

the **Association** *press*



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PRESIDENT'S MESSAGE

Gerald W. Weedon (FL)



It was a great privilege to take over as President of our Association at the annual meeting at Silverado in Napa in April 2003. If you missed the meeting, you missed a great opportunity to enjoy what the ADTA does best- provide outstanding and timely CLE at a fantastic venue in the company of wonderful friends. A special thanks must be given to President Steve Enochian at the end of his term. Not only did Steve represent us well this past year, but he and Barbara were also the hosts of our annual meeting- and combined with great style two of the most time consuming and demanding jobs we ask of any member. With the able assistance of Jan Cooper and Duane Grummer, they presented a memorable ADTA signature event.

In considering the benefits of membership in the ADTA, I have given some thought as to why, over the past 21 years, the Association has been so important to me. There are many worthwhile groups of defense lawyers and industry people that could take one's time and energy. What makes the ADTA stand apart is that it is a network of truly hard working lawyers who are well respected in their communities. Additionally, these lawyers and their

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spouses are the kind of people who, if they lived in your hometown, would be your closest friends.

Anyone who attends one of our annual meetings is impressed with the camaraderie of the group. One such guest wrote to me after Napa saying that, as an industry representative, he had been to many meetings of lawyers and most are typified by the sort of bravado, chest beating and war stories that made him dread coming to another meeting like that. He commented on the sincere hospitality of the attendees at our meeting, their genuine friendship with one another, the professional level of the CLE and the "world class" social events. There are many similar comments from others in industry, the bench and bar.

As representatives of the organization, Kathy and I, with Gordon and Holly Broom, have the opportunity to attend the meetings of other defense organizations. Invariably someone will compliment us about the ADTA's reputation as a group and wonder out loud how they might become a member. The thing that those people desire then is something that you already have - that exclusive membership in the ADTA for your community.

What can you do to get involved? First, take advantage of that membership by using the network it gives you when a client needs a lawyer outside of your jurisdiction. You will be recommending a lawyer who is hand picked by the finest lawyers in his or her state, and you will impress your client with the caliber of lawyers with whom you associate. I have never referred a client to an ADTA member who did not make a point of thanking me for the good job that was done. Next, there is a group of members who wouldn't dream of missing an annual meeting. Become one of them - there's plenty of room. If you attend one ADTA meeting, it won't be your last. Finally, if there's anything the Executive Council or the officers of the ADTA can do to assist you, or if there's any suggestion you have to better our association, please let us know. We are constantly looking for ways to provide more benefit to our members. Elsewhere in this edition of the Association Press you will see the results of some of our plans.

We look forward to seeing you in Dublin in the Spring of 2004. In the meantime, you have my best wishes for a successful year in your practices and happiness at home.



2004 DUBLIN, IRELAND CONVENTION

Kevin J. Kelly and Gail M. Kelly (NY)

Dust off those passports and make your travel plans early to join your ADTA friends and colleagues for an unforgettable experience at next year's Annual Meeting. We head for Dublin, Ireland for our first international venue in more than ten years, where we look forward to a warm welcome and world famous Irish hospitality.

We will be guests at the Westin, Dublin located in the heart of Dublin City Centre. The newly opened hotel is built on the site of the Allied Irish Bank, retaining the façade from the 1863 structure, and beautifully restored as one of the premier meeting venues in Dublin. The location is ideal - directly across from Trinity College - and is within minutes of first rate theatres, restaurants, shopping on Grafton Street, historical and architectural places of interest, and, of course, music and entertainment at every turn.

There will be ample opportunities to explore the historical and cultural sights throughout the city, including visits to the Guinness and Jameson factories. We are working with a local travel group from Dublin to assist in planning explorations of the City, as well as to coordinate our day trips to experience some of the magnificent scenery and areas just outside Dublin and in the nearby Wicklow Mountains.

Our meeting begins on Tuesday evening, May 4, with the President's Reception. It will be held in the magnificently restored Banking Hall of the Westin, also the site of our meetings each day. A reception at Dublin's City Hall is planned for Wednesday evening, and the gala black tie dinner will be held Friday, May 7th at the Royal Hospital Kilmainham, one of Dublin's most elegant venues, and the home of the National Museum of Art. We'll host the ultimate Dublin "theme night" on Thursday with an official Pub Crawl through the Temple Bar area, complete with team assignments. (Despite early lobbying, final selection of team captains has not yet been made, and applications are still being accepted.) A farewell brunch will be our send off on Saturday, May 8.

The CLE program promises to be dynamic and valuable to our members, with Dan Formeller at the helm this year.

In conjunction with our meeting, we have planned a "Pre-Meeting" trip. We will leave the States on April 27, and will arrive in Dublin on the evening of May 3. Along the way, we will be touring the west of Ireland with stays in Galway and Killarney. There will be opportunities to play some of the finest golf courses in Ireland, and for experiencing some of the most beautiful parts of Ireland. The trip is open to all, and should be a wonderful start to the Annual Meeting. A deposit for the Pre Meeting trip of \$200 per person is requested by September 22, 2003.

