 79 guests. While official records are sparse, those of us who attended recall the usual success of a friendly, social and enjoyable meeting.

One interesting activity that took place in 1979 was an economic survey conducted by the Association of its members. 148 members responded; 80 from cities under 50,000, 42 from cities 50,000 to 200,000, and 26 from cities 200,000 and up. The average age of respondents was 52.4 years and an average number of years in practice was 25.7 years. Rates charged for legal services ranged from \$55 an hour to \$62 an hour. Starting salaries for attorneys in cities under 50,000 population was \$12,000. Cities with 50,000 to 200,000 was \$17,500 and surprisingly cities with population in excess of 200,000 averaged \$15,700 with the "median" in this category substantially higher. Income reported by the respondents disclosed that in cities under 50,000 the (mean) average personal net income before taxes from the practice of law was \$68,200. In cities of 50,000 to 200,000, that figure was \$97,500. Again, surprisingly in cities over 200,000,

the figure was \$85,000 with a “median” income that appeared to be much higher.

One famous tradition has persisted at annual meetings for as long as any member can remember. That tradition is the legendary “hospitality room.” At each convention, a room, often the presidential suite, is a gathering place for members with an open bar, snacks and a place to relax, gossip and discuss not just the activities and business of the Association but any and all topics of interest. Sing-a-longs late into the night are common. Some members seem to never leave, but all drop in at one point or another. It seems future officers sometime receive their nomination for office as a result of this venue rather than any other Association activity. This tradition is unmatched by any of the other defense groups and is the envy of others and pride of the Association.

The Years of Accomplishment - 1980s - 1990s

As the AIA moved into the 1980s, it became clear that the Association was regarded as an equal with the other two major national defense organizations. While smaller in size than its sister organizations, its quality of membership, collegiality, and strong loyalty made it a group that the profession admired. The Association President and President-Elect were attending sister defense organization meetings; supporting DRI efforts; and participating in the national coalition for cost containment by pledging \$5,000 to help underwrite that program. In 1987, President Ray Hasley reported on Lawyers for Civil Justice, a group championed by business and sister defense organizations to combat the ever growing strength of the plaintiff’s bar and promote tort reform. AIA was asked, and did, support their initial efforts.

In 1982, President John Neeley appointed a committee consisting of Lloyd Wion, Paul Carriere and Dan Flatten to assess the long range goals of the Association by conducting a review of the Constitution and By-Laws. In 1984, numerous Amendments were made. Most, simply refined language in the documents, but significantly several served to move the organization away from its close ties to the insurance industry. In Article II of the Constitution, language was deleted that referred to the group's purpose as including a "free and frank discussion of the relationship between insurance companies and their attorneys." Article III relating to membership deleted language relating to member's experience in "preparation" and "handling of insurance matters" and only referred to the trial of cases.



Betty Anne and Past President J.M. "Skip" Hudgins at 1990 Old South Ball in Buckhead, Georgia.

The 1980s continued the pattern of increasing the national and even international scope of the Association and away from its Midwest origins. In 1981, the group met in Montreal, Canada, representing its first venture outside the United States. The next year found them in Hawaii. A return to the Midwest and Chicago in 1985 saw what would prove to be a final effort to court the insurance industry when the members entertained 75 insurance guests at the Mid-America Club high atop the Standard Oil Building. In 1985, we returned to Canada in Vancouver with 127 members attending, but only five guests. 1985 also marked the first time a non-U.S. member served as President with Paul Carriere of Montreal presiding.

In 1987, a significant change took place when the annual convention was held at The Breakers in Palm Beach, Florida. This venue was chosen because of its resort qualities and knowingly excluded any effort to attract insurance guests. Not only did the meeting attract a record number of attendees (130), it was one of the first in many years not to show a deficit.

The 1987 meeting at The Breakers marked the beginning of terms for two office holders. Ed Curran of Hartford, Connecticut replaced Paul Gibbs as Treasurer and Gary Peplow of Peoria, Illinois replaced Lloyd Wion as Secretary. Also, Jim Garvey of Eau Claire, Wisconsin became Assistant Membership Chairman to Chairman Hans Holtorf. Hans resigned in 1991 and Jim assumed the chairmanship.

