

The Association Press

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Monterey and ADTA

With a perfect answer to your gray and chilly winter, our meeting hosts Steve and Linda Gurnee, Annual Meeting Committee Chair Tim Agajian and his committee have planned a spectacular meeting on the wonderful Pacific Coast in Monterey, California. Friends old and new, good food, quality education and a vigorous list of activities await you.

Your room at the Monterey Plaza Hotel and Spa on the famous Cannery Row lingers over Monterey Bay. Our Seventy Fifth Anniversary Annual Meeting will be like no other. You will be awakened by the sounds of surf, otters, and seals as well as the smell of fresh Pacific air just minutes away from Carmel and the Pebble Beach Golf courses.

CLE program highlights. In this spectacular venue, we will learn from leading experts. Our President Elect Fred Raschke and his team have gathered an impressive group of speakers on cyber risks, concussion litigation, end of life options, stand your ground issues and much, much more. See page 4.

We will learn about Hui Chen, one of the most powerful women in America and about “Civility, Scorched Earth Litigation and the Trial Judge.” A stellar cast will deliver our ethics presentation entitled, “Oops – Now What? Confession is Good for the Ethical Soul.”

Social events and highlights. Our meeting begins with the President’s reception on the Plaza overlooking Monterey Bay and concludes with our Black Tie Gala at Clint Eastwood’s private country club, Tehama, located between Carmel Valley and Monterey Bay, just a few miles away. Develop and enhance personal and professional relationships.

Tours and activities. Soak in the breathtaking surroundings and unique beauty of the Monterey Peninsula filled with wineries, shopping and beautiful scenery. Optional events include the Monterey Bay Aquarium down the street, a food and wine tour in Carmel, a fishing trip, whale watching and our annual golf tournament at Poppy Hills. Options available during our meeting are highlighted throughout this issue.

From the Monterey Bay Aquarium Research Institute, Dr. George Matsumoto will be our Saturday morning guest speaker. A captivating speaker, he serves as the Senior Education and Research Specialist at the institute and spends much of his time researching in the dark depths just a short distance from our hotel and beyond.



Featured Speakers

Dr. George I. Matsumoto is a Senior Education and Research Specialist at the Monterey Bay Aquarium Research Institute. He has a B.A. from UC Berkeley and a PhD from UCLA. He had a short postdoctoral fellowship at Hopkins Marine Station (Stanford University) before heading down under where he was an Assistant Professor in Marine Biology at Flinders University of South Australia. He returned to Monterey and MBARI in 1996 and has been active on a number of local, regional, and national boards and committees including the National Ocean Studies Board (National Academies of Science, Engineering, and Math). He



will talk on Saturday of the meeting about the Monterey Bay Aquarium Institute – its origin, goals, and future while regaling you with tales and stories from the deep-sea (like the world's best mother – a deep-sea octopus).



For our spouse and guest breakfast, our speaker will be Staci Giovino of Carmel Food & Wine Tours. In the past several years trends have indicated that tourists are no longer interested in "just" shopping, relaxing, and dining at

the most obvious eateries. Rather, they want to explore, get out of their comfort zones, and experience more "activity travel". Carmel Food Tours owner/operator Staci Giovino will take a look at these trends and the impact they have on restaurant/shop owners, creativity, and the local economy.

75th Anniversary

As we celebrate the seventy-fifth anniversary of the Association of Defense Trial Attorneys, we honor those who had the idea and passion to create the atmosphere and structure of the ADTA. The differences over seventy-five years in the practice of law, the legal system, and the perception of attorneys by the public are obvious, but what remains steadfast and constant are the tenets that bring such quality to our unique group.

Formally, "we provide an opportunity for successful defense trial attorneys to associate for professional, social and business purposes." But, it is so much more.



We are excited to invite you to the 75th Annual Meeting of the ADTA in Monterey, California, April 20 – 24, 2016. Monterey is located on the central coast of California. The Monterey Plaza, our meeting venue, is perched directly over Monterey Bay where you will enjoy the sounds of the surf and the sights of otters and seals. The hotel is located on Cannery Row and within a very short drive of Carmel and the Pebble Beach Golf Courses.

Steve and Linda Gurnee, our meeting hosts. Tim Agajian, our Annual Meeting Committee Chair and his committee along with Peggy Schultz, our Executive Director, have ensured an exciting, fun filled week with plenty of exciting events for both members and spouses. Optional events will include a tour of the Monterey Bay Aquarium, A Food and Wine Tour in Carmel, a Fishing Trip, Whale Watching, and of course, our Golf Tournament at Poppy Hills. Additionally, there is plenty of opportunity for shopping and wine tasting in Carmel or golf on some of the most beautiful golf courses in the world.

Our 75th Anniversary Meeting will officially kick off on Wednesday, April 20 with our President's Reception on the Plaza outside our hotel overlooking Monterey Bay, and conclude with our Black Tie Gala at Clint Eastwood's private country club, Tehama, located between Carmel Valley and Monterey Bay, just a few miles from our meeting venue. Will there be a sighting? This is going to be a celebration where memories are created.

Oh, and our famed hospitality suite, where relationships are developed and reunited, will not disappoint. ADTA, friends, family, Monterey, Carmel, Golf, Hospitality Suite 75th Anniversary.....it doesn't get any better than this! Make our day.....come to Monterey. We look forward to seeing you.

Matt and Melissa Bailey
ADTA President and First Lady
and

Steve and Linda Gurnee
ADTA 2016 Annual Meeting Hosts

Enjoying Monterey and Its Environs

David S. Rosenbaum, California

The City of Monterey in Monterey County is located on the southern edge of Monterey Bay, on central California's Pacific coast. It stands at an elevation of 26 feet above sea level. The 2010 census recorded a population of 27,810.

In 1776, Spain named Monterey the capital of Baja (lower) and Alta (upper) California. This same year, Captain Juan Bautista de Anza arrived with the first settlers for Spanish California, most of them bound for San Francisco. It was the only port of entry for taxable goods in California. In 1846 the U.S. flag was raised over the Customs House. On September 9, 1850, the U.S. Congress voted to admit California as the thirty-first state of the Union. By the 1920s, the sardine market had grown greatly and the section of Monterey known as Cannery Row was established.

In the City of Monterey itself, the most obvious attraction is the Monterey Bay Aquarium. Rather than seeing fish in small fish tanks, it is more like 5 giant fish tanks simulating the wonderfully rich Monterey Bay Sanctuary. If you can plan to see some of the feedings (check the website), you get a real flavor





of what happens under the water. I have been there at least a dozen times, and still find it wonderful. For little ones, there are sea otters, penguins, and a starfish touch and feel tank. The aquarium is an easy walk from the Plaza Hotel through Cannery Row.

In the area of Cannery Row and the Fisherman's Wharf, you can rent sea kayaks to visit the kelp habitat and hang out with the otters (usually floating on their backs eating). There are also a variety of whale watching tours.

If you have little ones that need to burn off some energy, there is nothing like Dennis the Menace Park. I would play there as a child, and took my boys there when they were still into climbing on train engines (real ones), slides, caves, suspension bridges, and swings.

Another activity is to walk or rent a bike and travel the Monterey Bay Coastal Trail (or drive to Carmel, see below.) This gorgeous path goes right along the coast where you can see all kinds of amazing ocean views and even check out some murals along the way, watch sea lions, sea otters and catch an occasional whale.

One great stopping point, whether on feet, bike or by car is Lover's Point Park. It offers a great view of Monterey Bay. Restrooms are available and parking is free but limited.

To get a sense of the history of Monterey, there is the Presidio of Monterey Museum (Presidio means a fortified military settlement). The Presidio of Monterey Museum exhibits lead visitors through Monterey's various stages of military development from the indigenous period that highlights the area's native populations; through the Spanish and Mexican periods; and up to present day. Because of the important role of the military in Monterey between 1902 and today, the majority of the museum is dedicated to the development of the Presidio as a training base.

