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PRESIDENT'S MESSAGE

Daniel R. Formeller (IL)



Dear Friends, I am looking forward to a very busy and productive year. The Officers and the Executive Council are excited about the year ahead and I hope you will share in that excitement.

At our Annual Meeting in Galveston, I promised to honor ADTA's proud legacy but to face change unafraid. Much of what we do as an organization has stood the test of time and needs no fixing. Our Continuing Legal Education Programs are first rate. They will, of course, continue but will be more sharply focused on the courtroom lawyer. Our Annual Meetings are the best in the business, but we need to expand them and make them more enticing for more of our members. Our membership is strong but we need to make it grow without sacrificing the high quality and integrity of our current members. We have always spoken out on important issues for the defense trial lawyer, but our voice needs to get louder. These are the focal points for the coming year.

Under Gordon Broom's leadership, our CLE Committee structure was changed to allow for a longer time to plan and produce the ADTA CLE Program at our Annual Meeting. This has allowed the committee more time to select only the most highly qualified speakers and to thoroughly develop important themes and topics for presentation. The committee now has the luxury of spending an entire year in program research and development. As was apparent in Galveston, this will ensure a high quality, focused program every year.

What a meeting in Galveston! This meeting was well attended and our members were enthusiastic about the venue and the opportunity to network. The Program was exceptional, the social events exciting and the entertainment was unique. The Galveston Meeting provided memories that will live with us forever. Our heartfelt thanks are extended to Gordy and Holly Broom, Fred and Kim Raschke and Lou Scofield for their commitment and leadership in making this an extremely memorable and successful meeting.

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Why don't more of our members attend these spectacular meetings? Is it the cost, the time of year, the location, and the competition for our time? What can we do to make these meetings attractive to all of our members?

Next year we will meet in Puerto Rico. Ann and I just returned from that lovely island where we spent our time planning events for the 2006 ADTA Meeting. You can read more about the details of that meeting in this Newsletter, but we promise that you will enjoy your stay at the El Conquistador Hotel. Frankie and Martha Colon and Bruce and Carol Keplinger are busy working on what is sure to be another great ADTA Annual Meeting. If you are not familiar with the treasures of Puerto Rico, go to ADTA's website at adtalaw.com and view the slide show prepared for the 2006 Annual Meeting.

The ADTA Officers have initiated the ADTA Ambassadors Program. Under the guidance of Glenn Morgan, our Membership Chair, we are working with State Membership Chairs to increase ADTA membership by 100 lawyers. States and Regions have been given specific membership goals. Those members who successfully recruit new ADTA members will be recognized as ADTA Ambassadors at the Annual Meeting in Puerto Rico. Do you know a highly qualified trial lawyer that you would like to have as a colleague in the ADTA?

At the Galveston meeting, the Executive Council passed a Resolution expressing our concern for the security and the integrity of our judiciary and advocating increased security measures in our courthouses. The ADTA was the first national organization to speak out on this issue, and we hope that this action spurs discussion and directs attention to these important issues. As members of the trial bar, we are called as officers of the court to speak out to protect our courts and those that serve on the bench. We are working to make the collective voice of the ADTA heard in places where change is being considered.

I am deeply honored to represent you, the members of the defense trial bar. As Ann and I travel to the meetings of the other national defense organizations I intend to always advocate as your voice and to make your views known. Please feel free to contact me at anytime at dformeller@tsmp.com to express your views and feelings. Your thoughts and opinions are always welcome.



CHARLESTON 2008

At the annual meeting in Galveston, Texas, the Executive Council announced that they selected Charleston, South Carolina as the site for the 2008 meeting.



WHAT IS NEW IN MY STATE

FLORIDA



MAUREEN M. DESKINS, a University of Florida Law School graduate, is a right-on-the-verge-of-making-partner associate at Butler, Pappas, Weihmuller Katz Craig LLP in Tampa, Florida. For 7 years, she has pulled on the oars in the waters of premises liability, negligent security and auto liability. She says she met her husband Scott, a combustion turbine technician with Progress Energy, while she was in law school. You might say he lit her fire. He

also serves as joint guardian of their three "squirrelly" dogs. Her hobbies include cooking and gardening in the limited time her work allows her.

She says that her work keeps her very busy and frequently she goes into court facing major damage awards. One such case was a landlord-tenant case involving a brutal rape of a tenant. The intruder had used apartment keys issued to a former tenant. Fortunately for the defense, the jury was reasonable in its assessment of damages.