In 1989, a By-Law amendment was enacted to address a change in the profession as a result of mergers of law firms and the increasing mobility of lawyers from one firm to another. The new By-Law permitted a prime member to retain his prime membership when he changed firms, subject to Executive Council approval, but terminated associate members who lacked a prime member. Also that year, the ever present long range committee reported through Paul Carriere that all prime members should have an associate member; participation by members was largely dependent on activity of state chairmen who should be rotated every five years; there was no need to change the committee structure or have substantive law committees; and no need to have annual meetings at insurance centers or host an industry night.

Perhaps the most significant constitutional change occurred in 1989 when the Association voted to change its name to more accurately reflect its service to its clients. While founded to enhance its relationship to the insurance industry,

the rise of self-insureds and corporate clients seeking good trial counsel motivated the Association to rename itself “Association of Defense Trial Attorneys.” (ADTA)

The decade of the 1990s began with the logo designed by Sally Moore, wife of Willie Moore, approved by the Executive Council as the official logo of the ADTA. Also, plans began for the 1991 meeting in London, England and our 50th anniversary. On May 8 - 12, 1991, the Association met at the London Marriott Hotel and held its first meeting outside North America. The meeting started with a New Member’s Reception followed by a reception hosted by DRI. The CLE program included a Lloyd’s of London tour, and that evening, the group adjourned for a theater night. The next day the CLE program continued followed by a dinner celebration at the Middle Temple of the Inns of Court. The 50th anniversary celebration honored the Past Presidents with a medallion and recollections of past glories, achievements, and even some exaggerations. Loretta Kopf was honored for her long service and great contributions. The majesty of the Middle Temple of the Inns of Court provided a regal atmosphere and a memorable evening. Despite the increased travel and hotel expense, the meeting attracted 79 members and 77 wives. New Membership Chairman, Jim Garvey, reported we had 693 members and continued to push to a goal of 750.

1992 saw a return to Las Vegas, Nevada. That meeting focused on a major challenge to ADTA participation in Lawyers for Civil Justice. Originally, LCJ based its dues structure on the size of the participating organization. ADTA was assessed \$5,000, but that amount was being raised to \$7,500. That additional charge plus the expense of sending members to meetings prompted a motion to withdraw from LCJ that was heatedly debated. After argument by both sides, it was agreed to pay the \$7,500 in dues and continue to participate.

The next year in New Orleans a major topic of discussion was the Association's declining financial position. Treasurer Curran reported we were operating at a deficit. Dues were down or flat, interest income down dramatically, and the conventions were running deficits. As a result, a dues increase was enacted. It was decided not to send the President-Elect to sister organizations other than DRI who reimbursed the Association for its attendance. In an effort to contain costs, travel consultant, Peter McLean, was brought on board and a serious analysis of costs-per-event charges was instituted for the annual meeting. Further impacting the financial situation was the increasing costs to conduct CLE programs at the annual meeting. Despite a \$25,000 grant from DRI to be used solely for CLE purposes, the continuing contentious issue of remaining involved with Lawyers for Civil Justice resulted in the ultimate decision of withdrawing from LCJ noting that DRI sought to accomplish most of the issues LCJ championed.

Again in 1993, the question arose as to prime members who have associate members who practice in cities different from that of the prime member. This trend was increasing due to the growth of firms moving into cities by means of satellite offices. Since membership numbers in the Association were declining, the Executive Council voted to permit associate members regardless of the prime member's location, but they must be listed in the Roster in the prime member's geographic location. That matter was formalized by a constitutional change in 1994 when a branch office could have a second prime member in a location eligible for prime membership.

Keeping members active in the Association had long been a problem. In 1994, the Executive Council voted to enforce a constitutional provision that would drop members

who did not actively participate. The Resolution called for dismissal of any member firm who did not send a member, either prime or associate, for five consecutive years. This was harsh medicine for the organization that now had 451 prime members and 209 associate members. Nevertheless, financial as well as practical reasons were deemed important for establishing such a policy. By 1995 however, this new rule was threatening membership numbers and a liberal application was urged.

1994 also saw the first issue of the *Association Press*, the newsletter produced by Executive Council member, Patricia Kerrigan, of Houston, Texas. The editorship has moved to various members over the years, but the Newsletter is still a vital source of information about the Association.

