

The Association Press

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Activities and Attractions Include:

- Biltmore Estate Day Tour
- Best of Asheville Tour
- Asheville Microbrewery Tour
- Blue Ridge Fly-Fishing (*depending on distance*)
- Canopy Adventure
- Whitewater Rafting
- Hiking
- Art Galleries
- Locally Owned Clothing Boutiques

Meeting Hosts:
Johnston & Allison Cox

*Save
the Date*

**80th Annual Meeting
Asheville, NC
The Grove Park Inn
August 11-15, 2021**

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President’s Message

Ed Birk
Marks Gray, P.A.



BREVARD COUNTY, FLORIDA – In between depositions in the county that is home to America’s space program, I’m thinking about our Association, all the wonderful people we get to be with in the ADTA, and what’s awaits in our future after this continuing year of challenges.

All I can say is, sometimes we need a push.

Somewhere around age 10, I recall a day at our friends’ home in Cohasset, Massachusetts standing on a large branch impossibly high off the ground—10 feet—holding a death grip on the rope and afraid to jump. My friend Paul Cifrino, an older and wiser kid of 14, standing next to me, said “jump or I’m going to push you.” That’s what he did. Terror gave way to joy and an important life lesson was in place.

The push was frightful, but it led to good things—repeat use of the tree swing. To see anything good arising from the coronavirus pandemic is unseemly, especially when some of us, our friends, or relatives are themselves suffering or may yet suffer the worst impacts. Like every ordeal, however, there is some benefit.

For many of us, this work-from-home business has been that push that we needed to break free of our offices. Less commuting time. Saving money on dry cleaning and gas. Spending more time with or at least in the presence of family.

Helping neighbors who are in need. If those aren't good things I'm not sure what is.

For our Association, when we started last April, our future was uncertain. Would we meet in Denver? What would become of us if we don't have the benefit of our signature event—an annual meeting with handshakes and hugs and hospitality suites and delicious food and great CLE? Now we know. Like Gloria Gaynor said, "We Will Survive." We have finished our first virtual annual meeting that by all accounts was a great success (See Lori Berke and Peggy Schultz and Troy Bozarth with his awesome technical team.)

Since joining the ADTA in 2003, I have witnessed an unbroken string of extraordinary people, passionate about the ADTA's mission, serve in any number of ways. Many come to mind but I dare not mention any by name. You know that thing about *expressio unius est exclusio alterius*. Just look around at any ADTA function—physical or virtual—and you'll see them.

Over the years, our leadership has no doubt faced untold challenges and risen to them with the same spirit I have witnessed during and every year since my first meeting in Napa, California. I will mention one example--Immediate Past President Lori V. Berke is the most recent example of unselfish service to the ADTA. When it became clear in early March that the coronavirus pandemic was going to disrupt our lives in untold ways, Lori set about gathering ADTA leadership into discussions and meetings, attempting to predict the curve of the pandemic and whether it would be flattened sufficiently this year so that we could have our annual meeting, in person.

At each step, not knowing what the prognosis would be even a day later, Lori gave careful consideration to options, solicited the wisdom of her team, including past presidents who willingly gave their time. She was determined that we would not miss an annual meeting on her watch. The membership responded to Lori's leadership with expressions of confidence. By the time we determined that the April annual meeting must be rescheduled, members who had already registered for the meeting did not withdraw their registration

payments. After announcing that the meeting would be rescheduled, there were no cancellations even though we had not identified if and when the meeting could be rescheduled. To me, that lack of cancellations shows the importance of our annual meeting to our membership.

Eventually, based on daily reports from meeting host Kevin Amatuzio, along with deciphering sometimes conflicting information from our governments, and assessing the different conditions our members were experiencing on the grounds in their home states, determined the pandemic will have abated sufficiently by September and the meeting was rescheduled for September 2-6. Executive Director Peggy Schultz, never missing an opportunity to negotiate beneficial contract terms, engaged with her contacts at the Denver Downtown Westin. They agreed to a favorable force majeure clause (provided by an FDCC friend) to protect us if for some reason the pandemic did not abate by then. We now know how things worked out.

Our first virtual annual meeting took place on September 2-3 and on each Wednesday afternoon for the remainder of the month. By all accounts, it was a success--strong attendance, excellent CLE, very positive comments and engagement with our members during the CLE sessions, and two joyful social events in the evening where seeing each other's smiling faces reminded us that we, like the ADTA as a whole, can overcome obstacles and enjoy our blessings pandemic or no pandemic.

So, as the ADTA leadership was standing on an impossibly high branch in Spring 2020, rope swing in hand, the pandemic pushed us all into a brave new future that includes, at least in the short term and maybe for all time, remote meetings, remote hearings, remotes depositions, remote networking, remote hospitality suites, and remote For the first time in our history beginning in 1941, you have elected officers and Executive Council members remotely, by electronic means, held our annual meeting in that fashion, and held our mid-year EC meeting similarly. We were pushed into this by the pandemic and the ADTA will enjoy the ride no matter where it may lead.

Cheers.

COVID

Clark Hicks

Hicks Law Firm, PLLC



My wish is to never utter certain words after this year. This hope is not a confessional of the sin of profanity, though the words almost feel like they are dirty. No, these words are more sinister than common swearing. They are the kind that keep you up at night, swimming in your brain, always worried about those you love.

One of these disheartening words is “pandemic,” a word both anachronistic and futuristic, describing millions of people killed worldwide during and after World War I and wiping out the human race in some subsequent event, as depicted in Hollywood movies. Unfortunately, the word is our present predicament. An unseen, indiscriminate, microscopic, infectious agent that thrives in human bodies has ravaged our world and continues to do so, leaving grief and sorrow in its wake.