In Florida, there have been some recent developments of note in the litigation arena. First, the appellate court tweaked, to a grand extent the collateral source rule. Now, plaintiffs may only blackboard, as their specials, amounts that they actually owe. Thus, for example, a hospital bill for \$10,000 may have been reduced by \$6,000 on account of an insurance payment and the hospital may have written off the balance. In that case, no part of that bill could be claimed. A second change involved construction of the rules pertaining to making an offer of judgment. The change is not easy to explain in two sentences but the effect is to hamper the defense use of this tool.

Maureen states with pride that the President of her firm, Louis Collins, is President Elect of FDCC. She further admits that to some extent she is new to ADTA. Her first conference was at Silverado in Napa Valley. She thought the surprise presentation of songs from The Phantom after dinner at Markham Winery was absolutely the best. She agreed that Markham's red wines were and are pretty good too.

When asked about her reaction to ADTA and its relatively small female membership, she stated that the members have treated her very well and she does not plan on missing a single annual meeting ever. She believes there are fewer female members of ADTA and many other organizations because of the role still played by women in the home. Notwithstanding the increase in women among the professional ranks, "women still have a primary role for home care and child care." Given the choice, professional women in large numbers elect to spend their spare time at home rather than on professional-related trips. For her part, Maureen says she will see you and toast you in Puerto Rico.

KENTUCKY



JAMES D. HARRIS, JR., a University of Alabama law school graduate, is the partner in charge of litigation at the Bowling Green, Kentucky office of Wyatt, Tarrant & Combs, LLP, a 200+ attorney law firm. The firm is spread over three states and in 7 different offices. After serving as an officer in an airborne unit during Vietnam, Jim began his legal career in Montgomery, Alabama. While

there he served in the legislature. A good ADTA friend of Jim's, Max Harlan, convinced him that the legal waters in Kentucky were more soothing, and so Jim moved to Kentucky in 1983.

Jim's case assignments mostly deal with product liability cases involving all sorts of products: chain saws, trains, guns, and bush hog blades. Jim's wife Jean, and he, count their blessings when they gather their three children and eight grandchildren under one roof (a situation Jim confesses can create havoc). Jean, a very talented lady, teaches French hand sewing of such fineries as christening gowns. Jim's daughter and her husband, who live in England, joined Jim and Jean in Dublin for the ADTA annual meeting. Jim and Jean in turn have often visited in England where he enjoys the ancient sport of pheasant shooting. He says he is winding down his career as a runner-his last big event being the New York Marathon in 1994 when he was (never mind) years of age.

As for his adoptive home, Jim says that Kentucky is a good place to live. He speaks like a member of the chamber of commerce when extolling the entertainment value of the Kentucky Derby. When asked about what is new in the legal field in Kentucky, Jim's first

response was to note that there is a constant battle with the plaintiff types over the subject of punitive damages. Then Jim realized that battle had been going on so long it could not be called new. So, his second response was that there is nothing new to speak of. "We just plod along day to day doing our work." So say we all, Jim.

CALIFORNIA



MICHAEL C. KRONLUND, practices law in Stockton, California with his longtime partner and friend, Dan Quinn. Mike's wife Barbara and two young children are the center of his non-office universe. Recreational activities include the too infrequent golf outing and the sports interests (soccer and T-ball) of his four-year old son.

Quinn and Kronlund is an insurance defense firm with at least its fair share of out of the ordinary cases. Mike has, on occasion, wandered across the aisle to handle a plaintiff's case or two. He (and his bank account) recall with fondness a verdict he obtained last year in excess of two million dollars. The case involved age discrimination, wrongful termination and punitive damages. That was a whopping victory for his client.

In the same year, as a defense attorney, he tried to jury verdict an auto-bus collision case wherein there allegedly were five independent witnesses to support plaintiff in the age-old tussle over who had the red light. Plaintiff alleged brain damage and specials over \$600,000.00. Notwithstanding the fact that the case was tried in San Francisco (that just has to be a liberal jurisdiction), the jury brought back a defense verdict in forty-five minutes.

So what is new in California? By now, Governor Arnold Schwarzenegger is not exactly new. His week-to-week activities do, however, continue to make news in the state and beyond. Like many new governors, he recently testified before the group that monitors military installations. The governor's goal is to keep open those bases (at least the ones in California). One thing the Governor did right was to appoint Mike's wife, Barbara, as a Superior Court Judge in 2004.

In legal circles, many headlines are devoted to the Catholic Church sex scandal cases. Recent California legislation has all but abolished the concept of a statute of limitations for that type of litigation.

Mike remembers with a grin ADTA's 2005 outing to Galveston. He got a late start for the golf tournament when one of Galveston's finest cab drivers dropped him and his clubs off at the wrong golf course. And he remembers, with satisfaction, having the opportunity to demonstrate for Matt Bailey some of the refined shuffleboard techniques he has mastered—techniques learned at the hands of a master, Dan Quinn.

