



IN LIMINE

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Newsletter of the Academy of Trial Lawyers of Allegheny County

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*This newsletter is dedicated to the memory of our long-time member and colleague, William R. Tighe.
(See tribute to Bill on page 5)*

ACADEMY 50th ANNIVERSARY CELEBRATION ***Friday, March 20, 2009***

6:15 p.m. Reception (Urban Room - Cash Bar)
7:00 p.m. Dinner (Grand Ballroom)
\$100.00 per person

Black Tie

Entertainment by the John Parker Band

Reservations must be received by Tuesday, March 17, 2009!

***The Academy thanks John Parker for the significantly reduced rate he offered the Academy of Trial Lawyers!*

PRESIDENT'S THOUGHTS

A great deal of activity has taken place since the last *In Limine* newsletter and this publication serves to bring all of you up to speed with the recently concluded and currently planned programming of your Academy.

As I have indicated in my earlier communications, your views will not only be solicited but will be considered with respect to all Academy activities in order to continuously improve the particular formats of our major events. Following that promise, I solicited your comments relative to how our Holiday Party, which was held at the Pittsburgh Renaissance Hotel the past two years, could be improved. There were many constructive suggestions received regarding the location, food, date and other related topics.

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After consideration of those suggestions, the Holiday Party Committee decided on a day of week and also a venue change. The **2009 Holiday Gathering** is scheduled in the Grand Ballroom at the Omni William Penn on **Wednesday, December 9**. It is believed that the Omni will be able to provide our members and guests with a better opportunity to interact with each other as we usher in the holiday season, and there will be less obstacles regarding any speeches or presentations that might take place at the event. **SAVE THE DATE!**

The Academy's direct involvement in the new Voir Dire Program, a program spearheaded by the **Honorable Eugene B. Strassburger, III**, continued when I joined His Honor and members of his staff and Assignment Room Personnel in a discussion of the new proposed program to the ACBA Young Lawyers Division on February 11.

On January 19 and 22, members of the Academy's newly constituted Duquesne University School of Law Committee participated in a prep session with **Professor Mike Streib** and his Moot Court Team that were entered in the American Association for Justice (formerly ATLA) Competition. Six members of the Academy, three on each of the two above nights, observed and participated in providing feedback to the two Duquesne teams. Jack Wall chairs our new Duquesne University School of Law Committee. It is expected that this Committee, as well as the new Pitt Law School Committee, chaired by **Judd Crosby** (see page 5) will be active in the coming years in developing opportunities and programs for Academy members to work with the law school facilities and law students. If you are interested, please contact Judd, Jack or Debbie.

The efforts of the Academy to institute a new Appellate Court Program have come to fruition. A CLE Appellate Program will be sponsored by the Academy on **Thursday, April 30**. The Academy thanks member the **Honorable Mary Jane Bowes** of the Superior Court of Pennsylvania for her insights and efforts in creating this concept and then moving it forward by obtaining the commitment of various other Judges of our Appellate Courts to assure that the program will not only be a success but will offer many appellate insights. It is hoped that this will lead to an annual event of the Academy. Additional details will follow as we get closer to the program. **SAVE THE DATE!**

On February 25-27, the 46th Annual Academy Mock Trial Competition took place. This competition could not be undertaken and accomplished without the significant involvement of a large number of Academy members, lead by Chair **Joseph L. Luvara**, 1st Vice Chair **Alan S. Baum**, and 2nd Vice Chair **Cynthia M. Danel** as well as the efforts of Academy members who served as "scoring judges". The Academy also extends its thanks to the physicians who served as expert witnesses, the paralegals who served as lay witnesses and, as always, to our federal judges for their support, guidance and participation in this event (see page 8).

The Awards Dinner was highlighted by the insightful words of the **Honorable Arthur J. Schwab** as he provided enlightened comments to not only the future lawyers who participated in the Competition, but to all of us who were in attendance. To Judge Schwab, the Academy again sends its thanks.

