



# IN LIMINE

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of Allegheny County

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Newsletter of the Academy of Trial Lawyers of Allegheny County

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**BE INFORMED ~ GET INVOLVED!**

## ACADEMY FEBRUARY MEMBERSHIP DINNER

*Thursday, February 18, 2010*

*5:00 p.m. Cocktails - 5:45 p.m. Dinner*

*Final plans are underway for the 48<sup>th</sup> Academy Mock Trial Competition on Thursday and Friday, February 18 – 19. There will be an Academy Membership Dinner in conjunction with the Competition on Thursday, February 18 at the OMNI William Penn Hotel. Please plan to attend this dinner to congratulate the participants and thank the many judges, physician witnesses, paralegal witnesses, and other professionals who volunteer their time and talents to make this one of the best mock trial competitions in the country!*

*Flyer and reservation form will be sent by email shortly!*

### PRESIDENT'S THOUGHTS

On behalf of the Board of Governors and Officers of the Academy of Trial Lawyers, I want to wish each of you a Happy New Year and extend my sincere hope that 2010 will be a healthy and successful year for all Academy members and their families.

Much has been going on since our last newsletter, both from a program as well as a planning prospective. Our planned November/December 2009 newsletter was sabotaged by a computer crash, so there are many things that need to be reviewed.

First and foremost, I would like to extend congratulations and well wishes to our member, the **Honorable Judith F. Olson**, on her election to the Pennsylvania Superior Court. Judge Olson took the oath of office on January 7, 2010 and will take her place with the Appellate Court. The best wishes of the Academy go with her as she assumes her new position and embarks on this important chapter in her professional life.

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Congratulations also go out to our member, **Philip A. Ignelzi**, who was also sworn in as a Judge of the Court of Common Pleas of Allegheny County on January 7, 2010. The Academy's best wishes go with Phil as he too embarks upon this exciting new venture.

On December 9, 2009, the Academy held our 21<sup>st</sup> Annual Holiday Party at the Omni William Penn Hotel. The party was extremely well attended by our members, their guests, and Judges from both the state and federal courts. I thank those who have sent their comments with regard to the new venue this year, and appreciate your comments and suggestions. The Holiday gathering was a great way for all of us to begin the holiday season, and catch up with each other.

The Federal Practice Committee held another successful program on December 11, 2009. Committee Chair **J. Frank McKenna** and Vice Chair **Stanley J. Parker**, along with Academy Program Segment Moderators **Stanley M. Stein**, **James J. Restivo, Jr.** and **Kevin P. Lucas**, and many federal judiciary received very favorable evaluations and comments regarding the program. This program, together with the other continuing legal education programs organized and sponsored by the Academy, are crucial to the success of the Academy, the education of its membership, and the continuation of the Academy's goals and purpose.

By now, you should have received the "Call for Nominations" from Membership Committee Chair, **Vicki Kuftic Horne**. Please give careful and strong consideration to nominating those individuals whom you believe will carry out the mission and purpose of the Academy should they be ultimately elected to membership. We need the input of all of our members in identifying qualified nominees who can be considered for admission to membership in the Academy. I urge each member to consider the possibility of nominating an individual whom you feel exhibits the experience and qualities for Academy membership.

Presently, there is a new Federal Practice Program in the planning stages scheduled the morning of Friday, March 12, 2010, which would be jointly sponsored by the Academy and the Federal Court Section of the ACBA. This program would center on trial advocacy issues, and would provide three CLE credits. The program is currently being organized with the hope that three Federal Judges will participate together with two lawyers who have tried cases to verdict with each Judge. The purpose would be to have candid discussions about the handling of the specific case before the Judge, the issues raised during the course of pretrial and trial processes, and the conduct of the trial. Please watch for additional details as this program takes shape. In the meantime, please mark your calendars for March 12, 2010.

Program Chair **Mark Hornak** will, in the near future, be sending out details of our 2010 programs that are to be held in the months of March, April, May and June.

The approved minutes of the Board of Governors of the Academy meetings are available to any member upon request. Should you desire to review any minutes, please call Debbie Smith at (412) 343-9266 or send an email to her at [academy@atlac.org](mailto:academy@atlac.org).