By all accounts, life in Stockton is good.



SECRETARY'S REPORT

George Walker (AL)

I have been engaged in the following activities on behalf of our organization since my report in the last issue of The Association Press:

1. Coordination with the Membership Chairman. I am responsible for and I have circulated to the members of the Executive Council the applications of new member applicants as they are received. I have also communicated with each of the new members to congratulate each on his or her acceptance into the organization and to provide our first-class ADTA certificate to each of them, along with a copy of our most recent Association Press, Directory and Membership Handbook. In addition, I have kept Jennifer Parrish and her New Member Committee aware of each new member accepted into the organization.
2. Minutes of Executive Council Meetings. I have prepared, published, and maintained the Minutes of the spring meeting of the Executive Council in Galveston.
3. Mailing of Directories. With overwhelming involvement of Lynnette Baldwin, the 2005 Directory was mailed to each member on March 1, 2005. I would like to take this opportunity to remind each member of his or her responsibility to let Lynnette know of any changes that need to be made in directory information.
4. CLE Compliance. I worked with Tom Sandenaw to make sure that everyone attending the Galveston meeting received appropriate CLE credit. I will continue to work with Tom to make sure that CLE approval is available to all at future meetings.



NEW EXECUTIVE MEMBERS

STEVEN C. MITCHELL (CA)



Steven C. Mitchell is a native of Northern California. He is a 1981 graduate of Stanford University where he received his BA in Economics. He worked two years in San Francisco for Arthur Anderson & Company and then decided to go to Law School. Steven graduated from UCLA in 1986.

Initially, Steven did an externship with the California Supreme Court and worked at a San Francisco Law Firm. He has been with the Santa Rosa Firm of Geary Shea O'Donnell & Grattan since 1989. He is a third generation lawyer and his father, Cliff Mitchell, is a member of ADTA and with the firm of Mitchell Brisso Delaney & Briez in Urica, California.

He is married to Terry Mitchell and they have four children, Scott (16), Emily (14), Amy (12) and Jennifer (9). All of the children are extremely active in sports, thereby providing Terry and Steven with a second full time occupation.

Steven enjoys playing tennis, fly fishing and keeping up with the kids' activities.

FRANCISCO J. COLON "FRANKIE" PAGAN (PR)



Francisco J. Colon "Frankie" Pagan, obtained his undergraduate degree at the University of Puerto Rico in 1966 and his law degree from the University of Puerto Rico in 1968.

Frankie is the managing shareholder of Colon, Colon and Martinez, P.S.C., in San Juan, Puerto Rico. The firm was founded in 1987.

Frankie is fluent in both English and Spanish, and is currently the co-host for the 2006 annual meeting in San Juan, Puerto Rico.

Frankie is active in numerous defense organizations, including the FDCC, DRI, ADTA and the ABA. Frankie serves on several of the boards of these different organizations. Frankie is married to Martha Colon-Pagan, and between them, they have three children, one of whom, Francisco ("Cisco") is his partner.

Frankie enjoys traveling with Martha, reading and fine wine.

BARRY N. BECK (TX)



Barry Beck graduated from the Naval Academy in 1964 and was commissioned in the Marines. He served as an infantry officer for one year in Vietnam, followed by two years in Washington as the commander of the Marine Corps. Ceremonial Guard Company.

In 1968, Barry resigned his commission and entered the University of Texas Law School, graduating in 1971. Barry spent three years with the law firm of Fulbright and Jaworski in Houston, Texas, and then joined Cotton, Bledsoe, Tighe and Dawson.

Barry is board certified in civil trial and personal injury trial law by the Texas Board of Legal Specialization. Additionally, Barry is a fellow of the American College of Trial Lawyers.

Barry's wife, Mary, is the Executive Director of Midland Teen Court, and they have two grown children. Keith is a Navy Lieutenant Commander and Alexis works for one of the nation's largest commercial printing companies. Alex and her husband, Scott, have two little boys, Knox and Beck.



NEW MEMBERS

Christina Comstock, Fayetteville, AK
Manuel Porro - Vizcarra, Guaynabo, PR
Gregory M. Lederer, Cedar Rapids, IA
Tracy G. Chinen, Honolulu, HI
Jean M. Lawler, Los Angeles, CA
Clay M. Steely, Houston, TX
William A. O'Rourke III, Rutland, VM
Jeffrey L. Craft, Los Angeles, CA
Rebecca J. Smith, Los Angeles, CA



NATIONAL LEGAL ISSUES

John Clifford (CA)