WITH SYMPATHY

*The Academy Family extends its sincere condolences
to the families of Academy members*

*William R. Tighe, Esquire
who died on Monday, February 9, 2009
(see tribute to Bill on page 5)*

and to

*Ted Struk and Lisa Tourek
Ted's wife and Lisa's mother Mary Struk
died on Sunday, March 1, 2009.*

(continued from page 2)

The Academy similarly honored the winners of the **10th Annual Schweers Essay Contest**. The **Honorable Amy Reynolds Hay** presided over that portion of the dinner presenting monetary awards to 1st, 2nd and 3rd place winners (see page 6).

I have reactivated the Diversity Task Force Committee. It has been reconstituted with **Susan Yohe** agreeing to serve as its Chair. That Committee is off and running with its first meeting scheduled for April 6, 2009. In upcoming issues, Chair Yohe will report on its activities.

Against the backdrop of the current economic situation, the Academy Board has heightened efforts to monitor our endowment investments as well as controlling our program costs with various cost-saving measures, particularly with respect to the Retreat. The Board has met with its investment advisor and has restructured its investment strategy with respect to our endowment funds. As a new facet to the program, the Academy has requested that its investment advisor meet with the Board twice a year in order to determine whether the current investment strategy is appropriate in light of the then economic conditions. As to cost-saving measures, the Retreat Committee has successfully negotiated contracts with Nemaquin through 2012 at the same cost as our 2008 Retreat. In this regard, our thanks to **Joe Macerelli**, **Patti Dodge** and **Debbie Smith**. Additionally, the Board has eliminated the annual dinner at Isabela's, a dinner that has historically taken place the night before the Retreat commenced for the purpose of entertaining our out-of-town speakers. A different format will be followed at a cost savings to the Academy.

Three **important program events** should be marked on your calendars:

- ◆ On **Friday, March 20**, the Academy's **50th Anniversary Celebration** will be held at the Omni William Penn. This is a black-tie event solely for Academy members and their guests. If you have not done so, **make your reservation today!**
- ◆ On **Thursday, March 26** our second Trial Advocacy Program entitled "*Direct and Cross-Examination Made Alive*" featuring **Professor Stephen A. Saltzburg**, Co-Founder and Director, National Trial Advocacy College, University of Virginia School of Law, will be held

at the Omni William Penn. In addition to Professor Saltzburg, there will be a panel discussion comprised of **Chief Judge Donetta W. Ambrose, Honorable David S. Cercone, Honorable Nora Barry Fischer, Honorable Sean J. McLaughlin,** and **Honorable Arthur J. Schwab** and possibly Academy members. Please circulate this information among your colleagues (see page 6 and attached flyer). **SAVE THE DATE!**

◆ On **Wednesday, April 22**, the Academy will host its **10th Annual Spring Symposium**, chaired by **Stanley J. Parker** at the Omni William Penn. The **Honorable Eugene B. Strassburger** has again graciously agreed to serve as the program moderator. **Judge Christine A. Ward** of Allegheny County, **Judge Hiram A. Carpenter, III** of Blair County, **Judge C. Gus Kwidis** of Beaver County, **Judge Marilyn J. Horan** of Butler County, **President Judge Debbie O'Dell Seneca** of Washington County and **Judge Gary P. Caruso** of Westmoreland County who all committed to taking part in the program (see page 7). **SAVE THE DATE!**

The annual **Membership Applicant Survey** has been forwarded to all members of the Academy and it requires our input and prompt return (see article below).

Lastly, Program Committee Chair **Richard Hosking** is hard at work planning programs for the April Lunch Meeting (April 22 – see page 7), May Lunch Meeting (May 14) and the June Breakfast Meeting (June 16). Additional details will follow. **SAVE THE DATES!**

I look forward to receiving any comments and suggestions on new programs, thoughts on how to improve any existing programs or anything else you believe will improve the Academy and the quality of our programs and, most importantly, your interest in serving on any committee. Stay informed and stay involved!

Sam Braver, President

MEMBERSHIP COMMITTEE REPORT

The Committee recently received applications from 33 people who were nominated for membership in the Academy. When added to the group of 30 “holdover” applicants from last year, we now have a total of 63 applicants to be considered for membership this year.

