



IN LIMINE

Academy of Trial Lawyers
of Allegheny County

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Newsletter of the Academy of Trial Lawyers of Allegheny County

Volume 12, No. 4
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ACADEMY OF TRIAL LAWYERS

21st ANNUAL MASTERS OF TRIAL ADVOCACY RETREAT

Wednesday, September 30 – Friday, October 2, 2009 – Nemacolin Woodlands Resort

RETREAT * REFRESH * RENEW

We are completing final arrangements for the Retreat at Nemacolin. A great deal of time and careful planning has gone into the preparation of the social, athletic and CLE programs. Come to renew friendships and acquaintances! Come to share your knowledge! Come to acquire new knowledge! Come for whatever reason! Take advantage of the excellent opportunities offered (see page 3 for more details).

PRESIDENT'S THOUGHTS

Since our last *In Limine* issue, the Academy and its Officers and Board have been very active. In May and June, our Speaker Series was tremendously successful, not only due to the hard work of our colleagues **Rick Hosking** and **Mark Hornak** in putting the programs together, but due to the very interesting and high quality programs presented by **Dr. Joseph Maroon** and Academy colleagues **David B. Fawcett, III** and (new colleague) **Bruce E. Stanley**. Both programs were among the highest attended by Academy members. The Speaker Program has become an important part of our association giving us the opportunity in several instances to look beyond the day-to-day litigation subjects and issues that we deal with and focus on other interesting topics while offering the opportunity for our members to gather and socialize either at breakfast or lunch.

At the Academy Membership Breakfast Meeting held at the Rivers Club on June 16, 2009 not only did we benefit from the Fawcett/St Stanley program, we elected to membership the following sixteen new colleagues:

Kent E. Baldauf, The Webb Law Firm
Todd Berkey, Edgar Snyder & Associates

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Craig E. Frischman, Raizman Frischman & Matzus
James R. Hankle, Sherrard German & Kelly
Marie Milie Jones, Meyer Darragh
Cynthia E. Kernick, Reed Smith
Andrew G. Kimball, Dickie McCamey & Chilcote
Caroline P. Liebenguth, Allegheny County Law Department
Thomas P. McGinnis, Thomas Thomas & Hafer
Kemal Alexander Mericli, Office of Attorney General
Michael A. Murphy, Ogg Cordes Murphy & Ignelzi
Rolf L. Patberg, Patberg Carmody & Ging
John D. Perkosky, Ogg Cordes Murphy & Ignelzi
Bruce E. Stanley, Reed Smith
Nancy R. Winschel, Dickie McCamey & Chilcote
C. James Zeszutek, Dinsmore & Shohl

New Academy members will be having a breakfast orientation with the Officers and Board on September 11, 2009 at the Rivers Club and their induction into membership will take place at the 21st Annual Masters of Trial Advocacy Retreat at Nemaocolin on Thursday evening, October 1, 2009.

It is never too early to begin to think about names for next year's membership nominees, and I urge each of you to focus on that important endeavor so that we can continue the history and traditions of the Academy.

Recently, the Officers met with our new **President Judge Donna Jo McDaniel** in an effort to see how the Academy could continue its long history of working with and interacting with the Court of Common Pleas of Allegheny County. Later this summer various members of the Board intend to have further meetings with members of the Civil Division side of the Court in an effort to find out how we may be able to help improve our trial system in an area where our Bench believes we can be of service.

In order to continue with the quality programming and focused areas of interest, the Nominating Committee will begin its meetings to nominate candidates for Officer and Board positions (see page 5 for more details and a nominating form).

Regarding committees, as you will see from the various committee reports contained within this issue, the Retreat Committee, the Membership Committee and the Pitt and Duquesne Law School Committees have been busy with new projects, ideas and programs.

I am pleased to advise that Academy Treasurer, **Patricia L. Dodge**, reported to the Board that the Academy operated within its 2008-2009 budget. The Academy's financial advisor will be attending the September Board Meeting to provide an update on the status of the Academy's Endowment Fund.

The passing of time since the last issue has not been without loss to our association. Our membership and the legal profession suffered a significant loss when our colleagues **Ralph P. Cappy** and **Dennis C. Harrington** passed away. We again offer our sympathy and support to the Cappy and Harrington families.

It is my hope to see all of you at our 21st Annual Retreat at Nemaquin (September 30 to October 2, 2009) when we will again benefit from not only the collegiality that is exchanged but by the quality programming provided due to the fine efforts of our Retreat Committee, **Judge Alan N. Bloch** and **Judge Thomas M. Hardiman**.

Contained in this issue are the various Committee reports as well as a calendar of events. I urge you, as I have done in the past, to stay informed and be involved so that we can all continue to strengthen the Academy and continue its tradition.

Samuel W. Braver, President

DISTINGUISHED SERVICE AWARD COMMITTEE

Every year the Distinguished Service Award Committee meets to determine a worthy recipient of this prestigious Award. This year's Committee consists of five Past Presidents: **William R. Caroselli**, **Honorable Nora Barry Fischer**, **Jerome W. Kiger**, **Michael Louik** and me. At the 1997 Masters of Trial Advocacy Retreat, the Award was presented to a founding member of our Academy, **Honorable Joseph F. Weis, Jr.**, and the Award was renamed The Joseph F. Weis Jr., Distinguished Service Award.