As expected, there has been significant activity in Washington concerning tort reform. Additional developments on the national scene concern attempts to weaken the attorney-client privilege and concerns over the independence of the judiciary. Tort reform has met with mixed results in Washington. One piece of legislation which was discussed in an earlier column, the Class Action Fairness Act, was signed into law on February 18, 2005. This legislation amends 28 U.S.C. Section 1332 and provides federal district courts original jurisdiction over class action lawsuits based upon minimal diversity of citizenship where the amount in controversy exceeds \$5 million. Jurisdiction does not extend to class actions if (1) the "primary" defendants are States, state officials or other government entities; or (2) the number of members in the plaintiff classes is fewer than 100. Other key provisions of the legislation include considerations for declining federal jurisdiction which calls on the court to evaluate six different factors. This new legislation also directs the Judicial Conference to submit to the House and Senate Judiciary Committees reports concerning class action settlements. The overall consensus of the defense bar is that the Class Action Fairness Act is a reasonable and appropriate response to abuses of the class action mechanism which has been occurring in various state courts over the past several years.

Another piece of reform legislation which would alter Federal Rules of Civil Procedure, Rule 11, is faced with an uphill battle. This piece of legislation was originally introduced in the 108th Congress as the Lawsuit Abuse Reduction Act of 2004. This legislation was reintroduced by Representative Lamar Smith on January 26, 2005 (H.R. 420) and is now known as the "Lawsuit Abuse Reduction Act of 2005". This legislation would (1) reinstate sanction provisions deleted in 1993 from Rule 11; (2) amend Rule 11 to require a court to impose sanctions for every violation of the rule; (3) apply amended Rule 11 to state cases affecting interstate commerce; and (4) alter the venue standards for filing tort actions in state and federal court. However, a recent survey of United States District Judges indicates that the proposed changes to Rule 11 are unnecessary. This survey conducted at the request of the Civil Rules Committee by the Federal Judicial Center found that over 87 percent of the judges who responded preferred the current version of Rule 11. Only 4 percent of the judges who responded preferred the proposed legislation. Consequently, in May, 2005, the administrative office of the United States Courts wrote a letter to Senator Arlen Specter urging him to oppose H.R. 420. The American Bar Association has

also adopted a resolution opposing this and similar legislation.

Asbestos Litigation Reform also continues to be a topic in Washington, although it remains on an uncertain course. This legislation originally introduced by Senator Orrin G. Hatch called for the creation of a trust fund to resolve asbestos claims. That legislation did not pass in the 108th Congress. However, on April 19, 2005, Senator Arlen Specter introduced the "Fairness and Asbestos Injury Resolution Act of 2005" which utilizes the same structure as the prior legislation creating a no-fault trust fund. However, there still remain significant questions regarding the amount of the trust fund, eligibility for claims, and procedures necessary to keep the trust fund solvent. The latest word is that this legislation is bottled up in the Senate Judiciary Committee.

The proposed amendments to the Federal Rules of Practice and Procedure involving electronic discovery continue to move forward. In June, 2005 the standing Committee on the Rules of Practice and Procedure approved the amendments which had been submitted by the Civil Rules Advisory Committee. It is anticipated that the Judicial Conference will consider the proposed amendments at its September 20, 2005 meeting and the Supreme Court is scheduled to consider the amendments in the early part of 2006. The changes are anticipated to take effect on December 1, 2006.

The ADTA has also recently weighed in concerning the proposed American Bar Association Task Force resolution concerning the attorney-client privilege. As was previously reported, there is a concern that the attorney-client privilege is under siege from governmental agencies which are adopting policies asserting a need for information protected by the attorney-client and work product privileges. The ABA Task Force has been meeting on this topic for the past year and has put forth a resolution which will be put up for vote before the ABA House of Delegates at its annual meeting in August, 2005. The ADTA Executive Council has voted to support the ABA Task Force resolution which supports the preservation of the attorney-client privilege and work product doctrine and opposes attempts by governmental agencies to erode these significant protections that are a necessary part of our judicial system.

The National Legal Issues Committee is continuing to monitor events which are of a national significance for the ADTA membership. We would appreciate input from members concerning hot topics or events so that it can be relayed to all members. Please forward any suggestions or comments you have to John R. Clifford at jclifford@dcmwhlaw.com.



A WORD FROM LOU

LOU SCOFIELD (TX)

No deep thoughts this time fans. Just a "cotton candy" piece on questions.

Courtroom lawyers are in the business of dealing in questions. Questions are the tools that we use to weave the fabric of our case. Some questions give rise to the methods we choose to use: Do I need to prove a particular fact? Is the fact relevant to the outcome of the case? How does the law allow me to prove a particular fact? Will this particular judge be sympathetic to my argument? Will the jury be offended by a particular line of questioning? What type of juror do I need?