Meanwhile, to combat the illness, there is no curative medicine. One prevention method is “social distancing,” two words I had never used next to one another in a sentence. The words themselves seem in conflict, suggesting we fellowship by separating. This odd phrase is spoken today with the words, “face mask,” a personal protective device common to health professionals and little league baseball players. Little did I know that when I bought a pack of N95 masks last year to mow a field, that facial covering would become a hot commodity. Now, every person I know has said the words “face mask” multiple times through a stifling uncomfortable material with elastic bands that cut into the back of their ears. We wear this equipment to avoid the contagion that is so widespread that governments and private corporations are implementing research called, “contact tracing.” If you asked me what those words meant in February, I might have guessed it had something to do with new technology to locate misplaced contact lenses.

Some words have taken on new meaning. When prisoners rioted, their warden might impose a “lockdown,” confining all inmates to their cells indefinitely. Who knew that the free world in

the middle of a pandemic would be subjected to a government “lockdown,” defined as home confinement with puzzles and Netflix? Likely not a soul in “Wuhan” has heard of most American cities, but you would be hard pressed to find many Americans who have not heard of or uttered the word, “Wuhan.”

This word discussion leads me to one final grouping of letters. I almost do not want to write the word, because it conjures fear, anxiety, anger, and many other unpleasant emotions. This word is more of a living thing now, like a creature. Many people shiver and shake at the thought this monster will enter their lives. Here goes. COVID.

So, I will conclude by using all the words in one sentence, a cathartic exercise.

In Wuhan, an illness known as COVID originated, becoming a pandemic, requiring people to wear face masks, socially distance, and even lockdown their communities while governments used contact tracing to identify the sick and limit the rate of infections. Done. Those words are on the “do not speak” list. Everyone is sick of everyone getting sick.

To all my fellow attorneys and colleagues in ADTA and your families and loved ones, please be safe out there.

Past President’s Column

Daniel V. Flatten

I’m not sure the following is what the ADTA wants for its newsletter, but the invitation to reminisce cast a pretty broad net. Since my own term as president is so remote that few present members will remember, or were in college or even born then, I reach back to still earlier times and some members who deserve to be remembered.

- Lloyd Wion, St. Charles, Missouri. Lloyd and Clarice Wion were two mainstays of the Association. I don’t know when Lloyd’s membership or his position as secretary began, the memory of man runneth not to the contrary. His knowledge of the organization, its constitution, and its bylaws was

encyclopedic. To use Dean Acheson's phrase, he was present at the creation. Lloyd was a slight, self-effacing man, with a ready wit betrayed by a lively twinkle in his eye. Scrupulously attentive to detail, he was nonetheless available for the diversions of the moment—eating, drinking, and telling lies and war stories. He was equally at home in the councils of power or the hospitality suite. Clarice, her ever-ready smile lighting up any gathering, was as lovely an ambassador of goodwill as our organization ever had.

- Paul Gibbs, Seattle, Washington: Gibbs was a tall, dark haired, fun-loving man. He had been president at some time, but from the time I first knew him, he was treasurer, and like Wion, seemed to have occupied that position in perpetuity. Two brief vignettes:

- The 1981 meeting in Montreal. At the banquet, Connie and I were assigned to a table with the popular (but to us unknown) Paul Gibbs. He never showed—that is, he never showed at his assigned table. Instead, when the officers were introduced, he received the accolades of the huddled ADTA masses from the mezzanine railing above, reminiscent of Benito Mussolini or Fidel Castro.

- The December 1982, Executive Council meeting in Philadelphia: It was the weekend of the Army-Navy game. The Army corps of the cadets was quartered in the same hotel as our group. Gibbs purloined two mock campaign caps from a couple of cadets, and so armed, we crashed an Army party. By the end of the evening, Gibbs was more popular with the crowd than Douglas MacArthur.

- Hans Holtorf, Gering, Nebraska. Holtorf had also been president, but my acquaintance with him was as membership chair, a position he occupied as a personal fiefdom. He had a disheveled look and a disarming lack of organization but when pressed, could either recite the needed information from memory (maybe he just made it up, and we didn't know any better) or produce it from miscellaneous scraps of paper, much as Abe Lincoln is reputed to have done. By the sheerest of coincidences, Holtorf and my dad had served together in Company I of

the pre-war Nebraska National Guard. Their paths separated when the unit was mobilized in 1940 (Hans to the South Pacific, my dad to Europe). They hadn't seen each other for 40+ years when I made the connection. Hans had the ability to clarify without ever completing a declarative sentence and despite a pedantic manner, always got his point across—in fact, I cannot remember an instance in which his point did not prevail—and was as loyal and hard-working a member as we ever had.

And Many More. The following people and events contributed to our lore and deserve mention.

- Bobby Hood's abbreviated speech at Dublin because he misread his watch.
- The fantastic night of dancing at the club in the World's Fair Complex in Vancouver (1986).
- Paul Price (Chicago, Illinois)'s ode to Mohmar Ghadafi that same night (U.S. Air Force and Navy) planes had completed a punitive raid against Ghadafi's forces the previous day.
- Someone (I don't remember who) introducing Ried Curtis (NYC) as "the poor man's Kojak." (You have to know 70s television).
- The beach party at the aquarium on Waikiki and the charming Polynesian trio singing their enticing melodies (1982).
- The luau the next night under the legendary hospitality of Willson and Sally Moore.
- Otto Ritter, of Longview, Texas, throwing a party-crashing couple out of the Montreal Banquet (1981), despite the fact the woman was quite attractive.
- Dancing the Virginia Reel at a Williamsburg party.
- The beach party in Bermuda with Hale-Bopp comet overhead.
- Bob Lynch (San Francisco, California)'s politically incorrect offer to get the incoming president Paul Carriere (Montreal, Canada) a green card.
- Paul Carriere's search in a driving rain for a rental car Marie had left in a San Diego parking lot—she wasn't sure exactly where.

- John O'Neal (I think that was his last name, he was from Indiana) presiding over the hospitality room bar in Hawaii, his wife's poignant acceptance of his memorial at Philadelphia meeting the next year.

- Gordy Broom's onstage performance in Galveston.