Pebble Beach is, of course, known for its PGA golf event (Bing Crosby in the old days.) We like to have dinner at Roy's where reservations are a must. Try to go just before sunset. They have a lovely patio with drinks, and at The Inn at Spanish Bay (where the restaurant is located), they have a bagpiper play at sunset as the sun hides behind Hawaii (or just the horizon of the Pacific).

A drive to Carmel-by-the-Sea (Pacific Grove, Asilomar, maybe the 17 Mile Drive, Point Lobos, and Carmel-by-the-Sea)

When we are in Monterey, we always take our guests to Carmel-by-the-Sea. This trip

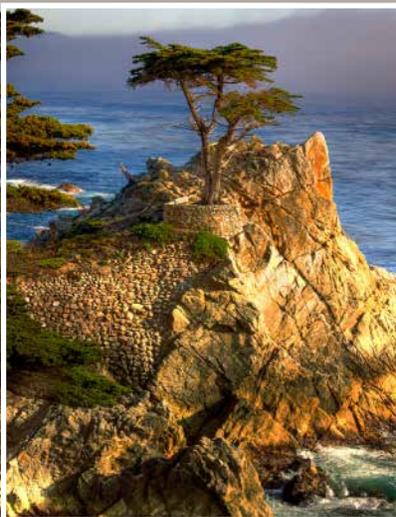
requires a car. We typically drive north from Monterey, along Ocean View Boulevard. You are on the ocean side edge of the road, which helps with the viewing. Ocean View Boulevard becomes Sunset as it passes through Pacific Grove. This is where the Pacific Ocean merges into the Monterey Bay. I recommend taking some of the parking stops to get out of the car and look at the waters. You'll definitely see seals and sea lions popping about, and occasionally, you'll get a glimpse of a whale.

Once you go around the point you will get to Asilomar State Marine Reserve. The coastline has a variety of rock outcroppings. Stop the car and walk along the rocks. Eventually you will reach Asilomar Bay full of surfers and surprisingly agile paddle boarders, scooting between the sea lions, riding very large waves. If you are hungry, just after the Bay you can find the Fishwife Seafood Café. When the weather cooperates, it is fun to order "to go" meals, then return to the rocks around Asilomar and eat to the soothing sounds of the Pacific and the seagulls.

After Asilomar, you are on your way to Carmel-by-the-Sea. You will have to choose between 17 Mile Drive (be ready to pay a toll) or continuing straight on via Forest Avenue and the Pacific Grove-Carmel Highway.

Instead of stopping in Carmel, we usually go straight to Point Lobos, and then return to Carmel for food (Il Fornaio is a consistent choice). We follow the meal by a nice stroll on the main beach at Carmel. Last time we left Carmel, we tried something new. We drove on Scenic Road and saw some of the most beautifully designed homes in a single location resting on the edge of the Pacific.

Point Lobos State Park (20 minute drive south through Carmel) -- This beautiful promontory has been called "the crown jewel of the State Park system." It is one of our family's favorites. We take all of our visitors here. The views are spectacular as you can see the power of the Pacific, experience the barking sea lions on their own island, and see the flora unique to the Monterey Peninsula. On the north trail, you have incredible views of the Carmel Bay. (On one visit, the bay was full of dolphin pods, jumping and spinning, and then all at once they left for the open ocean.) Once you enter the reserve, take a right and head to the parking lot at Whalers Cove, where you'll begin your hike. From the parking lot, you'll see a staircase going straight up the steep hill. That's the beginning of the North Shore





Trail. Walk the trail, its easy, tennis shoes work fine. Make sure you have a couple of layers, especially a shell to protect from the wind. A bottle of water is also recommended.

Carmel-by-the-Sea has lovely little shops, and many different restaurants. In my opinion, the main attraction is the beautiful white sand of Carmel Beach. Take off your shoes, walk down the hill to the water's edge, play with the kelp fronds, and take in the clean air. Once you are done, take Scenic Drive around the coastline back to Highway One. The return to the hotel is only 15 to 20 minutes.

A couple of other visits in the Monterey area are Carmel Valley, on the other side of Highway 1 from Carmel, and Marina State Beach, just north of Monterey (about 15 minutes). Marina State Beach is visible from the Plaza Hotel deck. At the beach you'll see surfers in the morning and kite flying and hang gliding in the afternoon. You can walk for miles along the water and often see dolphins and whales frolicking in the waves. It's one of the local favorites for watching the sunset.

Finally, spend a day returning towards Carmel, but go East (not West young man) and drive up the Carmel Valley. Carmel Valley is a river valley nestled into the towering Santa Lucia range, and is becoming well known for its wines. In the valley, you can find Garland Ranch Regional Park. With 4,000+ acres, it is open for day-use activities, known for excellent mountain trails for hiking, biking, and horseback riding along the willow-lined banks of the Carmel River.

There is a lot to do in Monterey and its environs. Sometimes, though, the most fun is to sit on the Plaza deck, and watch over the bay spying for whales. Have fun!



Program Notes for Annual Meeting

Fred Rashke, President-Elect

Fred Rashke and his team have assembled great CLE on a variety of topics for this year's annual meeting. We at the Association Press would like to highlight two of these presentations for you. On Thursday morning there will be a presentation entitled "Concussion Litigation – Past, Present and Future." This discussion includes speaker Dr. Bennet Omalu, who uncovered the dangers of repeated head injury to football players from high school to NFL football. Dr. Omalu originated the diagnosis of Chronic Traumatic Encephalopathy that is suffered by football players and wrestlers and is caused by repeated impacts to their head throughout their many years of sport participation. CTE has been linked to dementia and suicides by several former National Football League players. Dr. Omalu's research and findings are the focus of the recently released movie "Concussion" starring Will Smith that is in movie theaters now. You won't want to miss the movie or the discussion on concussion litigation on Thursday, April 21, 2016 at our annual meeting in Monterey.



On Friday, April 22, 2016 there will be a presentation entitled "End of Life Options Issues and Exposures." This presentation is not limited to a discussion of California's recently passed right to die legislation. This presentation will address many quality of life issues for seniors. We will hear the personal story of Barbara Mancini, a Pennsylvania nurse who was prosecuted criminally and sued civilly for allegedly assisting her father's attempted suicide by handing him his prescribed morphine to reduce his pain. Ms. Mancini will explain how her father's end of life directives were ignored by his caregivers in his final days. We will also hear from new ADTA member Joel Yunek, the attorney who defended an Iowa legislator charged with a Class C Felony for engaging in sexual activity with his wife who suffered from Alzheimer's. This presentation will explore at what point dementia robs a person of the right to consent to intimate relations or to determine who is allowed to visit them in a nursing home. This presentation will also examine the potential liabilities of nursing homes, family members, guardians, and those with power of attorney created by the decisions they make involving their parents, wards, or family members end of life care.