Of course there are peripheral questions that surround the trial of a case as well: Will my wife really leave me if I spend four weeks in trial? Will my client fire me if I win or lose? Will I be able to get to the courthouse without stopping for gas? Will the Astros ever again win three games in a row? Such peripheral questions might cross the mind on the way to jury selection, but they are not our craft. The art of crafting our questions, choosing our words carefully, with intention, and choosing when to ask the question, is our craft.

Of course knowing what not to ask involves skill as well. That skill could be the subject of its own article.

The purpose of this short article is merely to raise your consciousness by reminding you that questions, the tools that we use, are treacherous things that must be carefully considered before asked. Unlike media reporters, we lawyers cannot afford to be sloppy, lest we be startled by the answer we receive. For example, most of us have heard the tale of the eyewitness being cross-examined about his ability to see without his glasses. When asked:

"Mr. Smith, how far can you see without your glasses?"

Mr. Smith replied: "Well I can see the moon. How far is that?"

A less apocryphal example comes from a case that I tried in one of the rural counties north of Beaumont. The trial involved injuries sustained in a fight at the local VFW hall. For those of you that are not familiar with such establishments in this neck of the woods, they are commonly drinking establishments. Fights, though rare, are known to take place, and most folks simply get over them. Sometimes, however, they result in litigation against the VFW Post for serving the

booze, as well as the assailant for serving up the punches. In this particular trial, I began my cross-examination of an eyewitness with a question designed to develop the reason for his being at the hall, and to imply that the place was not particularly dangerous. I asked:

"Mr. Smith, when did you arrive at the hall?"

Smith:"About 8:00 p.m."

"And were you with a date?"

"No, I was with my wife."

Sloppy question, surprise answer. Of course, sloppy questions don't just occur in the courtroom. A while back one of the ladies in the office asked my daughter, Emma, how old she was:

"5 years old."

"And are you in school?"

Long pause: "Well I was this morning, but I'm here now."

Sloppy question, surprise answer.

What these examples tell us is that questions are treacherous, and we need to be careful out there when we are asking them. Not only must we constantly remind ourselves to be ready for the unexpected reply to what we think is an otherwise proper question (so we do not look completely stupefied when we get the unexpected reply), but we also need to constantly remind ourselves that simply because the question can be asked, does not mean that it makes any sense. Take this question for example: Stand in front of the mirror and move your right hand, the image moves its left hand. If the mirror reverses right from left, why doesn't it reverse top from bottom? [Hint: A mirror does not reverse anything, it merely reflects.]

Please also be reminded of the cautions of the great Irving Younger: "Never, ever, ask anything but leading questions." and "Never, no matter how curious you are, ask the question '?. 'Why?.'" You will certainly get an answer you are not looking for. For example, don't ask your wife why she spikes your evening drink with Focus Factor instead of Viagra. You don't really want to know the answer. The same is so for the old theological question:

"Why do bad things happen to good people?"

Do you really want to know the answer? It's not "Because they do."

The answer is:

"None of your business."

Fortunately for us, "none of your business" is not often an acceptable answer by a witness in the courtroom. If it were, trials would be a lot shorter.



ABOUT OUR MEMBERS

Adrienne L. Baumgartner (LA)

Thomas J. Hurney (WV) was elected Secretary of the Defense Trial Counsel of West Virginia at their annual meeting in May. He also received a service award for the Defense Trial Counsel E-List which he started several years ago to notify members of new opinions of interest to defense lawyers.

Daniel White (SC) was sworn in as President of the South Carolina Bar in May and will serve as Bar President for 2005-2006. He was counsel for CSX Transportation in the *Whaley v. CSXT* case decided by the South Carolina Supreme Court on February 2, 2005. This decision resulted in more than 130 lawsuits for CSX Transportation being transferred out of very pro-plaintiff counties in eastern South Carolina.

Raymond L. Brown (MS) is serving as a Regent on the Board of Regents for the American College of Trial Lawyers, representing the Fellows in four states: Arkansas, Louisiana, Mississippi and Texas.

Kim Colbo (AK) and Steve Tervooren (AK) recently announced that the name of their firm has changed to Hughes Bauman Piffner Gorski and Seedorf, LLC. Anyone visiting Alaska should feel free to contact either Steve or Kim. They are both great tour guides.

Mike Montgomery (VA) has accepted a position with Woods Rogers, LLP in their Richmond office. He is looking forward to working with James Jennings.

Jerry Weedon (FL), President of Marks Gray, P.A. recently announced a Defense Verdict Triple Play for the firm. Three different Marks Gray attorneys won three defense verdicts in one week. The verdicts were in the areas of slip and fall premises liability, false arrest and medical malpractice. According to firm tradition, each defense verdict warrants a bugle blast from James C. Rinaman, Jr., one of the firm's senior partners and a retired general in the Florida Army National Guard.

