

PRESIDENT'S REPORT



WILLIAM J. MURPHY

2023-2024

AMERICAN COLLEGE OF TRIAL LAWYERS

President's Year End Report American College of Trial Lawyers 2023-2024

It has been a tremendous honor for me to serve this year as President of the College. I cannot thank enough the Board of Regents and the Past Presidents for entrusting me (and my wife Pat) with this important role. Pat and I have cherished the opportunity to visit most of the fifty states and several of the Canadian provinces to attend local and regional dinner meetings and other gatherings of the Fellows. We found it remarkable that we were greeted as honored dignitaries wherever we went, and we are grateful to have renewed so many old friendships and made so many new friends from coast to coast, and from north to south. As I write this report, we have attended approximately 40 meetings of the Fellows, and we are slated to attend a few more that we missed this past year due to double-booking, postponements, and Pat's fractured shoulder that she suffered in early June.

This Annual Meeting in Nashville, featuring an outstanding program of General Session presenters organized by President-Elect Rick Deane, is expected to be one of our most well-attended meetings since the pandemic. And I am very pleased that during this meeting I will be able to pass the maul to Rick. I am looking forward to assisting Rick in the coming year and supporting him during the College's 75th Anniversary yearlong celebration.

In my role as President, I have been assisted by a truly outstanding Executive Committee, including President-Elect Deane (who will easily be able to fill my shoes!), Treasurer John Day, Secretary Sandy Forbes, Secretary Designate Katie Recker, and Immediate Past President Susan Harriman. Susan's leadership of the College during her term was a model for me. The Executive Committee has provided guidance and wisdom throughout the year on all the issues the College has confronted. And it should go without saying that this College and our leaders are blessed to enjoy the skills, experience, and warm, good natures of each member of our National Office staff. Pat and I want to especially thank Amy, Suzanne, Geri, Sarah, Kim and Cheryl for all they have done to make this year so memorable and to go so smoothly. And, of course, no President of the College could do this job without the assistance of our able Executive Director Dennis Maggi – who answers every question and anticipates every need.

I want to touch briefly on some of the many activities and programs that the College has undertaken or continued over this past year. One of our most significant efforts has been the **Strategic Planning** process that began last fall at our Leadership Workshop in Washington, D.C., and has continued with surveys and focus groups of the Fellows to determine how we can best ensure that the College will remain the premier organization of outstanding trial lawyers on this continent dedicated to the rule of law and professionalism. The work continued with the publication of several reports and the Strategic Planning Retreat last July in Austin. Past President Sam Franklin volunteered to chair our **Strategic Planning Task Force**, and he has been ably assisted by a group consisting of Virgil Adams, Robby Alden, Josh Cohen, Tom Curry, Carolyn Fairless, Katie Recker, Renee Rothauge, and Robert Vaughan. Their work – dealing with three broad topics: the College's ongoing and future relevance and prestige; the demographics and nominating process of our membership; and the success of current and future projects – was crystallized during the Strategic Planning retreat attended by the Task Force members, the Board of Regents, many of our Past Presidents and the National Office staff, along

with facilitators from McKinley Advisors. The findings and proposals resulting from this process will be addressed and approved for implementation by the Board of Regents during the Annual Meeting in Nashville.

James Brown has taken on the role of Chair of our **Task Force on Mental Health Awareness**, which provides useful information and guidance on mental health issues affecting legal professionals and acts as a valuable resource for those facing personal and family mental health challenges. The formation of this Task Force resulted from the presentation given by Fellow and retired New Hampshire Chief Justice John Broderick at our Spring Meeting in 2023. During our upcoming Annual Meeting in Nashville, this topic will be addressed by Hon. George Strathy, retired Chief Justice of Ontario.

The **Heritage Committee**, chaired by Ed Kole and assisted by former Regent Greg Lederer as Vice Chair, has been working diligently on plans to celebrate the 75th Anniversary of the College during our Annual Meeting next October in Washington, D.C. The history of the College, its development over time, and some of its illustrious past leaders, will be commemorated during the General Sessions of that Annual Meeting.