- Joe Kerrigan's (Nashua, New Hampshire) more British than British role as Emcee in London.

- John Bauman (Belleville, Illinois)'s readiness to talk horse-racing, any time, any place.

- Russell Cluen's inexhaustible stock of New York war stories, punctuated by smoke blown from his expensive cigars.

- Emerson Logee (Wooster, Ohio)'s poems—sagas really—of our annual meetings.

- Ed Curran (Hartford, Connecticut)'s inspiring memorials.

- Hoover C. Blanton (Columbia, South Carolina)'s colorful outfits, matching his magnetic, colorful personality.

- Jim Rinaman's (Jacksonville, Florida) capacity for fun, no matter the occasion, and his ability to see that everyone shared in it.

- Jim Garvy (Eau Claire, Wisconsin)'s Hawaiian shirts.

- Doug Hoffman's preference for fishing regardless what REAL fun might be at hand.

- The party aboard the stoop in San Francisco.

- The party at the Italianate mansion in San Francisco.

- The earthquake during the dinner in Vancouver (pretty good dancing at the banquet too).

You get the point. As important as the accomplishments of the organization is the character that separates us from our defense brethren. Lots of that is from a long time ago and from people largely forgotten today. Thanks for inviting the musings of an old man.

A Happy Tale for Sammy the Dog

Eileen Buholtz

Connors, Corcoran & Buholtz, PLLC



This past February while on our nightly walk, our collie Dean and I found a little black dog who we eventually learned had been stolen three years earlier. Fortunately for the dog's owner, the dog had a chip and the owner was still at the same phone number as when she had registered with the chip company.

The evening was a Friday evening in February, pre-pandemic. The temperature was 20 degrees and the wind chill was zero. As Dean and I rounded a corner onto another street, a wooly black mop resembling our own black shih tzu (who was in fact back home) came racing towards us and started jumping all over Dean. As the little dog continued to jump on Dean, I called my husband to come get the dog so that the dog would have a warm place to stay overnight. The dog was a shih tzu and had at least a year's worth of fur which was solidly matted. He was also hungry and dehydrated, and he smelled awful.

We moved our dog crate out into the mud room where the little dog (we named him Sammy) spent the night. First thing the next morning (Saturday), my husband took Sammy to our groomer who, despite being double-booked all day, kept him for the day and cleaned him up except for two feet, where the matting was so tight and hard that Sammy was going to need to be anesthetized before anyone could trim off those wads.

Back from the groomer and smelling infinitely better, Sammy moved into the house where he happily played, slept, and ate with Dean and our own shih tzu Tykey.

On Monday, I notified Animal Control that we had found this dog. They had no reports of a lost dog that matched Sammy. The waiting period to

obtain ownership of a found pet is 10 days after notifying Animal Control, as long as the finder makes substantial efforts to find the owner. We ran ads on-line and in print and heard nothing.

We also made an appointment with our vet for to look for a chip and in preparation to having Sammy neutered, because Sammy continued to hump everything that moved. The vet estimated that Sammy was seven years old and located a chip. The vet called the chip company who called the owner's phone number it had on file. The owner answered (a miracle per the company) and she said she wanted him back. So, we took Sammy straight from the vet to his owner's house where he happily trotted up the sidewalk and into the house.

We had had Sammy thirteen days which was long enough to become attached to him, but the owner was understandably thrilled to get her dog back. In gratitude, the owner offered us weekend visitations of the dog, but we said no.

Elvis and Marilyn Monroe Join Past ADTA Presidents for 50th Anniversary Celebration!

**Gordon Broom
HeplerBroom, LLC**

Last March, four past presidents and their wives met in Delray Beach, Florida to celebrate their 50th wedding anniversary. The four ADTA members have been friends for over 30 years. The Brooms, Tunneys, and Jennings were all married in 1969. The Tait's were married in 1968 and came along to chaperone. The Brooms, Tunneys and Jennings also celebrated their 40th anniversary in Delray Beach 10 years ago. Although married after 1969, Jerry and Kathy Weedon attended the 40th anniversary celebration to chaperone the group. In addition to playing in a golf tournament at



Gordon and Holly's winter home, The Club at Quail Ridge, the four couples had dinner overlooking the Atlantic Ocean in Delray Beach at 30 Ocean. This picture was taken at Sunday brunch at Ellie's 50's, a restaurant which celebrates the era of the 1950's. No...Elvis is not alive. The group posed with the mannequins of their childhood idols. The group has already started making plans for the 50th.



Bob and Donna Tait; Gordy and Holly Broom; Tony and Patty Tunney; James and Ann Jennings

Life from the Waist Up

**Spencer H. Silverglate
Clarke Silverglate, P.A.**

Zoom and other videoconferencing platforms have been a godsend during the COVID-19 pandemic. They've enabled us to conduct business, attend school, and stay connected with colleagues, friends, and loved ones when we couldn't be together in person. Litigators have been able to attend depositions, mediations, and court hearings remotely. Many are ready to pronounce video conferences and remote work as the new normal, even after the pandemic subsides.

Me? I'm not so sure. Yes, the benefits of remote work are significant. Among them are:

- Health and wellness. Less time spent commuting and traveling and more time to focus on nutrition, exercise, and sleep. More time for family, friends, and enriching activities. More time with pets. Folks with health conditions are able to stay connected while maintaining social distance and avoiding infection.

- **Childcare.** Greater flexibility for parents to care for their children and for adult children to care for their parents and relatives.
- **Cost savings.** Diminished spending on childcare, commuting, business travel, drycleaning, eating out, pet care, and personal services. For employers, less rent and office expense.
- **Expanded talent pool.** The ability of employers to hire employees anywhere in the world. The ability of employees to live anywhere in the world.
- **Safety and environment.** Less commuting and travel mean reduced carbon emissions and fewer accidents.