These are just two of many important continuing education topics to be presented at our annual meeting in Monterey. We hope you will attend and be part of these important discussions. The full program for this year's meeting includes the following:

Cyber Risks: Litigation Concerns and Insurance, Kenneth M. Sullivan, Tressler LLP, Chicago, IL

Concussion Litigation: Past, Present and Future, Ronald S. Katz, Moderator, Senior Counsel Manatt, Phelps & Phillips, LLP, Palo Alto, CA; Dr. Bennett I. Omalu, MD, MBA, MPH, CPE, Medical Examiner, San Joaquin County, CA; John Fiske, Gomez Trial Attorneys, Chair Litigation Department, San Diego, CA; Howard Slavin, Lewis, Brisbois, Bisgaard & Smith, LLP, Los Angeles, CA

Hui Chen: How One of The Most Powerful Women in America You've Never Heard of Will Impact Corporate



Compliance, Monte Williams, Steptoe & Johnson PLLC, Morgantown, WV

Civility, Scorched Earth and the Trial Judge, Judge Morrison England, Jr., Eastern District of California, Sacramento, CA

Oops - Now What? Confession is Good For Your Ethical Soul, Dan D. Kohane, Hurwitz & Fine, P.C., Buffalo, NY; **Victoria H. Roberts**, Immediate Past President, FDCC, Meadowbrook Insurance Group, Scottsdale, AZ; **Richard Traub**, Traub, Lieberman, Straus and Shrewsberry, LLP, New York, NY

End of Life Options, Issues and Exposures, Honorable George Eskins, Moderator Judge of the Superior Court (Ret), Santa Barbara, CA; **Paul Greenwood**, Deputy District Attorney, Head of Elder Abuse, Prosecutions, San Diego, CA; **Michael Kronlund**, Quinn & Kronlund, LLP, Stockton, CA; **Barbara Mancini**, Nurse, Philadelphia, PA; **Joel Yunek**, Joel Yunek Law Firm, Mason City, IA

Stand Your Ground, William Powell, Jackson Kelly PLLC, Martinsburg, WV

President's Message

Matt Bailey, President

As I write this, it seems as though we just left Ponte Vedra (I'm sure many of you are wishing you were there now enjoying the sun, sand and water) and our 74th Annual Meeting. Since then, many of our members have contributed their time and effort on committees, projects, webinars, and other things for and on behalf of our great organization.

James Holland and his committee have transformed our Association Press into a colorful, informative publication that is sure to excite both our members and their spouses. The social media committee, chaired by Jim Nieset, is working hard to get our social media networks up and running.

Our membership committee, chaired by Bill Staples, continues to seek out the best trial attorneys for membership in the ADTA. As the general civil practice changes over time, and the civil jury trial continues to erode, it becomes increasingly difficult to sustain our membership with good, quality members.



This, coupled with the greying of our membership, is reason for each of us to continue to think of potential candidates as we associate with other quality defense attorneys. I assure you, if you have a candidate in mind, Bill will be happy to tell you if he or she qualifies and whether we have an open slot in his or her town.

Diversity continues to be a focus of our leadership, as well as our membership. The ADTA strives to increase diversity at all levels. We are about to embark on a strategy to determine the best ways to increase diversity throughout our organization.

Fred Raschke and I attended and participated in the DRI Board Meeting in May, the IADC Summer Meeting in Colorado Springs and the FDCC Summer Meeting in Banff. During each of these meetings, Fred and I, along with the leaders of our sister organizations, met, planned, worked together and shared ideas to the benefit of our combined 30,000 members. One of the projects that came out of these meetings has been a joint effort relative to educating attorneys and judges on what effect the new federal e-discovery rules will have on us. A boot camp was held during the Annual DRI Meeting in Washington, D.C. in October. The collaboration among the sister organizations has never been better.

In addition, I participated in the Canadian Defense Lawyers meeting this summer. I was asked, along with DRI President, John Parker Sweeney, to participate as a speaker at the Pound Civil Justice Institute's Judicial Forum. Both were great opportunities to promote the ADTA.

In October, Fred Raschke, hosted our annual ADTA dinner in association with the DRI Annual Meeting, which was held in Washington, D.C. As expected, it was a night of friends, fun and great memories. For the first time, we hosted an ADTA reception for DRI attendees. I must admit, it was a spectacular event, and a huge success. Our own Ouida Holland sang the national anthem to start the opening session of the meeting, and I was fortunate to follow with a brief presentation to the DRI Membership before turning the stage over to Madeline Albright and Colin Powell. Yes, they were on either of side of me as Ouida sang the national anthem. Can you say WOW!

Our executive council met in November at the Monterey Plaza, and I presided over our council meeting. This leads me to our annual meeting in April, 2016. Steve and Linda Gurnee, Peggy Schultz, the Annual Meeting Committee and CLE Committee have spent countless hours working to ensure

that our 75th Annual Meeting in Monterey, California in April will be the next "best meeting ever."

As many of you know, and will readily tell everyone, First Lady, Melissa, is my best asset. She has been quite the ambassador for the ADTA this past year and a half, and without her commitment, support and advice, much of my success would not have happened. She is an amazing advocate for the ADTA, and I thank her for everything she has done and continues to do for our success.

We look forward to seeing you in Monterey, and continuing the TRADITION OF THE ADTA!



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New Member Bios

In each edition of the ADTA Press we highlight some of our new members. As you see below, each has proven experience and a quality reputation. If you are a new member and have not been yet featured, you will be in our next edition.

Wayne S. Melnick, Georgia

Wayne is the father of Xander, age 17 and Joss, age 13 and married to Laura B. Melnick, who works as an IT Product Owner/Project Manager. He works with Freeman Mathis & Gary, LLP in the areas of government/civil rights defense and general liability defense. He has held leadership positions with the Board of Directors, Georgia Defense Lawyers Association; Co-lead Chair, and CLM Municipal Law Committee. He enjoys gaming and is a drummer in a cover rock band.





Susan Gunter, Ontario

Susan is the mother of two daughters, Jamie, age 11 and Emily, age 8. She is married to Chris Irwin Gunter, who practices law in the area of corporate securities. She works with Dutton Brock LLP in the areas of civil defense litigation, professional and products liability, and insurance coverage. She has held leadership positions with DRI Canada Region Director

(2014-2017); DRI State Representative for Canada (2011-2014); Canadian Defense Lawyers President (2009-2010); CDL Board (2004-present) and Advocates Society Board (2012-2014). She enjoys her children and likes to travel.

Heidi G. Goebel, Utah

Heidi is the mother of Nicholas, age 4 and Evan, age 2. She is married to Chris Barrett Goebel, who works as a packaging engineer. She works with Goebel Anderson PC in the areas of commercial litigation and product and professional liability. She has been recognized by Mountain States Super Lawyers Top 100 Attorneys, Top 50 Women Attorneys, and Defense Lawyer of the Year, Indiana 2000 and has held leadership positions with Chair FDCC Product Liability Section; Indiana University School of Law – Bloomington Alumni Board; formerly served on Steering Committee for DRI's Young Lawyers, Commercial Litigation and Products Committee, and Founder Mentoring Program University of Utah Law School. She enjoys skiing, Pilates, yoga, and chasing kids.



Kathleen M. Anderson, Indiana

Kathleen is the mother of Alena, age 19, Clara, age 17, and Isabel, age 14. She is married to Cort Chilian Anderson and works with Barnes & Thornburg, LLP in the areas of litigation and employment litigation. She has been recognized by AV Preeminent Peer Review Rated in Martindale-Hubbell; The Best Lawyers in America listing (2007-14 (Employment Law –



Management “Lawyer of the Year”) and 2015 (Commercial Litigation; Employment Law – Management – Labor and Employment); Fort Wayne Monthly “Top Lawyer” in Business (2014); Indiana Title IX Hero, as selected by the Indiana Fever and Indiana Humanities and as recognized at Fever’s Inspiring Women Night on September 9, 2012; Indiana Super Lawyer (2004-16); Rotary Foundation of Rotary International Paul Harris Fellow (Community Service Award), 2012; Camille B. Conway Diversity Award, 2010; Niemann Citation for Excellence and Professionalism, 2007; recognized in Res Gestae, the Journal of the Indiana State Bar Association, for work in conjunction

with the Fort Wayne Children’s Zoo African Journey project, May 2009 and has held leadership positions with Indiana Bar Foundation, Indiana State Bar Association, member Board of Governors (2009 – 2011), Allen County Bar Association, Board of Directors (1999 – 2006); Benjamin Harrison Inn of Court; Member, Friends Committee of National Association of Women Judges Annual Conference, October 2004; Member Local Rules Committee for the United States District Court for the Northern District of Indiana, 2009-12; Northern and Southern Committees eDiscovery Subcommittee, 2011-12; Fort Wayne Children’s Zoo, Board of Directors, 2001 to Present; Youtheatre Board of Directors, July 2015 to present; Parkview Health; Friends of the Allen County Public Library. She enjoys family, gardening, fitness, travel, reading and Scrabble..