To assist the Committee in its selection process, a survey listing the names of the 63 applicants has been sent to our membership. You are asked to rate each of the applicants with whom you have sufficient familiarity to assess their qualifications for membership. Once all the survey results are received, the Committee will go about the arduous task of conducting personal interviews with each of the 63 applicants beginning in mid-March. After all applicants are interviewed and rated by the Committee, formal voting will take place to decide on new members.

You should be aware that, in order to enhance fairness and provide uniformity in the selection process, new written guidelines governing the deliberations of the Membership Committee have been adopted. Those guidelines change prior practices in the selection process in several important ways. For those interested in reading about the changes, contact Debbie Smith at academy@atlac.org to obtain a copy.

John P. Gismondi, Chair

When I First Met Bill Tighe

When I first met Bill Tighe, as a third year law student interviewing for a job, there were files stacked high on his desk and papers strewn everywhere. In between phone calls and signing letters, he asked me a few questions – none of which I thought showed who I was or what I could do. With some fear and awe, I wondered about this guy. Afterwards, Bill told me the interview went well and that he thought I would make a good civil litigator. As I learned over the years, Bill had an uncanny ability to cut through the issues and get to the heart of any matter with sound good judgment. After 30 years of practicing with him, and now a member of the Academy, it would appear his judgment about me was sound, even though I was less certain back then.

As a lawyer, Bill's strongest asset by far was his keen intellect, mental agility and strong mind. After listening to a complex factual recitation for 15 minutes, Bill would spot an issue that no one ever saw or even considered. I was astounded at how Bill would see something or some issue, and after he said it, would kick myself for not having seen it or realized that it was sitting right there all along. He knew something about everything and how it was all interconnected. Bill knew all of the lawyers and their predilections; all of the judges and their dispositions; all of the carriers and their philosophies – Bill was a true storehouse of invaluable information. All of us at the firm implicitly trusted his judgment and opinion.

Bill uniquely had the ability to do fierce battle with other lawyers and end up as fast and furious friends. Even during the harshest fights in trial, Bill always had a twinkle in his eye – he knew that everyone was doing their best at representing their clients. He was always ready with a smile, a laugh or humorous anecdote to ease matters. At the end of the day, Bill truly loved being a trial lawyer and doing those things that we trial lawyers do along the way: battling in court; helping clients; knowing other lawyers; strategizing; evaluating facts and law. Bill generously spent countless hours with me and other members of the firm evaluating cases and imparting his knowledge – for that I am truly grateful. In classic fashion, Bill lived greatly within the law. I will miss him dearly.

Harry M. Paras
Tighe Evan Schenck & Paras

UNIVERSITY OF PITTSBURGH LAW SCHOOL COMMITTEE REPORT

President Braver has again extended the hand of the Academy to the local professional community to explore where we might be of service to others as an organization. As a result a committee was formed to serve needs identified in the University of Pittsburgh Law School's Gismondi Civil Litigation Certificate Program.

The Certificate Program will now require each student to spend a minimum amount of time in the field actually observing what we all do for a living -- list call, jury selection, oral argument, witness examination, conciliations and the like. A group of seven members co-chaired by **Josh Berger** and **Mark Eck** have been and will be leading students as court guides to observe our system of civil litigation in action. The program operates under the watchful eyes of **Professor Martha Mannix** and **Honorable A. Beth Lazzara**.

It is especially heartening to see that the program has been exceptionally well received by so many of the judges of our civil division. Many judges have actually taken time out of their day to speak directly with the students as well as welcoming them into the courtrooms. Most

importantly, the students themselves have returned positive reports on the value of the in-court time.

Anyone interested in serving may contact the undersigned. In the very near future you may very well be in trial against these students. Other ideas of how we might work together with Pitt are welcome.