***WITH SYMPATHY***

*The Academy Family extends its sincere condolences  
to the family of Academy member*

***Patrick R. Riley***

*whose son, Joseph Albert Riley, died on December 7, 2009*

*and to the family of Academy member*

***C. Arthur Wilson***

*who died on January 4, 2010*

*(President's Thoughts continued from page 2)*

In closing, I hope that you will not hesitate to send to any board member, myself or Debbie, any thoughts or comments you might have with respect to the programs or other matters intended to improve the Academy and its mission. I assure you that every comment received will be read and considered. As a member, you have the opportunity to shape the Academy by being involved, and by informing your board members and officers of your ideas and concerns.

**Kate J. Fagan, President**

***IMPORTANT MEMBERSHIP REMINDER!***

*Prospective members MUST BE NOMINATED BY A CURRENT  
ACADEMY MEMBER. They CANNOT APPLY DIRECTLY to the Academy for membership.*

**MEMBERSHIP COMMITTEE REPORT**

The Membership Committee will soon be receiving applications from nominated trial attorneys seeking membership in the Academy. If you are asked to write a letter of recommendation on behalf of one of the applicants, we encourage you to include your specific experiences and interactions with the individual in the trial/litigation context.

In March, you will receive the applicant survey, which will request your knowledge and opinions about the applicants under consideration. Please take the time to provide us with your insight concerning these applicants.

The Membership Committee is charged with the responsibility of identifying the best trial lawyers for membership in the Academy from among the applicant pool. Your input through survey responses and letters of recommendation are of great value in carrying out that responsibility. Our Committee recognizes its obligation to review the applications and assess the skill, professional standards and ethics of every nominee. All of the qualified applicants will be interviewed as part of this assessment.

**Vicki Kuftic Horne, Chair**  
**James R. Schadel, Vice Chair**

## ACADEMY PITTSBURGH LAW SCHOOL COMMITTEE REPORT

The Academy is poised to become more involved this semester in the educational process at Pitt Law. We will be continuing to provide members to serve as court guides for students to complete one of the requirements for the Civil Litigation Certificate program.

In addition to this program providing for students to observe jury trials, motion practice, conciliations and the like, one student actually gained employment as an intern at the offices of Chiurazzi and Mengine. Many thanks to those who have served so far including Tony, Bethann Lloyd, Ginny Scott and Mark Eck for all their services as guides.

This semester we will also be providing members to serve in the clinic programs. Academy volunteers will be assisting in the teaching of skills involved in taking and defending depositions and in the crucial area of initial client interviews.

Members interested in serving in these educational settings should contact the committee chairman at [jcrosby123@aol.com](mailto:jcrosby123@aol.com). More opportunities are currently under consideration for this semester as well as into the future. As always, suggestions from you are strongly encouraged.

**Judd F. Crosby, Chair**

## RETREAT REPORT

The Retreat Committee will begin preparations for the **22<sup>nd</sup> Annual Masters of Trial Advocacy Retreat** at Nemaquin from **Wednesday, October 6 – Friday, October 8, 2010**. The change in format two years ago to a Wednesday through Friday program continues to be positively received by the membership. This has been likewise beneficial to the ongoing efforts to control costs for the membership and the Academy.

As previously reported, we negotiated an agreement with Nemaquin for a ten percent rebate in exchange for the different format. That rebate was refunded to members who attended the 2007 Retreat, and was recently refunded to those who attended the 2008 Retreat. This arrangement will continue for the 2010, 2011 and 2012 Retreats.

Virtually, every request made by the Academy to control costs was granted by Nemaquin, including frozen room rates for each year, a waiver of any and all “resort/valet fees”, and provision of a certain number of complimentary accommodations for visiting guests. Your leadership is confident that these cost savings will assure the ability to present quality programs in future years and maintain a healthy financial balance as well.

Any questions or comments about upcoming Retreat programming should be addressed to Chair **Michael L. Magulick** at [mmagulick@waymanlaw.com](mailto:mmagulick@waymanlaw.com) and any questions regarding stated cost issues can be directed to President Fagan at [kfagan@waymanlaw.com](mailto:kfagan@waymanlaw.com) or Debbie Smith at [academy@atlac.org](mailto:academy@atlac.org).

**Patricia L. Dodge, Immediate Past Treasurer**

## MEMBERSHIP PARTICIPATION REPORT

We are pleased to report that almost all Academy members are in compliance with the

participation requirements again this year. We are also pleased to see the tremendous efforts and response put forth by the various Committees! Please keep in mind that in order for the Academy to reach its goal of bringing together skilled and respected trial lawyers, we must have an active and working membership. This requires participation of **ALL** members of the Academy.

