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Newsletter of the Academy of Trial Lawyers of Allegheny County

Volume 12, No. 5
September/October 2009

ACADEMY OF TRIAL LAWYERS 21st ANNUAL MASTERS OF TRIAL ADVOCACY RETREAT

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

RETREAT * REFRESH * RENEW

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 4).

PRESIDENT'S THOUGHTS

Since our last Newsletter, the Academy, its Board and its Officers have been very active in laying the foundation for another great year as the current year's programming will come to an end with our annual Retreat.

Following our June breakfast meeting, the Academy's Nominating Committee kicked into gear and met for the purpose of selecting a group of highly qualified nominees for positions that were becoming vacant in both the Officer role of Assistant Secretary and soon to become vacant Board spots. The Nominating Committee, headed by its Chair **Gary P. Hunt** and its Vice Chair **Merle Kramer Mermelstein** submitted the names of the following Academy members for the positions identified next to their names, the election of which will take place at the Annual Meeting of the Academy immediately preceding the Thursday morning CLE program at the Retreat on October 1, 2009:

President Elect	Robert B. Smith
Vice President	Joseph A. Macerelli
Secretary	Patricia L. Dodge
Treasurer	John P. Gismondi
Assistant Treasurer	Deborah D. Olszewski

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The following members were nominated for two-year terms on the Board of Governors:

John C. Evans
Maureen P. Kelly
Miles A. Kirshner
Russell J. Ober, Jr.
Veronica A. Richards

The current President Elect, **Kate J. Fagan**, is automatically elevated to the Presidency.

On behalf of the Academy and its Officers and Board members, I extend our thanks to the Nominating Committee and its leadership for their selection of very qualified people to help lead the Academy next year.

Similarly, following the approval and election to membership of our 16 new colleagues, the Academy held its annual *New Member Orientation* on September 11 at the Rivers Club. The highlight of the breakfast was the insightful words of our own **Judge Judith F. Olson** as she spoke to those present regarding the importance and significance of the Academy and the quality of the trial lawyers who constitute the Academy's membership ranks that has been enhanced by those new members whom we were honoring at the breakfast. We thank you, Judge Olson, and we wish you luck with your campaign, as well as conveying similar good wishes and good luck to Academy member **Phil Ignelzi** in his campaign for judgeship.

At the 2008 Retreat Board Planning Session, one of my goals was to improve and develop a stronger working relationship with all Civil Division Judges in the Court of Common Pleas of Allegheny County. In an effort to pursue this goal, Academy Officers have had breakfast meetings with various Judges in an effort to solicit ideas from them as to how the Academy might address any issues, concerns or suggested programs believed to be needed or worthy by our Civil Division Bench. Because of scheduling issues, not all of our Judges were able to participate. However, the Academy met with **President Judge Donna Jo McDaniel** and the following Judges: **Judge Ronald W. Folino**, **Judge Joseph M. James**, **Judge Timothy Patrick O'Reilly**, **Judge Christine A. Ward** and **Judge R. Stanton Wettick, Jr.**

It is hoped that this effort will continue into the future and we can work together on various areas of perceived need where it is believed we may play a role.

Since our June meeting, the Board has also met with our investment advisor, Morgan Stanley, in an effort to ascertain whether our current investment strategy meets our needs and properly postures us for future growth and protection in the economy. The meeting took place on September 2 and the Board has received recommendations that it will soon act upon. Anyone interested in specific information regarding the Academy's investments should contact our Executive Director, Debbie Smith.

A new addition to our committee make-up in 2008-2009 was the establishment of our local law school programming. The Academy established a Pitt Law School Committee chaired by **Judd F. Crosby** and a Duquesne Law School Committee chaired by **Jack Wall**. Both of these Committees were active in 2008-2009 and have already begun working with the two law schools with respect to the 2009-2010 Academic year. I urge you to read the reports of our Law

School Committee Chairs found on pages 5 and 6 of this newsletter. More importantly, anyone interested in participating on either of these Committees should contact the respective Chair of the Law School Committee that you want to be part of -- no one will be turned down.