Personally, I've benefited from working at home. I typically commute at least an hour or more to and from my office each way. That's over two hours in my daily schedule—as much as 15 hours per week. I've spent much of the extra time with my wife (we're empty nesters), and also doing extra work, reading, and catching up on much-needed sleep. We've eaten out less and cooked in more. Our food and gas expenses have plummeted; our quality time together has soared. Many of my friends have had similar experiences. They've spent more time with their children (including adult children) than they have in years. In some cases, more than ever. And our pets have been in heaven!

My firm has been productive, too. While litigation has slowed, depositions, hearings, and mediations are being handled remotely. Work is getting done. Many lawyers have told me that they're more productive at home. Heck, I'd probably say the same myself.

So what's the rub? If we're happy, healthy, and productive working remotely—why do we need an office at all?

I think the answer boils down to teamwork and culture.

Nothing of significance was ever accomplished by an individual acting alone—even a productive individual. Teamwork lies at the heart of all great achievement. Teams foster a sense of community. They provide greater resources, richer ideas, and higher energy than do any one person. Teams add multiple perspectives on problem solving; individual insight is not as broad or as deep as that of a group.

Teams also motivate us. A couple years ago I joined a group exercise class after decades of working out alone. In class, I exert way more effort than I ever did on my own—not because there's an instructor leading the class, but because I don't want to disappoint my ever-encouraging classmates. And, for my own ego, I want to keep up!

Human beings are social creatures. We thrive in teams. Alone, we wither.

If teamwork is the engine that powers an organization, culture is the glue that holds the team together. Culture is how organizations do things. It is the values and behaviors that contribute to the unique social and psychological environment of a group. It is *esprit de corps*: the feeling of pride, fellowship, and loyalty that team members share. It is sharing a common identity. Culture is what differentiates your organization from every other.

Team culture is forged not online, but in the trenches, working shoulder to shoulder toward a common vision. It is fostered in countless impromptu visits to a colleague's office. In shared meals. Even in the proverbial water cooler chats.

Why can't team culture thrive in a virtual environment? Because, at its core, team culture is really about relationships. It is about knowing and being known. Virtual relationships are just that: virtual. They are socially distanced relationships. They lack the incidental, nonverbal communication that comes with presence. The contagious excitement, the infectious enthusiasm, the shared sadness. All of the unspoken communication that human beings are expert at interpreting in person, but horrible at deciphering over the internet.

It's a bit like the video conference attendee dressed in business attire from the waist up and shorts or sweats or pajamas from the waist down (we've all done it). Virtual relationships have many of the trappings of real relationships, but they're just a bit . . . inauthentic. They approximate the real thing, but they're not quite the real thing.

Human beings crave connection. And real, authentic human connection is impossible online. The emoji hasn't been created that replaces a face-to-face conversation, a pat on the back, a hand

shake, a hug. Real relationships are built by sharing experiences in person, not in cyberspace. Virtual meetings are good, but they will never substitute for one-on-one connection. Great teams are not built by video conference.

After spending three years of blood, sweat, and tears (and money) attending law school, the newly minted grad does not aspire to suit up in his or her pajamas and commute to the kitchen table. Just as no child would opt to be raised by virtual parents, no young lawyer would prefer to be mentored from afar by some wizard hidden behind a curtain of technology.

I've spent my entire 32-year legal career sitting 20 feet away from my mentor, Bud Clarke. During that time, I've worn out the carpet between our two offices—brainstorming cases, asking advice, getting much-needed perspective. I always leave his office better than when I entered. You can't get that on a video conference. And, working remotely, you can't observe what happens between video conferences. Mario Cuomo said, "I talk and talk, and I haven't taught people what my father taught me by example in one week." When we are not at our mentor's elbow day-in and day-out, we miss their example. Information can be imparted through a screen, but character is molded side by side.

To be clear, I am not suggesting that video technology is a bad thing. It's a tool, and like any tool, it can be extremely effective. For those with health conditions or family care issues, it can be a game-changer. It's all in how you use the technology. It's about balance.

For my part, once the pandemic subsides, I will likely commute a bit less and Zoom a bit more—yes, in business attire from the waist up and jammy-jams from the waist down. It's so darn convenient. But as I leverage the benefits of the technology, I will bear in mind that it's an adjunct to, not a substitute for, personal connection. Virtual relationships can never replace real relationships.

Above and Beyond Re: Dyan Ebert

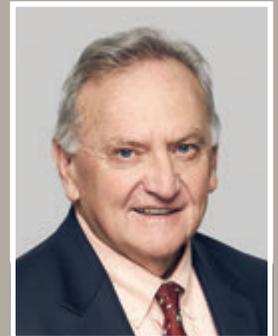
**Kevin and Gail Kelly
Conway, Farrell,
Curtain & Kelly, P.C.**

Our son, Sean Kelly, and daughter-in-law, Julie Remes Kelly, completed their Army active duty this year after 8 years in the Army JAG Corps and attaining the rank of Major.

(Photos of their promotion ceremonies on the same day are attached. It should be noted that Julie gave birth to their second child a week later, hence the ACUs instead of dress blues!) When they made the decision to leave the Army and move to Julie's home town of Minneapolis MN, their job prospects in Minneapolis were

pretty good. Unfortunately, COVID-19 changed that and made even getting a job interview problematic. Sean and Julie contacted Dyan Ebert, ADTA member from St. Cloud MN, for some job-hunting advice. Dyan went Above and Beyond for them. She spoke often with Sean and Julie, conducted Zoom conference calls with them, and personally contacted Minneapolis firms she knew as President of the Minnesota Bar Association. And when she did, the interviews followed. There is no question that her active participation in Sean and Julie's job search was instrumental in getting them jobs with excellent firms in Minneapolis. Her generous outreach to Sean and Julie speaks volumes for the type of person she is and exemplifies the wonderful personal and professional relationships we've been privileged to make in the ADTA.