We hope you make your plans early to join us for this meeting in an ideal location with an ideal group of people, and we look forward to seeing you in Dublin.



"THANKS FOR THE MEMORIES"

Barbara Enochian

This has been a summer of unsettling weather for many of you out there who have suffered through the threat of tornadoes, torrential floods, and extreme heat. This is the time of year when our electric bill exceeds our house payment, and neither one is small! All this heat and humidity makes me crave that wonderful, cool rainstorm we had while in Napa at our meeting in April. It is interesting that the rain that seemed like a disaster then, now seems like it would be a gift.

Speaking of gifts, Steve and I felt that each one of you, who so graciously attended the ADTA meeting in Silverado, gave us the gift of your support and friendship. Seeing old and new friends from all over the country felt like a family reunion without the squabbling! It is amazing that individuals can meet only once or twice a year and form bonds that last and become significant. The friendships formed through ADTA have endured golf wagers, tennis tournaments, teenage romances (our children's, that is), college graduations, weddings, births, and, sadly enough, funerals. Even

though we may not have met your children, we have an idea of what they are doing and are truly interested in the next installment in their lives.

In Napa, Steve and I both felt this close bond with you, the members, and that is what made Silverado a great experience for us! I told Steve that I felt like we were playing Mr. and Mrs. Santa (or should that read Rockefeller?) with the unique experience of treating our nearly 300 closest friends to a week of fun and entertainment at one of the most beautiful spots on the West Coast.

Without a doubt, the best entertainment was, of course, at the Thursday night dinner at Markham Vineyards. We were pretty proud of ourselves for keeping the phantom of the Opera performance a secret for a full year. That night, looking around the dark cellar at the beaming faces brought tears to my eyes over and over because we were lucky enough to have been able to bring such a grand evening to all of you. For those of you who could not come to Napa, I am sorry you missed this event.

But as always, ADTA keeps the grand events coming, and next year promises to be incredible. The trip to Ireland absolutely cannot be missed. Not only will Ireland be charming, but best of all, we get to share it with our ADTA friends. When all is said and done, it really is the relationships that make our organization special, and that makes our meetings so meaningful. No matter where we go, we take the joy of our friendships with us.

Thanks to all of you who gave us this opportunity to preside over the Napa meetings and represent you at sister organizations. Having had the privilege of traveling with Jerry and Kathy Weedon, Gordon and Holly Broom, and James and Anne Jennings has felt like being part of the Dream Team. On behalf of Steve and myself, we also echo the late Bob Hope's words, "Thanks for the memories."





NAPA WHAT A TREAT

Matthew W. Bailey (LA)

Once again, the members of the ADTA gathered together, this time at Silverado Resort, for the annual convention.

Steve Enochian's President's Reception on the Fairway Deck kicked things off and helped put everyone in the mood for an enjoyable and successful meeting.



The CLE program began Thursday morning with the dynamic Shelly Spiecker discussing the topic of jury persuasion. She was followed by Robert Levy's discussion on electronic evidence. Finally, Charles Maddock assisted us as we all try to better our firms. While the members were enjoying the program, the spouses were spending the morning at Jessel Gallery.



Thursday afternoon, following assurances of sunshine by **Steve Enochian** and **Duane Grummer**, the sky cleared allowing us to slosh around Silverado's North Course for the golf tournament seeking bragging rights in the hospitality room and beyond. **George Walker** was low gross and **Wade Baxley** and **Bruce Keplinger** tied for low net. The team of **Randy Trout**, **Rob Laney** and Tim Hughes took honors in the scramble, and the foursome of **Dennis Day**, **Sherry Day**, **Doug Gray** and **Jerry Wilkie** led the four person best ball. **Veronica Hiller** and **Tim Hughes** (Excess Surplus Lines) had the long drives, and **Pat Cullen** and **Donna Tait** were closest to the pin. For those not playing golf, the Culinary Institute of America was the destination for a cooking demonstration.

Thursday evening brought us to Markham Winery where we sipped on wine and mingled with old and new friends. Thereafter, we were served an outstanding dinner in the beautiful



setting of the wine cellars. Following dinner, we were all pleasantly surprised at the magnificent Phantom of the Opera performance which sent a chill down our spines. It was an evening to remember.



On Friday morning, Judge Robert Jones presented both an interesting and informative discussion on Daubert and its effects. Daniel Tarman and Chris Carlsen then advised us relative to handling the media. The CLE was followed by the tennis tournament. Those not playing tennis, enjoyed a tour of Mondavi, followed by visits to the St. Helena Olive Oil Company and Dean and Deluca.



Friday evening we all traveled to Mumm's for champagne tasting and a viewing of Ansel Adams' extensive photograph collection. Thereafter, we were on our own to enjoy one of the many fine restaurants in the Napa area. Upon our return to Silverado, the hospitality

suite was put to good use by a vast majority of us.

Saturday morning the spouses joined us for a very educational and entertaining presentation by Linda Viviani, President of Viviani Vineyards. Prior to concluding the morning, the old and new officers and executive council members were recognized.