Phyllis Hix (CA) is serving on the Board of Directors of the Marutango Museum of the Indian Wells Valley, which is the community in the Mojave Desert where the China Lake Naval Air Weapons Center is located. They are planning an expansion almost doubling their size and Phyllis is serving as fund raising chair. Phyllis is also completing her term as Chair of the IADC's CLE Board, as well as serving on that group's Journal Board.

Karl Blanchard (MO) is presently serving as Secretary of the Missouri Organization of Defense Lawyers.

Joe Farris (OK) was inducted as a Fellow of the American College of Trial Lawyers. To top that off, he hit a home run during the championship game of the lawyer softball league in Tulsa.



GAVLESTON 2005

Lou Scofield (TX)

The Galveston 2005 meeting was a delightful success, in every way. It introduced to the ADTA a conference location different from one of the "usual locations." Without exception, everyone who attended had a wonderful time.

The meeting was set on Galveston Island, Texas at the San Luis Resort and Spa. The property was on the beach with every room having a balcony that faced the Gulf of Mexico. The hotel's amenities included an outdoor pool, a world class spa, a fitness center, tennis courts, Kid's Club Boutique, and a top-notch café and steakhouse. The weather, for which I claimed credit, was perfect, with daily sunshine and evening temperatures in the 50s, afternoon temperatures in the 70s.

The City of Galveston rolled out the red carpet for us. We were greeted by the Mayor Pro Tempore of the City of Galveston, and by the President of the State Bar of Texas.

The formal meeting began Tuesday night at the Special Friends and Board Members Dinner held at the historical Burns' House in Galveston. There we had an opportunity to show ADTA hospitality to the leaders of the other national defense organizations. **Gordon Broom** (IL) gave a virtuoso performance in introducing every attendee to the room with a special and personal comment about each. Broom did us proud.

On Wednesday, registration began with Lynnette Baldwin and Peter McLean handling the registration and membership issues with their usual personal charm and efficiency. They were assisted by Tina Ficker, Gordon's secretary.

From day one, subcommittee chair people took over and handled each of their categories perfectly.



Jeff Kinsel (TX) ran the golf tournament. The tennis tournament was run by **Steve Mitchell** (CA), and won by **Yeulin Willett** (CO) and **Laurie Grantham**, who edged out Kathy Weedon in the women's division. The fishing tournament was handled by **Jack Brock** (TX) with assistance from **Russ Roberts** (FL) and **James Jennings** (VA). The fishing tournament was won by **Gordon Broom** (IL).

John Clifford (CA) assisted with the NASA tour; **Jennifer Parrish** (VA) assisted with the first-time attendees; **Tom Sandenaw** (NM) arranged for CLE credit for the CLE program; **Dan Formeller** (IL) and his committee put together a top-notch CLE program, top-heavy with not one, but two, federal judges; and **Jim and Eileen Ryan** (NM) handed children's activities. The hospitality suite was run by **George Walker** (AL); and special assistance for restaurant, shopping, and fun on the beach was handled by **Pat Kerrigan** (TX).

Having listed all these helpers, it is only fitting at this point to give credit where the most credit is due. The people who made this wonderful meeting happen were our Galveston ADTA members who acted as more than mere hosts. They were organizers, cheerleaders, and did all of the hard work necessary to make a meeting such as ours a success. Those members are **Fred and Kim Raschke** (TX), **Jack and Maria Brock** (TX), and **John and Susan Eckel** (TX).





Last, but not least, of course, we need to recognize the hard work of **Gordon and Holly Broom** (IL).

Our Thursday night dinner and dance were at the NASA public facility. For those of you that missed the meeting, the NASA public facility looks like a McDonald's Playland on steroids. It was a lot of fun.

Festivities Friday night included a command performance, just for the ADTA, by Bob Newhart at the Galveston Grand Opera House.

Saturday morning, we were treated to the wonderful insights of Richard J. Hieb, NASA astronaut.

Finally, the black tie affair on Saturday night featured excellent food, dancing and the perfectly relaxed ambiance of Texas-style "formality."

As mentioned earlier, not a soul who attended the meeting had a bad time. We've had positive feedback from people who enjoyed the homes tours, the formal NASA tour, the tour of the University of Texas Medical Branch, the tour of the tall ship Elissa, Moody Gardens with all of its features, the harbor tour, the Galveston Historical Foundation tour and the shopping, dining, tennis, golf, beach, birding and fishing.



Finally, a special thanks to the Mills Shirley, LLP, law firm for providing the steel band at the President's Reception and to Burroughs, Hepler, Broom, MacDonald, Hebrank & True, LLP, for providing hors d'oeuvres before Bob Newhart's performance.