On a related note, you will soon be receiving communication and a **Committee Preference Form** from **President Elect Kate J. Fagan** regarding volunteers for various committees. Please take this opportunity to review the list of committees and notify Kate or Debbie Smith of your selections.

You will also find as part of this newsletter, the **2009/2010 Calendar of Events** that represents our scheduled programming for our next fiscal year. Please take the time to mark these events on your calendars and then support the Academy through your attendance.

As all of us have been inundated by emails from Debbie Smith over the last couple of weeks relating to our **21st Annual Masters of Trial Advocacy Retreat** to be held September 30 - October 2 at Nemaquin Woodlands. The past 20 retreats have been excellent and the 2009 Retreat, thanks to the hard work and dedication of Debbie, Retreat Chair **Chuck Kenrick** and Vice Chair **Mike Magulick**, and our Retreat Program guru **John P. Gismondi**, will be no different. In addition to what promises to be a highly interesting program, the Academy at this year's Retreat will be honoring **Chief Judge Donetta Ambrose** for her long years of support to the Academy, and Academy member and former U.S. District Court Judge **Robert J. Cindrich**, now Senior Vice President and Chief Legal Officer of UPMC, will be presented with the *The Joseph F. Weis, Jr. Distinguished Service Award*. Please attend.

Welcome back to **Robert L. Potter** who has returned to the active practice of law and active membership in the Academy. Bob will be at the Retreat -- be sure to say hello and welcome him back!

Lastly, I would like to extend my sincere thank you to all Academy members and to Debbie Smith for their support over the past year during my Presidency. I think we have accomplished a great deal, none of which could have been achieved without the strong commitment of Academy members serving on various committees, taking part in various programs and supporting the Academy consistent with the 50 years of quality and dedication, which we celebrated this year at our Anniversary Dinner. It was a lot of hard work but, most importantly, a lot of fun and I thank you for the honor and privilege of serving in the office of Academy President.

As I have indicated in every Newsletter sent out this year: **stay informed and stay involved** so that the Academy will continue to hold the top spot on any list as a truly unique professional organization consisting of the best of our trial bar that promotes the professionalism, the collegiality and the high level of competency that marks our mission and populates our membership. and which we have come to expect from ourselves in the practice of our profession. Thank you.

Sam Braver
President

Law Firm and Member Retreat Contributions

The success of past and future Academy Retreats depends not only on good programming, but also on the financial support of our members and their law firms!

We thank all of you who have contributed to the Success of this year's Retreat!

DISTINGUISHED SERVICE AWARD

The Distinguished Service Award Committee is pleased to announce its unanimous decision to present the award this year to one of our most esteemed and distinguished members, **Robert J. Cindrich**, in recognition of his exemplary career and devotion to the cause of justice and the legal profession, as well as the standard of excellence he set as Judge on the United States District Court, and as friend, mentor and role model for so many trial lawyers.

The award will be presented to Bob at the Thursday evening dinner at this year's Retreat. We hope you will be able to join us in celebrating the remarkable career and contributions of this most illustrious Academy member.

21st ANNUAL RETREAT

Registration for the 21st Annual Retreat from September 30 – October 2 is underway, and we are looking forward to another enjoyable weekend at Nemaquin Woodlands!

Judge Alan N Bloch and **Judge Thomas M. Hardiman** has again arranged for an informative program on Friday morning. The case selected, *Aviles v. Maricopa County*, involves a twenty-year old mentally disturbed man who killed his mother and niece several hours after being released from a mental facility of a county hospital. Joining the Academy will be the Presiding Judge of the case, **Judge Pendleton Gaines**, Superior Court to Maricopa County, Plaintiff's Counsel, **Jeffrey B. Miller** of Roush McCracken Guerrero Miller & Ortega, and Defense Counsel, **Richard A. Stewart**, from the Office of Special Litigation Services for Maricopa County, all from Phoenix, Arizona.

After golf, tennis, hiking and the 1st "Official" **Bill Tighe Bike Ride** and other social endeavors, we will gather for a reception and dinner to welcome our sixteen new members and to give special recognition to member **Robert J. Cindrich**, who will be presented with the Joseph F. Weis, Jr. Distinguished Service Award, and to **Chief Judge Donetta W. Ambrose** for her support of the Academy and so many of its programs.