Joel Yunek, Iowa

Joel Yunek is a graduate of the University of Iowa Law School. He practices in the Joel Yunek Law firm in Mason City, Iowa. Joel is a fellow in the Iowa Academy of Trial Lawyers, American Board of Trial Advocates, and Iowa Defense Counsel Association which he served as a member of its Board of Directors. Joel is a frequent speaker on criminal and civil litigation topics. Joel characterizes himself as a small



town trial lawyer who has tried over one hundred cases to verdict to civil and criminal juries in Iowa; from dog bites to murder. He is the father of Sadie, 27 and has three grandchildren, Zlijah, 11; Cynthia, 8; and Aveil, 6 and is married to Lisa Yunek who works as a grant writer. He enjoys golf and cross country skiing.

Leonard A. Weakley, Jr., Ohio

Leonard works with Rendigs, Fry, Kiely & Dennis, LLP in the areas of architects and engineer liability, construction law, private dispute resolution – arbitration and mediation. He has been recognized by AV Preeminent peer rating by Martindale-Hubbell; selected and listed as one of Cincy Business Magazine’s Leading Lawyers in the area of Construction Law (2006-2010, 2012-2015), Avvo.com superb



rating of 9.6/10 and has held leadership positions with Women’s Art Club of Cincinnati Foundation, Board Member, Tall Stacks 1992-2006, Executive Committee, 1999-2001, Chair/ President, 1995, Chair and General Counsel, 1992, General Counsel, Chair of Law Committee and Commissioner; Mariemont Board of Education: 1987-1995 (President 1990-1994); Mariemont Preservation Foundation: Trustee/Past President and General Counsel; Trustee of William & Mary Jane Helms Charitable Trust. He enjoys exploration including international penguin studies in southern Chile.

Brent Ruther, Iowa

Brent is the father of Annaka, age 18 and Mia, age 16. He works with Aspelmeier, Fisch, Power, Engberg & Helling PLC in the areas of civil litigation, insurance defense, construction and employment litigation. He has been recognized by the Iowa Defense Counsel Eddie Seitzinger Outstanding Board Member Award 2006 and has held leadership positions with the Board of Editors for the Iowa Defense Counsel 2011 to the present; former chair of the IDCA workers' compensation and torts committee 2012-2015; IDCA Board of Directors 2001-2007. He enjoys sports and physical activity including coaching youth sports (basketball and softball), triathlon training, racing, adventure racing and cross-fit training and competition.



James Horning, Delaware

James is the father of Caitlin (9), James (7), and Quinn (2) and married to Amanda who is an elementary education specialist. As a graduate of Temple University Beasley School of Law, he is now with Reilly, Janiczek, McDevitt, Henrich & Cholden, P.C. working in the defense of various companies involved in asbestos toxic tort products liability litigation in Delaware, New Jersey, and Pennsylvania as local, regional



and national counsel. He also defends various companies in general liability matters that include the investigation of fraudulent claims. He has been recognized by Super Lawyers and as a New Jersey Rising Star (2014 and 2015). His interests include flying as an FAA-licensed private pilot with tailwing endorsement, coaching and volunteering for Christ the Teacher School, Delaware Swim Team, Newark American Little League and Kirkwood Soccer Club. He also lectures on the defense of asbestos and construction defect litigation in Delaware.

Jonathan Forrester, Northern Ireland

Jonathan is married to Jeanette Donohoe who is an attorney. He is a graduate of Queens University Belfast (LLB[Hons]) with post-graduate work in MSC Information Management and IPLS. He works with the law firm of Clever Fulton Rankin in the areas of commercial, real estate, professional negligence, banking, insurance and construction litigation as well as contentious probate litigation. He has served as a director of his firm since 2008 and as a committee member of the British & Irish Commercial Bar Association (BICBA). He carries a ranking with Chambers since 2007 in the fields of dispute resolution and real estate litigation and has published in the Belfast Telegraph, Business First, the Ulster Tattler and in the Institute of legacy Management Newsletter. His hobbies include travel, reading and football.



Diversity Committee News

Kasey C. Townsend, California

You may wonder what your ADTA Diversity Committee has in store for you in the New Year. One of our main goals is to conduct a short survey of the members of ADTA, which is completely voluntary and anonymous. The purpose is to identify the demographics of ADTA as it exists now. No such survey has been conducted in the past. As part of the survey, we will ask the members for their input on how to improve ADTA's diversity membership ranks and how to attract diverse lawyers to our committees and as speakers. Once that is completed, we will share the results with all members. So, be on the look out for the survey in late January 2016.



The committee is working on a Mission or Position Statement. All suggestions are welcome, whether you are a member of the committee or not. We plan on circulating the Mission or Position Statement in time for the upcoming ADTA Annual Meeting in Monterey, California set for April 20 through 24, 2016.

Speaking of the Annual Meeting, all are invited to attend the Diversity Cocktail Reception on Friday, April 22, 2016 at 6:30 p.m. Put it in your calendars now!

What's New In My State

Greetings fellow ADTA members. It's my pleasure to share some recent legal developments around the nation. In my home state of Illinois, we were recently blindsided by last minute legislation signed by our former democratic governor. In a showing of how politically strong the plaintiff's bar is in Illinois, the new law provides civil jury cases to be decided by six, not twelve, jurors. Contrary to this setback in Illinois, Georgia member, Matt Moffett brought justice to his state by successfully arguing that a jury should be allowed to apportion fault to the plaintiff's employer in a failure to warn products liability case.

Dina L. Torrisi, Illinois

In June 2015, the legislature enacted amended Illinois statute ILCS 5/2-1105(b) which reads "All jury cases shall be tried by a jury of six". Prior to its enactment, a civil case was tried to a jury of twelve. The Illinois Constitution of 1970 assures the right to a trial by jury. Ill. Const. Art. I §13. "A trial by jury has been held to be a trial by a jury comprised of twelve jurors." *Hartgraves v. Don Cartage Co.*, 27 Ill. App. 3d 298, 301 (1975) *aff'd*, 63 Ill. 2d 425 (1976). A review of the constitution's history also confirms that the framers considered, yet affirmatively rejected juries of less than twelve persons in civil cases. The constitutionality of the six-person jury demand was recently challenged in a medical malpractice case in Cook County, Chicago. As this





article went to press, the Cook County Circuit Judge presiding over the case ruled that the six-person jury statute was indeed unconstitutional. We expect the plaintiff's bar to take this issue to the appellate level or higher if necessary.

In addition to constitutional concerns, there were practical concerns about a plaintiff only having to prove his/her case to six people as opposed to twelve and how that can impact verdicts. For example, in a recent Cook County case, an insurance company defended a bad-faith suit before a six-person jury, rather than twelve. The jury awarded the plaintiff \$1.35 million in compensatory damages and \$13 million in punitive damages. The large damage award demonstrated the considerable impact jury verdicts can have and the importance of preserving the constitutional right to a twelve-person jury. It is unknown how the recent ruling in Cook County will impact the jury's award that the insurance company plans to challenge.

Matthew G. Moffett, Georgia

Matt Moffett is a defense trial lawyer who has tried numerous serious injury and death cases in state and federal courts. He is the President of the Georgia Defense Lawyers Association and was selected in 2015 as one of the top 100 lawyers in Georgia. Matt and his wife Diane have been married 25 years, have two daughters and live in Atlanta. When Matt is not lawyering you likely will find him practicing somewhere with snow or water skis.