We can't thank Dyan enough. Hope to see all of our ADTA friends again soon



Life During COVID 2020

Thomas J. Hurney, Jr.
Jackson Kelly PLLC

Greetings and Salutations to the Remote Members of the ADTA Nation. Until March 2020, the closest I've come to extended "remote" working was a temporary office in another city where I was in trial for four months. But that wasn't driven or affected by a contagious and potentially deadly virus or a governmental directive to close businesses and send people home. My firm (and I'm sure, many of yours), focused first on keeping our people safe and sent many of us home and then re-opened in mid-May with a lot of planning. Our awesome staff is back to work, some on a rotational basis, and many of our lawyers have returned to work. But for me, my office since March is a porch on the side of my house.

Like all lawyers, I researched remote working and polled some colleagues for recommendations. Suggestions were many. The most common suggestion was to have a separate, designated work space even if it is the kitchen table. Some friends have more separation and dedicated space than others (those with kids employ "Do Not Disturb" signs) and some friends who went for total separation, working from second homes. There was a split of opinion about whether you should "dress for work" regardless of location. One friend called it getting into a work "mindset." A common recommendation was to maintain a schedule, and separate work from home life.

Almost everyone cautioned about the ease of working all the time and losing the spacing you have when you come and go to an office. Some folks stressed maintaining a consistent routine – not only for work, but for exercise, meals and time "away from work." And separation goes both ways – don't work during your personal time and don't do other things during work days.

Almost everyone agreed that you must up your game on technology. Learn what your phone and computer can do and know how to use Zoom, Teams and the other video platforms that are now so common. Rest assured that this knowledge will serve us all well because that's the future, my friends.

I am fortunate to have a good home office with a motorized stand up desk, two 24" monitors and a docking station. I keep a schedule, getting up early and working until lunchtime and then until dinner.

As for getting ready and dressing like going to the office, not so much. I was never a business casual dresser because I only really have two modes of dress, business and jeans or shorts. So, I normally wear a suit or sport coat and tie to the office. With COVID, I've taken the spectacular opportunity to work my way through my collection of Hawaiian shirts, football and hockey jerseys, sweatshirts and a wide variety of ball caps. And I've never had a beard but I've grown and shaved off three. Julia now cuts my hair.

Sometimes I wander in to the other room to see what Julia is up to. Or I read the paper or social media. Or pet the cat. When I find a lull in client work, I've been writing blog posts, articles, doing work on committees, or keeping up with volunteer and community stuff.

I miss people. I miss being around my colleagues and friends. I miss going to court. Zoom hearings aren't at all like standing in front of the judge. While I haven't done a remote trial, I understand it is not the same either. I really missed seeing my ADTA friends in April and in September.

Part of COVID survival for me, then, has been staying connected. Video conferencing fills the gap to some extent. I've tried to convert as many conferences as I can to video, primarily using Zoom or Microsoft Teams, even for calls with lawyers in my firm. I created my own account (\$16 per month) so I can do unlimited calls. The "share screen" function makes it really easy to work on briefs, documents and "to do" lists. And seeing my clients and colleagues takes away some of the separation. I almost can't stand 800 number call ins any more. I've always been a "pop in your office" kind of lawyer (some may say "irritating"), so I've been trying to have more conversations than emails, whether video or not. I like hearing people's voices.

I've tried to take time each day to reach out to my colleagues, clients and old friends just to see how they are doing. I find it heartening to connect (or re-connect) with folks and learn they are well and

what they are up to. And I've appreciated getting the "how are you doing" call, note, email or text. Julia and I have hosted Zoom or House Party calls with family and friends from all over the country. Zoom cocktail parties are a decent substitute for the real thing. I think we'll keep doing it after this crisis passes.

Other stuff keeps me sane. My home office is also home to my stereo, turntable and my Mac with all my digital music. I have been playing a lot of guitar. I was never all that good, but I am proud to have worked my way back to being able to complete a three-chord song. Consistent with keeping a schedule, I've also been cooking a lot. Nothing major unless you count homemade gnocchi or my continuing quest to make the perfect brussel sprout or hot sandwich. I've also been doing a bit of carpentry building a couch and table for my deck and a TV stand/rabbit hutch for my son (and his rabbit).

Social media, while infuriating when politics are discussed, has been a source of enjoyment. During this crisis, people are posting stuff that makes me smile. I am in online cooking feud with friends from Washington to Arkansas, Oklahoma, Alabama and Maine. Posts of family, pets and nature are terrific.

Julia and I are exercising most days, going out for early walks when there aren't many people out. We've had dinner together most nights. We've been working on puzzles. We've been trying to keep up donations to our local charities and to buy local as much as possible.

There are bright spots in this crisis. From a work standpoint, the things we have learned will serve us well into the future. The advances in video calls will make meetings, hearings, depositions and more available and less costly to our clients. Our ability to work at home provides flexibility and efficiency – if you don't feel well, or have to be home, we all have now perfected how to work

efficiently. Perhaps most of all, the isolation has compelled us to actively think of ways to reach out to our friends. If we do all of these things going into the future, maybe, as Bruce Springsteen sang in Rosalita, "someday we'll look back on this and it will all seem funny." Hang in there, Remote ADTA.

The Mentor Committee Newsletter Update

Ronald Austin
Grant Law, LLC

The Mentor Committee welcomed 13 new members since our last publication. The new members and their assigned mentees are:



New Member	Mentor
Andrew T. Bell	Judd R. Uhl
John E. Brady	Kevin J. Kelly
Jessica L. Davis	Gail M. Kelly
Thais Ann Folta	Amanda M. Cialkowski
Nicholas R. Monlux	Matthew W. Bailey
Todd A. Mount	Thomas J. Hurney
Richik Sarkar	Bharat Varadachari
Carl Schaerf	Kevin J. Kelly
Eric C. Schwettmann	John R. Clifford
Steven C. Stern	J. Burruss (Buzzy) Riis
Paul B. Trainer	Evelyn Fletcher Davis
Nadia H. Patrick	Stephanie A. Bowen
Rachel Tallon Reynolds	Kasey C. Townsend

After our Virtual Annual Meeting in September, Clayton Hall stepped down as chair of the Mentor Committee and Ron Austin became the new chairman. The Mentor Committee wishes to express its sincere gratitude to Clayton and his assistant, Bonnie Morris, for their years of excellent service to the Mentor Committee.