Retreat Chair **Charles W. Kenrick** and Vice Chair **Michael L. Magulick** and their Committee have arranged for **Judge Eugene B. Strassburger** and Academy members **Sam Braver**, **Harry Cohen** and **Tom Matis** to discuss experiences and practical issues that have arisen from the new voir dire rules in Segment I (2 substantive credit). Segment II will be presented by **James Weber**, Ph.D. Duquesne University Professor of Business Ethics and Management, and he will be discussing ethical issues of interest to lawyers (1 ethics credit).

FIRST "OFFICIAL" BILL TIGHE BIKE RIDE

This year's bike ride has "officially" been named the "**Bill Tighe Bike Ride**" in memory of our long-time member and good friend Bill Tighe who was renowned among Academy members for his love of cycling, congenial nature and quick wit.

Members interested in joining the bike ride should meet in the lobby of the Chateau Hotel. In addition to the trail bike ride on the Great Allegheny Passage (casual riders), if sufficient interest, there will also be a "road bike" on the country roads in the Nemaquin area (experienced riders). Those who show up will determine the length and pace – you will need to bring your own "road bike". Rental bikes for the casual ride are available at OhioPyle. It is recommended that you bring water, clothing and shoes suitable for biking and plan on 3 hours for the trip.

David J. Rosenberg and Craig L. Fishman
Bike Ride Coordinators

RETREAT HIKE

Members interested in joining the 3rd Annual Academy Hike on Thursday, October 1 should meet in the lobby of the Chateau Hotel at 1:30 p.m. to carpool to a new location this year, Quebec Run Wild. There are no steep hills on this hike. However, we will be crossing some streams that do not have bridges. You may get your shoes wet or muddy so you should wear appropriate footwear. Bring a water bottle. There are no "facilities" once we leave Nemaquin. The hike should take 1 ½ - 2 hours at most.

Ellen M. Doyle and Warren D. Ferry
Hike Coordinators

RETREAT GOLF TOURNAMENT

The 21st Annual Golf Tournament will be held on Thursday, October 1 at 1:30 p.m. with a shotgun start and scramble format. Golfers should eat lunch in the Grand Ballroom following the morning CLE program. There will be team prizes for 1st, 2nd and 3rd places and skill prizes for long drive #15 (men), long drive #5 (women), closest to pin #7 and closest to pin #12.

Due to popular demand, the format will now include the **requirement that every player's drive be used at least once**. We are looking forward to great weather and good golf!

Michael H. Rosenzweig and Ronald M. Puntill
Golf Coordinators

RETREAT TENNIS TOURNAMENT

THE LAST AND BEST TENNIS TOURNAMENT OF THE YEAR! If you missed the cut in qualifying for the US Open, you still have a chance to enter the best tennis tournament of the year! The annual Academy Retreat Tennis Tournament will be held on Thursday, October 1 at 1:30 p.m. The prizes, as usual, are "to die for", so enter early and often. See you on the courts!

Ken Argentieri
Tennis Coordinator

DUQUESNE LAW SCHOOL COMMITTEE

On the afternoon of August 21, our Academy Duquesne Law School Committee hosted a courthouse tour for first year law students at Duquesne University. **Justice Max Baer** and

Judge Maureen Lally-Green both addressed the students in the courtroom of the Supreme Court concerning the jurisdiction, practice and procedure of the Supreme and Superior Courts.

The students also assembled in **Judge Strassburger's** courtroom and then **Judge McCarthy's** courtroom. Judge Strassburger provided remarks concerning divisions of the court, the calendar control process and jury selection. In Judge McCarthy's courtroom, he explained the mechanics of a trial and the roles that are played by a judge, a lawyer and the jury.

Finally, the students were taken to the Department of Court Records and introduced to **Michael McGeever**, Division Manager. Mr. McGeever explained the operation of the Department of Court Records, informing the students of the filing procedures, method to review the docket and how his department functions as an integral part of the civil division.

Special thanks from the Academy are extended to **Justice Baer, Judge Maureen Lally-Green, Judge McCarthy, Judge Strassburger** and Division Manager **Michael McGeever** for their cooperation and assistance.