This products liability case was set for trial when the federal judge certified a question of first impression to the Georgia Supreme Court. In Georgia, is the jury allowed to apportion fault to the plaintiff's employer in a failure to warn products liability case? We argued "yes" and so did the Georgia Defense Lawyers Association, DRI and the Products Liability Advisory Council, who filed amicus briefs in support of our position. By a 5-2 decision our highest court agreed with the defense and held that a defendant company should not have to pay for the fault of another, and that includes a non-party employer of the plaintiff who can't sue that employer in tort because of our state workers' compensation laws. This decision is significant for all defendants who seek fairness and reason in the mitigation of their liability and risk exposure in serious injury and death cases.

The underlying case involved a negligent failure to warn claim against a product manufacturer. The product at issue is a dual binder machine used as part of a stranding line operation to produce fiber optic cable. The plaintiff's employer, who trained and supervised the plaintiff in his operation of the machine, owned the machine. The injury occurred when plaintiff placed his foot into an unguarded but obvious pinch point, during operation of the machine. During plaintiff's deposition, he testified that he was doing what his employer trained and authorized him to do in operation of the machine, which allegedly malfunctioned.

For the defense, we filed a statutory notice of non-party fault and identified plaintiff's employer as an at fault non-party such that the jury could apportion fault in any percentage to the employer. The plaintiff objected and asked our federal judge to prohibit such apportionment because our workers' compensation laws prohibited the plaintiff from suing our employer in tort in our case. Earlier this year, the federal judge certified the question to our Georgia Supreme Court who heard oral argument this summer and issued a decision last month in favor of the defense.

We Prefer to Refer Report

Jamie Hood, South Carolina and Jennifer Mitchell, Ohio

Since the concept was rolled out in 2009, the We Prefer to Refer Award has continued to evolve and remains a priority in terms of recognizing the vast opportunities and resources available to our members. Since networking and referral opportunities remain the primary focus of the ADTA, it is essential that we continue to express our gratitude towards our members who prefer to refer and the best way to do that is by nominating a fellow member each and every time he or she sends you a piece of business. Submitting a nomination is easier now than it has ever been.



Simply click on this link (<https://adtalaw.com/We-Prefer-To-Refer>) or visit the newly revamped ADTA website at www.adtalaw.com and click on the We Prefer to Refer tab at the top right hand corner of the webpage.

In 2009, it was the Marketing Committee that launched the We Prefer to Refer campaign. In 2010, the first annual We Prefer to Refer Award was presented. By 2013, the Executive Council decided to create

a stand-alone committee dedicated solely to the We Prefer to Refer Award and its mission to recognize those members who recognize the value of ADTA referrals and take advantage of placing their existing clients in the hands of seasoned, top-tier trial lawyers. In 2014, it conducted a naming competition for the award. At the Annual Meeting in Ponte Verde last year, the We Prefer To Refer committee unveiled the awards new name, the Strubinger Trophy – named after Bert E. Strubinger, the ADTA's first president.

Since the 2015 Annual Meeting, the We Prefer to Refer committee has embarked on a critical assessment of the



award criteria and award presentation process for the purpose of continuing to refine the process and to encourage even more participation. Despite the ease of making a referral, the committee has been concerned that recipients of referrals may be reluctant to nominate those sending referrals if the matter is relatively small given the size and significance of many of the passed nominees, finalists and winners. This led to a productive dialogue over the award criteria and whether there was the proper emphasis on the fees generated or perhaps too much emphasis in that regard.

The We Prefer to Refer Committee unanimously agreed that perhaps too great of a focus has been placed on the fees generated, particularly during the award presentation. The current award criteria provides the committee with a broad focus on the referrals that include: (1) the number and quality of the referrals by the nominee; (2) the number and quality of the attempted referrals; (3) number of ADTA members to whom business was referred by the nominee; (4) nominee's emphasis on the ADTA relationship as the basis for the referral; and (5) result(s) of the referral(s).

The Committee believes that the current award criteria appropriately consider the various facets of each nomination. During past award presentations, some nominations selected as finalists, which were presented to the membership, discussed fees in detail. That is really no surprise given the magnitude of some of the referrals that were nominated. But, because a number of members expressed concern about this, it warranted further consideration. During the committee's assessment of the role fees generated plays in assessing the nominations, it was noted that it may be potentially embarrassing if a client learns that a particular referral is valued based solely upon fees generated thereby diminishing the significance of the We Prefer to Refer Award and the Strubinger Trophy. This concern is easily addressed through the presentation of the Strubinger Trophy. The committee is resolved to return the focus during



the presentation of the finalists on a balanced discussion of the award criteria applicable to each finalist. This should address the concerns expressed previously and continue to highlight the value the ADTA provides for each of its members while refraining from discussing fees generated.

The committee is hopeful that this will encourage members to nominate every single referral that is made between attorneys no matter the size of the referral. One goal of the We Prefer to Refer committee is to foster a culture where the submission of a nomination simply becomes a part of the intake process. Over time, this will enable the ADTA to evaluate and demonstrate the tangible benefits it provides to its members and arm them with the data needed to show their partners why the ADTA is unlike any other professional organization.

As in years past, there will be drawings for those who submit nominations. So get your nominations in now!! Your name will be submitted one time for each nomination provided.

Go on line now, click We Prefer to Refer, and nominate every fellow ADTA member that has referred a matter or client to you this year. There is no better way to demonstrate to others the value of being an ADTA member!!

Membership Committee Report

Bill Staples, California



Do you take your membership in the ADTA for granted? Do you stumble sometimes when remembering what ADTA stands for? Abu Dhabi Tourism Authority, American Dance Therapy Association, American Drift Trike Association, Australian Driver Trainers Association, Abbotsford District Teachers Association, Atascadero District Teachers Association, or possibly Adelanto District Teachers Association.

We are the **A**ssociation of **D**efense **T**rial **A**ttorneys, established in 1941. We are comprised of some of the finest defense trial attorneys throughout the United States, the District of Columbia, Puerto Rico, provinces of Canada and the United Kingdom of Great Britain. We continue to grow and soon hope to have members in Northern Ireland and the Republic of Ireland. We are a respected organization with a strong voice in the overall defense community. Did you know that ADTA has three permanent seats on the board of directors of the Defense Research Institute?

Membership in ADTA is special. It is by invitation only, and provides you with privileges. It allows you and your spouse or significant other to get together with other great trial attorneys in relaxed settings to learn, exchange ideas, make lasting

For more information on ADTA please contact:

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 4135 Topsail Trail • New Port Richey, FL 34652
 727.850.0350
 pschultz@adtalaw.com

friendships and refer clients to one another with confidence. However, for this to happen, you have to attend the annual meetings. Our 75th annual meeting is just around the corner; April 20 – 24, 2016 at the beautiful Monterey Plaza Hotel in Monterey, California. Think about it, Monterey Bay, Pebble Beach, and Carmel. Be sure to protect the time on your calendar now! This is a meeting you won't want to miss. The CLE will be spectacular but so will everything else. Join your friends, renew your acquaintances and remember why you joined ADTA and what it's all about.

Your membership in ADTA also comes with some obligations. We need your help to identify additional exceptional defense trial attorneys to join with us. We need your help in making our organization more diverse. We need your help in recruiting the new, younger generation to fill our ranks and take our places. I have said this so many times, it almost sounds trite, but does your firm have an Associate Member in ADTA? If not, why not? When you retire, will there be someone in your firm ready to keep the ADTA membership or will it go to someone at a different firm? Plan now. Add a member from your firm and get that person acquainted with the ADTA.