This award does not recognize services to the Academy, such as service as an officer or on a committee. Rather, it is to be awarded to those members who have made a substantial contribution to the judicial system or the legal profession. It is not necessarily an annual Award and, if appropriate, may be awarded to more than one member in any year.

Past honorees include **Giles J. Gaca**, **Seymour A. Sikov**, **E. J. Strassburger**, **Michael J. Manzo**, **Honorable Joseph F. Weis, Jr.**, **Edwin L. Klett**, **Thomas L. Cooper**, **Honorable Donald Ziegler**, **Dennis C. Harrington**, **Roslyn M. Litman**, **David B. Fawcett**, **John J. McLean**, **Vincent J. Grogan** and **Thomas Hollander**.

If you would like to nominate someone, please send the name of the nominee and the reason for the nomination as soon as possible to the Distinguished Service Award Committee, Academy of Trial Lawyers, P. O. Box 14744, Pittsburgh, PA 15234-0744 or by email to academy@atlac.org.

All nominations will be kept confidential. Thank you.

E. J. Strassburger, Chair

NOMINATING COMMITTEE

A Nominating Committee was recently appointed by the Board of Governors and consists of Vice Chair **Merle Kramer Mermelstein**, **James W. Carroll, Jr.**, **Richard W. DiBella**, **Roslyn M. Litman**, **J. Frank McKenna**, **Howard J. Schulberg** and myself as Chair. President **Samuel**

W. Braver, President Elect **Kate J. Fagan** and immediate Past President **William R. Caroselli** serve as ex-officio members of the Committee.

The Nominating Committee will hold an open meeting on Wednesday, July 22, 2009 at 8:30 a.m. in the Academy Room, 9th Floor, City County Building. Members may offer suggestions for Officers and members of the Board of Governors by appearing at the open meeting or by submitting the form enclosed with this newsletter by fax (412-343-0192) or email (academy@atlac.org) by Tuesday, July 21, 2009. Please check with your nominees to be sure they truly want to serve and are willing to take on the commitment required before the Committee considers them for nomination.

On or before August 17, 2009, the Nominating Committee will give notice of its nominees to the entire membership. One nominee will be slated for President Elect, Vice President, Secretary, Treasurer and Assistant Treasurer. The President is automatically elevated from the position of President Elect. One nominee will be slated for each of the five two-year positions on the Board of Governors.

Election of Officers and Board of Governors will take place at the **Academy Annual Meeting** on **Thursday, October 1, 2009** at the 21st Annual Retreat at Nemaquin Woodlands. If you have any procedural questions, please give me a call.

Gary P. Hunt, Chair

MASTERS OF TRIAL ADVOCACY RETREAT COMMITTEE

Brochures and registration information for the 21st Annual Retreat, Wednesday, September 30 to Friday, October 2, will be mailed to the membership in mid-August. Judges **Alan N Bloch** and **Thomas M. Hardiman** have again arranged for an informative program on Thursday morning. The case, Aviles v. Maricopa County, involves 20-year-old Rodney Aviles of Phoenix, Arizona, who was involuntarily committed to a mental health facility operated by Maricopa County. At that facility, he was diagnosed as paranoid, psychotic, and schizophrenic. After a five-day admission, Rodney was discharged to home. Later that day, he bludgeoned to death his mother and his 7-year-old niece. In a civil claim against the facility and the involved psychiatrist, a jury returned a plaintiff's verdict of \$28 million. Joining the Academy will be the Presiding Judge in the case, **Honorable Pendelton Gaines**, Superior Court of Maricopa County, Plaintiff's Counsel, **Jeffrey B. Miller** of Roush McCracken Guerrero Miller & Ortega, and Defense Counsel, **Richard A. Stewart**, Director of the Office of Special Litigation Services for Maricopa County, all from Phoenix, Arizona.

After golf, tennis, hiking, biking and other social endeavors, we will gather for a reception and dinner to welcome our sixteen new members, and to honor and give special recognition to **Chief Judge Donetta W. Ambrose** for her dedication to and support of the Academy.

Retreat Chair **Charles W. Kenrick** and Vice Chair **Michael L. Magulick** have arranged for an excellent two-part CLE program on Friday, October 2nd. The first segment will include the **Honorable Eugene B. Strassburger** and Academy members **Samuel W. Braver**, **Harry S. Cohen** and **Thomas A. Matis** discussing experiences and practical issues that have arisen from

the new jury voir dire rules. The second segment entitled *"The Importance of Ethics in Every Day Legal Practice – But When Doing the Right Thing is Neither Required or Allowed Under the Rules of Professional Responsibility and Why?"* will be presented by **Jim Weber**, Ph.D., a Duquesne University Professor of Business Ethics and Management, and Senior Fellow of the Beard Center for Leadership in Ethics.