Also acknowledged are Committee members **Terry Henne, Charles Kenrick, Paul Lagnese, Victor Pribanic, and Professor Michael Streib** of the Duquesne Law School, for their involvement in the tour process.

Our Committee will continue to aid the law school and Professor Streib as the current academic year progresses. If you are interested in participating, please let me know.

Jack Wall, Chair

PITT LAW SCHOOL COMMITTEE

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, 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 me at jcroby123@aol.com. More opportunities are currently under consideration for this semester as well as into the future. As always, participation and suggestions from you are strongly encouraged.

Judd F. Crosby, Chair

CHANGES TO ACADEMY MEMBERSHIP DIRECTORY

The law firm of Willman and Silvaggio has moved to One Corporate Center, 5500 Corporate Drive, Suite 150, Pittsburgh, PA 15237. The telephone number, fax and email remain the same for member **Terry Henne**.

The law firm of Loughren Loughren & Loughren has relocated its office to Suite 2800 in the Grant Building. The telephone numbers, fax and emails remain the same for members **Lou Loughren** and **Patrick Loughren**.

Academy member **Robert L. Potter** has returned to the practice of law at Strassburger McKenna Gutnick & Gefsky, 444 Liberty Avenue, Suite 2200, Pittsburgh, PA 15222. Bob can be reached by telephone at 412-281-5423, fax at 412-281-8264 and by email at rpotter@smgglaw.com.

Academy member **Virginia Spencer Scott** has joined the law firm of Ainsman Levine & Drexler. Ginny can be reached at 330 Grant Street, Suite 1500, Pittsburgh, PA 15219, telephone 412-338-9030, fax 412-338-9167 and email vscott@aldlawfirm.com

**ACADEMY OF TRIAL LAWYERS
OF ALLEGHENY COUNTY**

2009/2010 Academy Calendar of Events

NOVEMBER 19, 2009 <i>Thursday</i>	ACADEMY APPELLATE COURT PROGRAM <i>Courtroom of the Supreme Court, Pittsburgh</i>
DECEMBER 9, 2009 <i>Wednesday</i>	ANNUAL HOLIDAY GATHERING <i>Urban Room - Omni William Penn Hotel</i> <i>5:00 p.m. - 7:00 p.m.</i>
DECEMBER 11, 2009 <i>Friday</i>	21st ANNUAL FEDERAL PRACTICE SEMINAR <i>Omni William Penn Hotel – Monongahela Room</i> <i>8:30 a.m. – 11:45 a.m.</i>
FEBRUARY 17 – 19, 2010	ACADEMY MOCK TRIAL COMPETITION
FEBRUARY 18, 2010 <i>Thursday</i>	MEMBERSHIP DINNER PROGRAM <i>Omni William Penn Hotel</i> <i>5:00 p.m. Cocktails, 5:45 p.m. Dinner</i>
MARCH 23, 2010 <i>Tuesday</i>	MEMBERSHIP BREAKFAST PROGRAM <i>Ballroom - Rivers Club</i> <i>7:30 a.m. – 9:00 a.m.</i>
APRIL 20, 2010 <i>Tuesday</i>	MEMBERSHIP LUNCH PROGRAM <i>Omni William Penn Hotel – Urban Ballroom</i> <i>11:45 a.m. – 1:00 p.m.</i>
	ANNUAL SPRING SYMPOSIUM SEMINAR <i>Omni William Penn Hotel - Monongahela Room</i> <i>1:15 p.m. – 4:30 p.m.</i>
MAY 20, 2010 <i>Thursday</i>	MEMBERSHIP LUNCH PROGRAM <i>Ballroom, Rivers Club</i> <i>11:45 a.m. – 1:00 p.m.</i>
JUNE 15, 2010 <i>Tuesday</i>	MEMBERSHIP BREAKFAST PROGRAM <i>Ballroom, Rivers Club</i> <i>7:30 a.m. – 8:45 a.m.</i>
OCTOBER 6 – 9, 2010 <i>Wednesday - Friday</i>	22nd ANNUAL MASTERS OF TRIAL ADVOCACY RETREAT