Participation includes attendance at our meetings, CLE programs, and the Annual Retreat, as well as work in one or more of our Committees. The requirements are as follows:

#### **Monthly Membership Meetings and CLE Programs**

Over a rolling two-year period (meaning two immediately preceding years), members need to attend one-half of the scheduled meetings. In addition, a member will receive one meeting credit for each three-hour non-Retreat CLE program attended.

**EXAMPLE:** there will have been 12 meetings and 5 three-hour CLE programs over the current rolling two-year period. Members will need to have attended 6 meetings/CLE programs over the two-year period.

**NOTE:** attendance at two additional meetings over the required number in the two-year period provides a Retreat credit.

#### **Annual Masters of Trial Advocacy Retreat**

Over the same current rolling two-year period, members need to attend a minimum of one Retreat.

**NOTE:** attendance at two consecutive Retreats provides two meeting credits.

We have planned an extremely busy year in 2010. The Officers and Board sincerely thank all Academy members who have generously given their time and efforts to our activities.

#### ***SPECIAL THANKS TO***

***THOMAS G. MARTIN, JR.***

***THOMAS MARTIN PHOTOGRAPHY***

*Once again, through Tom Martin's continuing generosity and assistance, we have many wonderful photographs taken of our members at the 21<sup>st</sup> Annual Masters of Trial Advocacy Retreat at Nemaquin. These photographs will be posted to the Academy website shortly.*

*Tom is truly a good friend to the Academy - please consider using Thomas Martin photography skills and services in preparing your cases for trial! Tom can be reached at 412-303-6169.*

#### **11<sup>th</sup> ANNUAL SYMPOSIUM ON CIVIL TRIAL PRACTICE**

On **Tuesday, April 20, 2010**, the Spring Seminar Committee will sponsor the "**11<sup>th</sup> 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. – 1:00 p.m.** also at the Omni.

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**, who will serve along with a panel of distinguished jurists from Pennsylvania's state Courts.

The program is open to Academy members and nonmembers 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 April 20!  
Watch your mail and email for program details!***

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

### ***SPECIAL THANKS FOR ACBA SERVICES***

*Thank you to ACBA Services and in particular, DONNA BETZA, Manager of Court Reporting and Video, for their continuing generosity and assistance with the Academy's Annual Retreat Program and the Annual Federal Practice Program.*

*As a token of our appreciation to Donna Betza and ACBA Services, we would ask all Academy members to consider using ACBA Services the next time you need litigation support. Please call Donna at 412-261-5588 for a list of available services or to schedule support services.*

### ***Academy Calendar of Events***

***FEBRUARY 17 – 19, 2010***

***ACADEMY MOCK TRIAL COMPETITION***

***FEBRUARY 18, 2010***

***MEMBERSHIP DINNER***

*Thursday*

*Omni William Penn Hotel*

*5:00 p.m. Cocktails, 5:45 p.m. Dinner*

***MARCH 23, 2010***

***MEMBERSHIP BREAKFAST MEETING***

*Tuesday*

*Ballroom – Rivers Club*

*7:30 a.m. – 9:00 a.m.*

**APRIL 20, 2010**

*Tuesday*

**MEMBERSHIP LUNCH PROGRAM**

*Omni William Penn Hotel – Urban room*

*11:45 a.m. – 1:00 p.m.*

**ANNUAL SPRING SYMPOSIUM PROGRAM**

*Omni William Penn Hotel – Monongahela Room*

*1:30 p.m. – 4:45 p.m.*

**MAY 20, 2010**

*Thursday*

**MEMBERSHIP LUNCH PROGRAM**

*Ballroom, Rivers Club*

*11:45 A.M. – 1:00 P.M.*

**JUNE 15, 2010**

*Tuesday*

**MEMBERSHIP BREAKFAST PROGRAM**

*Ballroom, Rivers Club*

*7:30 a.m. – 9:00 a.m.*

**OCTOBER 6 – 9, 2010**

*Wednesday - Friday*

**22<sup>nd</sup> ANNUAL MASTERS OF TRIAL**

**ADVOCACY RETREAT**

*Nemacolin Woodlands Resort*