To all of those who assisted in the organization and promotion of Galveston 2005, allow me to express my gratitude, and of course a tip of the hat to Galveston, Texas.



2006 ADTA ANNUAL MEETING - PUERTO RICO

Francisco J. "Frankie" Colon Pagan (PR)

Sunbathing in 80-degree weather by one of the many magnificent pools; having a piña colada, rum & Coke with lime or a cold beer in the swimming pool bar; horseback riding or driving ATV's through mountain trails; kayaking in the sunset to a bioluminescent lagoon; visiting a tropical rain forest; deep sea fishing; scuba diving, snorkeling, sailing, jetski riding or doing any other water sports; or playing in a Caribbean golf course with your family and close friends: PRICELESS.

These are some of the activities you will be able to enjoy during your visit to Puerto Rico for the 2006 ADTA annual meeting. El Conquistador Resort Hotel & Casino is waiting for everyone's pleasure.

A presidential reception under the stars, with a magnificent view of the Atlantic Ocean will be held on Wednesday. Thursday night is dine on your own. El Conquistador Resort Hotel & Casino has five great restaurants, plus many other more casual dining areas. Its food, service and ambiance are second to none. Enjoy a Gala Night on Friday evening with a band playing disco and Latin music. Saturday night we will have a country party in an exciting venue located close to the hotel. We will have music, artisans, food, our traditional roasted pig on a skew, and more. It simply cannot get any better. And, if this is not enough, you can also linger into the casino and try your luck....Who knows, you may recover some of the money you spent in one of the jewelry stores located in the Old City or the Hotel.

Bring your children. The Hotel has a great playroom for the children, with day and evening sessions staffed with professionals to entertain and take care of your loved ones. For your older children, there are many activities available, including a game room, that one trip will not be enough to do them all.

Steve Crislip has been working very hard on our CLE. After all, we cannot play and party only. We need to further advance our legal knowledge to stay ahead of the curve. Steve already has a program that will entice us to stay inside a meeting room dur-

ing two mornings, even though the weather will be ideal for outdoor activities.

The El Conquistador is about an hour and half from the airport. Most flights into our Island arrive late afternoon or early evening. Many of you will need to travel at least on Tuesday, in order to be at the presidential reception the next day. So, why not take an additional day off and travel either Saturday or Sunday, and arrive early at the Resort or, at a hotel in or near Old San Juan? This will allow you to see the Old City, tour the old Spanish forts, or perhaps take a side trip to the Bacardi distillery, the Caves in Moca, the world's largest radio telescope facilities in Arecibo, the museum of art and oldest firehouse station located in Ponce, etc., and dine in one of our finest restaurants in San Juan. We have made arrangements with the Sheraton Old San Juan Hotel, located next to the piers where the cruise ships dock, and have some rooms reserved for the early arrivals. You can stay there a few days, enjoy the historic Old City, and then transfer to El Conquistador on Tuesday afternoon or Wednesday morning.

Avid golfers, have no fear. We are planning a three-day golf party at different golf courses throughout the island for Sunday, Monday and Tuesday. Meanwhile, your dear spouses can enjoy sightseeing or shopping around the Old City, home of many jewelry stores, galleries and factory outlets (Coach, Ralph Lauren, Dooney & Bourke), or take a tour to one of the many places to visit.

To those who would like more information about Puerto Rico, here are some links to interesting websites:

www.gotopuertorico.com

(Official site of the P.R. Tourism Development Company, the official government agency in charge of this industry.)

www.escape.topuertorico.com

www.meetpuertorico.com

(Official site of the PR Hotel Convention Bureau)

Weather is warm at that time of the year: mid-80's during the day and mid-70's in the evenings. Ladies may need a light sweater for the restaurants. They are air-conditioned and the temperatures are cooler than outside.

Transfer transportation to and from the airport is best in one of the hotel buses. The round trip fare is \$68.00 per person, not bad for a 1.5 hour trip each way. You will need to pre-register because walk-in service is not available at the airport.

Lastly, we need your help in estimating the number of attendees. The selection of the meeting areas and ballrooms depends on this number. While we

have an idea, we want to insure they are sufficient to accommodate everyone. Please send an email to my assistant, Evette Rosado, at erosado@colonlaw.com, and let us know how many in your party are planning to come. Your assistance is greatly appreciated.

Be sure to set aside the dates. Although the meeting will be on April 26-30, 2006, come the weekend before and stay in the Old San Juan area for a few days. You will not regret it and your family will love you more for it. Dan & Ann, Bruce & Carol and Martha & I will be delighted with your presence.



SHARE THE ADTA EXPERIENCE

GLENN MORGAN (VT)

For those of you who were unable to attend the Galveston meeting, you missed a great time. The events, tours and entertainment were terrific.