On Saturday evening, we all made the walk to the annual black tie dinner dance at the Silverado Ballroom. The music by Shake was fabulous as evidenced by the density of the dance floor and the beads of sweat pouring down many foreheads. After dancing the night away, many members again migrated to the hospitality suite to enjoy additional beverages, and to exchange hugs and kisses to those flying out early.

Once again, Sunday morning quickly arrived and the annual meeting officially ended with the farewell brunch, followed by our goodbyes. On our way out, we all wished we were being pampered at the fabulous spa, which many of us utilized during the meeting.

Special thanks are in order for Steve and Barbara Enochian and Duane Grummer and Jan Cooper, our hosts, Peter McLean, our expert coordinator, Lynnette Baldwin, our registration and organizing expert and everyone else who helped make NAPA a success.

See you in Dublin.



THE ASSOCIATION PRESS

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Bruce Keplinger (KS) was recently elected to the FDCC.

Mariam Decker (MO) has been admitted as an associate in the American Board of Trial Advocates, Western Missouri, Kansas City. She is only the second female attorney in that area to be admitted.

Kevin Amatuzio (CO) wrote us about his partner, **Joel A. Kolodny** (CO). Joel has decided to largely retire from the active practice of law and has attained emeritus status with the ADTA and spends a lot of time in Tuscon. Joel is branching out into new areas, much of which relates to consulting work for his residential builder developer clients in Colorado.

Philip C. Graham (MO) of Helfrey, Simon & Jones, P.C. was recently named "hiring partner" and is in charge of the firm's recruiting activities for summer associates, newly licensed lawyers and laterals. Anyone looking for a litigation position in St. Louis should contact Phil.

Marc E. Williams of Huntington, West Virginia, has been elected to the DRI Board of Directors.

Carroll E. Dubuc (VA) was appointed as a Hearing Officer for the U.S. Department of Justice to hear appeals from the 911 awards calculated by the administrators involved in that process. In that regard, he became an employee of the Department of Justice and serves without fee. There are still more than 2000 cases to be filed and determined before April, 2004 with a filing deadline of December 21, 2003.

Dick Collins (FL) merged his firm of Collins & Truett, P. A. with the firm of Katz, Kutter, Alderman & Bryant, P.A.. He will continue to focus on Medical Malpractice, Products Liability and other complex litigation. They have offices in Tallahassee, Orlando, Miami and Washington, D.C.

Bill Tooms (KY) merged his practice to form a new firm, Taylor, Keller, Dunaway & Tooms effective May 1, 2003. The merger brings together two of the oldest insurance and corporate defense practices in Southeastern Kentucky.

Gordon Broom (IL) and **Robert L. Jones, III** (AR) were recently inducted Fellows of the International Academy of Trial Lawyers at its regional meeting held on July 18 through July 20 at the New York Palace Hotel. The International

Academy of Trial Lawyers consists of 500 active trial attorneys under the age of 70. Membership in the Academy is initiated by an unsolicited nomination by a Fellow with seconds by other Fellows, and is split equally between plaintiff and defense lawyers. All active judges before whom the attorney has appeared as well as fellow practitioners and the entire membership are polled before induction. Other ADTA members who are Fellows of the International Academy of Trial Lawyers are **Robert W. Harrison** (CA), **Douglas G. Houser** (OR), **Robert T. Lynch** (CA), **Robert T. Mautz** (OR), **William B. McGuire** (NJ), **John P. O'Leary** (MI), **William Pietragallo, II** (PA), and **Charles L. Smith** (TX).

Chris Ferdico of Lincoln, Nebraska is still on active duty with his National Guard unit in the Middle East. Chris has the wholehearted support of his fellow ADTA members and we are all praying for him.



"THE PRESS" IS PASSED

Gordon R. Broom (IL)

This will be my last edition as the editor of *the Association Press*. I assumed these duties from the first editor and the creator of *the Association Press*, Pat Kerrigan, in 1999, following the San Antonio meeting. It has been a labor of love. I have appreciated the support of all of you. The new editor is Matt Bailey of Baton Rouge, Louisiana. If you have attended a meeting in the last several years, I know you know Matt. He will do a great job and will enjoy the same support from all of you as have I. I am looking forward to reading the next edition!



ADTA DINNER AT DRI MEETING

Wednesday, October 15, 2003 at The Occidental, 1475 Pennsylvania Avenue, N.W., Washington, D.C., (202) 737-4147.

Cocktails: 7:30 to 8:30 - Dinner at 8:30 p.m.

Please RSVP to: tina.ficker@ilmolaw.com



NEW EXECUTIVE MEMBERS

JAMES F. RYAN (PA)



Born in Philadelphia, Pennsylvania, Jim received his Bachelor of Science Degree in Business Administration at Villanova University in 1977 and his Law Degree from the Delaware Law School of Widener University in 1981. He is a founding

partner in the law firm of Schwabenland & Ryan, P.C., which maintains offices in Philadelphia and Wayne, Pennsylvania.

Jim serves as managing partner of the firm which handles a wide range of civil litigation including professional liability, products liability, general liability and toxic and environmental liability. The majority of his practice involves the representation of as many as 8 hospitals in Philadelphia and its surrounding suburbs.