Judd F. Crosby, Chair

ACADEMY PARTICIATION GUIDELINES

Just a reminder that one way to fulfill some of your membership participation requirements is by availing yourself of the Academy's excellent CLE Programs. You can receive one meeting credit for attending the **Trial Advocacy Program** on **Thursday, March 26** (see below and attached flyer), and one meeting credit for attending the **Spring Symposium of Civil Trial Practice** on **Wednesday, April 20** (see page 7).

"DIRECT and CROSS-EXAMINATION MADE ALIVE"

*The Academy is again co-sponsoring a 3 substantive credit CLE program, along with the ACBA Federal Court and Civil Litigation Sections, on the morning of **THURSDAY, MARCH 26** at the **OMNI WILLIAM PENN HOTEL**.*

*The speaker, **PROFESSOR STEPHEN A. SALTZBURG**, has a national reputation and the program promises to be as enjoyable as it will be educational - even for old hands at trying cases.*

*Professor Saltzburg will supplement his compelling presentation with video clips of direct and cross-examination demonstrated by some of America's premier trial lawyers. He will further engage in an interactive dialogue with the audience about the very real, very hard, and sometimes case-determinative decisions concerning direct and cross-examination. Finally, he will moderate a panel of the following esteemed Federal Court judges to discuss the bench's perspective: Chief Judge **DONETTA W. AMBROSE** and Judges **DAVID S. CERONE**, **NORA BARRY FISCHER**, **SEAN J. McLAUGHLIN**, and **ARTHUR J. SCHWAB**. President **SAMUEL W. BRAVER** will also participate in the panel discussion.*

Plan now to attend this program – a program flyer is attached to this newsletter!

WILLIAM S. SCHWEERS ESSAY COMPETITION

The 10th Annual William S. Schweers Sr. Essay Competition winners were honored at the Academy's Award Dinner on February 26. The topic for the contest this year was: ***"Should the United States abandon its long-standing tradition of affording citizenship to all persons born within its borders, whether or not their parents are legal residents of this country?"***

Finishing in first place was ***Eric Wasserman Stern*** of ***Allderdice High School***. Second place was awarded to ***Rachel Issacs*** of ***Baldwin High School***, and third place went to ***Scott Wasserman Stern*** of ***Allderdice High School***, twin brother of 1st place winner Eric Wasserman Stern.

APRIL ACADEMY MEMBERSHIP LUNCH

***“The Longevity Factor: How Resveratrol and Red Wine
Activate Genes for a Longer and Healthier Life”***

featuring

Joseph C. Maroon, M.D.

Vice Chairman & Clinical Professor, Pittsburgh Medical Center

Wednesday, April 22, 2009

11:45 a.m. – 1:15 p.m.

Omni William Penn Hotel

***NOTE: Lunch immediately precedes the 10th Annual Spring Symposium
for Civil Trial Practice in Western Pennsylvania***

Watch your mail and email for further program details!

10th ANNUAL SYMPOSIUM ON CIVIL TRIAL PRACTICE

On Wednesday, April 22, the Spring Seminar Committee will sponsor the “10th Annual Symposium on Civil Trial Practice in Western Pennsylvania” from 1:30 – 4:45 p.m. at the Omni William Penn Hotel. The program will offer 1 ethics and 2 substantive CLE credits. The program will immediately follow the April Academy Membership Lunch scheduled from 11:45 a.m. – 1:15 p.m. also at the Omni (see above).

This program is a great opportunity to spend an afternoon with members of the bench. Civil trial judges from Allegheny, Beaver, Blair, Butler, Washington, and Westmoreland Counties will participate in the program and share their insights into courtroom practice and legal matters. This year's program will again be moderated by Allegheny County Civil Division Administrative **Judge Eugene B. Strassburger, III.**

The program is open to Academy members and non-members alike. The program affords a wonderful opportunity to introduce non-members to the distinctive spirit of sharing between the bench and bar, which Academy members have enjoyed over the years. It is certainly an occasion that should not be missed by any Academy member.

The Academy's CLE programs such as this serve two purposes. The first, and foremost, is the education opportunities for members and others. The second is to provide a way for the Academy to raise funds to promote the Academy's programs and events. This second purpose has long served as an important aid in funding the high quality events and programs that the Academy has consistently offered.