Your membership committee continues to work hard behind the scenes to keep membership strong but we need your assistance. If you take a moment to think about it, you certainly know some very good defense trial attorneys. Jot down their names and send an e-mail to your state, province, regional or national chairs. We will take it from there. Is that too much to ask? In fact, put down this publication right now and take the five minutes to come up with at least one possible candidate and e-mail it to me (wstaples@archernorris.com). Then you can get back to the Association Press and read "A Word From Lou."

ADTA – The Best Kept Secret? External Marketing Committee

Dyan J. Ebert, Minnesota

Whether you are new to the ADTA or a longtime member, you probably already know and appreciate that you are among a unique and elite group of trial attorneys. We are all truly fortunate to be among the best trial attorneys in North America, Puerto Rico, the United Kingdom of Great Britain and Northern Ireland, and the Republic of Ireland. While it is important for our members to understand and appreciate the benefits of membership, it is also important for those benefits of membership, including the high caliber of our members and the vast expanse of their legal knowledge and talents, to be made known to those that will benefit most – current and prospective clients. The ADTA has done little to publicize and promote our esteemed members. Indeed, the ADTA may be the best-kept secret in professional organizations.

That is about to change.

The focus of the External Marketing Committee has shifted. In its inaugural year, the Committee worked to identify, publicize,



and promote the benefits of ADTA membership with an eye toward attracting and retaining high quality members. The Committee developed a "benefits of membership" document to be used by our State Chairs and the Membership Committee to market the ADTA to lawyers while we worked to encourage members to attend the annual meeting in Ponte Vedre. Such focus certainly remains a significant part of the Committee's mission. However, looking forward, the Committee would like to turn its attention and efforts to finding ways to get the word out about the exclusivity of ADTA membership, and use that to encourage individuals and companies who are in need of legal representation and services to contact our members.

Finding ways to showcase our members' legal talents is probably the best advertising we can do for the ADTA. One idea the Committee is exploring is by identifying trade journals and other publications where we can place advertisements to encourage potential clients to consider ADTA membership as a criteria when selecting defense counsel. The advertisements could be aimed at educating potential clients about the ADTA and our exclusive membership. Similarly, submitting substantive articles by our members to the same publications is also another way to highlight our members' expertise and knowledge.

Another idea being considered is developing a "speaker bureau" of our members that we can market to other groups and professional organizations. By identifying our members who are willing and able to speak on various topics affecting our profession, we will promote a strong image of the ADTA. Finally, developing and cultivating a close working relationship with the state and local defense organizations may be another way to effectively market the ADTA.

In short, the Committee will be working toward getting the word out about the ADTA. We all know how great it is to be a member of the ADTA – now we need to make sure that others know it too. We need to establish an ADTA brand: ADTA membership should be synonymous with the best trial lawyers.



The External Marketing Committee cannot do this alone. We need your help. We need you to help us identify the most effective ways to market the ADTA to help you attract the clients you are looking to serve. We need you to let us know what trade publications you believe would be an appropriate forum to advertise the ADTA or to submit substantive articles from our members. We also need you to let us know what substantive areas you specialize in and would be willing to share your knowledge about as an author or speaker. So when we solicit your input, please provide it!

As Chair of the External Marketing Committee, I also invite you to join our Committee and help promote your membership in the ADTA to your current and prospective clients. Additionally, I want to encourage you to contact me at any time to share your thoughts about the ADTA and any ideas you have about how to raise the association's profile so we can continue to attract and maintain high quality members and connect clients and prospective clients with our members.

A Word From Lou

Lou Scofield, Texas

One of the perks of "lawyering" is travel.

Throughout the years, some of the shine has worn off of travelling. When I first started, I enjoyed virtually any trip out of the office. Even a drive up to Fred, Texas to interview a witness was an adventure.

The charm there is that there are always people and things to be found.

I especially enjoy flying. Often, the soul in the seat next to me is more interested in sleep than chatting, so I honor their choice. But if chatting is an option, I'll do it. Some fellow travelers are either simple or complex. Most are not famous, but all have a story to tell. For example, on a flight years ago, the woman in the seat next to me was both beautiful and engaging. It was easy to strike up a conversation. It turns out she was a huge fan of horses, and I, having been a horse owner in the past, could relate to a limited degree.

But hers was a profound interest, involving a special focus on dressage *** [The execution by a trained horse of precision movements in response to barely perceptible signals from its rider.] ***Don't worry, I didn't know what it was either, so my newly met travelling companion went to the trouble of patiently explaining it to me. As you might imagine from the definition above, dressage requires a significant commitment of time, patience, and resources ...and a really smart horse...which few in the world have. But she did. From that point on, I learned of her profession, family, hobbies, and other planned travels. Our conversation made the time pass quickly, and after a couple of hours in flight we parted ways with the usual polite exchange of e-mail addresses.

That was many years ago, and we have not met since, but we are still in touch. We exchange news about our work, events in our lives, photos and family. I always send her a copy of this column, for approval. I can't remember how that got started. I think her family was somehow connected with writing, or the movie industry, but somewhere along the way I decided she was in a position to judge entertainment, and could add an editorial touch. Now I just send it for fun. She says she enjoys it.



On another flight I sat next to a gentleman who was short, energetic, and as chatty as I am. He was heavily involved in the use of new DNA technology to free wrongly convicted prisoners. He was consumed by his work and spoke with the zeal of a true crusader. Each tale he unfolded such as the exoneration of a mistakenly or wrongly (they are not the same) convicted person, held the potential for a book of its own. The technical aspects of this work involve some detail, so I tossed in some thoughts and questions from time to time. Toward the end of the flight he asked my name, which I gave (Yes, I gave my real name...can I go on now?), and he told me his, Barry Scheck. *** I relayed this meeting to my sister, Dr. Virginia Scofield, an immunologist and microbiologist. Having some fame in her own right, she knows a lot on the subject. She also follows closely the public image of the science. She claims Professor Scheck is running the *Innocence Project* to atone for his work contributing to the acquittal of O. J. Simpson in "the O.J. trial." Even if her cynicism is well founded, he is certainly engaged in the Lord's work now.

On another flight, I actually took off from Chicago O'Hare Airport on time. For those who have not had the pleasure of flying in to or out of O'Hare, one never lands or departs on time. On one occasion, though, my plane quietly loaded passengers on time, pushed back from the gate, taxied to first position, and took off on time. On that flight, I had a great conversation with the Continental Airlines Vice President in charge of operations. Interestingly, the rest of the plane was full of Continental Airlines top brass (various vice-presidents of everything) returning to Houston from a management meeting just before the United Airlines merger. You don't suppose air traffic control gave our flight preferential treatment do you?

I'll spare you stories of the countless hairy landings, diverted landings, and otherwise unpleasant trips. No sense in reliving them. They are rare anyway. Instead, I'll argue for this perspective: Travel as part of the law practice is a necessary gift of variety, and variety expands your scope, imagination, and skills. If you swim around only in your own puddle, you miss the reality and

ADTA PUBLICATIONS COMMITTEE

JAMES D. HOLLAND, AND DOUG DOOLEY,
CHAIRS AND CO-EDITORS

DENISE ANDERSON, JOHN BURKE, DAVID ROSENBAUM
MONTE CLITHERO, ELIZABETH FLEMING, JIM CRAIG AND
PAUL M. FINAMONE

examples of countless people with different perspectives on life, different geography and subtle differences in culture. The transient meetings and partings occasioned by the traveling lawyer moving to and from various jurisdictions, give a special value to them precisely because they are abbreviated. The same goes for the acquaintances made on the plane.

And lastly, let us not forget, being able to fly great distances in a matter of hours is still a miracle. It also allows an organization like the ADTA to exist...so we can gather every year and re-affirm our commonality and rejoice in our differences. Uh, even if it did not serve this important purpose, the roar and raw speed of your jet taking off is worth the price of the ride.