In addition to membership and participation in ADTA, Jim is a member of DRI as well as the Philadelphia and Pennsylvania Bar Associations.

Prior to establishing the firm of Schwabenland & Ryan, P.C., Jim was employed at Griffith & Burr, P.C., between 1981 and 1986 defending medical malpractice cases. Thereafter, he started the firm of Bechtle & Ryan, P.C., and became actively involved in asbestos litigation representing clients throughout Pennsylvania and West Virginia. In 1994, Jim was fortunate enough to start a new practice with three great friends and accomplished trial lawyers, namely, Ed Schwabenland, Dennis Stephens and Frank Sherry.

Jim and his wife, Eileen, have been married for 25 years, having met at Villanova University. Eileen is a Certified Nurse Practitioner and a Pediatric Nurse Instructor at the University of Pennsylvania. They have three children: Tim (20), Meg (18) and Kevin (14). Tim is a Junior at the University of Pittsburgh while Meg is looking forward to her freshman year at Fordham

University's Lincoln Center campus in New York City. Kevin is entering the 8th grade and takes great pleasure in beating his father at games of horse in the driveway. When not practicing law, he is busy diagraming plays for the 8th grade basketball team at the Sts. Colman Neumann basketball team in Bryn Mawr, Pennsylvania. He is convinced that he could make coaching basketball a second profession; however, he has received no offers to date. Although he has little success, Jim also makes every effort at reducing his golf handicap.

Jim is also honored and very proud that his dad, Daniel J. Ryan is a Past President of the ADTA from 1968-1969 and is hopeful that his mom and dad make the trip to Ireland next year.

KEVIN J. KELLY (NY)



Since 1987, Kevin J. Kelly has been the managing partner of Conway, Farrell, Curtin & Kelly located in New York, New York. The firm was founded in 1947, and currently includes more than 30 attorneys engaged in the defense of major insurance carriers in a variety of litigated matters.

Kevin is a product of Brooklyn, New York, and attended St. John's University, receiving a B.A. in 1968 and a J.D. in 1974.

In addition to the ADTA, Kevin is a member of the New York State Bar Association, the Defense Association of New York and the Federation of Defense and Corporate Counsel.

Kevin served as the President of the Defense Association of New York in 1991-1992, and was the Chairman of Continuing Legal Education from 1987-1992. In addition, he has been serving on the Board of Governors for the Defense Association of New York since 1987.

Kevin is married to Gail, an ADTA member and the New York State Chairperson. They have two boys, Terence (19) and Sean (17).

Kevin and Gail are co hosting the 2004 annual meeting of the ADTA in Dublin Ireland.

MATTHEW W. BAILEY (LA)



Matt Bailey was born in Baton Rouge, Louisiana on December 10, 1965 and has resided there his entire life. He received his Bachelor of Science degree in Accounting at Louisiana State University in 1998, and his J.D. from LSU in 1992.

Following law school, Matt clerked for a state district judge and then began his practice with O'Neal Walsh, a Past President of ADTA. Recently, Matt and O'Neal formed the firm of Walsh & Bailey, which specializes in defense litigation throughout the state of Louisiana. The majority of Matt's practice involves the defense of products liability, premises liability, trucking, automobile and food contamination cases as well as bad faith and coverage issues.

Along with being active in the ADTA, Matt is a member of the DRI, Louisiana Association of Defense Counsel and Louisiana State Bar Association. In addition, Matt is very active in the Baton Rouge Bar Association serving as the chair of the annual golf tournament and assisting in the annual bar conference.

Matt is extremely proud of his seven year old son, William, who frequently attends (and assists) Matt's depositions, hearings and trials. "Coach Matt" also enjoys coaching soccer, football, baseball and basketball, as well as sneaking out for a round or two of golf when time permits.

Volunteering his time for William's school and their church, his high school alma mater and serving as captain of an annual Catholic retreat for men, all helps keep Matt busy, as does rooting for LSU.

Matt looks forward to serving on the Executive Council, serving as the new editor of the Association Press, and continuing to develop and renew friendships in the ADTA.



GLENN S. MORGAN (VT) MEMBERSHIP CHAIRMAN



Glenn Morgan has graciously accepted the title of Membership Chairman from Stephen Crislip following the meeting in Dublin.

Glenn is a managing partner in the firm of Ryan, Smith & Carbine, Ltd., one of Vermont's oldest and largest law firms.

The firm was founded on January 1, 1946, and currently has 22 attorneys. The firm is a defense trial firm which concentrates in all types of civil litigation.

Glenn was born in Rutland, Vermont. He graduated from the University of Vermont in 1972 and Suffolk University Law School in 1975. Glenn has been a member of the ADTA since 1988, and has attended all of the meetings since 1989 with the exception of London. Glenn served on the Executive Counsel from 2000-2003, and has been active through several committees in the Association.

In addition to the ADTA, Glenn is a member of the Rutland County and American Bar Associations as well as the DRI.