Annual meetings continued to be at interesting sites in the early 1990s with returns to Las Vegas and New Orleans and a first to Santa Fe, New Mexico. In 1995, Williamsburg, Virginia offered members an unusual venue, and we returned to San Francisco in 1996.

Another new and welcome addition to the organization's management was Lynnette Baldwin. Lynnette was the legal secretary for the Association's secretary, Gary Peplow, and as such, her work for the group and her knowledge of the Association grew dramatically. She was asked to join us at the Executive Council and annual meetings and assume many duties as hostess, registrar and all around assistant, ready to assist in any task. She has remained our "Ambassador" to help keep things running smoothly.

1997 saw the Association in sunny Bermuda. At that meeting, Steve Crislip was appointed Assistant Membership Chairman. He ascended to the Chairmanship in January of



L-R: Alice Ann “A.A.” Miller, Sally Moore, Past President J.M. “Skip” Hudgins and Betty Anne Hudgins at 1990 Old South Ball in Buckhead, Georgia.

1998. Also at that meeting, the possibility of offering a professional liability insurance program through the Association was addressed for further study. Another milestone occurred when the Association addressed the need for a website. Once again, effort was made to solve the problems caused by prime members firm changes. A Constitutional Amendment was proposed to allow an associate member of a moving prime to assume prime membership with Executive Council approval. This was designed to combat loss of members due to prime members changing firms. Also in Bermuda the foundation was laid for a “Outstanding Member Award,” something that would later be realized by various recipients.

1998 was a historic meeting in San Antonio as it was chaired by President Patricia Kerrigan of Houston, Texas, the Association’s first female President. Diversity in membership had been emphasized for some time and Pat’s presidency re-

flected the changing face of the legal profession that saw more women entering the practice of law. She also appointed a Women & Minorities subcommittee to the Membership Committee in an attempt to bolster that aspect of Association membership.

In 1998, the Association experienced its first audit by the IRS that reaffirmed its non-profit status. Treasurer Curran, however, was able to report that the financial condition of the organization had stabilized as a result of a dues increase, profitability at the annual meeting and periodic financial contributions by organizations such as DRI. Membership numbers remained constant despite efforts to increase size.

In 1999 at Amelia Island, a membership survey was revealed that was an attempt to gain information on the member's views of the Association. 685 requests were sent, but only 92 responses were received. Those who did respond indicated that 94% felt CLE was an important consideration for membership, and 81% felt annual meeting location was significant. The number of meetings was satisfactory, and the concept of networking opportunities was high on the member's interests. A hot topic in the defense bar was the ever increasing efforts by clients to audit attorneys' bills. President Russ Roberts reported DRI was leading the challenge on this issue and encouraged ADTA support of their efforts. Nevertheless, this issue would remain a topic of concern for members. As technology continued to influence the practice, initial discussions ensued to distribute the CLE materials by computer disk as opposed to paper. More and more technology was influencing our lives. Efforts were continued to enlarge and expand the ADTA website under the urging and leadership of James Jennings.

At the conclusion of the 1999 meeting in Amelia Island, another officer change occurred with the retirement of Gary Peplow as Association Secretary and the election of Jim Gauthier as his replacement. It was also noted that the fastest growing segment of membership was the Emeritus group as more and more members retired from the practice of law at an increasingly early age.

The New Millenium - the 2000s

The New Millenium saw the ADTA address many traditional issues, as well as confronting new ones. The legal profession was changing and issues such as multi-discipline practice between lawyers and accountants, multi-jurisdictional considerations, judicial selection, and national legal legislation were brought to the Association's attention. ADTA was asked and did support DRI, ABOTA and other national groups in taking positions on these controversial issues. In 2004, technology allowed the Executive Council to meet electronically in June and September and discuss and vote on issues rather than solely considering Association affairs at scheduled meetings. Perhaps the most historically significant electronic meeting occurred on September 1, 2005, when the ADTA passed a Resolution offering assistance to Hurricane Katrina victims. That initiative resulted in ADTA members and their firms contributing over \$350,000 to the American Red Cross for relief to Hurricane Katrina victims.

Changes occurred in leadership when Steve Crislip retired as Membership Chairman and was replaced by Glenn Morgan. Matt Bailey took over for Gordon Broom as Editor of the *Association Press*, and later Steve Heine took the editorship. George Walker succeeded Jim Gauthier as Secretary.