*Mark your calendars **NOW** for **Wednesday, April 22!***

Stanley J. Parker, Chair
J. Elise Tourek, Vice Chair

MOCK TRIAL COMMITTEE REPORT

The 46th Annual Academy Mock Trial Competition took place on February 26 and 27. This year's competition was expanded to eighteen teams with seven teams from Pennsylvania participating. The first round of the competition resulted in the University of Akron scoring highest among the teams representing the plaintiffs, while William & Mary took honors for the defense. In the final round William & Mary narrowly defeated the University of Akron by one point. The vehicle for the competition this year involved a trip and fall on a step in a local movie theater. The mock trials are conducted before a mock jury composed of students from local post-secondary schools, a federal court presiding judge, and four Academy scoring judges. The final round was tried before a mock jury composed of students from the Mock Trial Team of Woodland Hills High School who were the winners of the 2007/08 High School Mock Trial Competition, with Judge Thomas M. Hardiman serving as the presiding judge and three Academy scoring judges. The mock jury returned a verdict in favor of the defendant by a 5 – 2 margin.

One of the leading goals of the Mock Trial Competition is to provide an experience as close to an actual jury trial as possible. In addition to the above scenario, a pre-trial conference is held with the student-lawyers at which time motions in limine are presented and argued, points for charge are discussed, and housekeeping matters are addressed.

Practicing and retired physicians serve as medical experts and paralegals from various law firms act as one of the witnesses who must review and analyze deposition transcripts or statements before playing the role of that person.

Judge Arthur J. Schwab was the keynote speaker at the Awards Dinner where Michelle Jacobs of William & Mary was named best advocate and Jessica Hass of William & Mary took second place.

It has been my privilege and honor to serve on the committee for the past six years and to chair it for the past two. I now turn the mantle over to **Chair Alan Baum, 1st Vice Chair Cynthia M. Danel and 2nd Vice Chair Miles Kirshner**. Extra special kudos to Debbie Smith and her staff who continue, year after year, to make this competition one of the best, if not the best, in the nation.

Joseph L. Luvara, Chair

It was an absolute pleasure for the team and me. Not only did I get my favorite steak at The Carlton, but I managed to watch two future stars show that they have a good handle on our craft. I have considered the Academy competition as the best run, best-judged, best real life experience of all the contests we attend.

Jeffrey A. Breit, William & Mary Coach

Thank you for all of your hard work in organizing and presenting the Academy of Trial Lawyers Competition last week. Our team had a great time trying our cases and enjoyed rubbing elbows with some of Pittsburgh's finest trial lawyers at the reception last Thursday. Also, we are extremely appreciative of the work that our paralegal and medical witnesses did for us. Overall, it was a wonderful experience.

Patrick Emery, University of Pittsburgh

2009 Academy Calendar of Events

Some of the following program dates have changed -- please check your calendar!

March 20, 2009

50th Anniversary Celebration Dinner

Omni William Penn Hotel

March 26, 2009

Direct and Cross-Examination Made Alive

Featuring Professor Stephen A. Saltzburg

Co-Founder & Director, National Trial Advocacy College

University of Virginia School of Law

Omni William Penn Hotel

April 22, 2009

Membership Lunch Program

Featuring Joseph C. Maroon, M.D.

Vice Chairman & Professor of Neurosurgery

University of Pittsburgh Medical Center

Omni William Penn Hotel

Annual Spring Symposium on Civil Trial Practice

Omni William Penn Hotel

April 30, 2009

Appellate Courts of Pennsylvania Program

Courtroom of the Supreme Court of Pennsylvania

City County Building

May 14, 2009

Membership Lunch Program

Featuring David M. Shribman

Executive Editor, Pittsburgh Post-Gazette

Rivers Club

June 16, 2009

Membership Breakfast Program

Rivers Club

***September 30 –
October 2, 2009***

21st Annual Masters of Trial Advocacy Retreat

Nemacolin Woodlands Resort