Glenn and his wife, Betsy, have been married since 1974. Betsy is the office manager of Christ the King School in Rutland, Vermont. They have two sons, Jonathan (26) and Andrew (21). Glenn's hobbies include golf, snow boarding, traveling and gardening.

Glenn looks forward to following in the footsteps of Steve by continuing to develop the membership of the ADTA.





FOR THE GOOD OF THE ORDER

*Stephen R. Crislip (WV)
Membership Chairman*

I am proud of the City and State where I reside. They are both good places to live, raise a family, and practice an honorable profession. Although small in population, we have twenty one ADTA members in West Virginia. I would put them up against any size city or state in terms of quality. As they say, they are people with whom you can run the river.

This is only an example because our West Virginia members are merely reflective of our 721 total members. Most of our ADTA members live and practice in smaller to mid size cities or small towns. They are involved in many segments of their communities. The intrinsic value of our Association comes from the very affiliation of these working lawyers of quality, with broad knowledge of their respective areas, all engaged in the common defense of civil cases.

No one gets into our Association without five years' experience and the personal recommendation of an existing member. The result is a useable and reliable network providing you with eyes, ears, advice and conference rooms throughout the United States and in most provinces of Canada. The unwritten standard of admission has always been, "Would I send my best client to her/him?" That approach has served us well and causes other organizations to openly envy our unique method of membership.

My not for pay job in the so called Membership Department will "perspire" at the Dublin 2004 Meeting due to a self imposed restriction. Because of our special requirements to belong, membership is critical to our organization. Quality is far more important than quantity. It is not a job to ever allow yourself to get complacent or stale. I picked the exact term my friend Jim Garvey used before me. For the good of the order, I shall yield a fun task to Glenn Morgan of Rutland, Vermont in 2004. I trust you will produce results for him as you did for his honor, Jim Garvey, and myself over the years.

As many of you know, I have used rather unorthodox methods of dealing with membership issues, including bad humor. Levity in public is often a risky venture for brown shoed defense lawyers. It applies well, however, to lawyers as a statistical group because way too many of them take themselves way too seriously. We all know some - most are plaintiff's lawyers. You know the signs - overly impressed with themselves, but constantly irritated by something like sand perpetually stuck somewhere in the nether regions of their underdrawers. The result is the constant conflict of their self love contrasted with their irritability.

I have always enjoyed the company of the ADTA lawyers because they as a group do not take themselves overly seriously. They do not need to do so. As a result, even my bad humor works with them. If you have attended a meeting you know what I mean. No clients attend and no one is trying to impress others. If they did, they would be treated like a plaintiff's lawyer at a Romanian Asbestos Mine Operators' Convention. The ADTA is quite simply a company of good lawyers confident in their specialty in the profession. Sand in their underdrawers does not appear to be a problem.

Now, despite your natural reaction that you are done with me, trust me when I say you are not. I have no intention of handing over Membership in anything less than prime condition. My only child approach to the world requires help from you. I ask you to do two things for me now:

- (1) Add an associate member in your office and;
- (2) Suggest a qualified new prime member to me.

Both are easy and quick to do. Call me this month at (304) 340 1180 or e mail me at scrislip@jacksonkelly.com for an application to accomplish (1) and (2). Do not make me call you. I have an unfortunate habit of leaving messages for you to immediately call the free clinic to get your VD test results and adding, "Be sure to stay away from lawyer Jones until the results are final."

Thanks again for your expected help in finishing out the year and this fun job in fine fashion. My parting advice to you is: "Listen to no music recorded after Elvis joined the Army" and enjoy the benefits of being an ADTA member.



ADTA COMMITTEES

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Northern Region Chair	2007 Site Selection	2008 Site Committee
Gary D. D. Morrison	Anthony J. Tunney - Chair	James W. Jennings, Jr. - Chair
2009 Site Committee		
	Steven R. Enochian - Chair	



NEW MEMBERS

Katherine Venti - Salt Lake City, UT
 Philippe Cantin - Quebec City, QB
 Martin F. Hayes - Harrison, NY
 Maureen D. Deskins - Tampa, FL
 Daniel K. Jamieson - Kalamazoo, MI
 Christopher D. Morris - Kalamazoo, MI
 Ronald W. Ryan - Kalamazoo, MI
 Michael F. Shaw - Pierre, SD
 Harold E. Eaton, Jr. - Woodstock, VT
 William W. McGaha - Las Vegas, NV
 William E. Whitfield, III - Gulfport, MS
 Jeffrey M. Grantham - Birmingham, AL



ADTA LEGISLATIVE REPORT

Daniel R. Formeller (IL)

The spring federal legislative session was dominated with issues surrounding the war in Iraq and the new Tax Act, but there are several legislative issues of great interest to defense lawyers.