We met in Portland, Oregon in 2001, Savannah, Georgia in 2002, Napa Valley, California in 2003 and journeyed to Europe for a second time to Dublin, Ireland in 2004. In Ireland, 66 members enjoyed a pre-convention sightseeing trip. The annual meeting was held at the Westin Hotel in Dublin and attended by 143 participants. Several members extended their European experience by attending an international seminar in Barcelona, Spain that was jointly sponsored by DRI, and the three sister defense organizations.

In a more traditional vein, the Association stressed the work of the diversity committee in efforts to attract more women and minorities. The “Roster” was replaced with a booklet now called the “Directory.” The member’s Handbook adopted a new look with a loose-leaf format. The marketing committee considered programs such as hiring a media consultant and sponsored a regional meeting to assist members and the Association at marketing.

In 2005 at the Galveston, Texas meeting, a new category of membership was instituted. Affiliate membership was created as a category that essentially confers emeritus mem-



L-R: Past Presidents Raymond G. Hasley and James C. Rinaman, Jr. and Gloria Rinaman. Jim is wearing his Past President Medallion presented in London in 1991.

bership on members not otherwise eligible because of lack of requisite active membership time. Another first in Galveston was the performance by TV personality Bob Newhart. While that was a first, it was also probably a last inasmuch as the \$50,000 price tag for the performance resulted in a convention deficit and failed to attract increased attendance, which was one reason for the investment.

In 2006, the ADTA again moved offshore to Puerto Rico. Long-range planning was a renewed issue, but as before, the group concluded they liked who they were and hoped to remain basically the same.

2007 saw the establishment of the William T. Birmingham Service Award to recognize ADTA members who have provided extraordinary service to their community, both within and outside the practice of law. That meeting was also significant as it marked the beginning of a major change in Association management. By Constitutional Amendment, the position of "Executive Director" was created in place of "Executive Secretary." That position was filled for the first time by Peggy Schultz from Port Richey, Florida. Her job will replace the position of the Assistant Secretary, meeting planner and assist in duties performed by the Membership Chairman, Secretary and Treasurer. Peggy ushers in a new era of association management in this new millennium.

As we move into 2008, the Association remains strong. Membership of combined prime and associate members hovers in the low to middle 600s. The emeritus status continues to grow and the ever present problem of keeping old members active and getting new members is a challenge. The group remains strong financially due to periodic dues increases and profitable annual meetings. Its leadership in the national defense community remains strong with its support

of DRI and active participation in issues that are important to trial lawyers and our judicial system. Technology, so essential in today's world, has been embraced by the Association.

It is interesting to observe that a group of trial lawyers who first joined together in 1941 to enhance their practices still hold a bond to improve their professional lives, their profession and the American system of justice.

Post Script

I would be remiss if I did not thank a number of people who helped in the compilation of this history. First, I want to thank my law partner and ADTA Past President, Lyle W. Allen. His personal knowledge of the founders and their thinking in the formative years helped greatly in reporting those events. Next, I must thank the many Past Presidents who responded to my request for information about their years of service. I would have liked to have been able to report each word they sent me, but space constraints limited my reporting to those matters that fit the theme of the project. Lastly, I must thank my secretary and our Association's own long-time Assistant Secretary, Lynnette Baldovin. Without her transcription of my dictation and assistance in formatting the booklet, this history would not have been possible.

Your Author

Gary M. Peplow has been a member of the ADTA since 1972. He attended his first annual meeting in St. Louis in 1971 and attended each subsequent meeting until taking Emeritus status in 2000. He served as Secretary of the Association from 1987 to 1999.

He practiced law his entire career with the Peoria, Illinois law firm of Heyl, Royster, Voelker & Allen and served as the firm's managing partner from 1989 until his retirement in 1999. He tried all types of injury cases, including medical malpractice while serving as trial counsel for the Southern Illinois University School of Medicine.

In addition to his membership in ADTA, he was a member of the International Association of Defense Council; Illinois Association of Defense Council; The Society of Trial Lawyers (Illinois); the Illinois Appellate Lawyers Association; and the DRI. He is a Fellow of the American College of Trial Lawyers.