Webinar Committee Update Since April 2020

Linda J. Hay

HeplerBroom, LLC

On June 3, 2020, the committee presented a webinar, on the ever present topic at the time, COVID 19, and its impact on our professional lives. The focus of "Making Lemonade When COVID-19 Hands You Lemons", was to provide guidance for our members, as so many were in a new and remote work environment, on how to more finely hone our professional and client relationships within this new environment. At the heart of the webinar was the idea that even when we need to be apart physically due to the pandemic, this is the time when communication with all around us needs to increase. The presentation covered not only client relationships, file handling and client development, but also our in house working team relationships. We emphasized the need for ongoing, and always, running our practices and communications within the framework of our professional duties, rules and regulations, and to never lose sight of the risk management aspect of what we do. Finally, we covered some of the practical aspects of the remote working environment, including the state of various courts across the country, plaintiff bar activity, and our need as professionals to be adaptable to new methods and processes in our practices, both substantive, and practical, and the recognition of these same changes that are impacting our clients. Improved and increased communications was a constant, and simple way to better serve ourselves, our teams, our clients and the courts.

The presentation was designed as an interactive but focused forum from our committee members, practicing in three distinct geographic areas: Mike Bassett, of The Bassett Firm, in Dallas Texas, Christine Mast, a partner at Hawkins, Parnell & Young, in Atlanta, Georgia, and Linda Hay, a partner at HeplerBroom in Chicago, Illinois. This diversity allowed for a good discussion on the challenges in facing many still unknown and ever changing



work, court and client environments, and ideas for solutions.

Looking forward, we have plans in the works for a new webinar presentation on Traumatic Brain Injury cases, led by Mike Bassett. Stay tuned!

Membership Committee Report – The Ins and Outs of Nominating a New Member

Johnston Cox

Gallivan, White & Boyd, P.A.

The Board of Directors has elected to continue the membership initiative through 2021. Dues for all new Associate Members will be waived for one year and if the new Associate attends the next scheduled Annual Meeting, the next year's dues will be reduced by 50%. Each member who nominates a new Prime Member will receive \$100 off the next year's dues.



The Board encourages all Prime Members to have at least one Associate Member. The Associate Member(s) must practice in the same city as the Prime Member. An Associate Member can attend meetings with or in place of the Prime Member. Having an Associate Member can be a great addition to your firm's succession planning process and a way to ensure your firm's continued involvement in the ADTA after your retirement.

We presently have openings for new Prime Members in every state, but particularly in California, New York, New Jersey, Virginia and Florida. If you have someone in mind for membership, first go to the "Find an Attorney" section of adtalaw.com and see if we presently have a member listed in that city. If not, please have the lawyer fill out an application on the website. If your search does reveal a member in that city, please give me a call at (803) 724-0652 or

email me at jcox@gwblawfirm.com, as our by-laws allow an additional Prime Member in a city if the current Prime Member or their Associate Member (another reason to have an Associate Member) has not attended an Annual Meeting in over four years. I will be glad to research that for you as quickly as possible.

State Legal Defense Organizations (SLDOs) and other defense organizations can be great resources for identifying new ADTA members. Before your next defense organization meeting, print out all of the ADTA attorneys in your state from adtalaw.com and see what cities/towns are not currently represented. You may be able to identify a potential new ADTA member by reviewing the attendees list before you ever arrive! All it really takes is keeping the ADTA in mind when you are meeting with other attorneys.

Let's all strive to celebrate our next in-person Annual Meeting in Asheville, NC in 2021 by introducing a new Associate and Prime Member to the group! I look forward to seeing you there!

National Issues Committee Chair

By Ed Birk, Heather Mills and Michael Kronlund

On December 16, 2020, the ADTA joined a group of other defense organizations and private entities opposing a proposed ethics opinion in Georgia that would have allowed unrestricted access to former employees of entities represented by counsel.



Members of the Georgia Defense Lawyers Association, including several ADTA members, asked on Friday, December 11, that the ADTA consider joining the opposition letter. Through the quick response of our National Issues Committee Chair Heather Mills and Vice Chair Mike Kronlund, they reviewed the letter and recommended

the Executive Council consider it. The EC had a previously scheduled zoom call for Monday, December 14, and discussed the matter, which was put to an email vote the next day, all in time to meet the deadline for providing comment by December 16.

Both the proposed ethics opinion and the as-filed opposition letter are set forth below.

The ADTA is asked from time to time to opine on issues of importance to our members. In this instance, we were able to respond quickly to an issue of importance to our Georgia members. I'm grateful to Heather and Mike, and all the members of the EC who acted with alacrity to help bring our voice to the aid of our Georgia members.

Publications Committee:

Bharat Varadachari
HeplerBroom, LLC



I am a relatively new member of the ADTA, but truly enjoyed my time as Chair for the Publications Committee this past year. It provided me with a wonderful opportunity to learn more about our members and why this is such a wonderful Association.

Working with Lori Berke, Ed Birk and Peggy has truly been a pleasure, and I certainly want to thank them for their guidance. The Committee will be in the much more capable hands of David Lauritzen for the next two newsletters and there will be space for one new committee member. If you are interested in joining please contact Peggy, Ed, David or myself.