LAW FIRM AND MEMBER RETREAT CONTRIBUTIONS

Without exception, the premier event for the trial bar in Pittsburgh, year after year, is our Retreat. The tradition of law firm and member contributions to the Retreat makes this success possible. The registration fees for a member to attend the Annual Retreat has not been raised for the past three years, and numerous efforts have been made and will continue to be made to reduce the costs this year.

When the request for Retreat contributions is received, we ask all of you who contributed last year to continue with your contribution, and request others to please consider a contribution this year. Law firm and member support is crucial to program quality and participation by the civil trial and appellate court judges.

DUQUESNE UNIVERSITY LAW SCHOOL COMMITTEE

The Academy Duquesne University School of Law Committee has had several meetings with Duquesne Law School **Professor Mike Streib** who has been our contact with the Law School and very helpful. Our members have been active in assisting Professor Streib with the excellent moot court competition teams he has lead and mentored. We will continue to aid in judging competitions throughout the year. The Committee will host a courthouse tour for 1st year law students on the afternoon of August 21st and will provide the law school with guest lecturers on trial tactics in the fall.

My thanks to Committee members **Warren D. Ferry, Mark J. Gesk, P. Brennan Hart, Terrance R. Henne, Charles W. Kenrick, Paul Lagnese, Paul A. Manion, Victor H. Pribanic, Carl R. Schiffman, Richard J. Schubert** and **Matthew R. Wimer** for their outstanding assistance.

John E. Wall, Chair

PITTSBURGH LAW SCHOOL COMMITTEE

President Braver formed this Committee to serve needs identified in the University of Pittsburgh Law School's Gismondi Civil Litigation Certificate Program. The Certificate Program requires 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. The program operates under the watchful eyes of University of Pittsburgh Law School **Professor Martha Mannix** and Academy members **Honorable Beth A. Lazzara** and **John P. Gismondi**.

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.

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

CHANGES TO ACADEMY MEMBERSHIP DIRECTORY

Member **Shelley Bould Campbell** has a new mailing address: 730 Fairview Road, Pittsburgh, PA 15238. Shelley's phone, fax and email remain the same.

Member **Kathy K. Condo** joined the firm of Babst Calland Clements and Zomnir on April 1, 2009 where she represents a variety of local and national companies facing claims on alleged exposure to toxic substances. Kathy can be reached at 603 Stanwix Street – 7th Floor, Pittsburgh, PA 15222-4802, by phone 412-394-5453, by fax 412-586-1049 or by email kcondo@bccz.com.

Member **George M. Evan** has joined the law firm of Grogan Graffam as a partner. George can be reached at 444 Liberty Avenue – 12th Floor, Pittsburgh, PA 15222-1234, by phone at 412-553-6391, by fax 412-553-6715 or by email at gevan@grogangraffam.com.

Member **Charles W. Kenrick** is please to announce the opening of his office, Law Offices of Charles W. Kenrick, U. S. Steel Tower, 600 Grant Street – Suite 660. Chuck can be reached by phone at 412-281-3417, fax 412-246-0102 or by email at ckenrick@kenricklaw.com.

As of May 1,2009, Academy member **Harry M. Paras**, opened an office for the practice of law as well as providing mediation & arbitration services at One Gateway Center, 420 Fort Duquesne Boulevard, Suite 1325, Pittsburgh PA 15222.. Harry can be reached by phone 412-391-8100, by fax 412-391-9972 or by email hmp@harryparas.com.

As of March 1, member **Stanley M. Winikoff** joined Dell Moser Lane & Loughney as Counsel to the law firm. Stan can be reached at 525 William Penn Place – Suite 3700, Pittsburgh, PA 15219, phone 412-471-1180, fax 412-471-9012 or by email saw@dellmoser.com.

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**2009 NOMINATING FORM FOR
ACADEMY OFFICERS and BOARD OF GOVERNORS**

*A Nominating Committee has been appointed by the Board of Governors for the purpose of nominating Officers and members of the Board for the coming year. The Committee consists of Chair **Gary P. Hunt**, Vice Chair **Merle Kramer Mermelstein**, and **James W. Carroll, Jr., Richard W. DiBella, Roslyn M. Litman, J. Frank McKenna and Howard J. Schulberg**. President **Samuel W. Braver**, President Elect **Kate J. Fagan** and Immediate Past President **William R. Caroselli** serve as ex-officio members of the Committee.*

You may offer suggestions for candidates for positions as Officers and members of the Board of Governors by completing this form and returning to the Academy by fax (412-343-0192) or email (academy@atlac.org)

Please check with the person you are suggesting to be sure he/she is willing to serve and take on the commitment required before the Committee considers the nomination. If you want to submit more than one suggestion, please make additional copies of this form.

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In my opinion, the following Academy Member would be a good candidate for an Academy Officer and/or a member of the Academy Board of Governors:

Member Name _____

Recommended for _____ **Officer** _____ **Board of Governors**

Why do you feel this member is a good candidate for the position?

Please Print Your Name _____

Fax to 412-343-0192 or email to academy@atlac.org by Tuesday, July 21, 2009.