Tort reform efforts in the Senate and the Senate Judiciary Committee have been in the media spotlight. Senate Bill 1125 attempts to provide an omnibus solution to the "asbestos crisis". In a bill that has created wide division, S.B. 1125 would provide an alternative compensation facility for all pending and future asbestos claims. The progress of the bill has been tumultuous, as the interest groups have lobbied for additions and deletions to the bill. The bill was finally voted out of Committee by a narrow margin, but there is widespread opposition to it on the Senate floor. Among the contentious issues are caps on damage awards, funding of the trust fund (the current proposal requires \$153 billion!) and trust administration. The insurance industry publicly is working toward a compromise bill with a lower funding requirement, but the labor unions and trial lawyers have expressed strong opposition to the Bill as presently drafted. It is expected that the Bill will be debated on the Senate floor in late summer.

Medical malpractice reform has been sidetracked on the senate floor after sponsors of S.B. 11 failed to get enough votes to avoid filibuster. The Bill include a cap of \$250,000 on non economic damages, limits punitive damages to \$250,000 or two times compensatory damages, whichever is greater, and establishes proportionate liability. An alternative reform bill (the Durbin Graham bill) has been marked up but may not make it to the senate floor. This proposal would require all plaintiffs' attorneys to include an affidavit from a qualified health care professional on the nature of the injury and for the attorney to certify that the case is meritorious before filing. This attempt at federal legislation is driven by the failure of similar reform legislation in many states.

Also of interest to trial lawyers is the current public comment period on revised rules to manage electronic discovery. As the volume and costs of electronic discovery multiply, many

courts are using self designed guidelines to manage the discovery process. The Supreme Court is now conducting hearings on proposed revisions to the Federal Rules to standardize the rules and help trial lawyers and parties manage the discovery process. You can follow the course of the rules by logging on to the United States Courts' website at www.uscourts.gov.



ADDITUR

Adrienne L. Baumgartner (LA)

Not much in the way of news received this month though what we received is good news.

Have you seen the pictures of Holly and Gordon Broom's new grandchild? His name is Maxwell Benjamin Broom born July 14, 2003 at a weight of 9lbs. 14oz.

Bruce Keplinger's daughter, Marie, recently graduated from the University of Kansas with a BA in Human Biology and is starting podiatry school at Des Moines University this fall. Carol and the other children are doing well.

In addition to Joel Kolodny's retirement, his wife, Susan Kolodny has had a miraculous recovery from severe injuries she sustained in the Kolodny's rollover and she and Joel are enjoying more time together as "empty nesters," frequent golfers, and recent grandparents times two.

Yeulin and Rose Willett are basking in the reflective glory of their kids: Elise, Elle, Charlie, and Andy. All are straight A students and active in their church. Elise is captain of her high school volleyball and soccer teams, is on all league team and also editor of the school yearbook. Elle is following her big sister's footsteps, having just been selected as outstanding member of last year's middle school graduating class and will soon join Elise on the high school varsity teams. Charlie and Andy are both on Little League all star teams and will start their first season of pee wee football this fall.



A WORD FROM LOU

Louis M. Scofield, Jr., (TX)

BETTER PEOPLE THAN WE THINK

First a little housekeeping: I enjoy receiving the letters and e mails regarding past writings in this column, especially those that are flattering. If you are inspired to write something critical, such as correspondence that uses certain verbs as nouns, please direct them to the attention of the publisher and not the undersigned.

Now, dear readers, our topic for the day is a simple proposition: as a people, we are better than we think we are. This shocking revelation derives from a recent survey reported on the radio, and heard by me as I drove the long trek home from Houston to the small hamlet of Beaumont, Texas. For the uninitiated among you, the radio is where all competent lawyers learn half of their knowledge of the law, most of their knowledge of medicine, and all of their knowledge of philosophy. If, on the road, you are wasting your valuable time listening to music or books on tape, you will be viewed strangely backward and ignorant of the truly important features of the world.

On the day in question, the radio newsman announced: "... the survey showed 80% of Americans believe in angels..." Despite the explosive impact of this piece of information, I managed to keep the car on the road. Imagine that, 80% of us believe in angels. How could that be? I'm sure some of the survey respondents did not understand the question and thought it referred to the California baseball team. Even so, 80% is a startlingly high percentage, and it speaks volumes as to how we are doing as a people. In order for 80% of us to believe in angels, there must be a lot of us who have experienced them: either in the form of other people who came through under dark and desperate circumstances; or in the form seen in children and grandchildren, and noticed the flicker of heavenly mischief in their eyes; or others who have witnessed the whole shebang.... radiant light, feathers, booming voices, etc.; and still there must be others, having not wit-

nessed an angel themselves, but who are imbued with a remarkable hope or faith that allows them to express a belief in angels. Think about it a minute. If there is any truth at all to the statistic, even if the statistic is off “plus or minus 10%”, such a huge majority of us have witnessed truly good behavior on the part of others that it allows expression of a belief in angels.

Of course, a poll result does not prove that angels exist. The cynical among you will view the statistic as confirmation of the persistent stupidity and irrationality of humans. For the 20% in the survey who responded that they did not believe in angels or did not know, this must be an awfully black world to muddle around in. No wonder they listen to books on tape.

I, for one, would be part of the 80%, not because I “believe” or “have faith” in angels. Rather, because I have seen several in my lifetime and have spoken to some as well. If you have not had such an experience, I can give you a little assistance in “angel spotting.”