For more information on ADTA please contact:

Peggy Schultz, Executive Director
4135 Topsail Trail • New Port Richey, FL 34652
304-552-7794
pschultz@adtalaw.com

New Members

John Brady

John has been handling insurance defense matters since graduating from law school in 1991, first in Boston with a maritime/admiralty defense firm, and since 1993 in Springfield Vermont. John is admitted to practice in MA (1991), Vermont (1993), and New Hampshire (1999). John has tried cases in all 3 states but most of his trial work has been in Vermont. John has a Martindale AV rating and is an advocate member of ABOTA and has been featured in SuperLawyer in 2020. John defends litigated matters for multiple insurers and handles personal injury, UIM/UM, coverage, property damage, construction litigation, appellate matters, and also recently tried to verdict a complex and lengthy shareholder suit. John also represents plaintiffs in personal injury, workers compensation, medical malpractice, and maritime matters. John periodically volunteers his time as a small claims court judge in his home county. John enjoys old-guy soccer, windsurfing, fishing, and watching his 4 adult sons play soccer.



Jessica L. Davis

Jessica graduated from Capital University Law School in Columbus, Ohio and is a member of the litigation group of Brennan, Manna & Diamond in Columbus. She defends claims, in both state and federal trial appellate courts, for cases such as labor and delivery errors, medication errors, failure/delay in medical diagnosis, failure of patient safety initiatives, wrong site surgery, surgical complications, and policy and procedure failures. Jessica is a prolific writer and speaker covering subjects as tort reform, trial practice, and the opioid crisis. She has been named one of The Best Lawyers in America® for Personal Injury Litigation (2018) and as an Ohio Super Lawyer (2012-2018). In her spare time, Jessica enjoys spending time with her family and friends outdoors and travel. She is a member of the Ohio State Bar Association, the



Columbus Bar Association and the Federation of Defense & Corporate Counsel.

Thais Ann Folta

Thais is a graduate of the Indiana School of Law in Bloomington, Indiana and is an attorney with Miller, Pearson, Gloe, Burns, Beatty, & Parrish, P.L.C. in Decorah, Iowa. Licensed in Iowa, Minnesota, Missouri, and Indiana, she has a varied rural practice in both trials and appeals. Prior to her entry into civil litigation, Thais served as an assistant attorney general for the state of Missouri. She is a member of the Iowa State Bar Association and Winneshiek County Bar Association. Additionally, she sits on the Iowa Defense Counsel Association Board of Directors, the Cresco Library Foundation Board, and the Iowa State Bar Foundation. Having spent her childhood living on a family farm near Decorah, Thais and her husband, George, now live on the same farm.



Nicholas R. Monlux

Nicholas is a graduate of the University of Hawaii William S. Richardson School of Law and is a partner with Kobayashi, Sugita & Goda, LLP in Honolulu. Prior to attending college, he served two years in Wisconsin as a missionary with the LDS Church. In law school, he was as Editor-in-Chief of the University of Hawaii Law Review and published two articles dealing with intellectual property rights. Nicholas concentrates his current practice in the areas of commercial litigation, labor and employment, and condominium/community association law. Born and raised in Hilo, Hawaii (the Big Island), he is a proud Eagle Scout and serves as a merit badge counselor for several Eagle-required merit badges. He is a member of the Hawaii State Bar and American Bar Associations, and is licensed to practice law in all state and federal courts in the State of Hawaii.



Todd A. Mount

Todd graduated from West Virginia University College of Law and is now an attorney with Shaffer & Shaffer, PLLC in Charleston, West Virginia. He is an experienced trial lawyer, with a practice focused on the defense of automobile accidents, personal injury litigation, insurance coverage disputes, and employment law litigation. Todd is President of the Boone County Bar Association, a past member of the Board of Governors of the West Virginia State Bar and a member of the Board of Governors of the Defense Trial Counsel of West Virginia. He is Vice Chair of the Board of Trustees of the Greater Kanawha Valley Foundation and is President of the Boone County Chapter of the WVU Alumni Association. He is admitted to practice before the Supreme Court of Appeals of West Virginia, as well as the United States District Courts for the Northern and Southern Districts of West Virginia. Todd lives in Charleston, West Virginia, with his wife, Denise Workman.



Nadia Patrick

Nadia H. Patrick is a trial lawyer with experience in litigating complex cases at the state and federal levels. Nadia began her career litigating cases on behalf of the U.S. Department of Labor, and was able to hone her skills as a litigator by trying 14 cases on behalf of the Secretary of Labor. She went on to work for the Colorado Office of the Attorney General representing the Marijuana Enforcement Division (MED), and drafting retail marijuana regulations for the State of Colorado. Since then, she has focused her practice on civil litigation, transportation law, employment law and toxic tort defense. Her unique experience at DOL allows her to help employers navigate workplace accidents, regulatory inspections, personal liability investigations, and crisis management and prevention. Nadia works representing national



transportation companies in the railroad and trucking industries, with a focus on FELA and FRSA litigation. She also litigates OSHA, MSHA, and Wage Hour cases. Nadia was named a 2019 Rising Star by Colorado Super Lawyers, and is licensed to practice in Colorado and Montana.

Jill Cranston Rice

Jill Cranston Rice is a Partner in at Dinsmore & Shohl LLP, where she chairs the Firm's Government Relations Practice Group and has an extensive commercial litigation, health care, insurance, and legislative and administrative government relations practice. She is President of the West Virginia Insurance Federation, the state trade association for property and casualty insurance companies doing business in West Virginia, and is the lead lobbyist for the property and casualty industry in the state.



Jill is listed in The Best Lawyers in America and Chambers USA Guide to American's Leading Business Lawyers. In 2007, she was named a Leading WV Business Lawyer by WV Inc. magazine; and WV Executive Magazine named her a 2011 Young Gun and among its 2019 Class of Lawyers and Leaders. In addition to ADTA, Jill a member of the DRI Board of Directors, IADC, and Defense Trial Counsel of West Virginia. She also recently was elected to a 3-year term on her firm's Board of Directors.

Jill is a graduate of the University of Kentucky and the West Virginia University College of Law. She lives in Bridgeport with her husband, Clayton. They have three children, Alex (25) in Denver, Paige (22) at WVU, and Adam (20) at Xavier University, and two English Cream Retrievers, Piper and Scout. She and Clayton love to golf, travel, and bike.