I wish I could have reported to those of you who attended the meeting in Galveston that all was well with ADTA membership. The membership numbers speak volumes about the aging and retirement of our current members and many others turning to the "dark side". Membership is the life-blood of our organization, and we need to make a serious effort to increase our membership in all states and provinces.

A membership drive is underway, and our goal is to recruit 100 new members from June 1, 2005 to March 31, 2006. The goal for each state/province is at least one new member. Some target states/provinces will be requested to recruit two or more new members. Everyone can think of someone they would like to have as an ADTA member. Please help your state chairs.



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The state chairs that meet or exceed their goals will be recognized as ADTA Ambassadors at the meeting in Puerto Rico. The President will be updating the membership drive program regularly on the website and in his messages.

I look forward to working with the entire membership on this drive, so feel free to contact your state or regional membership chair or myself for assistance in reaching our goal.



BOOK REVIEW

Patrick G. Cullen (MD)

The Common Law Tradition, A Collective Portrait of Five Legal Scholars, by George W. Liebmann, Transaction Publishers (2005). 365 pages, \$65.00.

Political science majors and first year law students might find this publication to be lethal. But the older reader might enjoy the reflections on the law and government it provides. The author traces the lives and times of five weavers of the tapestry of American law who happen to have been law professors at the University of Chicago: Edward H. Levi, Harry Kalven, Jr., Karl Llewellyn, Philip Kurland and Kenneth Culp Davis.

Levi is the author of the text Introduction to Legal Reasoning. Kalven wrote on such subjects as the criminal jury, free speech and the application of common law methodology to issues of public and constitutional law. Llewellyn was a major force behind the Uniform Commercial Code. Kurland was a commentator on the role of the Supreme Court vis-à-vis the Executive and Legislative branches and the various aspects of State Government. Davis is credited with defining and giving form to the field of administrative law.

The author gives necessary biographical data on each of the scholars. Far more emphasis is on what these men did and the significance of their contributions to our system of law. The author has a great vocabulary. The wide range of publications he cites makes clear how well read he is on each of his subjects. As you read you may marvel at how things used to be and as they are now in the arena of law reform. While this certainly is not light reading, it can suit the professional in a reflective moment just fine.



ADTA DAY

During the ADTA's sixty-fourth annual meeting in Galveston, TX, the mayor and city council did proclaim April 7, 2005, as ADTA day in the City of Galveston.

MEMBERSHIP NOMINATION

I would like to nominate _____ for (prime)(associate) membership in
(proposed members' name)
 the ADTA. Please send an application to _____
(name)
 at _____,
(city) (state) (zip)

Office telephone: _____ Office fax: _____

Year admitted to practice in my state: _____

Name of Member (Print)

Signature of Member

Return to:

Glenn S. Morgan, Ryan, Smith & Carbine; Mead Building, 98 Merchants Row, P.O. Box 310, Rutland, VT 05702

Tel.: (802) 786-1045;

Fax: (802) 748-8502;

Email: gsm@rsclaw.com

Membership Requirements

A trial lawyer doing principally 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 additional one million population, or portion thereof, for a city or metropolitan area.*

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



Adrienne L. Baumgartner (LA)

Bruce Keplinger sends news of Carol's new Hallmark Gold Crown Store in Overland Park. She has named it "Timeless Traditions." In addition to Hallmark products, she is carrying Department 56 and Brighton.

Yeulin and Rose Willett are working to keep up with their 4 kids. Elise (18) is off to Calvin College in Grand Rapids in the fall; Ellie (16) is working as the Firm's afternoon receptionist and playing soccer; twin boys, Charlie and Andy (12) are playing competitive baseball and just qualified for the year-end national Triple Crown World Series.

Thomas J. Hurney is now the father of two teenage girls. Grace has just finished her freshman year and has her learner's permit. Ellie, 13, won her school spelling bee. Jack, 8, got straight A's.

The Kinsels spent the week of June 13th at the US Open. It was hot, but that is not going to keep them from playing a lot of golf.

Pat Kerrigan and Phil Warner's son, Stuart, enlisted in the 101st Airborne Division in February. He completes his advanced infantry in June and will then begin further specialized training. He will likely deploy in August.

ADTA associate member, Mike Montgomery, married Kathryn Ramey in April, 2005. They missed Galveston due to the wedding but hope to make Puerto Rico next year. Kathryn is Assistant Bar Counsel for the Virginia State Bar.

Morris Chochla's (ON) wife, Jan Mackintosh is the Executive Director of the office of the Chief Justice of Ontario. Morris volunteers his time working as the executive of the Ontario Bar Insurance Law Section, Director of the Toronto East General Hospital Foundation and Chair of its Governance Committee.

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