Social Media Committee

Jim Nieset, Louisiana

A dreary, cool Monday morning in New Orleans finds me with time on my hands. The trial that was scheduled for this week was continued, the Saints lost, Tulane lost, LSU lost and the local NBA franchise has yet to dial up a win this season. Days like this make me want to head on over to the hospitality suite for some cheer. Sadly, it doesn't open for another four months (April 20, Monterey, be there). Your social media committee has been hard at work planning a strategy to connect with your fellow ADTA members on the internet to cure the Monday blues.



Step one of our plan is to revamp and revitalize the ADTA Facebook page. We're calling for an open page rather than a group page to allow posting and viewing from a wider variety. Our members find themselves out and about in the world and frequently run into other members. True to the social nature of our organization, we'd like to show this off in the virtual world to encourage camaraderie and friendships during those times that we're not together in trial or at a meeting. A cursory review of my very own Facebook feed shows me that our leadership meets in the very best of places. Here's current President Matt Bailey speaking to the masses at the DRI Annual Meeting.



Here's Matt again, getting prepped for the above speech:



It is rumored that this is the view from the hospitality suite in Monterey:



In order to show the world (wide web) that we're hard working, talented defense lawyers, too, we're turning to the website as a place to tout news of our hard earned victories in the courtroom and our involvement in the community. Please help us spread the word by sharing your news. Please email news of any recent decisions for posting on the website to either Peggy Schultz (pschultz@adtalaw.com) or Pfenne Cantrell (pcantrell@k-glaw.com) for posting. Near future plans from the ADTA social media committee call for pushing this news out onto the ADTA LinkedIn page.

Finally, we are exploring the possibility of using Twitter to keep all involved of events during the annual meeting and are looking into the possibility of developing our very own ADTA app. These are exciting times in the virtual world of the ADTA. Our plans to stay connected requires involvement from all of us. We know you are out and about and doing great things, please share for all to enjoy!

The National Legal Issues Committee: ADTA Talks Series

Brooks Magratten, Rhode Island

The National Legal Issues Committee this past year has hosted a series of "ADTA Talks." These are Friday afternoon conference calls in which an ADTA member leads a discussion about a topic of interest. These calls are not CLE. There are no papers, PowerPoints or agendas; just a chance for ADTA members to join in a monthly conversation about a topic of interest. Past and future ADTA Talks have been, or will be:



July 2015 Kevin Amatuzio: We Prefer to Reefer: Marijuana & The Law

August 2015 Cary Hiltgen: Moving & Shaking: Fracking & Earthquakes in Oklahoma

September 2015 Sandra Corbett: Why Canadian Lawyers are so Darn Nice: The Culture of the Canadian Bar.

October 2015 Brooks Magratten: The Care & Feeding of Millennial Associates.

November 2015 Bill Sampson: Opening Courtroom Doors to Women Litigators.

December 2015 Dan Kohane: Law Firm Newsletters: Do They Work?

January 2016 Jose Rojas: Trolls and Other Scary Things in IP Law.

February 2016 Molly Thurmond: Satellite Law Offices: Money pit or gateway to new business?

March 2016 Mike Aylward: The ALI's Developing Restatement of the Law of Liability Insurance



May 2016 Tom Buckley: Combatting Plaintiff's Reptile Tactics in the Courtroom.

All ADTA members are invited to lead an ADTA Talk, or just dial in to hear an interesting discussion. Please email any topic suggestions to bmgratten@pierceatwood.com.

ADTA Webinars Help Members With Practical Litigation Solutions

**Heather L. Mills, California and
Amanda Cialkowski, Minnesota**

Have you ever been in trial when things aren't going your way, and wondered whether you've done a good enough job of protecting your record for appeal? Or just know that your jury was doing their own internet research, despite what the judge told them, and worried (too late) about what they might find on your client's company website? Perhaps wondered how to protect outsiders from gaining access to those confidential email discussions you had with your client on your Smartphone? Or contemplated how to take that out-of-state deposition of an uncooperative witness without getting the elusive sister-state subpoena? These are just a few of many issues which this year's ADTA Webinars are addressing for the organization's members.



The ADTA Webinar Committee provides one-hour educational programs throughout the year designed to help members in their everyday trial and litigation practices. This past year the committee has focused on providing

webinars on topics that it believes to be both cutting edge and practical and which, in some cases, qualify for CLE credit. This year ADTA's scheduled webinar topics have included, or will include:



- "Ethics: Can a Party Ethically Influence the Internet in Anticipation of Juror Misconduct?"
- "Best Practices For Addressing Smartphones in Civil Discovery & Reasonable Attorney-Client Communication Security Measures"
- "Tools for Protecting the Trial Record for Appeal"
- "Use of the Interstate Depositions & Discovery Act in Litigation"

The webinars have been very well received, and the committee is considering a number of topics of interest for upcoming programs, including analysis of the changes to the Federal Rules of Civil Procedure which took effect on December 2015.

We welcome suggestions as to how to make the webinar program the most valuable resource possible for ADTA members, and also seek new members interested in joining the committee. In addition, we are also looking for ADTA members who are interested in presenting their own webinars to the group over the upcoming year.

Please feel free to contact Webinar Chair Heather L. Mills, or Webinar Vice-Chair Amanda M. Cialkowski with your suggestions and comments, or to express your interest in joining the committee or becoming a presenter. We look forward to seeing all of you at the upcoming annual meeting in Monterey!

Report of the Mentor Committee

**Stephen R. Pennell, Indiana;
Judd Uhl, Kentucky and
Robert M. Tyner, Jr., Mississippi**



We have twenty-six new members since our last Annual Meeting. All of them have been assigned a mentor. One of the primary responsibilities of the Mentor Committee is to assign a mentor to each new member and first-time attendee who attends the annual meeting. We had 19 new members and first time attendees at the annual meeting in Ponte Vedra, Florida. Following last year's annual meeting, the Committee sent a survey to each of the new members and first time attendees who attended the annual meeting. The responses to the questionnaire were as follows:

- One of the best events and programs I have ever attended. I just wish we didn't have to leave early on Friday.
- The entire experience was wonderful. I really enjoyed the people we met, and the Sealy sessions were very interesting. I'm really looking forward to next year's meeting.
- Great program and individuals.



• It was a great meeting and a wonderful location. My spouse and I each enjoyed spending time with old friends while having the opportunity to meet new.

Our efforts of the mentors in welcoming each new member and promoting the annual meeting by encouraging each member to attend an annual meeting has been a key factor in the ADTA's success in having so many new members attend the annual meeting. Our mentors and their spouses have been very successful in making the new members and first time attendees and their spouses feel welcome at the annual meeting, and having an interest in attending other meetings in the future.

The Mentor Committee serves an important role not only in helping to increase the membership in the ADTA, but also helping to improve the retention of members in the ADTA. Attorneys are much more likely to retain their membership in the ADTA if they feel they are welcome and appreciate the benefits of membership. Members of the Mentor Committee help to accomplish this important task by personally contacting each new member shortly after he or she becomes a new member.

Having a positive experience at the annual meeting is a key to having new members desire to attend other meetings in the future, which will in turn promote the retention of membership. Each of the committee members assigned to be a mentor has done a commendable job in fulfilling their responsibilities to our new members and first time attendees.

ADTA Mentors

Anderson, Denise M.

Butler Pappas Weihmuller Katz Craig, LLP

Bélanger, Pierre

Bélanger Longtin, s.e.n.c.r.l.

Buekman, Leon L.

Borden Ladner Gervais, LLP

Booker, Matthew R.

Brown, Hay & Stephens, LLP

Corbett, Sandra L.

Field Law

Cox, A. Johnston

Gallivan, White & Boyd, P. A.

Dillon, Jeffrey W.

Sedgwick LLP

Halvorson, Ashley Villaverde

Jones, Skelton & Hochuli, P.L.C.

Harrison, Robert W.