Typically, they are well dressed and well spoken. Angels are not pushy unless they are carrying a specific message from the Boss. They seem to work alone. I have never seen more than one at a time. It is not clear to me whether they prefer being alone or are spread so thin (with the population explosion and all) that they can not really pair up. Regardless of their age, I have never seen one driving, so I suspect they are not allowed to drive. I am sure that cuts down on traffic violations and fines that would need to be “fixed” by intermediate levels of angel supervision.

Of the angels that I have seen, most are well kept and appeared of better than average intellect - no flea bitten, bad smelling, raggedy types sent down just to fake us out and test us.

In every experience that I have had, the angel had simple words. The words were either of assurance, or of softly spoken sound advice.

Most that I have seen do look a bit pale. I don't recall ever seeing one on the beach or coming out of Florida Tans wearing sunglasses and drinking a diet coke. In fact, most have been wearing coats, no doubt to hide attachments. [For those of you who haven't seen the movie “Michael” you are in for a treat. Still the angels that I have seen look nothing like John Travolta.] And your final “angel spotting” tip...if you think

you see one, check out the shoes. All angels wear comfortable shoes.

So 80% of us believe in angels. Remarkable. Even if you've never seen one, even if there aren't any, doesn't it speak well for what we are seeing in one another? Maybe, as a people, we are better than we think we are.

Now I have to drop this reverie and go take a plaintiff's deposition in a case where she faked the accident. I'll bet her shoes hurt.



A MESSAGE FROM THE SECRETARY

James Gauthier (NY)

Four years ago, this association spent a considerable sum of money to update and upgrade the mailing list used to send out our annual directory. This list is composed primarily of the references given by our members when applying for membership in the Association. Many of you have been members for quite some time, and thus, the references given in your original application may be outdated.

In this respect, I encourage you to add new names to our mailing list for everyone's benefit. I have provided a sample form at the foot of this message. Please provide the information requested for each reference you would like the Association to send a directory. Please mail your references to Lynnette Baldovin, or you may e mail it to her at the address listed below the sample form.

I encourage you to make every effort to add persons whom you feel have the potential for making referrals to our members throughout the country.

Name: _____

Company: _____

Address: _____

City: _____

State/Zip: _____

E Mail Address: _____

Please mail the information to Lynnette Baldovin or e mail it to her at lbaldovin@hrva.com.



ATTORNEY CLIENT RELATIONSHIP TAKES ROOT IN MISSISSIPPI

William O. Lockett, Jr. (MS)

When Morgan Freeman decided to return home to Mississippi in 1990 to build a home on his family's land, he discovered that being one of Hollywood's most sought after actors didn't make him immune to contract disputes.

He also discovered he needed a good lawyer, which led him to ADTA member Bill Lockett, who has practices in Clarksdale, Mississippi and Memphis, Tennessee.

What began as a professional relationship between Freeman and Lockett soon bloomed into a deep friendship and, eventually, business partnerships.

Lockett, whose practice focuses on defense litigation, helped guide Freeman and his wife, Myrna Colley Lee, through the completion of construction on a Mediterranean style home built on the original 44 acres of the Freeman family land in Tallahatchie County. Freeman also purchased an additional 80 surrounding acres, and has since developed a private retreat where he and his family enjoy ranch style living in the middle of the lush Mississippi Delta.

Over the years, Lockett and his wife, Francine, became fast friends with Freeman and Colley Lee. The two couples often found themselves driving an hour or more to enjoy fine dining or a night of music and entertainment. After one such excursion in the mid 1990s, Lockett began toying with the idea of opening his own restaurant in Clarksdale, one that might reflect the finer aspects of Mississippi Delta culture. The obvious solution was for Lockett, also a property owner specializing in the restoration and preservation of Clarksdale and Memphis area buildings, to set to adding "restaurant owner" to his resume.

Lockett secured a location which perfectly fit his vision of a fine dining restaurant in downtown Clarksdale. Home to the Delta Blues Museum, Clarksdale attracts visitors interested in Blues music and Southern culture from around the world. The two story turn of the century building - previously a theater, a grocery/dry goods store, an office building, apartments and a furniture store - is located two blocks from the museum. He envisioned a restaurant which would also help promote tourism in the area.

Restoration on the building had already begun when Freeman, back at his home in the Delta between filming movies, wandered in to check out his friend's latest venture. Impressed, Freeman asked Lockett if he could partner in the project.

"Morgan asked me if he could get into the venture with me," said Lockett. "And I responded that often business deals between friends ends friendships. He said he understood that very well, but that it wouldn't result in an end to our friendship."

The resulting fine dining facility features a downstairs dining and bar area which seats approximately 70 patrons, along with an upstairs banquet room and three private dining rooms. The partners maintained the architectural integrity of the building, then their wives proceeded to fill it with plush accommodations and original paintings - placing particular emphasis on regional artists.

Two years later, Madidi has established itself as one of the region's premiere dining establishments. While the Freeman connection lures many first time patrons, their return visits are for the food. The eclectic menu designed by Chef de Cuisine Lee Craven is strongly Southern inspired, but with classical twists.