Steven Stern

Steven Stern is a founding partner of Sokoloff Stern LLP, where he manages its Long Island office. He graduated from the State University of New York at Binghamton in 1992 and obtained his J.D. from Brooklyn Law School in 1995. Steve represents hundreds of municipalities, school districts, public authorities, and public officials throughout the State of New York, focusing largely in the defense of civil rights, employment discrimination, police liability, free speech and religion, land use, beach rights, municipal, and education matters.



Steve's background includes several years as an Assistant Corporation Counsel and Supervisor in the New York City Law Department's Special Federal Litigation Division, where he handled some of the City's most high profile federal civil rights and employment cases, and was one of the City's Continuing Legal Education instructors.

Steve is a Martindale-Hubbell AV-rated attorney and a New York Metro "Super Lawyer." He frequently lectures in the areas of federal practice, civil rights, employment, and municipal liability to attorneys, insurance companies, police departments, and school districts.

Steve lives in East Northport, on the north shore of Long Island, with his wife Jen, and his three children, Sabrina, Brandon, and Carly.

Paul Trainor

Paul has defended a variety of medical professionals, hospitals, apartment complexes and property management companies, international hotels and trucking companies, as well as their respective and respected employees. The majority of his current practice is dedicated to the defense of catastrophic injury claims, and he has defended cases in six states across the country. Paul has also handled numerous cases through the appellate process in both the Georgia and South Carolina appellate courts.



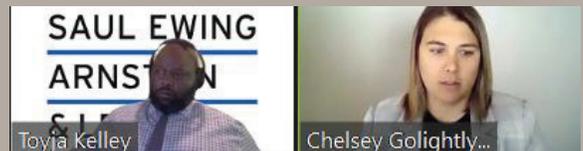
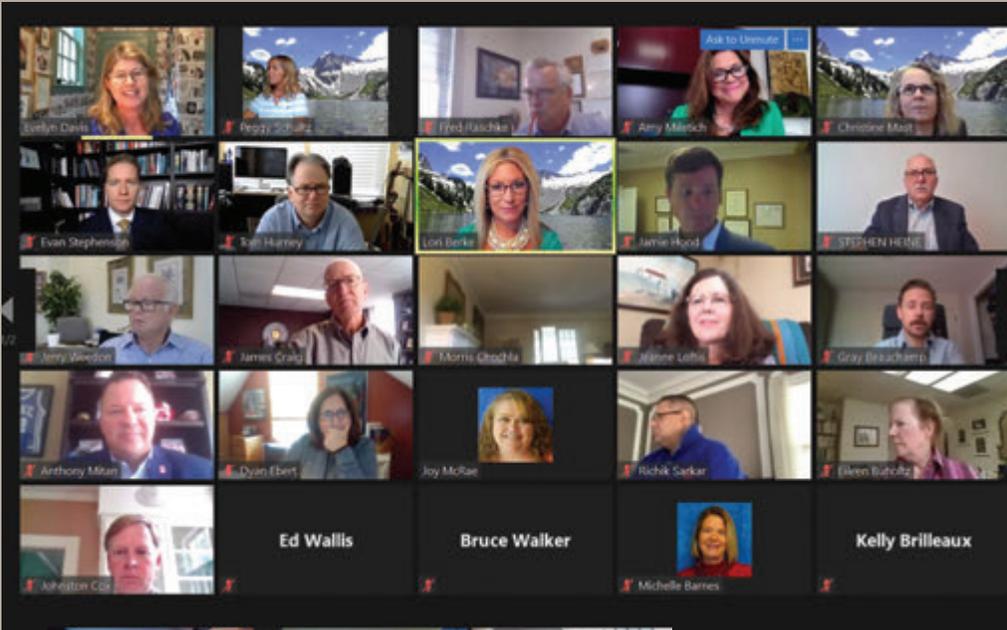
Matthew Wojcik

Matt Wojcik is a litigator who defends clients in complex civil matters, primarily in the areas of product liability, medical malpractice, drug and medical device, catastrophic injury, class actions, and construction defect litigation. Matt has over 20 years of trial, arbitration and mediation experience in the federal, state and tribal courts of Oregon, Washington and Alaska. He has substantial experience representing physicians, hospitals, attorneys, engineers, architects, construction contractors, product manufacturers, and insurance companies. As a frequent speaker, Matt assists clients in developing risk management strategies to minimize liability claims and related litigation. In addition to his litigation practice, Matt is a certified mediator, having been trained at the Straus Institute for Dispute Resolution, Pepperdine School of Law.

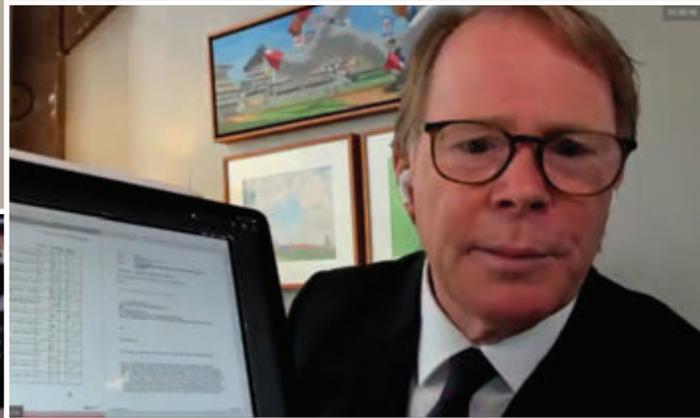




Virtual Meetings







Committees Matter – Get Involved!

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I would like to nominate _____
(proposed member's name)

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

_____ (name of applicant)

Firm _____

at _____

(city) (state) (zip code)

Office telephone _____ Office Fax _____

Year admitted to practice in my state _____ Email _____

Name of Member (Print)

Signature of Member

Name of applicant's spouse (if available) _____

Home Address (if available) _____

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

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

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.