Many other committees of the College have been busy this year. The **International Committee** engaged in a successful trial practice training program in Pretoria, South Africa last spring, and additional training programs are being planned for Poland, Romania, Mexico and the Caribbean. Those programs have been led this year by Nancy Hollander, Joe Steinfield, Bart Dalton, Cynthia Grimes and others. This Committee, along with participating volunteers, has enhanced the College's name and reputation for excellence wherever they traveled. I note that the College's U.S. Foundation administers the Brian O'Neill Memorial Fund, which provides travel assistance to public service and Judicial Fellows who participate in these overseas programs. The other participants pay their own way to take part in these valuable training programs.

On the local front, our **Boot Camp Trial Training Programs Committee**, under the leadership of Paul Sandler, has continued to present training programs for young lawyers throughout the U.S. and Canada with the assistance of local Fellows and State and Province Committees. Paul will be stepping down from his leadership role at the close of the year, but he has provided the Committee with the blueprints for continued success. In similar fashion, Tom Heiden from our **Teaching of Trial and Appellate Advocacy Committee**, has led a series of multi-day trial practice programs in Chicago and Toronto, with an emphasis on providing advocacy training for young and diverse lawyers, principally in public service jobs, who do not have available the in-house training resources of larger firms and government agencies. And, of course, the College continues to reach out to law students as well – through the **National Trial Competition, the National Moot Court Competition, and their Canadian counterparts, the Sopinka Cup and Gale Cup** competitions. I can state from personal experience that these programs are rewarding and greatly appreciated by the participating teams from law schools throughout both countries. Many thanks are due to the Fellows who serve on those committees, and the many other Fellows who take the time to act as judges and organizers of the regional competition rounds that lead up to the final events.

As many of you know, the College also has taken seriously its mission to instill some knowledge of basic civics in high school and middle school students, who otherwise might be ignorant of

how the rule of law is fostered by our constitutional systems. We forged a partnership between our **Outreach Committee** and the National Constitution Center nearly two years ago to help provide volunteer scholars to teach remote classes on various constitutional topics, such as Federalism and the Separation of Powers, the First Amendment, Voting Rights and the like. During this past school year these Fellow scholars reached nearly 500 classrooms in thirty-four states and the District of Columbia, providing topical lectures to more than 11,000 students. Thirty percent of those classes were offered by twenty-five Fellows of the College – several of whom provided as many as ten lectures each (and Fellow Dicky Grigg taught twenty-one classes!) It is our hope that this program will continue to expand, and that the College’s role will increase with each passing year.

The College, through its **Mentoring Committee**, also continues to provide support to the Just The Beginning organization’s efforts to place first-generation law students in paid internships with federal judges throughout the country. Through the efforts of John Siffert and Missy Wright, this is another program that has continued to grow through the participation of Fellows of the College as mentors for these deserving law students.

The College also provides opportunities for continuing legal education and advanced learning to our own Fellows and other practicing lawyers, through such programs as the Lunch and Learn segments sponsored and organized by our **Complex Litigation Committee** and the increasingly popular “**Trial Tested**” podcast featuring interviews with prominent Fellows and other notable figures in the world of law. Many thanks to Committee Chair Amy Gunn and additional hosts Vince Citro, Mike Herring, Terri Mascherin, Renee Rothauge and Dave Thomas for planning and hosting these podcasts. Last spring, Fellows of the College were organized by our **Access to Justice and Legal Services Committee** to serve as faculty for an intensive training program co-sponsored by the Innocence Project in New Orleans. And during our Spring Meeting in Phoenix, the College’s **Advocacy in the 21st Century** and **Complex Litigation Committees** collaborated to present a terrific CLE program on the use of Artificial Intelligence in the courts. Many thanks to Committee Chairs Roslyn Levine and Terri Mascherin for their work in spearheading this informative CLE program. Finally, during our meeting in Nashville, we will be presenting a CLE on copyright issues in the music industry, featuring a musicologist who frequently serves as a consultant and expert witness in copyright infringement trials. Many thanks to Treasurer John Day, our local Nashville host, for helping to organize this program, and thanks to John and Joy Day for all they have done to enhance our experiences during the Annual Meeting.