Wilson, Elser, Moskowitz, Edelman & Dicker, LLP

Hood, James B.

Hood Law Firm

Mills, Heather

Murchison & Cumming, LLP

Nieset, Jr., James R.

Porteous, Hainkel & Johnson, LLP

Parrish, Jennifer Lee

Parrish Snead Franklin & Simpson, PLC

Pennell, Stephen R.

Stuart & Branigin LLP

Raschke, Fred D.

Mills Shirley LLP

Riis, J. Burruss (Buzzy)

Hand Arendall, LLC

Smith, James W.

CPLS Litigation

Thurmond, Molly E.

Hall, Hieatt & Connely, LLP

Tyner, Jr., Robert M.

Lockett Tyner Law Firm, P.A.

Uhl, Judd R.

Mannion & Gray Company, L.P.A.

Varney, Robert T.

Robert T. Varney & Associates

Walker, Bruce L.

Phelan, Tucker, Mullen, Walker, Tucker & Gelman, LLP

White, Jimmy E.

Hughes Gorski Seedorf Odsen & Tervooren, LLC

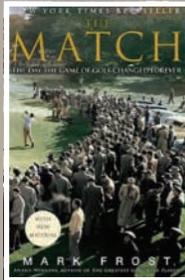


Annual Meeting Book Review

Steve and Linda Gurnee, California

Your hosts, Steve & Linda Gurnee, have chosen two fascinating books for your reading enjoyment and this year's book review discussion.

The first is *"The Match, The Day the Game of Golf Changed Forever"* by Mark Frost. Frost tells the true story of a classic golf match in 1956 at the famed Alistair McKenzie-designed Cypress Point Club in Pebble Beach. Eddy Lowery, who was the ten-year old caddie to Francis Quimet when he won the U.S. Open as an amateur in 1913, became a prosperous car dealer in San Francisco but retained his love of golf. On a bet made with a fellow millionaire, George Coleman, as a prelude to the 1956 Bing Crosby Clambake (now known as the ATT Pebble Beach Pro-Am), Lowery claimed that two of his employees, amateur golfers Ken Venturi and Harvey Ward, could beat any of the professionals then on the fledgling PGA tour. Coleman brought two living legends: Ben Hogan and Byron Nelson. Frost's blow by blow (hole by hole) description of what followed makes this book hard to put down. As an added bonus even for non-golfers is the historical overview of the development of the golf paradise that has become Pebble Beach and the Monterey Bay area at the hands of such notables the likes of McKenzie and early champion female golfer Marion Hollins. A thoroughly enjoyable read.



The second choice which should also be of particular interest for a visit to Monterey is John Steinbeck's classic *"Cannery Row."* Steinbeck, who won the Pulitzer Prize for a novel we probably all read during high school, *"Grapes of Wrath,"* and the Nobel Prize for Literature in 1962, was born in nearby Salinas (the location of the National Steinbeck Center & Museum) but most of his life in Monterey and Pacific Grove. It was there that he observed the characters and developed the material for *"Cannery Row"* depicting life during the heyday of the now -gone sardine industry and the depths of the Great Depression.

His descriptions of everyday life amid the bustling canneries, local characters such as Doc, the marine biologist, Lee Chong, the grocer, and Dora, the madam, and the places they lived and worked are riveting and humorous.

Although you may have also read this novel years ago, re-reading this book will give you a new appreciation for the sights and sounds of the modern Cannery Row where we will be staying.

Interesting Notes from Our ADTA History

From Our History Written by Gary M. Peplow

The Association of Defense Trial Attorneys (ADTA) was 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 has among its present and past members, lawyers who have



served as president of the American Bar Association, president of DRI, the Voice of the Defense Bar, 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 jurisprudence.

All of the founding fathers were mid-westerners. 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 proximity to Chicago. 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 mid-western influence and close association with the Chicago insurance industry.

Skipping ahead in our minutes to 1963, an executive council meeting in Chicago reflects the earliest discussions concerning support of the Defense Research Institute (DRI). President Peter McAtee reported on his discussions with representatives of the International Association of Insurance Attorneys (now known as IADC) and the Federation of Insurance Counsel (now known as FDCC) 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. Furthermore, DRI was requested to put a representative from each defense group on the DRI board.





Later in 1979, an economic survey of our members was conducted by the association, 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 the average number of years in practice was 25.7 years. Rates charged for legal services ranged from \$55 to \$62 an hour. Starting salaries for attorneys in cities under a population of 50,000 was \$12,000. Cities with a population of 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 with a population of 50,000 to 200,000, that figure was \$97,500. Again, surprisingly in cities with populations over 200,000, the net income figure was \$85,000 with a "median" income that appeared to be much higher.

One famous tradition, the legendary "hospitality room", persisted at annual meetings for as long as any member can remember. 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.

A 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 1990s began with the logo designed by Sally Moore, wife of Willie Moore, and 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 reception for new members followed by a reception hosted by DRI. The CLE program included a Lloyd's of London tour, and that evening, the group adjourned for 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.

The year 1994 saw the first issue of the Association Press, the newsletter produced by executive council member, Patricia Kerrigan, of Houston, Texas. The editorship has passed to various members over the years, but the newsletter is still a vital source of information about the association.

It was in 1998 that the association addressed the need for a website. The meeting was held in San Antonio and 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 reflected the changing face of the legal profession which 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.

The ADTA headed to Europe for a second time, particularly 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.





The Trip Before the Trip. The Prelude. The 2016 ADTA Annual Meeting Pre-Trip

As we travel to wonderful locations for our annual meeting, we work to give our members the full benefits of each. For those who can spend a few days before the start of this year's ADTA Annual Meeting in Monterey, we have planned a spectacular pre-trip. Nothing official, no meetings, no stress, just pure fun.

This year, Steve and Linda Gurnee and Clay and Kristy Hall have planned a trip around California's Central Coast and San Luis Obispo County from April 16-19, 2016 leading into and up to our meeting in Monterey. Please check out the details and deadlines for the Pre-Trip Trip on the ADTA website today.

Do You Know The Way to San Jose? Getting to Monterey.

Several options are available to those flying into the meeting. Several locals have recommended that we fly into the San Jose International Airport [SJC] an hour away from Monterey. Direct flights are also available into the closest, the Monterey Peninsula Airport [MRJ] or into the San Francisco International Airport [SFO].

Upcoming events

April 20-24, 2016

April 19-23, 2017

April, 2018

ADTA Annual Meeting, Monterey

ADTA Annual Meeting, Nashville

ADTA Annual Meeting, London

In 2005 at Galveston another first occurred, the performance by TV personality Bob Newhart. When you have time when next in the ADTA Hospitality Room, ask our President Elect, Fred Raschke to tell the whole story of our own ADTA Bob Newhart Show.

The year 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 our wonderful Executive Director, Peggy Schultz from New Port Richey, Florida. Her job replaced the position of the assistant secretary, meeting planner and to assist with duties performed by the Membership Chair, Secretary and Treasurer. Peggy has ushered in a new era of professional association management.

A complete copy of our history may be found on the ADTA website. It was written by Gary M. Peplow who joined the ADTA in 1972. He served as Secretary of the Association from 1987 to 1999. Gary 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.



Association of Defense Trial Attorneys (ADTA)

4135 Topsail Trail
New Port Richey, FL 35652

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MEMBERSHIP NOTIFICATION

I would like to nominate _____

(proposed member's name)

for (Prime)(Associate) membership in the Association of Defense Trial Attorneys (ADTA). Please send an application to _____

(name of applicant)

Firm _____

at _____

(city)

Office telephone _____

Year admitted to practice in my state _____

Email _____

Office Fax _____

(zip code)

Name of Member (Print) _____

Signature of Member _____

Name of applicant's spouse (if available) _____

Home Address (if available) _____

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

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

Membership Requirements:

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

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

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