"The business partnership has not affected our friendship," said Lockett, "and we continue to enjoy time together often."

The partnership has worked so well, in fact, that the pair decided to expand it.

The pair, both instrument rated, multi engine pilots, also now share a twin engine airplane.

Not content with just air flight and fine dining, Lockett and Freeman soon decided they needed an after dinner entertainment venue. Having spent many evenings in the numerous hole in the wall blues "juke joints" which dot the Delta landscape, the concept of the new business was a no brainer. A partnership was formed with former Blues Foundation director Howard Stovall, and Ground Zero Blues Club was born. The live music venue is located in a former cotton company and hardware warehouse located at 0 Blues Alley in Clarksdale adjacent to the Delta Blues Museum. The museum is housed in the former train depot and is considered by many to be "ground zero" for the blues genre. A nearby historical marker proclaims the site as where W.C. Handy first heard the blues being performed by street musicians. The museum houses the Muddy Waters birthplace cabin, as well as artifacts considered holy by those who worship the blues.

"We have people from all over the world making Clarksdale, Mississippi not a stop over visit but a tourist destination. People love the blues. So it was only fitting that we provide them with a place where they know they can hear live music when they come here," said Luckett. "The smaller juke joints just can't afford to pay live musicians year round, so we try to make sure there is live music to be found."

Their latest project is *Journey to Clarksdale*, a series of live music performances to be filmed and recorded at Ground Zero Blues Club October 17-26, 2003. Serving as executive producers for the project, the pair hopes to provide a tribute to the people and place that provided the world with one of its most beloved art forms. Plans are to release DVD and CD versions of the performances, with a percentage of the proceeds set aside to assist indigent blues musicians.

Documented in feature films such as *The Last of the Mississippi Jukes* and *The Living Blues*, subject of regional and national television news and programs such as CNN's *People in the News*, reported in major newspapers ranging from *USA Today* to the *Los Angeles Times*, and covered in magazines running the gamut from *Bon Appetite* to *TV Guide*, the Luckett Freeman connection continues to bring widespread positive attention to the Mississippi Delta, the place they love and have chosen to remain.

But it all began with a client needing a good attorney.



A TRIBUTE TO STEVE CRISLIP

Stephen R. Enochian (CA)

As many of you know, our Membership Chairman, **Steve Crislip**, is retiring and **Glenn Morgan** will be transitioning for the next several months into that position. When he was asked why he would give up such a well paid and rewarding position, Steve responded that before he became Membership Chairman he had a full head of hair, weighed in at a svelt 180 pounds and never drank alcohol, and that therefore the effects and magnitude of the position and the toll it had taken on him was obvious, and it was therefore time for him to retire.

Steve has fulfilled the duties of Membership Chairman above and beyond anyone's possible expectations. He has spent countless hours scouring the country for the best and brightest defense lawyers to become members of ADTA and has spent additional countless hours cajoling, threatening and otherwise insuring that our regional membership chairs and state membership chairs are doing the same. While perhaps not as "glamorous" as some of the other positions of responsibility in the organization, membership is the lifeblood of the ADTA. Without it and without someone like Steve Crislip at the membership helm, the organization would stag-

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:

Stephen R. Crislip, Jackson & Kelly; 1600 Laidley Tower, Post Office Box 553, Charleston, WV 25322

Tel.: (304) 340-1180;

Fax: (304) 340 1050;

Email: scrislip@jacksonkelly.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.*

nate and eventually die. In these times of economic downturn and law firm failures and downsizing, Steve through his never ending quest for new members and undying enthusiasm for ADTA, has been able to not only maintain ADTA's level of membership but also increase it in several regions.

None of us will ever forget his "sermon" at the annual meeting in Savannah when, in an evangelical fervor, Steve was able to convince us that the membership and his role as Membership Chairman was by far the most important calling of the moment. Nor can any of us forget the steady stream of correspondence from Steve bribing us or threatening us or otherwise impressing upon us the need for new members.

I owe Steve a personal thank you for remaining Membership Chairman during my term as President and ADTA owes Steve a tremendous debt of gratitude for the job that he has done. Please join me in thanking Steve for all of his hard work and the countless hours he has given to ADTA. The next time you see Steve or speak with him personally, please extend your thanks for a job well done.

THE ASSOCIATION PRESS
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BOOK REVIEW

Patrick G. Cullen (MD)

The King of Torts, by John Grisham, Random House, 2003. Available on compact disk.

The principal figure in this work about the legal profession starts out as a Washington D.C. public defender. Through a series of circumstances, he is introduced into the lucrative field of mass tort litigation. Unfettered by any ethical concerns, this lawyer becomes the "King of Torts." Once he has organized his legal machine (make that law firm), the King is off and running where the game is played for millions. The tale is, for the most part, on this side of the just barely plausible. The ending is, like the other Grisham tales, a bit of a stretch. The story does take a hard look at class actions and the havoc they may bring to plaintiffs and defendants (and in some cases lawyers). It is fast moving and entertaining.