During our 2025 Spring Meeting in Maui, the College will formally recognize the most recent winner of the **Emil Gumpert Award** – which was presented in May to The Mediation Center of the Pacific to help fund its Early Mediation Eviction program which helps deserving Hawaiians remain in their homes during periods of financial distress. The Emil Gumpert Award Committee – led by Chair David Indiano – continues to do great work in identifying worthy organizations that can put the funds provided by our Foundation to good use. Every leader of the College, and every Fellow, should assist the Gumpert Committee by reaching out with suggestions about local organizations whose good works would be enhanced through a grant from the Foundation, in particular the prestigious Emil Gumpert Award.

I regret to report, among all this good news, that the College’s **Judicial Independence Committee**, now led by Matt Fishbein, continues to be one of the most active committees of the

College, as we strive to promote the rule of law, and protect and defend our judges from increasingly polemical and partisan attacks from elected officials, while at the same time maintaining the College's image as a nonpartisan professional organization. It seems that not a single month has gone by without the members of that Committee being called upon to assess whether the College should speak out, in accordance with our Mission Statement and our White Papers on Judicial Independence, to defend judges subjected to unfair and ad hominem attacks as they strive to do justice. In addition, this year the Committee had occasion to present our White Papers on Judicial Independence to the members of the House and Senate Judiciary Committees. And we also presented our suggested guidelines for questioning of judicial nominees, developed two years ago under the leadership of Past President Mike O'Donnell, to each member of the Senate Judiciary Committee. We hope that the College can be recognized as remaining non-partisan in these matters, even as temperatures rise, and that our statements – when offered – will not go unheard like voices crying in the political wilderness. Matt Fishbein, Immediate Past Chair John Wester, and Committee Member and former Judge Howard Matz and I are also participating in the efforts of the **Bolch Judicial Institute** at Duke University to discuss ways in which the legal profession, as a whole, can be mobilized to defend judges and the judiciary more effectively in the face of a growing wave of unfair and inappropriate attacks that threaten judicial independence and diminish public faith in our system of justice. I will be reporting to the Executive Committee on the Defending the Judiciary Conference at the Institute that is scheduled to take place on October 31 and November 1, 2023.

As many of you know, the College has had a longstanding relationship with the **Supreme Court Historical Society**. Past President Greg Joseph is the Chairman of the Society, and Past President Chilton Varner stepped down this year after a long tenure as the Society's President. Chilton will be honored for her service to the Historical Society at a dinner in Atlanta that will take place on October 16. The College's leadership will be well represented at this special event honoring Chilton.

As I am finishing this report and my tenure as President, I note that our able National Office staff is in the process of a major redesign of the **College's website**. Later this year, we hope to unveil a more comprehensive and user-friendly website that will serve us well going forward – or at least for a few years' time until AI might allow us to communicate through some as-yet unknown means of electronic telepathy.

I am pleased to report, from my perspective, that the College remains vibrant and strong. And I hope that in the coming years we will continue to make it so through our ongoing efforts to enhance the diversity of our Fellowship – along the lines of race, ethnic identity, gender, sexual orientation, disabilities, practice and geographic areas, and age – as we identify, nominate and approve for Fellowship the very best trial lawyers in every state and province. During the time since our prior Strategic Planning Retreat in Atlanta in 2015, when our Statement on Diversity was proposed and later adopted by the Board, the College has made great strides to enhance the Fellowship by increasing the number of women and attorneys of color, under a singular standard of excellence, who have been inducted into our ranks – but we can still do better. I urge the Regents to keep pressing the State and Province Committees to make sure that our new inductees include the best trial attorneys among all of these previously underrepresented groups.

I have cherished this opportunity to serve as your President, and I look forward to even better days to come as we anticipate the Presidency of Rick Deane to be followed by John Day, Sandy Forbes and Katie Recker. Forgive the baseball analogy, but this team --reminiscent of Murderers' Row and the Big Red Machine – comprises a powerful lineup for the future of our College.

Respectfully submitted,

William J. Murphy